

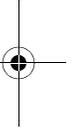
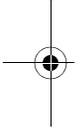
**ACTS  
OF THE  
GENERAL ASSEMBLY**



**2018 REGULAR SESSION**

**VOLUME I**

**VOLUME II**



**ACTS**

**OF THE**

**GENERAL ASSEMBLY**

**OF THE**

**COMMONWEALTH OF VIRGINIA**

**2018 REGULAR SESSION**

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

**Convened Wednesday, January 10, 2018**

**Adjourned sine die Saturday, March 10, 2018**

**Reconvened Wednesday, April 18, 2018**

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**VOLUME I**

**CHAPTERS 1-729**

**COMMONWEALTH OF VIRGINIA**  
**RICHMOND**  
**2018**

**Compiled by the Clerk's Office**

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**Senate of Virginia,**  
**Division of Legislative Services,**  
**and**  
**Division of Legislative Automated Systems**

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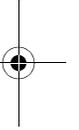
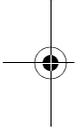
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# ACTS OF THE GENERAL ASSEMBLY

## 2018 REGULAR SESSION

### CHAPTER 1

*An Act to make certain hospital licenses effective until December 1, 2018.*

[H 175]

Approved February 16, 2018

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

1. § 1. *That, notwithstanding any other provision of law, any license issued to an acute care hospital located in Patrick County that was valid on September 1, 2017, and remained valid on December 31, 2017, despite the closure of such hospital prior to December 31, 2017, shall continue to remain valid until December 31, 2018.*

§ 2. *That, notwithstanding the requirements of § 32.1-102.3 of the Code of Virginia and regulations of the Board of Health, the recommencement of any project by an acute care hospital located in Patrick County that occurs as the result of the closure of an existing licensed hospital for which a certificate was previously issued or for which no certificate was required at the time at which the project was first commenced, and the subsequent sale and reestablishment of such hospital where such recommencement of such project occurs within one year of the date on which such hospital closed, shall not constitute a project for the purposes of issuance of a certificate of public need, and no certificate of public need shall be required for the recommencement of such project. However, any conditions imposed on any such certificate issued to the existing licensed hospital prior to its closure, sale, or reestablishment shall continue to be in effect until such time as the conditions are satisfied or a new certificate is issued for the hospital.*

2. **That the provisions of this act shall be effective retroactively to December 31, 2017.**

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

### CHAPTER 2

*An Act to make certain hospital licenses effective until December 1, 2018.*

[S 866]

Approved February 16, 2018

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

1. § 1. *That, notwithstanding any other provision of law, any license issued to an acute care hospital located in Patrick County that was valid on September 1, 2017, and remained valid on December 31, 2017, despite the closure of such hospital prior to December 31, 2017, shall continue to remain valid until December 31, 2018.*

§ 2. *That, notwithstanding the requirements of § 32.1-102.3 of the Code of Virginia and regulations of the Board of Health, the recommencement of any project by an acute care hospital located in Patrick County that occurs as the result of the closure of an existing licensed hospital for which a certificate was previously issued or for which no certificate was required at the time at which the project was first commenced, and the subsequent sale and reestablishment of such hospital where such recommencement of such project occurs within one year of the date on which such hospital closed, shall not constitute a project for the purposes of issuance of a certificate of public need, and no certificate of public need shall be required for the recommencement of such project. However, any conditions imposed on any such certificate issued to the existing licensed hospital prior to its closure, sale, or reestablishment shall continue to be in effect until such time as the conditions are satisfied or a new certificate is issued for the hospital.*

2. **That the provisions of this act shall be effective retroactively to December 31, 2017.**

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

### CHAPTER 3

*An Act to amend and reenact § 63.2-1505 of the Code of Virginia, relating to child abuse and neglect; founded reports regarding former school employees.*

[H 150]

Approved February 19, 2018

**Be it enacted by the General Assembly of Virginia:****1. That § 63.2-1505 of the Code of Virginia is amended and reenacted as follows:****§ 63.2-1505. Investigations by local departments.**

A. An investigation requires the collection of information necessary to determine:

1. The immediate safety needs of the child;
2. The protective and rehabilitative services needs of the child and family that will deter abuse or neglect;
3. Risk of future harm to the child;
4. Alternative plans for the child's safety if protective and rehabilitative services are indicated and the family is unable or unwilling to participate in services;
5. Whether abuse or neglect has occurred;
6. If abuse or neglect has occurred, who abused or neglected the child; and
7. A finding of either founded or unfounded based on the facts collected during the investigation.

B. If the local department responds to the report or complaint by conducting an investigation, the local department shall:

1. Make immediate investigation and, if the report or complaint was based upon one of the factors specified in subsection B of § 63.2-1509, the local department may file a petition pursuant to § 16.1-241.3;

2. Complete a report and enter it into the statewide automation system maintained by the Department;

3. Consult with the family to arrange for necessary protective and rehabilitative services to be provided to the child and his family;

4. Petition the court for services deemed necessary including, but not limited to, removal of the child or his siblings from their home;

5. Determine within 45 days if a report of abuse or neglect is founded or unfounded and transmit a report to such effect to the Department and to the person who is the subject of the investigation. However, upon written justification by the local department, the time for such determination may be extended not to exceed a total of 60 days or, in the event that the investigation is being conducted in cooperation with a law-enforcement agency and both parties agree that circumstances so warrant, as stated in the written justification, the time for such determination may be extended not to exceed 90 days. If through the exercise of reasonable diligence the local department is unable to find the child who is the subject of the report, the time the child cannot be found shall not be computed as part of the total time period allowed for the investigation and determination and documentation of such reasonable diligence shall be placed in the record. In cases involving the death of a child or alleged sexual abuse of a child who is the subject of the report, the time during which records necessary for the investigation of the complaint but not created by the local department, including autopsy or medical or forensic records or reports, are not available to the local department due to circumstances beyond the local department's control shall not be computed as part of the total time period allowed for the investigation and determination, and documentation of the circumstances that resulted in the delay shall be placed in the record. In cases in which the subject of the investigation is a full-time, part-time, permanent, or temporary employee of a school division who is suspected of abusing or neglecting a child in the course of his educational employment, the time period for determining whether a report is founded or unfounded and transmitting a report to that effect to the Department and the person who is the subject of the investigation shall be mandatory, and every local department shall make the required determination and report within the specified time period without delay;

6. If a report of abuse or neglect is unfounded, transmit a report to such effect to the complainant and parent or guardian and the person responsible for the care of the child in those cases where such person was suspected of abuse or neglect; and

7. If a report of child abuse and neglect is founded, and the subject of the report is *or was at the time of the investigation or the conduct that led to the report* a full-time, part-time, permanent, or temporary employee of a school division located within the Commonwealth, notify the relevant school board of the founded complaint *without delay*.

Any information exchanged for the purposes of this subsection shall not be considered a violation of § 63.2-102, 63.2-104, or 63.2-105.

C. Each local board may obtain and consider, in accordance with regulations adopted by the Board, statewide criminal history record information from the Central Criminal Records Exchange and results of a search of the child abuse and neglect central registry of any individual who is the subject of a child abuse or neglect investigation conducted under this section when there is evidence of child abuse or neglect and the local board is evaluating the safety of the home and whether removal will protect a child from harm. The local board also may obtain such a criminal records or registry search on all adult household members residing in the home where the individual who is the subject of the investigation resides and the child resides or visits. If a child abuse or neglect petition is filed in connection with such removal, a court may admit such information as evidence. Where the individual who is the subject of such information contests its accuracy through testimony under oath in hearing before the court, no court shall receive or consider the contested criminal history record information without certified copies of conviction. Further dissemination of the information provided to the local board is prohibited, except as authorized by law.

D. A person who has not previously participated in the investigation of complaints of child abuse or neglect in accordance with this chapter shall not participate in the investigation of any case involving a complaint of alleged sexual abuse of a child unless he (i) has completed a Board-approved training program for the investigation of complaints

involving alleged sexual abuse of a child or (ii) is under the direct supervision of a person who has completed a Board-approved training program for the investigation of complaints involving alleged sexual abuse of a child. No individual may make a determination of whether a case involving a complaint of alleged sexual abuse of a child is founded or unfounded unless he has completed a Board-approved training program for the investigation of complaints involving alleged sexual abuse of a child.

**CHAPTER 4**

*An Act to amend and reenact §§ 63.2-1242.2 and 63.2-1242.3 of the Code of Virginia, relating to close relative adoption.*

[H 241]

Approved February 19, 2018

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

**1. That §§ 63.2-1242.2 and 63.2-1242.3 of the Code of Virginia are amended and reenacted as follows:**

**§ 63.2-1242.2. Close relative adoption; child in home less than two years.**

A. When the child has continuously resided in the home or has been in the continuous physical custody of the prospective adoptive parent(s) who is a close relative for less than ~~three~~ *two* years, the adoption proceeding, including court approval of the home study, shall commence in the juvenile and domestic relations district court pursuant to the parental placement adoption provisions of this chapter with the following exceptions:

1. The birth parent(s)' consent does not have to be executed in juvenile and domestic relations district court in the presence of the prospective adoptive parents.

2. The simultaneous meeting specified in § 63.2-1231 is not required.

3. No hearing is required for this proceeding.

B. Upon the juvenile and domestic relations district court issuing an order accepting consents or otherwise dealing with birth parents rights and appointing the close relative(s) custodians of the child, the close relative(s) may file a petition in the circuit court as provided in Article 1 (§ 63.2-1200 et seq.) of this chapter.

C. For adoptions under this section:

1. An order of reference, an investigation and a report shall not be made if the home study report is filed with the circuit court unless the circuit court in its discretion requires an investigation and report to be made.

2. The circuit court may omit the probationary period and the interlocutory order and enter a final order of adoption when the court is of the opinion that the entry of an order would otherwise be proper.

3. If the circuit court determines that there is a need for an additional investigation, it shall refer the matter to the licensed child-placing agency that drafted the home study report for an investigation and report, which shall be completed within such times as the circuit court designates.

4. The circuit court may waive appointment of a guardian ad litem for the child.

**§ 63.2-1242.3. Close relative placement; child in home for two years or more.**

When the child has continuously resided in the home or has been in the continuous physical custody of the prospective adoptive parent(s) who is a close relative for ~~three~~ *two* or more years, the parental placement provisions of this chapter shall not apply and the adoption proceeding shall commence in the circuit court.

For adoptions under this section:

1. An order of reference, an investigation and a report shall not be made unless the circuit court in its discretion shall require an investigation and report to be made.

2. The circuit court may omit the probationary period and the interlocutory order and enter a final order of adoption when the court is of the opinion that the entry of an order would otherwise be proper.

3. If the circuit court determines the need for an investigation, it shall refer the matter to the local director of the department of social services for an investigation and report, which shall be completed in such time as the circuit court designates.

4. The circuit court may waive appointment of a guardian ad litem for the child.

**CHAPTER 5**

*An Act to amend and reenact § 63.2-1503 of the Code of Virginia, relating to child abuse and neglect; notice of founded reports to Superintendent of Public Instruction.*

[H 389]

Approved February 19, 2018

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

**1. That § 63.2-1503 of the Code of Virginia is amended and reenacted as follows:**

**§ 63.2-1503. Local departments to establish child-protective services; duties.**

A. Each local department shall establish child-protective services under a departmental coordinator within such department or with one or more adjacent local departments that shall be staffed with qualified personnel pursuant to

regulations adopted by the Board. The local department shall be the public agency responsible for receiving and responding to complaints and reports, except that (i) in cases where the reports or complaints are to be made to the court and the judge determines that no local department within a reasonable geographic distance can impartially respond to the report, the court shall assign the report to the court services unit for evaluation; and (ii) in cases where an employee at a private or state-operated hospital, institution or other facility, or an employee of a school board is suspected of abusing or neglecting a child in such hospital, institution or other facility, or public school, the local department shall request the Department and the relevant private or state-operated hospital, institution or other facility, or school board to assist in conducting a joint investigation in accordance with regulations adopted by the Board, in consultation with the Departments of Education, Health, Medical Assistance Services, Behavioral Health and Developmental Services, Juvenile Justice and Corrections.

B. The local department shall ensure, through its own personnel or through cooperative arrangements with other local agencies, the capability of receiving reports or complaints and responding to them promptly on a 24-hours-a-day, seven-days-per-week basis.

C. The local department shall widely publicize a telephone number for receiving complaints and reports.

D. The local department shall notify the local attorney for the Commonwealth and the local law-enforcement agency of all complaints of suspected child abuse or neglect involving (i) any death of a child; (ii) any injury or threatened injury to the child in which a felony or Class 1 misdemeanor is also suspected; (iii) any sexual abuse, suspected sexual abuse or other sexual offense involving a child, including but not limited to the use or display of the child in sexually explicit visual material, as defined in § 18.2-374.1; (iv) any abduction of a child; (v) any felony or Class 1 misdemeanor drug offense involving a child; or (vi) contributing to the delinquency of a minor in violation of § 18.2-371, immediately, but in no case more than two hours of receipt of the complaint, and shall provide the attorney for the Commonwealth and the local law-enforcement agency with records and information of the local department, including records related to any complaints of abuse or neglect involving the victim or the alleged perpetrator, related to the investigation of the complaint. The local department shall not allow reports of the death of the victim from other local agencies to substitute for direct reports to the attorney for the Commonwealth and the local law-enforcement agency. The local department shall develop, when practicable, memoranda of understanding for responding to reports of child abuse and neglect with local law enforcement and the attorney for the Commonwealth.

In each case in which the local department notifies the local law-enforcement agency of a complaint pursuant to this subsection, the local department shall, within two business days of delivery of the notification, complete a written report, on a form provided by the Board for such purpose, which shall include (a) the name of the representative of the local department providing notice required by this subsection; (b) the name of the local law-enforcement officer who received such notice; (c) the date and time that notification was made; (d) the identity of the victim; (e) the identity of the person alleged to have abused or neglected the child, if known; (f) the clause or clauses in this subsection that describe the reasons for the notification; and (g) the signatures, which may be electronic signatures, of the representatives of the local department making the notification and the local law-enforcement officer receiving the notification. Such report shall be included in the record of the investigation and may be submitted either in writing or electronically.

E. When abuse or neglect is suspected in any case involving the death of a child, the local department shall report the case immediately to the regional medical examiner and the local law-enforcement agency.

F. The local department shall use reasonable diligence to locate (i) any child for whom a report of suspected abuse or neglect has been received and is under investigation, receiving family assessment, or for whom a founded determination of abuse and neglect has been made and a child-protective services case opened and (ii) persons who are the subject of a report that is under investigation or receiving family assessment, if the whereabouts of the child or such persons are unknown to the local department.

G. When an abused or neglected child and the persons who are the subject of an open child-protective services case have relocated out of the jurisdiction of the local department, the local department shall notify the child-protective services agency in the jurisdiction to which such persons have relocated, whether inside or outside of the Commonwealth, and forward to such agency relevant portions of the case record. The receiving local department shall arrange protective and rehabilitative services as required by this section.

H. When a child for whom a report of suspected abuse or neglect has been received and is under investigation or receiving family assessment and the child and the child's parents or other persons responsible for the child's care who are the subject of the report that is under investigation or family assessment have relocated out of the jurisdiction of the local department, the local department shall notify the child-protective services agency in the jurisdiction to which the child and such persons have relocated, whether inside or outside of the Commonwealth, and complete such investigation or family assessment by requesting such agency's assistance in completing the investigation or family assessment. The local department that completes the investigation or family assessment shall forward to the receiving agency relevant portions of the case record in order for the receiving agency to arrange protective and rehabilitative services as required by this section.

I. Upon receipt of a report of child abuse or neglect, the local department shall determine the validity of such report and shall make a determination to conduct an investigation pursuant to § 63.2-1505 or, if designated as a child-protective services differential response agency by the Department according to § 63.2-1504, a family assessment pursuant to § 63.2-1506.

J. The local department shall foster, when practicable, the creation, maintenance and coordination of hospital and community-based multidisciplinary teams that shall include where possible, but not be limited to, members of the medical,

mental health, social work, nursing, education, legal and law-enforcement professions. Such teams shall assist the local departments in identifying abused and neglected children; coordinating medical, social, and legal services for the children and their families; developing innovative programs for detection and prevention of child abuse; promoting community concern and action in the area of child abuse and neglect; and disseminating information to the general public with respect to the problem of child abuse and neglect and the facilities and prevention and treatment methods available to combat child abuse and neglect. These teams may be the family assessment and planning teams established pursuant to § 2.2-5207. Multidisciplinary teams may develop agreements regarding the exchange of information among the parties for the purposes of the investigation and disposition of complaints of child abuse and neglect, delivery of services and child protection. Any information exchanged in accordance with the agreement shall not be considered to be a violation of the provisions of § 63.2-102, 63.2-104, or 63.2-105.

The local department shall also coordinate its efforts in the provision of these services for abused and neglected children with the judge and staff of the court.

K. The local department may develop multidisciplinary teams to provide consultation to the local department during the investigation of selected cases involving child abuse or neglect, and to make recommendations regarding the prosecution of such cases. These teams may include, but are not limited to, members of the medical, mental health, legal and law-enforcement professions, including the attorney for the Commonwealth or his designee; a local child-protective services representative; and the guardian ad litem or other court-appointed advocate for the child. Any information exchanged for the purpose of such consultation shall not be considered a violation of § 63.2-102, 63.2-104, or 63.2-105.

L. The local department shall report annually on its activities concerning abused and neglected children to the court and to the Child-Protective Services Unit in the Department on forms provided by the Department.

M. Statements, or any evidence derived therefrom, made to local department child-protective services personnel, or to any person performing the duties of such personnel, by any person accused of the abuse, injury, neglect or death of a child after the arrest of such person, shall not be used in evidence in the case-in-chief against such person in the criminal proceeding on the question of guilt or innocence over the objection of the accused, unless the statement was made after such person was fully advised (i) of his right to remain silent, (ii) that anything he says may be used against him in a court of law, (iii) that he has a right to the presence of an attorney during any interviews, and (iv) that if he cannot afford an attorney, one will be appointed for him prior to any questioning.

N. Notwithstanding any other provision of law, the local department, in accordance with Board regulations, shall transmit information regarding reports, complaints, family assessments, and investigations involving children of active duty members of the United States Armed Forces or members of their household to family advocacy representatives of the United States Armed Forces.

O. The local department shall notify the custodial parent and make reasonable efforts to notify the noncustodial parent as those terms are defined in § 63.2-1900 of a report of suspected abuse or neglect of a child who is the subject of an investigation or is receiving family assessment, in those cases in which such custodial or noncustodial parent is not the subject of the investigation.

P. The local department shall (i) notify the Superintendent of Public Instruction *without delay* when an individual holding a license issued by the Board of Education is the subject of a founded complaint of child abuse or neglect and shall transmit identifying information regarding such individual if the local department knows the person holds a license issued by the Board of Education and ~~after all rights to any appeal provided by § 63.2-1526 have been exhausted~~ (ii) *notify the Superintendent of Public Instruction without delay if the founded complaint of child abuse or neglect is dismissed following an appeal pursuant to § 63.2-1526. Nothing in this subsection shall be construed to affect the rights of any individual holding a license issued by the Board of Education to any hearings or appeals otherwise provided by law.* Any information exchanged for the purpose of this subsection shall not be considered a violation of § 63.2-102, 63.2-104, or 63.2-105.

CHAPTER 6

*An Act to amend and reenact § 63.2-1716 of the Code of Virginia, relating to child care licensure; forfeiture of eligibility for religious exemption.*

[H 545]

Approved February 19, 2018

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

**1. That § 63.2-1716 of the Code of Virginia is amended and reenacted as follows:**

**§ 63.2-1716. Child day center operated by religious institution exempt from licensure; annual statement and documentary evidence required; enforcement; injunctive relief.**

A. Notwithstanding any other provisions of this chapter, a child day center, including a child day center that is a child welfare agency operated or conducted under the auspices of a religious institution shall be exempt from the licensure requirements of this subtitle, but shall comply with the provisions of this section unless it chooses to be licensed. If such religious institution chooses not to be licensed, it shall file with the Commissioner, prior to beginning operation of a child day center and thereafter annually, a statement of intent to operate a child day center, certification that the child day center

has disclosed in writing to the parents or guardians of the children in the center the fact that it is exempt from licensure, the qualifications of the personnel employed therein and documentary evidence that:

1. Such religious institution has tax exempt status as a nonprofit religious institution in accordance with § 501(c) of the Internal Revenue Code of 1954, as amended, or that the real property owned and exclusively occupied by the religious institution is exempt from local taxation.

2. Within the prior 90 days for the initial exemption and within the prior 180 days for exemptions thereafter, the local health department and local fire marshal or Office of the State Fire Marshal, whichever is appropriate, have inspected the physical facilities of the child day center and have determined that the center is in compliance with applicable laws and regulations with regard to food service activities, health and sanitation, water supply, building codes, and the Statewide Fire Prevention Code or the Uniform Statewide Building Code.

3. The child day center employs supervisory personnel according to the following ratio of staff to children:

- a. One staff member to four children from zero to ~~twenty-four~~ 24 months.
- b. One staff member to ~~ten~~ 10 children from ages ~~twenty-four~~ 24 months to six years.
- c. One staff member to ~~twenty-five~~ 25 children ages six years and older.

Staff shall be counted in the required staff-to-children ratios only when they are directly supervising children. In each grouping of children, at least one adult staff member shall be regularly present. However, during designated daily rest periods and designated sleep periods of evening and overnight care programs, for children ages 24 months to six years, only one staff member shall be required to be present with the children under supervision. In such cases, at least one staff member shall be physically present in the same space as the children under supervision at all times. Other staff members counted for purposes of the staff-to-child ratio need not be physically present in the same space as the resting or sleeping children, but shall be present on the same floor as the resting or sleeping children and shall have no barrier to their immediate access to the resting or sleeping children. The staff member who is physically present in the same space as the sleeping children shall be able to summon additional staff counted in the staff-to-child ratio without leaving the space in which the resting or sleeping children are located.

Staff members shall be at least 16 years of age. Staff members under 18 years of age shall be under the supervision of an adult staff member. Adult staff members shall supervise no more than two staff members under 18 years of age at any given time.

4. Each person in a supervisory position has been certified by a practicing physician or physician assistant to be free from any disability which would prevent him from caring for children under his supervision.

5. The center is in compliance with the requirements of:

- a. This section.
- b. Section 63.2-1724 relating to background checks.
- c. Section 63.2-1509 relating to the reporting of suspected cases of child abuse and neglect.
- d. Chapter 3 (§ 46.2-300 et seq.) of Title 46.2 regarding a valid Virginia driver's license or commercial driver's license; of Article 21 (§ 46.2-1157 et seq.) of Chapter 10 of Title 46.2, regarding vehicle inspections; ensuring that any vehicle used to transport children is an insured motor vehicle as defined in § 46.2-705; and Article 13 (§ 46.2-1095 et seq.) of Chapter 10 of Title 46.2, regarding child restraint devices.

6. The following aspects of the child day center's operations are described in a written statement provided to the parents or guardians of the children in the center and made available to the general public: physical facilities, enrollment capacity, food services, health requirements for the staff and public liability insurance.

7. *The individual seeking to operate the child day center is not currently ineligible to operate another child welfare agency due to a suspension or revocation of his license or license exemption for reasons involving child safety or any criminal conviction, including fraud, related to such child welfare agency.*

B. The center shall establish and implement procedures for:

1. Hand washing by staff and children before eating and after toileting and diapering.
2. Appropriate supervision of all children in care, including daily intake and dismissal procedures to ensure safety of children.

3. A daily simple health screening and exclusion of sick children by a person trained to perform such screenings.

4. Ensuring that a person trained and certified in first aid is present at the center whenever children are present.

5. Ensuring that all children in the center are in compliance with the provisions of § 32.1-46 regarding the immunization of children against certain diseases.

6. Ensuring that all areas of the premises accessible to children are free of obvious injury hazards, including providing and maintaining sand or other cushioning material under playground equipment.

7. Ensuring that all staff are able to recognize the signs of child abuse and neglect.

C. The Commissioner may perform on-site inspections of religious institutions to confirm compliance with the provisions of this section and to investigate complaints that the religious institution is not in compliance with the provisions of this section. The Commissioner may revoke the exemption for any child day center in serious or persistent violation of the requirements of this section. If a religious institution operates a child day center and does not file the statement and documentary evidence required by this section, the Commissioner shall give reasonable notice to such religious institution of the nature of its noncompliance and may thereafter take such action as he determines appropriate, including a suit to enjoin the operation of the child day center.

D. Any person who has reason to believe that a child day center falling within the provisions of this section is not in compliance with the requirements of this section may report the same to the local department, the local health department or the local fire marshal, each of which may inspect the child day center for noncompliance, give reasonable notice to the religious institution, and thereafter may take appropriate action as provided by law, including a suit to enjoin the operation of the child day center.

E. Nothing in this section shall prohibit a child day center operated by or conducted under the auspices of a religious institution from obtaining a license pursuant to this chapter.

**CHAPTER 7**

*An Act to authorize the issuance of special license plates for members and supporters of the Virginia FFA Foundation bearing the legend WE ARE THE BIRTHPLACE OF THE FFA; fees.*

[H 761]

Approved February 19, 2018

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

**1. § 1. Special license plates for members and supporters of the Virginia Future Farmers of America (FFA) Foundation bearing the legend WE ARE THE BIRTHPLACE OF THE FFA; fees.**

*A. On receipt of an application and payment of the fee prescribed by this section, and following the provisions of § 46.2-725 of the Code of Virginia other than those relating to the fee for the plates and its disposition, the Commissioner of the Department of Motor Vehicles shall issue to the applicant special license plates for members and supporters of the Virginia FFA Foundation bearing the legend WE ARE THE BIRTHPLACE OF THE FFA.*

*B. The annual fee for plates issued pursuant to this section shall be \$25 in addition to the prescribed fee for state license plates. For each such \$25 fee collected in excess of 1,000 registrations pursuant to this section, \$15 shall be paid into the state treasury and credited to a special nonreverting fund known as the Virginia FFA Foundation Fund established within the Department of Accounts. These funds shall be paid annually to the Virginia FFA Foundation and used to support its operation and programs in Virginia. All other fees imposed under the provisions of this section shall be paid to, and received by, the Commissioner of the Department of Motor Vehicles and paid by him into the state treasury and set aside as a special fund to be used to meet the necessary expenses incurred by the Department of Motor Vehicles.*

**CHAPTER 8**

*An Act to designate a portion of U.S. Route 221 the "Delegate Lacey E. Putney Memorial Highway."*

[H 1007]

Approved February 19, 2018

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

**1. § 1. That portion of U.S. Route 221 between the corporate limits of the Town of Bedford and the corporate limits of the City of Lynchburg is hereby designated the "Delegate Lacey E. Putney Memorial Highway." The Department of Transportation shall place and maintain appropriate markers indicating the designation of this highway. This designation shall not affect any other designation heretofore or hereafter applied to this highway or any portions thereof.**

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

**CHAPTER 9**

*An Act to amend and reenact §§ 19.2-392.02 and 63.2-1242 of the Code of Virginia, relating to adoption by stepparent; background check.*

[H 227]

Approved February 22, 2018

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

**1. That §§ 19.2-392.02 and 63.2-1242 of the Code of Virginia are amended and reenacted as follows:**

**§ 19.2-392.02. National criminal background checks by businesses and organizations regarding employees or volunteers providing care to children or the elderly or disabled.**

**A. For purposes of this section:**

"Barrier crime" means (i) a felony violation of § 16.1-253.2; any violation of § 18.2-31, 18.2-32, 18.2-32.1, 18.2-32.2, 18.2-33, 18.2-35, 18.2-36, 18.2-36.1, 18.2-36.2, 18.2-41, or 18.2-42; any felony violation of § 18.2-46.2, 18.2-46.3, 18.2-46.3:1, or 18.2-46.3:3; any violation of § 18.2-46.5, 18.2-46.6, or 18.2-46.7; any violation of subsection A or B of § 18.2-47; any violation of § 18.2-48, 18.2-49, or 18.2-50.3; any violation of § 18.2-51, 18.2-51.1, 18.2-51.2, 18.2-51.3, 18.2-51.4, 18.2-51.5, 18.2-51.6, 18.2-52, 18.2-52.1, 18.2-53, 18.2-53.1, 18.2-54.1, 18.2-54.2, 18.2-55, 18.2-55.1, 18.2-56, 18.2-56.1, 18.2-56.2, 18.2-57, 18.2-57.01, 18.2-57.02, 18.2-57.2, 18.2-58, 18.2-58.1, 18.2-59, 18.2-60, or 18.2-60.1; any

felony violation of § 18.2-60.3 or 18.2-60.4; any violation of § 18.2-61, 18.2-63, 18.2-64.1, 18.2-64.2, 18.2-67.1, 18.2-67.2, 18.2-67.3, 18.2-67.4, 18.2-67.4:1, 18.2-67.4:2, 18.2-67.5, 18.2-67.5:1, 18.2-67.5:2, 18.2-67.5:3, 18.2-77, 18.2-79, 18.2-80, 18.2-81, 18.2-82, 18.2-83, 18.2-84, 18.2-85, 18.2-86, 18.2-87, 18.2-87.1, or 18.2-88; any felony violation of § 18.2-279, 18.2-280, 18.2-281, 18.2-282, 18.2-282.1, 18.2-286.1, or 18.2-287.2; any violation of § 18.2-289, 18.2-290, 18.2-300, 18.2-308.4, or 18.2-314; any felony violation of § 18.2-346; any violation of § 18.2-355, 18.2-356, 18.2-357, or 18.2-357.1; any violation of subsection B of § 18.2-361; any violation of § 18.2-366, 18.2-369, 18.2-370, 18.2-370.1, 18.2-370.2, 18.2-370.3, 18.2-370.4, 18.2-370.5, 18.2-370.6, 18.2-371.1, 18.2-374.1, 18.2-374.1:1, 18.2-374.3, 18.2-374.4, 18.2-379, 18.2-386.1, or 18.2-386.2; any felony violation of § 18.2-405 or 18.2-406; any violation of § 18.2-408, 18.2-413, 18.2-414, 18.2-423, 18.2-423.01, 18.2-423.1, 18.2-423.2, 18.2-433.2, 18.2-472.1, 18.2-474.1, 18.2-477, 18.2-477.1, 18.2-477.2, 18.2-478, 18.2-479, 18.2-480, 18.2-481, 18.2-484, 18.2-485, 37.2-917, or 53.1-203; or any substantially similar offense under the laws of another jurisdiction; (ii) any violation of § 18.2-89, 18.2-90, 18.2-91, 18.2-92, 18.2-93, or 18.2-94 or any substantially similar offense under the laws of another jurisdiction; (iii) any felony violation of § 18.2-248, 18.2-248.01, 18.2-248.02, 18.2-248.03, 18.2-248.1, 18.2-248.5, 18.2-251.2, 18.2-251.3, 18.2-255, 18.2-255.2, 18.2-258, 18.2-258.02, 18.2-258.1, or 18.2-258.2 or any substantially similar offense under the laws of another jurisdiction; (iv) any felony violation of § 18.2-250 or any substantially similar offense under the laws of another jurisdiction; (v) any offense set forth in § 9.1-902 that results in the person's requirement to register with the Sex Offender and Crimes Against Minors Registry pursuant to § 9.1-901, including any finding that a person is not guilty by reason of insanity in accordance with Chapter 11.1 (§ 19.2-182.2 et seq.) of Title 19.2 of an offense set forth in § 9.1-902 that results in the person's requirement to register with the Sex Offender and Crimes Against Minors Registry pursuant to § 9.1-901; any substantially similar offense under the laws of another jurisdiction; or any offense for which registration in a sex offender and crimes against minors registry is required under the laws of the jurisdiction where the offender was convicted; or (vi) any other felony not included in clause (i), (ii), (iii), (iv), or (v) unless five years have elapsed from the date of the conviction.

"Barrier crime information" means the following facts concerning a person who has been arrested for, or has been convicted of, a barrier crime, regardless of whether the person was a juvenile or adult at the time of the arrest or conviction: full name, race, sex, date of birth, height, weight, fingerprints, a brief description of the barrier crime or offenses for which the person has been arrested or has been convicted, the disposition of the charge, and any other information that may be useful in identifying persons arrested for or convicted of a barrier crime.

"Care" means the provision of care, treatment, education, training, instruction, supervision, or recreation to children or the elderly or disabled.

"Department" means the Department of State Police.

"Employed by" means any person who is employed by, volunteers for, seeks to be employed by, or seeks to volunteer for a qualified entity.

"Identification document" means a document made or issued by or under the authority of the United States government, a state, a political subdivision of a state, a foreign government, political subdivision of a foreign government, an international governmental or an international quasi-governmental organization that, when completed with information concerning a particular individual, is of a type intended or commonly accepted for the purpose of identification of individuals.

"Provider" means a person who (i) is employed by a qualified entity and has, seeks to have, or may have unsupervised access to a child or to an elderly or disabled person to whom the qualified entity provides care; (ii) is a volunteer of a qualified entity and has, seeks to have, or may have unsupervised access to a child to whom the qualified entity provides care; or (iii) owns, operates, or seeks to own or operate a qualified entity.

"Qualified entity" means a business or organization that provides care to children or the elderly or disabled, whether governmental, private, for profit, nonprofit or voluntary, except organizations exempt pursuant to subdivision A 10 of § 63.2-1715.

B. A qualified entity may request the Department of State Police to conduct a national criminal background check on any provider who is employed by such entity. No qualified entity may request a national criminal background check on a provider until such provider has:

1. Been fingerprinted; and

2. Completed and signed a statement, furnished by the entity, that includes (i) his name, address, and date of birth as it appears on a valid identification document; (ii) a disclosure of whether or not the provider has ever been convicted of or is the subject of pending charges for a criminal offense within or outside the Commonwealth, and if the provider has been convicted of a crime, a description of the crime and the particulars of the conviction; (iii) a notice to the provider that the entity may request a background check; (iv) a notice to the provider that he is entitled to obtain a copy of any background check report, to challenge the accuracy and completeness of any information contained in any such report, and to obtain a prompt determination as to the validity of such challenge before a final determination is made by the Department; and (v) a notice to the provider that prior to the completion of the background check the qualified entity may choose to deny the provider unsupervised access to children or the elderly or disabled for whom the qualified entity provides care.

C. Upon receipt of (i) a qualified entity's written request to conduct a background check on a provider, (ii) the provider's fingerprints, and (iii) a completed, signed statement as described in subsection B, the Department shall make a determination whether the provider has been convicted of or is the subject of charges of a barrier crime. To conduct its determination regarding the provider's barrier crime information, the Department shall access the national criminal history

background check system, which is maintained by the Federal Bureau of Investigation and is based on fingerprints and other methods of identification, and shall access the Central Criminal Records Exchange maintained by the Department. If the Department receives a background report lacking disposition data, the Department shall conduct research in whatever state and local recordkeeping systems are available in order to obtain complete data. The Department shall make reasonable efforts to respond to a qualified entity's inquiry within 15 business days.

D. Any background check conducted pursuant to this section for a provider employed by a private entity shall be screened by the Department of State Police. If the provider has been convicted of or is under indictment for a barrier crime, the qualified entity shall be notified that the provider is not qualified to work or volunteer in a position that involves unsupervised access to children or the elderly or disabled.

E. Any background check conducted pursuant to this section for a provider employed by a governmental entity shall be provided to that entity.

F. In the case of a provider who desires to volunteer at a qualified entity and who is subject to a national criminal background check, the Department and the Federal Bureau of Investigation may each charge the provider the lesser of \$18 or the actual cost to the entity of the background check conducted with the fingerprints.

G. The failure to request a criminal background check pursuant to subsection B shall not be considered negligence per se in any civil action.

H. *Notwithstanding any provisions in this section to the contrary, a spouse of a birth parent or parent by adoption who is not the birth parent of a child and has filed a petition for adoption of such child in circuit court may request the Department of State Police to conduct a national criminal background check on such prospective adoptive parent at his cost for purposes of § 63.2-1242. Such background checks shall otherwise be conducted in accordance with the provisions of this section.*

**§ 63.2-1242. Investigation and report at discretion of circuit court.**

For adoptions under this article, an investigation and report shall be undertaken only if the circuit court in its discretion determines that there should be an investigation before a final order of adoption is entered. *In determining whether an investigation and report should be required, the circuit court shall consider the results of a national criminal history background check conducted on the prospective adoptive parent in accordance with the provisions of § 19.2-392.02, which shall be provided to the court by such prospective adoptive parent.* If the circuit court ~~makes such a determination~~ *determines that an investigation and report should be required*, it shall refer the matter to the local director for an investigation and report to be completed within such time as the circuit court designates. If an investigation is ordered, the circuit court shall forward a copy of the petition and all exhibits thereto to the local director and the provisions of § 63.2-1208 shall apply.

**2. That the provisions of this act shall expire on July 1, 2020.**

**CHAPTER 10**

*An Act to amend and reenact §§ 63.2-1246 and 63.2-1247 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 63.2-1246.1, relating to Commissioner of Social Services; storage and preservation of adoption files.*

[H 291]

Approved February 22, 2018

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

**1. That §§ 63.2-1246 and 63.2-1247 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 63.2-1246.1 as follows:**

**§ 63.2-1246. Disposition of reports; disclosure of information as to identity of birth family.**

Upon the entry of a final order of adoption ~~or other final disposition of the matter~~, the clerk of the circuit court in which it was entered shall forthwith transmit to the Commissioner all *orders and reports* made in connection with the case, and the Commissioner shall preserve such *orders and reports* ~~and all other collateral reports, information and recommendations~~ in a separate file *pursuant to this section and § 63.2-1246.1*. Except as provided in § 63.2-1246.1 and subsections C, D, and E of § 63.2-1247, nonidentifying information from such adoption file shall not be open to inspection, or be copied, by anyone other than the adopted person, if ~~eighteen~~ 18 years of age or over, or licensed or authorized child-placing agencies providing services to the child or the adoptive parents, except upon the order of a circuit court entered upon good cause shown. However, if the adoptive parents, or either of them, is living, the adopted person shall not be permitted to inspect the home study of the adoptive parents unless the Commissioner first obtains written permission to do so from such adoptive parent or parents.

No identifying information from such adoption file shall be disclosed, open to inspection, or made available to be copied except as provided in § 63.2-1246.1 and subsections A, B, and E of § 63.2-1247 or upon application of the adopted person, if ~~eighteen~~ 18 years of age or over, to the Commissioner, who shall designate the person or agency that made the investigation to attempt to locate and advise the birth family of the application. The designated person or agency shall report the results of the attempt to locate and advise the birth family to the Commissioner, including the relative effects that disclosure of the identifying information may have on the adopted person, the adoptive parents, and the birth family. The

adopted person and the birth family may submit to the Commissioner, and the Commissioner shall consider, written comments stating the anticipated effect that the disclosure of identifying information may have upon any party. Upon a showing of good cause, the Commissioner shall disclose the identifying information. If the Commissioner fails to designate a person or agency to attempt to locate the birth family within ~~thirty~~ 30 days of receipt of the application, or if the Commissioner denies disclosure of the identifying information after receiving the designated person's or agency's report, the adopted person may apply to the circuit court for an order to disclose such information. Such order shall be entered only upon good cause shown after notice to and opportunity for hearing by the applicant for such order and the person or agency that made the investigation. "Good cause" when used in this section shall mean a showing of a compelling and necessitous need for the identifying information.

An eligible adoptee who is a resident of Virginia may apply for the court order provided for herein to (i) the circuit court of the county or city where the adoptee resides or (ii) the circuit court of the county or city where the central office of the Department is located. An eligible adoptee who is not a resident of Virginia shall apply for such a court order to the circuit court of the county or city where the central office of the Department is located.

If the identity and whereabouts of the adoptive parents and the birth parents are known to the person or agency, the circuit court may require the person or agency to advise the adoptive parents and the birth parents of the pendency of the application for such order. In determining good cause for the disclosure of such information, the circuit court shall consider the relative effects of such action upon the adopted person, the adoptive parents and the birth parents. The adopted person and the birth family may submit to the circuit court, and the circuit court shall consider, written comments stating the anticipated effect that the disclosure of identifying information may have upon any party.

When consent of the birth parents is not obtainable, due to the death of the birth parents or mental incapacity of the birth parents, the Commissioner shall, upon application of the adult adopted person and a showing of good cause, disclose the identifying information to the adult adopted person. If the Commissioner denies disclosure of the identifying information, the adult adopted person may apply to the circuit court for an order to disclose such information and the circuit court may release identifying information to the adult adopted person. In making this decision, the circuit court shall consider the needs and concerns of the adopted person and the birth family if such information is available, the actions the agency took to locate the birth family, the information in the agency's report and the recommendation of the agency.

The Commissioner, person or agency may charge a reasonable fee to cover the costs of processing requests for nonidentifying information.

Upon entry of a final order of adoption ~~or other final disposition of a matter involving the placement of a child by a licensed child-placing agency or a local board or an investigation by the local director of a placement for adoption of a child~~, the ~~child-placing agency or local board shall transmit to the Commissioner all reports and collateral information the adoption file~~ in connection with the case, which shall be preserved by the Commissioner in accordance with this section and § 63.2-1246.1.

*For purposes of this chapter, "adoption file" means records, orders, and other documents kept or created by the Commissioner, child-placing agency, or local board, beginning with the earliest of (i) an order terminating residual parental rights, (ii) an entrustment agreement, (iii) a home study or investigation conducted in preparation for adoption, or (iv) the filing of a petition for adoption, and ending with the final order of adoption. "Adoption file" also includes all records regarding applications for disclosure and post-adoption searches pursuant to this section and § 63.2-1247.*

**§ 63.2-1246.1. Commissioner authority to store, preserve, and certify adoption files.**

*Upon receipt of all orders from the clerk of the circuit court and adoption files from the child-placing agency or local board, the Commissioner shall have the authority to direct the storage and preservation of such records. The Commissioner shall have custody of and retain all adoption files, whether in paper or electronic form, including reports, orders, and other documents with identifying information of birth parents and adoptees, in his office or at another location designated by the Commissioner.*

*The Commissioner or his designee may direct adoption files, in whole or in part, to be microfilmed, digitally reproduced, copied, photographed, or otherwise duplicated for the purpose of preserving and retaining such files. The Commissioner may allow adoption files to be taken from his office or other designated location for the purpose of being microfilmed, digitally reproduced, copied, photographed, or otherwise duplicated, but shall take all necessary and proper precautions, by requiring bonds or otherwise, to ensure the preservation and return and to prevent the mutilation thereof. The Commissioner or his designee shall examine and compare the reproductions from the microfilm, digitally reproduced, copied, photographed, or otherwise duplicated records with the originals and, if satisfied that the copies are exact, certify them as true copies of the records retained by the Commissioner. The same faith and credit shall be given to such reproductions from the microfilm, digitally reproduced, copied, photographed, or otherwise duplicated record as the record reproduced would have been entitled to.*

**§ 63.2-1247. Disclosure to birth family; adoptive parents; medical, etc., information; exchange of information; open records in parental placement adoptions.**

A. Where the adoption is finalized on or after July 1, 1994, and the adopted person is ~~twenty-one~~ 21 years of age or over, the adopted person's birth parents and adult birth siblings may apply to the Commissioner for the disclosure of identifying information from the adoption file. The Commissioner shall designate the person or agency that made the investigation to attempt to locate and advise the adopted person of the application. The designated person or agency shall report the results of the attempt to locate and advise the adopted person to the Commissioner, including the relative effects

that disclosure of the identifying information may have on the adopted person, the adoptive parents, and the birth family. The adopted person and the birth family may submit to the Commissioner, and the Commissioner shall consider, written comments stating the anticipated effect that the disclosure of identifying information may have upon any party. Upon a showing of good cause, the Commissioner shall disclose the identifying information. If the Commissioner fails to designate a person or agency to attempt to locate the adopted person within ~~thirty~~ 30 days of receipt of the application, or if the Commissioner denies disclosure of the identifying information after receiving the designated person's or agency's report, the birth parents or adult birth siblings, whoever applied, may apply to the circuit court for an order to disclose such information. Such order shall be entered only upon good cause shown after notice to and opportunity for hearing by the applicant for such order and the person or agency that made the investigation. "Good cause" when used in this section shall mean a showing of a compelling and necessitous need for the identifying information.

A birth parent or adult birth sibling who is a resident of Virginia may apply for the court order provided for herein to (i) the circuit court of the county or city where the birth parent or adult birth sibling resides or (ii) the circuit court of the county or city where the central office of the Department is located. A birth parent or adult birth sibling who is not a resident of Virginia shall apply for such a court order to the circuit court of the county or city where the central office of the Department is located.

If the identity and whereabouts of the adopted person and adoptive parents are known to the person or agency, the circuit court may require the person or agency to advise the adopted person and adoptive parents of the pendency of the application for such order. In determining good cause for the disclosure of such information, the circuit court shall consider the relative effects of such action upon the adopted person, the adoptive parents and the birth family. The adopted person and the birth family may submit to the circuit court, and the circuit court shall consider, written comments stating the anticipated effect that the disclosure of identifying information may have upon any party.

When consent of the adopted person is not obtainable, due to the death or mental incapacity of the adopted person, the circuit court may release identifying information to the birth parents or adult birth siblings. In making this decision, the circuit court shall consider the needs and concerns of the birth parents or adult birth siblings and the adoptive family if such information is available, the actions the agency took to locate the adopted person, the information in the agency's report and the recommendation of the agency.

B. Where the adoption is finalized on or after July 1, 1994, and the adopted person is under ~~eighteen~~ 18 years of age, the adoptive parents or other legal custodian of the child may apply to the Commissioner for the disclosure of identifying information about the birth family. The Commissioner shall designate the person or agency that made the investigation to attempt to locate and advise the birth family of the application. The designated person or agency shall report the results of the attempt to locate and advise the birth family to the Commissioner, including the relative effects that disclosure of the identifying information may have on the adopted person, the adoptive parents or other legal custodian, and the birth family. The adoptive parents, legal custodian and birth family may submit to the Commissioner, and the Commissioner shall consider, written comments stating the anticipated effect that the disclosure of identifying information may have upon any party. Upon a showing of good cause, the Commissioner shall disclose the identifying information. If the Commissioner fails to designate a person or agency to attempt to locate the birth family within ~~thirty~~ 30 days of receipt of the application, or if the Commissioner denies disclosure of the identifying information after receiving the designated person's or agency's report, the adoptive parents or legal custodian, whoever applied, may apply to the circuit court for an order to disclose such information. Such order shall be entered only upon good cause shown after notice to and opportunity for hearing by the applicant for such order and the person or agency that made the investigation. "Good cause" when used in this section shall mean a showing of a compelling and necessitous need for the identifying information.

An adoptive parent or legal custodian who is a resident of Virginia may apply for the court order provided for herein to (i) the circuit court of the county or city where the adoptive parent or legal custodian resides or (ii) the circuit court of the county or city where the central office of the Department is located. An adoptive parent or legal custodian who is not a resident of Virginia shall apply for such a court order to the circuit court of the county or city where the central office of the Department is located.

If the identity and whereabouts of the birth parents are known to the person or agency, the circuit court may require the person or agency to advise the birth parents of the pendency of the application for such order. In determining good cause for the disclosure of such information, the circuit court shall consider the relative effects of such action upon the adopted person, the adoptive parents or legal custodian and the birth parents. The birth family may submit to the circuit court, and the circuit court shall consider, written comments stating the anticipated effect that the disclosure of identifying information may have upon any party.

When consent of the birth family is not obtainable, due to the death of the birth parents or mental incapacity of the birth parents, the circuit court may release identifying information to the adoptive parents or legal custodian. In making this decision, the circuit court shall consider the needs and concerns of the adoptive parents or legal custodian and the birth family if such information is available, the actions the agency took to locate the birth family, the information in the agency's report and the recommendation of the agency.

C. In any case where a physician or licensed mental health provider submits a written statement, in response to a request from the adult adoptee, adoptive parent, birth parent or adult birth siblings, indicating that it is critical that medical, psychological or genetic information be conveyed, and states clearly the reasons why this is necessary, the agency that made the investigation shall make an attempt to inform the adult adoptee, adoptive parents, birth parents or adult birth siblings,

whichever is applicable, of the information. The Commissioner shall provide information from the adoption record to the searching agency if necessary to facilitate the search. Confidentiality of all parties shall be maintained by the agency.

D. In cases where at least one of the adoptive parents and one of the birth parents agree in writing, *at the time of the adoption*, to allow the agency involved in the adoption to exchange nonidentifying information and pictures, the agency may exchange this information with such adoptive parents and birth parents when the whereabouts of the adoptive parents and birth parents is known or readily accessible. Such agreement may be ~~entered into or~~ withdrawn by either party at any time or may be withdrawn by the adult adoptee.

E. In parental placement adoptions, where the consent to the adoption was executed on or after July 1, 1994, the entire adoption record shall be open to the adoptive parents, the adoptee who is ~~eighteen~~ 18 years of age or older, and a birth parent who executed a written consent to the adoption.

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

## CHAPTER 11

*An Act to amend and reenact § 63.2-1734 of the Code of Virginia, relating to child day programs at public or private school facilities; exemptions.*

[H 836]

Approved February 22, 2018

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

**1. That § 63.2-1734 of the Code of Virginia is amended and reenacted as follows:**

**§ 63.2-1734. Regulations for child welfare agencies.**

A. The Board shall adopt regulations for the activities, services and facilities to be employed by persons and agencies required to be licensed under this subtitle, which shall be designed to ensure that such activities, services and facilities are conducive to the welfare of the children under the custody or control of such persons or agencies.

Such regulations shall be developed in consultation with representatives of the affected entities and shall include, but need not be limited to, matters relating to the sex, age, and number of children and other persons to be maintained, cared for, or placed out, as the case may be, and to the buildings and premises to be used, and reasonable standards for the activities, services and facilities to be employed. Such limitations and standards shall be specified in each license and renewal thereof. Such regulations shall not require the adoption of a specific teaching approach or doctrine or require the membership, affiliation or accreditation services of any single private accreditation or certification agency.

Such regulations ~~shall not prohibit~~ governing child day programs providing care for school-age children at a location that is currently approved by the Department of Education or recognized as a private school by the State Board of Education for school occupancy and that houses a public or private school during the school year ~~from permitting~~ shall not (i) prohibit school-age children ~~to use from using~~ outdoor play equipment and areas approved for use by students of the school during school hours or (ii) in the case of public schools, require inspection or approval of the building, vehicles used to transport children attending the child day program that are owned by the school, or meals served to such children that are prepared by the school.

B. The Board shall adopt or amend regulations, policies and procedures related to child day care in collaboration with the Virginia Recreation and Park Society. No regulation adopted by the Board shall prohibit a child day center from hiring an armed security officer, licensed pursuant to Article 4 (§ 9.1-138 et seq.) of Chapter 1 of Title 9.1, to provide protection for children placed in the care of the child day center or employees of the center. The Board shall adopt or amend regulations related to therapeutic recreation programs in collaboration with the Virginia Park and Recreation Society and the Department of Behavioral Health and Developmental Services.

## CHAPTER 12

*An Act to amend and reenact § 46.2-1148.1 of the Code of Virginia, relating to hauling forest products.*

[H 125]

Approved February 22, 2018

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

**1. That § 46.2-1148.1 of the Code of Virginia is amended and reenacted as follows:**

**§ 46.2-1148.1. Overweight permit for hauling forest products.**

A. For purposes of this section, "forest products" means raw logs to market, *rough-sawn green lumber*, and wood residuals, including wood chips, sawdust, mulch, and tree bark.

B. In addition to other permits provided for in this article, the Commissioner, upon written application by the owner or operator of any vehicle hauling forest products transported from the place where they are first produced, cut, harvested, or felled to the location where they are first processed, shall issue permits for overweight operation of such vehicles as provided in this section. Such permits shall allow the vehicles to have a single-axle weight of no more than 24,000 pounds, a tandem-axle weight of no more than 40,000 pounds, and a tri-axle grouping weight of no more than 50,000 pounds.

Additionally, any five-axle combination having a minimum of 48 feet between the first and last axle may have a gross weight of no more than 90,000 pounds, any four-axle combination may have a gross weight of no more than 70,000 pounds, any three-axle combination may have a gross weight of no more than 60,000 pounds, and any two-axle combination may have a gross weight of no more than 40,000 pounds.

C. No permit issued under this section shall designate the route to be traversed or contain restrictions or conditions not applicable to other vehicles in their general use of the highways. However, no such permit shall authorize violation of the length limitations in § 46.2-1149.2 or any weight limitation applicable to bridges or culverts, as promulgated and posted in accordance with § 46.2-1130. Nothing contained in this section shall authorize any extension of weight limits provided in § 46.2-1127 for operation on interstate highways.

D. The fee for a permit issued under this section shall be as provided in § 46.2-1140.1. Only the Commissioner may issue a permit under this section.

E. Each vehicle when loaded according to the provisions of a permit issued under this section shall be operated at a reduced speed as provided in § 46.2-872.

**CHAPTER 13**

*An Act to amend and reenact § 46.2-1222 of the Code of Virginia, relating to regulation of parking on secondary highways; Albemarle.*

[H 776]

Approved February 22, 2018

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

**1. That § 46.2-1222 of the Code of Virginia is amended and reenacted as follows:**

**§ 46.2-1222. Regulation of parking on secondary highways by certain counties.**

A. Notwithstanding any other provision of law, the governing bodies of *Albemarle*, Fairfax, James City, Loudoun, Montgomery, Prince George, Prince William, and York Counties by ordinance may (i) restrict or prohibit parking on any part of the state secondary system of highways within their respective boundaries, (ii) provide for the classification of vehicles for the purpose of these restrictions and prohibitions, and (iii) provide that the violation of the ordinance shall constitute a traffic infraction and prescribe penalties therefor.

B. All signs and other markings designating the areas where parking is prohibited or restricted shall be installed by the county at its expense under permit from the Virginia Department of Transportation.

C. In any prosecution charging a violation of the ordinance, proof that the vehicle described in the complaint, summons, or warrant was parked in violation of such ordinance, together with proof that the defendant was at the time the registered owner of the vehicle, as required by Chapter 6 of this title, shall give rise to a prima facie presumption that the registered owner of the vehicle was the person who committed the violation.

D. Any ordinance adopted pursuant to this section shall require (i) that uncontested payments of penalties for violations of the ordinance shall be collected and accounted for by a county officer or employee, (ii) that the officer or employee shall report on a proper form to the appropriate district court any person's contesting of any citation for violation of the ordinance, and (iii) that the officer or employee shall cause warrants to be issued for delinquent parking citations.

**CHAPTER 14**

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

[S 230]

Approved February 22, 2018

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

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

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

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

B. Any reference in this chapter to the laws of the United States relating to federal income taxes shall mean the provisions of the Internal Revenue Code of 1954, and amendments thereto, and other provisions of the laws of the United States relating to federal income taxes, as they existed on ~~December 31, 2016~~ *February 9, 2018*, except for:

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

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

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

6. *The provisions of the Tax Cuts and Jobs Act (the Act) enacted December 22, 2017, as Public Law 115-97, provided, however, that this exception shall not apply to the following:*

a. *Treatment of certain individuals performing services in the Sinai Peninsula of Egypt pursuant to § 11026 of the Act;*

b. *Relief for 2016 disaster areas pursuant to § 11028 of the Act;*

c. *Any other provision of the Act that affects the computation of federal adjusted gross income of individuals or federal taxable income of corporations for taxable years beginning after December 31, 2016, and before January 1, 2018, other than the temporary reduction in the medical expense deduction floor pursuant to § 11027 of the Act; and*

7. *The provisions of the Bipartisan Budget Act of 2018 enacted February 9, 2018, as Public Law 115-123, that affect any taxable year other than a taxable year beginning after December 31, 2016, and before January 1, 2018.*

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

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

## CHAPTER 15

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

[H 154]

Approved February 23, 2018

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

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

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

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

B. Any reference in this chapter to the laws of the United States relating to federal income taxes shall mean the provisions of the Internal Revenue Code of 1954, and amendments thereto, and other provisions of the laws of the United States relating to federal income taxes, as they existed on ~~December 31, 2016~~ February 9, 2018, except for:

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

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

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

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

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

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

6. *The provisions of the Tax Cuts and Jobs Act (the Act) enacted December 22, 2017, as Public Law 115-97, provided, however, that this exception shall not apply to the following:*

- a. *Treatment of certain individuals performing services in the Sinai Peninsula of Egypt pursuant to § 11026 of the Act;*
- b. *Relief for 2016 disaster areas pursuant to § 11028 of the Act;*
- c. *Any other provision of the Act that affects the computation of federal adjusted gross income of individuals or federal taxable income of corporations for taxable years beginning after December 31, 2016, and before January 1, 2018, other than the temporary reduction in the medical expense deduction floor pursuant to § 11027 of the Act; and*

7. *The provisions of the Bipartisan Budget Act of 2018 enacted February 9, 2018, as Public Law 115-123, that affect any taxable year other than a taxable year beginning after December 31, 2016, and before January 1, 2018.*

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

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

**CHAPTER 16**

*An Act to amend and reenact § 19.2-182.2 of the Code of Virginia, relating to persons acquitted by reason of insanity; evaluation.*

[H 53]

Approved February 26, 2018

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

**1. That § 19.2-182.2 of the Code of Virginia is amended and reenacted as follows:**

**§ 19.2-182.2. Verdict of acquittal by reason of insanity to state the fact; temporary custody and evaluation.**

When the defense is insanity of the defendant at the time the offense was committed, the jurors shall be instructed, if they acquit him on that ground, to state the fact with their verdict. The court shall place the person so acquitted (the acquittee) in temporary custody of the Commissioner of Behavioral Health and Developmental Services (hereinafter referred to in this chapter as the Commissioner) for evaluation as to whether the acquittee may be released with or without conditions or requires commitment. *The court may authorize that the evaluation be conducted on an outpatient basis. If the court authorizes an outpatient evaluation, the Commissioner shall determine, on the basis of all information available, whether the evaluation shall be conducted on an outpatient basis or whether the acquittee shall be confined in a hospital for evaluation. If the court does not authorize an outpatient evaluation, the acquittee shall be confined in a hospital for evaluation. If an acquittee who is being evaluated on an outpatient basis fails to comply with such evaluation, the Commissioner shall petition the court for an order to confine the acquittee in a hospital for evaluation. A copy of the petition shall be sent to the acquittee's attorney and the attorney for the Commonwealth.* The evaluation shall be conducted by (i) one psychiatrist and (ii) one clinical psychologist. The psychiatrist or clinical psychologist shall be skilled in the diagnosis of mental illness and intellectual disability and qualified by training and experience to perform such evaluations. The Commissioner shall appoint both evaluators. *In the case of an acquittee confined in a hospital, at least one of whom the evaluators shall not be employed by the hospital in which the acquittee is primarily confined. The evaluators shall determine whether the acquittee currently has mental illness or intellectual disability and shall assess the acquittee and report on his condition and need for hospitalization with respect to the factors set forth in § 19.2-182.3. The evaluators shall conduct their examinations and report their findings separately within 45 days of the Commissioner's assumption of custody. Copies of the report shall be sent to the acquittee's attorney, the attorney for the Commonwealth for the jurisdiction where the person was acquitted and the community services board or behavioral health authority as designated by the Commissioner. If either evaluator recommends conditional release or release without conditions of the acquittee, the court shall extend the evaluation period to permit (a) the hospital in which the acquittee is confined Department of Behavioral Health and Developmental Services and (b) the appropriate community services board or behavioral health authority to jointly prepare a conditional release or discharge plan, as applicable, prior to the hearing.*

**CHAPTER 17**

*An Act to amend and reenact § 16.1-243 of the Code of Virginia, relating to child abuse and neglect; venue.*

[H 326]

Approved February 26, 2018

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

**1. That § 16.1-243 of the Code of Virginia is amended and reenacted as follows:**

**§ 16.1-243. Venue.****A. Original venue:**

1. Cases involving children, other than support or where protective order issued: Proceedings with respect to children under this law, except support proceedings as provided in subdivision 2 or family abuse proceedings as provided in subdivision 3, shall:

a. *Delinquency*: If delinquency is alleged, be commenced in the city or county where the acts constituting the alleged delinquency occurred or they may, with the written consent of the child and the attorney for the Commonwealth for both jurisdictions, be commenced in the city or county where the child resides;

b. *Custody or visitation*: In cases involving custody or visitation, be commenced in the court of the city or county which, in order of priority, (i) is the home of the child at the time of the filing of the petition, or had been the home of the child within six months before the filing of the petition and the child is absent from the city or county because of his removal or retention by a person claiming his custody or for other reasons, and a parent or person acting as a parent continues to live in the city or county; (ii) has significant connection with the child and in which there is substantial evidence concerning the child's present or future care, protection, training and personal relationships; (iii) is where the child is physically present and the child has been abandoned or it is necessary in an emergency to protect the child because he has been subjected to or threatened with mistreatment or abuse or is otherwise neglected or dependent; or (iv) it is in the best interest of the child for the court to assume jurisdiction as no other city or county is an appropriate venue under the preceding provisions of this subdivision;

c. *Adoption*: In parental placement adoption consent hearings pursuant to §§ 16.1-241, 63.2-1233, and 63.2-1237, be commenced in any city or county, provided, however, that diligent efforts shall first be made to commence such hearings (i) in the city or county where the child to be adopted was born, (ii) in the city or county where the birth parent(s) reside, or (iii) in the city or county where the prospective adoptive parent(s) reside. In cases in which a hearing is commenced in a city or county other than one described in ~~clauses~~ *clause (i) through, (ii), or (iii)*, the petitioner shall certify in writing to the court that diligent efforts to commence a hearing in such city or county have been made but have proven ineffective; ~~and~~

d. *Abuse and neglect*: *In cases involving an allegedly abused or neglected child, be commenced (i) in the city or county where the child resides, (ii) in the city or county where the child is present when the proceedings are commenced, or (iii) in the city or county where the alleged abuse or neglect occurred; and*

e. All other cases: In all other proceedings, be commenced in the city or county where the child resides or in the city or county where the child is present when the proceedings are commenced.

2. *Support*: Proceedings that involve child or spousal support or child and spousal support, exclusive of proceedings arising under Chapter 5 (§ 20-61 et seq.) of Title 20, shall be commenced in the city or county where either party resides or in the city or county where the respondent is present when the proceeding commences.

3. *Family abuse*: Proceedings in which an order of protection is sought as a result of family abuse shall be commenced where (i) either party has his or her principal residence (ii) the abuse occurred or (iii) a protective order was issued if at the time the proceeding is commenced the order is in effect to protect the petitioner or a family or household member of the petitioner.

**B. Transfer of venue:**

1. *Generally*: Except in custody, visitation and support cases, if the child resides in a city or county of the Commonwealth and the proceeding is commenced in a court of another city or county, that court may at any time, on its own motion or a motion of a party for good cause shown, transfer the proceeding to the city or county of the child's residence for such further action or proceedings as the court receiving the transfer may deem proper. However, such transfer may occur only after adjudication in delinquency proceedings.

2. *Custody and visitation*: In custody and visitation cases, if venue lies in one of several cities or counties, the court in which the motion for transfer is made shall determine which such city or county is the most appropriate venue unless the parties mutually agree to the selection of venue. In the consideration of the motion, the best interests of the child shall determine the most appropriate forum.

3. *Support*: In support proceedings, exclusive of proceedings arising under Chapter 5 (§ 20-61 et seq.) of Title 20, if the respondent resides in a city or county in the Commonwealth and the proceeding is commenced in a court of another city or county, that court may, at any time on its own motion or a motion of a party for good cause shown or by agreement of the parties, transfer the proceeding to the city or county of the respondent's residence for such further action or proceedings as the court receiving the transfer may deem proper. For the purposes of determining venue of cases involving support, the respondent's residence shall include any city or county in which the respondent has resided within the last six months prior to the commencement of the proceeding or in which the respondent is residing at the time that the motion for transfer of venue is made. If venue is transferable to one of several cities or counties, the court in which the motion for transfer is made shall determine which such city or county is the most appropriate venue unless the parties mutually agree to the selection of such venue.

When the support proceeding is a companion case to a child custody or visitation proceeding, the provisions governing venue in the proceeding involving the child's custody or visitation shall govern.

4. *Subsequent transfers*: Any court receiving a transferred proceeding as provided in this section may in its discretion transfer such proceeding to a court in an appropriate venue for good cause shown based either upon changes in

circumstances or mistakes of fact or upon agreement of the parties. In any transfer of venue in cases involving children, the best interests of the child shall be considered in deciding if and to which court a transfer of venue would be appropriate.

5. Enforcement of orders for support, maintenance and custody: Any juvenile and domestic relations district court to which a suit is transferred for enforcement of orders pertaining to support, maintenance, care or custody pursuant to § 20-79 (c) may transfer the case as provided in this section.

C. Records: Originals of all legal and social records pertaining to the case shall accompany the transfer of venue. Records imaged from the original documents shall be considered original documents for purposes of the transfer of venue. The transferor court may, in its discretion, retain copies as it deems appropriate.

## CHAPTER 18

*An Act to amend and reenact § 16.1-302 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 16.1-305.01, relating to access to child and spousal support case files.*

[H 613]

Approved February 26, 2018

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

**1. That § 16.1-302 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 16.1-305.01 as follows:**

**§ 16.1-302. Dockets, indices, and order books; when hearings and records private; right to public hearing; presence of juvenile in court.**

A. Every juvenile court shall keep a separate docket of cases arising under this law.

B. Every circuit court shall keep a separate docket, index, and, for entry of its orders, a separate order book or file for cases on appeal from the juvenile court except: (i) cases involving support pursuant to § 20-61 or ~~subdivisions subdivision A 3; or subsection F or L of § 16.1-241;~~ (ii) cases involving criminal offenses committed by adults which are commenced on a warrant or a summons as described in Title 19.2; and (iii) cases involving civil commitments of adults pursuant to Title 37.2. Such cases shall be docketed on the appropriate docket and the orders in such cases shall be entered in the appropriate order book as used with similar cases commenced in circuit court. *In any child or spousal support case appealed to the circuit court, the case files shall be open for inspection only as provided by § 16.1-305.01.*

C. The general public shall be excluded from all juvenile court hearings and only such persons admitted as the judge shall deem proper. However, proceedings in cases involving an adult charged with a crime and hearings held on a petition or warrant alleging that a juvenile fourteen years of age or older committed an offense which would be a felony if committed by an adult shall be open. Subject to the provisions of subsection D for good cause shown, the court may, sua sponte or on motion of the accused or the attorney for the Commonwealth close the proceedings. If the proceedings are closed, the court shall state in writing its reasons and the statement shall be made a part of the public record.

D. In any hearing held for the purpose of adjudicating an alleged violation of any criminal law, or law defining a traffic infraction, the juvenile or adult so charged shall have a right to be present and shall have the right to a public hearing unless expressly waived by such person. The chief judge may provide by rule that any juvenile licensed to operate a motor vehicle who has been charged with a traffic infraction may waive court appearance and admit to the infraction or infractions charged if he or she and a parent, legal guardian, or person standing in loco parentis to the juvenile appear in person at the court or before a magistrate or sign and either mail or deliver to the court or magistrate a written form of appearance, plea and waiver, provided that the written form contains the notarized signature of the parent, legal guardian, or person standing in loco parentis to the juvenile. An emancipated juvenile charged with a traffic infraction shall have the opportunity to waive court appearance and admit to the infraction or infractions if he or she appears in person at the court or before a magistrate or signs and either mails or delivers to the court or magistrate a written form of appearance, plea, and waiver, provided that the written plea form containing the signature of the emancipated juvenile is accompanied by a notarized sworn statement which details the facts supporting the claim of emancipated status. Whenever the sole purpose of a proceeding is to determine the custody of a child of tender years, the presence of such juvenile in court may be waived by the judge at any stage thereof.

**§ 16.1-305.01. Access to child and spousal support case files.**

*All child support and spousal support case files, whether physical or digital, shall be open for inspection only to the following:*

- 1. The judge, court officials, and clerk or deputy clerk assigned to serve the court in which the case is pending or to which the case is transferred pursuant to court order;*
- 2. Any party to the case;*
- 3. Any attorney of record to the case; and*
- 4. The Department of Social Services and the Division of Child Support Enforcement.*

*Any other person, agency, or institution having a legitimate interest in such case files or the work of the court, by order of the court, may inspect the case files.*

## CHAPTER 19

*An Act to amend and reenact § 63.2-1609 of the Code of Virginia, relating to emergency order for adult protective services; temporary conservator.*

[H 850]

Approved February 26, 2018

**Be it enacted by the General Assembly of Virginia:****1. That § 63.2-1609 of the Code of Virginia is amended and reenacted as follows:****§ 63.2-1609. Emergency order for adult protective services.**

A. Upon petition by the local department to the circuit court, the court may issue an order authorizing the provision of adult protective services on an emergency basis to an adult after finding on the record, based on a preponderance of the evidence, that:

1. The adult is incapacitated;
2. An emergency exists;
3. The adult lacks the capacity to consent to receive adult protective services; and
4. The proposed order is substantially supported by the findings of the local department that has investigated the case, or if not so supported, there are compelling reasons for ordering services.

B. In issuing an emergency order, the court shall adhere to the following limitations:

1. Only such adult protective services as are necessary to improve or correct the conditions creating the emergency shall be ordered, and the court shall designate the approved services in its order. In ordering adult protective services the court shall consider the right of a person to rely on nonmedical remedial treatment in accordance with a recognized religious method of healing in lieu of medical care.

2. The court shall specifically find in the emergency order whether hospitalization or a change of residence is necessary. Approval of the hospitalization or change of residence shall be stated in the order. No adult may be committed to a mental health facility under this section.

3. Adult protective services may be provided through an appropriate court order only for a period of 15 days. The original order may be renewed once for a five-day period upon a showing to the court that continuation of the original order is necessary to remove the emergency.

4. In its order the court shall appoint the petitioner or another interested person, as temporary guardian of the adult with responsibility for the adult's welfare and authority to give consent for the adult for the approved adult protective services until the expiration of the order.

5. *When applicable, the court shall appoint the petitioner or another interested person as temporary conservator of the adult with responsibility and authority limited to managing the adult's estate and financial affairs related to the approved adult protective services until the expiration of the order.*

6. The issuance of an emergency order and the appointment of a temporary guardian *or temporary conservator* shall not deprive the adult of any rights except to the extent provided for in the order or appointment.

7. *The court shall set the bond of the temporary guardian and the bond and surety, if any, of the temporary conservator.*

C. The petition for an emergency order shall set forth the name, address, and interest of the petitioner; the name, age and address of the adult in need of adult protective services; the nature of the emergency; the nature of the adult's incapacity, if determinable; the proposed adult protective services; the petitioner's reasonable belief, together with facts supportive thereof, as to the existence of the facts stated in subdivisions A 1 through A 4; and facts showing the petitioner's attempts to obtain the adult's consent to the services and the outcomes of such attempts.

D. Written notice of the time, date and place for the hearing shall be given to the adult, to his spouse, or if none, to his nearest known next of kin, and a copy of the petition shall be attached. Such notice shall be given at least 24 hours prior to the hearing for emergency intervention. The court may waive the 24-hour notice requirement upon showing that (i) immediate and reasonably foreseeable physical harm to the adult or others will result from the 24-hour delay, and (ii) reasonable attempts have been made to notify the adult, his spouse, or if none, his nearest known next of kin.

E. Upon receipt of a petition for an emergency order for adult protective services, the court shall hold a hearing. The adult who is the subject of the petition shall have the right to be present and be represented by counsel at the hearing. If it is determined that the adult is indigent, or, in the determination of the judge, lacks capacity to waive the right to counsel, the court shall locate and appoint a guardian ad litem. If the adult is indigent, the cost of the proceeding shall be borne by the Commonwealth. If the adult is not indigent, the court may order that the cost of the proceeding shall be borne by such adult. This hearing shall be held no earlier than 24 hours after the notice required in subsection D has been given, unless such notice has been waived by the court.

F. The adult, the temporary guardian, *temporary conservator*, or any interested person may petition the court to have the emergency order set aside or modified at any time there is evidence that a substantial change in the circumstances of the adult for whom the emergency services were ordered has occurred.

G. Where adult protective services are rendered on the basis of an emergency order, the temporary guardian *or temporary conservator* shall submit to the court a report describing the circumstances thereof including the name, place,

date and nature of the services provided. This report shall become part of the court record. Such report shall be confidential and open only to such persons as may be directed by the court.

H. If the person continues to need adult protective services after the renewal order provided in subdivision B 3 has expired, the temporary guardian, *temporary conservator*, or ~~the~~ local department shall immediately petition the court to appoint a guardian *and, if applicable, a conservator* pursuant to Chapter 20 (§ 64.2-2000 et seq.) of Title 64.2.

## CHAPTER 20

*An Act to amend and reenact §§ 16.1-340.1 and 16.1-340.2 of the Code of Virginia, relating to alternative facility of temporary detention; minors.*

[H 1355]

Approved February 26, 2018

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

#### **1. That §§ 16.1-340.1 and 16.1-340.2 of the Code of Virginia are amended and reenacted as follows:**

##### **§ 16.1-340.1. Involuntary temporary detention; issuance and execution of order.**

A. A magistrate shall issue, upon the sworn petition of a minor's treating physician or parent or, if the parent is not available or is unable or unwilling to file a petition, by any responsible adult, including the person having custody over a minor in detention or shelter care pursuant to an order of a juvenile and domestic relations district court, or upon his own motion and only after an evaluation conducted in-person or by means of a two-way electronic video and audio communication system as authorized in § 16.1-345.1 by an employee or designee of the local community services board to determine whether the minor meets the criteria for temporary detention, a temporary detention order if it appears from all evidence readily available, including any recommendation from a physician or clinical psychologist treating the person, that (i) because of mental illness, the minor (a) presents a serious danger to himself or others to the extent that severe or irreparable injury is likely to result, as evidenced by recent acts or threats, or (b) is experiencing a serious deterioration of his ability to care for himself in a developmentally age-appropriate manner, as evidenced by delusional thinking or by a significant impairment of functioning in hydration, nutrition, self-protection, or self-control; and (ii) the minor is in need of compulsory treatment for a mental illness and is reasonably likely to benefit from the proposed treatment. The magistrate shall also consider the recommendations of the minor's parents and of any treating or examining physician licensed in Virginia if available either verbally or in writing prior to rendering a decision. To the extent possible, the petition shall contain the information required by § 16.1-339.1. Any temporary detention order entered pursuant to this section shall be effective until such time as the juvenile and domestic relations district court serving the jurisdiction in which the minor is located conducts a hearing pursuant to subsection B of § 16.1-341. Any temporary detention order entered pursuant to this section shall provide for the disclosure of medical records pursuant to subsection B of § 16.1-337. This subsection shall not preclude any other disclosures as required or permitted by law.

B. When considering whether there is probable cause to issue a temporary detention order, the magistrate may, in addition to the petition, consider (i) the recommendations of any treating or examining physician or psychologist licensed in Virginia, if available, (ii) any past actions of the minor, (iii) any past mental health treatment of the minor, (iv) any relevant hearsay evidence, (v) any medical records available, (vi) any affidavits submitted, if the witness is unavailable and it so states in the affidavit, and (vii) any other information available that the magistrate considers relevant to the determination of whether probable cause exists to issue a temporary detention order.

C. A magistrate may issue a temporary detention order without an emergency custody order proceeding. A magistrate may issue a temporary detention order without a prior evaluation pursuant to subsection A if (i) the minor has been personally examined within the previous 72 hours by an employee or designee of the local community services board or (ii) there is a significant physical, psychological, or medical risk to the minor or to others associated with conducting such evaluation.

D. An employee or designee of the *local* community services board shall determine the facility of temporary detention in accordance with the provisions of § 16.1-340.1:1 for all minors detained pursuant to this section. *An employee or designee of the local community services board may change the facility of temporary detention and may designate an alternative facility for temporary detention at any point during the period of temporary detention if it is determined that the alternative facility is a more appropriate facility for temporary detention of the minor given the specific security, medical, or behavioral health needs of the minor. In cases in which the facility of temporary detention is changed following transfer of custody to an initial facility of temporary detention, transportation of the minor to the alternative facility of temporary detention shall be provided in accordance with the provisions of § 16.1-340.2. The initial facility of temporary detention shall be identified on the preadmission screening report and indicated on the temporary detention order; however, if an employee or designee of the local community services board designates an alternative facility, that employee or designee shall provide written notice forthwith, on a form developed by the Executive Secretary of the Supreme Court of Virginia, to the clerk of the issuing court of the name and address of the alternative facility.* Subject to the provisions of § 16.1-340.1:1, if a facility of temporary detention cannot be identified by the time of the expiration of the period of emergency custody pursuant to § 16.1-340, the minor shall be detained in a state facility for the treatment of minors with mental illness and such facility shall be indicated on the temporary detention order. Except for minors who are detained for a criminal offense by a

juvenile and domestic relations district court and who require hospitalization in accordance with this article, the minor shall not be detained in a jail or other place of confinement for persons charged with criminal offenses and shall remain in the custody of law enforcement until the minor is either detained within a secure facility or custody has been accepted by the appropriate personnel designated by *either the initial facility of temporary detention* identified in the temporary detention order *or by the alternative facility of temporary detention designated by the employee or designee of the local community services board pursuant to this subsection.*

E. Any facility caring for a minor placed with it pursuant to a temporary detention order is authorized to provide emergency medical and psychiatric services within its capabilities when the facility determines that the services are in the best interests of the minor within its care. The costs incurred as a result of the hearings and by the facility in providing services during the period of temporary detention shall be paid and recovered pursuant to § 37.2-804. The maximum costs reimbursable by the Commonwealth pursuant to this section shall be established by the State Board of Medical Assistance Services based on reasonable criteria. The State Board of Medical Assistance Services shall, by regulation, establish a reasonable rate per day of inpatient care for temporary detention.

F. The employee or designee of the local community services board who is conducting the evaluation pursuant to this section shall determine, prior to the issuance of the temporary detention order, the insurance status of the minor. Where coverage by a third party payor exists, the facility seeking reimbursement under this section shall first seek reimbursement from the third party payor. The Commonwealth shall reimburse the facility only for the balance of costs remaining after the allowances covered by the third party payor have been received.

G. The duration of temporary detention shall be sufficient to allow for completion of the examination required by § 16.1-342, preparation of the preadmission screening report required by § 16.1-340.4, and initiation of mental health treatment to stabilize the minor's psychiatric condition to avoid involuntary commitment where possible, but shall not exceed 96 hours prior to a hearing. If the 96-hour period herein specified terminates on a Saturday, Sunday, or legal holiday, the minor may be detained, as herein provided, until the close of business on the next day that is not a Saturday, Sunday, or legal holiday. The minor may be released, pursuant to § 16.1-340.3, before the 96-hour period herein specified has run.

H. If a temporary detention order is not executed within 24 hours of its issuance, or within a shorter period as is specified in the order, the order shall be void and shall be returned unexecuted to the office of the clerk of the issuing court or, if the office is not open, to any magistrate serving the jurisdiction of the issuing court. Subsequent orders may be issued upon the original petition within 96 hours after the petition is filed. However, a magistrate must again obtain the advice of an employee or designee of the local community services board prior to issuing a subsequent order upon the original petition. Any petition for which no temporary detention order or other process in connection therewith is served on the subject of the petition within 96 hours after the petition is filed shall be void and shall be returned to the office of the clerk of the issuing court.

I. For purposes of this section a healthcare provider or an employee or designee of the local community services board shall not be required to encrypt any email containing information or medical records provided to a magistrate unless there is reason to believe that a third party will attempt to intercept the email.

J. The employee or designee of the local community services board who is conducting the evaluation pursuant to this section shall, if he recommends that the minor should not be subject to a temporary detention order, inform the petitioner and an on-site treating physician of his recommendation.

K. Each community services board shall provide to each juvenile and domestic relations district court and magistrate's office within its service area a list of employees and designees who are available to perform the evaluations required herein.

**§ 16.1-340.2. Transportation of minor in the temporary detention process.**

A. In specifying the primary law-enforcement agency and jurisdiction for purposes of this section, the magistrate shall specify in the temporary detention order the law-enforcement agency of the jurisdiction in which the minor resides to execute the order and, in cases in which transportation is ordered to be provided by the primary law-enforcement agency, provide transportation. However, if the nearest boundary of the jurisdiction in which the minor resides is more than 50 miles from the nearest boundary of the jurisdiction in which the minor is located, the law-enforcement agency of the jurisdiction in which the minor is located shall execute the order and provide transportation.

B. The magistrate issuing the temporary detention order shall specify the law-enforcement agency to execute the order and provide transportation. However, the magistrate may authorize transportation by an alternative transportation provider, including a parent, family member, or friend of the minor who is the subject of the temporary detention order, a representative of the community services board, or other transportation provider with personnel trained to provide transportation in a safe manner upon determining, following consideration of information provided by the petitioner; the community services board or its designee; the local law-enforcement agency, if any; the minor's treating physician, if any; or other persons who are available and have knowledge of the minor, and, when the magistrate deems appropriate, the proposed alternative transportation provider, either in person or via two-way electronic video and audio or telephone communication system, that the proposed alternative transportation provider is available to provide transportation, willing to provide transportation, and able to provide transportation in a safe manner. When transportation is ordered to be provided by an alternative transportation provider, the magistrate shall order the specified primary law-enforcement agency to execute the order, to take the minor into custody, and to transfer custody of the minor to the alternative transportation provider identified in the order. In such cases, a copy of the temporary detention order shall accompany the minor being transported pursuant to this section at all times and shall be delivered by the alternative transportation provider to the

temporary detention facility. The temporary detention facility shall return a copy of the temporary detention order to the court designated by the magistrate as soon as is practicable. Delivery of an order to a law-enforcement officer or alternative transportation provider and return of an order to the court may be accomplished electronically or by facsimile.

The order may include transportation of the minor to such other medical facility as may be necessary to obtain further medical evaluation or treatment prior to placement as required by a physician at the admitting temporary detention facility. Nothing herein shall preclude a law-enforcement officer or alternative transportation provider from obtaining emergency medical treatment or further medical evaluation at any time for a minor in his custody as provided in this section. Such medical evaluation or treatment shall be conducted immediately in accordance with state and federal law.

*C. In cases in which an alternative facility of temporary detention is identified and the law-enforcement agency or alternative transportation provider identified to provide transportation in accordance with subsection B continues to have custody of the minor; the local law-enforcement agency or alternative transportation provider shall transport the minor to the alternative facility of temporary detention identified by the employee or designee of the local community services board. In cases in which an alternative facility of temporary detention is identified and custody of the minor has been transferred from the law-enforcement agency or alternative transportation provider that provided transportation in accordance with subsection B to the initial facility of temporary detention, the employee or designee of the local community services board shall request, and a magistrate may enter an order specifying, an alternative transportation provider or, if no alternative transportation provider is available, willing, and able to provide transportation in a safe manner; the local law-enforcement agency for the jurisdiction in which the minor resides or; if the nearest boundary of the jurisdiction in which the minor resides is more than 50 miles from the nearest boundary of the jurisdiction in which the minor is located, the law-enforcement agency of the jurisdiction in which the minor is located, to provide transportation.*

*D. A law-enforcement officer may lawfully go or be sent beyond the territorial limits of the county, city, or town in which he serves to any point in the Commonwealth for the purpose of executing any temporary detention order pursuant to this section. Law-enforcement agencies may enter into agreements to facilitate the execution of temporary detention orders and provide transportation.*

~~*E. No person who provides alternative transportation pursuant to this section shall be liable to the person being transported for any civil damages for ordinary negligence in acts or omissions that result from providing such alternative transportation.*~~

## CHAPTER 21

*An Act to amend and reenact § 20-108.2 of the Code of Virginia, relating to calculation of child support obligation; multiple custody arrangements.*

[H 1361]

Approved February 26, 2018

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

**1. That § 20-108.2 of the Code of Virginia is amended and reenacted as follows:**

**§ 20-108.2. Guideline for determination of child support; quadrennial review by Child Support Guidelines Review Panel; executive summary.**

A. There shall be a rebuttable presumption in any judicial or administrative proceeding for child support under this title or Title 16.1 or 63.2, including cases involving split custody ~~or~~ shared custody, *or multiple custody arrangements pursuant to subdivisions G 4, 5, and 6*, that the amount of the award which would result from the application of the guidelines set forth in this section is the correct amount of child support to be awarded. In order to rebut the presumption, the court shall make written findings in the order as set out in § 20-108.1, which findings may be incorporated by reference, that the application of the guidelines would be unjust or inappropriate in a particular case as determined by relevant evidence pertaining to the factors set out in § 20-108.1. The Department of Social Services shall set child support at the amount resulting from computations using the guidelines set out in this section pursuant to the authority granted to it in Chapter 19 (§ 63.2-1900 et seq.) of Title 63.2 and subject to the provisions of § 63.2-1918.

B. For purposes of application of the guideline, a basic child support obligation shall be computed using the schedule set out below. For combined monthly gross income amounts falling between amounts shown in the schedule, basic child support obligation amounts shall be extrapolated. However, unless one of the following exemptions applies where the sole custody child support obligation as computed pursuant to subdivision G 1 is less than the statutory minimum per month, there shall be a presumptive minimum child support obligation of the statutory minimum per month payable by the payor parent. If the gross income of the obligor is equal to or less than 150 percent of the federal poverty level promulgated by the U.S. Department of Health and Human Services from time to time, then the court, upon hearing evidence that there is no ability to pay the presumptive statutory minimum, may set an obligation below the presumptive statutory minimum provided doing so does not create or reduce a support obligation to an amount which seriously impairs the custodial parent's ability to maintain minimal adequate housing and provide other basic necessities for the child. Exemptions from this presumptive minimum monthly child support obligation shall include: parents unable to pay child support because they lack sufficient assets from which to pay child support and who, in addition, are institutionalized in a psychiatric facility; are imprisoned for life with no chance of parole; are medically verified to be totally and permanently disabled with no evidence

of potential for paying child support, including recipients of Supplemental Security Income (SSI); or are otherwise involuntarily unable to produce income. "Number of children" means the number of children for whom the parents share joint legal responsibility and for whom support is being sought.

SCHEDULE OF MONTHLY BASIC CHILD SUPPORT OBLIGATIONS

COMBINED MONTHLY GROSS INCOME	ONE CHILD	TWO CHILDREN	THREE CHILDREN	FOUR CHILDREN	FIVE CHILDREN	SIX CHILDREN
0-350	68	104	126	141	155	169
400	78	119	144	161	177	192
450	88	133	162	181	199	216
500	97	148	179	200	220	239
550	107	162	197	220	242	263
600	116	177	215	240	264	287
650	126	191	232	259	285	310
700	135	206	250	279	307	333
750	145	220	267	298	328	357
800	154	234	284	317	349	379
850	163	248	300	336	369	401
900	171	260	316	353	388	422
950	179	273	331	369	406	442
1000	187	285	346	386	425	462
1050	196	298	361	403	443	482
1100	204	310	375	419	461	501
1150	212	323	390	436	480	521
1200	220	335	405	453	498	541
1250	228	347	420	469	516	561
1300	237	360	435	486	535	581
1350	245	372	450	503	553	601
1400	253	385	465	519	571	621
1450	261	397	480	536	589	641
1500	269	410	495	552	608	661
1550	278	422	509	569	626	680
1600	286	434	524	585	644	700
1650	293	446	538	601	661	718
1700	301	457	552	616	678	737
1750	309	469	566	632	695	756
1800	316	481	579	647	712	774
1850	324	492	593	663	729	792
1900	331	504	607	678	746	811
1950	339	515	621	693	763	829
2000	347	527	635	709	780	848
2050	354	538	648	724	797	866
2100	362	550	662	740	814	884
2150	369	561	676	755	830	903
2200	377	573	690	770	847	921
2250	385	584	703	786	864	940

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ACTS OF ASSEMBLY

2300	392	596	717	801	881	958
2350	400	607	731	817	898	976
2400	407	619	745	832	915	995
2450	415	630	759	847	932	1013
2500	423	642	772	863	949	1032
2550	430	653	786	878	966	1050
2600	438	665	800	894	983	1068
2650	445	676	814	909	1000	1087
2700	453	688	828	924	1017	1105
2750	460	699	841	940	1034	1124
2800	468	711	855	955	1051	1142
2850	476	722	869	971	1068	1160
2900	483	734	883	986	1084	1179
2950	491	745	896	1001	1101	1197
3000	498	757	910	1017	1118	1216
3050	506	768	924	1032	1135	1234
3100	514	780	938	1047	1152	1252
3150	521	791	952	1063	1169	1271
3200	529	803	965	1078	1186	1289
3250	536	814	979	1094	1203	1308
3300	544	826	993	1109	1220	1326
3350	551	837	1006	1123	1236	1343
3400	559	848	1019	1138	1252	1361
3450	566	859	1032	1152	1268	1378
3500	574	870	1045	1167	1283	1395
3550	581	881	1057	1181	1299	1412
3600	588	892	1070	1196	1315	1430
3650	596	903	1083	1210	1331	1447
3700	603	914	1096	1224	1347	1464
3750	611	925	1109	1239	1363	1481
3800	618	936	1122	1253	1379	1499
3850	626	947	1135	1268	1395	1516
3900	632	956	1146	1280	1408	1531
3950	638	966	1157	1293	1422	1546
4000	645	975	1168	1305	1436	1561
4050	651	985	1180	1318	1449	1575
4100	658	994	1191	1330	1463	1590
4150	664	1004	1202	1342	1477	1605
4200	670	1013	1213	1355	1490	1620
4250	677	1023	1224	1367	1504	1635
4300	682	1030	1233	1377	1515	1647
4350	687	1038	1242	1387	1526	1658
4400	693	1046	1251	1397	1537	1670
4450	698	1054	1260	1407	1548	1682
4500	704	1062	1268	1417	1559	1694
4550	709	1069	1277	1427	1569	1706
4600	714	1077	1286	1437	1580	1718

4650	720	1085	1295	1447	1591	1730
4700	725	1093	1304	1457	1602	1742
4750	731	1100	1313	1466	1613	1753
4800	736	1108	1322	1476	1624	1765
4850	741	1116	1331	1486	1635	1777
4900	747	1124	1339	1496	1646	1789
4950	752	1131	1348	1506	1656	1800
5000	755	1136	1353	1511	1662	1807
5050	759	1141	1358	1516	1668	1813
5100	762	1145	1362	1522	1674	1820
5150	766	1150	1367	1527	1680	1826
5200	769	1155	1372	1533	1686	1833
5250	773	1159	1377	1538	1692	1839
5300	776	1164	1382	1544	1698	1846
5350	780	1169	1387	1549	1704	1852
5400	783	1173	1392	1554	1710	1859
5450	787	1178	1397	1560	1716	1865
5500	790	1183	1401	1565	1722	1872
5550	794	1187	1406	1571	1728	1878
5600	797	1192	1411	1576	1734	1885
5650	800	1196	1416	1582	1740	1891
5700	803	1201	1421	1587	1746	1897
5750	806	1205	1425	1592	1751	1904
5800	809	1209	1430	1598	1757	1910
5850	812	1213	1435	1603	1763	1917
5900	815	1217	1440	1608	1769	1923
5950	818	1221	1444	1613	1775	1929
6000	821	1226	1449	1619	1781	1936
6050	823	1230	1454	1624	1787	1942
6100	826	1234	1459	1629	1792	1948
6150	829	1238	1464	1635	1798	1955
6200	832	1242	1468	1640	1804	1961
6250	835	1246	1473	1645	1810	1967
6300	838	1251	1478	1651	1816	1974
6350	841	1255	1483	1656	1822	1980
6400	844	1259	1487	1661	1827	1986
6450	847	1263	1492	1667	1833	1993
6500	849	1267	1497	1672	1839	1999
6550	852	1271	1502	1677	1845	2005
6600	855	1276	1506	1683	1851	2012
6650	858	1280	1511	1688	1857	2018
6700	861	1285	1517	1694	1864	2026
6750	865	1291	1524	1703	1873	2036
6800	869	1297	1532	1711	1882	2046
6850	873	1303	1539	1719	1891	2056
6900	877	1309	1547	1728	1900	2066
6950	881	1315	1554	1736	1909	2076

7000	885	1321	1561	1744	1919	2085
7050	889	1328	1569	1752	1928	2095
7100	893	1334	1576	1761	1937	2105
7150	897	1340	1584	1769	1946	2115
7200	901	1346	1591	1777	1955	2125
7250	905	1352	1599	1786	1964	2135
7300	909	1358	1606	1794	1973	2145
7350	913	1364	1613	1802	1982	2155
7400	917	1370	1621	1810	1991	2165
7450	921	1376	1628	1819	2001	2175
7500	925	1382	1636	1827	2010	2185
7550	929	1389	1643	1835	2019	2194
7600	933	1395	1650	1844	2028	2204
7650	937	1401	1658	1852	2037	2214
7700	941	1407	1665	1860	2046	2224
7750	944	1411	1670	1865	2051	2230
7800	946	1413	1672	1867	2054	2233
7850	948	1416	1674	1870	2057	2236
7900	950	1419	1676	1873	2060	2239
7950	953	1421	1679	1875	2063	2242
8000	955	1424	1681	1878	2065	2245
8050	957	1426	1683	1880	2068	2248
8100	959	1429	1685	1883	2071	2251
8150	961	1432	1688	1885	2074	2254
8200	963	1434	1690	1888	2076	2257
8250	965	1436	1692	1890	2079	2260
8300	967	1439	1694	1892	2082	2263
8350	969	1441	1696	1895	2084	2266
8400	971	1444	1699	1897	2087	2269
8450	973	1446	1701	1899	2089	2271
8500	974	1447	1702	1901	2091	2273
8550	975	1449	1704	1903	2093	2276
8600	976	1450	1705	1905	2096	2278
8650	977	1452	1707	1907	2098	2280
8700	978	1453	1709	1909	2100	2282
8750	979	1455	1710	1911	2102	2284
8800	980	1456	1712	1912	2104	2287
8850	981	1457	1714	1914	2106	2289
8900	982	1459	1715	1916	2108	2291
8950	983	1460	1717	1918	2110	2293
9000	984	1462	1719	1920	2112	2295
9050	985	1463	1720	1922	2114	2298
9100	986	1465	1722	1923	2116	2300
9150	987	1466	1724	1925	2118	2302
9200	991	1471	1730	1932	2125	2310
9250	994	1477	1737	1940	2134	2319
9300	998	1483	1743	1947	2142	2328

9350	1002	1488	1750	1955	2150	2337
9400	1005	1494	1757	1962	2159	2346
9450	1009	1499	1764	1970	2167	2355
9500	1013	1505	1771	1978	2176	2365
9550	1017	1511	1778	1986	2185	2375
9600	1021	1518	1786	1995	2194	2385
9650	1025	1524	1793	2003	2203	2395
9700	1029	1530	1801	2011	2212	2405
9750	1033	1536	1808	2020	2222	2415
9800	1037	1543	1816	2028	2231	2425
9850	1041	1549	1823	2036	2240	2435
9900	1046	1555	1831	2045	2249	2445
9950	1050	1561	1838	2053	2258	2455
10000	1054	1567	1845	2061	2268	2465
10050	1058	1574	1853	2070	2277	2475
10100	1062	1580	1860	2078	2286	2485
10150	1066	1586	1868	2086	2295	2495
10200	1070	1592	1875	2095	2304	2505
10250	1074	1599	1883	2103	2314	2515
10300	1079	1605	1891	2112	2323	2525
10350	1083	1611	1898	2121	2333	2536
10400	1087	1618	1906	2129	2342	2546
10450	1091	1624	1914	2138	2351	2556
10500	1095	1631	1921	2146	2361	2566
10550	1100	1637	1929	2155	2370	2576
10600	1104	1643	1937	2163	2380	2587
10650	1108	1650	1944	2172	2389	2597
10700	1112	1656	1952	2180	2398	2607
10750	1117	1662	1960	2189	2408	2617
10800	1121	1669	1967	2197	2417	2627
10850	1125	1675	1975	2206	2427	2638
10900	1129	1682	1983	2214	2436	2648
10950	1134	1688	1990	2223	2445	2658
11000	1138	1694	1998	2232	2455	2668
11050	1142	1701	2005	2240	2464	2678
11100	1146	1707	2013	2249	2474	2689
11150	1150	1714	2021	2257	2483	2699
11200	1154	1718	2026	2263	2489	2706
11250	1157	1722	2030	2267	2494	2711
11300	1159	1726	2034	2272	2499	2717
11350	1162	1730	2038	2276	2504	2722
11400	1165	1733	2042	2281	2509	2727
11450	1168	1737	2046	2285	2514	2733
11500	1171	1741	2050	2290	2519	2738
11550	1173	1745	2054	2294	2524	2743
11600	1176	1749	2058	2299	2529	2749
11650	1179	1752	2062	2303	2534	2754

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**ACTS OF ASSEMBLY**

11700	1182	1756	2066	2308	2538	2759
11750	1185	1760	2070	2312	2543	2765
11800	1187	1764	2074	2317	2548	2770
11850	1190	1768	2078	2321	2553	2775
11900	1193	1771	2082	2326	2558	2781
11950	1196	1775	2086	2330	2563	2786
12000	1199	1779	2090	2335	2568	2791
12050	1201	1783	2094	2339	2573	2797
12100	1204	1787	2098	2344	2578	2802
12150	1207	1790	2102	2348	2583	2808
12200	1210	1795	2107	2354	2589	2815
12250	1213	1800	2113	2360	2596	2822
12300	1216	1804	2118	2366	2603	2829
12350	1220	1809	2124	2372	2610	2837
12400	1223	1814	2129	2378	2616	2844
12450	1226	1818	2135	2384	2623	2851
12500	1229	1823	2140	2391	2630	2858
12550	1232	1828	2146	2397	2636	2866
12600	1235	1832	2151	2403	2643	2873
12650	1239	1837	2157	2409	2650	2880
12700	1242	1842	2162	2415	2657	2888
12750	1245	1846	2168	2421	2663	2895
12800	1248	1851	2173	2427	2670	2902
12850	1251	1856	2178	2433	2677	2910
12900	1254	1860	2184	2439	2683	2917
12950	1257	1865	2189	2446	2690	2924
13000	1261	1870	2195	2452	2697	2931
13050	1264	1874	2200	2458	2704	2939
13100	1267	1879	2206	2464	2710	2946
13150	1270	1884	2211	2470	2717	2953
13200	1273	1888	2217	2476	2724	2961
13250	1276	1893	2222	2482	2730	2968
13300	1279	1898	2228	2488	2737	2975
13350	1283	1902	2233	2494	2744	2983
13400	1286	1907	2239	2501	2751	2990
13450	1289	1912	2244	2507	2757	2997
13500	1292	1916	2250	2513	2764	3005
13550	1295	1921	2256	2520	2772	3013
13600	1297	1925	2262	2526	2779	3021
13650	1300	1930	2268	2533	2786	3029
13700	1303	1935	2274	2540	2794	3037
13750	1306	1939	2280	2546	2801	3045
13800	1308	1944	2286	2553	2808	3053
13850	1311	1948	2292	2560	2816	3061
13900	1314	1953	2298	2566	2823	3069
13950	1317	1957	2304	2573	2830	3077
14000	1320	1962	2310	2580	2838	3085

14050	1322	1967	2316	2586	2845	3093
14100	1325	1971	2322	2593	2852	3101
14150	1328	1976	2328	2600	2860	3109
14200	1331	1980	2333	2607	2867	3117
14250	1334	1985	2339	2613	2875	3125
14300	1336	1990	2345	2620	2882	3133
14350	1339	1994	2351	2627	2889	3141
14400	1342	1999	2357	2633	2897	3149
14450	1345	2003	2363	2640	2904	3157
14500	1347	2008	2369	2647	2911	3164
14550	1350	2013	2375	2653	2919	3172
14600	1353	2017	2381	2660	2926	3180
14650	1356	2022	2387	2667	2933	3188
14700	1359	2026	2393	2673	2941	3196
14750	1361	2031	2399	2680	2948	3204
14800	1364	2036	2405	2686	2955	3212
14850	1368	2040	2410	2692	2961	3219
14900	1371	2045	2415	2698	2967	3226
14950	1375	2050	2420	2703	2974	3232
15000	1378	2055	2425	2709	2980	3239
15050	1382	2059	2430	2714	2986	3246
15100	1385	2064	2435	2720	2992	3252
15150	1389	2069	2440	2726	2998	3259
15200	1392	2074	2445	2731	3004	3266
15250	1396	2078	2450	2737	3010	3272
15300	1400	2083	2455	2742	3017	3279
15350	1403	2088	2460	2748	3023	3286
15400	1407	2093	2465	2754	3029	3292
15450	1410	2098	2470	2759	3035	3299
15500	1414	2102	2475	2765	3041	3306
15550	1417	2107	2480	2770	3047	3312
15600	1421	2112	2485	2776	3053	3319
15650	1424	2117	2490	2781	3060	3326
15700	1428	2121	2495	2787	3066	3333
15750	1431	2126	2500	2793	3072	3339
15800	1435	2131	2505	2798	3078	3346
15850	1438	2136	2510	2804	3084	3353
15900	1442	2140	2515	2809	3090	3359
15950	1445	2145	2520	2815	3097	3366
16000	1449	2150	2525	2821	3103	3373
16050	1453	2155	2530	2826	3109	3379
16100	1456	2159	2535	2832	3115	3386
16150	1458	2162	2538	2835	3119	3390
16200	1459	2164	2541	2838	3122	3394
16250	1461	2167	2544	2841	3125	3397
16300	1462	2169	2546	2844	3128	3401
16350	1464	2171	2549	2847	3132	3404

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ACTS OF ASSEMBLY

16400	1465	2173	2551	2850	3135	3408
16450	1466	2175	2554	2853	3138	3411
16500	1468	2177	2557	2856	3141	3415
16550	1469	2179	2559	2859	3144	3418
16600	1471	2182	2562	2862	3148	3422
16650	1472	2184	2564	2864	3151	3425
16700	1473	2186	2567	2867	3154	3428
16750	1475	2188	2570	2870	3157	3432
16800	1476	2190	2572	2873	3160	3435
16850	1477	2192	2575	2876	3164	3439
16900	1479	2194	2577	2879	3167	3442
16950	1480	2196	2580	2882	3170	3446
17000	1481	2198	2582	2885	3173	3449
17050	1483	2200	2585	2887	3176	3452
17100	1484	2203	2588	2890	3179	3456
17150	1486	2205	2590	2893	3182	3459
17200	1487	2207	2593	2896	3186	3463
17250	1488	2209	2595	2899	3189	3466
17300	1490	2211	2598	2902	3192	3470
17350	1491	2213	2600	2905	3195	3473
17400	1492	2215	2603	2907	3198	3476
17450	1494	2217	2605	2910	3201	3480
17500	1495	2219	2608	2913	3204	3483
17550	1497	2222	2611	2916	3208	3487
17600	1498	2224	2613	2919	3211	3490
17650	1499	2226	2616	2922	3214	3494
17700	1501	2228	2618	2925	3217	3497
17750	1502	2230	2621	2928	3220	3500
17800	1503	2232	2623	2930	3223	3504
17850	1505	2234	2626	2933	3227	3507
17900	1506	2236	2629	2936	3230	3511
17950	1507	2238	2631	2939	3233	3514
18000	1509	2240	2634	2942	3236	3518
18050	1510	2243	2636	2945	3239	3521
18100	1512	2245	2639	2948	3242	3524
18150	1513	2247	2641	2950	3245	3528
18200	1514	2249	2644	2953	3249	3531
18250	1516	2251	2647	2956	3252	3535
18300	1517	2253	2649	2959	3255	3538
18350	1520	2256	2652	2963	3259	3542
18400	1522	2259	2655	2966	3263	3547
18450	1524	2262	2658	2970	3266	3551
18500	1526	2265	2662	2973	3270	3555
18550	1528	2268	2665	2976	3274	3559
18600	1530	2271	2668	2980	3278	3563
18650	1532	2274	2671	2983	3282	3567
18700	1535	2277	2674	2987	3285	3571

18750	1537	2280	2677	2990	3289	3575
18800	1539	2283	2680	2994	3293	3579
18850	1541	2285	2683	2997	3297	3584
18900	1543	2288	2686	3000	3301	3588
18950	1545	2291	2689	3004	3304	3592
19000	1547	2294	2692	3007	3308	3596
19050	1550	2297	2695	3011	3312	3600
19100	1552	2300	2698	3014	3316	3604
19150	1554	2303	2702	3018	3319	3608
19200	1556	2306	2705	3021	3323	3612
19250	1558	2309	2708	3025	3327	3616
19300	1560	2312	2711	3028	3331	3621
19350	1563	2315	2714	3031	3335	3625
19400	1565	2318	2717	3035	3338	3629
19450	1567	2320	2720	3038	3342	3633
19500	1569	2323	2723	3042	3346	3637
19550	1571	2326	2726	3045	3350	3641
19600	1573	2329	2729	3049	3353	3645
19650	1575	2332	2732	3052	3357	3649
19700	1578	2335	2735	3055	3361	3653
19750	1580	2338	2738	3059	3365	3658
19800	1582	2341	2742	3062	3369	3662
19850	1584	2344	2745	3066	3372	3666
19900	1586	2347	2748	3069	3376	3670
19950	1588	2350	2751	3073	3380	3674
20000	1591	2353	2754	3076	3384	3678
20050	1593	2355	2757	3080	3387	3682
20100	1595	2358	2760	3083	3391	3686
20150	1597	2361	2763	3086	3395	3690
20200	1599	2364	2766	3090	3399	3695
20250	1601	2367	2769	3093	3403	3699
20300	1603	2370	2772	3097	3406	3703
20350	1606	2373	2775	3100	3410	3707
20400	1608	2376	2778	3104	3414	3711
20450	1610	2379	2782	3107	3418	3715
20500	1612	2382	2785	3110	3421	3719
20550	1614	2385	2788	3114	3425	3723
20600	1616	2388	2791	3117	3429	3727
20650	1619	2390	2794	3121	3433	3731
20700	1621	2393	2797	3124	3437	3736
20750	1623	2396	2800	3128	3440	3740
20800	1625	2399	2803	3131	3444	3744
20850	1627	2402	2806	3135	3448	3748
20900	1629	2405	2809	3138	3452	3752
20950	1631	2408	2812	3141	3456	3756
21000	1634	2411	2815	3145	3459	3760
21050	1636	2414	2818	3148	3463	3764

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**ACTS OF ASSEMBLY**

21100	1638	2417	2822	3152	3467	3768
21150	1640	2420	2825	3155	3471	3773
21200	1642	2423	2828	3159	3474	3777
21250	1644	2425	2831	3162	3478	3781
21300	1647	2428	2834	3165	3482	3785
21350	1649	2431	2837	3169	3486	3789
21400	1651	2434	2840	3172	3490	3793
21450	1653	2437	2843	3176	3493	3797
21500	1655	2440	2846	3179	3497	3801
21550	1657	2443	2849	3183	3501	3805
21600	1659	2446	2853	3187	3506	3811
21650	1661	2449	2857	3191	3510	3816
21700	1663	2452	2861	3195	3515	3821
21750	1665	2455	2865	3200	3520	3826
21800	1667	2458	2868	3204	3524	3831
21850	1668	2461	2872	3208	3529	3836
21900	1670	2464	2876	3213	3534	3841
21950	1672	2467	2880	3217	3539	3846
22000	1674	2470	2884	3221	3543	3852
22050	1676	2473	2888	3225	3548	3857
22100	1678	2476	2891	3230	3553	3862
22150	1680	2479	2895	3234	3557	3867
22200	1681	2482	2899	3238	3562	3872
22250	1683	2485	2903	3243	3567	3877
22300	1685	2488	2907	3247	3571	3882
22350	1687	2491	2911	3251	3576	3887
22400	1689	2494	2914	3255	3581	3892
22450	1691	2497	2918	3260	3586	3898
22500	1692	2500	2922	3264	3590	3903
22550	1694	2503	2926	3268	3595	3908
22600	1696	2506	2930	3272	3600	3913
22650	1698	2509	2934	3277	3604	3918
22700	1700	2512	2937	3281	3609	3923
22750	1702	2515	2941	3285	3614	3928
22800	1704	2518	2945	3290	3619	3933
22850	1705	2521	2949	3294	3623	3938
22900	1707	2524	2953	3298	3628	3944
22950	1709	2527	2957	3302	3633	3949
23000	1711	2530	2960	3307	3637	3954
23050	1713	2533	2964	3311	3642	3959
23100	1715	2536	2968	3315	3647	3964
23150	1717	2539	2972	3320	3651	3969
23200	1718	2542	2976	3324	3656	3974
23250	1720	2545	2979	3328	3661	3979
23300	1722	2548	2983	3332	3666	3984
23350	1724	2551	2987	3337	3670	3990
23400	1726	2554	2991	3341	3675	3995

23450	1728	2557	2995	3345	3680	4000
23500	1730	2560	2999	3349	3684	4005
23550	1731	2563	3002	3354	3689	4010
23600	1733	2566	3006	3358	3694	4015
23650	1735	2569	3010	3362	3699	4020
23700	1737	2572	3014	3367	3703	4025
23750	1739	2575	3018	3371	3708	4031
23800	1741	2578	3022	3375	3713	4036
23850	1742	2581	3025	3379	3717	4041
23900	1744	2584	3029	3384	3722	4046
23950	1746	2587	3033	3388	3727	4051
24000	1748	2590	3037	3392	3731	4056
24050	1750	2593	3041	3397	3736	4061
24100	1752	2596	3045	3401	3741	4066
24150	1754	2599	3048	3405	3746	4071
24200	1755	2602	3052	3409	3750	4077
24250	1757	2605	3056	3414	3755	4082
24300	1759	2608	3060	3418	3760	4087
24350	1761	2611	3064	3422	3764	4092
24400	1763	2614	3068	3426	3769	4097
24450	1765	2617	3071	3431	3774	4102
24500	1767	2620	3075	3435	3779	4107
24550	1768	2623	3079	3439	3783	4112
24600	1770	2626	3083	3444	3788	4117
24650	1772	2629	3087	3448	3793	4123
24700	1774	2632	3091	3452	3797	4128
24750	1776	2635	3094	3456	3802	4133
24800	1778	2638	3098	3461	3807	4138
24850	1780	2641	3102	3465	3811	4143
24900	1781	2644	3106	3469	3816	4148
24950	1783	2647	3110	3474	3821	4153
25000	1785	2650	3114	3478	3826	4158
25050	1787	2653	3117	3482	3830	4163
25100	1789	2656	3121	3486	3835	4169
25150	1791	2659	3125	3491	3840	4174
25200	1792	2662	3129	3495	3844	4179
25250	1794	2665	3133	3499	3849	4184
25300	1796	2668	3136	3503	3854	4189
25350	1798	2671	3140	3508	3858	4194
25400	1800	2674	3144	3512	3863	4199
25450	1802	2677	3148	3516	3868	4204
25500	1804	2680	3152	3521	3873	4210
25550	1805	2682	3156	3525	3877	4215
25600	1807	2685	3159	3529	3882	4220
25650	1809	2688	3163	3533	3887	4225
25700	1811	2691	3167	3538	3891	4230
25750	1813	2694	3171	3542	3896	4235

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**ACTS OF ASSEMBLY**

25800	1815	2697	3175	3546	3901	4240
25850	1817	2700	3179	3550	3906	4245
25900	1818	2703	3182	3555	3910	4250
25950	1820	2706	3186	3559	3915	4256
26000	1822	2709	3190	3563	3920	4261
26050	1824	2712	3194	3568	3924	4266
26100	1826	2715	3198	3572	3929	4271
26150	1828	2718	3202	3576	3934	4276
26200	1830	2721	3205	3580	3938	4281
26250	1831	2724	3209	3585	3943	4286
26300	1833	2727	3213	3589	3948	4291
26350	1835	2730	3217	3593	3953	4296
26400	1837	2733	3221	3598	3957	4302
26450	1839	2736	3225	3602	3962	4307
26500	1841	2739	3228	3606	3967	4312
26550	1842	2742	3232	3610	3971	4317
26600	1844	2745	3236	3615	3976	4322
26650	1846	2748	3240	3619	3981	4327
26700	1848	2751	3244	3623	3986	4332
26750	1850	2754	3248	3627	3990	4337
26800	1852	2757	3251	3632	3995	4342
26850	1854	2760	3255	3636	4000	4348
26900	1855	2763	3259	3640	4004	4353
26950	1857	2766	3263	3645	4009	4358
27000	1859	2769	3267	3649	4014	4363
27050	1861	2772	3270	3653	4018	4368
27100	1863	2775	3274	3657	4023	4373
27150	1865	2778	3278	3662	4028	4378
27200	1867	2781	3282	3666	4033	4383
27250	1868	2784	3286	3670	4037	4389
27300	1870	2787	3290	3675	4042	4394
27350	1872	2790	3293	3679	4047	4399
27400	1874	2793	3297	3683	4051	4404
27450	1876	2796	3301	3687	4056	4409
27500	1878	2799	3305	3692	4061	4414
27550	1880	2802	3309	3696	4066	4419
27600	1881	2805	3313	3700	4070	4424
27650	1883	2808	3316	3704	4075	4429
27700	1885	2811	3320	3709	4080	4435
27750	1887	2814	3324	3713	4084	4440
27800	1889	2817	3328	3717	4089	4445
27850	1891	2820	3332	3722	4094	4450
27900	1892	2823	3336	3726	4098	4455
27950	1894	2826	3339	3730	4103	4460
28000	1896	2829	3343	3734	4108	4465
28050	1898	2832	3347	3739	4113	4470
28100	1899	2833	3348	3740	4114	4472

28150	1900	2834	3349	3741	4115	4473
28200	1900	2835	3349	3741	4115	4473
28250	1901	2836	3350	3742	4116	4474
28300	1902	2836	3350	3742	4116	4474
28350	1902	2837	3351	3743	4117	4475
28400	1903	2838	3351	3743	4117	4476
28450	1904	2838	3351	3744	4118	4476
28500	1904	2839	3352	3744	4118	4477
28550	1905	2840	3352	3745	4119	4477
28600	1906	2840	3353	3745	4120	4478
28650	1906	2841	3353	3745	4120	4478
28700	1907	2842	3354	3746	4121	4479
28750	1908	2842	3354	3746	4121	4480
28800	1908	2843	3354	3747	4122	4480
28850	1909	2844	3355	3747	4122	4481
28900	1909	2844	3355	3748	4123	4481
28950	1910	2845	3356	3748	4123	4482
29000	1911	2846	3356	3749	4124	4483
29050	1911	2846	3357	3749	4124	4483
29100	1912	2847	3357	3750	4125	4484
29150	1913	2848	3358	3750	4125	4484
29200	1913	2848	3358	3751	4126	4485
29250	1914	2849	3358	3751	4126	4485
29300	1915	2850	3359	3752	4127	4486
29350	1915	2850	3359	3752	4128	4487
29400	1916	2851	3360	3753	4128	4487
29450	1917	2852	3360	3753	4129	4488
29500	1917	2852	3361	3754	4129	4488
29550	1918	2853	3361	3754	4130	4489
29600	1919	2854	3361	3755	4130	4490
29650	1919	2855	3362	3755	4131	4490
29700	1920	2855	3362	3756	4131	4491
29750	1921	2856	3363	3756	4132	4491
29800	1921	2857	3363	3757	4132	4492
29850	1922	2857	3364	3757	4133	4492
29900	1923	2858	3364	3758	4133	4493
29950	1923	2859	3365	3758	4134	4494
30000	1924	2859	3365	3759	4135	4494
30050	1925	2860	3365	3759	4135	4495
30100	1925	2861	3366	3760	4136	4495
30150	1926	2861	3366	3760	4136	4496
30200	1926	2862	3367	3761	4137	4497
30250	1927	2863	3367	3761	4137	4497
30300	1928	2863	3368	3762	4138	4498
30350	1928	2864	3368	3762	4138	4498
30400	1929	2865	3368	3763	4139	4499
30450	1930	2865	3369	3763	4139	4499

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ACTS OF ASSEMBLY

30500	1930	2866	3369	3764	4140	4500
30550	1931	2867	3370	3764	4140	4501
30600	1932	2867	3370	3765	4141	4501
30650	1932	2868	3371	3765	4141	4502
30700	1933	2869	3371	3765	4142	4502
30750	1934	2869	3371	3766	4143	4503
30800	1934	2870	3372	3766	4143	4504
30850	1935	2871	3372	3767	4144	4504
30900	1936	2871	3373	3767	4144	4505
30950	1936	2872	3373	3768	4145	4505
31000	1937	2873	3374	3768	4145	4506
31050	1938	2874	3374	3769	4146	4506
31100	1938	2874	3375	3769	4146	4507
31150	1939	2875	3375	3770	4147	4508
31200	1940	2876	3375	3770	4147	4508
31250	1940	2876	3376	3771	4148	4509
31300	1941	2877	3376	3771	4148	4509
31350	1942	2878	3377	3772	4149	4510
31400	1942	2878	3377	3772	4150	4511
31450	1943	2879	3378	3773	4150	4511
31500	1943	2880	3378	3773	4151	4512
31550	1944	2880	3378	3774	4151	4512
31600	1945	2881	3379	3774	4152	4513
31650	1945	2882	3379	3775	4152	4513
31700	1946	2882	3380	3775	4153	4514
31750	1947	2883	3380	3776	4153	4515
31800	1947	2884	3381	3776	4154	4515
31850	1948	2884	3381	3777	4154	4516
31900	1949	2885	3382	3777	4155	4516
31950	1949	2886	3382	3778	4155	4517
32000	1950	2886	3382	3778	4156	4518
32050	1951	2887	3383	3779	4156	4518
32100	1951	2888	3383	3779	4157	4519
32150	1952	2888	3384	3780	4158	4519
32200	1953	2889	3384	3780	4158	4520
32250	1953	2890	3385	3781	4159	4520
32300	1954	2890	3385	3781	4159	4521
32350	1955	2891	3385	3782	4160	4522
32400	1955	2892	3386	3782	4160	4522
32450	1956	2893	3386	3783	4161	4523
32500	1957	2893	3387	3783	4161	4523
32550	1957	2894	3387	3784	4162	4524
32600	1958	2895	3388	3784	4162	4525
32650	1959	2895	3388	3784	4163	4525
32700	1959	2896	3389	3785	4163	4526
32750	1960	2897	3389	3785	4164	4526
32800	1960	2897	3389	3786	4165	4527

32850	1961	2898	3390	3786	4165	4527
32900	1962	2899	3390	3787	4166	4528
32950	1962	2899	3391	3787	4166	4529
33000	1963	2900	3391	3788	4167	4529
33050	1964	2901	3392	3788	4167	4530
33100	1964	2901	3392	3789	4168	4530
33150	1965	2902	3392	3789	4168	4531
33200	1966	2903	3393	3790	4169	4532
33250	1966	2903	3393	3790	4169	4532
33300	1967	2904	3394	3791	4170	4533
33350	1968	2905	3394	3791	4170	4533
33400	1968	2905	3395	3792	4171	4534
33450	1969	2906	3395	3792	4172	4534
33500	1970	2907	3395	3793	4172	4535
33550	1970	2907	3396	3793	4173	4536
33600	1971	2908	3396	3794	4173	4536
33650	1972	2909	3397	3794	4174	4537
33700	1972	2909	3397	3795	4174	4537
33750	1973	2910	3398	3795	4175	4538
33800	1974	2911	3398	3796	4175	4539
33850	1974	2912	3399	3796	4176	4539
33900	1975	2912	3399	3797	4176	4540
33950	1976	2913	3399	3797	4177	4540
34000	1976	2914	3400	3798	4177	4541
34050	1977	2914	3400	3798	4178	4541
34100	1977	2915	3401	3799	4178	4542
34150	1978	2916	3401	3799	4179	4543
34200	1979	2916	3402	3800	4179	4543
34250	1979	2917	3402	3800	4180	4544
34300	1980	2917	3402	3800	4181	4544
34350	1981	2918	3403	3801	4181	4545
34400	1981	2919	3403	3801	4182	4545
34450	1982	2919	3404	3802	4182	4546
34500	1983	2920	3404	3802	4183	4546
34550	1983	2921	3405	3803	4183	4547
34600	1984	2921	3405	3803	4184	4548
34650	1984	2922	3405	3804	4184	4548
34700	1985	2923	3406	3804	4185	4549
34750	1986	2923	3406	3805	4185	4549
34800	1986	2924	3407	3805	4186	4550
34850	1987	2925	3407	3806	4186	4550
34900	1988	2925	3407	3806	4187	4551
34950	1988	2926	3408	3807	4187	4552
35000	1989	2927	3408	3807	4188	4552

For gross monthly incomes above \$35,000, add the amount of child support for \$35,000 to the following percentages of gross income above \$35,000.

<del>CHILDREN</del> ONE CHILD	TWO CHILDREN	THREE CHILDREN	FOUR CHILDREN	FIVE CHILDREN	SIX CHILDREN
2.6%	3.4%	3.8%	4.2%	4.6%	5.0%

C. For purposes of this section, "gross income" means all income from all sources, and shall include, but not be limited to, income from salaries, wages, commissions, royalties, bonuses, dividends, severance pay, pensions, interest, trust income, annuities, capital gains, social security benefits except as listed below, workers' compensation benefits, unemployment insurance benefits, disability insurance benefits, veterans' benefits, spousal support, rental income, gifts, prizes or awards.

If a parent's gross income includes disability insurance benefits, it shall also include any amounts paid to or for the child who is the subject of the order and derived by the child from the parent's entitlement to disability insurance benefits. To the extent that such derivative benefits are included in a parent's gross income, that parent shall be entitled to a credit against his or her ongoing basic child support obligation for any such amounts, and, if the amount of the credit exceeds the parent's basic child support obligations, the credit may be used to reduce arrearages.

Gross income shall be subject to deduction of reasonable business expenses for persons with income from self-employment, a partnership, or a closely held business. "Gross income" shall not include:

1. Benefits from public assistance and social services programs as defined in § 63.2-100;
2. Federal supplemental security income benefits;
3. Child support received; or
4. Income received by the payor from secondary employment income not previously included in "gross income,"

where the payor obtained the income to discharge a child support arrearage established by a court or administrative order and the payor is paying the arrearage pursuant to the order. "Secondary employment income" includes but is not limited to income from an additional job, from self-employment, or from overtime employment. The cessation of such secondary income upon the payment of the arrearage shall not be the basis for a material change in circumstances upon which a modification of child support may be based.

For purposes of this subsection: (i) spousal support received shall be included in gross income and spousal support paid shall be deducted from gross income when paid pursuant to an order or written agreement and (ii) one-half of any self-employment tax paid shall be deducted from gross income.

Where there is an existing court or administrative order or written agreement relating to the child or children of a party to the proceeding, who are not the child or children who are the subject of the present proceeding, then there is a presumption that there shall be deducted from the gross income of the party subject to such order or written agreement, the amount that the party is actually paying for the support of a child or children pursuant to such order or agreement.

Where a party to the proceeding has a natural or adopted child or children in the party's household or primary physical custody, and the child or children are not the subject of the present proceeding, there is a presumption that there shall be deducted from the gross income of that party the amount as shown on the Schedule of Monthly Basic Child Support Obligations contained in subsection B that represents that party's support obligation based solely on that party's income as being the total income available for the natural or adopted child or children in the party's household or primary physical custody, who are not the subject of the present proceeding. Provided, however, that the existence of a party's financial responsibility for such a child or children shall not of itself constitute a material change in circumstances for modifying a previous order of child support in any modification proceeding. Any adjustment to gross income under this subsection shall not create or reduce a support obligation to an amount which seriously impairs the custodial parent's ability to maintain minimal adequate housing and provide other basic necessities for the child, as determined by the court.

In cases in which retroactive liability for support is being determined, the court or administrative agency may use the gross monthly income of the parties averaged over the period of retroactivity.

D. Except for good cause shown or the agreement of the parties, in addition to any other child support obligations established pursuant to this section, any child support order shall provide that the parents pay in proportion to their gross incomes, as used for calculating the monthly support obligation, any reasonable and necessary unreimbursed medical or dental expenses. The method of payment of those expenses shall be contained in the support order. Each parent shall pay his respective share of expenses as those expenses are incurred. Any amount paid under this subsection shall not be adjusted by, nor added to, the child support calculated in accordance with subsection G. For the purposes of this section, medical or dental expenses shall include but not be limited to eyeglasses, prescription medication, prosthetics, orthodontics, and mental health or developmental disabilities services, including but not limited to services provided by a social worker, psychologist, psychiatrist, counselor, or therapist.

E. The costs for health care coverage as defined in § 63.2-1900, vision care coverage, and dental care coverage for the child or children who are the subject of the child support order that are being paid by a parent or that parent's spouse shall be added to the basic child support obligation. To determine the cost to be added to the basic child support obligation, the cost per person shall be applied to the child or children who are subject of the child support order. If the per child cost is provided by the insurer, that is the cost per person. Otherwise, to determine the cost per person, the cost of individual coverage for the

policy holder shall be subtracted from the total cost of the coverage, and the remaining amount shall be divided by the number of remaining covered persons.

F. Any child-care costs incurred on behalf of the child or children due to employment of the custodial parent shall be added to the basic child support obligation. Child-care costs shall not exceed the amount required to provide quality care from a licensed source. When requested by the noncustodial parent, the court may require the custodial parent to present documentation to verify the costs incurred for child care under this subsection. Where appropriate, the court shall consider the willingness and availability of the noncustodial parent to provide child care personally in determining whether child-care costs are necessary or excessive. Upon the request of either party, and upon a showing of the tax savings a party derives from child-care cost deductions or credits, the court shall factor actual tax consequences into its calculation of the child-care costs to be added to the basic child support obligation.

G. 1. Sole custody support. The sole custody total monthly child support obligation shall be established by adding (i) the monthly basic child support obligation, as determined from the schedule contained in subsection B, (ii) costs for health care coverage to the extent allowable by subsection E, and (iii) work-related child-care costs and taking into consideration all the factors set forth in subsection B of § 20-108.1. The total monthly child support obligation shall be divided between the parents in the same proportion as their monthly gross incomes bear to their monthly combined gross income. The monthly obligation of each parent shall be computed by multiplying each parent's percentage of the parents' monthly combined gross income by the total monthly child support obligation.

However, the monthly obligation of the noncustodial parent shall be reduced by the cost for health care coverage to the extent allowable by subsection E when paid directly by the noncustodial parent or that parent's spouse. Unreimbursed medical and dental expenses shall be calculated and allocated in accordance with subsection D.

2. Split custody support. In cases involving split custody, the amount of child support to be paid shall be the difference between the amounts owed by each parent as a noncustodial parent, computed in accordance with subdivision 1, with the noncustodial parent owing the larger amount paying the difference to the other parent. Unreimbursed medical and dental expenses shall be calculated and allocated in accordance with subsection D.

For the purpose of this section and § 20-108.1, split custody shall be limited to those situations where each parent has physical custody of a child or children born of the parents, born of either parent and adopted by the other parent or adopted by both parents. For the purposes of calculating a child support obligation where split custody exists, a separate family unit exists for each parent, and child support for that family unit shall be calculated upon the number of children in that family unit who are born of the parents, born of either parent and adopted by the other parent or adopted by both parents. Where split custody exists, a parent is a custodial parent to the children in that parent's family unit and is a noncustodial parent to the children in the other parent's family unit.

### 3. Shared custody support.

(a) Where a party has custody or visitation of a child or children for more than 90 days of the year, as such days are defined in subdivision G 3 (c), a shared custody child support amount based on the ratio in which the parents share the custody and visitation of any child or children shall be calculated in accordance with this subdivision. The presumptive support to be paid shall be the shared custody support amount, unless a party affirmatively shows that the sole custody support amount calculated as provided in subdivision G 1 is less than the shared custody support amount. If so, the lesser amount shall be the support to be paid. For the purposes of this subsection, the following shall apply:

(i) Income share. "Income share" means a parent's percentage of the combined monthly gross income of both parents. The income share of a parent is that parent's gross income divided by the combined gross incomes of the parties.

(ii) Custody share. "Custody share" means the number of days that a parent has physical custody, whether by sole custody, joint legal or joint residential custody, or visitation, of a shared child per year divided by the number of days in the year. The actual or anticipated "custody share" of the parent who has or will have fewer days of physical custody shall be calculated for a one-year period. The "custody share" of the other parent shall be presumed to be the number of days in the year less the number of days calculated as the first parent's "custody share." For purposes of this calculation, the year may begin on such date as is determined in the discretion of the court, and the day may begin at such time as is determined in the discretion of the court. For purposes of this calculation, a day shall be as defined in subdivision G 3 (c).

(iii) Shared support need. "Shared support need" means the presumptive guideline amount of needed support for the shared child or children calculated pursuant to subsection B of this section, for the combined gross income of the parties and the number of shared children, multiplied by 1.4.

(iv) Sole custody support. "Sole custody support" means the support amount determined in accordance with subdivision G 1.

(b) Support to be paid. The shared support need of the shared child or children shall be calculated pursuant to subdivision G 3 (a) (iii). This amount shall then be multiplied by the other parent's custody share. To that sum for each parent shall be added the other parent's or that parent's spouse's cost of health care coverage to the extent allowable by subsection E, plus the other parent's work-related child-care costs to the extent allowable by subsection F. This total for each parent shall be multiplied by that parent's income share. The support amounts thereby calculated that each parent owes the other shall be subtracted one from the other and the difference shall be the shared custody support one parent owes to the other, with the payor parent being the one whose shared support is the larger. Unreimbursed medical and dental expenses shall be calculated and allocated in accordance with subsection D.

(c) Definition of a day. For the purposes of this section, "day" means a period of 24 hours; however, where the parent who has the fewer number of overnight periods during the year has an overnight period with a child, but has physical custody of the shared child for less than 24 hours during such overnight period, there is a presumption that each parent shall be allocated one-half of a day of custody for that period.

(d) Minimum standards. Any calculation under this subdivision shall not create or reduce a support obligation to an amount which seriously impairs the custodial parent's ability to maintain minimal adequate housing and provide other basic necessities for the child. If the gross income of either party is equal to or less than 150 percent of the federal poverty level promulgated by the U.S. Department of Health and Human Services from time to time, then the shared custody support calculated pursuant to this subsection shall not be the presumptively correct support and the court may consider whether the sole custody support or the shared custody support is more just and appropriate.

(e) Support modification. When there has been an award of child support based on the shared custody formula and one parent consistently fails to exercise custody or visitation in accordance with the parent's custody share upon which the award was based, there shall be a rebuttable presumption that the support award should be modified.

(f) In the event that the shared custody support calculation indicates that the net support is to be paid to the parent who would not be the parent receiving support pursuant to the sole custody calculation, then the shared support shall be deemed to be the lesser support.

*4. Multiple shared custody support. In cases with different shared custody arrangements for two or more minor children of the parties, the procedures in subdivision G 3 shall apply, except that one shared guideline shall be used to determine the total amount of child support owed by one parent to the other by:*

*(a) Calculating each parent's custody share by adding the total number of days, as defined in subdivision G 3 (c), that each parent has with each child and dividing such total number of days by the number of children of the parties to determine the average number of shared custody days; and*

*(b) Using each parent's custody share as determined in subdivision G 4 (a) for each parent to calculate the child support owed, in accordance with the provisions of subdivision G 3.*

*5. Sole and shared custody support. In cases where one parent has sole custody of one or more minor children of the parties, and the parties share custody of one or more other minor children of the parties, the procedures in subdivisions G 1 and 3 shall apply, except that one sole custody support guideline calculation and one shared custody support guideline calculation shall be used to determine the total amount of child support owed by one parent to the other by:*

*(a) Calculating the sole custody support obligation by:*

*(i) Calculating the per child monthly basic child support obligation by determining, for the number of children of the parties, the scheduled monthly basic child support obligation and dividing that amount by the number of children of the parties;*

*(ii) Calculating the sole custody pro rata monthly basic child support obligation by multiplying the per child monthly basic child support obligation determined in subdivision G 5 (a) (i) by the number of children subject to the sole custody support obligation; and*

*(iii) Applying the sole custody pro rata monthly basic child support obligation determined in subdivision G 5 (a) (ii) to the procedures in subdivision G 1.*

*(b) Calculating the shared custody child support obligation by:*

*(i) Calculating the per child monthly basic child support obligation by determining, for the number of children of the parties, the scheduled monthly basic child support obligation and dividing that amount by the number of children of the parties;*

*(ii) Calculating the shared custody pro rata monthly basic child support obligation by multiplying the per child monthly basic child support obligation determined in subdivision G 5 (b) (i) by the number of children subject to the shared custody support obligation; and*

*(iii) Applying the shared custody pro rata monthly basic child support obligation determined in subdivision G 5 (b) (ii) to the procedures in subdivision G 3.*

*(c) Determining the total amount of child support owed by one parent to the other. Where one parent owes both the sole custody support obligation and the shared custody support obligation to the other parent, the total of both such obligations calculated pursuant to subdivisions G 5 (a) and G 5 (b) shall be added to determine the total amount of child support owed by one parent to the other. Where one parent owes one such obligation to the other parent, and such other parent owes the other such obligation to the other such parent, the parent owing the greater obligation amount to the other parent shall pay the difference between the obligations to such other parent.*

*6. Split and shared custody support. In cases where the parents have split custody of two or more children, and there is a shared custody arrangement with one or more other minor children of the parties, the procedures set forth in subdivisions G 2 and G 3 shall apply, except that one split custody child support guideline calculation and one shared custody child support guideline calculation shall be used to calculate the total amount of child support owed by one parent to the other by:*

*(a) Calculating the split custody child support obligation by:*

*(i) Calculating the per child monthly basic child custody support obligation by determining, for the number of children of the parties, the scheduled monthly basic child support obligation and dividing that amount by the number of children of the parties;*

(ii) Calculating the split custody pro rata monthly basic child support obligation by multiplying the per child monthly basic child support obligation determined in subdivision G 6 (a) (i) by the number of children subject to the split custody support obligation; and

(iii) Applying the split custody pro rata monthly basic child support obligation determined in subdivision G 6 (a) (ii) for each parent to the procedures in subdivision G 2.

(b) Calculating the shared custody child support obligation by:

(i) Calculating the per child monthly basic child custody support obligation by determining, for the number of children of the parties, the scheduled monthly basic child support obligation and dividing that amount by the number of children of the parties;

(ii) Calculating the shared custody pro rata monthly basic child custody support obligation by multiplying the per child monthly basic child support obligation determined in subdivision G 6 (b) (i) by the number of children subject to the shared custody support obligation; and

(iii) Applying the shared custody pro rata monthly basic child support obligation determined in subdivision G 6 (b) (ii) to the procedures in subdivision G 3.

(c) Determining the total amount of child support owed by one parent to the other. Where one parent owes both the split custody support obligation and the shared custody support obligation to the other parent, the total of both such obligations calculated pursuant to subdivisions G 6 (a) and G 6 (b) shall be added to determine the total amount of child support owed by one parent to the other. Where one parent owes one such obligation to the other parent, and such other parent owes the other such obligation to the other such parent, the parent owing the greater obligation amount to the other parent shall pay the difference between the obligations to such other parent.

H. The Secretary of Health and Human Resources shall ensure that the guideline set out in this section is reviewed by October 31, 2001, and every four years thereafter, by the Child Support Guidelines Review Panel, consisting of 15 members comprised of four legislative members and 11 nonlegislative citizen members. Members shall be appointed as follows: three members of the House Committee for Courts of Justice, upon the recommendation of the chairman of such committee, to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates; one member of the Senate Committee for Courts of Justice, upon the recommendation of the chairman of such committee, to be appointed by the Senate Committee on Rules; and one representative of a juvenile and domestic relations district court, one representative of a circuit court, one representative of the Department of Social Services' Division of Child Support Enforcement, three members of the Virginia State Bar, two custodial parents, two noncustodial parents, and one child advocate, upon the recommendation of the Secretary of Health and Human Resources, to be appointed by the Governor. The Panel shall determine the adequacy of the guideline for the determination of appropriate awards for the support of children by considering current research and data on the cost of and expenditures necessary for rearing children, and any other resources it deems relevant to such review. The Panel shall report its findings to the General Assembly as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports before the General Assembly next convenes following such review.

Legislative members shall serve terms coincident with their terms of office. Nonlegislative citizen members shall serve at the pleasure of the Governor. All members may be reappointed. Appointments to fill vacancies, other than by expiration of a term, shall be made for the unexpired terms. Vacancies shall be filled in the same manner as the original appointments.

Legislative members shall receive such compensation as provided in § 30-19.12, and nonlegislative citizen members shall receive such compensation for the performance of their duties as provided in § 2.2-2813. All members shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. Funding for the costs of compensation and expenses of the members shall be provided by the Department of Social Services.

The Department of Social Services shall provide staff support to the Panel. All agencies of the Commonwealth shall provide assistance to the Panel, upon request.

The chairman of the Panel shall submit to the Governor and the General Assembly a quadrennial executive summary of the interim activity and work of the Panel no later than the first day of 2006 regular session of the General Assembly and every four years thereafter. The executive summary shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

## CHAPTER 22

*An Act to amend and reenact § 20-108.2 of the Code of Virginia, relating to guidelines for the determination of a child support obligation; child support orders.*

[H 1360]

Approved February 26, 2018

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

**1. That § 20-108.2 of the Code of Virginia is amended and reenacted as follows:**

**§ 20-108.2. Guideline for determination of child support; quadrennial review by Child Support Guidelines Review Panel; executive summary.**

A. There shall be a rebuttable presumption in any judicial or administrative proceeding for child support under this title or Title 16.1 or 63.2, including cases involving split custody or shared custody, that the amount of the award which would result from the application of the guidelines set forth in this section is the correct amount of child support to be awarded. In order to rebut the presumption, the court shall make written findings in the order as set out in § 20-108.1, which findings may be incorporated by reference, that the application of the guidelines would be unjust or inappropriate in a particular case as determined by relevant evidence pertaining to the factors set out in § 20-108.1. The Department of Social Services shall set child support at the amount resulting from computations using the guidelines set out in this section pursuant to the authority granted to it in Chapter 19 (§ 63.2-1900 et seq.) of Title 63.2 and subject to the provisions of § 63.2-1918.

B. For purposes of application of the guideline, a basic child support obligation shall be computed using the schedule set out below. For combined monthly gross income amounts falling between amounts shown in the schedule, basic child support obligation amounts shall be extrapolated. However, unless one of the following exemptions applies where the sole custody child support obligation as computed pursuant to subdivision G 1 is less than the statutory minimum per month, there shall be a presumptive minimum child support obligation of the statutory minimum per month payable by the payor parent. If the gross income of the obligor is equal to or less than 150 percent of the federal poverty level promulgated by the U.S. Department of Health and Human Services from time to time, then the court, upon hearing evidence that there is no ability to pay the presumptive statutory minimum, may set an obligation below the presumptive statutory minimum provided doing so does not create or reduce a support obligation to an amount which seriously impairs the custodial parent's ability to maintain minimal adequate housing and provide other basic necessities for the child. Exemptions from this presumptive minimum monthly child support obligation shall include: parents unable to pay child support because they lack sufficient assets from which to pay child support and who, in addition, are institutionalized in a psychiatric facility; are imprisoned for life with no chance of parole; are medically verified to be totally and permanently disabled with no evidence of potential for paying child support, including recipients of Supplemental Security Income (SSI); or are otherwise involuntarily unable to produce income. "Number of children" means the number of children for whom the parents share joint legal responsibility and for whom support is being sought. *The guidelines worksheet relied upon by the court or the Department of Social Services to compute a child support obligation for a support order issued by such court or the Department shall be placed in the court's file or the Department's file, and a copy of such guidelines worksheet shall be provided to the parties.*

SCHEDULE OF MONTHLY BASIC CHILD SUPPORT OBLIGATIONS

COMBINED MONTHLY GROSS INCOME	ONE CHILD	TWO CHILDREN	THREE CHILDREN	FOUR CHILDREN	FIVE CHILDREN	SIX CHILDREN
0 - 350	68	104	126	141	155	169
400	78	119	144	161	177	192
450	88	133	162	181	199	216
500	97	148	179	200	220	239
550	107	162	197	220	242	263
600	116	177	215	240	264	287
650	126	191	232	259	285	310
700	135	206	250	279	307	333
750	145	220	267	298	328	357
800	154	234	284	317	349	379
850	163	248	300	336	369	401
900	171	260	316	353	388	422
950	179	273	331	369	406	442
1000	187	285	346	386	425	462
1050	196	298	361	403	443	482
1100	204	310	375	419	461	501
1150	212	323	390	436	480	521
1200	220	335	405	453	498	541
1250	228	347	420	469	516	561

1300	237	360	435	486	535	581
1350	245	372	450	503	553	601
1400	253	385	465	519	571	621
1450	261	397	480	536	589	641
1500	269	410	495	552	608	661
1550	278	422	509	569	626	680
1600	286	434	524	585	644	700
1650	293	446	538	601	661	718
1700	301	457	552	616	678	737
1750	309	469	566	632	695	756
1800	316	481	579	647	712	774
1850	324	492	593	663	729	792
1900	331	504	607	678	746	811
1950	339	515	621	693	763	829
2000	347	527	635	709	780	848
2050	354	538	648	724	797	866
2100	362	550	662	740	814	884
2150	369	561	676	755	830	903
2200	377	573	690	770	847	921
2250	385	584	703	786	864	940
2300	392	596	717	801	881	958
2350	400	607	731	817	898	976
2400	407	619	745	832	915	995
2450	415	630	759	847	932	1013
2500	423	642	772	863	949	1032
2550	430	653	786	878	966	1050
2600	438	665	800	894	983	1068
2650	445	676	814	909	1000	1087
2700	453	688	828	924	1017	1105
2750	460	699	841	940	1034	1124
2800	468	711	855	955	1051	1142
2850	476	722	869	971	1068	1160
2900	483	734	883	986	1084	1179
2950	491	745	896	1001	1101	1197
3000	498	757	910	1017	1118	1216
3050	506	768	924	1032	1135	1234
3100	514	780	938	1047	1152	1252
3150	521	791	952	1063	1169	1271
3200	529	803	965	1078	1186	1289
3250	536	814	979	1094	1203	1308
3300	544	826	993	1109	1220	1326
3350	551	837	1006	1123	1236	1343
3400	559	848	1019	1138	1252	1361
3450	566	859	1032	1152	1268	1378
3500	574	870	1045	1167	1283	1395
3550	581	881	1057	1181	1299	1412
3600	588	892	1070	1196	1315	1430

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**ACTS OF ASSEMBLY**

3650	596	903	1083	1210	1331	1447
3700	603	914	1096	1224	1347	1464
3750	611	925	1109	1239	1363	1481
3800	618	936	1122	1253	1379	1499
3850	626	947	1135	1268	1395	1516
3900	632	956	1146	1280	1408	1531
3950	638	966	1157	1293	1422	1546
4000	645	975	1168	1305	1436	1561
4050	651	985	1180	1318	1449	1575
4100	658	994	1191	1330	1463	1590
4150	664	1004	1202	1342	1477	1605
4200	670	1013	1213	1355	1490	1620
4250	677	1023	1224	1367	1504	1635
4300	682	1030	1233	1377	1515	1647
4350	687	1038	1242	1387	1526	1658
4400	693	1046	1251	1397	1537	1670
4450	698	1054	1260	1407	1548	1682
4500	704	1062	1268	1417	1559	1694
4550	709	1069	1277	1427	1569	1706
4600	714	1077	1286	1437	1580	1718
4650	720	1085	1295	1447	1591	1730
4700	725	1093	1304	1457	1602	1742
4750	731	1100	1313	1466	1613	1753
4800	736	1108	1322	1476	1624	1765
4850	741	1116	1331	1486	1635	1777
4900	747	1124	1339	1496	1646	1789
4950	752	1131	1348	1506	1656	1800
5000	755	1136	1353	1511	1662	1807
5050	759	1141	1358	1516	1668	1813
5100	762	1145	1362	1522	1674	1820
5150	766	1150	1367	1527	1680	1826
5200	769	1155	1372	1533	1686	1833
5250	773	1159	1377	1538	1692	1839
5300	776	1164	1382	1544	1698	1846
5350	780	1169	1387	1549	1704	1852
5400	783	1173	1392	1554	1710	1859
5450	787	1178	1397	1560	1716	1865
5500	790	1183	1401	1565	1722	1872
5550	794	1187	1406	1571	1728	1878
5600	797	1192	1411	1576	1734	1885
5650	800	1196	1416	1582	1740	1891
5700	803	1201	1421	1587	1746	1897
5750	806	1205	1425	1592	1751	1904
5800	809	1209	1430	1598	1757	1910
5850	812	1213	1435	1603	1763	1917
5900	815	1217	1440	1608	1769	1923
5950	818	1221	1444	1613	1775	1929

6000	821	1226	1449	1619	1781	1936
6050	823	1230	1454	1624	1787	1942
6100	826	1234	1459	1629	1792	1948
6150	829	1238	1464	1635	1798	1955
6200	832	1242	1468	1640	1804	1961
6250	835	1246	1473	1645	1810	1967
6300	838	1251	1478	1651	1816	1974
6350	841	1255	1483	1656	1822	1980
6400	844	1259	1487	1661	1827	1986
6450	847	1263	1492	1667	1833	1993
6500	849	1267	1497	1672	1839	1999
6550	852	1271	1502	1677	1845	2005
6600	855	1276	1506	1683	1851	2012
6650	858	1280	1511	1688	1857	2018
6700	861	1285	1517	1694	1864	2026
6750	865	1291	1524	1703	1873	2036
6800	869	1297	1532	1711	1882	2046
6850	873	1303	1539	1719	1891	2056
6900	877	1309	1547	1728	1900	2066
6950	881	1315	1554	1736	1909	2076
7000	885	1321	1561	1744	1919	2085
7050	889	1328	1569	1752	1928	2095
7100	893	1334	1576	1761	1937	2105
7150	897	1340	1584	1769	1946	2115
7200	901	1346	1591	1777	1955	2125
7250	905	1352	1599	1786	1964	2135
7300	909	1358	1606	1794	1973	2145
7350	913	1364	1613	1802	1982	2155
7400	917	1370	1621	1810	1991	2165
7450	921	1376	1628	1819	2001	2175
7500	925	1382	1636	1827	2010	2185
7550	929	1389	1643	1835	2019	2194
7600	933	1395	1650	1844	2028	2204
7650	937	1401	1658	1852	2037	2214
7700	941	1407	1665	1860	2046	2224
7750	944	1411	1670	1865	2051	2230
7800	946	1413	1672	1867	2054	2233
7850	948	1416	1674	1870	2057	2236
7900	950	1419	1676	1873	2060	2239
7950	953	1421	1679	1875	2063	2242
8000	955	1424	1681	1878	2065	2245
8050	957	1426	1683	1880	2068	2248
8100	959	1429	1685	1883	2071	2251
8150	961	1432	1688	1885	2074	2254
8200	963	1434	1690	1888	2076	2257
8250	965	1436	1692	1890	2079	2260
8300	967	1439	1694	1892	2082	2263

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**ACTS OF ASSEMBLY**

8350	969	1441	1696	1895	2084	2266
8400	971	1444	1699	1897	2087	2269
8450	973	1446	1701	1899	2089	2271
8500	974	1447	1702	1901	2091	2273
8550	975	1449	1704	1903	2093	2276
8600	976	1450	1705	1905	2096	2278
8650	977	1452	1707	1907	2098	2280
8700	978	1453	1709	1909	2100	2282
8750	979	1455	1710	1911	2102	2284
8800	980	1456	1712	1912	2104	2287
8850	981	1457	1714	1914	2106	2289
8900	982	1459	1715	1916	2108	2291
8950	983	1460	1717	1918	2110	2293
9000	984	1462	1719	1920	2112	2295
9050	985	1463	1720	1922	2114	2298
9100	986	1465	1722	1923	2116	2300
9150	987	1466	1724	1925	2118	2302
9200	991	1471	1730	1932	2125	2310
9250	994	1477	1737	1940	2134	2319
9300	998	1483	1743	1947	2142	2328
9350	1002	1488	1750	1955	2150	2337
9400	1005	1494	1757	1962	2159	2346
9450	1009	1499	1764	1970	2167	2355
9500	1013	1505	1771	1978	2176	2365
9550	1017	1511	1778	1986	2185	2375
9600	1021	1518	1786	1995	2194	2385
9650	1025	1524	1793	2003	2203	2395
9700	1029	1530	1801	2011	2212	2405
9750	1033	1536	1808	2020	2222	2415
9800	1037	1543	1816	2028	2231	2425
9850	1041	1549	1823	2036	2240	2435
9900	1046	1555	1831	2045	2249	2445
9950	1050	1561	1838	2053	2258	2455
10000	1054	1567	1845	2061	2268	2465
10050	1058	1574	1853	2070	2277	2475
10100	1062	1580	1860	2078	2286	2485
10150	1066	1586	1868	2086	2295	2495
10200	1070	1592	1875	2095	2304	2505
10250	1074	1599	1883	2103	2314	2515
10300	1079	1605	1891	2112	2323	2525
10350	1083	1611	1898	2121	2333	2536
10400	1087	1618	1906	2129	2342	2546
10450	1091	1624	1914	2138	2351	2556
10500	1095	1631	1921	2146	2361	2566
10550	1100	1637	1929	2155	2370	2576
10600	1104	1643	1937	2163	2380	2587
10650	1108	1650	1944	2172	2389	2597

10700	1112	1656	1952	2180	2398	2607
10750	1117	1662	1960	2189	2408	2617
10800	1121	1669	1967	2197	2417	2627
10850	1125	1675	1975	2206	2427	2638
10900	1129	1682	1983	2214	2436	2648
10950	1134	1688	1990	2223	2445	2658
11000	1138	1694	1998	2232	2455	2668
11050	1142	1701	2005	2240	2464	2678
11100	1146	1707	2013	2249	2474	2689
11150	1150	1714	2021	2257	2483	2699
11200	1154	1718	2026	2263	2489	2706
11250	1157	1722	2030	2267	2494	2711
11300	1159	1726	2034	2272	2499	2717
11350	1162	1730	2038	2276	2504	2722
11400	1165	1733	2042	2281	2509	2727
11450	1168	1737	2046	2285	2514	2733
11500	1171	1741	2050	2290	2519	2738
11550	1173	1745	2054	2294	2524	2743
11600	1176	1749	2058	2299	2529	2749
11650	1179	1752	2062	2303	2534	2754
11700	1182	1756	2066	2308	2538	2759
11750	1185	1760	2070	2312	2543	2765
11800	1187	1764	2074	2317	2548	2770
11850	1190	1768	2078	2321	2553	2775
11900	1193	1771	2082	2326	2558	2781
11950	1196	1775	2086	2330	2563	2786
12000	1199	1779	2090	2335	2568	2791
12050	1201	1783	2094	2339	2573	2797
12100	1204	1787	2098	2344	2578	2802
12150	1207	1790	2102	2348	2583	2808
12200	1210	1795	2107	2354	2589	2815
12250	1213	1800	2113	2360	2596	2822
12300	1216	1804	2118	2366	2603	2829
12350	1220	1809	2124	2372	2610	2837
12400	1223	1814	2129	2378	2616	2844
12450	1226	1818	2135	2384	2623	2851
12500	1229	1823	2140	2391	2630	2858
12550	1232	1828	2146	2397	2636	2866
12600	1235	1832	2151	2403	2643	2873
12650	1239	1837	2157	2409	2650	2880
12700	1242	1842	2162	2415	2657	2888
12750	1245	1846	2168	2421	2663	2895
12800	1248	1851	2173	2427	2670	2902
12850	1251	1856	2178	2433	2677	2910
12900	1254	1860	2184	2439	2683	2917
12950	1257	1865	2189	2446	2690	2924
13000	1261	1870	2195	2452	2697	2931

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13050	1264	1874	2200	2458	2704	2939
13100	1267	1879	2206	2464	2710	2946
13150	1270	1884	2211	2470	2717	2953
13200	1273	1888	2217	2476	2724	2961
13250	1276	1893	2222	2482	2730	2968
13300	1279	1898	2228	2488	2737	2975
13350	1283	1902	2233	2494	2744	2983
13400	1286	1907	2239	2501	2751	2990
13450	1289	1912	2244	2507	2757	2997
13500	1292	1916	2250	2513	2764	3005
13550	1295	1921	2256	2520	2772	3013
13600	1297	1925	2262	2526	2779	3021
13650	1300	1930	2268	2533	2786	3029
13700	1303	1935	2274	2540	2794	3037
13750	1306	1939	2280	2546	2801	3045
13800	1308	1944	2286	2553	2808	3053
13850	1311	1948	2292	2560	2816	3061
13900	1314	1953	2298	2566	2823	3069
13950	1317	1957	2304	2573	2830	3077
14000	1320	1962	2310	2580	2838	3085
14050	1322	1967	2316	2586	2845	3093
14100	1325	1971	2322	2593	2852	3101
14150	1328	1976	2328	2600	2860	3109
14200	1331	1980	2333	2607	2867	3117
14250	1334	1985	2339	2613	2875	3125
14300	1336	1990	2345	2620	2882	3133
14350	1339	1994	2351	2627	2889	3141
14400	1342	1999	2357	2633	2897	3149
14450	1345	2003	2363	2640	2904	3157
14500	1347	2008	2369	2647	2911	3164
14550	1350	2013	2375	2653	2919	3172
14600	1353	2017	2381	2660	2926	3180
14650	1356	2022	2387	2667	2933	3188
14700	1359	2026	2393	2673	2941	3196
14750	1361	2031	2399	2680	2948	3204
14800	1364	2036	2405	2686	2955	3212
14850	1368	2040	2410	2692	2961	3219
14900	1371	2045	2415	2698	2967	3226
14950	1375	2050	2420	2703	2974	3232
15000	1378	2055	2425	2709	2980	3239
15050	1382	2059	2430	2714	2986	3246
15100	1385	2064	2435	2720	2992	3252
15150	1389	2069	2440	2726	2998	3259
15200	1392	2074	2445	2731	3004	3266
15250	1396	2078	2450	2737	3010	3272
15300	1400	2083	2455	2742	3017	3279
15350	1403	2088	2460	2748	3023	3286

15400	1407	2093	2465	2754	3029	3292
15450	1410	2098	2470	2759	3035	3299
15500	1414	2102	2475	2765	3041	3306
15550	1417	2107	2480	2770	3047	3312
15600	1421	2112	2485	2776	3053	3319
15650	1424	2117	2490	2781	3060	3326
15700	1428	2121	2495	2787	3066	3333
15750	1431	2126	2500	2793	3072	3339
15800	1435	2131	2505	2798	3078	3346
15850	1438	2136	2510	2804	3084	3353
15900	1442	2140	2515	2809	3090	3359
15950	1445	2145	2520	2815	3097	3366
16000	1449	2150	2525	2821	3103	3373
16050	1453	2155	2530	2826	3109	3379
16100	1456	2159	2535	2832	3115	3386
16150	1458	2162	2538	2835	3119	3390
16200	1459	2164	2541	2838	3122	3394
16250	1461	2167	2544	2841	3125	3397
16300	1462	2169	2546	2844	3128	3401
16350	1464	2171	2549	2847	3132	3404
16400	1465	2173	2551	2850	3135	3408
16450	1466	2175	2554	2853	3138	3411
16500	1468	2177	2557	2856	3141	3415
16550	1469	2179	2559	2859	3144	3418
16600	1471	2182	2562	2862	3148	3422
16650	1472	2184	2564	2864	3151	3425
16700	1473	2186	2567	2867	3154	3428
16750	1475	2188	2570	2870	3157	3432
16800	1476	2190	2572	2873	3160	3435
16850	1477	2192	2575	2876	3164	3439
16900	1479	2194	2577	2879	3167	3442
16950	1480	2196	2580	2882	3170	3446
17000	1481	2198	2582	2885	3173	3449
17050	1483	2200	2585	2887	3176	3452
17100	1484	2203	2588	2890	3179	3456
17150	1486	2205	2590	2893	3182	3459
17200	1487	2207	2593	2896	3186	3463
17250	1488	2209	2595	2899	3189	3466
17300	1490	2211	2598	2902	3192	3470
17350	1491	2213	2600	2905	3195	3473
17400	1492	2215	2603	2907	3198	3476
17450	1494	2217	2605	2910	3201	3480
17500	1495	2219	2608	2913	3204	3483
17550	1497	2222	2611	2916	3208	3487
17600	1498	2224	2613	2919	3211	3490
17650	1499	2226	2616	2922	3214	3494
17700	1501	2228	2618	2925	3217	3497

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17750	1502	2230	2621	2928	3220	3500
17800	1503	2232	2623	2930	3223	3504
17850	1505	2234	2626	2933	3227	3507
17900	1506	2236	2629	2936	3230	3511
17950	1507	2238	2631	2939	3233	3514
18000	1509	2240	2634	2942	3236	3518
18050	1510	2243	2636	2945	3239	3521
18100	1512	2245	2639	2948	3242	3524
18150	1513	2247	2641	2950	3245	3528
18200	1514	2249	2644	2953	3249	3531
18250	1516	2251	2647	2956	3252	3535
18300	1517	2253	2649	2959	3255	3538
18350	1520	2256	2652	2963	3259	3542
18400	1522	2259	2655	2966	3263	3547
18450	1524	2262	2658	2970	3266	3551
18500	1526	2265	2662	2973	3270	3555
18550	1528	2268	2665	2976	3274	3559
18600	1530	2271	2668	2980	3278	3563
18650	1532	2274	2671	2983	3282	3567
18700	1535	2277	2674	2987	3285	3571
18750	1537	2280	2677	2990	3289	3575
18800	1539	2283	2680	2994	3293	3579
18850	1541	2285	2683	2997	3297	3584
18900	1543	2288	2686	3000	3301	3588
18950	1545	2291	2689	3004	3304	3592
19000	1547	2294	2692	3007	3308	3596
19050	1550	2297	2695	3011	3312	3600
19100	1552	2300	2698	3014	3316	3604
19150	1554	2303	2702	3018	3319	3608
19200	1556	2306	2705	3021	3323	3612
19250	1558	2309	2708	3025	3327	3616
19300	1560	2312	2711	3028	3331	3621
19350	1563	2315	2714	3031	3335	3625
19400	1565	2318	2717	3035	3338	3629
19450	1567	2320	2720	3038	3342	3633
19500	1569	2323	2723	3042	3346	3637
19550	1571	2326	2726	3045	3350	3641
19600	1573	2329	2729	3049	3353	3645
19650	1575	2332	2732	3052	3357	3649
19700	1578	2335	2735	3055	3361	3653
19750	1580	2338	2738	3059	3365	3658
19800	1582	2341	2742	3062	3369	3662
19850	1584	2344	2745	3066	3372	3666
19900	1586	2347	2748	3069	3376	3670
19950	1588	2350	2751	3073	3380	3674
20000	1591	2353	2754	3076	3384	3678
20050	1593	2355	2757	3080	3387	3682

20100	1595	2358	2760	3083	3391	3686
20150	1597	2361	2763	3086	3395	3690
20200	1599	2364	2766	3090	3399	3695
20250	1601	2367	2769	3093	3403	3699
20300	1603	2370	2772	3097	3406	3703
20350	1606	2373	2775	3100	3410	3707
20400	1608	2376	2778	3104	3414	3711
20450	1610	2379	2782	3107	3418	3715
20500	1612	2382	2785	3110	3421	3719
20550	1614	2385	2788	3114	3425	3723
20600	1616	2388	2791	3117	3429	3727
20650	1619	2390	2794	3121	3433	3731
20700	1621	2393	2797	3124	3437	3736
20750	1623	2396	2800	3128	3440	3740
20800	1625	2399	2803	3131	3444	3744
20850	1627	2402	2806	3135	3448	3748
20900	1629	2405	2809	3138	3452	3752
20950	1631	2408	2812	3141	3456	3756
21000	1634	2411	2815	3145	3459	3760
21050	1636	2414	2818	3148	3463	3764
21100	1638	2417	2822	3152	3467	3768
21150	1640	2420	2825	3155	3471	3773
21200	1642	2423	2828	3159	3474	3777
21250	1644	2425	2831	3162	3478	3781
21300	1647	2428	2834	3165	3482	3785
21350	1649	2431	2837	3169	3486	3789
21400	1651	2434	2840	3172	3490	3793
21450	1653	2437	2843	3176	3493	3797
21500	1655	2440	2846	3179	3497	3801
21550	1657	2443	2849	3183	3501	3805
21600	1659	2446	2853	3187	3506	3811
21650	1661	2449	2857	3191	3510	3816
21700	1663	2452	2861	3195	3515	3821
21750	1665	2455	2865	3200	3520	3826
21800	1667	2458	2868	3204	3524	3831
21850	1668	2461	2872	3208	3529	3836
21900	1670	2464	2876	3213	3534	3841
21950	1672	2467	2880	3217	3539	3846
22000	1674	2470	2884	3221	3543	3852
22050	1676	2473	2888	3225	3548	3857
22100	1678	2476	2891	3230	3553	3862
22150	1680	2479	2895	3234	3557	3867
22200	1681	2482	2899	3238	3562	3872
22250	1683	2485	2903	3243	3567	3877
22300	1685	2488	2907	3247	3571	3882
22350	1687	2491	2911	3251	3576	3887
22400	1689	2494	2914	3255	3581	3892

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**ACTS OF ASSEMBLY**

22450	1691	2497	2918	3260	3586	3898
22500	1692	2500	2922	3264	3590	3903
22550	1694	2503	2926	3268	3595	3908
22600	1696	2506	2930	3272	3600	3913
22650	1698	2509	2934	3277	3604	3918
22700	1700	2512	2937	3281	3609	3923
22750	1702	2515	2941	3285	3614	3928
22800	1704	2518	2945	3290	3619	3933
22850	1705	2521	2949	3294	3623	3938
22900	1707	2524	2953	3298	3628	3944
22950	1709	2527	2957	3302	3633	3949
23000	1711	2530	2960	3307	3637	3954
23050	1713	2533	2964	3311	3642	3959
23100	1715	2536	2968	3315	3647	3964
23150	1717	2539	2972	3320	3651	3969
23200	1718	2542	2976	3324	3656	3974
23250	1720	2545	2979	3328	3661	3979
23300	1722	2548	2983	3332	3666	3984
23350	1724	2551	2987	3337	3670	3990
23400	1726	2554	2991	3341	3675	3995
23450	1728	2557	2995	3345	3680	4000
23500	1730	2560	2999	3349	3684	4005
23550	1731	2563	3002	3354	3689	4010
23600	1733	2566	3006	3358	3694	4015
23650	1735	2569	3010	3362	3699	4020
23700	1737	2572	3014	3367	3703	4025
23750	1739	2575	3018	3371	3708	4031
23800	1741	2578	3022	3375	3713	4036
23850	1742	2581	3025	3379	3717	4041
23900	1744	2584	3029	3384	3722	4046
23950	1746	2587	3033	3388	3727	4051
24000	1748	2590	3037	3392	3731	4056
24050	1750	2593	3041	3397	3736	4061
24100	1752	2596	3045	3401	3741	4066
24150	1754	2599	3048	3405	3746	4071
24200	1755	2602	3052	3409	3750	4077
24250	1757	2605	3056	3414	3755	4082
24300	1759	2608	3060	3418	3760	4087
24350	1761	2611	3064	3422	3764	4092
24400	1763	2614	3068	3426	3769	4097
24450	1765	2617	3071	3431	3774	4102
24500	1767	2620	3075	3435	3779	4107
24550	1768	2623	3079	3439	3783	4112
24600	1770	2626	3083	3444	3788	4117
24650	1772	2629	3087	3448	3793	4123
24700	1774	2632	3091	3452	3797	4128
24750	1776	2635	3094	3456	3802	4133

24800	1778	2638	3098	3461	3807	4138
24850	1780	2641	3102	3465	3811	4143
24900	1781	2644	3106	3469	3816	4148
24950	1783	2647	3110	3474	3821	4153
25000	1785	2650	3114	3478	3826	4158
25050	1787	2653	3117	3482	3830	4163
25100	1789	2656	3121	3486	3835	4169
25150	1791	2659	3125	3491	3840	4174
25200	1792	2662	3129	3495	3844	4179
25250	1794	2665	3133	3499	3849	4184
25300	1796	2668	3136	3503	3854	4189
25350	1798	2671	3140	3508	3858	4194
25400	1800	2674	3144	3512	3863	4199
25450	1802	2677	3148	3516	3868	4204
25500	1804	2680	3152	3521	3873	4210
25550	1805	2682	3156	3525	3877	4215
25600	1807	2685	3159	3529	3882	4220
25650	1809	2688	3163	3533	3887	4225
25700	1811	2691	3167	3538	3891	4230
25750	1813	2694	3171	3542	3896	4235
25800	1815	2697	3175	3546	3901	4240
25850	1817	2700	3179	3550	3906	4245
25900	1818	2703	3182	3555	3910	4250
25950	1820	2706	3186	3559	3915	4256
26000	1822	2709	3190	3563	3920	4261
26050	1824	2712	3194	3568	3924	4266
26100	1826	2715	3198	3572	3929	4271
26150	1828	2718	3202	3576	3934	4276
26200	1830	2721	3205	3580	3938	4281
26250	1831	2724	3209	3585	3943	4286
26300	1833	2727	3213	3589	3948	4291
26350	1835	2730	3217	3593	3953	4296
26400	1837	2733	3221	3598	3957	4302
26450	1839	2736	3225	3602	3962	4307
26500	1841	2739	3228	3606	3967	4312
26550	1842	2742	3232	3610	3971	4317
26600	1844	2745	3236	3615	3976	4322
26650	1846	2748	3240	3619	3981	4327
26700	1848	2751	3244	3623	3986	4332
26750	1850	2754	3248	3627	3990	4337
26800	1852	2757	3251	3632	3995	4342
26850	1854	2760	3255	3636	4000	4348
26900	1855	2763	3259	3640	4004	4353
26950	1857	2766	3263	3645	4009	4358
27000	1859	2769	3267	3649	4014	4363
27050	1861	2772	3270	3653	4018	4368
27100	1863	2775	3274	3657	4023	4373

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**ACTS OF ASSEMBLY**

27150	1865	2778	3278	3662	4028	4378
27200	1867	2781	3282	3666	4033	4383
27250	1868	2784	3286	3670	4037	4389
27300	1870	2787	3290	3675	4042	4394
27350	1872	2790	3293	3679	4047	4399
27400	1874	2793	3297	3683	4051	4404
27450	1876	2796	3301	3687	4056	4409
27500	1878	2799	3305	3692	4061	4414
27550	1880	2802	3309	3696	4066	4419
27600	1881	2805	3313	3700	4070	4424
27650	1883	2808	3316	3704	4075	4429
27700	1885	2811	3320	3709	4080	4435
27750	1887	2814	3324	3713	4084	4440
27800	1889	2817	3328	3717	4089	4445
27850	1891	2820	3332	3722	4094	4450
27900	1892	2823	3336	3726	4098	4455
27950	1894	2826	3339	3730	4103	4460
28000	1896	2829	3343	3734	4108	4465
28050	1898	2832	3347	3739	4113	4470
28100	1899	2833	3348	3740	4114	4472
28150	1900	2834	3349	3741	4115	4473
28200	1900	2835	3349	3741	4115	4473
28250	1901	2836	3350	3742	4116	4474
28300	1902	2836	3350	3742	4116	4474
28350	1902	2837	3351	3743	4117	4475
28400	1903	2838	3351	3743	4117	4476
28450	1904	2838	3351	3744	4118	4476
28500	1904	2839	3352	3744	4118	4477
28550	1905	2840	3352	3745	4119	4477
28600	1906	2840	3353	3745	4120	4478
28650	1906	2841	3353	3745	4120	4478
28700	1907	2842	3354	3746	4121	4479
28750	1908	2842	3354	3746	4121	4480
28800	1908	2843	3354	3747	4122	4480
28850	1909	2844	3355	3747	4122	4481
28900	1909	2844	3355	3748	4123	4481
28950	1910	2845	3356	3748	4123	4482
29000	1911	2846	3356	3749	4124	4483
29050	1911	2846	3357	3749	4124	4483
29100	1912	2847	3357	3750	4125	4484
29150	1913	2848	3358	3750	4125	4484
29200	1913	2848	3358	3751	4126	4485
29250	1914	2849	3358	3751	4126	4485
29300	1915	2850	3359	3752	4127	4486
29350	1915	2850	3359	3752	4128	4487
29400	1916	2851	3360	3753	4128	4487
29450	1917	2852	3360	3753	4129	4488

29500	1917	2852	3361	3754	4129	4488
29550	1918	2853	3361	3754	4130	4489
29600	1919	2854	3361	3755	4130	4490
29650	1919	2855	3362	3755	4131	4490
29700	1920	2855	3362	3756	4131	4491
29750	1921	2856	3363	3756	4132	4491
29800	1921	2857	3363	3757	4132	4492
29850	1922	2857	3364	3757	4133	4492
29900	1923	2858	3364	3758	4133	4493
29950	1923	2859	3365	3758	4134	4494
30000	1924	2859	3365	3759	4135	4494
30050	1925	2860	3365	3759	4135	4495
30100	1925	2861	3366	3760	4136	4495
30150	1926	2861	3366	3760	4136	4496
30200	1926	2862	3367	3761	4137	4497
30250	1927	2863	3367	3761	4137	4497
30300	1928	2863	3368	3762	4138	4498
30350	1928	2864	3368	3762	4138	4498
30400	1929	2865	3368	3763	4139	4499
30450	1930	2865	3369	3763	4139	4499
30500	1930	2866	3369	3764	4140	4500
30550	1931	2867	3370	3764	4140	4501
30600	1932	2867	3370	3765	4141	4501
30650	1932	2868	3371	3765	4141	4502
30700	1933	2869	3371	3765	4142	4502
30750	1934	2869	3371	3766	4143	4503
30800	1934	2870	3372	3766	4143	4504
30850	1935	2871	3372	3767	4144	4504
30900	1936	2871	3373	3767	4144	4505
30950	1936	2872	3373	3768	4145	4505
31000	1937	2873	3374	3768	4145	4506
31050	1938	2874	3374	3769	4146	4506
31100	1938	2874	3375	3769	4146	4507
31150	1939	2875	3375	3770	4147	4508
31200	1940	2876	3375	3770	4147	4508
31250	1940	2876	3376	3771	4148	4509
31300	1941	2877	3376	3771	4148	4509
31350	1942	2878	3377	3772	4149	4510
31400	1942	2878	3377	3772	4150	4511
31450	1943	2879	3378	3773	4150	4511
31500	1943	2880	3378	3773	4151	4512
31550	1944	2880	3378	3774	4151	4512
31600	1945	2881	3379	3774	4152	4513
31650	1945	2882	3379	3775	4152	4513
31700	1946	2882	3380	3775	4153	4514
31750	1947	2883	3380	3776	4153	4515
31800	1947	2884	3381	3776	4154	4515

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**ACTS OF ASSEMBLY**

31850	1948	2884	3381	3777	4154	4516
31900	1949	2885	3382	3777	4155	4516
31950	1949	2886	3382	3778	4155	4517
32000	1950	2886	3382	3778	4156	4518
32050	1951	2887	3383	3779	4156	4518
32100	1951	2888	3383	3779	4157	4519
32150	1952	2888	3384	3780	4158	4519
32200	1953	2889	3384	3780	4158	4520
32250	1953	2890	3385	3781	4159	4520
32300	1954	2890	3385	3781	4159	4521
32350	1955	2891	3385	3782	4160	4522
32400	1955	2892	3386	3782	4160	4522
32450	1956	2893	3386	3783	4161	4523
32500	1957	2893	3387	3783	4161	4523
32550	1957	2894	3387	3784	4162	4524
32600	1958	2895	3388	3784	4162	4525
32650	1959	2895	3388	3784	4163	4525
32700	1959	2896	3389	3785	4163	4526
32750	1960	2897	3389	3785	4164	4526
32800	1960	2897	3389	3786	4165	4527
32850	1961	2898	3390	3786	4165	4527
32900	1962	2899	3390	3787	4166	4528
32950	1962	2899	3391	3787	4166	4529
33000	1963	2900	3391	3788	4167	4529
33050	1964	2901	3392	3788	4167	4530
33100	1964	2901	3392	3789	4168	4530
33150	1965	2902	3392	3789	4168	4531
33200	1966	2903	3393	3790	4169	4532
33250	1966	2903	3393	3790	4169	4532
33300	1967	2904	3394	3791	4170	4533
33350	1968	2905	3394	3791	4170	4533
33400	1968	2905	3395	3792	4171	4534
33450	1969	2906	3395	3792	4172	4534
33500	1970	2907	3395	3793	4172	4535
33550	1970	2907	3396	3793	4173	4536
33600	1971	2908	3396	3794	4173	4536
33650	1972	2909	3397	3794	4174	4537
33700	1972	2909	3397	3795	4174	4537
33750	1973	2910	3398	3795	4175	4538
33800	1974	2911	3398	3796	4175	4539
33850	1974	2912	3399	3796	4176	4539
33900	1975	2912	3399	3797	4176	4540
33950	1976	2913	3399	3797	4177	4540
34000	1976	2914	3400	3798	4177	4541
34050	1977	2914	3400	3798	4178	4541
34100	1977	2915	3401	3799	4178	4542
34150	1978	2916	3401	3799	4179	4543

34200	1979	2916	3402	3800	4179	4543
34250	1979	2917	3402	3800	4180	4544
34300	1980	2917	3402	3800	4181	4544
34350	1981	2918	3403	3801	4181	4545
34400	1981	2919	3403	3801	4182	4545
34450	1982	2919	3404	3802	4182	4546
34500	1983	2920	3404	3802	4183	4546
34550	1983	2921	3405	3803	4183	4547
34600	1984	2921	3405	3803	4184	4548
34650	1984	2922	3405	3804	4184	4548
34700	1985	2923	3406	3804	4185	4549
34750	1986	2923	3406	3805	4185	4549
34800	1986	2924	3407	3805	4186	4550
34850	1987	2925	3407	3806	4186	4550
34900	1988	2925	3407	3806	4187	4551
34950	1988	2926	3408	3807	4187	4552
35000	1989	2927	3408	3807	4188	4552

For gross monthly incomes above \$35,000, add the amount of child support for \$35,000 to the following percentages of gross income above \$35,000.

<del>CHILDREN</del> CHILD	TWO CHILDREN	THREE CHILDREN	FOUR CHILDREN	FIVE CHILDREN	SIX CHILDREN
2.6%	3.4%	3.8%	4.2%	4.6%	5.0%

C. For purposes of this section, "gross income" means all income from all sources, and shall include, but not be limited to, income from salaries, wages, commissions, royalties, bonuses, dividends, severance pay, pensions, interest, trust income, annuities, capital gains, social security benefits except as listed below, workers' compensation benefits, unemployment insurance benefits, disability insurance benefits, veterans' benefits, spousal support, rental income, gifts, prizes or awards.

If a parent's gross income includes disability insurance benefits, it shall also include any amounts paid to or for the child who is the subject of the order and derived by the child from the parent's entitlement to disability insurance benefits. To the extent that such derivative benefits are included in a parent's gross income, that parent shall be entitled to a credit against his or her ongoing basic child support obligation for any such amounts, and, if the amount of the credit exceeds the parent's basic child support obligations, the credit may be used to reduce arrearages.

Gross income shall be subject to deduction of reasonable business expenses for persons with income from self-employment, a partnership, or a closely held business. "Gross income" shall not include:

1. Benefits from public assistance and social services programs as defined in § 63.2-100;
2. Federal supplemental security income benefits;
3. Child support received; or
4. Income received by the payor from secondary employment income not previously included in "gross income,"

where the payor obtained the income to discharge a child support arrearage established by a court or administrative order and the payor is paying the arrearage pursuant to the order. "Secondary employment income" includes but is not limited to income from an additional job, from self-employment, or from overtime employment. The cessation of such secondary income upon the payment of the arrearage shall not be the basis for a material change in circumstances upon which a modification of child support may be based.

For purposes of this subsection: (i) spousal support received shall be included in gross income and spousal support paid shall be deducted from gross income when paid pursuant to an order or written agreement and (ii) one-half of any self-employment tax paid shall be deducted from gross income.

Where there is an existing court or administrative order or wrien agreement relating to the child or children of a party to the proceeding, who are not the child or children who are the subject of the present proceeding, then there is a presumption that there shall be deducted from the gross income of the party subject to such order or written agreement, the amount that the party is actually paying for the support of a child or children pursuant to such order or agreement.

Where a party to the proceeding has a natural or adopted child or children in the party's household or primary physical custody, and the child or children are not the subject of the present proceeding, there is a presumption that there shall be deducted from the gross income of that party the amount as shown on the Schedule of Monthly Basic Child Support

Obligations contained in subsection B that represents that party's support obligation based solely on that party's income as being the total income available for the natural or adopted child or children in the party's household or primary physical custody, who are not the subject of the present proceeding. Provided, however, that the existence of a party's financial responsibility for such a child or children shall not of itself constitute a material change in circumstances for modifying a previous order of child support in any modification proceeding. Any adjustment to gross income under this subsection shall not create or reduce a support obligation to an amount which seriously impairs the custodial parent's ability to maintain minimal adequate housing and provide other basic necessities for the child, as determined by the court.

In cases in which retroactive liability for support is being determined, the court or administrative agency may use the gross monthly income of the parties averaged over the period of retroactivity.

D. Except for good cause shown or the agreement of the parties, in addition to any other child support obligations established pursuant to this section, any child support order shall provide that the parents pay in proportion to their gross incomes, as used for calculating the monthly support obligation, any reasonable and necessary unreimbursed medical or dental expenses. The method of payment of those expenses shall be contained in the support order. Each parent shall pay his respective share of expenses as those expenses are incurred. Any amount paid under this subsection shall not be adjusted by, nor added to, the child support calculated in accordance with subsection G. For the purposes of this section, medical or dental expenses shall include but not be limited to eyeglasses, prescription medication, prosthetics, orthodontics, and mental health or developmental disabilities services, including but not limited to services provided by a social worker, psychologist, psychiatrist, counselor, or therapist.

E. The costs for health care coverage as defined in § 63.2-1900, vision care coverage, and dental care coverage for the child or children who are the subject of the child support order that are being paid by a parent or that parent's spouse shall be added to the basic child support obligation. To determine the cost to be added to the basic child support obligation, the cost per person shall be applied to the child or children who are subject of the child support order. If the per child cost is provided by the insurer, that is the cost per person. Otherwise, to determine the cost per person, the cost of individual coverage for the policy holder shall be subtracted from the total cost of the coverage, and the remaining amount shall be divided by the number of remaining covered persons.

F. Any child-care costs incurred on behalf of the child or children due to employment of the custodial parent shall be added to the basic child support obligation. Child-care costs shall not exceed the amount required to provide quality care from a licensed source. When requested by the noncustodial parent, the court may require the custodial parent to present documentation to verify the costs incurred for child care under this subsection. Where appropriate, the court shall consider the willingness and availability of the noncustodial parent to provide child care personally in determining whether child-care costs are necessary or excessive. Upon the request of either party, and upon a showing of the tax savings a party derives from child-care cost deductions or credits, the court shall factor actual tax consequences into its calculation of the child-care costs to be added to the basic child support obligation.

G. 1. Sole custody support. The sole custody total monthly child support obligation shall be established by adding (i) the monthly basic child support obligation, as determined from the schedule contained in subsection B, (ii) costs for health care coverage to the extent allowable by subsection E, and (iii) work-related child-care costs and taking into consideration all the factors set forth in subsection B of § 20-108.1. The total monthly child support obligation shall be divided between the parents in the same proportion as their monthly gross incomes bear to their monthly combined gross income. The monthly obligation of each parent shall be computed by multiplying each parent's percentage of the parents' monthly combined gross income by the total monthly child support obligation.

However, the monthly obligation of the noncustodial parent shall be reduced by the cost for health care coverage to the extent allowable by subsection E when paid directly by the noncustodial parent or that parent's spouse. Unreimbursed medical and dental expenses shall be calculated and allocated in accordance with subsection D.

2. Split custody support. In cases involving split custody, the amount of child support to be paid shall be the difference between the amounts owed by each parent as a noncustodial parent, computed in accordance with subdivision 1, with the noncustodial parent owing the larger amount paying the difference to the other parent. Unreimbursed medical and dental expenses shall be calculated and allocated in accordance with subsection D.

For the purpose of this section and § 20-108.1, split custody shall be limited to those situations where each parent has physical custody of a child or children born of the parents, born of either parent and adopted by the other parent or adopted by both parents. For the purposes of calculating a child support obligation where split custody exists, a separate family unit exists for each parent, and child support for that family unit shall be calculated upon the number of children in that family unit who are born of the parents, born of either parent and adopted by the other parent or adopted by both parents. Where split custody exists, a parent is a custodial parent to the children in that parent's family unit and is a noncustodial parent to the children in the other parent's family unit.

3. Shared custody support.

(a) Where a party has custody or visitation of a child or children for more than 90 days of the year, as such days are defined in subdivision G 3 (c), a shared custody child support amount based on the ratio in which the parents share the custody and visitation of any child or children shall be calculated in accordance with this subdivision. The presumptive support to be paid shall be the shared custody support amount, unless a party affirmatively shows that the sole custody support amount calculated as provided in subdivision G 1 is less than the shared custody support amount. If so, the lesser amount shall be the support to be paid. For the purposes of this subsection, the following shall apply:

(i) Income share. "Income share" means a parent's percentage of the combined monthly gross income of both parents. The income share of a parent is that parent's gross income divided by the combined gross incomes of the parties.

(ii) Custody share. "Custody share" means the number of days that a parent has physical custody, whether by sole custody, joint legal or joint residential custody, or visitation, of a shared child per year divided by the number of days in the year. The actual or anticipated "custody share" of the parent who has or will have fewer days of physical custody shall be calculated for a one-year period. The "custody share" of the other parent shall be presumed to be the number of days in the year less the number of days calculated as the first parent's "custody share." For purposes of this calculation, the year may begin on such date as is determined in the discretion of the court, and the day may begin at such time as is determined in the discretion of the court. For purposes of this calculation, a day shall be as defined in subdivision G 3 (c).

(iii) Shared support need. "Shared support need" means the presumptive guideline amount of needed support for the shared child or children calculated pursuant to subsection B of this section, for the combined gross income of the parties and the number of shared children, multiplied by 1.4.

(iv) Sole custody support. "Sole custody support" means the support amount determined in accordance with subdivision G 1.

(b) Support to be paid. The shared support need of the shared child or children shall be calculated pursuant to subdivision G 3 (a)(iii). This amount shall then be multiplied by the other parent's custody share. To that sum for each parent shall be added the other parent's or that parent's spouse's cost of health care coverage to the extent allowable by subsection E, plus the other parent's work-related child-care costs to the extent allowable by subsection F. This total for each parent shall be multiplied by that parent's income share. The support amounts thereby calculated that each parent owes the other shall be subtracted one from the other and the difference shall be the shared custody support one parent owes to the other, with the payor parent being the one whose shared support is the larger. Unreimbursed medical and dental expenses shall be calculated and allocated in accordance with subsection D.

(c) Definition of a day. For the purposes of this section, "day" means a period of 24 hours; however, where the parent who has the fewer number of overnight periods during the year has an overnight period with a child, but has physical custody of the shared child for less than 24 hours during such overnight period, there is a presumption that each parent shall be allocated one-half of a day of custody for that period.

(d) Minimum standards. Any calculation under this subdivision shall not create or reduce a support obligation to an amount which seriously impairs the custodial parent's ability to maintain minimal adequate housing and provide other basic necessities for the child. If the gross income of either party is equal to or less than 150 percent of the federal poverty level promulgated by the U.S. Department of Health and Human Services from time to time, then the shared custody support calculated pursuant to this subsection shall not be the presumptively correct support and the court may consider whether the sole custody support or the shared custody support is more just and appropriate.

(e) Support modification. When there has been an award of child support based on the shared custody formula and one parent consistently fails to exercise custody or visitation in accordance with the parent's custody share upon which the award was based, there shall be a rebuttable presumption that the support award should be modified.

(f) In the event that the shared custody support calculation indicates that the net support is to be paid to the parent who would not be the parent receiving support pursuant to the sole custody calculation, then the shared support shall be deemed to be the lesser support.

H. The Secretary of Health and Human Resources shall ensure that the guideline set out in this section is reviewed by October 31, 2001, and every four years thereafter, by the Child Support Guidelines Review Panel, consisting of 15 members comprised of four legislative members and 11 nonlegislative citizen members. Members shall be appointed as follows: three members of the House Committee for Courts of Justice, upon the recommendation of the chairman of such committee, to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates; one member of the Senate Committee for Courts of Justice, upon the recommendation of the chairman of such committee, to be appointed by the Senate Committee on Rules; and one representative of a juvenile and domestic relations district court, one representative of a circuit court, one representative of the Department of Social Services' Division of Child Support Enforcement, three members of the Virginia State Bar, two custodial parents, two noncustodial parents, and one child advocate, upon the recommendation of the Secretary of Health and Human Resources, to be appointed by the Governor. The Panel shall determine the adequacy of the guideline for the determination of appropriate awards for the support of children by considering current research and data on the cost of and expenditures necessary for rearing children, and any other resources it deems relevant to such review. The Panel shall report its findings to the General Assembly as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports before the General Assembly next convenes following such review.

Legislative members shall serve terms coincident with their terms of office. Nonlegislative citizen members shall serve at the pleasure of the Governor. All members may be reappointed. Appointments to fill vacancies, other than by expiration of a term, shall be made for the unexpired terms. Vacancies shall be filled in the same manner as the original appointments.

Legislative members shall receive such compensation as provided in § 30-19.12, and nonlegislative citizen members shall receive such compensation for the performance of their duties as provided in § 2.2-2813. All members shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. Funding for the costs of compensation and expenses of the members shall be provided by the Department of Social Services.

The Department of Social Services shall provide staff support to the Panel. All agencies of the Commonwealth shall provide assistance to the Panel, upon request.

The chairman of the Panel shall submit to the Governor and the General Assembly a quadrennial executive summary of the interim activity and work of the Panel no later than the first day of 2006 regular session of the General Assembly and every four years thereafter. The executive summary shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

**CHAPTER 23**

*An Act to amend the Code of Virginia by adding a section numbered 58.1-3510.02, relating to merchants' capital tax; classification.*

[H 119]

Approved February 26, 2018

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

**1. That the Code of Virginia is amended by adding a section numbered 58.1-3510.02 as follows:**

**§ 58.1-3510.02. Separate classification of certain merchants' capital of wholesalers.**

*Merchants' capital of any wholesaler reported as inventory that is located, and is normally located, in a structure that contains at least 100,000 square feet, with at least 100,000 square feet used solely to store such inventory, shall constitute a classification for local taxation separate from other classifications of merchants' capital as defined in § 58.1-3510. The governing body of any county, city, or town may levy a tax on such inventory at different rates from the tax levied on other merchants' capital. The rates of tax and the rates of assessment shall not exceed that applicable generally to merchants' capital.*

**CHAPTER 24**

*An Act to amend and reenact § 58.1-3252 of the Code of Virginia, relating to real property tax; general reassessment.*

[H 124]

Approved February 26, 2018

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

**1. That § 58.1-3252 of the Code of Virginia is amended and reenacted as follows:**

**§ 58.1-3252. In counties.**

There shall be a general reassessment of real estate every four years. Any county ~~which~~ *that*, however, has a total population of 50,000 or less may elect by majority vote of its board of supervisors to conduct its general reassessments at either five-year or six-year intervals. In addition, Augusta County and Bedford County may elect by majority vote of ~~its~~ *their* respective board of supervisors to conduct ~~its~~ *their* general reassessments at either five-year or six-year intervals.

Nothing in this section shall affect the power of any county to use the annual or biennial assessment method as authorized by law.

**CHAPTER 25**

*An Act to amend and reenact § 58.1-608.3 of the Code of Virginia, relating to bonds issued for the construction of public facilities; municipal authority to retain sales tax revenues from such facilities.*

[H 179]

Approved February 26, 2018

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

**1. That § 58.1-608.3 of the Code of Virginia is amended and reenacted as follows:**

**§ 58.1-608.3. Entitlement to certain sales tax revenues.**

A. As used in this section, the following words and terms have the following meanings, unless some other meaning is plainly intended:

"Bonds" means any obligations of a municipality for the payment of money.

"Cost," as applied to any public facility or to extensions or additions to any public facility, includes: (i) the purchase price of any public facility acquired by the municipality or the cost of acquiring all of the capital stock of the corporation owning the public facility and the amount to be paid to discharge any obligations in order to vest title to the public facility or any part of it in the municipality; (ii) expenses incident to determining the feasibility or practicability of the public facility; (iii) the cost of plans and specifications, surveys and estimates of costs and of revenues; (iv) the cost of all land, property, rights, easements and franchises acquired; (v) the cost of improvements, property or equipment; (vi) the cost of engineering, legal and other professional services; (vii) the cost of construction or reconstruction; (viii) the cost of all labor, materials,

machinery and equipment; (ix) financing charges; (x) interest before and during construction and for up to one year after completion of construction; (xi) start-up costs and operating capital; (xii) payments by a municipality of its share of the cost of any multijurisdictional public facility; (xiii) administrative expense; (xiv) any amounts to be deposited to reserve or replacement funds; and (xv) other expenses as may be necessary or incident to the financing of the public facility. Any obligation or expense incurred by the public facility in connection with any of the foregoing items of cost may be regarded as a part of the cost.

"Municipality" means any county, city, town, authority, commission, or other public entity.

"Public facility" means (i) any auditorium, coliseum, convention center, or conference center, which is owned by a Virginia county, city, town, authority, or other public entity and where exhibits, meetings, conferences, conventions, seminars, or similar public events may be conducted; (ii) any hotel which is owned by a foundation whose sole purpose is to benefit a baccalaureate public institution of higher education in the Commonwealth and which is attached to and is an integral part of such facility, together with any lands reasonably necessary for the conduct of the operation of such events; (iii) any hotel which is attached to and is an integral part of such facility; (iv) any hotel that is adjacent to a convention center owned by a public entity and where the hotel owner enters into a public-private partnership whereby the locality contributes infrastructure, real property, or conference space; or (v) a sports complex consisting of a minor league baseball stadium and related tournament, training, and parking facilities, where a municipality owns a component of the sports complex. However, such public facility must be located in the City of Fredericksburg, City of Hampton, City of Lynchburg, City of Newport News, City of Norfolk, City of Portsmouth, City of Richmond, City of Roanoke, City of Salem, City of Staunton, City of Suffolk, City of Virginia Beach, City of Winchester, or Town of Wise. Any property, real, personal, or mixed, which is necessary or desirable in connection with any such auditorium, coliseum, convention center, sports complex, or conference center, including, without limitation, facilities for food preparation and serving, parking facilities, and administration offices office space, is encompassed within this definition. However, structures commonly referred to as "shopping centers" or "malls" shall not constitute a public facility hereunder. A public facility shall not include residential condominiums, townhomes, or other residential units. In addition, only a new public facility, or a public facility which will undergo a substantial and significant renovation or expansion, shall be eligible under subsection C. A new public facility is one whose construction began after December 31, 1991. A substantial and significant renovation entails a project whose cost is at least 50 percent of the original cost of the facility being renovated and shall have begun after December 31, 1991. A substantial and significant expansion entails an increase in floor space of at least 50 percent over that existing in the preexisting facility and shall have begun after December 31, 1991; or an increase in floor space of at least 10 percent over that existing in a public facility that qualified as such under this section and was constructed after December 31, 1991.

"Sales tax revenues" means such tax collections realized under the Virginia Retail Sales and Use Tax Act (§ 58.1-600 et seq.), as limited herein. "Sales tax revenues" does not include the revenue generated by (i) the 0.5 percent sales and use tax increase enacted by the 1986 Special Session of the General Assembly which shall be paid to the Transportation Trust Fund as defined in § 33.2-1524, (ii) the 1.0 percent of the state sales and use tax revenue distributed among the counties and cities of the Commonwealth pursuant to subsection D of § 58.1-638 on the basis of school age population, or (iii) any sales and use tax revenues generated by increases or allocation changes imposed by the 2013 Session of the General Assembly.

B. Notwithstanding the definition of "public facility" in subsection A, a development project that meets the requirements for a "development of regional impact" set forth herein shall be deemed to be a public facility under the provisions of this section. The locality in which the public facility is located shall be entitled to all sales tax revenues generated by transactions taking place at such public facility solely to pay the cost of any bonds issued to pay the cost, or portion thereof, of such public facility pursuant to subsection C. For purposes of this subsection, the development of regional impact must be located in the City of Bristol.

For purposes of this subsection, a "development of regional impact" means a development project (i) towards which the locality contributes infrastructure or real property as part of a public-private partnership with the developer that is equal to at least 20 percent of the aggregate cost of development, (ii) that is reasonably expected to require a capital investment of at least \$50 million, (iii) that is reasonably expected to generate at least \$5 million annually in state sales and use tax revenue from sales within the development, (iv) that is reasonably expected to attract at least one million visitors annually, (v) that is reasonably expected to create at least 2,000 permanent jobs, (vi) that is located in a locality that had a rate of unemployment at least three percentage points higher than the statewide average in November 2011, and (vii) that is located in a locality that is adjacent to a state that has adopted a Border Region Retail Tourism Development District Act. Within 30 days from the date of notification by a locality that it intends to contribute infrastructure or real property as part of a public-private partnership with the developer of a development of regional impact, the Department of Taxation shall review the findings of the locality with respect to clauses (i) through (vi) and shall file a written report with the Chairmen of the House Committee on Finance, the House Committee on Appropriations, and the Senate Committee on Finance.

C. Any municipality which has issued bonds (i) after December 31, 1991, but before January 1, 1996, (ii) on or after January 1, 1998, but before July 1, 1999, (iii) on or after January 1, 1999, but before July 1, 2001, (iv) on or after July 1, 2000, but before July 1, 2003, (v) on or after July 1, 2001, but before July 1, 2005, (vi) on or after July 1, 2004, but before July 1, 2007, (vii) on or after July 1, 2009, but before July 1, 2012, (viii) on or after January 1, 2011, but prior to July 1, 2015, or (ix) on or after January 1, 2013, but prior to July 1, 2017, to pay the cost, or portion thereof, of any public facility shall be entitled to all sales tax revenues generated by transactions taking place in such public facility. In the case of a public facility described in clause (v) of the definition of public facility, all such sales tax revenues shall be applied

solely to repayment of the bonds issued to pay the cost, or portion thereof, of the municipality-owned component of the sports complex. Such entitlement shall continue for the lifetime of such bonds, or any refinancing or refunding thereof, but in no event shall such entitlement exceed 35 years from the initial date that any bonds were issued to pay the cost, or a portion thereof, of any public facility, and all such sales tax revenues shall be applied to repayment of the bonds. The State Comptroller shall remit such sales tax revenues to the municipality on a quarterly basis, subject to such reasonable processing delays as may be required by the Department of Taxation to calculate the actual net sales tax revenues derived from the public facility. The State Comptroller shall make such remittances to eligible municipalities, as provided herein, notwithstanding any provisions to the contrary in the Virginia Retail Sales and Use Tax Act (§ 58.1-600 et seq.). No such remittances shall be made until construction is completed and, in the case of a renovation or expansion, until the governing body of the municipality has certified that the renovation or expansion is completed; however, in the case of any public facility consisting of more than one building or structure, such remittances shall be made on a quarterly basis beginning with the first quarter in which any sales tax revenue is generated by transactions taking place at any building or structure within such public facility, whether or not construction of all or any portion, phase, building, or structure of such public facility has been completed.

D. Nothing in this section shall be construed as authorizing the pledging of the faith and credit of the Commonwealth of Virginia, or any of its revenues, for the payment of any bonds. Any appropriation made pursuant to this section shall be made only from sales tax revenues derived from the public facility for which bonds may have been issued to pay the cost, in whole or in part, of such public facility.

## CHAPTER 26

*An Act to amend the Code of Virginia by adding in Article 5 of Chapter 38 of Title 58.1 a section numbered 58.1-3818.04 relating to admissions tax; Wythe County.*

[H 369]

Approved February 26, 2018

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

**1. That the Code of Virginia is amended by adding in Article 5 of Chapter 38 of Title 58.1 a section numbered 58.1-3818.04 as follows:**

**§ 58.1-3818.04. Admissions tax in Wythe County.**

*Wythe County is hereby authorized to impose a tax on admissions to any event held on the grounds of any exposition center in the county that (i) has an indoor arena that seats at least 2,000 persons and an outdoor multipurpose space and (ii) is located on all or part of a parcel of land or adjacent parcels of land containing at least 40 acres. The tax shall not exceed 10 percent of charge for admissions. The Wythe County Board of Supervisors shall prescribe by ordinance the terms, conditions, and amount of such tax and may classify between events conducted for charitable and noncharitable purposes.*

## CHAPTER 27

*An Act to amend and reenact § 46.2-1540 of the Code of Virginia, relating to inspections prior to sale; exception; certain special orders.*

[H 627]

Approved February 26, 2018

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

**1. That § 46.2-1540 of the Code of Virginia is amended and reenacted as follows:**

**§ 46.2-1540. Inspections prior to sale not required of certain sellers.**

The provisions of §§ 46.2-1158 and 46.2-1539 requiring inspection of any motor vehicle prior to sale at retail shall not apply to any person conducting a public auction for the sale of motor vehicles at retail, provided that the individual, firm, or business conducting the auction shall not have taken title to the vehicle, but is acting as an agent for the sale of the vehicle. Nor shall the provisions of §§ 46.2-1158 and 46.2-1539 requiring inspection of any motor vehicle prior to sale at retail apply to any (i) new motor vehicle or vehicles sold on the basis of a special order placed by a dealer with a manufacturer or dealer outside the Commonwealth on behalf of a customer who is a nonresident of the Commonwealth and takes delivery outside the Commonwealth, (ii) motor vehicle sold on the basis of a special order placed with a dealer or manufacturer outside the Commonwealth by a dealer who makes modifications to such vehicle prior to delivery to the first retail customer who takes delivery outside the Commonwealth, or (iii) new motor vehicle that has previously been inspected and displays a valid Virginia state inspection sticker. Nor shall the provisions of §§ 46.2-1158 and 46.2-1539 requiring inspection of any trailer prior to sale at retail apply to the sale of five or more used trailers with a gross weight of more than 10,000 pounds to the same buyer, provided that the trailers have a valid safety inspection.

The provisions of this section shall also apply to watercraft trailers.

CHAPTER 28

*An Act to amend and reenact §§ 58.1-3503 and 58.1-3506 of the Code of Virginia, relating to personal property tax; computer equipment and peripherals used in data centers.*

[H 828]

Approved February 26, 2018

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

**1. That §§ 58.1-3503 and 58.1-3506 of the Code of Virginia are amended and reenacted as follows:**

**§ 58.1-3503. General classification of tangible personal property.**

A. Tangible personal property is classified for valuation purposes according to the following separate categories which are not to be considered separate classes for rate purposes:

1. Farm animals, except as exempted under § 58.1-3505.
2. Farm machinery, except as exempted under § 58.1-3505.
3. Automobiles, except those described in subdivisions 7, 8, and 9 of this subsection and in subdivision A 8 of § 58.1-3504, which shall be valued by means of a recognized pricing guide or if the model and year of the individual automobile are not listed in the recognized pricing guide, the individual vehicle may be valued on the basis of percentage or percentages of original cost. In using a recognized pricing guide, the commissioner shall use either of the following two methods. The commissioner may use all applicable adjustments in such guide to determine the value of each individual automobile, or alternatively, if the commissioner does not utilize all applicable adjustments in valuing each automobile, he shall use the base value specified in such guide which may be either average retail, wholesale, or loan value, so long as uniformly applied within classifications of property. If the model and year of the individual automobile are not listed in the recognized pricing guide, the taxpayer may present to the commissioner proof of the original cost, and the basis of the tax for purposes of the motor vehicle sales and use tax as described in § 58.1-2405 shall constitute proof of original cost. If such percentage or percentages of original cost do not accurately reflect fair market value, or if the taxpayer does not supply proof of original cost, then the commissioner may select another method which establishes fair market value.
4. Trucks of less than two tons, which may be valued by means of a recognized pricing guide or, if the model and year of the individual truck are not listed in the recognized pricing guide, on the basis of a percentage or percentages of original cost.
5. Trucks and other vehicles, as defined in § 46.2-100, except those described in subdivisions 4, and 6 through 10 of this subsection, which shall be valued by means of either a recognized pricing guide using the lowest value specified in such guide or a percentage or percentages of original cost.
6. Manufactured homes, as defined in § 36-85.3, which may be valued on the basis of square footage of living space.
7. Antique motor vehicles, as defined in § 46.2-100, which may be used for general transportation purposes as provided in subsection C of § 46.2-730.
8. Taxicabs.
9. Motor vehicles with specially designed equipment for use by the handicapped, which shall not be valued in relation to their initial cost, but by determining their actual market value if offered for sale on the open market.
10. Motorcycles, mopeds, all-terrain vehicles, and off-road motorcycles as defined in § 46.2-100, campers and other recreational vehicles, which shall be valued by means of a recognized pricing guide or a percentage or percentages of original cost.
11. Boats weighing under five tons and boat trailers, which shall be valued by means of a recognized pricing guide or a percentage or percentages of original cost.
12. Boats or watercraft weighing five tons or more, which shall be valued by means of a percentage or percentages of original cost.
13. Aircraft, which shall be valued by means of a recognized pricing guide or a percentage or percentages of original cost.
14. Household goods and personal effects, except as exempted under § 58.1-3504.
15. Tangible personal property used in a research and development business, which shall be valued by means of a percentage or percentages of original cost.
16. Programmable computer equipment and peripherals used in business which shall be valued by means of a percentage or percentages of original cost to the taxpayer, or by such other method as may reasonably be expected to determine the actual fair market value.
17. *Computer equipment and peripherals used in a data center, as defined in subdivision A 43 of § 58.1-3506, which shall be valued by means of a percentage or percentages of original cost, or by such other method as may reasonably be expected to determine the actual fair market value.*
18. All tangible personal property employed in a trade or business other than that described in subdivisions 1 through 16 of this subsection 17, which shall be valued by means of a percentage or percentages of original cost.
- ~~18.~~ 19. Outdoor advertising signs regulated under Article 1 (§ 33.2-1200 et seq.) of Chapter 12 of Title 33.2.
- ~~19.~~ 20. All other tangible personal property.

B. Methods of valuing property may differ among the separate categories, so long as each method used is uniform within each category, is consistent with requirements of this section and may reasonably be expected to determine actual fair market value as determined by the commissioner of revenue or other assessing official; however, assessment ratios shall only be used with the concurrence of the local governing body. A commissioner of revenue shall upon request take into account the condition of the property. The term "condition of the property" includes, but is not limited to, technological obsolescence of property where technological obsolescence is an appropriate factor for valuing such property. The commissioner of revenue shall make available to taxpayers on request a reasonable description of his valuation methods. Such commissioner, or other assessing officer, or his authorized agent, when using a recognized pricing guide as provided for in this section, may automatically extend the assessment if the pricing information is stored in a computer.

**§ 58.1-3506. Other classifications of tangible personal property for taxation.**

A. The items of property set forth below are each declared to be a separate class of property and shall constitute a classification for local taxation separate from other classifications of tangible personal property provided in this chapter:

1. a. Boats or watercraft weighing five tons or more, not used solely for business purposes;
- b. Boats or watercraft weighing less than five tons, not used solely for business purposes;
2. Aircraft having a maximum passenger seating capacity of no more than 50 that are owned and operated by scheduled air carriers operating under certificates of public convenience and necessity issued by the State Corporation Commission or the Civil Aeronautics Board;
3. Aircraft having a registered empty gross weight equal to or greater than 20,000 pounds that are not owned or operated by scheduled air carriers recognized under federal law, but not including any aircraft described in subdivision 4;
4. Aircraft that are (i) considered Warbirds, manufactured and intended for military use, excluding those manufactured after 1954, and (ii) used only for (a) exhibit or display to the general public and otherwise used for educational purposes (including such flights as are necessary for testing, maintaining, or preparing such aircraft for safe operation), or (b) airshow and flight demonstrations (including such flights necessary for testing, maintaining, or preparing such aircraft for safe operation), shall constitute a new class of property. Such class of property shall not include any aircraft used for commercial purposes, including transportation and other services for a fee;
5. All other aircraft not included in subdivisions A 2, A 3, or A 4 and flight simulators;
6. Antique motor vehicles as defined in § 46.2-100 which may be used for general transportation purposes as provided in subsection C of § 46.2-730;
7. Tangible personal property used in a research and development business;
8. Heavy construction machinery not used for business purposes, including land movers, bulldozers, front-end loaders, graders, packers, power shovels, cranes, pile drivers, forest harvesting and silvicultural activity equipment and ditch and other types of diggers;
9. Generating equipment purchased after December 31, 1974, for the purpose of changing the energy source of a manufacturing plant from oil or natural gas to coal, wood, wood bark, wood residue, or any other alternative energy source for use in manufacturing and any cogeneration equipment purchased to achieve more efficient use of any energy source. Such generating equipment and cogeneration equipment shall include, without limitation, such equipment purchased by firms engaged in the business of generating electricity or steam, or both;
10. Vehicles without motive power, used or designed to be used as manufactured homes as defined in § 36-85.3;
11. Computer hardware used by businesses primarily engaged in providing data processing services to other nonrelated or nonaffiliated businesses;
12. Privately owned pleasure boats and watercraft, 18 feet and over, used for recreational purposes only;
13. Privately owned vans with a seating capacity of not less than seven nor more than 15 persons, including the driver, used exclusively pursuant to a ridesharing arrangement as defined in § 46.2-1400;
14. Motor vehicles specially equipped to provide transportation for physically handicapped individuals;
15. Motor vehicles (i) owned by members of a volunteer emergency medical services agency or a member of a volunteer fire department or (ii) leased by volunteer emergency medical services personnel or a member of a volunteer fire department if the volunteer is obligated by the terms of the lease to pay tangible personal property tax on the motor vehicle. One motor vehicle that is owned by each volunteer member who meets the definition of "emergency medical services personnel" in § 32.1-111.1 or volunteer fire department member, or leased by each volunteer member who meets the definition of "emergency medical services personnel" in § 32.1-111.1 or volunteer fire department member if the volunteer is obligated by the terms of the lease to pay tangible personal property tax on the motor vehicle, may be specially classified under this section, provided the volunteer regularly responds to emergency calls. The volunteer shall furnish the commissioner of revenue, or other assessing officer, with a certification by the chief of the volunteer emergency medical services agency or volunteer fire department, that the volunteer is an individual who meets the definition of "emergency medical services personnel" in § 32.1-111.1 or a member of the volunteer fire department who regularly responds to calls or regularly performs other duties for the emergency medical services agency or fire department, and the motor vehicle owned or leased by the volunteer is identified. The certification shall be submitted by January 31 of each year to the commissioner of revenue or other assessing officer; however, the commissioner of revenue or other assessing officer shall be authorized, in his discretion, and for good cause shown and without fault on the part of the volunteer, to accept a certification after the January 31 deadline. In any county that prorates the assessment of tangible personal property pursuant to § 58.1-3516, a

replacement vehicle may be certified and classified pursuant to this subsection when the vehicle certified as of the immediately prior January date is transferred during the tax year;

16. Motor vehicles (i) owned by auxiliary members of a volunteer emergency medical services agency or volunteer fire department or (ii) leased by auxiliary members of a volunteer emergency medical services agency or volunteer fire department if the auxiliary member is obligated by the terms of the lease to pay tangible personal property tax on the motor vehicle. One motor vehicle that is regularly used by each auxiliary volunteer fire department or emergency medical services agency member may be specially classified under this section. The auxiliary member shall furnish the commissioner of revenue, or other assessing officer, with a certification by the chief of the volunteer emergency medical services agency or volunteer fire department, that the volunteer is an auxiliary member of the volunteer emergency medical services agency or fire department who regularly performs duties for the emergency medical services agency or fire department, and the motor vehicle is identified as regularly used for such purpose; however, if a volunteer meets the definition of "emergency medical services personnel" in § 32.1-111.1 or volunteer fire department member and an auxiliary member are members of the same household, that household shall be allowed no more than two special classifications under this subdivision or subdivision 15. The certification shall be submitted by January 31 of each year to the commissioner of revenue or other assessing officer; however, the commissioner of revenue or other assessing officer shall be authorized, in his discretion, and for good cause shown and without fault on the part of the auxiliary member, to accept a certification after the January 31 deadline;

17. Motor vehicles owned by a nonprofit organization and used to deliver meals to homebound persons or provide transportation to senior or handicapped citizens in the community to carry out the purposes of the nonprofit organization;

18. Privately owned camping trailers as defined in § 46.2-100, and privately owned travel trailers as defined in § 46.2-1500, which are used for recreational purposes only, and privately owned trailers as defined in § 46.2-100, which are designed and used for the transportation of horses except those trailers described in subdivision A 11 of § 58.1-3505;

19. One motor vehicle owned and regularly used by a veteran who has either lost, or lost the use of, one or both legs, or an arm or a hand, or who is blind or who is permanently and totally disabled as certified by the Department of Veterans Services. In order to qualify, the veteran shall provide a written statement to the commissioner of revenue or other assessing officer from the Department of Veterans Services that the veteran has been so designated or classified by the Department of Veterans Services as to meet the requirements of this section, and that his disability is service-connected. For purposes of this section, a person is blind if he meets the provisions of § 46.2-100;

20. Motor vehicles (i) owned by persons who have been appointed to serve as auxiliary police officers pursuant to Article 3 (§ 15.2-1731 et seq.) of Chapter 17 of Title 15.2 or (ii) leased by persons who have been so appointed to serve as auxiliary police officers if the person is obligated by the terms of the lease to pay tangible personal property tax on the motor vehicle. One motor vehicle that is regularly used by each auxiliary police officer to respond to auxiliary police duties may be specially classified under this section. In order to qualify for such classification, any auxiliary police officer who applies for such classification shall identify the vehicle for which this classification is sought, and shall furnish the commissioner of revenue or other assessing officer with a certification from the governing body that has appointed such auxiliary police officer or from the official who has appointed such auxiliary officers. That certification shall state that the applicant is an auxiliary police officer who regularly uses a motor vehicle to respond to auxiliary police duties, and it shall state that the vehicle for which the classification is sought is the vehicle that is regularly used for that purpose. The certification shall be submitted by January 31 of each year to the commissioner of revenue or other assessing officer; however, the commissioner of revenue or other assessing officer shall be authorized, in his discretion, and for good cause shown and without fault on the part of the member, to accept a certification after the January 31 deadline;

21. Until the first to occur of June 30, 2019, or the date that a special improvements tax is no longer levied under § 15.2-4607 on property within a Multicounty Transportation Improvement District created pursuant to Chapter 46 (§ 15.2-4600 et seq.) of Title 15.2, tangible personal property that is used in manufacturing, testing, or operating satellites within a Multicounty Transportation Improvement District, provided that such business personal property is put into service within the District on or after July 1, 1999;

22. Motor vehicles which use clean special fuels as defined in § 46.2-749.3, which shall not include any vehicle described in subdivision 38 or 40;

23. Wild or exotic animals kept for public exhibition in an indoor or outdoor facility that is properly licensed by the federal government, the Commonwealth, or both, and that is properly zoned for such use. "Wild animals" means any animals that are found in the wild, or in a wild state, within the boundaries of the United States, its territories or possessions. "Exotic animals" means any animals that are found in the wild, or in a wild state, and are native to a foreign country;

24. Furniture, office, and maintenance equipment, exclusive of motor vehicles, that are owned and used by an organization whose real property is assessed in accordance with § 58.1-3284.1 and that is used by that organization for the purpose of maintaining or using the open or common space within a residential development;

25. Motor vehicles, trailers, and semitrailers with a gross vehicle weight of 10,000 pounds or more used to transport property for hire by a motor carrier engaged in interstate commerce;

26. All tangible personal property employed in a trade or business other than that described in subdivisions A 1 through A 19 20, except for subdivision A 17 18, of § 58.1-3503;

27. Programmable computer equipment and peripherals employed in a trade or business;

28. Privately owned pleasure boats and watercraft, motorized and under 18 feet, used for recreational purposes only;

29. Privately owned pleasure boats and watercraft, nonmotorized and under 18 feet, used for recreational purposes only;

30. Privately owned motor homes as defined in § 46.2-100 that are used for recreational purposes only;

31. Tangible personal property used in the provision of Internet services. For purposes of this subdivision, "Internet service" means a service, including an Internet Web-hosting service, that enables users to access content, information, electronic mail, and the Internet as part of a package of services sold to customers;

32. Motor vehicles (i) owned by persons who serve as auxiliary, reserve, volunteer, or special deputy sheriffs or (ii) leased by persons who serve as auxiliary, reserve, volunteer, or special deputy sheriffs if the person is obligated by the terms of the lease to pay tangible personal property tax on the motor vehicle. For purposes of this subdivision, the term "auxiliary deputy sheriff" means auxiliary, reserve, volunteer, or special deputy sheriff. One motor vehicle that is regularly used by each auxiliary deputy sheriff to respond to auxiliary deputy sheriff duties may be specially classified under this section. In order to qualify for such classification, any auxiliary deputy sheriff who applies for such classification shall identify the vehicle for which this classification is sought, and shall furnish the commissioner of revenue or other assessing officer with a certification from the governing body that has appointed such auxiliary deputy sheriff or from the official who has appointed such auxiliary deputy sheriff. That certification shall state that the applicant is an auxiliary deputy sheriff who regularly uses a motor vehicle to respond to such auxiliary duties, and it shall state that the vehicle for which the classification is sought is the vehicle that is regularly used for that purpose. The certification shall be submitted by January 31 of each year to the commissioner of revenue or other assessing officer; however, the commissioner of revenue or other assessing officer shall be authorized, in his discretion, and for good cause shown and without fault on the part of the member, to accept a certification after the January 31 deadline;

33. Forest harvesting and silvicultural activity equipment;

34. Equipment used primarily for research, development, production, or provision of biotechnology for the purpose of developing or providing products or processes for specific commercial or public purposes, including medical, pharmaceutical, nutritional, and other health-related purposes; agricultural purposes; or environmental purposes but not for human cloning purposes as defined in § 32.1-162.21 or for products or purposes related to human embryo stem cells. For purposes of this section, biotechnology equipment means equipment directly used in activities associated with the science of living things;

35. Boats or watercraft weighing less than five tons, used for business purposes only;

36. Boats or watercraft weighing five tons or more, used for business purposes only;

37. Tangible personal property which is owned and operated by a service provider who is not a CMRS provider and is not licensed by the FCC used to provide, for a fee, wireless broadband Internet service. For purposes of this subdivision, "wireless broadband Internet service" means a service that enables customers to access, through a wireless connection at an upload or download bit rate of more than one megabyte per second, Internet service, as defined in § 58.1-602, as part of a package of services sold to customers;

38. Low-speed vehicles as defined in § 46.2-100;

39. Motor vehicles with a seating capacity of not less than 30 persons, including the driver;

40. Motor vehicles powered solely by electricity;

41. Tangible personal property designed and used primarily for the purpose of manufacturing a product from renewable energy as defined in § 56-576;

42. Motor vehicles leased by a county, city, town, or constitutional officer if the locality or constitutional officer is obligated by the terms of the lease to pay tangible personal property tax on the motor vehicle;

43. Computer equipment and peripherals used in a data center. For purposes of this subdivision, "data center" means a facility whose primary services are the storage, management, and processing of digital data and is used to house (i) computer and network systems, including associated components such as servers, network equipment and appliances, telecommunications, and data storage systems; (ii) systems for monitoring and managing infrastructure performance; (iii) equipment used for the transformation, transmission, distribution, or management of at least one megawatt of capacity of electrical power and cooling, including substations, uninterruptible power supply systems, all electrical plant equipment, and associated air handlers; (iv) Internet-related equipment and services; (v) data communications connections; (vi) environmental controls; (vii) fire protection systems; and (viii) security systems and services;

44. Motor vehicles (i) owned by persons who serve as uniformed members of the Virginia Defense Force pursuant to Article 4.2 (§ 44-54.4 et seq.) of Chapter 1 of Title 44 or (ii) leased by persons who serve as uniformed members of the Virginia Defense Force pursuant to Article 4.2 (§ 44-54.4 et seq.) of Chapter 1 of Title 44 if the person is obligated by the terms of the lease to pay tangible personal property tax on the motor vehicle. One motor vehicle that is regularly used by a uniformed member of the Virginia Defense Force to respond to his official duties may be specially classified under this section. In order to qualify for such classification, any person who applies for such classification shall identify the vehicle for which the classification is sought and shall furnish to the commissioner of the revenue or other assessing officer a certification from the Adjutant General of the Department of Military Affairs under § 44-11. That certification shall state that (a) the applicant is a uniformed member of the Virginia Defense Force who regularly uses a motor vehicle to respond to his official duties, and (b) the vehicle for which the classification is sought is the vehicle that is regularly used for that purpose. The certification shall be submitted by January 31 of each year to the commissioner of the revenue or other

assessing officer; however, the commissioner of revenue or other assessing officer shall be authorized, in his discretion, and for good cause shown and without fault on the part of the member, to accept a certification after the January 31 deadline;

45. If a locality has adopted an ordinance pursuant to subsection D of § 58.1-3703, tangible personal property of a business that qualifies under such ordinance for the first two tax years in which the business is subject to tax upon its personal property pursuant to this chapter. If a locality has not adopted such ordinance, this classification shall apply to the tangible personal property for such first two tax years of a business that otherwise meets the requirements of subsection D of § 58.1-3703;

46. Miscellaneous and incidental tangible personal property employed in a trade or business that is not classified as machinery and tools pursuant to Article 2 (§ 58.1-3507 et seq.), merchants' capital pursuant to Article 3 (§ 58.1-3509 et seq.), or short-term rental property pursuant to Article 3.1 (§ 58.1-3510.4 et seq.), and has an original cost of less than \$500. A county, city, or town shall allow a taxpayer to provide an aggregate estimate of the total cost of all such property owned by the taxpayer that qualifies under this subdivision, in lieu of a specific, itemized list; and

47. Commercial fishing vessels and property permanently attached to such vessels.

B. The governing body of any county, city or town may levy a tax on the property enumerated in subsection A at different rates from the tax levied on other tangible personal property. The rates of tax and the rates of assessment shall (i) for purposes of subdivisions A 1, 2, 3, 4, 5, 6, 8, 11 through 20, 22 through 24, and 26 through 47, not exceed that applicable to the general class of tangible personal property, (ii) for purposes of subdivisions A 7, 9, 21, and 25, not exceed that applicable to machinery and tools, and (iii) for purposes of subdivision A 10, equal that applicable to real property. If an item of personal property is included in multiple classifications under subsection A, then the rate of tax shall be the lowest rate assigned to such classifications.

C. Notwithstanding any other provision of this section, for any qualifying vehicle, as such term is defined in § 58.1-3523, (i) included in any separate class of property in subsection A and (ii) assessed for tangible personal property taxes by a county, city, or town receiving a payment from the Commonwealth under Chapter 35.1 (§ 58.1-3523 et seq.) for providing tangible personal property tax relief, the county, city, or town may levy the tangible personal property tax on such qualifying vehicle at a rate not to exceed the rates of tax and rates of assessment required under such chapter.

**CHAPTER 29**

*An Act to amend and reenact § 58.1-3651 of the Code of Virginia, relating to real property tax; exemptions.*

[H 894]

Approved February 26, 2018

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

**1. That § 58.1-3651 of the Code of Virginia is amended and reenacted as follows:**

**§ 58.1-3651. Property exempt from taxation by classification or designation by ordinance adopted by local governing body on or after January 1, 2003.**

A. Pursuant to subsection 6 (a)(6) of Article X of the Constitution of Virginia, on and after January 1, 2003, any county, city, or town may by designation or classification exempt from real or personal property taxes, or both, by ordinance adopted by the local governing body, the real or personal property, or both, owned by a nonprofit organization, *including a single member limited liability company whose sole member is a nonprofit organization*, that uses such property for religious, charitable, patriotic, historical, benevolent, cultural, or public park and playground purposes. The ordinance shall state the specific use on which the exemption is based, and continuance of the exemption shall be contingent on the continued use of the property in accordance with the purpose for which the organization is classified or designated. No exemption shall be provided to any organization that has any rule, regulation, policy, or practice that unlawfully discriminates on the basis of religious conviction, race, color, sex, or national origin.

B. Any ordinance exempting property by designation pursuant to subsection A shall be adopted only after holding a public hearing with respect thereto, at which citizens shall have an opportunity to be heard. The local governing body shall publish notice of the hearing once in a newspaper of general circulation in the county, city, or town where the real property is located. The notice shall include the assessed value of the real and tangible personal property for which an exemption is requested as well as the property taxes assessed against such property. The public hearing shall not be held until at least five days after the notice is published in the newspaper. The local governing body shall collect the cost of publication from the organization requesting the property tax exemption. Before adopting any such ordinance the governing body shall consider the following questions:

1. Whether the organization is exempt from taxation pursuant to § 501(c) of the Internal Revenue Code of 1954;
2. Whether a current annual alcoholic beverage license for serving alcoholic beverages has been issued by the Board of Directors of the Virginia Alcoholic Beverage Control Authority to such organization, for use on such property;
3. Whether any director, officer, or employee of the organization is paid compensation in excess of a reasonable allowance for salaries or other compensation for personal services which such director, officer, or employee actually renders;
4. Whether any part of the net earnings of such organization inures to the benefit of any individual, and whether any significant portion of the service provided by such organization is generated by funds received from donations,

contributions, or local, state or federal grants. As used in this subsection, donations shall include the providing of personal services or the contribution of in-kind or other material services;

5. Whether the organization provides services for the common good of the public;

6. Whether a substantial part of the activities of the organization involves carrying on propaganda, or otherwise attempting to influence legislation and whether the organization participates in, or intervenes in, any political campaign on behalf of any candidate for public office;

7. The revenue impact to the locality and its taxpayers of exempting the property; and

8. Any other criteria, facts and circumstances that the governing body deems pertinent to the adoption of such ordinance.

C. Any ordinance exempting property by classification pursuant to subsection A shall be adopted only after holding a public hearing with respect thereto, at which citizens shall have an opportunity to be heard. The local governing body shall publish notice of the hearing once in a newspaper of general circulation in the county, city, or town. The public hearing shall not be held until at least five days after the notice is published in the newspaper.

D. Exemptions of property from taxation under this article shall be strictly construed in accordance with Article X, Section 6 (f) of the Constitution of Virginia.

E. Nothing in this section or in any ordinance adopted pursuant to this section shall affect the validity of either a classification exemption or a designation exemption granted by the General Assembly prior to January 1, 2003, pursuant to Article 2 (§ 58.1-3606 et seq.), 3 (§ 58.1-3609 et seq.) or 4 (§ 58.1-3650 et seq.) of this chapter. An exemption granted pursuant to Article 4 (§ 58.1-3650 et seq.) of this chapter may be revoked in accordance with the provisions of § 58.1-3605.

## CHAPTER 30

*An Act to amend and reenact § 58.1-3505 of the Code of Virginia, relating to personal property tax; definition of agricultural products.*

[H 1022]

Approved February 26, 2018

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

**1. That § 58.1-3505 of the Code of Virginia is amended and reenacted as follows:**

**§ 58.1-3505. Classification of farm animals, certain grains, agricultural products, farm machinery, farm implements and equipment; governing body may exempt.**

A. Farm animals, grains and other feeds used for the nurture of farm animals, agricultural products *as defined in § 3.2-6400*, farm machinery and farm implements are hereby defined as separate items of taxation and classified as follows:

1. Horses, mules and other kindred animals.

2. Cattle.

3. Sheep and goats.

4. Hogs.

5. Poultry.

6. Grains and other feeds used for the nurture of farm animals.

7. Grain; tobacco; wine produced by farm wineries as defined in § 4.1-100 and other agricultural products in the hands of a producer.

8. Farm machinery other than the farm machinery described in subdivision 10, and farm implements, which shall include equipment and machinery used by farm wineries as defined in § 4.1-100 in the production of wine.

9. Equipment used by farmers or farm cooperatives qualifying under § 521 of the Internal Revenue Code to manufacture industrial ethanol, provided that the materials from which the ethanol is derived consist primarily of farm products.

10. Farm machinery designed solely for the planting, production or harvesting of a single product or commodity.

11. Privately owned trailers as defined in § 46.2-100 that are primarily used by farmers in their farming operations for the transportation of farm animals or other farm products as enumerated in subdivisions A 1 through A 7 of this section.

12. Motor vehicles that are used exclusively for agricultural purposes, for which the owner is not required to obtain a registration certificate, license plate, and decal or pay a registration fee pursuant to § 46.2-665, 46.2-666, or 46.2-670.

13. Trucks or tractor trucks as defined in § 46.2-100, that are exclusively used by farmers in their farming operations for the transportation of farm animals or other farm products as enumerated in subdivisions 1 through 7 or for the transport of farm-related machinery.

B. The governing body of any county, city or town may, by ordinance duly adopted, exempt in whole or in part from taxation, or provide a different rate of tax upon, all or any of the above classes of farm animals, grains and feeds used for the nurture of farm animals, farm vehicles, and farm machinery, implements or equipment set forth in subsection A.

C. Grain; tobacco; wine produced by farm wineries as defined in § 4.1-100; and other agricultural products, *as defined in § 3.2-6400*, shall be exempt from taxation *under this chapter* while in the hands of a producer.

## CHAPTER 31

*An Act to amend and reenact §§ 2.2-4342 and 2.2-4343 of the Code of Virginia, relating to the Virginia Public Procurement Act; designation of trade secrets and proprietary information.*

[H 905]

Approved February 26, 2018

**Be it enacted by the General Assembly of Virginia:****1. That §§ 2.2-4342 and 2.2-4343 of the Code of Virginia are amended and reenacted as follows:****§ 2.2-4342. Public inspection of certain records.**

A. Except as provided in this section, all proceedings, records, contracts and other public records relating to procurement transactions shall be open to the inspection of any citizen, or any interested person, firm or corporation, in accordance with the Virginia Freedom of Information Act (§ 2.2-3700 et seq.).

B. Cost estimates relating to a proposed procurement transaction prepared by or for a public body shall not be open to public inspection.

C. Any competitive sealed bidding bidder, upon request, shall be afforded the opportunity to inspect bid records within a reasonable time after the opening of all bids but prior to award, except in the event that the public body decides not to accept any of the bids and to reopen the contract. Otherwise, bid records shall be open to public inspection only after award of the contract.

D. Any competitive negotiation offeror, upon request, shall be afforded the opportunity to inspect proposal records within a reasonable time after the evaluation and negotiations of proposals are completed but prior to award, except in the event that the public body decides not to accept any of the proposals and to reopen the contract. Otherwise, proposal records shall be open to public inspection only after award of the contract.

E. Any inspection of procurement transaction records under this section shall be subject to reasonable restrictions to ensure the security and integrity of the records.

F. Trade secrets or proprietary information submitted by a bidder, offeror, or contractor in connection with a procurement transaction or prequalification application submitted pursuant to subsection B of § 2.2-4317 shall not be subject to the Virginia Freedom of Information Act (§ 2.2-3700 et seq.); however, the bidder, offeror, or contractor shall (i) invoke the protections of this section prior to or upon submission of the data or other materials, (ii) identify the data or other materials to be protected, and (iii) state the reasons why protection is necessary. *A bidder, offeror, or contractor shall not designate as trade secrets or proprietary information (a) an entire bid, proposal, or prequalification application; (b) any portion of a bid, proposal, or prequalification application that does not contain trade secrets or proprietary information; or (c) line item prices or total bid, proposal, or prequalification application prices.*

**§ 2.2-4343. Exemption from operation of chapter for certain transactions.**

A. The provisions of this chapter shall not apply to:

1. The Virginia Port Authority in the exercise of any of its powers in accordance with Chapter 10 (§ 62.1-128 et seq.) of Title 62.1, provided the Authority implements, by policy or regulation adopted by the Board of Commissioners, procedures to ensure fairness and competitiveness in the procurement of goods and services and in the administration of its capital outlay program. This exemption shall be applicable only so long as such policies and procedures meeting the requirements remain in effect.

2. The Virginia Retirement System for selection of services related to the management, purchase or sale of authorized investments, actuarial services, and disability determination services. Selection of these services shall be governed by the standard set forth in § 51.1-124.30.

3. The State Treasurer in the selection of investment management services related to the external management of funds shall be governed by the standard set forth in § 2.2-4514, and shall be subject to competitive guidelines and policies that are set by the Commonwealth Treasury Board and approved by the Department of General Services.

4. The Department of Social Services or local departments of social services for the acquisition of motor vehicles for sale or transfer to Temporary Assistance to Needy Families (TANF) recipients.

5. The College of William and Mary in Virginia, Virginia Commonwealth University, the University of Virginia, and Virginia Polytechnic Institute and State University in the selection of services related to the management and investment of their endowment funds, endowment income, gifts, all other nongeneral fund reserves and balances, or local funds of or held by the respective public institution of higher education pursuant to § 23.1-2210, 23.1-2306, 23.1-2604, or 23.1-2803. However, selection of these services shall be governed by the Uniform Prudent Management of Institutional Funds Act (§ 64.2-1100 et seq.) as required by §§ 23.1-2210, 23.1-2306, 23.1-2604, and 23.1-2803.

6. The Board of the Virginia College Savings Plan for the selection of services related to the operation and administration of the Plan, including, but not limited to, contracts or agreements for the management, purchase, or sale of authorized investments or actuarial, record keeping, or consulting services. However, such selection shall be governed by the standard set forth in § 23.1-706.

7. Public institutions of higher education for the purchase of items for resale at retail bookstores and similar retail outlets operated by such institutions. However, such purchase procedures shall provide for competition where practicable.

8. The purchase of goods and services by agencies of the legislative branch that may be specifically exempted therefrom by the Chairman of the Committee on Rules of either the House of Delegates or the Senate. Nor shall the contract review provisions of § 2.2-2012 apply to such procurements. The exemption shall be in writing and kept on file with the agency's disbursement records.

9. Any town with a population of less than 3,500, except as stipulated in the provisions of §§ 2.2-4305, 2.2-4311, 2.2-4315, 2.2-4330, 2.2-4333 through 2.2-4338, 2.2-4343.1, and 2.2-4367 through 2.2-4377 and Chapter 43.1 (§ 2.2-4378 et seq.).

10. Any county, city or town whose governing body has adopted, by ordinance or resolution, alternative policies and procedures which are (i) based on competitive principles and (ii) generally applicable to procurement of goods and services by such governing body and its agencies, except as stipulated in subdivision 12.

This exemption shall be applicable only so long as such policies and procedures, or other policies and procedures meeting the requirements of § 2.2-4300, remain in effect in such county, city or town. Such policies and standards may provide for incentive contracting that offers a contractor whose bid is accepted the opportunity to share in any cost savings realized by the locality when project costs are reduced by such contractor, without affecting project quality, during construction of the project. The fee, if any, charged by the project engineer or architect for determining such cost savings shall be paid as a separate cost and shall not be calculated as part of any cost savings.

11. Any school division whose school board has adopted, by policy or regulation, alternative policies and procedures that are (i) based on competitive principles and (ii) generally applicable to procurement of goods and services by the school board, except as stipulated in subdivision 12.

This exemption shall be applicable only so long as such policies and procedures, or other policies or procedures meeting the requirements of § 2.2-4300, remain in effect in such school division. This provision shall not exempt any school division from any centralized purchasing ordinance duly adopted by a local governing body.

12. Notwithstanding the exemptions set forth in subdivisions 9 through 11, the provisions of subsections C and D of § 2.2-4303, §§ 2.2-4305, 2.2-4311, 2.2-4315, 2.2-4317, 2.2-4330, 2.2-4333 through 2.2-4338, 2.2-4342, 2.2-4343.1, and 2.2-4367 through 2.2-4377, and Chapter 43.1 (§ 2.2-4378 et seq.) shall apply to all counties, cities and school divisions, and to all towns having a population greater than 3,500 in the Commonwealth.

The method for procurement of professional services through competitive negotiation set forth in §§ 2.2-4303.1 and 2.2-4303.2 shall also apply to all counties, cities and school divisions, and to all towns having a population greater than 3,500, where the cost of the professional service is expected to exceed \$60,000 in the aggregate or for the sum of all phases of a contract or project. A school board that makes purchases through its public school foundation or purchases educational technology through its educational technology foundation, either as may be established pursuant to § 22.1-212.2:2 shall be exempt from the provisions of this chapter, except, relative to such purchases, the school board shall comply with the provisions of §§ 2.2-4311 and 2.2-4367 through 2.2-4377.

13. A public body that is also a utility operator may purchase services through or participate in contracts awarded by one or more utility operators that are not public bodies for utility marking services as required by the Underground Utility Damage Prevention Act (§ 56-265.14 et seq.). A purchase of services under this subdivision may deviate from the procurement procedures set forth in this chapter upon a determination made in advance by the public body and set forth in writing that competitive sealed bidding is either not practicable or not fiscally advantageous to the public, and the contract is awarded based on competitive principles.

14. Procurement of any construction or planning and design services for construction by a Virginia nonprofit corporation or organization not otherwise specifically exempted when (i) the planning, design or construction is funded by state appropriations of \$10,000 or less or (ii) the Virginia nonprofit corporation or organization is obligated to conform to procurement procedures that are established by federal statutes or regulations, whether those federal procedures are in conformance with the provisions of this chapter.

15. Purchases, exchanges, gifts or sales by the Citizens' Advisory Council on Furnishing and Interpreting the Executive Mansion.

16. The Eastern Virginia Medical School in the selection of services related to the management and investment of its endowment and other institutional funds. The selection of these services shall, however, be governed by the Uniform Prudent Management of Institutional Funds Act (§ 64.2-1100 et seq.).

17. The Department of Corrections in the selection of pre-release and post-incarceration services and the Department of Juvenile Justice in the selection of pre-release and post-commitment services.

18. The University of Virginia Medical Center to the extent provided by subdivision A 3 of § 23.1-2213.

19. The purchase of goods and services by a local governing body or any authority, board, department, instrumentality, institution, agency or other unit of state government when such purchases are made under a remedial plan established by the Governor pursuant to subsection C of § 2.2-4310 or by a chief administrative officer of a county, city or town pursuant to § 15.2-965.1.

20. The contract by community services boards or behavioral health authorities with an administrator or management body pursuant to a joint agreement authorized by § 37.2-512 or 37.2-615.

21. [Expired].

22. The purchase of Virginia-grown food products for use by a public body where the annual cost of the product is not expected to exceed \$100,000.

23. The Virginia Industries for the Blind when procuring components, materials, supplies, or services for use in commodities and services furnished to the federal government in connection with its operation as an AbilityOne Program-qualified nonprofit agency for the blind under the Javits-Wagner-O'Day Act, 41 U.S.C. §§ 8501-8506, provided that the procurement is accomplished using procedures that ensure that funds are used as efficiently as practicable. Such procedures shall require documentation of the basis for awarding contracts. Notwithstanding the provisions of § 2.2-1117, no public body shall be required to purchase such components, materials, supplies, services, or commodities.

B. Where a procurement transaction involves the expenditure of federal assistance or contract funds, the receipt of which is conditioned upon compliance with mandatory requirements in federal laws or regulations not in conformance with the provisions of this chapter, a public body may comply with such federal requirements, notwithstanding the provisions of this chapter, only upon the written determination of the Governor, in the case of state agencies, or the governing body, in the case of political subdivisions, that acceptance of the grant or contract funds under the applicable conditions is in the public interest. Such determination shall state the specific provision of this chapter in conflict with the conditions of the grant or contract.

## CHAPTER 32

*An Act to amend and reenact §§ 16.1-69.54 and 16.1-112 of the Code of Virginia, relating to electronic case papers; transmission between district and circuit courts.*

[H 378]

Approved February 26, 2018

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

#### **1. That §§ 16.1-69.54 and 16.1-112 of the Code of Virginia are amended and reenacted as follows:**

##### **§ 16.1-69.54. General provisions.**

A. Each district court shall retain and store its court records as provided in this article. The Committee on District Courts, after consultation with the Executive Secretary of the Supreme Court of Virginia, shall determine the methods of processing, retention, reproduction and disposal of records and information in district courts, including records required to be retained in district courts by statute.

B. Whenever a court record has been reproduced for the purpose of record retention under this article, such original may be disposed of upon completion of the Commonwealth's audit of the court records unless approval is given by the Auditor of Public Accounts for earlier disposition. In the event of such reproduction, the reproduction of the court record shall be retained in accordance with the retention periods specified in this section. The reproduction shall have the same force and effect as the original court record and shall be given the same faith and credit to which the original itself would have been entitled in any judicial or administrative proceeding.

C. *Electronic case papers, whether originating in electronic form or converted to electronic form, shall constitute the official record of the case. Such electronic case papers shall also fulfill any statutory requirement that requires an original, original paper, paper, record, document, facsimile, memorandum, exhibit, certification, or transcript if such electronic case papers are in an electronic form approved by the Executive Secretary of the Supreme Court. When case papers are transmitted between the district and circuit courts and there is an agreement between the chief judge of the applicable district court and the clerk of the circuit court for the electronic transmission of case papers, the case papers shall be transmitted between the courts by an electronic method approved by the Executive Secretary of the Supreme Court, with the exception of any exhibit that cannot be electronically transmitted. The clerk in the appellate court may also request that any paper trial records be forwarded to such clerk.*

##### **§ 16.1-112. All papers transmitted to appellate court; further proceedings.**

The judge or clerk of any court from which an appeal is taken under this article shall promptly transmit to the clerk of the appellate court the case papers, which shall include the original warrant or warrants or other notices or pleadings with the judgment endorsed thereon, together with all pleadings, exhibits, and other papers filed in the trial of the case. The required bond, and, if applicable, the money deposited to secure such bond and the writ tax and costs paid pursuant to § 16.1-107 shall also be submitted, along with the fees for service of process of the notice of appeal in the circuit court. ~~Upon agreement between the chief judge of the general district court and the clerk of the appellate court, the case papers shall be transmitted to the appellate court by an electronic method approved by the Executive Secretary of the Supreme Court, with the exception of any exhibit that cannot be electronically transmitted. In the jurisdictions where an agreement pursuant to this section is in effect for the electronic submission of case papers to the appellate court, the appellate court may transmit the case papers back to the general district court by electronic submission where the case is to be returned to the general district court under applicable law. Electronic case papers, whether originating in electronic form or converted to electronic form, shall constitute the official record of the case. Such electronic case papers shall also fulfill any statutory requirement requiring an original, original paper, paper, record, document, facsimile, memorandum, exhibit, certification, or transcript if such electronic case papers are in an electronic form approved by the Executive Secretary of the Supreme Court.~~ Upon receipt of the foregoing by the clerk of the appellate court, the case shall then be docketed.

When such case has been docketed, the clerk of such appellate court shall by writing to be served, as provided in §§ 8.01-288, 8.01-293, 8.01-296, and 8.01-325, or by certified mail, with certified delivery receipt requested, notify the

appellee, or by regular mail to his attorney, that such an appeal has been docketed in his office, provided that upon affidavit by the appellant or his agent in conformity with § 8.01-316 being filed with the clerk, the clerk shall post such notice at the front door of his courtroom and shall mail a copy thereof to the appellee at his last known address or place of abode or to his attorney, and he shall file a certificate of such posting and mailing with the papers in the case. No such appeal shall be heard unless it appears that the appellee or his attorney has had such notice, or that such certificate has been filed, 10 days before the date fixed for trial, or has in person or by attorney waived such notice.

**CHAPTER 33**

*An Act to amend and reenact § 55-375 of the Code of Virginia, relating to the Virginia Real Estate Time-Share Act; Common Interest Community Board; surety bond or letter of credit in lieu of escrow deposit.*

[H 674]

Approved February 26, 2018

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

**1. That § 55-375 of the Code of Virginia is amended and reenacted as follows:**

**§ 55-375. Escrow of deposits; use of corporate surety bond or irrevocable letter of credit.**

A. Any deposit made in connection with the purchase or reservation of a product shall be held in escrow. ~~All cash deposits shall be held in a separate bank account labeled and designated solely for that purpose. Such escrow account shall be insured by an instrumentality of the federal government and located in Virginia.~~ All deposits shall be held in escrow until (i) delivered to the developer upon expiration of the purchaser's cancellation period provided the purchaser's right of cancellation has not been exercised, (ii) delivered to the developer because of the purchaser's default under a contract to purchase a time-share, or (iii) refunded to the purchaser. ~~Failure to establish escrow accounts or to make the deposits as required by this section is prima facie evidence of willful violation of this section. Such funds shall be deposited in a separate account designated for this purpose that is federally insured and located in Virginia; except where such deposits are being held by a real estate broker or attorney licensed under the laws of the Commonwealth, such funds may be placed in that broker's or attorney's regular escrow account and need not be placed in a separate designated account. Such escrow funds shall not be subject to attachment by the creditors of either the purchaser or the developer.~~

B. In lieu of escrowing deposits as provided in subsection A, the developer of a time-share project consisting of more than 25 units may:

1. Obtain and maintain a corporate surety bond issued by a surety authorized to do business in the Commonwealth, in the form and amount set forth in subsection C below; or
2. Obtain and maintain an irrevocable letter of credit issued by a financial institution whose accounts are insured by the FDIC, in the form and amount set forth in subsection D.

The surety bond or letter of credit shall be maintained until (i) the expiration of the purchaser's cancellation period, (ii) the purchaser's default under a purchase contract for the time-share estate entitling the developer to retain the deposit, or (iii) the refund of the deposit to the time-share purchaser, whichever occurs first.

C. The surety bond shall be payable to the Commonwealth for the use and benefit of every person protected under the provisions of this chapter. The developer shall file the bond with the Common Interest Community Board. The surety bond may be either in the form of an individual bond for each deposit accepted by the developer or, if the total amount of the deposits accepted by the developer under this chapter exceeds \$10,000, it may be in the form of a blanket bond. If the bond is a blanket bond, the amount shall be as follows. If the amount of such deposits is:

1. More than \$10,000 but not more than \$75,000, the blanket bond shall be \$75,000;
2. More than \$75,000 but less than \$200,000, the blanket bond shall be \$200,000;
3. \$200,000 or more but less than \$500,000, the blanket bond shall be \$500,000;
4. \$500,000 or more but less than \$1 million, the blanket bond shall be \$1 million; and
5. \$1 million or more, the blanket bond shall be 100 percent of the amount of such deposits.

D. The letter of credit shall be payable to the Commonwealth for the use and benefit of every person protected under this chapter. The developer shall file the letter of credit with the Common Interest Community Board. The letter of credit may be either in the form of an individual letter of credit for each deposit accepted by the developer or, if the total amount of the deposits accepted by the developer under this chapter exceeds \$10,000, it may be in the form of a blanket letter of credit. If the letter of credit is a blanket letter of credit, the amount shall be as follows. If the amount of such deposits is:

1. More than \$10,000 but not more than \$75,000, the blanket letter of credit shall be \$75,000;
2. More than \$75,000 but less than \$200,000, the blanket letter of credit shall be \$200,000;
3. \$200,000 or more but less than \$500,000, the blanket letter of credit shall be \$500,000;
4. \$500,000 or more but less than \$1 million, the blanket letter of credit shall be \$1 million; and
5. \$1 million or more, the blanket letter of credit shall be 100 percent of the amount of such deposits.

For the purposes of determining the amount of any blanket letter of credit that a developer maintains in any calendar year, the total amount of deposits considered held by the developer shall be determined as of May 31 in each calendar year and the amount of the letter of credit shall be in accordance with the amount of deposits held as of May 31.

E. The developer shall disclose in the contract or in the public offering that the deposit may not be held in escrow *or protected by a surety bond or letter of credit* after expiration of the cancellation period and that such deposit is not protected as an escrow after expiration of the cancellation period. This disclosure shall include a statement of whether or not the developer reserves the option to sell or assign any promissory note given by a purchaser to another entity, whether or not such entity is affiliated with the developer. Both disclosures shall appear in ~~boldface~~ **boldface** type of a minimum size of 10 points.

~~C. There shall be filed with the Common Interest Community Board a bond, letter of credit, or cash for the purpose of protecting all deposits escrowed pursuant to subsection A, in favor of the time share purchasers. The bond, letter of credit, or cash shall be in an amount equal to the total of the deposits in escrow at any given time or \$25,000, whichever is greater. Such bond, letter of credit, or cash shall be maintained for so long as the developer offers time shares in the project. The bond shall be with a surety company authorized to do business in Virginia.~~

**CHAPTER 34**

*An Act to amend and reenact §§ 55-59.1 and 55-64 of the Code of Virginia, relating to foreclosure; notice of sale when owner is deceased; payment of surplus to personal representative.*

[H 755]

Approved February 26, 2018

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

**1. That §§ 55-59.1 and 55-64 of the Code of Virginia are amended and reenacted as follows:**

**§ 55-59.1. Notices required before sale by trustee to owners, lienors, etc.; if note lost.**

A. In addition to the advertisement required by § 55-59.2 the trustee or the party secured shall give written notice of the time, date and place of any proposed sale in execution of a deed of trust, which notice shall include either (i) the instrument number or deed book and page numbers of the instrument of appointment filed pursuant to § 55-59, or (ii) said notice shall include a copy of the executed and notarized appointment of substitute trustee by personal delivery or by mail to ~~(i)~~ (a) the present owner of the property to be sold at his last known address as such owner and address appear in the records of the party secured; ~~(ii)~~ (b) any subordinate lienholder who holds a note against the property secured by a deed of trust recorded at least 30 days prior to the proposed sale and whose address is recorded with the deed of trust; ~~(iii)~~ (c) any assignee of such a note secured by a deed of trust, provided that the assignment and address of assignee are likewise recorded at least 30 days prior to the proposed sale; ~~(iv)~~ (d) any condominium unit owners' association which that has filed a lien pursuant to § 55-79.84; ~~(v)~~ (e) any property owners' association which that has filed a lien pursuant to § 55-516; and ~~(vi)~~ (f) any proprietary lessees' association which that has filed a lien pursuant to § 55-472. Written notice shall be given pursuant to clauses ~~(iv)~~, (d), (e), and ~~(vi)~~; (f) only if the lien is recorded at least 30 days prior to the proposed sale. *If the secured party has received notification that the owner of the property to be sold is deceased, the notice required by clause (a) shall be given to (1) the last known address of such owner as such address appears in the records of the party secured; (2) any personal representative of the deceased's estate whose appointment is recorded among the records of the circuit court where the property is located, at the address of the personal representative that appears in such records; and (3) any heirs of the deceased who are listed on the list of heirs recorded among the records of the circuit court where the property is located, at the addresses of the heirs that appear in such records.* Mailing of a copy of the advertisement or a notice containing the same information to the owner by certified or registered mail no less than 14 days prior to such sale and to lienholders, the property owners' association or proprietary lessees' association, their assigns and the condominium unit owners' association, at the address noted in the memorandum of lien, by ordinary mail no less than 14 days prior to such sale shall be a sufficient compliance with the requirement of notice. The written notice of proposed sale when given as provided herein shall be deemed an effective exercise of any right of acceleration contained in such deed of trust or otherwise possessed by the party secured relative to the indebtedness secured. The inadvertent failure to give notice as required by this subsection shall not impose liability on either the trustee or the secured party.

B. If a note or other evidence of indebtedness secured by a deed of trust is lost or for any reason cannot be produced and the beneficiary submits to the trustee an affidavit to that effect, the trustee may nonetheless proceed to sale, provided that the beneficiary has given written notice to the person required to pay the instrument that the instrument is unavailable and a request for sale will be made of the trustee upon expiration of 14 days from the date of mailing of the notice. The notice shall be sent by certified mail, return receipt requested, to the last known address of the person required to pay the instrument as reflected in the records of the beneficiary and shall include the name and mailing address of the trustee. The notice shall further advise the person required to pay the instrument that if he believes he may be subject to a claim by a person other than the beneficiary to enforce the instrument, he may petition the circuit court of the county or city where the property or some part thereof lies for an order requiring the beneficiary to provide adequate protection against any such claim. If deemed appropriate by the court, the court may condition the sale on a finding that the person required to pay the instrument is adequately protected against loss that might occur by reason of a claim by another person to enforce the instrument. Adequate protection may be provided by any reasonable means. If the trustee proceeds to sale, the fact that the instrument is lost or cannot be produced shall not affect the authority of the trustee to sell or the validity of the sale.

C. When the written notice of proposed sale is given as provided herein, there shall be a rebuttable presumption that the lienholder has complied with any requirement to provide notice of default contained in a deed of trust. Failure to comply with the requirements of notice contained in this section shall not affect the validity of the sale, and a purchaser for value at such sale shall be under no duty to ascertain whether such notice was validly given.

D. In the event of postponement of sale, which may be done in the discretion of the trustee, no new or additional notice need be given pursuant to this section.

**§ 55-64. Disposition of surplus from trustee's sale after death of grantor.**

Whenever the grantor, or his successor in title, in any deed of trust by which any real property is conveyed in trust to secure debts or indemnify sureties dies prior to a trustee's sale held pursuant to the deed of trust and the deed of trust contains no definite provision for the distribution of any surplus in the event of the death of the grantor or his successors in title prior to the trustee's sale held pursuant to the deed of trust, or contains a provision that such surplus shall be paid to the grantor or his heirs or assigns or personal representative, then any surplus of the proceeds of the sale remaining in the hands of the trustee, after discharging the expenses of executing the trust, all tax liens upon the property sold, ~~and~~ all debts and obligations secured by the deed of trust, *and, in order of their priority, if any, the remaining subsequent debts and obligations secured by the deed, and any liens of record inferior to the deed of trust under which the sale is made, with lawful interest,* shall be paid by the trustee to the personal representative of the decedent.

Any funds so coming into the hands of the personal representative shall constitute assets for the payment by him ~~first, of all existing liens against the property foreclosed which are subsequent to the deed of trust under which the trustee sells in the order of their priority, and secondly,~~ of any debts and demands against the decedent's estate remaining unsatisfied after the personal estate has been exhausted. Any surplus of the funds so paid to the personal representative and remaining in his hands after the satisfaction of all debts and demands against the estate shall be paid over by him, if the decedent died intestate as to the real property embraced in the deed of trust, to the heirs at law of the decedent, or their successors in title, and if the decedent died testate as to the real property embraced in the deed of trust, then such surplus shall be paid to the persons entitled to the real property under the terms of the decedent's will, or to their successors in title.

**CHAPTER 35**

*An Act to repeal § 17.1-625 of the Code of Virginia, relating to attorney fees for prevailing party; more than one attorney.*

[H 1024]

Approved February 26, 2018

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

**1. That § 17.1-625 of the Code of Virginia is repealed.**

**CHAPTER 36**

*An Act to amend and reenact § 16.1-249 of the Code of Virginia, relating to places of confinement for juveniles.*

[H 35]

Approved February 26, 2018

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

**1. That § 16.1-249 of the Code of Virginia is amended and reenacted as follows:**

**§ 16.1-249. Places of confinement for juveniles.**

A. If it is ordered that a juvenile remain in detention or shelter care pursuant to § 16.1-248.1, such juvenile may be detained, pending a court hearing, in the following places:

1. An approved foster home or a home otherwise authorized by law to provide such care;
2. A facility operated by a licensed child welfare agency;
3. If a juvenile is alleged to be delinquent, in a detention home or group home approved by the Department;
4. Any other suitable place designated by the court and approved by the Department;

5. To the extent permitted by federal law, a separate juvenile detention facility located upon the site of an adult regional jail facility established by any county, city or any combination thereof constructed after 1994, approved by the Department of Juvenile Justice and certified by the Board of Juvenile Justice for the holding and detention of juveniles.

B. No juvenile shall be detained or confined in any jail or other facility for the detention of adult offenders or persons charged with crime except as provided in subsection D, E, F or G of this section.

C. The official in charge of a jail or other facility for the detention of adult offenders or persons charged with crime shall inform the court immediately when a juvenile who is or appears to be under the age of 18 years is received at the facility, and shall deliver him to the court upon request, or transfer him to a detention facility designated by the court.

D. When a case is transferred to the circuit court in accordance with the provisions of subsection A of § 16.1-269.1 and an order is entered by the circuit court in accordance with § 16.1-269.6, or in accordance with the provisions of § 16.1-270 where the juvenile has waived the jurisdiction of the district court, or when the district court has certified a charge to the grand jury pursuant to subsection B or C of § 16.1-269.1, the juvenile, if in confinement, shall be placed in a juvenile secure

facility, unless the court determines that the juvenile is a threat to the security or safety of the other juveniles detained or the staff of the facility, in which case the court may transfer the juvenile to a jail or other facility for the detention of adults ~~and need no longer be entirely separate and removed from adults~~, *provided that the facility is approved by the State Board of Corrections for the detention of juveniles.*

E. If, in the judgment of the custodian, a juvenile has demonstrated that he is a threat to the security or safety of the other juveniles detained or the staff of the home or facility, the judge shall determine whether such juvenile should be transferred to another juvenile facility or, if the child is 14 years of age or older, a jail or other facility for the detention of adults, ~~provided,~~ that (i) the detention is in a room or ward entirely separate and removed from adults, (ii) adequate supervision is provided, and (iii) the facility is approved by the State Board of Corrections for detention of juveniles.

F. If, in the judgment of the custodian, it has been demonstrated that the presence of a juvenile in a facility creates a threat to the security or safety of the other juveniles detained or the staff of the home or facility, the custodian may transfer the juvenile to another juvenile facility, or, if the child is 14 years of age or older, a jail or other facility for the detention of adults pursuant to the limitations of clauses (i), (ii) and (iii) of subsection E for a period not to exceed six hours prior to a court hearing and an additional six hours after the court hearing unless a longer period is ordered pursuant to subsection E.

G. If a juvenile 14 years of age or older is charged with an offense which, if committed by an adult, would be a felony or Class 1 misdemeanor, and the judge or intake officer determines that secure detention is needed for the safety of the juvenile or the community, such juvenile may be detained for a period not to exceed six hours prior to a court hearing and six hours after the court hearing in a temporary lock-up room or ward for juveniles while arrangements are completed to transfer the juvenile to a juvenile facility. Such room or ward may be located in a building which also contains a jail or other facility for the detention of adults, *provided that* (i) such room or ward is totally separate and removed from adults or juveniles transferred to the circuit court pursuant to Article 7 (§ 16.1-269.1 et seq.) ~~of this chapter~~, (ii) constant supervision is provided, and (iii) the facility is approved by the State Board of Corrections for the detention of juveniles. The State Board of Corrections is authorized and directed to prescribe minimum standards for temporary lock-up rooms and wards based on the requirements set out in this subsection.

G1. Any juvenile who has been ordered detained in a secure detention facility pursuant to § 16.1-248.1 may be held incident to a court hearing (i) in a court holding cell for a period not to exceed six hours, *provided that* the juvenile is entirely separate and removed from detained adults, or (ii) in a nonsecure area, *provided that* constant supervision is provided.

H. If a judge, intake officer or magistrate orders the predispositional detention of persons 18 years of age or older, such detention shall be in an adult facility; however, if the predispositional detention is ordered for a violation of the terms and conditions of release from a juvenile correctional center, the judge, intake officer or magistrate may order such detention be in a juvenile facility.

I. The Departments of Corrections, Juvenile Justice and Criminal Justice Services shall assist the localities or combinations thereof in implementing this section and ensuring compliance herewith.

## CHAPTER 37

*An Act to amend and reenact § 54.1-1111 of the Code of Virginia, relating to Board for Contractors; prerequisites to obtaining a building permit; elimination of affidavit requirement for written statements.*

[H 164]

Approved February 26, 2018

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

#### **1. That § 54.1-1111 of the Code of Virginia is amended and reenacted as follows:**

##### **§ 54.1-1111. Prerequisites to obtaining business license; building, etc., permit.**

A. Any person applying to the building ~~inspector~~ *official* or any other authority of a county, city, or town in this Commonwealth, charged with the duty of issuing building or other permits for the construction of any building, highway, sewer, or structure, or any removal, grading or improvement shall furnish prior to the issuance of the permit, either (i) satisfactory proof to such ~~inspector~~ *official* or authority that he is duly licensed or certified under the terms of this chapter to carry out or superintend the same, or (ii) file a written statement, ~~supported by an affidavit~~, that he is not subject to licensure or certification as a contractor or subcontractor pursuant to this chapter. The applicant shall also furnish satisfactory proof that the taxes or license fees required by any county, city, or town have been paid so as to be qualified to bid upon or contract for the work for which the permit has been applied.

It shall be unlawful for the building ~~inspector~~ *official* or other authority to issue or allow the issuance of such permits unless the applicant has furnished his license or certificate number issued pursuant to this chapter or evidence of being exempt from the provisions of this chapter.

The building ~~inspector~~ *official*, or other such authority, violating the terms of this section shall be guilty of a Class 3 misdemeanor.

B. Any contractor applying for or renewing a business license in any locality in accordance with Chapter 37 (§ 58.1-3700 et seq.) of Title 58.1 shall furnish prior to the issuance or renewal of such license either (i) satisfactory proof

that he is duly licensed or certified under the terms of this chapter or (ii) a written statement, supported by an affidavit, that he is not subject to licensure or certification as a contractor or subcontractor pursuant to this chapter.

No locality shall issue or renew or allow the issuance or renewal of such license unless the contractor has furnished his license or certificate number issued pursuant to this chapter or evidence of being exempt from the provisions of this chapter.

## CHAPTER 38

*An Act to amend and reenact §§ 16.1-253.1 and 16.1-279.1 of the Code of Virginia, relating to protective orders; family abuse; cellular telephone number or other electronic device.*

[H 262]

Approved February 26, 2018

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

**1. That §§ 16.1-253.1 and 16.1-279.1 of the Code of Virginia are amended and reenacted as follows:**

**§ 16.1-253.1. Preliminary protective orders in cases of family abuse; confidentiality.**

A. Upon the filing of a petition alleging that the petitioner is or has been, within a reasonable period of time, subjected to family abuse, the court may issue a preliminary protective order against an allegedly abusing person in order to protect the health and safety of the petitioner or any family or household member of the petitioner. The order may be issued in an ex parte proceeding upon good cause shown when the petition is supported by an affidavit or sworn testimony before the judge or intake officer. Immediate and present danger of family abuse or evidence sufficient to establish probable cause that family abuse has recently occurred shall constitute good cause. Evidence that the petitioner has been subjected to family abuse within a reasonable time and evidence of immediate and present danger of family abuse may be established by a showing that (i) the allegedly abusing person is incarcerated and is to be released from incarceration within 30 days following the petition or has been released from incarceration within 30 days prior to the petition, (ii) the crime for which the allegedly abusing person was convicted and incarcerated involved family abuse against the petitioner, and (iii) the allegedly abusing person has made threatening contact with the petitioner while he was incarcerated, exhibiting a renewed threat to the petitioner of family abuse.

A preliminary protective order may include any one or more of the following conditions to be imposed on the allegedly abusing person:

1. Prohibiting acts of family abuse or criminal offenses that result in injury to person or property.
2. Prohibiting such contacts by the respondent with the petitioner or family or household members of the petitioner as the court deems necessary for the health or safety of such persons.
3. Granting the petitioner possession of the premises occupied by the parties to the exclusion of the allegedly abusing person; however, no such grant of possession shall affect title to any real or personal property.
4. Enjoining the respondent from terminating any necessary utility service to a premises that the petitioner has been granted possession of pursuant to subdivision 3 or, where appropriate, ordering the respondent to restore utility services to such premises.
5. *Granting the petitioner and, where appropriate, any other family or household member of the petitioner, exclusive use and possession of a cellular telephone number or electronic device. The court may enjoin the respondent from terminating a cellular telephone number or electronic device before the expiration of the contract term with a third-party provider. The court may enjoin the respondent from using a cellular telephone or other electronic device to locate the petitioner.*

6. Granting the petitioner temporary possession or use of a motor vehicle owned by the petitioner alone or jointly owned by the parties to the exclusion of the allegedly abusing person; however, no such grant of possession or use shall affect title to the vehicle.

~~6.~~ 7. Requiring that the allegedly abusing person provide suitable alternative housing for the petitioner and any other family or household member and, where appropriate, requiring the respondent to pay deposits to connect or restore necessary utility services in the alternative housing provided.

~~7.~~ 8. Granting the petitioner the possession of any companion animal as defined in § 3.2-6500 if such petitioner meets the definition of owner in § 3.2-6500.

~~8.~~ 9. Any other relief necessary for the protection of the petitioner and family or household members of the petitioner.

B. The court shall forthwith, but in all cases no later than the end of the business day on which the order was issued, enter and transfer electronically to the Virginia Criminal Information Network the respondent's identifying information and the name, date of birth, sex, and race of each protected person provided to the court. A copy of a preliminary protective order containing any such identifying information shall be forwarded forthwith to the primary law-enforcement agency responsible for service and entry of protective orders. Upon receipt of the order by the primary law-enforcement agency, the agency shall forthwith verify and enter any modification as necessary to the identifying information and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 and the order shall be served forthwith on the allegedly abusing person in person as provided in § 16.1-264 and due return made to the court. However, if the order is issued by the circuit court, the clerk of the circuit court shall forthwith forward an attested copy of the order containing the

respondent's identifying information and the name, date of birth, sex, and race of each protected person provided to the court to the primary law-enforcement agency providing service and entry of protective orders and upon receipt of the order, the primary law-enforcement agency shall enter the name of the person subject to the order and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 and the order shall be served forthwith on the allegedly abusing person in person as provided in § 16.1-264. Upon service, the agency making service shall enter the date and time of service and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network and make due return to the court. The preliminary order shall specify a date for the full hearing. The hearing shall be held within 15 days of the issuance of the preliminary order. If the respondent fails to appear at this hearing because the respondent was not personally served, or if personally served was incarcerated and not transported to the hearing, the court may extend the protective order for a period not to exceed six months. The extended protective order shall be served forthwith on the respondent. However, upon motion of the respondent and for good cause shown, the court may continue the hearing. The preliminary order shall remain in effect until the hearing. Upon request after the order is issued, the clerk shall provide the petitioner with a copy of the order and information regarding the date and time of service. The order shall further specify that either party may at any time file a motion with the court requesting a hearing to dissolve or modify the order. The hearing on the motion shall be given precedence on the docket of the court.

Upon receipt of the return of service or other proof of service pursuant to subsection C of § 16.1-264, the clerk shall forthwith forward an attested copy of the preliminary protective order to the primary law-enforcement agency, and the agency shall forthwith verify and enter any modification as necessary into the Virginia Criminal Information Network as described above. If the order is later dissolved or modified, a copy of the dissolution or modification order shall also be attested, forwarded forthwith to the primary law-enforcement agency responsible for service and entry of protective orders, and upon receipt of the order by the primary law-enforcement agency, the agency shall forthwith verify and enter any modification as necessary to the identifying information and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network as described above and the order shall be served forthwith and due return made to the court.

C. The preliminary order is effective upon personal service on the allegedly abusing person. Except as otherwise provided in § 16.1-253.2, a violation of the order shall constitute contempt of court.

D. At a full hearing on the petition, the court may issue a protective order pursuant to § 16.1-279.1 if the court finds that the petitioner has proven the allegation of family abuse by a preponderance of the evidence.

E. Neither a law-enforcement agency, the attorney for the Commonwealth, a court nor the clerk's office, nor any employee of them, may disclose, except among themselves, the residential address, telephone number, or place of employment of the person protected by the order or that of the family of such person, except to the extent that disclosure is (i) required by law or the Rules of the Supreme Court, (ii) necessary for law-enforcement purposes, or (iii) permitted by the court for good cause.

F. As used in this section, "copy" includes a facsimile copy.

G. No fee shall be charged for filing or serving any petition or order pursuant to this section.

**§ 16.1-279.1. Protective order in cases of family abuse.**

A. In cases of family abuse, including any case involving an incarcerated or recently incarcerated respondent against whom a preliminary protective order has been issued pursuant to § 16.1-253.1, the court may issue a protective order to protect the health and safety of the petitioner and family or household members of the petitioner. A protective order issued under this section may include any one or more of the following conditions to be imposed on the respondent:

1. Prohibiting acts of family abuse or criminal offenses that result in injury to person or property;
2. Prohibiting such contacts by the respondent with the petitioner or family or household members of the petitioner as the court deems necessary for the health or safety of such persons;
3. Granting the petitioner possession of the residence occupied by the parties to the exclusion of the respondent; however, no such grant of possession shall affect title to any real or personal property;
4. Enjoining the respondent from terminating any necessary utility service to the residence to which the petitioner was granted possession pursuant to subdivision 3 or, where appropriate, ordering the respondent to restore utility services to that residence;
5. *Granting the petitioner and, where appropriate, any other family or household member of the petitioner, exclusive use and possession of a cellular telephone number or electronic device. The court may enjoin the respondent from terminating a cellular telephone number or electronic device before the expiration of the contract term with a third-party provider. The court may enjoin the respondent from using a cellular telephone or other electronic device to locate the petitioner;*
6. Granting the petitioner temporary possession or use of a motor vehicle owned by the petitioner alone or jointly owned by the parties to the exclusion of the respondent and enjoining the respondent from terminating any insurance, registration, or taxes on the motor vehicle and directing the respondent to maintain the insurance, registration, and taxes, as appropriate; however, no such grant of possession or use shall affect title to the vehicle;
7. Requiring that the respondent provide suitable alternative housing for the petitioner and, if appropriate, any other family or household member and where appropriate, requiring the respondent to pay deposits to connect or restore necessary utility services in the alternative housing provided;

~~7.~~ 8. Ordering the respondent to participate in treatment, counseling or other programs as the court deems appropriate;  
~~8.~~ 9. Granting the petitioner the possession of any companion animal as defined in § 3.2-6500 if such petitioner meets the definition of owner in § 3.2-6500; and

~~9.~~ 10. Any other relief necessary for the protection of the petitioner and family or household members of the petitioner, including a provision for temporary custody or visitation of a minor child.

A1. If a protective order is issued pursuant to subsection A, the court may also issue a temporary child support order for the support of any children of the petitioner whom the respondent has a legal obligation to support. Such order shall terminate upon the determination of support pursuant to § 20-108.1.

B. The protective order may be issued for a specified period of time up to a maximum of two years. The protective order shall expire at 11:59 p.m. on the last day specified or at 11:59 p.m. on the last day of the two-year period if no date is specified. Prior to the expiration of the protective order, a petitioner may file a written motion requesting a hearing to extend the order. Proceedings to extend a protective order shall be given precedence on the docket of the court. If the petitioner was a family or household member of the respondent at the time the initial protective order was issued, the court may extend the protective order for a period not longer than two years to protect the health and safety of the petitioner or persons who are family or household members of the petitioner at the time the request for an extension is made. The extension of the protective order shall expire at 11:59 p.m. on the last day specified or at 11:59 p.m. on the last day of the two-year period if no date is specified. Nothing herein shall limit the number of extensions that may be requested or issued.

C. A copy of the protective order shall be served on the respondent and provided to the petitioner as soon as possible. The court, including a circuit court if the circuit court issued the order, shall forthwith, but in all cases no later than the end of the business day on which the order was issued, enter and transfer electronically to the Virginia Criminal Information Network the respondent's identifying information and the name, date of birth, sex, and race of each protected person provided to the court and shall forthwith forward the attested copy of the protective order containing any such identifying information to the primary law-enforcement agency responsible for service and entry of protective orders. Upon receipt of the order by the primary law-enforcement agency, the agency shall forthwith verify and enter any modification as necessary to the identifying information and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 and the order shall be served forthwith upon the respondent and due return made to the court. Upon service, the agency making service shall enter the date and time of service and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network and make due return to the court. If the order is later dissolved or modified, a copy of the dissolution or modification order shall also be attested, forwarded forthwith to the primary law-enforcement agency responsible for service and entry of protective orders, and upon receipt of the order by the primary law-enforcement agency, the agency shall forthwith verify and enter any modification as necessary to the identifying information and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network as described above and the order shall be served forthwith and due return made to the court.

D. Except as otherwise provided in § 16.1-253.2, a violation of a protective order issued under this section shall constitute contempt of court.

E. The court may assess costs and attorneys' fees against either party regardless of whether an order of protection has been issued as a result of a full hearing.

F. Any judgment, order or decree, whether permanent or temporary, issued by a court of appropriate jurisdiction in another state, the United States or any of its territories, possessions or Commonwealths, the District of Columbia or by any tribal court of appropriate jurisdiction for the purpose of preventing violent or threatening acts or harassment against or contact or communication with or physical proximity to another person, including any of the conditions specified in subsection A, shall be accorded full faith and credit and enforced in the Commonwealth as if it were an order of the Commonwealth, provided reasonable notice and opportunity to be heard were given by the issuing jurisdiction to the person against whom the order is sought to be enforced sufficient to protect such person's due process rights and consistent with federal law. A person entitled to protection under such a foreign order may file the order in any juvenile and domestic relations district court by filing with the court an attested or exemplified copy of the order. Upon such a filing, the clerk shall forthwith forward an attested copy of the order to the primary law-enforcement agency responsible for service and entry of protective orders which shall, upon receipt, enter the name of the person subject to the order and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52. Where practical, the court may transfer information electronically to the Virginia Criminal Information Network.

Upon inquiry by any law-enforcement agency of the Commonwealth, the clerk shall make a copy available of any foreign order filed with that court. A law-enforcement officer may, in the performance of his duties, rely upon a copy of a foreign protective order or other suitable evidence which has been provided to him by any source and may also rely upon the statement of any person protected by the order that the order remains in effect.

G. Either party may at any time file a written motion with the court requesting a hearing to dissolve or modify the order. Proceedings to dissolve or modify a protective order shall be given precedence on the docket of the court.

H. As used in this section:

"Copy" includes a facsimile copy; and

"Protective order" includes an initial, modified or extended protective order.

I. Neither a law-enforcement agency, the attorney for the Commonwealth, a court nor the clerk's office, nor any employee of them, may disclose, except among themselves, the residential address, telephone number, or place of employment of the person protected by the order or that of the family of such person, except to the extent that disclosure is (i) required by law or the Rules of the Supreme Court, (ii) necessary for law-enforcement purposes, or (iii) permitted by the court for good cause.

J. No fee shall be charged for filing or serving any petition or order pursuant to this section.

### CHAPTER 39

*An Act to amend and reenact § 54.1-2101.1 of the Code of Virginia, relating to professions and occupations; Real Estate Board; licensees; translation of real estate documents.*

[H 439]

Approved February 26, 2018

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

**1. That § 54.1-2101.1 of the Code of Virginia is amended and reenacted as follows:**

**§ 54.1-2101.1. Preparation of real estate contracts by real estate licensees; translation.**

Notwithstanding any rule of court to the contrary, any person licensed under this chapter may prepare written contracts for the sale, purchase, option, exchange, or rental of real estate, provided *that* the preparation of such contracts is incidental to a real estate transaction in which the licensee (i) is involved and (ii) does not charge a separate fee for preparing the contracts.

*If a party to a real estate transaction requests translation of a contract or other real estate document from the English language to another language, a licensee may assist such party in obtaining a translator or may refer such party to an electronic translation service. The licensee shall not charge a fee for such assistance or referral. In doing so, the licensee shall not be deemed to have breached any of his obligations under this chapter or otherwise become liable for any inaccuracies in the translation.*

### CHAPTER 40

*An Act to amend and reenact § 58.1-3 of the Code of Virginia, relating to secrecy of tax information; authorizes localities to disclose information to third-party contractors.*

[H 495]

Approved February 26, 2018

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

**1. That § 58.1-3 of the Code of Virginia is amended and reenacted as follows:**

**§ 58.1-3. Secrecy of information; penalties.**

A. Except in accordance with a proper judicial order or as otherwise provided by law, the Tax Commissioner or agent, clerk, commissioner of the revenue, treasurer, or any other state or local tax or revenue officer or employee, or any person to whom tax information is divulged pursuant to *this section* or § 58.1-512 or 58.1-2712.2, or any former officer or employee of any of the aforementioned offices shall not divulge any information acquired by him in the performance of his duties with respect to the transactions, property, including personal property, income or business of any person, firm or corporation. Such prohibition specifically includes any copy of a federal return or federal return information required by Virginia law to be attached to or included in the Virginia return. This prohibition shall apply to any reports, returns, financial documents or other information filed with the Attorney General pursuant to the provisions of Article 3 (§ 3.2-4204 et seq.) of Chapter 42 of Title 3.2. Any person violating the provisions of this section is guilty of a Class 1 misdemeanor. The provisions of this subsection shall not be applicable, however, to:

1. Matters required by law to be entered on any public assessment roll or book;
2. Acts performed or words spoken, published, or shared with another agency or subdivision of the Commonwealth in the line of duty under state law;
3. Inquiries and investigations to obtain information as to the process of real estate assessments by a duly constituted committee of the General Assembly, or when such inquiry or investigation is relevant to its study, provided that any such information obtained shall be privileged;
4. The sales price, date of construction, physical dimensions or characteristics of real property, or any information required for building permits;
5. Copies of or information contained in an estate's probate tax return, filed with the clerk of court pursuant to § 58.1-1714, when requested by a beneficiary of the estate or an heir at law of the decedent;
6. Information regarding nonprofit entities exempt from sales and use tax under § 58.1-609.11, when requested by the General Assembly or any duly constituted committee of the General Assembly;
7. Reports or information filed with the Attorney General by a Stamping Agent pursuant to the provisions of Article 3 (§ 3.2-4204 et seq.), when such reports or information are provided by the Attorney General to a tobacco products

manufacturer who is required to establish a qualified escrow fund pursuant to § 3.2-4201 and are limited to the brand families of that manufacturer as listed in the Tobacco Directory established pursuant to § 3.2-4206 and are limited to the current or previous two calendar years or in any year in which the Attorney General receives Stamping Agent information that potentially alters the required escrow deposit of the manufacturer. The information shall only be provided in the following manner: the manufacturer may make a written request, on a quarterly or yearly basis or when the manufacturer is notified by the Attorney General of a potential change in the amount of a required escrow deposit, to the Attorney General for a list of the Stamping Agents who reported stamping or selling its products and the amount reported. The Attorney General shall provide the list within 15 days of receipt of the request. If the manufacturer wishes to obtain actual copies of the reports the Stamping Agents filed with the Attorney General, it must first request them from the Stamping Agents pursuant to subsection C of § 3.2-4209. If the manufacturer does not receive the reports pursuant to subsection C of § 3.2-4209, the manufacturer may make a written request to the Attorney General, including a copy of the prior written request to the Stamping Agent and any response received, for copies of any reports not received. The Attorney General shall provide copies of the reports within 45 days of receipt of the request.

B. 1. Nothing contained in this section shall be construed to prohibit the publication of statistics so classified as to prevent the identification of particular reports or returns and the items thereof or the publication of delinquent lists showing the names of taxpayers who are currently delinquent, together with any relevant information which in the opinion of the Department may assist in the collection of such delinquent taxes. Notwithstanding any other provision of this section or other law, the Department, upon request by the General Assembly or any duly constituted committee of the General Assembly, shall disclose the total aggregate amount of an income tax deduction or credit taken by all taxpayers, regardless of (i) how few taxpayers took the deduction or credit or (ii) any other circumstances. This section shall not be construed to prohibit a local tax official from disclosing whether a person, firm or corporation is licensed to do business in that locality and divulging, upon written request, the name and address of any person, firm or corporation transacting business under a fictitious name. Additionally, notwithstanding any other provision of law, the commissioner of revenue is authorized to provide, upon written request stating the reason for such request, the Tax Commissioner with information obtained from local tax returns and other information pertaining to the income, sales and property of any person, firm or corporation licensed to do business in that locality.

2. This section shall not prohibit the Department from disclosing whether a person, firm, or corporation is registered as a retail sales and use tax dealer pursuant to Chapter 6 (§ 58.1-600 et seq.) or whether a certificate of registration number relating to such tax is valid. Additionally, notwithstanding any other provision of law, the Department is hereby authorized to make available the names and certificate of registration numbers of dealers who are currently registered for retail sales and use tax.

3. This section shall not prohibit the Department from disclosing information to nongovernmental entities with which the Department has entered into a contract to provide services that assist it in the administration of refund processing or other services related to its administration of taxes.

4. This section shall not prohibit the Department from disclosing information to taxpayers regarding whether the taxpayer's employer or another person or entity required to withhold on behalf of such taxpayer submitted withholding records to the Department for a specific taxable year as required pursuant to subdivision C 1 of § 58.1-478.

*5. This section shall not prohibit the commissioner of the revenue, treasurer, director of finance, or other similar local official who collects or administers taxes for a county, city, or town from disclosing information to nongovernmental entities with which the locality has entered into a contract to provide services that assist it in the administration of refund processing or other non-audit services related to its administration of taxes. The commissioner of the revenue, treasurer, director of finance, or other similar local official who collects or administers taxes for a county, city, or town shall not disclose information to such entity unless he has obtained a written acknowledgement by such entity that the confidentiality and nondisclosure obligations of and penalties set forth in subsection A apply to such entity and that such entity agrees to abide by such obligations.*

C. Notwithstanding the provisions of subsection A or B or any other provision of this title, the Tax Commissioner is authorized to (i) divulge tax information to any commissioner of the revenue, director of finance or other similar collector of county, city or town taxes who, for the performance of his official duties, requests the same in writing setting forth the reasons for such request; (ii) provide to the Commissioner of the Department of Social Services, upon written request, information on the amount of income, filing status, number and type of dependents, and whether a federal earned income tax credit has been claimed as reported by persons on their state income tax returns who have applied for public assistance or social services benefits as defined in § 63.2-100; (iii) provide to the chief executive officer of the designated student loan guarantor for the Commonwealth of Virginia, upon written request, the names and home addresses of those persons identified by the designated guarantor as having delinquent loans guaranteed by the designated guarantor; (iv) provide current address information upon request to state agencies and institutions for their confidential use in facilitating the collection of accounts receivable, and to the clerk of a circuit or district court for their confidential use in facilitating the collection of fines, penalties and costs imposed in a proceeding in that court; (v) provide to the Commissioner of the Virginia Employment Commission, after entering into a written agreement, such tax information as may be necessary to facilitate the collection of unemployment taxes and overpaid benefits; (vi) provide to the Virginia Alcoholic Beverage Control Authority, upon entering into a written agreement, such tax information as may be necessary to facilitate the collection of state and local taxes and the administration of the alcoholic beverage control laws; (vii) provide to the Director

of the Virginia Lottery such tax information as may be necessary to identify those lottery ticket retailers who owe delinquent taxes; (viii) provide to the Department of the Treasury for its confidential use such tax information as may be necessary to facilitate the location of owners and holders of unclaimed property, as defined in § 55-210.2; (ix) provide to the State Corporation Commission, upon entering into a written agreement, such tax information as may be necessary to facilitate the collection of taxes and fees administered by the Commission; (x) provide to the Executive Director of the Potomac and Rappahannock Transportation Commission for his confidential use such tax information as may be necessary to facilitate the collection of the motor vehicle fuel sales tax; (xi) provide to the Commissioner of the Department of Agriculture and Consumer Services such tax information as may be necessary to identify those applicants for registration as a supplier of charitable gaming supplies who have not filed required returns or who owe delinquent taxes; (xii) provide to the Department of Housing and Community Development for its confidential use such tax information as may be necessary to facilitate the administration of the remaining effective provisions of the Enterprise Zone Act (§ 59.1-270 et seq.), and the Enterprise Zone Grant Program (§ 59.1-538 et seq.); (xiii) provide current name and address information to private collectors entering into a written agreement with the Tax Commissioner, for their confidential use when acting on behalf of the Commonwealth or any of its political subdivisions; however, the Tax Commissioner is not authorized to provide such information to a private collector who has used or disseminated in an unauthorized or prohibited manner any such information previously provided to such collector; (xiv) provide current name and address information as to the identity of the wholesale or retail dealer that affixed a tax stamp to a package of cigarettes to any person who manufactures or sells at retail or wholesale cigarettes and who may bring an action for injunction or other equitable relief for violation of Chapter 10.1, Enforcement of Illegal Sale or Distribution of Cigarettes Act; (xv) provide to the Commissioner of Labor and Industry, upon entering into a written agreement, such tax information as may be necessary to facilitate the collection of unpaid wages under § 40.1-29; (xvi) provide to the Director of the Department of Human Resource Management, upon entering into a written agreement, such tax information as may be necessary to identify persons receiving workers' compensation indemnity benefits who have failed to report earnings as required by § 65.2-712; (xvii) provide to any commissioner of the revenue, director of finance, or any other officer of any county, city, or town performing any or all of the duties of a commissioner of the revenue and to any dealer registered for the collection of the Communications Sales and Use Tax, a list of the names, business addresses, and dates of registration of all dealers registered for such tax; (xviii) provide to the Executive Director of the Northern Virginia Transportation Commission for his confidential use such tax information as may be necessary to facilitate the collection of the motor vehicle fuel sales tax; (xix) provide to the Commissioner of Agriculture and Consumer Services the name and address of the taxpayer businesses licensed by the Commonwealth that identify themselves as subject to regulation by the Board of Agriculture and Consumer Services pursuant to § 3.2-5130; (xx) provide to the developer or the economic development authority of a tourism project authorized by § 58.1-3851.1, upon entering into a written agreement, tax information facilitating the repayment of gap financing; and (xxi) provide to the Virginia Retirement System and the Department of Human Resource Management, after entering into a written agreement, such tax information as may be necessary to facilitate the enforcement of subdivision C 4 of § 9.1-401. The Tax Commissioner is further authorized to enter into written agreements with duly constituted tax officials of other states and of the United States for the inspection of tax returns, the making of audits, and the exchange of information relating to any tax administered by the Department of Taxation. Any person to whom tax information is divulged pursuant to this section shall be subject to the prohibitions and penalties prescribed herein as though he were a tax official.

D. Notwithstanding the provisions of subsection A or B or any other provision of this title, the commissioner of revenue or other assessing official is authorized to (i) provide, upon written request stating the reason for such request, the chief executive officer of any county or city with information furnished to the commissioner of revenue by the Tax Commissioner relating to the name and address of any dealer located within the county or city who paid sales and use tax, for the purpose of verifying the local sales and use tax revenues payable to the county or city; (ii) provide to the Department of Professional and Occupational Regulation for its confidential use the name, address, and amount of gross receipts of any person, firm or entity subject to a criminal investigation of an unlawful practice of a profession or occupation administered by the Department of Professional and Occupational Regulation, only after the Department of Professional and Occupational Regulation exhausts all other means of obtaining such information; and (iii) provide to any representative of a condominium unit owners' association, property owners' association or real estate cooperative association, or to the owner of property governed by any such association, the names and addresses of parties having a security interest in real property governed by any such association; however, such information shall be released only upon written request stating the reason for such request, which reason shall be limited to proposing or opposing changes to the governing documents of the association, and any information received by any person under this subsection shall be used only for the reason stated in the written request. The treasurer or other local assessing official may require any person requesting information pursuant to clause (iii) of this subsection to pay the reasonable cost of providing such information. Any person to whom tax information is divulged pursuant to this subsection shall be subject to the prohibitions and penalties prescribed herein as though he were a tax official.

Notwithstanding the provisions of subsection A or B or any other provisions of this title, the treasurer or other collector of taxes for a county, city or town is authorized to provide information relating to any motor vehicle, trailer or semitrailer obtained by such treasurer or collector in the course of performing his duties to the commissioner of the revenue or other assessing official for such jurisdiction for use by such commissioner or other official in performing assessments.

This section shall not be construed to prohibit a local tax official from imprinting or displaying on a motor vehicle local license decal the year, make, and model and any other legal identification information about the particular motor vehicle for which that local license decal is assigned.

E. Notwithstanding any other provisions of law, state agencies and any other administrative or regulatory unit of state government shall divulge to the Tax Commissioner or his authorized agent, upon written request, the name, address, and social security number of a taxpayer, necessary for the performance of the Commissioner's official duties regarding the administration and enforcement of laws within the jurisdiction of the Department of Taxation. The receipt of information by the Tax Commissioner or his agent which may be deemed taxpayer information shall not relieve the Commissioner of the obligations under this section.

F. Additionally, it shall be unlawful for any person to disseminate, publish, or cause to be published any confidential tax document which he knows or has reason to know is a confidential tax document. A confidential tax document is any correspondence, document, or tax return that is prohibited from being divulged by subsection A, B, C, or D and includes any document containing information on the transactions, property, income, or business of any person, firm, or corporation that is required to be filed with any state official by § 58.1-512. This prohibition shall not apply if such confidential tax document has been divulged or disseminated pursuant to a provision of law authorizing disclosure. Any person violating the provisions of this subsection is guilty of a Class 1 misdemeanor.

## CHAPTER 41

*An Act to amend and reenact §§ 15.2-922, 36-99.3 through 36-99.5:1, 55-225.3, 55-225.4, 55-248.13, 55-248.16, and 55-248.18 of the Code of Virginia, relating to housing; installation and maintenance of smoke and carbon monoxide alarms.*

[H 609]

Approved February 26, 2018

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

**1. That §§ 15.2-922, 36-99.3 through 36-99.5:1, 55-225.3, 55-225.4, 55-248.13, 55-248.16, and 55-248.18 of the Code of Virginia are amended and reenacted as follows:**

**§ 15.2-922. Smoke alarms in certain buildings.**

A. Any locality, notwithstanding any contrary provision of law, general or special, may by ordinance require that smoke ~~detectors~~ alarms be installed in the following structures or buildings *if smoke alarms have not been installed in accordance with the Uniform Statewide Building Code (§ 36-97 et seq.):* (i) any building containing one or more dwelling units, (ii) any hotel or motel regularly used ~~or~~, offered for, or intended to be used to provide overnight sleeping accommodations for one or more persons, and (iii) *any* rooming houses regularly used, offered for, or intended to be used to provide overnight sleeping accommodations. Smoke ~~detectors~~ alarms installed pursuant to this section shall be installed *only* in conformance with the provisions of the Uniform Statewide Building Code *and shall be permitted to be either battery operated or AC powered (§ 36-97 et seq.); and any locality with an ordinance shall follow a uniform set of standards for maintenance of smoke detectors established in the Uniform Statewide Building Code. Such installation shall not require new or additional wiring and shall be maintained in accordance with the Statewide Fire Prevention Code (§ 27-94 et seq.) and subdivision C 6 of § 36-105, Part III of the Uniform Statewide Building Code. Nothing herein shall be construed to authorize a locality to require the upgrading of any smoke alarms provided by the building code in effect at the time of the last renovation of such building, for which a building permit was required, or as otherwise provided in the Uniform Statewide Building Code.*

~~The ordinance shall allow the type of smoke detector to be either battery operated or AC powered units. Such ordinance shall require that the owner of any unit which is rented or leased, at the beginning of each tenancy and at least annually thereafter shall furnish~~ B. *The ordinance may require the owner of a rental unit to provide the tenant with a certificate that all required smoke detectors alarms are present, have been inspected by the owner, his employee, or an independent contractor, and are in good working order. Except for smoke detectors alarms located in hallways, stairwells, and other public or common areas of multifamily buildings, interim testing, repair, and maintenance of smoke detectors alarms in rented or leased dwelling units shall be the responsibility of the tenant; however, the owner shall be obligated to service, repair, or replace any malfunctioning smoke detectors within five days of receipt of written notice from the tenant that such smoke detector is in need of service, repair, or replacement in accordance with § 55-225.4 or 55-248.16, as applicable.*

**§ 36-99.3. Smoke alarms and automatic sprinkler systems in institutions of higher education.**

A. Buildings at institutions of higher education that contain dormitories for sleeping purposes shall be provided with battery operated or AC powered smoke ~~detector~~ alarm devices installed therein in accordance with the ~~Uniform Statewide Building Code~~. All dormitories at public institutions of higher education and private institutions of higher education shall have installed and use due diligence in maintaining in good working order such ~~detectors~~ alarms regardless of when the building was constructed.

B. The Board of Housing and Community Development shall promulgate regulations pursuant to § 2.2-4011 establishing standards for automatic sprinkler systems throughout all buildings at private institutions of higher education

and public institutions of higher education that are (i) more than 75 feet or more than six stories high and (ii) used, in whole or in part, as dormitories to house students. Such buildings shall be equipped with automatic sprinkler systems by September 1, 1999, regardless of when such buildings were constructed.

C. The chief administrative office of the institution of higher education shall obtain a certificate of compliance with the provisions of this section from the building official of the locality in which the institution of higher education is located or, in the case of state-owned buildings, from the Director of the Department of General Services.

D. The provisions of this section shall not apply to any dormitory at a military public institution of higher education that is patrolled 24 hours a day by military guards.

**§ 36-99.4. Smoke alarms in certain juvenile care facilities.**

Battery operated or ~~AC-powered~~ AC powered smoke detector alarm devices shall be installed in all local and regional detention homes, group homes, and other residential care facilities for children or juveniles ~~which that~~ are operated by or under the auspices of the Department of Juvenile Justice, regardless of when the building was constructed, in accordance with the ~~provision~~ provisions of the Uniform Statewide Building Code by July 1, 1986. Administrators of such homes and facilities shall be responsible for the installation and maintenance of the smoke detector alarm devices.

**§ 36-99.5. Smoke alarms for persons who are deaf or hearing impaired.**

Smoke detectors providing an effective intensity of not less than 100 candela to warn a deaf or hearing-impaired individual alarms for persons who are deaf or hearing impaired shall be installed only in conformance with the provisions of the current Building Code and maintained in accordance with the Statewide Fire Prevention Code (§ 27-94 et seq.) and subdivision C 6 of § 36-105, Part III of the Building Code. Such alarms shall be provided by the landlord or proprietor, upon request by the occupant to the landlord or proprietor, to any deaf or hearing-impaired a tenant of a rental unit or a person living with such tenant who is deaf or hearing impaired as referenced by the Virginia Fair Housing Law (§ 36-96.1 et seq.), or upon request by an occupant of any of the following occupancies, regardless of when constructed:

1. All dormitory buildings arranged for the shelter and sleeping accommodations of more than ~~twenty~~ 20 individuals;
2. All ~~multiple-family dwellings having more than two dwelling units, including all dormitories;~~ boarding and lodging houses arranged for shelter and sleeping accommodations of more than five individuals; or
3. All ~~buildings arranged for use of one family or two-family residential rental~~ dwelling units.

A tenant shall be responsible for the maintenance and operation of the smoke detector alarm in the tenant's unit in accordance with § 55-225.4 or 55-248.16, as applicable.

A hotel or motel shall have available no fewer than one such smoke detector alarm for each ~~seventy~~ 70 units or portion thereof, except that this requirement shall not apply to any hotel or motel with fewer than ~~thirty-five~~ 35 units. The proprietor of the hotel or motel shall post in a conspicuous place at the registration desk or counter a permanent sign stating the availability of smoke detectors alarms for the hearing-impaired persons who are deaf or hearing impaired. Visual detectors alarms shall be provided for all meeting rooms for which an advance request has been made.

The proprietor or landlord may require a refundable deposit for a smoke detector alarm, not to exceed the original cost or replacement cost, whichever is greater, of the such smoke detector alarm. Rental fees shall not be increased as compensation for this requirement.

Landlords shall notify hearing-impaired tenants of the availability of special smoke detectors; however, no landlord shall be civilly or criminally liable for failure to so notify. New tenants shall be asked, in writing, at the time of rental, whether visual smoke detectors will be needed.

Failure to comply with the provisions of this section within a reasonable time shall be punishable as a Class 3 misdemeanor.

This law shall have no effect upon existing local law or regulation which exceeds the provisions prescribed herein; however, any locality with an ordinance shall follow a uniform set of standards for maintenance of smoke detectors established in the Uniform Statewide Building Code (§ 36-97 et seq.).

A landlord of a rental unit shall provide a reasonable accommodation to a person who is deaf or hearing impaired who requests installation of a smoke alarm that is appropriate for persons who are deaf or hearing impaired if such accommodation is appropriate in accordance with the Virginia Fair Housing Law (§ 36-96.1 et seq.).

**§ 36-99.5:1. Smoke alarms and other fire detection and suppression systems in assisted living facilities, adult day care centers and nursing homes and facilities.**

A. ~~Battery~~ Battery operated or ~~AC-powered~~ AC powered smoke detector alarm devices shall be installed in all assisted living facilities and adult day care centers licensed by the Department of Social Services, regardless of when the building was constructed. The location and installation of the smoke detectors alarms shall be determined by the Uniform Statewide Building Code.

The licensee shall obtain a certificate of compliance from the building official of the locality in which the facility or center is located, or in the case of state-owned buildings, from the Department of General Services.

The licensee shall maintain the smoke detector alarm devices in good working order.

B. The Board of Housing and Community Development shall promulgate regulations in accordance with the Administrative Process Act (§ 2.2-4000 et seq.) establishing standards for requiring (i) smoke detectors alarms and (ii) such other fire detection and suppression systems as deemed necessary by the Board to increase the safety of persons in assisted living facilities, residential dwelling units designed or developed and marketed to senior citizens, nursing homes, and

nursing facilities. All nursing homes and nursing facilities ~~which~~ *that* are already equipped with sprinkler systems shall comply with regulations relating to smoke ~~detectors~~ *alarms*.

**§ 55-225.3. Landlord to maintain dwelling unit.**

A. The landlord shall:

1. Comply with the requirements of applicable building and housing codes materially affecting health and safety;
2. Make all repairs and do whatever is necessary to put and keep the premises in a fit and habitable condition;
3. Keep all common areas shared by two or more multifamily dwelling units of the premises in a clean and structurally safe condition;
4. Maintain in good and safe working order and condition all electrical, plumbing, sanitary, heating, ventilating, air-conditioning and other facilities and appliances, including elevators, supplied or required to be supplied by him;
5. Maintain the premises in such a condition as to prevent the accumulation of moisture and the growth of mold and to promptly respond to any notices as provided in subdivision A ~~9~~ *10* of § 55-225.4. Where there is visible evidence of mold, the landlord shall promptly remediate the mold conditions in accordance with the requirements of subsection E of § 8.01-226.12 and reinspect the dwelling unit to confirm that there is no longer visible evidence of mold in the dwelling unit. The landlord shall provide a tenant with a copy of a summary of information related to mold remediation occurring during that tenancy and, upon request of the tenant, make available the full package of such information and reports not protected by attorney-client privilege. Once the mold has been remediated in accordance with professional standards, the landlord shall not be required to make disclosures of a past incidence of mold to subsequent tenants;
6. Supply running water and reasonable amounts of hot water at all times and reasonable air conditioning if provided and heat in season except where the dwelling unit is so constructed that heat, air conditioning, or hot water is generated by an installation within the exclusive control of the tenant or supplied by a direct public utility connection; ~~and~~
7. Provide and maintain appropriate receptacles and conveniences for the collection, storage, and removal of ashes, garbage, rubbish, and other waste incidental to the occupancy of one or more dwelling units and arrange for the removal of same; *and*
8. *Provide a certificate to the tenant stating that all smoke alarms are present, have been inspected, and are in good working order no more than once every 12 months. The landlord, his employee, or an independent contractor may perform the inspection to determine that a smoke alarm is in good working order.*

B. The landlord shall perform the duties imposed by subsection A in accordance with law; however, the landlord shall be liable only for the tenant's actual damages proximately caused by the landlord's failure to exercise ordinary care.

C. If the duty imposed by subdivision A 1 is greater than any duty imposed by any other subdivision of that subsection, the landlord's duty shall be determined by reference to subdivision A 1.

D. The landlord and tenant may agree in writing that the tenant perform the landlord's duties specified in subdivisions A 2, 4, 6, and 7 and also specified repairs, maintenance tasks, alterations, and remodeling, but only if (i) the transaction is entered into in good faith and not for the purpose of evading the obligations of the landlord and (ii) the agreement does not diminish or affect the obligation of the landlord to other tenants in a multifamily premises.

**§ 55-225.4. Tenant to maintain dwelling unit.**

A. In addition to the provisions of the rental agreement, the tenant shall:

1. Comply with all obligations primarily imposed upon tenants by applicable provisions of building and housing codes materially affecting health and safety;
2. Keep that part of the premises that he occupies and uses as clean and safe as the condition of the premises permit;
3. Keep that part of the dwelling unit and the part of the premises that he occupies free from insects and pests, as those terms are defined in § 3.2-3900, and promptly notify the landlord of the existence of any insects or pests;
4. Remove from his dwelling unit all ashes, garbage, rubbish, and other waste in a clean and safe manner and in the appropriate receptacles provided by the landlord;
5. Keep all plumbing fixtures in the dwelling unit or used by the tenant as clean as their condition permits;
6. Use in a reasonable manner all electrical, plumbing, sanitary, heating, ventilating, air-conditioning and other facilities and appliances, including an elevator in a multifamily premises, and keep all utility services paid for by the tenant to the utility service provider or its agent on at all times during the term of the rental agreement;
7. Not deliberately or negligently destroy, deface, damage, impair or remove any part of the premises or permit any person to do so whether known by the tenant or not;
8. Not remove or tamper with a properly functioning smoke ~~detector~~ *alarm*, including removing any working batteries, so as to render the smoke ~~detector~~ *alarm* inoperative; ~~and~~ *The tenant shall maintain such smoke ~~detector~~ alarm in accordance with the uniform set of standards for maintenance of smoke ~~detectors~~ alarms established in the Statewide Fire Prevention Code (§ 27-94 et seq.) and subdivision C 6 of § 36-105, Part III of the Uniform Statewide Building Code (§ 36-97 et seq.);*
9. *Not remove or tamper with a properly functioning carbon monoxide alarm installed by the landlord, including the removal of any working batteries, so as to render the carbon monoxide alarm inoperative. The tenant shall maintain the carbon monoxide alarm in accordance with the uniform set of standards for maintenance of carbon monoxide alarms established in the Statewide Fire Prevention Code (§ 27-94 et seq.) and subdivision C 6 of § 36-105, Part III of the Uniform Statewide Building Code (§ 36-97 et seq.);*

10. Use reasonable efforts to maintain the dwelling unit and any other part of the premises that he occupies in such a condition as to prevent accumulation of moisture and the growth of mold and to promptly notify the landlord of any moisture accumulation that occurs or of any visible evidence of mold discovered by the tenant;

~~11.~~ 11. Not paint or disturb painted surfaces, or make alterations in the dwelling unit, without the prior written approval of the landlord, provided that (i) the dwelling unit was constructed prior to 1978 and therefore requires the landlord to provide the tenant with lead-based paint disclosures and (ii) the landlord has provided the tenant with such disclosures and the rental agreement provides that the tenant is required to obtain the landlord's prior written approval before painting, disturbing painted surfaces, or making alterations in the dwelling unit;

~~12.~~ 12. Be responsible for his conduct and the conduct of other persons on the premises with his consent whether known by the tenant or not, to ensure that his neighbors' peaceful enjoyment of the premises will not be disturbed; and

~~13.~~ 13. Abide by all reasonable rules and regulations imposed by the landlord.

B. If the duty imposed by subdivision A 1 is greater than any duty imposed by any other subdivision of that subsection, the tenant's duty shall be determined by reference to subdivision A 1.

C. Upon written request of a tenant in a dwelling unit, the landlord shall install a carbon monoxide alarm in the dwelling unit within 90 days. The landlord may charge the tenant a reasonable fee to recover the costs of the equipment and labor for such installation. The installation of a carbon monoxide alarm shall be in compliance with the Uniform Statewide Building Code (§ 36-97 et seq.).

**§ 55-248.13. Landlord to maintain fit premises.**

A. The landlord shall:

1. Comply with the requirements of applicable building and housing codes materially affecting health and safety;

2. Make all repairs and do whatever is necessary to put and keep the premises in a fit and habitable condition;

3. Keep all common areas shared by two or more dwelling units of a multifamily premises in a clean and structurally safe condition;

4. Maintain in good and safe working order and condition all electrical, plumbing, sanitary, heating, ventilating, air-conditioning and other facilities and appliances, including elevators, supplied or required to be supplied by him;

5. Maintain the premises in such a condition as to prevent the accumulation of moisture and the growth of mold, and to promptly respond to any notices from a tenant as provided in subdivision A 10 of § 55-248.16. Where there is visible evidence of mold, the landlord shall promptly remediate the mold conditions in accordance with the requirements of subsection E of § 8.01-226.12 and reinspect the dwelling unit to confirm that there is no longer visible evidence of mold in the dwelling unit. The landlord shall provide a tenant with a copy of a summary of information related to mold remediation occurring during that tenancy and, upon request of the tenant, make available the full package of such information and reports not protected by attorney-client privilege. Once the mold has been remediated in accordance with professional standards, the landlord shall not be required to make disclosures of a past incidence of mold to subsequent tenants;

6. Provide and maintain appropriate receptacles and conveniences for the collection, storage, and removal of ashes, garbage, rubbish, and other waste incidental to the occupancy of dwelling units and arrange for the removal of same;

7. Supply running water and reasonable amounts of hot water at all times and reasonable air conditioning if provided and heat in season except where the dwelling unit is so constructed that heat, air conditioning or hot water is generated by an installation within the exclusive control of the tenant or supplied by a direct public utility connection; and

8. ~~Maintain any carbon monoxide alarm that has been installed by the landlord in a dwelling unit~~ Provide a certificate to the tenant stating that all smoke alarms are present, have been inspected, and are in good working order no more than once every 12 months. The landlord, his employee, or an independent contractor may perform the inspection to determine that the smoke alarm is in good working order.

B. The landlord shall perform the duties imposed by subsection A in accordance with law; however, the landlord shall only be liable for the tenant's actual damages proximately caused by the landlord's failure to exercise ordinary care.

C. If the duty imposed by subdivision A 1 is greater than any duty imposed by any other subdivision of that subsection, the landlord's duty shall be determined by reference to subdivision A 1.

D. The landlord and tenant may agree in writing that the tenant perform the landlord's duties specified in subdivisions A 3, 6, and 7 and also specified repairs, maintenance tasks, alterations, and remodeling, but only if the transaction is entered into in good faith and not for the purpose of evading the obligations of the landlord, and if the agreement does not diminish or affect the obligation of the landlord to other tenants in the premises.

**§ 55-248.16. Tenant to maintain dwelling unit.**

A. In addition to the provisions of the rental agreement, the tenant shall:

1. Comply with all obligations primarily imposed upon tenants by applicable provisions of building and housing codes materially affecting health and safety;

2. Keep that part of the dwelling unit and the part of the premises that he occupies and uses as clean and safe as the condition of the premises permit;

3. Keep that part of the dwelling unit and the part of the premises that he occupies free from insects and pests, as those terms are defined in § 3.2-3900, and to promptly notify the landlord of the existence of any insects or pests;

4. Remove from his dwelling unit all ashes, garbage, rubbish and other waste in a clean and safe manner and in the appropriate receptacles provided by the landlord;

5. Keep all plumbing fixtures in the dwelling unit or used by the tenant as clean as their condition permits;

6. Use in a reasonable manner all utilities and all electrical, plumbing, sanitary, heating, ventilating, air-conditioning and other facilities and appliances including an elevator in a multifamily premises, and keep all utility services paid for by the tenant to the utility service provider or its agent on at all times during the term of the rental agreement;

7. Not deliberately or negligently destroy, deface, damage, impair or remove any part of the premises or permit any person to do so whether known by the tenant or not;

8. Not remove or tamper with a properly functioning smoke ~~detector~~ alarm installed by the landlord, including removing any working batteries, so as to render the ~~detector~~ alarm inoperative ~~and~~. The tenant shall maintain the smoke ~~detector~~ alarm in accordance with the uniform set of standards for maintenance of smoke ~~detectors~~ alarms established in the *Statewide Fire Prevention Code (§ 27-94 et seq.) and subdivision C 6 of § 36-105, Part III of the Uniform Statewide Building Code (§ 36-97 et seq.)*;

9. Not remove or tamper with a properly functioning carbon monoxide alarm installed by the landlord, including ~~removing the removal of~~ any working batteries, so as to render the carbon monoxide ~~detector~~ alarm inoperative ~~and~~. The tenant shall maintain the carbon monoxide alarm in accordance with the uniform set of standards for maintenance of carbon monoxide alarms established in the *Statewide Fire Prevention Code (§ 27-94 et seq.) and subdivision C 6 of § 36-105, Part III of the Uniform Statewide Building Code (§ 36-97 et seq.)*;

10. Use reasonable efforts to maintain the dwelling unit and any other part of the premises that he occupies in such a condition as to prevent accumulation of moisture and the growth of mold, and to promptly notify the landlord of any moisture accumulation that occurs or of any visible evidence of mold discovered by the tenant;

11. Not paint or disturb painted surfaces or make alterations in the dwelling unit without the prior written approval of the landlord, provided that (i) the dwelling unit was constructed prior to 1978 and therefore requires the landlord to provide the tenant with lead-based paint disclosures and (ii) the landlord has provided the tenant with such disclosures and the rental agreement provides that the tenant is required to obtain the landlord's prior written approval before painting, disturbing painted surfaces, or making alterations in the dwelling unit;

12. Be responsible for his conduct and the conduct of other persons on the premises with his consent whether known by the tenant or not, to ensure that his neighbors' peaceful enjoyment of the premises will not be disturbed;

13. Abide by all reasonable rules and regulations imposed by the landlord; and

14. Be financially responsible for the added cost of treatment or extermination due to the tenant's unreasonable delay in reporting the existence of any insects or pests and be financially responsible for the cost of treatment or extermination due to the tenant's fault in failing to prevent infestation of any insects or pests in the area occupied.

B. If the duty imposed by subdivision A 1 is greater than any duty imposed by any other subdivision of that subsection, the tenant's duty shall be determined by reference to subdivision A 1.

**§ 55-248.18. Access; consent; correction of nonemergency conditions; relocation of tenant.**

A. The tenant shall not unreasonably withhold consent to the landlord to enter into the dwelling unit in order to inspect the premises, make necessary or agreed repairs, decorations, alterations or improvements, supply necessary or agreed services or exhibit the dwelling unit to prospective or actual purchasers, mortgagees, tenants, workmen or contractors. If, upon inspection of a dwelling unit during the term of a tenancy, the landlord determines there is a violation by the tenant of § 55-248.16 or the rental agreement materially affecting health and safety that can be remedied by repair, replacement of a damaged item or cleaning in accordance with § 55-248.32, the landlord may make such repairs and send the tenant an invoice for payment. If, upon inspection of the dwelling unit during the term of a tenancy, the landlord discovers a violation of the rental agreement, this chapter, or other applicable law, the landlord may send a written notice of termination pursuant to § 55-248.31. If the rental agreement so provides and if a tenant without reasonable justification declines to permit the landlord or managing agent to exhibit the dwelling unit for sale or lease, the landlord may recover damages, costs, and reasonable attorney fees against such tenant.

The landlord may enter the dwelling unit without consent of the tenant in case of emergency. The landlord shall not abuse the right of access or use it to harass the tenant. Except in case of emergency or if it is impractical to do so, the landlord shall give the tenant notice of his intent to enter and may enter only at reasonable times. Unless impractical to do so, the landlord shall give the tenant at least 24-hours' notice of routine maintenance to be performed that has not been requested by the tenant. If the tenant makes a request for maintenance, the landlord is not required to provide notice to the tenant. During the pendency of an unlawful detainer filed by the landlord against the tenant, the landlord may request the court to enter an order requiring the tenant to provide the landlord with access to such dwelling unit.

B. Upon the sole determination by the landlord of the existence of a nonemergency property condition in the dwelling unit that requires the tenant to temporarily vacate the dwelling unit in order for the landlord to properly remedy such property condition, the landlord may, upon at least 30 days' written notice to the tenant, require the tenant to temporarily vacate the dwelling unit for a period not to exceed 30 days to a comparable dwelling unit, or hotel, as selected by the landlord and at no expense or cost to the tenant. The landlord shall not be required to pay for any other expenses of the tenant that arise after the temporary relocation period. The landlord and tenant may agree for the tenant to temporarily vacate the dwelling unit in less than 30 days. For purposes of this subsection, "nonemergency property condition" means (i) a condition in the dwelling unit that, in the determination of the landlord, is necessary for the landlord to remedy in order for the landlord to be in compliance with § 55-248.13; (ii) the condition does not need to be remedied within a 24-hour period, with any condition that needs to be remedied within 24 hours being defined as an "emergency condition"; and

(iii) the condition can only be effectively remedied by the temporary relocation of the tenant pursuant to the provisions of this subsection.

The tenant shall continue to be responsible for payment of rent under the rental agreement during the period of any temporary relocation. The landlord shall pay all costs of repairs or remediation required to address the property condition. Refusal of the tenant to cooperate with a temporary relocation pursuant to this subsection shall be deemed a breach of the rental agreement, unless the tenant agrees to vacate the unit and terminate the rental agreement within the 30-day notice period. If the landlord properly remedies the nonemergency property condition within the 30-day period, nothing herein shall be construed to entitle the tenant to terminate the rental agreement. Further, nothing herein shall be construed to limit the landlord from taking legal action against the tenant for any noncompliance that occurs during the period of any temporary relocation pursuant to this section. During the pendency of an unlawful detainer filed by the landlord against the tenant, the landlord may request the court to enter an order requiring the tenant to provide the landlord with access to such dwelling unit.

C. The landlord has no other right to access except by court order or that permitted by §§ 55-248.32 and 55-248.33 or if the tenant has abandoned or surrendered the premises.

D. The tenant may install, within the dwelling unit, new burglary prevention, including chain latch devices approved by the landlord, and fire detection devices, that the tenant may believe necessary to ensure his safety, provided:

1. Installation does no permanent damage to any part of the dwelling unit.
2. A duplicate of all keys and instructions of how to operate all devices are given to the landlord.
3. Upon termination of the tenancy, the tenant shall be responsible for payment to the landlord for reasonable costs incurred for the removal of all such devices and repairs to all damaged areas.

E. Upon written request of the a tenant in a dwelling unit, the landlord shall install a carbon monoxide alarm in the tenant's dwelling unit within 90 days of such request and. *The landlord may charge the tenant a reasonable fee to recover the costs of the equipment and labor for such installation. The landlord's installation of a carbon monoxide alarm shall be in compliance with the Uniform Statewide Building Code (§ 36-97 et seq.).*

**2. That any locality that has adopted an ordinance pursuant to § 15.2-922 of the Code of Virginia shall amend the ordinance to conform to the provisions of the first enactment of this act on or before July 1, 2019.**

**3. That on or before January 1, 2019, the Department of Housing and Community Development, in consultation with the Department of Fire Programs, shall develop a form (i) providing a landlord's certification that the smoke alarms in a rental unit have been inspected and are in good working order; (ii) summarizing the obligations of a landlord relative to the maintenance of smoke alarms; and (iii) summarizing the obligations of a tenant relative to the maintenance of smoke alarms. Such form may be updated by the Department of Housing and Community Development as needed. The Department of Housing and Community Development and the Department of Fire Programs shall post the form required by this enactment on each agency's website.**

## CHAPTER 42

*An Act to amend and reenact § 36-105.3 of the Code of Virginia, relating to the Uniform Statewide Building Code; security of certain records.*

[H 683]

Approved February 26, 2018

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

**1. That § 36-105.3 of the Code of Virginia is amended and reenacted as follows:**

**§ 36-105.3. Security of certain records.**

Building Code officials shall institute procedures to ensure the safe storage and secure handling by local officials having access to or in the possession of engineering and construction drawings and plans containing critical structural components, security equipment and systems, ventilation systems, fire protection equipment, mandatory building emergency equipment or systems, elevators, electrical systems, telecommunications equipment and systems, and other utility equipment and systems submitted for the purpose of complying with the Uniform Statewide Building Code (§ 36-97 et seq.) or the Statewide Fire Prevention Code (§ 27-94 et seq.).

Further, information contained in engineering and construction drawings and plans for any single-family residential dwelling submitted for the purpose of complying with the Uniform Statewide Building Code (§ 36-97 et seq.) or the Statewide Fire Prevention Code (§ 27-94 et seq.) ~~shall be confidential and~~ shall not be subject to disclosure under the Virginia Freedom of Information Act (§ 2.2-3700 et seq.), except to the applicant or the owner of the property upon the applicant's or owner's request.

## CHAPTER 43

*An Act to amend and reenact § 54.1-1115 of the Code of Virginia, relating to the Department of Professional and Occupational Regulation; contractors; prohibited acts.*

[H 732]

Approved February 26, 2018

**Be it enacted by the General Assembly of Virginia:****1. That § 54.1-1115 of the Code of Virginia is amended and reenacted as follows:****§ 54.1-1115. Prohibited acts.**

A. The following acts are prohibited and shall constitute the commission of a Class 1 misdemeanor:

1. Contracting for, or bidding upon the construction, removal, repair or improvements to or upon real property owned, controlled or leased by another person without a license or certificate, or without the proper class of license as defined in § 54.1-1100 for the value of work to be performed.
2. Attempting to practice contracting in the Commonwealth, except as provided for in this chapter.
3. Presenting or attempting to use the license or certificate of another.
4. Giving false or forged evidence of any kind to the Board or any member thereof in an application for the issuance or renewal of a license or certificate.
5. Impersonating another or using an expired or revoked license or certificate.
6. Receiving or considering as the awarding authority a bid from anyone whom the awarding authority knows is not properly licensed or certified under this chapter. The awarding authority shall require a bidder to submit his license or certificate number prior to considering a bid.

B. Any person who undertakes work without (i) any valid Virginia contractor's license or certificate when a license or certificate is required by this chapter or (ii) the proper class of license as defined in § 54.1-1100 for the work undertaken, shall be fined an amount not to exceed \$500 per day for each day that such person is in violation, in addition to the authorized penalties for the commission of a Class 1 misdemeanor. Any violation of clause (i) of this subsection shall also constitute a prohibited practice in accordance with § 59.1-200, provided *that* the violation involves a consumer transaction as defined in the Virginia Consumer Protection Act (§ 59.1-196 et seq.), and shall be subject to any and all of the enforcement provisions of the Virginia Consumer Protection Act.

C. ~~No person shall be entitled to assert the lack of licensure or certification as required by this chapter as a defense to any action at law or suit in equity if the party who seeks to recover from such person~~ *A construction contract entered into by a person undertaking work without a valid Virginia contractor's license shall not be enforceable by the unlicensed contractor undertaking the work unless the unlicensed contractor (i) gives substantial performance within the terms of the contract in good faith and without (ii) did not have actual knowledge that a license or certificate was required by this chapter to perform the work for which he seeks to recover payment.*

Failure to renew a license or certificate issued in accordance with this chapter shall create a rebuttable presumption of actual knowledge of such licensing or certification requirements.

## CHAPTER 44

*An Act to amend and reenact §§ 64.2-412, 64.2-415, 64.2-416, and 64.2-418 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 64.2-404.1, relating to wills and revocable trusts; eliminating certain inconsistencies.*

[H 746]

Approved February 26, 2018

**Be it enacted by the General Assembly of Virginia:****1. That §§ 64.2-412, 64.2-415, 64.2-416, and 64.2-418 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 64.2-404.1 as follows:****§ 64.2-404.1. Reformation of will to correct mistakes or achieve decedent's tax objectives.**

A. *The court may reform the terms of a decedent's will, or any codicil thereto, even if unambiguous, to conform the terms to the decedent's intention if it is proved by clear and convincing evidence that both the decedent's intent and the terms of the will were affected by a mistake of fact or law, whether in expression or inducement.*

B. *If shown by clear and convincing evidence, the court may modify the terms of a decedent's will to achieve the decedent's tax objectives in a manner that is not contrary to the decedent's probable intention.*

C. *Notice must be given and a person may represent and bind another person in proceedings under this section to the same extent that a person may represent and bind another person in proceedings brought under § 64.2-733 or 64.2-734 relating to trusts.*

D. *The remedies granted by this section are available only in proceedings brought in a circuit court under the appropriate provisions of this title, filed within one year from the decedent's date of death and in which all interested persons are made parties.*

*E. This section applies to all wills and codicils regardless of the date of their execution and all judicial proceedings regardless of when commenced, except that this section shall not apply to any judicial proceeding commenced before July 1, 2018, if the court finds that its application would substantially interfere with the effective conduct of the judicial proceeding or prejudice the rights of the parties.*

**§ 64.2-412. Revocation by divorce or annulment; revival upon remarriage; no revocation by other change.**

*A. For the purposes of this section, the terms "revocable," "settlor," "trust instrument," and "trustee" have the same meanings as provided in § 64.2-701.*

*B. If, after making a will, the testator is divorced from the bond of matrimony or his marriage is annulled, the divorce or annulment revokes any disposition or appointment of property made by the will to the former spouse. Unless the will expressly provides otherwise, any provision conferring a general or special power of appointment on the former spouse or nominating the former spouse as executor, trustee, conservator, or guardian is also revoked.*

~~*C. Property prevented from passing to a former spouse because of revocation pursuant to this section subsection B shall pass as if the former spouse failed to survive the testator. Provisions of a will conferring a power or office on the former spouse shall be interpreted as if the former spouse failed to survive the testator.*~~

~~*D. Unless the trust instrument expressly provides otherwise, if a settlor creates a revocable trust and if, after such creation:*~~

~~*1. The settlor is divorced from the bond of matrimony or the settlor's marriage is annulled and the trust was revocable immediately before the divorce or annulment, then a provision of such revocable trust transferring property to or conferring any beneficial interest on the settlor's former spouse is revoked upon the divorce or the annulment of the settlor's marriage, and such property or beneficial interest shall be administered as if the former spouse failed to survive the divorce or annulment; or*~~

~~*2. An action is filed (i) for the divorce or annulment of the settlor's marriage to the settlor's spouse or for their legal separation or (ii) by either the settlor or the settlor's spouse for separate maintenance from the other, and the trust was revocable at the time of the filing, then a provision of such revocable trust conferring a power, including a power of appointment, on the spouse or nominating or appointing the spouse as a fiduciary, including trustee, trust director, conservator, or guardian, is revoked upon the filing, and such provision shall be interpreted as if the former spouse failed to survive the filing.*~~

*E. If the provisions of the will or revocable trust instrument are revoked solely pursuant to this section, and there is no subsequent will, trust revocation, other than under this section, or inconsistent codicil or amendment, the provisions shall be revived upon the testator's or settlor's remarriage to the former spouse. Nothing in this section shall prevent a testator or settlor from transferring property to, conferring any beneficial interest on, conferring a power on, or nominating or appointing as a fiduciary a spouse or former spouse subsequent to a revocation under this section.*

~~*F. Except as provided in this section, no change of circumstances shall be deemed to revoke a will or trust instrument.*~~

*G. This section applies to trusts and trust provisions only to the extent the event causing the revocation under subsection D occurs on or after July 1, 2018.*

**§ 64.2-415. How certain trust provisions, bequests, and devises to be construed; nonademption in certain cases.**

*A. As used in this section:*

*"Incapacitated" means impairment by reason of mental illness, intellectual disability, physical illness or disability, chronic use of drugs, chronic intoxication, or other cause to the extent of lacking sufficient understanding or capacity to make or communicate responsible decisions.*

*"Revocable," "settlor," "trust instrument," and "trustee" have the same meanings as provided in § 64.2-701.*

*B. Unless a contrary intention appears in the will or trust instrument:*

*1. A bequest or trust provision requiring distribution by reason of the settlor's death of specific securities, whether or not expressed in number of shares, shall include as much of the bequeathed securities as is part of the estate at the time or is or becomes part of the trust by reason of the testator's or settlor's death, any additional or other securities of the same entity owned by the testator or trustee by reason of action initiated by the entity, excluding any securities acquired by the exercise of purchase options, and any securities of another entity acquired with respect to the specific securities mentioned in the bequest or trust provision as a result of a merger, consolidation, reorganization, or other similar action initiated by the entity;*

~~*2. A bequest or, devise, or trust provision requiring distribution by reason of the settlor's death of specific property shall include the amount of any condemnation award for the taking of the property which that remains unpaid at death and any proceeds unpaid at death on fire and casualty insurance on the property; and*~~

*3. A bequest or devise of specific property shall, in addition to such property that remains part of the estate of the testator, be deemed to be a bequest of a pecuniary amount if such specific property, during the life of the testator and while he is under a disability, was sold by a conservator, guardian, or committee for the testator, or if proceeds of fire or casualty insurance as to such property are paid to the conservator, guardian, or committee for the testator. For purposes of this subdivision, the pecuniary amount shall be the net sale price or insurance proceeds, reduced by the sums received under subdivision 2. This subdivision shall not apply if, after the sale or casualty, it is adjudicated that the disability of the testator had ceased and the testator survived the adjudication by one year.*

C. Unless a contrary intention appears in a testator's will or durable power of attorney, a bequest or devise of specific property shall, in addition to such property that remains part of the estate of the testator, be deemed to be a bequest of a pecuniary amount if such specific property, during the life of the testator and while he is incapacitated, was sold by an agent acting within the authority of a durable power of attorney for the testator, or if proceeds of fire or casualty insurance as to such property are paid to the agent. For purposes of this subsection, (i) the pecuniary amount shall be the net sale price or insurance proceeds, reduced by the sums received under subdivision B 2, (ii) no adjudication of the testator's incapacity before death is necessary, and (iii) the acts of an agent within the authority of a durable power of attorney are rebuttably presumed to be for an incapacitated testator. This subsection shall not apply (a) if the agent's sale of the specific property or receipt of the insurance proceeds is thereafter ratified by the testator or (b) to a power of attorney limited to one or more specific purposes.

D. Unless a contrary intention appears in the will, a devise that would describe a leasehold estate, if the testator had no freehold estate that could be described by the devise, shall be construed to include such a leasehold estate.

*E. Unless a contrary intention appears in the trust instrument, a provision requiring distribution of specific property by reason of the death of the settlor shall, in addition to such property that is or becomes part of the trust by reason of the settlor's death, be deemed to be a distribution of a pecuniary amount if, while the settlor was incapacitated, (i) such specific property was sold by the trustee or (ii) the proceeds of fire or casualty insurance as to such property were paid to the trustee. For purposes of this subsection, the pecuniary amount shall be the net sale price or insurance proceeds, reduced by the sums received under subdivision B 2. For purposes of this subsection, no adjudication of the settlor's incapacity before death is necessary. This subsection shall not apply if the trustee's sale of the specific property or receipt of the insurance proceeds is thereafter ratified by the settlor.*

*F. This section applies to trusts and trust provisions only to the extent the trust instrument or provision is revocable immediately before the settlor's death on or after July 1, 2018, and the distribution occurs by reason of the settlor's death and is of property that is or becomes part of the trust by reason of the settlor's death.*

**§ 64.2-416. Devises, bequests, and distributions that fail; how to pass.**

*A. For the purposes of this section, the terms "revocable," "settlor," "trust instrument," and "trustee" have the same meanings as provided in § 64.2-701.*

*B. Unless a contrary intention appears in the will or trust instrument, and except as provided in § 64.2-418:*

*1. If a devise ~~or~~, bequest, or distribution other than a residuary devise ~~or~~, bequest, or distribution fails for any reason, it shall become a part of the residue; and*

*2. If the residue is devised ~~or~~, bequeathed, or otherwise required to be distributed to two or more persons and the share of one fails for any reason, such share shall pass to the other residuary devisees ~~or~~, legatees, or beneficiaries in proportion to their interests in the residue.*

~~*B. C. Notwithstanding the provisions of §§ 64.2-2604 and 64.2-2605 and unless a contrary intention appears in the will, if a testator makes a bequest, not exceeding the value of \$100, to a legatee and such legatee refuses to take possession of such bequest, then the bequest shall fail and becomes a part of the residue of the testator's estate.*~~

*D. Subsection B applies to trusts and trust provisions only to the extent the trust instrument or provision is revocable immediately before the settlor's death on or after July 1, 2018, and the devise, bequest, or distribution occurs by reason of the settlor's death.*

**§ 64.2-418. When children or descendants of beneficiary to take estate or trust.**

*A. For the purposes of this section, the terms "revocable," "settlor," "trust instrument," and "trustee" have the same meanings as provided in § 64.2-701.*

*B. Unless a contrary intention appears in the will or trust instrument, if a ~~devisee or legatee~~ beneficiary, including a ~~devisee or legatee~~ beneficiary under a class gift, is (i) a grandparent or a descendant of a grandparent of the testator or settlor and (ii) dead at the time of execution of the will or trust instrument or dead at the time of the testator's or settlor's death, the ~~children and the~~ descendants of the deceased ~~children of the deceased~~ ~~devisee or legatee~~ beneficiary who survive the testator or settlor take in the place of the deceased ~~devisee or legatee~~ beneficiary. The portion of the testator's estate or the trust that the deceased ~~devisee or legatee~~ beneficiary was to take shall be divided into as many equal shares as there are (a) surviving descendants in the closest degree of kinship to the deceased ~~devisee or legatee~~ beneficiary and (b) deceased descendants, if any, in the same degree of kinship to the deceased ~~devisee or legatee~~ beneficiary who left descendants surviving at the time of the testator's or settlor's death. One share shall pass to each such surviving descendant and one share shall pass per stirpes to such descendants of deceased descendants.*

*C. This section applies to trusts and trust provisions only to the extent the trust instrument or provision is revocable immediately before the settlor's death on or after July 1, 2018, and the beneficiary would have taken by reason of the settlor's death if the beneficiary survived the settlor.*

**CHAPTER 45**

*An Act to amend and reenact § 54.1-4413.2 of the Code of Virginia, relating to public accountants; issuance, renewal, and reinstatement of licenses.*

Approved February 26, 2018

[H 752]

**Be it enacted by the General Assembly of Virginia:****1. That § 54.1-4413.2 of the Code of Virginia is amended and reenacted as follows:****§ 54.1-4413.2. Issuance, renewal, and reinstatement of licenses and lifting the suspension of privileges.**

A. A Virginia license shall provide its holder with a ~~12-month~~ *the* privilege to use the CPA title in Virginia or provide attest services, compilation services, and financial statement preparation services to persons and entities located in Virginia.

B. ~~If the A license granted pursuant to the provisions of this chapter shall be renewed as prescribed by the Board. Any license is not renewed by the end of the 12-month period, it~~ *pursuant to the provisions prescribed by the Board shall be considered to have expired and the person or firm shall be considered to no longer hold a Virginia license.*

C. A person whose Virginia license expired may obtain a new Virginia license under subsection C of § 54.1-4409.2 if he holds the license of another state.

D. The license of a person whose Virginia license expired and who does not hold the license of another state may be reinstated under this subsection. In addition, a person whose privilege of using the CPA title in Virginia was suspended may have the suspension lifted under this subsection.

1. To be considered for reinstatement of a Virginia license or lifting the suspension of the privilege of using the CPA title in Virginia, a person shall:

a. Disclose to the Board why he no longer holds a Virginia license or why his privilege of using the CPA title in Virginia was suspended;

b. Disclose to the Board each state in which he has held a license. For each of the states in which the person has held a license, the person shall disclose why he no longer holds a license and provide documentation from the board of accountancy concerning whether he has been found guilty of any violations of the standards of conduct and practice established by statutes of the state or regulations promulgated by the board; and

c. Describe his continuing professional education since his Virginia license expired or was suspended. The Board shall determine whether his continuing professional education complies with the continuing professional education requirement prescribed by the Board for that period.

2. After evaluating the information provided by the person, the Board may request additional information and may impose additional requirements for reinstatement of the Virginia license or lifting the suspension.

3. The Board shall communicate to the person its decision and, if the request for reinstatement or lifting the suspension is denied, the reasons for the denial. The request may be resubmitted when the person believes the matters affecting the request have been satisfactorily resolved. The person may request a proceeding in accordance with the provisions of the Administrative Process Act (§ 2.2-4000 et seq.).

E. The license of a firm whose Virginia license expired may be reinstated under this subsection. In addition, a firm whose privilege of providing attest services, compilation services, or financial statement preparation services to persons or entities located in Virginia was suspended may have the suspension lifted under this subsection.

1. To be considered for reinstatement of a Virginia license or lifting the suspension of the privilege of providing attest services, compilation services, or financial statement preparation services to persons or entities located in Virginia:

a. The firm shall disclose to the Board why it no longer holds a Virginia license or why its privilege of providing attest services, compilation services, or financial statement preparation services to persons or entities located in Virginia was suspended.

b. The firm shall disclose to the Board each state in which it holds or has held a license.

c. For each of the states in which the firm holds a license, the firm shall provide documentation from the board of accountancy concerning whether it is in good standing with the board, whether there are any pending actions alleging violations of the standards of conduct and practice established by statutes of the state or regulations promulgated by the board, and whether it has been found guilty of any violations of these standards of conduct and practice.

d. For each of the states in which the firm has held a license, the firm shall disclose why it no longer holds a license and provide documentation from the board of accountancy concerning whether it has been found guilty of any violations of the standards of conduct and practice established by statutes of the state or regulations promulgated by the board.

2. After evaluating the information provided by the firm, the Board may request additional information and may impose additional requirements for reinstatement of the Virginia license or lifting the suspension.

3. The Board shall communicate to the firm its decision and, if the request for reinstatement or lifting the suspension is denied, the reasons for the denial. The request may be resubmitted when the firm believes the matters affecting the request have been satisfactorily resolved. The firm may request a proceeding in accordance with the provisions of the Administrative Process Act (§ 2.2-4000 et seq.).

F. The Board shall consider granting the privilege of using the CPA title in Virginia, or the privilege of providing attest services, compilation services, or financial statement preparation services to persons or entities located in Virginia, to persons or firms that have had the privilege revoked only when the person or firm demonstrates to the Board that there are special facts and circumstances that warrant reconsideration by the Board of whether it should allow the person or firm to have the privilege.

**2. That an emergency exists and this act is in force from its passage.****3. That the Board of Accountancy (Board) shall promulgate regulations to implement the provisions of this act, including provisions pertaining to the transition of current licenses to the new issuance and renewal requirements, to be effective no later than July 1, 2018. The Board's initial adoption of regulations necessary to implement the**

provisions of this act shall be exempt from the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia), except that the Board shall provide an opportunity for public comment on regulations prior to adoption.

4. That any license issued or renewed by the Board of Accountancy between the effective date of this act and June 30, 2018, shall expire on June 30, 2019.

## CHAPTER 46

*An Act to amend and reenact § 2.2-4006 of the Code of Virginia, relating to the Administrative Process Act; exemption for certain regulations of the Board of Accountancy.*

[H 753]

Approved February 26, 2018

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

**1. That § 2.2-4006 of the Code of Virginia is amended and reenacted as follows:**

**§ 2.2-4006. Exemptions from requirements of this article.**

A. The following agency actions otherwise subject to this chapter and § 2.2-4103 of the Virginia Register Act shall be exempted from the operation of this article:

1. Agency orders or regulations fixing rates or prices.
2. Regulations that establish or prescribe agency organization, internal practice or procedures, including delegations of authority.
3. Regulations that consist only of changes in style or form or corrections of technical errors. Each promulgating agency shall review all references to sections of the Code of Virginia within their regulations each time a new supplement or replacement volume to the Code of Virginia is published to ensure the accuracy of each section or section subdivision identification listed.
4. Regulations that are:
  - a. Necessary to conform to changes in Virginia statutory law or the appropriation act where no agency discretion is involved. However, such regulations shall be filed with the Registrar within 90 days of the law's effective date;
  - b. Required by order of any state or federal court of competent jurisdiction where no agency discretion is involved; or
  - c. Necessary to meet the requirements of federal law or regulations, provided such regulations do not differ materially from those required by federal law or regulation, and the Registrar has so determined in writing. Notice of the proposed adoption of these regulations and the Registrar's determination shall be published in the Virginia Register not less than 30 days prior to the effective date of the regulation.
5. Regulations of the Board of Agriculture and Consumer Services adopted pursuant to subsection B of § 3.2-3929 or clause (v) or (vi) of subsection C of § 3.2-3931 after having been considered at two or more Board meetings and one public hearing.
6. Regulations of (i) the regulatory boards served by (i) the Department of Labor and Industry pursuant to Title 40.1 and (ii) the Department of Professional and Occupational Regulation or the Department of Health Professions pursuant to Title 54.1 and (ii) the Board of Accountancy that are limited to reducing fees charged to regulants and applicants.
7. The development and issuance of procedural policy relating to risk-based mine inspections by the Department of Mines, Minerals and Energy authorized pursuant to §§ 45.1-161.82 and 45.1-161.292:55.
8. General permits issued by the (a) State Air Pollution Control Board pursuant to Chapter 13 (§ 10.1-1300 et seq.) of Title 10.1 or (b) State Water Control Board pursuant to the State Water Control Law (§ 62.1-44.2 et seq.), Chapter 24 (§ 62.1-242 et seq.) of Title 62.1 and Chapter 25 (§ 62.1-254 et seq.) of Title 62.1, (c) Virginia Soil and Water Conservation Board pursuant to the Dam Safety Act (§ 10.1-604 et seq.), and (d) the development and issuance of general wetlands permits by the Marine Resources Commission pursuant to subsection B of § 28.2-1307, if the respective Board or Commission (i) provides a Notice of Intended Regulatory Action in conformance with the provisions of § 2.2-4007.01, (ii) following the passage of 30 days from the publication of the Notice of Intended Regulatory Action forms a technical advisory committee composed of relevant stakeholders, including potentially affected citizens groups, to assist in the development of the general permit, (iii) provides notice and receives oral and written comment as provided in § 2.2-4007.03, and (iv) conducts at least one public hearing on the proposed general permit.
9. The development and issuance by the Board of Education of guidelines on constitutional rights and restrictions relating to the recitation of the pledge of allegiance to the American flag in public schools pursuant to § 22.1-202.
10. Regulations of the Board of the Virginia College Savings Plan adopted pursuant to § 23.1-704.
11. Regulations of the Marine Resources Commission.
12. Regulations adopted by the Board of Housing and Community Development pursuant to (i) Statewide Fire Prevention Code (§ 27-94 et seq.), (ii) the Industrialized Building Safety Law (§ 36-70 et seq.), (iii) the Uniform Statewide Building Code (§ 36-97 et seq.), and (iv) § 36-98.3, provided the Board (a) provides a Notice of Intended Regulatory Action in conformance with the provisions of § 2.2-4007.01, (b) publishes the proposed regulation and provides an opportunity for oral and written comments as provided in § 2.2-4007.03, and (c) conducts at least one public hearing as provided in §§ 2.2-4009 and 36-100 prior to the publishing of the proposed regulations. Notwithstanding the provisions of this

subdivision, any regulations promulgated by the Board shall remain subject to the provisions of § 2.2-4007.06 concerning public petitions, and §§ 2.2-4013 and 2.2-4014 concerning review by the Governor and General Assembly.

13. Amendments to regulations of the Board to schedule a substance pursuant to subsection D or E of § 54.1-3443.

14. Waste load allocations adopted, amended, or repealed by the State Water Control Board pursuant to the State Water Control Law (§ 62.1-44.2 et seq.), including but not limited to Article 4.01 (§ 62.1-44.19:4 et seq.) of the State Water Control Law, if the Board (i) provides public notice in the Virginia Register; (ii) if requested by the public during the initial public notice 30-day comment period, forms an advisory group composed of relevant stakeholders; (iii) receives and provides summary response to written comments; and (iv) conducts at least one public meeting. Notwithstanding the provisions of this subdivision, any such waste load allocations adopted, amended, or repealed by the Board shall be subject to the provisions of §§ 2.2-4013 and 2.2-4014 concerning review by the Governor and General Assembly.

15. Regulations of the Workers' Compensation Commission adopted pursuant to § 65.2-605, including regulations that adopt, amend, adjust, or repeal Virginia fee schedules for medical services, provided the Workers' Compensation Commission (i) utilizes a regulatory advisory panel constituted as provided in subdivision F 2 of § 65.2-605 to assist in the development of such regulations and (ii) provides an opportunity for public comment on the regulations prior to adoption.

B. Whenever regulations are adopted under this section, the agency shall state as part thereof that it will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision. The effective date of regulations adopted under this section shall be in accordance with the provisions of § 2.2-4015, except in the case of emergency regulations, which shall become effective as provided in subsection B of § 2.2-4012.

C. A regulation for which an exemption is claimed under this section or § 2.2-4002 or 2.2-4011 and that is placed before a board or commission for consideration shall be provided at least two days in advance of the board or commission meeting to members of the public that request a copy of that regulation. A copy of that regulation shall be made available to the public attending such meeting.

**CHAPTER 47**

*An Act to amend and reenact §§ 19.2-11.01, 19.2-11.2, and 19.2-269.2 of the Code of Virginia, relating to confidentiality of victim telephone numbers and email addresses in criminal cases.*

[H 840]

Approved February 26, 2018

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

**1. That §§ 19.2-11.01, 19.2-11.2, and 19.2-269.2 of the Code of Virginia are amended and reenacted as follows:**

**§ 19.2-11.01. Crime victim and witness rights.**

A. In recognition of the Commonwealth's concern for the victims and witnesses of crime, it is the purpose of this chapter to ensure that the full impact of crime is brought to the attention of the courts of the Commonwealth; that crime victims and witnesses are treated with dignity, respect and sensitivity; and that their privacy is protected to the extent permissible under law. It is the further purpose of this chapter to ensure that victims and witnesses are informed of the rights provided to them under the laws of the Commonwealth; that they receive authorized services as appropriate; and that they have the opportunity to be heard by law-enforcement agencies, attorneys for the Commonwealth, corrections agencies and the judiciary at all critical stages of the criminal justice process to the extent permissible under law. Unless otherwise stated and subject to the provisions of § 19.2-11.1, it shall be the responsibility of a locality's crime victim and witness assistance program to provide the information and assistance required by this chapter, including verification that the standardized form listing the specific rights afforded to crime victims has been received by the victim.

As soon as practicable after identifying a victim of a crime, the investigating law-enforcement agency shall provide the victim with a standardized form listing the specific rights afforded to crime victims. The form shall include a telephone number by which the victim can receive further information and assistance in securing the rights afforded crime victims, the name, address and telephone number of the office of the attorney for the Commonwealth, the name, address and telephone number of the investigating law-enforcement agency, and a summary of the victim's rights under § 40.1-28.7:2.

1. Victim and witness protection and law-enforcement contacts.

a. In order that victims and witnesses receive protection from harm and threats of harm arising out of their cooperation with law-enforcement, or prosecution efforts, they shall be provided with information as to the level of protection which may be available pursuant to § 52-35 or to any other federal, state or local program providing protection, and shall be assisted in obtaining this protection from the appropriate authorities.

b. Victims and witnesses shall be provided, where available, a separate waiting area during court proceedings that affords them privacy and protection from intimidation, and that does not place the victim in close proximity to the defendant or the defendant's family.

2. Financial assistance.

a. Victims shall be informed of financial assistance and social services available to them as victims of a crime, including information on their possible right to file a claim for compensation from the Crime Victims' Compensation Fund pursuant to Chapter 21.1 (§ 19.2-368.1 et seq.) of this title and on other available assistance and services.

b. Victims shall be assisted in having any property held by law-enforcement agencies for evidentiary purposes returned promptly in accordance with §§ 19.2-270.1 and 19.2-270.2.

c. Victims shall be advised that restitution is available for damages or loss resulting from an offense and shall be assisted in seeking restitution in accordance with §§ 19.2-305, 19.2-305.1, Chapter 21.1 (§ 19.2-368.1 et seq.) of this title, Article 21 (§ 58.1-520 et seq.) of Chapter 3 of Title 58.1, and other applicable laws of the Commonwealth.

3. Notices.

a. Victims and witnesses shall be (i) provided with appropriate employer intercession services to ensure that employers of victims and witnesses will cooperate with the criminal justice process in order to minimize an employee's loss of pay and other benefits resulting from court appearances and (ii) advised that pursuant to § 18.2-465.1 it is unlawful for an employer to penalize an employee for appearing in court pursuant to a summons or subpoena.

b. Victims shall receive advance notification when practicable from the attorney for the Commonwealth of judicial proceedings relating to their case and shall be notified when practicable of any change in court dates in accordance with § 19.2-265.01 if they have provided their names, current addresses and telephone numbers.

c. Victims shall receive notification, if requested, subject to such reasonable procedures as the Attorney General may require pursuant to § 2.2-511, from the Attorney General of the filing and disposition of any appeal or habeas corpus proceeding involving their case.

d. Victims shall be notified by the Department of Corrections or a sheriff or jail superintendent (i) in whose custody an escape, change of name, transfer, release or discharge of a prisoner occurs pursuant to the provisions of §§ 53.1-133.02 and 53.1-160 or (ii) when an accused is released on bail, if they have provided their names, current addresses and telephone numbers in writing. Such notification may be provided through the Virginia Statewide VINE (Victim Information and Notification Everyday) System or other similar electronic or automated system.

e. Victims shall be advised that, in order to protect their right to receive notices and offer input, all agencies and persons having such duties must have current victim addresses and telephone numbers given by the victims. Victims shall also be advised that any such information given shall be confidential as provided by § 19.2-11.2.

f. Victims of sexual assault, as defined in § 19.2-11.5, shall be advised of their rights regarding physical evidence recovery kits as provided in Chapter 1.2 (§ 19.2-11.5 et seq.).

4. Victim input.

a. Victims shall be given the opportunity, pursuant to § 19.2-299.1, to prepare a written victim impact statement prior to sentencing of a defendant and may provide information to any individual or agency charged with investigating the social history of a person or preparing a victim impact statement under the provisions of §§ 16.1-273 and 53.1-155 or any other applicable law.

b. Victims shall have the right to remain in the courtroom during a criminal trial or proceeding pursuant to the provisions of § 19.2-265.01.

c. On motion of the attorney for the Commonwealth, victims shall be given the opportunity, pursuant to §§ 19.2-264.4 and 19.2-295.3, to testify prior to sentencing of a defendant regarding the impact of the offense.

d. In a felony case, the attorney for the Commonwealth, upon the victim's written request, shall consult with the victim either verbally or in writing (i) to inform the victim of the contents of a proposed plea agreement and (ii) to obtain the victim's views about the disposition of the case, including the victim's views concerning dismissal, pleas, plea negotiations and sentencing. However, nothing in this section shall limit the ability of the attorney for the Commonwealth to exercise his discretion on behalf of the citizens of the Commonwealth in the disposition of any criminal case. The court shall not accept the plea agreement unless it finds that, except for good cause shown, the Commonwealth has complied with clauses (i) and (ii). Good cause shown shall include, but not be limited to, the unavailability of the victim due to incarceration, hospitalization, failure to appear at trial when subpoenaed, or change of address without notice.

Upon the victim's written request, the victim shall be notified in accordance with subdivision A 3 b of any proceeding in which the plea agreement will be tendered to the court.

The responsibility to consult with the victim under this subdivision shall not confer upon the defendant any substantive or procedural rights and shall not affect the validity of any plea entered by the defendant.

5. Courtroom assistance.

a. Victims and witnesses shall be informed that their addresses ~~and~~ any telephone numbers, *and email addresses* may not be disclosed, pursuant to the provisions of §§ 19.2-11.2 and 19.2-269.2, except when necessary for the conduct of the criminal proceeding.

b. Victims and witnesses shall be advised that they have the right to the services of an interpreter in accordance with §§ 19.2-164 and 19.2-164.1.

c. Victims and witnesses of certain sexual offenses shall be advised that there may be a closed preliminary hearing in accordance with § 18.2-67.8 and, if a victim was 14 years of age or younger on the date of the offense and is 16 or under at the time of the trial, or a witness to the offense is 14 years of age or younger at the time of the trial, that two-way closed-circuit television may be used in the taking of testimony in accordance with § 18.2-67.9.

6. Post trial assistance.

a. Within 30 days of receipt of a victim's written request after the final trial court proceeding in the case, the attorney for the Commonwealth shall notify the victim in writing, of (i) the disposition of the case, (ii) the crimes of which the

defendant was convicted, (iii) the defendant's right to appeal, if known, and (iv) the telephone number of offices to contact in the event of nonpayment of restitution by the defendant.

b. If the defendant has been released on bail pending the outcome of an appeal, the agency that had custody of the defendant immediately prior to his release shall notify the victim as soon as practicable that the defendant has been released.

c. If the defendant's conviction is overturned, and the attorney for the Commonwealth decides to retry the case or the case is remanded for a new trial, the victim shall be entitled to the same rights as if the first trial did not take place.

B. For purposes of this chapter, "victim" means (i) a person who has suffered physical, psychological, or economic harm as a direct result of the commission of (a) a felony, (b) assault and battery in violation of § 18.2-57 or 18.2-57.2, stalking in violation of § 18.2-60.3, a violation of a protective order in violation of § 16.1-253.2 or 18.2-60.4, sexual battery in violation of § 18.2-67.4, attempted sexual battery in violation of § 18.2-67.5, or maiming or driving while intoxicated in violation of § 18.2-51.4 or 18.2-266, or (c) a delinquent act that would be a felony or a misdemeanor violation of any offense enumerated in clause (b) if committed by an adult; (ii) a spouse or child of such a person; (iii) a parent or legal guardian of such a person who is a minor; (iv) for the purposes of subdivision A 4 only, a current or former foster parent or other person who has or has had physical custody of such a person who is a minor, for six months or more or for the majority of the minor's life; or (v) a spouse, parent, sibling, or legal guardian of such a person who is physically or mentally incapacitated or was the victim of a homicide; however, "victim" does not mean a parent, child, spouse, sibling, or legal guardian who commits a felony or other enumerated criminal offense against a victim as defined in clause (i).

C. Officials and employees of the judiciary, including court services units, law-enforcement agencies, the Department of Corrections, attorneys for the Commonwealth and public defenders, shall be provided with copies of this chapter by the Department of Criminal Justice Services or a crime victim and witness assistance program. Each agency, officer or employee who has a responsibility or responsibilities to victims under this chapter or other applicable law shall make reasonable efforts to become informed about these responsibilities and to ensure that victims and witnesses receive such information and services to which they may be entitled under applicable law, provided that no liability or cause of action shall arise from the failure to make such efforts or from the failure of such victims or witnesses to receive any such information or services.

**§ 19.2-11.2. Crime victim's right to nondisclosure of certain information; exceptions; testimonial privilege.**

Upon request of any witness in a criminal prosecution under § 18.2-46.2, 18.2-46.3, or 18.2-248 or of any violent felony as defined by subsection C of § 17.1-805, or any crime victim, neither a law-enforcement agency, the attorney for the Commonwealth, the counsel for a defendant, a court nor the Department of Corrections, nor any employee of any of them, may disclose, except among themselves, the residential address, *any* telephone number, *email address*, or place of employment of the witness or victim or a member of the witness' or victim's family, except to the extent that disclosure is (i) of the site of the crime, (ii) required by law or Rules of the Supreme Court, (iii) necessary for law-enforcement purposes or preparation for court proceedings, or (iv) permitted by the court for good cause.

Except with the written consent of the victim of any crime involving any sexual assault, sexual abuse, or family abuse or the victim's next of kin if the victim is a minor and the victim's death results from any crime, a law-enforcement agency may not disclose to the public information that directly or indirectly identifies the victim of such crime except to the extent that disclosure is (a) of the site of the crime, (b) required by law, (c) necessary for law-enforcement purposes, or (d) permitted by the court for good cause. In addition, at the request of the victim to the Court of Appeals of Virginia or the Supreme Court of Virginia hearing, on or after July 1, 2007, the case of a crime involving any sexual assault or sexual abuse, no appellate decision shall contain the first or last name of the victim.

Nothing herein shall limit the right to examine witnesses in a court of law or otherwise affect the conduct of any criminal proceeding.

**§ 19.2-269.2. Nondisclosure of addresses or telephone numbers of crime victims and witnesses.**

During any criminal proceeding, upon motion of the defendant or the attorney for the Commonwealth, a judge may prohibit testimony as to the current residential or business address ~~or~~, *any* telephone number, *or email address* of a victim or witness if the judge determines that this information is not material under the circumstances of the case.

## CHAPTER 48

*An Act to amend and reenact §§ 2.2-3706, 2.2-3711, and 15.2-1713.1 of the Code of Virginia, relating to the Virginia Freedom of Information Act; disclosure of law-enforcement and criminal records.*

[H 909]

Approved February 26, 2018

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

**1. That §§ 2.2-3706, 2.2-3711, and 15.2-1713.1 of the Code of Virginia are amended and reenacted as follows:**

**§ 2.2-3706. Disclosure of law-enforcement and criminal records; limitations.**

A. *Records required to be released.* All public bodies engaged in criminal law-enforcement activities shall provide ~~requested records in accordance with this chapter as follows~~ *the following records when requested in accordance with the provisions of this chapter:*

1. ~~Records required to be released:~~

~~æ~~ Criminal incident information relating to felony offenses, which shall include:

- ~~(1)~~ a. A general description of the criminal activity reported;
- ~~(2)~~ b. The date the alleged crime was committed;
- ~~(3)~~ c. The general location where the alleged crime was committed;
- ~~(4)~~ d. The identity of the investigating officer or other point of contact; and
- ~~(5)~~ e. A general description of any injuries suffered or property damaged or stolen.

A verbal response as agreed to by the requester and the public body is sufficient to satisfy the requirements of subdivision ~~a~~ 1.

Where the release of criminal incident information, however, is likely to jeopardize an ongoing investigation or prosecution or the safety of an individual, cause a suspect to flee or evade detection, or result in the destruction of evidence, such information may be withheld until the above-referenced damage is no longer likely to occur from release of the information. Nothing in subdivision ~~a~~ 1 shall be construed to authorize the withholding of those portions of such information that are not likely to cause the above-referenced damage;

~~b~~ 2. Adult arrestee photographs taken during the initial intake following the arrest and as part of the routine booking procedure, except when necessary to avoid jeopardizing an investigation in felony cases until such time as the release of the photograph will no longer jeopardize the investigation;

~~c~~ 3. Information relative to the identity of any individual, other than a juvenile, who is arrested and charged, and the status of the charge or arrest; and

~~d~~ 4. Records of completed unattended death investigations to the parent or spouse of the decedent or, if there is no living parent or spouse, to the most immediate family member of the decedent, provided the person is not a person of interest or a suspect. For the purposes of this subdivision, "unattended death" means a death determined to be a suicide, accidental or natural death where no criminal charges will be initiated, and "immediate family" means the decedent's personal representative or, if no personal representative has qualified, the decedent's next of kin in order of intestate succession as set forth in § 64.2-200.

~~e~~ B. Discretionary releases. The following records are excluded from the mandatory disclosure provisions of this chapter, but may be disclosed by the custodian, in his discretion, except where such disclosure is prohibited by law:

~~a~~ 1. Criminal investigative files, defined as any documents and information, including complaints, court orders, memoranda, notes, diagrams, maps, photographs, correspondence, reports, witness statements, and evidence relating to a criminal investigation or prosecution, other than criminal incident information subject to release in accordance with subdivision A 1 ~~a~~;

~~b~~ 2. Reports submitted in confidence to (i) state and local law-enforcement agencies, (ii) investigators authorized pursuant to Chapter 3.2 (§ 2.2-307 et seq.), and (iii) campus police departments of public institutions of higher education established pursuant to Article 3 (§ 23.1-809 et seq.) of Chapter 8 of Title 23.1;

~~c~~ 3. Records of local law-enforcement agencies relating to neighborhood watch programs that include the names, addresses, and operating schedules of individual participants in the program that are provided to such agencies under a promise of anonymity;

~~d~~ 4. All records of persons imprisoned in penal institutions in the Commonwealth provided such records relate to the imprisonment;

~~e~~ 5. Records of law-enforcement agencies, to the extent that such records contain specific tactical plans, the disclosure of which would jeopardize the safety or security of law-enforcement personnel or the general public;

~~f~~ 6. All records of adult persons under (i) investigation or supervision by a local pretrial services agency in accordance with Article 5 (§ 19.2-152.2 et seq.) of Chapter 9 of Title 19.2; (ii) investigation, probation supervision, or monitoring by a local community-based probation services agency in accordance with Article 9 (§ 9.1-173 et seq.) of Chapter 1 of Title 9.1; or (iii) investigation or supervision by state probation and parole services in accordance with Article 2 (§ 53.1-141 et seq.) of Chapter 4 of Title 53.1;

~~g~~ 7. Records of a law-enforcement agency to the extent that they disclose the telephone numbers for cellular telephones, pagers, or comparable portable communication devices provided to its personnel for use in the performance of their official duties;

~~h~~ 8. Those portions of any records containing information related to undercover operations or protective details that would reveal the staffing, logistics, or tactical plans of such undercover operations or protective details. Nothing in this subdivision shall operate to allow the withholding of information concerning the overall costs or expenses associated with undercover operations or protective details;

~~i~~ 9. Records of (i) background investigations of applicants for law-enforcement agency employment, (ii) administrative investigations relating to allegations of wrongdoing by employees of a law-enforcement agency, and (iii) other administrative investigations conducted by law-enforcement agencies that are made confidential by law;

~~j~~ 10. The identity of any victim, witness, or undercover officer, or investigative techniques or procedures. However, the identity of any victim or witness shall be withheld if disclosure is prohibited or restricted under § 19.2-11.2; and

~~k~~ 11. Records of the Sex Offender and Crimes Against Minors Registry maintained by the Department of State Police pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1, including information obtained from state, local, and regional officials, except to the extent that information is required to be posted on the Internet pursuant to § 9.1-913; ~~and~~.

~~3-~~ C. Prohibited releases. The identity of any individual providing information about a crime or criminal activity under a promise of anonymity shall not be disclosed.

~~B-~~ D. Noncriminal records. ~~Those~~ Public bodies (i) engaged in emergency medical services, (ii) engaged in fire protection services, (iii) engaged in criminal law-enforcement activities, or (iv) engaged in processing calls for service or other communications to an emergency 911 system or any other equivalent reporting system may withhold those portions of noncriminal incident or other noncriminal investigative reports or materials that contain identifying information of a personal, medical, or financial nature ~~may be withheld~~ where the release of such information would jeopardize the safety or privacy of any person. Access to personnel records of persons employed by a law-enforcement agency shall be governed by the provisions of subdivision ~~A 2 i B 9~~ of this section and subdivision 1 of § 2.2-3705.1, as applicable.

~~C-~~ E. Records of any call for service or other communication to an emergency 911 system or communicated with any other equivalent reporting system shall be subject to the provisions of this chapter.

~~D-~~ F. Conflict resolution. In the event of conflict between this section as it relates to requests made under this section and other provisions of law, this section shall control.

**§ 2.2-3711. Closed meetings authorized for certain limited purposes.**

A. Public bodies may hold closed meetings only for the following purposes:

1. Discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body; and evaluation of performance of departments or schools of public institutions of higher education where such evaluation will necessarily involve discussion of the performance of specific individuals. Any teacher shall be permitted to be present during a closed meeting in which there is a discussion or consideration of a disciplinary matter that involves the teacher and some student and the student involved in the matter is present, provided the teacher makes a written request to be present to the presiding officer of the appropriate board. Nothing in this subdivision, however, shall be construed to authorize a closed meeting by a local governing body or an elected school board to discuss compensation matters that affect the membership of such body or board collectively.

2. Discussion or consideration of admission or disciplinary matters or any other matters that would involve the disclosure of information contained in a scholastic record concerning any student of any public institution of higher education in the Commonwealth or any state school system. However, any such student, legal counsel and, if the student is a minor, the student's parents or legal guardians shall be permitted to be present during the taking of testimony or presentation of evidence at a closed meeting, if such student, parents, or guardians so request in writing and such request is submitted to the presiding officer of the appropriate board.

3. Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.

4. The protection of the privacy of individuals in personal matters not related to public business.

5. Discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community.

6. Discussion or consideration of the investment of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of the governmental unit would be adversely affected.

7. Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body. For the purposes of this subdivision, "probable litigation" means litigation that has been specifically threatened or on which the public body or its legal counsel has a reasonable basis to believe will be commenced by or against a known party. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter.

8. Consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter.

9. Discussion or consideration by governing boards of public institutions of higher education of matters relating to gifts, bequests and fund-raising activities, and of grants and contracts for services or work to be performed by such institution. However, the terms and conditions of any such gifts, bequests, grants, and contracts made by a foreign government, a foreign legal entity, or a foreign person and accepted by a public institution of higher education in the Commonwealth shall be subject to public disclosure upon written request to the appropriate board of visitors. For the purpose of this subdivision, (i) "foreign government" means any government other than the United States government or the government of a state or a political subdivision thereof, (ii) "foreign legal entity" means any legal entity (a) created under the laws of the United States or of any state thereof if a majority of the ownership of the stock of such legal entity is owned by foreign governments or foreign persons or if a majority of the membership of any such entity is composed of foreign persons or foreign legal entities or (b) created under the laws of a foreign government, and (iii) "foreign person" means any individual who is not a citizen or national of the United States or a trust territory or protectorate thereof.

10. Discussion or consideration by the boards of trustees of the Virginia Museum of Fine Arts, the Virginia Museum of Natural History, the Jamestown-Yorktown Foundation, and The Science Museum of Virginia of matters relating to specific gifts, bequests, and grants from private sources.

11. Discussion or consideration of honorary degrees or special awards.

12. Discussion or consideration of tests, examinations, or other information used, administered, or prepared by a public body and subject to the exclusion in subdivision 4 of § 2.2-3705.1.

13. Discussion, consideration, or review by the appropriate House or Senate committees of possible disciplinary action against a member arising out of the possible inadequacy of the disclosure statement filed by the member, provided the member may request in writing that the committee meeting not be conducted in a closed meeting.

14. Discussion of strategy with respect to the negotiation of a hazardous waste siting agreement or to consider the terms, conditions, and provisions of a hazardous waste siting agreement if the governing body in open meeting finds that an open meeting will have an adverse effect upon the negotiating position of the governing body or the establishment of the terms, conditions and provisions of the siting agreement, or both. All discussions with the applicant or its representatives may be conducted in a closed meeting.

15. Discussion by the Governor and any economic advisory board reviewing forecasts of economic activity and estimating general and nongeneral fund revenues.

16. Discussion or consideration of medical and mental health records subject to the exclusion in subdivision 1 of § 2.2-3705.5.

17. Deliberations of the Virginia Lottery Board in a licensing appeal action conducted pursuant to subsection D of § 58.1-4007 regarding the denial or revocation of a license of a lottery sales agent; and discussion, consideration or review of Virginia Lottery matters related to proprietary lottery game information and studies or investigations excluded from disclosure under subdivision 6 of § 2.2-3705.3 and subdivision 11 of § 2.2-3705.7.

18. Those portions of meetings in which the Board of Corrections discusses or discloses the identity of, or information tending to identify, any prisoner who (i) provides information about crimes or criminal activities, (ii) renders assistance in preventing the escape of another prisoner or in the apprehension of an escaped prisoner, or (iii) voluntarily or at the instance of a prison official renders other extraordinary services, the disclosure of which is likely to jeopardize the prisoner's life or safety.

19. Discussion of plans to protect public safety as it relates to terrorist activity or specific cybersecurity threats or vulnerabilities and briefings by staff members, legal counsel, or law-enforcement or emergency service officials concerning actions taken to respond to such matters or a related threat to public safety; discussion of information subject to the exclusion in subdivision 2 or 14 of § 2.2-3705.2, where discussion in an open meeting would jeopardize the safety of any person or the security of any facility, building, structure, information technology system, or software program; or discussion of reports or plans related to the security of any governmental facility, building or structure, or the safety of persons using such facility, building or structure.

20. Discussion by the Board of the Virginia Retirement System, acting pursuant to § 51.1-124.30, or of any local retirement system, acting pursuant to § 51.1-803, or by a local finance board or board of trustees of a trust established by one or more local public bodies to invest funds for postemployment benefits other than pensions, acting pursuant to Article 8 (§ 15.2-1544 et seq.) of Chapter 15 of Title 15.2, or by the board of visitors of the University of Virginia, acting pursuant to § 23.1-2210, or by the Board of the Virginia College Savings Plan, acting pursuant to § 23.1-706, regarding the acquisition, holding or disposition of a security or other ownership interest in an entity, where such security or ownership interest is not traded on a governmentally regulated securities exchange, to the extent that such discussion (i) concerns confidential analyses prepared for the board of visitors of the University of Virginia, prepared by the retirement system, or a local finance board or board of trustees, or the Virginia College Savings Plan or provided to the retirement system, a local finance board or board of trustees, or the Virginia College Savings Plan under a promise of confidentiality, of the future value of such ownership interest or the future financial performance of the entity, and (ii) would have an adverse effect on the value of the investment to be acquired, held, or disposed of by the retirement system, a local finance board or board of trustees, the board of visitors of the University of Virginia, or the Virginia College Savings Plan. Nothing in this subdivision shall be construed to prevent the disclosure of information relating to the identity of any investment held, the amount invested or the present value of such investment.

21. Those portions of meetings in which individual child death cases are discussed by the State Child Fatality Review team established pursuant to § 32.1-283.1, those portions of meetings in which individual child death cases are discussed by a regional or local child fatality review team established pursuant to § 32.1-283.2, those portions of meetings in which individual death cases are discussed by family violence fatality review teams established pursuant to § 32.1-283.3, those portions of meetings in which individual adult death cases are discussed by the state Adult Fatality Review Team established pursuant to § 32.1-283.5, and those portions of meetings in which individual adult death cases are discussed by a local or regional adult fatality review team established pursuant to § 32.1-283.6.

22. Those portions of meetings of the board of visitors of the University of Virginia or the Eastern Virginia Medical School Board of Visitors, as the case may be, and those portions of meetings of any persons to whom management responsibilities for the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, have been delegated, in which there is discussed proprietary, business-related information pertaining to the operations of the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, including business

development or marketing strategies and activities with existing or future joint venturers, partners, or other parties with whom the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, has formed, or forms, any arrangement for the delivery of health care, if disclosure of such information would adversely affect the competitive position of the Medical Center or Eastern Virginia Medical School, as the case may be.

23. Discussion or consideration by the Virginia Commonwealth University Health System Authority or the board of visitors of Virginia Commonwealth University of any of the following: the acquisition or disposition by the Authority of real property, equipment, or technology software or hardware and related goods or services, where disclosure would adversely affect the bargaining position or negotiating strategy of the Authority; matters relating to gifts or bequests to, and fund-raising activities of, the Authority; grants and contracts for services or work to be performed by the Authority; marketing or operational strategies plans of the Authority where disclosure of such strategies or plans would adversely affect the competitive position of the Authority; and members of the Authority's medical and teaching staffs and qualifications for appointments thereto.

24. Those portions of the meetings of the Health Practitioners' Monitoring Program Committee within the Department of Health Professions to the extent such discussions identify any practitioner who may be, or who actually is, impaired pursuant to Chapter 25.1 (§ 54.1-2515 et seq.) of Title 54.1.

25. Meetings or portions of meetings of the Board of the Virginia College Savings Plan wherein personal information, as defined in § 2.2-3801, which has been provided to the Board or its employees by or on behalf of individuals who have requested information about, applied for, or entered into prepaid tuition contracts or savings trust account agreements pursuant to Chapter 7 (§ 23.1-700 et seq.) of Title 23.1 is discussed.

26. Discussion or consideration, by the Wireless Carrier E-911 Cost Recovery Subcommittee created pursuant to § 56-484.15, of trade secrets, as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.), submitted by CMRS providers as defined in § 56-484.12, related to the provision of wireless E-911 service.

27. Those portions of disciplinary proceedings by any regulatory board within the Department of Professional and Occupational Regulation, Department of Health Professions, or the Board of Accountancy conducted pursuant to § 2.2-4019 or 2.2-4020 during which the board deliberates to reach a decision or meetings of health regulatory boards or conference committees of such boards to consider settlement proposals in pending disciplinary actions or modifications to previously issued board orders as requested by either of the parties.

28. Discussion or consideration of information subject to the exclusion in subdivision 11 of § 2.2-3705.6 by a responsible public entity or an affected locality or public entity, as those terms are defined in § 33.2-1800, or any independent review panel appointed to review information and advise the responsible public entity concerning such records.

29. Discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body.

30. Discussion or consideration of grant or loan application information subject to the exclusion in subdivision 17 of § 2.2-3705.6 by (i) the Commonwealth Health Research Board or (ii) the Innovation and Entrepreneurship Investment Authority or the Research and Technology Investment Advisory Committee appointed to advise the Innovation and Entrepreneurship Investment Authority.

31. Discussion or consideration by the Commitment Review Committee of information subject to the exclusion in subdivision 5 of § 2.2-3705.2 relating to individuals subject to commitment as sexually violent predators under Chapter 9 (§ 37.2-900 et seq.) of Title 37.2.

32. Discussion or consideration of confidential proprietary information and trade secrets developed and held by a local public body providing certain telecommunication services or cable television services and subject to the exclusion in subdivision 18 of § 2.2-3705.6. However, the exemption provided by this subdivision shall not apply to any authority created pursuant to the BVU Authority Act (§ 15.2-7200 et seq.).

33. Discussion or consideration by a local authority created in accordance with the Virginia Wireless Service Authorities Act (§ 15.2-5431.1 et seq.) of confidential proprietary information and trade secrets subject to the exclusion in subdivision 19 of § 2.2-3705.6.

34. Discussion or consideration by the State Board of Elections or local electoral boards of voting security matters made confidential pursuant to § 24.2-625.1.

35. Discussion or consideration by the Forensic Science Board or the Scientific Advisory Committee created pursuant to Article 2 (§ 9.1-1109 et seq.) of Chapter 11 of Title 9.1 of criminal investigative files subject to the exclusion in subdivision ~~A 2 a B 1~~ of § 2.2-3706.

36. Discussion or consideration by the Brown v. Board of Education Scholarship Committee of information or confidential matters subject to the exclusion in subdivision 3 of § 2.2-3705.4, and meetings of the Committee to deliberate concerning the annual maximum scholarship award, review and consider scholarship applications and requests for scholarship award renewal, and cancel, rescind, or recover scholarship awards.

37. Discussion or consideration by the Virginia Port Authority of information subject to the exclusion in subdivision 1 of § 2.2-3705.6 related to certain proprietary information gathered by or for the Virginia Port Authority.

38. Discussion or consideration by the Board of Trustees of the Virginia Retirement System acting pursuant to § 51.1-124.30, by the Investment Advisory Committee appointed pursuant to § 51.1-124.26, by any local retirement system, acting pursuant to § 51.1-803, by the Board of the Virginia College Savings Plan acting pursuant to § 23.1-706, or by the

Virginia College Savings Plan's Investment Advisory Committee appointed pursuant to § 23.1-702 of information subject to the exclusion in subdivision 24 of § 2.2-3705.7.

39. Discussion or consideration of information subject to the exclusion in subdivision 3 of § 2.2-3705.6 related to economic development.

40. Discussion or consideration by the Board of Education of information relating to the denial, suspension, or revocation of teacher licenses subject to the exclusion in subdivision 11 of § 2.2-3705.3.

41. Those portions of meetings of the Virginia Military Advisory Council or any commission created by executive order for the purpose of studying and making recommendations regarding preventing closure or realignment of federal military and national security installations and facilities located in Virginia and relocation of such facilities to Virginia, or a local or regional military affairs organization appointed by a local governing body, during which there is discussion of information subject to the exclusion in subdivision 8 of § 2.2-3705.2.

42. Discussion or consideration by the Board of Trustees of the Veterans Services Foundation of information subject to the exclusion in subdivision 28 of § 2.2-3705.7 related to personally identifiable information of donors.

43. Discussion or consideration by the Virginia Tobacco Region Revitalization Commission of information subject to the exclusion in subdivision 23 of § 2.2-3705.6 related to certain information contained in grant applications.

44. Discussion or consideration by the board of directors of the Commercial Space Flight Authority of information subject to the exclusion in subdivision 24 of § 2.2-3705.6 related to rate structures or charges for the use of projects of, the sale of products of, or services rendered by the Authority and certain proprietary information of a private entity provided to the Authority.

45. Discussion or consideration of personal and proprietary information related to the resource management plan program and subject to the exclusion in (i) subdivision 25 of § 2.2-3705.6 or (ii) subsection E of § 10.1-104.7. This exclusion shall not apply to the discussion or consideration of records that contain information that has been certified for release by the person who is the subject of the information or transformed into a statistical or aggregate form that does not allow identification of the person who supplied, or is the subject of, the information.

46. Discussion or consideration by the Board of Directors of the Virginia Alcoholic Beverage Control Authority of information subject to the exclusion in subdivision 1 of § 2.2-3705.3 related to investigations of applicants for licenses and permits and of licensees and permittees.

47. Discussion or consideration of grant or loan application records subject to the exclusion in subdivision 28 of § 2.2-3705.6 related to the submission of an application for an award from the Virginia Research Investment Fund pursuant to Article 8 (§ 23.1-3130 et seq.) of Chapter 31 of Title 23.1 or interviews of parties to an application by a reviewing entity pursuant to subsection D of § 23.1-3133 or by the Virginia Research Investment Committee.

48. Discussion or development of grant proposals by a regional council established pursuant to Article 26 (§ 2.2-2484 et seq.) of Chapter 24 to be submitted for consideration to the Virginia Growth and Opportunity Board.

49. Discussion or consideration of (i) individual sexual assault cases by a sexual assault team established pursuant to § 15.2-1627.4 or (ii) individual child abuse or neglect cases or sex offenses involving a child by a child abuse team established pursuant to § 15.2-1627.5.

50. Discussion or consideration by the Board of the Virginia Economic Development Partnership Authority, or any subcommittee thereof, of the portions of the strategic plan, marketing plan, or operational plan exempt from disclosure pursuant to subdivision 33 of § 2.2-3705.7.

51. Those portions of meetings of the subcommittee of the Board of the Virginia Economic Development Partnership Authority established pursuant to subsection F of § 2.2-2237.3 to review and discuss information received from the Virginia Employment Commission pursuant to subdivision C 2 of § 60.2-114.

B. No resolution, ordinance, rule, contract, regulation or motion adopted, passed or agreed to in a closed meeting shall become effective unless the public body, following the meeting, reconvenes in open meeting and takes a vote of the membership on such resolution, ordinance, rule, contract, regulation, or motion that shall have its substance reasonably identified in the open meeting.

C. Public officers improperly selected due to the failure of the public body to comply with the other provisions of this section shall be de facto officers and, as such, their official actions are valid until they obtain notice of the legal defect in their election.

D. Nothing in this section shall be construed to prevent the holding of conferences between two or more public bodies, or their representatives, but these conferences shall be subject to the same procedures for holding closed meetings as are applicable to any other public body.

E. This section shall not be construed to (i) require the disclosure of any contract between the Department of Health Professions and an impaired practitioner entered into pursuant to Chapter 25.1 (§ 54.1-2515 et seq.) of Title 54.1 or (ii) require the board of directors of any authority created pursuant to the Industrial Development and Revenue Bond Act (§ 15.2-4900 et seq.), or any public body empowered to issue industrial revenue bonds by general or special law, to identify a business or industry to which subdivision A 5 applies. However, such business or industry shall be identified as a matter of public record at least 30 days prior to the actual date of the board's authorization of the sale or issuance of such bonds.

**§ 15.2-1713.1. Local "Crime Stoppers" programs; confidentiality.**

A. As used in this section, a "Crime Stoppers," "crime solvers," "crime line," or other similarly named organization is defined as a private, nonprofit Virginia corporation governed by a civilian volunteer board of directors that is operated on a

local or statewide level that (i) offers anonymity to persons providing information to the organization, (ii) accepts and expends donations for cash rewards to persons who report to the organization information about alleged criminal activity and that the organization forwards to the appropriate law-enforcement agency, and (iii) is established as a cooperative alliance between the news media, the community, and law-enforcement officials.

B. Evidence of a communication or any information contained therein between a person submitting a report of an alleged criminal act to a "Crime Stoppers" organization and the person who accepted the report on behalf of the organization is not admissible in a court proceeding. Law-enforcement agencies receiving information concerning alleged criminal activity from a "Crime Stoppers" organization shall maintain confidentiality pursuant to subdivision A 3 C of § 2.2-3706.

## CHAPTER 49

*An Act to amend and reenact § 19.2-389 of the Code of Virginia, relating to criminal history record information; discovery.*

[H 988]

Approved February 26, 2018

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

#### **1. That § 19.2-389 of the Code of Virginia is amended and reenacted as follows:**

##### **§ 19.2-389. Dissemination of criminal history record information.**

A. Criminal history record information shall be disseminated, whether directly or through an intermediary, only to:

1. Authorized officers or employees of criminal justice agencies, as defined by § 9.1-101, for purposes of the administration of criminal justice and the screening of an employment application or review of employment by a criminal justice agency with respect to its own employees or applicants, and dissemination to the Virginia Parole Board, pursuant to this subdivision, of such information on all state-responsible inmates for the purpose of making parole determinations pursuant to subdivisions 1, 2, 3, and 5 of § 53.1-136 shall include collective dissemination by electronic means every 30 days. For purposes of this subdivision, criminal history record information includes information sent to the Central Criminal Records Exchange pursuant to §§ 37.2-819 and 64.2-2014 when disseminated to any full-time or part-time employee of the State Police, a police department or sheriff's office that is a part of or administered by the Commonwealth or any political subdivision thereof, and who is responsible for the prevention and detection of crime and the enforcement of the penal, traffic or highway laws of the Commonwealth for the purposes of the administration of criminal justice;

2. Such other individuals and agencies that require criminal history record information to implement a state or federal statute or executive order of the President of the United States or Governor that expressly refers to criminal conduct and contains requirements or exclusions expressly based upon such conduct, except that information concerning the arrest of an individual may not be disseminated to a noncriminal justice agency or individual if an interval of one year has elapsed from the date of the arrest and no disposition of the charge has been recorded and no active prosecution of the charge is pending;

3. Individuals and agencies pursuant to a specific agreement with a criminal justice agency to provide services required for the administration of criminal justice pursuant to that agreement which shall specifically authorize access to data, limit the use of data to purposes for which given, and ensure the security and confidentiality of the data;

4. Individuals and agencies for the express purpose of research, evaluative, or statistical activities pursuant to an agreement with a criminal justice agency that shall specifically authorize access to data, limit the use of data to research, evaluative, or statistical purposes, and ensure the confidentiality and security of the data;

5. Agencies of state or federal government that are authorized by state or federal statute or executive order of the President of the United States or Governor to conduct investigations determining employment suitability or eligibility for security clearances allowing access to classified information;

6. Individuals and agencies where authorized by court order or court rule;

7. Agencies of any political subdivision of the Commonwealth, public transportation companies owned, operated or controlled by any political subdivision, and any public service corporation that operates a public transit system owned by a local government for the conduct of investigations of applicants for employment, permit, or license whenever, in the interest of public welfare or safety, it is necessary to determine under a duly enacted ordinance if the past criminal conduct of a person with a conviction record would be compatible with the nature of the employment, permit, or license under consideration;

7a. Commissions created pursuant to the Transportation District Act of 1964 (§ 33.2-1900 et seq.) of Title 33.2 and their contractors, for the conduct of investigations of individuals who have been offered a position of employment whenever, in the interest of public welfare or safety and as authorized in the Transportation District Act of 1964, it is necessary to determine if the past criminal conduct of a person with a conviction record would be compatible with the nature of the employment under consideration;

8. Public or private agencies when authorized or required by federal or state law or interstate compact to investigate (i) applicants for foster or adoptive parenthood or (ii) any individual, and the adult members of that individual's household, with whom the agency is considering placing a child or from whom the agency is considering removing a child due to abuse or neglect, on an emergency, temporary, or permanent basis pursuant to §§ 63.2-901.1 and 63.2-1505, subject to the restriction that the data shall not be further disseminated to any party other than a federal or state authority or court as may be required to comply with an express requirement of law;

9. To the extent permitted by federal law or regulation, public service companies as defined in § 56-1, for the conduct of investigations of applicants for employment when such employment involves personal contact with the public or when past criminal conduct of an applicant would be incompatible with the nature of the employment under consideration;

10. The appropriate authority for purposes of granting citizenship and for purposes of international travel, including, but not limited to, issuing visas and passports;

11. A person requesting a copy of his own criminal history record information as defined in § 9.1-101 at his cost, except that criminal history record information shall be supplied at no charge to a person who has applied to be a volunteer with (i) a Virginia affiliate of Big Brothers/Big Sisters of America; (ii) a volunteer fire company; (iii) the Volunteer Emergency Families for Children; (iv) any affiliate of Prevent Child Abuse, Virginia; (v) any Virginia affiliate of Compeer; or (vi) any board member or any individual who has been offered membership on the board of a Crime Stoppers, Crime Solvers or Crime Line program as defined in § 15.2-1713.1;

12. Administrators and board presidents of and applicants for licensure or registration as a child welfare agency as defined in § 63.2-100 for dissemination to the Commissioner of Social Services' representative pursuant to § 63.2-1702 for the conduct of investigations with respect to employees of and volunteers at such facilities, caretakers, and other adults living in family day homes or homes approved by family day systems, and foster and adoptive parent applicants of private child-placing agencies, pursuant to §§ 63.2-1719, 63.2-1720, 63.2-1720.1, 63.2-1721, and 63.2-1721.1, subject to the restriction that the data shall not be further disseminated by the facility or agency to any party other than the data subject, the Commissioner of Social Services' representative or a federal or state authority or court as may be required to comply with an express requirement of law for such further dissemination;

13. The school boards of the Commonwealth for the purpose of screening individuals who are offered or who accept public school employment and those current school board employees for whom a report of arrest has been made pursuant to § 19.2-83.1;

14. The Virginia Lottery for the conduct of investigations as set forth in the Virginia Lottery Law (§ 58.1-4000 et seq.), and the Department of Agriculture and Consumer Services for the conduct of investigations as set forth in Article 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2;

15. Licensed nursing homes, hospitals and home care organizations for the conduct of investigations of applicants for compensated employment in licensed nursing homes pursuant to § 32.1-126.01, hospital pharmacies pursuant to § 32.1-126.02, and home care organizations pursuant to § 32.1-162.9:1, subject to the limitations set out in subsection E;

16. Licensed assisted living facilities and licensed adult day care centers for the conduct of investigations of applicants for compensated employment in licensed assisted living facilities and licensed adult day care centers pursuant to § 63.2-1720, subject to the limitations set out in subsection F;

17. The Virginia Alcoholic Beverage Control Authority for the conduct of investigations as set forth in § 4.1-103.1;

18. The State Board of Elections and authorized officers and employees thereof and general registrars appointed pursuant to § 24.2-110 in the course of conducting necessary investigations with respect to voter registration, limited to any record of felony convictions;

19. The Commissioner of Behavioral Health and Developmental Services for those individuals who are committed to the custody of the Commissioner pursuant to §§ 19.2-169.2, 19.2-169.6, 19.2-182.2, 19.2-182.3, 19.2-182.8, and 19.2-182.9 for the purpose of placement, evaluation, and treatment planning;

20. Any alcohol safety action program certified by the Commission on the Virginia Alcohol Safety Action Program for (i) assessments of habitual offenders under § 46.2-360, (ii) interventions with first offenders under § 18.2-251, or (iii) services to offenders under § 18.2-51.4, 18.2-266, or 18.2-266.1;

21. Residential facilities for juveniles regulated or operated by the Department of Social Services, the Department of Education, or the Department of Behavioral Health and Developmental Services for the purpose of determining applicants' fitness for employment or for providing volunteer or contractual services;

22. The Department of Behavioral Health and Developmental Services and facilities operated by the Department for the purpose of determining an individual's fitness for employment pursuant to departmental instructions;

23. Pursuant to § 22.1-296.3, the governing boards or administrators of private elementary or secondary schools which are accredited pursuant to § 22.1-19 or a private organization coordinating such records information on behalf of such governing boards or administrators pursuant to a written agreement with the Department of State Police;

24. Public institutions of higher education and nonprofit private institutions of higher education for the purpose of screening individuals who are offered or accept employment;

25. Members of a threat assessment team established by a local school board pursuant to § 22.1-79.4, by a public institution of higher education pursuant to § 23.1-805, or by a private nonprofit institution of higher education, for the purpose of assessing or intervening with an individual whose behavior may present a threat to safety; however, no member of a threat assessment team shall redisclose any criminal history record information obtained pursuant to this section or otherwise use any record of an individual beyond the purpose that such disclosure was made to the threat assessment team;

26. Executive directors of community services boards or the personnel director serving the community services board for the purpose of determining an individual's fitness for employment, approval as a sponsored residential service provider, or permission to enter into a shared living arrangement with a person receiving medical assistance services pursuant to a waiver pursuant to §§ 37.2-506 and 37.2-607;

27. Executive directors of behavioral health authorities as defined in § 37.2-600 for the purpose of determining an individual's fitness for employment, approval as a sponsored residential service provider, or permission to enter into a shared living arrangement with a person receiving medical assistance services pursuant to a waiver pursuant to §§ 37.2-506 and 37.2-607;

28. The Commissioner of Social Services for the purpose of locating persons who owe child support or who are alleged in a pending paternity proceeding to be a putative father, provided that only the name, address, demographics and social security number of the data subject shall be released;

29. Authorized officers or directors of agencies licensed pursuant to Article 2 (§ 37.2-403 et seq.) of Chapter 4 of Title 37.2 by the Department of Behavioral Health and Developmental Services for the purpose of determining if any applicant who accepts employment in any direct care position or requests approval as a sponsored residential service provider or permission to enter into a shared living arrangement with a person receiving medical assistance services pursuant to a waiver has been convicted of a crime that affects his fitness to have responsibility for the safety and well-being of individuals with mental illness, intellectual disability, or substance abuse pursuant to §§ 37.2-416, 37.2-506, and 37.2-607;

30. The Commissioner of the Department of Motor Vehicles, for the purpose of evaluating applicants for and holders of a motor carrier certificate or license subject to the provisions of Chapters 20 (§ 46.2-2000 et seq.) and 21 (§ 46.2-2100 et seq.) of Title 46.2;

31. The chairmen of the Committees for Courts of Justice of the Senate or the House of Delegates for the purpose of determining if any person being considered for election to any judgeship has been convicted of a crime;

32. Heads of state agencies in which positions have been identified as sensitive for the purpose of determining an individual's fitness for employment in positions designated as sensitive under Department of Human Resource Management policies developed pursuant to § 2.2-1201.1;

33. The Office of the Attorney General, for all criminal justice activities otherwise permitted under subdivision A 1 and for purposes of performing duties required by the Civil Commitment of Sexually Violent Predators Act (§ 37.2-900 et seq.);

34. Shipyards, to the extent permitted by federal law or regulation, engaged in the design, construction, overhaul, or repair of nuclear vessels for the United States Navy, including their subsidiary companies, for the conduct of investigations of applications for employment or for access to facilities, by contractors, leased laborers, and other visitors;

35. Any employer of individuals whose employment requires that they enter the homes of others, for the purpose of screening individuals who apply for, are offered, or have accepted such employment;

36. Public agencies when and as required by federal or state law to investigate (i) applicants as providers of adult foster care and home-based services or (ii) any individual with whom the agency is considering placing an adult on an emergency, temporary, or permanent basis pursuant to § 63.2-1601.1, subject to the restriction that the data shall not be further disseminated by the agency to any party other than a federal or state authority or court as may be required to comply with an express requirement of law for such further dissemination, subject to limitations set out in subsection G;

37. The Department of Medical Assistance Services, or its designee, for the purpose of screening individuals who, through contracts, subcontracts, or direct employment, volunteer, apply for, are offered, or have accepted a position related to the provision of transportation services to enrollees in the Medicaid Program or the Family Access to Medical Insurance Security (FAMIS) Program, or any other program administered by the Department of Medical Assistance Services;

38. The State Corporation Commission for the purpose of investigating individuals who are current or proposed members, senior officers, directors, and principals of an applicant or person licensed under Chapter 16 (§ 6.2-1600 et seq.) or Chapter 19 (§ 6.2-1900 et seq.) of Title 6.2. Notwithstanding any other provision of law, if an application is denied based in whole or in part on information obtained from the Central Criminal Records Exchange pursuant to Chapter 16 or 19 of Title 6.2, the Commissioner of Financial Institutions or his designee may disclose such information to the applicant or its designee;

39. The Department of Professional and Occupational Regulation for the purpose of investigating individuals for initial licensure pursuant to § 54.1-2106.1;

40. The Department for Aging and Rehabilitative Services and the Department for the Blind and Vision Impaired for the purpose of evaluating an individual's fitness for various types of employment and for the purpose of delivering comprehensive vocational rehabilitation services pursuant to Article 11 (§ 51.5-170 et seq.) of Chapter 14 of Title 51.5 that will assist the individual in obtaining employment;

41. Bail bondsmen, in accordance with the provisions of § 19.2-120;

42. The State Treasurer for the purpose of determining whether a person receiving compensation for wrongful incarceration meets the conditions for continued compensation under § 8.01-195.12;

43. The Department of Social Services and directors of local departments of social services for the purpose of screening individuals seeking to enter into a contract with the Department of Social Services or a local department of social services for the provision of child care services for which child care subsidy payments may be provided;

44. The Department of Juvenile Justice to investigate any parent, guardian, or other adult members of a juvenile's household when completing a predispositional or postdispositional report required by § 16.1-273 or a Board of Juvenile Justice regulation promulgated pursuant to § 16.1-233; and

45. Other entities as otherwise provided by law.

Upon an ex parte motion of a defendant in a felony case and upon the showing that the records requested may be relevant to such case, the court shall enter an order requiring the Central Criminal Records Exchange to furnish the defendant, as soon as practicable, copies of any records of persons designated in the order on whom a report has been made under the provisions of this chapter.

Notwithstanding any other provision of this chapter to the contrary, upon a written request sworn to before an officer authorized to take acknowledgments, the Central Criminal Records Exchange, or the criminal justice agency in cases of offenses not required to be reported to the Exchange, shall furnish a copy of conviction data covering the person named in the request to the person making the request; however, such person on whom the data is being obtained shall consent in writing, under oath, to the making of such request. A person receiving a copy of his own conviction data may utilize or further disseminate that data as he deems appropriate. In the event no conviction data is maintained on the data subject, the person making the request shall be furnished at his cost a certification to that effect.

B. Use of criminal history record information disseminated to noncriminal justice agencies under this section shall be limited to the purposes for which it was given and may not be disseminated further.

C. No criminal justice agency or person shall confirm the existence or nonexistence of criminal history record information for employment or licensing inquiries except as provided by law.

D. Criminal justice agencies shall establish procedures to query the Central Criminal Records Exchange prior to dissemination of any criminal history record information on offenses required to be reported to the Central Criminal Records Exchange to ensure that the most up-to-date disposition data is being used. Inquiries of the Exchange shall be made prior to any dissemination except in those cases where time is of the essence and the normal response time of the Exchange would exceed the necessary time period. A criminal justice agency to whom a request has been made for the dissemination of criminal history record information that is required to be reported to the Central Criminal Records Exchange may direct the inquirer to the Central Criminal Records Exchange for such dissemination. Dissemination of information regarding offenses not required to be reported to the Exchange shall be made by the criminal justice agency maintaining the record as required by § 15.2-1722.

E. Criminal history information provided to licensed nursing homes, hospitals and to home care organizations pursuant to subdivision A 15 shall be limited to the convictions on file with the Exchange for any offense specified in §§ 32.1-126.01, 32.1-126.02, and 32.1-162.9:1.

F. Criminal history information provided to licensed assisted living facilities and licensed adult day care centers pursuant to subdivision A 16 shall be limited to the convictions on file with the Exchange for any offense specified in § 63.2-1720.

G. Criminal history information provided to public agencies pursuant to subdivision A 36 shall be limited to the convictions on file with the Exchange for any offense set forth in clause (i) of the definition of barrier crime in § 19.2-392.02.

H. Upon receipt of a written request from an employer or prospective employer, the Central Criminal Records Exchange, or the criminal justice agency in cases of offenses not required to be reported to the Exchange, shall furnish at the employer's cost a copy of conviction data covering the person named in the request to the employer or prospective employer making the request, provided that the person on whom the data is being obtained has consented in writing to the making of such request and has presented a photo-identification to the employer or prospective employer. In the event no conviction data is maintained on the person named in the request, the requesting employer or prospective employer shall be furnished at his cost a certification to that effect. The criminal history record search shall be conducted on forms provided by the Exchange.

*I. Nothing in this section shall preclude the dissemination of a person's criminal history record information pursuant to the rules of court for obtaining discovery or for review by the court.*

## CHAPTER 50

*An Act to amend and reenact §§ 55-225.01 and 55-248.3:1 of the Code of Virginia, relating to landlord and tenant law; transient lodging as primary residence for fewer than 90 consecutive days; self-help eviction.*

[H 1227]

Approved February 26, 2018

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

**1. That §§ 55-225.01 and 55-248.3:1 of the Code of Virginia are amended and reenacted as follows:**

**§ 55-225.01. Sections applicable only to certain residential tenancies.**

A. Residential tenancies. The Virginia Residential Landlord and Tenant Act (§ 55-248.2 et seq.) shall apply to occupancy in any single-family residential dwelling unit and any multifamily dwelling unit located in Virginia unless exempted pursuant to the provisions of this section.

B. Exempt residential dwelling units.

1. Where the landlord is a natural person, an estate, or a legal entity that owns no more than two single-family residential dwelling units in its own name subject to a rental agreement, such landlord may opt out of the Virginia Residential Landlord and Tenant Act (§ 55-248.2 et seq.) by so stating in a rental agreement with a tenant. Such residential

dwelling units shall be exempt from the Virginia Residential Landlord and Tenant Act (§ 55-248.2 et seq.), and the provisions of §§ 55-225.01 through 55-225.48 shall be applicable.

2. Where occupancy is under a contract of sale of a dwelling unit or the property of which it is a part, if the occupant is the purchaser or a person who succeeds to his interest, the provisions of this chapter shall apply.

C. Tenancies and occupancies that are not residential tenancies. The following occupancies are not residential tenancies under this chapter:

1. Residence at a public or private institution, if incidental to detention or the provision of medical, geriatric, educational, counseling, religious, or similar services;

2. Occupancy by a member of a fraternal or social organization in the portion of a structure operated for the benefit of the organization;

3. Occupancy by an owner of a condominium unit or a holder of a proprietary lease in a cooperative;

4. Occupancy in a campground as defined in § 35.1-1;

5. Occupancy by a tenant who is not required to pay rent pursuant to a rental agreement;

6. Occupancy by an employee of a landlord whose right to occupancy in a multifamily dwelling unit is conditioned upon employment in and about the premises or a former employee whose occupancy continues less than 60 days; or

7. Occupancy in a public housing unit or other housing unit subject to regulation by the Department of Housing and Urban Development if the provisions of this chapter are inconsistent with the regulations of the Department of Housing and Urban Development.

D. Occupancy in hotel, motel, and extended stay facility.

1. A guest who is an occupant of a hotel, motel, extended stay facility, vacation residential facility, including those governed by the Virginia Real Estate Time-Share Act (§ 55-360 et seq.), boardinghouse, or similar transient lodging shall not be construed to be a tenant living in a dwelling unit if such person does not reside in such lodging as his primary residence. Such guest shall be exempt from this chapter, and the innkeeper or property owner, or his agent, shall have the right to use self-help eviction under Virginia law, without the necessity of the filing of an unlawful detainer action in a court of competent jurisdiction and the execution of a writ of possession issued pursuant to such action, which would otherwise be required under this chapter.

2. A hotel, motel, extended stay facility, vacation residential facility, boardinghouse, or similar transient lodging shall be exempt from the provisions of this chapter if overnight sleeping accommodations are furnished to a person for consideration if such person does not reside in such lodging as his primary residence.

3. If a person resides in a hotel, motel, extended stay facility, vacation residential facility, including those governed by the Virginia Real Estate Time-Share Act (§ 55-360 et seq.), boardinghouse, or similar transient lodging as his primary residence for fewer than 90 consecutive days, such lodging shall not be subject to the provisions of this chapter. However, the owner of such lodging establishment shall give a five-day written notice of nonpayment to a person residing in such lodging and, upon the expiration of the five-day period specified in the notice, may exercise self-help eviction if payment in full has not been received.

4. If a person resides in a hotel, motel, extended stay facility, vacation residential facility, including those governed by the Virginia Real Estate Time-Share Act (§ 55-360 et seq.), boardinghouse, or similar transient lodging as his primary residence for more than 90 consecutive days or is subject to a written lease for more than 90 days, such lodging shall be subject to the provisions of this chapter.

5. *Nothing herein shall be construed to preclude the owner of a lodging establishment that uses self-help eviction pursuant to this section from pursuing any civil or criminal remedies under the laws of the Commonwealth.*

**§ 55-248.3:1. Applicability of chapter.**

A. This chapter shall apply to all jurisdictions in the Commonwealth and may not be waived or otherwise modified, in whole or in part, by the governing body of any locality, its boards and commissions or other instrumentalities, or the courts of the Commonwealth.

B. The provisions of this chapter shall apply to occupancy in all single-family and multifamily residential dwelling units and multifamily dwelling unit located in the Commonwealth. However, where the landlord is a natural person, an estate, or a legal entity that owns no more than two single-family residential dwelling units in its own name subject to a rental agreement, such landlord may opt out of the Virginia Residential Landlord and Tenant Act (§ 55-248.2 et seq.) by so stating in a rental agreement with a tenant. Such residential dwelling units shall be exempt from this chapter and the provisions of §§ 55-225.01 through 55-225.48 shall be applicable.

The provisions of this chapter shall not apply to instances where occupancy under a contract of sale of a dwelling unit or the property of which it is a part, if the occupant is the purchaser or a person who succeeds to his interest.

C. Tenancies and occupancies that are not residential tenancies. The following occupancies are not residential tenancies under this chapter:

1. Residence at a public or private institution, if incidental to detention or the provision of medical, geriatric, educational, counseling, religious, or similar services;

2. Occupancy by a member of a fraternal or social organization in the portion of a structure operated for the benefit of the organization;

3. Occupancy by an owner of a condominium unit or a holder of a proprietary lease in a cooperative;

4. Occupancy in a campground as defined in § 35.1-1;

5. Occupancy by a tenant who pays no rent pursuant to a rental agreement;
6. Occupancy by an employee of a landlord whose right to occupancy in a multifamily dwelling unit is conditioned upon employment in and about the premises or an former employee whose occupancy continues less than 60 days; or
7. Occupancy in a public housing unit or other housing unit subject to regulation by the Department of Housing and Urban Development, if the provisions of this chapter are inconsistent with the regulations of the Department of Housing and Urban Development.

D. Occupancy in hotel, motel, and extended stay facility.

1. A guest who is an occupant of a hotel, motel, extended stay facility, vacation residential facility, including those governed by the Virginia Real Estate Time-Share Act (§ 55-360 et seq.), boardinghouse, or similar transient lodging shall not be construed to be a tenant living in a dwelling unit if such person does not reside in such lodging as his primary residence. Such guest shall be exempt from this chapter, and the innkeeper or property owner, or his agent, shall have the right to use self-help eviction under Virginia law, without the necessity of the filing of an unlawful detainer action in a court of competent jurisdiction and the execution of a writ of possession issued pursuant to such action, which would otherwise be required under this chapter.

2. A hotel, motel, extended stay facility, vacation residential facility, boardinghouse, or similar transient lodging shall be exempt from the provisions of this chapter if overnight sleeping accommodations are furnished to a person for consideration if such person does not reside in such lodging as his primary residence.

3. If a person resides in a hotel, motel, extended stay facility, vacation residential facility, including those governed by the Virginia Real Estate Time-Share Act (§ 55-360 et seq.), boardinghouse, or similar transient lodging as his primary residence for fewer than 90 consecutive days, such lodging shall not be subject to the provisions of this chapter. However, the owner of such lodging establishment shall give a five-day written notice of nonpayment to a person residing in such lodging and, upon the expiration of the five-day period specified in the notice, may exercise self-help eviction if payment in full has not been received.

4. If a person resides in a hotel, motel, extended stay facility, vacation residential facility, including those governed by the Virginia Real Estate Time-Share Act (§ 55-360 et seq.), boardinghouse, or similar transient lodging as his primary residence for more than 90 consecutive days or is subject to a written lease for more than 90 days, such lodging shall be subject to the provisions of this chapter.

5. *Nothing herein shall be construed to preclude the owner of a lodging establishment that uses self-help eviction pursuant to this section from pursuing any civil or criminal remedies under the laws of the Commonwealth.*

## CHAPTER 51

*An Act to amend and reenact § 19.2-390 of the Code of Virginia, relating to report of arrests; fingerprints; trespass; disorderly conduct.*

[H 1266]

Approved February 26, 2018

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

**1. That § 19.2-390 of the Code of Virginia is amended and reenacted as follows:**

**§ 19.2-390. Reports to be made by local law-enforcement officers, conservators of the peace, clerks of court, Secretary of the Commonwealth and Corrections officials to State Police; material submitted by other agencies.**

A. 1. Every state official or agency having the power to arrest, the sheriff's of counties, the police officials of cities and towns, and any other local law-enforcement officer or conservator of the peace having the power to arrest for a felony shall make a report to the Central Criminal Records Exchange, on forms provided by it, of any arrest, including those arrests involving the taking into custody of, or service of process upon, any person on charges resulting from an indictment, presentment or information, the arrest on *capias* or warrant for failure to appear, and the service of a warrant for another jurisdiction, on any of the following charges:

- a. Treason;
- b. Any felony;
- c. Any offense punishable as a misdemeanor under Title 54.1; or
- d. Any misdemeanor punishable by confinement in jail (i) under Title 18.2 or 19.2, ~~except an arrest for a violation of § 18.2-119, Article 2 (§ 18.2-415 et seq.) of Chapter 9 of Title 18.2,~~ or any similar ordinance of any county, city or town, (ii) under § 20-61, or (iii) under § 16.1-253.2.

The reports shall contain such information as is required by the Exchange and shall be accompanied by fingerprints of the individual arrested. Effective January 1, 2006, the corresponding photograph of the individual arrested shall accompany the report. Fingerprint cards prepared by a law-enforcement agency for inclusion in a national criminal justice file shall be forwarded to the Exchange for transmittal to the appropriate bureau. Nothing in this section shall preclude each local law-enforcement agency from maintaining its own separate photographic database. Fingerprints and photographs required to be taken pursuant to this subsection or subdivision A 3c of § 19.2-123 may be taken at the facility where the magistrate is located, including a regional jail, even if the accused is not committed to jail.

2. For persons arrested and released on summonses in accordance with § 19.2-74, such report shall not be required until (i) a conviction is entered and no appeal is noted or if an appeal is noted, the conviction is upheld upon appeal or the person convicted withdraws his appeal; (ii) the court dismisses the proceeding pursuant to § 18.2-251; or (iii) an acquittal by reason of insanity pursuant to § 19.2-182.2 is entered. Upon such conviction or acquittal, the court shall remand the individual to the custody of the office of the chief law-enforcement officer of the county or city. It shall be the duty of the chief law-enforcement officer, or his designee who may be the arresting officer, to ensure that such report is completed after a determination of guilt or acquittal by reason of insanity. The court shall require the officer to complete the report immediately following the person's conviction or acquittal, and the individual shall be discharged from custody forthwith, unless the court has imposed a jail sentence to be served by him or ordered him committed to the custody of the Commissioner of Behavioral Health and Developmental Services.

B. Within 72 hours following the receipt of (i) a warrant or capias for the arrest of any person on a charge of a felony or (ii) a Governor's warrant of arrest of a person issued pursuant to § 19.2-92, the law-enforcement agency which received the warrant shall enter the person's name and other appropriate information required by the Department of State Police into the "information systems" known as the Virginia Criminal Information Network (VCIN), established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 and the National Crime Information Center (NCIC), maintained by the Federal Bureau of Investigation. The report shall include the person's name, date of birth, social security number and such other known information which the State Police or Federal Bureau of Investigation may require. Where feasible and practical, the magistrate or court issuing the warrant or capias may transfer information electronically into VCIN. When the information is electronically transferred to VCIN, the court or magistrate shall forthwith forward the warrant or capias to the local police department or sheriff's office. When criminal process has been ordered destroyed pursuant to § 19.2-76.1, the law-enforcement agency destroying such process shall ensure the removal of any information relating to the destroyed criminal process from the VCIN and NCIC.

B1. Within 72 hours following the receipt of a written statement issued by a parole officer pursuant to § 53.1-149 or 53.1-162 authorizing the arrest of a person who has violated the provisions of his post-release supervision or probation, the law-enforcement agency that received the written statement shall enter, or cause to be entered, the person's name and other appropriate information required by the Department of State Police into the "information systems" known as the Virginia Criminal Information Network (VCIN), established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52.

C. The clerk of each circuit court and district court shall make an electronic report to the Central Criminal Records Exchange of (i) any dismissal, indefinite postponement or continuance, charge still pending due to mental incompetency or incapacity, nolle prosequi, acquittal, or conviction of, including any sentence imposed, or failure of a grand jury to return a true bill as to, any person charged with an offense listed in subsection A, including any action which may have resulted from an indictment, presentment or information, and (ii) any adjudication of delinquency based upon an act which, if committed by an adult, would require fingerprints to be filed pursuant to subsection A. In the case of offenses not required to be reported to the Exchange by subsection A, the reports of any of the foregoing dispositions shall be filed by the law-enforcement agency making the arrest with the arrest record required to be maintained by § 15.2-1722. Upon conviction of any person, including juveniles tried and convicted in the circuit courts pursuant to § 16.1-269.1, whether sentenced as adults or juveniles, for an offense for which registration is required as defined in § 9.1-902, the clerk shall within seven days of sentencing submit a report to the Sex Offender and Crimes Against Minors Registry. The report to the Registry shall include the name of the person convicted and all aliases which he is known to have used, the date and locality of the conviction for which registration is required, his date of birth, social security number, last known address, and specific reference to the offense for which he was convicted. No report of conviction or adjudication in a district court shall be filed unless the period allowed for an appeal has elapsed and no appeal has been perfected. In the event that the records in the office of any clerk show that any conviction or adjudication has been nullified in any manner, he shall also make a report of that fact to the Exchange and, if appropriate, to the Registry. In addition, each clerk of a circuit court, upon receipt of certification thereof from the Supreme Court, shall report to the Exchange or the Registry, or to the law-enforcement agency making the arrest in the case of offenses not required to be reported to the Exchange, on forms provided by the Exchange or Registry, as the case may be, any reversal or other amendment to a prior sentence or disposition previously reported. When criminal process is ordered destroyed pursuant to § 19.2-76.1, the clerk shall report such action to the law-enforcement agency that entered the warrant or capias into the VCIN.

D. In addition to those offenses enumerated in subsection A of this section, the Central Criminal Records Exchange may receive, classify and file any other fingerprints, photographs, and records of arrest or confinement submitted to it by any law-enforcement agency or any correctional institution.

E. Corrections officials, sheriffs, and jail superintendents of regional jails, responsible for maintaining correctional status information, as required by the regulations of the Department of Criminal Justice Services, with respect to individuals about whom reports have been made under the provisions of this chapter shall make reports of changes in correctional status information to the Central Criminal Records Exchange. The reports to the Exchange shall include any commitment to or release or escape from a state or local correctional facility, including commitment to or release from a parole or probation agency.

F. Any pardon, reprieve or executive commutation of sentence by the Governor shall be reported to the Exchange by the office of the Secretary of the Commonwealth.

G. Officials responsible for reporting disposition of charges, and correctional changes of status of individuals under this section, including those reports made to the Registry, shall adopt procedures reasonably designed at a minimum (i) to ensure that such reports are accurately made as soon as feasible by the most expeditious means and in no instance later than 30 days after occurrence of the disposition or correctional change of status and (ii) to report promptly any correction, deletion, or revision of the information.

H. Upon receiving a correction, deletion, or revision of information, the Central Criminal Records Exchange shall notify all criminal justice agencies known to have previously received the information.

As used in this section:

"Chief law-enforcement officer" means the chief of police of cities and towns and sheriffs of counties, unless a political subdivision has otherwise designated its chief law-enforcement officer by appropriate resolution or ordinance, in which case the local designation shall be controlling.

"Electronic report" means a report transmitted to, or otherwise forwarded to, the Central Criminal Records Exchange in an electronic format approved by the Exchange. The report shall contain the name of the person convicted and all aliases which he is known to have used, the date and locality of the conviction, his date of birth, social security number, last known address, and specific reference to the offense including the Virginia Code section and any subsection, the Virginia crime code for the offense, and the offense tracking number for the offense for which he was convicted.

**CHAPTER 52**

*An Act to amend and reenact § 2.2-3705.2 of the Code of Virginia, relating to the Virginia Freedom of Information Act; exclusions from mandatory disclosure; Rail Fixed Guideway Systems Safety Oversight agency.*

[H 727]

Approved February 28, 2018

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

**1. That § 2.2-3705.2 of the Code of Virginia is amended and reenacted as follows:**

**§ 2.2-3705.2. Exclusions to application of chapter; records relating to public safety.**

The following information contained in a public record is excluded from the mandatory disclosure provisions of this chapter but may be disclosed by the custodian in his discretion, except where such disclosure is prohibited by law. Redaction of information excluded under this section from a public record shall be conducted in accordance with § 2.2-3704.01.

1. Confidential information, including victim identity, provided to or obtained by staff in a rape crisis center or a program for battered spouses.
2. Information that describes the design, function, operation, or access control features of any security system, whether manual or automated, which is used to control access to or use of any automated data processing or telecommunications system.
3. Information that would disclose the security aspects of a system safety program plan adopted pursuant to ~~49 C.F.R. Part 659~~ *Federal Transit Administration regulations* by the Commonwealth's designated Rail Fixed Guideway Systems Safety Oversight agency; and information in the possession of such agency, the release of which would jeopardize the success of an ongoing investigation of a rail accident or other incident threatening railway safety.
4. Information concerning security plans and specific assessment components of school safety audits, as provided in § 22.1-279.8.

Nothing in this subdivision shall be construed to prevent the disclosure of information relating to the effectiveness of security plans after (i) any school building or property has been subjected to fire, explosion, natural disaster, or other catastrophic event or (ii) any person on school property has suffered or been threatened with any personal injury.

5. Information concerning the mental health assessment of an individual subject to commitment as a sexually violent predator under Chapter 9 (§ 37.2-900 et seq.) of Title 37.2 held by the Commitment Review Committee; except that in no case shall information identifying the victims of a sexually violent predator be disclosed.

6. Subscriber data provided directly or indirectly by a communications services provider to a public body that operates a 911 or E-911 emergency dispatch system or an emergency notification or reverse 911 system if the data is in a form not made available by the communications services provider to the public generally. Nothing in this subdivision shall prevent the disclosure of subscriber data generated in connection with specific calls to a 911 emergency system, where the requester is seeking to obtain public records about the use of the system in response to a specific crime, emergency or other event as to which a citizen has initiated a 911 call.

For the purposes of this subdivision:

"Communications services provider" means the same as that term is defined in § 58.1-647.

"Subscriber data" means the name, address, telephone number, and any other information identifying a subscriber of a communications services provider.

7. Subscriber data collected by a local governing body in accordance with the Enhanced Public Safety Telephone Services Act (§ 56-484.12 et seq.) and other identifying information of a personal, medical, or financial nature provided to a

local governing body in connection with a 911 or E-911 emergency dispatch system or an emergency notification or reverse 911 system if such records are not otherwise publicly available.

Nothing in this subdivision shall prevent the disclosure of subscriber data generated in connection with specific calls to a 911 emergency system, where the requester is seeking to obtain public records about the use of the system in response to a specific crime, emergency or other event as to which a citizen has initiated a 911 call.

For the purposes of this subdivision:

"Communications services provider" means the same as that term is defined in § 58.1-647.

"Subscriber data" means the name, address, telephone number, and any other information identifying a subscriber of a communications services provider.

8. Information held by the Virginia Military Advisory Council or any commission created by executive order for the purpose of studying and making recommendations regarding preventing closure or realignment of federal military and national security installations and facilities located in Virginia and relocation of such facilities to Virginia, or a local or regional military affairs organization appointed by a local governing body, that would (i) reveal strategies under consideration or development by the Council or such commission or organizations to prevent the closure or realignment of federal military installations located in Virginia or the relocation of national security facilities located in Virginia, to limit the adverse economic effect of such realignment, closure, or relocation, or to seek additional tenant activity growth from the Department of Defense or federal government or (ii) disclose trade secrets, as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.), provided to the Council or such commission or organizations in connection with their work.

In order to invoke the trade secret protection provided by clause (ii), the submitting entity shall, in writing and at the time of submission (a) invoke this exclusion, (b) identify with specificity the information for which such protection is sought, and (c) state the reason why such protection is necessary. Nothing in this subdivision shall be construed to prevent the disclosure of all or part of any record, other than a trade secret that has been specifically identified as required by this subdivision, after the Department of Defense or federal agency has issued a final, unappealable decision, or in the event of litigation, a court of competent jurisdiction has entered a final, unappealable order concerning the closure, realignment, or expansion of the military installation or tenant activities, or the relocation of the national security facility, for which records are sought.

9. Information, as determined by the State Comptroller, that describes the design, function, operation, or implementation of internal controls over the Commonwealth's financial processes and systems, and the assessment of risks and vulnerabilities of those controls, including the annual assessment of internal controls mandated by the State Comptroller, if disclosure of such information would jeopardize the security of the Commonwealth's financial assets. However, records relating to the investigation of and findings concerning the soundness of any fiscal process shall be disclosed in a form that does not compromise internal controls. Nothing in this subdivision shall be construed to prohibit the Auditor of Public Accounts or the Joint Legislative Audit and Review Commission from reporting internal control deficiencies discovered during the course of an audit.

10. Information relating to the Statewide Agencies Radio System (STARS) or any other similar local or regional public safety communications system that (i) describes the design, function, programming, operation, or access control features of the overall system, components, structures, individual networks, and subsystems of the STARS or any other similar local or regional communications system or (ii) relates to radio frequencies assigned to or utilized by STARS or any other similar local or regional communications system, code plugs, circuit routing, addressing schemes, talk groups, fleet maps, encryption, or programming maintained by or utilized by STARS or any other similar local or regional public safety communications system.

11. Information concerning a salaried or volunteer Fire/EMS company or Fire/EMS department if disclosure of such information would reveal the telephone numbers for cellular telephones, pagers, or comparable portable communication devices provided to its personnel for use in the performance of their official duties.

12. Information concerning the disaster recovery plans or the evacuation plans in the event of fire, explosion, natural disaster, or other catastrophic event for hospitals and nursing homes regulated by the Board of Health pursuant to Chapter 5 (§ 32.1-123 et seq.) of Title 32.1 provided to the Department of Health. Nothing in this subdivision shall be construed to prevent the disclosure of information relating to the effectiveness of executed evacuation plans after the occurrence of fire, explosion, natural disaster, or other catastrophic event.

13. Records received by the Department of Criminal Justice Services pursuant to §§ 9.1-184, 22.1-79.4, and 22.1-279.8 or for purposes of evaluating threat assessment teams established by a public institution of higher education pursuant to § 23.1-805 or by a private nonprofit institution of higher education, to the extent such records reveal security plans, walk-through checklists, or vulnerability and threat assessment components.

14. Information contained in (i) engineering, architectural, or construction drawings; (ii) operational, procedural, tactical planning, or training manuals; (iii) staff meeting minutes; or (iv) other records that reveal any of the following, the disclosure of which would jeopardize the safety or security of any person; governmental facility, building, or structure or persons using such facility, building, or structure; or public or private commercial office, multifamily residential, or retail building or its occupants:

a. Critical infrastructure information or the location or operation of security equipment and systems of any public building, structure, or information storage facility, including ventilation systems, fire protection equipment, mandatory

building emergency equipment or systems, elevators, electrical systems, telecommunications equipment and systems, or utility equipment and systems;

b. Vulnerability assessments, information not lawfully available to the public regarding specific cybersecurity threats or vulnerabilities, or security plans and measures of an entity, facility, building structure, information technology system, or software program;

c. Surveillance techniques, personnel deployments, alarm or security systems or technologies, or operational or transportation plans or protocols; or

d. Interconnectivity, network monitoring, network operation centers, master sites, or systems related to the Statewide Agencies Radio System (STARS) or any other similar local or regional public safety communications system.

The same categories of records of any person or entity submitted to a public body for the purpose of antiterrorism response planning or cybersecurity planning or protection may be withheld from disclosure if such person or entity in writing (a) invokes the protections of this subdivision, (b) identifies with specificity the records or portions thereof for which protection is sought, and (c) states with reasonable particularity why the protection of such records from public disclosure is necessary to meet the objective of antiterrorism, cybersecurity planning or protection, or critical infrastructure information security and resilience. Such statement shall be a public record and shall be disclosed upon request.

Any public body receiving a request for records excluded under clauses (a) and (b) of this subdivision 14 shall notify the Secretary of Public Safety and Homeland Security or his designee of such request and the response made by the public body in accordance with § 2.2-3704.

Nothing in this subdivision 14 shall prevent the disclosure of records relating to (1) the structural or environmental soundness of any such facility, building, or structure or (2) an inquiry into the performance of such facility, building, or structure after it has been subjected to fire, explosion, natural disaster, or other catastrophic event.

As used in this subdivision, "critical infrastructure information" means the same as that term is defined in 6 U.S.C. § 131.

CHAPTER 53

*An Act to amend and reenact §§ 51.1-124.3, 51.1-142.2, 51.1-159, 51.1-513.2, and 51.1-513.3 of the Code of Virginia, relating to Virginia Retirement System; technical amendments.*

[H 846]

Approved February 28, 2018

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

**1. That §§ 51.1-124.3, 51.1-142.2, 51.1-159, 51.1-513.2, and 51.1-513.3 of the Code of Virginia are amended and reenacted as follows:**

**§ 51.1-124.3. Definitions.**

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

"Abolished system" means the Virginia Retirement Act, §§ 51-30 through 51-111, repealed by Chapter 1 of the Acts of Assembly of 1952.

"Accumulated contributions" means the sum of all amounts deducted from the compensation of a member and credited to his individual account in the member's contribution account, all amounts the member may contribute to purchase creditable service, all member contributions contributed by the employer on behalf of the employee, on or after July 1, 1980, except those amounts contributed on behalf of members of the General Assembly who are otherwise retired under the provisions of this chapter, and all interest accruing to these funds. If a member is retired for disability from a cause which is compensable under the Virginia Workers' Compensation Act (§ 65.2-100 et seq.), dies in service prior to retirement, or requests a refund of contributions in accordance with § 51.1-161, "accumulated contributions" shall include all member contributions paid by the employer on behalf of the member on and after July 1, 1980, and all interest which would have accrued to these funds.

"Actuarial equivalent" means a benefit of equal value when computed upon the basis of actuarial tables adopted by the Board.

"Average final compensation" means the average annual creditable compensation of a member during his 60 highest consecutive months of creditable service or during the entire period of his creditable service if less than 60 months. However, for any member who (i) is not a person who becomes a member on or after July 1, 2010, and (ii) as of January 1, 2013, has at least 60 months of creditable service, "average final compensation" means the average annual creditable compensation of a member during his 36 highest consecutive months of creditable service. A participant in the hybrid retirement program described in § 51.1-169 shall be considered to be a person who becomes a member on or after July 1, 2010, for the purposes of this definition.

If a member ceased employment prior to July 1, 1974, "average final compensation" means the average annual creditable compensation during the five highest consecutive years of creditable service.

"Beneficiary" means any person entitled to receive benefits under this chapter.

"Board" means the Board of Trustees of the Virginia Retirement System.

"Creditable compensation" means the full compensation payable annually to an employee working full time in his covered position. For any state employee of a public institution of higher education or a teaching hospital affiliated with a public institution of higher education who is (i) compensated on a salaried basis; and (ii) working full time in a covered position pursuant to a contract of employment for a period of at least nine months, creditable compensation means the full compensation payable over the term of any contract entered into between the employee and the employer, without regard to whether or not the term of the contract coincides with the normal scholastic year. However, if the contract is for more than one year, creditable compensation means that compensation paid for the current year of the contract.

Remuneration received by members of the General Assembly not otherwise retired under the provisions of this chapter pursuant to §§ 30-19.11 and 30-19.12 shall be deemed creditable compensation. In addition, for any member of the General Assembly, creditable compensation shall include the full amount of salaries payable to such member for working in covered positions, regardless of whether a contractual salary is reduced and not paid to such member because of service in the General Assembly.

"Creditable service" means prior service as set forth in § 51.1-142.2 plus membership service for which credit is allowable.

"Employee" means any teacher, state employee, officer, or employee of a locality participating in the Retirement System.

"Employer" means the Commonwealth in the case of a state employee, the local public school board in the case of a teacher, or the political subdivision participating in the Retirement System.

"Joint Rules Committee" means those members of the House of Delegates and the Senate designated by the Speaker of the House and the Chairman of the Senate Committee on Rules, respectively, to meet with each other and to act jointly on behalf of the Committee on Rules for each house.

"Local officer" means the treasurer, commissioner of the revenue, attorney for the Commonwealth, clerk of a circuit court, or sheriff of any county or city, or deputy or employee of any such officer.

"Medical Board" means the ~~board~~ *boards composed of physicians or other health care professionals* as provided by this chapter.

"Member" means any person included in the membership of the Retirement System.

"Membership service" means service as an employee rendered while a contributing member of the Retirement System except as provided in this chapter.

"Normal retirement date" means a member's sixty-fifth birthday. However, for any (i) person who becomes a member on or after July 1, 2010, or (ii) member who does not have at least 60 months of creditable service as of January 1, 2013, under this chapter his normal retirement date shall be the date that the member attains his "retirement age" as defined under the Social Security Act (42 U.S.C. § 416 et seq., as now or hereafter amended).

"Person who becomes a member on or after July 1, 2010," means a person who is not a member of a retirement plan administered by the Virginia Retirement System the first time he is hired on or after July 1, 2010, in a covered position. Subsequent separation from such position and subsequent employment in a covered position shall not alter the status of a person who becomes a member on or after July 1, 2010.

"Political subdivision" means any county, city, or town, any political entity, subdivision, branch, or unit of the Commonwealth, or any commission, public authority, or body corporate created by or under an act of the General Assembly specifying the powers, privileges, or authority capable of exercise by the commission, public authority, or body corporate.

"Primary social security benefit" means, with respect to any member, the primary insurance amount to which the member is entitled, for old age or disability, as the case may be, pursuant to the provisions of the federal Social Security Act as in effect at his date of retirement, under the provisions of this chapter except as otherwise specifically provided.

"Prior service" means service rendered prior to becoming a member of the Retirement System.

"Purchase of service contract" means a contract entered into by the member and the Retirement System for the purchase of service credit by the member as provided in § 51.1-142.2.

"Retirement allowance" means the retirement payments to which a member is entitled.

"Retirement plan administered by the Virginia Retirement System" means a retirement plan established under this title administered by the Virginia Retirement System, or by an agency that has been delegated administrative responsibility by the Virginia Retirement System, but such term shall exclude any plan established under Chapter 6 (§ 51.1-600 et seq.) or Chapter 6.1 (§ 58.1-607 et seq.) ~~of this title~~.

"Retirement System" means the Virginia Retirement System.

"Service" means service as an employee.

"State employee" means any person who is regularly employed full time on a salaried basis, whose tenure is not restricted as to temporary or provisional appointment, in the service of, and whose compensation is payable, no more often than biweekly, in whole or in part, by the Commonwealth or any department, institution, or agency thereof. "State employee" shall include any faculty member, but not including adjunct faculty, of a public institution of higher education (a) who is compensated on a salary basis, (b) whose tenure is not restricted as to temporary or provisional appointment, and (c) who regularly works at least 20 hours but less than 40 hours per week (or works the equivalent of one-half of a full time equivalent position) engaged in the performance of teaching, administrative, or research duties at such institution; such faculty member shall be deemed an eligible employee for purposes of the retirement provisions under §§ 51.1-126, 51.1-126.1, and 51.1-126.3. "State employee" shall also include the Governor, Lieutenant Governor, Attorney General, and

members of the General Assembly but shall not include (i) any local officer, (ii) any employee of a political subdivision of the Commonwealth, (iii) individuals employed by the Department for the Blind and Vision Impaired pursuant to § 51.5-72, (iv) any member of the State Police Officers' Retirement System, (v) any member of the Judicial Retirement System, or (vi) any member of the Virginia Law Officers' Retirement System.

"Teacher" means any person who is regularly employed full time on a salaried basis as a professional or clerical employee of a county, city, or other local public school board.

**§ 51.1-142.2. Prior service or membership credit for certain members; service credit for accumulated sick leave.**

Certain members may purchase credit for service as provided in this section.

A. 1. Any member in service may purchase service credit from the following categories of service or leave: (i) leave of absence for educational purposes that was previously approved by the member's employer; (ii) leave of absence for a serious health condition of the member or of an immediate family member, all as defined in the Family and Medical Leave Act of 1993, 29 U.S.C. § 2601 et seq., as amended, and previously certified by the member's employer; (iii) up to one year of service credit per occurrence of leave for any unpaid leave of absence due to the birth, adoption, or death of a qualifying child, as defined in § 51.1-500; (iv) service as a full-time employee of another state, a public school system of another state, or a political subdivision of the Commonwealth or another state, as certified by such state, public school system, or political subdivision; (v) full-time service of a political subdivision of this state not credited to the member under an agreement as provided for in § 51.1-143.1, as certified by such political subdivision; (vi) *full-time* civilian service of the United States; (vii) full-time service at a private institution of higher education if the private institution is merged with a public institution of higher education and graduates of the private institution are then issued new degrees from the public institution; or (viii) any period of time when the member was employed part time or in a wage position by a participating employer and not otherwise eligible to participate in the retirement system because the member was not an employee as defined in § 51.1-124.3. However, no member in service shall be allowed to purchase more than a total of four years of service credit pursuant to this subdivision.

2. In addition to the service credit that may be purchased under subdivision 1, any member in service may purchase up to four years of service credit for prior active duty military service in the armed forces of the United States, provided that the discharge from a period of active duty status with the armed forces was not dishonorable.

3. The service credit to be credited to a member under this subsection shall be calculated at the ratio of one year, or portion thereof, of service credit to one year, or portion thereof, of service purchased, except for employment service purchased under clause (viii) of subdivision 1, which shall be calculated at the ratio of one month of service credit for each 173 hours of service as certified by the employer.

For each year or portion thereof to be credited at the time of purchase under this subsection, the member shall pay the approximate normal cost of the retirement plan under which the member is covered at the time of such purchase, as determined by the Board in its sole discretion. If the member does not purchase, or enter into a purchase of service credit contract for, the service made available in this subsection within the first 24 months of the member's active service following his first date of hire or the final day of any applicable leave of absence, as applicable, then, for each year or portion thereof to be credited at the time of purchase, the member shall pay the actuarial equivalent cost. To the extent the member becomes inactive during the 24 months following his first date of hire or the final day of any applicable leave of absence, such periods shall not be included in the 24 months of active service.

Except as otherwise required by Chapter 1223 of Title 10 of the United States Code, as amended, no service credit may be purchased under this section if it is included in the calculation of any retirement allowance received or to be received by the member from this or another retirement system, or if there is a balance in a defined contribution account that serves as a primary retirement account related to such service.

For purposes of this subsection, "active duty military service" means full-time service of at least 180 consecutive days in the United States Army, Navy, Air Force, Marines, Coast Guard, or reserve components thereof.

B. Any member in service may purchase all prior service credit for creditable service lost from ceasing to be a member under this chapter, as provided in § 51.1-128, because of the withdrawal of his accumulated contributions. For each year or portion thereof to be credited at the time of purchase under this subsection, the member shall pay the withdrawn amount to be purchased plus interest accrued daily and compounded annually from the date of withdrawal to the date of payment at the assumed rate of return established by the Board for the actuarial valuation of the retirement system that is in effect at the time of the purchase. The Board shall develop guidelines and procedures for administering this subsection.

C. Any member in service may purchase service credit for accumulated sick leave on his effective date of retirement based upon such sums as the employer may provide as payment for any unused sick leave balances. The cost of service credit purchased under this subsection shall be the actuarial equivalent cost of such service.

D. Any member receiving benefits under the Virginia Workers' Compensation Act (§ 65.2-100 et seq.) may, in a manner prescribed by the Board and prior to the effective date of retirement, purchase service that is not reported to the retirement system by the member's employer while the member is receiving such benefits.

For each year or portion thereof to be credited at the time of purchase under this subsection, the member shall pay the approximate normal cost of the retirement plan under which the member is covered, as determined by the Board in its sole discretion. If the member does not purchase, or enter into a purchase of service credit contract for, any service made available in this subsection within the first 24 months of the member's active service following his first date of hire or the final day of any applicable leave of absence, then, for each year or portion thereof to be credited at the time of purchase, the

member shall pay the actuarial equivalent cost. To the extent the member becomes inactive during the 24 months following his first date of hire or the final day of any applicable leave of absence, such periods shall not be included in the 24 months of active service.

E. Payment may be made in a lump sum at the time of purchase or by payroll deduction. Any number of additional deductions may be permitted at any time. Should any deduction be terminated before the member purchases the entire period contracted for, the member shall be credited with the number of full or partial months of service for which full payment has been made. If any deduction is continued after the entire period has been purchased, the member shall be credited with no more than the amount of service for which he was eligible and for which he paid, and the excess amount deducted shall be refunded to the member.

F. Any employer may elect to pay an equivalent amount in lieu of all member contributions required of its employees for the purchase of service credit pursuant to this section. These contributions shall not be considered wages for purposes of Chapter 7 (§ 51.1-700 et seq.), nor shall they be considered salary for purposes of this chapter.

G. In any case where member and employer contributions, as required under this chapter, were not made because of an error in the payroll, personnel, or other classification system of an employer participating in the retirement system, service that has not been credited because of such error may be purchased on the following basis:

1. The most recent three years of service credit shall be purchased, using applicable member and employer contribution rates and creditable compensation in effect for such period, in a manner and at the cost prescribed by the Board; and

2. All other years of service credit shall be purchased by the employer at an actuarial equivalent cost.

H. Any member may receive credit at no cost for service rendered in the armed forces of the United States provided (i) the member was on leave of absence from a covered position, (ii) the discharge from a period of active duty with the armed forces was not dishonorable, (iii) the member has not withdrawn his accumulated contributions, (iv) the member is not disabled or killed while on leave without pay while performing active duty military service in the armed forces of the United States, and (v) the member reenters service in a covered position within one year after discharge from the armed forces. In order to receive such service, the member must complete such forms and other requirements as are required by the Board and the retirement system.

**§ 51.1-159. Medical examinations of persons retired for disability.**

A. Once each year following retirement, the Board may require a former member who retired for disability and who has not attained his normal retirement age to undergo a medical examination by the Medical Board or a physician or ~~physician~~ *other health care professional* designated by the Medical Board. If the former member refuses to submit to the required medical examination, his retirement allowance shall be discontinued until he complies. If he does not comply within six months of the date of the request, all of his rights to any further disability retirement allowance shall cease, subject to the provisions of § 51.1-160.

B. If the Medical Board determines that a beneficiary is not disabled after reviewing the findings of any of the medical examinations provided for in this section, all rights to any further disability allowance shall cease, subject to the provisions of § 51.1-160.

**§ 51.1-513.2. Long-term care coverage program.**

A. The Board shall maintain and administer a long-term care coverage *or similar benefit* program for any state employee working an average of at least 20 hours per week, and for any other person who has five or more years of creditable service with any retirement plan administered by the Virginia Retirement System. The long-term care coverage program may also extend coverage to eligible family members of such state employee or other person. The Board is authorized to contract for and purchase insurance coverage or to use other actuarially sound funding necessary to effectuate this provision. Participation in the long-term care coverage program shall be voluntary, subject to policies and procedures adopted by the Board.

B. Any person eligible to participate in the long-term care coverage program pursuant to § 51.1-513.3 will not be eligible for this plan.

C. Notwithstanding the provisions of subsection A, the Board may self-insure long-term care benefits provided under § 51.1-513.2 or 51.1-513.3 in accordance with the standards set forth in § 51.1-124.30.

**§ 51.1-513.3. Long-term care insurance program for employees of local governments, local officers, and teachers.**

A. The Board shall maintain and administer a plan or plans, hereinafter "plan" or "plans," for providing long-term care coverage *or a similar benefit program* for employees of local governments, local officers, and teachers. The plan or plans may also extend coverage to eligible family members of such employees of local governments, local officers, or teachers. The plan or plans may, but need not, be rated separately from any plan developed to provide long-term care coverage for state employees under § 51.1-513.2. Participation in such insurance plan or plans shall be (i) voluntary, (ii) approved by the participant's respective governing body, or by the local school board in the case of teachers, and (iii) subject to policies and procedures adopted by the Board.

B. For the purposes of this section:

"Employees of local governments" shall include all officers and employees, working an average of at least 20 hours per week, of the governing body of any county, city, or town, and the directing or governing body of any political entity, subdivision, branch or unit of the Commonwealth or of any commission or public authority or body corporate created by or under an act of the General Assembly specifying the power or powers, privileges or authority capable of exercise by the

commission or public authority or body corporate, as distinguished from § 15.2-1300; *or* 15.2-1303; or similar statutes, provided that the officers and employees of a social services department; welfare board; community services board or behavioral health authority; or library board of a county, city, or town shall be deemed to be employees of local government.

"Local officer" means the treasurer, registrar, commissioner of the revenue, attorney for the Commonwealth, clerk of a circuit court, sheriff, or constable of any county or city or deputies or employees, working an average of at least 20 hours per week, of any of the preceding local officers.

"Teacher" means any employee of a county, city, or other local public school board working an average of at least 20 hours per week.

## CHAPTER 54

*An Act to amend and reenact § 2.2-3701 of the Code of Virginia, relating to the Virginia Freedom of Information Act; definition of electronic communication.*

[H 906]

Approved February 28, 2018

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

**1. That § 2.2-3701 of the Code of Virginia is amended and reenacted as follows:**

**§ 2.2-3701. Definitions.**

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

"Closed meeting" means a meeting from which the public is excluded.

"Electronic communication" means ~~any audio or combined audio and visual communication method~~ *the use of technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities to transmit or receive information.*

"Emergency" means an unforeseen circumstance rendering the notice required by this chapter impossible or impracticable and which circumstance requires immediate action.

"Information" as used in the exclusions established by §§ 2.2-3705.1 through 2.2-3705.7, means the content within a public record that references a specifically identified subject matter, and shall not be interpreted to require the production of information that is not embodied in a public record.

"Meeting" or "meetings" means the meetings including work sessions, when sitting physically, or through telephonic or video equipment pursuant to § 2.2-3708 or 2.2-3708.1, as a body or entity, or as an informal assemblage of (i) as many as three members or (ii) a quorum, if less than three, of the constituent membership, wherever held, with or without minutes being taken, whether or not votes are cast, of any public body. Neither the gathering of employees of a public body nor the gathering or attendance of two or more members of a public body (i) at any place or function where no part of the purpose of such gathering or attendance is the discussion or transaction of any public business, and such gathering or attendance was not called or prearranged with any purpose of discussing or transacting any business of the public body, or (ii) at a public forum, candidate appearance, or debate, the purpose of which is to inform the electorate and not to transact public business or to hold discussions relating to the transaction of public business, even though the performance of the members individually or collectively in the conduct of public business may be a topic of discussion or debate at such public meeting, shall be deemed a "meeting" subject to the provisions of this chapter.

"Open meeting" or "public meeting" means a meeting at which the public may be present.

"Public body" means any legislative body, authority, board, bureau, commission, district or agency of the Commonwealth or of any political subdivision of the Commonwealth, including cities, towns and counties, municipal councils, governing bodies of counties, school boards and planning commissions; governing boards of public institutions of higher education; and other organizations, corporations or agencies in the Commonwealth supported wholly or principally by public funds. It shall include (i) the Virginia Birth-Related Neurological Injury Compensation Program and its board of directors established pursuant to Chapter 50 (§ 38.2-5000 et seq.) of Title 38.2 and (ii) any committee, subcommittee, or other entity however designated, of the public body created to perform delegated functions of the public body or to advise the public body. It shall not exclude any such committee, subcommittee or entity because it has private sector or citizen members. Corporations organized by the Virginia Retirement System are "public bodies" for purposes of this chapter.

For the purposes of the provisions of this chapter applicable to access to public records, constitutional officers and private police departments as defined in § 9.1-101 shall be considered public bodies and, except as otherwise expressly provided by law, shall have the same obligations to disclose public records as other custodians of public records.

"Public records" means all writings and recordings that consist of letters, words or numbers, or their equivalent, set down by handwriting, typewriting, printing, photostating, photography, magnetic impulse, optical or magneto-optical form, mechanical or electronic recording or other form of data compilation, however stored, and regardless of physical form or characteristics, prepared or owned by, or in the possession of a public body or its officers, employees or agents in the transaction of public business.

"Regional public body" means a unit of government organized as provided by law within defined boundaries, as determined by the General Assembly, which unit includes two or more localities.

"Scholastic records" means those records containing information directly related to a student or an applicant for admission and maintained by a public body that is an educational agency or institution or by a person acting for such agency or institution.

### CHAPTER 55

*An Act to amend and reenact §§ 2.2-2455, 2.2-3701, 2.2-3707, 2.2-3707.01, 2.2-3714, 10.1-1322.01, 23.1-1301, 23.1-2425, 30-179, 33.2-1912, and 62.1-44.15:02 of the Code of Virginia; to amend the Code of Virginia by adding a section numbered 2.2-3708.2; and to repeal §§ 2.2-3708 and 2.2-3708.1 of the Code of Virginia, relating to the Virginia Freedom of Information Act; meetings conducted through electronic communication means.*

[H 907]

Approved February 28, 2018

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

**1. That §§ 2.2-2455, 2.2-3701, 2.2-3707, 2.2-3707.01, 2.2-3714, 10.1-1322.01, 23.1-1301, 23.1-2425, 30-179, 33.2-1912, and 62.1-44.15:02 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 2.2-3708.2 as follows:**

**§ 2.2-2455. Charitable Gaming Board; membership; terms; quorum; compensation; staff.**

A. The Charitable Gaming Board (the Board) is hereby established as a policy board within the meaning of § 2.2-2100 in the executive branch of state government. The purpose of the Board shall be to advise the Department of Agriculture and Consumer Services on all aspects of the conduct of charitable gaming in Virginia.

B. The Board shall consist of eleven members who shall be appointed in the following manner:

1. Six nonlegislative citizen members appointed by the Governor subject to confirmation by the General Assembly as follows: one member who is a member of a charitable organization subject to Article 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2 in good standing with the Department; one member who is a charitable gaming supplier registered and in good standing with the Department; one member who is an owner, lessor, or lessee of premises where charitable gaming is conducted; one member who is or has been a law-enforcement officer in Virginia but who (i) is not a charitable gaming supplier registered with the Department, (ii) is not a lessor of premises where charitable gaming is conducted, (iii) is not a member of a charitable organization, or (iv) does not have an interest in or is not affiliated with such supplier or charitable organization or owner, lessor, or lessee of premises where charitable gaming is conducted; and two members who do not have an interest in or are not affiliated with a charitable organization, charitable gaming supplier, or owner, lessor, or lessee of premises where charitable gaming is conducted;

2. Three nonlegislative citizen members appointed by the Speaker of the House of Delegates as follows: two members who are members of a charitable organization subject to Article 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2 in good standing with the Department and one member who does not have an interest in or is not affiliated with a charitable organization, charitable gaming supplier, or owner, lessor, or lessee of premises where charitable gaming is conducted; and

3. Two nonlegislative citizen members appointed by the Senate Committee on Rules as follows: one member who is a member of a charitable organization subject to Article 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2 in good standing with the Department and one member who does not have an interest in or is not affiliated with a charitable organization, charitable gaming supplier, or owner, lessor, or lessee of premises where charitable gaming is conducted.

To the extent practicable, the Board shall consist of individuals from different geographic regions of the Commonwealth. Each member of the Board shall have been a resident of the Commonwealth for a period of at least three years next preceding his appointment, and his continued residency shall be a condition of his tenure in office. Members shall be appointed for four-year terms. Vacancies shall be filled by the appointing authority in the same manner as the original appointment for the unexpired portion of the term. Each Board member shall be eligible for reappointment for a second consecutive term at the discretion of the appointing authority. Persons who are first appointed to initial terms of less than four years shall thereafter be eligible for reappointment to two consecutive terms of four years each. No sitting member of the General Assembly shall be eligible for appointment to the Board. The members of the Board shall serve at the pleasure of the appointing authority.

C. The Board shall elect from among its members a chairman who is a member of a charitable organization subject to Article 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2. The Board shall elect a vice-chairman from among its members.

D. A quorum shall consist of five members. The decision of a majority of those members present and voting shall constitute a decision of the Board.

E. For each day or part thereof spent in the performance of his duties, each member of the Board shall receive such compensation and reimbursement for his reasonable expenses as provided in § 2.2-2104.

F. The Board shall adopt rules and procedures for the conduct of its business, including a provision that Board members shall abstain or otherwise recuse themselves from voting on any matter in which they or a member of their immediate family have a personal interest in a transaction as defined in § 2.2-3101. The Board shall meet at least four times a year, and other meetings may be held at any time or place determined by the Board or upon call of the chairman or upon a written request to the chairman by any two members. Except for emergency meetings and meetings governed by § 2.2-3708

2.2-3708.2 requiring a longer notice, all members shall be duly notified of the time and place of any regular or other meeting at least 10 days in advance of such meeting.

G. Staff to the Board shall be provided by the Department of Agriculture and Consumer Services.

**§ 2.2-3701. Definitions.**

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

"Closed meeting" means a meeting from which the public is excluded.

"Electronic communication" means any audio or combined audio and visual communication method.

"Emergency" means an unforeseen circumstance rendering the notice required by this chapter impossible or impracticable and which circumstance requires immediate action.

"Information" as used in the exclusions established by §§ 2.2-3705.1 through 2.2-3705.7, means the content within a public record that references a specifically identified subject matter, and shall not be interpreted to require the production of information that is not embodied in a public record.

"Meeting" or "meetings" means the meetings including work sessions, when sitting physically, or through ~~telephonic or video equipment~~ *electronic communication* means pursuant to § ~~2.2-3708 or 2.2-3708.1~~ 2.2-3708.2, as a body or entity, or as an informal assemblage of (i) as many as three members or (ii) a quorum, if less than three, of the constituent membership, wherever held, with or without minutes being taken, whether or not votes are cast, of any public body. Neither the gathering of employees of a public body nor the gathering or attendance of two or more members of a public body ~~(i)~~ (a) at any place or function where no part of the purpose of such gathering or attendance is the discussion or transaction of any public business, and such gathering or attendance was not called or prearranged with any purpose of discussing or transacting any business of the public body, or ~~(ii)~~ (b) at a public forum, candidate appearance, or debate, the purpose of which is to inform the electorate and not to transact public business or to hold discussions relating to the transaction of public business, even though the performance of the members individually or collectively in the conduct of public business may be a topic of discussion or debate at such public meeting, shall be deemed a "meeting" subject to the provisions of this chapter.

"Open meeting" or "public meeting" means a meeting at which the public may be present.

"Public body" means any legislative body, authority, board, bureau, commission, district or agency of the Commonwealth or of any political subdivision of the Commonwealth, including cities, towns and counties, municipal councils, governing bodies of counties, school boards and planning commissions; governing boards of public institutions of higher education; and other organizations, corporations or agencies in the Commonwealth supported wholly or principally by public funds. It shall include (i) the Virginia Birth-Related Neurological Injury Compensation Program and its board of directors established pursuant to Chapter 50 (§ 38.2-5000 et seq.) of Title 38.2 and (ii) any committee, subcommittee, or other entity however designated, of the public body created to perform delegated functions of the public body or to advise the public body. It shall not exclude any such committee, subcommittee or entity because it has private sector or citizen members. Corporations organized by the Virginia Retirement System are "public bodies" for purposes of this chapter.

For the purposes of the provisions of this chapter applicable to access to public records, constitutional officers and private police departments as defined in § 9.1-101 shall be considered public bodies and, except as otherwise expressly provided by law, shall have the same obligations to disclose public records as other custodians of public records.

"Public records" means all writings and recordings that consist of letters, words or numbers, or their equivalent, set down by handwriting, typewriting, printing, photostating, photography, magnetic impulse, optical or magneto-optical form, mechanical or electronic recording or other form of data compilation, however stored, and regardless of physical form or characteristics, prepared or owned by, or in the possession of a public body or its officers, employees or agents in the transaction of public business.

"Regional public body" means a unit of government organized as provided by law within defined boundaries, as determined by the General Assembly, which unit includes two or more localities.

"Scholastic records" means those records containing information directly related to a student or an applicant for admission and maintained by a public body that is an educational agency or institution or by a person acting for such agency or institution.

**§ 2.2-3707. Meetings to be public; notice of meetings; recordings; minutes.**

A. All meetings of public bodies shall be open, except as provided in §§ 2.2-3707.01 and 2.2-3711.

B. No meeting shall be conducted through telephonic, video, electronic or other *electronic* communication means where the members are not physically assembled to discuss or transact public business, except as provided in § ~~2.2-3708, 2.2-3708.1~~ 2.2-3708.2 or as may be specifically provided in Title 54.1 for the summary suspension of professional licenses.

C. Every public body shall give notice of the date, time, and location of its meetings by:

1. Posting such notice on its official public government website, if any;
2. Placing such notice in a prominent public location at which notices are regularly posted; and
3. Placing such notice at the office of the clerk of the public body or, in the case of a public body that has no clerk, at the office of the chief administrator.

All state public bodies subject to the provisions of this chapter shall also post notice of their meetings on a central, publicly available electronic calendar maintained by the Commonwealth. Publication of meeting notices by electronic means by other public bodies shall be encouraged.

The notice shall be posted at least three working days prior to the meeting.

D. Notice, reasonable under the circumstance, of special, emergency, or continued meetings shall be given contemporaneously with the notice provided to the members of the public body conducting the meeting.

E. Any person may annually file a written request for notification with a public body. The request shall include the requester's name, address, zip code, daytime telephone number, electronic mail address, if available, and organization, if any. The public body receiving such request shall provide notice of all meetings directly to each such person. Without objection by the person, the public body may provide electronic notice of all meetings in response to such requests.

F. At least one copy of the proposed agenda and all agenda packets and, unless exempt, all materials furnished to members of a public body for a meeting shall be made available for public inspection at the same time such documents are furnished to the members of the public body. The proposed agendas for meetings of state public bodies where at least one member has been appointed by the Governor shall state whether or not public comment will be received at the meeting and, if so, the approximate point during the meeting when public comment will be received.

G. Any person may photograph, film, record or otherwise reproduce any portion of a meeting required to be open. The public body conducting the meeting may adopt rules governing the placement and use of equipment necessary for broadcasting, photographing, filming or recording a meeting to prevent interference with the proceedings, but shall not prohibit or otherwise prevent any person from photographing, filming, recording, or otherwise reproducing any portion of a meeting required to be open. No public body shall conduct a meeting required to be open in any building or facility where such recording devices are prohibited.

H. Minutes shall be recorded at all open meetings. However, minutes shall not be required to be taken at deliberations of (i) standing and other committees of the General Assembly; (ii) legislative interim study commissions and committees, including the Virginia Code Commission; (iii) study committees or commissions appointed by the Governor; or (iv) study commissions or study committees, or any other committees or subcommittees appointed by the governing bodies or school boards of counties, cities and towns, except where the membership of any such commission, committee or subcommittee includes a majority of the governing body of the county, city or town or school board.

Minutes, including draft minutes, and all other records of open meetings, including audio or audio/visual records shall be deemed public records and subject to the provisions of this chapter.

Minutes shall be in writing and shall include ~~(i)~~ (a) the date, time, and location of the meeting; ~~(ii)~~ (b) the members of the public body recorded as present and absent; and ~~(iii)~~ (c) a summary of the discussion on matters proposed, deliberated or decided, and a record of any votes taken. In addition, for electronic communication meetings conducted in accordance with ~~§ 2.2-3708.2~~ 2.2-3708.2, minutes of state public bodies shall include ~~(a)~~ (1) the identity of the members of the public body at each remote location identified in the notice who participated in the meeting through electronic ~~communications~~ communication means, ~~(b)~~ (2) the identity of the members of the public body who were physically assembled at the primary or central meeting location, and ~~(c)~~ (3) the identity of the members of the public body who were not present at the locations identified in clauses ~~(a)~~ (1) and ~~(b)~~ (2) but who monitored such meeting through electronic ~~communications~~ communication means.

#### **§ 2.2-3707.01. Meetings of the General Assembly.**

A. Except as provided in subsection B, public access to any meeting of the General Assembly or a portion thereof shall be governed by rules established by the Joint Rules Committee and approved by a majority vote of each house at the next regular session of the General Assembly. At least 60 days before the adoption of such rules, the Joint Rules Committee shall (i) hold regional public hearings on such proposed rules and (ii) provide a copy of such proposed rules to the Virginia Freedom of Information Advisory Council.

B. Floor sessions of either house of the General Assembly; meetings, including work sessions, of any standing or interim study committee of the General Assembly; meetings, including work sessions, of any subcommittee of such standing or interim study committee; and joint committees of conference of the General Assembly; or a quorum of any such committees or subcommittees, shall be open and governed by this chapter.

C. Meetings of the respective political party caucuses of either house of the General Assembly, including meetings conducted by telephonic or other electronic communication means, without regard to (i) whether the General Assembly is in or out of regular or special session or (ii) whether such caucuses invite staff or guests to participate in their deliberations, shall not be deemed meetings for the purposes of this chapter.

D. No regular, special, or reconvened session of the General Assembly held pursuant to Article IV, Section 6 of the Constitution of Virginia shall be conducted using electronic communication means pursuant to ~~§ 2.2-3708.2~~ 2.2-3708.2.

#### **§ 2.2-3708.2. Meetings held through electronic communication means.**

*A. The following provisions apply to all public bodies:*

*1. Subject to the requirements of subsection C, all public bodies may conduct any meeting wherein the public business is discussed or transacted through electronic communication means if, on or before the day of a meeting, a member of the public body holding the meeting notifies the chair of the public body that:*

*a. Such member is unable to attend the meeting due to a temporary or permanent disability or other medical condition that prevents the member's physical attendance; or*

*b. Such member is unable to attend the meeting due to a personal matter and identifies with specificity the nature of the personal matter. Participation by a member pursuant to this subdivision is limited each calendar year to two meetings.*

*2. If participation by a member through electronic communication means is approved pursuant to subdivision 1, the public body holding the meeting shall record in its minutes the remote location from which the member participated;*

however, the remote location need not be open to the public. If participation is approved pursuant to subdivision 1 a, the public body shall also include in its minutes the fact that the member participated through electronic communication means due to a temporary or permanent disability or other medical condition that prevented the member's physical attendance. If participation is approved pursuant to subdivision 1 b, the public body shall also include in its minutes the specific nature of the personal matter cited by the member:

If a member's participation from a remote location pursuant to subdivision 1 b is disapproved because such participation would violate the policy adopted pursuant to subsection C, such disapproval shall be recorded in the minutes with specificity.

3. Any public body may meet by electronic communication means without a quorum of the public body physically assembled at one location when the Governor has declared a state of emergency in accordance with § 44-146.17, provided that (i) the catastrophic nature of the declared emergency makes it impracticable or unsafe to assemble a quorum in a single location and (ii) the purpose of the meeting is to address the emergency. The public body convening a meeting in accordance with this subdivision shall:

- a. Give public notice using the best available method given the nature of the emergency, which notice shall be given contemporaneously with the notice provided to members of the public body conducting the meeting;
- b. Make arrangements for public access to such meeting; and
- c. Otherwise comply with the provisions of this section.

The nature of the emergency, the fact that the meeting was held by electronic communication means, and the type of electronic communication means by which the meeting was held shall be stated in the minutes.

B. The following provisions apply to regional public bodies:

1. Subject to the requirements in subsection C, regional public bodies may also conduct any meeting wherein the public business is discussed or transacted through electronic communication means if, on the day of a meeting, a member of a regional public body notifies the chair of the public body that such member's principal residence is more than 60 miles from the meeting location identified in the required notice for such meeting.

2. If participation by a member through electronic communication means is approved pursuant to this subsection, the public body holding the meeting shall record in its minutes the remote location from which the member participated; however, the remote location need not be open to the public.

If a member's participation from a remote location is disapproved because such participation would violate the policy adopted pursuant to subsection C, such disapproval shall be recorded in the minutes with specificity.

C. Participation by a member of a public body in a meeting through electronic communication means pursuant to subsections A and B shall be authorized only if the following conditions are met:

1. The public body has adopted a written policy allowing for and governing participation of its members by electronic communication means, including an approval process for such participation, subject to the express limitations imposed by this section. Once adopted, the policy shall be applied strictly and uniformly, without exception, to the entire membership and without regard to the identity of the member requesting remote participation or the matters that will be considered or voted on at the meeting;

2. A quorum of the public body is physically assembled at one primary or central meeting location; and

3. The public body makes arrangements for the voice of the remote participant to be heard by all persons at the primary or central meeting location.

D. The following provisions apply to state public bodies:

1. Except as provided in subsection D of § 2.2-3707.01, state public bodies may also conduct any meeting wherein the public business is discussed or transacted through electronic communication means, provided that (i) a quorum of the public body is physically assembled at one primary or central meeting location, (ii) notice of the meeting has been given in accordance with subdivision 2, and (iii) the remote locations, from which additional members of the public body participate through electronic communication means, are open to the public.

If a state public body holds a meeting through electronic communication means pursuant to this subsection, it shall also hold at least one meeting annually where members in attendance at the meeting are physically assembled at one location and where no members participate by electronic communication means.

2. Notice of any regular meeting held pursuant to this subsection shall be provided at least three working days in advance of the date scheduled for the meeting. Notice, reasonable under the circumstance, of special, emergency, or continued meetings held pursuant to this section shall be given contemporaneously with the notice provided to members of the public body conducting the meeting. For the purposes of this subsection, "continued meeting" means a meeting that is continued to address an emergency or to conclude the agenda of a meeting for which proper notice was given.

The notice shall include the date, time, place, and purpose for the meeting, shall identify the locations for the meeting, and shall include a telephone number that may be used at remote locations to notify the primary or central meeting location of any interruption in the telephonic or video broadcast of the meeting to the remote locations. Any interruption in the telephonic or video broadcast of the meeting shall result in the suspension of action at the meeting until repairs are made and public access is restored.

3. A copy of the proposed agenda and agenda packets and, unless exempt, all materials that will be distributed to members of the public body and that have been made available to the staff of the public body in sufficient time for

*duplication and forwarding to all locations where public access will be provided shall be made available to the public at the time of the meeting.*

*4. All persons attending the meeting at any of the meeting locations shall be afforded the same opportunity to address the public body as persons attending the meeting at the primary or central meeting location. In addition, the public body shall make available to the public at any meeting conducted in accordance with this subsection a public comment form prepared by the Virginia Freedom of Information Advisory Council in accordance with § 30-179.*

*5. Minutes of all meetings held by electronic communication means shall be recorded as required by § 2.2-3707. Votes taken during any meeting conducted through electronic communication means shall be recorded by name in roll-call fashion and included in the minutes. For emergency meetings held by electronic communication means, the nature of the emergency shall be stated in the minutes.*

*6. Any authorized state public body that meets by electronic communication means pursuant to this subsection shall make a written report of the following to the Virginia Freedom of Information Advisory Council by December 15 of each year:*

*a. The total number of meetings held that year in which there was participation through electronic communication means;*

*b. The dates and purposes of such meetings;*

*c. A copy of the agenda for each such meeting;*

*d. The number of sites for each such meeting;*

*e. The types of electronic communication means by which the meetings were held;*

*f. The number of participants, including members of the public, at each meeting location;*

*g. The identity of the members of the public body recorded as absent and those recorded as present at each meeting location;*

*h. A summary of any public comment received about the process of conducting the meeting through electronic communication means; and*

*i. A written summary of the public body's experience conducting meetings through electronic communication means, including its logistical and technical experience.*

*E. Nothing in this section shall be construed to prohibit the use of interactive audio or video means to expand public participation.*

**§ 2.2-3714. Violations and penalties.**

In a proceeding commenced against any officer, employee, or member of a public body under § 2.2-3713 for a violation of § 2.2-3704, 2.2-3705.1 through 2.2-3705.7, 2.2-3706, 2.2-3707, ~~2.2-3708~~, ~~2.2-3708.1~~ 2.2-3708.2, 2.2-3710, 2.2-3711 or 2.2-3712, the court, if it finds that a violation was willfully and knowingly made, shall impose upon such officer, employee, or member in his individual capacity, whether a writ of mandamus or injunctive relief is awarded or not, a civil penalty of not less than \$500 nor more than \$2,000, which amount shall be paid into the State Literary Fund. For a second or subsequent violation, such civil penalty shall be not less than \$2,000 nor more than \$5,000.

**§ 10.1-1322.01. Permits; procedures for public hearings and permits before the Board.**

A. During the public comment period on a permit action, interested persons may request a public hearing to contest such action or the terms and conditions thereof. Where public hearings are mandatory under state or federal law or regulation, interested persons may request, during the public comment period on the permit action, that the Board consider the permit action pursuant to the requirements of this section.

B. Requests for a public hearing or Board consideration shall contain the following information:

1. The name, mailing address, and telephone number of the requester;

2. The names and addresses of all persons for whom the requester is acting as a representative (for the purposes of this requirement, an unincorporated association is a person);

3. The reason why a public hearing or Board consideration is requested;

4. A brief, informal statement setting forth the factual nature and the extent of the interest of the requester or of the persons for whom the requester is acting as representative in the application or tentative determination, including an explanation of how and to what extent such interest would be directly and adversely affected by the issuance, denial, modification, or revocation of the permit in question; and

5. Where possible, specific references to the terms and conditions of the permit in question, together with suggested revisions and alterations of those terms and conditions that the requester considers are needed to conform the permit to the intent and provisions of the State Air Pollution Control Law (§ 10.1-1300 et seq.).

C. Upon completion of the public comment period on a permit action, the Director shall review all timely requests for public hearing or Board consideration filed during the public comment period on the permit action and within 30 calendar days following the expiration of the time period for the submission of requests shall grant a public hearing or Board consideration after the public hearing required by state or federal law or regulation, unless the permittee or applicant agrees to a later date, if the Director finds the following:

1. That there is a significant public interest in the issuance, denial, modification, or revocation of the permit in question as evidenced by receipt of a minimum of 25 individual requests for a public hearing or Board consideration;

2. That the requesters raise substantial, disputed issues relevant to the issuance, denial, modification, or revocation of the permit in question; and

3. That the action requested by the interested party is not on its face inconsistent with, or in violation of, the State Air Pollution Control Law (§ 10.1-1300 et seq.), federal law or any regulation promulgated thereunder.

D. Either the Director or a majority of the Board members, acting independently, may request a meeting of the Board to be convened within 20 days of the Director's decision pursuant to subsection C in order to review such decision and determine by a majority vote of the Board whether or not to grant a public hearing or Board consideration, or to delegate the permit to the Director for his decision.

For purposes of this subsection, if a Board meeting is held via electronic communication *means*, the meeting shall be held in compliance with the provisions of § ~~2.2-3708~~ 2.2-3708.2, except that a quorum of the Board is not required to be physically assembled at one primary or central meeting location. Discussions of the Board held via such electronic communication means shall be specifically limited to a (i) review of the Director's decision pursuant to subsection C, (ii) determination of the Board whether or not to grant a public hearing or Board consideration, or (iii) delegation of the permit to the Director for his decision. No other matter of public business shall be discussed or transacted by the Board during any such meeting held via electronic communication *means*.

E. The Director shall, forthwith, notify by mail at his last known address (i) each requester and (ii) the applicant or permittee of the decision to grant or deny a public hearing or Board consideration.

F. In addition to subsections C, D, and E, the Director may, in his discretion, convene a public hearing on a permit action or submit a permit action to the Board for its consideration.

G. If a determination is made to hold a public hearing, the Director shall schedule the hearing at a time between 45 and 75 days after mailing of the notice required by subsection E.

H. The Director shall cause, or require the applicant to publish, notice of a public hearing to be published once, in a newspaper of general circulation in the city or county where the facility or operation that is the subject of the permit or permit application is located, at least 30 days before the hearing date.

I. The Director may, on his own motion or at the request of the applicant or permittee, for good cause shown, reschedule the date of the public hearing. In the event the Director reschedules the date for the public hearing after notice has been published, he shall, or require the applicant to, provide reasonable notice of the new date of the public hearing. Such notice shall be published once in the same newspaper where the original notice was published.

J. Public hearings held pursuant to these procedures may be conducted by (i) the Board at a regular or special meeting of the Board or (ii) one or more members of the Board. A member of the Board shall preside over the public hearing.

K. The presiding Board member shall have the authority to maintain order, preserve the impartiality of the decision process, and conclude the hearing process expeditiously. The presiding Board member, in order to carry out his responsibilities under this subsection, is authorized to exercise the following powers, including but not limited to:

1. Prescribing the methods and procedures to be used in the presentation of factual data, arguments, and proof orally and in writing including the imposition of reasonable limitations on the time permitted for oral testimony;
2. Consolidating the presentation of factual data, arguments, and proof to avoid repetitive presentation of them;
3. Ruling on procedural matters; and
4. Acting as custodian of the record of the public hearing causing all notices and written submittals to be entered in it.

L. The public comment period will remain open for 15 days after the close of the public hearing if required by § 10.1-1307.01.

M. When the public hearing is conducted by less than a quorum of the Board, the Department shall, promptly after the close of the public hearing comment period, make a report to the Board.

N. After the close of the public hearing comment period, the Board shall, at a regular or special meeting, take final action on the permit. Such decision shall be issued within 90 days of the close of the public comment period or from a later date, as agreed to by the permittee or applicant and the Board or the Director. The Board shall not take any action on a permit where a public hearing was convened solely to satisfy the requirements of state or federal law or regulation unless the permit was provided to the Board for its consideration pursuant to the provisions of this section.

O. When the public hearing was conducted by less than a quorum of the Board, persons who commented during the public comment period shall be afforded an opportunity at the Board meeting when final action is scheduled to respond to any summaries of the public comments prepared by the Department for the Board's consideration subject to such reasonable limitations on the time permitted for oral testimony or presentation of repetitive material as are determined by the Board.

P. In making its decision, the Board shall consider (i) the verbal and written comments received during the public comment period made part of the record, (ii) any explanation of comments previously received during the public comment period made at the Board meeting, (iii) the comments and recommendation of the Department, and (iv) the agency files. When the decision of the Board is to adopt the recommendation of the Department, the Board shall provide in writing a clear and concise statement of the legal basis and justification for the decision reached. When the decision of the Board varies from the recommendation of the Department, the Board shall, in consultation with legal counsel, provide a clear and concise statement explaining the reason for the variation and how the Board's decision is in compliance with applicable laws and regulations. The written statement shall be provided contemporaneously with the decision of the Board. Copies of the decision, certified by the Director, shall be mailed by certified mail to the permittee or applicant.

**§ 23.1-1301. Governing boards; powers.**

A. The board of visitors of each baccalaureate public institution of higher education or its designee may:

1. Make regulations and policies concerning the institution;

2. Manage the funds of the institution and approve an annual budget;
3. Appoint the chief executive officer of the institution;
4. Appoint professors and fix their salaries; and
5. Fix the rates charged to students for tuition, mandatory fees, and other necessary charges.

B. The governing board of each public institution of higher education or its designee may:

1. In addition to the powers set forth in Restructured Higher Education Financial and Administrative Operations Act (§ 23.1-1000 et seq.), lease or sell and convey its interest in any real property that it has acquired by purchase, will, or deed of gift, subject to the prior approval of the Governor and any terms and conditions of the will or deed of gift, if applicable. The proceeds shall be held, used, and administered in the same manner as all other gifts and bequests;

2. Grant easements for roads, streets, sewers, waterlines, electric and other utility lines, or other purposes on any property owned by the institution;

3. Adopt regulations or institution policies for parking and traffic on property owned, leased, maintained, or controlled by the institution;

4. Adopt regulations or institution policies for the employment and dismissal of professors, teachers, instructors, and other employees;

5. Adopt regulations or institution policies for the acceptance and assistance of students in addition to the regulations or institution policies required pursuant to § 23.1-1303;

6. Adopt regulations or institution policies for the conduct of students in attendance and for the rescission or restriction of financial aid, suspension, and dismissal of students who fail or refuse to abide by such regulations or policies;

7. Establish programs, in cooperation with the Council and the Office of the Attorney General, to promote (i) student compliance with state laws on the use of alcoholic beverages and (ii) the awareness and prevention of sexual crimes committed upon students;

8. Establish guidelines for the initiation or induction of students into any social fraternity or sorority in accordance with the prohibition against hazing as defined in § 18.2-56;

9. Assign any interest it possesses in intellectual property or in materials in which the institution claims an interest, provided such assignment is in accordance with the terms of the institution's intellectual property policies adopted pursuant to § 23.1-1303. The Governor's prior written approval is required for transfers of such property (i) developed wholly or predominantly through the use of state general funds, exclusive of capital assets and (ii) (a) developed by an employee of the institution acting within the scope of his assigned duties or (b) for which such transfer is made to an entity other than (1) the Innovation and Entrepreneurship Investment Authority, (2) an entity whose purpose is to manage intellectual properties on behalf of nonprofit organizations, colleges, and universities, or (3) an entity whose purpose is to benefit the respective institutions. The Governor may attach conditions to these transfers as he deems necessary. In the event the Governor does not approve such transfer, the materials shall remain the property of the respective institutions and may be used and developed in any manner permitted by law;

10. Conduct closed meetings pursuant to §§ 2.2-3711 and 2.2-3712 and conduct business as a "state public body" for purposes of subsection ~~B D~~ of § ~~2.2-3708~~ 2.2-3708.2; and

11. Adopt a resolution to require the governing body of a locality that is contiguous to the institution to enforce state statutes and local ordinances with respect to offenses occurring on the property of the institution. Upon receipt of such resolution, the governing body of such locality shall enforce statutes and local ordinances with respect to offenses occurring on the property of the institution.

**§ 23.1-2425. Confidential and public information.**

A. The Authority is subject to the provisions of the Freedom of Information Act (§ 2.2-3700 et seq.), including the exclusions set forth in subdivision 14 of § 2.2-3705.7 and subdivision A 23 of § 2.2-3711.

B. For purposes of the Freedom of Information Act (§ 2.2-3700 et seq.), meetings of the board are not considered meetings of the board of visitors of the University. Meetings of the board may be conducted through ~~telephonic or video~~ *electronic communication* means as provided in § ~~2.2-3708~~ 2.2-3708.2.

**§ 30-179. Powers and duties of the Council.**

The Council shall:

1. Furnish, upon request, advisory opinions or guidelines, and other appropriate information regarding the Freedom of Information Act (§ 2.2-3700 et seq.) to any person or agency of state or local government, in an expeditious manner;

2. Conduct training seminars and educational programs for the members and staff of public bodies and other interested persons on the requirements of the Freedom of Information Act (§ 2.2-3700 et seq.);

3. Publish such educational materials as it deems appropriate on the provisions of the Freedom of Information Act (§ 2.2-3700 et seq.);

4. Request from any agency of state or local government such assistance, services and information as will enable the Council to effectively carry out its responsibilities. Information provided to the Council by an agency of state or local government shall not be released to any other party unless authorized by such agency;

5. Assist in the development and implementation of the provisions of § 2.2-3704.1;

6. Develop the public comment form for use by designated public bodies in accordance with ~~subsection F of~~ § ~~2.2-3708~~ subdivision D 4 of § 2.2-3708.2;

7. Develop an online public comment form to be posted on the Council's official public government website to enable any requester to comment on the quality of assistance provided to the requester by a public body; and

8. Report annually on or before December 1 of each year on its activities and findings regarding the Freedom of Information Act (§ 2.2-3700 et seq.), including recommendations for changes in the law, to the General Assembly and the Governor. The annual report shall be published as a state document.

**§ 33.2-1912. Quorum and action by commission.**

A majority of the commission, which majority shall include at least one commissioner from a majority of the component governments, shall constitute a quorum. Members of the commission who are members of the General Assembly shall not be counted in determining a quorum while the General Assembly is in session. The Chairman of the Commonwealth Transportation Board or his designee shall be included for the purposes of constituting a quorum. The presence of a quorum and a vote of the majority of the members necessary to constitute a quorum of all the members appointed to the commission, including an affirmative vote from a majority of the members, shall be necessary to take any action. The Chairman of the Commonwealth Transportation Board or his designee shall have voting rights equal to appointees of component governments on all matters brought before the commission. Notwithstanding the provisions of § ~~2.2-3708~~ 2.2-3708.2, members of the General Assembly may participate in the meetings of the commission through electronic ~~communications~~ communication means while the General Assembly is in session.

**§ 62.1-44.15:02. Permits; procedures for public hearings and permits before the Board.**

A. During the public comment period on a permit action, interested persons may request a public hearing to contest such action or the terms and conditions thereof. Where public hearings are mandatory under state or federal law or regulation, interested persons may request, during the public comment period on the permit action, that the Board consider the permit action pursuant to the requirements of this section.

B. Requests for a public hearing or Board consideration shall contain the following information:

1. The name, mailing address, and telephone number of the requester;
2. The names and addresses of all persons for whom the requester is acting as a representative (for the purposes of this requirement, an unincorporated association is a person);
3. The reason why a public hearing or Board consideration is requested;
4. A brief, informal statement setting forth the factual nature and the extent of the interest of the requester or of the persons for whom the requester is acting as representative in the application or tentative determination, including an explanation of how and to what extent such interest would be directly and adversely affected by the issuance, denial, modification, or revocation of the permit in question; and

5. Where possible, specific references to the terms and conditions of the permit in question, together with suggested revisions and alterations of those terms and conditions that the requester considers are needed to conform the permit to the intent and provisions of the State Water Control Law (§ 62.1-44.2 et seq.).

C. Upon completion of the public comment period on a permit action, the Director shall review all timely requests for public hearing or Board consideration filed during the public comment period on the permit action and within 30 calendar days following the expiration of the time period for the submission of requests shall grant a public hearing or Board consideration after the public hearing required by state or federal law or regulation, unless the permittee or applicant agrees to a later date, if the Director finds the following:

1. That there is a significant public interest in the issuance, denial, modification, or revocation of the permit in question as evidenced by receipt of a minimum of 25 individual requests for a public hearing or Board consideration;
2. That the requesters raise substantial, disputed issues relevant to the issuance, denial, modification, or revocation of the permit in question; and
3. That the action requested is not on its face inconsistent with, or in violation of, the State Water Control Law (§ 62.1-44.2 et seq.), federal law or any regulation promulgated thereunder.

D. Either the Director or a majority of the Board members, acting independently, may request a meeting of the Board to be convened within 20 days of the Director's decision pursuant to subsection C in order to review such decision and determine by a majority vote of the Board whether or not to grant a public hearing or Board consideration, or to delegate the permit to the Director for his decision.

For purposes of this subsection, if a Board meeting is held via electronic communication means, the meeting shall be held in compliance with the provisions of § ~~2.2-3708~~ 2.2-3708.2, except that a quorum of the Board is not required to be physically assembled at one primary or central meeting location. Discussions of the Board held via such electronic communication means shall be specifically limited to a (i) review of the Director's decision pursuant to subsection C, (ii) determination of the Board whether or not to grant a public hearing or Board consideration, or (iii) delegation of the permit to the Director for his decision. No other matter of public business shall be discussed or transacted by the Board during any such meeting held via electronic communication means.

E. The Director shall, forthwith, notify by mail at his last known address (i) each requester and (ii) the applicant or permittee of the decision to grant or deny a public hearing or Board consideration.

F. In addition to subsections C, D, and E, the Director may, in his discretion, convene a public hearing on a permit action or submit a permit action to the Board for its consideration.

G. If a determination is made to hold a public hearing, the Director shall schedule the hearing at a time between 45 and 75 days after mailing of the notice required by subsection E.

H. The Director shall cause, or require the applicant to publish, notice of a public hearing to be published once, in a newspaper of general circulation in the city or county where the facility or operation that is the subject of the permit or permit application is located, at least 30 days before the hearing date.

I. The Director may, on his own motion or at the request of the applicant or permittee, for good cause shown, reschedule the date of the public hearing. In the event the Director reschedules the date for the public hearing after notice has been published, he shall, or require the applicant to, provide reasonable notice of the new date of the public hearing. Such notice shall be published once in the same newspaper where the original notice was published.

J. Public hearings held pursuant to these procedures may be conducted by (i) the Board at a regular or special meeting of the Board or (ii) one or more members of the Board. A member of the Board shall preside over the public hearing.

K. The presiding Board member shall have the authority to maintain order, preserve the impartiality of the decision process, and conclude the hearing process expeditiously. The presiding Board member, in order to carry out his responsibilities under this subsection, is authorized to exercise the following powers, including but not limited to:

1. Prescribing the methods and procedures to be used in the presentation of factual data, arguments, and proof orally and in writing including the imposition of reasonable limitations on the time permitted for oral testimony;
2. Consolidating the presentation of factual data, arguments, and proof to avoid repetitive presentation of them;
3. Ruling on procedural matters; and
4. Acting as custodian of the record of the public hearing causing all notices and written submittals to be entered in it.

L. The public comment period will remain open for 15 days after the close of the public hearing if required by § 62.1-44.15:01.

M. When the public hearing is conducted by less than a quorum of the Board, the Department shall, promptly after the close of the public hearing comment period, make a report to the Board.

N. After the close of the public hearing comment period, the Board shall, at a regular or special meeting, take final action on the permit. Such decision shall be issued within 90 days of the close of the public comment period or from a later date, as agreed to by the permittee or applicant and the Board or the Director. The Board shall not take any action on a permit where a public hearing was convened solely to satisfy the requirements of state or federal law or regulation unless the permit was provided to the Board for its consideration pursuant to the provisions of this section.

O. When the public hearing was conducted by less than a quorum of the Board, persons who commented during the public comment period shall be afforded an opportunity at the Board meeting when final action is scheduled to respond to any summaries of the public comments prepared by the Department for the Board's consideration subject to such reasonable limitations on the time permitted for oral testimony or presentation of repetitive material as are determined by the Board.

P. In making its decision, the Board shall consider (i) the verbal and written comments received during the public comment period made part of the record, (ii) any explanation of comments previously received during the public comment period made at the Board meeting, (iii) the comments and recommendation of the Department, and (iv) the agency files. When the decision of the Board is to adopt the recommendation of the Department, the Board shall provide in writing a clear and concise statement of the legal basis and justification for the decision reached. When the decision of the Board varies from the recommendation of the Department, the Board shall, in consultation with legal counsel, provide a clear and concise statement explaining the reason for the variation and how the Board's decision is in compliance with applicable laws and regulations. The written statement shall be provided contemporaneously with the decision of the Board. Copies of the decision, certified by the Director, shall be mailed by certified mail to the permittee or applicant.

**2. That §§ 2.2-3708 and 2.2-3708.1 of the Code of Virginia are repealed.**

## CHAPTER 56

*An Act to amend and reenact §§ 2.2-3708, 2.2-3708.1, and 30-179 of the Code of Virginia, relating to the Freedom of Information Act; meetings held by electronic communication means.*

[H 908]

Approved February 28, 2018

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

**1. That §§ 2.2-3708, 2.2-3708.1, and 30-179 of the Code of Virginia are amended and reenacted as follows:**

**§ 2.2-3708. Electronic communication meetings; applicability; physical quorum required; exceptions; notice; report.**

A. Except as expressly provided in subsection ~~G~~ of this section ~~H~~ or § 2.2-3708.1, no local governing body, school board, or ~~any~~ authority, board, bureau, commission, district, or agency of local government, ~~any or~~ committee thereof, ~~or any and no~~ entity created by a local governing body, school board, or ~~any~~ local authority, board, or commission shall conduct a meeting wherein the public business is discussed or transacted through telephonic, video, electronic, or other communication means where the members are not physically assembled. Nothing in this section shall be construed to prohibit the use of interactive audio or video means to expand public participation.

B. Except as provided in subsection ~~G~~ ~~or~~ H of this section or subsection D of § 2.2-3707.01, state public bodies may conduct any meeting wherein the public business is discussed or transacted through electronic communication means, provided *that* (i) a quorum of the public body is physically assembled at one primary or central meeting location, (ii) notice

of the meeting has been given in accordance with subsection C, and (iii) ~~the remote locations, from which additional members of the public body participate through electronic communication means, are open to the public. All persons attending the meeting at any of the meeting locations shall be afforded the same opportunity to address the public body as persons attending the primary or central location~~ *members of the public are provided a substantially equivalent electronic communication means through which to witness the meeting. For the purposes of this subsection, "witness" means observe or listen.*

If an authorized public body holds ~~an electronic~~ *a meeting by electronic communication means* pursuant to this section, it shall also hold at least one meeting annually where members in attendance at the meeting are physically assembled at one location and where no members participate by electronic communication means.

C. Notice of any regular meeting held pursuant to this section shall be provided at least three working days in advance of the date scheduled for the meeting. Notice, reasonable under the circumstance, of special, emergency, or continued meetings held pursuant to this section shall be given contemporaneously with the notice provided to members of the public body conducting the meeting. For the purposes of this subsection, "continued meeting" means a meeting that is continued to address an emergency or to conclude the agenda of a meeting for which proper notice was given.

The notice shall include the date, time, place, and purpose for the meeting; shall identify the ~~locations for the meeting primary or central meeting location and any remote locations that are open to the public pursuant to subsection E; and~~ *shall include notice as to the electronic communication means by which members of the public may witness the meeting; and shall include a telephone number that may be used at remote locations to notify the primary or central meeting location of any interruption in the telephonic or video broadcast of the meeting to the remote locations.* Any interruption in the telephonic or video broadcast of the meeting shall result in the suspension of action at the meeting until repairs are made and public access is restored.

D. *A copy of the proposed agenda and agenda packets and, unless exempt, all materials that will be distributed to members of a public body for a meeting shall be made available for public inspection at the same time such documents are furnished to the members of the public body conducting the meeting.*

E. *Public access to the remote locations from which additional members of the public body participate through electronic communication means shall be encouraged but not required. However, if three or more members are gathered at the same remote location, then such remote location shall be open to the public.*

*If access to remote locations is afforded, (i) all persons attending the meeting at any of the remote locations shall be afforded the same opportunity to address the public body as persons attending at the primary or central location and (ii) a copy of the proposed agenda and agenda packets and, unless exempt, all materials that will be distributed to members of the public body and that have been made available to the staff of the public body in sufficient time for duplication and forwarding to all locations where public access will be provided for the meeting shall be made available to for inspection by members of the public attending the meeting at any of the remote locations at the time of the meeting.*

F. Minutes of all meetings held by electronic communication means shall be recorded as required by § 2.2-3707. Votes taken during any meeting conducted through electronic communication means shall be recorded by name in roll-call fashion and included in the minutes.

~~E. G.~~ *Three working days' notice shall not be required for meetings authorized under this section held in accordance with subsection G. I. Public bodies conducting emergency meetings through electronic communication means shall comply with the provisions of subsection D. F requiring minutes of the meeting. The nature of the emergency shall be stated in the minutes.*

~~F. H.~~ *Any authorized public body that meets by electronic communication means shall make a written report of the following to the Virginia Freedom of Information Advisory Council by December 15 of each year:*

1. The total number of ~~electronic communication~~ *meetings held that year in which members participated by electronic communication means;*
2. The dates and purposes of ~~the meetings~~ *each such meeting;*
3. A copy of the agenda for ~~the~~ *each such meeting;*
4. The ~~number of sites for~~ *primary or central meeting location of each such meeting;*
5. The types of electronic communication means by which ~~the meetings were~~ *each meeting was held;*
6. ~~The~~ *If possible, the number of participants, including members of the public, at who witnessed each meeting location through electronic communication means;*
7. The identity of the members of the public body recorded ~~as absent and those recorded~~ *as present at each meeting, and whether each member was present at the primary or central meeting location or participated through electronic communication means;*
8. *The identity of any members of the public body who were recorded as absent at each meeting and any members who were recorded as absent at a meeting but who monitored the meeting through electronic communication means;*
9. *If members of the public were granted access to a remote location from which a member participated in a meeting through electronic communication means, the number of members of the public at each such remote location;*
10. *A summary of any public comment received about the process of conducting a meeting by electronic communication meetings means; and*
9. 11. *A written summary of the public body's experience using electronic communication means for its meetings, including its logistical and technical experience.*

In addition, any authorized public body shall make available to the public at any meeting conducted in accordance with this section a public comment form prepared by the Virginia Freedom of Information Advisory Council in accordance with § 30-179.

~~G. I.~~ Any public body may meet by electronic communication means without a quorum of the public body physically assembled at one location when the Governor has declared a state of emergency in accordance with § 44-146.17, provided that (i) the catastrophic nature of the declared emergency makes it impracticable or unsafe to assemble a quorum in a single location and (ii) the purpose of the meeting is to address the emergency. The public body convening a meeting in accordance with this subsection shall (a) give public notice using the best available method given the nature of the emergency, which notice shall be given contemporaneously with the notice provided members of the public body conducting the meeting; (b) make arrangements for public access to such meeting; and (c) otherwise comply with the provisions of this section. The nature of the emergency, the fact that the meeting was held by electronic communication means, and the type of electronic communication means by which the meeting was held shall be stated in the minutes.

**§ 2.2-3708.1. Participation in meetings due to personal matter; certain disabilities; distance from meeting location for certain public bodies.**

A. A member of a public body may participate *through electronic communication means* in a meeting governed by this chapter ~~through electronic communication means from a remote location that is not open to the public~~ only as provided in § 2.2-3708 or as follows and subject to the requirements of subsection B:

1. If, on or before the day of a meeting, a member of the public body holding the meeting notifies the chair of the public body that such member is unable to attend the meeting due to a personal matter and identifies with specificity the nature of the personal matter, and the public body holding the meeting records in its minutes the specific nature of the personal matter and the remote location from which the member participated. If a member's participation from a remote location is disapproved because such participation would violate the policy adopted pursuant to subsection B, such disapproval shall be recorded in the minutes with specificity.

Such participation by the member shall be limited each calendar year to two meetings;

2. If a member of a public body notifies the chair of the public body that such member is unable to attend a meeting due to a temporary or permanent disability or other medical condition that prevents the member's physical attendance and the public body records this fact and the remote location from which the member participated in its minutes; or

3. If, on the day of a meeting, a member of a regional public body notifies the chair of the public body that such member's principal residence is more than 60 miles from the meeting location identified in the required notice for such meeting and the public body holding the meeting records in its minutes the remote location from which the member participated. If a member's participation from a remote location is disapproved because such participation would violate the policy adopted pursuant to subsection B, such disapproval shall be recorded in the minutes with specificity.

B. Participation *in a meeting through electronic communication means* by a member of a public body ~~as authorized under~~ pursuant to subsection A shall be *authorized only under* if the following conditions are met:

1. The public body has adopted a written policy allowing for and governing participation of its members by electronic communication means, including an approval process for such participation, subject to the express limitations imposed by this section. Once adopted, the policy shall be applied strictly and uniformly, without exception, to the entire membership and without regard to the identity of the member requesting remote participation or the matters that will be considered or voted on at the meeting;

2. A quorum of the public body is physically assembled at the primary or central meeting location; and

3. The public body makes arrangements for the voice of the remote participant to be heard by all persons at the primary or central meeting location.

**§ 30-179. Powers and duties of the Council.**

The Council shall:

1. Furnish, upon request, advisory opinions or guidelines, and other appropriate information regarding the Freedom of Information Act (§ 2.2-3700 et seq.) to any person or agency of state or local government, in an expeditious manner;

2. Conduct training seminars and educational programs for the members and staff of public bodies and other interested persons on the requirements of the Freedom of Information Act (§ 2.2-3700 et seq.);

3. Publish such educational materials as it deems appropriate on the provisions of the Freedom of Information Act (§ 2.2-3700 et seq.);

4. Request from any agency of state or local government such assistance, services and information as will enable the Council to effectively carry out its responsibilities. Information provided to the Council by an agency of state or local government shall not be released to any other party unless authorized by such agency;

5. Assist in the development and implementation of the provisions of § 2.2-3704.1;

6. Develop the public comment form for use by designated public bodies in accordance with subsection ~~F~~ H of § 2.2-3708;

7. Develop an online public comment form to be posted on the Council's official public government website to enable any requester to comment on the quality of assistance provided to the requester by a public body; and

8. Report annually on or before December 1 of each year on its activities and findings regarding the Freedom of Information Act (§ 2.2-3700 et seq.), including recommendations for changes in the law, to the General Assembly and the Governor. The annual report shall be published as a state document.

## CHAPTER 57

*An Act to amend and reenact §§ 2.2-2312, 2.2-2323, 2.2-2490, 2.2-2717, 3.2-3109, 10.1-1025, 15.2-2416, 17.1-204, 29.1-108, 30-133, 32.1-122.7:1, 32.1-362, 36-154, 51.5-59, 56-484.17, and 59.1-394 of the Code of Virginia, relating to audits conducted by the Auditor of Public Accounts.*

[H 1468]

Approved February 28, 2018

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

**1. That §§ 2.2-2312, 2.2-2323, 2.2-2490, 2.2-2717, 3.2-3109, 10.1-1025, 15.2-2416, 17.1-204, 29.1-108, 30-133, 32.1-122.7:1, 32.1-362, 36-154, 51.5-59, 56-484.17, and 59.1-394 of the Code of Virginia are amended and reenacted as follows:**

**§ 2.2-2312. Annual report; audit.**

The Authority shall, within 120 days of the close of each fiscal year, submit an annual report of its activities for the preceding fiscal year to the Governor and the chairmen of the House Committee on Appropriations and the Senate Committee on Finance. Each report shall set forth, for the preceding fiscal year, a complete operating and financial statement for the Authority and any loan fund or loan guarantee fund the Authority administers or manages. The Auditor of Public Accounts or his legally authorized representatives shall ~~at least once in a year~~ audit the books and accounts of the Authority and any loan fund or loan guarantee fund the Authority administers or manages *as determined necessary by the Auditor of Public Accounts.*

**§ 2.2-2323. Forms of accounts and records; annual reports; audit.**

The Authority shall maintain accounts and records showing the receipt and disbursement of funds from whatever source derived in a form as prescribed by the Auditor of Public Accounts. Such accounts and records shall correspond as nearly as possible to accounts and records maintained by corporate enterprises.

The accounts of the Authority shall be audited ~~annually~~ by the Auditor of Public Accounts, or his legally authorized representatives, *as determined necessary by the Auditor of Public Accounts*, and the costs of such audits shall be borne by the Authority. The Authority shall, following the close of each fiscal year, submit an annual report of its activities for the preceding year to the Governor. Each report shall set forth a complete operating and financial statement for the Authority during the fiscal year it covers.

**§ 2.2-2490. Audit.**

The accounts of the Board shall be audited ~~annually~~ by the Auditor of Public Accounts or his legally authorized representatives *as determined necessary by the Auditor of Public Accounts*. Copies of the ~~annual~~ audit shall be distributed to the Governor and to the Chairmen of the House Committee on Appropriations and the Senate Committee on Finance.

**§ 2.2-2717. Form of accounts and records; audit.**

The accounts and records of the Foundation showing the receipt and disbursement of funds from whatever source derived shall be established by the Auditor of Public Accounts in a manner similar to other organizations. The Auditor of Public Accounts or his legally authorized representative shall ~~annually~~ audit the accounts of the Foundation *as determined necessary by the Auditor of Public Accounts*, and the cost of such audit services shall be borne by the Foundation.

**§ 3.2-3109. Form of accounts; audit.**

A. The accounts and records of the Commission showing the receipt and disbursement of funds from whatever source derived shall be in such form as the Auditor of Public Accounts prescribes.

B. The accounts of the Commission shall be audited ~~annually~~ by the Auditor of Public Accounts, or his legally authorized representatives, *as determined necessary by the Auditor of Public Accounts*. Copies of the ~~annual~~ audit shall be distributed to the Governor and to the Chairmen of the House Committee on Appropriations and the Senate Committee on Finance.

**§ 10.1-1025. Forms of accounts and records; audit of same.**

The accounts and records of the Foundation showing the receipt and disbursement of funds from whatever source derived shall be in such form as the Auditor of Public Accounts prescribes, provided that such accounts shall correspond as nearly as possible to the accounts and records for such matters maintained by similar enterprises. The accounts and records of the Foundation shall be subject to audit by the Auditor of Public Accounts or his legal representative ~~on an annual basis~~ *as determined necessary by the Auditor of Public Accounts*, and the costs of such audit services shall be borne by the Foundation. The Foundation's fiscal year shall be the same as the Commonwealth's.

**§ 15.2-2416. Audit.**

The Auditor of Public Accounts or his legally authorized representatives shall ~~annually~~ audit the accounts of the Fund *as determined necessary by the Auditor of Public Accounts* in accordance with generally accepted auditing standards, and the cost of such audit services shall be borne by the Fund.

**§ 17.1-204. Examination of office and accounts of clerk.**

The books and accounts of the clerk of the Supreme Court shall be audited ~~annually and at such other times as the Court may deem proper~~ *as determined necessary* by the Auditor of Public Accounts, who shall make reports of his findings to the Governor and file a copy of such report with the Court within ~~thirty~~ 30 days after the completion of any such audit.

**§ 29.1-108. Audits and examinations.**

The minute books and other records of the Board shall be open to examination by the Governor, members of the General Assembly, and Auditor of Public Accounts, or their representatives, at all times. The accounts of the Board shall be audited in the manner provided for the audit of other state agencies. In addition, the Board shall ensure that the Auditor of Public Accounts, or an entity approved by him, conducts an ~~annual~~ audit of a fiscal and compliance nature of the accounts and transactions of the Department *as determined necessary by the Auditor of Public Accounts*. The Board may order such other audits as it deems necessary and desirable.

**§ 30-133. Duties and powers generally.**

A. The Auditor of Public Accounts shall audit all the accounts of every state department, officer, board, commission, institution or other agency handling any state funds *as determined necessary by the Auditor of Public Accounts*. In the performance of such duties and the exercise of such powers he may employ the services of certified public accountants, provided the cost thereof shall not exceed such sums as may be available out of the appropriation provided by law for the conduct of his office.

B. The Auditor of Public Accounts shall review the information required in § 2.2-1501 to determine that state agencies are providing and reporting appropriate information on financial and performance measures, and the Auditor shall review the accuracy of the management systems used to accumulate and report the results. The Auditor shall report ~~annually~~ to the General Assembly the results of such audits and make recommendations, if indicated, for new or revised accountability or performance measures to be implemented for the agencies audited.

C. The Auditor of Public Accounts shall prepare, by November 1, a summary of the results of all of the audits and other oversight responsibilities performed for the most recently ended fiscal year. The Auditor of Public Accounts shall present this summary to the Senate Finance, House Appropriations and House Finance Committees on the day the Governor presents to the General Assembly the Executive Budget in accordance with §§ 2.2-1508 and 2.2-1509 or at the direction of the respective Chairman of the Senate Finance, House Appropriations or House Finance Committees at one of their committee meetings prior to the meeting above.

D. As part of his normal oversight responsibilities, the Auditor of Public Accounts shall incorporate into his audit procedures and processes a review process to ensure that the Commonwealth's payments to counties, cities, and towns under Chapter 35.1 (§ 58.1-3523 et seq.) of Title 58.1 are consistent with the provisions of § 58.1-3524. The Auditor of Public Accounts shall report to the Governor and the Chairman of the Senate Finance Committee annually any material failure by a locality or the Commonwealth to comply with the provisions of Chapter 35.1 of Title 58.1.

E. The Auditor of Public Accounts when called upon by the Governor shall examine the accounts of any institution maintained in whole or in part by the Commonwealth and, upon the direction of the Comptroller, shall examine the accounts of any officer required to settle his accounts with him; and upon the direction of any other state officer at the seat of government he shall examine the accounts of any person required to settle his accounts with such officer.

F. Upon the written request of any member of the General Assembly, the Auditor of Public Accounts shall furnish the requested information and provide technical assistance upon any matter requested by such member.

G. In compliance with the provisions of the federal Single Audit Act Amendments of 1996, Public Law 104-156, the Joint Legislative Audit and Review Commission may authorize the Auditor of Public Accounts to audit biennially the accounts pertaining to federal funds received by state departments, officers, boards, commissions, institutions or other agencies.

H. 1. The Auditor of Public Accounts shall compile and maintain on its Internet website a searchable database providing certain state expenditure, revenue, and demographic information as described in this subsection. In maintaining the database, the Auditor of Public Accounts shall work with and coordinate his efforts with the Joint Legislative Audit and Review Commission in obtaining, summarizing, and compiling the information to avoid duplication of efforts. The database shall be updated each year by October 15 to provide the information required in this subsection for the 10 most recently ended fiscal years of the Commonwealth.

The online database shall be made available to citizens of the Commonwealth to allow public access to historical revenue collections and appropriations with related demographic information, to the extent that the information is available and provided to the Auditor of Public Accounts. All state departments, courts officers, boards, commissions, institutions, or other agencies of the Commonwealth shall furnish all information requested by the Auditor of Public Accounts and shall cooperate with him to the fullest extent.

For purposes of reporting information and implementing the database pursuant to this subsection, the Auditor of Public Accounts shall include all appropriated funds and other sources under the control of public institutions of higher education, except for the activity of private gifts, including endowment funds and unrestricted gifts referenced in § 23.1-101. The exclusion of this activity does not affect the public access to these records unless otherwise specifically exempted by law.

2. The database shall contain the following for each of the 10 most recently ended fiscal years of the Commonwealth:

a. Major categories of spending by each secretariat and each agency and institution, including each independent agency, and including within each major category a register of all funds expended, showing vendor name, date of payment, amount, and a description of the type of expense, including credit card purchases with the same information to the extent that the information exists. The database shall include the name, phone number, and email address for a contact at the agency or institution who may be contacted for additional information;

- b. The number of full-time state employees and a listing of the positions and salary of each such position, organized by agency;
  - c. Total fiscal year revenues from state taxes, fees, and other charges, and total fiscal year revenues from state taxes, fees, and other charges computed on a per capita basis and as a percentage of personal income in the Commonwealth;
  - d. With regard to state taxes, fees, and other charges computed on a per capita basis and as a percentage of personal income, a comparison of such statistics for Virginia with the same statistics for other states;
  - e. Total fiscal year revenues from federal sources, including the major categories of spending for such revenues;
  - f. Total population and total population by various age groups including, but not limited to, school-age population and the population of persons 65 years of age and older;
  - g. Student enrollment in grades K through 12;
  - h. Enrollment in public institutions of higher education of the Commonwealth;
  - i. Enrollment in private institutions of higher education in the Commonwealth;
  - j. The annual prison population;
  - k. Virginia adjusted gross income and Virginia taxable income by various age groups;
  - l. The number of citizens in the Commonwealth receiving food stamps;
  - m. The number of driver's licenses issued;
  - n. The number of registered motor vehicles;
  - o. The number of full-time private sector employees;
  - p. The number of households;
  - q. The number of prepaid tuition contracts outstanding pursuant to Chapter 7 (§ 23.1-700 et seq.) of Title 23.1 and the estimated total liability under such contracts;
  - r. Any state audit or report relating to the programs or activities of an agency;
  - s. Information on capital outlay payments including, but not limited to, project title, funding date, completion date, appropriations, year-to-date expenditures, and unexpended appropriations;
  - t. Annual bonded indebtedness that shall include, but not be limited to, the amount of the total original obligation stated in terms of principal and interest, the term of the obligation, the amounts of principal and interest previously paid to reduce the obligation, the balance remaining of the obligation, and any refinancing of the obligation; and
  - u. Other data as the Auditor deems appropriate relating to the Commonwealth of Virginia.
3. The Auditor of Public Accounts shall incorporate into the database the following additional elements as they become available through improved enterprise applications or other systems:
- a. Commodities including, but not limited to, line item expenditures;
  - b. Virginia Performs data as it directly relates to funding actions or expenditures;
  - c. Descriptive purpose for funding action or expenditure;
  - d. Statute or act of General Assembly authorizing the issuance of bonds; and
  - e. Copies of actual grants and contracts.
4. The Auditor of Public Accounts shall incorporate in the database the following enhancements:
- a. Graphs, charts, or other visual displays of aggregated data showing (i) current state spending by expense category, (ii) year-to-year state spending, and (iii) other data deemed appropriate by the Auditor, including display of available line item expenditures; and
  - b. Frequently asked questions and their responses.
5. By October 15 of each year, the Auditor shall also produce a paper copy or a computer file containing the information described in this subsection and shall distribute the copy or file to newspapers of general circulation in the Commonwealth. The distribution shall include the address of the Internet website for the searchable database.
- I. As a part of audits conducted pursuant to subsection A, the Auditor of Public Accounts shall review compliance with requirements established pursuant to the provisions of § 2.2-519 and the requirements of the Virginia Debt Collection Act (§ 2.2-4800 et seq.).

**§ 32.1-122.7:1. Board of Directors of the Virginia Health Workforce Development Authority.**

The Virginia Health Workforce Development Authority shall be governed by a Board of Directors. The Board shall consist of 13 members to be appointed as follows: two members of the House of Delegates, to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates; one member of the Senate, to be appointed by the Senate Committee on Rules; seven nonlegislative citizen members, three of whom shall be representatives of health professional educational or training programs, three of whom shall be health professionals or employers or representatives of health professionals, and one of whom shall be a representative of community health, to be appointed by the Governor; and the Commissioner of Health or his designee, the Chancellor of the Virginia Community College System or his designee, and the Director of the Department of Health Professions or his designee, who shall serve as ex officio members with voting privileges. Members appointed by the Governor shall be citizens of the Commonwealth.

Legislative members and state government officials shall serve terms coincident with their terms of office. All appointments of nonlegislative citizen members shall be for two-year terms following the initial staggering of terms. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. Legislative and citizen members may be reappointed; however, no citizen member shall serve more than four consecutive two-year terms. The

remainder of any term to which a member is appointed to fill a vacancy shall not constitute a term in determining the member's term limit. Vacancies shall be filled in the same manner as the original appointments.

The Board shall elect a chairman and vice-chairman annually from among its legislative members. A majority of the members of the Board shall constitute a quorum.

The Board of Directors shall report biennially on the activities and recommendations of the Authority to the Secretary of Health and Human Resources, the Secretary of Education, the Secretary of Commerce and Trade, the State Board of Health, the State Council of Higher Education for Virginia, the Joint Commission on Health Care, the Governor, and the General Assembly. In any reporting period where state general funds are appropriated to the Authority, the report shall include a detailed summary of how state general funds were expended.

The accounts and records of the Authority showing the receipt and disbursement of funds from whatever source derived shall be in a form prescribed by the Auditor of Public Accounts. The Auditor of Public Accounts, or his legally authorized representative, shall ~~annually~~ examine the accounts of the Authority *as determined necessary by the Auditor of Public Accounts*. The cost of such audit shall be borne by the Authority.

**§ 32.1-362. Audit.**

The accounts of the Foundation shall be audited ~~annually~~ by the Auditor of Public Accounts, or his legally authorized representatives, *as determined necessary by the Auditor of Public Accounts*. Copies of the ~~annual~~ audit shall be distributed to the Governor and to the Chairmen of the House Committee on Appropriations and the Senate Committee on Finance.

**§ 36-154. Audit.**

The Auditor of Public Accounts or his legally authorized representatives shall ~~annually~~ audit the accounts of the Fund in accordance with generally accepted auditing standards *as determined necessary by the Auditor of Public Accounts*, and the cost of such audit services shall be borne by the Fund.

**§ 51.5-59. Annual report; Auditor of Public Accounts to audit books and accounts.**

The Board shall submit an annual report that includes a statement of the receipts, disbursements, and current investments of the Fund for the preceding year to the Governor and the General Assembly. The report shall set forth a complete operating and financial statement covering the operation of the Fund during the year, including any loan fund or loan guarantee fund the Authority administers or manages. The Auditor of Public Accounts or his legally authorized representatives shall ~~at least once in a year~~ audit the books and accounts of the Authority and any loan fund or loan guarantee fund the Authority administers or manages *as determined necessary by the Auditor of Public Accounts*.

**§ 56-484.17. Wireless E-911 Fund; uses of Fund; enforcement; audit required.**

A. There is hereby created in the state treasury a special nonreverting fund to be known as the Wireless E-911 Fund (the Fund). The Fund shall be established on the books of the Comptroller. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Except as provided in § 2.2-2031, moneys in the Fund shall be used for the purposes stated in subsections C through D. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the Tax Commissioner or the Chief Information Officer of the Commonwealth.

B. Each CMRS provider and each CMRS reseller shall collect a wireless E-911 surcharge from each of its customers whose place of primary use is within the Commonwealth. However, no surcharge shall be imposed on federal, state and local government agencies. A payment equal to all wireless E-911 surcharges shall be remitted within 30 days to the Department of Taxation. The Department of Taxation, after subtracting its direct costs of administration, shall deposit all remitted wireless E-911 surcharges into the state treasury. The Comptroller shall as soon as practicable deposit such moneys into the Fund. Each CMRS provider and CMRS reseller may retain an amount equal to three percent of the wireless E-911 surcharges collected to defray the costs of collecting the surcharges. State and local taxes shall not apply to any wireless E-911 surcharge collected from customers. Surcharges collected from customers shall be subject to the provisions of the federal Mobile Telecommunications Sourcing Act (4 U.S.C. § 116 et seq., as amended).

The CMRS provider and CMRS reseller shall collect the surcharge through regular periodic billing.

C. Beginning July 1, 2012, 60 percent of the Wireless E-911 Fund shall be distributed on a monthly basis to the PSAPs according to each PSAP's average pro rata distribution from the Wireless E-911 Fund for fiscal years 2007-2012, taking into account any funding adjustments made pursuant to subsection E. On or before July 1, 2018, and every five years thereafter, the Department of Taxation shall recalculate the distribution percentage for each PSAP based on the cost and call load data of the PSAP for the previous five fiscal years, which data shall continue to be received by the Board and then reported to the Department of Taxation. The distribution from the Wireless E-911 Fund shall be made on a monthly basis to the PSAPs according to such distribution percentage beginning July 1 of such fiscal year.

D. Using 30 percent of the Wireless E-911 Fund, the Board shall provide payment to CMRS providers of wireless E-911 CMRS costs. For these purposes each CMRS provider shall submit to the Board on or before December 31 of each year an estimate of wireless E-911 CMRS costs it expects to incur during the next fiscal year of counties and municipalities in whose jurisdiction it operates. The Board shall review such estimates and advise each CMRS provider on or before the following March 1 whether its estimate qualifies for payment hereunder and whether the Wireless E-911 Fund is expected to be sufficient for such payment during said fiscal year. A CMRS provider with an approved estimate of costs shall submit its request for payment of such costs no later than four months after the end of the fiscal year in which the cost was incurred. If the portion of the Fund designated for CMRS provider cost payments is insufficient to provide full payment to each

CMRS provider for its costs, no unpaid cost shall be paid in the following fiscal year. The remaining 10 percent of the Fund and any remaining funds for the previous fiscal year from the 30 percent for CMRS providers shall be distributed to PSAPs or on behalf of PSAPs based on grant requests received by the Board each fiscal year. The Board shall establish criteria for receiving and making grants from the Fund, including procedures for determining the amount of a grant and payment schedule; however, the grants must be to the benefit of wireless E-911. Any grant funding that has not been committed by the Board by the end of the fiscal year shall be distributed to the PSAPs based on the same distribution percentage used during the fiscal year in which the funding was collected; however, the Board may retain some or all of this uncommitted funding for an identified funding need in the next fiscal year or for a reserve balance pursuant to a reserve balance policy adopted by the Board.

E. After the end of each fiscal year, on a schedule adopted by the Board, the Board shall audit the grant funding received by all recipients to ensure it was utilized in accordance with the grant requirements. For the fiscal year ending June 30, 2005, the Board shall determine whether qualifying payments to PSAP operators and CMRS providers during the preceding fiscal year exceeded or were less than the actual wireless E-911 PSAP costs or wireless E-911 CMRS costs of any PSAP operator or CMRS provider. Each funding recipient shall provide such verification of such costs as may be requested by the Board. Any overpayment shall be refunded to the Board or credited to payments during the then current fiscal year, on such schedule as the Board shall determine. If payments are less than the actual costs reported, the Board may include the additional funding in the then current fiscal year.

F. The Auditor of Public Accounts, or his legally authorized representatives, shall ~~annually~~ audit the Wireless E-911 Fund *as determined necessary by the Auditor of Public Accounts*. The cost of such audit shall be borne by the Board and be payable from the Wireless E-911 Fund, as appropriate. The Board shall furnish copies of the audits to the Governor, the Public Safety Subcommittees of the Senate Committee on Finance and the House Committee on Appropriations, and the Virginia State Crime Commission.

G. The special tax authorized by § 58.1-1730 shall not be imposed on consumers of CMRS.

**§ 59.1-394. Audit required.**

A regular post-audit shall be conducted of all accounts and transactions of the Commission. An ~~annual~~ audit of a fiscal and compliance nature of the accounts and transactions of the Commission shall be conducted by the Auditor of Public Accounts ~~on or before September 30 of each year~~ *as determined necessary by the Auditor of Public Accounts*. The cost of the ~~annual~~ audit and post-audit examinations shall be borne by the Commission.

**CHAPTER 58**

*An Act to amend and reenact § 2.2-3705.7 of the Code of Virginia, relating to the Virginia Freedom of Information Act; exclusion; certain information held by the board of visitors of The College of William and Mary in Virginia.*

[H 1426]

Approved February 28, 2018

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

**1. That § 2.2-3705.7 of the Code of Virginia is amended and reenacted as follows:**

**§ 2.2-3705.7. Exclusions to application of chapter; records of specific public bodies and certain other limited exclusions.**

The following information contained in a public record is excluded from the mandatory disclosure provisions of this chapter but may be disclosed by the custodian in his discretion, except where such disclosure is prohibited by law. Redaction of information excluded under this section from a public record shall be conducted in accordance with § 2.2-3704.01.

1. State income, business, and estate tax returns, personal property tax returns, and confidential records held pursuant to § 58.1-3.

2. Working papers and correspondence of the Office of the Governor, the Lieutenant Governor, or the Attorney General; the members of the General Assembly, the Division of Legislative Services, or the Clerks of the House of Delegates or the Senate of Virginia; the mayor or chief executive officer of any political subdivision of the Commonwealth; or the president or other chief executive officer of any public institution of higher education in the Commonwealth. However, no information that is otherwise open to inspection under this chapter shall be deemed excluded by virtue of the fact that it has been attached to or incorporated within any working paper or correspondence. Further, information publicly available or not otherwise subject to an exclusion under this chapter or other provision of law that has been aggregated, combined, or changed in format without substantive analysis or revision shall not be deemed working papers. Nothing in this subdivision shall be construed to authorize the withholding of any resumes or applications submitted by persons who are appointed by the Governor pursuant to § 2.2-106 or 2.2-107.

As used in this subdivision:

"Members of the General Assembly" means each member of the Senate of Virginia and the House of Delegates and their legislative aides when working on behalf of such member.

"Office of the Governor" means the Governor; the Governor's chief of staff, counsel, director of policy, and Cabinet Secretaries; the Assistant to the Governor for Intergovernmental Affairs; and those individuals to whom the Governor has delegated his authority pursuant to § 2.2-104.

"Working papers" means those records prepared by or for a public official identified in this subdivision for his personal or deliberative use.

3. Information contained in library records that can be used to identify (i) both (a) any library patron who has borrowed material from a library and (b) the material such patron borrowed or (ii) any library patron under 18 years of age. For the purposes of clause (ii), access shall not be denied to the parent, including a noncustodial parent, or guardian of such library patron.

4. Contract cost estimates prepared for the confidential use of the Department of Transportation in awarding contracts for construction or the purchase of goods or services, and records and automated systems prepared for the Department's Bid Analysis and Monitoring Program.

5. Lists of registered owners of bonds issued by a political subdivision of the Commonwealth, whether the lists are maintained by the political subdivision itself or by a single fiduciary designated by the political subdivision.

6. Information furnished by a member of the General Assembly to a meeting of a standing committee, special committee, or subcommittee of his house established solely for the purpose of reviewing members' annual disclosure statements and supporting materials filed under § 30-110 or of formulating advisory opinions to members on standards of conduct, or both.

7. Customer account information of a public utility affiliated with a political subdivision of the Commonwealth, including the customer's name and service address, but excluding the amount of utility service provided and the amount of money charged or paid for such utility service.

8. Personal information, as defined in § 2.2-3801, (i) filed with the Virginia Housing Development Authority concerning individuals who have applied for or received loans or other housing assistance or who have applied for occupancy of or have occupied housing financed, owned or otherwise assisted by the Virginia Housing Development Authority; (ii) concerning persons participating in or persons on the waiting list for federally funded rent-assistance programs; (iii) filed with any local redevelopment and housing authority created pursuant to § 36-4 concerning persons participating in or persons on the waiting list for housing assistance programs funded by local governments or by any such authority; or (iv) filed with any local redevelopment and housing authority created pursuant to § 36-4 or any other local government agency concerning persons who have applied for occupancy or who have occupied affordable dwelling units established pursuant to § 15.2-2304 or 15.2-2305. However, access to one's own information shall not be denied.

9. Information regarding the siting of hazardous waste facilities, except as provided in § 10.1-1441, if disclosure of such information would have a detrimental effect upon the negotiating position of a governing body or on the establishment of the terms, conditions, and provisions of the siting agreement.

10. Information on the site-specific location of rare, threatened, endangered, or otherwise imperiled plant and animal species, natural communities, caves, and significant historic and archaeological sites if, in the opinion of the public body that has the responsibility for such information, disclosure of the information would jeopardize the continued existence or the integrity of the resource. This exclusion shall not apply to requests from the owner of the land upon which the resource is located.

11. Memoranda, graphics, video or audio tapes, production models, data, and information of a proprietary nature produced by or for or collected by or for the Virginia Lottery relating to matters of a specific lottery game design, development, production, operation, ticket price, prize structure, manner of selecting the winning ticket, manner of payment of prizes to holders of winning tickets, frequency of drawings or selections of winning tickets, odds of winning, advertising, or marketing, where such information not been publicly released, published, copyrighted, or patented. Whether released, published, or copyrighted, all game-related information shall be subject to public disclosure under this chapter upon the first day of sales for the specific lottery game to which it pertains.

12. Information held by the Virginia Retirement System, acting pursuant to § 51.1-124.30, or a local retirement system, acting pursuant to § 51.1-803, or by a local finance board or board of trustees of a trust established by one or more local public bodies to invest funds for post-retirement benefits other than pensions, acting pursuant to Article 8 (§ 15.2-1544 et seq.) of Chapter 15 of Title 15.2, or by the board of visitors of the University of Virginia, acting pursuant to § 23.1-2210, or by the board of visitors of *The College of William and Mary in Virginia*, acting pursuant to § 23.1-2803, or by the Virginia College Savings Plan, acting pursuant to § 23.1-704, relating to the acquisition, holding, or disposition of a security or other ownership interest in an entity, where such security or ownership interest is not traded on a governmentally regulated securities exchange, if disclosure of such information would (i) reveal confidential analyses prepared for the board of visitors of the University of Virginia, *prepared for the board of visitors of The College of William and Mary in Virginia*, prepared by the retirement system, a local finance board or board of trustees, or the Virginia College Savings Plan, or provided to the retirement system, a local finance board or board of trustees, or the Virginia College Savings Plan under a promise of confidentiality of the future value of such ownership interest or the future financial performance of the entity and (ii) have an adverse effect on the value of the investment to be acquired, held, or disposed of by the retirement system, a local finance board or board of trustees, the board of visitors of the University of Virginia, *the board of visitors of The College of William and Mary in Virginia*, or the Virginia College Savings Plan. Nothing in this subdivision shall be

construed to prevent the disclosure of information relating to the identity of any investment held, the amount invested, or the present value of such investment.

13. Financial, medical, rehabilitative, and other personal information concerning applicants for or recipients of loan funds submitted to or maintained by the Assistive Technology Loan Fund Authority under Chapter 11 (§ 51.5-53 et seq.) of Title 51.5.

14. Information held by the Virginia Commonwealth University Health System Authority pertaining to any of the following: an individual's qualifications for or continued membership on its medical or teaching staffs; proprietary information gathered by or in the possession of the Authority from third parties pursuant to a promise of confidentiality; contract cost estimates prepared for confidential use in awarding contracts for construction or the purchase of goods or services; information of a proprietary nature produced or collected by or for the Authority or members of its medical or teaching staffs; financial statements not publicly available that may be filed with the Authority from third parties; the identity, accounts, or account status of any customer of the Authority; consulting or other reports paid for by the Authority to assist the Authority in connection with its strategic planning and goals; the determination of marketing and operational strategies where disclosure of such strategies would be harmful to the competitive position of the Authority; and information of a proprietary nature produced or collected by or for employees of the Authority, other than the Authority's financial or administrative records, in the conduct of or as a result of study or research on medical, scientific, technical, or scholarly issues, whether sponsored by the Authority alone or in conjunction with a governmental body or a private concern, when such information has not been publicly released, published, copyrighted, or patented. This exclusion shall also apply when such information is in the possession of Virginia Commonwealth University.

15. Information held by the Department of Environmental Quality, the State Water Control Board, the State Air Pollution Control Board, or the Virginia Waste Management Board relating to (i) active federal environmental enforcement actions that are considered confidential under federal law and (ii) enforcement strategies, including proposed sanctions for enforcement actions. Upon request, such information shall be disclosed after a proposed sanction resulting from the investigation has been proposed to the director of the agency. This subdivision shall not be construed to prevent the disclosure of information related to inspection reports, notices of violation, and documents detailing the nature of any environmental contamination that may have occurred or similar documents.

16. Information related to the operation of toll facilities that identifies an individual, vehicle, or travel itinerary, including vehicle identification data or vehicle enforcement system information; video or photographic images; Social Security or other identification numbers appearing on driver's licenses; credit card or bank account data; home addresses; phone numbers; or records of the date or time of toll facility use.

17. Information held by the Virginia Lottery pertaining to (i) the social security number, tax identification number, state sales tax number, home address and telephone number, personal and lottery banking account and transit numbers of a retailer, and financial information regarding the nonlottery operations of specific retail locations and (ii) individual lottery winners, except that a winner's name, hometown, and amount won shall be disclosed.

18. Information held by the Board for Branch Pilots relating to the chemical or drug testing of a person regulated by the Board, where such person has tested negative or has not been the subject of a disciplinary action by the Board for a positive test result.

19. Information pertaining to the planning, scheduling, and performance of examinations of holder records pursuant to the Uniform Disposition of Unclaimed Property Act (§ 55-210.1 et seq.) prepared by or for the State Treasurer or his agents or employees or persons employed to perform an audit or examination of holder records.

20. Information held by the Virginia Department of Emergency Management or a local governing body relating to citizen emergency response teams established pursuant to an ordinance of a local governing body that reveal the name, address, including e-mail address, telephone or pager numbers, or operating schedule of an individual participant in the program.

21. Information held by state or local park and recreation departments and local and regional park authorities concerning identifiable individuals under the age of 18 years. However, nothing in this subdivision shall operate to prevent the disclosure of information defined as directory information under regulations implementing the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g, unless the public body has undertaken the parental notification and opt-out requirements provided by such regulations. Access shall not be denied to the parent, including a noncustodial parent, or guardian of such person, unless the parent's parental rights have been terminated or a court of competent jurisdiction has restricted or denied such access. For such information of persons who are emancipated, the right of access may be asserted by the subject thereof. Any parent or emancipated person who is the subject of the information may waive, in writing, the protections afforded by this subdivision. If the protections are so waived, the public body shall open such information for inspection and copying.

22. Information submitted for inclusion in the Statewide Alert Network administered by the Department of Emergency Management that reveal names, physical addresses, email addresses, computer or internet protocol information, telephone numbers, pager numbers, other wireless or portable communications device information, or operating schedules of individuals or agencies, where the release of such information would compromise the security of the Statewide Alert Network or individuals participating in the Statewide Alert Network.

23. Information held by the Judicial Inquiry and Review Commission made confidential by § 17.1-913.

24. Information held by the Virginia Retirement System acting pursuant to § 51.1-124.30, a local retirement system acting pursuant to § 51.1-803 (hereinafter collectively referred to as the retirement system), or the Virginia College Savings Plan, acting pursuant to § 23.1-704 relating to:

a. Internal deliberations of or decisions by the retirement system or the Virginia College Savings Plan on the pursuit of particular investment strategies, or the selection or termination of investment managers, prior to the execution of such investment strategies or the selection or termination of such managers, if disclosure of such information would have an adverse impact on the financial interest of the retirement system or the Virginia College Savings Plan; and

b. Trade secrets, as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.), provided by a private entity to the retirement system or the Virginia College Savings Plan if disclosure of such records would have an adverse impact on the financial interest of the retirement system or the Virginia College Savings Plan.

For the records specified in subdivision b to be excluded from the provisions of this chapter, the entity shall make a written request to the retirement system or the Virginia College Savings Plan:

(1) Invoking such exclusion prior to or upon submission of the data or other materials for which protection from disclosure is sought;

(2) Identifying with specificity the data or other materials for which protection is sought; and

(3) Stating the reasons why protection is necessary.

The retirement system or the Virginia College Savings Plan shall determine whether the requested exclusion from disclosure meets the requirements set forth in subdivision b.

Nothing in this subdivision shall be construed to prevent the disclosure of the identity or amount of any investment held or the present value and performance of all asset classes and subclasses.

25. Information held by the Department of Corrections made confidential by § 53.1-233.

26. Information maintained by the Department of the Treasury or participants in the Local Government Investment Pool (§ 2.2-4600 et seq.) and required to be provided by such participants to the Department to establish accounts in accordance with § 2.2-4602.

27. Personal information, as defined in § 2.2-3801, contained in the Veterans Care Center Resident Trust Funds concerning residents or patients of the Department of Veterans Services Care Centers, except that access shall not be denied to the person who is the subject of the information.

28. Information maintained in connection with fundraising activities by the Veterans Services Foundation pursuant to § 2.2-2716 that reveal the address, electronic mail address, facsimile or telephone number, social security number or other identification number appearing on a driver's license, or credit card or bank account data of identifiable donors, except that access shall not be denied to the person who is the subject of the information. Nothing in this subdivision, however, shall be construed to prevent the disclosure of information relating to the amount, date, purpose, and terms of the pledge or donation or the identity of the donor, unless the donor has requested anonymity in connection with or as a condition of making a pledge or donation. The exclusion provided by this subdivision shall not apply to protect from disclosure (i) the identities of sponsors providing grants to or contracting with the foundation for the performance of services or other work or (ii) the terms and conditions of such grants or contracts.

29. Information prepared for and utilized by the Commonwealth's Attorneys' Services Council in the training of state prosecutors or law-enforcement personnel, where such information is not otherwise available to the public and the disclosure of such information would reveal confidential strategies, methods, or procedures to be employed in law-enforcement activities or materials created for the investigation and prosecution of a criminal case.

30. Information provided to the Department of Aviation by other entities of the Commonwealth in connection with the operation of aircraft where the information would not be subject to disclosure by the entity providing the information. The entity providing the information to the Department of Aviation shall identify the specific information to be protected and the applicable provision of this chapter that excludes the information from mandatory disclosure.

31. Information created or maintained by or on the behalf of the judicial performance evaluation program related to an evaluation of any individual justice or judge made confidential by § 17.1-100.

32. Information reflecting the substance of meetings in which (i) individual sexual assault cases are discussed by any sexual assault team established pursuant to § 15.2-1627.4 or (ii) individual child abuse or neglect cases or sex offenses involving a child are discussed by multidisciplinary child abuse teams established pursuant to § 15.2-1627.5. The findings of any such team may be disclosed or published in statistical or other aggregated form that does not disclose the identity of specific individuals.

33. Information contained in the strategic plan, marketing plan, or operational plan prepared by the Virginia Economic Development Partnership Authority pursuant to § 2.2-2237.1 regarding target companies, specific allocation of resources and staff for marketing activities, and specific marketing activities that would reveal to the Commonwealth's competitors for economic development projects the strategies intended to be deployed by the Commonwealth, thereby adversely affecting the financial interest of the Commonwealth. The executive summaries of the strategic plan, marketing plan, and operational plan shall not be redacted or withheld pursuant to this subdivision.

## CHAPTER 59

*An Act to amend and reenact § 8.01-271.1 of the Code of Virginia, relating to pro se minors; signing of pleading, motion, or other paper by next friend.*

[H 1212]

Approved February 28, 2018

**Be it enacted by the General Assembly of Virginia:****1. That § 8.01-271.1 of the Code of Virginia is amended and reenacted as follows:****§ 8.01-271.1. Signing of pleadings, motions, and other papers; oral motions; sanctions.**

Except as otherwise provided in §§ 16.1-260 and 63.2-1901, every pleading, written motion, and other paper of a party represented by an attorney shall be signed by at least one attorney of record in his individual name, and the attorney's address shall be stated on the first pleading filed by that attorney in the action. A party who is not represented by an attorney, including a person confined in a state or local correctional facility proceeding pro se, shall sign his pleading, motion, or other paper and state his address. *A minor who is not represented by an attorney shall sign his pleading, motion, or other paper by his next friend. Either or both parents of such minor may sign on behalf of such minor as his next friend. However, a parent may not sign on behalf of a minor if such signature is otherwise prohibited by subdivision 6 of § 64.2-716.*

The signature of an attorney or party constitutes a certificate by him that (i) he has read the pleading, motion, or other paper, (ii) to the best of his knowledge, information and belief, formed after reasonable inquiry, it is well grounded in fact and is warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law, and (iii) it is not interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation. If a pleading, written motion, or other paper is not signed, it shall be stricken unless it is signed promptly after the omission is called to the attention of the pleader or movant.

An oral motion made by an attorney or party in any court of the Commonwealth constitutes a representation by him that (i) to the best of his knowledge, information and belief formed after reasonable inquiry it is well grounded in fact and is warranted by existing law or a good faith argument for the extension, modification or reversal of existing law, and (ii) it is not interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation.

If a pleading, motion, or other paper is signed or made in violation of this rule, the court, upon motion or upon its own initiative, shall impose upon the person who signed the paper or made the motion, a represented party, or both, an appropriate sanction, which may include an order to pay to the other party or parties the amount of the reasonable expenses incurred because of the filing of the pleading, motion, or other paper or making of the motion, including a reasonable attorney's fee.

## CHAPTER 60

*An Act to amend and reenact §§ 54.1-2105.01, 54.1-2105.03, 54.1-2105.1, 54.1-2137, 55-519, 55-520, and 55-525 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 54.1-2108.2, relating to the Real Estate Board; powers and duties; escrow funds; education.*

[H 864]

Approved February 28, 2018

**Be it enacted by the General Assembly of Virginia:****1. That §§ 54.1-2105.01, 54.1-2105.03, 54.1-2105.1, 54.1-2137, 55-519, 55-520, and 55-525 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 54.1-2108.2 as follows:****§ 54.1-2105.01. Educational requirements for all salespersons within one year of licensure.**

A. The Board shall establish guidelines for ~~an~~ a post-licensure educational curriculum of at least 30 hours of classroom, or correspondence or other distance learning, instruction, in specified areas, which shall be required of all salespersons within ~~one the initial year of issuance of a license by the Board~~ licensure. Failure of a new licensee to complete the 30-hour post-licensure curriculum within one year of ~~obtaining a real estate salesperson's license from the last day of the month in which his license was issued~~ shall result in the license being placed on inactive status by the Board until the curriculum has been completed.

B. To establish the guidelines required by this section, the Board shall establish an industry advisory group composed of representatives of the practices of (i) residential real estate, (ii) commercial real estate, and (iii) property management. The industry advisory group shall consist of licensed real estate salespersons and real estate brokers who shall be appointed by and shall meet at the direction of the Board, ~~at least annually~~, to update the guidelines. The Board shall review and may approve educational curricula developed by an approved school or other provider of real estate education authorized by this chapter. The industry advisory group shall serve at no cost to the Board.

C. The curricula for new licensees shall include topics that new licensees need to know in their practices, including contract writing, handling customer deposits, listing property, leasing property, agency, current industry issues and trends,

flood hazard areas and the National Flood Insurance Program, property owners' and condominium association law, landlord-tenant law, Board regulations, *real estate-related finance*, and such other topics as designated by the Board. The ~~continuing~~ *post-licensure* education requirements of this section for new licensees shall be in lieu of the continuing education requirements otherwise specified in this chapter and Board regulations.

**§ 54.1-2105.03. Continuing education; relicensure of brokers and salespersons.**

A. Board regulations shall include educational requirements as a condition for relicensure of brokers and salespersons to whom active licenses have been issued by the Board beyond those now specified by law as conditions for licensure.

1. Brokers to whom active licenses have been issued by the Board shall be required to satisfactorily complete courses of not less than 24 hours of classroom or correspondence or other distance learning instruction during each licensing term. Of the total 24 hours, the curriculum shall consist of:

a. A minimum of eight required hours to include at least three hours of ethics and standards of conduct, two hours of fair housing, and the remaining three hours of legal updates and emerging trends, flood hazard areas and the National Flood Insurance Program, real estate agency, and real estate contracts;

b. A minimum of eight hours of courses relating to supervision and management of real estate agents and the management of real estate brokerage firms as are approved by the Board, *two hours of which shall include an overview of the broker supervision requirements under this chapter and the Board regulations*; and

c. Eight hours of general elective courses as are approved by the Board.

The Board may, on a year-by-year basis, adjust the required hours and course topics specified in this subdivision for the next succeeding year, applicable to a licensee in the next renewal period for his license, including the addition of topics deemed by the Board to be essential. Such designation or adjustment by the Board shall be made prior to September 1 of any given calendar year. The action of the Board in making such adjustment shall be subject to § 2.2-4012.1.

The fair housing requirements shall include an update on current cases and administrative decisions under fair housing laws. If the licensee submits a notarized affidavit to the Board that certifies that he does not practice residential real estate and shall not do so during the licensing term, training in fair housing shall not be required; instead, such licensee shall receive training in other applicable federal and state discrimination laws and regulations.

2. Salespersons to whom active licenses have been issued by the Board shall be required to satisfactorily complete courses of not less than 16 hours of classroom or correspondence or other distance learning instruction during each licensing term. Of the total 16 hours, the curriculum shall consist of:

a. A minimum of eight required hours to include at least three hours of ethics and standards of conduct, two hours of fair housing, and the remaining three hours of legal updates and emerging trends, real estate agency, real estate contracts, and flood hazard areas and the National Flood Insurance Program; and

b. Eight hours of general elective courses as are approved by the Board.

The Board may, on a year-by-year basis, readjust the required hours and course topics specified in this subdivision for the next succeeding year, applicable to a licensee in the next renewal period for his license, including the addition of topics deemed by the Board to be essential. Such designation or adjustment by the Board shall be made prior to September 1 of any given calendar year. The action of the Board in making such adjustment shall be subject to § 2.2-4012.1.

3. The Board shall approve a continuing education curriculum of not less than three hours, and as of July 1, 2012, every applicant for relicensure as an active broker or salesperson shall complete at a minimum one three-hour continuing education course on the changes to residential standard agency effective as of July 1, 2011, to Article 3 (§ 54.1-2130 et seq.) prior to renewal or reinstatement of his license. If the licensee submits a notarized affidavit to the Board that certifies that he does not practice residential real estate and shall not do so during the licensing term, training in residential representation shall not be required. A licensee who takes one three-hour continuing education class on residential representation shall satisfy the requirements for continuing education and may, but shall not be required to, take any further continuing education on residential standard agency.

The fair housing requirements shall include an update on current cases and administrative decisions under fair housing laws. If the licensee submits a notarized affidavit to the Board that certifies that he does not practice residential real estate and shall not do so during the licensing term, training in fair housing shall not be required; instead, such licensee shall receive training in other applicable federal and state discrimination laws and regulations.

4. For correspondence and other distance learning instruction offered by an approved provider, the Board shall establish the appropriate testing procedures to verify completion of the course and require the licensee to file a notarized affidavit certifying compliance with the course requirements. The Board may establish procedures to ensure the quality of the courses. The Board shall not require testing for continuing education courses completed through classroom instruction.

B. Every applicant for relicensure as an active salesperson or broker shall complete the continuing education requirements prior to each renewal or reinstatement of his license. The continuing education requirement shall also apply to inactive licensees who make application for an active license. Notwithstanding this requirement, military personnel called to active duty in the armed forces of the United States may complete the required continuing education within six months of their release from active duty.

C. The Board shall establish procedures for the carryover of continuing education credits completed by licensees from the licensee's current license period to the licensee's next renewal period.

D. The Board may grant exemptions or waive or reduce the number of continuing education hours required in cases of certified illness or undue hardship as demonstrated to the Board.

**§ 54.1-2105.1. Other powers and duties of the Real Estate Board.**

In addition to the provisions of §§ 54.1-2105.01 through 54.1-2105.04, the Board shall:

1. Develop a residential property disclosure statement form for use in accordance with the provisions of Chapter 27 (§ 55-517 et seq.) of Title 55 *and maintain such statement on its website*. The Board shall also ~~include develop and maintain~~ on its website ~~the notice required by subsection B of § 55-519~~ *a one-page form to be signed by the parties acknowledging that the purchaser has been advised to review the residential property disclosure statement on the Board's website; and*

2. Inform licensed brokers, in a manner deemed appropriate by the Board, of the broker's ability to designate an agent pursuant to § 54.1-2109 in the event of the broker's death or disability.

**§ 54.1-2108.2. Protection of escrow funds, etc., held by a real estate broker in the event of termination of a real estate purchase contract.**

*Notwithstanding any other provision of law, for purchase transactions:*

1. *Upon the ratification of a contract, an earnest money deposit received by the principal broker or supervising broker or his associates shall be placed in an escrow account by the end of the fifth business banking day following ratification, unless otherwise agreed to in writing by the principals to the transaction, and shall remain in that account until the transaction has been consummated or terminated.*

2. *In the event that the transaction is not consummated, the principal broker or supervising broker shall hold such funds in escrow until (i) all principals to the transaction have agreed in a written agreement as to their disposition, upon which the funds shall be returned to the agreed-upon principal as provided in such written agreement; (ii) a court of competent jurisdiction orders such disbursement of the funds; (iii) the funds are successfully interpleaded into a court of competent jurisdiction pursuant to this section; or (iv) the broker releases the funds to the principal to the transaction who is entitled to receive them in accordance with the clear and explicit terms of the contract that established the earnest money deposit.*

*At the option of a broker, written notice may be sent by the broker that release of such funds shall be made unless a written protest is received from the principal who is not receiving the funds by such broker within 15 calendar days of the date of such notice. Notice of a disbursement shall be given to the parties to the transaction in accordance with the contract, but if the contract does not specify a method of delivery, one of the following methods complies with this section: (a) hand delivery; (b) United States mail, postage prepaid, provided that the sender retains sufficient proof of mailing, which may be either a United States postal certificate of mailing or a certificate of service prepared by the sender confirming such mailing; (c) electronic means, provided that the sender retains sufficient proof of the electronic delivery, which may be an electronic receipt of delivery, a confirmation that the notice was sent by facsimile, or a certificate of service prepared by the sender confirming the electronic delivery; or (d) overnight delivery using a commercial service or the United States Postal Service. Except as provided in the clear and explicit terms of the contract, no broker shall be required to make a determination as to the party entitled to receive the earnest money deposit. A broker who complies with this section shall be immune from liability to any of the parties to the contract.*

3. *A principal broker or supervising broker holding escrow funds for a principal to the transaction may seek to have a court of competent jurisdiction take custody of disputed or unclaimed escrow funds via an interpleader action pursuant to § 16.1-77.*

4. *If a principal broker or supervising broker is holding escrow funds for the owner of real property and such property is foreclosed upon by a lender, the principal broker or supervising broker shall have the right to file an interpleader action pursuant to § 16.1-77 and otherwise comply with the provisions of § 54.1-2108.1.*

**§ 54.1-2137. Commencement and termination of brokerage relationships.**

A. The brokerage relationships set forth in this article shall commence at the time that a client engages a licensee and shall continue until (i) completion of performance in accordance with the brokerage agreement or (ii) the earlier of (a) any date of expiration agreed upon by the parties as part of the brokerage agreement or in any amendments thereto, (b) any mutually agreed upon termination of the brokerage agreement, (c) a default by any party under the terms of the brokerage agreement, or (d) a termination as set forth in ~~subsection F~~ *subsection G* of § 54.1-2139.

B. Brokerage agreements shall be in writing and shall:

1. Have a definite termination date; however, if a brokerage agreement does not specify a definite termination date, the brokerage agreement shall terminate 90 days after the date of the brokerage agreement;

2. State the amount of the brokerage fees and how and when such fees are to be paid;

3. State the services to be rendered by the licensee;

4. Include such other terms of the brokerage relationship as have been agreed to by the client and the licensee; and

5. In the case of brokerage agreements entered into in conjunction with the client's consent to a dual representation, the disclosures set out in subsection A of § 54.1-2139.

C. Except as otherwise agreed to in writing, a licensee owes no further duties to a client after termination, expiration, or completion of performance of the brokerage agreement, except to (i) account for all moneys and property relating to the brokerage relationship and (ii) keep confidential all personal and financial information received from the client during the course of the brokerage relationship and any other information that the client requests during the brokerage relationship be maintained confidential, unless otherwise provided by law or the client consents in writing to the release of such information.

**§ 55-519. Required disclosures for buyer to beware; buyer to exercise necessary due diligence.**

A. The owner of the residential real property shall furnish to a purchaser a residential property disclosure statement for the buyer to beware of certain matters that may affect the buyer's decision to purchase such real property. Such statement shall be ~~on a form~~ provided by the Real Estate Board on its website.

B. The residential property disclosure statement provided by the Real Estate Board on its website shall include the following:

1. The owner makes no representations or warranties as to the condition of the real property or any improvements thereon, or with regard to any covenants and restrictions as may be recorded among the land records affecting the real property or any improvements thereon, and purchasers are advised to exercise whatever due diligence a particular purchaser deems necessary, including obtaining a home inspection, as defined in § 54.1-500, in accordance with terms and conditions as may be contained in the real estate purchase contract, but in any event, prior to settlement pursuant to such contract;

2. The owner makes no representations with respect to any matters that may pertain to parcels adjacent to the subject parcel, including zoning classification or permitted uses of adjacent parcels, and that purchasers are advised to exercise whatever due diligence a particular purchaser deems necessary with respect to adjacent parcels in accordance with terms and conditions as may be contained in the real estate purchase contract, but in any event, prior to settlement pursuant to such contract;

3. The owner makes no representations to any matters that pertain to whether the provisions of any historic district ordinance affect the property and purchasers are advised to exercise whatever due diligence a particular purchaser deems necessary with respect to any historic district designated by the locality pursuant to § 15.2-2306, including review of (i) any local ordinance creating such district, (ii) any official map adopted by the locality depicting historic districts, and (iii) any materials available from the locality that explain (a) any requirements to alter, reconstruct, renovate, restore, or demolish buildings or signs in the local historic district and (b) the necessity of any local review board or governing body approvals prior to doing any work on a property located in a local historic district, in accordance with terms and conditions as may be contained in the real estate purchase contract, but in any event, prior to settlement pursuant to such contract;

4. The owner makes no representations with respect to whether the property contains any resource protection areas established in an ordinance implementing the Chesapeake Bay Preservation Act (§ 62.1-44.15:67 et seq.) adopted by the locality where the property is located pursuant to § 62.1-44.15:74 and that purchasers are advised to exercise whatever due diligence a particular purchaser deems necessary to determine whether the provisions of any such ordinance affect the property, including review of any official map adopted by the locality depicting resource protection areas, in accordance with terms and conditions as may be contained in the real estate purchase contract, but in any event, prior to settlement pursuant to such contract;

5. The owner makes no representations with respect to information on any sexual offenders registered under Chapter 23 (§ 19.2-387 et seq.) of Title 19.2 and that purchasers are advised to exercise whatever due diligence they deem necessary with respect to such information, in accordance with terms and conditions as may be contained in the real estate purchase contract, but in any event, prior to settlement pursuant to such contract;

6. The owner makes no representations with respect to whether the property is within a dam break inundation zone. Such disclosure statement shall advise purchasers to exercise whatever due diligence they deem necessary with respect to whether the property resides within a dam break inundation zone, including a review of any map adopted by the locality depicting dam break inundation zones;

7. The owner makes no representations with respect to the presence of any stormwater detention facilities located on the property, or any maintenance agreement for such facilities, and purchasers are advised to exercise whatever due diligence they deem necessary to determine the presence of any stormwater detention facilities on the property, or any maintenance agreement for such facilities, in accordance with terms and conditions as may be contained in the real estate purchase contract, but in any event, prior to settlement pursuant to such contract;

8. The owner makes no representations with respect to the presence of any wastewater system, including the type or size thereof or associated maintenance responsibilities related thereto, located on the property and purchasers are advised to exercise whatever due diligence they deem necessary to determine the presence of any wastewater system on the property and the costs associated with maintaining, repairing, or inspecting any wastewater system, including any costs or requirements related to the pump-out of septic tanks, in accordance with terms and conditions as may be contained in the real estate purchase contract, but in any event, prior to settlement pursuant to such contract;

9. The owner makes no representations with respect to any right to install or use solar energy collection devices on the property;

10. The owner makes no representations with respect to whether the property is located in one or more special flood hazard areas and purchasers are advised to exercise whatever due diligence they deem necessary, including (i) obtaining a flood certification or mortgage lender determination of whether the property is located in one or more special flood hazard areas, (ii) review of any map depicting special flood hazard areas, and (iii) whether flood insurance is required, in accordance with terms and conditions as may be contained in the real estate purchase contract, but in any event, prior to settlement pursuant to such contract;

11. The owner makes no representations with respect to whether the property is subject to one or more conservation or other easements and that purchasers are advised to exercise whatever due diligence a particular purchaser deems necessary

in accordance with terms and conditions as may be contained in the real estate purchase contract, but in any event, prior to settlement pursuant to such contract; and

12. The owner makes no representations with respect to whether the property is subject to a community development authority approved by a local governing body pursuant to Article 6 (§ 15.2-5152 et seq.) of Chapter 51 of Title 15.2 and that purchasers are advised to exercise whatever due diligence a particular purchaser deems necessary in accordance with terms and conditions as may be contained in the real estate purchase contract, including determining whether a copy of the resolution or ordinance has been recorded in the land records of the circuit court for the locality in which the community development authority district is located for each tax parcel included in the district pursuant to § 15.2-5157, but in any event, prior to settlement pursuant to such contract.

C. The residential property disclosure statement shall be delivered in accordance with § 55-520.

**§ 55-520. Time for disclosure; termination of contract.**

A. The owner of residential real property subject to this chapter shall provide notification to the purchaser of any disclosures required by this chapter prior to the ratification of a real estate purchase contract or otherwise be subject to the provisions of subsection B. The disclosures required by this chapter shall be ~~on forms~~ provided by the Real Estate Board on its website.

B. If the disclosures required by this chapter are delivered to the purchaser after ratification of the real estate purchase contract, the purchaser's sole remedy shall be to terminate the real estate purchase contract at or prior to the earliest of (i) three days after delivery of the disclosure statement in person or by electronic delivery; (ii) five days after the postmark if the disclosure statement is deposited in the United States mail, postage prepaid, and properly addressed to the purchaser; (iii) settlement upon purchase of the property; (iv) occupancy of the property by the purchaser; (v) the purchaser making written application to a lender for a mortgage loan where such application contains a disclosure that the right of termination shall end upon the application for the mortgage loan; or (vi) the execution by the purchaser after receiving the disclosure statement required by this chapter of a written waiver of the purchaser's right of termination under this chapter contained in a writing separate from the real estate purchase contract. In order to terminate a real estate purchase contract when permitted by this chapter, the purchaser must, within the times required by this chapter, give written notice to the owner by one of the following methods:

1. Hand delivery;
2. United States mail, postage prepaid, provided that the sender retains sufficient proof of mailing, which may be a certificate of service prepared by the sender confirming such mailing;
3. Electronic delivery; or
4. Overnight delivery using a commercial service or the United States Postal Service.

If the purchaser terminates a real estate purchase contract in compliance with this chapter, the termination shall be without penalty to the purchaser, and any deposit shall be promptly returned to the purchaser.

C. Notwithstanding the provisions of subsection B of § 55-524, no purchaser of residential real property located in a noise zone designated on the official zoning map of the locality as having a day-night average sound level of less than 65 decibels shall have the right to terminate a real estate purchase contract pursuant to this section for failure of the property owner to timely provide any disclosure required by this chapter.

**§ 55-525. Real Estate Board to develop form; when effective.**

An owner shall be required to make disclosures required by this chapter for real property subject to a real estate purchase contract ~~which that~~ is fully executed by all parties ~~thereto on and after January 1, 2008. On or before January 1, 2008, the~~ The Real Estate Board shall develop the form for signature by the parties advising the purchaser to review the residential property disclosure statement on the Board's website in accordance with § 54.1-2105.1. The Board may at any time amend the residential property disclosure statement and the form for signature by the parties as the Board deems necessary and appropriate.

**2. That the provisions of this act amending §§ 54.1-2105.01 and 54.1-2105.03 of the Code of Virginia shall become effective on January 1, 2019.**

**CHAPTER 61**

*An Act to amend and reenact § 19.2-354 of the Code of Virginia, relating to court fines and costs; community service.*

[H 202]

Approved March 2, 2018

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

**1. That § 19.2-354 of the Code of Virginia is amended and reenacted as follows:**

**§ 19.2-354. Authority of court to order payment of fine, costs, forfeitures, penalties or restitution in installments or upon other terms and conditions; community work in lieu of payment.**

A. Whenever (i) a defendant, convicted of a traffic infraction or a violation of any criminal law of the Commonwealth or of any political subdivision thereof, or found not innocent in the case of a juvenile, is sentenced to pay a fine, restitution, forfeiture or penalty and (ii) the defendant is unable to make payment of the fine, restitution, forfeiture, or penalty and costs within 30 days of sentencing, the court shall order the defendant to pay such fine, restitution, forfeiture or penalty and any

costs which the defendant may be required to pay in deferred payments or installments. The court assessing the fine, restitution, forfeiture, or penalty and costs may authorize the clerk to establish and approve individual deferred or installment payment agreements. If the defendant owes court-ordered restitution and enters into a deferred or installment payment agreement, any money collected pursuant to such agreement shall be used first to satisfy such restitution order and any collection costs associated with restitution prior to being used to satisfy any other fine, forfeiture, penalty, or cost owed. Any payment agreement authorized under this section shall be consistent with the provisions of § 19.2-354.1, including any required minimum payments or other required conditions. The requirements set forth in § 19.2-354.1 shall be posted in the clerk's office and on the court's website, if a website is available. As a condition of every such agreement, a defendant who enters into an installment or deferred payment agreement shall promptly inform the court of any change of mailing address during the term of the agreement. If the defendant is unable to make payment within 90 days of sentencing, the court may assess a one-time fee not to exceed \$10 to cover the costs of management of the defendant's account until such account is paid in full. This one-time fee shall not apply to cases in which costs are assessed pursuant to § 17.1-275.1, 17.1-275.2, 17.1-275.3, 17.1-275.4, 17.1-275.7, 17.1-275.8, or 17.1-275.9. Installment or deferred payment agreements shall include terms for payment if the defendant participates in a program as provided in subsection B or C. The court, if such sum or sums are not paid in full by the date ordered, shall proceed in accordance with § 19.2-358.

B. When a person sentenced to the Department of Corrections or a local correctional facility owes any fines, costs, forfeitures, restitution or penalties, he shall be required as a condition of participating in any work release, home/electronic incarceration or nonconsecutive days program as set forth in § 53.1-60, 53.1-131, 53.1-131.1, or 53.1-131.2 to either make full payment or make payments in accordance with his installment or deferred payment agreement while participating in such program. If, after the person has an installment or deferred payment agreement, the person fails to pay as ordered, his participation in the program may be terminated until all fines, costs, forfeitures, restitution and penalties are satisfied. The Director of the Department of Corrections and any sheriff or other administrative head of any local correctional facility shall withhold such ordered payments from any amounts due to such person. Distribution of the money collected shall be made in the following order of priority to:

1. Meet the obligation of any judicial or administrative order to provide support and such funds shall be disbursed according to the terms of such order;
2. Pay any restitution as ordered by the court;
3. Pay any fines or costs as ordered by the court;
4. Pay travel and other such expenses made necessary by his work release employment or participation in an education or rehabilitative program, including the sums specified in § 53.1-150; and
5. Defray the offender's keep.

The balance shall be credited to the offender's account or sent to his family in an amount the offender so chooses.

The Board of Corrections shall promulgate regulations governing the receipt of wages paid to persons participating in such programs, the withholding of payments and the disbursement of appropriate funds.

C. The court shall establish a program and may provide an option to any person upon whom a fine and costs have been imposed to discharge all or part of the fine or costs by earning credits for the performance of community service work before or after imprisonment. The program shall specify the rate at which credits are earned and provide for the manner of applying earned credits against the fine or costs. *The court assessing the fine or costs against a person shall inform such person of the availability of earning credit toward discharge of the fine or costs through the performance of community service work under this program and provide such person with written notice of terms and conditions of this program.* The court shall have such other authority as is reasonably necessary for or incidental to carrying out this program.

D. When the court has authorized deferred payment or installment payments, the clerk shall give notice to the defendant that upon his failure to pay as ordered he may be fined or imprisoned pursuant to § 19.2-358 and his privilege to operate a motor vehicle will be suspended pursuant to § 46.2-395.

E. The failure of the defendant to enter into a deferred payment or installment payment agreement with the court or the failure of the defendant to make payments as ordered by the agreement shall allow the Tax Commissioner to act in accordance with § 19.2-349 to collect all fines, costs, forfeitures and penalties.

## CHAPTER 62

*An Act to amend and reenact § 54.1-3408 of the Code of Virginia, relating to possession and administration of naloxone.*

[H 322]

Approved March 2, 2018

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

**1. That § 54.1-3408 of the Code of Virginia is amended and reenacted as follows:**

**§ 54.1-3408. Professional use by practitioners.**

A. A practitioner of medicine, osteopathy, podiatry, dentistry, or veterinary medicine or a licensed nurse practitioner pursuant to § 54.1-2957.01, a licensed physician assistant pursuant to § 54.1-2952.1, or a TPA-certified optometrist pursuant to Article 5 (§ 54.1-3222 et seq.) of Chapter 32 shall only prescribe, dispense, or administer controlled substances in good faith for medicinal or therapeutic purposes within the course of his professional practice.

B. The prescribing practitioner's order may be on a written prescription or pursuant to an oral prescription as authorized by this chapter. The prescriber may administer drugs and devices, or he may cause drugs or devices to be administered by:

1. A nurse, physician assistant, or intern under his direction and supervision;
2. Persons trained to administer drugs and devices to patients in state-owned or state-operated hospitals or facilities licensed as hospitals by the Board of Health or psychiatric hospitals licensed by the Department of Behavioral Health and Developmental Services who administer drugs under the control and supervision of the prescriber or a pharmacist;
3. Emergency medical services personnel certified and authorized to administer drugs and devices pursuant to regulations of the Board of Health who act within the scope of such certification and pursuant to an oral or written order or standing protocol; or
4. A licensed respiratory therapist as defined in § 54.1-2954 who administers by inhalation controlled substances used in inhalation or respiratory therapy.

C. Pursuant to an oral or written order or standing protocol, the prescriber, who is authorized by state or federal law to possess and administer radiopharmaceuticals in the scope of his practice, may authorize a nuclear medicine technologist to administer, under his supervision, radiopharmaceuticals used in the diagnosis or treatment of disease.

D. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize registered nurses and licensed practical nurses to possess (i) epinephrine and oxygen for administration in treatment of emergency medical conditions and (ii) heparin and sterile normal saline to use for the maintenance of intravenous access lines.

Pursuant to the regulations of the Board of Health, certain emergency medical services technicians may possess and administer epinephrine in emergency cases of anaphylactic shock.

Pursuant to an order or standing protocol issued by the prescriber within the course of his professional practice, any school nurse, school board employee, employee of a local governing body, or employee of a local health department who is authorized by a prescriber and trained in the administration of epinephrine may possess and administer epinephrine.

Pursuant to an order or a standing protocol issued by the prescriber within the course of his professional practice, any employee of a school for students with disabilities, as defined in § 22.1-319 and licensed by the Board of Education, or any employee of a private school that is accredited pursuant to § 22.1-19 as administered by the Virginia Council for Private Education who is authorized by a prescriber and trained in the administration of epinephrine may possess and administer epinephrine.

Pursuant to an order or a standing protocol issued by the prescriber within the course of his professional practice, any employee of a public institution of higher education or a private institution of higher education who is authorized by a prescriber and trained in the administration of epinephrine may possess and administer epinephrine.

Pursuant to an order issued by the prescriber within the course of his professional practice, an employee of a provider licensed by the Department of Behavioral Health and Developmental Services or a person providing services pursuant to a contract with a provider licensed by the Department of Behavioral Health and Developmental Services may possess and administer epinephrine, provided such person is authorized and trained in the administration of epinephrine.

Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize pharmacists to possess epinephrine and oxygen for administration in treatment of emergency medical conditions.

E. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize licensed physical therapists to possess and administer topical corticosteroids, topical lidocaine, and any other Schedule VI topical drug.

F. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize licensed athletic trainers to possess and administer topical corticosteroids, topical lidocaine, or other Schedule VI topical drugs; oxygen for use in emergency situations; and epinephrine for use in emergency cases of anaphylactic shock.

G. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, and in accordance with policies and guidelines established by the Department of Health pursuant to § 32.1-50.2, such prescriber may authorize registered nurses or licensed practical nurses under the supervision of a registered nurse to possess and administer tuberculin purified protein derivative (PPD) in the absence of a prescriber. The Department of Health's policies and guidelines shall be consistent with applicable guidelines developed by the Centers for Disease Control and Prevention for preventing transmission of mycobacterium tuberculosis and shall be updated to incorporate any subsequently implemented standards of the Occupational Safety and Health Administration and the Department of Labor and Industry to the extent that they are inconsistent with the Department of Health's policies and guidelines. Such standing protocols shall explicitly describe the categories of persons to whom the tuberculin test is to be administered and shall provide for appropriate medical evaluation of those in whom the test is positive. The prescriber shall ensure that the nurse implementing such standing protocols has received adequate training in the practice and principles underlying tuberculin screening.

The Health Commissioner or his designee may authorize registered nurses, acting as agents of the Department of Health, to possess and administer, at the nurse's discretion, tuberculin purified protein derivative (PPD) to those persons in whom tuberculin skin testing is indicated based on protocols and policies established by the Department of Health.

H. Pursuant to a written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize, with the consent of the parents as defined in § 22.1-1, an employee of (i) a school board, (ii) a school for students with disabilities as defined in § 22.1-319 licensed by the Board of Education, or (iii) a private school accredited pursuant to § 22.1-19 as administered by the Virginia Council for Private Education who is trained in the administration of insulin and glucagon to assist with the administration of insulin or administer glucagon to a student diagnosed as having diabetes and who requires insulin injections during the school day or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia. Such authorization shall only be effective when a licensed nurse, nurse practitioner, physician, or physician assistant is not present to perform the administration of the medication.

Pursuant to a written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize an employee of a public institution of higher education or a private institution of higher education who is trained in the administration of insulin and glucagon to assist with the administration of insulin or administration of glucagon to a student diagnosed as having diabetes and who requires insulin injections or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia. Such authorization shall only be effective when a licensed nurse, nurse practitioner, physician, or physician assistant is not present to perform the administration of the medication.

Pursuant to a written order issued by the prescriber within the course of his professional practice, such prescriber may authorize an employee of a provider licensed by the Department of Behavioral Health and Developmental Services or a person providing services pursuant to a contract with a provider licensed by the Department of Behavioral Health and Developmental Services to assist with the administration of insulin or to administer glucagon to a person diagnosed as having diabetes and who requires insulin injections or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia, provided such employee or person providing services has been trained in the administration of insulin and glucagon.

I. A prescriber may authorize, pursuant to a protocol approved by the Board of Nursing, the administration of vaccines to adults for immunization, when a practitioner with prescriptive authority is not physically present, by (i) licensed pharmacists, (ii) registered nurses, or (iii) licensed practical nurses under the supervision of a registered nurse. A prescriber acting on behalf of and in accordance with established protocols of the Department of Health may authorize the administration of vaccines to any person by a pharmacist, nurse, or designated emergency medical services provider who holds an advanced life support certificate issued by the Commissioner of Health under the direction of an operational medical director when the prescriber is not physically present. The emergency medical services provider shall provide documentation of the vaccines to be recorded in the Virginia Immunization Information System.

J. A dentist may cause Schedule VI topical drugs to be administered under his direction and supervision by either a dental hygienist or by an authorized agent of the dentist.

Further, pursuant to a written order and in accordance with a standing protocol issued by the dentist in the course of his professional practice, a dentist may authorize a dental hygienist under his general supervision, as defined in § 54.1-2722, to possess and administer topical oral fluorides, topical oral anesthetics, topical and directly applied antimicrobial agents for treatment of periodontal pocket lesions, as well as any other Schedule VI topical drug approved by the Board of Dentistry.

In addition, a dentist may authorize a dental hygienist under his direction to administer Schedule VI nitrous oxide and oxygen inhalation analgesia and, to persons 18 years of age or older, Schedule VI local anesthesia.

K. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize registered professional nurses certified as sexual assault nurse examiners-A (SANE-A) under his supervision and when he is not physically present to possess and administer preventive medications for victims of sexual assault as recommended by the Centers for Disease Control and Prevention.

L. This section shall not prevent the administration of drugs by a person who has satisfactorily completed a training program for this purpose approved by the Board of Nursing and who administers such drugs in accordance with a prescriber's instructions pertaining to dosage, frequency, and manner of administration, and in accordance with regulations promulgated by the Board of Pharmacy relating to security and record keeping, when the drugs administered would be normally self-administered by (i) an individual receiving services in a program licensed by the Department of Behavioral Health and Developmental Services; (ii) a resident of the Virginia Rehabilitation Center for the Blind and Vision Impaired; (iii) a resident of a facility approved by the Board or Department of Juvenile Justice for the placement of children in need of services or delinquent or alleged delinquent youth; (iv) a program participant of an adult day-care center licensed by the Department of Social Services; (v) a resident of any facility authorized or operated by a state or local government whose primary purpose is not to provide health care services; (vi) a resident of a private children's residential facility, as defined in § 63.2-100 and licensed by the Department of Social Services, Department of Education, or Department of Behavioral Health and Developmental Services; or (vii) a student in a school for students with disabilities, as defined in § 22.1-319 and licensed by the Board of Education.

In addition, this section shall not prevent a person who has successfully completed a training program for the administration of drugs via percutaneous gastrostomy tube approved by the Board of Nursing and been evaluated by a registered nurse as having demonstrated competency in administration of drugs via percutaneous gastrostomy tube from administering drugs to a person receiving services from a program licensed by the Department of Behavioral Health and Developmental Services to such person via percutaneous gastrostomy tube. The continued competency of a person to administer drugs via percutaneous gastrostomy tube shall be evaluated semiannually by a registered nurse.

M. Medication aides registered by the Board of Nursing pursuant to Article 7 (§ 54.1-3041 et seq.) of Chapter 30 may administer drugs that would otherwise be self-administered to residents of any assisted living facility licensed by the Department of Social Services. A registered medication aide shall administer drugs pursuant to this section in accordance with the prescriber's instructions pertaining to dosage, frequency, and manner of administration; in accordance with regulations promulgated by the Board of Pharmacy relating to security and recordkeeping; in accordance with the assisted living facility's Medication Management Plan; and in accordance with such other regulations governing their practice promulgated by the Board of Nursing.

N. In addition, this section shall not prevent the administration of drugs by a person who administers such drugs in accordance with a physician's instructions pertaining to dosage, frequency, and manner of administration and with written authorization of a parent, and in accordance with school board regulations relating to training, security and record keeping, when the drugs administered would be normally self-administered by a student of a Virginia public school. Training for such persons shall be accomplished through a program approved by the local school boards, in consultation with the local departments of health.

O. In addition, this section shall not prevent the administration of drugs by a person to (i) a child in a child day program as defined in § 63.2-100 and regulated by the State Board of Social Services or a local government pursuant to § 15.2-914, or (ii) a student of a private school that is accredited pursuant to § 22.1-19 as administered by the Virginia Council for Private Education, provided such person (a) has satisfactorily completed a training program for this purpose approved by the Board of Nursing and taught by a registered nurse, licensed practical nurse, nurse practitioner, physician assistant, doctor of medicine or osteopathic medicine, or pharmacist; (b) has obtained written authorization from a parent or guardian; (c) administers drugs only to the child identified on the prescription label in accordance with the prescriber's instructions pertaining to dosage, frequency, and manner of administration; and (d) administers only those drugs that were dispensed from a pharmacy and maintained in the original, labeled container that would normally be self-administered by the child or student, or administered by a parent or guardian to the child or student.

P. In addition, this section shall not prevent the administration or dispensing of drugs and devices by persons if they are authorized by the State Health Commissioner in accordance with protocols established by the State Health Commissioner pursuant to § 32.1-42.1 when (i) the Governor has declared a disaster or a state of emergency or the United States Secretary of Health and Human Services has issued a declaration of an actual or potential bioterrorism incident or other actual or potential public health emergency; (ii) it is necessary to permit the provision of needed drugs or devices; and (iii) such persons have received the training necessary to safely administer or dispense the needed drugs or devices. Such persons shall administer or dispense all drugs or devices under the direction, control, and supervision of the State Health Commissioner.

Q. Nothing in this title shall prohibit the administration of normally self-administered drugs by unlicensed individuals to a person in his private residence.

R. This section shall not interfere with any prescriber issuing prescriptions in compliance with his authority and scope of practice and the provisions of this section to a Board agent for use pursuant to subsection G of § 18.2-258.1. Such prescriptions issued by such prescriber shall be deemed to be valid prescriptions.

S. Nothing in this title shall prevent or interfere with dialysis care technicians or dialysis patient care technicians who are certified by an organization approved by the Board of Health Professions or persons authorized for provisional practice pursuant to Chapter 27.01 (§ 54.1-2729.1 et seq.), in the ordinary course of their duties in a Medicare-certified renal dialysis facility, from administering heparin, topical needle site anesthetics, dialysis solutions, sterile normal saline solution, and blood volumizers, for the purpose of facilitating renal dialysis treatment, when such administration of medications occurs under the orders of a licensed physician, nurse practitioner, or physician assistant and under the immediate and direct supervision of a licensed registered nurse. Nothing in this chapter shall be construed to prohibit a patient care dialysis technician trainee from performing dialysis care as part of and within the scope of the clinical skills instruction segment of a supervised dialysis technician training program, provided such trainee is identified as a "trainee" while working in a renal dialysis facility.

The dialysis care technician or dialysis patient care technician administering the medications shall have demonstrated competency as evidenced by holding current valid certification from an organization approved by the Board of Health Professions pursuant to Chapter 27.01 (§ 54.1-2729.1 et seq.).

T. Persons who are otherwise authorized to administer controlled substances in hospitals shall be authorized to administer influenza or pneumococcal vaccines pursuant to § 32.1-126.4.

U. Pursuant to a specific order for a patient and under his direct and immediate supervision, a prescriber may authorize the administration of controlled substances by personnel who have been properly trained to assist a doctor of medicine or osteopathic medicine, provided the method does not include intravenous, intrathecal, or epidural administration and the prescriber remains responsible for such administration.

V. A physician assistant, nurse or a dental hygienist may possess and administer topical fluoride varnish to the teeth of children aged six months to three years pursuant to an oral or written order or a standing protocol issued by a doctor of medicine, osteopathic medicine, or dentistry that conforms to standards adopted by the Department of Health.

W. A prescriber, acting in accordance with guidelines developed pursuant to § 32.1-46.02, may authorize the administration of influenza vaccine to minors by a licensed pharmacist, registered nurse, licensed practical nurse under the

direction and immediate supervision of a registered nurse, or emergency medical services provider who holds an advanced life support certificate issued by the Commissioner of Health when the prescriber is not physically present.

X. Notwithstanding the provisions of § 54.1-3303, pursuant to an oral, written, or standing order issued by a prescriber or a standing order issued by the Commissioner of Health or his designee authorizing the dispensing of naloxone or other opioid antagonist used for overdose reversal in the absence of an oral or written order for a specific patient issued by a prescriber, and in accordance with protocols developed by the Board of Pharmacy in consultation with the Board of Medicine and the Department of Health, a pharmacist may dispense naloxone or other opioid antagonist used for overdose reversal and a person may possess and administer naloxone or other opioid antagonist used for overdose reversal to a person who is believed to be experiencing or about to experience a life-threatening opioid overdose. Law-enforcement officers as defined in § 9.1-101, employees of the Department of Forensic Science, employees of the Office of the Chief Medical Examiner, employees of the Department of General Services Division of Consolidated Laboratory Services, *employees of the Department of Corrections designated as probation and parole officers or as correctional officers as defined in § 53.1-1*, and firefighters who have completed a training program may also possess and administer naloxone in accordance with protocols developed by the Board of Pharmacy in consultation with the Board of Medicine and the Department of Health.

Y. Notwithstanding any other law or regulation to the contrary, a person who is authorized by the Department of Behavioral Health and Developmental Services to train individuals on the administration of naloxone for use in opioid overdose reversal and who is acting on behalf of an organization that provides services to individuals at risk of experiencing an opioid overdose or training in the administration of naloxone for overdose reversal and that has obtained a controlled substances registration from the Board of Pharmacy pursuant to § 54.1-3423 may dispense naloxone to a person who has completed a training program on the administration of naloxone for opioid overdose reversal approved by the Department of Behavioral Health and Developmental Services, provided that such dispensing is (i) pursuant to a standing order issued by a prescriber, (ii) in accordance with protocols developed by the Board of Pharmacy in consultation with the Board of Medicine and the Department of Health, and (iii) without charge or compensation. The dispensing may occur at a site other than that of the controlled substance registration provided the entity possessing the controlled substances registration maintains records in accordance with regulations of the Board of Pharmacy. A person to whom naloxone has been dispensed pursuant to this subsection may possess naloxone and may administer naloxone to a person who is believed to be experiencing or about to experience a life-threatening opioid overdose.

Z. Pursuant to a written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize, with the consent of the parents as defined in § 22.1-1, an employee of (i) a school board, (ii) a school for students with disabilities as defined in § 22.1-319 licensed by the Board of Education, or (iii) a private school accredited pursuant to § 22.1-19 as administered by the Virginia Council for Private Education who is trained in the administration of injected medications for the treatment of adrenal crisis resulting from a condition causing adrenal insufficiency to administer such medication to a student diagnosed with a condition causing adrenal insufficiency when the student is believed to be experiencing or about to experience an adrenal crisis. Such authorization shall be effective only when a licensed nurse, nurse practitioner, physician, or physician assistant is not present to perform the administration of the medication.

## CHAPTER 63

*An Act to amend and reenact § 4.1-208 of the Code of Virginia, relating to alcoholic beverage control; sales by brewery on licensed premises.*

[H 422]

Approved March 2, 2018

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

**1. That § 4.1-208 of the Code of Virginia is amended and reenacted as follows:**

**§ 4.1-208. Beer licenses.**

A. The Board may grant the following licenses relating to beer:

1. Brewery licenses, which shall authorize the licensee to manufacture beer and to sell and deliver or ship the beer so manufactured, in accordance with Board regulations, in closed containers to (i) persons licensed to sell the beer at wholesale; (ii) persons licensed to sell beer at retail for the purpose of resale within a theme or amusement park owned and operated by the brewery or a parent, subsidiary or a company under common control of such brewery, or upon property of such brewery or a parent, subsidiary or a company under common control of such brewery contiguous to such premises, or in a development contiguous to such premises owned and operated by such brewery or a parent, subsidiary or a company under common control of such brewery; and (iii) persons outside the Commonwealth for resale outside the Commonwealth. Such license shall also authorize the licensee to sell at retail the brands of beer that the brewery owns at premises described in the brewery license for on-premises consumption and in closed containers for off-premises consumption, *provided that not less than 20 percent of the volume of beer sold for on-premises consumption in any calendar year is manufactured on the licensed premises.*

Such license may also authorize individuals holding a brewery license to (a) operate a facility designed for and utilized exclusively for the education of persons in the manufacture of beer, including sampling by such individuals of beer products, within a theme or amusement park located upon the premises occupied by such brewery, or upon property of such person contiguous to such premises, or in a development contiguous to such premises owned and operated by such person or a wholly owned subsidiary or (b) offer samples of the brewery's products to individuals visiting the licensed premises, provided that such samples shall be provided only to individuals for consumption on the premises of such facility or licensed premises and only to individuals to whom such products may be lawfully sold.

2. Limited brewery licenses, to breweries that manufacture no more than 15,000 barrels of beer per calendar year, provided that (i) the brewery is located on a farm in the Commonwealth on land zoned agricultural and owned or leased by such brewery or its owner and (ii) agricultural products, including barley, other grains, hops, or fruit, used by such brewery in the manufacture of its beer are grown on the farm. The licensed premises shall be limited to the portion of the farm on which agricultural products, including barley, other grains, hops, or fruit, used by such brewery in the manufacture of its beer are grown and that is contiguous to the premises of such brewery where the beer is manufactured, exclusive of any residence and the curtilage thereof. However, the Board may, with notice to the local governing body in accordance with the provisions of § 4.1-230, also approve other portions of the farm to be included as part of the licensed premises. For purposes of this subdivision, "land zoned agricultural" means (a) land zoned as an agricultural district or classification or (b) land otherwise permitted by a locality for limited brewery use. For purposes of this subdivision, "land zoned agricultural" does not include land zoned "residential conservation." Except for the limitation on land zoned "residential conservation," nothing in this definition shall otherwise limit or affect local zoning authority.

Limited brewery licensees shall be treated as breweries for all purposes of this title except as otherwise provided in this subdivision.

3. Bottlers' licenses, which shall authorize the licensee to acquire and receive deliveries and shipments of beer in closed containers and to bottle, sell and deliver or ship it, in accordance with Board regulations to (i) wholesale beer licensees for the purpose of resale, (ii) owners of boats registered under the laws of the United States sailing for ports of call of a foreign country or another state, and (iii) persons outside the Commonwealth for resale outside the Commonwealth.

4. Wholesale beer licenses, which shall authorize the licensee to acquire and receive deliveries and shipments of beer and to sell and deliver or ship the beer from one or more premises identified in the license, in accordance with Board regulations, in closed containers to (i) persons licensed under this chapter to sell such beer at wholesale or retail for the purpose of resale, (ii) owners of boats registered under the laws of the United States sailing for ports of call of a foreign country or another state, and (iii) persons outside the Commonwealth for resale outside the Commonwealth.

No wholesale beer licensee shall purchase beer for resale from a person outside the Commonwealth who does not hold a beer importer's license unless such wholesale beer licensee holds a beer importer's license and purchases beer for resale pursuant to the privileges of such beer importer's license.

5. Beer importers' licenses, which shall authorize persons licensed within or outside the Commonwealth to sell and deliver or ship beer into the Commonwealth, in accordance with Board regulations, in closed containers, to persons in the Commonwealth licensed to sell beer at wholesale for the purpose of resale.

6. Retail on-premises beer licenses to:

a. Hotels, restaurants, and clubs, which shall authorize the licensee to sell beer, either with or without meals, only in dining areas and other designated areas of such restaurants, or in dining areas, private guest rooms, and other designated areas of such hotels or clubs, for consumption only in such rooms and areas. For purposes of this subdivision, "other designated areas" includes outdoor dining areas, whether or not contiguous to the licensed premises, which may have more than one means of ingress and egress to an adjacent public thoroughfare, provided that such outdoor dining areas are under the control of the licensee and approved by the Board. Such noncontiguous designated areas shall not be approved for any retail license issued pursuant to subdivision A 5 of § 4.1-201.

b. Persons operating dining cars, buffet cars, and club cars of trains, which shall authorize the licensee to sell beer, either with or without meals, in the dining cars, buffet cars, and club cars so operated by them for on-premises consumption when carrying passengers.

c. Persons operating sight-seeing boats, or special or charter boats, which shall authorize the licensee to sell beer, either with or without meals, on such boats operated by them for on-premises consumption when carrying passengers.

d. Grocery stores located in any town or in a rural area outside the corporate limits of any city or town, which shall authorize the licensee to sell beer for on-premises consumption in such establishments. No license shall be granted unless it appears affirmatively that a substantial public demand for such licensed establishment exists and that public convenience and the purposes of this title will be promoted by granting the license.

e. Persons operating food concessions at coliseums, stadia, or similar facilities, which shall authorize the licensee to sell beer, in paper, plastic, or similar disposable containers or in single original metal cans, during the performance of professional sporting exhibitions, events or performances immediately subsequent thereto, to patrons within all seating areas, concourses, walkways, concession areas, and additional locations designated by the Board in such coliseums, stadia, or similar facilities, for on-premises consumption. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license.

f. Persons operating food concessions at any outdoor performing arts amphitheater, arena or similar facility which has seating for more than 3,500 persons and is located in Albemarle, Augusta, Pittsylvania, Nelson, or Rockingham Counties.

Such license shall authorize the licensee to sell beer during the performance of any event, in paper, plastic or similar disposable containers or in single original metal cans, to patrons within all seating areas, concourses, walkways, concession areas, or similar facilities, for on-premises consumption. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license.

g. Persons operating food concessions at exhibition or exposition halls, convention centers or similar facilities located in any county operating under the urban county executive form of government or any city which is completely surrounded by such county, which shall authorize the licensee to sell beer during the event, in paper, plastic or similar disposable containers or in single original metal cans, to patrons or attendees within all seating areas, exhibition areas, concourses, walkways, concession areas, and such additional locations designated by the Board in such facilities, for on-premises consumption. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license. For purposes of this subsection, "exhibition or exposition halls" and "convention centers" mean facilities conducting private or public trade shows or exhibitions in an indoor facility having in excess of 100,000 square feet of floor space.

7. Retail off-premises beer licenses, which shall authorize the licensee to sell beer in closed containers for off-premises consumption.

8. Retail off-premises brewery licenses to persons holding a brewery license which shall authorize the licensee to sell beer at the place of business designated in the brewery license, in closed containers which shall include growlers and other reusable containers, for off-premises consumption.

9. Retail on-and-off premises beer licenses to persons enumerated in subdivisions 6 a and 6 d, which shall accord all the privileges conferred by retail on-premises beer licenses and in addition, shall authorize the licensee to sell beer in closed containers for off-premises consumption.

B. Any farm winery or limited brewery that, prior to July 1, 2016, (i) holds a valid license granted by the Board in accordance with this title and (ii) is in compliance with the local zoning ordinance as an agricultural district or classification or as otherwise permitted by a locality for farm winery or limited brewery use shall be allowed to continue such use as provided in § 15.2-2307, notwithstanding (a) the provisions of this section or (b) a subsequent change in ownership of the farm winery or limited brewery on or after July 1, 2016, whether by transfer, acquisition, inheritance, or other means. Any such farm winery or limited brewery located on land zoned residential conservation prior to July 1, 2016 may expand any existing building or structure and the uses thereof so long as specifically approved by the locality by special exception. Any such farm winery or limited brewery located on land zoned residential conservation prior to July 1, 2016 may construct a new building or structure so long as specifically approved by the locality by special exception. All such licensees shall comply with the requirements of this title and Board regulations for renewal of such license or the issuance of a new license in the event of a change in ownership of the farm winery or limited brewery on or after July 1, 2016.

**2. That the provisions of this act shall become effective on January 1, 2019.**

**3. The provisions of this act shall become effective on April 30, 2022, for a brewery which has entered into: 1) a Performance Agreement with the Commonwealth of Virginia Development Opportunity Fund, on or about April 20, 2016; 2) a Performance Agreement entitled "Regarding Operation Period Economic Development Grant", on or about April 20, 2016, and 3) a commercial lease agreement, on or about April 14, 2017.**

## CHAPTER 64

*An Act to amend and reenact § 46.2-1023 of the Code of Virginia, relating to flashing red or red and white warning lights.*

[H 563]

Approved March 2, 2018

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

**1. That § 46.2-1023 of the Code of Virginia is amended and reenacted as follows:**

**§ 46.2-1023. Flashing red or red and white warning lights.**

Fire apparatus, forest warden vehicles, emergency medical services vehicles, vehicles of the Department of Emergency Management, vehicles of the Department of Environmental Quality, vehicles of the Virginia National Guard Civil Support Team and the Virginia National Guard Chemical, Biological, Radiological, Nuclear and High Yield Explosive (CBRNE) Enhanced Response Force Package (CERFP) when responding to an emergency, vehicles of county, city, or town Departments of Emergency Management, vehicles of the Office of Emergency Medical Services, animal warden vehicles, and vehicles used by security personnel of the Huntington Ingalls Industries, Bassett-Walker, Inc., the Winchester Medical Center, the National Aeronautics and Space Administration's Wallops Flight Facility, and, within those areas specified in their orders of appointment, by special conservators of the peace and policemen for certain places appointed pursuant to §§ 19.2-13 and 19.2-17 may be equipped with flashing, blinking, or alternating red or red and white combination warning lights of types approved by the Superintendent. Such warning lights may be of types constructed within turn signal housings or motorcycle headlight housings, subject to approval by the Superintendent.

CHAPTER 65

*An Act to amend and reenact § 22.1-32 of the Code of Virginia, relating to the school board of the City of Norfolk; salaries of appointed members.*

[H 779]

Approved March 2, 2018

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

**1. That § 22.1-32 of the Code of Virginia is amended and reenacted as follows:**

**§ 22.1-32. Salary of members.**

A. Any elected school board may pay each of its members an annual salary that is consistent with the salary procedures and no more than the salary limits provided for local governments in Article 1.1 (§ 15.2-1414.1 et seq.) of Chapter 14 of Title 15.2 or as provided by charter.

B. The appointed school board of the following counties may pay each of its members an annual salary not to exceed the limits hereinafter set forth:

- Accomack — \$3,000.00;
- Alleghany — \$1,500.00;
- Amherst — \$2,200.00;
- Brunswick — \$1,800.00;
- Cumberland — \$3,600.00;
- Essex — \$1,800.00;
- Greensville — \$1,800.00;
- Hanover — \$8,000.00;
- Isle of Wight — \$4,000.00;
- Northampton — \$3,000.00;
- Prince Edward — \$2,400.00;
- Richmond — \$5,000.00;
- Southampton — \$5,300.00.

C. The appointed school board of the following cities and towns may pay each of its members an annual salary not to exceed the limits hereinafter set forth:

- Charlottesville — \$3,000.00;
- Covington — \$1,500.00;
- Danville — \$600.00;
- Emporia — \$240.00;
- Fries — \$240.00;
- Hopewell — \$3,600.00;
- Lexington — \$600.00;
- Lynchburg — \$2,400.00;
- Manassas Park — \$3,000.00;
- Martinsville — \$2,400.00;
- Norfolk — \$3,000.00;
- Poquoson — \$3,000.00;
- Roanoke — \$4,200.00;
- Salem — \$4,800.00;
- South Boston — \$600.00.

D. Any school board may, in its discretion, pay the chairman of the school board an additional salary not exceeding \$2,000 per year upon passage of an appropriate resolution by (i) the school board whose membership is elected in whole or in part or (ii) the governing body of the appropriate county, city, or town whose school board is comprised solely of appointed members.

E. Any school board may in its discretion pay each of its members mileage for use of a private vehicle in attending meetings of the school board and in conducting other official business of the school board. Its members may be reimbursed for private transportation at a rate not to exceed that which is authorized for persons traveling on state business in accordance with § 2.2-2825. Whatever rate is paid, however, shall be the same for school board members and employees of the board.

F. No appointed school board shall request the General Assembly's consideration of an increase in its annual salary limit as established in subsections B and C unless such school board has taken an affirmative vote on the requested increase. Further, no elected school board shall be awarded a salary increase, unless, upon an affirmative vote by such school board, a specific salary increase shall be approved. Local school boards shall adopt such increases according to the following procedures:

1. A local school board representing a county may establish a salary increase prior to July 1 of any year in which members are to be elected or appointed, or, if such school board is elected or appointed for staggered terms, prior to July 1

of any year in which at least 40 percent of such members are to be elected or appointed. However, a school board serving a county having the county manager plan of government and whose membership totals five may establish a salary increase prior to July 1 in any year in which two of the five members are to be elected or appointed. Such increase shall become effective on January 1 of the following year.

2. A local school board representing a city or town may establish a salary increase prior to December 31 in any year preceding a year in which members are to be elected or appointed. Such increase shall become effective on July 1 of the year in which the election or appointment occurs if the election or appointment occurs prior to July 1 and shall become effective January 1 of the following year if the election or appointment occurs after June 30.

No salary increase may become effective during an incumbent member's term of office; however, this restriction shall not apply if the school board members are elected or appointed for staggered terms.

## CHAPTER 66

*An Act to amend the Code of Virginia by adding a section numbered 53.1-35.1, relating to electronic visitation; state correctional facilities.*

[H 797]

Approved March 2, 2018

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

**1. That the Code of Virginia is amended by adding a section numbered 53.1-35.1 as follows:**

**§ 53.1-35.1. Electronic visitation and messaging with inmates; fees.**

*The Director is authorized to prescribe reasonable rules regarding electronic visitation systems or electronic messaging systems, including Voice-over-Internet Protocol technology and web-based communication systems, for communication between prisoners and third parties and collection of a fee for the system utilized. Any state correctional facility that utilizes such systems shall establish such system allowing for the security needs of the facility. Any state correctional facility that utilizes such system shall not prohibit in-person visitation.*

*This section does not apply to telephonic communication systems or to electronic video and audio communication systems used in judicial proceedings.*

## CHAPTER 67

*An Act to amend and reenact § 45.1-270.7 of the Code of Virginia, relating to the Virginia Coal Surface Mining Reclamation Fund Advisory Board; membership; duties.*

[H 812]

Approved March 2, 2018

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

**1. That § 45.1-270.7 of the Code of Virginia is amended and reenacted as follows:**

**§ 45.1-270.7. Coal Surface Mining Reclamation Fund Advisory Committee continued as Coal Surface Mining Reclamation Fund Advisory Board.**

A. The Coal Surface Mining Reclamation Fund Advisory Committee is continued and shall hereafter be known as the Coal Surface Mining Reclamation Fund Advisory Board. The Reclamation Fund Advisory Board shall consist of ~~five~~ *seven* members appointed by the Governor subject to confirmation by the General Assembly, ~~three~~ *at least four* of whom shall represent the coal industry, one of whom shall be a representative of the Director ~~and one of whom shall be a member of the public without any coal industry interests~~, *and two of whom shall represent conservation interests and such other public and private interests as may be appropriate in accordance with Article V of the Interstate Mining Compact (§ 45.1-271).* The ~~Commissioner~~ *Director* of the Division shall be a continuing ex officio nonvoting member of the Reclamation Fund Advisory Board and shall serve as Secretary thereto.

B. The voting members of the Reclamation Fund Advisory Board shall initially be appointed for terms of one, two, three, four, and five years, such terms to be assigned by lot. Thereafter, all members shall be appointed for five-year terms. No person shall serve more than two consecutive terms.

C. The Reclamation Fund Advisory Board shall annually elect a chairman and shall formulate rules for its organization and procedure.

D. The voting members of the Reclamation Fund Advisory Board shall serve without compensation or reimbursement for expenses incurred in the performance of their duties.

E. The Reclamation Fund Advisory Board shall meet not less than twice each year for the purpose of formulating recommendations to the Director concerning oversight of the general operation of the Fund. The Reclamation Fund Advisory Board shall report biannually to the Director and to the Governor on the status of the Fund and shall recommend to the Director regulations or changes thereto for the administration or operation of the Fund. The Director, in his discretion, may adopt the recommendations of the Reclamation Fund Advisory Board through regulatory action from time to time in accordance with the provisions of Chapter 19 (§ 45.1-226 et seq.) ~~of this title~~ and otherwise in accordance with law.

*F. The Reclamation Fund Advisory Board shall serve as the advisory body required by Article V of the Interstate Mining Compact (§ 45.1-271).*

## CHAPTER 68

*An Act to amend and reenact § 9.1-910 of the Code of Virginia, relating to the Sex Offenders and Crimes Against Minors Registry; similar offenses; removal from Registry.*

[H 902]

Approved March 2, 2018

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

**1. That § 9.1-910 of the Code of Virginia is amended and reenacted as follows:**

**§ 9.1-910. Removal of name and information from Registry.**

A. Any person required to register, other than a person who has been convicted of any (i) sexually violent offense, (ii) two or more offenses for which registration is required, (iii) a violation of former § 18.2-67.2:1, or (iv) murder, may petition the circuit court in which he was convicted or the circuit court in the jurisdiction where he then resides for removal of his name and all identifying information from the Registry. A petition may not be filed earlier than 15 years, or 25 years for violations of § 18.2-64.1, subsection C of § 18.2-374.1:1, or subsection C, D, or E of § 18.2-374.3, *or of any similar offense under the laws of any foreign country or any political subdivision thereof or the United States or any political subdivision thereof*, after the date of initial registration nor earlier than 15 years, or 25 years for violations of § 18.2-64.1, subsection C of § 18.2-374.1:1, or subsection C, D, or E of § 18.2-374.3, *or of any similar offense under the laws of any foreign country or any political subdivision thereof or the United States or any political subdivision thereof*, from the date of his last conviction for (a) a violation of § 18.2-472.1 or (b) any felony. A petition may not be filed until all court ordered treatment, counseling, and restitution has been completed. The court shall obtain a copy of the petitioner's complete criminal history and registration and reregistration history from the Registry and then hold a hearing on the petition at which the applicant and any interested persons may present witnesses and other evidence. The Commonwealth shall be made a party to any action under this section. If, after such hearing, the court is satisfied that such person no longer poses a risk to public safety, the court shall grant the petition. In the event the petition is not granted, the person shall wait at least 24 months from the date of the denial to file a new petition for removal from the Registry.

B. The State Police shall remove from the Registry the name of any person and all identifying information upon receipt of an order granting a petition pursuant to subsection A.

## CHAPTER 69

*An Act to amend and reenact §§ 2.2-2001.4, 54.1-2901, and 54.1-3001 of the Code of Virginia, relating to military medical personnel program; supervision.*

[H 915]

Approved March 2, 2018

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

**1. That §§ 2.2-2001.4, 54.1-2901, and 54.1-3001 of the Code of Virginia are amended and reenacted as follows:**

**§ 2.2-2001.4. Military medical personnel; program.**

A. For the purposes of this section, "military medical personnel" means an individual who has recently served as a medic in the United States Army, medical technician in the United States Air Force, or corpsman in the United States Navy or the United States Coast Guard and who was discharged or released from such service under conditions other than dishonorable.

B. The Department, in collaboration with the Department of Health Professions, shall establish a ~~pilot~~ program in which military medical personnel may practice and perform certain delegated acts that constitute the practice of medicine ~~under the supervision of a physician or podiatrist who holds an active, unrestricted license in Virginia or nursing in accordance with subsection B of § 54.1-2901 or subsection B of § 54.1-3001~~. Such activities shall reflect the level of training and experience of the military medical personnel. The supervising physician or podiatrist shall retain responsibility for the care of the patient.

C. Any licensed physician or podiatrist, a professional corporation or partnership of any licensee, any hospital, or any commercial enterprise having medical facilities for its employees that are supervised by one or more physicians or podiatrists may participate in such ~~pilot~~ program.

D. The Department shall establish general requirements for participating military medical personnel, licensees, and employers.

**§ 54.1-2901. Exceptions and exemptions generally.**

A. The provisions of this chapter shall not prevent or prohibit:

1. Any person entitled to practice his profession under any prior law on June 24, 1944, from continuing such practice within the scope of the definition of his particular school of practice;

2. Any person licensed to practice naturopathy prior to June 30, 1980, from continuing such practice in accordance with regulations promulgated by the Board;
3. Any licensed nurse practitioner from rendering care in collaboration and consultation with a patient care team physician as part of a patient care team pursuant to § 54.1-2957 or any nurse practitioner licensed by the Boards of Nursing and Medicine in the category of certified nurse midwife practicing pursuant to subsection H of § 54.1-2957 when such services are authorized by regulations promulgated jointly by the Board of Medicine and the Board of Nursing;
4. Any registered professional nurse, licensed nurse practitioner, graduate laboratory technician or other technical personnel who have been properly trained from rendering care or services within the scope of their usual professional activities which shall include the taking of blood, the giving of intravenous infusions and intravenous injections, and the insertion of tubes when performed under the orders of a person licensed to practice medicine or osteopathy, a nurse practitioner, or a physician assistant;
5. Any dentist, pharmacist or optometrist from rendering care or services within the scope of his usual professional activities;
6. Any practitioner licensed or certified by the Board from delegating to personnel supervised by him, such activities or functions as are nondiscretionary and do not require the exercise of professional judgment for their performance and which are usually or customarily delegated to such persons by practitioners of the healing arts, if such activities or functions are authorized by and performed for such practitioners of the healing arts and responsibility for such activities or functions is assumed by such practitioners of the healing arts;
7. The rendering of medical advice or information through telecommunications from a physician licensed to practice medicine in Virginia or an adjoining state, or from a licensed nurse practitioner, to emergency medical personnel acting in an emergency situation;
8. The domestic administration of family remedies;
9. The giving or use of massages, steam baths, dry heat rooms, infrared heat or ultraviolet lamps in public or private health clubs and spas;
10. The manufacture or sale of proprietary medicines in this Commonwealth by licensed pharmacists or druggists;
11. The advertising or sale of commercial appliances or remedies;
12. The fitting by nonitinerant persons or manufacturers of artificial eyes, limbs or other apparatus or appliances or the fitting of plaster cast counterparts of deformed portions of the body by a nonitinerant bracemaker or prosthetist for the purpose of having a three-dimensional record of the deformity, when such bracemaker or prosthetist has received a prescription from a licensed physician, licensed nurse practitioner, or licensed physician assistant directing the fitting of such casts and such activities are conducted in conformity with the laws of Virginia;
13. Any person from the rendering of first aid or medical assistance in an emergency in the absence of a person licensed to practice medicine or osteopathy under the provisions of this chapter;
14. The practice of the religious tenets of any church in the ministration to the sick and suffering by mental or spiritual means without the use of any drug or material remedy, whether gratuitously or for compensation;
15. Any legally qualified out-of-state or foreign practitioner from meeting in consultation with legally licensed practitioners in this Commonwealth;
16. Any practitioner of the healing arts licensed or certified and in good standing with the applicable regulatory agency in another state or Canada when that practitioner of the healing arts is in Virginia temporarily and such practitioner has been issued a temporary authorization by the Board from practicing medicine or the duties of the profession for which he is licensed or certified (i) in a summer camp or in conjunction with patients who are participating in recreational activities, (ii) while participating in continuing educational programs prescribed by the Board, or (iii) by rendering at any site any health care services within the limits of his license, voluntarily and without compensation, to any patient of any clinic which is organized in whole or in part for the delivery of health care services without charge as provided in § 54.1-106;
17. The performance of the duties of any active duty health care provider in active service in the army, navy, coast guard, marine corps, air force, or public health service of the United States at any public or private health care facility while such individual is so commissioned or serving and in accordance with his official military duties;
18. Any masseur, who publicly represents himself as such, from performing services within the scope of his usual professional activities and in conformance with state law;
19. Any person from performing services in the lawful conduct of his particular profession or business under state law;
20. Any person from rendering emergency care pursuant to the provisions of § 8.01-225;
21. Qualified emergency medical services personnel, when acting within the scope of their certification, and licensed health care practitioners, when acting within their scope of practice, from following Durable Do Not Resuscitate Orders issued in accordance with § 54.1-2987.1 and Board of Health regulations, or licensed health care practitioners from following any other written order of a physician not to resuscitate a patient in the event of cardiac or respiratory arrest;
22. Any commissioned or contract medical officer of the army, navy, coast guard or air force rendering services voluntarily and without compensation while deemed to be licensed pursuant to § 54.1-106;
23. Any provider of a chemical dependency treatment program who is certified as an "acupuncture detoxification specialist" by the National Acupuncture Detoxification Association or an equivalent certifying body, from administering auricular acupuncture treatment under the appropriate supervision of a National Acupuncture Detoxification Association certified licensed physician or licensed acupuncturist;

24. Any employee of any assisted living facility who is certified in cardiopulmonary resuscitation (CPR) acting in compliance with the patient's individualized service plan and with the written order of the attending physician not to resuscitate a patient in the event of cardiac or respiratory arrest;

25. Any person working as a health assistant under the direction of a licensed medical or osteopathic doctor within the Department of Corrections, the Department of Juvenile Justice or local correctional facilities;

26. Any employee of a school board, authorized by a prescriber and trained in the administration of insulin and glucagon, when, upon the authorization of a prescriber and the written request of the parents as defined in § 22.1-1, assisting with the administration of insulin or administering glucagon to a student diagnosed as having diabetes and who requires insulin injections during the school day or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia;

27. Any practitioner of the healing arts or other profession regulated by the Board from rendering free health care to an underserved population of Virginia who (i) does not regularly practice his profession in Virginia, (ii) holds a current valid license or certificate to practice his profession in another state, territory, district or possession of the United States, (iii) volunteers to provide free health care to an underserved area of the Commonwealth under the auspices of a publicly supported all volunteer, nonprofit organization that sponsors the provision of health care to populations of underserved people, (iv) files a copy of the license or certification issued in such other jurisdiction with the Board, (v) notifies the Board at least five business days prior to the voluntary provision of services of the dates and location of such service, and (vi) acknowledges, in writing, that such licensure exemption shall only be valid, in compliance with the Board's regulations, during the limited period that such free health care is made available through the volunteer, nonprofit organization on the dates and at the location filed with the Board. The Board may deny the right to practice in Virginia to any practitioner of the healing arts whose license or certificate has been previously suspended or revoked, who has been convicted of a felony or who is otherwise found to be in violation of applicable laws or regulations. However, the Board shall allow a practitioner of the healing arts who meets the above criteria to provide volunteer services without prior notice for a period of up to three days, provided the nonprofit organization verifies that the practitioner has a valid, unrestricted license in another state;

28. Any registered nurse, acting as an agent of the Department of Health, from obtaining specimens of sputum or other bodily fluid from persons in whom the diagnosis of active tuberculosis disease, as defined in § 32.1-49.1, is suspected and submitting orders for testing of such specimens to the Division of Consolidated Laboratories or other public health laboratories, designated by the State Health Commissioner, for the purpose of determining the presence or absence of tubercle bacilli as defined in § 32.1-49.1;

29. Any physician of medicine or osteopathy or nurse practitioner from delegating to a registered nurse under his supervision the screening and testing of children for elevated blood-lead levels when such testing is conducted (i) in accordance with a written protocol between the physician or nurse practitioner and the registered nurse and (ii) in compliance with the Board of Health's regulations promulgated pursuant to §§ 32.1-46.1 and 32.1-46.2. Any follow-up testing or treatment shall be conducted at the direction of a physician or nurse practitioner;

30. Any practitioner of one of the professions regulated by the Board of Medicine who is in good standing with the applicable regulatory agency in another state or Canada from engaging in the practice of that profession when the practitioner is in Virginia temporarily with an out-of-state athletic team or athlete for the duration of the athletic tournament, game, or event in which the team or athlete is competing;

31. Any person from performing state or federally funded health care tasks directed by the consumer, which are typically self-performed, for an individual who lives in a private residence and who, by reason of disability, is unable to perform such tasks but who is capable of directing the appropriate performance of such tasks; or

32. Any practitioner of one of the professions regulated by the Board of Medicine who is in good standing with the applicable regulatory agency in another state from engaging in the practice of that profession in Virginia with a patient who is being transported to or from a Virginia hospital for care.

B. Notwithstanding any provision of law or regulation to the contrary, military medical personnel, as defined in § 2.2-2001.4, while participating in a ~~pilot~~ program established by the Department of Veterans Services pursuant to § 2.2-2001.4, may practice under the supervision of a licensed physician or podiatrist or *the chief medical officer of an organization participating in such program, or his designee who is a licensee of the Board and supervising within his scope of practice.*

#### § 54.1-3001. Exemptions.

A. This chapter shall not apply to the following:

1. The furnishing of nursing assistance in an emergency;
2. The practice of nursing, which is prescribed as part of a study program, by nursing students enrolled in nursing education programs approved by the Board or by graduates of approved nursing education programs for a period not to exceed ninety days following successful completion of the nursing education program pending the results of the licensing examination, provided proper application and fee for licensure have been submitted to the Board and unless the graduate fails the licensing examination within the 90-day period;
3. The practice of any legally qualified nurse of another state who is employed by the United States government while in the discharge of his official duties;
4. The practice of nursing by a nurse who holds a current unrestricted license in another state, the District of Columbia, a United States possession or territory, or who holds a current unrestricted license in Canada and whose training was

obtained in a nursing school in Canada where English was the primary language, for a period of 30 days pending licensure in Virginia, if the nurse, upon employment, has furnished the employer satisfactory evidence of current licensure and submits proper application and fees to the Board for licensure before, or within 10 days after, employment. At the discretion of the Board, additional time may be allowed for nurses currently licensed in another state, the District of Columbia, a United States possession or territory, or Canada who are in the process of attaining the qualification for licensure in this Commonwealth;

5. The practice of nursing by any registered nurse who holds a current unrestricted license in another state, the District of Columbia, or a United States possession or territory, or a nurse who holds an equivalent credential in a foreign country, while enrolled in an advanced professional nursing program requiring clinical practice. This exemption extends only to clinical practice required by the curriculum;

6. The practice of nursing by any nurse who holds a current unrestricted license in another state, the District of Columbia, or a United States possession or territory and is employed to provide care to any private individual while such private individual is traveling through or temporarily staying, as defined in the Board's regulations, in the Commonwealth;

7. General care of the sick by nursing assistants, companions or domestic servants that does not constitute the practice of nursing as defined in this chapter;

8. The care of the sick when done solely in connection with the practice of religious beliefs by the adherents and which is not held out to the public to be licensed practical or professional nursing;

9. Any employee of a school board, authorized by a prescriber and trained in the administration of insulin and glucagon, when, upon the authorization of a prescriber and the written request of the parents as defined in § 22.1-1, assisting with the administration of insulin or administering glucagon to a student diagnosed as having diabetes and who requires insulin injections during the school day or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia;

10. The practice of nursing by any nurse who is a graduate of a foreign nursing school and has met the credential, language, and academic testing requirements of the Commission on Graduates of Foreign Nursing Schools for a period not to exceed ninety days from the date of approval of an application submitted to the Board when such nurse is working as a nonsupervisory staff nurse in a licensed nursing home or certified nursing facility. During such ninety-day period, such nurse shall take and pass the licensing examination to remain eligible to practice nursing in Virginia; no exemption granted under this subdivision shall be extended;

11. The practice of nursing by any nurse rendering free health care to an underserved population in Virginia who (i) does not regularly practice nursing in Virginia, (ii) holds a current valid license or certification to practice nursing in another state, territory, district or possession of the United States, (iii) volunteers to provide free health care to an underserved area of this Commonwealth under the auspices of a publicly supported all volunteer, nonprofit organization that sponsors the provision of health care to populations of underserved people, (iv) files a copy of the license or certification issued in such other jurisdiction with the Board, (v) notifies the Board at least five business days prior to the voluntary provision of services of the dates and location of such service, and (vi) acknowledges, in writing, that such licensure exemption shall only be valid, in compliance with the Board's regulations, during the limited period that such free health care is made available through the volunteer, nonprofit organization on the dates and at the location filed with the Board. The Board may deny the right to practice in Virginia to any nurse whose license or certificate has been previously suspended or revoked, who has been convicted of a felony or who is otherwise found to be in violation of applicable laws or regulations. However, the Board shall allow a nurse who meets the above criteria to provide volunteer services without prior notice for a period of up to three days, provided the nonprofit organization verifies that the practitioner has a valid, unrestricted license in another state;

12. Any person performing state or federally funded health care tasks directed by the consumer, which are typically self-performed, for an individual who lives in a private residence and who, by reason of disability, is unable to perform such tasks but who is capable of directing the appropriate performance of such tasks;

13. The practice of nursing by any nurse who holds a current unrestricted license from another state, the District of Columbia or a United States possession or territory, while such nurse is in the Commonwealth temporarily and is practicing nursing in a summer camp or in conjunction with clients who are participating in specified recreational or educational activities;

14. The practice of massage therapy that is an integral part of a program of study by a student enrolled in a massage therapy educational program under the direction of a licensed massage therapist. Any student enrolled in a massage therapy educational program shall be identified as a "Student Massage Therapist" and shall deliver massage therapy under the supervision of an appropriate clinical instructor recognized by the educational program;

15. The practice of massage therapy by a massage therapist licensed or certified in good standing in another state, the District of Columbia, or another country, while such massage therapist is volunteering at a sporting or recreational event or activity, is responding to a disaster or emergency declared by the appropriate authority, is travelling with an out-of-state athletic team or an athlete for the duration of the athletic tournament, game, or event in which the team or athlete is competing, or is engaged in educational seminars;

16. Any person providing services related to the domestic care of any family member or household member so long as that person does not offer, hold out, or claim to be a massage therapist;

17. Any health care professional licensed or certified under this title for which massage therapy is a component of his practice; or

18. Any individual who provides stroking of the hands, feet, or ears or the use of touch, words, and directed movement, including healing touch, therapeutic touch, mind-body centering, orthobionomy, traeger therapy, reflexology, polarity therapy, reiki, qigong, muscle activation techniques, or practices with the primary purpose of affecting energy systems of the human body.

*B. Notwithstanding any provision of law or regulation to the contrary, military medical personnel, as defined in § 2.2-2001.4, while participating in a program established by the Department of Veterans Services pursuant to § 2.2-2001.4, may practice under the supervision of a licensed physician or podiatrist or the chief medical officer of an organization participating in such program. The chief medical officer of an organization participating in a program established pursuant to § 2.2-2001.4 may, in consultation with the chief nursing officer of such organization, designate a registered nurse licensed by the Board or practicing with a multistate licensure privilege to supervise military personnel participating in a program established pursuant to § 2.2-2001.4 in the practice of nursing.*

**CHAPTER 70**

*An Act to amend and reenact §§ 54.1-2350, 55-79.97, and 55-509.5 of the Code of Virginia, relating to the Common Interest Community Board; information on covenants; association disclosure packets and resale certificates.*

[H 923]

Approved March 2, 2018

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

**1. That §§ 54.1-2350, 55-79.97, and 55-509.5 of the Code of Virginia are amended and reenacted as follows:**

**§ 54.1-2350. Annual report; form to accompany resale certificates and disclosure packets.**

In addition to the provisions of § 54.1-2349, the Board shall:

1. Administer the provisions of Chapter 29 (§ 55-528 et seq.) of Title 55;
2. Develop and disseminate an association annual report form for use in accordance with §§ 55-79.93:1, 55-504.1, and 55-516.1; and

3. Develop and disseminate a ~~one-page~~ form to accompany resale certificates required pursuant to § 55-79.97 and association disclosure packets required pursuant to § 55-509.5, which form shall summarize the unique characteristics of ~~property owners' associations common interest communities generally and shall make known to prospective purchasers the unusual and material circumstances affecting a lot owner in a property owners' association, including that may affect a prospective purchaser's decision to purchase a lot or unit located in a common interest community.~~ *The form shall include information on the following, which may or may not be applicable to a particular common interest community: (i) the obligation on the part of a lot owner to pay regular annual or special assessments to the association; (ii) the penalty for failure or refusal to pay such assessments; (iii) the purposes for which such assessments, if any, may be used; (iv) the importance the declaration of restrictive covenants or condominium instruments, as applicable, and other governing documents play in association living; (v) limitations on an owner's ability to rent his lot or unit; (vi) limitations on an owner's ability to park or store certain types of motor vehicles or boats within the common interest community; (vii) limitations on an owner's ability to maintain an animal as a pet within the lot or unit, or in common areas or common elements; (viii) architectural guidelines applicable to an owner's lot or unit; (ix) limitations on an owner's ability to operate a business within a dwelling unit on a lot or within a unit; (x) the period or length of declarant control; and (xi) that the purchase contract for a lot within an association is a legally binding document once it is signed by the prospective purchaser where the purchaser has not elected to cancel the purchase contract in accordance with law. The form shall also provide that (a) the purchaser remains responsible for his own examination of the materials that constitute the resale certificate or disclosure packet and of any table of contents that may be contained therein; (b) the purchaser shall carefully review the entire resale certificate or disclosure packet; and (c) the contents of the resale certificate or disclosure packet shall control to the extent that there are any inconsistencies between the form and the resale certificate or disclosure packet.*

**§ 55-79.97. Resale by purchaser; resale certificate; use of for sale sign in connection with resale; designation of authorized representative.**

A. In the event of any resale of a condominium unit by a unit owner other than the declarant, and subject to the provisions of subsection F and § 55-79.87 A, the unit owner shall disclose in the contract that (i) the unit is located within a development which is subject to the Condominium Act, (ii) the Act requires the seller to obtain from the unit owners' association a resale certificate and provide it to the purchaser, (iii) the purchaser may cancel the contract within three days after receiving the resale certificate or being notified that the resale certificate will not be available, (iv) if the purchaser has received the resale certificate, the purchaser has a right to request a resale certificate update or financial update in accordance with § 55-79.97:1, as appropriate, and (v) the right to receive the resale certificate and the right to cancel the contract are waived conclusively if not exercised before settlement.

For purposes of clause (iii), the resale certificate shall be deemed not to be available if (a) a current annual report has not been filed by the unit owners' association with either the State Corporation Commission pursuant to § 13.1-936 or the Common Interest Community Board pursuant to § 55-79.93:1, (b) the seller has made a written request to the unit owners'

association that the resale certificate be provided and no such resale certificate has been received within 14 days in accordance with subsection C, or (c) written notice has been provided by the unit owners' association that a resale certificate is not available.

B. If the contract does not contain the disclosure required by subsection A, the purchaser's sole remedy is to cancel the contract prior to settlement.

C. The information contained in the resale certificate shall be current as of a date specified on the resale certificate. A resale certificate update or a financial update may be requested as provided in § 55-79.97:1, as appropriate. The purchaser may cancel the contract (i) within three days after the date of the contract, if the purchaser receives the resale certificate or is notified that the resale certificate will not be available on or before the date that the purchaser signs the contract; (ii) within three days after receiving the resale certificate if the resale certificate or notice that the resale certificate will not be available is hand delivered, delivered by electronic means, or delivered by a commercial overnight delivery service or the United States Postal Service, and a receipt obtained; or (iii) within six days after the postmark date if the resale certificate or notice that the resale certificate will not be available is sent to the purchaser by United States mail. The purchaser may also cancel the contract at any time prior to settlement if the purchaser has not been notified that the resale certificate will not be available and the resale certificate is not delivered to the purchaser.

Notice of cancellation shall be provided to the unit owner or his agent by one of the following methods:

- a. Hand delivery;
- b. United States mail, postage prepaid, provided the sender retains sufficient proof of mailing, which may be either a United States postal certificate of mailing or a certificate of service prepared by the sender confirming such mailing;
- c. Electronic means provided the sender retains sufficient proof of the electronic delivery, which may be an electronic receipt of delivery, a confirmation that the notice was sent by facsimile, or a certificate of service prepared by the sender confirming the electronic delivery; or
- d. Overnight delivery using a commercial service or the United States Postal Service.

In the event of a dispute, the sender shall have the burden to demonstrate delivery of the notice of cancellation. Such cancellation shall be without penalty, and the unit owner shall cause any deposit to be returned promptly to the purchaser.

A resale certificate shall include the following:

1. An appropriate statement pursuant to subsection H of § 55-79.84 which need not be notarized and, if applicable, an appropriate statement pursuant to § 55-79.85;
2. A statement of any expenditure of funds approved by the unit owners' association or the executive organ which shall require an assessment in addition to the regular assessment during the current or the immediately succeeding fiscal year;
3. A statement, including the amount, of all assessments and any other fees or charges currently imposed by the unit owners' association, together with any known post-closing fee charged by the common interest community manager, if any, and associated with the purchase, disposition and maintenance of the condominium unit and the use of the common elements, and the status of the account;
4. A statement whether there is any other entity or facility to which the unit owner may be liable for fees or other charges;
5. The current reserve study report or a summary thereof, a statement of the status and amount of any reserve or replacement fund and any portion of the fund designated for any specified project by the executive organ;
6. A copy of the unit owners' association's current budget or a summary thereof prepared by the unit owners' association and a copy of the statement of its financial position (balance sheet) for the last fiscal year for which a statement is available, including a statement of the balance due of any outstanding loans of the unit owners' association;
7. A statement of the nature and status of any pending suits or unpaid judgments to which the unit owners' association is a party which either could or would have a material impact on the unit owners' association or the unit owners or which relates to the unit being purchased;
8. A statement setting forth what insurance coverage is provided for all unit owners by the unit owners' association, including the fidelity bond maintained by the unit owners' association, and what additional insurance coverage would normally be secured by each individual unit owner;
9. A statement that any improvements or alterations made to the unit, or the limited common elements assigned thereto, are or are not in violation of the condominium instruments;
10. A copy of the current bylaws, rules and regulations and architectural guidelines adopted by the unit owners' association and the amendments thereto;
11. A statement of whether the condominium or any portion thereof is located within a development subject to the Property Owners' Association Act (§ 55-508 et seq.) of Chapter 26 of this title;
12. A copy of the notice given to the unit owner by the unit owners' association of any current or pending rule or architectural violation;
13. A copy of any approved minutes of the executive organ and unit owners' association meetings for the six calendar months preceding the request for the resale certificate;
14. Certification that the unit owners' association has filed with the Common Interest Community Board the annual report required by § 55-79.93:1; which certification shall indicate the filing number assigned by the Common Interest Community Board and the expiration date of such filing;
15. A statement of any limitation on the number of persons who may occupy a unit as a dwelling;

16. A statement setting forth any restrictions, limitation or prohibition on the right of a unit owner to display the flag of the United States, including, but not limited to reasonable restrictions as to the size, time, place, and manner of placement or display of such flag;

17. A statement setting forth any restriction, limitation, or prohibition on the right of a unit owner to install or use solar energy collection devices on the unit owner's property; ~~and~~

18. A statement indicating any known project approvals currently in effect issued by secondary mortgage market agencies; *and*

19. *A copy of the fully completed form developed by the Common Interest Community Board pursuant to § 54.1-2350.*

Failure to receive a resale certificate shall not excuse any failure to comply with the provisions of the condominium instruments, articles of incorporation, or rules or regulations.

The resale certificate shall be delivered in accordance with the written request and instructions of the seller or the seller's authorized agent, including whether the resale certificate shall be delivered electronically or in hard copy, at the option of the seller or the seller's authorized agent, and shall specify the complete contact information for the parties to whom the resale certificate shall be delivered. The resale certificate shall be delivered within 14 days of receipt of such request. The resale certificate shall not, in and of itself, be deemed a security within the meaning of § 13.1-501.

D. The seller or the seller's authorized agent may request that the resale certificate be provided in hard copy or in electronic form. A unit owners' association or common interest community manager may provide the resale certificate electronically; however, the seller or the seller's authorized agent shall have the right to request that the resale certificate be provided in hard copy. The seller or the seller's authorized agent shall continue to have the right to request a hard copy of the resale certificate in person at the principal place of business of the unit owners' association. If the seller or the seller's authorized agent requests that the resale certificate be provided in electronic format, neither the unit owners' association nor its common interest community manager may require the seller or the seller's authorized agent to pay any fees to use the provider's electronic network or system. The resale certificate shall not be delivered in hard copy if the requester has requested delivery of such resale certificate electronically. If the resale certificate is provided electronically by a website link, the preparer shall not cause the website link to expire within the subsequent 90-day period. The preparer shall not charge another fee during the subsequent 12-month period, except that the preparer may charge an update fee for a financial update or for an inspection as provided in § 55-79.97:1. If the seller or the seller's authorized agent asks that the resale certificate be provided in electronic format, the seller or the seller's authorized agent may request that an electronic copy be provided to each of the following named in the request: the seller, the seller's authorized agent, the purchaser, the purchaser's authorized agent, and not more than one other person designated by the requester. If so requested, the unit owners' association or its common interest community manager may require the seller or the seller's authorized agent to pay the fee specified in § 55-79.97:1. Regardless of whether the resale certificate is delivered in paper form or electronically, the preparer of the resale certificate shall provide such resale certificate directly to the persons designated by the requester to the addresses or, if applicable, the email addresses provided by the requester.

E. Subject to the provisions of § 55-79.87, but notwithstanding any other provisions of this chapter, the provisions and requirements of this section shall apply to any such resale of a condominium unit created under the provisions of the Horizontal Property Act (§ 55-79.1 et seq.).

F. The resale certificate required by this section need not be provided in the case of:

1. A disposition of a unit by gift;
2. A disposition of a unit pursuant to court order if the court so directs;
3. A disposition of a unit by foreclosure or deed in lieu of foreclosure; or
4. A disposition of a unit by a sale at auction, when the resale certificate was made available as part of the auction package for prospective purchasers prior to the auction.

G. In any transaction in which a resale certificate is required and a trustee acts as the seller in the sale or resale of a unit, the trustee shall obtain the resale certificate from the unit owners' association and provide the resale certificate to the purchaser.

H. For purposes of this chapter:

"Delivery" means that the resale certificate is delivered to the purchaser or purchaser's authorized agent by one of the methods specified in this section.

"Purchaser's authorized agent" means any person designated by such purchaser in a ratified real estate contract for purchase and sale of residential real property or other writing designating such agent.

"Receives, received, or receiving" the resale certificate means that the purchaser or purchaser's authorized agent has received the resale certificate by one of the methods specified in this section.

"Seller's authorized agent" means a person designated by such seller in a ratified real estate contract for purchase and sale of residential real property or other writing designating such agent.

I. Unless otherwise provided in the ratified real estate contract or other writing, delivery to the purchaser's authorized agent shall require delivery to such agent and not to a person other than such agent. Delivery of the resale certificate may be made by the unit owner or the seller's authorized agent.

J. If the unit is governed by more than one association, the purchaser's right of cancellation may be exercised within the required time frames following delivery of the last resale certificate or disclosure packet.

K. Except as expressly authorized in this chapter or in the condominium instruments or as otherwise provided by law, no unit owners' association shall:

1. Require the use of any for sale sign that is (i) a unit owners' association sign or (ii) a real estate sign that does not comply with the requirements of the Virginia Real Estate Board. A unit owners' association may, however, prohibit the placement of signs in the common elements and establish reasonable rules and regulations that regulate (a) the number of real estate signs to be located on real property upon which the owner has a separate ownership interest or a right of exclusive possession, so long as at least one real estate sign is permitted; (b) the geographical location of real estate signs on real property in which the owner has a separate ownership interest or a right of exclusive possession, so long as the location of the real estate signs complies with the requirements of the Virginia Real Estate Board; (c) the manner in which real estate signs are affixed to real property; and (d) the period of time after settlement when the real estate signs on such real property shall be removed; or

2. Require any unit owner to execute a formal power of attorney if the unit owner designates a person licensed under the provisions of § 54.1-2106.1 as the unit owner's authorized representative, and the unit owners' association shall recognize such representation without a formal power of attorney, provided that the unit owners' association is given a written authorization signed by the unit owner designating such representative. Notwithstanding the foregoing, the requirements of § 55-79.77 and the condominium instruments shall be satisfied before any such representative may exercise a vote on behalf of a unit owner as a proxy.

**§ 55-509.5. Contents of association disclosure packet; delivery of packet.**

A. The association shall deliver, within 14 days after receipt of a written request and instructions by a seller or the seller's authorized agent, an association disclosure packet as directed in the written request. The information contained in the association disclosure packet shall be current as of a date specified on the association disclosure packet. If hand or electronically delivered, the written request is deemed received on the date of delivery. If sent by United States mail, the request is deemed received six days after the postmark date. An association disclosure packet shall contain the following:

1. The name of the association and, if incorporated, the state in which the association is incorporated and the name and address of its registered agent in Virginia;

2. A statement of any expenditure of funds approved by the association or the board of directors that shall require an assessment in addition to the regular assessment during the current year or the immediately succeeding fiscal year;

3. A statement, including the amount of all assessments and any other mandatory fees or charges currently imposed by the association, together with any post-closing fee charged by the common interest community manager, if any, and associated with the purchase, disposition, and maintenance of the lot and to the right of use of common areas, and the status of the account;

4. A statement of whether there is any other entity or facility to which the lot owner may be liable for fees or other charges;

5. The current reserve study report or summary thereof, a statement of the status and amount of any reserve or replacement fund, and any portion of the fund allocated by the board of directors for a specified project;

6. A copy of the association's current budget or a summary thereof prepared by the association, and a copy of its statement of income and expenses or statement of its financial position (balance sheet) for the last fiscal year for which such statement is available, including a statement of the balance due of any outstanding loans of the association;

7. A statement of the nature and status of any pending suit or unpaid judgment to which the association is a party and that either could or would have a material impact on the association or its members or that relates to the lot being purchased;

8. A statement setting forth what insurance coverage is provided for all lot owners by the association, including the fidelity bond maintained by the association, and what additional insurance would normally be secured by each individual lot owner;

9. A statement that any improvement or alteration made to the lot, or uses made of the lot or common area assigned thereto are or are not in violation of the declaration, bylaws, rules and regulations, architectural guidelines and articles of incorporation, if any, of the association;

10. A statement setting forth any restriction, limitation, or prohibition on the right of a lot owner to place a sign on the owner's lot advertising the lot for sale;

11. A statement setting forth any restriction, limitation, or prohibition on the right of a lot owner to display any flag on the owner's lot, including but not limited to reasonable restrictions as to the size, place, and manner of placement or display of such flag and the installation of any flagpole or similar structure necessary to display such flag;

12. A statement setting forth any restriction, limitation, or prohibition on the right of a lot owner to install or use solar energy collection devices on the owner's property;

13. A copy of the current declaration, the association's articles of incorporation and bylaws, and any rules and regulations or architectural guidelines adopted by the association;

14. A copy of any approved minutes of the board of directors and association meetings for the six calendar months preceding the request for the disclosure packet;

15. A copy of the notice given to the lot owner by the association of any current or pending rule or architectural violation;

16. A copy of the fully completed ~~one-page cover sheet~~ form developed by the Common Interest Community Board pursuant to § 54.1-2350;

17. Certification that the association has filed with the Common Interest Community Board the annual report required by § 55-516.1, which certification shall indicate the filing number assigned by the Common Interest Community Board, and the expiration date of such filing; and

18. A statement indicating any known project approvals currently in effect issued by secondary mortgage market agencies.

B. Failure to receive copies of an association disclosure packet shall not excuse any failure to comply with the provisions of the declaration, articles of incorporation, bylaws, or rules or regulations.

C. The disclosure packet shall be delivered in accordance with the written request and instructions of the seller or the seller's authorized agent, including whether the disclosure packet shall be delivered electronically or in hard copy and shall specify the complete contact information for the parties to whom the disclosure packet shall be delivered. The disclosure packet required by this section, shall not, in and of itself, be deemed a security within the meaning of § 13.1-501.

D. The seller or the seller's authorized agent may request that the disclosure packet be provided in hard copy or in electronic form. An association or common interest community manager may provide the disclosure packet electronically; however, the seller or the seller's authorized agent shall have the right to request that the association disclosure packet be provided in hard copy. The seller or the seller's authorized agent shall continue to have the right to request a hard copy of the disclosure packet in person at the principal place of business of the association. If the seller or the seller's authorized agent requests that the disclosure packet be provided in electronic format, neither the association nor its common interest community manager may require the seller or the seller's authorized agent to pay any fees to use the provider's electronic network or system. The disclosure packet shall not be delivered in hard copy if the requester has requested delivery of such disclosure packet electronically. If the disclosure packet is provided electronically by a website link, the preparer shall not cause the website link to expire within the subsequent 90-day period. The preparer shall not charge another fee during the subsequent 12-month period, except that the preparer may charge an update fee for a financial update or for an inspection as provided in § 55-509.6. If the seller or the seller's authorized agent asks that the disclosure packet be provided in electronic format, the seller or the seller's authorized agent may request that an electronic copy be provided to each of the following named in the request: the seller, the seller's authorized agent, the purchaser, the purchaser's authorized agent, and not more than one other person designated by the requester. If so requested, the property owners' association or its common interest community manager may require the seller or the seller's authorized agent to pay the fee specified in § 55-509.6. Regardless of whether the disclosure packet is delivered in paper form or electronically, the preparer of the disclosure packet shall provide such disclosure packet directly to the persons designated by the requester to the addresses or, if applicable, the email addresses provided by the requester.

## CHAPTER 71

*An Act to amend and reenact § 19.2-120 of the Code of Virginia, relating to admission to bail; human trafficking.*

[H 1260]

Approved March 2, 2018

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

**1. That § 19.2-120 of the Code of Virginia is amended and reenacted as follows:**

**§ 19.2-120. Admission to bail.**

Prior to conducting any hearing on the issue of bail, release or detention, the judicial officer shall, to the extent feasible, obtain the person's criminal history.

A. A person who is held in custody pending trial or hearing for an offense, civil or criminal contempt, or otherwise shall be admitted to bail by a judicial officer, unless there is probable cause to believe that:

1. He will not appear for trial or hearing or at such other time and place as may be directed, or
2. His liberty will constitute an unreasonable danger to himself or the public.

B. The judicial officer shall presume, subject to rebuttal, that no condition or combination of conditions will reasonably assure the appearance of the person or the safety of the public if the person is currently charged with:

1. An act of violence as defined in § 19.2-297.1;
2. An offense for which the maximum sentence is life imprisonment or death;
3. A violation of § 18.2-248, 18.2-248.01, 18.2-255, or 18.2-255.2 involving a Schedule I or II controlled substance if
  - (i) the maximum term of imprisonment is 10 years or more and the person was previously convicted of a like offense or
  - (ii) the person was previously convicted as a "drug kingpin" as defined in § 18.2-248;
4. A violation of § 18.2-308.1, 18.2-308.2, or 18.2-308.4 and which relates to a firearm and provides for a mandatory minimum sentence;
5. Any felony, if the person has been convicted of two or more offenses described in subdivision 1 or 2, whether under the laws of the Commonwealth or substantially similar laws of the United States;
6. Any felony committed while the person is on release pending trial for a prior felony under federal or state law or on release pending imposition or execution of sentence or appeal of sentence or conviction;
7. An offense listed in subsection B of § 18.2-67.5:2 and the person had previously been convicted of an offense listed in § 18.2-67.5:2 or a substantially similar offense under the laws of any state or the United States and the judicial officer

finds probable cause to believe that the person who is currently charged with one of these offenses committed the offense charged;

8. A violation of § 18.2-374.1 or 18.2-374.3 where the offender has reason to believe that the solicited person is under 15 years of age and the offender is at least five years older than the solicited person;

9. A violation of § 18.2-46.2, 18.2-46.3, 18.2-46.5, or 18.2-46.7;

10. A violation of § 18.2-36.1, 18.2-51.4, 18.2-266, or 46.2-341.24 and the person has, within the past five years of the instant offense, been convicted three times on different dates of a violation of any combination of these Code sections, or any ordinance of any county, city, or town or the laws of any other state or of the United States substantially similar thereto, and has been at liberty between each conviction;

11. A second or subsequent violation of § 16.1-253.2 or 18.2-60.4 or a substantially similar offense under the laws of any state or the United States;

12. A violation of subsection B of § 18.2-57.2;

13. A violation of subsection C of § 18.2-460 charging the use of threats of bodily harm or force to knowingly attempt to intimidate or impede a witness; ~~or~~

14. A violation of § 18.2-51.6 if the alleged victim is a family or household member as defined in § 16.1-228; *or*

15. *A violation of § 18.2-355, 18.2-356, 18.2-357, or 18.2-357.1.*

C. The judicial officer shall presume, subject to rebuttal, that no condition or combination of conditions will reasonably assure the appearance of the person or the safety of the public if the person is being arrested pursuant to § 19.2-81.6.

D. A judicial officer who is a magistrate, clerk, or deputy clerk of a district court or circuit court may not admit to bail, that is not set by a judge, any person who is charged with an offense giving rise to a rebuttable presumption against bail as set out in subsection B or C without the concurrence of an attorney for the Commonwealth. For a person who is charged with an offense giving rise to a rebuttable presumption against bail, any judge may set or admit such person to bail in accordance with this section after notice and an opportunity to be heard has been provided to the attorney for the Commonwealth.

E. The court shall consider the following factors and such others as it deems appropriate in determining, for the purpose of rebuttal of the presumption against bail described in subsection B, whether there are conditions of release that will reasonably assure the appearance of the person as required and the safety of the public:

1. The nature and circumstances of the offense charged;

2. The history and characteristics of the person, including his character, physical and mental condition, family ties, employment, financial resources, length of residence in the community, community ties, past conduct, history relating to drug or alcohol abuse, criminal history, membership in a criminal street gang as defined in § 18.2-46.1, and record concerning appearance at court proceedings; and

3. The nature and seriousness of the danger to any person or the community that would be posed by the person's release.

F. The judicial officer shall inform the person of his right to appeal from the order denying bail or fixing terms of bond or recognizance consistent with § 19.2-124.

G. If the judicial officer sets a secured bond and the person engages the services of a licensed bail bondsman, the magistrate executing recognizance for the accused shall provide the bondsman, upon request, with a copy of the person's Virginia criminal history record, if readily available, to be used by the bondsman only to determine appropriate reporting requirements to impose upon the accused upon his release. The bondsman shall pay a \$15 fee payable to the state treasury to be credited to the Literary Fund, upon requesting the defendant's Virginia criminal history record issued pursuant to § 19.2-389. The bondsman shall review the record on the premises and promptly return the record to the magistrate after reviewing it.

## CHAPTER 72

*An Act to amend and reenact § 46.2-1020 of the Code of Virginia, relating to lighting devices on motor vehicles; covering.*

[H 1354]

Approved March 2, 2018

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

**1. That § 46.2-1020 of the Code of Virginia is amended and reenacted as follows:**

**§ 46.2-1020. Other permissible lights.**

Any motor vehicle may be equipped with fog lights, not more than two of which can be illuminated at any time, one or two auxiliary driving lights if so equipped by the manufacturer, two daytime running lights, two side lights of not more than six candlepower, an interior light or lights of not more than 15 candlepower each, and signal lights.

The provision of this section limiting interior lights to no more than 15 candlepower shall not apply to (i) alternating, blinking, or flashing colored emergency lights mounted inside law-enforcement motor vehicles which may otherwise legally be equipped with such colored emergency lights, or (ii) flashing shielded red or red and white lights, authorized under § 46.2-1024, mounted inside vehicles owned or used by (a) members of volunteer fire companies or volunteer emergency medical services agencies, (b) professional firefighters, or (c) police chaplains. A vehicle equipped with lighting

devices as authorized in this section shall be operated by a police chaplain only if he has successfully completed a course of training in the safe operation of a motor vehicle under emergency conditions and a certificate attesting to such successful completion, signed by the course instructor, is carried at all times in the vehicle when operated by the police chaplain to whom the certificate applies.

Unless such lighting device (i) is both covered and unlit or (ii) has a clear lens, any reflector in such lighting device is clear, and such lighting device is unlit, no motor vehicle which that is equipped with any lighting device other than lights required or permitted in this article, required or approved by the Superintendent, or required by the federal Department of Transportation shall be operated on any highway in the Commonwealth. Nothing in this section shall permit any vehicle, not otherwise authorized, to be equipped with colored emergency lights, whether blinking or steady-burning.

## CHAPTER 73

*An Act to amend and reenact § 16.1-249 of the Code of Virginia, relating to places of confinement for juveniles.*

[S 52]

Approved March 2, 2018

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

**1. That § 16.1-249 of the Code of Virginia is amended and reenacted as follows:**

**§ 16.1-249. Places of confinement for juveniles.**

A. If it is ordered that a juvenile remain in detention or shelter care pursuant to § 16.1-248.1, such juvenile may be detained, pending a court hearing, in the following places:

1. An approved foster home or a home otherwise authorized by law to provide such care;
2. A facility operated by a licensed child welfare agency;
3. If a juvenile is alleged to be delinquent, in a detention home or group home approved by the Department;
4. Any other suitable place designated by the court and approved by the Department;

5. To the extent permitted by federal law, a separate juvenile detention facility located upon the site of an adult regional jail facility established by any county, city or any combination thereof constructed after 1994, approved by the Department of Juvenile Justice and certified by the Board of Juvenile Justice for the holding and detention of juveniles.

B. No juvenile shall be detained or confined in any jail or other facility for the detention of adult offenders or persons charged with crime except as provided in subsection D, E, F or G of this section.

C. The official in charge of a jail or other facility for the detention of adult offenders or persons charged with crime shall inform the court immediately when a juvenile who is or appears to be under the age of 18 years is received at the facility, and shall deliver him to the court upon request, or transfer him to a detention facility designated by the court.

D. When a case is transferred to the circuit court in accordance with the provisions of subsection A of § 16.1-269.1 and an order is entered by the circuit court in accordance with § 16.1-269.6, or in accordance with the provisions of § 16.1-270 where the juvenile has waived the jurisdiction of the district court, or when the district court has certified a charge to the grand jury pursuant to subsection B or C of § 16.1-269.1, the juvenile, if in confinement, shall be placed in a juvenile secure facility, unless the court determines that the juvenile is a threat to the security or safety of the other juveniles detained or the staff of the facility, in which case the court may transfer the juvenile to a jail or other facility for the detention of adults ~~and need no longer be entirely separate and removed from adults~~, provided that the facility is approved by the State Board of Corrections for the detention of juveniles.

E. If, in the judgment of the custodian, a juvenile has demonstrated that he is a threat to the security or safety of the other juveniles detained or the staff of the home or facility, the judge shall determine whether such juvenile should be transferred to another juvenile facility or, if the child is 14 years of age or older, a jail or other facility for the detention of adults, provided that (i) the detention is in a room or ward entirely separate and removed from adults, (ii) adequate supervision is provided, and (iii) the facility is approved by the State Board of Corrections for detention of juveniles.

F. If, in the judgment of the custodian, it has been demonstrated that the presence of a juvenile in a facility creates a threat to the security or safety of the other juveniles detained or the staff of the home or facility, the custodian may transfer the juvenile to another juvenile facility, or, if the child is 14 years of age or older, a jail or other facility for the detention of adults pursuant to the limitations of clauses (i), (ii) and (iii) of subsection E for a period not to exceed six hours prior to a court hearing and an additional six hours after the court hearing unless a longer period is ordered pursuant to subsection E.

G. If a juvenile 14 years of age or older is charged with an offense which, if committed by an adult, would be a felony or Class 1 misdemeanor, and the judge or intake officer determines that secure detention is needed for the safety of the juvenile or the community, such juvenile may be detained for a period not to exceed six hours prior to a court hearing and six hours after the court hearing in a temporary lock-up room or ward for juveniles while arrangements are completed to transfer the juvenile to a juvenile facility. Such room or ward may be located in a building which also contains a jail or other facility for the detention of adults, provided that (i) such room or ward is totally separate and removed from adults or juveniles transferred to the circuit court pursuant to Article 7 (§ 16.1-269.1 et seq.) of this chapter, (ii) constant supervision is provided, and (iii) the facility is approved by the State Board of Corrections for the detention of juveniles. The State Board of Corrections is authorized and directed to prescribe minimum standards for temporary lock-up rooms and wards based on the requirements set out in this subsection.

G1. Any juvenile who has been ordered detained in a secure detention facility pursuant to § 16.1-248.1 may be held incident to a court hearing (i) in a court holding cell for a period not to exceed six hours, provided *that* the juvenile is entirely separate and removed from detained adults, or (ii) in a nonsecure area, provided *that* constant supervision is provided.

H. If a judge, intake officer or magistrate orders the predispositional detention of persons 18 years of age or older, such detention shall be in an adult facility; however, if the predispositional detention is ordered for a violation of the terms and conditions of release from a juvenile correctional center, the judge, intake officer or magistrate may order such detention be in a juvenile facility.

I. The Departments of Corrections, Juvenile Justice and Criminal Justice Services shall assist the localities or combinations thereof in implementing this section and ensuring compliance herewith.

**CHAPTER 74**

*An Act to authorize Loudoun County to enter into agreements for the treasurer to collect and enforce real and personal property taxes on behalf of any town located in such county.*

[S 92]

Approved March 2, 2018

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

1. § 1. *Notwithstanding any other provision of law, the Loudoun County Board of Supervisors may authorize the treasurer of Loudoun County to enter into an agreement with any town located partially or wholly within Loudoun County for the county treasurer to collect and enforce delinquent or non-delinquent real or personal property taxes owed to such town. The county treasurer collecting town taxes pursuant to an agreement made under this act shall account for and pay over to the town the amounts collected, as provided by law. Any such agreement shall establish the terms for such collection and enforcement, including payment of reasonable compensation by the town for the services of the county treasurer and the order in which the county treasurer will credit partial payments between taxes owed to the county and those owed to the town.*

**CHAPTER 75**

*An Act to amend and reenact § 10.1, § 16, as amended, and § 62 of Chapter 34 of the Acts of Assembly of 1918, which provided a charter for the City of Norfolk, relating to appointment of officers, record of ordinances, and division of fire.*

[S 256]

Approved March 2, 2018

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

**1. That § 10.1, § 16, as amended, and § 62 of Chapter 34 of the Acts of Assembly of 1918 are amended and reenacted as follows:**

§ 10.1. Officers ~~elected~~ appointed by council; rules.

Effective July 1, 2006, the council shall ~~elect~~ appoint a city manager, a city clerk, a city attorney, a city auditor, and a high constable. The said council shall also appoint the members of such boards and commissions as are hereinafter provided for. All ~~elections~~ appointments by the council shall be ~~viva voce and the vote~~ recorded in the record of the council. The mayor shall serve as chair of the council. The council may determine its own rules of procedure, may punish its members for misconduct, and may compel the attendance of members in such manner and under such penalties as may be prescribed by ordinance. It shall keep a record of its proceedings. A majority of all the members of the council, including the mayor, shall constitute a quorum to do business, but a smaller number may adjourn from time to time.

No member of the council shall be eligible, during the term of office for which he was elected or appointed, to hold any office filled by the council by election or appointment, except that a member of the council may be named a member of such other boards, commissions, and bodies as may be permitted by general law.

§ 16. Record ~~and publication~~ of ordinances and resolutions.

Every ordinance or resolution upon its final passage shall be recorded; and shall be authenticated by the signatures of the presiding officer and the city clerk. ~~Every ordinance of a general or permanent nature shall be published by title once within ten days after its final passage in a newspaper or newspapers of general circulation published in the municipality; and where legally permissible, such publication shall be made but once; provided, that the foregoing requirements as to publication shall not apply to ordinances reordained in or by a general compilation or codification of ordinances printed by authority of the council.~~

A record or entry made by the city clerk or a copy of such record or entry duly certified by him shall be prima facie evidence of the terms of the ordinance ~~and its due publication.~~

All ordinances and resolutions of the council may be read in evidence in all courts and in all other proceedings in which it may be necessary to refer thereto, either from a copy thereof certified by the city clerk or from the volume of ordinances printed by authority of the council.

§ 62. Division of fire.

The fire force shall be composed of a chief and of such other officers, firemen and employees as the city manager may determine. The fire chief shall have immediate direction and control of the said force, subject, however, to the supervision of the director of public safety, and to such rules and regulations and orders as the said director may prescribe, and through the fire chief the director of public safety shall promulgate all orders, rules and regulations for the government of the whole force.

The members of the fire force other than the chief shall be appointed from the list of eligibles prepared by the civil service commission and in accordance with such rules and regulations as may be prescribed by the said commission; provided, however, that in case of riot, conflagration or emergency, the director of public safety may appoint additional firemen and officers for temporary service who need not be in the classified service.

The chief of the fire department and his assistants are authorized to exercise the powers of police officers while going to, attending or returning from any fire or alarm of fire. The fire chief and each of his assistants shall have issued to him a warrant of appointment signed by the director of public safety, in which the date of his appointment shall be stated, and such warrant shall be his commission. The director of public safety shall prescribe the uniform and badges for the members of the fire force.

~~Whenever any building in said city shall be on fire it shall be lawful for the chief of the fire department to order and direct such building or any other building which he may deem hazardous and likely to communicate fire to other buildings, or any part of such buildings, to be pulled down or destroyed; and no action shall be maintained against said chief or any person acting under his authority or against the city therefor. But any person interested in the property so destroyed may within one year thereafter apply in writing to the council to assess and pay the damages he has sustained. The council may thereupon pay to the claimant such sum as may be agreed upon between him and the council. If no agreement be effected, such claimant may give to the city attorney of said city ten days' written notice of his intention to apply to the corporation court of said city for the appointment of commissioners to ascertain and assess his said damage. Upon its appearing that such notice has been given, the corporation court of said city shall appoint five disinterested freeholders, residents of said city, any three or more of whom may act, for the purpose of ascertaining and assessing the amount of such damages. Thereupon the said commissioners shall proceed to ascertain and assess the amount of such damages in the same manner as is now or may hereafter be provided by law in the case of taking private property for public use, and the procedure upon the filing of the report of said commissioners shall conform as nearly as may be to the procedure under the statutes of Virginia relating to eminent domain.~~

CHAPTER 76

*An Act to amend and reenact § 6.2-862 of the Code of Virginia, relating to the requirement that bank directors own stock in bank.*

[S 260]

Approved March 2, 2018

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

**1. That § 6.2-862 of the Code of Virginia is amended and reenacted as follows:**

**§ 6.2-862. Directors to own stock in bank.**

A. As used in this section, "bank holding company" means (i) a bank holding company as defined in § 6.2-800 or (ii) any corporation organized under the laws of the Commonwealth and doing business in the Commonwealth that owns all of the capital stock of one bank, except those shares issued as directors' qualifying shares, and at least 66 and two-thirds percent of the assets of the holding company, computed on a consolidated basis, consists of assets held by such bank and controlled subsidiaries of such bank.

B. Every director of a bank incorporated under the laws of the Commonwealth shall be the sole owner of, and have in his personal possession or control, shares of stock in such bank having a book value of not less than \$5,000, calculated as of the last business day of the calendar year immediately preceding the election of the director. So long as a director shall successively be reelected, there shall be no requirement to increase the shares of stock owned according to this section. Such stock shall be unpledged and unencumbered at the time such director becomes a director and during the whole of his term as such. A director shall be deemed to be the sole owner of, and have in his personal possession or control:

1. Shares held through a brokerage account or similar arrangement, provided that the director retains sole beneficial ownership and sole legal control over the shares;
2. Shares held jointly or as a tenant in common, but only to the extent of the book value of the shares divided by the number of joint or tenant in common holders;
3. Shares deposited by the director in a living trust, or inter vivos trust, as to which the director is ~~the sole~~ a trustee and retains an absolute power of revocation; or
4. Shares held through a profit-sharing plan, individual retirement account, retirement plan, or similar arrangement, provided that the director retains sole beneficial ownership and sole legal control over the shares.

C. When a bank is controlled by a bank holding company, a director may comply with the requirements of subsection B for each bank of which he is a director by ownership, in similar manner, of shares of capital stock of the bank holding

company having an aggregate book value equal to the book value of shares of bank stock that he would be obligated to own under subsection B.

D. A director of a bankers' bank shall not be required to own or control any shares of stock of such bankers' bank or any shares of stock of a bank holding company that controls such bankers' bank.

E. Any director violating the provisions of this section shall, immediately, vacate his office.

F. The requirements of this section shall not apply to any person duly elected a director of a bank prior to July 1, 1995, or so long as such person shall successively be reelected a director, and as to such person the requirements of the law prior to such date shall apply.

## CHAPTER 77

*An Act to amend and reenact § 2.2-4006 of the Code of Virginia, relating to the Administrative Process Act; exemption for certain regulations of the Board of Accountancy.*

[S 279]

Approved March 2, 2018

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

**1. That § 2.2-4006 of the Code of Virginia is amended and reenacted as follows:**

**§ 2.2-4006. Exemptions from requirements of this article.**

A. The following agency actions otherwise subject to this chapter and § 2.2-4103 of the Virginia Register Act shall be exempted from the operation of this article:

1. Agency orders or regulations fixing rates or prices.
2. Regulations that establish or prescribe agency organization, internal practice or procedures, including delegations of authority.
3. Regulations that consist only of changes in style or form or corrections of technical errors. Each promulgating agency shall review all references to sections of the Code of Virginia within their regulations each time a new supplement or replacement volume to the Code of Virginia is published to ensure the accuracy of each section or section subdivision identification listed.
4. Regulations that are:
  - a. Necessary to conform to changes in Virginia statutory law or the appropriation act where no agency discretion is involved. However, such regulations shall be filed with the Registrar within 90 days of the law's effective date;
  - b. Required by order of any state or federal court of competent jurisdiction where no agency discretion is involved; or
  - c. Necessary to meet the requirements of federal law or regulations, provided such regulations do not differ materially from those required by federal law or regulation, and the Registrar has so determined in writing. Notice of the proposed adoption of these regulations and the Registrar's determination shall be published in the Virginia Register not less than 30 days prior to the effective date of the regulation.
5. Regulations of the Board of Agriculture and Consumer Services adopted pursuant to subsection B of § 3.2-3929 or clause (v) or (vi) of subsection C of § 3.2-3931 after having been considered at two or more Board meetings and one public hearing.
6. Regulations of (i) the regulatory boards served by (⊕) the Department of Labor and Industry pursuant to Title 40.1 and (⊖) the Department of Professional and Occupational Regulation or the Department of Health Professions pursuant to Title 54.1 and (ii) the Board of Accountancy that are limited to reducing fees charged to regulants and applicants.
7. The development and issuance of procedural policy relating to risk-based mine inspections by the Department of Mines, Minerals and Energy authorized pursuant to §§ 45.1-161.82 and 45.1-161.292:55.
8. General permits issued by the (a) State Air Pollution Control Board pursuant to Chapter 13 (§ 10.1-1300 et seq.) of Title 10.1 or (b) State Water Control Board pursuant to the State Water Control Law (§ 62.1-44.2 et seq.), Chapter 24 (§ 62.1-242 et seq.) of Title 62.1 and Chapter 25 (§ 62.1-254 et seq.) of Title 62.1, (c) Virginia Soil and Water Conservation Board pursuant to the Dam Safety Act (§ 10.1-604 et seq.), and (d) the development and issuance of general wetlands permits by the Marine Resources Commission pursuant to subsection B of § 28.2-1307, if the respective Board or Commission (i) provides a Notice of Intended Regulatory Action in conformance with the provisions of § 2.2-4007.01, (ii) following the passage of 30 days from the publication of the Notice of Intended Regulatory Action forms a technical advisory committee composed of relevant stakeholders, including potentially affected citizens groups, to assist in the development of the general permit, (iii) provides notice and receives oral and written comment as provided in § 2.2-4007.03, and (iv) conducts at least one public hearing on the proposed general permit.
9. The development and issuance by the Board of Education of guidelines on constitutional rights and restrictions relating to the recitation of the pledge of allegiance to the American flag in public schools pursuant to § 22.1-202.
10. Regulations of the Board of the Virginia College Savings Plan adopted pursuant to § 23.1-704.
11. Regulations of the Marine Resources Commission.
12. Regulations adopted by the Board of Housing and Community Development pursuant to (i) Statewide Fire Prevention Code (§ 27-94 et seq.), (ii) the Industrialized Building Safety Law (§ 36-70 et seq.), (iii) the Uniform Statewide Building Code (§ 36-97 et seq.), and (iv) § 36-98.3, provided the Board (a) provides a Notice of Intended Regulatory Action

in conformance with the provisions of § 2.2-4007.01, (b) publishes the proposed regulation and provides an opportunity for oral and written comments as provided in § 2.2-4007.03, and (c) conducts at least one public hearing as provided in §§ 2.2-4009 and 36-100 prior to the publishing of the proposed regulations. Notwithstanding the provisions of this subdivision, any regulations promulgated by the Board shall remain subject to the provisions of § 2.2-4007.06 concerning public petitions, and §§ 2.2-4013 and 2.2-4014 concerning review by the Governor and General Assembly.

13. Amendments to regulations of the Board to schedule a substance pursuant to subsection D or E of § 54.1-3443.

14. Waste load allocations adopted, amended, or repealed by the State Water Control Board pursuant to the State Water Control Law (§ 62.1-44.2 et seq.), including but not limited to Article 4.01 (§ 62.1-44.19:4 et seq.) of the State Water Control Law, if the Board (i) provides public notice in the Virginia Register; (ii) if requested by the public during the initial public notice 30-day comment period, forms an advisory group composed of relevant stakeholders; (iii) receives and provides summary response to written comments; and (iv) conducts at least one public meeting. Notwithstanding the provisions of this subdivision, any such waste load allocations adopted, amended, or repealed by the Board shall be subject to the provisions of §§ 2.2-4013 and 2.2-4014 concerning review by the Governor and General Assembly.

15. Regulations of the Workers' Compensation Commission adopted pursuant to § 65.2-605, including regulations that adopt, amend, adjust, or repeal Virginia fee schedules for medical services, provided the Workers' Compensation Commission (i) utilizes a regulatory advisory panel constituted as provided in subdivision F 2 of § 65.2-605 to assist in the development of such regulations and (ii) provides an opportunity for public comment on the regulations prior to adoption.

B. Whenever regulations are adopted under this section, the agency shall state as part thereof that it will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision. The effective date of regulations adopted under this section shall be in accordance with the provisions of § 2.2-4015, except in the case of emergency regulations, which shall become effective as provided in subsection B of § 2.2-4012.

C. A regulation for which an exemption is claimed under this section or § 2.2-4002 or 2.2-4011 and that is placed before a board or commission for consideration shall be provided at least two days in advance of the board or commission meeting to members of the public that request a copy of that regulation. A copy of that regulation shall be made available to the public attending such meeting.

## CHAPTER 78

*An Act to amend and reenact §§ 55-225.01 and 55-248.3:1 of the Code of Virginia, relating to landlord and tenant law; transient lodging as primary residence for fewer than 90 consecutive days; self-help eviction.*

[S 286]

Approved March 2, 2018

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

**1. That §§ 55-225.01 and 55-248.3:1 of the Code of Virginia are amended and reenacted as follows:**

**§ 55-225.01. Sections applicable only to certain residential tenancies.**

A. Residential tenancies. The Virginia Residential Landlord and Tenant Act (§ 55-248.2 et seq.) shall apply to occupancy in any single-family residential dwelling unit and any multifamily dwelling unit located in Virginia unless exempted pursuant to the provisions of this section.

B. Exempt residential dwelling units.

1. Where the landlord is a natural person, an estate, or a legal entity that owns no more than two single-family residential dwelling units in its own name subject to a rental agreement, such landlord may opt out of the Virginia Residential Landlord and Tenant Act (§ 55-248.2 et seq.) by so stating in a rental agreement with a tenant. Such residential dwelling units shall be exempt from the Virginia Residential Landlord and Tenant Act (§ 55-248.2 et seq.), and the provisions of §§ 55-225.01 through 55-225.48 shall be applicable.

2. Where occupancy is under a contract of sale of a dwelling unit or the property of which it is a part, if the occupant is the purchaser or a person who succeeds to his interest, the provisions of this chapter shall apply.

C. Tenancies and occupancies that are not residential tenancies. The following occupancies are not residential tenancies under this chapter:

1. Residence at a public or private institution, if incidental to detention or the provision of medical, geriatric, educational, counseling, religious, or similar services;
2. Occupancy by a member of a fraternal or social organization in the portion of a structure operated for the benefit of the organization;
3. Occupancy by an owner of a condominium unit or a holder of a proprietary lease in a cooperative;
4. Occupancy in a campground as defined in § 35.1-1;
5. Occupancy by a tenant who is not required to pay rent pursuant to a rental agreement;
6. Occupancy by an employee of a landlord whose right to occupancy in a multifamily dwelling unit is conditioned upon employment in and about the premises or a former employee whose occupancy continues less than 60 days; or
7. Occupancy in a public housing unit or other housing unit subject to regulation by the Department of Housing and Urban Development if the provisions of this chapter are inconsistent with the regulations of the Department of Housing and Urban Development.

D. Occupancy in hotel, motel, and extended stay facility.

1. A guest who is an occupant of a hotel, motel, extended stay facility, vacation residential facility, including those governed by the Virginia Real Estate Time-Share Act (§ 55-360 et seq.), boardinghouse, or similar transient lodging shall not be construed to be a tenant living in a dwelling unit if such person does not reside in such lodging as his primary residence. Such guest shall be exempt from this chapter, and the innkeeper or property owner, or his agent, shall have the right to use self-help eviction under Virginia law, without the necessity of the filing of an unlawful detainer action in a court of competent jurisdiction and the execution of a writ of possession issued pursuant to such action, which would otherwise be required under this chapter.

2. A hotel, motel, extended stay facility, vacation residential facility, boardinghouse, or similar transient lodging shall be exempt from the provisions of this chapter if overnight sleeping accommodations are furnished to a person for consideration if such person does not reside in such lodging as his primary residence.

3. If a person resides in a hotel, motel, extended stay facility, vacation residential facility, including those governed by the Virginia Real Estate Time-Share Act (§ 55-360 et seq.), boardinghouse, or similar transient lodging as his primary residence for fewer than 90 consecutive days, such lodging shall not be subject to the provisions of this chapter. However, the owner of such lodging establishment shall give a five-day written notice of nonpayment to a person residing in such lodging and, upon the expiration of the five-day period specified in the notice, may exercise self-help eviction if payment in full has not been received.

4. If a person resides in a hotel, motel, extended stay facility, vacation residential facility, including those governed by the Virginia Real Estate Time-Share Act (§ 55-360 et seq.), boardinghouse, or similar transient lodging as his primary residence for more than 90 consecutive days or is subject to a written lease for more than 90 days, such lodging shall be subject to the provisions of this chapter.

5. *Nothing herein shall be construed to preclude the owner of a lodging establishment that uses self-help eviction pursuant to this section from pursuing any civil or criminal remedies under the laws of the Commonwealth.*

**§ 55-248.3:1. Applicability of chapter.**

A. This chapter shall apply to all jurisdictions in the Commonwealth and may not be waived or otherwise modified, in whole or in part, by the governing body of any locality, its boards and commissions or other instrumentalities, or the courts of the Commonwealth.

B. The provisions of this chapter shall apply to occupancy in all single-family and multifamily residential dwelling units and multifamily dwelling unit located in the Commonwealth. However, where the landlord is a natural person, an estate, or a legal entity that owns no more than two single-family residential dwelling units in its own name subject to a rental agreement, such landlord may opt out of the Virginia Residential Landlord and Tenant Act (§ 55-248.2 et seq.) by so stating in a rental agreement with a tenant. Such residential dwelling units shall be exempt from this chapter and the provisions of §§ 55-225.01 through 55-225.48 shall be applicable.

The provisions of this chapter shall not apply to instances where occupancy under a contract of sale of a dwelling unit or the property of which it is a part, if the occupant is the purchaser or a person who succeeds to his interest.

C. Tenancies and occupancies that are not residential tenancies. The following occupancies are not residential tenancies under this chapter:

1. Residence at a public or private institution, if incidental to detention or the provision of medical, geriatric, educational, counseling, religious, or similar services;
2. Occupancy by a member of a fraternal or social organization in the portion of a structure operated for the benefit of the organization;
3. Occupancy by an owner of a condominium unit or a holder of a proprietary lease in a cooperative;
4. Occupancy in a campground as defined in § 35.1-1;
5. Occupancy by a tenant who pays no rent pursuant to a rental agreement;
6. Occupancy by an employee of a landlord whose right to occupancy in a multifamily dwelling unit is conditioned upon employment in and about the premises or an former employee whose occupancy continues less than 60 days; or
7. Occupancy in a public housing unit or other housing unit subject to regulation by the Department of Housing and Urban Development, if the provisions of this chapter are inconsistent with the regulations of the Department of Housing and Urban Development.

D. Occupancy in hotel, motel, and extended stay facility.

1. A guest who is an occupant of a hotel, motel, extended stay facility, vacation residential facility, including those governed by the Virginia Real Estate Time-Share Act (§ 55-360 et seq.), boardinghouse, or similar transient lodging shall not be construed to be a tenant living in a dwelling unit if such person does not reside in such lodging as his primary residence. Such guest shall be exempt from this chapter, and the innkeeper or property owner, or his agent, shall have the right to use self-help eviction under Virginia law, without the necessity of the filing of an unlawful detainer action in a court of competent jurisdiction and the execution of a writ of possession issued pursuant to such action, which would otherwise be required under this chapter.

2. A hotel, motel, extended stay facility, vacation residential facility, boardinghouse, or similar transient lodging shall be exempt from the provisions of this chapter if overnight sleeping accommodations are furnished to a person for consideration if such person does not reside in such lodging as his primary residence.

3. If a person resides in a hotel, motel, extended stay facility, vacation residential facility, including those governed by the Virginia Real Estate Time-Share Act (§ 55-360 et seq.), boardinghouse, or similar transient lodging as his primary residence for fewer than 90 consecutive days, such lodging shall not be subject to the provisions of this chapter. However, the owner of such lodging establishment shall give a five-day written notice of nonpayment to a person residing in such lodging and, upon the expiration of the five-day period specified in the notice, may exercise self-help eviction if payment in full has not been received.

4. If a person resides in a hotel, motel, extended stay facility, vacation residential facility, including those governed by the Virginia Real Estate Time-Share Act (§ 55-360 et seq.), boardinghouse, or similar transient lodging as his primary residence for more than 90 consecutive days or is subject to a written lease for more than 90 days, such lodging shall be subject to the provisions of this chapter.

5. *Nothing herein shall be construed to preclude the owner of a lodging establishment that uses self-help eviction pursuant to this section from pursuing any civil or criminal remedies under the laws of the Commonwealth.*

## CHAPTER 79

*An Act to amend and reenact §§ 43-3 and 43-21 of the Code of Virginia, relating to general contractors; waiver or diminishment of lien rights; subordination of lien rights.*

[S 319]

Approved March 2, 2018

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

#### **1. That §§ 43-3 and 43-21 of the Code of Virginia are amended and reenacted as follows:**

##### **§ 43-3. Lien for work done and materials furnished; waiver of right to file or enforce lien.**

A. All persons performing labor or furnishing materials of the value of \$150 or more, including the reasonable rental or use value of equipment, for the construction, removal, repair or improvement of any building or structure permanently annexed to the freehold, and all persons performing any labor or furnishing materials of like value for the construction of any railroad, shall have a lien, if perfected as hereinafter provided, upon such building or structure, and so much land therewith as shall be necessary for the convenient use and enjoyment thereof, and upon such railroad and franchises for the work done and materials furnished, subject to the provisions of § 43-20. But when the claim is for repairs or improvements to existing structures only, no lien shall attach to the property repaired or improved unless such repairs or improvements were ordered or authorized by the owner, or his agent.

If the building or structure being constructed, removed or repaired is part of a condominium as defined in § 55-79.41 or under the Horizontal Property Act (§§ 55-79.1 through 55-79.38), any person providing labor or furnishing material to one or more units or limited common elements within the condominium pursuant to a single contract may perfect a single lien encumbering the one or more units which are the subject of the contract or to which those limited common elements pertain, and for which payment has not been made. All persons providing labor or furnishing materials for the common elements pertaining to all the units may perfect a single lien encumbering all such condominium units. Whenever a lien has been or may be perfected encumbering two or more units, the proportionate amount of the indebtedness attributable to each unit shall be the ratio that the percentage liability for common expenses appertaining to that unit computed pursuant to subsection D of § 55-79.83 bears to the total percentage liabilities for all units which are encumbered by the lien. The lien claimant shall release from a perfected lien an encumbered unit upon request of the unit owner as provided in subsection B of § 55-79.46 upon receipt of payment equal to that portion of the indebtedness evidenced by the lien attributable to such unit determined as herein provided. In the event the lien is not perfected, the lien claimant shall upon request of any interested party execute lien releases for one or more units upon receipt of payment equal to that portion of the indebtedness attributable to such unit or units determined as herein provided but no such release shall preclude the lien claimant from perfecting a single lien against the unreleased unit or units for the remaining portion of the indebtedness.

B. Any person providing labor or materials for site development improvements or for streets, stormwater facilities, sanitary sewers or water lines for the purpose of providing access or service to the individual lots in a development or condominium units as defined in § 55-79.41 or under the Horizontal Property Act (§§ 55-79.1 through 55-79.38) shall have a lien on each individual lot in the development for the fractional part of the total value of the work contracted for by the claimant in the subdivision as is obtained by using "one" as the numerator and the number of lots being developed as the denominator and in the case of a condominium on each individual unit in an amount computed by reference to the liability of that unit for common expenses appertaining to that condominium pursuant to subsection D of § 55-79.83, provided, however, *that* no such lien shall be valid as to any lot or condominium unit unless the person providing such work shall, prior to the sale of such lot or condominium unit, file with the clerk of the circuit court of the jurisdiction in which such land lies a document setting forth a full disclosure of the nature of the lien which may be claimed, the total value of the work contracted for by the claimant in the subdivision and the portion thereof allocated to each lot as required herein, and a description of the development or condominium, and shall, thereafter, comply with all other applicable provisions of this chapter. "Site development improvements" means improvements which are provided for the development, such as project site grading, traffic signalization, and installation of electric, gas, cable, or other utilities, for the benefit of the development rather than for an individual lot. In determining the individual lots in the development for the purpose of allocating value of

the work contracted for by the claimant, parcels of land within the development which are common area, or which are being developed for the benefit of the development as a whole and not for resale, shall not be included in the denominator of the disclosure statement.

Nothing contained herein shall be construed to prevent the filing of a mechanics' lien under the provisions of subsection A, or require the lien claimant to elect under which subsection the lien may be enforced.

C. Any right to file or enforce any mechanics' lien granted hereunder may be waived in whole or in part at any time by any person entitled to such lien, except that a *general contractor*, subcontractor, lower-tier subcontractor, or material supplier may not waive or diminish his lien rights in a contract in advance of furnishing any labor, services, or materials. A provision that waives or diminishes a *general contractor's*, subcontractor's, lower-tier subcontractor's, or material supplier's lien rights in a contract executed prior to providing any labor, services, or materials is null and void. In the event that payments are made to the contractor without designating to which lot the payments are to be applied, the payments shall be deemed to apply to any lot previously sold by the developer such that the remaining lots continue to bear liability for an amount up to but not exceeding the amount set forth in any disclosure statement filed under the provisions of subsection B.

D. A person who performs labor without a valid license or certificate issued by the Board for Contractors pursuant to Chapter 11 (§ 54.1-1100 et seq.) of Title 54.1, or without the proper class of license for the value of the work to be performed, when such a license or certificate is required by law for the labor performed shall not be entitled to a lien pursuant to this section.

**§ 43-21. Priorities between mechanics' and other liens.**

No lien or encumbrance upon the land created before the work was commenced or materials furnished shall operate upon the building or structure erected thereon, or materials furnished for and used in the same, until the lien in favor of the person doing the work or furnishing the materials shall have been satisfied; nor shall any lien or encumbrance upon the land created after the work was commenced or materials furnished operate on the land, or such building or structure, until the lien in favor of the person doing the work or furnishing the materials shall have been satisfied.

Unless otherwise provided in the subordination agreement, if the holder of the prior recorded lien of a purchase money deed of trust subordinates to the lien of a construction money deed of trust, such subordination shall be limited to the construction money deed of trust and said prior lien shall not be subordinate to mechanics' and materialmen's liens to the extent of the value of the land by virtue of such agreement.

In the enforcement of the liens acquired under the previous sections of this chapter, any lien or encumbrance created on the land before the work was commenced or materials furnished shall be preferred in the distribution of the proceeds of sale only to the extent of the value of the land estimated, exclusive of the buildings or structures, at the time of sale, and the residue of the proceeds of sale shall be applied to the satisfaction of the liens provided for in the previous sections of this chapter. Provided that liens filed for performing labor or furnishing materials for the repair or improvement of any building or structure shall be subject to any encumbrance against such land and building or structure of record prior to the commencement of the improvements or repairs or the furnishing of materials or supplies therefor. Nothing contained in the foregoing proviso shall apply to liens that may be filed for the construction or removal of any building or structure.

*Notwithstanding the provisions of subsection C of § 43-3, a general contractor may, prior to or after providing any labor, services, or materials, contract to subordinate his lien rights to prior recorded and later recorded deeds of trust, provided that such contract is (i) in writing and (ii) signed by any general contractor whose lien rights are subordinated pursuant to such contract.*

**CHAPTER 80**

*An Act to amend and reenact § 22.1-32 of the Code of Virginia, relating to the school board of the City of Norfolk; salaries of appointed members.*

[S 361]

Approved March 2, 2018

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

**1. That § 22.1-32 of the Code of Virginia is amended and reenacted as follows:**

**§ 22.1-32. Salary of members.**

A. Any elected school board may pay each of its members an annual salary that is consistent with the salary procedures and no more than the salary limits provided for local governments in Article 1.1 (§ 15.2-1414.1 et seq.) of Chapter 14 of Title 15.2 or as provided by charter.

B. The appointed school board of the following counties may pay each of its members an annual salary not to exceed the limits hereinafter set forth:

- Accomack — \$3,000.00;
- Alleghany — \$1,500.00;
- Amherst — \$2,200.00;
- Brunswick — \$1,800.00;
- Cumberland — \$3,600.00;
- Essex — \$1,800.00;

Greensville — \$1,800.00;  
 Hanover — \$8,000.00;  
 Isle of Wight — \$4,000.00;  
 Northampton — \$3,000.00;  
 Prince Edward — \$2,400.00;  
 Richmond — \$5,000.00;  
 Southampton — \$5,300.00.

C. The appointed school board of the following cities and towns may pay each of its members an annual salary not to exceed the limits hereinafter set forth:

Charlottesville — \$3,000.00;  
 Covington — \$1,500.00;  
 Danville — \$600.00;  
 Emporia — \$240.00;  
 Fries — \$240.00;  
 Hopewell — \$3,600.00;  
 Lexington — \$600.00;  
 Lynchburg — \$2,400.00;  
 Manassas Park — \$3,000.00;  
 Martinsville — \$2,400.00;  
~~Norfolk — \$3,000.00;~~  
 Poquoson — \$3,000.00;  
 Roanoke — \$4,200.00;  
 Salem — \$4,800.00;  
 South Boston — \$600.00.

D. Any school board may, in its discretion, pay the chairman of the school board an additional salary not exceeding \$2,000 per year upon passage of an appropriate resolution by (i) the school board whose membership is elected in whole or in part or (ii) the governing body of the appropriate county, city, or town whose school board is comprised solely of appointed members.

E. Any school board may in its discretion pay each of its members mileage for use of a private vehicle in attending meetings of the school board and in conducting other official business of the school board. Its members may be reimbursed for private transportation at a rate not to exceed that which is authorized for persons traveling on state business in accordance with § 2.2-2825. Whatever rate is paid, however, shall be the same for school board members and employees of the board.

F. No appointed school board shall request the General Assembly's consideration of an increase in its annual salary limit as established in subsections B and C unless such school board has taken an affirmative vote on the requested increase. Further, no elected school board shall be awarded a salary increase, unless, upon an affirmative vote by such school board, a specific salary increase shall be approved. Local school boards shall adopt such increases according to the following procedures:

1. A local school board representing a county may establish a salary increase prior to July 1 of any year in which members are to be elected or appointed, or, if such school board is elected or appointed for staggered terms, prior to July 1 of any year in which at least 40 percent of such members are to be elected or appointed. However, a school board serving a county having the county manager plan of government and whose membership totals five may establish a salary increase prior to July 1 in any year in which two of the five members are to be elected or appointed. Such increase shall become effective on January 1 of the following year.

2. A local school board representing a city or town may establish a salary increase prior to December 31 in any year preceding a year in which members are to be elected or appointed. Such increase shall become effective on July 1 of the year in which the election or appointment occurs if the election or appointment occurs prior to July 1 and shall become effective January 1 of the following year if the election or appointment occurs after June 30.

No salary increase may become effective during an incumbent member's term of office; however, this restriction shall not apply if the school board members are elected or appointed for staggered terms.

**CHAPTER 81**

*An Act to amend and reenact §§ 15.2-922, 36-99.3 through 36-99.5:1, 55-225.3, 55-225.4, 55-248.13, 55-248.16, and 55-248.18 of the Code of Virginia, relating to housing; installation and maintenance of smoke and carbon monoxide alarms.*

[S 391]

Approved March 2, 2018

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

**1. That §§ 15.2-922, 36-99.3 through 36-99.5:1, 55-225.3, 55-225.4, 55-248.13, 55-248.16, and 55-248.18 of the Code of Virginia are amended and reenacted as follows:**

**§ 15.2-922. Smoke alarms in certain buildings.**

A. Any locality, notwithstanding any contrary provision of law, general or special, may by ordinance require that smoke ~~detectors~~ *alarms* be installed in the following structures or buildings *if smoke alarms have not been installed in accordance with the Uniform Statewide Building Code (§ 36-97 et seq.):* (i) any building containing one or more dwelling units, (ii) any hotel or motel regularly used ~~or~~, offered for, or intended to be used to provide overnight sleeping accommodations for one or more persons, and (iii) *any* rooming houses regularly used, offered for, or intended to be used to provide overnight sleeping accommodations. Smoke ~~detectors~~ *alarms* installed pursuant to this section shall be installed *only* in conformance with the provisions of the Uniform Statewide Building Code (~~§ 36-97 et seq.~~), ~~and any locality with an ordinance shall follow a uniform set of standards for maintenance of smoke detectors established in the Uniform Statewide Building Code and shall be permitted to be either battery operated or AC powered. Such installation shall not require new or additional wiring and shall be maintained in accordance with the Statewide Fire Prevention Code (§ 27-94 et seq.) and subdivision C 6 of § 36-105, Part III of the Uniform Statewide Building Code. Nothing herein shall be construed to authorize a locality to require the upgrading of any smoke alarms provided by the building code in effect at the time of the last renovation of such building, for which a building permit was required, or as otherwise provided in the Uniform Statewide Building Code.~~

~~The ordinance shall allow the type of smoke detector to be either battery operated or AC powered units. Such ordinance shall require that the owner of any unit which is rented or leased, at the beginning of each tenancy and at least annually thereafter shall furnish B. The ordinance may require the owner of a rental unit to provide the tenant with a certificate that all required smoke detectors alarms are present, have been inspected by the owner, his employee, or an independent contractor, and are in good working order. Except for smoke detectors alarms located in hallways, stairwells, and other public or common areas of multifamily buildings, interim testing, repair, and maintenance of smoke detectors alarms in rented or leased dwelling units shall be the responsibility of the tenant; however, the owner shall be obligated to service, repair, or replace any malfunctioning smoke detectors within five days of receipt of written notice from the tenant that such smoke detector is in need of service, repair, or replacement in accordance with § 55-225.4 or 55-248.16, as applicable.~~

**§ 36-99.3. Smoke alarms and automatic sprinkler systems in institutions of higher education.**

A. Buildings at institutions of higher education that contain dormitories for sleeping purposes shall be provided with battery ~~operated~~ or AC powered smoke ~~detector~~ *alarm* devices installed therein in accordance with the Uniform Statewide Building Code. All dormitories at public institutions of higher education and private institutions of higher education shall have installed and use due diligence in maintaining in good working order such ~~detectors~~ *alarms* regardless of when the building was constructed.

B. The Board of Housing and Community Development shall promulgate regulations pursuant to § 2.2-4011 establishing standards for automatic sprinkler systems throughout all buildings at private institutions of higher education and public institutions of higher education that are (i) more than 75 feet or more than six stories high and (ii) used, in whole or in part, as dormitories to house students. Such buildings shall be equipped with automatic sprinkler systems by September 1, 1999, regardless of when such buildings were constructed.

C. The chief administrative office of the institution of higher education shall obtain a certificate of compliance with the provisions of this section from the building official of the locality in which the institution of higher education is located or, in the case of state-owned buildings, from the Director of the Department of General Services.

D. The provisions of this section shall not apply to any dormitory at a military public institution of higher education that is patrolled 24 hours a day by military guards.

**§ 36-99.4. Smoke alarms in certain juvenile care facilities.**

Battery ~~operated~~ or AC-powered AC powered smoke ~~detector~~ *alarm* devices shall be installed in all local and regional detention homes, group homes, and other residential care facilities for children or juveniles ~~which that~~ are operated by or under the auspices of the Department of Juvenile Justice, regardless of when the building was constructed, in accordance with the ~~provision~~ *provisions* of the Uniform Statewide Building Code by July 1, 1986. Administrators of such homes and facilities shall be responsible for the installation and maintenance of the smoke ~~detector~~ *alarm* devices.

**§ 36-99.5. Smoke alarms for persons who are deaf or hearing impaired.**

Smoke ~~detectors~~ *alarms* ~~providing an effective intensity of not less than 100 candela to warn a deaf or hearing impaired individual~~ *alarms for persons who are deaf or hearing impaired shall be installed only in conformance with the provisions of the current Building Code and maintained in accordance with the Statewide Fire Prevention Code (§ 27-94 et seq.) and subdivision C 6 of § 36-105, Part III of the Building Code. Such alarms shall be provided by the landlord or proprietor, upon request by the occupant to the landlord or proprietor, to any deaf or hearing impaired a tenant of a rental unit or a person living with such tenant who is deaf or hearing impaired as referenced by the Virginia Fair Housing Law (§ 36-96.1 et seq.), or upon request by an occupant of any of the following occupancies, regardless of when constructed:*

1. All dormitory buildings arranged for the shelter and sleeping accommodations of more than ~~twenty~~ 20 individuals;
2. All ~~multiple family dwellings having more than two dwelling units, including all dormitories,~~ boarding and lodging houses arranged for shelter and sleeping accommodations of more than five individuals; or
3. All ~~buildings arranged for use of one family or two family residential rental~~ dwelling units.

A tenant shall be responsible for the maintenance and operation of the smoke ~~detector~~ *alarm* in the tenant's unit *in accordance with § 55-225.4 or 55-248.16, as applicable.*

A hotel or motel shall have available no fewer than one such smoke ~~detector~~ alarm for each ~~seventy~~ 70 units or portion thereof, except that this requirement shall not apply to any hotel or motel with fewer than ~~thirty-five~~ 35 units. The proprietor of the hotel or motel shall post in a conspicuous place at the registration desk or counter a permanent sign stating the availability of smoke ~~detectors~~ alarms for the hearing-impaired persons who are deaf or hearing impaired. Visual ~~detectors~~ alarms shall be provided for all meeting rooms for which an advance request has been made.

The proprietor or landlord may require a refundable deposit for a smoke ~~detector~~ alarm, not to exceed the original cost or replacement cost, whichever is greater, of the ~~such~~ smoke ~~detector~~ alarm. Rental fees shall not be increased as compensation for this requirement.

~~Landlords shall notify hearing-impaired tenants of the availability of special smoke detectors; however, no landlord shall be civilly or criminally liable for failure to so notify. New tenants shall be asked, in writing, at the time of rental, whether visual smoke detectors will be needed.~~

~~Failure to comply with the provisions of this section within a reasonable time shall be punishable as a Class 3 misdemeanor.~~

~~This law shall have no effect upon existing local law or regulation which exceeds the provisions prescribed herein; however, any locality with an ordinance shall follow a uniform set of standards for maintenance of smoke detectors established in the Uniform Statewide Building Code (§ 36-97 et seq.).~~

~~A landlord of a rental unit shall provide a reasonable accommodation to a person who is deaf or hearing impaired who requests installation of a smoke alarm that is appropriate for persons who are deaf or hearing impaired if such accommodation is appropriate in accordance with the Virginia Fair Housing Law (§ 36-96.1 et seq.).~~

**§ 36-99.5:1. Smoke alarms and other fire detection and suppression systems in assisted living facilities, adult day care centers and nursing homes and facilities.**

A. ~~Battery~~ Battery operated or AC-powered AC powered smoke ~~detector~~ alarm devices shall be installed in all assisted living facilities and adult day care centers licensed by the Department of Social Services, regardless of when the building was constructed. The location and installation of the smoke ~~detectors~~ alarms shall be determined by the ~~Uniform Statewide Building Code~~.

The licensee shall obtain a certificate of compliance from the building official of the locality in which the facility or center is located, or in the case of state-owned buildings, from the Department of General Services.

The licensee shall maintain the smoke ~~detector~~ alarm devices in good working order.

B. The Board of Housing and Community Development shall promulgate regulations in accordance with the Administrative Process Act (§ 2.2-4000 et seq.) establishing standards for requiring (i) smoke ~~detectors~~ alarms and (ii) such other fire detection and suppression systems as deemed necessary by the Board to increase the safety of persons in assisted living facilities, residential dwelling units designed or developed and marketed to senior citizens, nursing homes, and nursing facilities. All nursing homes and nursing facilities ~~which that~~ are already equipped with sprinkler systems shall comply with regulations relating to smoke ~~detectors~~ alarms.

**§ 55-225.3. Landlord to maintain dwelling unit.**

A. The landlord shall:

1. Comply with the requirements of applicable building and housing codes materially affecting health and safety;
2. Make all repairs and do whatever is necessary to put and keep the premises in a fit and habitable condition;
3. Keep all common areas shared by two or more multifamily dwelling units of the premises in a clean and structurally safe condition;
4. Maintain in good and safe working order and condition all electrical, plumbing, sanitary, heating, ventilating, air-conditioning and other facilities and appliances, including elevators, supplied or required to be supplied by him;
5. Maintain the premises in such a condition as to prevent the accumulation of moisture and the growth of mold and to promptly respond to any notices as provided in subdivision A 9 10 of § 55-225.4. Where there is visible evidence of mold, the landlord shall promptly remediate the mold conditions in accordance with the requirements of subsection E of § 8.01-226.12 and reinspect the dwelling unit to confirm that there is no longer visible evidence of mold in the dwelling unit. The landlord shall provide a tenant with a copy of a summary of information related to mold remediation occurring during that tenancy and, upon request of the tenant, make available the full package of such information and reports not protected by attorney-client privilege. Once the mold has been remediated in accordance with professional standards, the landlord shall not be required to make disclosures of a past incidence of mold to subsequent tenants;
6. Supply running water and reasonable amounts of hot water at all times and reasonable air conditioning if provided and heat in season except where the dwelling unit is so constructed that heat, air conditioning, or hot water is generated by an installation within the exclusive control of the tenant or supplied by a direct public utility connection; ~~and~~
7. Provide and maintain appropriate receptacles and conveniences for the collection, storage, and removal of ashes, garbage, rubbish, and other waste incidental to the occupancy of one or more dwelling units and arrange for the removal of same; ~~and~~
8. Provide a certificate to the tenant stating that all smoke alarms are present, have been inspected, and are in good working order no more than once every 12 months. The landlord, his employee, or an independent contractor may perform the inspection to determine that a smoke alarm is in good working order.

B. The landlord shall perform the duties imposed by subsection A in accordance with law; however, the landlord shall be liable only for the tenant's actual damages proximately caused by the landlord's failure to exercise ordinary care.

C. If the duty imposed by subdivision A 1 is greater than any duty imposed by any other subdivision of that subsection, the landlord's duty shall be determined by reference to subdivision A 1.

D. The landlord and tenant may agree in writing that the tenant perform the landlord's duties specified in subdivisions A 2, 4, 6, and 7 and also specified repairs, maintenance tasks, alterations, and remodeling, but only if (i) the transaction is entered into in good faith and not for the purpose of evading the obligations of the landlord and (ii) the agreement does not diminish or affect the obligation of the landlord to other tenants in a multifamily premises.

**§ 55-225.4. Tenant to maintain dwelling unit.**

A. In addition to the provisions of the rental agreement, the tenant shall:

1. Comply with all obligations primarily imposed upon tenants by applicable provisions of building and housing codes materially affecting health and safety;

2. Keep that part of the premises that he occupies and uses as clean and safe as the condition of the premises permit;

3. Keep that part of the dwelling unit and the part of the premises that he occupies free from insects and pests, as those terms are defined in § 3.2-3900, and promptly notify the landlord of the existence of any insects or pests;

4. Remove from his dwelling unit all ashes, garbage, rubbish, and other waste in a clean and safe manner and in the appropriate receptacles provided by the landlord;

5. Keep all plumbing fixtures in the dwelling unit or used by the tenant as clean as their condition permits;

6. Use in a reasonable manner all electrical, plumbing, sanitary, heating, ventilating, air-conditioning and other facilities and appliances, including an elevator in a multifamily premises, and keep all utility services paid for by the tenant to the utility service provider or its agent on at all times during the term of the rental agreement;

7. Not deliberately or negligently destroy, deface, damage, impair or remove any part of the premises or permit any person to do so whether known by the tenant or not;

8. Not remove or tamper with a properly functioning smoke ~~detector~~ alarm, including removing any working batteries, so as to render the smoke ~~detector~~ alarm inoperative; ~~and. The tenant shall maintain such smoke detector alarm in accordance with the uniform set of standards for maintenance of smoke detectors alarms established in the Statewide Fire Prevention Code (§ 27-94 et seq.) and subdivision C 6 of § 36-105, Part III of the Uniform Statewide Building Code (§ 36-97 et seq.);~~

9. *Not remove or tamper with a properly functioning carbon monoxide alarm installed by the landlord, including the removal of any working batteries, so as to render the carbon monoxide alarm inoperative. The tenant shall maintain the carbon monoxide alarm in accordance with the uniform set of standards for maintenance of carbon monoxide alarms established in the Statewide Fire Prevention Code (§ 27-94 et seq.) and subdivision C 6 of § 36-105, Part III of the Uniform Statewide Building Code (§ 36-97 et seq.);*

10. Use reasonable efforts to maintain the dwelling unit and any other part of the premises that he occupies in such a condition as to prevent accumulation of moisture and the growth of mold and to promptly notify the landlord of any moisture accumulation that occurs or of any visible evidence of mold discovered by the tenant;

~~11. Not paint or disturb painted surfaces, or make alterations in the dwelling unit, without the prior written approval of the landlord, provided that (i) the dwelling unit was constructed prior to 1978 and therefore requires the landlord to provide the tenant with lead-based paint disclosures and (ii) the landlord has provided the tenant with such disclosures and the rental agreement provides that the tenant is required to obtain the landlord's prior written approval before painting, disturbing painted surfaces, or making alterations in the dwelling unit;~~

~~12. Be responsible for his conduct and the conduct of other persons on the premises with his consent whether known by the tenant or not, to ensure that his neighbors' peaceful enjoyment of the premises will not be disturbed; and~~

~~13. Abide by all reasonable rules and regulations imposed by the landlord.~~

B. If the duty imposed by subdivision A 1 is greater than any duty imposed by any other subdivision of that subsection, the tenant's duty shall be determined by reference to subdivision A 1.

C. *Upon written request of a tenant in a dwelling unit, the landlord shall install a carbon monoxide alarm in the dwelling unit within 90 days. The landlord may charge the tenant a reasonable fee to recover the costs of the equipment and labor for such installation. The installation of a carbon monoxide alarm shall be in compliance with the Uniform Statewide Building Code (§ 36-97 et seq.).*

**§ 55-248.13. Landlord to maintain fit premises.**

A. The landlord shall:

1. Comply with the requirements of applicable building and housing codes materially affecting health and safety;

2. Make all repairs and do whatever is necessary to put and keep the premises in a fit and habitable condition;

3. Keep all common areas shared by two or more dwelling units of a multifamily premises in a clean and structurally safe condition;

4. Maintain in good and safe working order and condition all electrical, plumbing, sanitary, heating, ventilating, air-conditioning and other facilities and appliances, including elevators, supplied or required to be supplied by him;

5. Maintain the premises in such a condition as to prevent the accumulation of moisture and the growth of mold, and to promptly respond to any notices from a tenant as provided in subdivision A 10 of § 55-248.16. Where there is visible evidence of mold, the landlord shall promptly remediate the mold conditions in accordance with the requirements of subsection E of § 8.01-226.12 and reinspect the dwelling unit to confirm that there is no longer visible evidence of mold in the dwelling unit. The landlord shall provide a tenant with a copy of a summary of information related to mold remediation

occurring during that tenancy and, upon request of the tenant, make available the full package of such information and reports not protected by attorney-client privilege. Once the mold has been remediated in accordance with professional standards, the landlord shall not be required to make disclosures of a past incidence of mold to subsequent tenants;

6. Provide and maintain appropriate receptacles and conveniences for the collection, storage, and removal of ashes, garbage, rubbish, and other waste incidental to the occupancy of dwelling units and arrange for the removal of same;

7. Supply running water and reasonable amounts of hot water at all times and reasonable air conditioning if provided and heat in season except where the dwelling unit is so constructed that heat, air conditioning or hot water is generated by an installation within the exclusive control of the tenant or supplied by a direct public utility connection; and

8. ~~Maintain any carbon monoxide alarm that has been installed by the landlord in a dwelling unit~~ Provide a certificate to the tenant stating that all smoke alarms are present, have been inspected, and are in good working order no more than once every 12 months. The landlord, his employee, or an independent contractor may perform the inspection to determine that the smoke alarm is in good working order.

B. The landlord shall perform the duties imposed by subsection A in accordance with law; however, the landlord shall only be liable for the tenant's actual damages proximately caused by the landlord's failure to exercise ordinary care.

C. If the duty imposed by subdivision A 1 is greater than any duty imposed by any other subdivision of that subsection, the landlord's duty shall be determined by reference to subdivision A 1.

D. The landlord and tenant may agree in writing that the tenant perform the landlord's duties specified in subdivisions A 3, 6, and 7 and also specified repairs, maintenance tasks, alterations, and remodeling, but only if the transaction is entered into in good faith and not for the purpose of evading the obligations of the landlord, and if the agreement does not diminish or affect the obligation of the landlord to other tenants in the premises.

**§ 55-248.16. Tenant to maintain dwelling unit.**

A. In addition to the provisions of the rental agreement, the tenant shall:

1. Comply with all obligations primarily imposed upon tenants by applicable provisions of building and housing codes materially affecting health and safety;

2. Keep that part of the dwelling unit and the part of the premises that he occupies and uses as clean and safe as the condition of the premises permit;

3. Keep that part of the dwelling unit and the part of the premises that he occupies free from insects and pests, as those terms are defined in § 3.2-3900, and to promptly notify the landlord of the existence of any insects or pests;

4. Remove from his dwelling unit all ashes, garbage, rubbish and other waste in a clean and safe manner and in the appropriate receptacles provided by the landlord;

5. Keep all plumbing fixtures in the dwelling unit or used by the tenant as clean as their condition permits;

6. Use in a reasonable manner all utilities and all electrical, plumbing, sanitary, heating, ventilating, air-conditioning and other facilities and appliances including an elevator in a multifamily premises, and keep all utility services paid for by the tenant to the utility service provider or its agent on at all times during the term of the rental agreement;

7. Not deliberately or negligently destroy, deface, damage, impair or remove any part of the premises or permit any person to do so whether known by the tenant or not;

8. Not remove or tamper with a properly functioning smoke ~~detector~~ alarm installed by the landlord, including removing any working batteries, so as to render the ~~detector~~ alarm inoperative ~~and~~. The tenant shall maintain the smoke ~~detector~~ alarm in accordance with the uniform set of standards for maintenance of smoke ~~detectors~~ alarms established in the *Statewide Fire Prevention Code* (§ 27-94 et seq.) and subdivision C 6 of § 36-105, Part III of the Uniform Statewide Building Code (§ 36-97 et seq.);

9. Not remove or tamper with a properly functioning carbon monoxide alarm installed by the landlord, including ~~removing the removal of~~ any working batteries, so as to render the carbon monoxide ~~detector~~ alarm inoperative ~~and~~. The tenant shall maintain the carbon monoxide alarm in accordance with the uniform set of standards for maintenance of carbon monoxide alarms established in the *Statewide Fire Prevention Code* (§ 27-94 et seq.) and subdivision C 6 of § 36-105, Part III of the Uniform Statewide Building Code (§ 36-97 et seq.);

10. Use reasonable efforts to maintain the dwelling unit and any other part of the premises that he occupies in such a condition as to prevent accumulation of moisture and the growth of mold, and to promptly notify the landlord of any moisture accumulation that occurs or of any visible evidence of mold discovered by the tenant;

11. Not paint or disturb painted surfaces or make alterations in the dwelling unit without the prior written approval of the landlord, provided that (i) the dwelling unit was constructed prior to 1978 and therefore requires the landlord to provide the tenant with lead-based paint disclosures and (ii) the landlord has provided the tenant with such disclosures and the rental agreement provides that the tenant is required to obtain the landlord's prior written approval before painting, disturbing painted surfaces, or making alterations in the dwelling unit;

12. Be responsible for his conduct and the conduct of other persons on the premises with his consent whether known by the tenant or not, to ensure that his neighbors' peaceful enjoyment of the premises will not be disturbed;

13. Abide by all reasonable rules and regulations imposed by the landlord; and

14. Be financially responsible for the added cost of treatment or extermination due to the tenant's unreasonable delay in reporting the existence of any insects or pests and be financially responsible for the cost of treatment or extermination due to the tenant's fault in failing to prevent infestation of any insects or pests in the area occupied.

B. If the duty imposed by subdivision A 1 is greater than any duty imposed by any other subdivision of that subsection, the tenant's duty shall be determined by reference to subdivision A 1.

**§ 55-248.18. Access; consent; correction of nonemergency conditions; relocation of tenant.**

A. The tenant shall not unreasonably withhold consent to the landlord to enter into the dwelling unit in order to inspect the premises, make necessary or agreed repairs, decorations, alterations or improvements, supply necessary or agreed services or exhibit the dwelling unit to prospective or actual purchasers, mortgagees, tenants, workmen or contractors. If, upon inspection of a dwelling unit during the term of a tenancy, the landlord determines there is a violation by the tenant of § 55-248.16 or the rental agreement materially affecting health and safety that can be remedied by repair, replacement of a damaged item or cleaning in accordance with § 55-248.32, the landlord may make such repairs and send the tenant an invoice for payment. If, upon inspection of the dwelling unit during the term of a tenancy, the landlord discovers a violation of the rental agreement, this chapter, or other applicable law, the landlord may send a written notice of termination pursuant to § 55-248.31. If the rental agreement so provides and if a tenant without reasonable justification declines to permit the landlord or managing agent to exhibit the dwelling unit for sale or lease, the landlord may recover damages, costs, and reasonable attorney fees against such tenant.

The landlord may enter the dwelling unit without consent of the tenant in case of emergency. The landlord shall not abuse the right of access or use it to harass the tenant. Except in case of emergency or if it is impractical to do so, the landlord shall give the tenant notice of his intent to enter and may enter only at reasonable times. Unless impractical to do so, the landlord shall give the tenant at least 24-hours' notice of routine maintenance to be performed that has not been requested by the tenant. If the tenant makes a request for maintenance, the landlord is not required to provide notice to the tenant. During the pendency of an unlawful detainer filed by the landlord against the tenant, the landlord may request the court to enter an order requiring the tenant to provide the landlord with access to such dwelling unit.

B. Upon the sole determination by the landlord of the existence of a nonemergency property condition in the dwelling unit that requires the tenant to temporarily vacate the dwelling unit in order for the landlord to properly remedy such property condition, the landlord may, upon at least 30 days' written notice to the tenant, require the tenant to temporarily vacate the dwelling unit for a period not to exceed 30 days to a comparable dwelling unit, or hotel, as selected by the landlord and at no expense or cost to the tenant. The landlord shall not be required to pay for any other expenses of the tenant that arise after the temporary relocation period. The landlord and tenant may agree for the tenant to temporarily vacate the dwelling unit in less than 30 days. For purposes of this subsection, "nonemergency property condition" means (i) a condition in the dwelling unit that, in the determination of the landlord, is necessary for the landlord to remedy in order for the landlord to be in compliance with § 55-248.13; (ii) the condition does not need to be remedied within a 24-hour period, with any condition that needs to be remedied within 24 hours being defined as an "emergency condition"; and (iii) the condition can only be effectively remedied by the temporary relocation of the tenant pursuant to the provisions of this subsection.

The tenant shall continue to be responsible for payment of rent under the rental agreement during the period of any temporary relocation. The landlord shall pay all costs of repairs or remediation required to address the property condition. Refusal of the tenant to cooperate with a temporary relocation pursuant to this subsection shall be deemed a breach of the rental agreement, unless the tenant agrees to vacate the unit and terminate the rental agreement within the 30-day notice period. If the landlord properly remedies the nonemergency property condition within the 30-day period, nothing herein shall be construed to entitle the tenant to terminate the rental agreement. Further, nothing herein shall be construed to limit the landlord from taking legal action against the tenant for any noncompliance that occurs during the period of any temporary relocation pursuant to this section. During the pendency of an unlawful detainer filed by the landlord against the tenant, the landlord may request the court to enter an order requiring the tenant to provide the landlord with access to such dwelling unit.

C. The landlord has no other right to access except by court order or that permitted by §§ 55-248.32 and 55-248.33 or if the tenant has abandoned or surrendered the premises.

D. The tenant may install, within the dwelling unit, new burglary prevention, including chain latch devices approved by the landlord, and fire detection devices, that the tenant may believe necessary to ensure his safety, provided:

1. Installation does no permanent damage to any part of the dwelling unit.
2. A duplicate of all keys and instructions of how to operate all devices are given to the landlord.
3. Upon termination of the tenancy, the tenant shall be responsible for payment to the landlord for reasonable costs incurred for the removal of all such devices and repairs to all damaged areas.

E. Upon written request of the tenant in a dwelling unit, the landlord shall install a carbon monoxide alarm in the tenant's dwelling unit within 90 days of such request and. The landlord may charge the tenant a reasonable fee to recover the costs of the equipment and labor for such installation. The landlord's installation of a carbon monoxide alarm shall be in compliance with the Uniform Statewide Building Code (§ 36-97 et seq.).

**2. That any locality that has adopted an ordinance pursuant to § 15.2-922 of the Code of Virginia shall amend the ordinance to conform to the provisions of the first enactment of this act on or before July 1, 2019.**

**3. That on or before January 1, 2019, the Department of Housing and Community Development, in consultation with the Department of Fire Programs, shall develop a form (i) providing a landlord's certification that the smoke alarms in a rental unit have been inspected and are in good working order; (ii) summarizing the obligations of a landlord relative to the maintenance of smoke alarms; and (iii) summarizing the obligations of a tenant relative to the**

**maintenance of smoke alarms. Such form may be updated by the Department of Housing and Community Development as needed. The Department of Housing and Community Development and the Department of Fire Programs shall post the form required by this enactment on each agency's website.**

## CHAPTER 82

*An Act to amend and reenact § 54.1-4413.2 of the Code of Virginia, relating to public accountants; issuance, renewal, and reinstatement of licenses.*

[S 428]

Approved March 2, 2018

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

**1. That § 54.1-4413.2 of the Code of Virginia is amended and reenacted as follows:**

**§ 54.1-4413.2. Issuance, renewal, and reinstatement of licenses and lifting the suspension of privileges.**

A. A Virginia license shall provide its holder with ~~a 12-month~~ *the* privilege to use the CPA title in Virginia or provide attest services, compilation services, and financial statement preparation services to persons and entities located in Virginia.

B. ~~If the A license granted pursuant to the provisions of this chapter shall be renewed as prescribed by the Board. Any license is not renewed by the end of the 12-month period, it~~ *pursuant to the provisions prescribed by the Board shall be considered to have expired and the person or firm shall be considered to no longer hold a Virginia license.*

C. A person whose Virginia license expired may obtain a new Virginia license under subsection C of § 54.1-4409.2 if he holds the license of another state.

D. The license of a person whose Virginia license expired and who does not hold the license of another state may be reinstated under this subsection. In addition, a person whose privilege of using the CPA title in Virginia was suspended may have the suspension lifted under this subsection.

1. To be considered for reinstatement of a Virginia license or lifting the suspension of the privilege of using the CPA title in Virginia, a person shall:

a. Disclose to the Board why he no longer holds a Virginia license or why his privilege of using the CPA title in Virginia was suspended;

b. Disclose to the Board each state in which he has held a license. For each of the states in which the person has held a license, the person shall disclose why he no longer holds a license and provide documentation from the board of accountancy concerning whether he has been found guilty of any violations of the standards of conduct and practice established by statutes of the state or regulations promulgated by the board; and

c. Describe his continuing professional education since his Virginia license expired or was suspended. The Board shall determine whether his continuing professional education complies with the continuing professional education requirement prescribed by the Board for that period.

2. After evaluating the information provided by the person, the Board may request additional information and may impose additional requirements for reinstatement of the Virginia license or lifting the suspension.

3. The Board shall communicate to the person its decision and, if the request for reinstatement or lifting the suspension is denied, the reasons for the denial. The request may be resubmitted when the person believes the matters affecting the request have been satisfactorily resolved. The person may request a proceeding in accordance with the provisions of the Administrative Process Act (§ 2.2-4000 et seq.).

E. The license of a firm whose Virginia license expired may be reinstated under this subsection. In addition, a firm whose privilege of providing attest services, compilation services, or financial statement preparation services to persons or entities located in Virginia was suspended may have the suspension lifted under this subsection.

1. To be considered for reinstatement of a Virginia license or lifting the suspension of the privilege of providing attest services, compilation services, or financial statement preparation services to persons or entities located in Virginia:

a. The firm shall disclose to the Board why it no longer holds a Virginia license or why its privilege of providing attest services, compilation services, or financial statement preparation services to persons or entities located in Virginia was suspended.

b. The firm shall disclose to the Board each state in which it holds or has held a license.

c. For each of the states in which the firm holds a license, the firm shall provide documentation from the board of accountancy concerning whether it is in good standing with the board, whether there are any pending actions alleging violations of the standards of conduct and practice established by statutes of the state or regulations promulgated by the board, and whether it has been found guilty of any violations of these standards of conduct and practice.

d. For each of the states in which the firm has held a license, the firm shall disclose why it no longer holds a license and provide documentation from the board of accountancy concerning whether it has been found guilty of any violations of the standards of conduct and practice established by statutes of the state or regulations promulgated by the board.

2. After evaluating the information provided by the firm, the Board may request additional information and may impose additional requirements for reinstatement of the Virginia license or lifting the suspension.

3. The Board shall communicate to the firm its decision and, if the request for reinstatement or lifting the suspension is denied, the reasons for the denial. The request may be resubmitted when the firm believes the matters affecting the request

have been satisfactorily resolved. The firm may request a proceeding in accordance with the provisions of the Administrative Process Act (§ 2.2-4000 et seq.).

F. The Board shall consider granting the privilege of using the CPA title in Virginia, or the privilege of providing attest services, compilation services, or financial statement preparation services to persons or entities located in Virginia, to persons or firms that have had the privilege revoked only when the person or firm demonstrates to the Board that there are special facts and circumstances that warrant reconsideration by the Board of whether it should allow the person or firm to have the privilege.

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

**3. That the Board of Accountancy (Board) shall promulgate regulations to implement the provisions of this act, including provisions pertaining to the transition of current licenses to the new issuance and renewal requirements, to be effective no later than July 1, 2018. The Board's initial adoption of regulations necessary to implement the provisions of this act shall be exempt from the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia), except that the Board shall provide an opportunity for public comment on regulations prior to adoption.**

**4. That any license issued or renewed by the Board of Accountancy between the effective date of this act and June 30, 2018, shall expire on June 30, 2019.**

### CHAPTER 83

*An Act to amend and reenact §§ 19.2-11.01, 19.2-11.2, and 19.2-269.2 of the Code of Virginia, relating to confidentiality of victim telephone numbers and email addresses in criminal cases.*

[S 457]

Approved March 2, 2018

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

**1. That §§ 19.2-11.01, 19.2-11.2, and 19.2-269.2 of the Code of Virginia are amended and reenacted as follows:**

**§ 19.2-11.01. Crime victim and witness rights.**

A. In recognition of the Commonwealth's concern for the victims and witnesses of crime, it is the purpose of this chapter to ensure that the full impact of crime is brought to the attention of the courts of the Commonwealth; that crime victims and witnesses are treated with dignity, respect and sensitivity; and that their privacy is protected to the extent permissible under law. It is the further purpose of this chapter to ensure that victims and witnesses are informed of the rights provided to them under the laws of the Commonwealth; that they receive authorized services as appropriate; and that they have the opportunity to be heard by law-enforcement agencies, attorneys for the Commonwealth, corrections agencies and the judiciary at all critical stages of the criminal justice process to the extent permissible under law. Unless otherwise stated and subject to the provisions of § 19.2-11.1, it shall be the responsibility of a locality's crime victim and witness assistance program to provide the information and assistance required by this chapter, including verification that the standardized form listing the specific rights afforded to crime victims has been received by the victim.

As soon as practicable after identifying a victim of a crime, the investigating law-enforcement agency shall provide the victim with a standardized form listing the specific rights afforded to crime victims. The form shall include a telephone number by which the victim can receive further information and assistance in securing the rights afforded crime victims, the name, address and telephone number of the office of the attorney for the Commonwealth, the name, address and telephone number of the investigating law-enforcement agency, and a summary of the victim's rights under § 40.1-28.7:2.

1. Victim and witness protection and law-enforcement contacts.

a. In order that victims and witnesses receive protection from harm and threats of harm arising out of their cooperation with law-enforcement, or prosecution efforts, they shall be provided with information as to the level of protection which may be available pursuant to § 52-35 or to any other federal, state or local program providing protection, and shall be assisted in obtaining this protection from the appropriate authorities.

b. Victims and witnesses shall be provided, where available, a separate waiting area during court proceedings that affords them privacy and protection from intimidation, and that does not place the victim in close proximity to the defendant or the defendant's family.

2. Financial assistance.

a. Victims shall be informed of financial assistance and social services available to them as victims of a crime, including information on their possible right to file a claim for compensation from the Crime Victims' Compensation Fund pursuant to Chapter 21.1 (§ 19.2-368.1 et seq.) of this title and on other available assistance and services.

b. Victims shall be assisted in having any property held by law-enforcement agencies for evidentiary purposes returned promptly in accordance with §§ 19.2-270.1 and 19.2-270.2.

c. Victims shall be advised that restitution is available for damages or loss resulting from an offense and shall be assisted in seeking restitution in accordance with §§ 19.2-305, 19.2-305.1, Chapter 21.1 (§ 19.2-368.1 et seq.) of this title, Article 21 (§ 58.1-520 et seq.) of Chapter 3 of Title 58.1, and other applicable laws of the Commonwealth.

3. Notices.

a. Victims and witnesses shall be (i) provided with appropriate employer intercession services to ensure that employers of victims and witnesses will cooperate with the criminal justice process in order to minimize an employee's loss of pay and

other benefits resulting from court appearances and (ii) advised that pursuant to § 18.2-465.1 it is unlawful for an employer to penalize an employee for appearing in court pursuant to a summons or subpoena.

b. Victims shall receive advance notification when practicable from the attorney for the Commonwealth of judicial proceedings relating to their case and shall be notified when practicable of any change in court dates in accordance with § 19.2-265.01 if they have provided their names, current addresses and telephone numbers.

c. Victims shall receive notification, if requested, subject to such reasonable procedures as the Attorney General may require pursuant to § 2.2-511, from the Attorney General of the filing and disposition of any appeal or habeas corpus proceeding involving their case.

d. Victims shall be notified by the Department of Corrections or a sheriff or jail superintendent (i) in whose custody an escape, change of name, transfer, release or discharge of a prisoner occurs pursuant to the provisions of §§ 53.1-133.02 and 53.1-160 or (ii) when an accused is released on bail, if they have provided their names, current addresses and telephone numbers in writing. Such notification may be provided through the Virginia Statewide VINE (Victim Information and Notification Everyday) System or other similar electronic or automated system.

e. Victims shall be advised that, in order to protect their right to receive notices and offer input, all agencies and persons having such duties must have current victim addresses and telephone numbers given by the victims. Victims shall also be advised that any such information given shall be confidential as provided by § 19.2-11.2.

f. Victims of sexual assault, as defined in § 19.2-11.5, shall be advised of their rights regarding physical evidence recovery kits as provided in Chapter 1.2 (§ 19.2-11.5 et seq.).

#### 4. Victim input.

a. Victims shall be given the opportunity, pursuant to § 19.2-299.1, to prepare a written victim impact statement prior to sentencing of a defendant and may provide information to any individual or agency charged with investigating the social history of a person or preparing a victim impact statement under the provisions of §§ 16.1-273 and 53.1-155 or any other applicable law.

b. Victims shall have the right to remain in the courtroom during a criminal trial or proceeding pursuant to the provisions of § 19.2-265.01.

c. On motion of the attorney for the Commonwealth, victims shall be given the opportunity, pursuant to §§ 19.2-264.4 and 19.2-295.3, to testify prior to sentencing of a defendant regarding the impact of the offense.

d. In a felony case, the attorney for the Commonwealth, upon the victim's written request, shall consult with the victim either verbally or in writing (i) to inform the victim of the contents of a proposed plea agreement and (ii) to obtain the victim's views about the disposition of the case, including the victim's views concerning dismissal, pleas, plea negotiations and sentencing. However, nothing in this section shall limit the ability of the attorney for the Commonwealth to exercise his discretion on behalf of the citizens of the Commonwealth in the disposition of any criminal case. The court shall not accept the plea agreement unless it finds that, except for good cause shown, the Commonwealth has complied with clauses (i) and (ii). Good cause shown shall include, but not be limited to, the unavailability of the victim due to incarceration, hospitalization, failure to appear at trial when subpoenaed, or change of address without notice.

Upon the victim's written request, the victim shall be notified in accordance with subdivision A 3 b of any proceeding in which the plea agreement will be tendered to the court.

The responsibility to consult with the victim under this subdivision shall not confer upon the defendant any substantive or procedural rights and shall not affect the validity of any plea entered by the defendant.

#### 5. Courtroom assistance.

a. Victims and witnesses shall be informed that their addresses ~~and~~ any telephone numbers, *and email addresses* may not be disclosed, pursuant to the provisions of §§ 19.2-11.2 and 19.2-269.2, except when necessary for the conduct of the criminal proceeding.

b. Victims and witnesses shall be advised that they have the right to the services of an interpreter in accordance with §§ 19.2-164 and 19.2-164.1.

c. Victims and witnesses of certain sexual offenses shall be advised that there may be a closed preliminary hearing in accordance with § 18.2-67.8 and, if a victim was 14 years of age or younger on the date of the offense and is 16 or under at the time of the trial, or a witness to the offense is 14 years of age or younger at the time of the trial, that two-way closed-circuit television may be used in the taking of testimony in accordance with § 18.2-67.9.

#### 6. Post trial assistance.

a. Within 30 days of receipt of a victim's written request after the final trial court proceeding in the case, the attorney for the Commonwealth shall notify the victim in writing, of (i) the disposition of the case, (ii) the crimes of which the defendant was convicted, (iii) the defendant's right to appeal, if known, and (iv) the telephone number of offices to contact in the event of nonpayment of restitution by the defendant.

b. If the defendant has been released on bail pending the outcome of an appeal, the agency that had custody of the defendant immediately prior to his release shall notify the victim as soon as practicable that the defendant has been released.

c. If the defendant's conviction is overturned, and the attorney for the Commonwealth decides to retry the case or the case is remanded for a new trial, the victim shall be entitled to the same rights as if the first trial did not take place.

B. For purposes of this chapter, "victim" means (i) a person who has suffered physical, psychological, or economic harm as a direct result of the commission of (a) a felony, (b) assault and battery in violation of § 18.2-57 or 18.2-57.2, stalking in violation of § 18.2-60.3, a violation of a protective order in violation of § 16.1-253.2 or 18.2-60.4, sexual battery

in violation of § 18.2-67.4, attempted sexual battery in violation of § 18.2-67.5, or maiming or driving while intoxicated in violation of § 18.2-51.4 or 18.2-266, or (c) a delinquent act that would be a felony or a misdemeanor violation of any offense enumerated in clause (b) if committed by an adult; (ii) a spouse or child of such a person; (iii) a parent or legal guardian of such a person who is a minor; (iv) for the purposes of subdivision A 4 only, a current or former foster parent or other person who has or has had physical custody of such a person who is a minor, for six months or more or for the majority of the minor's life; or (v) a spouse, parent, sibling, or legal guardian of such a person who is physically or mentally incapacitated or was the victim of a homicide; however, "victim" does not mean a parent, child, spouse, sibling, or legal guardian who commits a felony or other enumerated criminal offense against a victim as defined in clause (i).

C. Officials and employees of the judiciary, including court services units, law-enforcement agencies, the Department of Corrections, attorneys for the Commonwealth and public defenders, shall be provided with copies of this chapter by the Department of Criminal Justice Services or a crime victim and witness assistance program. Each agency, officer or employee who has a responsibility or responsibilities to victims under this chapter or other applicable law shall make reasonable efforts to become informed about these responsibilities and to ensure that victims and witnesses receive such information and services to which they may be entitled under applicable law, provided that no liability or cause of action shall arise from the failure to make such efforts or from the failure of such victims or witnesses to receive any such information or services.

**§ 19.2-11.2. Crime victim's right to nondisclosure of certain information; exceptions; testimonial privilege.**

Upon request of any witness in a criminal prosecution under § 18.2-46.2, 18.2-46.3, or 18.2-248 or of any violent felony as defined by subsection C of § 17.1-805, or any crime victim, neither a law-enforcement agency, the attorney for the Commonwealth, the counsel for a defendant, a court nor the Department of Corrections, nor any employee of any of them, may disclose, except among themselves, the residential address, *any* telephone number, *email address*, or place of employment of the witness or victim or a member of the witness' or victim's family, except to the extent that disclosure is (i) of the site of the crime, (ii) required by law or Rules of the Supreme Court, (iii) necessary for law-enforcement purposes or preparation for court proceedings, or (iv) permitted by the court for good cause.

Except with the written consent of the victim of any crime involving any sexual assault, sexual abuse, or family abuse or the victim's next of kin if the victim is a minor and the victim's death results from any crime, a law-enforcement agency may not disclose to the public information that directly or indirectly identifies the victim of such crime except to the extent that disclosure is (a) of the site of the crime, (b) required by law, (c) necessary for law-enforcement purposes, or (d) permitted by the court for good cause. In addition, at the request of the victim to the Court of Appeals of Virginia or the Supreme Court of Virginia hearing, on or after July 1, 2007, the case of a crime involving any sexual assault or sexual abuse, no appellate decision shall contain the first or last name of the victim.

Nothing herein shall limit the right to examine witnesses in a court of law or otherwise affect the conduct of any criminal proceeding.

**§ 19.2-269.2. Nondisclosure of addresses or telephone numbers of crime victims and witnesses.**

During any criminal proceeding, upon motion of the defendant or the attorney for the Commonwealth, a judge may prohibit testimony as to the current residential or business address ~~or~~, *any* telephone number, *or email address* of a victim or witness if the judge determines that this information is not material under the circumstances of the case.

## CHAPTER 84

*An Act to amend and reenact § 19.2-56.2 of the Code of Virginia, relating to search warrant for a tracking device; delivery of affidavit.*

[S 475]

Approved March 2, 2018

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

**1. That § 19.2-56.2 of the Code of Virginia is amended and reenacted as follows:**

**§ 19.2-56.2. Application for and issuance of search warrant for a tracking device; installation and use.**

A. As used in this section, unless the context requires a different meaning:

"Judicial officer" means a judge, magistrate, or other person authorized to issue criminal warrants.

"Law-enforcement officer" shall have the same meaning as in § 9.1-101.

"Tracking device" means an electronic or mechanical device that permits a person to remotely determine or track the position or movement of a person or object. "Tracking device" includes devices that store geographic data for subsequent access or analysis and devices that allow for the real-time monitoring of movement.

"Use of a tracking device" includes the installation, maintenance, and monitoring of a tracking device but does not include the interception of wire, electronic, or oral communications or the capture, collection, monitoring, or viewing of images.

B. A law-enforcement officer may apply for a search warrant from a judicial officer to permit the use of a tracking device. Each application for a search warrant authorizing the use of a tracking device shall be made in writing, upon oath or affirmation, to a judicial officer for the circuit in which the tracking device is to be installed, or where there is probable

cause to believe the offense for which the tracking device is sought has been committed, is being committed, or will be committed.

The law-enforcement officer shall submit an affidavit, which may be filed by electronically transmitted (i) facsimile process or (ii) electronic record as defined in § 59.1-480, and shall include:

1. The identity of the applicant and the identity of the law-enforcement agency conducting the investigation;
2. The identity of the vehicle, container, item, or object to which, in which, or on which the tracking device is to be attached, placed, or otherwise installed; the name of the owner or possessor of the vehicle, container, item, or object described, if known; and the jurisdictional area in which the vehicle, container, item, or object described is expected to be found, if known;

3. Material facts constituting the probable cause for the issuance of the search warrant and alleging substantially the offense in relation to which such tracking device is to be used and a showing that probable cause exists that the information likely to be obtained will be evidence of the commission of such offense; and

4. The name of the county or city where there is probable cause to believe the offense for which the tracking device is sought has been committed, is being committed, or will be committed.

C. 1. If the judicial officer finds, based on the affidavit submitted, that there is probable cause to believe that a crime has been committed, is being committed, or will be committed and that there is probable cause to believe the information likely to be obtained from the use of the tracking device will be evidence of the commission of such offense, the judicial officer shall issue a search warrant authorizing the use of the tracking device. The search warrant shall authorize the use of the tracking device from within the Commonwealth to track a person or property for a reasonable period of time, not to exceed 30 days from the issuance of the search warrant. The search warrant shall authorize the collection of the tracking data contained in or obtained from the tracking device but shall not authorize the interception of wire, electronic, or oral communications or the capture, collection, monitoring, or viewing of images.

2. The affidavit shall be certified by the judicial officer who issues the search warrant and shall be delivered to and preserved as a record by the clerk of the circuit court of the county or city where there is probable cause to believe the offense for which the tracking device has been sought has been committed, is being committed, or will be committed. The affidavit shall be delivered by the judicial officer *or his designee or agent* in person; mailed by certified mail, return receipt requested; or delivered by electronically transmitted facsimile process or by use of filing and security procedures as defined in the Uniform Electronic Transactions Act (§ 59.1-479 et seq.) for transmitting signed documents.

3. By operation of law, the affidavit, search warrant, return, and any other related materials or pleadings shall be sealed. Upon motion of the Commonwealth or the owner or possessor of the vehicle, container, item, or object that was tracked, the circuit court may unseal such documents if it appears that the unsealing is consistent with the ends of justice or is necessary to reasonably inform such person of the nature of the evidence to be presented against him or to adequately prepare for his defense.

4. The circuit court may, for good cause shown, grant one or more extensions, not to exceed 30 days each.

D. 1. The search warrant shall command the law-enforcement officer to complete the installation authorized by the search warrant within 15 days after issuance of the search warrant.

2. The law-enforcement officer executing the search warrant shall enter on it the exact date and time the device was installed and the period during which it was used.

3. Law-enforcement officers shall be permitted to monitor the tracking device during the period authorized in the search warrant, unless the period is extended as provided for in this section.

4. Law-enforcement officers shall remove the tracking device as soon as practical, but not later than 10 days after the use of the tracking device has ended. Upon request, and for good cause shown, the circuit court may grant one or more extensions for such removal for a period not to exceed 10 days each.

5. In the event that law-enforcement officers are unable to remove the tracking device as required by subdivision 4, the law-enforcement officers shall disable the device, if possible, and all use of the tracking device shall cease.

6. Within 10 days after the use of the tracking device has ended, the executed search warrant shall be returned to the circuit court of the county or city where there is probable cause to believe the offense for which the tracking device has been sought has been committed, is being committed, or will be committed, as designated in the search warrant, where it shall be preserved as a record by the clerk of the circuit court.

E. Within 10 days after the use of the tracking device has ended, a copy of the executed search warrant shall be served on the person who was tracked and the person whose property was tracked. Service may be accomplished by delivering a copy to the person who, or whose property, was tracked or by leaving a copy with any individual found at the person's usual place of abode who is a member of the person's family, other than a temporary sojourner or guest, and who is 16 years of age or older and by mailing a copy to the person's last known address. Upon request, and for good cause shown, the circuit court may grant one or more extensions for such service for a period not to exceed 30 days each. Good cause shall include, but not be limited to, a continuing criminal investigation, the potential for intimidation, the endangerment of an individual, or the preservation of evidence.

F. The disclosure or publication, without authorization of a circuit court, by a court officer, law-enforcement officer, or other person responsible for the administration of this section of the existence of a search warrant issued pursuant to this section, application for such search warrant, any affidavit filed in support of such warrant, or any return or data obtained as a result of such search warrant that is sealed by operation of law is punishable as a Class 1 misdemeanor.

## CHAPTER 85

*An Act to amend and reenact § 15.2-3108 of the Code of Virginia, relating to voluntary boundary agreements; GIS map.*

[S 477]

Approved March 2, 2018

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

**1. That § 15.2-3108 of the Code of Virginia is amended and reenacted as follows:**

**§ 15.2-3108. Petition and hearing; recordation of order; costs.**

Within a reasonable time after a voluntary boundary agreement is adopted by the affected localities, each affected locality shall petition the circuit court for one of the affected localities to approve the boundary agreement. The petition shall set forth the facts pertaining to the desire to relocate or change the boundary line between the localities, and the petition shall include or have attached to it either (i) a plat depicting the change in the boundaries of the localities as agreed; (ii) a metes and bounds description of the new boundary line as agreed upon by the two localities; or (iii) regarding the boundary between the Counties of Louisa and Goochland ~~or~~, between the County of Loudoun and any town therein, *or between the Counties of Spotsylvania and Orange*, a Geographic Information System (GIS) map depicting the change in the boundaries of the localities as agreed, having been established by Virginia State Plane Coordinates System, South Zone or North Zone, as applicable, meeting National Geodetic Survey standards. If the court finds that the procedures required by § 15.2-3107 have been complied with and that the petition is otherwise in proper order, the court shall enter an appropriate order establishing the new boundary. The order shall include a plat depicting the change in the boundaries of the locality, a metes and bounds description of the new boundary line of the locality, or, regarding the boundary between the Counties of Louisa and Goochland ~~or~~, between the County of Loudoun and any town therein, *or between the Counties of Spotsylvania and Orange*, a GIS map depicting the change in the boundaries of the localities that includes the Virginia State Plane, South Zone or North Zone coordinates, as applicable, and that order shall be entered in the land records of the court and indexed in the names of the localities which were involved. Costs shall be awarded as the court may determine. Whenever such an order is entered, a certified copy of the order shall be sent to the Secretary of the Commonwealth by the clerk of the court.

## CHAPTER 86

*An Act to amend and reenact §§ 54.1-2105.01, 54.1-2105.03, 54.1-2105.1, 54.1-2137, 55-519, 55-520, and 55-525 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 54.1-2108.2, relating to the Real Estate Board; powers and duties; escrow funds; education.*

[S 514]

Approved March 2, 2018

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

**1. That §§ 54.1-2105.01, 54.1-2105.03, 54.1-2105.1, 54.1-2137, 55-519, 55-520, and 55-525 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 54.1-2108.2 as follows:**

**§ 54.1-2105.01. Educational requirements for all salespersons within one year of licensure.**

A. The Board shall establish guidelines for ~~an~~ a *post-licensure* educational curriculum of at least 30 hours of classroom, or correspondence or other distance learning, instruction, in specified areas, which shall be required of all salespersons within ~~one the initial year of issuance of a license by the Board~~ *licensure*. Failure of a new licensee to complete the 30-hour *post-licensure* curriculum within one year of ~~obtaining a real estate salesperson's license from the last day of the month in which his license was issued~~ shall result in the license being placed on inactive status by the Board until the curriculum has been completed.

B. To establish the guidelines required by this section, the Board shall establish an industry advisory group composed of representatives of the practices of (i) residential real estate, (ii) commercial real estate, and (iii) property management. The industry advisory group shall consist of licensed real estate salespersons and real estate brokers who shall be appointed by and shall meet at the direction of the Board, ~~at least annually~~, to update the guidelines. The Board shall review and may approve educational curricula developed by an approved school or other provider of real estate education authorized by this chapter. The industry advisory group shall serve at no cost to the Board.

C. The curricula for new licensees shall include topics that new licensees need to know in their practices, including contract writing, handling customer deposits, listing property, leasing property, agency, current industry issues and trends, flood hazard areas and the National Flood Insurance Program, property owners' and condominium association law, landlord-tenant law, Board regulations, *real estate-related finance*, and such other topics as designated by the Board. The ~~continuing~~ *post-licensure* education requirements of this section for new licensees shall be in lieu of the continuing education requirements otherwise specified in this chapter and Board regulations.

**§ 54.1-2105.03. Continuing education; relicensure of brokers and salespersons.**

A. Board regulations shall include educational requirements as a condition for relicensure of brokers and salespersons to whom active licenses have been issued by the Board beyond those now specified by law as conditions for licensure.

1. Brokers to whom active licenses have been issued by the Board shall be required to satisfactorily complete courses of not less than 24 hours of classroom or correspondence or other distance learning instruction during each licensing term. Of the total 24 hours, the curriculum shall consist of:

- a. A minimum of eight required hours to include at least three hours of ethics and standards of conduct, two hours of fair housing, and the remaining three hours of legal updates and emerging trends, flood hazard areas and the National Flood Insurance Program, real estate agency, and real estate contracts;
- b. A minimum of eight hours of courses relating to supervision and management of real estate agents and the management of real estate brokerage firms as are approved by the Board, *two hours of which shall include an overview of the broker supervision requirements under this chapter and the Board regulations*; and
- c. Eight hours of general elective courses as are approved by the Board.

The Board may, on a year-by-year basis, adjust the required hours and course topics specified in this subdivision for the next succeeding year, applicable to a licensee in the next renewal period for his license, including the addition of topics deemed by the Board to be essential. Such designation or adjustment by the Board shall be made prior to September 1 of any given calendar year. The action of the Board in making such adjustment shall be subject to § 2.2-4012.1.

The fair housing requirements shall include an update on current cases and administrative decisions under fair housing laws. If the licensee submits a notarized affidavit to the Board that certifies that he does not practice residential real estate and shall not do so during the licensing term, training in fair housing shall not be required; instead, such licensee shall receive training in other applicable federal and state discrimination laws and regulations.

2. Salespersons to whom active licenses have been issued by the Board shall be required to satisfactorily complete courses of not less than 16 hours of classroom or correspondence or other distance learning instruction during each licensing term. Of the total 16 hours, the curriculum shall consist of:

- a. A minimum of eight required hours to include at least three hours of ethics and standards of conduct, two hours of fair housing, and the remaining three hours of legal updates and emerging trends, real estate agency, real estate contracts, and flood hazard areas and the National Flood Insurance Program; and
- b. Eight hours of general elective courses as are approved by the Board.

The Board may, on a year-by-year basis, readjust the required hours and course topics specified in this subdivision for the next succeeding year, applicable to a licensee in the next renewal period for his license, including the addition of topics deemed by the Board to be essential. Such designation or adjustment by the Board shall be made prior to September 1 of any given calendar year. The action of the Board in making such adjustment shall be subject to § 2.2-4012.1.

3. The Board shall approve a continuing education curriculum of not less than three hours, and as of July 1, 2012, every applicant for relicensure as an active broker or salesperson shall complete at a minimum one three-hour continuing education course on the changes to residential standard agency effective as of July 1, 2011, to Article 3 (§ 54.1-2130 et seq.) prior to renewal or reinstatement of his license. If the licensee submits a notarized affidavit to the Board that certifies that he does not practice residential real estate and shall not do so during the licensing term, training in residential representation shall not be required. A licensee who takes one three-hour continuing education class on residential representation shall satisfy the requirements for continuing education and may, but shall not be required to, take any further continuing education on residential standard agency.

The fair housing requirements shall include an update on current cases and administrative decisions under fair housing laws. If the licensee submits a notarized affidavit to the Board that certifies that he does not practice residential real estate and shall not do so during the licensing term, training in fair housing shall not be required; instead, such licensee shall receive training in other applicable federal and state discrimination laws and regulations.

4. For correspondence and other distance learning instruction offered by an approved provider, the Board shall establish the appropriate testing procedures to verify completion of the course and require the licensee to file a notarized affidavit certifying compliance with the course requirements. The Board may establish procedures to ensure the quality of the courses. The Board shall not require testing for continuing education courses completed through classroom instruction.

B. Every applicant for relicensure as an active salesperson or broker shall complete the continuing education requirements prior to each renewal or reinstatement of his license. The continuing education requirement shall also apply to inactive licensees who make application for an active license. Notwithstanding this requirement, military personnel called to active duty in the armed forces of the United States may complete the required continuing education within six months of their release from active duty.

C. The Board shall establish procedures for the carryover of continuing education credits completed by licensees from the licensee's current license period to the licensee's next renewal period.

D. The Board may grant exemptions or waive or reduce the number of continuing education hours required in cases of certified illness or undue hardship as demonstrated to the Board.

**§ 54.1-2105.1. Other powers and duties of the Real Estate Board.**

In addition to the provisions of §§ 54.1-2105.01 through 54.1-2105.04, the Board shall:

1. Develop a residential property disclosure statement form for use in accordance with the provisions of Chapter 27 (§ 55-517 et seq.) of Title 55 *and maintain such statement on its website*. The Board shall also ~~include develop and maintain on its website the notice required by subsection B of § 55-519~~ *a one-page form to be signed by the parties acknowledging that the purchaser has been advised to review the residential property disclosure statement on the Board's website*; and

2. Inform licensed brokers, in a manner deemed appropriate by the Board, of the broker's ability to designate an agent pursuant to § 54.1-2109 in the event of the broker's death or disability.

**§ 54.1-2108.2. Protection of escrow funds, etc., held by a real estate broker in the event of termination of a real estate purchase contract.**

*Notwithstanding any other provision of law, for purchase transactions:*

1. Upon the ratification of a contract, an earnest money deposit received by the principal broker or supervising broker or his associates shall be placed in an escrow account by the end of the fifth business banking day following ratification, unless otherwise agreed to in writing by the principals to the transaction, and shall remain in that account until the transaction has been consummated or terminated.

2. In the event that the transaction is not consummated, the principal broker or supervising broker shall hold such funds in escrow until (i) all principals to the transaction have agreed in a written agreement as to their disposition, upon which the funds shall be returned to the agreed-upon principal as provided in such written agreement; (ii) a court of competent jurisdiction orders such disbursement of the funds; (iii) the funds are successfully interpleaded into a court of competent jurisdiction pursuant to this section; or (iv) the broker releases the funds to the principal to the transaction who is entitled to receive them in accordance with the clear and explicit terms of the contract that established the earnest money deposit.

At the option of a broker, written notice may be sent by the broker that release of such funds shall be made unless a written protest is received from the principal who is not receiving the funds by such broker within 15 calendar days of the date of such notice. Notice of a disbursement shall be given to the parties to the transaction in accordance with the contract, but if the contract does not specify a method of delivery, one of the following methods complies with this section: (a) hand delivery; (b) United States mail, postage prepaid, provided that the sender retains sufficient proof of mailing, which may be either a United States postal certificate of mailing or a certificate of service prepared by the sender confirming such mailing; (c) electronic means, provided that the sender retains sufficient proof of the electronic delivery, which may be an electronic receipt of delivery, a confirmation that the notice was sent by facsimile, or a certificate of service prepared by the sender confirming the electronic delivery; or (d) overnight delivery using a commercial service or the United States Postal Service. Except as provided in the clear and explicit terms of the contract, no broker shall be required to make a determination as to the party entitled to receive the earnest money deposit. A broker who complies with this section shall be immune from liability to any of the parties to the contract.

3. A principal broker or supervising broker holding escrow funds for a principal to the transaction may seek to have a court of competent jurisdiction take custody of disputed or unclaimed escrow funds via an interpleader action pursuant to § 16.1-77.

4. If a principal broker or supervising broker is holding escrow funds for the owner of real property and such property is foreclosed upon by a lender, the principal broker or supervising broker shall have the right to file an interpleader action pursuant to § 16.1-77 and otherwise comply with the provisions of § 54.1-2108.1.

**§ 54.1-2137. Commencement and termination of brokerage relationships.**

A. The brokerage relationships set forth in this article shall commence at the time that a client engages a licensee and shall continue until (i) completion of performance in accordance with the brokerage agreement or (ii) the earlier of (a) any date of expiration agreed upon by the parties as part of the brokerage agreement or in any amendments thereto, (b) any mutually agreed upon termination of the brokerage agreement, (c) a default by any party under the terms of the brokerage agreement, or (d) a termination as set forth in ~~subsection F~~ subsection G of § 54.1-2139.

B. Brokerage agreements shall be in writing and shall:

1. Have a definite termination date; however, if a brokerage agreement does not specify a definite termination date, the brokerage agreement shall terminate 90 days after the date of the brokerage agreement;
2. State the amount of the brokerage fees and how and when such fees are to be paid;
3. State the services to be rendered by the licensee;
4. Include such other terms of the brokerage relationship as have been agreed to by the client and the licensee; and
5. In the case of brokerage agreements entered into in conjunction with the client's consent to a dual representation, the disclosures set out in subsection A of § 54.1-2139.

C. Except as otherwise agreed to in writing, a licensee owes no further duties to a client after termination, expiration, or completion of performance of the brokerage agreement, except to (i) account for all moneys and property relating to the brokerage relationship and (ii) keep confidential all personal and financial information received from the client during the course of the brokerage relationship and any other information that the client requests during the brokerage relationship be maintained confidential, unless otherwise provided by law or the client consents in writing to the release of such information.

**§ 55-519. Required disclosures for buyer to beware; buyer to exercise necessary due diligence.**

A. The owner of the residential real property shall furnish to a purchaser a residential property disclosure statement for the buyer to beware of certain matters that may affect the buyer's decision to purchase such real property. Such statement shall be ~~on a form~~ provided by the Real Estate Board on its website.

B. The residential property disclosure statement provided by the Real Estate Board on its website shall include the following:

1. The owner makes no representations or warranties as to the condition of the real property or any improvements thereon, or with regard to any covenants and restrictions as may be recorded among the land records affecting the real property or any improvements thereon, and purchasers are advised to exercise whatever due diligence a particular purchaser deems necessary, including obtaining a home inspection, as defined in § 54.1-500, in accordance with terms and conditions as may be contained in the real estate purchase contract, but in any event, prior to settlement pursuant to such contract;

2. The owner makes no representations with respect to any matters that may pertain to parcels adjacent to the subject parcel, including zoning classification or permitted uses of adjacent parcels, and that purchasers are advised to exercise whatever due diligence a particular purchaser deems necessary with respect to adjacent parcels in accordance with terms and conditions as may be contained in the real estate purchase contract, but in any event, prior to settlement pursuant to such contract;

3. The owner makes no representations to any matters that pertain to whether the provisions of any historic district ordinance affect the property and purchasers are advised to exercise whatever due diligence a particular purchaser deems necessary with respect to any historic district designated by the locality pursuant to § 15.2-2306, including review of (i) any local ordinance creating such district, (ii) any official map adopted by the locality depicting historic districts, and (iii) any materials available from the locality that explain (a) any requirements to alter, reconstruct, renovate, restore, or demolish buildings or signs in the local historic district and (b) the necessity of any local review board or governing body approvals prior to doing any work on a property located in a local historic district, in accordance with terms and conditions as may be contained in the real estate purchase contract, but in any event, prior to settlement pursuant to such contract;

4. The owner makes no representations with respect to whether the property contains any resource protection areas established in an ordinance implementing the Chesapeake Bay Preservation Act (§ 62.1-44.15:67 et seq.) adopted by the locality where the property is located pursuant to § 62.1-44.15:74 and that purchasers are advised to exercise whatever due diligence a particular purchaser deems necessary to determine whether the provisions of any such ordinance affect the property, including review of any official map adopted by the locality depicting resource protection areas, in accordance with terms and conditions as may be contained in the real estate purchase contract, but in any event, prior to settlement pursuant to such contract;

5. The owner makes no representations with respect to information on any sexual offenders registered under Chapter 23 (§ 19.2-387 et seq.) of Title 19.2 and that purchasers are advised to exercise whatever due diligence they deem necessary with respect to such information, in accordance with terms and conditions as may be contained in the real estate purchase contract, but in any event, prior to settlement pursuant to such contract;

6. The owner makes no representations with respect to whether the property is within a dam break inundation zone. Such disclosure statement shall advise purchasers to exercise whatever due diligence they deem necessary with respect to whether the property resides within a dam break inundation zone, including a review of any map adopted by the locality depicting dam break inundation zones;

7. The owner makes no representations with respect to the presence of any stormwater detention facilities located on the property, or any maintenance agreement for such facilities, and purchasers are advised to exercise whatever due diligence they deem necessary to determine the presence of any stormwater detention facilities on the property, or any maintenance agreement for such facilities, in accordance with terms and conditions as may be contained in the real estate purchase contract, but in any event, prior to settlement pursuant to such contract;

8. The owner makes no representations with respect to the presence of any wastewater system, including the type or size thereof or associated maintenance responsibilities related thereto, located on the property and purchasers are advised to exercise whatever due diligence they deem necessary to determine the presence of any wastewater system on the property and the costs associated with maintaining, repairing, or inspecting any wastewater system, including any costs or requirements related to the pump-out of septic tanks, in accordance with terms and conditions as may be contained in the real estate purchase contract, but in any event, prior to settlement pursuant to such contract;

9. The owner makes no representations with respect to any right to install or use solar energy collection devices on the property;

10. The owner makes no representations with respect to whether the property is located in one or more special flood hazard areas and purchasers are advised to exercise whatever due diligence they deem necessary, including (i) obtaining a flood certification or mortgage lender determination of whether the property is located in one or more special flood hazard areas, (ii) review of any map depicting special flood hazard areas, and (iii) whether flood insurance is required, in accordance with terms and conditions as may be contained in the real estate purchase contract, but in any event, prior to settlement pursuant to such contract;

11. The owner makes no representations with respect to whether the property is subject to one or more conservation or other easements and that purchasers are advised to exercise whatever due diligence a particular purchaser deems necessary in accordance with terms and conditions as may be contained in the real estate purchase contract, but in any event, prior to settlement pursuant to such contract; and

12. The owner makes no representations with respect to whether the property is subject to a community development authority approved by a local governing body pursuant to Article 6 (§ 15.2-5152 et seq.) of Chapter 51 of Title 15.2 and that purchasers are advised to exercise whatever due diligence a particular purchaser deems necessary in accordance with terms and conditions as may be contained in the real estate purchase contract, including determining whether a copy of the resolution or ordinance has been recorded in the land records of the circuit court for the locality in which the community

development authority district is located for each tax parcel included in the district pursuant to § 15.2-5157, but in any event, prior to settlement pursuant to such contract.

C. The residential property disclosure statement shall be delivered in accordance with § 55-520.

**§ 55-520. Time for disclosure; termination of contract.**

A. The owner of residential real property subject to this chapter shall provide notification to the purchaser of any disclosures required by this chapter prior to the ratification of a real estate purchase contract or otherwise be subject to the provisions of subsection B. The disclosures required by this chapter shall be ~~on forms~~ provided by the Real Estate Board on its website.

B. If the disclosures required by this chapter are delivered to the purchaser after ratification of the real estate purchase contract, the purchaser's sole remedy shall be to terminate the real estate purchase contract at or prior to the earliest of (i) three days after delivery of the disclosure statement in person or by electronic delivery; (ii) five days after the postmark if the disclosure statement is deposited in the United States mail, postage prepaid, and properly addressed to the purchaser; (iii) settlement upon purchase of the property; (iv) occupancy of the property by the purchaser; (v) the purchaser making written application to a lender for a mortgage loan where such application contains a disclosure that the right of termination shall end upon the application for the mortgage loan; or (vi) the execution by the purchaser after receiving the disclosure statement required by this chapter of a written waiver of the purchaser's right of termination under this chapter contained in a writing separate from the real estate purchase contract. In order to terminate a real estate purchase contract when permitted by this chapter, the purchaser must, within the times required by this chapter, give written notice to the owner by one of the following methods:

1. Hand delivery;
2. United States mail, postage prepaid, provided that the sender retains sufficient proof of mailing, which may be a certificate of service prepared by the sender confirming such mailing;
3. Electronic delivery; or
4. Overnight delivery using a commercial service or the United States Postal Service.

If the purchaser terminates a real estate purchase contract in compliance with this chapter, the termination shall be without penalty to the purchaser, and any deposit shall be promptly returned to the purchaser.

C. Notwithstanding the provisions of subsection B of § 55-524, no purchaser of residential real property located in a noise zone designated on the official zoning map of the locality as having a day-night average sound level of less than 65 decibels shall have the right to terminate a real estate purchase contract pursuant to this section for failure of the property owner to timely provide any disclosure required by this chapter.

**§ 55-525. Real Estate Board to develop form; when effective.**

An owner shall be required to make disclosures required by this chapter for real property subject to a real estate purchase contract ~~which that~~ is fully executed by all parties ~~thereto on and after January 1, 2008. On or before January 1, 2008, the~~ The Real Estate Board shall develop the form for *signature by the parties advising the purchaser to review* the residential property disclosure statement *on the Board's website* in accordance with § 54.1-2105.1. The Board may at any time amend the *residential property disclosure statement and the form for signature by the parties* as the Board deems necessary and appropriate.

**2. That the provisions of this act amending §§ 54.1-2105.01 and 54.1-2105.03 of the Code of Virginia shall become effective on January 1, 2019.**

## CHAPTER 87

*An Act to amend and reenact § 54.1-2101.1 of the Code of Virginia, relating to professions and occupations; Real Estate Board; licensees; translation of real estate documents.*

[S 528]

Approved March 2, 2018

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

**1. That § 54.1-2101.1 of the Code of Virginia is amended and reenacted as follows:**

**§ 54.1-2101.1. Preparation of real estate contracts by real estate licensees; translation.**

Notwithstanding any rule of court to the contrary, any person licensed under this chapter may prepare written contracts for the sale, purchase, option, exchange, or rental of real estate, provided *that* the preparation of such contracts is incidental to a real estate transaction in which the licensee (i) is involved and (ii) does not charge a separate fee for preparing the contracts.

*If a party to a real estate transaction requests translation of a contract or other real estate document from the English language to another language, a licensee may assist such party in obtaining a translator or may refer such party to an electronic translation service. The licensee shall not charge a fee for such assistance or referral. In doing so, the licensee shall not be deemed to have breached any of his obligations under this chapter or otherwise become liable for any inaccuracies in the translation.*

## CHAPTER 88

*An Act to amend and reenact § 54.1-1111 of the Code of Virginia, relating to Board for Contractors; prerequisites to obtaining a building permit; elimination of affidavit requirement for written statements.*

[S 529]

Approved March 2, 2018

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

**1. That § 54.1-1111 of the Code of Virginia is amended and reenacted as follows:**

**§ 54.1-1111. Prerequisites to obtaining business license; building, etc., permit.**

A. Any person applying to the building ~~inspector~~ *official* or any other authority of a county, city, or town in this Commonwealth, charged with the duty of issuing building or other permits for the construction of any building, highway, sewer, or structure, or any removal, grading or improvement shall furnish prior to the issuance of the permit, either (i) satisfactory proof to such ~~inspector~~ *official* or authority that he is duly licensed or certified under the terms of this chapter to carry out or superintend the same, or (ii) file a written statement, ~~supported by an affidavit~~, that he is not subject to licensure or certification as a contractor or subcontractor pursuant to this chapter. The applicant shall also furnish satisfactory proof that the taxes or license fees required by any county, city, or town have been paid so as to be qualified to bid upon or contract for the work for which the permit has been applied.

It shall be unlawful for the building ~~inspector~~ *official* or other authority to issue or allow the issuance of such permits unless the applicant has furnished his license or certificate number issued pursuant to this chapter or evidence of being exempt from the provisions of this chapter.

The building ~~inspector~~ *official*, or other such authority, violating the terms of this section shall be guilty of a Class 3 misdemeanor.

B. Any contractor applying for or renewing a business license in any locality in accordance with Chapter 37 (§ 58.1-3700 et seq.) of Title 58.1 shall furnish prior to the issuance or renewal of such license either (i) satisfactory proof that he is duly licensed or certified under the terms of this chapter or (ii) a written statement, supported by an affidavit, that he is not subject to licensure or certification as a contractor or subcontractor pursuant to this chapter.

No locality shall issue or renew or allow the issuance or renewal of such license unless the contractor has furnished his license or certificate number issued pursuant to this chapter or evidence of being exempt from the provisions of this chapter.

## CHAPTER 89

*An Act to amend and reenact § 3.2, as amended, and § 4.1 of Chapter 836 of the Acts of Assembly of 1978, which provided a charter for the Town of Broadway, relating to municipal elections; term of the mayor.*

[S 546]

Approved March 2, 2018

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

**1. That § 3.2, as amended, and § 4.1 of Chapter 836 of the Acts of Assembly of 1978 are amended and reenacted as follows:**

**§ 3.2. Terms of office.**

All councilmanic elections shall be held in accordance with general law. Commencing in ~~1984~~ *November 2019*, and every ~~even-numbered~~ *odd-numbered* year thereafter, there shall be elected three councilmen to serve four-year terms. Their terms shall commence ~~July~~ *January* 1 of the year ~~in~~ *after* which the election is held.

~~In the May 1982 general election the two members elected shall take office July 1 following their election and hold such office for a term of four years.~~

~~In the May 1983 general election the two members elected shall take office July 1 following their election and hold office as follows: the councilman receiving the highest number of votes shall serve a term of three years; the councilman receiving the second highest number of votes shall serve a term of one year. Thereafter, all terms shall be for four years.~~

Each councilman elected as hereinabove provided shall serve for the term stated or until his successor has been elected and duly qualified in office. *No amendment to this section shall affect the term of office of any person holding office as councilman at the time of the adoption of such amendment.*

**§ 4.1. Term of office and salary.**

The mayor shall be elected by the qualified electors of the town for a term of ~~two~~ *four* years. In the general ~~municipal~~ election in ~~May 1978~~ *November 2019*, and *continuing at the general election each four years thereafter*, a mayor shall be elected to serve a term from ~~September 1, 1978, through June 30, 1980~~. *Thereafter, he shall serve a two-year term beginning on July 1 of each even-numbered year. His term shall commence January 1 of each year after which the election is held.*

His salary shall be fixed by the town council by ordinance in accordance with the provisions of law and shall not be diminished during his term of office.

No such ordinance shall be passed by the council on the same day on which it is introduced, nor shall it be valid until at least three days intervene between its introduction and the date of passage.

*No amendment to this section shall affect the term of office of any person holding the office of mayor at the time of the adoption of such amendment.*

**CHAPTER 90**

*An Act to amend and reenact § 46.2-1222 of the Code of Virginia, relating to regulation of parking on secondary highways; Albemarle.*

[S 679]

Approved March 2, 2018

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

**1. That § 46.2-1222 of the Code of Virginia is amended and reenacted as follows:**

**§ 46.2-1222. Regulation of parking on secondary highways by certain counties.**

A. Notwithstanding any other provision of law, the governing bodies of *Albemarle*, Fairfax, James City, Loudoun, Montgomery, Prince George, Prince William, and York Counties by ordinance may (i) restrict or prohibit parking on any part of the state secondary system of highways within their respective boundaries, (ii) provide for the classification of vehicles for the purpose of these restrictions and prohibitions, and (iii) provide that the violation of the ordinance shall constitute a traffic infraction and prescribe penalties therefor.

B. All signs and other markings designating the areas where parking is prohibited or restricted shall be installed by the county at its expense under permit from the Virginia Department of Transportation.

C. In any prosecution charging a violation of the ordinance, proof that the vehicle described in the complaint, summons, or warrant was parked in violation of such ordinance, together with proof that the defendant was at the time the registered owner of the vehicle, as required by Chapter 6 of this title, shall give rise to a prima facie presumption that the registered owner of the vehicle was the person who committed the violation.

D. Any ordinance adopted pursuant to this section shall require (i) that uncontested payments of penalties for violations of the ordinance shall be collected and accounted for by a county officer or employee, (ii) that the officer or employee shall report on a proper form to the appropriate district court any person's contesting of any citation for violation of the ordinance, and (iii) that the officer or employee shall cause warrants to be issued for delinquent parking citations.

**CHAPTER 91**

*An Act to amend and reenact § 1, as amended, of Article III of Chapter 397 of the Acts of Assembly of 1950, which provided a charter for the Town of Amherst, relating to council elections.*

[S 871]

Approved March 2, 2018

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

**1. That § 1, as amended of Article III, of Chapter 397 of the Acts of Assembly of 1950 is amended and reenacted as follows:**

§ 1. (1) Mayor and councilmen as of July 1, ~~2010~~ 2018.

The present mayor and councilmen of the town of Amherst shall continue in office and exercise all the powers conferred by this charter and the general laws of the State until January 1, ~~2011~~ 2019.

(2) ~~Biennial Staggered~~ elections; ~~composition of town council; acts and~~ terms of office of mayor and councilmen; ~~composition of town council.~~

~~On the day specified by general law for the holding of municipal elections in every even-numbered year, there shall be elected for two year terms by the qualified voters of the town, one elector of the town, who shall be denominated mayor, and five other electors, who shall be denominated councilmen, and the mayor and councilmen shall constitute the town council. They shall enter upon the duties of their offices on the first day of January next succeeding their election, and shall continue in office until their successors are duly elected and qualified. Every person so elected shall take an oath faithfully to execute and discharge the duties of his office to the best of his judgment, and the mayor shall take the oath prescribed by law for State officers. The failure of any person elected or appointed under the provisions of this charter to qualify or to take the oath required, within the time prescribed for entering upon the discharge of the duties of the office to which he is elected or appointed, shall vacate the said office, and the council shall proceed and is hereby vested with power to fill such vacancy in the manner herein prescribed.~~

*On the Tuesday following the first Monday in November 2018, there shall be elected by the qualified voters of the town of Amherst one elector who shall be denominated the mayor and five electors who shall be denominated the councilmen of the town. The mayor and the two town councilmen candidates receiving the greatest number of votes shall be elected for terms of four years, and the three town councilmen candidates receiving the next greatest number of votes shall be elected for terms of two years. An election shall be held for the three council seats first expiring on the Tuesday following the first Monday in November 2020, and the three town councilmen so elected shall serve four-year terms. Elections thereafter shall be held on the Tuesday following the first Monday in November in even-numbered years, for terms of four years.*

*The term of each person elected under this section shall enter upon the duties of his office on the first day of January next succeeding his election and shall continue in office until his successor is duly elected and qualified. Every person so elected shall take an oath faithfully to execute and discharge the duties of his office to the best of his judgment as prescribed by law for State officers. The failure of any person elected or appointed under the provisions of this charter to qualify or to take the oath required, within the time prescribed for entering upon the discharge of the duties of the office to which he is elected or appointed, shall vacate the said office, and the council shall proceed and is hereby vested with power to fill such vacancy in the manner prescribed in the Code of Virginia.*

*The mayor and five town councilmen shall constitute the council of the town.*

(3) Registrar and election officials; electorate.

There shall be appointed for the town a registrar and officers of election in the manner provided for by general law of Virginia, and all elections held in said town shall be conducted in accordance with said general law; the electorate shall be that prescribed by general law.

(4) Council as judge of qualifications and returns of members; power to fine and expel council members, and to fill vacancies in council.

The council shall judge of the election, qualification, and returns of its members; may fine them for disorderly conduct, and, with the concurrence of two-thirds, expel a member. If any person returned be adjudged disqualified, or be expelled, a new election to fill the vacancy shall be held on such day as the council may prescribe. Any vacancy occurring otherwise during the term for which such person was elected shall be filled by the council by the appointment of any one eligible to such office. A vacancy in the office of mayor shall be filled by the council from the electors of the town, and any member of the council may be eligible to fill such vacancy.

(5) Quorum of council.

A majority of the members of the council shall constitute a quorum for the transaction of business.

(6) Salaries of councilmen and mayor; mayor's salary is in lieu of fees.

Each member of the council may receive a salary to be fixed by the council, payable at such times and in such manner as the council may direct. The mayor may receive a salary to be fixed by the council, payable in such manner and at such times as the council may direct.

(7) Powers and duties of mayor generally.

The mayor shall preside at the meetings of the council and perform such other duties as are prescribed by this charter and by the general law, and such as may be imposed by the council consistent with his office. The mayor shall have no right to vote in the council, except in case of a tie he shall have the right to break the same by his vote; but he shall have the right to veto.

(8) Approval or veto of ordinances, and resolutions having the effect of ordinances; reconsideration and passage over veto.

Every ordinance, or resolution having the effect of an ordinance, shall, before it becomes operative be presented to the mayor. If he approves, he shall sign it, but if not, he may return it, with his objections in writing, to the town manager who shall enter the mayor's objections at length on the minute book of the council. The council shall thereupon proceed to reconsider such ordinance or resolution. If, after such consideration, two-thirds of all the members elected to the council shall agree to pass the ordinance or resolution, it shall become operative notwithstanding the objection of the mayor. In all such cases the votes of members of the council upon such reconsideration and the names of the members voting for and against the ordinance or resolution shall be entered on the minute book of the council. If any ordinance or resolution shall not be returned by the mayor within five days (Sunday excepted) after it shall have been presented to him, it shall become operative in like manner as if he had signed it, unless his term of office or that of the council, shall expire within said five days.

(9) Vice mayor.

The council shall, as soon as practicable after qualification, and biennially thereafter following the regular municipal election, appoint one of its members as vice-mayor. The vice-mayor, during the absence or disability of the mayor, shall perform the duties and be vested with all the powers, authority, and jurisdiction, of the mayor; and in the event of a vacancy for any reason in the office of mayor, he shall act as mayor until a mayor is duly appointed by the town council or is elected. The member of the council who shall be chosen vice-mayor shall continue to have all the rights, privileges, powers, duties and obligations of councilman even when performing the duties of mayor during the absence or disability of the mayor of the town.

(10) Regular and special meetings of council.

The council shall, by ordinance, fix the time for their regular meetings, which shall be held at least once a month. Special meetings may be called by the town manager at the instance of the mayor or any two members of the council in writing; and no other business shall be transacted at a special meeting except that stated in the call, unless all members be present and consent to the transaction of such other business. The meetings of the council shall be open to the public except when in the judgment of the council the public welfare shall require executive meetings.

(11) Council minute book.

The council shall keep a minute book, in which the town manager shall note the proceedings of the council, and shall record proceedings at large on the minute book and keep the same properly indexed.

(12) Council rules or procedures; certain matters may be adopted only by vote of majority of all members elected to council.

The council may adopt rules for regulating its proceedings, but no tax shall be levied, corporate debt contracted, or appropriation of money exceeding the sum of one hundred dollars be made, except by a recorded affirmative vote of a majority of all the members elected to the council.

(13) [Repealed.]

(14) [Repealed.]

(15) Town treasurer; town depository; commingling of funds.

The council may in its discretion designate the place of deposit of all town funds.

(16) [Repealed.]

(17) [Repealed.]

(18) [Repealed.]

(19) [Repealed.]

(20) Effective date of ordinances, resolutions and by-laws.

All ordinances, resolutions and bylaws passed by the council shall take effect at the time indicated in such ordinances, resolutions or bylaws, but in event no effective date shall be set forth in any such ordinances, resolutions or bylaws passed by the council, the same shall become effective thirty days from its passage.

(21) Creation of office, appointment, compensation, and removal of town manager.

The office of town manager is hereby created. The town manager shall be appointed by majority vote of the town council for an indefinite term. The manager shall be chosen by the council solely on the basis of executive and administrative qualifications, with special reference to actual experience in or knowledge of accepted practice in respect to the duties of the office hereinafter set forth. At the time of this appointment, the appointee need not be a resident of the town or state, but during the manager's tenure of office, shall reside within the town. No council member shall receive such appointment during the term for which the council member shall have been elected nor within one year after the expiration of the council member's term. The town manager shall receive such compensation as the council shall fix from time to time by ordinance or resolution. The town council may remove the town manager at any time by a majority vote of its members.

(22) Powers and duties of the town manager.

The town manager shall be the chief executive officer of the town, responsible to the council for the management of all town affairs placed in the manager's charge by or under this charter. The town manager shall:

(a) Appoint and suspend or remove all town employees and appointive administrative officers provided for by or under this charter, except as otherwise provided by law, this charter, or personnel rules adopted pursuant to this charter. The town manager may authorize any administrative officer subject to the manager's direction and supervision to exercise these powers with respect to subordinates in that officer's department, office, or agency;

(b) Direct and supervise the administration of all departments, offices, and agencies of the town, except as otherwise provided by this charter or by law;

(c) Attend all town council meetings. The town manager shall have the right to take part in discussion but shall not vote;

(d) See that all laws, provisions of this charter, and acts of the town council subject to enforcement by the town manager or by officers subject to the manager's direction and supervision are faithfully executed;

(e) Prepare and submit the annual budget and capital program to the town council and implement the final budget approved by council to achieve the goals of the town;

(f) Submit to the town council and make available to the public a complete report on the finances and administrative activities of the town as of the end of each fiscal year;

(g) Make such other reports as the town council may require concerning operations;

(h) Keep the town council fully advised as to the financial condition and future needs of the town;

(i) Make recommendations to the town council concerning the affairs of the town and facilitate the work of the town council in developing policy;

(j) Provide staff support services for the mayor and council members;

(k) Assist the council in developing long-term goals for the town and strategies to implement these goals;

(l) Encourage and provide staff support for regional and intergovernmental cooperation;

(m) Promote partnerships among council, staff, and citizens in developing public policy and building a sense of community; and

(n) Perform such other duties as are specified in this charter or may be required by the town council.

(23) Council not to interfere with appointments or removals.

Neither the council nor any of its members shall direct or request the appointment of any person to, or removal from, office by the town manager or any of the manager's subordinates, or in any manner take part in the appointment or removal of officers and employees in the administrative services of the town. Except for the purpose of inquiry, the council and its members shall deal with the administration solely through the town manager, and neither the council nor any member thereof shall give orders to any subordinates of the town manager, either publicly or privately.

(24) Emergencies. In case of accident, disaster, or other circumstance creating a public emergency, the town manager may award contracts and make purchases for the purpose of meeting said emergency, but the manager shall file promptly

with council a certificate showing such emergency and the necessity for such action, together with an itemized account of all expenditures.

## CHAPTER 92

*An Act to amend and reenact § 36-105.3 of the Code of Virginia, relating to the Uniform Statewide Building Code; security of certain records.*

[S 921]

Approved March 2, 2018

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

**1. That § 36-105.3 of the Code of Virginia is amended and reenacted as follows:**

**§ 36-105.3. Security of certain records.**

Building Code officials shall institute procedures to ensure the safe storage and secure handling by local officials having access to or in the possession of engineering and construction drawings and plans containing critical structural components, security equipment and systems, ventilation systems, fire protection equipment, mandatory building emergency equipment or systems, elevators, electrical systems, telecommunications equipment and systems, and other utility equipment and systems submitted for the purpose of complying with the Uniform Statewide Building Code (§ 36-97 et seq.) or the Statewide Fire Prevention Code (§ 27-94 et seq.).

Further, information contained in engineering and construction drawings and plans for any single-family residential dwelling submitted for the purpose of complying with the Uniform Statewide Building Code (§ 36-97 et seq.) or the Statewide Fire Prevention Code (§ 27-94 et seq.) ~~shall be confidential and~~ shall not be subject to disclosure under the Virginia Freedom of Information Act (§ 2.2-3700 et seq.), except to the applicant or the owner of the property upon the applicant's or owner's request.

## CHAPTER 93

*An Act to amend and reenact § 3.2-6522 of the Code of Virginia, relating to rabies; quarantine of dog after possible exposure; police dogs.*

[H 359]

Approved March 2, 2018

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

**1. That § 3.2-6522 of the Code of Virginia is amended and reenacted as follows:**

**§ 3.2-6522. Rabid animals.**

A. When there is sufficient reason to believe that the risk of exposure to rabies is elevated, the governing body of any locality may enact, and the local health director may recommend, an emergency ordinance that shall become effective immediately upon passage, requiring owners of all dogs and cats therein to keep the same confined on their premises unless leashed under restraint of the owner in such a manner that persons or animals will not be subject to the danger of being bitten by a rabid animal. Any such emergency ordinance enacted pursuant to the provisions of this section shall be operative for a period not to exceed 30 days unless renewed by the governing body of such locality in consultation with the local health director. The governing body of any locality shall also have the power and authority to pass ordinances restricting the running at large in their respective jurisdiction of dogs and cats that have not been inoculated or vaccinated against rabies and to provide penalties for the violation thereof.

B. Any dog or cat showing active signs of rabies or suspected of having rabies that is not known to have exposed a person, companion animal, or livestock to rabies shall be confined under competent observation for such a time as may be necessary to determine a diagnosis. If, in the discretion of the local health director, confinement is impossible or impracticable, such dog or cat shall be euthanized by one of the methods approved by the State Veterinarian as provided in § 3.2-6546. The disposition of other animals showing active signs of rabies shall be determined by the local health director and may include euthanasia and testing.

C. Every person having knowledge of the existence of an animal that is suspected to be rabid and that may have exposed a person, companion animal, or livestock to rabies shall report immediately to the local health department the existence of such animal, the place where seen, the owner's name, if known, and the signs suggesting rabies.

D. Any dog or cat for which no proof of current rabies vaccination is available and that may have been exposed to rabies through a bite, or through saliva or central nervous system tissue, in a fresh open wound or mucous membrane, by an animal suspected to be rabid shall be isolated in a public animal shelter, kennel, or enclosure approved by the local health department for a period not to exceed six months at the expense of the owner or custodian in a manner and by a date certain as determined by the local health director. A rabies vaccination shall be administered by a licensed veterinarian prior to release. Inactivated rabies vaccine may be administered at the beginning of isolation. Any dog or cat so bitten, or exposed to rabies through saliva or central nervous system tissue, in a fresh open wound or mucous membrane with proof of current vaccination, shall be revaccinated by a licensed veterinarian immediately following the exposure and shall be confined to

the premises of the owner or custodian, or other site as may be approved by the local health department at the expense of the owner or custodian, for a period of 45 days. If the local health director determines that isolation is not feasible or maintained, such dog or cat shall be euthanized by one of the methods approved by the State Veterinarian as provided in § 3.2-6546. The disposition of such dogs or cats not so confined shall be at the discretion of the local health director.

E. At the discretion of the local health director, any animal that may have exposed a person shall be confined under competent observation for 10 days at the expense of the owner or custodian, unless the animal develops active signs of rabies, expires, or is euthanized before that time. A seriously injured or sick animal may be euthanized as provided in § 3.2-6546. *When determining whether a dog that has bitten a person shall be so confined, the health director shall weigh any proof that the dog has current certificates for both (i) rabies vaccination and (ii) special training for police work, military work, or work as a first responder.*

F. When any suspected rabid animal, other than a dog or cat, exposes or may have exposed a person to rabies through a bite, or through saliva or central nervous system tissue, in a fresh open wound or mucous membrane, decisions regarding the disposition of that animal shall be at the discretion of a local health director and may include euthanasia as provided in § 3.2-6546, or as directed by the state agency with jurisdiction over that species. When any animal, other than a dog or cat, is exposed or may have been exposed to rabies through a bite, or through saliva or central nervous system tissue, in a fresh open wound or mucous membrane, by an animal suspected to be rabid, decisions regarding the disposition of that newly exposed animal shall be at the discretion of a local health director.

G. When any animal may have exposed a person to rabies and subsequently expires due to illness or euthanasia, either within an observation period, where applicable, or as part of a public health investigation, its head or brain shall be sent to the Division of Consolidated Laboratory Services of the Department of General Services or be tested as directed by the local health department.

**CHAPTER 94**

*An Act to amend and reenact § 63.2-1229 of the Code of Virginia, relating to adoption by foster parent.*

[H 418]

Approved March 2, 2018

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

**1. That § 63.2-1229 of the Code of Virginia is amended and reenacted as follows:**

**§ 63.2-1229. Foster parent adoption.**

When a foster parent who has a child placed in the foster parents' home by a licensed or duly authorized child-placing agency desires to adopt the child and (i) *the child-placing agency holding custody of the child consents to the adoption after the child has resided in the home of such foster parent continuously for at least six months or the child-placing agency holding custody of the child does not consent to the adoption and the child has resided in the home of such foster parent continuously for at least ~~eighteen~~ 18 months* and (ii) the birth parents' rights to the child have been terminated, the circuit court shall accept the petition filed by the foster parent and shall order a thorough investigation of the matter to be made pursuant to § 63.2-1208. The circuit court may refer the matter for investigation to a licensed or duly authorized child-placing agency other than the agency holding custody of the child. Upon completion of the investigation and report and filing of the consent of the agency holding custody of the child, or upon the finding contemplated by § 63.2-1205, the circuit court may enter a final order of adoption waiving visitation requirements, if the circuit court determines that the adoption is in the best interests of the child.

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

**CHAPTER 95**

*An Act to amend and reenact §§ 32.1-162.5:1 and 54.1-3411.2 of the Code of Virginia, relating to home hospice programs; disposal of drugs.*

[H 501]

Approved March 2, 2018

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

**1. That §§ 32.1-162.5:1 and 54.1-3411.2 of the Code of Virginia are amended and reenacted as follows:**

**§ 32.1-162.5:1. Notice to dispenser of patient's death; disposition of dispensed drugs.**

A. Any hospice licensed by the Department or exempt from licensure pursuant to § 32.1-162.2 with a hospice patient residing at home at the time of death shall notify every pharmacy that has dispensed partial quantities of a Schedule II controlled substance for a patient with a medical diagnosis documenting a terminal illness, as authorized by federal law, within 48 hours of the patient's death.

B. *Any hospice licensed by the Department or exempt from licensure pursuant to § 32.1-162.2 shall develop policies and procedures for the disposal of drugs dispensed as part of the hospice plan of care in accordance with the provisions of § 54.1-3411.2.*

**§ 54.1-3411.2. Prescription drug disposal programs.**

A. As used in this section:

"Authorized pharmacy disposal site" means a pharmacy that qualifies as a collection site pursuant to 21 C.F.R. § 1317.40.

"Pharmacy drug disposal program" means any voluntary drug disposal program located at or operated in accordance with state and federal law by a pharmacy.

B. A pharmacy may participate in a pharmacy drug disposal program in accordance with state and federal law regarding proper collection, storage, and destruction of prescription drugs, including controlled and noncontrolled substances. A pharmacy that chooses to participate in a pharmacy drug disposal program shall notify the Board, and the Board shall maintain a list of all pharmacies in the Commonwealth that have chosen to participate in a pharmacy drug disposal program on a website maintained by the Board.

C. No person that participates in a pharmacy drug disposal program shall be liable for any theft, robbery, or other criminal act related to its participation in the pharmacy drug disposal program nor shall such person be liable for acts of simple negligence in the collection, storage, or destruction of prescription drugs collected through such pharmacy drug disposal program, provided that the pharmacy practice site is acting in good faith and in accordance with applicable state and federal law and regulations.

*D. In order to mitigate the risk of diversion of drugs upon the death of a patient, any hospice licensed by the Department or exempt from licensure pursuant to § 32.1-162.2 shall develop policies and procedures for the disposal of drugs dispensed as part of the hospice plan of care. Such disposal shall be (i) performed in a manner that complies with all state and federal requirements for the safe disposal of drugs by a licensed nurse, physician assistant, or physician who is employed by or has entered into a contract with the hospice program; (ii) witnessed by a member of the patient's family or a second employee of the hospice program who is licensed by a health regulatory board within the Department of Health Professions; and (iii) documented in the patient's medical record.*

**CHAPTER 96**

*An Act to amend and reenact § 54.1-3435.1 of the Code of Virginia and to amend the Code of Virginia by adding sections numbered 54.1-3435.4:01 and 54.1-3435.4:2, relating to the Board of Pharmacy; nonresident warehousemen and nonresident third-party logistics providers; registration and regulation.*

[H 520]

Approved March 2, 2018

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

**1. That § 54.1-3435.1 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding sections numbered 54.1-3435.4:01 and 54.1-3435.4:2 as follows:**

**§ 54.1-3435.1. Denial, revocation, and suspension of license, permit, or registration of certain entities.**

A. The Board may deny, revoke, suspend, or take other disciplinary actions against a wholesale distributor license, nonresident wholesale distributor registration, third-party logistics provider permit, *nonresident third-party logistics provider registration*, manufacturer permit, ~~or~~ nonresident manufacturer permit, *or nonresident warehouseman registration* as provided for in § 54.1-3316 or the following:

1. Any conviction of the applicant, licensee, or registrant under federal or state laws relating to controlled substances, including, but not limited to, drug samples and wholesale or retail prescription drug distribution;
2. Violations of licensing requirements under previously held licenses;
3. Failure to maintain and make available to the Board or to federal regulatory officials those records required to be maintained by wholesale distributors of prescription drugs; or
4. Violations of the minimum requirements for qualifications, personnel, storage, and handling of prescription drugs and maintenance of prescription drug records as set forth in the federal Drug Supply Chain Security Act of 2013, Title II of P. L. 113-54, and the requirements of Chapter 21 of the Code of Federal Regulations.

B. Wholesale drug distributors, nonresident wholesale drug distributors, third-party logistics providers, *nonresident third-party logistics providers*, manufacturers, ~~and~~ nonresident manufacturers, *and nonresident warehousemen* shall allow the Board or its authorized agents to enter and inspect, at reasonable times and in a reasonable manner, their premises and delivery vehicles, and to audit their records and written operating procedures. Such agents shall be required to show appropriate identification prior to being permitted access to wholesale drug distributors' premises and delivery vehicles.

**§ 54.1-3435.4:01. Registration to act as a nonresident warehouseman; regulations.**

A. *Any warehouseman located outside the Commonwealth that ships prescription drugs or devices into the Commonwealth shall be registered with the Board. Such nonresident warehouseman shall renew such registration annually on a date determined by the Board and shall notify the Board within 30 days of any substantive change in the information previously submitted.*

B. *The Board may promulgate such regulations relating to the storage, handling, and distribution of prescription drugs and devices by nonresident warehousemen as it deems necessary to implement this section, to prevent diversion of prescription drugs and devices, and to protect the public.*

*C. The nonresident warehouse shall at all times maintain a valid, unexpired license, permit, or registration in the state in which it is located that authorizes the possession and distribution of such prescription drugs and devices and shall furnish proof of such upon application and at each renewal.*

*D. Records of prescription drugs and devices distributed into the Commonwealth shall be maintained in such a manner that they are readily retrievable from records of distributions into other jurisdictions and shall be provided to the Board, its authorized agent, or any agent designated by the Superintendent of State Police upon request within seven days of receipt of such request.*

**§ 54.1-3435.4:2. Registration of nonresident third-party logistics provider; renewal.**

*A. Any third-party logistics provider located outside the Commonwealth that ships prescription drugs or devices into the Commonwealth shall be registered with the Board. Such nonresident third-party logistics provider shall renew such registration annually on a date determined by the Board and shall notify the Board within 30 days of any substantive change in the information previously submitted.*

*B. The Board may promulgate such regulations relating to the storage, handling, and distribution of prescription drugs and devices by nonresident third-party logistics providers as it deems necessary to implement this section, to prevent diversion of prescription drugs and devices, and to protect the public.*

*C. The nonresident third-party logistics provider shall at all times maintain a valid, unexpired license, permit, or registration in the state in which it is located or current licensure as a third-party logistics provider with the FDA and shall furnish proof of such upon application and at each renewal.*

*D. Records of prescription drugs and devices distributed into the Commonwealth shall be maintained in such a manner that they are readily retrievable from records of distributions into other jurisdictions and shall be provided to the Board, its authorized agent, or any agent designated by the Superintendent of State Police upon request within seven days of receipt of such request.*

## CHAPTER 97

*An Act to amend and reenact §§ 54.1-3466 and 54.1-3467 of the Code of Virginia, relating to possession or distribution of controlled paraphernalia; hypodermic needles and syringes; naloxone.*

[H 842]

Approved March 2, 2018

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

**1. That §§ 54.1-3466 and 54.1-3467 of the Code of Virginia are amended and reenacted as follows:**

**§ 54.1-3466. Possession or distribution of controlled paraphernalia; meaning of controlled paraphernalia; evidence; exceptions.**

A. For purposes of this chapter, "controlled paraphernalia" means (i) a hypodermic syringe, needle, or other instrument or implement or combination thereof adapted for the administration of controlled dangerous substances by hypodermic injections under circumstances that reasonably indicate an intention to use such controlled paraphernalia for purposes of illegally administering any controlled drug or (ii) gelatin capsules, glassine envelopes, or any other container suitable for the packaging of individual quantities of controlled drugs in sufficient quantity to and under circumstances that reasonably indicate an intention to use any such item for the illegal manufacture, distribution, or dispensing of any such controlled drug. Evidence of such circumstances shall include, but not be limited to, close proximity of any such controlled paraphernalia to any adulterants or equipment commonly used in the illegal manufacture and distribution of controlled drugs including, but not limited to, scales, sieves, strainers, measuring spoons, staples and staplers, or procaine hydrochloride, mannitol, lactose, quinine, or any controlled drug, or any machine, equipment, instrument, implement, device, or combination thereof that is adapted for the production of controlled drugs under circumstances that reasonably indicate an intention to use such item or combination thereof to produce, sell, or dispense any controlled drug in violation of the provisions of this chapter.

B. Except as authorized in this chapter, it is unlawful for any person to possess controlled paraphernalia.

C. Except as authorized in this chapter, it is unlawful for any person to distribute controlled paraphernalia.

D. A violation of this section is a Class 1 misdemeanor.

E. The provisions of this section shall not apply to persons who have acquired possession and control of controlled paraphernalia in accordance with the provisions of this article or to any person who owns or is engaged in breeding or raising livestock, poultry, or other animals to which hypodermic injections are customarily given in the interest of health, safety, or good husbandry; or to hospitals, physicians, pharmacists, dentists, podiatrists, veterinarians, funeral directors and embalmers, persons to whom a permit has been issued, manufacturers, wholesalers, or their authorized agents or employees when in the usual course of their business, if the controlled paraphernalia lawfully obtained continue to be used for the legitimate purposes for which they were obtained.

*F. The provisions of this section and of § 18.2-265.3 shall not apply to (i) a person who dispenses naloxone in accordance with the provisions of subsection Y of § 54.1-3408 and who, in conjunction with such dispensing of naloxone, dispenses or distributes hypodermic needles and syringes for injecting such naloxone or (ii) a person who possesses*

*naloxone that has been dispensed in accordance with the provisions of subsection Y of § 54.1-3408 and possesses hypodermic needles and syringes for injecting such naloxone in conjunction with such possession of naloxone.*

**§ 54.1-3467. Distribution of hypodermic needles or syringes, gelatin capsules, quinine or any of its salts.**

A. Distribution by any method, of any hypodermic needles or syringes, gelatin capsules, quinine or any of its salts, in excess of one-fourth ounce shall be restricted to licensed pharmacists or to others who have received a license or a permit from the Board.

B. (Expires July 1, 2020) Nothing in this section shall prohibit the dispensing or distributing of hypodermic needles and syringes by persons authorized by the State Health Commissioner pursuant to a comprehensive harm reduction program established pursuant to § 32.1-45.4 who are acting in accordance with the standards and protocols of such program for the duration of the declared public health emergency.

C. *Nothing in this section shall prohibit the dispensing or distributing of hypodermic needles and syringes by persons authorized to dispense naloxone in accordance with the provisions of subsection Y of § 54.1-3408 and who, in conjunction with such dispensing of naloxone, dispenses or distributes hypodermic needles and syringes.*

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

**CHAPTER 98**

*An Act to amend and reenact § 54.1-2957.15 of the Code of Virginia, relating to practice of polysomnographic technology; licensure; students or trainees.*

[H 854]

Approved March 2, 2018

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

**1. That § 54.1-2957.15 of the Code of Virginia is amended and reenacted as follows:**

**§ 54.1-2957.15. Unlawful to practice as a polysomnographic technologist without a license.**

A. It shall be unlawful for any person not holding a current and valid license from the Board of Medicine to practice as a polysomnographic technologist or to assume the title "licensed polysomnographic technologist," "polysomnographic technologist," or "licensed sleep tech."

B. Nothing in this section shall be construed to prohibit a health care provider licensed pursuant to this title from engaging in the full scope of practice for which he is licensed, including, but not limited to, respiratory care professionals.

C. *Nothing in this section shall be construed to prohibit a student enrolled in an educational program in polysomnographic technology or a person engaged in a traineeship from the practice of polysomnographic technology, provided that such student or trainee is under the direct supervision of a licensed polysomnographic technologist or a licensed doctor of medicine or osteopathic medicine. Any such student or trainee shall be identified to patients as a student or trainee in polysomnographic technology. However, any such student or trainee shall be required to have a license to practice after 18 months from the start of the educational program or traineeship or six months from the conclusion of such program or traineeship, whichever is earlier.*

D. For the purposes of this chapter, unless the context requires otherwise:

"Polysomnographic technology" means the process of analyzing, scoring, attended monitoring, and recording of physiologic data during sleep and wakefulness to assist in the clinical assessment and diagnosis of sleep/wake disorders and other disorders, syndromes, and dysfunctions that either are sleep related, manifest during sleep, or disrupt normal sleep/wake cycles and activities.

"Practice of polysomnographic technology" means the professional services practiced in any setting under the direction and supervision of a licensed physician involving the monitoring, testing, and treatment of individuals suffering from any sleep disorder. Other procedures include but are not limited to:

a. Application of electrodes and apparatus necessary to monitor and evaluate sleep disturbances, including application of devices that allow a physician to diagnose and treat sleep disorders, which disorders include but shall not be limited to insomnia, sleep-related breathing disorders, movement disorders, disorders of excessive somnolence, and parasomnias;

b. Under the direction of a physician, institution and evaluation of the effectiveness of therapeutic modalities and procedures including the therapeutic use of oxygen and positive airway pressure (PAP) devices, such as continuous positive airway pressure (CPAP) and bi-level positive airway pressure of non-ventilated patients;

c. Initiation of cardiopulmonary resuscitation, maintenance of patient's airway (which does not include endotracheal intubation);

d. Transcription and implementation of physician orders pertaining to the practice of polysomnographic technology;

e. Initiation of treatment changes and testing techniques required for the implementation of polysomnographic protocols under the direction and supervision of a licensed physician; and

f. Education of patients and their families on the procedures and treatments used during polysomnographic technology or any equipment or procedure used for the treatment of any sleep disorder.

## CHAPTER 99

*An Act to amend and reenact § 63.2-1717 of the Code of Virginia, relating to licensure exemptions; private preschool programs.*

[H 867]

Approved March 2, 2018

**Be it enacted by the General Assembly of Virginia:****1. That § 63.2-1717 of the Code of Virginia is amended and reenacted as follows:****§ 63.2-1717. Certification of preschool or nursery school programs operated by accredited private schools; provisional certification; annual statement and documentary evidence required; enforcement; injunctive relief.**

A. A preschool or nursery school program operated by a private school accredited by an accrediting organization recognized by the Board of Education pursuant to § 22.1-19 shall be exempt from licensure under this subtitle if it complies with the provisions of this section and meets the requirements of subsection B.

B. A school described in subsection A shall meet the following conditions in order to be exempt under this subsection:

1. The school offers kindergarten or elementary school instructional programs that satisfy compulsory school attendance laws, and children below the age of compulsory school attendance also participate in such instructional programs;

2. The number of pupils in the preschool program does not exceed 12 pupils for each instructional adult, or if operated as a Montessori program with mixed age groups of three-year-old to six-year-old children, the number of pupils in the preschool program does not exceed 15 pupils for each instructional adult;

3. ~~Children~~ The school (i) maintains an average enrollment ratio during the current school year of five children age five or above to one four-year-old child, and no child in attendance is under age four, or (ii) does not allow children below the age of eligibility for kindergarten attendance ~~do not~~ to attend the preschool program for more than five hours per day, ~~provided that of which~~ no more than four hours of instructional classes ~~is~~ may be provided per day, and no child in attendance is under age three;

4. ~~No child in attendance is under age three;~~

5. ~~The preschool offers instructional classes and does not hold itself out as a child care center, child day center, or child day program;~~

6. ~~5.~~ Children enrolled in the preschool do not attend more than five days per week; and

7. ~~6.~~ The school maintains a certificate or permit issued pursuant to a local government ordinance that addresses health, safety, and welfare of the children.

C. The school shall file with the Commissioner, prior to the beginning of the school year or calendar year, as the case may be, and thereafter, annually, a statement which includes the following:

1. Intent to operate a certified preschool program;

2. Documentary evidence that the school has been accredited as provided in subsection A;

3. Documentation that the school has disclosed in writing to the parents, guardians, or persons having charge of a child enrolled in the school's preschool program and has posted in a visible location on the premises the fact of the program's exemption from licensure;

4. Documentary evidence that the physical facility in which the preschool program will be conducted has been inspected (i) before initial certification by the local building official and (ii) within the 12-month period prior to initial certification and at least annually thereafter by the local health department, and local fire marshal or Office of the State Fire Marshal, whichever is appropriate, and an inspection report that documents that the facility is in compliance with applicable laws and regulations pertaining to food services, health and sanitation, water supply, building codes, and the Statewide Fire Prevention Code or the Uniform Statewide Building Code;

5. Documentation that the school has disclosed the following in writing to the parents, guardians, or persons having charge of a child enrolled in the school's preschool program, and in a written statement available to the general public: (i) the school facility is in compliance with applicable laws and regulations pertaining to food services, health and sanitation, water supply, building codes, and the Statewide Fire Prevention Code or the Uniform Statewide Building Code; (ii) the preschool program's maximum capacity; (iii) the school's policy or practice for pupil-teacher ratio, staffing patterns, and staff health requirements; and (iv) a description of the school's public liability insurance, if any;

6. Qualifications of school personnel who work in the preschool program;

7. Certification that the school will report to the Commissioner all incidents involving serious injury to or death of children attending the preschool program. Reports of serious injuries, which shall include any injuries that require an emergency referral to an offsite health care professional or treatment in a hospital, shall be submitted annually. Reports of deaths shall be submitted no later than one business day after the death occurred; and

8. Documentary evidence that the private school requires all employees of the preschool and other school employees who have contact with the children enrolled in the preschool program to obtain a criminal record check as provided in § 63.2-1720.1 to meet the requirements of § 22.1-296.3 as a condition of initial or continued employment.

All accredited private schools seeking certification of preschool programs shall file such information on forms prescribed by the Commissioner. The Commissioner shall certify all preschool programs of accredited private schools

which comply with the provisions of subsection A. The Commissioner may conduct an annual inspection of such preschool programs to ensure compliance with the provisions of this section and conduct inspections to investigate complaints alleging noncompliance.

D. A preschool program of a private school that has not been accredited as provided in subsection A shall be subject to licensure.

E. If the preschool program of a private school that is accredited as provided in subsection A fails to file the statement and the required documentary evidence, the Commissioner shall notify the school of its noncompliance and may thereafter take such action as he determines appropriate, including notice that the program is required to be licensed.

F. The revocation or denial of the certification of a preschool program shall be subject to appeal pursuant to the provisions of the Administrative Process Act (§ 2.2-4000 et seq.). Judicial review of a final agency decision shall be in accordance with the provisions of the Administrative Process Act.

G. Any person who has reason to believe that a private school falling within the provisions of this section is in noncompliance with any applicable requirement of this section may report the same to the Department, the local department, the local health department, or the local fire marshal, each of which may inspect the school for noncompliance, give reasonable notice to the school of the nature of its noncompliance, and thereafter may take appropriate action as provided by law, including a suit to enjoin the operation of the preschool program.

H. Upon receipt of a complaint concerning a certified preschool program of an accredited private school, if for good cause shown there is reason to suspect that the school is in noncompliance with any provision of this section or the health or safety of the children attending the preschool program is in danger, the Commissioner shall cause an investigation to be made, including on-site visits as he deems necessary of the services, personnel, and facilities of the school's preschool program. The school shall afford the Commissioner reasonable opportunity to inspect the school's preschool program, records, and facility, and to interview the employees and any child or parent or guardian of a child who is or has been enrolled in the preschool program. If, upon completion of the investigation, it is determined that the school is in noncompliance with the provisions of this section, the Commissioner shall give reasonable notice to the school of the nature of its noncompliance and thereafter may take appropriate action as provided by law, including a suit to enjoin the operation of the preschool program.

I. Failure of a private school to comply with the provisions of this section, or a finding that the health and safety of the children attending the preschool program are in clear and substantial danger upon the completion of an investigation, shall be grounds for revocation of the certification issued pursuant to this section.

J. If a private school operates a child day program outside the scope of its instructional classes during the school year or operates a child day program during the summer, the child day program shall be subject to licensure under the regulations adopted pursuant to § 63.2-1734.

K. Nothing in this section shall prohibit a preschool operated by or conducted under the auspices of a private school from obtaining a license pursuant to this subtitle.

**CHAPTER 100**

*An Act to amend and reenact § 54.1-3301 of the Code of Virginia, relating to veterinarians; compounding of drugs.*

[H 875]

Approved March 2, 2018

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

**1. That § 54.1-3301 of the Code of Virginia is amended and reenacted as follows:**

**§ 54.1-3301. Exceptions.**

This chapter shall not be construed to:

1. Interfere with any legally qualified practitioner of dentistry, or veterinary medicine or any physician acting on behalf of the Virginia Department of Health or local health departments, in the compounding of his prescriptions or the purchase and possession of drugs as he may require;

2. Prevent any legally qualified practitioner of dentistry, or veterinary medicine or any prescriber, as defined in § 54.1-3401, acting on behalf of the Virginia Department of Health or local health departments, from administering or supplying to his patients the medicines that he deems proper under the conditions of § 54.1-3303 or from causing drugs to be administered or dispensed pursuant to §§ 32.1-42.1 and 54.1-3408, except that a veterinarian shall only be authorized to dispense a compounded drug, distributed from a pharmacy, when (i) the animal is his own patient, (ii) the animal is a companion animal as defined in regulations promulgated by the Board of Veterinary Medicine, (iii) the quantity dispensed is no more than a ~~72-hour~~ *seven-day* supply, (iv) the compounded drug is for the treatment of an emergency condition, and (v) timely access to a compounding pharmacy is not available, as determined by the prescribing veterinarian;

3. Prohibit the sale by merchants and retail dealers of proprietary medicines as defined in Chapter 34 (§ 54.1-3400 et seq.) of this title;

4. Prevent the operation of automated drug dispensing systems in hospitals pursuant to Chapter 34 (§ 54.1-3400 et seq.) of this title;

5. Prohibit the employment of ancillary personnel to assist a pharmacist as provided in the regulations of the Board;

6. Interfere with any legally qualified practitioner of medicine, osteopathy, or podiatry from purchasing, possessing or administering controlled substances to his own patients or providing controlled substances to his own patients in a bona fide medical emergency or providing manufacturers' professional samples to his own patients;

7. Interfere with any legally qualified practitioner of optometry, certified or licensed to use diagnostic pharmaceutical agents, from purchasing, possessing or administering those controlled substances as specified in § 54.1-3221 or interfere with any legally qualified practitioner of optometry certified to prescribe therapeutic pharmaceutical agents from purchasing, possessing, or administering to his own patients those controlled substances as specified in § 54.1-3222 and the TPA formulary, providing manufacturers' samples of these drugs to his own patients, or dispensing, administering, or selling ophthalmic devices as authorized in § 54.1-3204;

8. Interfere with any physician assistant with prescriptive authority receiving and dispensing to his own patients manufacturers' professional samples of controlled substances and devices that he is authorized, in compliance with the provisions of § 54.1-2952.1, to prescribe according to his practice setting and a written agreement with a physician or podiatrist;

9. Interfere with any licensed nurse practitioner with prescriptive authority receiving and dispensing to his own patients manufacturers' professional samples of controlled substances and devices that he is authorized, in compliance with the provisions of § 54.1-2957.01, to prescribe according to his practice setting and a written or electronic agreement with a physician;

10. Interfere with any legally qualified practitioner of medicine or osteopathy participating in an indigent patient program offered by a pharmaceutical manufacturer in which the practitioner sends a prescription for one of his own patients to the manufacturer, and the manufacturer donates a stock bottle of the prescription drug ordered at no cost to the practitioner or patient. The practitioner may dispense such medication at no cost to the patient without holding a license to dispense from the Board of Pharmacy. However, the container in which the drug is dispensed shall be labeled in accordance with the requirements of § 54.1-3410, and, unless directed otherwise by the practitioner or the patient, shall meet standards for special packaging as set forth in § 54.1-3426 and Board of Pharmacy regulations. In lieu of dispensing directly to the patient, a practitioner may transfer the donated drug with a valid prescription to a pharmacy for dispensing to the patient. The practitioner or pharmacy participating in the program shall not use the donated drug for any purpose other than dispensing to the patient for whom it was originally donated, except as authorized by the donating manufacturer for another patient meeting that manufacturer's requirements for the indigent patient program. Neither the practitioner nor the pharmacy shall charge the patient for any medication provided through a manufacturer's indigent patient program pursuant to this subdivision. A participating pharmacy, including a pharmacy participating in bulk donation programs, may charge a reasonable dispensing or administrative fee to offset the cost of dispensing, not to exceed the actual costs of such dispensing. However, if the patient is unable to pay such fee, the dispensing or administrative fee shall be waived;

11. Interfere with any legally qualified practitioner of medicine or osteopathy from providing controlled substances to his own patients in a free clinic without charge when such controlled substances are donated by an entity other than a pharmaceutical manufacturer as authorized by subdivision 10. The practitioner shall first obtain a controlled substances registration from the Board and shall comply with the labeling and packaging requirements of this chapter and the Board's regulations; or

12. Prevent any pharmacist from providing free health care to an underserved population in Virginia who (i) does not regularly practice pharmacy in Virginia, (ii) holds a current valid license or certificate to practice pharmacy in another state, territory, district or possession of the United States, (iii) volunteers to provide free health care to an underserved area of this Commonwealth under the auspices of a publicly supported all volunteer, nonprofit organization that sponsors the provision of health care to populations of underserved people, (iv) files a copy of the license or certificate issued in such other jurisdiction with the Board, (v) notifies the Board at least five business days prior to the voluntary provision of services of the dates and location of such service, and (vi) acknowledges, in writing, that such licensure exemption shall only be valid, in compliance with the Board's regulations, during the limited period that such free health care is made available through the volunteer, nonprofit organization on the dates and at the location filed with the Board. The Board may deny the right to practice in Virginia to any pharmacist whose license has been previously suspended or revoked, who has been convicted of a felony or who is otherwise found to be in violation of applicable laws or regulations. However, the Board shall allow a pharmacist who meets the above criteria to provide volunteer services without prior notice for a period of up to three days, provided the nonprofit organization verifies that the practitioner has a valid, unrestricted license in another state.

This section shall not be construed as exempting any person from the licensure, registration, permitting and record keeping requirements of this chapter or Chapter 34 of this title.

## CHAPTER 101

*An Act to amend and reenact §§ 54.1-2816, 54.1-2817, 54.1-2904, and 54.1-3011 of the Code of Virginia, relating to certain health regulatory boards; license renewal; electronic notice.*

[H 1071]

Approved March 2, 2018

Be it enacted by the General Assembly of Virginia:

1. That §§ 54.1-2816, 54.1-2817, 54.1-2904, and 54.1-3011 of the Code of Virginia are amended and reenacted as follows:

**§ 54.1-2816. License renewal; failure to return renewal form.**

Prior to the expiration of a license, the Board shall provide to each person licensed to practice funeral service, embalming, or funeral directing a renewal notice ~~and application~~ to be submitted to the Board together with the prescribed fee. ~~Upon request, the~~ The Board shall provide renewal notices by mail *or electronically* to any licensee. The license of any funeral service intern who does not submit the completed form prior to the date of expiration shall automatically expire. The Board shall immediately notify the person of the expiration and the reinstatement requirements. The Board shall reinstate an expired license upon receipt, within 30 days of the notice of expiration, of the completed form and the prescribed fee. Reinstatement after the 30-day period shall be at the discretion of the Board.

**§ 54.1-2817. Funeral service interns.**

A person desiring to become a funeral service intern shall apply on a form provided by the Board. The applicant shall attest that he holds a high school diploma or its equivalent. The Board, in its discretion, may approve an application to be a funeral service intern for an individual convicted of a felony, if he has successfully fulfilled all conditions of sentencing, been pardoned, or has had his civil rights restored. The Board shall not, however, approve an application to be a funeral service intern for any person convicted of embezzlement or of violating subsection B of § 18.2-126.

The Board, in its discretion, may refuse to approve an application to be a funeral service intern for an individual who has a criminal or disciplinary proceeding pending against him in any jurisdiction in the United States.

When the Board is satisfied as to the qualifications of an applicant, it shall issue a certificate of internship. When a funeral service intern wishes to receive in-service training from a person licensed for the practice of funeral service, a request shall be submitted to the Board. If such permission is granted and the funeral service intern later leaves the proctorship of the licensee whose service has been entered, the licensee shall give the funeral service intern an affidavit showing the length of time served with him. The affidavit shall be filed with the Board and made a matter of record in that office. Any funeral service intern seeking permission to continue in-service training shall submit a request to the Board.

A certificate of internship shall be renewable as prescribed by the Board. The Board shall mail *or send electronically* at such time as it may prescribe by regulation, to each registered funeral service intern at his last known address, a notice that the renewal fee is due and that, if not paid by the prescribed time, a penalty fee shall be due in addition to the renewal fee.

The registration of any funeral service intern who is in the active military service of the United States may, at the discretion of the Board, be held in abeyance for the duration of his service. The Board may also waive the renewal fees for such military personnel.

All registered funeral service interns shall report to the Board on a schedule prescribed by the Board upon forms provided by the Board, showing the work which has been completed during the preceding period of internship. The data contained in the report shall be certified as correct by the person licensed for the practice of funeral service under whom he has served during this period and by the person licensed for the practice of funeral service owning or managing the funeral service establishment.

Before such funeral service intern becomes eligible to be examined for the practice of funeral service, evidence shall be presented along with an affidavit from any licensee under whom the intern worked showing that the intern has assisted in embalming at least 25 bodies and that the intern has assisted in conducting at least 25 funerals. In all applications of funeral service interns for licenses for the practice of funeral service, the eligibility of the applicant shall be determined by the records filed with the Board. The successful completion by any person of the internship shall not entitle him to any privilege except to be examined for such license.

Credit shall not be allowed for any period of internship that has been completed more than three years prior to application for license or more than five years prior to examination for license. If all requirements for licensure are not completed within five years of initial application, the Board may deny an additional internship. A funeral service intern may continue to practice for up to 90 days from the completion of his internship or until he has taken and received the results of all examinations required by the Board. However, the Board may waive such limitation for any person in the armed service of the United States when application for the waiver is made in writing within six months of leaving service or if the Board determines that enforcement of the limitation will create an unreasonable hardship.

The Board shall have power to suspend or revoke a certificate of internship for violation of any provision of this chapter.

No more than two funeral service interns shall be concurrently registered under any one person licensed for the practice of funeral service, funeral directing or embalming. Each sponsor for a registered funeral service intern must be actively employed by or under contract with a funeral establishment.

**§ 54.1-2904. Biennial renewal of licenses; copies; fee; lapsed licenses; reinstatement; penalties.**

A. Every license granted under the provisions of this chapter shall be renewed biennially as prescribed by the Board. The Board shall send *by mail or electronically* notice for renewal of a license to every licensee. Failure to receive such notice shall not excuse any licensee from the requirements of renewal. The person receiving such notice shall furnish the information requested and submit the prescribed renewal fee to the Board. Copies of licenses may be obtained as provided in the Board's regulations.

B. Any licensee who allows his license to lapse by failing to renew the license or failing to meet professional activity requirements stipulated in the regulations may be reinstated by the Board upon submission of evidence satisfactory to the Board that he is prepared to resume practice in a competent manner and upon payment of the prescribed fee.

C. Any person practicing during the time his license has lapsed shall be considered an illegal practitioner and shall be subject to the penalties for violation of this chapter.

**§ 54.1-3011. Renewal of licenses; lapsed licenses; reinstatement; penalties.**

A. Every license issued under the provisions of this chapter shall be renewed biennially by such time as the Board may prescribe by regulation. The Board shall mail ~~an application~~ or *send electronically a notice* for renewal to every licensee, but the failure to receive such ~~application~~ *notice* shall not excuse any licensee from the requirements for renewal. The person receiving such ~~application~~ *notice* shall furnish the requested information and return the form to the Board with the renewal fee.

B. Any licensee who allows his license to lapse by failing to renew the license may be reinstated by the Board upon submission of satisfactory evidence that he is prepared to resume practice in a competent manner and upon payment of the fee.

C. Any person practicing nursing during the time his license has lapsed shall be considered an illegal practitioner and shall be subject to the penalties provided for violations of this chapter.

**CHAPTER 102**

*An Act to amend and reenact § 54.1-2522.1, as it is currently effective, of the Code of Virginia, relating to prescribing of opioids; limit; surgical or invasive procedure.*

[H 1173]

Approved March 2, 2018

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

**1. That § 54.1-2522.1, as it is currently effective, of the Code of Virginia is amended and reenacted as follows:**

**§ 54.1-2522.1. (Effective until July 1, 2022) Requirements of prescribers.**

A. Any prescriber who is licensed in the Commonwealth to treat human patients and is authorized pursuant to §§ 54.1-3303 and 54.1-3408 to issue a prescription for a covered substance shall be registered with the Prescription Monitoring Program by the Department of Health Professions.

B. A prescriber registered with the Prescription Monitoring Program or a person to whom he has delegated authority to access information in the possession of the Prescription Monitoring Program pursuant to § 54.1-2523.2 shall, at the time of initiating a new course of treatment to a human patient that includes the prescribing of opioids anticipated at the onset of treatment to last more than seven consecutive days, request information from the Director for the purpose of determining what, if any, other covered substances are currently prescribed to the patient. In addition, any prescriber who holds a special identification number from the Drug Enforcement Administration authorizing the prescribing of controlled substances approved for use in opioid addiction therapy shall, prior to or as a part of execution of a treatment agreement with the patient, request information from the Director for the purpose of determining what, if any, other covered substances the patient is currently being prescribed. Nothing in this section shall prohibit prescribers from making additional periodic requests for information from the Director as may be required by routine prescribing practices.

C. A prescriber shall not be required to meet the provisions of subsection B if:

1. The opioid is prescribed to a patient currently receiving hospice or palliative care;
2. ~~The opioid is prescribed to a patient as part of treatment for a surgical or invasive procedure and such prescription is for no more than 14 consecutive days;~~
3. ~~The opioid is prescribed to a patient during an inpatient hospital admission or at discharge;~~
4. 3. The opioid is prescribed to a patient in a nursing home or a patient in an assisted living facility that uses a sole source pharmacy;
5. 4. The Prescription Monitoring Program is not operational or available due to temporary technological or electrical failure or natural disaster; or
6. 5. The prescriber is unable to access the Prescription Monitoring Program due to emergency or disaster and documents such circumstances in the patient's medical record.

**CHAPTER 103**

*An Act to amend and reenact § 32.1-111.3 of the Code of Virginia, relating to certified stroke centers; designation of hospitals.*

[H 1198]

Approved March 2, 2018

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

**1. That § 32.1-111.3 of the Code of Virginia is amended and reenacted as follows:**

**§ 32.1-111.3. Statewide Emergency Medical Services Plan; Trauma Triage Plan; Stroke Triage Plan.**

A. The Board of Health shall develop a Statewide Emergency Medical Services Plan that shall provide for a comprehensive, coordinated, emergency medical services system in the Commonwealth and shall review, update, and publish the Plan triennially, making such revisions as may be necessary to improve the effectiveness and efficiency of the Commonwealth's emergency medical services system. The Plan shall incorporate the regional emergency medical services plans prepared by the regional emergency medical services councils pursuant to § 32.1-111.4:2. Publishing through electronic means and posting on the Department website shall satisfy the publication requirement. The objectives of such Plan and the emergency medical services system shall include, ~~but not be limited to,~~ the following:

1. Establishing a comprehensive statewide emergency medical services system, incorporating facilities, transportation, manpower, communications, and other components as integral parts of a unified system that will serve to improve the delivery of emergency medical services and thereby decrease morbidity, hospitalization, disability, and mortality;
2. Reducing the time period between the identification of an acutely ill or injured patient and the definitive treatment;
3. Increasing the accessibility of high quality emergency medical services to all citizens of Virginia;
4. Promoting continuing improvement in system components including ground, water, and air transportation; communications; hospital emergency departments and other emergency medical care facilities; health care provider training and health care service delivery; and consumer health information and education;
5. Ensuring performance improvement of the emergency medical services system and emergency medical services and care delivered on scene, in transit, in hospital emergency departments, and within the hospital environment;
6. Working with professional medical organizations, hospitals, and other public and private agencies in developing approaches whereby the many persons who are presently using the existing emergency department for routine, nonurgent, primary medical care will be served more appropriately and economically;
7. Conducting, promoting, and encouraging programs of education and training designed to upgrade the knowledge and skills of emergency medical services personnel, including expanding the availability of paramedic and advanced life support training throughout the Commonwealth with particular emphasis on regions underserved by emergency medical services personnel having such skills and training;
8. Consulting with and reviewing, with agencies and organizations, the development of applications to governmental or other sources for grants or other funding to support emergency medical services programs;
9. Establishing a statewide air medical evacuation system which shall be developed by the Department of Health in coordination with the Department of State Police and other appropriate state agencies;
10. Establishing and maintaining a process for designation of appropriate hospitals as trauma centers, *certified stroke centers*, and specialty care centers based on an applicable national evaluation system;
11. Maintaining a comprehensive emergency medical services patient care data collection and performance improvement system pursuant to Article 3.1 (§ 32.1-116.1 et seq.);
12. Collecting data and information and preparing reports for the sole purpose of the designation and verification of trauma centers and other specialty care centers pursuant to this section. All data and information collected shall remain confidential and shall be exempt from the provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.);
13. Establishing and maintaining a process for crisis intervention and peer support services for emergency medical services personnel and public safety personnel, including statewide availability and accreditation of critical incident stress management or peer support teams and personnel. Such accreditation standards shall include a requirement that a peer support team be headed by a Virginia-licensed clinical psychologist, Virginia-licensed psychiatrist, Virginia-licensed clinical social worker, or Virginia-licensed professional counselor, who has at least five years of experience as a mental health consultant working directly with emergency medical services personnel or public safety personnel;
14. Establishing a statewide program of emergency medical services for children to provide coordination and support for emergency pediatric care, availability of pediatric emergency medical care equipment, and pediatric training of health care providers;
15. Establishing and supporting a statewide system of health and medical emergency response teams, including emergency medical services disaster task forces, coordination teams, disaster medical assistance teams, and other support teams that shall assist local emergency medical services agencies at their request during mass casualty, disaster, or whenever local resources are overwhelmed;
16. Establishing and maintaining a program to improve dispatching of emergency medical services personnel and vehicles, including establishment of and support for emergency medical services dispatch training, accreditation of 911 dispatch centers, and public safety answering points;
17. Identifying and establishing best practices for managing and operating emergency medical services agencies, improving and managing emergency medical services response times, and disseminating such information to the appropriate persons and entities;
18. Ensuring that the Department of Criminal Justice Services and the Virginia Criminal Injuries Compensation Fund shall be contacted immediately to deploy assistance in the event there are victims as defined in § 19.2-11.01, and that the Department of Criminal Justice Services and the Virginia Criminal Injuries Compensation Fund become the lead coordinating agencies for those individuals determined to be victims; and
19. Maintaining current contact information for both the Department of Criminal Justice Services and the Virginia Criminal Injuries Compensation Fund.

B. The Board of Health shall also develop and maintain as a component of the Emergency Medical Services Plan a statewide prehospital and interhospital Trauma Triage Plan designed to promote rapid access for pediatric and adult trauma patients to appropriate, organized trauma care through the publication and regular updating of information on resources for trauma care and generally accepted criteria for trauma triage and appropriate transfer. The Trauma Triage Plan shall include:

1. A strategy for maintaining the statewide Trauma Triage Plan through development of regional trauma triage plans that take into account the region's geographic variations and trauma care capabilities and resources, including hospitals designated as trauma centers pursuant to subsection A and inclusion of such regional plans in the statewide Trauma Triage Plan. The regional trauma triage plans shall be reviewed triennially. Plans should ensure that the Department of Criminal Justice Services and the Virginia Criminal Injuries Compensation Fund shall be contacted immediately to deploy assistance in the event there are victims as defined in § 19.2-11.01, and that the Department of Criminal Justice Services and the Virginia Criminal Injuries Compensation Fund become the lead coordinating agencies for those individuals determined to be victims; and maintain current contact information for both the Department of Criminal Justice Services and the Virginia Criminal Injuries Compensation Fund.

2. A uniform set of proposed criteria for prehospital and interhospital triage and transport of trauma patients developed by the Advisory Board, in consultation with the Virginia Chapter of the American College of Surgeons, the Virginia College of Emergency Physicians, the Virginia Hospital and Healthcare Association, and prehospital care providers. The Advisory Board may revise such criteria from time to time to incorporate accepted changes in medical practice or to respond to needs indicated by analyses of data on patient outcomes. Such criteria shall be used as a guide and resource for health care providers and are not intended to establish, in and of themselves, standards of care or to abrogate the requirements of § 8.01-581.20. A decision by a health care provider to deviate from the criteria shall not constitute negligence per se.

3. A performance improvement program for monitoring the quality of emergency medical services and trauma services, consistent with other components of the Emergency Medical Services Plan. The program shall provide for collection and analysis of data on emergency medical and trauma services from existing validated sources, including the emergency medical services patient care information system, pursuant to Article 3.1 (§ 32.1-116.1 et seq.), the Patient Level Data System, and mortality data. The Advisory Board shall review and analyze such data on a quarterly basis and report its findings to the Commissioner. The Advisory Board may execute these duties through a committee composed of persons having expertise in critical care issues and representatives of emergency medical services providers. The program for monitoring and reporting the results of emergency medical services and trauma services data analysis shall be the sole means of encouraging and promoting compliance with the trauma triage criteria.

The Commissioner shall report aggregate findings of the analysis annually to each regional emergency medical services council. The report shall be available to the public and shall identify, minimally, as defined in the statewide plan, the frequency of (i) incorrect triage in comparison to the total number of trauma patients delivered to a hospital prior to pronouncement of death and (ii) incorrect interfacility transfer for each region.

The Advisory Board or its designee shall ensure that each hospital director or emergency medical services agency chief is informed of any incorrect interfacility transfer or triage, as defined in the statewide Trauma Triage Plan, specific to the hospital or agency and shall give the hospital or agency an opportunity to correct any facts on which such determination is based, if the hospital or agency asserts that such facts are inaccurate. The findings of the report shall be used to improve the Trauma Triage Plan, including triage, and transport and trauma center designation criteria.

The Commissioner shall ensure the confidentiality of patient information, in accordance with § 32.1-116.2. Such data or information in the possession of or transmitted to the Commissioner, the Advisory Board, any committee acting on behalf of the Advisory Board, any hospital or prehospital care provider, any regional emergency medical services council, emergency medical services agency that holds a valid license issued by the Commissioner, or group or committee established to monitor the quality of emergency medical services or trauma services pursuant to this subdivision, or any other person shall be privileged and shall not be disclosed or obtained by legal discovery proceedings, unless a circuit court, after a hearing and for good cause shown arising from extraordinary circumstances, orders disclosure of such data.

C. The Board shall also develop and maintain as a component of the Statewide Emergency Medical Services Plan a statewide prehospital and interhospital Stroke Triage Plan designed to promote rapid access for stroke patients to appropriate, organized stroke care through the publication and regular updating of information on resources for stroke care and generally accepted criteria for stroke triage and appropriate transfer. The Stroke Triage Plan shall include:

1. A strategy for maintaining the statewide Stroke Triage Plan through development of regional stroke triage plans that take into account the region's geographic variations and stroke care capabilities and resources, including hospitals designated as *comprehensive stroke centers*, *primary stroke centers*, *primary stroke centers with supplementary levels of stroke care distinction*, and *acute stroke-ready hospitals* through certification by the Joint Commission, DNV Healthcare, *the American Heart Association*, or a comparable process consistent with the recommendations of the Brain Attack Coalition, and inclusion of such regional plans in the statewide Stroke Triage Plan. The regional stroke triage plans shall be reviewed triennially.

2. A uniform set of proposed criteria for prehospital and interhospital triage and transport of stroke patients developed by the Advisory Board, in consultation with the American Stroke Association, the Virginia College of Emergency Physicians, the Virginia Hospital and Healthcare Association, and prehospital care providers. The Board may revise such criteria from time to time to incorporate accepted changes in medical practice or to respond to needs indicated by analyses of data on patient outcomes. Such criteria shall be used as a guide and resource for health care providers and are not

intended to establish, in and of themselves, standards of care or to abrogate the requirements of § 8.01-581.20. A decision by a health care provider to deviate from the criteria shall not constitute negligence per se.

D. Whenever any state-owned aircraft, vehicle, or other form of conveyance is utilized under the provisions of this section, an appropriate amount not to exceed the actual costs of operation may be charged by the agency having administrative control of such aircraft, vehicle, or other form of conveyance.

#### CHAPTER 104

*An Act to amend and reenact § 16.1-282.2 of the Code of Virginia, relating to annual foster care review.*

[H 1219]

Approved March 2, 2018

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

**1. That § 16.1-282.2 of the Code of Virginia is amended and reenacted as follows:**

**§ 16.1-282.2. Annual foster care review.**

A. The court shall review a foster care plan annually for any child who remains in the legal custody of a local board of social services or a child welfare agency and (i) on whose behalf a petition to terminate parental rights has been granted, filed or ordered to be filed, (ii) who is placed in permanent foster care, or (iii) who is age 16 or over and for whom the plan is independent living. The foster care review hearing shall be scheduled at the conclusion of a hearing held pursuant to § 16.1-281, 16.1-282, or 16.1-282.1 at which the order is entered: terminating parental rights, directing the filing of a petition for termination of parental rights by the board or agency, placing the child in permanent foster care, or directing the board or agency to provide the child who is age 16 or over and for whom the plan is independent living with services to transition from foster care. The foster care review hearing shall be held within 12 months of the date of such order, so long as the child remains in the custody of the board or agency.

The board or agency shall file the petition for a foster care review hearing, and the court shall provide notice of the foster care review hearing in accordance with the provisions of § 16.1-282. The board or agency shall file a written Adoption Progress Report with the juvenile court pursuant to § 16.1-277.01, 16.1-277.02, 16.1-278.3, or 16.1-283, if applicable, with the petition required by this section. The court order entered at the conclusion of the hearing held on the petition shall state whether reasonable efforts have been made to place the child in a timely manner in accordance with the approved foster care plan that established a permanent goal for the child and to complete the steps necessary to finalize the permanent placement of the child.

B. At the foster care review hearing in the case of a child who is placed in permanent foster care, the court shall give consideration to the appropriateness of the services being provided to the child and permanent foster parents, to any change in circumstances since the entry of the order placing the child in permanent foster care, and to such other factors as the court deems proper.

C. *At the foster care review hearing in the case of a child who meets the criteria of subdivisions A 1 through 4 of § 16.1-283.2, the court shall inquire of the guardian ad litem and the local board of social services whether the child has expressed a preference that the possibility of restoring the parental rights of his parent or parents be investigated. If the child expresses or has expressed such a preference, the court shall direct the local board of social services or the child's guardian ad litem to conduct an investigation of the parent or parents. If, following such investigation, the local board of social services or the child's guardian ad litem deems it appropriate to do so, either may file a petition for the restoration of parental rights. A hearing on such petition shall be held as provided by § 16.1-283.2.*

#### CHAPTER 105

*An Act to amend and reenact § 32.1-162.9 of the Code of Virginia, relating to home care organization; licensure; multiple locations.*

[H 1366]

Approved March 2, 2018

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

**1. That § 32.1-162.9 of the Code of Virginia is amended and reenacted as follows:**

**§ 32.1-162.9. Licenses required; renewal thereof.**

A. No person shall establish or operate a home care organization without a license issued pursuant to this article unless he is exempt from licensure pursuant to § 32.1-162.8. No license to establish or operate a home care organization shall be issued to any person who has been sanctioned pursuant to 42 U.S.C. § 1320a-7b.

B. The Commissioner shall issue or renew a license to establish or operate a home care organization upon application therefor on a form and accompanied by a fee prescribed by the Board if the Commissioner finds that the home care organization is in compliance with the provisions of this article and regulations of the Board, unless the Commissioner determines that no reciprocal agreement for the licensing of home care organizations has been entered into by the Commonwealth with the state in which the applicant resides or with the state in which the applicant's home care

organization is licensed to operate. The Commissioner shall not issue or renew a license to establish or operate a home care organization to any applicant who has been sanctioned pursuant to 42 U.S.C. § 1320a-7b.

C. ~~The Commissioner may issue a license to a home care organization authorizing the licensee to provide services at~~ *Any licensed home care organization may establish one or more branch offices serving portions of the total geographic area served by the licensee, provided that each branch office operates under the supervision and administrative control of the licensee. The address of each branch office at which services are provided by the licensee shall be included on any license issued to the licensee submitted to the Department and included on any license issued to the licensee. Branch offices shall be operated under the initial license issued to the home care organization and shall not be required to obtain an additional license. Upon receipt of notice that a home care organization has established a branch office that meets the criteria set forth in this subsection, the Department shall issue an updated license including the address of the newly established branch office to the home care organization within 10 business days.*

D. Every applicant for an initial license to establish or operate a home care organization shall include as part of his application proof of initial reserve operating funds in an amount determined by the Board, which shall be sufficient to ensure operation of the home care organization for the three-month period after a license to operate has been issued. Such funds may include cash, cash equivalents that are readily convertible to known amounts of cash and that present insignificant risk of change in value, borrowed funds that are immediately available to the applicant, or a line of credit that is immediately available to the applicant. Proof of funds sufficient to meet the requirements of this subsection shall include a current balance sheet demonstrating availability of cash or cash equivalents, including all borrowed funds, sufficient to meet the requirement for initial reserve operating funds together with a letter from the officer of the bank or other financial institution where the funds are held or a letter of credit from a lender demonstrating the current availability of a line of credit and the amount thereof.

E. Every such license shall expire on the anniversary of its issuance or renewal.

F. The activities and services of each applicant for issuance or renewal of a home care organization license shall be subject to an inspection or examination by the Commissioner to determine if the home care organization is in compliance with the provisions of this article and regulations of the Board.

G. No license issued pursuant to this article may be transferred or assigned.

**CHAPTER 106**

*An Act to amend and reenact § 54.1-2522.1, as it is currently effective, of the Code of Virginia, relating to prescribing of opioids; limit; surgical or invasive procedure.*

[S 632]

Approved March 2, 2018

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

**1. That § 54.1-2522.1, as it is currently effective, of the Code of Virginia is amended and reenacted as follows:**

**§ 54.1-2522.1. (Effective until July 1, 2022) Requirements of prescribers.**

A. Any prescriber who is licensed in the Commonwealth to treat human patients and is authorized pursuant to §§ 54.1-3303 and 54.1-3408 to issue a prescription for a covered substance shall be registered with the Prescription Monitoring Program by the Department of Health Professions.

B. A prescriber registered with the Prescription Monitoring Program or a person to whom he has delegated authority to access information in the possession of the Prescription Monitoring Program pursuant to § 54.1-2523.2 shall, at the time of initiating a new course of treatment to a human patient that includes the prescribing of opioids anticipated at the onset of treatment to last more than seven consecutive days, request information from the Director for the purpose of determining what, if any, other covered substances are currently prescribed to the patient. In addition, any prescriber who holds a special identification number from the Drug Enforcement Administration authorizing the prescribing of controlled substances approved for use in opioid addiction therapy shall, prior to or as a part of execution of a treatment agreement with the patient, request information from the Director for the purpose of determining what, if any, other covered substances the patient is currently being prescribed. Nothing in this section shall prohibit prescribers from making additional periodic requests for information from the Director as may be required by routine prescribing practices.

C. A prescriber shall not be required to meet the provisions of subsection B if:

1. The opioid is prescribed to a patient currently receiving hospice or palliative care;
2. ~~The opioid is prescribed to a patient as part of treatment for a surgical or invasive procedure and such prescription is for no more than 14 consecutive days;~~
3. ~~The opioid is prescribed to a patient during an inpatient hospital admission or at discharge;~~
4. The opioid is prescribed to a patient in a nursing home or a patient in an assisted living facility that uses a sole source pharmacy;
5. ~~4.~~ The Prescription Monitoring Program is not operational or available due to temporary technological or electrical failure or natural disaster; or
6. ~~5.~~ The prescriber is unable to access the Prescription Monitoring Program due to emergency or disaster and documents such circumstances in the patient's medical record.

## CHAPTER 107

*An Act to amend and reenact § 63.2-1717 of the Code of Virginia, relating to licensure exemptions; private preschool programs.*

[S 702]

Approved March 2, 2018

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

**1. That § 63.2-1717 of the Code of Virginia is amended and reenacted as follows:**

**§ 63.2-1717. Certification of preschool or nursery school programs operated by accredited private schools; provisional certification; annual statement and documentary evidence required; enforcement; injunctive relief.**

A. A preschool or nursery school program operated by a private school accredited by an accrediting organization recognized by the Board of Education pursuant to § 22.1-19 shall be exempt from licensure under this subtitle if it complies with the provisions of this section and meets the requirements of subsection B.

B. A school described in subsection A shall meet the following conditions in order to be exempt under this subsection:

1. The school offers kindergarten or elementary school instructional programs that satisfy compulsory school attendance laws, and children below the age of compulsory school attendance also participate in such instructional programs;

2. The number of pupils in the preschool program does not exceed 12 pupils for each instructional adult, or if operated as a Montessori program with mixed age groups of three-year-old to six-year-old children, the number of pupils in the preschool program does not exceed 15 pupils for each instructional adult;

3. ~~Children~~ The school (i) maintains an average enrollment ratio during the current school year of five children age five or above to one four-year-old child, and no child in attendance is under age four, or (ii) does not allow children below the age of eligibility for kindergarten attendance ~~do not~~ to attend the preschool program for more than five hours per day, ~~provided that~~ of which no more than four hours of instructional classes ~~is~~ may be provided per day, and no child in attendance is under age three;

4. ~~No child in attendance is under age three;~~

~~5-~~ The preschool offers instructional classes and does not hold itself out as a child care center, child day center, or child day program;

~~6-~~ 5. Children enrolled in the preschool do not attend more than five days per week; and

~~7-~~ 6. The school maintains a certificate or permit issued pursuant to a local government ordinance that addresses health, safety, and welfare of the children.

C. The school shall file with the Commissioner, prior to the beginning of the school year or calendar year, as the case may be, and thereafter, annually, a statement which includes the following:

1. Intent to operate a certified preschool program;

2. Documentary evidence that the school has been accredited as provided in subsection A;

3. Documentation that the school has disclosed in writing to the parents, guardians, or persons having charge of a child enrolled in the school's preschool program and has posted in a visible location on the premises the fact of the program's exemption from licensure;

4. Documentary evidence that the physical facility in which the preschool program will be conducted has been inspected (i) before initial certification by the local building official and (ii) within the 12-month period prior to initial certification and at least annually thereafter by the local health department, and local fire marshal or Office of the State Fire Marshal, whichever is appropriate, and an inspection report that documents that the facility is in compliance with applicable laws and regulations pertaining to food services, health and sanitation, water supply, building codes, and the Statewide Fire Prevention Code or the Uniform Statewide Building Code;

5. Documentation that the school has disclosed the following in writing to the parents, guardians, or persons having charge of a child enrolled in the school's preschool program, and in a written statement available to the general public: (i) the school facility is in compliance with applicable laws and regulations pertaining to food services, health and sanitation, water supply, building codes, and the Statewide Fire Prevention Code or the Uniform Statewide Building Code; (ii) the preschool program's maximum capacity; (iii) the school's policy or practice for pupil-teacher ratio, staffing patterns, and staff health requirements; and (iv) a description of the school's public liability insurance, if any;

6. Qualifications of school personnel who work in the preschool program;

7. Certification that the school will report to the Commissioner all incidents involving serious injury to or death of children attending the preschool program. Reports of serious injuries, which shall include any injuries that require an emergency referral to an offsite health care professional or treatment in a hospital, shall be submitted annually. Reports of deaths shall be submitted no later than one business day after the death occurred; and

8. Documentary evidence that the private school requires all employees of the preschool and other school employees who have contact with the children enrolled in the preschool program to obtain a criminal record check as provided in § 63.2-1720.1 to meet the requirements of § 22.1-296.3 as a condition of initial or continued employment.

All accredited private schools seeking certification of preschool programs shall file such information on forms prescribed by the Commissioner. The Commissioner shall certify all preschool programs of accredited private schools

which comply with the provisions of subsection A. The Commissioner may conduct an annual inspection of such preschool programs to ensure compliance with the provisions of this section and conduct inspections to investigate complaints alleging noncompliance.

D. A preschool program of a private school that has not been accredited as provided in subsection A shall be subject to licensure.

E. If the preschool program of a private school that is accredited as provided in subsection A fails to file the statement and the required documentary evidence, the Commissioner shall notify the school of its noncompliance and may thereafter take such action as he determines appropriate, including notice that the program is required to be licensed.

F. The revocation or denial of the certification of a preschool program shall be subject to appeal pursuant to the provisions of the Administrative Process Act (§ 2.2-4000 et seq.). Judicial review of a final agency decision shall be in accordance with the provisions of the Administrative Process Act.

G. Any person who has reason to believe that a private school falling within the provisions of this section is in noncompliance with any applicable requirement of this section may report the same to the Department, the local department, the local health department, or the local fire marshal, each of which may inspect the school for noncompliance, give reasonable notice to the school of the nature of its noncompliance, and thereafter may take appropriate action as provided by law, including a suit to enjoin the operation of the preschool program.

H. Upon receipt of a complaint concerning a certified preschool program of an accredited private school, if for good cause shown there is reason to suspect that the school is in noncompliance with any provision of this section or the health or safety of the children attending the preschool program is in danger, the Commissioner shall cause an investigation to be made, including on-site visits as he deems necessary of the services, personnel, and facilities of the school's preschool program. The school shall afford the Commissioner reasonable opportunity to inspect the school's preschool program, records, and facility, and to interview the employees and any child or parent or guardian of a child who is or has been enrolled in the preschool program. If, upon completion of the investigation, it is determined that the school is in noncompliance with the provisions of this section, the Commissioner shall give reasonable notice to the school of the nature of its noncompliance and thereafter may take appropriate action as provided by law, including a suit to enjoin the operation of the preschool program.

I. Failure of a private school to comply with the provisions of this section, or a finding that the health and safety of the children attending the preschool program are in clear and substantial danger upon the completion of an investigation, shall be grounds for revocation of the certification issued pursuant to this section.

J. If a private school operates a child day program outside the scope of its instructional classes during the school year or operates a child day program during the summer, the child day program shall be subject to licensure under the regulations adopted pursuant to § 63.2-1734.

K. Nothing in this section shall prohibit a preschool operated by or conducted under the auspices of a private school from obtaining a license pursuant to this subtitle.

## CHAPTER 108

*An Act to amend and reenact § 54.1-2523 of the Code of Virginia, relating to Prescription Monitoring Program; disclosure of information; Department of Medical Assistance Services.*

[S 735]

Approved March 2, 2018

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

#### **1. That § 54.1-2523 of the Code of Virginia is amended and reenacted as follows:**

##### **§ 54.1-2523. Confidentiality of data; disclosure of information; discretionary authority of Director.**

A. All data, records, and reports relating to the prescribing and dispensing of covered substances to recipients and any abstracts from such data, records, and reports that are in the possession of the Prescription Monitoring Program pursuant to this chapter and any material relating to the operation or security of the program shall be confidential and shall be exempt from the Virginia Freedom of Information Act (§ 2.2-3700 et seq.) pursuant to subdivision 2 of § 2.2-3705.5. Records in possession of the Prescription Monitoring Program shall not be available for civil subpoena, nor shall such records be disclosed, discoverable, or compelled to be produced in any civil proceeding, nor shall such records be deemed admissible as evidence in any civil proceeding for any reason. Further, the Director shall only have discretion to disclose any such information as provided in subsections B and C.

B. Upon receiving a request for information in accordance with the Department's regulations and in compliance with applicable federal law and regulations, the Director shall disclose the following:

1. Information relevant to a specific investigation of a specific recipient or of a specific dispenser or prescriber to an agent who has completed the Virginia State Police Drug Diversion School designated by the superintendent of the Department of State Police or designated by the chief law-enforcement officer of any county, city, or town or campus police department to conduct drug diversion investigations pursuant to § 54.1-3405.

2. Information relevant to an investigation or inspection of or allegation of misconduct by a specific person licensed, certified, or registered by or an applicant for licensure, certification, or registration by a health regulatory board; information

relevant to a disciplinary proceeding before a health regulatory board or in any subsequent trial or appeal of an action or board order to designated employees of the Department of Health Professions; or to designated persons operating the Health Practitioners' Monitoring Program pursuant to Chapter 25.1 (§ 54.1-2515 et seq.).

3. Information relevant to the proceedings of any investigatory grand jury or special grand jury that has been properly impaneled in accordance with the provisions of Chapter 13 (§ 19.2-191 et seq.) of Title 19.2.

4. Information relevant to a specific investigation of a specific recipient, dispenser, or prescriber to an agent of a federal law-enforcement agency with authority to conduct drug diversion investigations.

5. Information relevant to a specific investigation, supervision, or monitoring of a specific recipient for purposes of the administration of criminal justice pursuant to Chapter 1 (§ 9.1-100 et seq.) of Title 9.1 to a probation or parole officer as described in Article 2 (§ 53.1-141 et seq.) of Chapter 4 of Title 53.1 or a local community-based probation officer as described in § 9.1-176.1 who has completed the Virginia State Police Drug Diversion School designated by the Director of the Department of Corrections or his designee.

C. In accordance with the Department's regulations and applicable federal law and regulations, the Director may, in his discretion, disclose:

1. Information in the possession of the program concerning a recipient who is over the age of 18 to that recipient. The information shall be mailed to the street or mailing address indicated on the recipient request form.

2. Information on a specific recipient to a prescriber, as defined in this chapter, for the purpose of establishing the treatment history of the specific recipient when such recipient is either under care and treatment by the prescriber or the prescriber is consulting on or initiating treatment of such recipient. In a manner specified by the Director in regulation, notice shall be given to patients that information may be requested by the prescriber from the Prescription Monitoring Program.

3. Information on a specific recipient to a dispenser for the purpose of establishing a prescription history to assist the dispenser in (i) determining the validity of a prescription in accordance with § 54.1-3303 or (ii) providing clinical consultation on the care and treatment of the recipient. In a manner specified by the Director in regulation, notice shall be given to patients that information may be requested by the dispenser from the Prescription Monitoring Program.

4. Information relevant to an investigation or regulatory proceeding of a specific dispenser or prescriber to other regulatory authorities concerned with granting, limiting or denying licenses, certificates or registrations to practice a health profession when such regulatory authority licenses such dispenser or prescriber or such dispenser or prescriber is seeking licensure by such other regulatory authority.

5. Information relevant to an investigation relating to a specific dispenser or prescriber who is a participating provider in the Virginia Medicaid program or information relevant to an investigation relating to a specific recipient who is currently eligible for and receiving or who has been eligible for and has received medical assistance services to the Medicaid Fraud Control Unit of the Office of the Attorney General or to designated employees of the Department of Medical Assistance Services, as appropriate.

6. Information relevant to determination of the cause of death of a specific recipient to the designated employees of the Office of the Chief Medical Examiner.

7. Information for the purpose of bona fide research or education to qualified personnel; however, data elements that would reasonably identify a specific recipient, prescriber, or dispenser shall be deleted or redacted from such information prior to disclosure. Further, release of the information shall only be made pursuant to a written agreement between such qualified personnel and the Director in order to ensure compliance with this subdivision.

8. Information relating to prescriptions for covered substances issued by a specific prescriber, which have been dispensed and reported to the Program, to that prescriber.

9. Information about a specific recipient who is a member of a Virginia Medicaid managed care program to a physician or pharmacist licensed in the Commonwealth and employed by the Virginia Medicaid managed care program or to his clinical designee who holds a multistate licensure privilege to practice nursing or a license issued by a health regulatory board within the Department of Health Professions and is employed by the Virginia Medicaid managed care program. Such information shall only be used to determine eligibility for and to manage the care of the specific recipient in a Patient Utilization Management Safety or similar program. Notice shall be given to recipients that information may be requested by a licensed physician or pharmacist employed by the Virginia Medicaid managed care program from the Prescription Monitoring Program.

10. (Expires July 1, 2022) Information to the Board of Medicine about prescribers who meet a certain threshold for prescribing covered substances for the purpose of requiring relevant continuing education. The threshold shall be determined by the Board of Medicine in consultation with the Program.

11. *Information about a specific recipient who is currently eligible for and receiving medical assistance from the Department of Medical Assistance Services to a physician or pharmacist licensed in the Commonwealth or to his clinical designee who holds a multistate licensure privilege to practice nursing or a license issued by a health regulatory board within the Department of Health Professions and is employed by the Department of Medical Assistance Services.*

*Such information shall be used only to determine eligibility for and to manage the care of the specific recipient in a Patient Utilization Management Safety or similar program. Notice shall be given to recipients that information may be requested by a licensed physician or pharmacist employed by the Department of Medical Assistance Services from the Prescription Monitoring Program.*

D. The Director may enter into agreements for mutual exchange of information among prescription monitoring programs in other jurisdictions, which shall only use the information for purposes allowed by this chapter.

E. This section shall not be construed to supersede the provisions of § 54.1-3406 concerning the divulging of confidential records relating to investigative information.

F. Confidential information that has been received, maintained or developed by any board or disclosed by the board pursuant to subsection A shall not, under any circumstances, be available for discovery or court subpoena or introduced into evidence in any medical malpractice suit or other action for damages arising out of the provision of or failure to provide services. However, this subsection shall not be construed to inhibit any investigation or prosecution conducted pursuant to Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2.

## CHAPTER 109

*An Act to amend and reenact § 32.1-111.3 of the Code of Virginia, relating to certified stroke centers; designation of hospitals.*

[S 868]

Approved March 2, 2018

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

**1. That § 32.1-111.3 of the Code of Virginia is amended and reenacted as follows:**

**§ 32.1-111.3. Statewide Emergency Medical Services Plan; Trauma Triage Plan; Stroke Triage Plan.**

A. The Board of Health shall develop a Statewide Emergency Medical Services Plan that shall provide for a comprehensive, coordinated, emergency medical services system in the Commonwealth and shall review, update, and publish the Plan triennially, making such revisions as may be necessary to improve the effectiveness and efficiency of the Commonwealth's emergency medical services system. The Plan shall incorporate the regional emergency medical services plans prepared by the regional emergency medical services councils pursuant to § 32.1-111.4:2. Publishing through electronic means and posting on the Department website shall satisfy the publication requirement. The objectives of such Plan and the emergency medical services system shall include, ~~but not be limited to,~~ the following:

1. Establishing a comprehensive statewide emergency medical services system, incorporating facilities, transportation, manpower, communications, and other components as integral parts of a unified system that will serve to improve the delivery of emergency medical services and thereby decrease morbidity, hospitalization, disability, and mortality;
2. Reducing the time period between the identification of an acutely ill or injured patient and the definitive treatment;
3. Increasing the accessibility of high quality emergency medical services to all citizens of Virginia;
4. Promoting continuing improvement in system components including ground, water, and air transportation; communications; hospital emergency departments and other emergency medical care facilities; health care provider training and health care service delivery; and consumer health information and education;
5. Ensuring performance improvement of the emergency medical services system and emergency medical services and care delivered on scene, in transit, in hospital emergency departments, and within the hospital environment;
6. Working with professional medical organizations, hospitals, and other public and private agencies in developing approaches whereby the many persons who are presently using the existing emergency department for routine, nonurgent, primary medical care will be served more appropriately and economically;
7. Conducting, promoting, and encouraging programs of education and training designed to upgrade the knowledge and skills of emergency medical services personnel, including expanding the availability of paramedic and advanced life support training throughout the Commonwealth with particular emphasis on regions underserved by emergency medical services personnel having such skills and training;
8. Consulting with and reviewing, with agencies and organizations, the development of applications to governmental or other sources for grants or other funding to support emergency medical services programs;
9. Establishing a statewide air medical evacuation system which shall be developed by the Department of Health in coordination with the Department of State Police and other appropriate state agencies;
10. Establishing and maintaining a process for designation of appropriate hospitals as trauma centers, *certified stroke centers*, and specialty care centers based on an applicable national evaluation system;
11. Maintaining a comprehensive emergency medical services patient care data collection and performance improvement system pursuant to Article 3.1 (§ 32.1-116.1 et seq.);
12. Collecting data and information and preparing reports for the sole purpose of the designation and verification of trauma centers and other specialty care centers pursuant to this section. All data and information collected shall remain confidential and shall be exempt from the provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.);
13. Establishing and maintaining a process for crisis intervention and peer support services for emergency medical services personnel and public safety personnel, including statewide availability and accreditation of critical incident stress management or peer support teams and personnel. Such accreditation standards shall include a requirement that a peer support team be headed by a Virginia-licensed clinical psychologist, Virginia-licensed psychiatrist, Virginia-licensed clinical social worker, or Virginia-licensed professional counselor, who has at least five years of experience as a mental health consultant working directly with emergency medical services personnel or public safety personnel;

14. Establishing a statewide program of emergency medical services for children to provide coordination and support for emergency pediatric care, availability of pediatric emergency medical care equipment, and pediatric training of health care providers;

15. Establishing and supporting a statewide system of health and medical emergency response teams, including emergency medical services disaster task forces, coordination teams, disaster medical assistance teams, and other support teams that shall assist local emergency medical services agencies at their request during mass casualty, disaster, or whenever local resources are overwhelmed;

16. Establishing and maintaining a program to improve dispatching of emergency medical services personnel and vehicles, including establishment of and support for emergency medical services dispatch training, accreditation of 911 dispatch centers, and public safety answering points;

17. Identifying and establishing best practices for managing and operating emergency medical services agencies, improving and managing emergency medical services response times, and disseminating such information to the appropriate persons and entities;

18. Ensuring that the Department of Criminal Justice Services and the Virginia Criminal Injuries Compensation Fund shall be contacted immediately to deploy assistance in the event there are victims as defined in § 19.2-11.01, and that the Department of Criminal Justice Services and the Virginia Criminal Injuries Compensation Fund become the lead coordinating agencies for those individuals determined to be victims; and

19. Maintaining current contact information for both the Department of Criminal Justice Services and the Virginia Criminal Injuries Compensation Fund.

B. The Board of Health shall also develop and maintain as a component of the Emergency Medical Services Plan a statewide prehospital and interhospital Trauma Triage Plan designed to promote rapid access for pediatric and adult trauma patients to appropriate, organized trauma care through the publication and regular updating of information on resources for trauma care and generally accepted criteria for trauma triage and appropriate transfer. The Trauma Triage Plan shall include:

1. A strategy for maintaining the statewide Trauma Triage Plan through development of regional trauma triage plans that take into account the region's geographic variations and trauma care capabilities and resources, including hospitals designated as trauma centers pursuant to subsection A and inclusion of such regional plans in the statewide Trauma Triage Plan. The regional trauma triage plans shall be reviewed triennially. Plans should ensure that the Department of Criminal Justice Services and the Virginia Criminal Injuries Compensation Fund shall be contacted immediately to deploy assistance in the event there are victims as defined in § 19.2-11.01, and that the Department of Criminal Justice Services and the Virginia Criminal Injuries Compensation Fund become the lead coordinating agencies for those individuals determined to be victims; and maintain current contact information for both the Department of Criminal Justice Services and the Virginia Criminal Injuries Compensation Fund.

2. A uniform set of proposed criteria for prehospital and interhospital triage and transport of trauma patients developed by the Advisory Board, in consultation with the Virginia Chapter of the American College of Surgeons, the Virginia College of Emergency Physicians, the Virginia Hospital and Healthcare Association, and prehospital care providers. The Advisory Board may revise such criteria from time to time to incorporate accepted changes in medical practice or to respond to needs indicated by analyses of data on patient outcomes. Such criteria shall be used as a guide and resource for health care providers and are not intended to establish, in and of themselves, standards of care or to abrogate the requirements of § 8.01-581.20. A decision by a health care provider to deviate from the criteria shall not constitute negligence per se.

3. A performance improvement program for monitoring the quality of emergency medical services and trauma services, consistent with other components of the Emergency Medical Services Plan. The program shall provide for collection and analysis of data on emergency medical and trauma services from existing validated sources, including the emergency medical services patient care information system, pursuant to Article 3.1 (§ 32.1-116.1 et seq.), the Patient Level Data System, and mortality data. The Advisory Board shall review and analyze such data on a quarterly basis and report its findings to the Commissioner. The Advisory Board may execute these duties through a committee composed of persons having expertise in critical care issues and representatives of emergency medical services providers. The program for monitoring and reporting the results of emergency medical services and trauma services data analysis shall be the sole means of encouraging and promoting compliance with the trauma triage criteria.

The Commissioner shall report aggregate findings of the analysis annually to each regional emergency medical services council. The report shall be available to the public and shall identify, minimally, as defined in the statewide plan, the frequency of (i) incorrect triage in comparison to the total number of trauma patients delivered to a hospital prior to pronouncement of death and (ii) incorrect interfacility transfer for each region.

The Advisory Board or its designee shall ensure that each hospital director or emergency medical services agency chief is informed of any incorrect interfacility transfer or triage, as defined in the statewide Trauma Triage Plan, specific to the hospital or agency and shall give the hospital or agency an opportunity to correct any facts on which such determination is based, if the hospital or agency asserts that such facts are inaccurate. The findings of the report shall be used to improve the Trauma Triage Plan, including triage, and transport and trauma center designation criteria.

The Commissioner shall ensure the confidentiality of patient information, in accordance with § 32.1-116.2. Such data or information in the possession of or transmitted to the Commissioner, the Advisory Board, any committee acting on behalf of the Advisory Board, any hospital or prehospital care provider, any regional emergency medical services council, emergency medical services agency that holds a valid license issued by the Commissioner, or group or committee

established to monitor the quality of emergency medical services or trauma services pursuant to this subdivision, or any other person shall be privileged and shall not be disclosed or obtained by legal discovery proceedings, unless a circuit court, after a hearing and for good cause shown arising from extraordinary circumstances, orders disclosure of such data.

C. The Board shall also develop and maintain as a component of the Statewide Emergency Medical Services Plan a statewide prehospital and interhospital Stroke Triage Plan designed to promote rapid access for stroke patients to appropriate, organized stroke care through the publication and regular updating of information on resources for stroke care and generally accepted criteria for stroke triage and appropriate transfer. The Stroke Triage Plan shall include:

1. A strategy for maintaining the statewide Stroke Triage Plan through development of regional stroke triage plans that take into account the region's geographic variations and stroke care capabilities and resources, including hospitals designated as *comprehensive stroke centers*, primary stroke centers, *primary stroke centers with supplementary levels of stroke care distinction*, and *acute stroke-ready hospitals* through certification by the Joint Commission, DNV Healthcare, the American Heart Association, or a comparable process consistent with the recommendations of the Brain Attack Coalition, and inclusion of such regional plans in the statewide Stroke Triage Plan. The regional stroke triage plans shall be reviewed triennially.

2. A uniform set of proposed criteria for prehospital and interhospital triage and transport of stroke patients developed by the Advisory Board, in consultation with the American Stroke Association, the Virginia College of Emergency Physicians, the Virginia Hospital and Healthcare Association, and prehospital care providers. The Board may revise such criteria from time to time to incorporate accepted changes in medical practice or to respond to needs indicated by analyses of data on patient outcomes. Such criteria shall be used as a guide and resource for health care providers and are not intended to establish, in and of themselves, standards of care or to abrogate the requirements of § 8.01-581.20. A decision by a health care provider to deviate from the criteria shall not constitute negligence per se.

D. Whenever any state-owned aircraft, vehicle, or other form of conveyance is utilized under the provisions of this section, an appropriate amount not to exceed the actual costs of operation may be charged by the agency having administrative control of such aircraft, vehicle, or other form of conveyance.

## CHAPTER 110

*An Act to amend and reenact § 20-108.2 of the Code of Virginia, relating to guidelines for the determination of a child support obligation; child support orders.*

[S 982]

Approved March 2, 2018

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

#### **1. That § 20-108.2 of the Code of Virginia is amended and reenacted as follows:**

##### **§ 20-108.2. Guideline for determination of child support; quadrennial review by Child Support Guidelines Review Panel; executive summary.**

A. There shall be a rebuttable presumption in any judicial or administrative proceeding for child support under this title or Title 16.1 or 63.2, including cases involving split custody or shared custody, that the amount of the award which would result from the application of the guidelines set forth in this section is the correct amount of child support to be awarded. In order to rebut the presumption, the court shall make written findings in the order as set out in § 20-108.1, which findings may be incorporated by reference, that the application of the guidelines would be unjust or inappropriate in a particular case as determined by relevant evidence pertaining to the factors set out in § 20-108.1. The Department of Social Services shall set child support at the amount resulting from computations using the guidelines set out in this section pursuant to the authority granted to it in Chapter 19 (§ 63.2-1900 et seq.) of Title 63.2 and subject to the provisions of § 63.2-1918.

B. For purposes of application of the guideline, a basic child support obligation shall be computed using the schedule set out below. For combined monthly gross income amounts falling between amounts shown in the schedule, basic child support obligation amounts shall be extrapolated. However, unless one of the following exemptions applies where the sole custody child support obligation as computed pursuant to subdivision G 1 is less than the statutory minimum per month, there shall be a presumptive minimum child support obligation of the statutory minimum per month payable by the payor parent. If the gross income of the obligor is equal to or less than 150 percent of the federal poverty level promulgated by the U.S. Department of Health and Human Services from time to time, then the court, upon hearing evidence that there is no ability to pay the presumptive statutory minimum, may set an obligation below the presumptive statutory minimum provided doing so does not create or reduce a support obligation to an amount which seriously impairs the custodial parent's ability to maintain minimal adequate housing and provide other basic necessities for the child. Exemptions from this presumptive minimum monthly child support obligation shall include: parents unable to pay child support because they lack sufficient assets from which to pay child support and who, in addition, are institutionalized in a psychiatric facility; are imprisoned for life with no chance of parole; are medically verified to be totally and permanently disabled with no evidence of potential for paying child support, including recipients of Supplemental Security Income (SSI); or are otherwise involuntarily unable to produce income. "Number of children" means the number of children for whom the parents share joint legal responsibility and for whom support is being sought. *The guidelines worksheet relied upon by the court or the Department of Social Services to compute a child support obligation for a support order issued by such court or the*

*Department shall be placed in the court's file or the Department's file, and a copy of such guidelines worksheet shall be provided to the parties.*

SCHEDULE OF MONTHLY BASIC CHILD SUPPORT OBLIGATIONS

COMBINED  
MONTHLY

GROSS INCOME	ONE CHILD	TWO CHILDREN	THREE CHILDREN	FOUR CHILDREN	FIVE CHILDREN	SIX CHILDREN
0-350	68	104	126	141	155	169
400	78	119	144	161	177	192
450	88	133	162	181	199	216
500	97	148	179	200	220	239
550	107	162	197	220	242	263
600	116	177	215	240	264	287
650	126	191	232	259	285	310
700	135	206	250	279	307	333
750	145	220	267	298	328	357
800	154	234	284	317	349	379
850	163	248	300	336	369	401
900	171	260	316	353	388	422
950	179	273	331	369	406	442
1000	187	285	346	386	425	462
1050	196	298	361	403	443	482
1100	204	310	375	419	461	501
1150	212	323	390	436	480	521
1200	220	335	405	453	498	541
1250	228	347	420	469	516	561
1300	237	360	435	486	535	581
1350	245	372	450	503	553	601
1400	253	385	465	519	571	621
1450	261	397	480	536	589	641
1500	269	410	495	552	608	661
1550	278	422	509	569	626	680
1600	286	434	524	585	644	700
1650	293	446	538	601	661	718
1700	301	457	552	616	678	737
1750	309	469	566	632	695	756
1800	316	481	579	647	712	774
1850	324	492	593	663	729	792
1900	331	504	607	678	746	811
1950	339	515	621	693	763	829
2000	347	527	635	709	780	848
2050	354	538	648	724	797	866
2100	362	550	662	740	814	884
2150	369	561	676	755	830	903
2200	377	573	690	770	847	921
2250	385	584	703	786	864	940
2300	392	596	717	801	881	958

2350	400	607	731	817	898	976
2400	407	619	745	832	915	995
2450	415	630	759	847	932	1013
2500	423	642	772	863	949	1032
2550	430	653	786	878	966	1050
2600	438	665	800	894	983	1068
2650	445	676	814	909	1000	1087
2700	453	688	828	924	1017	1105
2750	460	699	841	940	1034	1124
2800	468	711	855	955	1051	1142
2850	476	722	869	971	1068	1160
2900	483	734	883	986	1084	1179
2950	491	745	896	1001	1101	1197
3000	498	757	910	1017	1118	1216
3050	506	768	924	1032	1135	1234
3100	514	780	938	1047	1152	1252
3150	521	791	952	1063	1169	1271
3200	529	803	965	1078	1186	1289
3250	536	814	979	1094	1203	1308
3300	544	826	993	1109	1220	1326
3350	551	837	1006	1123	1236	1343
3400	559	848	1019	1138	1252	1361
3450	566	859	1032	1152	1268	1378
3500	574	870	1045	1167	1283	1395
3550	581	881	1057	1181	1299	1412
3600	588	892	1070	1196	1315	1430
3650	596	903	1083	1210	1331	1447
3700	603	914	1096	1224	1347	1464
3750	611	925	1109	1239	1363	1481
3800	618	936	1122	1253	1379	1499
3850	626	947	1135	1268	1395	1516
3900	632	956	1146	1280	1408	1531
3950	638	966	1157	1293	1422	1546
4000	645	975	1168	1305	1436	1561
4050	651	985	1180	1318	1449	1575
4100	658	994	1191	1330	1463	1590
4150	664	1004	1202	1342	1477	1605
4200	670	1013	1213	1355	1490	1620
4250	677	1023	1224	1367	1504	1635
4300	682	1030	1233	1377	1515	1647
4350	687	1038	1242	1387	1526	1658
4400	693	1046	1251	1397	1537	1670
4450	698	1054	1260	1407	1548	1682
4500	704	1062	1268	1417	1559	1694
4550	709	1069	1277	1427	1569	1706
4600	714	1077	1286	1437	1580	1718
4650	720	1085	1295	1447	1591	1730

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4700	725	1093	1304	1457	1602	1742
4750	731	1100	1313	1466	1613	1753
4800	736	1108	1322	1476	1624	1765
4850	741	1116	1331	1486	1635	1777
4900	747	1124	1339	1496	1646	1789
4950	752	1131	1348	1506	1656	1800
5000	755	1136	1353	1511	1662	1807
5050	759	1141	1358	1516	1668	1813
5100	762	1145	1362	1522	1674	1820
5150	766	1150	1367	1527	1680	1826
5200	769	1155	1372	1533	1686	1833
5250	773	1159	1377	1538	1692	1839
5300	776	1164	1382	1544	1698	1846
5350	780	1169	1387	1549	1704	1852
5400	783	1173	1392	1554	1710	1859
5450	787	1178	1397	1560	1716	1865
5500	790	1183	1401	1565	1722	1872
5550	794	1187	1406	1571	1728	1878
5600	797	1192	1411	1576	1734	1885
5650	800	1196	1416	1582	1740	1891
5700	803	1201	1421	1587	1746	1897
5750	806	1205	1425	1592	1751	1904
5800	809	1209	1430	1598	1757	1910
5850	812	1213	1435	1603	1763	1917
5900	815	1217	1440	1608	1769	1923
5950	818	1221	1444	1613	1775	1929
6000	821	1226	1449	1619	1781	1936
6050	823	1230	1454	1624	1787	1942
6100	826	1234	1459	1629	1792	1948
6150	829	1238	1464	1635	1798	1955
6200	832	1242	1468	1640	1804	1961
6250	835	1246	1473	1645	1810	1967
6300	838	1251	1478	1651	1816	1974
6350	841	1255	1483	1656	1822	1980
6400	844	1259	1487	1661	1827	1986
6450	847	1263	1492	1667	1833	1993
6500	849	1267	1497	1672	1839	1999
6550	852	1271	1502	1677	1845	2005
6600	855	1276	1506	1683	1851	2012
6650	858	1280	1511	1688	1857	2018
6700	861	1285	1517	1694	1864	2026
6750	865	1291	1524	1703	1873	2036
6800	869	1297	1532	1711	1882	2046
6850	873	1303	1539	1719	1891	2056
6900	877	1309	1547	1728	1900	2066
6950	881	1315	1554	1736	1909	2076
7000	885	1321	1561	1744	1919	2085

7050	889	1328	1569	1752	1928	2095
7100	893	1334	1576	1761	1937	2105
7150	897	1340	1584	1769	1946	2115
7200	901	1346	1591	1777	1955	2125
7250	905	1352	1599	1786	1964	2135
7300	909	1358	1606	1794	1973	2145
7350	913	1364	1613	1802	1982	2155
7400	917	1370	1621	1810	1991	2165
7450	921	1376	1628	1819	2001	2175
7500	925	1382	1636	1827	2010	2185
7550	929	1389	1643	1835	2019	2194
7600	933	1395	1650	1844	2028	2204
7650	937	1401	1658	1852	2037	2214
7700	941	1407	1665	1860	2046	2224
7750	944	1411	1670	1865	2051	2230
7800	946	1413	1672	1867	2054	2233
7850	948	1416	1674	1870	2057	2236
7900	950	1419	1676	1873	2060	2239
7950	953	1421	1679	1875	2063	2242
8000	955	1424	1681	1878	2065	2245
8050	957	1426	1683	1880	2068	2248
8100	959	1429	1685	1883	2071	2251
8150	961	1432	1688	1885	2074	2254
8200	963	1434	1690	1888	2076	2257
8250	965	1436	1692	1890	2079	2260
8300	967	1439	1694	1892	2082	2263
8350	969	1441	1696	1895	2084	2266
8400	971	1444	1699	1897	2087	2269
8450	973	1446	1701	1899	2089	2271
8500	974	1447	1702	1901	2091	2273
8550	975	1449	1704	1903	2093	2276
8600	976	1450	1705	1905	2096	2278
8650	977	1452	1707	1907	2098	2280
8700	978	1453	1709	1909	2100	2282
8750	979	1455	1710	1911	2102	2284
8800	980	1456	1712	1912	2104	2287
8850	981	1457	1714	1914	2106	2289
8900	982	1459	1715	1916	2108	2291
8950	983	1460	1717	1918	2110	2293
9000	984	1462	1719	1920	2112	2295
9050	985	1463	1720	1922	2114	2298
9100	986	1465	1722	1923	2116	2300
9150	987	1466	1724	1925	2118	2302
9200	991	1471	1730	1932	2125	2310
9250	994	1477	1737	1940	2134	2319
9300	998	1483	1743	1947	2142	2328
9350	1002	1488	1750	1955	2150	2337

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9400	1005	1494	1757	1962	2159	2346
9450	1009	1499	1764	1970	2167	2355
9500	1013	1505	1771	1978	2176	2365
9550	1017	1511	1778	1986	2185	2375
9600	1021	1518	1786	1995	2194	2385
9650	1025	1524	1793	2003	2203	2395
9700	1029	1530	1801	2011	2212	2405
9750	1033	1536	1808	2020	2222	2415
9800	1037	1543	1816	2028	2231	2425
9850	1041	1549	1823	2036	2240	2435
9900	1046	1555	1831	2045	2249	2445
9950	1050	1561	1838	2053	2258	2455
10000	1054	1567	1845	2061	2268	2465
10050	1058	1574	1853	2070	2277	2475
10100	1062	1580	1860	2078	2286	2485
10150	1066	1586	1868	2086	2295	2495
10200	1070	1592	1875	2095	2304	2505
10250	1074	1599	1883	2103	2314	2515
10300	1079	1605	1891	2112	2323	2525
10350	1083	1611	1898	2121	2333	2536
10400	1087	1618	1906	2129	2342	2546
10450	1091	1624	1914	2138	2351	2556
10500	1095	1631	1921	2146	2361	2566
10550	1100	1637	1929	2155	2370	2576
10600	1104	1643	1937	2163	2380	2587
10650	1108	1650	1944	2172	2389	2597
10700	1112	1656	1952	2180	2398	2607
10750	1117	1662	1960	2189	2408	2617
10800	1121	1669	1967	2197	2417	2627
10850	1125	1675	1975	2206	2427	2638
10900	1129	1682	1983	2214	2436	2648
10950	1134	1688	1990	2223	2445	2658
11000	1138	1694	1998	2232	2455	2668
11050	1142	1701	2005	2240	2464	2678
11100	1146	1707	2013	2249	2474	2689
11150	1150	1714	2021	2257	2483	2699
11200	1154	1718	2026	2263	2489	2706
11250	1157	1722	2030	2267	2494	2711
11300	1159	1726	2034	2272	2499	2717
11350	1162	1730	2038	2276	2504	2722
11400	1165	1733	2042	2281	2509	2727
11450	1168	1737	2046	2285	2514	2733
11500	1171	1741	2050	2290	2519	2738
11550	1173	1745	2054	2294	2524	2743
11600	1176	1749	2058	2299	2529	2749
11650	1179	1752	2062	2303	2534	2754
11700	1182	1756	2066	2308	2538	2759

11750	1185	1760	2070	2312	2543	2765
11800	1187	1764	2074	2317	2548	2770
11850	1190	1768	2078	2321	2553	2775
11900	1193	1771	2082	2326	2558	2781
11950	1196	1775	2086	2330	2563	2786
12000	1199	1779	2090	2335	2568	2791
12050	1201	1783	2094	2339	2573	2797
12100	1204	1787	2098	2344	2578	2802
12150	1207	1790	2102	2348	2583	2808
12200	1210	1795	2107	2354	2589	2815
12250	1213	1800	2113	2360	2596	2822
12300	1216	1804	2118	2366	2603	2829
12350	1220	1809	2124	2372	2610	2837
12400	1223	1814	2129	2378	2616	2844
12450	1226	1818	2135	2384	2623	2851
12500	1229	1823	2140	2391	2630	2858
12550	1232	1828	2146	2397	2636	2866
12600	1235	1832	2151	2403	2643	2873
12650	1239	1837	2157	2409	2650	2880
12700	1242	1842	2162	2415	2657	2888
12750	1245	1846	2168	2421	2663	2895
12800	1248	1851	2173	2427	2670	2902
12850	1251	1856	2178	2433	2677	2910
12900	1254	1860	2184	2439	2683	2917
12950	1257	1865	2189	2446	2690	2924
13000	1261	1870	2195	2452	2697	2931
13050	1264	1874	2200	2458	2704	2939
13100	1267	1879	2206	2464	2710	2946
13150	1270	1884	2211	2470	2717	2953
13200	1273	1888	2217	2476	2724	2961
13250	1276	1893	2222	2482	2730	2968
13300	1279	1898	2228	2488	2737	2975
13350	1283	1902	2233	2494	2744	2983
13400	1286	1907	2239	2501	2751	2990
13450	1289	1912	2244	2507	2757	2997
13500	1292	1916	2250	2513	2764	3005
13550	1295	1921	2256	2520	2772	3013
13600	1297	1925	2262	2526	2779	3021
13650	1300	1930	2268	2533	2786	3029
13700	1303	1935	2274	2540	2794	3037
13750	1306	1939	2280	2546	2801	3045
13800	1308	1944	2286	2553	2808	3053
13850	1311	1948	2292	2560	2816	3061
13900	1314	1953	2298	2566	2823	3069
13950	1317	1957	2304	2573	2830	3077
14000	1320	1962	2310	2580	2838	3085
14050	1322	1967	2316	2586	2845	3093

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**ACTS OF ASSEMBLY**

14100	1325	1971	2322	2593	2852	3101
14150	1328	1976	2328	2600	2860	3109
14200	1331	1980	2333	2607	2867	3117
14250	1334	1985	2339	2613	2875	3125
14300	1336	1990	2345	2620	2882	3133
14350	1339	1994	2351	2627	2889	3141
14400	1342	1999	2357	2633	2897	3149
14450	1345	2003	2363	2640	2904	3157
14500	1347	2008	2369	2647	2911	3164
14550	1350	2013	2375	2653	2919	3172
14600	1353	2017	2381	2660	2926	3180
14650	1356	2022	2387	2667	2933	3188
14700	1359	2026	2393	2673	2941	3196
14750	1361	2031	2399	2680	2948	3204
14800	1364	2036	2405	2686	2955	3212
14850	1368	2040	2410	2692	2961	3219
14900	1371	2045	2415	2698	2967	3226
14950	1375	2050	2420	2703	2974	3232
15000	1378	2055	2425	2709	2980	3239
15050	1382	2059	2430	2714	2986	3246
15100	1385	2064	2435	2720	2992	3252
15150	1389	2069	2440	2726	2998	3259
15200	1392	2074	2445	2731	3004	3266
15250	1396	2078	2450	2737	3010	3272
15300	1400	2083	2455	2742	3017	3279
15350	1403	2088	2460	2748	3023	3286
15400	1407	2093	2465	2754	3029	3292
15450	1410	2098	2470	2759	3035	3299
15500	1414	2102	2475	2765	3041	3306
15550	1417	2107	2480	2770	3047	3312
15600	1421	2112	2485	2776	3053	3319
15650	1424	2117	2490	2781	3060	3326
15700	1428	2121	2495	2787	3066	3333
15750	1431	2126	2500	2793	3072	3339
15800	1435	2131	2505	2798	3078	3346
15850	1438	2136	2510	2804	3084	3353
15900	1442	2140	2515	2809	3090	3359
15950	1445	2145	2520	2815	3097	3366
16000	1449	2150	2525	2821	3103	3373
16050	1453	2155	2530	2826	3109	3379
16100	1456	2159	2535	2832	3115	3386
16150	1458	2162	2538	2835	3119	3390
16200	1459	2164	2541	2838	3122	3394
16250	1461	2167	2544	2841	3125	3397
16300	1462	2169	2546	2844	3128	3401
16350	1464	2171	2549	2847	3132	3404
16400	1465	2173	2551	2850	3135	3408

16450	1466	2175	2554	2853	3138	3411
16500	1468	2177	2557	2856	3141	3415
16550	1469	2179	2559	2859	3144	3418
16600	1471	2182	2562	2862	3148	3422
16650	1472	2184	2564	2864	3151	3425
16700	1473	2186	2567	2867	3154	3428
16750	1475	2188	2570	2870	3157	3432
16800	1476	2190	2572	2873	3160	3435
16850	1477	2192	2575	2876	3164	3439
16900	1479	2194	2577	2879	3167	3442
16950	1480	2196	2580	2882	3170	3446
17000	1481	2198	2582	2885	3173	3449
17050	1483	2200	2585	2887	3176	3452
17100	1484	2203	2588	2890	3179	3456
17150	1486	2205	2590	2893	3182	3459
17200	1487	2207	2593	2896	3186	3463
17250	1488	2209	2595	2899	3189	3466
17300	1490	2211	2598	2902	3192	3470
17350	1491	2213	2600	2905	3195	3473
17400	1492	2215	2603	2907	3198	3476
17450	1494	2217	2605	2910	3201	3480
17500	1495	2219	2608	2913	3204	3483
17550	1497	2222	2611	2916	3208	3487
17600	1498	2224	2613	2919	3211	3490
17650	1499	2226	2616	2922	3214	3494
17700	1501	2228	2618	2925	3217	3497
17750	1502	2230	2621	2928	3220	3500
17800	1503	2232	2623	2930	3223	3504
17850	1505	2234	2626	2933	3227	3507
17900	1506	2236	2629	2936	3230	3511
17950	1507	2238	2631	2939	3233	3514
18000	1509	2240	2634	2942	3236	3518
18050	1510	2243	2636	2945	3239	3521
18100	1512	2245	2639	2948	3242	3524
18150	1513	2247	2641	2950	3245	3528
18200	1514	2249	2644	2953	3249	3531
18250	1516	2251	2647	2956	3252	3535
18300	1517	2253	2649	2959	3255	3538
18350	1520	2256	2652	2963	3259	3542
18400	1522	2259	2655	2966	3263	3547
18450	1524	2262	2658	2970	3266	3551
18500	1526	2265	2662	2973	3270	3555
18550	1528	2268	2665	2976	3274	3559
18600	1530	2271	2668	2980	3278	3563
18650	1532	2274	2671	2983	3282	3567
18700	1535	2277	2674	2987	3285	3571
18750	1537	2280	2677	2990	3289	3575

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18800	1539	2283	2680	2994	3293	3579
18850	1541	2285	2683	2997	3297	3584
18900	1543	2288	2686	3000	3301	3588
18950	1545	2291	2689	3004	3304	3592
19000	1547	2294	2692	3007	3308	3596
19050	1550	2297	2695	3011	3312	3600
19100	1552	2300	2698	3014	3316	3604
19150	1554	2303	2702	3018	3319	3608
19200	1556	2306	2705	3021	3323	3612
19250	1558	2309	2708	3025	3327	3616
19300	1560	2312	2711	3028	3331	3621
19350	1563	2315	2714	3031	3335	3625
19400	1565	2318	2717	3035	3338	3629
19450	1567	2320	2720	3038	3342	3633
19500	1569	2323	2723	3042	3346	3637
19550	1571	2326	2726	3045	3350	3641
19600	1573	2329	2729	3049	3353	3645
19650	1575	2332	2732	3052	3357	3649
19700	1578	2335	2735	3055	3361	3653
19750	1580	2338	2738	3059	3365	3658
19800	1582	2341	2742	3062	3369	3662
19850	1584	2344	2745	3066	3372	3666
19900	1586	2347	2748	3069	3376	3670
19950	1588	2350	2751	3073	3380	3674
20000	1591	2353	2754	3076	3384	3678
20050	1593	2355	2757	3080	3387	3682
20100	1595	2358	2760	3083	3391	3686
20150	1597	2361	2763	3086	3395	3690
20200	1599	2364	2766	3090	3399	3695
20250	1601	2367	2769	3093	3403	3699
20300	1603	2370	2772	3097	3406	3703
20350	1606	2373	2775	3100	3410	3707
20400	1608	2376	2778	3104	3414	3711
20450	1610	2379	2782	3107	3418	3715
20500	1612	2382	2785	3110	3421	3719
20550	1614	2385	2788	3114	3425	3723
20600	1616	2388	2791	3117	3429	3727
20650	1619	2390	2794	3121	3433	3731
20700	1621	2393	2797	3124	3437	3736
20750	1623	2396	2800	3128	3440	3740
20800	1625	2399	2803	3131	3444	3744
20850	1627	2402	2806	3135	3448	3748
20900	1629	2405	2809	3138	3452	3752
20950	1631	2408	2812	3141	3456	3756
21000	1634	2411	2815	3145	3459	3760
21050	1636	2414	2818	3148	3463	3764
21100	1638	2417	2822	3152	3467	3768

21150	1640	2420	2825	3155	3471	3773
21200	1642	2423	2828	3159	3474	3777
21250	1644	2425	2831	3162	3478	3781
21300	1647	2428	2834	3165	3482	3785
21350	1649	2431	2837	3169	3486	3789
21400	1651	2434	2840	3172	3490	3793
21450	1653	2437	2843	3176	3493	3797
21500	1655	2440	2846	3179	3497	3801
21550	1657	2443	2849	3183	3501	3805
21600	1659	2446	2853	3187	3506	3811
21650	1661	2449	2857	3191	3510	3816
21700	1663	2452	2861	3195	3515	3821
21750	1665	2455	2865	3200	3520	3826
21800	1667	2458	2868	3204	3524	3831
21850	1668	2461	2872	3208	3529	3836
21900	1670	2464	2876	3213	3534	3841
21950	1672	2467	2880	3217	3539	3846
22000	1674	2470	2884	3221	3543	3852
22050	1676	2473	2888	3225	3548	3857
22100	1678	2476	2891	3230	3553	3862
22150	1680	2479	2895	3234	3557	3867
22200	1681	2482	2899	3238	3562	3872
22250	1683	2485	2903	3243	3567	3877
22300	1685	2488	2907	3247	3571	3882
22350	1687	2491	2911	3251	3576	3887
22400	1689	2494	2914	3255	3581	3892
22450	1691	2497	2918	3260	3586	3898
22500	1692	2500	2922	3264	3590	3903
22550	1694	2503	2926	3268	3595	3908
22600	1696	2506	2930	3272	3600	3913
22650	1698	2509	2934	3277	3604	3918
22700	1700	2512	2937	3281	3609	3923
22750	1702	2515	2941	3285	3614	3928
22800	1704	2518	2945	3290	3619	3933
22850	1705	2521	2949	3294	3623	3938
22900	1707	2524	2953	3298	3628	3944
22950	1709	2527	2957	3302	3633	3949
23000	1711	2530	2960	3307	3637	3954
23050	1713	2533	2964	3311	3642	3959
23100	1715	2536	2968	3315	3647	3964
23150	1717	2539	2972	3320	3651	3969
23200	1718	2542	2976	3324	3656	3974
23250	1720	2545	2979	3328	3661	3979
23300	1722	2548	2983	3332	3666	3984
23350	1724	2551	2987	3337	3670	3990
23400	1726	2554	2991	3341	3675	3995
23450	1728	2557	2995	3345	3680	4000

23500	1730	2560	2999	3349	3684	4005
23550	1731	2563	3002	3354	3689	4010
23600	1733	2566	3006	3358	3694	4015
23650	1735	2569	3010	3362	3699	4020
23700	1737	2572	3014	3367	3703	4025
23750	1739	2575	3018	3371	3708	4031
23800	1741	2578	3022	3375	3713	4036
23850	1742	2581	3025	3379	3717	4041
23900	1744	2584	3029	3384	3722	4046
23950	1746	2587	3033	3388	3727	4051
24000	1748	2590	3037	3392	3731	4056
24050	1750	2593	3041	3397	3736	4061
24100	1752	2596	3045	3401	3741	4066
24150	1754	2599	3048	3405	3746	4071
24200	1755	2602	3052	3409	3750	4077
24250	1757	2605	3056	3414	3755	4082
24300	1759	2608	3060	3418	3760	4087
24350	1761	2611	3064	3422	3764	4092
24400	1763	2614	3068	3426	3769	4097
24450	1765	2617	3071	3431	3774	4102
24500	1767	2620	3075	3435	3779	4107
24550	1768	2623	3079	3439	3783	4112
24600	1770	2626	3083	3444	3788	4117
24650	1772	2629	3087	3448	3793	4123
24700	1774	2632	3091	3452	3797	4128
24750	1776	2635	3094	3456	3802	4133
24800	1778	2638	3098	3461	3807	4138
24850	1780	2641	3102	3465	3811	4143
24900	1781	2644	3106	3469	3816	4148
24950	1783	2647	3110	3474	3821	4153
25000	1785	2650	3114	3478	3826	4158
25050	1787	2653	3117	3482	3830	4163
25100	1789	2656	3121	3486	3835	4169
25150	1791	2659	3125	3491	3840	4174
25200	1792	2662	3129	3495	3844	4179
25250	1794	2665	3133	3499	3849	4184
25300	1796	2668	3136	3503	3854	4189
25350	1798	2671	3140	3508	3858	4194
25400	1800	2674	3144	3512	3863	4199
25450	1802	2677	3148	3516	3868	4204
25500	1804	2680	3152	3521	3873	4210
25550	1805	2682	3156	3525	3877	4215
25600	1807	2685	3159	3529	3882	4220
25650	1809	2688	3163	3533	3887	4225
25700	1811	2691	3167	3538	3891	4230
25750	1813	2694	3171	3542	3896	4235
25800	1815	2697	3175	3546	3901	4240

25850	1817	2700	3179	3550	3906	4245
25900	1818	2703	3182	3555	3910	4250
25950	1820	2706	3186	3559	3915	4256
26000	1822	2709	3190	3563	3920	4261
26050	1824	2712	3194	3568	3924	4266
26100	1826	2715	3198	3572	3929	4271
26150	1828	2718	3202	3576	3934	4276
26200	1830	2721	3205	3580	3938	4281
26250	1831	2724	3209	3585	3943	4286
26300	1833	2727	3213	3589	3948	4291
26350	1835	2730	3217	3593	3953	4296
26400	1837	2733	3221	3598	3957	4302
26450	1839	2736	3225	3602	3962	4307
26500	1841	2739	3228	3606	3967	4312
26550	1842	2742	3232	3610	3971	4317
26600	1844	2745	3236	3615	3976	4322
26650	1846	2748	3240	3619	3981	4327
26700	1848	2751	3244	3623	3986	4332
26750	1850	2754	3248	3627	3990	4337
26800	1852	2757	3251	3632	3995	4342
26850	1854	2760	3255	3636	4000	4348
26900	1855	2763	3259	3640	4004	4353
26950	1857	2766	3263	3645	4009	4358
27000	1859	2769	3267	3649	4014	4363
27050	1861	2772	3270	3653	4018	4368
27100	1863	2775	3274	3657	4023	4373
27150	1865	2778	3278	3662	4028	4378
27200	1867	2781	3282	3666	4033	4383
27250	1868	2784	3286	3670	4037	4389
27300	1870	2787	3290	3675	4042	4394
27350	1872	2790	3293	3679	4047	4399
27400	1874	2793	3297	3683	4051	4404
27450	1876	2796	3301	3687	4056	4409
27500	1878	2799	3305	3692	4061	4414
27550	1880	2802	3309	3696	4066	4419
27600	1881	2805	3313	3700	4070	4424
27650	1883	2808	3316	3704	4075	4429
27700	1885	2811	3320	3709	4080	4435
27750	1887	2814	3324	3713	4084	4440
27800	1889	2817	3328	3717	4089	4445
27850	1891	2820	3332	3722	4094	4450
27900	1892	2823	3336	3726	4098	4455
27950	1894	2826	3339	3730	4103	4460
28000	1896	2829	3343	3734	4108	4465
28050	1898	2832	3347	3739	4113	4470
28100	1899	2833	3348	3740	4114	4472
28150	1900	2834	3349	3741	4115	4473

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28200	1900	2835	3349	3741	4115	4473
28250	1901	2836	3350	3742	4116	4474
28300	1902	2836	3350	3742	4116	4474
28350	1902	2837	3351	3743	4117	4475
28400	1903	2838	3351	3743	4117	4476
28450	1904	2838	3351	3744	4118	4476
28500	1904	2839	3352	3744	4118	4477
28550	1905	2840	3352	3745	4119	4477
28600	1906	2840	3353	3745	4120	4478
28650	1906	2841	3353	3745	4120	4478
28700	1907	2842	3354	3746	4121	4479
28750	1908	2842	3354	3746	4121	4480
28800	1908	2843	3354	3747	4122	4480
28850	1909	2844	3355	3747	4122	4481
28900	1909	2844	3355	3748	4123	4481
28950	1910	2845	3356	3748	4123	4482
29000	1911	2846	3356	3749	4124	4483
29050	1911	2846	3357	3749	4124	4483
29100	1912	2847	3357	3750	4125	4484
29150	1913	2848	3358	3750	4125	4484
29200	1913	2848	3358	3751	4126	4485
29250	1914	2849	3358	3751	4126	4485
29300	1915	2850	3359	3752	4127	4486
29350	1915	2850	3359	3752	4128	4487
29400	1916	2851	3360	3753	4128	4487
29450	1917	2852	3360	3753	4129	4488
29500	1917	2852	3361	3754	4129	4488
29550	1918	2853	3361	3754	4130	4489
29600	1919	2854	3361	3755	4130	4490
29650	1919	2855	3362	3755	4131	4490
29700	1920	2855	3362	3756	4131	4491
29750	1921	2856	3363	3756	4132	4491
29800	1921	2857	3363	3757	4132	4492
29850	1922	2857	3364	3757	4133	4492
29900	1923	2858	3364	3758	4133	4493
29950	1923	2859	3365	3758	4134	4494
30000	1924	2859	3365	3759	4135	4494
30050	1925	2860	3365	3759	4135	4495
30100	1925	2861	3366	3760	4136	4495
30150	1926	2861	3366	3760	4136	4496
30200	1926	2862	3367	3761	4137	4497
30250	1927	2863	3367	3761	4137	4497
30300	1928	2863	3368	3762	4138	4498
30350	1928	2864	3368	3762	4138	4498
30400	1929	2865	3368	3763	4139	4499
30450	1930	2865	3369	3763	4139	4499
30500	1930	2866	3369	3764	4140	4500

30550	1931	2867	3370	3764	4140	4501
30600	1932	2867	3370	3765	4141	4501
30650	1932	2868	3371	3765	4141	4502
30700	1933	2869	3371	3765	4142	4502
30750	1934	2869	3371	3766	4143	4503
30800	1934	2870	3372	3766	4143	4504
30850	1935	2871	3372	3767	4144	4504
30900	1936	2871	3373	3767	4144	4505
30950	1936	2872	3373	3768	4145	4505
31000	1937	2873	3374	3768	4145	4506
31050	1938	2874	3374	3769	4146	4506
31100	1938	2874	3375	3769	4146	4507
31150	1939	2875	3375	3770	4147	4508
31200	1940	2876	3375	3770	4147	4508
31250	1940	2876	3376	3771	4148	4509
31300	1941	2877	3376	3771	4148	4509
31350	1942	2878	3377	3772	4149	4510
31400	1942	2878	3377	3772	4150	4511
31450	1943	2879	3378	3773	4150	4511
31500	1943	2880	3378	3773	4151	4512
31550	1944	2880	3378	3774	4151	4512
31600	1945	2881	3379	3774	4152	4513
31650	1945	2882	3379	3775	4152	4513
31700	1946	2882	3380	3775	4153	4514
31750	1947	2883	3380	3776	4153	4515
31800	1947	2884	3381	3776	4154	4515
31850	1948	2884	3381	3777	4154	4516
31900	1949	2885	3382	3777	4155	4516
31950	1949	2886	3382	3778	4155	4517
32000	1950	2886	3382	3778	4156	4518
32050	1951	2887	3383	3779	4156	4518
32100	1951	2888	3383	3779	4157	4519
32150	1952	2888	3384	3780	4158	4519
32200	1953	2889	3384	3780	4158	4520
32250	1953	2890	3385	3781	4159	4520
32300	1954	2890	3385	3781	4159	4521
32350	1955	2891	3385	3782	4160	4522
32400	1955	2892	3386	3782	4160	4522
32450	1956	2893	3386	3783	4161	4523
32500	1957	2893	3387	3783	4161	4523
32550	1957	2894	3387	3784	4162	4524
32600	1958	2895	3388	3784	4162	4525
32650	1959	2895	3388	3784	4163	4525
32700	1959	2896	3389	3785	4163	4526
32750	1960	2897	3389	3785	4164	4526
32800	1960	2897	3389	3786	4165	4527
32850	1961	2898	3390	3786	4165	4527

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ACTS OF ASSEMBLY

32900	1962	2899	3390	3787	4166	4528
32950	1962	2899	3391	3787	4166	4529
33000	1963	2900	3391	3788	4167	4529
33050	1964	2901	3392	3788	4167	4530
33100	1964	2901	3392	3789	4168	4530
33150	1965	2902	3392	3789	4168	4531
33200	1966	2903	3393	3790	4169	4532
33250	1966	2903	3393	3790	4169	4532
33300	1967	2904	3394	3791	4170	4533
33350	1968	2905	3394	3791	4170	4533
33400	1968	2905	3395	3792	4171	4534
33450	1969	2906	3395	3792	4172	4534
33500	1970	2907	3395	3793	4172	4535
33550	1970	2907	3396	3793	4173	4536
33600	1971	2908	3396	3794	4173	4536
33650	1972	2909	3397	3794	4174	4537
33700	1972	2909	3397	3795	4174	4537
33750	1973	2910	3398	3795	4175	4538
33800	1974	2911	3398	3796	4175	4539
33850	1974	2912	3399	3796	4176	4539
33900	1975	2912	3399	3797	4176	4540
33950	1976	2913	3399	3797	4177	4540
34000	1976	2914	3400	3798	4177	4541
34050	1977	2914	3400	3798	4178	4541
34100	1977	2915	3401	3799	4178	4542
34150	1978	2916	3401	3799	4179	4543
34200	1979	2916	3402	3800	4179	4543
34250	1979	2917	3402	3800	4180	4544
34300	1980	2917	3402	3800	4181	4544
34350	1981	2918	3403	3801	4181	4545
34400	1981	2919	3403	3801	4182	4545
34450	1982	2919	3404	3802	4182	4546
34500	1983	2920	3404	3802	4183	4546
34550	1983	2921	3405	3803	4183	4547
34600	1984	2921	3405	3803	4184	4548
34650	1984	2922	3405	3804	4184	4548
34700	1985	2923	3406	3804	4185	4549
34750	1986	2923	3406	3805	4185	4549
34800	1986	2924	3407	3805	4186	4550
34850	1987	2925	3407	3806	4186	4550
34900	1988	2925	3407	3806	4187	4551
34950	1988	2926	3408	3807	4187	4552
35000	1989	2927	3408	3807	4188	4552

For gross monthly incomes above \$35,000, add the amount of child support for \$35,000 to the following percentages of gross income above \$35,000.

ONE <del>CHILDREN</del> CHILD	TWO CHILDREN	THREE CHILDREN	FOUR CHILDREN	FIVE CHILDREN	SIX CHILDREN
2.6%	3.4%	3.8%	4.2%	4.6%	5.0%

C. For purposes of this section, "gross income" means all income from all sources, and shall include, but not be limited to, income from salaries, wages, commissions, royalties, bonuses, dividends, severance pay, pensions, interest, trust income, annuities, capital gains, social security benefits except as listed below, workers' compensation benefits, unemployment insurance benefits, disability insurance benefits, veterans' benefits, spousal support, rental income, gifts, prizes or awards.

If a parent's gross income includes disability insurance benefits, it shall also include any amounts paid to or for the child who is the subject of the order and derived by the child from the parent's entitlement to disability insurance benefits. To the extent that such derivative benefits are included in a parent's gross income, that parent shall be entitled to a credit against his or her ongoing basic child support obligation for any such amounts, and, if the amount of the credit exceeds the parent's basic child support obligations, the credit may be used to reduce arrearages.

Gross income shall be subject to deduction of reasonable business expenses for persons with income from self-employment, a partnership, or a closely held business. "Gross income" shall not include:

1. Benefits from public assistance and social services programs as defined in § 63.2-100;
2. Federal supplemental security income benefits;
3. Child support received; or

4. Income received by the payor from secondary employment income not previously included in "gross income," where the payor obtained the income to discharge a child support arrearage established by a court or administrative order and the payor is paying the arrearage pursuant to the order. "Secondary employment income" includes but is not limited to income from an additional job, from self-employment, or from overtime employment. The cessation of such secondary income upon the payment of the arrearage shall not be the basis for a material change in circumstances upon which a modification of child support may be based.

For purposes of this subsection: (i) spousal support received shall be included in gross income and spousal support paid shall be deducted from gross income when paid pursuant to an order or written agreement and (ii) one-half of any self-employment tax paid shall be deducted from gross income.

Where there is an existing court or administrative order or wrien agreement relating to the child or children of a party to the proceeding, who are not the child or children who are the subject of the present proceeding, then there is a presumption that there shall be deducted from the gross income of the party subject to such order or written agreement, the amount that the party is actually paying for the support of a child or children pursuant to such order or agreement.

Where a party to the proceeding has a natural or adopted child or children in the party's household or primary physical custody, and the child or children are not the subject of the present proceeding, there is a presumption that there shall be deducted from the gross income of that party the amount as shown on the Schedule of Monthly Basic Child Support Obligations contained in subsection B that represents that party's support obligation based solely on that party's income as being the total income available for the natural or adopted child or children in the party's household or primary physical custody, who are not the subject of the present proceeding. Provided, however, that the existence of a party's financial responsibility for such a child or children shall not of itself constitute a material change in circumstances for modifying a previous order of child support in any modification proceeding. Any adjustment to gross income under this subsection shall not create or reduce a support obligation to an amount which seriously impairs the custodial parent's ability to maintain minimal adequate housing and provide other basic necessities for the child, as determined by the court.

In cases in which retroactive liability for support is being determined, the court or administrative agency may use the gross monthly income of the parties averaged over the period of retroactivity.

D. Except for good cause shown or the agreement of the parties, in addition to any other child support obligations established pursuant to this section, any child support order shall provide that the parents pay in proportion to their gross incomes, as used for calculating the monthly support obligation, any reasonable and necessary unreimbursed medical or dental expenses. The method of payment of those expenses shall be contained in the support order. Each parent shall pay his respective share of expenses as those expenses are incurred. Any amount paid under this subsection shall not be adjusted by, nor added to, the child support calculated in accordance with subsection G. For the purposes of this section, medical or dental expenses shall include but not be limited to eyeglasses, prescription medication, prosthetics, orthodontics, and mental health or developmental disabilities services, including but not limited to services provided by a social worker, psychologist, psychiatrist, counselor, or therapist.

E. The costs for health care coverage as defined in § 63.2-1900, vision care coverage, and dental care coverage for the child or children who are the subject of the child support order that are being paid by a parent or that parent's spouse shall be added to the basic child support obligation. To determine the cost to be added to the basic child support obligation, the cost per person shall be applied to the child or children who are subject of the child support order. If the per child cost is provided by the insurer, that is the cost per person. Otherwise, to determine the cost per person, the cost of individual coverage for the

policy holder shall be subtracted from the total cost of the coverage, and the remaining amount shall be divided by the number of remaining covered persons.

F. Any child-care costs incurred on behalf of the child or children due to employment of the custodial parent shall be added to the basic child support obligation. Child-care costs shall not exceed the amount required to provide quality care from a licensed source. When requested by the noncustodial parent, the court may require the custodial parent to present documentation to verify the costs incurred for child care under this subsection. Where appropriate, the court shall consider the willingness and availability of the noncustodial parent to provide child care personally in determining whether child-care costs are necessary or excessive. Upon the request of either party, and upon a showing of the tax savings a party derives from child-care cost deductions or credits, the court shall factor actual tax consequences into its calculation of the child-care costs to be added to the basic child support obligation.

G. 1. Sole custody support. The sole custody total monthly child support obligation shall be established by adding (i) the monthly basic child support obligation, as determined from the schedule contained in subsection B, (ii) costs for health care coverage to the extent allowable by subsection E, and (iii) work-related child-care costs and taking into consideration all the factors set forth in subsection B of § 20-108.1. The total monthly child support obligation shall be divided between the parents in the same proportion as their monthly gross incomes bear to their monthly combined gross income. The monthly obligation of each parent shall be computed by multiplying each parent's percentage of the parents' monthly combined gross income by the total monthly child support obligation.

However, the monthly obligation of the noncustodial parent shall be reduced by the cost for health care coverage to the extent allowable by subsection E when paid directly by the noncustodial parent or that parent's spouse. Unreimbursed medical and dental expenses shall be calculated and allocated in accordance with subsection D.

2. Split custody support. In cases involving split custody, the amount of child support to be paid shall be the difference between the amounts owed by each parent as a noncustodial parent, computed in accordance with subdivision 1, with the noncustodial parent owing the larger amount paying the difference to the other parent. Unreimbursed medical and dental expenses shall be calculated and allocated in accordance with subsection D.

For the purpose of this section and § 20-108.1, split custody shall be limited to those situations where each parent has physical custody of a child or children born of the parents, born of either parent and adopted by the other parent or adopted by both parents. For the purposes of calculating a child support obligation where split custody exists, a separate family unit exists for each parent, and child support for that family unit shall be calculated upon the number of children in that family unit who are born of the parents, born of either parent and adopted by the other parent or adopted by both parents. Where split custody exists, a parent is a custodial parent to the children in that parent's family unit and is a noncustodial parent to the children in the other parent's family unit.

3. Shared custody support.

(a) Where a party has custody or visitation of a child or children for more than 90 days of the year, as such days are defined in subdivision G 3 (c), a shared custody child support amount based on the ratio in which the parents share the custody and visitation of any child or children shall be calculated in accordance with this subdivision. The presumptive support to be paid shall be the shared custody support amount, unless a party affirmatively shows that the sole custody support amount calculated as provided in subdivision G 1 is less than the shared custody support amount. If so, the lesser amount shall be the support to be paid. For the purposes of this subsection, the following shall apply:

(i) Income share. "Income share" means a parent's percentage of the combined monthly gross income of both parents. The income share of a parent is that parent's gross income divided by the combined gross incomes of the parties.

(ii) Custody share. "Custody share" means the number of days that a parent has physical custody, whether by sole custody, joint legal or joint residential custody, or visitation, of a shared child per year divided by the number of days in the year. The actual or anticipated "custody share" of the parent who has or will have fewer days of physical custody shall be calculated for a one-year period. The "custody share" of the other parent shall be presumed to be the number of days in the year less the number of days calculated as the first parent's "custody share." For purposes of this calculation, the year may begin on such date as is determined in the discretion of the court, and the day may begin at such time as is determined in the discretion of the court. For purposes of this calculation, a day shall be as defined in subdivision G 3 (c).

(iii) Shared support need. "Shared support need" means the presumptive guideline amount of needed support for the shared child or children calculated pursuant to subsection B of this section, for the combined gross income of the parties and the number of shared children, multiplied by 1.4.

(iv) Sole custody support. "Sole custody support" means the support amount determined in accordance with subdivision G 1.

(b) Support to be paid. The shared support need of the shared child or children shall be calculated pursuant to subdivision G 3 (a)(iii). This amount shall then be multiplied by the other parent's custody share. To that sum for each parent shall be added the other parent's or that parent's spouse's cost of health care coverage to the extent allowable by subsection E, plus the other parent's work-related child-care costs to the extent allowable by subsection F. This total for each parent shall be multiplied by that parent's income share. The support amounts thereby calculated that each parent owes the other shall be subtracted one from the other and the difference shall be the shared custody support one parent owes to the other, with the payor parent being the one whose shared support is the larger. Unreimbursed medical and dental expenses shall be calculated and allocated in accordance with subsection D.

(c) Definition of a day. For the purposes of this section, "day" means a period of 24 hours; however, where the parent who has the fewer number of overnight periods during the year has an overnight period with a child, but has physical custody of the shared child for less than 24 hours during such overnight period, there is a presumption that each parent shall be allocated one-half of a day of custody for that period.

(d) Minimum standards. Any calculation under this subdivision shall not create or reduce a support obligation to an amount which seriously impairs the custodial parent's ability to maintain minimal adequate housing and provide other basic necessities for the child. If the gross income of either party is equal to or less than 150 percent of the federal poverty level promulgated by the U.S. Department of Health and Human Services from time to time, then the shared custody support calculated pursuant to this subsection shall not be the presumptively correct support and the court may consider whether the sole custody support or the shared custody support is more just and appropriate.

(e) Support modification. When there has been an award of child support based on the shared custody formula and one parent consistently fails to exercise custody or visitation in accordance with the parent's custody share upon which the award was based, there shall be a rebuttable presumption that the support award should be modified.

(f) In the event that the shared custody support calculation indicates that the net support is to be paid to the parent who would not be the parent receiving support pursuant to the sole custody calculation, then the shared support shall be deemed to be the lesser support.

H. The Secretary of Health and Human Resources shall ensure that the guideline set out in this section is reviewed by October 31, 2001, and every four years thereafter, by the Child Support Guidelines Review Panel, consisting of 15 members comprised of four legislative members and 11 nonlegislative citizen members. Members shall be appointed as follows: three members of the House Committee for Courts of Justice, upon the recommendation of the chairman of such committee, to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates; one member of the Senate Committee for Courts of Justice, upon the recommendation of the chairman of such committee, to be appointed by the Senate Committee on Rules; and one representative of a juvenile and domestic relations district court, one representative of a circuit court, one representative of the Department of Social Services' Division of Child Support Enforcement, three members of the Virginia State Bar, two custodial parents, two noncustodial parents, and one child advocate, upon the recommendation of the Secretary of Health and Human Resources, to be appointed by the Governor. The Panel shall determine the adequacy of the guideline for the determination of appropriate awards for the support of children by considering current research and data on the cost of and expenditures necessary for rearing children, and any other resources it deems relevant to such review. The Panel shall report its findings to the General Assembly as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports before the General Assembly next convenes following such review.

Legislative members shall serve terms coincident with their terms of office. Nonlegislative citizen members shall serve at the pleasure of the Governor. All members may be reappointed. Appointments to fill vacancies, other than by expiration of a term, shall be made for the unexpired terms. Vacancies shall be filled in the same manner as the original appointments.

Legislative members shall receive such compensation as provided in § 30-19.12, and nonlegislative citizen members shall receive such compensation for the performance of their duties as provided in § 2.2-2813. All members shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. Funding for the costs of compensation and expenses of the members shall be provided by the Department of Social Services.

The Department of Social Services shall provide staff support to the Panel. All agencies of the Commonwealth shall provide assistance to the Panel, upon request.

The chairman of the Panel shall submit to the Governor and the General Assembly a quadrennial executive summary of the interim activity and work of the Panel no later than the first day of 2006 regular session of the General Assembly and every four years thereafter. The executive summary shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

## CHAPTER 111

*An Act to direct the entry into an agreement to transfer certain battlefield easements.*

[H 61]

Approved March 2, 2018

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

**1. § 1.** *The Secretary of Natural Resources, on behalf of the Commonwealth, shall endeavor to enter into a memorandum of understanding, memorandum of agreement, or similar protocol with the United States to accomplish and expedite the transfer or assignment, in such instances and upon such terms as the Secretary may deem appropriate, of the Commonwealth's easement interests in battlefield lands located within the boundaries of federal battlefield parks. By October 1, 2018, the Secretary shall report on the status of this protocol to the Chairmen of the Senate Committee on Agriculture, Conservation and Natural Resources and the House Committee on Agriculture, Chesapeake and Natural Resources.*

## CHAPTER 112

*An Act to amend and reenact § 46.2-916.3 of the Code of Virginia, relating to golf carts and utility vehicles on public highways; equine events.*

[H 114]

Approved March 2, 2018

**Be it enacted by the General Assembly of Virginia:****1. That § 46.2-916.3 of the Code of Virginia is amended and reenacted as follows:****§ 46.2-916.3. Limitations on golf cart and utility vehicle operations on designated public highways.**

A. Golf cart and utility vehicle operations on designated public highways shall be in accordance with the following limitations:

1. A golf cart or utility vehicle may be operated only on designated public highways where the posted speed limit is 25 miles per hour or less. However, a golf cart or utility vehicle may cross a highway at an intersection controlled by a traffic light if the highway has a posted speed limit of no more than 35 miles per hour and in the Town of Colonial Beach may cross any highway at an intersection marked as a golf cart crossing by signs posted by the Virginia Department of Transportation;

2. In towns with a population of 2,000 or less, a golf cart or utility vehicle may cross a highway at an intersection conspicuously marked as a golf cart crossing by signs posted by the Virginia Department of Transportation if the highway has a posted speed limit of no more than 35 miles per hour and the crossing is required as the only means to provide golf cart access from one part of the town to another part of the town;

3. No person shall operate any golf cart or utility vehicle on any public highway unless he has in his possession a valid driver's license;

4. Every golf cart or utility vehicle, whenever operated on a public highway, shall display a slow-moving vehicle emblem in conformity with § 46.2-1081; and

5. Golf carts and utility vehicles shall be operated upon the public highways only between sunrise and sunset, unless equipped with such lights as are required in Article 3 (§ 46.2-1010 et seq.) of Chapter 10 for different classes of vehicles.

B. The limitations of subdivision A 1 shall not apply to golf carts and utility vehicles being operated as follows:

1. To cross a highway from one portion of a golf course to another portion thereof or to another adjacent golf course or to travel between a person's home and golf course if (i) the trip would not be longer than one-half mile in either direction and (ii) the speed limit on the road is no more than 35 miles per hour;

2. To the extent necessary for local government employees, operating only upon highways located within the locality, to fulfill a governmental purpose, provided the golf cart or utility vehicle is being operated on highways with speed limits of 35 miles per hour or less;

3. As necessary by employees of public or private two-year or four-year institutions of higher education if operating on highways within the property limits of such institutions, provided the golf cart or utility vehicle is being operated on highways with speed limits of 35 miles per hour or less;

4. On a secondary highway system component that has a posted speed limit of no more than 35 miles per hour and is within three miles of a motor speedway with a seating capacity of at least 25,000 but less than 90,000 on the same day as any race or race-related event conducted on that speedway; ~~and~~

5. To the extent necessary for employees of the Department of Conservation and Recreation, operating only on highways located within Department of Conservation and Recreation property or upon Virginia Department of Transportation-maintained highways that are adjacent to Department of Conservation and Recreation property, to fulfill a governmental purpose, provided that the golf cart or utility vehicle is being operated on highways with speed limits of no more than 35 miles per hour; *and*

6. *To cross a one-lane or two-lane highway from one portion of a venue hosting an equine event to another portion thereof if (i) the crossing occurs on the same day as such equine event, (ii) a temporary traffic control zone is established at such crossing with speed limits of no more than 35 miles per hour, and (iii) the crossing and highway vehicular traffic are being monitored and controlled by a uniformed law-enforcement officer.*

C. The governing body of any county, city, or town may by ordinance impose additional restrictions or limitations on operations of golf carts, utility vehicles, or both, on public highways within its boundaries, provided that the restrictions or limitations imposed by any such ordinance are no less stringent than the restrictions and limitations contained in this article. In the event that any provision of any such ordinance conflicts with any provision of this section other than subdivision B 5, the provision of the ordinance shall be controlling.

## CHAPTER 113

*An Act to amend and reenact § 29.1-521 of the Code of Virginia, relating to hunting with the assistance of dogs; Sunday hunting; exceptions.*

[H 239]

Approved March 2, 2018

**Be it enacted by the General Assembly of Virginia:****1. That § 29.1-521 of the Code of Virginia is amended and reenacted as follows:****§ 29.1-521. Unlawful to hunt, trap, possess, sell, or transport wild birds and wild animals except as permitted; exception; penalty.**

## A. The following shall be unlawful:

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

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

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

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

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

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

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

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

9. To fail to visit all traps once each day and remove all animals caught, and immediately report to the landowner as to stock, dogs, or fowl that are caught and the date. However, the Director or his designee may authorize employees of federal, state, and local government agencies, and persons holding a valid Commercial Nuisance Animal Permit issued by the Department, to visit body-gripping traps that are completely submerged at least once every 72 hours, and the Board may adopt regulations permitting trappers to visit traps less frequently under specified conditions. The Board shall adopt regulations permitting trappers to use remote trap-checking technology to check traps under specified conditions.

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

11. To offer for sale, sell, offer to purchase, or purchase, at any time or in any manner, any wild bird or wild animal or the carcass or any part thereof, except as specifically permitted by law, including subsection D of § 29.1-553. However, any nonprofit organization exempt from taxation under § 501(c)(3) of the Internal Revenue Code that is (i) organized to provide

wild game as food to the hungry and (ii) authorized by the Department to possess, transport, and distribute donated or unclaimed meat to the hungry may pay a processing fee in order to obtain such meat. Such fee shall not exceed the actual cost for processing the meat. In addition, any nonprofit organization exempt from taxation under § 501(c)(3) of the Internal Revenue Code that is (a) organized to support wildlife habitat conservation and (b) approved by the Department shall be allowed to offer wildlife mounts that have undergone the taxidermy process for sale in conjunction with fundraising activities. A violation of this subdivision shall be punishable as provided in § 29.1-553.

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

"Verification" as used in this section shall include (i) display of a valid tribal identification card, (ii) confirmation through a central tribal registry, (iii) a letter from a tribal chief or council, or (iv) certification from a tribal office that the person is an enrolled member of the tribe.

C. Notwithstanding any other provision of this chapter, the Department may authorize the use of snake exclusion devices by public utilities at their transmission or distribution facilities and the incidental taking of snakes resulting from the use of such devices.

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

## CHAPTER 114

*An Act to amend and reenact § 62.1-44.15:21 of the Code of Virginia, relating to Virginia Water Protection Permit; impacts on stormwater facility.*

[H 377]

Approved March 2, 2018

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

#### **1. That § 62.1-44.15:21 of the Code of Virginia is amended and reenacted as follows:**

##### **§ 62.1-44.15:21. Impacts to wetlands.**

A. Permits shall address avoidance and minimization of wetland impacts to the maximum extent practicable. A permit shall be issued only if the Board finds that the effect of the impact, together with other existing or proposed impacts to wetlands, will not cause or contribute to a significant impairment of state waters or fish and wildlife resources.

B. Permits shall contain requirements for compensating impacts on wetlands. Such compensation requirements shall be sufficient to achieve no net loss of existing wetland acreage and functions and may be met through (i) wetland creation or restoration, (ii) purchase or use of mitigation bank credits pursuant to § 62.1-44.15:23, (iii) contribution to the Wetland and Stream Replacement Fund established pursuant to § 62.1-44.15:23.1 to provide compensation for impacts to wetlands, streams, or other state waters that occur in areas where neither mitigation bank credits nor credits from a Board-approved fund that have met the success criteria are available at the time of permit application, or (iv) contribution to a Board-approved fund dedicated to achieving no net loss of wetland acreage and functions. When utilized in conjunction with creation, restoration, or mitigation bank credits, compensation may incorporate (a) preservation or restoration of upland buffers adjacent to wetlands or other state waters or (b) preservation of wetlands.

C. The Board shall utilize the U.S. Army Corps of Engineers' "Wetlands Delineation Manual, Technical Report Y-87-1, January 1987, Final Report" as the approved method for delineating wetlands. The Board shall adopt appropriate guidance and regulations to ensure consistency with the U.S. Army Corps of Engineers' implementation of delineation practices. The Board shall also adopt guidance and regulations for review and approval of the geographic area of a delineated wetland. Any such approval of a delineation shall remain effective for a period of five years; however, if the Board issues a permit pursuant to this article for an activity in the delineated wetland within the five-year period, the approval shall remain effective for the term of the permit. Any delineation accepted by the U.S. Army Corps of Engineers as sufficient for its exercise of jurisdiction pursuant to § 404 of the Clean Water Act shall be determinative of the geographic area of that delineated wetland.

D. The Board shall develop general permits for such activities in wetlands as it deems appropriate. General permits shall include such terms and conditions as the Board deems necessary to protect state waters and fish and wildlife resources from significant impairment. The Board is authorized to waive the requirement for a general permit or deem an activity in compliance with a general permit when it determines that an isolated wetland is of minimal ecological value. The Board shall develop general permits for:

1. Activities causing wetland impacts of less than one-half of an acre;
2. Facilities and activities of utilities and public service companies regulated by the Federal Energy Regulatory Commission or State Corporation Commission. No Board action on an individual or general permit for such facilities shall alter the siting determination made through Federal Energy Regulatory Commission or State Corporation Commission approval. The Board and the State Corporation Commission shall develop a memorandum of agreement pursuant to

§§ 56-46.1, 56-265.2, 56-265.2:1, and 56-580 to ensure that consultation on wetland impacts occurs prior to siting determinations;

3. Coal, natural gas, and coalbed methane gas mining activities authorized by the Department of Mines, Minerals and Energy, and sand mining;

4. Virginia Department of Transportation or other linear transportation projects; and

5. Activities governed by nationwide or regional permits approved by the Board and issued by the U.S. Army Corps of Engineers. Conditions contained in the general permits shall include, but not be limited to, filing with the Board any copies of preconstruction notification, postconstruction report, and certificate of compliance required by the U.S. Army Corps of Engineers.

E. Within 15 days of receipt of an individual permit application, the Board shall review the application for completeness and either accept the application or request additional specific information from the applicant. Within 120 days of receipt of a complete application, the Board shall issue the permit, issue the permit with conditions, deny the permit, or decide to conduct a public meeting or hearing. If a public meeting or hearing is held, it shall be held within 60 days of the decision to conduct such a proceeding, and a final decision as to the permit shall be made within 90 days of completion of the public meeting or hearing.

F. Within 15 days of receipt of a general permit application, the Board shall review the application for completeness and either accept the application or request additional specific information from the applicant. A determination that an application is complete shall not mean the Board will issue the permit but means only that the applicant has submitted sufficient information to process the application. The Board shall deny, approve, or approve with conditions any application for coverage under a general permit within 45 days of receipt of a complete preconstruction application. The application shall be deemed approved if the Board fails to act within 45 days.

G. No Virginia Water Protection Permit shall be required for impacts to wetlands caused by activities governed under Chapter 13 (§ 28.2-1300 et seq.) of Title 28.2 or normal agricultural activities or normal silvicultural activities. This section shall also not apply to normal residential gardening, lawn and landscape maintenance, or other similar activities that are incidental to an occupant's ongoing residential use of property and of minimal ecological impact. The Board shall develop criteria governing this exemption and shall specifically identify the activities meeting these criteria in its regulations.

H. No Virginia Water Protection Permit shall be required for impacts caused by the construction or maintenance of farm or stock ponds, but other permits may be required pursuant to state and federal law. For purposes of this exclusion, farm or stock ponds shall include all ponds and impoundments that do not fall under the authority of the Virginia Soil and Water Conservation Board pursuant to Article 2 (§ 10.1-604 et seq.) of Chapter 6 pursuant to normal agricultural or silvicultural activities.

*I. No Virginia Water Protection Permit shall be required for wetland and open water impacts to a stormwater management facility that was created on dry land for the purpose of conveying, treating, or storing stormwater; but other permits may be required pursuant to local, state, or federal law. The Department shall adopt guidance to ensure that projects claiming this exemption create no more than minimal ecological impact.*

**CHAPTER 115**

*An Act to amend and reenact § 28.2-706 of the Code of Virginia, relating to crab scraping; possession of hard crabs.*

[H 577]

Approved March 2, 2018

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

**1. That § 28.2-706 of the Code of Virginia is amended and reenacted as follows:**

**§ 28.2-706. Restrictions on crab scraping; penalty.**

It is unlawful for any person to:

1. Use a crab scrape having a mouth longer than four feet and a toothed bar;
2. Haul a scrape, except by hand; *or*
3. Have more than two scrapes overboard; ~~or~~
4. ~~Possess hard crabs while having a crab scrape on board.~~

A violation of any provision of this section is a Class 3 misdemeanor.

**CHAPTER 116**

*An Act to amend and reenact § 29.1-301 of the Code of Virginia, relating to free fishing day; rain day.*

[H 635]

Approved March 2, 2018

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

**1. That § 29.1-301 of the Code of Virginia is amended and reenacted as follows:**

**§ 29.1-301. Exemptions from license requirements.**

A. No license shall be required of landowners, their spouses, their children and grandchildren and the spouses of such children and grandchildren, or the landowner's parents, resident or nonresident, to hunt, trap and fish within the boundaries of their own lands and inland waters or while within such boundaries or upon any private permanent extension therefrom, to fish in any abutting public waters.

B. No license shall be required of any stockholder owning 50 percent or more of the stock of any domestic corporation owning land in this Commonwealth, his or her spouse and children and minor grandchildren, resident or nonresident, to hunt, trap and fish within the boundaries of lands and inland waters owned by the domestic corporation.

C. No license shall be required of bona fide tenants, renters or lessees to hunt, trap or fish within the boundaries of the lands or waters on which they reside or while within such boundaries or upon any private permanent extension therefrom, to fish in any abutting public waters if such individuals have the written consent of the landlord upon their person. A guest of the owner of a private fish pond shall not be required to have a fishing license to fish in such pond.

D. No license shall be required of resident persons under 16 years old to fish.

D1. No license shall be required of resident persons under 12 years old to hunt, provided such person is accompanied and directly supervised by an adult who has, on his person, a valid Virginia hunting license as described in subsection B of § 29.1-300.1.

E. No license shall be required of a resident person 65 years of age or over to hunt or trap on private property in the county or city in which he resides. An annual license at a fee of \$1 shall be required of a resident person 65 years of age or older to fish in any inland waters of the Commonwealth, which shall be in addition to a license to fish for trout as specified in subsection B of § 29.1-310 or a special lifetime trout fishing license as specified in § 29.1-302.4. A resident 65 years of age or older may, upon proof of age satisfactory to the Department and the payment of a \$1 fee, apply for and receive from any authorized agent of the Department a nontransferable annual license permitting such person to hunt or an annual license permitting such person to trap in all cities and counties of the Commonwealth. Any lifetime license issued pursuant to this article prior to July 1, 1988, shall remain valid for the lifetime of the person to whom it was issued. Any license issued pursuant to this section includes any damage stamp required pursuant to Article 3 (§ 29.1-352 et seq.) of this chapter.

F. No license to fish, except for trout as provided in § 29.1-302.4 or subsection B of § 29.1-310, shall be required of nonresident persons under 12 years of age when accompanied by a person possessing a valid license to fish in Virginia.

G. No license shall be required to trap rabbits with box traps.

H. No license shall be required of resident persons under 16 years of age to trap when accompanied by any person 18 years of age or older who possesses a valid state license to trap in this Commonwealth.

I. No license to hunt, trap or fish shall be required of any Indian who habitually resides on an Indian reservation or of a member of the Virginia recognized tribes who resides in the Commonwealth; however, such Indian must have on his person an identification card or paper signed by the chief of his tribe, a valid tribal identification card, written confirmation through a central tribal registry, or certification from a tribal office. Such card, paper, confirmation, or certification shall set forth that the person named is an actual resident upon such reservation or member of the recognized tribes in the Commonwealth, and such card, paper, confirmation or certification shall create a presumption of residence, which may be rebutted by proof of actual residence elsewhere.

J. No license to fish shall be required of legally blind persons.

K. No fishing license shall be required in any inland waters of the Commonwealth on free fishing days. The Board shall designate no more than three free fishing days in any calendar year. *In the event that a free day is canceled as a result of an inclement weather event, the Board may designate another free fishing day in its place.*

L. No license to fish, except for trout as provided in § 29.1-302.4 or subsection B of § 29.1-310, in Laurel Lake and Beaver Pond at Breaks Interstate Park shall be required of a resident of the State of Kentucky who (i) possesses a valid license to fish in Kentucky or (ii) is exempt under Kentucky law from the requirement of possessing a valid fishing license.

M. No license to fish, except for trout as provided in subsection B of § 29.1-310, shall be required of a member of the armed forces of the United States, on active duty, who is a resident of the Commonwealth while such person is on official leave, provided that person presents a copy of his leave papers upon request.

N. No license to hunt or fish shall be required of any person who is not hunting or fishing but is aiding a disabled person to hunt or fish when such disabled person possesses a valid Virginia hunting or fishing license under § 29.1-302, 29.1-302.1, or 29.1-302.2.

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

**CHAPTER 117**

*An Act to amend and reenact § 29.1-744.3 of the Code of Virginia, relating to motorboats; means of propulsion; when person in water accompanying boat.*

[H 751]

Approved March 2, 2018

**Be it enacted by the General Assembly of Virginia:****1. That § 29.1-744.3 of the Code of Virginia is amended and reenacted as follows:**

**§ 29.1-744.3. Slacken speed and control wakes near structures.**

It shall be unlawful to operate any motorboat, except a personal watercraft, at a speed greater than the slowest possible speed required to maintain steerage and headway when within 50 feet or less of docks, piers, boathouses, boat ramps, or a person in the water, unless such person in the water (i) is being towed by the motorboat or (ii) is accompanying the motorboat, provided that such motorboat is propelled by an inboard motor or a means of propulsion that is below the water line and forward of (a) the transom or (b) an integrated swim platform.

**CHAPTER 118**

*An Act to amend and reenact §§ 28.2-226.1 and 28.2-302.5 of the Code of Virginia, relating to saltwater recreational fishing licenses; member of Indian tribe.*

[H 853]

Approved March 2, 2018

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

**1. That §§ 28.2-226.1 and 28.2-302.5 of the Code of Virginia are amended and reenacted as follows:**

**§ 28.2-226.1. Recreational gear license required.**

A. Any person desiring to take or catch finfish or shellfish for recreational purposes in the tidal waters of the Commonwealth using commercial gear authorized under § 28.2-226.2, ~~and for which an exemption is not provided in § 28.2-226, or included in § 28.2-302.1,~~ shall first obtain the appropriate commercial gear license for recreational purposes. A license to use such gear for recreational purposes shall be issued to an individual for his exclusive use and shall not be transferable.

B. All gear licenses issued for recreational purposes shall be so marked.

C. Any person who has obtained a commercial gear license for recreational purposes only shall be exempt from the commercial fishing registration requirements of §§ 28.2-241 and 28.2-242.

D. For purposes of this section and §§ 28.2-226.2 and 28.2-232, "recreational purposes" means finfish or shellfish taken for personal use and not sold, traded, bartered, or given to another in order to be sold, traded, or bartered.

E. Holders of licenses under this section shall report catch and other data as is deemed necessary by the Commission for effective fisheries management.

*F. Any person who engages in an activity for which an exemption is provided in § 28.2-226, holds a saltwater recreational fishing license and uses a gear type listed in § 28.2-302.1, or is exempt from the requirements of obtaining a saltwater recreational license pursuant to subdivision A 11 of § 28.2-302.5 shall be exempt from the requirement of obtaining a commercial gear license for recreational purposes.*

**§ 28.2-302.5. Exemptions to saltwater recreational fishing license.**

A. The following persons shall be exempt from the requirements of obtaining a saltwater recreational fishing license as set forth in § 28.2-302.1:

1. A person under the age of ~~sixteen~~ 16 or a person who has attained the age of ~~sixty-five~~ 65.
2. A person fishing from private real property that he owns or rents, the nonpaying guest of such person, or a member of the immediate family of such person.
3. A person fishing from a licensed recreational boat licensed pursuant to § 28.2-302.7.
4. A person fishing from a licensed headboat, charterboat, or pier licensed pursuant to § 28.2-302 or § 28.2-302.8.
5. A person fishing with gear licensed by the Commission.
6. The holder of a valid recreational fishing license issued by another state or jurisdiction, upon determination of reciprocity of the license by the Commissioner.
7. Members of the following groups, as determined by the Commissioner:
  - a. Organized groups of individuals with physical or mental limitations;
  - b. Organized groups of military veterans residing in veterans' hospitals; and
  - c. School groups, grades kindergarten through ~~twelve~~ 12, participating in school-sponsored trips.
8. A permanently and totally disabled person as defined in § 58.1-3217 holding a special lifetime saltwater recreational fishing license issued pursuant to § 28.2-302.10.
9. A person holding a lifetime saltwater recreational fishing license issued pursuant to § 28.2-302.10:1.
10. A person fishing from a federally owned park or reserve with boundaries extending into an adjoining state that does not require a saltwater fishing license.
11. *A Virginia resident who is a member of an American Indian tribe recognized by the Commonwealth and is carrying (i) an identification card or paper signed by the chief of his tribe, (ii) a valid tribal identification card, (iii) a written confirmation through a central tribal registry, or (iv) a certification from a tribal office, stating that the person is a member of such tribe. Such card or other certification shall create a presumption of residence in Virginia that may be rebutted by proof of actual residence elsewhere.*

B. No saltwater recreational fishing licenses shall be required on days that are designated as free fishing days. The Commissioner shall designate no more than three free fishing days in any calendar year. This exemption shall not apply to headboats, charterboats, or rental boats.

CHAPTER 119

*An Act to amend and reenact § 46.2-746.3 of the Code of Virginia, relating to special license plates; veterans of certain military reserve organizations.*

[H 1068]

Approved March 2, 2018

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

**1. That § 46.2-746.3 of the Code of Virginia is amended and reenacted as follows:**

**§ 46.2-746.3. Special license plates for members or veterans of certain military reserve organizations.**

The Commissioner, on application therefor, shall issue special license plates to members *or veterans* of the Air Force Reserve, the Army Reserve, the Coast Guard Reserve, the Marine Reserve, and the Naval Reserve. Such special license plates may, when feasible, bear decals or stickers identifying the reserve organization of which the applicant is *or was* a member.

The provisions of subdivision B 2 of § 46.2-725 shall not apply to license plates issued under this section.

CHAPTER 120

*An Act to amend and reenact § 58.1-3245 of the Code of Virginia, relating to tax increment financing; dredging projects.*

[H 1092]

Approved March 2, 2018

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

**1. That § 58.1-3245 of the Code of Virginia is amended and reenacted as follows:**

**§ 58.1-3245. Definitions.**

As used in this article, unless the context clearly shows otherwise, the term or phrase:

"Base assessed value" means the assessed value of real estate within a development project area as shown upon the land book records of the local assessing officer on January 1 of the year preceding the effective date of the ordinance creating the development project area.

"Blighted area" means any area within the borders of a development project area which impairs economic values and tax revenues, causes an increase in and spread of disease and crime, and is a menace to the health, safety, morals and welfare of the citizens of the Commonwealth; or any area which endangers the public health, safety and welfare because commercial, industrial and residential structures are subject to dilapidation, deterioration, obsolescence, inadequate ventilation, inadequate public utilities and violations of minimum health and safety standards; or any area previously designated as a blighted area pursuant to § 36-48; or any area adjacent to or in the immediate vicinity thereof which may be improved or enhanced in value by the placement of a proposed highway construction project.

"Current assessed value" means the annual assessed value of real estate in a development project area as recorded on the land book records of the local assessing officer.

"Development project area" means any area designated for development or redevelopment, *including any area designated for a dredging project other than a dredging project for or by the Virginia Port Authority, unless the Virginia Port Authority has an agreement with a local governing body for local financial participation in such a project*, in an ordinance passed by the local governing body.

"Development project cost" has the same meaning as the term "cost" in the Public Finance Act (§ 15.2-2600 et seq.) and, in the case of blighted areas, includes amounts paid to carry out the purposes described in § 144(c)(3) of the Internal Revenue Code of 1986, as amended.

"Development project cost commitment" means a determination by the local governing body of payment of a sum specific of development project costs from the tax increment and other available funds in a development area.

"Governing body" means the board of supervisors, council or other legislative body of any county, city or town.

"Obligations" means bonds, general obligation bonds and revenue bonds as defined in § 15.2-2602 of the Public Finance Act (§ 15.2-2600 et seq.), and any other form of indebtedness which the county, city or town may incur.

"Tax increment" means the amount by which the current assessed value of real estate exceeds the base assessed value.

CHAPTER 121

*An Act to designate the bridge on Middle Road over Interstate 295 in Prince George County the "Sgt. Lawrence G. Sprader, Jr., Memorial Bridge."*

[H 1159]

Approved March 2, 2018

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

1. § 1. The bridge on Middle Road over Interstate 295 in Prince George County is hereby designated the "Sgt. Lawrence G. Sprader, Jr., Memorial Bridge." The Department of Transportation shall place and maintain appropriate markers indicating the designation of this bridge. This designation shall not affect any other designation heretofore or hereafter applied to this bridge.

**CHAPTER 122**

An Act to amend and reenact § 46.2-1508.2 of the Code of Virginia, relating to display or parking of used motor vehicles for sale; penalty.

[H 1413]

Approved March 2, 2018

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

1. That § 46.2-1508.2 of the Code of Virginia is amended and reenacted as follows:

**§ 46.2-1508.2. Display, parking, selling, advertising sale of certain used motor vehicles prohibited.**

A. 1. No owner or lessee of any real property shall permit the display or parking of ~~more than~~ five or more used motor vehicles *per property* within any 12-month period on such real property for the purpose of selling or advertising the sale of such used motor vehicles by the owner or lessee of such vehicles unless exempted pursuant to this section.

2. No owner or lessee of any used motor vehicle shall display or park such used motor vehicle on the real property of another for the purpose of selling or advertising the sale of such used motor vehicle if the display or parking of such vehicle will cause the owner or lessee of the real property to be in violation of the provisions of this section.

3. No owner or lessee of any used motor vehicle shall display or park such used motor vehicle on the real property of another for the purpose of selling or advertising the sale of such used motor vehicle unless the owner or lessee of such vehicle has the right to occupy such property pursuant to a lease or other occupancy document or prior written permission of the owner or lessee of the real property. Copies of such written permission shall be posted on the inside of a side window of the motor vehicle and must be retained by both the property owner or lessee and by the vehicle owner for at least 12 months and shall be made available to law-enforcement officers or agencies, the Board, and local zoning officials upon request.

4. *Except as permitted in § 46.2-631 and except as permitted in subsection B, no owner or lessee of any real property shall permit any used motor vehicle to be displayed or parked on such real property for the purpose of selling or advertising the sale of such used motor vehicle if such vehicle is not lawfully titled in the name of the individual or entity offering such vehicle for sale as provided in Chapter 6 (§ 46.2-600 et seq.). However, the limitation of this subdivision shall not apply if the individual offering the vehicle for sale is an immediate family member of the owner or lessee of the real property on which the motor vehicle is displayed or parked for the purpose of selling or advertising the sale of such vehicle.*

5. *Except as permitted in § 46.2-631, no person shall advertise, display, sell, or offer for sale any used motor vehicle unless such vehicle is lawfully titled in such person's name as provided in Chapter 6 (§ 46.2-600 et seq.). However, this limitation shall not apply if the person offering the vehicle for sale is a motor vehicle dealer licensed under this chapter or has the authority pursuant to law to advertise, display, sell, or offer for sale the used motor vehicle.*

B. The provisions of ~~this section~~ subsection A shall not apply if (i) the owner or lessee of the vehicle displayed or parked is employed by the owner or lessee of the real property on which the vehicle is displayed or parked; (ii) the owner or lessee of the vehicle displayed or parked is conducting business with the owner or lessee of the real property on which the vehicle is parked or displayed at the time such vehicle is displayed or parked; (iii) the real property on which a vehicle is parked is a parking lot for which a fee is charged for the use of such parking lot, the owner or lessee of the parked vehicle has paid the fee for the use of such parking lot, and such vehicle is legitimately parked on the property for purposes other than displaying, selling, or advertising the sale of such vehicle; or (iv) the vehicle displays a dealer's license plate pursuant to § 46.2-1550 and the licensed dealer is not displaying for sale or selling a motor vehicle at a location other than his specific business location without first meeting the requirements of § 46.2-1516.

The provisions of ~~this section~~ subsection A shall also not apply to ~~(i)~~ (a) any motor vehicle dealer licensed under this chapter; or ~~(ii)~~ (b) any owner or lessee of real property who permits the display or parking of five or more used motor vehicles on such real property by a licensed motor vehicle dealer within any 12-month period for the purpose of selling or advertising the sale of such used motor vehicles pursuant to § 46.2-1516.

~~Except as permitted in § 46.2-631 and except as permitted in this section, no owner or lessee of any real property shall permit any used motor vehicle to be displayed or parked on such real property for the purpose of selling or advertising the sale of such used motor vehicle if such vehicle is not lawfully titled and registered in the name of the individual or entity offering such vehicle for sale as provided in Chapter 6 (§ 46.2-600 et seq.) of this title. However, this limitation shall not apply if the individual offering the vehicle for sale is an immediate family member of the owner or lessee of the real property on which the motor vehicle is displayed or parked for the purpose of selling or advertising the sale of such vehicle.~~

~~Except as permitted in § 46.2-631, no person shall advertise, display, sell, or offer for sale any used motor vehicle unless such vehicle is lawfully titled and registered in such person's name as provided in Chapter 6 (§ 46.2-600 et seq.) of this title. However, this limitation shall not apply if the person offering the vehicle for sale is a motor vehicle dealer licensed under this chapter or has the authority pursuant to law to advertise, display, sell, or offer for sale the used motor vehicle.~~

C. Notwithstanding any other provision of law, any law-enforcement officer or agency, local zoning official, or the owner or lessee of any real property upon which a vehicle is displayed or parked in violation of this section for longer than 48 consecutive hours after a notice on a form approved by the Board has been affixed or placed on the vehicle by a law-enforcement officer or agency, Board representative, local zoning official, or the owner or lessee of the real property upon which the vehicle is displayed or parked, may have any such vehicle towed from such real property and stored at the expense of the owner or lessee of such vehicle and may then dispose of such vehicle as provided in § 46.2-1203.

D. The provisions of this section shall not be deemed to eliminate, change, or supersede the requirement for any person to obtain a license under this chapter if such person engages in any conduct or activity for which a license is required under this chapter.

E. *Violations of subsection A are punishable as a Class 4 misdemeanor.*

**2. That the Motor Vehicle Dealer Board shall create, approve, and publish a form that can be affixed or placed on a vehicle that is in violation of this act pursuant to subsection C of § 46.2-1508.2 of the Code of Virginia, as amended by this act.**

### CHAPTER 123

*An Act to amend and reenact § 46.2-1508.2 of the Code of Virginia, relating to display or parking of used motor vehicles for sale; penalty.*

[S 532]

Approved March 2, 2018

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

**1. That § 46.2-1508.2 of the Code of Virginia is amended and reenacted as follows:**

**§ 46.2-1508.2. Display, parking, selling, advertising sale of certain used motor vehicles prohibited.**

A. 1. No owner or lessee of any real property shall permit the display or parking of ~~more than five~~ *or more* used motor vehicles *per property* within any 12-month period on such real property for the purpose of selling or advertising the sale of such used motor vehicles by the owner or lessee of such vehicles unless exempted pursuant to this section.

2. No owner or lessee of any used motor vehicle shall display or park such used motor vehicle on the real property of another for the purpose of selling or advertising the sale of such used motor vehicle if the display or parking of such vehicle will cause the owner or lessee of the real property to be in violation of the provisions of this section.

3. No owner or lessee of any used motor vehicle shall display or park such used motor vehicle on the real property of another for the purpose of selling or advertising the sale of such used motor vehicle unless the owner or lessee of such vehicle has the right to occupy such property pursuant to a lease or other occupancy document or prior written permission of the owner or lessee of the real property. Copies of such written permission shall be posted on the inside of a side window of the motor vehicle and must be retained by both the property owner or lessee and by the vehicle owner for at least 12 months and shall be made available to law-enforcement officers or agencies, the Board, and local zoning officials upon request.

4. *Except as permitted in § 46.2-631 and except as permitted in subsection B, no owner or lessee of any real property shall permit any used motor vehicle to be displayed or parked on such real property for the purpose of selling or advertising the sale of such used motor vehicle if such vehicle is not lawfully titled in the name of the individual or entity offering such vehicle for sale as provided in Chapter 6 (§ 46.2-600 et seq.). However, the limitation of this subdivision shall not apply if the individual offering the vehicle for sale is an immediate family member of the owner or lessee of the real property on which the motor vehicle is displayed or parked for the purpose of selling or advertising the sale of such vehicle.*

5. *Except as permitted in § 46.2-631, no person shall advertise, display, sell, or offer for sale any used motor vehicle unless such vehicle is lawfully titled in such person's name as provided in Chapter 6 (§ 46.2-600 et seq.). However, this limitation shall not apply if the person offering the vehicle for sale is a motor vehicle dealer licensed under this chapter or has the authority pursuant to law to advertise, display, sell, or offer for sale the used motor vehicle.*

B. The provisions of ~~this section~~ *subsection A* shall not apply if (i) the owner or lessee of the vehicle displayed or parked is employed by the owner or lessee of the real property on which the vehicle is displayed or parked; (ii) the owner or lessee of the vehicle displayed or parked is conducting business with the owner or lessee of the real property on which the vehicle is parked or displayed at the time such vehicle is displayed or parked; (iii) the real property on which a vehicle is parked is a parking lot for which a fee is charged for the use of such parking lot, the owner or lessee of the parked vehicle has paid the fee for the use of such parking lot, and such vehicle is legitimately parked on the property for purposes other than displaying, selling, or advertising the sale of such vehicle; or (iv) the vehicle displays a dealer's license plate pursuant to § 46.2-1550 and the licensed dealer is not displaying for sale or selling a motor vehicle at a location other than his specific business location without first meeting the requirements of § 46.2-1516.

The provisions of ~~this section~~ *subsection A* shall also not apply to ~~(i)~~ *(a)* any motor vehicle dealer licensed under this chapter; or ~~(ii)~~ *(b)* any owner or lessee of real property who permits the display or parking of five or more used motor vehicles on such real property by a licensed motor vehicle dealer within any 12-month period for the purpose of selling or advertising the sale of such used motor vehicles pursuant to § 46.2-1516.

~~Except as permitted in § 46.2-631 and except as permitted in this section, no owner or lessee of any real property shall permit any used motor vehicle to be displayed or parked on such real property for the purpose of selling or advertising the~~

sale of such used motor vehicle if such vehicle is not lawfully titled and registered in the name of the individual or entity offering such vehicle for sale as provided in Chapter 6 (§ 46.2-600 et seq.) of this title. However, this limitation shall not apply if the individual offering the vehicle for sale is an immediate family member of the owner or lessee of the real property on which the motor vehicle is displayed or parked for the purpose of selling or advertising the sale of such vehicle.

Except as permitted in § 46.2-631, no person shall advertise, display, sell, or offer for sale any used motor vehicle unless such vehicle is lawfully titled and registered in such person's name as provided in Chapter 6 (§ 46.2-600 et seq.) of this title. However, this limitation shall not apply if the person offering the vehicle for sale is a motor vehicle dealer licensed under this chapter or has the authority pursuant to law to advertise, display, sell, or offer for sale the used motor vehicle.

C. Notwithstanding any other provision of law, any law-enforcement officer or agency, local zoning official, or the owner or lessee of any real property upon which a vehicle is displayed or parked in violation of this section for longer than 48 consecutive hours after a notice on a form approved by the Board has been affixed or placed on the vehicle by a law-enforcement officer or agency, Board representative, local zoning official, or the owner or lessee of the real property upon which the vehicle is displayed or parked, may have any such vehicle towed from such real property and stored at the expense of the owner or lessee of such vehicle and may then dispose of such vehicle as provided in § 46.2-1203.

D. The provisions of this section shall not be deemed to eliminate, change, or supersede the requirement for any person to obtain a license under this chapter if such person engages in any conduct or activity for which a license is required under this chapter.

E. *Violations of subsection A are punishable as a Class 4 misdemeanor.*

**2. That the Motor Vehicle Dealer Board shall create, approve, and publish a form that can be affixed or placed on a vehicle that is in violation of this act pursuant to subsection C of § 46.2-1508.2 of the Code of Virginia, as amended by this act.**

**CHAPTER 124**

*An Act to amend and reenact §§ 8.01-76 and 8.01-85 of the Code of Virginia, relating to proceeds of a sale, a partition suit, or condemnation proceedings; persons under a disability; special needs trust.*

[H 162]

Approved March 2, 2018

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

**1. That §§ 8.01-76 and 8.01-85 of the Code of Virginia are amended and reenacted as follows:**

**§ 8.01-76. How proceeds from disposition to be secured and applied; when same may be paid over.**

The proceeds of sale, or rents, income, or royalties, arising from the sale or lease, or other disposition, of lands of persons under a disability, whether in a suit for sale or lease thereof, or in a suit for partition, or in condemnation proceedings, shall be invested under the direction of the court for the use and benefit of the persons entitled to the estate; and in case of a trust estate subject to the uses, limitations, and conditions, contained in the writing creating the trust. The court shall take ample security for all investments so made, and from time to time require additional security, if necessary, and make any proper order for the faithful application and safe investment of the fund, and for the management and preservation of any properties or securities in which the same has been invested, and for the protection of the rights of all persons interested therein, whether such rights be vested or contingent, but nothing hereinbefore contained shall prevent the court having charge thereof from directing such funds to be paid over to the legally appointed and qualified fiduciary (, as defined in § 8.01-67), of the person under a disability, whenever the court is satisfied that such fiduciary has executed sufficient bond; or from applying at any time all or any portion thereof to the proper needs and requirements of the person under a disability. ~~Provided, however, that~~ *However*, if such funds do not exceed ~~\$4,000~~ *the amount set forth in subsection B of § 8.01-606*, the court, in its discretion and without the intervention of a fiduciary, may pay such funds to any person deemed appropriate by the court for the use and benefit of a person under a disability, whether such person resides within or without the Commonwealth. Such funds not in excess of ~~\$4,000~~ *the amount set forth in subsection B of § 8.01-606* shall, when paid over to such person deemed appropriate, be treated as personal property.

*Upon request of the legally appointed and qualified fiduciary of the person under the disability or the guardian ad litem of the person under the disability, or upon the court's own motion, the court may order that such funds be distributed to a special needs trust as defined in § 64.2-779.10.*

**§ 8.01-85. Disposition of share in proceeds of person under disability.**

The court making an order for sale shall, ~~when the dividend of a party exceeds \$2500, if such a party to the sale be a person under a disability, order the same any dividend of the sale to be disposed as the proceeds of a sale under the provisions of § 8.01-76 are required to be invested.~~

CHAPTER 125

*An Act to amend and reenact § 17.1-258.6 of the Code of Virginia, relating to acceptability of electronic medium; record of criminal proceedings to appellate court.*

[H 235]

Approved March 2, 2018

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

**1. That § 17.1-258.6 of the Code of Virginia is amended and reenacted as follows:**

**§ 17.1-258.6. Acceptability of electronic medium; submission of trial court record to appellate court.**

A. In connection with civil or criminal proceedings in circuit court, any statutory requirement for an original, original paper, paper, record, document, facsimile, memorandum, exhibit, certification, or transcript shall be satisfied if such is in an electronic form approved for filing under the Rules of Supreme Court of Virginia. However, this section shall not apply to documents the form of which is specified in any statute governing the creation and execution of wills, codicils, testamentary trusts, premarital agreements, and negotiable instruments.

B. Notwithstanding any other provision of law, any statutory authorization for the use of copies or reproductions in civil or criminal proceedings in circuit court shall be satisfied by use of such copies or reproductions in hard copy or electronic form approved for filing under the Rules of Supreme Court of Virginia.

C. Any clerk of a circuit court with an electronic filing system that complies with the Rules of Supreme Court of Virginia may provide the trial court record in electronic form to the appropriate clerk of any appellate court. The clerk of the Supreme Court and the clerk of the Court of Appeals shall accept the official civil or criminal record in electronic form as otherwise required by law.

D. The Rules of Supreme Court of Virginia shall not prohibit the use of a private vendor electronic filing system if such system is in compliance with the filing standards established by the Court.

CHAPTER 126

*An Act to amend and reenact §§ 16.1-69.6:1, as it is currently effective and as it shall become effective, and 17.1-507 of the Code of Virginia, relating to the maximum number of judges in each judicial district and circuit.*

[H 743]

Approved March 2, 2018

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

**1. That §§ 16.1-69.6:1, as it is currently effective and as it shall become effective, and 17.1-507 of the Code of Virginia are amended and reenacted as follows:**

**§ 16.1-69.6:1. (Effective until July 1, 2018) Number of judges.**

For the several judicial districts there shall be full-time general district court judges and juvenile and domestic relations district court judges, the maximum number as hereinafter set forth, who shall during their service reside within their respective districts, except as provided in § 16.1-69.16, and whose compensation and powers shall be the same as now and hereafter prescribed for general district court judges and juvenile and domestic relations district court judges.

The maximum number of judges of the districts shall be as follows:

	General District Court Judges	Juvenile and Domestic Relations District Court Judges
First	4	4
Second	7	7 6
Two-A	4 2	1
Third	2	3
Fourth	6	5
Fifth	2 3	2
Sixth	4 5	2 3
Seventh	4	4
Eighth	3	3
Ninth	3	4
Tenth	3	4 3
Eleventh	3	3
Twelfth	5	6

Thirteenth	6	4 5
Fourteenth	5	5
Fifteenth	8	<del>10</del> 9
Sixteenth	4	6
Seventeenth	3	2
Eighteenth	2	2
Nineteenth	11	7 8
Twentieth	4	3
Twenty-first	<del>1</del> 2	2
Twenty-second	2	4
Twenty-third	4	5
Twenty-fourth	3	6
Twenty-fifth	<del>3</del> 4	5
Twenty-sixth	5	7
Twenty-seventh	5	5
Twenty-eighth	<del>2</del> 3	3
Twenty-ninth	2	3
Thirtieth	2	<del>2</del> 3
Thirty-first	5	5

The election or appointment of any district judge shall be subject to the provisions of § 16.1-69.9:3.

**§ 16.1-69.6:1. (Effective July 1, 2018) Number of judges.**

For the several judicial districts there shall be full-time general district court judges and juvenile and domestic relations district court judges, the maximum number as hereinafter set forth, who shall during their service reside within their respective districts, except as provided in § 16.1-69.16, and whose compensation and powers shall be the same as now and hereafter prescribed for general district court judges and juvenile and domestic relations district court judges.

The maximum number of judges of the districts shall be as follows:

	General District Court Judges	Juvenile and Domestic Relations District Court Judges
First	4	4
Second	7	7 6
Two-A	<del>1</del> 2	1
Third	2	3
Fourth	6	5
Fifth	<del>2</del> 3	2
Sixth	4 5	<del>2</del> 3
Seventh	4	4
Eighth	3	3
Ninth	3	4
Tenth	3	4 3
Eleventh	3	3
Twelfth	5	6
Thirteenth	6	4 5
Fourteenth	5	5
Fifteenth	8	<del>10</del> 9
Sixteenth	4	6
Seventeenth	3	2
Eighteenth	2	2

Nineteenth	11	8
Twentieth	4	3
Twenty-first	4 2	2
Twenty-second	2	4
Twenty-third	4	5
Twenty-fourth	3	6
Twenty-fifth	4	5
Twenty-sixth	5	7
Twenty-seventh	5	5
Twenty-eighth	2 3	3
Twenty-ninth	2	3
Thirtieth	2	2 3
Thirty-first	5	5

The election or appointment of any district judge shall be subject to the provisions of § 16.1-69.9:3.

**§ 17.1-507. Maximum number of judges; residence requirement; compensation; powers; etc.**

A. For the several judicial circuits there shall be judges, the maximum number as hereinafter set forth, who shall during their service reside within their respective circuits and whose compensation and powers shall be the same as now and hereafter prescribed for circuit judges.

The maximum number of judges of the circuits shall be as follows:

- First — 5
- Second — ~~9~~ 8
- Third — 4
- Fourth — 8
- Fifth — ~~3~~ 4
- Sixth — 3
- Seventh — ~~6~~ 5
- Eighth — 3
- Ninth — 4
- Tenth — 4
- Eleventh — 3
- Twelfth — 6
- Thirteenth — ~~8~~ 7
- Fourteenth — 5
- Fifteenth — 11
- Sixteenth — 6
- Seventeenth — ~~3~~ 4
- Eighteenth — 4 3
- Nineteenth — 15
- Twentieth — 5
- Twenty-first — 2 3
- Twenty-second — ~~5~~ 4
- Twenty-third — 5
- Twenty-fourth — ~~5~~ 6
- Twenty-fifth — ~~5~~ 6
- Twenty-sixth — 8
- Twenty-seventh — ~~7~~ 6
- Twenty-eighth — 4
- Twenty-ninth — 5
- Thirtieth — 4
- Thirty-first — 6

B. No additional circuit court judge shall be authorized or provided for any judicial circuit until the Judicial Council has made a study of the need for such additional circuit court judge and has reported its findings and recommendations to the Courts of Justice Committees of the House of Delegates and Senate. The boundary of any judicial circuit shall not be changed until a study has been made by the Judicial Council and a report of its findings and recommendations made to said Committees.

C. If the Judicial Council finds the need for an additional circuit court judge after a study is made pursuant to subsection B, the study shall be made available to the Compensation Board and the Courts of Justice Committees of the House of Delegates and Senate and Council shall publish notice of such finding in a publication of general circulation among attorneys licensed to practice in the Commonwealth. The Compensation Board shall make a study of the need to provide additional courtroom security and deputy court clerk staffing. This study shall be reported to the Courts of Justice Committees of the House of Delegates and the Senate, and to the Department of Planning and Budget.

**2. That the provisions of this act reducing the number of authorized judgeships in the Second Judicial Circuit shall become effective upon the death, resignation, or retirement on or after January 1, 2018, of any judge of that court.**

### CHAPTER 127

*An Act to amend and reenact §§ 2.2-3703, 17.1-208, and 17.1-292 of the Code of Virginia and to amend the Code of Virginia by adding sections numbered 16.1-69.54:1 and 17.1-293.1, relating to public access to nonconfidential court records.*

[H 780]

Approved March 2, 2018

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

**1. That §§ 2.2-3703, 17.1-208, and 17.1-292 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding sections numbered 16.1-69.54:1 and 17.1-293.1 as follows:**

**§ 2.2-3703. Public bodies and records to which chapter inapplicable; voter registration and election records; access by persons incarcerated in a state, local, or federal correctional facility.**

A. The provisions of this chapter shall not apply to:

1. The Virginia Parole Board, except that (i) information from the Virginia Parole Board providing the number of inmates considered by the Board for discretionary parole, the number of inmates granted or denied parole, and the number of parolees returned to the custody of the Department of Corrections solely as a result of a determination by the Board of a violation of parole shall be open to inspection and available for release, on a monthly basis, as provided by § 2.2-3704; (ii) all guidance documents, as defined in § 2.2-4101, shall be public records and subject to the provisions of this chapter; and (iii) all records concerning the finances of the Virginia Parole Board shall be public records and subject to the provisions of this chapter. The information required by clause (i) shall be furnished by offense, sex, race, age of the inmate, and the locality in which the conviction was obtained, upon the request of the party seeking the information. The information required by clause (ii) shall include all documents establishing the policy of the Board or any change in or clarification of such policy with respect to grant, denial, deferral, revocation, or supervision of parole or geriatric release or the process for consideration thereof, and shall be clearly and conspicuously posted on the Board's website. However, such information shall not include any portion of any document reflecting the application of any policy or policy change or clarification of such policy to an individual inmate;

2. Petit juries and grand juries;

3. Family assessment and planning teams established pursuant to § 2.2-5207;

4. The Virginia State Crime Commission; and

5. The records ~~required by law to be~~ maintained by the clerks of the courts of record, as defined in § 1-212, *for which clerks are custodians under § 17.1-242*, and courts not of record, as defined in § 16.1-69.5, *for which clerks are custodians under § 16.1-69.54, including those transferred for storage, maintenance, or archiving. Such records shall be requested in accordance with the provisions of §§ 16.1-69.54:1 and 17.1-208, as appropriate.* However, other records maintained by the clerks of such courts shall be public records and subject to the provisions of this chapter.

B. Public access to voter registration and election records shall be governed by the provisions of Title 24.2 and this chapter. The provisions of Title 24.2 shall be controlling in the event of any conflict.

C. No provision of this chapter or Chapter 21 (§ 30-178 et seq.) of Title 30 shall be construed to afford any rights to any person (i) incarcerated in a state, local or federal correctional facility, whether or not such facility is (a) located in the Commonwealth or (b) operated pursuant to the Corrections Private Management Act (§ 53.1-261 et seq.) or (ii) civilly committed pursuant to the Sexually Violent Predators Act (§ 37.2-900 et seq.). However, this subsection shall not be construed to prevent such persons from exercising their constitutionally protected rights, including, but not limited to, their right to call for evidence in their favor in a criminal prosecution.

**§ 16.1-69.54:1. Request for district court records.**

A. *For the purposes of this section, "confidential court records," "court records," and "nonconfidential court records" shall have the same meaning as set forth in § 17.1-292.*

B. *Requests for copies of nonconfidential court records maintained in individual case files shall be made to the clerk of a district court.*

C. *Requests for reports of aggregated, nonconfidential case data fields that are viewable through the online case information systems maintained by the Executive Secretary of the Supreme Court shall be made to the Office of the Executive Secretary. Such reports of aggregated case data shall not include the name, date of birth, or social security number of any party and shall not include images of the individual records in the respective case files. However, nothing in*

*this section shall be construed to permit any reports or aggregated case data to be sold or posted on any other website or in any way redistributed to any third party. The Executive Secretary, in his discretion, may deny such request to ensure compliance with these provisions. However, such data may be included in products or services provided to a third party, provided that such data is not made available to the general public.*

*D. Any clerk or the Executive Secretary, as applicable, may require that the request be in writing and that the requester provide his name and legal address. A request for nonconfidential court records or reports of aggregated nonconfidential case data shall identify the requested records with reasonable specificity. Any clerk or the Executive Secretary, as applicable, may determine the costs to provide the requested records to the requester, advise the requester of such costs, and, before continuing to process the request, require the requester to agree to payment of a deposit not to exceed the amount of the advance determination, which shall be credited to the final cost of supplying the requested records. No clerk, nor the Executive Secretary, shall be required to create a new record if the record does not already exist or provide a report of aggregated, nonconfidential case data in a format not regularly used by the clerk or the Executive Secretary; however, a clerk or the Executive Secretary, as applicable, may abstract or summarize information under such terms and conditions as agreed to by the requester and the clerk or Executive Secretary, as provided herein.*

*E. Except where the nature or size of the request would interfere with the business of the court or with its use by the general public, or as otherwise provided by law, the requested court records or reports of aggregated, nonconfidential case data shall be provided to the requester within a reasonable period of time, given the nature of the request and the availability of staff to respond to the request, but in no event longer than 30 days from the date of a complete request made by a requester that is fully compliant with the requirements of this section and other applicable law. Any objection or assertion of confidentiality shall be provided to the requester within a reasonable period of time, but in no event longer than 30 days from the date of a complete request made by a requester.*

*F. Any clerk, or the Executive Secretary, may require payment in advance of all reasonable costs, not to exceed the actual cost incurred in accessing, duplicating, reviewing, supplying, or searching for the requested court records or reports of aggregated, nonconfidential case data, including removing any confidential information contained in the court records from the nonconfidential court records being provided, excluding any extraneous, intermediary, or surplus fees or expenses to recoup the general overhead costs associated with creating or maintaining records or transacting the general business of the clerk or the Office of the Executive Secretary. Before processing a request for court records or reports of aggregated, nonconfidential case data, any clerk or the Executive Secretary may require the requester to pay any amounts owed to the clerk or the Office of the Executive Secretary for previous requests for court records or reports of aggregated, nonconfidential case data that remain unpaid 30 days or more after billing.*

*G. Any clerk and the Executive Secretary shall be immune from any suit arising from the production of court records or reports of aggregated nonconfidential case data in accordance with this section absent gross negligence or willful misconduct.*

**§ 17.1-208. Records, etc., open to inspection; copies; exception.**

*A. For the purposes of this section, "confidential court records," "court records," and "nonconfidential court records" shall have the same meaning as set forth in § 17.1-292.*

*B. Except as otherwise provided by law, any records that are maintained by the ~~clerk~~ clerks of the circuit ~~court~~ courts shall be open to inspection in the office of the clerk by any person and the clerk shall, when requested, furnish copies thereof subject to any reasonable fee charged by the clerk pursuant to § 17.1-275; ~~except in cases in which it is otherwise specially provided by statute.~~ No person shall be permitted to use the clerk's office for the purpose of making copies of records in such manner, or to such extent, as will, in the determination of the clerk, interfere with the business of the office or with its reasonable use by the general public. The certificate of the clerk to copies furnished by the clerk shall, if the paper copied be recorded in a bound volume, contain the name and number of the volume and the page or folio at which the recordation of the paper begins, or the instrument number as applicable, and the clerk may charge a fee therefor pursuant to § 17.1-275. The certificate of the *circuit court* clerk to such copies may be provided electronically subject to the provisions of § 17.1-258.3:2. Such electronic certificate may reference an instrument number, bound volume, or other case number, but is not required to do so.*

*C. Requests for copies of nonconfidential court records maintained in individual case files shall be made to the clerk of the circuit court.*

*D. Requests for reports of aggregated, nonconfidential case data fields that are viewable through the online case information systems maintained by the Executive Secretary of the Supreme Court shall be made to the Office of the Executive Secretary. Such reports of aggregated case data shall not include the name, date of birth, or social security number of any party, and shall not include images of the individual records in the respective case files. However, nothing in this section shall be construed to permit any reports of aggregated case data to be sold or posted on any other website or in any way redistributed to any third party. The clerk or the Executive Secretary, in his discretion, may deny such request to ensure compliance with these provisions. However, such data may be included in products or services provided to a third party, provided that such data is not made available to the general public.*

*E. Any clerk or the Executive Secretary, as applicable, may require that the request be in writing and that the requester provide his name and legal address. A request for nonconfidential court records or reports of aggregated, nonconfidential case data shall identify the requested records with reasonable specificity. Any clerk or the Executive Secretary, as applicable, may determine the costs for providing the requested records to the requester, advise the requester of such costs,*

and, before continuing to process the request, require the requester to agree to payment of a deposit not to exceed the amount of the advance determination, which shall be credited to the final cost of supplying the requested records. Neither a clerk nor the Executive Secretary shall be required to create a new record if the record does not already exist or provide a report of aggregated, nonconfidential case data in a format not regularly used by the clerk or the Executive Secretary; however, a clerk or the Executive Secretary, as applicable, may abstract or summarize information under such terms and conditions as agreed to by the requester and the clerk or Executive Secretary, as provided herein.

F. Except as otherwise provided by law, the requested court records or reports of aggregated, nonconfidential case data shall be provided to the requester within a reasonable period of time, given the nature of the request and the availability of staff to respond to the request, but in no event longer than 30 days from the date of a complete request made by a requester that is fully compliant with the requirements of this section and other applicable law. Any objection or assertion of confidentiality shall be provided to the requester within a reasonable period of time, but in no event longer than 30 days from the date of a complete request made by a requester.

G. Any clerk or the Executive Secretary may require payment in advance of all reasonable costs, not to exceed the actual cost incurred in accessing, duplicating, reviewing, supplying, or searching for the requested court records or reports of aggregated, nonconfidential case data, including removing any confidential information contained in the court records from the nonconfidential court records being provided, excluding any extraneous, intermediary, or surplus fees or expenses to recoup the general overhead costs associated with creating or maintaining records or transacting the general business of the clerk or the Office of the Executive Secretary. Before processing a request for court records or reports of aggregated, nonconfidential case data, any clerk or the Executive Secretary may require the requester to pay any amounts owed to the clerk or the Office of the Executive Secretary for previous requests for court records or reports of aggregated, nonconfidential case data that remain unpaid 30 days or more after billing.

H. Any clerk and the Executive Secretary shall be immune from any suit arising from the production of court records or reports of aggregated, nonconfidential case data in accordance with this section absent gross negligence or willful misconduct.

I. Nothing in this section shall be construed to apply to court records transferred to the Library of Virginia for permanent archiving pursuant to the duties imposed by the Virginia Public Records Act (§ 42.1-76 et seq.). In accordance with § 42.1-79, the Library of Virginia shall be the custodian of such permanently archived records and shall be responsible for responding to requests for such records.

**§ 17.1-292. Applicability; definitions.**

A. The provisions of § 17.1-293 of this article shall apply to clerks of the courts of record as defined in § 1-212 and courts not of record as defined in § 16.1-69.5.

B. As used in this article:

"Confidential court records" means court records maintained by a clerk of a court of record, as defined in § 1-212, or a court not of record, as defined in § 16.1-69.5, and recognized as confidential under any applicable law or sealed pursuant to court order.

"Court records" means any record maintained by the clerk in a civil, traffic, or criminal proceeding in the court, and any appeal from a district court.

"Internet" means the international computer network of interoperable packet-switched data networks.

"Land records" means any writing authorized by law to be recorded on paper or in electronic format that the clerk records affecting title to real property, including but not limited to instruments, orders, or any other writings recorded under this title, Article 5 (§ 8.01-446 et seq.) of Chapter 17 of Title 8.01, Title 8.9A and Chapter 6 (§ 55-106 et seq.) of Title 55.

"Nonconfidential court records" means all court records except those court records that are confidential court records.

**§ 17.1-293.1. Online case information system.**

The Executive Secretary shall make available a publicly viewable online case information system of certain nonconfidential information entered into the case management system for criminal cases in the circuit courts participating in the Executive Secretary's case management system and in the general district courts. Such system shall be searchable by defendant name across all participating courts, and search results shall be viewable free of charge.

**2. That the provisions of § 17.1-293.1 of the Code of Virginia, as created by this act, shall become effective on July 1, 2019.**

**CHAPTER 128**

An Act to amend and reenact § 16.1-69.55 of the Code of Virginia, relating to retention of case records; electronic format.

[H 1310]

Approved March 2, 2018

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

**1. That § 16.1-69.55 of the Code of Virginia is amended and reenacted as follows:**

**§ 16.1-69.55. Retention of case records; limitations on enforcement of judgments; extensions.**

A. Criminal and traffic infraction proceedings:

1. In misdemeanor and traffic infraction cases, except misdemeanor cases under § 16.1-253.2, 18.2-57.2, or 18.2-60.4, all documents shall be retained for 10 years, including cases sealed in expungement proceedings under § 19.2-392.2. In misdemeanor cases under § 16.1-253.2, 18.2-57.2, or 18.2-60.4, all documents shall be retained for 20 years. In misdemeanor cases under §§ 18.2-67.4, 18.2-67.4:1, 18.2-67.4:2, 18.2-346, 18.2-347, 18.2-348, 18.2-349, 18.2-370, 18.2-370.01, 18.2-374, 18.2-386.1, 18.2-387, and 18.2-387.1, all documents shall be retained for 50 years. Documents in misdemeanor and traffic infraction cases for which an appeal has been made shall be returned to and filed with the clerk of the appropriate circuit court pursuant to § 16.1-135;

2. In felony cases that are certified to the grand jury, all documents shall be certified to the clerk of the appropriate circuit court pursuant to §§ 19.2-186 and 19.2-190. All other felony case documents shall be handled as provided in subdivision 1;

3. Dockets and indices shall be retained for 10 years.

B. Civil proceedings:

1. All documents in civil proceedings in district court that are dismissed, including dismissal under § 8.01-335, shall be retained until completion of the Commonwealth's audit of the court records. Notwithstanding § 8.01-275.1, the clerks of the district courts may destroy documents in civil proceedings in which no service of process is had 24 months after the last return date;

2. In civil actions that result in a judgment, all documents in the possession of the general district court shall be retained for 10 years and, unless sooner satisfied, the judgment shall remain in force for a period of 10 years;

3. In civil cases that are appealed to the circuit court pursuant to § 16.1-112, all documents pertaining thereto shall be transferred to the circuit court in accordance with those sections;

4. The limitations on enforcement of general district court judgments provided in § 16.1-94.1 shall not apply if the plaintiff, prior to the expiration of that period for enforcement, pays the circuit court docketing and indexing fees on judgments from other courts together with any other required filing fees and docket the judgment in the circuit court having jurisdiction in the same geographic area as the general district court. However, a judgment debtor wishing to discharge a judgment pursuant to the provisions of § 8.01-456, when the judgment creditor cannot be located, may, prior to the expiration of that period for enforcement, pay the circuit court docketing and indexing fees on judgments from other courts together with any other required filing fees and docket the judgment in the circuit court having jurisdiction in the same geographic area as the general district court. After the expiration of the period provided in § 16.1-94.1, executions on such docketed civil judgments may issue from the general district court wherein the judgment was obtained upon the filing in the general district court of an abstract from the circuit court. In all other respects, the docketing of a general district court judgment in a circuit court confers upon such judgment the same status as if the judgment were a circuit court judgment;

5. Dockets for civil cases shall be retained for 10 years;

6. Indices in civil cases shall be retained for 10 years.

C. Juvenile and domestic relations district court proceedings:

1. In adult criminal cases, all records shall be retained as provided in subdivision A 1;

2. In juvenile cases, all documents and indices shall be governed by the provisions of § 16.1-306;

3. In all cases involving support arising under Title 16.1, 20, or 63.2, all documents and indices shall be retained until the last juvenile involved, if any, has reached 19 years of age and 10 years have elapsed from either dismissal or termination of the case by court order or by operation of law. Financial records in connection with such cases shall be subject to the provisions of § 16.1-69.56;

4. In all cases involving sexually violent offenses, as defined in § 37.2-900, and in all misdemeanor cases under §§ 18.2-67.4, 18.2-67.4:1, 18.2-67.4:2, 18.2-346, 18.2-347, 18.2-348, 18.2-349, 18.2-370, 18.2-370.01, 18.2-374, 18.2-386.1, 18.2-387, and 18.2-387.1, all documents shall be retained for 50 years;

5. In cases transferred to circuit court for trial as an adult or appealed to circuit court, all documents pertaining thereto shall be transferred to circuit court;

6. All dockets in juvenile cases shall be governed by the provisions of subsection F of § 16.1-306.

D. At the direction of the chief judge of a district court, the clerk of that court may cause any or all papers or documents pertaining to civil and criminal cases that have been ended for a period of three years or longer to be destroyed if such records, papers, or documents will no longer have administrative, fiscal, historical, or legal value to warrant continued retention, provided such records, papers, or documents have been microfilmed or converted to an electronic format. Such microfilm and microphotographic processes and equipment shall meet state archival microfilm standards pursuant to § 42.1-82, or such electronic format shall follow state electronic records guidelines, and such records, papers, or documents so converted shall be placed in conveniently accessible files and provisions made for examining and using the same. The provisions of this subsection shall not apply to the documents for misdemeanor cases under §§ 16.1-253.2, 18.2-57.2, 18.2-60.4, 18.2-67.4, 18.2-67.4:1, 18.2-67.4:2, 18.2-346, 18.2-347, 18.2-348, 18.2-349, 18.2-370, 18.2-370.01, 18.2-374, 18.2-386.1, 18.2-387, and 18.2-387.1, which shall be retained as provided in subsection A.

## CHAPTER 129

*An Act to amend and reenact § 17.1-258.6 of the Code of Virginia, relating to acceptability of electronic medium; record of criminal proceedings to appellate court.*

[S 180]

Approved March 2, 2018

**Be it enacted by the General Assembly of Virginia:****1. That § 17.1-258.6 of the Code of Virginia is amended and reenacted as follows:****§ 17.1-258.6. Acceptability of electronic medium; submission of trial court record to appellate court.**

A. In connection with civil *or criminal* proceedings in circuit court, any statutory requirement for an original, original paper, paper, record, document, facsimile, memorandum, exhibit, certification, or transcript shall be satisfied if such is in an electronic form approved for filing under the Rules of Supreme Court of Virginia. However, this section shall not apply to documents the form of which is specified in any statute governing the creation and execution of wills, codicils, testamentary trusts, premarital agreements, and negotiable instruments.

B. Notwithstanding any other provision of law, any statutory authorization for the use of copies or reproductions in civil *or criminal* proceedings in circuit court shall be satisfied by use of such copies or reproductions in hard copy or electronic form approved for filing under the Rules of Supreme Court of Virginia.

C. Any clerk of a circuit court with an electronic filing system that complies with the Rules of Supreme Court of Virginia may provide the trial court record in electronic form to the appropriate clerk of any appellate court. The clerk of the Supreme Court and the clerk of the Court of Appeals shall accept the official civil or criminal record in electronic form as otherwise required by law.

D. The Rules of Supreme Court of Virginia shall not prohibit the use of a private vendor electronic filing system if such system is in compliance with the filing standards established by the Court.

## CHAPTER 130

*An Act to amend and reenact § 6.2-834 of the Code of Virginia, relating to banks; operation of branch offices under different name.*

[S 244]

Approved March 2, 2018

**Be it enacted by the General Assembly of Virginia:****1. That § 6.2-834 of the Code of Virginia is amended and reenacted as follows:****§ 6.2-834. Operation of branch office under different name; civil penalty.**

A. No branch office shall be operated or advertised under any other name than that of the identical name of the bank, unless (i) permission is first obtained from the Commission and (ii) the different name shall contain or have added thereto language clearly indicating that it is a branch office ~~and of which the bank is an office or a division of the bank.~~

B. The Commission may impose a civil penalty not exceeding \$2,000 upon any bank that it determines, in proceedings commenced in accordance with the Commission's Rules, has violated the provisions of this section.

## CHAPTER 131

*An Act to amend and reenact §§ 38.2-1817, 38.2-1820, 38.2-1838, 38.2-1845.2, 38.2-1845.5, 38.2-1857.2, and 38.2-1865.1 of the Code of Virginia, relating to insurance agents; licensing requirements.*

[S 246]

Approved March 2, 2018

**Be it enacted by the General Assembly of Virginia:****1. That §§ 38.2-1817, 38.2-1820, 38.2-1838, 38.2-1845.2, 38.2-1845.5, 38.2-1857.2, and 38.2-1865.1 of the Code of Virginia are amended and reenacted as follows:****§ 38.2-1817. Examination for license; fee required; when fee forfeited.**

A. Examinations for licenses shall be conducted at least monthly at the times and places the Commission prescribes. Each applicant shall pass the examination prescribed by the Commission unless otherwise exempted.

B. If a resident individual applicant fails three times to pass the examination, the applicant shall be required to wait ~~thirty~~ 30 calendar days before the applicant may retake the examination.

C. ~~An individual who has been awarded the designation of Chartered Property and Casualty Underwriter shall be exempt from the examination requirements of this article for a property and casualty insurance license or a personal lines license. An individual who has been awarded the designation of Chartered Life Underwriter shall be exempt from the examination requirements for a life and annuities license or a health license. However, no individual shall be exempt from the requirement to submit the application and pay the fee required by § 38.2-1819.~~

~~D.~~ Each applicant for an examination shall make application in the form and containing the information the Commission prescribes.

~~E.~~ *D.* Each applicant shall, at the time of applying to take the examination, pay such fee as may be prescribed by the Commission and in a manner prescribed by the Commission. The prescribed examination fee shall not be less than \$20 nor more than \$100. The examination fee shall be nonrefundable.

~~F.~~ *E.* If the applicant fails to take the examination within ~~ninety~~ 90 calendar days from the date his registration for the examination is accepted, the examination fee shall be forfeited and the registration shall be considered withdrawn.

~~G.~~ *F.* If the applicant fails to obtain the appropriate license from the Commission within 183 calendar days from the date he passes the examination, the examination grade shall be considered invalid and the examination fee and application processing fee shall be forfeited. Such applicant shall be required to reapply for the examination and to satisfy any appropriate prelicensing requirements.

~~H.~~ *G.* An individual who applies for a resident insurance agent's license in ~~this~~ the Commonwealth who was previously licensed for the same lines of authority in the individual's home state shall not be required to complete any prelicensing examination. This exemption is only available if the individual is currently licensed in the applicant's home state, or if the application is received within ~~ninety~~ 90 calendar days of the cancellation of the applicant's previous license in the applicant's home state, and if the applicant's home state issues a certification that, at the time of cancellation, the applicant was in good standing in that state or the state's Producer Database records, maintained by the NAIC, its affiliates or subsidiaries, indicate that the producer is or was licensed in good standing for the line of authority requested.

**§ 38.2-1820. Issuance of license.**

A. Each applicant who is at least 18 years of age and who has satisfied the Commission that he is of good character, has a good reputation for honesty, and has complied with the other requirements of this article is entitled to and shall receive a license in the form the Commission prescribes.

B. A business entity acting as an insurance producer is required to obtain an insurance producer license. Application shall be made using the Uniform Business Entity Application, or such other application acceptable to the Commission. Before approving the application, the Commission shall find that:

1. The business entity has paid the fees set forth in § 38.2-1819; and
2. The business entity has designated an employee, officer, ~~or~~ director, *manager, member, or partner* to serve as the licensed producer responsible for the business entity's compliance with the insurance laws, rules, and regulations of the Commonwealth. However, with respect to a business entity applying for a limited lines license pursuant to Article 8 (§ 38.2-1875 et seq.) or 8.1 (§ 38.2-1881 et seq.), the licensed producer designated by the vendor or lessor is not required to be an employee, officer, ~~or~~ director, *manager, member, or partner* of the vendor or lessor.

C. The Commission may require any documents reasonably necessary to verify the information contained in an application.

**§ 38.2-1838. License required of consultants.**

A. No person, unless he holds an appropriate license shall:

1. Represent to members of the public that he provides planning or consulting services beyond those within the normal scope of activities of a licensed insurance agent; or
2. Except as provided in § 38.2-1812.2, charge or receive, directly or indirectly, a fee or other compensation for insurance advice, other than commissions received in such person's capacity as a licensed insurance agent or surplus lines broker resulting from selling, soliciting, or negotiating insurance or health care services as allowed by his license.

B. Each individual applying for an insurance consultant's license shall apply to the Commission in a form acceptable to the Commission, and shall provide satisfactory evidence of having met the following requirements:

1. To be licensed as a property and casualty insurance consultant the applicant must pass, within 183 calendar days prior to the date of application for such license, the property and casualty examination as required in § 38.2-1817, except that an applicant who, at the time of such application holds an active property and casualty insurance agent license, shall be exempt from the examination requirements;

2. To be licensed as a life and health insurance consultant, the applicant must pass, within 183 calendar days prior to the date of application for such license, both the life and annuities and the health examinations as required in § 38.2-1817, except that an applicant who, at the time of such application holds both an active life and annuities license and an active health agent license, shall be exempt from the examination requirements; and

3. Except where prohibited by state or federal law, by submitting an application for license, the applicant shall be deemed to have appointed the clerk of the Commission as the agent for service of process on the applicant in any action or proceeding arising in the Commonwealth out of or in connection with the exercise of the license. Such appointment of the clerk of the Commission as agent for service of process shall be irrevocable during the period within which a cause of action against the applicant may arise out of transactions with respect to subjects of insurance in the Commonwealth. Service of process on the clerk of the Commission shall conform to the provisions of Chapter 8 (§ 38.2-800 et seq.) ~~of this title~~.

C. Any individual who acts as an insurance consultant as an officer, director, principal or employee of a business entity shall be required to hold an appropriate individual license as an insurance consultant.

D. A business entity acting as an insurance consultant is required to obtain an insurance consultant license. Application shall be made in a form and manner acceptable to the Commission. Before approving the application, the Commission shall find that:

1. The business entity has paid the fee set forth in this section; and
2. The business entity has designated an employee, officer, ~~or~~ director, *manager, member, or partner* to serve as the licensed producer responsible for the business entity's compliance with the insurance laws, rules and regulations of the Commonwealth.

E. The Commission may require any documents reasonably necessary to verify the information contained in an application.

F. Each applicant for an insurance consultant's license shall submit a nonrefundable application processing fee of \$50 at the time of initial application for such license.

**§ 38.2-1845.2. License required of resident public adjusters.**

A. No person shall engage in the business of public adjusting, on or after January 1, 2013, without first applying for and obtaining a license from the Commission, except as provided in § 38.2-1845.3. Every license issued pursuant to this article shall be for a term expiring two years from the date of issuance and may be renewed for ensuing two-year periods.

B. Each individual applicant for a public adjuster license who is at least 18 years of age, who has satisfied the Commission that he (i) is of good character; (ii) has a reputation for honesty; (iii) has not committed any act that is a ground for refusal to issue, denial, suspension, or revocation of a public adjuster license as set forth in § 38.2-1845.10; and (iv) has complied successfully with the other requirements of this article is entitled to and shall receive a license under this chapter in the form and manner prescribed by the Commission. The Commission may require, for resident licensing, proof of residency as described in subsection B of § 38.2-1800.1.

C. Each individual applicant for a public adjuster license shall apply to the Commission in the form and manner prescribed by the Commission and shall provide satisfactory evidence of having met the following requirements:

1. Each applicant shall pass, within 183 calendar days prior to the date of application for such license, the public adjuster examination as required by the Commission pursuant to and in accordance with the requirements set forth in § 38.2-1845.4.

2. Each applicant for a public adjuster license shall submit a nonrefundable application processing fee prescribed by the Commission at the time of initial application for such license.

3. Prior to issuance of a license, each applicant shall attest that the applicant has, and thereafter shall keep in force for as long as the license remains in effect, a bond in favor of the Commonwealth in the amount of \$50,000 with corporate sureties licensed by the Commission, on a form prescribed by the Commission. The bond shall be conditioned that the public adjuster will conduct business under the license in accordance with the laws of the Commonwealth. The bond shall not be terminated unless at least 60 calendar days' prior written notice of the termination is filed with the Commission. If, prior to the expiration date of the bond, the licensed public adjuster fails to file with the Commission a certification or attestation that a new bond satisfying the requirements of this section has been put into effect, the public adjuster license shall terminate, and the licensee shall be required to satisfy any and all prelicensing requirements in order to apply for a new public adjuster license. The Commission may ask for a copy of the bond or other evidence of financial responsibility at any time.

D. Except where prohibited by state or federal law, by submitting an application for license, the applicant shall be deemed to have appointed the Clerk of the Commission as the agent for service of process on the applicant in any action or proceeding arising in the Commonwealth out of or in connection with the exercise of the license. Such appointment of the Clerk of the Commission as agent for service of process shall be irrevocable during the period within which a cause of action against the applicant may arise out of transactions with respect to subjects of insurance in the Commonwealth. Service of process on the Clerk of the Commission shall conform to the provisions of Chapter 8 (§ 38.2-800 et seq.).

E. Any individual who acts as a public adjuster and who is also an officer, director, principal, or employee of a business entity acting as a public adjuster in the Commonwealth shall be required to hold an appropriate individual license as a public adjuster in the Commonwealth.

F. A business entity acting as a public adjuster is required to obtain a public adjuster license. Application shall be made in a form and manner acceptable to the Commission. Before approving the application, the Commission shall find that:

1. The business entity has paid the fee prescribed by the Commission;
2. The business entity has demonstrated proof of residency pursuant to subsection B of § 38.2-1800.1; and
3. The business entity has designated an individual employee, officer, ~~or~~ director, *manager, member, or partner* licensed in Virginia as a public adjuster to be responsible for the business entity's compliance with the laws, rules, and regulations of the Commonwealth applicable to public adjusters.

G. *Prior to issuance of a license, each entity shall attest that the entity has, and thereafter shall keep in force for as long as the license remains in effect, a bond in favor of the Commonwealth in the amount of \$50,000 with corporate sureties licensed by the Commission, on a form prescribed by the Commission. The bond shall be conditioned that the public adjuster will conduct business under the license in accordance with the laws of the Commonwealth. The bond shall not be terminated unless at least 60 calendar days' prior written notice of the termination is filed with the Commission. If, prior to the expiration date of the bond, the licensed public adjuster fails to file with the Commission a certification or attestation that a new bond satisfying the requirements of this section has been put into effect, the public adjuster license shall terminate, and the entity shall be required to satisfy any and all prelicensing requirements in order to apply for a new public adjuster license. The Commission may ask for a copy of the bond or other evidence of financial responsibility at any time.*

H. The Commission may require any documents reasonably necessary to verify the information contained in an application.

**§ 38.2-1845.5. Licensing nonresidents; reciprocal agreements with other states and Canadian provinces.**

A. An individual or business entity that is not a resident as defined in subsection B of § 38.2-1800.1 but that is a resident of another state, territory, or province of Canada shall receive a nonresident public adjuster license if:

1. The applicant presents proof in a form acceptable to the Commission that the applicant is currently licensed or otherwise authorized as a resident public adjuster and is in good standing in his home state;

2. The applicant has submitted the proper application for licensure or a copy of the application for licensure submitted to his home state and has paid the fees required by § 38.2-1845.2;

3. The applicant's home state issues nonresident public adjuster licenses to residents of the Commonwealth on the same basis or will permit a resident of the Commonwealth to act as a public adjuster in such state without requiring a license;

4. The applicant, if a corporation, limited liability company, or limited partnership, has obtained from the Clerk of the Commission a certificate of authority, certificate of registration, or certificate of limited partnership, respectively; and

5. The applicant attests that the applicant has, and thereafter shall keep in force for as long as the license remains in effect, a bond in favor of the Commonwealth in the amount of \$50,000 with corporate sureties licensed by the Commission, on a form prescribed by the Commission. The bond shall be conditioned that the public adjuster will conduct business under the license in accordance with the laws of the Commonwealth. The bond shall not be terminated unless at least 60 calendar days' prior written notice of the termination is filed with the Commission. If, prior to the expiration date of the bond, the licensed public adjuster fails to file with the Commission a certification or attestation that a new bond satisfying the requirements of this section has been put into effect, the public adjuster license shall terminate, and the licensee shall be required to satisfy any and all prelicensing requirements in order to apply for a new public adjuster license. The Commission may ask for a copy of the bond or other evidence of financial responsibility at any time.

B. For the purposes of this chapter, any individual whose place of residence and place of business are in a city or town located partly within the Commonwealth and partly within another state may be considered as meeting the requirements as a resident of the Commonwealth, provided the other state has established by law or regulation similar requirements as to residence of such individuals.

C. The Commission may enter into a reciprocal agreement with an appropriate official of any other state or province of Canada if such an agreement is required in order for a Virginia resident to be similarly licensed as a nonresident in that state or province.

D. The Commission may verify the public adjuster's licensing status through the Producer Database records maintained by the NAIC, its affiliates, or subsidiaries.

E. The business entity has designated an individual *employee, officer, director, manager, member, or partner* licensed in Virginia as a public adjuster to be responsible for the business entity's compliance with the laws, rules, and regulations of the Commonwealth applicable to public adjusters.

F. The Commission may require any documents reasonably necessary to verify the information contained in an application.

G. A licensed nonresident public adjuster who changes his home state shall file a change of address within 30 calendar days of the change of legal residence.

H. Any licenses issued to nonresidents pursuant to this section shall be terminated at any time that the nonresident's equivalent authority in his home state is terminated, suspended, or revoked.

**§ 38.2-1857.2. Applications for surplus lines brokers' licenses.**

A. Every original applicant for a surplus lines broker's license shall apply for such license in a form and manner prescribed by the Commission, and containing any information the Commission requires.

B. Prior to issuance of a license, the applicant shall file with the Commission a certification or attestation that the applicant has, and thereafter shall keep in force for as long as the license remains in effect, a bond in favor of ~~this~~ the Commonwealth in the amount of \$25,000 with corporate sureties licensed by the Commission. The bond shall be conditioned that the broker will conduct business under the license in accordance with the provisions of the surplus lines insurance law and that he will promptly remit the taxes provided by such law. The bond shall not be terminated unless at least 30 calendar days' prior written notice of the termination is filed with the Commission. If, prior to the expiration date of the bond, the licensed surplus lines broker fails to file with the Commission a certification or attestation that a new bond satisfying the requirements of this section has been put into effect, the surplus lines broker license shall terminate and the licensee shall be required to apply for a new surplus lines broker license.

C. Notwithstanding any other provisions of this title, a person licensed as a surplus lines broker in his home state, as defined in § 38.2-1800, shall receive a nonresident surplus lines broker license subject to meeting the requirements set forth in § 38.2-1857.9.

D. Except where prohibited by state or federal law, by submitting an application for license, the applicant shall be deemed to have appointed the clerk of the Commission as the agent for service of process on the applicant in any action or proceeding arising in the Commonwealth out of or in connection with the exercise of the license. Such appointment of the clerk of the Commission as agent for service of process shall be irrevocable during the period within which a cause of action against the applicant may arise out of transactions with respect to subjects of insurance in the Commonwealth. Service of process on the clerk of the Commission shall conform to the provisions of Chapter 8 (§ 38.2-800 et seq.) ~~of this title~~.

E. A business entity acting as a surplus lines broker is required to obtain a surplus lines broker license. In addition to the other requirements in this section, and before approving the application, the Commission shall find that:

1. The business entity has paid the fee set forth in § 38.2-1857.3; and
2. If:

a. A resident of the Commonwealth, the business entity has designated an employee, officer, ~~or~~ director, *manager, member, or partner* to serve as the licensed Virginia Property and Casualty insurance agent to be responsible for the business entity's compliance with the insurance laws, rules and regulations of the Commonwealth; or

b. Not a resident of the Commonwealth, the business entity has designated an employee, officer, ~~or~~ director, *manager, member, or partner* licensed in his home state to be responsible for the business entity's compliance with the insurance laws, rules and regulations of the Commonwealth.

F. The Commission may require any documents reasonably necessary to verify the information contained in an application.

**§ 38.2-1865.1. License required for viatical settlement brokers; Commission's authority; conditions.**

A. No person shall act as a viatical settlement broker, or solicit a viatical settlement contract while acting as a viatical settlement broker, on or after January 1, 1998, without first obtaining a license from the Commission.

B. A resident or nonresident life and annuities insurance agent shall not be prohibited from obtaining a license, and subsequently acting as, a viatical settlement broker. Such licensed life and annuities agent applying for a license as a viatical settlement broker shall comply with all provisions of this chapter.

C. Application for a viatical settlement broker's license shall be made to the Commission in the manner, in the form, and accompanied by the nonrefundable license processing fee prescribed by the Commission.

D. A business entity acting as a viatical settlement broker is required to obtain a viatical settlement broker license. In addition to the other requirements in this section, and before approving the application, the Commission shall find that:

1. The business entity has paid the fee set forth in this section; and

2. The business entity has designated an employee, officer, ~~or~~ director, *manager, member, or partner* who is a licensed viatical settlement broker as the individual responsible for the business entity's compliance with the insurance and other laws of this title, and related rules and regulations of the Commonwealth.

E. The Commission may require any documents reasonably necessary to verify the information contained in an application.

F. Except where prohibited by state or federal law, by submitting an application for license, the applicant shall be deemed to have appointed the clerk of the Commission as the agent for service of process on the applicant in any action or proceeding arising in the Commonwealth out of or in connection with the exercise of the license. Such appointment of the clerk of the Commission as agent for service of process shall be irrevocable during the period within which a cause of action against the applicant may arise out of transactions with respect to subjects of insurance in the Commonwealth. Service of process on the clerk of the Commission shall conform to the provisions of Chapter 8 (§ 38.2-800 et seq.).

G. The license processing fee required by this section shall be collected by the Commission, paid directly into the state treasury, and credited to the "Bureau of Insurance Special Fund — State Corporation Commission" for the maintenance of the Bureau of Insurance as provided in subsection B of § 38.2-400.

H. Before June 1 of each year, each viatical settlement broker shall remit the nonrefundable renewal fee and renewal application prescribed by the Commission for the renewal of the license effective July 1 of that year.

I. Viatical settlement broker's licenses may be renewed for a one-year period ending on the following June 30 if the required renewal application and renewal fee have been received by the Commission on or before June 1, and the license has not been terminated, suspended or revoked on or before June 30.

J. The renewal fee required by this section shall be collected by the Commission, paid directly into the state treasury, and credited to the "Bureau of Insurance Special Fund — State Corporation Commission" for the maintenance of the Bureau of Insurance as provided in subsection B of § 38.2-400.

K. Each applicant for a viatical settlement broker's license shall provide satisfactory evidence that no disciplinary action has resulted in the suspension or revocation of any federal or state license pertaining to the business of viatical settlements or to the insurance or other financial services business.

L. In the absence of a written agreement making the broker the viator's agent, viatical settlement brokers are presumed to be agents of viatical settlement providers.

M. A viatical settlement broker shall not, without the written agreement of the viator obtained before performing any services in connection with a viatical settlement, seek or obtain any compensation from the viator.

**2. That a licensed agent, as defined in § 38.2-1800 of the Code of Virginia, who prior to July 1, 2018, was exempt from examination requirements of Article 2 (§ 38.2-1814 et seq.) of Chapter 18 of Title 38.2 pursuant to former subsection C of § 38.2-1817 on the basis of having obtained a Chartered Property and Casualty Underwriter (CPCU) or a Chartered Life Underwriter (CLU) designation shall not be required to comply with such examination requirements after the effective date of this act in order to maintain a license that was issued pursuant to such exemption.**

CHAPTER 132

*An Act to amend and reenact § 13.1-775 of the Code of Virginia, relating to annual report of domestic and foreign corporations.*

[S 387]

Approved March 2, 2018

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

**1. That § 13.1-775 of the Code of Virginia is amended and reenacted as follows:**

**§ 13.1-775. Annual report of domestic and foreign corporations.**

A. Each domestic corporation, and each foreign corporation authorized to transact business in the Commonwealth, shall file, within the time prescribed by this section, an annual report setting forth:

1. The name of the corporation, the address of its principal office, and the state or country under whose laws it is incorporated;
2. The address of the registered office of the corporation in the Commonwealth, including both (i) the post office address with street and number, if any, and (ii) the name of the county or city in which it is located, and the name of its registered agent in the Commonwealth at such address;
3. The names and post office addresses of the directors and the principal officers of the corporation; and
4. A statement of the aggregate number of shares ~~which~~ *that* the corporation has authority to issue, ~~itemized by class.~~

B. The report shall be made on forms prescribed and furnished by the Commission and shall supply the information as of the date of the report.

C. Except as otherwise provided in this subsection, the annual report of a domestic or foreign corporation shall be filed with the Commission on or before the last day of the twelfth month next succeeding the month in which it was incorporated or authorized to transact business in the Commonwealth, and on or before such date in each year thereafter. The report shall be filed no earlier than three months prior to its due date each year. If the report appears to be incomplete or inaccurate, the Commission shall return it for correction or explanation. Otherwise the Commission shall file it in the clerk's office. At the discretion of the Commission, the annual report due date for a corporation may be extended, on a monthly basis for a period of not less than one month nor more than 11 months, at the request of its registered agent of record or as may be necessary to distribute annual report due dates of corporations as equally as practicable throughout the year on a monthly basis.

CHAPTER 133

*An Act to amend and reenact § 55-375 of the Code of Virginia, relating to the Virginia Real Estate Time-Share Act; Common Interest Community Board; surety bond or letter of credit in lieu of escrow deposit.*

[S 443]

Approved March 2, 2018

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

**1. That § 55-375 of the Code of Virginia is amended and reenacted as follows:**

**§ 55-375. Escrow of deposits; use of corporate surety bond or irrevocable letter of credit.**

A. Any deposit made in connection with the purchase or reservation of a product shall be held in escrow. ~~All cash deposits shall be held in a separate bank account labeled and designated solely for that purpose. Such escrow account shall be insured by an instrumentality of the federal government and located in Virginia.~~ All deposits shall be held in escrow until (i) delivered to the developer upon expiration of the purchaser's cancellation period provided the purchaser's right of cancellation has not been exercised, (ii) delivered to the developer because of the purchaser's default under a contract to purchase a time-share, or (iii) refunded to the purchaser. ~~Failure to establish escrow accounts or to make the deposits as required by this section is prima facie evidence of willful violation of this section. Such funds shall be deposited in a separate account designated for this purpose that is federally insured and located in Virginia; except where such deposits are being held by a real estate broker or attorney licensed under the laws of the Commonwealth, such funds may be placed in that broker's or attorney's regular escrow account and need not be placed in a separate designated account. Such escrow funds shall not be subject to attachment by the creditors of either the purchaser or the developer.~~

B. *In lieu of escrowing deposits as provided in subsection A, the developer of a time-share project consisting of more than 25 units may:*

1. *Obtain and maintain a corporate surety bond issued by a surety authorized to do business in the Commonwealth, in the form and amount set forth in subsection C below; or*
2. *Obtain and maintain an irrevocable letter of credit issued by a financial institution whose accounts are insured by the FDIC, in the form and amount set forth in subsection D.*

*The surety bond or letter of credit shall be maintained until (i) the expiration of the purchaser's cancellation period, (ii) the purchaser's default under a purchase contract for the time-share estate entitling the developer to retain the deposit, or (iii) the refund of the deposit to the time-share purchaser, whichever occurs first.*

C. The surety bond shall be payable to the Commonwealth for the use and benefit of every person protected under the provisions of this chapter. The developer shall file the bond with the Common Interest Community Board. The surety bond may be either in the form of an individual bond for each deposit accepted by the developer or, if the total amount of the deposits accepted by the developer under this chapter exceeds \$10,000, it may be in the form of a blanket bond. If the bond is a blanket bond, the amount shall be as follows. If the amount of such deposits is:

1. More than \$10,000 but not more than \$75,000, the blanket bond shall be \$75,000;
2. More than \$75,000 but less than \$200,000, the blanket bond shall be \$200,000;
3. \$200,000 or more but less than \$500,000, the blanket bond shall be \$500,000;
4. \$500,000 or more but less than \$1 million, the blanket bond shall be \$1 million; and
5. \$1 million or more, the blanket bond shall be 100 percent of the amount of such deposits.

D. The letter of credit shall be payable to the Commonwealth for the use and benefit of every person protected under this chapter. The developer shall file the letter of credit with the Common Interest Community Board. The letter of credit may be either in the form of an individual letter of credit for each deposit accepted by the developer or, if the total amount of the deposits accepted by the developer under this chapter exceeds \$10,000, it may be in the form of a blanket letter of credit. If the letter of credit is a blanket letter of credit, the amount shall be as follows. If the amount of such deposits is:

1. More than \$10,000 but not more than \$75,000, the blanket letter of credit shall be \$75,000;
2. More than \$75,000 but less than \$200,000, the blanket letter of credit shall be \$200,000;
3. \$200,000 or more but less than \$500,000, the blanket letter of credit shall be \$500,000;
4. \$500,000 or more but less than \$1 million, the blanket letter of credit shall be \$1 million; and
5. \$1 million or more, the blanket letter of credit shall be 100 percent of the amount of such deposits.

For the purposes of determining the amount of any blanket letter of credit that a developer maintains in any calendar year, the total amount of deposits considered held by the developer shall be determined as of May 31 in each calendar year and the amount of the letter of credit shall be in accordance with the amount of deposits held as of May 31.

E. The developer shall disclose in the contract or in the public offering that the deposit may not be held in escrow or protected by a surety bond or letter of credit after expiration of the cancellation period and that such deposit is not protected as an escrow after expiration of the cancellation period. This disclosure shall include a statement of whether or not the developer reserves the option to sell or assign any promissory note given by a purchaser to another entity, whether or not such entity is affiliated with the developer. Both disclosures shall appear in ~~boldface~~ boldface type of a minimum size of 10 points.

~~C. There shall be filed with the Common Interest Community Board a bond, letter of credit, or cash for the purpose of protecting all deposits escrowed pursuant to subsection A, in favor of the time share purchasers. The bond, letter of credit, or cash shall be in an amount equal to the total of the deposits in escrow at any given time or \$25,000, whichever is greater. Such bond, letter of credit, or cash shall be maintained for so long as the developer offers time shares in the project. The bond shall be with a surety company authorized to do business in Virginia.~~

## CHAPTER 134

*An Act to amend and reenact §§ 16.1-69.54 and 16.1-112 of the Code of Virginia, relating to electronic case papers; transmission between district and circuit courts.*

[S 524]

Approved March 2, 2018

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

**1. That §§ 16.1-69.54 and 16.1-112 of the Code of Virginia are amended and reenacted as follows:**

**§ 16.1-69.54. General provisions.**

A. Each district court shall retain and store its court records as provided in this article. The Committee on District Courts, after consultation with the Executive Secretary of the Supreme Court of Virginia, shall determine the methods of processing, retention, reproduction and disposal of records and information in district courts, including records required to be retained in district courts by statute.

B. Whenever a court record has been reproduced for the purpose of record retention under this article, such original may be disposed of upon completion of the Commonwealth's audit of the court records unless approval is given by the Auditor of Public Accounts for earlier disposition. In the event of such reproduction, the reproduction of the court record shall be retained in accordance with the retention periods specified in this section. The reproduction shall have the same force and effect as the original court record and shall be given the same faith and credit to which the original itself would have been entitled in any judicial or administrative proceeding.

C. *Electronic case papers, whether originating in electronic form or converted to electronic form, shall constitute the official record of the case. Such electronic case papers shall also fulfill any statutory requirement that requires an original, original paper, paper, record, document, facsimile, memorandum, exhibit, certification, or transcript if such electronic case papers are in an electronic form approved by the Executive Secretary of the Supreme Court. When case papers are transmitted between the district and circuit courts and there is an agreement between the chief judge of the applicable district court and the clerk of the circuit court for the electronic transmission of case papers, the case papers shall be*

*transmitted between the courts by an electronic method approved by the Executive Secretary of the Supreme Court, with the exception of any exhibit that cannot be electronically transmitted. The clerk in the appellate court may also request that any paper trial records be forwarded to such clerk.*

**§ 16.1-112. All papers transmitted to appellate court; further proceedings.**

The judge or clerk of any court from which an appeal is taken under this article shall promptly transmit to the clerk of the appellate court the case papers, which shall include the original warrant or warrants or other notices or pleadings with the judgment endorsed thereon, together with all pleadings, exhibits, and other papers filed in the trial of the case. The required bond, and, if applicable, the money deposited to secure such bond and the writ tax and costs paid pursuant to § 16.1-107 shall also be submitted, along with the fees for service of process of the notice of appeal in the circuit court. ~~Upon agreement between the chief judge of the general district court and the clerk of the appellate court, the case papers shall be transmitted to the appellate court by an electronic method approved by the Executive Secretary of the Supreme Court, with the exception of any exhibit that cannot be electronically transmitted. In the jurisdictions where an agreement pursuant to this section is in effect for the electronic submission of case papers to the appellate court, the appellate court may transmit the case papers back to the general district court by electronic submission where the case is to be returned to the general district court under applicable law. Electronic case papers, whether originating in electronic form or converted to electronic form, shall constitute the official record of the case. Such electronic case papers shall also fulfill any statutory requirement requiring an original, original paper, paper, record, document, facsimile, memorandum, exhibit, certification, or transcript if such electronic case papers are in an electronic form approved by the Executive Secretary of the Supreme Court.~~ Upon receipt of the foregoing by the clerk of the appellate court, the case shall then be docketed.

When such case has been docketed, the clerk of such appellate court shall by writing to be served, as provided in §§ 8.01-288, 8.01-293, 8.01-296, and 8.01-325, or by certified mail, with certified delivery receipt requested, notify the appellee, or by regular mail to his attorney, that such an appeal has been docketed in his office, provided that upon affidavit by the appellant or his agent in conformity with § 8.01-316 being filed with the clerk, the clerk shall post such notice at the front door of his courtroom and shall mail a copy thereof to the appellee at his last known address or place of abode or to his attorney, and he shall file a certificate of such posting and mailing with the papers in the case. No such appeal shall be heard unless it appears that the appellee or his attorney has had such notice, or that such certificate has been filed, 10 days before the date fixed for trial, or has in person or by attorney waived such notice.

**CHAPTER 135**

*An Act to amend and reenact §§ 16.1-69.6:1, as it is currently effective and as it shall become effective, and 17.1-507 of the Code of Virginia, relating to the maximum number of judges in each judicial district and circuit.*

[S 525]

Approved March 2, 2018

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

**1. That §§ 16.1-69.6:1, as it is currently effective and as it shall become effective, and 17.1-507 of the Code of Virginia are amended and reenacted as follows:**

**§ 16.1-69.6:1. (Effective until July 1, 2018) Number of judges.**

For the several judicial districts there shall be full-time general district court judges and juvenile and domestic relations district court judges, the maximum number as hereinafter set forth, who shall during their service reside within their respective districts, except as provided in § 16.1-69.16, and whose compensation and powers shall be the same as now and hereafter prescribed for general district court judges and juvenile and domestic relations district court judges.

The maximum number of judges of the districts shall be as follows:

	General District Court Judges	Juvenile and Domestic Relations District Court Judges
First	4	4
Second	7	7
Two-A	1	1
Third	2	3
Fourth	6	5
Fifth	2	2
Sixth	4	2
Seventh	4	4
Eighth	3	3
Ninth	3	4

Tenth	3	4 3
Eleventh	3	3
Twelfth	5	6
Thirteenth	6	4 5
Fourteenth	5	5
Fifteenth	8	10 9
Sixteenth	4	6
Seventeenth	3	2
Eighteenth	2	2
Nineteenth	11	7 8
Twentieth	4	3
Twenty-first	1 2	2
Twenty-second	2	4
Twenty-third	4	5
Twenty-fourth	3	6
Twenty-fifth	3 4	5
Twenty-sixth	5	7
Twenty-seventh	5	5
Twenty-eighth	2 3	3
Twenty-ninth	2	3
Thirtieth	2	2 3
Thirty-first	5	5

The election or appointment of any district judge shall be subject to the provisions of § 16.1-69.9:3.

**§ 16.1-69.6:1. (Effective July 1, 2018) Number of judges.**

For the several judicial districts there shall be full-time general district court judges and juvenile and domestic relations district court judges, the maximum number as hereinafter set forth, who shall during their service reside within their respective districts, except as provided in § 16.1-69.16, and whose compensation and powers shall be the same as now and hereafter prescribed for general district court judges and juvenile and domestic relations district court judges.

The maximum number of judges of the districts shall be as follows:

	General District Court Judges	Juvenile and Domestic Relations District Court Judges
First	4	4
Second	7	7 6
Two-A	1 2	1
Third	2	3
Fourth	6	5
Fifth	2 3	2
Sixth	4 5	2 3
Seventh	4	4
Eighth	3	3
Ninth	3	4
Tenth	3	4 3
Eleventh	3	3
Twelfth	5	6
Thirteenth	6	4 5
Fourteenth	5	5
Fifteenth	8	10 9

Sixteenth	4	6
Seventeenth	3	2
Eighteenth	2	2
Nineteenth	11	8
Twentieth	4	3
Twenty-first	4 2	2
Twenty-second	2	4
Twenty-third	4	5
Twenty-fourth	3	6
Twenty-fifth	4	5
Twenty-sixth	5	7
Twenty-seventh	5	5
Twenty-eighth	2 3	3
Twenty-ninth	2	3
Thirtieth	2	2 3
Thirty-first	5	5

The election or appointment of any district judge shall be subject to the provisions of § 16.1-69.9:3.

**§ 17.1-507. Maximum number of judges; residence requirement; compensation; powers; etc.**

A. For the several judicial circuits there shall be judges, the maximum number as hereinafter set forth, who shall during their service reside within their respective circuits and whose compensation and powers shall be the same as now and hereafter prescribed for circuit judges.

The maximum number of judges of the circuits shall be as follows:

- First — 5
- Second — 9 8
- Third — 4
- Fourth — 8
- Fifth — 3 4
- Sixth — 3
- Seventh — 6 5
- Eighth — 3
- Ninth — 4
- Tenth — 4
- Eleventh — 3
- Twelfth — 6
- Thirteenth — 8 7
- Fourteenth — 5
- Fifteenth — 11
- Sixteenth — 6
- Seventeenth — 3 4
- Eighteenth — 4 3
- Nineteenth — 15
- Twentieth — 5
- Twenty-first — 2 3
- Twenty-second — 5 4
- Twenty-third — 5
- Twenty-fourth — 5 6
- Twenty-fifth — 5 6
- Twenty-sixth — 8
- Twenty-seventh — 7 6
- Twenty-eighth — 4
- Twenty-ninth — 5
- Thirtieth — 4
- Thirty-first — 6

B. No additional circuit court judge shall be authorized or provided for any judicial circuit until the Judicial Council has made a study of the need for such additional circuit court judge and has reported its findings and recommendations to

the Courts of Justice Committees of the House of Delegates and Senate. The boundary of any judicial circuit shall not be changed until a study has been made by the Judicial Council and a report of its findings and recommendations made to said Committees.

C. If the Judicial Council finds the need for an additional circuit court judge after a study is made pursuant to subsection B, the study shall be made available to the Compensation Board and the Courts of Justice Committees of the House of Delegates and Senate and Council shall publish notice of such finding in a publication of general circulation among attorneys licensed to practice in the Commonwealth. The Compensation Board shall make a study of the need to provide additional courtroom security and deputy court clerk staffing. This study shall be reported to the Courts of Justice Committees of the House of Delegates and the Senate, and to the Department of Planning and Budget.

**2. That the provisions of this act reducing the number of authorized judgeships in the Second Judicial Circuit shall become effective upon the death, resignation, or retirement on or after January 1, 2018, of any judge of that court.**

**CHAPTER 136**

*An Act to amend and reenact § 22.1-60 of the Code of Virginia, relating to division superintendents; vacancies; appointment.*

[H 81]

Approved March 2, 2018

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

**1. That § 22.1-60 of the Code of Virginia is amended and reenacted as follows:**

**§ 22.1-60. Appointment and term of superintendent; certain contractual matters.**

A. The division superintendent of schools shall be appointed by the school board of the division from the entire list of eligibles certified by the State Board. All contract terms for superintendents shall expire on June 30. The division superintendent shall serve for an initial term of not less than two years nor more than four years. At the expiration of the initial term, the division superintendent shall be eligible to hold office for the term specified by the employing school board, not to exceed four years.

~~The~~ *Except as provided in subsection B, the division superintendent shall be appointed by the school board within 180 days after a vacancy occurs. In the event a school board appoints a division superintendent in accordance with the provisions of this section and the appointee seeks and is granted release from such appointment prior to assuming office, the school board shall be granted a 60-day period from the time of release within which to make another appointment.*

B. A school board that has not appointed a superintendent within 120 days of a vacancy shall submit a written report to the Superintendent of Public Instruction demonstrating its timely efforts to make an appointment. *Upon request, a school board shall be granted up to an additional 180 days within which to appoint a division superintendent.*

~~B-~~ C. No school board shall renegotiate a superintendent's contract during the period following the election or appointment of new members and the date such members are qualified and assume office.

~~C-~~ D. Whenever a superintendent's contract is being renegotiated, all members of the school board shall be notified at least 30 days in advance of any meeting at which a vote is planned on the renegotiated contract unless the members agree unanimously to take the vote without the 30 days' notice. Each member's vote on the renegotiated contract shall be recorded in the minutes of the meeting.

**CHAPTER 137**

*An Act to amend and reenact § 23.1-3207 of the Code of Virginia, relating to the Jamestown-Yorktown Foundation; Yorktown Victory Center.*

[H 335]

Approved March 2, 2018

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

**1. That § 23.1-3207 of the Code of Virginia is amended and reenacted as follows:**

**§ 23.1-3207. Duties.**

The board shall:

1. Do all things necessary and proper to (i) foster through its living-history museums, Jamestown Settlement and ~~Yorktown Victory Center~~ *American Revolution Museum at Yorktown*, an awareness and understanding of the early history, settlement, and development of the United States through the convergence of American Indian, European, and African cultures and the enduring legacies bequeathed to the nation; (ii) commemorate Jamestown as the first permanent English-speaking settlement in the United States and its contributions to the building of the Commonwealth and the nation; (iii) commemorate the winning of American independence on the battlefield at Yorktown; and (iv) enhance our understanding of the making of the United States Constitution and Bill of Rights, including the Commonwealth's role in shaping the fundamental principles of the American constitutional system;

2. Administer, develop, and maintain at Jamestown and Yorktown permanent commemorative shrines and historical museums;
3. Adopt names, flags, seals, and other emblems for use in connection with such shrines and copyright the same in the name of the Commonwealth;
4. Enter into contracts to further the purposes of the Foundation, including contracts for the use and rental of agency facilities, structures, spaces, and personal property under the control of the Foundation;
5. Establish nonprofit corporations as instrumentalities to assist in administering the affairs of the Foundation;
6. With the consent of the Governor, acquire by purchase, lease, gift, devise, or condemnation proceedings lands, property, and structures deemed necessary for the purposes of the Foundation. The title to such acquired land and property shall be in the name of the Commonwealth. In the exercise of the power of eminent domain granted under this section, the Foundation may proceed in the manner provided by Chapter 3 (§ 25.1-300 et seq.) of Title 25.1;
7. With the consent of the Governor, convey by lease land to any person, association, firm, or corporation for such terms and on such conditions as the Foundation may determine;
8. Receive and expend gifts, grants, and donations from whatever source derived for the purposes of the Foundation;
9. Employ an executive director and such deputies and assistants as may be required;
10. Elect any past chairman of the board to the honorary position of chairman emeritus. Chairmen emeriti shall serve as honorary members for life. Chairmen emeriti shall be elected in addition to the at-large positions defined in § 23.1-3206;
11. With the consent of the Governor, enter into agreements or contracts with private entities for the promotion of tourism through marketing without participating in competitive sealed bidding or competitive negotiation, provided that a demonstrable cost savings, as reviewed by the Secretary of Education, can be realized by the Foundation and such agreements or contracts are based on competitive principles;
12. Determine which paintings, statuary, works of art, manuscripts, and artifacts shall be acquired by purchase, gift, or loan and exchange or sell such items if not inconsistent with the terms of such purchase, gift, loan, or other acquisition; and
13. Change the form of investment of any funds, securities, or other property, real or personal, provided the form is not inconsistent with the terms of the instrument under which the property was acquired, and sell, grant, or convey any such property, except that any transfers of real property shall be made only with the consent of the Governor.

### CHAPTER 138

*An Act to amend and reenact § 22.1-253.13:1 of the Code of Virginia, relating to school boards; work-based learning experiences for students; notification.*

[H 399]

Approved March 2, 2018

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

**1. That § 22.1-253.13:1 of the Code of Virginia is amended and reenacted as follows:**

**§ 22.1-253.13:1. Standard 1. Instructional programs supporting the Standards of Learning and other educational objectives.**

A. The General Assembly and the Board of Education believe that the fundamental goal of the public schools of the Commonwealth must be to enable each student to develop the skills that are necessary for success in school, preparation for life, and reaching their full potential. The General Assembly and the Board of Education find that the quality of education is dependent upon the provision of (i) the appropriate working environment, benefits, and salaries necessary to ensure the availability of high-quality instructional personnel; (ii) the appropriate learning environment designed to promote student achievement; (iii) quality instruction that enables each student to become a productive and educated citizen of Virginia and the United States of America; and (iv) the adequate commitment of other resources. In keeping with this goal, the General Assembly shall provide for the support of public education as set forth in Article VIII, Section 1 of the Constitution of Virginia.

B. The Board of Education shall establish educational objectives known as the Standards of Learning, which shall form the core of Virginia's educational program, and other educational objectives, which together are designed to ensure the development of the skills that are necessary for success in school and for preparation for life in the years beyond. At a minimum, the Board shall establish Standards of Learning for English, mathematics, science, and history and social science. The Standards of Learning shall not be construed to be regulations as defined in § 2.2-4001.

The Board shall seek to ensure that the Standards of Learning are consistent with a high-quality foundation educational program. The Standards of Learning shall include, but not be limited to, the basic skills of communication (listening, speaking, reading, and writing); computation and critical reasoning, including problem solving and decision making; proficiency in the use of computers and related technology; computer science and computational thinking, including computer coding; and the skills to manage personal finances and to make sound financial decisions.

The English Standards of Learning for reading in kindergarten through grade three shall be based on components of effective reading instruction, to include, at a minimum, phonemic awareness, phonics, fluency, vocabulary development, and text comprehension.

The Standards of Learning in all subject areas shall be subject to regular review and revision to maintain rigor and to reflect a balance between content knowledge and the application of knowledge in preparation for eventual employment and lifelong learning. The Board of Education shall establish a regular schedule, in a manner it deems appropriate, for the review, and revision as may be necessary, of the Standards of Learning in all subject areas. Such review of each subject area shall occur at least once every seven years. Nothing in this section shall be construed to prohibit the Board from conducting such review and revision on a more frequent basis.

To provide appropriate opportunity for input from the general public, teachers, and local school boards, the Board of Education shall conduct public hearings prior to establishing revised Standards of Learning. Thirty days prior to conducting such hearings, the Board shall give notice of the date, time, and place of the hearings to all local school boards and any other persons requesting to be notified of the hearings and publish notice of its intention to revise the Standards of Learning in the Virginia Register of Regulations. Interested parties shall be given reasonable opportunity to be heard and present information prior to final adoption of any revisions of the Standards of Learning.

In addition, the Department of Education shall make available and maintain a website, either separately or through an existing website utilized by the Department of Education, enabling public elementary, middle, and high school educators to submit recommendations for improvements relating to the Standards of Learning, when under review by the Board according to its established schedule, and related assessments required by the Standards of Quality pursuant to this chapter. Such website shall facilitate the submission of recommendations by educators.

School boards shall implement the Standards of Learning or objectives specifically designed for their school divisions that are equivalent to or exceed the Board's requirements. Students shall be expected to achieve the educational objectives established by the school division at appropriate age or grade levels. The curriculum adopted by the local school division shall be aligned to the Standards of Learning.

The Board of Education shall include in the Standards of Learning for history and social science the study of contributions to society of diverse people. For the purposes of this subsection, "diverse" includes consideration of disability, ethnicity, race, and gender.

The Board of Education shall include in the Standards of Learning for health instruction in emergency first aid, cardiopulmonary resuscitation, and the use of an automated external defibrillator, including hands-on practice of the skills necessary to perform cardiopulmonary resuscitation. Such instruction shall be based on the current national evidence-based emergency cardiovascular care guidelines for cardiopulmonary resuscitation and the use of an automated external defibrillator, such as a program developed by the American Heart Association or the American Red Cross. No teacher who is in compliance with subdivision D 5 of § 22.1-298.1 shall be required to be certified as a trainer of cardiopulmonary resuscitation to provide instruction for non-certification.

With such funds as are made available for this purpose, the Board shall regularly review and revise the competencies for career and technical education programs to require the full integration of English, mathematics, science, and history and social science Standards of Learning. Career and technical education programs shall be aligned with industry and professional standard certifications, where they exist.

C. Local school boards shall develop and implement a program of instruction for grades K through 12 that is aligned to the Standards of Learning and meets or exceeds the requirements of the Board of Education. The program of instruction shall emphasize reading, writing, speaking, mathematical concepts and computations, proficiency in the use of computers and related technology, computer science and computational thinking, including computer coding, and scientific concepts and processes; essential skills and concepts of citizenship, including knowledge of Virginia history and world and United States history, economics, government, foreign languages, international cultures, health and physical education, environmental issues, and geography necessary for responsible participation in American society and in the international community; fine arts, which may include, but need not be limited to, music and art, and practical arts; knowledge and skills needed to qualify for further education, gainful employment, or training in a career or technical field; and development of the ability to apply such skills and knowledge in preparation for eventual employment and lifelong learning and to achieve economic self-sufficiency.

Local school boards shall also develop and implement programs of prevention, intervention, or remediation for students who are educationally at risk including, but not limited to, those who fail to achieve a passing score on any Standards of Learning assessment in grades three through eight or who fail an end-of-course test required for the award of a verified unit of credit. Such programs shall include components that are research-based.

Any student who achieves a passing score on one or more, but not all, of the Standards of Learning assessments for the relevant grade level in grades three through eight may be required to attend a remediation program.

Any student who fails to achieve a passing score on all of the Standards of Learning assessments for the relevant grade level in grades three through eight or who fails an end-of-course test required for the award of a verified unit of credit shall be required to attend a remediation program or to participate in another form of remediation. Division superintendents shall require such students to take special programs of prevention, intervention, or remediation, which may include attendance in public summer school programs, in accordance with clause (ii) of subsection A of § 22.1-254 and § 22.1-254.01.

Remediation programs shall include, when applicable, a procedure for early identification of students who are at risk of failing the Standards of Learning assessments in grades three through eight or who fail an end-of-course test required for the award of a verified unit of credit. Such programs may also include summer school for all elementary and middle school grades and for all high school academic courses, as defined by regulations promulgated by the Board of Education, or other

forms of remediation. Summer school remediation programs or other forms of remediation shall be chosen by the division superintendent to be appropriate to the academic needs of the student. Students who are required to attend such summer school programs or to participate in another form of remediation shall not be charged tuition by the school division.

The requirement for remediation may, however, be satisfied by the student's attendance in a program of prevention, intervention or remediation that has been selected by his parent, in consultation with the division superintendent or his designee, and is either (i) conducted by an accredited private school or (ii) a special program that has been determined to be comparable to the required public school remediation program by the division superintendent. The costs of such private school remediation program or other special remediation program shall be borne by the student's parent.

The Board of Education shall establish standards for full funding of summer remedial programs that shall include, but not be limited to, the minimum number of instructional hours or the equivalent thereof required for full funding and an assessment system designed to evaluate program effectiveness. Based on the number of students attending and the Commonwealth's share of the per pupil instructional costs, state funds shall be provided for the full cost of summer and other remediation programs as set forth in the appropriation act, provided such programs comply with such standards as shall be established by the Board, pursuant to § 22.1-199.2.

D. Local school boards shall also implement the following:

1. Programs in grades K through three that emphasize developmentally appropriate learning to enhance success.
2. Programs based on prevention, intervention, or remediation designed to increase the number of students who earn a high school diploma and to prevent students from dropping out of school. Such programs shall include components that are research-based.
3. Career and technical education programs incorporated into the K through 12 curricula that include:
  - a. Knowledge of careers and all types of employment opportunities, including, but not limited to, apprenticeships, entrepreneurship and small business ownership, the military, and the teaching profession, and emphasize the advantages of completing school with marketable skills;
  - b. Career exploration opportunities in the middle school grades;
  - c. Competency-based career and technical education programs that integrate academic outcomes, career guidance, and job-seeking skills for all secondary students. Programs shall be based upon labor market needs and student interest. Career guidance shall include counseling about available employment opportunities and placement services for students exiting school. Each school board shall develop and implement a plan to ensure compliance with the provisions of this subdivision. Such plan shall be developed with the input of area business and industry representatives and local comprehensive community colleges and shall be submitted to the Superintendent of Public Instruction in accordance with the timelines established by federal law; and
  - d. Annual notice on its website to enrolled high school students and their parents of (i) the availability of the postsecondary education and employment data published by the State Council of Higher Education on its website pursuant to § 23.1-204.1 and (ii) the opportunity for such students to obtain a nationally recognized career readiness certificate at a local public high school, comprehensive community college, or workforce center.
4. Educational objectives in middle and high school that emphasize economic education and financial literacy pursuant to § 22.1-200.03.
5. Early identification of students with disabilities and enrollment of such students in appropriate instructional programs consistent with state and federal law.
6. Early identification of gifted students and enrollment of such students in appropriately differentiated instructional programs.
7. Educational alternatives for students whose needs are not met in programs prescribed elsewhere in these standards. Such students shall be counted in average daily membership (ADM) in accordance with the regulations of the Board of Education.
8. Adult education programs for individuals functioning below the high school completion level. Such programs may be conducted by the school board as the primary agency or through a collaborative arrangement between the school board and other agencies.
9. A plan to make achievements for students who are educationally at risk a divisionwide priority that shall include procedures for measuring the progress of such students.
10. An agreement for postsecondary degree attainment with a comprehensive community college in the Commonwealth specifying the options for students to complete an associate degree or a one-year Uniform Certificate of General Studies from a comprehensive community college concurrent with a high school diploma. Such agreement shall specify the credit available for dual enrollment courses and Advanced Placement courses with qualifying exam scores of three or higher.
11. A plan to notify students and their parents of the availability of dual enrollment and advanced placement classes; career and technical education programs, *including internships, externships, apprenticeships, credentialing programs, certification programs, licensure programs, and other work-based learning experiences*; the International Baccalaureate Program; and Academic Year Governor's School Programs; the qualifications for enrolling in such classes ~~and~~ programs, *and experiences*; and the availability of financial assistance to low-income and needy students to take the advanced placement and International Baccalaureate examinations. This plan shall include notification to students and parents of the

agreement with a comprehensive community college in the Commonwealth to enable students to complete an associate degree or a one-year Uniform Certificate of General Studies concurrent with a high school diploma.

12. Identification of students with limited English proficiency and enrollment of such students in appropriate instructional programs.

13. Early identification, diagnosis, and assistance for students with reading and mathematics problems and provision of instructional strategies and reading and mathematics practices that benefit the development of reading and mathematics skills for all students.

Local school divisions shall provide reading intervention services to students in kindergarten through grade three who demonstrate deficiencies based on their individual performance on the Standards of Learning reading test or any reading diagnostic test that meets criteria established by the Department of Education. Local school divisions shall report the results of the diagnostic tests to the Department of Education on an annual basis, at a time to be determined by the Superintendent of Public Instruction. Each student who receives early intervention reading services will be assessed again at the end of that school year. The local school division, in its discretion, shall provide such reading intervention services prior to promoting a student from grade three to grade four. Reading intervention services may include the use of: special reading teachers; trained aides; volunteer tutors under the supervision of a certified teacher; computer-based reading tutorial programs; aides to instruct in-class groups while the teacher provides direct instruction to the students who need extra assistance; and extended instructional time in the school day or school year for these students. Funds appropriated for prevention, intervention, and remediation; summer school remediation; at-risk; or early intervention reading may be used to meet the requirements of this subdivision.

Local school divisions shall provide algebra readiness intervention services to students in grades six through nine who are at risk of failing the Algebra I end-of-course test, as demonstrated by their individual performance on any diagnostic test that has been approved by the Department of Education. Local school divisions shall report the results of the diagnostic tests to the Department of Education on an annual basis, at a time to be determined by the Superintendent of Public Instruction. Each student who receives algebra readiness intervention services will be assessed again at the end of that school year. Funds appropriated for prevention, intervention, and remediation; summer school remediation; at-risk; or algebra readiness intervention services may be used to meet the requirements of this subdivision.

14. Incorporation of art, music, and physical education as a part of the instructional program at the elementary school level.

15. (Applicable to school years before the 2018-2019 school year) A program of physical fitness available to all students with a goal of at least 150 minutes per week on average during the regular school year. Such program may include any combination of (i) physical education classes, (ii) extracurricular athletics, or (iii) other programs and physical activities deemed appropriate by the local school board. Each local school board shall incorporate into its local wellness policy a goal for the implementation of such program during the regular school year.

15. (Applicable beginning with the 2018-2019 school year) A program of physical activity available to all students in grades kindergarten through five consisting of at least 20 minutes per day or an average of 100 minutes per week during the regular school year and available to all students in grades six through 12 with a goal of at least 150 minutes per week on average during the regular school year. Such program may include any combination of (i) physical education classes, (ii) extracurricular athletics, (iii) recess, or (iv) other programs and physical activities deemed appropriate by the local school board. Each local school board shall implement such program during the regular school year.

16. A program of student services for kindergarten through grade 12 that shall be designed to aid students in their educational, social, and career development.

17. The collection and analysis of data and the use of the results to evaluate and make decisions about the instructional program.

18. A program of instruction in the high school Virginia and U.S. Government course on all information and concepts contained in the civics portion of the U.S. Naturalization Test.

E. From such funds as may be appropriated or otherwise received for such purpose, there shall be established within the Department of Education a unit to (i) conduct evaluative studies; (ii) provide the resources and technical assistance to increase the capacity for school divisions to deliver quality instruction; and (iii) assist school divisions in implementing those programs and practices that will enhance pupil academic performance and improve family and community involvement in the public schools. Such unit shall identify and analyze effective instructional programs and practices and professional development initiatives; evaluate the success of programs encouraging parental and family involvement; assess changes in student outcomes prompted by family involvement; and collect and disseminate among school divisions information regarding effective instructional programs and practices, initiatives promoting family and community involvement, and potential funding and support sources. Such unit may also provide resources supporting professional development for administrators and teachers. In providing such information, resources, and other services to school divisions, the unit shall give priority to those divisions demonstrating a less than 70 percent passing rate on the Standards of Learning assessments.

F. Each local school board may enter into agreements for postsecondary credential, certification, or license attainment with comprehensive community colleges or other public institutions of higher education or educational institutions established pursuant to Title 23.1 that offer a career and technical education curriculum. Such agreements shall specify (i) the options for students to take courses as part of the career and technical education curriculum that lead to an

industry-recognized credential, certification, or license concurrent with a high school diploma and (ii) the credentials, certifications, or licenses available for such courses.

### CHAPTER 139

*An Act to amend and reenact § 22.1-253.13:4 of the Code of Virginia, relating to career and technical education credentials; testing accommodations for English language learners.*

[H 442]

Approved March 2, 2018

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

**1. That § 22.1-253.13:4 of the Code of Virginia is amended and reenacted as follows:**

**§ 22.1-253.13:4. Standard 4. Student achievement and graduation requirements.**

A. Each local school board shall award diplomas to all secondary school students, including students who transfer from nonpublic schools or from home instruction, who meet the requirements prescribed by the Board of Education and meet such other requirements as may be prescribed by the local school board and approved by the Board of Education. Provisions shall be made to facilitate the transfer and appropriate grade placement of students from other public secondary schools, from nonpublic schools, or from home instruction as outlined in the standards for accreditation. The standards for accreditation shall include provisions relating to the completion of graduation requirements through Virtual Virginia. Further, reasonable accommodation to meet the requirements for diplomas shall be provided for otherwise qualified students with disabilities as needed.

In addition, each local school board may devise, vis-a-vis the award of diplomas to secondary school students, a mechanism for calculating class rankings that takes into consideration whether the student has taken a required class more than one time and has had any prior earned grade for such required class expunged.

Each local school board shall notify the parents of rising eleventh and twelfth grade students of (i) the requirements for graduation pursuant to the standards for accreditation and (ii) the requirements that have yet to be completed by the individual student.

B. Students identified as disabled who complete the requirements of their individualized education programs and meet certain requirements prescribed by the Board pursuant to regulations but do not meet the requirements for any named diploma shall be awarded Applied Studies diplomas by local school boards.

Each local school board shall notify the parent of such students with disabilities who have an individualized education program and who fail to meet the graduation requirements of the student's right to a free and appropriate education to age 21, inclusive, pursuant to Article 2 (§ 22.1-213 et seq.) of Chapter 13.

C. Students who have completed a prescribed course of study as defined by the local school board shall be awarded certificates of program completion by local school boards if they are not eligible to receive a Board of Education-approved diploma.

Each local school board shall provide notification of the right to a free public education for students who have not reached 20 years of age on or before August 1 of the school year, pursuant to Chapter 1 (§ 22.1-1 et seq.), to the parent of students who fail to graduate or who have failed to achieve graduation requirements as provided in the standards for accreditation. If such student who does not graduate or complete such requirements is a student for whom English is a second language, the local school board shall notify the parent of the student's opportunity for a free public education in accordance with § 22.1-5.

D. (From Acts 2016, cc. 720 & 750: The graduation requirements established by the Board of Education pursuant to the provisions of subdivisions D 1, 2, and 3 shall apply to each student who enrolls in high school as (i) a freshman after July 1, 2018; (ii) a sophomore after July 1, 2019; (iii) a junior after July 1, 2020; or (iv) a senior after July 1, 2021) In establishing graduation requirements, the Board shall:

1. Develop and implement, in consultation with stakeholders representing elementary and secondary education, higher education, and business and industry in the Commonwealth and including parents, policymakers, and community leaders in the Commonwealth, a Profile of a Virginia Graduate that identifies the knowledge and skills that students should attain during high school in order to be successful contributors to the economy of the Commonwealth, giving due consideration to critical thinking, creative thinking, collaboration, communication, and citizenship.

2. Emphasize the development of core skill sets in the early years of high school.

3. Establish multiple paths toward college and career readiness for students to follow in the later years of high school. Each such pathway shall include opportunities for internships, externships, and credentialing.

4. Provide for the selection of integrated learning courses meeting the Standards of Learning and approved by the Board to satisfy graduation requirements, which shall include Standards of Learning testing, as necessary.

5. Require students to complete at least one course in fine or performing arts or career and technical education, one course in United States and Virginia history, and two sequential elective courses chosen from a concentration of courses selected from a variety of options that may be planned to ensure the completion of a focused sequence of elective courses that provides a foundation for further education or training or preparation for employment.

6. Require that students either (i) complete an Advanced Placement, honors, or International Baccalaureate course or (ii) earn a career and technical education credential that has been approved by the Board, except when a career and technical education credential in a particular subject area is not readily available or appropriate or does not adequately measure student competency, in which case the student shall receive satisfactory competency-based instruction in the subject area to earn credit. The career and technical education credential, when required, could include the successful completion of an industry certification, a state licensure examination, a national occupational competency assessment, the Armed Services Vocational Aptitude Battery, or the Virginia workplace readiness skills assessment. *The Department of Education shall develop, maintain, and make available to each local school board a catalogue of the testing accommodations available to English language learners for each such certification, examination, assessment, and battery. Each local school board shall develop and implement policies to require each high school principal or his designee to notify each English language learner of the availability of such testing accommodations prior to the student's participation in any such certification, examination, assessment, or battery.*

7. Beginning with first-time ninth grade students in the 2016-2017 school year, require students to be trained in emergency first aid, cardiopulmonary resuscitation, and the use of automated external defibrillators, including hands-on practice of the skills necessary to perform cardiopulmonary resuscitation.

8. Make provision in its regulations for students with disabilities to earn a diploma.

9. Require students to complete one virtual course, which may be a noncredit-bearing course.

10. Provide that students who complete elective classes into which the Standards of Learning for any required course have been integrated and achieve a passing score on the relevant Standards of Learning test for the relevant required course receive credit for such elective class.

11. Establish a procedure to facilitate the acceleration of students that allows qualified students, with the recommendation of the division superintendent, without completing the 140-hour class, to obtain credit for such class upon demonstrating mastery of the course content and objectives and receiving a passing score on the relevant Standards of Learning assessment. Nothing in this section shall preclude relevant school division personnel from enforcing compulsory attendance in public schools.

12. Provide for the award of credit for passing scores on industry certifications, state licensure examinations, and national occupational competency assessments approved by the Board of Education.

School boards shall report annually to the Board of Education the number of Board-approved industry certifications obtained, state licensure examinations passed, national occupational competency assessments passed, Armed Services Vocational Aptitude Battery assessments passed, and Virginia workplace readiness skills assessments passed, and the number of career and technical education completers who graduated. These numbers shall be reported as separate categories on the School Performance Report Card.

For the purposes of this subdivision, "career and technical education completer" means a student who has met the requirements for a career and technical concentration or specialization and all requirements for high school graduation or an approved alternative education program.

In addition, the Board may:

a. For the purpose of awarding credit, approve the use of additional or substitute tests for the correlated Standards of Learning assessment, such as academic achievement tests, industry certifications or state licensure examinations; and

b. Permit students completing career and technical education programs designed to enable such students to pass such industry certification examinations or state licensure examinations to be awarded, upon obtaining satisfactory scores on such industry certification or licensure examinations, appropriate credit for one or more career and technical education classes into which relevant Standards of Learning for various classes taught at the same level have been integrated. Such industry certification and state licensure examinations may cover relevant Standards of Learning for various required classes and may, at the discretion of the Board, address some Standards of Learning for several required classes.

13. Provide for the waiver of certain graduation requirements (i) upon the Board's initiative or (ii) at the request of a local school board. Such waivers shall be granted only for good cause and shall be considered on a case-by-case basis.

14. Consider all computer science course credits earned by students to be science course credits, mathematics course credits, or career and technical education credits. The Board of Education shall develop guidelines addressing how computer science courses can satisfy graduation requirements.

15. Permit local school divisions to waive the requirement for students to receive 140 clock hours of instruction upon providing the Board with satisfactory proof, based on Board guidelines, that the students for whom such requirements are waived have learned the content and skills included in the relevant Standards of Learning.

16. Provide for the award of verified units of credit for a satisfactory score, as determined by the Board, on the Preliminary ACT (PreACT) or Preliminary SAT/National Merit Scholarship Qualifying Test (PSAT/NMSQT) examination.

E. In the exercise of its authority to recognize exemplary performance by providing for diploma seals:

1. The Board shall develop criteria for recognizing exemplary performance in career and technical education programs by students who have completed the requirements for a Board of Education-approved diploma and shall award seals on the diplomas of students meeting such criteria.

2. The Board shall establish criteria for awarding a diploma seal for advanced mathematics and technology for the Board of Education-approved diplomas. The Board shall consider including criteria for (i) technology courses; (ii) technical

writing, reading, and oral communication skills; (iii) technology-related training; and (iv) industry, professional, and trade association national certifications.

3. The Board shall establish criteria for awarding a diploma seal for excellence in civics education and understanding of our state and federal constitutions and the democratic model of government for the Board of Education-approved diplomas. The Board shall consider including criteria for (i) successful completion of history, government, and civics courses, including courses that incorporate character education; (ii) voluntary participation in community service or extracurricular activities that includes the types of activities that shall qualify as community service and the number of hours required; and (iii) related requirements as it deems appropriate.

4. The Board shall establish criteria for awarding a diploma seal of biliteracy to any student who demonstrates proficiency in English and at least one other language for the Board of Education-approved diplomas. The Board shall consider criteria including the student's (i) score on a College Board Advanced Placement foreign language examination, (ii) score on an SAT II Subject Test in a foreign language, (iii) proficiency level on an ACTFL Assessment of Performance toward Proficiency in Languages (AAPPL) measure or another nationally or internationally recognized language proficiency test, or (iv) cumulative grade point average in a sequence of foreign language courses approved by the Board.

F. The Board shall establish, by regulation, requirements for the award of a general achievement adult high school diploma for those persons who are not subject to the compulsory school attendance requirements of § 22.1-254 and have (i) achieved a passing score on a high school equivalency examination approved by the Board of Education; (ii) successfully completed an education and training program designated by the Board of Education; (iii) earned a Board of Education-approved career and technical education credential such as the successful completion of an industry certification, a state licensure examination, a national occupational competency assessment, the Armed Services Vocational Aptitude Battery, or the Virginia workplace readiness skills assessment; and (iv) satisfied other requirements as may be established by the Board for the award of such diploma.

G. To ensure the uniform assessment of high school graduation rates, the Board shall collect, analyze, report, and make available to the public high school graduation and dropout data using a formula prescribed by the Board.

H. The Board shall also collect, analyze, report, and make available to the public high school graduation and dropout data using a formula that excludes any student who fails to graduate because such student is in the custody of the Department of Corrections, the Department of Juvenile Justice, or local law enforcement. For the purposes of the Standards of Accreditation, the Board shall use the graduation rate required by this subsection.

I. The Board may promulgate such regulations as may be necessary and appropriate for the collection, analysis, and reporting of such data required by subsections G and H.

**2. That the provisions of this act shall become effective on July 1, 2019.**

**CHAPTER 140**

*An Act to amend and reenact § 23.1-3117 of the Code of Virginia, relating to the Roanoke Higher Education Authority; board of trustees; membership.*

[S 295]

Approved March 2, 2018

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

**1. That § 23.1-3117 of the Code of Virginia is amended and reenacted as follows:**

**§ 23.1-3117. Board of trustees.**

A. The Authority shall be governed by a ~~21-member~~ 20-member board of trustees (the board) as follows: two members of the House of Delegates, to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates; one member of the Senate, to be appointed by the Senate Committee on Rules; the Director of the Council or his designee; the Chancellor of the Virginia Community College System or his designee; the presidents of Averett University, ~~Hollins University~~, James Madison University, Mary Baldwin College, Old Dominion University, Radford University, ~~Roanoke College~~, the University of Virginia, *Virginia Commonwealth University*, Virginia Polytechnic Institute and State University, and Virginia Western Community College or their designees; the Director of Total Action for Progress (TAP) This Valley Works; and five nonlegislative citizen members representing business and industry in the Roanoke Valley to be appointed by the Governor. Nonlegislative citizen members of the board shall be citizens of the Commonwealth and residents of the Roanoke region.

B. The legislative members, the Director of the Council, the Chancellor of the Virginia Community College System, the Director of TAP This Valley Works, and the presidents of the named institutions of higher education or their designees shall serve terms coincident with their terms of office. Nonlegislative citizen members shall be appointed for terms of four years. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. Vacancies shall be filled in the same manner as the original appointments.

No nonlegislative citizen member shall serve more than two consecutive four-year terms; however, a member appointed to serve an unexpired term is eligible to serve two consecutive four-year terms immediately succeeding such unexpired term.

C. Nonlegislative citizen members are not entitled to compensation for their services. Legislative members of the board shall receive such compensation as provided in § 30-19.12. All members shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties in the work of the Authority as provided in §§ 2.2-2813 and 2.2-2825. Funding for the costs of compensation and expenses of the members shall be provided by the Authority.

D. The board shall elect a chairman and a vice-chairman from among its membership and may establish bylaws as necessary.

#### CHAPTER 141

*An Act to amend and reenact § 2.2-3705.7 of the Code of Virginia, relating to the Virginia Freedom of Information Act; exclusion; certain information held by the board of visitors of The College of William and Mary in Virginia.*

[S 858]

Approved March 2, 2018

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

**1. That § 2.2-3705.7 of the Code of Virginia is amended and reenacted as follows:**

**§ 2.2-3705.7. Exclusions to application of chapter; records of specific public bodies and certain other limited exclusions.**

The following information contained in a public record is excluded from the mandatory disclosure provisions of this chapter but may be disclosed by the custodian in his discretion, except where such disclosure is prohibited by law. Redaction of information excluded under this section from a public record shall be conducted in accordance with § 2.2-3704.01.

1. State income, business, and estate tax returns, personal property tax returns, and confidential records held pursuant to § 58.1-3.

2. Working papers and correspondence of the Office of the Governor, the Lieutenant Governor, or the Attorney General; the members of the General Assembly, the Division of Legislative Services, or the Clerks of the House of Delegates or the Senate of Virginia; the mayor or chief executive officer of any political subdivision of the Commonwealth; or the president or other chief executive officer of any public institution of higher education in the Commonwealth. However, no information that is otherwise open to inspection under this chapter shall be deemed excluded by virtue of the fact that it has been attached to or incorporated within any working paper or correspondence. Further, information publicly available or not otherwise subject to an exclusion under this chapter or other provision of law that has been aggregated, combined, or changed in format without substantive analysis or revision shall not be deemed working papers. Nothing in this subdivision shall be construed to authorize the withholding of any resumes or applications submitted by persons who are appointed by the Governor pursuant to § 2.2-106 or 2.2-107.

As used in this subdivision:

"Members of the General Assembly" means each member of the Senate of Virginia and the House of Delegates and their legislative aides when working on behalf of such member.

"Office of the Governor" means the Governor; the Governor's chief of staff, counsel, director of policy, and Cabinet Secretaries; the Assistant to the Governor for Intergovernmental Affairs; and those individuals to whom the Governor has delegated his authority pursuant to § 2.2-104.

"Working papers" means those records prepared by or for a public official identified in this subdivision for his personal or deliberative use.

3. Information contained in library records that can be used to identify (i) both (a) any library patron who has borrowed material from a library and (b) the material such patron borrowed or (ii) any library patron under 18 years of age. For the purposes of clause (ii), access shall not be denied to the parent, including a noncustodial parent, or guardian of such library patron.

4. Contract cost estimates prepared for the confidential use of the Department of Transportation in awarding contracts for construction or the purchase of goods or services, and records and automated systems prepared for the Department's Bid Analysis and Monitoring Program.

5. Lists of registered owners of bonds issued by a political subdivision of the Commonwealth, whether the lists are maintained by the political subdivision itself or by a single fiduciary designated by the political subdivision.

6. Information furnished by a member of the General Assembly to a meeting of a standing committee, special committee, or subcommittee of his house established solely for the purpose of reviewing members' annual disclosure statements and supporting materials filed under § 30-110 or of formulating advisory opinions to members on standards of conduct, or both.

7. Customer account information of a public utility affiliated with a political subdivision of the Commonwealth, including the customer's name and service address, but excluding the amount of utility service provided and the amount of money charged or paid for such utility service.

8. Personal information, as defined in § 2.2-3801, (i) filed with the Virginia Housing Development Authority concerning individuals who have applied for or received loans or other housing assistance or who have applied for occupancy of or have occupied housing financed, owned or otherwise assisted by the Virginia Housing Development

Authority; (ii) concerning persons participating in or persons on the waiting list for federally funded rent-assistance programs; (iii) filed with any local redevelopment and housing authority created pursuant to § 36-4 concerning persons participating in or persons on the waiting list for housing assistance programs funded by local governments or by any such authority; or (iv) filed with any local redevelopment and housing authority created pursuant to § 36-4 or any other local government agency concerning persons who have applied for occupancy or who have occupied affordable dwelling units established pursuant to § 15.2-2304 or 15.2-2305. However, access to one's own information shall not be denied.

9. Information regarding the siting of hazardous waste facilities, except as provided in § 10.1-1441, if disclosure of such information would have a detrimental effect upon the negotiating position of a governing body or on the establishment of the terms, conditions, and provisions of the siting agreement.

10. Information on the site-specific location of rare, threatened, endangered, or otherwise imperiled plant and animal species, natural communities, caves, and significant historic and archaeological sites if, in the opinion of the public body that has the responsibility for such information, disclosure of the information would jeopardize the continued existence or the integrity of the resource. This exclusion shall not apply to requests from the owner of the land upon which the resource is located.

11. Memoranda, graphics, video or audio tapes, production models, data, and information of a proprietary nature produced by or for or collected by or for the Virginia Lottery relating to matters of a specific lottery game design, development, production, operation, ticket price, prize structure, manner of selecting the winning ticket, manner of payment of prizes to holders of winning tickets, frequency of drawings or selections of winning tickets, odds of winning, advertising, or marketing, where such information not been publicly released, published, copyrighted, or patented. Whether released, published, or copyrighted, all game-related information shall be subject to public disclosure under this chapter upon the first day of sales for the specific lottery game to which it pertains.

12. Information held by the Virginia Retirement System, acting pursuant to § 51.1-124.30, or a local retirement system, acting pursuant to § 51.1-803, or by a local finance board or board of trustees of a trust established by one or more local public bodies to invest funds for post-retirement benefits other than pensions, acting pursuant to Article 8 (§ 15.2-1544 et seq.) of Chapter 15 of Title 15.2, or by the board of visitors of the University of Virginia, acting pursuant to § 23.1-2210, or by the board of visitors of *The College of William and Mary in Virginia*, acting pursuant to § 23.1-2803, or by the Virginia College Savings Plan, acting pursuant to § 23.1-704, relating to the acquisition, holding, or disposition of a security or other ownership interest in an entity, where such security or ownership interest is not traded on a governmentally regulated securities exchange, if disclosure of such information would (i) reveal confidential analyses prepared for the board of visitors of the University of Virginia, *prepared for the board of visitors of The College of William and Mary in Virginia*, prepared by the retirement system, a local finance board or board of trustees, or the Virginia College Savings Plan, or provided to the retirement system, a local finance board or board of trustees, or the Virginia College Savings Plan under a promise of confidentiality of the future value of such ownership interest or the future financial performance of the entity and (ii) have an adverse effect on the value of the investment to be acquired, held, or disposed of by the retirement system, a local finance board or board of trustees, the board of visitors of the University of Virginia, *the board of visitors of The College of William and Mary in Virginia*, or the Virginia College Savings Plan. Nothing in this subdivision shall be construed to prevent the disclosure of information relating to the identity of any investment held, the amount invested, or the present value of such investment.

13. Financial, medical, rehabilitative, and other personal information concerning applicants for or recipients of loan funds submitted to or maintained by the Assistive Technology Loan Fund Authority under Chapter 11 (§ 51.5-53 et seq.) of Title 51.5.

14. Information held by the Virginia Commonwealth University Health System Authority pertaining to any of the following: an individual's qualifications for or continued membership on its medical or teaching staffs; proprietary information gathered by or in the possession of the Authority from third parties pursuant to a promise of confidentiality; contract cost estimates prepared for confidential use in awarding contracts for construction or the purchase of goods or services; information of a proprietary nature produced or collected by or for the Authority or members of its medical or teaching staffs; financial statements not publicly available that may be filed with the Authority from third parties; the identity, accounts, or account status of any customer of the Authority; consulting or other reports paid for by the Authority to assist the Authority in connection with its strategic planning and goals; the determination of marketing and operational strategies where disclosure of such strategies would be harmful to the competitive position of the Authority; and information of a proprietary nature produced or collected by or for employees of the Authority, other than the Authority's financial or administrative records, in the conduct of or as a result of study or research on medical, scientific, technical, or scholarly issues, whether sponsored by the Authority alone or in conjunction with a governmental body or a private concern, when such information has not been publicly released, published, copyrighted, or patented. This exclusion shall also apply when such information is in the possession of Virginia Commonwealth University.

15. Information held by the Department of Environmental Quality, the State Water Control Board, the State Air Pollution Control Board, or the Virginia Waste Management Board relating to (i) active federal environmental enforcement actions that are considered confidential under federal law and (ii) enforcement strategies, including proposed sanctions for enforcement actions. Upon request, such information shall be disclosed after a proposed sanction resulting from the investigation has been proposed to the director of the agency. This subdivision shall not be construed to prevent the

disclosure of information related to inspection reports, notices of violation, and documents detailing the nature of any environmental contamination that may have occurred or similar documents.

16. Information related to the operation of toll facilities that identifies an individual, vehicle, or travel itinerary, including vehicle identification data or vehicle enforcement system information; video or photographic images; Social Security or other identification numbers appearing on driver's licenses; credit card or bank account data; home addresses; phone numbers; or records of the date or time of toll facility use.

17. Information held by the Virginia Lottery pertaining to (i) the social security number, tax identification number, state sales tax number, home address and telephone number, personal and lottery banking account and transit numbers of a retailer, and financial information regarding the nonlottery operations of specific retail locations and (ii) individual lottery winners, except that a winner's name, hometown, and amount won shall be disclosed.

18. Information held by the Board for Branch Pilots relating to the chemical or drug testing of a person regulated by the Board, where such person has tested negative or has not been the subject of a disciplinary action by the Board for a positive test result.

19. Information pertaining to the planning, scheduling, and performance of examinations of holder records pursuant to the Uniform Disposition of Unclaimed Property Act (§ 55-210.1 et seq.) prepared by or for the State Treasurer or his agents or employees or persons employed to perform an audit or examination of holder records.

20. Information held by the Virginia Department of Emergency Management or a local governing body relating to citizen emergency response teams established pursuant to an ordinance of a local governing body that reveal the name, address, including e-mail address, telephone or pager numbers, or operating schedule of an individual participant in the program.

21. Information held by state or local park and recreation departments and local and regional park authorities concerning identifiable individuals under the age of 18 years. However, nothing in this subdivision shall operate to prevent the disclosure of information defined as directory information under regulations implementing the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g, unless the public body has undertaken the parental notification and opt-out requirements provided by such regulations. Access shall not be denied to the parent, including a noncustodial parent, or guardian of such person, unless the parent's parental rights have been terminated or a court of competent jurisdiction has restricted or denied such access. For such information of persons who are emancipated, the right of access may be asserted by the subject thereof. Any parent or emancipated person who is the subject of the information may waive, in writing, the protections afforded by this subdivision. If the protections are so waived, the public body shall open such information for inspection and copying.

22. Information submitted for inclusion in the Statewide Alert Network administered by the Department of Emergency Management that reveal names, physical addresses, email addresses, computer or internet protocol information, telephone numbers, pager numbers, other wireless or portable communications device information, or operating schedules of individuals or agencies, where the release of such information would compromise the security of the Statewide Alert Network or individuals participating in the Statewide Alert Network.

23. Information held by the Judicial Inquiry and Review Commission made confidential by § 17.1-913.

24. Information held by the Virginia Retirement System acting pursuant to § 51.1-124.30, a local retirement system acting pursuant to § 51.1-803 (hereinafter collectively referred to as the retirement system), or the Virginia College Savings Plan, acting pursuant to § 23.1-704 relating to:

a. Internal deliberations of or decisions by the retirement system or the Virginia College Savings Plan on the pursuit of particular investment strategies, or the selection or termination of investment managers, prior to the execution of such investment strategies or the selection or termination of such managers, if disclosure of such information would have an adverse impact on the financial interest of the retirement system or the Virginia College Savings Plan; and

b. Trade secrets, as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.), provided by a private entity to the retirement system or the Virginia College Savings Plan if disclosure of such records would have an adverse impact on the financial interest of the retirement system or the Virginia College Savings Plan.

For the records specified in subdivision b to be excluded from the provisions of this chapter, the entity shall make a written request to the retirement system or the Virginia College Savings Plan:

(1) Invoking such exclusion prior to or upon submission of the data or other materials for which protection from disclosure is sought;

(2) Identifying with specificity the data or other materials for which protection is sought; and

(3) Stating the reasons why protection is necessary.

The retirement system or the Virginia College Savings Plan shall determine whether the requested exclusion from disclosure meets the requirements set forth in subdivision b.

Nothing in this subdivision shall be construed to prevent the disclosure of the identity or amount of any investment held or the present value and performance of all asset classes and subclasses.

25. Information held by the Department of Corrections made confidential by § 53.1-233.

26. Information maintained by the Department of the Treasury or participants in the Local Government Investment Pool (§ 2.2-4600 et seq.) and required to be provided by such participants to the Department to establish accounts in accordance with § 2.2-4602.

27. Personal information, as defined in § 2.2-3801, contained in the Veterans Care Center Resident Trust Funds concerning residents or patients of the Department of Veterans Services Care Centers, except that access shall not be denied to the person who is the subject of the information.

28. Information maintained in connection with fundraising activities by the Veterans Services Foundation pursuant to § 2.2-2716 that reveal the address, electronic mail address, facsimile or telephone number, social security number or other identification number appearing on a driver's license, or credit card or bank account data of identifiable donors, except that access shall not be denied to the person who is the subject of the information. Nothing in this subdivision, however, shall be construed to prevent the disclosure of information relating to the amount, date, purpose, and terms of the pledge or donation or the identity of the donor, unless the donor has requested anonymity in connection with or as a condition of making a pledge or donation. The exclusion provided by this subdivision shall not apply to protect from disclosure (i) the identities of sponsors providing grants to or contracting with the foundation for the performance of services or other work or (ii) the terms and conditions of such grants or contracts.

29. Information prepared for and utilized by the Commonwealth's Attorneys' Services Council in the training of state prosecutors or law-enforcement personnel, where such information is not otherwise available to the public and the disclosure of such information would reveal confidential strategies, methods, or procedures to be employed in law-enforcement activities or materials created for the investigation and prosecution of a criminal case.

30. Information provided to the Department of Aviation by other entities of the Commonwealth in connection with the operation of aircraft where the information would not be subject to disclosure by the entity providing the information. The entity providing the information to the Department of Aviation shall identify the specific information to be protected and the applicable provision of this chapter that excludes the information from mandatory disclosure.

31. Information created or maintained by or on the behalf of the judicial performance evaluation program related to an evaluation of any individual justice or judge made confidential by § 17.1-100.

32. Information reflecting the substance of meetings in which (i) individual sexual assault cases are discussed by any sexual assault team established pursuant to § 15.2-1627.4 or (ii) individual child abuse or neglect cases or sex offenses involving a child are discussed by multidisciplinary child abuse teams established pursuant to § 15.2-1627.5. The findings of any such team may be disclosed or published in statistical or other aggregated form that does not disclose the identity of specific individuals.

33. Information contained in the strategic plan, marketing plan, or operational plan prepared by the Virginia Economic Development Partnership Authority pursuant to § 2.2-2237.1 regarding target companies, specific allocation of resources and staff for marketing activities, and specific marketing activities that would reveal to the Commonwealth's competitors for economic development projects the strategies intended to be deployed by the Commonwealth, thereby adversely affecting the financial interest of the Commonwealth. The executive summaries of the strategic plan, marketing plan, and operational plan shall not be redacted or withheld pursuant to this subdivision.

## CHAPTER 142

*An Act to amend and reenact §§ 22.1-17.3 and 22.1-227.1 of the Code of Virginia, relating to High School to Work Partnerships; establishment; exemptions.*

[S 960]

Approved March 2, 2018

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

**1. That §§ 22.1-17.3 and 22.1-227.1 of the Code of Virginia are amended and reenacted as follows:**

**§ 22.1-17.3. Identification of student internship programs.**

The Board of Education, ~~together with~~ the Department of Labor and Industry, and the State Board for Community Colleges, shall identify *High School to Work Partnerships established pursuant to subsection D of § 22.1-227.1 and other student internship programs that may be eligible for exemptions from those federal and state labor laws and regulations for which exemptions are available for student apprenticeship programs. The Board of Education, the Department of Labor and Industry, and the State Board for Community Colleges, and the Department* shall also establish procedures by which such exemptions may be obtained for *such High School to Work Partnerships and other student internship programs.*

**§ 22.1-227.1. Career and technical education.**

A. The Board of Education shall incorporate into career and technical education the Standards of Learning for mathematics, science, English, and social studies, including history, and other subject areas as may be appropriate. The Board may also authorize, in its regulations for accrediting public schools in Virginia, the substitution of industry certification and state licensure examinations for Standards of Learning assessments for the purpose of awarding credit for career and technical education courses, where appropriate.

B. The Board shall also develop a plan for increasing the number of students receiving industry certification and state licensure as part of their career and technical education. The plan shall include an annual goal for school divisions. Where there is an accepted national industry certification for career and technical education instructional personnel and programs for automotive technology, such certification shall be mandatory.

C. With such funds as may be appropriated for such purpose, there shall be established, within the Department of Education, a unit of specialists in career and technical education. The unit shall (i) assist in developing and revising local career and technical curriculum to integrate the Standards of Learning, (ii) provide professional development for career and technical instructional personnel to improve the quality of career and technical education, (iii) conduct site visits to the schools providing career and technical education, and (iv) seek the input of business and industry representatives regarding the content and direction of career and technical education programs in the public schools of the Commonwealth.

D. The Board shall develop guidelines for the establishment of High School to Work Partnerships, hereafter referred to as "Partnerships," between public high schools and local businesses to create opportunities for *high school* students ~~who may not seek further education after high school~~ to (i) participate in an apprenticeship, internship, or job shadow program in a variety of trades and skilled labor positions or (ii) tour local businesses and meet with owners and employees. These guidelines shall include a model waiver form to be used by high schools and local businesses in connection with Partnership programs to protect both the students and the businesses from liability.

Each local school board may ~~encourage~~ *establish Partnerships or delegate the authority to establish Partnerships to the local school division's career and technical education administrator or his designee to collaborate, in collaboration with the guidance counselor office of each public high school in the Commonwealth to establish Partnerships and to school division, and shall educate the student body high school students about available opportunities available through such Partnerships.*

Students who miss a partial or full day of school while participating in Partnership programs shall not be counted as absent for the purposes of calculating average daily membership, but each local school board shall develop policies and procedures for students to make up missed work and may determine the maximum number of school days per academic year that a student may spend participating in a Partnership program.

## CHAPTER 143

*An Act to amend and reenact § 19.2-389.1 of the Code of Virginia, relating to dissemination of juvenile record information; emergency medical services agency applicants.*

[H 135]

Approved March 2, 2018

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

#### **1. That § 19.2-389.1 of the Code of Virginia is amended and reenacted as follows:**

##### **§ 19.2-389.1. Dissemination of juvenile record information.**

Record information maintained in the Central Criminal Records Exchange pursuant to the provisions of § 16.1-299 shall be disseminated only (i) to make the determination as provided in §§ 18.2-308.2 and 18.2-308.2:2 of eligibility to possess or purchase a firearm; (ii) to aid in the preparation of a pretrial investigation report prepared by a local pretrial services agency established pursuant to Article 5 (§ 19.2-152.2 et seq.) of Chapter 9, a presentence or post-sentence investigation report pursuant to § 19.2-264.5 or 19.2-299 or in the preparation of the discretionary sentencing guidelines worksheets pursuant to subsection C of § 19.2-298.01; (iii) to aid local community-based probation services agencies established pursuant to the Comprehensive Community Corrections Act for Local-Responsible Offenders (§ 9.1-173 et seq.) with investigating or serving adult local-responsible offenders and all court service units serving juvenile delinquent offenders; (iv) for fingerprint comparison utilizing the fingerprints maintained in the Automated Fingerprint Information System (AFIS) computer; (v) to attorneys for the Commonwealth to secure information incidental to sentencing and to attorneys for the Commonwealth and probation officers to prepare the discretionary sentencing guidelines worksheets pursuant to subsection C of § 19.2-298.01; (vi) to any full-time or part-time employee of the State Police, a police department or sheriff's office that is a part of or administered by the Commonwealth or any political subdivision thereof, and who is responsible for the prevention and detection of crime and the enforcement of the penal, traffic or highway laws of the Commonwealth, for purposes of the administration of criminal justice as defined in § 9.1-101; (vii) to the Department of Forensic Science to verify its authority to maintain the juvenile's sample in the DNA data bank pursuant to § 16.1-299.1; (viii) to the Office of the Attorney General, for all criminal justice activities otherwise permitted and for purposes of performing duties required by the Civil Commitment of Sexually Violent Predators Act (§ 37.2-900 et seq.); (ix) to the Virginia Criminal Sentencing Commission for research purposes; (x) to members of a threat assessment team established by a school board pursuant to § 22.1-79.4, by a public institution of higher education pursuant to § 23.1-805, or by a private nonprofit institution of higher education, to aid in the assessment or intervention with individuals whose behavior may present a threat to safety; however, no member of a threat assessment team shall redisclose any juvenile record information obtained pursuant to this section or otherwise use any record of an individual beyond the purpose that such disclosure was made to the threat assessment team; ~~and~~ (xi) to any full-time or part-time employee of the State Police or a police department or sheriff's office that is a part of or administered by the Commonwealth or any political subdivision thereof for the purpose of screening any person for full-time or part-time employment with the State Police or a police department or sheriff's office that is a part of or administered by the Commonwealth or any political subdivision thereof; (xii) to the State Health Commissioner or his designee for the purpose of screening any person who applies to be a volunteer with or an employee of an emergency medical services agency as provided in § 32.1-111.5; and (xiii) to the chief law-enforcement

*officer of a locality, or his designee who shall be an individual employed as a public safety official of the locality, that has adopted an ordinance in accordance with §§ 15.2-1503.1 and 19.2-389 for the purpose of screening any person who applies to be a volunteer with or an employee of an emergency medical services agency as provided in § 32.1-111.5.*

#### CHAPTER 144

*An Act to amend and reenact § 19.2-169.6 of the Code of Virginia, relating to execution of temporary detention orders; inmates in local correctional facilities.*

[H 364]

Approved March 2, 2018

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

**1. That § 19.2-169.6 of the Code of Virginia is amended and reenacted as follows:**

**§ 19.2-169.6. Inpatient psychiatric hospital admission from local correctional facility.**

A. Any inmate of a local correctional facility may be hospitalized for psychiatric treatment at a hospital designated by the Commissioner of Behavioral Health and Developmental Services as appropriate for treatment of persons under criminal charge if:

1. The court with jurisdiction over the inmate's case, if it is still pending, on the petition of the person having custody over an inmate or on its own motion, holds a hearing at which the inmate is represented by counsel and finds by clear and convincing evidence that (i) the inmate has a mental illness; (ii) there exists a substantial likelihood that, as a result of a mental illness, the inmate will, in the near future, (a) cause serious physical harm to himself or others as evidenced by recent behavior causing, attempting, or threatening harm and any other relevant information or (b) suffer serious harm due to his lack of capacity to protect himself from harm as evidenced by recent behavior and any other relevant information; and (iii) the inmate requires treatment in a hospital rather than the local correctional facility. Prior to making this determination, the court shall consider the examination conducted in accordance with § 37.2-815 and the preadmission screening report prepared in accordance with § 37.2-816 and conducted in-person or by means of a two-way electronic video and audio communication system as authorized in § 37.2-804.1 by an employee or designee of the local community services board or behavioral health authority who is skilled in the assessment and treatment of mental illness, who is not providing treatment to the inmate, and who has completed a certification program approved by the Department of Behavioral Health and Developmental Services as provided in § 37.2-809. The examiner appointed pursuant to § 37.2-815, if not physically present at the hearing, shall be available whenever possible for questioning during the hearing through a two-way electronic video and audio or telephonic communication system as authorized in § 37.2-804.1. Any employee or designee of the local community services board or behavioral health authority, as defined in § 37.2-809, representing the board or authority that prepared the preadmission screening report shall attend the hearing in person or, if physical attendance is not practicable, shall participate in the hearing through a two-way electronic video and audio communication system as authorized in § 37.2-804.1. When the hearing is held outside the service area of the community services board or behavioral health authority that prepared the preadmission screening report, and it is not practicable for a representative of the board or authority to attend or participate in the hearing, arrangements shall be made by the board or authority for an employee or designee of the board or authority serving the area in which the hearing is held to attend or participate on behalf of the board or authority that prepared the preadmission screening report; or

2. Upon petition by the person having custody over an inmate, a magistrate finds probable cause to believe that (i) the inmate has a mental illness; (ii) there exists a substantial likelihood that, as a result of a mental illness, the inmate will, in the near future, (a) cause serious physical harm to himself or others as evidenced by recent behavior causing, attempting, or threatening harm and any other relevant information or (b) suffer serious harm due to his lack of capacity to protect himself from harm as evidenced by recent behavior and any other relevant information; and (iii) the inmate requires treatment in a hospital rather than a local correctional facility, and the magistrate issues a temporary detention order for the inmate. Prior to the filing of the petition, the person having custody shall arrange for an evaluation of the inmate conducted in-person or by means of a two-way electronic video and audio communication system as authorized in § 37.2-804.1 by an employee or designee of the local community services board or behavioral health authority who is skilled in the assessment and treatment of mental illness and who has completed a certification program approved by the Department as provided in § 37.2-809. After considering the evaluation of the employee or designee of the local community services board or behavioral health authority, and any other information presented, and finding that probable cause exists to meet the criteria, the magistrate may issue a temporary detention order in accordance with the applicable procedures specified in §§ 37.2-809 through 37.2-813. *A temporary detention order issued pursuant to this subdivision may be executed by a deputy sheriff or jail officer, as those terms are defined in § 53.1-1, employed at the local correctional facility where the inmate is incarcerated.* The person having custody over the inmate shall notify the court having jurisdiction over the inmate's case, if it is still pending, and the inmate's attorney prior to the detention pursuant to a temporary detention order or as soon thereafter as is reasonable.

Upon detention pursuant to this subdivision, a hearing shall be held either before the court having jurisdiction over the inmate's case or before a district court judge or a special justice, as defined in § 37.2-100, in accordance with the provisions of §§ 37.2-815 through 37.2-821, in which case the inmate shall be represented by counsel as specified in § 37.2-814. The

hearing shall be held within 72 hours of execution of the temporary detention order issued pursuant to this subdivision. If the 72-hour period terminates on a Saturday, Sunday, legal holiday, or day on which the court is lawfully closed, the inmate may be detained until the close of business on the next day that is not a Saturday, Sunday, legal holiday, or day on which the court is lawfully closed. Any employee or designee of the local community services board or behavioral health authority, as defined in § 37.2-809, representing the board or authority that prepared the preadmission screening report shall attend the hearing in person or, if physical attendance is not practicable, shall participate in the hearing through a two-way electronic video and audio communication system as authorized in § 37.2-804.1. When the hearing is held outside the service area of the community services board or behavioral health authority that prepared the preadmission screening report, and it is not practicable for a representative of the board or authority to attend or participate in the hearing, arrangements shall be made by the board or authority for an employee or designee of the board or authority serving the area in which the hearing is held to attend or participate on behalf of the board or authority that prepared the preadmission screening report. The judge or special justice conducting the hearing may order the inmate hospitalized if, after considering the examination conducted in accordance with § 37.2-815, the preadmission screening report prepared in accordance with § 37.2-816, and any other available information as specified in subsection C of § 37.2-817, he finds by clear and convincing evidence that (1) the inmate has a mental illness; (2) there exists a substantial likelihood that, as a result of a mental illness, the inmate will, in the near future, (a) cause serious physical harm to himself or others as evidenced by recent behavior causing, attempting, or threatening harm and any other relevant information or (b) suffer serious harm due to his lack of capacity to protect himself from harm as evidenced by recent behavior and any other relevant information; and (3) the inmate requires treatment in a hospital rather than a local correctional facility. The examiner appointed pursuant to § 37.2-815, if not physically present at the hearing, shall be available whenever possible for questioning during the hearing through a two-way electronic video and audio or telephonic communication system as authorized in § 37.2-804.1. The examination and the preadmission screening report shall be admitted into evidence at the hearing.

B. In no event shall an inmate have the right to make application for voluntary admission as may be otherwise provided in § 37.2-805 or 37.2-814 or be subject to an order for mandatory outpatient treatment as provided in § 37.2-817.

C. If an inmate is hospitalized pursuant to this section and his criminal case is still pending, the court having jurisdiction over the inmate's case may order that the admitting hospital evaluate the inmate's competency to stand trial and his mental state at the time of the offense pursuant to §§ 19.2-169.1 and 19.2-169.5.

D. An inmate may not be hospitalized longer than 30 days under subsection A unless the court which has criminal jurisdiction over him or a district court judge or a special justice, as defined in § 37.2-100, holds a hearing and orders the inmate's continued hospitalization in accordance with the provisions of subdivision A 2. If the inmate's hospitalization is continued under this subsection by a court other than the court which has jurisdiction over his criminal case, the facility at which the inmate is hospitalized shall notify the court with jurisdiction over his criminal case and the inmate's attorney in the criminal case, if the case is still pending.

E. Hospitalization may be extended in accordance with subsection D for periods of 60 days for inmates awaiting trial, but in no event may such hospitalization be continued beyond trial, nor shall such hospitalization act to delay trial, as long as the inmate remains competent to stand trial. Hospitalization may be extended in accordance with subsection D for periods of 180 days for an inmate who has been convicted and not yet sentenced, or for an inmate who has been convicted of a crime and is in the custody of a local correctional facility after sentencing, but in no event may such hospitalization be continued beyond the date upon which his sentence would have expired had he received the maximum sentence for the crime charged. Any inmate who has not completed service of his sentence upon discharge from the hospital shall serve the remainder of his sentence.

F. For any inmate who has been convicted and not yet sentenced, or who has been convicted of a crime and is in the custody of a local correctional facility after sentencing, the time the inmate is confined in a hospital for psychiatric treatment shall be deducted from any term for which he may be sentenced to any penal institution, reformatory or elsewhere.

G. Any health care provider, as defined in § 32.1-127.1:03, or other provider rendering services to an inmate who is the subject of a proceeding under this section, upon request, shall disclose to a magistrate, the court, the inmate's attorney, the inmate's guardian ad litem, the examiner appointed pursuant to § 37.2-815, the community service board or behavioral health authority preparing the preadmission screening pursuant to § 37.2-816, or the sheriff or administrator of the local correctional facility any and all information that is necessary and appropriate to enable each of them to perform his duties under this section. These health care providers and other service providers shall disclose to one another health records and information where necessary to provide care and treatment to the inmate and to monitor that care and treatment. Health records disclosed to a sheriff or administrator of the local correctional facility shall be limited to information necessary to protect the sheriff or administrator of the local correctional facility and his employees, the inmate, or the public from physical injury or to address the health care needs of the inmate. Information disclosed to a law-enforcement officer shall not be used for any other purpose, disclosed to others, or retained.

Any health care provider disclosing records pursuant to this section shall be immune from civil liability for any harm resulting from the disclosure, including any liability under the federal Health Insurance Portability and Accountability Act (42 U.S.C. § 1320d et seq.), as amended, unless the person or provider disclosing such records intended the harm or acted in bad faith.

H. Any order entered where an inmate is the subject of proceedings under this section shall provide for the disclosure of medical records pursuant to subsection G. This subsection shall not preclude any other disclosures as required or permitted by law.

I. If the person having custody over an inmate files a petition pursuant to this section, such person shall ensure that the appropriate community services board or behavioral health authority is advised of the need for a preadmission screening. If the community services board or behavioral health authority does not respond upon being advised of the need for a preadmission screening or fails to complete the preadmission screening, the person having custody over the inmate shall contact the director or other senior management at the community services board or behavioral health authority.

J. As used in this section, "person having custody over an inmate" means the sheriff or other person in charge of the local correctional facility where the inmate is incarcerated at the time of the filing of a petition for the psychiatric treatment of the inmate.

**CHAPTER 145**

*An Act to amend and reenact § 8.01-129 of the Code of Virginia, relating to unlawful detainer; execution of writ of possession.*

[H 856]

Approved March 2, 2018

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

**1. That § 8.01-129 of the Code of Virginia is amended and reenacted as follows:**

**§ 8.01-129. Appeal from judgment of general district court.**

A. An appeal shall lie from the judgment of a general district court, in any proceeding under this article, to the circuit court in the same manner and with like effect and upon like security as appeals taken under the provisions of § 16.1-106 et seq. except as specifically provided in this section. The appeal shall be taken within 10 days and the security approved by the court from which the appeal is taken. Notwithstanding the provisions of § 16.1-106 et seq., the bond shall be posted and the writ tax paid within 10 days of the date of the judgment.

~~B. Unless otherwise specifically provided in the court's order, no writ of execution shall issue on a judgment for possession until the expiration of this 10-day period, except in cases of judgment (i) of default; (ii) wherein the case arises out of a trustee's deed following foreclosure; (iii) for the nonpayment of rent where the writ of execution shall issue immediately upon entry of judgment for possession; if requested by the plaintiff; or (iv) for immediate nonremediable terminations where the writ of execution shall issue immediately upon entry of judgment for possession; if requested by the plaintiff. In cases where the court's order permits immediate processing of a writ of execution in order to schedule an eviction date, in no case shall such eviction be executed (a) until expiration of the tenant's 10-day appeal period or (b) if the tenant perfects an appeal pursuant to this section. In any unlawful detainer case filed under § 8.01-126, if a judge grants the plaintiff a judgment for possession of the premises, upon request of the plaintiff, the judge shall further order that the writ issue immediately upon entry of judgment for possession. In such case, the clerk shall deliver the writ to the sheriff, who shall then, at least 72 hours prior to execution of such writ, serve notice of intent to execute the writ, including the date and time of eviction, as provided in § 8.01-470. In no case, however, shall the sheriff evict the defendant from the dwelling unit prior to the expiration of the defendant's 10-day appeal period. If the defendant perfects an appeal, the sheriff shall return the writ to the clerk who issued it.~~

When the appeal is taken by the defendant, he shall be required to give security also for all rent which has accrued and may accrue upon the premises, but for not more than one year's rent, and also for all damages that have accrued or may accrue from the unlawful use and occupation of the premises for a period not exceeding three months. Trial by jury shall be had upon application of any party.

**CHAPTER 146**

*An Act to amend and reenact the fourth and fifth enactments of Chapter 189 and the fourth and fifth enactments of Chapter 751 of the Acts of Assembly of 2017, relating to child care providers; criminal history background check; sunset and contingency.*

[H 873]

Approved March 2, 2018

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

**1. That the fourth and fifth enactments of Chapter 189 of the Acts of Assembly of 2017 are amended and reenacted as follows:**

**4. That the provisions of this act shall expire on July 1, 2018 2020.**

**5. That if any provision of the federal Child Care and Development Block Grant Act of 2014 establishing requirements for national fingerprint-based criminal history background checks for (i) employees, applicants for employment, volunteers at or applicants to serve as volunteers at any licensed family day system, registered family**

day home, family day home approved by a family day system, child day center exempt from licensure pursuant to § 63.2-1716 of the Code of Virginia; (ii) applicants for licensure as a family day system, registration as a family day home or approval as a family day home by a family day system, agents of such applicants, and adults living in such family day homes; and (iii) individuals who apply for or enter into a contract with the Department of Social Services under which a child day center, family day home, or child day program will provide child care services funded by the Child Care and Development Block Grant Act is repealed prior to July 1, ~~2018~~ 2020, the provisions of this act enacting such requirement shall expire upon the date such provision is repealed.

2. That the fourth and fifth enactments of Chapter 751 of the Acts of Assembly of 2017 are amended and reenacted as follows:

4. That the provisions of this act shall expire on July 1, ~~2018~~ 2020.

5. That if any provision of the federal Child Care and Development Block Grant Act of 2014 establishing requirements for national fingerprint-based criminal history background checks for (i) employees, applicants for employment, volunteers at or applicants to serve as volunteers at any licensed family day system, registered family day home, family day home approved by a family day system, child day center exempt from licensure pursuant to § 63.2-1716 of the Code of Virginia; (ii) applicants for licensure as a family day system, registration as a family day home or approval as a family day home by a family day system, agents of such applicants, and adults living in such family day homes; and (iii) individuals who apply for or enter into a contract with the Department of Social Services under which a child day center, family day home, or child day program will provide child care services funded by the Child Care and Development Block Grant Act is repealed prior to July 1, ~~2018~~ 2020, the provisions of this act enacting such requirement shall expire upon the date such provision is repealed.

CHAPTER 147

An Act to amend and reenact § 3.2-302 of the Code of Virginia, relating to agricultural operations; nuisance.

[H 987]

Approved March 2, 2018

Be it enacted by the General Assembly of Virginia:

1. That § 3.2-302 of the Code of Virginia is amended and reenacted as follows:

§ 3.2-302. When agricultural operations do not constitute nuisance.

A. No agricultural operation or any of its appurtenances shall be or become a nuisance, private or public, if such operations are conducted in accordance with ~~substantial compliance with existing~~ any applicable best management practices in use by the operation at the time of the alleged nuisance and ~~comply with existing~~ any applicable laws and regulations of the Commonwealth relevant to the alleged nuisance. No action shall be brought by any person against any agricultural operation the existence of which was known or reasonably knowable when that person's use or occupancy of his property began.

The provisions of this section shall apply to any nuisance claim brought against any party that has a business relationship with the agricultural operation that is the subject of the alleged nuisance. The provisions of this section shall not apply ~~whenever a nuisance results from the negligent or improper operation of any such agricultural operation or its appurtenances~~ to any action for negligence or any tort other than a nuisance.

For the purposes of this subsection, "substantial compliance" means a level of compliance with applicable best management practices, laws, or regulations such that any identified deficiency did not cause a nuisance that created a significant risk to human health or safety. Agricultural operations shall be presumed to be in substantial compliance absent a contrary showing.

B. The provisions of subsection A shall not affect or defeat the right of any person to recover damages for any injuries or damages sustained by them on account of any pollution of, or change in condition of, the waters of any stream or on the account of any overflow of lands of any such person.

C. Only persons with an ownership interest in the property allegedly affected by the nuisance may bring an action for private nuisance. Any compensatory damages awarded to any person for a private nuisance action not otherwise prohibited by this section, where the alleged nuisance emanated from an agricultural operation, shall be measured as follows:

1. For a permanent nuisance, by the reduction in fair market value of the person's property caused by the nuisance, but not to exceed the fair market value of the property; or
2. For a temporary nuisance, by the diminution of the fair rental value of the person's property.

The combined recovery from multiple actions for private nuisance brought against any agricultural operation by any person or that person's successor in interest shall not exceed the fair market value of the subject property, regardless of whether any subsequent action is brought against a different defendant than any preceding action.

D. Notwithstanding subsection C, for any nuisance claim not otherwise prohibited by this section, nothing herein shall limit any recovery allowed under common law for physical or mental injuries that arise from such alleged nuisance and are shown by objective and documented medical evidence to have endangered life or health.

E. Any and all ordinances of any unit of local government now in effect or hereafter adopted that would make the operation of any such agricultural operation or its appurtenances a nuisance or providing for abatement thereof as a nuisance

in the circumstance set forth in this section are and shall be null and void. ~~The provisions of this section shall not apply whenever a nuisance results from the negligent or improper operation of any such agricultural operation or any of its appurtenances.~~

### CHAPTER 148

*An Act to amend and reenact § 19.2-389.1 of the Code of Virginia, relating to dissemination of juvenile record information; emergency medical services agency applicants.*

[S 109]

Approved March 2, 2018

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

**1. That § 19.2-389.1 of the Code of Virginia is amended and reenacted as follows:**

**§ 19.2-389.1. Dissemination of juvenile record information.**

Record information maintained in the Central Criminal Records Exchange pursuant to the provisions of § 16.1-299 shall be disseminated only (i) to make the determination as provided in §§ 18.2-308.2 and 18.2-308.2:2 of eligibility to possess or purchase a firearm; (ii) to aid in the preparation of a pretrial investigation report prepared by a local pretrial services agency established pursuant to Article 5 (§ 19.2-152.2 et seq.) of Chapter 9, a presentence or post-sentence investigation report pursuant to § 19.2-264.5 or 19.2-299 or in the preparation of the discretionary sentencing guidelines worksheets pursuant to subsection C of § 19.2-298.01; (iii) to aid local community-based probation services agencies established pursuant to the Comprehensive Community Corrections Act for Local-Responsible Offenders (§ 9.1-173 et seq.) with investigating or serving adult local-responsible offenders and all court service units serving juvenile delinquent offenders; (iv) for fingerprint comparison utilizing the fingerprints maintained in the Automated Fingerprint Information System (AFIS) computer; (v) to attorneys for the Commonwealth to secure information incidental to sentencing and to attorneys for the Commonwealth and probation officers to prepare the discretionary sentencing guidelines worksheets pursuant to subsection C of § 19.2-298.01; (vi) to any full-time or part-time employee of the State Police, a police department or sheriff's office that is a part of or administered by the Commonwealth or any political subdivision thereof, and who is responsible for the prevention and detection of crime and the enforcement of the penal, traffic or highway laws of the Commonwealth, for purposes of the administration of criminal justice as defined in § 9.1-101; (vii) to the Department of Forensic Science to verify its authority to maintain the juvenile's sample in the DNA data bank pursuant to § 16.1-299.1; (viii) to the Office of the Attorney General, for all criminal justice activities otherwise permitted and for purposes of performing duties required by the Civil Commitment of Sexually Violent Predators Act (§ 37.2-900 et seq.); (ix) to the Virginia Criminal Sentencing Commission for research purposes; (x) to members of a threat assessment team established by a school board pursuant to § 22.1-79.4, by a public institution of higher education pursuant to § 23.1-805, or by a private nonprofit institution of higher education, to aid in the assessment or intervention with individuals whose behavior may present a threat to safety; however, no member of a threat assessment team shall redisclose any juvenile record information obtained pursuant to this section or otherwise use any record of an individual beyond the purpose that such disclosure was made to the threat assessment team; ~~and~~ (xi) to any full-time or part-time employee of the State Police or a police department or sheriff's office that is a part of or administered by the Commonwealth or any political subdivision thereof for the purpose of screening any person for full-time or part-time employment with the State Police or a police department or sheriff's office that is a part of or administered by the Commonwealth or any political subdivision thereof; (xii) to the State Health Commissioner or his designee for the purpose of screening any person who applies to be a volunteer with or an employee of an emergency medical services agency as provided in § 32.1-111.5; and (xiii) to the chief law-enforcement officer of a locality, or his designee who shall be an individual employed as a public safety official of the locality, that has adopted an ordinance in accordance with §§ 15.2-1503.1 and 19.2-389 for the purpose of screening any person who applies to be a volunteer with or an employee of an emergency medical services agency as provided in § 32.1-111.5.

### CHAPTER 149

*An Act to amend and reenact § 2.2-4304 of the Code of Virginia, relating to the Virginia Public Procurement Act; cooperative procurement; stream restoration and stormwater management.*

[S 688]

Approved March 2, 2018

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

**1. That § 2.2-4304 of the Code of Virginia is amended and reenacted as follows:**

**§ 2.2-4304. Joint and cooperative procurement.**

A. Any public body may participate in, sponsor, conduct, or administer a joint procurement agreement on behalf of or in conjunction with one or more other public bodies, or public agencies or institutions or localities of the several states, of the United States or its territories, the District of Columbia, the U.S. General Services Administration, or the Metropolitan

Washington Council of Governments, for the purpose of combining requirements to increase efficiency or reduce administrative expenses in any acquisition of goods, services, or construction.

B. In addition, a public body may purchase from another public body's contract or from the contract of the Metropolitan Washington Council of Governments or the Virginia Sheriffs' Association even if it did not participate in the request for proposal or invitation to bid, if the request for proposal or invitation to bid specified that the procurement was a cooperative procurement being conducted on behalf of other public bodies, except for:

1. Contracts for architectural or engineering services; or
2. Construction; ~~except for the installation of artificial turf and track surfaces, including all associated and necessary construction, which shall not be subject to the limitations prescribed in this subdivision. Nothing in this~~ *This* subdivision shall *not* be construed to prohibit sole source or emergency procurements awarded pursuant to subsections E and F of § 2.2-4303.

*Subdivision 2 shall not apply to (i) the installation of artificial turf and track surfaces, (ii) stream restoration, or (iii) stormwater management practices, including all associated and necessary construction and maintenance.*

In instances where any authority, department, agency, or institution of the Commonwealth desires to purchase information technology and telecommunications goods and services from another public body's contract and the procurement was conducted on behalf of other public bodies, such purchase shall be permitted if approved by the Chief Information Officer of the Commonwealth. Any public body that enters into a cooperative procurement agreement with a county, city, or town whose governing body has adopted alternative policies and procedures pursuant to subdivisions A 9 and A 10 of § 2.2-4343 shall comply with the alternative policies and procedures adopted by the governing body of such county, city, or town.

C. Subject to the provisions of §§ 2.2-1110, 2.2-1111, 2.2-1120 and 2.2-2012, any authority, department, agency, or institution of the Commonwealth may participate in, sponsor, conduct, or administer a joint procurement arrangement in conjunction with public bodies, private health or educational institutions or with public agencies or institutions of the several states, territories of the United States, or the District of Columbia, for the purpose of combining requirements to effect cost savings or reduce administrative expense in any acquisition of goods and services, other than professional services, and construction.

A public body may purchase from any authority, department, agency or institution of the Commonwealth's contract even if it did not participate in the request for proposal or invitation to bid, if the request for proposal or invitation to bid specified that the procurement was a cooperative procurement being conducted on behalf of other public bodies. In such instances, deviation from the procurement procedures set forth in this chapter and the administrative policies and procedures established to implement this chapter shall be permitted, if approved by the Director of the Division of Purchases and Supply.

Pursuant to § 2.2-2012, such approval is not required if the procurement arrangement is for telecommunications and information technology goods and services of every description. In instances where the procurement arrangement is for telecommunications and information technology goods and services, such arrangement shall be permitted if approved by the Chief Information Officer of the Commonwealth. However, such acquisitions shall be procured competitively.

Nothing herein shall prohibit the payment by direct or indirect means of any administrative fee that will allow for participation in any such arrangement.

D. As authorized by the United States Congress and consistent with applicable federal regulations, and provided the terms of the contract permit such purchases:

1. Any authority, department, agency, or institution of the Commonwealth may purchase goods and nonprofessional services, other than telecommunications and information technology, from a U.S. General Services Administration contract or a contract awarded by any other agency of the U.S. government, upon approval of the director of the Division of Purchases and Supply of the Department of General Services;
2. Any authority, department, agency, or institution of the Commonwealth may purchase telecommunications and information technology goods and nonprofessional services from a U.S. General Services Administration contract or a contract awarded by any other agency of the U.S. government, upon approval of the Chief Information Officer of the Commonwealth; and
3. Any county, city, town, or school board may purchase goods and nonprofessional services from a U.S. General Services Administration contract or a contract awarded by any other agency of the U.S. government.

## CHAPTER 150

*An Act to amend and reenact § 58.1-348.2 of the Code of Virginia and to amend the Code of Virginia by adding sections numbered 58.1-348.3 and 58.1-348.4, relating to requirements that paid tax return preparers use identification numbers; civil penalty.*

[H 788]

Approved March 5, 2018

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

**1. That § 58.1-348.2 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding sections numbered 58.1-348.3 and 58.1-348.4 as follows:**

**§ 58.1-348.2. Authority to enjoin income tax return preparers.**

A. The Department may commence a civil action to enjoin any person who is an income tax return preparer from further engaging in any conduct described in subsection B or from further action as an income tax return preparer. The venue for any action under this section shall be brought in the circuit court in the circuit where the income tax return preparer resides or has his principal place of business or in the jurisdiction in which the taxpayer with respect to whose income tax return the action is brought resides. The court may exercise its jurisdiction over such action separate and apart from any other administrative or judicial action brought by the Commonwealth against such income tax return preparer or any taxpayer.

B. In any action under subsection A, the court may enjoin the income tax return preparer from further engaging in any conduct specified in this subsection if the court finds that injunctive relief is appropriate to prevent the recurrence of such conduct. The court may enjoin conduct when an income tax return preparer has:

1. Engaged in any conduct subject to penalty under § 6694 or 6695 of the Internal Revenue Code, or subject to any criminal penalty provided by the Internal Revenue Code or this title; or
2. Engaged in any other fraudulent or deceptive conduct that substantially interferes with the proper administration of the tax laws of the Commonwealth.

C. If the court finds that an income tax return preparer has continually or repeatedly engaged in any conduct described in subsection B and that an injunction prohibiting such conduct would not be sufficient to prevent such person's interference with the proper administration of the tax laws of the Commonwealth, the court may enjoin such person from acting as an income tax return preparer. The fact that that person has been enjoined from preparing income tax returns for the United States or any other state in the five years preceding the petition for an injunction shall establish a prima facie case for an injunction under this section.

*D. 1. The Department may bar or suspend any income tax return preparer, without resort to the injunctive remedies described in this section, from filing returns with the Department for repeated violations of § 58.1-348.4. Such disbarment or suspension shall be subject to appeal pursuant to the procedures described in subdivision D 2.*

*2. a. Any income tax preparer barred or suspended pursuant to subdivision D 1 may, within 30 days from the date of such barring or suspension, apply for relief to the Commissioner or appeal directly to the Circuit Court of the City of Richmond. Such application shall be in the form prescribed by the Department, and shall fully set forth the grounds upon which the tax preparer relies and all facts relevant to the tax preparer's contention. The Commissioner may also require such additional information, testimony, or documentary evidence as he deems necessary to a fair determination of the application.*

*b. Any income tax preparer barred or suspended against whom an order or decision of the Commissioner has been adversely rendered pursuant to subdivision D 2 a may, within fifteen days of such order or decision, appeal from such order or decision to the Circuit Court of the City of Richmond.*

*c. Any income tax preparer barred or suspended shall not file any Virginia income tax returns pending application for relief to the Commissioner and appeal to the Circuit Court of the City of Richmond.*

**§ 58.1-348.3. Requirement that income tax return preparers use identification numbers.**

A. As used in this section, "PTIN" means the Preparer Tax Identification Number that the Internal Revenue Service uses to identify tax return preparers pursuant to 26 U.S.C. § 6109.

B. For taxable years beginning on and after January 1, 2019, the Department shall require any income tax return preparer to include his PTIN on any tax return that he prepares or assists in preparing.

C. The Department shall promulgate regulations for using the PTIN as an oversight mechanism to assess returns and to identify high error rates, patterns of suspected fraud, and unsubstantiated bases for tax positions by income tax return preparers.

*D. 1. The Department shall establish formal and regular communication protocols with the Internal Revenue Service to share and exchange PTIN information on income tax return preparers who are suspected of fraud, who are disciplined, or who are barred from filing tax returns with the Department or the Internal Revenue Service.*

*2. The Department may establish communication protocols with other states to exchange the enforcement and discipline information described in subdivision D 1.*

*3. Notwithstanding the provisions of § 58.1-3 or any other provision of this title, the Department is authorized to provide to the Internal Revenue Service and other state tax or revenue agencies for their confidential use preparer and return data, including PTIN information, taxpayer names, taxpayer identification numbers, and other information as necessary to enforce the provisions of this section and §§ 58.1-348.2 and 58.1-348.4.*

E. The failure of an income tax return preparer to include his PTIN on a tax return shall not be used by the Department as a basis for rejecting such return as improperly filed.

**§ 58.1-348.4. Failure to provide identification number; civil penalty.**

A. No income tax return preparer may provide tax preparation services for Virginia income tax returns unless he provides his PTIN, as defined in § 58.1-348.3, when submitting a return and signing as an income tax return preparer.

B. In addition to all other penalties provided by law, any person who violates subsection A shall pay a civil penalty to the Department in the amount of \$50 per offense, but not to exceed \$25,000 per calendar year. No penalty shall be imposed if the violation is reasonable and unintentional as determined by the Department.

## CHAPTER 151

*An Act to amend and reenact § 29.1-530.1 of the Code of Virginia, relating to hunting apparel; hunting from an enclosed ground blind; solid blaze orange or solid blaze pink.*

[H 564]

Approved March 5, 2018

**Be it enacted by the General Assembly of Virginia:****1. That § 29.1-530.1 of the Code of Virginia is amended and reenacted as follows:****§ 29.1-530.1. Solid blaze orange or solid blaze pink clothing required at certain times.**

A. *For the purposes of this section, "solid blaze orange" means a safety orange or fluorescent orange hue and "solid blaze pink" means a safety pink or fluorescent pink hue.*

B. *During any firearms deer season, except during the special season for hunting deer with a muzzle-loading rifle only, in counties and cities designated by the Board, every hunter and every person accompanying a hunter shall (i) wear a solid blaze orange or solid blaze pink hat, except that the bill or brim of the hat may be a color or design other than solid blaze orange or solid blaze pink, or solid blaze orange or solid blaze pink upper body clothing that is visible from 360 degrees or, (ii) display at least 100 square inches of solid blaze orange or solid blaze pink material at shoulder level within body reach visible from 360 degrees, or (iii) when hunting from an enclosed ground blind, display at least 100 square inches of solid blaze orange or solid blaze pink material visible from 360 degrees attached to or immediately above a blind.*

~~B. C.~~ *During the special season for hunting deer with a muzzle-loading rifle only, in counties and cities designated by the Board, every muzzleloader deer hunter and every person accompanying a muzzleloader deer hunter shall wear (i) wear a solid blaze orange or solid blaze pink hat, except that the bill or brim of the hat may be a color or design other than solid blaze orange or solid blaze pink, or (ii) solid blaze orange or solid blaze pink upper body clothing, either of which shall be visible from 360 degrees, unless such person is physically located in a tree stand or other stationary hunting location.*

~~C. D.~~ *Any person violating the provisions of this section shall, upon conviction, pay a fine of \$25.*

~~D. E.~~ *Violations of this section shall not be admissible in any civil action for personal injury or death as evidence of negligence, contributory negligence, or assumption of the risk.*

~~E. F.~~ *This section shall not apply when (i) hunting waterfowl from stationary or floating blinds, (ii) hunting waterfowl over decoys, (iii) hunting waterfowl in wetlands as defined in § 28.2-1300, (iv) hunting waterfowl from a boat or other floating conveyance, (v) hunting doves, (vi) participating in hunting dog field trials permitted by the Board of Game and Inland Fisheries, (vii) on horseback while hunting foxes with hounds but without firearms, or (viii) hunting with a bow and arrow in areas where the discharge of firearms is prohibited by state law or local ordinance.*

## CHAPTER 152

*An Act to amend the Code of Virginia by adding a section numbered 62.1-44.15:49.1, relating to MS4 industrial and high-risk programs.*

[H 925]

Approved March 5, 2018

**Be it enacted by the General Assembly of Virginia:****1. That the Code of Virginia is amended by adding a section numbered 62.1-44.15:49.1 as follows:****§ 62.1-44.15:49.1. MS4 industrial and high-risk programs.**

A. *Any locality that owns or operates a municipal separate storm sewer system that is subject to a discharge permit issued pursuant to this chapter shall have the authority to adopt and administer an industrial and high-risk runoff program for industrial and commercial facilities as part of its municipal separate storm sewer system management program.*

B. *The Board shall not delegate to the locality the Board's authority or responsibilities under the federal Clean Water Act (33 U.S.C. § 1251 et seq.) as to such industrial and commercial facilities.*

C. *Unless it is required to do so by the adoption on or after January 1, 2018, of a federal regulation or an amendment to the federal Clean Water Act (33 U.S.C. § 1251 et seq.), the Board shall not impose upon the locality, by permit issuance or reissuance, any municipal separate storm sewer system permit condition requiring that (i) an industrial or commercial facility also subject to a permit issued by the Board under this chapter be included in the locality's industrial and high-risk runoff program, (ii) any state discharge monitoring reports or other required reports submitted by such a facility to the Department also be reviewed or enforced by the locality, or (iii) the locality impose additional monitoring requirements on a facility that exceed or conflict with the requirements of any permit issued by the Board under this chapter. The limitation contained in this subsection shall not be cause for the Board or the locality to initiate a major or minor modification of any municipal separate storm sewer permit that is in effect as of January 1, 2018, during the term of that permit.*

D. *Notwithstanding the provisions of this section, the Board may, through a municipal separate storm sewer system permit that is issued to the locality, require a locality to refer any industrial or commercial facility to the Board or the Department if the locality becomes aware of a violation of any industrial stormwater management requirement contained in an individual or general Virginia Pollutant Discharge Elimination System permit issued to the facility pursuant to this chapter.*

## CHAPTER 153

*An Act to amend and reenact § 62.1-199 of the Code of Virginia, relating to Virginia Resources Authority; dredging projects.*

[H 1091]

Approved March 5, 2018

**Be it enacted by the General Assembly of Virginia:****1. That § 62.1-199 of the Code of Virginia is amended and reenacted as follows:****§ 62.1-199. Definitions.**

As used in this chapter, unless a different meaning clearly appears from the context:

"Authority" means the Virginia Resources Authority created by this chapter.

"Board of Directors" means the Board of Directors of the Authority.

"Bonds" means any bonds, notes, debentures, interim certificates, bond, grant or revenue anticipation notes, lease and sale-leaseback transactions or any other obligations of the Authority for the payment of money.

"Capital Reserve Fund" means the reserve fund created and established by the Authority in accordance with § 62.1-215.

"Cost," as applied to any project financed under the provisions of this chapter, means the total of all costs incurred by the local government as reasonable and necessary for carrying out all works and undertakings necessary or incident to the accomplishment of any project. It includes, without limitation, all necessary developmental, planning and feasibility studies, surveys, plans and specifications, architectural, engineering, financial, legal or other special services, the cost of acquisition of land and any buildings and improvements thereon, including the discharge of any obligations of the sellers of such land, buildings or improvements, real estate appraisals, site preparation and development, including demolition or removal of existing structures, construction and reconstruction, labor, materials, machinery and equipment, the reasonable costs of financing incurred by the local government in the course of the development of the project, including the cost of any credit enhancements, carrying charges incurred before placing the project in service, interest on local obligations issued to finance the project to a date subsequent to the estimated date the project is to be placed in service, necessary expenses incurred in connection with placing the project in service, the funding of accounts and reserves which the Authority may require and the cost of other items which the Authority determines to be reasonable and necessary. It also includes the amount of any contribution, grant or aid which a local government may make or give to any adjoining state, the District of Columbia or any department, agency or instrumentality thereof to pay the costs incident and necessary to the accomplishment of any project, including, without limitation, the items set forth above. The term also includes interest and principal payments pursuant to any installment purchase agreement.

"Credit enhancements" means surety bonds, insurance policies, letters of credit, guarantees and other forms of collateral or security.

"Defective drywall" means the same as that term is defined in § 36-156.1.

"Federal facility" means any building or infrastructure used or to be used by the federal government, including any building or infrastructure located on lands owned by the federal government.

"Federal government" means the United States of America, or any department, agency or instrumentality, corporate or otherwise, of the United States of America.

"Former federal facility" means any federal facility formerly used by the federal government or in transition from use by the federal government to a facility all or part of which is to serve any local government.

"Local government" means any county, city, town, municipal corporation, authority, district, commission or political subdivision created by the General Assembly or pursuant to the Constitution and laws of the Commonwealth or any combination of any two or more of the foregoing.

"Local obligations" means any bonds, notes, debentures, interim certificates, bond, grant or revenue anticipation notes, leases, credit enhancements, or any other obligations of a local government for the payment of money.

"Minimum capital reserve fund requirement" means, as of any particular date of computation, the amount of money designated as the minimum capital reserve fund requirement which may be established in the resolution of the Authority authorizing the issuance of, or the trust indenture securing, any outstanding issue of bonds or credit enhancement.

"Project" means (i) any water supply or wastewater treatment facility, including a facility for receiving and stabilizing septage or a soil drainage management facility, and any solid waste treatment, disposal, or management facility, recycling facility, federal facility or former federal facility, or resource recovery facility located or to be located in the Commonwealth, the District of Columbia, or any adjoining state, all or part of which facility serves or is to serve any local government; and (ii) any federal facility located or to be located in the Commonwealth, provided that both the Board of Directors of the Authority and the governing body of the local government receiving the benefit of the loan, grant, or credit enhancement from the Authority make a determination or finding to be embodied in a resolution or ordinance that the undertaking and financing of such facility is necessary for the location or retention of such facility and the related use by the federal government in the Commonwealth. The term includes, without limitation, water supply and intake facilities; water treatment and filtration facilities; water storage facilities; water distribution facilities; sewage and wastewater (including surface and ground water) collection, treatment, and disposal facilities; drainage facilities and projects; solid waste

treatment, disposal, or management facilities; recycling facilities; resource recovery facilities; related office, administrative, storage, maintenance, and laboratory facilities; and interests in land related thereto. The term also includes energy conservation measures and facility technology infrastructure as defined in § 11-34.2 and other energy objectives as defined in § 67-101. The term also means any heavy rail transportation facilities operated by a transportation district; created under the Transportation District Act of 1964 (§ 33.2-1900 et seq.); ~~which~~ *that* operates heavy rail freight service, including rolling stock, barge loading facilities, and any related marine or rail equipment. The term also means, without limitation, the design and construction of roads, the construction of local government buildings, including administrative and operations systems and other local government equipment and infrastructure, public parking garages and other public transportation facilities, and facilities for public transportation by commuter rail. In addition, the term means any project as defined in § 5.1-30.1 and any professional sports facility, including a major league baseball stadium as defined in § 15.2-5800, provided that the specific professional sports facility projects have been designated by the General Assembly as eligible for assistance from the Authority. The term also means any equipment, facilities, and technology infrastructure designed to provide broadband service. The term also means facilities supporting, related to, or otherwise used for public safety, including, but not limited to, law-enforcement training facilities and emergency response, fire, rescue, and police stations. The term also means the remediation, redevelopment, and rehabilitation of property contaminated by the release of hazardous substances, hazardous wastes, solid wastes, or petroleum, where such remediation has not clearly been mandated by the United States Environmental Protection Agency, the Department of Environmental Quality, or a court pursuant to the Comprehensive Environmental Response, Compensation and Liability Act (42 U.S.C. § 9601 et seq.), the Resource Conservation and Recovery Act (42 U.S.C. § 6901 et seq.), the Virginia Waste Management Act (§ 10.1-1400 et seq.), the State Water Control Law (§ 62.1-44.2 et seq.), or other applicable statutory or common law or where jurisdiction of those statutes has been waived. The term also means any program or project for land conservation, parks, park facilities, land for recreational purposes, or land preservation, including but not limited to any program or project involving the acquisition of rights or interests in land for the conservation or preservation of such land. *The term also means any dredging program or dredging project undertaken to benefit the economic and community development goals of a local government but does not include any dredging program or dredging project undertaken for or by the Virginia Port Authority.* The term also means any oyster restoration project, including planting and replanting with seed oysters, oyster shells, or other material that will catch, support, and grow oysters. The term also means any program or project to perform site acquisition or site development work for the benefit of economic and community development projects for any local government. The term also means any undertaking by a local government to build or facilitate the building of a recovered gas energy facility; and any local government renewable energy project, including solar, wind, biomass, waste-to-energy, and geothermal projects. The term also means any undertaking by a local government to facilitate the remediation of residential properties contaminated by the presence of defective drywall.

"Recovered gas energy facility" means a facility, located at or adjacent to (i) a solid waste management facility permitted by the Department of Environmental Quality or (ii) a sewerage system or sewage treatment work described in § 62.1-44.18 that is constructed and operated for the purpose of treating sewage and wastewater for discharge to state waters, which facility or work is constructed and operated for the purpose of (a) reclaiming or collecting methane or other combustible gas from the biodegradation or decomposition of solid waste, as defined in § 10.1-1400, that has been deposited in the solid waste management facility or sewerage system or sewage treatment work and (b) either using such gas to generate electric energy or upgrading the gas to pipeline quality and transmitting it off premises for sale or delivery to commercial or industrial purchasers or to a public utility or locality.

## CHAPTER 154

*An Act to amend and reenact §§ 62.1-44.15:24 and 62.1-44.15:27, as they are currently effective and as they shall become effective, of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 62.1-44.15:27.2, relating to stormwater management; rural Tidewater; tiered approach.*

[H 1307]

Approved March 5, 2018

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

**1. That §§ 62.1-44.15:24 and 62.1-44.15:27, as they are currently effective and as they shall become effective, of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 62.1-44.15:27.2 as follows:**

**§ 62.1-44.15:24. (For expiration date, see Acts 2016, cc. 68 and 758, as amended by Acts 2017, c. 345) Definitions.**

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

"Agreement in lieu of a stormwater management plan" means a contract between the VSMP authority and the owner or permittee that specifies methods that shall be implemented to comply with the requirements of a VSMP for the construction of a single-family residence; such contract may be executed by the VSMP authority in lieu of a stormwater management plan.

"Chesapeake Bay Preservation Act land-disturbing activity" means a land-disturbing activity including clearing, grading, or excavation that results in a land disturbance equal to or greater than 2,500 square feet and less than one acre in all areas of jurisdictions designated as subject to the regulations adopted pursuant to the Chesapeake Bay Preservation provisions of this chapter.

"CWA" means the federal Clean Water Act (33 U.S.C. § 1251 et seq.), formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972, P.L. 92-500, as amended by P.L. 95-217, P.L. 95-576, P.L. 96-483, and P.L. 97-117, or any subsequent revisions thereto.

"Department" means the Department of Environmental Quality.

"Director" means the Director of the Department of Environmental Quality.

"Flooding" means a volume of water that is too great to be confined within the banks or walls of the stream, water body, or conveyance system and that overflows onto adjacent lands, thereby causing or threatening damage.

"Land disturbance" or "land-disturbing activity" means a man-made change to the land surface that potentially changes its runoff characteristics including clearing, grading, or excavation, except that the term shall not include those exemptions specified in § 62.1-44.15:34.

"Municipal separate storm sewer" means a conveyance or system of conveyances otherwise known as a municipal separate storm sewer system or "MS4," including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains:

1. Owned or operated by a federal, state, city, town, county, district, association, or other public body, created by or pursuant to state law, having jurisdiction or delegated authority for erosion and sediment control and stormwater management, or a designated and approved management agency under § 208 of the CWA that discharges to surface waters;
2. Designed or used for collecting or conveying stormwater;
3. That is not a combined sewer; and
4. That is not part of a publicly owned treatment works.

"Municipal Separate Storm Sewer System Management Program" means a management program covering the duration of a state permit for a municipal separate storm sewer system that includes a comprehensive planning process that involves public participation and intergovernmental coordination, to reduce the discharge of pollutants to the maximum extent practicable, to protect water quality, and to satisfy the appropriate water quality requirements of the CWA and regulations, and this article and its attendant regulations, using management practices, control techniques, and system, design, and engineering methods, and such other provisions that are appropriate.

"Nonpoint source pollution" means pollution such as sediment, nitrogen, phosphorus, hydrocarbons, heavy metals, and toxics whose sources cannot be pinpointed but rather are washed from the land surface in a diffuse manner by stormwater runoff.

"Peak flow rate" means the maximum instantaneous flow from a prescribed design storm at a particular location.

"Permit" or "VSMP authority permit" means an approval to conduct a land-disturbing activity issued by the VSMP authority for the initiation of a land-disturbing activity after evidence of state VSMP general permit coverage has been provided where applicable.

"Permittee" means the person to which the permit or state permit is issued.

"Runoff volume" means the volume of water that runs off the land development project from a prescribed storm event.

"Rural Tidewater locality" means any locality that is (i) subject to the provisions of the Chesapeake Bay Preservation Act (§ 62.1-44.15:67 et seq.) and (ii) eligible to join the Rural Coastal Virginia Community Enhancement Authority established by Chapter 76 (§ 15.2-7600 et seq.) of Title 15.2.

"State permit" means an approval to conduct a land-disturbing activity issued by the Board in the form of a state stormwater individual permit or coverage issued under a state general permit or an approval issued by the Board for stormwater discharges from an MS4. Under these permits, the Commonwealth imposes and enforces requirements pursuant to the federal Clean Water Act and regulations and this article and its attendant regulations.

"Stormwater" means precipitation that is discharged across the land surface or through conveyances to one or more waterways and that may include stormwater runoff, snow melt runoff, and surface runoff and drainage.

"Stormwater management plan" means a document containing material describing methods for complying with the requirements of a VSMP.

"Subdivision" means the same as defined in § 15.2-2201.

"Virginia Stormwater Management Program" or "VSMP" means a program approved by the Soil and Water Conservation Board after September 13, 2011, and until June 30, 2013, or the State Water Control Board on and after June 30, 2013, that has been established by a VSMP authority to manage the quality and quantity of runoff resulting from land-disturbing activities and shall include such items as local ordinances, rules, permit requirements, annual standards and specifications, policies and guidelines, technical materials, and requirements for plan review, inspection, enforcement, where authorized in this article, and evaluation consistent with the requirements of this article and associated regulations.

"Virginia Stormwater Management Program authority" or "VSMP authority" means an authority approved by the Board after September 13, 2011, to operate a Virginia Stormwater Management Program or the Department. An authority may include a locality; state entity, including the Department; federal entity; or, for linear projects subject to annual standards and specifications in accordance with subsection B of § 62.1-44.15:31, electric, natural gas, and telephone utility

companies, interstate and intrastate natural gas pipeline companies, railroad companies, or authorities created pursuant to § 15.2-5102.

"Water quality volume" means the volume equal to the first one-half inch of runoff multiplied by the impervious surface of the land development project.

"Water quantity technical criteria" means standards set forth in regulations adopted pursuant to this article that establish minimum design criteria for measures to control localized flooding and stream channel erosion.

"Watershed" means a defined land area drained by a river or stream, karst system, or system of connecting rivers or streams such that all surface water within the area flows through a single outlet. In karst areas, the karst feature to which water drains may be considered the single outlet for the watershed.

**§ 62.1-44.15:24. (For effective date, see Acts 2016, cc. 68 and 758, as amended by Acts 2017, c. 345) Definitions.**

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

"Agreement in lieu of a plan" means a contract between the VESMP authority or the Board acting as a VSMP authority and the owner or permittee that specifies methods that shall be implemented to comply with the requirements of this article for the construction of a single-family detached residential structure; such contract may be executed by the VESMP authority in lieu of a soil erosion control and stormwater management plan or by the Board acting as a VSMP authority in lieu of a stormwater management plan.

"Applicant" means any person submitting a soil erosion control and stormwater management plan to a VESMP authority, or a stormwater management plan to the Board when it is serving as a VSMP authority, for approval in order to obtain authorization to commence a land-disturbing activity.

"CWA" means the federal Clean Water Act (33 U.S.C. § 1251 et seq.), formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972, P.L. 92-500, as amended by P.L. 95-217, P.L. 95-576, P.L. 96-483, and P.L. 97-117, or any subsequent revisions thereto.

"Department" means the Department of Environmental Quality.

"Director" means the Director of the Department of Environmental Quality.

"Erosion impact area" means an area of land that is not associated with a current land-disturbing activity but is subject to persistent soil erosion resulting in the delivery of sediment onto neighboring properties or into state waters. This definition shall not apply to any lot or parcel of land of 10,000 square feet or less used for residential purposes or any shoreline where the erosion results from wave action or other coastal processes.

"Flooding" means a volume of water that is too great to be confined within the banks or walls of the stream, water body, or conveyance system and that overflows onto adjacent lands, thereby causing or threatening damage.

"Land disturbance" or "land-disturbing activity" means a man-made change to the land surface that may result in soil erosion or has the potential to change its runoff characteristics, including construction activity such as the clearing, grading, excavating, or filling of land.

"Land-disturbance approval" means the same as that term is defined in § 62.1-44.3.

"Municipal separate storm sewer" or "MS4" means the same as that term is defined in § 62.1-44.3.

"Municipal Separate Storm Sewer System Management Program" means a management program covering the duration of a permit for a municipal separate storm sewer system that includes a comprehensive planning process that involves public participation and intergovernmental coordination, to reduce the discharge of pollutants to the maximum extent practicable, to protect water quality, and to satisfy the appropriate water quality requirements of the CWA and regulations, and this article and its attendant regulations, using management practices, control techniques, and system, design, and engineering methods, and such other provisions that are appropriate.

"Natural channel design concepts" means the utilization of engineering analysis and fluvial geomorphic processes to create, rehabilitate, restore, or stabilize an open conveyance system for the purpose of creating or recreating a stream that conveys its bankfull storm event within its banks and allows larger flows to access its bankfull bench and its floodplain.

"Nonpoint source pollution" means pollution such as sediment, nitrogen, phosphorus, hydrocarbons, heavy metals, and toxics whose sources cannot be pinpointed but rather are washed from the land surface in a diffuse manner by stormwater.

"Owner" means the same as that term is defined in § 62.1-44.3. For a regulated land-disturbing activity that does not require a permit, "owner" also means the owner or owners of the freehold of the premises or lesser estate therein, mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee, or other person, firm, or corporation in control of a property.

"Peak flow rate" means the maximum instantaneous flow from a prescribed design storm at a particular location.

"Permit" means a Virginia Pollutant Discharge Elimination System (VPDES) permit issued by the Board pursuant to § 62.1-44.15 for stormwater discharges from a land-disturbing activity or MS4.

"Permittee" means the person to whom the permit is issued.

"Runoff volume" means the volume of water that runs off the land development project from a prescribed storm event.

"Rural Tidewater locality" means any locality that is (i) subject to the provisions of the Chesapeake Bay Preservation Act (§ 62.1-44.15:67 et seq.) and (ii) eligible to join the Rural Coastal Virginia Community Enhancement Authority established by Chapter 76 (§ 15.2-7600 et seq.) of Title 15.2.

"Soil erosion" means the movement of soil by wind or water into state waters or onto lands in the Commonwealth.

"Soil Erosion Control and Stormwater Management plan" or "plan" means a document describing methods for controlling soil erosion and managing stormwater in accordance with the requirements adopted pursuant to this article.

"Stormwater," for the purposes of this article, means precipitation that is discharged across the land surface or through conveyances to one or more waterways and that may include stormwater runoff, snow melt runoff, and surface runoff and drainage.

"Stormwater management plan" means a document containing material describing methods for complying with the requirements of a VSMP.

"Subdivision" means the same as that term is defined in § 15.2-2201.

"Virginia Erosion and Sediment Control Program" or "VЕСP" means a program approved by the Board that is established by a VЕСP authority pursuant to Article 2.4 (§ 62.1-44.15:51 et seq.) for the effective control of soil erosion, sediment deposition, and nonagricultural runoff associated with a land-disturbing activity to prevent the unreasonable degradation of properties, stream channels, waters, and other natural resources. The VЕСP shall include, where applicable, such items as local ordinances, rules, policies and guidelines, technical materials, and requirements for plan review, inspection, and evaluation consistent with the requirements of Article 2.4 (§ 62.1-44.15:51 et seq.).

"Virginia Erosion and Sediment Control Program authority" or "VЕСP authority" means a locality that is approved by the Board to operate a Virginia Erosion and Sediment Control Program in accordance with Article 2.4 (§ 62.1-44.15:51 et seq.). Only a locality for which the Department administered a Virginia Stormwater Management Program as of July 1, 2017, is authorized to choose to operate a VЕСP pursuant to Article 2.4 (§ 62.1-44.15:51 et seq.).

"Virginia Erosion and Stormwater Management Program" or "VЕСMP" means a program established by a VЕСMP authority for the effective control of soil erosion and sediment deposition and the management of the quality and quantity of runoff resulting from land-disturbing activities to prevent the unreasonable degradation of properties, stream channels, waters, and other natural resources. The program shall include such items as local ordinances, rules, requirements for permits and land-disturbance approvals, policies and guidelines, technical materials, and requirements for plan review, inspection, and enforcement consistent with the requirements of this article.

"Virginia Erosion and Stormwater Management Program authority" or "VЕСMP authority" means the Board or a locality approved by the Board to operate a Virginia Erosion and Stormwater Management Program. For state agency or federal entity land-disturbing activities and land-disturbing activities subject to approved standards and specifications, the Board shall serve as the VЕСMP authority.

"Virginia Stormwater Management Program" or "VSMP" means a program established by the Board pursuant to § 62.1-44.15:27.1 on behalf of a locality on or after July 1, 2014, to manage the quality and quantity of runoff resulting from any land-disturbing activity that (i) disturbs one acre or more of land or (ii) disturbs less than one acre of land and is part of a larger common plan of development or sale that results in one acre or more of land disturbance.

"Virginia Stormwater Management Program authority" or "VSMP authority" means the Board when administering a VSMP on behalf of a locality that, pursuant to subdivision B 3 of § 62.1-44.15:27, has chosen not to adopt and administer a VЕСMP.

"Water quality technical criteria" means standards set forth in regulations adopted pursuant to this article that establish minimum design criteria for measures to control nonpoint source pollution.

"Water quantity technical criteria" means standards set forth in regulations adopted pursuant to this article that establish minimum design criteria for measures to control localized flooding and stream channel erosion.

"Watershed" means a defined land area drained by a river or stream, karst system, or system of connecting rivers or streams such that all surface water within the area flows through a single outlet. In karst areas, the karst feature to which water drains may be considered the single outlet for the watershed.

**§ 62.1-44.15:27. (For expiration date, see Acts 2016, cc. 68 and 758, as amended by Acts 2017, c. 345) Establishment of Virginia Stormwater Management Programs.**

A. Any locality that operates a regulated MS4 or that notifies the Department of its decision to participate in the establishment of a VSMP shall be required to adopt a VSMP for land-disturbing activities consistent with the provisions of this article according to a schedule set by the Department. Such schedule shall require implementation no later than July 1, 2014. Thereafter, the Department shall provide an annual schedule by which localities can submit applications to implement a VSMP. Localities subject to this subsection are authorized to coordinate plan review and inspections with other entities in accordance with subsection H.

The Department shall operate a VSMP on behalf of any locality that does not operate a regulated MS4 and that does not notify the Department, according to a schedule set by the Department, of its decision to participate in the establishment of a VSMP. A locality that decides not to establish a VSMP shall still comply with the requirements set forth in this article and attendant regulations as required to satisfy the stormwater flow rate capacity and velocity requirements set forth in the Erosion and Sediment Control Law (§ 62.1-44.15:51 et seq.). A locality that is subject to the provisions of the Chesapeake Bay Preservation Act (§ 62.1-44.15:67 et seq.) also shall adopt requirements set forth in this article and attendant regulations as required to regulate Chesapeake Bay Preservation Act land-disturbing activities in accordance with § 62.1-44.15:28. *To comply with the water quantity technical criteria set forth in this article and attendant regulations, a rural Tidewater locality may adopt a tiered approach to water quantity management for Chesapeake Bay Preservation Act land-disturbing activities pursuant to § 62.1-44.15:27.2.*

Notwithstanding any other provision of this subsection, any county that operates an MS4 that became a regulated MS4 on or after January 1, 2014 may elect, on a schedule set by the Department, to defer the implementation of the county's VSMP until no later than January 1, 2015. During this deferral period, when such county thus lacks the legal authority to

operate a VSMP, the Department shall operate a VSMP on behalf of the county and address post-construction stormwater runoff and the required design criteria for stormwater runoff controls. Any such county electing to defer the establishment of its VSMP shall still comply with the requirements set forth in this article and attendant regulations as required to satisfy the stormwater flow rate capacity and velocity requirements set forth in the Erosion and Sediment Control Law (§ 62.1-44.15:51 et seq.).

B. Any town, including a town that operates a regulated MS4, lying within a county that has adopted a VSMP in accordance with subsection A may decide, but shall not be required, to become subject to the county's VSMP. Any town lying within a county that operates an MS4 that became a regulated MS4 on or after January 1, 2014 may elect to become subject to the county's VSMP according to the deferred schedule established in subsection A. During the county's deferral period, the Department shall operate a VSMP on behalf of the town and address post-construction stormwater runoff and the required design criteria for stormwater runoff controls for the town as provided in subsection A. If a town lies within the boundaries of more than one county, the town shall be considered to be wholly within the county in which the larger portion of the town lies. Towns shall inform the Department of their decision according to a schedule established by the Department. Thereafter, the Department shall provide an annual schedule by which towns can submit applications to adopt a VSMP.

C. In support of VSMP authorities, the Department shall:

1. Provide assistance grants to localities not currently operating a local stormwater management program to help the localities to establish their VSMP.
2. Provide technical assistance and training.
3. Provide qualified services in specified geographic areas to a VSMP to assist localities in the administration of components of their programs. The Department shall actively assist localities in the establishment of their programs and in the selection of a contractor or other entity that may provide support to the locality or regional support to several localities.

D. The Department shall develop a model ordinance for establishing a VSMP consistent with this article and its associated regulations, including the Virginia Stormwater Management Program (VSMP) General Permit for Discharges of Stormwater from Construction Activities.

E. Each locality that administers an approved VSMP shall, by ordinance, establish a VSMP that shall be administered in conjunction with a local MS4 program and a local erosion and sediment control program if required pursuant to the Erosion and Sediment Control Law (§ 62.1-44.15:51 et seq.), and which shall include the following:

1. Consistency with regulations adopted in accordance with provisions of this article;
2. Provisions for long-term responsibility for and maintenance of stormwater management control devices and other techniques specified to manage the quality and quantity of runoff; and
3. Provisions for the integration of the VSMP with local erosion and sediment control, flood insurance, flood plain management, and other programs requiring compliance prior to authorizing construction in order to make the submission and approval of plans, issuance of permits, payment of fees, and coordination of inspection and enforcement activities more convenient and efficient both for the local governments and those responsible for compliance with the programs.

F. The Board may approve a state entity, including the Department, federal entity, or, for linear projects subject to annual standards and specifications, electric, natural gas, and telephone utility companies, interstate and intrastate natural gas pipeline companies, railroad companies, or authorities created pursuant to § 15.2-5102 to operate a Virginia Stormwater Management Program consistent with the requirements of this article and its associated regulations and the VSMP authority's Department-approved annual standards and specifications. For these programs, enforcement shall be administered by the Department and the Board where applicable in accordance with the provisions of this article.

G. The Board shall approve a VSMP when it deems a program consistent with this article and associated regulations, including the Virginia Stormwater Management Program (VSMP) General Permit for Discharges of Stormwater from Construction Activities.

H. A VSMP authority may enter into agreements or contracts with soil and water conservation districts, adjacent localities, or other public or private entities to carry out or assist with the responsibilities of this article. A VSMP authority may enter into contracts with third-party professionals who hold certificates of competence in the appropriate subject areas, as provided in subsection A of § 62.1-44.15:30, to carry out any or all of the responsibilities that this article requires of a VSMP authority, including plan review and inspection but not including enforcement.

I. If a locality establishes a VSMP, it shall issue a consolidated stormwater management and erosion and sediment control permit that is consistent with the provisions of the Erosion and Sediment Control Law (§ 62.1-44.15:51 et seq.). When available in accordance with subsection J, such permit, where applicable, shall also include a copy of or reference to state VSMP permit coverage authorization to discharge.

J. Upon the development of an online reporting system by the Department, but no later than July 1, 2014, a VSMP authority shall then be required to obtain evidence of state VSMP permit coverage where it is required prior to providing approval to begin land disturbance.

K. Any VSMP adopted pursuant to and consistent with this article shall be considered to meet the stormwater management requirements under the Chesapeake Bay Preservation Act (§ 62.1-44.15:67 et seq.) and attendant regulations, and effective July 1, 2014, shall not be subject to local program review under the stormwater management provisions of the Chesapeake Bay Preservation Act.

L. All VSMP authorities shall comply with the provisions of this article and the stormwater management provisions of the Erosion and Sediment Control Law (§ 62.1-44.15:51 et seq.) and related regulations. The VSMP authority responsible for regulating the land-disturbing activity shall require compliance with the issued permit, permit conditions, and plan specifications. The state shall enforce state permits.

**§ 62.1-44.15:27. (For effective date, see Acts 2016, cc. 68 and 758, as amended by Acts 2017, c. 345) Virginia Programs for Erosion Control and Stormwater Management.**

A. Any locality that operates a regulated MS4 or that administers a Virginia Stormwater Management Program (VSMP) as of July 1, 2017, shall be required to adopt and administer a VESMP consistent with the provisions of this article that regulates any land-disturbing activity that (i) disturbs 10,000 square feet or more or (ii) disturbs 2,500 square feet or more in an area of a locality designated as a Chesapeake Bay Preservation Area pursuant to the Chesapeake Bay Preservation Act (§ 62.1-44.15:67 et seq.). The VESMP shall be adopted according to a process established by the Department.

B. Any locality that does not operate a regulated MS4 and for which the Department administers a VSMP as of July 1, 2017, shall choose one of the following options and shall notify the Department of its choice according to a process established by the Department:

1. Adopt and administer a VESMP consistent with the provisions of this article that regulates any land-disturbing activity that (i) disturbs 10,000 square feet or more or (ii) disturbs 2,500 square feet or more in an area of a locality designated as a Chesapeake Bay Preservation Area pursuant to the Chesapeake Bay Preservation Act (§ 62.1-44.15:67 et seq.);

2. Adopt and administer a VESMP consistent with the provisions of this article that regulates any land-disturbing activity that (i) disturbs 10,000 square feet or more or (ii) disturbs 2,500 square feet or more in an area of a locality designated as a Chesapeake Bay Preservation Area pursuant to the Chesapeake Bay Preservation Act (§ 62.1-44.15:67 et seq.), except that the Department shall provide the locality with review of the plan required by § 62.1-44.15:34 and provide a recommendation to the locality on the plan's compliance with the water quality and water quantity technical criteria; or

3. Adopt and administer a VESCP pursuant to Article 2.4 (§ 62.1-44.15:51 et seq.) that regulates any land-disturbing activity that (i) disturbs 10,000 square feet or more or (ii) disturbs 2,500 square feet or more in an area of a locality designated as a Chesapeake Bay Preservation Area pursuant to the Chesapeake Bay Preservation Act (§ 62.1-44.15:67 et seq.). For such a land-disturbing activity in a Chesapeake Bay Preservation Area, the VESCP authority also shall adopt requirements set forth in this article and attendant regulations as required to regulate those activities in accordance with §§ 62.1-44.15:28 and 62.1-44.15:34.

The Board shall administer a VSMP on behalf of each VESCP authority for any land-disturbing activity that (a) disturbs one acre or more of land or (b) disturbs less than one acre of land and is part of a larger common plan of development or sale that results in one acre or greater of land disturbance.

C. Any town that is required to or elects to adopt and administer a VESMP or VESCP, as applicable, may choose one of the following options and shall notify the Department of its choice according to a process established by the Department:

1. Any town, including a town that operates a regulated MS4, lying within a county may enter into an agreement with the county to become subject to the county's VESMP. If a town lies within the boundaries of more than one county, it may enter into an agreement with any of those counties that operates a VESMP.

2. Any town that chooses not to adopt and administer a VESMP pursuant to subdivision B 3 and that lies within a county may enter into an agreement with the county to become subject to the county's VESMP or VESCP, as applicable. If a town lies within the boundaries of more than one county, it may enter into an agreement with any of those counties.

3. Any town that is subject to the provisions of the Chesapeake Bay Preservation Act (§ 62.1-44.15:67 et seq.) may enter into an agreement with a county pursuant to subdivision C 1 or 2 only if the county administers a VESMP for land-disturbing activities that disturb 2,500 square feet or more.

D. Any locality that chooses not to implement a VESMP pursuant to subdivision B 3 may notify the Department at any time that it has chosen to implement a VESMP pursuant to subdivision B 1 or 2. Any locality that chooses to implement a VESMP pursuant to subdivision B 2 may notify the Department at any time that it has chosen to implement a VESMP pursuant to subdivision B 1. A locality may petition the Board at any time for approval to change from fully administering a VESMP pursuant to subdivision B 1 to administering a VESMP in coordination with the Department pursuant to subdivision B 2 due to a significant change in economic conditions or other fiscal emergency in the locality. The provisions of the Administrative Process Act (§ 2.2-4000 et seq.) shall govern any appeal of the Board's decision.

*E. To comply with the water quantity technical criteria set forth in this article and attendant regulations for land-disturbing activities that disturb an area of 2,500 square feet or more but less than one acre, any rural Tidewater locality may adopt a tiered approach to water quantity management pursuant to § 62.1-44.15:27.2.*

F. In support of VESMP authorities, the Department shall provide technical assistance and training and general assistance to localities in the establishment and administration of their individual or regional programs.

G. The Department shall develop a model ordinance for establishing a VESMP consistent with this article.

H. Each locality that operates a regulated MS4 or that chooses to administer a VESMP shall, by ordinance, establish a VESMP that shall be administered in conjunction with a local MS4 management program, if applicable, and which shall include the following:

1. Ordinances, policies, and technical materials consistent with regulations adopted in accordance with this article;
2. Requirements for land-disturbance approvals;
3. Requirements for plan review, inspection, and enforcement consistent with the requirements of this article, including provisions requiring periodic inspections of the installation of stormwater management measures. A VESMP authority may require monitoring and reports from the person responsible for meeting the permit conditions to ensure compliance with the permit and to determine whether the measures required in the permit provide effective stormwater management;
4. Provisions charging each applicant a reasonable fee to defray the cost of program administration for a regulated land-disturbing activity that does not require permit coverage. Such fee may be in addition to any fee charged pursuant to the statewide fee schedule established in accordance with subdivision 9 of § 62.1-44.15:28, although payment of fees may be consolidated in order to provide greater convenience and efficiency for those responsible for compliance with the program. A VESMP authority shall hold a public hearing prior to establishing such fees. The fee shall not exceed an amount commensurate with the services rendered, taking into consideration the time, skill, and the VESMP authority's expense involved;
5. Provisions for long-term responsibility for and maintenance of stormwater management control devices and other techniques specified to manage the quality and quantity of runoff; and
6. Provisions for the coordination of the VESMP with flood insurance, flood plain management, and other programs requiring compliance prior to authorizing land disturbance in order to make the submission and approval of plans, issuance of land-disturbance approvals, payment of fees, and coordination of inspection and enforcement activities more convenient and efficient both for the local governments and those responsible for compliance with the programs.

~~H.~~ *I.* The Board shall approve a VESMP when it deems a program consistent with this article and associated regulations.

~~I.~~ *J.* A VESMP authority may enter into agreements or contracts with the Department, soil and water conservation districts, adjacent localities, planning district commissions, or other public or private entities to carry out or assist with plan review and inspections. A VESMP authority may enter into contracts with third-party professionals who hold certifications in the appropriate subject areas, as provided in subsection A of § 62.1-44.15:30, to carry out any or all of the responsibilities that this article requires of a VESMP authority, including plan review and inspection but not including enforcement.

~~J.~~ *K.* A VESMP authority shall be required to obtain evidence of permit coverage from the Department's online reporting system, where such coverage is required, prior to providing land-disturbance approval.

~~K.~~ *L.* The VESMP authority responsible for regulating the land-disturbing activity shall require compliance with its applicable ordinances and the conditions of its land-disturbance approval and plan specifications. The Board shall enforce permits and require compliance with its applicable regulations, including when serving as a VSMP authority in a locality that chose not to adopt a VESMP in accordance with subdivision B 3.

**§ 62.1-44.15:27.2. Rural Tidewater localities; water quantity technical criteria; tiered approach.**

*A.* For determining the water quantity technical criteria applicable to a land disturbance equal to or greater than 2,500 square feet but less than one acre, any rural Tidewater locality may elect to use certain tiered water quantity control standards based on the percentage of impervious cover in the watershed as provided in this section. The establishment and conduct of the tiered approach by the locality pursuant to this section shall be subject to review by the Department. The Board shall adopt regulations to carry out provisions of this section.

*B. 1.* The local governing body shall make, or cause to be made, a watershed map showing the boundaries of the locality. The governing body shall use the most recent version of Virginia's 6th order National Watershed Boundary Dataset to show the boundaries of each watershed located partially or wholly within the locality. The map shall indicate the percentage of impervious cover within each watershed. Data provided by the Virginia Geographic Information Network (VGIN) shall be sufficient for the initial determination of impervious cover percentage at the time of the initial adoption of the map.

*2.* The watershed map also shall show locations at which the governing body expects or proposes that development should occur and may indicate the projected future percentage of impervious cover based on proposed development. The governing body may designate certain areas within a watershed in which it proposes that denser-than-average development shall occur and may designate environmentally sensitive areas in which the energy balance method for water quantity management, as set forth in the regulations adopted by the Board pursuant to this article, shall apply.

*3.* After the watershed map has been made, the governing body may then approve and adopt the map by a majority vote of its membership and publish it as the official watershed map of the locality. No official watershed map shall be adopted by the governing body or have any effect until it is approved by an ordinance duly passed by the governing body of the locality after a public hearing, preceded by public notice as required by § 15.2-2204. Within 30 days after adoption of the official watershed map, the governing body shall cause the map to be filed in the office of the clerk of the circuit court.

*4.* At least once each year, the local governing body shall by majority vote make additions to or modifications of the official watershed map to reflect actual development projects. The governing body shall change the indication on the map of the impervious cover percentage within a watershed where the percentage has changed and shall update the map and supporting datasets with actual development project information, including single-family housing projects and any projects covered by the General Permit for Discharges of Stormwater from Construction Activities and administered by the Department for opt-out localities pursuant to § 62.1-44.15:27. The governing body may incorporate into the official watershed map the most recent VGIN data, including data on state and federal projects that are not reviewed or approved

by the locality. The governing body shall keep current its impervious cover percentage for each watershed located within the locality, as reflected in the official watershed map, and shall make the map and such percentages available to the public.

5. The locality shall notify the Department and update the official map within 12 months of the approval of the development plan for any project that exceeds the impervious cover percentage of the watershed in which it is located and causes the percentage for that watershed to rise such that the watershed steps up to the next higher tier pursuant to subsection C.

6. No official watershed map or its adopting or amending ordinances shall take precedence over any duly adopted zoning ordinance, comprehensive plan, or other local land-use ordinance, and in the case of a conflict, the official watershed map or ordinance shall yield to such land-use ordinance.

C. When the locality evaluates any development project in a watershed that is depicted on the official watershed map as having an impervious cover percentage of:

1. Less than five percent, the locality shall apply the regulatory minimum standards and criteria adopted by the Board pursuant to Article 2.4 (§ 62.1-44.15:51 et seq.) and in effect prior to July 1, 2014, for the protection of downstream properties and waterways from sediment deposition, erosion, and damage due to increases in volume, velocity, and peak flow rate of stormwater runoff for the stated frequency storm of 24-hour duration.

2. Five percent or more but less than 7.5 percent, the locality shall require practices designed to detain and release over a 24-hour period the expected rainfall resulting from the one year, 24-hour storm, which practices shall be exempt from any flow rate capacity and velocity requirements for natural or man-made channels.

3. Seven and one-half percent or more, the locality shall apply the energy balance method as set forth in regulations adopted by the Board.

D. The locality shall require that any project whose construction would cause the impervious cover percentage of the watershed in which it is located to rise, such that the watershed steps up to the next higher tier, shall meet the current water quantity technical criteria using the energy balance method or a more stringent alternative.

**2. That the Department of Environmental Quality shall utilize an appropriate new or existing Regulatory Advisory Panel to assist in clarifying the interpretation and application of subdivision 19 of 9VAC25-840-40 (Minimum Standard 19).**

## CHAPTER 155

*An Act to amend and reenact § 62.1-44.15:24, as it is currently effective and as it shall become effective, of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 62.1-44.15:27.2, relating to plan review; acceptance of signed plan in lieu of review.*

[H 1308]

Approved March 5, 2018

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

**1. That § 62.1-44.15:24, as it is currently effective and as it shall become effective, of the Code of Virginia, is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 62.1-44.15:27.2 as follows:**

**§ 62.1-44.15:24. (For expiration date, see Acts 2016, cc. 68 and 758, as amended by Acts 2017, c. 345) Definitions.**

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

"Agreement in lieu of a stormwater management plan" means a contract between the VSMP authority and the owner or permittee that specifies methods that shall be implemented to comply with the requirements of a VSMP for the construction of a single-family residence; such contract may be executed by the VSMP authority in lieu of a stormwater management plan.

"Chesapeake Bay Preservation Act land-disturbing activity" means a land-disturbing activity including clearing, grading, or excavation that results in a land disturbance equal to or greater than 2,500 square feet and less than one acre in all areas of jurisdictions designated as subject to the regulations adopted pursuant to the Chesapeake Bay Preservation provisions of this chapter.

"CWA" means the federal Clean Water Act (33 U.S.C. § 1251 et seq.), formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972, P.L. 92-500, as amended by P.L. 95-217, P.L. 95-576, P.L. 96-483, and P.L. 97-117, or any subsequent revisions thereto.

"Department" means the Department of Environmental Quality.

"Director" means the Director of the Department of Environmental Quality.

"Flooding" means a volume of water that is too great to be confined within the banks or walls of the stream, water body, or conveyance system and that overflows onto adjacent lands, thereby causing or threatening damage.

"Land disturbance" or "land-disturbing activity" means a man-made change to the land surface that potentially changes its runoff characteristics including clearing, grading, or excavation, except that the term shall not include those exemptions specified in § 62.1-44.15:34.

"Municipal separate storm sewer" means a conveyance or system of conveyances otherwise known as a municipal separate storm sewer system or "MS4," including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains:

1. Owned or operated by a federal, state, city, town, county, district, association, or other public body, created by or pursuant to state law, having jurisdiction or delegated authority for erosion and sediment control and stormwater management, or a designated and approved management agency under § 208 of the CWA that discharges to surface waters;
2. Designed or used for collecting or conveying stormwater;
3. That is not a combined sewer; and
4. That is not part of a publicly owned treatment works.

"Municipal Separate Storm Sewer System Management Program" means a management program covering the duration of a state permit for a municipal separate storm sewer system that includes a comprehensive planning process that involves public participation and intergovernmental coordination, to reduce the discharge of pollutants to the maximum extent practicable, to protect water quality, and to satisfy the appropriate water quality requirements of the CWA and regulations, and this article and its attendant regulations, using management practices, control techniques, and system, design, and engineering methods, and such other provisions that are appropriate.

"Nonpoint source pollution" means pollution such as sediment, nitrogen, phosphorus, hydrocarbons, heavy metals, and toxics whose sources cannot be pinpointed but rather are washed from the land surface in a diffuse manner by stormwater runoff.

"Peak flow rate" means the maximum instantaneous flow from a prescribed design storm at a particular location.

"Permit" or "VSMP authority permit" means an approval to conduct a land-disturbing activity issued by the VSMP authority for the initiation of a land-disturbing activity after evidence of state VSMP general permit coverage has been provided where applicable.

"Permittee" means the person to which the permit or state permit is issued.

"Runoff volume" means the volume of water that runs off the land development project from a prescribed storm event.

*"Rural Tidewater locality" means any locality that is (i) subject to the provisions of the Chesapeake Bay Preservation Act (§ 62.1-44.15:67 et seq.) and (ii) eligible to join the Rural Coastal Virginia Community Enhancement Authority established by Chapter 76 (§ 15.2-7600 et seq.) of Title 15.2.*

"State permit" means an approval to conduct a land-disturbing activity issued by the Board in the form of a state stormwater individual permit or coverage issued under a state general permit or an approval issued by the Board for stormwater discharges from an MS4. Under these permits, the Commonwealth imposes and enforces requirements pursuant to the federal Clean Water Act and regulations and this article and its attendant regulations.

"Stormwater" means precipitation that is discharged across the land surface or through conveyances to one or more waterways and that may include stormwater runoff, snow melt runoff, and surface runoff and drainage.

"Stormwater management plan" means a document containing material describing methods for complying with the requirements of a VSMP.

"Subdivision" means the same as defined in § 15.2-2201.

"Virginia Stormwater Management Program" or "VSMP" means a program approved by the Soil and Water Conservation Board after September 13, 2011, and until June 30, 2013, or the State Water Control Board on and after June 30, 2013, that has been established by a VSMP authority to manage the quality and quantity of runoff resulting from land-disturbing activities and shall include such items as local ordinances, rules, permit requirements, annual standards and specifications, policies and guidelines, technical materials, and requirements for plan review, inspection, enforcement, where authorized in this article, and evaluation consistent with the requirements of this article and associated regulations.

"Virginia Stormwater Management Program authority" or "VSMP authority" means an authority approved by the Board after September 13, 2011, to operate a Virginia Stormwater Management Program or the Department. An authority may include a locality; state entity, including the Department; federal entity; or, for linear projects subject to annual standards and specifications in accordance with subsection B of § 62.1-44.15:31, electric, natural gas, and telephone utility companies, interstate and intrastate natural gas pipeline companies, railroad companies, or authorities created pursuant to § 15.2-5102.

"Water quality volume" means the volume equal to the first one-half inch of runoff multiplied by the impervious surface of the land development project.

"Watershed" means a defined land area drained by a river or stream, karst system, or system of connecting rivers or streams such that all surface water within the area flows through a single outlet. In karst areas, the karst feature to which water drains may be considered the single outlet for the watershed.

**§ 62.1-44.15:24. (For effective date, see Acts 2016, cc. 68 and 758, as amended by Acts 2017, c. 345) Definitions.**

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

"Agreement in lieu of a plan" means a contract between the VESMP authority or the Board acting as a VSMP authority and the owner or permittee that specifies methods that shall be implemented to comply with the requirements of this article for the construction of a single-family detached residential structure; such contract may be executed by the VESMP authority in lieu of a soil erosion control and stormwater management plan or by the Board acting as a VSMP authority in lieu of a stormwater management plan.

"Applicant" means any person submitting a soil erosion control and stormwater management plan to a VESMP authority, or a stormwater management plan to the Board when it is serving as a VSMP authority, for approval in order to obtain authorization to commence a land-disturbing activity.

"CWA" means the federal Clean Water Act (33 U.S.C. § 1251 et seq.), formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972, P.L. 92-500, as amended by P.L. 95-217, P.L. 95-576, P.L. 96-483, and P.L. 97-117, or any subsequent revisions thereto.

"Department" means the Department of Environmental Quality.

"Director" means the Director of the Department of Environmental Quality.

"Erosion impact area" means an area of land that is not associated with a current land-disturbing activity but is subject to persistent soil erosion resulting in the delivery of sediment onto neighboring properties or into state waters. This definition shall not apply to any lot or parcel of land of 10,000 square feet or less used for residential purposes or any shoreline where the erosion results from wave action or other coastal processes.

"Flooding" means a volume of water that is too great to be confined within the banks or walls of the stream, water body, or conveyance system and that overflows onto adjacent lands, thereby causing or threatening damage.

"Land disturbance" or "land-disturbing activity" means a man-made change to the land surface that may result in soil erosion or has the potential to change its runoff characteristics, including construction activity such as the clearing, grading, excavating, or filling of land.

"Land-disturbance approval" means the same as that term is defined in § 62.1-44.3.

"Municipal separate storm sewer" or "MS4" means the same as that term is defined in § 62.1-44.3.

"Municipal Separate Storm Sewer System Management Program" means a management program covering the duration of a permit for a municipal separate storm sewer system that includes a comprehensive planning process that involves public participation and intergovernmental coordination, to reduce the discharge of pollutants to the maximum extent practicable, to protect water quality, and to satisfy the appropriate water quality requirements of the CWA and regulations, and this article and its attendant regulations, using management practices, control techniques, and system, design, and engineering methods, and such other provisions that are appropriate.

"Natural channel design concepts" means the utilization of engineering analysis and fluvial geomorphic processes to create, rehabilitate, restore, or stabilize an open conveyance system for the purpose of creating or recreating a stream that conveys its bankfull storm event within its banks and allows larger flows to access its bankfull bench and its floodplain.

"Nonpoint source pollution" means pollution such as sediment, nitrogen, phosphorus, hydrocarbons, heavy metals, and toxics whose sources cannot be pinpointed but rather are washed from the land surface in a diffuse manner by stormwater.

"Owner" means the same as that term is defined in § 62.1-44.3. For a regulated land-disturbing activity that does not require a permit, "owner" also means the owner or owners of the freehold of the premises or lesser estate therein, mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee, or other person, firm, or corporation in control of a property.

"Peak flow rate" means the maximum instantaneous flow from a prescribed design storm at a particular location.

"Permit" means a Virginia Pollutant Discharge Elimination System (VPDES) permit issued by the Board pursuant to § 62.1-44.15 for stormwater discharges from a land-disturbing activity or MS4.

"Permittee" means the person to whom the permit is issued.

"Runoff volume" means the volume of water that runs off the land development project from a prescribed storm event.

*"Rural Tidewater locality" means any locality that is (i) subject to the provisions of the Chesapeake Bay Preservation Act (§ 62.1-44.15:67 et seq.) and (ii) eligible to join the Rural Coastal Virginia Community Enhancement Authority established by Chapter 76 (§ 15.2-7600 et seq.) of Title 15.2.*

"Soil erosion" means the movement of soil by wind or water into state waters or onto lands in the Commonwealth.

"Soil Erosion Control and Stormwater Management plan" or "plan" means a document describing methods for controlling soil erosion and managing stormwater in accordance with the requirements adopted pursuant to this article.

"Stormwater," for the purposes of this article, means precipitation that is discharged across the land surface or through conveyances to one or more waterways and that may include stormwater runoff, snow melt runoff, and surface runoff and drainage.

"Stormwater management plan" means a document containing material describing methods for complying with the requirements of a VSMP.

"Subdivision" means the same as that term is defined in § 15.2-2201.

"Virginia Erosion and Sediment Control Program" or "VESCP" means a program approved by the Board that is established by a VESCP authority pursuant to Article 2.4 (§ 62.1-44.15:51 et seq.) for the effective control of soil erosion, sediment deposition, and nonagricultural runoff associated with a land-disturbing activity to prevent the unreasonable degradation of properties, stream channels, waters, and other natural resources. The VESCP shall include, where applicable, such items as local ordinances, rules, policies and guidelines, technical materials, and requirements for plan review, inspection, and evaluation consistent with the requirements of Article 2.4 (§ 62.1-44.15:51 et seq.).

"Virginia Erosion and Sediment Control Program authority" or "VESCP authority" means a locality that is approved by the Board to operate a Virginia Erosion and Sediment Control Program in accordance with Article 2.4 (§ 62.1-44.15:51 et seq.). Only a locality for which the Department administered a Virginia Stormwater Management Program as of July 1, 2017, is authorized to choose to operate a VESCP pursuant to Article 2.4 (§ 62.1-44.15:51 et seq.).

"Virginia Erosion and Stormwater Management Program" or "VESMP" means a program established by a VESMP authority for the effective control of soil erosion and sediment deposition and the management of the quality and quantity of runoff resulting from land-disturbing activities to prevent the unreasonable degradation of properties, stream channels, waters, and other natural resources. The program shall include such items as local ordinances, rules, requirements for permits and land-disturbance approvals, policies and guidelines, technical materials, and requirements for plan review, inspection, and enforcement consistent with the requirements of this article.

"Virginia Erosion and Stormwater Management Program authority" or "VESMP authority" means the Board or a locality approved by the Board to operate a Virginia Erosion and Stormwater Management Program. For state agency or federal entity land-disturbing activities and land-disturbing activities subject to approved standards and specifications, the Board shall serve as the VESMP authority.

"Virginia Stormwater Management Program" or "VSMP" means a program established by the Board pursuant to § 62.1-44.15:27.1 on behalf of a locality on or after July 1, 2014, to manage the quality and quantity of runoff resulting from any land-disturbing activity that (i) disturbs one acre or more of land or (ii) disturbs less than one acre of land and is part of a larger common plan of development or sale that results in one acre or more of land disturbance.

"Virginia Stormwater Management Program authority" or "VSMP authority" means the Board when administering a VSMP on behalf of a locality that, pursuant to subdivision B 3 of § 62.1-44.15:27, has chosen not to adopt and administer a VESMP.

"Water quality technical criteria" means standards set forth in regulations adopted pursuant to this article that establish minimum design criteria for measures to control nonpoint source pollution.

"Water quantity technical criteria" means standards set forth in regulations adopted pursuant to this article that establish minimum design criteria for measures to control localized flooding and stream channel erosion.

"Watershed" means a defined land area drained by a river or stream, karst system, or system of connecting rivers or streams such that all surface water within the area flows through a single outlet. In karst areas, the karst feature to which water drains may be considered the single outlet for the watershed.

**§ 62.1-44.15:27.2. Acceptance of signed and sealed plan in lieu of local plan review.**

*A. Any rural Tidewater locality, whether or not it administers a VSMP or VESCP pursuant to § 62.1-44.15:27, may require that a licensed professional retained by the applicant prepare and submit a set of plans and supporting calculations for a land-disturbing activity of 2,500 square feet or more but less than one acre in extent.*

*B. Such professional shall be licensed to engage in practice in the Commonwealth under Chapter 4 (§ 54.1-400 et seq.) or 22 (§ 54.1-2200 et seq.) of Title 54.1 and shall hold a certificate of competence in the appropriate subject area, as provided in § 62.1-44.15:30.*

*C. Such plans and supporting calculations shall be appropriately signed and sealed by the professional with a certification that states: "This plan is designed in accordance with applicable state law and regulations."*

*D. The rural Tidewater locality is authorized to accept such signed and sealed plans in satisfaction of the requirement of this article that, for a land-disturbing activity of 2,500 square feet or more but less than one acre in extent, it retain a local certified plan reviewer or conduct a local plan review. This section shall not excuse any applicable performance bond requirement pursuant to § 62.1-44.15:34 or 62.1-44.15:57.*

**2. That the Department of Environmental Quality shall examine the possibility of expanding the use of the agreement in lieu of a stormwater management plan, as defined in § 62.1-44.15:24 of the Code of Virginia, as amended by this act, and as authorized for use in the construction of certain single-family residences by the State Water Control Law (§ 62.1-44.2 et seq. of the Code of Virginia), to include any nonresidential development site of less than one acre in any rural Tidewater locality, as defined in § 62.1-44.15:24 of the Code of Virginia, as amended by this act.**

**CHAPTER 156**

*An Act to amend and reenact § 46.2-749.81 of the Code of Virginia, relating to special license plates; NASA facilities in Virginia.*

[H 1342]

Approved March 5, 2018

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

**1. That § 46.2-749.81 of the Code of Virginia is amended and reenacted as follows:**

**§ 46.2-749.81. Special license plates; supporters of NASA facilities in Virginia.**

On receipt of an application therefor, the Commissioner shall issue *to the applicant* special license plates ~~to~~ for supporters of ~~the NASA Langley Research Center~~ *NASA facilities in Virginia.*

## CHAPTER 157

*An Act to authorize the issuance of special license plates for supporters of Virginia's electric cooperatives bearing the legend KEEPING THE LIGHTS ON; fees.*

[H 1535]

Approved March 5, 2018

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

**1. § 1.** *Special license plates for supporters of Virginia's electric cooperatives bearing the legend KEEPING THE LIGHTS ON; fees.*

*A. On receipt of an application and payment of the fee prescribed by this section, and following the provisions of § 46.2-725 of the Code of Virginia other than those relating to the fee for the plates and its disposition, the Commissioner of the Department of Motor Vehicles shall issue to the applicant special license plates for supporters of Virginia's electric cooperatives bearing the legend KEEPING THE LIGHTS ON.*

*B. The annual fee for plates issued pursuant to this section shall be \$25 in addition to the prescribed fee for state license plates. For each such \$25 fee collected in excess of 1,000 registrations pursuant to this section, \$15 shall be paid into the state treasury and credited to a special nonreverting fund known as the Virginia, Maryland & Delaware Association of Electric Cooperatives (VMDAEC) Education Scholarship Fund established within the Department of Accounts. These funds shall be paid annually to the VMDAEC Scholarship Foundation and used to support its activities and programs to award scholarships to students from the member electric cooperatives in Virginia to attend trade school or an institution of higher education. All other fees imposed under the provisions of this section shall be paid to, and received by, the Commissioner of the Department of Motor Vehicles and paid by him into the state treasury and set aside as a special fund to be used to meet the necessary expenses incurred by the Department of Motor Vehicles.*

## CHAPTER 158

*An Act to amend and reenact § 25.1-227.2 of the Code of Virginia, relating to empanelment of commissioners.*

[H 1564]

Approved March 5, 2018

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

**1. That § 25.1-227.2 of the Code of Virginia is amended and reenacted as follows:**

**§ 25.1-227.2. Empanelment of commissioners.**

*A. The parties to the eminent domain proceeding may agree upon five or nine persons qualified to act as commissioners, as provided in subsection B of § 25.1-227.1.*

*B. If the parties cannot agree upon five or nine qualified persons to act as commissioners, then each party shall present to the court a list containing the names of at least ~~six~~ eight qualified persons. If any party fails to submit such a list of names, the court may, in its discretion, submit such a list on such party's behalf.*

*C. From the lists submitted pursuant to subsection B, the court shall select the names of ~~nine~~ thirteen potential commissioners and at least two alternates. At least 30 days prior to their service, such persons shall be summoned to appear.*

*D. If nine qualified persons are selected, the petitioner and the owners shall each have two peremptory challenges and the remaining five shall serve as commissioners. If five qualified persons are agreed upon as provided in subsection A, they shall serve as commissioners.*

*E. If an owner has filed no answer to the petition, and the court finds that the owner is not represented by counsel, the court may, in its discretion, and subject to the right of the petitioner to challenge for cause, subpoena five persons who shall serve as commissioners.*

*F. Any three or more of the five commissioners may act.*

*G. In condemnation proceedings instituted by the Commissioner of Highways, a person owning structures or improvements for which an outdoor advertising permit has been issued by the Commissioner of Highways pursuant to § 33.2-1208 shall be deemed to be an "owner" for purposes of this section.*

## CHAPTER 159

*An Act to authorize the issuance of special license plates for members and supporters of the Virginia FFA Foundation bearing the legend WE ARE THE BIRTHPLACE OF THE FFA; fees.*

[S 446]

Approved March 5, 2018

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

**1. § 1.** *Special license plates for members and supporters of the Virginia Future Farmers of America (FFA) Foundation bearing the legend WE ARE THE BIRTHPLACE OF THE FFA; fees.*

A. On receipt of an application and payment of the fee prescribed by this section, and following the provisions of § 46.2-725 of the Code of Virginia other than those relating to the fee for the plates and its disposition, the Commissioner of the Department of Motor Vehicles shall issue to the applicant special license plates for members and supporters of the Virginia FFA Foundation bearing the legend *WE ARE THE BIRTHPLACE OF THE FFA*.

B. The annual fee for plates issued pursuant to this section shall be \$25 in addition to the prescribed fee for state license plates. For each such \$25 fee collected in excess of 1,000 registrations pursuant to this section, \$15 shall be paid into the state treasury and credited to a special nonreverting fund known as the Virginia FFA Foundation Fund established within the Department of Accounts. These funds shall be paid annually to the Virginia FFA Foundation and used to support its operation and programs in Virginia. All other fees imposed under the provisions of this section shall be paid to, and received by, the Commissioner of the Department of Motor Vehicles and paid by him into the state treasury and set aside as a special fund to be used to meet the necessary expenses incurred by the Department of Motor Vehicles.

**CHAPTER 160**

An Act to amend and reenact § 46.2-870 of the Code of Virginia, relating to maximum speed limits on certain highways.

[S 466]

Approved March 5, 2018

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

**1. That § 46.2-870 of the Code of Virginia is amended and reenacted as follows:**

**§ 46.2-870. Maximum speed limits generally.**

Except as otherwise provided in this article, the maximum speed limit shall be 55 miles per hour on interstate highways or other limited access highways with divided roadways, nonlimited access highways having four or more lanes, and all state primary highways.

The maximum speed limit on all other highways shall be 55 miles per hour if the vehicle is a passenger motor vehicle, bus, pickup or panel truck, or a motorcycle, but 45 miles per hour on such highways if the vehicle is a truck, tractor truck, or combination of vehicles designed to transport property, or is a motor vehicle being used to tow a vehicle designed for self-propulsion, or a house trailer.

Notwithstanding the foregoing provisions of this section, the maximum speed limit shall be 70 miles per hour where indicated by lawfully placed signs, erected subsequent to a traffic engineering study and analysis of available and appropriate accident and law-enforcement data, on: (i) interstate highways; (ii) multilane, divided, limited access highways; and (iii) high-occupancy vehicle lanes if such lanes are physically separated from regular travel lanes. The maximum speed limit shall be 60 miles per hour where indicated by lawfully placed signs, erected subsequent to a traffic engineering study and analysis of available and appropriate accident and law-enforcement data, on U.S. Route 23, U.S. Route 29, U.S. Route 58, U.S. Alternate Route 58, U.S. Route 301, U.S. Route 360, U.S. Route 460, and on U.S. Route 17 between the Town of Port Royal and Saluda, State Route 3, and State Route 207 where they such routes are nonlimited access, multilane, divided highways.

**CHAPTER 161**

An Act to amend and reenact § 46.2-746.8 of the Code of Virginia, relating to special license plates; Virginia Realtors.

[S 515]

Approved March 5, 2018

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

**1. That § 46.2-746.8 of the Code of Virginia is amended and reenacted as follows:**

**§ 46.2-746.8. Special license plates for members of certain occupational associations.**

On receipt of an application and written evidence that the applicant is a member of such organization, the Commissioner shall issue special license plates to members of the following organizations: the International Association of Firefighters, the Association of Virginia Realtors, and the Society of Certified Public Accountants.

**CHAPTER 162**

An Act to authorize the issuance of special license plates for supporters of the Alzheimer's Association bearing the legend *ALZHEIMER'S ASSOCIATION*; fees.

[S 701]

Approved March 5, 2018

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

**1. § 1. Special license plates for supporters of the Alzheimer's Association bearing the legend *ALZHEIMER'S ASSOCIATION*; fees.**

*A. On receipt of an application and payment of the fee prescribed by this section, and following the provisions of § 46.2-725 of the Code of Virginia other than those relating to the fee for the plates and its disposition, the Commissioner of the Department of Motor Vehicles shall issue to the applicant special license plates for supporters of the Alzheimer's Association bearing the legend ALZHEIMER'S ASSOCIATION.*

*B. The annual fee for plates issued pursuant to this section shall be \$25 in addition to the prescribed fee for state license plates. For each such \$25 fee collected in excess of 1,000 registrations pursuant to this section, \$15 shall be paid into the state treasury and credited to a special nonreverting fund known as the Alzheimer's Association Fund established within the Department of Accounts. These funds shall be paid annually to the Alzheimer's Association and used to support its operation and programs in Virginia. All other fees imposed under the provisions of this section shall be paid to, and received by, the Commissioner of the Department of Motor Vehicles and paid by him into the state treasury and set aside as a special fund to be used to meet the necessary expenses incurred by the Department of Motor Vehicles.*

**CHAPTER 163**

*An Act to designate the bridge on Route 612 (Airport Road) over Interstate 64 at mile marker 209 in the County of New Kent the "Trooper Pilot Berke Bates Memorial Bridge."*

[S 941]

Approved March 5, 2018

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

**1.** *§ 1. The bridge on Route 612 (Airport Road) over Interstate 64 at mile marker 209 in the County of New Kent is hereby designated the "Trooper Pilot Berke Bates Memorial Bridge." The Department of Transportation shall place and maintain appropriate markers indicating the designation of this bridge. This designation shall not affect any other designation heretofore or hereafter applied to this bridge.*

**CHAPTER 164**

*An Act to amend and reenact §§ 16.1-69.8, 16.1-69.31, 16.1-69.46, 17.1-515.1, 19.2-45, and 19.2-244 of the Code of Virginia and to repeal § 16.1-69.13, Chapter 5 (§§ 16.1-70 through 16.1-75) of Title 16.1, and § 17.1-515.2 of the Code of Virginia, Chapter 117 of the Acts of Assembly of 1946, and Chapter 199 of the Acts of Assembly of 1960, relating to venue in criminal cases; concurrent jurisdiction; obsolete provisions.*

[H 77]

Approved March 5, 2018

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

**1. That §§ 16.1-69.8, 16.1-69.31, 16.1-69.46, 17.1-515.1, 19.2-45, and 19.2-244 of the Code of Virginia are amended and reenacted as follows:**

**§ 16.1-69.8. Existing courts continued and redesignated; exception.**

The present system of courts not of record is continued as follows on and after July 1, 1973:

(a) The county court in each county shall continue as the general district court of such county with the same powers and with territorial jurisdiction over such county and over any city within the county for which a municipal court with general civil or criminal jurisdiction or separate general district court has not been established.

(b) The municipal court or courts in each city, excluding ~~courts of limited jurisdiction established pursuant to Chapter 5 (§ 16.1-70 et seq.) of this title and~~ juvenile and domestic relations courts, shall continue as the general district court of the city with the same powers and territorial jurisdiction over such city; provided that in the case of more than one such municipal court in operation in any city, all such courts shall be merged on July 1, 1973, and their powers and territorial jurisdiction merged in the general district court.

(c) The juvenile and domestic relations court of each county and city shall continue as the juvenile and domestic relations district court of the county or city with the same powers and territorial jurisdiction as heretofore provided.

(d) The municipal court of any town and/or other court of any town having general civil and criminal jurisdiction however called shall be abolished and all jurisdiction and power conferred upon any such court shall pass to and be exercised by the district courts having jurisdiction over the county wherein the town is located.

**§ 16.1-69.31. The duties of the Judicial Council.**

The duties of the Judicial Council with respect to the district court system shall include those set forth in §§ 16.1-69.6 through ~~16.1-69.13~~ 16.1-69.12, and such other duties as may be assigned to the Council by law.

**§ 16.1-69.46. How salaries payable.**

All salaries determined according to the provisions of §§ 16.1-69.44 and 16.1-69.45 and any salary payment required by ~~§ 16.1-69.13 or~~ 16.1-69.37 shall be payable by the Commonwealth, except any supplements paid to district court employees. All annual salaries shall be paid in semimonthly installments within the limits fixed by the Committee.

**§ 17.1-515.1. Territorial jurisdiction of the Circuit Court for the City of Lynchburg.**

The territorial jurisdiction of the Circuit Court for the City of Lynchburg ~~shall be the same with that of the Corporation Court for the city and~~ shall extend to the corporate limits of the city and to a space of one mile without and around the city limits, except that the same shall not extend further into the County of Amherst than the corporate limits. Any judgment, order, or decree of the Circuit Court for the City of Lynchburg heretofore made in any case in which the court would have had jurisdiction had this section then been in operation shall have the same effect as if it had been at that time in force.

**§ 19.2-45. Powers enumerated.**

A magistrate shall have the following powers only:

- (1) To issue process of arrest in accord with the provisions of §§ 19.2-71 to 19.2-82 of the Code;
- (2) To issue search warrants in accord with the provisions of §§ 19.2-52 to 19.2-60 of the Code;
- (3) To admit to bail or commit to jail all persons charged with offenses subject to the limitations of and in accord with general laws on bail;
- (4) The same power to issue warrants and subpoenas as is conferred upon district courts and as limited by the provisions of §§ 19.2-71 through 19.2-82. A copy of all felony warrants issued at the request of a citizen shall be promptly delivered to the attorney for the Commonwealth for the county or city in which the warrant is returnable. Upon the request of the attorney for the Commonwealth, a copy of any misdemeanor warrant issued at the request of a citizen shall be delivered to the attorney for the Commonwealth for such county or city. All attachments, warrants and subpoenas shall be returnable before a district court ~~or any court of limited jurisdiction continued in operation pursuant to § 16.1-70.1;~~
- (5) To issue civil warrants directed to the sheriff or constable of the county or city wherein the defendant resides, together with a copy thereof, requiring him to summon the person against whom the claim is, to appear before a district court on a certain day, not exceeding 30 days from the date thereof to answer such claim. If there be two or more defendants and any defendant resides outside the jurisdiction in which the warrant is issued, the summons for such defendant residing outside the jurisdiction may be directed to the sheriff of the county or city of his residence, and such warrant may be served and returned as provided in § 16.1-80;
- (6) To administer oaths and take acknowledgments;
- (7) To act as conservators of the peace;
- (8), (9) [Repealed.]
- (10) To perform such other acts or functions specifically authorized by law.

**§ 19.2-244. Venue in general.**

A. Except as otherwise provided by law, the prosecution of a criminal case shall be had in the county or city in which the offense was committed. Except as to motions for a change of venue, all other questions of venue must be raised before verdict in cases tried by a jury and before the finding of guilty in cases tried by the court without a jury.

B. If an offense has been committed within the Commonwealth and it cannot readily be determined within which county or city the offense was committed, venue for the prosecution of the offense may be had in the county or city (i) in which the defendant resides; (ii) if the defendant is not a resident of the Commonwealth, in which the defendant is apprehended; or (iii) if the defendant is not a resident of the Commonwealth and is not apprehended in the Commonwealth, in which any related offense was committed.

C. *The courts of a locality shall have concurrent jurisdiction with the courts of any other locality adjoining such locality over criminal offenses committed in or upon the premises, buildings, rooms, or offices owned or occupied by such locality or any officer, agency, or department thereof that are located in the adjoining locality.*

**2. That § 16.1-69.13, Chapter 5 (§§ 16.1-70 through 16.1-75) of Title 16.1, and § 17.1-515.2 of the Code of Virginia are repealed.**

**3. That Chapter 117 of the Acts of Assembly of 1946 and Chapter 199 of the Acts of Assembly of 1960 are repealed.**

**CHAPTER 165**

*An Act to amend and reenact §§ 32.1-127.1:03, 53.1-40.10, and 53.1-133.03 of the Code of Virginia, relating to disclosure of health records; state and local correctional facilities.*

[H 301]

Approved March 5, 2018

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

**1. That §§ 32.1-127.1:03, 53.1-40.10, and 53.1-133.03 of the Code of Virginia are amended and reenacted as follows:**

**§ 32.1-127.1:03. Health records privacy.**

A. There is hereby recognized an individual's right of privacy in the content of his health records. Health records are the property of the health care entity maintaining them, and, except when permitted or required by this section or by other provisions of state law, no health care entity, or other person working in a health care setting, may disclose an individual's health records.

Pursuant to this subsection:

1. Health care entities shall disclose health records to the individual who is the subject of the health record, except as provided in subsections E and F and subsection B of § 8.01-413.

2. Health records shall not be removed from the premises where they are maintained without the approval of the health care entity that maintains such health records, except in accordance with a court order or subpoena consistent with subsection C of § 8.01-413 or with this section or in accordance with the regulations relating to change of ownership of health records promulgated by a health regulatory board established in Title 54.1.

3. No person to whom health records are disclosed shall redisclose or otherwise reveal the health records of an individual, beyond the purpose for which such disclosure was made, without first obtaining the individual's specific authorization to such redisclosure. This redisclosure prohibition shall not, however, prevent (i) any health care entity that receives health records from another health care entity from making subsequent disclosures as permitted under this section and the federal Department of Health and Human Services regulations relating to privacy of the electronic transmission of data and protected health information promulgated by the United States Department of Health and Human Services as required by the Health Insurance Portability and Accountability Act (HIPAA)(42 U.S.C. § 1320d et seq.) or (ii) any health care entity from furnishing health records and aggregate or other data, from which individually identifying prescription information has been removed, encoded or encrypted, to qualified researchers, including, but not limited to, pharmaceutical manufacturers and their agents or contractors, for purposes of clinical, pharmaco-epidemiological, pharmaco-economic, or other health services research.

4. Health care entities shall, upon the request of the individual who is the subject of the health record, disclose health records to other health care entities, in any available format of the requester's choosing, as provided in subsection E.

B. As used in this section:

"Agent" means a person who has been appointed as an individual's agent under a power of attorney for health care or an advance directive under the Health Care Decisions Act (§ 54.1-2981 et seq.).

"Certification" means a written representation that is delivered by hand, by first-class mail, by overnight delivery service, or by facsimile if the sender obtains a facsimile-machine-generated confirmation reflecting that all facsimile pages were successfully transmitted.

"Guardian" means a court-appointed guardian of the person.

"Health care clearinghouse" means, consistent with the definition set out in 45 C.F.R. § 160.103, a public or private entity, such as a billing service, repricing company, community health management information system or community health information system, and "value-added" networks and switches, that performs either of the following functions: (i) processes or facilitates the processing of health information received from another entity in a nonstandard format or containing nonstandard data content into standard data elements or a standard transaction; or (ii) receives a standard transaction from another entity and processes or facilitates the processing of health information into nonstandard format or nonstandard data content for the receiving entity.

"Health care entity" means any health care provider, health plan or health care clearinghouse.

"Health care provider" means those entities listed in the definition of "health care provider" in § 8.01-581.1, except that state-operated facilities shall also be considered health care providers for the purposes of this section. Health care provider shall also include all persons who are licensed, certified, registered or permitted or who hold a multistate licensure privilege issued by any of the health regulatory boards within the Department of Health Professions, except persons regulated by the Board of Funeral Directors and Embalmers or the Board of Veterinary Medicine.

"Health plan" means an individual or group plan that provides, or pays the cost of, medical care. "Health plan" includes any entity included in such definition as set out in 45 C.F.R. § 160.103.

"Health record" means any written, printed or electronically recorded material maintained by a health care entity in the course of providing health services to an individual concerning the individual and the services provided. "Health record" also includes the substance of any communication made by an individual to a health care entity in confidence during or in connection with the provision of health services or information otherwise acquired by the health care entity about an individual in confidence and in connection with the provision of health services to the individual.

"Health services" means, but shall not be limited to, examination, diagnosis, evaluation, treatment, pharmaceuticals, aftercare, habilitation or rehabilitation and mental health therapy of any kind, as well as payment or reimbursement for any such services.

"Individual" means a patient who is receiving or has received health services from a health care entity.

"Individually identifying prescription information" means all prescriptions, drug orders or any other prescription information that specifically identifies an individual.

"Parent" means a biological, adoptive or foster parent.

"Psychotherapy notes" means comments, recorded in any medium by a health care provider who is a mental health professional, documenting or analyzing the contents of conversation during a private counseling session with an individual or a group, joint, or family counseling session that are separated from the rest of the individual's health record. "Psychotherapy notes" does not include annotations relating to medication and prescription monitoring, counseling session start and stop times, treatment modalities and frequencies, clinical test results, or any summary of any symptoms, diagnosis, prognosis, functional status, treatment plan, or the individual's progress to date.

C. The provisions of this section shall not apply to any of the following:

1. The status of and release of information governed by §§ 65.2-604 and 65.2-607 of the Virginia Workers' Compensation Act;

2. Except where specifically provided herein, the health records of minors; ~~or~~

3. The release of juvenile health records to a secure facility or a shelter care facility pursuant to § 16.1-248.3; or
4. *The release of health records to a state correctional facility pursuant to § 53.1-40.10 or a local or regional correctional facility pursuant to § 53.1-133.03.*

D. Health care entities may, and, when required by other provisions of state law, shall, disclose health records:

1. As set forth in subsection E, pursuant to the written authorization of (i) the individual or (ii) in the case of a minor, (a) his custodial parent, guardian or other person authorized to consent to treatment of minors pursuant to § 54.1-2969 or (b) the minor himself, if he has consented to his own treatment pursuant to § 54.1-2969, or (iii) in emergency cases or situations where it is impractical to obtain an individual's written authorization, pursuant to the individual's oral authorization for a health care provider or health plan to discuss the individual's health records with a third party specified by the individual;

2. In compliance with a subpoena issued in accord with subsection H, pursuant to a search warrant or a grand jury subpoena, pursuant to court order upon good cause shown or in compliance with a subpoena issued pursuant to subsection C of § 8.01-413. Regardless of the manner by which health records relating to an individual are compelled to be disclosed pursuant to this subdivision, nothing in this subdivision shall be construed to prohibit any staff or employee of a health care entity from providing information about such individual to a law-enforcement officer in connection with such subpoena, search warrant, or court order;

3. In accord with subsection F of § 8.01-399 including, but not limited to, situations where disclosure is reasonably necessary to establish or collect a fee or to defend a health care entity or the health care entity's employees or staff against any accusation of wrongful conduct; also as required in the course of an investigation, audit, review or proceedings regarding a health care entity's conduct by a duly authorized law-enforcement, licensure, accreditation, or professional review entity;

4. In testimony in accordance with §§ 8.01-399 and 8.01-400.2;

5. In compliance with the provisions of § 8.01-413;

6. As required or authorized by law relating to public health activities, health oversight activities, serious threats to health or safety, or abuse, neglect or domestic violence, relating to contagious disease, public safety, and suspected child or adult abuse reporting requirements, including, but not limited to, those contained in §§ 16.1-248.3, 32.1-36, 32.1-36.1, 32.1-40, 32.1-41, 32.1-127.1:04, 32.1-276.5, 32.1-283, 32.1-283.1, 32.1-320, 37.2-710, 37.2-839, 53.1-40.10, 53.1-133.03, 54.1-2400.6, 54.1-2400.7, 54.1-2400.9, 54.1-2403.3, 54.1-2506, 54.1-2966, 54.1-2967, 54.1-2968, 54.1-3408.2, 63.2-1509, and 63.2-1606;

7. Where necessary in connection with the care of the individual;

8. In connection with the health care entity's own health care operations or the health care operations of another health care entity, as specified in 45 C.F.R. § 164.501, or in the normal course of business in accordance with accepted standards of practice within the health services setting; however, the maintenance, storage, and disclosure of the mass of prescription dispensing records maintained in a pharmacy registered or permitted in Virginia shall only be accomplished in compliance with §§ 54.1-3410, 54.1-3411, and 54.1-3412;

9. When the individual has waived his right to the privacy of the health records;

10. When examination and evaluation of an individual are undertaken pursuant to judicial or administrative law order, but only to the extent as required by such order;

11. To the guardian ad litem and any attorney representing the respondent in the course of a guardianship proceeding of an adult patient who is the respondent in a proceeding under Chapter 20 (§ 64.2-2000 et seq.) of Title 64.2;

12. To the guardian ad litem and any attorney appointed by the court to represent an individual who is or has been a patient who is the subject of a commitment proceeding under § 19.2-169.6, Article 5 (§ 37.2-814 et seq.) of Chapter 8 of Title 37.2, Article 16 (§ 16.1-335 et seq.) of Chapter 11 of Title 16.1, or a judicial authorization for treatment proceeding pursuant to Chapter 11 (§ 37.2-1100 et seq.) of Title 37.2;

13. To a magistrate, the court, the evaluator or examiner required under Article 16 (§ 16.1-335 et seq.) of Chapter 11 of Title 16.1 or § 37.2-815, a community services board or behavioral health authority or a designee of a community services board or behavioral health authority, or a law-enforcement officer participating in any proceeding under Article 16 (§ 16.1-335 et seq.) of Chapter 11 of Title 16.1, § 19.2-169.6, or Chapter 8 (§ 37.2-800 et seq.) of Title 37.2 regarding the subject of the proceeding, and to any health care provider evaluating or providing services to the person who is the subject of the proceeding or monitoring the person's adherence to a treatment plan ordered under those provisions. Health records disclosed to a law-enforcement officer shall be limited to information necessary to protect the officer, the person, or the public from physical injury or to address the health care needs of the person. Information disclosed to a law-enforcement officer shall not be used for any other purpose, disclosed to others, or retained;

14. To the attorney and/or guardian ad litem of a minor who represents such minor in any judicial or administrative proceeding, if the court or administrative hearing officer has entered an order granting the attorney or guardian ad litem this right and such attorney or guardian ad litem presents evidence to the health care entity of such order;

15. With regard to the Court-Appointed Special Advocate (CASA) program, a minor's health records in accord with § 9.1-156;

16. To an agent appointed under an individual's power of attorney or to an agent or decision maker designated in an individual's advance directive for health care or for decisions on anatomical gifts and organ, tissue or eye donation or to any other person consistent with the provisions of the Health Care Decisions Act (§ 54.1-2981 et seq.);

17. To third-party payors and their agents for purposes of reimbursement;
18. As is necessary to support an application for receipt of health care benefits from a governmental agency or as required by an authorized governmental agency reviewing such application or reviewing benefits already provided or as necessary to the coordination of prevention and control of disease, injury, or disability and delivery of such health care benefits pursuant to § 32.1-127.1:04;
19. Upon the sale of a medical practice as provided in § 54.1-2405; or upon a change of ownership or closing of a pharmacy pursuant to regulations of the Board of Pharmacy;
20. In accord with subsection B of § 54.1-2400.1, to communicate an individual's specific and immediate threat to cause serious bodily injury or death of an identified or readily identifiable person;
21. Where necessary in connection with the implementation of a hospital's routine contact process for organ donation pursuant to subdivision B 4 of § 32.1-127;
22. In the case of substance abuse records, when permitted by and in conformity with requirements of federal law found in 42 U.S.C. § 290dd-2 and 42 C.F.R. Part 2;
23. In connection with the work of any entity established as set forth in § 8.01-581.16 to evaluate the adequacy or quality of professional services or the competency and qualifications for professional staff privileges;
24. If the health records are those of a deceased or mentally incapacitated individual to the personal representative or executor of the deceased individual or the legal guardian or committee of the incompetent or incapacitated individual or if there is no personal representative, executor, legal guardian or committee appointed, to the following persons in the following order of priority: a spouse, an adult son or daughter, either parent, an adult brother or sister, or any other relative of the deceased individual in order of blood relationship;
25. For the purpose of conducting record reviews of inpatient hospital deaths to promote identification of all potential organ, eye, and tissue donors in conformance with the requirements of applicable federal law and regulations, including 42 C.F.R. § 482.45, (i) to the health care provider's designated organ procurement organization certified by the United States Health Care Financing Administration and (ii) to any eye bank or tissue bank in Virginia certified by the Eye Bank Association of America or the American Association of Tissue Banks;
26. To the Office of the State Inspector General pursuant to Chapter 3.2 (§ 2.2-307 et seq.) of Title 2.2;
27. To an entity participating in the activities of a local health partnership authority established pursuant to Article 6.1 (§ 32.1-122.10:001 et seq.) of Chapter 4, pursuant to subdivision 1;
28. To law-enforcement officials by each licensed emergency medical services agency, (i) when the individual is the victim of a crime or (ii) when the individual has been arrested and has received emergency medical services or has refused emergency medical services and the health records consist of the prehospital patient care report required by § 32.1-116.1;
29. To law-enforcement officials, in response to their request, for the purpose of identifying or locating a suspect, fugitive, person required to register pursuant to § 9.1-901 of the Sex Offender and Crimes Against Minors Registry Act, material witness, or missing person, provided that only the following information may be disclosed: (i) name and address of the person, (ii) date and place of birth of the person, (iii) social security number of the person, (iv) blood type of the person, (v) date and time of treatment received by the person, (vi) date and time of death of the person, where applicable, (vii) description of distinguishing physical characteristics of the person, and (viii) type of injury sustained by the person;
30. To law-enforcement officials regarding the death of an individual for the purpose of alerting law enforcement of the death if the health care entity has a suspicion that such death may have resulted from criminal conduct;
31. To law-enforcement officials if the health care entity believes in good faith that the information disclosed constitutes evidence of a crime that occurred on its premises;
32. To the State Health Commissioner pursuant to § 32.1-48.015 when such records are those of a person or persons who are subject to an order of quarantine or an order of isolation pursuant to Article 3.02 (§ 32.1-48.05 et seq.) of Chapter 2;
33. To the Commissioner of the Department of Labor and Industry or his designee by each licensed emergency medical services agency when the records consist of the prehospital patient care report required by § 32.1-116.1 and the patient has suffered an injury or death on a work site while performing duties or tasks that are within the scope of his employment;
34. To notify a family member or personal representative of an individual who is the subject of a proceeding pursuant to Article 16 (§ 16.1-335 et seq.) of Chapter 11 of Title 16.1 or Chapter 8 (§ 37.2-800 et seq.) of Title 37.2 of information that is directly relevant to such person's involvement with the individual's health care, which may include the individual's location and general condition, when the individual has the capacity to make health care decisions and (i) the individual has agreed to the notification, (ii) the individual has been provided an opportunity to object to the notification and does not express an objection, or (iii) the health care provider can, on the basis of his professional judgment, reasonably infer from the circumstances that the individual does not object to the notification. If the opportunity to agree or object to the notification cannot practicably be provided because of the individual's incapacity or an emergency circumstance, the health care provider may notify a family member or personal representative of the individual of information that is directly relevant to such person's involvement with the individual's health care, which may include the individual's location and general condition if the health care provider, in the exercise of his professional judgment, determines that the notification is in the best interests of the individual. Such notification shall not be made if the provider has actual knowledge the family member or personal representative is currently prohibited by court order from contacting the individual;
35. To a threat assessment team established by a local school board pursuant to § 22.1-79.4, by a public institution of higher education pursuant to § 23.1-805, or by a private nonprofit institution of higher education; and

36. To a regional emergency medical services council pursuant to § 32.1-116.1, for purposes limited to monitoring and improving the quality of emergency medical services pursuant to § 32.1-111.3.

Notwithstanding the provisions of subdivisions 1 through 35, a health care entity shall obtain an individual's written authorization for any disclosure of psychotherapy notes, except when disclosure by the health care entity is (i) for its own training programs in which students, trainees, or practitioners in mental health are being taught under supervision to practice or to improve their skills in group, joint, family, or individual counseling; (ii) to defend itself or its employees or staff against any accusation of wrongful conduct; (iii) in the discharge of the duty, in accordance with subsection B of § 54.1-2400.1, to take precautions to protect third parties from violent behavior or other serious harm; (iv) required in the course of an investigation, audit, review, or proceeding regarding a health care entity's conduct by a duly authorized law-enforcement, licensure, accreditation, or professional review entity; or (v) otherwise required by law.

E. Health care records required to be disclosed pursuant to this section shall be made available electronically only to the extent and in the manner authorized by the federal Health Information Technology for Economic and Clinical Health Act (P.L. 111-5) and implementing regulations and the Health Insurance Portability and Accountability Act (42 U.S.C. § 1320d et seq.) and implementing regulations. Notwithstanding any other provision to the contrary, a health care entity shall not be required to provide records in an electronic format requested if (i) the electronic format is not reasonably available without additional cost to the health care entity, (ii) the records would be subject to modification in the format requested, or (iii) the health care entity determines that the integrity of the records could be compromised in the electronic format requested. Requests for copies of or electronic access to health records shall (a) be in writing, dated and signed by the requester; (b) identify the nature of the information requested; and (c) include evidence of the authority of the requester to receive such copies or access such records, and identification of the person to whom the information is to be disclosed; and (d) specify whether the requester would like the records in electronic format, if available, or in paper format. The health care entity shall accept a photocopy, facsimile, or other copy of the original signed by the requester as if it were an original. Within 30 days of receipt of a request for copies of or electronic access to health records, the health care entity shall do one of the following: (1) furnish such copies of or allow electronic access to the requested health records to any requester authorized to receive them in electronic format if so requested; (2) inform the requester if the information does not exist or cannot be found; (3) if the health care entity does not maintain a record of the information, so inform the requester and provide the name and address, if known, of the health care entity who maintains the record; or (4) deny the request (A) under subsection F, (B) on the grounds that the requester has not established his authority to receive such health records or proof of his identity, or (C) as otherwise provided by law. Procedures set forth in this section shall apply only to requests for health records not specifically governed by other provisions of state law.

F. Except as provided in subsection B of § 8.01-413, copies of or electronic access to an individual's health records shall not be furnished to such individual or anyone authorized to act on the individual's behalf when the individual's treating physician or the individual's treating clinical psychologist has made a part of the individual's record a written statement that, in the exercise of his professional judgment, the furnishing to or review by the individual of such health records would be reasonably likely to endanger the life or physical safety of the individual or another person, or that such health record makes reference to a person other than a health care provider and the access requested would be reasonably likely to cause substantial harm to such referenced person. If any health care entity denies a request for copies of or electronic access to health records based on such statement, the health care entity shall inform the individual of the individual's right to designate, in writing, at his own expense, another reviewing physician or clinical psychologist, whose licensure, training and experience relative to the individual's condition are at least equivalent to that of the physician or clinical psychologist upon whose opinion the denial is based. The designated reviewing physician or clinical psychologist shall make a judgment as to whether to make the health record available to the individual.

The health care entity denying the request shall also inform the individual of the individual's right to request in writing that such health care entity designate, at its own expense, a physician or clinical psychologist, whose licensure, training, and experience relative to the individual's condition are at least equivalent to that of the physician or clinical psychologist upon whose professional judgment the denial is based and who did not participate in the original decision to deny the health records, who shall make a judgment as to whether to make the health record available to the individual. The health care entity shall comply with the judgment of the reviewing physician or clinical psychologist. The health care entity shall permit copying and examination of the health record by such other physician or clinical psychologist designated by either the individual at his own expense or by the health care entity at its expense.

Any health record copied for review by any such designated physician or clinical psychologist shall be accompanied by a statement from the custodian of the health record that the individual's treating physician or clinical psychologist determined that the individual's review of his health record would be reasonably likely to endanger the life or physical safety of the individual or would be reasonably likely to cause substantial harm to a person referenced in the health record who is not a health care provider.

Further, nothing herein shall be construed as giving, or interpreted to bestow the right to receive copies of, or otherwise obtain access to, psychotherapy notes to any individual or any person authorized to act on his behalf.

G. A written authorization to allow release of an individual's health records shall substantially include the following information:

**AUTHORIZATION TO RELEASE CONFIDENTIAL HEALTH RECORDS**

Individual's Name \_\_\_\_\_

Health Care Entity's Name \_\_\_\_\_  
Person, Agency, or Health Care Entity to whom disclosure is to be made

Information or Health Records to be disclosed \_\_\_\_\_

Purpose of Disclosure or at the Request of the Individual \_\_\_\_\_

As the person signing this authorization, I understand that I am giving my permission to the above-named health care entity for disclosure of confidential health records. I understand that the health care entity may not condition treatment or payment on my willingness to sign this authorization unless the specific circumstances under which such conditioning is permitted by law are applicable and are set forth in this authorization. I also understand that I have the right to revoke this authorization at any time, but that my revocation is not effective until delivered in writing to the person who is in possession of my health records and is not effective as to health records already disclosed under this authorization. A copy of this authorization and a notation concerning the persons or agencies to whom disclosure was made shall be included with my original health records. I understand that health information disclosed under this authorization might be redisclosed by a recipient and may, as a result of such disclosure, no longer be protected to the same extent as such health information was protected by law while solely in the possession of the health care entity.

This authorization expires on (date) or (event) \_\_\_\_\_

Signature of Individual or Individual's Legal Representative if Individual is Unable to Sign \_\_\_\_\_

Relationship or Authority of Legal Representative \_\_\_\_\_

Date of Signature \_\_\_\_\_

H. Pursuant to this subsection:

1. Unless excepted from these provisions in subdivision 9, no party to a civil, criminal or administrative action or proceeding shall request the issuance of a subpoena duces tecum for another party's health records or cause a subpoena duces tecum to be issued by an attorney unless a copy of the request for the subpoena or a copy of the attorney-issued subpoena is provided to the other party's counsel or to the other party if pro se, simultaneously with filing the request or issuance of the subpoena. No party to an action or proceeding shall request or cause the issuance of a subpoena duces tecum for the health records of a nonparty witness unless a copy of the request for the subpoena or a copy of the attorney-issued subpoena is provided to the nonparty witness simultaneously with filing the request or issuance of the attorney-issued subpoena.

No subpoena duces tecum for health records shall set a return date earlier than 15 days from the date of the subpoena except by order of a court or administrative agency for good cause shown. When a court or administrative agency directs that health records be disclosed pursuant to a subpoena duces tecum earlier than 15 days from the date of the subpoena, a copy of the order shall accompany the subpoena.

Any party requesting a subpoena duces tecum for health records or on whose behalf the subpoena duces tecum is being issued shall have the duty to determine whether the individual whose health records are being sought is pro se or a nonparty.

In instances where health records being subpoenaed are those of a pro se party or nonparty witness, the party requesting or issuing the subpoena shall deliver to the pro se party or nonparty witness together with the copy of the request for subpoena, or a copy of the subpoena in the case of an attorney-issued subpoena, a statement informing them of their rights and remedies. The statement shall include the following language and the heading shall be in boldface capital letters:

**NOTICE TO INDIVIDUAL**

The attached document means that (insert name of party requesting or causing issuance of the subpoena) has either asked the court or administrative agency to issue a subpoena or a subpoena has been issued by the other party's attorney to your doctor, other health care providers (names of health care providers inserted here) or other health care entity (name of health care entity to be inserted here) requiring them to produce your health records. Your doctor, other health care provider or other health care entity is required to respond by providing a copy of your health records. If you believe your health records should not be disclosed and object to their disclosure, you have the right to file a motion with the clerk of the court or the administrative agency to quash the subpoena. If you elect to file a motion to quash, such motion must be filed within 15 days of the date of the request or of the attorney-issued subpoena. You may contact the clerk's office or the administrative agency to determine the requirements that must be satisfied when filing a motion to quash and you may elect to contact an attorney to represent your interest. If you elect to file a motion to quash, you must notify your doctor, other health care provider(s), or other health care entity, that you are filing the motion so that the health care provider or health care entity knows to send the health records to the clerk of court or administrative agency in a sealed envelope or package for safekeeping while your motion is decided.

2. Any party filing a request for a subpoena duces tecum or causing such a subpoena to be issued for an individual's health records shall include a Notice in the same part of the request in which the recipient of the subpoena duces tecum is directed where and when to return the health records. Such notice shall be in boldface capital letters and shall include the following language:

**NOTICE TO HEALTH CARE ENTITIES**

A COPY OF THIS SUBPOENA DUCES TECUM HAS BEEN PROVIDED TO THE INDIVIDUAL WHOSE HEALTH RECORDS ARE BEING REQUESTED OR HIS COUNSEL. YOU OR THAT INDIVIDUAL HAS THE RIGHT TO FILE A MOTION TO QUASH (OBJECT TO) THE ATTACHED SUBPOENA. IF YOU ELECT TO FILE A MOTION TO QUASH, YOU MUST FILE THE MOTION WITHIN 15 DAYS OF THE DATE OF THIS SUBPOENA.

YOU MUST NOT RESPOND TO THIS SUBPOENA UNTIL YOU HAVE RECEIVED WRITTEN CERTIFICATION FROM THE PARTY ON WHOSE BEHALF THE SUBPOENA WAS ISSUED THAT THE TIME FOR FILING A MOTION TO QUASH HAS ELAPSED AND THAT:

NO MOTION TO QUASH WAS FILED; OR

ANY MOTION TO QUASH HAS BEEN RESOLVED BY THE COURT OR THE ADMINISTRATIVE AGENCY AND THE DISCLOSURES SOUGHT ARE CONSISTENT WITH SUCH RESOLUTION.

IF YOU RECEIVE NOTICE THAT THE INDIVIDUAL WHOSE HEALTH RECORDS ARE BEING REQUESTED HAS FILED A MOTION TO QUASH THIS SUBPOENA, OR IF YOU FILE A MOTION TO QUASH THIS SUBPOENA, YOU MUST SEND THE HEALTH RECORDS ONLY TO THE CLERK OF THE COURT OR ADMINISTRATIVE AGENCY THAT ISSUED THE SUBPOENA OR IN WHICH THE ACTION IS PENDING AS SHOWN ON THE SUBPOENA USING THE FOLLOWING PROCEDURE:

PLACE THE HEALTH RECORDS IN A SEALED ENVELOPE AND ATTACH TO THE SEALED ENVELOPE A COVER LETTER TO THE CLERK OF COURT OR ADMINISTRATIVE AGENCY WHICH STATES THAT CONFIDENTIAL HEALTH RECORDS ARE ENCLOSED AND ARE TO BE HELD UNDER SEAL PENDING A RULING ON THE MOTION TO QUASH THE SUBPOENA. THE SEALED ENVELOPE AND THE COVER LETTER SHALL BE PLACED IN AN OUTER ENVELOPE OR PACKAGE FOR TRANSMITTAL TO THE COURT OR ADMINISTRATIVE AGENCY.

3. Upon receiving a valid subpoena duces tecum for health records, health care entities shall have the duty to respond to the subpoena in accordance with the provisions of subdivisions 4, 5, 6, 7, and 8.

4. Except to deliver to a clerk of the court or administrative agency subpoenaed health records in a sealed envelope as set forth, health care entities shall not respond to a subpoena duces tecum for such health records until they have received a certification as set forth in subdivision 5 or 8 from the party on whose behalf the subpoena duces tecum was issued.

If the health care entity has actual receipt of notice that a motion to quash the subpoena has been filed or if the health care entity files a motion to quash the subpoena for health records, then the health care entity shall produce the health records, in a securely sealed envelope, to the clerk of the court or administrative agency issuing the subpoena or in whose court or administrative agency the action is pending. The court or administrative agency shall place the health records under seal until a determination is made regarding the motion to quash. The securely sealed envelope shall only be opened on order of the judge or administrative agency. In the event the court or administrative agency grants the motion to quash, the health records shall be returned to the health care entity in the same sealed envelope in which they were delivered to the court or administrative agency. In the event that a judge or administrative agency orders the sealed envelope to be opened to review the health records in camera, a copy of the order shall accompany any health records returned to the health care entity. The health records returned to the health care entity shall be in a securely sealed envelope.

5. If no motion to quash is filed within 15 days of the date of the request or of the attorney-issued subpoena, the party on whose behalf the subpoena was issued shall have the duty to certify to the subpoenaed health care entity that the time for filing a motion to quash has elapsed and that no motion to quash was filed. Any health care entity receiving such certification shall have the duty to comply with the subpoena duces tecum by returning the specified health records by either the return date on the subpoena or five days after receipt of the certification, whichever is later.

6. In the event that the individual whose health records are being sought files a motion to quash the subpoena, the court or administrative agency shall decide whether good cause has been shown by the discovering party to compel disclosure of the individual's health records over the individual's objections. In determining whether good cause has been shown, the court or administrative agency shall consider (i) the particular purpose for which the information was collected; (ii) the degree to which the disclosure of the records would embarrass, injure, or invade the privacy of the individual; (iii) the effect of the disclosure on the individual's future health care; (iv) the importance of the information to the lawsuit or proceeding; and (v) any other relevant factor.

7. Concurrent with the court or administrative agency's resolution of a motion to quash, if subpoenaed health records have been submitted by a health care entity to the court or administrative agency in a sealed envelope, the court or administrative agency shall: (i) upon determining that no submitted health records should be disclosed, return all submitted health records to the health care entity in a sealed envelope; (ii) upon determining that all submitted health records should be disclosed, provide all the submitted health records to the party on whose behalf the subpoena was issued; or (iii) upon determining that only a portion of the submitted health records should be disclosed, provide such portion to the party on whose behalf the subpoena was issued and return the remaining health records to the health care entity in a sealed envelope.

8. Following the court or administrative agency's resolution of a motion to quash, the party on whose behalf the subpoena duces tecum was issued shall have the duty to certify in writing to the subpoenaed health care entity a statement of one of the following:

a. All filed motions to quash have been resolved by the court or administrative agency and the disclosures sought in the subpoena duces tecum are consistent with such resolution; and, therefore, the health records previously delivered in a sealed envelope to the clerk of the court or administrative agency will not be returned to the health care entity;

b. All filed motions to quash have been resolved by the court or administrative agency and the disclosures sought in the subpoena duces tecum are consistent with such resolution and that, since no health records have previously been delivered to the court or administrative agency by the health care entity, the health care entity shall comply with the subpoena duces tecum by returning the health records designated in the subpoena by the return date on the subpoena or five days after receipt of certification, whichever is later;

c. All filed motions to quash have been resolved by the court or administrative agency and the disclosures sought in the subpoena duces tecum are not consistent with such resolution; therefore, no health records shall be disclosed and all health records previously delivered in a sealed envelope to the clerk of the court or administrative agency will be returned to the health care entity;

d. All filed motions to quash have been resolved by the court or administrative agency and the disclosures sought in the subpoena duces tecum are not consistent with such resolution and that only limited disclosure has been authorized. The certification shall state that only the portion of the health records as set forth in the certification, consistent with the court or administrative agency's ruling, shall be disclosed. The certification shall also state that health records that were previously delivered to the court or administrative agency for which disclosure has been authorized will not be returned to the health care entity; however, all health records for which disclosure has not been authorized will be returned to the health care entity; or

e. All filed motions to quash have been resolved by the court or administrative agency and the disclosures sought in the subpoena duces tecum are not consistent with such resolution and, since no health records have previously been delivered to the court or administrative agency by the health care entity, the health care entity shall return only those health records specified in the certification, consistent with the court or administrative agency's ruling, by the return date on the subpoena or five days after receipt of the certification, whichever is later.

A copy of the court or administrative agency's ruling shall accompany any certification made pursuant to this subdivision.

9. The provisions of this subsection have no application to subpoenas for health records requested under § 8.01-413, or issued by a duly authorized administrative agency conducting an investigation, audit, review or proceedings regarding a health care entity's conduct.

The provisions of this subsection shall apply to subpoenas for the health records of both minors and adults.

Nothing in this subsection shall have any effect on the existing authority of a court or administrative agency to issue a protective order regarding health records, including, but not limited to, ordering the return of health records to a health care entity, after the period for filing a motion to quash has passed.

A subpoena for substance abuse records must conform to the requirements of federal law found in 42 C.F.R. Part 2, Subpart E.

I. Health care entities may testify about the health records of an individual in compliance with §§ 8.01-399 and 8.01-400.2.

J. If an individual requests a copy of his health record from a health care entity, the health care entity may impose a reasonable cost-based fee, which shall include only the cost of supplies for and labor of copying the requested information, postage when the individual requests that such information be mailed, and preparation of an explanation or summary of such information as agreed to by the individual. For the purposes of this section, "individual" shall subsume a person with authority to act on behalf of the individual who is the subject of the health record in making decisions related to his health care.

K. Nothing in this section shall prohibit a health care provider who prescribes or dispenses a controlled substance required to be reported to the Prescription Monitoring Program established pursuant to Chapter 25.2 (§ 54.1-2519 et seq.) of Title 54.1 to a patient from disclosing information obtained from the Prescription Monitoring Program and contained in a patient's health care record to another health care provider when such disclosure is related to the care or treatment of the patient who is the subject of the record.

**§ 53.1-40.10. Exchange of medical and mental health information and records.**

~~Medical~~ *Whenever a person is committed to a state correctional facility, the person in charge of the facility or his designee shall be entitled to obtain medical records concerning such person from a health care provider. In addition, medical and mental health information and records of any person committed to the Department of Corrections may be exchanged among the following:*

1. Administrative personnel for the facility in which the prisoner is imprisoned when there is reasonable cause to believe that such information is necessary to maintain the security and safety of the facility, its employees, or other prisoners. The information exchanged shall continue to be confidential and disclosure shall be limited to that necessary to ensure the safety and security of the facility.

2. Members of the Parole Board, as specified in § 53.1-138, in order to conduct the investigation required under § 53.1-155.

3. Probation and parole officers for use in parole and probation planning, release and supervision.

4. Officials within the Department for the purpose of formulating recommendations for treatment and rehabilitative programs; classification, security and work assignments; and determining the necessity for medical, dental and mental health care, treatment and programs.

5. Medical and mental health hospitals and facilities, both public and private, including community service boards, for use in planning for and supervision of post-incarceration medical and mental health care, treatment, and programs.

6. The Department for Aging and Rehabilitative Services, the Department of Social Services, and any local department of social services in the Commonwealth for the purposes of reentry planning and post-incarceration placement and services.

Substance abuse records subject to federal regulations, Confidentiality of Alcohol and Drug Abuse Patient Records, 42 C.F.R. § 2.11 et seq., shall not be subject to the provisions of this section. The disclosure of results of a test for human immunodeficiency virus shall not be permitted except as provided in § 32.1-36.1.

The release of medical and mental health information and records to any other agency or individual shall be subject to all regulations promulgated by the Department which govern confidentiality of such records. Medical and mental health information concerning a prisoner which has been exchanged pursuant to this section may be used only as provided herein and shall otherwise remain confidential and protected from disclosure.

**§ 53.1-133.03. Exchange of medical and mental health information and records.**

Notwithstanding any other provision of law relating to disclosure and confidentiality of patient records maintained by a health care provider, *whenever a person is committed to a local or regional correctional facility, the person in charge of the facility or his designee shall be entitled to obtain medical records concerning such person from a health care provider. In addition,* medical and mental health information and records of any person committed to jail, and transferred to another correctional facility, may be exchanged among the following:

1. Administrative personnel of the correctional facilities involved and of the administrative personnel within the holding facility when there is reasonable cause to believe that such information is necessary to maintain the security and safety of the holding facility, its employees, or prisoners. The information exchanged shall continue to be confidential and disclosure shall be limited to that necessary to ensure the safety and security of the facility.

2. Members of the Parole Board or its designees, as specified in § 53.1-138, in order to conduct the investigation required under § 53.1-155.

3. Probation and parole officers for use in parole and probation planning, release and supervision.

4. Officials of the facilities involved and officials within the holding facility for the purpose of formulating recommendations for treatment and rehabilitative programs; classification, security and work assignments; and determining the necessity for medical, dental and mental health care, treatment and other such programs.

5. Medical and mental health hospitals and facilities, both public and private, including community service boards and health departments, for use in treatment while committed to jail or a correctional facility while under supervision of a probation or parole officer.

Substance abuse records subject to federal regulations, Confidentiality of Alcohol and Drug Abuse Patient Records, 42 C.F.R. § 2.11 et seq., shall not be subject to the provisions of this section. The disclosure of results of a test for human immunodeficiency virus shall not be permitted except as provided in §§ 32.1-36.1 and 32.1-116.3.

The release of medical and mental health information and records to any other agency or individual shall be subject to all regulations promulgated by the Board of Corrections which govern confidentiality of such records. Medical and mental health information concerning a prisoner which has been exchanged pursuant to this section may be used only as provided herein and shall otherwise remain confidential and protected from disclosure.

Nothing contained in this section shall prohibit the release of records to the Department of Health Professions or health regulatory boards consistent with Subtitle III (§ 54.1-2400 et seq.) of Title 54.1 of the Code of Virginia.

**CHAPTER 166**

*An Act to amend the Code of Virginia by adding a section numbered 4.1-310.1, relating to alcoholic beverage control; delivery of wine or beer to retail licensee; wholesaler requirement.*

[H 820]

Approved March 5, 2018

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

**1. That the Code of Virginia is amended by adding a section numbered 4.1-310.1 as follows:**

**§ 4.1-310.1. Delivery of wine or beer to retail licensee.**

*Except as otherwise provided in this title or in Board regulation, no wine or beer may be shipped or delivered to a retail licensee for resale unless such wine or beer has first been (i) delivered to the licensed premises of a wine or beer wholesaler and unloaded, (ii) kept on the licensed premises of the wholesaler for not less than four hours prior to reloading on a vehicle, and (iii) recorded in the wholesaler's inventory. Any holder of a restricted wholesale wine license issued pursuant to § 4.1-207.1 shall be exempt from the requirement set forth in clause (ii).*

CHAPTER 167

*An Act to amend the Code of Virginia by adding a section numbered 4.1-310.1, relating to alcoholic beverage control; delivery of wine or beer to retail licensee; wholesaler requirement.*

[S 382]

Approved March 5, 2018

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

**1. That the Code of Virginia is amended by adding a section numbered 4.1-310.1 as follows:**

**§ 4.1-310.1. Delivery of wine or beer to retail licensee.**

*Except as otherwise provided in this title or in Board regulation, no wine or beer may be shipped or delivered to a retail licensee for resale unless such wine or beer has first been (i) delivered to the licensed premises of a wine or beer wholesaler and unloaded, (ii) kept on the licensed premises of the wholesaler for not less than four hours prior to reloading on a vehicle, and (iii) recorded in the wholesaler's inventory. Any holder of a restricted wholesale wine license issued pursuant to § 4.1-207.1 shall be exempt from the requirement set forth in clause (ii).*

CHAPTER 168

*An Act to amend and reenact § 4.1-404 of the Code of Virginia, relating to alcoholic beverage control; wine wholesaler; primary area of responsibility.*

[H 1005]

Approved March 5, 2018

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

**1. That § 4.1-404 of the Code of Virginia is amended and reenacted as follows:**

**§ 4.1-404. Sales territory.**

Each winery which enters into an agreement with a wine wholesaler shall designate a sales territory as the primary area of responsibility of that wholesaler which is applicable to the agreement. ~~The term "primary area of responsibility" shall not be construed as restricting sales or sales efforts by a wine wholesaler exclusively to retailers located within the designated sales territory, and any agreement to the contrary shall be void.~~ No winery shall enter into any agreement with more than one wholesaler for the purpose of establishing more than one agreement for its brands of wine in any territory. However, the existence of more than one such agreement as a result of a sale of a winery as contemplated by § 4.1-405 shall not be prohibited. Notwithstanding any other provision in this chapter, a winery may enter into agreements with more than one wholesaler in a sales territory for new brands which are not clearly extensions of existing brands. Territories served by a wine wholesaler on February 18, 1989, shall be deemed designated sales territories within the meaning of this section. Each winery shall notify the Board in writing of all designations of sales territories, the identity of the wholesaler appointed to serve such territory and a statement of any variations which exist in the designated territory in regard to a particular brand. Redesignations shall be reported to the Board within ~~thirty~~ 30 days.

**2. That the provisions of this act shall not render valid the provision of any contract, written or oral, that was entered into prior to July 1, 2018, and that was void under the law in effect prior to July 1, 2018.**

CHAPTER 169

*An Act to amend and reenact § 4.1-404 of the Code of Virginia, relating to alcoholic beverage control; wine wholesaler; primary area of responsibility.*

[S 174]

Approved March 5, 2018

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

**1. That § 4.1-404 of the Code of Virginia is amended and reenacted as follows:**

**§ 4.1-404. Sales territory.**

Each winery which enters into an agreement with a wine wholesaler shall designate a sales territory as the primary area of responsibility of that wholesaler which is applicable to the agreement. ~~The term "primary area of responsibility" shall not be construed as restricting sales or sales efforts by a wine wholesaler exclusively to retailers located within the designated sales territory, and any agreement to the contrary shall be void.~~ No winery shall enter into any agreement with more than one wholesaler for the purpose of establishing more than one agreement for its brands of wine in any territory. However, the existence of more than one such agreement as a result of a sale of a winery as contemplated by § 4.1-405 shall not be prohibited. Notwithstanding any other provision in this chapter, a winery may enter into agreements with more than one wholesaler in a sales territory for new brands which are not clearly extensions of existing brands. Territories served by a wine wholesaler on February 18, 1989, shall be deemed designated sales territories within the meaning of this section. Each winery shall notify the Board in writing of all designations of sales territories, the identity of the wholesaler appointed to

serve such territory and a statement of any variations which exist in the designated territory in regard to a particular brand. Redesignations shall be reported to the Board within ~~thirty~~ 30 days.

**2. That the provisions of this act shall not render valid the provision of any contract, written or oral, that was entered into prior to July 1, 2018, and that was void under the law in effect prior to July 1, 2018.**

#### CHAPTER 170

*An Act to amend the Code of Virginia by adding in Article 1 of Chapter 15 of Title 22.1 a section numbered 22.1-292.3 and by adding a section numbered 54.1-104.1 and to repeal § 54.1-2400.5 of the Code of Virginia, relating to professional and occupational regulation; authority to suspend or revoke certain licenses, certificates, registrations, or permits solely on the basis of default or delinquency in payment of an education loan or scholarship.*

[H 1114]

Approved March 5, 2018

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

**1. That the Code of Virginia is amended by adding in Article 1 of Chapter 15 of Title 22.1 a section numbered 22.1-292.3 and by adding a section numbered 54.1-104.1 as follows:**

**§ 22.1-292.3. License may not be suspended solely on the basis of default or delinquency in payment of federal-guaranteed or state-guaranteed education loan or scholarship.**

*The Board shall not be authorized to suspend or revoke the administrative or teaching license it has issued to any person who is in default or delinquent in the payment of a federal-guaranteed or state-guaranteed educational loan or work-conditional scholarship solely on the basis of such default or delinquency.*

**§ 54.1-104.1. License, certificate, registration, permit, or authority may not be suspended or revoked solely on the basis of default or delinquency in payment of federal-guaranteed or state-guaranteed education loan or scholarship.**

*The Department of Professional and Occupational Regulation, the Department of Health Professions, and the Board of Accountancy shall not be authorized to suspend or revoke the license, certificate, registration, permit, or authority it has issued to any person who is in default or delinquent in the payment of a federal-guaranteed or state-guaranteed educational loan or work-conditional scholarship solely on the basis of such default or delinquency.*

**2. That § 54.1-2400.5 of the Code of Virginia is repealed.**

#### CHAPTER 171

*An Act to amend and reenact §§ 54.1-2400.1 and 54.1-3500 of the Code of Virginia, relating to definition of qualified mental health professional.*

[H 1375]

Approved March 5, 2018

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

**1. That §§ 54.1-2400.1 and 54.1-3500 of the Code of Virginia are amended and reenacted as follows:**

**§ 54.1-2400.1. Mental health service providers; duty to protect third parties; immunity.**

A. As used in this section:

"Certified substance abuse counselor" means a person certified to provide substance abuse counseling in a state-approved public or private substance abuse program or facility.

"Client" or "patient" means any person who is voluntarily or involuntarily receiving mental health services or substance abuse services from any mental health service provider.

"Clinical psychologist" means a person who practices clinical psychology as defined in § 54.1-3600.

"Clinical social worker" means a person who practices social work as defined in § 54.1-3700.

"Licensed practical nurse" means a person licensed to practice practical nursing as defined in § 54.1-3000.

"Licensed substance abuse treatment practitioner" means any person licensed to engage in the practice of substance abuse treatment as defined in § 54.1-3500.

"Marriage and family therapist" means a person licensed to engage in the practice of marriage and family therapy as defined in § 54.1-3500.

"Mental health professional" means a person who by education and experience is professionally qualified and licensed in Virginia to provide counseling interventions designed to facilitate an individual's achievement of human development goals and remediate mental, emotional, or behavioral disorders and associated distresses which interfere with mental health and development.

"Mental health service provider" or "provider" refers to any of the following: (i) a person who provides professional services as a certified substance abuse counselor, clinical psychologist, clinical social worker, licensed substance abuse treatment practitioner, licensed practical nurse, marriage and family therapist, mental health professional, physician, physician assistant, professional counselor, psychologist, qualified mental health professional, registered nurse, registered

peer recovery specialist, school psychologist, or social worker; (ii) a professional corporation, all of whose shareholders or members are so licensed; or (iii) a partnership, all of whose partners are so licensed.

"Professional counselor" means a person who practices counseling as defined in § 54.1-3500.

"Psychologist" means a person who practices psychology as defined in § 54.1-3600.

"Qualified mental health professional" means a person who by education and experience is professionally qualified and registered by the Board of Counseling to provide collaborative mental health services for adults or children. A qualified mental health professional shall provide such services as an employee or independent contractor of the Department of Behavioral Health and Developmental Services, *the Department of Corrections*, or a provider licensed by the Department of Behavioral Health and Developmental Services.

"Registered nurse" means a person licensed to practice professional nursing as defined in § 54.1-3000.

"Registered peer recovery specialist" means a person who by education and experience is professionally qualified and registered by the Board of Counseling to provide collaborative services to assist individuals in achieving sustained recovery from the effects of addiction or mental illness, or both. A registered peer recovery specialist shall provide such services as an employee or independent contractor of the Department of Behavioral Health and Developmental Services, a provider licensed by the Department of Behavioral Health and Developmental Services, a practitioner licensed by or holding a permit issued from the Department of Health Professions, or a facility licensed by the Department of Health.

"School psychologist" means a person who practices school psychology as defined in § 54.1-3600.

"Social worker" means a person who practices social work as defined in § 54.1-3700.

B. A mental health service provider has a duty to take precautions to protect third parties from violent behavior or other serious harm only when the client has orally, in writing, or via sign language, communicated to the provider a specific and immediate threat to cause serious bodily injury or death to an identified or readily identifiable person or persons, if the provider reasonably believes, or should believe according to the standards of his profession, that the client has the intent and ability to carry out that threat immediately or imminently. If the third party is a child, in addition to taking precautions to protect the child from the behaviors in the above types of threats, the provider also has a duty to take precautions to protect the child if the client threatens to engage in behaviors that would constitute physical abuse or sexual abuse as defined in § 18.2-67.10. The duty to protect does not attach unless the threat has been communicated to the provider by the threatening client while the provider is engaged in his professional duties.

C. The duty set forth in subsection B is discharged by a mental health service provider who takes one or more of the following actions:

1. Seeks involuntary admission of the client under Article 16 (§ 16.1-335 et seq.) of Chapter 11 of Title 16.1 or Chapter 8 (§ 37.2-800 et seq.) of Title 37.2.

2. Makes reasonable attempts to warn the potential victims or the parent or guardian of the potential victim if the potential victim is under the age of 18.

3. Makes reasonable efforts to notify a law-enforcement official having jurisdiction in the client's or potential victim's place of residence or place of work, or place of work of the parent or guardian if the potential victim is under age 18, or both.

4. Takes steps reasonably available to the provider to prevent the client from using physical violence or other means of harm to others until the appropriate law-enforcement agency can be summoned and takes custody of the client.

5. Provides therapy or counseling to the client or patient in the session in which the threat has been communicated until the mental health service provider reasonably believes that the client no longer has the intent or the ability to carry out the threat.

6. In the case of a registered peer recovery specialist, or a qualified mental health professional who is not otherwise licensed by a health regulatory board at the Department of Health Professions, reports immediately to a licensed mental health service provider to take one or more of the actions set forth in this subsection.

D. A mental health service provider shall not be held civilly liable to any person for:

1. Breaching confidentiality with the limited purpose of protecting third parties by communicating the threats described in subsection B made by his clients to potential third party victims or law-enforcement agencies or by taking any of the actions specified in subsection C.

2. Failing to predict, in the absence of a threat described in subsection B, that the client would cause the third party serious physical harm.

3. Failing to take precautions other than those enumerated in subsection C to protect a potential third party victim from the client's violent behavior.

#### § 54.1-3500. Definitions.

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

"Appraisal activities" means the exercise of professional judgment based on observations and objective assessments of a client's behavior to evaluate current functioning, diagnose, and select appropriate treatment required to remediate identified problems or to make appropriate referrals.

"Board" means the Board of Counseling.

"Certified substance abuse counseling assistant" means a person certified by the Board to practice in accordance with the provisions of § 54.1-3507.2.

"Certified substance abuse counselor" means a person certified by the Board to practice in accordance with the provisions of § 54.1-3507.1.

"Counseling" means the application of principles, standards, and methods of the counseling profession in (i) conducting assessments and diagnoses for the purpose of establishing treatment goals and objectives and (ii) planning, implementing, and evaluating treatment plans using treatment interventions to facilitate human development and to identify and remediate mental, emotional, or behavioral disorders and associated distresses that interfere with mental health.

"Licensed substance abuse treatment practitioner" means a person who: (i) is trained in and engages in the practice of substance abuse treatment with individuals or groups of individuals suffering from the effects of substance abuse or dependence, and in the prevention of substance abuse or dependence; and (ii) is licensed to provide advanced substance abuse treatment and independent, direct, and unsupervised treatment to such individuals or groups of individuals, and to plan, evaluate, supervise, and direct substance abuse treatment provided by others.

"Marriage and family therapist" means a person trained in the assessment and treatment of cognitive, affective, or behavioral mental and emotional disorders within the context of marriage and family systems through the application of therapeutic and family systems theories and techniques.

"Marriage and family therapy" means the assessment and treatment of cognitive, affective, or behavioral mental and emotional disorders within the context of marriage and family systems through the application of therapeutic and family systems theories and techniques and delivery of services to individuals, couples, and families, singularly or in groups, for the purpose of treating such disorders.

"Practice of counseling" means rendering or offering to render to individuals, groups, organizations, or the general public any service involving the application of principles, standards, and methods of the counseling profession, which shall include appraisal, counseling, and referral activities.

"Practice of marriage and family therapy" means the assessment and treatment of cognitive, affective, or behavioral mental and emotional disorders within the context of marriage and family systems through the application of therapeutic and family systems theories and techniques, which shall include assessment, treatment, and referral activities.

"Practice of substance abuse treatment" means rendering or offering to render substance abuse treatment to individuals, groups, organizations, or the general public.

"Professional counselor" means a person trained in the application of principles, standards, and methods of the counseling profession, including counseling interventions designed to facilitate an individual's achievement of human development goals and remediating mental, emotional, or behavioral disorders and associated distresses that interfere with mental health and development.

"Qualified mental health professional" means a person who by education and experience is professionally qualified and registered by the Board to provide collaborative mental health services for adults or children. A qualified mental health professional shall provide such services as an employee or independent contractor of the Department of Behavioral Health and Developmental Services, *the Department of Corrections*, or a provider licensed by the Department of Behavioral Health and Developmental Services.

"Referral activities" means the evaluation of data to identify problems and to determine advisability of referral to other specialists.

"Registered peer recovery specialist" means a person who by education and experience is professionally qualified and registered by the Board to provide collaborative services to assist individuals in achieving sustained recovery from the effects of addiction or mental illness, or both. A registered peer recovery specialist shall provide such services as an employee or independent contractor of the Department of Behavioral Health and Developmental Services, a provider licensed by the Department of Behavioral Health and Developmental Services, a practitioner licensed by or holding a permit issued from the Department of Health Professions, or a facility licensed by the Department of Health.

"Residency" means a post-internship supervised clinical experience registered with the Board.

"Resident" means an individual who has submitted a supervisory contract to the Board and has received Board approval to provide clinical services in professional counseling under supervision.

"Substance abuse" and "substance dependence" mean a maladaptive pattern of substance use leading to clinically significant impairment or distress.

"Substance abuse treatment" means (i) the application of specific knowledge, skills, substance abuse treatment theory, and substance abuse treatment techniques to define goals and develop a treatment plan of action regarding substance abuse or dependence prevention, education, or treatment in the substance abuse or dependence recovery process and (ii) referrals to medical, social services, psychological, psychiatric, or legal resources when such referrals are indicated.

"Supervision" means the ongoing process, performed by a supervisor, of monitoring the performance of the person supervised and providing regular, documented individual or group consultation, guidance, and instruction with respect to the clinical skills and competencies of the person supervised.

## CHAPTER 172

*An Act to amend and reenact § 4.1-201 of the Code of Virginia, relating to alcoholic beverage control; conduct not prohibited.*

[H 1520]

Approved March 5, 2018

**Be it enacted by the General Assembly of Virginia:****1. That § 4.1-201 of the Code of Virginia is amended and reenacted as follows:****§ 4.1-201. Conduct not prohibited by this title; limitation.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17. *Any private swim club operated by a duly organized nonprofit corporation or association from allowing members to bring lawfully acquired alcoholic beverages onto the premises of such club and consume such alcoholic beverages on the premises of such club.*

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

**CHAPTER 173**

*An Act to amend and reenact §§ 4.1-206, 4.1-231, and 4.1-233 of the Code of Virginia, relating to alcoholic beverage control; confectionery license.*

[S 61]

Approved March 5, 2018

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

**1. That §§ 4.1-206, 4.1-231, and 4.1-233 of the Code of Virginia are amended and reenacted as follows:**

**§ 4.1-206. Alcoholic beverage licenses.**

A. The Board may grant the following licenses relating to alcoholic beverages generally:

1. Distillers' licenses, which shall authorize the licensee to manufacture alcoholic beverages other than wine and beer, and to sell and deliver or ship the same, in accordance with Board regulations, in closed containers, to the Board and to persons outside the Commonwealth for resale outside the Commonwealth. When the Board has established a government store on the distiller's licensed premises pursuant to subsection D of § 4.1-119, such license shall also authorize the licensee to make a charge to consumers to participate in an organized tasting event conducted in accordance with subsection G of § 4.1-119 and Board regulations.

2. Limited distiller's licenses, to distilleries that manufacture not more than 36,000 gallons of alcoholic beverages other than wine or beer per calendar year, provided (i) the distillery is located on a farm in the Commonwealth on land zoned agricultural and owned or leased by such distillery or its owner and (ii) agricultural products used by such distillery in the manufacture of its alcoholic beverages are grown on the farm. Limited distiller's licensees shall be treated as distillers for all purposes of this title except as otherwise provided in this subdivision. For purposes of this subdivision, "land zoned agricultural" means (a) land zoned as an agricultural district or classification or (b) land otherwise permitted by a locality for limited distillery use. For purposes of this subdivision, "land zoned agricultural" does not include land zoned "residential conservation." Except for the limitation on land zoned "residential conservation," nothing in this definition shall otherwise limit or affect local zoning authority.

3. Fruit distillers' licenses, which shall authorize the licensee to manufacture any alcoholic beverages made from fruit or fruit juices, and to sell and deliver or ship the same, in accordance with Board regulations, in closed containers, to the Board and to persons outside the Commonwealth for resale outside the Commonwealth.

4. Banquet facility licenses to volunteer fire departments and volunteer emergency medical services agencies, which shall authorize the licensee to permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by any person, and bona fide members and guests thereof, otherwise eligible for a banquet license. However, lawfully acquired alcoholic beverages shall not be purchased or sold by the licensee or sold or charged for in any way by the person permitted to use the premises. Such premises shall be a volunteer fire or volunteer emergency medical services agency station or both, regularly occupied as such and recognized by the governing body of the county, city, or town in which it is located. Under conditions as specified by Board regulation, such premises may be other than a volunteer fire or volunteer emergency medical services agency station, provided such other premises are occupied and under the control of the volunteer fire department or volunteer emergency medical services agency while the privileges of its license are being exercised.

5. Bed and breakfast licenses, which shall authorize the licensee to (i) serve alcoholic beverages in dining areas, private guest rooms and other designated areas to persons to whom overnight lodging is being provided, with or without meals, for on-premises consumption only in such rooms and areas, and without regard to the amount of gross receipts from the sale of food prepared and consumed on the premises and (ii) permit the consumption of lawfully acquired alcoholic beverages by persons to whom overnight lodging is being provided in (a) bedrooms or private guest rooms or (b) other designated areas of the bed and breakfast establishment. For purposes of this subdivision, "other designated areas" includes outdoor dining areas, whether or not contiguous to the licensed premises, which may have more than one means of ingress and egress to an adjacent public thoroughfare, provided that such outdoor dining areas are under the control of the licensee and approved by the Board. Such noncontiguous designated areas shall not be approved for any retail license issued pursuant to subdivision A 5 of § 4.1-201.

6. Tasting licenses, which shall authorize the licensee to sell or give samples of alcoholic beverages of the type specified in the license in designated areas at events held by the licensee. A tasting license shall be issued for the purpose of featuring and educating the consuming public about the alcoholic beverages being tasted. A separate license shall be required for each day of each tasting event. No tasting license shall be required for conduct authorized by § 4.1-201.1.

7. Museum licenses, which may be issued to nonprofit museums exempt from taxation under § 501(c)(3) of the Internal Revenue Code, which shall authorize the licensee to (i) permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by any bona fide member and guests thereof and (ii) serve alcoholic beverages on the premises of the licensee to any bona fide member and guests thereof. However, alcoholic beverages shall not be sold or charged for in any way by the licensee. The privileges of this license shall be limited to the premises of the museum, regularly occupied and utilized as such.

8. Equine sporting event licenses, which may be issued to organizations holding equestrian, hunt and steeplechase events, which shall authorize the licensee to permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by patrons thereof during such event. However, alcoholic beverages shall not be sold or charged for in any way by the licensee. The privileges of this license shall be (i) limited to the premises of the licensee, regularly occupied and utilized for equestrian, hunt and steeplechase events and (ii) exercised on no more than four calendar days per year.

9. Day spa licenses, which shall authorize the licensee to (i) permit the consumption of lawfully acquired wine or beer on the premises of the licensee by any bona fide customer of the day spa and (ii) serve wine or beer on the premises of the licensee to any such bona fide customer; however, the licensee shall not give more than two five-ounce glasses of wine or one 12-ounce glass of beer to any such customer, nor shall it sell or otherwise charge a fee to such customer for the wine or beer served or consumed. The privileges of this license shall be limited to the premises of the day spa regularly occupied and utilized as such.

10. Motor car sporting event facility licenses, which shall authorize the licensee to permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by patrons thereof during such events. However, alcoholic beverages shall not be sold or charged for in any way, directly or indirectly, by the licensee. The privileges of this license shall be limited to those areas of the licensee's premises designated by the Board that are regularly occupied and utilized for motor car sporting events.

11. Meal-assembly kitchen license, which shall authorize the licensee to serve wine or beer on the premises of the licensee to any such bona fide customer attending either a private gathering or a special event; however, the licensee shall not give more than two five-ounce glasses of wine or two 12-ounce glasses of beer to any such customer, nor shall it sell or otherwise charge a fee to such customer for the wine or beer served or consumed. The privileges of this license shall be limited to the premises of the meal-assembly kitchen regularly occupied and utilized as such.

12. Canal boat operator license, which shall authorize the licensee to permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by any bona fide customer attending either a private gathering or a special event; however, the licensee shall not sell or otherwise charge a fee to such customer for the alcoholic beverages so consumed. The privileges of this license shall be limited to the premises of the licensee, including the canal, the canal boats while in operation, and any pathways adjacent thereto. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license.

13. Annual arts venue event licenses, to persons operating an arts venue, which shall authorize the licensee participating in a community art walk that is open to the public to serve lawfully acquired wine or beer on the premises of the licensee to adult patrons thereof during such events. However, alcoholic beverages shall not be sold or charged for in

any way, directly or indirectly, by the licensee, and the licensee shall not give more than two five-ounce glasses of wine or one 12-ounce glass of beer to any one adult patron. The privileges of this license shall be (i) limited to the premises of the arts venue regularly occupied and used as such and (ii) exercised on no more than 12 calendar days per year.

14. Art instruction studio licenses, which shall authorize the licensee to serve wine or beer on the premises of the licensee to any such bona fide customer; however, the licensee shall not give more than two five-ounce glasses of wine or one 12-ounce glass of beer to any such customer, nor shall it sell or otherwise charge a fee to such customer for the wine or beer served or consumed. The privileges of this license shall be limited to the premises of the art instruction studio regularly occupied and utilized as such.

15. Commercial lifestyle center license, which may be issued only to a commercial owners' association governing a commercial lifestyle center, which shall authorize any retail on-premises restaurant licensee that is a tenant of the commercial lifestyle center to sell alcoholic beverages to any bona fide customer to whom alcoholic beverages may be lawfully sold for consumption on that portion of the licensed premises of the commercial lifestyle center designated by the Board, including (i) plazas, seating areas, concourses, walkways, or such other similar areas and (ii) the premises of any tenant location of the commercial lifestyle center that is not a retail licensee of the Board, upon approval of such tenant, but excluding any parking areas. Only alcoholic beverages purchased from such retail on-premises restaurant licensees may be consumed on the licensed premises of the commercial lifestyle center, and such alcoholic beverages shall be contained in paper, plastic, or similar disposable containers with the name or logo of the restaurant licensee that sold the alcoholic beverage clearly displayed. Alcoholic beverages shall not be sold or charged for in any way by the commercial lifestyle center licensee. The licensee shall post appropriate signage clearly demarcating for the public the boundaries of the licensed premises; however, no physical barriers shall be required for this purpose. The licensee shall provide adequate security for the licensed premises to ensure compliance with the applicable provisions of this title and Board regulations.

16. *Confectionery license, which shall authorize the licensee to prepare and sell on the licensed premises for off-premises consumption confectionery that contains five percent or less alcohol by volume. Any alcohol contained in such confectionery shall not be in liquid form at the time such confectionery is sold.*

B. Any limited distillery that, prior to July 1, 2016, (i) holds a valid license granted by the Board in accordance with this title and (ii) is in compliance with the local zoning ordinance as an agricultural district or classification or as otherwise permitted by a locality for limited distillery use shall be allowed to continue such use as provided in § 15.2-2307, notwithstanding (a) the provisions of this section or (b) a subsequent change in ownership of the limited distillery on or after July 1, 2016, whether by transfer, acquisition, inheritance, or other means. Any such limited distillery located on land zoned residential conservation prior to July 1, 2016, may expand any existing building or structure and the uses thereof so long as specifically approved by the locality by special exception. Any such limited distillery located on land zoned residential conservation prior to July 1, 2016, may construct a new building or structure so long as specifically approved by the locality by special exception. All such licensees shall comply with the requirements of this title and Board regulations for renewal of such license or the issuance of a new license in the event of a change in ownership of the limited distillery on or after July 1, 2016.

#### § 4.1-231. Taxes on state licenses.

A. The annual fees on state licenses shall be as follows:

1. Alcoholic beverage licenses. For each:

a. Distiller's license, if not more than 5,000 gallons of alcohol or spirits, or both, manufactured during the year in which the license is granted, \$450; if more than 5,000 gallons but not more than 36,000 gallons manufactured during such year, \$2,500; and if more than 36,000 gallons manufactured during such year, \$3,725;

b. Fruit distiller's license, \$3,725;

c. Banquet facility license or museum license, \$190;

d. Bed and breakfast establishment license, \$35;

e. Tasting license, \$40 per license granted;

f. Equine sporting event license, \$130;

g. Motor car sporting event facility license, \$130;

h. Day spa license, \$100;

i. Delivery permit, \$120 if the permittee holds no other license under this title;

j. Meal-assembly kitchen license, \$100;

k. Canal boat operator license, \$100;

l. Annual arts venue event license, \$100;

m. Art instruction studio license, \$100; ~~and~~

n. Commercial lifestyle center license, \$300; *and*

*o. Confectionery license, \$100.*

2. Wine licenses. For each:

a. Winery license, if not more than 5,000 gallons of wine manufactured during the year in which the license is granted, \$189, and if more than 5,000 gallons manufactured during such year, \$3,725;

b. (1) Wholesale wine license, \$185 for any wholesaler who sells 30,000 gallons of wine or less per year, \$930 for any wholesaler who sells more than 30,000 gallons per year but not more than 150,000 gallons of wine per year, \$1,430 for any

wholesaler who sells more than 150,000 but not more than 300,000 gallons of wine per year, and, \$1,860 for any wholesaler who sells more than 300,000 gallons of wine per year;

(2) Wholesale wine license, including that granted pursuant to § 4.1-207.1, applicable to two or more premises, the annual state license tax shall be the amount set forth in subdivision b (1), multiplied by the number of separate locations covered by the license;

c. Wine importer's license, \$370;

d. Retail off-premises winery license, \$145, which shall include a delivery permit;

e. Farm winery license, \$190 for any Class A license and \$3,725 for any Class B license, each of which shall include a delivery permit;

f. Wine shipper's license, \$95; and

g. Internet wine retailer license, \$150.

3. Beer licenses. For each:

a. Brewery license, if not more than 500 barrels of beer manufactured during the year in which the license is granted, \$350; if not more than 10,000 barrels of beer manufactured during the year in which the license is granted, \$2,150; and if more than 10,000 barrels manufactured during such year, \$4,300;

b. Bottler's license, \$1,430;

c. (1) Wholesale beer license, \$930 for any wholesaler who sells 300,000 cases of beer a year or less, and \$1,430 for any wholesaler who sells more than 300,000 but not more than 600,000 cases of beer a year, and \$1,860 for any wholesaler who sells more than 600,000 cases of beer a year;

(2) Wholesale beer license applicable to two or more premises, the annual state license tax shall be the amount set forth in subdivision c (1), multiplied by the number of separate locations covered by the license;

d. Beer importer's license, \$370;

e. Retail on-premises beer license to a hotel, restaurant, club or other person, except a common carrier of passengers by train or boat, \$145; for each such license to a common carrier of passengers by train or boat, \$145 per annum for each of the average number of boats, dining cars, buffet cars or club cars operated daily in the Commonwealth;

f. Retail off-premises beer license, \$120, which shall include a delivery permit;

g. Retail on-and-off premises beer license to a hotel, restaurant, club or grocery store located in a town or in a rural area outside the corporate limits of any city or town, \$300, which shall include a delivery permit;

h. Beer shipper's license, \$95; and

i. Retail off-premises brewery license, \$120, which shall include a delivery permit.

4. Wine and beer licenses. For each:

a. Retail on-premises wine and beer license to a hotel, restaurant, club or other person, except a common carrier of passengers by train, boat or airplane, \$300; for each such license to a common carrier of passengers by train or boat, \$300 per annum for each of the average number of boats, dining cars, buffet cars or club cars operated daily in the Commonwealth, and for each such license granted to a common carrier of passengers by airplane, \$750;

b. Retail on-premises wine and beer license to a hospital, \$145;

c. Retail on-premises wine and beer license to a historic cinema house, \$200;

d. Retail off-premises wine and beer license, including each gift shop, gourmet shop and convenience grocery store license, \$230, which shall include a delivery permit;

e. Retail on-and-off premises wine and beer license to a hotel, restaurant or club, \$600, which shall include a delivery permit;

f. Banquet license, \$40 per license granted by the Board, except for banquet licenses granted by the Board pursuant to subsection A of § 4.1-215, which shall be \$100 per license;

g. Gourmet brewing shop license, \$230;

h. Wine and beer shipper's license, \$95;

i. Annual banquet license, \$150;

j. Fulfillment warehouse license, \$120;

k. Marketing portal license, \$150; and

l. Gourmet oyster house license, \$230.

5. Mixed beverage licenses. For each:

a. Mixed beverage restaurant license granted to persons operating restaurants, including restaurants located on premises of and operated by hotels or motels, or other persons:

(i) With a seating capacity at tables for up to 100 persons, \$560;

(ii) With a seating capacity at tables for more than 100 but not more than 150 persons, \$975; and

(iii) With a seating capacity at tables for more than 150 persons, \$1,430.

b. Mixed beverage restaurant license for restaurants located on the premises of and operated by private, nonprofit clubs:

(i) With an average yearly membership of not more than 200 resident members, \$750;

(ii) With an average yearly membership of more than 200 but not more than 500 resident members, \$1,860; and

(iii) With an average yearly membership of more than 500 resident members, \$2,765.

c. Mixed beverage caterer's license, \$1,860;

- d. Mixed beverage limited caterer's license, \$500;
  - e. Mixed beverage special events license, \$45 for each day of each event;
  - f. Mixed beverage club events licenses, \$35 for each day of each event;
  - g. Annual mixed beverage special events license, \$560;
  - h. Mixed beverage carrier license:
    - (i) \$190 for each of the average number of dining cars, buffet cars or club cars operated daily in the Commonwealth by a common carrier of passengers by train;
    - (ii) \$560 for each common carrier of passengers by boat;
    - (iii) \$1,475 for each license granted to a common carrier of passengers by airplane.
  - i. Annual mixed beverage amphitheater license, \$560;
  - j. Annual mixed beverage motor sports race track license, \$560;
  - k. Annual mixed beverage banquet license, \$500;
  - l. Limited mixed beverage restaurant license:
    - (i) With a seating capacity at tables for up to 100 persons, \$460;
    - (ii) With a seating capacity at tables for more than 100 but not more than 150 persons, \$875;
    - (iii) With a seating capacity at tables for more than 150 persons, \$1,330;
  - m. Annual mixed beverage motor sports facility license, \$560; and
  - n. Annual mixed beverage performing arts facility license, \$560.
6. Temporary licenses. For each temporary license authorized by § 4.1-211, one-half of the tax imposed by this section on the license for which the applicant applied.

B. The tax on each such license, except banquet and mixed beverage special events licenses, shall be subject to proration to the following extent: If the license is granted in the second quarter of any year, the tax shall be decreased by one-fourth; if granted in the third quarter of any year, the tax shall be decreased by one-half; and if granted in the fourth quarter of any year, the tax shall be decreased by three-fourths.

If the license on which the tax is prorated is a distiller's license to manufacture not more than 5,000 gallons of alcohol or spirits, or both, during the year in which the license is granted, or a winery license to manufacture not more than 5,000 gallons of wine during the year in which the license is granted, the number of gallons permitted to be manufactured shall be prorated in the same manner.

Should the holder of a distiller's license or a winery license to manufacture not more than 5,000 gallons of alcohol or spirits, or both, or wine, apply during the license year for an unlimited distiller's or winery license, such person shall pay for such unlimited license a license tax equal to the amount that would have been charged had such license been applied for at the time that the license to manufacture less than 5,000 gallons of alcohol or spirits or wine, as the case may be, was granted, and such person shall be entitled to a refund of the amount of license tax previously paid on the limited license.

Notwithstanding the foregoing, the tax on each license granted or reissued for a period other than 12, 24, or 36 months shall be equal to one-twelfth of the taxes required by subsection A computed to the nearest cent, multiplied by the number of months in the license period, and then increased by five percent. Such tax shall not be refundable, except as provided in § 4.1-232.

C. Nothing in this chapter shall exempt any licensee from any state merchants' license or state restaurant license or any other state tax. Every licensee, in addition to the taxes imposed by this chapter, shall be liable to state merchants' license taxation and state restaurant license taxation and other state taxation the same as if the alcoholic beverages were nonalcoholic. In ascertaining the liability of a beer wholesaler to merchants' license taxation, however, and in computing the wholesale merchants' license tax on a beer wholesaler, the first \$163,800 of beer purchases shall be disregarded; and in ascertaining the liability of a wholesale wine distributor to merchants' license taxation, and in computing the wholesale merchants' license tax on a wholesale wine distributor, the first \$163,800 of wine purchases shall be disregarded.

D. In addition to the taxes set forth in this section, a fee of \$5 may be imposed on any license purchased in person from the Board if such license is available for purchase online.

**§ 4.1-233. Taxes on local licenses.**

A. In addition to the state license taxes, the annual local license taxes which may be collected shall not exceed the following sums:

- 1. Alcoholic beverages. — For each:
  - a. Distiller's license, if more than 5,000 gallons but not more than 36,000 gallons manufactured during such year, \$750; if more than 36,000 gallons manufactured during such year, \$1,000; and no local license shall be required for any person who manufactures not more than 5,000 gallons of alcohol or spirits, or both, during such license year;
  - b. Fruit distiller's license, \$1,500;
  - c. Bed and breakfast establishment license, \$40;
  - d. Museum license, \$10;
  - e. Tasting license, \$5 per license granted;
  - f. Equine sporting event license, \$10;
  - g. Day spa license, \$20;
  - h. Motor car sporting event facility license, \$10;
  - i. Meal-assembly kitchen license, \$20;

- j. Canal boat operator license, \$20;
- k. Annual arts venue event license, \$20;
- l. Art instruction studio license, \$20; ~~and~~
- m. Commercial lifestyle center license, \$60; *and*
- n. *Confectionery license, \$20.*
- 2. Beer. — For each:
  - a. Brewery license, if not more than 500 barrels of beer manufactured during the year in which the license is granted, \$250, and if more than 500 barrels of beer manufactured during the year in which the license is granted, \$1,000;
  - b. Bottler's license, \$500;
  - c. Wholesale beer license, in a city, \$250, and in a county or town, \$75;
  - d. Retail on-premises beer license for a hotel, restaurant or club and for each retail off-premises beer license in a city, \$100, and in a county or town, \$25; and
  - e. Beer shipper's license, \$10.
- 3. Wine. — For each:
  - a. Winery license, \$50;
  - b. Wholesale wine license, \$50;
  - c. Farm winery license, \$50; and
  - d. Wine shipper's license, \$10.
- 4. Wine and beer. — For each:
  - a. Retail on-premises wine and beer license for a hotel, restaurant or club; and for each retail off-premises wine and beer license, including each gift shop, gourmet shop and convenience grocery store license, in a city, \$150, and in a county or town, \$37.50;
  - b. Hospital license, \$10;
  - c. Historic cinema house license, \$20;
  - d. Banquet license, \$5 for each license granted, except for banquet licenses granted by the Board pursuant to subsection A of § 4.1-215, which shall be \$20 per license;
  - e. Gourmet brewing shop license, \$150;
  - f. Wine and beer shipper's license, \$10;
  - g. Annual banquet license, \$15; and
  - h. Gourmet oyster house license, in a city, \$150, and in a county or town, \$37.50.
- 5. Mixed beverages. — For each:
  - a. Mixed beverage restaurant license, including restaurants located on the premises of and operated by hotels or motels, or other persons:
    - (i) With a seating capacity at tables for up to 100 persons, \$200;
    - (ii) With a seating capacity at tables for more than 100 but not more than 150 persons, \$350; and
    - (iii) With a seating capacity at tables for more than 150 persons, \$500.
  - b. Private, nonprofit club operating a restaurant located on the premises of such club, \$350;
  - c. Mixed beverage caterer's license, \$500;
  - d. Mixed beverage limited caterer's license, \$100;
  - e. Mixed beverage special events licenses, \$10 for each day of each event;
  - f. Mixed beverage club events licenses, \$10 for each day of each event;
  - g. Annual mixed beverage amphitheater license, \$300;
  - h. Annual mixed beverage motor sports race track license, \$300;
  - i. Annual mixed beverage banquet license, \$75;
  - j. Limited mixed beverage restaurant license:
    - (i) With a seating capacity at tables for up to 100 persons, \$100;
    - (ii) With a seating capacity at tables for more than 100 but not more than 150 persons, \$250;
    - (iii) With a seating capacity at tables for more than 150 persons, \$400;
  - k. Annual mixed beverage motor sports facility license, \$300; and
  - l. Annual mixed beverage performing arts facility license, \$300.
- B. Common carriers. — No local license tax shall be either charged or collected for the privilege of selling alcoholic beverages in (i) passenger trains, boats or airplanes and (ii) rooms designated by the Board of establishments of air carriers of passengers at airports in the Commonwealth for on-premises consumption only.
- C. Merchants' and restaurants' license taxes. — The governing body of each county, city or town in the Commonwealth, in imposing local wholesale merchants' license taxes measured by purchases, local retail merchants' license taxes measured by sales, and local restaurant license taxes measured by sales, may include alcoholic beverages in the base for measuring such local license taxes the same as if the alcoholic beverages were nonalcoholic. No local alcoholic beverage license authorized by this chapter shall exempt any licensee from any local merchants' or local restaurant license tax, but such local merchants' and local restaurant license taxes may be in addition to the local alcoholic beverage license taxes authorized by this chapter.

The governing body of any county, city or town, in adopting an ordinance under this section, shall provide that in ascertaining the liability of (i) a beer wholesaler to local merchants' license taxation under the ordinance, and in computing the local wholesale merchants' license tax on such beer wholesaler, purchases of beer up to a stated amount shall be disregarded, which stated amount shall be the amount of beer purchases which would be necessary to produce a local wholesale merchants' license tax equal to the local wholesale beer license tax paid by such wholesaler and (ii) a wholesale wine licensee to local merchants' license taxation under the ordinance, and in computing the local wholesale merchants' license tax on such wholesale wine licensee, purchases of wine up to a stated amount shall be disregarded, which stated amount shall be the amount of wine purchases which would be necessary to produce a local wholesale merchants' license tax equal to the local wholesale wine licensee license tax paid by such wholesale wine licensee.

D. Delivery. — No county, city or town shall impose any local alcoholic beverages license tax on any wholesaler for the privilege of delivering alcoholic beverages in the county, city or town when such wholesaler maintains no place of business in such county, city or town.

E. Application of county tax within town. — Any county license tax imposed under this section shall not apply within the limits of any town located in such county, where such town now, or hereafter, imposes a town license tax on the same privilege.

**2. That the Board of Directors of the Alcoholic Beverage Control Authority shall promulgate regulations to implement the provisions of this act. Such regulations shall include a definition of the term "confectionery" and labeling requirements for such confectionery.**

**CHAPTER 174**

*An Act to amend and reenact § 7.02, as amended, of Chapter 717 of the Acts of Assembly of 1980, which provided a charter for the City of Chesapeake, relating to director of audit services; City Auditor.*

[S 127]

Approved March 5, 2018

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

**1. That § 7.02 of Chapter 717 of the Acts of Assembly of 1980 is amended and reenacted as follows:**

§ 7.02. Department heads.

There shall be a director who shall administer each department. The director of each department except the departments of law, education and audit services shall be appointed by the manager. With the consent of the council, the manager may serve as the head of one or more departments, or he may appoint one person to head two or more of them.

The director of audit services shall be ~~recommended for appointment by the manager, subject to ratification by a majority vote of the council~~ known as the City Auditor, shall be chosen solely on the basis of professional qualifications, and shall serve at the pleasure of the council. The ~~director of audit services~~ City Auditor shall be subject to removal from office by a majority vote of the council.

**CHAPTER 175**

*An Act to amend and reenact § 15.2-2232 of the Code of Virginia, relating to comprehensive plan; solar facilities.*

[S 179]

Approved March 5, 2018

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

**1. That § 15.2-2232 of the Code of Virginia is amended and reenacted as follows:**

§ 15.2-2232. Legal status of plan.

A. Whenever a local planning commission recommends a comprehensive plan or part thereof for the locality and such plan has been approved and adopted by the governing body, it shall control the general or approximate location, character and extent of each feature shown on the plan. Thereafter, unless a feature is already shown on the adopted master plan or part thereof or is deemed so under subsection D, no street or connection to an existing street, park or other public area, public building or public structure, public utility facility or public service corporation facility other than a railroad facility or an underground natural gas or underground electric distribution facility of a public utility as defined in subdivision (b) of § 56-265.1 within its certificated service territory, whether publicly or privately owned, shall be constructed, established or authorized, unless and until the general location or approximate location, character, and extent thereof has been submitted to and approved by the commission as being substantially in accord with the adopted comprehensive plan or part thereof. In connection with any such determination, the commission may, and at the direction of the governing body shall, hold a public hearing, after notice as required by § 15.2-2204. Following the adoption of the Statewide Transportation Plan by the Commonwealth Transportation Board pursuant to § 33.2-353 and written notification to the affected local governments, each local government through which one or more of the designated corridors of statewide significance traverses, shall, at a minimum, note such corridor or corridors on the transportation plan map included in its comprehensive plan for information

purposes at the next regular update of the transportation plan map. Prior to the next regular update of the transportation plan map, the local government shall acknowledge the existence of corridors of statewide significance within its boundaries.

B. The commission shall communicate its findings to the governing body, indicating its approval or disapproval with written reasons therefor. The governing body may overrule the action of the commission by a vote of a majority of its membership. Failure of the commission to act within 60 days of a submission, unless the time is extended by the governing body, shall be deemed approval. The owner or owners or their agents may appeal the decision of the commission to the governing body within 10 days after the decision of the commission. The appeal shall be by written petition to the governing body setting forth the reasons for the appeal. The appeal shall be heard and determined within 60 days from its filing. A majority vote of the governing body shall overrule the commission.

C. Widening, narrowing, extension, enlargement, vacation or change of use of streets or public areas shall likewise be submitted for approval, but paving, repair, reconstruction, improvement, drainage or similar work and normal service extensions of public utilities or public service corporations shall not require approval unless such work involves a change in location or extent of a street or public area.

D. Any public area, facility or use as set forth in subsection A which is identified within, but not the entire subject of, a submission under either § 15.2-2258 for subdivision or subdivision A 8 of § 15.2-2286 for development or both may be deemed a feature already shown on the adopted master plan, and, therefore, excepted from the requirement for submittal to and approval by the commission or the governing body; provided, that the governing body has by ordinance or resolution defined standards governing the construction, establishment or authorization of such public area, facility or use or has approved it through acceptance of a proffer made pursuant to § 15.2-2303.

E. Approval and funding of a public telecommunications facility on or before July 1, 2012, by the Virginia Public Broadcasting Board pursuant to Article 12 (§ 2.2-2426 et seq.) of Chapter 24 of Title 2.2 or after July 1, 2012, by the Board of Education pursuant to § 22.1-20.1 shall be deemed to satisfy the requirements of this section and local zoning ordinances with respect to such facility with the exception of television and radio towers and structures not necessary to house electronic apparatus. The exemption provided for in this subsection shall not apply to facilities existing or approved by the Virginia Public Telecommunications Board prior to July 1, 1990. The Board of Education shall notify the governing body of the locality in advance of any meeting where approval of any such facility shall be acted upon.

F. On any application for a telecommunications facility, the commission's decision shall comply with the requirements of the Federal Telecommunications Act of 1996. Failure of the commission to act on any such application for a telecommunications facility under subsection A submitted on or after July 1, 1998, within 90 days of such submission shall be deemed approval of the application by the commission unless the governing body has authorized an extension of time for consideration or the applicant has agreed to an extension of time. The governing body may extend the time required for action by the local commission by no more than 60 additional days. If the commission has not acted on the application by the end of the extension, or by the end of such longer period as may be agreed to by the applicant, the application is deemed approved by the commission.

G. A proposed telecommunications tower or a facility constructed by an entity organized pursuant to Chapter 9.1 (§ 56-231.15 et seq.) of Title 56 shall be deemed to be substantially in accord with the comprehensive plan and commission approval shall not be required if the proposed telecommunications tower or facility is located in a zoning district that allows such telecommunications towers or facilities by right.

H. A solar facility subject to subsection A shall be deemed to be substantially in accord with the comprehensive plan if (i) such proposed solar facility is located in a zoning district that allows such solar facilities by right or (ii) such proposed solar facility is designed to serve the electricity or thermal needs of the property upon which such facility is located, or will be owned or operated by an eligible customer-generator or eligible agricultural customer-generator under § 56-594 or by a small agricultural generator under § 56-594.2. All other solar facilities shall be reviewed for substantial accord with the comprehensive plan in accordance with this section. However, a locality may allow for a substantial accord review for such solar facilities to be advertised and approved concurrently in a public hearing process with a rezoning, special exception, or other approval process.

## CHAPTER 176

*An Act to amend and reenact §§ 15.2-5502 and 15.2-5505 of the Code of Virginia, relating to Tourism Development Authority; LENOWISCO and Cumberland Plateau Planning District Commissions.*

[S 383]

Approved March 5, 2018

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

**1. That §§ 15.2-5502 and 15.2-5505 of the Code of Virginia are amended and reenacted as follows:**

**§ 15.2-5502. Directors; qualifications; terms; vacancies; compensation and expenses; quorum; records; certification and distribution of report concerning bond issuance.**

~~The Authority shall be governed by a board of directors in which all powers of the Authority shall be vested and which board shall be composed of the eight chairmen of the local tourism development committees established in § 15.2-5505. The eight directors shall be appointed initially for terms of one, two, three and four years: the representatives of Buchanan~~

and Dickenson Counties being appointed for one-year terms; the representatives of Lee County and the City of Norton being appointed for two-year terms; the representatives of Russell and Scott Counties being appointed for three-year terms; and the representatives of Tazewell and Wise Counties being appointed for four-year terms. Subsequent appointments shall be for terms of four years, except appointments to fill vacancies shall be for the unexpired terms. All terms of office shall be deemed to commence upon the date of the initial appointment to the Authority, and thereafter, in accordance with the provisions of the preceding sentence. If, at the end of any term of office of any director a successor thereto has not been appointed, then the director whose term of office has expired shall continue to hold office until his successor is appointed and qualified. Each director shall, upon appointment or reappointment, before entering upon his duties take and subscribe the oath prescribed by § 49-1.

*The Authority shall be governed by a board of directors of 18 representatives in which all powers of the Authority shall be vested and which board shall include eight Tourism Directors representing each county and the City of Norton, which will hold permanent seats on the board. If a Tourism Director position does not exist in a locality, the governing body shall appoint a representative, preferably from the government staff, chamber of commerce, or travel industry to represent the locality on the board of directors. The remaining seats shall be filled preferably by representatives from the travel industry from each of the eight governing localities. Each Tourism Director, working with the tourism committee from the localities, shall provide a slate of nominations to the governing body for selection of one representative, preferably from the tourism industry segment, which may include the chairman of the local tourism committee; a representative from lodging, restaurants, attractions, parks, or outdoor recreation; or a community leader. The board of directors shall create two ex-officio nonvoting board positions for representatives from the Jefferson National Forest Clinch Ranger District Office and Virginia State Parks. Appointed representatives shall serve a two-year term that begins on January 1 and may be reappointed for additional terms with appointments made at the year-end board meeting. The board of directors shall have the authority to appoint nonvoting tourism representatives and to determine additional seats as they deem necessary.*

The directors shall elect from their membership a ~~chairman~~ chair, a ~~vice chairman~~ vice-chair, and from their membership or not, as they desire, a secretary and a treasurer, or a secretary-treasurer, who shall continue to hold such office until their respective successors are elected. The directors shall receive no salary, but the directors ~~may be compensated such amount per regular, special, or committee meeting as may be approved by the appointing authority, not to exceed fifty dollars per meeting, and shall~~ may be reimbursed for necessary traveling and other expenses incurred in the performance of their duties.

*The board of directors may remove from the board any appointed member in the event that the board member is absent from any three consecutive board meetings or is absent from any four board meetings within any 12-month period. In either such event, the local governing body shall appoint a successor for the unexpired portion of the term of the member who has been removed.*

~~Five~~ Ten members of the board of directors shall constitute a quorum of the board for the purposes of conducting its business and exercising its powers and for all other purposes. No vacancy in the membership of the board shall impair the right of a quorum to exercise all the powers and perform all the duties of the board. The board shall keep detailed minutes of its proceedings, which shall be open to public inspection at all times. It shall keep suitable records of its financial transactions and, unless exempted by § 30-140, it shall arrange to have the records audited annually. Copies of each such audit shall be furnished to the governing bodies of the participating localities and shall be open to public inspection.

#### **§ 15.2-5505. Establishment of local tourism advisory committees.**

Each of the participating localities in the LENOWISCO and Cumberland Plateau Planning District Commissions shall establish a local tourism ~~development~~ advisory committee to promote tourism in the participating locality, participate and assist in the planning of the regional Tourism Development Authority, and develop a tourism ~~development~~ destination plan for its participating locality. ~~The local governing body of each participating locality shall appoint five members to serve on its local tourism development committee. The committee shall elect a chairman from its membership, and such chairman shall represent his participating locality by serving as a member of the regional Tourism Development Authority.~~

*The Tourism Director, working with the tourism advisory committee chair, shall provide a slate of recommendations to the local governing body, which shall then appoint five or more appointees representing the travel industry, which includes lodging, restaurants, attractions, outdoor recreation, events or parks, or any community leaders with terms determined by the governing body, and who may be reappointed. The Tourism Director shall work with the chairman of the tourism advisory committee to facilitate regular meetings of the tourism advisory committee.*

### **CHAPTER 177**

*An Act to amend and reenact § 42.1-36 of the Code of Virginia, relating to local library boards.*

[S 396]

Approved March 5, 2018

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

**1. That § 42.1-36 of the Code of Virginia is amended and reenacted as follows:**

**§ 42.1-36. Boards not mandatory.**

The formation, creation, or continued existence of boards shall ~~in no wise~~ *not* be considered or construed in any manner as mandatory upon (i) any city or town with a manager, ~~or upon~~ (ii) any county with a county manager, county executive, urban county manager, ~~or~~ urban county executive form of government, ~~or~~ (iii) any county that has adopted a charter, or ~~upon~~ (iv) the Counties of *Caroline*, *Chesterfield*, and *Shenandoah*, by virtue of this chapter.

**CHAPTER 178**

*An Act to amend and reenact § 19.2-390 of the Code of Virginia, relating to report of arrests; fingerprints; trespass; disorderly conduct.*

[S 566]

Approved March 5, 2018

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

**1. That § 19.2-390 of the Code of Virginia is amended and reenacted as follows:**

**§ 19.2-390. Reports to be made by local law-enforcement officers, conservators of the peace, clerks of court, Secretary of the Commonwealth and Corrections officials to State Police; material submitted by other agencies.**

A. 1. Every state official or agency having the power to arrest, the sheriffs of counties, the police officials of cities and towns, and any other local law-enforcement officer or conservator of the peace having the power to arrest for a felony shall make a report to the Central Criminal Records Exchange, on forms provided by it, of any arrest, including those arrests involving the taking into custody of, or service of process upon, any person on charges resulting from an indictment, presentment or information, the arrest on *capias* or warrant for failure to appear, and the service of a warrant for another jurisdiction, on any of the following charges:

- a. Treason;
- b. Any felony;
- c. Any offense punishable as a misdemeanor under Title 54.1; or
- d. Any misdemeanor punishable by confinement in jail (i) under Title 18.2 or 19.2, ~~except an arrest for a violation of § 18.2-119, Article 2 (§ 18.2-415 et seq.) of Chapter 9 of Title 18.2,~~ or any similar ordinance of any county, city or town, (ii) under § 20-61, or (iii) under § 16.1-253.2.

The reports shall contain such information as is required by the Exchange and shall be accompanied by fingerprints of the individual arrested. Effective January 1, 2006, the corresponding photograph of the individual arrested shall accompany the report. Fingerprint cards prepared by a law-enforcement agency for inclusion in a national criminal justice file shall be forwarded to the Exchange for transmittal to the appropriate bureau. Nothing in this section shall preclude each local law-enforcement agency from maintaining its own separate photographic database. Fingerprints and photographs required to be taken pursuant to this subsection or subdivision A 3c of § 19.2-123 may be taken at the facility where the magistrate is located, including a regional jail, even if the accused is not committed to jail.

2. For persons arrested and released on summonses in accordance with § 19.2-74, such report shall not be required until (i) a conviction is entered and no appeal is noted or if an appeal is noted, the conviction is upheld upon appeal or the person convicted withdraws his appeal; (ii) the court dismisses the proceeding pursuant to § 18.2-251; or (iii) an acquittal by reason of insanity pursuant to § 19.2-182.2 is entered. Upon such conviction or acquittal, the court shall remand the individual to the custody of the office of the chief law-enforcement officer of the county or city. It shall be the duty of the chief law-enforcement officer, or his designee who may be the arresting officer, to ensure that such report is completed after a determination of guilt or acquittal by reason of insanity. The court shall require the officer to complete the report immediately following the person's conviction or acquittal, and the individual shall be discharged from custody forthwith, unless the court has imposed a jail sentence to be served by him or ordered him committed to the custody of the Commissioner of Behavioral Health and Developmental Services.

B. Within 72 hours following the receipt of (i) a warrant or *capias* for the arrest of any person on a charge of a felony or (ii) a Governor's warrant of arrest of a person issued pursuant to § 19.2-92, the law-enforcement agency which received the warrant shall enter the person's name and other appropriate information required by the Department of State Police into the "information systems" known as the Virginia Criminal Information Network (VCIN), established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 and the National Crime Information Center (NCIC), maintained by the Federal Bureau of Investigation. The report shall include the person's name, date of birth, social security number and such other known information which the State Police or Federal Bureau of Investigation may require. Where feasible and practical, the magistrate or court issuing the warrant or *capias* may transfer information electronically into VCIN. When the information is electronically transferred to VCIN, the court or magistrate shall forthwith forward the warrant or *capias* to the local police department or sheriff's office. When criminal process has been ordered destroyed pursuant to § 19.2-76.1, the law-enforcement agency destroying such process shall ensure the removal of any information relating to the destroyed criminal process from the VCIN and NCIC.

B1. Within 72 hours following the receipt of a written statement issued by a parole officer pursuant to § 53.1-149 or 53.1-162 authorizing the arrest of a person who has violated the provisions of his post-release supervision or probation, the law-enforcement agency that received the written statement shall enter, or cause to be entered, the person's name and other

appropriate information required by the Department of State Police into the "information systems" known as the Virginia Criminal Information Network (VCIN), established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52.

C. The clerk of each circuit court and district court shall make an electronic report to the Central Criminal Records Exchange of (i) any dismissal, indefinite postponement or continuance, charge still pending due to mental incompetency or incapacity, nolle prosequi, acquittal, or conviction of, including any sentence imposed, or failure of a grand jury to return a true bill as to, any person charged with an offense listed in subsection A, including any action which may have resulted from an indictment, presentment or information, and (ii) any adjudication of delinquency based upon an act which, if committed by an adult, would require fingerprints to be filed pursuant to subsection A. In the case of offenses not required to be reported to the Exchange by subsection A, the reports of any of the foregoing dispositions shall be filed by the law-enforcement agency making the arrest with the arrest record required to be maintained by § 15.2-1722. Upon conviction of any person, including juveniles tried and convicted in the circuit courts pursuant to § 16.1-269.1, whether sentenced as adults or juveniles, for an offense for which registration is required as defined in § 9.1-902, the clerk shall within seven days of sentencing submit a report to the Sex Offender and Crimes Against Minors Registry. The report to the Registry shall include the name of the person convicted and all aliases which he is known to have used, the date and locality of the conviction for which registration is required, his date of birth, social security number, last known address, and specific reference to the offense for which he was convicted. No report of conviction or adjudication in a district court shall be filed unless the period allowed for an appeal has elapsed and no appeal has been perfected. In the event that the records in the office of any clerk show that any conviction or adjudication has been nullified in any manner, he shall also make a report of that fact to the Exchange and, if appropriate, to the Registry. In addition, each clerk of a circuit court, upon receipt of certification thereof from the Supreme Court, shall report to the Exchange or the Registry, or to the law-enforcement agency making the arrest in the case of offenses not required to be reported to the Exchange, on forms provided by the Exchange or Registry, as the case may be, any reversal or other amendment to a prior sentence or disposition previously reported. When criminal process is ordered destroyed pursuant to § 19.2-76.1, the clerk shall report such action to the law-enforcement agency that entered the warrant or capias into the VCIN.

D. In addition to those offenses enumerated in subsection A of this section, the Central Criminal Records Exchange may receive, classify and file any other fingerprints, photographs, and records of arrest or confinement submitted to it by any law-enforcement agency or any correctional institution.

E. Corrections officials, sheriffs, and jail superintendents of regional jails, responsible for maintaining correctional status information, as required by the regulations of the Department of Criminal Justice Services, with respect to individuals about whom reports have been made under the provisions of this chapter shall make reports of changes in correctional status information to the Central Criminal Records Exchange. The reports to the Exchange shall include any commitment to or release or escape from a state or local correctional facility, including commitment to or release from a parole or probation agency.

F. Any pardon, reprieve or executive commutation of sentence by the Governor shall be reported to the Exchange by the office of the Secretary of the Commonwealth.

G. Officials responsible for reporting disposition of charges, and correctional changes of status of individuals under this section, including those reports made to the Registry, shall adopt procedures reasonably designed at a minimum (i) to ensure that such reports are accurately made as soon as feasible by the most expeditious means and in no instance later than 30 days after occurrence of the disposition or correctional change of status and (ii) to report promptly any correction, deletion, or revision of the information.

H. Upon receiving a correction, deletion, or revision of information, the Central Criminal Records Exchange shall notify all criminal justice agencies known to have previously received the information.

As used in this section:

"Chief law-enforcement officer" means the chief of police of cities and towns and sheriffs of counties, unless a political subdivision has otherwise designated its chief law-enforcement officer by appropriate resolution or ordinance, in which case the local designation shall be controlling.

"Electronic report" means a report transmitted to, or otherwise forwarded to, the Central Criminal Records Exchange in an electronic format approved by the Exchange. The report shall contain the name of the person convicted and all aliases which he is known to have used, the date and locality of the conviction, his date of birth, social security number, last known address, and specific reference to the offense including the Virginia Code section and any subsection, the Virginia crime code for the offense, and the offense tracking number for the offense for which he was convicted.

## CHAPTER 179

*An Act to amend and reenact § 4.1-210 of the Code of Virginia, relating to alcoholic beverage control; annual mixed beverage special events licenses.*

[S 588]

Approved March 5, 2018

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

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

**§ 4.1-210. Mixed beverages licenses.**

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

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

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

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

If the restaurant is located on the premises of and operated by a municipal golf course, the Board shall recognize the seasonal nature of the business and waive any applicable monthly food sales requirements for those months when weather conditions may reduce patronage of the golf course, provided that prepared food, including meals, is available to patrons during the same months. The gross receipts from the sale of food cooked, or prepared, and consumed on the premises and nonalcoholic beverages served on the premises, after the issuance of such license, shall amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food on an annualized basis.

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

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

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

5. Annual mixed beverage special events licenses to (i) a duly organized nonprofit corporation or association operating either a performing arts facility or an art education and exhibition facility; (ii) a nonprofit corporation or association chartered by Congress for the preservation of sites, buildings, and objects significant in American history and culture; or; (iii) persons operating an agricultural event and entertainment park or similar facility that has a minimum of 50,000 square feet of indoor exhibit space and equine and other livestock show areas, which includes barns, pavilions, or other structures equipped with roofs, exterior walls, and open or closed-door access; or (iv) a locality for special events conducted on the premises of a museum for historic interpretation that is owned and operated by the locality. The operation in all cases shall be upon premises owned by such licensee or occupied under a bona fide lease the original term of which was for more than

one year's duration. Such license shall authorize the licensee to sell alcoholic beverages during scheduled events and performances for on-premises consumption in areas upon the licensed premises approved by the Board.

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

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

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

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

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

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

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

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

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

15. Annual mixed beverage performing arts facility license to persons operating food concessions at any performing arts facility located in the City of Norfolk or the City of Richmond, provided that the performing arts facility (i) is occupied under a bona fide long-term lease or concession agreement, the original term of which was more than five years; (ii) has a capacity in excess of 1,400 patrons; (iii) has been rehabilitated in accordance with historic preservation standards; and (iv) has monthly gross receipts from the sale of food cooked, or prepared, and consumed on the premises and nonalcoholic beverages served on the premises that meet or exceed the monthly minimum established by Board regulations for mixed beverage restaurants. Such license shall authorize the sale, on the dates of performances or events, of alcoholic beverages for on-premises consumption in areas upon the licensed premises approved by the Board.

16. Annual mixed beverage performing arts facility license to persons operating food concessions at any performing arts facility located in the City of Waynesboro, provided that the performing arts facility (i) is occupied under a bona fide long-term lease or concession agreement, the original term of which was more than five years; (ii) has a total capacity in excess of 550 patrons; and (iii) has been rehabilitated in accordance with historic preservation standards. Such license shall authorize the sale, on the dates of performances or private or special events, of alcoholic beverages for on-premises consumption in areas upon the licensed premises approved by the Board.

17. Annual mixed beverage performing arts facility license to persons operating food concessions at any performing arts facility located in the arts and cultural district of the City of Harrisonburg, provided that the performing arts facility (i) is occupied under a bona fide long-term lease or concession agreement, the original term of which was more than five years; (ii) has been rehabilitated in accordance with historic preservation standards; (iii) has monthly gross receipts from the sale of food cooked, or prepared, and consumed on the premises and nonalcoholic beverages served on the premises that meet or exceed the monthly minimum established by Board regulations for mixed beverage restaurants; and (iv) has a total capacity in excess of 900 patrons. Such license shall authorize the sale, on the dates of performances or private or special events, of alcoholic beverages for on-premises consumption in areas upon the licensed premises approved by the Board.

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

B. The granting of any license under subdivision A 1, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, or 18 shall automatically include a license to sell and serve wine and beer for on-premises consumption. The licensee shall pay the state and local taxes required by §§ 4.1-231 and 4.1-233.

**CHAPTER 180**

*An Act to amend and reenact § 19.2-152.7 of the Code of Virginia, relating to Department of Criminal Justice Services to review pretrial services agencies; report.*

[S 783]

Approved March 5, 2018

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

**1. That § 19.2-152.7 of the Code of Virginia is amended and reenacted as follows:**

**§ 19.2-152.7. Funding; failure to comply.**

Counties and cities shall be required to establish a pretrial services agency only to the extent funded by the Commonwealth through the general appropriation act. The Department of Criminal Justice Services shall ~~periodically~~ *annually* review each agency established under this article to determine compliance with the submitted plan and operating standards. If the Department determines that any agency is not in substantial compliance with the submitted plan or standards, the Department may suspend all or any portion of financial aid made available to the locality for purposes of this article until there is compliance.

*The Department shall report annually on or before December 31 to the Governor and the General Assembly on the performance of each pretrial services agency, to include (i) the total amount of funding received by that agency; (ii) the number of investigations conducted by that agency; (iii) the number of defendants placed on pretrial supervision with that agency; (iv) the average daily caseload of that agency, (v) the appearance, public safety, and compliance rates of defendants placed on pretrial supervision with that agency; and (vi) a determination of whether that agency is in substantial compliance with all grant conditions and standards prescribed by the Department pursuant to § 19.2-152.3. If an agency is not in substantial compliance with all grant conditions and standards prescribed by the Department pursuant to § 19.2-152.3, that agency and the Department shall develop a plan and identify a timeframe to achieve compliance. A copy of that plan of compliance shall be included in the annual report. The Department shall ensure such report is available to the public.*

**CHAPTER 181**

*An Act to amend and reenact § 40.1-79.1 of the Code of Virginia, relating to child labor; exemption for participation in volunteer fire company activities.*

[S 887]

Approved March 5, 2018

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

**1. That § 40.1-79.1 of the Code of Virginia is amended and reenacted as follows:**

**§ 40.1-79.1. Exemptions from chapter generally; participation in volunteer fire company activities.**

A. Any county, city or town may authorize by ordinance any person residing anywhere in the Commonwealth, aged 16 years or older, who is a member of a volunteer fire company within such county, city, or town with parental or guardian approval, (i) to seek certification under National Fire Protection Association 1001, level one, firefighter standards, as administered by the Department of Fire Programs; and (ii) to work with or participate ~~fully in all~~ activities of such volunteer fire company, provided such person has attained certification under National Fire Protection Association 1001, level one, firefighter standards, as administered by the Department of Fire Programs. *Nothing in this chapter shall prohibit participation by such persons in nonhazardous activities of a volunteer fire company, including fire prevention efforts and training courses approved by the Virginia Fire Services Board that are designed to provide situational awareness.* Such ordinance shall not require a minor who achieved certification under National Fire Protection Association 1001, level one, firefighter standards, as administered by the Department of Fire Programs, on or before January 1, 2006, between the ages of 15 and 16, to repeat the certification after his sixteenth birthday.

B. Any trainer or instructor of such persons mentioned in subsection A ~~of this section~~ and any member of a paid or volunteer fire company who supervises any such persons shall be exempt from the provisions of § 40.1-103, provided that the provisions of § 40.1-100 have not been violated, when engaged in activities of a volunteer fire company, and provided that the volunteer fire company or the governing body of such county, city or town has purchased insurance which provides coverage for injuries to or the death of such persons in their performance of activities under this section.

**2. That the Virginia Fire Services Board shall adopt a junior member policy that provides guidance to fire and rescue departments in developing and administering nonhazardous training courses and programs that comply with the provisions of this act.**

**CHAPTER 182**

*An Act to amend and reenact § 63.2-1605 of the Code of Virginia, relating to adult protective services; appealability of findings made by local department of social services.*

[H 1026]

Approved March 5, 2018

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

**1. That § 63.2-1605 of the Code of Virginia is amended and reenacted as follows:**

**§ 63.2-1605. Protective services for adults by local departments.**

A. Each local board, to the extent that federal or state matching funds are made available to each locality, shall provide, pursuant to regulations and subject to supervision of the Commissioner for Aging and Rehabilitative Services, adult protective services for adults who are found to be abused, neglected, or exploited and who meet one of the following criteria: (i) the adult is 60 years of age or older or (ii) the adult is 18 years of age or older and is incapacitated. The requirement to provide such services shall not limit the right of any individual to refuse to accept any of the services so offered, except as provided in § 63.2-1608.

B. Upon receipt of the report pursuant to § 63.2-1606, the local department shall determine the validity of such report and shall initiate an investigation within 24 hours of the time the report is received in the local department. Local departments shall consider valid any report meeting all of the following criteria: (i) the subject of the report is an adult as defined in this article, (ii) the report concerns a specific adult and there is enough information to locate the adult, and (iii) the report describes the circumstances of the alleged abuse, neglect, or exploitation.

C. The local department or the adult protective services hotline shall immediately refer the matter and all relevant documentation to the local law-enforcement agency where the adult resides or where the alleged abuse, neglect, or exploitation took place or, if these places are unknown, where the alleged abuse, neglect, or exploitation was discovered for investigation, upon receipt of an initial report pursuant to § 63.2-1606 involving any of the following or upon determining, during the course of an investigation pursuant to this article, the occurrence of any of the following:

1. Sexual abuse as defined in § 18.2-67.10;
2. Death that is believed to be the result of abuse or neglect;
3. Serious bodily injury or disease as defined in § 18.2-369 that is believed to be the result of abuse or neglect;
4. Suspected financial exploitation of an adult; or
5. Any other criminal activity involving abuse or neglect that places the adult in imminent danger of death or serious bodily harm.

Local law-enforcement agencies shall provide local departments and the adult protective services hotline with a preferred point of contact for referrals.

D. The local department shall refer any appropriate matter and all relevant documentation, to the appropriate licensing, regulatory, or legal authority for administrative action or criminal investigation.

E. If a local department is denied access to an adult for whom there is reason to suspect the need for adult protective services, then the local department may petition the circuit court for an order allowing access or entry or both. Upon a showing of good cause supported by an affidavit or testimony in person, the court may enter an order permitting such access or entry.

F. In any case of suspected adult abuse, neglect, or exploitation, local departments, with the informed consent of the adult or his legal representative, shall take or cause to be taken photographs, video recordings, or appropriate medical imaging of the adult and his environment as long as such measures are relevant to the investigation and do not conflict with § 18.2-386.1. However, if the adult is determined to be incapable of making an informed decision and of giving informed consent and either has no legal representative or the legal representative is the suspected perpetrator of the adult abuse, neglect, or exploitation, consent may be given by an agent appointed under an advance medical directive or medical power of attorney, or by a person authorized, pursuant to § 54.1-2986. In the event no agent or authorized representative is immediately available, then consent shall be deemed to be given.

G. Local departments shall foster the development, implementation, and coordination of adult protective services to prevent adult abuse, neglect, and exploitation.

H. Local departments shall not investigate allegations of abuse, neglect, or exploitation of adults incarcerated in state correctional facilities.

I. The report and evidence received by the local department and any written findings, evaluations, records, and recommended actions shall be confidential and shall be exempt from disclosure requirements of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.), except that such information may be disclosed to persons having a legitimate interest in the matter in accordance with §§ 63.2-102 and 63.2-104 and pursuant to official interagency agreements or memoranda of understanding between state agencies.

J. All written findings and actions of the local department or its director regarding adult protective services investigations are final and shall not be (i) appealable to the Commissioner for Aging and Rehabilitative Services or (ii) considered a final agency action for purposes of judicial review pursuant to the provisions of the Administrative Process Act (§ 2.2-4000 et seq.).

**CHAPTER 183**

*An Act to amend and reenact § 62.1-239.1 of the Code of Virginia, relating to Virginia Water Supply Revolving Fund; loans for regional projects; priority in Eastern Virginia for alternative sources.*

[H 1035]

Approved March 5, 2018

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

**1. That § 62.1-239.1 of the Code of Virginia is amended and reenacted as follows:**

**§ 62.1-239.1. Loans, loan subsidies, and grants for regional projects, etc.**

In approving loans and grants, the Board shall give preference to loans, loan subsidies, and grants for projects that will (i) utilize private industry in operation and maintenance of such projects where a material savings in cost can be shown over public operation and maintenance or, (ii) serve two or more local governments or other entities to encourage regional cooperation, or (iii) accomplish both goals.

*In order to conserve water in the Eastern Virginia Groundwater Management Area (EVGMA), created pursuant to the Ground Water Management Act of 1992 (§ 62.1-254 et seq.), and in compliance with the federal Safe Drinking Water Act (42 U.S.C. § 300f et seq.), the Board shall, when evaluating projects in the EVGMA, give preference to water projects that do not involve withdrawal of groundwater from the coastal plain aquifers over those water projects that withdraw groundwater from such aquifers.*

**CHAPTER 184**

*An Act to amend and reenact §§ 2.2-2905, 51.5-72, and 51.5-75 of the Code of Virginia, relating to blind or vision impaired; rehabilitative manufacturing and service industries.*

[H 1061]

Approved March 5, 2018

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

**1. That §§ 2.2-2905, 51.5-72, and 51.5-75 of the Code of Virginia are amended and reenacted as follows:**

**§ 2.2-2905. Certain officers and employees exempt from chapter.**

The provisions of this chapter shall not apply to:

1. Officers and employees for whom the Constitution specifically directs the manner of selection;
2. Officers and employees of the Supreme Court and the Court of Appeals;
3. Officers appointed by the Governor, whether confirmation by the General Assembly or by either house thereof is required or not;
4. Officers elected by popular vote or by the General Assembly or either house thereof;
5. Members of boards and commissions however selected;
6. Judges, referees, receivers, arbiters, masters and commissioners in chancery, commissioners of accounts, and any other persons appointed by any court to exercise judicial functions, and jurors and notaries public;

7. Officers and employees of the General Assembly and persons employed to conduct temporary or special inquiries, investigations, or examinations on its behalf;
8. The presidents and teaching and research staffs of state educational institutions;
9. Commissioned officers and enlisted personnel of the National Guard;
10. Student employees at institutions of higher education and patient or inmate help in other state institutions;
11. Upon general or special authorization of the Governor, laborers, temporary employees, and employees compensated on an hourly or daily basis;
12. County, city, town, and district officers, deputies, assistants, and employees;
13. The employees of the Virginia Workers' Compensation Commission;
14. The officers and employees of the Virginia Retirement System;
15. Employees whose positions are identified by the State Council of Higher Education and the boards of the Virginia Museum of Fine Arts, The Science Museum of Virginia, the Jamestown-Yorktown Foundation, the Frontier Culture Museum of Virginia, the Virginia Museum of Natural History, the New College Institute, the Southern Virginia Higher Education Center, and The Library of Virginia, and approved by the Director of the Department of Human Resource Management as requiring specialized and professional training;
16. Employees of the Virginia Lottery;
17. ~~Production workers for the Virginia Industries~~ *Employees of the Department for the Blind Sheltered Workshop programs and Vision Impaired's rehabilitative manufacturing and service industries who have a human resources classification of industry worker;*
18. Employees of the Virginia Commonwealth University Health System Authority;
19. Employees of the University of Virginia Medical Center. Any changes in compensation plans for such employees shall be subject to the review and approval of the Board of Visitors of the University of Virginia. The University of Virginia shall ensure that its procedures for hiring University of Virginia Medical Center personnel are based on merit and fitness. Such employees shall remain subject to the provisions of the State Grievance Procedure (§ 2.2-3000 et seq.);
20. In executive branch agencies the employee who has accepted serving in the capacity of chief deputy, or equivalent, and the employee who has accepted serving in the capacity of a confidential assistant for policy or administration. An employee serving in either one of these two positions shall be deemed to serve on an employment-at-will basis. An agency may not exceed two employees who serve in this exempt capacity;
21. Employees of Virginia Correctional Enterprises. Such employees shall remain subject to the provisions of the State Grievance Procedure (§ 2.2-3000 et seq.);
22. Officers and employees of the Virginia Port Authority;
23. Employees of the Virginia College Savings Plan;
24. Directors of state facilities operated by the Department of Behavioral Health and Developmental Services employed or reemployed by the Commissioner after July 1, 1999, under a contract pursuant to § 37.2-707. Such employees shall remain subject to the provisions of the State Grievance Procedure (§ 2.2-3000 et seq.);
25. Employees of the Virginia Foundation for Healthy Youth. Such employees shall be treated as state employees for purposes of participation in the Virginia Retirement System, health insurance, and all other employee benefits offered by the Commonwealth to its classified employees;
26. Employees of the Virginia Indigent Defense Commission;
27. Any chief of a campus police department that has been designated by the governing body of a public institution of higher education as exempt, pursuant to § 23.1-809; and
28. The Chief Executive Officer, agents, officers, and employees of the Virginia Alcoholic Beverage Control Authority.

**§ 51.5-72. Establishment of rehabilitative manufacturing and service industries; expenditures.**

The Department may (i) establish, equip and maintain ~~schools for~~ *rehabilitative manufacturing and service industrial training industries* for the employment of suitable blind persons, (ii) pay its employees suitable wages and contribute five percent of the creditable compensation of those employees who elect to participate in a before-tax payroll deduction to a tax deferred retirement savings plan established under the United States Internal Revenue Code for nonprofit agencies, and (iii) devise means for the sale and distribution of the products thereof. However, any expenditures made under §§ 51.5-63, 51.5-66, and 51.5-72 through 51.5-76 shall not exceed the annual appropriation or the amount received by way of bequest or donation during any one year, and no part of the funds appropriated by the Commonwealth for the purposes of §§ 51.5-63, 51.5-66, and 51.5-72 through 51.5-76 shall be used for solely charitable purposes.

**§ 51.5-75. Use of earnings of rehabilitative manufacturing and service industries; record of receipts and expenditures.**

In furtherance of the purposes of §§ 51.5-63, 51.5-66, and 51.5-72 through 51.5-76, the Department shall have authority to use any receipts or earnings that accrue from the operation of ~~industrial schools and workshops~~ *rehabilitative manufacturing and service industries* as provided in such sections, but a detailed statement of receipts or earnings and expenditures shall be carefully kept.

CHAPTER 185

*An Act to amend and reenact §§ 54.1-2519 and 54.1-2520 of the Code of Virginia, relating to Prescription Monitoring Program; covered substances.*

[H 1556]

Approved March 5, 2018

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

**1. That §§ 54.1-2519 and 54.1-2520 of the Code of Virginia are amended and reenacted as follows:**

**§ 54.1-2519. Definitions.**

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

"Administer" means the direct application of a controlled substance, whether by injection, inhalation, ingestion or any other means, to the body of a patient or research subject by (i) a practitioner or, under the practitioner's direction, his authorized agent or (ii) the patient or research subject at the direction and in the presence of the practitioner.

"Bureau" means the Virginia Department of State Police, Bureau of Criminal Investigation, Drug Diversion Unit.

"Controlled substance" means a drug, substance or immediate precursor in Schedules I through VI of the Drug Control Act, Chapter 34 (§ 54.1-3400 et seq.) of this title.

"Covered substance" means all controlled substances included in Schedules II, III, and IV; *controlled substances included in Schedule V for which a prescription is required; naloxone*; and all drugs of concern that are required to be reported to the Prescription Monitoring Program, pursuant to this chapter.

"Department" means the Virginia Department of Health Professions.

"Director" means the Director of the Virginia Department of Health Professions.

"Dispense" means to deliver a controlled substance to an ultimate user or research subject by or pursuant to the lawful order of a practitioner, including the prescribing and administering, packaging, labeling or compounding necessary to prepare the substance for that delivery.

"Dispenser" means a person or entity that (i) is authorized by law to dispense a covered substance or to maintain a stock of covered substances for the purpose of dispensing, and (ii) dispenses the covered substance to a citizen of the Commonwealth regardless of the location of the dispenser, or who dispenses such covered substance from a location in Virginia regardless of the location of the recipient.

"Drug of concern" means any drug or substance, including any controlled substance or other drug or substance, where there has been or there is the potential for abuse and that has been identified by the Board of Pharmacy pursuant to § 54.1-3456.1.

"Prescriber" means a practitioner licensed in the Commonwealth who is authorized pursuant to §§ 54.1-3303 and 54.1-3408 to issue a prescription for a covered substance or a practitioner licensed in another state to so issue a prescription for a covered substance.

"Recipient" means a person who receives a covered substance from a dispenser.

"Relevant health regulatory board" means any such board that licenses persons or entities with the authority to prescribe or dispense covered substances, including, but not limited to, the Board of Dentistry, the Board of Medicine, and the Board of Pharmacy.

**§ 54.1-2520. Program establishment; Director's regulatory authority.**

A. The Director shall establish, maintain, and administer an electronic system to monitor the dispensing of covered substances to be known as the Prescription Monitoring Program. ~~Covered substances shall include all Schedule II, III, and IV controlled substances, as defined in the Drug Control Act (§ 54.1-3400 et seq.), and any other drugs of concern identified by the Board of Pharmacy pursuant to § 54.1-3456.1.~~

B. The Director, after consultation with relevant health regulatory boards, shall promulgate, in accordance with the provisions of the Administrative Process Act (§ 2.2-4000 et seq.), such regulations as are necessary to implement the prescription monitoring program as provided in this chapter, including, but not limited to, the establishment of criteria for granting waivers of the reporting requirements set forth in § 54.1-2521.

C. The Director may enter into contracts as may be necessary for the implementation and maintenance of the Prescription Monitoring Program.

D. The Director shall provide dispensers with a basic file layout to enable electronic transmission of the information required in this chapter. For those dispensers unable to transmit the required information electronically, the Director shall provide an alternative means of data transmission.

E. The Director shall also establish an advisory committee within the Department to assist in the implementation and evaluation of the Prescription Monitoring Program. Such advisory committee shall provide guidance to the Director regarding information disclosed pursuant to subdivision C 9 of § 54.1-2523.

## CHAPTER 186

*An Act to amend and reenact § 54.1-2805 of the Code of Virginia and to amend the Code of Virginia by adding in Article 2 of Chapter 9 of Title 23.1 a section numbered 23.1-903.3, relating to mortuary science education; practical experience requirement.*

[S 143]

Approved March 5, 2018

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

**1. That § 54.1-2805 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Article 2 of Chapter 9 of Title 23.1 a section numbered 23.1-903.3 as follows:**

**§ 23.1-903.3. Mortuary science education; practical experience requirement.**

*Every public institution of higher education that offers a degree in mortuary science shall require students to complete practical experience in the areas of funeral service and embalming prior to graduation from such program.*

**§ 54.1-2805. Engaging in the practice of funeral services or the business of preneed funeral planning or acting as a funeral director or embalmer without a license.**

A. It shall be unlawful for any person to engage in or hold himself out as engaging in the practice of funeral services or the business of preneed funeral planning, to operate a funeral service establishment, or to act as a funeral director or embalmer or hold himself out as such unless he is licensed by the Board. Engaging in the practice of funeral services, preneed funeral planning, operating a funeral service establishment, or acting as a funeral director or embalmer shall be recognized as that of a health profession.

B. *Notwithstanding the provisions of subsection A, a person who is duly enrolled in a mortuary education program in the Commonwealth may assist in embalming while under the immediate supervision of a funeral service licensee or embalmer with an active, unrestricted license issued by the Board, provided that such embalming occurs in a funeral service establishment licensed by the Board and in accordance with regulations promulgated by the Board.*

## CHAPTER 187

*An Act to amend and reenact § 37.2-406 of the Code of Virginia, relating to clinics for treatment of opioid addiction; location.*

[S 329]

Approved March 5, 2018

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

**1. That § 37.2-406 of the Code of Virginia is amended and reenacted as follows:**

**§ 37.2-406. Conditions for initial licensure of certain providers.**

A. Notwithstanding the Commissioner's discretion to grant licenses pursuant to this article or any Board regulation regarding licensing, no initial license shall be granted by the Commissioner to a provider of treatment for persons with opiate addiction through the use of (i) methadone or (ii) opioid replacements other than opioid replacements approved for the treatment of opioid addiction by the U.S. Food and Drug Administration if the provider is to be located within one-half mile of a public or private licensed day care center or a public or private K-12 school, except when such service is provided by a hospital licensed by the Board of Health or the Commissioner or is owned or operated by an agency of the Commonwealth.

B. No provider shall be required to conduct, maintain, or operate services for the treatment of persons with opiate addiction through the use of (i) methadone or (ii) opioid replacements other than opioid replacements approved for the treatment of opioid addiction by the U.S. Food and Drug Administration on Sunday, except when such service is provided by a hospital licensed by the Board of Health or the Commissioner or is owned or operated by an agency of the Commonwealth, subject to regulations or guidelines issued by the Department consistent with the health, safety and welfare of individuals receiving services and the security of take-home doses of (i) methadone or (ii) opioid replacements other than opioid replacements approved for the treatment of opioid addiction by the U.S. Food and Drug Administration.

C. Upon receiving notice of a proposal for or an application to obtain an initial license from a provider of treatment for persons with opiate addiction through the use of (i) methadone or (ii) opioid replacements other than opioid replacements approved for the treatment of opioid addiction by the U.S. Food and Drug Administration, the Commissioner shall, within 15 days of the receipt, notify the local governing body of and the community services board serving the jurisdiction in which the facility is to be located of the proposal or application and the facility's proposed location.

Within 30 days of the date of the notice, the local governing body and community services board shall submit to the Commissioner comments on the proposal or application. The local governing body shall notify the Commissioner within 30 days of the date of the notice concerning the compliance of the applicant with this section and any applicable local ordinances.

D. No license shall be issued by the Commissioner to the provider until the conditions of this section have been met, i.e., local governing body and community services board comments have been received and the local governing body has determined compliance with the provisions of this section and any relevant local ordinances.

E. No applicant for a license to provide treatment for persons with opiate addiction through the use of (i) methadone or (ii) opioid replacements other than opioid replacements approved for the treatment of opioid addiction by the U.S. Food and Drug Administration that has obtained a certificate of occupancy in accordance with the law and regulations in effect on January 1, 2004, shall be required to comply with the provisions of this section with respect to the existing facility for which the certificate of occupancy was obtained. No existing licensed provider shall be required to comply with the provisions of this section with respect to an existing facility in which it is currently providing such treatment. License applicants and licensees who fall within this exception shall, however, be required to comply with the provisions of this section for purposes of relocating an existing facility or establishing a new facility.

F. The provisions of subsections A and E shall not apply to (i) the jurisdictions in Planning District 8 ~~or to~~, (ii) an applicant for a license for the purpose of relocating within a city located in Planning District 23 a facility to provide treatment for persons with opiate addiction through the use of methadone or other opioid replacements that has been providing such treatment in the same city since 1984 and is operated by and located with a community services board, or (iii) an applicant for a license to operate in its current location as a facility to provide treatment for persons with opiate addiction through the use of methadone or other opioid replacements when the facility is located within one-half mile of a public or private licensed day care center or a public or private K-12 school in Henrico County or the City of Richmond and has been licensed and operated as a facility to provide treatment for persons with opiate addiction through the use of methadone or other opioid replacements by another provider immediately prior to submission of the application for a license.

CHAPTER 188

*An Act to amend and reenact § 63.2-1609 of the Code of Virginia, relating to emergency order for adult protective services; temporary conservator.*

[S 543]

Approved March 5, 2018

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

**1. That § 63.2-1609 of the Code of Virginia is amended and reenacted as follows:**

**§ 63.2-1609. Emergency order for adult protective services.**

A. Upon petition by the local department to the circuit court, the court may issue an order authorizing the provision of adult protective services on an emergency basis to an adult after finding on the record, based on a preponderance of the evidence, that:

1. The adult is incapacitated;
2. An emergency exists;
3. The adult lacks the capacity to consent to receive adult protective services; and
4. The proposed order is substantially supported by the findings of the local department that has investigated the case, or if not so supported, there are compelling reasons for ordering services.

B. In issuing an emergency order, the court shall adhere to the following limitations:

1. Only such adult protective services as are necessary to improve or correct the conditions creating the emergency shall be ordered, and the court shall designate the approved services in its order. In ordering adult protective services the court shall consider the right of a person to rely on nonmedical remedial treatment in accordance with a recognized religious method of healing in lieu of medical care.

2. The court shall specifically find in the emergency order whether hospitalization or a change of residence is necessary. Approval of the hospitalization or change of residence shall be stated in the order. No adult may be committed to a mental health facility under this section.

3. Adult protective services may be provided through an appropriate court order only for a period of 15 days. The original order may be renewed once for a five-day period upon a showing to the court that continuation of the original order is necessary to remove the emergency.

4. In its order the court shall appoint the petitioner or another interested person, as temporary guardian of the adult with responsibility for the adult's welfare and authority to give consent for the adult for the approved adult protective services until the expiration of the order.

5. *When applicable, the court shall appoint the petitioner or another interested person as temporary conservator of the adult with responsibility and authority limited to managing the adult's estate and financial affairs related to the approved adult protective services until the expiration of the order.*

6. The issuance of an emergency order and the appointment of a temporary guardian or temporary conservator shall not deprive the adult of any rights except to the extent provided for in the order or appointment.

7. *The court shall set the bond of the temporary guardian and the bond and surety, if any, of the temporary conservator.*

C. The petition for an emergency order shall set forth the name, address, and interest of the petitioner; the name, age and address of the adult in need of adult protective services; the nature of the emergency; the nature of the adult's incapacity, if determinable; the proposed adult protective services; the petitioner's reasonable belief, together with facts supportive thereof, as to the existence of the facts stated in subdivisions A 1 through A 4; and facts showing the petitioner's attempts to obtain the adult's consent to the services and the outcomes of such attempts.

D. Written notice of the time, date and place for the hearing shall be given to the adult, to his spouse, or if none, to his nearest known next of kin, and a copy of the petition shall be attached. Such notice shall be given at least 24 hours prior to the hearing for emergency intervention. The court may waive the 24-hour notice requirement upon showing that (i) immediate and reasonably foreseeable physical harm to the adult or others will result from the 24-hour delay, and (ii) reasonable attempts have been made to notify the adult, his spouse, or if none, his nearest known next of kin.

E. Upon receipt of a petition for an emergency order for adult protective services, the court shall hold a hearing. The adult who is the subject of the petition shall have the right to be present and be represented by counsel at the hearing. If it is determined that the adult is indigent, or, in the determination of the judge, lacks capacity to waive the right to counsel, the court shall locate and appoint a guardian ad litem. If the adult is indigent, the cost of the proceeding shall be borne by the Commonwealth. If the adult is not indigent, the court may order that the cost of the proceeding shall be borne by such adult. This hearing shall be held no earlier than 24 hours after the notice required in subsection D has been given, unless such notice has been waived by the court.

F. The adult, the temporary guardian, *temporary conservator*, or any interested person may petition the court to have the emergency order set aside or modified at any time there is evidence that a substantial change in the circumstances of the adult for whom the emergency services were ordered has occurred.

G. Where adult protective services are rendered on the basis of an emergency order, the temporary guardian *or temporary conservator* shall submit to the court a report describing the circumstances thereof including the name, place, date and nature of the services provided. This report shall become part of the court record. Such report shall be confidential and open only to such persons as may be directed by the court.

H. If the person continues to need adult protective services after the renewal order provided in subdivision B 3 has expired, the temporary guardian, *temporary conservator*, or ~~the~~ local department shall immediately petition the court to appoint a guardian *and, if applicable, a conservator* pursuant to Chapter 20 (§ 64.2-2000 et seq.) of Title 64.2.

## CHAPTER 189

*An Act to amend and reenact § 63.2-1715 of the Code of Virginia, relating to child day programs; exemptions from licensure.*

[S 682]

Approved March 5, 2018

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

#### **1. That § 63.2-1715 of the Code of Virginia is amended and reenacted as follows:**

##### **§ 63.2-1715. Exemptions from licensure.**

A. The following child day programs shall not be required to be licensed:

1. A child day center that has obtained an exemption pursuant to § 63.2-1716.

2. A program where, by written policy given to and signed by a parent or guardian, school-aged children are free to enter and leave the premises without permission or supervision, regardless of (i) such program's location or the number of days per week of its operation; (ii) the provision of transportation services, including drop-off and pick-up times; or (iii) the scheduling of breaks for snacks, homework, or other activities. A program that would qualify for this exemption except that it assumes responsibility for the supervision, protection and well-being of several children with disabilities who are mainstreamed shall not be subject to licensure.

3. A program of instructional experience in a single focus, such as, but not limited to, computer science, archaeology, sport clinics, or music, if children under the age of six do not attend at all and if no child is allowed to attend for more than 25 days in any three-month period commencing with enrollment. This exemption does not apply if children merely change their enrollment to a different focus area at a site offering a variety of activities and such children's attendance exceeds 25 days in a three-month period.

4. Programs of instructional or recreational activities wherein no child under age six attends for more than six hours weekly with no class or activity period to exceed one and one-half hours, and no child six years of age or above attends for more than six hours weekly when school is in session or 12 hours weekly when school is not in session. Competition, performances and exhibitions related to the instructional or recreational activity shall be excluded when determining the hours of program operation.

5. A program that operates no more than a total of 20 program days in the course of a calendar year provided that programs serving children under age six operate no more than two consecutive weeks without a break of at least a week.

6. Instructional programs offered by private schools that satisfy compulsory attendance laws or the Individuals with Disabilities Education Act, as amended, and programs of school-sponsored extracurricular activities that are focused on single interests such as, but not limited to, music, sports, drama, civic service, or foreign language.

7. Instructional programs offered by public schools that serve preschool-age children or that satisfy compulsory attendance laws or the Individuals with Disabilities Education Act, as amended, and programs of school-sponsored extracurricular activities that are focused on single interests such as, but not limited to, music, sports, drama, civic service, or foreign language.

8. Early intervention programs for children eligible under Part C of the Individuals with Disabilities Education Act, as amended, wherein no child attends for more than a total of six hours per week.

9. Practice or competition in organized competitive sports leagues.

10. Programs of religious instruction, such as Sunday schools, vacation Bible schools, and Bar Mitzvah or Bat Mitzvah classes, and child-minding services provided to allow parents or guardians who are on site to attend religious worship or instructional services.

11. Child-minding services that are not available for more than three hours per day for any individual child offered on site in commercial or recreational establishments if the parent or guardian (i) is not an on-duty employee, except for part-time employees working less than two hours per day, (ii) can be contacted and can resume responsibility for the child's supervision within 30 minutes, and (iii) is receiving or providing services or participating in activities offered by the establishment.

12. A certified preschool or nursery school program operated by a private school that is accredited by an accrediting organization recognized by the State Board of Education pursuant to § 22.1-19 and complies with the provisions of § 63.2-1717.

13. A program of recreational activities offered by local governments, staffed by local government employees, and attended by school-age children. Such programs shall be subject to safety and supervisory standards established by local governments.

14. A program of instructional or athletic experience operated during the summer months by, and as an extension of, an accredited private elementary, middle, or high school program as set forth in § 22.1-19 and administered by the Virginia Council for Private Education.

15. *A child day program offered by a local school division, staffed by local school division employees, and attended by children who are at least four years of age and are enrolled in public school or a preschool program within such school division. Such programs shall be subject to safety and supervisory standards established by the local school board.*

B. Family day homes that are members of a licensed family day system shall not be required to obtain a license from the Commissioner.

C. Officers, employees, or agents of the Commonwealth, or of any county, city, or town acting within the scope of their authority as such, who serve as or maintain a child-placing agency shall not be required to be licensed.

## CHAPTER 190

*An Act to amend and reenact § 54.1-2523.1 of the Code of Virginia, relating to the Prescription Monitoring Program; prescriber and dispenser patterns; annual review; report.*

[S 728]

Approved March 5, 2018

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

**1. That § 54.1-2523.1 of the Code of Virginia is amended and reenacted as follows:**

**§ 54.1-2523.1. Criteria for indicators of misuse; Director's authority to disclose information; intervention.**

A. The Director shall develop, in consultation with an advisory panel which shall include representatives of the Boards of Medicine and Pharmacy, the Department of Health, the Department of Medical Assistance Services, and the Department of Behavioral Health and Developmental Services, criteria for indicators of unusual patterns of prescribing or dispensing of covered substances by prescribers or dispensers and misuse of covered substances by recipients and a method for analysis of data collected by the Prescription Monitoring Program using the criteria for indicators of misuse to identify unusual patterns of prescribing or dispensing of covered substances by individual prescribers or dispensers or potential misuse of a covered substance by a recipient. *The Director, in consultation with the panel, shall annually review controlled substance prescribing and dispensing patterns and shall (i) make any necessary changes to the criteria for unusual patterns of prescribing and dispensing required by this subsection and (ii) report any findings and recommendations for best practices to the Joint Commission on Health Care by November 1 of each year.*

B. In cases in which analysis of data collected by the Prescription Monitoring Program using the criteria for indicators of misuse indicates an unusual pattern of prescribing or dispensing of a covered substance by an individual prescriber or dispenser or potential misuse of a covered substance by a recipient, the Director may, in addition to the discretionary disclosure of information pursuant to § 54.1-2523:

1. Disclose information about the unusual prescribing or dispensing of a covered substance by an individual prescriber or dispenser to the Enforcement Division of the Department of Health Professions; or

2. Disclose information about the specific recipient to (i) the prescriber or prescribers who have prescribed a covered substance to the recipient for the purpose of intervention to prevent misuse of such covered substance or (ii) an agent who has completed the Virginia State Police Drug Diversion School designated by the Superintendent of State Police or

designated by the chief law-enforcement officer of any county, city, or town or campus police department for the purpose of an investigation into possible drug diversion.

**CHAPTER 191**

*An Act to amend and reenact § 20-108.2 of the Code of Virginia, relating to calculation of child support obligation; multiple custody arrangements.*

[S 981]

Approved March 5, 2018

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

**1. That § 20-108.2 of the Code of Virginia is amended and reenacted as follows:**

**§ 20-108.2. Guideline for determination of child support; quadrennial review by Child Support Guidelines Review Panel; executive summary.**

A. There shall be a rebuttable presumption in any judicial or administrative proceeding for child support under this title or Title 16.1 or 63.2, including cases involving split custody or shared custody, or multiple custody arrangements pursuant to subdivisions G 4, 5, and 6, that the amount of the award which would result from the application of the guidelines set forth in this section is the correct amount of child support to be awarded. In order to rebut the presumption, the court shall make written findings in the order as set out in § 20-108.1, which findings may be incorporated by reference, that the application of the guidelines would be unjust or inappropriate in a particular case as determined by relevant evidence pertaining to the factors set out in § 20-108.1. The Department of Social Services shall set child support at the amount resulting from computations using the guidelines set out in this section pursuant to the authority granted to it in Chapter 19 (§ 63.2-1900 et seq.) of Title 63.2 and subject to the provisions of § 63.2-1918.

B. For purposes of application of the guideline, a basic child support obligation shall be computed using the schedule set out below. For combined monthly gross income amounts falling between amounts shown in the schedule, basic child support obligation amounts shall be extrapolated. However, unless one of the following exemptions applies where the sole custody child support obligation as computed pursuant to subdivision G 1 is less than the statutory minimum per month, there shall be a presumptive minimum child support obligation of the statutory minimum per month payable by the payor parent. If the gross income of the obligor is equal to or less than 150 percent of the federal poverty level promulgated by the U.S. Department of Health and Human Services from time to time, then the court, upon hearing evidence that there is no ability to pay the presumptive statutory minimum, may set an obligation below the presumptive statutory minimum provided doing so does not create or reduce a support obligation to an amount which seriously impairs the custodial parent's ability to maintain minimal adequate housing and provide other basic necessities for the child. Exemptions from this presumptive minimum monthly child support obligation shall include: parents unable to pay child support because they lack sufficient assets from which to pay child support and who, in addition, are institutionalized in a psychiatric facility; are imprisoned for life with no chance of parole; are medically verified to be totally and permanently disabled with no evidence of potential for paying child support, including recipients of Supplemental Security Income (SSI); or are otherwise involuntarily unable to produce income. "Number of children" means the number of children for whom the parents share joint legal responsibility and for whom support is being sought.

**SCHEDULE OF MONTHLY BASIC CHILD SUPPORT OBLIGATIONS**

COMBINED MONTHLY GROSS INCOME						
ONE CHILD	TWO CHILDREN	THREE CHILDREN	FOUR CHILDREN	FIVE CHILDREN	SIX CHILDREN	
0-350	68	104	126	141	155	169
400	78	119	144	161	177	192
450	88	133	162	181	199	216
500	97	148	179	200	220	239
550	107	162	197	220	242	263
600	116	177	215	240	264	287
650	126	191	232	259	285	310
700	135	206	250	279	307	333
750	145	220	267	298	328	357
800	154	234	284	317	349	379
850	163	248	300	336	369	401

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**ACTS OF ASSEMBLY**

900	171	260	316	353	388	422
950	179	273	331	369	406	442
1000	187	285	346	386	425	462
1050	196	298	361	403	443	482
1100	204	310	375	419	461	501
1150	212	323	390	436	480	521
1200	220	335	405	453	498	541
1250	228	347	420	469	516	561
1300	237	360	435	486	535	581
1350	245	372	450	503	553	601
1400	253	385	465	519	571	621
1450	261	397	480	536	589	641
1500	269	410	495	552	608	661
1550	278	422	509	569	626	680
1600	286	434	524	585	644	700
1650	293	446	538	601	661	718
1700	301	457	552	616	678	737
1750	309	469	566	632	695	756
1800	316	481	579	647	712	774
1850	324	492	593	663	729	792
1900	331	504	607	678	746	811
1950	339	515	621	693	763	829
2000	347	527	635	709	780	848
2050	354	538	648	724	797	866
2100	362	550	662	740	814	884
2150	369	561	676	755	830	903
2200	377	573	690	770	847	921
2250	385	584	703	786	864	940
2300	392	596	717	801	881	958
2350	400	607	731	817	898	976
2400	407	619	745	832	915	995
2450	415	630	759	847	932	1013
2500	423	642	772	863	949	1032
2550	430	653	786	878	966	1050
2600	438	665	800	894	983	1068
2650	445	676	814	909	1000	1087
2700	453	688	828	924	1017	1105
2750	460	699	841	940	1034	1124
2800	468	711	855	955	1051	1142
2850	476	722	869	971	1068	1160
2900	483	734	883	986	1084	1179
2950	491	745	896	1001	1101	1197
3000	498	757	910	1017	1118	1216
3050	506	768	924	1032	1135	1234
3100	514	780	938	1047	1152	1252
3150	521	791	952	1063	1169	1271
3200	529	803	965	1078	1186	1289

3250	536	814	979	1094	1203	1308
3300	544	826	993	1109	1220	1326
3350	551	837	1006	1123	1236	1343
3400	559	848	1019	1138	1252	1361
3450	566	859	1032	1152	1268	1378
3500	574	870	1045	1167	1283	1395
3550	581	881	1057	1181	1299	1412
3600	588	892	1070	1196	1315	1430
3650	596	903	1083	1210	1331	1447
3700	603	914	1096	1224	1347	1464
3750	611	925	1109	1239	1363	1481
3800	618	936	1122	1253	1379	1499
3850	626	947	1135	1268	1395	1516
3900	632	956	1146	1280	1408	1531
3950	638	966	1157	1293	1422	1546
4000	645	975	1168	1305	1436	1561
4050	651	985	1180	1318	1449	1575
4100	658	994	1191	1330	1463	1590
4150	664	1004	1202	1342	1477	1605
4200	670	1013	1213	1355	1490	1620
4250	677	1023	1224	1367	1504	1635
4300	682	1030	1233	1377	1515	1647
4350	687	1038	1242	1387	1526	1658
4400	693	1046	1251	1397	1537	1670
4450	698	1054	1260	1407	1548	1682
4500	704	1062	1268	1417	1559	1694
4550	709	1069	1277	1427	1569	1706
4600	714	1077	1286	1437	1580	1718
4650	720	1085	1295	1447	1591	1730
4700	725	1093	1304	1457	1602	1742
4750	731	1100	1313	1466	1613	1753
4800	736	1108	1322	1476	1624	1765
4850	741	1116	1331	1486	1635	1777
4900	747	1124	1339	1496	1646	1789
4950	752	1131	1348	1506	1656	1800
5000	755	1136	1353	1511	1662	1807
5050	759	1141	1358	1516	1668	1813
5100	762	1145	1362	1522	1674	1820
5150	766	1150	1367	1527	1680	1826
5200	769	1155	1372	1533	1686	1833
5250	773	1159	1377	1538	1692	1839
5300	776	1164	1382	1544	1698	1846
5350	780	1169	1387	1549	1704	1852
5400	783	1173	1392	1554	1710	1859
5450	787	1178	1397	1560	1716	1865
5500	790	1183	1401	1565	1722	1872
5550	794	1187	1406	1571	1728	1878

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**ACTS OF ASSEMBLY**

5600	797	1192	1411	1576	1734	1885
5650	800	1196	1416	1582	1740	1891
5700	803	1201	1421	1587	1746	1897
5750	806	1205	1425	1592	1751	1904
5800	809	1209	1430	1598	1757	1910
5850	812	1213	1435	1603	1763	1917
5900	815	1217	1440	1608	1769	1923
5950	818	1221	1444	1613	1775	1929
6000	821	1226	1449	1619	1781	1936
6050	823	1230	1454	1624	1787	1942
6100	826	1234	1459	1629	1792	1948
6150	829	1238	1464	1635	1798	1955
6200	832	1242	1468	1640	1804	1961
6250	835	1246	1473	1645	1810	1967
6300	838	1251	1478	1651	1816	1974
6350	841	1255	1483	1656	1822	1980
6400	844	1259	1487	1661	1827	1986
6450	847	1263	1492	1667	1833	1993
6500	849	1267	1497	1672	1839	1999
6550	852	1271	1502	1677	1845	2005
6600	855	1276	1506	1683	1851	2012
6650	858	1280	1511	1688	1857	2018
6700	861	1285	1517	1694	1864	2026
6750	865	1291	1524	1703	1873	2036
6800	869	1297	1532	1711	1882	2046
6850	873	1303	1539	1719	1891	2056
6900	877	1309	1547	1728	1900	2066
6950	881	1315	1554	1736	1909	2076
7000	885	1321	1561	1744	1919	2085
7050	889	1328	1569	1752	1928	2095
7100	893	1334	1576	1761	1937	2105
7150	897	1340	1584	1769	1946	2115
7200	901	1346	1591	1777	1955	2125
7250	905	1352	1599	1786	1964	2135
7300	909	1358	1606	1794	1973	2145
7350	913	1364	1613	1802	1982	2155
7400	917	1370	1621	1810	1991	2165
7450	921	1376	1628	1819	2001	2175
7500	925	1382	1636	1827	2010	2185
7550	929	1389	1643	1835	2019	2194
7600	933	1395	1650	1844	2028	2204
7650	937	1401	1658	1852	2037	2214
7700	941	1407	1665	1860	2046	2224
7750	944	1411	1670	1865	2051	2230
7800	946	1413	1672	1867	2054	2233
7850	948	1416	1674	1870	2057	2236
7900	950	1419	1676	1873	2060	2239

7950	953	1421	1679	1875	2063	2242
8000	955	1424	1681	1878	2065	2245
8050	957	1426	1683	1880	2068	2248
8100	959	1429	1685	1883	2071	2251
8150	961	1432	1688	1885	2074	2254
8200	963	1434	1690	1888	2076	2257
8250	965	1436	1692	1890	2079	2260
8300	967	1439	1694	1892	2082	2263
8350	969	1441	1696	1895	2084	2266
8400	971	1444	1699	1897	2087	2269
8450	973	1446	1701	1899	2089	2271
8500	974	1447	1702	1901	2091	2273
8550	975	1449	1704	1903	2093	2276
8600	976	1450	1705	1905	2096	2278
8650	977	1452	1707	1907	2098	2280
8700	978	1453	1709	1909	2100	2282
8750	979	1455	1710	1911	2102	2284
8800	980	1456	1712	1912	2104	2287
8850	981	1457	1714	1914	2106	2289
8900	982	1459	1715	1916	2108	2291
8950	983	1460	1717	1918	2110	2293
9000	984	1462	1719	1920	2112	2295
9050	985	1463	1720	1922	2114	2298
9100	986	1465	1722	1923	2116	2300
9150	987	1466	1724	1925	2118	2302
9200	991	1471	1730	1932	2125	2310
9250	994	1477	1737	1940	2134	2319
9300	998	1483	1743	1947	2142	2328
9350	1002	1488	1750	1955	2150	2337
9400	1005	1494	1757	1962	2159	2346
9450	1009	1499	1764	1970	2167	2355
9500	1013	1505	1771	1978	2176	2365
9550	1017	1511	1778	1986	2185	2375
9600	1021	1518	1786	1995	2194	2385
9650	1025	1524	1793	2003	2203	2395
9700	1029	1530	1801	2011	2212	2405
9750	1033	1536	1808	2020	2222	2415
9800	1037	1543	1816	2028	2231	2425
9850	1041	1549	1823	2036	2240	2435
9900	1046	1555	1831	2045	2249	2445
9950	1050	1561	1838	2053	2258	2455
10000	1054	1567	1845	2061	2268	2465
10050	1058	1574	1853	2070	2277	2475
10100	1062	1580	1860	2078	2286	2485
10150	1066	1586	1868	2086	2295	2495
10200	1070	1592	1875	2095	2304	2505
10250	1074	1599	1883	2103	2314	2515

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**ACTS OF ASSEMBLY**

10300	1079	1605	1891	2112	2323	2525
10350	1083	1611	1898	2121	2333	2536
10400	1087	1618	1906	2129	2342	2546
10450	1091	1624	1914	2138	2351	2556
10500	1095	1631	1921	2146	2361	2566
10550	1100	1637	1929	2155	2370	2576
10600	1104	1643	1937	2163	2380	2587
10650	1108	1650	1944	2172	2389	2597
10700	1112	1656	1952	2180	2398	2607
10750	1117	1662	1960	2189	2408	2617
10800	1121	1669	1967	2197	2417	2627
10850	1125	1675	1975	2206	2427	2638
10900	1129	1682	1983	2214	2436	2648
10950	1134	1688	1990	2223	2445	2658
11000	1138	1694	1998	2232	2455	2668
11050	1142	1701	2005	2240	2464	2678
11100	1146	1707	2013	2249	2474	2689
11150	1150	1714	2021	2257	2483	2699
11200	1154	1718	2026	2263	2489	2706
11250	1157	1722	2030	2267	2494	2711
11300	1159	1726	2034	2272	2499	2717
11350	1162	1730	2038	2276	2504	2722
11400	1165	1733	2042	2281	2509	2727
11450	1168	1737	2046	2285	2514	2733
11500	1171	1741	2050	2290	2519	2738
11550	1173	1745	2054	2294	2524	2743
11600	1176	1749	2058	2299	2529	2749
11650	1179	1752	2062	2303	2534	2754
11700	1182	1756	2066	2308	2538	2759
11750	1185	1760	2070	2312	2543	2765
11800	1187	1764	2074	2317	2548	2770
11850	1190	1768	2078	2321	2553	2775
11900	1193	1771	2082	2326	2558	2781
11950	1196	1775	2086	2330	2563	2786
12000	1199	1779	2090	2335	2568	2791
12050	1201	1783	2094	2339	2573	2797
12100	1204	1787	2098	2344	2578	2802
12150	1207	1790	2102	2348	2583	2808
12200	1210	1795	2107	2354	2589	2815
12250	1213	1800	2113	2360	2596	2822
12300	1216	1804	2118	2366	2603	2829
12350	1220	1809	2124	2372	2610	2837
12400	1223	1814	2129	2378	2616	2844
12450	1226	1818	2135	2384	2623	2851
12500	1229	1823	2140	2391	2630	2858
12550	1232	1828	2146	2397	2636	2866
12600	1235	1832	2151	2403	2643	2873

12650	1239	1837	2157	2409	2650	2880
12700	1242	1842	2162	2415	2657	2888
12750	1245	1846	2168	2421	2663	2895
12800	1248	1851	2173	2427	2670	2902
12850	1251	1856	2178	2433	2677	2910
12900	1254	1860	2184	2439	2683	2917
12950	1257	1865	2189	2446	2690	2924
13000	1261	1870	2195	2452	2697	2931
13050	1264	1874	2200	2458	2704	2939
13100	1267	1879	2206	2464	2710	2946
13150	1270	1884	2211	2470	2717	2953
13200	1273	1888	2217	2476	2724	2961
13250	1276	1893	2222	2482	2730	2968
13300	1279	1898	2228	2488	2737	2975
13350	1283	1902	2233	2494	2744	2983
13400	1286	1907	2239	2501	2751	2990
13450	1289	1912	2244	2507	2757	2997
13500	1292	1916	2250	2513	2764	3005
13550	1295	1921	2256	2520	2772	3013
13600	1297	1925	2262	2526	2779	3021
13650	1300	1930	2268	2533	2786	3029
13700	1303	1935	2274	2540	2794	3037
13750	1306	1939	2280	2546	2801	3045
13800	1308	1944	2286	2553	2808	3053
13850	1311	1948	2292	2560	2816	3061
13900	1314	1953	2298	2566	2823	3069
13950	1317	1957	2304	2573	2830	3077
14000	1320	1962	2310	2580	2838	3085
14050	1322	1967	2316	2586	2845	3093
14100	1325	1971	2322	2593	2852	3101
14150	1328	1976	2328	2600	2860	3109
14200	1331	1980	2333	2607	2867	3117
14250	1334	1985	2339	2613	2875	3125
14300	1336	1990	2345	2620	2882	3133
14350	1339	1994	2351	2627	2889	3141
14400	1342	1999	2357	2633	2897	3149
14450	1345	2003	2363	2640	2904	3157
14500	1347	2008	2369	2647	2911	3164
14550	1350	2013	2375	2653	2919	3172
14600	1353	2017	2381	2660	2926	3180
14650	1356	2022	2387	2667	2933	3188
14700	1359	2026	2393	2673	2941	3196
14750	1361	2031	2399	2680	2948	3204
14800	1364	2036	2405	2686	2955	3212
14850	1368	2040	2410	2692	2961	3219
14900	1371	2045	2415	2698	2967	3226
14950	1375	2050	2420	2703	2974	3232

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**ACTS OF ASSEMBLY**

15000	1378	2055	2425	2709	2980	3239
15050	1382	2059	2430	2714	2986	3246
15100	1385	2064	2435	2720	2992	3252
15150	1389	2069	2440	2726	2998	3259
15200	1392	2074	2445	2731	3004	3266
15250	1396	2078	2450	2737	3010	3272
15300	1400	2083	2455	2742	3017	3279
15350	1403	2088	2460	2748	3023	3286
15400	1407	2093	2465	2754	3029	3292
15450	1410	2098	2470	2759	3035	3299
15500	1414	2102	2475	2765	3041	3306
15550	1417	2107	2480	2770	3047	3312
15600	1421	2112	2485	2776	3053	3319
15650	1424	2117	2490	2781	3060	3326
15700	1428	2121	2495	2787	3066	3333
15750	1431	2126	2500	2793	3072	3339
15800	1435	2131	2505	2798	3078	3346
15850	1438	2136	2510	2804	3084	3353
15900	1442	2140	2515	2809	3090	3359
15950	1445	2145	2520	2815	3097	3366
16000	1449	2150	2525	2821	3103	3373
16050	1453	2155	2530	2826	3109	3379
16100	1456	2159	2535	2832	3115	3386
16150	1458	2162	2538	2835	3119	3390
16200	1459	2164	2541	2838	3122	3394
16250	1461	2167	2544	2841	3125	3397
16300	1462	2169	2546	2844	3128	3401
16350	1464	2171	2549	2847	3132	3404
16400	1465	2173	2551	2850	3135	3408
16450	1466	2175	2554	2853	3138	3411
16500	1468	2177	2557	2856	3141	3415
16550	1469	2179	2559	2859	3144	3418
16600	1471	2182	2562	2862	3148	3422
16650	1472	2184	2564	2864	3151	3425
16700	1473	2186	2567	2867	3154	3428
16750	1475	2188	2570	2870	3157	3432
16800	1476	2190	2572	2873	3160	3435
16850	1477	2192	2575	2876	3164	3439
16900	1479	2194	2577	2879	3167	3442
16950	1480	2196	2580	2882	3170	3446
17000	1481	2198	2582	2885	3173	3449
17050	1483	2200	2585	2887	3176	3452
17100	1484	2203	2588	2890	3179	3456
17150	1486	2205	2590	2893	3182	3459
17200	1487	2207	2593	2896	3186	3463
17250	1488	2209	2595	2899	3189	3466
17300	1490	2211	2598	2902	3192	3470

17350	1491	2213	2600	2905	3195	3473
17400	1492	2215	2603	2907	3198	3476
17450	1494	2217	2605	2910	3201	3480
17500	1495	2219	2608	2913	3204	3483
17550	1497	2222	2611	2916	3208	3487
17600	1498	2224	2613	2919	3211	3490
17650	1499	2226	2616	2922	3214	3494
17700	1501	2228	2618	2925	3217	3497
17750	1502	2230	2621	2928	3220	3500
17800	1503	2232	2623	2930	3223	3504
17850	1505	2234	2626	2933	3227	3507
17900	1506	2236	2629	2936	3230	3511
17950	1507	2238	2631	2939	3233	3514
18000	1509	2240	2634	2942	3236	3518
18050	1510	2243	2636	2945	3239	3521
18100	1512	2245	2639	2948	3242	3524
18150	1513	2247	2641	2950	3245	3528
18200	1514	2249	2644	2953	3249	3531
18250	1516	2251	2647	2956	3252	3535
18300	1517	2253	2649	2959	3255	3538
18350	1520	2256	2652	2963	3259	3542
18400	1522	2259	2655	2966	3263	3547
18450	1524	2262	2658	2970	3266	3551
18500	1526	2265	2662	2973	3270	3555
18550	1528	2268	2665	2976	3274	3559
18600	1530	2271	2668	2980	3278	3563
18650	1532	2274	2671	2983	3282	3567
18700	1535	2277	2674	2987	3285	3571
18750	1537	2280	2677	2990	3289	3575
18800	1539	2283	2680	2994	3293	3579
18850	1541	2285	2683	2997	3297	3584
18900	1543	2288	2686	3000	3301	3588
18950	1545	2291	2689	3004	3304	3592
19000	1547	2294	2692	3007	3308	3596
19050	1550	2297	2695	3011	3312	3600
19100	1552	2300	2698	3014	3316	3604
19150	1554	2303	2702	3018	3319	3608
19200	1556	2306	2705	3021	3323	3612
19250	1558	2309	2708	3025	3327	3616
19300	1560	2312	2711	3028	3331	3621
19350	1563	2315	2714	3031	3335	3625
19400	1565	2318	2717	3035	3338	3629
19450	1567	2320	2720	3038	3342	3633
19500	1569	2323	2723	3042	3346	3637
19550	1571	2326	2726	3045	3350	3641
19600	1573	2329	2729	3049	3353	3645
19650	1575	2332	2732	3052	3357	3649

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**ACTS OF ASSEMBLY**

19700	1578	2335	2735	3055	3361	3653
19750	1580	2338	2738	3059	3365	3658
19800	1582	2341	2742	3062	3369	3662
19850	1584	2344	2745	3066	3372	3666
19900	1586	2347	2748	3069	3376	3670
19950	1588	2350	2751	3073	3380	3674
20000	1591	2353	2754	3076	3384	3678
20050	1593	2355	2757	3080	3387	3682
20100	1595	2358	2760	3083	3391	3686
20150	1597	2361	2763	3086	3395	3690
20200	1599	2364	2766	3090	3399	3695
20250	1601	2367	2769	3093	3403	3699
20300	1603	2370	2772	3097	3406	3703
20350	1606	2373	2775	3100	3410	3707
20400	1608	2376	2778	3104	3414	3711
20450	1610	2379	2782	3107	3418	3715
20500	1612	2382	2785	3110	3421	3719
20550	1614	2385	2788	3114	3425	3723
20600	1616	2388	2791	3117	3429	3727
20650	1619	2390	2794	3121	3433	3731
20700	1621	2393	2797	3124	3437	3736
20750	1623	2396	2800	3128	3440	3740
20800	1625	2399	2803	3131	3444	3744
20850	1627	2402	2806	3135	3448	3748
20900	1629	2405	2809	3138	3452	3752
20950	1631	2408	2812	3141	3456	3756
21000	1634	2411	2815	3145	3459	3760
21050	1636	2414	2818	3148	3463	3764
21100	1638	2417	2822	3152	3467	3768
21150	1640	2420	2825	3155	3471	3773
21200	1642	2423	2828	3159	3474	3777
21250	1644	2425	2831	3162	3478	3781
21300	1647	2428	2834	3165	3482	3785
21350	1649	2431	2837	3169	3486	3789
21400	1651	2434	2840	3172	3490	3793
21450	1653	2437	2843	3176	3493	3797
21500	1655	2440	2846	3179	3497	3801
21550	1657	2443	2849	3183	3501	3805
21600	1659	2446	2853	3187	3506	3811
21650	1661	2449	2857	3191	3510	3816
21700	1663	2452	2861	3195	3515	3821
21750	1665	2455	2865	3200	3520	3826
21800	1667	2458	2868	3204	3524	3831
21850	1668	2461	2872	3208	3529	3836
21900	1670	2464	2876	3213	3534	3841
21950	1672	2467	2880	3217	3539	3846
22000	1674	2470	2884	3221	3543	3852

22050	1676	2473	2888	3225	3548	3857
22100	1678	2476	2891	3230	3553	3862
22150	1680	2479	2895	3234	3557	3867
22200	1681	2482	2899	3238	3562	3872
22250	1683	2485	2903	3243	3567	3877
22300	1685	2488	2907	3247	3571	3882
22350	1687	2491	2911	3251	3576	3887
22400	1689	2494	2914	3255	3581	3892
22450	1691	2497	2918	3260	3586	3898
22500	1692	2500	2922	3264	3590	3903
22550	1694	2503	2926	3268	3595	3908
22600	1696	2506	2930	3272	3600	3913
22650	1698	2509	2934	3277	3604	3918
22700	1700	2512	2937	3281	3609	3923
22750	1702	2515	2941	3285	3614	3928
22800	1704	2518	2945	3290	3619	3933
22850	1705	2521	2949	3294	3623	3938
22900	1707	2524	2953	3298	3628	3944
22950	1709	2527	2957	3302	3633	3949
23000	1711	2530	2960	3307	3637	3954
23050	1713	2533	2964	3311	3642	3959
23100	1715	2536	2968	3315	3647	3964
23150	1717	2539	2972	3320	3651	3969
23200	1718	2542	2976	3324	3656	3974
23250	1720	2545	2979	3328	3661	3979
23300	1722	2548	2983	3332	3666	3984
23350	1724	2551	2987	3337	3670	3990
23400	1726	2554	2991	3341	3675	3995
23450	1728	2557	2995	3345	3680	4000
23500	1730	2560	2999	3349	3684	4005
23550	1731	2563	3002	3354	3689	4010
23600	1733	2566	3006	3358	3694	4015
23650	1735	2569	3010	3362	3699	4020
23700	1737	2572	3014	3367	3703	4025
23750	1739	2575	3018	3371	3708	4031
23800	1741	2578	3022	3375	3713	4036
23850	1742	2581	3025	3379	3717	4041
23900	1744	2584	3029	3384	3722	4046
23950	1746	2587	3033	3388	3727	4051
24000	1748	2590	3037	3392	3731	4056
24050	1750	2593	3041	3397	3736	4061
24100	1752	2596	3045	3401	3741	4066
24150	1754	2599	3048	3405	3746	4071
24200	1755	2602	3052	3409	3750	4077
24250	1757	2605	3056	3414	3755	4082
24300	1759	2608	3060	3418	3760	4087
24350	1761	2611	3064	3422	3764	4092

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24400	1763	2614	3068	3426	3769	4097
24450	1765	2617	3071	3431	3774	4102
24500	1767	2620	3075	3435	3779	4107
24550	1768	2623	3079	3439	3783	4112
24600	1770	2626	3083	3444	3788	4117
24650	1772	2629	3087	3448	3793	4123
24700	1774	2632	3091	3452	3797	4128
24750	1776	2635	3094	3456	3802	4133
24800	1778	2638	3098	3461	3807	4138
24850	1780	2641	3102	3465	3811	4143
24900	1781	2644	3106	3469	3816	4148
24950	1783	2647	3110	3474	3821	4153
25000	1785	2650	3114	3478	3826	4158
25050	1787	2653	3117	3482	3830	4163
25100	1789	2656	3121	3486	3835	4169
25150	1791	2659	3125	3491	3840	4174
25200	1792	2662	3129	3495	3844	4179
25250	1794	2665	3133	3499	3849	4184
25300	1796	2668	3136	3503	3854	4189
25350	1798	2671	3140	3508	3858	4194
25400	1800	2674	3144	3512	3863	4199
25450	1802	2677	3148	3516	3868	4204
25500	1804	2680	3152	3521	3873	4210
25550	1805	2682	3156	3525	3877	4215
25600	1807	2685	3159	3529	3882	4220
25650	1809	2688	3163	3533	3887	4225
25700	1811	2691	3167	3538	3891	4230
25750	1813	2694	3171	3542	3896	4235
25800	1815	2697	3175	3546	3901	4240
25850	1817	2700	3179	3550	3906	4245
25900	1818	2703	3182	3555	3910	4250
25950	1820	2706	3186	3559	3915	4256
26000	1822	2709	3190	3563	3920	4261
26050	1824	2712	3194	3568	3924	4266
26100	1826	2715	3198	3572	3929	4271
26150	1828	2718	3202	3576	3934	4276
26200	1830	2721	3205	3580	3938	4281
26250	1831	2724	3209	3585	3943	4286
26300	1833	2727	3213	3589	3948	4291
26350	1835	2730	3217	3593	3953	4296
26400	1837	2733	3221	3598	3957	4302
26450	1839	2736	3225	3602	3962	4307
26500	1841	2739	3228	3606	3967	4312
26550	1842	2742	3232	3610	3971	4317
26600	1844	2745	3236	3615	3976	4322
26650	1846	2748	3240	3619	3981	4327
26700	1848	2751	3244	3623	3986	4332

26750	1850	2754	3248	3627	3990	4337
26800	1852	2757	3251	3632	3995	4342
26850	1854	2760	3255	3636	4000	4348
26900	1855	2763	3259	3640	4004	4353
26950	1857	2766	3263	3645	4009	4358
27000	1859	2769	3267	3649	4014	4363
27050	1861	2772	3270	3653	4018	4368
27100	1863	2775	3274	3657	4023	4373
27150	1865	2778	3278	3662	4028	4378
27200	1867	2781	3282	3666	4033	4383
27250	1868	2784	3286	3670	4037	4389
27300	1870	2787	3290	3675	4042	4394
27350	1872	2790	3293	3679	4047	4399
27400	1874	2793	3297	3683	4051	4404
27450	1876	2796	3301	3687	4056	4409
27500	1878	2799	3305	3692	4061	4414
27550	1880	2802	3309	3696	4066	4419
27600	1881	2805	3313	3700	4070	4424
27650	1883	2808	3316	3704	4075	4429
27700	1885	2811	3320	3709	4080	4435
27750	1887	2814	3324	3713	4084	4440
27800	1889	2817	3328	3717	4089	4445
27850	1891	2820	3332	3722	4094	4450
27900	1892	2823	3336	3726	4098	4455
27950	1894	2826	3339	3730	4103	4460
28000	1896	2829	3343	3734	4108	4465
28050	1898	2832	3347	3739	4113	4470
28100	1899	2833	3348	3740	4114	4472
28150	1900	2834	3349	3741	4115	4473
28200	1900	2835	3349	3741	4115	4473
28250	1901	2836	3350	3742	4116	4474
28300	1902	2836	3350	3742	4116	4474
28350	1902	2837	3351	3743	4117	4475
28400	1903	2838	3351	3743	4117	4476
28450	1904	2838	3351	3744	4118	4476
28500	1904	2839	3352	3744	4118	4477
28550	1905	2840	3352	3745	4119	4477
28600	1906	2840	3353	3745	4120	4478
28650	1906	2841	3353	3745	4120	4478
28700	1907	2842	3354	3746	4121	4479
28750	1908	2842	3354	3746	4121	4480
28800	1908	2843	3354	3747	4122	4480
28850	1909	2844	3355	3747	4122	4481
28900	1909	2844	3355	3748	4123	4481
28950	1910	2845	3356	3748	4123	4482
29000	1911	2846	3356	3749	4124	4483
29050	1911	2846	3357	3749	4124	4483

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29100	1912	2847	3357	3750	4125	4484
29150	1913	2848	3358	3750	4125	4484
29200	1913	2848	3358	3751	4126	4485
29250	1914	2849	3358	3751	4126	4485
29300	1915	2850	3359	3752	4127	4486
29350	1915	2850	3359	3752	4128	4487
29400	1916	2851	3360	3753	4128	4487
29450	1917	2852	3360	3753	4129	4488
29500	1917	2852	3361	3754	4129	4488
29550	1918	2853	3361	3754	4130	4489
29600	1919	2854	3361	3755	4130	4490
29650	1919	2855	3362	3755	4131	4490
29700	1920	2855	3362	3756	4131	4491
29750	1921	2856	3363	3756	4132	4491
29800	1921	2857	3363	3757	4132	4492
29850	1922	2857	3364	3757	4133	4492
29900	1923	2858	3364	3758	4133	4493
29950	1923	2859	3365	3758	4134	4494
30000	1924	2859	3365	3759	4135	4494
30050	1925	2860	3365	3759	4135	4495
30100	1925	2861	3366	3760	4136	4495
30150	1926	2861	3366	3760	4136	4496
30200	1926	2862	3367	3761	4137	4497
30250	1927	2863	3367	3761	4137	4497
30300	1928	2863	3368	3762	4138	4498
30350	1928	2864	3368	3762	4138	4498
30400	1929	2865	3368	3763	4139	4499
30450	1930	2865	3369	3763	4139	4499
30500	1930	2866	3369	3764	4140	4500
30550	1931	2867	3370	3764	4140	4501
30600	1932	2867	3370	3765	4141	4501
30650	1932	2868	3371	3765	4141	4502
30700	1933	2869	3371	3765	4142	4502
30750	1934	2869	3371	3766	4143	4503
30800	1934	2870	3372	3766	4143	4504
30850	1935	2871	3372	3767	4144	4504
30900	1936	2871	3373	3767	4144	4505
30950	1936	2872	3373	3768	4145	4505
31000	1937	2873	3374	3768	4145	4506
31050	1938	2874	3374	3769	4146	4506
31100	1938	2874	3375	3769	4146	4507
31150	1939	2875	3375	3770	4147	4508
31200	1940	2876	3375	3770	4147	4508
31250	1940	2876	3376	3771	4148	4509
31300	1941	2877	3376	3771	4148	4509
31350	1942	2878	3377	3772	4149	4510
31400	1942	2878	3377	3772	4150	4511

31450	1943	2879	3378	3773	4150	4511
31500	1943	2880	3378	3773	4151	4512
31550	1944	2880	3378	3774	4151	4512
31600	1945	2881	3379	3774	4152	4513
31650	1945	2882	3379	3775	4152	4513
31700	1946	2882	3380	3775	4153	4514
31750	1947	2883	3380	3776	4153	4515
31800	1947	2884	3381	3776	4154	4515
31850	1948	2884	3381	3777	4154	4516
31900	1949	2885	3382	3777	4155	4516
31950	1949	2886	3382	3778	4155	4517
32000	1950	2886	3382	3778	4156	4518
32050	1951	2887	3383	3779	4156	4518
32100	1951	2888	3383	3779	4157	4519
32150	1952	2888	3384	3780	4158	4519
32200	1953	2889	3384	3780	4158	4520
32250	1953	2890	3385	3781	4159	4520
32300	1954	2890	3385	3781	4159	4521
32350	1955	2891	3385	3782	4160	4522
32400	1955	2892	3386	3782	4160	4522
32450	1956	2893	3386	3783	4161	4523
32500	1957	2893	3387	3783	4161	4523
32550	1957	2894	3387	3784	4162	4524
32600	1958	2895	3388	3784	4162	4525
32650	1959	2895	3388	3784	4163	4525
32700	1959	2896	3389	3785	4163	4526
32750	1960	2897	3389	3785	4164	4526
32800	1960	2897	3389	3786	4165	4527
32850	1961	2898	3390	3786	4165	4527
32900	1962	2899	3390	3787	4166	4528
32950	1962	2899	3391	3787	4166	4529
33000	1963	2900	3391	3788	4167	4529
33050	1964	2901	3392	3788	4167	4530
33100	1964	2901	3392	3789	4168	4530
33150	1965	2902	3392	3789	4168	4531
33200	1966	2903	3393	3790	4169	4532
33250	1966	2903	3393	3790	4169	4532
33300	1967	2904	3394	3791	4170	4533
33350	1968	2905	3394	3791	4170	4533
33400	1968	2905	3395	3792	4171	4534
33450	1969	2906	3395	3792	4172	4534
33500	1970	2907	3395	3793	4172	4535
33550	1970	2907	3396	3793	4173	4536
33600	1971	2908	3396	3794	4173	4536
33650	1972	2909	3397	3794	4174	4537
33700	1972	2909	3397	3795	4174	4537
33750	1973	2910	3398	3795	4175	4538

33800	1974	2911	3398	3796	4175	4539
33850	1974	2912	3399	3796	4176	4539
33900	1975	2912	3399	3797	4176	4540
33950	1976	2913	3399	3797	4177	4540
34000	1976	2914	3400	3798	4177	4541
34050	1977	2914	3400	3798	4178	4541
34100	1977	2915	3401	3799	4178	4542
34150	1978	2916	3401	3799	4179	4543
34200	1979	2916	3402	3800	4179	4543
34250	1979	2917	3402	3800	4180	4544
34300	1980	2917	3402	3800	4181	4544
34350	1981	2918	3403	3801	4181	4545
34400	1981	2919	3403	3801	4182	4545
34450	1982	2919	3404	3802	4182	4546
34500	1983	2920	3404	3802	4183	4546
34550	1983	2921	3405	3803	4183	4547
34600	1984	2921	3405	3803	4184	4548
34650	1984	2922	3405	3804	4184	4548
34700	1985	2923	3406	3804	4185	4549
34750	1986	2923	3406	3805	4185	4549
34800	1986	2924	3407	3805	4186	4550
34850	1987	2925	3407	3806	4186	4550
34900	1988	2925	3407	3806	4187	4551
34950	1988	2926	3408	3807	4187	4552
35000	1989	2927	3408	3807	4188	4552

For gross monthly incomes above \$35,000, add the amount of child support for \$35,000 to the following percentages of gross income above \$35,000.

ONE <del>CHILDREN</del> CHILD	TWO CHILDREN	THREE CHILDREN	FOUR CHILDREN	FIVE CHILDREN	SIX CHILDREN
2.6%	3.4%	3.8%	4.2%	4.6%	5.0%

C. For purposes of this section, "gross income" means all income from all sources, and shall include, but not be limited to, income from salaries, wages, commissions, royalties, bonuses, dividends, severance pay, pensions, interest, trust income, annuities, capital gains, social security benefits except as listed below, workers' compensation benefits, unemployment insurance benefits, disability insurance benefits, veterans' benefits, spousal support, rental income, gifts, prizes or awards.

If a parent's gross income includes disability insurance benefits, it shall also include any amounts paid to or for the child who is the subject of the order and derived by the child from the parent's entitlement to disability insurance benefits. To the extent that such derivative benefits are included in a parent's gross income, that parent shall be entitled to a credit against his or her ongoing basic child support obligation for any such amounts, and, if the amount of the credit exceeds the parent's basic child support obligations, the credit may be used to reduce arrearages.

Gross income shall be subject to deduction of reasonable business expenses for persons with income from self-employment, a partnership, or a closely held business. "Gross income" shall not include:

1. Benefits from public assistance and social services programs as defined in § 63.2-100;
2. Federal supplemental security income benefits;
3. Child support received; or

4. Income received by the payor from secondary employment income not previously included in "gross income," where the payor obtained the income to discharge a child support arrearage established by a court or administrative order and the payor is paying the arrearage pursuant to the order. "Secondary employment income" includes but is not limited to income from an additional job, from self-employment, or from overtime employment. The cessation of such secondary income upon the payment of the arrearage shall not be the basis for a material change in circumstances upon which a modification of child support may be based.

For purposes of this subsection: (i) spousal support received shall be included in gross income and spousal support paid shall be deducted from gross income when paid pursuant to an order or written agreement and (ii) one-half of any self-employment tax paid shall be deducted from gross income.

Where there is an existing court or administrative order or written agreement relating to the child or children of a party to the proceeding, who are not the child or children who are the subject of the present proceeding, then there is a presumption that there shall be deducted from the gross income of the party subject to such order or written agreement, the amount that the party is actually paying for the support of a child or children pursuant to such order or agreement.

Where a party to the proceeding has a natural or adopted child or children in the party's household or primary physical custody, and the child or children are not the subject of the present proceeding, there is a presumption that there shall be deducted from the gross income of that party the amount as shown on the Schedule of Monthly Basic Child Support Obligations contained in subsection B that represents that party's support obligation based solely on that party's income as being the total income available for the natural or adopted child or children in the party's household or primary physical custody, who are not the subject of the present proceeding. Provided, however, that the existence of a party's financial responsibility for such a child or children shall not of itself constitute a material change in circumstances for modifying a previous order of child support in any modification proceeding. Any adjustment to gross income under this subsection shall not create or reduce a support obligation to an amount which seriously impairs the custodial parent's ability to maintain minimal adequate housing and provide other basic necessities for the child, as determined by the court.

In cases in which retroactive liability for support is being determined, the court or administrative agency may use the gross monthly income of the parties averaged over the period of retroactivity.

D. Except for good cause shown or the agreement of the parties, in addition to any other child support obligations established pursuant to this section, any child support order shall provide that the parents pay in proportion to their gross incomes, as used for calculating the monthly support obligation, any reasonable and necessary unreimbursed medical or dental expenses. The method of payment of those expenses shall be contained in the support order. Each parent shall pay his respective share of expenses as those expenses are incurred. Any amount paid under this subsection shall not be adjusted by, nor added to, the child support calculated in accordance with subsection G. For the purposes of this section, medical or dental expenses shall include but not be limited to eyeglasses, prescription medication, prosthetics, orthodontics, and mental health or developmental disabilities services, including but not limited to services provided by a social worker, psychologist, psychiatrist, counselor, or therapist.

E. The costs for health care coverage as defined in § 63.2-1900, vision care coverage, and dental care coverage for the child or children who are the subject of the child support order that are being paid by a parent or that parent's spouse shall be added to the basic child support obligation. To determine the cost to be added to the basic child support obligation, the cost per person shall be applied to the child or children who are subject of the child support order. If the per child cost is provided by the insurer, that is the cost per person. Otherwise, to determine the cost per person, the cost of individual coverage for the policy holder shall be subtracted from the total cost of the coverage, and the remaining amount shall be divided by the number of remaining covered persons.

F. Any child-care costs incurred on behalf of the child or children due to employment of the custodial parent shall be added to the basic child support obligation. Child-care costs shall not exceed the amount required to provide quality care from a licensed source. When requested by the noncustodial parent, the court may require the custodial parent to present documentation to verify the costs incurred for child care under this subsection. Where appropriate, the court shall consider the willingness and availability of the noncustodial parent to provide child care personally in determining whether child-care costs are necessary or excessive. Upon the request of either party, and upon a showing of the tax savings a party derives from child-care cost deductions or credits, the court shall factor actual tax consequences into its calculation of the child-care costs to be added to the basic child support obligation.

G. 1. Sole custody support. The sole custody total monthly child support obligation shall be established by adding (i) the monthly basic child support obligation, as determined from the schedule contained in subsection B, (ii) costs for health care coverage to the extent allowable by subsection E, and (iii) work-related child-care costs and taking into consideration all the factors set forth in subsection B of § 20-108.1. The total monthly child support obligation shall be divided between the parents in the same proportion as their monthly gross incomes bear to their monthly combined gross income. The monthly obligation of each parent shall be computed by multiplying each parent's percentage of the parents' monthly combined gross income by the total monthly child support obligation.

However, the monthly obligation of the noncustodial parent shall be reduced by the cost for health care coverage to the extent allowable by subsection E when paid directly by the noncustodial parent or that parent's spouse. Unreimbursed medical and dental expenses shall be calculated and allocated in accordance with subsection D.

2. Split custody support. In cases involving split custody, the amount of child support to be paid shall be the difference between the amounts owed by each parent as a noncustodial parent, computed in accordance with subdivision 1, with the noncustodial parent owing the larger amount paying the difference to the other parent. Unreimbursed medical and dental expenses shall be calculated and allocated in accordance with subsection D.

For the purpose of this section and § 20-108.1, split custody shall be limited to those situations where each parent has physical custody of a child or children born of the parents, born of either parent and adopted by the other parent or adopted by both parents. For the purposes of calculating a child support obligation where split custody exists, a separate family unit exists for each parent, and child support for that family unit shall be calculated upon the number of children in that family

unit who are born of the parents, born of either parent and adopted by the other parent or adopted by both parents. Where split custody exists, a parent is a custodial parent to the children in that parent's family unit and is a noncustodial parent to the children in the other parent's family unit.

3. Shared custody support.

(a) Where a party has custody or visitation of a child or children for more than 90 days of the year, as such days are defined in subdivision G 3 (c), a shared custody child support amount based on the ratio in which the parents share the custody and visitation of any child or children shall be calculated in accordance with this subdivision. The presumptive support to be paid shall be the shared custody support amount, unless a party affirmatively shows that the sole custody support amount calculated as provided in subdivision G 1 is less than the shared custody support amount. If so, the lesser amount shall be the support to be paid. For the purposes of this subsection, the following shall apply:

(i) Income share. "Income share" means a parent's percentage of the combined monthly gross income of both parents. The income share of a parent is that parent's gross income divided by the combined gross incomes of the parties.

(ii) Custody share. "Custody share" means the number of days that a parent has physical custody, whether by sole custody, joint legal or joint residential custody, or visitation, of a shared child per year divided by the number of days in the year. The actual or anticipated "custody share" of the parent who has or will have fewer days of physical custody shall be calculated for a one-year period. The "custody share" of the other parent shall be presumed to be the number of days in the year less the number of days calculated as the first parent's "custody share." For purposes of this calculation, the year may begin on such date as is determined in the discretion of the court, and the day may begin at such time as is determined in the discretion of the court. For purposes of this calculation, a day shall be as defined in subdivision G 3 (c).

(iii) Shared support need. "Shared support need" means the presumptive guideline amount of needed support for the shared child or children calculated pursuant to subsection B of this section, for the combined gross income of the parties and the number of shared children, multiplied by 1.4.

(iv) Sole custody support. "Sole custody support" means the support amount determined in accordance with subdivision G 1.

(b) Support to be paid. The shared support need of the shared child or children shall be calculated pursuant to subdivision G 3 (a) (iii). This amount shall then be multiplied by the other parent's custody share. To that sum for each parent shall be added the other parent's or that parent's spouse's cost of health care coverage to the extent allowable by subsection E, plus the other parent's work-related child-care costs to the extent allowable by subsection F. This total for each parent shall be multiplied by that parent's income share. The support amounts thereby calculated that each parent owes the other shall be subtracted one from the other and the difference shall be the shared custody support one parent owes to the other, with the payor parent being the one whose shared support is the larger. Unreimbursed medical and dental expenses shall be calculated and allocated in accordance with subsection D.

(c) Definition of a day. For the purposes of this section, "day" means a period of 24 hours; however, where the parent who has the fewer number of overnight periods during the year has an overnight period with a child, but has physical custody of the shared child for less than 24 hours during such overnight period, there is a presumption that each parent shall be allocated one-half of a day of custody for that period.

(d) Minimum standards. Any calculation under this subdivision shall not create or reduce a support obligation to an amount which seriously impairs the custodial parent's ability to maintain minimal adequate housing and provide other basic necessities for the child. If the gross income of either party is equal to or less than 150 percent of the federal poverty level promulgated by the U.S. Department of Health and Human Services from time to time, then the shared custody support calculated pursuant to this subsection shall not be the presumptively correct support and the court may consider whether the sole custody support or the shared custody support is more just and appropriate.

(e) Support modification. When there has been an award of child support based on the shared custody formula and one parent consistently fails to exercise custody or visitation in accordance with the parent's custody share upon which the award was based, there shall be a rebuttable presumption that the support award should be modified.

(f) In the event that the shared custody support calculation indicates that the net support is to be paid to the parent who would not be the parent receiving support pursuant to the sole custody calculation, then the shared support shall be deemed to be the lesser support.

4. *Multiple shared custody support. In cases with different shared custody arrangements for two or more minor children of the parties, the procedures in subdivision G 3 shall apply, except that one shared guideline shall be used to determine the total amount of child support owed by one parent to the other by:*

(a) *Calculating each parent's custody share by adding the total number of days, as defined in subdivision G 3 (c), that each parent has with each child and dividing such total number of days by the number of children of the parties to determine the average number of shared custody days; and*

(b) *Using each parent's custody share as determined in subdivision G 4 (a) for each parent to calculate the child support owed, in accordance with the provisions of subdivision G 3.*

5. *Sole and shared custody support. In cases where one parent has sole custody of one or more minor children of the parties, and the parties share custody of one or more other minor children of the parties, the procedures in subdivisions G 1 and 3 shall apply, except that one sole custody support guideline calculation and one shared custody support guideline calculation shall be used to determine the total amount of child support owed by one parent to the other by:*

(a) *Calculating the sole custody support obligation by:*

(i) Calculating the per child monthly basic child support obligation by determining, for the number of children of the parties, the scheduled monthly basic child support obligation and dividing that amount by the number of children of the parties;

(ii) Calculating the sole custody pro rata monthly basic child support obligation by multiplying the per child monthly basic child support obligation determined in subdivision G 5 (a) (i) by the number of children subject to the sole custody support obligation; and

(iii) Applying the sole custody pro rata monthly basic child support obligation determined in subdivision G 5 (a) (ii) to the procedures in subdivision G 1.

(b) Calculating the shared custody child support obligation by:

(i) Calculating the per child monthly basic child support obligation by determining, for the number of children of the parties, the scheduled monthly basic child support obligation and dividing that amount by the number of children of the parties;

(ii) Calculating the shared custody pro rata monthly basic child support obligation by multiplying the per child monthly basic child support obligation determined in subdivision G 5 (b) (i) by the number of children subject to the shared custody support obligation; and

(iii) Applying the shared custody pro rata monthly basic child support obligation determined in subdivision G 5 (b) (ii) to the procedures in subdivision G 3.

(c) Determining the total amount of child support owed by one parent to the other: Where one parent owes both the sole custody support obligation and the shared custody support obligation to the other parent, the total of both such obligations calculated pursuant to subdivisions G 5 (a) and G 5 (b) shall be added to determine the total amount of child support owed by one parent to the other: Where one parent owes one such obligation to the other parent, and such other parent owes the other such obligation to the other such parent, the parent owing the greater obligation amount to the other parent shall pay the difference between the obligations to such other parent.

6. Split and shared custody support. In cases where the parents have split custody of two or more children, and there is a shared custody arrangement with one or more other minor children of the parties, the procedures set forth in subdivisions G 2 and G 3 shall apply, except that one split custody child support guideline calculation and one shared custody child support guideline calculation shall be used to calculate the total amount of child support owed by one parent to the other by:

(a) Calculating the split custody child support obligation by:

(i) Calculating the per child monthly basic child custody support obligation by determining, for the number of children of the parties, the scheduled monthly basic child support obligation and dividing that amount by the number of children of the parties;

(ii) Calculating the split custody pro rata monthly basic child support obligation by multiplying the per child monthly basic child support obligation determined in subdivision G 6 (a) (i) by the number of children subject to the split custody support obligation; and

(iii) Applying the split custody pro rata monthly basic child support obligation determined in subdivision G 6 (a) (ii) for each parent to the procedures in subdivision G 2.

(b) Calculating the shared custody child support obligation by:

(i) Calculating the per child monthly basic child custody support obligation by determining, for the number of children of the parties, the scheduled monthly basic child support obligation and dividing that amount by the number of children of the parties;

(ii) Calculating the shared custody pro rata monthly basic child custody support obligation by multiplying the per child monthly basic child support obligation determined in subdivision G 6 (b) (i) by the number of children subject to the shared custody support obligation; and

(iii) Applying the shared custody pro rata monthly basic child support obligation determined in subdivision G 6 (b) (ii) to the procedures in subdivision G 3.

(c) Determining the total amount of child support owed by one parent to the other: Where one parent owes both the split custody support obligation and the shared custody support obligation to the other parent, the total of both such obligations calculated pursuant to subdivisions G 6 (a) and G 6 (b) shall be added to determine the total amount of child support owed by one parent to the other: Where one parent owes one such obligation to the other parent, and such other parent owes the other such obligation to the other such parent, the parent owing the greater obligation amount to the other parent shall pay the difference between the obligations to such other parent.

H. The Secretary of Health and Human Resources shall ensure that the guideline set out in this section is reviewed by October 31, 2001, and every four years thereafter, by the Child Support Guidelines Review Panel, consisting of 15 members comprised of four legislative members and 11 nonlegislative citizen members. Members shall be appointed as follows: three members of the House Committee for Courts of Justice, upon the recommendation of the chairman of such committee, to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates; one member of the Senate Committee for Courts of Justice, upon the recommendation of the chairman of such committee, to be appointed by the Senate Committee on Rules; and one representative of a juvenile and domestic relations district court, one representative of a circuit court, one representative of the Department of Social Services' Division of Child Support Enforcement, three members of the Virginia State Bar, two custodial parents, two noncustodial parents, and one child advocate, upon the recommendation of the Secretary of Health

and Human Resources, to be appointed by the Governor. The Panel shall determine the adequacy of the guideline for the determination of appropriate awards for the support of children by considering current research and data on the cost of and expenditures necessary for rearing children, and any other resources it deems relevant to such review. The Panel shall report its findings to the General Assembly as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports before the General Assembly next convenes following such review.

Legislative members shall serve terms coincident with their terms of office. Nonlegislative citizen members shall serve at the pleasure of the Governor. All members may be reappointed. Appointments to fill vacancies, other than by expiration of a term, shall be made for the unexpired terms. Vacancies shall be filled in the same manner as the original appointments.

Legislative members shall receive such compensation as provided in § 30-19.12, and nonlegislative citizen members shall receive such compensation for the performance of their duties as provided in § 2.2-2813. All members shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. Funding for the costs of compensation and expenses of the members shall be provided by the Department of Social Services.

The Department of Social Services shall provide staff support to the Panel. All agencies of the Commonwealth shall provide assistance to the Panel, upon request.

The chairman of the Panel shall submit to the Governor and the General Assembly a quadrennial executive summary of the interim activity and work of the Panel no later than the first day of 2006 regular session of the General Assembly and every four years thereafter. The executive summary shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

CHAPTER 192

*An Act to amend and reenact § 3.2-4416 of the Code of Virginia, relating to beehive grant program.*

[H 1152]

Approved March 5, 2018

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

**1. That § 3.2-4416 of the Code of Virginia is amended and reenacted as follows:**

**§ 3.2-4416. Beehive distribution program.**

~~A. As used in this section, unless the context requires a different meaning:~~

~~"Fund" means the Beehive Grant Fund established pursuant to § 3.2-4415.~~

~~"Grant" means a grant issued pursuant to the Beehive Grant Program.~~

~~"Individual" means a beekeeper Any individual registered with the Department of Agriculture and Consumer Services.~~

~~B. Beginning January 1, 2013, any individual who either purchases a new hive or purchases materials or supplies to construct a new hive as a beekeeper may apply to the Department for a grant from the Fund. Such grant shall be in an amount equal to \$200 per new hive, not to exceed \$2,400 per individual per year.~~

~~C. An individual shall apply to the Department for a grant for purchase or construction of new hives. Grants no more than three basic beehive units per year. The Department shall establish guidelines setting forth the components of a basic beehive unit and the general requirements for qualifying for such unit. Applications for beehive units shall be issued processed in the order that each in which completed eligible application is applications are received. In the event that the amount of eligible grants requested in a fiscal year exceeds the funds are not available in the Beehive Grant Fund, such grants shall be paid in established pursuant to § 3.2-4415 (the Fund), the Department may cease accepting applications and notify applicants that the funds available for that fiscal year have been exhausted. The Department shall not be required to carry forward pending applications to the next fiscal year in which funds are available in the Fund.~~

~~D. The Department shall develop guidelines setting forth the general requirements of qualifying for a grant.~~

~~E. The Department shall compile, maintain, and distribute electronically a Virginia Beekeeping Guide to provide information to beekeepers on beekeeping may use funds from the Fund to pay for the costs of purchasing, building, or distributing the beehive units and for the costs of administering the beehive distribution program. The Department may work cooperatively with the Virginia Cooperative Extension Service and Agricultural Experiment Station Division, established pursuant to Article 2 (§ 23.1-2608 et seq.) of Chapter 26 of Title 23.1, to carry out the provisions of this section.~~

CHAPTER 193

*An Act to amend and reenact § 63.2-1505 of the Code of Virginia, relating to child abuse and neglect; founded reports regarding former school employees.*

[S 184]

Approved March 5, 2018

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

**1. That § 63.2-1505 of the Code of Virginia is amended and reenacted as follows:**

**§ 63.2-1505. Investigations by local departments.**

A. An investigation requires the collection of information necessary to determine:

1. The immediate safety needs of the child;
2. The protective and rehabilitative services needs of the child and family that will deter abuse or neglect;
3. Risk of future harm to the child;
4. Alternative plans for the child's safety if protective and rehabilitative services are indicated and the family is unable or unwilling to participate in services;
5. Whether abuse or neglect has occurred;
6. If abuse or neglect has occurred, who abused or neglected the child; and
7. A finding of either founded or unfounded based on the facts collected during the investigation.

B. If the local department responds to the report or complaint by conducting an investigation, the local department shall:

1. Make immediate investigation and, if the report or complaint was based upon one of the factors specified in subsection B of § 63.2-1509, the local department may file a petition pursuant to § 16.1-241.3;
2. Complete a report and enter it into the statewide automation system maintained by the Department;
3. Consult with the family to arrange for necessary protective and rehabilitative services to be provided to the child and his family;
4. Petition the court for services deemed necessary including, but not limited to, removal of the child or his siblings from their home;
5. Determine within 45 days if a report of abuse or neglect is founded or unfounded and transmit a report to such effect to the Department and to the person who is the subject of the investigation. However, upon written justification by the local department, the time for such determination may be extended not to exceed a total of 60 days or, in the event that the investigation is being conducted in cooperation with a law-enforcement agency and both parties agree that circumstances so warrant, as stated in the written justification, the time for such determination may be extended not to exceed 90 days. If through the exercise of reasonable diligence the local department is unable to find the child who is the subject of the report, the time the child cannot be found shall not be computed as part of the total time period allowed for the investigation and determination and documentation of such reasonable diligence shall be placed in the record. In cases involving the death of a child or alleged sexual abuse of a child who is the subject of the report, the time during which records necessary for the investigation of the complaint but not created by the local department, including autopsy or medical or forensic records or reports, are not available to the local department due to circumstances beyond the local department's control shall not be computed as part of the total time period allowed for the investigation and determination, and documentation of the circumstances that resulted in the delay shall be placed in the record. In cases in which the subject of the investigation is a full-time, part-time, permanent, or temporary employee of a school division who is suspected of abusing or neglecting a child in the course of his educational employment, the time period for determining whether a report is founded or unfounded and transmitting a report to that effect to the Department and the person who is the subject of the investigation shall be mandatory, and every local department shall make the required determination and report within the specified time period without delay;
6. If a report of abuse or neglect is unfounded, transmit a report to such effect to the complainant and parent or guardian and the person responsible for the care of the child in those cases where such person was suspected of abuse or neglect; and
7. If a report of child abuse and neglect is founded, and the subject of the report is *or was at the time of the investigation or the conduct that led to the report* a full-time, part-time, permanent, or temporary employee of a school division located within the Commonwealth, notify the relevant school board of the founded complaint *without delay*.

Any information exchanged for the purposes of this subsection shall not be considered a violation of § 63.2-102, 63.2-104, or 63.2-105.

C. Each local board may obtain and consider, in accordance with regulations adopted by the Board, statewide criminal history record information from the Central Criminal Records Exchange and results of a search of the child abuse and neglect central registry of any individual who is the subject of a child abuse or neglect investigation conducted under this section when there is evidence of child abuse or neglect and the local board is evaluating the safety of the home and whether removal will protect a child from harm. The local board also may obtain such a criminal records or registry search on all adult household members residing in the home where the individual who is the subject of the investigation resides and the child resides or visits. If a child abuse or neglect petition is filed in connection with such removal, a court may admit such information as evidence. Where the individual who is the subject of such information contests its accuracy through testimony under oath in hearing before the court, no court shall receive or consider the contested criminal history record information without certified copies of conviction. Further dissemination of the information provided to the local board is prohibited, except as authorized by law.

D. A person who has not previously participated in the investigation of complaints of child abuse or neglect in accordance with this chapter shall not participate in the investigation of any case involving a complaint of alleged sexual abuse of a child unless he (i) has completed a Board-approved training program for the investigation of complaints involving alleged sexual abuse of a child or (ii) is under the direct supervision of a person who has completed a Board-approved training program for the investigation of complaints involving alleged sexual abuse of a child. No

individual may make a determination of whether a case involving a complaint of alleged sexual abuse of a child is founded or unfounded unless he has completed a Board-approved training program for the investigation of complaints involving alleged sexual abuse of a child.

**CHAPTER 194**

*An Act to amend and reenact § 32.1-137.04 of the Code of Virginia, relating to patient notice of observation or outpatient status.*

[S 269]

Approved March 5, 2018

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

**1. That § 32.1-137.04 of the Code of Virginia is amended and reenacted as follows:**

**§ 32.1-137.04. Patient notice of observation or outpatient status.**

A. A hospital shall provide oral and written notice to any patient placed under observation or in any other outpatient status, or to such patient's authorized representative, informing the patient of his placement in such status if (i) the patient receives onsite services from the hospital and (ii) such onsite services include a hospital bed and meals that are provided in an area of the hospital other than the emergency department. Such oral and written notice shall be provided not later than 24 36 hours after placement under observation or in any other outpatient status unless the patient has been discharged or has left the hospital prior to the expiration of such ~~24-hour~~ 36-hour period.

B. Such written notice shall be written in clear, understandable language and printed in at least 14-point type. The written notice shall include:

1. A statement that the patient is not admitted to the hospital as an inpatient but is under observation or in such other outpatient status;

2. A statement that such observation or other outpatient status may affect the patient's Medicare, Medicaid, or private health insurance coverage of (i) the current hospital services, including medications and pharmaceutical supplies, and (ii) care at a skilled nursing facility or home or community-based care upon the patient's discharge from the hospital; and

3. A statement that the patient should contact the identified hospital representative; ~~or his health insurance plan; or the appropriate Center for Medicare & Medicaid Services Beneficiary and Family-Centered Care Quality Improvement Organization~~ for more information on his observation or other outpatient status and any available recourse.

C. *For any patient placed under observation or in any other outpatient status who is entitled to have payment made under Title XVIII of the Social Security Act (42 U.S.C. § 1395 et seq.), a hospital providing written notice and oral explanation of such notice to the patient which satisfies the provisions of 42 U.S.C. § 1395cc(a)(1)(Y) shall be deemed to have satisfied the provisions of this section.*

**CHAPTER 195**

*An Act to amend and reenact § 32.1-116.1 of the Code of Virginia, relating to Statewide Trauma Registry; spinal cord injuries.*

[S 287]

Approved March 5, 2018

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

**1. That § 32.1-116.1 of the Code of Virginia is amended and reenacted as follows:**

**§ 32.1-116.1. Prehospital patient care reporting procedure; trauma registry; confidentiality.**

A. In order to collect data on the incidence, severity and cause of trauma, integrate the information available from other state agencies on trauma and improve the delivery of prehospital and hospital emergency medical services, there is hereby established the Emergency Medical Services Patient Care Information System. The Emergency Medical Services Patient Care Information System shall include the Virginia Emergency Medical Services (EMS) Registry and the Virginia Statewide Trauma Registry.

B. All licensed emergency medical services agencies shall participate in the Virginia EMS Registry by making available to the Commissioner or his designees the minimum data set in the format prescribed by the Board or any other format which contain equivalent information and meets any technical specifications of the Board. The minimum data set shall include, but not be limited to, the type of medical emergency or nature of the call, the response time, the treatment provided and other items as prescribed by the Board.

Each licensed emergency medical services agency shall, upon request, disclose the prehospital care report to law-enforcement officials (i) when the patient is the victim of a crime or (ii) when the patient is in the custody of the law-enforcement officials and has received emergency medical services or has refused emergency medical services.

The Commissioner may delegate the responsibility for collection of this data to the Office of Emergency Medical Services personnel or individuals under contract to the Office. The Advisory Board shall assist in the design, implementation, subsequent revisions and analyses of the data from the Virginia EMS Registry.

~~B.~~ C. All licensed hospitals which render emergency medical services shall participate in the Virginia Statewide Trauma Registry by making available to the Commissioner or his designees abstracts of the records of all patients admitted to the institutions with diagnoses related to trauma. The abstracts shall be submitted in the format prescribed by the Department and shall include the minimum data set prescribed by the Board. Such abstracts shall also be provided to regional emergency medical services councils upon request, for uses limited to monitoring and improving the quality of emergency medical services pursuant to § 32.1-111.3.

The Commissioner shall seek the advice and assistance of the Advisory Board and the Trauma System Oversight and Management Committee in the design, implementation, subsequent revisions and analyses of the Virginia Statewide Trauma Registry.

~~C.~~ D. Patient and other data or information submitted to the trauma registry or transmitted to the Commissioner, the Advisory Board, any committee acting on behalf of the Advisory Board, any hospital or prehospital care provider, any regional emergency medical services council, permitted emergency medical services agency, or other group or committee for the purpose of monitoring and improving the quality of care pursuant to § 32.1-111.3, shall be privileged and shall not be disclosed or obtained by legal discovery proceedings, unless a circuit court, after a hearing and for good cause shown arising from extraordinary circumstances, orders disclosure of such data.

~~D.~~ E. The Commissioner shall make available and share all information contained in the Virginia Statewide Trauma Registry with the Virginia Department for Aging and Rehabilitative Services so that the Department may develop and implement programs and services for persons suffering from brain injuries and spinal cord injuries.

**CHAPTER 196**

*An Act to amend the Code of Virginia by adding a section numbered 32.1-111.9:1, relating to out-of-state emergency medical services providers; exception.*

[S 703]

Approved March 5, 2018

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

**1. That the Code of Virginia is amended by adding a section numbered 32.1-111.9:1 as follows:**

**§ 32.1-111.9:1. Out-of-state emergency medical services providers.**

A. Notwithstanding the provisions of this article or any other law or regulation to the contrary, an emergency medical services provider who holds a valid license or certification in a state that borders the Commonwealth may provide emergency medical services in the Commonwealth if (i) such services are provided at a widely attended event open to the public; (ii) due to the expected number of attendees, the anticipated need for emergency medical services at the event is beyond the capacity of local emergency medical services providers; (iii) the organizers of the event notify the Commissioner at least 10 business days prior to the event that out-of-state emergency medical services providers will be onsite at the event; and (iv) the out-of-state medical services providers provide to the Commissioner relevant licensure or certification information and any other information deemed necessary by the Commissioner.

B. The provisions of this section shall not be construed to supersede or affect the provisions of Chapter 18 (§ 32.1-371) or any other interstate agreement regarding emergency medical services providers. Any out-of-state emergency medical services provider who holds a license or certification in a state that has entered into an interstate compact of which the Commonwealth is a member or any other interstate agreement with the Commonwealth regarding emergency medical services providers shall be governed by the provisions of such compact or agreement.

**CHAPTER 197**

*An Act to amend the Code of Virginia by adding in Article 6 of Chapter 11 of Title 10.1 a section numbered 10.1-1134.1, relating to burn ban; orchards and vineyards.*

[H 844]

Approved March 5, 2018

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

**1. That the Code of Virginia is amended by adding in Article 6 of Chapter 11 of Title 10.1 a section numbered 10.1-1134.1 as follows:**

**§ 10.1-1134.1. Definitions.**

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

"Orchard" means agricultural land located in the Commonwealth consisting of at least one-half acre of contiguous land dedicated to the growing of crops from trees, bushes, or vines, which crops are used or are intended to be used for commercial purposes.

"Vineyard" means agricultural land located in the Commonwealth consisting of at least one-half acre of contiguous land dedicated to the growing of grapes that are used or are intended to be used for commercial purposes.

## CHAPTER 198

*An Act to amend the Code of Virginia by adding in Article 2.1 of Chapter 4 of Title 32.1 a section numbered 32.1-111.15:1, relating to stroke care quality improvement.*

[S 867]

Approved March 5, 2018

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

**1. That the Code of Virginia is amended by adding in Article 2.1 of Chapter 4 of Title 32.1 a section numbered 32.1-111.15:1 as follows:**

**§ 32.1-111.15:1. Department responsible for stroke care quality improvement; sharing of data and information.**

*A. The Department shall be responsible for stroke care quality improvement initiatives in the Commonwealth. Such initiatives shall include:*

*1. Implementing systems to collect data and information about stroke care in the Commonwealth in accordance with subsection B;*

*2. Facilitating information and data sharing and collaboration among hospitals and health care providers to improve the quality of stroke care in the Commonwealth;*

*3. Requiring the application of evidence-based treatment guidelines for transitioning patients to community-based follow-up care following acute treatment for stroke; and*

*4. Establishing a process for continuous quality improvement for the delivery of stroke care by the statewide system for stroke response and treatment in accordance with subsection C.*

*B. The Department shall implement systems to collect data and information related to stroke care (i) that are nationally recognized data set platforms with confidentiality standards approved by the Centers for Medicare and Medicaid Services or consistent with the Get With The Guidelines-Stroke registry platform from hospitals designated as comprehensive stroke centers, primary stroke centers, or acute stroke-ready hospitals and emergency medical services agencies in the Commonwealth and (ii) from every primary stroke center with supplementary levels of stroke care distinction in the Commonwealth. Every hospital designated as a comprehensive stroke center, primary stroke center, or primary stroke center with supplementary levels of stroke care distinction shall report data and information described in clauses (i) and (ii) to the Department. The Department shall take steps to encourage hospitals designated as acute stroke-ready hospitals and emergency medical services agencies to report data and information described in clause (i) to the Department.*

*C. The Department shall develop a process for continuous quality improvement for the delivery of stroke care provided by the statewide system for stroke response and treatment, which shall include:*

*1. Collection and analysis of data related to stroke care in the Commonwealth;*

*2. Identification of potential interventions to improve stroke care in specific geographic areas of the Commonwealth; and*

*3. Development of recommendations for improvement of stroke care throughout the Commonwealth.*

*D. The Department shall make information contained in the systems established pursuant to subsection B and data and information collected pursuant to subsection C available to licensed hospitals and the Virginia Stroke Systems Task Force, and, upon request, to emergency medical services agencies, regional emergency medical services councils, the State Emergency Medical Services Advisory Board, and other entities engaged in the delivery of emergency medical services in the Commonwealth to facilitate the evaluation and improvement of stroke care in the Commonwealth.*

*E. The Department shall report to the Governor and the General Assembly annually on July 1 on stroke care improvement initiatives undertaken in accordance with this section. Such report shall include a summary report of the data collected pursuant to this section.*

*F. Nothing in this article shall require or authorize the disclosure of confidential information in violation of state or federal law or regulations, including the Health Insurance Portability and Accountability Act, 42 U.S.C. § 1320d et seq.*

**2. That the provisions of the first enactment of this act shall become effective on January 1, 2019.**

**3. That the Department of Health shall convene a group of stakeholders, which shall include representatives of (i) hospital systems, including at least one hospital system with at least six or more stroke centers in the Commonwealth, recommended by the Virginia Hospital and Healthcare Association; (ii) the Virginia Stroke Systems Task Force; and (iii) the American Heart Association/American Stroke Association, to advise on the implementation of the provisions of this act.**

## CHAPTER 199

*An Act to amend and reenact §§ 23.1-3136 and 23.1-3137 of the Code of Virginia, relating to the Online Virginia Network Authority.*

[H 1181]

Approved March 5, 2018

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

**1. That §§ 23.1-3136 and 23.1-3137 of the Code of Virginia are amended and reenacted as follows:**

**§ 23.1-3136. Board of Trustees.**

A. The Authority shall be governed by a Board of Trustees (the Board) that has a total membership of ~~15~~ 17 members that shall consist of four members of the House of Delegates to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates; three members of the Senate to be appointed by the Senate Committee on Rules; three nonlegislative citizen members to be appointed by the Governor; one nonlegislative citizen member to be appointed by the board of visitors of George Mason University; one nonlegislative citizen member to be appointed by the board of visitors of Old Dominion University; *one nonlegislative citizen member to be appointed by the State Board*; and ~~three~~ four members who shall serve ex officio with voting privileges, consisting of the President of George Mason University or his designee, the President of Old Dominion University or his designee, *the Chancellor of the Virginia Community College System or his designee*, and the Director of the Council. Nonlegislative citizen members of the Authority shall be citizens of the Commonwealth.

B. Legislative and ex officio members of the Board shall serve terms coincident with their terms of office.

C. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. Vacancies shall be filled in the same manner as the original appointments. All members may be reappointed.

D. After the initial staggering of terms, nonlegislative citizen members shall be appointed for a term of four years.

E. No House member shall serve more than four consecutive two-year terms, no Senate member shall serve more than two consecutive four-year terms, and no nonlegislative citizen member shall serve more than two consecutive four-year terms. The remainder of any term to which a member is appointed to fill a vacancy shall not constitute a term in determining the member's eligibility for reappointment.

F. The Board shall elect a chairman and vice-chairman from among its membership. A majority of the members shall constitute a quorum. The meetings of the Board shall be held at the call of the chairman or whenever the majority of the members so request.

G. Legislative members of the Board shall receive such compensation as provided in § 30-19.12, and nonlegislative citizen members shall receive such compensation for the performance of their duties as provided in § 2.2-2813. All members shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. Funding for the costs of compensation and expenses of the members shall be provided by the Authority.

H. George Mason University ~~and~~, Old Dominion University, *and the System* shall provide staff support to the Authority and the Board. All agencies of the Commonwealth shall provide assistance to the Board, upon request.

**§ 23.1-3137. Duties of the Authority.**

The Authority shall:

1. Expand access to affordable higher education in the Commonwealth by establishing the Online Virginia Network (the Network) for the purpose of coordinating the online delivery of courses that facilitate the completion of degrees at George Mason University ~~and~~, Old Dominion University, *and comprehensive community colleges*;

2. Encourage each public institution of higher education and each consortium of public institutions of higher education that offers online courses, online degree programs, or online credential programs to offer any such course, degree program, or credential program through the Network;

3. Oversee a process of approval for public institutions of higher education and consortia of such institutions to participate in the Network, with such funds as are appropriated for such purpose and made available to it;

4. Serve as a resource for residents of the Commonwealth and disseminate information regarding the opportunities for online learning offered by institutions and consortia that participate in the Network;

5. Coordinate the maintenance of an online portal through which potential students may examine and enroll seamlessly in Network offerings;

6. Collaborate with institutions and consortia that participate in the Network to ensure that the needs of enrolled students are met before, during, and after enrollment through online student support systems;

7. To the extent practicable, ensure that courses and degree programs offered through the Network (i) are accredited by an accrediting agency recognized by the U.S. Department of Education or authorized by the Council, as applicable; (ii) expand access to underserved populations based on income, race, geography, and age; (iii) are responsive to the employment demands of the Commonwealth; (iv) employ learning and delivery technologies, which may include competency-based and experiential learning, in an efficient and cost-effective manner to promote flexibility for each student to pursue online courses and programs at his own pace and in his own location throughout the year; (v) minimize student expenses and reduce time-to-degree or time-to-credential; and (vi) are offered in collaboration with existing public and private providers of online courses;

8. Promote the refinement and implementation of articulation agreements to ensure that credits earned through the Network are transferable to each other public institution of higher education and contribute to on-time degree completion at each such institution;

9. Assist in developing processes to help institutions and consortia that participate in the Network to expand their online offerings;

10. Develop specific goals for meeting the demand in the Commonwealth for affordable and accessible higher education through online learning;

11. Review and report annually to the Governor and the General Assembly on the cost structure of funds allocated to the establishment, maintenance, and expansion of the Network. In addition, the Authority shall examine ways to reduce the cost of online education and develop a budget that incorporates estimated expected tuition revenue from online students and its use in supporting the Network and assumes that any financial aid will come from existing financial aid programs; and

12. Accept, administer, and account for any state, federal, or private moneys that it may receive. Any moneys, including interest thereon, that have not been expended by the Authority by the end of each fiscal year shall not revert to the general fund but shall remain in the accounts of the Authority.

## CHAPTER 200

*An Act to amend and reenact §§ 23.1-3136 and 23.1-3137 of the Code of Virginia, relating to the Online Virginia Network Authority.*

[S 760]

Approved March 5, 2018

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

**1. That §§ 23.1-3136 and 23.1-3137 of the Code of Virginia are amended and reenacted as follows:**

**§ 23.1-3136. Board of Trustees.**

A. The Authority shall be governed by a Board of Trustees (the Board) that has a total membership of ~~15~~ 17 members that shall consist of four members of the House of Delegates to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates; three members of the Senate to be appointed by the Senate Committee on Rules; three nonlegislative citizen members to be appointed by the Governor; one nonlegislative citizen member to be appointed by the board of visitors of George Mason University; one nonlegislative citizen member to be appointed by the board of visitors of Old Dominion University; *one nonlegislative citizen member to be appointed by the State Board*; and ~~three~~ four members who shall serve ex officio with voting privileges, consisting of the President of George Mason University or his designee, the President of Old Dominion University or his designee, *the Chancellor of the Virginia Community College System or his designee*, and the Director of the Council. Nonlegislative citizen members of the Authority shall be citizens of the Commonwealth.

B. Legislative and ex officio members of the Board shall serve terms coincident with their terms of office.

C. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. Vacancies shall be filled in the same manner as the original appointments. All members may be reappointed.

D. After the initial staggering of terms, nonlegislative citizen members shall be appointed for a term of four years.

E. No House member shall serve more than four consecutive two-year terms, no Senate member shall serve more than two consecutive four-year terms, and no nonlegislative citizen member shall serve more than two consecutive four-year terms. The remainder of any term to which a member is appointed to fill a vacancy shall not constitute a term in determining the member's eligibility for reappointment.

F. The Board shall elect a chairman and vice-chairman from among its membership. A majority of the members shall constitute a quorum. The meetings of the Board shall be held at the call of the chairman or whenever the majority of the members so request.

G. Legislative members of the Board shall receive such compensation as provided in § 30-19.12, and nonlegislative citizen members shall receive such compensation for the performance of their duties as provided in § 2.2-2813. All members shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. Funding for the costs of compensation and expenses of the members shall be provided by the Authority.

H. George Mason University ~~and~~, Old Dominion University, *and the System* shall provide staff support to the Authority and the Board. All agencies of the Commonwealth shall provide assistance to the Board, upon request.

**§ 23.1-3137. Duties of the Authority.**

The Authority shall:

1. Expand access to affordable higher education in the Commonwealth by establishing the Online Virginia Network (the Network) for the purpose of coordinating the online delivery of courses that facilitate the completion of degrees at George Mason University ~~and~~, Old Dominion University, *and comprehensive community colleges*;

2. Encourage each public institution of higher education and each consortium of public institutions of higher education that offers online courses, online degree programs, or online credential programs to offer any such course, degree program, or credential program through the Network;

3. Oversee a process of approval for public institutions of higher education and consortia of such institutions to participate in the Network, with such funds as are appropriated for such purpose and made available to it;

4. Serve as a resource for residents of the Commonwealth and disseminate information regarding the opportunities for online learning offered by institutions and consortia that participate in the Network;

5. Coordinate the maintenance of an online portal through which potential students may examine and enroll seamlessly in Network offerings;

6. Collaborate with institutions and consortia that participate in the Network to ensure that the needs of enrolled students are met before, during, and after enrollment through online student support systems;

7. To the extent practicable, ensure that courses and degree programs offered through the Network (i) are accredited by an accrediting agency recognized by the U.S. Department of Education or authorized by the Council, as applicable; (ii) expand access to underserved populations based on income, race, geography, and age; (iii) are responsive to the employment demands of the Commonwealth; (iv) employ learning and delivery technologies, which may include competency-based and experiential learning, in an efficient and cost-effective manner to promote flexibility for each student to pursue online courses and programs at his own pace and in his own location throughout the year; (v) minimize student expenses and reduce time-to-degree or time-to-credential; and (vi) are offered in collaboration with existing public and private providers of online courses;

8. Promote the refinement and implementation of articulation agreements to ensure that credits earned through the Network are transferable to each other public institution of higher education and contribute to on-time degree completion at each such institution;

9. Assist in developing processes to help institutions and consortia that participate in the Network to expand their online offerings;

10. Develop specific goals for meeting the demand in the Commonwealth for affordable and accessible higher education through online learning;

11. Review and report annually to the Governor and the General Assembly on the cost structure of funds allocated to the establishment, maintenance, and expansion of the Network. In addition, the Authority shall examine ways to reduce the cost of online education and develop a budget that incorporates estimated expected tuition revenue from online students and its use in supporting the Network and assumes that any financial aid will come from existing financial aid programs; and

12. Accept, administer, and account for any state, federal, or private moneys that it may receive. Any moneys, including interest thereon, that have not been expended by the Authority by the end of each fiscal year shall not revert to the general fund but shall remain in the accounts of the Authority.

## CHAPTER 201

*An Act to amend and reenact § 23.1-804 of the Code of Virginia, relating to public institutions of higher education; crisis and emergency management plan; annual exercise.*

[H 1430]

Approved March 5, 2018

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

**1. That § 23.1-804 of the Code of Virginia is amended and reenacted as follows:**

**§ 23.1-804. Institutional crisis and emergency management plan.**

A. The governing board of each public institution of higher education shall develop, adopt, and keep current a written crisis and emergency management plan. The plan shall (i) require the Department of Criminal Justice Services and the Virginia Criminal Injuries Compensation Fund to be contacted immediately to deploy assistance in the event of an emergency as defined in the emergency response plan when there are victims as defined in § 19.2-11.01 and (ii) include current contact information for both agencies. The Department of Criminal Justice Services and the Virginia Criminal Injuries Compensation Fund shall be the lead coordinating agencies for those individuals determined to be victims.

B. Every four years, each public institution of higher education shall conduct a comprehensive review and revision of its crisis and emergency management plan to ensure that the plan remains current, and the revised plan shall be adopted formally by the governing board. Such review shall also be certified in writing to the Department of Emergency Management. The institution shall coordinate with the local emergency management organization, as defined in § 44-146.16, to ensure integration into the local emergency operations plan.

C. The chief executive officer of each public institution of higher education shall annually (i) review the institution's crisis and emergency management plan; (ii) certify in writing to the Department of Emergency Management that he has reviewed the plan; and (iii) make recommendations to the institution for appropriate changes to the plan.

D. Each public institution of higher education shall annually conduct a ~~functional~~ *test or exercise* in accordance with the protocols established by the institution's crisis and emergency management plan and certify in writing to the Department of Emergency Management that such a *test or exercise* was conducted. *The activation of its crisis and emergency management plan and completion of an after-action report by a public institution of higher education in response to an actual event or incident satisfies the requirement to conduct such a test or exercise.*

## CHAPTER 202

*An Act to amend and reenact §§ 23.1-200 and 23.1-3002 of the Code of Virginia, relating to higher education; governing boards; appointment.*

[S 411]

Approved March 5, 2018

**Be it enacted by the General Assembly of Virginia:****1. That §§ 23.1-200 and 23.1-3002 of the Code of Virginia are amended and reenacted as follows:****§ 23.1-200. State Council of Higher Education for Virginia established; purpose; membership; terms; officers.**

A. The State Council of Higher Education for Virginia is established to advocate for and promote the development and operation of an educationally and economically sound, vigorous, progressive, and coordinated system of higher education in the Commonwealth and lead state-level strategic planning and policy development and implementation based on research and analysis and in accordance with § 23.1-301 and subsection A of § 23.1-1002. The Council shall seek to facilitate collaboration among institutions of higher education that will enhance quality and create operational efficiencies and work with institutions of higher education and their governing boards on board development.

B. The Council shall be composed of individuals selected from the Commonwealth at large without regard to political affiliation but with due consideration of geographical representation. Nonlegislative citizen members shall have demonstrated experience, knowledge, and understanding of higher education and workforce needs. Nonlegislative citizen members shall be selected for their ability and all appointments shall be of such nature as to aid the work of the Council and inspire the highest degree of cooperation and confidence. No officer, employee, trustee, or member of the governing board of any institution of higher education, employee of the Commonwealth, member of the General Assembly, or member of the Board of Education is eligible for appointment to the Council except as specified in this section. All members of the Council are members at large who shall serve the best interests of the whole Commonwealth. No member shall act as the representative of any particular region or of any particular institution of higher education.

C. The Council shall consist of 13 members: 12 nonlegislative citizen members appointed by the Governor and one ex officio member. At least one nonlegislative citizen member shall have served as a chief executive officer of a public institution of higher education. At least one nonlegislative citizen member shall be a division superintendent or the Superintendent of Public Instruction. The President of the Virginia Economic Development Partnership Authority shall serve ex officio with voting privileges.

D. All terms shall begin July 1.

E. Nonlegislative citizen members shall serve for terms of four years. Vacancies occurring other than by expiration of a term shall be filled for the unexpired term. No nonlegislative citizen member shall serve for more than two consecutive terms; however, a nonlegislative citizen member appointed to serve an unexpired term is eligible to serve two consecutive four-year terms. No nonlegislative citizen member who has served two consecutive four-year terms is eligible to serve on the Council until at least two years have passed since the end of his second consecutive four-year term. All appointments are subject to confirmation by the General Assembly. Nonlegislative citizen members shall continue to hold office until their successors have been appointed and ~~confirmed~~ *qualified*. Ex officio members shall serve terms coincident with their terms of office.

F. The Council shall elect a chairman and a vice-chairman from its membership. The Council shall appoint a secretary and such other officers as it deems necessary and prescribe their duties and terms of office.

G. At each meeting, the Council shall involve the chief executive officer of each public institution of higher education in its agenda. The chief executive officers shall present information and comment on issues of common interest and choose presenters to the Council from among themselves who reflect the diversity of the institutions.

H. At each meeting, the Council may involve other groups, including the presidents of private institutions of higher education, in its agenda.

**§ 23.1-3002. Board; membership; officers; meetings; committees.**

A. The Medical School shall be governed by a board of visitors composed of 17 members as follows: two nonlegislative citizen members appointed by the Governor; two nonlegislative citizen members appointed by the Senate Committee on Rules; three nonlegislative citizen members appointed by the Speaker of the House of Delegates; six nonlegislative citizen members appointed by the Eastern Virginia Medical School Foundation; and four nonlegislative citizen members appointed by their respective city councils as follows: two members for the City of Norfolk, one member for the City of Virginia Beach, and one member appointed by the following city councils in a rotating manner: the City of Chesapeake, the City of Hampton, the City of Portsmouth, the City of Suffolk, and the City of Newport News.

B. Members shall serve for terms of three years, commencing on July 1 of the appointment year. Vacancies occurring other than by expiration of a term shall be filled by the original appointing authority for the unexpired term. No member shall serve for more than two consecutive three-year terms; however, (i) a member appointed to serve an unexpired term is eligible to serve two consecutive three-year terms immediately succeeding such unexpired term and (ii) an officer is eligible to serve up to three additional one-year terms. Except as otherwise provided in this subsection, no member who has served two consecutive three-year terms is eligible to serve on the board until at least one year has passed since the end of his

second consecutive three-year term. Members shall continue to hold office until their successors have been appointed and ~~confirmed~~ *qualified*.

C. Members shall receive no salaries but are entitled to reimbursement for necessary traveling and other expenses incurred while engaged in the performance of their duties.

D. Each appointing authority has the right to remove any member it appointed for malfeasance, misfeasance, incompetence, or gross neglect of duty.

E. The board shall annually elect a rector, vice-rector, treasurer, and secretary from among its membership and may elect assistant secretaries and treasurers who are not required to be members of the board. The same member may serve as both secretary and treasurer.

F. The board shall meet at least four times each year and may hold such special meetings as it deems necessary. The rector or any three members may call special meetings of the board.

G. The board may appoint an executive committee composed of at least three but no more than five members for the transaction of business in the recess of the board.

### CHAPTER 203

*An Act to amend and reenact §§ 22.1-181 and 46.2-339 of the Code of Virginia, relating to school bus operators; training.*  
[S 557]

Approved March 5, 2018

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

**1. That §§ 22.1-181 and 46.2-339 of the Code of Virginia are amended and reenacted as follows:**

**§ 22.1-181. Training program for school bus operators.**

The Board of Education shall develop a training program for persons applying for employment, and employed, to operate school buses and shall promote its implementation. *For applicants not currently possessing a commercial driver's license, such regulations shall require (i) a minimum of 24 hours of classroom training administered pursuant to this section and (ii) six hours of behind-the-wheel training on a school bus that contains no pupil passengers. For applicants currently possessing a commercial driver's license, such regulations shall require (a) a minimum of four hours of classroom training administered pursuant to this section and (b) three hours of behind-the-wheel training on a school bus that contains no pupil passengers. Behind-the-wheel training shall be administered under the direct on-board supervision of a designated school bus driver trainer.*

**§ 46.2-339. Qualifications of school bus operators; training; examination.**

A. No person shall ~~drive operate~~ any school bus on a highway in the Commonwealth unless he has had a reasonable amount of experience in ~~driving operating~~ motor vehicles, and has passed a special examination pertaining to his ability to ~~drive operate~~ a school bus with safety to its passengers and to other persons using the highways. Such person shall obtain a commercial driver's license with the applicable classifications and endorsements, issued pursuant to the Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.), if the school bus he ~~drives operates~~ is a commercial motor vehicle as defined in the Virginia Commercial Driver's License Act. For the purpose of preparing for the examination required by this section, any person ~~holding a valid driver's license issued under Article 4 of this chapter, may drive, under the direct supervision of a person holding a valid school bus license endorsement, a school bus which contains no other passengers, provided that, on and after April 1, 1992, only persons holding a valid commercial driver's license or instruction permit issued under the provisions of the Virginia Commercial Driver's License Act, may operate, under the direct supervision of a person holding a valid commercial driver's license with a school bus endorsement, a school bus which that is a commercial motor vehicle as defined in the Virginia Commercial Driver's License Act and which that contains no pupil passengers.~~

B. The Department may adopt regulations necessary to provide for the examination of persons desiring to qualify to ~~drive operate~~ school buses in the Commonwealth and for the granting of permits to qualified applicants.

C. Notwithstanding the provisions of this section ~~otherwise~~, no person shall ~~drive operate~~ any school bus on a highway in the Commonwealth during any period in which he is a person for whom registration with the Sex Offender and Crimes Against Minors Registry is required pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1.

**2. That the State Board of Education and the Department of Motor Vehicles' initial adoption of regulations necessary to implement the provisions of this act shall be exempt from the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia), except that the State Board of Education and the Department of Motor Vehicles shall provide an opportunity for public comment on the regulations prior to adoption.**

### CHAPTER 204

*An Act to amend and reenact §§ 55-59.1 and 55-64 of the Code of Virginia, relating to foreclosure; notice of sale when owner is deceased; payment of surplus to personal representative.*

[S 422]

Approved March 5, 2018

**Be it enacted by the General Assembly of Virginia:****1. That §§ 55-59.1 and 55-64 of the Code of Virginia are amended and reenacted as follows:****§ 55-59.1. Notices required before sale by trustee to owners, lienors, etc.; if note lost.**

A. In addition to the advertisement required by § 55-59.2 the trustee or the party secured shall give written notice of the time, date and place of any proposed sale in execution of a deed of trust, which notice shall include either (i) the instrument number or deed book and page numbers of the instrument of appointment filed pursuant to § 55-59, or (ii) said notice shall include a copy of the executed and notarized appointment of substitute trustee by personal delivery or by mail to ~~(i)~~ (a) the present owner of the property to be sold at his last known address as such owner and address appear in the records of the party secured; ~~(ii)~~; (b) any subordinate lienholder who holds a note against the property secured by a deed of trust recorded at least 30 days prior to the proposed sale and whose address is recorded with the deed of trust; ~~(iii)~~; (c) any assignee of such a note secured by a deed of trust, provided *that* the assignment and address of assignee are likewise recorded at least 30 days prior to the proposed sale; ~~(iv)~~; (d) any condominium unit owners' association ~~which that~~ has filed a lien pursuant to § 55-79.84; ~~(v)~~; (e) any property owners' association ~~which that~~ has filed a lien pursuant to § 55-516; and ~~(vi)~~ (f) any proprietary lessees' association ~~which that~~ has filed a lien pursuant to § 55-472. Written notice shall be given pursuant to clauses ~~(iv)~~; ~~(v)~~ (d), (e), and ~~(vi)~~; (f) only if the lien is recorded at least 30 days prior to the proposed sale. *If the secured party has received notification that the owner of the property to be sold is deceased, the notice required by clause (a) shall be given to (1) the last known address of such owner as such address appears in the records of the party secured; (2) any personal representative of the deceased's estate whose appointment is recorded among the records of the circuit court where the property is located, at the address of the personal representative that appears in such records; and (3) any heirs of the deceased who are listed on the list of heirs recorded among the records of the circuit court where the property is located, at the addresses of the heirs that appear in such records.* Mailing of a copy of the advertisement or a notice containing the same information to the owner by certified or registered mail no less than 14 days prior to such sale and to lienholders, the property owners' association or proprietary lessees' association, their assigns and the condominium unit owners' association, at the address noted in the memorandum of lien, by ordinary mail no less than 14 days prior to such sale shall be a sufficient compliance with the requirement of notice. The written notice of proposed sale when given as provided herein shall be deemed an effective exercise of any right of acceleration contained in such deed of trust or otherwise possessed by the party secured relative to the indebtedness secured. The inadvertent failure to give notice as required by this subsection shall not impose liability on either the trustee or the secured party.

B. If a note or other evidence of indebtedness secured by a deed of trust is lost or for any reason cannot be produced and the beneficiary submits to the trustee an affidavit to that effect, the trustee may nonetheless proceed to sale, provided *that* the beneficiary has given written notice to the person required to pay the instrument that the instrument is unavailable and a request for sale will be made of the trustee upon expiration of 14 days from the date of mailing of the notice. The notice shall be sent by certified mail, return receipt requested, to the last known address of the person required to pay the instrument as reflected in the records of the beneficiary and shall include the name and mailing address of the trustee. The notice shall further advise the person required to pay the instrument that if he believes he may be subject to a claim by a person other than the beneficiary to enforce the instrument, he may petition the circuit court of the county or city where the property or some part thereof lies for an order requiring the beneficiary to provide adequate protection against any such claim. If deemed appropriate by the court, the court may condition the sale on a finding that the person required to pay the instrument is adequately protected against loss that might occur by reason of a claim by another person to enforce the instrument. Adequate protection may be provided by any reasonable means. If the trustee proceeds to sale, the fact that the instrument is lost or cannot be produced shall not affect the authority of the trustee to sell or the validity of the sale.

C. When the written notice of proposed sale is given as provided herein, there shall be a rebuttable presumption that the lienholder has complied with any requirement to provide notice of default contained in a deed of trust. Failure to comply with the requirements of notice contained in this section shall not affect the validity of the sale, and a purchaser for value at such sale shall be under no duty to ascertain whether such notice was validly given.

D. In the event of postponement of sale, which may be done in the discretion of the trustee, no new or additional notice need be given pursuant to this section.

**§ 55-64. Disposition of surplus from trustee's sale after death of grantor.**

Whenever the grantor, or his successor in title, in any deed of trust by which any real property is conveyed in trust to secure debts or indemnify sureties dies prior to a trustee's sale held pursuant to the deed of trust and the deed of trust contains no definite provision for the distribution of any surplus in the event of the death of the grantor or his successors in title prior to the trustee's sale held pursuant to the deed of trust, or contains a provision that such surplus shall be paid to the grantor or his heirs or assigns or personal representative, then any surplus of the proceeds of the sale remaining in the hands of the trustee, after discharging the expenses of executing the trust, all tax liens upon the property sold, ~~and~~ all debts and obligations secured by the deed of trust, *and, in order of their priority, if any, the remaining subsequent debts and obligations secured by the deed, and any liens of record inferior to the deed of trust under which the sale is made, with lawful interest,* shall be paid by the trustee to the personal representative of the decedent.

Any funds so coming into the hands of the personal representative shall constitute assets for the payment by him ~~first, of all existing liens against the property foreclosed which are subsequent to the deed of trust under which the trustee sells in the order of their priority, and secondly,~~ of any debts and demands against the decedent's estate remaining unsatisfied after the personal estate has been exhausted. Any surplus of the funds so paid to the personal representative and remaining in his

hands after the satisfaction of all debts and demands against the estate shall be paid over by him, if the decedent died intestate as to the real property embraced in the deed of trust, to the heirs at law of the decedent, or their successors in title, and if the decedent died testate as to the real property embraced in the deed of trust, then such surplus shall be paid to the persons entitled to the real property under the terms of the decedent's will, or to their successors in title.

**CHAPTER 205**

*An Act to amend and reenact §§ 38.2-1857.1, 38.2-4805.2, 38.2-4806, 38.2-4808, 38.2-4809, 38.2-4810, 38.2-4811, and 38.2-4812 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 38.2-4811.1, relating to surplus lines insurance; domestic surplus lines insurers.*

[S 542]

Approved March 5, 2018

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

**1. That §§ 38.2-1857.1, 38.2-4805.2, 38.2-4806, 38.2-4808, 38.2-4809, 38.2-4810, 38.2-4811, and 38.2-4812 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 38.2-4811.1 as follows:**

**§ 38.2-1857.1. Property and casualty insurance agents may be licensed as surplus lines brokers for certain insurance from eligible nonadmitted insurers.**

The Commission may issue a surplus lines broker's license to any individual or business entity actively licensed as a property and casualty insurance agent for the procuring of insurance of the classes enumerated in §§ 38.2-109 through 38.2-122.2 and §§ 38.2-124 through 38.2-134 from *eligible nonadmitted* insurers ~~not licensed to transact insurance business in this~~ *the* Commonwealth. However, nothing in this article or in Chapter 48 (~~§ 38.2-4806~~ *38.2-4805.1 et seq.*) ~~of this title~~ shall apply to the sale, solicitation, or negotiation of (i) the contracts of insurance cited in subsection C of § 38.2-1802 or (ii) contracts of insurance for any insured whose home state, as defined in § 38.2-4805.2, is a state other than ~~this the~~ *the* Commonwealth.

**§ 38.2-4805.2. Definitions.**

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

"Admitted insurer" means an insurer licensed in the Commonwealth to engage in the business of insurance.

"Domestic surplus lines insurer" means a domestic surplus lines insurer licensed by the Commission pursuant to § 38.2-1024 with which a surplus lines broker may place surplus lines insurance.

"Eligible nonadmitted insurer" ~~or "eligible surplus lines insurer"~~ means a nonadmitted insurer approved by the Commission pursuant to § 38.2-4811 *or a domestic surplus lines insurer licensed by the Commission pursuant to § 38.2-1024* with which a surplus lines broker may place surplus lines insurance.

"Home state" means (i) the state in which an insured maintains its principal place of business or, in the case of an individual, the individual's principal residence or (ii) if 100 percent of the insured risk is located out of the state referred to in clause (i) ~~of this definition~~, "home state" means the state to which the greatest percentage of the insured's taxable premium for that insurance contract is allocated. When more than one insured from an affiliated group are named insureds on a single insurance contract, "home state" means the state of the member of the affiliated group that has the largest percentage of premium attributed to it under such insurance contract.

~~"Licensed insurer" or "admitted insurer" means an insurer licensed in this Commonwealth to engage in the business of insurance.~~

"NAIC" means the National Association of Insurance Commissioners.

"Nonadmitted insurer" means an insurer not licensed to engage in the business of insurance in this Commonwealth. "Nonadmitted insurer" does not include a risk retention group as defined in § 38.2-5101.

"Principal place of business" means the state where the insured maintains its headquarters and where the insured's high-level officers direct, control, and coordinate the business activities of the insured.

"Property and casualty insurance" means the classes of insurance defined in §§ 38.2-109 through 38.2-122.2 and §§ 38.2-124 through 38.2-134.

"Surplus lines broker" means an individual or business entity licensed pursuant to Article 5.1 (*§ 38.2-1857.1 et seq.*) of Chapter 18 to sell, solicit, or negotiate insurance on properties, risks, or exposures located or to be performed in ~~this the~~ *the* Commonwealth with *eligible* nonadmitted insurers.

"Surplus lines insurance" means any property and casualty insurance permitted to be placed directly by an insured or through a surplus lines broker with an eligible nonadmitted insurer.

**§ 38.2-4806. Notice to insured that insurance is placed with an eligible nonadmitted insurer required.**

A notice in a form prescribed by the Commission shall be given to the insured under the provisions of a policy procured pursuant to this chapter by the surplus lines broker procuring the policy or by any duly licensed property and casualty insurance agent placing surplus lines business with the surplus lines broker. The notice shall contain, but not be limited to, statements that the policy is being procured from or has been placed with an insurer approved by the Commission ~~for issuance of surplus lines insurance in this Commonwealth, but not licensed or regulated by the Commission as an eligible nonadmitted insurer~~ and that there is no protection under the Virginia Property and Casualty Insurance Guaranty

Association, established under Chapter 16 (§ 38.2-1600 et seq.) ~~of this title,~~ against financial loss to claimants or policyholders because of the insolvency of ~~an unlicensed~~ *an eligible nonadmitted* insurer. The notice shall also set forth the name, license number, and mailing address of the broker. The notice shall be given prior to placement of the insurance. In the event coverage must be placed and become effective within 24 hours after referral of the business to the surplus lines broker, the notice may be given promptly following such a placement. In addition, a copy of the notice shall be affixed to the policy.

**§ 38.2-4808. Effect of payment to surplus lines broker.**

A. No surplus lines broker may accept a payment of premium for issuance of surplus lines insurance before placing the insurance with an eligible ~~surplus lines~~ *nonadmitted* insurer.

B. A payment of premium to a surplus lines broker shall be deemed to be payment to the insurer notwithstanding any policy conditions or stipulations to the contrary.

**§ 38.2-4809. Licensees to pay license taxes on insurers.**

A. 1. Every licensed surplus lines broker or any person required to be licensed as a surplus lines broker shall be subject to the annual taxes, license taxes, penalties, and other provisions of Article 1 (§ 58.1-2500 et seq.) of Chapter 25 of Title 58.1 on each policy of insurance procured by him during the preceding calendar year with an *eligible nonadmitted* insurer ~~not licensed to transact insurance business in this Commonwealth.~~ For policies effective on or after July 1, 2011, such payments shall be made based on the direct gross premium income derived from policies for insureds whose home state is ~~this~~ *the* Commonwealth.

2. Every surplus lines broker or any person required to be licensed as a surplus lines broker subject to the provisions of this chapter shall, on or before March 1 of 2012 and 2013 report under oath to the Commission, and on or before March 1 of each year thereafter, report under oath to the Department of Taxation, upon the prescribed form, the direct gross premium income derived from policies for insureds whose home state is ~~this~~ *the* Commonwealth during the preceding year ending December 31.

3. Every surplus lines broker or any person required to be licensed as a surplus lines broker failing to file the report required by this section shall be fined \$50 for each day's failure to file the report.

4. Upon the failure of any such surplus lines broker or any person required to be licensed as a surplus lines broker to pay the premium license tax within the time required by this section, there shall be added to such tax a penalty of 10 percent of the amount of the tax and interest at a rate equal to the rate of interest established pursuant to § 58.1-15 for the period between the due date and the date of full payment. The Commission or Department of Taxation shall notify the surplus lines broker of all additional amounts owed, and the surplus lines broker shall pay such amounts within 30 days of the date of the notice.

5. Upon good cause shown, the Department of Taxation may accept late payment of the premium license tax exclusive of penalties; however, interest shall be paid on such tax as prescribed in this subsection.

6. If any person overestimates and overpays the annual taxes, the Department of Taxation shall refund the amount of the overpayment to the person. The overpayment shall be refunded out of the state treasury.

B. 1. Each licensed surplus lines broker or any person required to be licensed as a surplus lines broker whose annual premium license tax liability can reasonably be expected to exceed \$1,500 shall file a quarterly tax report with the Department of Taxation. Such report shall be in a form prescribed by the Department of Taxation. This report shall be filed no later than ~~thirty~~ 30 calendar days after the end of each calendar quarter. Notwithstanding any provision to the contrary, each such person shall pay the premium license tax owed for the direct gross premiums adjusted for additional and returned premiums shown by each quarterly tax report when such report is filed with the Department of Taxation.

2. No surplus lines broker or any person required to be licensed as a surplus lines broker shall be subject to any penalty or interest pursuant to Title 58.1 as a result of the failure to timely file a quarterly tax report or make the related quarterly payment when the report is filed pursuant to subdivision 1.

C. In addition to other penalties provided by law, any licensed surplus lines broker or any person required to be licensed as a surplus lines broker who willfully fails or refuses to pay the full amount of the tax or assessment required by this chapter, either by himself or through his agents or employees, or who makes a false or fraudulent return with intent to evade the tax or assessment hereby levied, or who makes a false or fraudulent claim for refund shall be guilty of a Class 1 misdemeanor.

D. If any licensed surplus lines broker or any person required to be licensed as a surplus lines broker charges and collects from the insured the taxes and assessments required by this section and § 38.2-4809.1, such person shall be a fiduciary to this Commonwealth for any taxes and assessments owed to this Commonwealth under this chapter.

**§ 38.2-4810. Issuance and delivery of surplus lines policies; prior authority or information required.**

Each policy or other written evidence of insurance procured pursuant to this chapter shall be delivered promptly to the named insured shown on the policy's declarations page. No surplus lines broker shall issue or deliver any policy or other written evidence of insurance or represent that insurance will be or has been granted by an ~~unlicensed~~ *eligible nonadmitted* insurer unless (i) he has prior written authority from such insurer for the insurance, (ii) he has received information from the insurer in the regular course of business that the insurance has been granted, or (iii) an insurance policy providing the insurance actually has been issued by the insurer and delivered to the named insured shown on the policy's declarations page.

**§ 38.2-4811. Surplus lines coverage to be placed with eligible nonadmitted insurers.**

A. No surplus lines broker shall procure a policy of insurance with any *nonadmitted* insurer ~~not licensed to transact insurance business in this Commonwealth~~, unless such ~~unlicensed~~ *nonadmitted* insurer has prior approval of the Commission to issue surplus lines insurance.

B. Any unlicensed foreign insurer wishing to be approved by the Commission to issue surplus lines coverage may receive such approval upon providing:

1. Evidence that it is authorized to write the type of insurance in its domiciliary jurisdiction; and
2. Proof that it has capital and surplus or its equivalent under the laws of its domiciliary jurisdiction, which equal the greater of (i) the minimum capital and surplus requirements under §§ 38.2-1028, 38.2-1029, 38.2-1030 or § 38.2-1031, or (ii) \$15 million.

C. Notwithstanding the capital and surplus requirements of subdivision B 2, an unlicensed foreign insurer may receive approval upon an affirmative finding of acceptability by the Commission. The finding shall be based upon such factors as quality of management, capital and surplus of any parent company, company underwriting profit and investment income trends, market availability, and company record and reputation within the industry. In no event shall the Commission make an affirmative finding of acceptability when the surplus lines insurer's capital and surplus is less than \$4.5 million.

D. An unlicensed alien insurer shall be deemed approved by the Commission if such insurer is listed on the Quarterly Listing of Alien Insurers maintained by the NAIC International Insurers Department.

E. Any unlicensed foreign insurer approved by the Commission shall cause to be provided to the Commission, not later than March 1, a copy of its current annual statement certified by the insurer, *in accordance with § 38.2-1300*.

The Commission, at its discretion, may extend the period for filing an annual statement by a maximum of two months.

F. If at any time the Commission has reason to believe that an eligible surplus lines *nonadmitted* insurer (i) is in unsound financial condition, (ii) is no longer eligible under this section, (iii) has willfully violated the laws of ~~this the~~ Commonwealth, or (iv) does not make reasonably prompt payment of just losses and claims in ~~this the~~ Commonwealth or elsewhere, the Commission may declare it ineligible. The Commission shall promptly mail notice of all such declarations to each surplus lines licensee.

**§ 38.2-4811.1. Surplus lines coverage placed with domestic surplus lines insurers.**

A. The Commission may license pursuant to § 38.2-1024 an insurer domiciled in the Commonwealth as a domestic surplus lines insurer if all of the following are satisfied:

1. The insurer possesses a policyholder surplus of at least \$15 million; and
2. The board of directors of the insurer has passed a resolution seeking to be a domestic surplus lines insurer in the Commonwealth.

B. For the purposes of the federal Nonadmitted and Reinsurance Reform Act of 2010 (15 U.S.C. § 8201 et seq.), a domestic surplus lines insurer shall be considered a nonadmitted insurer as the term is referenced in such Act, with respect to risks insured in the Commonwealth.

C. A domestic surplus lines insurer is only authorized to write the types of insurance in the Commonwealth that a surplus lines broker may procure with a nonadmitted insurer approved by the Commission pursuant to § 38.2-4811.

D. A domestic surplus lines insurer may only write surplus lines insurance in the Commonwealth where placed by a surplus lines broker pursuant to Chapter 48 (§ 38.2-4800 et seq.).

E. Notwithstanding any other statute, the policies issued by a domestic surplus lines insurer where the Commonwealth is the home state of the insured shall be subject to taxes and maintenance assessments levied upon surplus lines policies issued by eligible nonadmitted insurers pursuant to §§ 38.2-4809 and 38.2-4809.1 but shall not be subject to other taxes levied upon admitted insurers, whether domestic or foreign, pursuant to Chapter 25 (§ 58.1-2500 et seq.) of Title 58.1.

F. Policies issued by a domestic surplus lines insurer are not subject to protections of or other provisions of the Virginia Property and Casualty Insurance Guaranty Association established under Chapter 16 (§ 38.2-1600 et seq.).

G. All financial and solvency requirements imposed by the Commonwealth's law upon domestic admitted insurers shall apply to domestic surplus lines insurers unless domestic surplus lines insurers are otherwise specifically exempted. For the purposes of handling the rehabilitation, liquidation, or conservation of a domestic surplus lines insurer, the provisions of Chapter 15 (§ 38.2-1500 et seq.) shall apply.

H. Policies issued by a domestic surplus lines insurer shall be exempt from all statutory requirements relating to insurance rating plans, policy forms, policy cancellation and nonrenewal, and premium charged to the insured in the same manner and to the same extent as a nonadmitted insurer domiciled in another state.

**§ 38.2-4812. Surplus lines insurers subject to Unlicensed Insurers Process.**

Every *nonadmitted* insurer issuing surplus lines coverage under this chapter shall be subject to the provisions of Article 1 (§ 38.2-800 et seq.) of Chapter 8 ~~of this title~~.

**CHAPTER 206**

*An Act to require a hydroelectric plant revenue sharing agreement among certain localities.*

[S 780]

Approved March 5, 2018

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

1. § 1. *The Counties of Buchanan, Dickenson, Lee, Russell, Scott, Tazewell, and Wise, and the City of Norton shall enter into a revenue sharing agreement pursuant to the provisions of § 15.2-1301 of the Code of Virginia, for any electric storage or generation facility constructed pursuant to clause (v) of subdivision A 6 of § 56-585.1 of the Code of Virginia whereby the host locality's revenue from such facility shall be distributed to the other localities on the basis of the following formula: Each respective locality shall receive a percentage of the revenue as follows: (i) 16 percent each for the Counties of Tazewell and Wise; (ii) 12 percent each for the Counties of Buchanan, Lee, Russell, and Scott; (iii) 10 percent for Dickenson County; and (iv) four percent for the City of Norton. In addition, the host locality shall receive an additional share of six percent. The agreement shall provide that any direct costs of infrastructure improvements incurred by the host locality for purposes of the facility shall be allocated among the localities in the same proportion as the revenues from the facility. Notwithstanding the provisions of subsection A of § 15.2-1301, the term of such an agreement shall be perpetual.*

**CHAPTER 207**

*An Act to amend and reenact § 32.1-263 of the Code of Virginia, relating to death certificates; medical certification; electronic filing; hospice.*

[H 1158]

Approved March 8, 2018

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

1. That § 32.1-263 of the Code of Virginia is amended and reenacted as follows:

**§ 32.1-263. Filing death certificates; medical certification; investigation by Office of the Chief Medical Examiner.**

A. A death certificate, including, if known, the social security number or control number issued by the Department of Motor Vehicles pursuant to § 46.2-342 of the deceased, shall be filed for each death that occurs in the Commonwealth. Non-electronically filed death certificates shall be filed with the registrar of any district in the Commonwealth within three days after such death and prior to final disposition or removal of the body from the Commonwealth. Electronically filed death certificates shall be filed with the State Registrar of Vital Records *through the Electronic Death Registration System* within three days after such death and prior to final disposition or removal of the body from the Commonwealth. Any death certificate shall be registered by such registrar if it has been completed and filed in accordance with the following requirements:

1. If the place of death is unknown, but the dead body is found in the Commonwealth, the death shall be registered in the Commonwealth and the place where the dead body is found shall be shown as the place of death. If the date of death is unknown, it shall be determined by approximation, taking into consideration all relevant information, including information provided by the immediate family regarding the date and time that the deceased was last seen alive, if the individual died in his home; and

2. When death occurs in a moving conveyance, in the United States of America and the body is first removed from the conveyance in the Commonwealth, the death shall be registered in the Commonwealth and the place where it is first removed shall be considered the place of death. When a death occurs on a moving conveyance while in international waters or air space or in a foreign country or its air space and the body is first removed from the conveyance in the Commonwealth, the death shall be registered in the Commonwealth but the certificate shall show the actual place of death insofar as can be determined.

B. The licensed funeral director, funeral service licensee, office of the state anatomical program, or next of kin as defined in § 54.1-2800 who first assumes custody of a dead body shall ~~file~~ *complete* the certificate of death ~~with the registrar~~. He shall obtain ~~the~~ *the* personal data *of the deceased necessary to complete the certificate of death*, including the social security number of the deceased or control number issued to the deceased by the Department of Motor Vehicles pursuant to § 46.2-342, from the ~~next of kin or the~~ best qualified person or source available and obtain the medical certification from the person responsible therefor.

*If a licensed funeral director, funeral service licensee, or representative of the office of the state anatomical program completes the certificate of death, he shall file the certificate of death with the State Registrar of Vital Records electronically using the Electronic Death Registration System and in accordance with the requirements of subsection A. If a member of the next of kin of the deceased completes the certificate of death, he shall file the certificate of death in accordance with the requirements of subsection A but shall not be required to file the certificate of death electronically.*

C. The medical certification shall be completed, signed in black or dark blue ink, and returned to the funeral director within 24 hours after death by the physician in charge of the patient's care for the illness or condition which resulted in death except when inquiry or investigation by the Office of the Chief Medical Examiner is required by § 32.1-283 or 32.1-285.1, or by the physician that pronounces death pursuant to § 54.1-2972. *If the death occurred while under the care of a hospice provider, the medical certification shall be completed by the decedent's health care provider and filed electronically with the State Registrar of Vital Records using the Electronic Death Registration System for completion of the death certificate.*

In the absence of such physician or with his approval, the certificate may be completed and signed by the following: (i) another physician employed or engaged by the same professional practice; (ii) a physician assistant supervised by such

physician; (iii) a nurse practitioner practicing as part of a patient care team as defined in § 54.1-2900; (iv) the chief medical officer or medical director, or his designee, of the institution, hospice, or nursing home in which death occurred; (v) a physician specializing in the delivery of health care to hospitalized or emergency department patients who is employed by or engaged by the facility where the death occurred; (vi) the physician who performed an autopsy upon the decedent; ~~or~~ (vii) an individual to whom the physician has delegated authority to complete and sign the certificate, if such individual has access to the medical history of the case and death is due to natural causes; *or (viii) a physician licensed in another state who was in charge of the patient's care for the illness or condition that resulted in death.*

D. When inquiry or investigation by the Office of the Chief Medical Examiner is required by § 32.1-283 or 32.1-285.1, the Chief Medical Examiner shall cause an investigation of the cause of death to be made and the medical certification portion of the death certificate to be completed and signed within 24 hours after being notified of the death. If the Office of the Chief Medical Examiner refuses jurisdiction, the physician last furnishing medical care to the deceased shall prepare and sign the medical certification portion of the death certificate.

E. If the death is a natural death and a death certificate is being prepared pursuant to § 54.1-2972 and the physician, nurse practitioner, or physician assistant is uncertain about the cause of death, he shall use his best medical judgment to certify a reasonable cause of death or contact the health district physician director in the district where the death occurred to obtain guidance in reaching a determination as to a cause of death and document the same.

If the cause of death cannot be determined within 24 hours after death, the medical certification shall be completed as provided by regulations of the Board. The attending physician or the Chief Medical Examiner, an Assistant Chief Medical Examiner, or a medical examiner appointed pursuant to § 32.1-282 shall give the funeral director or person acting as such notice of the reason for the delay, and final disposition of the body shall not be made until authorized by the attending physician, the Chief Medical Examiner, an Assistant Chief Medical Examiner, or a medical examiner appointed pursuant to § 32.1-282.

F. A physician, nurse practitioner, or physician assistant who, in good faith, *files or* signs a certificate of death or determines the cause of death shall be immune from civil liability, only for such signature and determination of causes of death on such certificate, absent gross negligence or willful misconduct.

## CHAPTER 208

*An Act to amend and reenact § 32.1-263 of the Code of Virginia, relating to death certificates; medical certification; electronic filing; hospice.*

[S 309]

Approved March 8, 2018

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

#### 1. That § 32.1-263 of the Code of Virginia is amended and reenacted as follows:

##### § 32.1-263. Filing death certificates; medical certification; investigation by Office of the Chief Medical Examiner.

A. A death certificate, including, if known, the social security number or control number issued by the Department of Motor Vehicles pursuant to § 46.2-342 of the deceased, shall be filed for each death that occurs in the Commonwealth. Non-electronically filed death certificates shall be filed with the registrar of any district in the Commonwealth within three days after such death and prior to final disposition or removal of the body from the Commonwealth. Electronically filed death certificates shall be filed with the State Registrar of Vital Records *through the Electronic Death Registration System* within three days after such death and prior to final disposition or removal of the body from the Commonwealth. Any death certificate shall be registered by such registrar if it has been completed and filed in accordance with the following requirements:

1. If the place of death is unknown, but the dead body is found in the Commonwealth, the death shall be registered in the Commonwealth and the place where the dead body is found shall be shown as the place of death. If the date of death is unknown, it shall be determined by approximation, taking into consideration all relevant information, including information provided by the immediate family regarding the date and time that the deceased was last seen alive, if the individual died in his home; and

2. When death occurs in a moving conveyance, in the United States of America and the body is first removed from the conveyance in the Commonwealth, the death shall be registered in the Commonwealth and the place where it is first removed shall be considered the place of death. When a death occurs on a moving conveyance while in international waters or air space or in a foreign country or its air space and the body is first removed from the conveyance in the Commonwealth, the death shall be registered in the Commonwealth but the certificate shall show the actual place of death insofar as can be determined.

B. The licensed funeral director, funeral service licensee, office of the state anatomical program, or next of kin as defined in § 54.1-2800 who first assumes custody of a dead body shall ~~file~~ *complete* the certificate of death ~~with the registrar~~. He shall obtain ~~the~~ *the* personal data *of the deceased necessary to complete the certificate of death*, including the social security number of the deceased or control number issued to the deceased by the Department of Motor Vehicles

pursuant to § 46.2-342, from the ~~next of kin or the~~ best qualified person or source available and obtain the medical certification from the person responsible therefor.

*If a licensed funeral director, funeral service licensee, or representative of the office of the state anatomical program completes the certificate of death, he shall file the certificate of death with the State Registrar of Vital Records electronically using the Electronic Death Registration System and in accordance with the requirements of subsection A. If a member of the next of kin of the deceased completes the certificate of death, he shall file the certificate of death in accordance with the requirements of subsection A but shall not be required to file the certificate of death electronically.*

C. The medical certification shall be completed, signed in black or dark blue ink, and returned to the funeral director within 24 hours after death by the physician in charge of the patient's care for the illness or condition which resulted in death except when inquiry or investigation by the Office of the Chief Medical Examiner is required by § 32.1-283 or 32.1-285.1, or by the physician that pronounces death pursuant to § 54.1-2972. *If the death occurred while under the care of a hospice provider, the medical certification shall be completed by the decedent's health care provider and filed electronically with the State Registrar of Vital Records using the Electronic Death Registration System for completion of the death certificate.*

In the absence of such physician or with his approval, the certificate may be completed and signed by the following: (i) another physician employed or engaged by the same professional practice; (ii) a physician assistant supervised by such physician; (iii) a nurse practitioner practicing as part of a patient care team as defined in § 54.1-2900; (iv) the chief medical officer or medical director, or his designee, of the institution, hospice, or nursing home in which death occurred; (v) a physician specializing in the delivery of health care to hospitalized or emergency department patients who is employed by or engaged by the facility where the death occurred; (vi) the physician who performed an autopsy upon the decedent; ~~or~~ (vii) an individual to whom the physician has delegated authority to complete and sign the certificate, if such individual has access to the medical history of the case and death is due to natural causes; *or (viii) a physician licensed in another state who was in charge of the patient's care for the illness or condition that resulted in death.*

D. When inquiry or investigation by the Office of the Chief Medical Examiner is required by § 32.1-283 or 32.1-285.1, the Chief Medical Examiner shall cause an investigation of the cause of death to be made and the medical certification portion of the death certificate to be completed and signed within 24 hours after being notified of the death. If the Office of the Chief Medical Examiner refuses jurisdiction, the physician last furnishing medical care to the deceased shall prepare and sign the medical certification portion of the death certificate.

E. If the death is a natural death and a death certificate is being prepared pursuant to § 54.1-2972 and the physician, nurse practitioner, or physician assistant is uncertain about the cause of death, he shall use his best medical judgment to certify a reasonable cause of death or contact the health district physician director in the district where the death occurred to obtain guidance in reaching a determination as to a cause of death and document the same.

If the cause of death cannot be determined within 24 hours after death, the medical certification shall be completed as provided by regulations of the Board. The attending physician or the Chief Medical Examiner, an Assistant Chief Medical Examiner, or a medical examiner appointed pursuant to § 32.1-282 shall give the funeral director or person acting as such notice of the reason for the delay, and final disposition of the body shall not be made until authorized by the attending physician, the Chief Medical Examiner, an Assistant Chief Medical Examiner, or a medical examiner appointed pursuant to § 32.1-282.

F. A physician, nurse practitioner, or physician assistant who, in good faith, *files or* signs a certificate of death or determines the cause of death shall be immune from civil liability, only for such signature and determination of causes of death on such certificate, absent gross negligence or willful misconduct.

## CHAPTER 209

*An Act to amend and reenact § 63.2-1503 of the Code of Virginia, relating to child abuse and neglect; notice of founded reports to Superintendent of Public Instruction.*

[S 183]

Approved March 8, 2018

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

**1. That § 63.2-1503 of the Code of Virginia is amended and reenacted as follows:**

**§ 63.2-1503. Local departments to establish child-protective services; duties.**

A. Each local department shall establish child-protective services under a departmental coordinator within such department or with one or more adjacent local departments that shall be staffed with qualified personnel pursuant to regulations adopted by the Board. The local department shall be the public agency responsible for receiving and responding to complaints and reports, except that (i) in cases where the reports or complaints are to be made to the court and the judge determines that no local department within a reasonable geographic distance can impartially respond to the report, the court shall assign the report to the court services unit for evaluation; and (ii) in cases where an employee at a private or state-operated hospital, institution or other facility, or an employee of a school board is suspected of abusing or neglecting a child in such hospital, institution or other facility, or public school, the local department shall request the Department and the relevant private or state-operated hospital, institution or other facility, or school board to assist in conducting a joint

investigation in accordance with regulations adopted by the Board, in consultation with the Departments of Education, Health, Medical Assistance Services, Behavioral Health and Developmental Services, Juvenile Justice and Corrections.

B. The local department shall ensure, through its own personnel or through cooperative arrangements with other local agencies, the capability of receiving reports or complaints and responding to them promptly on a 24-hours-a-day, seven-days-per-week basis.

C. The local department shall widely publicize a telephone number for receiving complaints and reports.

D. The local department shall notify the local attorney for the Commonwealth and the local law-enforcement agency of all complaints of suspected child abuse or neglect involving (i) any death of a child; (ii) any injury or threatened injury to the child in which a felony or Class 1 misdemeanor is also suspected; (iii) any sexual abuse, suspected sexual abuse or other sexual offense involving a child, including but not limited to the use or display of the child in sexually explicit visual material, as defined in § 18.2-374.1; (iv) any abduction of a child; (v) any felony or Class 1 misdemeanor drug offense involving a child; or (vi) contributing to the delinquency of a minor in violation of § 18.2-371, immediately, but in no case more than two hours of receipt of the complaint, and shall provide the attorney for the Commonwealth and the local law-enforcement agency with records and information of the local department, including records related to any complaints of abuse or neglect involving the victim or the alleged perpetrator, related to the investigation of the complaint. The local department shall not allow reports of the death of the victim from other local agencies to substitute for direct reports to the attorney for the Commonwealth and the local law-enforcement agency. The local department shall develop, when practicable, memoranda of understanding for responding to reports of child abuse and neglect with local law enforcement and the attorney for the Commonwealth.

In each case in which the local department notifies the local law-enforcement agency of a complaint pursuant to this subsection, the local department shall, within two business days of delivery of the notification, complete a written report, on a form provided by the Board for such purpose, which shall include (a) the name of the representative of the local department providing notice required by this subsection; (b) the name of the local law-enforcement officer who received such notice; (c) the date and time that notification was made; (d) the identity of the victim; (e) the identity of the person alleged to have abused or neglected the child, if known; (f) the clause or clauses in this subsection that describe the reasons for the notification; and (g) the signatures, which may be electronic signatures, of the representatives of the local department making the notification and the local law-enforcement officer receiving the notification. Such report shall be included in the record of the investigation and may be submitted either in writing or electronically.

E. When abuse or neglect is suspected in any case involving the death of a child, the local department shall report the case immediately to the regional medical examiner and the local law-enforcement agency.

F. The local department shall use reasonable diligence to locate (i) any child for whom a report of suspected abuse or neglect has been received and is under investigation, receiving family assessment, or for whom a founded determination of abuse and neglect has been made and a child-protective services case opened and (ii) persons who are the subject of a report that is under investigation or receiving family assessment, if the whereabouts of the child or such persons are unknown to the local department.

G. When an abused or neglected child and the persons who are the subject of an open child-protective services case have relocated out of the jurisdiction of the local department, the local department shall notify the child-protective services agency in the jurisdiction to which such persons have relocated, whether inside or outside of the Commonwealth, and forward to such agency relevant portions of the case record. The receiving local department shall arrange protective and rehabilitative services as required by this section.

H. When a child for whom a report of suspected abuse or neglect has been received and is under investigation or receiving family assessment and the child and the child's parents or other persons responsible for the child's care who are the subject of the report that is under investigation or family assessment have relocated out of the jurisdiction of the local department, the local department shall notify the child-protective services agency in the jurisdiction to which the child and such persons have relocated, whether inside or outside of the Commonwealth, and complete such investigation or family assessment by requesting such agency's assistance in completing the investigation or family assessment. The local department that completes the investigation or family assessment shall forward to the receiving agency relevant portions of the case record in order for the receiving agency to arrange protective and rehabilitative services as required by this section.

I. Upon receipt of a report of child abuse or neglect, the local department shall determine the validity of such report and shall make a determination to conduct an investigation pursuant to § 63.2-1505 or, if designated as a child-protective services differential response agency by the Department according to § 63.2-1504, a family assessment pursuant to § 63.2-1506.

J. The local department shall foster, when practicable, the creation, maintenance and coordination of hospital and community-based multidisciplinary teams that shall include where possible, but not be limited to, members of the medical, mental health, social work, nursing, education, legal and law-enforcement professions. Such teams shall assist the local departments in identifying abused and neglected children; coordinating medical, social, and legal services for the children and their families; developing innovative programs for detection and prevention of child abuse; promoting community concern and action in the area of child abuse and neglect; and disseminating information to the general public with respect to the problem of child abuse and neglect and the facilities and prevention and treatment methods available to combat child abuse and neglect. These teams may be the family assessment and planning teams established pursuant to § 2.2-5207. Multidisciplinary teams may develop agreements regarding the exchange of information among the parties for the purposes

of the investigation and disposition of complaints of child abuse and neglect, delivery of services and child protection. Any information exchanged in accordance with the agreement shall not be considered to be a violation of the provisions of § 63.2-102, 63.2-104, or 63.2-105.

The local department shall also coordinate its efforts in the provision of these services for abused and neglected children with the judge and staff of the court.

K. The local department may develop multidisciplinary teams to provide consultation to the local department during the investigation of selected cases involving child abuse or neglect, and to make recommendations regarding the prosecution of such cases. These teams may include, but are not limited to, members of the medical, mental health, legal and law-enforcement professions, including the attorney for the Commonwealth or his designee; a local child-protective services representative; and the guardian ad litem or other court-appointed advocate for the child. Any information exchanged for the purpose of such consultation shall not be considered a violation of § 63.2-102, 63.2-104, or 63.2-105.

L. The local department shall report annually on its activities concerning abused and neglected children to the court and to the Child-Protective Services Unit in the Department on forms provided by the Department.

M. Statements, or any evidence derived therefrom, made to local department child-protective services personnel, or to any person performing the duties of such personnel, by any person accused of the abuse, injury, neglect or death of a child after the arrest of such person, shall not be used in evidence in the case-in-chief against such person in the criminal proceeding on the question of guilt or innocence over the objection of the accused, unless the statement was made after such person was fully advised (i) of his right to remain silent, (ii) that anything he says may be used against him in a court of law, (iii) that he has a right to the presence of an attorney during any interviews, and (iv) that if he cannot afford an attorney, one will be appointed for him prior to any questioning.

N. Notwithstanding any other provision of law, the local department, in accordance with Board regulations, shall transmit information regarding reports, complaints, family assessments, and investigations involving children of active duty members of the United States Armed Forces or members of their household to family advocacy representatives of the United States Armed Forces.

O. The local department shall notify the custodial parent and make reasonable efforts to notify the noncustodial parent as those terms are defined in § 63.2-1900 of a report of suspected abuse or neglect of a child who is the subject of an investigation or is receiving family assessment, in those cases in which such custodial or noncustodial parent is not the subject of the investigation.

P. The local department shall (i) notify the Superintendent of Public Instruction *without delay* when an individual holding a license issued by the Board of Education is the subject of a founded complaint of child abuse or neglect and shall transmit identifying information regarding such individual if the local department knows the person holds a license issued by the Board of Education and ~~after all rights to any appeal provided by § 63.2-1526 have been exhausted~~ (ii) *notify the Superintendent of Public Instruction without delay if the founded complaint of child abuse or neglect is dismissed following an appeal pursuant to § 63.2-1526. Nothing in this subsection shall be construed to affect the rights of any individual holding a license issued by the Board of Education to any hearings or appeals otherwise provided by law.* Any information exchanged for the purpose of this subsection shall not be considered a violation of § 63.2-102, 63.2-104, or 63.2-105.

## CHAPTER 210

*An Act to amend and reenact § 4.1-103.02 of the Code of Virginia, relating to alcoholic beverage control; substance abuse prevention; Virginia Institutions of Higher Education Substance Use Advisory Committee established.*

[S 120]

Approved March 9, 2018

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

**1. That § 4.1-103.02 of the Code of Virginia is amended and reenacted as follows:**

**§ 4.1-103.02. Additional powers; substance abuse prevention; Virginia Institutions of Higher Education Substance Use Advisory Committee established.**

It shall be the responsibility of the Board to administer a substance abuse prevention program within the Commonwealth and to (i) coordinate substance abuse prevention activities of agencies of the Commonwealth in such program, (ii) review substance abuse prevention program expenditures by agencies of the Commonwealth, and (iii) determine the direction and appropriateness of such expenditures. The Board shall cooperate with federal, state, and local agencies, private and public agencies, interested organizations, and individuals in order to prevent substance abuse within the Commonwealth. The Board shall report annually by December 1 of each year to the Governor and the General Assembly on the substance abuse prevention activities of the Commonwealth.

*The Board shall also establish and appoint members to the Virginia Institutions of Higher Education Substance Use Advisory Committee (Advisory Committee). The goal of the Advisory Committee shall be to develop and update a statewide strategic plan for substance use education, prevention, and intervention at Virginia's public and private institutions of higher education. The strategic plan shall (a) incorporate the use of best practices, which may include, but not be limited to, student-led peer-to-peer education and college or other institution of higher education recovery programs; (b) provide for the collection of statewide data from all institutions of higher education on student alcohol and substance use; (c) assist*

*institutions of higher education in developing their individual strategic plans by providing networking and training resources and materials; and (d) develop and maintain reporting guidelines for use by institutions of higher education in their individual strategic plans.*

*The Advisory Committee shall consist of representatives from Virginia's public and private institutions of higher education, including students and directors of student health, and such other members as the Board may deem appropriate. The Advisory Committee's membership shall be broadly representative of individuals from both public and private institutions of higher education.*

*The Advisory Committee shall submit an annual report on its activities to the Governor and the General Assembly on or before December 1 each year.*

**CHAPTER 211**

*An Act to amend and reenact § 4.1-103.02 of the Code of Virginia, relating to alcoholic beverage control; substance abuse prevention; Virginia Institutions of Higher Education Substance Use Advisory Committee established.*

[H 852]

Approved March 9, 2018

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

**1. That § 4.1-103.02 of the Code of Virginia is amended and reenacted as follows:**

**§ 4.1-103.02. Additional powers; substance abuse prevention; Virginia Institutions of Higher Education Substance Use Advisory Committee established.**

It shall be the responsibility of the Board to administer a substance abuse prevention program within the Commonwealth and to (i) coordinate substance abuse prevention activities of agencies of the Commonwealth in such program, (ii) review substance abuse prevention program expenditures by agencies of the Commonwealth, and (iii) determine the direction and appropriateness of such expenditures. The Board shall cooperate with federal, state, and local agencies, private and public agencies, interested organizations, and individuals in order to prevent substance abuse within the Commonwealth. The Board shall report annually by December 1 of each year to the Governor and the General Assembly on the substance abuse prevention activities of the Commonwealth.

*The Board shall also establish and appoint members to the Virginia Institutions of Higher Education Substance Use Advisory Committee (Advisory Committee). The goal of the Advisory Committee shall be to develop and update a statewide strategic plan for substance use education, prevention, and intervention at Virginia's public and private institutions of higher education. The strategic plan shall (a) incorporate the use of best practices, which may include, but not be limited to, student-led peer-to-peer education and college or other institution of higher education recovery programs; (b) provide for the collection of statewide data from all institutions of higher education on student alcohol and substance use; (c) assist institutions of higher education in developing their individual strategic plans by providing networking and training resources and materials; and (d) develop and maintain reporting guidelines for use by institutions of higher education in their individual strategic plans.*

*The Advisory Committee shall consist of representatives from Virginia's public and private institutions of higher education, including students and directors of student health, and such other members as the Board may deem appropriate. The Advisory Committee's membership shall be broadly representative of individuals from both public and private institutions of higher education.*

*The Advisory Committee shall submit an annual report on its activities to the Governor and the General Assembly on or before December 1 each year.*

**CHAPTER 212**

*An Act to amend and reenact § 54.1-4009 of the Code of Virginia, relating to pawnbrokers; allowable late fees.*

[H 26]

Approved March 9, 2018

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

**1. That § 54.1-4009 of the Code of Virginia is amended and reenacted as follows:**

**§ 54.1-4009. Records to be kept; credentials of person pawning goods; fee; penalty.**

A. Every pawnbroker shall keep at his place of business an accurate and legible record of each loan or transaction in the course of his business, including transactions in which secondhand goods, wares, or merchandise is purchased for resale. The account shall be recorded at the time of the loan or transaction and shall include:

1. A description, serial number, and a statement of ownership of the goods, article, or thing pawned or pledged or received on account of money loaned thereon or purchased for resale;
2. The time, date, and place of the transaction;
3. The amount of money loaned thereon at the time of pledging the same or paid as the purchase price;
4. The rate of interest to be paid on such loan;

- 5. The fees charged by the pawnbroker, itemizing each fee charged;
  - 6. The full name, residence address, telephone number, and driver's license number or other form of identification of the person pawning or pledging or selling the goods, article, or thing, together with a particular description, including the height, weight, date of birth, race, gender, hair and eye color, and any other identifying marks, of such person;
  - 7. Verification of the identification by the exhibition of a government-issued identification card bearing a photograph of the person pawning, pledging, or selling the goods, article, or thing, such as a driver's license or military identification card. The record shall contain the type of identification exhibited, the issuing agency, and the number thereon;
  - 8. A digital image of the form of identification used by the person involved in the transaction;
  - 9. As to loans, the terms and conditions of the loan, including the period for which any such loan may be made; and
  - 10. All other facts and circumstances respecting such loan or purchase.
- B. A pawnbroker may maintain at his place of business an electronic record of each transaction involving goods, articles, or things pawned or pledged or purchased. If maintained electronically, a pawnbroker shall retain the electronic records for at least one year after the date of the transaction and make such electronic records available to any duly authorized law-enforcement officer upon request.
- C. For each loan or transaction, a pawnbroker may charge a:
- 1. A service fee for making the daily electronic reports to the appropriate law-enforcement officers required by § 54.1-4010, creating and maintaining the electronic records required under this section, and investigating the legal title to property being pawned or pledged or purchased. Such fee shall not exceed five percent of the amount loaned on such item or paid by the pawnbroker for such item or \$3, whichever is less; *and*
  - 2. A late fee, not to exceed 10 percent of the amount loaned, for each item that is not claimed by the pledged date, provided that the pawnner is notified of the fee on the pawn ticket.
- Any person, firm, or corporation violating any of the provisions of this section is guilty of a Class 4 misdemeanor.
- D. No goods, article, or thing shall be pawned or pledged or received on account of money loaned or purchased for resale if the original serial number affixed to the goods, article, or thing has been removed, defaced, or altered.
- E. The Superintendent of State Police shall promulgate regulations specifying the nature of the particular description for the purposes of subdivision A 6.
- The Superintendent of State Police shall promulgate regulations specifying the nature of identifying credentials of the person pawning, pledging, or selling the goods, article, or thing. Such credentials shall be examined by the pawnbroker, and an appropriate record retained thereof.

CHAPTER 213

*An Act to amend and reenact § 42.1-36 of the Code of Virginia, relating to local library boards.*

[H 62]

Approved March 9, 2018

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

**1. That § 42.1-36 of the Code of Virginia is amended and reenacted as follows:**

**§ 42.1-36. Boards not mandatory.**

The formation, creation, or continued existence of boards shall ~~in no wise~~ *not* be considered or construed in any manner as mandatory upon (i) any city or town with a manager, ~~or upon~~ (ii) any county with a county manager, county executive, urban county manager, *or urban county executive form of government, or (iii) any county that has adopted a charter, or upon* (iv) the Counties of *Caroline*, Chesterfield, and Shenandoah, by virtue of this chapter.

CHAPTER 214

*An Act to amend and reenact §§ 9.1-139 and 9.1-144 of the Code of Virginia, relating to private security; compliance.*

[H 63]

Approved March 9, 2018

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

**1. That §§ 9.1-139 and 9.1-144 of the Code of Virginia are amended and reenacted as follows:**

**§ 9.1-139. Licensing, certification, and registration required; qualifications; temporary licenses.**

A. No person shall engage in the private security services business or solicit private security business in the Commonwealth without having obtained a license from the Department. No person shall be issued a private security services business license until a compliance agent is designated in writing on forms provided by the Department. The compliance agent shall ensure the compliance of the private security services business with this article and shall meet the qualifications and perform the duties required by the regulations adopted by the Board. ~~A compliance agent shall have either a minimum of (i) three years of managerial or supervisory experience in a private security services business; with a federal, state or local law enforcement agency; or in a related field or (ii) five years of experience in a private security services business; with a federal, state or local law enforcement agency; or in a related field.~~

B. No person shall act as a private security services training school or solicit students for private security training in the Commonwealth without being certified by the Department. No person shall be issued a private security services training school certification until a school director is designated in writing on forms provided by the Department. The school director shall ensure the compliance of the school with the provisions of this article and shall meet the qualifications and perform the duties required by the regulations adopted by the Board.

C. No person shall be employed by a licensed private security services business in the Commonwealth as armored car personnel, courier, armed security officer, detector canine handler, unarmed security officer, security canine handler, private investigator, personal protection specialist, alarm respondent, locksmith, central station dispatcher, electronic security sales representative, electronic security technician's assistant, or electronic security technician without possessing a valid registration issued by the Department, except as provided in this article. Notwithstanding any other provision of this article, a licensed private security services business may hire as an independent contractor a personal protection specialist or private investigator who has been issued a registration by the Department.

D. A temporary license may be issued in accordance with Board regulations for the purpose of awaiting the results of the state and national fingerprint search. However, no person shall be issued a temporary license until (i) he has designated a compliance agent who has complied with the compulsory minimum training standards established by the Board pursuant to subsection A of § 9.1-141 for compliance agents, (ii) each principal of the business has submitted his fingerprints for a National Criminal Records search and a Virginia Criminal History Records search, and (iii) he has met all other requirements of this article and Board regulations.

E. No person shall be employed by a licensed private security services business in the Commonwealth unless such person is certified or registered in accordance with this chapter.

F. A temporary registration may be issued in accordance with Board regulations for the purpose of awaiting the results of the state and national fingerprint search. However, no person shall be issued a temporary registration until he has (i) complied with, or been exempted from the compulsory minimum training standards established by the Board, pursuant to subsection A of § 9.1-141, for armored car personnel, couriers, armed security officers, detector canine handlers, unarmed security officers, security canine handlers, private investigators, personal protection specialists, alarm respondents, locksmiths, central station dispatchers, electronic security sales representatives, electronic security technician's assistants, or electronic security technicians, (ii) submitted his fingerprints to be used for the conduct of a National Criminal Records search and a Virginia Criminal History Records search, and (iii) met all other requirements of this article and Board regulations.

G. A temporary certification as a private security instructor or private security training school may be issued in accordance with Board regulations for the purpose of awaiting the results of the state and national fingerprint search. However, no person shall be issued a temporary certification as a private security services instructor until he has (i) met the education, training and experience requirements established by the Board and (ii) submitted his fingerprints to be used for the conduct of a National Criminal Records search and a Virginia Criminal History Records search. No person shall be issued a temporary certification as a private security services training school until (a) he has designated a training director, (b) each principal of the training school has submitted his fingerprints to be used for the conduct of a National Criminal Records search and a Virginia Criminal History Records search, and (c) he has met all other requirements of this article and Board regulations.

H. A licensed private security services business in the Commonwealth shall not employ as an unarmed security officer, electronic security technician's assistant, unarmed alarm respondent, central station dispatcher, electronic security sales representative, locksmith, or electronic security technician, any person who has not complied with, or been exempted from, the compulsory minimum training standards established by the Board, pursuant to subsection A of § 9.1-141, except that such person may be so employed for not more than 90 days while completing compulsory minimum training standards.

I. No person shall be employed as an electronic security employee, electronic security technician's assistant, unarmed alarm respondent, locksmith, central station dispatcher, electronic security sales representative, electronic security technician or supervisor until he has submitted his fingerprints to the Department to be used for the conduct of a National Criminal Records search and a Virginia Criminal History Records search. The provisions of this subsection shall not apply to an out-of-state central station dispatcher meeting the requirements of subdivision 19 of § 9.1-140.

J. The compliance agent of each licensed private security services business in the Commonwealth shall maintain documentary evidence that each private security registrant and certified employee employed by his private security services business has complied with, or been exempted from, the compulsory minimum training standards required by the Board. Before January 1, 2003, the compliance agent shall ensure that an investigation to determine suitability of each unarmed security officer employee has been conducted, except that any such unarmed security officer, upon initiating a request for such investigation under the provisions of subdivision A 11 of § 19.2-389, may be employed for up to 30 days pending completion of such investigation. After January 1, 2003, no person shall be employed as an unarmed security officer until he has submitted his fingerprints to the Department for the conduct of a National Criminal Records search and a Virginia Criminal History Records search. Any person who was employed as an unarmed security officer prior to January 1, 2003, shall submit his fingerprints to the Department in accordance with subsection B of § 9.1-145.

K. No person with a criminal conviction for a misdemeanor involving (i) moral turpitude, (ii) assault and battery, (iii) damage to real or personal property, (iv) controlled substances or imitation controlled substances as defined in Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2, (v) prohibited sexual behavior as described in Article 7 (§ 18.2-61 et seq.) of

Chapter 4 of Title 18.2, or (vi) firearms, or any felony shall be (a) employed as a registered or certified employee by a private security services business or training school, or (b) issued a private security services registration, certification as an unarmed security officer, electronic security employee or technician's assistant, a private security services training school or instructor certification, compliance agent certification, or a private security services business license, except that, upon written request, the Director of the Department may waive such prohibition. Any grant or denial of such waiver shall be made in writing within 30 days of receipt of the written request and shall state the reasons for such decision.

L. The Department may grant a temporary exemption from the requirement for licensure, certification, or registration for a period of not more than 30 days in a situation deemed an emergency by the Department.

M. All private security services businesses and private security services training schools in the Commonwealth shall include their license or certification number on all business advertising materials.

N. A licensed private security services business in the Commonwealth shall not employ as armored car personnel any person who has not complied with, or been exempted from, the compulsory minimum training standards established by the Board pursuant to subsection A of § 9.1-141, except such person may serve as a driver of an armored car for not more than 90 days while completing compulsory minimum training standards, provided such person does not possess or have access to a firearm while serving as a driver.

**§ 9.1-144. Insurance required.**

~~A. Every~~ *In order for his license or certificate to be operative, any person licensed as a private security services business under subsection A of § 9.1-139 or certified as a private security services training school under subsection B of § 9.1-139 shall, at the time of receiving the license or certification and before the license or certification shall be operative, file with the Department (i) a cash bond or evidence that the licensee or certificate holder is covered by a surety bond, executed by a surety company authorized to do business in the Commonwealth, in a reasonable amount to be fixed by the Department, conditioned upon the faithful and honest conduct of his business or employment; or (ii) evidence of a policy of liability insurance in an amount and with coverage as fixed by the Department. The bond or liability insurance shall be maintained for so long as the licensee or certificate holder is licensed or certified by the Department.*

Every personal protection specialist and private investigator who has been issued a registration by the Department and is hired as an independent contractor by a licensed private security services business shall maintain comprehensive general liability insurance in a reasonable amount to be fixed by the Department, evidence of which shall be provided to the private security services business prior to the hiring of such independent contractor pursuant to subsection C of § 9.1-139.

~~B. If any person aggrieved by the misconduct of any person licensed or certified under subsection A or B of § 9.1-139 recovers judgment against the licensee or certificate holder, which judgment is unsatisfied in whole or in part, such person may bring an action in his own name on the bond of the licensee or certificate holder.~~

**CHAPTER 215**

*An Act to amend and reenact § 19.2-56.2 of the Code of Virginia, relating to search warrant for a tracking device; delivery of affidavit.*

[H 145]

Approved March 9, 2018

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

**1. That § 19.2-56.2 of the Code of Virginia is amended and reenacted as follows:**

**§ 19.2-56.2. Application for and issuance of search warrant for a tracking device; installation and use.**

A. As used in this section, unless the context requires a different meaning:

"Judicial officer" means a judge, magistrate, or other person authorized to issue criminal warrants.

"Law-enforcement officer" shall have the same meaning as in § 9.1-101.

"Tracking device" means an electronic or mechanical device that permits a person to remotely determine or track the position or movement of a person or object. "Tracking device" includes devices that store geographic data for subsequent access or analysis and devices that allow for the real-time monitoring of movement.

"Use of a tracking device" includes the installation, maintenance, and monitoring of a tracking device but does not include the interception of wire, electronic, or oral communications or the capture, collection, monitoring, or viewing of images.

B. A law-enforcement officer may apply for a search warrant from a judicial officer to permit the use of a tracking device. Each application for a search warrant authorizing the use of a tracking device shall be made in writing, upon oath or affirmation, to a judicial officer for the circuit in which the tracking device is to be installed, or where there is probable cause to believe the offense for which the tracking device is sought has been committed, is being committed, or will be committed.

The law-enforcement officer shall submit an affidavit, which may be filed by electronically transmitted (i) facsimile process or (ii) electronic record as defined in § 59.1-480, and shall include:

1. The identity of the applicant and the identity of the law-enforcement agency conducting the investigation;

2. The identity of the vehicle, container, item, or object to which, in which, or on which the tracking device is to be attached, placed, or otherwise installed; the name of the owner or possessor of the vehicle, container, item, or object

described, if known; and the jurisdictional area in which the vehicle, container, item, or object described is expected to be found, if known;

3. Material facts constituting the probable cause for the issuance of the search warrant and alleging substantially the offense in relation to which such tracking device is to be used and a showing that probable cause exists that the information likely to be obtained will be evidence of the commission of such offense; and

4. The name of the county or city where there is probable cause to believe the offense for which the tracking device is sought has been committed, is being committed, or will be committed.

C. 1. If the judicial officer finds, based on the affidavit submitted, that there is probable cause to believe that a crime has been committed, is being committed, or will be committed and that there is probable cause to believe the information likely to be obtained from the use of the tracking device will be evidence of the commission of such offense, the judicial officer shall issue a search warrant authorizing the use of the tracking device. The search warrant shall authorize the use of the tracking device from within the Commonwealth to track a person or property for a reasonable period of time, not to exceed 30 days from the issuance of the search warrant. The search warrant shall authorize the collection of the tracking data contained in or obtained from the tracking device but shall not authorize the interception of wire, electronic, or oral communications or the capture, collection, monitoring, or viewing of images.

2. The affidavit shall be certified by the judicial officer who issues the search warrant and shall be delivered to and preserved as a record by the clerk of the circuit court of the county or city where there is probable cause to believe the offense for which the tracking device has been sought has been committed, is being committed, or will be committed. The affidavit shall be delivered by the judicial officer *or his designee or agent* in person; mailed by certified mail, return receipt requested; or delivered by electronically transmitted facsimile process or by use of filing and security procedures as defined in the Uniform Electronic Transactions Act (§ 59.1-479 et seq.) for transmitting signed documents.

3. By operation of law, the affidavit, search warrant, return, and any other related materials or pleadings shall be sealed. Upon motion of the Commonwealth or the owner or possessor of the vehicle, container, item, or object that was tracked, the circuit court may unseal such documents if it appears that the unsealing is consistent with the ends of justice or is necessary to reasonably inform such person of the nature of the evidence to be presented against him or to adequately prepare for his defense.

4. The circuit court may, for good cause shown, grant one or more extensions, not to exceed 30 days each.

D. 1. The search warrant shall command the law-enforcement officer to complete the installation authorized by the search warrant within 15 days after issuance of the search warrant.

2. The law-enforcement officer executing the search warrant shall enter on it the exact date and time the device was installed and the period during which it was used.

3. Law-enforcement officers shall be permitted to monitor the tracking device during the period authorized in the search warrant, unless the period is extended as provided for in this section.

4. Law-enforcement officers shall remove the tracking device as soon as practical, but not later than 10 days after the use of the tracking device has ended. Upon request, and for good cause shown, the circuit court may grant one or more extensions for such removal for a period not to exceed 10 days each.

5. In the event that law-enforcement officers are unable to remove the tracking device as required by subdivision 4, the law-enforcement officers shall disable the device, if possible, and all use of the tracking device shall cease.

6. Within 10 days after the use of the tracking device has ended, the executed search warrant shall be returned to the circuit court of the county or city where there is probable cause to believe the offense for which the tracking device has been sought has been committed, is being committed, or will be committed, as designated in the search warrant, where it shall be preserved as a record by the clerk of the circuit court.

E. Within 10 days after the use of the tracking device has ended, a copy of the executed search warrant shall be served on the person who was tracked and the person whose property was tracked. Service may be accomplished by delivering a copy to the person who, or whose property, was tracked or by leaving a copy with any individual found at the person's usual place of abode who is a member of the person's family, other than a temporary sojourner or guest, and who is 16 years of age or older and by mailing a copy to the person's last known address. Upon request, and for good cause shown, the circuit court may grant one or more extensions for such service for a period not to exceed 30 days each. Good cause shall include, but not be limited to, a continuing criminal investigation, the potential for intimidation, the endangerment of an individual, or the preservation of evidence.

F. The disclosure or publication, without authorization of a circuit court, by a court officer, law-enforcement officer, or other person responsible for the administration of this section of the existence of a search warrant issued pursuant to this section, application for such search warrant, any affidavit filed in support of such warrant, or any return or data obtained as a result of such search warrant that is sealed by operation of law is punishable as a Class 1 misdemeanor.

## CHAPTER 216

*An Act to amend and reenact §§ 44-93.2, 44-93.3, and 44-93.4 of the Code of Virginia, relating to National Guard, employment protections.*

[H 146]

Approved March 9, 2018

**Be it enacted by the General Assembly of Virginia:****1. That §§ 44-93.2, 44-93.3, and 44-93.4 of the Code of Virginia are amended and reenacted as follows:****§ 44-93.2. Leaves of absence from nongovernmental employment.**

A member of the Virginia National Guard or Virginia Defense Force, or a ~~resident of the Commonwealth~~ person who is a member of the National Guard of another state *and who is otherwise employed in the Commonwealth*, called to state active duty or military duty pursuant to Title 32 of the United States Code shall have the right to take leave without pay from his nongovernmental employment. No member of the National Guard or Virginia Defense Force, or ~~resident of the Commonwealth~~ person who is a member of the National Guard of another state, shall be forced to use or exhaust his vacation or other accrued leaves from his nongovernmental employment for a period of active service. The choice of leave shall be solely within the discretion of the member.

**§ 44-93.3. Reemployment rights.**

Upon honorable release from state active duty or military duty pursuant to Title 32 of the United States Code, a member of the Virginia National Guard or Virginia Defense Force, or a ~~resident of the Commonwealth~~ person who is a member of the National Guard of another state *and who was previously employed in the Commonwealth*, shall make written application to his previous employer for reemployment within (i) 14 days of his release from duty or from hospitalization following release if the length of the member's absence by reason of service in the uniformed services does not exceed 180 days or (ii) 90 days of his release from duty or from hospitalization following release if the length of the member's absence by reason of service in the uniformed services exceeds 180 days. When released from such duty, they shall be restored to positions held by them when ordered to duty. If the office or position has been abolished or otherwise has ceased to exist during such leave of absence, they shall be reinstated in a position of like seniority, status and pay if the position exists, or to a comparable vacant position for which they are qualified, unless to do so would be unreasonable. This section shall not apply when the cumulative length of the absence and of all previous absences from a position of employment with that employer by reason of service in the uniformed services exceeds five years.

**§ 44-93.4. Discrimination against persons who serve in the Virginia National Guard, Virginia Defense Force, or National Guard of another state and acts of reprisal prohibited.**

A. A member of the Virginia National Guard or Virginia Defense Force, or a ~~resident of the Commonwealth~~ person who is a member of the National Guard of another state, who performs, has performed, applies to perform, or has an obligation to perform state active duty or military duty pursuant to Title 32 of the United States Code shall not be denied initial employment, reemployment, retention in employment, promotion, or any benefit of employment by an employer *within the Commonwealth* on the basis of that membership, application for membership, performance of service, application for service, or obligation.

B. A person shall be considered to have denied a member of the Virginia National Guard or Virginia Defense Force, or a ~~resident of the Commonwealth~~ person who is a member of the National Guard of another state, initial employment, reemployment, retention in employment, promotion, or a benefit of employment *within the Commonwealth* in violation of this section if the member's membership, application for membership, performance of service, application for service, or obligation for service is a motivating factor in that person's action, unless the person can prove by the greater weight of the evidence that the same unfavorable action would have taken place in the absence of the member's membership, application for membership, performance of service, application for service, or obligation for service.

**CHAPTER 217**

*An Act to amend and reenact § 54.1-4009 of the Code of Virginia, relating to pawnbrokers; digital image of forms of identification.*

[H 206]

Approved March 9, 2018

**Be it enacted by the General Assembly of Virginia:****1. That § 54.1-4009 of the Code of Virginia is amended and reenacted as follows:****§ 54.1-4009. Records to be kept; credentials of person pawning goods; fee; penalty.**

A. Every pawnbroker shall keep at his place of business an accurate and legible record of each loan or transaction in the course of his business, including transactions in which secondhand goods, wares, or merchandise is purchased for resale. The account shall be recorded at the time of the loan or transaction and shall include:

1. A description, serial number, and a statement of ownership of the goods, article, or thing pawned or pledged or received on account of money loaned thereon or purchased for resale;
2. The time, date, and place of the transaction;
3. The amount of money loaned thereon at the time of pledging the same or paid as the purchase price;
4. The rate of interest to be paid on such loan;
5. The fees charged by the pawnbroker, itemizing each fee charged;
6. The full name, residence address, telephone number, and driver's license number or other form of identification of the person pawning or pledging or selling the goods, article, or thing, together with a particular description, including the height, weight, date of birth, race, gender, hair and eye color, and any other identifying marks, of such person;

7. Verification of the identification by the exhibition of a government-issued identification card bearing a photograph of the person pawning, pledging, or selling the goods, article, or thing, such as a driver's license or military identification card. The record shall contain the type of identification exhibited, the issuing agency, and the number thereon;

8. A digital image of the form of identification used by the person involved in the transaction, *unless the form of identification used is a United States military issued identification or other form of identification included under 18 U.S.C. § 701, in which case the person involved in the transaction shall be required to present an alternate government-issued identification card bearing a photograph of such person or the pawnbroker shall be required to take a photograph of the person involved in the transaction;*

9. As to loans, the terms and conditions of the loan, including the period for which any such loan may be made; and

10. All other facts and circumstances respecting such loan or purchase.

B. A pawnbroker may maintain at his place of business an electronic record of each transaction involving goods, articles, or things pawned or pledged or purchased. If maintained electronically, a pawnbroker shall retain the electronic records for at least one year after the date of the transaction and make such electronic records available to any duly authorized law-enforcement officer upon request.

C. For each loan or transaction, a pawnbroker may charge a service fee for making the daily electronic reports to the appropriate law-enforcement officers required by § 54.1-4010, creating and maintaining the electronic records required under this section, and investigating the legal title to property being pawned or pledged or purchased. Such fee shall not exceed five percent of the amount loaned on such item or paid by the pawnbroker for such item or \$3, whichever is less. Any person, firm, or corporation violating any of the provisions of this section is guilty of a Class 4 misdemeanor.

D. No goods, article, or thing shall be pawned or pledged or received on account of money loaned or purchased for resale if the original serial number affixed to the goods, article, or thing has been removed, defaced, or altered.

E. The Superintendent of State Police shall promulgate regulations specifying the nature of the particular description for the purposes of subdivision A 6.

The Superintendent of State Police shall promulgate regulations specifying the nature of identifying credentials of the person pawning, pledging, or selling the goods, article, or thing. Such credentials shall be examined by the pawnbroker, and an appropriate record retained thereof.

**CHAPTER 218**

*An Act to amend and reenact § 2.2-1617 of the Code of Virginia, relating to the one-stop small business permitting program.*

[H 237]

Approved March 9, 2018

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

**1. That § 2.2-1617 of the Code of Virginia is amended and reenacted as follows:**

**§ 2.2-1617. One-stop small business permitting program.**

A. As used in this article, unless the context requires a different meaning:

"Business Permitting Center" or "Center" means the business registration and permitting center established by this section and located in and under the administrative control of the Department.

"Comprehensive application" means a document incorporating pertinent data from existing applications for permits covered under this section.

"Comprehensive permit" means the single document designed for public display issued by the Business Permitting Center that certifies state agency permit approval and that incorporates the endorsements for individual permits included in the comprehensive permitting program.

"Comprehensive permitting program" or "Program" means the mechanism by which comprehensive permits are issued and renewed, permit and regulatory information is disseminated, and account data is exchanged by state agencies.

"Permit" means the whole or part of any state agency permit, license, certificate, approval, registration, charter, or any form or permission required by law, to engage in activity associated with or involving the establishment of a small business in the Commonwealth.

"Permit information packet" means a collection of information about permitting requirements and application procedures custom assembled for each request.

"Regulatory" means all permitting and other governmental or statutory requirements establishing a small business or professional activities associated with establishing a small business.

"Regulatory agency" means any state agency, board, commission, or division that regulates one or more professions, occupations, industries, businesses, or activities.

"Renewal application" means a document used to collect pertinent data for renewal of permits covered under this section.

"Small business" means an independently owned and operated business that, together with affiliates, has 250 or fewer employees or average annual gross receipts of \$10 million or less averaged over the previous three years.

"Veteran" means an individual who has served in the active military, naval, or air service and who was discharged or released therefrom under conditions other than dishonorable.

B. There is created within the Department the comprehensive permitting program (the Program). The Program is established to serve as a single access point to aid entrepreneurs in filling out the various permit applications associated with establishing a small business in Virginia. The Program in no way supersedes or supplants any regulatory authority granted to any state agency with permits covered by this section. As part of the Program, the Department shall coordinate with the regulatory agency, and the regulatory agency shall determine, consistent with applicable law, what types of permits are appropriate for inclusion in the Program as well as the rules governing the submission of and payment for those permits. The website of the Department shall provide access to information regarding the Program. The Department shall have the power and duty to:

1. Create a comprehensive application that will allow an entrepreneur, or an agent thereof, seeking to establish a small business, to create accounts that will allow them to acquire the appropriate permits required in the Commonwealth. The comprehensive application shall:

a. Allow the business owner to choose a business type and to provide common information, such as name, address, and telephone number, on the front page, eliminating the need to repeatedly provide common information on each permit application;

b. Allow the business owner to preview and answer questions related to the operation of the business;

c. Provide business owners with a customized to-do agency checklist, which checklist shall provide the permit applications pertinent to each business type and provide the rules, regulations, and general laws applicable to each business type as well as local licensing information;

d. Allow the business owner to submit permit applications by electronic means as authorized by § 59.1-496 and to affix thereto his electronic signature as defined in § 59.1-480;

e. Allow the business owner to check on the status of applications online and to receive information from the permitting agencies electronically; and

f. Allow a business owner to submit electronic payment of application or permitting fees for applications that have been accepted by the permitting agency.

2. Develop and administer a computerized system program capable of storing, retrieving, and exchanging permit information while protecting the confidentiality of information submitted to the Department to the extent allowable by law. Information submitted to the Department shall be subject to the provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.) as the same would apply were the information submitted directly to the Department or to any permitting agency.

3. Issue and renew comprehensive permits in an efficient manner.

4. Identify the types of permits appropriate for inclusion in the Program. The Department shall coordinate with the regulatory agency, and the regulatory agency shall determine, consistent with applicable law, what types of permits are appropriate for inclusion in the Program.

5. Incorporate permits into the Program.

6. Do all acts necessary or convenient to carry out the purposes of this chapter.

C. The Business Permitting Center shall compile information regarding the regulatory programs associated with each of the permits obtainable under the Program. This information shall include, at a minimum, a listing of the statutes and administrative rules requiring the permits and pertaining to the regulatory programs that are directly related to the permit. The Center shall provide information governed by this section to any person requesting it. Materials used by the Center to describe the services provided by the Center shall indicate that this information is available upon request.

D. Each state agency shall cooperate and provide reasonable assistance to the Department in the implementation of this section.

E. The State Corporation Commission and the Department of Small Business and Supplier Diversity shall:

~~1. By December 1, 2014, implement a hyperlink from the State Corporation Commission's eFile system to the Center that will facilitate the collection by the Center of a user's information to populate any forms that will be required to be completed at a future date, to the end that the user will not be required unnecessarily to reenter data or information into the forms when the user is accessing the Center; and~~

~~2. By June 30, 2018, fully integrate by January 1, 2020, establish one or more processes and forms into the Center and shall process all forms within 48 business hours from the time the applicant submits the form by which data or information relevant to the Program can be collected and exchanged electronically.~~

~~The State Corporation Commission and the Center shall report on progress and any barriers to completion of the provisions of subdivision 1 biannually, on each December 1 and June 1, to the Governor, the Secretary of Commerce and Trade, the Secretary of Technology, and the chairs of the Senate Committees on Finance, General Laws and Technology, and Commerce and Labor and of the House Committees on Appropriations and Commerce and Labor.~~

F. Any person requiring permits that have been incorporated into the Program may submit a comprehensive application to the Department requesting the issuance of the permits. The comprehensive application form shall contain in consolidated form information necessary for the issuance of the permits.

G. The applicant, if not a veteran, shall include with the application the handling fee established by the Department. An applicant who is a veteran shall be exempt from payment of the handling fee prescribed by this subsection. The amount of the handling fee assessed against the applicant shall be set by the Department at a level necessary to cover the costs of administering the comprehensive permitting program.

H. The authority for approving the issuance and renewal of any requested permit that requires investigation, inspection, testing, or other judgmental review by the regulatory agency otherwise legally authorized to issue the permit shall remain with that agency. The Center may issue those permits for which proper fee payment and a completed application form have been received and for which no approval action is required by the regulatory agency.

I. Upon receipt of the application, and proper fee payment for any permit for which issuance is subject to regulatory agency action under subsection H, the Department shall immediately notify the State Corporation Commission or the regulatory agency with authority to approve the permit issuance or renewal requested by the applicant. The State Corporation Commission or the regulatory agency shall advise the Department within a reasonable time after receiving the notice of one of the following:

1. That the State Corporation Commission or the regulatory agency approves the issuance of the requested permit and will advise the applicant of any specific conditions required for issuing the permit;
2. That the State Corporation Commission or the regulatory agency denies the issuance of the permit and gives the applicant reasons for the denial;
3. That the application is pending; or
4. That the application is incomplete and further information from or action by the applicant is necessary.

J. The Department shall issue a comprehensive permit endorsed for all the approved permits to the applicant and advise the applicant of the status of other requested permits. The applicant shall be responsible for contesting any decision regarding conditions imposed or permits denied through the normal process established by statute or by the State Corporation Commission or the regulatory agency with the authority for approving the issuance of the permit.

K. Regulatory agencies shall be provided information from the comprehensive application for their permitting and regulatory functions.

L. The Department shall be responsible for directing the applicant to make all payments for applicable fees established by the regulatory agency directly to the proper agency.

M. There is hereby created in the state treasury a special nonreverting fund to be known as the Comprehensive Permitting Fund, hereafter referred to as "the Fund." The Fund shall be established on the books of the Comptroller. The Fund shall consist of all moneys collected from the handling fee established by the Department pursuant to subsection G and such other funds as may be appropriated by the General Assembly. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used solely to administer the Program. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the Director of the Department.

N. Unless otherwise directed by the regulatory agency, the Department shall not issue or renew a comprehensive permit to any person under any of the following circumstances:

1. The person does not have a valid tax registration, if required;
2. The person is a corporation, limited liability company, business trust, limited partnership, or registered limited liability partnership that (i) is delinquent in the payment of fees or penalties collected by the State Corporation Commission pursuant to the business entity statutes it administers, (ii) does not exist, or (iii) is not authorized to transact business in the Commonwealth pursuant to one of the business entity statutes administered by the State Corporation Commission; or
3. The person has not submitted the sum of all fees and deposits required for the requested individual permit endorsements, any outstanding comprehensive permit delinquency fee, or other fees and penalties to be collected through the comprehensive permitting program.

O. The Department may adopt regulations in accordance with § 2.2-1606 as may be necessary to carry out the purposes of this section.

## CHAPTER 219

*An Act to amend and reenact § 54.1-700 of the Code of Virginia, relating to professions and occupations; hair braiding.*

[H 555]

Approved March 9, 2018

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

**1. That § 54.1-700 of the Code of Virginia is amended and reenacted as follows:**

**§ 54.1-700. Definitions.**

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

"Barber" means any person who shaves, shapes or trims the beard; cuts, singes, shampoos or dyes the hair or applies lotions thereto; applies, treats or massages the face, neck or scalp with oils, creams, lotions, cosmetics, antiseptics, powders, clays or other preparations in connection with shaving, cutting or trimming the hair or beard, and practices barbering for compensation and when such services are not performed for the treatment of disease.

"Barbering" means any one or any combination of the following acts, when done on the human body for compensation and not for the treatment of disease, shaving, shaping and trimming the beard; cutting, singeing, shampooing or dyeing the hair or applying lotions thereto; applications, treatment or massages of the face, neck or scalp with oils, creams, lotions,

cosmetics, antiseptics, powders, clays, or other preparations in connection with shaving, cutting or trimming the hair or a beard. The term "barbering" shall not apply to the acts described hereinabove when performed by any person in his home if such service is not offered to the public.

"Barber instructor" means any person who has been certified by the Board as having completed an approved curriculum and who meets the competency standards of the Board as an instructor of barbering.

"Barbershop" means any establishment or place of business within which the practice of barbering is engaged in or carried on by one or more barbers.

"Board" means the Board for Barbers and Cosmetology.

"Body-piercer" means any person who for remuneration penetrates the skin of a person to make a hole, mark, or scar, generally permanent in nature.

"Body-piercing" means the act of penetrating the skin of a person to make a hole, mark, or scar, generally permanent in nature.

"Body-piercing salon" means any place in which a fee is charged for the act of penetrating the skin of a person to make a hole, mark, or scar, generally permanent in nature.

"Body-piercing school" means a place or establishment licensed by the Board to accept and train students in body-piercing.

"Cosmetologist" means any person who administers cosmetic treatments; manicures or pedicures the nails of any person; arranges, dresses, curls, waves, cleanses, cuts, shapes, sings, waxes, tweezes, shaves, bleaches, colors, relaxes, straightens, or performs similar work, upon human hair, or a wig or hairpiece, by any means, including hands or mechanical or electrical apparatus or appliances unless such acts as adjusting, combing, or brushing prestyled wigs or hairpieces do not alter the prestyled nature of the wig or hairpiece, and practices cosmetology for compensation. *The term "cosmetologist" shall not include hair braiding upon human hair, or a wig or hairpiece.*

"Cosmetology" includes, but is not limited to, the following practices: administering cosmetic treatments; manicuring or pedicuring the nails of any person; arranging, dressing, curling, waving, cleansing, cutting, shaping, singeing, waxing, tweezing, shaving, bleaching, coloring, relaxing, straightening, or similar work, upon human hair, or a wig or hairpiece, by any means, including hands or mechanical or electrical apparatus or appliances, but shall not include hair braiding *upon human hair, or a wig or hairpiece*, or such acts as adjusting, combing, or brushing prestyled wigs or hairpieces when such acts do not alter the prestyled nature of the wig or hairpiece.

"Cosmetology instructor" means a person who has been certified by the Board as having completed an approved curriculum and who meets the competency standards of the Board as an instructor of cosmetology.

"Cosmetology salon" means any commercial establishment, residence, vehicle or other establishment, place or event wherein cosmetology is offered or practiced on a regular basis for compensation and may include the training of apprentices under regulations of the Board.

"Esthetician" means a person who engages in the practice of esthetics for compensation.

"Esthetics" includes, but is not limited to, the following practices of administering cosmetic treatments to enhance or improve the appearance of the skin: cleansing, toning, performing effleurage or other related movements, stimulating, exfoliating, or performing any other similar procedure on the skin of the human body or scalp by means of cosmetic preparations, treatments, or any nonlaser device, whether by electrical, mechanical, or manual means, for care of the skin; applying make-up or eyelashes to any person, tinting or perming eyelashes and eyebrows, and lightening hair on the body except the scalp; and removing unwanted hair from the body of any person by the use of any nonlaser device, by tweezing, or by use of chemical or mechanical means. However, "esthetics" is not a healing art and shall not include any practice, activity, or treatment that constitutes the practice of medicine, osteopathic medicine, or chiropractic. The terms "healing arts," "practice of medicine," "practice of osteopathic medicine," and "practice of chiropractic" shall mean the same as those terms are defined in § 54.1-2900.

"Esthetics instructor" means a licensed esthetician who has been certified by the Board as having completed an approved curriculum and who meets the competency standards of the Board as an instructor of esthetics.

"Esthetics spa" means any commercial establishment, residence, vehicle, or other establishment, place, or event wherein esthetics is offered or practiced on a regular basis for compensation under regulations of the Board.

"Master esthetician" means a licensed esthetician who, in addition to the practice of esthetics, offers to the public for compensation, without the use of laser technology, lymphatic drainage, chemical exfoliation, or microdermabrasion, and who has met such additional requirements as determined by the Board to practice lymphatic drainage, chemical exfoliation with products other than Schedules II through VI controlled substances as defined in the Drug Control Act (§ 54.1-3400 et seq.), and microdermabrasion of the epidermis.

"Nail care" means manicuring or pedicuring natural nails or performing artificial nail services.

"Nail salon" means any commercial establishment, residence, vehicle or other establishment, place or event wherein nail care is offered or practiced on a regular basis for compensation and may include the training of apprentices under regulations of the Board.

"Nail school" means a place or establishment licensed by the board to accept and train students in nail care.

"Nail technician" means any person who for compensation manicures or pedicures natural nails, or who performs artificial nail services for compensation, or any combination thereof.

"Nail technician instructor" means a licensed nail technician who has been certified by the Board as having completed an approved curriculum and who meets the competency standards of the Board as an instructor of nail care.

"Physical (wax) depilatory" means the wax depilatory product or substance used to remove superfluous hair.

"School of cosmetology" means a place or establishment licensed by the Board to accept and train students and which offers a cosmetology curriculum approved by the Board.

"School of esthetics" means a place or establishment licensed by the Board to accept and train students and which offers an esthetics curriculum approved by the Board.

"Tattoo parlor" means any place in which tattooing is offered or practiced.

"Tattoo school" means a place or establishment licensed by the Board to accept and train students in tattooing.

"Tattooer" means any person who for remuneration practices tattooing.

"Tattooing" means the placing of designs, letters, scrolls, figures, symbols or any other marks upon or under the skin of any person with ink or any other substance, resulting in the permanent coloration of the skin, including permanent make-up or permanent jewelry, by the aid of needles or any other instrument designed to touch or puncture the skin.

"Wax technician" means any person licensed by the Board who removes hair from the hair follicle using a physical (wax) depilatory or by tweezing.

"Wax technician instructor" means a licensed wax technician who has been certified by the Board as having completed an approved curriculum and who meets the competency standards of the Board as an instructor of waxing.

"Waxing" means the temporary removal of superfluous hair from the hair follicle on any area of the human body through the use of a physical (wax) depilatory or by tweezing.

"Waxing salon" means any commercial establishment, residence, vehicle or other establishment, place or event wherein waxing is offered or practiced on a regular basis for compensation and may include the training of apprentices under regulations of the Board.

"Waxing school" means a place or establishment licensed by the Board to accept and train students in waxing.

## CHAPTER 220

*An Act to amend and reenact §§ 55-225.47 and 55-248.34:1 of the Code of Virginia, relating to landlord and tenant law; notice requirements; landlord's acceptance of rent with reservation.*

[H 855]

Approved March 9, 2018

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

**1. That §§ 55-225.47 and 55-248.34:1 of the Code of Virginia are amended and reenacted as follows:**

**§ 55-225.47. Landlord's acceptance of rent with reservation.**

A. ~~Provided that the landlord has given written notice to the tenant that the rent will be accepted with reservation, the~~ The landlord may accept full or partial payment of all rent and receive an order of possession from a court of competent jurisdiction pursuant to an unlawful detainer action filed under Article 13 (§ 8.01-124 et seq.) of Chapter 3 of Title 8.01 and proceed with eviction under § 55-225.41, ~~provided that the landlord has stated in a written notice to the tenant that any and all amounts owed to the landlord by the tenant, including payment of any rent, damages, money judgment, award of attorney fees, and court costs, would be accepted with reservation and would not constitute a waiver of the landlord's right to evict the tenant from the dwelling unit.~~ Such notice ~~shall~~ may be included in a written termination notice given by the landlord to the tenant in accordance with § 55-225.43 ~~or in a separate written notice given by the landlord to the tenant within five business days of receipt of the rent, and if so included, nothing herein shall be construed by a court of law or otherwise as requiring such landlord to give the tenant subsequent written notice.~~ ~~Unless the landlord has given such notice in a termination notice in accordance with § 55-225.43, the landlord shall continue to give a separate written notice to the tenant within five business days of receipt of the rent that the landlord continues to accept the rent with reservation in accordance with this section until such time as the violation alleged in the termination notice has been remedied or the matter has been adjudicated in a court of competent jurisdiction.~~ If the dwelling unit is a public housing unit or other housing unit subject to regulation by the Department of Housing and Urban Development, ~~the landlord shall be deemed to have accepted rent with reservation pursuant to this subsection if the landlord gives the tenant the written notice required herein for the portion of the rent paid by the tenant nothing herein shall be construed to require that written notice be given to any public agency paying a portion of the rent under the rental agreement. If a landlord enters into a new written rental agreement with the tenant prior to eviction, an order of possession obtained prior to the entry of such new rental agreement is not enforceable.~~

B. ~~Subsequent to the entry of an order of possession by a court of competent jurisdiction but prior to eviction pursuant to § 55-225.41, the landlord may accept all amounts owed to the landlord by the tenant, including full payment of any money judgment, award of attorney fees, and court costs, and all subsequent rents that may be paid prior to eviction, and proceed with eviction, provided that the landlord has given the tenant written notice that any such payment would be accepted with reservation and would not constitute a waiver of the landlord's right to evict the tenant from the dwelling unit. However, if a landlord enters into a new written rental agreement with the tenant prior to eviction, an order of possession obtained prior to the entry of such new rental agreement is not enforceable. Such notice shall be given in a separate written notice given by the landlord within five business days of receipt of payment of such money judgment, attorney fees and~~

court costs, and all subsequent rents that may be paid prior to eviction. If the dwelling unit is a public housing unit or other housing unit subject to regulation by the Department of Housing and Urban Development, the landlord shall be deemed to have accepted rent with reservation pursuant to this subsection if the landlord gives the tenant the written notice required herein for the portion of the rent paid by the tenant. Writs of possession in cases of unlawful entry and detainer are otherwise subject to § 8.01-471.

~~C.~~ However, the tenant may pay or present to the court a redemption tender for payment of all rent due and owing as of the return date, including late charges, attorney fees, and court costs, at or before the first return date on an action for unlawful detainer. For purposes of this section, "redemption tender" means a written commitment to pay all rent due and owing as of the return date, including late charges, attorney fees, and court costs, by a local government or nonprofit entity within 10 days of said return date.

~~D. C.~~ If the tenant presents a redemption tender to the court at the return date, the court shall continue the action for unlawful detainer for 10 days following the return date for payment to the landlord of all rent due and owing as of the return date, including late charges, attorney fees, and court costs and dismissal of the action upon such payment. Should the landlord not receive full payment of all rent due and owing as of the return date, including late charges, attorney fees, and court costs, within 10 days of the return date, the court shall, without further evidence, grant to the landlord judgment for all amounts due and immediate possession of the premises.

~~E. D.~~ In cases of unlawful detainer, a tenant may pay the landlord or his attorney or pay into court all (i) rent due and owing as of the court date as contracted for in the rental agreement, (ii) other charges and fees as contracted for in the rental agreement, (iii) late charges contracted for in the rental agreement, (iv) reasonable attorney fees as contracted for in the rental agreement or as provided by law, and (v) costs of the proceeding as provided by law, at which time the unlawful detainer proceeding shall be dismissed. A tenant may invoke the rights granted in this section no more than one time during any 12-month period of continuous residency in the dwelling unit, regardless of the term of the rental agreement or any renewal term thereof.

**§ 55-248.34:1. Landlord's acceptance of rent with reservation.**

~~A. Provided the landlord has given written notice to the tenant that the rent will be accepted with reservation, the~~ The landlord may accept full or partial payment of all rent and receive an order of possession from a court of competent jurisdiction pursuant to an unlawful detainer action filed under Article 13 (§ 8.01-124 et seq.) of Chapter 3 of Title 8.01 and proceed with eviction under § 55-248.38:2, *provided that the landlord has stated in a written notice to the tenant that any and all amounts owed to the landlord by the tenant, including payment of any rent, damages, money judgment, award of attorney fees, and court costs, would be accepted with reservation and would not constitute a waiver of the landlord's right to evict the tenant from the dwelling unit.* Such notice ~~shall~~ may be included in a written termination notice given by the landlord to the tenant in accordance with § 55-248.31 ~~or in a separate written notice given by the landlord to the tenant within five business days of receipt of the rent. Unless the landlord has given such notice in a termination notice in accordance with § 55-248.31, the landlord shall continue to give a separate written notice to the tenant within five business days of receipt of the rent that the landlord continues to accept the rent with reservation in accordance with this section until such time as the violation alleged in the termination notice has been remedied or the matter has been adjudicated in a court of competent jurisdiction, and if so included, nothing herein shall be construed by a court of law or otherwise as requiring such landlord to give the tenant subsequent written notice.~~ If the dwelling unit is a public housing unit or other housing unit subject to regulation by the Department of Housing and Urban Development, ~~the landlord shall be deemed to have accepted rent with reservation pursuant to this subsection if the landlord gives the tenant the written notice required herein for the portion of the rent paid by the tenant nothing herein shall be construed to require that written notice be given to any public agency paying a portion of the rent under the rental agreement. If a landlord enters into a new written rental agreement with the tenant prior to eviction, an order of possession obtained prior to the entry of such new rental agreement is not enforceable.~~

~~B. Subsequent to the entry of an order of possession by a court of competent jurisdiction but prior to eviction pursuant to § 55-248.38:2, the landlord may accept all amounts owed to the landlord by the tenant, including full payment of any money judgment, award of attorney fees and court costs, and all subsequent rents that may be paid prior to eviction, and proceed with eviction provided that the landlord has given the tenant written notice that any such payment would be accepted with reservation and would not constitute a waiver of the landlord's right to evict the tenant from the dwelling unit. However, if a landlord enters into a new written rental agreement with the tenant prior to eviction, an order of possession obtained prior to the entry of such new rental agreement is not enforceable. Such notice shall be given in a separate written notice given by the landlord within five business days of receipt of payment of such money judgment, attorney fees and court costs, and all subsequent rents that may be paid prior to eviction. If the dwelling unit is a public housing unit or other housing unit subject to regulation by the Department of Housing and Urban Development, the landlord shall be deemed to have accepted rent with reservation pursuant to this subsection if the landlord gives the tenant the written notice required herein for the portion of the rent paid by the tenant. Writs of possession in cases of unlawful entry and detainer are otherwise subject to § 8.01-471.~~

~~C.~~ However, the tenant may pay or present to the court a redemption tender for payment of all rent due and owing as of the return date, including late charges, attorney fees and court costs, at or before the first return date on an action for unlawful detainer. For purposes of this section, "redemption tender" means a written commitment to pay all rent due and

owing as of the return date, including late charges, attorney fees, and court costs, by a local government or nonprofit entity within 10 days of said return date.

~~D.~~ C. If the tenant presents a redemption tender to the court at the return date, the court shall continue the action for unlawful detainer for 10 days following the return date for payment to the landlord of all rent due and owing as of the return date, including late charges, attorney fees, and court costs and dismissal of the action upon such payment. Should the landlord not receive full payment of all rent due and owing as of the return date, including late charges, attorney fees, and court costs, within 10 days of the return date, the court shall, without further evidence, grant to the landlord judgment for all amounts due and immediate possession of the premises.

~~E.~~ D. In cases of unlawful detainer, a tenant may pay the landlord or his attorney or pay into court all (i) rent due and owing as of the court date as contracted for in the rental agreement, (ii) other charges and fees as contracted for in the rental agreement, (iii) late charges contracted for in the rental agreement, (iv) reasonable attorney fees as contracted for in the rental agreement or as provided by law, and (v) costs of the proceeding as provided by law, at which time the unlawful detainer proceeding shall be dismissed. A tenant may invoke the rights granted in this section no more than one time during any 12-month period of continuous residency in the dwelling unit, regardless of the term of the rental agreement or any renewal term thereof.

**CHAPTER 221**

*An Act to amend and reenact §§ 55-222, 55-225, 55-225.01, 55-225.4, 55-225.6, 55-225.7, 55-225.10, 55-225.19, 55-225.24, 55-225.26, 55-225.30, 55-246.1, 55-248.3:1, 55-248.7:2, 55-248.9:1, 55-248.13:3, 55-248.15:1, and 55-248.16 of the Code of Virginia and to amend the Code of Virginia by adding sections numbered 55-225.12:1, 55-225.13:1, 55-225.22:1, 55-225.49, 55-225.50, and 55-248.21:3, relating to landlord and tenant law.*

[H 857]

Approved March 9, 2018

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

**1. That §§ 55-222, 55-225, 55-225.01, 55-225.4, 55-225.6, 55-225.7, 55-225.10, 55-225.19, 55-225.24, 55-225.26, 55-225.30, 55-246.1, 55-248.3:1, 55-248.7:2, 55-248.9:1, 55-248.13:3, 55-248.15:1, and 55-248.16 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding sections numbered 55-225.12:1, 55-225.13:1, 55-225.22:1, 55-225.49, 55-225.50, and 55-248.21:3 as follows:**

**§ 55-222. Notice to terminate a tenancy in nonresidential premises; notice of change in use of multifamily residential building.**

A. A tenancy in a nonresidential premises from year to year may be terminated by either party giving three months' notice, in writing, prior to the end of any year of the tenancy, of his intention to terminate the same. A tenancy from month to month may be terminated by either party giving 30 days' notice in writing, prior to the next rent due date, of his intention to terminate the same, unless the rental agreement provides for a different notice period. Written notice of termination shall be given in accordance with this chapter or the lease agreement.

B. In addition to the termination rights set forth in subsection A, and notwithstanding the terms of the lease, the landlord may terminate ~~the a lease agreement in a multifamily residential building~~ due to rehabilitation or a change in the use of all or any part of ~~a such building containing that contains~~ at least four residential units, upon 120 days' prior written notice to the tenant. Changes in use shall include but not be limited to conversion to hotel, motel, apartment hotel or other commercial use, planned unit development, substantial rehabilitation, demolition or sale to a contract purchaser requiring an empty building. This 120-day notice requirement shall not be waived except in the case of a tenancy from month to month, which may be terminated by the landlord by giving the tenant 30 days' written notice prior to the next rent due date of the landlord's intention to terminate the tenancy.

The written notice required by this section to terminate a tenancy shall not be contained in the rental agreement or lease, but shall be a separate writing.

**§ 55-225. Failure to pay certain rents after five days' notice forfeits right of possession.**

If any tenant or lessee of ~~commercial or other nonresidential premises in a city or town, or in any subdivision of suburban and other lands divided into building lots for residential purposes, or of premises anywhere used for residential purposes, and not for farming or agriculture,~~ being in default in the payment of rent, shall so continue for five days after notice, in writing, requiring possession of the premises or the payment of rent, such tenant or lessee shall thereby forfeit his right to the possession. In such case, the possession of the defendant may, at the option of the landlord or lessor, be deemed unlawful, and he may proceed to recover ~~in the same manner provided by Article 13 (§ 8.01-124 et seq.) of Chapter 3 of Title 8.01 possession of the premises.~~

~~Nothing, however, shall be construed to prohibit a landlord from seeking an award of costs or attorney's fees under § 8.01-27.1 or civil recovery under § 8.01-27.2 as part of the damages requested on an unlawful detainer action filed pursuant to § 8.01-126 provided the landlord has given notice, which notice may be included in a five-day termination notice provided in accordance with this section. The right to evict a tenant whose right of possession has been terminated in any commercial or other nonresidential tenancy under this chapter may be effectuated by self-help eviction without further legal process so long as such eviction does not incite a breach of the peace. However, nothing herein shall be construed to~~

*preclude termination of any commercial or other nonresidential tenancy by the filing of an unlawful detainer action as provided by Article 13 (§ 8.01-124 et seq.) of Chapter 3 of Title 8.01, entry of an order of possession, and eviction pursuant to § 55-237.1. Notices for failure to pay rent for residential dwelling units under this chapter shall be in accordance with § 55-225.43.*

**§ 55-225.01. Sections applicable only to certain residential tenancies.**

A. Residential tenancies. The Virginia Residential Landlord and Tenant Act (§ 55-248.2 et seq.) shall apply to occupancy in any single-family residential dwelling unit and any multifamily dwelling unit located in Virginia unless exempted pursuant to the provisions of this section. *Occupancy in a public housing unit or other housing unit that is a residential dwelling unit is subject to this chapter; however, if the provisions of this chapter are inconsistent with the regulations of the Department of Housing and Urban Development, such regulations shall control.*

B. Exempt residential dwelling units.

1. Where the landlord is a natural person, an estate, or a legal entity that owns no more than two single-family residential dwelling units in its own name subject to a rental agreement, such landlord may opt out of the Virginia Residential Landlord and Tenant Act (§ 55-248.2 et seq.) by so stating in a rental agreement with a tenant. Such residential dwelling units shall be exempt from the Virginia Residential Landlord and Tenant Act (§ 55-248.2 et seq.), and the provisions of §§ 55-225.01 through 55-225.48 shall be applicable.

2. Where occupancy is under a contract of sale of a dwelling unit or the property of which it is a part, if the occupant is the purchaser or a person who succeeds to his interest, ~~the provisions of this chapter shall apply.~~

C. Tenancies and occupancies that are not residential tenancies. The following occupancies are not residential tenancies under this chapter:

1. Residence at a public or private institution, if incidental to detention or the provision of medical, geriatric, educational, counseling, religious, or similar services;

2. Occupancy by a member of a fraternal or social organization in the portion of a structure operated for the benefit of the organization;

3. Occupancy by an owner of a condominium unit or a holder of a proprietary lease in a cooperative;

4. Occupancy in a campground as defined in § 35.1-1;

5. Occupancy by a tenant who is not required to pay rent pursuant to a rental agreement; *or*

6. Occupancy by an employee of a landlord whose right to occupancy in a multifamily dwelling unit is conditioned upon employment in and about the premises or a former employee whose occupancy continues less than 60 days; ~~or~~

~~7. Occupancy in a public housing unit or other housing unit subject to regulation by the Department of Housing and Urban Development if the provisions of this chapter are inconsistent with the regulations of the Department of Housing and Urban Development.~~

D. Occupancy in hotel, motel, and extended stay facility.

1. A guest who is an occupant of a hotel, motel, extended stay facility, vacation residential facility, including those governed by the Virginia Real Estate Time-Share Act (§ 55-360 et seq.), boardinghouse, or similar transient lodging shall not be construed to be a tenant living in a dwelling unit if such person does not reside in such lodging as his primary residence. Such guest shall be exempt from this chapter, and the innkeeper or property owner, or his agent, shall have the right to use self-help eviction under Virginia law, without the necessity of the filing of an unlawful detainer action in a court of competent jurisdiction and the execution of a writ of possession issued pursuant to such action, which would otherwise be required under this chapter.

2. A hotel, motel, extended stay facility, vacation residential facility, boardinghouse, or similar transient lodging shall be exempt from the provisions of this chapter if overnight sleeping accommodations are furnished to a person for consideration if such person does not reside in such lodging as his primary residence.

3. If a person resides in a hotel, motel, extended stay facility, vacation residential facility, including those governed by the Virginia Real Estate Time-Share Act (§ 55-360 et seq.), boardinghouse, or similar transient lodging as his primary residence for fewer than 90 consecutive days, such lodging shall not be subject to the provisions of this chapter. However, the owner of such lodging establishment shall give a five-day written notice of nonpayment to a person residing in such lodging and, upon the expiration of the five-day period specified in the notice, may exercise self-help eviction if payment in full has not been received.

4. If a person resides in a hotel, motel, extended stay facility, vacation residential facility, including those governed by the Virginia Real Estate Time-Share Act (§ 55-360 et seq.), boardinghouse, or similar transient lodging as his primary residence for more than 90 consecutive days or is subject to a written lease for more than 90 days, such lodging shall be subject to the provisions of this chapter.

**§ 55-225.4. Tenant to maintain dwelling unit.**

A. In addition to the provisions of the rental agreement, the tenant shall:

1. Comply with all obligations primarily imposed upon tenants by applicable provisions of building and housing codes materially affecting health and safety;

2. Keep that part of the premises that he occupies and uses as clean and safe as the condition of the premises permit;

3. Keep that part of the dwelling unit and the part of the premises that he occupies free from insects and pests, as those terms are defined in § 3.2-3900, and promptly notify the landlord of the existence of any insects or pests;

4. Remove from his dwelling unit all ashes, garbage, rubbish, and other waste in a clean and safe manner and in the appropriate receptacles provided by the landlord;
5. Keep all plumbing fixtures in the dwelling unit or used by the tenant as clean as their condition permits;
6. Use in a reasonable manner all electrical, plumbing, sanitary, heating, ventilating, air-conditioning and other facilities and appliances, including an elevator in a multifamily premises, and keep all utility services paid for by the tenant to the utility service provider or its agent on at all times during the term of the rental agreement;
7. Not deliberately or negligently destroy, deface, damage, impair or remove any part of the premises or permit any person to do so whether known by the tenant or not;
8. Not remove or tamper with a properly functioning smoke detector, including removing any working batteries, so as to render the smoke detector inoperative, and shall maintain such smoke detector in accordance with the uniform set of standards for maintenance of smoke detectors established in the Uniform Statewide Building Code (§ 36-97 et seq.);
9. Use reasonable efforts to maintain the dwelling unit and any other part of the premises that he occupies in such a condition as to prevent accumulation of moisture and the growth of mold and to promptly notify the landlord of any moisture accumulation that occurs or of any visible evidence of mold discovered by the tenant;
10. Not paint or disturb painted surfaces, or make alterations in the dwelling unit, without the prior written approval of the landlord, provided that (i) the dwelling unit was constructed prior to 1978 and therefore requires the landlord to provide the tenant with lead-based paint disclosures and (ii) the landlord has provided the tenant with such disclosures and the rental agreement provides that the tenant is required to obtain the landlord's prior written approval before painting, disturbing painted surfaces, or making alterations in the dwelling unit;
11. Be responsible for his conduct and the conduct of other persons on the premises with his consent whether known by the tenant or not, to ensure that his neighbors' peaceful enjoyment of the premises will not be disturbed; ~~and~~
12. Abide by all reasonable rules and regulations imposed by the landlord;
13. *Be financially responsible for the added cost of treatment or extermination due to the tenant's unreasonable delay in reporting the existence of any insects or pests and be financially responsible for the cost of treatment or extermination due to the tenant's fault in failing to prevent infestation of any insects or pests in the area occupied; and*
14. *Use reasonable care to prevent any dog or other animal in possession of the tenant, authorized occupants, or guests or invitees from causing personal injuries to a third party in the dwelling unit or on the premises, or property damage to the dwelling unit or the premises.*

B. If the duty imposed by subdivision A 1 is greater than any duty imposed by any other subdivision of that subsection, the tenant's duty shall be determined by reference to subdivision A 1.

**§ 55-225.6. Inspection of dwelling unit.**

The landlord shall, ~~unless the rental agreement provides otherwise~~, within five days after occupancy of a dwelling unit, submit a written report to the tenant, for his safekeeping, itemizing damages to the dwelling unit existing at the time of occupancy, which record shall be deemed correct unless the tenant objects thereto in writing within five days after receipt thereof. The landlord may adopt a written policy allowing the tenant to prepare the written report of the move-in inspection, in which case the tenant shall submit a copy to the landlord, which record shall be deemed correct unless the landlord objects thereto in writing within five days after receipt thereof. Such written policy adopted by the landlord may also provide for the landlord and the tenant to prepare the written report of the move-in inspection jointly, in which case both the landlord and the tenant shall sign the written report and receive a copy thereof, at which time the inspection record shall be deemed correct.

**§ 55-225.7. Disclosure of mold in dwelling units.**

As part of ~~any~~ the written report of the move-in inspection pursuant to § 55-225.6, the landlord may disclose whether there is any visible evidence of mold in areas readily accessible within the interior of the dwelling unit. If the landlord's written disclosure states that there is no visible evidence of mold in the dwelling unit, this written statement shall be deemed correct unless the tenant objects thereto in writing within five days after receiving the report. If the landlord's written disclosure states that there is visible evidence of mold in the dwelling unit, the tenant shall have the option to terminate the tenancy and not take possession or remain in possession of the dwelling unit. If the tenant requests to take possession, or remain in possession of the dwelling unit, notwithstanding the presence of visible evidence of mold, the landlord shall promptly remediate the mold condition but in no event later than five business days thereafter and reinspect the dwelling unit to confirm there is no visible evidence of mold in the dwelling unit and reflect on a new report that there is no visible evidence of mold in the dwelling unit upon reinspection.

**§ 55-225.10. Notice to tenant in event of foreclosure.**

A. The landlord of a dwelling unit ~~subject to this chapter~~ *used as a single-family residence as defined in § 55-225.02* shall give written notice to the tenant or any prospective tenant of such dwelling unit that the landlord has received a notice of a mortgage default, mortgage acceleration, or foreclosure sale relative to the loan on the dwelling unit within five business days after written notice from the lender is received by the landlord. This requirement shall not apply (i) to any managing agent who does not receive a copy of such written notice from the lender or (ii) if the tenant or prospective tenant provides a copy of the written notice from the lender to the landlord or the managing agent.

B. If the landlord fails to provide the notice required by this section, the tenant shall have the right to terminate the rental agreement upon written notice to the landlord at least five business days prior to the effective date of termination. If

the tenant terminates the rental agreement, the landlord shall make disposition of the tenant's security deposit in accordance with law or the provisions of the rental agreement, whichever is applicable.

C. If there is in effect at the date of the foreclosure sale a tenant in a residential dwelling unit foreclosed upon, the foreclosure shall act as a termination of the rental agreement by the owner. In such case, the tenant may remain in possession of such dwelling unit as a month-to-month tenant on the terms of the terminated rental agreement until the successor owner gives a notice of termination of such month-to-month tenancy. If the successor owner elects to terminate the month-to-month tenancy, written notice of such termination shall be given in accordance with the rental agreement, or the provisions of § 55-222 or 55-248.6, as applicable.

D. Unless or until the successor owner terminates the month-to-month tenancy, the terms of the terminated rental agreement remain in effect except that the tenant shall make rental payments (i) to the successor owner as directed in a written notice to the tenant in *accordance with* this subsection; (ii) to the managing agent of the owner, if any, or successor owner; or (iii) into a court escrow account pursuant to the provisions of § 55-225.12; however, there is no obligation of a tenant to file a tenant's assertion and pay rent into escrow. Where there is not a managing agent designated in the terminated rental agreement, the tenant shall remain obligated for payment of the rent but shall not be held to be delinquent or assessed a late charge until the successor owner provides written notice identifying the name, address, and telephone number of the party to which the rent should be paid.

E. The successor owner may enter into a new rental agreement with the tenant in the dwelling unit, in which case, upon the commencement date of the new rental agreement, the month-to-month tenancy shall terminate.

**§ 55-225.12:1. Wrongful failure to supply heat, water, hot water, or essential services.**

*A. If contrary to the rental agreement or provisions of this chapter, the landlord willfully or negligently fails to supply heat, running water, hot water, electricity, gas, or other essential service, the tenant must serve a written notice on the landlord specifying the breach if acting under this section and, in such event, and after a reasonable time allowed for the landlord to correct such breach, may:*

- 1. Recover damages based upon the diminution in the fair rental value of the dwelling unit; or*
- 2. Procure reasonable substitute housing during the period of the landlord's noncompliance, in which case the tenant is excused from paying rent for the period of the landlord's noncompliance, as determined by the court.*

*B. If the tenant proceeds under this section, he shall be entitled to recover reasonable attorney fees; however, he may not proceed under § 55-225.13 as to that breach. The rights of the tenant under this section shall not arise until he has given written notice to the landlord; however, no rights arise if the condition was caused by the deliberate or negligent act or omission of the tenant, a member of his family, or other person on the premises with his consent.*

**§ 55-225.13:1. Landlord's noncompliance as defense to action for possession for nonpayment of rent.**

*A. In an action for possession based upon nonpayment of rent or in an action for rent by a landlord when the tenant is in possession, the tenant may assert as a defense that there exists upon the leased premises a condition that constitutes or will constitute a fire hazard or a serious threat to the life, health, or safety of occupants thereof, including but not limited to a lack of heat or running water or of light or of electricity or adequate sewage disposal facilities or an infestation of rodents, or a condition that constitutes material noncompliance on the part of the landlord with the rental agreement or provisions of law. The assertion of any defense provided for in this section shall be conditioned upon the following:*

- 1. Prior to the commencement of the action for rent or possession, the landlord or his agent was served a written notice of the aforesaid condition or conditions by the tenant, or was notified by a violation or condemnation notice from an appropriate state or municipal agency, but the landlord has refused, or having a reasonable opportunity to do so, has failed to remedy the same. For the purposes of this subsection, what period of time shall be deemed to be unreasonable delay is left to the discretion of the court, except that there shall be a rebuttable presumption that a period in excess of 30 days from receipt of the notification by the landlord is unreasonable; and*
- 2. The tenant, if in possession, has paid into court the amount of rent found by the court to be due and unpaid, to be held by the court pending the issuance of an order under subsection C.*

*B. It shall be a sufficient answer to the defense provided for in this section if the landlord establishes that the conditions alleged in the defense do not in fact exist; or such conditions have been removed or remedied; or such conditions have been caused by the tenant or members of the family of such tenant or of his or their guests; or the tenant has unreasonably refused entry by the landlord to the premises for the purposes of correcting such conditions.*

*C. The court shall make findings of fact upon any defense raised under this section or the answer to any defense and, thereafter, shall issue such order as may be required including any one or more of the following:*

- 1. An order to set-off to the tenant as determined by the court in such amount as may be equitable to represent the existence of any condition set forth in subsection A that is found by the court to exist;*
- 2. Terminate the rental agreement or order surrender of the premises to the landlord; or*
- 3. Refer any matter before the court to the proper state or municipal agency for investigation and report and grant a continuance of the action or complaint pending receipt of such investigation and report. When such a continuance is granted, the tenant shall deposit with the court any rents that will become due during the period of continuance, to be held by the court pending its further order, or the court, in its discretion, may use such funds to pay a mortgage on the property in order to stay a foreclosure, to pay a creditor to prevent or satisfy a bill to enforce a mechanic's or materialman's lien, or to remedy any condition set forth in subsection A that is found by the court to exist.*

*D. If it appears that the tenant has raised a defense under this section in bad faith or has caused the violation or has unreasonably refused entry to the landlord for the purpose of correcting the condition giving rise to the violation, the court, in its discretion, may impose upon the tenant the reasonable costs of the landlord, including court costs, the costs of repair where the court finds the tenant has caused the violation, and reasonable attorney fees.*

**§ 55-225.19. Security deposits.**

A. ~~Unless the rental agreement provides otherwise, a~~ A landlord may not demand or receive a security deposit, however denominated, in an amount or value in excess of two months' periodic rent. Upon termination of the tenancy, such security deposit, whether it is property or money held by the landlord as security as hereinafter provided, may be applied solely by the landlord (i) to the payment of accrued rent and including the reasonable charges for late payment of rent specified in the rental agreement; (ii) to the payment of the amount of damages which the landlord has suffered by reason of the tenant's noncompliance with § 55-225.4, less reasonable wear and tear; ~~or~~ (iii) to other damages or charges as provided in the rental agreement; *or (iv) to actual damages for breach of the rental agreement pursuant to § 55-225.48.* The security deposit and any deductions, damages, and charges shall be itemized by the landlord in a written notice given to the tenant, together with any amount due the tenant, within 45 days after the termination of the tenancy ~~and delivery of possession.~~ *As of the date of the termination of the tenancy or the date the tenant vacates the dwelling unit, whichever shall occur last, the tenant shall be required to deliver possession of the dwelling unit to the landlord. If the termination date is prior to the expiration of the rental agreement or any renewal thereof, or the tenant has not given proper notice of termination of the rental agreement, the tenant shall be liable for actual damages pursuant to § 55-225.48, in which case, the landlord shall give written notice of the disposition of the security deposit within the 45-day period but may retain any security balance to apply against any financial obligations of the tenant to the landlord pursuant to this chapter or the rental agreement. If the tenant fails to vacate the dwelling unit as of the termination of the tenancy, the landlord may file an unlawful detainer action pursuant to § 8.01-126.*

Where there is more than one tenant subject to a rental agreement, unless otherwise agreed to in writing by each of the tenants, disposition of the security deposit shall be made with one check being payable to all such tenants and sent to a forwarding address provided by one of the tenants. The landlord shall make the security deposit disposition within the 45-day time period, but if no forwarding address is provided to the landlord, the landlord may continue to hold such security deposit in escrow. If a tenant fails to provide a forwarding address to the landlord to enable the landlord to make a refund of the security deposit, upon the expiration of one year from the date of the end of the 45-day time period, the landlord may remit such sum to the State Treasurer as unclaimed property on a form prescribed by the administrator that includes the name, social security number, if known, and the last known address of each tenant on the rental agreement. If the landlord or managing agent is a real estate licensee, compliance with this paragraph shall be deemed compliance with § 54.1-2108 and corresponding regulations of the Real Estate Board.

Nothing in this section shall be construed by a court of law or otherwise as entitling the tenant, upon the termination of the tenancy, to an immediate credit against the tenant's delinquent rent account in the amount of the security deposit. The landlord shall apply the security deposit in accordance with this section within the 45-day time period. However, provided the landlord has given prior written notice in accordance with this section, the landlord may withhold a reasonable portion of the security deposit to cover an amount of the balance due on the water, sewer, or other utility account that is an obligation of the tenant to a third-party provider under the rental agreement for the dwelling unit, and upon payment of such obligations the landlord shall provide written confirmation to the tenant within 10 days thereafter, along with payment to the tenant of any balance otherwise due to the tenant. In order to withhold such funds as part of the disposition of the security deposit, the landlord shall have so advised the tenant of his rights and obligations under this section in (a) a termination notice to the tenant in accordance with this chapter, (b) a vacating notice to the tenant in accordance with this section, or (c) a separate written notice to the tenant at least 15 days prior to the disposition of the security deposit. Any written notice to the tenant shall be given in accordance with the rental agreement or § 55-225.20.

The tenant may provide the landlord with written confirmation of the payment of the final water, sewer, or other utility bill for the dwelling unit, in which case the landlord shall refund the security deposit, unless there are other authorized deductions, within the 45-day period, or if the tenant provides such written confirmation after the expiration of the 45-day period, the landlord shall refund any remaining balance of the security deposit held to the tenant within 10 days following the receipt of such written confirmation provided by the tenant. If the landlord otherwise receives confirmation of payment of the final water, sewer, or other utility bill for the dwelling unit, the landlord shall refund the security deposit, unless there are other authorized deductions, within the 45-day period.

Nothing in this section shall be construed to prohibit the landlord from making the disposition of the security deposit prior to the 45-day period and charging an administrative fee to the tenant for such expedited processing, if the rental agreement so provides and the tenant requests expedited processing in a separate written document.

The landlord shall notify the tenant in writing of any deductions provided by this subsection to be made from the tenant's security deposit during the course of the tenancy. Such notification shall be made within 30 days of the date of the determination of the deduction and shall itemize the reasons in the same manner as provided in subsection B. Such notification shall not be required for deductions made less than 30 days prior to the termination of the rental agreement. If the landlord willfully fails to comply with this section, the court shall order the return of the security deposit to the tenant, together with actual damages and reasonable attorney fees, unless the tenant owes rent to the landlord, in which case, the court shall order an amount equal to the security deposit credited against the rent due to the landlord. In the event that

damages to the premises exceed the amount of the security deposit and require the services of a third-party contractor, the landlord shall give written notice to the tenant advising him of that fact within the 45-day period. If notice is given as prescribed in this paragraph, the landlord shall have an additional 15-day period to provide an itemization of the damages and the cost of repair. This section shall not preclude the landlord or tenant from recovering other damages to which he may be entitled under this chapter. The holder of the landlord's interest in the premises at the time of the termination of the tenancy, regardless of how the interest is acquired or transferred, is bound by this section and shall be required to return any security deposit received by the original landlord that is duly owed to the tenant, whether or not such security deposit is transferred with the landlord's interest by law or equity, regardless of any contractual agreements between the original landlord and his successors in interest.

B. The landlord shall:

1. Maintain and itemize records for each tenant of all deductions from security deposits provided for under this section which the landlord has made by reason of a tenant's noncompliance with § 55-225.4, *or for any reason set out herein*, during the preceding two years; and

2. Permit a tenant or his authorized agent or attorney to inspect such tenant's records of deductions at any time during normal business hours.

C. Upon request by the landlord to a tenant to vacate, or within five days after receipt of notice by the landlord of the tenant's intent to vacate, the landlord shall provide written notice to the tenant of the tenant's right to be present at the landlord's inspection of the dwelling unit for the purpose of determining the amount of security deposit to be returned. If the tenant desires to be present when the landlord makes the inspection, he shall so advise the landlord in writing who, in turn, shall notify the tenant of the time and date of the inspection, which must be made within 72 hours of delivery of possession. Following the move-out inspection, the landlord shall provide the tenant with a written security deposit disposition statement including an itemized list of damages. If additional damages are discovered by the landlord after the security deposit disposition has been made, nothing herein shall be construed to preclude the landlord from recovery of such damages against the tenant, provided, however, that the tenant may present into evidence a copy of the move-out report to support the tenant's position that such additional damages did not exist at the time of the move-out inspection.

D. If the tenant has any assignee or sublessee, the landlord shall be entitled to hold a security deposit from only one party in compliance with the provisions of this section.

**§ 55-225.22:1. Prohibited provisions in rental agreements.**

*A. A rental agreement shall not contain provisions that the tenant:*

*1. Agrees to waive or forego rights or remedies under this chapter;*

*2. Agrees to waive or forego rights or remedies pertaining to the 120-day conversion or rehabilitation notice required in the Condominium Act (§ 55-79.39 et seq.), the Virginia Real Estate Cooperative Act (§ 55-424 et seq.), or Chapter 13 (§ 55-217 et seq.), except where the tenant is on a month-to-month lease pursuant to § 55-222;*

*3. Authorizes any person to confess judgment on a claim arising out of the rental agreement;*

*4. Agrees to pay the landlord's attorney fees except as provided in this chapter;*

*5. Agrees to the exculpation or limitation of any liability of the landlord to the tenant arising under law or to indemnify the landlord for that liability or the costs connected therewith;*

*6. Agrees as a condition of tenancy in public housing to a prohibition or restriction of any lawful possession of a firearm within individual dwelling units unless required by federal law or regulation; or*

*7. Agrees to both the payment of a security deposit and the provision of a bond or commercial insurance policy purchased by the tenant to secure the performance of the terms and conditions of a rental agreement, if the total of the security deposit and the bond or insurance premium exceeds the amount of two months' periodic rent.*

*B. A provision prohibited by subsection A included in a rental agreement is unenforceable. If a landlord brings an action to enforce any of the prohibited provisions, the tenant may recover actual damages sustained by him and reasonable attorney fees.*

**§ 55-225.24. Landlord may obtain certain insurance for tenant.**

A. **Damage Insurance.** A landlord may require as a condition of tenancy that a tenant have commercial insurance coverage as specified in the rental agreement to secure the performance by the tenant of the terms and conditions of the rental agreement and pay for the cost of premiums for such insurance coverage obtained by the landlord, generally known as "damage insurance." As provided in § 55-225.02, such payments shall not be deemed a security deposit, but shall be rent. However, the landlord shall not require a tenant to pay both security deposits and the cost of damage insurance premiums, if the total amount of any security deposits and damage insurance premiums exceeds the amount of two months' periodic rent. The landlord shall notify a tenant in writing that the tenant has the right to obtain a separate policy from the landlord's policy for damage insurance. If a tenant elects to obtain a separate policy, the tenant shall submit to the landlord written proof of such coverage and shall maintain such coverage at all times during the term of the rental agreement. Where a landlord obtains damage insurance coverage on behalf of a tenant, the insurance policy shall provide coverage for the tenant as an insured. The landlord shall recover from the tenant the actual costs of such insurance coverage and may recover administrative or other fees associated with administration of a damage insurance policy, including a tenant opting out of the insurance coverage provided by the landlord pursuant to this subsection. If a landlord obtains damage insurance for his tenants, the landlord shall provide to each tenant, prior to execution of the rental agreement, a summary of the insurance

policy or certificate evidencing the coverage being provided and upon request of the tenant make available a copy of the insurance policy.

B. Renter's Insurance. A landlord may require as a condition of tenancy that a tenant have renter's insurance as specified in the rental agreement that is a combination multi-peril policy containing fire, miscellaneous property, and personal liability coverage insuring personal property located in residential units not occupied by the owner. A landlord may require a tenant to pay for the cost of premiums for such insurance obtained by the landlord, to provide such coverage for the tenant as part of rent or as otherwise provided herein. As provided in § 55-225.02, such payments shall not be deemed a security deposit, but shall be rent. If the landlord requires that such premiums be paid prior to the commencement of the tenancy, the total amount of all security deposits and insurance premiums for damage insurance and renter's insurance shall not exceed the amount of two months' periodic rent. Otherwise, the landlord may add a monthly amount as additional rent to recover the costs of such insurance coverage. The landlord shall notify a tenant in writing that the tenant has the right to obtain a separate policy from the landlord's policy for renter's insurance. If a tenant elects to obtain a separate policy, the tenant shall submit to the landlord written proof of such coverage and shall maintain such coverage at all times during the term of the rental agreement. *If a tenant allows his renter's insurance policy required by the rental agreement to lapse for any reason, the landlord may provide any landlord's renter's insurance coverage to such tenant. The tenant shall be obligated to pay for the cost of premiums for such insurance as rent or as otherwise provided herein until the tenant has provided written documentation to the landlord showing that the tenant has reinstated his own renter's insurance coverage.*

C. Where a landlord obtains renter's insurance coverage on behalf of a tenant, the insurance policy shall provide coverage for the tenant as an insured. The landlord shall recover from the tenant the actual costs of such insurance coverage and may recover administrative or other fees associated with the administration of a renter's insurance program, including a tenant opting out of the insurance coverage provided to the tenant pursuant to this subsection. If a landlord obtains renter's insurance for his tenants, the landlord shall provide to each tenant, prior to execution of the rental agreement, a summary of the insurance policy prepared by the insurer or certificate evidencing the coverage being provided and upon request of the tenant make available a copy of the insurance policy.

D. Nothing in this section shall be construed to prohibit the landlord from recovering from the tenant as part of the rent, the tenant's prorated share of the actual costs of other insurance coverages provided by the landlord relative to the premises, or the tenant's prorated share of a self-insurance program held in an escrow account by the landlord, including the landlord's administrative or other fees associated with the administration of such coverages. The landlord may apply such funds held in escrow to pay claims pursuant to the landlord's self-insurance plan.

**§ 55-225.26. Confidentiality of tenant records.**

A. No landlord or managing agent shall release information about a tenant or prospective tenant in the possession of the landlord to a third party unless:

1. The tenant or prospective tenant has given prior written consent;
2. The information is a matter of public record as defined in § 2.2-3701;
3. The information is a summary of the tenant's rent payment record, including the amount of the tenant's periodic rent payment;
4. The information is a copy of a material noncompliance notice that has not been remedied or termination notice given to the tenant under § 55-225.20 and the tenant did not remain in the premises thereafter;
5. The information is requested by a local, state, or federal law-enforcement or public safety official in the performance of his duties;
6. The information is requested pursuant to a subpoena in a civil case;
7. The information is requested by a local commissioner of the revenue in accordance with § 58.1-3901;
8. The information is requested by a contract purchaser of the landlord's property, provided that the contract purchaser agrees in writing to maintain the confidentiality of such information;
9. The information is requested by a lender of the landlord for financing or refinancing of the property;
10. The information is requested by the commanding officer, military housing officer, or military attorney of the tenant;
11. The third party is the landlord's attorney or the landlord's collection agency;
12. The information is otherwise provided in the case of an emergency; ~~or~~
13. The information is requested by the landlord to be provided to the managing agent, or a successor to the managing agent; *or*

14. *The information is requested by an employee or independent contractor of the United States to obtain census information pursuant to federal law.*

B. A tenant may designate a third party to receive duplicate copies of a summons that has been issued pursuant to § 8.01-126 and of written notices from the landlord relating to the tenancy. Where such a third party has been designated by the tenant, the landlord shall mail the duplicate copy of any summons issued pursuant to § 8.01-126 or notice to the designated third party at the same time the summons or notice is mailed to or served upon the tenant. Nothing in this subsection shall be construed to grant standing to any third party designated by the tenant to challenge actions of the landlord in which notice was mailed pursuant to this subsection. The failure of the landlord to give notice to a third party designated by the tenant shall not affect the validity of any judgment entered against the tenant.

C. A landlord or managing agent may enter into an agreement with a third-party service provider to maintain tenant records in electronic form or other medium. In such case, the landlord and managing agent shall not be liable under this

section in the event of a breach of the electronic data of such third-party service provider, except in the case of gross negligence or intentional act. Nothing herein shall be construed to require a landlord or managing agent to indemnify such third-party service provider.

D. A tenant may request a copy of his tenant records in paper or electronic form. If the rental agreement so provides, a landlord may charge a tenant requesting more than one copy of his records the actual costs of preparing copies of such records. However, if the landlord makes available tenant records to each tenant by electronic portal, the tenant shall not be required to pay for access to such portal.

**§ 55-225.30. Notice to tenants for insecticide or pesticide use.**

A. The landlord shall give written notice to the tenant no less than 48 hours prior to his application of an insecticide or pesticide in the tenant's dwelling unit unless the tenant agrees to a shorter notification period. If a tenant requests the application of the insecticide or pesticide, the 48-hour notice is not required. Tenants who have concerns about specific insecticides or pesticides shall notify the landlord in writing no less than 24 hours before the scheduled insecticide or pesticide application. The tenant shall prepare the dwelling unit for the application of insecticides or pesticides in accordance with any written instructions of the landlord, and if insects or pests are found to be present, follow any written instructions of the landlord to eliminate the insects or pests following the application of insecticides or pesticides.

B. In addition, the landlord shall post notice of all insecticide or pesticide applications in any common areas of the premises other than the dwelling units. Such notice shall consist of conspicuous signs placed in or upon such premises where the insecticide or pesticide will be applied at least 48 hours prior to the application.

C. *A violation by the tenant of this section may be remedied by the landlord in accordance with § 55-225.46 or by notice given by the landlord requiring the tenant to remedy under § 55-225.43, as applicable.*

**§ 55-225.49. Early termination of rental agreement by military personnel.**

A. *Any member of the Armed Forces of the United States or a member of the National Guard serving on full-time duty or as a Civil Service technician with the National Guard may, through the procedure detailed in subsection B, terminate his rental agreement if the member (i) has received permanent change of station orders to depart 35 miles or more (radius) from the location of the dwelling unit; (ii) has received temporary duty orders in excess of three months' duration to depart 35 miles or more (radius) from the location of the dwelling unit; (iii) is discharged or released from active duty with the Armed Forces of the United States or from his full-time duty or technician status with the National Guard; or (iv) is ordered to report to government-supplied quarters resulting in the forfeiture of basic allowance for quarters.*

B. *Tenants who qualify to terminate a rental agreement pursuant to subsection A shall do so by serving on the landlord a written notice of termination to be effective on a date stated therein, such date to be not less than 30 days after the first date on which the next rental payment is due and payable after the date on which the written notice is given. The termination date shall be no more than 60 days prior to the date of departure necessary to comply with the official orders or any supplemental instructions for interim training or duty prior to the transfer. Prior to the termination date, the tenant shall furnish the landlord with a copy of the official notification of the orders or a signed letter confirming the orders from the tenant's commanding officer.*

*The landlord may not charge any liquidated damages.*

C. *Nothing in this section shall affect the tenant's obligations established by § 55-225.4.*

**§ 55-225.50. Failure to deliver possession.**

*If the landlord willfully fails to deliver possession of the dwelling unit to the tenant, rent abates until possession is delivered and the tenant may (i) terminate the rental agreement upon at least five days' written notice to the landlord and, upon termination, the landlord shall return all prepaid rent and security deposits or (ii) demand performance of the rental agreement by the landlord. If the tenant elects, he may file an action for possession of the dwelling unit against the landlord or any person wrongfully in possession and recover the damages sustained by him. If a person's failure to deliver possession is willful and not in good faith, an aggrieved person may recover from that person the actual damages sustained by him and reasonable attorney fees.*

**§ 55-246.1. Who may recover rent or possession.**

Notwithstanding any rule of court to the contrary, (i) any person licensed under the provisions of § 54.1-2106.1, (ii) any property manager, or a managing agent of a landlord as defined in § 55-248.4, or (iii) any employee, who is authorized in writing by a corporate officer with the approval of the board of directors, or by a manager, a general partner or a trustee, of a partnership, association, corporation, limited liability company, limited partnership, professional corporation, professional limited liability company, registered limited liability partnership, registered limited liability limited partnership, business trust, or family trust to sign pleadings as the agent of the business entity may obtain a judgment (a) for possession in the general district court for the county or city wherein the premises, or part thereof, is situated or (b) for rent or damages, including actual damages for breach of the rental agreement, or for final rent and damages under § 8.01-128, in any general district court where venue is proper under § 8.01-259, against any defendant if the person seeking such judgment had a contractual agreement with the landlord to manage the premises for which rent or possession is due and may prepare, execute, file, and have served on other parties in any general district court a warrant in debt, suggestion for summons in garnishment, garnishment summons, writ of possession, or writ of fieri facias arising out of a landlord tenant relationship. However, the activities of any such person in court shall be limited by the provisions of § 16.1-88.03. *However, nothing shall be construed as preventing a nonlawyer from requesting relief from the court as provided by law or statute when such nonlawyer is before the court on one of the actions specified herein.*

**§ 55-248.3:1. Applicability of chapter.**

A. This chapter shall apply to all jurisdictions in the Commonwealth and may not be waived or otherwise modified, in whole or in part, by the governing body of any locality, its boards and commissions or other instrumentalities, or the courts of the Commonwealth. *Occupancy in a public housing unit or other housing unit that is a residential dwelling unit is subject to this chapter; however, if the provisions of this chapter are inconsistent with the regulations of the Department of Housing and Urban Development, such regulations shall control.*

B. The provisions of this chapter shall apply to occupancy in all single-family and multifamily residential dwelling units and multifamily dwelling unit located in the Commonwealth. However, where the landlord is a natural person, an estate, or a legal entity that owns no more than two single-family residential dwelling units in its own name subject to a rental agreement, such landlord may opt out of the Virginia Residential Landlord and Tenant Act (§ 55-248.2 et seq.) by so stating in a rental agreement with a tenant. Such residential dwelling units shall be exempt from this chapter and the provisions of §§ 55-225.01 through 55-225.48 shall be applicable.

The provisions of this chapter shall not apply to instances where occupancy under a contract of sale of a dwelling unit or the property of which it is a part, if the occupant is the purchaser or a person who succeeds to his interest.

C. Tenancies and occupancies that are not residential tenancies. The following occupancies are not residential tenancies under this chapter:

1. Residence at a public or private institution, if incidental to detention or the provision of medical, geriatric, educational, counseling, religious, or similar services;
2. Occupancy by a member of a fraternal or social organization in the portion of a structure operated for the benefit of the organization;
3. Occupancy by an owner of a condominium unit or a holder of a proprietary lease in a cooperative;
4. Occupancy in a campground as defined in § 35.1-1;
5. Occupancy by a tenant who pays no rent pursuant to a rental agreement; *or*
6. Occupancy by an employee of a landlord whose right to occupancy in a multifamily dwelling unit is conditioned upon employment in and about the premises or an former employee whose occupancy continues less than 60 days; ~~or~~
7. ~~Occupancy in a public housing unit or other housing unit subject to regulation by the Department of Housing and Urban Development, if the provisions of this chapter are inconsistent with the regulations of the Department of Housing and Urban Development.~~

D. Occupancy in hotel, motel, and extended stay facility.

1. A guest who is an occupant of a hotel, motel, extended stay facility, vacation residential facility, including those governed by the Virginia Real Estate Time-Share Act (§ 55-360 et seq.), boardinghouse, or similar transient lodging shall not be construed to be a tenant living in a dwelling unit if such person does not reside in such lodging as his primary residence. Such guest shall be exempt from this chapter, and the innkeeper or property owner, or his agent, shall have the right to use self-help eviction under Virginia law, without the necessity of the filing of an unlawful detainer action in a court of competent jurisdiction and the execution of a writ of possession issued pursuant to such action, which would otherwise be required under this chapter.

2. A hotel, motel, extended stay facility, vacation residential facility, boardinghouse, or similar transient lodging shall be exempt from the provisions of this chapter if overnight sleeping accommodations are furnished to a person for consideration if such person does not reside in such lodging as his primary residence.

3. If a person resides in a hotel, motel, extended stay facility, vacation residential facility, including those governed by the Virginia Real Estate Time-Share Act (§ 55-360 et seq.), boardinghouse, or similar transient lodging as his primary residence for fewer than 90 consecutive days, such lodging shall not be subject to the provisions of this chapter. However, the owner of such lodging establishment shall give a five-day written notice of nonpayment to a person residing in such lodging and, upon the expiration of the five-day period specified in the notice, may exercise self-help eviction if payment in full has not been received.

4. If a person resides in a hotel, motel, extended stay facility, vacation residential facility, including those governed by the Virginia Real Estate Time-Share Act (§ 55-360 et seq.), boardinghouse, or similar transient lodging as his primary residence for more than 90 consecutive days or is subject to a written lease for more than 90 days, such lodging shall be subject to the provisions of this chapter.

**§ 55-248.7:2. Landlord may obtain certain insurance for tenant.**

A. **Damage Insurance.** A landlord may require as a condition of tenancy that a tenant have commercial insurance coverage as specified in the rental agreement to secure the performance by the tenant of the terms and conditions of the rental agreement and pay for the cost of premiums for such insurance coverage obtained by the landlord, generally known as "damage insurance." As provided in § 55-248.4, such payments shall not be deemed a security deposit, but shall be rent. However, as provided in § 55-248.9, the landlord cannot require a tenant to pay both security deposits and the cost of damage insurance premiums, if the total amount of any security deposits and damage insurance premiums exceeds the amount of two months' periodic rent. The landlord shall notify a tenant in writing that the tenant has the right to obtain a separate policy from the landlord's policy for damage insurance. If a tenant elects to obtain a separate policy, the tenant shall submit to the landlord written proof of such coverage and shall maintain such coverage at all times during the term of the rental agreement. Where a landlord obtains damage insurance coverage on behalf of a tenant, the insurance policy shall provide coverage for the tenant as an insured. The landlord shall recover from the tenant the actual costs of such insurance

coverage and may recover administrative or other fees associated with administration of a damage insurance policy, including a tenant opting out of the insurance coverage provided by the landlord pursuant to this subsection. If a landlord obtains damage insurance for his tenants, the landlord shall provide to each tenant, prior to execution of the rental agreement, a summary of the insurance policy or certificate evidencing the coverage being provided and upon request of the tenant make available a copy of the insurance policy.

B. Renter's Insurance. A landlord may require as a condition of tenancy that a tenant have renter's insurance as specified in the rental agreement that is a combination multi-peril policy containing fire, miscellaneous property, and personal liability coverage insuring personal property located in residential units not occupied by the owner. A landlord may require a tenant to pay for the cost of premiums for such insurance obtained by the landlord, to provide such coverage for the tenant as part of rent or as otherwise provided herein. As provided in § 55-248.4, such payments shall not be deemed a security deposit, but shall be rent. If the landlord requires that such premiums be paid prior to the commencement of the tenancy, the total amount of all security deposits and insurance premiums for damage insurance and renter's insurance shall not exceed the amount of two months' periodic rent. Otherwise, the landlord may add a monthly amount as additional rent to recover the costs of such insurance coverage. The landlord shall notify a tenant in writing that the tenant has the right to obtain a separate policy from the landlord's policy for renter's insurance. If a tenant elects to obtain a separate policy, the tenant shall submit to the landlord written proof of such coverage and shall maintain such coverage at all times during the term of the rental agreement. *If a tenant allows his renter's insurance policy required by the rental agreement to lapse for any reason, the landlord may provide any landlord's renter's insurance coverage to such tenant. The tenant shall be obligated to pay for the cost of premiums for such insurance as rent or as otherwise provided herein until the tenant has provided written documentation to the landlord showing that the tenant has reinstated his own renter's insurance coverage.*

C. Where a landlord obtains renter's insurance coverage on behalf of a tenant, the insurance policy shall provide coverage for the tenant as an insured. The landlord shall recover from the tenant the actual costs of such insurance coverage and may recover administrative or other fees associated with the administration of a renter's insurance program, including a tenant opting out of the insurance coverage provided to the tenant pursuant to this subsection. If a landlord obtains renter's insurance for his tenants, the landlord shall provide to each tenant, prior to execution of the rental agreement, a summary of the insurance policy prepared by the insurer or certificate evidencing the coverage being provided and upon request of the tenant make available a copy of the insurance policy.

D. Nothing in this section shall be construed to prohibit the landlord from recovering from the tenant as part of the rent, the tenant's prorated share of the actual costs of other insurance coverages provided by the landlord relative to the premises, or the tenant's prorated share of a self-insurance program held in an escrow account by the landlord, including the landlord's administrative or other fees associated with the administration of such coverages. The landlord may apply such funds held in escrow to pay claims pursuant to the landlord's self-insurance plan.

**§ 55-248.9:1. Confidentiality of tenant records.**

A. No landlord or managing agent shall release information about a tenant or prospective tenant in the possession of the landlord to a third party unless:

1. The tenant or prospective tenant has given prior written consent;
2. The information is a matter of public record as defined in § 2.2-3701;
3. The information is a summary of the tenant's rent payment record, including the amount of the tenant's periodic rent payment;
4. The information is a copy of a material noncompliance notice that has not been remedied or, termination notice given to the tenant under § 55-248.31 and the tenant did not remain in the premises thereafter;
5. The information is requested by a local, state, or federal law-enforcement or public safety official in the performance of his duties;
6. The information is requested pursuant to a subpoena in a civil case;
7. The information is requested by a local commissioner of the revenue in accordance with § 58.1-3901;
8. The information is requested by a contract purchaser of the landlord's property; provided the contract purchaser agrees in writing to maintain the confidentiality of such information;
9. The information is requested by a lender of the landlord for financing or refinancing of the property;
10. The information is requested by the commanding officer, military housing officer, or military attorney of the tenant;
11. The third party is the landlord's attorney or the landlord's collection agency;
12. The information is otherwise provided in the case of an emergency; or
13. The information is requested by the landlord to be provided to the managing agent, or a successor to the managing agent; or
14. *The information is requested by an employee or independent contractor of the United States to obtain census information pursuant to federal law.*

B. A tenant may designate a third party to receive duplicate copies of a summons that has been issued pursuant to § 8.01-126 and of written notices from the landlord relating to the tenancy. Where such a third party has been designated by the tenant, the landlord shall mail the duplicate copy of any summons issued pursuant to § 8.01-126 or notice to the designated third party at the same time the summons or notice is mailed to or served upon the tenant. Nothing in this subsection shall be construed to grant standing to any third party designated by the tenant to challenge actions of the

landlord in which notice was mailed pursuant to this subsection. The failure of the landlord to give notice to a third party designated by the tenant shall not affect the validity of any judgment entered against the tenant.

C. A landlord or managing agent may enter into an agreement with a third-party service provider to maintain tenant records in electronic form or other medium. In such case, the landlord and managing agent shall not be liable under this section in the event of a breach of the electronic data of such third-party service provider, except in the case of gross negligence or intentional act. Nothing herein shall be construed to require a landlord or managing agent to indemnify such third-party service provider.

D. A tenant may request a copy of his tenant records in paper or electronic form. If the rental agreement so provides, a landlord may charge a tenant requesting more than one copy of his records the actual costs of preparing copies of such records. However, if the landlord makes available tenant records to each tenant by electronic portal, the tenant shall not be required to pay for access to such portal.

**§ 55-248.13:3. Notice to tenants for insecticide or pesticide use.**

A. The landlord shall give written notice to the tenant no less than ~~forty-eight~~ 48 hours prior to his application of an insecticide or pesticide in the tenant's dwelling unit unless the tenant agrees to a shorter notification period. If a tenant requests the application of the insecticide or pesticide, the ~~forty-eight-hour~~ 48-hour notice is not required. Tenants who have concerns about specific insecticides or pesticides shall notify the landlord in writing no less than ~~twenty-four~~ 24 hours before the scheduled insecticide or pesticide application. The tenant shall prepare the dwelling unit for the application of insecticides or pesticides in accordance with any written instructions of the landlord, and if insects or pests are found to be present, follow any written instructions of the landlord to eliminate the insects or pests following the application of insecticides or pesticides.

B. In addition, the landlord shall post notice of all insecticide or pesticide applications in areas of the premises other than the dwelling units. Such notice shall consist of conspicuous signs placed in or upon such premises where the insecticide or pesticide will be applied at least ~~forty-eight~~ 48 hours prior to the application.

C. *A violation by the tenant of this section may be remedied by the landlord in accordance with § 55-248.32 or by notice given by the landlord requiring the tenant to remedy under § 55-248.31, as applicable.*

**§ 55-248.15:1. Security deposits.**

A. A landlord may not demand or receive a security deposit, however denominated, in an amount or value in excess of two months' periodic rent. Upon termination of the tenancy, such security deposit, whether it is property or money held by the landlord as security as hereinafter provided may be applied solely by the landlord (i) to the payment of accrued rent and including the reasonable charges for late payment of rent specified in the rental agreement; (ii) to the payment of the amount of damages which the landlord has suffered by reason of the tenant's noncompliance with § 55-248.16, less reasonable wear and tear; ~~or~~ (iii) to other damages or charges as provided in the rental agreement; *or (iv) to actual damages for breach of the rental agreement pursuant to § 55-248.35.* The security deposit and any deductions, damages and charges shall be itemized by the landlord in a written notice given to the tenant, together with any amount due the tenant within 45 days after *the termination date of the tenancy and delivery of possession. As of the date of the termination of the tenancy or the date the tenant vacates the dwelling unit, whichever shall last occur, the tenant shall be required to deliver possession of the dwelling unit to the landlord. If the termination date is prior to the expiration of the rental agreement or any renewal thereof, or the tenant has not given proper notice of termination of the rental agreement, the tenant shall be liable for actual damages pursuant to § 55-248.35, in which case, the landlord shall give written notice of security deposit disposition within the 45-day period but may retain any security balance to apply against any financial obligations of the tenant to the landlord pursuant to this chapter or the rental agreement. If the tenant fails to vacate the dwelling unit as of the termination of the tenancy, the landlord may file an unlawful detainer action pursuant to § 8.01-126.*

Where there is more than one tenant subject to a rental agreement, unless otherwise agreed to in writing by each of the tenants, disposition of the security deposit shall be made with one check being payable to all such tenants and sent to a forwarding address provided by one of the tenants. The landlord shall make the security deposit disposition within the 45-day time period, but if no forwarding address is provided to the landlord, the landlord may continue to hold such security deposit in escrow. If a tenant fails to provide a forwarding address to the landlord to enable the landlord to make a refund of the security deposit, upon the expiration of one year from the date of the end of the 45-day time period, the landlord may remit such sum to the State Treasurer as unclaimed property on a form prescribed by the administrator that includes the name, social security number, if known, and the last known address of each tenant on the rental agreement. If the landlord or managing agent is a real estate licensee, compliance with this paragraph shall be deemed compliance with § 54.1-2108 and corresponding regulations of the Real Estate Board.

Nothing in this section shall be construed by a court of law or otherwise as entitling the tenant, upon the termination of the tenancy, to an immediate credit against the tenant's delinquent rent account in the amount of the security deposit. The landlord shall apply the security deposit in accordance with this section within the 45-day time period. However, provided the landlord has given prior written notice in accordance with this section, the landlord may withhold a reasonable portion of the security deposit to cover an amount of the balance due on the water, sewer, or other utility account that is an obligation of the tenant to a third-party provider under the rental agreement for the dwelling unit, and upon payment of such obligations the landlord shall provide written confirmation to the tenant within 10 days thereafter, along with payment to the tenant of any balance otherwise due to the tenant. In order to withhold such funds as part of the disposition of the security deposit, the landlord shall have so advised the tenant of his rights and obligations under this section in (a) a termination

notice to the tenant in accordance with this chapter, (b) a vacating notice to the tenant in accordance with this section, or (c) a separate written notice to the tenant at least 15 days prior to the disposition of the security deposit. Any written notice to the tenant shall be given in accordance with § 55-248.6.

The tenant may provide the landlord with written confirmation of the payment of the final water, sewer, or other utility bill for the dwelling unit, in which case the landlord shall refund the security deposit, unless there are other authorized deductions, within the 45-day period, or if the tenant provides such written confirmation after the expiration of the 45-day period, the landlord shall refund any remaining balance of the security deposit held to the tenant within 10 days following the receipt of such written confirmation provided by the tenant. If the landlord otherwise receives confirmation of payment of the final water, sewer, or other utility bill for the dwelling unit, the landlord shall refund the security deposit, unless there are other authorized deductions, within the 45-day period.

Nothing in this section shall be construed to prohibit the landlord from making the disposition of the security deposit prior to the 45-day period and charging an administrative fee to the tenant for such expedited processing, if the rental agreement so provides and the tenant requests expedited processing in a separate written document.

The landlord shall notify the tenant in writing of any deductions provided by this subsection to be made from the tenant's security deposit during the course of the tenancy. Such notification shall be made within 30 days of the date of the determination of the deduction and shall itemize the reasons in the same manner as provided in subsection B. Such notification shall not be required for deductions made less than 30 days prior to the termination of the rental agreement. If the landlord willfully fails to comply with this section, the court shall order the return of the security deposit to the tenant, together with actual damages and reasonable attorney fees, unless the tenant owes rent to the landlord, in which case, the court shall order an amount equal to the security deposit credited against the rent due to the landlord. In the event that damages to the premises exceed the amount of the security deposit and require the services of a third party contractor, the landlord shall give written notice to the tenant advising him of that fact within the 45-day period. If notice is given as prescribed in this paragraph, the landlord shall have an additional 15-day period to provide an itemization of the damages and the cost of repair. This section shall not preclude the landlord or tenant from recovering other damages to which he may be entitled under this chapter. The holder of the landlord's interest in the premises at the time of the termination of the tenancy, regardless of how the interest is acquired or transferred, is bound by this section and shall be required to return any security deposit received by the original landlord that is duly owed to the tenant, whether or not such security deposit is transferred with the landlord's interest by law or equity, regardless of any contractual agreements between the original landlord and his successors in interest.

B. The landlord shall:

1. Maintain and itemize records for each tenant of all deductions from security deposits provided for under this section which the landlord has made by reason of a tenant's noncompliance with § 55-248.16, *or for any other reason set out herein*, during the preceding two years; and

2. Permit a tenant or his authorized agent or attorney to inspect such tenant's records of deductions at any time during normal business hours.

C. Upon request by the landlord to a tenant to vacate, or within five days after receipt of notice by the landlord of the tenant's intent to vacate, the landlord shall provide written notice to the tenant of the tenant's right to be present at the landlord's inspection of the dwelling unit for the purpose of determining the amount of security deposit to be returned. If the tenant desires to be present when the landlord makes the inspection, he shall so advise the landlord in writing who, in turn, shall notify the tenant of the time and date of the inspection, which must be made within 72 hours of delivery of possession. Following the move-out inspection, the landlord shall provide the tenant with a written security deposit disposition statement, including an itemized list of damages. If additional damages are discovered by the landlord after the security deposit disposition has been made, nothing herein shall be construed to preclude the landlord from recovery of such damages against the tenant, provided, however, that the tenant may present into evidence a copy of the move-out report to support the tenant's position that such additional damages did not exist at the time of the move-out inspection.

D. If the tenant has any assignee or sublessee, the landlord shall be entitled to hold a security deposit from only one party in compliance with the provisions of this section.

**§ 55-248.16. Tenant to maintain dwelling unit.**

A. In addition to the provisions of the rental agreement, the tenant shall:

1. Comply with all obligations primarily imposed upon tenants by applicable provisions of building and housing codes materially affecting health and safety;

2. Keep that part of the dwelling unit and the part of the premises that he occupies and uses as clean and safe as the condition of the premises permit;

3. Keep that part of the dwelling unit and the part of the premises that he occupies free from insects and pests, as those terms are defined in § 3.2-3900, and to promptly notify the landlord of the existence of any insects or pests;

4. Remove from his dwelling unit all ashes, garbage, rubbish and other waste in a clean and safe manner and in the appropriate receptacles provided by the landlord;

5. Keep all plumbing fixtures in the dwelling unit or used by the tenant as clean as their condition permits;

6. Use in a reasonable manner all utilities and all electrical, plumbing, sanitary, heating, ventilating, air-conditioning and other facilities and appliances including an elevator in a multifamily premises, and keep all utility services paid for by the tenant to the utility service provider or its agent on at all times during the term of the rental agreement;

7. Not deliberately or negligently destroy, deface, damage, impair or remove any part of the premises or permit any person to do so whether known by the tenant or not;

8. Not remove or tamper with a properly functioning smoke detector installed by the landlord, including removing any working batteries, so as to render the detector inoperative and shall maintain the smoke detector in accordance with the uniform set of standards for maintenance of smoke detectors established in the Uniform Statewide Building Code (§ 36-97 et seq.);

9. Not remove or tamper with a properly functioning carbon monoxide alarm installed by the landlord, including removing any working batteries, so as to render the carbon monoxide detector inoperative and shall maintain the carbon monoxide alarm in accordance with the uniform set of standards for maintenance of carbon monoxide alarms established in the Uniform Statewide Building Code (§ 36-97 et seq.);

10. Use reasonable efforts to maintain the dwelling unit and any other part of the premises that he occupies in such a condition as to prevent accumulation of moisture and the growth of mold, and to promptly notify the landlord of any moisture accumulation that occurs or of any visible evidence of mold discovered by the tenant;

11. Not paint or disturb painted surfaces or make alterations in the dwelling unit without the prior written approval of the landlord, provided that (i) the dwelling unit was constructed prior to 1978 and therefore requires the landlord to provide the tenant with lead-based paint disclosures and (ii) the landlord has provided the tenant with such disclosures and the rental agreement provides that the tenant is required to obtain the landlord's prior written approval before painting, disturbing painted surfaces, or making alterations in the dwelling unit;

12. Be responsible for his conduct and the conduct of other persons on the premises with his consent whether known by the tenant or not, to ensure that his neighbors' peaceful enjoyment of the premises will not be disturbed;

13. Abide by all reasonable rules and regulations imposed by the landlord; ~~and~~

14. Be financially responsible for the added cost of treatment or extermination due to the tenant's unreasonable delay in reporting the existence of any insects or pests and be financially responsible for the cost of treatment or extermination due to the tenant's fault in failing to prevent infestation of any insects or pests in the area occupied; *and*

15. *Use reasonable care to prevent any dog or other animal in possession of the tenant, authorized occupants, or guests or invitees from causing personal injuries to a third party in the dwelling unit or on the premises, or property damage to the dwelling unit or the premises.*

B. If the duty imposed by subdivision A 1 is greater than any duty imposed by any other subdivision of that subsection, the tenant's duty shall be determined by reference to subdivision A 1.

**§ 55-248.21:3. Notice to tenant in event of foreclosure.**

A. *The landlord of a dwelling unit used as a single-family residence as defined in § 55-248.4 shall give written notice to the tenant or any prospective tenant of such dwelling unit that the landlord has received a notice of a mortgage default, mortgage acceleration, or foreclosure sale relative to the loan on the dwelling unit within five business days after written notice from the lender is received by the landlord. This requirement shall not apply (i) to any managing agent who does not receive a copy of such written notice from the lender or (ii) if the tenant or prospective tenant provides a copy of the written notice from the lender to the landlord or the managing agent.*

B. *If the landlord fails to provide the notice required by this section, the tenant shall have the right to terminate the rental agreement upon written notice to the landlord at least five business days prior to the effective date of termination. If the tenant terminates the rental agreement, the landlord shall make disposition of the tenant's security deposit in accordance with law or the provisions of the rental agreement, whichever is applicable.*

C. *If there is in effect at the date of the foreclosure sale a tenant in a residential dwelling unit foreclosed upon, the foreclosure shall act as a termination of the rental agreement by the owner. In such case, the tenant may remain in possession of such dwelling unit as a month-to-month tenant on the terms of the terminated rental agreement until the successor owner gives a notice of termination of such month-to-month tenancy. If the successor owner elects to terminate the month-to-month tenancy, written notice of such termination shall be given in accordance with the rental agreement or the provisions of § 55-222 or 55-248.6, as applicable.*

D. *Unless or until the successor owner terminates the month-to-month tenancy, the terms of the terminated rental agreement remain in effect except that the tenant shall make rental payments (i) to the successor owner as directed in a written notice to the tenant in this subsection; (ii) to the managing agent of the owner, if any, or successor owner; or (iii) into a court escrow account pursuant to the provisions of § 55-248.27; however, there is no obligation of a tenant to file a tenant's assertion and pay rent into escrow. Where there is not a managing agent designated in the terminated rental agreement, the tenant shall remain obligated for payment of the rent but shall not be held to be delinquent or assessed a late charge until the successor owner provides written notice identifying the name, address, and telephone number of the party to which the rent should be paid.*

E. *The successor owner may enter into a new rental agreement with the tenant in the dwelling unit, in which case, upon the commencement date of the new rental agreement, the month-to-month tenancy shall terminate.*

## CHAPTER 222

*An Act to amend and reenact § 36-105 of the Code of Virginia, relating to the Uniform Statewide Building Code; administration and enforcement; agreements for assistance between localities.*

[H 859]

Approved March 9, 2018

**Be it enacted by the General Assembly of Virginia:****1. That § 36-105 of the Code of Virginia is amended and reenacted as follows:****§ 36-105. Enforcement of Code; appeals from decisions of local department; inspection of buildings; inspection warrants; inspection of elevators; issuance of permits.**

A. Enforcement generally. Enforcement of the provisions of the Building Code for construction and rehabilitation shall be the responsibility of the local building department. There shall be established within each local building department a local board of Building Code appeals whose composition, duties and responsibilities shall be prescribed in the Building Code. Any person aggrieved by the local building department's application of the Building Code or refusal to grant a modification to the provisions of the Building Code may appeal to the local board of Building Code appeals. No appeal to the State Building Code Technical Review Board shall lie prior to a final determination by the local board of Building Code appeals. Whenever a county or a municipality does not have such a building department or board of Building Code appeals, the local governing body shall enter into an agreement with the local governing body of another county or municipality or with some other agency, or a state agency approved by the Department for such enforcement and appeals resulting therefrom.

For the purposes of this section, towns with a population of less than 3,500 may elect to administer and enforce the Building Code; however, where the town does not elect to administer and enforce the Building Code, the county in which the town is situated shall administer and enforce the Building Code for the town. In the event *that* such town is situated in two or more counties, those counties shall administer and enforce the Building Code for that portion of the town situated within their respective boundaries. *Additionally, the local governing body of a county or municipality may enter into an agreement with the governing body of another county or municipality for the provision to such county or municipality's local building department of technical assistance with administration and enforcement of the Building Code.*

B. New construction. Any building or structure may be inspected at any time before completion, and shall not be deemed in compliance until approved by the inspecting authority. Where the construction cost is less than \$2,500, however, the inspection may, in the discretion of the inspecting authority, be waived. A building official may issue an annual permit for any construction regulated by the Building Code. The building official shall coordinate all reports of inspections for compliance with the Building Code, with inspections of fire and health officials delegated such authority, prior to issuance of an occupancy permit. Fees may be levied by the local governing body in order to defray the cost of such enforcement and appeals.

C. Existing buildings and structures.

1. Inspections and enforcement of the Building Code. The local governing body may also inspect and enforce the provisions of the Building Code for existing buildings and structures, whether occupied or not. Such inspection and enforcement shall be carried out by an agency or department designated by the local governing body.

2. Complaints by tenants. However, upon a finding by the local building department, following a complaint by a tenant of a residential dwelling unit that is the subject of such complaint, that there may be a violation of the unsafe structures provisions of the Building Code, the local building department shall enforce such provisions.

3. Inspection warrants. If the local building department receives a complaint that a violation of the Building Code exists that is an immediate and imminent threat to the health or safety of the owner, tenant, or occupants of any building or structure, or the owner, occupant, or tenant of any nearby building or structure, and the owner, occupant, or tenant of the building or structure that is the subject of the complaint has refused to allow the local building official or his agent to have access to the subject building or structure, the local building official or his agent may make an affidavit under oath before a magistrate or a court of competent jurisdiction and request that the magistrate or court grant the local building official or his agent an inspection warrant to enable the building official or his agent to enter the subject building or structure for the purpose of determining whether violations of the Building Code exist. After issuing a warrant under this section, the magistrate or judge shall file the affidavit in the manner prescribed by § 19.2-54. After executing the warrant, the local building official or his agents shall return the warrant to the clerk of the circuit court of the city or county wherein the inspection was made. The local building official or his agent shall make a reasonable effort to obtain consent from the owner, occupant, or tenant of the subject building or structure prior to seeking the issuance of an inspection warrant under this section.

4. Transfer of ownership. If the local building department has initiated an enforcement action against the owner of a building or structure and such owner subsequently transfers the ownership of the building or structure to an entity in which the owner holds an ownership interest greater than 50 percent, the pending enforcement action shall continue to be enforced against the owner.

5. Elevator, escalator, or related conveyance inspections. The local governing body shall, however, inspect and enforce the Building Code for elevators, escalators, or related conveyances, except for elevators in single- and two-family homes and townhouses. Such inspection shall be carried out by an agency or department designated by the local governing body.

6. A locality may require by ordinance that any landmark, building or structure that contributes to a district delineated pursuant to § 15.2-2306 shall not be razed, demolished or moved until the razing, demolition or moving thereof is approved by the review board, or, on appeal, by the governing body after consultation with the review board unless the local maintenance code official consistent with the Uniform Statewide Building Code, Part III Maintenance, determines that it constitutes such a hazard that it shall be razed, demolished or moved.

For the purpose of this subdivision, a contributing landmark, building or structure is one that adds to or is consistent with the historic or architectural qualities, historic associations, or values for which the district was established pursuant to § 15.2-2306, because it (i) was present during the period of significance, (ii) relates to the documented significance of the district, and (iii) possesses historic integrity or is capable of yielding important information about the period.

7. Fees may be levied by the local governing body in order to defray the cost of such enforcement and appeals. For purposes of this section, "defray the cost" may include the fair and reasonable costs incurred for such enforcement during normal business hours, but shall not include overtime costs unless conducted outside of the normal working hours established by the locality. A schedule of such costs shall be adopted by the local governing body in a local ordinance. A locality shall not charge an overtime rate for inspections conducted during the normal business hours established by the locality. Nothing herein shall be construed to prohibit a private entity from conducting such inspections, provided the private entity has been approved to perform such inspections in accordance with the written policy of the maintenance code official for the locality.

D. Fees may be levied by the local governing body to be paid by the applicant for the issuance of a building permit as otherwise provided under this chapter, however, notwithstanding any provision of law, general or special, if the applicant for a building permit is a tenant or the owner of an easement on the owner's property, such applicant shall not be denied a permit under the Building Code solely upon the basis that the property owner has financial obligations to the locality that constitute a lien on such property in favor of the locality. If such applicant is the property owner, in addition to payment of the fees for issuance of a building permit, the locality may require full payment of any and all financial obligations of the property owner to the locality to satisfy such lien prior to issuance of such permit. For purposes of this subsection, "property owner" means the owner of such property as reflected in the land records of the circuit court clerk where the property is located, the owner's agent, or any entity in which the owner holds an ownership interest greater than 50 percent.

CHAPTER 223

*An Act to amend and reenact §§ 54.1-2100, 54.1-2101, 54.1-2106.1, and 54.1-2110.1 of the Code of Virginia, relating to professions and occupations; real estate licenses; real estate teams.*

[H 862]

Approved March 9, 2018

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

**1. That §§ 54.1-2100, 54.1-2101, 54.1-2106.1, and 54.1-2110.1 of the Code of Virginia are amended and reenacted as follows:**

**§ 54.1-2100. Definitions.**

As used in this chapter:

"Distance learning" means instruction delivered by an approved provider through a medium other than a classroom setting. Such courses shall be those offered by an accredited institution of higher education, high school offering adult distributive education courses, other school or educational institution, or real estate professional association or related entities.

"Real estate broker" means any ~~person~~ individual or business entity, including, ~~but not limited to,~~ a partnership, association, corporation, or limited liability company, who, for compensation or valuable consideration, (i) sells or offers for sale, buys or offers to buy, or negotiates the purchase or sale or exchange of real estate, including units or interest in condominiums, cooperative interest as defined in § 55-426, or time-shares in a time-share program even though they may be deemed to be securities; or (ii) leases or offers to lease, or rents or offers for rent, any real estate or the improvements thereon for others.

"Real estate team" means two or more individuals, one or more of whom is a real estate salesperson or broker, who (i) work together as a unit within the same brokerage firm, (ii) represent themselves to the public as working together as one unit, and (iii) designate themselves by a fictitious name.

"Supervising broker" means a real estate broker who has been designated by a principal broker to supervise the provision of real estate brokerage services by associate brokers and salespersons assigned to a branch office or a real estate team.

**§ 54.1-2101. Real estate salesperson defined.**

For the purposes of this chapter, "real estate salesperson" means any ~~person~~ individual, or business entity ~~of not more than two persons unless related by blood or marriage,~~ who for compensation or valuable consideration is employed either

directly or indirectly by, or affiliated as an independent contractor with, a real estate broker, to sell or offer to sell, or to buy or offer to buy, or to negotiate the purchase, sale or exchange of real estate, or to lease, rent or offer for rent any real estate, or to negotiate leases thereof, or of the improvements thereon.

**§ 54.1-2106.1. Licenses required.**

A. No business entity, other than a sole proprietorship, shall act, offer to act, or advertise to act, as a real estate firm without a real estate firm license from the Board. Such firm may be granted a license in a fictitious name. No business entity shall be granted a firm license unless (i) every managing member of a limited liability company, officer of a corporation, partner within a partnership, or associate within an association who actively participates in the firm brokerage business holds a license as a real estate broker; and (ii) every employee or independent contractor who acts as a salesperson for such business entity holds a license as a real estate salesperson or broker. An individual holding a broker's license may operate a real estate brokerage firm which he owns as a sole proprietorship without any further licensure by the Board, although such individual shall not operate the brokerage firm in a fictitious name. However, nothing herein shall be construed to prohibit a broker operating a brokerage firm from having a business entity separate from the brokerage firm for such broker's own real estate business, provided that such separate business entity otherwise complies with this section. A non-broker-owned sole proprietorship shall obtain a license from the Board.

B. No individual shall act as a broker without a real estate broker's license from the Board. An individual who holds a broker's license may act as a salesperson for another broker. A broker may be an owner, member, or officer of a business entity salesperson as defined in subsection C.

C. No individual shall act as a salesperson without a salesperson's license from the Board. A business entity may act as a salesperson with a separate business entity salesperson's license from the Board. No business entity shall be granted a business entity salesperson's license unless every owner or officer who actively participates in the brokerage business of such entity holds a license as a salesperson or broker from the Board. The Board shall establish standards in its regulations for the names of business entity salespersons when more than one licensee is an owner or officer.

*D. No group of individuals consisting of one or more real estate brokers or real estate salespersons, or a combination thereof, shall act as a real estate team without first obtaining a business entity salesperson's license from the Board. A real estate team may hire one or more unlicensed assistants as otherwise provided by law.*

*E. If any principal broker maintains more than one place of business within the Commonwealth, such principal broker shall be required to obtain a branch office license from the Board for each place of business maintained. A copy of the branch office license shall be kept on the premises of the branch office.*

**§ 54.1-2110.1. Duties of supervising broker.**

A. Each place of business ~~and~~, each branch office, *and each real estate team* shall be supervised by a supervising broker. The supervising broker shall exercise reasonable and adequate supervision of the provision of real estate brokerage services by associate brokers and salespersons assigned to the branch office *or real estate team*. The supervising broker may designate another broker to assist in administering the provisions required by this section, but such designation shall not relieve the supervising broker of responsibility for the supervision of the acts of all licensees assigned to the branch office *or real estate team*.

B. As used in this section, "reasonable and adequate supervision" by the supervising broker shall include the following:

1. Being available to all licensees under his supervision at reasonable times to review and approve all documents, including leases, contracts, brokerage agreements, and advertising as may affect the firm's clients and business;

2. Ensuring the availability of training opportunities and that the office has written procedures and policies that provide clear guidance in the following areas:

- a. Handling of escrow deposits in compliance with law and regulation;
- b. Complying with federal and state fair housing laws and regulations if the firm engages in residential brokerage, residential leasing, or residential property management;
- c. Advertising and marketing of the brokerage firm *and any affiliated real estate teams or business entities*;
- d. Negotiating and drafting of contracts, leases, and brokerage agreements;
- e. Exercising appropriate oversight and limitations on the use of unlicensed assistants, whether as part of a team arrangement or otherwise;

f. Creating agency or independent contractor relationships and elements thereof;

g. Distributing information on new or amended laws or regulations; and

h. Disclosing required information relating to the physical condition of real property;

3. Ensuring that the brokerage services are carried out competently and in accordance with the provisions of this chapter; ~~and~~

4. *Undertaking reasonable steps to ensure compliance by all licensees assigned to a branch office with the provisions of this chapter and applicable Board regulations, including ensuring that licensees possess a current license issued by the Board;*

5. *Ensuring that affiliated real estate teams or business entities are operating in accordance with the provisions of this chapter and applicable Board regulations;*

6. *Ensuring that brokerage agreements include the name and contact information of the supervising broker; and*

7. Maintaining the records required by this subsection for three years. The records shall be furnished to the Board's agent upon request.

C. Any supervising broker who resides more than 50 miles from a branch office under his supervision, having licensees who regularly conduct business assigned to such branch office, shall certify in writing quarterly on a form provided by the Board that the supervising broker has complied with the requirements of this section.

D. ~~No later than January 1, 2017~~ *As a condition of the renewal of a branch office license, the supervising broker for a branch office shall provide to the Board the name and license number of the supervising broker for the branch office. Thereafter, upon the renewal of the license of each real estate licensee working in such affiliated with the branch office or upon the transfer of a licensee to such office, the broker shall provide to the Board the name and license number of each real estate licensee working in the branch office on the broker acknowledgement form created at the time of the renewal in a format deemed acceptable by the Board.*

**2. That the provisions of this act shall become effective on January 1, 2019.**

**CHAPTER 224**

*An Act to amend and reenact §§ 54.1-2100, 54.1-2101, 54.1-2106.1, and 54.1-2110.1 of the Code of Virginia, relating to professions and occupations; real estate licenses; real estate teams.*

[S 758]

Approved March 9, 2018

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

**1. That §§ 54.1-2100, 54.1-2101, 54.1-2106.1, and 54.1-2110.1 of the Code of Virginia are amended and reenacted as follows:**

**§ 54.1-2100. Definitions.**

As used in this chapter:

"Distance learning" means instruction delivered by an approved provider through a medium other than a classroom setting. Such courses shall be those offered by an accredited institution of higher education, high school offering adult distributive education courses, other school or educational institution, or real estate professional association or related entities.

"Real estate broker" means any ~~person~~ *individual* or business entity, including, ~~but not limited to,~~ a partnership, association, corporation, or limited liability company, who, for compensation or valuable consideration, (i) sells or offers for sale, buys or offers to buy, or negotiates the purchase or sale or exchange of real estate, including units or interest in condominiums, cooperative interest as defined in § 55-426, or time-shares in a time-share program even though they may be deemed to be securities; or (ii) leases or offers to lease, or rents or offers for rent, any real estate or the improvements thereon for others.

"Real estate team" means *two or more individuals, one or more of whom is a real estate salesperson or broker, who (i) work together as a unit within the same brokerage firm, (ii) represent themselves to the public as working together as one unit, and (iii) designate themselves by a fictitious name.*

"Supervising broker" means *a real estate broker who has been designated by a principal broker to supervise the provision of real estate brokerage services by associate brokers and salespersons assigned to a branch office or a real estate team.*

**§ 54.1-2101. Real estate salesperson defined.**

For the purposes of this chapter, "real estate salesperson" means any ~~person~~ *individual*, or business entity ~~of not more than two persons unless related by blood or marriage~~, who for compensation or valuable consideration is employed either directly or indirectly by, or affiliated as an independent contractor with, a real estate broker, to sell or offer to sell, or to buy or offer to buy, or to negotiate the purchase, sale or exchange of real estate, or to lease, rent or offer for rent any real estate, or to negotiate leases thereof, or of the improvements thereon.

**§ 54.1-2106.1. Licenses required.**

A. No business entity, other than a sole proprietorship, shall act, offer to act, or advertise to act, as a real estate firm without a real estate firm license from the Board. Such firm may be granted a license in a fictitious name. No business entity shall be granted a firm license unless (i) every managing member of a limited liability company, officer of a corporation, partner within a partnership, or associate within an association who actively participates in the firm brokerage business holds a license as a real estate broker; and (ii) every employee or independent contractor who acts as a salesperson for such business entity holds a license as a real estate salesperson or broker. An individual holding a broker's license may operate a real estate brokerage firm which he owns as a sole proprietorship without any further licensure by the Board, although such individual shall not operate the brokerage firm in a fictitious name. However, nothing herein shall be construed to prohibit a broker operating a brokerage firm from having a business entity separate from the brokerage firm for such broker's own real estate business, provided that such separate business entity otherwise complies with this section. A non-broker-owned sole proprietorship shall obtain a license from the Board.

B. No individual shall act as a broker without a real estate broker's license from the Board. An individual who holds a broker's license may act as a salesperson for another broker. A broker may be an owner, member, or officer of a business entity salesperson as defined in subsection C.

C. No individual shall act as a salesperson without a salesperson's license from the Board. A business entity may act as a salesperson with a separate business entity salesperson's license from the Board. No business entity shall be granted a business entity salesperson's license unless every owner or officer who actively participates in the brokerage business of such entity holds a license as a salesperson or broker from the Board. The Board shall establish standards in its regulations for the names of business entity salespersons when more than one licensee is an owner or officer.

D. *No group of individuals consisting of one or more real estate brokers or real estate salespersons, or a combination thereof, shall act as a real estate team without first obtaining a business entity salesperson's license from the Board. A real estate team may hire one or more unlicensed assistants as otherwise provided by law.*

E. *If any principal broker maintains more than one place of business within the Commonwealth, such principal broker shall be required to obtain a branch office license from the Board for each place of business maintained. A copy of the branch office license shall be kept on the premises of the branch office.*

**§ 54.1-2110.1. Duties of supervising broker.**

A. Each place of business ~~and~~, each branch office, *and each real estate team* shall be supervised by a supervising broker. The supervising broker shall exercise reasonable and adequate supervision of the provision of real estate brokerage services by associate brokers and salespersons assigned to the branch office *or real estate team*. The supervising broker may designate another broker to assist in administering the provisions required by this section, but such designation shall not relieve the supervising broker of responsibility for the supervision of the acts of all licensees assigned to the branch office *or real estate team*.

B. As used in this section, "reasonable and adequate supervision" by the supervising broker shall include the following:

1. Being available to all licensees under his supervision at reasonable times to review and approve all documents, including leases, contracts, brokerage agreements, and advertising as may affect the firm's clients and business;
2. Ensuring the availability of training opportunities and that the office has written procedures and policies that provide clear guidance in the following areas:
  - a. Handling of escrow deposits in compliance with law and regulation;
  - b. Complying with federal and state fair housing laws and regulations if the firm engages in residential brokerage, residential leasing, or residential property management;
  - c. Advertising and marketing of the brokerage firm *and any affiliated real estate teams or business entities*;
  - d. Negotiating and drafting of contracts, leases, and brokerage agreements;
  - e. Exercising appropriate oversight and limitations on the use of unlicensed assistants, whether as part of a team arrangement or otherwise;
  - f. Creating agency or independent contractor relationships and elements thereof;
  - g. Distributing information on new or amended laws or regulations; and
  - h. Disclosing required information relating to the physical condition of real property;
3. Ensuring that the brokerage services are carried out competently and in accordance with the provisions of this chapter; ~~and~~
4. *Undertaking reasonable steps to ensure compliance by all licensees assigned to a branch office with the provisions of this chapter and applicable Board regulations, including ensuring that licensees possess a current license issued by the Board;*
5. *Ensuring that affiliated real estate teams or business entities are operating in accordance with the provisions of this chapter and applicable Board regulations;*
6. *Ensuring that brokerage agreements include the name and contact information of the supervising broker; and*
7. Maintaining the records required by this subsection for three years. The records shall be furnished to the Board's agent upon request.

C. Any supervising broker who resides more than 50 miles from a branch office under his supervision, having licensees who regularly conduct business assigned to such branch office, shall certify in writing quarterly on a form provided by the Board that the supervising broker has complied with the requirements of this section.

D. ~~No later than January 1, 2017~~ *As a condition of the renewal of a branch office license, the supervising broker for a branch office shall provide to the Board the name and license number of the supervising broker for the branch office. Thereafter, upon the renewal of the license of each real estate licensee working in such affiliated with the branch office or upon the transfer of a licensee to such office, the broker shall provide to the Board the name and license number of each real estate licensee working in the branch office on the broker acknowledgement form created at the time of the renewal in a format deemed acceptable by the Board.*

**2. That the provisions of this act shall become effective on January 1, 2019.**

**CHAPTER 225**

*An Act to amend and reenact §§ 2.2-2472, as it is currently effective and as it may become effective, and 60.2-113 of the Code of Virginia, relating to the transfer of labor market information research studies, programs, and operations from the Virginia Employment Commission to the Virginia Board of Workforce Development.*

[H 1006]

Approved March 9, 2018

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

**1. That §§ 2.2-2472, as it is currently effective and as it may become effective, and 60.2-113 of the Code of Virginia are amended and reenacted as follows:**

**§ 2.2-2472. (Contingent expiration date) Powers and duties of the Board; Virginia Workforce System created.**

A. The Board shall implement a Virginia Workforce System that shall undertake the following actions to implement and foster workforce development and training and better align education and workforce programs to meet current and projected skills requirements of an increasingly technological, global workforce:

1. Provide policy advice to the Governor on workforce and workforce development issues in order to create a business-driven system that yields increasing rates of attainment of workforce credentials in demand by business and increasing rates of jobs creation and attainment;

2. Provide policy direction to local workforce development boards;

3. Assist the Governor in the development, implementation, and modification of any combined state plan developed pursuant to the WIOA;

4. Identify current and emerging statewide workforce needs of the business community;

5. Forecast and identify training requirements for the new workforce;

6. Recommend strategies to match trained workers with available jobs to include strategies for increasing business engagement in education and workforce development;

7. Evaluate the extent to which the state's workforce development programs emphasize education and training opportunities that align with employers' workforce needs and labor market statistics and report the findings of this analysis to the Governor every two years;

8. *Advise and oversee the development of a strategic workforce dashboard and tools that will inform the Governor, policy makers, system stakeholders, and the public on issues such as state and regional labor market conditions, the relationship between the supply and demand for workers, workforce program outcomes, and projected employment growth or decline. The Virginia Employment Commission, along with other workforce partners, shall provide data to populate the tools and dashboard;*

9. *Determine and publish a list of jobs, trades, and professions for which high demand for qualified workers exists or is projected by the Virginia Employment Commission. The Virginia Employment Commission shall support the Virginia Board of Workforce Development in making such determination. Such information shall be published biennially and disseminated to employers; education and training entities, including associate-degree-granting and baccalaureate public institutions of higher education; government agencies, including the Department of Education and public libraries; and other users in the public and private sectors;*

10. Develop pay-for-performance contract strategy incentives for rapid reemployment services consistent with the WIOA as an alternative model to traditional programs;

~~9-~~ 11. Conduct a review of budgets, which shall be submitted annually to the Board by each agency conducting federal and state funded career and technical and adult education and workforce development programs, that identify the agency's sources and expenditures of administrative, workforce education and training, and support services for workforce development programs;

~~10-~~ 12. Review and recommend industry credentials that align with high demand occupations, which credentials shall include the Career Readiness Certificate;

~~11-~~ 13. Define the Board's role in certifying WIOA training providers, including those not subject to the authority expressed in Article 3 (§ 23.1-213 et seq.) of Chapter 2 of Title 23.1;

~~12-~~ 14. Provide an annual report to the Governor concerning its actions and determinations under subdivisions 1 through ~~11~~ 13;

~~13-~~ 15. Create quality standards, guidelines, and directives applicable to local workforce development boards and the operation of one-stops, as necessary and appropriate to carry out the purposes of this article; and

~~14-~~ 16. Perform any act or function in accordance with the purposes of this article.

B. The Board may establish such committees as it deems necessary including the following:

1. A committee to accomplish the federally mandated requirements of the WIOA;

2. An advanced technology committee to focus on high-technology workforce training needs and skills attainment solutions through sector strategies, career readiness, and career pathways;

3. A performance and accountability committee to coordinate with the Virginia Employment Commission, the State Council of Higher Education for Virginia, the Virginia Community College System, and the Council on Virginia's Future to develop the metrics and measurements for publishing comprehensive workforce score cards and other longitudinal data that will enable the Virginia Workforce System to measure comprehensive accountability and performance; and

4. A military transition assistance committee to focus on workforce development and employment of veterans and on reducing process and qualification barriers to training and employment services.

C. The Board and the Governor's cabinet secretaries shall assist the Governor in complying with the provisions of the WIOA and ensuring the coordination and effectiveness of all federal and state funded career and technical and adult education and workforce development programs and providers within Virginia's Workforce System.

D. The Board shall assist the Governor in the following areas with respect to workforce development: development of any combined state plan developed pursuant to the WIOA; development and continuous improvement of a statewide

workforce development system that ensures career readiness and coordinates and aligns career and technical education, adult education, and federal and state workforce programs; development of linkages to ensure coordination and nonduplication among programs and activities; designation of local areas; development of local discretionary allocation formulas; development and continuous improvement of comprehensive state performance measures including, without limitation, performance measures reflecting the degree to which one-stop centers provide comprehensive services with all mandatory partners and the degree to which local workforce development boards have obtained funding from sources other than the WIOA; preparation of the annual report to the U.S. Secretary of Labor; development of a statewide employment statistics system; and development of a statewide system of one-stop centers that provide comprehensive workforce services to employers, employees, and job seekers.

The Board shall share information regarding its meetings and activities with the public.

E. Each local workforce development board shall develop and submit to the Governor and the Board an annual workforce demand plan for its workforce development board area based on a survey of local and regional businesses that reflects the local employers' needs and requirements and the availability of trained workers to meet those needs and requirements. Local boards shall also designate or certify one-stop operators; identify eligible providers of youth activities; develop a budget; conduct local oversight of one-stop operators and training providers in partnership with its local chief elected official; negotiate local performance measures, including incentives for good performance and penalties for inadequate performance; assist in developing statewide employment statistics; coordinate workforce development activities with economic development strategies and the annual demand plan, and develop linkages among them; develop and enter into memoranda of understanding with one-stop partners and implement the terms of such memoranda; promote participation by the private sector; actively seek sources of financing in addition to WIOA funds; report performance statistics to the Board; and certify local training providers in accordance with criteria provided by the Board. Further, a local training provider certified by any workforce development board has reciprocal certification for all workforce development boards.

F. Each workforce development board shall develop and execute a strategic plan designed to combine public and private resources to support sector strategies, career pathways, and career readiness skills development. Such initiatives shall include or address (i) a regional vision for workforce development; (ii) protocols for planning workforce strategies that anticipate industry needs; (iii) the needs of incumbent and underemployed workers in the region; (iv) the development of partners and guidelines for various forms of on-the-job training, such as registered apprenticeships; (v) the setting of standards and metrics for operational delivery; (vi) alignment of monetary and other resources, including private funds and in-kind contributions, to support the workforce development system; and (vii) the generation of new sources of funding to support workforce development in the region.

G. Local workforce development boards are encouraged to implement pay-for-performance contract strategy incentives for rapid reemployment services consistent within the WIOA as an alternative model to traditional programs. Such incentives shall focus on (i) partnerships that lead to placements of eligible job seekers in unsubsidized employment and (ii) placement in unsubsidized employment for hard-to-serve job seekers. At the discretion of the local workforce development board, funds to the extent permissible under §§ 128(b) and 133(b) of the WIOA may be allocated for pay-for-performance partnerships.

H. Each chief local elected official shall consult with the Governor regarding designation of local workforce development areas; appoint members to the local board in accordance with state criteria; serve as the local grant recipient unless another entity is designated in the local plan; negotiate local performance measures with the Governor; ensure that all mandated partners are active participants in the local workforce development board and one-stop center; and collaborate with the local workforce development board on local plans and program oversight.

I. Each local workforce development board shall develop and enter into a memorandum of understanding concerning the operation of the one-stop delivery system in the local area with each entity that carries out any of the following programs or activities:

1. Programs authorized under Title I of the WIOA;
2. Programs authorized under the Wagner-Peyser Act (29 U.S.C. § 49 et seq.);
3. Adult education and literacy activities authorized under Title II of the WIOA;
4. Programs authorized under Title I of the Rehabilitation Act of 1973 (29 U.S.C. § 720 et seq.);
5. Postsecondary career and technical education activities authorized under the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. § 2301 et seq.);
6. Activities authorized under Chapter 2 of Title II of the Trade Act of 1974 (19 U.S.C. § 2271 et seq.);
7. Activities pertaining to employment and training programs for veterans authorized under 38 U.S.C. § 4100 et seq.;
8. Programs authorized under Title 60.2, in accordance with applicable federal law;
9. Workforce development activities or work requirements of the Temporary Assistance to Needy Families (TANF) program known in Virginia as the Virginia Initiative for Employment, Not Welfare (VIEW) program established pursuant to § 63.2-608;
10. Workforce development activities or work programs authorized under the Food Stamp Act of 1977 (7 U.S.C. § 2011 et seq.);
11. Other programs or activities as required by the WIOA; and
12. Programs authorized under Title I of the WIOA.

J. The quorum for a meeting of a local workforce development board shall consist of a majority of both the private sector and public sector members. Each local workforce development board shall share information regarding its meetings and activities with the public.

K. For the purposes of implementing the WIOA, income from service in the Virginia National Guard shall not disqualify unemployed service members from WIOA-related services.

L. The Chief Workforce Development Advisor shall be responsible for the coordination of the Virginia Workforce System and the implementation of the WIOA.

**§ 2.2-2472. (Contingent effective date) Powers and duties of the Board; Virginia Workforce System created.**

A. The Board shall implement a Virginia Workforce System that shall undertake the following actions to implement and foster workforce development and training and better align education and workforce programs to meet current and projected skills requirements of an increasingly technological, global workforce:

1. Provide policy advice to the Governor on workforce and workforce development issues in order to create a business-driven system that yields increasing rates of attainment of workforce credentials in demand by business and increasing rates of jobs creation and attainment;

2. Provide policy direction to local workforce development boards;

3. Assist the Governor in the development, implementation, and modification of any combined state plan developed pursuant to the WIOA;

4. Identify current and emerging statewide workforce needs of the business community;

5. Forecast and identify training requirements for the new workforce;

6. Recommend strategies to match trained workers with available jobs to include strategies for increasing business engagement in education and workforce development;

7. Evaluate the extent to which the state's workforce development programs emphasize education and training opportunities that align with employers' workforce needs and labor market statistics and report the findings of this analysis to the Governor every two years;

8. *Advise and oversee the development of a strategic workforce dashboard and tools that will inform the Governor, policy makers, system stakeholders, and the public on issues such as state and regional labor market conditions, the relationship between the supply and demand for workers, workforce program outcomes, and projected employment growth or decline. The Virginia Employment Commission, along with other workforce partners, shall provide data to populate the tools and dashboard;*

9. *Determine and publish a list of jobs, trades, and professions for which high demand for qualified workers exists or is projected by the Virginia Employment Commission. The Virginia Employment Commission shall support the Virginia Board of Workforce Development in making such determination. Such information shall be published biennially and disseminated to employers; education and training entities, including associate-degree-granting and baccalaureate public institutions of higher education; government agencies, including the Department of Education and public libraries; and other users in the public and private sectors;*

10. Develop pay-for-performance contract strategy incentives for rapid reemployment services consistent with the WIOA as an alternative model to traditional programs;

~~9~~ 11. Conduct a review of budgets, which shall be submitted annually to the Board by each agency conducting federal and state funded career and technical and adult education and workforce development programs, that identify the agency's sources and expenditures of administrative, workforce education and training, and support services for workforce development programs;

~~10~~ 12. Review and recommend industry credentials that align with high demand occupations, which credentials shall include a credential that determines career readiness;

~~11~~ 13. Define the Board's role in certifying WIOA training providers, including those not subject to the authority expressed in Article 3 (§ 23.1-213 et seq.) of Chapter 2 of Title 23.1;

~~12~~ 14. Provide an annual report to the Governor concerning its actions and determinations under subdivisions 1 through ~~11~~ 13;

~~13~~ 15. Create quality standards, guidelines, and directives applicable to local workforce development boards and the operation of one-stops, as necessary and appropriate to carry out the purposes of this article; and

~~14~~ 16. Perform any act or function in accordance with the purposes of this article.

B. The Board may establish such committees as it deems necessary including the following:

1. A committee to accomplish the federally mandated requirements of the WIOA;

2. An advanced technology committee to focus on high-technology workforce training needs and skills attainment solutions through sector strategies, career readiness, and career pathways;

3. A performance and accountability committee to coordinate with the Virginia Employment Commission, the State Council of Higher Education for Virginia, the Virginia Community College System, and the Council on Virginia's Future to develop the metrics and measurements for publishing comprehensive workforce score cards and other longitudinal data that will enable the Virginia Workforce System to measure comprehensive accountability and performance; and

4. A military transition assistance committee to focus on workforce development and employment of veterans and on reducing process and qualification barriers to training and employment services.

C. The Board and the Governor's cabinet secretaries shall assist the Governor in complying with the provisions of the WIOA and ensuring the coordination and effectiveness of all federal and state funded career and technical and adult education and workforce development programs and providers within Virginia's Workforce System.

D. The Board shall assist the Governor in the following areas with respect to workforce development: development of any combined state plan developed pursuant to the WIOA; development and continuous improvement of a statewide workforce development system that ensures career readiness and coordinates and aligns career and technical education, adult education, and federal and state workforce programs; development of linkages to ensure coordination and nonduplication among programs and activities; designation of local areas; development of local discretionary allocation formulas; development and continuous improvement of comprehensive state performance measures including, without limitation, performance measures reflecting the degree to which one-stop centers provide comprehensive services with all mandatory partners and the degree to which local workforce development boards have obtained funding from sources other than the WIOA; preparation of the annual report to the U.S. Secretary of Labor; development of a statewide employment statistics system; and development of a statewide system of one-stop centers that provide comprehensive workforce services to employers, employees, and job seekers.

The Board shall share information regarding its meetings and activities with the public.

E. Each local workforce development board shall develop and submit to the Governor and the Board an annual workforce demand plan for its workforce development board area based on a survey of local and regional businesses that reflects the local employers' needs and requirements and the availability of trained workers to meet those needs and requirements. Local boards shall also designate or certify one-stop operators; identify eligible providers of youth activities; develop a budget; conduct local oversight of one-stop operators and training providers in partnership with its local chief elected official; negotiate local performance measures, including incentives for good performance and penalties for inadequate performance; assist in developing statewide employment statistics; coordinate workforce development activities with economic development strategies and the annual demand plan, and develop linkages among them; develop and enter into memoranda of understanding with one-stop partners and implement the terms of such memoranda; promote participation by the private sector; actively seek sources of financing in addition to WIOA funds; report performance statistics to the Board; and certify local training providers in accordance with criteria provided by the Board. Further, a local training provider certified by any workforce development board has reciprocal certification for all workforce development boards.

F. Each workforce development board shall develop and execute a strategic plan designed to combine public and private resources to support sector strategies, career pathways, and career readiness skills development. Such initiatives shall include or address (i) a regional vision for workforce development; (ii) protocols for planning workforce strategies that anticipate industry needs; (iii) the needs of incumbent and underemployed workers in the region; (iv) the development of partners and guidelines for various forms of on-the-job training, such as registered apprenticeships; (v) the setting of standards and metrics for operational delivery; (vi) alignment of monetary and other resources, including private funds and in-kind contributions, to support the workforce development system; and (vii) the generation of new sources of funding to support workforce development in the region.

G. Local workforce development boards are encouraged to implement pay-for-performance contract strategy incentives for rapid reemployment services consistent within the WIOA as an alternative model to traditional programs. Such incentives shall focus on (i) partnerships that lead to placements of eligible job seekers in unsubsidized employment and (ii) placement in unsubsidized employment for hard-to-serve job seekers. At the discretion of the local workforce development board, funds to the extent permissible under §§ 128(b) and 133(b) of the WIOA may be allocated for pay-for-performance partnerships.

H. Each chief local elected official shall consult with the Governor regarding designation of local workforce development areas; appoint members to the local board in accordance with state criteria; serve as the local grant recipient unless another entity is designated in the local plan; negotiate local performance measures with the Governor; ensure that all mandated partners are active participants in the local workforce development board and one-stop center; and collaborate with the local workforce development board on local plans and program oversight.

I. Each local workforce development board shall develop and enter into a memorandum of understanding concerning the operation of the one-stop delivery system in the local area with each entity that carries out any of the following programs or activities:

1. Programs authorized under Title I of the WIOA;
2. Programs authorized under the Wagner-Peyser Act (29 U.S.C. § 49 et seq.);
3. Adult education and literacy activities authorized under Title II of the WIOA;
4. Programs authorized under Title I of the Rehabilitation Act of 1973 (29 U.S.C. § 720 et seq.);
5. Postsecondary career and technical education activities authorized under the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. § 2301 et seq.);
6. Activities authorized under Chapter 2 of Title II of the Trade Act of 1974 (19 U.S.C. § 2271 et seq.);
7. Activities pertaining to employment and training programs for veterans authorized under 38 U.S.C. § 4100 et seq.;
8. Programs authorized under Title 60.2, in accordance with applicable federal law;

9. Workforce development activities or work requirements of the Temporary Assistance to Needy Families (TANF) program known in Virginia as the Virginia Initiative for Employment, Not Welfare (VIEW) program established pursuant to § 63.2-608;

10. Workforce development activities or work programs authorized under the Food Stamp Act of 1977 (7 U.S.C. § 2011 et seq.);

11. Other programs or activities as required by the WIOA; and

12. Programs authorized under Title I of the WIOA.

J. The quorum for a meeting of a local workforce development board shall consist of a majority of both the private sector and public sector members. Each local workforce development board shall share information regarding its meetings and activities with the public.

K. For the purposes of implementing the WIOA, income from service in the Virginia National Guard shall not disqualify unemployed service members from WIOA-related services.

L. The Chief Workforce Development Advisor shall be responsible for the coordination of the Virginia Workforce System and the implementation of the WIOA.

**§ 60.2-113. Employment stabilization.**

The Commission shall take all necessary steps through its appropriate divisions and with the advice of such advisory boards and committees as it may have to:

1. Establish a viable labor exchange system to promote maximum employment for the Commonwealth of Virginia with priority given to those workers drawing unemployment benefits;

2. Provide Virginia State Job Service services, as described in this title, according to the provisions of the Wagner-Peyser Act (29 U.S.C. 49f), as amended by the Workforce Innovation and Opportunity Act;

3. Maintain a solvent trust fund financed through equitable employer taxes that provide temporary partial income replacement to involuntarily unemployed covered workers;

4. Coordinate and conduct labor market information research studies, programs and operations, including the development, storage, retrieval and dissemination of information on the social and economic aspects of the Commonwealth and publish data needed by employers, economic development, education and training entities, government and other users in the public and private sectors;

~~5. Determine and publish a list of jobs, trades, and professions for which a high demand of qualified workers exists or is projected by the Commission. The Commission shall consult with the Virginia Board of Workforce Development in making such determination. Such information shall be published biennially and disseminated to employers, education and training entities, including public two-year and four-year institutions of higher education, government agencies, including the Department of Education and public libraries; and other users in the public and private sectors;~~

~~6. Encourage and assist in the adoption of practical methods of vocational guidance, training and retraining; and~~

~~7. 6. Establish the Interagency Migrant Worker Policy Committee, comprised of representatives from appropriate state agencies, including the Virginia Workers' Compensation Commission, whose services and jurisdictions involve migrant and seasonal farmworkers and their employees. All agencies of the Commonwealth shall be required to cooperate with the Committee upon request.~~

**2. That the Virginia Employment Commission shall submit a plan to the Virginia Board of Workforce Development and the Governor's Chief Workforce Advisor describing a process and timeline for developing and implementing a statewide workforce dashboard fed by an automated data pipeline by August 1, 2018. Full implementation of the plan shall begin no later than November 1, 2018.**

**CHAPTER 226**

*An Act to amend and reenact §§ 55-509.4, 55-509.6, and 55-509.7 of the Code of Virginia, relating to common interest communities; disclosure packets.*

[H 1031]

Approved March 9, 2018

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

**1. That §§ 55-509.4, 55-509.6, and 55-509.7 of the Code of Virginia are amended and reenacted as follows:**

**§ 55-509.4. Contract disclosure statement; right of cancellation; use of for sale sign in connection with resale; designation of authorized representative.**

A. Subject to the provisions of subsection A of § 55-509.10, an owner selling a lot shall disclose in the contract that (i) the lot is located within a development that is subject to the Virginia Property Owners' Association Act (§ 55-508 et seq.); (ii) the Act requires the seller to obtain from the property owners' association an association disclosure packet and provide it to the purchaser; (iii) the purchaser may cancel the contract within three days after receiving the association disclosure packet or being notified that the association disclosure packet will not be available; (iv) if the purchaser has received the association disclosure packet, the purchaser has a right to request an update of such disclosure packet in accordance with subsection H of § 55-509.6 or subsection ~~C~~ D of § 55-509.7, as appropriate; and (v) the right to receive the association disclosure packet and the right to cancel the contract are waived conclusively if not exercised before settlement.

For purposes of clause (iii), the association disclosure packet shall be deemed not to be available if (a) a current annual report has not been filed by the association with either the State Corporation Commission pursuant to § 13.1-936 or with the Common Interest Community Board pursuant to § 55-516.1, (b) the seller has made a written request to the association that the packet be provided and no such packet has been received within 14 days in accordance with subsection A of § 55-509.5, or (c) written notice has been provided by the association that a packet is not available.

B. If the contract does not contain the disclosure required by subsection A, the purchaser's sole remedy is to cancel the contract prior to settlement.

C. The information contained in the association disclosure packet shall be current as of a date specified on the association disclosure packet prepared in accordance with this section; however, a disclosure packet update or financial update may be requested in accordance with subsection G of § 55-509.6 or subsection *D* of § 55-509.7, as appropriate. The purchaser may cancel the contract: (i) within three days after the date of the contract, if on or before the date that the purchaser signs the contract, the purchaser receives the association disclosure packet or is notified that the association disclosure packet will not be available; (ii) within three days after receiving the association disclosure packet if the association disclosure packet or notice that the association disclosure packet will not be available is hand delivered, delivered by electronic means, or delivered by a commercial overnight delivery service or the United States Postal Service, and a receipt obtained; or (iii) within six days after the postmark date if the association disclosure packet or notice that the association disclosure packet will not be available is sent to the purchaser by United States mail. The purchaser may also cancel the contract at any time prior to settlement if the purchaser has not been notified that the association disclosure packet will not be available and the association disclosure packet is not delivered to the purchaser.

Notice of cancellation shall be provided to the lot owner or his agent by one of the following methods:

1. Hand delivery;
2. United States mail, postage prepaid, provided the sender retains sufficient proof of mailing, which may be either a United States postal certificate of mailing or a certificate of service prepared by the sender confirming such mailing;
3. Electronic means provided the sender retains sufficient proof of the electronic delivery, which may be an electronic receipt of delivery, a confirmation that the notice was sent by facsimile, or a certificate of service prepared by the sender confirming the electronic delivery; or
4. Overnight delivery using a commercial service or the United States Postal Service.

In the event of a dispute, the sender shall have the burden to demonstrate delivery of the notice of cancellation. Such cancellation shall be without penalty, and the seller shall cause any deposit to be returned promptly to the purchaser.

D. Whenever any contract is canceled based on a failure to comply with subsection A or C or pursuant to subsection B, any deposit or escrowed funds shall be returned within 30 days of the cancellation, unless the parties to the contract specify in writing a shorter period.

E. Any rights of the purchaser to cancel the contract provided by this chapter are waived conclusively if not exercised prior to settlement.

F. Except as expressly provided in this chapter, the provisions of this section and § 55-509.5 may not be varied by agreement, and the rights conferred by this section and § 55-509.5 may not be waived.

G. For purposes of this chapter:

"Delivery" means that the disclosure packet is delivered to the purchaser or purchaser's authorized agent by one of the methods specified in this section.

"Purchaser's authorized agent" means any person designated by such purchaser in a ratified real estate contract for purchase and sale of residential real property or other writing designating such agent.

"Receives, received, or receiving" the disclosure packet means that the purchaser or purchaser's authorized agent has received the disclosure packet by one of the methods specified in this section.

"Seller's authorized agent" means a person designated by such seller in a ratified real estate contract for purchase and sale of residential real property or other writing designating such agent.

H. Unless otherwise provided in the ratified real estate contract or other writing, delivery to the purchaser's authorized agent shall require delivery to such agent and not to a person other than such agent. Delivery of the disclosure packet may be made by the lot owner or the lot owner's authorized agent.

I. If the lot is governed by more than one association, the purchaser's right of cancellation may be exercised within the required time frames following delivery of the last disclosure packet or resale certificate.

J. Except as expressly authorized in this chapter or in the declaration or as otherwise provided by law, no property owners' association shall:

1. Require the use of any for sale sign that is (i) an association sign or (ii) a real estate sign that does not comply with the requirements of the Real Estate Board. An association may, however, prohibit the placement of signs in the common area and establish reasonable rules and regulations that regulate (a) the number of real estate signs to be located on real property upon which the owner has a separate ownership interest or a right of exclusive possession so long as at least one real estate sign is permitted; (b) the geographical location of real estate signs on real property in which the owner has a separate ownership interest or a right of exclusive possession, so long as the location of the real estate signs complies with the requirements of the Real Estate Board; (c) the manner in which real estate signs are affixed to real property; and (d) the period of time after settlement when the real estate signs on such real property shall be removed; or

2. Require any lot owner to execute a formal power of attorney if the lot owner designates a person licensed under the provisions of § 54.1-2106.1 as the lot owner's authorized representative, and the association shall recognize such representation without a formal power of attorney, provided that the association is given a written authorization signed by the lot owner designating such representative. Notwithstanding the foregoing, the requirements of § 13.1-849 of the Virginia Nonstock Corporation Act (§ 13.1-801 et seq.) and the association's declaration, bylaws, and articles of incorporation shall be satisfied before any such representative may exercise a vote on behalf of a lot owner as a proxy.

**§ 55-509.6. Fees for disclosure packet; professionally managed associations.**

A. A professionally managed association or its common interest community manager may charge certain fees as authorized by this section for the inspection of the property, the preparation and issuance of the disclosure packet required by § 55-509.5, and for such other services as set out in this section. The seller or the seller's authorized agent shall specify in writing whether the disclosure packet shall be delivered electronically or in hard copy, at the option of the seller or the seller's authorized agent, and shall specify the complete contact information for the parties to whom the disclosure packet shall be delivered.

B. A reasonable fee may be charged by the preparer as follows for:

1. The inspection of the exterior of the dwelling unit and the lot, as authorized in the declaration and as required to prepare the association disclosure packet, a fee not to exceed \$100;

2. The preparation and delivery of the disclosure packet in (i) paper format, a fee not to exceed \$150 for no more than two hard copies or (ii) electronic format, a fee not to exceed a total of \$125 for an electronic copy to each of the following named in the request: the seller, the seller's authorized agent, the purchaser, the purchaser's authorized agent, and not more than one other person designated by the requester. The preparer of the disclosure packet shall provide the disclosure packet directly to the designated persons. Only one fee shall be charged for the preparation and delivery of the disclosure packet;

3. At the option of the seller or the seller's authorized agent, with the consent of the association or the common interest community manager, expediting the inspection, preparation and delivery of the disclosure packet, an additional expedite fee not to exceed \$50;

4. At the option of the seller or the seller's authorized agent, an additional hard copy of the disclosure packet, a fee not to exceed \$25 per hard copy;

5. At the option of the seller or the seller's authorized agent, a fee not to exceed an amount equal to the actual cost paid to a third-party commercial delivery service for hand delivery or overnight delivery of the association disclosure packet; and

6. A post-closing fee to the purchaser of the property, collected at settlement, for the purpose of establishing the purchaser as the owner of the property in the records of the association, a fee not to exceed \$50.

Except as otherwise provided in subsection E, neither the association nor its common interest community manager shall require cash, check, certified funds or credit card payments at the time the request for the disclosure packet is made. The disclosure packet shall state that all fees and costs for the disclosure packet shall be the personal obligation of the lot owner and shall be an assessment against the lot and collectible as any other assessment in accordance with the provisions of the declaration and § 55-516, if not paid at settlement or within 60 days of the delivery of the disclosure packet, whichever occurs first.

For purposes of this section, an expedite fee shall only be charged if the inspection and preparation of delivery of the disclosure packet are completed within five business days of the request for a disclosure packet.

C. No fees other than those specified in this section, and as limited by this section, shall be charged by the association or its common interest community manager for compliance with the duties and responsibilities of the association under this chapter. No additional fee shall be charged for access to the association's or common interest community manager's website. The association or its common interest community manager shall publish and make available in paper or electronic format, or both, a schedule of the applicable fees so the seller or the seller's authorized agent will know such fees at the time of requesting the packet.

D. Any fees charged pursuant to this section shall be collected at the time of settlement on the sale of the lot and shall be due and payable out of the settlement proceeds in accordance with this section. The settlement agent shall escrow a sum sufficient to pay such costs of the seller at settlement. The seller shall be responsible for all costs associated with the preparation and delivery of the association disclosure packet, except for the costs of any disclosure packet update or financial update, which costs shall be the responsibility of the requester, payable at settlement. Neither the association nor its common interest community manager shall require cash, check, certified funds, or credit card payments at the time of the request is made for the association disclosure packet.

E. If settlement does not occur within 60 days of the delivery of the disclosure packet, or funds are not collected at settlement and disbursed to the association or the common interest community manager, all fees, including those costs that would have otherwise been the responsibility of the purchaser or settlement agent, shall be (i) assessed within one year after delivery of the disclosure packet against the lot owner, (ii) the personal obligation of the lot owner, and (iii) an assessment against the lot and collectible as any other assessment in accordance with the provisions of the declaration and § 55-516. The seller may pay the association by cash, check, certified funds, or credit card, if credit card payment is an option offered by the association. The association shall pay the common interest community manager the amount due from the lot owner within 30 days after invoice.

F. The maximum allowable fees charged in accordance with this section shall adjust every five years, as of January 1 of that year, in an amount equal to the annual increases for that five-year period in the United States Average Consumer Price

Index for all items, all urban consumers (CPI-U), as published by the Bureau of Labor Statistics of the U.S. Department of Labor.

G. If an association disclosure packet has been issued for a lot within the preceding 12-month period, a person specified in the written instructions of the seller or the seller's authorized agent, including the seller or the seller's authorized agent, or the purchaser or his authorized agent may request a disclosure packet update. The requester shall specify whether the disclosure packet update shall be delivered electronically or in hard copy, and shall specify the complete contact information of the parties to whom the update shall be delivered. The disclosure packet update shall be delivered within 10 days of the written request.

H. The settlement agent may request a financial update. The requester shall specify whether the financial update shall be delivered electronically or in hard copy, and shall specify the complete contact information of the parties to whom the update shall be delivered. The financial update shall be delivered within three business days of the written request.

I. A reasonable fee for the disclosure packet update or financial update may be charged by the preparer not to exceed \$50. At the option of the purchaser or the purchaser's authorized agent, the requester may request that the association or the common interest community manager perform an additional inspection of the exterior of the dwelling unit and the lot, as authorized in the declaration, for a fee not to exceed \$100. Any fees charged for the specified update shall be collected at the time settlement occurs on the sale of the property. The settlement agent shall escrow a sum sufficient to pay such costs of the seller at settlement. Neither the association nor its common interest community manager, if any, shall require cash, check, certified funds, or credit card payments at the time the request is made for the disclosure packet update. The requester may request that the specified update be provided in hard copy or in electronic form.

J. No association or common interest community manager may require the requester to request the specified update electronically. The seller or the seller's authorized agent shall continue to have the right to request a hard copy of the specified update in person at the principal place of business of the association. If the requester asks that the specified update be provided in electronic format, neither the association nor its common interest community manager may require the requester to pay any fees to use the provider's electronic network or system. A copy of the specified update shall be provided to the seller or the seller's authorized agent.

K. When an association disclosure packet has been delivered as required by § 55-509.5, the association shall, as to the purchaser, be bound by the statements set forth therein as to the status of the assessment account and the status of the lot with respect to any violation of the declaration, bylaws, rules and regulations, architectural guidelines and articles of incorporation, if any, of the association as of the date of the statement unless the purchaser had actual knowledge that the contents of the disclosure packet were in error.

L. If the association or its common interest community manager has been requested in writing to furnish the association disclosure packet required by § 55-509.5, failure to provide the association disclosure packet substantially in the form provided in this section shall be deemed a waiver of any claim for delinquent assessments or of any violation of the declaration, bylaws, rules and regulations, or architectural guidelines existing as of the date of the request with respect to the subject lot. The preparer of the association disclosure packet shall be liable to the seller in an amount equal to the actual damages sustained by the seller in an amount not to exceed \$1,000. The purchaser shall nevertheless be obligated to abide by the declaration, bylaws, rules and regulations, and architectural guidelines of the association as to all matters arising after the date of the settlement of the sale.

M. The Common Interest Community Board may assess a monetary penalty for failure to deliver the association disclosure packet within 14 days against any (i) property owners' association pursuant to § 54.1-2351 or (ii) common interest community manager pursuant to § 54.1-2349 and regulations promulgated thereto, and may issue a cease and desist order pursuant to § 54.1-2349 or 54.1-2352, as applicable.

*N. No association may collect fees authorized by this section unless the association (i) is registered with the Common Interest Community Board, (ii) is current in filing the most recent annual report with the Common Interest Community Board, (iii) is current in paying the annual payment to the Common Interest Community Board pursuant to § 55-516.1 and any assessment made by the Common Interest Community Board pursuant to § 55-530.1, and (iv) provides the disclosure packet electronically if so requested by the requester.*

**§ 55-509.7. Fees for disclosure packets; associations not professionally managed.**

A. An association that is not professionally managed may charge a fee for the preparation and issuance of the association disclosure packet required by § 55-509.5. Any fee shall reflect the actual cost of the preparation of the association disclosure packet, but shall not exceed \$0.10 per page of copying costs or a total of \$100 for all costs incurred in preparing the association disclosure packet. The seller or his authorized agent shall specify whether the association disclosure packet shall be delivered electronically or in hard copy and shall specify the complete contact information of the parties to whom the disclosure packet shall be delivered. If the seller or his authorized agent specifies that delivery shall be made to the purchaser or his authorized agent, the preparer shall provide the disclosure packet directly to the designated persons, at the same time it is delivered to the seller or his authorized agent. The association shall advise the requestor if electronic delivery of the disclosure packet or the disclosure packet update or financial update is not available, if electronic delivery has been requested by the seller or his authorized agent.

*B. At the option of the seller or the seller's authorized agent, with the consent of the association, a reasonable fee may be charged for (i) expediting the inspection, preparation and delivery of the disclosure packet, if completed within five business days of the request, not to exceed \$50; (ii) an additional hard copy of the disclosure packet not to exceed \$25 per*

*hard copy; and (iii) third-party commercial delivery service for hand delivery or overnight delivery of the association disclosure packet not to exceed an amount equal to the actual cost paid.*

~~C.~~ No fees other than those specified in this section shall be charged by the association for compliance with ~~its~~ duties and responsibilities under this section. Any fees charged pursuant to this section shall be collected at the time of delivery of the disclosure packet. If unpaid, any such fees shall be an assessment against the lot and collectible as any other assessment in accordance with the provisions of the declaration and § 55-516. The seller may pay the association by cash, check, certified funds, or credit card, if credit card payment is an option offered by the association.

~~C.~~ ~~D.~~ If an association disclosure packet has been issued for a lot within the preceding 12-month period, a person specified in the written instructions of the seller or his authorized agent, including the seller or his authorized agent, or the purchaser or his authorized agent may request a disclosure packet update. The requestor shall specify whether the disclosure packet update shall be delivered electronically or in hard copy and shall specify the complete contact information of the parties to whom the specified update shall be delivered. The disclosure packet update shall be delivered within 10 days of the written request therefor.

~~D.~~ ~~E.~~ The settlement agent may request a financial update. The requestor shall specify whether the financial update shall be delivered electronically or in hard copy, and shall specify the complete contact information of the parties to whom the update shall be delivered. The financial update shall be delivered within three business days of the written request therefor.

~~E.~~ ~~F.~~ A reasonable fee for the disclosure packet update or a financial update may be charged by the preparer not to exceed \$50. At the option of the purchaser or his authorized agent, the requestor may request that the association perform an additional inspection of the exterior of the dwelling unit and the lot, as authorized in the declaration, for a fee not to exceed \$50. Any fees charged for the specified update shall be collected at the time of delivery of the update. The association shall not require cash, check, certified funds, or credit card payments at the time the request is made for the disclosure packet update. The requestor may request that the specified update be provided in hard copy or in electronic form.

~~F.~~ ~~G.~~ No association may require the requestor to request the specified update electronically. The seller or his authorized agent shall continue to have the right to request a hard copy of the specified update in person at the principal place of business of the association. If the requestor asks that the specified update be provided in electronic format, the association shall not require the requestor to pay any fees to use the provider's electronic network or system. If the requestor asks that the specified update be provided in electronic format, the requestor may designate no more than two additional recipients to receive the specified update in electronic format at no additional charge. A copy of the specified update shall be provided to the seller or his authorized agent.

~~G.~~ ~~H.~~ When a disclosure packet has been delivered as required by § 55-509.5, the association shall, as to the purchaser, be bound by the statements set forth therein as to the status of the assessment account and the status of the lot with respect to any violation of the declaration, bylaws, rules and regulations, architectural guidelines and articles of incorporation, if any, of the association as of the date of the statement unless the purchaser had actual knowledge that the contents of the disclosure packet were in error.

~~H.~~ ~~I.~~ If the association has been requested to furnish the association disclosure packet required by this section, failure to provide the association disclosure packet substantially in the form provided in this section shall be deemed a waiver of any claim for delinquent assessments or of any violation of the declaration, bylaws, rules and regulations, or architectural guidelines existing as of the date of the request with respect to the subject lot. The association shall be liable to the seller in an amount equal to the actual damages sustained by the seller in an amount not to exceed \$500. The purchaser shall nevertheless be obligated to abide by the declaration, bylaws, rules and regulations, and architectural guidelines of the association as to all matters arising after the date of the settlement of the sale.

*J. No association may collect fees authorized by this section unless the association (i) is registered with the Common Interest Community Board, (ii) is current in filing the most recent annual report with the Common Interest Community Board, and (iii) is current in paying the annual payment to the Common Interest Community Board pursuant to § 55-516.1 and any assessment made by the Common Interest Community Board pursuant to § 55-530.1.*

*K. An association that is not professionally managed may charge and collect fees for inspection of the property, the preparation and issuance of an association disclosure packet, and such other services as set out in § 55-509.6, provided that the association provides the disclosure packet electronically if so requested by the requestor and otherwise complies with § 55-509.6.*

## CHAPTER 227

*An Act to amend and reenact § 60.2-513 of the Code of Virginia, relating to failure to file reports; penalty.*

[H 1293]

Approved March 9, 2018

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

**1. That § 60.2-513 of the Code of Virginia is amended and reenacted as follows:**

**§ 60.2-513. Failure of employing unit to file reports; assessment and amount of penalty.**

A. If any employing unit fails to file with the Commission any report which the Commission deems necessary for the effective administration of this title within 30 days after the Commission requires the same by written notice mailed to the last known address of such employing unit, the Commission may determine on the basis of such information as it may have whether such employing unit is an employer, unless such determination has already been made. Also, on the basis of such information, the Commission may assess the amount of tax due from such employer and shall give written notice of such determination and assessment to such employer. Such determination and assessment shall be final (i) unless such employer, within 30 days after the mailing to the employer at his last known address or other service of the notice of such determination or assessment, applies to the Commission for a review of such determination and assessment or (ii) unless the Commission, on its own motion, sets aside, reduces or increases the same.

B. If any employer had wages payable for a calendar quarter and fails, without good cause shown, to file any report as required of him under this title with respect to wages or taxes, the Commission shall assess upon the employer a penalty of ~~\$75~~ \$100, which shall be in addition to the taxes due and payable with respect to such report. A newly covered employer may file by the due date of the quarter in which his account number is assigned by the Commission, without penalty. If such employer's report is not filed by that date, and in the absence of good cause shown for the failure to so file, a ~~\$75~~ \$100 penalty shall be assessed for each report. Penalties collected pursuant to this section shall be paid into the Special Unemployment Compensation Administration Fund.

**CHAPTER 228**

*An Act to amend and reenact § 44-146.19 of the Code of Virginia, relating to Virginia Department of Emergency Management; local sheltering data.*

[H 1367]

Approved March 9, 2018

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

**1. That § 44-146.19 of the Code of Virginia is amended and reenacted as follows:**

**§ 44-146.19. Powers and duties of political subdivisions.**

A. Each political subdivision within the Commonwealth shall be within the jurisdiction of and served by the Department of Emergency Management and be responsible for local disaster mitigation, preparedness, response and recovery. Each political subdivision shall maintain in accordance with state disaster preparedness plans and programs an agency of emergency management which, except as otherwise provided under this chapter, has jurisdiction over and services the entire political subdivision.

B. Each political subdivision shall have a director of emergency management who, after the term of the person presently serving in this capacity has expired and in the absence of an executive order by the Governor, shall be the following:

1. In the case of a city, the mayor or city manager, who shall appoint a coordinator of emergency management with consent of council;
2. In the case of a county, a member of the board of supervisors selected by the board or the chief administrative officer for the county, who shall appoint a coordinator of emergency management with the consent of the governing body;
3. A coordinator of emergency management shall be appointed by the council of any town to ensure integration of its organization into the county emergency management organization;
4. In the case of the Town of Chincoteague and of towns with a population in excess of 5,000 having an emergency management organization separate from that of the county, the mayor or town manager shall appoint a coordinator of emergency services with consent of council;
5. In Smyth County and in York County, the chief administrative officer for the county shall appoint a director of emergency management, with the consent of the governing body, who shall appoint a coordinator of emergency management with the consent of the governing body.

C. Whenever the Governor has declared a state of emergency, each political subdivision within the disaster area may, under the supervision and control of the Governor or his designated representative, control, restrict, allocate or regulate the use, sale, production and distribution of food, fuel, clothing and other commodities, materials, goods, services and resource systems which fall only within the boundaries of that jurisdiction and which do not impact systems affecting adjoining or other political subdivisions, enter into contracts and incur obligations necessary to combat such threatened or actual disaster, protect the health and safety of persons and property and provide emergency assistance to the victims of such disaster. In exercising the powers vested under this section, under the supervision and control of the Governor, the political subdivision may proceed without regard to time-consuming procedures and formalities prescribed by law (except mandatory constitutional requirements) pertaining to the performance of public work, entering into contracts, incurring of obligations, employment of temporary workers, rental of equipment, purchase of supplies and materials, levying of taxes, and appropriation and expenditure of public funds.

D. The director of each local organization for emergency management may, in collaboration with (i) other public and private agencies within the Commonwealth or (ii) other states or localities within other states, develop or cause to be

developed mutual aid arrangements for reciprocal assistance in case of a disaster too great to be dealt with unassisted. Such arrangements shall be consistent with state plans and programs and it shall be the duty of each local organization for emergency management to render assistance in accordance with the provisions of such mutual aid arrangements.

E. Each local and interjurisdictional agency shall prepare and keep current a local or interjurisdictional emergency operations plan for its area. The plan shall include, but not be limited to, responsibilities of all local agencies and shall establish a chain of command, and a provision that the Department of Criminal Justice Services and the Virginia Criminal Injuries Compensation Fund shall be contacted immediately to deploy assistance in the event of an emergency as defined in the emergency response plan when there are victims as defined in § 19.2-11.01. The Department of Criminal Justice Services and the Virginia Criminal Injuries Compensation Fund shall be the lead coordinating agencies for those individuals determined to be victims, and the plan shall also contain current contact information for both agencies. Every four years, each local and interjurisdictional agency shall conduct a comprehensive review and revision of its emergency operations plan to ensure that the plan remains current, and the revised plan shall be formally adopted by the locality's governing body. In the case of an interjurisdictional agency, the plan shall be formally adopted by the governing body of each of the localities encompassed by the agency. Each political subdivision having a nuclear power station or other nuclear facility within 10 miles of its boundaries shall, if so directed by the Department of Emergency Management, prepare and keep current an appropriate emergency plan for its area for response to nuclear accidents at such station or facility.

F. All political subdivisions shall provide (i) an annually updated emergency management assessment and (ii) data related to emergency sheltering capabilities, including emergency shelter locations, evacuation zones, capacity by person, medical needs capacity, current wind rating, standards compliance, backup power, and lead agency for staffing, to the State Coordinator of Emergency Management on or before July May 1 of each year.

G. By July 1, 2005, all localities with a population greater than 50,000 shall establish an alert and warning plan for the dissemination of adequate and timely warning to the public in the event of an emergency or threatened disaster. The governing body of the locality, in consultation with its local emergency management organization, shall amend its local emergency operations plan that may include rules for the operation of its alert and warning system, to include sirens, Emergency Alert System (EAS), NOAA Weather Radios, or other personal notification systems, amateur radio operators, or any combination thereof.

H. Localities that have established an agency of emergency management shall have authority to require the review of, and suggest amendments to, the emergency plans of nursing homes, assisted living facilities, adult day care centers, and child day care centers that are located within the locality.

## CHAPTER 229

*An Act to amend and reenact §§ 54.1-2020 and 54.1-2021.1 of the Code of Virginia, relating to professions and occupations; appraisal management companies.*

[H 1506]

Approved March 9, 2018

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

**1. That §§ 54.1-2020 and 54.1-2021.1 of the Code of Virginia are amended and reenacted as follows:**

**§ 54.1-2020. Definitions.**

A. As used in this chapter, unless the context clearly requires otherwise:

"Appraisal management company" means a person or entity that (i) ~~administers a network of independent contract appraisers; receives requests for appraisals from clients, and receives a fee paid by the client for the appraisals and~~ (ii) ~~enters into an agreement with one or more independent appraisers in its network to perform the appraisals contained in the request provides appraisal management services to creditors or to secondary mortgage market participants, including affiliates;~~ (ii) provides such services in connection with valuing a consumer's principal dwelling as security for a consumer credit transaction or incorporating such transactions into securitizations; and (iii) within a 12-month calendar year, oversees an appraiser panel of more than 15 state-certified or state-licensed appraisers in a state or 25 or more state-certified or state-licensed appraisers in two or more states. "Appraisal management company" does not include a department or division of an entity that provides appraisal management services only to that entity.

"Appraisal management services" means one or more of the following: (i) recruiting, selecting, and retaining appraisers; (ii) contracting with state-certified or state-licensed appraisers to perform appraisal assignments; (iii) managing the process of having an appraisal performed, including providing administrative services such as receiving appraisal orders and appraisal reports, submitting completed appraisal reports to creditors and secondary mortgage market participants, collecting fees from creditors and secondary mortgage market participants for services provided, and paying appraisers for services performed; and (iv) reviewing and verifying the work of appraisers.

"Appraisal services" means acting as an appraiser to provide an appraisal or appraisal review.

"Appraiser" means a person licensed or certified under § 54.1-2017 and as otherwise provided in Chapter 20.1 (§ 54.1-2009 et seq.).

"Appraiser panel" means a network, list, or roster of licensed or certified appraisers approved by an appraisal management company to perform appraisals as independent contractors for the appraisal management company.

*Appraisers on an appraisal management company's appraiser panel include both appraisers accepted by the appraisal management company for consideration for future appraisal assignments in covered transactions or for secondary mortgage market participants in connection with covered transactions and appraisers engaged by the appraisal management company to perform one or more appraisals in covered transactions or for secondary mortgage market participants in connection with covered transactions. An appraiser is an independent contractor for purposes of this chapter if the appraiser is treated as an independent contractor by the appraisal management company for purposes of federal income taxation.*

"Board" means the Virginia Real Estate Appraiser Board.

"Employee" means an individual who has an employment relationship acknowledged by both the individual and the company and is treated as an employee for purposes of compliance with federal income tax laws.

"Uniform Standards of Professional Appraisal Practice" means the Uniform Standards of Professional Appraisal Practice adopted by the Appraisal Standards Board of the Appraisal Foundation.

B. The definitions contained in § 54.1-2009 shall be applicable except to the extent inconsistent with the definitions contained in this chapter.

**§ 54.1-2021.1. Appraisal management companies; license required; posting of bond or letter of credit.**

A. No person shall engage in business as an appraisal management company without a license issued by the Board.

B. The Board may issue a license to do business as an appraisal management company in the Commonwealth to any applicant who has submitted a complete application and provides satisfactory evidence that he has successfully:

1. Completed all requirements established by the Board that are consistent with this chapter and are reasonably necessary to implement, administer, and enforce the provisions of this chapter; and

2. Certified to the Board the following information, and such other information as may be reasonably required by the Board, regarding the person or entity seeking licensure:

a. The name of the person or entity;

b. The business address of the person or entity;

c. Phone contact information for the person or entity, and email address;

d. If the entity is not an entity domiciled in the Commonwealth, the name and contact information for the entity's agent for service of process in the Commonwealth;

e. If the entity is not an entity domiciled in the Commonwealth, proof that the entity is properly and currently registered with the Virginia State Corporation Commission;

f. The name, address, and contact information for any person or any entity that owns 10 percent or more of the appraisal management company;

g. The name, address, and contact information for a responsible person for the appraisal management company located in the Commonwealth, who shall be a person or entity licensed under Chapter 20.1 (§ 54.1-2009 et seq.);

h. That any person or entity that owns ~~10 percent or more~~ any part of the appraisal management company has never had a license to act as an appraiser refused, denied, canceled, *surrendered in lieu of revocation*, or revoked by the Commonwealth or any other state;

i. That the entity has a system in place to review the work of all appraisers that may perform appraisal services for the appraisal management company on a periodic basis to ensure that the appraisal services are being conducted in accordance with the Uniform Standards of Professional Appraisal Practice;

j. That the entity maintains a detailed record of the following: (i) each request for an appraisal service that the appraisal management company receives; (ii) the name of each independent appraiser that performs the appraisal; (iii) the physical address or legal identification of the subject property; (iv) the name of the appraisal management company's client for the appraisal; (v) the amount paid to the appraiser; and (vi) the amount paid to the appraisal management company; and

k. That the entity has a system in place to ensure compliance with § 129E of the Truth in Lending Act (15 U.S.C. § 1601 et seq.).

C. Any person that owns 10 percent or more of an appraisal management company and any controlling person of an appraisal management company seeking to be licensed pursuant to this chapter shall be of good moral character, as determined by the Board, and shall submit to a background investigation, as determined by the Board.

D. In addition to the filing fee, each applicant for licensure shall post either a bond or a letter of credit as follows:

1. If a bond is posted, the bond shall (i) be in the amount of \$100,000 or any other amount as set by regulation of the Board, (ii) be in a form prescribed by regulation of the Board, and (iii) accrue to the Commonwealth for the benefit of (a) a claimant against the licensee to secure the faithful performance of the licensee's obligations under this chapter or (b) an appraiser who has performed an appraisal for the licensee for which the appraiser has not been paid. The aggregate liability of the surety shall not exceed the principal sum of the bond. A party having a claim against the licensee may bring suit directly on the surety bond. When a claimant or an appraiser is awarded a final judgment in a court of competent jurisdiction against a licensee of this section for the licensee's failure to faithfully perform its obligations under this chapter or failure to pay an appraiser who performed an appraisal, the claimant or the appraiser may file a claim with the Board for a directive ordering payment from the bond issuer of the amount of the judgment, court costs and reasonable attorney fees as awarded by the court. Such claim shall be filed with the Board no later than 12 months after the judgment becomes final. Upon receipt of the claim against the licensee, the Board may cause its own investigation to be conducted. The amount of the bond shall be restored by the licensee to the full amount required within 15 days after the payment of any claim on the bond. If the

licensee fails to restore the full amount of the bond, the Board shall immediately revoke the license of the licensee whose conduct resulted in payment from the bond.

2. If a letter of credit is posted, the letter of credit shall (i) be in the amount of \$100,000 or any other amount as set by regulation of the Board, (ii) be irrevocable and in a form approved by the Board, payable to the Department of Professional Occupational Regulation, and (iii) be for the use and the benefit of (a) a claimant against the licensee to secure the faithful performance of the licensee's obligations under this chapter or (b) an appraiser who has performed an appraisal for the licensee for which the appraiser has not been paid. The aggregate liability on the letter of credit shall not exceed the principal sum of the letter of credit. When a claimant or an appraiser is awarded a final judgment in a court of competent jurisdiction against a licensee of this section for the licensee's failure to faithfully perform its obligations under this chapter or failure to pay an appraiser who performed an appraisal, the claimant or the appraiser may file a claim with the Board for a directive ordering payment from the issuer of the letter of credit of the amount of the judgment, court costs and reasonable attorney fees as awarded by the court. Such claim shall be filed with the Board no later than 12 months after the judgment becomes final. Upon receipt of the claim against the licensee, the Board may cause its own investigation to be conducted. Upon a draw against a letter of credit, the licensee shall provide a new letter of credit in the amount required by this subdivision within 15 days after payment of any claim on the letter of credit. If the licensee fails to restore the full amount of the letter of credit, the Board shall immediately revoke the license of the licensee whose conduct resulted in payment from the bond.

### CHAPTER 230

*An Act to amend and reenact §§ 54.1-2020 and 54.1-2021.1 of the Code of Virginia, relating to professions and occupations; appraisal management companies.*

[S 979]

Approved March 9, 2018

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

**1. That §§ 54.1-2020 and 54.1-2021.1 of the Code of Virginia are amended and reenacted as follows:**

**§ 54.1-2020. Definitions.**

A. As used in this chapter, unless the context clearly requires otherwise:

"Appraisal management company" means a person or entity that (i) ~~administers a network of independent contract appraisers, receives requests for appraisals from clients, and receives a fee paid by the client for the appraisals and (ii) enters into an agreement with one or more independent appraisers in its network to perform the appraisals contained in the request provides appraisal management services to creditors or to secondary mortgage market participants, including affiliates;~~ (ii) provides such services in connection with valuing a consumer's principal dwelling as security for a consumer credit transaction or incorporating such transactions into securitizations; and (iii) within a 12-month calendar year, oversees an appraiser panel of more than 15 state-certified or state-licensed appraisers in a state or 25 or more state-certified or state-licensed appraisers in two or more states. "Appraisal management company" does not include a department or division of an entity that provides appraisal management services only to that entity.

"Appraisal management services" means one or more of the following: (i) recruiting, selecting, and retaining appraisers; (ii) contracting with state-certified or state-licensed appraisers to perform appraisal assignments; (iii) managing the process of having an appraisal performed, including providing administrative services such as receiving appraisal orders and appraisal reports, submitting completed appraisal reports to creditors and secondary mortgage market participants, collecting fees from creditors and secondary mortgage market participants for services provided, and paying appraisers for services performed; and (iv) reviewing and verifying the work of appraisers.

"Appraisal services" means acting as an appraiser to provide an appraisal or appraisal review.

"Appraiser" means a person licensed or certified under § 54.1-2017 and as otherwise provided in Chapter 20.1 (§ 54.1-2009 et seq.).

"Appraiser panel" means a network, list, or roster of licensed or certified appraisers approved by an appraisal management company to perform appraisals as independent contractors for the appraisal management company. Appraisers on an appraisal management company's appraiser panel include both appraisers accepted by the appraisal management company for consideration for future appraisal assignments in covered transactions or for secondary mortgage market participants in connection with covered transactions and appraisers engaged by the appraisal management company to perform one or more appraisals in covered transactions or for secondary mortgage market participants in connection with covered transactions. An appraiser is an independent contractor for purposes of this chapter if the appraiser is treated as an independent contractor by the appraisal management company for purposes of federal income taxation.

"Board" means the Virginia Real Estate Appraiser Board.

"Employee" means an individual who has an employment relationship acknowledged by both the individual and the company and is treated as an employee for purposes of compliance with federal income tax laws.

"Uniform Standards of Professional Appraisal Practice" means the Uniform Standards of Professional Appraisal Practice adopted by the Appraisal Standards Board of the Appraisal Foundation.

B. The definitions contained in § 54.1-2009 shall be applicable except to the extent inconsistent with the definitions contained in this chapter.

**§ 54.1-2021.1. Appraisal management companies; license required; posting of bond or letter of credit.**

A. No person shall engage in business as an appraisal management company without a license issued by the Board.

B. The Board may issue a license to do business as an appraisal management company in the Commonwealth to any applicant who has submitted a complete application and provides satisfactory evidence that he has successfully:

1. Completed all requirements established by the Board that are consistent with this chapter and are reasonably necessary to implement, administer, and enforce the provisions of this chapter; and

2. Certified to the Board the following information, and such other information as may be reasonably required by the Board, regarding the person or entity seeking licensure:

- a. The name of the person or entity;
- b. The business address of the person or entity;
- c. Phone contact information for the person or entity, and email address;
- d. If the entity is not an entity domiciled in the Commonwealth, the name and contact information for the entity's agent for service of process in the Commonwealth;
- e. If the entity is not an entity domiciled in the Commonwealth, proof that the entity is properly and currently registered with the Virginia State Corporation Commission;
- f. The name, address, and contact information for any person or any entity that owns 10 percent or more of the appraisal management company;
- g. The name, address, and contact information for a responsible person for the appraisal management company located in the Commonwealth, who shall be a person or entity licensed under Chapter 20.1 (§ 54.1-2009 et seq.);
- h. That any person or entity that owns ~~10 percent or more~~ any part of the appraisal management company has never had a license to act as an appraiser refused, denied, canceled, *surrendered in lieu of revocation*, or revoked by the Commonwealth or any other state;
- i. That the entity has a system in place to review the work of all appraisers that may perform appraisal services for the appraisal management company on a periodic basis to ensure that the appraisal services are being conducted in accordance with the Uniform Standards of Professional Appraisal Practice;
- j. That the entity maintains a detailed record of the following: (i) each request for an appraisal service that the appraisal management company receives; (ii) the name of each independent appraiser that performs the appraisal; (iii) the physical address or legal identification of the subject property; (iv) the name of the appraisal management company's client for the appraisal; (v) the amount paid to the appraiser; and (vi) the amount paid to the appraisal management company; and
- k. That the entity has a system in place to ensure compliance with § 129E of the Truth in Lending Act (15 U.S.C. § 1601 et seq.).

C. Any person that owns 10 percent or more of an appraisal management company and any controlling person of an appraisal management company seeking to be licensed pursuant to this chapter shall be of good moral character, as determined by the Board, and shall submit to a background investigation, as determined by the Board.

D. In addition to the filing fee, each applicant for licensure shall post either a bond or a letter of credit as follows:

1. If a bond is posted, the bond shall (i) be in the amount of \$100,000 or any other amount as set by regulation of the Board, (ii) be in a form prescribed by regulation of the Board, and (iii) accrue to the Commonwealth for the benefit of (a) a claimant against the licensee to secure the faithful performance of the licensee's obligations under this chapter or (b) an appraiser who has performed an appraisal for the licensee for which the appraiser has not been paid. The aggregate liability of the surety shall not exceed the principal sum of the bond. A party having a claim against the licensee may bring suit directly on the surety bond. When a claimant or an appraiser is awarded a final judgment in a court of competent jurisdiction against a licensee of this section for the licensee's failure to faithfully perform its obligations under this chapter or failure to pay an appraiser who performed an appraisal, the claimant or the appraiser may file a claim with the Board for a directive ordering payment from the bond issuer of the amount of the judgment, court costs and reasonable attorney fees as awarded by the court. Such claim shall be filed with the Board no later than 12 months after the judgment becomes final. Upon receipt of the claim against the licensee, the Board may cause its own investigation to be conducted. The amount of the bond shall be restored by the licensee to the full amount required within 15 days after the payment of any claim on the bond. If the licensee fails to restore the full amount of the bond, the Board shall immediately revoke the license of the licensee whose conduct resulted in payment from the bond.

2. If a letter of credit is posted, the letter of credit shall (i) be in the amount of \$100,000 or any other amount as set by regulation of the Board, (ii) be irrevocable and in a form approved by the Board, payable to the Department of Professional Occupational Regulation, and (iii) be for the use and the benefit of (a) a claimant against the licensee to secure the faithful performance of the licensee's obligations under this chapter or (b) an appraiser who has performed an appraisal for the licensee for which the appraiser has not been paid. The aggregate liability on the letter of credit shall not exceed the principal sum of the letter of credit. When a claimant or an appraiser is awarded a final judgment in a court of competent jurisdiction against a licensee of this section for the licensee's failure to faithfully perform its obligations under this chapter or failure to pay an appraiser who performed an appraisal, the claimant or the appraiser may file a claim with the Board for a directive ordering payment from the issuer of the letter of credit of the amount of the judgment, court costs and reasonable attorney fees as awarded by the court. Such claim shall be filed with the Board no later than 12 months after the judgment

becomes final. Upon receipt of the claim against the licensee, the Board may cause its own investigation to be conducted. Upon a draw against a letter of credit, the licensee shall provide a new letter of credit in the amount required by this subdivision within 15 days after payment of any claim on the letter of credit. If the licensee fails to restore the full amount of the letter of credit, the Board shall immediately revoke the license of the licensee whose conduct resulted in payment from the bond.

### CHAPTER 231

*An Act to amend and reenact §§ 54.1-700 and 54.1-706 of the Code of Virginia, relating to the Board for Barbers and Cosmetology; license requirements; barbers.*

[H 1554]

Approved March 9, 2018

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

**1. That §§ 54.1-700 and 54.1-706 of the Code of Virginia are amended and reenacted as follows:**

**§ 54.1-700. Definitions.**

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

"Barber" means any person who shaves, shapes or trims the beard; cuts, singes, shampoos or dyes the hair or applies lotions thereto; applies, treats or massages the face, neck or scalp with oils, creams, lotions, cosmetics, antiseptics, powders, clays or other preparations in connection with shaving, cutting or trimming the hair or beard, and practices barbering for compensation and when such services are not performed for the treatment of disease.

"Barbering" means any one or any combination of the following acts, when done on the human body for compensation and not for the treatment of disease, shaving, shaping and trimming the beard; cutting, singeing, shampooing or dyeing the hair or applying lotions thereto; applications, treatment or massages of the face, neck or scalp with oils, creams, lotions, cosmetics, antiseptics, powders, clays, or other preparations in connection with shaving, cutting or trimming the hair or a beard. The term "barbering" shall not apply to the acts described hereinabove when performed by any person in his home if such service is not offered to the public.

"Barber instructor" means any person who has been certified by the Board as having completed an approved curriculum and who meets the competency standards of the Board as an instructor of barbering.

"Barbershop" means any establishment or place of business within which the practice of barbering is engaged in or carried on by one or more barbers.

"Board" means the Board for Barbers and Cosmetology.

"Body-piercer" means any person who for remuneration penetrates the skin of a person to make a hole, mark, or scar, generally permanent in nature.

"Body-piercing" means the act of penetrating the skin of a person to make a hole, mark, or scar, generally permanent in nature.

"Body-piercing salon" means any place in which a fee is charged for the act of penetrating the skin of a person to make a hole, mark, or scar, generally permanent in nature.

"Body-piercing school" means a place or establishment licensed by the Board to accept and train students in body-piercing.

"Cosmetologist" means any person who administers cosmetic treatments; manicures or pedicures the nails of any person; arranges, dresses, curls, waves, cleanses, cuts, shapes, singes, waxes, tweezes, shaves, bleaches, colors, relaxes, straightens, or performs similar work, upon human hair, or a wig or hairpiece, by any means, including hands or mechanical or electrical apparatus or appliances unless such acts as adjusting, combing, or brushing prestyled wigs or hairpieces do not alter the prestyled nature of the wig or hairpiece, and practices cosmetology for compensation.

"Cosmetology" includes, but is not limited to, the following practices: administering cosmetic treatments; manicuring or pedicuring the nails of any person; arranging, dressing, curling, waving, cleansing, cutting, shaping, singeing, waxing, tweezing, shaving, bleaching, coloring, relaxing, straightening, or similar work, upon human hair, or a wig or hairpiece, by any means, including hands or mechanical or electrical apparatus or appliances, but shall not include hair braiding or such acts as adjusting, combing, or brushing prestyled wigs or hairpieces when such acts do not alter the prestyled nature of the wig or hairpiece.

"Cosmetology instructor" means a person who has been certified by the Board as having completed an approved curriculum and who meets the competency standards of the Board as an instructor of cosmetology.

"Cosmetology salon" means any commercial establishment, residence, vehicle or other establishment, place or event wherein cosmetology is offered or practiced on a regular basis for compensation and may include the training of apprentices under regulations of the Board.

"Esthetician" means a person who engages in the practice of esthetics for compensation.

"Esthetics" includes, but is not limited to, the following practices of administering cosmetic treatments to enhance or improve the appearance of the skin: cleansing, toning, performing effleurage or other related movements, stimulating, exfoliating, or performing any other similar procedure on the skin of the human body or scalp by means of cosmetic preparations, treatments, or any nonlaser device, whether by electrical, mechanical, or manual means, for care of the skin;

applying make-up or eyelashes to any person, tinting or perming eyelashes and eyebrows, and lightening hair on the body except the scalp; and removing unwanted hair from the body of any person by the use of any nonlaser device, by tweezing, or by use of chemical or mechanical means. However, "esthetics" is not a healing art and shall not include any practice, activity, or treatment that constitutes the practice of medicine, osteopathic medicine, or chiropractic. The terms "healing arts," "practice of medicine," "practice of osteopathic medicine," and "practice of chiropractic" shall mean the same as those terms are defined in § 54.1-2900.

"Esthetics instructor" means a licensed esthetician who has been certified by the Board as having completed an approved curriculum and who meets the competency standards of the Board as an instructor of esthetics.

"Esthetics spa" means any commercial establishment, residence, vehicle, or other establishment, place, or event wherein esthetics is offered or practiced on a regular basis for compensation under regulations of the Board.

*"Master barber" means a licensed barber who, in addition to the practice of barbering, performs waving, shaping, bleaching, relaxing, or straightening upon human hair; performs similar work on a wig or hairpiece; or performs waxing limited to the scalp.*

"Master esthetician" means a licensed esthetician who, in addition to the practice of esthetics, offers to the public for compensation, without the use of laser technology, lymphatic drainage, chemical exfoliation, or microdermabrasion, and who has met such additional requirements as determined by the Board to practice lymphatic drainage, chemical exfoliation with products other than Schedules II through VI controlled substances as defined in the Drug Control Act (§ 54.1-3400 et seq.), and microdermabrasion of the epidermis.

"Nail care" means manicuring or pedicuring natural nails or performing artificial nail services.

"Nail salon" means any commercial establishment, residence, vehicle or other establishment, place or event wherein nail care is offered or practiced on a regular basis for compensation and may include the training of apprentices under regulations of the Board.

"Nail school" means a place or establishment licensed by the board to accept and train students in nail care.

"Nail technician" means any person who for compensation manicures or pedicures natural nails, or who performs artificial nail services for compensation, or any combination thereof.

"Nail technician instructor" means a licensed nail technician who has been certified by the Board as having completed an approved curriculum and who meets the competency standards of the Board as an instructor of nail care.

"Physical (wax) depilatory" means the wax depilatory product or substance used to remove superfluous hair.

"School of cosmetology" means a place or establishment licensed by the Board to accept and train students and which offers a cosmetology curriculum approved by the Board.

"School of esthetics" means a place or establishment licensed by the Board to accept and train students and which offers an esthetics curriculum approved by the Board.

"Tattoo parlor" means any place in which tattooing is offered or practiced.

"Tattoo school" means a place or establishment licensed by the Board to accept and train students in tattooing.

"Tattooer" means any person who for remuneration practices tattooing.

"Tattooing" means the placing of designs, letters, scrolls, figures, symbols or any other marks upon or under the skin of any person with ink or any other substance, resulting in the permanent coloration of the skin, including permanent make-up or permanent jewelry, by the aid of needles or any other instrument designed to touch or puncture the skin.

"Wax technician" means any person licensed by the Board who removes hair from the hair follicle using a physical (wax) depilatory or by tweezing.

"Wax technician instructor" means a licensed wax technician who has been certified by the Board as having completed an approved curriculum and who meets the competency standards of the Board as an instructor of waxing.

"Waxing" means the temporary removal of superfluous hair from the hair follicle on any area of the human body through the use of a physical (wax) depilatory or by tweezing.

"Waxing salon" means any commercial establishment, residence, vehicle or other establishment, place or event wherein waxing is offered or practiced on a regular basis for compensation and may include the training of apprentices under regulations of the Board.

"Waxing school" means a place or establishment licensed by the Board to accept and train students in waxing.

**§ 54.1-706. Different requirements for licensure.**

A. The Board shall have the discretion to impose different requirements for licensure for the practice of barbering, cosmetology, nail care, waxing, tattooing, body-piercing, and esthetics.

B. The Board shall issue a license to practice as a master barber in the Commonwealth to:

1. An individual who holds a valid, unexpired license as a barber issued by the Board prior to December 8, 2017; or
2. An applicant who has successfully (i) completed the educational requirements as required by the Board, (ii) completed the experience requirements as required by the Board, and (iii) passed the examination approved by the Board.

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

## CHAPTER 232

*An Act to require a hydroelectric plant revenue sharing agreement among certain localities.*

[H 1555]

Approved March 9, 2018

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

**1. § 1.** *The Counties of Buchanan, Dickenson, Lee, Russell, Scott, Tazewell, and Wise, and the City of Norton shall enter into a revenue sharing agreement pursuant to the provisions of § 15.2-1301 of the Code of Virginia, for any electric storage or generation facility constructed pursuant to clause (v) of subdivision A 6 of § 56-585.1 of the Code of Virginia whereby the host locality's revenue from such facility shall be distributed to the other localities on the basis of the following formula: Each respective locality shall receive a percentage of the revenue as follows: (i) 16 percent each for the Counties of Tazewell and Wise; (ii) 12 percent each for the Counties of Buchanan, Lee, Russell, and Scott; (iii) 10 percent for Dickenson County; and (iv) four percent for the City of Norton. In addition, the host locality shall receive an additional share of six percent. The agreement shall provide that any direct costs of infrastructure improvements incurred by the host locality for purposes of the facility shall be allocated among the localities in the same proportion as the revenues from the facility. Notwithstanding the provisions of subsection A of § 15.2-1301, the term of such an agreement shall be perpetual.*

## CHAPTER 233

*An Act to amend and reenact §§ 55-225.47 and 55-248.34:1 of the Code of Virginia, relating to landlord and tenant law; notice requirements; landlord's acceptance of rent with reservation.*

[S 197]

Approved March 9, 2018

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

**1. That §§ 55-225.47 and 55-248.34:1 of the Code of Virginia are amended and reenacted as follows:**

**§ 55-225.47. Landlord's acceptance of rent with reservation.**

~~A. Provided that the landlord has given written notice to the tenant that the rent will be accepted with reservation, the landlord may accept full or partial payment of all rent and receive an order of possession from a court of competent jurisdiction pursuant to an unlawful detainer action filed under Article 13 (§ 8.01-124 et seq.) of Chapter 3 of Title 8.01 and proceed with eviction under § 55-225.41, provided that the landlord has stated in a written notice to the tenant that any and all amounts owed to the landlord by the tenant, including payment of any rent, damages, money judgment, award of attorney fees, and court costs, would be accepted with reservation and would not constitute a waiver of the landlord's right to evict the tenant from the dwelling unit. Such notice shall may be included in a written termination notice given by the landlord to the tenant in accordance with § 55-225.43 or in a separate written notice given by the landlord to the tenant within five business days of receipt of the rent, and if so included, nothing herein shall be construed by a court of law or otherwise as requiring such landlord to give the tenant subsequent written notice. Unless the landlord has given such notice in a termination notice in accordance with § 55-225.43, the landlord shall continue to give a separate written notice to the tenant within five business days of receipt of the rent that the landlord continues to accept the rent with reservation in accordance with this section until such time as the violation alleged in the termination notice has been remedied or the matter has been adjudicated in a court of competent jurisdiction. If the dwelling unit is a public housing unit or other housing unit subject to regulation by the Department of Housing and Urban Development, the landlord shall be deemed to have accepted rent with reservation pursuant to this subsection if the landlord gives the tenant the written notice required herein for the portion of the rent paid by the tenant nothing herein shall be construed to require that written notice be given to any public agency paying a portion of the rent under the rental agreement. If a landlord enters into a new written rental agreement with the tenant prior to eviction, an order of possession obtained prior to the entry of such new rental agreement is not enforceable.~~

~~B. Subsequent to the entry of an order of possession by a court of competent jurisdiction but prior to eviction pursuant to § 55-225.41, the landlord may accept all amounts owed to the landlord by the tenant, including full payment of any money judgment, award of attorney fees, and court costs, and all subsequent rents that may be paid prior to eviction, and proceed with eviction, provided that the landlord has given the tenant written notice that any such payment would be accepted with reservation and would not constitute a waiver of the landlord's right to evict the tenant from the dwelling unit. However, if a landlord enters into a new written rental agreement with the tenant prior to eviction, an order of possession obtained prior to the entry of such new rental agreement is not enforceable. Such notice shall be given in a separate written notice given by the landlord within five business days of receipt of payment of such money judgment, attorney fees and court costs, and all subsequent rents that may be paid prior to eviction. If the dwelling unit is a public housing unit or other housing unit subject to regulation by the Department of Housing and Urban Development, the landlord shall be deemed to have accepted rent with reservation pursuant to this subsection if the landlord gives the tenant the written notice required herein for the portion of the rent paid by the tenant. Writs of possession in cases of unlawful entry and detainer are otherwise subject to § 8.01-471.~~

~~E~~. However, the tenant may pay or present to the court a redemption tender for payment of all rent due and owing as of the return date, including late charges, attorney fees, and court costs, at or before the first return date on an action for unlawful detainer. For purposes of this section, "redemption tender" means a written commitment to pay all rent due and owing as of the return date, including late charges, attorney fees, and court costs, by a local government or nonprofit entity within 10 days of said return date.

~~D~~. C. If the tenant presents a redemption tender to the court at the return date, the court shall continue the action for unlawful detainer for 10 days following the return date for payment to the landlord of all rent due and owing as of the return date, including late charges, attorney fees, and court costs and dismissal of the action upon such payment. Should the landlord not receive full payment of all rent due and owing as of the return date, including late charges, attorney fees, and court costs, within 10 days of the return date, the court shall, without further evidence, grant to the landlord judgment for all amounts due and immediate possession of the premises.

~~E~~. D. In cases of unlawful detainer, a tenant may pay the landlord or his attorney or pay into court all (i) rent due and owing as of the court date as contracted for in the rental agreement, (ii) other charges and fees as contracted for in the rental agreement, (iii) late charges contracted for in the rental agreement, (iv) reasonable attorney fees as contracted for in the rental agreement or as provided by law, and (v) costs of the proceeding as provided by law, at which time the unlawful detainer proceeding shall be dismissed. A tenant may invoke the rights granted in this section no more than one time during any 12-month period of continuous residency in the dwelling unit, regardless of the term of the rental agreement or any renewal term thereof.

**§ 55-248.34:1. Landlord's acceptance of rent with reservation.**

~~A~~. ~~Provided the landlord has given written notice to the tenant that the rent will be accepted with reservation, the~~ The landlord may accept full or partial payment of all rent and receive an order of possession from a court of competent jurisdiction pursuant to an unlawful detainer action filed under Article 13 (§ 8.01-124 et seq.) of Chapter 3 of Title 8.01 and proceed with eviction under § 55-248.38:2, ~~provided that the landlord has stated in a written notice to the tenant that any and all amounts owed to the landlord by the tenant, including payment of any rent, damages, money judgment, award of attorney fees, and court costs, would be accepted with reservation and would not constitute a waiver of the landlord's right to evict the tenant from the dwelling unit.~~ Such notice ~~shall~~ may be included in a written termination notice given by the landlord to the tenant in accordance with § 55-248.31 ~~or in a separate written notice given by the landlord to the tenant within five business days of receipt of the rent.~~ Unless the landlord has given such notice in a termination notice in accordance with § 55-248.31, the landlord shall continue to give a separate written notice to the tenant within five business days of receipt of the rent that the landlord continues to accept the rent with reservation in accordance with this section until such time as the violation alleged in the termination notice has been remedied or the matter has been adjudicated in a court of competent jurisdiction, and if so included, nothing herein shall be construed by a court of law or otherwise as requiring such landlord to give the tenant subsequent written notice. If the dwelling unit is a public housing unit or other housing unit subject to regulation by the Department of Housing and Urban Development, ~~the landlord shall be deemed to have accepted rent with reservation pursuant to this subsection if the landlord gives the tenant the written notice required herein for the portion of the rent paid by the tenant nothing herein shall be construed to require that written notice be given to any public agency paying a portion of the rent under the rental agreement.~~ If a landlord enters into a new written rental agreement with the tenant prior to eviction, an order of possession obtained prior to the entry of such new rental agreement is not enforceable.

~~B~~. Subsequent to the entry of an order of possession by a court of competent jurisdiction but prior to eviction pursuant to § 55-248.38:2, the landlord may accept all amounts owed to the landlord by the tenant, including full payment of any money judgment, award of attorney fees and court costs, and all subsequent rents that may be paid prior to eviction, and proceed with eviction provided that the landlord has given the tenant written notice that any such payment would be accepted with reservation and would not constitute a waiver of the landlord's right to evict the tenant from the dwelling unit. However, if a landlord enters into a new written rental agreement with the tenant prior to eviction, an order of possession obtained prior to the entry of such new rental agreement is not enforceable. Such notice shall be given in a separate written notice given by the landlord within five business days of receipt of payment of such money judgment, attorney fees and court costs, and all subsequent rents that may be paid prior to eviction. If the dwelling unit is a public housing unit or other housing unit subject to regulation by the Department of Housing and Urban Development, the landlord shall be deemed to have accepted rent with reservation pursuant to this subsection if the landlord gives the tenant the written notice required herein for the portion of the rent paid by the tenant. Writs of possession in cases of unlawful entry and detainer are otherwise subject to § 8.01-471.

~~E~~. However, the tenant may pay or present to the court a redemption tender for payment of all rent due and owing as of the return date, including late charges, attorney fees and court costs, at or before the first return date on an action for unlawful detainer. For purposes of this section, "redemption tender" means a written commitment to pay all rent due and owing as of the return date, including late charges, attorney fees, and court costs, by a local government or nonprofit entity within 10 days of said return date.

~~D~~. C. If the tenant presents a redemption tender to the court at the return date, the court shall continue the action for unlawful detainer for 10 days following the return date for payment to the landlord of all rent due and owing as of the return date, including late charges, attorney fees, and court costs and dismissal of the action upon such payment. Should the landlord not receive full payment of all rent due and owing as of the return date, including late charges, attorney fees, and

court costs, within 10 days of the return date, the court shall, without further evidence, grant to the landlord judgment for all amounts due and immediate possession of the premises.

~~E. D.~~ In cases of unlawful detainer, a tenant may pay the landlord or his attorney or pay into court all (i) rent due and owing as of the court date as contracted for in the rental agreement, (ii) other charges and fees as contracted for in the rental agreement, (iii) late charges contracted for in the rental agreement, (iv) reasonable attorney fees as contracted for in the rental agreement or as provided by law, and (v) costs of the proceeding as provided by law, at which time the unlawful detainer proceeding shall be dismissed. A tenant may invoke the rights granted in this section no more than one time during any 12-month period of continuous residency in the dwelling unit, regardless of the term of the rental agreement or any renewal term thereof.

## CHAPTER 234

*An Act to amend and reenact § 4.1-208 of the Code of Virginia, relating to alcoholic beverage control; sales by brewery on licensed premises.*

[S 306]

Approved March 9, 2018

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

**1. That § 4.1-208 of the Code of Virginia is amended and reenacted as follows:**

**§ 4.1-208. Beer licenses.**

A. The Board may grant the following licenses relating to beer:

1. Brewery licenses, which shall authorize the licensee to manufacture beer and to sell and deliver or ship the beer so manufactured, in accordance with Board regulations, in closed containers to (i) persons licensed to sell the beer at wholesale; (ii) persons licensed to sell beer at retail for the purpose of resale within a theme or amusement park owned and operated by the brewery or a parent, subsidiary or a company under common control of such brewery, or upon property of such brewery or a parent, subsidiary or a company under common control of such brewery contiguous to such premises, or in a development contiguous to such premises owned and operated by such brewery or a parent, subsidiary or a company under common control of such brewery; and (iii) persons outside the Commonwealth for resale outside the Commonwealth. Such license shall also authorize the licensee to sell at retail the brands of beer that the brewery owns at premises described in the brewery license for on-premises consumption and in closed containers for off-premises consumption, *provided that not less than 20 percent of the volume of beer sold for on-premises consumption in any calendar year is manufactured on the licensed premises.*

Such license may also authorize individuals holding a brewery license to (a) operate a facility designed for and utilized exclusively for the education of persons in the manufacture of beer, including sampling by such individuals of beer products, within a theme or amusement park located upon the premises occupied by such brewery, or upon property of such person contiguous to such premises, or in a development contiguous to such premises owned and operated by such person or a wholly owned subsidiary or (b) offer samples of the brewery's products to individuals visiting the licensed premises, provided that such samples shall be provided only to individuals for consumption on the premises of such facility or licensed premises and only to individuals to whom such products may be lawfully sold.

2. Limited brewery licenses, to breweries that manufacture no more than 15,000 barrels of beer per calendar year, provided that (i) the brewery is located on a farm in the Commonwealth on land zoned agricultural and owned or leased by such brewery or its owner and (ii) agricultural products, including barley, other grains, hops, or fruit, used by such brewery in the manufacture of its beer are grown on the farm. The licensed premises shall be limited to the portion of the farm on which agricultural products, including barley, other grains, hops, or fruit, used by such brewery in the manufacture of its beer are grown and that is contiguous to the premises of such brewery where the beer is manufactured, exclusive of any residence and the curtilage thereof. However, the Board may, with notice to the local governing body in accordance with the provisions of § 4.1-230, also approve other portions of the farm to be included as part of the licensed premises. For purposes of this subdivision, "land zoned agricultural" means (a) land zoned as an agricultural district or classification or (b) land otherwise permitted by a locality for limited brewery use. For purposes of this subdivision, "land zoned agricultural" does not include land zoned "residential conservation." Except for the limitation on land zoned "residential conservation," nothing in this definition shall otherwise limit or affect local zoning authority.

Limited brewery licensees shall be treated as breweries for all purposes of this title except as otherwise provided in this subdivision.

3. Bottlers' licenses, which shall authorize the licensee to acquire and receive deliveries and shipments of beer in closed containers and to bottle, sell and deliver or ship it, in accordance with Board regulations to (i) wholesale beer licensees for the purpose of resale, (ii) owners of boats registered under the laws of the United States sailing for ports of call of a foreign country or another state, and (iii) persons outside the Commonwealth for resale outside the Commonwealth.

4. Wholesale beer licenses, which shall authorize the licensee to acquire and receive deliveries and shipments of beer and to sell and deliver or ship the beer from one or more premises identified in the license, in accordance with Board regulations, in closed containers to (i) persons licensed under this chapter to sell such beer at wholesale or retail for the

purpose of resale, (ii) owners of boats registered under the laws of the United States sailing for ports of call of a foreign country or another state, and (iii) persons outside the Commonwealth for resale outside the Commonwealth.

No wholesale beer licensee shall purchase beer for resale from a person outside the Commonwealth who does not hold a beer importer's license unless such wholesale beer licensee holds a beer importer's license and purchases beer for resale pursuant to the privileges of such beer importer's license.

5. Beer importers' licenses, which shall authorize persons licensed within or outside the Commonwealth to sell and deliver or ship beer into the Commonwealth, in accordance with Board regulations, in closed containers, to persons in the Commonwealth licensed to sell beer at wholesale for the purpose of resale.

6. Retail on-premises beer licenses to:

a. Hotels, restaurants, and clubs, which shall authorize the licensee to sell beer, either with or without meals, only in dining areas and other designated areas of such restaurants, or in dining areas, private guest rooms, and other designated areas of such hotels or clubs, for consumption only in such rooms and areas. For purposes of this subdivision, "other designated areas" includes outdoor dining areas, whether or not contiguous to the licensed premises, which may have more than one means of ingress and egress to an adjacent public thoroughfare, provided that such outdoor dining areas are under the control of the licensee and approved by the Board. Such noncontiguous designated areas shall not be approved for any retail license issued pursuant to subdivision A 5 of § 4.1-201.

b. Persons operating dining cars, buffet cars, and club cars of trains, which shall authorize the licensee to sell beer, either with or without meals, in the dining cars, buffet cars, and club cars so operated by them for on-premises consumption when carrying passengers.

c. Persons operating sight-seeing boats, or special or charter boats, which shall authorize the licensee to sell beer, either with or without meals, on such boats operated by them for on-premises consumption when carrying passengers.

d. Grocery stores located in any town or in a rural area outside the corporate limits of any city or town, which shall authorize the licensee to sell beer for on-premises consumption in such establishments. No license shall be granted unless it appears affirmatively that a substantial public demand for such licensed establishment exists and that public convenience and the purposes of this title will be promoted by granting the license.

e. Persons operating food concessions at coliseums, stadia, or similar facilities, which shall authorize the licensee to sell beer, in paper, plastic, or similar disposable containers or in single original metal cans, during the performance of professional sporting exhibitions, events or performances immediately subsequent thereto, to patrons within all seating areas, concourses, walkways, concession areas, and additional locations designated by the Board in such coliseums, stadia, or similar facilities, for on-premises consumption. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license.

f. Persons operating food concessions at any outdoor performing arts amphitheater, arena or similar facility which has seating for more than 3,500 persons and is located in Albemarle, Augusta, Pittsylvania, Nelson, or Rockingham Counties. Such license shall authorize the licensee to sell beer during the performance of any event, in paper, plastic or similar disposable containers or in single original metal cans, to patrons within all seating areas, concourses, walkways, concession areas, or similar facilities, for on-premises consumption. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license.

g. Persons operating food concessions at exhibition or exposition halls, convention centers or similar facilities located in any county operating under the urban county executive form of government or any city which is completely surrounded by such county, which shall authorize the licensee to sell beer during the event, in paper, plastic or similar disposable containers or in single original metal cans, to patrons or attendees within all seating areas, exhibition areas, concourses, walkways, concession areas, and such additional locations designated by the Board in such facilities, for on-premises consumption. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license. For purposes of this subsection, "exhibition or exposition halls" and "convention centers" mean facilities conducting private or public trade shows or exhibitions in an indoor facility having in excess of 100,000 square feet of floor space.

7. Retail off-premises beer licenses, which shall authorize the licensee to sell beer in closed containers for off-premises consumption.

8. Retail off-premises brewery licenses to persons holding a brewery license which shall authorize the licensee to sell beer at the place of business designated in the brewery license, in closed containers which shall include growlers and other reusable containers, for off-premises consumption.

9. Retail on-and-off premises beer licenses to persons enumerated in subdivisions 6 a and 6 d, which shall accord all the privileges conferred by retail on-premises beer licenses and in addition, shall authorize the licensee to sell beer in closed containers for off-premises consumption.

B. Any farm winery or limited brewery that, prior to July 1, 2016, (i) holds a valid license granted by the Board in accordance with this title and (ii) is in compliance with the local zoning ordinance as an agricultural district or classification or as otherwise permitted by a locality for farm winery or limited brewery use shall be allowed to continue such use as provided in § 15.2-2307, notwithstanding (a) the provisions of this section or (b) a subsequent change in ownership of the farm winery or limited brewery on or after July 1, 2016, whether by transfer, acquisition, inheritance, or other means. Any such farm winery or limited brewery located on land zoned residential conservation prior to July 1, 2016 may expand any existing building or structure and the uses thereof so long as specifically approved by the locality by special exception. Any

such farm winery or limited brewery located on land zoned residential conservation prior to July 1, 2016 may construct a new building or structure so long as specifically approved by the locality by special exception. All such licensees shall comply with the requirements of this title and Board regulations for renewal of such license or the issuance of a new license in the event of a change in ownership of the farm winery or limited brewery on or after July 1, 2016.

**2. That the provisions of this act shall become effective on January 1, 2019.**

**3. The provisions of this act shall become effective on April 30, 2022, for a brewery which has entered into: 1) a Performance Agreement with the Commonwealth of Virginia Development Opportunity Fund, on or about April 20, 2016; 2) a Performance Agreement entitled "Regarding Operation Period Economic Development Grant", on or about April 20, 2016, and 3) a commercial lease agreement, on or about April 14, 2017.**

#### CHAPTER 235

*An Act to designate a portion of U.S. Route 221 the "Delegate Lacey E. Putney Memorial Highway."*

[S 363]

Approved March 9, 2018

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

**1. § 1. That portion of U.S. Route 221 between the corporate limits of the Town of Bedford and the corporate limits of the City of Lynchburg is hereby designated the "Delegate Lacey E. Putney Memorial Highway." The Department of Transportation shall place and maintain appropriate markers indicating the designation of this highway. This designation shall not affect any other designation heretofore or hereafter applied to this highway or any portions thereof.**

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

#### CHAPTER 236

*An Act to amend and reenact § 58.1-3219.5 of the Code of Virginia, relating to real property tax exemption; disabled veterans.*

[S 430]

Approved March 9, 2018

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

**1. That § 58.1-3219.5 of the Code of Virginia is amended and reenacted as follows:**

**§ 58.1-3219.5. Exemption from taxes on property for disabled veterans.**

A. Pursuant to subdivision (a) of Section 6-A of Article X of the Constitution of Virginia, and for tax years beginning on or after January 1, 2011, the General Assembly hereby exempts from taxation the real property, including the joint real property of husband and wife, of any veteran who has been rated by the U.S. Department of Veterans Affairs or its successor agency pursuant to federal law to have a 100 percent service-connected, permanent, and total disability, and who occupies the real property as his principal place of residence. If the veteran's disability rating occurs after January 1, 2011, and he has a qualified primary residence on the date of the rating, then the exemption for him under this section begins on the date of such rating. However, no county, city, or town shall be liable for any interest on any refund due to the veteran for taxes paid prior to the veteran's filing of the affidavit or written statement required by § 58.1-3219.6. If the qualified veteran acquires the property after January 1, 2011, then the exemption shall begin on the date of acquisition, and the previous owner may be entitled to a refund for a pro rata portion of real property taxes paid pursuant to § 58.1-3360.

B. The surviving spouse of a veteran eligible for the exemption set forth in this article shall also qualify for the exemption, so long as the death of the veteran occurs on or after January 1, 2011, the surviving spouse does not remarry, and the surviving spouse continues to occupy the real property as his principal place of residence.

C. A county, city, or town shall provide for the exemption from real property taxes the qualifying dwelling pursuant to this section and shall provide for the exemption from real property taxes the land, not exceeding one acre, upon which it is situated. However, if a county, city, or town provides for an exemption from or deferral of real property taxes of more than one acre of land pursuant to Article 2 (§ 58.1-3210 et seq.), then the county, city, or town shall also provide an exemption for the same number of acres pursuant to this section. If the veteran owns a house that is his residence, including a manufactured home as defined in § 46.2-100 whether or not the wheels and other equipment previously used for mobility have been removed, such house or manufactured home shall be exempt even if the veteran does not own the land on which the house or manufactured home is located. If such land is not owned by the veteran, then the land is not exempt. A real property improvement other than a dwelling, including the land upon which such improvement is situated, made to such one acre or greater number of acres exempt from taxation pursuant to this subsection shall also be exempt from taxation so long as the principal use of the improvement is (i) to house or cover motor vehicles or household goods and personal effects as classified in subdivision A 14 of § 58.1-3503 and as listed in § 58.1-3504 and (ii) for other than a business purpose.

D. For purposes of this exemption, real property of any veteran includes real property (i) held by a veteran alone or in conjunction with the veteran's spouse as tenant or tenants for life or joint lives, (ii) held in a revocable inter vivos trust over which the veteran or the veteran and his spouse hold the power of revocation, or (iii) held in an irrevocable trust under

which a veteran alone or in conjunction with his spouse possesses a life estate or an estate for joint lives or enjoys a continuing right of use or support. The term does not include any interest held under a leasehold or term of years.

The exemption for a surviving spouse under subsection B includes real property (a) held by the veteran's spouse as tenant for life, (b) held in a revocable inter vivos trust over which the surviving spouse holds the power of revocation, or (c) held in an irrevocable trust under which the surviving spouse possesses a life estate or enjoys a continuing right of use or support. The exemption does not apply to any interest held under a leasehold or term of years.

E. 1. In the event that (i) a person is entitled to an exemption under this section by virtue of holding the property in any of the three ways set forth in subsection D and (ii) one or more other persons have an ownership interest in the property that permits them to occupy the property, then the tax exemption for the property that otherwise would have been provided shall be prorated by multiplying the amount of the exemption by a fraction that has as a numerator the number of people who are qualified for the exemption pursuant to this section and has as a denominator the total number of all people having an ownership interest that permits them to occupy the property.

2. In the event that the primary residence is jointly owned by two or more individuals, not all of whom qualify for the exemption pursuant to subsection A or B, and no person is entitled to the exemption under this section by virtue of holding the property in any of the three ways set forth in subsection D, then the exemption shall be prorated by multiplying the amount of the exemption or deferral by a fraction that has as a numerator the percentage of ownership interest in the dwelling held by all such joint owners who qualify for the exemption pursuant to subsections A and B, and as a denominator, 100 percent.

CHAPTER 237

*An Act to amend and reenact §§ 54.1-700 and 54.1-706 of the Code of Virginia, relating to the Board for Barbers and Cosmetology; license requirements; barbers.*

[S 906]

Approved March 9, 2018

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

**1. That §§ 54.1-700 and 54.1-706 of the Code of Virginia are amended and reenacted as follows:**

**§ 54.1-700. Definitions.**

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

"Barber" means any person who shaves, shapes or trims the beard; cuts, singes, shampoos or dyes the hair or applies lotions thereto; applies, treats or massages the face, neck or scalp with oils, creams, lotions, cosmetics, antiseptics, powders, clays or other preparations in connection with shaving, cutting or trimming the hair or beard, and practices barbering for compensation and when such services are not performed for the treatment of disease.

"Barbering" means any one or any combination of the following acts, when done on the human body for compensation and not for the treatment of disease, shaving, shaping and trimming the beard; cutting, singeing, shampooing or dyeing the hair or applying lotions thereto; applications, treatment or massages of the face, neck or scalp with oils, creams, lotions, cosmetics, antiseptics, powders, clays, or other preparations in connection with shaving, cutting or trimming the hair or a beard. The term "barbering" shall not apply to the acts described hereinabove when performed by any person in his home if such service is not offered to the public.

"Barber instructor" means any person who has been certified by the Board as having completed an approved curriculum and who meets the competency standards of the Board as an instructor of barbering.

"Barbershop" means any establishment or place of business within which the practice of barbering is engaged in or carried on by one or more barbers.

"Board" means the Board for Barbers and Cosmetology.

"Body-piercer" means any person who for remuneration penetrates the skin of a person to make a hole, mark, or scar, generally permanent in nature.

"Body-piercing" means the act of penetrating the skin of a person to make a hole, mark, or scar, generally permanent in nature.

"Body-piercing salon" means any place in which a fee is charged for the act of penetrating the skin of a person to make a hole, mark, or scar, generally permanent in nature.

"Body-piercing school" means a place or establishment licensed by the Board to accept and train students in body-piercing.

"Cosmetologist" means any person who administers cosmetic treatments; manicures or pedicures the nails of any person; arranges, dresses, curls, waves, cleanses, cuts, shapes, singes, waxes, tweezes, shaves, bleaches, colors, relaxes, straightens, or performs similar work, upon human hair, or a wig or hairpiece, by any means, including hands or mechanical or electrical apparatus or appliances unless such acts as adjusting, combing, or brushing prestyled wigs or hairpieces do not alter the prestyled nature of the wig or hairpiece, and practices cosmetology for compensation.

"Cosmetology" includes, but is not limited to, the following practices: administering cosmetic treatments; manicuring or pedicuring the nails of any person; arranging, dressing, curling, waving, cleansing, cutting, shaping, singeing, waxing, tweezing, shaving, bleaching, coloring, relaxing, straightening, or similar work, upon human hair, or a wig or hairpiece, by

any means, including hands or mechanical or electrical apparatus or appliances, but shall not include hair braiding or such acts as adjusting, combing, or brushing prestyled wigs or hairpieces when such acts do not alter the prestyled nature of the wig or hairpiece.

"Cosmetology instructor" means a person who has been certified by the Board as having completed an approved curriculum and who meets the competency standards of the Board as an instructor of cosmetology.

"Cosmetology salon" means any commercial establishment, residence, vehicle or other establishment, place or event wherein cosmetology is offered or practiced on a regular basis for compensation and may include the training of apprentices under regulations of the Board.

"Esthetician" means a person who engages in the practice of esthetics for compensation.

"Esthetics" includes, but is not limited to, the following practices of administering cosmetic treatments to enhance or improve the appearance of the skin: cleansing, toning, performing effleurage or other related movements, stimulating, exfoliating, or performing any other similar procedure on the skin of the human body or scalp by means of cosmetic preparations, treatments, or any nonlaser device, whether by electrical, mechanical, or manual means, for care of the skin; applying make-up or eyelashes to any person, tinting or perming eyelashes and eyebrows, and lightening hair on the body except the scalp; and removing unwanted hair from the body of any person by the use of any nonlaser device, by tweezing, or by use of chemical or mechanical means. However, "esthetics" is not a healing art and shall not include any practice, activity, or treatment that constitutes the practice of medicine, osteopathic medicine, or chiropractic. The terms "healing arts," "practice of medicine," "practice of osteopathic medicine," and "practice of chiropractic" shall mean the same as those terms are defined in § 54.1-2900.

"Esthetics instructor" means a licensed esthetician who has been certified by the Board as having completed an approved curriculum and who meets the competency standards of the Board as an instructor of esthetics.

"Esthetics spa" means any commercial establishment, residence, vehicle, or other establishment, place, or event wherein esthetics is offered or practiced on a regular basis for compensation under regulations of the Board.

*"Master barber" means a licensed barber who, in addition to the practice of barbering, performs waving, shaping, bleaching, relaxing, or straightening upon human hair; performs similar work on a wig or hairpiece; or performs waxing limited to the scalp.*

"Master esthetician" means a licensed esthetician who, in addition to the practice of esthetics, offers to the public for compensation, without the use of laser technology, lymphatic drainage, chemical exfoliation, or microdermabrasion, and who has met such additional requirements as determined by the Board to practice lymphatic drainage, chemical exfoliation with products other than Schedules II through VI controlled substances as defined in the Drug Control Act (§ 54.1-3400 et seq.), and microdermabrasion of the epidermis.

"Nail care" means manicuring or pedicuring natural nails or performing artificial nail services.

"Nail salon" means any commercial establishment, residence, vehicle or other establishment, place or event wherein nail care is offered or practiced on a regular basis for compensation and may include the training of apprentices under regulations of the Board.

"Nail school" means a place or establishment licensed by the board to accept and train students in nail care.

"Nail technician" means any person who for compensation manicures or pedicures natural nails, or who performs artificial nail services for compensation, or any combination thereof.

"Nail technician instructor" means a licensed nail technician who has been certified by the Board as having completed an approved curriculum and who meets the competency standards of the Board as an instructor of nail care.

"Physical (wax) depilatory" means the wax depilatory product or substance used to remove superfluous hair.

"School of cosmetology" means a place or establishment licensed by the Board to accept and train students and which offers a cosmetology curriculum approved by the Board.

"School of esthetics" means a place or establishment licensed by the Board to accept and train students and which offers an esthetics curriculum approved by the Board.

"Tattoo parlor" means any place in which tattooing is offered or practiced.

"Tattoo school" means a place or establishment licensed by the Board to accept and train students in tattooing.

"Tattooer" means any person who for remuneration practices tattooing.

"Tattooing" means the placing of designs, letters, scrolls, figures, symbols or any other marks upon or under the skin of any person with ink or any other substance, resulting in the permanent coloration of the skin, including permanent make-up or permanent jewelry, by the aid of needles or any other instrument designed to touch or puncture the skin.

"Wax technician" means any person licensed by the Board who removes hair from the hair follicle using a physical (wax) depilatory or by tweezing.

"Wax technician instructor" means a licensed wax technician who has been certified by the Board as having completed an approved curriculum and who meets the competency standards of the Board as an instructor of waxing.

"Waxing" means the temporary removal of superfluous hair from the hair follicle on any area of the human body through the use of a physical (wax) depilatory or by tweezing.

"Waxing salon" means any commercial establishment, residence, vehicle or other establishment, place or event wherein waxing is offered or practiced on a regular basis for compensation and may include the training of apprentices under regulations of the Board.

"Waxing school" means a place or establishment licensed by the Board to accept and train students in waxing.

**§ 54.1-706. Different requirements for licensure.**

A. The Board shall have the discretion to impose different requirements for licensure for the practice of barbering, cosmetology, nail care, waxing, tattooing, body-piercing, and esthetics.

B. *The Board shall issue a license to practice as a master barber in the Commonwealth to:*

1. *An individual who holds a valid, unexpired license as a barber issued by the Board prior to December 8, 2017; or*

2. *An applicant who has successfully (i) completed the educational requirements as required by the Board, (ii) completed the experience requirements as required by the Board, and (iii) passed the examination approved by the Board.*

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

**CHAPTER 238**

*An Act to amend and reenact § 8.01-293 of the Code of Virginia, relating to service of process; investigator employed by an attorney for the Commonwealth and Indigent Defense Commission.*

[H 1511]

Approved March 9, 2018

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

**1. That § 8.01-293 of the Code of Virginia is amended and reenacted as follows:**

**§ 8.01-293. Authorization to serve process, capias or show cause order; execute writ of possession and levy upon property.**

A. The following persons are authorized to serve process:

1. The sheriff within such territorial bounds as described in § 8.01-295;

2. Any person of age 18 years or older and who is not a party or otherwise interested in the subject matter in controversy. *For purposes of this subdivision, an investigator employed by an attorney for the Commonwealth or employed by the Indigent Defense Commission, who within 10 years immediately prior to being employed by the attorney for the Commonwealth or Indigent Defense Commission was an active law-enforcement officer as defined in § 9.1-101 in the Commonwealth and retired or resigned from his position as a law-enforcement officer in good standing, shall not be considered to be a party or otherwise interested in the subject matter in controversy while engaged in the performance of his official duties, provided that the sheriff in the jurisdiction where process is to be served has agreed that such investigators may serve process. If a sheriff has agreed that such investigators may serve process, then investigators employed by either an attorney for the Commonwealth or the Indigent Defense Commission may serve process.* However, in any case in which custody or visitation of a minor child or children is at issue and a summons is issued for the attendance and testimony of a teacher or other school personnel who is not a party to the proceeding, if such summons is served on school property, it shall be served only by a sheriff or his deputy; or

3. A private process server. For purposes of this section, "private process server" means any person 18 years of age or older and who is not a party or otherwise interested in the subject matter in controversy, and who charges a fee for service of process.

Whenever in this Code the term "officer" or "sheriff" is used to refer to persons authorized to make, return or do any other act relating to service of process, such term shall be deemed to refer to any person authorized by this section to serve process.

B. Notwithstanding any other provision of law (i) only a sheriff or high constable may execute an order or writ of possession for personal, real or mixed property, including an order or writ of possession arising out of an action in unlawful entry and detainer or ejectment; (ii) any sheriff, high constable or law-enforcement officer as defined in § 9.1-101 of the Code of Virginia may serve any capias or show cause order; and (iii) only a sheriff, the high constable for the City of Norfolk or Virginia Beach or a treasurer may levy upon property.

**CHAPTER 239**

*An Act to amend and reenact § 54.1-2523.1 of the Code of Virginia, relating to the Prescription Monitoring Program; prescriber and dispenser patterns; annual review; report.*

[H 313]

Approved March 9, 2018

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

**1. That § 54.1-2523.1 of the Code of Virginia is amended and reenacted as follows:**

**§ 54.1-2523.1. Criteria for indicators of misuse; Director's authority to disclose information; intervention.**

A. The Director shall develop, in consultation with an advisory panel which shall include representatives of the Boards of Medicine and Pharmacy, *the Department of Health, the Department of Medical Assistance Services, and the Department of Behavioral Health and Developmental Services*, criteria for indicators of unusual patterns of prescribing or dispensing of covered substances by prescribers or dispensers and misuse of covered substances by recipients and a method for analysis of

data collected by the Prescription Monitoring Program using the criteria for indicators of misuse to identify unusual patterns of prescribing or dispensing of covered substances by individual prescribers or dispensers or potential misuse of a covered substance by a recipient. *The Director, in consultation with the panel, shall annually review controlled substance prescribing and dispensing patterns and shall (i) make any necessary changes to the criteria for unusual patterns of prescribing and dispensing required by this subsection and (ii) report any findings and recommendations for best practices to the Joint Commission on Health Care by November 1 of each year.*

B. In cases in which analysis of data collected by the Prescription Monitoring Program using the criteria for indicators of misuse indicates an unusual pattern of prescribing or dispensing of a covered substance by an individual prescriber or dispenser or potential misuse of a covered substance by a recipient, the Director may, in addition to the discretionary disclosure of information pursuant to § 54.1-2523:

1. Disclose information about the unusual prescribing or dispensing of a covered substance by an individual prescriber or dispenser to the Enforcement Division of the Department of Health Professions; or
2. Disclose information about the specific recipient to (i) the prescriber or prescribers who have prescribed a covered substance to the recipient for the purpose of intervention to prevent misuse of such covered substance or (ii) an agent who has completed the Virginia State Police Drug Diversion School designated by the Superintendent of State Police or designated by the chief law-enforcement officer of any county, city, or town or campus police department for the purpose of an investigation into possible drug diversion.

#### CHAPTER 240

*An Act to amend and reenact § 2.2-2001.2 of the Code of Virginia, relating to professions and occupations; qualifications for licensure; acceptance of substantially equivalent military training, education, and experience.*

[H 533]

Approved March 9, 2018

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

**1. That § 2.2-2001.2 of the Code of Virginia is amended and reenacted as follows:**

**§ 2.2-2001.2. Initiatives to reduce unemployment among veterans.**

A. The Department shall develop a comprehensive program to reduce unemployment among veterans by assisting businesses to attract, hire, train, and retain veterans. Such program shall promote strategies for connecting employers to qualified veterans and include (i) a workforce assessment and training program for participating employers and (ii) a certification process for participating employers with the objective of setting measurable goals for hiring and retaining veterans.

B. All agencies in the executive branch of state government and all public institutions of higher education shall, to the maximum extent possible, be certified in accordance with this section. Such agencies and institutions may request a certification waiver from the Governor if they can demonstrate that (i) the certification is in conflict with the organization's operating directives or (ii) they have in place an alternative program that meets the requirements of this section.

C. *The Department shall take steps to promote awareness among veterans of the acceptance by the regulatory boards within the Department of Professional and Occupational Regulation, the Department of Health Professions, or any board named in Title 54.1 pursuant to § 54.1-118 of the military training, education, or experience of a service member honorably discharged from active military service in the Armed Forces of the United States, to the extent that such training, education, or experience is substantially equivalent to the requirements established by law and regulations of the respective board for the issuance of any license, permit, certificate, or other document, however styled or denominated, required for the practice of any business, profession, or occupation in the Commonwealth.*

#### CHAPTER 241

*An Act to amend and reenact § 54.1-3401, as it is currently effective and as it shall become effective, and to amend the Code of Virginia by adding a section numbered 54.1-3415.1, relating to delivery of Schedule VI prescription devices.*

[H 878]

Approved March 9, 2018

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

**1. That § 54.1-3401, as it is currently effective and as it shall become effective, of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 54.1-3415.1 as follows:**

**§ 54.1-3401. (Effective until July 1, 2020) Definitions.**

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

"Administer" means the direct application of a controlled substance, whether by injection, inhalation, ingestion, or any other means, to the body of a patient or research subject by (i) a practitioner or by his authorized agent and under his direction or (ii) the patient or research subject at the direction and in the presence of the practitioner.

"Advertisement" means all representations disseminated in any manner or by any means, other than by labeling, for the purpose of inducing, or which are likely to induce, directly or indirectly, the purchase of drugs or devices.

"Agent" means an authorized person who acts on behalf of or at the direction of a manufacturer, distributor, or dispenser. It does not include a common or contract carrier, public warehouseman, or employee of the carrier or warehouseman.

"Anabolic steroid" means any drug or hormonal substance, chemically and pharmacologically related to testosterone, other than estrogens, progestins, corticosteroids, and dehydroepiandrosterone.

"Animal" means any nonhuman animate being endowed with the power of voluntary action.

"Automated drug dispensing system" means a mechanical or electronic system that performs operations or activities, other than compounding or administration, relating to pharmacy services, including the storage, dispensing, or distribution of drugs and the collection, control, and maintenance of all transaction information, to provide security and accountability for such drugs.

"Biological product" means a virus, therapeutic serum, toxin, antitoxin, vaccine, blood, blood component or derivative, allergenic product, protein other than a chemically synthesized polypeptide, or analogous product, or arsphenamine or any derivative of arsphenamine or any other trivalent organic arsenic compound, applicable to the prevention, treatment, or cure of a disease or condition of human beings.

"Biosimilar" means a biological product that is highly similar to a specific reference biological product, notwithstanding minor differences in clinically inactive compounds, such that there are no clinically meaningful differences between the reference biological product and the biological product that has been licensed as a biosimilar pursuant to 42 U.S.C. § 262(k) in terms of safety, purity, and potency of the product.

"Board" means the Board of Pharmacy.

"Bulk drug substance" means any substance that is represented for use, and that, when used in the compounding, manufacturing, processing, or packaging of a drug, becomes an active ingredient or a finished dosage form of the drug; however, "bulk drug substance" shall not include intermediates that are used in the synthesis of such substances.

"Change of ownership" of an existing entity permitted, registered, or licensed by the Board means (i) the sale or transfer of all or substantially all of the assets of the entity or of any corporation that owns or controls the entity; (ii) the creation of a partnership by a sole proprietor, the dissolution of a partnership, or change in partnership composition; (iii) the acquisition or disposal of 50 percent or more of the outstanding shares of voting stock of a corporation owning the entity or of the parent corporation of a wholly owned subsidiary owning the entity, except that this shall not apply to any corporation the voting stock of which is actively traded on any securities exchange or in any over-the-counter market; (iv) the merger of a corporation owning the entity or of the parent corporation of a wholly-owned subsidiary owning the entity with another business or corporation; or (v) the expiration or forfeiture of a corporation's charter.

"Co-licensed partner" means a person who, with at least one other person, has the right to engage in the manufacturing or marketing of a prescription drug, consistent with state and federal law.

"Compounding" means the combining of two or more ingredients to fabricate such ingredients into a single preparation and includes the mixing, assembling, packaging, or labeling of a drug or device (i) by a pharmacist, or within a permitted pharmacy, pursuant to a valid prescription issued for a medicinal or therapeutic purpose in the context of a bona fide practitioner-patient-pharmacist relationship, or in expectation of receiving a valid prescription based on observed historical patterns of prescribing and dispensing; (ii) by a practitioner of medicine, osteopathy, podiatry, dentistry, or veterinary medicine as an incident to his administering or dispensing, if authorized to dispense, a controlled substance in the course of his professional practice; or (iii) for the purpose of, or as incident to, research, teaching, or chemical analysis and not for sale or for dispensing. The mixing, diluting, or reconstituting of a manufacturer's product drugs for the purpose of administration to a patient, when performed by a practitioner of medicine or osteopathy licensed under Chapter 29 (§ 54.1-2900 et seq.), a person supervised by such practitioner pursuant to subdivision A 6 or 19 of § 54.1-2901, or a person supervised by such practitioner or a licensed nurse practitioner or physician assistant pursuant to subdivision A 4 of § 54.1-2901 shall not be considered compounding.

"Controlled substance" means a drug, substance, or immediate precursor in Schedules I through VI of this chapter. The term shall not include distilled spirits, wine, malt beverages, or tobacco as those terms are defined or used in Title 3.2 or Title 4.1. The term "controlled substance" includes a controlled substance analog that has been placed into Schedule I or II by the Board pursuant to the regulatory authority in subsection D of § 54.1-3443.

"Controlled substance analog" means a substance the chemical structure of which is substantially similar to the chemical structure of a controlled substance in Schedule I or II and either (i) which has a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance in Schedule I or II or (ii) with respect to a particular person, which such person represents or intends to have a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance in Schedule I or II. "Controlled substance analog" does not include (a) any substance for which there is an approved new drug application as defined under § 505 of the federal Food, Drug, and Cosmetic Act (21 U.S.C. § 355) or that is generally recognized as safe and effective pursuant to §§ 501, 502, and 503 of the federal Food, Drug, and Cosmetic Act (21 U.S.C. §§ 351, 352, and 353) and 21 C.F.R. Part 330; (b) with respect to a particular person, any substance for which an exemption is in effect for investigational use for that person under § 505 of the

federal Food, Drug, and Cosmetic Act to the extent that the conduct with respect to that substance is pursuant to such exemption; or (c) any substance to the extent not intended for human consumption before such an exemption takes effect with respect to that substance.

"DEA" means the Drug Enforcement Administration, U.S. Department of Justice, or its successor agency.

"Deliver" or "delivery" means the actual, constructive, or attempted transfer of any item regulated by this chapter, whether or not there exists an agency relationship, *including delivery of a Schedule VI prescription device to an ultimate user or consumer on behalf of a medical equipment supplier by a manufacturer, nonresident manufacturer, wholesale distributor, nonresident wholesale distributor, warehouse, nonresident warehouse, third-party logistics provider, or nonresident third-party logistics provider at the direction of a medical equipment supplier in accordance with § 54.1-3415.1.*

"Device" means instruments, apparatus, and contrivances, including their components, parts, and accessories, intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or animals or to affect the structure or any function of the body of man or animals.

"Dialysis care technician" or "dialysis patient care technician" means an individual who is certified by an organization approved by the Board of Health Professions pursuant to Chapter 27.01 (§ 54.1-2729.1 et seq.) and who, under the supervision of a licensed physician, nurse practitioner, physician assistant, or a registered nurse, assists in the care of patients undergoing renal dialysis treatments in a Medicare-certified renal dialysis facility.

"Dialysis solution" means either the commercially available, unopened, sterile solutions whose purpose is to be instilled into the peritoneal cavity during the medical procedure known as peritoneal dialysis, or commercially available solutions whose purpose is to be used in the performance of hemodialysis not to include any solutions administered to the patient intravenously.

"Dispense" means to deliver a drug to an ultimate user or research subject by or pursuant to the lawful order of a practitioner, including the prescribing and administering, packaging, labeling, or compounding necessary to prepare the substance for that delivery. However, dispensing shall not include the transportation of drugs mixed, diluted, or reconstituted in accordance with this chapter to other sites operated by such practitioner or that practitioner's medical practice for the purpose of administration of such drugs to patients of the practitioner or that practitioner's medical practice at such other sites. For practitioners of medicine or osteopathy, "dispense" shall only include the provision of drugs by a practitioner to patients to take with them away from the practitioner's place of practice.

"Dispenser" means a practitioner who dispenses.

"Distribute" means to deliver other than by administering or dispensing a controlled substance.

"Distributor" means a person who distributes.

"Drug" means (i) articles or substances recognized in the official United States Pharmacopoeia National Formulary or official Homeopathic Pharmacopoeia of the United States, or any supplement to any of them; (ii) articles or substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or animals; (iii) articles or substances, other than food, intended to affect the structure or any function of the body of man or animals; (iv) articles or substances intended for use as a component of any article specified in clause (i), (ii), or (iii); or (v) a biological product. "Drug" does not include devices or their components, parts, or accessories.

"Drug product" means a specific drug in dosage form from a known source of manufacture, whether by brand or therapeutically equivalent drug product name.

"Electronic transmission prescription" means any prescription, other than an oral or written prescription or a prescription transmitted by facsimile machine, that is electronically transmitted directly to a pharmacy without interception or intervention from a third party from a practitioner authorized to prescribe or from one pharmacy to another pharmacy.

"Facsimile (FAX) prescription" means a written prescription or order that is transmitted by an electronic device over telephone lines that sends the exact image to the receiving pharmacy in hard copy form.

"FDA" means the U.S. Food and Drug Administration.

"Hashish oil" means any oily extract containing one or more cannabinoids, but shall not include any such extract with a tetrahydrocannabinol content of less than 12 percent by weight.

"Immediate precursor" means a substance which the Board of Pharmacy has found to be and by regulation designates as being the principal compound commonly used or produced primarily for use, and which is an immediate chemical intermediary used or likely to be used in the manufacture of a controlled substance, the control of which is necessary to prevent, curtail, or limit manufacture.

"Interchangeable" means a biosimilar that meets safety standards for determining interchangeability pursuant to 42 U.S.C. § 262(k)(4).

"Label" means a display of written, printed, or graphic matter upon the immediate container of any article. A requirement made by or under authority of this chapter that any word, statement, or other information appear on the label shall not be considered to be complied with unless such word, statement, or other information also appears on the outside container or wrapper, if any, of the retail package of such article or is easily legible through the outside container or wrapper.

"Labeling" means all labels and other written, printed, or graphic matter on an article or any of its containers or wrappers, or accompanying such article.

"Manufacture" means the production, preparation, propagation, conversion, or processing of any item regulated by this chapter, either directly or indirectly by extraction from substances of natural origin, or independently by means of chemical

synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling or relabeling of its container. This term does not include compounding.

"Manufacturer" means every person who manufactures, a manufacturer's co-licensed partner, or a repackager.

"Marijuana" means any part of a plant of the genus *Cannabis* whether growing or not, its seeds, or its resin; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds, or its resin. Marijuana shall not include any oily extract containing one or more cannabinoids unless such extract contains less than 12 percent of tetrahydrocannabinol by weight, nor shall marijuana include the mature stalks of such plant, fiber produced from such stalk, or oil or cake made from the seeds of such plant, unless such stalks, fiber, oil, or cake is combined with other parts of plants of the genus *Cannabis*. Marijuana shall not include industrial hemp as defined in § 3.2-4112 that is possessed, cultivated, or manufactured by a grower licensed pursuant to § 3.2-4115.

"Medical equipment supplier" means any person, as defined in § 1-230, engaged in the delivery to the ultimate consumer, pursuant to the lawful order of a practitioner, of hypodermic syringes and needles, medicinal oxygen, Schedule VI controlled devices, those Schedule VI controlled substances with no medicinal properties that are used for the operation and cleaning of medical equipment, solutions for peritoneal dialysis, and sterile water or saline for irrigation.

"Narcotic drug" means any of the following, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis: (i) opium, opiates, and any salt, compound, derivative, or preparation of opium or opiates; (ii) any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of the substances referred to in clause (i), but not including the isoquinoline alkaloids of opium; (iii) opium poppy and poppy straw; (iv) coca leaves and any salt, compound, derivative, or preparation of coca leaves, and any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of these substances, but not including decocainized coca leaves or extraction of coca leaves which do not contain cocaine or ecgonine.

"New drug" means (i) any drug, except a new animal drug or an animal feed bearing or containing a new animal drug, the composition of which is such that such drug is not generally recognized, among experts qualified by scientific training and experience to evaluate the safety and effectiveness of drugs, as safe and effective for use under the conditions prescribed, recommended, or suggested in the labeling, except that such a drug not so recognized shall not be deemed to be a "new drug" if at any time prior to the enactment of this chapter it was subject to the Food and Drugs Act of June 30, 1906, as amended, and if at such time its labeling contained the same representations concerning the conditions of its use, or (ii) any drug, except a new animal drug or an animal feed bearing or containing a new animal drug, the composition of which is such that such drug, as a result of investigations to determine its safety and effectiveness for use under such conditions, has become so recognized, but which has not, otherwise than in such investigations, been used to a material extent or for a material time under such conditions.

"Nuclear medicine technologist" means an individual who holds a current certification with the American Registry of Radiological Technologists or the Nuclear Medicine Technology Certification Board.

"Official compendium" means the official United States Pharmacopoeia National Formulary, official Homeopathic Pharmacopoeia of the United States, or any supplement to any of them.

"Official written order" means an order written on a form provided for that purpose by the U.S. Drug Enforcement Administration, under any laws of the United States making provision therefor, if such order forms are authorized and required by federal law, and if no such order form is provided then on an official form provided for that purpose by the Board of Pharmacy.

"Opiate" means any substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having such addiction-forming or addiction-sustaining liability. It does not include, unless specifically designated as controlled under Article 4 (§ 54.1-3437 et seq.), the dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts (dextromethorphan). It does include its racemic and levorotatory forms.

"Opium poppy" means the plant of the species *Papaver somniferum* L., except the seeds thereof.

"Original package" means the unbroken container or wrapping in which any drug or medicine is enclosed together with label and labeling, put up by or for the manufacturer, wholesaler, or distributor for use in the delivery or display of such article.

"Outsourcing facility" means a facility that is engaged in the compounding of sterile drugs and is currently registered as an outsourcing facility with the U.S. Secretary of Health and Human Services and that complies with all applicable requirements of federal and state law, including the Federal Food, Drug, and Cosmetic Act.

"Person" means both the plural and singular, as the case demands, and includes an individual, partnership, corporation, association, governmental agency, trust, or other institution or entity.

"Pharmacist-in-charge" means the person who, being licensed as a pharmacist, signs the application for a pharmacy permit and assumes full legal responsibility for the operation of the relevant pharmacy in a manner complying with the laws and regulations for the practice of pharmacy and the sale and dispensing of controlled substances; the "pharmacist-in-charge" shall personally supervise the pharmacy and the pharmacy's personnel as required by § 54.1-3432.

"Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing.

"Practitioner" means a physician, dentist, licensed nurse practitioner pursuant to § 54.1-2957.01, licensed physician assistant pursuant to § 54.1-2952.1, pharmacist pursuant to § 54.1-3300, TPA-certified optometrist pursuant to Article 5 (§ 54.1-3222 et seq.) of Chapter 32, veterinarian, scientific investigator, or other person licensed, registered, or otherwise

permitted to distribute, dispense, prescribe and administer, or conduct research with respect to a controlled substance in the course of professional practice or research in the Commonwealth.

"Prescriber" means a practitioner who is authorized pursuant to §§ 54.1-3303 and 54.1-3408 to issue a prescription.

"Prescription" means an order for drugs or medical supplies, written or signed or transmitted by word of mouth, telephone, telegraph, or other means of communication to a pharmacist by a duly licensed physician, dentist, veterinarian, or other practitioner authorized by law to prescribe and administer such drugs or medical supplies.

"Prescription drug" means any drug required by federal law or regulation to be dispensed only pursuant to a prescription, including finished dosage forms and active ingredients subject to § 503(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. § 353(b)).

"Production" or "produce" includes the manufacture, planting, cultivation, growing, or harvesting of a controlled substance or marijuana.

"Proprietary medicine" means a completely compounded nonprescription drug in its unbroken, original package which does not contain any controlled substance or marijuana as defined in this chapter and is not in itself poisonous, and which is sold, offered, promoted, or advertised directly to the general public by or under the authority of the manufacturer or primary distributor, under a trademark, trade name, or other trade symbol privately owned, and the labeling of which conforms to the requirements of this chapter and applicable federal law. However, this definition shall not include a drug that is only advertised or promoted professionally to licensed practitioners, a narcotic or drug containing a narcotic, a drug that may be dispensed only upon prescription or the label of which bears substantially the statement "Warning — may be habit-forming," or a drug intended for injection.

"Radiopharmaceutical" means any drug that exhibits spontaneous disintegration of unstable nuclei with the emission of nuclear particles or photons and includes any non-radioactive reagent kit or radionuclide generator that is intended to be used in the preparation of any such substance, but does not include drugs such as carbon-containing compounds or potassium-containing salts that include trace quantities of naturally occurring radionuclides. The term also includes any biological product that is labeled with a radionuclide or intended solely to be labeled with a radionuclide.

"Reference biological product" means the single biological product licensed pursuant to 42 U.S.C. § 262(a) against which a biological product is evaluated in an application submitted to the U.S. Food and Drug Administration for licensure of biological products as biosimilar or interchangeable pursuant to 42 U.S.C. § 262(k).

"Sale" includes barter, exchange, or gift, or offer therefor, and each such transaction made by any person, whether as an individual, proprietor, agent, servant, or employee.

"Therapeutically equivalent drug products" means drug products that contain the same active ingredients and are identical in strength or concentration, dosage form, and route of administration and that are classified as being therapeutically equivalent by the U.S. Food and Drug Administration pursuant to the definition of "therapeutically equivalent drug products" set forth in the most recent edition of the Approved Drug Products with Therapeutic Equivalence Evaluations, otherwise known as the "Orange Book."

"Third-party logistics provider" means a person that provides or coordinates warehousing of or other logistics services for a drug or device in interstate commerce on behalf of a manufacturer, wholesale distributor, or dispenser of the drug or device but does not take ownership of the product or have responsibility for directing the sale or disposition of the product.

"USP-NF" means the current edition of the United States Pharmacopeia-National Formulary.

"Warehouser" means any person, other than a wholesale distributor, manufacturer, or third-party logistics provider, engaged in the business of (i) selling or otherwise distributing prescription drugs or devices to any person who is not the ultimate user or consumer and (ii) *delivering Schedule VI prescription devices to the ultimate user or consumer pursuant to § 54.1-3415.1*. No person shall be subject to any state or local tax by reason of this definition.

"Wholesale distribution" means (i) distribution of prescription drugs to persons other than consumers or patients and (ii) *delivery of Schedule VI prescription devices to the ultimate user or consumer pursuant to § 54.1-3415.1*, subject to the exemptions set forth in the federal Drug Supply Chain Security Act.

"Wholesale distributor" means any person other than a manufacturer, a manufacturer's co-licensed partner, a third-party logistics provider, or a repackager that engages in wholesale distribution.

The words "drugs" and "devices" as used in Chapter 33 (§ 54.1-3300 et seq.) and in this chapter shall not include surgical or dental instruments, physical therapy equipment, X-ray apparatus, or glasses or lenses for the eyes.

The terms "pharmacist," "pharmacy," and "practice of pharmacy" as used in this chapter shall be defined as provided in Chapter 33 (§ 54.1-3300 et seq.) unless the context requires a different meaning.

**§ 54.1-3401. (Effective July 1, 2020) Definitions.**

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

"Administer" means the direct application of a controlled substance, whether by injection, inhalation, ingestion, or any other means, to the body of a patient or research subject by (i) a practitioner or by his authorized agent and under his direction or (ii) the patient or research subject at the direction and in the presence of the practitioner.

"Advertisement" means all representations disseminated in any manner or by any means, other than by labeling, for the purpose of inducing, or which are likely to induce, directly or indirectly, the purchase of drugs or devices.

"Agent" means an authorized person who acts on behalf of or at the direction of a manufacturer, distributor, or dispenser. It does not include a common or contract carrier, public warehouseman, or employee of the carrier or warehouseman.

"Anabolic steroid" means any drug or hormonal substance, chemically and pharmacologically related to testosterone, other than estrogens, progestins, corticosteroids, and dehydroepiandrosterone.

"Animal" means any nonhuman animate being endowed with the power of voluntary action.

"Automated drug dispensing system" means a mechanical or electronic system that performs operations or activities, other than compounding or administration, relating to pharmacy services, including the storage, dispensing, or distribution of drugs and the collection, control, and maintenance of all transaction information, to provide security and accountability for such drugs.

"Biological product" means a virus, therapeutic serum, toxin, antitoxin, vaccine, blood, blood component or derivative, allergenic product, protein other than a chemically synthesized polypeptide, or analogous product, or arsphenamine or any derivative of arsphenamine or any other trivalent organic arsenic compound, applicable to the prevention, treatment, or cure of a disease or condition of human beings.

"Biosimilar" means a biological product that is highly similar to a specific reference biological product, notwithstanding minor differences in clinically inactive compounds, such that there are no clinically meaningful differences between the reference biological product and the biological product that has been licensed as a biosimilar pursuant to 42 U.S.C. § 262(k) in terms of safety, purity, and potency of the product.

"Board" means the Board of Pharmacy.

"Bulk drug substance" means any substance that is represented for use, and that, when used in the compounding, manufacturing, processing, or packaging of a drug, becomes an active ingredient or a finished dosage form of the drug; however, "bulk drug substance" shall not include intermediates that are used in the synthesis of such substances.

"Change of ownership" of an existing entity permitted, registered, or licensed by the Board means (i) the sale or transfer of all or substantially all of the assets of the entity or of any corporation that owns or controls the entity; (ii) the creation of a partnership by a sole proprietor, the dissolution of a partnership, or change in partnership composition; (iii) the acquisition or disposal of 50 percent or more of the outstanding shares of voting stock of a corporation owning the entity or of the parent corporation of a wholly owned subsidiary owning the entity, except that this shall not apply to any corporation the voting stock of which is actively traded on any securities exchange or in any over-the-counter market; (iv) the merger of a corporation owning the entity or of the parent corporation of a wholly-owned subsidiary owning the entity with another business or corporation; or (v) the expiration or forfeiture of a corporation's charter.

"Co-licensed partner" means a person who, with at least one other person, has the right to engage in the manufacturing or marketing of a prescription drug, consistent with state and federal law.

"Compounding" means the combining of two or more ingredients to fabricate such ingredients into a single preparation and includes the mixing, assembling, packaging, or labeling of a drug or device (i) by a pharmacist, or within a permitted pharmacy, pursuant to a valid prescription issued for a medicinal or therapeutic purpose in the context of a bona fide practitioner-patient-pharmacist relationship, or in expectation of receiving a valid prescription based on observed historical patterns of prescribing and dispensing; (ii) by a practitioner of medicine, osteopathy, podiatry, dentistry, or veterinary medicine as an incident to his administering or dispensing, if authorized to dispense, a controlled substance in the course of his professional practice; or (iii) for the purpose of, or as incident to, research, teaching, or chemical analysis and not for sale or for dispensing. The mixing, diluting, or reconstituting of a manufacturer's product drugs for the purpose of administration to a patient, when performed by a practitioner of medicine or osteopathy licensed under Chapter 29 (§ 54.1-2900 et seq.), a person supervised by such practitioner pursuant to subdivision A 6 or 19 of § 54.1-2901, or a person supervised by such practitioner or a licensed nurse practitioner or physician assistant pursuant to subdivision A 4 of § 54.1-2901 shall not be considered compounding.

"Controlled substance" means a drug, substance, or immediate precursor in Schedules I through VI of this chapter. The term shall not include distilled spirits, wine, malt beverages, or tobacco as those terms are defined or used in Title 3.2 or Title 4.1. The term "controlled substance" includes a controlled substance analog that has been placed into Schedule I or II by the Board pursuant to the regulatory authority in subsection D of § 54.1-3443.

"Controlled substance analog" means a substance the chemical structure of which is substantially similar to the chemical structure of a controlled substance in Schedule I or II and either (i) which has a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance in Schedule I or II or (ii) with respect to a particular person, which such person represents or intends to have a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance in Schedule I or II. "Controlled substance analog" does not include (a) any substance for which there is an approved new drug application as defined under § 505 of the federal Food, Drug, and Cosmetic Act (21 U.S.C. § 355) or that is generally recognized as safe and effective pursuant to §§ 501, 502, and 503 of the federal Food, Drug, and Cosmetic Act (21 U.S.C. §§ 351, 352, and 353) and 21 C.F.R. Part 330; (b) with respect to a particular person, any substance for which an exemption is in effect for investigational use for that person under § 505 of the federal Food, Drug, and Cosmetic Act to the extent that the conduct with respect to that substance is pursuant to such exemption; or (c) any substance to the extent not intended for human consumption before such an exemption takes effect with respect to that substance.

"DEA" means the Drug Enforcement Administration, U.S. Department of Justice, or its successor agency.

"Deliver" or "delivery" means the actual, constructive, or attempted transfer of any item regulated by this chapter, whether or not there exists an agency relationship, *including delivery of a Schedule VI prescription device to an ultimate user or consumer on behalf of a medical equipment supplier by a manufacturer, nonresident manufacturer, wholesale distributor, nonresident wholesale distributor, warehouser, nonresident warehouser, third-party logistics provider, or nonresident third-party logistics provider at the direction of a medical equipment supplier in accordance with § 54.1-3415.1.*

"Device" means instruments, apparatus, and contrivances, including their components, parts, and accessories, intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or animals or to affect the structure or any function of the body of man or animals.

"Dialysis care technician" or "dialysis patient care technician" means an individual who is certified by an organization approved by the Board of Health Professions pursuant to Chapter 27.01 (§ 54.1-2729.1 et seq.) and who, under the supervision of a licensed physician, nurse practitioner, physician assistant, or a registered nurse, assists in the care of patients undergoing renal dialysis treatments in a Medicare-certified renal dialysis facility.

"Dialysis solution" means either the commercially available, unopened, sterile solutions whose purpose is to be instilled into the peritoneal cavity during the medical procedure known as peritoneal dialysis, or commercially available solutions whose purpose is to be used in the performance of hemodialysis not to include any solutions administered to the patient intravenously.

"Dispense" means to deliver a drug to an ultimate user or research subject by or pursuant to the lawful order of a practitioner, including the prescribing and administering, packaging, labeling, or compounding necessary to prepare the substance for that delivery. However, dispensing shall not include the transportation of drugs mixed, diluted, or reconstituted in accordance with this chapter to other sites operated by such practitioner or that practitioner's medical practice for the purpose of administration of such drugs to patients of the practitioner or that practitioner's medical practice at such other sites. For practitioners of medicine or osteopathy, "dispense" shall only include the provision of drugs by a practitioner to patients to take with them away from the practitioner's place of practice.

"Dispenser" means a practitioner who dispenses.

"Distribute" means to deliver other than by administering or dispensing a controlled substance.

"Distributor" means a person who distributes.

"Drug" means (i) articles or substances recognized in the official United States Pharmacopoeia National Formulary or official Homeopathic Pharmacopoeia of the United States, or any supplement to any of them; (ii) articles or substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or animals; (iii) articles or substances, other than food, intended to affect the structure or any function of the body of man or animals; (iv) articles or substances intended for use as a component of any article specified in clause (i), (ii), or (iii); or (v) a biological product. "Drug" does not include devices or their components, parts, or accessories.

"Drug product" means a specific drug in dosage form from a known source of manufacture, whether by brand or therapeutically equivalent drug product name.

"Electronic prescription" means a written prescription that is generated on an electronic application and is transmitted to a pharmacy as an electronic data file; Schedule II through V prescriptions shall be transmitted in accordance with 21 C.F.R. Part 1300.

"Facsimile (FAX) prescription" means a written prescription or order that is transmitted by an electronic device over telephone lines that sends the exact image to the receiving pharmacy in hard copy form.

"FDA" means the U.S. Food and Drug Administration.

"Hashish oil" means any oily extract containing one or more cannabinoids, but shall not include any such extract with a tetrahydrocannabinol content of less than 12 percent by weight.

"Immediate precursor" means a substance which the Board of Pharmacy has found to be and by regulation designates as being the principal compound commonly used or produced primarily for use, and which is an immediate chemical intermediary used or likely to be used in the manufacture of a controlled substance, the control of which is necessary to prevent, curtail, or limit manufacture.

"Interchangeable" means a biosimilar that meets safety standards for determining interchangeability pursuant to 42 U.S.C. § 262(k)(4).

"Label" means a display of written, printed, or graphic matter upon the immediate container of any article. A requirement made by or under authority of this chapter that any word, statement, or other information appear on the label shall not be considered to be complied with unless such word, statement, or other information also appears on the outside container or wrapper, if any, of the retail package of such article or is easily legible through the outside container or wrapper.

"Labeling" means all labels and other written, printed, or graphic matter on an article or any of its containers or wrappers, or accompanying such article.

"Manufacture" means the production, preparation, propagation, conversion, or processing of any item regulated by this chapter, either directly or indirectly by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling or relabeling of its container. This term does not include compounding.

"Manufacturer" means every person who manufactures, a manufacturer's co-licensed partner, or a repackager.

"Marijuana" means any part of a plant of the genus *Cannabis* whether growing or not, its seeds, or its resin; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds, or its resin. Marijuana shall not include any oily extract containing one or more cannabinoids unless such extract contains less than 12 percent of tetrahydrocannabinol by weight, nor shall marijuana include the mature stalks of such plant, fiber produced from such stalk, or oil or cake made from the seeds of such plant, unless such stalks, fiber, oil, or cake is combined with other parts of plants of the genus *Cannabis*. Marijuana shall not include industrial hemp as defined in § 3.2-4112 that is possessed, cultivated, or manufactured by a grower licensed pursuant to § 3.2-4115.

"Medical equipment supplier" means any person, as defined in § 1-230, engaged in the delivery to the ultimate consumer, pursuant to the lawful order of a practitioner, of hypodermic syringes and needles, medicinal oxygen, Schedule VI controlled devices, those Schedule VI controlled substances with no medicinal properties that are used for the operation and cleaning of medical equipment, solutions for peritoneal dialysis, and sterile water or saline for irrigation.

"Narcotic drug" means any of the following, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis: (i) opium, opiates, and any salt, compound, derivative, or preparation of opium or opiates; (ii) any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of the substances referred to in clause (i), but not including the isoquinoline alkaloids of opium; (iii) opium poppy and poppy straw; (iv) coca leaves and any salt, compound, derivative, or preparation of coca leaves, and any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of these substances, but not including decocainized coca leaves or extraction of coca leaves which do not contain cocaine or ecgonine.

"New drug" means (i) any drug, except a new animal drug or an animal feed bearing or containing a new animal drug, the composition of which is such that such drug is not generally recognized, among experts qualified by scientific training and experience to evaluate the safety and effectiveness of drugs, as safe and effective for use under the conditions prescribed, recommended, or suggested in the labeling, except that such a drug not so recognized shall not be deemed to be a "new drug" if at any time prior to the enactment of this chapter it was subject to the Food and Drugs Act of June 30, 1906, as amended, and if at such time its labeling contained the same representations concerning the conditions of its use, or (ii) any drug, except a new animal drug or an animal feed bearing or containing a new animal drug, the composition of which is such that such drug, as a result of investigations to determine its safety and effectiveness for use under such conditions, has become so recognized, but which has not, otherwise than in such investigations, been used to a material extent or for a material time under such conditions.

"Nuclear medicine technologist" means an individual who holds a current certification with the American Registry of Radiological Technologists or the Nuclear Medicine Technology Certification Board.

"Official compendium" means the official United States Pharmacopoeia National Formulary, official Homeopathic Pharmacopoeia of the United States, or any supplement to any of them.

"Official written order" means an order written on a form provided for that purpose by the U.S. Drug Enforcement Administration, under any laws of the United States making provision therefor, if such order forms are authorized and required by federal law, and if no such order form is provided then on an official form provided for that purpose by the Board of Pharmacy.

"Opiate" means any substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having such addiction-forming or addiction-sustaining liability. It does not include, unless specifically designated as controlled under Article 4 (§ 54.1-3437 et seq.), the dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts (dextromethorphan). It does include its racemic and levorotatory forms.

"Opium poppy" means the plant of the species *Papaver somniferum* L., except the seeds thereof.

"Original package" means the unbroken container or wrapping in which any drug or medicine is enclosed together with label and labeling, put up by or for the manufacturer, wholesaler, or distributor for use in the delivery or display of such article.

"Outsourcing facility" means a facility that is engaged in the compounding of sterile drugs and is currently registered as an outsourcing facility with the U.S. Secretary of Health and Human Services and that complies with all applicable requirements of federal and state law, including the Federal Food, Drug, and Cosmetic Act.

"Person" means both the plural and singular, as the case demands, and includes an individual, partnership, corporation, association, governmental agency, trust, or other institution or entity.

"Pharmacist-in-charge" means the person who, being licensed as a pharmacist, signs the application for a pharmacy permit and assumes full legal responsibility for the operation of the relevant pharmacy in a manner complying with the laws and regulations for the practice of pharmacy and the sale and dispensing of controlled substances; the "pharmacist-in-charge" shall personally supervise the pharmacy and the pharmacy's personnel as required by § 54.1-3432.

"Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing.

"Practitioner" means a physician, dentist, licensed nurse practitioner pursuant to § 54.1-2957.01, licensed physician assistant pursuant to § 54.1-2952.1, pharmacist pursuant to § 54.1-3300, TPA-certified optometrist pursuant to Article 5 (§ 54.1-3222 et seq.) of Chapter 32, veterinarian, scientific investigator, or other person licensed, registered, or otherwise permitted to distribute, dispense, prescribe and administer, or conduct research with respect to a controlled substance in the course of professional practice or research in the Commonwealth.

"Prescriber" means a practitioner who is authorized pursuant to §§ 54.1-3303 and 54.1-3408 to issue a prescription.

"Prescription" means an order for drugs or medical supplies, written or signed or transmitted by word of mouth, telephone, telegraph, or other means of communication to a pharmacist by a duly licensed physician, dentist, veterinarian, or other practitioner authorized by law to prescribe and administer such drugs or medical supplies.

"Prescription drug" means any drug required by federal law or regulation to be dispensed only pursuant to a prescription, including finished dosage forms and active ingredients subject to § 503(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. § 353(b)).

"Production" or "produce" includes the manufacture, planting, cultivation, growing, or harvesting of a controlled substance or marijuana.

"Proprietary medicine" means a completely compounded nonprescription drug in its unbroken, original package which does not contain any controlled substance or marijuana as defined in this chapter and is not in itself poisonous, and which is sold, offered, promoted, or advertised directly to the general public by or under the authority of the manufacturer or primary distributor, under a trademark, trade name, or other trade symbol privately owned, and the labeling of which conforms to the requirements of this chapter and applicable federal law. However, this definition shall not include a drug that is only advertised or promoted professionally to licensed practitioners, a narcotic or drug containing a narcotic, a drug that may be dispensed only upon prescription or the label of which bears substantially the statement "Warning — may be habit-forming," or a drug intended for injection.

"Radiopharmaceutical" means any drug that exhibits spontaneous disintegration of unstable nuclei with the emission of nuclear particles or photons and includes any non-radioactive reagent kit or radionuclide generator that is intended to be used in the preparation of any such substance, but does not include drugs such as carbon-containing compounds or potassium-containing salts that include trace quantities of naturally occurring radionuclides. The term also includes any biological product that is labeled with a radionuclide or intended solely to be labeled with a radionuclide.

"Reference biological product" means the single biological product licensed pursuant to 42 U.S.C. § 262(a) against which a biological product is evaluated in an application submitted to the U.S. Food and Drug Administration for licensure of biological products as biosimilar or interchangeable pursuant to 42 U.S.C. § 262(k).

"Sale" includes barter, exchange, or gift, or offer therefor, and each such transaction made by any person, whether as an individual, proprietor, agent, servant, or employee.

"Therapeutically equivalent drug products" means drug products that contain the same active ingredients and are identical in strength or concentration, dosage form, and route of administration and that are classified as being therapeutically equivalent by the U.S. Food and Drug Administration pursuant to the definition of "therapeutically equivalent drug products" set forth in the most recent edition of the Approved Drug Products with Therapeutic Equivalence Evaluations, otherwise known as the "Orange Book."

"Third-party logistics provider" means a person that provides or coordinates warehousing of or other logistics services for a drug or device in interstate commerce on behalf of a manufacturer, wholesale distributor, or dispenser of the drug or device but does not take ownership of the product or have responsibility for directing the sale or disposition of the product.

"USP-NF" means the current edition of the United States Pharmacopeia-National Formulary.

"Warehouser" means any person, other than a wholesale distributor, manufacturer, or third-party logistics provider, engaged in the business of (i) selling or otherwise distributing prescription drugs or devices to any person who is not the ultimate user or consumer and (ii) delivering Schedule VI prescription devices to the ultimate user or consumer pursuant to § 54.1-3415.1. No person shall be subject to any state or local tax by reason of this definition.

"Wholesale distribution" means (i) distribution of prescription drugs to persons other than consumers or patients and (ii) delivery of Schedule VI prescription devices to the ultimate user or consumer pursuant to § 54.1-3415.1, subject to the exemptions set forth in the federal Drug Supply Chain Security Act.

"Wholesale distributor" means any person other than a manufacturer, a manufacturer's co-licensed partner, a third-party logistics provider, or a repackager that engages in wholesale distribution.

The words "drugs" and "devices" as used in Chapter 33 (§ 54.1-3300 et seq.) and in this chapter shall not include surgical or dental instruments, physical therapy equipment, X-ray apparatus, or glasses or lenses for the eyes.

The terms "pharmacist," "pharmacy," and "practice of pharmacy" as used in this chapter shall be defined as provided in Chapter 33 (§ 54.1-3300 et seq.) unless the context requires a different meaning.

**§ 54.1-3415.1. Delivery of medical devices on behalf of a medical equipment supplier.**

*A. A permitted manufacturer, wholesale distributor, wholesaler, nonresident wholesaler, third-party logistics provider, or nonresident third-party logistics provider; or registered nonresident manufacturer or nonresident wholesale distributor may deliver Schedule VI prescription devices directly to an ultimate user or consumer on behalf of a medical equipment supplier provided that (i) such delivery occurs at the direction of a medical equipment supplier that has received a valid order from a prescriber authorizing the dispensing of such prescription device to the ultimate user or consumer and (ii) the manufacturer, nonresident manufacturer, wholesale distributor, nonresident wholesale distributor, wholesaler, nonresident wholesaler, third-party logistics provider, or nonresident third-party logistics provider has entered into an agreement with the medical equipment supplier for such delivery.*

*B. A permitted manufacturer, wholesale distributor, wholesaler, nonresident wholesaler, third-party logistics provider, or nonresident third-party logistics provider; or registered nonresident manufacturer or nonresident wholesale distributor may deliver Schedule VI prescription devices directly to an ultimate user's or consumer's residence to be administered by persons authorized to administer such devices, provided that (i) such delivery is made on behalf of a medical director of a*

*home health agency, nursing home, assisted living facility, or hospice who has requested the distribution of the Schedule VI prescription device and directs the delivery of such device to the ultimate user's or consumer's residence and (ii) the medical director on whose behalf such Schedule VI prescription device is being delivered has entered into an agreement with the manufacturer, nonresident manufacturer, wholesale distributor, nonresident wholesale distributor, warehouse, nonresident warehouse, third-party logistics provider, or nonresident third-party logistics provider for such delivery.*

**2. That the Board of Pharmacy (the Board) shall promulgate regulations to implement the provisions of this act to be effective within 280 days of its enactment. Such regulations shall include provisions governing agreements between a manufacturer, nonresident manufacturer, wholesale distributor, nonresident wholesale distributor, warehouse, nonresident warehouse, third-party logistics provider, or nonresident third-party logistics provider and a medical equipment supplier, home health agency, hospice, pharmacy, nursing home, or assisted living facility for delivery of Schedule VI prescription devices directly to an ultimate user or consumer and such other provisions as the Board may deem appropriate.**

## CHAPTER 242

*An Act to amend and reenact § 54.1-3401, as it is currently effective and as it shall become effective, and to amend the Code of Virginia by adding a section numbered 54.1-3415.1, relating to delivery of Schedule VI prescription devices.*

[S 413]

Approved March 9, 2018

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

**1. That § 54.1-3401, as it is currently effective and as it shall become effective, of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 54.1-3415.1 as follows:**

**§ 54.1-3401. (Effective until July 1, 2020) Definitions.**

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

"Administer" means the direct application of a controlled substance, whether by injection, inhalation, ingestion, or any other means, to the body of a patient or research subject by (i) a practitioner or by his authorized agent and under his direction or (ii) the patient or research subject at the direction and in the presence of the practitioner.

"Advertisement" means all representations disseminated in any manner or by any means, other than by labeling, for the purpose of inducing, or which are likely to induce, directly or indirectly, the purchase of drugs or devices.

"Agent" means an authorized person who acts on behalf of or at the direction of a manufacturer, distributor, or dispenser. It does not include a common or contract carrier, public warehouseman, or employee of the carrier or warehouseman.

"Anabolic steroid" means any drug or hormonal substance, chemically and pharmacologically related to testosterone, other than estrogens, progestins, corticosteroids, and dehydroepiandrosterone.

"Animal" means any nonhuman animate being endowed with the power of voluntary action.

"Automated drug dispensing system" means a mechanical or electronic system that performs operations or activities, other than compounding or administration, relating to pharmacy services, including the storage, dispensing, or distribution of drugs and the collection, control, and maintenance of all transaction information, to provide security and accountability for such drugs.

"Biological product" means a virus, therapeutic serum, toxin, antitoxin, vaccine, blood, blood component or derivative, allergenic product, protein other than a chemically synthesized polypeptide, or analogous product, or arsphenamine or any derivative of arsphenamine or any other trivalent organic arsenic compound, applicable to the prevention, treatment, or cure of a disease or condition of human beings.

"Biosimilar" means a biological product that is highly similar to a specific reference biological product, notwithstanding minor differences in clinically inactive compounds, such that there are no clinically meaningful differences between the reference biological product and the biological product that has been licensed as a biosimilar pursuant to 42 U.S.C. § 262(k) in terms of safety, purity, and potency of the product.

"Board" means the Board of Pharmacy.

"Bulk drug substance" means any substance that is represented for use, and that, when used in the compounding, manufacturing, processing, or packaging of a drug, becomes an active ingredient or a finished dosage form of the drug; however, "bulk drug substance" shall not include intermediates that are used in the synthesis of such substances.

"Change of ownership" of an existing entity permitted, registered, or licensed by the Board means (i) the sale or transfer of all or substantially all of the assets of the entity or of any corporation that owns or controls the entity; (ii) the creation of a partnership by a sole proprietor, the dissolution of a partnership, or change in partnership composition; (iii) the acquisition or disposal of 50 percent or more of the outstanding shares of voting stock of a corporation owning the entity or of the parent corporation of a wholly owned subsidiary owning the entity, except that this shall not apply to any corporation the voting stock of which is actively traded on any securities exchange or in any over-the-counter market; (iv) the merger of a corporation owning the entity or of the parent corporation of a wholly-owned subsidiary owning the entity with another business or corporation; or (v) the expiration or forfeiture of a corporation's charter.

"Co-licensed partner" means a person who, with at least one other person, has the right to engage in the manufacturing or marketing of a prescription drug, consistent with state and federal law.

"Compounding" means the combining of two or more ingredients to fabricate such ingredients into a single preparation and includes the mixing, assembling, packaging, or labeling of a drug or device (i) by a pharmacist, or within a permitted pharmacy, pursuant to a valid prescription issued for a medicinal or therapeutic purpose in the context of a bona fide practitioner-patient-pharmacist relationship, or in expectation of receiving a valid prescription based on observed historical patterns of prescribing and dispensing; (ii) by a practitioner of medicine, osteopathy, podiatry, dentistry, or veterinary medicine as an incident to his administering or dispensing, if authorized to dispense, a controlled substance in the course of his professional practice; or (iii) for the purpose of, or as incident to, research, teaching, or chemical analysis and not for sale or for dispensing. The mixing, diluting, or reconstituting of a manufacturer's product drugs for the purpose of administration to a patient, when performed by a practitioner of medicine or osteopathy licensed under Chapter 29 (§ 54.1-2900 et seq.), a person supervised by such practitioner pursuant to subdivision A 6 or 19 of § 54.1-2901, or a person supervised by such practitioner or a licensed nurse practitioner or physician assistant pursuant to subdivision A 4 of § 54.1-2901 shall not be considered compounding.

"Controlled substance" means a drug, substance, or immediate precursor in Schedules I through VI of this chapter. The term shall not include distilled spirits, wine, malt beverages, or tobacco as those terms are defined or used in Title 3.2 or Title 4.1. The term "controlled substance" includes a controlled substance analog that has been placed into Schedule I or II by the Board pursuant to the regulatory authority in subsection D of § 54.1-3443.

"Controlled substance analog" means a substance the chemical structure of which is substantially similar to the chemical structure of a controlled substance in Schedule I or II and either (i) which has a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance in Schedule I or II or (ii) with respect to a particular person, which such person represents or intends to have a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance in Schedule I or II. "Controlled substance analog" does not include (a) any substance for which there is an approved new drug application as defined under § 505 of the federal Food, Drug, and Cosmetic Act (21 U.S.C. § 355) or that is generally recognized as safe and effective pursuant to §§ 501, 502, and 503 of the federal Food, Drug, and Cosmetic Act (21 U.S.C. §§ 351, 352, and 353) and 21 C.F.R. Part 330; (b) with respect to a particular person, any substance for which an exemption is in effect for investigational use for that person under § 505 of the federal Food, Drug, and Cosmetic Act to the extent that the conduct with respect to that substance is pursuant to such exemption; or (c) any substance to the extent not intended for human consumption before such an exemption takes effect with respect to that substance.

"DEA" means the Drug Enforcement Administration, U.S. Department of Justice, or its successor agency.

"Deliver" or "delivery" means the actual, constructive, or attempted transfer of any item regulated by this chapter, whether or not there exists an agency relationship, *including delivery of a Schedule VI prescription device to an ultimate user or consumer on behalf of a medical equipment supplier by a manufacturer, nonresident manufacturer, wholesale distributor, nonresident wholesale distributor, warehouse, nonresident warehouse, third-party logistics provider, or nonresident third-party logistics provider at the direction of a medical equipment supplier in accordance with § 54.1-3415.1.*

"Device" means instruments, apparatus, and contrivances, including their components, parts, and accessories, intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or animals or to affect the structure or any function of the body of man or animals.

"Dialysis care technician" or "dialysis patient care technician" means an individual who is certified by an organization approved by the Board of Health Professions pursuant to Chapter 27.01 (§ 54.1-2729.1 et seq.) and who, under the supervision of a licensed physician, nurse practitioner, physician assistant, or a registered nurse, assists in the care of patients undergoing renal dialysis treatments in a Medicare-certified renal dialysis facility.

"Dialysis solution" means either the commercially available, unopened, sterile solutions whose purpose is to be instilled into the peritoneal cavity during the medical procedure known as peritoneal dialysis, or commercially available solutions whose purpose is to be used in the performance of hemodialysis not to include any solutions administered to the patient intravenously.

"Dispense" means to deliver a drug to an ultimate user or research subject by or pursuant to the lawful order of a practitioner, including the prescribing and administering, packaging, labeling, or compounding necessary to prepare the substance for that delivery. However, dispensing shall not include the transportation of drugs mixed, diluted, or reconstituted in accordance with this chapter to other sites operated by such practitioner or that practitioner's medical practice for the purpose of administration of such drugs to patients of the practitioner or that practitioner's medical practice at such other sites. For practitioners of medicine or osteopathy, "dispense" shall only include the provision of drugs by a practitioner to patients to take with them away from the practitioner's place of practice.

"Dispenser" means a practitioner who dispenses.

"Distribute" means to deliver other than by administering or dispensing a controlled substance.

"Distributor" means a person who distributes.

"Drug" means (i) articles or substances recognized in the official United States Pharmacopoeia National Formulary or official Homeopathic Pharmacopoeia of the United States, or any supplement to any of them; (ii) articles or substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or animals; (iii) articles or substances, other than food, intended to affect the structure or any function of the body of man or animals; (iv) articles or substances intended for use as a component of any article specified in clause (i), (ii), or (iii); or (v) a biological product. "Drug" does not include devices or their components, parts, or accessories.

"Drug product" means a specific drug in dosage form from a known source of manufacture, whether by brand or therapeutically equivalent drug product name.

"Electronic transmission prescription" means any prescription, other than an oral or written prescription or a prescription transmitted by facsimile machine, that is electronically transmitted directly to a pharmacy without interception or intervention from a third party from a practitioner authorized to prescribe or from one pharmacy to another pharmacy.

"Facsimile (FAX) prescription" means a written prescription or order that is transmitted by an electronic device over telephone lines that sends the exact image to the receiving pharmacy in hard copy form.

"FDA" means the U.S. Food and Drug Administration.

"Hashish oil" means any oily extract containing one or more cannabinoids, but shall not include any such extract with a tetrahydrocannabinol content of less than 12 percent by weight.

"Immediate precursor" means a substance which the Board of Pharmacy has found to be and by regulation designates as being the principal compound commonly used or produced primarily for use, and which is an immediate chemical intermediary used or likely to be used in the manufacture of a controlled substance, the control of which is necessary to prevent, curtail, or limit manufacture.

"Interchangeable" means a biosimilar that meets safety standards for determining interchangeability pursuant to 42 U.S.C. § 262(k)(4).

"Label" means a display of written, printed, or graphic matter upon the immediate container of any article. A requirement made by or under authority of this chapter that any word, statement, or other information appear on the label shall not be considered to be complied with unless such word, statement, or other information also appears on the outside container or wrapper, if any, of the retail package of such article or is easily legible through the outside container or wrapper.

"Labeling" means all labels and other written, printed, or graphic matter on an article or any of its containers or wrappers, or accompanying such article.

"Manufacture" means the production, preparation, propagation, conversion, or processing of any item regulated by this chapter, either directly or indirectly by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling or relabeling of its container. This term does not include compounding.

"Manufacturer" means every person who manufactures, a manufacturer's co-licensed partner, or a repackager.

"Marijuana" means any part of a plant of the genus *Cannabis* whether growing or not, its seeds, or its resin; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds, or its resin. Marijuana shall not include any oily extract containing one or more cannabinoids unless such extract contains less than 12 percent of tetrahydrocannabinol by weight, nor shall marijuana include the mature stalks of such plant, fiber produced from such stalk, or oil or cake made from the seeds of such plant, unless such stalks, fiber, oil, or cake is combined with other parts of plants of the genus *Cannabis*. Marijuana shall not include industrial hemp as defined in § 3.2-4112 that is possessed, cultivated, or manufactured by a grower licensed pursuant to § 3.2-4115.

"Medical equipment supplier" means any person, as defined in § 1-230, engaged in the delivery to the ultimate consumer, pursuant to the lawful order of a practitioner, of hypodermic syringes and needles, medicinal oxygen, Schedule VI controlled devices, those Schedule VI controlled substances with no medicinal properties that are used for the operation and cleaning of medical equipment, solutions for peritoneal dialysis, and sterile water or saline for irrigation.

"Narcotic drug" means any of the following, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis: (i) opium, opiates, and any salt, compound, derivative, or preparation of opium or opiates; (ii) any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of the substances referred to in clause (i), but not including the isoquinoline alkaloids of opium; (iii) opium poppy and poppy straw; (iv) coca leaves and any salt, compound, derivative, or preparation of coca leaves, and any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of these substances, but not including decocainized coca leaves or extraction of coca leaves which do not contain cocaine or ecgonine.

"New drug" means (i) any drug, except a new animal drug or an animal feed bearing or containing a new animal drug, the composition of which is such that such drug is not generally recognized, among experts qualified by scientific training and experience to evaluate the safety and effectiveness of drugs, as safe and effective for use under the conditions prescribed, recommended, or suggested in the labeling, except that such a drug not so recognized shall not be deemed to be a "new drug" if at any time prior to the enactment of this chapter it was subject to the Food and Drugs Act of June 30, 1906, as amended, and if at such time its labeling contained the same representations concerning the conditions of its use, or (ii) any drug, except a new animal drug or an animal feed bearing or containing a new animal drug, the composition of which is such that such drug, as a result of investigations to determine its safety and effectiveness for use under such

conditions, has become so recognized, but which has not, otherwise than in such investigations, been used to a material extent or for a material time under such conditions.

"Nuclear medicine technologist" means an individual who holds a current certification with the American Registry of Radiological Technologists or the Nuclear Medicine Technology Certification Board.

"Official compendium" means the official United States Pharmacopoeia National Formulary, official Homeopathic Pharmacopoeia of the United States, or any supplement to any of them.

"Official written order" means an order written on a form provided for that purpose by the U.S. Drug Enforcement Administration, under any laws of the United States making provision therefor, if such order forms are authorized and required by federal law, and if no such order form is provided then on an official form provided for that purpose by the Board of Pharmacy.

"Opiate" means any substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having such addiction-forming or addiction-sustaining liability. It does not include, unless specifically designated as controlled under Article 4 (§ 54.1-3437 et seq.), the dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts (dextromethorphan). It does include its racemic and levorotatory forms.

"Opium poppy" means the plant of the species *Papaver somniferum* L., except the seeds thereof.

"Original package" means the unbroken container or wrapping in which any drug or medicine is enclosed together with label and labeling, put up by or for the manufacturer, wholesaler, or distributor for use in the delivery or display of such article.

"Outsourcing facility" means a facility that is engaged in the compounding of sterile drugs and is currently registered as an outsourcing facility with the U.S. Secretary of Health and Human Services and that complies with all applicable requirements of federal and state law, including the Federal Food, Drug, and Cosmetic Act.

"Person" means both the plural and singular, as the case demands, and includes an individual, partnership, corporation, association, governmental agency, trust, or other institution or entity.

"Pharmacist-in-charge" means the person who, being licensed as a pharmacist, signs the application for a pharmacy permit and assumes full legal responsibility for the operation of the relevant pharmacy in a manner complying with the laws and regulations for the practice of pharmacy and the sale and dispensing of controlled substances; the "pharmacist-in-charge" shall personally supervise the pharmacy and the pharmacy's personnel as required by § 54.1-3432.

"Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing.

"Practitioner" means a physician, dentist, licensed nurse practitioner pursuant to § 54.1-2957.01, licensed physician assistant pursuant to § 54.1-2952.1, pharmacist pursuant to § 54.1-3300, TPA-certified optometrist pursuant to Article 5 (§ 54.1-3222 et seq.) of Chapter 32, veterinarian, scientific investigator, or other person licensed, registered, or otherwise permitted to distribute, dispense, prescribe and administer, or conduct research with respect to a controlled substance in the course of professional practice or research in the Commonwealth.

"Prescriber" means a practitioner who is authorized pursuant to §§ 54.1-3303 and 54.1-3408 to issue a prescription.

"Prescription" means an order for drugs or medical supplies, written or signed or transmitted by word of mouth, telephone, telegraph, or other means of communication to a pharmacist by a duly licensed physician, dentist, veterinarian, or other practitioner authorized by law to prescribe and administer such drugs or medical supplies.

"Prescription drug" means any drug required by federal law or regulation to be dispensed only pursuant to a prescription, including finished dosage forms and active ingredients subject to § 503(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. § 353(b)).

"Production" or "produce" includes the manufacture, planting, cultivation, growing, or harvesting of a controlled substance or marijuana.

"Proprietary medicine" means a completely compounded nonprescription drug in its unbroken, original package which does not contain any controlled substance or marijuana as defined in this chapter and is not in itself poisonous, and which is sold, offered, promoted, or advertised directly to the general public by or under the authority of the manufacturer or primary distributor, under a trademark, trade name, or other trade symbol privately owned, and the labeling of which conforms to the requirements of this chapter and applicable federal law. However, this definition shall not include a drug that is only advertised or promoted professionally to licensed practitioners, a narcotic or drug containing a narcotic, a drug that may be dispensed only upon prescription or the label of which bears substantially the statement "Warning — may be habit-forming," or a drug intended for injection.

"Radiopharmaceutical" means any drug that exhibits spontaneous disintegration of unstable nuclei with the emission of nuclear particles or photons and includes any non-radioactive reagent kit or radionuclide generator that is intended to be used in the preparation of any such substance, but does not include drugs such as carbon-containing compounds or potassium-containing salts that include trace quantities of naturally occurring radionuclides. The term also includes any biological product that is labeled with a radionuclide or intended solely to be labeled with a radionuclide.

"Reference biological product" means the single biological product licensed pursuant to 42 U.S.C. § 262(a) against which a biological product is evaluated in an application submitted to the U.S. Food and Drug Administration for licensure of biological products as biosimilar or interchangeable pursuant to 42 U.S.C. § 262(k).

"Sale" includes barter, exchange, or gift, or offer therefor, and each such transaction made by any person, whether as an individual, proprietor, agent, servant, or employee.

"Therapeutically equivalent drug products" means drug products that contain the same active ingredients and are identical in strength or concentration, dosage form, and route of administration and that are classified as being therapeutically equivalent by the U.S. Food and Drug Administration pursuant to the definition of "therapeutically equivalent drug products" set forth in the most recent edition of the Approved Drug Products with Therapeutic Equivalence Evaluations, otherwise known as the "Orange Book."

"Third-party logistics provider" means a person that provides or coordinates warehousing of or other logistics services for a drug or device in interstate commerce on behalf of a manufacturer, wholesale distributor, or dispenser of the drug or device but does not take ownership of the product or have responsibility for directing the sale or disposition of the product.

"USP-NF" means the current edition of the United States Pharmacopeia-National Formulary.

"Warehouser" means any person, other than a wholesale distributor, manufacturer, or third-party logistics provider, engaged in the business of (i) selling or otherwise distributing prescription drugs or devices to any person who is not the ultimate user or consumer and (ii) *delivering Schedule VI prescription devices to the ultimate user or consumer pursuant to § 54.1-3415.1*. No person shall be subject to any state or local tax by reason of this definition.

"Wholesale distribution" means (i) distribution of prescription drugs to persons other than consumers or patients and (ii) *delivery of Schedule VI prescription devices to the ultimate user or consumer pursuant to § 54.1-3415.1*, subject to the exemptions set forth in the federal Drug Supply Chain Security Act.

"Wholesale distributor" means any person other than a manufacturer, a manufacturer's co-licensed partner, a third-party logistics provider, or a repackager that engages in wholesale distribution.

The words "drugs" and "devices" as used in Chapter 33 (§ 54.1-3300 et seq.) and in this chapter shall not include surgical or dental instruments, physical therapy equipment, X-ray apparatus, or glasses or lenses for the eyes.

The terms "pharmacist," "pharmacy," and "practice of pharmacy" as used in this chapter shall be defined as provided in Chapter 33 (§ 54.1-3300 et seq.) unless the context requires a different meaning.

**§ 54.1-3401. (Effective July 1, 2020) Definitions.**

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

"Administer" means the direct application of a controlled substance, whether by injection, inhalation, ingestion, or any other means, to the body of a patient or research subject by (i) a practitioner or by his authorized agent and under his direction or (ii) the patient or research subject at the direction and in the presence of the practitioner.

"Advertisement" means all representations disseminated in any manner or by any means, other than by labeling, for the purpose of inducing, or which are likely to induce, directly or indirectly, the purchase of drugs or devices.

"Agent" means an authorized person who acts on behalf of or at the direction of a manufacturer, distributor, or dispenser. It does not include a common or contract carrier, public warehouseman, or employee of the carrier or warehouseman.

"Anabolic steroid" means any drug or hormonal substance, chemically and pharmacologically related to testosterone, other than estrogens, progestins, corticosteroids, and dehydroepiandrosterone.

"Animal" means any nonhuman animate being endowed with the power of voluntary action.

"Automated drug dispensing system" means a mechanical or electronic system that performs operations or activities, other than compounding or administration, relating to pharmacy services, including the storage, dispensing, or distribution of drugs and the collection, control, and maintenance of all transaction information, to provide security and accountability for such drugs.

"Biological product" means a virus, therapeutic serum, toxin, antitoxin, vaccine, blood, blood component or derivative, allergenic product, protein other than a chemically synthesized polypeptide, or analogous product, or arsphenamine or any derivative of arsphenamine or any other trivalent organic arsenic compound, applicable to the prevention, treatment, or cure of a disease or condition of human beings.

"Biosimilar" means a biological product that is highly similar to a specific reference biological product, notwithstanding minor differences in clinically inactive compounds, such that there are no clinically meaningful differences between the reference biological product and the biological product that has been licensed as a biosimilar pursuant to 42 U.S.C. § 262(k) in terms of safety, purity, and potency of the product.

"Board" means the Board of Pharmacy.

"Bulk drug substance" means any substance that is represented for use, and that, when used in the compounding, manufacturing, processing, or packaging of a drug, becomes an active ingredient or a finished dosage form of the drug; however, "bulk drug substance" shall not include intermediates that are used in the synthesis of such substances.

"Change of ownership" of an existing entity permitted, registered, or licensed by the Board means (i) the sale or transfer of all or substantially all of the assets of the entity or of any corporation that owns or controls the entity; (ii) the creation of a partnership by a sole proprietor, the dissolution of a partnership, or change in partnership composition; (iii) the acquisition or disposal of 50 percent or more of the outstanding shares of voting stock of a corporation owning the entity or of the parent corporation of a wholly owned subsidiary owning the entity, except that this shall not apply to any corporation the voting stock of which is actively traded on any securities exchange or in any over-the-counter market; (iv) the merger of a corporation owning the entity or of the parent corporation of a wholly-owned subsidiary owning the entity with another business or corporation; or (v) the expiration or forfeiture of a corporation's charter.

"Co-licensed partner" means a person who, with at least one other person, has the right to engage in the manufacturing or marketing of a prescription drug, consistent with state and federal law.

"Compounding" means the combining of two or more ingredients to fabricate such ingredients into a single preparation and includes the mixing, assembling, packaging, or labeling of a drug or device (i) by a pharmacist, or within a permitted pharmacy, pursuant to a valid prescription issued for a medicinal or therapeutic purpose in the context of a bona fide practitioner-patient-pharmacist relationship, or in expectation of receiving a valid prescription based on observed historical patterns of prescribing and dispensing; (ii) by a practitioner of medicine, osteopathy, podiatry, dentistry, or veterinary medicine as an incident to his administering or dispensing, if authorized to dispense, a controlled substance in the course of his professional practice; or (iii) for the purpose of, or as incident to, research, teaching, or chemical analysis and not for sale or for dispensing. The mixing, diluting, or reconstituting of a manufacturer's product drugs for the purpose of administration to a patient, when performed by a practitioner of medicine or osteopathy licensed under Chapter 29 (§ 54.1-2900 et seq.), a person supervised by such practitioner pursuant to subdivision A 6 or 19 of § 54.1-2901, or a person supervised by such practitioner or a licensed nurse practitioner or physician assistant pursuant to subdivision A 4 of § 54.1-2901 shall not be considered compounding.

"Controlled substance" means a drug, substance, or immediate precursor in Schedules I through VI of this chapter. The term shall not include distilled spirits, wine, malt beverages, or tobacco as those terms are defined or used in Title 3.2 or Title 4.1. The term "controlled substance" includes a controlled substance analog that has been placed into Schedule I or II by the Board pursuant to the regulatory authority in subsection D of § 54.1-3443.

"Controlled substance analog" means a substance the chemical structure of which is substantially similar to the chemical structure of a controlled substance in Schedule I or II and either (i) which has a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance in Schedule I or II or (ii) with respect to a particular person, which such person represents or intends to have a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance in Schedule I or II. "Controlled substance analog" does not include (a) any substance for which there is an approved new drug application as defined under § 505 of the federal Food, Drug, and Cosmetic Act (21 U.S.C. § 355) or that is generally recognized as safe and effective pursuant to §§ 501, 502, and 503 of the federal Food, Drug, and Cosmetic Act (21 U.S.C. §§ 351, 352, and 353) and 21 C.F.R. Part 330; (b) with respect to a particular person, any substance for which an exemption is in effect for investigational use for that person under § 505 of the federal Food, Drug, and Cosmetic Act to the extent that the conduct with respect to that substance is pursuant to such exemption; or (c) any substance to the extent not intended for human consumption before such an exemption takes effect with respect to that substance.

"DEA" means the Drug Enforcement Administration, U.S. Department of Justice, or its successor agency.

"Deliver" or "delivery" means the actual, constructive, or attempted transfer of any item regulated by this chapter, whether or not there exists an agency relationship, *including delivery of a Schedule VI prescription device to an ultimate user or consumer on behalf of a medical equipment supplier by a manufacturer, nonresident manufacturer, wholesale distributor, nonresident wholesale distributor, warehouse, nonresident warehouse, third-party logistics provider, or nonresident third-party logistics provider at the direction of a medical equipment supplier in accordance with § 54.1-3415.1.*

"Device" means instruments, apparatus, and contrivances, including their components, parts, and accessories, intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or animals or to affect the structure or any function of the body of man or animals.

"Dialysis care technician" or "dialysis patient care technician" means an individual who is certified by an organization approved by the Board of Health Professions pursuant to Chapter 27.01 (§ 54.1-2729.1 et seq.) and who, under the supervision of a licensed physician, nurse practitioner, physician assistant, or a registered nurse, assists in the care of patients undergoing renal dialysis treatments in a Medicare-certified renal dialysis facility.

"Dialysis solution" means either the commercially available, unopened, sterile solutions whose purpose is to be instilled into the peritoneal cavity during the medical procedure known as peritoneal dialysis, or commercially available solutions whose purpose is to be used in the performance of hemodialysis not to include any solutions administered to the patient intravenously.

"Dispense" means to deliver a drug to an ultimate user or research subject by or pursuant to the lawful order of a practitioner, including the prescribing and administering, packaging, labeling, or compounding necessary to prepare the substance for that delivery. However, dispensing shall not include the transportation of drugs mixed, diluted, or reconstituted in accordance with this chapter to other sites operated by such practitioner or that practitioner's medical practice for the purpose of administration of such drugs to patients of the practitioner or that practitioner's medical practice at such other sites. For practitioners of medicine or osteopathy, "dispense" shall only include the provision of drugs by a practitioner to patients to take with them away from the practitioner's place of practice.

"Dispenser" means a practitioner who dispenses.

"Distribute" means to deliver other than by administering or dispensing a controlled substance.

"Distributor" means a person who distributes.

"Drug" means (i) articles or substances recognized in the official United States Pharmacopoeia National Formulary or official Homeopathic Pharmacopoeia of the United States, or any supplement to any of them; (ii) articles or substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or animals; (iii) articles or

substances, other than food, intended to affect the structure or any function of the body of man or animals; (iv) articles or substances intended for use as a component of any article specified in clause (i), (ii), or (iii); or (v) a biological product. "Drug" does not include devices or their components, parts, or accessories.

"Drug product" means a specific drug in dosage form from a known source of manufacture, whether by brand or therapeutically equivalent drug product name.

"Electronic prescription" means a written prescription that is generated on an electronic application and is transmitted to a pharmacy as an electronic data file; Schedule II through V prescriptions shall be transmitted in accordance with 21 C.F.R. Part 1300.

"Facsimile (FAX) prescription" means a written prescription or order that is transmitted by an electronic device over telephone lines that sends the exact image to the receiving pharmacy in hard copy form.

"FDA" means the U.S. Food and Drug Administration.

"Hashish oil" means any oily extract containing one or more cannabinoids, but shall not include any such extract with a tetrahydrocannabinol content of less than 12 percent by weight.

"Immediate precursor" means a substance which the Board of Pharmacy has found to be and by regulation designates as being the principal compound commonly used or produced primarily for use, and which is an immediate chemical intermediary used or likely to be used in the manufacture of a controlled substance, the control of which is necessary to prevent, curtail, or limit manufacture.

"Interchangeable" means a biosimilar that meets safety standards for determining interchangeability pursuant to 42 U.S.C. § 262(k)(4).

"Label" means a display of written, printed, or graphic matter upon the immediate container of any article. A requirement made by or under authority of this chapter that any word, statement, or other information appear on the label shall not be considered to be complied with unless such word, statement, or other information also appears on the outside container or wrapper, if any, of the retail package of such article or is easily legible through the outside container or wrapper.

"Labeling" means all labels and other written, printed, or graphic matter on an article or any of its containers or wrappers, or accompanying such article.

"Manufacture" means the production, preparation, propagation, conversion, or processing of any item regulated by this chapter, either directly or indirectly by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling or relabeling of its container. This term does not include compounding.

"Manufacturer" means every person who manufactures, a manufacturer's co-licensed partner, or a repackager.

"Marijuana" means any part of a plant of the genus *Cannabis* whether growing or not, its seeds, or its resin; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds, or its resin. Marijuana shall not include any oily extract containing one or more cannabinoids unless such extract contains less than 12 percent of tetrahydrocannabinol by weight, nor shall marijuana include the mature stalks of such plant, fiber produced from such stalk, or oil or cake made from the seeds of such plant, unless such stalks, fiber, oil, or cake is combined with other parts of plants of the genus *Cannabis*. Marijuana shall not include industrial hemp as defined in § 3.2-4112 that is possessed, cultivated, or manufactured by a grower licensed pursuant to § 3.2-4115.

"Medical equipment supplier" means any person, as defined in § 1-230, engaged in the delivery to the ultimate consumer, pursuant to the lawful order of a practitioner, of hypodermic syringes and needles, medicinal oxygen, Schedule VI controlled devices, those Schedule VI controlled substances with no medicinal properties that are used for the operation and cleaning of medical equipment, solutions for peritoneal dialysis, and sterile water or saline for irrigation.

"Narcotic drug" means any of the following, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis: (i) opium, opiates, and any salt, compound, derivative, or preparation of opium or opiates; (ii) any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of the substances referred to in clause (i), but not including the isoquinoline alkaloids of opium; (iii) opium poppy and poppy straw; (iv) coca leaves and any salt, compound, derivative, or preparation of coca leaves, and any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of these substances, but not including decocainized coca leaves or extraction of coca leaves which do not contain cocaine or ecgonine.

"New drug" means (i) any drug, except a new animal drug or an animal feed bearing or containing a new animal drug, the composition of which is such that such drug is not generally recognized, among experts qualified by scientific training and experience to evaluate the safety and effectiveness of drugs, as safe and effective for use under the conditions prescribed, recommended, or suggested in the labeling, except that such a drug not so recognized shall not be deemed to be a "new drug" if at any time prior to the enactment of this chapter it was subject to the Food and Drugs Act of June 30, 1906, as amended, and if at such time its labeling contained the same representations concerning the conditions of its use, or (ii) any drug, except a new animal drug or an animal feed bearing or containing a new animal drug, the composition of which is such that such drug, as a result of investigations to determine its safety and effectiveness for use under such conditions, has become so recognized, but which has not, otherwise than in such investigations, been used to a material extent or for a material time under such conditions.

"Nuclear medicine technologist" means an individual who holds a current certification with the American Registry of Radiological Technologists or the Nuclear Medicine Technology Certification Board.

"Official compendium" means the official United States Pharmacopoeia National Formulary, official Homeopathic Pharmacopoeia of the United States, or any supplement to any of them.

"Official written order" means an order written on a form provided for that purpose by the U.S. Drug Enforcement Administration, under any laws of the United States making provision therefor, if such order forms are authorized and required by federal law, and if no such order form is provided then on an official form provided for that purpose by the Board of Pharmacy.

"Opiate" means any substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having such addiction-forming or addiction-sustaining liability. It does not include, unless specifically designated as controlled under Article 4 (§ 54.1-3437 et seq.), the dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts (dextromethorphan). It does include its racemic and levorotatory forms.

"Opium poppy" means the plant of the species *Papaver somniferum* L., except the seeds thereof.

"Original package" means the unbroken container or wrapping in which any drug or medicine is enclosed together with label and labeling, put up by or for the manufacturer, wholesaler, or distributor for use in the delivery or display of such article.

"Outsourcing facility" means a facility that is engaged in the compounding of sterile drugs and is currently registered as an outsourcing facility with the U.S. Secretary of Health and Human Services and that complies with all applicable requirements of federal and state law, including the Federal Food, Drug, and Cosmetic Act.

"Person" means both the plural and singular, as the case demands, and includes an individual, partnership, corporation, association, governmental agency, trust, or other institution or entity.

"Pharmacist-in-charge" means the person who, being licensed as a pharmacist, signs the application for a pharmacy permit and assumes full legal responsibility for the operation of the relevant pharmacy in a manner complying with the laws and regulations for the practice of pharmacy and the sale and dispensing of controlled substances; the "pharmacist-in-charge" shall personally supervise the pharmacy and the pharmacy's personnel as required by § 54.1-3432.

"Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing.

"Practitioner" means a physician, dentist, licensed nurse practitioner pursuant to § 54.1-2957.01, licensed physician assistant pursuant to § 54.1-2952.1, pharmacist pursuant to § 54.1-3300, TPA-certified optometrist pursuant to Article 5 (§ 54.1-3222 et seq.) of Chapter 32, veterinarian, scientific investigator, or other person licensed, registered, or otherwise permitted to distribute, dispense, prescribe and administer, or conduct research with respect to a controlled substance in the course of professional practice or research in the Commonwealth.

"Prescriber" means a practitioner who is authorized pursuant to §§ 54.1-3303 and 54.1-3408 to issue a prescription.

"Prescription" means an order for drugs or medical supplies, written or signed or transmitted by word of mouth, telephone, telegraph, or other means of communication to a pharmacist by a duly licensed physician, dentist, veterinarian, or other practitioner authorized by law to prescribe and administer such drugs or medical supplies.

"Prescription drug" means any drug required by federal law or regulation to be dispensed only pursuant to a prescription, including finished dosage forms and active ingredients subject to § 503(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. § 353(b)).

"Production" or "produce" includes the manufacture, planting, cultivation, growing, or harvesting of a controlled substance or marijuana.

"Proprietary medicine" means a completely compounded nonprescription drug in its unbroken, original package which does not contain any controlled substance or marijuana as defined in this chapter and is not in itself poisonous, and which is sold, offered, promoted, or advertised directly to the general public by or under the authority of the manufacturer or primary distributor, under a trademark, trade name, or other trade symbol privately owned, and the labeling of which conforms to the requirements of this chapter and applicable federal law. However, this definition shall not include a drug that is only advertised or promoted professionally to licensed practitioners, a narcotic or drug containing a narcotic, a drug that may be dispensed only upon prescription or the label of which bears substantially the statement "Warning — may be habit-forming," or a drug intended for injection.

"Radiopharmaceutical" means any drug that exhibits spontaneous disintegration of unstable nuclei with the emission of nuclear particles or photons and includes any non-radioactive reagent kit or radionuclide generator that is intended to be used in the preparation of any such substance, but does not include drugs such as carbon-containing compounds or potassium-containing salts that include trace quantities of naturally occurring radionuclides. The term also includes any biological product that is labeled with a radionuclide or intended solely to be labeled with a radionuclide.

"Reference biological product" means the single biological product licensed pursuant to 42 U.S.C. § 262(a) against which a biological product is evaluated in an application submitted to the U.S. Food and Drug Administration for licensure of biological products as biosimilar or interchangeable pursuant to 42 U.S.C. § 262(k).

"Sale" includes barter, exchange, or gift, or offer therefor, and each such transaction made by any person, whether as an individual, proprietor, agent, servant, or employee.

"Therapeutically equivalent drug products" means drug products that contain the same active ingredients and are identical in strength or concentration, dosage form, and route of administration and that are classified as being therapeutically equivalent by the U.S. Food and Drug Administration pursuant to the definition of "therapeutically equivalent drug products" set forth in the most recent edition of the Approved Drug Products with Therapeutic Equivalence Evaluations, otherwise known as the "Orange Book."

"Third-party logistics provider" means a person that provides or coordinates warehousing of or other logistics services for a drug or device in interstate commerce on behalf of a manufacturer, wholesale distributor, or dispenser of the drug or device but does not take ownership of the product or have responsibility for directing the sale or disposition of the product.

"USP-NF" means the current edition of the United States Pharmacopeia-National Formulary.

"Warehouser" means any person, other than a wholesale distributor, manufacturer, or third-party logistics provider, engaged in the business of (i) selling or otherwise distributing prescription drugs or devices to any person who is not the ultimate user or consumer and (ii) *delivering Schedule VI prescription devices to the ultimate user or consumer pursuant to § 54.1-3415.1*. No person shall be subject to any state or local tax by reason of this definition.

"Wholesale distribution" means (i) distribution of prescription drugs to persons other than consumers or patients and (ii) *delivery of Schedule VI prescription devices to the ultimate user or consumer pursuant to § 54.1-3415.1*, subject to the exemptions set forth in the federal Drug Supply Chain Security Act.

"Wholesale distributor" means any person other than a manufacturer, a manufacturer's co-licensed partner, a third-party logistics provider, or a repackager that engages in wholesale distribution.

The words "drugs" and "devices" as used in Chapter 33 (§ 54.1-3300 et seq.) and in this chapter shall not include surgical or dental instruments, physical therapy equipment, X-ray apparatus, or glasses or lenses for the eyes.

The terms "pharmacist," "pharmacy," and "practice of pharmacy" as used in this chapter shall be defined as provided in Chapter 33 (§ 54.1-3300 et seq.) unless the context requires a different meaning.

**§ 54.1-3415.1. Delivery of medical devices on behalf of a medical equipment supplier.**

A. *A permitted manufacturer, wholesale distributor, warehouser, nonresident warehouser, third-party logistics provider, or nonresident third-party logistics provider or registered nonresident manufacturer or nonresident wholesale distributor may deliver Schedule VI prescription devices directly to an ultimate user or consumer on behalf of a medical equipment supplier, provided that (i) such delivery occurs at the direction of a medical equipment supplier that has received a valid order from a prescriber authorizing the dispensing of such prescription device to the ultimate user or consumer and (ii) the manufacturer, nonresident manufacturer, wholesale distributor, nonresident wholesale distributor, warehouser, nonresident warehouser, third-party logistics provider, or nonresident third-party logistics provider has entered into an agreement with the medical equipment supplier for such delivery.*

B. *A permitted manufacturer, wholesale distributor, warehouser, nonresident warehouser, third-party logistics provider, or nonresident third-party logistics provider, or registered nonresident manufacturer or nonresident wholesale distributor may deliver Schedule VI prescription devices directly to an ultimate user's or consumer's residence to be administered by persons authorized to administer such devices, provided that (i) such delivery is made on behalf of a medical director of a home health agency, nursing home, assisted living facility, or hospice who has requested the distribution of the Schedule VI prescription device and directs the delivery of such device to the ultimate user's or consumer's residence and (ii) the medical director on whose behalf such Schedule VI prescription device is being delivered has entered into an agreement with the manufacturer, nonresident manufacturer, wholesale distributor, nonresident wholesale distributor, warehouser, nonresident warehouser, third-party logistics provider, or nonresident third-party logistics provider for such delivery.*

**2. That the Board of Pharmacy (the Board) shall promulgate regulations to implement the provisions of this act to be effective within 280 days of its enactment. Such regulations shall include provisions governing agreements between a manufacturer, nonresident manufacturer, wholesale distributor, nonresident wholesale distributor, warehouser, nonresident warehouser, third-party logistics provider, or nonresident third-party logistics provider and a medical equipment supplier, home health agency, hospice, pharmacy, nursing home, or assisted living facility for delivery of Schedule VI prescription devices directly to an ultimate user or consumer and such other provisions as the Board may deem appropriate.**

## CHAPTER 243

*An Act to amend and reenact § 51.5-116 of the Code of Virginia and to amend the Code of Virginia by adding in Article 10 of Chapter 14 of Title 51.5 a section numbered 51.5-169.1, relating to Long-Term Employment Support Services and Extended Employment Services.*

[H 916]

Approved March 9, 2018

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

**1. That § 51.5-116 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Article 10 of Chapter 14 of Title 51.5 a section numbered 51.5-169.1 as follows:**

**§ 51.5-116. Definitions.**

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

"Case management" means a dynamic collaborative process that utilizes and builds on the strengths and resources of consumers to assist them in identifying their needs, accessing and coordinating services, and achieving their goals. The major collaborative components of case management services include advocacy, assessment, planning, facilitation, coordination, and monitoring.

"Case management system" means a central point of contact linking a wide variety of evolving services and supports that are (i) available in a timely, coordinated manner; (ii) physically and programmatically accessible; and (iii) consumer-directed with procedural safeguards to ensure responsiveness and accountability.

"Client" means any person receiving a service provided by the personnel or facilities of a public or private agency, whether referred to as a client, participant, patient, resident, or other term.

"Commissioner" means the Commissioner for Aging and Rehabilitative Services.

"Consumer" means, with respect to case management services, a person with a disability or his designee, guardian, conservator, or committee.

"Department" means the Department for Aging and Rehabilitative Services.

"Employment services organization" means an organization that provides employment services to individuals with disabilities that is an approved Commission on Accreditation of Rehabilitation Facilities (CARF) accredited vendor of the Department.

"Local board" means a local board of social services established pursuant to Article 1 (§ 63.2-300 et seq.) of Chapter 3 of Title 63.2.

"Local department" means a local department of social services established pursuant to Article 2 (§ 63.2-324 et seq.) of Chapter 3 of Title 63.2.

"Local director" means a local director of social services appointed pursuant to § 63.2-325.

"Older person" or "older Virginian" means a person who is age 60 years or older.

"Physical or sensory disability" means a disability resulting in functional impairment or impairment of the central nervous system, which may include but is not limited to brain injury, spinal cord injury, cerebral palsy, arthritis, muscular dystrophy, multiple sclerosis, Prader-Willi syndrome, and systemic lupus erythematosus (lupus).

"Prader-Willi syndrome" means a specific disorder that is usually caused by chromosomal change, resulting in lifelong functional and cognitive impairments and life-threatening obesity.

"Rehabilitation technology" means the systematic application of technologies, engineering methodologies, or scientific principles to meet the needs of and address the barriers confronted by individuals with disabilities in areas that include education, rehabilitation, employment, transportation, independent living, and recreation.

**§ 51.5-169.1. Long-Term Employment Support Services and Extended Employment Services.**

*A. Long-Term Employment Support Services and Extended Employment Services shall be provided in the Commonwealth to assist individuals with a significant disability or most significant disability with maintaining employment. The Department shall administer and make referrals for such services in accordance with the provisions of this section.*

*B. Long-Term Employment Support Services shall be provided to individuals with a most significant disability, as defined in 29 U.S.C. § 705, to assist such individuals with maintaining group-supported employment or individual center-based, facility-based, or community-based employment through an employment services organization.*

*All employment services organizations that provide group-supported, center-based, facility-based, or community-based employment services to individuals with a most significant disability shall be eligible to receive funding for Long-Term Employment Support Services.*

*C. Extended Employment Services shall be provided to individuals with a most significant disability and individuals with a significant disability, as those terms are defined in 29 U.S.C. § 705, to assist such individuals with maintaining group-supported employment or individual center-based or facility-based employment through an employment services organization. Extended Employment Services funds may also be used to support such individuals that transition from group-supported, center-based, or facility-based employment into community-based employment. Extended Employment Services shall be provided upon the informed choice of the individual being served and in accordance with the Commonwealth's Employment First initiative, federal law and regulation, and the Commonwealth's August 23, 2012, settlement agreement with the U.S. Department of Justice.*

*All employment services organizations that provide group-supported, center-based, or facility-based employment services to individuals with a most significant disability or individuals with a significant disability, or that provide community-based employment services to such individuals transitioning from group-supported, center-based, or facility-based employment, shall be eligible to receive funding for Extended Employment Services. The Department shall make referrals to any such employment services organization that provides competitive or commensurate wages.*

*D. In allocating funds for Long-Term Employment Support Services and Extended Employment Services, the Department shall consider recommendations made by the Employment Service Organization Steering Committee.*

**CHAPTER 244**

*An Act to amend and reenact § 63.2-1715 of the Code of Virginia, relating to child day programs; exemptions from licensure.*

[H 1017]

Approved March 9, 2018

**Be it enacted by the General Assembly of Virginia:****1. That § 63.2-1715 of the Code of Virginia is amended and reenacted as follows:****§ 63.2-1715. Exemptions from licensure.**

A. The following child day programs shall not be required to be licensed:

1. A child day center that has obtained an exemption pursuant to § 63.2-1716.
  2. A program where, by written policy given to and signed by a parent or guardian, school-aged children are free to enter and leave the premises without permission or supervision, regardless of (i) such program's location or the number of days per week of its operation; (ii) the provision of transportation services, including drop-off and pick-up times; or (iii) the scheduling of breaks for snacks, homework, or other activities. A program that would qualify for this exemption except that it assumes responsibility for the supervision, protection and well-being of several children with disabilities who are mainstreamed shall not be subject to licensure.
  3. A program of instructional experience in a single focus, such as, but not limited to, computer science, archaeology, sport clinics, or music, if children under the age of six do not attend at all and if no child is allowed to attend for more than 25 days in any three-month period commencing with enrollment. This exemption does not apply if children merely change their enrollment to a different focus area at a site offering a variety of activities and such children's attendance exceeds 25 days in a three-month period.
  4. Programs of instructional or recreational activities wherein no child under age six attends for more than six hours weekly with no class or activity period to exceed one and one-half hours, and no child six years of age or above attends for more than six hours weekly when school is in session or 12 hours weekly when school is not in session. Competition, performances and exhibitions related to the instructional or recreational activity shall be excluded when determining the hours of program operation.
  5. A program that operates no more than a total of 20 program days in the course of a calendar year provided that programs serving children under age six operate no more than two consecutive weeks without a break of at least a week.
  6. Instructional programs offered by private schools that satisfy compulsory attendance laws or the Individuals with Disabilities Education Act, as amended, and programs of school-sponsored extracurricular activities that are focused on single interests such as, but not limited to, music, sports, drama, civic service, or foreign language.
  7. Instructional programs offered by public schools that serve preschool-age children or that satisfy compulsory attendance laws or the Individuals with Disabilities Education Act, as amended, and programs of school-sponsored extracurricular activities that are focused on single interests such as, but not limited to, music, sports, drama, civic service, or foreign language.
  8. Early intervention programs for children eligible under Part C of the Individuals with Disabilities Education Act, as amended, wherein no child attends for more than a total of six hours per week.
  9. Practice or competition in organized competitive sports leagues.
  10. Programs of religious instruction, such as Sunday schools, vacation Bible schools, and Bar Mitzvah or Bat Mitzvah classes, and child-minding services provided to allow parents or guardians who are on site to attend religious worship or instructional services.
  11. Child-minding services that are not available for more than three hours per day for any individual child offered on site in commercial or recreational establishments if the parent or guardian (i) is not an on-duty employee, except for part-time employees working less than two hours per day, (ii) can be contacted and can resume responsibility for the child's supervision within 30 minutes, and (iii) is receiving or providing services or participating in activities offered by the establishment.
  12. A certified preschool or nursery school program operated by a private school that is accredited by an accrediting organization recognized by the State Board of Education pursuant to § 22.1-19 and complies with the provisions of § 63.2-1717.
  13. A program of recreational activities offered by local governments, staffed by local government employees, and attended by school-age children. Such programs shall be subject to safety and supervisory standards established by local governments.
  14. A program of instructional or athletic experience operated during the summer months by, and as an extension of, an accredited private elementary, middle, or high school program as set forth in § 22.1-19 and administered by the Virginia Council for Private Education.
  15. *A child day program offered by a local school division, staffed by local school division employees, and attended by children who are at least four years of age and are enrolled in public school or a preschool program within such school division. Such programs shall be subject to safety and supervisory standards established by the local school board.*
- B. Family day homes that are members of a licensed family day system shall not be required to obtain a license from the Commissioner.
- C. Officers, employees, or agents of the Commonwealth, or of any county, city, or town acting within the scope of their authority as such, who serve as or maintain a child-placing agency shall not be required to be licensed.

## CHAPTER 245

*An Act to amend the Code of Virginia by adding a section numbered 38.2-3407.15:4, relating to carrier business practices; contracts with pharmacies and pharmacists; amounts charged to an enrollee for covered prescription drugs; disclosure of less expensive alternatives to using enrollee's health plan.*

[H 1177]

Approved March 9, 2018

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

**1. That the Code of Virginia is amended by adding a section numbered 38.2-3407.15:4 as follows:**

**§ 38.2-3407.15:4. Limit on copayment for prescription drugs; permitted disclosures.**

*A. As used in this section:*

*"Carrier" has the same meaning ascribed thereto in subsection A of § 38.2-3407.15.*

*"Copayment" means an amount an enrollee is required to pay at the point of sale in order to receive a covered prescription drug.*

*"Enrollee" means a policyholder, subscriber, participant, or other individual covered by a health benefit plan.*

*"Health plan" means any health benefit plan, as defined in § 38.2-3438, that provides coverage for prescription drugs.*

*"Pharmacy benefits management" means the administration or management of prescription drug benefits provided by a carrier for the benefit of enrollees.*

*"Pharmacy benefits manager" means an entity that performs pharmacy benefits management. The term includes a person or entity acting for a pharmacy benefits manager in a contractual or employment relationship in the performance of pharmacy benefits management for a carrier.*

*"Provider contract" has the same meaning ascribed thereto in subsection A of § 38.2-3407.15.*

*B. No provider contract between a health carrier or its pharmacy benefits manager and a pharmacy or its contracting agent shall contain a provision (i) authorizing the carrier or its pharmacy benefits manager to charge, (ii) requiring the pharmacy or pharmacist to collect, or (iii) requiring an enrollee to make, a copayment for a covered prescription drug in an amount that exceeds the least of:*

*1. The applicable copayment for the prescription drug that would be payable in the absence of this section; or*

*2. The cash price the enrollee would pay for the prescription drug if the enrollee purchased the prescription drug without using the enrollee's health plan.*

*C. Provider contracts between a health carrier or its pharmacy benefits manager and a pharmacy or its contracting agent shall contain specific provisions that allow a pharmacy to:*

*1. Disclose to an enrollee information relating to (i) the provisions of this section and (ii) the availability of a more affordable therapeutically equivalent prescription drug;*

*2. Sell a more affordable therapeutically equivalent prescription drug to an enrollee if one is available in accordance with § 54.1-3408.03; and*

*3. Offer and provide direct and limited delivery services to an enrollee as an ancillary service of the pharmacy in accordance with § 54.1-3420.2.*

*D. A pharmacy shall not be penalized by a pharmacy benefits manager or a carrier for discussing information or for selling a more affordable alternative as described in subsection C.*

*E. Provider contracts between a health carrier or its pharmacy benefits manager and a pharmacy or its contracting agent shall contain specific provisions that prohibit the carrier or the pharmacy benefit manager from charging a fee to a pharmacy or otherwise holding a pharmacy responsible for a fee relating to the adjudication of a claim unless the fee is reported on the remittance advice of the adjudicated claim or is set out in contract between the pharmacy benefits manager and the pharmacy or its contracting agent.*

*F. This section shall not apply with respect to claims under an employee benefit plan under the Employee Retirement Income Security Act of 1974, Medicaid, or Medicare Part D.*

*G. This section shall apply with respect to provider contracts entered into, amended, extended, or renewed on or after January 1, 2019.*

*H. Pursuant to the authority granted by § 38.2-223, the Commission may promulgate such rules and regulations as it may deem necessary to implement this section.*

*I. The Commission shall have no jurisdiction to adjudicate individual controversies arising out of this section.*

## CHAPTER 246

*An Act to amend and reenact §§ 18.2-250.1, 54.1-3408.3, 54.1-3442.5, and 54.1-3442.7 of the Code of Virginia, relating to certification for use of cannabidiol oil or THC-A oil.*

[H 1251]

Approved March 9, 2018

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

**1. That §§ 18.2-250.1, 54.1-3408.3, 54.1-3442.5, and 54.1-3442.7 of the Code of Virginia are amended and reenacted as follows:**

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

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

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

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

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

C. In any prosecution under this section involving marijuana in the form of cannabidiol oil or THC-A oil as those terms are defined in § 54.1-3408.3, it shall be an affirmative defense that the individual possessed such oil pursuant to a valid written certification issued by a practitioner in the course of his professional practice pursuant to § 54.1-3408.3 for treatment or to alleviate the symptoms of (i) the individual's ~~intractable epilepsy~~ *diagnosed condition or disease* or (ii) if such individual is the parent or legal guardian of a minor or of an incapacitated adult as defined in § 18.2-369, such minor's or incapacitated adult's ~~intractable epilepsy~~ *diagnosed condition or disease*. If the individual files the valid written certification with the court at least 10 days prior to trial and causes a copy of such written certification to be delivered to the attorney for the Commonwealth, such written certification shall be prima facie evidence that such oil was possessed pursuant to a valid written certification.

**§ 54.1-3408.3. Certification for use of cannabidiol oil or THC-A oil for treatment.**

A. As used in this section:

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

"Practitioner" means a practitioner of medicine or osteopathy licensed by the Board of Medicine ~~who is a neurologist or who specializes in the treatment of epilepsy.~~

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

B. A practitioner in the course of his professional practice may issue a written certification for the use of cannabidiol oil or THC-A oil for treatment or to alleviate the symptoms of ~~a patient's intractable epilepsy~~ *any diagnosed condition or disease determined by the practitioner to benefit from such use*.

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

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

E. A practitioner who issues a written certification to a patient pursuant to this section shall register with the Board. The Board shall, in consultation with the Board of Medicine, set a limit on the number of patients to whom a practitioner may issue a written certification.

F. A patient who has been issued a written certification shall register with the Board or, if such patient is a minor or an incapacitated adult as defined in § 18.2-369, a patient's parent or legal guardian shall register and shall register such patient with the Board.

G. The Board shall promulgate regulations to implement the registration process. Such regulations shall include (i) a mechanism for sufficiently identifying the practitioner issuing the written certification, the patient being treated by the practitioner, and, if such patient is a minor or an incapacitated adult as defined in § 18.2-369, the patient's parent or legal guardian; (ii) a process for ensuring that any changes in the information are reported in an appropriate timeframe; and (iii) a prohibition for the patient to be issued a written certification by more than one practitioner during any given time period.

H. Information obtained under the registration process shall be confidential and shall not be subject to the disclosure provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.). However, reasonable access to registry information shall be provided to (i) the Chairmen of the House and Senate Committees for Courts of Justice, (ii) state and federal agencies or local law enforcement for the purpose of investigating or prosecuting a specific individual for a specific violation of law, (iii) licensed physicians or pharmacists for the purpose of providing patient care and drug therapy management and monitoring of drugs obtained by a registered patient, (iv) a pharmaceutical processor involved in the treatment of a registered patient, or (v) a registered patient or, if such patient is a minor or an incapacitated adult as defined in § 18.2-369, the patient's parent or legal guardian, but only with respect to information related to such registered patient.

**§ 54.1-3442.5. Definitions.**

As used in this article:

"Cannabidiol oil" has the same meaning as specified in § 54.1-3408.3.

"Pharmaceutical processor" means a facility that (i) has obtained a permit from the Board pursuant to § 54.1-3408.3 and (ii) cultivates Cannabis plants intended only for the production of cannabidiol oil or THC-A oil, produces cannabidiol oil or THC-A oil, and dispenses cannabidiol oil or THC-A oil to a registered patient or, if such patient is a minor or an incapacitated adult as defined in § 18.2-369, such patient's parent or legal guardian ~~for the treatment of intractable epilepsy.~~

"Practitioner" has the same meaning as specified in § 54.1-3408.3.

"THC-A oil" has the same meaning as specified in § 54.1-3408.3.

**§ 54.1-3442.7. Dispensing cannabidiol oil and THC-A oil; report.**

A. A pharmaceutical processor shall dispense or deliver cannabidiol oil or THC-A oil only in person to (i) a patient who is a Virginia resident, has been issued a valid written certification, and is registered with the Board pursuant to § 54.1-3408.3 or (ii) if such patient is a minor or an incapacitated adult as defined in § 18.2-369, such patient's parent or legal guardian who is a Virginia resident and is registered with the Board pursuant to § 54.1-3408.3. Prior to dispensing, the pharmaceutical processor shall verify that the practitioner issuing the written certification, the patient, and, if such patient is a minor or an incapacitated adult, the patient's parent or legal guardian are registered with the Board. No pharmaceutical processor shall dispense more than a ~~30-day~~ 90-day supply for any patient during any ~~30-day~~ 90-day period. The Board shall establish in regulation an amount of cannabidiol oil or THC-A oil that constitutes a ~~30-day~~ 90-day supply to treat or alleviate the symptoms of a patient's ~~intractable epilepsy~~ *diagnosed condition or disease*.

B. A pharmaceutical processor shall dispense only cannabidiol oil and THC-A oil that has been cultivated and produced on the premises of such pharmaceutical processor.

C. The Board shall report annually by December 1 to the Chairmen of the House and Senate Committees for Courts of Justice on the operation of pharmaceutical processors issued a permit by the Board, including the number of practitioners, patients, and parents or legal guardians of patients who have registered with the Board and the number of written certifications issued pursuant to § 54.1-3408.3.

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

**CHAPTER 247**

*An Act to amend and reenact §§ 8.01-225 and 54.1-3408 of the Code of Virginia, relating to possession and administration of epinephrine; outdoor education programs.*

[H 1377]

Approved March 9, 2018

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

**1. That §§ 8.01-225 and 54.1-3408 of the Code of Virginia are amended and reenacted as follows:**

**§ 8.01-225. Persons rendering emergency care, obstetrical services exempt from liability.**

A. Any person who:

1. In good faith, renders emergency care or assistance, without compensation, to any ill or injured person (i) at the scene of an accident, fire, or any life-threatening emergency; (ii) at a location for screening or stabilization of an emergency medical condition arising from an accident, fire, or any life-threatening emergency; or (iii) en route to any hospital, medical clinic, or doctor's office, shall not be liable for any civil damages for acts or omissions resulting from the rendering of such care or assistance. For purposes of this subdivision, emergency care or assistance includes the forcible entry of a motor vehicle in order to remove an unattended minor at risk of serious bodily injury or death, provided the person has attempted to contact a law-enforcement officer, as defined in § 9.1-101, a firefighter, as defined in § 65.2-102, emergency medical services personnel, as defined in § 32.1-111.1, or an emergency 911 system, if feasible under the circumstances.

2. In the absence of gross negligence, renders emergency obstetrical care or assistance to a female in active labor who has not previously been cared for in connection with the pregnancy by such person or by another professionally associated with such person and whose medical records are not reasonably available to such person shall not be liable for any civil damages for acts or omissions resulting from the rendering of such emergency care or assistance. The immunity herein granted shall apply only to the emergency medical care provided.

3. In good faith and without compensation, including any emergency medical services provider who holds a valid certificate issued by the Commissioner of Health, administers epinephrine in an emergency to an individual shall not be

liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment if such person has reason to believe that the individual receiving the injection is suffering or is about to suffer a life-threatening anaphylactic reaction.

4. Provides assistance upon request of any police agency, fire department, emergency medical services agency, or governmental agency in the event of an accident or other emergency involving the use, handling, transportation, transmission, or storage of liquefied petroleum gas, liquefied natural gas, hazardous material, or hazardous waste as defined in § 10.1-1400 or regulations of the Virginia Waste Management Board shall not be liable for any civil damages resulting from any act of commission or omission on his part in the course of his rendering such assistance in good faith.

5. Is an emergency medical services provider possessing a valid certificate issued by authority of the State Board of Health who in good faith renders emergency care or assistance, whether in person or by telephone or other means of communication, without compensation, to any injured or ill person, whether at the scene of an accident, fire, or any other place, or while transporting such injured or ill person to, from, or between any hospital, medical facility, medical clinic, doctor's office, or other similar or related medical facility, shall not be liable for any civil damages for acts or omissions resulting from the rendering of such emergency care, treatment, or assistance, including but in no way limited to acts or omissions which involve violations of State Department of Health regulations or any other state regulations in the rendering of such emergency care or assistance.

6. In good faith and without compensation, renders or administers emergency cardiopulmonary resuscitation (CPR); cardiac defibrillation, including, but not limited to, the use of an automated external defibrillator (AED); or other emergency life-sustaining or resuscitative treatments or procedures which have been approved by the State Board of Health to any sick or injured person, whether at the scene of a fire, an accident, or any other place, or while transporting such person to or from any hospital, clinic, doctor's office, or other medical facility, shall be deemed qualified to administer such emergency treatments and procedures and shall not be liable for acts or omissions resulting from the rendering of such emergency resuscitative treatments or procedures.

7. Operates an AED at the scene of an emergency, trains individuals to be operators of AEDs, or orders AEDs, shall be immune from civil liability for any personal injury that results from any act or omission in the use of an AED in an emergency where the person performing the defibrillation acts as an ordinary, reasonably prudent person would have acted under the same or similar circumstances, unless such personal injury results from gross negligence or willful or wanton misconduct of the person rendering such emergency care.

8. Maintains an AED located on real property owned or controlled by such person shall be immune from civil liability for any personal injury that results from any act or omission in the use in an emergency of an AED located on such property unless such personal injury results from gross negligence or willful or wanton misconduct of the person who maintains the AED or his agent or employee.

9. Is an employee of a school board or of a local health department approved by the local governing body to provide health services pursuant to § 22.1-274 who, while on school property or at a school-sponsored event, (i) renders emergency care or assistance to any sick or injured person; (ii) renders or administers emergency cardiopulmonary resuscitation (CPR); cardiac defibrillation, including, but not limited to, the use of an automated external defibrillator (AED); or other emergency life-sustaining or resuscitative treatments or procedures that have been approved by the State Board of Health to any sick or injured person; (iii) operates an AED, trains individuals to be operators of AEDs, or orders AEDs; or (iv) maintains an AED, shall not be liable for civil damages for ordinary negligence in acts or omissions on the part of such employee while engaged in the acts described in this subdivision.

10. Is a volunteer in good standing and certified to render emergency care by the National Ski Patrol System, Inc., who, in good faith and without compensation, renders emergency care or assistance to any injured or ill person, whether at the scene of a ski resort rescue, outdoor emergency rescue, or any other place or while transporting such injured or ill person to a place accessible for transfer to any available emergency medical system unit, or any resort owner voluntarily providing a ski patroller employed by him to engage in rescue or recovery work at a resort not owned or operated by him, shall not be liable for any civil damages for acts or omissions resulting from the rendering of such emergency care, treatment, or assistance, including but not limited to acts or omissions which involve violations of any state regulation or any standard of the National Ski Patrol System, Inc., in the rendering of such emergency care or assistance, unless such act or omission was the result of gross negligence or willful misconduct.

11. Is an employee of (i) a school board, (ii) a school for students with disabilities as defined in § 22.1-319 licensed by the Board of Education, or (iii) a private school accredited pursuant to § 22.1-19 as administered by the Virginia Council for Private Education and is authorized by a prescriber and trained in the administration of insulin and glucagon, who, upon the written request of the parents as defined in § 22.1-1, assists with the administration of insulin or, in the case of a school board employee, with the insertion or reinsertion of an insulin pump or any of its parts pursuant to subsection B of § 22.1-274.01:1 or administers glucagon to a student diagnosed as having diabetes who requires insulin injections during the school day or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment if the insulin is administered according to the child's medication schedule or such employee has reason to believe that the individual receiving the glucagon is suffering or is about to suffer life-threatening hypoglycemia. Whenever any such employee is covered by the immunity granted herein, the school board or school employing him shall not be liable for any

civil damages for ordinary negligence in acts or omissions resulting from the rendering of such insulin or glucagon treatment.

12. Is an employee of a public institution of higher education or a private institution of higher education who is authorized by a prescriber and trained in the administration of insulin and glucagon, who assists with the administration of insulin or administers glucagon to a student diagnosed as having diabetes who requires insulin injections or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment if the insulin is administered according to the student's medication schedule or such employee has reason to believe that the individual receiving the glucagon is suffering or is about to suffer life-threatening hypoglycemia. Whenever any employee is covered by the immunity granted in this subdivision, the institution shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such insulin or glucagon treatment.

13. Is a school nurse, an employee of a school board, an employee of a local governing body, or an employee of a local health department who is authorized by a prescriber and trained in the administration of epinephrine and who provides, administers, or assists in the administration of epinephrine to a student believed in good faith to be having an anaphylactic reaction, or is the prescriber of the epinephrine, shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment.

14. Is an employee of a school for students with disabilities, as defined in § 22.1-319 and licensed by the Board of Education, or an employee of a private school that is accredited pursuant to § 22.1-19 as administered by the Virginia Council for Private Education who is authorized by a prescriber and trained in the administration of epinephrine and who administers or assists in the administration of epinephrine to a student believed in good faith to be having an anaphylactic reaction, or is the prescriber of the epinephrine, shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment. Whenever any employee is covered by the immunity granted in this subdivision, the school shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from such administration or assistance.

15. Is an employee of a public institution of higher education or a private institution of higher education who is authorized by a prescriber and trained in the administration of epinephrine and who administers or assists in the administration of epinephrine to a student believed in good faith to be having an anaphylactic reaction, or is the prescriber of the epinephrine, shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment. Whenever any employee is covered by the immunity granted in this subdivision, the institution shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from such administration or assistance.

16. *Is an employee of an organization providing outdoor educational experiences or programs for youth who is authorized by a prescriber and trained in the administration of epinephrine and who administers or assists in the administration of epinephrine to a participant in the outdoor experience or program for youth believed in good faith to be having an anaphylactic reaction, or is the prescriber of the epinephrine, shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment. Whenever any employee is covered by the immunity granted in this subdivision, the organization shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from such administration or assistance.*

17. Is an employee of a provider licensed by the Department of Behavioral Health and Developmental Services, or provides services pursuant to a contract with a provider licensed by the Department of Behavioral Health and Developmental Services, who has been trained in the administration of insulin and glucagon and who administers or assists with the administration of insulin or administers glucagon to a person diagnosed as having diabetes who requires insulin injections or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia in accordance with § 54.1-3408 shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment if the insulin is administered in accordance with the prescriber's instructions or such person has reason to believe that the individual receiving the glucagon is suffering or is about to suffer life-threatening hypoglycemia. Whenever any employee of a provider licensed by the Department of Behavioral Health and Developmental Services or a person who provides services pursuant to a contract with a provider licensed by the Department of Behavioral Health and Developmental Services is covered by the immunity granted herein, the provider shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such insulin or glucagon treatment.

~~17.~~ 18. Is an employee of a provider licensed by the Department of Behavioral Health and Developmental Services, or provides services pursuant to a contract with a provider licensed by the Department of Behavioral Health and Developmental Services, who has been trained in the administration of epinephrine and who administers or assists in the administration of epinephrine to a person believed in good faith to be having an anaphylactic reaction in accordance with the prescriber's instructions shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment.

~~18.~~ 19. In good faith prescribes, dispenses, or administers naloxone or other opioid antagonist used for overdose reversal in an emergency to an individual who is believed to be experiencing or about to experience a life-threatening opiate overdose shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment if acting in accordance with the provisions of subsection X or Y of § 54.1-3408 or in his role as a member of an emergency medical services agency.

~~19.~~ 20. Is an employee of a school board, school for students with disabilities as defined in § 22.1-319 licensed by the Board of Education, or private school accredited pursuant to § 22.1-19 as administered by the Virginia Council for Private Education who is trained in the administration of injected medications for the treatment of adrenal crisis resulting from a condition causing adrenal insufficiency and who administers or assists in the administration of such medications to a student diagnosed with a condition causing adrenal insufficiency when the student is believed to be experiencing or about to experience an adrenal crisis pursuant to a written order or standing protocol issued by a prescriber within the course of his professional practice and in accordance with the prescriber's instructions shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment.

B. Any licensed physician serving without compensation as the operational medical director for an emergency medical services agency that holds a valid license as an emergency medical services agency issued by the Commissioner of Health shall not be liable for any civil damages for any act or omission resulting from the rendering of emergency medical services in good faith by the personnel of such licensed agency unless such act or omission was the result of such physician's gross negligence or willful misconduct.

Any person serving without compensation as a dispatcher for any licensed public or nonprofit emergency medical services agency in the Commonwealth shall not be liable for any civil damages for any act or omission resulting from the rendering of emergency services in good faith by the personnel of such licensed agency unless such act or omission was the result of such dispatcher's gross negligence or willful misconduct.

Any individual, certified by the State Office of Emergency Medical Services as an emergency medical services instructor and pursuant to a written agreement with such office, who, in good faith and in the performance of his duties, provides instruction to persons for certification or recertification as a certified basic life support or advanced life support emergency medical services provider shall not be liable for any civil damages for acts or omissions on his part directly relating to his activities on behalf of such office unless such act or omission was the result of such emergency medical services instructor's gross negligence or willful misconduct.

Any licensed physician serving without compensation as a medical advisor to an E-911 system in the Commonwealth shall not be liable for any civil damages for any act or omission resulting from rendering medical advice in good faith to establish protocols to be used by the personnel of the E-911 service, as defined in § 58.1-1730, when answering emergency calls unless such act or omission was the result of such physician's gross negligence or willful misconduct.

Any licensed physician who directs the provision of emergency medical services, as authorized by the State Board of Health, through a communications device shall not be liable for any civil damages for any act or omission resulting from the rendering of such emergency medical services unless such act or omission was the result of such physician's gross negligence or willful misconduct.

Any licensed physician serving without compensation as a supervisor of an AED in the Commonwealth shall not be liable for any civil damages for any act or omission resulting from rendering medical advice in good faith to the owner of the AED relating to personnel training, local emergency medical services coordination, protocol approval, AED deployment strategies, and equipment maintenance plans and records unless such act or omission was the result of such physician's gross negligence or willful misconduct.

C. Any communications services provider, as defined in § 58.1-647, including mobile service, and any provider of Voice-over-Internet Protocol service, in the Commonwealth shall not be liable for any civil damages for any act or omission resulting from rendering such service with or without charge related to emergency calls unless such act or omission was the result of such service provider's gross negligence or willful misconduct.

Any volunteer engaging in rescue or recovery work at a mine, or any mine operator voluntarily providing personnel to engage in rescue or recovery work at a mine not owned or operated by such operator, shall not be liable for civil damages for acts or omissions resulting from the rendering of such rescue or recovery work in good faith unless such act or omission was the result of gross negligence or willful misconduct. For purposes of this subsection, "Voice-over-Internet Protocol service" or "VoIP service" means any Internet protocol-enabled services utilizing a broadband connection, actually originating or terminating in Internet Protocol from either or both ends of a channel of communication offering real time, multidirectional voice functionality, including, but not limited to, services similar to traditional telephone service.

D. Nothing contained in this section shall be construed to provide immunity from liability arising out of the operation of a motor vehicle.

E. For the purposes of this section, "compensation" shall not be construed to include (i) the salaries of police, fire, or other public officials or personnel who render such emergency assistance; (ii) the salaries or wages of employees of a coal producer engaging in emergency medical services or first aid services pursuant to the provisions of § 45.1-161.38, 45.1-161.101, 45.1-161.199, or 45.1-161.263; (iii) complimentary lift tickets, food, lodging, or other gifts provided as a gratuity to volunteer members of the National Ski Patrol System, Inc., by any resort, group, or agency; (iv) the salary of any person who (a) owns an AED for the use at the scene of an emergency, (b) trains individuals, in courses approved by the Board of Health, to operate AEDs at the scene of emergencies, (c) orders AEDs for use at the scene of emergencies, or (d) operates an AED at the scene of an emergency; or (v) expenses reimbursed to any person providing care or assistance pursuant to this section.

For the purposes of this section, "emergency medical services provider" shall include a person licensed or certified as such or its equivalent by any other state when he is performing services that he is licensed or certified to perform by such other state in caring for a patient in transit in the Commonwealth, which care originated in such other state.

Further, the public shall be urged to receive training on how to use CPR and an AED in order to acquire the skills and confidence to respond to emergencies using both CPR and an AED.

**§ 54.1-3408. Professional use by practitioners.**

A. A practitioner of medicine, osteopathy, podiatry, dentistry, or veterinary medicine or a licensed nurse practitioner pursuant to § 54.1-2957.01, a licensed physician assistant pursuant to § 54.1-2952.1, or a TPA-certified optometrist pursuant to Article 5 (§ 54.1-3222 et seq.) of Chapter 32 shall only prescribe, dispense, or administer controlled substances in good faith for medicinal or therapeutic purposes within the course of his professional practice.

B. The prescribing practitioner's order may be on a written prescription or pursuant to an oral prescription as authorized by this chapter. The prescriber may administer drugs and devices, or he may cause drugs or devices to be administered by:

1. A nurse, physician assistant, or intern under his direction and supervision;
2. Persons trained to administer drugs and devices to patients in state-owned or state-operated hospitals or facilities licensed as hospitals by the Board of Health or psychiatric hospitals licensed by the Department of Behavioral Health and Developmental Services who administer drugs under the control and supervision of the prescriber or a pharmacist;
3. Emergency medical services personnel certified and authorized to administer drugs and devices pursuant to regulations of the Board of Health who act within the scope of such certification and pursuant to an oral or written order or standing protocol; or
4. A licensed respiratory therapist as defined in § 54.1-2954 who administers by inhalation controlled substances used in inhalation or respiratory therapy.

C. Pursuant to an oral or written order or standing protocol, the prescriber, who is authorized by state or federal law to possess and administer radiopharmaceuticals in the scope of his practice, may authorize a nuclear medicine technologist to administer, under his supervision, radiopharmaceuticals used in the diagnosis or treatment of disease.

D. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize registered nurses and licensed practical nurses to possess (i) epinephrine and oxygen for administration in treatment of emergency medical conditions and (ii) heparin and sterile normal saline to use for the maintenance of intravenous access lines.

Pursuant to the regulations of the Board of Health, certain emergency medical services technicians may possess and administer epinephrine in emergency cases of anaphylactic shock.

Pursuant to an order or standing protocol issued by the prescriber within the course of his professional practice, any school nurse, school board employee, employee of a local governing body, or employee of a local health department who is authorized by a prescriber and trained in the administration of epinephrine may possess and administer epinephrine.

Pursuant to an order or a standing protocol issued by the prescriber within the course of his professional practice, any employee of a school for students with disabilities, as defined in § 22.1-319 and licensed by the Board of Education, or any employee of a private school that is accredited pursuant to § 22.1-19 as administered by the Virginia Council for Private Education who is authorized by a prescriber and trained in the administration of epinephrine may possess and administer epinephrine.

Pursuant to an order or a standing protocol issued by the prescriber within the course of his professional practice, any employee of a public institution of higher education or a private institution of higher education who is authorized by a prescriber and trained in the administration of epinephrine may possess and administer epinephrine.

*Pursuant to an order or a standing protocol issued by the prescriber within the course of his professional practice, any employee of an organization providing outdoor educational experiences or programs for youth who is authorized by a prescriber and trained in the administration of epinephrine may possess and administer epinephrine.*

Pursuant to an order issued by the prescriber within the course of his professional practice, an employee of a provider licensed by the Department of Behavioral Health and Developmental Services or a person providing services pursuant to a contract with a provider licensed by the Department of Behavioral Health and Developmental Services may possess and administer epinephrine, provided such person is authorized and trained in the administration of epinephrine.

Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize pharmacists to possess epinephrine and oxygen for administration in treatment of emergency medical conditions.

E. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize licensed physical therapists to possess and administer topical corticosteroids, topical lidocaine, and any other Schedule VI topical drug.

F. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize licensed athletic trainers to possess and administer topical corticosteroids, topical lidocaine, or other Schedule VI topical drugs; oxygen for use in emergency situations; and epinephrine for use in emergency cases of anaphylactic shock.

G. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, and in accordance with policies and guidelines established by the Department of Health pursuant to § 32.1-50.2, such prescriber may authorize registered nurses or licensed practical nurses under the supervision of a registered nurse to possess and administer tuberculin purified protein derivative (PPD) in the absence of a prescriber. The Department of Health's policies and guidelines shall be consistent with applicable guidelines developed by the Centers for

Disease Control and Prevention for preventing transmission of mycobacterium tuberculosis and shall be updated to incorporate any subsequently implemented standards of the Occupational Safety and Health Administration and the Department of Labor and Industry to the extent that they are inconsistent with the Department of Health's policies and guidelines. Such standing protocols shall explicitly describe the categories of persons to whom the tuberculin test is to be administered and shall provide for appropriate medical evaluation of those in whom the test is positive. The prescriber shall ensure that the nurse implementing such standing protocols has received adequate training in the practice and principles underlying tuberculin screening.

The Health Commissioner or his designee may authorize registered nurses, acting as agents of the Department of Health, to possess and administer, at the nurse's discretion, tuberculin purified protein derivative (PPD) to those persons in whom tuberculin skin testing is indicated based on protocols and policies established by the Department of Health.

H. Pursuant to a written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize, with the consent of the parents as defined in § 22.1-1, an employee of (i) a school board, (ii) a school for students with disabilities as defined in § 22.1-319 licensed by the Board of Education, or (iii) a private school accredited pursuant to § 22.1-19 as administered by the Virginia Council for Private Education who is trained in the administration of insulin and glucagon to assist with the administration of insulin or administer glucagon to a student diagnosed as having diabetes and who requires insulin injections during the school day or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia. Such authorization shall only be effective when a licensed nurse, nurse practitioner, physician, or physician assistant is not present to perform the administration of the medication.

Pursuant to a written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize an employee of a public institution of higher education or a private institution of higher education who is trained in the administration of insulin and glucagon to assist with the administration of insulin or administration of glucagon to a student diagnosed as having diabetes and who requires insulin injections or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia. Such authorization shall only be effective when a licensed nurse, nurse practitioner, physician, or physician assistant is not present to perform the administration of the medication.

Pursuant to a written order issued by the prescriber within the course of his professional practice, such prescriber may authorize an employee of a provider licensed by the Department of Behavioral Health and Developmental Services or a person providing services pursuant to a contract with a provider licensed by the Department of Behavioral Health and Developmental Services to assist with the administration of insulin or to administer glucagon to a person diagnosed as having diabetes and who requires insulin injections or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia, provided such employee or person providing services has been trained in the administration of insulin and glucagon.

I. A prescriber may authorize, pursuant to a protocol approved by the Board of Nursing, the administration of vaccines to adults for immunization, when a practitioner with prescriptive authority is not physically present, by (i) licensed pharmacists, (ii) registered nurses, or (iii) licensed practical nurses under the supervision of a registered nurse. A prescriber acting on behalf of and in accordance with established protocols of the Department of Health may authorize the administration of vaccines to any person by a pharmacist, nurse, or designated emergency medical services provider who holds an advanced life support certificate issued by the Commissioner of Health under the direction of an operational medical director when the prescriber is not physically present. The emergency medical services provider shall provide documentation of the vaccines to be recorded in the Virginia Immunization Information System.

J. A dentist may cause Schedule VI topical drugs to be administered under his direction and supervision by either a dental hygienist or by an authorized agent of the dentist.

Further, pursuant to a written order and in accordance with a standing protocol issued by the dentist in the course of his professional practice, a dentist may authorize a dental hygienist under his general supervision, as defined in § 54.1-2722, to possess and administer topical oral fluorides, topical oral anesthetics, topical and directly applied antimicrobial agents for treatment of periodontal pocket lesions, as well as any other Schedule VI topical drug approved by the Board of Dentistry.

In addition, a dentist may authorize a dental hygienist under his direction to administer Schedule VI nitrous oxide and oxygen inhalation analgesia and, to persons 18 years of age or older, Schedule VI local anesthesia.

K. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize registered professional nurses certified as sexual assault nurse examiners-A (SANE-A) under his supervision and when he is not physically present to possess and administer preventive medications for victims of sexual assault as recommended by the Centers for Disease Control and Prevention.

L. This section shall not prevent the administration of drugs by a person who has satisfactorily completed a training program for this purpose approved by the Board of Nursing and who administers such drugs in accordance with a prescriber's instructions pertaining to dosage, frequency, and manner of administration, and in accordance with regulations promulgated by the Board of Pharmacy relating to security and record keeping, when the drugs administered would be normally self-administered by (i) an individual receiving services in a program licensed by the Department of Behavioral Health and Developmental Services; (ii) a resident of the Virginia Rehabilitation Center for the Blind and Vision Impaired; (iii) a resident of a facility approved by the Board or Department of Juvenile Justice for the placement of children in need of services or delinquent or alleged delinquent youth; (iv) a program participant of an adult day-care center licensed by the Department of Social Services; (v) a resident of any facility authorized or operated by a state or local government whose

primary purpose is not to provide health care services; (vi) a resident of a private children's residential facility, as defined in § 63.2-100 and licensed by the Department of Social Services, Department of Education, or Department of Behavioral Health and Developmental Services; or (vii) a student in a school for students with disabilities, as defined in § 22.1-319 and licensed by the Board of Education.

In addition, this section shall not prevent a person who has successfully completed a training program for the administration of drugs via percutaneous gastrostomy tube approved by the Board of Nursing and been evaluated by a registered nurse as having demonstrated competency in administration of drugs via percutaneous gastrostomy tube from administering drugs to a person receiving services from a program licensed by the Department of Behavioral Health and Developmental Services to such person via percutaneous gastrostomy tube. The continued competency of a person to administer drugs via percutaneous gastrostomy tube shall be evaluated semiannually by a registered nurse.

M. Medication aides registered by the Board of Nursing pursuant to Article 7 (§ 54.1-3041 et seq.) of Chapter 30 may administer drugs that would otherwise be self-administered to residents of any assisted living facility licensed by the Department of Social Services. A registered medication aide shall administer drugs pursuant to this section in accordance with the prescriber's instructions pertaining to dosage, frequency, and manner of administration; in accordance with regulations promulgated by the Board of Pharmacy relating to security and recordkeeping; in accordance with the assisted living facility's Medication Management Plan; and in accordance with such other regulations governing their practice promulgated by the Board of Nursing.

N. In addition, this section shall not prevent the administration of drugs by a person who administers such drugs in accordance with a physician's instructions pertaining to dosage, frequency, and manner of administration and with written authorization of a parent, and in accordance with school board regulations relating to training, security and record keeping, when the drugs administered would be normally self-administered by a student of a Virginia public school. Training for such persons shall be accomplished through a program approved by the local school boards, in consultation with the local departments of health.

O. In addition, this section shall not prevent the administration of drugs by a person to (i) a child in a child day program as defined in § 63.2-100 and regulated by the State Board of Social Services or a local government pursuant to § 15.2-914, or (ii) a student of a private school that is accredited pursuant to § 22.1-19 as administered by the Virginia Council for Private Education, provided such person (a) has satisfactorily completed a training program for this purpose approved by the Board of Nursing and taught by a registered nurse, licensed practical nurse, nurse practitioner, physician assistant, doctor of medicine or osteopathic medicine, or pharmacist; (b) has obtained written authorization from a parent or guardian; (c) administers drugs only to the child identified on the prescription label in accordance with the prescriber's instructions pertaining to dosage, frequency, and manner of administration; and (d) administers only those drugs that were dispensed from a pharmacy and maintained in the original, labeled container that would normally be self-administered by the child or student, or administered by a parent or guardian to the child or student.

P. In addition, this section shall not prevent the administration or dispensing of drugs and devices by persons if they are authorized by the State Health Commissioner in accordance with protocols established by the State Health Commissioner pursuant to § 32.1-42.1 when (i) the Governor has declared a disaster or a state of emergency or the United States Secretary of Health and Human Services has issued a declaration of an actual or potential bioterrorism incident or other actual or potential public health emergency; (ii) it is necessary to permit the provision of needed drugs or devices; and (iii) such persons have received the training necessary to safely administer or dispense the needed drugs or devices. Such persons shall administer or dispense all drugs or devices under the direction, control, and supervision of the State Health Commissioner.

Q. Nothing in this title shall prohibit the administration of normally self-administered drugs by unlicensed individuals to a person in his private residence.

R. This section shall not interfere with any prescriber issuing prescriptions in compliance with his authority and scope of practice and the provisions of this section to a Board agent for use pursuant to subsection G of § 18.2-258.1. Such prescriptions issued by such prescriber shall be deemed to be valid prescriptions.

S. Nothing in this title shall prevent or interfere with dialysis care technicians or dialysis patient care technicians who are certified by an organization approved by the Board of Health Professions or persons authorized for provisional practice pursuant to Chapter 27.01 (§ 54.1-2729.1 et seq.), in the ordinary course of their duties in a Medicare-certified renal dialysis facility, from administering heparin, topical needle site anesthetics, dialysis solutions, sterile normal saline solution, and blood volumizers, for the purpose of facilitating renal dialysis treatment, when such administration of medications occurs under the orders of a licensed physician, nurse practitioner, or physician assistant and under the immediate and direct supervision of a licensed registered nurse. Nothing in this chapter shall be construed to prohibit a patient care dialysis technician trainee from performing dialysis care as part of and within the scope of the clinical skills instruction segment of a supervised dialysis technician training program, provided such trainee is identified as a "trainee" while working in a renal dialysis facility.

The dialysis care technician or dialysis patient care technician administering the medications shall have demonstrated competency as evidenced by holding current valid certification from an organization approved by the Board of Health Professions pursuant to Chapter 27.01 (§ 54.1-2729.1 et seq.).

T. Persons who are otherwise authorized to administer controlled substances in hospitals shall be authorized to administer influenza or pneumococcal vaccines pursuant to § 32.1-126.4.

U. Pursuant to a specific order for a patient and under his direct and immediate supervision, a prescriber may authorize the administration of controlled substances by personnel who have been properly trained to assist a doctor of medicine or osteopathic medicine, provided the method does not include intravenous, intrathecal, or epidural administration and the prescriber remains responsible for such administration.

V. A physician assistant, nurse or a dental hygienist may possess and administer topical fluoride varnish to the teeth of children aged six months to three years pursuant to an oral or written order or a standing protocol issued by a doctor of medicine, osteopathic medicine, or dentistry that conforms to standards adopted by the Department of Health.

W. A prescriber, acting in accordance with guidelines developed pursuant to § 32.1-46.02, may authorize the administration of influenza vaccine to minors by a licensed pharmacist, registered nurse, licensed practical nurse under the direction and immediate supervision of a registered nurse, or emergency medical services provider who holds an advanced life support certificate issued by the Commissioner of Health when the prescriber is not physically present.

X. Notwithstanding the provisions of § 54.1-3303, pursuant to an oral, written, or standing order issued by a prescriber or a standing order issued by the Commissioner of Health or his designee authorizing the dispensing of naloxone or other opioid antagonist used for overdose reversal in the absence of an oral or written order for a specific patient issued by a prescriber, and in accordance with protocols developed by the Board of Pharmacy in consultation with the Board of Medicine and the Department of Health, a pharmacist may dispense naloxone or other opioid antagonist used for overdose reversal and a person may possess and administer naloxone or other opioid antagonist used for overdose reversal to a person who is believed to be experiencing or about to experience a life-threatening opioid overdose. Law-enforcement officers as defined in § 9.1-101, employees of the Department of Forensic Science, employees of the Office of the Chief Medical Examiner, employees of the Department of General Services Division of Consolidated Laboratory Services, and firefighters who have completed a training program may also possess and administer naloxone in accordance with protocols developed by the Board of Pharmacy in consultation with the Board of Medicine and the Department of Health.

Y. Notwithstanding any other law or regulation to the contrary, a person who is authorized by the Department of Behavioral Health and Developmental Services to train individuals on the administration of naloxone for use in opioid overdose reversal and who is acting on behalf of an organization that provides services to individuals at risk of experiencing an opioid overdose or training in the administration of naloxone for overdose reversal and that has obtained a controlled substances registration from the Board of Pharmacy pursuant to § 54.1-3423 may dispense naloxone to a person who has completed a training program on the administration of naloxone for opioid overdose reversal approved by the Department of Behavioral Health and Developmental Services, provided that such dispensing is (i) pursuant to a standing order issued by a prescriber, (ii) in accordance with protocols developed by the Board of Pharmacy in consultation with the Board of Medicine and the Department of Health, and (iii) without charge or compensation. The dispensing may occur at a site other than that of the controlled substance registration provided the entity possessing the controlled substances registration maintains records in accordance with regulations of the Board of Pharmacy. A person to whom naloxone has been dispensed pursuant to this subsection may possess naloxone and may administer naloxone to a person who is believed to be experiencing or about to experience a life-threatening opioid overdose.

Z. Pursuant to a written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize, with the consent of the parents as defined in § 22.1-1, an employee of (i) a school board, (ii) a school for students with disabilities as defined in § 22.1-319 licensed by the Board of Education, or (iii) a private school accredited pursuant to § 22.1-19 as administered by the Virginia Council for Private Education who is trained in the administration of injected medications for the treatment of adrenal crisis resulting from a condition causing adrenal insufficiency to administer such medication to a student diagnosed with a condition causing adrenal insufficiency when the student is believed to be experiencing or about to experience an adrenal crisis. Such authorization shall be effective only when a licensed nurse, nurse practitioner, physician, or physician assistant is not present to perform the administration of the medication.

## CHAPTER 248

*An Act to require the State Board of Social Services to amend certain regulations related to staffing of assisted living facilities providing care for adults with serious cognitive impairments.*

[H 1439]

Approved March 9, 2018

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

1. *§ 1. That the State Board of Social Services shall amend regulations governing staffing of assisted living facilities that provide care for adults with serious cognitive impairments who cannot recognize danger or protect their own safety and welfare to allow an exception to the requirements that at least two direct care staff members who are awake, on duty, and responsible for the care and supervision of residents be in each building at all times when residents are present for assisted living facilities that are licensed for 10 or fewer residents if no more than three of the residents have serious cognitive impairments.*
2. **That an emergency exists and this act is in force from its passage.**

**3. That the Board of Social Services shall promulgate regulations to implement the provisions of this act to be effective within 280 days of its enactment.**

**4. That the Commissioner of Social Services shall not enforce the provisions of 22VAC40-73-1020, as it shall become effective, in cases involving assisted living facilities that are licensed for 10 or fewer residents if no more than three of the residents have serious cognitive impairments.**

**CHAPTER 249**

*An Act to repeal the second enactment of Chapter 219 of the Acts of Assembly of 2009, as amended by Chapter 647 of the Acts of Assembly of 2012 and by Chapter 449 of the Acts of Assembly of 2015, relating to financing the Uninsured Employer's Fund established under the Virginia Workers' Compensation Act.*

[H 82]

Approved March 9, 2018

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

**1. That the second enactment of Chapter 219 of the Acts of Assembly of 2009, as amended by Chapter 647 of the Acts of Assembly of 2012 and by Chapter 449 of the Acts of Assembly of 2015, is repealed.**

**CHAPTER 250**

*An Act to amend and reenact § 65.2-201 of the Code of Virginia, relating to the Workers' Compensation Commission; quorum.*

[H 117]

Approved March 9, 2018

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

**1. That § 65.2-201 of the Code of Virginia is amended and reenacted as follows:**

**§ 65.2-201. General duties and powers of the Commission.**

A. It shall be the duty of the Commission to administer this title and adjudicate issues and controversies relating thereto. In all matters within the jurisdiction of the Commission, it shall have the power of a court of record to administer oath, to compel the attendance of witnesses and the production of documents, to punish for contempt, to appoint guardians pursuant to Part C (§ 64.2-1700 et seq.) of Subtitle IV of Title 64.2, and to enforce compliance with its lawful orders and awards. The Commission shall make rules and regulations for carrying out the provisions of this title.

B. The Commission may appoint deputies, bailiffs, and such other personnel as it may deem necessary for the purpose of carrying out the provisions of this title.

C. The Commission or any member thereof or any person deputized by it may for the purposes of this title subpoena witnesses, administer or cause to be administered oaths, and examine or cause to be examined such parts of the books and records of the parties to a proceeding as relate to questions in dispute arising in instances in which the Commission has power to award compensation. This authority shall extend to requests from like agencies of other states who honor similar requests from the Commission.

D. The Commission shall publish and, upon request, furnish free of charge, such blank forms and literature as it shall deem requisite to facilitate or promote the efficient administration of this title. The Commission shall publish a workers' compensation guide for employees which informs an injured employee of his rights under this title. If the Commission receives notice of an accident, it shall provide a workers' compensation guide to the employee.

E. A majority of the commissioners, *including any deputy commissioner appointed or retired commissioner recalled pursuant to subsection D of § 65.2-705*, shall constitute a quorum for the exercise of judicial, legislative, and discretionary functions of the Commission, whether there is a vacancy in the Commission or not, but a quorum shall not be necessary for the exercise of its administrative functions.

F. The Commission shall tabulate the accident reports received from employers in accordance with § 65.2-900 and shall publish the same in the annual report of the Commission and as often as it may deem advisable, in such detailed or aggregate form as it may deem best. The name of the employer or employee shall not appear in such publications, and the employers' reports shall be private records of the Commission and shall not be open for public inspection except for the inspection by the parties directly involved, and only to the extent of such interest. These reports shall not be used as evidence against any employer in any suit at law brought by any employee for the recovery of damages.

CHAPTER 251

*An Act to amend and reenact the second enactment of Chapter 594 of the Acts of Assembly of 2017, relating to transacting business under an assumed name; central filing of assumed or fictitious name certificates; effective date.*

[H 170]

Approved March 9, 2018

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

- 1. That the second enactment of Chapter 594 of the Acts of Assembly of 2017 is amended and reenacted as follows:**
- 2. That the provisions of this act shall become effective on ~~May 1, 2019~~ January 1, 2020.**

CHAPTER 252

*An Act to amend the Code of Virginia by adding a section numbered 42.1-86.01, relating to the Virginia Public Records Act; records retained in electronic medium.*

[H 228]

Approved March 9, 2018

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

- 1. That the Code of Virginia is amended by adding a section numbered 42.1-86.01 as follows:**

**§ 42.1-86.01. Records may be retained in electronic medium.**

*Notwithstanding any provision of law requiring a public record to be retained in a tangible medium, an agency may retain any public record in an electronic medium, provided that the record remains accessible for the duration of its retention schedule and meets all other requirements of this chapter. Nothing herein shall affect any law governing the retention of exhibits received into evidence in a criminal case in any court.*

CHAPTER 253

*An Act to amend and reenact § 2 of Chapter 311 of the Acts of Assembly of 2014, relating to the duties of the Clerk of the State Corporation Commission; electronic registration system.*

[H 238]

Approved March 9, 2018

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

- 1. That § 2 of Chapter 311 of the Acts of Assembly of 2014 is amended and reenacted as follows:**

§ 2. Beginning not later than ~~July 1, 2018~~ January 1, 2020, the Commission shall limit the submission of data and documents on behalf of a business entity through its ~~eFile~~ electronic registration system to any user (i) designated to make such submissions on behalf of the business entity and (ii) whose identity has been established satisfactorily through a verification process.

CHAPTER 254

*An Act to amend and reenact § 20-79 of the Code of Virginia, relating to effect of divorce proceedings; transfer of matters.*

[H 289]

Approved March 9, 2018

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

- 1. That § 20-79 of the Code of Virginia is amended and reenacted as follows:**

**§ 20-79. Effect of divorce proceedings.**

(a) In any case where an order has been entered under the provisions of this chapter, directing either party to pay any sum or sums of money for the support of his or her spouse, or concerning the care, custody or maintenance of any child, or children, the jurisdiction of the court which entered such order shall cease and its orders become inoperative upon the entry of a decree by the court or the judge thereof in vacation in a suit for divorce instituted in any circuit court in this Commonwealth having jurisdiction thereof, in which decree provision is made for support and maintenance for the spouse or concerning the care, custody or maintenance of a child or children, or concerning any matter provided in a decree in the divorce proceedings in accordance with the provisions of § 20-103.

(b) In any suit for divorce, the court in which the suit is instituted or pending, when either party to the proceedings so requests, shall provide in its decree for the maintenance, support, care or custody of the child or children in accordance with Chapter 6.1 (§ 20-124.1 et seq.), support and maintenance for the spouse, if the same be sought, and counsel fees and other costs, if in the judgment of the court any or all of the foregoing should be so decreed.

(c) *Enforcement of orders.* In any suit for divorce or suit for maintenance and support, the court may after a hearing, pendente lite, or in any decree of divorce a mensa et thoro, decree of divorce a vinculo matrimonii, final decree for maintenance and support, or subsequent decree in such suit, transfer to the juvenile and domestic relations district court the enforcement of its orders pertaining to support and maintenance for the spouse, maintenance, support, care and custody of the child or children.

*Transfer of case for modification.* After the entry of a decree of divorce a vinculo matrimonii the court may transfer to the juvenile and domestic relations district court any other matters pertaining to support and maintenance for the spouse, maintenance, support, care and custody of the child or children on motion by either party, and may so transfer such matters before the entry of such decree on motion joined in by both parties. *A court shall not (i) transfer a case for modification to the juvenile and domestic relations district court in the absence of a motion by either party or (ii) require a provision for transfer of matters for modification to the juvenile and domestic relations district court as a condition of entry of a decree of divorce a vinculo matrimonii.*

*Change of venue.* In the transfer of any matters referred to herein, the court may, upon the motion of any party, or on its own motion, and for good cause shown, transfer any matters covered by said decree or decrees to any *circuit court or juvenile and domestic relations district court* within the Commonwealth that constitutes a more appropriate forum. An appeal of an order by such juvenile and domestic relations district court which is to enforce or modify the decree in the divorce suit shall be as provided in § 16.1-296.

## CHAPTER 255

*An Act to amend and reenact §§ 8.01-126 and 8.01-130 of the Code of Virginia, relating to unlawful detainer; foreclosure.*

[H 311]

Approved March 9, 2018

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

**1. That §§ 8.01-126 and 8.01-130 of the Code of Virginia are amended and reenacted as follows:**

**§ 8.01-126. Summons for unlawful detainer issued by magistrate or clerk or judge of a general district court.**

A. In any case when possession of any house, land or tenement is unlawfully detained by the person in possession thereof, the landlord, his agent, attorney, or other person, entitled to the possession may present to a magistrate or a clerk or judge of a general district court a statement under oath of the facts which authorize the removal of the tenant or other person in possession, describing such premises; and thereupon such magistrate, clerk or judge shall issue his summons against the person or persons named in such affidavit. The process issued upon any such summons issued by a magistrate, clerk or judge may be served as provided in § 8.01-293, 8.01-296, or 8.01-299. When issued by a magistrate it may be returned to and the case heard and determined by the judge of a general district court. If the summons for unlawful detainer is filed to terminate a tenancy pursuant to the Virginia Residential Landlord and Tenant Act (§ 55-248.2 et seq.), the initial hearing on such summons shall occur as soon as practicable, but not more than 21 days from the date of filing. If the case cannot be heard within 21 days from the date of filing, the initial hearing shall be held as soon as practicable. If the plaintiff requests that the initial hearing be set on a date later than 21 days from the date of filing, the initial hearing shall be set on a date the plaintiff is available that is also available for the court. Such summons shall be served at least 10 days before the return day thereof.

B. Notwithstanding any other rule of court or provision of law to the contrary, the plaintiff in an unlawful detainer case may submit into evidence a photocopy of a properly executed paper document or paper printout of an electronically stored document including a copy of the original lease or other documents, provided that the plaintiff provides an affidavit or sworn testimony that the copy of such document is a true and accurate copy of the original lease. An attorney or agent of the landlord or managing agent may present such affidavit into evidence.

C. 1. Notwithstanding any other rule of court or provision of law to the contrary, when the defendant does not make an appearance in court, the plaintiff or the plaintiff's attorney or agent may submit into evidence by an affidavit or sworn testimony a statement of the amount of outstanding rent, late charges, attorney fees, and any other charges or damages due as of the date of the hearing. The plaintiff or the plaintiff's attorney or agent shall advise the court of any payments by the defendant that result in a variance reducing the amount due the plaintiff as of the day of the hearing.

2. If the unlawful detainer summons served upon the defendant requests judgment for all amounts due as of the date of the hearing, the court shall permit amendment of the amount requested on the summons for unlawful detainer filed in court in accordance with the evidence and in accordance with the amounts contracted for in the rental agreement and shall enter a judgment for such amount due as of the date of the hearing in addition to entering an order of possession for the premises.

3. In determining the amount due the plaintiff as of the date of the hearing, if the rental agreement or lease provides that rent is due and payable on the first of the month in advance for the entire month, at the request of the plaintiff or the plaintiff's attorney or agent, the amount due as of the date of the hearing shall include the rent due for the entire month in which the hearing is held, and rent shall not be prorated as of the actual court date. Otherwise, the rent shall be prorated as of the date of the hearing. However, nothing herein shall be construed to permit a landlord to collect rent in excess of the amount stated in such rental agreement or lease. If a money judgment has been granted for the amount due for the month of the hearing pursuant to this section and the landlord re-rents such dwelling unit and receives rent from a new tenant prior to

the end of such month, the landlord is required to reflect the applicable portion of the judgment as satisfied pursuant to § 16.1-94.01.

4. *If, on the date of a foreclosure sale of a single-family residential dwelling unit, the former owner remains in possession of such dwelling unit, such former owner becomes a tenant at sufferance. Such tenancy may be terminated by a written termination notice from the successor owner given to such tenant at least three days prior to the effective date of termination. Upon the expiration of the three-day period, the successor owner may file an unlawful detainer under this section. Such tenant shall be responsible for payment of fair market rental from the date of such foreclosure until the date the tenant vacates the dwelling unit, as well as damages, and for payment of reasonable attorney fees and court costs.*

**§ 8.01-130. Judgment not to bar action of trespass, ejectment, or unlawful detainer.**

No judgment in an action brought under the provisions of this article shall bar any action of trespass or ejectment, or unlawful detainer between the same parties, nor shall any such judgment or verdict be conclusive, in any such future action, of the facts therein found.

## CHAPTER 256

*An Act to amend the Code of Virginia by adding a section numbered 38.2-515.1, relating to the State Corporation Commission; group health insurance policies issued outside the Commonwealth.*

[H 396]

Approved March 9, 2018

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

**1. That the Code of Virginia is amended by adding a section numbered 38.2-515.1 as follows:**

**§ 38.2-515.1. Power of Commission; policies issued outside of the Commonwealth.**

*A. Notwithstanding any other provision of law to the contrary, the Commission shall have the power to assist consumers and to examine and investigate complaints and inquiries relating to trade practices and claim settlement practices of insurers involving policies issued outside of the Commonwealth but covering residents of the Commonwealth, provided that the policy was issued (i) as a policy of group accident and sickness insurance in accordance with § 38.2-3521.1 or (ii) to a group other than one described in § 38.2-3521.1 in compliance with the requirements of § 38.2-3522.1.*

*B. The Commission's investigatory powers with respect to residents of the Commonwealth are limited to assisting consumers and examining and investigating complaints and inquiries as provided in subsection A and shall not extend to applying or enforcing federal laws or the laws of another state or jurisdiction.*

*C. The Commission shall have no jurisdiction to adjudicate controversies arising out of this section.*

## CHAPTER 257

*An Act to amend and reenact §§ 6.2-912, 6.2-913, 6.2-926, and 6.2-1313 of the Code of Virginia, relating to financial institutions; insolvency.*

[H 433]

Approved March 9, 2018

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

**1. That §§ 6.2-912, 6.2-913, 6.2-926, and 6.2-1313 of the Code of Virginia are amended and reenacted as follows:**

**§ 6.2-912. Definition.**

As used in this article, "insolvent" or "insolvency" means incapable of meeting the current demands of creditors or having liabilities which, in total, exceed the book value of assets.

**§ 6.2-913. Closing bank; appointment of receiver.**

*A. If (i) any bank, upon its examination by the Commission, is found to be insolvent or approaching insolvency and no reasonable prospect for rehabilitation of the bank exists, (ii) the Commission deems it necessary with respect to any bank for the protection of the public interests interest, or (iii) any bank has a ratio of tangible equity to total assets that is equal to or less than two percent, the Commission (a) may close immediately the doors of the bank without any notice and (b) by its duly appointed agent shall take charge of the books, assets, and affairs of the bank until the appointment of a receiver as provided by law.*

*B. If a bank has been closed by the Commission, the Commission may proceed (i) to have a receiver for the closed bank appointed in accordance with § 6.2-916 or (ii) as provided in Article 14 (§ 6.2-925 et seq.) of this chapter.*

**§ 6.2-926. Appointment of FDIC as receiver.**

*In any case where the Commission has closed and taken possession of a bank, the deposits in which are insured by the FDIC, the Commission may apply to any court in the Commonwealth having jurisdiction to appoint receivers the Circuit Court of the City of Richmond for the appointment of the FDIC as receiver. The court, if it finds that to do so will be in the public interest, may the FDIC is willing to accept the appointment, shall appoint the FDIC as receiver. Upon acceptance of the court's appointment of the FDIC as receiver, the FDIC shall not be required to post bond.*

**§ 6.2-1313. Powers of Commission in case of nonobservance of law, noncompliance with orders, insufficient reserves, or approaching insolvency; appointment of receiver.**

A. If the Commission finds that (i) a credit union is in violation of a law or regulation applicable to it, (ii) a credit union is being operated in an unsafe or unsound manner, (iii) a credit union has failed to comply with a lawful order of the Commissioner, (iv) the reserve of the credit union fails to meet the requirements set forth in § 6.2-1377, or (v) a credit union is, or is about to become, insolvent, it shall give immediate notice of its finding to the officers and directors of the credit union. If necessary to conserve the assets of the credit union or protect the interests of the members of the credit union, the Commission may, after reasonable notice to the credit union and an opportunity for it to be heard, do any one or more of the following:

1. Close the credit union for a period not exceeding 60 days, which period may be extended for additional like periods as the Commission may deem necessary;
2. Require the officers and directors of the credit union to liquidate outstanding loans;
3. Require that all lawful orders of the Commission be complied with;
4. Require the credit union to make reports daily or otherwise as to the results achieved in carrying out its orders;
5. Temporarily suspend the right of such credit union to receive any further investment in its share accounts;
6. Grant the right to suspend or limit withdrawals against share accounts for such period as the Commission may deem necessary; and
7. Appoint a conservator to take charge of the credit union and operate it pending further action by the Commission.

B. If the Commission determines that (i) a credit union is ~~insolvent and that a receiver should be appointed~~ *approaching insolvency and no reasonable prospect for rehabilitation of the credit union exists*, (ii) *the Commission deems it necessary with respect to any credit union for the protection of the public interest*, or (iii) *a credit union has a net worth ratio of less than two percent*, the Commission may close the doors of the credit union *without any notice*, take charge of the books, assets, and affairs of the credit union, and apply to ~~any court in the Commonwealth having jurisdiction to appoint receivers~~ *the Circuit Court of the City of Richmond* for the appointment of a receiver to take charge of the credit union's business and assets. ~~A credit union shall be deemed insolvent when~~ *In the case of a federally insured credit union, the court shall appoint the National Credit Union Administration Board as receiver if it finds that the National Credit Union Administration Board is willing to accept the appointment. In the case of a credit union that is not federally insured, the court shall appoint a receiver if it finds that to do so will be in the public interest.*

C. As used in this article, "insolvent" or "insolvency" means that (i) a credit union is incapable of meeting the current demands of creditors or (ii) the current value of ~~its~~ *a credit union's* assets is less than the current value of the sum of its share accounts and liabilities.

**CHAPTER 258**

*An Act to amend and reenact § 38.2-1703 of the Code of Virginia, relating to the board of directors of the Virginia Life, Accident and Sickness Insurance Guaranty Association.*

[H 451]

Approved March 9, 2018

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

**1. That § 38.2-1703 of the Code of Virginia is amended and reenacted as follows:**

**§ 38.2-1703. Board of directors of Association.**

A. The board of directors of the Association shall consist of not less than ~~five~~ *nine* nor more than ~~nine~~ *13* member insurers serving terms as established in the plan of operation. The members of the board shall be selected by member insurers subject to the approval of the Commission. Vacancies on the board shall be filled for the remainder of the term by a majority vote of the remaining board members, subject to the approval of the Commission.

B. In approving selections the Commission shall consider, among other things, whether all member insurers are fairly represented.

C. Members of the board may be reimbursed from the assets of the Association for expenses incurred by them as members of the board of directors but members of the board shall not be otherwise compensated by the Association for their services.

**CHAPTER 259**

*An Act to amend and reenact § 8.01-341.2 of the Code of Virginia, relating to deferral of jury service; students.*

[H 481]

Approved March 9, 2018

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

**1. That § 8.01-341.2 of the Code of Virginia is amended and reenacted as follows:**

**§ 8.01-341.2. Deferral or limitation of jury service for particular occupational inconvenience.**

The court, on its own motion, may exempt any person from jury service for a particular term of court, or limit that person's service to particular dates of that term, if serving on a jury during that term or certain dates of that term of court would cause such person a particular occupational inconvenience. Any such person who is selected for jury service, and who is exempted under the provisions of this section, shall not be discharged from his obligation to serve on a jury, but such obligation shall only be deferred until the term of court next after such particular occupational inconvenience shall end. *For purposes of this section, "occupational inconvenience" includes inconvenience to a person who, during the term of court for which such person is selected for jury service, is enrolled as a full-time student at an accredited public or private institution of higher education and who is attending classes at such institution during such term.*

**CHAPTER 260**

*An Act to amend and reenact § 65.2-804 of the Code of Virginia, relating to workers' compensation; evidence of compliance.*

[H 531]

Approved March 9, 2018

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

**1. That § 65.2-804 of the Code of Virginia is amended and reenacted as follows:**

**§ 65.2-804. Evidence of compliance with title; notices of cancellation of insurance.**

A. 1. Each employer subject to this title shall file with the Workers' Compensation Commission, in form prescribed by it, annually or as often as may be necessary, evidence of his compliance with the provisions of § 65.2-801 and all others relating thereto; however, if the employer secures his liability under this title pursuant to subdivision A 1 of § 65.2-801 then the insurance carrier shall make a filing on behalf of the employer, and such filing shall be made electronically in the form as prescribed and to the agent as designated by the Commission, within 30 days of the inception of the policy. Evidence of an employer's compliance with the provisions of subdivision A 1 of § 65.2-801 shall be deemed to satisfy such provisions if it includes the name and address of the insured, the insured's federal employer identification number, his policy number, dates of insurance coverage, the name and address of his insurer, and the insurer's identification number. ~~Proof of coverage information filed with the Commission by an insurance carrier or rate service organization on behalf of an employer shall in no event be aggregated by the Commission with the proof of coverage information filed by or on behalf of other employers.~~ Every employer who has complied with the foregoing provision and has subsequently cancelled his insurance or his membership in a licensed group self-insurance association shall immediately notify the Workers' Compensation Commission of such cancellation, the date thereof and the reasons therefor. Every insurance carrier or group self-insurance association shall in like manner notify the Workers' Compensation Commission immediately upon the cancellation of any policy issued by it or any membership agreement, whichever is applicable, under the provisions of this title, except that a carrier or group self-insurance association need not set forth its reasons for cancellation unless requested by the Workers' Compensation Commission.

2. Every employer who cancels his insurance or his membership in a licensed group self-insurance association shall, prior to cancelling his insurance or his membership, give 30 days' written notice to his employees covered. Every employer who receives the notice required under subsection B of this section shall immediately forward a copy to his employees covered. Where the employer is a mine owner or operator, the notice or copy of notice required to be given by this subsection shall also be given to the Chief Mine Inspector. The provisions of this subsection shall not apply with respect to a cancellation incident to a change of insurance or membership where no lapse of coverage occurs.

B. No policy of insurance hereafter issued under the provisions of this title, nor any membership agreement in a group self-insurance association, shall be cancelled or nonrenewed by the insurer issuing such policy or by the group self-insurance association cancelling or nonrenewing such membership, except on 30 days' notice to the employer and the Workers' Compensation Commission, unless the employer has obtained other insurance and the Workers' Compensation Commission is notified of that fact by the insurer assuming the risk, or unless, in the event of cancellation, said cancellation is for nonpayment of premiums; then 10 days' notice shall be given the employer and the Workers' Compensation Commission.

C. The Commission may designate an agent for receipt of any notices required to be given to it pursuant to this section.

**CHAPTER 261**

*An Act to amend and reenact §§ 65.2-605 and 65.2-605.1 of the Code of Virginia, relating to an employer's liability for medical services provided outside of the Commonwealth.*

[H 558]

Approved March 9, 2018

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

**1. That §§ 65.2-605 and 65.2-605.1 of the Code of Virginia are amended and reenacted as follows:**

**§ 65.2-605. Liability of employer for medical services ordered by Commission; fee schedules for medical services; malpractice; assistants-at-surgery; coding.**

A. As used in this section, unless the context requires a different meaning:

"Burn center" means a treatment facility designated as a burn center pursuant to the verification program jointly administered by the American Burn Association and the American College of Surgeons and verified by the Commonwealth.

"Categories of providers of fee scheduled medical services" means:

1. Physicians exclusive of surgeons;
2. Surgeons;
3. Type One teaching hospitals;
4. Hospitals, exclusive of Type One teaching hospitals;
5. Ambulatory surgical centers;
6. Providers of outpatient medical services not covered by subdivision 1, 2, or 5; and
7. Purveyors of miscellaneous items and any other providers not described in subdivisions 1 through 6, as established by the Commission in regulations adopted pursuant to subsection C.

"Codes" means, as applicable, CPT codes, HCPCS codes, DRG classifications, or revenue codes.

"CPT codes" means the medical and surgical identifying codes using the Physicians' Current Procedural Terminology published by the American Medical Association.

"Diagnosis related group" or "DRG" means the system of classifying in-patient hospital stays adopted for use with the Inpatient Prospective Payment System.

"Fee scheduled medical service" means a medical service exclusive of a medical service provided in the treatment of a traumatic injury or serious burn.

"Health Care Common Procedure Coding System codes" or "HCPCS codes" means the medical coding system, including all subsets of codes by alphabetical letter, used to report hospital outpatient and certain physician services as published by the National Uniform Billing Committee, including Temporary National Code (Non-Medicare) S0000-S-9999.

"Level I or Level II trauma center" means a hospital in the Commonwealth designated by the Board of Health as a Level I trauma center or a Level II trauma center pursuant to the Statewide Emergency Medical Services Plan developed in accordance with § 32.1-111.3.

"Medical community" means one of the following six regions of the Commonwealth:

1. Northern region, consisting of the area for which three-digit ZIP code prefixes 201 and 220 through 223 have been assigned by the U.S. Postal Service.
2. Northwest region, consisting of the area for which three-digit ZIP code prefixes 224 through 229 have been assigned by the U.S. Postal Service.
3. Central region, consisting of the area for which three-digit ZIP code prefixes 230, 231, 232, 238, and 239 have been assigned by the U.S. Postal Service.
4. Eastern region, consisting of the area for which three-digit ZIP code prefixes 233 through 237 have been assigned by the U.S. Postal Service.
5. Near Southwest region, consisting of the area for which three-digit ZIP code prefixes 240, 241, 244, and 245 have been assigned by the U.S. Postal Service.
6. Far Southwest region, consisting of the area for which three-digit ZIP code prefixes 242, 243, and 246 have been assigned by the U.S. Postal Service.

*The applicable community for providers of medical services rendered in the Commonwealth shall be determined by the zip code of the location where the services were rendered. The applicable community for providers of medical services rendered outside of the Commonwealth shall be determined by the zip code of the principal place of business of the employer if located in the Commonwealth or, if no such location exists, the zip code of the location where the Commission hearing regarding a dispute concerning the services would be conducted.*

"Medical service" means any medical, surgical, or hospital service required to be provided to an injured person pursuant to this title.

"Medical service provided for the treatment of a serious burn" includes any professional service rendered during the dates of service of the admission or transfer to a burn center.

"Medical service provided for the treatment of a traumatic injury" includes any professional service rendered during the dates of service of the admission or transfer to a Level I or Level II trauma center.

"Miscellaneous items" means medical services provided under this title that are not included within subdivisions 1 through 6 of the definition of categories of providers of fee scheduled medical services. "Miscellaneous items" does not include (i) pharmaceuticals that are dispensed by providers, other than hospitals or Type One teaching hospitals as part of inpatient or outpatient medical services, or dispensed as part of fee scheduled medical services at an ambulatory surgical center or (ii) durable medical equipment dispensed at retail.

"New type of technology" means an item resulting or derived from an advance in medical technology, including an implantable medical device or an item of medical equipment, that is supplied by a third party, provided that the item has been cleared or approved by the federal Food and Drug Administration (FDA) after the transition date and prior to the date of the provision of the medical service using the item.

"Physician" means a person licensed to practice medicine or osteopathy in the Commonwealth pursuant to Chapter 29 (§ 54.1-2900 et seq.) of Title 54.1.

"Professional service" means any medical or surgical service required to be provided to an injured person pursuant to this title that is provided by a physician or any health care practitioner licensed, accredited, or certified to perform the service consistent with state law.

"Provider" means a person licensed by the Commonwealth to provide a medical service to a claimant under this title.

"Reimbursement objective" means the average of all reimbursements and other amounts paid to providers in the same category of providers of fee scheduled medical services in the same medical community for providing a fee scheduled medical service to a claimant under this title during the most recent period preceding the transition date for which statistically reliable data is available as determined by the Commission.

"Revenue codes" means a method of coding used by hospitals or health care systems to identify the department in which medical service was rendered to the patient or the type of item or equipment used in the delivery of medical services.

"Serious burn" means a burn for which admission or transfer to a burn center is medically necessary.

"Transition date" means the date the regulations of the Commission adopting initial Virginia fee schedules for medical services pursuant to subsection C become effective.

"Traumatic injury" means an injury for which admission or transfer to a Level I or Level II trauma center is medically necessary and that is assigned a DRG number of 003, 004, 011, 012, 013, 025 through 029, 082, 085, 453, 454, 455, 459, 460, 463, 464, 465, 474, 475, 483, 500, 507, 510, 515, 516, 570, 856, 857, 862, 901, 904, 907, 908, 955 through 959, 963, 998, or 999. Claimants who die in an emergency room of trauma or burn before admission shall be deemed to be claimants who incurred a traumatic injury.

"Type One teaching hospital" means a hospital that was a state-owned teaching hospital on January 1, 1996.

"Virginia fee schedule" means a schedule of maximum fees for fee scheduled medical services for the medical community where the fee scheduled medical service is provided, as initially adopted by the Commission pursuant to subsection C and as adjusted as provided in subsection D.

B. The pecuniary liability of the employer for a:

1. Medical, surgical, and hospital service herein required when ordered by the Commission that is provided to an injured person prior to the transition date, regardless of the date of injury, shall be limited absent a contract providing otherwise, to such charges as prevail in the same community for similar treatment when such treatment is paid for by the injured person. *As used in this subdivision, "same community" for providers of medical services rendered outside of the Commonwealth shall be deemed to be the principal place of business of the employer if located in the Commonwealth or, if no such location exists, the location where the Commission hearing regarding the dispute is conducted;*

2. Fee scheduled medical service provided on or after the transition date, regardless of the date of injury, shall be limited to:

a. The amount provided for the payment for the fee scheduled medical service as set forth in a contract under which the provider has agreed to accept a specified amount in payment for the service provided, which amount may be less than or exceed the maximum amount for the service as set forth in the applicable Virginia fee schedule;

b. In the absence of a contract described in subdivision 2 a, the lesser of the billing amount or the amount for the fee scheduled medical service as set forth in the applicable Virginia fee schedule that is in effect on the date the service is provided, subject to an increase approved by the Commission pursuant to subsection H; or

c. In the absence of (i) a contract described in subdivision 2 a and (ii) a provision in a Virginia fee schedule that sets forth a maximum amount for the medical service on the date it is provided, the maximum amount determined by the Commission as provided in subsection E; and

3. Medical service provided on or after the transition date for the treatment of a traumatic injury or serious burn, regardless of the date of injury, shall be limited to:

a. The amount provided for the payment for the medical service provided for the treatment of the traumatic injury or serious burn as set forth in a contract under which the provider has agreed to accept a specified amount in payment for the service provided, which amount may be less than or exceed the maximum amount for the service calculated pursuant to subdivision 3 b; or

b. In the absence of a contract described in subdivision 3 a, an amount equal to 80 percent of the provider's charge for the service based on the provider's charge master or schedule of fees; however, if the compensability under this title of a claim for traumatic injury or serious burn is contested and after a hearing on the claim on its merits or after abandonment of a defense by the employer or insurance carrier, benefits for medical services are awarded and inure to the benefit of a third-party insurance carrier or health care provider and the Commission awards to the claimant's attorney a fee pursuant to subsection B of § 65.2-714, then the pecuniary liability of the employer for the service provided shall be limited to 100 percent of the provider's charge for the service based on the provider's charge master or schedule of fees.

C. The Commission shall adopt regulations establishing initial Virginia fee schedules for fee scheduled medical services as follows:

1. The Commission's regulations that establish the initial Virginia fee schedules shall be effective on January 1, 2018.

2. Separate initial Virginia fee schedules shall be established for fee scheduled medical services (i) provided by each category of providers of fee scheduled medical services and (ii) within each of the medical communities to reflect the

variations among the medical communities as provided in subdivision 3, for each category of providers of fee scheduled medical services.

3. The Virginia fee schedules for each medical community shall reflect variations among medical communities in (i) all reimbursements and other amounts paid to providers for fee scheduled medical services among the medical communities and (ii) the extent to which the number of providers within the various medical communities is adequate to meet the needs of injured workers.

4. In establishing the initial Virginia fee schedules for fee scheduled medical services, the Commission shall establish the maximum fee for each fee scheduled medical service at a level that approximates the reimbursement objective for each category of providers of fee scheduled medical services among the medical communities. The Commission shall retain a firm with nationwide experience and actuarial expertise in the development of workers' compensation fee schedules to assist the Commission in establishing the initial Virginia fee schedules. The Commission shall consult with the regulatory advisory panel established pursuant to subdivision F 2 prior to retaining such firm. Such firm shall be retained to assist the Commission in developing the Virginia fee schedules by recommending a methodology that will provide, at reasonable cost to the Commission, statistically valid estimates of the reimbursement objective for fee scheduled medical services within the medical communities, based on available data or, if the necessary data is not available, by recommending the optimal methodology for obtaining the necessary data. The Commission shall consult with the regulatory advisory panel prior to adopting any such methodology. Such methodology may, but is not required to, be based on applicable codes. The estimates of the reimbursement objective for fee scheduled medical services shall be derived from data on all reimbursements and other amounts paid to providers for fee scheduled medical services provided pursuant to this title during 2014 and 2015, to the extent available.

D. The Commission shall review Virginia fee schedules during the year that follows the transition date and biennially thereafter and, if necessary, adjust the Virginia fee schedules in order to address (i) inflation or deflation as reflected in the medical care component of the Consumer Price Index for All Urban Consumers (CPI-U) for the South as published by the Bureau of Labor Statistics of the U.S. Department of Labor; (ii) access to fee scheduled medical services; (iii) errors in calculations made in preparing the Virginia fee schedules; and (iv) incentives for providers. The Commission shall not adjust a Virginia fee schedule in a manner that reduces fees on an existing schedule unless such a reduction is based on deflation or a finding by the Commission that advances in technology or errors in calculations made in preparing the Virginia fee schedules justify a reduction in fees.

E. The maximum pecuniary liability of the employer for a fee scheduled medical service that is not included in a Virginia fee schedule when it is provided shall be determined by the Commission. The Commission's determination of the employer's maximum pecuniary liability for such fee scheduled medical service shall be effective until the Commission sets a maximum fee for the fee scheduled medical service and incorporates such maximum fee into an adjusted Virginia fee schedule adopted pursuant to subsection D. If the fee scheduled medical service is not included in a Virginia fee schedule because it is:

1. A new type of technology, the employer's maximum pecuniary liability shall not exceed 130 percent of the provider's invoiced cost for such device, as evidenced by a copy of the invoice. If the new type of technology has not been cleared or approved by the FDA prior to such date, then the provider shall not be entitled to payment or reimbursement therefor unless the employer or its insurer agree; or

2. A new type of procedure that has not been assigned a billing code, the employer's maximum pecuniary liability shall not exceed 80 percent of the provider's charge for the service based on the provider's charge master or schedule of fees, provided the employer and the provider mutually agree to the provision of such procedure.

F. The Commission shall:

1. Provide public access to information regarding the Virginia fee schedules for medical services, by categories of providers of fee scheduled medical services and for each medical community, through the Commission's website. No information provided on the website shall be provider-specific or disclose or release the identity of any provider; and

2. Utilize a 10-member regulatory advisory panel to assist in the development of regulations adopting initial Virginia fee schedules pursuant to subsection C, in adjusting initial Virginia fee schedules pursuant to subsection D, and on all matters involving or related to the fee schedule as deemed necessary by the Commission. One member of the regulatory advisory panel shall be selected by the Commission from each of the following: (i) the American Insurance Association; (ii) the Property and Casualty Insurers Association of America; (iii) the Virginia Self-Insurers Association, Inc.; (iv) the Medical Society of Virginia; (v) the Virginia Hospital and Healthcare Association; (vi) a Type One teaching hospital; (vii) the Virginia Orthopaedic Society; (viii) the Virginia Trial Lawyers Association; (ix) a group self-insurance association representing employers; and (x) a local government group self-insurance pool formed under Chapter 27 (§ 15.2-2700 et seq.) of Title 15.2. The Commission shall meet with the regulatory advisory panel and consider the recommendations of its members in its development of the Virginia fee schedules pursuant to subsections C and D.

G. The Commission's retaining of a firm with nationwide experience and actuarial expertise in the development of workers' compensation fee schedules to assist the Commission in developing the Virginia fee schedules pursuant to subsections C and D shall be exempt from the provisions of the Virginia Public Procurement Act (§ 2.2-4300 et seq.), provided the Commission shall issue a request for proposals that requires submission by a bidder of evidence that it satisfies the conditions for eligibility established in this subsection and in subdivision C 4. Records and information relating to payments or reimbursements to providers that is obtained by or furnished to the Commission by such firm or any other

person shall (i) be for the exclusive use of the Commission in the course of the Commission's development of fee schedules and related regulations and (ii) shall remain confidential and shall not be subject to the provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.).

H. When the total charges of a hospital or Type One teaching hospital, based on such provider's charge master, for inpatient hospital services covered by a DRG code exceed the charge outlier threshold, then the Commission shall establish the maximum fee for such scheduled inpatient hospital services at an amount equal to the total of (i) the maximum fee for the service as set forth in the applicable fee schedule and (ii) initially equal to 80 percent of the provider's total charges for the service in excess of the charge outlier threshold. The charge outlier threshold for such services initially shall equal 300 percent of the maximum fee for the service set forth in the applicable fee schedule; however, the Commission, in consultation with the firm retained pursuant to subdivision C 4, is authorized on a biennial basis to adjust such percentage if it finds that the number of such claims for which the total charges of the hospital or Type One teaching hospital exceed the charge outlier threshold is less than five percent or to increase such percentage if such number is greater than 10 percent of all such claims.

I. No provider shall use a different charge master or schedule of fees for any medical service provided under this title than the provider uses for health care services provided to patients who are not claimants under this title.

J. The employer shall not be liable in damages for malpractice by a physician or surgeon furnished by him pursuant to the provisions of § 65.2-603, but the consequences of any such malpractice shall be deemed part of the injury resulting from the accident and shall be compensated for as such.

K. The Commission shall determine the number and geographic area of communities across the Commonwealth. In establishing the communities, the Commission shall consider the ability to obtain relevant data based on geographic area and such other criteria as are consistent with the purposes of this title. The Commission shall use the communities established pursuant to this subsection in determining charges that prevail in the same community for treatment provided prior to the transition date.

L. The pecuniary liability of the employer for treatment of a medical service that is rendered on or after July 1, 2014, by:

1. A nurse practitioner or physician assistant serving as an assistant-at-surgery shall be limited to no more than 20 percent of the reimbursement due to the physician performing the surgery; and

2. An assistant surgeon in the same specialty as the primary surgeon shall be limited to no more than 50 percent of the reimbursement due to the primary physician performing the surgery.

M. Multiple procedures completed on a single surgical site associated with a medical service rendered on or after July 1, 2014, shall be coded and billed with appropriate CPT codes and modifiers and paid according to the National Correct Coding Initiative rules and the CPT codes as in effect at the time the health care was provided to the claimant.

N. The CPT code and National Correct Coding Initiative rules, as in effect at the time a medical service was provided to the claimant, shall serve as the basis for processing a health care provider's billing form or itemization for such items as global and comprehensive billing and the unbundling of medical services. Hospital in-patient medical services shall be coded and billed through the International Statistical Classification of Diseases and Related Health Problems as in effect at the time the medical service was provided to the claimant.

**§ 65.2-605.1. Prompt payment; limitation on claims.**

A. Payment for health care services that the employer does not contest, deny, or consider incomplete shall be made to the health care provider within 60 days after receipt of each separate itemization of the health care services provided.

B. If the itemization or a portion thereof is contested, denied, or considered incomplete, the employer or the employer's workers' compensation insurance carrier shall notify the health care provider within 45 days after receipt of the itemization that the itemization is contested, denied, or considered incomplete. The notification shall include the following information:

1. The reasons for contesting or denying the itemization, or the reasons the itemization is considered incomplete;

2. If the itemization is considered incomplete, all additional information required to make a decision; and

3. The remedies available to the health care provider if the health care provider disagrees.

Payment or denial shall be made within 60 days after receipt from the health care provider of the information requested by the employer or employer's workers' compensation carrier for an incomplete claim under this subsection.

C. Payment due for any properly documented health care services that are neither contested within the 45-day period nor paid within the 60-day period, as required by this section, shall be increased by interest at the judgment rate of interest as provided in § 6.2-302 retroactive to the date payment was due under this section.

D. An employer's liability to a health care provider under this section shall not affect its liability to an employee.

E. No employer or workers' compensation carrier may seek recovery of a payment made to a health care provider for health care services rendered after July 1, 2014, to a claimant, unless such recovery is sought less than one year from the date payment was made to the health care provider, except in cases of fraud. The Commission shall have jurisdiction over any disputes over recoveries.

F. No health care provider shall submit a claim to the Commission contesting the sufficiency of payment for health care services rendered to a claimant after July 1, 2014, unless (i) such claim is filed within one year of the date the last payment is received by the health care provider pursuant to this section or (ii) if the employer denied or contested payment for any portion of the health care services, then, as to that service or portion thereof, such claim is filed within one year of the date the medical award covering such date of service for a specific item or treatment in question becomes final.

G. ~~Any health care provider located outside of the Commonwealth who provides health care services under the Act to a claimant shall be reimbursed as provided in this section, and the "same community," as used in subdivision B 1 of § 65.2-605 for treatment provided prior to the transition date as defined in subsection A of § 65.2-605, shall be deemed to be the principal place of business of the employer if located in the Commonwealth or, if no such location exists, then the location where the Commission hearing regarding the dispute is conducted.~~

H. The Commission, by January 1, 2016, shall establish a schedule pursuant to which employers, employers' workers' compensation insurance carriers, and providers of workers' compensation medical services shall be required, by a date determined by the Commission that is no earlier than July 1, 2016, and no later than December 31, 2018, to adopt and implement infrastructure under which (i) providers of workers' compensation medical services (providers) shall submit their billing, claims, case management, health records, and all supporting documentation electronically to employers or employers' workers' compensation insurance carriers, as applicable (payers) and (ii) payers shall return actual payment, claim status, and remittance information electronically to providers that submit their billing and required supporting documentation electronically. The Commission shall establish standards and methods for such electronic submissions and transactions that are consistent with International Association of Industrial Accident Boards and Commission Medical Billing and Payment guidelines. The Commission shall determine the date by which payers and providers shall be required to adopt and implement the infrastructure, which determinations shall be based on the volume and complexity of workers' compensation cases in which the payer or provider is involved, the resources of the payer or provider, and such other criteria as the Commission determines to be appropriate.

## CHAPTER 262

*An Act to amend and reenact § 6.2-862 of the Code of Virginia, relating to the requirement that bank directors own stock in bank.*

[H 789]

Approved March 9, 2018

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

#### **1. That § 6.2-862 of the Code of Virginia is amended and reenacted as follows:**

##### **§ 6.2-862. Directors to own stock in bank.**

A. As used in this section, "bank holding company" means (i) a bank holding company as defined in § 6.2-800 or (ii) any corporation organized under the laws of the Commonwealth and doing business in the Commonwealth that owns all of the capital stock of one bank, except those shares issued as directors' qualifying shares, and at least 66 and two-thirds percent of the assets of the holding company, computed on a consolidated basis, consists of assets held by such bank and controlled subsidiaries of such bank.

B. Every director of a bank incorporated under the laws of the Commonwealth shall be the sole owner of, and have in his personal possession or control, shares of stock in such bank having a book value of not less than \$5,000, calculated as of the last business day of the calendar year immediately preceding the election of the director. So long as a director shall successively be reelected, there shall be no requirement to increase the shares of stock owned according to this section. Such stock shall be unpledged and unencumbered at the time such director becomes a director and during the whole of his term as such. A director shall be deemed to be the sole owner of, and have in his personal possession or control:

1. Shares held through a brokerage account or similar arrangement, provided that the director retains sole beneficial ownership and sole legal control over the shares;
2. Shares held jointly or as a tenant in common, but only to the extent of the book value of the shares divided by the number of joint or tenant in common holders;
3. Shares deposited by the director in a living trust, or inter vivos trust, as to which the director is ~~the sole~~ a trustee and retains an absolute power of revocation; or
4. Shares held through a profit-sharing plan, individual retirement account, retirement plan, or similar arrangement, provided that the director retains sole beneficial ownership and sole legal control over the shares.

C. When a bank is controlled by a bank holding company, a director may comply with the requirements of subsection B for each bank of which he is a director by ownership, in similar manner, of shares of capital stock of the bank holding company having an aggregate book value equal to the book value of shares of bank stock that he would be obligated to own under subsection B.

D. A director of a bankers' bank shall not be required to own or control any shares of stock of such bankers' bank or any shares of stock of a bank holding company that controls such bankers' bank.

E. Any director violating the provisions of this section shall, immediately, vacate his office.

F. The requirements of this section shall not apply to any person duly elected a director of a bank prior to July 1, 1995, or so long as such person shall successively be reelected a director, and as to such person the requirements of the law prior to such date shall apply.

## CHAPTER 263

*An Act to amend and reenact §§ 46.2-921.1 and 46.2-1026 of the Code of Virginia, relating to public utility vehicles; yielding right-of-way or reducing speed.*

[H 955]

Approved March 9, 2018

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

**1. That §§ 46.2-921.1 and 46.2-1026 of the Code of Virginia are amended and reenacted as follows:**

**§ 46.2-921.1. Drivers to yield right-of-way or reduce speed when approaching stationary emergency vehicles or public utility vehicles on highways; penalties.**

A. The driver of any motor vehicle, upon approaching a stationary vehicle that is displaying a flashing, blinking, or alternating blue, red, or amber light or lights as provided in § 46.2-1022, 46.2-1023, or 46.2-1024 ~~or~~, subdivision A 1 or A 2 of § 46.2-1025, or *subsection B of § 46.2-1026* shall (i) on a highway having at least four lanes, at least two of which are intended for traffic proceeding as the approaching vehicle, proceed with caution and, if reasonable, with due regard for safety and traffic conditions, yield the right-of-way by making a lane change into a lane not adjacent to the stationary vehicle or (ii) if changing lanes would be unreasonable or unsafe, proceed with due caution and maintain a safe speed for highway conditions.

B. A violation of any provision of this section shall be punishable as a traffic infraction, except that a second or subsequent violation of any provision of this section, when such violation involved a vehicle with flashing, blinking, or alternating blue or red lights, shall be punishable as a Class 1 misdemeanor.

C. If the violation resulted in damage to property of another person, the court may, in addition, order the suspension of the driver's privilege to operate a motor vehicle for not more than one year. If the violation resulted in injury to another person, the court may, in addition to any other penalty imposed, order the suspension of the driver's privilege to operate a motor vehicle for not more than two years. If the violation resulted in the death of another person, the court may, in addition to any other penalty imposed, order the suspension of the driver's privilege to operate a motor vehicle for two years.

D. The provisions of this section shall not apply in highway work zones as defined in § 46.2-878.1.

**§ 46.2-1026. Flashing high-intensity amber warning lights.**

A. High-intensity flashing, blinking, or alternating amber warning lights visible for at least 500 feet, of types approved by the Superintendent, shall be used on any vehicle engaged in either escorting or towing over-dimensional materials, equipment, boats, or manufactured housing units by authority of a highway hauling permit issued pursuant to § 46.2-1139. Such lights shall be mounted on the top of the escort and tow vehicles and on the upper rear end of the over-dimensional vehicles or loads for maximum visibility, front and rear. However, any vehicles operating under a permit issued pursuant to § 46.2-1139 shall be deemed to be in compliance with the requirements of this ~~section~~ *subsection* if accompanied by escort vehicles.

The provisions of this ~~section~~ *subsection* shall apply only to vehicles or loads ~~which that~~ are either (i) more than ~~twelve~~ 12 feet wide or (ii) more than ~~seventy-five~~ 75 feet long.

B. *Such amber warning lights may be used on any vehicle used by any public utility company for the purpose of repairing, installing, or maintaining electric or natural gas utility equipment or service.*

## CHAPTER 264

*An Act to amend and reenact §§ 59.1-444.2 and 59.1-444.3 of the Code of Virginia, relating to security freezes on credit reports; fees.*

[H 1027]

Approved March 9, 2018

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

**1. That §§ 59.1-444.2 and 59.1-444.3 of the Code of Virginia are amended and reenacted as follows:**

**§ 59.1-444.2. Security freezes.**

A. As used in this section, "security freeze" means a notice placed in a consumer's credit report, at the request of the consumer and subject to certain exceptions, that prohibits the consumer reporting agency from releasing the consumer's credit report or score relating to the extension of credit.

B. A consumer may request that a security freeze be placed on his or her credit report by sending a request in writing by certified mail, or such other secure method authorized by a consumer reporting agency, to a consumer reporting agency at an address designated by the consumer reporting agency to receive such requests. This subsection does not prevent a consumer reporting agency from advising a third party that a security freeze is in effect with respect to the consumer's credit report.

C. A consumer reporting agency shall place a security freeze on a consumer's credit report no later than three business days after receiving from the consumer:

1. A written request described in subsection B;

2. Proper identification; and
3. Payment of a fee not to exceed ~~\$10~~ \$5, if applicable.

A consumer reporting agency shall place a security freeze on a consumer's credit report no later than one business day after receiving such a request, if such request is made electronically at an address designated by the consumer reporting agency to receive such requests.

D. The consumer reporting agency shall send a written confirmation of the placement of the security freeze to the consumer within 10 business days. Upon placing the security freeze on the consumer's credit report, the consumer reporting agency shall provide the consumer with a unique personal identification number or password, or similar device to be used by the consumer when providing authorization for the release of his credit report for a specific period of time or for a specific party.

E. If the consumer wishes to allow his credit report to be accessed for a specific period of time or for a specific party while a freeze is in place, he shall contact the consumer reporting agency using a point of contact designated by the consumer reporting agency, request that the freeze be temporarily lifted, and provide the following:

1. Proper identification;
2. The unique personal identification number or password provided by the consumer reporting agency pursuant to subsection D; and
3. The proper information regarding the time period or the specific party for which the report shall be available to users of the credit report.

F. A consumer reporting agency:

1. Shall comply with a request made under subsection E:
  - a. Within three business days after receiving the request if the request is made at a postal address designated by the agency to receive such requests; or
  - b. Within 15 minutes after the consumer's request is received by the consumer reporting agency through the electronic contact method chosen by the consumer reporting agency in accordance with this section;
2. Is not required to temporarily lift a security freeze within the time provided in subdivision 1 b if:
  - a. The consumer fails to meet the requirements of subsection E; or
  - b. The consumer reporting agency's ability to temporarily lift the security freeze within 15 minutes is prevented by:
    - (1) An act of God, including fire, earthquakes, hurricanes, storms, or similar natural disaster or phenomena;
    - (2) Unauthorized or illegal acts by a third party, including terrorism, sabotage, riot, vandalism, labor strikes or disputes disrupting operations, or similar occurrence;
    - (3) Operational interruption, including electrical failure, unanticipated delay in equipment or replacement part delivery, computer hardware or software failures inhibiting response time, or similar disruption;
    - (4) Governmental action, including emergency orders or regulations, judicial or law-enforcement action, or similar directives;
    - (5) Regularly scheduled maintenance, during other than normal business hours, of, or updates to, the consumer reporting agency's systems; or
    - (6) Commercially reasonable maintenance of, or repair to, the consumer reporting agency's systems that is unexpected or unscheduled; and
3. May develop procedures involving the use of telephone, fax, the Internet, or other electronic media to receive and process a request from a consumer to temporarily lift a freeze on a credit report pursuant to subsection E in an expedited manner.

G. A consumer reporting agency shall remove or temporarily lift a freeze placed on a consumer's credit report only in the following cases:

1. Upon a consumer request, pursuant to subsection E or subsection J; or
2. If the consumer's credit report was frozen due to a material misrepresentation of fact by the consumer. If a consumer reporting agency intends to remove a freeze upon a consumer's credit report pursuant to this subdivision, the consumer reporting agency shall notify the consumer in writing prior to removing the freeze on the consumer's credit report.

H. If a third party requests access to a consumer credit report on which a security freeze is in effect, and this request is in connection with an application for credit or any other use, and the consumer does not allow his or her credit report to be accessed for that period of time, the third party may treat the application as incomplete.

I. If a consumer requests a security freeze, the consumer reporting agency shall disclose the process of placing and temporarily lifting a freeze, and the process for allowing access to information from the consumer's credit report for a period of time while the freeze is in place.

J. A security freeze shall remain in place until the consumer requests, using a point of contact designated by the consumer reporting agency, that the security freeze be removed. A consumer reporting agency shall remove a security freeze within three business days of receiving a request for removal from the consumer, who provides:

1. Proper identification; and
2. The unique personal identification number or password or similar device provided by the consumer reporting agency pursuant to subsection D.

K. A consumer reporting agency shall require proper identification of the person making a request to place or remove a security freeze.

L. The provisions of this section do not apply to the use of a consumer credit report by any of the following:

1. A person or entity, or a subsidiary, affiliate, or agent of that person or entity, or an assignee of a financial obligation owing by the consumer to that person or entity, or a prospective assignee of a financial obligation owing by the consumer to that person or entity in conjunction with the proposed purchase of the financial obligation, with which the consumer has or had prior to assignment an account or contract, including a demand deposit account, or to whom the consumer issued a negotiable instrument, for the purposes of reviewing the account or collecting the financial obligation owing for the account, contract, or negotiable instrument. For purposes of this paragraph, "reviewing the account" includes activities related to account maintenance, monitoring, credit line increases, and account upgrades and enhancements;

2. A subsidiary, affiliate, agent, assignee, or prospective assignee of a person to whom access has been granted for purposes of facilitating the extension of credit or other permissible use;

3. Any state or local agency, law-enforcement agency, trial court, or private collection agency acting pursuant to a court order, warrant, or subpoena;

4. A child support agency acting pursuant to Title IV-D of the Social Security Act (42 U.S.C. § 654 et seq.);

5. The Commonwealth or its agents or assigns acting to investigate fraud or acting to investigate or collect delinquent taxes or unpaid court orders or to fulfill any of its other statutory responsibilities provided such responsibilities are consistent with a permissible purpose under 15 U.S.C. § 1681b;

6. The use of credit information for the purposes of prescreening or postscreening as provided for by the federal Fair Credit Reporting Act;

7. Any person or entity administering a credit file monitoring subscription or similar service to which the consumer has subscribed;

8. Any person or entity for the purpose of providing a consumer with a copy of his credit report or score upon the consumer's request;

9. Any person or entity for use in setting or adjusting a rate, adjusting a claim, or underwriting for insurance purposes; or

10. Any employer in connection with any application for employment with the employer.

M. This section does not prevent a consumer reporting agency from charging a fee of no more than ~~\$10~~ \$5 to a consumer to place each freeze, except that a consumer reporting agency may not charge a fee to a victim of identity theft who has submitted a valid police report to the consumer reporting agency.

N. If a security freeze is in place, a consumer reporting agency shall not change any of the following official information in a consumer credit report without sending a written confirmation of the change to the consumer within 30 days of the change being posted to the consumer's file: name, date of birth, social security number, and address. Written confirmation is not required for technical modifications of a consumer's official information, including name and street abbreviations, complete spellings, or transposition of numbers or letters. In the case of an address change, the written confirmation shall be sent to both the new address and to the former address.

O. The following entities are not required to place a security freeze on a credit report:

1. A consumer reporting agency that acts only as a reseller of credit information by assembling and merging information contained in the database of another consumer reporting agency or multiple consumer credit reporting agencies, and does not maintain a permanent database of credit information from which new consumer credit reports are produced. However, a consumer reporting agency acting as a reseller shall honor any security freeze placed on a consumer credit report by another consumer reporting agency;

2. A check services or fraud prevention services company, which issues reports on incidents of fraud or authorizations for the purpose of approving or processing negotiable instruments, electronic funds transfers, or similar methods of payments;

3. A deposit account information service company, which issues reports regarding account closures due to fraud, substantial overdrafts, ATM abuse, or similar negative information regarding a consumer, to inquiring banks or other financial institutions for use only in reviewing a consumer request for a deposit account at the inquiring bank or financial institution; and

4. A consumer reporting agency's database or file that consists of information concerning, and used for, one or more of the following: criminal record information, fraud prevention or detection, personal loss history information, and employment, tenant, or background screening.

P. At any time a consumer is required to receive a summary of rights required under 15 U.S.C. § 1681g(d), the following notice shall be included:

"Virginia Consumers Have the Right to Obtain a Security Freeze.

You have a right to place a "security freeze" on your credit report, which will prohibit a consumer reporting agency from releasing information in your credit report without your express authorization. A security freeze must be requested in writing by certified mail. The security freeze is designed to prevent credit, loans, and services from being approved in your name without your consent. However, you should be aware that using a security freeze to take control over who gets access to the personal and financial information in your credit report may delay, interfere with, or prohibit the timely approval of any subsequent request or application you make regarding a new loan, credit, mortgage, government services or payments, rental housing, employment, investment, license, cellular phone, utilities, digital signature, Internet credit card transaction, or other services, including an extension of credit at point of sale. When you place a security freeze on your credit report, you will be provided a personal identification number or password to use if you choose to remove the freeze on your credit

report or authorize the release of your credit report for a period of time or for a specific party after the freeze is in place. To provide that authorization you must contact the consumer reporting agency and provide all of the following:

1. The personal identification number or password;
2. Proper identification to verify your identity; and
3. The proper information regarding the period of time or the specific party for which the report shall be available.

A consumer reporting agency must authorize the release of your credit report no later than three business days after receiving the above information. A consumer credit reporting agency must authorize the release of your credit report no later than 15 minutes after receiving the request.

A security freeze does not apply to a person or entity, or its affiliates, or collection agencies acting on behalf of the person or entity, with which you have an existing account, that requests information in your credit report for the purposes of reviewing or collecting the account. Reviewing the account includes activities related to account maintenance, monitoring, credit line increases, and account upgrades and enhancements.

You have a right to bring civil action against anyone, including a consumer reporting agency, who improperly obtains access to a file, knowingly or willfully misuses file data, or fails to correct inaccurate file data.

Unless you are a victim of identity theft with a police report to verify the crimes, a consumer reporting agency has the right to charge you up to ~~\$10~~ \$5 to place a freeze on your credit report."

Q. Any person who willfully fails to comply with any requirement imposed under this section or § 59.1-444.3 with respect to any consumer is liable to that consumer in an amount equal to the sum of:

1. Any actual damages sustained by the consumer as a result of the failure or damages of not less than \$100 and not more than \$1,000;
2. Such amount of punitive damages as the court may allow; and
3. In the case of any successful action to enforce any liability under this section, the costs of the action together with reasonable attorney fees as determined by the court.

R. Any person who obtains a consumer report, requests a security freeze, requests the temporary lift of a freeze, or the removal of a security freeze from a consumer reporting agency under false pretenses or in an attempt to violate federal or state law shall be liable to the consumer reporting agency for actual damages sustained by the consumer reporting agency or \$1,000, whichever is greater.

S. Any person who is negligent in failing to comply with any requirement imposed under this section with respect to any consumer is liable to that consumer in an amount equal to the sum of:

1. Any actual damages sustained by the consumer as a result of the failure; and
2. In the case of any successful action to enforce any liability under this section, the costs of the action together with reasonable attorney fees as determined by the court.

T. Upon a finding by the court that an unsuccessful pleading, motion, or other paper filed in connection with an action under this section was filed in bad faith or for purposes of harassment, the court shall award to the prevailing party attorney fees reasonable in relation to the work expended in responding to the pleading, motion, or other paper.

U. Notwithstanding any other provision of law:

1. The exclusive authority to bring an action for any violation of subdivision F 1 b shall be with the Attorney General. In any action brought under this subsection, the Attorney General may cause an action to be brought in the name of the Commonwealth to enjoin the violation and to recover damages for aggrieved consumers consistent with the limits stated in subsections Q and S for such violations.

2. In any action brought under this subsection, if the court finds a willful violation, the court may, in its discretion, also award a civil penalty of not more than \$1,000 per violation, to be deposited in the Literary Fund of the Commonwealth.

3. In any action brought under this subsection, the Attorney General may recover any costs, the reasonable expenses incurred in investigating and preparing the case, and attorney fees.

**§ 59.1-444.3. Security freezes for protected consumers.**

A. As used in this section, unless the context requires a different meaning:

"Protected consumer" means a consumer who is either:

1. Under the age of 16 years at the time a request for the placement of a security freeze is made; or
2. An incapacitated person for whom a guardian or conservator has been appointed in accordance with Chapter 20 (§ 64.2-2000 et seq.) of Title 64.2.

"Record" means a compilation of information regarding a specific identified protected consumer, which compilation is created by a consumer reporting agency solely for the purpose of complying with the requirement for a record's establishment set forth in subsection D.

"Representative" means a person who provides to a consumer reporting agency sufficient proof of authority to act on behalf of a protected consumer.

"Security freeze" means:

1. If a consumer reporting agency does not have a file pertaining to a protected consumer, a restriction that (i) is placed on the protected consumer's record in accordance with this section and (ii) prohibits the consumer reporting agency from releasing the protected consumer's record except as provided in this section; or
2. If a consumer reporting agency has a file pertaining to the protected consumer, a restriction that (i) is placed on the protected consumer's credit report in accordance with this section and (ii) prohibits the consumer reporting agency from

releasing the protected consumer's credit report or any information derived from the protected consumer's credit report except as provided in this section.

"Sufficient proof of authority" means documentation that shows a representative has authority to act on behalf of a protected consumer. "Sufficient proof of authority" includes (i) an order issued by a court of law and (ii) a lawfully executed and valid power of attorney.

"Sufficient proof of identification" means information or documentation that identifies a protected consumer or a representative of a protected consumer. "Sufficient proof of identification" includes (i) a social security number or a copy of a social security card issued by the U.S. Social Security Administration; (ii) a certified or official copy of a birth certificate issued by the entity authorized to issue the birth certificate; (iii) a copy of a driver's license, an identification card issued by the Department of Motor Vehicles, or any other government-issued identification; or (iv) a copy of a bill, including a bill for telephone, sewer, septic tank, water, electric, oil, or natural gas services, that shows a name and home address.

B. This section does not apply to the use of a protected consumer's credit report or record by:

1. A person administering a credit file monitoring subscription service to which the protected consumer has subscribed or the representative of the protected consumer has subscribed on behalf of the protected consumer;

2. A person providing the protected consumer or the protected consumer's representative with a copy of the protected consumer's credit report on request of the protected consumer or the protected consumer's representative; or

3. An entity listed in subsection O of § 59.1-444.2.

C. A consumer reporting agency shall place a security freeze for a protected consumer if:

1. The consumer reporting agency receives a request from the protected consumer's representative for the placement of the security freeze under this section; and

2. The protected consumer's representative:

a. Submits the request to the consumer reporting agency at the address or other point of contact and in the manner specified by the consumer reporting agency;

b. Provides to the consumer reporting agency sufficient proof of identification of the protected consumer and the representative;

c. Provides to the consumer reporting agency sufficient proof of authority to act on behalf of the protected consumer; and

d. Pays to the consumer reporting agency a fee as provided in subsection J.

D. If a consumer reporting agency does not have a file pertaining to a protected consumer when the consumer reporting agency receives a request under subsection C from the protected consumer's representative for the placement of a security freeze, the consumer reporting agency shall create a record for the protected consumer. A record may not be created or used to consider the protected consumer's creditworthiness, credit standing, credit capacity, character, general reputation, personal characteristics, or mode of living for the purpose of serving as a factor in establishing the consumer's eligibility for (i) credit or insurance to be used primarily for personal, family, or household purposes or (ii) employment.

E. Within 30 days after receiving a request that meets the requirements of subsection C, a consumer reporting agency shall place a security freeze for the protected consumer.

F. Unless a security freeze for a protected consumer is removed in accordance with subsection H or K, a consumer reporting agency may not release the protected consumer's credit report, any information derived from the protected consumer's credit report, or any record created for the protected consumer.

G. A security freeze for a protected consumer placed under subsection E shall remain in effect until:

1. The protected consumer or the protected consumer's representative requests the consumer reporting agency to remove the security freeze in accordance with subsection H; or

2. The security freeze is removed in accordance with subsection K.

H. If a protected consumer or a protected consumer's representative wishes to remove a security freeze for the protected consumer, the protected consumer or the protected consumer's representative shall:

1. Submit a request for the removal of the security freeze to the consumer reporting agency at the address or other point of contact and in the manner specified by the consumer reporting agency;

2. Provide to the consumer reporting agency:

a. In the case of a request by the protected consumer:

(1) Proof that the sufficient proof of authority for the protected consumer's representative to act on behalf of the protected consumer is no longer valid; and

(2) Sufficient proof of identification of the protected consumer; or

b. In the case of a request by the representative of a protected consumer:

(1) Sufficient proof of identification of the protected consumer and the representative; and

(2) Sufficient proof of authority to act on behalf of the protected consumer; and

3. Pay to the consumer reporting agency a fee as provided in subsection J.

I. Within 30 days after receiving a request that meets the requirements of subsection H, the consumer reporting agency shall remove the security freeze for the protected consumer.

J. A consumer reporting agency may not charge a fee for any service performed under this section, except for a reasonable fee, not exceeding \$10 \$5, for each placement or removal of a security freeze for a protected consumer. Notwithstanding the foregoing, a consumer reporting agency shall not charge any fee for the placement or removal of a security freeze for a protected consumer if:

1. The protected consumer's representative has obtained, and provides to the consumer reporting agency, a report of alleged identity fraud against the protected consumer under § 18.2-186.3:1 or an Identity Theft Passport issued for the protected consumer under § 18.2-186.5; or

2. A request for the placement or removal of a security freeze is for a protected consumer who is under the age of 16 years at the time of the request, and the consumer reporting agency has a credit report pertaining to the protected consumer.

K. A consumer reporting agency may remove a security freeze for a protected consumer or delete a record of a protected consumer if the security freeze was placed or the record was created based on a material misrepresentation of fact by the protected consumer or the protected consumer's representative.

L. Any person who obtains a consumer report, requests a security freeze, requests the temporary lift of a freeze, or requests the removal of a security freeze from a consumer reporting agency under false pretenses or in an attempt to violate federal or state law shall be liable to the consumer reporting agency for damages sustained by the consumer reporting agency as provided in subsection R of § 59.1-444.2.

M. Notwithstanding any other provision of law:

1. The exclusive authority to bring an action for any violation of subsection E shall be with the Attorney General. In any action brought under this subsection, the Attorney General may cause an action to be brought in the name of the Commonwealth to enjoin the violation and to recover damages for aggrieved protected consumers.

2. In any action brought under this subsection, if the court finds a willful violation, the court may, in its discretion, also award a civil penalty of not more than \$1,000 per violation, to be deposited in the Literary Fund.

3. In any action brought under this subsection, the Attorney General may recover any costs, the reasonable expenses incurred in investigating and preparing the case, and attorney fees.

## CHAPTER 265

*An Act to amend and reenact §§ 13.1-838, 13.1-839, 13.1-842, 13.1-844.2, and 13.1-845 of the Code of Virginia, relating to nonstock corporations; meetings of members.*

[H 1205]

Approved March 9, 2018

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

**1. That §§ 13.1-838, 13.1-839, 13.1-842, 13.1-844.2, and 13.1-845 of the Code of Virginia are amended and reenacted as follows:**

**§ 13.1-838. Annual meeting.**

A. A corporation shall hold a meeting of members annually at a time stated in or fixed in accordance with the bylaws.

B. ~~Annual~~ *Except as otherwise determined by the board of directors acting pursuant to subsection C of § 13.1-844.2,* meetings of members may be held at such place, in or out of the Commonwealth, as may be provided in the bylaws or, where not inconsistent with the bylaws, in the notice of the meeting.

C. The failure to hold an annual meeting at the time stated in or fixed in accordance with a corporation's bylaws does not affect the validity of any corporate action.

**§ 13.1-839. Special meeting.**

A. A corporation shall hold a special meeting of members:

1. On call of the chairman of the board of directors, the president, the board of directors, or the person or persons authorized to do so by the articles of incorporation or bylaws; or

2. In the absence of a provision in the articles of incorporation or bylaws stating who may call a special meeting of members, a special meeting of members may be called by members having one-twentieth of the votes entitled to be cast at such meeting.

B. Unless otherwise provided in the articles of incorporation, a written demand for a special meeting may be revoked by a writing, including an electronic transmission, to that effect received by the corporation prior to the receipt by the corporation of demands sufficient in number to require the holding of a special meeting.

C. If not otherwise fixed under § 13.1-840 or 13.1-844, the record date for determining members entitled to demand a special meeting is the date the first member signs the demand.

D. ~~Special~~ *Except as otherwise determined by the board of directors acting pursuant to subsection C of § 13.1-844.2,* members' meetings may be held at such place in or out of the Commonwealth as may be provided in the bylaws or, where not inconsistent with the bylaws, in the notice of the meeting.

E. Only business within the purpose or purposes described in the meeting notice required by subsection C of § 13.1-842 may be conducted at a special members' meeting.

**§ 13.1-842. Notice of meeting.**

A. 1. A corporation shall notify members of the date, time, and place, *if any,* of each annual and special members' meeting. Such notice shall be given no less than 10 nor more than 60 days before the meeting date except that notice of a members' meeting to act on an amendment of the articles of incorporation, a plan of merger, domestication, a proposed sale of assets pursuant to § 13.1-900, or the dissolution of the corporation shall be given not less than 25 nor more than 60 days

before the meeting date. Unless this chapter or the articles of incorporation require otherwise, the corporation is required to give notice only to members entitled to vote at the meeting.

2. In lieu of delivering notice as specified in subdivision A 1, the corporation may publish such notice at least once a week for two successive calendar weeks in a newspaper published in the city or county in which the registered office is located, or having a general circulation therein, the first publication to be not more than 60 days, and the second not less than seven days before the date of the meeting.

B. Unless this chapter or the articles of incorporation require otherwise, notice of an annual meeting need not state the purpose or purposes for which the meeting is called.

C. Notice of a special meeting shall state the purpose or purposes for which the meeting is called.

D. If not otherwise fixed under § 13.1-840 or 13.1-844, the record date for determining members entitled to notice of and to vote at an annual or special meeting is the day before the effective date of the notice to members.

E. Unless the bylaws require otherwise, if an annual or special meeting is adjourned to a different date, time, or place, notice need not be given if the new date, time, or place, *if any*, is announced at the meeting before adjournment. If a new record date for the adjourned meeting is or shall be fixed under § 13.1-844, however, not less than 10 days before the meeting date notice of the adjourned meeting shall be given under this section to persons who are members as of the new record date.

**§ 13.1-844.2. Remote participation in annual and special meetings.**

A. Members may participate in any meeting of members by means of remote communication to the extent the board of directors authorizes such participation for members. Participation by means of remote communication shall be subject to such guidelines and procedures the board of directors adopts, and shall be in conformity with subsection B.

B. Members participating in a members' meeting by means of remote communication shall be deemed present and may vote at such a meeting if the corporation has implemented reasonable measures to:

1. Verify that each person participating remotely is a member *or a member's proxy*; and

2. Provide such members a reasonable opportunity to participate in the meeting and to vote on matters submitted to the members, including an opportunity to communicate, and to read or hear the proceedings of the meeting, substantially concurrently with such proceedings.

*C. Unless the articles of incorporation or bylaws require the meeting of members to be held at a place, the board of directors may determine that any meeting of members shall not be held at any place and shall instead be held solely by means of remote communication in conformity with subsection B.*

**§ 13.1-845. Members' list for meeting.**

A. After fixing a record date for a meeting, a corporation shall prepare an alphabetical list of the names of all its members who are entitled to notice of a members' meeting. If the board of directors fixes a different record date to determine the members entitled to vote at the meeting, a corporation shall also prepare an alphabetical list of the names of all its members who are entitled to vote at the meeting. A list shall be arranged by voting group, and show the address of each member.

B. The members' list for notice shall be available for inspection by any member, beginning two business days after notice of the meeting is given for which the list was prepared and continuing through the meeting, at the corporation's principal office or at a place identified in the meeting notice in the county or city where the meeting will be held. A members' list for voting shall be similarly available for inspection promptly after the record date for voting. A member, or the member's agent or attorney, is entitled on written demand to inspect and, subject to the requirements set forth in subsection C of § 13.1-933, to copy a list, during the regular business hours and at the member's expense, during the period it is available for inspection.

~~C. The~~ *If the meeting is to be held at a place, the corporation shall make the list of members entitled to vote available at the meeting, and any member, or the member's agent or attorney, is entitled to inspect the list at any time during the meeting or any adjournment.*

D. If the corporation refuses to allow a member, the member's agent, or the member's attorney to inspect a members' list before or at the meeting *as provided in subsections B and C*, or to copy a list as permitted by subsection B, the circuit court of the county or city where the corporation's principal office, or if none in the Commonwealth its registered office, is located, on application of the member, may summarily order the inspection or copying at the corporation's expense and may postpone the meeting for which the list was prepared until the inspection or copying is complete.

E. Refusal or failure to prepare or make available a members' list does not affect the validity of action taken at the meeting.

**CHAPTER 266**

*An Act to amend and reenact § 6.2-834 of the Code of Virginia, relating to banks; operation of branch offices under different name.*

[H 1208]

Approved March 9, 2018

**Be it enacted by the General Assembly of Virginia:****1. That § 6.2-834 of the Code of Virginia is amended and reenacted as follows:****§ 6.2-834. Operation of branch office under different name; civil penalty.**

A. No branch office shall be operated or advertised under any other name than that of the identical name of the bank, unless (i) permission is first obtained from the Commission and (ii) the different name shall contain or have added thereto language clearly indicating that it is a branch office ~~and of which the bank it is an office or a division of the bank.~~

B. The Commission may impose a civil penalty not exceeding \$2,000 upon any bank that it determines, in proceedings commenced in accordance with the Commission's Rules, has violated the provisions of this section.

**CHAPTER 267**

*An Act to amend and reenact § 13.1-657 of the Code of Virginia, relating to stock corporations; action by shareholders without meeting.*

[H 1559]

Approved March 9, 2018

**Be it enacted by the General Assembly of Virginia:****1. That § 13.1-657 of the Code of Virginia is amended and reenacted as follows:****§ 13.1-657. Action without meeting.**

A. Action required or permitted by this chapter to be adopted or taken at a shareholders' meeting may be adopted or taken without a meeting if the action is adopted or taken by all the shareholders entitled to vote on the action, in which case no action by the board of directors shall be required. The adoption or taking of the action shall be evidenced by one or more written consents describing the action taken, signed by all the shareholders entitled to vote on the action, bearing the date of each signature, and delivered to the corporation for inclusion in the minutes or filing with the corporate records.

B. The articles of incorporation may authorize action by shareholders by less than unanimous written consent provided that the taking of such action is consistent with any requirements that may be set forth in the corporation's articles of incorporation, the bylaws, or this section. ~~For such action;~~ *however, unless the articles of incorporation of a public corporation authorized action by shareholders by less than unanimous written consent as of April 1, 2018, the shareholders of the public corporation shall not be entitled to act by less than unanimous written consent even if so authorized by the articles of incorporation if the articles of incorporation or bylaws of such public corporation allow the holders of 30 percent or fewer of all votes entitled to be cast to demand the calling of a special meeting of shareholders. For action by shareholders by less than unanimous written consent to be valid:*

1. It shall be an action that this chapter requires or permits to be adopted or taken at a shareholders' meeting;

2. The corporation's articles of incorporation shall authorize action by shareholders by less than unanimous written consent and, if a public corporation at the time of such authorization *and in addition to the other limitations in this subsection B*, the inclusion of the authorization in the articles of incorporation shall be approved by each voting group entitled to vote by the greater of:

a. The vote of that voting group required by the corporation's articles of incorporation to amend the articles of incorporation; and

b. More than two-thirds of all votes that the voting group is entitled to cast on the amendment;

3. Before the holders of more than 10 percent of the outstanding shares of any voting group entitled to vote on the action to be adopted or taken have executed the written consent, the corporation's secretary shall have received a copy of the form of written consent setting forth the action to be adopted or taken; and

4. The holders of not less than the minimum number of outstanding shares of each voting group entitled to vote on the action that would be required to adopt or take the action at a shareholders' meeting at which all shares of each voting group entitled to vote on the action were present and voted shall have signed written consents setting forth the action to be adopted or taken.

The written consent shall bear the date on which each shareholder signed the consent and be delivered to the corporation for inclusion in the minutes or filing with the corporate records.

C. If not otherwise fixed under § 13.1-656 or 13.1-660 and if prior board action is not required respecting the action to be adopted or taken without a meeting, the record date for determining the shareholders entitled to adopt or take action without a meeting shall be the first date on which a signed written consent is delivered to the corporation. If not otherwise fixed under § 13.1-656 or 13.1-660 and if prior board action is required respecting the action to be adopted or taken without a meeting, the record date shall be the close of business on the day the resolution of the board taking such prior action is adopted. No written consent shall be effective to adopt or take the action referred to therein unless, within 60 days of the earliest date on which a consent delivered to the corporation as required by this section was signed, written consents signed by the holders of shares having sufficient votes to adopt or take the action have been delivered to the corporation. A written consent may be revoked by a writing to that effect delivered to the corporation before unrevoked written consents sufficient in number to adopt or take the action are delivered to the corporation.

D. A consent signed pursuant to the provisions of this section has the effect of a vote at a meeting and may be described as such in any document. Unless the articles of incorporation, bylaws or a resolution of the board of directors provides for a

reasonable delay to permit tabulation of written consents, the action adopted or taken by written consent shall be effective when (i) written consents signed by the holders of shares having sufficient votes to adopt or take the action are delivered to the corporation or (ii) if an effective date is specified therein, as of such date provided such consent states the date of execution by the consenting shareholder.

E. Any person, whether or not then a shareholder, may provide that a consent in writing as a shareholder shall be effective at a future time, including the time when an event occurs, but such future time shall not be more than 60 days after such provision is made. Any such consent shall be deemed to have been made for purposes of this section at the future time so specified for the consent to be effective, provided that (i) the person is a shareholder at such future time and (ii) the person did not revoke the consent prior to such future time. Any such consent may be revoked, in the manner provided in subsection C, prior to its becoming effective.

F. If this chapter requires that notice of a proposed action be given to nonvoting shareholders and the action is to be adopted or taken by written consent of the voting shareholders, the corporation shall give its nonvoting shareholders written notice of the action not more than 10 days after (i) written consents sufficient to adopt or take the action have been delivered to the corporation, or (ii) such later date that tabulation of consents is completed pursuant to an authorization under subsection D. The notice shall reasonably describe the action adopted or taken and contain or be accompanied by the same material that under any provision of this chapter would have been required to be sent to nonvoting shareholders in a notice of a meeting at which the proposed action would have been submitted to the shareholders for action.

G. If action is adopted or taken by less than unanimous written consent of the voting shareholders, the corporation shall give its nonconsenting voting shareholders written notice of the action not more than 10 days after (i) written consents sufficient to adopt or take the action have been delivered to the corporation or (ii) such later date that tabulation of consents is completed pursuant to an authorization under subsection D. The notice shall reasonably describe the action adopted or taken and contain or be accompanied by the same material that under any provision of this chapter would have been required to be sent to voting shareholders in a notice of a meeting at which the action would have been submitted to the shareholders for action.

## CHAPTER 268

*An Act to amend and reenact § 57-49 of the Code of Virginia, relating to charitable solicitations; registration statement.*

[H 48]

Approved March 9, 2018

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

**1. That § 57-49 of the Code of Virginia is amended and reenacted as follows:**

**§ 57-49. Registration of charitable organizations; prohibition against support of terrorists.**

A. Every charitable organization, except as otherwise provided in this chapter, which intends to solicit contributions within the Commonwealth, or have funds solicited on its behalf, shall, prior to any solicitation, file an initial registration statement with the Commissioner upon forms acceptable to him. Each registration statement shall thereafter be refiled on or before the fifteenth day of the fifth calendar month of the next and each following fiscal year in which such charitable organization is engaged in solicitation activities within the Commonwealth. It shall be the duty of the president, chairman or principal officer of such charitable organization to file the statements required under this chapter. A charitable organization's registration statement may alternatively be filed online on a website approved by the Commissioner. Such statement shall contain the following information:

1. The name of the organization and the purpose for which it was organized.
2. The principal address of the organization, the address of any offices in the Commonwealth and its designated agent for process within the Commonwealth. If no such agent is designated, the organization shall be deemed to have designated the Secretary of the Commonwealth. If the organization does not maintain an office, the name and address of the person having custody of its financial records.
3. The names and addresses of any chapters, branches or affiliates in the Commonwealth.
4. The place where and the date when the organization was legally established, the form of its organization, and a reference to any determination of its tax-exempt status under the Internal Revenue Code.
5. The names and addresses of the officers, directors, trustees and the principal salaried executive staff officer.
6. A copy of a balance sheet and income and expense statement, with the opinion of any independent public accountant, for the organization's immediately preceding fiscal year; a copy of a financial statement certified by an independent public accountant covering, in a consolidated report, complete information as to all the preceding year's fund-raising activities of the charitable organization, showing kind and amount of funds raised, fund-raising expenses and allocation of disbursement of funds raised; or a copy of Internal Revenue Service Form 990. The report required by this subdivision shall comply with the accounting standards prescribed pursuant to § 57-53. Any organization whose annual gross revenue qualifies such organization to file Form 990-N (also referred to as the e-Postcard) with the Internal Revenue Service may submit a balance sheet and income and expense statement verified under oath or affirmation by the treasurer of the organization.

7. A statement indicating the amount of funds expended during the preceding fiscal year to pay for the administrative expenses of the charitable organization and a computation of such expenses as a percentage of the total expenses of the charitable organization.

8. A statement indicating the ~~percentage of contributions received~~ amount of funds expended during the preceding fiscal year that was dedicated to ~~the charitable purpose of the charitable organization~~ providing charitable services and a computation of such expenses as a percentage of the total expenses of the charitable organization.

~~9.~~ 9. A statement showing the computation of the percentages provided for in § 57-58.

~~10.~~ 10. A statement indicating whether the organization intends to solicit contributions from the public directly or have such done on its behalf by others.

~~11.~~ 11. A statement indicating whether the organization is authorized by any other governmental authority to solicit contributions and whether it, or any officer, professional fund-raiser or professional solicitor thereof, is or has ever been enjoined by any court or otherwise prohibited from soliciting contributions in any jurisdiction.

~~12.~~ 12. The general purpose or purposes for which the contributions to be solicited shall be used.

~~13.~~ 13. The name or names under which it intends to solicit contributions.

~~14.~~ 14. The names of the individuals or officers of the organization who will have final responsibility for the custody of the contributions.

~~15.~~ 15. The names of the individuals or officers of the organization responsible for the final distribution of the contributions.

~~16.~~ 16. A statement indicating whether the organization, or any officer, professional fund-raiser or professional solicitor thereof, has ever been convicted of a felony and, if so, a description of the pertinent facts.

~~17.~~ 17. A copy of the current articles of incorporation, bylaws, or other governing documents. If current copies are already on file with the Commissioner, only amendments, if any, shall be filed in years after the initial registration.

~~18.~~ 18. A description of the types of solicitation to be undertaken.

A1. Every registration statement shall include the following language:

"No funds have been or will knowingly be used, directly or indirectly, to benefit or provide support, in cash or in kind, to terrorists, terrorist organizations, terrorist activities, or the family members of any terrorist."

A2. No person shall be registered by the Commonwealth or by any locality to solicit funds that are intended to benefit or support terrorists, terrorist organizations or terrorist activities. No person shall be registered by the Commonwealth or by any locality to solicit funds that are intended to benefit or support a family member of any terrorist, unless a court of competent jurisdiction within the Commonwealth, upon petition of an interested person, finds by clear and convincing evidence that, for a period of at least three years next preceding any act of terrorism committed by such terrorist or terrorist organization, the family members to whom the benefit of the contributions shall inure have been living separate and apart from the terrorist or terrorist organization, and the family members have not provided any financial support, in cash or in kind, to the terrorist or terrorist organization for the same period of time.

B. Each chapter, branch or affiliate, except an independent member agency of a federated fund-raising organization, shall separately report the information required by this section or report the information to its parent organization which shall then furnish such information as to itself and all of its state affiliates, chapters and branches in a consolidated form. All affiliated organizations included in a consolidated registration statement shall be considered as one charitable organization for all purposes of this chapter. If a consolidated registration statement is filed, all statements thereafter filed shall be upon the same basis unless permission to change is granted by the Commissioner.

C. Each federated fund-raising organization shall report the information required by this section in a consolidated form. Any federated fund-raising organization may elect to exclude from its consolidated report information relating to the separate fund-raising activities of all of its independent member agencies. No member agency of a federated fund-raising organization shall be required to report separately any information contained in such a consolidated report. Any separate solicitations campaign conducted by, or on behalf of, any such member agency shall nevertheless be subject to all other provisions of this chapter.

D. The registration forms shall be signed by the chief fiscal officer and by another authorized officer of the charitable organization. If the registration forms are filed online using a website approved by the Commissioner, the charitable organization shall follow the procedures on that website for signing the forms.

E. Every charitable organization which submits an independent registration to the Commissioner shall pay an annual registration fee of (i) \$30 if its gross contributions for the preceding year do not exceed \$25,000; (ii) \$50 if its gross contributions exceed \$25,000 but do not exceed \$50,000; (iii) \$100 if its gross contributions exceed \$50,000 but do not exceed \$100,000; (iv) \$200 if its gross contributions exceed \$100,000 but do not exceed \$500,000; (v) \$250 if its gross contributions exceed \$500,000 but do not exceed \$1 million; and (vi) \$325 if its gross contributions exceed \$1 million. A parent organization filing on behalf of one or more chapters, branches or affiliates or a federated fund-raising organization filing on behalf of its member agencies shall pay a single annual registration fee for itself and such chapters, branches, affiliates or member agencies included in the registration statement. Organizations with no prior financial history filing an initial registration shall be required to pay an initial fee of \$100. Organizations with prior financial history filing an initial registration shall be required to pay an initial fee of \$100 in addition to the annual registration fee. Any organization which allows its registration to lapse, without requesting an extension of time to file, shall be required to resubmit an initial registration. An extension may be granted upon receipt of a written request.

## CHAPTER 269

*An Act to amend and reenact § 2.2-4304 of the Code of Virginia, relating to the Virginia Public Procurement Act; cooperative procurement; stream restoration and stormwater management.*

[H 574]

Approved March 9, 2018

**Be it enacted by the General Assembly of Virginia:****1. That § 2.2-4304 of the Code of Virginia is amended and reenacted as follows:****§ 2.2-4304. Joint and cooperative procurement.**

A. Any public body may participate in, sponsor, conduct, or administer a joint procurement agreement on behalf of or in conjunction with one or more other public bodies, or public agencies or institutions or localities of the several states, of the United States or its territories, the District of Columbia, the U.S. General Services Administration, or the Metropolitan Washington Council of Governments, for the purpose of combining requirements to increase efficiency or reduce administrative expenses in any acquisition of goods, services, or construction.

B. In addition, a public body may purchase from another public body's contract or from the contract of the Metropolitan Washington Council of Governments or the Virginia Sheriffs' Association even if it did not participate in the request for proposal or invitation to bid, if the request for proposal or invitation to bid specified that the procurement was a cooperative procurement being conducted on behalf of other public bodies, except for:

1. Contracts for architectural or engineering services; or
2. Construction, ~~except for the installation of artificial turf and track surfaces, including all associated and necessary construction, which shall not be subject to the limitations prescribed in this subdivision. Nothing in this~~ *This* subdivision shall *not* be construed to prohibit sole source or emergency procurements awarded pursuant to subsections E and F of § 2.2-4303.

*Subdivision 2 shall not apply to (i) the installation of artificial turf and track surfaces, (ii) stream restoration, or (iii) stormwater management practices, including all associated and necessary construction and maintenance.*

In instances where any authority, department, agency, or institution of the Commonwealth desires to purchase information technology and telecommunications goods and services from another public body's contract and the procurement was conducted on behalf of other public bodies, such purchase shall be permitted if approved by the Chief Information Officer of the Commonwealth. Any public body that enters into a cooperative procurement agreement with a county, city, or town whose governing body has adopted alternative policies and procedures pursuant to subdivisions A 9 and A 10 of § 2.2-4343 shall comply with the alternative policies and procedures adopted by the governing body of such county, city, or town.

C. Subject to the provisions of §§ 2.2-1110, 2.2-1111, 2.2-1120 and 2.2-2012, any authority, department, agency, or institution of the Commonwealth may participate in, sponsor, conduct, or administer a joint procurement arrangement in conjunction with public bodies, private health or educational institutions or with public agencies or institutions of the several states, territories of the United States, or the District of Columbia, for the purpose of combining requirements to effect cost savings or reduce administrative expense in any acquisition of goods and services, other than professional services, and construction.

A public body may purchase from any authority, department, agency or institution of the Commonwealth's contract even if it did not participate in the request for proposal or invitation to bid, if the request for proposal or invitation to bid specified that the procurement was a cooperative procurement being conducted on behalf of other public bodies. In such instances, deviation from the procurement procedures set forth in this chapter and the administrative policies and procedures established to implement this chapter shall be permitted, if approved by the Director of the Division of Purchases and Supply.

Pursuant to § 2.2-2012, such approval is not required if the procurement arrangement is for telecommunications and information technology goods and services of every description. In instances where the procurement arrangement is for telecommunications and information technology goods and services, such arrangement shall be permitted if approved by the Chief Information Officer of the Commonwealth. However, such acquisitions shall be procured competitively.

Nothing herein shall prohibit the payment by direct or indirect means of any administrative fee that will allow for participation in any such arrangement.

D. As authorized by the United States Congress and consistent with applicable federal regulations, and provided the terms of the contract permit such purchases:

1. Any authority, department, agency, or institution of the Commonwealth may purchase goods and nonprofessional services, other than telecommunications and information technology, from a U.S. General Services Administration contract or a contract awarded by any other agency of the U.S. government, upon approval of the director of the Division of Purchases and Supply of the Department of General Services;
2. Any authority, department, agency, or institution of the Commonwealth may purchase telecommunications and information technology goods and nonprofessional services from a U.S. General Services Administration contract or a contract awarded by any other agency of the U.S. government, upon approval of the Chief Information Officer of the Commonwealth; and

3. Any county, city, town, or school board may purchase goods and nonprofessional services from a U.S. General Services Administration contract or a contract awarded by any other agency of the U.S. government.

### CHAPTER 270

*An Act to amend and reenact § 2.2-1151.1 of the Code of Virginia, relating to issuance of land use permits by the Department of Transportation.*

[H 698]

Approved March 9, 2018

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

**1. That § 2.2-1151.1 of the Code of Virginia is amended and reenacted as follows:**

**§ 2.2-1151.1. Conveyances of right-of-way usage to certain nonpublic service companies by the Department of Transportation.**

A. As used in this section:

"Department" means the Virginia Department of Transportation.

"Developer" means a person who undertakes to develop real estate.

B. No land use permit shall be issued by the Department to any company other than a public service company as defined in § 56-76, a company owning or operating an interstate natural gas pipeline, or a franchised cable television systems operator owning or operating a utility line as defined in § 56-265.15, unless such company has (i) registered as an operator with the appropriate notification center as defined by § 56-265.15 and (ii) notified the commercial and residential developer, owner of commercial, multifamily or residential real estate, or local government entities with a property interest in any parcel of land located adjacent to the property over which the land use is being requested, that application for the permit has been made. Any permit application approved by the Department shall include an affidavit indicating compliance with the registration and notification requirements provided by this subsection.

C. The provisions of subsection B shall not apply to a land use permit issued by the Department to (i) a person providing utility service solely for ~~their~~ *his* own agricultural or residential use, provided *that* the utilities are located on property owned by the person ~~and the utilities are~~, or (ii) *the owner of a private residence or business for water or sewer service to cross the Department's right-of-way when no viable alternative exists to provide potable water or to transfer sewer effluent to a qualified drain field. In the case of any application for a land use permit under this subsection, the utilities shall be marked in accord with requirements established by the Department.*

D. No performance surety held by the Department in association with a land use permit issued to a company pursuant to subsection B to perform work within the Department's right-of-way shall be released until such time as all claims against the company associated with the work have been resolved, provided a claimant has notified the Department of a claim against such company within 30 days after completion of the work. A claimant shall have no more than one year after the notification is received by the Department to complete any action against the company associated with the work for which the claim has been made. After the expiration of the one-year period, the Department may release the performance surety.

E. Nothing in this section shall be construed or interpreted to create a cause of action or administrative claim against the Department.

### CHAPTER 271

*An Act to amend and reenact § 32.1-127 of the Code of Virginia, relating to air medical transportation; informed decision.*

[H 778]

Approved March 9, 2018

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

**1. That § 32.1-127 of the Code of Virginia is amended and reenacted as follows:**

**§ 32.1-127. Regulations.**

A. The regulations promulgated by the Board to carry out the provisions of this article shall be in substantial conformity to the standards of health, hygiene, sanitation, construction and safety as established and recognized by medical and health care professionals and by specialists in matters of public health and safety, including health and safety standards established under provisions of Title XVIII and Title XIX of the Social Security Act, and to the provisions of Article 2 (§ 32.1-138 et seq.).

B. Such regulations:

1. Shall include minimum standards for (i) the construction and maintenance of hospitals, nursing homes and certified nursing facilities to ensure the environmental protection and the life safety of its patients, employees, and the public; (ii) the operation, staffing and equipping of hospitals, nursing homes and certified nursing facilities; (iii) qualifications and training of staff of hospitals, nursing homes and certified nursing facilities, except those professionals licensed or certified by the Department of Health Professions; (iv) conditions under which a hospital or nursing home may provide medical and nursing services to patients in their places of residence; and (v) policies related to infection prevention, disaster preparedness, and

facility security of hospitals, nursing homes, and certified nursing facilities. For purposes of this paragraph, facilities in which five or more first trimester abortions per month are performed shall be classified as a category of "hospital";

2. Shall provide that at least one physician who is licensed to practice medicine in this Commonwealth shall be on call at all times, though not necessarily physically present on the premises, at each hospital which operates or holds itself out as operating an emergency service;

3. May classify hospitals and nursing homes by type of specialty or service and may provide for licensing hospitals and nursing homes by bed capacity and by type of specialty or service;

4. Shall also require that each hospital establish a protocol for organ donation, in compliance with federal law and the regulations of the Centers for Medicare and Medicaid Services (CMS), particularly 42 C.F.R. § 482.45. Each hospital shall have an agreement with an organ procurement organization designated in CMS regulations for routine contact, whereby the provider's designated organ procurement organization certified by CMS (i) is notified in a timely manner of all deaths or imminent deaths of patients in the hospital and (ii) is authorized to determine the suitability of the decedent or patient for organ donation and, in the absence of a similar arrangement with any eye bank or tissue bank in Virginia certified by the Eye Bank Association of America or the American Association of Tissue Banks, the suitability for tissue and eye donation. The hospital shall also have an agreement with at least one tissue bank and at least one eye bank to cooperate in the retrieval, processing, preservation, storage, and distribution of tissues and eyes to ensure that all usable tissues and eyes are obtained from potential donors and to avoid interference with organ procurement. The protocol shall ensure that the hospital collaborates with the designated organ procurement organization to inform the family of each potential donor of the option to donate organs, tissues, or eyes or to decline to donate. The individual making contact with the family shall have completed a course in the methodology for approaching potential donor families and requesting organ or tissue donation that (a) is offered or approved by the organ procurement organization and designed in conjunction with the tissue and eye bank community and (b) encourages discretion and sensitivity according to the specific circumstances, views, and beliefs of the relevant family. In addition, the hospital shall work cooperatively with the designated organ procurement organization in educating the staff responsible for contacting the organ procurement organization's personnel on donation issues, the proper review of death records to improve identification of potential donors, and the proper procedures for maintaining potential donors while necessary testing and placement of potential donated organs, tissues, and eyes takes place. This process shall be followed, without exception, unless the family of the relevant decedent or patient has expressed opposition to organ donation, the chief administrative officer of the hospital or his designee knows of such opposition, and no donor card or other relevant document, such as an advance directive, can be found;

5. Shall require that each hospital that provides obstetrical services establish a protocol for admission or transfer of any pregnant woman who presents herself while in labor;

6. Shall also require that each licensed hospital develop and implement a protocol requiring written discharge plans for identified, substance-abusing, postpartum women and their infants. The protocol shall require that the discharge plan be discussed with the patient and that appropriate referrals for the mother and the infant be made and documented. Appropriate referrals may include, but need not be limited to, treatment services, comprehensive early intervention services for infants and toddlers with disabilities and their families pursuant to Part H of the Individuals with Disabilities Education Act, 20 U.S.C. § 1471 et seq., and family-oriented prevention services. The discharge planning process shall involve, to the extent possible, the father of the infant and any members of the patient's extended family who may participate in the follow-up care for the mother and the infant. Immediately upon identification, pursuant to § 54.1-2403.1, of any substance-abusing, postpartum woman, the hospital shall notify, subject to federal law restrictions, the community services board of the jurisdiction in which the woman resides to appoint a discharge plan manager. The community services board shall implement and manage the discharge plan;

7. Shall require that each nursing home and certified nursing facility fully disclose to the applicant for admission the home's or facility's admissions policies, including any preferences given;

8. Shall require that each licensed hospital establish a protocol relating to the rights and responsibilities of patients which shall include a process reasonably designed to inform patients of such rights and responsibilities. Such rights and responsibilities of patients, a copy of which shall be given to patients on admission, shall be consistent with applicable federal law and regulations of the Centers for Medicare and Medicaid Services;

9. Shall establish standards and maintain a process for designation of levels or categories of care in neonatal services according to an applicable national or state-developed evaluation system. Such standards may be differentiated for various levels or categories of care and may include, but need not be limited to, requirements for staffing credentials, staff/patient ratios, equipment, and medical protocols;

10. Shall require that each nursing home and certified nursing facility train all employees who are mandated to report adult abuse, neglect, or exploitation pursuant to § 63.2-1606 on such reporting procedures and the consequences for failing to make a required report;

11. Shall permit hospital personnel, as designated in medical staff bylaws, rules and regulations, or hospital policies and procedures, to accept emergency telephone and other verbal orders for medication or treatment for hospital patients from physicians, and other persons lawfully authorized by state statute to give patient orders, subject to a requirement that such verbal order be signed, within a reasonable period of time not to exceed 72 hours as specified in the hospital's medical staff bylaws, rules and regulations or hospital policies and procedures, by the person giving the order, or, when such person

is not available within the period of time specified, co-signed by another physician or other person authorized to give the order;

12. Shall require, unless the vaccination is medically contraindicated or the resident declines the offer of the vaccination, that each certified nursing facility and nursing home provide or arrange for the administration to its residents of (i) an annual vaccination against influenza and (ii) a pneumococcal vaccination, in accordance with the most recent recommendations of the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention;

13. Shall require that each nursing home and certified nursing facility register with the Department of State Police to receive notice of the registration or reregistration of any sex offender within the same or a contiguous zip code area in which the home or facility is located, pursuant to § 9.1-914;

14. Shall require that each nursing home and certified nursing facility ascertain, prior to admission, whether a potential patient is a registered sex offender, if the home or facility anticipates the potential patient will have a length of stay greater than three days or in fact stays longer than three days;

15. Shall require that each licensed hospital include in its visitation policy a provision allowing each adult patient to receive visits from any individual from whom the patient desires to receive visits, subject to other restrictions contained in the visitation policy including, but not limited to, those related to the patient's medical condition and the number of visitors permitted in the patient's room simultaneously;

16. Shall require that each nursing home and certified nursing facility shall, upon the request of the facility's family council, send notices and information about the family council mutually developed by the family council and the administration of the nursing home or certified nursing facility, and provided to the facility for such purpose, to the listed responsible party or a contact person of the resident's choice up to six times per year. Such notices may be included together with a monthly billing statement or other regular communication. Notices and information shall also be posted in a designated location within the nursing home or certified nursing facility. No family member of a resident or other resident representative shall be restricted from participating in meetings in the facility with the families or resident representatives of other residents in the facility;

17. Shall require that each nursing home and certified nursing facility maintain liability insurance coverage in a minimum amount of \$1 million, and professional liability coverage in an amount at least equal to the recovery limit set forth in § 8.01-581.15, to compensate patients or individuals for injuries and losses resulting from the negligent or criminal acts of the facility. Failure to maintain such minimum insurance shall result in revocation of the facility's license;

18. Shall require each hospital that provides obstetrical services to establish policies to follow when a stillbirth, as defined in § 32.1-69.1, occurs that meet the guidelines pertaining to counseling patients and their families and other aspects of managing stillbirths as may be specified by the Board in its regulations;

19. Shall require each nursing home to provide a full refund of any unexpended patient funds on deposit with the facility following the discharge or death of a patient, other than entrance-related fees paid to a continuing care provider as defined in § 38.2-4900, within 30 days of a written request for such funds by the discharged patient or, in the case of the death of a patient, the person administering the person's estate in accordance with the Virginia Small Estates Act (§ 64.2-600 et seq.); ~~and~~

20. Shall require that each hospital that provides inpatient psychiatric services establish a protocol that (i) requires, for any refusal to admit a medically stable patient referred to its psychiatric unit, direct verbal communication between the on-call physician in the psychiatric unit and the referring physician, if requested by such referring physician, and (ii) prohibits on-call physicians or other hospital staff from refusing a request for such direct verbal communication by a referring physician; *and*

21. *Shall require that each hospital establish a protocol requiring that, before a health care provider arranges for air medical transportation services for a patient who does not have an emergency medical condition as defined in 42 U.S.C. § 1395dd(e)(1), the hospital shall provide the patient or his authorized representative with written or electronic notice that the patient (i) may have a choice of transportation by an air medical transportation provider or medically appropriate ground transportation by an emergency medical services provider and (ii) will be responsible for charges incurred for such transportation in the event that the provider is not a contracted network provider of the patient's health insurance carrier or such charges are not otherwise covered in full or in part by the patient's health insurance plan.*

C. Upon obtaining the appropriate license, if applicable, licensed hospitals, nursing homes, and certified nursing facilities may operate adult day care centers.

D. All facilities licensed by the Board pursuant to this article which provide treatment or care for hemophiliacs and, in the course of such treatment, stock clotting factors, shall maintain records of all lot numbers or other unique identifiers for such clotting factors in order that, in the event the lot is found to be contaminated with an infectious agent, those hemophiliacs who have received units of this contaminated clotting factor may be apprised of this contamination. Facilities which have identified a lot which is known to be contaminated shall notify the recipient's attending physician and request that he notify the recipient of the contamination. If the physician is unavailable, the facility shall notify by mail, return receipt requested, each recipient who received treatment from a known contaminated lot at the individual's last known address.

**2. That the provisions of the first enactment of this act shall become effective on March 1, 2019.**

**3. That the Office of Emergency Medical Services shall, as soon as possible and no later than January 1, 2019, develop a mechanism by which to disclose to the patient, prior to services provided by an out of network air transport provider, a good faith estimate of the range of typical charges for out of network air transport services provided in that geographic area.**

**CHAPTER 272**

*An Act to amend the Code of Virginia by adding a section numbered 3.2-6537.1, relating to pet shops; cash bond for pet shop obtaining certain dogs.*

[H 865]

Approved March 9, 2018

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

**1. That the Code of Virginia is amended by adding a section numbered 3.2-6537.1 as follows:**

**§ 3.2-6537.1. Cash bond for a pet shop obtaining certain dogs.**

*A. The governing body of any locality may, by ordinance, require any pet shop offering for sale dogs procured from outside of the Commonwealth to furnish a cash bond, cash equivalent bond, or acceptable letter of credit of not less than \$5,000 for a pet shop maintaining for sale an average of 50 or fewer dogs per year and not more than \$30,000 for a pet shop maintaining for sale an average of 51 or more dogs per year. A locality may reduce or waive such bond requirement at its discretion.*

*B. A locality may terminate the bond requirement for a pet shop if such pet shop has operated without interruption for 10 years and the locality has not, during that period, called in whole or in part the cash bond, cash equivalent bond, or acceptable letter of credit.*

*C. If a pet shop ceases business operations, the locality shall have the right to call any bond provided by the pet shop and utilize the resulting funds as reasonably necessary to protect the welfare of the animals or fish from the bonding pet shop.*

**CHAPTER 273**

*An Act to amend and reenact §§ 10.1-407 through 10.1-418.9 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 15.2-5704.1, relating to scenic river designations.*

[H 866]

Approved March 9, 2018

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

**1. That §§ 10.1-407 through 10.1-418.9 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 15.2-5704.1 as follows:**

**§ 10.1-407. Act of General Assembly required to construct, etc., dam or other structure.**

*A. As used in this chapter, "dam or other structure" means any structure extending from bank to bank of a river that will interfere with the normal movement of waterborne traffic, interfere with the normal movement of fish or wildlife, raise the water level on the upstream side of the structure, or lower the water level on the downstream side of the structure.*

*B. After designation of any river or section of river as a scenic river by the General Assembly, no dam or other structure impeding the natural flow thereof shall be constructed, operated, or maintained in such river or section of river unless specifically authorized by an act of the General Assembly.*

*C. No new dam or other structure or enlargement of an existing dam or other structure that impedes the natural flow of Goose Creek shall be constructed, operated, or maintained within the section of Goose Creek designated as a scenic river by § 10.1-411 unless specifically authorized by an act of the General Assembly.*

**§ 10.1-408. Uses not affected by scenic river designation.**

*A. Except as provided in § 10.1-407, all riparian land and water uses along or in the designated section of a river which that are permitted by law shall not be restricted by this chapter.*

*B. Designation as a scenic river shall not be used:*

*1. To designate the lands along the river and its tributaries as unsuitable for mining pursuant to § 45.1-252 or regulations promulgated with respect to such section, or as unsuitable for use as a location for a surface mineral mine as defined in § 45.1-161.292:2; however, the Department shall still be permitted to exercise the powers granted under § 10.1-402; or*

*2. To be a criterion for purposes of imposing water quality standards under the federal Clean Water Act.*

*C. Nothing in this chapter shall preclude the federal government, the Commonwealth, or a locality or local governing body from using, constructing, reconstructing, replacing, repairing, operating, or performing necessary maintenance on any road or bridge.*

D. Nothing in § 10.1-414 or 10.1-418.6 shall preclude the Commonwealth or a local governing body or authority from constructing, reconstructing, operating, or performing necessary maintenance on any transportation or public water supply project.

E. Nothing in this chapter shall preclude the continued:

1. Use, operation, and maintenance of the existing Loudon County Sanitation Authority water impoundment or the installation of new water intake facilities in the existing reservoir located within the section of Goose Creek designated by § 10.1-411;

2. Operation and maintenance of existing dams in the section of the Rappahannock River designated by § 10.1-415; or

3. Operation, maintenance, alteration, expansion, or destruction of the Embrey Dam or its appurtenances by the City of Fredericksburg, including the old VEPCO canal and the existing City Reservoir behind the Embrey Dam, or any other part of the City's waterworks.

F. The City of Richmond shall be allowed to reconstruct, operate, and maintain existing facilities at the Byrd Park and Hollywood Hydroelectric Power Stations at current capacity. Nothing in this chapter shall be construed to prevent the Commonwealth, the City of Richmond, or any common carrier railroad from constructing or reconstructing floodwalls or public common carrier facilities that may traverse the section of the James River designated by § 10.1-412, such as road or railroad bridges, raw water intake structures, or water or sewer lines that would be constructed below water level.

G. The owner of the Harvell Dam in the City of Petersburg may construct, reconstruct, operate, and maintain the Harvell Dam subject to other law and regulation.

H. Nothing in this chapter shall preclude (i) the continued operation and maintenance of existing dams in the section of the Rappahannock River designated by § 10.1-415 or (ii) the Commonwealth, the City of Fredericksburg, or the County of Stafford, Spotsylvania, or Culpeper from constructing any new raw water intake structures or devices, including pipes and reservoirs but not dams, or laying water or sewer lines below water level.

I. Nothing in this chapter shall:

1. Preclude the construction, operation, repair, maintenance, or replacement of (i) a natural gas pipeline for which the State Corporation Commission has issued a certificate of public convenience and necessity or any connections with such pipeline owned by the Richmond Gas Utility and connected to such pipeline or (ii) the natural gas pipeline, case number PUE 860065, for which the State Corporation Commission has issued a certificate of public convenience and necessity; or

2. Be construed to prevent the construction, use, operation, and maintenance of a natural gas pipeline (i) traversing the portion of the river designated by § 10.1-411.1 at, or at any point north of, the existing power line that is located approximately 200 feet north of the northern entrance to the Swede Tunnel or (ii) on or beneath the two existing railroad trestles, one located just south of the Swede Tunnel and the other located just north of the confluence of the Guest River with the Clinch River, or to prevent the use, operation, and maintenance of such railroad trestles in furtherance of the construction, operation, use, and maintenance of such pipeline.

#### § 10.1-409. Appomattox State Scenic River.

The Appomattox River, 100 feet from the base of the Brasfield Dam, excluding the Port Walthall Channel of the River, to the confluence with the James River, a distance of approximately 19.2 miles, is hereby designated as the *Appomattox State Scenic River*, a component of the Virginia Scenic Rivers System.

~~Nothing in this section shall preclude the Commonwealth or a local governing body from constructing, reconstructing, operating, or performing necessary maintenance on any road or bridge project. The owner of the Harvell Dam in the City of Petersburg may construct, reconstruct, operate, and maintain the Harvell Dam subject to other law and regulation.~~

#### § 10.1-410. Catoctin Creek State Scenic River.

~~A.~~ The Catoctin Creek from bank to bank in Loudoun County from the Town of Waterford to its junction with the Potomac River, a distance of approximately 16 river miles, is hereby designated as the *Catoctin Creek State Scenic River*, a component of the Virginia Scenic Rivers System.

~~B.~~ No dam or other structure that impedes the natural flow of Catoctin Creek shall be constructed, operated, or maintained within the section of Catoctin Creek designated as a scenic river by this legislation unless specifically authorized by an act of the General Assembly.

~~As used in this section, the words "dam or other structure" mean any structure extending from bank to bank of Catoctin Creek that will interfere with the normal movement of waterborne traffic, interfere with the normal movement of fish or wildlife, raise the water level on the upstream side of the structure or lower the water level on the downstream side of the structure.~~

#### § 10.1-410.1. Chickahominy State Scenic River.

~~A.~~ The main channel of the Chickahominy River from the Mechanicsville Turnpike (Route 360) eastward until the terminus of the Henrico County/Hanover County border, is hereby designated as the *Chickahominy State Scenic River*, a component of the Virginia Scenic Rivers System.

~~B.~~ Nothing in this chapter shall preclude the construction or reconstruction of any road or bridge by the Commonwealth or by any county, city or town.

~~C.~~ Nothing in this chapter shall preclude the construction, operation, repair, maintenance, or replacement of a natural gas pipeline for which the State Corporation Commission has issued a certificate of public convenience and necessity or any connections with such pipeline owned by the Richmond Gas Utility and connected to such pipeline.

**§ 10.1-410.2. Clinch State Scenic River.**

The Clinch River in Russell County from its confluence with the Little River to the Nash Ford Bridge at mile 279.5, a distance of approximately 20 miles and including its tributary, Big Cedar Creek from the confluence to mile 5.8 near Lebanon, is hereby designated as *the Clinch State Scenic River*, a component of the Virginia Scenic Rivers System.

**§ 10.1-411. Goose Creek State Scenic River.**

A. Goose Creek, from bank to bank in Fauquier and Loudoun Counties from the confluence of the North and South Prongs of Goose Creek approximately 0.22 mile downstream of the crossing of the Appalachian Trail in Fauquier County to its junction with the Potomac River in Loudoun County, a distance of approximately 48 river miles, is hereby designated as *the Goose Creek State Scenic River*, a component of the Virginia Scenic Rivers System.

B. The Northern Virginia Regional Park Authority is authorized to acquire, either by gift or purchase, any real property or interests therein that the Northern Virginia Regional Park Authority considers necessary or desirable to provide public use areas as identified in the Goose Creek Scenic River Report published in 1975.

C. No new dam or other structure or enlargement of an existing dam or other structure that impedes the natural flow of Goose Creek shall be constructed, operated or maintained within the section of Goose Creek designated as a Scenic River by this legislation unless specifically authorized by an act of the General Assembly.

As used in this section, the words "dam or other structure" mean any structure extending from bank to bank of Goose Creek that will interfere with the normal movement of waterborne traffic, interfere with the normal movement of fish or wildlife, or raise the water level on the upstream side of the structure or lower the water level on the downstream side of the structure.

D. Nothing in this chapter shall preclude the continued use, operation, and maintenance of the existing Fairfax City water impoundment, or the installation of new water intake facilities in the existing reservoir located within the designated section of Goose Creek.

**§ 10.1-411.1. Clinch-Guest State Scenic River.**

A. The Clinch River from the Route 58 bridge in St. Paul to the junction with the Guest River, a distance of approximately 9.2 miles, and a segment of the Guest River in Wise County, from a point 100 feet downstream from the Route 72 bridge to its confluence with the Clinch River, a distance of approximately 6.5 miles, are hereby designated as *the Clinch-Guest State Scenic River*, a component of the Virginia Scenic Rivers System; however, this description shall not be construed as making the lands along such river unsuitable for underground mining pursuant to § 45.1-252 or regulations promulgated thereunder.

B. Nothing in this chapter shall be construed to prevent the construction, use, operation and maintenance of a natural gas pipeline on or beneath the two existing railroad trestles, one located just south of the Swede Tunnel and the other located just north of the confluence of the Guest River with the Clinch River, or to prevent the use, operation and maintenance of such railroad trestles in furtherance of the construction, operation, use and maintenance of such pipeline. Nothing in this chapter shall be construed to prevent the construction, use, operation and maintenance of a natural gas pipeline traversing the river at, or at any point north of, the existing power line that is located approximately 200 feet north of the northern entrance to the Swede Tunnel.

C. Nothing in this chapter shall preclude the federal government, Commonwealth or a local jurisdiction from constructing or reconstructing any road or bridge.

**§ 10.1-411.2. Russell Fork State Scenic River.**

A. The Russell Fork River from the Splashdam railroad crossing to the Kentucky state line, a distance of nine miles in Dickenson County, is hereby designated as *the Russell Fork State Scenic River*, a component of the Virginia Scenic Rivers System.

B. Nothing in this chapter shall preclude the construction or reconstruction of any road or bridge by the Commonwealth or by any county, city, or town.

**§ 10.1-411.3. Banister State Scenic River.**

A. The Banister River from the Route 29 bridge in Pittsylvania County to the confluence with the Dan River in Halifax County, a distance of approximately 63.3 miles, is hereby designated as *the Banister State Scenic River*, a component of the Virginia Scenic Rivers System.

B. Nothing in this section shall preclude the Commonwealth or a local governing body from constructing, reconstructing, or performing necessary maintenance on any road or bridge.

**§ 10.1-411.4. Cranesnest State Scenic River.**

A. The Cranesnest River from Route 637 to the Flanagan Reservoir Cranesnest Launch Ramp in Dickenson County, a distance of approximately 10.7 miles, is hereby designated as *the Cranesnest State Scenic River*, a component of the Virginia Scenic Rivers System.

B. Nothing in this section shall preclude the Commonwealth or a local governing body from constructing, reconstructing, or performing necessary maintenance on any road or bridge.

**§ 10.1-412. Historic Falls of the James State Scenic River.**

A. The Historic Falls of the James from Orleans Street extended in the City of Richmond westward to the 1970 corporate limits of the city is hereby designated as *the Historic Falls of the James State Scenic River*, a component of the Virginia Scenic Rivers System.

~~B. The City of Richmond shall be allowed to reconstruct, operate and maintain existing facilities at the Byrd Park and Hollywood Hydroelectric Power Stations at current capacity.~~

~~C. Nothing in this chapter shall be construed to prevent the Commonwealth, the City of Richmond or any common carrier railroad from constructing or reconstructing floodwalls or public common carrier facilities that may traverse the river, such as road or railroad bridges, raw water intake structures, or water or sewer lines that would be constructed below water level.~~

**§ 10.1-413. James State Scenic River.**

~~A. That portion of the James River in Botetourt County, from a point two miles southeast of the point where Route 43 (old Route 220) crosses the James River at Eagle Rock running approximately 14 miles southeastward to the point where Route 630 crosses the James River at Springwood is hereby designated as the James State Scenic River, a component of the Virginia Scenic Rivers System.~~

~~B. No dam or other structure that impedes the natural flow of the James River in Botetourt County shall be constructed, operated or maintained within the section of the James River designated as a scenic river by this statute unless specifically authorized by an act of the General Assembly.~~

**§ 10.1-413.1. Moormans State Scenic River.**

~~A. The Moormans River in Albemarle County, from the Charlottesville Reservoir to its junction with the Mechums River, is hereby designated as the Moormans State Scenic River, a component of the Virginia Scenic Rivers System.~~

~~B. No dam or other structure impeding the natural flow of the river shall be constructed, operated, or maintained unless specifically authorized by an act of the General Assembly.~~

**§ 10.1-413.2. North Landing and Tributaries State Scenic River.**

~~A. The North Landing from the North Carolina line to the bridge at Route 165, the Pocaty River from its junction with the North Landing River to the Blackwater Road bridge, West Neck Creek from the junction with the North Landing River to Indian River Road bridge, and Blackwater Creek from the junction with the North Landing River to the confluence, approximately 4.2 miles, of an unnamed tributary approximately 1.75 miles, more or less, west of Blackwater Road, are hereby designated as the North Landing and Tributaries State Scenic River, components of the Virginia Scenic Rivers System.~~

~~B. No dam or other structure impeding the natural flow of the river shall be constructed, operated, or maintained unless specifically authorized by an act of the General Assembly.~~

**§ 10.1-413.3. Dan State Scenic River.**

~~A. The Dan River from Berry Hill Road at Route 880 in Pittsylvania County to the downstream property boundary of Abreu/Grogan Park in Danville, a distance of approximately 15 miles, and the Dan River from the North Carolina-Virginia state line in Halifax County to the confluence with Aaron's Creek in Halifax County, a distance of approximately 38.6 miles, are hereby designated as the Dan State Scenic River, components of the Virginia Scenic Rivers System.~~

~~B. Nothing in this section shall preclude the Commonwealth or a local governing body from constructing, reconstructing, operating, or performing necessary maintenance on any road or bridge in the designated areas.~~

**§ 10.1-414. Nottoway State Scenic River.**

~~The Nottoway River in Sussex County and Southampton County, from the Route 40 bridge at Stony Creek to the North Carolina line, a distance of approximately 72.5 miles, is hereby designated as the Nottoway State Scenic River, a component of the Virginia Scenic Rivers System.~~

~~Nothing in this section shall preclude the Commonwealth or a local governing body from constructing, reconstructing, operating, or performing necessary maintenance on any transportation or public water supply project.~~

**§ 10.1-415. Rappahannock State Scenic River.**

~~A. The mainstem of the Rappahannock River in Rappahannock, Culpeper, Fauquier, Stafford, and Spotsylvania Counties and the City of Fredericksburg from its headwaters near Chester Gap to the Ferry Farm-Mayfield Bridge, a distance of approximately 86 river miles, is hereby designated as the Rappahannock State Scenic River, a component of the Virginia Scenic Rivers System.~~

~~B. Nothing in this chapter shall preclude the continued operation and maintenance of existing dams in the designated section.~~

~~C. Nothing in this chapter shall preclude the continued operation, maintenance, alteration, expansion, or destruction of the Embrey Dam or its appurtenances by the City of Fredericksburg, including the old VEPCO canal and the existing City Reservoir behind the Embrey Dam, or any other part of the City's waterworks.~~

~~D. Nothing in this chapter shall preclude the Commonwealth, the City of Fredericksburg, or the Counties of Stafford, Spotsylvania, or Culpeper from constructing or reconstructing any road or bridge or from constructing any new raw water intake structures or devices, including pipes and reservoirs but not dams, or laying water or sewer lines below water level.~~

~~E. Nothing in this chapter shall preclude the construction, operation, repair, maintenance, or replacement of the natural gas pipeline, case number PUE 860065, for which the State Corporation Commission has issued a certificate of public convenience and necessity.~~

**§ 10.1-415.1. Rockfish State Scenic River.**

~~A. The Rockfish River in Albemarle and Nelson Counties from the Route 693 bridge in Schuyler to its confluence with the James River, a distance of approximately 9.75 miles, is hereby designated as the Rockfish State Scenic River, a component of the Virginia Scenic Rivers System.~~

~~B. Nothing in this chapter shall preclude the Commonwealth or local governing body from constructing or reconstructing any road or bridge.~~

**§ 10.1-416. Rivanna State Scenic River.**

~~A. The river, stream, or waterway known as the Rivanna from the base of the South Fork Rivanna River reservoir to the junction of the Rivanna with the James River, a distance of approximately 46 miles, is hereby designated as the Rivanna State Scenic River, a component of the Virginia Scenic Rivers System.~~

~~B. No dam or other structure impeding the natural flow of the river shall be constructed, operated, or maintained unless specifically authorized by an act of the General Assembly.~~

~~C. Nothing in this section shall preclude the Commonwealth or a local governing body from constructing, reconstructing, or performing necessary maintenance on any road or bridge.~~

**§ 10.1-417. Shenandoah State Scenic River.**

~~A. The Shenandoah River in Clarke County from the Warren-Clarke County line to the Virginia line, a distance of approximately 21.6 miles, is hereby designated as the Shenandoah State Scenic River, a component of the Virginia Scenic Rivers System.~~

~~B. No dam or other structure that impedes the natural flow of the Shenandoah River shall be constructed, operated, or maintained within the section of the Shenandoah River designated as a scenic river by this legislation unless specifically authorized by an act of the General Assembly.~~

~~As used in this section, the words "dam or other structure" mean any structure extending from bank to bank of the Shenandoah River that will interfere with the normal movement of fish or wildlife, raise the water level on the upstream side of the structure or lower the water level on the downstream side of the structure.~~

**§ 10.1-418. Staunton State Scenic River.**

The river, stream, or waterway known as the Staunton or the Roanoke, from State Route 360 to State Route 761 at the Long Island Bridge, a distance of approximately 51.3 river miles, is hereby designated as the Staunton State Scenic River, a component of the Virginia Scenic Rivers System.

**§ 10.1-418.1. North Meherrin State Scenic River.**

The North Meherrin River in Lunenburg County from the Route 712 Bridge to the junction with the South Meherrin River, a distance of approximately 7.5 miles, is hereby designated as the North Meherrin State Scenic River, a component of the Virginia Scenic Rivers System.

**§ 10.1-418.2. St. Mary's State Scenic River.**

~~A. As~~ Because the authority of the federal government over the St. Mary's River prevents the Commonwealth from legally including the river as a component of the Virginia Scenic Rivers System, the segment of the St. Mary's River from its headwaters to the border of the George Washington National Forest, all on national forest property, is hereby recognized as one of Virginia's Scenic River resources and is worthy of designation as such.

~~B. All land and water uses along this portion of the St. Mary's River that are permitted by law shall not be restricted.~~

~~C. The Department shall consult with the Augusta County Board of Supervisors and the Supervisor of the George Washington National Forest on matters related to this Scenic River scenic river.~~

**§ 10.1-418.3. Meherrin State Scenic River.**

The Meherrin River within Mecklenburg, Lunenburg, and Brunswick Counties from the confluence with the North Meherrin River, a designated scenic river, to the Brunswick/Greenville County line, a distance of approximately 54.8 miles, is hereby designated as the Meherrin State Scenic River, a component of the Virginia Scenic Rivers System. ~~Nothing in this section shall preclude the Commonwealth or a local governing body from constructing, reconstructing, or performing necessary maintenance on any road or bridge.~~

**§ 10.1-418.4. North Mayo State Scenic River.**

The North Mayo River in Henry County from the Route 695 crossing to the North Carolina line, a distance of approximately 7.1 miles, is hereby designated as the North Mayo State Scenic River, a component of the Virginia Scenic Rivers System. ~~Nothing in this section shall preclude the Commonwealth or a local governing body from constructing, reconstructing, or performing necessary maintenance on any road or bridge.~~

**§ 10.1-418.5. South Mayo State Scenic River.**

The South Mayo River in Henry County from the Patrick County line to the North Carolina line, a distance of approximately 6.9 miles, is hereby designated as the South Mayo State Scenic River, a component of the Virginia Scenic Rivers System. ~~Nothing in this section shall preclude the Commonwealth or a local governing body from constructing, reconstructing, or performing necessary maintenance on any road or bridge.~~

**§ 10.1-418.6. Blackwater State Scenic River.**

The Blackwater River in Isle of Wight and Southampton Counties and the Cities of Franklin and Suffolk, from Proctor's Bridge at Route 621 to its confluence with the Nottoway River at the North Carolina line, a distance of approximately 56 miles, is hereby designated as the Blackwater State Scenic River, a component of the Virginia Scenic Rivers System. ~~Nothing in this section shall preclude the Commonwealth or a local governing body from constructing, reconstructing, operating, or performing necessary maintenance on any transportation or public water supply project.~~

**§ 10.1-418.7. Jordan State Scenic River.**

The Jordan River in Rappahannock County, from the Route 522 bridge at Flint Hill to its confluence with the Rappahannock River, a distance of approximately seven miles, is hereby designated as the Jordan State Scenic River, a

component of the Virginia Scenic Rivers System. ~~Nothing in this section shall preclude the Commonwealth or a local governing body from constructing, reconstructing, or performing necessary maintenance on any road or bridge.~~

**§ 10.1-418.8. Hughes State Scenic River.**

The Hughes River in Culpeper, Madison, and Rappahannock Counties from the Shenandoah National Park line in Madison County to its confluence with the Hazel River, a distance of approximately 10 miles, is hereby designated *as the Hughes State Scenic River*; a component of the Virginia Scenic Rivers System. ~~Nothing in this section shall preclude the Commonwealth or a local governing body from constructing, reconstructing, or performing necessary maintenance on any road or bridge.~~

**§ 10.1-418.9. Tye State Scenic River.**

The Tye River in Nelson County from Route 738 (Tye Depot Road) to its confluence with the James River, a distance of approximately 12.7 miles, is hereby designated *as the Tye State Scenic River*; a component of the Virginia Scenic Rivers System. ~~Nothing in this section shall preclude the Commonwealth or a local governing body from constructing, reconstructing, or performing necessary maintenance on any road or bridge.~~

**§ 15.2-5704.1. Northern Virginia Regional Park Authority.**

*The Northern Virginia Regional Park Authority is authorized to acquire, either by gift or purchase, any real property or interests therein that the Northern Virginia Regional Park Authority considers necessary or desirable to provide public use areas as identified in the Goose Creek Scenic River Report published in 1975.*

**CHAPTER 274**

*An Act to amend and reenact §§ 63.2-1701, 63.2-1709, 63.2-1709.2, 63.2-1710, and 63.2-1737 of the Code of Virginia and to amend the Code of Virginia by adding sections numbered 63.2-1710.1 and 63.2-1710.2, relating to licensure of facilities operated by agencies of the Commonwealth.*

[H 1130]

Approved March 9, 2018

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

**1. That §§ 63.2-1701, 63.2-1709, 63.2-1709.2, 63.2-1710, and 63.2-1737 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding sections numbered 63.2-1710.1 and 63.2-1710.2 as follows:**

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

A. As used in this section, "person ~~who operates or maintains a child welfare agency~~" means any individual; corporation; partnership; association; limited liability company; local government; state agency, including any department, institution, authority, instrumentality, board, or other administrative agency of the Commonwealth; or other legal or commercial entity that operates or maintains a child welfare agency, *adult day care center, or assisted living facility*.

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

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

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

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

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

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

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

**§ 63.2-1709. Enforcement and sanctions; assisted living facilities and adult day care centers; interim administration; receivership, revocation, denial, summary suspension.**

A. Upon receipt and verification by the Commissioner of information from any source indicating an imminent and substantial risk of harm to residents, the Commissioner may require an assisted living facility to contract with an individual licensed by the Board of Long-Term Care Administrators, to be either selected from a list created and maintained by the Department of Medical Assistance Services or selected from a pool of appropriately licensed administrators recommended by the owner of the assisted living facility, to administer, manage, or operate the assisted living facility on an interim basis, and to attempt to bring the facility into compliance with all relevant requirements of law, regulation, or any plan of correction approved by the Commissioner. Such contract shall require the interim administrator to comply with any and all requirements established by the Department to ensure the health, safety, and welfare of the residents. Prior to or upon conclusion of the period of interim administration, management, or operation, an inspection shall be conducted to determine whether operation of the assisted living facility shall be permitted to continue or should cease. Such interim administration, management, or operation shall not be permitted when defects in the conditions of the premises of the assisted living facility (i) present imminent and substantial risks to the health, safety, and welfare of residents, and (ii) may not be corrected within a reasonable period of time. Any decision by the Commissioner to require the employment of a person to administer, manage, or operate an assisted living facility shall be subject to the rights of judicial review and appeal as provided in the Administrative Process Act (§ 2.2-4000 et seq.). Actual and reasonable costs of such interim administration shall be the responsibility of and shall be borne by the owner of the assisted living facility.

B. The Board shall adopt regulations for the Commissioner to use in determining when the imposition of administrative sanctions or initiation of court proceedings, severally or jointly, is appropriate in order to ensure prompt correction of violations in assisted living facilities and adult day care centers involving noncompliance with state law or regulation as discovered through any inspection or investigation conducted by the Departments of Social Services, Health, or Behavioral Health and Developmental Services. The Commissioner may impose such sanctions or take such actions as are appropriate for violation of any of the provisions of this subtitle or any regulation adopted under any provision of this subtitle that adversely affects the health, safety or welfare of an assisted living facility resident or an adult day care participant. Such sanctions or actions may include (i) petitioning the court to appoint a receiver for any assisted living facility or adult day care center and (ii) revoking or denying renewal of the license for the assisted living facility or adult day care center for violation of any of the provisions of this subtitle, § 54.1-3408 or any regulation adopted under this subtitle that violation adversely affects, or is an imminent and substantial threat to, the health, safety or welfare of the person cared for therein, or for permitting, aiding or abetting the commission of any illegal act in an assisted living facility or adult day care center.

C. The Commissioner may issue a summary order of suspension of the license to operate the assisted living facility pursuant to (i) *for assisted living facilities operated by agencies of the Commonwealth, the procedures set forth in § 63.2-1710.1* or (ii) *for all other assisted living facilities, the procedures hereinafter set forth in conjunction with any proceeding for revocation, denial, or other action when conditions or practices exist that pose an imminent and substantial threat to the health, safety, and welfare of the residents.* Before a summary order of suspension shall take effect, the Commissioner shall issue to the assisted living facility a notice of summary order of suspension setting forth ~~(i)~~ (a) the procedures for the summary order of suspension, ~~(ii)~~ (b) hearing and appeal rights as provided under this subsection, and ~~(iii)~~ (c) facts and evidence that formed the basis for which the summary order of suspension is sought. Such notice shall be served on the assisted living facility or its designee as soon as practicable thereafter by personal service or certified mail, return receipt requested, to the address of record of the assisted living facility. The order shall state the time, date, and location of a hearing to determine whether the suspension is appropriate. Such hearing shall be presided over by a hearing officer selected by the Commissioner from a list prepared by the Executive Secretary of the Supreme Court of Virginia and shall be held as soon as practicable, but in no event later than 15 business days following service of the notice of hearing; however, the hearing officer may grant a written request for a continuance, not to exceed an additional 10 business days, for good cause shown. After such hearing, the hearing officer shall provide to the Commissioner written findings and conclusions, together with a recommendation whether the license should be summarily suspended, whereupon the Commissioner shall adopt the hearing officer's recommended decision unless to do so would be an error of law or Department policy. Any final agency case decision in which the Commissioner rejects a hearing officer's recommended decision shall state with particularity the basis for rejection. The Commissioner shall issue: ~~(a)~~ (1) a final order of summary suspension or ~~(b)~~ (2) an order that summary suspension is not warranted by the facts and circumstances presented. A final order of summary suspension shall include notice that the assisted living facility may appeal the Commissioner's decision to the appropriate circuit court no later than 10 days following service of the order. A copy of any final order of summary suspension shall be prominently displayed by the provider at each public entrance of the facility, or in lieu thereof, the provider may display a written statement summarizing the terms of the order in a prominent location, printed in a clear and legible size and typeface, and identifying the location within the facility where the final order of summary suspension may be reviewed.

Upon appeal, the sole issue before the court shall be whether the Department had reasonable grounds to require the assisted living facility to cease operations during the pendency of the concurrent revocation, denial, or other proceeding. Any concurrent revocation, denial, or other proceeding shall not be affected by the outcome of any hearing on the appropriateness of the summary order of suspension. Failure to comply with the summary order of suspension shall constitute an offense under subdivision 1 of § 63.2-1712. All agencies and subdivisions of the Commonwealth shall cooperate with the Commissioner in the relocation of residents of an assisted living facility whose license has been summarily suspended pursuant to this section and in any other actions necessary to reduce the risk of further harm to residents.

D. Notice of the Commissioner's intent to revoke or deny renewal of the license for ~~the~~ *an assisted living facility or to summarily suspend the license of an assisted living facility* shall be provided by the Department and a copy of such notice shall be posted in a prominent place at each public entrance of the licensed premises to advise consumers of serious or persistent violations. In determining whether to deny, revoke, or summarily suspend a license, the Commissioner may choose to deny, revoke, or summarily suspend only certain authority of the assisted living facility to operate, and may restrict or modify the assisted living facility's authority to provide certain services or perform certain functions that the Commissioner determines should be restricted or modified in order to protect the health, safety, or welfare of the residents. Such *proposed* denial, revocation, or summary suspension of certain services or functions may be appealed (i) *if the assisted living facility is operated by an agency of the Commonwealth, in accordance with the provisions of § 63.2-1710.2 and (ii) for all other assisted living facilities*, as otherwise provided in this subtitle for any denial, revocation, or summary suspension.

**§ 63.2-1709.2. Enforcement and sanctions; special orders; civil penalties.**

A. Notwithstanding any other provision of law, following a proceeding as provided in § 2.2-4019, the Commissioner may issue a special order (i) for violation of any of the provisions of this subtitle, § 54.1-3408, or any regulation adopted under any provision of this subtitle which violation adversely affects, or is an imminent and substantial threat to, the health, safety, or welfare of the person cared for therein, or (ii) for permitting, aiding, or abetting the commission of any illegal act in an assisted living facility, adult day care center, or child welfare agency. Notice of the Commissioner's intent to take any of the actions enumerated in subdivisions B 1 through B 7 shall be provided by the Department and a copy of such notice shall be posted in a prominent place at each public entrance of the licensed premises to advise consumers of serious or persistent violations. The issuance of a special order shall be considered a case decision as defined in § 2.2-4001. *Actions set forth in subsection B may be appealed by (a) an assisted living facility, adult day care center, or child welfare agency operated by an agency of the Commonwealth in accordance with § 63.2-1710.2 or (b) any other assisted living facility, adult day care center, or child welfare agency in accordance with the Administrative Process Act (§ 2.2-4000 et seq.).* The Commissioner shall not delegate his authority to impose civil penalties in conjunction with the issuance of special orders.

B. The Commissioner may take the following actions regarding assisted living facilities, adult day care centers, and child welfare agencies through the issuance of a special order and may require a copy of the special order provided by the Department to be posted in a prominent place at each public entrance of the licensed premises to advise consumers of serious or persistent violations:

1. Place a licensee on probation upon finding that the licensee is substantially out of compliance with the terms of its license and that the health and safety of residents, participants, or children are at risk;
2. Reduce licensed capacity or prohibit new admissions when the Commissioner concludes that the licensee cannot make necessary corrections to achieve compliance with regulations except by a temporary restriction of its scope of service;
3. Mandate training for the licensee or licensee's employees, with any costs to be borne by the licensee, when the Commissioner concludes that the lack of such training has led directly to violations of regulations;
4. Assess civil penalties for each day the assisted living facility is or was out of compliance with the terms of its license and the health, safety, and welfare of residents are at risk, which shall be paid into the state treasury and credited to the Assisted Living Facility Education, Training, and Technical Assistance Fund created pursuant to § 63.2-1803.1; *however, no civil penalty shall be imposed pursuant to this subdivision on any assisted living facility operated by an agency of the Commonwealth.* The aggregate amount of such civil penalties shall not exceed \$10,000 for assisted living facilities in any 12-month period. Criteria for imposition of civil penalties and amounts, expressed in ranges, shall be developed by the Board, and shall be based upon the severity, pervasiveness, duration, and degree of risk to the health, safety, or welfare of residents. Such civil penalties shall be applied by the Commissioner in a consistent manner. Such criteria shall also provide that (i) the Commissioner may accept a plan of correction, including a schedule of compliance, from an assisted living facility prior to setting a civil penalty, and (ii) the Commissioner may reduce or abate the penalty amount if the facility complies with the plan of correction within its terms.

A single act, omission, or incident shall not give rise to imposition of multiple civil penalties even though such act, omission, or incident may violate more than one statute or regulation. A civil penalty that is not appealed becomes due on the first day after the appeal period expires. The license of an assisted living facility that has failed to pay a civil penalty due under this section shall not be renewed until the civil penalty has been paid in full, with interest, provided that the Commissioner may renew a license when an unpaid civil penalty is the subject of a pending appeal;

5. Assess civil penalties of not more than \$500 per inspection upon finding that the adult day care center or child welfare agency is substantially out of compliance with the terms of its license and the health and safety of residents,

participants, or children are at risk; *however, no civil penalty shall be imposed pursuant to this subdivision on any adult day care center or child welfare agency operated by an agency of the Commonwealth;*

6. Require licensees to contact parents, guardians, or other responsible persons in writing regarding health and safety violations; and

7. Prevent licensees who are substantially out of compliance with the licensure terms or in violation of the regulations from receiving public funds.

C. The Board shall adopt regulations to implement the provisions of this section.

**§ 63.2-1710. Appeal from refusal, denial of renewal, or revocation of license.**

A. Whenever the Commissioner refuses to issue a license or to renew a license, or revokes a license for an assisted living facility, adult day care center, or child welfare agency *operated by an agency of the Commonwealth, the provisions of § 63.2-1710.2 shall apply. Whenever the Commissioner refuses to issue a license or to renew a license or revokes a license for an assisted living facility, adult day care center, or child welfare agency other than an assisted living facility, adult day care center, or child welfare agency operated by an agency of the Commonwealth,* the provisions of the Administrative Process Act (§ 2.2-4000 et seq.) shall apply, except that all appeals from notice of the Commissioner's intent to refuse to issue or renew, or revoke a license shall be received in writing from the assisted living facility, adult day care center or child welfare agency operator within fifteen days of the date of receipt of the notice. Judicial review of a final review agency decision shall be in accordance with the provisions of the Administrative Process Act. No stay may be granted upon appeal to the Virginia Supreme Court.

B. In every appeal to a court of record, the Commissioner shall be named defendant.

C. An appeal, taken as provided in this section, shall operate to stay any criminal prosecution for operation without a license.

D. When issuance or renewal of a license as an assisted living facility or adult day care center has been refused by the Commissioner, the applicant shall not thereafter for a period of one year apply again for such license unless the Commissioner in his sole discretion believes that there has been such a change in the conditions on account of which he refused the prior application as to justify considering the new application. When an appeal is taken by the applicant pursuant to subsection A, the one-year period shall be extended until a final decision has been rendered on appeal.

E. When issuance or renewal of a license for a child welfare agency has been refused by the Commissioner, the applicant shall not thereafter for a period of six months apply again for such license unless the Commissioner in his sole discretion believes that there has been such a change in the conditions on account of which he refused the prior application as to justify considering the new application. When an appeal is taken by the applicant pursuant to subsection A, the six-month period shall be extended until a final decision has been rendered on appeal.

**§ 63.2-1710.1. Summary order of suspension; assisted living facilities, group homes, and children's residential facilities operated by an agency of the Commonwealth.**

*Whenever the Commissioner issues a summary order of suspension of the license to operate an assisted living facility, group home, or children's residential facility operated by an agency of the Commonwealth:*

1. *Before such summary order of suspension shall take effect, the Commissioner shall issue to the assisted living facility, group home, or children's residential facility a notice of summary order of suspension setting forth (i) the procedures for a hearing and right of review as provided in this section and (ii) facts and evidence that formed the basis on which the summary order of suspension is sought. Such notice shall be served on the licensee or its designee as soon as practicable thereafter by personal service or certified mail, return receipt requested, to the address of record of the licensee. The notice shall state the time, date, and location of a hearing to determine whether the suspension is appropriate. Such hearing shall be held no later than three business days after the issuance of the notice of the summary order of suspension and shall be convened by the Commissioner or his designee. After such hearing, the Commissioner may issue a final order of summary suspension or may find that such summary suspension is not warranted by the facts and circumstances presented.*

2. *A final order of summary suspension shall include notice that the licensee may request, in writing and within three business days after receiving the Commissioner's decision, that the Commissioner refer the matter to the Secretary of Health and Human Resources for resolution within three business days of the referral. Any determination by the Secretary shall be final and not subject to judicial review. If the final order of summary suspension is upheld, it shall take effect immediately, and a copy of the final order of summary suspension shall be prominently displayed by the licensee at each public entrance of the facility. Any concurrent revocation, denial, or other proceedings shall not be affected by the outcome of any determination by the Secretary.*

**§ 63.2-1710.2. Right to appeal notice of intent; assisted living facilities, adult day care centers, and child welfare agencies operated by agencies of the Commonwealth.**

*An assisted living facility, adult day care center, or child welfare agency operated by an agency of the Commonwealth shall have the right to appeal any notice of intent as follows:*

1. *Within 30 days after receiving a notice of intent to impose a sanction, the licensee shall request in writing that the Commissioner review the intended agency action and may submit, together with such request, relevant information, documentation, or other pertinent data supporting its appeal. The Commissioner shall issue a decision within 60 days after receiving the request and shall have the authority to uphold the sanction or take whatever action he deems appropriate to resolve the controversy.*

2. If the assisted living facility, adult day care center, or child welfare agency disputes the Commissioner's decision, the licensee shall request, within 30 days of receiving the Commissioner's decision, that the Commissioner refer the matter to the Secretary of Health and Human Resources. The Secretary shall issue a decision within 60 days of receiving the request for review. The Secretary's decision shall be final and shall not be subject to review.

**§ 63.2-1737. Licensure of group homes and residential facilities for children.**

A. Notwithstanding any other provisions of this subtitle, the Department shall cooperate with other state departments in fulfilling their respective licensing and certification responsibilities of children's residential facilities. The Board shall adopt regulations establishing the Department as the single licensing agency for the regulation of children's residential facilities, including group homes, which provide social services programs, with the exception of educational programs licensed by the Department of Education and facilities regulated by the Department of Juvenile Justice. Notwithstanding any other provisions of this chapter, licenses issued to children's residential facilities may be issued for periods of up to 36 successive months.

B. The Board's regulations for the regulation of children's residential facilities shall address the services required to be provided in such facilities as it may deem appropriate to ensure the health and safety of the children. In addition, the Board's regulations shall include, but shall not be limited to (i) specifications for the structure and accommodations of such facilities according to the needs of the children; (ii) rules concerning allowable activities, local government- and facility-imposed curfews, and study, recreational, and bedtime hours; and (iii) a requirement that each facility have a community liaison who shall be responsible for facilitating cooperative relationships with the neighbors, the school system, local law enforcement, local government officials, and the community at large.

C. Notwithstanding any other provisions of this chapter, any facility licensed by the Commissioner as a child-caring institution as of January 1, 1987, and that receives no public funds shall be licensed under minimum standards for licensed child-caring institutions as adopted by the Board and in effect on January 1, 1987. Effective January 1, 1987, all children's residential facilities shall be licensed under the regulations for children's residential facilities.

D. Pursuant to the procedures set forth in subsection E and in addition to the authority for other disciplinary actions provided in this title, the Commissioner may issue a summary order of suspension of the license of any group home or residential facility for children, in conjunction with any proceeding for revocation, denial, or other action, when conditions or practices exist in the home or facility that pose an immediate and substantial threat to the health, safety, and welfare of the children who are residents and the Commissioner believes the operation of the home or facility should be suspended during the pendency of such proceeding.

E. The summary order of suspension shall take effect upon its issuance and shall be served on the licensee or its designee as soon as practicable thereafter by personal service and certified mail, return receipt requested, to the address of record of the licensee. The order shall state the time, date, and location of a hearing to determine whether the suspension is appropriate. Such hearing shall be held no later than three business days after the issuance of the summary order of suspension and shall be convened by the Commissioner or his designee.

After such hearing, the Commissioner may issue a final order of summary suspension or may find that such summary suspension is not warranted by the facts and circumstances presented. A final order of summary suspension shall include notice that the licensee may appeal the Commissioner's decision to the appropriate circuit court no later than 10 days following issuance of the order. The sole issue before the court shall be whether the Commissioner had reasonable grounds to require the licensee to cease operations during the pendency of the concurrent revocation, denial, or other proceeding. The concurrent revocation, denial, or other proceeding shall not be affected by the outcome of any hearing on the appropriateness of the summary suspension.

The willful and material failure to comply with the summary order of suspension or final order of summary suspension shall be punishable as a Class 2 misdemeanor. The Commissioner may require the cooperation of any other agency or subdivision of the Commonwealth in the relocation of children who are residents of a home or facility whose license has been summarily suspended pursuant to this section and in any other actions necessary to reduce the risk of further harm to such residents.

*The provisions of this subsection shall not apply to any group home or children's residential facility operated by an agency of the Commonwealth, which shall instead be governed by the provisions of § 63.2-1710.1.*

F. In addition to the requirements set forth in subsection B, the Board's regulations shall require, as a condition of initial licensure or, if appropriate, license renewal, that the applicant shall: (i) be personally interviewed by Department personnel to determine the qualifications of the owner or operator before granting an initial license; (ii) provide evidence of having relevant prior experience before any initial license is granted; (iii) provide, as a condition of initial licensure or renewal licensure, evidence of staff participation in training on appropriate siting of the residential facilities for children, good neighbor policies, community relations, and shaken baby syndrome and its effects; and (iv) be required to screen residents prior to admission to exclude individuals with behavioral issues, such as histories of violence, that cannot be managed in the relevant residential facility.

G. In addition, the Department shall:

1. Notify relevant local governments and placing and funding agencies, including the Office of Children's Services, of multiple health and safety or human rights violations in residential facilities for which the Department serves as lead licensure agency when such violations result in the lowering of the licensure status of the facility to provisional;

2. Post on the Department's website information concerning the application for initial licensure of or renewal, denial, or provisional licensure of any residential facility for children located in the locality;
3. Require all licensees to self-report lawsuits against or settlements with residential facility operators relating to the health and safety or human rights of residents and any criminal charges that may have been made relating to the health and safety or human rights of residents;
4. Require proof of contractual agreements or staff expertise to provide educational services, counseling services, psychological services, medical services, or any other services needed to serve the residents in accordance with the facility's operational plan;
5. Disseminate to local governments, or post on the Department's website, an accurate (updated weekly or monthly as necessary) list of licensed and operating group homes and other residential facilities for children by locality with information on services and identification of the lead licensure agency; and
6. Modify the term of the license at any time during the term of the license based on a change in compliance.

CHAPTER 275

*An Act to amend and reenact § 2.2-1122 of the Code of Virginia, relating to the Department of General Services; aid and cooperation of Division of Purchases and Supply may be sought by any fire company and volunteer emergency medical services agency.*

[H 1170]

Approved March 9, 2018

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

**1. That § 2.2-1122 of the Code of Virginia is amended and reenacted as follows:**

**§ 2.2-1122. Aid and cooperation of Division may be sought by any public body or public broadcasting station in making purchases; use of facilities of Virginia Distribution Center; services to certain volunteer organizations.**

A. Virginia public broadcasting stations as defined in § 22.1-20.1, and public bodies as defined in § 2.2-4300 who are empowered to purchase material, equipment, and supplies of any kind, may purchase through the Division. When any such public body, public broadcasting station, or duly authorized officer requests the Division to obtain bids for any materials, equipment and supplies, and the bids have been obtained by the Division, the Division may award the contract to the lowest responsible bidder, and the public body or public broadcasting station shall be bound by the contract. The Division shall set forth in the purchase order that the materials, equipment, and supplies be delivered to, and that the bill be rendered and forwarded to, the public body or public broadcasting station. Any such bill shall be a valid and enforceable claim against the public body or public broadcasting station requesting the bids.

B. The Division may make available to any public body or public broadcasting station the facilities of the Virginia Distribution Center maintained by the Division; however, the furnishing of any such services or supplies shall not limit or impair any services or supplies normally rendered any department, division, institution, or agency of the Commonwealth.

C. The Board of Education shall furnish to the Division a list of public broadcasting stations in Virginia for the purposes of this section.

D. The services or supplies authorized by this section shall extend to any ~~volunteer~~ fire company as defined in § 27-6.01 or volunteer emergency medical services agency as defined in § 32.1-111.1 that is recognized by an ordinance to be a part of the safety program of a county, city, or town ~~when the services or supplies are sought through and approved by the governing body of such county, city, or town.~~ Purchases of motor fuel shall be limited for use in vehicles and equipment as defined in subsection A 12 of § 58.1-2259.

E. For purposes of this section, "public broadcasting station" means the same as that term is defined in § 22.1-20.1.

CHAPTER 276

*An Act to amend the Code of Virginia by adding in Article 2.1 of Chapter 4 of Title 32.1 a section numbered 32.1-111.15:1, relating to stroke care quality improvement.*

[H 1197]

Approved March 9, 2018

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

**1. That the Code of Virginia is amended by adding in Article 2.1 of Chapter 4 of Title 32.1 a section numbered 32.1-111.15:1 as follows:**

**§ 32.1-111.15:1. Department responsible for stroke care quality improvement; sharing of data and information.**

A. The Department shall be responsible for stroke care quality improvement initiatives in the Commonwealth. Such initiatives shall include:

1. Implementing systems to collect data and information about stroke care in the Commonwealth in accordance with subsection B;

2. *Facilitating information and data sharing and collaboration among hospitals and health care providers to improve the quality of stroke care in the Commonwealth;*

3. *Requiring the application of evidence-based treatment guidelines for transitioning patients to community-based follow-up care following acute treatment for stroke; and*

4. *Establishing a process for continuous quality improvement for the delivery of stroke care by the statewide system for stroke response and treatment in accordance with subsection C.*

*B. The Department shall implement systems to collect data and information related to stroke care (i) that are nationally recognized data set platforms with confidentiality standards approved by the Centers for Medicare and Medicaid Services or consistent with the Get With The Guidelines-Stroke registry platform from hospitals designated as comprehensive stroke centers, primary stroke centers, or acute stroke-ready hospitals and emergency medical services agencies in the Commonwealth and (ii) from every primary stroke center with supplementary levels of stroke care distinction in the Commonwealth. Every hospital designated as a comprehensive stroke center, primary stroke center, or primary stroke center with supplementary levels of stroke care distinction shall report data and information described in clauses (i) and (ii) to the Department. The Department shall take steps to encourage hospitals designated as acute stroke-ready hospitals and emergency medical services agencies to report data and information described in clause (i) to the Department.*

*C. The Department shall develop a process for continuous quality improvement for the delivery of stroke care provided by the statewide system for stroke response and treatment, which shall include:*

1. *Collection and analysis of data related to stroke care in the Commonwealth;*

2. *Identification of potential interventions to improve stroke care in specific geographic areas of the Commonwealth; and*

3. *Development of recommendations for improvement of stroke care throughout the Commonwealth.*

*D. The Department shall make information contained in the systems established pursuant to subsection B and data and information collected pursuant to subsection C available to licensed hospitals and the Virginia Stroke Systems Task Force, and, upon request, to emergency medical services agencies, regional emergency medical services councils, the State Emergency Medical Services Advisory Board, and other entities engaged in the delivery of emergency medical services in the Commonwealth to facilitate the evaluation and improvement of stroke care in the Commonwealth.*

*E. The Department shall report to the Governor and the General Assembly annually on July 1 on stroke care improvement initiatives undertaken in accordance with this section. Such report shall include a summary report of the data collected pursuant to this section.*

*F. Nothing in this article shall require or authorize the disclosure of confidential information in violation of state or federal law or regulations, including the Health Insurance Portability and Accountability Act, 42 U.S.C. § 1320d et seq.*

**2. That the provisions of the first enactment of this act shall become effective on January 1, 2019.**

**3. That the Department of Health shall convene a group of stakeholders, which shall include representatives of (i) hospital systems, including at least one hospital system with at least six or more stroke centers in the Commonwealth, recommended by the Virginia Hospital and Healthcare Association; (ii) the Virginia Stroke Systems Task Force; and (iii) the American Heart Association/American Stroke Association, to advise on the implementation of the provisions of this act.**

## CHAPTER 277

*An Act to amend the Code of Virginia by adding a section numbered 2.2-2821.3 and by adding in Article 1 of Chapter 3 of Title 40.1 a section numbered 40.1-28.7:6, relating to leave for volunteer members of Civil Air Patrol.*

[H 1527]

Approved March 9, 2018

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

**1. That the Code of Virginia is amended by adding a section numbered 2.2-2821.3 and by adding in Article 1 of Chapter 3 of Title 40.1 a section numbered 40.1-28.7:6 as follows:**

**§ 2.2-2821.3. Leave for volunteer members of Civil Air Patrol.**

*A. All officers and employees of the Commonwealth or of any political subdivision of the Commonwealth who are volunteer members of the Civil Air Patrol shall be entitled to leaves of absence from their respective duties without loss of seniority, accrued leave, benefits, or efficiency rating on all days during which such officer or employee is (i) engaged in training for emergency missions with the Civil Air Patrol, not to exceed 10 workdays per federal fiscal year, or (ii) responding to an emergency mission as a Civil Air Patrol volunteer, not to exceed 30 workdays per federal fiscal year.*

*B. Any officer or employee requesting leave pursuant to this section shall provide (i) certification that the officer or employee has been authorized by the United States Air Force, the Governor, or a department, division, agency, or political subdivision of the Commonwealth to respond to or train for an emergency mission and (ii) verification from the Civil Air Patrol of the emergency need of the officer's or employee's volunteer service.*

*C. An employer may treat the officer or employee leaves of absence pursuant to this section as unpaid leave. No employer shall require an employee to exhaust any other leave to which the officer or employee is entitled prior to such leaves of absence. Nothing in this subsection shall be construed to prevent an employer from providing paid leave during such leaves of absence.*

*D. Any officer or employee aggrieved by a violation of any provision of this section may bring an action pursuant to the State Grievance Procedure (§ 2.2-3000 et seq.).*

**§ 40.1-28.7:6. Employers to allow leave for volunteer members of Civil Air Patrol; civil remedy.**

*A. Any employee who is a volunteer member of the Civil Air Patrol shall be entitled to leaves of absence from his employment without loss of seniority, accrued leave, benefits, or efficiency rating on all days during which such employee is (i) engaged in training for emergency missions with the Civil Air Patrol, not to exceed 10 workdays per federal fiscal year, or (ii) responding to an emergency mission as a Civil Air Patrol volunteer, not to exceed 30 workdays per federal fiscal year.*

*B. Any employee requesting leave pursuant to this section shall provide (i) certification that the employee has been authorized by the United States Air Force, the Governor, or a department, division, agency, or political subdivision of the state to respond to or train for an emergency mission and (ii) verification from the Civil Air Patrol of the emergency need of the employee's volunteer service.*

*C. An employer may treat leaves of absence pursuant to this section as unpaid leave. No employer shall require an employee to exhaust any other leave to which the employee is entitled prior to such leaves of absence. Nothing in this subsection shall be construed to prevent an employer from providing paid leave during such leaves of absence.*

*D. Any employee aggrieved by a violation of any provision of this section may bring a civil action to enforce such provision. Any employee who is successful in such action shall be entitled to recover only lost wages, reasonable attorney fees, and court costs incurred in such action.*

## CHAPTER 278

*An Act to amend and reenact the fourth and fifth enactments of Chapter 189 and the fourth and fifth enactments of Chapter 751 of the Acts of Assembly of 2017, relating to child care providers; criminal history background check; sunset and contingency.*

[S 121]

Approved March 9, 2018

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

**1. That the fourth and fifth enactments of Chapter 189 of the Acts of Assembly of 2017 are amended and reenacted as follows:**

**4. That the provisions of this act shall expire on July 1, ~~2018~~ 2020.**

**5. That if any provision of the federal Child Care and Development Block Grant Act of 2014 establishing requirements for national fingerprint-based criminal history background checks for (i) employees, applicants for employment, volunteers at or applicants to serve as volunteers at any licensed family day system, registered family day home, family day home approved by a family day system, child day center exempt from licensure pursuant to § 63.2-1716 of the Code of Virginia; (ii) applicants for licensure as a family day system, registration as a family day home or approval as a family day home by a family day system, agents of such applicants, and adults living in such family day homes; and (iii) individuals who apply for or enter into a contract with the Department of Social Services under which a child day center, family day home, or child day program will provide child care services funded by the Child Care and Development Block Grant Act is repealed prior to July 1, ~~2018~~ 2020, the provisions of this act enacting such requirement shall expire upon the date such provision is repealed.**

**2. That the fourth and fifth enactments of Chapter 751 of the Acts of Assembly of 2017 are amended and reenacted as follows:**

**4. That the provisions of this act shall expire on July 1, ~~2018~~ 2020.**

**5. That if any provision of the federal Child Care and Development Block Grant Act of 2014 establishing requirements for national fingerprint-based criminal history background checks for (i) employees, applicants for employment, volunteers at or applicants to serve as volunteers at any licensed family day system, registered family day home, family day home approved by a family day system, child day center exempt from licensure pursuant to § 63.2-1716 of the Code of Virginia; (ii) applicants for licensure as a family day system, registration as a family day home or approval as a family day home by a family day system, agents of such applicants, and adults living in such family day homes; and (iii) individuals who apply for or enter into a contract with the Department of Social Services under which a child day center, family day home, or child day program will provide child care services funded by the Child Care and Development Block Grant Act is repealed prior to July 1, ~~2018~~ 2020, the provisions of this act enacting such requirement shall expire upon the date such provision is repealed.**

## CHAPTER 279

*An Act to amend and reenact § 32.1-111.6 of the Code of Virginia, relating to emergency medical services vehicles; temporary permit; length.*

[S 304]

Approved March 9, 2018

**Be it enacted by the General Assembly of Virginia:****1. That § 32.1-111.6 of the Code of Virginia is amended and reenacted as follows:****§ 32.1-111.6. Emergency medical services agency license; emergency medical services vehicle permits.**

A. No person shall operate, conduct, maintain, or profess to be an emergency medical services agency without a valid license issued by the Commissioner for such emergency medical services agency and a valid permit for each emergency medical services vehicle used by such emergency medical services agency.

B. The Commissioner shall issue an original or renewal license for an emergency medical services agency or renewal permit for an emergency medical services vehicle that meets all requirements set forth in this article and in the regulations of the Board, upon application, on forms and according to procedures established by the Board. Licenses and permits shall be valid for a period specified by the Board, not to exceed two years.

C. The Commissioner may issue (i) temporary licenses for emergency medical services agencies ~~or temporary permits for emergency medical services vehicles~~ not meeting required standards, valid for a period not to exceed 60 days, and (ii) temporary permits for emergency medical services vehicles not meeting required standards, valid for a period of 90 days from the end of the month of issue, when the public interest will be served thereby.

D. The issuance of a license or permit in accordance with this section shall not be construed to authorize any emergency medical services agency to operate any emergency medical services vehicle without a franchise, license, or permit in any county or municipality that has enacted an ordinance pursuant to § 32.1-111.14 making it unlawful to do so.

E. The word "ambulance" shall not appear on any vehicle, vessel, or aircraft that does not hold a valid permit as an emergency medical services vehicle.

**CHAPTER 280**

*An Act to amend and reenact §§ 54.1-3200 and 54.1-3222 of the Code of Virginia, relating to optometry; scope of practice.*

[S 511]

Approved March 9, 2018

**Be it enacted by the General Assembly of Virginia:****1. That §§ 54.1-3200 and 54.1-3222 of the Code of Virginia are amended and reenacted as follows:****§ 54.1-3200. Definitions.**

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

"Board" means the Board of Optometry.

"Optometrist" means any person practicing the profession of optometry as defined in this chapter and the regulations of the Board.

"Practice of optometry" means the examination of the human eye to ascertain the presence of defects or abnormal conditions which may be corrected or relieved by the use of lenses, prisms or ocular exercises, visual training or orthoptics; the employment of any subjective or objective mechanism to determine the accommodative or refractive states of the human eye or range or power of vision of the human eye; the use of testing appliances for the purpose of the measurement of the powers of vision; the examination, diagnosis, and optometric treatment in accordance with this chapter, of conditions and visual or muscular anomalies of the human eye; the use of diagnostic pharmaceutical agents set forth in § 54.1-3221; and the prescribing or adapting of lenses, prisms or ocular exercises, visual training or orthoptics for the correction, relief, remediation or prevention of such conditions. An optometrist may treat certain diseases or abnormal conditions of the human eye and its adnexa with certain therapeutic pharmaceutical agents only as permitted under this chapter. *The practice of optometry also includes the evaluation, examination, diagnosis, and treatment of abnormal or diseased conditions of the human eye and its adnexa by the use of medically recognized and appropriate devices, procedures, or technologies. However, the practice of optometry does not include treatment through surgery, including laser surgery, other invasive modalities, or the use of injections, including venipuncture and intravenous injections, except as provided in § 54.1-3222 or for the treatment of emergency cases of anaphylactic shock with intramuscular epinephrine.*

"TPA-certified optometrist" means an optometrist who is licensed under this chapter and who has successfully completed the requirements for TPA certification established by the Board pursuant to Article 5 (§ 54.1-3222 et seq.). Such certification shall enable an optometrist to prescribe and administer Schedule II controlled substances consisting of hydrocodone in combination with acetaminophen and Schedules III through VI controlled substances and devices as set forth in the Drug Control Act (§ 54.1-3400 et seq.) to treat diseases, including abnormal conditions, of the human eye and its adnexa, as determined by the Board. Such certification shall not, however, permit treatment through surgery, including, but not limited to, laser surgery ~~or~~, other invasive modalities, *or the use of injections, including venipuncture and intravenous injections, except as provided in § 54.1-3222* or for treatment of emergency cases of anaphylactic shock with intramuscular epinephrine.

The foregoing shall not restrict the authority of any optometrist licensed or certified under this chapter for the removal of superficial foreign bodies from the human eye and its adnexa or from delegating to personnel in his personal employ and supervised by him, such activities or functions as are nondiscretionary and do not require the exercise of professional judgment for their performance and which are usually or customarily delegated to such persons by optometrists, if such

activities or functions are authorized by and performed for such optometrists and responsibility for such activities or functions is assumed by such optometrists.

**§ 54.1-3222. TPA certification; certification for treatment of diseases or abnormal conditions with therapeutic pharmaceutical agents (TPAs).**

A. The Board shall certify an optometrist to prescribe for and treat diseases or abnormal conditions of the human eye and its adnexa with therapeutic pharmaceutical agents (TPAs), if the optometrist files a written application, accompanied by the fee required by the Board and satisfactory proof that the applicant:

1. Is licensed by the Board as an optometrist and certified to administer diagnostic pharmaceutical agents pursuant to Article 4 (§ 54.1-3220 et seq.);

2. Has satisfactorily completed such didactic and clinical training programs for the treatment of diseases and abnormal conditions of the eye and its adnexa as are determined, after consultation with a school or college of optometry and a school of medicine, to be reasonable and necessary by the Board to ensure an appropriate standard of medical care for patients; and

3. Passes such examinations as are determined to be reasonable and necessary by the Board to ensure an appropriate standard of medical care for patients.

B. TPA certification shall enable an optometrist to prescribe and administer, within his scope of practice, Schedule II controlled substances consisting of hydrocodone in combination with acetaminophen and Schedules III through VI controlled substances and devices as set forth in the Drug Control Act (§ 54.1-3400 et seq.) to treat diseases and abnormal conditions of the human eye and its adnexa as determined by the Board, within the following conditions:

1. Treatment with oral therapeutic pharmaceutical agents shall be limited to (i) analgesics included on Schedule II controlled substances as defined in § 54.1-3448 of the Drug Control Act (§ 54.1-3400 et seq.) consisting of hydrocodone in combination with acetaminophen, and analgesics included on Schedules III through VI, as defined in §§ 54.1-3450 and 54.1-3455 of the Drug Control Act, which are appropriate to alleviate ocular pain and (ii) other Schedule VI controlled substances as defined in § 54.1-3455 of the Drug Control Act appropriate to treat diseases and abnormal conditions of the human eye and its adnexa.

2. Therapeutic pharmaceutical agents shall include topically applied Schedule VI drugs as defined in § 54.1-3455 of the Drug Control Act (§ 54.1-3400 et seq.).

3. *Administration of therapeutic pharmaceutical agents by injection shall be limited to the treatment of chalazia by means of injection of a steroid included in Schedule VI controlled substances as set forth in § 54.1-3455 of the Drug Control Act (§ 54.1-3400 et seq.). A TPA-certified optometrist shall provide written evidence to the Board that he has completed a didactic and clinical training course provided by an accredited school or college of optometry that includes training in administration of TPAs by injection prior to administering TPAs by injection pursuant to this subdivision.*

4. Treatment of angle closure glaucoma shall be limited to initiation of immediate emergency care.

~~4~~ 5. Treatment of infantile or congenital glaucoma shall be prohibited.

~~5~~ 6. Treatment through surgery or other invasive modalities shall not be permitted, except as provided in subdivision 3 or for treatment of emergency cases of anaphylactic shock with intramuscular epinephrine.

~~6~~ 7. Entities permitted or licensed by the Board of Pharmacy to distribute or dispense drugs, including, but not limited to, wholesale distributors and pharmacists, shall be authorized to supply TPA-certified optometrists with those therapeutic pharmaceutical agents specified by the Board on the TPA-Formulary.

## CHAPTER 281

*An Act to amend and reenact §§ 16.1-260, 19.2-83.1, and 22.1-279.3:1 of the Code of Virginia, relating to reports to school division superintendents; abduction.*

[H 292]

Approved March 9, 2018

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

**1. That §§ 16.1-260, 19.2-83.1, and 22.1-279.3:1 of the Code of Virginia are amended and reenacted as follows:**

**§ 16.1-260. Intake; petition; investigation.**

A. All matters alleged to be within the jurisdiction of the court shall be commenced by the filing of a petition, except as provided in subsection H and in § 16.1-259. The form and content of the petition shall be as provided in § 16.1-262. No individual shall be required to obtain support services from the Department of Social Services prior to filing a petition seeking support for a child. Complaints, requests, and the processing of petitions to initiate a case shall be the responsibility of the intake officer. However, (i) the attorney for the Commonwealth of the city or county may file a petition on his own motion with the clerk; (ii) designated nonattorney employees of the Department of Social Services may complete, sign, and file petitions and motions relating to the establishment, modification, or enforcement of support on forms approved by the Supreme Court of Virginia with the clerk; (iii) designated nonattorney employees of a local department of social services may complete, sign, and file with the clerk, on forms approved by the Supreme Court of Virginia, petitions for foster care review, petitions for permanency planning hearings, petitions to establish paternity, motions to establish or modify support, motions to amend or review an order, and motions for a rule to show cause; and (iv) any attorney may file petitions on behalf of his client with the clerk except petitions alleging that the subject of the petition is a child alleged to be in need of

services, in need of supervision, or delinquent. Complaints alleging abuse or neglect of a child shall be referred initially to the local department of social services in accordance with the provisions of Chapter 15 (§ 63.2-1500 et seq.) of Title 63.2. Motions and other subsequent pleadings in a case shall be filed directly with the clerk. The intake officer or clerk with whom the petition or motion is filed shall inquire whether the petitioner is receiving child support services or public assistance. No individual who is receiving support services or public assistance shall be denied the right to file a petition or motion to establish, modify, or enforce an order for support of a child. If the petitioner is seeking or receiving child support services or public assistance, the clerk, upon issuance of process, shall forward a copy of the petition or motion, together with notice of the court date, to the Division of Child Support Enforcement.

B. The appearance of a child before an intake officer may be by (i) personal appearance before the intake officer or (ii) use of two-way electronic video and audio communication. If two-way electronic video and audio communication is used, an intake officer may exercise all powers conferred by law. All communications and proceedings shall be conducted in the same manner as if the appearance were in person, and any documents filed may be transmitted by facsimile process. The facsimile may be served or executed by the officer or person to whom sent, and returned in the same manner, and with the same force, effect, authority, and liability as an original document. All signatures thereon shall be treated as original signatures. Any two-way electronic video and audio communication system used for an appearance shall meet the standards as set forth in subsection B of § 19.2-3.1.

When the court service unit of any court receives a complaint alleging facts which may be sufficient to invoke the jurisdiction of the court pursuant to § 16.1-241, the unit, through an intake officer, may proceed informally to make such adjustment as is practicable without the filing of a petition or may authorize a petition to be filed by any complainant having sufficient knowledge of the matter to establish probable cause for the issuance of the petition.

An intake officer may proceed informally on a complaint alleging a child is in need of services, in need of supervision, or delinquent only if the juvenile (i) is not alleged to have committed a violent juvenile felony or (ii) has not previously been proceeded against informally or adjudicated delinquent for an offense that would be a felony if committed by an adult. A petition alleging that a juvenile committed a violent juvenile felony shall be filed with the court. A petition alleging that a juvenile is delinquent for an offense that would be a felony if committed by an adult shall be filed with the court if the juvenile had previously been proceeded against informally by intake or had been adjudicated delinquent for an offense that would be a felony if committed by an adult.

If a juvenile is alleged to be a truant pursuant to a complaint filed in accordance with § 22.1-258 and the attendance officer has provided documentation to the intake officer that the relevant school division has complied with the provisions of § 22.1-258, then the intake officer shall file a petition with the court. The intake officer may defer filing the complaint for 90 days and proceed informally by developing a truancy plan. The intake officer may proceed informally only if the juvenile has not previously been proceeded against informally or adjudicated in need of supervision for failure to comply with compulsory school attendance as provided in § 22.1-254. The juvenile and his parent or parents, guardian, or other person standing in loco parentis must agree, in writing, for the development of a truancy plan. The truancy plan may include requirements that the juvenile and his parent or parents, guardian, or other person standing in loco parentis participate in such programs, cooperate in such treatment, or be subject to such conditions and limitations as necessary to ensure the juvenile's compliance with compulsory school attendance as provided in § 22.1-254. The intake officer may refer the juvenile to the appropriate public agency for the purpose of developing a truancy plan using an interagency interdisciplinary team approach. The team may include qualified personnel who are reasonably available from the appropriate department of social services, community services board, local school division, court service unit, and other appropriate and available public and private agencies and may be the family assessment and planning team established pursuant to § 2.2-5207. If at the end of the 90-day period the juvenile has not successfully completed the truancy plan or the truancy program, then the intake officer shall file the petition.

Whenever informal action is taken as provided in this subsection on a complaint alleging that a child is in need of services, in need of supervision, or delinquent, the intake officer shall (i) develop a plan for the juvenile, which may include restitution and the performance of community service, based upon community resources and the circumstances which resulted in the complaint, (ii) create an official record of the action taken by the intake officer and file such record in the juvenile's case file, and (iii) advise the juvenile and the juvenile's parent, guardian, or other person standing in loco parentis and the complainant that any subsequent complaint alleging that the child is in need of supervision or delinquent based upon facts which may be sufficient to invoke the jurisdiction of the court pursuant to § 16.1-241 will result in the filing of a petition with the court.

C. The intake officer shall accept and file a petition in which it is alleged that (i) the custody, visitation, or support of a child is the subject of controversy or requires determination, (ii) a person has deserted, abandoned, or failed to provide support for any person in violation of law, (iii) a child or such child's parent, guardian, legal custodian, or other person standing in loco parentis is entitled to treatment, rehabilitation, or other services which are required by law, (iv) family abuse has occurred and a protective order is being sought pursuant to § 16.1-253.1, 16.1-253.4, or 16.1-279.1, or (v) an act of violence, force, or threat has occurred, a protective order is being sought pursuant to § 19.2-152.8, 19.2-152.9, or 19.2-152.10, and either the alleged victim or the respondent is a juvenile. If any such complainant does not file a petition, the intake officer may file it. In cases in which a child is alleged to be abused, neglected, in need of services, in need of supervision, or delinquent, if the intake officer believes that probable cause does not exist, or that the authorization of a petition will not be in the best interest of the family or juvenile or that the matter may be effectively dealt with by some

agency other than the court, he may refuse to authorize the filing of a petition. The intake officer shall provide to a person seeking a protective order pursuant to § 16.1-253.1, 16.1-253.4, or 16.1-279.1 a written explanation of the conditions, procedures and time limits applicable to the issuance of protective orders pursuant to § 16.1-253.1, 16.1-253.4, or 16.1-279.1. If the person is seeking a protective order pursuant to § 19.2-152.8, 19.2-152.9, or 19.2-152.10, the intake officer shall provide a written explanation of the conditions, procedures, and time limits applicable to the issuance of protective orders pursuant to § 19.2-152.8, 19.2-152.9, or 19.2-152.10.

D. Prior to the filing of any petition alleging that a child is in need of supervision, the matter shall be reviewed by an intake officer who shall determine whether the petitioner and the child alleged to be in need of supervision have utilized or attempted to utilize treatment and services available in the community and have exhausted all appropriate nonjudicial remedies which are available to them. When the intake officer determines that the parties have not attempted to utilize available treatment or services or have not exhausted all appropriate nonjudicial remedies which are available, he shall refer the petitioner and the child alleged to be in need of supervision to the appropriate agency, treatment facility, or individual to receive treatment or services, and a petition shall not be filed. Only after the intake officer determines that the parties have made a reasonable effort to utilize available community treatment or services may he permit the petition to be filed.

E. If the intake officer refuses to authorize a petition relating to an offense that if committed by an adult would be punishable as a Class 1 misdemeanor or as a felony, the complainant shall be notified in writing at that time of the complainant's right to apply to a magistrate for a warrant. If a magistrate determines that probable cause exists, he shall issue a warrant returnable to the juvenile and domestic relations district court. The warrant shall be delivered forthwith to the juvenile court, and the intake officer shall accept and file a petition founded upon the warrant. If the court is closed and the magistrate finds that the criteria for detention or shelter care set forth in § 16.1-248.1 have been satisfied, the juvenile may be detained pursuant to the warrant issued in accordance with this subsection. If the intake officer refuses to authorize a petition relating to a child in need of services or in need of supervision, a status offense, or a misdemeanor other than Class 1, his decision is final.

Upon delivery to the juvenile court of a warrant issued pursuant to subdivision 2 of § 16.1-256, the intake officer shall accept and file a petition founded upon the warrant.

F. The intake officer shall notify the attorney for the Commonwealth of the filing of any petition which alleges facts of an offense which would be a felony if committed by an adult.

G. Notwithstanding the provisions of Article 12 (§ 16.1-299 et seq.), the intake officer shall file a report with the division superintendent of the school division in which any student who is the subject of a petition alleging that such student who is a juvenile has committed an act, wherever committed, which would be a crime if committed by an adult, or that such student who is an adult has committed a crime and is alleged to be within the jurisdiction of the court. The report shall notify the division superintendent of the filing of the petition and the nature of the offense, if the violation involves:

1. A firearm offense pursuant to Article 4 (§ 18.2-279 et seq.), 5 (§ 18.2-288 et seq.), 6 (§ 18.2-299 et seq.), 6.1 (§ 18.2-307.1 et seq.), or 7 (§ 18.2-308.1 et seq.) of Chapter 7 of Title 18.2;
2. Homicide, pursuant to Article 1 (§ 18.2-30 et seq.) of Chapter 4 of Title 18.2;
3. Felonious assault and bodily wounding, pursuant to Article 4 (§ 18.2-51 et seq.) of Chapter 4 of Title 18.2;
4. Criminal sexual assault, pursuant to Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2;
5. Manufacture, sale, gift, distribution or possession of Schedule I or II controlled substances, pursuant to Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2;
6. Manufacture, sale or distribution of marijuana pursuant to Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2;
7. Arson and related crimes, pursuant to Article 1 (§ 18.2-77 et seq.) of Chapter 5 of Title 18.2;
8. Burglary and related offenses, pursuant to §§ 18.2-89 through 18.2-93;
9. Robbery pursuant to § 18.2-58;
10. Prohibited criminal street gang activity pursuant to § 18.2-46.2;
11. Recruitment of other juveniles for a criminal street gang activity pursuant to § 18.2-46.3; ~~or~~
12. An act of violence by a mob pursuant to § 18.2-42.1; *or*
13. *Abduction of any person pursuant to § 18.2-47 or 18.2-48.*

The failure to provide information regarding the school in which the student who is the subject of the petition may be enrolled shall not be grounds for refusing to file a petition.

The information provided to a division superintendent pursuant to this section may be disclosed only as provided in § 16.1-305.2.

H. The filing of a petition shall not be necessary:

1. In the case of violations of the traffic laws, including offenses involving bicycles, hitchhiking and other pedestrian offenses, game and fish laws, or a violation of the ordinance of any city regulating surfing or any ordinance establishing curfew violations, animal control violations, or littering violations. In such cases the court may proceed on a summons issued by the officer investigating the violation in the same manner as provided by law for adults. Additionally, an officer investigating a motor vehicle accident may, at the scene of the accident or at any other location where a juvenile who is involved in such an accident may be located, proceed on a summons in lieu of filing a petition.

2. In the case of seeking consent to apply for the issuance of a work permit pursuant to subsection H of § 16.1-241.

3. In the case of a misdemeanor violation of § 18.2-250.1, 18.2-266, 18.2-266.1, or 29.1-738, or the commission of any other alcohol-related offense, provided the juvenile is released to the custody of a parent or legal guardian pending the initial

court date. The officer releasing a juvenile to the custody of a parent or legal guardian shall issue a summons to the juvenile and shall also issue a summons requiring the parent or legal guardian to appear before the court with the juvenile. Disposition of the charge shall be in the manner provided in § 16.1-278.8, 16.1-278.8:01, or 16.1-278.9. If the juvenile so charged with a violation of § 18.2-51.4, 18.2-266, 18.2-266.1, 18.2-272, or 29.1-738 refuses to provide a sample of blood or breath or samples of both blood and breath for chemical analysis pursuant to §§ 18.2-268.1 through 18.2-268.12 or 29.1-738.2, the provisions of these sections shall be followed except that the magistrate shall authorize execution of the warrant as a summons. The summons shall be served on a parent or legal guardian and the juvenile, and a copy of the summons shall be forwarded to the court in which the violation is to be tried. When a violation of § 18.2-250.1 is charged by summons, the juvenile shall be entitled to have the charge referred to intake for consideration of informal proceedings pursuant to subsection B, provided such right is exercised by written notification to the clerk not later than 10 days prior to trial. At the time such summons alleging a violation of § 18.2-250.1 is served, the officer shall also serve upon the juvenile written notice of the right to have the charge referred to intake on a form approved by the Supreme Court and make return of such service to the court. If the officer fails to make such service or return, the court shall dismiss the summons without prejudice.

4. In the case of offenses which, if committed by an adult, would be punishable as a Class 3 or Class 4 misdemeanor. In such cases the court may direct that an intake officer proceed as provided in § 16.1-237 on a summons issued by the officer investigating the violation in the same manner as provided by law for adults provided that notice of the summons to appear is mailed by the investigating officer within five days of the issuance of the summons to a parent or legal guardian of the juvenile.

I. Failure to comply with the procedures set forth in this section shall not divest the juvenile court of the jurisdiction granted it in § 16.1-241.

**§ 19.2-83.1. Report of arrest of school employees and adult students for certain offenses.**

A. Every state official or agency and every sheriff, police officer, or other local law-enforcement officer or conservator of the peace having the power to arrest for a felony, upon arresting a person who is known or discovered by the arresting official to be a full-time, part-time, permanent, or temporary teacher or other employee in any public school division in this Commonwealth for a felony or a Class 1 misdemeanor or an equivalent offense in another state shall file a report of such arrest with the division superintendent of the employing division as soon as practicable. The contents of the report required pursuant to this section shall be utilized by the local school division solely to implement the provisions of subsection B of § 22.1-296.2 and § 22.1-315.

B. Every state official or agency and every sheriff, police officer, or other local law-enforcement officer or conservator of the peace having the power to arrest for a felony, shall file a report, as soon as practicable, with the division superintendent of the school division in which the student is enrolled upon arresting a person who is known or discovered by the arresting official to be a student age 18 or older in any public school division in this Commonwealth for:

1. A firearm offense pursuant to Article 4 (§ 18.2-279 et seq.), 5 (§ 18.2-288 et seq.), 6 (§ 18.2-299 et seq.), 6.1 (§ 18.2-307.1 et seq.), or 7 (§ 18.2-308.1 et seq.) of Chapter 7 of Title 18.2;
2. Homicide, pursuant to Article 1 (§ 18.2-30 et seq.) of Chapter 4 of Title 18.2;
3. Felonious assault and bodily wounding, pursuant to Article 4 (§ 18.2-51 et seq.) of Chapter 4 of Title 18.2;
4. Criminal sexual assault, pursuant to Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2;
5. Manufacture, sale, gift, distribution or possession of Schedule I or II controlled substances, pursuant to Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2;
6. Manufacture, sale or distribution of marijuana pursuant to Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2;
7. Arson and related crimes, pursuant to Article 1 (§ 18.2-77 et seq.) of Chapter 5 of Title 18.2;
8. Burglary and related offenses, pursuant to §§ 18.2-89 through 18.2-93;
9. Robbery pursuant to § 18.2-58;
10. Prohibited criminal street gang activity pursuant to § 18.2-46.2; ~~or~~
11. Recruitment of juveniles for criminal street gang pursuant to § 18.2-46.3;;
12. *An act of violence by a mob pursuant to § 18.2-42.1; or*
13. *Abduction of any person pursuant to § 18.2-47 or 18.2-48.*

**§ 22.1-279.3:1. Reports of certain acts to school authorities.**

A. Reports shall be made to the division superintendent and to the principal or his designee on all incidents involving (i) the assault or assault and battery, without bodily injury, of any person on a school bus, on school property, or at a school-sponsored activity; (ii) the assault and battery that results in bodily injury, sexual assault, death, shooting, stabbing, cutting, or wounding of any person, *abduction of any person as described in § 18.2-47 or 18.2-48*, or stalking of any person as described in § 18.2-60.3, on a school bus, on school property, or at a school-sponsored activity; (iii) any conduct involving alcohol, marijuana, a controlled substance, imitation controlled substance, or an anabolic steroid on a school bus, on school property, or at a school-sponsored activity, including the theft or attempted theft of student prescription medications; (iv) any threats against school personnel while on a school bus, on school property or at a school-sponsored activity; (v) the illegal carrying of a firearm, as defined in § 22.1-277.07, onto school property; (vi) any illegal conduct involving firebombs, explosive materials or devices, or hoax explosive devices, as defined in § 18.2-85, or explosive or incendiary devices, as defined in § 18.2-433.1, or chemical bombs, as described in § 18.2-87.1, on a school bus, on school property, or at a school-sponsored activity; (vii) any threats or false threats to bomb, as described in § 18.2-83, made against

school personnel or involving school property or school buses; or (viii) the arrest of any student for an incident occurring on a school bus, on school property, or at a school-sponsored activity, including the charge therefor.

B. Notwithstanding the provisions of Article 12 (§ 16.1-299 et seq.) of Chapter 11 of Title 16.1, local law-enforcement authorities shall report, and the principal or his designee and the division superintendent shall receive such reports, on offenses, wherever committed, by students enrolled at the school if the offense would be a felony if committed by an adult or would be a violation of the Drug Control Act (§ 54.1-3400 et seq.) and occurred on a school bus, on school property, or at a school-sponsored activity, or would be an adult misdemeanor involving any incidents described in clauses (i) through (viii) of subsection A, and whether the student is released to the custody of his parent or, if 18 years of age or more, is released on bond. As part of any report concerning an offense that would be an adult misdemeanor involving an incident described in clauses (i) through (viii) of subsection A, local law-enforcement authorities and attorneys for the Commonwealth shall be authorized to disclose information regarding terms of release from detention, court dates, and terms of any disposition orders entered by the court, to the superintendent of such student's school division, upon request by the superintendent, if, in the determination of the law-enforcement authority or attorney for the Commonwealth, such disclosure would not jeopardize the investigation or prosecution of the case. No disclosures shall be made pursuant to this section in violation of the confidentiality provisions of subsection A of § 16.1-300 or the record retention and redisclosure provisions of § 22.1-288.2. Further, any school superintendent who receives notification that a juvenile has committed an act that would be a crime if committed by an adult pursuant to subsection G of § 16.1-260 shall report such information to the principal of the school in which the juvenile is enrolled.

C. The principal or his designee shall submit a report of all incidents required to be reported pursuant to this section to the superintendent of the school division. The division superintendent shall annually report all such incidents to the Department of Education for the purpose of recording the frequency of such incidents on forms that shall be provided by the Department and shall make such information available to the public.

In submitting reports of such incidents, principals and division superintendents shall accurately indicate any offenses, arrests, or charges as recorded by law-enforcement authorities and required to be reported by such authorities pursuant to subsection B.

A division superintendent who knowingly fails to comply or secure compliance with the reporting requirements of this subsection shall be subject to the sanctions authorized in § 22.1-65. A principal who knowingly fails to comply or secure compliance with the reporting requirements of this section shall be subject to sanctions prescribed by the local school board, which may include, but need not be limited to, demotion or dismissal.

The principal or his designee shall also notify the parent of any student involved in an incident required pursuant to this section to be reported, regardless of whether disciplinary action is taken against such student or the nature of the disciplinary action. Such notice shall relate to only the relevant student's involvement and shall not include information concerning other students.

Whenever any student commits any reportable incident as set forth in this section, such student shall be required to participate in such prevention and intervention activities as deemed appropriate by the superintendent or his designee. Prevention and intervention activities shall be identified in the local school division's drug and violence prevention plans developed pursuant to the federal Improving America's Schools Act of 1994 (Title IV — Safe and Drug-Free Schools and Communities Act).

D. Except as may otherwise be required by federal law, regulation, or jurisprudence, the principal shall immediately report to the local law-enforcement agency any act enumerated in clauses (ii) through (vii) of subsection A that may constitute a criminal offense and may report to the local law-enforcement agency any incident described in clause (i) of subsection A. Nothing in this section shall require delinquency charges to be filed or prevent schools from dealing with school-based offenses through graduated sanctions or educational programming before a delinquency charge is filed with the juvenile court.

Further, except as may be prohibited by federal law, regulation, or jurisprudence, the principal shall also immediately report any act enumerated in clauses (ii) through (v) of subsection A that may constitute a criminal offense to the parents of any minor student who is the specific object of such act. Further, the principal shall report that the incident has been reported to local law enforcement as required by law and that the parents may contact local law enforcement for further information, if they so desire.

E. A statement providing a procedure and the purpose for the requirements of this section shall be included in school board policies required by § 22.1-253.13:7.

The Board of Education shall promulgate regulations to implement this section, including, but not limited to, establishing reporting dates and report formats.

F. For the purposes of this section, "parent" or "parents" means any parent, guardian or other person having control or charge of a child.

G. This section shall not be construed to diminish the authority of the Board of Education or to diminish the Governor's authority to coordinate and provide policy direction on official communications between the Commonwealth and the United States government.

**CHAPTER 282**

*An Act to amend the Code of Virginia by adding a section numbered 23.1-902.1, relating to education preparation programs; reading specialists; dyslexia.*

[H 1265]

Approved March 9, 2018

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

**1. That the Code of Virginia is amended by adding a section numbered 23.1-902.1 as follows:**

**§ 23.1-902.1. Education preparation programs; reading specialists; dyslexia.**

*Each education preparation program offered by a public institution of higher education or private institution of higher education that leads to a degree, concentration, or certificate for reading specialists shall include a program of coursework and other training in the identification of and the appropriate interventions, accommodations, and teaching techniques for students with dyslexia or a related disorder. Such program shall (i) include coursework in the constructs and pedagogy underlying remediation of reading, spelling, and writing and (ii) require reading specialists to demonstrate mastery of an evidence-based, structured literacy instructional approach that includes explicit, systematic, sequential, and cumulative instruction.*

**CHAPTER 283**

*An Act to amend the Code of Virginia by adding a section numbered 58.1-341.2, relating to notification of tax return data breach.*

[H 183]

Approved March 9, 2018

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

**1. That the Code of Virginia is amended by adding a section numbered 58.1-341.2 as follows:**

**§ 58.1-341.2. Returns of individuals; notification of tax return data breach.**

*A. As used in this section:*

*"Income tax return preparer" has the same meaning as in § 58.1-302.*

*"Return information" means a taxpayer's identity and the nature, source, or amount of his income, payments, receipts, deductions, exemptions, credits, assets, liabilities, net worth, tax liability, tax withheld, assessments, or tax payments. "Return information" does not include information that is lawfully obtained from publicly available information or from federal, state, or local government records lawfully made available to the general public.*

*"Signing income tax return preparer" means an income tax return preparer who has the primary responsibility for the overall substantive accuracy of the preparation of a return or claim for refund.*

*"Taxpayer identity" means the name of a person with respect to whom a return is to be filed and his taxpayer identification number as defined in 26 U.S.C. § 6109.*

*B. 1. Any signing income tax return preparer who prepares Virginia individual income tax returns during a calendar year shall notify the Department without unreasonable delay after the discovery or notification of unauthorized access and acquisition of unencrypted and unredacted return information that compromises the confidentiality of such information maintained by such signing income tax return preparer and that creates a reasonable belief that an unencrypted and unredacted version of such information was accessed and acquired by an unauthorized person and that causes, or such preparer reasonably believes has caused or will cause, identity theft or other fraud.*

*2. Such signing income tax return preparer shall provide the Department with the name and taxpayer identification number of any taxpayer that may be affected by a compromise in confidentiality that requires notification pursuant to subdivision 1, as well as the name of the signing income tax return preparer, his preparer tax identification number, and such other information as the Department may prescribe.*

*C. An income tax return preparer shall complete the notice required by this section on behalf of any of its employees who are signing income tax preparers and who would otherwise be required to notify the Department pursuant to subsection B.*

**CHAPTER 284**

*An Act to amend and reenact § 1-510 of the Code of Virginia, relating to official designations; state salamander.*

[H 459]

Approved March 9, 2018

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

**1. That § 1-510 of the Code of Virginia is amended and reenacted as follows:**

**§ 1-510. Official emblems and designations.**

The following are hereby designated official emblems and designations of the Commonwealth:

- Artisan Center — "Virginia Artisans Center," located in the City of Waynesboro.
- Bat — Virginia Big-eared bat (*Corynorhinus townsendii virginianus*).
- Beverage — Milk.
- Bird — Northern Cardinal (*Cardinalis cardinalis*).
- Blue Ridge Folklore State Center — Blue Ridge Institute located in the village of Ferrum.
- Boat — "Chesapeake Bay Deadrise."
- Cabin Capital of Virginia — Page County.
- Coal Miners' Memorial — The Richlands Coal Miners' Memorial located in Tazewell County.
- Covered Bridge Capital of the Commonwealth — Patrick County.
- Covered Bridge Festival — Virginia Covered Bridge Festival held in Patrick County.
- Dog — American Foxhound.
- Fish (Freshwater) — Brook Trout.
- Fish (Saltwater) — Striped Bass.
- Fleet — Replicas of the three ships, Susan Constant, Godspeed, and Discovery, which comprised the Commonwealth's founding fleet that brought the first permanent English settlers to Jamestown in 1607, and which are exhibited at the Jamestown Settlement in Williamsburg.
- Flower — American Dogwood (*Cornus florida*).
- Folk dance — Square dancing, the American folk dance that traces its ancestry to the English Country Dance and the French Ballroom Dance, and is called, cued, or prompted to the dancers, and includes squares, rounds, clogging, contra, line, the Virginia Reel, and heritage dances.
- Fossil — *Chesapecten jeffersonius*.
- Gold mining interpretive center — Monroe Park, located in the County of Fauquier.
- Insect — Tiger Swallowtail Butterfly (*Papilio glaucus* Linne).
- Maple Festival — The Highland County Maple Festival.
- Motor sports museum — "Wood Brothers Racing Museum and Virginia Motor Sports Hall of Fame," located in Patrick County.
- Outdoor drama — "The Trail of the Lonesome Pine Outdoor Drama," adapted for the stage by Clara Lou Kelly and performed in the Town of Big Stone Gap.
- Outdoor drama, historical — "The Long Way Home" based on the life of Mary Draper Ingles, adapted for the stage by Earl Hobson Smith, and performed in the City of Radford.
- Rock — Nelsonite.
- Salamander* — *Red Salamander (Pseudotriton ruber)*.
- Shakespeare festival — The Virginia Shakespeare Festival held in the City of Williamsburg.
- Shell — Oyster shell (*Crassostrea virginica*).
- Snake — Eastern Garter Snake (*Thamnophis sirtalis sirtalis*).
- Song emeritus — "Carry Me Back to Old Virginny," by James A. Bland, as set out in the House Joint Resolution 10, adopted by the General Assembly of Virginia at the Session of 1940.
- Song (Popular) — "Sweet Virginia Breeze," by Robbin Thompson and Steve Bassett.
- Song (Traditional) — "Our Great Virginia," lyrics by Mike Greenly and arranged by Jim Papoulis with music from the original American folk song "Oh Shenandoah."
- Spirit — George Washington's rye whiskey produced at Mount Vernon, Virginia.
- Sports hall of fame — "Virginia Sports Hall of Fame," located in the City of Portsmouth.
- Television series — "Song of the Mountains."
- Tree — American Dogwood (*Cornus florida*).
- War memorial museum — "Virginia War Museum," (formerly known as the War Memorial Museum of Virginia), located in the City of Newport News.

## CHAPTER 285

*An Act to authorize the issuance of bonds, in an amount up to \$21,000,000 plus financing costs, pursuant to Article X, Section 9 (c) of the Constitution of Virginia, for paying costs of acquiring, constructing, and equipping revenue-producing capital projects at institutions of higher education of the Commonwealth; to authorize the Treasury Board, by and with the consent of the Governor, to fix the details of such bonds, to provide for the sale of such bonds, and to issue notes to borrow money in anticipation of the issuance of the bonds; to provide for the pledge of the net revenues of such capital projects and the full faith, credit, and taxing power of the Commonwealth for the payment of such bonds; and to provide that the interest income on such bonds and notes shall be exempt from all taxation by the Commonwealth and any political subdivision thereof.*

[H 766]

Approved March 9, 2018

Whereas, Article X, Section 9 (c) of the Constitution of Virginia provides that the General Assembly may authorize the creation of debt secured by a pledge of net revenues derived from rates, fees, or other charges and the full faith and credit of the Commonwealth of Virginia, provided that such debt is created for specific revenue-producing capital projects, including their enlargement or improvement, at, among others, institutions of higher education of the Commonwealth; and

Whereas, in accordance with Article X, Section 9 (c) of the Constitution of Virginia, the Governor has certified in writing, filed with the Auditor of Public Accounts, his opinion that the anticipated net revenues of each of the capital projects identified below to be pledged to the payment of the principal of and the interest on that portion of such debt issued for each such project will be sufficient to meet such payments as the same become due and to provide such reserves as may be required by law and that each of the capital projects complies with the requirements of Article X, Section 9 (c) of the Constitution of Virginia; now, therefore,

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

**1. §1. Title.**

*This act shall be known and may be cited as the "Commonwealth of Virginia Institutions of Higher Education Bond Act of 2018."*

**§ 2. Authorization of bonds and bond anticipation notes.**

*The Treasury Board is hereby authorized, by and with the consent of the Governor, to sell and issue, pursuant to Article X, Section 9 (c) of the Constitution of Virginia, at one time or from time to time, bonds of the Commonwealth, to be designated "Commonwealth of Virginia Institutions of Higher Education Bonds, Series ....." in an aggregate principal amount not exceeding \$21,000,000, plus amounts needed to fund issuance costs, reserve funds, construction period interest, and other financing expenses. The Treasury Board is further hereby authorized, by and with the consent of the Governor, to borrow money in anticipation of the issuance of bonds by the issuance of bond anticipation notes (BANs), including BANs issued as commercial paper. The proceeds of such bonds and BANs, excluding amounts needed to fund issuance costs, reserve funds, and other financing expenses, shall be used exclusively for the purpose of providing funds, with any other available funds, for paying all or a portion of the costs of acquiring, constructing, renovating, enlarging, improving, and equipping revenue-producing capital projects at institutions of higher education of the Commonwealth as follows:*

<i>Institution</i>	<i>Project Title</i>	<i>Amount</i>
<i>Norfolk State University</i>	<i>Construct Residence Housing</i>	<i>\$10,000,000</i>
<i>The College of William and Mary in Virginia</i>	<i>Renovate Dormitories: Green &amp; Gold Phase</i>	<i>\$11,000,000</i>
<i>Total</i>		<i>\$21,000,000</i>

**§ 3. Application of proceeds.**

*The proceeds, including any premium, of bonds and BANs (except the proceeds of (i) bonds the issuance of which has been anticipated by BANs, (ii) refunding bonds, and (iii) refunding BANs), shall be deposited in a special capital outlay fund in the state treasury and, together with the investment income thereon, shall be disbursed by the State Treasurer for paying costs of acquiring, constructing, renovating, enlarging, improving, and equipping the authorized capital projects, including financing costs. The proceeds of (i) bonds the issuance of which has been anticipated by BANs, (ii) refunding bonds, and (iii) refunding BANs shall be used to pay such BANs, refunded bonds, and refunded BANs.*

**§ 4. Details, sale of bonds and BANs.**

*Bonds and BANs shall be dated and may be made redeemable before their maturity or maturities at such price or prices or within such price parameters, all as may be determined by the Treasury Board, by and with the consent of the Governor. Bonds and BANs shall be in such form, shall bear interest at such rate or rates, either at fixed rates or at rates established by formula or other method, and may contain such other provisions, all as determined by the Treasury Board or, when authorized by the Treasury Board, the State Treasurer. The principal of and premium, if any, and the interest on bonds and BANs shall be payable in lawful money of the United States of America. Bonds and BANs may be certificated or uncertificated as determined by the Treasury Board. The Treasury Board may contract for services of such registrars, transfer agents, or other authenticating agents as it deems appropriate to maintain a record of the persons entitled to the bonds and BANs. Bonds and BANs issued in certificated form may be issued under a system of book entry for recording the ownership and transfer of ownership of rights to receive payments on the bonds and BANs. The Treasury Board shall fix the authorized denomination or denominations of the bonds and the place or places of payment of certificated bonds and BANs, which may be at the Office of the State Treasurer or at any bank or trust company within or without the Commonwealth. Bonds shall mature at such time or times not exceeding 30 years from their date or dates, and BANs shall mature at such time or times not exceeding five years from their date or dates.*

*The Treasury Board may sell bonds and BANs in such manner, by competitive bidding, negotiated sale, or private placement, and for such price or within such price parameters as it may determine, by and with the consent of the Governor, to be in the best interest of the Commonwealth.*

*In the discretion of the Treasury Board, bonds and BANs may be issued at one time or from time to time and may be sold and issued at the same time with other general obligation bonds and BANs, respectively, of the Commonwealth authorized pursuant to Article X, Section 9 (a) (3), (b), and (c) of the Constitution of Virginia, as separate issues or as a combined issue, designated "Commonwealth of Virginia General Obligation Bonds Bond Anticipation Notes, Series."*

§ 5. Execution of bonds and BANs.

Certificated bonds and BANs shall be signed on behalf of the Commonwealth by the Governor and by the State Treasurer, or shall bear their facsimile signatures, and shall bear the lesser seal of the Commonwealth or a facsimile thereof. If the bonds or BANs bear the facsimile signature of the State Treasurer, they shall be signed by such administrative assistant as the State Treasurer shall determine or by such registrar or paying agent as may be designated to sign them by the Treasury Board. If any officer whose signature or facsimile signature appears on any bonds or BANs ceases to be such officer before delivery, such signature or facsimile signature shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until such delivery, and any bond or BAN may bear the facsimile signature of, or may be signed by, such persons as at the actual time of execution are the proper officers to sign such bond or BAN, although at the date of such bond or BAN, such persons may not have been such officers.

§ 6. Sources for payment of expenses.

All expenses incurred under this act shall be paid from the proceeds of bonds or BANs, from payments made by the institutions for which the capital projects were authorized in § 2, or from any other available funds as the Treasury Board shall determine.

§ 7. Revenues.

Each institution of higher education named in § 2 is hereby authorized (i) to fix, revise, charge, and collect rates, fees, and charges for or in connection with the use, occupancy, and services of each capital project named in § 2 or the system of which such capital project is a part and (ii) to pledge to the portion of the bonds or BANs issued for such capital project the net revenues resulting from such rates, fees, and charges and remaining after payment of the expenses of operating the project or system, as the case may be. The institution is further authorized to create debt service and sinking funds for the payments of the principal of, premium, if any, and interest on the bonds and other reserves required by any agency of the United States of America purchasing the bonds or any portion thereof.

§ 8. Investments and contracts.

A. Pending the application of the proceeds of the bonds or BANs (including refunding bonds and BANs) to the purpose for which they have been authorized and the application of funds set aside for the purpose to the payment of bonds or BANs, they may be invested by the State Treasurer in securities that are legal investments under the laws of the Commonwealth for public funds and sinking funds, as the case may be. Whenever the State Treasurer receives interest from the investment of the proceeds of bonds or any BANs, such interest shall become a part of the principal of the bonds or any BANs and shall be used in the same manner as required for principal of the bonds or BANs.

B. The Commonwealth may enter into any contract or other arrangement that is determined to be necessary or appropriate to place the obligation or investment of the Commonwealth, as represented by bonds, BANs, or investments, in whole or in part, on the interest rate, cash flow, or other basis desired by the Commonwealth. Such contract or other arrangement may include, without limitation, contracts commonly known as interest rate swap agreements and futures or contracts providing for payments based on levels of, or changes in, interest rates. These contracts or arrangements may be entered into by the Commonwealth in connection with, or incidental to, entering into, or maintaining any (i) agreement that secures bonds or BANs or (ii) investment, or contract providing for investment, otherwise authorized by law. These contracts and arrangements may contain such payment, security, default, remedy, and other terms and conditions as determined by the Commonwealth, after giving due consideration to the creditworthiness of the counterparty or other obligated party, including any rating by any nationally recognized rating agency, and any other criteria as may be appropriate. The determinations referred to in this subsection may be made by the Treasury Board or any public funds manager with professional investment capabilities duly authorized by the Treasury Board to make such determinations.

C. Any money set aside and pledged to secure payments of bonds, BANs, or any of the contracts entered into pursuant to this section may be invested in accordance with subsection A and may be pledged to and used to service any of the contracts or other arrangements entered into pursuant to subsection B.

§ 9. Security for bonds and BANs.

The net revenues of the capital projects set forth above and the full faith and credit of the Commonwealth are hereby irrevocably pledged for the payment of the principal of and the interest on bonds and BANs (unless the Treasury Board, by and with the consent of the Governor, shall provide otherwise) issued under this act. The proceeds of (i) bonds the issuance of which has been anticipated by BANs, (ii) refunding bonds, and (iii) refunding BANs are hereby irrevocably pledged for the payment of principal of and interest and any premium on the BANs or bonds to be paid or redeemed thereby. In the event the net revenues pledged to the payment of the bonds or BANs are insufficient in any fiscal year for the timely payment of the principal of, premium, if any, and interest on the bonds or BANs, where the full faith and credit of the Commonwealth have been pledged, the General Assembly shall appropriate a sum sufficient therefor or the Governor shall direct payment therefor from the general fund revenues of the Commonwealth.

§ 10. Exemption of interest from tax.

The bonds and BANs issued under the provisions of this act, their transfer and the income therefrom, including any profit made on the sale thereof, shall at all times be free and exempt from taxation by the Commonwealth and by any county, city, or town, or other political subdivision thereof. The Treasury Board is authorized to take or refrain from taking any and all actions and to covenant to such effect, and to require the participating institutions to do and to covenant likewise, to the extent that, in the judgment of the Treasury Board, it is appropriate in order that interest on the bonds and BANs may be

exempt from federal income tax. Alternatively, interest on bonds and BANs may be made subject to inclusion in gross income of the holders thereof for federal income tax purposes.

§ 11. Refunding bonds and BANs.

The Treasury Board is authorized, by and with the consent of the Governor, to sell and issue, at one time or from time to time, refunding bonds and BANs of the Commonwealth and to refund any or all of the bonds and BANs, respectively, issued under this act or otherwise authorized pursuant to Article X, Section 9 (c) of the Constitution of Virginia. Refunding bonds and BANs may be issued in a principal amount up to the amount necessary to pay at maturity or redeem the bonds and BANs to be refunded and pay all issuance costs and other financing expenses of the refunding. Such refunding bonds and BANs may be issued whether or not the obligations to be refunded are then subject to redemption.

§ 12. Defeasance.

Any bond or BAN for which cash or direct obligations of the United States of America shall have been set aside in escrow with the State Treasurer or a bank or trust company, within or without the Commonwealth, shall be deemed no longer outstanding under the applicable authorizing instrument, this act, and Article X, Section 9 (c) or (b), as the case may be, of the Constitution of Virginia.

§ 13. Severability.

The provisions of this act or the application thereof to any person or circumstance that are held invalid shall not affect the validity of other provisions or applications of this act which can be given effect without the invalid provisions or applications.

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

**CHAPTER 286**

An Act to amend the Code of Virginia by adding a section numbered 46.2-646.2 and to repeal §§ 46.2-752.1 and 46.2-1183.1 of the Code of Virginia, relating to vehicle registration extension for satisfaction of certain requirements.

[H 1069]

Approved March 9, 2018

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

**1. That the Code of Virginia is amended by adding a section numbered 46.2-646.2 as follows:**

**§ 46.2-646.2. Registration extension for satisfaction of certain requirements.**

A. Upon request by an applicant, the Commissioner may grant a one-month extension of the registration period of a vehicle if the vehicle registration has been withheld pursuant to § 33.2-503, 46.2-752, 46.2-819.1, 46.2-819.3, 46.2-819.3:1, or 46.2-1183 and the current registration period will expire within the calendar month. No extension may be granted for an expired vehicle registration, and only one extension may be granted for any one vehicle registration period.

B. For each extension granted, the Commissioner shall collect (i) a \$10 administrative fee and (ii) a fee sufficient for a one-month registration period for the vehicle, as calculated under subsection B of § 46.2-694. On receipt of such fees, the Commissioner shall issue a registration card and, if applicable, decals indicating the month of expiration of the vehicle registration. Upon satisfying the requirements for which the vehicle registration has been withheld, the applicant may elect to renew the vehicle registration. For such renewal, the Commissioner shall collect the appropriate registration renewal fee and issue a registration card and, if applicable, decals. The renewal shall take effect on the first day succeeding the month in which the registration extension expires. When offered by the Commissioner, the applicant may elect to renew the vehicle registration for multiple years, pursuant to § 46.2-646.

C. All administrative fees imposed and collected by the Commissioner under this section shall be paid into the state treasury and set aside as a special fund to be used to meet the expenses of the Department.

**2. That §§ 46.2-752.1 and 46.2-1183.1 of the Code of Virginia are repealed.**

**CHAPTER 287**

An Act to amend and reenact § 58.1-3818.03 of the Code of Virginia, relating to admissions tax; Washington County.

[H 1553]

Approved March 9, 2018

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

**1. That § 58.1-3818.03 of the Code of Virginia is amended and reenacted as follows:**

**§ 58.1-3818.03. Admissions tax in Washington County.**

A. Washington County is authorized to impose a tax on admissions to (i) a multi-sports complex and (ii) an entertainment venue ~~in the county that~~ ~~(+)~~ if such complex or venue, or both, (a) is located on all or part of a parcel of land or on adjacent parcels of land, containing at least 250 acres and ~~(+)~~ (b) is in business on or before June 30, 2027. The tax shall not exceed 10 percent of the amount of charge for admission. For purposes of this section, an entertainment venue shall not include a movie theater.

B. The provisions of this section shall expire on July 1, 2027, if no such multi-sports complex ~~and~~ or entertainment venue is in business in Washington County on or before June 30, 2027.

**CHAPTER 288**

*An Act to amend the Code of Virginia by adding a section numbered 46.2-646.2 and to repeal §§ 46.2-752.1 and 46.2-1183.1 of the Code of Virginia, relating to vehicle registration extension for satisfaction of certain requirements.*

[S 575]

Approved March 9, 2018

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

**1. That the Code of Virginia is amended by adding a section numbered 46.2-646.2 as follows:**

**§ 46.2-646.2. Registration extension for satisfaction of certain requirements.**

A. Upon request by an applicant, the Commissioner may grant a one-month extension of the registration period of a vehicle if the vehicle registration has been withheld pursuant to § 33.2-503, 46.2-752, 46.2-819.1, 46.2-819.3, 46.2-819.3:1, or 46.2-1183 and the current registration period will expire within the calendar month. No extension may be granted for an expired vehicle registration, and only one extension may be granted for any one vehicle registration period.

B. For each extension granted, the Commissioner shall collect (i) a \$10 administrative fee and (ii) a fee sufficient for a one-month registration period for the vehicle, as calculated under subsection B of § 46.2-694. On receipt of such fees, the Commissioner shall issue a registration card and, if applicable, decals indicating the month of expiration of the vehicle registration. Upon satisfying the requirements for which the vehicle registration has been withheld, the applicant may elect to renew the vehicle registration. For such renewal, the Commissioner shall collect the appropriate registration renewal fee and issue a registration card and, if applicable, decals. The renewal shall take effect on the first day succeeding the month in which the registration extension expires. When offered by the Commissioner, the applicant may elect to renew the vehicle registration for multiple years, pursuant to § 46.2-646.

C. All administrative fees imposed and collected by the Commissioner under this section shall be paid into the state treasury and set aside as a special fund to be used to meet the expenses of the Department.

**2. That §§ 46.2-752.1 and 46.2-1183.1 of the Code of Virginia are repealed.**

**CHAPTER 289**

*An Act to amend and reenact § 58.1-3818.03 of the Code of Virginia, relating to admissions tax; Washington County.*

[S 503]

Approved March 9, 2018

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

**1. That § 58.1-3818.03 of the Code of Virginia is amended and reenacted as follows:**

**§ 58.1-3818.03. Admissions tax in Washington County.**

A. Washington County is authorized to impose a tax on admissions to (i) a multi-sports complex and (ii) an entertainment venue ~~in the county that~~ ~~(i)~~ if such complex or venue, or both, (a) is located on all or part of a parcel of land or on adjacent parcels of land; containing at least 250 acres and ~~(ii)~~ (b) is in business on or before June 30, 2027. The tax shall not exceed 10 percent of the amount of charge for admission. For purposes of this section, an entertainment venue shall not include a movie theater.

B. The provisions of this section shall expire on July 1, 2027, if no such multi-sports complex ~~and~~ or entertainment venue is in business in Washington County on or before June 30, 2027.

**CHAPTER 290**

*An Act to amend and reenact § 33.2-261 of the Code of Virginia, relating to value engineering.*

[S 125]

Approved March 9, 2018

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

**1. That § 33.2-261 of the Code of Virginia is amended and reenacted as follows:**

**§ 33.2-261. Value engineering required in certain projects.**

For the purposes of this section, "value engineering" means a systematic process of review and analysis of an engineering project by a team of persons not originally involved in the project. Such team may offer suggestions that would improve project quality and reduce total project cost, ranging from a combination or elimination of inefficient or expensive parts or steps in the original proposal to total redesign of the project using different technologies, materials, or methods.

The Department shall employ value engineering in conjunction with any project that has an estimated construction cost of more than \$15 million on any highway system using criteria established by the Department, ~~including all projects~~

costing more than \$5 million. For the purposes of this section, "value engineering" means a systematic process of review and analysis of an engineering project by a team of persons not originally involved in the project. Such team may offer suggestions that would improve project quality and reduce total project cost, ranging from a combination or elimination of inefficient or expensive parts or steps in the original proposal to total redesign of the project using different technologies, materials, or methods.

After a review, the Commissioner of Highways may waive the requirements of this section for any project for compelling reasons. Any such waiver shall be in writing, state the reasons for the waiver, and apply only to a single project.

The provisions of this section shall not apply to projects that are designed (i) utilizing a design-build contract pursuant to § 33.2-209 or 33.2-269 or (ii) pursuant to the Public-Private Transportation Act of 1995 (§ 33.2-1800 et seq.).

**CHAPTER 291**

An Act to amend and reenact § 58.1-3216 of the Code of Virginia, relating to recapture of deferred real estate taxes.

[S 228]

Approved March 9, 2018

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

**1. That § 58.1-3216 of the Code of Virginia is amended and reenacted as follows:**

**§ 58.1-3216. Deferral programs; taxes to be lien on property.**

A. For purposes of this section:

"Nonqualified transfer" means a transfer in ownership of the real estate by gift or otherwise not for bona fide consideration, other than (i) a transfer by the qualified owner to a spouse, including without limitation a transfer creating a tenancy for life or joint lives; (ii) a transfer by the qualified owner or the qualified owner and his spouse to a revocable inter vivos trust over which the qualified owner, or the qualified owner and his spouse, hold the power of revocation; or (iii) a transfer to an irrevocable trust under which a qualified owner alone or in conjunction with his spouse possesses a life estate or an estate for joint lives, or enjoys a continuing right of use or support.

"Qualified owner" means the owner of the real property who qualifies for a tax deferral by county, city, or town ordinance.

B. In the event of a deferral of real estate taxes granted by ordinance, the accumulated amount of taxes deferred shall be paid to the county, city, or town concerned by the vendor, transferor, executor, or administrator: (i) upon the sale of the dwelling, real estate; (ii) upon a nonqualified transfer of the real estate; or (iii) from the estate of the decedent within one year after the death of the last qualified owner thereof who qualifies for tax deferral by the provisions of this section and by the county, city or town ordinance. Such deferred real estate taxes shall be paid without penalty, except that any ordinance establishing a combined program of exemptions and deferrals, or deferrals only, may provide for interest not to exceed eight percent per annum year on any amount so deferred, and such taxes and interest, if applicable, shall constitute a lien upon the said real estate as if it had been assessed without regard to the deferral permitted by this article. Any such lien shall, to the extent that it exceeds in the aggregate ten 10 percent of the price for which such real estate may be sold, be inferior to all other liens of record.

**CHAPTER 292**

An Act to amend and reenact §§ 58.1-3503 and 58.1-3506 of the Code of Virginia, relating to personal property tax; computer equipment and peripherals used in data centers.

[S 268]

Approved March 9, 2018

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

**1. That §§ 58.1-3503 and 58.1-3506 of the Code of Virginia are amended and reenacted as follows:**

**§ 58.1-3503. General classification of tangible personal property.**

A. Tangible personal property is classified for valuation purposes according to the following separate categories which are not to be considered separate classes for rate purposes:

1. Farm animals, except as exempted under § 58.1-3505.

2. Farm machinery, except as exempted under § 58.1-3505.

3. Automobiles, except those described in subdivisions 7, 8, and 9 of this subsection and in subdivision A 8 of § 58.1-3504, which shall be valued by means of a recognized pricing guide or if the model and year of the individual automobile are not listed in the recognized pricing guide, the individual vehicle may be valued on the basis of percentage or percentages of original cost. In using a recognized pricing guide, the commissioner shall use either of the following two methods. The commissioner may use all applicable adjustments in such guide to determine the value of each individual automobile, or alternatively, if the commissioner does not utilize all applicable adjustments in valuing each automobile, he shall use the base value specified in such guide which may be either average retail, wholesale, or loan value, so long as uniformly applied within classifications of property. If the model and year of the individual automobile are not listed in the

recognized pricing guide, the taxpayer may present to the commissioner proof of the original cost, and the basis of the tax for purposes of the motor vehicle sales and use tax as described in § 58.1-2405 shall constitute proof of original cost. If such percentage or percentages of original cost do not accurately reflect fair market value, or if the taxpayer does not supply proof of original cost, then the commissioner may select another method which establishes fair market value.

4. Trucks of less than two tons, which may be valued by means of a recognized pricing guide or, if the model and year of the individual truck are not listed in the recognized pricing guide, on the basis of a percentage or percentages of original cost.

5. Trucks and other vehicles, as defined in § 46.2-100, except those described in subdivisions 4, and 6 through 10 of this subsection, which shall be valued by means of either a recognized pricing guide using the lowest value specified in such guide or a percentage or percentages of original cost.

6. Manufactured homes, as defined in § 36-85.3, which may be valued on the basis of square footage of living space.

7. Antique motor vehicles, as defined in § 46.2-100, which may be used for general transportation purposes as provided in subsection C of § 46.2-730.

8. Taxicabs.

9. Motor vehicles with specially designed equipment for use by the handicapped, which shall not be valued in relation to their initial cost, but by determining their actual market value if offered for sale on the open market.

10. Motorcycles, mopeds, all-terrain vehicles, and off-road motorcycles as defined in § 46.2-100, campers and other recreational vehicles, which shall be valued by means of a recognized pricing guide or a percentage or percentages of original cost.

11. Boats weighing under five tons and boat trailers, which shall be valued by means of a recognized pricing guide or a percentage or percentages of original cost.

12. Boats or watercraft weighing five tons or more, which shall be valued by means of a percentage or percentages of original cost.

13. Aircraft, which shall be valued by means of a recognized pricing guide or a percentage or percentages of original cost.

14. Household goods and personal effects, except as exempted under § 58.1-3504.

15. Tangible personal property used in a research and development business, which shall be valued by means of a percentage or percentages of original cost.

16. Programmable computer equipment and peripherals used in business which shall be valued by means of a percentage or percentages of original cost to the taxpayer, or by such other method as may reasonably be expected to determine the actual fair market value.

17. *Computer equipment and peripherals used in a data center, as defined in subdivision A 43 of § 58.1-3506, which shall be valued by means of a percentage or percentages of original cost, or by such other method as may reasonably be expected to determine the actual fair market value.*

18. All tangible personal property employed in a trade or business other than that described in subdivisions 1 through 16 of this subsection 17, which shall be valued by means of a percentage or percentages of original cost.

~~18.~~ 19. Outdoor advertising signs regulated under Article 1 (§ 33.2-1200 et seq.) of Chapter 12 of Title 33.2.

~~19.~~ 20. All other tangible personal property.

B. Methods of valuing property may differ among the separate categories, so long as each method used is uniform within each category, is consistent with requirements of this section and may reasonably be expected to determine actual fair market value as determined by the commissioner of revenue or other assessing official; however, assessment ratios shall only be used with the concurrence of the local governing body. A commissioner of revenue shall upon request take into account the condition of the property. The term "condition of the property" includes, but is not limited to, technological obsolescence of property where technological obsolescence is an appropriate factor for valuing such property. The commissioner of revenue shall make available to taxpayers on request a reasonable description of his valuation methods. Such commissioner, or other assessing officer, or his authorized agent, when using a recognized pricing guide as provided for in this section, may automatically extend the assessment if the pricing information is stored in a computer.

**§ 58.1-3506. Other classifications of tangible personal property for taxation.**

A. The items of property set forth below are each declared to be a separate class of property and shall constitute a classification for local taxation separate from other classifications of tangible personal property provided in this chapter:

1. a. Boats or watercraft weighing five tons or more, not used solely for business purposes;

b. Boats or watercraft weighing less than five tons, not used solely for business purposes;

2. Aircraft having a maximum passenger seating capacity of no more than 50 that are owned and operated by scheduled air carriers operating under certificates of public convenience and necessity issued by the State Corporation Commission or the Civil Aeronautics Board;

3. Aircraft having a registered empty gross weight equal to or greater than 20,000 pounds that are not owned or operated by scheduled air carriers recognized under federal law, but not including any aircraft described in subdivision 4;

4. Aircraft that are (i) considered Warbirds, manufactured and intended for military use, excluding those manufactured after 1954, and (ii) used only for (a) exhibit or display to the general public and otherwise used for educational purposes (including such flights as are necessary for testing, maintaining, or preparing such aircraft for safe operation), or (b) airshow and flight demonstrations (including such flights necessary for testing, maintaining, or preparing such aircraft for safe

operation), shall constitute a new class of property. Such class of property shall not include any aircraft used for commercial purposes, including transportation and other services for a fee;

5. All other aircraft not included in subdivisions A 2, A 3, or A 4 and flight simulators;

6. Antique motor vehicles as defined in § 46.2-100 which may be used for general transportation purposes as provided in subsection C of § 46.2-730;

7. Tangible personal property used in a research and development business;

8. Heavy construction machinery not used for business purposes, including land movers, bulldozers, front-end loaders, graders, packers, power shovels, cranes, pile drivers, forest harvesting and silvicultural activity equipment and ditch and other types of diggers;

9. Generating equipment purchased after December 31, 1974, for the purpose of changing the energy source of a manufacturing plant from oil or natural gas to coal, wood, wood bark, wood residue, or any other alternative energy source for use in manufacturing and any cogeneration equipment purchased to achieve more efficient use of any energy source. Such generating equipment and cogeneration equipment shall include, without limitation, such equipment purchased by firms engaged in the business of generating electricity or steam, or both;

10. Vehicles without motive power, used or designed to be used as manufactured homes as defined in § 36-85.3;

11. Computer hardware used by businesses primarily engaged in providing data processing services to other nonrelated or nonaffiliated businesses;

12. Privately owned pleasure boats and watercraft, 18 feet and over, used for recreational purposes only;

13. Privately owned vans with a seating capacity of not less than seven nor more than 15 persons, including the driver, used exclusively pursuant to a ridesharing arrangement as defined in § 46.2-1400;

14. Motor vehicles specially equipped to provide transportation for physically handicapped individuals;

15. Motor vehicles (i) owned by members of a volunteer emergency medical services agency or a member of a volunteer fire department or (ii) leased by volunteer emergency medical services personnel or a member of a volunteer fire department if the volunteer is obligated by the terms of the lease to pay tangible personal property tax on the motor vehicle. One motor vehicle that is owned by each volunteer member who meets the definition of "emergency medical services personnel" in § 32.1-111.1 or volunteer fire department member, or leased by each volunteer member who meets the definition of "emergency medical services personnel" in § 32.1-111.1 or volunteer fire department member if the volunteer is obligated by the terms of the lease to pay tangible personal property tax on the motor vehicle, may be specially classified under this section, provided the volunteer regularly responds to emergency calls. The volunteer shall furnish the commissioner of revenue, or other assessing officer, with a certification by the chief of the volunteer emergency medical services agency or volunteer fire department, that the volunteer is an individual who meets the definition of "emergency medical services personnel" in § 32.1-111.1 or a member of the volunteer fire department who regularly responds to calls or regularly performs other duties for the emergency medical services agency or fire department, and the motor vehicle owned or leased by the volunteer is identified. The certification shall be submitted by January 31 of each year to the commissioner of revenue or other assessing officer; however, the commissioner of revenue or other assessing officer shall be authorized, in his discretion, and for good cause shown and without fault on the part of the volunteer, to accept a certification after the January 31 deadline. In any county that prorates the assessment of tangible personal property pursuant to § 58.1-3516, a replacement vehicle may be certified and classified pursuant to this subsection when the vehicle certified as of the immediately prior January date is transferred during the tax year;

16. Motor vehicles (i) owned by auxiliary members of a volunteer emergency medical services agency or volunteer fire department or (ii) leased by auxiliary members of a volunteer emergency medical services agency or volunteer fire department if the auxiliary member is obligated by the terms of the lease to pay tangible personal property tax on the motor vehicle. One motor vehicle that is regularly used by each auxiliary volunteer fire department or emergency medical services agency member may be specially classified under this section. The auxiliary member shall furnish the commissioner of revenue, or other assessing officer, with a certification by the chief of the volunteer emergency medical services agency or volunteer fire department, that the volunteer is an auxiliary member of the volunteer emergency medical services agency or fire department who regularly performs duties for the emergency medical services agency or fire department, and the motor vehicle is identified as regularly used for such purpose; however, if a volunteer meets the definition of "emergency medical services personnel" in § 32.1-111.1 or volunteer fire department member and an auxiliary member are members of the same household, that household shall be allowed no more than two special classifications under this subdivision or subdivision 15. The certification shall be submitted by January 31 of each year to the commissioner of revenue or other assessing officer; however, the commissioner of revenue or other assessing officer shall be authorized, in his discretion, and for good cause shown and without fault on the part of the auxiliary member, to accept a certification after the January 31 deadline;

17. Motor vehicles owned by a nonprofit organization and used to deliver meals to homebound persons or provide transportation to senior or handicapped citizens in the community to carry out the purposes of the nonprofit organization;

18. Privately owned camping trailers as defined in § 46.2-100, and privately owned travel trailers as defined in § 46.2-1500, which are used for recreational purposes only, and privately owned trailers as defined in § 46.2-100, which are designed and used for the transportation of horses except those trailers described in subdivision A 11 of § 58.1-3505;

19. One motor vehicle owned and regularly used by a veteran who has either lost, or lost the use of, one or both legs, or an arm or a hand, or who is blind or who is permanently and totally disabled as certified by the Department of Veterans Services. In order to qualify, the veteran shall provide a written statement to the commissioner of revenue or other assessing

officer from the Department of Veterans Services that the veteran has been so designated or classified by the Department of Veterans Services as to meet the requirements of this section, and that his disability is service-connected. For purposes of this section, a person is blind if he meets the provisions of § 46.2-100;

20. Motor vehicles (i) owned by persons who have been appointed to serve as auxiliary police officers pursuant to Article 3 (§ 15.2-1731 et seq.) of Chapter 17 of Title 15.2 or (ii) leased by persons who have been so appointed to serve as auxiliary police officers if the person is obligated by the terms of the lease to pay tangible personal property tax on the motor vehicle. One motor vehicle that is regularly used by each auxiliary police officer to respond to auxiliary police duties may be specially classified under this section. In order to qualify for such classification, any auxiliary police officer who applies for such classification shall identify the vehicle for which this classification is sought, and shall furnish the commissioner of revenue or other assessing officer with a certification from the governing body that has appointed such auxiliary police officer or from the official who has appointed such auxiliary officers. That certification shall state that the applicant is an auxiliary police officer who regularly uses a motor vehicle to respond to auxiliary police duties, and it shall state that the vehicle for which the classification is sought is the vehicle that is regularly used for that purpose. The certification shall be submitted by January 31 of each year to the commissioner of revenue or other assessing officer; however, the commissioner of revenue or other assessing officer shall be authorized, in his discretion, and for good cause shown and without fault on the part of the member, to accept a certification after the January 31 deadline;

21. Until the first to occur of June 30, 2019, or the date that a special improvements tax is no longer levied under § 15.2-4607 on property within a Multicounty Transportation Improvement District created pursuant to Chapter 46 (§ 15.2-4600 et seq.) of Title 15.2, tangible personal property that is used in manufacturing, testing, or operating satellites within a Multicounty Transportation Improvement District, provided that such business personal property is put into service within the District on or after July 1, 1999;

22. Motor vehicles which use clean special fuels as defined in § 46.2-749.3, which shall not include any vehicle described in subdivision 38 or 40;

23. Wild or exotic animals kept for public exhibition in an indoor or outdoor facility that is properly licensed by the federal government, the Commonwealth, or both, and that is properly zoned for such use. "Wild animals" means any animals that are found in the wild, or in a wild state, within the boundaries of the United States, its territories or possessions. "Exotic animals" means any animals that are found in the wild, or in a wild state, and are native to a foreign country;

24. Furniture, office, and maintenance equipment, exclusive of motor vehicles, that are owned and used by an organization whose real property is assessed in accordance with § 58.1-3284.1 and that is used by that organization for the purpose of maintaining or using the open or common space within a residential development;

25. Motor vehicles, trailers, and semitrailers with a gross vehicle weight of 10,000 pounds or more used to transport property for hire by a motor carrier engaged in interstate commerce;

26. All tangible personal property employed in a trade or business other than that described in subdivisions A 1 through A 19 20, except for subdivision A 17 18, of § 58.1-3503;

27. Programmable computer equipment and peripherals employed in a trade or business;

28. Privately owned pleasure boats and watercraft, motorized and under 18 feet, used for recreational purposes only;

29. Privately owned pleasure boats and watercraft, nonmotorized and under 18 feet, used for recreational purposes only;

30. Privately owned motor homes as defined in § 46.2-100 that are used for recreational purposes only;

31. Tangible personal property used in the provision of Internet services. For purposes of this subdivision, "Internet service" means a service, including an Internet Web-hosting service, that enables users to access content, information, electronic mail, and the Internet as part of a package of services sold to customers;

32. Motor vehicles (i) owned by persons who serve as auxiliary, reserve, volunteer, or special deputy sheriffs or (ii) leased by persons who serve as auxiliary, reserve, volunteer, or special deputy sheriffs if the person is obligated by the terms of the lease to pay tangible personal property tax on the motor vehicle. For purposes of this subdivision, the term "auxiliary deputy sheriff" means auxiliary, reserve, volunteer, or special deputy sheriff. One motor vehicle that is regularly used by each auxiliary deputy sheriff to respond to auxiliary deputy sheriff duties may be specially classified under this section. In order to qualify for such classification, any auxiliary deputy sheriff who applies for such classification shall identify the vehicle for which this classification is sought, and shall furnish the commissioner of revenue or other assessing officer with a certification from the governing body that has appointed such auxiliary deputy sheriff or from the official who has appointed such auxiliary deputy sheriff. That certification shall state that the applicant is an auxiliary deputy sheriff who regularly uses a motor vehicle to respond to such auxiliary duties, and it shall state that the vehicle for which the classification is sought is the vehicle that is regularly used for that purpose. The certification shall be submitted by January 31 of each year to the commissioner of revenue or other assessing officer; however, the commissioner of revenue or other assessing officer shall be authorized, in his discretion, and for good cause shown and without fault on the part of the member, to accept a certification after the January 31 deadline;

33. Forest harvesting and silvicultural activity equipment;

34. Equipment used primarily for research, development, production, or provision of biotechnology for the purpose of developing or providing products or processes for specific commercial or public purposes, including medical, pharmaceutical, nutritional, and other health-related purposes; agricultural purposes; or environmental purposes but not for human cloning purposes as defined in § 32.1-162.21 or for products or purposes related to human embryo stem cells. For

purposes of this section, biotechnology equipment means equipment directly used in activities associated with the science of living things;

35. Boats or watercraft weighing less than five tons, used for business purposes only;

36. Boats or watercraft weighing five tons or more, used for business purposes only;

37. Tangible personal property which is owned and operated by a service provider who is not a CMRS provider and is not licensed by the FCC used to provide, for a fee, wireless broadband Internet service. For purposes of this subdivision, "wireless broadband Internet service" means a service that enables customers to access, through a wireless connection at an upload or download bit rate of more than one megabyte per second, Internet service, as defined in § 58.1-602, as part of a package of services sold to customers;

38. Low-speed vehicles as defined in § 46.2-100;

39. Motor vehicles with a seating capacity of not less than 30 persons, including the driver;

40. Motor vehicles powered solely by electricity;

41. Tangible personal property designed and used primarily for the purpose of manufacturing a product from renewable energy as defined in § 56-576;

42. Motor vehicles leased by a county, city, town, or constitutional officer if the locality or constitutional officer is obligated by the terms of the lease to pay tangible personal property tax on the motor vehicle;

43. Computer equipment and peripherals used in a data center. For purposes of this subdivision, "data center" means a facility whose primary services are the storage, management, and processing of digital data and is used to house (i) computer and network systems, including associated components such as servers, network equipment and appliances, telecommunications, and data storage systems; (ii) systems for monitoring and managing infrastructure performance; (iii) equipment used for the transformation, transmission, distribution, or management of at least one megawatt of capacity of electrical power and cooling, including substations, uninterruptible power supply systems, all electrical plant equipment, and associated air handlers; (iv) Internet-related equipment and services; (v) data communications connections; (vi) environmental controls; (vii) fire protection systems; and (viii) security systems and services;

44. Motor vehicles (i) owned by persons who serve as uniformed members of the Virginia Defense Force pursuant to Article 4.2 (§ 44-54.4 et seq.) of Chapter 1 of Title 44 or (ii) leased by persons who serve as uniformed members of the Virginia Defense Force pursuant to Article 4.2 (§ 44-54.4 et seq.) of Chapter 1 of Title 44 if the person is obligated by the terms of the lease to pay tangible personal property tax on the motor vehicle. One motor vehicle that is regularly used by a uniformed member of the Virginia Defense Force to respond to his official duties may be specially classified under this section. In order to qualify for such classification, any person who applies for such classification shall identify the vehicle for which the classification is sought and shall furnish to the commissioner of the revenue or other assessing officer a certification from the Adjutant General of the Department of Military Affairs under § 44-11. That certification shall state that (a) the applicant is a uniformed member of the Virginia Defense Force who regularly uses a motor vehicle to respond to his official duties, and (b) the vehicle for which the classification is sought is the vehicle that is regularly used for that purpose. The certification shall be submitted by January 31 of each year to the commissioner of the revenue or other assessing officer; however, the commissioner of revenue or other assessing officer shall be authorized, in his discretion, and for good cause shown and without fault on the part of the member, to accept a certification after the January 31 deadline;

45. If a locality has adopted an ordinance pursuant to subsection D of § 58.1-3703, tangible personal property of a business that qualifies under such ordinance for the first two tax years in which the business is subject to tax upon its personal property pursuant to this chapter. If a locality has not adopted such ordinance, this classification shall apply to the tangible personal property for such first two tax years of a business that otherwise meets the requirements of subsection D of § 58.1-3703;

46. Miscellaneous and incidental tangible personal property employed in a trade or business that is not classified as machinery and tools pursuant to Article 2 (§ 58.1-3507 et seq.), merchants' capital pursuant to Article 3 (§ 58.1-3509 et seq.), or short-term rental property pursuant to Article 3.1 (§ 58.1-3510.4 et seq.), and has an original cost of less than \$500. A county, city, or town shall allow a taxpayer to provide an aggregate estimate of the total cost of all such property owned by the taxpayer that qualifies under this subdivision, in lieu of a specific, itemized list; and

47. Commercial fishing vessels and property permanently attached to such vessels.

B. The governing body of any county, city or town may levy a tax on the property enumerated in subsection A at different rates from the tax levied on other tangible personal property. The rates of tax and the rates of assessment shall (i) for purposes of subdivisions A 1, 2, 3, 4, 5, 6, 8, 11 through 20, 22 through 24, and 26 through 47, not exceed that applicable to the general class of tangible personal property, (ii) for purposes of subdivisions A 7, 9, 21, and 25, not exceed that applicable to machinery and tools, and (iii) for purposes of subdivision A 10, equal that applicable to real property. If an item of personal property is included in multiple classifications under subsection A, then the rate of tax shall be the lowest rate assigned to such classifications.

C. Notwithstanding any other provision of this section, for any qualifying vehicle, as such term is defined in § 58.1-3523, (i) included in any separate class of property in subsection A and (ii) assessed for tangible personal property taxes by a county, city, or town receiving a payment from the Commonwealth under Chapter 35.1 (§ 58.1-3523 et seq.) for providing tangible personal property tax relief, the county, city, or town may levy the tangible personal property tax on such qualifying vehicle at a rate not to exceed the rates of tax and rates of assessment required under such chapter.

CHAPTER 293

*An Act to amend and reenact § 58.1-3819 of the Code of Virginia, relating to transient occupancy tax; Rockingham County.*  
 [S 818]

Approved March 9, 2018

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

**1. That § 58.1-3819 of the Code of Virginia is amended and reenacted as follows:**

**§ 58.1-3819. Transient occupancy tax.**

A. Any county, by duly adopted ordinance, may levy a transient occupancy tax on hotels, motels, boarding houses, travel campgrounds, and other facilities offering guest rooms rented out for continuous occupancy for fewer than 30 consecutive days. Such tax shall be in such amount and on such terms as the governing body may, by ordinance, prescribe. Such tax shall not exceed two percent of the amount of charge for the occupancy of any room or space occupied; however, Accomack County, Albemarle County, Alleghany County, Amherst County, Augusta County, Bedford County, Bland County, Botetourt County, Brunswick County, Campbell County, Caroline County, Carroll County, Craig County, Cumberland County, Dickenson County, Dinwiddie County, Floyd County, Franklin County, Frederick County, Giles County, Gloucester County, Goochland County, Grayson County, Greene County, Greenville County, Halifax County, Highland County, Isle of Wight County, James City County, King George County, Loudoun County, Madison County, Mecklenburg County, Montgomery County, Nelson County, Northampton County, Page County, Patrick County, Powhatan County, Prince Edward County, Prince George County, Prince William County, Pulaski County, Rockbridge County, *Rockingham County*, Russell County, Smyth County, Spotsylvania County, Stafford County, Tazewell County, Warren County, Washington County, Wise County, Wythe County, and York County may levy a transient occupancy tax not to exceed five percent, and any excess over two percent shall be designated and spent solely for tourism and travel, marketing of tourism or initiatives that, as determined after consultation with the local tourism industry organizations, including representatives of lodging properties located in the county, attract travelers to the locality, increase occupancy at lodging properties, and generate tourism revenues in the locality. If any locality has enacted an additional transient occupancy tax pursuant to subsection C of § 58.1-3823, then the governing body of the locality shall be deemed to have complied with the requirement that it consult with local tourism industry organizations, including lodging properties. If there are no local tourism industry organizations in the locality, the governing body shall hold a public hearing prior to making any determination relating to how to attract travelers to the locality and generate tourism revenues in the locality.

B. The tax imposed hereunder shall not apply to rooms or spaces rented and continuously occupied by the same individual or same group of individuals for 30 or more days in hotels, motels, boarding houses, travel campgrounds, and other facilities offering guest rooms. In addition, that portion of any tax imposed hereunder in excess of two percent shall not apply to travel campgrounds in Stafford County.

C. Nothing herein contained shall affect any authority heretofore granted to any county, city or town to levy such a transient occupancy tax. The county tax limitations imposed pursuant to § 58.1-3711 shall apply to any tax levied under this section, mutatis mutandis.

D. Any county, city or town that requires local hotel and motel businesses, or any class thereof, to collect, account for and remit to such locality a local tax imposed on the consumer may allow such businesses a commission for such service in the form of a deduction from the tax remitted. Such commission shall be provided for by ordinance, which shall set the rate thereof at no less than three percent and not to exceed five percent of the amount of tax due and accounted for. No commission shall be allowed if the amount due was delinquent.

E. All transient occupancy tax collections shall be deemed to be held in trust for the county, city or town imposing the tax.

CHAPTER 294

*An Act to amend and reenact § 46.2-1540 of the Code of Virginia, relating to inspections prior to sale; exception; certain special orders.*

[S 873]

Approved March 9, 2018

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

**1. That § 46.2-1540 of the Code of Virginia is amended and reenacted as follows:**

**§ 46.2-1540. Inspections prior to sale not required of certain sellers.**

The provisions of §§ 46.2-1158 and 46.2-1539 requiring inspection of any motor vehicle prior to sale at retail shall not apply to any person conducting a public auction for the sale of motor vehicles at retail, provided that the individual, firm, or business conducting the auction shall not have taken title to the vehicle, but is acting as an agent for the sale of the vehicle. Nor shall the provisions of §§ 46.2-1158 and 46.2-1539 requiring inspection of any motor vehicle prior to sale at retail apply to any (i) new motor vehicle or vehicles sold on the basis of a special order placed by a dealer with a manufacturer or dealer outside the Commonwealth on behalf of a customer who is a nonresident of the Commonwealth and takes delivery outside the Commonwealth, (ii) motor vehicle sold on the basis of a special order placed with a dealer or manufacturer outside the

*Commonwealth by a dealer who makes modifications to such vehicle prior to delivery to the first retail customer who takes delivery outside the Commonwealth, or (iii) new motor vehicle that has previously been inspected and displays a valid Virginia state inspection sticker. Nor shall the provisions of §§ 46.2-1158 and 46.2-1539 requiring inspection of any trailer prior to sale at retail apply to the sale of five or more used trailers with a gross weight of more than 10,000 pounds to the same buyer, provided that the trailers have a valid safety inspection.*

The provisions of this section shall also apply to watercraft trailers.

## CHAPTER 295

*An Act to amend and reenact §§ 56-1.2, 56-1.2:1, and 56-232.2:1 of the Code of Virginia and to amend the Code of Virginia by adding sections numbered 10.1-104.01, 15.2-967.2, 23.1-1301.1, and 23.1-2908.1, relating to electric vehicle charging stations; local and public operation.*

[S 908]

Approved March 9, 2018

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

**1. That §§ 56-1.2, 56-1.2:1, and 56-232.2:1 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding sections numbered 10.1-104.01, 15.2-967.2, 23.1-1301.1, and 23.1-2908.1 as follows:**

#### **§ 10.1-104.01. Electric vehicle charging stations.**

*The Department may locate and operate a retail fee-based electric vehicle charging station on the property of any existing state park or similar recreational facility the Department controls.*

#### **§ 15.2-967.2. Electric vehicle charging stations.**

*Any locality may locate and operate a retail fee-based electric vehicle charging station on property the locality owns or leases. A locality may provide that the use of such station is restricted to employees of the locality and authorized visitors and may install signage that provides notice of such restriction.*

#### **§ 23.1-1301.1. Electric vehicle charging stations.**

*The board of visitors of each baccalaureate public institution of higher education or its designee may locate and operate a retail fee-based electric vehicle charging station on the grounds of such baccalaureate public institution.*

#### **§ 23.1-2908.1. Electric vehicle charging stations.**

*The Chancellor or his designee may locate and operate a retail fee-based electric vehicle charging station on the grounds of any comprehensive community college established under this chapter.*

#### **§ 56-1.2. Persons, localities, and school boards not designated as public utility, public service corporation, etc.**

The terms public utility, public service corporation, or public service company, as used in Chapters 1 (§ 56-1 et seq.), 10 (§ 56-232 et seq.), 10.1 (§ 56-265.1 et seq.), and 10.2:1 (§ 56-265.13:1 et seq.) of this title, shall not refer to:

1. Any person who owns or operates property and provides electricity, natural gas, water, or sewer service to residents or tenants on the property, provided that (i) the electricity, natural gas, water or sewer service provided to the residents or tenants is purchased by the person from a public utility, public service corporation, public service company, or person licensed by the Commission as a competitive provider of energy services, or a county, city or town, or other publicly regulated political subdivision or public body, (ii) the person or his agent charges to the resident or tenant on the property only that portion of the person's utility charges for the electricity, natural gas, water, or sewer service which is attributable to usage by the resident or tenant on the property, and additional service charges permitted by § 55-226.2, and (iii) the person maintains three years' billing records for such charges; or

2. Any (i) person who is not a public service corporation and who provides electric vehicle charging service at retail or, (ii) school board that operates retail fee-based electric vehicle charging stations on school property pursuant to § 22.1-131, (iii) locality that operates a retail fee-based electric vehicle charging station on property owned or leased by the locality pursuant to § 15.2-967.2, or (iv) board of visitors of any baccalaureate public institution of higher education that operates a retail fee-based electric vehicle charging station on the grounds of such institution pursuant to § 23.1-1301.1. The ownership or operation of a facility at which electric vehicle charging service is sold, and the selling of electric vehicle charging service from that facility, does not render such person, or school board, locality, or board of visitors a public utility, public service corporation, or public service company as used in Chapters 1 (§ 56-1 et seq.), 10 (§ 56-232 et seq.), 10.1 (§ 56-265.1 et seq.), and 10.2:1 (§ 56-265.13:1 et seq.) solely because of that sale, ownership, or operation.

3. *The Department of Conservation and Recreation when operating a retail fee-based electric vehicle charging station on property of any existing state park or similar recreational facility the Department controls pursuant to § 10.1-104.01. The ownership or operation of a facility at which electric vehicle charging service is sold, or the selling of electric vehicle charging service from that facility, does not render the Department of Conservation and Recreation a public utility, public service corporation, or public service company as used in Chapters 1 (§ 56-1 et seq.), 10 (§ 56-232 et seq.), 10.1 (§ 56-265.1 et seq.), and 10.2:1 (§ 56-265.13:1 et seq.) solely because of that sale, ownership, or operation.*

4. *The Chancellor of the Virginia Community College System when operating a retail fee-based electric vehicle charging station on the grounds of any comprehensive community college pursuant to § 23.1-2908.1. The ownership or operation of a facility at which electric vehicle charging service is sold, or the selling of electric vehicle charging service from that facility, does not render the Chancellor of the Virginia Community College System a public utility, public service*

corporation, or public service company as used in Chapters 1 (§ 56-1 et seq.), 10 (§ 56-232 et seq.), 10.1 (§ 56-265.1 et seq.), and 10.2:1 (§ 56-265.13:1 et seq.) solely because of that sale, ownership, or operation.

**§ 56-1.2:1. Retail sale of electricity in connection with the provision of electric vehicle charging service.**

A. The provision of electric vehicle charging service by a person, locality, public institution of higher education, or a school board that is not a public utility, public service corporation, or public service company, or by the Department of Conservation and Recreation, shall not constitute the retail sale of electricity if:

1. The electricity furnished in connection with the provision of electric vehicle charging service is used solely for transportation purposes; and

2. The person, locality, public institution of higher education, or school board providing the electric vehicle charging service, or the Department of Conservation and Recreation, has procured the furnished electricity from the public utility that is authorized by the Commission to engage in the retail sale of electricity within the exclusive service territory in which the electric vehicle charging service is provided.

B. The provision of electric vehicle charging service shall:

1. Be a permitted electric utility activity of a certificated electric utility; and

2. Not affect the status as a public utility of a certificated public utility that provides such service.

**§ 56-232.2:1. Regulation of electric vehicle charging service.**

The Commission shall not regulate or prescribe the rates, charges, and fees for the provision of retail electric vehicle charging service provided by persons, localities, public institutions of higher education, the Department of Conservation and Recreation, or school boards other than public service corporations. Sales of electricity by public utilities to persons a person, locality, public institution of higher education, the Department of Conservation and Recreation, or a school board board that (i) are is not a public service corporations corporation and (ii) provide provides electric vehicle charging service shall continue to be regulated by the Commission to the same extent as are other services provided by public utilities. The Commission may adopt regulations implementing this section.

**2. That the provisions of this act shall apply to any electric vehicle charging station existing prior to the effective date of this act that is otherwise in compliance with the requirements of this act.**

**CHAPTER 296**

*An Act to amend and reenact §§ 56-234, 56-265.1, 56-466.2, 56-576, 56-585.1, 56-585.1:1, 56-585.1:2, 56-599, and 56-600 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 56-585.1:4, relating to electric utility regulation; grid modernization; energy efficiency programs; schedule for rate review proceedings; Transitional Rate Period; energy storage facilities; electric distribution grid transformation projects; wind and solar generation facilities; coal combustion by-product management; pilot programs; undergrounding electrical transmission lines; fuel factor; bill credits; rate reductions attributable to changes in federal tax law; relocation of cable facilities; integrated resource planning; natural gas utility efficiency programs.*

[S 966]

Approved March 9, 2018

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

**1. That §§ 56-234, 56-265.1, 56-466.2, 56-576, 56-585.1, 56-585.1:1, 56-585.1:2, 56-599, and 56-600 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 56-585.1:4 as follows:**

**§ 56-234. Duty to furnish adequate service at reasonable and uniform rates.**

A. It shall be the duty of every public utility to furnish reasonably adequate service and facilities at reasonable and just rates to any person, firm or corporation along its lines desiring same. Notwithstanding any other provision of law:

1. A telephone company shall not have the duty to extend or expand its facilities to furnish service and facilities when the person, firm or corporation has service available from one or more alternative providers of wireline or terrestrial wireless communications services at prevailing market rates; and

2. A telephone company may meet its duty to furnish reasonably adequate service and facilities through the use of any and all available wireline and terrestrial wireless technologies; however, a telephone company, when restoring service to an existing wireline customer, shall offer the option to furnish service using wireline facilities.

For purposes of subdivisions 1 and 2, the Commission shall have the authority upon request of an individual, corporation, or other entity, or a telephone company, to determine whether the wireline or terrestrial wireless communications service available to the party requesting service is a reasonably adequate alternative to local exchange telephone service.

The use by a telephone company of wireline and terrestrial wireless technologies shall not be construed to grant any additional jurisdiction or authority to the Commission over such technologies.

For purposes of subdivision 1, "prevailing market rates" means rates similar to those generally available to consumers in competitive areas for the same services.

B. It shall be the duty of every public utility to charge uniformly therefor all persons, corporations or municipal corporations using such service under like conditions. However, no provision of law shall be deemed to preclude voluntary

rate or rate design tests or experiments, or other experiments involving the use of special rates, where such experiments have been approved by order of the Commission after notice and hearing and a finding that such experiments are necessary in order to acquire information which is or may be in furtherance of the public interest. *The Commission's final order regarding any petition filed by an investor-owned electric utility for approval of a voluntary rate or rate design test or experiment shall be entered the earlier of not more than six months after the filing of the petition or not more than three months after the date of any evidentiary hearing concerning such petition.* The charge for such service shall be at the lowest rate applicable for such service in accordance with schedules filed with the Commission pursuant to § 56-236. But, subject to the provisions of § 56-232.1, nothing contained herein or in § 56-481.1 shall apply to (i) schedules of rates for any telecommunications service provided to the public by virtue of any contract with, (ii) for any service provided under or relating to a contract for telecommunications services with, or (iii) contracts for service rendered by any telephone company to, the state government or any agency thereof, or by any other public utility to any municipal corporation or to the state or federal government. The provisions hereof shall not apply to or in any way affect any proceeding pending in the State Corporation Commission on or before July 1, 1950, and shall not confer on the Commission any jurisdiction not now vested in it with respect to any such proceeding.

C. The Commission may conclude that competition can effectively ensure reasonably adequate retail services in competitive exchanges and may carry out its duty to ensure that a public utility is furnishing reasonably adequate retail service in its competitive exchanges by monitoring individual customer complaints and requiring appropriate responses to such complaints.

**§ 56-265.1. Definitions.**

In this chapter the following terms shall have the following meanings:

(a) "Company" means a corporation, a limited liability company, an individual, a partnership, an association, a joint-stock company, a business trust, a cooperative, or an organized group of persons, whether incorporated or not; or any receiver, trustee or other liquidating agent of any of the foregoing in his capacity as such; but not a municipal corporation or a county, unless such municipal corporation or county has obtained a certificate pursuant to § 56-265.4:4.

(b) "Public utility" means any company ~~which~~ *that* owns or operates facilities within the Commonwealth of Virginia for the generation, transmission, *storage*, or distribution of electric energy for sale, for the production, storage, transmission, or distribution, otherwise than in enclosed portable containers, of natural or manufactured gas or geothermal resources for sale for heat, light or power, or for the furnishing of telephone service, sewerage facilities or water; ~~however.~~ *As used in this definition, a facility for the storage of electric energy for sale includes one or more pumped hydroelectricity generation and storage facilities located in the coalfield region of Virginia as described in § 15.2-6002. However, the term "public utility" shall does not include any of the following:*

(1) Except as otherwise provided in § 56-265.3:1, any company furnishing sewerage facilities, geothermal resources or water to less than 50 customers. Any company furnishing water or sewer services to 10 or more customers and excluded by this subdivision from the definition of "public utility" for purposes of this chapter nevertheless shall not abandon the water or sewer services unless and until approval is granted by the Commission or all the customers receiving such services agree to accept ownership of the company.

(2) Any company generating and distributing electric energy exclusively for its own consumption.

(3) Any company (A) which furnishes electric service together with heating and cooling services, generated at a central plant installed on the premises to be served, to the tenants of a building or buildings located on a single tract of land undivided by any publicly maintained highway, street or road at the time of installation of the central plant, and (B) which does not charge separately or by meter for electric energy used by any tenant except as part of a rental charge. Any company excluded by this subdivision from the definition of "public utility" for the purposes of this chapter nevertheless shall, within 30 days following the issuance of a building permit, notify the State Corporation Commission in writing of the ownership, capacity and location of such central plant, and it shall be subject, with regard to the quality of electric service furnished, to the provisions of Chapters 10 (§ 56-232 et seq.) and 17 (§ 56-509 et seq.) ~~of this title~~ and regulations thereunder and be deemed a public utility for such purposes, if such company furnishes such service to 100 or more lessees.

(4) Any company, or affiliate thereof, making a first or direct sale, or ancillary transmission or delivery service, of natural or manufactured gas to fewer than 35 commercial or industrial customers, which are not themselves "public utilities" as defined in this chapter, or to certain public schools as indicated in this subdivision, for use solely by such purchasing customers at facilities which are not located in a territory for which a certificate to provide gas service has been issued by the Commission under this chapter and which, at the time of the Commission's receipt of the notice provided under § 56-265.4:5, are not located within any area, territory, or jurisdiction served by a municipal corporation that provided gas distribution service as of January 1, 1992, provided that such company shall comply with the provisions of § 56-265.4:5. Direct sales or ancillary transmission or delivery services of natural gas to public schools in the following localities may be made without regard to the number of schools involved and shall not count against the "fewer than 35" requirement in this subdivision: the Counties of Dickenson, Wise, Russell, and Buchanan, and the City of Norton.

(5) Any company which is not a public service corporation and which provides compressed natural gas service at retail for the public.

(6) Any company selling landfill gas from a solid waste management facility permitted by the Department of Environmental Quality to a public utility certificated by the Commission to provide gas distribution service to the public in the area in which the solid waste management facility is located. If such company submits to the public utility a written offer

for sale of such gas and the public utility does not agree within 60 days to purchase such gas on mutually satisfactory terms, then the company may sell such gas to (i) any facility owned and operated by the Commonwealth which is located within three miles of the solid waste management facility or (ii) any purchaser after such landfill gas has been liquefied. The provisions of this subdivision shall not apply to the City of Lynchburg or Fairfax County.

(7) Any authority created pursuant to the Virginia Water and Waste Authorities Act (§ 15.2-5100 et seq.) making a sale or ancillary transmission or delivery service of landfill gas to a commercial or industrial customer from a solid waste management facility permitted by the Department of Environmental Quality and operated by that same authority, if such an authority limits off-premises sale, transmission or delivery service of landfill gas to no more than one purchaser. The authority may contract with other persons for the construction and operation of facilities necessary or convenient to the sale, transmission or delivery of landfill gas, and no such person shall be deemed a public utility solely by reason of its construction or operation of such facilities. If the purchaser of the landfill gas is located within the certificated service territory of a natural gas public utility, the public utility may file for Commission approval a proposed tariff to reflect any anticipated or known changes in service to the purchaser as a result of the use of landfill gas. No such tariff shall impose on the purchaser of the landfill gas terms less favorable than similarly situated customers with alternative fuel capabilities; provided, however, that such tariff may impose such requirements as are reasonably calculated to recover the cost of such service and to protect and ensure the safety and integrity of the public utility's facilities.

(8) A company selling or delivering only landfill gas, electricity generated from only landfill gas, or both, that is derived from a solid waste management facility permitted by the Department of Environmental Quality and sold or delivered from any such facility to not more than three commercial or industrial purchasers or to a natural gas or electric public utility, municipal corporation or county as authorized by this section. If a purchaser of the landfill gas is located within the certificated service territory of a natural gas public utility or within an area in which a municipal corporation provides gas distribution service and the landfill gas is to be used in facilities constructed after January 1, 2000, such company shall submit to such public utility or municipal corporation a written offer for sale of that gas prior to offering the gas for sale or delivery to a commercial or industrial purchaser. If the public utility or municipal corporation does not agree within 60 days following the date of the offer to purchase such landfill gas on mutually satisfactory terms, then the company shall be authorized to sell such landfill gas, electricity, or both, to the commercial or industrial purchaser, utility, municipal corporation, or county. Such public utility may file for Commission approval a proposed tariff to reflect any anticipated or known changes in service to the purchaser as a result of the purchaser's use of the landfill gas. No such tariff shall impose on such purchaser of the landfill gas terms less favorable than those imposed on similarly situated customers with alternative fuel capabilities; provided, however, that such tariff may impose such requirements as are reasonably calculated to recover any cost of such service and to protect and ensure the safety and integrity of the public utility's facilities.

(9) A company that is not organized as a public service company pursuant to subsection D of § 13.1-620 and that sells and delivers propane air only to one or more public utilities. Any company excluded by this subdivision from the definition of "public utility" for the purposes of this chapter nevertheless shall be subject to the Commission's jurisdiction relating to gas pipeline safety and enforcement.

(10) A farm or aggregation of farms that owns and operates facilities within the Commonwealth for the generation of electric energy from waste-to-energy technology. As used in this subdivision, (i) "farm" means any person that obtains at least 51 percent of its annual gross income from agricultural operations and produces the agricultural waste used as feedstock for the waste-to-energy technology, (ii) "agricultural waste" means biomass waste materials capable of decomposition that are produced from the raising of plants and animals during agricultural operations, including animal manures, bedding, plant stalks, hulls, and vegetable matter, and (iii) "waste-to-energy technology" means any technology, including but not limited to a methane digester, that converts agricultural waste into gas, steam, or heat that is used to generate electricity on-site.

(11) A company, other than an entity organized as a public service company, that provides non-utility gas service as provided in § 56-265.4:6.

(12) *A company, other than an entity organized as a public service company, that provides storage of electric energy that is not for sale to the public.*

(c) "Commission" means the State Corporation Commission.

(d) "Geothermal resources" means those resources as defined in § 45.1-179.2.

**§ 56-466.2. Undergrounding existing overhead distribution lines; relocation of facilities of cable operator.**

When an investor-owned incumbent electric utility proposes to improve electric service reliability pursuant to clause (iv) of subdivision A 6 of § 56-585.1 by installing new underground facilities to replace the utility's existing overhead distribution tap lines, if the utility owns the poles from which the existing overhead distribution tap lines are to be relocated and any cable operator of a cable television system, as those terms are defined in § 15.2-2108.19, has also attached its facilities to such poles, the utility shall provide written notice to the cable operator of the utility's intention to relocate the overhead distribution tap lines ~~and to abandon or remove such poles~~ not less than 90 days prior to relocating the utility's overhead distribution lines. The cable operator shall notify the utility within 45 days of the notice of relocation whether the cable operator will relocate its facilities underground *or request to remain overhead in accordance with the provisions set forth herein*. If the cable operator elects to relocate its facilities underground, in such notice the cable operator may request that the utility use commercially reasonable efforts to negotiate a common shared underground easement for the facilities to be located underground of the utility and the cable operator. The cable operator shall be responsible to negotiate any

additional easements that it may require. If the cable operator elects to relocate its facilities underground, the cable operator may participate with the utility in a joint relocation of the overhead lines to underground or may engage its own contractors to undertake its relocation work if it deems it appropriate to do so. ~~If the cable operator may legally retain the poles that the utility intends to abandon and the cable operator wishes for its facilities to remain attached to the poles, the utility may convey such poles "as-is" and "where-is" to the cable operator at its depreciated cost less the estimated cost of removal, provided the cable operator assumes all liability for the pole and obtains an easement from the property owner for the use thereof on or before the date the poles are conveyed to the cable operator. In all cases, the cable operator shall be responsible for all costs related to the relocation of cable facilities and, unless otherwise agreed between the utility and the cable operator, the cable operator shall cease all use of such poles and shall relocate or remove its facilities from the poles on or before 90 days after the utility gives written notice to the cable operator that it has relocated its distribution tap lines underground.~~ The utility shall not abandon or remove the poles that the utility owns until the cable operator completes the relocation or removal of its facilities or 90 days after the completion of the relocation of the utility overhead distribution lines, whichever first occurs. *If the cable operator does not elect to relocate its facilities underground and requests to maintain its facilities overhead, the utility may either (i) convey such poles "as-is" and "where-is" to the cable operator at its depreciated cost less the estimated cost of removal, provided that the cable operator may legally retain the poles that the utility intends to abandon and assumes all liability for the poles conveyed or (ii) retain ownership of its poles and allow the cable operator's existing overhead facilities to remain attached, in which case the utility shall maintain the pole in accordance with prudent utility standards, provided that the cable operator shall continue to pay its pole attachment fees and otherwise comply with its contractual obligations pursuant to the applicable pole attachment agreement. In all cases, the cable operator shall be responsible for all costs related to the relocation or maintenance of its facilities.*

*In instances in which an investor-owned incumbent electric utility continues to own and maintain its utility poles after the overhead distribution lines of the utility formerly on such poles have been placed underground pursuant to the foregoing provisions, then for purposes of any agreement or ordinance with respect to a cable franchise under § 15.2-2108.20 or 15.2-2108.21, the utility shall not be deemed to have converted to underground.*

**§ 56-576. Definitions.**

As used in this chapter:

"Affiliate" means any person that controls, is controlled by, or is under common control with an electric utility.

"Aggregator" means a person that, as an agent or intermediary, (i) offers to purchase, or purchases, electric energy or (ii) offers to arrange for, or arranges for, the purchase of electric energy, for sale to, or on behalf of, two or more retail customers not controlled by or under common control with such person. The following activities shall not, in and of themselves, make a person an aggregator under this chapter: (i) furnishing legal services to two or more retail customers, suppliers or aggregators; (ii) furnishing educational, informational, or analytical services to two or more retail customers, unless direct or indirect compensation for such services is paid by an aggregator or supplier of electric energy; (iii) furnishing educational, informational, or analytical services to two or more suppliers or aggregators; (iv) providing default service under § 56-585; (v) engaging in activities of a retail electric energy supplier, licensed pursuant to § 56-587, which are authorized by such supplier's license; and (vi) engaging in actions of a retail customer, in common with one or more other such retail customers, to issue a request for proposal or to negotiate a purchase of electric energy for consumption by such retail customers.

"Combined heat and power" means a method of using waste heat from electrical generation to offset traditional processes, space heating, air conditioning, or refrigeration.

"Commission" means the State Corporation Commission.

"Cooperative" means a utility formed under or subject to Chapter 9.1 (§ 56-231.15 et seq.).

"Covered entity" means a provider in the Commonwealth of an electric service not subject to competition but shall not include default service providers.

"Covered transaction" means an acquisition, merger, or consolidation of, or other transaction involving stock, securities, voting interests or assets by which one or more persons obtains control of a covered entity.

"Curtailment" means inducing retail customers to reduce load during times of peak demand so as to ease the burden on the electrical grid.

"Customer choice" means the opportunity for a retail customer in the Commonwealth to purchase electric energy from any supplier licensed and seeking to sell electric energy to that customer.

"Demand response" means measures aimed at shifting time of use of electricity from peak-use periods to times of lower demand by inducing retail customers to curtail electricity usage during periods of congestion and higher prices in the electrical grid.

"Distribute," "distributing," or "distribution of" electric energy means the transfer of electric energy through a retail distribution system to a retail customer.

"Distributor" means a person owning, controlling, or operating a retail distribution system to provide electric energy directly to retail customers.

*"Electric distribution grid transformation project" means a project associated with electric distribution infrastructure, including related data analytics equipment, that is designed to accommodate or facilitate the integration of utility-owned or customer-owned renewable electric generation resources with the utility's electric distribution grid or to otherwise enhance electric distribution grid reliability, electric distribution grid security, customer service, or energy efficiency and*

*conservation, including advanced metering infrastructure; intelligent grid devices for real time system and asset information; automated control systems for electric distribution circuits and substations; communications networks for service meters; intelligent grid devices and other distribution equipment; distribution system hardening projects for circuits, other than the conversion of overhead tap lines to underground service, and substations designed to reduce service outages or service restoration times; physical security measures at key distribution substations; cyber security measures; energy storage systems and microgrids that support circuit-level grid stability, power quality, reliability, or resiliency or provide temporary backup energy supply; electrical facilities and infrastructure necessary to support electric vehicle charging systems; LED street light conversions; and new customer information platforms designed to provide improved customer access, greater service options, and expanded access to energy usage information.*

"Electric utility" means any person that generates, transmits, or distributes electric energy for use by retail customers in the Commonwealth, including any investor-owned electric utility, cooperative electric utility, or electric utility owned or operated by a municipality.

"Energy efficiency program" means a program that reduces the total amount of electricity that is required for the same process or activity implemented after the expiration of capped rates. Energy efficiency programs include equipment, physical, or program change designed to produce measured and verified reductions in the amount of electricity required to perform the same function and produce the same or a similar outcome. Energy efficiency programs may include, but are not limited to, (i) programs that result in improvements in lighting design, heating, ventilation, and air conditioning systems, appliances, building envelopes, and industrial and commercial processes; (ii) measures, such as but not limited to the installation of advanced meters, implemented or installed by utilities, that reduce fuel use or losses of electricity and otherwise improve internal operating efficiency in generation, transmission, and distribution systems; and (iii) customer engagement programs that result in measurable and verifiable energy savings that lead to efficient use patterns and practices. Energy efficiency programs include demand response, combined heat and power and waste heat recovery, curtailment, or other programs that are designed to reduce electricity consumption so long as they reduce the total amount of electricity that is required for the same process or activity. Utilities shall be authorized to install and operate such advanced metering technology and equipment on a customer's premises; however, nothing in this chapter establishes a requirement that an energy efficiency program be implemented on a customer's premises and be connected to a customer's wiring on the customer's side of the inter-connection without the customer's expressed consent.

"Generate," "generating," or "generation of" electric energy means the production of electric energy.

"Generator" means a person owning, controlling, or operating a facility that produces electric energy for sale.

"Incumbent electric utility" means each electric utility in the Commonwealth that, prior to July 1, 1999, supplied electric energy to retail customers located in an exclusive service territory established by the Commission.

"Independent system operator" means a person that may receive or has received, by transfer pursuant to this chapter, any ownership or control of, or any responsibility to operate, all or part of the transmission systems in the Commonwealth.

"In the public interest," for purposes of assessing energy efficiency programs, describes an energy efficiency program if, ~~among other factors, the Commission determines that the net present value of the benefits exceeds the net present value of the costs as determined by the Commission upon consideration~~ *not less than any three of the following four tests: (i) the Total Resource Cost Test; (ii) the Utility Cost Test (also referred to as the Program Administrator Test); (iii) the Participant Test; and (iv) the Ratepayer Impact Measure Test. Such determination shall include an analysis of all four tests, and a program or portfolio of programs shall not be rejected based solely on the results of a single test approved if the net present value of the benefits exceeds the net present value of the costs as determined by not less than any three of the four tests.* In addition, an energy efficiency program may be deemed to be "in the public interest" if the program provides measurable and verifiable energy savings to low-income customers or elderly customers.

"Measured and verified" means a process determined pursuant to methods accepted for use by utilities and industries to measure, verify, and validate energy savings and peak demand savings. This may include the protocol established by the United States Department of Energy, Office of Federal Energy Management Programs, Measurement and Verification Guidance for Federal Energy Projects, measurement and verification standards developed by the American Society of Heating, Refrigeration and Air Conditioning Engineers (ASHRAE), or engineering-based estimates of energy and demand savings associated with specific energy efficiency measures, as determined by the Commission.

"Municipality" means a city, county, town, authority, or other political subdivision of the Commonwealth.

"New underground facilities" means facilities to provide underground distribution service. "New underground facilities" includes underground cables with voltages of 69 kilovolts or less, pad-mounted devices, connections at customer meters, and transition terminations from existing overhead distribution sources.

"Peak-shaving" means measures aimed solely at shifting time of use of electricity from peak-use periods to times of lower demand by inducing retail customers to curtail electricity usage during periods of congestion and higher prices in the electrical grid.

"Person" means any individual, corporation, partnership, association, company, business, trust, joint venture, or other private legal entity, and the Commonwealth or any municipality.

"Renewable energy" means energy derived from sunlight, wind, falling water, biomass, sustainable or otherwise, (the definitions of which shall be liberally construed), energy from waste, landfill gas, municipal solid waste, wave motion, tides, and geothermal power, and does not include energy derived from coal, oil, natural gas, or nuclear power. Renewable

energy shall also include the proportion of the thermal or electric energy from a facility that results from the co-firing of biomass.

"Renewable thermal energy" means the thermal energy output from (i) a renewable-fueled combined heat and power generation facility that is (a) constructed, or renovated and improved, after January 1, 2012, (b) located in the Commonwealth, and (c) utilized in industrial processes other than the combined heat and power generation facility or (ii) a solar energy system, certified to the OG-100 standard of the Solar Ratings and Certification Corporation or an equivalent certification body, that (a) is constructed, or renovated and improved, after January 1, 2013, (b) is located in the Commonwealth, and (c) heats water or air for residential, commercial, institutional, or industrial purposes.

"Renewable thermal energy equivalent" means the electrical equivalent in megawatt hours of renewable thermal energy calculated by dividing (i) the heat content, measured in British thermal units (BTUs), of the renewable thermal energy at the point of transfer to a residential, commercial, institutional, or industrial process by (ii) the standard conversion factor of 3.413 million BTUs per megawatt hour.

"Renovated and improved facility" means a facility the components of which have been upgraded to enhance its operating efficiency.

"Retail customer" means any person that purchases retail electric energy for its own consumption at one or more metering points or nonmetered points of delivery located in the Commonwealth.

"Retail electric energy" means electric energy sold for ultimate consumption to a retail customer.

"Revenue reductions related to energy efficiency programs" means reductions in the collection of total non-fuel revenues, previously authorized by the Commission to be recovered from customers by a utility, that occur due to measured and verified decreased consumption of electricity caused by energy efficiency programs approved by the Commission and implemented by the utility, less the amount by which such non-fuel reductions in total revenues have been mitigated through other program-related factors, including reductions in variable operating expenses.

*"Rooftop solar installation" means a distributed electric generation facility, storage facility, or generation and storage facility utilizing energy derived from sunlight, with a rated capacity of not less than 50 kilowatts, that is installed on the roof structure of an incumbent electric utility's commercial or industrial class customer, including host sites on commercial buildings, multifamily residential buildings, school or university buildings, and buildings of a church or religious body.*

"Solar energy system" means a system of components that produces heat or electricity, or both, from sunlight.

"Supplier" means any generator, distributor, aggregator, broker, marketer, or other person who offers to sell or sells electric energy to retail customers and is licensed by the Commission to do so, but it does not mean a generator that produces electric energy exclusively for its own consumption or the consumption of an affiliate.

"Supply" or "supplying" electric energy means the sale of or the offer to sell electric energy to a retail customer.

"Transmission of," "transmit," or "transmitting" electric energy means the transfer of electric energy through the Commonwealth's interconnected transmission grid from a generator to either a distributor or a retail customer.

"Transmission system" means those facilities and equipment that are required to provide for the transmission of electric energy.

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

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

among customer classes such that the relationship between the specific customer class rates of return to the overall target rate of return will have the same relationship as the last approved allocation of revenues used to design base rates. Commencing in 2011, the Commission, after notice and opportunity for hearing, shall conduct ~~biennial~~ reviews of the rates, terms and conditions for the provision of generation, distribution and transmission services by each investor-owned incumbent electric utility, subject to the following provisions:

1. Rates, terms and conditions for each service shall be reviewed separately on an unbundled basis, and such reviews shall be conducted in a single, combined proceeding. ~~The first such review shall utilize Pursuant to subsection A of § 56-585.1:1, the Commission shall conduct a review for a Phase I Utility in 2020, utilizing the two three successive 12-month test periods beginning January 1, 2017, and ending December 31, 2019. However, the Commission may, in its discretion, elect to stagger its biennial reviews of utilities by utilizing the two successive 12-month test periods ending December 31, 2010, for a Phase I Utility, and utilizing the two successive 12-month test periods ending December 31, 2011. Thereafter, reviews for a Phase I Utility, will be on a triennial basis with subsequent proceedings utilizing the two three successive 12-month test periods ending December 31 immediately preceding the year in which such review proceeding is conducted. Pursuant to subsection A of § 56-585.1:1, the Commission shall conduct a review for a Phase II Utility in 2021, utilizing the four successive 12-month test periods beginning January 1, 2017, and ending December 31, 2020, with subsequent reviews on a triennial basis utilizing the three successive 12-month test periods ending December 31 immediately preceding the year in which such review proceeding is conducted. All such reviews occurring after December 31, 2017, shall be referred to as triennial reviews.~~ For purposes of this section, a Phase I Utility is an investor-owned incumbent electric utility that was, as of July 1, 1999, not bound by a rate case settlement adopted by the Commission that extended in its application beyond January 1, 2002, and a Phase II Utility is an investor-owned incumbent electric utility that was bound by such a settlement.

2. Subject to the provisions of subdivision 6, ~~the fair rates rate~~ of return on common equity applicable separately to the generation and distribution services of such utility, and for the two such services combined, ~~and for any rate adjustment clauses approved under subdivision 5 or 6,~~ shall be determined by the Commission during each such ~~biennial~~ *triennial* review, as follows:

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

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

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

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

Average Consumer Price Index for all items, all urban consumers (CPI-U), as published by the Bureau of Labor Statistics of the United States Department of Labor, since the date on which the Commission determined the Initial Return. For purposes of this subdivision:

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

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

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

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

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

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

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

3. Each such utility shall make a ~~biennial~~ *triennial* filing by March 31 of every ~~other third~~ *other* year, ~~beginning in 2011, with such filings commencing for a Phase I Utility in 2020, and such filings commencing for a Phase II Utility in 2021,~~ consisting of the schedules contained in the Commission's rules governing utility rate increase applications; ~~however, if the Commission elects to stagger the dates of the biennial reviews of utilities as provided in subdivision 1, then each Phase I Utility shall commence biennial filings in 2011 and each Phase II Utility shall commence biennial filings in 2012.~~ Such filing shall encompass the ~~two~~ *three* successive 12-month test periods ending December 31 immediately preceding the year in which such proceeding is conducted, *except that the filing for a Phase II Utility in 2021 shall encompass the four successive 12-month test periods ending December 31, 2020,* and in every such case the filing for each year shall be identified separately and shall be segregated from any other year encompassed by the filing. If the Commission determines that rates should be revised or credits be applied to customers' bills pursuant to subdivision 8 or 9, any rate adjustment clauses previously implemented ~~pursuant to subdivision 5 or those~~ related to facilities utilizing simple-cycle combustion turbines described in subdivision 6, shall be combined with the utility's costs, revenues and investments until the amounts that are the subject of such rate adjustment clauses are fully recovered. The Commission shall combine such clauses with the utility's costs, revenues and investments only after it makes its initial determination with regard to necessary rate revisions or credits to customers' bills, and the amounts thereof, but after such clauses are combined as herein specified, they shall thereafter be considered part of the utility's costs, revenues, and investments for the purposes of future ~~biennial~~ *triennial* review proceedings. ~~A Phase I Utility shall delay for one year the filing of its biennial review from March 31, 2013, to March 31, 2014, and shall not defer on its books for future recovery any costs incurred during calendar year 2011, other than as provided in subdivision 7 or § 56-249.6, and its subsequent biennial filing shall be made by March 31, 2016, and every two years thereafter.~~

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

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

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

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

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

None of the costs of new energy efficiency programs of an electric utility, including recovery of revenue reductions, shall be assigned to any *large general service* customer that has a verifiable history of having used more than 10 megawatts of demand from a single meter of delivery. Nor shall any of the costs of new energy efficiency programs of an electric utility, including recovery of revenue reductions, be incurred by any large general service customer as defined herein that has notified the utility of non-participation in such energy efficiency program or programs. A large general service customer is a customer that has a verifiable history of having used more than 500 kilowatts of demand from a single meter of delivery. Non-participation in energy efficiency programs shall be allowed by the Commission if the large general service customer has, at the customer's own expense, implemented energy efficiency programs that have produced or will produce measured and verified results consistent with industry standards and other regulatory criteria stated in this section. The Commission shall, no later than November 15, 2009, promulgate rules and regulations to accommodate the process under which such large general service customers shall file notice for such an exemption and (i) establish the administrative procedures by which eligible customers will notify the utility and (ii) define the standard criteria that must be satisfied by an applicant in order to notify the utility. In promulgating such rules and regulations, the Commission may also specify the timing as to when a utility shall accept and act on such notice, taking into consideration the utility's integrated resource planning process as well as its administration of energy efficiency programs that are approved for cost recovery by the Commission. The notice of non-participation by a large general service customer, to be given by March 1 of a given year, shall be for the duration of the service life of the customer's energy efficiency program. The Commission on its own motion may initiate steps necessary to verify such non-participants' achievement of energy efficiency if the Commission has a body of evidence that the non-participant has knowingly misrepresented its energy efficiency achievement. A utility shall not charge such large general service customer, as defined by the Commission, for the costs of installing energy efficiency equipment beyond what is required to provide electric service and meter such service on the customer's premises if the customer provides, at the customer's expense, equivalent energy efficiency equipment. In all relevant proceedings pursuant to this section, the Commission shall take into consideration the goals of economic development, energy efficiency and environmental protection in the Commonwealth;

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

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

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

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

6. To ensure the generation and delivery of a reliable and adequate supply of electricity, to meet the utility's projected native load obligations and to promote economic development, a utility may at any time, after the expiration or termination of capped rates, petition the Commission for approval of a rate adjustment clause for recovery on a timely and current basis from customers of the costs of (i) a coal-fueled generation facility that utilizes Virginia coal and is located in the coalfield region of the Commonwealth as described in § 15.2-6002, regardless of whether such facility is located within or without

the utility's service territory, (ii) one or more other generation facilities, (iii) one or more major unit modifications of generation facilities, including the costs of any system or equipment upgrade, system or equipment replacement, or other cost reasonably appropriate to extend the combined operating license for or the operating life of one or more generation facilities utilizing nuclear power, (iv) one or more new underground facilities to replace one or more existing overhead distribution facilities of 69 kilovolts or less located within the Commonwealth, ~~or~~ (v) one or more pumped hydroelectricity generation and storage facilities that utilize on-site or off-site renewable energy resources as all or a portion of their power source and such facilities and associated resources are located in the coalfield region of the Commonwealth as described in § 15.2-6002, regardless of whether such facility is located within or without the utility's service territory, *or (vi) one or more electric distribution grid transformation projects*; however, subject to the provisions of the following sentence, the utility shall not file a petition under clause (iv) more often than annually and, in such petition, shall not seek any annual incremental increase in the level of investments associated with such a petition that exceeds five percent of such utility's distribution rate base, as such rate base was determined for the most recently ended 12-month test period in the utility's latest ~~biennial~~ review proceeding conducted pursuant to subdivision 3 and concluded by final order of the Commission prior to the date of filing of such petition under clause (iv). In all proceedings regarding petitions filed under clause (iv) *or (vi)*, the level of investments approved for recovery in such proceedings shall be in addition to, and not in lieu of, levels of investments previously approved for recovery in prior proceedings under clause (iv) *or (vi)*, *as applicable. As of December 1, 2028, any costs recovered by a utility pursuant to clause (iv) shall be limited to any remaining costs associated with conversions of overhead distribution facilities to underground facilities that have been previously approved or are pending approval by the Commission through a petition by the utility under this subdivision.* Such a petition concerning facilities described in clause (ii) that utilize nuclear power, facilities described in clause (ii) that are coal-fueled and will be built by a Phase I Utility, or facilities described in clause (i) may also be filed before the expiration or termination of capped rates. A utility that constructs or makes modifications to any such facility, or purchases any facility consisting of at least one megawatt of generating capacity using energy derived from sunlight and located in the Commonwealth and that utilizes goods or services sourced, in whole or in part, from one or more Virginia businesses, shall have the right to recover the costs of the facility, as accrued against income, through its rates, including projected construction work in progress, and any associated allowance for funds used during construction, planning, development and construction or acquisition costs, life-cycle costs, costs related to assessing the feasibility of potential sites for new underground facilities, and costs of infrastructure associated therewith, plus, as an incentive to undertake such projects, an enhanced rate of return on common equity calculated as specified below; however, in determining the amounts recoverable under a rate adjustment clause for new underground facilities, the Commission shall not consider, or increase or reduce such amounts recoverable because of (a) the operation and maintenance costs attributable to either the overhead distribution facilities being replaced or the new underground facilities or (b) any other costs attributable to the overhead distribution facilities being replaced. Notwithstanding the preceding sentence, the costs described in clauses (a) and (b) thereof shall remain eligible for recovery from customers through the utility's base rates for distribution service. A utility filing a petition for approval to construct or purchase a facility consisting of at least one megawatt of generating capacity using energy derived from sunlight and located in the Commonwealth and that utilizes goods or services sourced, in whole or in part, from one or more Virginia businesses may propose a rate adjustment clause based on a market index in lieu of a cost of service model for such facility. A utility seeking approval to construct or purchase a generating facility described in clause (i) or (ii) shall demonstrate that it has considered and weighed alternative options, including third-party market alternatives, in its selection process. The costs of the facility, other than return on projected construction work in progress and allowance for funds used during construction, shall not be recovered prior to the date a facility constructed by the utility and described in clause (i), (ii), ~~or~~ (iii) *or (v)* begins commercial operation, the date the utility becomes the owner of a purchased generation facility consisting of at least one megawatt of generating capacity using energy derived from sunlight and located in the Commonwealth and that utilizes goods or services sourced, in whole or in part, from one or more Virginia businesses, or the date new underground facilities are classified by the utility as plant in service. Such enhanced rate of return on common equity shall be applied to allowance for funds used during construction and to construction work in progress during the construction phase of the facility and shall thereafter be applied to the entire facility during the first portion of the service life of the facility. The first portion of the service life shall be as specified in the table below; however, the Commission shall determine the duration of the first portion of the service life of any facility, within the range specified in the table below, which determination shall be consistent with the public interest and shall reflect the Commission's determinations regarding how critical the facility may be in meeting the energy needs of the citizens of the Commonwealth and the risks involved in the development of the facility. After the first portion of the service life of the facility is concluded, the utility's general rate of return shall be applied to such facility for the remainder of its service life. As used herein, the service life of the facility shall be deemed to begin on the date a facility constructed by the utility and described in clause (i), (ii), ~~or~~ (iii) *or (v)* begins commercial operation, the date the utility becomes the owner of a purchased generation facility consisting of at least one megawatt of generating capacity using energy derived from sunlight and located in the Commonwealth and that utilizes goods or services sourced, in whole or in part, from one or more Virginia businesses, or the date new underground facilities *or new electric distribution grid transformation projects* are classified by the utility as plant in service, and such service life shall be deemed equal in years to the life of that facility as used to calculate the utility's depreciation expense. Such enhanced rate of return on common equity shall be calculated by adding the basis points specified in the table below to the utility's general rate of return, and such enhanced rate of return shall apply only to the facility that is the subject of such rate

adjustment clause. Allowance for funds used during construction shall be calculated for any such facility utilizing the utility's actual capital structure and overall cost of capital, including an enhanced rate of return on common equity as determined pursuant to this subdivision, until such construction work in progress is included in rates. The construction of any facility described in clause (i) or (v) is in the public interest, and in determining whether to approve such facility, the Commission shall liberally construe the provisions of this title. The construction or purchase by a utility of one or more generation facilities with at least one megawatt of generating capacity, and with an aggregate rated capacity that does not exceed ~~500~~ 5,000 megawatts, *including rooftop solar installations with a capacity of not less than 50 kilowatts, and with an aggregate capacity of 50 megawatts*, that use energy derived from sunlight *or from wind* and are located in the Commonwealth *or off the Commonwealth's Atlantic shoreline*, regardless of whether any of such facilities are located within or without the utility's service territory, is in the public interest, and in determining whether to approve such facility, the Commission shall liberally construe the provisions of this title. A utility may enter into short-term or long-term power purchase contracts for the power derived from sunlight generated by such generation facility prior to purchasing the generation facility. The replacement of any subset of a utility's existing overhead distribution tap lines that have, in the aggregate, an average of nine or more total unplanned outage events-per-mile over a preceding 10-year period with new underground facilities in order to improve electric service reliability is in the public interest. In determining whether to approve petitions for rate adjustment clauses for such new underground facilities that meet this criteria, and in determining the level of costs to be recovered thereunder, the Commission shall liberally construe the provisions of this title. ~~There shall be a rebuttable presumption that the~~ *The conversion of any such facilities will on or after September 1, 2016, is deemed to provide local and system-wide benefits; that such new underground facilities are and to be cost beneficial, and that the costs associated with such new underground facilities are deemed to be reasonably and prudently incurred and, notwithstanding the provisions of subsection C or D, shall be approved for recovery by the Commission pursuant to this subdivision, provided that the total costs associated with the replacement of any subset of existing overhead distribution tap lines proposed by the utility with new underground facilities, exclusive of financing costs, shall not exceed an average cost per customer of \$20,000, with such customers, including those served directly by or downline of the tap lines proposed for conversion, and, further, such total costs shall not exceed an average cost per mile of tap lines converted, exclusive of financing costs, of \$750,000. A utility shall, without regard for whether it has petitioned for any rate adjustment clause pursuant to clause (vi), petition the Commission, not more than once annually, for approval of a plan for electric distribution grid transformation projects. Any plan for electric distribution grid transformation projects shall include both measures to facilitate integration of distributed energy resources and measures to enhance physical electric distribution grid reliability and security. In ruling upon such a petition, the Commission shall consider whether the utility's plan for such projects, and the projected costs associated therewith, are reasonable and prudent. Such petition shall be considered on a stand-alone basis without regard to the other costs, revenues, investments, or earnings of the utility; without regard to whether the costs associated with such projects will be recovered through a rate adjustment clause under this subdivision or through the utility's rates for generation and distribution services; and without regard to whether such costs will be the subject of a customer credit offset, as applicable, pursuant to subdivision 8 d. The Commission's final order regarding any such petition for approval of an electric distribution grid transformation plan shall be entered by the Commission not more than six months after the date of filing such petition. The Commission shall likewise enter its final order with respect to any petition by a utility for a certificate to construct and operate a generating facility or facilities utilizing energy derived from sunlight, pursuant to subsection D of § 56-580, within six months after the date of filing such petition.* The basis points to be added to the utility's general rate of return to calculate the enhanced rate of return on common equity, and the first portion of that facility's service life to which such enhanced rate of return shall be applied, shall vary by type of facility, as specified in the following table:

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

For generating facilities other than those utilizing nuclear power constructed pursuant to clause (ii) or those utilizing energy derived from offshore wind, as of July 1, 2013, only those facilities as to which a rate adjustment clause under this subdivision has been previously approved by the Commission, or as to which a petition for approval of such rate adjustment clause was filed with the Commission, on or before January 1, 2013, shall be entitled to the enhanced rate of return on common equity as specified in the above table during the construction phase of the facility and the approved first portion of its service life.

For generating facilities within the Commonwealth utilizing nuclear power or those utilizing energy derived from offshore wind projects located in waters off the Commonwealth's Atlantic shoreline, such facilities shall continue to be eligible for an enhanced rate of return on common equity during the construction phase of the facility and the approved first

portion of its service life of between 12 and 25 years in the case of a facility utilizing nuclear power and for a service life of between 5 and 15 years in the case of a facility utilizing energy derived from offshore wind, provided, however, that, as of July 1, 2013, the enhanced return for such facilities constructed pursuant to clause (ii) shall be 100 basis points, which shall be added to the utility's general rate of return as determined under subdivision 2. Thirty percent of all costs of such a facility utilizing nuclear power that the utility incurred between July 1, 2007, and December 31, 2013, and all of such costs incurred after December 31, 2013, may be deferred by the utility and recovered through a rate adjustment clause under this subdivision at such time as the Commission provides in an order approving such a rate adjustment clause. The remaining 70 percent of all costs of such a facility that the utility incurred between July 1, 2007, and December 31, 2013, shall not be deferred for recovery through a rate adjustment clause under this subdivision; however, such remaining 70 percent of all costs shall be recovered ratably through existing base rates as determined by the Commission in the test periods under review in the utility's next ~~biennial~~ review filed after July 1, 2014. Thirty percent of all costs of such a facility utilizing energy derived from offshore wind that the utility incurred between July 1, 2007, and December 31, 2013, and all of such costs incurred after December 31, 2013, may be deferred by the utility and recovered through a rate adjustment clause under this subdivision at such time as the Commission provides in an order approving such a rate adjustment clause. The remaining 70 percent of all costs of such a facility that the utility incurred between July 1, 2007, and December 31, 2013, shall not be deferred for recovery through a rate adjustment clause under this subdivision; however, such remaining 70 percent of all costs shall be recovered ratably through existing base rates as determined by the Commission in the test periods under review in the utility's next ~~biennial~~ review filed after July 1, 2014.

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

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

*Construction, purchasing, or leasing activities for a new utility-owned and utility-operated generating facility or facilities utilizing energy derived from sunlight or from wind with an aggregate capacity of 5,000 megawatts, including rooftop solar installations with a capacity of not less than 50 kilowatts, and with an aggregate capacity of 50 megawatts, together with a new test or demonstration project for a utility-owned and utility-operated generating facility or facilities utilizing energy derived from offshore wind with an aggregate capacity of not more than 16 megawatts, are in the public interest. To the extent that a utility elects to recover the costs of any such new generation facility or facilities through its rates for generation and distribution services and does not petition and receive approval from the Commission for recovery of such costs through a rate adjustment clause described in clause (ii), the Commission shall, upon the request of the utility in a triennial review proceeding, provide for a customer credit reinvestment offset, as applicable, pursuant to subdivision 8 d with respect to all costs deemed reasonable and prudent by the Commission in a proceeding pursuant to subsection D of § 56-580 or in a triennial review proceeding.*

*Electric distribution grid transformation projects are in the public interest. To the extent that a utility elects to recover the costs of such electric distribution grid transformation projects through its rates for generation and distribution services, and does not petition and receive approval from the Commission for recovery of such costs through a rate adjustment clause described in clause (vi), the Commission shall, upon the request of the utility in a triennial review proceeding, provide for a customer credit reinvestment offset, as applicable, pursuant to subdivision 8 d with respect to all costs deemed reasonable and prudent by the Commission in a proceeding for approval of a plan for electric distribution grid transformation projects pursuant to subdivision 6 or in a triennial review proceeding.*

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

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

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

Notwithstanding any other provision of this subdivision, if the Commission finds during the ~~biennial~~ *triennial* review conducted for a Phase II Utility in ~~2018~~ 2021 that such utility has not filed applications for all necessary federal and state regulatory approvals to construct one or more nuclear-powered or coal-fueled generation facilities that would add a total capacity of at least 1500 megawatts to the amount of the utility's generating resources as such resources existed on July 1, 2007, or that, if all such approvals have been received, that the utility has not made reasonable and good faith efforts to construct one or more such facilities that will provide such additional total capacity within a reasonable time after obtaining such approvals, then the Commission, if it finds it in the public interest, may reduce on a prospective basis any enhanced rate of return on common equity previously applied to any such facility to no less than the general rate of return for such utility and may apply no less than the utility's general rate of return to any such facility for which the utility seeks approval in the future under this subdivision.

*Notwithstanding any other provision of this subdivision, if a Phase II utility obtains approval from the Commission of a rate adjustment clause pursuant to subdivision 6 associated with a test or demonstration project involving a generation facility utilizing energy from offshore wind, and such utility has not, as of July 1, 2023, commenced construction as defined for federal income tax purposes of an offshore wind generation facility or facilities with a minimum aggregate capacity of 250 megawatts, then the Commission, if it finds it in the public interest, may direct that the costs associated with any such rate adjustment clause involving said test or demonstration project shall thereafter no longer be recovered through a rate adjustment clause pursuant to subdivision 6 and shall instead be recovered through the utility's rates for generation and distribution services, with no change in such rates for generation and distribution services as a result of the combination of such costs with the other costs, revenues, and investments included in the utility's rates for generation and distribution services. Any such costs shall remain combined with the utility's other costs, revenues, and investments included in its rates for generation and distribution services until such costs are fully recovered.*

7. Any petition filed pursuant to subdivision 4, 5, or 6 shall be considered by the Commission on a stand-alone basis without regard to the other costs, revenues, investments, or earnings of the utility. Any costs incurred by a utility prior to the filing of such petition, or during the consideration thereof by the Commission, that are proposed for recovery in such petition and that are related to subdivision 5 a, or that are related to facilities and projects described in clause (i) of subdivision 6, or that are related to new underground facilities described in clause (iv) of subdivision 6, shall be deferred on the books and records of the utility until the Commission's final order in the matter, or until the implementation of any applicable approved rate adjustment clauses, whichever is later. Except as otherwise provided in subdivision 6, any costs prudently incurred on or after July 1, 2007, by a utility prior to the filing of such petition, or during the consideration thereof by the Commission, that are proposed for recovery in such petition and that are related to facilities and projects described in clause (ii) or clause (iii) of subdivision 6 that utilize nuclear power, or coal-fueled facilities and projects described in clause (ii) of subdivision 6 if such coal-fueled facilities will be built by a Phase I Utility, shall be deferred on the books and records of the utility until the Commission's final order in the matter, or until the implementation of any applicable approved rate adjustment clauses, whichever is later. Any costs prudently incurred after the expiration or termination of capped rates related to other matters described in subdivision 4, 5, or 6 shall be deferred beginning only upon the expiration or termination of capped rates, provided, however, that no provision of this act shall affect the rights of any parties with respect to the rulings of the Federal Energy Regulatory Commission in PJM Interconnection LLC and Virginia Electric and Power Company, 109 F.E.R.C. P 61,012 (2004). A utility shall establish a regulatory asset for regulatory accounting and ratemaking purposes under which it shall defer its operation and maintenance costs incurred in connection with (i) the refueling of any nuclear-powered generating plant and (ii) other work at such plant normally performed during a refueling outage. The utility shall amortize such deferred costs over the refueling cycle, but in no case more than 18 months, beginning with the month in which such plant resumes operation after such refueling. The refueling cycle shall be the applicable period of time between planned refueling outages for such plant. As of January 1, 2014, such amortized costs are a component of base rates, recoverable in base rates only ratably over the refueling cycle rather than when such outages occur, and are the only nuclear refueling costs recoverable in base rates. This provision shall apply to any nuclear-powered generating plant refueling outage commencing after December 31, 2013, and the Commission shall treat the deferred and amortized costs of such regulatory asset as part of the utility's costs for the purpose of proceedings conducted (a) with respect to ~~biennial~~ *triennial* filings under subdivision 3 made on and after July 1, 2014, and (b) pursuant to § 56-245 or the Commission's rules governing utility rate increase applications as provided in subsection B. This provision shall not be deemed to change or reset base rates.

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

8. In any ~~biennial~~ *triennial* review proceeding, *for the purposes of reviewing earnings on the utility's rates for generation and distribution services*, the following utility generation and distribution costs not proposed for recovery under any other subdivision of this subsection, as recorded per books by the utility for financial reporting purposes and accrued against income, shall be attributed to the test periods under review *and deemed fully recovered in the period recorded*: costs associated with asset impairments related to early retirement determinations made by the utility ~~prior to December 31, 2012~~, for utility generation ~~plant~~ *facilities fueled by coal, natural gas, or oil or for automated meter reading electric distribution service meters*; costs associated with projects necessary to comply with state or federal environmental laws, regulations, or

*judicial or administrative orders relating to coal combustion by-product management that the utility does not petition to recover through a rate adjustment clause pursuant to subdivision 5 e; costs associated with severe weather events; and costs associated with natural disasters. Such costs shall be deemed to have been recovered from customers through rates for generation and distribution services in effect during the test periods under review unless such costs, individually or in the aggregate, together with the utility's other costs, revenues, and investments to be recovered through rates for generation and distribution services, result in the utility's earned return on its generation and distribution services for the combined test periods under review to fall more than 50 basis points below the fair combined rate of return authorized under subdivision 2 for such periods or, for any test period commencing after December 31, 2012, for a Phase II Utility and after December 31, 2013, for a Phase I Utility, to fall more than 70 basis points below the fair combined rate of return authorized under subdivision 2 for such periods. In such cases, the Commission shall, in such ~~biennial~~ *triennial* review proceeding, authorize deferred recovery of such costs and allow the utility to amortize and recover such deferred costs over future periods as determined by the Commission. The aggregate amount of such deferred costs shall not exceed an amount that would, together with the utility's other costs, revenues, and investments to be recovered through rates for generation and distribution services, cause the utility's earned return on its generation and distribution services to exceed the fair rate of return authorized under subdivision 2, less 50 basis points, for the combined test periods under review or, for any test period commencing after December 31, 2012, for a Phase II Utility and after December 31, 2013, for a Phase I Utility, to exceed the fair rate of return authorized under subdivision 2 less 70 basis points. Nothing in this section shall limit the Commission's authority, pursuant to the provisions of Chapter 10 (§ 56-232 et seq.), including specifically § 56-235.2, following the review of combined test period earnings of the utility in a ~~biennial~~ *triennial* review, for normalization of nonrecurring test period costs and annualized adjustments for future costs, in determining any appropriate increase or decrease in the utility's rates for generation and distribution services pursuant to subdivision 8 a or 8 c.*

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

a. The utility has, during the test period or periods under review, considered as a whole, earned more than 50 basis points below a fair combined rate of return on its generation and distribution services or, for any test period commencing after December 31, 2012, for a Phase II Utility and after December 31, 2013, for a Phase I Utility, more than 70 basis points below a fair combined rate of return on its generation and distribution services, as determined in subdivision 2, without regard to any return on common equity or other matters determined with respect to facilities described in subdivision 6, the Commission shall order increases to the utility's rates necessary to provide the opportunity to fully recover the costs of providing the utility's services and to earn not less than such fair combined rate of return, using the most recently ended 12-month test period as the basis for determining the amount of the rate increase necessary. However, *in the first triennial review proceeding conducted after January 1, 2021, for a Phase II Utility, the Commission may not order a rate increase, and in all triennial reviews of a Phase I or Phase II utility, the Commission may not order such rate increase unless it finds that the resulting rates are necessary to provide the utility with the opportunity to fully recover its costs of providing its services and to earn not less than a fair combined rate of return on both its generation and distribution services, as determined in subdivision 2, without regard to any return on common equity or other matters determined with respect to facilities described in subdivision 6, using the most recently ended 12-month test period as the basis for determining the permissibility of any rate increase under the standards of this sentence, and the amount thereof; and provided that, solely in connection with making its determination concerning the necessity for such a rate increase or the amount thereof, the Commission shall, in any triennial review proceeding conducted prior to July 1, 2028, exclude from this most recently ended 12-month test period any remaining investment levels associated with a prior customer credit reinvestment offset pursuant to subdivision d.*

b. The utility has, during the test period or test periods under review, considered as a whole, earned more than 50 basis points above a fair combined rate of return on its generation and distribution services or, for any test period commencing after December 31, 2012, for a Phase II Utility and after December 31, 2013, for a Phase I Utility, more than 70 basis points above a fair combined rate of return on its generation and distribution services, as determined in subdivision 2, without regard to any return on common equity or other matters determined with respect to facilities described in subdivision 6, the Commission shall, subject to the provisions of ~~subdivision~~ *subdivisions 8 d and 9*, direct that 60 percent of the amount of such earnings that were more than 50 basis points, or, for any test period commencing after December 31, 2012, for a Phase II Utility and after December 31, 2013, for a Phase I Utility, that 70 percent of the amount of such earnings that were more than 70 basis points, above such fair combined rate of return for the test period or periods under review, considered as a whole, shall be credited to customers' bills. Any such credits shall be amortized over a period of six to 12 months, as determined at the discretion of the Commission, following the effective date of the Commission's order, and shall be allocated among customer classes such that the relationship between the specific customer class rates of return to the overall target rate of return will have the same relationship as the last approved allocation of revenues used to design base rates; or

c. ~~Such biennial~~ *In any triennial review is the second consecutive biennial review proceeding conducted after January 1, 2020, for a Phase I Utility or after January 1, 2021, for a Phase II Utility* in which the utility has, during the test period or test periods under review, considered as a whole, earned more than 50 basis points above a fair combined rate of return on its generation and distribution services or, for any test period commencing after December 31, 2012, for a Phase II Utility and after December 31, 2013, for a Phase I Utility, more than 70 basis points above a fair combined rate of return on its generation and distribution services, as determined in subdivision 2, without regard to any return on common equity or other matter determined with respect to facilities described in subdivision 6, *and the combined aggregate level of capital*

*investment that the Commission has approved other than those capital investments that the Commission has approved for recovery pursuant to a rate adjustment clause pursuant to subdivision 6 made by the utility during the test periods under review in that triennial review proceeding in new utility-owned generation facilities utilizing energy derived from sunlight, or from wind, and in electric distribution grid transformation projects, as determined pursuant to subdivision 8 d, does not equal or exceed 100 percent of the earnings that are more than 70 basis points above the utility's fair combined rate of return on its generation and distribution services for the combined test periods under review in that triennial review proceeding, the Commission shall, subject to the provisions of subdivision 9 and in addition to the actions authorized in subdivision b, also order reductions to the utility's rates it finds appropriate. However, in the first triennial review proceeding conducted after January 1, 2021, for a Phase II Utility, any reduction to the utility's rates ordered by the Commission pursuant to this subdivision shall not exceed \$50 million in annual revenues, with any reduction allocated to the utility's rates for generation services, and in each triennial review of a Phase I or Phase II Utility, the Commission may not order such rate reduction unless it finds that the resulting rates will provide the utility with the opportunity to fully recover its costs of providing its services and to earn not less than a fair combined rate of return on its generation and distribution services, as determined in subdivision 2, without regard to any return on common equity or other matters determined with respect to facilities described in subdivision 6, using the most recently ended 12-month test period as the basis for determining the permissibility of any rate reduction under the standards of this sentence, and the amount thereof; and*

*d. In any triennial review proceeding conducted after December 31, 2017, upon the request of the utility, the Commission shall determine, prior to directing that 70 percent of earnings that are more than 70 basis points above the utility's fair combined rate of return on its generation and distribution services for the test period or periods under review be credited to customer bills pursuant to subdivision 8 b, the aggregate level of prior capital investment that the Commission has approved other than those capital investments that the Commission has approved for recovery pursuant to a rate adjustment clause pursuant to subdivision 6 made by the utility during the test period or periods under review in both (i) new utility-owned generation facilities utilizing energy derived from sunlight, or from onshore or offshore wind, and (ii) electric distribution grid transformation projects, as determined by the utility's plant in service and construction work in progress balances related to such investments as recorded per books by the utility for financial reporting purposes as of the end of the most recent test period under review. Any such combined capital investment amounts shall offset any customer bill credit amounts, on a dollar for dollar basis, up to the aggregate level of invested or committed capital under clauses (i) and (ii). The aggregate level of qualifying invested or committed capital under clauses (i) and (ii) is referred to in this subdivision as the customer credit reinvestment offset, which offsets the customer bill credit amount that the utility has invested or will invest in new solar or wind generation facilities or electric distribution grid transformation projects for the benefit of customers, in amounts up to 100 percent of earnings that are more than 70 basis points above the utility's fair rate of return on its generation and distribution services, and thereby reduce or eliminate otherwise incremental rate adjustment clause charges and increases to customer bills, which is deemed to be in the public interest. If 100 percent of the amount of earnings that are more than 70 basis points above the utility's fair combined rate of return on its generation and distribution services, as determined in subdivision 2, exceeds the aggregate level of invested capital in new utility-owned generation facilities utilizing energy derived from sunlight, or from wind, and electric distribution grid transformation projects, as provided in clauses (i) and (ii), during the test period or periods under review, then 70 percent of the amount of such excess shall be credited to customer bills as provided in subdivision 8 b in connection with the triennial review proceeding. The portion of any costs associated with new utility-owned generation facilities utilizing energy derived from sunlight, or from wind, or electric distribution grid transformation projects that is the subject of any customer credit reinvestment offset pursuant to this subdivision shall not thereafter be recovered through the utility's rates for generation and distribution services over the service life of such facilities and shall not thereafter be included in the utility's costs, revenues, and investments in future triennial review proceedings conducted pursuant to subdivision 2 and shall not be the subject of a rate adjustment clause petition pursuant to subdivision 6. The portion of any costs associated with new utility-owned generation facilities utilizing energy derived from sunlight, or from wind, or electric distribution grid transformation projects that is not the subject of any customer credit reinvestment offset pursuant to this subdivision may be recovered through the utility's rates for generation and distribution services over the service life of such facilities and shall be included in the utility's costs, revenues, and investments in future triennial review proceedings conducted pursuant to subdivision 2 until such costs are fully recovered, and if such costs are recovered through the utility's rates for generation and distribution services, they shall not be the subject of a rate adjustment clause petition pursuant to subdivision 6. Only the portion of such costs of new utility-owned generation facilities utilizing energy derived from sunlight, or from wind, or electric distribution grid transformation projects that has not been included in any customer credit reinvestment offset pursuant to this subdivision, and not otherwise recovered through the utility's rates for generation and distribution services, may be the subject of a rate adjustment clause petition by the utility pursuant to subdivision 6.*

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

*clauses under subdivisions 5 and 6 prospectively from the date the Commission's final order in the triennial review proceeding, utilizing rate adjustment clause true-up protocols as the Commission in its discretion may determine.*

9. If, as a result of a ~~biennial~~ triennial review required under this subsection and conducted with respect to any test period or periods under review ending later than December 31, 2010 (or, if the Commission has elected to stagger its biennial reviews of utilities as provided in subdivision 1, under review ending later than December 31, 2010, for a Phase I Utility, or December 31, 2011, for a Phase II Utility), the Commission finds, with respect to such test period or periods considered as a whole, that (i) any utility has, during the test period or periods under review, considered as a whole, earned more than 50 basis points above a fair combined rate of return on its generation and distribution services or, for any test period commencing after December 31, 2012, for a Phase II Utility and after December 31, 2013, for a Phase I Utility, more than 70 basis points above a fair combined rate of return on its generation and distribution services, as determined in subdivision 2, without regard to any return on common equity or other matters determined with respect to facilities described in subdivision 6, and (ii) the total aggregate regulated rates of such utility at the end of the most ~~recently-ended~~ recently ended 12-month test period exceeded the annual increases in the United States Average Consumer Price Index for all items, all urban consumers (CPI-U), as published by the Bureau of Labor Statistics of the United States Department of Labor, compounded annually, when compared to the total aggregate regulated rates of such utility as determined pursuant to the ~~biennial~~ review conducted for the base period, the Commission shall, unless it finds that such action is not in the public interest or that the provisions of subdivisions 8 b and c are more consistent with the public interest, direct that any or all earnings for such test period or periods under review, considered as a whole that were more than 50 basis points, or, for any test period commencing after December 31, 2012, for a Phase II Utility and after December 31, 2013, for a Phase I Utility, more than 70 basis points, above such fair combined rate of return shall be credited to customers' bills, in lieu of the provisions of subdivisions 8 b and c, *provided that no credits shall be provided pursuant to this subdivision in connection with any triennial review unless such bill credits would be payable pursuant to the provisions of subdivision 8 d, and any credits under this subdivision shall be calculated net of any customer credit reinvestment offset amounts under subdivision 8 d.* Any such credits shall be amortized and allocated among customer classes in the manner provided by subdivision 8 b. For purposes of this subdivision:

"Base period" means (i) the test period ending December 31, 2010 (or, if the Commission has elected to stagger its biennial reviews of utilities as provided in subdivision 1, the test period ending December 31, 2010, for a Phase I Utility, or December 31, 2011, for a Phase II Utility), or (ii) the most recent test period with respect to which credits have been applied to customers' bills under the provisions of this subdivision, whichever is later.

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

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

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

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

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

§§ 67-101 and 67-102, and shall also consider whether the costs of such resources is likely to result in unreasonable increases in rates paid by ~~consumers~~ customers.

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

**§ 56-585.1:1. Transitional Rate Period: review of rates, terms and conditions for utility generation facilities.**

~~Notwithstanding the provisions of §§ 56-249.6 and 56-585.1:~~

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

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

C. 1. Commencing in 2016 and concluding in 2018, the State Corporation Commission, after notice and opportunity for a hearing, shall conduct a proceeding every two years to determine the fair rate of return on common equity to be used by a Phase I Utility as the general rate of return applicable to rate adjustment clauses under subdivisions A 5 or A 6 of § 56-585.1. A Phase I Utility's filing in such proceedings shall be made on or before March 31 of 2016, and 2018.

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

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

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

E. Except for early retirement plans identified by the utility in an integrated resource plan filed with the State Corporation Commission by September 1, 2014, for utility generation plants, an investor-owned incumbent electric utility

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

F. During the Transitional Rate Period:

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

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

G. The construction or purchase by an investor-owned incumbent utility of one or more generation facilities with at least one megawatt of generating capacity, and with an aggregate rated capacity that does not exceed ~~500~~ 5,000 megawatts, including rooftop solar installations with a capacity of not less than 50 kilowatts, and with an aggregate capacity of 50 megawatts, that use energy derived from sunlight or from wind and are located in the Commonwealth or off the Commonwealth's Atlantic shoreline, regardless of whether any of such facilities are located within or without such utility's service territory, is in the public interest, and in determining whether to approve such facility, the Commission shall liberally construe the provisions of this section. Such utility shall utilize goods or services sourced, in whole or in part, from one or more Virginia businesses. The utility may propose a rate adjustment clause based on a market index in lieu of a cost of service model for such facility. An investor-owned incumbent utility may enter into short-term or long-term power purchase contracts for the power derived from sunlight generated by such generation facility prior to purchasing the generation facility.

H. To the extent that the provisions of this section are inconsistent with the provisions of §§ 56-249.6 and 56-585.1, the provisions of this section shall control.

**§ 56-585.1:2. Pilot program for energy assistance and weatherization.**

Notwithstanding the provisions of §§ 56-249.6 and 56-585.1:

Each Phase I and II Utility shall conduct a pilot program for energy assistance and weatherization for low income, elderly, and disabled individuals in their respective service territories in the Commonwealth. Each pilot program shall be funded by the utility and shall commence September 1, 2015. *Each Phase I Utility shall continue such pilot program at no less than the existing levels of funding as of July 1, 2018, for each year that the utility provides such service. Each Phase II Utility shall continue such pilot program at no less than \$13 million for each year the utility is providing such service. The funding for the pilot programs established pursuant hereto for energy assistance and weatherization for low-income, elderly, and disabled individuals in the service territory in the Commonwealth of each respective utility shall continue until the earlier of amendment or repeal of this section or July 1, 2028.* Each such utility shall report on the status of its pilot program, including the number of individuals served thereby, to the Governor, the State Corporation Commission, and the Chairmen of the House and Senate Commerce and Labor Committees by July 1, 2016, and each year thereafter.

**§ 56-585.1:4. Development of solar and wind generation capacity in the Commonwealth.**

A. Prior to January 1, 2024, (i) the construction or purchase by a public utility of one or more solar or wind generation facilities located in the Commonwealth or off the Commonwealth's Atlantic shoreline, each having a rated capacity of at least one megawatt and having in the aggregate a rated capacity that does not exceed 5,000 megawatts, or (ii) the purchase by a public utility of energy, capacity, and environmental attributes from solar facilities described in clause (i) owned by

persons other than a public utility is in the public interest, and the Commission shall so find if required to make a finding regarding whether such construction or purchase is in the public interest.

B. Prior to January 1, 2024, (i) the construction or purchase by a public utility of one or more solar or wind generation facilities located in the Commonwealth or off the Commonwealth's Atlantic shoreline, each having a rated capacity of less than one megawatt, including rooftop solar installations with a capacity of not less than 50 kilowatts, and having in the aggregate a rated capacity that does not exceed 500 megawatts, or (ii) the purchase by a public utility of energy, capacity, and environmental attributes from solar facilities described in clause (i) owned by persons other than a public utility is in the public interest, and the Commission shall so find if required to make a finding regarding whether such construction or purchase is in the public interest.

C. The aggregate cap of 5,000 megawatts of rated capacity described in clause (i) of subsection A and the aggregate cap of 500 megawatts of rated capacity described in clause (i) of subsection B are separate and independent from each other. The capacity of facilities in subsection B shall not be counted in determining the capacity of facilities in subsection A, and the capacity of facilities in subsection A shall not be counted in determining the capacity of facilities in subsection B.

D. Twenty-five percent of the solar generation capacity placed in service on or after July 1, 2018, located in the Commonwealth, and found to be in the public interest pursuant to subsection A or B shall be from the purchase by a public utility of energy, capacity, and environmental attributes from solar facilities owned by persons other than a public utility. The remainder shall be construction or purchase by a public utility of one or more solar generation facilities located in the Commonwealth. All of the solar generation capacity located in the Commonwealth and found to be in the public interest pursuant to subsection A or B shall be subject to competitive procurement, provided that a public utility may select solar generation capacity without regard to whether such selection satisfies price criteria if the selection of the solar generating capacity materially advances non-price criteria, including favoring geographic distribution of generating capacity, areas of higher employment, or regional economic development, if such non-price solar generating capacity selected does not exceed 25 percent of the utility's solar generating capacity.

E. Construction, purchasing, or leasing activities for a test or demonstration project for a new utility-owned and utility-operated generating facility or facilities utilizing energy derived from offshore wind with an aggregate capacity of not more than 16 megawatts are in the public interest.

F. A utility may elect to petition the Commission, outside of a triennial review proceeding conducted pursuant to § 56-585.1, at any time for a prudency determination with respect to the construction or purchase by the utility of one or more solar or wind generation facilities located in the Commonwealth or off the Commonwealth's Atlantic Shoreline or the purchase by the utility of energy, capacity, and environmental attributes from solar or wind facilities owned by persons other than the utility. The Commission's final order regarding any such petition shall be entered by the Commission not more than three months after the date of the filing of such petition.

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

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

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

1. Entering into short-term and long-term electric power purchase contracts;
2. Owning and operating electric power generation facilities;
3. Building new generation facilities;
4. Relying on purchases from the short term or spot markets;
5. Making investments in demand-side resources, including energy efficiency and demand-side management services;
6. Taking such other actions, as the Commission may approve, to diversify its generation supply portfolio and ensure that the electric utility is able to implement an approved plan;
7. The methods by which the electric utility proposes to acquire the supply and demand resources identified in its proposed integrated resource plan;
8. The effect of current and pending state and federal environmental regulations upon the continued operation of existing electric generation facilities or options for construction of new electric generation facilities; ~~and~~
9. The most cost effective means of complying with current and pending state and federal environmental regulations, including compliance options to minimize effects on customer rates of such regulations;
10. Long-term electric distribution grid planning and proposed electric distribution grid transformation projects; and
11. Developing a long-term plan for energy efficiency measures to accomplish policy goals of reduction in customer bills, particularly for low-income, elderly, and disabled customers; reduction in emissions; and reduction in carbon intensity.

C. The Commission shall analyze and review an integrated resource plan and, after giving notice and opportunity to be heard, the Commission shall make a determination *within nine months after the date of filing* as to whether *such an IRP integrated resource plan* is reasonable and is in the public interest.

**§ 56-600. Definitions.**

As used in this chapter:

"Allowed distribution revenue" means the average annual, weather-normalized, nongas commodity revenue per customer associated with the rates in effect as adopted in the applicable utility's last Commission-approved rate case or performance-based regulation plan, multiplied by the average number of customers served.

"Conservation and ratemaking efficiency plan" means a plan filed by a natural gas utility pursuant to this chapter that includes a decoupling mechanism.

"Cost-effective conservation and energy efficiency program" means a program approved by the Commission that is designed to decrease the average customer's annual, weather-normalized consumption or total gas bill, for gas and nongas elements combined, or avoid energy costs or consumption the customer may otherwise have incurred, and is determined by the Commission to be cost-effective ~~upon consideration, among other factors, that if~~ the net present value of the benefits exceeds the net present value of the costs ~~under as determined by not less than any three of the following four tests: the Total Resource Cost Test, the Program Administrator Test (also referred to as the Utility Cost Test), the Participant Test, and the Ratepayer Impact Measure Test.~~ Such determination shall include an analysis of all four tests, and a program or portfolio of programs shall ~~not be rejected based solely on the results of a single test approved if the net present value of the benefits exceeds the net present value of the costs as determined by not less than any three of the four tests.~~ Such determination shall also be made (i) with the assignment of administrative costs associated with the conservation and ratemaking efficiency plan to the portfolio as a whole and (ii) with the assignment of education and outreach costs associated with each program in a portfolio of programs to such program and not to individual measures within a program, when such administrative, education, or outreach costs are not otherwise directly assignable. Without limitation, rate designs or rate mechanisms, customer education, customer incentives, and weatherization programs are examples of conservation and energy efficiency programs that the Commission may consider. Energy efficiency programs that provide measurable and verifiable energy savings to low-income customers or elderly customers may also be deemed cost effective. A cost-effective conservation and energy efficiency program shall not include a program designed to convert propane customers to natural gas.

"Decoupling mechanism" means a rate, tariff design or mechanism that decouples the recovery of a utility's allowed distribution revenue from the level of consumption of natural gas by its customers, including (i) a mechanism that adjusts actual nongas distribution revenues per customer to allowed distribution revenues per customer, such as a sales adjustment clause, (ii) rate design changes that substantially align the percentage of fixed charge revenue recovery with the percentage of the utility's fixed costs, such as straight fixed variable rates, provided such mechanism includes a substantial demand component based on a customer's peak usage, or (iii) a combination of clauses (i) and (ii) that substantially decreases the relative amount of nongas distribution revenue affected by changes in per customer consumption of gas.

"Fixed costs" means any and all of the utility's nongas costs of service, together with an authorized return thereon, that are not associated with the cost of the natural gas commodity flowing through and measured by the customer's meter.

"Measure" means an individual item, service, offering, or rebate available to a customer of a natural gas utility as part of the utility's conservation and ratemaking efficiency plan.

"Natural gas utility" or "utility" means any investor-owned public service company engaged in the business of furnishing natural gas service to the public.

"Portfolio" means the program or programs included in a natural gas utility's conservation and ratemaking efficiency plan.

"Program" means a group of one or more related measures for a customer class.

"Revenue-neutral" means a change in a rate, tariff design or mechanism as a component of a conservation and ratemaking efficiency plan that does not shift annualized allowed distribution revenue between customer classes, and does not increase or decrease the utility's average, weather-normalized nongas utility revenue per customer for any given rate class by more than 0.25 percent when compared to (i) the rate, tariff design or mechanism in effect at the time a conservation and ratemaking efficiency plan is filed pursuant to this chapter or (ii) the allocation of costs approved by the Commission in a rate case using the cost of service methodology set forth in § 56-235.2 or a performance-based regulation plan authorized by § 56-235.6, where a plan is filed in conjunction with such case.

**2. § 1.** *There is hereby established a pilot program to further the understanding of underground electric transmission lines in regard to electric reliability, construction methods and related cost and timeline estimating, and the probability of meeting such projections. The pilot program shall consist of the approval to construct qualifying electrical transmission lines of 230 kilovolts or less (but greater than 69 kilovolts) in whole or in part underground. Such pilot program shall consist of a total of two qualifying electrical transmission line projects, constructed in whole or in part underground, as specified and set forth in this act.*

*§ 2. Notwithstanding any other law to the contrary, as a part of the pilot program established pursuant to this act, the State Corporation Commission shall approve as a qualifying project a transmission line of 230 kilovolts or less that is pending final approval of a certificate of public convenience and necessity from the State Corporation Commission as of December 31, 2017, for the construction of an electrical transmission line approximately 5.3 miles in length utilizing both overhead and underground transmission facilities, of which the underground portion shall be approximately 3.1 miles in*

length, which has been previously proposed for construction within or immediately adjacent to the right-of-way of an interstate highway. Once the State Corporation Commission has affirmed the project need through an order, the project shall be constructed in part underground, and the underground portion shall consist of a double circuit.

The State Corporation Commission shall approve such underground construction within 30 days of receipt of the written request of the public utility to participate in the pilot program pursuant to this section. The State Corporation Commission shall not require the submission of additional technical and cost analyses as a condition of its approval but may request such analyses for its review. The State Corporation Commission shall approve the underground construction of one contiguous segment of the transmission line that is approximately 3.1 miles in length that was previously proposed for construction within or immediately adjacent to the right-of-way of the interstate highway, for which, by resolution, the locality has indicated general community support. The remainder of the construction for the transmission line shall be aboveground. The Commission shall not be required to perform any further analysis as to the impacts of this route, including environmental impacts or impacts upon historical resources.

The electric utility may proceed to acquire right-of-way and take such other actions as it deems appropriate in furtherance of the construction of the approved transmission line, including acquiring the cables necessary for the underground installation.

§ 3. In reviewing applications submitted by public utilities for certificates of public convenience and necessity for the construction of electrical transmission lines of 230 kilovolts or less filed between July 1, 2018, and July 1, 2020, the State Corporation Commission shall approve, consistent with the requirements of § 4 of this enactment, one additional application as a qualifying project to be constructed in whole or in part underground, as a part of this pilot program. The one qualifying project shall be in addition to the qualifying project described in § 2 of this enactment.

§ 4. For purposes of § 3, a project shall be qualified to be placed underground, in whole or in part, if it meets all of the following criteria: (i) an engineering analysis demonstrates that it is technically feasible to place the proposed line, in whole or in part, underground; (ii) the governing body of each locality in which a portion of the proposed line will be placed underground indicates, by resolution, general community support for the project and that it supports the transmission line to be placed underground; (iii) a project has been filed with the State Corporation Commission or is pending issuance of a certificate of public convenience and necessity by July 1, 2020; (iv) the estimated additional cost of placing the proposed line, in whole or in part, underground does not exceed 2.5 times the cost of placing the same line overhead, assuming accepted industry standards for undergrounding to ensure safety and reliability; if the public utility, the affected localities, and the State Corporation Commission agree, a proposed underground line whose cost exceeds 2.5 times the cost of placing the line overhead may also be accepted into the pilot program; (v) the public utility requests that the project be considered as a qualifying project under this enactment; and (vi) the primary need of the project shall be for purposes of grid reliability, grid resiliency, or to support economic development priorities of the Commonwealth and shall not be to address aging assets that would have otherwise been replaced in due course.

§ 5. Approval of a transmission line pursuant to this enactment for inclusion in the pilot program shall be deemed to satisfy the requirements of § 15.2-2232 of the Code of Virginia and local zoning ordinances with respect to such transmission line and any associated facilities, such as stations, substations, transition stations and locations, and switchyards or stations, that may be required.

§ 6. The State Corporation Commission shall report annually to the Commission on Electric Utility Restructuring, the Joint Commission on Technology and Science, and the Governor on the progress of the pilot program by no later than December 1 of each year that this act is in effect. The State Corporation Commission shall submit a final report to the Commission on Electric Utility Restructuring, the Joint Commission on Technology and Science, and the Governor no later than December 1, 2024, analyzing the entire program and making recommendations about the continued placement of transmission lines underground in the Commonwealth. The State Corporation Commission's final report shall include, but not be limited to, analysis and findings of the costs of underground construction and historical and future consumer rate effects of such costs, effect of underground transmission lines on grid reliability, operability (including operating voltage), probability of meeting cost and construction timeline estimates of such underground transmission lines, and aesthetic or other benefits attendant to the placement of transmission lines underground.

§ 7. For the qualifying projects chosen pursuant to this enactment and not fully recoverable as charges for new transmission facilities pursuant to subdivision A 4 of § 56-585.1 of the Code of Virginia, the State Corporation Commission shall approve a rate adjustment clause. The rate adjustment clause shall provide for the full and timely recovery of any portion of the cost of such project not recoverable under applicable rates, terms, and conditions approved by the Federal Energy Regulatory Commission and shall include the use of the fair return on common equity most recently approved in a State Corporation Commission proceeding for such utility. Such costs shall be entirely assigned to the utility's Virginia jurisdictional customers. The State Corporation Commission's final order regarding any petition filed pursuant to this section shall be entered not more than three months after the filing of such petition.

§ 8. The provisions of this enactment shall not be construed to limit the ability of the State Corporation Commission to approve additional applications for placement of transmission lines underground.

§ 9. If two applications are not submitted to the State Corporation Commission that meet the requirements of this act, the State Corporation Commission shall document the failure of the projects to qualify for the pilot program in order to justify approving fewer than two projects to be placed underground, in whole or in part.

*§ 10. Insofar as the provisions of this act are inconsistent with the provisions of any other law or local ordinance, the provisions of this act shall be controlling.*

3. That after July 1, 2018, each Phase I Utility as defined in subdivision A 1 of § 56-585.1 of the Code of Virginia shall not recover from customers \$10 million of incurred fuel costs, and the State Corporation Commission shall implement at the time of the utility's next fuel cost recovery proceeding conducted pursuant to § 56-249.6 of the Code of Virginia reductions in the fuel factor rate of the Phase I Utility to reflect the nonrecovery of such fuel expense as well as any change in the fuel factor associated with the Phase I Utility's fuel recovery balance for the 2017-2018 fuel year and projected fuel expense for the 2018-2019 fuel year. Such nonrecovery shall not be included in any earnings test after July 1, 2018.

4. That, no later than 30 days following July 1, 2018, each Phase II Utility as defined in subdivision A 1 of § 56-585.1 of the Code of Virginia shall provide to its current customers a one-time, voluntary generation and distribution services bill credit, to be allocated on a historic test period energy usage basis, in an aggregate amount of \$133 million. Such one-time voluntary generation and distribution services bill credit shall not be included in any earnings test after July 1, 2018.

5. That, no later than 30 days after January 1, 2019, each Phase II Utility shall provide to its current customers a one-time, voluntary generation and distribution services bill credit, to be allocated on a historic test period energy usage basis, in an aggregate amount of \$67 million, which one-time voluntary generation and distribution services bill credit shall be included in the earnings test for the utility in its first triennial review after January 1, 2019.

6. That the State Corporation Commission shall implement adjustments in the rates for generation and distribution services of incumbent electric utilities, as defined in § 56-576 of the Code of Virginia, effective April 1, 2019, to reflect the actual annual reductions in corporate income taxes to be paid by such utilities pursuant to the provisions of the federal Tax Cuts and Jobs Act of 2017 (P.L. 115-97) and as of the effective date of such act.

7. That in advance of the determination of the State Corporation Commission (the Commission) as to rate reductions to reflect reductions in corporate income taxes pursuant to the sixth enactment of this act, any (i) Phase I Utility as defined in subdivision A 1 of § 56-585.1 of the Code of Virginia shall reduce its existing rates for generation and distribution services on an interim basis, within 30 days of July 1, 2018, in an amount sufficient to reduce its annual revenues from such rates by an aggregate amount of \$50 million and (ii) Phase II Utility as defined in subdivision A 1 of § 56-585.1 of the Code of Virginia shall reduce its existing rates for generation and distribution services on an interim basis, within 30 days of July 1, 2018, in an amount sufficient to reduce its annual revenues from such rates by an aggregate amount of \$125 million. The amount of such interim reduction in rates for generation and distribution services shall be attributable to reductions in the corporate income tax obligations of the utility pursuant to the provisions of the federal Tax Cuts and Jobs Act of 2017 (P.L. 115-97). In implementing any further reductions to the rates for generation and distribution services of any Phase I Utility or Phase II Utility effective April 1, 2019, pursuant to the sixth enactment of this act, the Commission shall consider this interim revenue requirement reduction, and its actions shall be limited to a true-up of this interim reduction amount to the actual annual reduction in corporate tax obligations of such utility as of the effective date of the federal Tax Cuts and Jobs Act of 2017 (P.L. 115-97).

8. That the provisions of this act amending and reenacting § 56-585.1 of the Code of Virginia by adding subdivision 8 d shall expire on July 1, 2028.

9. That the State Corporation Commission (the Commission) shall establish pilot programs under which each Phase I Utility and each Phase II Utility, as such terms are defined in subdivision A 1 of § 56-585.1 of the Code of Virginia, shall submit a proposal to deploy electric power storage batteries. A proposal shall provide for the deployment of batteries pursuant to a pilot program that accomplishes at least one of the following: (i) improve reliability of electrical transmission or distribution systems; (ii) improve integration of different types of renewable resources; (iii) deferred investment in generation, transmission, or distribution of electricity; (iv) reduced need for additional generation of electricity during times of peak demand; or (v) connection to the facilities of a customer receiving generation, transmission, and distribution service from the utility. A Phase I Utility may install batteries with up to 10 megawatts of capacity. A Phase II Utility may install batteries with up to 30 megawatts of capacity. Each pilot program shall have a duration of five years. The pilot program shall provide for the recovery of all reasonable and prudent costs incurred under the pilot program through the electric utility's base rates on a nondiscriminatory basis. Any pilot program proposed by a Phase I Utility or Phase II Utility that satisfies the requirements of this enactment is in the public interest.

10. That the State Corporation Commission shall, by December 1, 2018, adopt such rules or establish such guidelines as may be necessary for the general administration of pilot programs to deploy electric power storage batteries established by the ninth enactment of this act.

11. That any individual nonresidential retail customer of a Phase II Utility, as defined in subdivision A 1 of § 56-585.1 of the Code of Virginia, whose single account demand during the most recent calendar year exceeded 500 kilowatts but did not exceed one percent of the Phase II Utility's peak load during the most recent calendar year, unless such customer had noncoincident peak demand in excess of 90 megawatts in calendar year 2006 or any year thereafter, and that is currently taking service from the Phase II Utility pursuant to an approved tariff rate schedule applicable to large general service customers, not to include any customer taking service under any experimental or pilot

program tariff rate schedule, tariff rate schedule for market-based rates, tariff rate schedule to purchase 100 percent renewable energy pursuant to subdivision A 5 of § 56-577 of the Code of Virginia, or companion tariff rate schedule, that enters into an exclusive supply agreement with the Phase II Utility whereby the customer agrees to purchase electric energy exclusively from the Phase II Utility serving the exclusive service territory in which such retail customer is located for a period of three years or more shall be eligible for a Manufacturing and Commercial Competitiveness Retention Credit during the duration of such exclusive supply agreement, which shall reduce the base generation charges under the customer's existing approved tariff rate by a total of two percent.

12. That any Phase II Utility, as that term is defined in subdivision A 1 of § 56-585.1 of the Code of Virginia, shall consider in its integrated resource plan next filed after July 1, 2018, either as a demand-side energy efficiency measure or a supply-side generation alternative, whether the construction or purchase of one or more generation facilities with at least one megawatt of generating capacity, having a measurable aggregate rated capacity of 200 megawatts by 2024, that use combined heat and power or waste heat to power and are located in the Commonwealth, are in the customer interest. For purposes of this analysis, the total efficiency, including the use of thermal energy, for eligible combined heat and power facilities must meet or exceed 65 percent (Lower Heating Value). The assumed efficiency of waste heat to power systems that do not burn any supplemental fuel and use only waste heat as a fuel source is 100 percent. As used in this enactment, "waste heat to power" means a system that generates electricity through the recovery of a qualified waste heat resource and "qualified waste heat resource" means (i) exhaust heat or flared gas from an industrial process that does not have, as its primary purpose, the production of electricity and (ii) a pressure drop in any gas for an industrial or commercial process.

13. That each Phase I Utility and each Phase II Utility, as such terms are defined in subdivision A 1 of § 56-585.1 of the Code of Virginia, shall investigate the feasibility of providing broadband Internet services using utility distribution and transmission infrastructure. Such investigation shall include determination of regulatory barriers to such services and proposed legislation to address such barriers. The State Corporation Commission shall assist each such utility in its determination of such barriers and development of proposed legislation. Each such utility shall evaluate whether it is in the public interest and the interest of the utility (i) to make improvements to the distribution grid in furtherance of providing such broadband Internet services in conjunction with its program of electric distribution grid transformation projects; (ii) to operate broadband Internet services using utility distribution and transmission infrastructure to provide broadband Internet services to unserved areas of the Commonwealth; or (iii) to permit a commercial entity to lease such capacity to provide broadband Internet services to unserved areas of the Commonwealth. Each such utility shall report whether it determines such broadband Internet services using utility distribution and transmission infrastructure to be feasible, including the maturity of the technology, the compatibility of such services with existing electric services, the financial requirements to undertake such broadband Internet services, and those unserved areas in the Commonwealth where the provision of such broadband Internet services appears feasible, to the Governor, the State Corporation Commission, the Broadband Advisory Council, and the Chairmen of the House and Senate Committees on Commerce and Labor by December 1, 2018.

14. That it is the objective of the General Assembly that the construction and development of new utility-owned and utility-operated generating facilities utilizing energy derived from sunlight and from wind with an aggregate capacity of 5,000 megawatts, including rooftop solar installations with a capacity of not less than 50 kilowatts, and with an aggregate capacity of 50 megawatts, be placed in service on or before July 1, 2028. The State Corporation Commission shall submit a report and make recommendations to the Governor and the General Assembly annually on or before December 1 of each year through December 1, 2028, assessing (i) the aggregate annual new construction and development of new utility-owned and utility-operated generating facilities utilizing energy derived from sunlight, (ii) the integration of utility-owned renewable electric generation resources with the utility's electric distribution grid; (iii) the aggregate additional utility-owned and utility-operated generating facilities utilizing energy derived from sunlight placed in operation since July 1, 2018, and (iv) the need for additional generation of electricity utilizing energy derived from sunlight in order to meet the objective of the General Assembly on or before July 1, 2028. The State Corporation Commission shall submit copies of such annual reports to the Chairmen of the House and Senate Committees on Commerce and Labor and the Chairman of the Commission on Electric Utility Regulation.

15. That each Phase I Utility and Phase II Utility, as such terms are defined in subdivision A 1 of § 56-585.1 of the Code of Virginia, shall develop a proposed program of energy conservation measures. Any program shall provide for the submission of a petition or petitions for approval to design, implement, and operate energy efficiency programs pursuant to subdivision A 5 c of § 56-585.1 of the Code of Virginia. At least five percent of such energy efficiency programs shall benefit low-income, elderly, and disabled individuals. The projected costs for the utility to design, implement, and operate such energy efficiency programs, including a margin to be recovered on operating expenses, shall be no less than an aggregate amount of \$140 million for a Phase I Utility and \$870 million for a Phase II Utility for the period beginning July 1, 2018, and ending July 1, 2028, including any existing approved energy efficiency programs. In developing such portfolio of energy efficiency programs, each utility shall utilize a stakeholder process, to be facilitated by an independent monitor compensated under the funding provided pursuant to subdivision E of § 56-592.1 of the Code of Virginia, to provide input and feedback on the development of such energy efficiency

programs. Such stakeholder process shall include representatives from each utility, the State Corporation Commission, the office of Consumer Counsel of the Attorney General, the Department of Mines, Minerals and Energy, energy efficiency program implementers, energy efficiency providers, residential and small business customers, and any other interested stakeholder who the independent monitor deems appropriate for inclusion in such process. The utility shall report on the status of the energy efficiency program, including the petitions filed and the determination thereon, to the Governor, the State Corporation Commission, and the Chairmen of the House and Senate Commerce and Labor Committees on July 1, 2019, and annually thereafter through July 1, 2028.

16. That each Phase I Utility and each Phase II Utility, as such terms are defined in subdivision A 1 of § 56-585.1 of the Code of Virginia, shall investigate and report upon its economic development activities and assistance provided to Virginia localities in the area of economic development in each utility's respective service area. Such report shall include discussion of any existing economic rate incentives, the use thereof, and recommendations for changes of such economic rate incentives, if any; any electrical equipment discounts for economic development purposes; any ongoing support for the development of new economic development sites, including determining the energy infrastructure and permitting requirements in advance of an end-user locating on the site, and providing marketing assistance and promotion of validated sites; any direct assistance to localities in their economic development efforts, including responses to requests for information and proposals for economic development prospects; and any resources and personnel devoted to such economic development efforts. The report shall include a discussion of underserved areas, particularly in rural areas of the Commonwealth, together with suggestions for enhancing economic development assistance in such rural areas. The report shall also provide recommendations for the enhancement of economic development activities in each utility's respective service area, including a discussion of requirements to provide electric services to business-ready sites in advance of identifying a user for such sites. Each utility shall report to the Governor, the State Corporation Commission, and the Chairmen of the House and Senate Commerce and Labor Committees on December 1, 2018.

17. That each Phase I Utility and each Phase II Utility, as such terms are defined in subdivision A 1 of § 56-585.1 of the Code of Virginia, shall investigate potential improvements to the net energy metering programs as provided under § 56-594 of the Code of Virginia, potential improvements to the pilot programs for community solar development as provided under § 56-585.1:3 of the Code of Virginia, expansion of options for customers with corporate clean energy procurement targets, and impediments to the siting of new renewable energy projects. Each such utility shall include interested stakeholders in the investigation of such issues and the development of proposed legislation and shall issue a report of its findings to the Governor, the State Corporation Commission, and the Chairmen of the House and Senate Committees on Commerce and Labor by November 1, 2018.

18. That as part of its integrated resource plans filed between 2019 and 2028, any Phase II Utility, as that term is defined in subdivision A 1 of § 56-585.1 of the Code of Virginia, shall incorporate into its long-term plan for energy efficiency measures policy goals of reduction in customer bills, particularly for low-income, elderly, veterans, and disabled customers; reduction in emissions; and reduction in the utility's carbon intensity. Considerations shall include analysis of the following: energy efficiency programs for low-income customers in alignment with billing and credit practices; energy efficiency programs that reflect policies and regulations related to customers with serious medical conditions; programs specifically focused on low-income customers, occupants of multifamily housing, veterans, elderly, and disabled customers; options for combining distributed generation, energy storage, and energy efficiency for residential and small business customers; the extent that electricity rates account for the amount of customer electricity bills in the Commonwealth and how such extent in the Commonwealth compares with such extent in other states, including a comparison of the average retail electricity price per kWh by rate class among all 50 states and an analysis of each state's primary fuel sources for electricity generation, accounting for energy efficiency, heating source, cooling load, housing size, and other relevant factors; and other issues as may seem appropriate.

19. That the State Corporation Commission shall submit a report and make recommendations to the Governor and the General Assembly annually on or before December 1 of each year assessing (i) the reliability of electrical transmission or distribution systems; (ii) the integration of utility or customer owned renewable electric generation resources with the utility's electric distribution grid; (iii) the level of investment in generation, transmission, or distribution of electricity; (iv) the need for additional generation of electricity during times of peak demand; and (v) distribution system hardening projects and enhanced physical security measures. The State Corporation Commission shall submit copies of such annual reports to the Chairmen of the House and Senate Committees on Commerce and Labor and the Chairman of the Commission on Electric Utility Regulation.

20. That the provisions of this act shall apply to any applications pending with the State Corporation Commission regarding new underground facilities or offshore wind facilities on or after January 1, 2018.

21. That on or before July 1, 2028, subject to the approval of the State Corporation Commission (the Commission), a Phase I Utility, as that term is defined in subdivision A 1 of § 56-585.1 of the Code of Virginia, shall construct or acquire a generation facility or facilities utilizing energy derived from sunlight with an aggregate capacity of not less than 200 megawatts located in the Commonwealth, which utility-owned generation facility or facilities is in the public interest as is set forth in this act. If a Phase I Utility serves in more than one jurisdiction, and a jurisdiction other than the Commonwealth denies the Phase I Utility recovery of the costs of the generation facility or facilities

utilizing energy from sunlight allocated to that jurisdiction, the Phase I Utility can recover all of the costs of the generation facility or facilities utilizing energy from sunlight from its Virginia jurisdictional customers, and all attributes of the generation facility or facilities utilizing energy from sunlight, including energy and capacity shall be assigned to Virginia.

22. That from July 1, 2018, until July 1, 2028, not more than one-half of the combined capital investment amount attributable to (i) investments in new utility-owned generation facilities utilizing energy derived from sunlight or from wind; (ii) investments in electric distribution grid transformation projects; (iii) investments in one or more new underground facilities to replace one or more existing overhead distribution facilities of 69 kilovolts or less located within the Commonwealth; (iv) investment in the estimated additional cost of placing the two proposed pilot projects for the construction of qualifying electrical transmission lines of 230 kilovolts or less (but greater than 69 kilovolts) in whole or in part underground, in excess of the cost of placing the same lines overhead, assuming accepted industry standards for undergrounding to ensure safety and reliability; and (v) the projected costs for the utility to design, implement and operate energy efficiency programs, including a margin to be recovered on operating expenses, submitted to the Commission for approval, shall be (a) investments in one or more new underground facilities to replace one or more existing overhead distribution facilities of 69 kilovolts or less located within the Commonwealth; (b) investment in the estimated additional cost of placing the two proposed pilot projects for the construction of qualifying electrical transmission lines of 230 kilovolts or less (but greater than 69 kilovolts) in whole or in part underground in excess of the cost of placing the same line overhead, assuming accepted industry standards for undergrounding to ensure safety and reliability; and (c) electric distribution grid transformation projects solely designed for physical security at distribution substations.

23. That within 60 days after the conclusion of each triennial review proceeding conducted pursuant to § 56-585.1 of the Code of Virginia, the State Corporation Commission (the Commission) shall submit a report to the Governor and the General Assembly and the Chairmen of the House and Senate Commerce and Labor Committees describing and quantifying all investments made by the utility during the test period or periods under review in both (i) new utility-owned generation facilities utilizing energy derived from sunlight or from onshore or offshore wind and (ii) electric distribution grid transformation projects, as determined by the utility's plant in service and construction work in progress balances related to such investments as recorded per books by the utility for financial reporting purposes as of the end of the most recent test period under review. The Commission's report shall include, but not be limited to, an analysis of the financial effects of such investments, including the effects on customer rates, customer bill credits, and the earnings and rate base of each utility subject to the triennial review provisions of § 56-585.1.

24. That this act shall be known as the Grid Transformation and Security Act.

## CHAPTER 297

*An Act to amend the Code of Virginia by adding a section numbered 62.1-44.15:58.1, relating to erosion and sediment control; inspections; natural gas pipelines; stop work instructions; emergency.*

[S 698]

Approved March 10, 2018

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

**1. That the Code of Virginia is amended by adding a section numbered 62.1-44.15:58.1 as follows:**

**§ 62.1-44.15:58.1. Inspections; land-disturbing activities of natural gas pipelines; stop work instructions.**

*A. The Department is authorized to conduct inspections of the land-disturbing activities of interstate and intrastate natural gas pipeline companies that have approved annual standards and specifications pursuant to § 62.1-44.15:55 as such land-disturbing activities relate to construction of any natural gas transmission pipeline greater than 36 inches inside diameter to determine (i) compliance with such annual standards and specifications, (ii) compliance with any site-specific plans, and (iii) if there have been or are likely to be adverse impacts to water quality as a result of such land-disturbing activities. When the Department determines that there has been a substantial adverse impact to water quality or that an imminent and substantial adverse impact to water quality is likely to occur as a result of such land-disturbing activities, the Department may issue a stop work instruction, without advance notice or hearing, requiring that all or part of such land-disturbing activities on the part of the site that caused the substantial adverse impacts to water quality or are likely to cause imminent and substantial adverse impacts to water quality be stopped until corrective measures specified in the stop work instruction have been completed and approved by the Department.*

*Such stop work instruction shall become effective upon service on the company by email or other technology agreed to in writing by the Department and the company, by mailing with confirmation of delivery to the address specified in the annual standards and specifications, if available, or by delivery at the site to a person previously identified to the Department by the company. Upon request by the company, the Director or his designee shall review such stop work instruction within 48 hours of issuance.*

*B. Within 10 business days of issuance of a stop work instruction, the Department shall promptly provide to such company an opportunity for an informal fact-finding proceeding concerning the stop work instruction and any review by the Director or his designee. Reasonable notice as to the time and place of the informal fact-finding proceeding shall be*

provided to such company. Within 10 business days of the informal fact-finding proceeding, the Department shall affirm, modify, amend, or cancel such stop work instruction. Upon written documentation from the company of the completion and approval by the Department in writing of the corrective measures specified in the stop work instruction, the instruction shall be immediately lifted.

C. The company may appeal such stop work instruction or preliminary decision rendered by the Director or his designee to the circuit court of the jurisdiction wherein the land-disturbing activities subject to the stop work instruction occurred, or to another appropriate court, in accordance with the requirements of the Administrative Process Act (§ 2.2-4000 et seq.). Any person violating or failing, neglecting, or refusing to obey a stop work instruction issued by the Department may be compelled in a proceeding instituted in the circuit court of the jurisdiction wherein the violation was alleged to have occurred or other appropriate court to obey same and to comply therewith by injunction, mandamus, or other appropriate remedy. Nothing in this section shall prevent the Board or the Department from taking any other action authorized by this chapter.

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

### CHAPTER 298

*An Act to amend the Code of Virginia by adding a section numbered 62.1-44.15:37.1, relating to stormwater management; inspections; natural gas pipelines; stop work instructions; emergency.*

[S 699]

Approved March 10, 2018

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

**1. That the Code of Virginia is amended by adding a section numbered 62.1-44.15:37.1 as follows:**

**§ 62.1-44.15:37.1. Inspections; land-disturbing activities of natural gas pipelines; stop work instructions.**

A. The Department is authorized to conduct inspections of the land-disturbing activities of interstate and intrastate natural gas pipeline companies that have approved annual standards and specifications pursuant to § 62.1-44.15:31 as such land-disturbing activities relate to construction of any natural gas transmission pipeline greater than 36 inches inside diameter to determine (i) compliance with such annual standards and specifications, (ii) compliance with any site-specific plans, and (iii) if there have been or are likely to be adverse impacts to water quality as a result of such land-disturbing activities. When the Department determines that there has been a substantial adverse impact to water quality or that an imminent and substantial adverse impact to water quality is likely to occur as a result of such land-disturbing activities, the Department may issue a stop work instruction, without advance notice or hearing, requiring that all or part of such land-disturbing activities on the part of the site that caused the substantial adverse impacts to water quality or are likely to cause imminent and substantial adverse impacts to water quality be stopped until corrective measures specified in the stop work instruction have been completed and approved by the Department.

Such stop work instruction shall become effective upon service on the company by email or other technology agreed to in writing by the Department and the company, by mailing with confirmation of delivery to the address specified in the annual standards and specifications, if available, or by delivery at the site to a person previously identified to the Department by the company. Upon request by the company, the Director or his designee shall review such stop work instruction within 48 hours of issuance.

B. Within 10 business days of issuance of a stop work instruction, the Department shall promptly provide to such company an opportunity for an informal fact-finding proceeding concerning the stop work instruction and any review by the Director or his designee. Reasonable notice as to the time and place of the informal fact-finding proceeding shall be provided to such company. Within 10 business days of the informal fact-finding proceeding, the Department shall affirm, modify, amend, or cancel such stop work instruction. Upon written documentation from the company of the completion and approval by the Department in writing of the corrective measures specified in the stop work instruction, the instruction shall be immediately lifted.

C. The company may appeal such stop work instruction or preliminary decision rendered by the Director or his designee to the circuit court of the jurisdiction wherein the land-disturbing activities subject to the stop work instruction occurred, or to another appropriate court, in accordance with the requirements of the Administrative Process Act (§ 2.2-4000 et seq.). Any person violating or failing, neglecting, or refusing to obey a stop work instruction issued by the Department may be compelled in a proceeding instituted in the circuit court of the jurisdiction wherein the violation was alleged to have occurred or other appropriate court to obey same and to comply therewith by injunction, mandamus, or other appropriate remedy. Nothing in this section shall prevent the Board or the Department from taking any other action authorized by this chapter.

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

## CHAPTER 299

*An Act to amend and reenact § 59.1-200 of the Code of Virginia, relating to certain fraud crimes; Virginia Consumer Protection Act.*

[H 304]

Approved March 19, 2018

**Be it enacted by the General Assembly of Virginia:****1. That § 59.1-200 of the Code of Virginia is amended and reenacted as follows:****§ 59.1-200. Prohibited practices.**

A. The following fraudulent acts or practices committed by a supplier in connection with a consumer transaction are hereby declared unlawful:

1. Misrepresenting goods or services as those of another;
2. Misrepresenting the source, sponsorship, approval, or certification of goods or services;
3. Misrepresenting the affiliation, connection, or association of the supplier, or of the goods or services, with another;
4. Misrepresenting geographic origin in connection with goods or services;
5. Misrepresenting that goods or services have certain quantities, characteristics, ingredients, uses, or benefits;
6. Misrepresenting that goods or services are of a particular standard, quality, grade, style, or model;
7. Advertising or offering for sale goods that are used, secondhand, repossessed, defective, blemished, deteriorated, or reconditioned, or that are "seconds," irregulars, imperfects, or "not first class," without clearly and unequivocally indicating in the advertisement or offer for sale that the goods are used, secondhand, repossessed, defective, blemished, deteriorated, reconditioned, or are "seconds," irregulars, imperfects or "not first class";
8. Advertising goods or services with intent not to sell them as advertised, or with intent not to sell at the price or upon the terms advertised.

In any action brought under this subdivision, the refusal by any person, or any employee, agent, or servant thereof, to sell any goods or services advertised or offered for sale at the price or upon the terms advertised or offered, shall be prima facie evidence of a violation of this subdivision. This paragraph shall not apply when it is clearly and conspicuously stated in the advertisement or offer by which such goods or services are advertised or offered for sale, that the supplier or offeror has a limited quantity or amount of such goods or services for sale, and the supplier or offeror at the time of such advertisement or offer did in fact have or reasonably expected to have at least such quantity or amount for sale;

9. Making false or misleading statements of fact concerning the reasons for, existence of, or amounts of price reductions;
10. Misrepresenting that repairs, alterations, modifications, or services have been performed or parts installed;
11. Misrepresenting by the use of any written or documentary material that appears to be an invoice or bill for merchandise or services previously ordered;
12. Notwithstanding any other provision of law, using in any manner the words "wholesale," "wholesaler," "factory," or "manufacturer" in the supplier's name, or to describe the nature of the supplier's business, unless the supplier is actually engaged primarily in selling at wholesale or in manufacturing the goods or services advertised or offered for sale;
13. Using in any contract or lease any liquidated damage clause, penalty clause, or waiver of defense, or attempting to collect any liquidated damages or penalties under any clause, waiver, damages, or penalties that are void or unenforceable under any otherwise applicable laws of the Commonwealth, or under federal statutes or regulations;
- 13a. Failing to provide to a consumer, or failing to use or include in any written document or material provided to or executed by a consumer, in connection with a consumer transaction any statement, disclosure, notice, or other information however characterized when the supplier is required by 16 C.F.R. Part 433 to so provide, use, or include the statement, disclosure, notice, or other information in connection with the consumer transaction;
14. Using any other deception, fraud, false pretense, false promise, or misrepresentation in connection with a consumer transaction;
15. Violating any provision of § 3.2-6512, 3.2-6513, or 3.2-6516, relating to the sale of certain animals by pet dealers which is described in such sections, is a violation of this chapter;
16. Failing to disclose all conditions, charges, or fees relating to:
  - a. The return of goods for refund, exchange, or credit. Such disclosure shall be by means of a sign attached to the goods, or placed in a conspicuous public area of the premises of the supplier, so as to be readily noticeable and readable by the person obtaining the goods from the supplier. If the supplier does not permit a refund, exchange, or credit for return, he shall so state on a similar sign. The provisions of this subdivision shall not apply to any retail merchant who has a policy of providing, for a period of not less than 20 days after date of purchase, a cash refund or credit to the purchaser's credit card account for the return of defective, unused, or undamaged merchandise upon presentation of proof of purchase. In the case of merchandise paid for by check, the purchase shall be treated as a cash purchase and any refund may be delayed for a period of 10 banking days to allow for the check to clear. This subdivision does not apply to sale merchandise that is obviously distressed, out of date, post season, or otherwise reduced for clearance; nor does this subdivision apply to special order purchases where the purchaser has requested the supplier to order merchandise of a specific or unusual size, color, or

brand not ordinarily carried in the store or the store's catalog; nor shall this subdivision apply in connection with a transaction for the sale or lease of motor vehicles, farm tractors, or motorcycles as defined in § 46.2-100;

b. A layaway agreement. Such disclosure shall be furnished to the consumer (i) in writing at the time of the layaway agreement, or (ii) by means of a sign placed in a conspicuous public area of the premises of the supplier, so as to be readily noticeable and readable by the consumer, or (iii) on the bill of sale. Disclosure shall include the conditions, charges, or fees in the event that a consumer breaches the agreement;

16a. Failing to provide written notice to a consumer of an existing open-end credit balance in excess of \$5 (i) on an account maintained by the supplier and (ii) resulting from such consumer's overpayment on such account. Suppliers shall give consumers written notice of such credit balances within 60 days of receiving overpayments. If the credit balance information is incorporated into statements of account furnished consumers by suppliers within such 60-day period, no separate or additional notice is required;

17. If a supplier enters into a written agreement with a consumer to resolve a dispute that arises in connection with a consumer transaction, failing to adhere to the terms and conditions of such an agreement;

18. Violating any provision of the Virginia Health Club Act, Chapter 24 (§ 59.1-294 et seq.);

19. Violating any provision of the Virginia Home Solicitation Sales Act, Chapter 2.1 (§ 59.1-21.1 et seq.);

20. Violating any provision of the Automobile Repair Facilities Act, Chapter 17.1 (§ 59.1-207.1 et seq.);

21. Violating any provision of the Virginia Lease-Purchase Agreement Act, Chapter 17.4 (§ 59.1-207.17 et seq.);

22. Violating any provision of the Prizes and Gifts Act, Chapter 31 (§ 59.1-415 et seq.);

23. Violating any provision of the Virginia Public Telephone Information Act, Chapter 32 (§ 59.1-424 et seq.);

24. Violating any provision of § 54.1-1505;

25. Violating any provision of the Motor Vehicle Manufacturers' Warranty Adjustment Act, Chapter 17.6 (§ 59.1-207.34 et seq.);

26. Violating any provision of § 3.2-5627, relating to the pricing of merchandise;

27. Violating any provision of the Pay-Per-Call Services Act, Chapter 33 (§ 59.1-429 et seq.);

28. Violating any provision of the Extended Service Contract Act, Chapter 34 (§ 59.1-435 et seq.);

29. Violating any provision of the Virginia Membership Camping Act, Chapter 25 (§ 59.1-311 et seq.);

30. Violating any provision of the Comparison Price Advertising Act, Chapter 17.7 (§ 59.1-207.40 et seq.);

31. Violating any provision of the Virginia Travel Club Act, Chapter 36 (§ 59.1-445 et seq.);

32. Violating any provision of §§ 46.2-1231 and 46.2-1233.1;

33. Violating any provision of Chapter 40 (§ 54.1-4000 et seq.) of Title 54.1;

34. Violating any provision of Chapter 10.1 (§ 58.1-1031 et seq.) of Title 58.1;

35. Using the consumer's social security number as the consumer's account number with the supplier, if the consumer has requested in writing that the supplier use an alternate number not associated with the consumer's social security number;

36. Violating any provision of Chapter 18 (§ 6.2-1800 et seq.) of Title 6.2;

37. Violating any provision of § 8.01-40.2;

38. Violating any provision of Article 7 (§ 32.1-212 et seq.) of Chapter 6 of Title 32.1;

39. Violating any provision of Chapter 34.1 (§ 59.1-441.1 et seq.);

40. Violating any provision of Chapter 20 (§ 6.2-2000 et seq.) of Title 6.2;

41. Violating any provision of the Virginia Post-Disaster Anti-Price Gouging Act, Chapter 46 (§ 59.1-525 et seq.);

42. Violating any provision of Chapter 47 (§ 59.1-530 et seq.);

43. Violating any provision of § 59.1-443.2;

44. Violating any provision of Chapter 48 (§ 59.1-533 et seq.);

45. Violating any provision of Chapter 25 (§ 6.2-2500 et seq.) of Title 6.2;

46. Violating the provisions of clause (i) of subsection B of § 54.1-1115;

47. Violating any provision of § 18.2-239;

48. Violating any provision of Chapter 26 (§ 59.1-336 et seq.);

49. Selling, offering for sale, or manufacturing for sale a children's product the supplier knows or has reason to know was recalled by the U.S. Consumer Product Safety Commission. There is a rebuttable presumption that a supplier has reason to know a children's product was recalled if notice of the recall has been posted continuously at least 30 days before the sale, offer for sale, or manufacturing for sale on the website of the U.S. Consumer Product Safety Commission. This prohibition does not apply to children's products that are used, secondhand or "seconds";

50. Violating any provision of Chapter 44.1 (§ 59.1-518.1 et seq.);

51. Violating any provision of Chapter 22 (§ 6.2-2200 et seq.) of Title 6.2;

52. Violating any provision of § 8.2-317.1;

53. Violating subsection A of § 9.1-149.1;

54. Selling, offering for sale, or using in the construction, remodeling, or repair of any residential dwelling in the Commonwealth, any drywall that the supplier knows or has reason to know is defective drywall. This subdivision shall not apply to the sale or offering for sale of any building or structure in which defective drywall has been permanently installed or affixed;

55. Engaging in fraudulent or improper or dishonest conduct as defined in § 54.1-1118 while engaged in a transaction that was initiated (i) during a declared state of emergency as defined in § 44-146.16 or (ii) to repair damage resulting from

the event that prompted the declaration of a state of emergency, regardless of whether the supplier is licensed as a contractor in the Commonwealth pursuant to Chapter 11 (§ 54.1-1100 et seq.) of Title 54.1; ~~and~~

56. Violating any provision of Chapter 33.1 (§ 59.1-434.1 et seq.); and

57. Violating any provision of § 18.2-178, 18.2-178.1, or 18.2-200.1.

B. Nothing in this section shall be construed to invalidate or make unenforceable any contract or lease solely by reason of the failure of such contract or lease to comply with any other law of the Commonwealth or any federal statute or regulation, to the extent such other law, statute, or regulation provides that a violation of such law, statute, or regulation shall not invalidate or make unenforceable such contract or lease.

### CHAPTER 300

*An Act to amend and reenact § 46.2-330 of the Code of Virginia, relating to driver's license renewals; twenty-first birthday.*

[H 387]

Approved March 19, 2018

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

**1. That § 46.2-330 of the Code of Virginia is amended and reenacted as follows:**

**§ 46.2-330. Expiration and renewal of licenses; examinations required.**

A. Every driver's license shall expire on the applicant's birthday at the end of the period of years for which a driver's license has been issued. At no time shall any driver's license be issued for more than eight years *or less than five years, unless otherwise provided by law*. Thereafter the driver's license shall be renewed on or before the birthday of the licensee and shall be valid for a period not to exceed eight years except as otherwise provided by law. Any driver's license issued to a person age 75 or older shall be issued for a period not to exceed five years. Notwithstanding these limitations, the Commissioner may extend the validity period of an expiring license if (i) the Department is unable to process an application for renewal due to circumstances beyond its control, (ii) the extension has been authorized under a directive from the Governor, and (iii) the license was not issued as a temporary driver's license under the provisions of subsection B of § 46.2-328.1. However, in no event shall the validity period be extended more than 90 days per occurrence of such conditions. In determining the number of years for which a driver's license shall be renewed, the Commissioner shall take into consideration the examinations, conditions, requirements, and other criteria provided under this title that relate to the issuance of a license to operate a vehicle. Any driver's license issued to a person required to register pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1 shall expire on the applicant's birthday in years which the applicant attains an age equally divisible by five.

B. Within one year prior to the date shown on the driver's license as the date of expiration, the Department shall send notice, to the holder thereof, at the address shown on the records of the Department in its driver's license file, that his license will expire on a date specified therein, whether he must be reexamined, and when he may be reexamined. Nonreceipt of the notice shall not extend the period of validity of the driver's license beyond its expiration date. The license holder may request the Department to send such renewal notice to an email or other electronic address, upon provision of such address to the Department.

Any driver's license may be renewed by application after the applicant has taken and successfully completed those parts of the examination provided for in §§ 46.2-311, 46.2-325, and the Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.), including vision and written tests, other than the parts of the examination requiring the applicant to drive a motor vehicle. All drivers applying in person for renewal of a license shall take and successfully complete the examination each renewal year. Every applicant for a renewal shall appear in person before the Department, unless specifically notified by the Department that renewal may be accomplished in another manner as provided in the notice. Applicants who are required to appear in person before the Department to apply for a renewal may also be required to present proof of identity, legal presence, residency, and social security number or non-work authorized status.

C. Notwithstanding any other provision of this section, the Commissioner, in his discretion, may require any applicant for renewal to be fully examined as provided in §§ 46.2-311 and 46.2-325 and the Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.). Furthermore, if the applicant is less than 75 years old, the Commissioner may waive the vision examination for any applicant for renewal of a driver's license that is not a commercial driver's license and the requirement for the taking of the written test as provided in subsection B of this section, § 46.2-325, and the Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.). However, in no case shall there be any waiver of the vision examination for applicants for renewal of a commercial driver's license or of the knowledge test required by the Virginia Commercial Driver's License Act for the hazardous materials endorsement on a commercial driver's license. No driver's license or learner's permit issued to any person who is 75 years old or older shall be renewed unless the applicant for renewal appears in person and either (i) passes a vision examination or (ii) presents a report of a vision examination, made within 90 days prior thereto by an ophthalmologist or optometrist, indicating that the applicant's vision meets or exceeds the standards contained in § 46.2-311.

D. Every applicant for renewal of a driver's license, whether renewal shall or shall not be dependent on any examination of the applicant, shall appear in person before the Department to apply for renewal, unless specifically notified by the Department that renewal may be accomplished in another manner as provided in the notice.

E. This section shall not modify the provisions of § 46.2-221.2.

F. 1. The Department shall electronically transmit application information, including a photograph, to the Department of State Police, in a format approved by the State Police, for comparison with information contained in the Virginia Criminal Information Network and National Crime Information Center Convicted Sexual Offender Registry files, at the time of the renewal of a driver's license. Whenever it appears from the records of the State Police that a person has failed to comply with the duty to register or reregister pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1, the State Police shall promptly investigate and, if there is probable cause to believe a violation has occurred, obtain a warrant or assist in obtaining an indictment charging a violation of § 18.2-472.1 in the jurisdiction in which the person last registered or reregistered or in the jurisdiction where the person made application for licensure. The Department of State Police shall electronically transmit to the Department, in a format approved by the Department, for each person required to register pursuant to Chapter 9 of Title 9.1, registry information consisting of the person's name, all aliases that he has used or under which he may have been known, his date of birth, and his social security number as set out in § 9.1-903.

2. For each person required to register pursuant to Chapter 9 of Title 9.1, the Department may not waive the requirement that each such person shall appear for each renewal or the requirement to obtain a photograph in accordance with subsection C of § 46.2-323.

**CHAPTER 301**

*An Act to amend and reenact §§ 64.2-308.9 and 64.2-308.10 of the Code of Virginia, relating to elective share claim; calculation of the augmented estate.*

[H 754]

Approved March 19, 2018

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

**1. That §§ 64.2-308.9 and 64.2-308.10 of the Code of Virginia are amended and reenacted as follows:**

**§ 64.2-308.9. Exclusions, valuation, and overlapping application.**

A. The value of any property is excluded from the decedent's non-probate transfers to others:

1. To the extent *that* the decedent received adequate and full consideration in money or money's worth for a transfer of the property; or

2. If the property was transferred with the written joinder of, or if the transfer was consented to in writing before or after the transfer by, the surviving spouse.

B. 1. The value of any property otherwise included under § 64.2-308.5 ~~or~~, 64.2-308.6, *or* 64.2-308.7, and its income or proceeds, is excluded from the decedent's net probate estate ~~and~~ *decedent's* non-probate transfers to others, *and decedent's non-probate transfers to the surviving spouse* to the extent *that* such property was transferred to or for the benefit of the decedent, before or during the marriage to the surviving spouse, by gift, will, transfer in trust, intestate succession, or any other method or form of transfer to the extent *that* it was (i) transferred without full consideration in money or money's worth from a person other than the surviving spouse and (ii) maintained by the decedent as separate property.

2. The value of any property otherwise included under § 64.2-308.8, and its income or proceeds, is excluded from the surviving spouse's property and non-probate transfers to others to the extent *that* such property was transferred to or for the benefit of the surviving spouse, before or during the marriage to the decedent, by gift, will, transfer in trust, intestate succession, or any other method or form of transfer to the extent *that* it was (i) transferred without full consideration in money or money's worth from a person other than the decedent and (ii) maintained by the surviving spouse as separate property.

C. 1. The value of property:

1. Included in the augmented estate under § 64.2-308.5, 64.2-308.6, 64.2-308.7, or 64.2-308.8 is reduced in each category by enforceable claims against the included property; and

2. Includes the commuted value of any present or future interest and the commuted value of amounts payable under any trust, life insurance settlement option, annuity contract, public or private pension, disability compensation, death benefit or retirement plan, or any similar arrangement, exclusive of the federal social security system. Except as provided herein for interests passing to a surviving spouse, life estates and remainder interests are valued in the manner prescribed in Article 2 (§ 55- 269.1 et seq.) of Chapter 15 of Title 55 and deferred payments and estates for years are discounted to present value using the interest rate specified in § 55-269.1. In valuing partial and contingent interests passing to the surviving spouse, and beneficial interests in trust, the following special rules apply:

a. The value of the beneficial interest of a spouse shall be the entire fair market value of any property held in trust if the decedent was the settlor of the trust, if the trust is held for the exclusive benefit of the surviving spouse during the surviving spouse's lifetime, and if the terms of the trust meet the following requirements:

(1) During the lifetime of the surviving spouse, the trust is controlled by the surviving spouse or one or more trustees who are non-adverse parties;

(2) The trustee shall distribute to or for the benefit of the surviving spouse the entire net income of the trust at least annually;

(3) The trustee is permitted to distribute to or for the benefit of the surviving spouse out of the principal of the trust such amounts and at such times as the trustee, in its discretion, determines for the health, maintenance, and support of the surviving spouse; and

(4) In exercising discretion, the trustee may be authorized or required to take into consideration all other income assets and other means of support available to the surviving spouse.

b. To the extent that the partial or contingent interest is dependent upon the occurrence of any contingency that is not subject to the control of the surviving spouse and that is not subject to valuation by reference to the mortality and annuity tables set forth in §§ 55-271 through 55-277, the contingency will be conclusively presumed to result in the lowest possible value passing to the surviving spouse.

c. To the extent that the valuation of a partial or contingent interest is dependent upon the life expectancy of the surviving spouse, that life expectancy shall be conclusively presumed to be no less than 10 years, regardless of the actual attained age of the surviving spouse at the decedent's death.

D. In case of overlapping application to the same property of the subsections or subdivisions of § 64.2-308.6, 64.2-308.7, or 64.2-308.8, the property is included in the augmented estate under the provision yielding the greatest value, and under only one overlapping provision if they all yield the same value.

**§ 64.2-308.10. Sources from which elective share payable.**

A. In a proceeding for an elective share, the following are applied first to satisfy the elective-share amount and to reduce or eliminate any contributions due from the decedent's probate estate and recipients of the decedent's non-probate transfers to others:

1. ~~The value of property~~ Amounts excluded from the augmented estate under ~~subsection A subdivision B 1~~ of § 64.2-308.9; ~~which passes or has~~ that passed to the surviving spouse ~~and amounts that passed to the surviving spouse at the decedent's death pursuant to the decedent's exercise of a power of appointment over property not included in the augmented estate;~~

2. Amounts included in the augmented estate under § 64.2-308.5 that pass or have passed to the surviving spouse by testate or intestate succession and amounts included in the augmented estate under § 64.2-308.7; and

3. The marital property portion of amounts included in the augmented estate under § 64.2-308.8.

B. The marital property portion under subdivision A 3 is computed by multiplying the value of the amounts included in the augmented estate under § 64.2-308.8 by the percentage of the augmented estate set forth in the schedule in subsection B of § 64.2-308.4 appropriate to the length of time the spouse and the decedent were married to each other.

C. If, after the application of subsection A, the elective share amount is not fully satisfied, amounts included in the decedent's net probate estate, other than assets passing to the surviving spouse by testate or intestate succession, and in the decedent's non-probate transfers to others under subdivisions 1, 2, and 3 b of § 64.2-308.6 are applied first to satisfy the unsatisfied balance of the elective share amount. The decedent's net probate estate and that portion of the decedent's non-probate transfers to others are so applied that liability for the unsatisfied balance of the elective share amount is apportioned among the recipients of the decedent's net probate estate and of that portion of the decedent's non-probate transfers to others in proportion to the value of their interests therein.

D. If, after the application of subsections A and C, the elective share amount is not fully satisfied, the remaining portion of the decedent's non-probate transfers to others is so applied that liability for the unsatisfied balance of the elective share amount is apportioned among the recipients of the remaining portion of the decedent's non-probate transfers to others in proportion to the value of their interests therein.

E. The unsatisfied balance of the elective share amount as determined under subsection C or D is treated as a general pecuniary bequest.

**CHAPTER 302**

*An Act to amend and reenact § 8.01-195.11 of the Code of Virginia, relating to compensation for wrongful incarceration for a felony conviction; transition assistance grants for wrongfully incarcerated persons.*

[H 976]

Approved March 19, 2018

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

**1. That § 8.01-195.11 of the Code of Virginia is amended and reenacted as follows:**

**§ 8.01-195.11. Compensation for wrongful incarceration.**

A. Any person who is convicted of a felony by a county or city circuit court of the Commonwealth and is wrongfully incarcerated for such felony may be awarded compensation in an amount equal to 90 percent of the inflation adjusted Virginia per capita personal income as reported by the Bureau of Economic Analysis of the U.S. Department of Commerce for each year of incarceration, or portion thereof.

B. Any compensation computed pursuant to subsection A and approved by the General Assembly shall be paid by the Comptroller by his warrant on the State Treasurer in favor of the person found to have been wrongfully incarcerated. The person wrongfully incarcerated shall be paid an initial lump sum equal to 20 percent of the compensation award with the remaining 80 percent of the principal of the compensation award to be used by the State Treasurer to purchase an annuity

from any A+ rated company, including any A+ rated company from which the Virginia Lottery may purchase an annuity, to provide equal monthly payments to such person for a period certain of 25 years commencing no later than one year after the effective date of the appropriation. The annuity shall provide that it shall not be sold, discounted, or used as securitization for loans and mortgages by the person awarded compensation. The annuity shall, however, contain beneficiary provisions providing for the annuity's continued disbursement in the event of the death of the person awarded compensation. All payments or costs of annuities under this section shall be made by check issued by the State Treasurer on warrant of the Comptroller.

C. Any person who is convicted of a felony by a county or city circuit court of the Commonwealth and is wrongfully incarcerated for such felony shall receive a transition assistance grant of \$15,000 to be paid from the Criminal Fund, which amount shall be deducted from any award received pursuant to subsection B, *within 30 days of receipt of the written request for the disbursement of the transition assistance grant to the Executive Secretary of the Supreme Court of Virginia. Payment of the transition assistance grant from the Criminal Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the Executive Secretary of the Supreme Court of Virginia.* In addition, such person shall be entitled to receive reimbursement up to \$10,000 for tuition for career and technical training within the Virginia ~~community college system~~ *Community College System* contingent upon successful completion of the training. Reimbursement for tuition shall be provided by the comprehensive community college at which the career or technical training was completed.

**CHAPTER 303**

*An Act to amend and reenact §§ 59.1-444.2 and 59.1-444.3 of the Code of Virginia, relating to security freezes on credit reports; fees.*

[S 16]

Approved March 19, 2018

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

**1. That §§ 59.1-444.2 and 59.1-444.3 of the Code of Virginia are amended and reenacted as follows:**

**§ 59.1-444.2. Security freezes.**

A. As used in this section, "security freeze" means a notice placed in a consumer's credit report, at the request of the consumer and subject to certain exceptions, that prohibits the consumer reporting agency from releasing the consumer's credit report or score relating to the extension of credit.

B. A consumer may request that a security freeze be placed on his or her credit report by sending a request in writing by certified mail, or such other secure method authorized by a consumer reporting agency, to a consumer reporting agency at an address designated by the consumer reporting agency to receive such requests. This subsection does not prevent a consumer reporting agency from advising a third party that a security freeze is in effect with respect to the consumer's credit report.

C. A consumer reporting agency shall place a security freeze on a consumer's credit report no later than three business days after receiving from the consumer:

1. A written request described in subsection B;
2. Proper identification; and
3. Payment of a fee not to exceed ~~\$10~~ \$5, if applicable.

A consumer reporting agency shall place a security freeze on a consumer's credit report no later than one business day after receiving such a request, if such request is made electronically at an address designated by the consumer reporting agency to receive such requests.

D. The consumer reporting agency shall send a written confirmation of the placement of the security freeze to the consumer within 10 business days. Upon placing the security freeze on the consumer's credit report, the consumer reporting agency shall provide the consumer with a unique personal identification number or password, or similar device to be used by the consumer when providing authorization for the release of his credit report for a specific period of time or for a specific party.

E. If the consumer wishes to allow his credit report to be accessed for a specific period of time or for a specific party while a freeze is in place, he shall contact the consumer reporting agency using a point of contact designated by the consumer reporting agency, request that the freeze be temporarily lifted, and provide the following:

1. Proper identification;
2. The unique personal identification number or password provided by the consumer reporting agency pursuant to subsection D; and
3. The proper information regarding the time period or the specific party for which the report shall be available to users of the credit report.

F. A consumer reporting agency:

1. Shall comply with a request made under subsection E:
  - a. Within three business days after receiving the request if the request is made at a postal address designated by the agency to receive such requests; or

b. Within 15 minutes after the consumer's request is received by the consumer reporting agency through the electronic contact method chosen by the consumer reporting agency in accordance with this section;

2. Is not required to temporarily lift a security freeze within the time provided in subdivision 1 b if:

a. The consumer fails to meet the requirements of subsection E; or

b. The consumer reporting agency's ability to temporarily lift the security freeze within 15 minutes is prevented by:

(1) An act of God, including fire, earthquakes, hurricanes, storms, or similar natural disaster or phenomena;

(2) Unauthorized or illegal acts by a third party, including terrorism, sabotage, riot, vandalism, labor strikes or disputes disrupting operations, or similar occurrence;

(3) Operational interruption, including electrical failure, unanticipated delay in equipment or replacement part delivery, computer hardware or software failures inhibiting response time, or similar disruption;

(4) Governmental action, including emergency orders or regulations, judicial or law-enforcement action, or similar directives;

(5) Regularly scheduled maintenance, during other than normal business hours, of, or updates to, the consumer reporting agency's systems; or

(6) Commercially reasonable maintenance of, or repair to, the consumer reporting agency's systems that is unexpected or unscheduled; and

3. May develop procedures involving the use of telephone, fax, the Internet, or other electronic media to receive and process a request from a consumer to temporarily lift a freeze on a credit report pursuant to subsection E in an expedited manner.

G. A consumer reporting agency shall remove or temporarily lift a freeze placed on a consumer's credit report only in the following cases:

1. Upon a consumer request, pursuant to subsection E or subsection J; or

2. If the consumer's credit report was frozen due to a material misrepresentation of fact by the consumer. If a consumer reporting agency intends to remove a freeze upon a consumer's credit report pursuant to this subdivision, the consumer reporting agency shall notify the consumer in writing prior to removing the freeze on the consumer's credit report.

H. If a third party requests access to a consumer credit report on which a security freeze is in effect, and this request is in connection with an application for credit or any other use, and the consumer does not allow his or her credit report to be accessed for that period of time, the third party may treat the application as incomplete.

I. If a consumer requests a security freeze, the consumer reporting agency shall disclose the process of placing and temporarily lifting a freeze, and the process for allowing access to information from the consumer's credit report for a period of time while the freeze is in place.

J. A security freeze shall remain in place until the consumer requests, using a point of contact designated by the consumer reporting agency, that the security freeze be removed. A consumer reporting agency shall remove a security freeze within three business days of receiving a request for removal from the consumer, who provides:

1. Proper identification; and

2. The unique personal identification number or password or similar device provided by the consumer reporting agency pursuant to subsection D.

K. A consumer reporting agency shall require proper identification of the person making a request to place or remove a security freeze.

L. The provisions of this section do not apply to the use of a consumer credit report by any of the following:

1. A person or entity, or a subsidiary, affiliate, or agent of that person or entity, or an assignee of a financial obligation owing by the consumer to that person or entity, or a prospective assignee of a financial obligation owing by the consumer to that person or entity in conjunction with the proposed purchase of the financial obligation, with which the consumer has or had prior to assignment an account or contract, including a demand deposit account, or to whom the consumer issued a negotiable instrument, for the purposes of reviewing the account or collecting the financial obligation owing for the account, contract, or negotiable instrument. For purposes of this paragraph, "reviewing the account" includes activities related to account maintenance, monitoring, credit line increases, and account upgrades and enhancements;

2. A subsidiary, affiliate, agent, assignee, or prospective assignee of a person to whom access has been granted for purposes of facilitating the extension of credit or other permissible use;

3. Any state or local agency, law-enforcement agency, trial court, or private collection agency acting pursuant to a court order, warrant, or subpoena;

4. A child support agency acting pursuant to Title IV-D of the Social Security Act (42 U.S.C. § 654 et seq.);

5. The Commonwealth or its agents or assigns acting to investigate fraud or acting to investigate or collect delinquent taxes or unpaid court orders or to fulfill any of its other statutory responsibilities provided such responsibilities are consistent with a permissible purpose under 15 U.S.C. § 1681b;

6. The use of credit information for the purposes of prescreening or postscreening as provided for by the federal Fair Credit Reporting Act;

7. Any person or entity administering a credit file monitoring subscription or similar service to which the consumer has subscribed;

8. Any person or entity for the purpose of providing a consumer with a copy of his credit report or score upon the consumer's request;

9. Any person or entity for use in setting or adjusting a rate, adjusting a claim, or underwriting for insurance purposes; or
10. Any employer in connection with any application for employment with the employer.

M. This section does not prevent a consumer reporting agency from charging a fee of no more than ~~\$10~~ \$5 to a consumer to place each freeze, except that a consumer reporting agency may not charge a fee to a victim of identity theft who has submitted a valid police report to the consumer reporting agency.

N. If a security freeze is in place, a consumer reporting agency shall not change any of the following official information in a consumer credit report without sending a written confirmation of the change to the consumer within 30 days of the change being posted to the consumer's file: name, date of birth, social security number, and address. Written confirmation is not required for technical modifications of a consumer's official information, including name and street abbreviations, complete spellings, or transposition of numbers or letters. In the case of an address change, the written confirmation shall be sent to both the new address and to the former address.

O. The following entities are not required to place a security freeze on a credit report:

1. A consumer reporting agency that acts only as a reseller of credit information by assembling and merging information contained in the database of another consumer reporting agency or multiple consumer credit reporting agencies, and does not maintain a permanent database of credit information from which new consumer credit reports are produced. However, a consumer reporting agency acting as a reseller shall honor any security freeze placed on a consumer credit report by another consumer reporting agency;

2. A check services or fraud prevention services company, which issues reports on incidents of fraud or authorizations for the purpose of approving or processing negotiable instruments, electronic funds transfers, or similar methods of payments;

3. A deposit account information service company, which issues reports regarding account closures due to fraud, substantial overdrafts, ATM abuse, or similar negative information regarding a consumer, to inquiring banks or other financial institutions for use only in reviewing a consumer request for a deposit account at the inquiring bank or financial institution; and

4. A consumer reporting agency's database or file that consists of information concerning, and used for, one or more of the following: criminal record information, fraud prevention or detection, personal loss history information, and employment, tenant, or background screening.

P. At any time a consumer is required to receive a summary of rights required under 15 U.S.C. § 1681g(d), the following notice shall be included:

"Virginia Consumers Have the Right to Obtain a Security Freeze.

You have a right to place a "security freeze" on your credit report, which will prohibit a consumer reporting agency from releasing information in your credit report without your express authorization. A security freeze must be requested in writing by certified mail. The security freeze is designed to prevent credit, loans, and services from being approved in your name without your consent. However, you should be aware that using a security freeze to take control over who gets access to the personal and financial information in your credit report may delay, interfere with, or prohibit the timely approval of any subsequent request or application you make regarding a new loan, credit, mortgage, government services or payments, rental housing, employment, investment, license, cellular phone, utilities, digital signature, Internet credit card transaction, or other services, including an extension of credit at point of sale. When you place a security freeze on your credit report, you will be provided a personal identification number or password to use if you choose to remove the freeze on your credit report or authorize the release of your credit report for a period of time or for a specific party after the freeze is in place. To provide that authorization you must contact the consumer reporting agency and provide all of the following:

1. The personal identification number or password;
2. Proper identification to verify your identity; and
3. The proper information regarding the period of time or the specific party for which the report shall be available.

A consumer reporting agency must authorize the release of your credit report no later than three business days after receiving the above information. A consumer credit reporting agency must authorize the release of your credit report no later than 15 minutes after receiving the request.

A security freeze does not apply to a person or entity, or its affiliates, or collection agencies acting on behalf of the person or entity, with which you have an existing account, that requests information in your credit report for the purposes of reviewing or collecting the account. Reviewing the account includes activities related to account maintenance, monitoring, credit line increases, and account upgrades and enhancements.

You have a right to bring civil action against anyone, including a consumer reporting agency, who improperly obtains access to a file, knowingly or willfully misuses file data, or fails to correct inaccurate file data.

Unless you are a victim of identity theft with a police report to verify the crimes, a consumer reporting agency has the right to charge you up to ~~\$10~~ \$5 to place a freeze on your credit report."

Q. Any person who willfully fails to comply with any requirement imposed under this section or § 59.1-444.3 with respect to any consumer is liable to that consumer in an amount equal to the sum of:

1. Any actual damages sustained by the consumer as a result of the failure or damages of not less than \$100 and not more than \$1,000;
2. Such amount of punitive damages as the court may allow; and

3. In the case of any successful action to enforce any liability under this section, the costs of the action together with reasonable attorney fees as determined by the court.

R. Any person who obtains a consumer report, requests a security freeze, requests the temporary lift of a freeze, or the removal of a security freeze from a consumer reporting agency under false pretenses or in an attempt to violate federal or state law shall be liable to the consumer reporting agency for actual damages sustained by the consumer reporting agency or \$1,000, whichever is greater.

S. Any person who is negligent in failing to comply with any requirement imposed under this section with respect to any consumer is liable to that consumer in an amount equal to the sum of:

1. Any actual damages sustained by the consumer as a result of the failure; and

2. In the case of any successful action to enforce any liability under this section, the costs of the action together with reasonable attorney fees as determined by the court.

T. Upon a finding by the court that an unsuccessful pleading, motion, or other paper filed in connection with an action under this section was filed in bad faith or for purposes of harassment, the court shall award to the prevailing party attorney fees reasonable in relation to the work expended in responding to the pleading, motion, or other paper.

U. Notwithstanding any other provision of law:

1. The exclusive authority to bring an action for any violation of subdivision F 1 b shall be with the Attorney General. In any action brought under this subsection, the Attorney General may cause an action to be brought in the name of the Commonwealth to enjoin the violation and to recover damages for aggrieved consumers consistent with the limits stated in subsections Q and S for such violations.

2. In any action brought under this subsection, if the court finds a willful violation, the court may, in its discretion, also award a civil penalty of not more than \$1,000 per violation, to be deposited in the Literary Fund of the Commonwealth.

3. In any action brought under this subsection, the Attorney General may recover any costs, the reasonable expenses incurred in investigating and preparing the case, and attorney fees.

**§ 59.1-444.3. Security freezes for protected consumers.**

A. As used in this section, unless the context requires a different meaning:

"Protected consumer" means a consumer who is either:

1. Under the age of 16 years at the time a request for the placement of a security freeze is made; or

2. An incapacitated person for whom a guardian or conservator has been appointed in accordance with Chapter 20 (§ 64.2-2000 et seq.) of Title 64.2.

"Record" means a compilation of information regarding a specific identified protected consumer, which compilation is created by a consumer reporting agency solely for the purpose of complying with the requirement for a record's establishment set forth in subsection D.

"Representative" means a person who provides to a consumer reporting agency sufficient proof of authority to act on behalf of a protected consumer.

"Security freeze" means:

1. If a consumer reporting agency does not have a file pertaining to a protected consumer, a restriction that (i) is placed on the protected consumer's record in accordance with this section and (ii) prohibits the consumer reporting agency from releasing the protected consumer's record except as provided in this section; or

2. If a consumer reporting agency has a file pertaining to the protected consumer, a restriction that (i) is placed on the protected consumer's credit report in accordance with this section and (ii) prohibits the consumer reporting agency from releasing the protected consumer's credit report or any information derived from the protected consumer's credit report except as provided in this section.

"Sufficient proof of authority" means documentation that shows a representative has authority to act on behalf of a protected consumer. "Sufficient proof of authority" includes (i) an order issued by a court of law and (ii) a lawfully executed and valid power of attorney.

"Sufficient proof of identification" means information or documentation that identifies a protected consumer or a representative of a protected consumer. "Sufficient proof of identification" includes (i) a social security number or a copy of a social security card issued by the U.S. Social Security Administration; (ii) a certified or official copy of a birth certificate issued by the entity authorized to issue the birth certificate; (iii) a copy of a driver's license, an identification card issued by the Department of Motor Vehicles, or any other government-issued identification; or (iv) a copy of a bill, including a bill for telephone, sewer, septic tank, water, electric, oil, or natural gas services, that shows a name and home address.

B. This section does not apply to the use of a protected consumer's credit report or record by:

1. A person administering a credit file monitoring subscription service to which the protected consumer has subscribed or the representative of the protected consumer has subscribed on behalf of the protected consumer;

2. A person providing the protected consumer or the protected consumer's representative with a copy of the protected consumer's credit report on request of the protected consumer or the protected consumer's representative; or

3. An entity listed in subsection O of § 59.1-444.2.

C. A consumer reporting agency shall place a security freeze for a protected consumer if:

1. The consumer reporting agency receives a request from the protected consumer's representative for the placement of the security freeze under this section; and

2. The protected consumer's representative:

a. Submits the request to the consumer reporting agency at the address or other point of contact and in the manner specified by the consumer reporting agency;

b. Provides to the consumer reporting agency sufficient proof of identification of the protected consumer and the representative;

c. Provides to the consumer reporting agency sufficient proof of authority to act on behalf of the protected consumer; and

d. Pays to the consumer reporting agency a fee as provided in subsection J.

D. If a consumer reporting agency does not have a file pertaining to a protected consumer when the consumer reporting agency receives a request under subsection C from the protected consumer's representative for the placement of a security freeze, the consumer reporting agency shall create a record for the protected consumer. A record may not be created or used to consider the protected consumer's creditworthiness, credit standing, credit capacity, character, general reputation, personal characteristics, or mode of living for the purpose of serving as a factor in establishing the consumer's eligibility for (i) credit or insurance to be used primarily for personal, family, or household purposes or (ii) employment.

E. Within 30 days after receiving a request that meets the requirements of subsection C, a consumer reporting agency shall place a security freeze for the protected consumer.

F. Unless a security freeze for a protected consumer is removed in accordance with subsection H or K, a consumer reporting agency may not release the protected consumer's credit report, any information derived from the protected consumer's credit report, or any record created for the protected consumer.

G. A security freeze for a protected consumer placed under subsection E shall remain in effect until:

1. The protected consumer or the protected consumer's representative requests the consumer reporting agency to remove the security freeze in accordance with subsection H; or

2. The security freeze is removed in accordance with subsection K.

H. If a protected consumer or a protected consumer's representative wishes to remove a security freeze for the protected consumer, the protected consumer or the protected consumer's representative shall:

1. Submit a request for the removal of the security freeze to the consumer reporting agency at the address or other point of contact and in the manner specified by the consumer reporting agency;

2. Provide to the consumer reporting agency:

a. In the case of a request by the protected consumer:

(1) Proof that the sufficient proof of authority for the protected consumer's representative to act on behalf of the protected consumer is no longer valid; and

(2) Sufficient proof of identification of the protected consumer; or

b. In the case of a request by the representative of a protected consumer:

(1) Sufficient proof of identification of the protected consumer and the representative; and

(2) Sufficient proof of authority to act on behalf of the protected consumer; and

3. Pay to the consumer reporting agency a fee as provided in subsection J.

I. Within 30 days after receiving a request that meets the requirements of subsection H, the consumer reporting agency shall remove the security freeze for the protected consumer.

J. A consumer reporting agency may not charge a fee for any service performed under this section, except for a reasonable fee, not exceeding ~~\$10~~ \$5, for each placement or removal of a security freeze for a protected consumer. Notwithstanding the foregoing, a consumer reporting agency shall not charge any fee for the placement or removal of a security freeze for a protected consumer if:

1. The protected consumer's representative has obtained, and provides to the consumer reporting agency, a report of alleged identity fraud against the protected consumer under § 18.2-186.3:1 or an Identity Theft Passport issued for the protected consumer under § 18.2-186.5; or

2. A request for the placement or removal of a security freeze is for a protected consumer who is under the age of 16 years at the time of the request, and the consumer reporting agency has a credit report pertaining to the protected consumer.

K. A consumer reporting agency may remove a security freeze for a protected consumer or delete a record of a protected consumer if the security freeze was placed or the record was created based on a material misrepresentation of fact by the protected consumer or the protected consumer's representative.

L. Any person who obtains a consumer report, requests a security freeze, requests the temporary lift of a freeze, or requests the removal of a security freeze from a consumer reporting agency under false pretenses or in an attempt to violate federal or state law shall be liable to the consumer reporting agency for damages sustained by the consumer reporting agency as provided in subsection R of § 59.1-444.2.

M. Notwithstanding any other provision of law:

1. The exclusive authority to bring an action for any violation of subsection E shall be with the Attorney General. In any action brought under this subsection, the Attorney General may cause an action to be brought in the name of the Commonwealth to enjoin the violation and to recover damages for aggrieved protected consumers.

2. In any action brought under this subsection, if the court finds a willful violation, the court may, in its discretion, also award a civil penalty of not more than \$1,000 per violation, to be deposited in the Literary Fund.

3. In any action brought under this subsection, the Attorney General may recover any costs, the reasonable expenses incurred in investigating and preparing the case, and attorney fees.

## CHAPTER 304

*An Act to amend and reenact §§ 38.2-3124 and 38.2-3125 of the Code of Virginia and to repeal § 38.2-3123 of the Code of Virginia, relating to life insurance policies; claims of creditors.*

[S 176]

Approved March 19, 2018

**Be it enacted by the General Assembly of Virginia:****1. That §§ 38.2-3124 and 38.2-3125 of the Code of Virginia are amended and reenacted as follows:****§ 38.2-3124. Protection of insurers from creditor's claims.**

Notwithstanding §§ § 38.2-3122 and ~~38.2-3123~~, any insurer issuing any insurance policy shall be discharged of all liability on that policy by payment of its proceeds in accordance with its terms, unless before payment the insurer receives written notice by or on behalf of a creditor of a claim, stating the amount claimed and the nature of the claim.

**§ 38.2-3125. Other rights of beneficiaries and assignees protected.**

Since the purpose of §§ § 38.2-3122 and ~~38.2-3123~~ is to confer additional rights, privileges and benefits upon beneficiaries and assignees of policies, no beneficiary or assignee shall by reason of these sections be divested or deprived of or prohibited from exercising or enjoying any right, privilege or benefit that he would have or could exercise or enjoy had §§ § 38.2-3122 and ~~38.2-3123~~ not been enacted.

**2. That § 38.2-3123 of the Code of Virginia is repealed.**

## CHAPTER 305

*An Act to amend and reenact §§ 51.1-124.3, 51.1-142.2, 51.1-159, 51.1-513.2, and 51.1-513.3 of the Code of Virginia, relating to Virginia Retirement System; technical amendments.*

[S 248]

Approved March 19, 2018

**Be it enacted by the General Assembly of Virginia:****1. That §§ 51.1-124.3, 51.1-142.2, 51.1-159, 51.1-513.2, and 51.1-513.3 of the Code of Virginia are amended and reenacted as follows:****§ 51.1-124.3. Definitions.**

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

"Abolished system" means the Virginia Retirement Act, §§ 51-30 through 51-111, repealed by Chapter 1 of the Acts of Assembly of 1952.

"Accumulated contributions" means the sum of all amounts deducted from the compensation of a member and credited to his individual account in the member's contribution account, all amounts the member may contribute to purchase creditable service, all member contributions contributed by the employer on behalf of the employee, on or after July 1, 1980, except those amounts contributed on behalf of members of the General Assembly who are otherwise retired under the provisions of this chapter, and all interest accruing to these funds. If a member is retired for disability from a cause which is compensable under the Virginia Workers' Compensation Act (§ 65.2-100 et seq.), dies in service prior to retirement, or requests a refund of contributions in accordance with § 51.1-161, "accumulated contributions" shall include all member contributions paid by the employer on behalf of the member on and after July 1, 1980, and all interest which would have accrued to these funds.

"Actuarial equivalent" means a benefit of equal value when computed upon the basis of actuarial tables adopted by the Board.

"Average final compensation" means the average annual creditable compensation of a member during his 60 highest consecutive months of creditable service or during the entire period of his creditable service if less than 60 months. However, for any member who (i) is not a person who becomes a member on or after July 1, 2010, and (ii) as of January 1, 2013, has at least 60 months of creditable service, "average final compensation" means the average annual creditable compensation of a member during his 36 highest consecutive months of creditable service. A participant in the hybrid retirement program described in § 51.1-169 shall be considered to be a person who becomes a member on or after July 1, 2010, for the purposes of this definition.

If a member ceased employment prior to July 1, 1974, "average final compensation" means the average annual creditable compensation during the five highest consecutive years of creditable service.

"Beneficiary" means any person entitled to receive benefits under this chapter.

"Board" means the Board of Trustees of the Virginia Retirement System.

"Creditable compensation" means the full compensation payable annually to an employee working full time in his covered position. For any state employee of a public institution of higher education or a teaching hospital affiliated with a public institution of higher education who is (i) compensated on a salaried basis, and (ii) working full time in a covered position pursuant to a contract of employment for a period of at least nine months, creditable compensation means the full compensation payable over the term of any contract entered into between the employee and the employer, without regard to

whether or not the term of the contract coincides with the normal scholastic year. However, if the contract is for more than one year, creditable compensation means that compensation paid for the current year of the contract.

Remuneration received by members of the General Assembly not otherwise retired under the provisions of this chapter pursuant to §§ 30-19.11 and 30-19.12 shall be deemed creditable compensation. In addition, for any member of the General Assembly, creditable compensation shall include the full amount of salaries payable to such member for working in covered positions, regardless of whether a contractual salary is reduced and not paid to such member because of service in the General Assembly.

"Creditable service" means prior service as set forth in § 51.1-142.2 plus membership service for which credit is allowable.

"Employee" means any teacher, state employee, officer, or employee of a locality participating in the Retirement System.

"Employer" means the Commonwealth in the case of a state employee, the local public school board in the case of a teacher, or the political subdivision participating in the Retirement System.

"Joint Rules Committee" means those members of the House of Delegates and the Senate designated by the Speaker of the House and the Chairman of the Senate Committee on Rules, respectively, to meet with each other and to act jointly on behalf of the Committee on Rules for each house.

"Local officer" means the treasurer, commissioner of the revenue, attorney for the Commonwealth, clerk of a circuit court, or sheriff of any county or city, or deputy or employee of any such officer.

"Medical Board" means the ~~board~~ *boards composed of physicians or other health care professionals* as provided by this chapter.

"Member" means any person included in the membership of the Retirement System.

"Membership service" means service as an employee rendered while a contributing member of the Retirement System except as provided in this chapter.

"Normal retirement date" means a member's sixty-fifth birthday. However, for any (i) person who becomes a member on or after July 1, 2010, or (ii) member who does not have at least 60 months of creditable service as of January 1, 2013, under this chapter his normal retirement date shall be the date that the member attains his "retirement age" as defined under the Social Security Act (42 U.S.C. § 416 et seq., as now or hereafter amended).

"Person who becomes a member on or after July 1, 2010," means a person who is not a member of a retirement plan administered by the Virginia Retirement System the first time he is hired on or after July 1, 2010, in a covered position. Subsequent separation from such position and subsequent employment in a covered position shall not alter the status of a person who becomes a member on or after July 1, 2010.

"Political subdivision" means any county, city, or town, any political entity, subdivision, branch, or unit of the Commonwealth, or any commission, public authority, or body corporate created by or under an act of the General Assembly specifying the powers, privileges, or authority capable of exercise by the commission, public authority, or body corporate.

"Primary social security benefit" means, with respect to any member, the primary insurance amount to which the member is entitled, for old age or disability, as the case may be, pursuant to the provisions of the federal Social Security Act as in effect at his date of retirement, under the provisions of this chapter except as otherwise specifically provided.

"Prior service" means service rendered prior to becoming a member of the Retirement System.

"Purchase of service contract" means a contract entered into by the member and the Retirement System for the purchase of service credit by the member as provided in § 51.1-142.2.

"Retirement allowance" means the retirement payments to which a member is entitled.

"Retirement plan administered by the Virginia Retirement System" means a retirement plan established under this title administered by the Virginia Retirement System, or by an agency that has been delegated administrative responsibility by the Virginia Retirement System, but such term shall exclude any plan established under Chapter 6 (§ 51.1-600 et seq.) or Chapter 6.1 (§ 58.1-607 et seq.) ~~of this title~~.

"Retirement System" means the Virginia Retirement System.

"Service" means service as an employee.

"State employee" means any person who is regularly employed full time on a salaried basis, whose tenure is not restricted as to temporary or provisional appointment, in the service of, and whose compensation is payable, no more often than biweekly, in whole or in part, by the Commonwealth or any department, institution, or agency thereof. "State employee" shall include any faculty member, but not including adjunct faculty, of a public institution of higher education (a) who is compensated on a salary basis, (b) whose tenure is not restricted as to temporary or provisional appointment, and (c) who regularly works at least 20 hours but less than 40 hours per week (or works the equivalent of one-half of a full time equivalent position) engaged in the performance of teaching, administrative, or research duties at such institution; such faculty member shall be deemed an eligible employee for purposes of the retirement provisions under §§ 51.1-126, 51.1-126.1, and 51.1-126.3. "State employee" shall also include the Governor, Lieutenant Governor, Attorney General, and members of the General Assembly but shall not include (i) any local officer, (ii) any employee of a political subdivision of the Commonwealth, (iii) individuals employed by the Department for the Blind and Vision Impaired pursuant to § 51.5-72, (iv) any member of the State Police Officers' Retirement System, (v) any member of the Judicial Retirement System, or (vi) any member of the Virginia Law Officers' Retirement System.

"Teacher" means any person who is regularly employed full time on a salaried basis as a professional or clerical employee of a county, city, or other local public school board.

**§ 51.1-142.2. Prior service or membership credit for certain members; service credit for accumulated sick leave.**

Certain members may purchase credit for service as provided in this section.

A. 1. Any member in service may purchase service credit from the following categories of service or leave: (i) leave of absence for educational purposes that was previously approved by the member's employer; (ii) leave of absence for a serious health condition of the member or of an immediate family member, all as defined in the Family and Medical Leave Act of 1993, 29 U.S.C. § 2601 et seq., as amended, and previously certified by the member's employer; (iii) up to one year of service credit per occurrence of leave for any unpaid leave of absence due to the birth, adoption, or death of a qualifying child, as defined in § 51.1-500; (iv) service as a full-time employee of another state, a public school system of another state, or a political subdivision of the Commonwealth or another state, as certified by such state, public school system, or political subdivision; (v) full-time service of a political subdivision of this state not credited to the member under an agreement as provided for in § 51.1-143.1, as certified by such political subdivision; (vi) *full-time* civilian service of the United States; (vii) full-time service at a private institution of higher education if the private institution is merged with a public institution of higher education and graduates of the private institution are then issued new degrees from the public institution; or (viii) any period of time when the member was employed part time or in a wage position by a participating employer and not otherwise eligible to participate in the retirement system because the member was not an employee as defined in § 51.1-124.3. However, no member in service shall be allowed to purchase more than a total of four years of service credit pursuant to this subdivision.

2. In addition to the service credit that may be purchased under subdivision 1, any member in service may purchase up to four years of service credit for prior active duty military service in the armed forces of the United States, provided that the discharge from a period of active duty status with the armed forces was not dishonorable.

3. The service credit to be credited to a member under this subsection shall be calculated at the ratio of one year, or portion thereof, of service credit to one year, or portion thereof, of service purchased, except for employment service purchased under clause (viii) of subdivision 1, which shall be calculated at the ratio of one month of service credit for each 173 hours of service as certified by the employer.

For each year or portion thereof to be credited at the time of purchase under this subsection, the member shall pay the approximate normal cost of the retirement plan under which the member is covered at the time of such purchase, as determined by the Board in its sole discretion. If the member does not purchase, or enter into a purchase of service credit contract for, the service made available in this subsection within the first 24 months of the member's active service following his first date of hire or the final day of any applicable leave of absence, as applicable, then, for each year or portion thereof to be credited at the time of purchase, the member shall pay the actuarial equivalent cost. To the extent the member becomes inactive during the 24 months following his first date of hire or the final day of any applicable leave of absence, such periods shall not be included in the 24 months of active service.

Except as otherwise required by Chapter 1223 of Title 10 of the United States Code, as amended, no service credit may be purchased under this section if it is included in the calculation of any retirement allowance received or to be received by the member from this or another retirement system, or if there is a balance in a defined contribution account that serves as a primary retirement account related to such service.

For purposes of this subsection, "active duty military service" means full-time service of at least 180 consecutive days in the United States Army, Navy, Air Force, Marines, Coast Guard, or reserve components thereof.

B. Any member in service may purchase all prior service credit for creditable service lost from ceasing to be a member under this chapter, as provided in § 51.1-128, because of the withdrawal of his accumulated contributions. For each year or portion thereof to be credited at the time of purchase under this subsection, the member shall pay the withdrawn amount to be purchased plus interest accrued daily and compounded annually from the date of withdrawal to the date of payment at the assumed rate of return established by the Board for the actuarial valuation of the retirement system that is in effect at the time of the purchase. The Board shall develop guidelines and procedures for administering this subsection.

C. Any member in service may purchase service credit for accumulated sick leave on his effective date of retirement based upon such sums as the employer may provide as payment for any unused sick leave balances. The cost of service credit purchased under this subsection shall be the actuarial equivalent cost of such service.

D. Any member receiving benefits under the Virginia Workers' Compensation Act (§ 65.2-100 et seq.) may, in a manner prescribed by the Board and prior to the effective date of retirement, purchase service that is not reported to the retirement system by the member's employer while the member is receiving such benefits.

For each year or portion thereof to be credited at the time of purchase under this subsection, the member shall pay the approximate normal cost of the retirement plan under which the member is covered, as determined by the Board in its sole discretion. If the member does not purchase, or enter into a purchase of service credit contract for, any service made available in this subsection within the first 24 months of the member's active service following his first date of hire or the final day of any applicable leave of absence, then, for each year or portion thereof to be credited at the time of purchase, the member shall pay the actuarial equivalent cost. To the extent the member becomes inactive during the 24 months following his first date of hire or the final day of any applicable leave of absence, such periods shall not be included in the 24 months of active service.

E. Payment may be made in a lump sum at the time of purchase or by payroll deduction. Any number of additional deductions may be permitted at any time. Should any deduction be terminated before the member purchases the entire period contracted for, the member shall be credited with the number of full or partial months of service for which full payment has been made. If any deduction is continued after the entire period has been purchased, the member shall be credited with no more than the amount of service for which he was eligible and for which he paid, and the excess amount deducted shall be refunded to the member.

F. Any employer may elect to pay an equivalent amount in lieu of all member contributions required of its employees for the purchase of service credit pursuant to this section. These contributions shall not be considered wages for purposes of Chapter 7 (§ 51.1-700 et seq.), nor shall they be considered salary for purposes of this chapter.

G. In any case where member and employer contributions, as required under this chapter, were not made because of an error in the payroll, personnel, or other classification system of an employer participating in the retirement system, service that has not been credited because of such error may be purchased on the following basis:

1. The most recent three years of service credit shall be purchased, using applicable member and employer contribution rates and creditable compensation in effect for such period, in a manner and at the cost prescribed by the Board; and
2. All other years of service credit shall be purchased by the employer at an actuarial equivalent cost.

H. Any member may receive credit at no cost for service rendered in the armed forces of the United States provided (i) the member was on leave of absence from a covered position, (ii) the discharge from a period of active duty with the armed forces was not dishonorable, (iii) the member has not withdrawn his accumulated contributions, (iv) the member is not disabled or killed while on leave without pay while performing active duty military service in the armed forces of the United States, and (v) the member reenters service in a covered position within one year after discharge from the armed forces. In order to receive such service, the member must complete such forms and other requirements as are required by the Board and the retirement system.

**§ 51.1-159. Medical examinations of persons retired for disability.**

A. Once each year following retirement, the Board may require a former member who retired for disability and who has not attained his normal retirement age to undergo a medical examination by the Medical Board or a physician or ~~physicians~~ *other health care professional* designated by the Medical Board. If the former member refuses to submit to the required medical examination, his retirement allowance shall be discontinued until he complies. If he does not comply within six months of the date of the request, all of his rights to any further disability retirement allowance shall cease, subject to the provisions of § 51.1-160.

B. If the Medical Board determines that a beneficiary is not disabled after reviewing the findings of any of the medical examinations provided for in this section, all rights to any further disability allowance shall cease, subject to the provisions of § 51.1-160.

**§ 51.1-513.2. Long-term care coverage program.**

A. The Board shall maintain and administer a long-term care coverage *or similar benefit* program for any state employee working an average of at least 20 hours per week, and for any other person who has five or more years of creditable service with any retirement plan administered by the Virginia Retirement System. The long-term care coverage program may also extend coverage to eligible family members of such state employee or other person. The Board is authorized to contract for and purchase insurance coverage or to use other actuarially sound funding necessary to effectuate this provision. Participation in the long-term care coverage program shall be voluntary, subject to policies and procedures adopted by the Board.

B. Any person eligible to participate in the long-term care coverage program pursuant to § 51.1-513.3 will not be eligible for this plan.

C. Notwithstanding the provisions of subsection A, the Board may self-insure long-term care benefits provided under § 51.1-513.2 or 51.1-513.3 in accordance with the standards set forth in § 51.1-124.30.

**§ 51.1-513.3. Long-term care insurance program for employees of local governments, local officers, and teachers.**

A. The Board shall maintain and administer a plan or plans, hereinafter "plan" or "plans," for providing long-term care coverage *or a similar benefit program* for employees of local governments, local officers, and teachers. The plan or plans may also extend coverage to eligible family members of such employees of local governments, local officers, or teachers. The plan or plans may, but need not, be rated separately from any plan developed to provide long-term care coverage for state employees under § 51.1-513.2. Participation in such insurance plan or plans shall be (i) voluntary, (ii) approved by the participant's respective governing body, or by the local school board in the case of teachers, and (iii) subject to policies and procedures adopted by the Board.

B. For the purposes of this section:

"Employees of local governments" shall include all officers and employees, working an average of at least 20 hours per week, of the governing body of any county, city, or town, and the directing or governing body of any political entity, subdivision, branch or unit of the Commonwealth or of any commission or public authority or body corporate created by or under an act of the General Assembly specifying the power or powers, privileges or authority capable of exercise by the commission or public authority or body corporate, as distinguished from § 15.2-1300; *or* 15.2-1303; or similar statutes, provided that the officers and employees of a social services department; welfare board; community services board or behavioral health authority; or library board of a county, city, or town shall be deemed to be employees of local government.

"Local officer" means the treasurer, registrar, commissioner of the revenue, attorney for the Commonwealth, clerk of a circuit court, sheriff, or constable of any county or city or deputies or employees, working an average of at least 20 hours per week, of any of the preceding local officers.

"Teacher" means any employee of a county, city, or other local public school board working an average of at least 20 hours per week.

**CHAPTER 306**

*An Act to amend and reenact § 38.2-1703 of the Code of Virginia, relating to the board of directors of the Virginia Life, Accident and Sickness Insurance Guaranty Association.*

[S 388]

Approved March 19, 2018

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

**1. That § 38.2-1703 of the Code of Virginia is amended and reenacted as follows:**

**§ 38.2-1703. Board of directors of Association.**

A. The board of directors of the Association shall consist of not less than ~~five~~ *nine* nor more than ~~nine~~ *13* member insurers serving terms as established in the plan of operation. The members of the board shall be selected by member insurers subject to the approval of the Commission. Vacancies on the board shall be filled for the remainder of the term by a majority vote of the remaining board members, subject to the approval of the Commission.

B. In approving selections the Commission shall consider, among other things, whether all member insurers are fairly represented.

C. Members of the board may be reimbursed from the assets of the Association for expenses incurred by them as members of the board of directors but members of the board shall not be otherwise compensated by the Association for their services.

**CHAPTER 307**

*An Act to amend and reenact §§ 2.2-2312, 2.2-2323, 2.2-2490, 2.2-2717, 3.2-3109, 10.1-1025, 15.2-2416, 17.1-204, 29.1-108, 30-133, 32.1-122.7:1, 32.1-362, 36-154, 51.5-59, 56-484.17, and 59.1-394 of the Code of Virginia, relating to audits conducted by the Auditor of Public Accounts.*

[S 946]

Approved March 19, 2018

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

**1. That §§ 2.2-2312, 2.2-2323, 2.2-2490, 2.2-2717, 3.2-3109, 10.1-1025, 15.2-2416, 17.1-204, 29.1-108, 30-133, 32.1-122.7:1, 32.1-362, 36-154, 51.5-59, 56-484.17, and 59.1-394 of the Code of Virginia are amended and reenacted as follows:**

**§ 2.2-2312. Annual report; audit.**

The Authority shall, within 120 days of the close of each fiscal year, submit an annual report of its activities for the preceding fiscal year to the Governor and the chairmen of the House Committee on Appropriations and the Senate Committee on Finance. Each report shall set forth, for the preceding fiscal year, a complete operating and financial statement for the Authority and any loan fund or loan guarantee fund the Authority administers or manages. The Auditor of Public Accounts or his legally authorized representatives shall ~~at least once in a year~~ audit the books and accounts of the Authority and any loan fund or loan guarantee fund the Authority administers or manages *as determined necessary by the Auditor of Public Accounts.*

**§ 2.2-2323. Forms of accounts and records; annual reports; audit.**

The Authority shall maintain accounts and records showing the receipt and disbursement of funds from whatever source derived in a form as prescribed by the Auditor of Public Accounts. Such accounts and records shall correspond as nearly as possible to accounts and records maintained by corporate enterprises.

The accounts of the Authority shall be audited ~~annually~~ by the Auditor of Public Accounts, or his legally authorized representatives, *as determined necessary by the Auditor of Public Accounts*, and the costs of such audits shall be borne by the Authority. The Authority shall, following the close of each fiscal year, submit an annual report of its activities for the preceding year to the Governor. Each report shall set forth a complete operating and financial statement for the Authority during the fiscal year it covers.

**§ 2.2-2490. Audit.**

The accounts of the Board shall be audited ~~annually~~ by the Auditor of Public Accounts or his legally authorized representatives *as determined necessary by the Auditor of Public Accounts*. Copies of the ~~annual~~ audit shall be distributed to the Governor and to the Chairmen of the House Committee on Appropriations and the Senate Committee on Finance.

**§ 2.2-2717. Form of accounts and records; audit.**

The accounts and records of the Foundation showing the receipt and disbursement of funds from whatever source derived shall be established by the Auditor of Public Accounts in a manner similar to other organizations. The Auditor of Public Accounts or his legally authorized representative shall ~~annually~~ audit the accounts of the Foundation *as determined necessary by the Auditor of Public Accounts*, and the cost of such audit services shall be borne by the Foundation.

**§ 3.2-3109. Form of accounts; audit.**

A. The accounts and records of the Commission showing the receipt and disbursement of funds from whatever source derived shall be in such form as the Auditor of Public Accounts prescribes.

B. The accounts of the Commission shall be audited ~~annually~~ by the Auditor of Public Accounts, or his legally authorized representatives, *as determined necessary by the Auditor of Public Accounts*. Copies of the ~~annual~~ audit shall be distributed to the Governor and to the Chairmen of the House Committee on Appropriations and the Senate Committee on Finance.

**§ 10.1-1025. Forms of accounts and records; audit of same.**

The accounts and records of the Foundation showing the receipt and disbursement of funds from whatever source derived shall be in such form as the Auditor of Public Accounts prescribes, provided that such accounts shall correspond as nearly as possible to the accounts and records for such matters maintained by similar enterprises. The accounts and records of the Foundation shall be subject to audit by the Auditor of Public Accounts or his legal representative ~~on an annual basis~~ *as determined necessary by the Auditor of Public Accounts*, and the costs of such audit services shall be borne by the Foundation. The Foundation's fiscal year shall be the same as the Commonwealth's.

**§ 15.2-2416. Audit.**

The Auditor of Public Accounts or his legally authorized representatives shall ~~annually~~ audit the accounts of the Fund *as determined necessary by the Auditor of Public Accounts* in accordance with generally accepted auditing standards, and the cost of such audit services shall be borne by the Fund.

**§ 17.1-204. Examination of office and accounts of clerk.**

The books and accounts of the clerk of the Supreme Court shall be audited ~~annually and at such other times as the Court may deem proper~~ *as determined necessary* by the Auditor of Public Accounts, who shall make reports of his findings to the Governor and file a copy of such report with the Court within ~~thirty~~ 30 days after the completion of any such audit.

**§ 29.1-108. Audits and examinations.**

The minute books and other records of the Board shall be open to examination by the Governor, members of the General Assembly, and Auditor of Public Accounts, or their representatives, at all times. The accounts of the Board shall be audited in the manner provided for the audit of other state agencies. In addition, the Board shall ensure that the Auditor of Public Accounts, or an entity approved by him, conducts an ~~annual~~ audit of a fiscal and compliance nature of the accounts and transactions of the Department *as determined necessary by the Auditor of Public Accounts*. The Board may order such other audits as it deems necessary and desirable.

**§ 30-133. Duties and powers generally.**

A. The Auditor of Public Accounts shall audit all the accounts of every state department, officer, board, commission, institution or other agency handling any state funds *as determined necessary by the Auditor of Public Accounts*. In the performance of such duties and the exercise of such powers he may employ the services of certified public accountants, provided the cost thereof shall not exceed such sums as may be available out of the appropriation provided by law for the conduct of his office.

B. The Auditor of Public Accounts shall review the information required in § 2.2-1501 to determine that state agencies are providing and reporting appropriate information on financial and performance measures, and the Auditor shall review the accuracy of the management systems used to accumulate and report the results. The Auditor shall report ~~annually~~ to the General Assembly the results of such audits and make recommendations, if indicated, for new or revised accountability or performance measures to be implemented for the agencies audited.

C. The Auditor of Public Accounts shall prepare, by November 1, a summary of the results of all of the audits and other oversight responsibilities performed for the most recently ended fiscal year. The Auditor of Public Accounts shall present this summary to the Senate Finance, House Appropriations and House Finance Committees on the day the Governor presents to the General Assembly the Executive Budget in accordance with §§ 2.2-1508 and 2.2-1509 or at the direction of the respective Chairman of the Senate Finance, House Appropriations or House Finance Committees at one of their committee meetings prior to the meeting above.

D. As part of his normal oversight responsibilities, the Auditor of Public Accounts shall incorporate into his audit procedures and processes a review process to ensure that the Commonwealth's payments to counties, cities, and towns under Chapter 35.1 (§ 58.1-3523 et seq.) of Title 58.1 are consistent with the provisions of § 58.1-3524. The Auditor of Public Accounts shall report to the Governor and the Chairman of the Senate Finance Committee annually any material failure by a locality or the Commonwealth to comply with the provisions of Chapter 35.1 of Title 58.1.

E. The Auditor of Public Accounts when called upon by the Governor shall examine the accounts of any institution maintained in whole or in part by the Commonwealth and, upon the direction of the Comptroller, shall examine the accounts of any officer required to settle his accounts with him; and upon the direction of any other state officer at the seat of government he shall examine the accounts of any person required to settle his accounts with such officer.

F. Upon the written request of any member of the General Assembly, the Auditor of Public Accounts shall furnish the requested information and provide technical assistance upon any matter requested by such member.

G. In compliance with the provisions of the federal Single Audit Act Amendments of 1996, Public Law 104-156, the Joint Legislative Audit and Review Commission may authorize the Auditor of Public Accounts to audit biennially the accounts pertaining to federal funds received by state departments, officers, boards, commissions, institutions or other agencies.

H. 1. The Auditor of Public Accounts shall compile and maintain on its Internet website a searchable database providing certain state expenditure, revenue, and demographic information as described in this subsection. In maintaining the database, the Auditor of Public Accounts shall work with and coordinate his efforts with the Joint Legislative Audit and Review Commission in obtaining, summarizing, and compiling the information to avoid duplication of efforts. The database shall be updated each year by October 15 to provide the information required in this subsection for the 10 most recently ended fiscal years of the Commonwealth.

The online database shall be made available to citizens of the Commonwealth to allow public access to historical revenue collections and appropriations with related demographic information, to the extent that the information is available and provided to the Auditor of Public Accounts. All state departments, courts officers, boards, commissions, institutions, or other agencies of the Commonwealth shall furnish all information requested by the Auditor of Public Accounts and shall cooperate with him to the fullest extent.

For purposes of reporting information and implementing the database pursuant to this subsection, the Auditor of Public Accounts shall include all appropriated funds and other sources under the control of public institutions of higher education, except for the activity of private gifts, including endowment funds and unrestricted gifts referenced in § 23.1-101. The exclusion of this activity does not affect the public access to these records unless otherwise specifically exempted by law.

2. The database shall contain the following for each of the 10 most recently ended fiscal years of the Commonwealth:

a. Major categories of spending by each secretariat and each agency and institution, including each independent agency, and including within each major category a register of all funds expended, showing vendor name, date of payment, amount, and a description of the type of expense, including credit card purchases with the same information to the extent that the information exists. The database shall include the name, phone number, and email address for a contact at the agency or institution who may be contacted for additional information;

b. The number of full-time state employees and a listing of the positions and salary of each such position, organized by agency;

c. Total fiscal year revenues from state taxes, fees, and other charges, and total fiscal year revenues from state taxes, fees, and other charges computed on a per capita basis and as a percentage of personal income in the Commonwealth;

d. With regard to state taxes, fees, and other charges computed on a per capita basis and as a percentage of personal income, a comparison of such statistics for Virginia with the same statistics for other states;

e. Total fiscal year revenues from federal sources, including the major categories of spending for such revenues;

f. Total population and total population by various age groups including, but not limited to, school-age population and the population of persons 65 years of age and older;

g. Student enrollment in grades K through 12;

h. Enrollment in public institutions of higher education of the Commonwealth;

i. Enrollment in private institutions of higher education in the Commonwealth;

j. The annual prison population;

k. Virginia adjusted gross income and Virginia taxable income by various age groups;

l. The number of citizens in the Commonwealth receiving food stamps;

m. The number of driver's licenses issued;

n. The number of registered motor vehicles;

o. The number of full-time private sector employees;

p. The number of households;

q. The number of prepaid tuition contracts outstanding pursuant to Chapter 7 (§ 23.1-700 et seq.) of Title 23.1 and the estimated total liability under such contracts;

r. Any state audit or report relating to the programs or activities of an agency;

s. Information on capital outlay payments including, but not limited to, project title, funding date, completion date, appropriations, year-to-date expenditures, and unexpended appropriations;

t. Annual bonded indebtedness that shall include, but not be limited to, the amount of the total original obligation stated in terms of principal and interest, the term of the obligation, the amounts of principal and interest previously paid to reduce the obligation, the balance remaining of the obligation, and any refinancing of the obligation; and

u. Other data as the Auditor deems appropriate relating to the Commonwealth of Virginia.

3. The Auditor of Public Accounts shall incorporate into the database the following additional elements as they become available through improved enterprise applications or other systems:

a. Commodities including, but not limited to, line item expenditures;

b. Virginia Performs data as it directly relates to funding actions or expenditures;

c. Descriptive purpose for funding action or expenditure;

d. Statute or act of General Assembly authorizing the issuance of bonds; and

e. Copies of actual grants and contracts.

4. The Auditor of Public Accounts shall incorporate in the database the following enhancements:

a. Graphs, charts, or other visual displays of aggregated data showing (i) current state spending by expense category, (ii) year-to-year state spending, and (iii) other data deemed appropriate by the Auditor, including display of available line item expenditures; and

b. Frequently asked questions and their responses.

5. By October 15 of each year, the Auditor shall also produce a paper copy or a computer file containing the information described in this subsection and shall distribute the copy or file to newspapers of general circulation in the Commonwealth. The distribution shall include the address of the Internet website for the searchable database.

I. As a part of audits conducted pursuant to subsection A, the Auditor of Public Accounts shall review compliance with requirements established pursuant to the provisions of § 2.2-519 and the requirements of the Virginia Debt Collection Act (§ 2.2-4800 et seq.).

**§ 32.1-122.7:1. Board of Directors of the Virginia Health Workforce Development Authority.**

The Virginia Health Workforce Development Authority shall be governed by a Board of Directors. The Board shall consist of 13 members to be appointed as follows: two members of the House of Delegates, to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates; one member of the Senate, to be appointed by the Senate Committee on Rules; seven nonlegislative citizen members, three of whom shall be representatives of health professional educational or training programs, three of whom shall be health professionals or employers or representatives of health professionals, and one of whom shall be a representative of community health, to be appointed by the Governor; and the Commissioner of Health or his designee, the Chancellor of the Virginia Community College System or his designee, and the Director of the Department of Health Professions or his designee, who shall serve as ex officio members with voting privileges. Members appointed by the Governor shall be citizens of the Commonwealth.

Legislative members and state government officials shall serve terms coincident with their terms of office. All appointments of nonlegislative citizen members shall be for two-year terms following the initial staggering of terms. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. Legislative and citizen members may be reappointed; however, no citizen member shall serve more than four consecutive two-year terms. The remainder of any term to which a member is appointed to fill a vacancy shall not constitute a term in determining the member's term limit. Vacancies shall be filled in the same manner as the original appointments.

The Board shall elect a chairman and vice-chairman annually from among its legislative members. A majority of the members of the Board shall constitute a quorum.

The Board of Directors shall report biennially on the activities and recommendations of the Authority to the Secretary of Health and Human Resources, the Secretary of Education, the Secretary of Commerce and Trade, the State Board of Health, the State Council of Higher Education for Virginia, the Joint Commission on Health Care, the Governor, and the General Assembly. In any reporting period where state general funds are appropriated to the Authority, the report shall include a detailed summary of how state general funds were expended.

The accounts and records of the Authority showing the receipt and disbursement of funds from whatever source derived shall be in a form prescribed by the Auditor of Public Accounts. The Auditor of Public Accounts, or his legally authorized representative, shall ~~annually~~ examine the accounts of the Authority *as determined necessary by the Auditor of Public Accounts*. The cost of such audit shall be borne by the Authority.

**§ 32.1-362. Audit.**

The accounts of the Foundation shall be audited ~~annually~~ by the Auditor of Public Accounts, or his legally authorized representatives, *as determined necessary by the Auditor of Public Accounts*. Copies of the ~~annual~~ audit shall be distributed to the Governor and to the Chairmen of the House Committee on Appropriations and the Senate Committee on Finance.

**§ 36-154. Audit.**

The Auditor of Public Accounts or his legally authorized representatives shall ~~annually~~ audit the accounts of the Fund in accordance with generally accepted auditing standards *as determined necessary by the Auditor of Public Accounts*, and the cost of such audit services shall be borne by the Fund.

**§ 51.5-59. Annual report; Auditor of Public Accounts to audit books and accounts.**

The Board shall submit an annual report that includes a statement of the receipts, disbursements, and current investments of the Fund for the preceding year to the Governor and the General Assembly. The report shall set forth a complete operating and financial statement covering the operation of the Fund during the year, including any loan fund or loan guarantee fund the Authority administers or manages. The Auditor of Public Accounts or his legally authorized representatives shall ~~at least once in a year~~ audit the books and accounts of the Authority and any loan fund or loan guarantee fund the Authority administers or manages *as determined necessary by the Auditor of Public Accounts*.

**§ 56-484.17. Wireless E-911 Fund; uses of Fund; enforcement; audit required.**

A. There is hereby created in the state treasury a special nonreverting fund to be known as the Wireless E-911 Fund (the Fund). The Fund shall be established on the books of the Comptroller. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Except as provided in § 2.2-2031, moneys in the Fund shall be used for the purposes stated in subsections C through D. Expenditures and disbursements from the Fund shall

be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the Tax Commissioner or the Chief Information Officer of the Commonwealth.

B. Each CMRS provider and each CMRS reseller shall collect a wireless E-911 surcharge from each of its customers whose place of primary use is within the Commonwealth. However, no surcharge shall be imposed on federal, state and local government agencies. A payment equal to all wireless E-911 surcharges shall be remitted within 30 days to the Department of Taxation. The Department of Taxation, after subtracting its direct costs of administration, shall deposit all remitted wireless E-911 surcharges into the state treasury. The Comptroller shall as soon as practicable deposit such moneys into the Fund. Each CMRS provider and CMRS reseller may retain an amount equal to three percent of the wireless E-911 surcharges collected to defray the costs of collecting the surcharges. State and local taxes shall not apply to any wireless E-911 surcharge collected from customers. Surcharges collected from customers shall be subject to the provisions of the federal Mobile Telecommunications Sourcing Act (4 U.S.C. § 116 et seq., as amended).

The CMRS provider and CMRS reseller shall collect the surcharge through regular periodic billing.

C. Beginning July 1, 2012, 60 percent of the Wireless E-911 Fund shall be distributed on a monthly basis to the PSAPs according to each PSAP's average pro rata distribution from the Wireless E-911 Fund for fiscal years 2007-2012, taking into account any funding adjustments made pursuant to subsection E. On or before July 1, 2018, and every five years thereafter, the Department of Taxation shall recalculate the distribution percentage for each PSAP based on the cost and call load data of the PSAP for the previous five fiscal years, which data shall continue to be received by the Board and then reported to the Department of Taxation. The distribution from the Wireless E-911 Fund shall be made on a monthly basis to the PSAPs according to such distribution percentage beginning July 1 of such fiscal year.

D. Using 30 percent of the Wireless E-911 Fund, the Board shall provide payment to CMRS providers of wireless E-911 CMRS costs. For these purposes each CMRS provider shall submit to the Board on or before December 31 of each year an estimate of wireless E-911 CMRS costs it expects to incur during the next fiscal year of counties and municipalities in whose jurisdiction it operates. The Board shall review such estimates and advise each CMRS provider on or before the following March 1 whether its estimate qualifies for payment hereunder and whether the Wireless E-911 Fund is expected to be sufficient for such payment during said fiscal year. A CMRS provider with an approved estimate of costs shall submit its request for payment of such costs no later than four months after the end of the fiscal year in which the cost was incurred. If the portion of the Fund designated for CMRS provider cost payments is insufficient to provide full payment to each CMRS provider for its costs, no unpaid cost shall be paid in the following fiscal year. The remaining 10 percent of the Fund and any remaining funds for the previous fiscal year from the 30 percent for CMRS providers shall be distributed to PSAPs or on behalf of PSAPs based on grant requests received by the Board each fiscal year. The Board shall establish criteria for receiving and making grants from the Fund, including procedures for determining the amount of a grant and payment schedule; however, the grants must be to the benefit of wireless E-911. Any grant funding that has not been committed by the Board by the end of the fiscal year shall be distributed to the PSAPs based on the same distribution percentage used during the fiscal year in which the funding was collected; however, the Board may retain some or all of this uncommitted funding for an identified funding need in the next fiscal year or for a reserve balance pursuant to a reserve balance policy adopted by the Board.

E. After the end of each fiscal year, on a schedule adopted by the Board, the Board shall audit the grant funding received by all recipients to ensure it was utilized in accordance with the grant requirements. For the fiscal year ending June 30, 2005, the Board shall determine whether qualifying payments to PSAP operators and CMRS providers during the preceding fiscal year exceeded or were less than the actual wireless E-911 PSAP costs or wireless E-911 CMRS costs of any PSAP operator or CMRS provider. Each funding recipient shall provide such verification of such costs as may be requested by the Board. Any overpayment shall be refunded to the Board or credited to payments during the then current fiscal year, on such schedule as the Board shall determine. If payments are less than the actual costs reported, the Board may include the additional funding in the then current fiscal year.

F. The Auditor of Public Accounts, or his legally authorized representatives, shall ~~annually~~ audit the Wireless E-911 Fund *as determined necessary by the Auditor of Public Accounts*. The cost of such audit shall be borne by the Board and be payable from the Wireless E-911 Fund, as appropriate. The Board shall furnish copies of the audits to the Governor, the Public Safety Subcommittees of the Senate Committee on Finance and the House Committee on Appropriations, and the Virginia State Crime Commission.

G. The special tax authorized by § 58.1-1730 shall not be imposed on consumers of CMRS.

**§ 59.1-394. Audit required.**

A regular post-audit shall be conducted of all accounts and transactions of the Commission. An ~~annual~~ audit of a fiscal and compliance nature of the accounts and transactions of the Commission shall be conducted by the Auditor of Public Accounts ~~on or before September 30 of each year~~ *as determined necessary by the Auditor of Public Accounts*. The cost of the ~~annual~~ audit and post-audit examinations shall be borne by the Commission.

## CHAPTER 308

*An Act to amend and reenact § 13.1-657 of the Code of Virginia, relating to stock corporations; action by shareholders without meeting.*

[S 974]

Approved March 19, 2018

**Be it enacted by the General Assembly of Virginia:****1. That § 13.1-657 of the Code of Virginia is amended and reenacted as follows:****§ 13.1-657. Action without meeting.**

A. Action required or permitted by this chapter to be adopted or taken at a shareholders' meeting may be adopted or taken without a meeting if the action is adopted or taken by all the shareholders entitled to vote on the action, in which case no action by the board of directors shall be required. The adoption or taking of the action shall be evidenced by one or more written consents describing the action taken, signed by all the shareholders entitled to vote on the action, bearing the date of each signature, and delivered to the corporation for inclusion in the minutes or filing with the corporate records.

B. The articles of incorporation may authorize action by shareholders by less than unanimous written consent provided that the taking of such action is consistent with any requirements that may be set forth in the corporation's articles of incorporation, the bylaws, or this section. ~~For such action;~~ *however, unless the articles of incorporation of a public corporation authorized action by shareholders by less than unanimous written consent as of April 1, 2018, the shareholders of the public corporation shall not be entitled to act by less than unanimous written consent even if so authorized by the articles of incorporation if the articles of incorporation or bylaws of such public corporation allow the holders of 30 percent or fewer of all votes entitled be cast to demand the calling of a special meeting of shareholders. For action by shareholders by less than unanimous written consent to be valid:*

1. It shall be an action that this chapter requires or permits to be adopted or taken at a shareholders' meeting;

2. The corporation's articles of incorporation shall authorize action by shareholders by less than unanimous written consent and, if a public corporation at the time of such authorization *and in addition to the other limitations in this subsection B*, the inclusion of the authorization in the articles of incorporation shall be approved by each voting group entitled to vote by the greater of:

a. The vote of that voting group required by the corporation's articles of incorporation to amend the articles of incorporation; and

b. More than two-thirds of all votes that the voting group is entitled to cast on the amendment;

3. Before the holders of more than 10 percent of the outstanding shares of any voting group entitled to vote on the action to be adopted or taken have executed the written consent, the corporation's secretary shall have received a copy of the form of written consent setting forth the action to be adopted or taken; and

4. The holders of not less than the minimum number of outstanding shares of each voting group entitled to vote on the action that would be required to adopt or take the action at a shareholders' meeting at which all shares of each voting group entitled to vote on the action were present and voted shall have signed written consents setting forth the action to be adopted or taken.

The written consent shall bear the date on which each shareholder signed the consent and be delivered to the corporation for inclusion in the minutes or filing with the corporate records.

C. If not otherwise fixed under § 13.1-656 or 13.1-660 and if prior board action is not required respecting the action to be adopted or taken without a meeting, the record date for determining the shareholders entitled to adopt or take action without a meeting shall be the first date on which a signed written consent is delivered to the corporation. If not otherwise fixed under § 13.1-656 or 13.1-660 and if prior board action is required respecting the action to be adopted or taken without a meeting, the record date shall be the close of business on the day the resolution of the board taking such prior action is adopted. No written consent shall be effective to adopt or take the action referred to therein unless, within 60 days of the earliest date on which a consent delivered to the corporation as required by this section was signed, written consents signed by the holders of shares having sufficient votes to adopt or take the action have been delivered to the corporation. A written consent may be revoked by a writing to that effect delivered to the corporation before unrevoked written consents sufficient in number to adopt or take the action are delivered to the corporation.

D. A consent signed pursuant to the provisions of this section has the effect of a vote at a meeting and may be described as such in any document. Unless the articles of incorporation, bylaws or a resolution of the board of directors provides for a reasonable delay to permit tabulation of written consents, the action adopted or taken by written consent shall be effective when (i) written consents signed by the holders of shares having sufficient votes to adopt or take the action are delivered to the corporation or (ii) if an effective date is specified therein, as of such date provided such consent states the date of execution by the consenting shareholder.

E. Any person, whether or not then a shareholder, may provide that a consent in writing as a shareholder shall be effective at a future time, including the time when an event occurs, but such future time shall not be more than 60 days after such provision is made. Any such consent shall be deemed to have been made for purposes of this section at the future time so specified for the consent to be effective, provided that (i) the person is a shareholder at such future time and (ii) the

person did not revoke the consent prior to such future time. Any such consent may be revoked, in the manner provided in subsection C, prior to its becoming effective.

F. If this chapter requires that notice of a proposed action be given to nonvoting shareholders and the action is to be adopted or taken by written consent of the voting shareholders, the corporation shall give its nonvoting shareholders written notice of the action not more than 10 days after (i) written consents sufficient to adopt or take the action have been delivered to the corporation, or (ii) such later date that tabulation of consents is completed pursuant to an authorization under subsection D. The notice shall reasonably describe the action adopted or taken and contain or be accompanied by the same material that under any provision of this chapter would have been required to be sent to nonvoting shareholders in a notice of a meeting at which the proposed action would have been submitted to the shareholders for action.

G. If action is adopted or taken by less than unanimous written consent of the voting shareholders, the corporation shall give its nonconsenting voting shareholders written notice of the action not more than 10 days after (i) written consents sufficient to adopt or take the action have been delivered to the corporation or (ii) such later date that tabulation of consents is completed pursuant to an authorization under subsection D. The notice shall reasonably describe the action adopted or taken and contain or be accompanied by the same material that under any provision of this chapter would have been required to be sent to voting shareholders in a notice of a meeting at which the action would have been submitted to the shareholders for action.

**CHAPTER 309**

*An Act to amend and reenact § 15.2-2110 of the Code of Virginia, relating to mandatory water and sewer connections.*

[H 22]

Approved March 19, 2018

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

**1. That § 15.2-2110 of the Code of Virginia is amended and reenacted as follows:**

**§ 15.2-2110. Mandatory connection to water and sewage systems in certain counties.**

A. Amelia, Botetourt, Campbell, Cumberland, Franklin, Halifax, and Nelson Counties may require connection to their water and sewage systems by owners of property that may be served by such systems; however, those persons having a domestic supply or source of potable water and a system for the disposal of sewage adequate to prevent the contraction or spread of infectious, contagious, and dangerous diseases shall not be required to discontinue use of the same, but may be required to pay a connection fee, a front footage fee, and a monthly nonuser service charge that shall not be more than that proportion of a minimum monthly user charge as debt service compares to the total operating and debt service costs.

B. Bland County, Goochland County, *Powhatan County*, Rockingham County, *Smyth County*, and Wythe County may require connection to their water and sewer systems by owners of property that can be served by the systems if the property, at the time of installation of such public system, or at a future time, does not have a then-existing, correctable, or replaceable domestic supply or source of potable water and a then-existing, correctable, or replaceable system for the disposal of sewage adequate to prevent the contraction or spread of infectious, contagious, and dangerous diseases. Such ~~counties~~ county may not charge a fee for connection to its water and sewer systems until such time as connection is required. However, Bland County, *Smyth County*, and Wythe County, in assuming the obligations of a public service authority, may assume such obligations under the same terms and conditions as applicable to the public service authority.

The provisions of this subsection as they apply to Goochland County shall become effective on July 1, 2002.

C. Buckingham County may require connection to its water and sewer systems by owners of property that can be served by the systems if the property, at the time of installation of such public system, or at a future time, does not have a then-existing or correctable domestic supply or source of potable water and a then-existing or correctable system for the disposal of sewage adequate to prevent the contraction or spread of infectious, contagious, and dangerous diseases. Such county may not charge a fee for connection to its water and sewer systems until such time as connection is required.

**CHAPTER 310**

*An Act to amend and reenact § 15.2-4904 of the Code of Virginia, relating to Goochland County; Economic Development Authority; board of directors; quorum.*

[H 60]

Approved March 19, 2018

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

**1. That § 15.2-4904 of the Code of Virginia is amended and reenacted as follows:**

**§ 15.2-4904. Directors; qualifications; terms; vacancies; compensation and expenses; quorum; records; certification and distribution of report concerning bond issuance.**

A. The authority shall be governed by a board of directors in which all powers of the authority shall be vested and which board shall be composed of seven directors, appointed by the governing body of the locality. The seven directors shall be appointed initially for terms of one, two, three and four years; two being appointed for one-year terms; two being

appointed for two-year terms; two being appointed for three-year terms and one being appointed for a four-year term. Subsequent appointments shall be for terms of four years, except appointments to fill vacancies which shall be for the unexpired terms. All terms of office shall be deemed to commence upon the date of the initial appointment to the authority, and thereafter, in accordance with the provisions of the immediately preceding sentence. If at the end of any term of office of any director a successor thereto has not been appointed, then the director whose term of office has expired shall continue to hold office until his successor is appointed and qualified.

Notwithstanding the provisions of this subsection, the board of supervisors of Wise County may appoint eight members to serve on the board of the authority, with terms staggered as agreed upon by the board of supervisors, the board of supervisors of Henrico County may appoint 10 members to serve on the board of the authority, two from each magisterial district, with terms staggered as agreed upon by the board of supervisors, the board of supervisors of Roanoke County may appoint 10 members to serve on the board of the authority, two from each magisterial district, with terms staggered as agreed upon by the board of supervisors, the board of supervisors of Mathews County may appoint from five to seven members to serve on the board of the authority, the town council of the Town of Saint Paul may appoint 10 members to serve on the board of the authority, with terms staggered as agreed upon by the town council, however, the town council may at its option return to a seven member board by removing the last three members appointed, the board of supervisors of Russell County may appoint nine members, two of whom shall come from a town that has used its borrowing capacity to borrow \$2 million or more for industrial development, with terms staggered as agreed upon by the board of supervisors and the town council of the Town of South Boston shall appoint two at-large members, Page County may appoint nine members, with one member from each incorporated town, one member from each magisterial district, and one at-large, with terms staggered as agreed upon by the board of supervisors, Halifax County shall appoint five at-large members to serve on the board of the authority jointly created by the Town of South Boston and Halifax County pursuant to § 15.2-4916, with terms staggered as agreed upon by the governing bodies of the Town of South Boston and Halifax County in the concurrent resolutions creating such authority, *the board of supervisors of Goochland County may appoint five members to serve on the board of the authority*, the town council of the Town of Coeburn may appoint five members to serve on the board of the authority, with terms staggered as agreed upon by the town council, the city council of Suffolk may appoint eight members to serve on the board of the authority, with one member from each of the boroughs, and one at-large member, with terms staggered as agreed upon by the city council, the City of Chesapeake may appoint nine members, with terms staggered as agreed upon by the city council; however, in the City of Chesapeake, after July 1, 2017, no member shall serve more than two consecutive terms. Any person who has served more than one and one-half terms as a member of the Chesapeake Economic Development Authority as of July 1, 2017, shall not be eligible for reappointment for another consecutive term. A member of the Chesapeake Economic Development Authority shall serve at the pleasure of the city council of the City of Chesapeake. No Chesapeake Economic Development Authority member shall work for the Authority within one year after serving as a member. The city council of the City of Norfolk may appoint 11 members, with terms staggered as agreed upon by the city council, and the board of supervisors of Louisa County may appoint directors to serve on the board of the authority for terms coincident with members of the board of supervisors.

A member of the board of directors of the authority may be removed from office by the local governing body without limitation in the event that the board member is absent from any three consecutive meetings of the authority or is absent from any four meetings of the authority within any 12-month period or upon unanimous vote of the board of supervisors. In any such event, a successor shall be appointed by the governing body for the unexpired portion of the term of the member who has been removed.

B. Each director shall, upon appointment or reappointment, before entering upon his duties take and subscribe the oath prescribed by § 49-1.

C. No director shall be an officer or employee of the locality except (i) in a town with a population of less than 3,500 where members of the town governing body may serve as directors provided they do not constitute a majority of the board, (ii) in Buchanan County where a constitutional officer who has previously served on the board of directors may serve as a director provided the governing body of such county approves, and (iii) in Frederick County where the board of supervisors may appoint one of its members to the Economic Development Authority of the County of Frederick, Virginia. Every director shall, at the time of his appointment and thereafter, reside in a locality within which the authority operates or in an adjoining locality. When a director ceases to be a resident of such locality, the director's office shall be vacant and a new director may be appointed for the remainder of the term.

D. The directors shall elect from their membership a chairman, a vice-chairman, and from their membership or not, as they desire, a secretary and a treasurer, or a secretary-treasurer, who shall continue to hold such office until their respective successors are elected. The directors shall receive no salary but may be compensated such amount per regular, special, or committee meeting or per each official representation as may be approved by the appointing authority, not to exceed \$200 per meeting or official representation, and shall be reimbursed for necessary traveling and other expenses incurred in the performance of their duties.

E. ~~Four~~ *Except as provided herein, four* members of the board of directors shall constitute a quorum of the board for the purposes of conducting its business and exercising its powers and for all other purposes, except that no facilities owned by the authority shall be leased or disposed of in any manner without a majority vote of the members of the board of directors. No vacancy in the membership of the board shall impair the right of a quorum to exercise all the powers and perform all the duties of the board. *In the case of the Economic Development Authority of Goochland County, three*

*members of the board of directors shall constitute a quorum of the board for the purposes of conducting its business and exercising its powers and for all other purposes, except that no facilities owned by the authority shall be leased or disposed of in any manner without a majority vote of the members of the board of directors.*

F. The board shall keep detailed minutes of its proceedings, which shall be open to public inspection at all times. It shall keep suitable records of its financial transactions and, unless exempted by § 30-140, it shall arrange to have the records audited annually. Copies of each such audit shall be furnished to the governing body of the locality and shall be open to public inspection.

Two copies of the report concerning issuance of bonds required to be filed with the United States Internal Revenue Service shall be certified as true and correct copies by the secretary or assistant secretary of the authority. One copy shall be furnished to the governing body of the locality and the other copy mailed to the Department of Small Business and Supplier Diversity.

**CHAPTER 311**

*An Act to amend and reenact § 3.5 of Chapter 669 of the Acts of Assembly of 1972, which provided a charter for the Town of Crewe in Nottoway County, relating to powers and duties of mayor.*

[H 267]

Approved March 19, 2018

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

**1. That § 3.5 of Chapter 669 of the Acts of Assembly of 1972 is amended and reenacted as follows:**

§ 3.5. Powers and duties of mayor.

The Mayor shall be the chief executive officer of the town. He shall have and exercise all power and authority conferred by general law not inconsistent with this charter. He shall preside over the meetings of the town council and shall have the same right to speak therein as members of the council, but shall not vote except in the case of a tie vote. He shall have the power of veto over the ordinances and resolution of the council, but such ordinances and resolutions may be passed over such veto by a two-thirds vote of the members of the town council present and voting. He shall be recognized as the head of the town government for all ceremonial purposes. He shall perform such other duties consistent with his office as may be imposed by the town council. He shall see that the duties of the various town officers are faithfully performed. ~~The police force of the town shall be under the control of the mayor for the purpose of enforcing peace and good order and executing the laws of the State and the ordinances of the town.~~ He, or the person acting as mayor, may deputize such assistant policemen as may be necessary; shall authenticate by his signature, such documents or instruments as the council, this charter, or the laws of the Commonwealth shall require.

**CHAPTER 312**

*An Act to amend and reenact § 16.1-260 of the Code of Virginia, relating to informal truancy plans.*

[H 274]

Approved March 19, 2018

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

**1. That § 16.1-260 of the Code of Virginia is amended and reenacted as follows:**

**§ 16.1-260. Intake; petition; investigation.**

A. All matters alleged to be within the jurisdiction of the court shall be commenced by the filing of a petition, except as provided in subsection H and in § 16.1-259. The form and content of the petition shall be as provided in § 16.1-262. No individual shall be required to obtain support services from the Department of Social Services prior to filing a petition seeking support for a child. Complaints, requests, and the processing of petitions to initiate a case shall be the responsibility of the intake officer. However, (i) the attorney for the Commonwealth of the city or county may file a petition on his own motion with the clerk; (ii) designated nonattorney employees of the Department of Social Services may complete, sign, and file petitions and motions relating to the establishment, modification, or enforcement of support on forms approved by the Supreme Court of Virginia with the clerk; (iii) designated nonattorney employees of a local department of social services may complete, sign, and file with the clerk, on forms approved by the Supreme Court of Virginia, petitions for foster care review, petitions for permanency planning hearings, petitions to establish paternity, motions to establish or modify support, motions to amend or review an order, and motions for a rule to show cause; and (iv) any attorney may file petitions on behalf of his client with the clerk except petitions alleging that the subject of the petition is a child alleged to be in need of services, in need of supervision, or delinquent. Complaints alleging abuse or neglect of a child shall be referred initially to the local department of social services in accordance with the provisions of Chapter 15 (§ 63.2-1500 et seq.) of Title 63.2. Motions and other subsequent pleadings in a case shall be filed directly with the clerk. The intake officer or clerk with whom the petition or motion is filed shall inquire whether the petitioner is receiving child support services or public assistance. No individual who is receiving support services or public assistance shall be denied the right to file a petition or motion to establish, modify, or enforce an order for support of a child. If the petitioner is seeking or receiving child support

services or public assistance, the clerk, upon issuance of process, shall forward a copy of the petition or motion, together with notice of the court date, to the Division of Child Support Enforcement.

B. The appearance of a child before an intake officer may be by (i) personal appearance before the intake officer or (ii) use of two-way electronic video and audio communication. If two-way electronic video and audio communication is used, an intake officer may exercise all powers conferred by law. All communications and proceedings shall be conducted in the same manner as if the appearance were in person, and any documents filed may be transmitted by facsimile process. The facsimile may be served or executed by the officer or person to whom sent, and returned in the same manner, and with the same force, effect, authority, and liability as an original document. All signatures thereon shall be treated as original signatures. Any two-way electronic video and audio communication system used for an appearance shall meet the standards as set forth in subsection B of § 19.2-3.1.

When the court service unit of any court receives a complaint alleging facts which may be sufficient to invoke the jurisdiction of the court pursuant to § 16.1-241, the unit, through an intake officer, may proceed informally to make such adjustment as is practicable without the filing of a petition or may authorize a petition to be filed by any complainant having sufficient knowledge of the matter to establish probable cause for the issuance of the petition.

An intake officer may proceed informally on a complaint alleging a child is in need of services, in need of supervision, or delinquent only if the juvenile (i) is not alleged to have committed a violent juvenile felony or (ii) has not previously been proceeded against informally or adjudicated delinquent for an offense that would be a felony if committed by an adult. A petition alleging that a juvenile committed a violent juvenile felony shall be filed with the court. A petition alleging that a juvenile is delinquent for an offense that would be a felony if committed by an adult shall be filed with the court if the juvenile had previously been proceeded against informally by intake or had been adjudicated delinquent for an offense that would be a felony if committed by an adult.

If a juvenile is alleged to be a truant pursuant to a complaint filed in accordance with § 22.1-258 and the attendance officer has provided documentation to the intake officer that the relevant school division has complied with the provisions of § 22.1-258, then the intake officer shall file a petition with the court. The intake officer may defer filing the complaint for 90 days and proceed informally by developing a truancy plan. ~~The intake officer may proceed informally only if, provided that~~ (a) the juvenile has not previously been proceeded against informally or adjudicated in need of supervision *on more than two occasions* for failure to comply with compulsory school attendance as provided in § 22.1-254 and (b) *the immediately previous informal action or adjudication occurred at least three calendar years prior to the current complaint.* The juvenile and his parent or parents, guardian, or other person standing in loco parentis must agree, in writing, for the development of a truancy plan. The truancy plan may include requirements that the juvenile and his parent or parents, guardian, or other person standing in loco parentis participate in such programs, cooperate in such treatment, or be subject to such conditions and limitations as necessary to ensure the juvenile's compliance with compulsory school attendance as provided in § 22.1-254. The intake officer may refer the juvenile to the appropriate public agency for the purpose of developing a truancy plan using an interagency interdisciplinary team approach. The team may include qualified personnel who are reasonably available from the appropriate department of social services, community services board, local school division, court service unit, and other appropriate and available public and private agencies and may be the family assessment and planning team established pursuant to § 2.2-5207. If at the end of the 90-day period the juvenile has not successfully completed the truancy plan or the truancy program, then the intake officer shall file the petition.

Whenever informal action is taken as provided in this subsection on a complaint alleging that a child is in need of services, in need of supervision, or delinquent, the intake officer shall ~~(i)~~ (1) develop a plan for the juvenile, which may include restitution and the performance of community service, based upon community resources and the circumstances which resulted in the complaint, ~~(ii)~~ (2) create an official record of the action taken by the intake officer and file such record in the juvenile's case file, and ~~(iii)~~ (3) advise the juvenile and the juvenile's parent, guardian, or other person standing in loco parentis and the complainant that any subsequent complaint alleging that the child is in need of supervision or delinquent based upon facts which may be sufficient to invoke the jurisdiction of the court pursuant to § 16.1-241 will result in the filing of a petition with the court.

C. The intake officer shall accept and file a petition in which it is alleged that (i) the custody, visitation, or support of a child is the subject of controversy or requires determination, (ii) a person has deserted, abandoned, or failed to provide support for any person in violation of law, (iii) a child or such child's parent, guardian, legal custodian, or other person standing in loco parentis is entitled to treatment, rehabilitation, or other services which are required by law, (iv) family abuse has occurred and a protective order is being sought pursuant to § 16.1-253.1, 16.1-253.4, or 16.1-279.1, or (v) an act of violence, force, or threat has occurred, a protective order is being sought pursuant to § 19.2-152.8, 19.2-152.9, or 19.2-152.10, and either the alleged victim or the respondent is a juvenile. If any such complainant does not file a petition, the intake officer may file it. In cases in which a child is alleged to be abused, neglected, in need of services, in need of supervision, or delinquent, if the intake officer believes that probable cause does not exist, or that the authorization of a petition will not be in the best interest of the family or juvenile or that the matter may be effectively dealt with by some agency other than the court, he may refuse to authorize the filing of a petition. The intake officer shall provide to a person seeking a protective order pursuant to § 16.1-253.1, 16.1-253.4, or 16.1-279.1 a written explanation of the conditions, procedures and time limits applicable to the issuance of protective orders pursuant to § 16.1-253.1, 16.1-253.4, or 16.1-279.1. If the person is seeking a protective order pursuant to § 19.2-152.8, 19.2-152.9, or 19.2-152.10, the intake

officer shall provide a written explanation of the conditions, procedures, and time limits applicable to the issuance of protective orders pursuant to § 19.2-152.8, 19.2-152.9, or 19.2-152.10.

D. Prior to the filing of any petition alleging that a child is in need of supervision, the matter shall be reviewed by an intake officer who shall determine whether the petitioner and the child alleged to be in need of supervision have utilized or attempted to utilize treatment and services available in the community and have exhausted all appropriate nonjudicial remedies which are available to them. When the intake officer determines that the parties have not attempted to utilize available treatment or services or have not exhausted all appropriate nonjudicial remedies which are available, he shall refer the petitioner and the child alleged to be in need of supervision to the appropriate agency, treatment facility, or individual to receive treatment or services, and a petition shall not be filed. Only after the intake officer determines that the parties have made a reasonable effort to utilize available community treatment or services may he permit the petition to be filed.

E. If the intake officer refuses to authorize a petition relating to an offense that if committed by an adult would be punishable as a Class 1 misdemeanor or as a felony, the complainant shall be notified in writing at that time of the complainant's right to apply to a magistrate for a warrant. If a magistrate determines that probable cause exists, he shall issue a warrant returnable to the juvenile and domestic relations district court. The warrant shall be delivered forthwith to the juvenile court, and the intake officer shall accept and file a petition founded upon the warrant. If the court is closed and the magistrate finds that the criteria for detention or shelter care set forth in § 16.1-248.1 have been satisfied, the juvenile may be detained pursuant to the warrant issued in accordance with this subsection. If the intake officer refuses to authorize a petition relating to a child in need of services or in need of supervision, a status offense, or a misdemeanor other than Class 1, his decision is final.

Upon delivery to the juvenile court of a warrant issued pursuant to subdivision 2 of § 16.1-256, the intake officer shall accept and file a petition founded upon the warrant.

F. The intake officer shall notify the attorney for the Commonwealth of the filing of any petition which alleges facts of an offense which would be a felony if committed by an adult.

G. Notwithstanding the provisions of Article 12 (§ 16.1-299 et seq.), the intake officer shall file a report with the division superintendent of the school division in which any student who is the subject of a petition alleging that such student who is a juvenile has committed an act, wherever committed, which would be a crime if committed by an adult, or that such student who is an adult has committed a crime and is alleged to be within the jurisdiction of the court. The report shall notify the division superintendent of the filing of the petition and the nature of the offense, if the violation involves:

1. A firearm offense pursuant to Article 4 (§ 18.2-279 et seq.), 5 (§ 18.2-288 et seq.), 6 (§ 18.2-299 et seq.), 6.1 (§ 18.2-307.1 et seq.), or 7 (§ 18.2-308.1 et seq.) of Chapter 7 of Title 18.2;
2. Homicide, pursuant to Article 1 (§ 18.2-30 et seq.) of Chapter 4 of Title 18.2;
3. Felonious assault and bodily wounding, pursuant to Article 4 (§ 18.2-51 et seq.) of Chapter 4 of Title 18.2;
4. Criminal sexual assault, pursuant to Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2;
5. Manufacture, sale, gift, distribution or possession of Schedule I or II controlled substances, pursuant to Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2;
6. Manufacture, sale or distribution of marijuana pursuant to Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2;
7. Arson and related crimes, pursuant to Article 1 (§ 18.2-77 et seq.) of Chapter 5 of Title 18.2;
8. Burglary and related offenses, pursuant to §§ 18.2-89 through 18.2-93;
9. Robbery pursuant to § 18.2-58;
10. Prohibited criminal street gang activity pursuant to § 18.2-46.2;
11. Recruitment of other juveniles for a criminal street gang activity pursuant to § 18.2-46.3; or
12. An act of violence by a mob pursuant to § 18.2-42.1.

The failure to provide information regarding the school in which the student who is the subject of the petition may be enrolled shall not be grounds for refusing to file a petition.

The information provided to a division superintendent pursuant to this section may be disclosed only as provided in § 16.1-305.2.

H. The filing of a petition shall not be necessary:

1. In the case of violations of the traffic laws, including offenses involving bicycles, hitchhiking and other pedestrian offenses, game and fish laws, or a violation of the ordinance of any city regulating surfing or any ordinance establishing curfew violations, animal control violations, or littering violations. In such cases the court may proceed on a summons issued by the officer investigating the violation in the same manner as provided by law for adults. Additionally, an officer investigating a motor vehicle accident may, at the scene of the accident or at any other location where a juvenile who is involved in such an accident may be located, proceed on a summons in lieu of filing a petition.

2. In the case of seeking consent to apply for the issuance of a work permit pursuant to subsection H of § 16.1-241.

3. In the case of a misdemeanor violation of § 18.2-250.1, 18.2-266, 18.2-266.1, or 29.1-738, or the commission of any other alcohol-related offense, provided the juvenile is released to the custody of a parent or legal guardian pending the initial court date. The officer releasing a juvenile to the custody of a parent or legal guardian shall issue a summons to the juvenile and shall also issue a summons requiring the parent or legal guardian to appear before the court with the juvenile. Disposition of the charge shall be in the manner provided in § 16.1-278.8, 16.1-278.8:01, or 16.1-278.9. If the juvenile so charged with a violation of § 18.2-51.4, 18.2-266, 18.2-266.1, 18.2-272, or 29.1-738 refuses to provide a sample of blood or breath or samples of both blood and breath for chemical analysis pursuant to §§ 18.2-268.1 through 18.2-268.12 or

29.1-738.2, the provisions of these sections shall be followed except that the magistrate shall authorize execution of the warrant as a summons. The summons shall be served on a parent or legal guardian and the juvenile, and a copy of the summons shall be forwarded to the court in which the violation is to be tried. When a violation of § 18.2-250.1 is charged by summons, the juvenile shall be entitled to have the charge referred to intake for consideration of informal proceedings pursuant to subsection B, provided such right is exercised by written notification to the clerk not later than 10 days prior to trial. At the time such summons alleging a violation of § 18.2-250.1 is served, the officer shall also serve upon the juvenile written notice of the right to have the charge referred to intake on a form approved by the Supreme Court and make return of such service to the court. If the officer fails to make such service or return, the court shall dismiss the summons without prejudice.

4. In the case of offenses which, if committed by an adult, would be punishable as a Class 3 or Class 4 misdemeanor. In such cases the court may direct that an intake officer proceed as provided in § 16.1-237 on a summons issued by the officer investigating the violation in the same manner as provided by law for adults provided that notice of the summons to appear is mailed by the investigating officer within five days of the issuance of the summons to a parent or legal guardian of the juvenile.

I. Failure to comply with the procedures set forth in this section shall not divest the juvenile court of the jurisdiction granted it in § 16.1-241.

### CHAPTER 313

*An Act to amend and reenact § 4.16, as amended, and § 4.18 of Chapter 116 of the Acts of Assembly of 1948, which provided a charter for the City of Richmond, and to amend Chapter 116 of the Acts of Assembly of 1948 by adding a section numbered 4.19, relating to establishing the office of the inspector general; city auditor.*

[H 283]

Approved March 19, 2018

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

**1. That § 4.16, as amended, and § 4.18 of Chapter 116 of the Acts of Assembly of 1948 are amended and reenacted and that Chapter 116 of the Acts of Assembly of 1948 is amended by adding a section numbered 4.19 as follows:**

#### § 4.16. Powers of investigation.

(a) The council, or any committee of members of the council when authorized by the council, shall have power to make such investigations relating to the municipal affairs of the city as it may deem necessary, and shall have power to investigate any or all departments, boards, commissions, offices and agencies of the city government and any officer or employee of the city, concerning the performance of their duties and functions and use of property of the city.

(b) The mayor, the chief administrative officer, the heads of all departments, all boards and commissions whose members are appointed by the council, ~~and~~ the city auditor, *and the inspector general* shall have power to make such investigations in connection with the performance of their duties and functions as they may deem necessary, and shall have power to investigate any officer or employee appointed by them or pursuant to their authority concerning the performance of duty and use of property of the city.

(c) The council, or any committee of members of the council when authorized by the council, the mayor, *the* chief administrative officer, the heads of departments, ~~and~~ boards and commissions whose members are appointed by the council ~~and~~, the city auditor, *and the inspector general*, in an investigation held by any of them, may order the attendance of any person as a witness and the production by any person of all relevant books and papers. Any person, having been ordered to attend, or to produce such books and papers, who refuses or fails to obey such order, or who having attended, refuses or fails to answer any question relevant or pertinent to the matter under investigation shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine not exceeding \$100 or imprisonment in jail not exceeding 30 days, either or both. Every such person shall have the right of appeal to the Circuit Court of the City of Richmond, Division I. The investigating authority shall cause every person who violates the provisions of this section to be summoned before the general district court criminal division for trial. Witnesses shall be sworn by the person presiding at such investigation, and they shall be liable to prosecution or suit for damages for perjury for any false testimony given at such investigation.

#### § 4.18. City auditor.

There shall be a city auditor who shall be appointed by the council for an indefinite term. ~~He/she~~ *The city auditor* shall have been certified as a certified public accountant by the Virginia State Board of Accountancy or by the examining board of any other state which extends to and is extended reciprocity by the Commonwealth of Virginia, and shall be qualified by training and experience for the duties of ~~his/her office~~ *the city auditor*. *The city auditor shall have the power to appoint such accountants and other assistants for the performance of the duties of the city auditor's office as the council may provide for. It shall be the duty of the city auditor to examine and audit all accounts, books, records, and financial transactions of the city or any department, board, commission, office, or agency thereof, including all trust funds, special funds, and other funds. In performing his/her the city auditor's duties, he/she the city auditor shall have access at any and all times to all books, records, and accounts of each department and agency subject to examination and audit by him/her the city auditor.*

*§ 4.19. Inspector general.*

*There shall be an inspector general who shall be appointed by the council for an indefinite term and who shall be qualified by training and experience for the duties of the office. The inspector general shall have the power to appoint such assistants for the performance of the duties of the inspector general's office as the council may provide for. It shall be the duty of the inspector general to conduct such investigations as may be authorized by § 15.2-2511.2 of the Code of Virginia.*

**CHAPTER 314**

*An Act to amend and reenact § 10.1, § 16, as amended, and § 62 of Chapter 34 of the Acts of Assembly of 1918, which provided a charter for the City of Norfolk, relating to appointment of officers, record of ordinances, and division of fire.*

[H 316]

Approved March 19, 2018

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

**1. That § 10.1, § 16, as amended, and § 62 of Chapter 34 of the Acts of Assembly of 1918 are amended and reenacted as follows:**

§ 10.1. Officers ~~elected~~ appointed by council; rules.

Effective July 1, 2006, the council shall ~~elect~~ appoint a city manager, a city clerk, a city attorney, a city auditor, and a high constable. The said council shall also appoint the members of such boards and commissions as are hereinafter provided for. All ~~elections~~ appointments by the council shall be ~~viva voce and the vote~~ recorded in the record of the council. The mayor shall serve as chair of the council. The council may determine its own rules of procedure, may punish its members for misconduct, and may compel the attendance of members in such manner and under such penalties as may be prescribed by ordinance. It shall keep a record of its proceedings. A majority of all the members of the council, including the mayor, shall constitute a quorum to do business, but a smaller number may adjourn from time to time.

No member of the council shall be eligible, during the term of office for which he was elected or appointed, to hold any office filled by the council by election or appointment, except that a member of the council may be named a member of such other boards, commissions, and bodies as may be permitted by general law.

§ 16. Record ~~and publication~~ of ordinances and resolutions.

Every ordinance or resolution upon its final passage shall be recorded; and shall be authenticated by the signatures of the presiding officer and the city clerk. ~~Every ordinance of a general or permanent nature shall be published by title once within ten days after its final passage in a newspaper or newspapers of general circulation published in the municipality; and where legally permissible, such publication shall be made but once; provided, that the foregoing requirements as to publication shall not apply to ordinances reordained in or by a general compilation or codification of ordinances printed by authority of the council.~~

A record or entry made by the city clerk or a copy of such record or entry duly certified by him shall be prima facie evidence of the terms of the ordinance ~~and its due publication.~~

All ordinances and resolutions of the council may be read in evidence in all courts and in all other proceedings in which it may be necessary to refer thereto, either from a copy thereof certified by the city clerk or from the volume of ordinances printed by authority of the council.

§ 62. Division of fire.

The fire force shall be composed of a chief and of such other officers, firemen and employees as the city manager may determine. The fire chief shall have immediate direction and control of the said force, subject, however, to the supervision of the director of public safety, and to such rules and regulations and orders as the said director may prescribe, and through the fire chief the director of public safety shall promulgate all orders, rules and regulations for the government of the whole force.

The members of the fire force other than the chief shall be appointed from the list of eligibles prepared by the civil service commission and in accordance with such rules and regulations as may be prescribed by the said commission; provided, however, that in case of riot, conflagration or emergency, the director of public safety may appoint additional firemen and officers for temporary service who need not be in the classified service.

The chief of the fire department and his assistants are authorized to exercise the powers of police officers while going to, attending or returning from any fire or alarm of fire. The fire chief and each of his assistants shall have issued to him a warrant of appointment signed by the director of public safety, in which the date of his appointment shall be stated, and such warrant shall be his commission. The director of public safety shall prescribe the uniform and badges for the members of the fire force.

~~Whenever any building in said city shall be on fire it shall be lawful for the chief of the fire department to order and direct such building or any other building which he may deem hazardous and likely to communicate fire to other buildings, or any part of such buildings, to be pulled down or destroyed; and no action shall be maintained against said chief or any person acting under his authority or against the city therefor. But any person interested in the property so destroyed may within one year thereafter apply in writing to the council to assess and pay the damages he has sustained. The council may thereupon pay to the claimant such sum as may be agreed upon between him and the council. If no agreement be effected, such claimant may give to the city attorney of said city ten days' written notice of his intention to apply to the corporation~~

court of said city for the appointment of commissioners to ascertain and assess his said damage. Upon its appearing that such notice has been given, the corporation court of said city shall appoint five disinterested freeholders, residents of said city, any three or more of whom may act, for the purpose of ascertaining and assessing the amount of such damages. Thereupon the said commissioners shall proceed to ascertain and assess the amount of such damages in the same manner as is now or may hereafter be provided by law in the case of taking private property for public use, and the procedure upon the filing of the report of said commissioners shall conform as nearly as may be to the procedure under the statutes of Virginia relating to eminent domain.

### CHAPTER 315

*An Act to amend and reenact §§ 59.1-542 and 59.1-544 of the Code of Virginia, relating to the Enterprise Zone Grant Program; designation of enterprise zone; amendments to the size of an enterprise zone.*

[H 431]

Approved March 19, 2018

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

**1. That §§ 59.1-542 and 59.1-544 of the Code of Virginia are amended and reenacted as follows:**

**§ 59.1-542. Enterprise zone designation.**

A. Upon the Department's announcement of periodic zone designation competitions, the governing body of any county or city may make written application to the Department to have an area or areas declared an enterprise zone. Such application shall include a description of the area or areas to be included, the development potential of these areas, the need for special state incentives, the local incentives that shall be provided to support new economic activity, and other information that the Department deems necessary to assess requests for designation.

B. Two or more adjacent localities may file a joint application for an enterprise zone. Localities applying for a joint zone shall demonstrate a regional need for an enterprise zone and a regional impact that could not be achieved through a single jurisdiction zone. Applicants for a joint zone shall also specify what mechanisms will be used to ensure that the economic benefits of such a zone are shared among the applicant localities.

C. An enterprise zone may consist of no more than three noncontiguous areas. The aggregate size of these noncontiguous zone areas shall be ~~specified by regulation~~ as follows:

1. For cities, the minimum size of an enterprise zone shall be one-quarter square mile and the maximum size of an enterprise zone shall be one square mile or seven percent of the jurisdiction's land area or an area that includes seven percent of the population, whichever is largest.

2. For towns designated as enterprise zones under former §§ 59.1-272 through 59.1-278, 59.1-279.1, or 59.1-280.2 through 59.1-284 of the Enterprise Zone Act (§ 59.1-270 et seq.), the size of an enterprise zone shall conform to the size requirements for cities in subdivision 1.

3. For unincorporated areas of counties, the minimum size of an enterprise zone shall be one-half square mile and the maximum size of an enterprise zone shall be six square miles.

4. For consolidated cities the enterprise zones in cities for which the boundaries were created through the consolidation of a city and county or the consolidation of two cities, the enterprise zone shall conform substantially to the size requirements for unincorporated areas of counties in subdivision 3.

In no instance shall a zone consist only of a site for a single business firm. Localities shall be limited to three enterprise zone designations.

D. A joint enterprise zone shall consist of no more than three noncontiguous zone areas for each participating locality. The aggregate size of these noncontiguous areas shall be specified by regulation.

E. Upon recommendation of the Director of the Department, the Governor may designate up to 30 enterprise zones in accordance with the provisions of this chapter. Such designations are to be done in coordination with the expiration of existing zones designated under earlier Enterprise Zone Program provisions. The initial round of six zone designation applications and approval may be conducted prior to adoption of final program regulations provided that the process is consistent with the provisions of this chapter. Enterprise zones shall be designated for an initial 10-year period except as provided for in subsections A and B of § 59.1-546. Upon recommendation of the Director of the Department, the Governor may renew zones for up to two five-year renewal periods. Recommendations for five-year renewals shall be based on the locality's performance of its enterprise zone responsibilities, the continued need for such a zone, and its effectiveness in creating jobs and capital investment.

F. Localities that have zone designations are responsible for providing the local incentives specified in their applications, providing timely submission of enterprise zone reports and evaluations as required by regulation, verifying that businesses and properties seeking enterprise zone incentives are physically located within their zones, and implementing an active local enterprise zone program within the context of overall economic development efforts.

**§ 59.1-544. Amendment of enterprise zones; redesignation of certain joint enterprise zones.**

A. Once an enterprise zone has been designated, the local government may make written application to the Department to amend the zone boundaries in accordance with the requirements of § 59.1-542. Such boundary amendments are subject to Department approval. *Any amendment to an enterprise zone that includes the elimination of an area or areas from a zone*

*shall not exceed the maximum size provisions of subsection C of § 59.1-542 and shall be reviewed by the Department with the potential impact on affected businesses and property owners given primary consideration.* Local governing bodies may amend their local enterprise zone incentives with the approval of the Department provided that the proposed incentive is equal to or superior to that in the original application or any previous amendment approved by the Department.

B. The Department may redesignate an existing joint enterprise zone consisting of two localities for the purpose of expanding the zone provided (i) all of the local governing bodies of the localities in which the proposed redesignated zone will be located have submitted to the Department resolutions supporting the proposed redesignation and applications for redesignation of the joint enterprise zone and (ii) the area of the locality added to the redesignated zone is contiguous to the existing joint enterprise zone and includes a revenue-sharing district that has experienced the loss of 900 permanent full-time positions within a 12-month period.

C. When a county or city was previously added to an existing enterprise zone to create a joint enterprise zone, the Department shall redesignate the enterprise zone when the term of the joint enterprise zone expires. The duration of the enterprise zone redesignated pursuant to this subsection shall be equal to the length of time the original enterprise zone existed before the county or city was added to create the joint enterprise zone.

D. As used in this section, "joint enterprise zone" means an enterprise zone located in two or more adjacent localities.

E. Any redesignation of an existing joint enterprise zone shall be in compliance with all applicable regulations promulgated by the Department.

## CHAPTER 316

*An Act to amend and reenact §§ 9.1-176.1, 19.2-305.1, 19.2-358, 19.2-368.15, and 53.1-145 of the Code of Virginia, relating to restitution; probation.*

[H 484]

Approved March 19, 2018

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

**1. That §§ 9.1-176.1, 19.2-305.1, 19.2-358, 19.2-368.15, and 53.1-145 of the Code of Virginia are amended and reenacted as follows:**

**§ 9.1-176.1. Duties and responsibilities of local community-based probation officers.**

A. Each local community-based probation officer, for the localities served, shall:

1. Supervise and assist all local-responsible adult offenders, residing within the localities served and placed on local community-based probation by any judge of any court within the localities served;
2. Ensure offender compliance with all orders of the court, including the requirement to perform community service;
3. Conduct, when ordered by a court, substance abuse screenings, or conduct or facilitate the preparation of assessments pursuant to state approved protocols;
4. Conduct, at his discretion, random drug and alcohol tests on any offender whom the officer has reason to believe is engaged in the illegal use of controlled substances or marijuana or the abuse of alcohol or prescribed medication;
5. Facilitate placement of offenders in substance abuse education or treatment programs and services or other education or treatment programs and services based on the needs of the offender;
6. Seek a *caapias* from any judicial officer in the event of failure to comply with conditions of local community-based probation or supervision on the part of any offender provided that noncompliance resulting from intractable behavior presents a risk of flight, or a risk to public safety or to the offender;
7. Seek a motion to show cause for offenders requiring a subsequent hearing before the court;
8. Provide information to assist any law-enforcement officer with the return to custody of defendants placed on supervision for which a *caapias* has been sought;
9. Keep such records and make such reports as required by the Department of Criminal Justice Services; ~~and~~
10. Determine by reviewing the Local Inmate Data System upon intake and again prior to discharge whether a blood, saliva, or tissue sample has been taken for DNA analysis for each offender required to submit a sample pursuant to Article 1.1 (§ 19.2-310.2 et seq.) of Chapter 18 of Title 19.2 and, if no sample has been taken, require an offender to submit a sample for DNA analysis; *and*

*11. Monitor the collection and payment of restitution to the victims of crime for offenders placed on local supervised probation.*

B. Each local probation officer may provide the following optional services, as appropriate and when available resources permit:

1. Supervise local-responsible adult offenders placed on home incarceration with or without home electronic monitoring as a condition of local community-based probation;
2. Investigate and report on any local-responsible adult offender and prepare or facilitate the preparation of any other screening, assessment, evaluation, testing or treatment required as a condition of probation;
3. Monitor placements of local-responsible adults who are required to perform court-ordered community service at approved work sites;

4. Assist the courts, when requested, by monitoring the collection of court costs; ~~and fines and restitution to the victims of crime~~ for offenders placed on local probation; and

5. Collect supervision and intervention fees pursuant to § 9.1-182 subject to local approval and the approval of the Department of Criminal Justice Services.

**§ 19.2-305.1. Restitution for property damage or loss; community service.**

A. Notwithstanding any other provision of law, no person convicted of a crime in violation of any provision in Title 18.2, which resulted in property damage or loss, shall be placed on probation or have his sentence suspended unless such person shall make at least partial restitution for such property damage or loss, or shall be compelled to perform community services, or both, or shall submit a plan for doing that which appears to the court to be feasible under the circumstances.

B. Notwithstanding any other provision of law, any person who, on or after July 1, 1995, commits, and is convicted of, a crime in violation of any provision in Title 18.2 shall make at least partial restitution for any property damage or loss caused by the crime or for any medical expenses or expenses directly related to funeral or burial incurred by the victim or his estate as a result of the crime, may be compelled to perform community services and, if the court so orders, shall submit a plan for doing that which appears to be feasible to the court under the circumstances.

B1. Notwithstanding any other provision of law, any person, who on or after July 1, 2005 commits and is convicted of a crime in violation of § 18.2-248 involving the manufacture of any controlled substance, may be ordered, upon presentation of suitable evidence of such costs, by the court to reimburse the Commonwealth or the locality for the costs incurred by the jurisdiction, as the case may be, for the removal and remediation associated with the illegal manufacture of any controlled substance by the defendant.

B2. Notwithstanding any other provision of law, any person who, on or after July 1, 2015, commits and is convicted of a violation of § 18.2-138 for damage to the Capitol or any building, monument, statuary, artwork, or other state property in Capitol Square, or at any other property assigned to the Capitol Police, shall be ordered to pay restitution to the Commonwealth for the full amount of damages. Any person who, on or after July 1, 2015, commits and is convicted of a violation of § 18.2-405, 18.2-407, or 18.2-408 in Capitol Square, or at any other property assigned to the Capitol Police, shall be ordered to pay restitution to the Commonwealth for the full amount of damages to the Capitol or any building, monument, statuary, artwork, or other state property in Capitol Square, or at any other property assigned to the Capitol Police, to which damage is caused during such riot or unlawful assembly. In any prosecution under § 18.2-138, 18.2-405, 18.2-407, or 18.2-408, testimony of the Division of Engineering and Buildings of the Department of General Services or the Division of Risk Management shall be admissible as evidence of value or extent of damages or cost of repairs to the Capitol or any building, monument, statuary, artwork, or other state property in Capitol Square, or at any other property assigned to the Capitol Police. For the purposes of this subsection, "Capitol Square" means the grounds and the interior and exterior of all buildings in that area in the City of Richmond bounded by Bank, Governor, Broad, and Ninth Streets. "Capitol Square" includes the exterior of all state buildings that are at least 50 years old and bordering the boundary streets.

C. At or before the time of sentencing, the court shall receive and consider any plan for making restitution submitted by the defendant. The plan shall include the defendant's home address, place of employment and address, social security number and bank information. If the court finds such plan to be reasonable and practical under the circumstances, it may consider probation or suspension of whatever portion of the sentence that it deems appropriate. By order of the court incorporating the defendant's plan or a reasonable and practical plan devised by the court, the defendant shall make restitution while he is free on probation or work release or following his release from confinement. Additionally, the court may order that the defendant make restitution during his confinement, if feasible, based upon both his earning capacity and net worth as determined by the court at sentencing.

D. At the time of sentencing, the court shall determine the amount to be repaid by the defendant and the terms and conditions thereof. If community service work is ordered, the court shall determine the terms and conditions upon which such work shall be performed. The court shall include such findings in the judgment order. The order shall specify that sums paid under such order shall be paid to the clerk, who shall disburse such sums as the court may, by order, direct. Any court desiring to participate in the Setoff Debt Collection Act (§§ 58.1-520 through 58.1-535) for the purpose of collecting fines or costs or providing restitution shall, at the time of sentencing, obtain the social security number of each defendant.

E. At the time of sentencing, the court shall enter the amount of restitution to be repaid by the defendant, the date by which all restitution is to be paid, and the terms and conditions of such repayment on a form prescribed by the Office of the Executive Secretary of the Supreme Court of Virginia. If the attorney for the Commonwealth participated in the prosecution of the defendant, the attorney for the Commonwealth or his designee shall complete, to the extent possible, all portions of the form excluding the amount of restitution to be repaid by the defendant and the terms and conditions of such repayment. If the attorney for the Commonwealth did not participate in the prosecution of the defendant, the court or the clerk shall complete the form. A copy of the form, excluding contact information for the victim, shall be provided to the defendant at sentencing. A copy of the form shall be provided to the attorney for the Commonwealth and to the victim, his agent, or his estate upon request and free of charge.

F. 1. *In any case in which the court orders the defendant to pay restitution and places the defendant on probation that includes a period of active supervision, the probation agency supervising the defendant shall notify the court and the attorney for the Commonwealth of the amount of any restitution that remains unsatisfied and the last known address for the defendant (i) 60 days prior to the defendant's release from supervision pursuant to the terms of the sentencing order or (ii) if*

*the agency requests that the defendant be released from supervision, at the time the agency submits its request to the court. Such notice shall be in writing and the attorney for the Commonwealth shall, if practicable, provide a copy of the notice to the victim. If any amount of restitution remains unsatisfied, the court shall conduct a hearing prior to the defendant's release from supervision after providing notice of the hearing to the defendant and the attorney for the Commonwealth. If the court finds that the defendant is not in compliance with the restitution order, the court may (a) release the defendant from supervision, (b) modify the period or terms of supervision pursuant to § 19.2-304, (c) revoke some or all of the suspended sentence or probation pursuant to § 19.2-306, or (d) proceed in accordance with subsection E of § 19.2-358. The court shall also docket the restitution order as a civil judgment pursuant to subsection B of § 19.2-305.2 unless such order has previously been docketed. Any defendant who is released from supervision shall be subject to the provisions of subdivision 3.*

*2. In any case in which the court orders the defendant to pay restitution and places the defendant on probation that does not include a period of active supervision, the court shall include in the order a date, not to exceed two years from the date of the entry of the order or, if the court has sentenced the defendant to an active term of incarceration, from the date of the defendant's release from incarceration, on which the defendant's compliance with the restitution order shall be reviewed and the court shall schedule a hearing for such date. The court may, on its own motion, cancel the hearing if the amount of restitution has been satisfied. If at the hearing the court finds that the defendant is not in compliance with the restitution order, the court may (i) modify the period or terms of probation pursuant to § 19.2-304, (ii) revoke some or all of the suspended sentence or probation pursuant to § 19.2-306, or (iii) proceed in accordance with the provisions of subsection E of § 19.2-358. The court shall also docket the restitution order as a civil judgment pursuant to subsection B of § 19.2-305.2 unless such order has previously been docketed. After the hearing conducted pursuant to this subdivision, the defendant shall be subject to the provisions of subdivision 3.*

*3. If any amount of restitution remains unsatisfied at the time of a hearing conducted pursuant to subdivision 1 or 2, the court shall continue to schedule hearings to review the defendant's compliance with the restitution order until the amount of restitution has been satisfied and provide notice of such hearings to the defendant. The court may, on its own motion, cancel any such hearing if the amount of restitution has been satisfied or if the defendant is in compliance with the restitution order. If at any hearing conducted pursuant to this subdivision the court finds that the defendant is not in compliance with the restitution order, the court may (i) modify the period or terms of probation pursuant to § 19.2-304, (ii) revoke some or all of the suspended sentence or probation pursuant to § 19.2-306, or (iii) proceed in accordance with the provisions of subsection E of § 19.2-358. The court shall follow the procedures set forth in this subdivision for the purpose of reviewing compliance with a restitution order by a defendant (a) until the amount of restitution has been satisfied or (b) if any amount of restitution remains unsatisfied, for the longer of 10 years from the date of the hearing held pursuant to subdivision 1 or 2 or the period of probation ordered by the court.*

*4. If the court determines at any hearing conducted pursuant to this subsection that the defendant is unable to pay restitution and will remain unable to pay restitution for the duration of the review period set forth in subdivision 3, the court may discontinue any further hearings to review a defendant's compliance with the restitution order.*

*5. If the court determines that a defendant would be incarcerated on the date of any hearing scheduled pursuant to this subsection, the court may remove the case from the docket, reschedule such hearing to a date after the defendant's release from incarceration, and provide notice of the hearing to the defendant and the attorney for the Commonwealth. If the defendant who is on probation that includes a period of active supervision is incarcerated, the probation agency supervising the defendant shall notify the court when the defendant has been released from incarceration.*

*6. No provision of this subsection shall be construed to prohibit the court from exercising any authority otherwise granted by law over a defendant during any period of probation ordered by the court.*

*G. Unreasonable failure to execute the plan by the defendant shall result in revocation of the probation or imposition of the suspended sentence. A hearing shall be held in accordance with the provisions of this Code relating to revocation of probation or imposition of a suspended sentence before either such action is taken.*

*G. H. A defendant convicted of an offense under § 18.2-374.1, 18.2-374.1:1, or 18.2-374.3 shall be ordered to pay mandatory restitution to the victim of the offense in an amount as determined by the court. For purposes of this subsection, "victim" means a person who is depicted in a still or videographic image involved in an offense under § 18.2-374.1, 18.2-374.1:1, or 18.2-374.3.*

*The Commonwealth shall make reasonable efforts to notify victims of offenses under § 18.2-374.1, 18.2-374.1:1, or 18.2-374.3.*

*H. I. If restitution is ordered to be paid by the defendant to the victim of a crime and the victim can no longer be located or identified, the clerk shall deposit any such restitution collected to the Criminal Injuries Compensation Fund for the benefit of crime victims. The administrator shall reserve a sum sufficient in the Fund from which he shall make prompt payment to the victim for any proper claims. Before making the deposit he shall record the name, last known address and amount of restitution due each victim appearing from the clerk's report to be entitled to restitution.*

*H. J. If restitution pursuant to § 19.2-305 or this section is ordered to be paid by the defendant to the victim of a crime or other entity, and the Criminal Injuries Compensation Fund has made any payments to or on behalf of the victim for any loss, damage, or expenses included in the restitution order, then upon presentation by the Fund of a written request that sets forth the amount of payments made by the Fund to the victim or on the victim's behalf, the entity collecting restitution shall pay to the Fund as much of the restitution collected as will reimburse the Fund for its payments made to the victim or on the victim's behalf.*

¶ K. Whenever a defendant is ordered to pay restitution, any sums collected shall be used first to satisfy such restitution order and any collection costs associated with restitution prior to being used to satisfy any fine, forfeiture, penalty, or cost assessed against the defendant.

**§ 19.2-358. Procedure on default in deferred payment or installment payment of fine, costs, forfeiture, restitution or penalty.**

A. When an individual obligated to pay a fine, costs, forfeiture, ~~restitution~~ or penalty defaults in the payment or any installment payment, the court upon the motion of the Commonwealth in the case of a conviction of a violation of a state law, or attorney for a locality or for the Commonwealth in the event of a conviction of a violation of a local law or ordinance, or upon its own motion, may require him to show cause why he should not be confined in jail or fined for nonpayment. A show cause proceeding shall not be required prior to issuance of a *capias* if an order to appear on a date certain in the event of nonpayment was issued pursuant to subsection A of § 19.2-354 and the defendant failed to appear.

B. Following the order to show cause or following a *capias* issued for a defendant's failure to comply with a court order to appear issued pursuant to subsection A of § 19.2-354, unless the defendant shows that his default *for the payment of fines, costs, forfeitures, or penalties* was not attributable to an intentional refusal to obey the sentence of the court, or not attributable to a failure on his part to make a good faith effort to obtain the necessary funds for payment, or unless the defendant shows that any failure to appear was not attributable to an intentional refusal to obey the order of the court, the court may order the defendant confined as for a contempt for a term not to exceed sixty days or impose a fine not to exceed \$500. The court may provide in its order that payment or satisfaction of the amounts in default *for the payment of fines, costs, forfeitures, or penalties* at any time will entitle the defendant to his release from such confinement or, after entering the order, may at any time reduce the sentence for good cause shown, including payment or satisfaction of such amounts.

C. If it appears that the default *for the payment of fines, costs, forfeitures, or penalties* is excusable under the standards set forth in subsection B ~~hereof~~, the court may enter an order allowing the defendant additional time for payment, reducing the amount due or of each installment, or remitting the unpaid portion in whole or in part.

D. *When an individual obligated to pay restitution defaults in the payment or any installment payment, the court upon the motion of the Commonwealth in the case of a conviction of a violation of a state law, or attorney for a locality or for the Commonwealth in the event of a conviction of a violation of a local law or ordinance, or upon its own motion, may proceed in accordance with the procedures set forth in subsection E.*

E. *If, pursuant to subsection D or at a hearing conducted pursuant to subsection F of § 19.2-305.1, the court finds that a defendant is not in compliance with a restitution order, the court may order the defendant confined as for a contempt for a term not to exceed 60 days unless the defendant shows that his default was not attributable to an intentional refusal to obey the sentence of the court, or not attributable to a failure on his part to make a good faith effort to obtain the necessary funds for payment, or unless the defendant shows that any failure to appear was not attributable to an intentional refusal to obey the order of the court. The court may provide in its order that payment or satisfaction of the amounts in default at any time will entitle the defendant to his release from such confinement or, after entering the order, may at any time reduce the sentence for good cause shown, including payment or satisfaction of such amounts. If it appears that the defendant's default for the payment of restitution is excusable under the standards set forth in this subsection, the court may modify the terms for payment of restitution, except that the court may not modify the amount of restitution owed by the defendant.*

F. Nothing in this section shall be deemed to alter or interfere with the collection of fines by any means authorized for the enforcement of money judgments rendered in favor of the Commonwealth or any locality within the Commonwealth.

**§ 19.2-368.15. Subrogation of Commonwealth to claimant's right of action; lien in favor of the Commonwealth; disposition of funds collected.**

Acceptance of an award made pursuant to this chapter shall subrogate the Commonwealth, to the extent of such award, to any right or right of action accruing to the claimant or the victim to recover payments on account of losses resulting from the crime with respect to which the award is made. However, except as otherwise provided in subsection ~~4~~J of § 19.2-305.1, the Commonwealth shall not institute any proceedings in connection with its right of subrogation under this section within one year from the date of commission of the crime, unless any claimant or victim's right or action shall have been previously terminated. All funds collected by the Commonwealth in a proceeding instituted pursuant to this section shall be paid over to the Comptroller for deposit into the Criminal Injuries Compensation Fund.

Whenever any person receives an award from the Criminal Injuries Compensation Fund, the Commonwealth shall have a lien for the total amount paid by the Fund, or any portion thereof compromised pursuant to the authority granted under § 2.2-514, on the claim of such injured person or his personal representative against the person, firm, or corporation who is alleged to have caused such injuries. The Fund's lien shall be inferior to any lien for payment of reasonable attorney fees and costs, but shall be superior to all other liens created by § 8.01-66.2. The injured person may file a petition or motion to reduce the lien and apportion the recovery pursuant to § 8.01-66.9. The Fund's lien shall become effective when notice is provided pursuant to § 8.01-66.5 and liability shall attach pursuant to § 8.01-66.6.

**§ 53.1-145. Powers and duties of probation and parole officers.**

In addition to other powers and duties prescribed by this article, each probation and parole officer shall:

1. Investigate and report on any case pending in any court or before any judge in his jurisdiction referred to him by the court or judge;
2. Supervise and assist all persons within his territory placed on probation, secure, as appropriate and when available resources permit, placement of such persons in a substance abuse treatment program which may include utilization of

acupuncture and other treatment modalities, and furnish every such person with a written statement of the conditions of his probation and instruct him therein; if any such person has been committed to the Department of Behavioral Health and Developmental Services under the provisions of Chapter 9 (§ 37.2-900 et seq.) of Title 37.2, the conditions of probation shall include the requirement that the person comply with all conditions given him by the Department of Behavioral Health and Developmental Services, and that he follow all of the terms of his treatment plan;

3. Supervise and assist all persons within his territory released on parole or postrelease supervision, secure, as appropriate and when available resources permit, placement of such persons in a substance abuse treatment program which may include utilization of acupuncture and other treatment modalities, and, in his discretion, assist any person within his territory who has completed his parole, postrelease supervision, or has been mandatorily released from any correctional facility in the Commonwealth and requests assistance in finding a place to live, finding employment, or in otherwise becoming adjusted to the community;

4. Arrest and recommit to the place of confinement from which he was released, or in which he would have been confined but for the suspension of his sentence or of its imposition, for violation of the terms of probation, post-release supervision pursuant to § 19.2-295.2 or parole, any probationer, person subject to post-release supervision or parolee under his supervision, or as directed by the Chairman, Board member or the court, pending a hearing by the Board or the court, as the case may be;

5. Keep such records, make such reports, and perform other duties as may be required of him by the Director or by regulations prescribed by the Board of Corrections, and the court or judge by whom he was authorized;

6. Order and conduct, in his discretion, drug and alcohol screening tests of any probationer, person subject to post-release supervision pursuant to § 19.2-295.2 or parolee under his supervision who the officer has reason to believe is engaged in the illegal use of controlled substances or marijuana, or the abuse of alcohol. The cost of the test may be charged to the person under supervision. Regulations governing the officer's exercise of this authority shall be promulgated by the Board;

7. Have the power to carry a concealed weapon in accordance with regulations promulgated by the Board and upon the certification of appropriate training and specific authorization by a judge of a circuit court;

8. Provide services in accordance with any contract entered into between the Department of Corrections and the Department of Behavioral Health and Developmental Services pursuant to § 37.2-912;

9. Pursuant to any contract entered into between the Department of Corrections and the Department of Behavioral Health and Developmental Services, probation and parole officers shall have the power to provide intensive supervision services to persons placed on conditional release, regardless of whether the person has any time remaining to serve on any criminal sentence, pursuant to Chapter 9 (§ 37.2-900 et seq.);

10. Determine by reviewing the Local Inmate Data System upon intake and again prior to release whether a blood, saliva, or tissue sample has been taken for DNA analysis for each person placed on probation or parole required to submit a sample pursuant to Article 1.1 (§ 19.2-310.2 et seq.) of Chapter 18 of Title 19.2 and, if no sample has been taken, require a person placed on probation or parole to submit a sample for DNA analysis; ~~and~~

11. For every offender accepted pursuant to the Interstate Compact for the Supervision of Adult Offenders (§ 53.1-176.1 et seq.) who has been convicted of an offense that, if committed in Virginia, would be considered a felony, take a sample or verify that a sample has been taken and accepted into the data bank for DNA analysis in the Commonwealth; *and*

12. *Monitor the collection and payment of restitution to the victims of crime for offenders placed on supervised probation.*

Nothing in this article shall require probation and parole officers to investigate or supervise cases before general district or juvenile and domestic relations district courts.

**CHAPTER 317**

*An Act to amend and reenact § 3.15, as amended, of Chapter 619 of the Acts of Assembly of 1975, which provided a charter for the Town of Blacksburg, relating to ordinances.*

[H 488]

Approved March 19, 2018

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

**1. That § 3.15, as amended, of Chapter 619 of the Acts of Assembly of 1975 is amended and reenacted as follows:**

§ 3.15. Ordinances.

(a) Action requiring an ordinance. In addition to other acts required by law or by specific provision of this charter to be done by ordinance, those acts of the town council shall be by ordinance which:

(1) Adopt or amend an administrative code or establish, alter or abolish any town department, office or agency;

(2) Provide for a fine or other penalty or establish a rule or regulation for violation of which a fine or other penalty is imposed;

(3) Levy taxes, except as otherwise provided in Article VI with respect to the property tax levied by adoption of the budget;

- (4) Grant, renew or extend a franchise;
- (5) Regulate the rate charged for its services by the town; provided, however, that the council may by resolution authorize the rates or fees charged by the Department of Parks and Recreation for use of its facilities or participation in its programs and authorize the rates and fees charged by other departments of the town for sale of maps, reports or other publications or making of copies of printed or recorded matter;
- (6) Authorize the borrowing of money;
- (7) Convey or lease or authorize the conveyance or lease of any lands of the town.

Acts other than those referred to in the preceding sentence may be done either by ordinance or by resolution if not in conflict with law.

(b) Form. Every proposed ordinance shall be introduced in writing and in the form required for adoption. No ordinance shall contain more than one subject which shall be clearly expressed in its title. The enacting clause shall be "Be it ordained by the Council of the Town of Blacksburg . . . ."

(c) Procedure. An ordinance may be introduced by any member at any regular or special meeting of the council. Upon introduction of any ordinance, the town clerk shall distribute a copy to each council member and to the manager, shall file a reasonable number of copies in the office of the town clerk and such other public places as the council may designate, and shall publish the ordinance together with a notice setting out the time and place for a public hearing thereon and for its consideration by the council. The public hearing shall follow the publication by at least ~~twelve~~ five days, may be held separately or in connection with a regular or special council meeting and may be adjourned from time to time; all persons interested shall have an opportunity to be heard. After the hearing the council may adopt the ordinance with or without amendment or reject it but, if it is amended so as to materially change the purpose and character of the proposed ordinance, the council may not adopt it until the ordinance or its amended sections have been subjected to all the procedures hereinbefore required for a newly introduced ordinance.

To pass an ordinance, the council shall vote on the proposed ordinance two times; ~~on first and second reading~~. If at any stage in this procedure the proposed ordinance fails to receive the affirmative vote of a majority of the members of the council, the ordinance shall be declared defeated and removed from the calendar of ordinances. ~~Any ordinance which is not passed at the same meeting at which the public hearing is held may not be passed at a subsequent meeting unless the agenda for the meeting indicates that the ordinance will be removed from the calendar of ordinances for consideration at that meeting. An ordinance may only be passed at the same meeting at which the public hearing is held unless the agenda for such meeting indicates that the ordinance will not be acted on at the meeting.~~

(d) Effective date. Except as otherwise provided in this charter, every adopted ordinance shall become effective from its passage or at any later date specified therein.

(e) "Publish" defined. As used in this section, the term "publish" means to print in one or more newspapers of general circulation in the town: (1) the ordinance or a brief summary thereof, and (2) the places where copies of it have been filed and the times when they are available for public inspection.

(f) Penalties. The town council may prescribe either civil or criminal penalties for violations of ordinances. Any civil penalty shall be paid into the general fund of the town. No civil penalty prescribed for an ordinance violation shall be inconsistent with the penalty established for a violation of a substantially similar state law. No such civil penalty shall exceed \$1,000 for any individual violation.

**CHAPTER 318**

*An Act to amend and reenact § 15.2-2232 of the Code of Virginia, relating to comprehensive plan; solar facilities.*

[H 509]

Approved March 19, 2018

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

**1. That § 15.2-2232 of the Code of Virginia is amended and reenacted as follows:**

**§ 15.2-2232. Legal status of plan.**

A. Whenever a local planning commission recommends a comprehensive plan or part thereof for the locality and such plan has been approved and adopted by the governing body, it shall control the general or approximate location, character and extent of each feature shown on the plan. Thereafter, unless a feature is already shown on the adopted master plan or part thereof or is deemed so under subsection D, no street or connection to an existing street, park or other public area, public building or public structure, public utility facility or public service corporation facility other than a railroad facility or an underground natural gas or underground electric distribution facility of a public utility as defined in subdivision (b) of § 56-265.1 within its certificated service territory, whether publicly or privately owned, shall be constructed, established or authorized, unless and until the general location or approximate location, character, and extent thereof has been submitted to and approved by the commission as being substantially in accord with the adopted comprehensive plan or part thereof. In connection with any such determination, the commission may, and at the direction of the governing body shall, hold a public hearing, after notice as required by § 15.2-2204. Following the adoption of the Statewide Transportation Plan by the Commonwealth Transportation Board pursuant to § 33.2-353 and written notification to the affected local governments, each local government through which one or more of the designated corridors of statewide significance traverses, shall, at a

minimum, note such corridor or corridors on the transportation plan map included in its comprehensive plan for information purposes at the next regular update of the transportation plan map. Prior to the next regular update of the transportation plan map, the local government shall acknowledge the existence of corridors of statewide significance within its boundaries.

B. The commission shall communicate its findings to the governing body, indicating its approval or disapproval with written reasons therefor. The governing body may overrule the action of the commission by a vote of a majority of its membership. Failure of the commission to act within 60 days of a submission, unless the time is extended by the governing body, shall be deemed approval. The owner or owners or their agents may appeal the decision of the commission to the governing body within 10 days after the decision of the commission. The appeal shall be by written petition to the governing body setting forth the reasons for the appeal. The appeal shall be heard and determined within 60 days from its filing. A majority vote of the governing body shall overrule the commission.

C. Widening, narrowing, extension, enlargement, vacation or change of use of streets or public areas shall likewise be submitted for approval, but paving, repair, reconstruction, improvement, drainage or similar work and normal service extensions of public utilities or public service corporations shall not require approval unless such work involves a change in location or extent of a street or public area.

D. Any public area, facility or use as set forth in subsection A which is identified within, but not the entire subject of, a submission under either § 15.2-2258 for subdivision or subdivision A 8 of § 15.2-2286 for development or both may be deemed a feature already shown on the adopted master plan, and, therefore, excepted from the requirement for submittal to and approval by the commission or the governing body; provided, that the governing body has by ordinance or resolution defined standards governing the construction, establishment or authorization of such public area, facility or use or has approved it through acceptance of a proffer made pursuant to § 15.2-2303.

E. Approval and funding of a public telecommunications facility on or before July 1, 2012, by the Virginia Public Broadcasting Board pursuant to Article 12 (§ 2.2-2426 et seq.) of Chapter 24 of Title 2.2 or after July 1, 2012, by the Board of Education pursuant to § 22.1-20.1 shall be deemed to satisfy the requirements of this section and local zoning ordinances with respect to such facility with the exception of television and radio towers and structures not necessary to house electronic apparatus. The exemption provided for in this subsection shall not apply to facilities existing or approved by the Virginia Public Telecommunications Board prior to July 1, 1990. The Board of Education shall notify the governing body of the locality in advance of any meeting where approval of any such facility shall be acted upon.

F. On any application for a telecommunications facility, the commission's decision shall comply with the requirements of the Federal Telecommunications Act of 1996. Failure of the commission to act on any such application for a telecommunications facility under subsection A submitted on or after July 1, 1998, within 90 days of such submission shall be deemed approval of the application by the commission unless the governing body has authorized an extension of time for consideration or the applicant has agreed to an extension of time. The governing body may extend the time required for action by the local commission by no more than 60 additional days. If the commission has not acted on the application by the end of the extension, or by the end of such longer period as may be agreed to by the applicant, the application is deemed approved by the commission.

G. A proposed telecommunications tower or a facility constructed by an entity organized pursuant to Chapter 9.1 (§ 56-231.15 et seq.) of Title 56 shall be deemed to be substantially in accord with the comprehensive plan and commission approval shall not be required if the proposed telecommunications tower or facility is located in a zoning district that allows such telecommunications towers or facilities by right.

*H. A solar facility subject to subsection A shall be deemed to be substantially in accord with the comprehensive plan if (i) such proposed solar facility is located in a zoning district that allows such solar facilities by right or (ii) such proposed solar facility is designed to serve the electricity or thermal needs of the property upon which such facility is located, or will be owned or operated by an eligible customer-generator or eligible agricultural customer-generator under § 56-594 or by a small agricultural generator under § 56-594.2. All other solar facilities shall be reviewed for substantial accord with the comprehensive plan in accordance with this section. However, a locality may allow for a substantial accord review for such solar facilities to be advertised and approved concurrently in a public hearing process with a rezoning, special exception, or other approval process.*

## CHAPTER 319

*An Act to amend and reenact § 15.2-3108 of the Code of Virginia, relating to voluntary boundary agreements; GIS map.*

[H 548]

Approved March 19, 2018

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

**1. That § 15.2-3108 of the Code of Virginia is amended and reenacted as follows:**

**§ 15.2-3108. Petition and hearing; recordation of order; costs.**

Within a reasonable time after a voluntary boundary agreement is adopted by the affected localities, each affected locality shall petition the circuit court for one of the affected localities to approve the boundary agreement. The petition shall set forth the facts pertaining to the desire to relocate or change the boundary line between the localities, and the petition shall include or have attached to it either (i) a plat depicting the change in the boundaries of the localities as agreed;

(ii) a metes and bounds description of the new boundary line as agreed upon by the two localities; or (iii) regarding the boundary between the Counties of Louisa and Goochland or, between the County of Loudoun and any town therein, or between the Counties of Spotsylvania and Orange, a Geographic Information System (GIS) map depicting the change in the boundaries of the localities as agreed, having been established by Virginia State Plane Coordinates System, South Zone or North Zone, as applicable, meeting National Geodetic Survey standards. If the court finds that the procedures required by § 15.2-3107 have been complied with and that the petition is otherwise in proper order, the court shall enter an appropriate order establishing the new boundary. The order shall include a plat depicting the change in the boundaries of the locality, a metes and bounds description of the new boundary line of the locality, or, regarding the boundary between the Counties of Louisa and Goochland or, between the County of Loudoun and any town therein, or between the Counties of Spotsylvania and Orange, a GIS map depicting the change in the boundaries of the localities that includes the Virginia State Plane, South Zone or North Zone coordinates, as applicable, and that order shall be entered in the land records of the court and indexed in the names of the localities which were involved. Costs shall be awarded as the court may determine. Whenever such an order is entered, a certified copy of the order shall be sent to the Secretary of the Commonwealth by the clerk of the court.

**CHAPTER 320**

*An Act to amend and reenact § 8.07 of Chapter 542 of the Acts of Assembly of 1990, which provided a charter for the City of Bristol, relating to Industrial Development Authority.*

[H 637]

Approved March 19, 2018

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

**1. That § 8.07 of Chapter 542 of the Acts of Assembly of 1990 is amended and reenacted as follows:**

~~§ 8.07. Economic development committee~~ *Industrial Development Authority.*

~~There shall be a Bristol, Virginia economic development committee consisting of seven members, two of whom shall be members of the city council, two of whom shall be appointed from the members of the Bristol, Virginia, utility board, and three of whom shall be at-large members appointed from among the residents of the City of Bristol, Virginia, by city council. The city manager, city attorney, utilities board general manager and utility board attorney shall be ex officio members of the committee with a voice but no vote.~~

~~The term of office of the two councilmanic members of the board shall be coincident with their terms of office; the terms of the two utility board members shall be coincident with their terms of office and the other three members shall serve a term of three years. The three members shall not be eligible for appointment to more than two successive terms. The adoption of this charter shall not affect the terms of any current member of the Bristol, Virginia, economic development committee, and each shall serve out his term as heretofore provided.~~

~~The Bristol, Virginia, economic development committee shall develop and encourage development of industrial sites within and without the City of Bristol, Virginia, develop a close working relationship with the Virginia Department of Industrial Development and with the Tri-city Area Industrial Commission, directly pursue the location of business and industry within and without the City of Bristol, Virginia, and encourage and facilitate the expansion of existing businesses within the city.~~

~~The committee shall have all the powers necessary to effect the purpose as set forth herein, including, but not limited to, the establishment of objectives and the policies to achieve such purpose, the selection and employment of an executive director and such other employees and staff as from time to time may be approved by city council and to provide general guidance and oversight of the activities of the Bristol, Virginia utility board and the City of Bristol, Virginia city council in the area of economic development.~~

~~The economic development committee of Bristol, Virginia, is hereby dissolved. The Industrial Development Authority of the City of Bristol, Virginia, shall have all the powers to induce manufacturing, industrial, and commercial enterprises to locate or remain in the City of Bristol, Virginia, as authorized by the Industrial Development and Revenue Bond Act (§ 15.2-4900 et seq. of the Code of Virginia), as amended, and shall specifically have all powers vested in the former economic development committee for the City of Bristol, Virginia.~~

**CHAPTER 321**

*An Act to amend and reenact §§ 15.2-5502 and 15.2-5505 of the Code of Virginia, relating to Tourism Development Authority; LENOWISCO and Cumberland Plateau Planning District Commissions.*

[H 671]

Approved March 19, 2018

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

**1. That §§ 15.2-5502 and 15.2-5505 of the Code of Virginia are amended and reenacted as follows:**

**§ 15.2-5502. Directors; qualifications; terms; vacancies; compensation and expenses; quorum; records; certification and distribution of report concerning bond issuance.**

The Authority shall be governed by a board of directors in which all powers of the Authority shall be vested and which board shall be composed of the eight chairmen of the local tourism development committees established in § 15.2-5505. The eight directors shall be appointed initially for terms of one, two, three and four years: the representatives of Buchanan and Dickenson Counties being appointed for one-year terms; the representatives of Lee County and the City of Norton being appointed for two-year terms; the representatives of Russell and Scott Counties being appointed for three-year terms; and the representatives of Tazewell and Wise Counties being appointed for four-year terms. Subsequent appointments shall be for terms of four years, except appointments to fill vacancies shall be for the unexpired terms. All terms of office shall be deemed to commence upon the date of the initial appointment to the Authority, and thereafter, in accordance with the provisions of the preceding sentence. If, at the end of any term of office of any director a successor thereto has not been appointed, then the director whose term of office has expired shall continue to hold office until his successor is appointed and qualified. Each director shall, upon appointment or reappointment, before entering upon his duties take and subscribe the oath prescribed by § 49-1.

*The Authority shall be governed by a board of directors of 18 representatives in which all powers of the Authority shall be vested and which board shall include eight Tourism Directors representing each county and the City of Norton, which will hold permanent seats on the board. If a Tourism Director position does not exist in a locality, the governing body shall appoint a representative, preferably from the government staff, chamber of commerce, or travel industry to represent the locality on the board of directors. The remaining seats shall be filled preferably by representatives from the travel industry from each of the eight governing localities. Each Tourism Director, working with the tourism committee from the localities, shall provide a slate of nominations to the governing body for selection of one representative, preferably from the tourism industry segment, which may include the chairman of the local tourism committee; a representative from lodging, restaurants, attractions, parks, or outdoor recreation; or a community leader. The board of directors shall create two ex-officio nonvoting board positions for representatives from the Jefferson National Forest Clinch Ranger District Office and Virginia State Parks. Appointed representatives shall serve a two-year term that begins on January 1 and may be reappointed for additional terms with appointments made at the year-end board meeting. The board of directors shall have the authority to appoint nonvoting tourism representatives and to determine additional seats as they deem necessary.*

The directors shall elect from their membership a ~~chairman chair~~, a ~~vice-chairman vice-chair~~, and from their membership or not, as they desire, a secretary and a treasurer, or a secretary-treasurer, who shall continue to hold such office until their respective successors are elected. The directors shall receive no salary, but the directors ~~may be compensated such amount per regular, special, or committee meeting as may be approved by the appointing authority, not to exceed fifty dollars per meeting, and shall~~ may be reimbursed for necessary traveling and other expenses incurred in the performance of their duties.

*The board of directors may remove from the board any appointed member in the event that the board member is absent from any three consecutive board meetings or is absent from any four board meetings within any 12-month period. In either such event, the local governing body shall appoint a successor for the unexpired portion of the term of the member who has been removed.*

Five Ten members of the board of directors shall constitute a quorum of the board for the purposes of conducting its business and exercising its powers and for all other purposes. No vacancy in the membership of the board shall impair the right of a quorum to exercise all the powers and perform all the duties of the board. The board shall keep detailed minutes of its proceedings, which shall be open to public inspection at all times. It shall keep suitable records of its financial transactions and, unless exempted by § 30-140, it shall arrange to have the records audited annually. Copies of each such audit shall be furnished to the governing bodies of the participating localities and shall be open to public inspection.

#### **§ 15.2-5505. Establishment of local tourism advisory committees.**

Each of the participating localities in the LENOWISCO and Cumberland Plateau Planning District Commissions shall establish a local tourism ~~development advisory~~ committee to promote tourism in the participating locality, participate and assist in the planning of the regional Tourism Development Authority, and develop a tourism ~~development destination~~ plan for its participating locality. ~~The local governing body of each participating locality shall appoint five members to serve on its local tourism development committee. The committee shall elect a chairman from its membership, and such chairman shall represent his participating locality by serving as a member of the regional Tourism Development Authority.~~

*The Tourism Director, working with the tourism advisory committee chair, shall provide a slate of recommendations to the local governing body, which shall then appoint five or more appointees representing the travel industry, which includes lodging, restaurants, attractions, outdoor recreation, events or parks, or any community leaders with terms determined by the governing body, and who may be reappointed. The Tourism Director shall work with the chairman of the tourism advisory committee to facilitate regular meetings of the tourism advisory committee.*

### **CHAPTER 322**

*An Act to amend and reenact § 7.02, as amended, of Chapter 717 of the Acts of Assembly of 1980, which provided a charter for the City of Chesapeake, relating to director of audit services; City Auditor.*

[H 756]

Approved March 19, 2018

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

**1. That § 7.02 of Chapter 717 of the Acts of Assembly of 1980 is amended and reenacted as follows:**

§ 7.02. Department heads.

There shall be a director who shall administer each department. The director of each department except the departments of law, education and audit services shall be appointed by the manager. With the consent of the council, the manager may serve as the head of one or more departments, or he may appoint one person to head two or more of them.

The director of audit services shall be ~~recommended for appointment by the manager, subject to ratification by a majority vote of the council~~ known as the City Auditor, shall be chosen solely on the basis of professional qualifications, and shall serve at the pleasure of the council. The ~~director of audit services~~ City Auditor shall be subject to removal from office by a majority vote of the council.

**CHAPTER 323**

*An Act to amend and reenact § 15.2-2025 of the Code of Virginia, relating to removal of snow and ice; county executive form of government.*

[H 775]

Approved March 19, 2018

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

**1. That § 15.2-2025 of the Code of Virginia is amended and reenacted as follows:**

§ 15.2-2025. Removal of snow and ice.

Notwithstanding the provisions of subsection A of § 15.2-2000, any county in Northern Virginia Planning District 8, or any county outside Planning District 8 that has adopted the county executive form of government, may provide by ordinance reasonable criteria and requirements for the removal of accumulations of snow and ice from public sidewalks, by the owner or other person in charge of any occupied property.

Such ordinance shall include reasonable time frames for compliance and reasonable exceptions for handicapped and elderly persons, and those otherwise physically incapable of meeting the criteria and requirements for such removal.

Civil penalties not to exceed \$100 may be imposed for violation of such ordinance.

**CHAPTER 324**

*An Act to amend and reenact § 46.2-1233.1 of the Code of Virginia, relating to towing; fees.*

[H 800]

Approved March 19, 2018

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

**1. That § 46.2-1233.1 of the Code of Virginia is amended and reenacted as follows:**

§ 46.2-1233.1. Limitation on charges for towing and storage of certain vehicles.

A. Unless different limits are established by ordinance of the local governing body pursuant to § 46.2-1233, as to vehicles towed or removed from private property, no charges imposed for the towing, storage, and safekeeping of any passenger car removed, towed, or stored without the consent of its owner shall be in excess of the maximum charges provided for in this section. No hookup and initial towing fee of any passenger car shall exceed ~~\$135~~ \$150. For towing a vehicle between seven o'clock p.m. and eight o'clock a.m. or on any Saturday, Sunday, or holiday, an additional fee of no more than \$25 per instance may be charged; however, in no event shall more than two such fees be charged for towing any such vehicle. No charge shall be made for storage and safekeeping for a period of ~~twenty-four~~ 24 hours or less. Except for fees or charges imposed by this section or a local ordinance adopted pursuant to § 46.2-1233, no other fees or charges shall be imposed during the first 24-hour period.

B. The governing body of any county, city, or town may by ordinance, with the advice of an advisory board established pursuant to § 46.2-1233.2, (i) provide that no towing and recovery business having custody of a vehicle towed without the consent of its owner impose storage charges for that vehicle for any period during which the owner of the vehicle was prevented from recovering the vehicle because the towing and recovery business was closed and (ii) place limits on the amount of fees charged by towing and recovery operators. Any such ordinance limiting fees shall also provide for periodic review of and timely adjustment of such limitations.

**CHAPTER 325**

*An Act to amend and reenact §§ 43-3 and 43-21 of the Code of Virginia, relating to general contractors; waiver or diminishment of lien rights; subordination of lien rights.*

[H 823]

Approved March 19, 2018

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

**1. That §§ 43-3 and 43-21 of the Code of Virginia are amended and reenacted as follows:**

**§ 43-3. Lien for work done and materials furnished; waiver of right to file or enforce lien.**

A. All persons performing labor or furnishing materials of the value of \$150 or more, including the reasonable rental or use value of equipment, for the construction, removal, repair or improvement of any building or structure permanently annexed to the freehold, and all persons performing any labor or furnishing materials of like value for the construction of any railroad, shall have a lien, if perfected as hereinafter provided, upon such building or structure, and so much land therewith as shall be necessary for the convenient use and enjoyment thereof, and upon such railroad and franchises for the work done and materials furnished, subject to the provisions of § 43-20. But when the claim is for repairs or improvements to existing structures only, no lien shall attach to the property repaired or improved unless such repairs or improvements were ordered or authorized by the owner, or his agent.

If the building or structure being constructed, removed or repaired is part of a condominium as defined in § 55-79.41 or under the Horizontal Property Act (§§ 55-79.1 through 55-79.38), any person providing labor or furnishing material to one or more units or limited common elements within the condominium pursuant to a single contract may perfect a single lien encumbering the one or more units which are the subject of the contract or to which those limited common elements pertain, and for which payment has not been made. All persons providing labor or furnishing materials for the common elements pertaining to all the units may perfect a single lien encumbering all such condominium units. Whenever a lien has been or may be perfected encumbering two or more units, the proportionate amount of the indebtedness attributable to each unit shall be the ratio that the percentage liability for common expenses appertaining to that unit computed pursuant to subsection D of § 55-79.83 bears to the total percentage liabilities for all units which are encumbered by the lien. The lien claimant shall release from a perfected lien an encumbered unit upon request of the unit owner as provided in subsection B of § 55-79.46 upon receipt of payment equal to that portion of the indebtedness evidenced by the lien attributable to such unit determined as herein provided. In the event the lien is not perfected, the lien claimant shall upon request of any interested party execute lien releases for one or more units upon receipt of payment equal to that portion of the indebtedness attributable to such unit or units determined as herein provided but no such release shall preclude the lien claimant from perfecting a single lien against the unreleased unit or units for the remaining portion of the indebtedness.

B. Any person providing labor or materials for site development improvements or for streets, stormwater facilities, sanitary sewers or water lines for the purpose of providing access or service to the individual lots in a development or condominium units as defined in § 55-79.41 or under the Horizontal Property Act (§§ 55-79.1 through 55-79.38) shall have a lien on each individual lot in the development for the fractional part of the total value of the work contracted for by the claimant in the subdivision as is obtained by using "one" as the numerator and the number of lots being developed as the denominator and in the case of a condominium on each individual unit in an amount computed by reference to the liability of that unit for common expenses appertaining to that condominium pursuant to subsection D of § 55-79.83; provided, however, *that* no such lien shall be valid as to any lot or condominium unit unless the person providing such work shall, prior to the sale of such lot or condominium unit, file with the clerk of the circuit court of the jurisdiction in which such land lies a document setting forth a full disclosure of the nature of the lien which may be claimed, the total value of the work contracted for by the claimant in the subdivision and the portion thereof allocated to each lot as required herein, and a description of the development or condominium, and shall, thereafter, comply with all other applicable provisions of this chapter. "Site development improvements" means improvements which are provided for the development, such as project site grading, traffic signalization, and installation of electric, gas, cable, or other utilities, for the benefit of the development rather than for an individual lot. In determining the individual lots in the development for the purpose of allocating value of the work contracted for by the claimant, parcels of land within the development which are common area, or which are being developed for the benefit of the development as a whole and not for resale, shall not be included in the denominator of the disclosure statement.

Nothing contained herein shall be construed to prevent the filing of a mechanics' lien under the provisions of subsection A, or require the lien claimant to elect under which subsection the lien may be enforced.

C. Any right to file or enforce any mechanics' lien granted hereunder may be waived in whole or in part at any time by any person entitled to such lien, except that a *general contractor*, subcontractor, lower-tier subcontractor, or material supplier may not waive or diminish his lien rights in a contract in advance of furnishing any labor, services, or materials. A provision that waives or diminishes a *general contractor's*, subcontractor's, lower-tier subcontractor's, or material supplier's lien rights in a contract executed prior to providing any labor, services, or materials is null and void. In the event that payments are made to the contractor without designating to which lot the payments are to be applied, the payments shall be deemed to apply to any lot previously sold by the developer such that the remaining lots continue to bear liability for an amount up to but not exceeding the amount set forth in any disclosure statement filed under the provisions of subsection B.

D. A person who performs labor without a valid license or certificate issued by the Board for Contractors pursuant to Chapter 11 (§ 54.1-1100 et seq.) of Title 54.1, or without the proper class of license for the value of the work to be performed, when such a license or certificate is required by law for the labor performed shall not be entitled to a lien pursuant to this section.

**§ 43-21. Priorities between mechanics' and other liens.**

No lien or encumbrance upon the land created before the work was commenced or materials furnished shall operate upon the building or structure erected thereon, or materials furnished for and used in the same, until the lien in favor of the

person doing the work or furnishing the materials shall have been satisfied; nor shall any lien or encumbrance upon the land created after the work was commenced or materials furnished operate on the land, or such building or structure, until the lien in favor of the person doing the work or furnishing the materials shall have been satisfied.

Unless otherwise provided in the subordination agreement, if the holder of the prior recorded lien of a purchase money deed of trust subordinates to the lien of a construction money deed of trust, such subordination shall be limited to the construction money deed of trust and said prior lien shall not be subordinate to mechanics' and materialmen's liens to the extent of the value of the land by virtue of such agreement.

In the enforcement of the liens acquired under the previous sections of this chapter, any lien or encumbrance created on the land before the work was commenced or materials furnished shall be preferred in the distribution of the proceeds of sale only to the extent of the value of the land estimated, exclusive of the buildings or structures, at the time of sale, and the residue of the proceeds of sale shall be applied to the satisfaction of the liens provided for in the previous sections of this chapter. Provided that liens filed for performing labor or furnishing materials for the repair or improvement of any building or structure shall be subject to any encumbrance against such land and building or structure of record prior to the commencement of the improvements or repairs or the furnishing of materials or supplies therefor. Nothing contained in the foregoing proviso shall apply to liens that may be filed for the construction or removal of any building or structure.

*Notwithstanding the provisions of subsection C of § 43-3, a general contractor may, prior to or after providing any labor, services, or materials, contract to subordinate his lien rights to prior recorded and later recorded deeds of trust, provided that such contract is (i) in writing and (ii) signed by any general contractor whose lien rights are subordinated pursuant to such contract.*

## CHAPTER 326

*An Act to amend and reenact § 15.2-6601 of the Code of Virginia, relating to Middle Peninsula Chesapeake Bay Public Access Authority; purpose.*

[H 1093]

Approved March 19, 2018

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

#### **1. That § 15.2-6601 of the Code of Virginia is amended and reenacted as follows:**

##### **§ 15.2-6601. Creation; public purpose.**

If any of the governing bodies of the Counties of Essex, Gloucester, King William, King and Queen, Mathews, Middlesex, and the Towns of West Point, Tappahannock and Urbanna by resolution declare that there is a need for a public access authority to be created and an operating agreement is developed for the purpose of establishing or operating a public access authority for any such participating political subdivisions and that they should unite in the formation of an authority to be known as the Middle Peninsula Chesapeake Bay Public Access Authority (hereinafter the "Authority"), which shall thereupon exist for such participating counties and town and shall exercise its powers and functions as prescribed herein. The region for which such Authority shall exist shall be coterminous with the boundaries of the participating political subdivisions. The Authority shall be charged with the following duties:

1. Identify land, either owned by the Commonwealth or private holdings that can be secured for use by the general public as a public access site;
2. Research and determine ownership of all identified sites;
3. Determine appropriate public use levels of identified access sites;
4. Develop appropriate mechanisms for transferring title of Commonwealth or private holdings to the Authority;
5. Develop appropriate acquisition and site management plans for public access usage;
6. Determine which holdings should be sold to advance the mission of the Authority;
7. Receive and expend public funds and private donations in order to restore or create tidal wetlands within the region for which the Authority exists; provided that any tidal mitigation credits resulting from such restoration or creation projects shall be held by the Authority for the benefit and use of participating political subdivisions and shall not be sold or conveyed to any private party by the Authority or any participating political subdivision; ~~and~~
8. *Receive and expend public funds and private donations and apply for permits in order to perform dredging projects on waterways and construct facilities and infrastructure within the region for which the Authority exists. Such projects shall enhance recreational or commercial public access; and*
9. Perform other duties required to fulfill the mission of the Middle Peninsula Chesapeake Bay Public Access Authority.

In any suit, action, or proceeding involving the validity or enforcement of or relating to any contract of the Middle Peninsula Chesapeake Bay Public Access Authority, the Authority shall be deemed to have been created as a body corporate and to have been established and authorized to transact business and exercise its powers hereunder upon proof of the adoption of a resolution as aforesaid by the participating political subdivisions declaring that there is a need for such Authority. A copy of such resolution duly certified by the clerks of the counties and towns by which it is adopted shall be admissible as evidence in any suit, action, or proceeding. Any political subdivision of the Commonwealth is authorized to join such Authority pursuant to the terms and conditions of this act.

The ownership and operation by the Authority of any public access sites and related facilities and the exercise of powers conferred by this act are proper and essential governmental functions and public purposes and matters of public necessity for which public moneys may be spent and private property acquired. The Authority is a regional entity of government by or on behalf of which debt may be contracted by or on behalf of any county or town pursuant to Section 10 (a) of Article VII of the Constitution of Virginia.

### CHAPTER 327

*An Act to amend and reenact §§ 15.2-6606, 15.2-6632, and 15.2-7401 of the Code of Virginia, relating to Chesapeake Bay public water access authorities; regional dredging.*

[H 1095]

Approved March 19, 2018

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

**1. That §§ 15.2-6606, 15.2-6632, and 15.2-7401 of the Code of Virginia are amended and reenacted as follows:**

**§ 15.2-6606. Powers.**

The Authority is hereby granted all powers necessary or appropriate to carry out the purposes of this act, including the following, to:

1. Adopt bylaws for the regulation of its affairs and the conduct of its business;
2. Sue and be sued in its own name;
3. Have perpetual succession;
4. Adopt a corporate seal and alter the same at its pleasure;
5. Maintain offices at such places as it may designate;
6. Acquire, establish, construct, enlarge, improve, maintain, equip, operate and regulate public access sites that are owned or managed by the authority within the territorial limits of the participating political subdivisions;
7. Construct, install, maintain, and operate facilities for managing access sites;
8. Determine fees, rates, and charges for the use of its facilities;
9. Apply for and accept gifts, or grants of money or gifts, grants or loans of other property or other financial assistance from the United States of America and agencies and instrumentalities thereof, the Commonwealth of Virginia, or any other person or entity, for or in aid of the construction, acquisition, ownership, operation, maintenance or repair of the public access sites or for the payment of principal of any indebtedness of the Authority, interest thereon or other cost incident thereto, and to this end the Authority shall have the power to render such services, comply with such conditions and execute such agreements, and legal instruments, as may be necessary, convenient or desirable or imposed as a condition to such financial aid;
10. *Receive and expend public funds and private donations for dredging or construction; apply for permits in order to perform dredging projects on waterways or to construct facilities and infrastructure within the region for which the Authority exists, provided that such projects enhance recreational and commercial public access; and perform such dredging projects or construct such facilities and infrastructure;*
11. *In conjunction with one or both of the Eastern Shore Water Access Authority (the ESWAA), created pursuant to the provisions of Chapter 74 (§ 15.2-7400 et seq.), and the Northern Neck Chesapeake Bay Public Access Authority (the NNCBPAA), created pursuant to the provisions of Chapter 66.1 (§ 15.2-6626 et seq.), receive and expend public funds and private donations for dredging, apply for permits in order to perform dredging projects, and perform such dredging projects on waterways within the region for which any or all of the Authority, the ESWAA, or the NNCBPAA exists;*
12. Appoint, employ or engage such officers, employees, architects, engineers, attorneys, accountants, financial advisors, investment bankers, and other advisors, consultants, and agents as may be necessary or appropriate, and to fix their duties and compensation;
- ~~13.~~ 13. Contract with any participating political subdivision for such subdivision to provide legal services, engineering services, depository and investment services contemplated by § 15.2-6612 hereof, accounting services, including the annual independent audit required by § 15.2-6609 hereof, procurement of goods and services, and to act as fiscal agent for the Authority;
- ~~14.~~ 14. Establish personnel rules;
- ~~13.~~ 15. Own, purchase, lease, obtain options upon, acquire by gift, grant, or bequest or otherwise acquire any property, real or personal, or any interest therein, and in connection therewith to assume or take subject to any indebtedness secured by such property;
- ~~14.~~ 16. Make, assume, and enter into all contracts, leases, and arrangements necessary or incidental to the exercise of its powers, including contracts for the management or operation of all or any part of its facilities;
- ~~15.~~ 17. Borrow money, as hereinafter provided, and to borrow money for the purpose of meeting casual deficits in its revenues;
- ~~16.~~ 18. Adopt, amend, and repeal rules and regulations for the use, maintenance, and operation of its facilities and governing the conduct of persons and organizations using its facilities and to enforce such rules and regulations and all other rules, regulations, ordinances, and statutes relating to its facilities, all as hereinafter provided;

~~17-19.~~ Purchase and maintain insurance or provide indemnification on behalf of any person who is or was a director, officer, employee or agent of the Authority against any liability asserted against him or incurred by him in any such capacity or arising out of his status as such;

~~18-20.~~ Request and accept legal advice and assistance from the Office of the Attorney General;

~~19-21.~~ Do all things necessary or convenient to the purposes of this act. To that end, the Authority may acquire, own, or convey property; enter into contracts; seek financial assistance and incur debt; and adopt rules and regulations; and

~~20-22.~~ Whenever it shall appear to the Authority, or to a simple majority of participating political subdivisions, that the need for the Authority no longer exists, the Authority, or in the proper case, any such subdivision, may petition the circuit court of a participating political subdivision for the dissolution of the Authority. If the court shall determine that the need for the Authority as set forth in this act no longer exists and that all debts and pecuniary obligations of the Authority have been fully paid or provided for, it may enter an order dissolving the Authority.

Upon dissolution, the court shall order any real or tangible personal property contributed to the Authority by a participating political subdivision, together with any improvements thereon, returned to such participating political subdivisions. The remaining assets of the Authority shall be distributed to the participating political subdivisions in proportion to their respective contributions theretofore made to the Authority.

Each participating political subdivision and all holders of the Authority's bonds shall be made parties to any such proceeding and shall be given notice as provided by law. Any party defendant may reply to such petition at any time within six months after the filing of the petition. From the final judgment of the court, an appeal shall lie to the Supreme Court of Virginia.

#### § 15.2-6632. Powers.

The Authority is hereby granted all powers necessary or appropriate to carry out the purposes of this act, including the following, to:

1. Adopt bylaws for the regulation of its affairs and the conduct of its business;
2. Sue and be sued in its own name;
3. Have perpetual succession;
4. Adopt a corporate seal and alter the same at its pleasure;
5. Maintain offices at such places as it may designate;
6. Acquire, establish, construct, enlarge, improve, maintain, equip, operate, and regulate public access sites that are owned or managed by the authority within the territorial limits of the participating political subdivisions;
7. Construct, install, maintain, and operate facilities for managing access sites;
8. Determine fees, rates, and charges for the use of its facilities;
9. Apply for and accept gifts, or grants of money or gifts, grants or loans of other property, or other financial assistance from the United States of America and agencies and instrumentalities thereof, the Commonwealth of Virginia, or any other person or entity, for or in aid of the construction, acquisition, ownership, operation, maintenance, or repair of the public access sites or for the payment of principal of any indebtedness of the Authority, interest thereon or other cost incident thereto, and to this end the Authority shall have the power to render such services, comply with such conditions, and execute such agreements, and legal instruments, as may be necessary, convenient, or desirable or imposed as a condition to such financial aid;
10. *Receive and expend public funds and private donations for dredging or construction; apply for permits in order to perform dredging projects on waterways or to construct facilities and infrastructure within the region for which the Authority exists, provided that such projects enhance recreational and commercial public access; and perform such dredging projects or construct such facilities and infrastructure;*
11. *In conjunction with one or both of the Eastern Shore Water Access Authority (the ESWAA), created pursuant to the provisions of Chapter 74 (§ 15.2-7400 et seq.), and the Middle Peninsula Chesapeake Bay Public Access Authority (the MPCBPAA), created pursuant to the provisions of Chapter 66 (§ 15.2-6600 et seq.), receive and expend public funds and private donations for dredging, apply for permits in order to perform dredging projects, and perform such dredging projects on waterways within the region for which any or all of the Authority, the ESWAA, or the MPCBPAA exists;*
12. Appoint, employ, or engage such officers, employees, architects, engineers, attorneys, accountants, financial advisors, investment bankers, and other advisors, consultants, and agents as may be necessary or appropriate, and to fix their duties and compensation;
- ~~11-13.~~ Contract with any participating political subdivision for such subdivision to provide legal services, engineering services, and depository and investment services contemplated by § 15.2-6638 hereof, accounting services, including the annual independent audit required by § 15.2-6635 hereof, procurement of goods and services, and to act as fiscal agent for the Authority;
- ~~12-14.~~ Establish personnel rules;
- ~~13-15.~~ Own, purchase, lease, obtain options upon, acquire by gift, grant, or bequest or otherwise acquire any property, real or personal, or any interest therein, and in connection therewith to assume or take subject to any indebtedness secured by such property;
- ~~14-16.~~ Make, assume, and enter into all contracts, leases, and arrangements necessary or incidental to the exercise of its powers, including contracts for the management or operation of all or any part of its facilities;

~~15.~~ 17. Borrow money, as hereinafter provided, and to borrow money for the purpose of meeting casual deficits in its revenues;

~~16.~~ 18. Adopt, amend, and repeal rules and regulations for the use, maintenance, and operation of its facilities and governing the conduct of persons and organizations using its facilities and to enforce such rules and regulations and all other rules, regulations, ordinances, and statutes relating to its facilities, all as hereinafter provided;

~~17.~~ 19. Purchase and maintain insurance or provide indemnification on behalf of any person who is or was a director, officer, employee or agent of the Authority against any liability asserted against him or incurred by him in any such capacity or arising out of his status as such;

~~18.~~ 20. Do all things necessary or convenient to the purposes of this act. To that end, the Authority may acquire, own, or convey property; enter into contracts; seek financial assistance and incur debt; and adopt rules and regulations; and

~~19.~~ 21. Whenever it shall appear to the Authority, or to a simple majority of participating political subdivisions, that the need for the Authority no longer exists, the Authority, or in the proper case, any such subdivision, may petition the circuit court of a participating political subdivision for the dissolution of the Authority. If the court shall determine that the need for the Authority as set forth in this act no longer exists and that all debts and pecuniary obligations of the Authority have been fully paid or provided for, it may enter an order dissolving the Authority.

Upon dissolution, the court shall order any real or tangible personal property contributed to the Authority by a participating political subdivision, together with any improvements thereon, returned to such participating political subdivisions. The remaining assets of the Authority shall be distributed to the participating political subdivisions in proportion to their respective contributions theretofore made to the Authority.

Each participating political subdivision and all holders of the Authority's bonds shall be made parties to any such proceeding and shall be given notice as provided by law. Any party defendant may reply to such petition at any time within six months after the filing of the petition. From the final judgment of the court, an appeal shall lie to the Supreme Court of Virginia.

**§ 15.2-7401. Creation; public purpose.**

If any of the governing bodies of the Counties of Accomack and Northampton by resolution declare that there is a need for a public access authority to be created and an operating agreement is developed for the purpose of establishing or operating a public access authority for any such participating political subdivisions and that they should unite in the formation of an authority to be known as the Eastern Shore Water Access Authority (the Authority), which shall thereupon exist for such participating counties and shall exercise its powers and functions as prescribed herein. The region for which such Authority shall exist shall be coterminous with the boundaries of the participating political subdivisions. The Authority shall be charged with the following duties:

1. Identify land, either owned by the Commonwealth or private holdings, that can be secured for use by the general public as a public access site;

2. Research and determine ownership of all identified sites;

3. Determine appropriate public use levels of identified access sites;

4. Develop appropriate mechanisms for transferring title of Commonwealth or private holdings to the Authority;

5. Develop appropriate acquisition and site management plans for public access usage;

6. Determine which holdings should be sold to advance the mission of the Authority;

7. Receive and expend public funds and private donations in order to restore or create tidal wetlands within the region for which the Authority exists, provided that any tidal mitigation credits resulting from such restoration or creation projects shall be held by the Authority for the benefit and use of participating political subdivisions and shall not be sold or conveyed to any private party by the Authority or any participating political subdivision;

8. Receive and expend public funds and private donations ~~and for dredging or construction~~; apply for permits in order to perform dredging projects on waterways ~~and or to~~ construct facilities and infrastructure within the region for which the Authority exists, provided that such projects enhance recreational and commercial public access; and *perform such dredging projects or construct such facilities and infrastructure*;

9. *In conjunction with one or both of the Middle Peninsula Chesapeake Bay Public Access Authority (the MPCBPAA), created pursuant to the provisions of Chapter 66 (§ 15.2-6600 et seq.), and the Northern Neck Chesapeake Bay Public Access Authority (the NNCBPAA), created pursuant to the provisions of Chapter 66.1 (§ 15.2-6626 et seq.), receive and expend public funds and private donations for dredging, apply for permits in order to perform dredging projects, and perform such dredging projects on waterways within the region for which any or all of the Authority, the MPCBPAA, or the NNCBPAA exists; and*

10. Perform other duties required to fulfill the mission of the Authority.

In any suit, action, or proceeding involving the validity or enforcement of or relating to any contract of the Authority, the Authority shall be deemed to have been created as a body corporate and to have been established and authorized to transact business and exercise its powers hereunder upon proof of the adoption of a resolution as aforesaid by the participating political subdivisions declaring that there is a need for such Authority. A copy of such resolution duly certified by the clerks of the counties by which it is adopted shall be admissible as evidence in any suit, action, or proceeding. Any political subdivision of the Commonwealth is authorized to join such Authority pursuant to the terms and conditions of this act.

The ownership and operation by the Authority of any public access sites and related facilities and the exercise of powers conferred by this act are proper and essential governmental functions and public purposes and matters of public

necessity for which public moneys may be spent and private property acquired. The Authority is a regional entity of government by or on behalf of which debt may be contracted by or on behalf of any county pursuant to Article VII, Section 10 (a) of the Constitution of Virginia.

### CHAPTER 328

*An Act to amend and reenact § 2, §§ 4 and 6, as amended, § 9, § 11, as amended, § 12, §§ 13 and 18, as amended, §§ 28 and 37, § 39, as amended, and §§ 44, 60, 63, 64 (a), 65, and 67 of Chapter 44 of the Acts of Assembly of 1937, which provided a charter for the Town of Front Royal, relating to boundaries, town officers, town powers, and notices.*

[H 1166]

Approved March 19, 2018

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

**1. That § 2, §§ 4 and 6, as amended, § 9, § 11, as amended, § 12, §§ 13 and 18, as amended, §§ 28 and 37, § 39, as amended, and §§ 44, 60, 63, 64 (a), 65, and 67 of Chapter 44 of the Acts of Assembly of 1937 are amended and reenacted as follows:**

§ 2. The corporate limits of the Town of Front Royal, Virginia, as heretofore established, are hereby re-established, as follows:

Beginning at a point where the west bank of Happy creek and north line of Eighth street intersect, thence along the north side of Eighth street to east side of Royal avenue; thence along east line of Royal avenue to a point opposite north line Eighth street extended; thence crossing Royal avenue and following north side of Eighth to east side of Shenandoah avenue; thence along east side of Shenandoah avenue to north side of Kendrick lane; thence southeast along the north side of Kendrick lane to west side of Villa avenue; thence crossing Kendrick's lane and following line of Colonel Millar's property; and Randolph-Macon property to Mistress Katie Buek's property; thence westward along line between Mistress Buek and Randolph-Macon for one hundred and thirty-two feet; thence crossing Mistress Buek's property south thirty-four west five hundred and twenty-eight feet to a point opposite her house; thence south forty-one west three hundred and seventy-three feet to north side of road leading to Doctor Garrison's property; thence eastward along north side of road four hundred and twelve feet to a point opposite corner E. H. Hoffman's property; thence along his line to corner Doctor White's property; thence along Doctor White's line to Mister Thornton Leach's property; thence along Mister Leach's line to corner Mistress Davis Roy's lot a large white oak tree formerly known as Beecher's corner; thence along line between Mistress Roy and E. H. Hoffman to center of lane between Mistress Roy and Druid Hill property; thence southward with center of lane to Luray road; thence crossing Luray road and continue line south twenty-five east five hundred and fifty feet to a small sassafras tree in cemetery line; thence following the eastern boundary of cemetery by its several courses to Beatty lane; thence east along north side of Beatty's lane; cross Manor avenue, extended; a distance of nine hundred and thirty-nine feet to a point opposite Beeden's lane; thence with Beeden's lane south seven hundred and forty-five west one thousand and seventy-eight feet to the northern boundary of a road; thence with the northern boundary of said road and through the lands of John Carter south eighty fifteen minutes east eight hundred and sixteen feet to western boundary of W. E. Rudacille's land thence with the western boundary of said W. E. Rudacille's land north ten and forty-five minutes east one thousand and sixty-four feet to the northern boundary of Beatty's lane; continued; thence with northern boundary of Beatty's lane in an easterly direction twelve hundred and twenty-one feet to the west bank of Happy creek; thence continuing along west bank of Happy creek to the beginning.

*The boundaries of municipal corporations remain as now established unless changed as provided in Title 15.2 of the Code of Virginia.*

§ 4. The municipal officers of said town shall, beginning with the effective date of this act and thereafter, consist of a mayor, four councilmen, a town manager, a town treasurer, and a town clerk, *who shall also serve as the clerk of town council, and such other officers as may be designated by ordinance duly enacted from time to time. The town treasurer may additionally, by ordinance duly enacted, serve as the town's finance director.* Beginning July 1, 1994, and thereafter, the number of councilmen shall be six. The mayor and councilmen shall be elected by the qualified voters of said town. The town manager, town treasurer, and town clerk shall be appointed by the council as is hereinafter provided.

§ 6. ~~The present mayor and town councilmen shall continue in office until the expiration of the terms for which they were respectively elected. On the first Tuesday in May, 1994, there shall be elected by the qualified voters of the Town of Front Royal, four councilmen, who shall be electors of the town, and whose terms of office shall begin on the first day of July succeeding their respective elections. The three elected councilmen with the highest vote totals shall serve for terms of four years, and until their duly elected successors shall have qualified. The fourth elected councilman with fewer votes than the other three councilmen so elected shall serve for a term of two years, and until his duly elected successor shall have qualified.~~

~~In the event that the fourth elected councilman cannot be determined because of a tie in the vote, the councilmen who have tied in the votes received shall draw lots to determine who shall serve the two-year term.~~

~~On the first Tuesday in May, 1996, and every two years thereafter, there shall be elected by the qualified voters of the Town of Front Royal, three councilmen, who shall be electors of the town, and whose terms of office shall begin on July 1,~~

succeeding their respective elections and shall continue for four years thereafter, and until their duly elected successors shall have qualified.

~~On the first Tuesday in May, 1994, and every two years thereafter, there shall be elected by the qualified voters of the Town of Front Royal, a mayor, who shall be one of the electors of the town, and whose term of office shall begin on the first day of July succeeding his election and continue for two years thereafter, and until his duly elected successor has qualified.~~

~~The council may fill any vacancy that occurs in the membership of the council for the unexpired term.~~

*A. The mayor and town council shall be elected on the Tuesday following the first Monday in November in even-numbered years in the manner provided by Virginia general election laws, except insofar as they are otherwise herein provided by this charter. The mayor and members of town council in office at the effective date of this charter amendment shall have their terms extended and shall continue in office until December 31 of the year in which their respective terms were to expire.*

*B. The terms of office for all town council members shall begin on the first day of January next following their election, and each shall serve for a term of four (4) years or until his or her successor shall have been elected and qualified. The term of office for the mayor shall begin on the first day of January next following his or her election, and the mayor shall serve for a term of two (2) years. The town council members and mayor may succeed themselves as often as the voters may choose.*

*C. Candidates for town council and mayor shall be nominated only by petition in the manner prescribed by general law. Candidates for town council and mayor shall not be nominated or identified on the ballot by political party affiliation or in any other manner that would disqualify them for candidacy under any law of the United States or the Commonwealth of Virginia.*

*D. The council may fill any vacancy that occurs in the membership of the council for the unexpired term, provided that such vacancy is taken within 45 days of the office becoming vacant, if a majority of the remaining members of the council cannot agree, or do not act, the judges of the circuit court having jurisdiction shall make the appointment. The person so appointed shall hold office only until the qualified voters of the town fill the vacancy by special election pursuant to § 24.2-682 of the Code of Virginia of 1950, as amended, or its successor enactment(s), and the person so elected has qualified. Any person so appointed shall hold office the same as an elected person and shall exercise all powers of the elected office. If a majority of the seats on the council are vacant, the remaining members shall not make interim appointments and the vacancies shall be filled as provided in § 24.2-227 of the Code of Virginia of 1950, as amended, or its successor enactment(s).*

*E. Each member of council shall receive a salary in an amount established by council, payable as the council may direct, provided that no increase in salary of a council member shall take effect during the incumbent council member's term in office, but this restriction shall not apply when the council members are elected for staggered terms.*

*F. The mayor shall receive a salary in an amount established by council, payable as the council may direct, but no increase in the mayor's salary shall take effect during the incumbent mayor's term in office.*

§ 9. The council shall, at its first meeting ~~after the effective date of this act choose one of its members as vice mayor who shall serve until August 31, 1938; and at its first meeting in September, 1938, and biennially thereafter in January~~ following the regular municipal election, ~~the council shall~~ choose one of its members as vice-mayor. The vice-mayor shall perform the duties of the mayor during his absence or disability. In the event of the death, removal or resignation of the mayor, the council shall choose one of the councilmen or some other qualified voter of the Town of Front Royal who shall serve as mayor until the next succeeding municipal election, at which time a successor shall be elected by the qualified voters of the Town of Front Royal to fill the office of mayor for the remainder of the unexpired term.

Should a member of the council be chosen to serve as mayor until the next municipal election such councilman shall be deemed to have surrendered his office as councilman forthwith upon his qualification as mayor and his office of councilman shall thereupon be vacant. The vacancy thereby created in the council shall be filled by the council as provided in § 6 hereof.

The member of the council who shall be chosen vice-mayor shall continue to have all of the rights, privileges, powers, duties and obligations of councilman even when performing the duties of mayor during the absence or disability of the mayor of the town.

§ 11. The council shall, by ordinance, fix the time for their stated meetings. Special meetings shall be called by the clerk of the council upon the written request of the mayor, or any three members of the council. ~~Effective July 1, 1994, special meetings shall be called by the clerk of the council upon the written request of the mayor, or any four members of the council.~~ No business shall be transacted at a special meeting but that for which it shall be called, unless the council be unanimous. The meetings of the council shall be open to the public, except when the public welfare shall require ~~executive sessions closed meetings.~~

If any member of the said council shall be voluntarily absent from three regular meetings of the council consecutively, his seat may be deemed vacant by resolution of the council and thereupon his unexpired term shall be filled according to the provisions of this act.

§ 12. The council shall appoint a clerk to serve at the will of the council, and shall have authority to adopt such rules and appoint such officers and committees as they may deem proper for the regulation of their proceedings and for the convenient transaction of business; to compel the attendance of absent members; and enforce orderly conduct at meetings.

The council may appoint one of the members of the council, other than the member appointed town treasurer, as town clerk, if in the judgment of a majority of the members of the council it is proper so to do, and the member appointed town clerk shall have all of the duties and powers of town clerk as herein provided and he shall continue to have all of the powers, duties, authority, jurisdiction, responsibilities and obligations of a councilman.

The council shall keep a minute book, *or its electronic equivalent*, in which the clerk shall note the proceedings of the council, and shall record said proceedings at large on the record book, and keep the same properly indexed.

§ 13. A majority of the members of the council shall constitute a quorum for the transaction of business. No ordinance shall be passed or resolution adopted having for its object the appropriation of money, or the levy of taxes and licenses, except by the concurrence of at least ~~three~~ *four* members, one of whom may be the mayor in case of a tie vote as provided in section eight hereof. No vote or question decided at a stated meeting shall be reconsidered at a special meeting unless all members are present, and three of them concur.

~~Effective July 1, 1994, no~~ No ordinance shall be passed or resolution adopted having for its object the appropriation of money, or the levy of taxes and licenses, except by the concurrence of at least four members, one of whom may be the mayor in case of a tie vote as provided in section eight hereof. No vote or question decided at a stated meeting shall be reconsidered at a special meeting unless all members are present, and four of them concur.

§ 18. The council of the town shall have, subject to the provisions of this act, the control and management of the fiscal and municipal affairs of the town and of all property, real and personal, belonging to said town and may make such ordinances and by-laws relating to the same as they shall deem proper. The council shall in addition to other powers given by law, have power to make such ordinances, orders, by-laws and regulations as they may deem proper and necessary to carry out the following powers, which are hereby vested in them:

First. To establish a market, *or markets*, in and for said town, provide for the appointment of proper officers therefor, prescribe the time and places for holding the market, provide suitable grounds and buildings therefor, and enforce such regulations as shall be necessary and proper to prevent ~~huckstering, forestalling, or regrating~~ *illegal or unsanitary conditions or activity therein*.

Second. To construct, maintain, regulate and operate public improvements of all kinds, including municipal and other buildings, armories, jails and all buildings and structures necessary or appropriate for the use and proper operation of the various departments of the town and the performance of its duties and functions.

Third. To establish, maintain, and operate waterworks and sewer systems within and without the town; to purchase water therefor; to contract and agree with the owners of any land, springs or water supplies for the use of or purchase thereof, or have same condemned according to law, for the location, extension, or enlargement of the said waterworks, or sewer system, either or both, the pipes connected therewith, and the fixtures or appurtenances thereof; and to protect from injury by ordinance, prescribing adequate penalties, the said waterworks, water supplies, sewer systems, pipes, fixtures, and land or anything connected therewith whether within or without the limits of the town. *When the town furnishes water, gas, electric, sewer, or other utility services to users thereof located outside the town's corporate limits, notwithstanding any provision of law to the contrary, the town may collect such compensation and service fees therefor as may be contracted for between the town and such user; and the town shall not thereby be obligated to provide such utility services to any other users outside its corporate boundaries. Any compensation and service fees received by the town for the furnishing of such utility services to users outside the town's corporate limits may, in the discretion of the town council, be paid into the town's general fund.*

Fourth. To open, extend, widen, or narrow, lay out, graduate, curb, and pave and otherwise improve streets, sidewalks and public alleys in said town, and have them kept in good order and properly lighted; in order to properly light the streets of said town, the council may erect and operate such number of lamps and fixtures thereto belonging as they may deem necessary; they may build bridges in and culverts under said streets, and may prevent or remove any structure, obstruction, or encroachment over, or under, or in any street, sidewalk, or alley in said town, and may *cause to be planted or permit shade trees or other plants* to be planted along said streets; but no person shall occupy with his works, or any appurtenances thereof, the streets, side-walks, or alleys of the town, without the consent of the council, duly entered upon its records; provided that so long as the said town shall, at its own expense, maintain and keep its streets in good order and repair, it shall be exempt from all labor and tax for county road purposes.

Fifth. To prevent the *cumbering or blockage of, or encroachment upon*, streets, sidewalks, alleys, lanes, or bridges in the town in any manner whatever.

Sixth. To determine and designate the route and grade of any public utility laid out in said town.

Seventh. To make provisions for and regulate weights, measures and standards.

Eighth. To secure the inhabitants from contagious, infectious, or other dangerous diseases; to establish, erect, and regulate hospitals *or other medical or health-related facilities*; to provide for and enforce the removal of patients to said hospitals *or other medical or health-related facilities*; to appoint and organize a board of health for said town, with the necessary authority for the prompt and efficient performance of its duties.

Ninth. To require and compel the abatement and removal of all nuisances within the said town, at the expense of the person or persons causing the same or the owner or owners of the ground whereon the same shall be; to regulate ~~or prevent soap factories and candle factories within the town, and~~ the exercise of any dangerous, offensive or unhealthy *activity, enterprise, business, trade or employment therein*; and to regulate the transportation of coal, explosives, garbage and other

articles through the streets of the town, and to restrain and regulate the speed of locomotive engines and cars upon the railroads within the town.

Tenth. If any ground in said town shall be subject to be covered with stagnant water, or if the owner or owners, occupier or occupiers thereof shall permit any offensive or unwholesome substance to remain or accumulate thereon, the council may cause such grounds to be filled, raised, or drained, or may cause such substance to be covered or to be removed therefrom, and may collect the expense of so doing from the owner or owners, occupier or occupiers, or any of them (except in cases where such nuisance is caused by the action of the town authorities or their agents, or by natural causes beyond the control of the owner or occupant, in which case the town shall pay the expense of abating the same), by distress and sale in the same manner in which taxes levied upon real estate for the benefit of said town are authorized to be collected; provided, that reasonable notice and an opportunity to be heard shall be first given to said owners or their agents. In case of nonresident owners who have no agent in said town, such notice shall be given by publication at least once a week for not less than four consecutive weeks in any newspaper having general circulation in the said town.

Eleventh. To regulate and direct the location and construction of all buildings for the storage of gunpowder, explosives and combustible substances; to regulate the sale and use of gunpowder, explosives, firecrackers, fireworks, kerosene oil, gasoline, or other combustible material; to regulate or prohibit the exhibition of fireworks, the discharge of firearms, the use of lights or candles in ~~barns and stables and other outbuildings~~ *buildings and structures* within the town, and to restrain the making of bonfires *or other outdoor fires* within the town.

Twelfth. To prevent hogs, cows, horses, dogs, and other animals from running at large in the said town, and to subject the same to such confiscation, regulations, *licenses, fees*, and taxes as they may deem proper, and to prevent the keeping of hogs within the limits of the town.

Thirteenth. To regulate the riding and driving of horses and other animals and the operation of motor and other vehicles, but not in conflict with State law; to prevent the throwing of stones *or other objects*, or engaging in any employment or sport on the streets, sidewalks or public alleys, dangerous or annoying to persons; and to prohibit and punish the abuse or cruel treatment of horses and other animals in said town.

Fourteenth. To restrain and punish drunkards, vagrants, and street beggars; to prevent vice and immorality; to preserve the public peace and good order; to prevent and quell riots, disturbances and disorderly assemblages; to suppress houses of ill-fame and gambling houses, and to prevent and punish lewd, indecent, and disorderly conduct or exhibitions in said town.

Fifteenth. To prevent the coming into the town of persons having no ostensible means of support, and of persons who may be dangerous to the peace and safety of the town.

Sixteenth. To acquire, by condemnation, purchase or otherwise, provide for, maintain, operate and protect aircraft landing fields either within or without the corporate limits of the town.

Seventeenth. To own, operate and maintain electric light and/or gas works, either within or without the corporate limits of the said town for the generating of electricity and/or the manufacture of gas for illuminating, power and other purposes, and to supply the same, whether said gas and/or electricity be generated or purchased by said town, to its customers and consumers both within and without the corporate limits of the said town, at such price and upon such terms as it may prescribe, and to that end it may contract with owners of land and water power for the use thereof, or may have the same condemned, and to purchase such electricity and/or gas from the owners thereof, and to furnish the same to its customers and consumers, both within and without the corporate limits of the said city at such price and on such terms as it may prescribe.

Eighteenth. To establish, impose and enforce water, gas, electricity, and sewerage rates and rates and charges for public utilities or other service, products or conveniences, operated, rendered or furnished by the town; and to assess, or cause to be assessed, water, gas, electricity and sewerage rates and charges against the proper tenant or tenants or such persons, firms or corporations as may be legally liable therefor; and the council may by ordinance require a deposit of such reasonable amount as it may by such ordinance prescribe, before furnishing any of said services to any person, firm or corporation.

Nineteenth. Subject to the provisions of the Constitution of Virginia and of this charter, to grant franchises for public utilities under terms and conditions to be fixed by the council.

Twentieth. To divert the channels of creeks and flowing streams and for that purpose to acquire property by condemnation.

Twenty-first. Subject to the provisions of the Constitution of Virginia and of this charter to contract debts, borrow money and make and issue bonds and other evidences of indebtedness.

Twenty-second. To expend the moneys of the town for all lawful purposes.

Twenty-third. To exercise the power of eminent domain within this State with respect to lands and improvements thereon, machinery and equipment for any lawful purpose of the said town.

Twenty-fourth. To provide by ordinance for a system of meat and milk inspection and to appoint meat and milk inspectors, agents or officers to carry the same into effect, within or without the corporate limits of the town; to license, regulate, control and locate slaughter houses within or without the corporate limits of the town; and for such services of inspection to make reasonable charges therefor; and to provide reasonable penalties for the violation of such ordinances.

Twenty-fifth. To do all things whatsoever necessary or expedient, and to pass all ordinances, resolutions and by-laws for promoting or maintaining the security, general welfare, comfort, education, morals, peace, government, health, trade, commerce and industries of the town or its inhabitants, not in conflict with the Constitution of the State, or the Constitution of the United States.

Twenty-sixth. The council shall have full control and regulation over the public utilities now owned or that may hereafter be acquired by the said town, and to this end it shall have full authority to employ from time to time such employees, *agents, and consultants* as it deems necessary to properly maintain, conduct and operate the same; and it shall have full authority to incur indebtedness, unless otherwise prohibited by law, whenever the said council may deem it necessary for the proper conduct, management and maintenance of the public utilities now owned by the said town, or such as may hereafter be acquired by it; and the council is hereby authorized and empowered to supply electric current to persons, firms, associations and corporations not further distant than fifteen miles from the corporate limits of the town, and to charge therefor for which purpose the said council is specifically authorized and empowered to construct, purchase, lease or otherwise acquire necessary transmission lines, and to purchase, lease or otherwise acquire such rights of ways as may be necessary for such purposes.

The said council shall likewise have authority, by ordinance duly enacted, to compel all owners of real estate within the corporate limits of said town to connect with such sewerage pipes or connections as may hereafter be installed or constructed by the said town, upon such reasonable terms as may be prescribed by said council, together with all other authority necessary to a proper maintenance and operation of an effective sewerage system.

The said council, however, shall have no authority to sell its public utilities, without first submitting the question of such sale at a special election to be called for that purpose only, to the qualified voters of the Town of Front Royal, which election shall be conducted as now provided by general law governing special elections. The Circuit Court of Warren County shall order such special election upon the petition of two hundred qualified voters of the Town of Front Royal, or upon a resolution passed by a majority of the council of said town. For a period of not less than four weeks prior to said special election, the substantial terms of any proposed sale shall be published over the signature of the clerk of the said town, once a week for four successive weeks in some newspaper ~~published~~ *published of general circulation* within the County of Warren, *or by publication for not less than once per week for four successive weeks in some other manner permitted by the general laws of the Commonwealth for Virginia for the publication of proposed ordinances of the town.* The qualifications of voters in said special election shall be determined by existing statutes governing other special elections.

*Twenty-seventh. The council shall have all powers and authority to remedy, remove, repair, and secure any blighted or derelict building or structure that are granted in the Code of Virginia to any other locality.*

§ 28. In addition to all the other powers mentioned in this charter, the town shall have power to raise annually, *semiannually, or such other periods permitted by general law,* by taxes and assessments in said town on all subjects the taxation of which by incorporated towns is not forbidden by general law, such sums of money as the council herein provided for shall deem necessary for the purposes of said town, and in such manner as said council shall deem expedient, in accordance with the Constitution and laws of this State and of the United States.

§ 37. For the purpose of guarding against the calamities of fire, *and based upon the advice of a fire marshal or building official or other person with expertise in the prevention of fires or explosion,* the town council may, from time to time, designate such portions and parts of the town as it deems proper within which buildings ~~of wood or other structures deemed by town council as unreasonably dangerous from or susceptible to fire or explosion,~~ may or may not be erected. It may prohibit the erection of ~~wooden buildings or buildings, structures, or additions~~ of inflammable material in any portion of the town without its permission, and may provide for the removal of such buildings or *structures or additions* which shall be erected contrary to such prohibition at the expense of the builder or owner thereof; or if any building in process of erection or already built appears clearly to be unsafe the council may cause such building to be taken down, after reasonable notice to the owner; and the council may, by proper ordinance, divide the town into zones; specify the kind and character of buildings which may be erected in the different zones; provide for the disposition of garbage and waste; provide precautionary measures against danger from fires; provide for the removal of buildings or structures of any kind, erected in violation of ordinances, at the expense of the builder or owner; and may do all other things lawful to be done, looking to the health and safety of the inhabitants of the town.

§ 39. All ordinances hereafter passed by the council for the violation of which any penalty is imposed, shall be published once, at least, in one of the newspapers of *general circulation* in said town, to be designated by the council, *or shall be published in any other manner permitted by general law for the publication of proposed ordinances.* A record or entry made by the clerk of said council, or a copy of said record or entry, duly certified to by him, shall be prima facie evidence of the publication of any such ordinance; and all laws, regulations and ordinances of the council may be read in evidence in all courts of justice, and in all proceedings before any officer, body or board in which it shall be necessary to refer thereto, from a copy thereof, certified by the clerk of said council, provided, however, that whenever the council of the Town of Front Royal shall codify, in whole or in part, and print at one time, or from time to time, in book or pamphlet form, the general ordinances of the Town of Front Royal, or any part thereof, it shall be unnecessary to publish any new or changed ordinances therein contained, or such codification, or codifications, in a newspaper or otherwise, ~~and all new or changed ordinances therein contained, and such codification or codifications, shall take effect at such time, but not less than thirty days after such codification or codifications shall have been printed in book or pamphlet form, as may be prescribed by the council by ordinance;~~ provided, *that* notice of such publication and the availability of such book or pamphlet at the town hall is published in a newspaper as hereinabove required.

§ 44. If any person, having been an officer of such town, shall not within ten days after he shall have vacated, or removed from office, and upon notification or request of the clerk of the council, or within such time thereafter as the town council shall allow, deliver over to his successor in office all property, books, and papers belonging to the town, or

appertaining to such office in his possession or under his control, he shall forfeit and pay to the town the sum of five hundred dollars, ~~to and may~~ be sued ~~for therefor~~ in the name of the town and recovered with costs; and all records and documents used in any such office by virtue of any provision of this act, or of any ordinance or order of the town council, or any superior officer of the said town, shall be deemed the property of the said town and appertaining to said office, and the chief officer thereof shall be responsible therefor.

§ 60. The council may at any time in its discretion combine the duties of town treasurer, or any part of such duties, with those of the duties of town manager, *or with the town's finance director*, and if and when the council places the duties of the town treasurer, or any part of such duties, upon the town manager *or with the finance director*, the town manager, *or the finance director, as the case may be*, shall have all of the power, authority, duties, obligations and responsibilities which are set forth in this act for the town treasurer to the extent of the combination of the duties of town treasurer with the duties of town manager by the town council.

§ 63. The council may at any time, after a public hearing, amend the town plan, ~~by including, but not limited to~~, widening, relocating, or closing existing streets and highways, and by altering any existing park or by laying out new streets and highways and establishing new parks. Before amending the town plan, the council shall refer the proposed amendment to the town planning commission for a report thereon, and shall not act on such amendment until a report has been received from said commission, unless a period of thirty days has elapsed after the date of reference to the commission. Any amendment of the town plan, upon its adoption by the council, shall be final unless changed as herein provided as to the location, length, and width of any street and highway, and the location and dimensions of any park. Any widening, relocating, closing or laying out of streets and highways proposed under the provisions of law other than those contained in this article shall be deemed an amendment of the town plan, and shall be subject in all respects to the provisions of this chapter.

§ 64. (a) Before approving such plat, and thereby accepting the dedication of the streets, alleys, parks and public places thereon, the council shall require that the streets and alleys thereon shall be properly laid out and located with reference to the topography of the land so platted and the adjoining lands, both as to connections and widths, which widths of such streets and alleys shall be plainly marked in figures or written on such plat, and which streets and alleys shall be laid out in harmony with the general plan of the town.

(b) ~~And, before~~ *Before* approving such plat, and thereby accepting the dedication of the streets and alleys thereon, the council shall require the owner thereof to execute and deliver to the Town of Front Royal a release and waiver of any claim or claims for damages which such owner, his heirs, successors or assigns may have or acquire against the Town of Front Royal by reason of establishing proper grade lines on and along such streets and alleys and by reason of doing necessary grading or filling for the purpose of placing such streets and alleys upon the proper grade and releasing the Town of Front Royal from building any retaining wall or walls along the streets and alleys and property lines; and the council may require such release and waiver to be written and executed on said plat and recorded therewith or by an instrument of writing to be executed and recorded in the clerk's office of the circuit court of Warren County.

~~And the~~ *The* council may, in its discretion, require the owner of such platted lands to submit profiles of such streets and alleys, showing the contour thereof, together with proper grade lines laid thereon, and if and when the council is satisfied that the proper grade lines are laid on such profiles, the profiles shall be approved by the council and recorded by the owner or at his expense in the record of the profiles of the streets and alleys of the town, and the council may, in its discretion, require such release and waiver to be made with reference thereto.

(c) Before approving any such plat of any subdivision of lots or lands the town council may, at its discretion, require the owner of such lot or lands to grade the streets and alleys therein, according to grade lines approved and established by the council.

§ 65. For the purpose of preserving the integrity of the plan, no permit shall hereafter be issued for the construction of any building within the street lines of any mapped street or highway, as laid down in the town plan, within the town. ~~Provided, however, if the land within any mapped street or highway is not yielding a fair return to the owner, the board of appeals, provided for in chapter nine hereof, by a majority vote of all its members, may issue a permit for a building within the street line of such street or highway, upon such conditions as will increase as little as possible the cost of opening such street or highway, and will protect as far as possible the rights of the public and the integrity of the town plan. The board of appeals, hereinafter authorized, before taking any action under the provisions of this section, shall hold a public hearing, of which adequate notice shall be given to all persons deemed to be affected. Any decision by the board of appeals, rendered under the provisions of this section, shall be subject to the same court review as provided for zoning decisions of the board.~~

§ 67. For the purpose stated in chapter one hundred and ninety-seven of the Acts of Assembly, approved March 18, 1926, the town council is hereby empowered to pass zoning ordinances in conformity with the said act, as amended, subject, however, to the following modifications thereto:

(a) The council shall not adopt any zoning ordinance or map until it shall have appointed a town planning commission, as provided for in chapter eight hereof and shall have received from said commission its recommendations as to a zoning ordinance and map, and shall have held a public hearing thereon.

(b) Any zoning ordinance, regulations, restrictions, and boundaries of districts may be changed from time to time by the council, either upon its own motion or upon petition, under such conditions as the council may prescribe, after a public hearing and adequate notice to all owners and parties affected. ~~If a protest or protests be filed with the council, signed by the owners of twenty per centum or more of the area of the land included in the proposed change, or by the owners of twenty~~

per centum or more of the area of the land immediately adjacent to the land included in the proposed change; within a distance of one hundred feet therefrom; or by the owners of twenty per centum or more of the area of the land directly opposite across any street or streets from the land included in the proposed change; within a distance of one hundred feet from the street lines directly opposite; then no such change shall be made except by the majority vote of all of the members of the council. No change shall be made by the council in any zoning ordinance or map until such change has been referred to the town planning commission for a report thereon, and no action shall be taken by the council until a report has been received from the commission, unless a period of thirty days has elapsed after the date of reference to the commission.

(e) ~~Within thirty days after the adoption of any zoning ordinance and map, the council shall appoint a board of appeals, consisting of five members, none of whom shall hold any other positions with the town.~~

~~The council may remove any member of the board for cause, after a public hearing. If a vacancy occurs otherwise than by the expiration of the term of the different members, it shall be filled by the council for the unexpired term.~~

~~Unless the council designates some member of the board as chairman, the board shall select a chairman from among its own members, and may create and fill such other offices as it may choose. The board may employ such persons as the council may approve, and may expend such sums as are appropriated by the council for its work.~~

### CHAPTER 329

*An Act to amend and reenact § 2, §§ 4 and 6, as amended, § 9, § 11, as amended, § 12, §§ 13 and 18, as amended, §§ 28 and 37, § 39, as amended, and §§ 44, 60, 63, 64 (a), 65, and 67 of Chapter 44 of the Acts of Assembly of 1937, which provided a charter for the Town of Front Royal, relating to boundaries, town officers, town powers, and notices.*

[S 550]

Approved March 19, 2018

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

1. That § 2, §§ 4 and 6, as amended, § 9, § 11, as amended, § 12, §§ 13 and 18, as amended, §§ 28 and 37, § 39, as amended, and §§ 44, 60, 63, 64 (a), 65, and 67 of Chapter 44 of the Acts of Assembly of 1937 are amended and reenacted as follows:

§ 2. The corporate limits of the Town of Front Royal, Virginia, as heretofore established, are hereby re-established, as follows:

Beginning at a point where the west bank of Happy creek and north line of Eighth street intersect, thence along the north side of Eighth street to east side of Royal avenue; thence along east line of Royal avenue to a point opposite north line Eighth street extended; thence crossing Royal avenue and following north side of Eighth to east side of Shenandoah avenue; thence along east side of Shenandoah avenue to north side of Kendrick lane; thence southeast along the north side of Kendrick lane to west side of Villa avenue; thence crossing Kendrick's lane and following line of Colonel Millar's property; and Randolph-Macon property to Mistress Katie Buck's property; thence westward along line between Mistress Buck and Randolph-Macon for one hundred and thirty-two feet; thence crossing Mistress Buck's property south thirty-four west five hundred and twenty-eight feet to a point opposite her house; thence south forty-one west three hundred and seventy-three feet to north side of road leading to Doctor Garrison's property; thence eastward along north side of road four hundred and twelve feet to a point opposite corner E. H. Hoffman's property; thence along his line to corner Doctor White's property; thence along Doctor White's line to Mister Thornton Leach's property; thence along Mister Leach's line to corner Mistress Davis Roy's lot a large white oak tree formerly known as Beecher's corner; thence along line between Mistress Roy and E. H. Hoffman to center of lane between Mistress Roy and Druid Hill property; thence southward with center of lane to Luray road; thence crossing Luray road and continue line south twenty-five east five hundred and fifty feet to a small sassafras tree in cemetery line; thence following the eastern boundary of cemetery by its several courses to Beatty lane; thence east along north side of Beatty's lane, cross Manor avenue, extended; a distance of nine hundred and thirty-nine feet to a point opposite Beeden's lane; thence with Beeden's lane south seven hundred and forty-five west one thousand and seventy-eight feet to the northern boundary of a road; thence with the northern boundary of said road and through the lands of John Carter south eighty fifteen minutes east eight hundred and sixteen feet to western boundary of W. E. Rudacille's land thence with the western boundary of said W. E. Rudacille's land north ten and forty-five minutes east one thousand and sixty-four feet to the northern boundary of Beatty's lane; continued; thence with northern boundary of Beatty's lane in an easterly direction twelve hundred and twenty-one feet to the west bank of Happy creek; thence continuing along west bank of Happy creek to the beginning.

*The boundaries of municipal corporations remain as now established unless changed as provided in Title 15.2 of the Code of Virginia.*

§ 4. The municipal officers of said town shall, beginning with the effective date of this act and thereafter, consist of a mayor, four councilmen, a town manager, a town treasurer, and a town clerk, *who shall also serve as the clerk of town council, and such other officers as may be designated by ordinance duly enacted from time to time. The town treasurer may additionally, by ordinance duly enacted, serve as the town's finance director.* Beginning July 1, 1994, and thereafter, the number of councilmen shall be six. The mayor and councilmen shall be elected by the qualified voters of said town. The town manager, town treasurer, and town clerk shall be appointed by the council as is hereinafter provided.

§ 6. The present mayor and town councilmen shall continue in office until the expiration of the terms for which they were respectively elected. On the first Tuesday in May, 1994, there shall be elected by the qualified voters of the Town of Front Royal, four councilmen, who shall be electors of the town, and whose terms of office shall begin on the first day of July succeeding their respective elections. The three elected councilmen with the highest vote totals shall serve for terms of four years, and until their duly elected successors shall have qualified. The fourth elected councilman with fewer votes than the other three councilmen so elected shall serve for a term of two years, and until his duly elected successor shall have qualified.

In the event that the fourth elected councilman cannot be determined because of a tie in the vote, the councilmen who have tied in the votes received shall draw lots to determine who shall serve the two-year term.

On the first Tuesday in May, 1996, and every two years thereafter, there shall be elected by the qualified voters of the Town of Front Royal, three councilmen, who shall be electors of the town, and whose terms of office shall begin on July 1, succeeding their respective elections and shall continue for four years thereafter, and until their duly elected successors shall have qualified.

On the first Tuesday in May, 1994, and every two years thereafter, there shall be elected by the qualified voters of the Town of Front Royal, a mayor, who shall be one of the electors of the town, and whose term of office shall begin on the first day of July succeeding his election and continue for two years thereafter, and until his duly elected successor has qualified.

The council may fill any vacancy that occurs in the membership of the council for the unexpired term.

A. The mayor and town council shall be elected on the Tuesday following the first Monday in November in even-numbered years in the manner provided by Virginia general election laws, except insofar as they are otherwise herein provided by this charter. The mayor and members of town council in office at the effective date of this charter amendment shall have their terms extended and shall continue in office until December 31 of the year in which their respective terms were to expire.

B. The terms of office for all town council members shall begin on the first day of January next following their election, and each shall serve for a term of four (4) years or until his or her successor shall have been elected and qualified. The term of office for the mayor shall begin on the first day of January next following his or her election, and the mayor shall serve for a term of two (2) years. The town council members and mayor may succeed themselves as often as the voters may choose.

C. Candidates for town council and mayor shall be nominated only by petition in the manner prescribed by general law. Candidates for town council and mayor shall not be nominated or identified on the ballot by political party affiliation or in any other manner that would disqualify them for candidacy under any law of the United States or the Commonwealth of Virginia.

D. The council may fill any vacancy that occurs in the membership of the council for the unexpired term, provided that such vacancy is taken within 45 days of the office becoming vacant, if a majority of the remaining members of the council cannot agree, or do not act, the judges of the circuit court having jurisdiction shall make the appointment. The person so appointed shall hold office only until the qualified voters of the town fill the vacancy by special election pursuant to § 24.2-682 of the Code of Virginia of 1950, as amended, or its successor enactment(s), and the person so elected has qualified. Any person so appointed shall hold office the same as an elected person and shall exercise all powers of the elected office. If a majority of the seats on the council are vacant, the remaining members shall not make interim appointments and the vacancies shall be filled as provided in § 24.2-227 of the Code of Virginia of 1950, as amended, or its successor enactment(s).

E. Each member of council shall receive a salary in an amount established by council, payable as the council may direct, provided that no increase in salary of a council member shall take effect during the incumbent council member's term in office, but this restriction shall not apply when the council members are elected for staggered terms.

F. The mayor shall receive a salary in an amount established by council, payable as the council may direct, but no increase in the mayor's salary shall take effect during the incumbent mayor's term in office.

§ 9. The council shall, at its first meeting after the effective date of this act choose one of its members as vice-mayor who shall serve until August 31, 1938; and at its first meeting in September, 1938, and biennially thereafter in January following the regular municipal election, the council shall choose one of its members as vice-mayor. The vice-mayor shall perform the duties of the mayor during his absence or disability. In the event of the death, removal or resignation of the mayor, the council shall choose one of the councilmen or some other qualified voter of the Town of Front Royal who shall serve as mayor until the next succeeding municipal election, at which time a successor shall be elected by the qualified voters of the Town of Front Royal to fill the office of mayor for the remainder of the unexpired term.

Should a member of the council be chosen to serve as mayor until the next municipal election such councilman shall be deemed to have surrendered his office as councilman forthwith upon his qualification as mayor and his office of councilman shall thereupon be vacant. The vacancy thereby created in the council shall be filled by the council as provided in § 6 hereof.

The member of the council who shall be chosen vice-mayor shall continue to have all of the rights, privileges, powers, duties and obligations of councilman even when performing the duties of mayor during the absence or disability of the mayor of the town.

§ 11. The council shall, by ordinance, fix the time for their stated meetings. Special meetings shall be called by the clerk of the council upon the written request of the mayor, or any three members of the council. Effective July 1, 1994,

~~special meetings shall be called by the clerk of the council upon the written request of the mayor, or any four members of the council.~~ No business shall be transacted at a special meeting but that for which it shall be called, unless the council be unanimous. The meetings of the council shall be open to the public, except when the public welfare shall require ~~executive sessions closed meetings.~~

If any member of the said council shall be voluntarily absent from three regular meetings of the council consecutively, his seat may be deemed vacant by resolution of the council and thereupon his unexpired term shall be filled according to the provisions of this act.

§ 12. The council shall appoint a clerk to serve at the will of the council, and shall have authority to adopt such rules and appoint such officers and committees as they may deem proper for the regulation of their proceedings and for the convenient transaction of business; to compel the attendance of absent members; and enforce orderly conduct at meetings.

The council may appoint one of the members of the council, other than the member appointed town treasurer, as town clerk, if in the judgment of a majority of the members of the council it is proper so to do, and the member appointed town clerk shall have all of the duties and powers of town clerk as herein provided and he shall continue to have all of the powers, duties, authority, jurisdiction, responsibilities and obligations of a councilman.

The council shall keep a minute book, *or its electronic equivalent*, in which the clerk shall note the proceedings of the council, and shall record said proceedings at large on the record book, and keep the same properly indexed.

§ 13. A majority of the members of the council shall constitute a quorum for the transaction of business. No ordinance shall be passed or resolution adopted having for its object the appropriation of money, or the levy of taxes and licenses, except by the concurrence of at least ~~three~~ *four* members, one of whom may be the mayor in case of a tie vote as provided in section eight hereof. No vote or question decided at a stated meeting shall be reconsidered at a special meeting unless all members are present, and three of them concur.

~~Effective July 1, 1994, no~~ No ordinance shall be passed or resolution adopted having for its object the appropriation of money, or the levy of taxes and licenses, except by the concurrence of at least four members, one of whom may be the mayor in case of a tie vote as provided in section eight hereof. No vote or question decided at a stated meeting shall be reconsidered at a special meeting unless all members are present, and four of them concur.

§ 18. The council of the town shall have, subject to the provisions of this act, the control and management of the fiscal and municipal affairs of the town and of all property, real and personal, belonging to said town and may make such ordinances and by-laws relating to the same as they shall deem proper. The council shall in addition to other powers given by law, have power to make such ordinances, orders, by-laws and regulations as they may deem proper and necessary to carry out the following powers, which are hereby vested in them:

First. To establish a market, *or markets*, in and for said town, provide for the appointment of proper officers therefor, prescribe the time and places for holding the market, provide suitable grounds and buildings therefor, and enforce such regulations as shall be necessary and proper to prevent ~~huckstering, forestalling, or regrating~~ *illegal or unsanitary conditions or activity therein.*

Second. To construct, maintain, regulate and operate public improvements of all kinds, including municipal and other buildings, armories, jails and all buildings and structures necessary or appropriate for the use and proper operation of the various departments of the town and the performance of its duties and functions.

Third. To establish, maintain, and operate waterworks and sewer systems within and without the town; to purchase water therefor; to contract and agree with the owners of any land, springs or water supplies for the use of or purchase thereof, or have same condemned according to law, for the location, extension, or enlargement of the said waterworks, or sewer system, either or both, the pipes connected therewith, and the fixtures or appurtenances thereof; and to protect from injury by ordinance, prescribing adequate penalties, the said waterworks, water supplies, sewer systems, pipes, fixtures, and land or anything connected therewith whether within or without the limits of the town. *When the town furnishes water, gas, electric, sewer, or other utility services to users thereof located outside the town's corporate limits, notwithstanding any provision of law to the contrary, the town may collect such compensation and service fees therefor as may be contracted for between the town and such user, and the town shall not thereby be obligated to provide such utility services to any other users outside its corporate boundaries. Any compensation and service fees received by the town for the furnishing of such utility services to users outside the town's corporate limits may, in the discretion of the town council, be paid into the town's general fund.*

Fourth. To open, extend, widen, or narrow, lay out, graduate, curb, and pave and otherwise improve streets, sidewalks and public alleys in said town, and have them kept in good order and properly lighted; in order to properly light the streets of said town, the council may erect and operate such number of lamps and fixtures thereto belonging as they may deem necessary; they may build bridges in and culverts under said streets, and may prevent or remove any structure, obstruction, or encroachment over, or under, or in any street, sidewalk, or alley in said town, and may *cause to be planted or permit shade trees or other plants to be planted* along said streets; but no person shall occupy with his works, or any appurtenances thereof, the streets, side-walks, or alleys of the town, without the consent of the council, duly entered upon its records; provided that so long as the said town shall, at its own expense, maintain and keep its streets in good order and repair, it shall be exempt from all labor and tax for county road purposes.

Fifth. To prevent the cumbering *or blockage of, or encroachment upon*, streets, sidewalks, alleys, lanes, or bridges in the town in any manner whatever.

Sixth. To determine and designate the route and grade of any public utility laid out in said town.

Seventh. To make provisions for and regulate weights, measures and standards.

Eighth. To secure the inhabitants from contagious, infectious, or other dangerous diseases; to establish, erect, and regulate hospitals *or other medical or health-related facilities*; to provide for and enforce the removal of patients to said hospitals *or other medical or health-related facilities*; to appoint and organize a board of health for said town, with the necessary authority for the prompt and efficient performance of its duties.

Ninth. To require and compel the abatement and removal of all nuisances within the said town, at the expense of the person or persons causing the same or the owner or owners of the ground whereon the same shall be; to regulate ~~or prevent soap factories and candle factories within the town,~~ and the exercise of any dangerous, offensive or unhealthy *activity, enterprise*, business, trade or employment therein; and to regulate the transportation of coal, explosives, garbage and other articles through the streets of the town, and to restrain and regulate the speed of locomotive engines and cars upon the railroads within the town.

Tenth. If any ground in said town shall be subject to be covered with stagnant water, or if the owner or owners, occupier or occupiers thereof shall permit any offensive or unwholesome substance to remain or accumulate thereon, the council may cause such grounds to be filled, raised, or drained, or may cause such substance to be covered or to be removed therefrom, and may collect the expense of so doing from the owner or owners, occupier or occupiers, or any of them (except in cases where such nuisance is caused by the action of the town authorities or their agents, or by natural causes beyond the control of the owner or occupant, in which case the town shall pay the expense of abating the same), by distress and sale in the same manner in which taxes levied upon real estate for the benefit of said town are authorized to be collected; provided, that reasonable notice and an opportunity to be heard shall be first given to said owners or their agents. In case of nonresident owners who have no agent in said town, such notice shall be given by publication at least once a week for not less than four consecutive weeks in any newspaper having general circulation in the said town.

Eleventh. To regulate and direct the location and construction of all buildings for the storage of gunpowder, explosives and combustible substances; to regulate the sale and use of gunpowder, explosives, firecrackers, fireworks, kerosene oil, gasoline, or other combustible material; to regulate or prohibit the exhibition of fireworks, the discharge of firearms, the use of lights or candles in ~~barns and stables and other outbuildings~~ *buildings and structures* within the town, and to restrain the making of bonfires *or other outdoor fires* within the town.

Twelfth. To prevent hogs, cows, horses, dogs, and other animals from running at large in the said town, and to subject the same to such confiscation, regulations, *licenses, fees*, and taxes as they may deem proper, and to prevent the keeping of hogs within the limits of the town.

Thirteenth. To regulate the riding and driving of horses and other animals and the operation of motor and other vehicles, but not in conflict with State law; to prevent the throwing of stones *or other objects*, or engaging in any employment or sport on the streets, sidewalks or public alleys, dangerous or annoying to persons; and to prohibit and punish the abuse or cruel treatment of horses and other animals in said town.

Fourteenth. To restrain and punish drunkards, vagrants, and street beggars; to prevent vice and immorality; to preserve the public peace and good order; to prevent and quell riots, disturbances and disorderly assemblages; to suppress houses of ill-fame and gambling houses, and to prevent and punish lewd, indecent, and disorderly conduct or exhibitions in said town.

Fifteenth. To prevent the coming into the town of persons having no ostensible means of support, and of persons who may be dangerous to the peace and safety of the town.

Sixteenth. To acquire, by condemnation, purchase or otherwise, provide for, maintain, operate and protect aircraft landing fields either within or without the corporate limits of the town.

Seventeenth. To own, operate and maintain electric light and/or gas works, either within or without the corporate limits of the said town for the generating of electricity and/or the manufacture of gas for illuminating, power and other purposes, and to supply the same, whether said gas and/or electricity be generated or purchased by said town, to its customers and consumers both within and without the corporate limits of the said town, at such price and upon such terms as it may prescribe, and to that end it may contract with owners of land and water power for the use thereof, or may have the same condemned, and to purchase such electricity and/or gas from the owners thereof, and to furnish the same to its customers and consumers, both within and without the corporate limits of the said city at such price and on such terms as it may prescribe.

Eighteenth. To establish, impose and enforce water, gas, electricity, and sewerage rates and rates and charges for public utilities or other service, products or conveniences, operated, rendered or furnished by the town; and to assess, or cause to be assessed, water, gas, electricity and sewerage rates and charges against the proper tenant or tenants or such persons, firms or corporations as may be legally liable therefor; and the council may by ordinance require a deposit of such reasonable amount as it may by such ordinance prescribe, before furnishing any of said services to any person, firm or corporation.

Nineteenth. Subject to the provisions of the Constitution of Virginia and of this charter, to grant franchises for public utilities under terms and conditions to be fixed by the council.

Twentieth. To divert the channels of creeks and flowing streams and for that purpose to acquire property by condemnation.

Twenty-first. Subject to the provisions of the Constitution of Virginia and of this charter to contract debts, borrow money and make and issue bonds and other evidences of indebtedness.

Twenty-second. To expend the moneys of the town for all lawful purposes.

Twenty-third. To exercise the power of eminent domain within this State with respect to lands and improvements thereon, machinery and equipment for any lawful purpose of the said town.

Twenty-fourth. To provide by ordinance for a system of meat and milk inspection and to appoint meat and milk inspectors, agents or officers to carry the same into effect, within or without the corporate limits of the town; to license, regulate, control and locate slaughter houses within or without the corporate limits of the town; and for such services of inspection to make reasonable charges therefor; and to provide reasonable penalties for the violation of such ordinances.

Twenty-fifth. To do all things whatsoever necessary or expedient, and to pass all ordinances, resolutions and by-laws for promoting or maintaining the security, general welfare, comfort, education, morals, peace, government, health, trade, commerce and industries of the town or its inhabitants, not in conflict with the Constitution of the State, or the Constitution of the United States.

Twenty-sixth. The council shall have full control and regulation over the public utilities now owned or that may hereafter be acquired by the said town, and to this end it shall have full authority to employ from time to time such employees, *agents, and consultants* as it deems necessary to properly maintain, conduct and operate the same; and it shall have full authority to incur indebtedness, unless otherwise prohibited by law, whenever the said council may deem it necessary for the proper conduct, management and maintenance of the public utilities now owned by the said town, or such as may hereafter be acquired by it; and the council is hereby authorized and empowered to supply electric current to persons, firms, associations and corporations not further distant than fifteen miles from the corporate limits of the town, and to charge therefor for which purpose the said council is specifically authorized and empowered to construct, purchase, lease or otherwise acquire necessary transmission lines, and to purchase, lease or otherwise acquire such rights of ways as may be necessary for such purposes.

The said council shall likewise have authority, by ordinance duly enacted, to compel all owners of real estate within the corporate limits of said town to connect with such sewerage pipes or connections as may hereafter be installed or constructed by the said town, upon such reasonable terms as may be prescribed by said council, together with all other authority necessary to a proper maintenance and operation of an effective sewerage system.

The said council, however, shall have no authority to sell its public utilities, without first submitting the question of such sale at a special election to be called for that purpose only, to the qualified voters of the Town of Front Royal, which election shall be conducted as now provided by general law governing special elections. The Circuit Court of Warren County shall order such special election upon the petition of two hundred qualified voters of the Town of Front Royal, or upon a resolution passed by a majority of the council of said town. For a period of not less than four weeks prior to said special election, the substantial terms of any proposed sale shall be published over the signature of the clerk of the said town, once a week for four successive weeks in some newspaper ~~published~~ *published of general circulation* within the County of Warren, *or by publication for not less than once per week for four successive weeks in some other manner permitted by the general laws of the Commonwealth for Virginia for the publication of proposed ordinances of the town.* The qualifications of voters in said special election shall be determined by existing statutes governing other special elections.

*Twenty-seventh. The council shall have all powers and authority to remedy, remove, repair, and secure any blighted or derelict building or structure that are granted in the Code of Virginia to any other locality.*

§ 28. In addition to all the other powers mentioned in this charter, the town shall have power to raise annually, *semiannually, or such other periods permitted by general law,* by taxes and assessments in said town on all subjects the taxation of which by incorporated towns is not forbidden by general law, such sums of money as the council herein provided for shall deem necessary for the purposes of said town, and in such manner as said council shall deem expedient, in accordance with the Constitution and laws of this State and of the United States.

§ 37. For the purpose of guarding against the calamities of fire, *and based upon the advice of a fire marshal or building official or other person with expertise in the prevention of fires or explosion,* the town council may, from time to time, designate such portions and parts of the town as it deems proper within which buildings ~~of wood~~ *or other structures deemed by town council as unreasonably dangerous from or susceptible to fire or explosion,* may or may not be erected. It may prohibit the erection of ~~wooden buildings~~ *or buildings, structures, or additions* of inflammable material in any portion of the town without its permission, and may provide for the removal of such buildings *or structures* or additions which shall be erected contrary to such prohibition at the expense of the builder or owner thereof; or if any building in process of erection or already built appears clearly to be unsafe the council may cause such building to be taken down, after reasonable notice to the owner; and the council may, by proper ordinance, divide the town into zones; specify the kind and character of buildings which may be erected in the different zones; provide for the disposition of garbage and waste; provide precautionary measures against danger from fires; provide for the removal of buildings or structures of any kind, erected in violation of ordinances, at the expense of the builder or owner; and may do all other things lawful to be done, looking to the health and safety of the inhabitants of the town.

§ 39. All ordinances hereafter passed by the council for the violation of which any penalty is imposed, shall be published once, at least, in one of the newspapers of *general circulation* in said town, to be designated by the council, *or shall be published in any other manner permitted by general law for the publication of proposed ordinances.* A record or entry made by the clerk of said council, or a copy of said record or entry, duly certified to by him, shall be prima facie evidence of the publication of any such ordinance; and all laws, regulations and ordinances of the council may be read in evidence in all courts of justice, and in all proceedings before any officer, body or board in which it shall be necessary to refer thereto, from a copy thereof, certified by the clerk of said council, provided, however, that whenever the council of the

Town of Front Royal shall codify, in whole or in part, and print at one time, or from time to time, in book or pamphlet form, the general ordinances of the Town of Front Royal, or any part thereof, it shall be unnecessary to publish any new or changed ordinances therein contained, or such codification, or codifications, in a newspaper or otherwise, ~~and all new or changed ordinances therein contained, and such codification or codifications, shall take effect at such time, but not less than thirty days after such codification or codifications shall have been printed in book or pamphlet form, as may be prescribed by the council by ordinance;~~ provided; *that* notice of such publication and the availability of such book or pamphlet at the town hall is published in a newspaper as hereinabove required.

§ 44. If any person, having been an officer of such town, shall not within ten days after he shall have vacated, or removed from office, and upon notification or request of the clerk of the council, or within such time thereafter as the town council shall allow, deliver over to his successor in office all property, books, and papers belonging to the town, or appertaining to such office in his possession or under his control, he shall forfeit and pay to the town the sum of five hundred dollars, ~~to and may be sued for therefor~~ in the name of the town and recovered with costs; and all records and documents used in any such office by virtue of any provision of this act, or of any ordinance or order of the town council, or any superior officer of the said town, shall be deemed the property of the said town and appertaining to said office, and the chief officer thereof shall be responsible therefor.

§ 60. The council may at any time in its discretion combine the duties of town treasurer, or any part of such duties, with those of the duties of town manager, *or with the town's finance director*, and if and when the council places the duties of the town treasurer, or any part of such duties, upon the town manager *or with the finance director*, the town manager, *or the finance director, as the case may be*, shall have all of the power, authority, duties, obligations and responsibilities which are set forth in this act for the town treasurer to the extent of the combination of the duties of town treasurer with the duties of town manager by the town council.

§ 63. The council may at any time, after a public hearing, amend the town plan, ~~by including, but not limited to,~~ widening, relocating, or closing existing streets and highways, and by altering any existing park or by laying out new streets and highways and establishing new parks. Before amending the town plan, the council shall refer the proposed amendment to the town planning commission for a report thereon, and shall not act on such amendment until a report has been received from said commission, unless a period of thirty days has elapsed after the date of reference to the commission. Any amendment of the town plan, upon its adoption by the council, shall be final unless changed as herein provided as to the location, length, and width of any street and highway, and the location and dimensions of any park. Any widening, relocating, closing or laying out of streets and highways proposed under the provisions of law other than those contained in this article shall be deemed an amendment of the town plan, and shall be subject in all respects to the provisions of this chapter.

§ 64. (a) Before approving such plat, and thereby accepting the dedication of the streets, alleys, parks and public places thereon, the council shall require that the streets and alleys thereon shall be properly laid out and located with reference to the topography of the land so platted and the adjoining lands, both as to connections and widths, which widths of such streets and alleys shall be plainly marked in figures or written on such plat, and which streets and alleys shall be laid out in harmony with the general plan of the town.

(b) ~~And, before~~ *Before* approving such plat, and thereby accepting the dedication of the streets and alleys thereon, the council shall require the owner thereof to execute and deliver to the Town of Front Royal a release and waiver of any claim or claims for damages which such owner, his heirs, successors or assigns may have or acquire against the Town of Front Royal by reason of establishing proper grade lines on and along such streets and alleys and by reason of doing necessary grading or filling for the purpose of placing such streets and alleys upon the proper grade and releasing the Town of Front Royal from building any retaining wall or walls along the streets and alleys and property lines; and the council may require such release and waiver to be written and executed on said plat and recorded therewith or by an instrument of writing to be executed and recorded in the clerk's office of the circuit court of Warren County.

~~And the~~ *The* council may, in its discretion, require the owner of such platted lands to submit profiles of such streets and alleys, showing the contour thereof, together with proper grade lines laid thereon, and if and when the council is satisfied that the proper grade lines are laid on such profiles, the profiles shall be approved by the council and recorded by the owner or at his expense in the record of the profiles of the streets and alleys of the town, and the council may, in its discretion, require such release and waiver to be made with reference thereto.

(c) Before approving any such plat of any subdivision of lots or lands the town council may, at its discretion, require the owner of such lot or lands to grade the streets and alleys therein, according to grade lines approved and established by the council.

§ 65. For the purpose of preserving the integrity of the plan, no permit shall hereafter be issued for the construction of any building within the street lines of any mapped street or highway, as laid down in the town plan, within the town. ~~Provided, however, if the land within any mapped street or highway is not yielding a fair return to the owner, the board of appeals, provided for in chapter nine hereof, by a majority vote of all its members, may issue a permit for a building within the street line of such street or highway, upon such conditions as will increase as little as possible the cost of opening such street or highway, and will protect as far as possible the rights of the public and the integrity of the town plan. The board of appeals, hereinafter authorized, before taking any action under the provisions of this section, shall hold a public hearing, of which adequate notice shall be given to all persons deemed to be affected. Any decision by the board of appeals, rendered under the provisions of this section, shall be subject to the same court review as provided for zoning decisions of the board.~~

§ 67. For the purpose stated in chapter one hundred and ninety-seven of the Acts of Assembly, approved March 18, 1926, the town council is hereby empowered to pass zoning ordinances in conformity with the said act, as amended, subject, however, to the following modifications thereto:

(a) The council shall not adopt any zoning ordinance or map until it shall have appointed a town planning commission, as provided for in chapter eight hereof and shall have received from said commission its recommendations as to a zoning ordinance and map, and shall have held a public hearing thereon.

(b) Any zoning ordinance, regulations, restrictions, and boundaries of districts may be changed from time to time by the council, either upon its own motion or upon petition, under such conditions as the council may prescribe, after a public hearing and adequate notice to all owners and parties affected. ~~If a protest or protests be filed with the council, signed by the owners of twenty per centum or more of the area of the land included in the proposed change, or by the owners of twenty per centum or more of the area of the land immediately adjacent to the land included in the proposed change, within a distance of one hundred feet therefrom, or by the owners of twenty per centum or more of the area of the land directly opposite across any street or streets from the land included in the proposed change, within a distance of one hundred feet from the street lines directly opposite, then no such change shall be made except by the majority vote of all of the members of the council.~~ No change shall be made by the council in any zoning ordinance or map until such change has been referred to the town planning commission for a report thereon, and no action shall be taken by the council until a report has been received from the commission, unless a period of thirty days has elapsed after the date of reference to the commission.

(c) ~~Within thirty days after the adoption of any zoning ordinance and map, the council shall appoint a board of appeals, consisting of five members, none of whom shall hold any other positions with the town.~~

~~The council may remove any member of the board for cause, after a public hearing. If a vacancy occurs otherwise than by the expiration of the term of the different members, it shall be filled by the council for the unexpired term.~~

~~Unless the council designates some member of the board as chairman, the board shall select a chairman from among its own members, and may create and fill such other offices as it may choose. The board may employ such persons as the council may approve, and may expend such sums as are appropriated by the council for its work.~~

### CHAPTER 330

*An Act to amend and reenact § 1, as amended, of Article III of Chapter 397 of the Acts of Assembly of 1950, which provided a charter for the Town of Amherst, relating to council elections.*

[H 1240]

Approved March 19, 2018

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

**1. That § 1, as amended of Article III, of Chapter 397 of the Acts of Assembly of 1950 is amended and reenacted as follows:**

§ 1. (1) Mayor and councilmen as of July 1, ~~2010~~ 2018.

The present mayor and councilmen of the town of Amherst shall continue in office and exercise all the powers conferred by this charter and the general laws of the State until January 1, ~~2011~~ 2019.

(2) ~~Biennial Staggered~~ elections; ~~composition of town council;~~ acts and terms of office of mayor and councilmen; ~~composition of town council.~~

~~On the day specified by general law for the holding of municipal elections in every even-numbered year, there shall be elected for two year terms by the qualified voters of the town, one elector of the town, who shall be denominated mayor, and five other electors, who shall be denominated councilmen, and the mayor and councilmen shall constitute the town council. They shall enter upon the duties of their offices on the first day of January next succeeding their election, and shall continue in office until their successors are duly elected and qualified. Every person so elected shall take an oath faithfully to execute and discharge the duties of his office to the best of his judgment, and the mayor shall take the oath prescribed by law for State officers. The failure of any person elected or appointed under the provisions of this charter to qualify or to take the oath required, within the time prescribed for entering upon the discharge of the duties of the office to which he is elected or appointed, shall vacate the said office, and the council shall proceed and is hereby vested with power to fill such vacancy in the manner herein prescribed.~~

*On the Tuesday following the first Monday in November 2018, there shall be elected by the qualified voters of the town of Amherst one elector who shall be denominated the mayor and five electors who shall be denominated the councilmen of the town. The mayor and the two town councilmen candidates receiving the greatest number of votes shall be elected for terms of four years, and the three town councilmen candidates receiving the next greatest number of votes shall be elected for terms of two years. An election shall be held for the three council seats first expiring on the Tuesday following the first Monday in November 2020, and the three town councilmen so elected shall serve four-year terms. Elections thereafter shall be held on the Tuesday following the first Monday in November in even-numbered years, for terms of four years.*

*The term of each person elected under this section shall enter upon the duties of his office on the first day of January next succeeding his election and shall continue in office until his successor is duly elected and qualified. Every person so elected shall take an oath faithfully to execute and discharge the duties of his office to the best of his judgment as prescribed by law for State officers. The failure of any person elected or appointed under the provisions of this charter to qualify or to*

*take the oath required, within the time prescribed for entering upon the discharge of the duties of the office to which he is elected or appointed, shall vacate the said office, and the council shall proceed and is hereby vested with power to fill such vacancy in the manner prescribed in the Code of Virginia.*

*The mayor and five town councilmen shall constitute the council of the town.*

(3) Registrar and election officials; electorate.

There shall be appointed for the town a registrar and officers of election in the manner provided for by general law of Virginia, and all elections held in said town shall be conducted in accordance with said general law; the electorate shall be that prescribed by general law.

(4) Council as judge of qualifications and returns of members; power to fine and expel council members, and to fill vacancies in council.

The council shall judge of the election, qualification, and returns of its members; may fine them for disorderly conduct, and, with the concurrence of two-thirds, expel a member. If any person returned be adjudged disqualified, or be expelled, a new election to fill the vacancy shall be held on such day as the council may prescribe. Any vacancy occurring otherwise during the term for which such person was elected shall be filled by the council by the appointment of any one eligible to such office. A vacancy in the office of mayor shall be filled by the council from the electors of the town, and any member of the council may be eligible to fill such vacancy.

(5) Quorum of council.

A majority of the members of the council shall constitute a quorum for the transaction of business.

(6) Salaries of councilmen and mayor; mayor's salary is in lieu of fees.

Each member of the council may receive a salary to be fixed by the council, payable at such times and in such manner as the council may direct. The mayor may receive a salary to be fixed by the council, payable in such manner and at such times as the council may direct.

(7) Powers and duties of mayor generally.

The mayor shall preside at the meetings of the council and perform such other duties as are prescribed by this charter and by the general law, and such as may be imposed by the council consistent with his office. The mayor shall have no right to vote in the council, except in case of a tie he shall have the right to break the same by his vote; but he shall have the right to veto.

(8) Approval or veto of ordinances, and resolutions having the effect of ordinances; reconsideration and passage over veto.

Every ordinance, or resolution having the effect of an ordinance, shall, before it becomes operative be presented to the mayor. If he approves, he shall sign it, but if not, he may return it, with his objections in writing, to the town manager who shall enter the mayor's objections at length on the minute book of the council. The council shall thereupon proceed to reconsider such ordinance or resolution. If, after such consideration, two-thirds of all the members elected to the council shall agree to pass the ordinance or resolution, it shall become operative notwithstanding the objection of the mayor. In all such cases the votes of members of the council upon such reconsideration and the names of the members voting for and against the ordinance or resolution shall be entered on the minute book of the council. If any ordinance or resolution shall not be returned by the mayor within five days (Sunday excepted) after it shall have been presented to him, it shall become operative in like manner as if he had signed it, unless his term of office or that of the council, shall expire within said five days.

(9) Vice mayor.

The council shall, as soon as practicable after qualification, and biennially thereafter following the regular municipal election, appoint one of its members as vice-mayor. The vice-mayor, during the absence or disability of the mayor, shall perform the duties and be vested with all the powers, authority, and jurisdiction, of the mayor; and in the event of a vacancy for any reason in the office of mayor, he shall act as mayor until a mayor is duly appointed by the town council or is elected. The member of the council who shall be chosen vice-mayor shall continue to have all the rights, privileges, powers, duties and obligations of councilman even when performing the duties of mayor during the absence or disability of the mayor of the town.

(10) Regular and special meetings of council.

The council shall, by ordinance, fix the time for their regular meetings, which shall be held at least once a month. Special meetings may be called by the town manager at the instance of the mayor or any two members of the council in writing; and no other business shall be transacted at a special meeting except that stated in the call, unless all members be present and consent to the transaction of such other business. The meetings of the council shall be open to the public except when in the judgment of the council the public welfare shall require executive meetings.

(11) Council minute book.

The council shall keep a minute book, in which the town manager shall note the proceedings of the council, and shall record proceedings at large on the minute book and keep the same properly indexed.

(12) Council rules or procedures; certain matters may be adopted only by vote of majority of all members elected to council.

The council may adopt rules for regulating its proceedings, but no tax shall be levied, corporate debt contracted, or appropriation of money exceeding the sum of one hundred dollars be made, except by a recorded affirmative vote of a majority of all the members elected to the council.

(13) [Repealed.]

(14) [Repealed.]

(15) Town treasurer; town depository; commingling of funds.

The council may in its discretion designate the place of deposit of all town funds.

(16) [Repealed.]

(17) [Repealed.]

(18) [Repealed.]

(19) [Repealed.]

(20) Effective date of ordinances, resolutions and by-laws.

All ordinances, resolutions and bylaws passed by the council shall take effect at the time indicated in such ordinances, resolutions or bylaws, but in event no effective date shall be set forth in any such ordinances, resolutions or bylaws passed by the council, the same shall become effective thirty days from its passage.

(21) Creation of office, appointment, compensation, and removal of town manager.

The office of town manager is hereby created. The town manager shall be appointed by majority vote of the town council for an indefinite term. The manager shall be chosen by the council solely on the basis of executive and administrative qualifications, with special reference to actual experience in or knowledge of accepted practice in respect to the duties of the office hereinafter set forth. At the time of this appointment, the appointee need not be a resident of the town or state, but during the manager's tenure of office, shall reside within the town. No council member shall receive such appointment during the term for which the council member shall have been elected nor within one year after the expiration of the council member's term. The town manager shall receive such compensation as the council shall fix from time to time by ordinance or resolution. The town council may remove the town manager at any time by a majority vote of its members.

(22) Powers and duties of the town manager.

The town manager shall be the chief executive officer of the town, responsible to the council for the management of all town affairs placed in the manager's charge by or under this charter. The town manager shall:

(a) Appoint and suspend or remove all town employees and appointive administrative officers provided for by or under this charter, except as otherwise provided by law, this charter, or personnel rules adopted pursuant to this charter. The town manager may authorize any administrative officer subject to the manager's direction and supervision to exercise these powers with respect to subordinates in that officer's department, office, or agency;

(b) Direct and supervise the administration of all departments, offices, and agencies of the town, except as otherwise provided by this charter or by law;

(c) Attend all town council meetings. The town manager shall have the right to take part in discussion but shall not vote;

(d) See that all laws, provisions of this charter, and acts of the town council subject to enforcement by the town manager or by officers subject to the manager's direction and supervision are faithfully executed;

(e) Prepare and submit the annual budget and capital program to the town council and implement the final budget approved by council to achieve the goals of the town;

(f) Submit to the town council and make available to the public a complete report on the finances and administrative activities of the town as of the end of each fiscal year;

(g) Make such other reports as the town council may require concerning operations;

(h) Keep the town council fully advised as to the financial condition and future needs of the town;

(i) Make recommendations to the town council concerning the affairs of the town and facilitate the work of the town council in developing policy;

(j) Provide staff support services for the mayor and council members;

(k) Assist the council in developing long-term goals for the town and strategies to implement these goals;

(l) Encourage and provide staff support for regional and intergovernmental cooperation;

(m) Promote partnerships among council, staff, and citizens in developing public policy and building a sense of community; and

(n) Perform such other duties as are specified in this charter or may be required by the town council.

(23) Council not to interfere with appointments or removals.

Neither the council nor any of its members shall direct or request the appointment of any person to, or removal from, office by the town manager or any of the manager's subordinates, or in any manner take part in the appointment or removal of officers and employees in the administrative services of the town. Except for the purpose of inquiry, the council and its members shall deal with the administration solely through the town manager, and neither the council nor any member thereof shall give orders to any subordinates of the town manager, either publicly or privately.

(24) Emergencies. In case of accident, disaster, or other circumstance creating a public emergency, the town manager may award contracts and make purchases for the purpose of meeting said emergency, but the manager shall file promptly with council a certificate showing such emergency and the necessity for such action, together with an itemized account of all expenditures.

CHAPTER 331

*An Act to amend and reenact § 3.2, as amended, and § 4.1 of Chapter 836 of the Acts of Assembly of 1978, which provided a charter for the Town of Broadway, relating to municipal elections; term of the mayor.*

[H 1399]

Approved March 19, 2018

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

**1. That § 3.2, as amended, and § 4.1 of Chapter 836 of the Acts of Assembly of 1978 are amended and reenacted as follows:**

§ 3.2. Terms of office.

All councilmanic elections shall be held in accordance with general law. Commencing in ~~1984 November 2019~~, and every ~~even-numbered~~ *odd-numbered* year thereafter, there shall be elected three councilmen to serve four-year terms. Their terms shall commence ~~July January~~ 1 of the year ~~in~~ *after* which the election is held.

~~In the May 1982 general election the two members elected shall take office July 1 following their election and hold such office for a term of four years.~~

~~In the May 1983 general election the two members elected shall take office July 1 following their election and hold office as follows: the councilman receiving the highest number of votes shall serve a term of three years; the councilman receiving the second highest number of votes shall serve a term of one year. Thereafter, all terms shall be for four years.~~

Each councilman elected as hereinabove provided shall serve for the term stated or until his successor has been elected and duly qualified in office. *No amendment to this section shall affect the term of office of any person holding office as councilman at the time of the adoption of such amendment.*

§ 4.1. Term of office and salary.

The mayor shall be elected by the qualified electors of the town for a term of ~~two~~ *four* years. In the general ~~municipal~~ election in ~~May 1978 November 2019~~, and *continuing at the general election each four years thereafter*, a mayor shall be elected to serve a term from ~~September 1, 1978, through June 30, 1980. Thereafter, he shall serve a two-year term beginning on July 1 of each even-numbered year. His term shall commence January 1 of each year after which the election is held.~~

His salary shall be fixed by the town council by ordinance in accordance with the provisions of law and shall not be diminished during his term of office.

No such ordinance shall be passed by the council on the same day on which it is introduced, nor shall it be valid until at least three days intervene between its introduction and the date of passage.

*No amendment to this section shall affect the term of office of any person holding the office of mayor at the time of the adoption of such amendment.*

CHAPTER 332

*An Act to amend and reenact § 23.1-3132 of the Code of Virginia, relating to the Virginia Research Investment Committee; membership.*

[H 1467]

Approved March 19, 2018

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

**1. That § 23.1-3132 of the Code of Virginia is amended and reenacted as follows:**

**§ 23.1-3132. Virginia Research Investment Committee; report.**

A. There is hereby established the Virginia Research Investment Committee to (i) promote research and development excellence in the Commonwealth; (ii) provide guidance, and coordination as deemed necessary, to existent efforts to support research in the Commonwealth with commercial potential; (iii) approve the Roadmap; and (iv) evaluate and award grants and loans from the Fund pursuant to the provisions of this article.

B. The Committee shall consist of the Director of the Council, the Secretary of ~~Technology Commerce and Trade~~, the Secretary of Finance, and the staff directors of the House Committee on Appropriations and the Senate Committee on Finance, all of whom shall serve ex officio with voting privileges, and four nonlegislative citizen members of the Board to be appointed as follows: one appointed by the Speaker of the House of Delegates, one appointed by the Senate Committee on Rules, and two appointed by the Governor.

C. Ex officio members shall serve terms coincident with their terms of office. Board members shall serve terms coincident with their terms on the Board. Vacancies shall be filled in the same manner as the original appointments.

D. The Director of the Council shall serve as the chairman of the Committee.

E. The Committee shall report to the Governor and the Chairmen of the House Committee on Appropriations and the Senate Committee on Finance no later than November 1 of each year. The report shall include details about awards made from the Fund in the immediately preceding fiscal year and updates on the research, development, and commercialization efforts resulting from such awards.

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

## CHAPTER 333

*An Act to amend and reenact § 46.2-1163 of the Code of Virginia, relating to safety inspection stickers; placement on motorcycles.*

[H 1499]

Approved March 19, 2018

**Be it enacted by the General Assembly of Virginia:****1. That § 46.2-1163 of the Code of Virginia is amended and reenacted as follows:****§ 46.2-1163. Official inspection stations; safety inspection approval stickers; actions of Superintendent subject to the Administrative Process Act.**

The Superintendent may designate, furnish instructions to, and supervise official inspection stations for the inspection of motor vehicles, trailers, and semitrailers and for adjusting and correcting equipment enumerated in this chapter in such a manner as to conform to specifications hereinbefore set forth. The Superintendent shall adopt and furnish to such official inspection stations regulations governing the making of inspections required by this chapter. The Superintendent may at any time, after five days' written notice, revoke the designation of any official inspection station designated by him.

If no defects are discovered or when the equipment has been corrected in accordance with this title, the official inspection station shall issue to the operator or owner of the vehicle, on forms furnished by the Department of State Police, a duplicate of which is retained by such station, a certificate showing the date of correction, registration number of the vehicle, and the official designation of such station. On or before December 1, 2010, any information an official inspection station is required to provide to the Department of State Police shall be accepted by the Department in electronic form. There also shall be placed on the windshield of the vehicle at a place to be designated by the Superintendent an approval sticker furnished by the Department of State Police. If any vehicle is not equipped with a windshield, the approval sticker shall be placed on the vehicle in a location designated by the Superintendent. If the vehicle is a motorcycle, the approval sticker may, *at the discretion of the motorcycle owner*, be placed on a plate securely fastened to the motorcycle for the purpose of displaying the sticker or ~~in any other location designated by the Superintendent~~ *affixed to the motorcycle. The Superintendent shall designate the location on which such plate shall be fastened or such sticker shall be affixed to the motorcycle.* This sticker shall be displayed on the windshield of such vehicle or at such other designated place upon the vehicle at all times when it is operated or parked on the highways in the Commonwealth and until such time as a new inspection period shall be designated and a new inspection sticker issued. Common carriers, operating under certificate from the State Corporation Commission or the Department of Motor Vehicles, who desire to do so may use with the approval of the Superintendent private inspection stations for the inspection and correction of their equipment.

The Superintendent shall provide motor vehicle safety inspection information upon the written request of an individual or corporate entity or such entity's agent. Any information provided shall not include personal information. The Superintendent may make a reasonable charge for furnishing information under this section but no fee shall be charged to any official of the Commonwealth, including court and police officials; officials of counties, cities, or towns; local government self-insurance pools; or the court, police, or licensing officials of other states or of the federal government, provided that the information requested is for official use and such officials do not charge the Commonwealth a fee for the provision of the same or substantially similar information. Vehicle information, including all descriptive vehicle data, submitted to or received from the Department of State Police related to such a request shall not be considered a public record for the purposes of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.). The fees received by the Superintendent pursuant to this section shall be paid into the state treasury and shall be set aside as a special fund to be used to meet the expenses of the Department of State Police's motor vehicle safety inspection program.

Actions of the Superintendent relating to official inspection stations shall be governed by the provisions of the Administrative Process Act (§ 2.2-4000 et seq.).

## CHAPTER 334

*An Act to amend and reenact §§ 4.1-206, 4.1-231, and 4.1-233 of the Code of Virginia, relating to alcoholic beverage control; confectionery license.*

[H 1602]

Approved March 19, 2018

**Be it enacted by the General Assembly of Virginia:****1. That §§ 4.1-206, 4.1-231, and 4.1-233 of the Code of Virginia are amended and reenacted as follows:****§ 4.1-206. Alcoholic beverage licenses.**

A. The Board may grant the following licenses relating to alcoholic beverages generally:

1. Distillers' licenses, which shall authorize the licensee to manufacture alcoholic beverages other than wine and beer, and to sell and deliver or ship the same, in accordance with Board regulations, in closed containers, to the Board and to persons outside the Commonwealth for resale outside the Commonwealth. When the Board has established a government store on the distiller's licensed premises pursuant to subsection D of § 4.1-119, such license shall also authorize the licensee

to make a charge to consumers to participate in an organized tasting event conducted in accordance with subsection G of § 4.1-119 and Board regulations.

2. Limited distiller's licenses, to distilleries that manufacture not more than 36,000 gallons of alcoholic beverages other than wine or beer per calendar year, provided (i) the distillery is located on a farm in the Commonwealth on land zoned agricultural and owned or leased by such distillery or its owner and (ii) agricultural products used by such distillery in the manufacture of its alcoholic beverages are grown on the farm. Limited distiller's licensees shall be treated as distillers for all purposes of this title except as otherwise provided in this subdivision. For purposes of this subdivision, "land zoned agricultural" means (a) land zoned as an agricultural district or classification or (b) land otherwise permitted by a locality for limited distillery use. For purposes of this subdivision, "land zoned agricultural" does not include land zoned "residential conservation." Except for the limitation on land zoned "residential conservation," nothing in this definition shall otherwise limit or affect local zoning authority.

3. Fruit distillers' licenses, which shall authorize the licensee to manufacture any alcoholic beverages made from fruit or fruit juices, and to sell and deliver or ship the same, in accordance with Board regulations, in closed containers, to the Board and to persons outside the Commonwealth for resale outside the Commonwealth.

4. Banquet facility licenses to volunteer fire departments and volunteer emergency medical services agencies, which shall authorize the licensee to permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by any person, and bona fide members and guests thereof, otherwise eligible for a banquet license. However, lawfully acquired alcoholic beverages shall not be purchased or sold by the licensee or sold or charged for in any way by the person permitted to use the premises. Such premises shall be a volunteer fire or volunteer emergency medical services agency station or both, regularly occupied as such and recognized by the governing body of the county, city, or town in which it is located. Under conditions as specified by Board regulation, such premises may be other than a volunteer fire or volunteer emergency medical services agency station, provided such other premises are occupied and under the control of the volunteer fire department or volunteer emergency medical services agency while the privileges of its license are being exercised.

5. Bed and breakfast licenses, which shall authorize the licensee to (i) serve alcoholic beverages in dining areas, private guest rooms and other designated areas to persons to whom overnight lodging is being provided, with or without meals, for on-premises consumption only in such rooms and areas, and without regard to the amount of gross receipts from the sale of food prepared and consumed on the premises and (ii) permit the consumption of lawfully acquired alcoholic beverages by persons to whom overnight lodging is being provided in (a) bedrooms or private guest rooms or (b) other designated areas of the bed and breakfast establishment. For purposes of this subdivision, "other designated areas" includes outdoor dining areas, whether or not contiguous to the licensed premises, which may have more than one means of ingress and egress to an adjacent public thoroughfare, provided that such outdoor dining areas are under the control of the licensee and approved by the Board. Such noncontiguous designated areas shall not be approved for any retail license issued pursuant to subdivision A 5 of § 4.1-201.

6. Tasting licenses, which shall authorize the licensee to sell or give samples of alcoholic beverages of the type specified in the license in designated areas at events held by the licensee. A tasting license shall be issued for the purpose of featuring and educating the consuming public about the alcoholic beverages being tasted. A separate license shall be required for each day of each tasting event. No tasting license shall be required for conduct authorized by § 4.1-201.1.

7. Museum licenses, which may be issued to nonprofit museums exempt from taxation under § 501(c)(3) of the Internal Revenue Code, which shall authorize the licensee to (i) permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by any bona fide member and guests thereof and (ii) serve alcoholic beverages on the premises of the licensee to any bona fide member and guests thereof. However, alcoholic beverages shall not be sold or charged for in any way by the licensee. The privileges of this license shall be limited to the premises of the museum, regularly occupied and utilized as such.

8. Equine sporting event licenses, which may be issued to organizations holding equestrian, hunt and steeplechase events, which shall authorize the licensee to permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by patrons thereof during such event. However, alcoholic beverages shall not be sold or charged for in any way by the licensee. The privileges of this license shall be (i) limited to the premises of the licensee, regularly occupied and utilized for equestrian, hunt and steeplechase events and (ii) exercised on no more than four calendar days per year.

9. Day spa licenses, which shall authorize the licensee to (i) permit the consumption of lawfully acquired wine or beer on the premises of the licensee by any bona fide customer of the day spa and (ii) serve wine or beer on the premises of the licensee to any such bona fide customer; however, the licensee shall not give more than two five-ounce glasses of wine or one 12-ounce glass of beer to any such customer, nor shall it sell or otherwise charge a fee to such customer for the wine or beer served or consumed. The privileges of this license shall be limited to the premises of the day spa regularly occupied and utilized as such.

10. Motor car sporting event facility licenses, which shall authorize the licensee to permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by patrons thereof during such events. However, alcoholic beverages shall not be sold or charged for in any way, directly or indirectly, by the licensee. The privileges of this license shall be limited to those areas of the licensee's premises designated by the Board that are regularly occupied and utilized for motor car sporting events.

11. Meal-assembly kitchen license, which shall authorize the licensee to serve wine or beer on the premises of the licensee to any such bona fide customer attending either a private gathering or a special event; however, the licensee shall not give more than two five-ounce glasses of wine or two 12-ounce glasses of beer to any such customer, nor shall it sell or otherwise charge a fee to such customer for the wine or beer served or consumed. The privileges of this license shall be limited to the premises of the meal-assembly kitchen regularly occupied and utilized as such.

12. Canal boat operator license, which shall authorize the licensee to permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by any bona fide customer attending either a private gathering or a special event; however, the licensee shall not sell or otherwise charge a fee to such customer for the alcoholic beverages so consumed. The privileges of this license shall be limited to the premises of the licensee, including the canal, the canal boats while in operation, and any pathways adjacent thereto. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license.

13. Annual arts venue event licenses, to persons operating an arts venue, which shall authorize the licensee participating in a community art walk that is open to the public to serve lawfully acquired wine or beer on the premises of the licensee to adult patrons thereof during such events. However, alcoholic beverages shall not be sold or charged for in any way, directly or indirectly, by the licensee, and the licensee shall not give more than two five-ounce glasses of wine or one 12-ounce glass of beer to any one adult patron. The privileges of this license shall be (i) limited to the premises of the arts venue regularly occupied and used as such and (ii) exercised on no more than 12 calendar days per year.

14. Art instruction studio licenses, which shall authorize the licensee to serve wine or beer on the premises of the licensee to any such bona fide customer; however, the licensee shall not give more than two five-ounce glasses of wine or one 12-ounce glass of beer to any such customer, nor shall it sell or otherwise charge a fee to such customer for the wine or beer served or consumed. The privileges of this license shall be limited to the premises of the art instruction studio regularly occupied and utilized as such.

15. Commercial lifestyle center license, which may be issued only to a commercial owners' association governing a commercial lifestyle center, which shall authorize any retail on-premises restaurant licensee that is a tenant of the commercial lifestyle center to sell alcoholic beverages to any bona fide customer to whom alcoholic beverages may be lawfully sold for consumption on that portion of the licensed premises of the commercial lifestyle center designated by the Board, including (i) plazas, seating areas, concourses, walkways, or such other similar areas and (ii) the premises of any tenant location of the commercial lifestyle center that is not a retail licensee of the Board, upon approval of such tenant, but excluding any parking areas. Only alcoholic beverages purchased from such retail on-premises restaurant licensees may be consumed on the licensed premises of the commercial lifestyle center, and such alcoholic beverages shall be contained in paper, plastic, or similar disposable containers with the name or logo of the restaurant licensee that sold the alcoholic beverage clearly displayed. Alcoholic beverages shall not be sold or charged for in any way by the commercial lifestyle center licensee. The licensee shall post appropriate signage clearly demarcating for the public the boundaries of the licensed premises; however, no physical barriers shall be required for this purpose. The licensee shall provide adequate security for the licensed premises to ensure compliance with the applicable provisions of this title and Board regulations.

16. *Confectionery license, which shall authorize the licensee to prepare and sell on the licensed premises for off-premises consumption confectionery that contains five percent or less alcohol by volume. Any alcohol contained in such confectionery shall not be in liquid form at the time such confectionery is sold.*

B. Any limited distillery that, prior to July 1, 2016, (i) holds a valid license granted by the Board in accordance with this title and (ii) is in compliance with the local zoning ordinance as an agricultural district or classification or as otherwise permitted by a locality for limited distillery use shall be allowed to continue such use as provided in § 15.2-2307, notwithstanding (a) the provisions of this section or (b) a subsequent change in ownership of the limited distillery on or after July 1, 2016, whether by transfer, acquisition, inheritance, or other means. Any such limited distillery located on land zoned residential conservation prior to July 1, 2016, may expand any existing building or structure and the uses thereof so long as specifically approved by the locality by special exception. Any such limited distillery located on land zoned residential conservation prior to July 1, 2016, may construct a new building or structure so long as specifically approved by the locality by special exception. All such licensees shall comply with the requirements of this title and Board regulations for renewal of such license or the issuance of a new license in the event of a change in ownership of the limited distillery on or after July 1, 2016.

**§ 4.1-231. Taxes on state licenses.**

A. The annual fees on state licenses shall be as follows:

1. Alcoholic beverage licenses. For each:

- a. Distiller's license, if not more than 5,000 gallons of alcohol or spirits, or both, manufactured during the year in which the license is granted, \$450; if more than 5,000 gallons but not more than 36,000 gallons manufactured during such year, \$2,500; and if more than 36,000 gallons manufactured during such year, \$3,725;
- b. Fruit distiller's license, \$3,725;
- c. Banquet facility license or museum license, \$190;
- d. Bed and breakfast establishment license, \$35;
- e. Tasting license, \$40 per license granted;
- f. Equine sporting event license, \$130;
- g. Motor car sporting event facility license, \$130;

- h. Day spa license, \$100;
- i. Delivery permit, \$120 if the permittee holds no other license under this title;
- j. Meal-assembly kitchen license, \$100;
- k. Canal boat operator license, \$100;
- l. Annual arts venue event license, \$100;
- m. Art instruction studio license, \$100; ~~and~~
- n. Commercial lifestyle center license, \$300; *and*
- o. *Confectionery license, \$100.*
- 2. Wine licenses. For each:
  - a. Winery license, if not more than 5,000 gallons of wine manufactured during the year in which the license is granted, \$189, and if more than 5,000 gallons manufactured during such year, \$3,725;
  - b. (1) Wholesale wine license, \$185 for any wholesaler who sells 30,000 gallons of wine or less per year, \$930 for any wholesaler who sells more than 30,000 gallons per year but not more than 150,000 gallons of wine per year, \$1,430 for any wholesaler who sells more than 150,000 but not more than 300,000 gallons of wine per year, and, \$1,860 for any wholesaler who sells more than 300,000 gallons of wine per year;  
(2) Wholesale wine license, including that granted pursuant to § 4.1-207.1, applicable to two or more premises, the annual state license tax shall be the amount set forth in subdivision b (1), multiplied by the number of separate locations covered by the license;
  - c. Wine importer's license, \$370;
  - d. Retail off-premises winery license, \$145, which shall include a delivery permit;
  - e. Farm winery license, \$190 for any Class A license and \$3,725 for any Class B license, each of which shall include a delivery permit;
  - f. Wine shipper's license, \$95; and
  - g. Internet wine retailer license, \$150.
- 3. Beer licenses. For each:
  - a. Brewery license, if not more than 500 barrels of beer manufactured during the year in which the license is granted, \$350; if not more than 10,000 barrels of beer manufactured during the year in which the license is granted, \$2,150; and if more than 10,000 barrels manufactured during such year, \$4,300;
  - b. Bottler's license, \$1,430;
  - c. (1) Wholesale beer license, \$930 for any wholesaler who sells 300,000 cases of beer a year or less, and \$1,430 for any wholesaler who sells more than 300,000 but not more than 600,000 cases of beer a year, and \$1,860 for any wholesaler who sells more than 600,000 cases of beer a year;  
(2) Wholesale beer license applicable to two or more premises, the annual state license tax shall be the amount set forth in subdivision c (1), multiplied by the number of separate locations covered by the license;
  - d. Beer importer's license, \$370;
  - e. Retail on-premises beer license to a hotel, restaurant, club or other person, except a common carrier of passengers by train or boat, \$145; for each such license to a common carrier of passengers by train or boat, \$145 per annum for each of the average number of boats, dining cars, buffet cars or club cars operated daily in the Commonwealth;
  - f. Retail off-premises beer license, \$120, which shall include a delivery permit;
  - g. Retail on-and-off premises beer license to a hotel, restaurant, club or grocery store located in a town or in a rural area outside the corporate limits of any city or town, \$300, which shall include a delivery permit;
  - h. Beer shipper's license, \$95; and
  - i. Retail off-premises brewery license, \$120, which shall include a delivery permit.
- 4. Wine and beer licenses. For each:
  - a. Retail on-premises wine and beer license to a hotel, restaurant, club or other person, except a common carrier of passengers by train, boat or airplane, \$300; for each such license to a common carrier of passengers by train or boat, \$300 per annum for each of the average number of boats, dining cars, buffet cars or club cars operated daily in the Commonwealth, and for each such license granted to a common carrier of passengers by airplane, \$750;
  - b. Retail on-premises wine and beer license to a hospital, \$145;
  - c. Retail on-premises wine and beer license to a historic cinema house, \$200;
  - d. Retail off-premises wine and beer license, including each gift shop, gourmet shop and convenience grocery store license, \$230, which shall include a delivery permit;
  - e. Retail on-and-off premises wine and beer license to a hotel, restaurant or club, \$600, which shall include a delivery permit;
  - f. Banquet license, \$40 per license granted by the Board, except for banquet licenses granted by the Board pursuant to subsection A of § 4.1-215, which shall be \$100 per license;
  - g. Gourmet brewing shop license, \$230;
  - h. Wine and beer shipper's license, \$95;
  - i. Annual banquet license, \$150;
  - j. Fulfillment warehouse license, \$120;
  - k. Marketing portal license, \$150; and

1. Gourmet oyster house license, \$230.
5. Mixed beverage licenses. For each:
  - a. Mixed beverage restaurant license granted to persons operating restaurants, including restaurants located on premises of and operated by hotels or motels, or other persons:
    - (i) With a seating capacity at tables for up to 100 persons, \$560;
    - (ii) With a seating capacity at tables for more than 100 but not more than 150 persons, \$975; and
    - (iii) With a seating capacity at tables for more than 150 persons, \$1,430.
  - b. Mixed beverage restaurant license for restaurants located on the premises of and operated by private, nonprofit clubs:
    - (i) With an average yearly membership of not more than 200 resident members, \$750;
    - (ii) With an average yearly membership of more than 200 but not more than 500 resident members, \$1,860; and
    - (iii) With an average yearly membership of more than 500 resident members, \$2,765.
  - c. Mixed beverage caterer's license, \$1,860;
  - d. Mixed beverage limited caterer's license, \$500;
  - e. Mixed beverage special events license, \$45 for each day of each event;
  - f. Mixed beverage club events licenses, \$35 for each day of each event;
  - g. Annual mixed beverage special events license, \$560;
  - h. Mixed beverage carrier license:
    - (i) \$190 for each of the average number of dining cars, buffet cars or club cars operated daily in the Commonwealth by a common carrier of passengers by train;
    - (ii) \$560 for each common carrier of passengers by boat;
    - (iii) \$1,475 for each license granted to a common carrier of passengers by airplane.
  - i. Annual mixed beverage amphitheater license, \$560;
  - j. Annual mixed beverage motor sports race track license, \$560;
  - k. Annual mixed beverage banquet license, \$500;
  - l. Limited mixed beverage restaurant license:
    - (i) With a seating capacity at tables for up to 100 persons, \$460;
    - (ii) With a seating capacity at tables for more than 100 but not more than 150 persons, \$875;
    - (iii) With a seating capacity at tables for more than 150 persons, \$1,330;
  - m. Annual mixed beverage motor sports facility license, \$560; and
  - n. Annual mixed beverage performing arts facility license, \$560.
6. Temporary licenses. For each temporary license authorized by § 4.1-211, one-half of the tax imposed by this section on the license for which the applicant applied.

B. The tax on each such license, except banquet and mixed beverage special events licenses, shall be subject to proration to the following extent: If the license is granted in the second quarter of any year, the tax shall be decreased by one-fourth; if granted in the third quarter of any year, the tax shall be decreased by one-half; and if granted in the fourth quarter of any year, the tax shall be decreased by three-fourths.

If the license on which the tax is prorated is a distiller's license to manufacture not more than 5,000 gallons of alcohol or spirits, or both, during the year in which the license is granted, or a winery license to manufacture not more than 5,000 gallons of wine during the year in which the license is granted, the number of gallons permitted to be manufactured shall be prorated in the same manner.

Should the holder of a distiller's license or a winery license to manufacture not more than 5,000 gallons of alcohol or spirits, or both, or wine, apply during the license year for an unlimited distiller's or winery license, such person shall pay for such unlimited license a license tax equal to the amount that would have been charged had such license been applied for at the time that the license to manufacture less than 5,000 gallons of alcohol or spirits or wine, as the case may be, was granted, and such person shall be entitled to a refund of the amount of license tax previously paid on the limited license.

Notwithstanding the foregoing, the tax on each license granted or reissued for a period other than 12, 24, or 36 months shall be equal to one-twelfth of the taxes required by subsection A computed to the nearest cent, multiplied by the number of months in the license period, and then increased by five percent. Such tax shall not be refundable, except as provided in § 4.1-232.

C. Nothing in this chapter shall exempt any licensee from any state merchants' license or state restaurant license or any other state tax. Every licensee, in addition to the taxes imposed by this chapter, shall be liable to state merchants' license taxation and state restaurant license taxation and other state taxation the same as if the alcoholic beverages were nonalcoholic. In ascertaining the liability of a beer wholesaler to merchants' license taxation, however, and in computing the wholesale merchants' license tax on a beer wholesaler, the first \$163,800 of beer purchases shall be disregarded; and in ascertaining the liability of a wholesale wine distributor to merchants' license taxation, and in computing the wholesale merchants' license tax on a wholesale wine distributor, the first \$163,800 of wine purchases shall be disregarded.

D. In addition to the taxes set forth in this section, a fee of \$5 may be imposed on any license purchased in person from the Board if such license is available for purchase online.

**§ 4.1-233. Taxes on local licenses.**

A. In addition to the state license taxes, the annual local license taxes which may be collected shall not exceed the following sums:

1. Alcoholic beverages. — For each:
  - a. Distiller's license, if more than 5,000 gallons but not more than 36,000 gallons manufactured during such year, \$750; if more than 36,000 gallons manufactured during such year, \$1,000; and no local license shall be required for any person who manufactures not more than 5,000 gallons of alcohol or spirits, or both, during such license year;
  - b. Fruit distiller's license, \$1,500;
  - c. Bed and breakfast establishment license, \$40;
  - d. Museum license, \$10;
  - e. Tasting license, \$5 per license granted;
  - f. Equine sporting event license, \$10;
  - g. Day spa license, \$20;
  - h. Motor car sporting event facility license, \$10;
  - i. Meal-assembly kitchen license, \$20;
  - j. Canal boat operator license, \$20;
  - k. Annual arts venue event license, \$20;
  - l. Art instruction studio license, \$20; ~~and~~
  - m. Commercial lifestyle center license, \$60; *and*
  - n. *Confectionery license, \$20.*
2. Beer. — For each:
  - a. Brewery license, if not more than 500 barrels of beer manufactured during the year in which the license is granted, \$250, and if more than 500 barrels of beer manufactured during the year in which the license is granted, \$1,000;
  - b. Bottler's license, \$500;
  - c. Wholesale beer license, in a city, \$250, and in a county or town, \$75;
  - d. Retail on-premises beer license for a hotel, restaurant or club and for each retail off-premises beer license in a city, \$100, and in a county or town, \$25; and
  - e. Beer shipper's license, \$10.
3. Wine. — For each:
  - a. Winery license, \$50;
  - b. Wholesale wine license, \$50;
  - c. Farm winery license, \$50; and
  - d. Wine shipper's license, \$10.
4. Wine and beer. — For each:
  - a. Retail on-premises wine and beer license for a hotel, restaurant or club; and for each retail off-premises wine and beer license, including each gift shop, gourmet shop and convenience grocery store license, in a city, \$150, and in a county or town, \$37.50;
  - b. Hospital license, \$10;
  - c. Historic cinema house license, \$20;
  - d. Banquet license, \$5 for each license granted, except for banquet licenses granted by the Board pursuant to subsection A of § 4.1-215, which shall be \$20 per license;
  - e. Gourmet brewing shop license, \$150;
  - f. Wine and beer shipper's license, \$10;
  - g. Annual banquet license, \$15; and
  - h. Gourmet oyster house license, in a city, \$150, and in a county or town, \$37.50.
5. Mixed beverages. — For each:
  - a. Mixed beverage restaurant license, including restaurants located on the premises of and operated by hotels or motels, or other persons:
    - (i) With a seating capacity at tables for up to 100 persons, \$200;
    - (ii) With a seating capacity at tables for more than 100 but not more than 150 persons, \$350; and
    - (iii) With a seating capacity at tables for more than 150 persons, \$500.
  - b. Private, nonprofit club operating a restaurant located on the premises of such club, \$350;
  - c. Mixed beverage caterer's license, \$500;
  - d. Mixed beverage limited caterer's license, \$100;
  - e. Mixed beverage special events licenses, \$10 for each day of each event;
  - f. Mixed beverage club events licenses, \$10 for each day of each event;
  - g. Annual mixed beverage amphitheater license, \$300;
  - h. Annual mixed beverage motor sports race track license, \$300;
  - i. Annual mixed beverage banquet license, \$75;
  - j. Limited mixed beverage restaurant license:
    - (i) With a seating capacity at tables for up to 100 persons, \$100;

- (ii) With a seating capacity at tables for more than 100 but not more than 150 persons, \$250;
- (iii) With a seating capacity at tables for more than 150 persons, \$400;
- k. Annual mixed beverage motor sports facility license, \$300; and
- l. Annual mixed beverage performing arts facility license, \$300.

B. Common carriers. — No local license tax shall be either charged or collected for the privilege of selling alcoholic beverages in (i) passenger trains, boats or airplanes and (ii) rooms designated by the Board of establishments of air carriers of passengers at airports in the Commonwealth for on-premises consumption only.

C. Merchants' and restaurants' license taxes. — The governing body of each county, city or town in the Commonwealth, in imposing local wholesale merchants' license taxes measured by purchases, local retail merchants' license taxes measured by sales, and local restaurant license taxes measured by sales, may include alcoholic beverages in the base for measuring such local license taxes the same as if the alcoholic beverages were nonalcoholic. No local alcoholic beverage license authorized by this chapter shall exempt any licensee from any local merchants' or local restaurant license tax, but such local merchants' and local restaurant license taxes may be in addition to the local alcoholic beverage license taxes authorized by this chapter.

The governing body of any county, city or town, in adopting an ordinance under this section, shall provide that in ascertaining the liability of (i) a beer wholesaler to local merchants' license taxation under the ordinance, and in computing the local wholesale merchants' license tax on such beer wholesaler, purchases of beer up to a stated amount shall be disregarded, which stated amount shall be the amount of beer purchases which would be necessary to produce a local wholesale merchants' license tax equal to the local wholesale beer license tax paid by such wholesaler and (ii) a wholesale wine licensee to local merchants' license taxation under the ordinance, and in computing the local wholesale merchants' license tax on such wholesale wine licensee, purchases of wine up to a stated amount shall be disregarded, which stated amount shall be the amount of wine purchases which would be necessary to produce a local wholesale merchants' license tax equal to the local wholesale wine licensee license tax paid by such wholesale wine licensee.

D. Delivery. — No county, city or town shall impose any local alcoholic beverages license tax on any wholesaler for the privilege of delivering alcoholic beverages in the county, city or town when such wholesaler maintains no place of business in such county, city or town.

E. Application of county tax within town. — Any county license tax imposed under this section shall not apply within the limits of any town located in such county, where such town now, or hereafter, imposes a town license tax on the same privilege.

**2. That the Board of Directors of the Alcoholic Beverage Control Authority shall promulgate regulations to implement the provisions of this act. Such regulations shall include a definition of the term "confectionery" and labeling requirements for such confectionery.**

**CHAPTER 335**

*An Act to amend and reenact § 15.2-907 of the Code of Virginia, relating to localities; authority to require abatement of criminal blight on real property.*

[S 451]

Approved March 19, 2018

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

**1. That § 15.2-907 of the Code of Virginia is amended and reenacted as follows:**

**§ 15.2-907. Authority to require removal, repair, etc., of buildings and other structures harboring illegal drug use or other criminal activity.**

A. As used in this section:

"Affidavit" means the affidavit sworn to under oath prepared by a locality in accordance with subdivision B 1 a hereof.

"Commercial sex acts" means any specific activities that would constitute a criminal act under Article 3 (§ 18.2-344 et seq.) of Chapter 8 of Title 18.2 or a substantially similar local ordinance if a criminal charge were to be filed against the individual perpetrator of such criminal activity.

"Controlled substance" means illegally obtained controlled substances or marijuana, as defined in § 54.1-3401.

"Corrective action" means the (i) taking which of steps specific actions with respect to the buildings or structures on property that are reasonably expected to be effective to abate drug criminal blight on such real property, such as including the removal, repair, or securing of any building, wall, or other structure, or (ii) changing specific policies, practices, and procedures of the real property owner that are reasonably expected to abate criminal blight on real property. A local law-enforcement official shall prepare an affidavit on behalf of the locality that states specific actions to be taken on the part of the property owner that the locality determines are necessary to abate the identified criminal blight on such real property and that do not impose an undue financial burden on the owner.

"Drug Criminal blight" means a condition existing on real property which tends to endanger that endangers the public health or safety of residents of a locality and is caused by (i) the regular presence on the property of persons under the influence of controlled substances or; (ii) the regular use of the property for the purpose of illegally possessing, manufacturing, or distributing controlled substances; (iii) the regular use of the property for the purpose of engaging in

commercial sex acts; or (iv) repeated acts of the malicious discharge of a firearm within any building or dwelling that would constitute a criminal act under § 18.2-279 or a substantially similar local ordinance if a criminal charge were to be filed against the individual perpetrator of such criminal activity.

"Law-enforcement official" means an official designated to enforce criminal laws within a locality, or an agent of such law-enforcement official. The law-enforcement official shall coordinate with the building or fire code official of the locality as otherwise provided under applicable laws and regulations.

"Owner" means the record owner of real property.

"Property" means real property.

B. Any locality may, by ordinance, provide that:

1. The locality may require the owner of real property to undertake corrective action, or the locality may undertake corrective action, with respect to such property in accordance with the procedures described herein:

a. The locality shall execute an affidavit, citing this section, to the effect that (i) ~~drug~~ criminal blight exists on the property and in the manner described therein; (ii) the locality has used diligence without effect to abate the ~~drug~~ criminal blight; and (iii) the ~~drug~~ criminal blight constitutes a present threat to the public's health, safety, or welfare.

b. The locality shall then send a notice to the owner of the property, to be sent by ~~regular~~ (i) certified mail, return receipt requested; (ii) hand delivery; or (iii) overnight delivery by a commercial service or the United States Postal Service, to the last address listed for the owner on the locality's assessment records for the property, together with a copy of such affidavit, advising that ~~(i)~~ (a) the owner has up to 30 days from the date thereof to undertake corrective action to abate the ~~drug~~ criminal blight described in such affidavit and ~~(ii)~~ (b) the locality will, if requested to do so, assist the owner in determining and coordinating the appropriate corrective action to abate the ~~drug~~ criminal blight described in such affidavit. If the owner notifies the locality in writing within the 30-day period that additional time to complete the corrective action is needed, the locality shall allow such owner an extension for an additional 30-day period to take such corrective action.

c. If no corrective action is undertaken during such 30-day period, or during the extension if such extension is granted by the locality, the locality shall send by ~~regular~~ certified mail, return receipt requested, an additional notice to the owner of the property, at the address stated in ~~the preceding~~ subdivision b, stating (i) the date on which the locality may commence corrective action to abate the ~~drug~~ criminal blight on the property or (ii) the date on which the locality may commence legal action in a court of competent jurisdiction to obtain a court order to require that the owner take such corrective action or, if the owner does not take corrective action, a court order to revoke the certificate of occupancy for such property, which date shall be no earlier than 15 days after the date of mailing of the notice. Such additional notice shall also reasonably describe the corrective action contemplated to be taken by the locality. Upon receipt of such notice, the owner shall have a right, upon reasonable notice to the locality, to seek ~~equitable~~ judicial relief, and the locality shall initiate no corrective action while a proper petition for relief is pending before a court of competent jurisdiction.

2. If the locality undertakes corrective action with respect to the property after complying with the provisions of subdivision B 1, the costs and expenses thereof shall be chargeable to and paid by the owner of such property and may be collected by the locality as taxes are collected.

3. Every charge authorized by this section with which the owner of any such property has been assessed and ~~which~~ that remains unpaid shall constitute a lien against such property with the same priority as liens for unpaid local real estate taxes and enforceable in the same manner as provided in Articles 3 (§ 58.1-3940 et seq.) and 4 (§ 58.1-3965 et seq.) of Chapter 39 of Title 58.1.

4. A criminal blight proceeding pursuant to this section shall be a civil proceeding in a court of competent jurisdiction in the Commonwealth.

C. If the owner of ~~such~~ real property takes timely corrective action pursuant to ~~such~~ the provisions of a local ordinance, the locality shall deem the ~~drug~~ criminal blight abated, shall close the proceeding without any charge or cost to the owner, and shall promptly provide written notice to the owner that the proceeding has been terminated satisfactorily. The closing of a proceeding shall not bar the locality from initiating a subsequent proceeding if the ~~drug~~ criminal blight recurs.

D. Nothing in this section shall be construed to abridge, diminish, limit, or waive any rights or remedies of an owner of property at law ~~or in equity~~ or any permits or nonconforming rights the owner may have under Chapter 22 (§ 15.2-2200 et seq.) or under a local ordinance. If an owner in good faith takes corrective action, and despite having taken such action, the specific criminal blight identified in the affidavit of the locality persists, such owner shall be deemed in compliance with this section. Further, if a tenant in a rental dwelling unit, or a tenant on a manufactured home lot, is the cause of criminal blight on such property and the owner in good faith initiates legal action and pursues the same by requesting a final order by a court of competent jurisdiction, as otherwise authorized by this Code, against such tenant to remedy such noncompliance or to terminate the tenancy, such owner shall be deemed in compliance with this section.

## CHAPTER 336

An Act to amend Chapter 423 of the Acts of Assembly of 1983, which provided a charter for the Town of Middleburg in Loudoun County, by adding a section numbered 2.4, relating to personal property taxes.

[S 594]

Approved March 19, 2018

**Be it enacted by the General Assembly of Virginia:****1. That Chapter 423 of the Acts of Assembly of 1983 is amended by adding a section numbered 2.4 as follows:****§ 2.4. Personal property taxes.**

*The town council may, notwithstanding any other provision of law, levy a tax on business personal property, as described in subdivision A 26 of § 58.1-3506 of the Code of Virginia, without regard to the existence of, or rate of, tax on motor vehicles or any other classification of tangible personal property.*

**CHAPTER 337**

*An Act to amend and reenact §§ 4.1-100, 4.1-208, and 4.1-231 of the Code of Virginia, relating to alcoholic beverage control; Internet beer retailers.*

[S 695]

Approved March 19, 2018

**Be it enacted by the General Assembly of Virginia:****1. That §§ 4.1-100, 4.1-208, and 4.1-231 of the Code of Virginia are amended and reenacted as follows:****§ 4.1-100. Definitions.**

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

"Alcohol" means the product known as ethyl or grain alcohol obtained by distillation of any fermented liquor, rectified either once or more often, whatever the origin, and shall include synthetic ethyl alcohol, but shall not include methyl alcohol and alcohol completely denatured in accordance with formulas approved by the government of the United States.

"Alcohol vaporizing device" means any device, machine, or process that mixes any alcoholic beverages with pure oxygen or other gas to produce a vaporized product for the purpose of consumption by inhalation.

"Alcoholic beverages" includes alcohol, spirits, wine, and beer, and any one or more of such varieties containing one-half of one percent or more of alcohol by volume, including mixed alcoholic beverages, and every liquid or solid, powder or crystal, patented or not, containing alcohol, spirits, wine, or beer and capable of being consumed by a human being. Any liquid or solid containing more than one of the four varieties shall be considered as belonging to that variety which has the higher percentage of alcohol, however obtained, according to the order in which they are set forth in this definition; except that beer may be manufactured to include flavoring materials and other nonbeverage ingredients containing alcohol, as long as no more than 49 percent of the overall alcohol content of the finished product is derived from the addition of flavors and other nonbeverage ingredients containing alcohol for products with an alcohol content of no more than six percent by volume; or, in the case of products with an alcohol content of more than six percent by volume, as long as no more than one and one-half percent of the volume of the finished product consists of alcohol derived from added flavors and other nonbeverage ingredients containing alcohol.

"Art instruction studio" means any commercial establishment that provides to its customers all required supplies and step-by-step instruction in creating a painting or other work of art during a studio instructional session.

"Arts venue" means a commercial or nonprofit establishment that is open to the public and in which works of art are sold or displayed.

"Authority" means the Virginia Alcoholic Beverage Control Authority created pursuant to this title.

"Barrel" means any container or vessel having a capacity of more than 43 ounces.

"Bed and breakfast establishment" means any establishment (i) having no more than 15 bedrooms; (ii) offering to the public, for compensation, transitory lodging or sleeping accommodations; and (iii) offering at least one meal per day, which may but need not be breakfast, to each person to whom overnight lodging is provided. For purposes of the licensing requirements of this title, "bed and breakfast establishment" includes any property offered to the public for short-term rental, as that term is defined in § 15.2-983, other than a hotel as defined in this section, regardless of whether a meal is offered to each person to whom overnight lodging is provided.

"Beer" means any alcoholic beverage obtained by the fermentation of an infusion or decoction of barley, malt, and hops or of any similar products in drinkable water and containing one-half of one percent or more of alcohol by volume.

"Board" means the Board of Directors of the Virginia Alcoholic Beverage Control Authority.

"Bottle" means any vessel intended to contain liquids and having a capacity of not more than 43 ounces.

"Canal boat operator" means any nonprofit organization that operates tourism-oriented canal boats for recreational purposes on waterways declared nonnavigable by the United States Congress pursuant to 33 U.S.C. § 59ii.

"Club" means any private nonprofit corporation or association which is the owner, lessee, or occupant of an establishment operated solely for a national, social, patriotic, political, athletic, or other like purpose, but not for pecuniary gain, the advantages of which belong to all of the members. It also means the establishment so operated. A corporation or association shall not lose its status as a club because of the conduct of charitable gaming conducted pursuant to Article 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2 in which nonmembers participate frequently or in large numbers, provided that no alcoholic beverages are served or consumed in the room where such charitable gaming is being conducted while such gaming is being conducted and that no alcoholic beverages are made available upon the premises to any person who is neither a member nor a bona fide guest of a member.

Any such corporation or association which has been declared exempt from federal and state income taxes as one which is not organized and operated for pecuniary gain or profit shall be deemed a nonprofit corporation or association.

"Commercial lifestyle center" means a mixed-use commercial development covering a minimum of 25 acres of land and having at least 100,000 square feet of retail space featuring national specialty chain stores and a combination of dining, entertainment, office, residential, or hotel establishments located in a physically integrated outdoor setting that is pedestrian friendly and that is governed by a commercial owners' association that is responsible for the management, maintenance, and operation of the common areas thereof.

"Container" means any barrel, bottle, carton, keg, vessel or other receptacle used for holding alcoholic beverages.

"Contract winemaking facility" means the premises of a licensed winery or farm winery that obtains grapes, fruits, and other agricultural products from a person holding a farm winery license and crushes, processes, ferments, bottles, or provides any combination of such services pursuant to an agreement with the farm winery licensee. For all purposes of this title, wine produced by a contract winemaking facility for a farm winery shall be considered to be wine owned and produced by the farm winery that supplied the grapes, fruits, or other agricultural products used in the production of the wine. The contract winemaking facility shall have no right to sell the wine so produced, unless the terms of payment have not been fulfilled in accordance with the contract. The contract winemaking facility may charge the farm winery for its services.

"Convenience grocery store" means an establishment which (i) has an enclosed room in a permanent structure where stock is displayed and offered for sale and (ii) maintains an inventory of edible items intended for human consumption consisting of a variety of such items of the types normally sold in grocery stores.

"Day spa" means any commercial establishment that offers to the public both massage therapy, performed by persons licensed in accordance with § 54.1-3029, and barbering or cosmetology services performed by persons licensed in accordance with Chapter 7 (§ 54.1-700 et seq.) of Title 54.1.

"Designated area" means a room or area approved by the Board for on-premises licensees.

"Dining area" means a public room or area in which meals are regularly served.

"Establishment" means any place where alcoholic beverages of one or more varieties are lawfully manufactured, sold, or used.

"Farm winery" means (i) an establishment (a) located on a farm in the Commonwealth on land zoned agricultural with a producing vineyard, orchard, or similar growing area and with facilities for fermenting and bottling wine on the premises where the owner or lessee manufactures wine that contains not more than 21 percent alcohol by volume or (b) located in the Commonwealth on land zoned agricultural with a producing vineyard, orchard, or similar growing area or agreements for purchasing grapes or other fruits from agricultural growers within the Commonwealth, and with facilities for fermenting and bottling wine on the premises where the owner or lessee manufactures wine that contains not more than 21 percent alcohol by volume or (ii) an accredited public or private institution of higher education, provided that (a) no wine manufactured by the institution shall be sold, (b) the wine manufactured by the institution shall be used solely for research and educational purposes, (c) the wine manufactured by the institution shall be stored on the premises of such farm winery that shall be separate and apart from all other facilities of the institution, and (d) such farm winery is operated in strict conformance with the requirements of this clause (ii) and Board regulations. As used in this definition, the terms "owner" and "lessee" shall include a cooperative formed by an association of individuals for the purpose of manufacturing wine. In the event that such cooperative is licensed as a farm winery, the term "farm" as used in this definition includes all of the land owned or leased by the individual members of the cooperative as long as such land is located in the Commonwealth. For purposes of this definition, "land zoned agricultural" means (1) land zoned as an agricultural district or classification or (2) land otherwise permitted by a locality for farm winery use. For purposes of this definition, "land zoned agricultural" does not include land zoned "residential conservation." Except for the limitation on land zoned "residential conservation," nothing in the definition of "land zoned agricultural" shall otherwise limit or affect local zoning authority.

"Gift shop" means any bona fide retail store selling, predominantly, gifts, books, souvenirs, specialty items relating to history, original and handmade arts and products, collectibles, crafts, and floral arrangements, which is open to the public on a regular basis. Such shop shall be a permanent structure where stock is displayed and offered for sale and which has facilities to properly secure any stock of wine or beer. Such shop may be located (i) on the premises or grounds of a government registered national, state or local historic building or site or (ii) within the premises of a museum. The Board shall consider the purpose, characteristics, nature, and operation of the shop in determining whether it shall be considered a gift shop.

"Gourmet brewing shop" means an establishment which sells to persons to whom wine or beer may lawfully be sold, ingredients for making wine or brewing beer, including packaging, and rents to such persons facilities for manufacturing, fermenting and bottling such wine or beer.

"Gourmet shop" means an establishment provided with adequate inventory, shelving, and storage facilities, where, in consideration of payment, substantial amounts of domestic and imported wines and beers of various types and sizes and related products such as cheeses and gourmet foods are habitually furnished to persons.

"Government store" means a store established by the Authority for the sale of alcoholic beverages.

"Historic cinema house" means a nonprofit establishment exempt from taxation under § 501(c)(3) of the Internal Revenue Code that was built prior to 1970 and that exists for the primary purpose of showing motion pictures to the public.

"Hotel" means any duly licensed establishment, provided with special space and accommodation, where, in consideration of payment, food and lodging are habitually furnished to persons, and which has four or more bedrooms. It shall also mean the person who operates such hotel.

"Interdicted person" means a person to whom the sale of alcoholic beverages is prohibited by order pursuant to this title.

*"Internet beer retailer" means a person who owns or operates an establishment with adequate inventory, shelving, and storage facilities, where, in consideration of payment, Internet or telephone orders are taken and shipped directly to consumers and which establishment is not a retail store open to the public.*

"Internet wine retailer" means a person who owns or operates an establishment with adequate inventory, shelving, and storage facilities, where, in consideration of payment, internet or telephone orders are taken and shipped directly to consumers and which establishment is not a retail store open to the public.

"Intoxicated" means a condition in which a person has drunk enough alcoholic beverages to observably affect his manner, disposition, speech, muscular movement, general appearance or behavior.

"Licensed" means the holding of a valid license granted by the Authority.

"Licensee" means any person to whom a license has been granted by the Authority.

"Liqueur" means any of a class of highly flavored alcoholic beverages that do not exceed an alcohol content of 25 percent by volume.

"Low alcohol beverage cooler" means a drink containing one-half of one percent or more of alcohol by volume, but not more than seven and one-half percent alcohol by volume, and consisting of spirits mixed with nonalcoholic beverages or flavoring or coloring materials; it may also contain water, fruit juices, fruit adjuncts, sugar, carbon dioxide, preservatives or other similar products manufactured by fermenting fruit or fruit juices. Low alcohol beverage coolers shall be treated as wine for all purposes of this title; except that low alcohol beverage coolers shall not be sold in localities that have not approved the sale of mixed beverages pursuant to § 4.1-124. In addition, low alcohol beverage coolers shall not be sold for on-premises consumption other than by mixed beverage licensees.

"Meal-assembly kitchen" means any commercial establishment that offers its customers, for off-premises consumption, ingredients for the preparation of meals and entrees in professional kitchen facilities located at the establishment.

"Meals" means, for a mixed beverage license, an assortment of foods commonly ordered in bona fide, full-service restaurants as principal meals of the day. Such restaurants shall include establishments specializing in full course meals with a single substantial entree.

"Member of a club" means (i) a person who maintains his membership in the club by the payment of monthly, quarterly, or annual dues in the manner established by the rules and regulations thereof or (ii) a person who is a member of a bona fide auxiliary, local chapter, or squadron composed of direct lineal descendants of a bona fide member, whether alive or deceased, of a national or international organization to which an individual lodge holding a club license is an authorized member in the same locality. It shall also mean a lifetime member whose financial contribution is not less than 10 times the annual dues of resident members of the club, the full amount of such contribution being paid in advance in a lump sum.

"Mixed beverage" or "mixed alcoholic beverage" means a drink composed in whole or in part of spirits.

"Mixer" means any prepackaged ingredients containing beverages or flavoring or coloring materials, and which may also contain water, fruit juices, fruit adjuncts, sugar, carbon dioxide, or preservatives which are not commonly consumed unless combined with alcoholic beverages, whether or not such ingredients contain alcohol. Such specialty beverage product shall be manufactured or distributed by a Virginia corporation.

"Municipal golf course" means any golf course that is owned by any town incorporated in 1849 and which is the county seat of Smyth County.

"Place or premises" means the real estate, together with any buildings or other improvements thereon, designated in the application for a license as the place at which the manufacture, bottling, distribution, use or sale of alcoholic beverages shall be performed, except that portion of any such building or other improvement actually and exclusively used as a private residence.

"Principal stockholder" means any person who individually or in concert with his spouse and immediate family members beneficially owns or controls, directly or indirectly, five percent or more of the equity ownership of any person that is a licensee of the Authority, or who in concert with his spouse and immediate family members has the power to vote or cause the vote of five percent or more of any such equity ownership. "Principal stockholder" does not include a broker-dealer registered under the Securities Exchange Act of 1934, as amended, that holds in inventory shares for sale on the financial markets for a publicly traded corporation holding, directly or indirectly, a license from the Authority.

"Public place" means any place, building, or conveyance to which the public has, or is permitted to have, access, including restaurants, soda fountains, hotel dining areas, lobbies and corridors of hotels, and any park, place of public resort or amusement, highway, street, lane, or sidewalk adjoining any highway, street, or lane.

The term shall not include (i) hotel or restaurant dining areas or ballrooms while in use for private meetings or private parties limited in attendance to members and guests of a particular group, association or organization; (ii) restaurants licensed by the Authority in office buildings or industrial or similar facilities while such restaurant is closed to the public and in use for private meetings or parties limited in attendance to employees and nonpaying guests of the owner or a lessee of all or part of such building or facility; (iii) offices, office buildings or industrial facilities while closed to the public and in use for private meetings or parties limited in attendance to employees and nonpaying guests of the owner or a lessee of all or

part of such building or facility; or (iv) private recreational or chartered boats which are not licensed by the Board and on which alcoholic beverages are not sold.

"Residence" means any building or part of a building or structure where a person resides, but does not include any part of a building which is not actually and exclusively used as a private residence, nor any part of a hotel or club other than a private guest room thereof.

"Resort complex" means a facility (i) with a hotel owning year-round sports and recreational facilities located contiguously on the same property or (ii) owned by a nonstock, nonprofit, taxable corporation with voluntary membership which, as its primary function, makes available golf, ski and other recreational facilities both to its members and the general public. The hotel or corporation shall have a minimum of 140 private guest rooms or dwelling units contained on not less than 50 acres. The Authority may consider the purpose, characteristics, and operation of the applicant establishment in determining whether it shall be considered as a resort complex. All other pertinent qualifications established by the Board for a hotel operation shall be observed by such licensee.

"Restaurant" means, for a beer, or wine and beer license or a limited mixed beverage restaurant license, any establishment provided with special space and accommodation, where, in consideration of payment, meals or other foods prepared on the premises are regularly sold.

"Restaurant" means, for a mixed beverage license other than a limited mixed beverage restaurant license, an established place of business (i) where meals with substantial entrees are regularly sold and (ii) which has adequate facilities and sufficient employees for cooking, preparing, and serving such meals for consumption at tables in dining areas on the premises, and includes establishments specializing in full course meals with a single substantial entree.

"Sale" and "sell" includes soliciting or receiving an order for; keeping, offering or exposing for sale; peddling, exchanging or bartering; or delivering otherwise than gratuitously, by any means, alcoholic beverages.

"Sangria" means a drink consisting of red or white wine mixed with some combination of sweeteners, fruit, fruit juice, soda, or soda water that may also be mixed with brandy, triple sec, or other similar spirits.

"Special agent" means an employee of the Virginia Alcoholic Beverage Control Authority whom the Board has designated as a law-enforcement officer pursuant to § 4.1-105.

"Special event" means an event sponsored by a duly organized nonprofit corporation or association and conducted for an athletic, charitable, civic, educational, political, or religious purpose.

"Spirits" means any beverage which contains alcohol obtained by distillation mixed with drinkable water and other substances, in solution, and includes, among other things, brandy, rum, whiskey, and gin, or any one or more of the last four named ingredients; but shall not include any such liquors completely denatured in accordance with formulas approved by the United States government.

"Wine" means any alcoholic beverage, including cider, obtained by the fermentation of the natural sugar content of fruits or other agricultural products containing (i) sugar, including honey and milk, either with or without additional sugar; (ii) one-half of one percent or more of alcohol by volume; and (iii) no product of distillation. The term includes any wine to which wine spirits have been added, as provided in the Internal Revenue Code, to make products commonly known as "fortified wine" which do not exceed an alcohol content of 21 percent by volume.

"Wine cooler" means a drink containing one-half of one percent or more of alcohol by volume, and not more than three and two-tenths percent of alcohol by weight or four percent by volume consisting of wine mixed with nonalcoholic beverages or flavoring or coloring materials, and which may also contain water, fruit juices, fruit adjuncts, sugar, carbon dioxide, or preservatives and shall include other similar products manufactured by fermenting fruit or fruit juices. Wine coolers and similar fermented fruit juice beverages shall be treated as wine for all purposes except for taxation under § 4.1-236.

"With or without meals" means the selling and serving of alcoholic beverages by retail licensees for on-premises consumption whether or not accompanied by food so long as the total food-beverage ratio required by § 4.1-210, or the monthly food sale requirement established by Board regulation, is met by such retail licensee.

#### **§ 4.1-208. Beer licenses.**

A. The Board may grant the following licenses relating to beer:

1. Brewery licenses, which shall authorize the licensee to manufacture beer and to sell and deliver or ship the beer so manufactured, in accordance with Board regulations, in closed containers to (i) persons licensed to sell the beer at wholesale; (ii) persons licensed to sell beer at retail for the purpose of resale within a theme or amusement park owned and operated by the brewery or a parent, subsidiary or a company under common control of such brewery, or upon property of such brewery or a parent, subsidiary or a company under common control of such brewery contiguous to such premises, or in a development contiguous to such premises owned and operated by such brewery or a parent, subsidiary or a company under common control of such brewery; and (iii) persons outside the Commonwealth for resale outside the Commonwealth. Such license shall also authorize the licensee to sell at retail the brands of beer that the brewery owns at premises described in the brewery license for on-premises consumption and in closed containers for off-premises consumption.

Such license may also authorize individuals holding a brewery license to (a) operate a facility designed for and utilized exclusively for the education of persons in the manufacture of beer, including sampling by such individuals of beer products, within a theme or amusement park located upon the premises occupied by such brewery, or upon property of such person contiguous to such premises, or in a development contiguous to such premises owned and operated by such person or a wholly owned subsidiary or (b) offer samples of the brewery's products to individuals visiting the licensed premises,

provided that such samples shall be provided only to individuals for consumption on the premises of such facility or licensed premises and only to individuals to whom such products may be lawfully sold.

2. Limited brewery licenses, to breweries that manufacture no more than 15,000 barrels of beer per calendar year, provided that (i) the brewery is located on a farm in the Commonwealth on land zoned agricultural and owned or leased by such brewery or its owner and (ii) agricultural products, including barley, other grains, hops, or fruit, used by such brewery in the manufacture of its beer are grown on the farm. The licensed premises shall be limited to the portion of the farm on which agricultural products, including barley, other grains, hops, or fruit, used by such brewery in the manufacture of its beer are grown and that is contiguous to the premises of such brewery where the beer is manufactured, exclusive of any residence and the curtilage thereof. However, the Board may, with notice to the local governing body in accordance with the provisions of § 4.1-230, also approve other portions of the farm to be included as part of the licensed premises. For purposes of this subdivision, "land zoned agricultural" means (a) land zoned as an agricultural district or classification or (b) land otherwise permitted by a locality for limited brewery use. For purposes of this subdivision, "land zoned agricultural" does not include land zoned "residential conservation." Except for the limitation on land zoned "residential conservation," nothing in this definition shall otherwise limit or affect local zoning authority.

Limited brewery licensees shall be treated as breweries for all purposes of this title except as otherwise provided in this subdivision.

3. Bottlers' licenses, which shall authorize the licensee to acquire and receive deliveries and shipments of beer in closed containers and to bottle, sell and deliver or ship it, in accordance with Board regulations to (i) wholesale beer licensees for the purpose of resale, (ii) owners of boats registered under the laws of the United States sailing for ports of call of a foreign country or another state, and (iii) persons outside the Commonwealth for resale outside the Commonwealth.

4. Wholesale beer licenses, which shall authorize the licensee to acquire and receive deliveries and shipments of beer and to sell and deliver or ship the beer from one or more premises identified in the license, in accordance with Board regulations, in closed containers to (i) persons licensed under this chapter to sell such beer at wholesale or retail for the purpose of resale, (ii) owners of boats registered under the laws of the United States sailing for ports of call of a foreign country or another state, and (iii) persons outside the Commonwealth for resale outside the Commonwealth.

No wholesale beer licensee shall purchase beer for resale from a person outside the Commonwealth who does not hold a beer importer's license unless such wholesale beer licensee holds a beer importer's license and purchases beer for resale pursuant to the privileges of such beer importer's license.

5. Beer importers' licenses, which shall authorize persons licensed within or outside the Commonwealth to sell and deliver or ship beer into the Commonwealth, in accordance with Board regulations, in closed containers, to persons in the Commonwealth licensed to sell beer at wholesale for the purpose of resale.

6. Retail on-premises beer licenses to:

a. Hotels, restaurants, and clubs, which shall authorize the licensee to sell beer, either with or without meals, only in dining areas and other designated areas of such restaurants, or in dining areas, private guest rooms, and other designated areas of such hotels or clubs, for consumption only in such rooms and areas. For purposes of this subdivision, "other designated areas" includes outdoor dining areas, whether or not contiguous to the licensed premises, which may have more than one means of ingress and egress to an adjacent public thoroughfare, provided that such outdoor dining areas are under the control of the licensee and approved by the Board. Such noncontiguous designated areas shall not be approved for any retail license issued pursuant to subdivision A 5 of § 4.1-201.

b. Persons operating dining cars, buffet cars, and club cars of trains, which shall authorize the licensee to sell beer, either with or without meals, in the dining cars, buffet cars, and club cars so operated by them for on-premises consumption when carrying passengers.

c. Persons operating sight-seeing boats, or special or charter boats, which shall authorize the licensee to sell beer, either with or without meals, on such boats operated by them for on-premises consumption when carrying passengers.

d. Grocery stores located in any town or in a rural area outside the corporate limits of any city or town, which shall authorize the licensee to sell beer for on-premises consumption in such establishments. No license shall be granted unless it appears affirmatively that a substantial public demand for such licensed establishment exists and that public convenience and the purposes of this title will be promoted by granting the license.

e. Persons operating food concessions at coliseums, stadia, or similar facilities, which shall authorize the licensee to sell beer, in paper, plastic, or similar disposable containers or in single original metal cans, during the performance of professional sporting exhibitions, events or performances immediately subsequent thereto, to patrons within all seating areas, concourses, walkways, concession areas, and additional locations designated by the Board in such coliseums, stadia, or similar facilities, for on-premises consumption. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license.

f. Persons operating food concessions at any outdoor performing arts amphitheater, arena or similar facility which has seating for more than 3,500 persons and is located in Albemarle, Augusta, Pittsylvania, Nelson, or Rockingham Counties. Such license shall authorize the licensee to sell beer during the performance of any event, in paper, plastic or similar disposable containers or in single original metal cans, to patrons within all seating areas, concourses, walkways, concession areas, or similar facilities, for on-premises consumption. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license.

g. Persons operating food concessions at exhibition or exposition halls, convention centers or similar facilities located in any county operating under the urban county executive form of government or any city which is completely surrounded by such county, which shall authorize the licensee to sell beer during the event, in paper, plastic or similar disposable containers or in single original metal cans, to patrons or attendees within all seating areas, exhibition areas, concourses, walkways, concession areas, and such additional locations designated by the Board in such facilities, for on-premises consumption. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license. For purposes of this subsection, "exhibition or exposition halls" and "convention centers" mean facilities conducting private or public trade shows or exhibitions in an indoor facility having in excess of 100,000 square feet of floor space.

7. Retail off-premises beer licenses, which shall authorize the licensee to sell beer in closed containers for off-premises consumption.

8. Retail off-premises brewery licenses to persons holding a brewery license which shall authorize the licensee to sell beer at the place of business designated in the brewery license, in closed containers which shall include growlers and other reusable containers, for off-premises consumption.

9. Retail on-and-off premises beer licenses to persons enumerated in subdivisions 6 a and 6 d, which shall accord all the privileges conferred by retail on-premises beer licenses and in addition, shall authorize the licensee to sell beer in closed containers for off-premises consumption.

10. *Internet beer retailer license, which shall authorize persons located within or outside the Commonwealth to sell and ship beer, in accordance with § 4.1-209.1 and Board regulations, in closed containers to persons in the Commonwealth to whom beer may be lawfully sold for off-premises consumption. Such licensee shall not be required to comply with the monthly food sale requirement established by Board regulations.*

B. Any farm winery or limited brewery that, prior to July 1, 2016, (i) holds a valid license granted by the Board in accordance with this title and (ii) is in compliance with the local zoning ordinance as an agricultural district or classification or as otherwise permitted by a locality for farm winery or limited brewery use shall be allowed to continue such use as provided in § 15.2-2307, notwithstanding (a) the provisions of this section or (b) a subsequent change in ownership of the farm winery or limited brewery on or after July 1, 2016, whether by transfer, acquisition, inheritance, or other means. Any such farm winery or limited brewery located on land zoned residential conservation prior to July 1, 2016 may expand any existing building or structure and the uses thereof so long as specifically approved by the locality by special exception. Any such farm winery or limited brewery located on land zoned residential conservation prior to July 1, 2016 may construct a new building or structure so long as specifically approved by the locality by special exception. All such licensees shall comply with the requirements of this title and Board regulations for renewal of such license or the issuance of a new license in the event of a change in ownership of the farm winery or limited brewery on or after July 1, 2016.

**§ 4.1-231. Taxes on state licenses.**

A. The annual fees on state licenses shall be as follows:

1. Alcoholic beverage licenses. For each:

a. Distiller's license, if not more than 5,000 gallons of alcohol or spirits, or both, manufactured during the year in which the license is granted, \$450; if more than 5,000 gallons but not more than 36,000 gallons manufactured during such year, \$2,500; and if more than 36,000 gallons manufactured during such year, \$3,725;

b. Fruit distiller's license, \$3,725;

c. Banquet facility license or museum license, \$190;

d. Bed and breakfast establishment license, \$35;

e. Tasting license, \$40 per license granted;

f. Equine sporting event license, \$130;

g. Motor car sporting event facility license, \$130;

h. Day spa license, \$100;

i. Delivery permit, \$120 if the permittee holds no other license under this title;

j. Meal-assembly kitchen license, \$100;

k. Canal boat operator license, \$100;

l. Annual arts venue event license, \$100;

m. Art instruction studio license, \$100; and

n. Commercial lifestyle center license, \$300.

2. Wine licenses. For each:

a. Winery license, if not more than 5,000 gallons of wine manufactured during the year in which the license is granted, \$189, and if more than 5,000 gallons manufactured during such year, \$3,725;

b. (1) Wholesale wine license, \$185 for any wholesaler who sells 30,000 gallons of wine or less per year, \$930 for any wholesaler who sells more than 30,000 gallons per year but not more than 150,000 gallons of wine per year, \$1,430 for any wholesaler who sells more than 150,000 but not more than 300,000 gallons of wine per year, and, \$1,860 for any wholesaler who sells more than 300,000 gallons of wine per year;

(2) Wholesale wine license, including that granted pursuant to § 4.1-207.1, applicable to two or more premises, the annual state license tax shall be the amount set forth in subdivision b (1), multiplied by the number of separate locations covered by the license;

- c. Wine importer's license, \$370;
- d. Retail off-premises winery license, \$145, which shall include a delivery permit;
- e. Farm winery license, \$190 for any Class A license and \$3,725 for any Class B license, each of which shall include a delivery permit;
- f. Wine shipper's license, \$95; and
- g. Internet wine retailer license, \$150.
- 3. Beer licenses. For each:
  - a. Brewery license, if not more than 500 barrels of beer manufactured during the year in which the license is granted, \$350; if not more than 10,000 barrels of beer manufactured during the year in which the license is granted, \$2,150; and if more than 10,000 barrels manufactured during such year, \$4,300;
  - b. Bottler's license, \$1,430;
  - c. (1) Wholesale beer license, \$930 for any wholesaler who sells 300,000 cases of beer a year or less, and \$1,430 for any wholesaler who sells more than 300,000 but not more than 600,000 cases of beer a year, and \$1,860 for any wholesaler who sells more than 600,000 cases of beer a year;
  - (2) Wholesale beer license applicable to two or more premises, the annual state license tax shall be the amount set forth in subdivision c (1), multiplied by the number of separate locations covered by the license;
  - d. Beer importer's license, \$370;
  - e. Retail on-premises beer license to a hotel, restaurant, club or other person, except a common carrier of passengers by train or boat, \$145; for each such license to a common carrier of passengers by train or boat, \$145 per annum for each of the average number of boats, dining cars, buffet cars or club cars operated daily in the Commonwealth;
  - f. Retail off-premises beer license, \$120, which shall include a delivery permit;
  - g. Retail on-and-off premises beer license to a hotel, restaurant, club or grocery store located in a town or in a rural area outside the corporate limits of any city or town, \$300, which shall include a delivery permit;
  - h. Beer shipper's license, \$95; ~~and~~
  - i. Retail off-premises brewery license, \$120, which shall include a delivery permit; *and*
  - j. *Internet beer retailer license, \$150.*
- 4. Wine and beer licenses. For each:
  - a. Retail on-premises wine and beer license to a hotel, restaurant, club or other person, except a common carrier of passengers by train, boat or airplane, \$300; for each such license to a common carrier of passengers by train or boat, \$300 per annum for each of the average number of boats, dining cars, buffet cars or club cars operated daily in the Commonwealth, and for each such license granted to a common carrier of passengers by airplane, \$750;
  - b. Retail on-premises wine and beer license to a hospital, \$145;
  - c. Retail on-premises wine and beer license to a historic cinema house, \$200;
  - d. Retail off-premises wine and beer license, including each gift shop, gourmet shop and convenience grocery store license, \$230, which shall include a delivery permit;
  - e. Retail on-and-off premises wine and beer license to a hotel, restaurant or club, \$600, which shall include a delivery permit;
  - f. Banquet license, \$40 per license granted by the Board, except for banquet licenses granted by the Board pursuant to subsection A of § 4.1-215, which shall be \$100 per license;
  - g. Gourmet brewing shop license, \$230;
  - h. Wine and beer shipper's license, \$95;
  - i. Annual banquet license, \$150;
  - j. Fulfillment warehouse license, \$120;
  - k. Marketing portal license, \$150; and
  - l. Gourmet oyster house license, \$230.
- 5. Mixed beverage licenses. For each:
  - a. Mixed beverage restaurant license granted to persons operating restaurants, including restaurants located on premises of and operated by hotels or motels, or other persons:
    - (i) With a seating capacity at tables for up to 100 persons, \$560;
    - (ii) With a seating capacity at tables for more than 100 but not more than 150 persons, \$975; and
    - (iii) With a seating capacity at tables for more than 150 persons, \$1,430.
  - b. Mixed beverage restaurant license for restaurants located on the premises of and operated by private, nonprofit clubs:
    - (i) With an average yearly membership of not more than 200 resident members, \$750;
    - (ii) With an average yearly membership of more than 200 but not more than 500 resident members, \$1,860; and
    - (iii) With an average yearly membership of more than 500 resident members, \$2,765.
  - c. Mixed beverage caterer's license, \$1,860;
  - d. Mixed beverage limited caterer's license, \$500;
  - e. Mixed beverage special events license, \$45 for each day of each event;
  - f. Mixed beverage club events licenses, \$35 for each day of each event;
  - g. Annual mixed beverage special events license, \$560;

- h. Mixed beverage carrier license:
    - (i) \$190 for each of the average number of dining cars, buffet cars or club cars operated daily in the Commonwealth by a common carrier of passengers by train;
    - (ii) \$560 for each common carrier of passengers by boat;
    - (iii) \$1,475 for each license granted to a common carrier of passengers by airplane.
  - i. Annual mixed beverage amphitheater license, \$560;
  - j. Annual mixed beverage motor sports race track license, \$560;
  - k. Annual mixed beverage banquet license, \$500;
  - l. Limited mixed beverage restaurant license:
    - (i) With a seating capacity at tables for up to 100 persons, \$460;
    - (ii) With a seating capacity at tables for more than 100 but not more than 150 persons, \$875;
    - (iii) With a seating capacity at tables for more than 150 persons, \$1,330;
  - m. Annual mixed beverage motor sports facility license, \$560; and
  - n. Annual mixed beverage performing arts facility license, \$560.
6. Temporary licenses. For each temporary license authorized by § 4.1-211, one-half of the tax imposed by this section on the license for which the applicant applied.

B. The tax on each such license, except banquet and mixed beverage special events licenses, shall be subject to proration to the following extent: If the license is granted in the second quarter of any year, the tax shall be decreased by one-fourth; if granted in the third quarter of any year, the tax shall be decreased by one-half; and if granted in the fourth quarter of any year, the tax shall be decreased by three-fourths.

If the license on which the tax is prorated is a distiller's license to manufacture not more than 5,000 gallons of alcohol or spirits, or both, during the year in which the license is granted, or a winery license to manufacture not more than 5,000 gallons of wine during the year in which the license is granted, the number of gallons permitted to be manufactured shall be prorated in the same manner.

Should the holder of a distiller's license or a winery license to manufacture not more than 5,000 gallons of alcohol or spirits, or both, or wine, apply during the license year for an unlimited distiller's or winery license, such person shall pay for such unlimited license a license tax equal to the amount that would have been charged had such license been applied for at the time that the license to manufacture less than 5,000 gallons of alcohol or spirits or wine, as the case may be, was granted, and such person shall be entitled to a refund of the amount of license tax previously paid on the limited license.

Notwithstanding the foregoing, the tax on each license granted or reissued for a period other than 12, 24, or 36 months shall be equal to one-twelfth of the taxes required by subsection A computed to the nearest cent, multiplied by the number of months in the license period, and then increased by five percent. Such tax shall not be refundable, except as provided in § 4.1-232.

C. Nothing in this chapter shall exempt any licensee from any state merchants' license or state restaurant license or any other state tax. Every licensee, in addition to the taxes imposed by this chapter, shall be liable to state merchants' license taxation and state restaurant license taxation and other state taxation the same as if the alcoholic beverages were nonalcoholic. In ascertaining the liability of a beer wholesaler to merchants' license taxation, however, and in computing the wholesale merchants' license tax on a beer wholesaler, the first \$163,800 of beer purchases shall be disregarded; and in ascertaining the liability of a wholesale wine distributor to merchants' license taxation, and in computing the wholesale merchants' license tax on a wholesale wine distributor, the first \$163,800 of wine purchases shall be disregarded.

D. In addition to the taxes set forth in this section, a fee of \$5 may be imposed on any license purchased in person from the Board if such license is available for purchase online.

**CHAPTER 338**

*An Act to amend and reenact §§ 2.2-2001.4, 54.1-2901, and 54.1-3001 of the Code of Virginia, relating to military medical personnel program; supervision.*

[S 829]

Approved March 19, 2018

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

**1. That §§ 2.2-2001.4, 54.1-2901, and 54.1-3001 of the Code of Virginia are amended and reenacted as follows:**

**§ 2.2-2001.4. Military medical personnel; program.**

A. For the purposes of this section, "military medical personnel" means an individual who has recently served as a medic in the United States Army, medical technician in the United States Air Force, or corpsman in the United States Navy or the United States Coast Guard and who was discharged or released from such service under conditions other than dishonorable.

B. The Department, in collaboration with the Department of Health Professions, shall establish a ~~pilot~~ program in which military medical personnel may practice and perform certain delegated acts that constitute the practice of medicine ~~under the supervision of a physician or podiatrist who holds an active, unrestricted license in Virginia or nursing in accordance with subsection B of § 54.1-2901 or subsection B of § 54.1-3001.~~ Such activities shall reflect the level of

training and experience of the military medical personnel. The supervising physician or podiatrist shall retain responsibility for the care of the patient.

C. Any licensed physician or podiatrist, a professional corporation or partnership of any licensee, any hospital, or any commercial enterprise having medical facilities for its employees that are supervised by one or more physicians or podiatrists may participate in such ~~pilot~~ program.

D. The Department shall establish general requirements for participating military medical personnel, licensees, and employers.

**§ 54.1-2901. Exceptions and exemptions generally.**

A. The provisions of this chapter shall not prevent or prohibit:

1. Any person entitled to practice his profession under any prior law on June 24, 1944, from continuing such practice within the scope of the definition of his particular school of practice;

2. Any person licensed to practice naturopathy prior to June 30, 1980, from continuing such practice in accordance with regulations promulgated by the Board;

3. Any licensed nurse practitioner from rendering care in collaboration and consultation with a patient care team physician as part of a patient care team pursuant to § 54.1-2957 or any nurse practitioner licensed by the Boards of Nursing and Medicine in the category of certified nurse midwife practicing pursuant to subsection H of § 54.1-2957 when such services are authorized by regulations promulgated jointly by the Board of Medicine and the Board of Nursing;

4. Any registered professional nurse, licensed nurse practitioner, graduate laboratory technician or other technical personnel who have been properly trained from rendering care or services within the scope of their usual professional activities which shall include the taking of blood, the giving of intravenous infusions and intravenous injections, and the insertion of tubes when performed under the orders of a person licensed to practice medicine or osteopathy, a nurse practitioner, or a physician assistant;

5. Any dentist, pharmacist or optometrist from rendering care or services within the scope of his usual professional activities;

6. Any practitioner licensed or certified by the Board from delegating to personnel supervised by him, such activities or functions as are nondiscretionary and do not require the exercise of professional judgment for their performance and which are usually or customarily delegated to such persons by practitioners of the healing arts, if such activities or functions are authorized by and performed for such practitioners of the healing arts and responsibility for such activities or functions is assumed by such practitioners of the healing arts;

7. The rendering of medical advice or information through telecommunications from a physician licensed to practice medicine in Virginia or an adjoining state, or from a licensed nurse practitioner, to emergency medical personnel acting in an emergency situation;

8. The domestic administration of family remedies;

9. The giving or use of massages, steam baths, dry heat rooms, infrared heat or ultraviolet lamps in public or private health clubs and spas;

10. The manufacture or sale of proprietary medicines in this Commonwealth by licensed pharmacists or druggists;

11. The advertising or sale of commercial appliances or remedies;

12. The fitting by nonitinerant persons or manufacturers of artificial eyes, limbs or other apparatus or appliances or the fitting of plaster cast counterparts of deformed portions of the body by a nonitinerant bracemaker or prosthetist for the purpose of having a three-dimensional record of the deformity, when such bracemaker or prosthetist has received a prescription from a licensed physician, licensed nurse practitioner, or licensed physician assistant directing the fitting of such casts and such activities are conducted in conformity with the laws of Virginia;

13. Any person from the rendering of first aid or medical assistance in an emergency in the absence of a person licensed to practice medicine or osteopathy under the provisions of this chapter;

14. The practice of the religious tenets of any church in the ministrations to the sick and suffering by mental or spiritual means without the use of any drug or material remedy, whether gratuitously or for compensation;

15. Any legally qualified out-of-state or foreign practitioner from meeting in consultation with legally licensed practitioners in this Commonwealth;

16. Any practitioner of the healing arts licensed or certified and in good standing with the applicable regulatory agency in another state or Canada when that practitioner of the healing arts is in Virginia temporarily and such practitioner has been issued a temporary authorization by the Board from practicing medicine or the duties of the profession for which he is licensed or certified (i) in a summer camp or in conjunction with patients who are participating in recreational activities, (ii) while participating in continuing educational programs prescribed by the Board, or (iii) by rendering at any site any health care services within the limits of his license, voluntarily and without compensation, to any patient of any clinic which is organized in whole or in part for the delivery of health care services without charge as provided in § 54.1-106;

17. The performance of the duties of any active duty health care provider in the army, navy, coast guard, marine corps, air force, or public health service of the United States at any public or private health care facility while such individual is so commissioned or serving and in accordance with his official military duties;

18. Any masseur, who publicly represents himself as such, from performing services within the scope of his usual professional activities and in conformance with state law;

19. Any person from performing services in the lawful conduct of his particular profession or business under state law;

20. Any person from rendering emergency care pursuant to the provisions of § 8.01-225;
21. Qualified emergency medical services personnel, when acting within the scope of their certification, and licensed health care practitioners, when acting within their scope of practice, from following Durable Do Not Resuscitate Orders issued in accordance with § 54.1-2987.1 and Board of Health regulations, or licensed health care practitioners from following any other written order of a physician not to resuscitate a patient in the event of cardiac or respiratory arrest;
22. Any commissioned or contract medical officer of the army, navy, coast guard or air force rendering services voluntarily and without compensation while deemed to be licensed pursuant to § 54.1-106;
23. Any provider of a chemical dependency treatment program who is certified as an "acupuncture detoxification specialist" by the National Acupuncture Detoxification Association or an equivalent certifying body, from administering auricular acupuncture treatment under the appropriate supervision of a National Acupuncture Detoxification Association certified licensed physician or licensed acupuncturist;
24. Any employee of any assisted living facility who is certified in cardiopulmonary resuscitation (CPR) acting in compliance with the patient's individualized service plan and with the written order of the attending physician not to resuscitate a patient in the event of cardiac or respiratory arrest;
25. Any person working as a health assistant under the direction of a licensed medical or osteopathic doctor within the Department of Corrections, the Department of Juvenile Justice or local correctional facilities;
26. Any employee of a school board, authorized by a prescriber and trained in the administration of insulin and glucagon, when, upon the authorization of a prescriber and the written request of the parents as defined in § 22.1-1, assisting with the administration of insulin or administering glucagon to a student diagnosed as having diabetes and who requires insulin injections during the school day or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia;
27. Any practitioner of the healing arts or other profession regulated by the Board from rendering free health care to an underserved population of Virginia who (i) does not regularly practice his profession in Virginia, (ii) holds a current valid license or certificate to practice his profession in another state, territory, district or possession of the United States, (iii) volunteers to provide free health care to an underserved area of the Commonwealth under the auspices of a publicly supported all volunteer, nonprofit organization that sponsors the provision of health care to populations of underserved people, (iv) files a copy of the license or certification issued in such other jurisdiction with the Board, (v) notifies the Board at least five business days prior to the voluntary provision of services of the dates and location of such service, and (vi) acknowledges, in writing, that such licensure exemption shall only be valid, in compliance with the Board's regulations, during the limited period that such free health care is made available through the volunteer, nonprofit organization on the dates and at the location filed with the Board. The Board may deny the right to practice in Virginia to any practitioner of the healing arts whose license or certificate has been previously suspended or revoked, who has been convicted of a felony or who is otherwise found to be in violation of applicable laws or regulations. However, the Board shall allow a practitioner of the healing arts who meets the above criteria to provide volunteer services without prior notice for a period of up to three days, provided the nonprofit organization verifies that the practitioner has a valid, unrestricted license in another state;
28. Any registered nurse, acting as an agent of the Department of Health, from obtaining specimens of sputum or other bodily fluid from persons in whom the diagnosis of active tuberculosis disease, as defined in § 32.1-49.1, is suspected and submitting orders for testing of such specimens to the Division of Consolidated Laboratories or other public health laboratories, designated by the State Health Commissioner, for the purpose of determining the presence or absence of tubercle bacilli as defined in § 32.1-49.1;
29. Any physician of medicine or osteopathy or nurse practitioner from delegating to a registered nurse under his supervision the screening and testing of children for elevated blood-lead levels when such testing is conducted (i) in accordance with a written protocol between the physician or nurse practitioner and the registered nurse and (ii) in compliance with the Board of Health's regulations promulgated pursuant to §§ 32.1-46.1 and 32.1-46.2. Any follow-up testing or treatment shall be conducted at the direction of a physician or nurse practitioner;
30. Any practitioner of one of the professions regulated by the Board of Medicine who is in good standing with the applicable regulatory agency in another state or Canada from engaging in the practice of that profession when the practitioner is in Virginia temporarily with an out-of-state athletic team or athlete for the duration of the athletic tournament, game, or event in which the team or athlete is competing;
31. Any person from performing state or federally funded health care tasks directed by the consumer, which are typically self-performed, for an individual who lives in a private residence and who, by reason of disability, is unable to perform such tasks but who is capable of directing the appropriate performance of such tasks; or
32. Any practitioner of one of the professions regulated by the Board of Medicine who is in good standing with the applicable regulatory agency in another state from engaging in the practice of that profession in Virginia with a patient who is being transported to or from a Virginia hospital for care.
- B. Notwithstanding any provision of law or regulation to the contrary, military medical personnel, as defined in § 2.2-2001.4, while participating in a ~~pilot~~ program established by the Department of Veterans Services pursuant to § 2.2-2001.4, may practice under the supervision of a licensed physician or podiatrist or *the chief medical officer of an organization participating in such program, or his designee who is a licensee of the Board and supervising within his scope of practice.*

**§ 54.1-3001. Exemptions.**

4. This chapter shall not apply to the following:

1. The furnishing of nursing assistance in an emergency;
2. The practice of nursing, which is prescribed as part of a study program, by nursing students enrolled in nursing education programs approved by the Board or by graduates of approved nursing education programs for a period not to exceed ninety days following successful completion of the nursing education program pending the results of the licensing examination, provided proper application and fee for licensure have been submitted to the Board and unless the graduate fails the licensing examination within the 90-day period;
3. The practice of any legally qualified nurse of another state who is employed by the United States government while in the discharge of his official duties;
4. The practice of nursing by a nurse who holds a current unrestricted license in another state, the District of Columbia, a United States possession or territory, or who holds a current unrestricted license in Canada and whose training was obtained in a nursing school in Canada where English was the primary language, for a period of 30 days pending licensure in Virginia, if the nurse, upon employment, has furnished the employer satisfactory evidence of current licensure and submits proper application and fees to the Board for licensure before, or within 10 days after, employment. At the discretion of the Board, additional time may be allowed for nurses currently licensed in another state, the District of Columbia, a United States possession or territory, or Canada who are in the process of attaining the qualification for licensure in this Commonwealth;
5. The practice of nursing by any registered nurse who holds a current unrestricted license in another state, the District of Columbia, or a United States possession or territory, or a nurse who holds an equivalent credential in a foreign country, while enrolled in an advanced professional nursing program requiring clinical practice. This exemption extends only to clinical practice required by the curriculum;
6. The practice of nursing by any nurse who holds a current unrestricted license in another state, the District of Columbia, or a United States possession or territory and is employed to provide care to any private individual while such private individual is traveling through or temporarily staying, as defined in the Board's regulations, in the Commonwealth;
7. General care of the sick by nursing assistants, companions or domestic servants that does not constitute the practice of nursing as defined in this chapter;
8. The care of the sick when done solely in connection with the practice of religious beliefs by the adherents and which is not held out to the public to be licensed practical or professional nursing;
9. Any employee of a school board, authorized by a prescriber and trained in the administration of insulin and glucagon, when, upon the authorization of a prescriber and the written request of the parents as defined in § 22.1-1, assisting with the administration of insulin or administering glucagon to a student diagnosed as having diabetes and who requires insulin injections during the school day or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia;
10. The practice of nursing by any nurse who is a graduate of a foreign nursing school and has met the credential, language, and academic testing requirements of the Commission on Graduates of Foreign Nursing Schools for a period not to exceed ninety days from the date of approval of an application submitted to the Board when such nurse is working as a nonsupervisory staff nurse in a licensed nursing home or certified nursing facility. During such ninety-day period, such nurse shall take and pass the licensing examination to remain eligible to practice nursing in Virginia; no exemption granted under this subdivision shall be extended;
11. The practice of nursing by any nurse rendering free health care to an underserved population in Virginia who (i) does not regularly practice nursing in Virginia, (ii) holds a current valid license or certification to practice nursing in another state, territory, district or possession of the United States, (iii) volunteers to provide free health care to an underserved area of this Commonwealth under the auspices of a publicly supported all volunteer, nonprofit organization that sponsors the provision of health care to populations of underserved people, (iv) files a copy of the license or certification issued in such other jurisdiction with the Board, (v) notifies the Board at least five business days prior to the voluntary provision of services of the dates and location of such service, and (vi) acknowledges, in writing, that such licensure exemption shall only be valid, in compliance with the Board's regulations, during the limited period that such free health care is made available through the volunteer, nonprofit organization on the dates and at the location filed with the Board. The Board may deny the right to practice in Virginia to any nurse whose license or certificate has been previously suspended or revoked, who has been convicted of a felony or who is otherwise found to be in violation of applicable laws or regulations. However, the Board shall allow a nurse who meets the above criteria to provide volunteer services without prior notice for a period of up to three days, provided the nonprofit organization verifies that the practitioner has a valid, unrestricted license in another state;
12. Any person performing state or federally funded health care tasks directed by the consumer, which are typically self-performed, for an individual who lives in a private residence and who, by reason of disability, is unable to perform such tasks but who is capable of directing the appropriate performance of such tasks;
13. The practice of nursing by any nurse who holds a current unrestricted license from another state, the District of Columbia or a United States possession or territory, while such nurse is in the Commonwealth temporarily and is practicing nursing in a summer camp or in conjunction with clients who are participating in specified recreational or educational activities;

14. The practice of massage therapy that is an integral part of a program of study by a student enrolled in a massage therapy educational program under the direction of a licensed massage therapist. Any student enrolled in a massage therapy educational program shall be identified as a "Student Massage Therapist" and shall deliver massage therapy under the supervision of an appropriate clinical instructor recognized by the educational program;

15. The practice of massage therapy by a massage therapist licensed or certified in good standing in another state, the District of Columbia, or another country, while such massage therapist is volunteering at a sporting or recreational event or activity, is responding to a disaster or emergency declared by the appropriate authority, is travelling with an out-of-state athletic team or an athlete for the duration of the athletic tournament, game, or event in which the team or athlete is competing, or is engaged in educational seminars;

16. Any person providing services related to the domestic care of any family member or household member so long as that person does not offer, hold out, or claim to be a massage therapist;

17. Any health care professional licensed or certified under this title for which massage therapy is a component of his practice; or

18. Any individual who provides stroking of the hands, feet, or ears or the use of touch, words, and directed movement, including healing touch, therapeutic touch, mind-body centering, orthobionomy, traeger therapy, reflexology, polarity therapy, reiki, qigong, muscle activation techniques, or practices with the primary purpose of affecting energy systems of the human body.

*B. Notwithstanding any provision of law or regulation to the contrary, military medical personnel, as defined in § 2.2-2001.4, while participating in a program established by the Department of Veterans Services pursuant to § 2.2-2001.4, may practice under the supervision of a licensed physician or podiatrist or the chief medical officer of an organization participating in such program. The chief medical officer of an organization participating in a program established pursuant to § 2.2-2001.4 may, in consultation with the chief nursing officer of such organization, designate a registered nurse licensed by the Board or practicing with a multistate licensure privilege to supervise military personnel participating in a program established pursuant to § 2.2-2001.4 in the practice of nursing.*

**CHAPTER 339**

*An Act to amend and reenact § 46.2-870 of the Code of Virginia, relating to maximum speed limit on U.S. Route 501.*

[H 55]

Approved March 19, 2018

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

**1. That § 46.2-870 of the Code of Virginia is amended and reenacted as follows:**

**§ 46.2-870. Maximum speed limits generally.**

Except as otherwise provided in this article, the maximum speed limit shall be 55 miles per hour on interstate highways or other limited access highways with divided roadways, nonlimited access highways having four or more lanes, and all state primary highways.

The maximum speed limit on all other highways shall be 55 miles per hour if the vehicle is a passenger motor vehicle, bus, pickup or panel truck, or a motorcycle, but 45 miles per hour on such highways if the vehicle is a truck, tractor truck, or combination of vehicles designed to transport property, or is a motor vehicle being used to tow a vehicle designed for self-propulsion, or a house trailer.

Notwithstanding the foregoing provisions of this section, the maximum speed limit shall be 70 miles per hour where indicated by lawfully placed signs, erected subsequent to a traffic engineering study and analysis of available and appropriate accident and law-enforcement data, on: (i) interstate highways, (ii) multilane, divided, limited access highways, and (iii) high-occupancy vehicle lanes if such lanes are physically separated from regular travel lanes. The maximum speed limit shall be 60 miles per hour where indicated by lawfully placed signs, erected subsequent to a traffic engineering study and analysis of available and appropriate accident and law-enforcement data, on U.S. Route 23, U.S. Route 29, U.S. Route 58, U.S. Alternate Route 58, U.S. Route 360, U.S. Route 460, *U.S. Route 501 between the Town of South Boston and the North Carolina state line*, and ~~on~~ U.S. Route 17 between the Town of Port Royal and Saluda where they are nonlimited access, multilane, divided highways.

**CHAPTER 340**

*An Act to amend and reenact § 46.2-870 of the Code of Virginia, relating to maximum speed limits on certain highways.*

[H 73]

Approved March 19, 2018

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

**1. That § 46.2-870 of the Code of Virginia is amended and reenacted as follows:**

**§ 46.2-870. Maximum speed limits generally.**

Except as otherwise provided in this article, the maximum speed limit shall be 55 miles per hour on interstate highways or other limited access highways with divided roadways, nonlimited access highways having four or more lanes, and all state primary highways.

The maximum speed limit on all other highways shall be 55 miles per hour if the vehicle is a passenger motor vehicle, bus, pickup or panel truck, or a motorcycle, but 45 miles per hour on such highways if the vehicle is a truck, tractor truck, or combination of vehicles designed to transport property, or is a motor vehicle being used to tow a vehicle designed for self-propulsion, or a house trailer.

Notwithstanding the foregoing provisions of this section, the maximum speed limit shall be 70 miles per hour where indicated by lawfully placed signs, erected subsequent to a traffic engineering study and analysis of available and appropriate accident and law-enforcement data, on: (i) interstate highways; (ii) multilane, divided, limited access highways; and (iii) high-occupancy vehicle lanes if such lanes are physically separated from regular travel lanes. The maximum speed limit shall be 60 miles per hour where indicated by lawfully placed signs, erected subsequent to a traffic engineering study and analysis of available and appropriate accident and law-enforcement data, on U.S. Route 23, U.S. Route 29, U.S. Route 58, U.S. Alternate Route 58, *U.S. Route 301*, U.S. Route 360, U.S. Route 460, ~~and on~~ U.S. Route 17 ~~between the Town of Port Royal and Saluda, State Route 3, and State Route 207~~ where ~~they~~ *such routes* are nonlimited access, multilane, divided highways.

**CHAPTER 341**

*An Act to amend and reenact § 58.1-3378 of the Code of Virginia, relating to real property tax; boards of equalization.*

[H 190]

Approved March 19, 2018

**Be it enacted by the General Assembly of Virginia:****1. That § 58.1-3378 of the Code of Virginia is amended and reenacted as follows:****§ 58.1-3378. Sittings; notices thereof.**

Each board of equalization shall sit at and for such time or times as may be necessary to discharge the duties imposed and to exercise the powers conferred by this chapter. Of each sitting public notice shall be given at least 10 days beforehand by publication in a newspaper having general circulation in the county or city and, in a county, also by posting the notice at the courthouse and at each public library, voting precinct or both. Such posting shall be done by the sheriff or his deputy. Such notice shall inform the public that the board shall sit at the place or places and on the days named therein for the purpose of equalizing real estate assessments in such county or city and for the purpose of hearing complaints of inequalities wherein the property owners allege a lack of uniformity in assessment, or errors in acreage in such real estate assessments. The board also shall hear complaints that real property is assessed at more than fair market value. Except as otherwise provided by the Code of Virginia:

1. The fair market value of real property shall be established by the board as of January 1 of the applicable year; or
2. If a county or city has adopted July 1 as its tax day for real property pursuant to § 58.1-3011, then, for other than public service corporation property, the fair market value of real property shall be established by the board as of July 1 of the applicable year.

The governing body of any county or city may provide by ordinance the date by which applications must be made by property owners or lessees for relief. Such date shall not be earlier than 30 days after the termination of the date set by the assessing officer to hear objections to the assessments as provided in § 58.1-3330. If no applications for relief are received by such date, the board of equalization shall be deemed to have discharged its duties. Such governing body may also provide by ordinance the deadline by which all applications must be finally disposed of by the board of equalization. All such deadlines shall be clearly stated on the notice of assessment. The governing body may provide for applications for relief to be made electronically; however, taxpayers retain the right to file applications on traditional paper forms provided by the governing body as long as such forms are submitted prior to the established deadline. If such paper forms are mailed by the applicant, the postmark date shall be considered the date of receipt by the governing body. A hearing for relief before the board of equalization regarding an assessment on residential property shall not be denied on the basis of a lack of information on the application for relief, as long as the application includes the address, the parcel number, and the owner's proposed assessed value for the property. *If the application for relief is sent electronically, the date the applicant sends the application shall be considered the date of receipt by the governing body. The application is considered sent when it meets the requirements of subsection (a) of § 59.1-493.* A hearing for relief before the board of equalization regarding an assessment on commercial, multi-family residential, or industrial property on the basis of fair market value shall not be denied on the basis of a lack of information on the application, as long as documentation of any applicable assessment methodologies is submitted with the application, and the application includes the address, the parcel number, and the owner's proposed assessed value for the property.

## CHAPTER 342

*An Act to authorize Loudoun County to enter into agreements for the treasurer to collect and enforce real and personal property taxes on behalf of any town located in such county.*

[H 340]

Approved March 19, 2018

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

**1. § 1.** *Notwithstanding any other provision of law, the Loudoun County Board of Supervisors may authorize the treasurer of Loudoun County to enter into an agreement with any town located partially or wholly within Loudoun County for the county treasurer to collect and enforce delinquent or non-delinquent real or personal property taxes owed to such town. The county treasurer collecting town taxes pursuant to an agreement made under this act shall account for and pay over to the town the amounts collected, as provided by law. Any such agreement shall establish the terms for such collection and enforcement, including payment of reasonable compensation by the town for the services of the county treasurer and the order in which the county treasurer will credit partial payments between taxes owed to the county and those owed to the town.*

## CHAPTER 343

*An Act to require the Commonwealth of Virginia to become an associate member of the Multistate Tax Commission.*

[H 373]

Approved March 19, 2018

Whereas, the Multistate Tax Commission is an intergovernmental state tax agency working on behalf of states and taxpayers to administer, equitably and efficiently, tax laws that apply to multistate and multinational enterprises; and

Whereas, in 1967, the Multistate Tax Compact created the Multistate Tax Commission, which is charged with facilitating the proper determination of state and local tax liability of multistate taxpayers, including the equitable apportionment of tax bases and settlement of apportionment disputes, promoting uniformity or compatibility in significant components of tax systems, facilitating taxpayer convenience and compliance in the filing of tax returns and in other phases of tax administration, and avoiding duplicative taxation; and

Whereas, the Multistate Tax Commission has three levels of membership: compact members, which are states that have enacted the Multistate Tax Compact into state law; sovereignty members, which are states that support the purposes of the Multistate Tax Compact through regular participation in, and financial support for, the general activities of the Multistate Tax Commission; and associate members, which are states that participate in Multistate Tax Commission meetings and otherwise consult and cooperate with the Multistate Tax Commission and its other member states; and

Whereas, 48 states and the District of Columbia are currently members of the Multistate Tax Commission, and 26 of such states are associate members; and

Whereas, it is the duty of the Tax Commissioner of the Virginia Department of Taxation to supervise the administration of the tax laws of the Commonwealth insofar as they relate to taxable state subjects and assessments thereon, in light of objectives of ascertaining the best methods of reaching all taxable income, property, and transactions; effectuate equitable assessments; and avoid conflicts and duplication of taxation of the same income, property, and transactions; and

Whereas, the Multistate Tax Commission in 2014 and 2015 adopted revisions to its model Uniform Division of Income for Tax Purposes Act (UDITPA); and

Whereas, actions by the Multistate Tax Commission regarding other model legislation could have a significant impact on the competitiveness of the Commonwealth of Virginia; now, therefore,

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

**1. § 1.** *The Tax Commissioner of the Department of Taxation shall take such steps as are necessary for Virginia to become an associate member of the Multistate Tax Commission without payment of any membership fees, and shall participate in available Multistate Tax Commission discussions and meetings concerning model legislation and uniform tax policies that could affect the Commonwealth.*

## CHAPTER 344

*An Act to require the Department of Taxation and the Virginia Employment Commission to consider the feasibility of permitting taxpayers to submit tax reports and payments electronically for both the Virginia Employment Commission and the Department of Taxation.*

[H 538]

Approved March 19, 2018

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

**1. § 1.** *The Department of Taxation (Department) and the Virginia Employment Commission (Commission) shall consider the feasibility of permitting taxpayers to submit tax reports and payments electronically for both the Virginia Employment*

*Commission and the Department of Taxation using a single sign-on. The Department and the Commission shall also consider the feasibility, merits, and costs of developing and implementing an identity management system or retaining a contractor to do so.*

### CHAPTER 345

*An Act to amend and reenact § 46.2-870 of the Code of Virginia, relating to maximum speed limits on certain highways.*

[H 684]

Approved March 19, 2018

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

**1. That § 46.2-870 of the Code of Virginia is amended and reenacted as follows:**

**§ 46.2-870. Maximum speed limits generally.**

Except as otherwise provided in this article, the maximum speed limit shall be 55 miles per hour on interstate highways or other limited access highways with divided roadways, nonlimited access highways having four or more lanes, and all state primary highways.

The maximum speed limit on all other highways shall be 55 miles per hour if the vehicle is a passenger motor vehicle, bus, pickup or panel truck, or a motorcycle, but 45 miles per hour on such highways if the vehicle is a truck, tractor truck, or combination of vehicles designed to transport property, or is a motor vehicle being used to tow a vehicle designed for self-propulsion, or a house trailer.

Notwithstanding the foregoing provisions of this section, the maximum speed limit shall be 70 miles per hour where indicated by lawfully placed signs, erected subsequent to a traffic engineering study and analysis of available and appropriate accident and law-enforcement data, on: (i) interstate highways; (ii) multilane, divided, limited access highways; and (iii) high-occupancy vehicle lanes if such lanes are physically separated from regular travel lanes. The maximum speed limit shall be 60 miles per hour where indicated by lawfully placed signs, erected subsequent to a traffic engineering study and analysis of available and appropriate accident and law-enforcement data, on *State Route 3 between the corporate limits of the Town of Warsaw and unincorporated area of Emmerton*, U.S. Route 23, U.S. Route 29, U.S. Route 58, U.S. Alternate Route 58, U.S. Route 360, U.S. Route 460, and on U.S. Route 17 between the Town of Port Royal and Saluda where ~~they~~ *such routes* are nonlimited access, multilane, divided highways.

### CHAPTER 346

*An Act to amend and reenact § 58.1-439.12:05 of the Code of Virginia, relating to green job creation tax credit; extends sunset provision.*

[H 1372]

Approved March 19, 2018

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

**1. That § 58.1-439.12:05 of the Code of Virginia is amended and reenacted as follows:**

**§ 58.1-439.12:05. Green job creation tax credit.**

A. For taxable years beginning on or after January 1, 2010, but before January 1, ~~2018~~ 2021, a taxpayer shall be allowed a credit against the tax levied pursuant to § 58.1-320 or 58.1-400 for each new green job created within the Commonwealth by the taxpayer. The amount of the annual credit for each new green job shall be \$500 for each annual salary that is \$50,000 or more. The credit shall be first allowed for the taxable year in which the job has been filled for at least one year and for each of the four succeeding taxable years provided the job is continuously filled during the respective taxable year. Each taxpayer qualifying under this section shall be allowed the credit for up to 350 green jobs.

B. As used in this section:

"Green job" means employment in industries relating to the field of renewable, alternative energies, including the manufacture and operation of products used to generate electricity and other forms of energy from alternative sources that include hydrogen and fuel cell technology, landfill gas, geothermal heating systems, solar heating systems, hydropower systems, wind systems, and biomass and biofuel systems. The Secretary of Commerce and Trade shall develop a detailed definition and list of jobs that qualify for the credit provided in this section and shall post them on his website.

"Job" means employment of an indefinite duration of an individual whose primary work activity is related directly to the field of renewable, alternative energies and for which the standard fringe benefits are paid by the taxpayer, requiring a minimum of either (i) 35 hours of an employee's time per week for the entire normal year of such taxpayer's operations, which "normal year" must consist of at least 48 weeks, or (ii) 1,680 hours per year. Positions created when a job function is shifted from an existing location in the Commonwealth shall not qualify as a job under this section.

C. To qualify for the tax credit provided in subsection A, a taxpayer shall demonstrate that the green job was created by the taxpayer, and that such job was continuously filled in the Commonwealth during the respective taxable year.

D. The amount of the credit shall not exceed the total amount of tax imposed by this chapter for the taxable year in which the green job was continuously filled. If the amount of credit allowed exceeds the taxpayer's tax liability for such

taxable year, the amount that exceeds the tax liability may be carried over for credit against the income taxes of the taxpayer in the next five taxable years or until the total amount of the tax credit has been taken, whichever is sooner.

E. Credits granted to a partnership, limited liability company, or electing small business corporation (S corporation) shall be allocated to the individual partners, members, or shareholders, respectively, in proportion to their ownership or interest in such business entities.

F. If the taxpayer is eligible for the tax credits under this section and creates green jobs in an enterprise zone, as defined in § 59.1-539, such taxpayer may also qualify for the benefits under the Enterprise Zone Grant Program (§ 59.1-538 et seq.).

G. A taxpayer shall not be allowed a tax credit pursuant to this section for any green job for which the taxpayer is allowed (i) a major business facility job tax credit pursuant to § 58.1-439 or (ii) a federal tax credit for investments in manufacturing facilities for clean energy technologies that would foster investment and job creation in clean energy manufacturing.

**CHAPTER 347**

*An Act to amend and reenact § 58.1-439.12:05 of the Code of Virginia, relating to green job creation tax credit; extends sunset provision.*

[S 573]

Approved March 19, 2018

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

**1. That § 58.1-439.12:05 of the Code of Virginia is amended and reenacted as follows:**

**§ 58.1-439.12:05. Green job creation tax credit.**

A. For taxable years beginning on or after January 1, 2010, but before January 1, ~~2018~~ 2021, a taxpayer shall be allowed a credit against the tax levied pursuant to § 58.1-320 or 58.1-400 for each new green job created within the Commonwealth by the taxpayer. The amount of the annual credit for each new green job shall be \$500 for each annual salary that is \$50,000 or more. The credit shall be first allowed for the taxable year in which the job has been filled for at least one year and for each of the four succeeding taxable years provided the job is continuously filled during the respective taxable year. Each taxpayer qualifying under this section shall be allowed the credit for up to 350 green jobs.

B. As used in this section:

"Green job" means employment in industries relating to the field of renewable, alternative energies, including the manufacture and operation of products used to generate electricity and other forms of energy from alternative sources that include hydrogen and fuel cell technology, landfill gas, geothermal heating systems, solar heating systems, hydropower systems, wind systems, and biomass and biofuel systems. The Secretary of Commerce and Trade shall develop a detailed definition and list of jobs that qualify for the credit provided in this section and shall post them on his website.

"Job" means employment of an indefinite duration of an individual whose primary work activity is related directly to the field of renewable, alternative energies and for which the standard fringe benefits are paid by the taxpayer, requiring a minimum of either (i) 35 hours of an employee's time per week for the entire normal year of such taxpayer's operations, which "normal year" must consist of at least 48 weeks, or (ii) 1,680 hours per year. Positions created when a job function is shifted from an existing location in the Commonwealth shall not qualify as a job under this section.

C. To qualify for the tax credit provided in subsection A, a taxpayer shall demonstrate that the green job was created by the taxpayer, and that such job was continuously filled in the Commonwealth during the respective taxable year.

D. The amount of the credit shall not exceed the total amount of tax imposed by this chapter for the taxable year in which the green job was continuously filled. If the amount of credit allowed exceeds the taxpayer's tax liability for such taxable year, the amount that exceeds the tax liability may be carried over for credit against the income taxes of the taxpayer in the next five taxable years or until the total amount of the tax credit has been taken, whichever is sooner.

E. Credits granted to a partnership, limited liability company, or electing small business corporation (S corporation) shall be allocated to the individual partners, members, or shareholders, respectively, in proportion to their ownership or interest in such business entities.

F. If the taxpayer is eligible for the tax credits under this section and creates green jobs in an enterprise zone, as defined in § 59.1-539, such taxpayer may also qualify for the benefits under the Enterprise Zone Grant Program (§ 59.1-538 et seq.).

G. A taxpayer shall not be allowed a tax credit pursuant to this section for any green job for which the taxpayer is allowed (i) a major business facility job tax credit pursuant to § 58.1-439 or (ii) a federal tax credit for investments in manufacturing facilities for clean energy technologies that would foster investment and job creation in clean energy manufacturing.

**CHAPTER 348**

*An Act to designate a portion of Virginia Route 13 the "Trooper Michael Walter Memorial Highway."*

[H 1395]

Approved March 19, 2018

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

1. § 1. That the portion of Virginia Route 13 in Powhatan County between Virginia Route 1002 (Emmanuel Church Road) and Cumberland County is hereby designated the "Trooper Michael Walter Memorial Highway." The Department of Transportation shall place and maintain appropriate markers indicating the designation of this highway. This designation shall not affect any other designation heretofore or hereafter applied to this highway or any portions thereof.

**CHAPTER 349**

An Act to authorize the Virginia Marine Resources Commission to convey a permanent easement and rights-of-way across the Rappahannock River, including a portion of the Baylor Survey, to Virginia Electric and Power Company (Dominion Energy Virginia) for the purpose of installing, constructing, maintaining, repairing, and operating an underground electric transmission line and to repeal Chapter 377 of the Acts of Assembly of 2015.

[H 1491]

Approved March 19, 2018

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

1. § 1. The Virginia Marine Resources Commission is hereby authorized to grant and convey to Virginia Electric and Power Company, its successors and assigns, upon such terms and conditions as the Commission, with the approval of the Governor and the Attorney General, shall deem proper, a permanent easement and right-of-way of 200 feet of width, and a temporary right-of-way of a reasonable width, as needed for the purpose of installing, constructing, maintaining, repairing, and operating an underground electric transmission line across the Rappahannock River, including a portion of the Baylor Survey, the center line of such easement being described as follows:

Beginning at a point on the mean low water mark on the south side of the Rappahannock River and east of the Robert O. Norris Bridge, State Route 3, said point also being on the southerly line of the Commonwealth of Virginia and being S. 15°27'20" E., a distance of 5.40' from the northwesterly property corner of a parcel of land owned by David B. Wallace and Heidi M. Ott as recorded in Deed Book 282, page 699 in the Clerk's Office of the Circuit Court of Middlesex County, Virginia, said point having a coordinate value of North 3,753,477.44, East 12,081,494.01 based on the Virginia State Plane Coordinate System, South Zone, NAD 1983 (2011), thence continuing in the waters of the Rappahannock River; N. 37°08'57" E., a distance of 224.70' to a point having a coordinate value of North 3,753,656.54, East 12,081,629.71, thence on a curve to the right having a radius of 1990.00', an arc length of 160.99', and a chord bearing and distance of N. 39°28'00" E., 160.94' to a point having a coordinate value of North 3,753,780.79, East 12,081,732.01, thence N. 41°47'04" E., a distance of 1410.46' to a point having a coordinate value of North 3,754,832.51, East 12,082,671.84, thence N. 36°35'14" E., a distance of 6853.09' to a point having a coordinate value of North 3,760,335.21, East 12,086,756.59, thence N. 34°30'43" E., a distance of 1530.60' to a point having a coordinate value of North 3,761,596.43, East 12,087,623.79, thence on a curve to the right having a radius of 990.00', an arc length of 47.03', and a chord bearing and distance of N. 35°52'23" E., 47.03' ending at a point on the mean low water mark on the north side of the Rappahannock River and east of the Robert O. Norris Bridge, State Route 3, said point also being on the northerly line of the Commonwealth of Virginia and being S. 77°21'59" E., a distance of 62.15' from the southwesterly property corner of a parcel of land owned by Highbank Association Incorporated as recorded in instrument number LR20080000163 in the Clerk's Office of the Circuit Court of Lancaster County, Virginia, said point having a coordinate value of North 3,761,634.54, East 12,087,651.35, and containing 46.42 acres more or less.

§ 2. The portion of the property described in § 1 of this act that lies within the Baylor Survey shall not be considered part of the natural oyster beds, rocks, and shoals in the waters of the Commonwealth and is described as follows:

**Area within Public Ground No. 1 Middlesex County**

Beginning at a point on the southerly line of the Baylor Survey grounds of Public Ground No. 1 in the waters of the Rappahannock River, located in Middlesex County, Virginia (119.001.0300), said point also being along the centerline of a 200' Virginia Electric and Power Company right-of-way, having a coordinate value of North 3,754,348.40, East 12,082,239.23, based on the Virginia State Plane Coordinate System, South Zone, NAD 1983 (2011) and being the point of beginning; thence, from said point of beginning along the southerly line of the Baylor Survey Grounds of Public Ground No. 1, N. 75°00'02" W., a distance of 112.02' to a point having a coordinate value of North 3,754,377.39, East 12,082,131.03, thence leaving the aforesaid southerly line, N. 41°47'04" E., a distance of 695.18' to a point having a coordinate value of North 3,754,895.76, East 12,082,594.25, thence N. 36°35'14" E., a distance of 1582.23' to a point on the northerly line of the Baylor Survey Grounds of Public Ground No. 1 having a coordinate value of North 3,756,166.21, East 12,083,537.33, thence along the aforesaid northerly line, S. 73°58'25" E., a distance of 106.80' to a point, said point being along the centerline of a 200' Virginia Electric and Power Company right-of-way, having a coordinate value of North 3,756,136.72, East 12,083,639.98, thence S. 73°58'25" E., a distance of 106.80' to a point having a coordinate value of North 3,756,107.24, East 12,083,742.63, thence leaving the aforesaid northerly line, S. 36°35'14" W., a distance of 1666.32' to a point having a coordinate value of North 3,754,769.26, East 12,082,749.43, thence S. 41°47'04" W., a distance of 603.30' to a point, said point being on the southerly line of the aforesaid Public Ground No. 1 having a coordinate value of North 3,754,319.41, East 12,082,347.44, thence along the aforesaid southerly line, N. 75°00'02" W., a distance of 112.02' to the point of beginning, containing 10.44 acres.

*Area within Public Ground No. 1 Lancaster County*

*Beginning at a point on the northerly line of the Baylor Survey Grounds of Public Ground No. 1 in the waters of the Rappahannock River, located in Lancaster County, Virginia (103.001.0300), said point also being along the centerline of a 200' Virginia Electric and Power Company right-of-way, having a coordinate value of North 3,760,975.70, East 12,087,196.98 based on the Virginia State Plane Coordinate System, South Zone, NAD 1983 (2011) and being the point of beginning: thence, from said point of beginning along the northerly line of the Baylor Survey Grounds of Public Ground No. 1, S. 36°47'27" E., a distance of 105.57' to a point, having a coordinate value of North 3,760,891.15, East 12,087,260.20, thence leaving the aforesaid northerly line, S. 34°30'43" W., a distance of 745.26' to a point having a coordinate value of North 3,760,277.06, East 12,086,837.96, thence S. 36°35'14" W., a distance of 1454.73' to a point on the southerly line of the Baylor Survey Grounds of Public Ground No. 1, having a coordinate value of North 3,759,108.98, East 12,085,970.87, thence along the aforesaid southerly line, N. 55°16'47" W., a distance of 100.05' to a point, said point being along the centerline of a 200' Virginia Electric and Power Company right-of-way, having a coordinate value of North 3,759,165.97, East 12,085,888.64, thence N. 55°16'47" W., a distance of 100.05' to a point having a coordinate value of North 3,759,222.95, East 12,085,806.40, thence leaving the aforesaid southerly line N. 36°35'14" E., a distance of 1457.63' to a point having a coordinate value of North 3,760,393.36, East 12,086,675.21, thence N. 34°30'43" E., a distance of 809.32' to a point, said point being on the northerly line of the aforesaid Public Ground No. 1 having a coordinate value of North 3,761,060.24, East 12,087,133.75, thence along the aforesaid northerly line S. 36°47'27" E., a distance of 105.57' to the point of beginning, containing 10.25 acres.*

*§ 3. The instruments granting and conveying the easement and rights-of-way from the Commonwealth to Virginia Electric and Power Company shall be in a form approved by the Attorney General. The legal descriptions in §§ 1 and 2 may be modified to correct any errors discovered during the process of finalizing these instruments. The appropriate officials of the Commonwealth are hereby authorized to prepare, execute, and deliver such deed and other documents as may be necessary to accomplish the conveyance.*

**2. That Chapter 377 of the Acts of Assembly of 2015 is repealed.**

**CHAPTER 350**

*An Act to amend and reenact § 33.2-1807 of the Code of Virginia, relating to commercial rest areas; certain interstate highways.*

[H 1522]

Approved March 19, 2018

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

**1. That § 33.2-1807 of the Code of Virginia is amended and reenacted as follows:**

**§ 33.2-1807. Powers and duties of the private entity.**

A. The private entity shall have all power allowed by law generally to a private entity having the same form of organization as the private entity and shall have the power to develop and/or operate the qualifying transportation facility and impose user fees and/or enter into service contracts in connection with the use thereof. However, no tolls or user fees may be imposed by the private entity on Interstate 81 without the prior approval of the General Assembly. Prior approval of the General Assembly shall also be required prior to the imposition or collection of any toll for use of Interstate 95 south of Fredericksburg pursuant to the Interstate System Reconstruction or Rehabilitation Pilot Program. *No private entity may operate a rest area, as defined in § 33.2-1200, for commercial purposes without the prior approval of the General Assembly.*

B. The private entity may own, lease, or acquire any other right to use or develop and/or operate the qualifying transportation facility.

C. Subject to applicable permit requirements, the private entity shall have the authority to cross any canal or navigable watercourse so long as the crossing does not unreasonably interfere with then current navigation and use of the waterway.

D. In operating the qualifying transportation facility, the private entity may:

1. Make classifications according to reasonable categories for assessment of user fees; and

2. With the consent of the responsible public entity, make and enforce reasonable rules to the same extent that the responsible public entity may make and enforce rules with respect to a similar transportation facility.

E. The private entity shall:

1. Develop and/or operate the qualifying transportation facility in a manner that meets the standards of the responsible public entity for transportation facilities operated and maintained by such responsible public entity, all in accordance with the provisions of the interim agreement or the comprehensive agreement;

2. Keep the qualifying transportation facility open for use by the members of the public in accordance with the terms and conditions of the interim or comprehensive agreement after its initial opening upon payment of the applicable user fees and/or service payments, provided that the qualifying transportation facility may be temporarily closed because of emergencies or, with the consent of the responsible public entity, to protect the safety of the public or for reasonable construction or maintenance procedures;

3. Maintain, or provide by contract for the maintenance of, the qualifying transportation facility;

- 4. Cooperate with the responsible public entity in establishing any interconnection with the qualifying transportation facility requested by the responsible public entity; and
  - 5. Comply with the provisions of the interim or comprehensive agreement and any service contract.
- 2. That the provisions of this act shall not apply to or prohibit any program or contract between a private entity and an agency or political subdivision of the Commonwealth authorized pursuant to federal law, regulation, or policy as of July 1, 2018.**

**CHAPTER 351**

*An Act to amend and reenact § 33.2-1807 of the Code of Virginia, relating to commercial rest areas; certain interstate highways.*

[S 905]

Approved March 19, 2018

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

**1. That § 33.2-1807 of the Code of Virginia is amended and reenacted as follows:**

**§ 33.2-1807. Powers and duties of the private entity.**

A. The private entity shall have all power allowed by law generally to a private entity having the same form of organization as the private entity and shall have the power to develop and/or operate the qualifying transportation facility and impose user fees and/or enter into service contracts in connection with the use thereof. However, no tolls or user fees may be imposed by the private entity on Interstate 81 without the prior approval of the General Assembly. Prior approval of the General Assembly shall also be required prior to the imposition or collection of any toll for use of Interstate 95 south of Fredericksburg pursuant to the Interstate System Reconstruction or Rehabilitation Pilot Program. *No private entity may operate a rest area, as defined in § 33.2-1200, for commercial purposes without the prior approval of the General Assembly.*

B. The private entity may own, lease, or acquire any other right to use or develop and/or operate the qualifying transportation facility.

C. Subject to applicable permit requirements, the private entity shall have the authority to cross any canal or navigable watercourse so long as the crossing does not unreasonably interfere with then current navigation and use of the waterway.

D. In operating the qualifying transportation facility, the private entity may:

- 1. Make classifications according to reasonable categories for assessment of user fees; and
- 2. With the consent of the responsible public entity, make and enforce reasonable rules to the same extent that the responsible public entity may make and enforce rules with respect to a similar transportation facility.

E. The private entity shall:

- 1. Develop and/or operate the qualifying transportation facility in a manner that meets the standards of the responsible public entity for transportation facilities operated and maintained by such responsible public entity, all in accordance with the provisions of the interim agreement or the comprehensive agreement;
- 2. Keep the qualifying transportation facility open for use by the members of the public in accordance with the terms and conditions of the interim or comprehensive agreement after its initial opening upon payment of the applicable user fees and/or service payments, provided that the qualifying transportation facility may be temporarily closed because of emergencies or, with the consent of the responsible public entity, to protect the safety of the public or for reasonable construction or maintenance procedures;
- 3. Maintain, or provide by contract for the maintenance of, the qualifying transportation facility;
- 4. Cooperate with the responsible public entity in establishing any interconnection with the qualifying transportation facility requested by the responsible public entity; and
- 5. Comply with the provisions of the interim or comprehensive agreement and any service contract.

**2. That the provisions of this act shall not apply to or prohibit any program or contract between a private entity and an agency or political subdivision of the Commonwealth authorized pursuant to federal law, regulation, or policy as of July 1, 2018.**

**CHAPTER 352**

*An Act to amend and reenact § 33.2-1217 of the Code of Virginia, relating to signs or advertisements.*

[H 1523]

Approved March 19, 2018

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

**1. That § 33.2-1217 of the Code of Virginia is amended and reenacted as follows:**

**§ 33.2-1217. Special provisions pertaining to Interstate System, National Highway System, and federal-aid primary highways.**

A. Notwithstanding the territorial limitation set out in § 33.2-1202, no sign or advertisement adjacent to any Interstate System, National Highway System, or federal-aid primary highway shall be erected, maintained, or displayed that is visible

from the main traveled way within 660 feet of the nearest edge of the right-of-way, except as provided in subsections B and D, and outside of an urban area, no sign or advertisement beyond 660 feet of the nearest edge of the right-of-way of any Interstate System, National Highway System, or federal-aid primary highway that is visible from the main traveled way shall be erected, maintained, or displayed with the purpose of its message being read from the main traveled way, except as set forth in subsection C.

B. The following signs, advertisements, or advertising structures may be erected, maintained, and displayed within 660 feet of the right-of-way of any Interstate System, National Highway System, or federal-aid primary highway:

Class 1: Official signs. Directional and official signs and notices, including signs and notices pertaining to the availability of food, lodging, vehicle service and tourist information, natural wonders, scenic areas, museums, and historic attractions, as authorized or required by law; however, where such signs or notices pertain to facilities or attractions that are barrier free, such signs or notices shall contain the International Symbol of Access. The Board shall determine the type, lighting, size, location, number, and other requirements of signs of this class.

Class 2: On-premises signs. Signs not prohibited by other parts of this article that are consistent with the applicable provisions of this section and that advertise the sale or lease of, or activities being conducted upon, the real property where the signs are located, provided that any such signs that are located adjacent to and within 660 feet of any Interstate System highway and do not lie in commercial or industrial zones within the boundaries of incorporated municipalities, as such boundaries existed on September 21, 1959, wherein the use of real property adjacent to the Interstate System is subject to municipal regulation or control, or in areas where land use as of September 21, 1959, was clearly established by state law as industrial or commercial, shall comply with the following requirements:

1. Not more than one sign advertising the sale or lease of the same property may be erected or maintained in such manner as to be visible to traffic proceeding in any one direction on any one Interstate System highway;

2. Not more than one sign visible to traffic proceeding in any one direction on any one Interstate System highway and advertising activities being conducted upon the real property where the sign is located may be erected or maintained more than 50 feet from the advertised activity; ~~and no such sign may be located more than 250 feet from the center of the advertised activity;~~ and

3. No sign, except one that is not more than 50 feet from the advertised activity, that displays any trade name that refers to or identifies any service rendered or product sold may be erected or maintained unless the name of the advertised activity is displayed as conspicuously as such trade name.

Class 3: Other signs. Any signs or advertisements that are located within areas adjacent to any Interstate System, National Highway System, or federal-aid primary highway that are zoned industrial or commercial under authority of state law or in unzoned commercial or industrial areas as determined by the Board from actual land uses. The Board shall determine the size, lighting, and spacing of signs of this class, provided that such determination shall be no more restrictive than valid federal requirements on the same subject.

C. The following signs, advertisements, or advertising structures may be erected, maintained, and displayed beyond 660 feet of the right-of-way of any Interstate System, National Highway System, or federal-aid primary highway outside urban areas:

1. Class 1 and Class 2 signs, advertisements, or advertising structures set forth in subsection B.

2. All other signs, advertisements, or advertising structures erected, maintained, or displayed more than 660 feet from the nearest edge of the right-of-way of an Interstate System, National Highway System, or federal-aid primary highway, unless such sign or advertisement is visible from the main traveled way of such highways and erected, maintained, or displayed with the purpose of its message being read from the main traveled way of such highways.

In determining whether a sign, advertisement, or advertising structure is "erected, maintained, or displayed with the purpose of its message being read," the Commissioner of Highways shall consider, at a minimum, the nature of the business or product advertised thereon, the availability of such business or product to users of the controlled highway, and the visibility of the sign, advertisement, or advertising structure from the main traveled way of the controlled highway. Such visibility may be measured by considering the size or height of the sign, advertisement, or advertising structure; the configuration, size, and height of recognizable emblems, images, and lettering thereon; the angle of the sign, advertisement, or advertising structure to the main traveled way of the controlled highway; the degree to which physical obstructions hinder the view of the sign, advertisement, or advertising structure from the main traveled way of the controlled highway; and the time during which such sign, advertisement, or advertising structure is exposed to view by travelers on the main traveled way of the controlled highway traveling at the maximum and minimum speeds posted.

D. In order to provide information in the specific interest of the traveling public, the Department is authorized to maintain maps, permit informational directories and advertising pamphlets to be made available at rest areas, and establish information centers at rest areas for the purpose of informing the public of places of interest within the Commonwealth and providing such other information as may be considered desirable.

E. Notwithstanding any other provision of law, lawfully erected and maintained nonconforming signs, advertisements, and advertising structures shall not be removed or eliminated by amortization under state law or local ordinances without compensation as described in subsection F.

F. The Commissioner of Highways is authorized to acquire by purchase, gift, or the power of eminent domain and to pay just compensation upon the removal of nonconforming signs, advertisements, or advertising structures lawfully erected and maintained under state law or state regulations, provided that subsequent to November 6, 1978, whenever any local

ordinance that is more restrictive than state law requires the removal of such signs, advertisements, or advertising structures, the local governing body shall initiate the removal of such signs, advertisements, or advertising structures with the Commissioner of Highways, who shall have complete authority to administer the removal of such signs, advertisements, or advertising structures. Upon proof of payment presented to the local governing bodies, the local governing bodies shall reimburse the Commissioner of Highways the funds expended that are associated with the removal of such signs, advertisements, or advertising structures required by local ordinances, less any federal funds received for such purposes. Notwithstanding the provisions of this subsection, nothing shall prohibit the local governing bodies from removing signs, advertisements, or advertising structures that are made nonconforming solely by local ordinances so long as those ordinances require the local governing bodies to pay 100 percent of the cost of removing them and just compensation upon their removal.

Such compensation is authorized to be paid only for the taking from the owner of such sign or advertisement of all right, title, leasehold, and interest in such sign or advertisement and the taking from the owner of the real property on which the sign or advertisement is located of the right to erect and maintain such sign or advertisement thereon.

The Commissioner of Highways shall not be required to expend any funds under this section unless and until federal-aid matching funds are made available for this purpose.

### CHAPTER 353

*An Act to amend and reenact § 33.2-1217 of the Code of Virginia, relating to signs or advertisements.*

[S 925]

Approved March 19, 2018

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

**1. That § 33.2-1217 of the Code of Virginia is amended and reenacted as follows:**

**§ 33.2-1217. Special provisions pertaining to Interstate System, National Highway System, and federal-aid primary highways.**

A. Notwithstanding the territorial limitation set out in § 33.2-1202, no sign or advertisement adjacent to any Interstate System, National Highway System, or federal-aid primary highway shall be erected, maintained, or displayed that is visible from the main traveled way within 660 feet of the nearest edge of the right-of-way, except as provided in subsections B and D, and outside of an urban area, no sign or advertisement beyond 660 feet of the nearest edge of the right-of-way of any Interstate System, National Highway System, or federal-aid primary highway that is visible from the main traveled way shall be erected, maintained, or displayed with the purpose of its message being read from the main traveled way, except as set forth in subsection C.

B. The following signs, advertisements, or advertising structures may be erected, maintained, and displayed within 660 feet of the right-of-way of any Interstate System, National Highway System, or federal-aid primary highway:

Class 1: Official signs. Directional and official signs and notices, including signs and notices pertaining to the availability of food, lodging, vehicle service and tourist information, natural wonders, scenic areas, museums, and historic attractions, as authorized or required by law; however, where such signs or notices pertain to facilities or attractions that are barrier free, such signs or notices shall contain the International Symbol of Access. The Board shall determine the type, lighting, size, location, number, and other requirements of signs of this class.

Class 2: On-premises signs. Signs not prohibited by other parts of this article that are consistent with the applicable provisions of this section and that advertise the sale or lease of, or activities being conducted upon, the real property where the signs are located, provided that any such signs that are located adjacent to and within 660 feet of any Interstate System highway and do not lie in commercial or industrial zones within the boundaries of incorporated municipalities, as such boundaries existed on September 21, 1959, wherein the use of real property adjacent to the Interstate System is subject to municipal regulation or control, or in areas where land use as of September 21, 1959, was clearly established by state law as industrial or commercial, shall comply with the following requirements:

1. Not more than one sign advertising the sale or lease of the same property may be erected or maintained in such manner as to be visible to traffic proceeding in any one direction on any one Interstate System highway;

2. Not more than one sign visible to traffic proceeding in any one direction on any one Interstate System highway and advertising activities being conducted upon the real property where the sign is located may be erected or maintained more than 50 feet from the advertised activity; ~~and no such sign may be located more than 250 feet from the center of the advertised activity;~~ and

3. No sign, except one that is not more than 50 feet from the advertised activity, that displays any trade name that refers to or identifies any service rendered or product sold may be erected or maintained unless the name of the advertised activity is displayed as conspicuously as such trade name.

Class 3: Other signs. Any signs or advertisements that are located within areas adjacent to any Interstate System, National Highway System, or federal-aid primary highway that are zoned industrial or commercial under authority of state law or in unzoned commercial or industrial areas as determined by the Board from actual land uses. The Board shall determine the size, lighting, and spacing of signs of this class, provided that such determination shall be no more restrictive than valid federal requirements on the same subject.

C. The following signs, advertisements, or advertising structures may be erected, maintained, and displayed beyond 660 feet of the right-of-way of any Interstate System, National Highway System, or federal-aid primary highway outside urban areas:

1. Class 1 and Class 2 signs, advertisements, or advertising structures set forth in subsection B.

2. All other signs, advertisements, or advertising structures erected, maintained, or displayed more than 660 feet from the nearest edge of the right-of-way of an Interstate System, National Highway System, or federal-aid primary highway, unless such sign or advertisement is visible from the main traveled way of such highways and erected, maintained, or displayed with the purpose of its message being read from the main traveled way of such highways.

In determining whether a sign, advertisement, or advertising structure is "erected, maintained, or displayed with the purpose of its message being read," the Commissioner of Highways shall consider, at a minimum, the nature of the business or product advertised thereon, the availability of such business or product to users of the controlled highway, and the visibility of the sign, advertisement, or advertising structure from the main traveled way of the controlled highway. Such visibility may be measured by considering the size or height of the sign, advertisement, or advertising structure; the configuration, size, and height of recognizable emblems, images, and lettering thereon; the angle of the sign, advertisement, or advertising structure to the main traveled way of the controlled highway; the degree to which physical obstructions hinder the view of the sign, advertisement, or advertising structure from the main traveled way of the controlled highway; and the time during which such sign, advertisement, or advertising structure is exposed to view by travelers on the main traveled way of the controlled highway traveling at the maximum and minimum speeds posted.

D. In order to provide information in the specific interest of the traveling public, the Department is authorized to maintain maps, permit informational directories and advertising pamphlets to be made available at rest areas, and establish information centers at rest areas for the purpose of informing the public of places of interest within the Commonwealth and providing such other information as may be considered desirable.

E. Notwithstanding any other provision of law, lawfully erected and maintained nonconforming signs, advertisements, and advertising structures shall not be removed or eliminated by amortization under state law or local ordinances without compensation as described in subsection F.

F. The Commissioner of Highways is authorized to acquire by purchase, gift, or the power of eminent domain and to pay just compensation upon the removal of nonconforming signs, advertisements, or advertising structures lawfully erected and maintained under state law or state regulations, provided that subsequent to November 6, 1978, whenever any local ordinance that is more restrictive than state law requires the removal of such signs, advertisements, or advertising structures, the local governing body shall initiate the removal of such signs, advertisements, or advertising structures with the Commissioner of Highways, who shall have complete authority to administer the removal of such signs, advertisements, or advertising structures. Upon proof of payment presented to the local governing bodies, the local governing bodies shall reimburse the Commissioner of Highways the funds expended that are associated with the removal of such signs, advertisements, or advertising structures required by local ordinances, less any federal funds received for such purposes. Notwithstanding the provisions of this subsection, nothing shall prohibit the local governing bodies from removing signs, advertisements, or advertising structures that are made nonconforming solely by local ordinances so long as those ordinances require the local governing bodies to pay 100 percent of the cost of removing them and just compensation upon their removal.

Such compensation is authorized to be paid only for the taking from the owner of such sign or advertisement of all right, title, leasehold, and interest in such sign or advertisement and the taking from the owner of the real property on which the sign or advertisement is located of the right to erect and maintain such sign or advertisement thereon.

The Commissioner of Highways shall not be required to expend any funds under this section unless and until federal-aid matching funds are made available for this purpose.

## CHAPTER 354

*An Act to amend the Code of Virginia by adding in Article 4 of Chapter 10 of Title 56 a section numbered 56-256.1, relating to the height of electric power distribution lines over agricultural land.*

[S 72]

Approved March 19, 2018

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

**1. That the Code of Virginia is amended by adding in Article 4 of Chapter 10 of Title 56 a section numbered 56-256.1 as follows:**

***§ 56-256.1. Height of electric power distribution lines over agricultural land.***

*Unless placement at a greater height is required pursuant to § 56-466 or other applicable law, any electric distribution line that is installed, either as a new line or as a replacement for an existing line, on or after July 1, 2018, by or for an electric utility upon or over land upon which agricultural operations, as defined in § 3.2-300, are conducted shall be placed at a height that is not less than the minimum height requirement that applies to the placement of electric distribution lines above road crossings.*

## CHAPTER 355

*An Act to amend the Code of Virginia by adding in Article 4 of Chapter 6 of Title 46.2 a section numbered 46.2-654.2, relating to temporary registration of fleet vehicles; penalty.*

[S 84]

Approved March 19, 2018

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

**1. That the Code of Virginia is amended by adding in Article 4 of Chapter 6 of Title 46.2 a section numbered 46.2-654.2 as follows:**

**§ 46.2-654.2. Temporary registration of fleet vehicles; penalty.**

*A. For purposes of this section, "fleet logistics provider" means an entity that transports, services, titles, and registers non-owned fleet vehicles in the normal course of business.*

*B. The Department may issue a temporary registration to a fleet logistics provider if:*

*1. Application for temporary registration is made by the fleet logistics provider acting as duly authorized attorney-in-fact for the title owner;*

*2. The fleet logistics provider is registered to conduct business in Virginia;*

*3. The fleet logistics provider has or will have custody and control of the vehicle at the time the temporary registration becomes effective;*

*4. The fleet logistics provider or title owner has submitted to the appropriate authority the information necessary to title or register the vehicle in the Commonwealth or another state prior to the expiration of the temporary registration and the vehicle was not temporarily registered during the period immediately preceding the application for temporary registration;*

*5. The title owner prior to the temporary registration will remain the title owner when the vehicle is titled and registered in the Commonwealth or another state;*

*6. The vehicle is an insured motor vehicle as defined in § 46.2-705;*

*7. The fleet logistics provider has entered into an agreement with the Department to use the print-on-demand program described in this section; and*

*8. The fleet logistics provider has paid applicable fees for the temporary registration authorized by this section.*

*C. The Department shall develop and implement procedures and requirements necessary for delivery of temporary license plates to a fleet logistics provider using print-on-demand technology.*

*D. The following provisions apply to the use of print-on-demand technology by a fleet logistics provider:*

*1. A fleet logistics provider obtaining temporary registration pursuant to this section shall be required to purchase only print-on-demand temporary license plates.*

*2. Every fleet logistics provider that has applied for temporary license plates shall maintain a permanent record of all temporary license plates applied for and any other information pertaining to the receipt of temporary license plates that may be required by the Department.*

*3. No fleet logistics provider shall request a temporary license plate except on written application through the print-on-demand program.*

*4. No fleet logistics provider shall permit temporary license plates to be used on any vehicle other than that identified in the application for temporary registration.*

*5. It shall be unlawful for any fleet logistics provider to make a deliberate misrepresentation on a request for temporary license plates or to knowingly submit a request with false information.*

*6. Each temporary license plate issued pursuant to this section shall display on its face the name of the party using the print-on-demand system, the date of issuance and expiration, and the make and identification number of the vehicle for which it is issued.*

*7. The Commissioner may suspend the right of a fleet logistics provider to request temporary license plates if the Commissioner determines that the provisions of this chapter or the directions of the Department are not being complied with by such fleet logistics provider.*

*8. Every fleet logistics provider to whom temporary license plates have been issued shall destroy such plates on the thirtieth day after request or immediately on receipt of the permanent license plates from the Department or another jurisdiction, whichever occurs first.*

*9. Temporary license plates shall expire on receipt of the permanent license plates from the Department or another jurisdiction, or 30 days after issuance, whichever occurs first. No refund or credit of fees paid by a fleet logistics provider to the Department for temporary license plates shall be issued.*

*E. The Department is authorized to charge a reasonable fee for the temporary registration applied for under this section, and any fees collected by the Department pursuant to this section shall be transferred to a special fund in the state treasury used to meet the expenses of the Department.*

*F. Any person violating any of the provisions of subsection D of this section is guilty of a Class 1 misdemeanor. Any summons issued for any violation of this section relating to use or misuse of temporary license plates shall be served*

- (i) upon the fleet logistics provider to whom the plates were issued or to the person expressly permitting the unlawful use or  
 (ii) upon the operator of the motor vehicle if the plates are used contrary to the use authorized pursuant to this section.

### CHAPTER 356

*An Act to amend and reenact § 46.2-2099.50 of the Code of Virginia, relating to TNC partner vehicles; interior trade dress.*

[S 128]

Approved March 19, 2018

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

**1. That § 46.2-2099.50 of the Code of Virginia is amended and reenacted as follows:**

**§ 46.2-2099.50. Requirements for TNC partner vehicles; trade dress issued by transportation network company.**

A. A TNC partner vehicle shall:

1. Be a personal vehicle;
2. Have a seating capacity of no more than eight persons, including the driver;
3. Be validly titled and registered in the Commonwealth or in another state;
4. Not have been issued a certificate of title, either in Virginia or in any other state, branding the vehicle as salvage, nonrepairable, rebuilt, or any equivalent classification;
5. Have a valid Virginia safety inspection or an annual inspection conducted in another state for which the Department of State Police has determined that such motor vehicle safety inspection standards adequately ensure public safety and carry proof of that inspection on or in the vehicle; and
6. Be covered under a TNC insurance policy meeting the requirements of § 46.2-2099.51 or 46.2-2099.52, as applicable.

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

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

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

*Notwithstanding any other provision of this title, a TNC partner vehicle may be equipped with no more than two removable, illuminated, interior, TNC-issued, trade dress devices that assist passengers in identifying and communicating with TNC partners. Such devices may use a single steady-burning color while the TNC partner is logged in to a transportation network company's associated digital platform and may change to a different steady-burning color once the TNC partner accepts a request to transport a passenger and is within 0.4 miles of such passenger. The illuminated display on each such device shall not (i) exceed five candlepower; (ii) exceed 20 square inches; (iii) utilize red, blue, or amber lights; (iv) project a glaring or dazzling light; or (v) attach to the windshield.*

The transportation network company shall submit to the Department proof that the transportation network company has established the trade dress required under this subsection by filing with the Department an illustration or photograph of the trade dress. *Any TNC that issues an illuminated removable interior trade dress device for use in the Commonwealth shall file with the Department the specifications of such device, including the default color.*

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

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

### CHAPTER 357

*An Act to amend and reenact § 5.1-1 of the Code of Virginia, relating to public aircraft; definition.*

[S 213]

Approved March 19, 2018

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

**1. That § 5.1-1 of the Code of Virginia is amended and reenacted as follows:**

**§ 5.1-1. Definitions.**

When used in this title, unless expressly stated otherwise:

"Aircraft" means any contrivance now known, or hereafter invented, used, or designed for navigation of or flight in the air, including a balloon or other contrivance designed for maneuvering in airspace at an altitude greater than 24 inches above ground or water level, except that any contrivance now or hereafter invented of fixed or flexible wing design, operating without the assistance of any motor, engine, or other mechanical propulsive device, which is designed to utilize the feet and legs of the operator or operators as the sole means of initiating and sustaining forward motion during the launch and of providing the point of contact with the ground upon landing and commonly called a "hang glider" shall not be included within this definition.

"Aircraft based in this Commonwealth" means an aircraft that is either (i) domiciled in a county, city, or town in the Commonwealth or (ii) parked in a county, city, or town in the Commonwealth when not in flight for the period of time specified in § 5.1-5.

"Airman" means any individual, including the person in command and any pilot, mechanic, or member of the crew, who engages in the navigation of aircraft while under way within Virginia airspace; any individual who is directly in charge of the inspection, maintenance, overhauling, or repair of aircraft, aircraft engines, propellers, or accessories; and any individual who serves in the capacity of aircraft dispatcher.

"Air navigation facility" means any airport ground or air navigation facility, other than one owned and operated by the United States, used in, available for use in, or designed for use in aid of air navigation, including any structures, buildings, mechanisms, lights, beacons, markers, communicating systems, or other instrumentalities or devices, and any combination of any or all of such facilities, used or useful as an aid, or constituting any advantage or convenience, to the safe taking off, navigation, and landing of aircraft; in the safe and efficient operation or maintenance of an airport; in the safe, efficient and convenient handling or processing of aviation passengers, mail or cargo; or in the servicing or maintenance of aircraft or ground equipment.

"Airport" means any area of land or water which is used, or intended for public use, for the landing and takeoff of aircraft, and any appurtenant areas that are used, or intended for use, for airport buildings or other airport facilities or rights-of-way, easements and together with all airport buildings and facilities located thereon.

"Airport hazard" means any structure, object or natural growth, or use of land that obstructs the airspace required for the flight of aircraft in landing or taking off at an airport or is otherwise hazardous to such landing or taking off of aircraft.

"Airspace" means all that space above the land and waters within the boundary of the Commonwealth.

"Board" means the Virginia Aviation Board.

"Civil aircraft" means any aircraft other than a public aircraft.

"Commercial aircraft" means any civil aircraft used in flight activity for compensation or for hire.

"Contract carrier by aircraft" or "contract carrier" means any person not included under the definitions of "common carrier by aircraft" or "restricted common carrier by aircraft" as defined in § 5.1-89 who, under special and individual contracts or agreements, and whether directly or by a lease or any other arrangement, transports passengers or property by aircraft for compensation and in the transportation of passengers does not charge individual fares.

"Department" means the Department of Aviation.

"Drop zone" means any locality whether over land or water that is used, or intended for use, for the landing and recovery of sky divers or parachutists using a parachute or other contrivance designed for sport jumping.

*"Fighter or attack jet" means a jet-powered aircraft designed for military (i) combat training or (ii) operational mission execution.*

"Landing area" or "landing field" means any locality, whether over land or water, including airports and intermediate landing fields, which is used or intended to be used for the landing and takeoff of aircraft and open to the public for such use, whether or not facilities are provided for the sheltering, servicing, or repair of aircraft or for receiving or discharging passengers or cargo.

"Person" means any individual, corporation, government, political subdivision of the Commonwealth, or governmental subdivision or agency, business trust, estate, trust, partnership, two or more of any of the foregoing having a joint or common interest, or any other legal or commercial entity.

"Public aircraft" means an aircraft used exclusively in the service of any state, or political subdivision thereof, or the federal government. *"Public aircraft" includes any fighter or attack jet that is leased or owned by a private entity, provided that the aircraft operations are conducted exclusively for the purpose of military combat training in service to the federal government.*

**2. That the provisions of this act shall expire on September 1, 2023.**

## CHAPTER 358

*An Act to authorize the issuance of bonds, in an amount up to \$21,000,000 plus financing costs, pursuant to Article X, Section 9 (c) of the Constitution of Virginia, for paying costs of acquiring, constructing, and equipping revenue-producing capital projects at institutions of higher education of the Commonwealth; to authorize the Treasury Board, by and with the consent of the Governor, to fix the details of such bonds, to provide for the sale of such bonds, and to issue notes to borrow money in anticipation of the issuance of the bonds; to provide for the pledge of the net revenues of such capital projects and the full faith, credit, and taxing power of the Commonwealth for the payment of*

*such bonds; and to provide that the interest income on such bonds and notes shall be exempt from all taxation by the Commonwealth and any political subdivision thereof.*

[S 232]

Approved March 19, 2018

Whereas, Article X, Section 9 (c) of the Constitution of Virginia provides that the General Assembly may authorize the creation of debt secured by a pledge of net revenues derived from rates, fees, or other charges and the full faith and credit of the Commonwealth of Virginia, provided that such debt is created for specific revenue-producing capital projects, including their enlargement or improvement, at, among others, institutions of higher education of the Commonwealth; and

Whereas, in accordance with Article X, Section 9 (c) of the Constitution of Virginia, the Governor has certified in writing, filed with the Auditor of Public Accounts, his opinion that the anticipated net revenues of each of the capital projects identified below to be pledged to the payment of the principal of and the interest on that portion of such debt issued for each such project will be sufficient to meet such payments as the same become due and to provide such reserves as may be required by law and that each of the capital projects complies with the requirements of Article X, Section 9 (c) of the Constitution of Virginia; now, therefore,

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

**1. §1. Title.**

*This act shall be known and may be cited as the "Commonwealth of Virginia Institutions of Higher Education Bond Act of 2018."*

**§ 2. Authorization of bonds and bond anticipation notes.**

*The Treasury Board is hereby authorized, by and with the consent of the Governor, to sell and issue, pursuant to Article X, Section 9 (c) of the Constitution of Virginia, at one time or from time to time, bonds of the Commonwealth, to be designated "Commonwealth of Virginia Institutions of Higher Education Bonds, Series ....." in an aggregate principal amount not exceeding \$21,000,000, plus amounts needed to fund issuance costs, reserve funds, construction period interest, and other financing expenses. The Treasury Board is further hereby authorized, by and with the consent of the Governor, to borrow money in anticipation of the issuance of bonds by the issuance of bond anticipation notes (BANs), including BANs issued as commercial paper. The proceeds of such bonds and BANs, excluding amounts needed to fund issuance costs, reserve funds, and other financing expenses, shall be used exclusively for the purpose of providing funds, with any other available funds, for paying all or a portion of the costs of acquiring, constructing, renovating, enlarging, improving, and equipping revenue-producing capital projects at institutions of higher education of the Commonwealth as follows:*

<i>Institution</i>	<i>Project Title</i>	<i>Amount</i>
<i>Norfolk State University</i>	<i>Construct Residence Housing</i>	<i>\$10,000,000</i>
<i>The College of William and Mary in Virginia</i>	<i>Renovate Dormitories: Green &amp; Gold Phase</i>	<i>\$11,000,000</i>
<i>Total</i>		<i>\$21,000,000</i>

**§ 3. Application of proceeds.**

*The proceeds, including any premium, of bonds and BANs (except the proceeds of (i) bonds the issuance of which has been anticipated by BANs, (ii) refunding bonds, and (iii) refunding BANs), shall be deposited in a special capital outlay fund in the state treasury and, together with the investment income thereon, shall be disbursed by the State Treasurer for paying costs of acquiring, constructing, renovating, enlarging, improving, and equipping the authorized capital projects, including financing costs. The proceeds of (i) bonds the issuance of which has been anticipated by BANs, (ii) refunding bonds, and (iii) refunding BANs shall be used to pay such BANs, refunded bonds, and refunded BANs.*

**§ 4. Details, sale of bonds and BANs.**

*Bonds and BANs shall be dated and may be made redeemable before their maturity or maturities at such price or prices or within such price parameters, all as may be determined by the Treasury Board, by and with the consent of the Governor. Bonds and BANs shall be in such form, shall bear interest at such rate or rates, either at fixed rates or at rates established by formula or other method, and may contain such other provisions, all as determined by the Treasury Board or, when authorized by the Treasury Board, the State Treasurer. The principal of and premium, if any, and the interest on bonds and BANs shall be payable in lawful money of the United States of America. Bonds and BANs may be certificated or uncertificated as determined by the Treasury Board. The Treasury Board may contract for services of such registrars, transfer agents, or other authenticating agents as it deems appropriate to maintain a record of the persons entitled to the bonds and BANs. Bonds and BANs issued in certificated form may be issued under a system of book entry for recording the ownership and transfer of ownership of rights to receive payments on the bonds and BANs. The Treasury Board shall fix the authorized denomination or denominations of the bonds and the place or places of payment of certificated bonds and BANs, which may be at the Office of the State Treasurer or at any bank or trust company within or without the Commonwealth. Bonds shall mature at such time or times not exceeding 30 years from their date or dates, and BANs shall mature at such time or times not exceeding five years from their date or dates.*

*The Treasury Board may sell bonds and BANs in such manner, by competitive bidding, negotiated sale, or private placement, and for such price or within such price parameters as it may determine, by and with the consent of the Governor, to be in the best interest of the Commonwealth.*

*In the discretion of the Treasury Board, bonds and BANs may be issued at one time or from time to time and may be sold and issued at the same time with other general obligation bonds and BANs, respectively, of the Commonwealth authorized pursuant to Article X, Section 9 (a) (3), (b), and (c) of the Constitution of Virginia, as separate issues or as a combined issue, designated "Commonwealth of Virginia General Obligation Bonds Bond Anticipation Notes, Series."*

**§ 5. Execution of bonds and BANs.**

*Certificated bonds and BANs shall be signed on behalf of the Commonwealth by the Governor and by the State Treasurer, or shall bear their facsimile signatures, and shall bear the lesser seal of the Commonwealth or a facsimile thereof. If the bonds or BANs bear the facsimile signature of the State Treasurer, they shall be signed by such administrative assistant as the State Treasurer shall determine or by such registrar or paying agent as may be designated to sign them by the Treasury Board. If any officer whose signature or facsimile signature appears on any bonds or BANs ceases to be such officer before delivery, such signature or facsimile signature shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until such delivery, and any bond or BAN may bear the facsimile signature of, or may be signed by, such persons as at the actual time of execution are the proper officers to sign such bond or BAN, although at the date of such bond or BAN, such persons may not have been such officers.*

**§ 6. Sources for payment of expenses.**

*All expenses incurred under this act shall be paid from the proceeds of bonds or BANs, from payments made by the institutions for which the capital projects were authorized in § 2, or from any other available funds as the Treasury Board shall determine.*

**§ 7. Revenues.**

*Each institution of higher education named in § 2 is hereby authorized (i) to fix, revise, charge, and collect rates, fees, and charges for or in connection with the use, occupancy, and services of each capital project named in § 2 or the system of which such capital project is a part and (ii) to pledge to the portion of the bonds or BANs issued for such capital project the net revenues resulting from such rates, fees, and charges and remaining after payment of the expenses of operating the project or system, as the case may be. The institution is further authorized to create debt service and sinking funds for the payments of the principal of, premium, if any, and interest on the bonds and other reserves required by any agency of the United States of America purchasing the bonds or any portion thereof.*

**§ 8. Investments and contracts.**

*A. Pending the application of the proceeds of the bonds or BANs (including refunding bonds and BANs) to the purpose for which they have been authorized and the application of funds set aside for the purpose to the payment of bonds or BANs, they may be invested by the State Treasurer in securities that are legal investments under the laws of the Commonwealth for public funds and sinking funds, as the case may be. Whenever the State Treasurer receives interest from the investment of the proceeds of bonds or any BANs, such interest shall become a part of the principal of the bonds or any BANs and shall be used in the same manner as required for principal of the bonds or BANs.*

*B. The Commonwealth may enter into any contract or other arrangement that is determined to be necessary or appropriate to place the obligation or investment of the Commonwealth, as represented by bonds, BANs, or investments, in whole or in part, on the interest rate, cash flow, or other basis desired by the Commonwealth. Such contract or other arrangement may include, without limitation, contracts commonly known as interest rate swap agreements and futures or contracts providing for payments based on levels of, or changes in, interest rates. These contracts or arrangements may be entered into by the Commonwealth in connection with, or incidental to, entering into, or maintaining any (i) agreement that secures bonds or BANs or (ii) investment, or contract providing for investment, otherwise authorized by law. These contracts and arrangements may contain such payment, security, default, remedy, and other terms and conditions as determined by the Commonwealth, after giving due consideration to the creditworthiness of the counterparty or other obligated party, including any rating by any nationally recognized rating agency, and any other criteria as may be appropriate. The determinations referred to in this subsection may be made by the Treasury Board or any public funds manager with professional investment capabilities duly authorized by the Treasury Board to make such determinations.*

*C. Any money set aside and pledged to secure payments of bonds, BANs, or any of the contracts entered into pursuant to this section may be invested in accordance with subsection A and may be pledged to and used to service any of the contracts or other arrangements entered into pursuant to subsection B.*

**§ 9. Security for bonds and BANs.**

*The net revenues of the capital projects set forth above and the full faith and credit of the Commonwealth are hereby irrevocably pledged for the payment of the principal of and the interest on bonds and BANs (unless the Treasury Board, by and with the consent of the Governor, shall provide otherwise) issued under this act. The proceeds of (i) bonds the issuance of which has been anticipated by BANs, (ii) refunding bonds, and (iii) refunding BANs are hereby irrevocably pledged for the payment of principal of and interest and any premium on the BANs or bonds to be paid or redeemed thereby. In the event the net revenues pledged to the payment of the bonds or BANs are insufficient in any fiscal year for the timely payment of the principal of, premium, if any, and interest on the bonds or BANs, where the full faith and credit of the Commonwealth have been pledged, the General Assembly shall appropriate a sum sufficient therefor or the Governor shall direct payment therefor from the general fund revenues of the Commonwealth.*

**§ 10. Exemption of interest from tax.**

*The bonds and BANs issued under the provisions of this act, their transfer and the income therefrom, including any profit made on the sale thereof, shall at all times be free and exempt from taxation by the Commonwealth and by any county,*

city, or town, or other political subdivision thereof. The Treasury Board is authorized to take or refrain from taking any and all actions and to covenant to such effect, and to require the participating institutions to do and to covenant likewise, to the extent that, in the judgment of the Treasury Board, it is appropriate in order that interest on the bonds and BANs may be exempt from federal income tax. Alternatively, interest on bonds and BANs may be made subject to inclusion in gross income of the holders thereof for federal income tax purposes.

§ 11. Refunding bonds and BANs.

The Treasury Board is authorized, by and with the consent of the Governor, to sell and issue, at one time or from time to time, refunding bonds and BANs of the Commonwealth and to refund any or all of the bonds and BANs, respectively, issued under this act or otherwise authorized pursuant to Article X, Section 9 (c) of the Constitution of Virginia. Refunding bonds and BANs may be issued in a principal amount up to the amount necessary to pay at maturity or redeem the bonds and BANs to be refunded and pay all issuance costs and other financing expenses of the refunding. Such refunding bonds and BANs may be issued whether or not the obligations to be refunded are then subject to redemption.

§ 12. Defeasance.

Any bond or BAN for which cash or direct obligations of the United States of America shall have been set aside in escrow with the State Treasurer or a bank or trust company, within or without the Commonwealth, shall be deemed no longer outstanding under the applicable authorizing instrument, this act, and Article X, Section 9 (c) or (b), as the case may be, of the Constitution of Virginia.

§ 13. Severability.

The provisions of this act or the application thereof to any person or circumstance that are held invalid shall not affect the validity of other provisions or applications of this act which can be given effect without the invalid provisions or applications.

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

## CHAPTER 359

*An Act to amend and reenact § 55-210.3:01 of the Code of Virginia, relating to the Uniform Disposition of Unclaimed Property Act; bank deposits and funds in financial organizations; charges on inactive accounts.*

[S 253]

Approved March 19, 2018

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

**1. That § 55-210.3:01 of the Code of Virginia is amended and reenacted as follows:**

**§ 55-210.3:01. Bank deposits and funds in financial organizations.**

A. Any demand, savings, or matured time deposit with a banking or financial organization, including deposits that are automatically renewable, and any funds paid toward the purchase of shares, a mutual investment certificate, or any other interest in a banking or financial organization is presumed abandoned unless the owner has, within five years:

1. In the case of a deposit or ownership of shares, increased or decreased the amount of the deposit or the number of shares owned, or presented the passbook or other similar evidence of the deposit or ownership of shares for the crediting of interest or dividends, or negotiated a check in payment of interest or dividends on a time deposit or ownership of shares;

2. Communicated in writing with the banking or financial organization concerning the property;

3. Otherwise indicated an interest in the property as evidenced by a memorandum or other record on file prepared by an employee of the banking or financial organization;

4. Owned other property to which subdivision A 1, A 2, or A 3 is applicable if the banking or financial organization communicated in writing with the owner with regard to the property that would otherwise be presumed abandoned under this paragraph at the address to which communications regarding the other property regularly are sent;

5. Had another relationship with the banking or financial organization concerning which the owner has (i) communicated in writing with the banking or financial organization, or (ii) otherwise indicated an interest as evidenced by a memorandum or other record on file prepared by an employee of the banking or financial organization if the banking or financial organization communicates in writing with the owner with regard to the property that would otherwise be abandoned under this paragraph at the address to which communications regarding the other relationship regularly are sent; or

6. A deposit made with or purchase of shares in a banking or financial organization by a court or by a guardian pursuant to order of a court or by any other person for the benefit of a person who was an infant at the time of the making of such deposit or purchase of shares, which deposit or ownership of shares is subject to withdrawal or transfer only upon the further order of such court or such guardian or other person, shall not be subject to the provisions of this chapter until one year after such infant attains the age of eighteen years or until one year after the death of such infant, whichever occurs sooner. These accounts are not subject to dormant service charges.

B. Notwithstanding any other provision of this section, share accounts of a member of a state or federally chartered credit union that is subject to or covered by life savings insurance provided by the credit union at no additional charge to the member shall be presumed abandoned five years after the date of the second mailing of a statement of account or other notification or communication that was returned as undeliverable, or after the date the credit union discontinued the

mailings to the member, whichever is earlier. Funds held or owing under the life savings insurance policy are presumed abandoned pursuant to § 55-210.4:01.

C. For purposes of this section, "property" includes any interest or dividends thereon. No banking or financial organization may deduct any service charge or cease to accrue interest on any account; from the date the account is declared dormant or inactive by such organization except in conformity with cessation of interest or service charges generally assessed upon active accounts *and except as provided in this section*. With respect to any property described in this section, a holder may not impose any charges due to dormancy or inactivity which differ from ~~those charges~~ imposed on active accounts or cease to pay interest *due to dormancy or inactivity that differs from the cessation of payment of interest on active accounts* unless:

1. There is an enforceable contract between the holder and the owner of the property pursuant to which the holder may impose those charges or cease payment of interest;

2. For property in excess of \$100, the holder, no more than three months prior to the initial imposition of those charges or cessation of interest, has given written notice to the owner of the amount of those charges at the last known address of the owner stating that those charges will be imposed or that interest will cease; however, such notice need not be given with respect to charges imposed or interest ceased before July 1, 1984; ~~and~~

3. When the holder ~~imposes those charges or ceases payment of interest, it does not for any reason other than to correct a documented internal error~~ receives a request from the owner of the property to reverse or cancel ~~those dormancy~~ charges or retroactively credit interest with respect to such property, *the holder may at its option either:*

*a. Reverse or cancel dormancy charges or retroactively credit interest with respect to any such property, in which event the holder shall reverse or cancel dormancy charges or retroactively credit interest for all such property that becomes subject to the reporting requirements in § 55-210.12 for the Department of the Treasury; or*

*b. Not reverse or cancel dormancy charges or retroactively credit interest with respect to any such property, in which event the holder shall not be required to reverse or cancel dormancy charges or retroactively credit interest for any such property that becomes subject to the reporting requirements in § 55-210.12 for the Department of the Treasury; and*

4. The holder may at its option reverse or cancel dormancy charges or retroactively credit interest with respect to any or all such property to correct a documented internal error without becoming required to reverse or cancel dormancy charges or retroactively credit interest for all such property that becomes subject to the reporting requirements in § 55-210.12 for the Department of the Treasury.

Notwithstanding any provision of this subsection to the contrary, a holder that is a state-chartered credit union may refund charges or reverse or cancel those charges or retroactively credit interest with respect to such property to the same extent that a federally-chartered credit union is authorized so to do pursuant to applicable provisions of federal law.

D. Any automatically renewable property to which this section applies is matured upon the expiration of its initial time period. However, in the case of any renewal to which the owner consents at or about the time of renewal by communicating in writing with the banking or financial organization or otherwise indicates consent as specified in subsection A of this section, the property is matured upon the expiration of the last time period for which consent was given. If, at the time provided for delivery in subsection D of § 55-210.12, a penalty or forfeiture in the payment of interest would result from the delivery of the property, the time for delivery is extended until the time when no penalty or forfeiture would result. Notwithstanding any other provision of this section to the contrary, any automatically renewable time deposit that has matured shall be presumed abandoned five years after the date of the second mailing of a statement of account or other notification or communication that was returned as undeliverable, or after the date the holder discontinued the mailings to the apparent owner, whichever is earlier. However, any automatically renewable time deposit for which no such statement or other notification or mailing is required to be sent by the banking or financial organization shall be presumed abandoned as otherwise provided in this section.

**2. That the provisions of this act are declarative of existing law.**

## CHAPTER 360

*An Act to amend the Code of Virginia by adding a section numbered 58.1-341.2, relating to notification of tax return data breach.*

[S 271]

Approved March 19, 2018

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

**1. That the Code of Virginia is amended by adding a section numbered 58.1-341.2 as follows:**

**§ 58.1-341.2. Returns of individuals; notification of tax return data breach.**

*A. As used in this section:*

*"Income tax return preparer" has the same meaning as in § 58.1-302.*

*"Return information" means a taxpayer's identity and the nature, source, or amount of his income, payments, receipts, deductions, exemptions, credits, assets, liabilities, net worth, tax liability, tax withheld, assessments, or tax payments. "Return information" does not include information that is lawfully obtained from publicly available information or from federal, state, or local government records lawfully made available to the general public.*

*"Signing income tax return preparer" means an income tax return preparer who has the primary responsibility for the overall substantive accuracy of the preparation of a return or claim for refund.*

*"Taxpayer identity" means the name of a person with respect to whom a return is to be filed and his taxpayer identification number as defined in 26 U.S.C. § 6109.*

*B. 1. Any signing income tax return preparer who prepares Virginia individual income tax returns during a calendar year shall notify the Department without unreasonable delay after the discovery or notification of unauthorized access and acquisition of unencrypted and unredacted return information that compromises the confidentiality of such information maintained by such signing income tax return preparer and that creates a reasonable belief that an unencrypted and unredacted version of such information was accessed and acquired by an unauthorized person and that causes, or such preparer reasonably believes has caused or will cause, identity theft or other fraud.*

*2. Such signing income tax return preparer shall provide the Department with the name and taxpayer identification number of any taxpayer that may be affected by a compromise in confidentiality that requires notification pursuant to subdivision 1, as well as the name of the signing income tax return preparer, his preparer tax identification number, and such other information as the Department may prescribe.*

*C. An income tax return preparer shall complete the notice required by this section on behalf of any of its employees who are signing income tax preparers and who would otherwise be required to notify the Department pursuant to subsection B.*

### CHAPTER 361

*An Act to amend and reenact § 46.2-216.1 of the Code of Virginia, relating to Department of Motor Vehicles; electronic services.*

[S 291]

Approved March 19, 2018

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

**1. That § 46.2-216.1 of the Code of Virginia is amended and reenacted as follows:**

**§ 46.2-216.1. Electronic filings or submissions to Department; provision of electronic documents by Department.**

A. Whenever this title or Title 58.1 provides that applications, certificates, fees, letters of credit, notices, penalties, records, reports, surety bonds, tariffs, taxes, time schedules, or any other documents or payments be filed or submitted to the Department in written form or otherwise, the Commissioner may, after providing 12-months' written notification to impacted applicants, licensees, or any other person or entity, require that all or certain applicants, licensees, or any other person or entity engaged in business with the Department, make such filings or submissions electronically in a format prescribed by the Commissioner. Any such requirement shall not apply to an individual application for a driver's license, commercial driver's license, special identification card, or the titling or registration of 12 or fewer vehicles during a period of one year. The Commissioner shall develop a method to ensure that the electronic filing is received and stored accurately and that it is readily available to satisfy the requirements of the statutes which call for a written document. Notwithstanding the provisions of this section, the Commissioner may accept, in lieu of paper documents, a filing or submission made by electronic means for any document not required to be filed or submitted electronically pursuant to the provisions of this title or Title 58.1.

B. Whenever this title or Title 58.1 provides that a written certificate or other document is to be delivered to an owner, registrant, licensee, lien holder, or any other person or entity by the Department or the Commissioner, the Commissioner may provide the written certificate or other document by electronic means. The electronic document may consist of all of the information included in the paper certificate or document or it may be an abstract or listing of the information held in electronic form by the Department. Whenever a certificate or other document is provided by electronic means, the Department will not be required to produce a written certificate or document until requested to do so by the owner, registrant, licensee, lien holder, or other party.

C. The Commissioner is authorized to establish, where feasible and cost efficient, contracts with public-private partnerships with commercial operations to provide for simplification and streamlining of services to citizens through electronic means. Such electronic services shall include (i) an electronic lien and titling program, (ii) an online dealer program, and (iii) a print-on-demand license plate program.

1. Notwithstanding the provisions of § 46.2-208, to conduct customer-initiated transactions through electronic means the Commissioner may provide a customer's personal, driver, or vehicle information relating to the operation or theft of a motor vehicle or to public safety to the following entities: (i) lending institutions; (ii) motor vehicle dealers; or (iii) third-party vendors that enter into contracts with the Department. Pursuant to subsection A, the Commissioner may require such entities engaged in business with the Department to submit electronic filings using the third-party vendors that have contracts with the Department. Customer information obtained by such entities conducting customer-initiated transactions, including third-party vendors that enter into contracts with the Department, is subject to the restrictions upon use and dissemination imposed by (a) the federal Drivers Privacy Protection Act at 18 U.S.C. § 2721 et seq., (b) the Government Data Collection and Dissemination Practices Act (§ 2.2-3800 et seq.) and §§ 46.2-208 and 58.1-3, and (c) any

*rules, regulations, or guidelines adopted by the Department with regard to disclosure or dissemination of any information obtained from the Department.*

*2. The Department may impose a reasonable fee in accordance with fair market prices on such entities, including third-party vendors that enter into contracts with the Department, for customer-initiated transactions conducted through electronic means. Such fees shall be used to defray the costs of the transaction to the Department. Any transaction fees imposed and collected by the Department shall be paid into the state treasury and set aside as a special fund to be used to meet the expenses of the Department.*

**CHAPTER 362**

*An Act to amend and reenact § 58.1-609.2 of the Code of Virginia, relating to retail sales and use tax; agricultural exemptions.*

[S 332]

Approved March 19, 2018

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

**1. That § 58.1-609.2 of the Code of Virginia is amended and reenacted as follows:**

**§ 58.1-609.2. Agricultural exemptions.**

The tax imposed by this chapter or pursuant to the authority granted in §§ 58.1-605 and 58.1-606 shall not apply to the following:

1. Commercial feeds; seeds; plants; fertilizers; liming materials; breeding and other livestock; semen; breeding fees; baby chicks; turkey poults; rabbits; quail; llamas; bees; agricultural chemicals; fuel for drying or curing crops; baler twine; containers for fruit and vegetables; farm machinery; medicines and drugs sold to a veterinarian provided they are used or consumed directly in the care, medication, and treatment of agricultural production animals or for resale to a farmer for direct use in producing an agricultural product for market; tangible personal property, except for structural construction materials to be affixed to real property owned or leased by a farmer, necessary for use in agricultural production for market and sold to or purchased by a farmer or contractor; and agricultural supplies provided the same are sold to and purchased by farmers for use in agricultural production, which also includes beekeeping and fish, quail, rabbit and worm farming for market.

2. Every agricultural commodity or kind of seafood sold or distributed by any person to any other person who purchases not for direct consumption but for the purpose of acquiring raw products for use or consumption in the process of preparing, finishing, or manufacturing such agricultural or seafood commodity for the ultimate retail consumer trade, except when such agricultural or seafood commodity is actually sold or distributed as a marketable or finished product to the ultimate consumer. "Agricultural commodity," for the purposes of this subdivision, means horticultural, poultry, and farm products, livestock and livestock products, and products derived from bees and beekeeping.

3. Livestock and livestock products, poultry and poultry products, and farm and agricultural products, when produced by the farmer and used or consumed by him and the members of his family.

4. Machinery, tools, equipment, materials or repair parts therefor or replacement thereof; fuel or supplies; and fishing boats, marine engines installed thereon or outboard motors used thereon, and all replacement or repair parts in connection therewith; provided the same are sold to and purchased by watermen for use by them in extracting fish, bivalves or crustaceans from waters for commercial purposes.

5. Machinery or tools or repair parts therefor or replacements thereof, fuel, power, energy or supplies, and cereal grains and other feed ingredients, including, but not limited to, drugs, vitamins, minerals, nonprotein nitrogen, and other supplements or additives, used directly in making feed for sale or resale. Making of feed shall include the mixing of liquid ingredients.

6. Machinery or tools and repair parts therefor or replacements thereof, fuel, power, energy or supplies, used directly in the harvesting of forest products for sale or for use as a component part of a product to be sold. Harvesting of forest products shall include all operations prior to the transport of the harvested product used for (i) removing timber or other forest products from the harvesting site, (ii) complying with environmental protection and safety requirements applicable to the harvesting of forest products, (iii) obtaining access to the harvesting site, and (iv) loading cut timber or other forest products onto highway vehicles for transportation to storage or processing facilities.

7. Agricultural produce, as defined in § 3.2-4738, and eggs, as described in § 3.2-5305, raised and sold by an individual at local farmers markets and roadside stands, when such individual's annual income from such sales does not exceed ~~\$1,000~~ \$2,500.

**CHAPTER 363**

*An Act to amend and reenact § 46.2-1233.1 of the Code of Virginia, relating to towing: fees.*

[S 492]

Approved March 19, 2018

**Be it enacted by the General Assembly of Virginia:****1. That § 46.2-1233.1 of the Code of Virginia is amended and reenacted as follows:****§ 46.2-1233.1. Limitation on charges for towing and storage of certain vehicles.**

A. Unless different limits are established by ordinance of the local governing body pursuant to § 46.2-1233, as to vehicles towed or removed from private property, no charges imposed for the towing, storage, and safekeeping of any passenger car removed, towed, or stored without the consent of its owner shall be in excess of the maximum charges provided for in this section. No hookup and initial towing fee *of any passenger car* shall exceed ~~\$135~~ \$150. For towing a vehicle between seven o'clock p.m. and eight o'clock a.m. or on any Saturday, Sunday, or holiday, an additional fee of no more than \$25 per instance may be charged; however, in no event shall more than two such fees be charged for towing any such vehicle. No charge shall be made for storage and safekeeping for a period of ~~twenty-four~~ 24 hours or less. Except for fees or charges imposed by this section or a local ordinance adopted pursuant to § 46.2-1233, no other fees or charges shall be imposed during the first 24-hour period.

B. The governing body of any county, city, or town may by ordinance, with the advice of an advisory board established pursuant to § 46.2-1233.2, (i) provide that no towing and recovery business having custody of a vehicle towed without the consent of its owner impose storage charges for that vehicle for any period during which the owner of the vehicle was prevented from recovering the vehicle because the towing and recovery business was closed and (ii) place limits on the amount of fees charged by towing and recovery operators. Any such ordinance limiting fees shall also provide for periodic review of and timely adjustment of such limitations.

**CHAPTER 364**

*An Act to amend and reenact § 46.2-800.2 of the Code of Virginia, relating to off-road recreational vehicles; highway speed limit.*

[S 496]

Approved March 19, 2018

**Be it enacted by the General Assembly of Virginia:****1. That § 46.2-800.2 of the Code of Virginia is amended and reenacted as follows:****§ 46.2-800.2. Operation of off-road recreational vehicles in localities embraced by the Southwest Regional Recreation Authority.**

A. The governing body of any county, city, or town embraced by the Southwest Regional Recreation Authority may by ordinance authorize the operation of any off-road recreational vehicles (i) on highways within its boundaries that have a maximum speed limit of no more than ~~25~~ 35 miles per hour and (ii) for a distance of no more than five miles on any highway within its boundaries that has a maximum speed limit of more than ~~25~~ 35 miles per hour. Any such ordinance shall define "off-road recreational vehicle." Any such operation shall be subject to the following conditions, and such additional restrictions and limitations as the county, city, or town by ordinance may impose:

1. Signs whose design, number, and location are approved by the Virginia Department of Transportation shall have been posted by the county, city, town, or Southwest Regional Recreation Authority warning motorists that off-road recreational vehicles may be operating on the highway;

2. Such off-road recreational vehicles shall be operated only during daylight hours;

3. Off-road recreational vehicle operators shall, when operating on the highway, obey all rules of the road applicable to other motor vehicles;

4. Riders of such off-road recreational vehicles shall wear helmets of a type approved by the Superintendent of State Police; and

5. Operators shall be licensed drivers or accompanied by a licensed driver who is either occupying the same vehicle or occupying another vehicle within a prudent distance; however, no person shall operate any off-road recreational vehicle as provided in this section if his driver's license, whether issued in the Commonwealth or in another jurisdiction, has been suspended or revoked.

B. The governing body of any county, city, or town that enacts any ordinance under subsection A shall notify in writing the Virginia State Police and all law-enforcement agencies within the county, city, or town of its action, together with a copy of such ordinance.

C. Operation of any off-road recreational vehicle as provided in the foregoing provisions of this section shall be subject to the issuance of a permit by the Southwest Regional Recreation Authority pursuant to § 15.2-6020. Any such permit shall be valid for such period of time and subject to the payment of such fee as the Authority shall provide.

CHAPTER 365

*An Act to amend the Code of Virginia by adding in Article 5 of Chapter 38 of Title 58.1 a section numbered 58.1-3818.04, relating to admissions tax; Wythe County.*

[S 501]

Approved March 19, 2018

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

**1. That the Code of Virginia is amended by adding in Article 5 of Chapter 38 of Title 58.1 a section numbered 58.1-3818.04 as follows:**

**§ 58.1-3818.04. Admissions tax in Wythe County.**

*Wythe County is hereby authorized to impose a tax on admissions to any event held on the grounds of any exposition center in the county that (i) has an indoor arena that seats at least 2,000 persons and an outdoor multipurpose space and (ii) is located on all or part of a parcel of land or adjacent parcels of land containing at least 40 acres. The tax shall not exceed 10 percent of the amount of charge for admissions. The Wythe County Board of Supervisors shall prescribe by ordinance the terms, conditions, and amount of such tax and may classify between events conducted for charitable and noncharitable purposes.*

CHAPTER 366

*An Act to direct the Department of Transportation to place signs reflecting Virginia's designation as a Purple Heart State.*

[S 847]

Approved March 19, 2018

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

**1. § 1.** *The Department of Transportation shall place and maintain signs along certain highways reflecting the 2016 designation by the General Assembly of Virginia as a Purple Heart State, reflecting Virginia's admiration and utmost gratitude for all the veterans and active duty service members who have paid the high price of freedom by leaving their families and communities and placing themselves in harm's way and who have selflessly served their country.*

CHAPTER 367

*An Act to amend and reenact §§ 19.2-169.1 and 19.2-169.5 of the Code of Virginia, relating to competency and sanity evaluations; location of evaluation.*

[H 52]

Approved March 19, 2018

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

**1. That §§ 19.2-169.1 and 19.2-169.5 of the Code of Virginia are amended and reenacted as follows:**

**§ 19.2-169.1. Raising question of competency to stand trial or plead; evaluation and determination of competency.**

**A. Raising competency issue; appointment of evaluators.**

*If, at any time after the attorney for the defendant has been retained or appointed and before the end of trial, the court finds, upon hearing evidence or representations of counsel for the defendant or the attorney for the Commonwealth, that there is probable cause to believe that the defendant, whether a juvenile transferred pursuant to § 16.1-269.1 or adult, lacks substantial capacity to understand the proceedings against him or to assist his attorney in his own defense, the court shall order that a competency evaluation be performed by at least one psychiatrist or clinical psychologist who (i) has performed forensic evaluations; (ii) has successfully completed forensic evaluation training recognized by the Commissioner of Behavioral Health and Developmental Services; (iii) has demonstrated to the Commissioner competence to perform forensic evaluations; and (iv) is included on a list of approved evaluators maintained by the Commissioner.*

**B. Location of evaluation.**

*The evaluation shall be performed on an outpatient basis at a mental health facility or in jail unless an outpatient evaluation has been conducted and the outpatient evaluator opines that a hospital-based evaluation is needed to reliably reach an opinion or unless the court specifically finds that outpatient evaluation services are unavailable or unless the results of outpatient evaluation indicate that hospitalization of the defendant for evaluation on competency is necessary. If the court finds that hospitalization is necessary, the court, under authority of this subsection, may order the defendant sent to a hospital designated by the Commissioner of Behavioral Health and Developmental Services as appropriate for evaluations of persons under criminal charge. The defendant shall be hospitalized for such time as the director of the hospital deems necessary to perform an adequate evaluation of the defendant's competency, but not to exceed 30 days from the date of admission to the hospital unless the defendant is in the custody of the Commissioner of Behavioral Health and*

*Developmental Services pursuant to § 19.2-169.2, 19.2-169.6, 19.2-182.2, 19.2-182.3, 19.2-182.8, 19.2-182.9, or Article 5 (§ 37.2-814 et seq.) of Chapter 8 of Title 37.2.*

C. Provision of information to evaluators.

The court shall require the attorney for the Commonwealth to provide to the evaluators appointed under subsection A any information relevant to the evaluation, including, but not limited to (i) a copy of the warrant or indictment; (ii) the names and addresses of the attorney for the Commonwealth, the attorney for the defendant, and the judge ordering the evaluation; (iii) information about the alleged crime; and (iv) a summary of the reasons for the evaluation request. The court shall require the attorney for the defendant to provide any available psychiatric records and other information that is deemed relevant. The court shall require that information be provided to the evaluator within 96 hours of the issuance of the court order pursuant to this section.

D. The competency report.

Upon completion of the evaluation, the evaluators shall promptly submit a report in writing to the court and the attorneys of record concerning (i) the defendant's capacity to understand the proceedings against him; (ii) his ability to assist his attorney; and (iii) his need for treatment in the event he is found incompetent but restorable, or incompetent for the foreseeable future. If a need for restoration treatment is identified pursuant to clause (iii), the report shall state whether inpatient or outpatient treatment is recommended. No statements of the defendant relating to the time period of the alleged offense shall be included in the report. The evaluator shall also send a redacted copy of the report removing references to the defendant's name, date of birth, case number, and court of jurisdiction to the Commissioner of Behavioral Health and Developmental Services for the purpose of peer review to establish and maintain the list of approved evaluators described in subsection A.

E. The competency determination.

After receiving the report described in subsection D, the court shall promptly determine whether the defendant is competent to stand trial. A hearing on the defendant's competency is not required unless one is requested by the attorney for the Commonwealth or the attorney for the defendant, or unless the court has reasonable cause to believe the defendant will be hospitalized under § 19.2-169.2. If a hearing is held, the party alleging that the defendant is incompetent shall bear the burden of proving by a preponderance of the evidence the defendant's incompetency. The defendant shall have the right to notice of the hearing, the right to counsel at the hearing and the right to personally participate in and introduce evidence at the hearing.

The fact that the defendant claims to be unable to remember the time period surrounding the alleged offense shall not, by itself, bar a finding of competency if the defendant otherwise understands the charges against him and can assist in his defense. Nor shall the fact that the defendant is under the influence of medication bar a finding of competency if the defendant is able to understand the charges against him and assist in his defense while medicated.

**§ 19.2-169.5. Evaluation of sanity at the time of the offense; disclosure of evaluation results.**

A. Raising issue of sanity at the time of offense; appointment of evaluators.

If, at any time before trial, the court finds, upon hearing evidence or representations of counsel for the defendant, that there is probable cause to believe that the defendant's sanity will be a significant factor in his defense and that the defendant is financially unable to pay for expert assistance, the court shall appoint one or more qualified mental health experts to evaluate the defendant's sanity at the time of the offense and, where appropriate, to assist in the development of an insanity defense. Such mental health expert shall be a psychiatrist or a clinical psychologist who (i) has performed forensic examinations, (ii) has successfully completed forensic evaluation training recognized by the Commissioner of Behavioral Health and Developmental Services, (iii) has demonstrated to the Commissioner competence to perform forensic evaluations, and (iv) is included on a list of approved evaluators maintained by the Commissioner. The defendant shall not be entitled to a mental health expert of his own choosing or to funds to employ such expert.

B. Location of evaluation.

The evaluation shall be performed on an outpatient basis, at a mental health facility or in jail *unless an outpatient evaluation has been conducted and the outpatient evaluator opines that a hospital-based evaluation is needed to reliably reach an opinion or; unless the court specifically finds that outpatient services are unavailable; or unless the results of the outpatient evaluation indicate that hospitalization of the defendant for further evaluation of his sanity at the time of the offense is necessary.* If either finding is made, the court, under authority of this subsection, may order that the defendant be sent to a hospital designated by the Commissioner of Behavioral Health and Developmental Services as appropriate for evaluation of the defendant under criminal charge. The defendant shall be hospitalized for such time as the director of the hospital deems necessary to perform an adequate evaluation of the defendant's sanity at the time of the offense, but not to exceed 30 days from the date of admission to the hospital *unless the defendant is in the custody of the Commissioner of Behavioral Health and Developmental Services pursuant to § 19.2-169.2, 19.2-169.6, 19.2-182.2, 19.2-182.3, 19.2-182.8, 19.2-182.9, or Article 5 (§ 37.2-814 et seq.) of Chapter 8 of Title 37.2.*

C. Provision of information to evaluator.

The court shall require the party making the motion for the evaluation, and such other parties as the court deems appropriate, to provide to the evaluators appointed under subsection A any information relevant to the evaluation, including, but not limited to (i) copy of the warrant or indictment; (ii) the names and addresses of the attorney for the Commonwealth, the attorney for the defendant and the judge who appointed the expert; (iii) information pertaining to the alleged crime, including statements by the defendant made to the police and transcripts of preliminary hearings, if any; (iv) a summary of

the reasons for the evaluation request; (v) any available psychiatric, psychological, medical or social records that are deemed relevant; and (vi) a copy of the defendant's criminal record, to the extent reasonably available.

D. The evaluators shall prepare a full report concerning the defendant's sanity at the time of the offense, including whether he may have had a significant mental disease or defect which rendered him insane at the time of the offense. The report shall be prepared within the time period designated by the court, said period to include the time necessary to obtain and evaluate the information specified in subsection C.

E. Disclosure of evaluation results.

The report described in subsection D shall be sent solely to the attorney for the defendant and shall be deemed to be protected by the lawyer-client privilege. However, the Commonwealth shall be given the report in all felony cases, the results of any other evaluation of the defendant's sanity at the time of the offense, and copies of psychiatric, psychological, medical, or other records obtained during the course of any such evaluation, after the attorney for the defendant gives notice of an intent to present psychiatric or psychological evidence pursuant to § 19.2-168. In addition, in all cases, the evaluator shall send a redacted copy of the report removing references to the defendant's name, date of birth, case number, and court of jurisdiction to the Commissioner of Behavioral Health and Developmental Services for the purpose of peer review to establish and maintain the list of approved evaluators described in subsection A.

F. In any case where the defendant obtains his own expert to evaluate the defendant's sanity at the time of the offense, the provisions of subsections D and E, relating to the disclosure of the evaluation results, shall apply.

### CHAPTER 368

*An Act to amend and reenact §§ 32.1-127 and 54.1-2990 of the Code of Virginia, relating to medically or ethically inappropriate care not required.*

[H 226]

Approved March 19, 2018

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

**1. That §§ 32.1-127 and 54.1-2990 of the Code of Virginia are amended and reenacted as follows:**

**§ 32.1-127. Regulations.**

A. The regulations promulgated by the Board to carry out the provisions of this article shall be in substantial conformity to the standards of health, hygiene, sanitation, construction and safety as established and recognized by medical and health care professionals and by specialists in matters of public health and safety, including health and safety standards established under provisions of Title XVIII and Title XIX of the Social Security Act, and to the provisions of Article 2 (§ 32.1-138 et seq.).

B. Such regulations:

1. Shall include minimum standards for (i) the construction and maintenance of hospitals, nursing homes and certified nursing facilities to ensure the environmental protection and the life safety of its patients, employees, and the public; (ii) the operation, staffing and equipping of hospitals, nursing homes and certified nursing facilities; (iii) qualifications and training of staff of hospitals, nursing homes and certified nursing facilities, except those professionals licensed or certified by the Department of Health Professions; (iv) conditions under which a hospital or nursing home may provide medical and nursing services to patients in their places of residence; and (v) policies related to infection prevention, disaster preparedness, and facility security of hospitals, nursing homes, and certified nursing facilities. For purposes of this paragraph, facilities in which five or more first trimester abortions per month are performed shall be classified as a category of "hospital";

2. Shall provide that at least one physician who is licensed to practice medicine in this Commonwealth shall be on call at all times, though not necessarily physically present on the premises, at each hospital which operates or holds itself out as operating an emergency service;

3. May classify hospitals and nursing homes by type of specialty or service and may provide for licensing hospitals and nursing homes by bed capacity and by type of specialty or service;

4. Shall also require that each hospital establish a protocol for organ donation, in compliance with federal law and the regulations of the Centers for Medicare and Medicaid Services (CMS), particularly 42 C.F.R. § 482.45. Each hospital shall have an agreement with an organ procurement organization designated in CMS regulations for routine contact, whereby the provider's designated organ procurement organization certified by CMS (i) is notified in a timely manner of all deaths or imminent deaths of patients in the hospital and (ii) is authorized to determine the suitability of the decedent or patient for organ donation and, in the absence of a similar arrangement with any eye bank or tissue bank in Virginia certified by the Eye Bank Association of America or the American Association of Tissue Banks, the suitability for tissue and eye donation. The hospital shall also have an agreement with at least one tissue bank and at least one eye bank to cooperate in the retrieval, processing, preservation, storage, and distribution of tissues and eyes to ensure that all usable tissues and eyes are obtained from potential donors and to avoid interference with organ procurement. The protocol shall ensure that the hospital collaborates with the designated organ procurement organization to inform the family of each potential donor of the option to donate organs, tissues, or eyes or to decline to donate. The individual making contact with the family shall have completed a course in the methodology for approaching potential donor families and requesting organ or tissue donation that (a) is offered or approved by the organ procurement organization and designed in conjunction with the tissue and eye

bank community and (b) encourages discretion and sensitivity according to the specific circumstances, views, and beliefs of the relevant family. In addition, the hospital shall work cooperatively with the designated organ procurement organization in educating the staff responsible for contacting the organ procurement organization's personnel on donation issues, the proper review of death records to improve identification of potential donors, and the proper procedures for maintaining potential donors while necessary testing and placement of potential donated organs, tissues, and eyes takes place. This process shall be followed, without exception, unless the family of the relevant decedent or patient has expressed opposition to organ donation, the chief administrative officer of the hospital or his designee knows of such opposition, and no donor card or other relevant document, such as an advance directive, can be found;

5. Shall require that each hospital that provides obstetrical services establish a protocol for admission or transfer of any pregnant woman who presents herself while in labor;

6. Shall also require that each licensed hospital develop and implement a protocol requiring written discharge plans for identified, substance-abusing, postpartum women and their infants. The protocol shall require that the discharge plan be discussed with the patient and that appropriate referrals for the mother and the infant be made and documented. Appropriate referrals may include, but need not be limited to, treatment services, comprehensive early intervention services for infants and toddlers with disabilities and their families pursuant to Part H of the Individuals with Disabilities Education Act, 20 U.S.C. § 1471 et seq., and family-oriented prevention services. The discharge planning process shall involve, to the extent possible, the father of the infant and any members of the patient's extended family who may participate in the follow-up care for the mother and the infant. Immediately upon identification, pursuant to § 54.1-2403.1, of any substance-abusing, postpartum woman, the hospital shall notify, subject to federal law restrictions, the community services board of the jurisdiction in which the woman resides to appoint a discharge plan manager. The community services board shall implement and manage the discharge plan;

7. Shall require that each nursing home and certified nursing facility fully disclose to the applicant for admission the home's or facility's admissions policies, including any preferences given;

8. Shall require that each licensed hospital establish a protocol relating to the rights and responsibilities of patients which shall include a process reasonably designed to inform patients of such rights and responsibilities. Such rights and responsibilities of patients, a copy of which shall be given to patients on admission, shall be consistent with applicable federal law and regulations of the Centers for Medicare and Medicaid Services;

9. Shall establish standards and maintain a process for designation of levels or categories of care in neonatal services according to an applicable national or state-developed evaluation system. Such standards may be differentiated for various levels or categories of care and may include, but need not be limited to, requirements for staffing credentials, staff/patient ratios, equipment, and medical protocols;

10. Shall require that each nursing home and certified nursing facility train all employees who are mandated to report adult abuse, neglect, or exploitation pursuant to § 63.2-1606 on such reporting procedures and the consequences for failing to make a required report;

11. Shall permit hospital personnel, as designated in medical staff bylaws, rules and regulations, or hospital policies and procedures, to accept emergency telephone and other verbal orders for medication or treatment for hospital patients from physicians, and other persons lawfully authorized by state statute to give patient orders, subject to a requirement that such verbal order be signed, within a reasonable period of time not to exceed 72 hours as specified in the hospital's medical staff bylaws, rules and regulations or hospital policies and procedures, by the person giving the order, or, when such person is not available within the period of time specified, co-signed by another physician or other person authorized to give the order;

12. Shall require, unless the vaccination is medically contraindicated or the resident declines the offer of the vaccination, that each certified nursing facility and nursing home provide or arrange for the administration to its residents of (i) an annual vaccination against influenza and (ii) a pneumococcal vaccination, in accordance with the most recent recommendations of the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention;

13. Shall require that each nursing home and certified nursing facility register with the Department of State Police to receive notice of the registration or reregistration of any sex offender within the same or a contiguous zip code area in which the home or facility is located, pursuant to § 9.1-914;

14. Shall require that each nursing home and certified nursing facility ascertain, prior to admission, whether a potential patient is a registered sex offender, if the home or facility anticipates the potential patient will have a length of stay greater than three days or in fact stays longer than three days;

15. Shall require that each licensed hospital include in its visitation policy a provision allowing each adult patient to receive visits from any individual from whom the patient desires to receive visits, subject to other restrictions contained in the visitation policy including, but not limited to, those related to the patient's medical condition and the number of visitors permitted in the patient's room simultaneously;

16. Shall require that each nursing home and certified nursing facility shall, upon the request of the facility's family council, send notices and information about the family council mutually developed by the family council and the administration of the nursing home or certified nursing facility, and provided to the facility for such purpose, to the listed responsible party or a contact person of the resident's choice up to six times per year. Such notices may be included together with a monthly billing statement or other regular communication. Notices and information shall also be posted in a

designated location within the nursing home or certified nursing facility. No family member of a resident or other resident representative shall be restricted from participating in meetings in the facility with the families or resident representatives of other residents in the facility;

17. Shall require that each nursing home and certified nursing facility maintain liability insurance coverage in a minimum amount of \$1 million, and professional liability coverage in an amount at least equal to the recovery limit set forth in § 8.01-581.15, to compensate patients or individuals for injuries and losses resulting from the negligent or criminal acts of the facility. Failure to maintain such minimum insurance shall result in revocation of the facility's license;

18. Shall require each hospital that provides obstetrical services to establish policies to follow when a stillbirth, as defined in § 32.1-69.1, occurs that meet the guidelines pertaining to counseling patients and their families and other aspects of managing stillbirths as may be specified by the Board in its regulations;

19. Shall require each nursing home to provide a full refund of any unexpended patient funds on deposit with the facility following the discharge or death of a patient, other than entrance-related fees paid to a continuing care provider as defined in § 38.2-4900, within 30 days of a written request for such funds by the discharged patient or, in the case of the death of a patient, the person administering the person's estate in accordance with the Virginia Small Estates Act (§ 64.2-600 et seq.); ~~and~~

20. Shall require that each hospital that provides inpatient psychiatric services establish a protocol that (i) requires, for any refusal to admit a medically stable patient referred to its psychiatric unit, direct verbal communication between the on-call physician in the psychiatric unit and the referring physician, if requested by such referring physician, and (ii) prohibits on-call physicians or other hospital staff from refusing a request for such direct verbal communication by a referring physician; *and*

21. *Shall require that each hospital that is equipped to provide life-sustaining treatment shall develop a policy governing determination of the medical and ethical appropriateness of proposed medical care, which shall include (i) a process for obtaining a second opinion regarding the medical and ethical appropriateness of proposed medical care in cases in which a physician has determined proposed care to be medically or ethically inappropriate; (ii) provisions for review of the determination that proposed medical care is medically or ethically inappropriate by an interdisciplinary medical review committee and a determination by the interdisciplinary medical review committee regarding the medical and ethical appropriateness of the proposed health care; and (iii) requirements for a written explanation of the decision reached by the interdisciplinary medical review committee, which shall be included in the patient's medical record. Such policy shall ensure that the patient, his agent, or the person authorized to make medical decisions pursuant to § 54.1-2986 (a) are informed of the patient's right to obtain his medical record and to obtain an independent medical opinion and (b) afforded reasonable opportunity to participate in the medical review committee meeting. Nothing in such policy shall prevent the patient, his agent, or the person authorized to make medical decisions pursuant to § 54.1-2986 from obtaining legal counsel to represent the patient or from seeking other remedies available at law, including seeking court review, provided that the patient, his agent, or the person authorized to make medical decisions pursuant to § 54.1-2986, or legal counsel provides written notice to the chief executive officer of the hospital within 14 days of the date on which the physician's determination that proposed medical treatment is medically or ethically inappropriate is documented in the patient's medical record.*

C. Upon obtaining the appropriate license, if applicable, licensed hospitals, nursing homes, and certified nursing facilities may operate adult day care centers.

D. All facilities licensed by the Board pursuant to this article which provide treatment or care for hemophiliacs and, in the course of such treatment, stock clotting factors, shall maintain records of all lot numbers or other unique identifiers for such clotting factors in order that, in the event the lot is found to be contaminated with an infectious agent, those hemophiliacs who have received units of this contaminated clotting factor may be apprised of this contamination. Facilities which have identified a lot which is known to be contaminated shall notify the recipient's attending physician and request that he notify the recipient of the contamination. If the physician is unavailable, the facility shall notify by mail, return receipt requested, each recipient who received treatment from a known contaminated lot at the individual's last known address.

**§ 54.1-2990. Medically unnecessary health care not required; procedure when physician refuses to comply with an advance directive or a designated person's health care decision; mercy killing or euthanasia prohibited.**

A. *As used in this section:*

*"Health care provider" has the same meaning as in § 8.01-581.1.*

*"Life-sustaining treatment" means any ongoing health care that utilizes mechanical or other artificial means to sustain, restore, or supplant a spontaneous vital function, including hydration, nutrition, maintenance medication, and cardiopulmonary resuscitation.*

B. Nothing in this article shall be construed to require a physician to prescribe or render health care to a patient that the physician determines to be medically or ethically inappropriate. ~~However, in such a case, if the physician's A determination of the medical or ethical inappropriateness of proposed health care shall be based solely on the patient's medical condition and not on the patient's age or other demographic status, disability, or diagnosis of persistent vegetative state.~~

*In cases in which a physician's determination that proposed health care, including life-sustaining treatment, is medically or ethically inappropriate is contrary to the request of the patient, the terms of a patient's advance directive, the decision of an agent or person authorized to make decisions pursuant to § 54.1-2986, or a Durable Do Not Resuscitate*

Order, the physician *or his designee* shall document the physician's determination in the patient's medical record, make a reasonable effort to inform the patient or the patient's agent or person with decision-making authority pursuant to § 54.1-2986 of such determination and the reasons for the determination therefor in writing, and provide a copy of the hospital's written policies regarding review of decisions regarding the medical or ethical appropriateness of proposed health care established pursuant to subdivision B 21 of § 32.1-127.

If the conflict remains unresolved, the physician shall make a reasonable effort to transfer the patient to another physician ~~who~~ *or facility* that is willing to comply with the request of the patient, the terms of the advance directive, the decision of an agent or person authorized to make decisions pursuant to § 54.1-2986, or a Durable Do Not Resuscitate Order and shall cooperate in transferring the patient to the physician or facility identified. The physician shall provide the patient or his agent or person with decision-making authority pursuant to § 54.1-2986 a reasonable time of not less than ~~fourteen~~ 14 days after the date on which the decision regarding the medical or ethical inappropriateness of the proposed treatment is documented in the patient's medical record in accordance with the hospital's written policy developed pursuant to subdivision B 21 of § 32.1-127 to effect such transfer. During this period, (i) the physician shall continue to provide any life-sustaining ~~care~~ *treatment* to the patient ~~which~~ that is reasonably available to such physician, as requested by the patient or his agent or person with decision-making authority pursuant to § 54.1-2986, and (ii) the hospital in which the patient is receiving life-sustaining treatment shall facilitate prompt access to the patient's medical record pursuant to § 32.1-127.1:03.

If, at the end of the 14-day period, the conflict remains unresolved despite compliance with the hospital's written policy established pursuant to subdivision B 21 of § 32.1-127 and the physician has been unable to identify another physician or facility willing to provide the care requested by the patient, the terms of the advance directive, or the decision of the agent or person authorized to make decisions pursuant to § 54.1-2986 to which to transfer the patient despite reasonable efforts, the physician may cease to provide the treatment that the physician has determined to be medically or ethically inappropriate subject to the right of court review by any party. However, artificial nutrition and hydration may be withdrawn or withheld only if, on the basis of physician's reasonable medical judgment, providing such artificial nutrition and hydration would (a) hasten the patient's death, (b) be medically ineffective in prolonging life, or (c) be contrary to the clearly documented wishes of the patient, the terms of the patient's advance directive, or the decision of an agent or person authorized to make decisions pursuant to § 54.1-2986 regarding the withholding of artificial nutrition or hydration. In all cases, care directed toward the patient's pain and comfort shall be provided.

~~B. For purposes of this section, "life-sustaining care" means any ongoing health care that utilizes mechanical or other artificial means to sustain, restore or supplant a spontaneous vital function, including hydration, nutrition, maintenance medication, and cardiopulmonary resuscitation.~~

C. Nothing in this section shall require the provision of health care that the physician is physically or legally unable to provide, or health care that the physician is physically or legally unable to provide without thereby denying the same health care to another patient.

D. Nothing in this article shall be construed to condone, authorize, or approve mercy killing or euthanasia; or to permit any affirmative or deliberate act or omission to end life other than to permit the natural process of dying.

E. Compliance with the requirements of this section shall not be admissible to prove a violation of or compliance with the standard of care as set forth in § 8.01-581.20.

## CHAPTER 369

*An Act to amend and reenact § 63.2-1721, as it is currently effective and as it shall become effective, of the Code of Virginia, relating to adoption and foster care; barrier crimes; exception.*

[H 437]

Approved March 19, 2019

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

**1. That § 63.2-1721, as it is currently effective and as it shall become effective, of the Code of Virginia is amended and reenacted as follows:**

**§ 63.2-1721. (Expires July 1, 2018, or earlier if contingency is met) Background check upon application for licensure as a child-placing agency or independent foster home; penalty.**

A. Upon application for licensure as a child-placing agency or independent foster home, all (i) applicants and (ii) agents at the time of application who are or will be involved in the day-to-day operations of the child-placing agency or independent foster home or who are or will be alone with, in control of, or supervising one or more of the children shall undergo a background check pursuant to subsection B. Upon application for licensure as an assisted living facility, all applicants shall undergo a background check pursuant to subsection B. In addition, foster or adoptive parents requesting approval by child-placing agencies shall undergo background checks pursuant to subsection B prior to their approval.

B. Background checks pursuant to subsection A require:

1. A sworn statement or affirmation disclosing whether the person has a criminal conviction or is the subject of any pending criminal charges within or outside the Commonwealth and whether or not the person has been the subject of a founded complaint of child abuse or neglect within or outside the Commonwealth;

2. A criminal history records check through the Central Criminal Records Exchange pursuant to § 19.2-389; and

3. In the case of child-placing agencies, independent foster homes, or adoptive or foster parents, a search of the central registry maintained pursuant to § 63.2-1515 for any founded complaint of child abuse and neglect.

C. The person required to have a background check pursuant to subsection A shall submit the background check information required in subsection B to the Commissioner's representative prior to issuance of a license or approval. The applicant, other than an applicant for licensure as an assisted living facility, shall provide an original criminal record clearance with respect to any barrier crime as defined in § 19.2-392.02 or an original criminal history record from the Central Criminal Records Exchange. An applicant for licensure as an assisted living facility shall provide an original criminal record clearance with respect to any offense set forth in clause (i) of the definition of barrier crime in § 19.2-392.02 or an original criminal history record from the Central Criminal Records Exchange. Any person making a materially false statement regarding the sworn statement or affirmation provided pursuant to subdivision B 1 is guilty of a Class 1 misdemeanor. If any person specified in subsection A, other than an applicant for licensure as an assisted living facility, required to have a background check (i) has been convicted of any barrier crime as defined in § 19.2-392.02 or (ii) is the subject of a founded complaint of child abuse or neglect within or outside the Commonwealth, and such person has not been granted a waiver by the Commissioner pursuant to § 63.2-1723 or is not subject to an exception in subsection E, F, G, or H, (a) the Commissioner shall not issue a license to a child-placing agency or independent foster home; or (b) a child-placing agency shall not approve an adoptive or foster home. If any applicant for licensure as an assisted living facility required to have a background check has been convicted of any offense set forth in clause (i) of the definition of barrier crime in § 19.2-392.02, the Commissioner shall not issue a license to an assisted living facility.

D. No person specified in subsection A shall be involved in the day-to-day operations of a licensed child-placing agency or independent foster home; be alone with, in control of, or supervising one or more children receiving services from a licensed child-placing agency or independent foster home; or be permitted to work in a position that involves direct contact with a person receiving services without first having completed background checks pursuant to subsection B unless such person is directly supervised by another person for whom a background check has been completed in accordance with the requirements of this section.

E. Notwithstanding any provision to the contrary contained in this section, a child-placing agency may approve as an adoptive or foster parent an applicant who has been convicted of not more than one misdemeanor offense as set out in § 18.2-57, or any substantially similar offense under the laws of another jurisdiction, not involving abuse, neglect, moral turpitude, or a minor, provided that 10 years have elapsed following the conviction.

F. Notwithstanding any provision to the contrary contained in this section, a child-placing agency may approve as a foster parent an applicant who has been convicted of statutory burglary for breaking and entering a dwelling home or other structure with intent to commit larceny, or any substantially similar offense under the laws of another jurisdiction, who has had his civil rights restored by the Governor or other appropriate authority, provided that 25 years have elapsed following the conviction.

G. Notwithstanding any provision to the contrary contained in this section, a child-placing agency may approve as an adoptive or foster parent an applicant convicted of any offense set forth in clause (iv) of the definition of barrier crime in § 19.2-392.02 who has had his civil rights restored by the Governor or other appropriate authority, provided that 10 years have elapsed following the conviction, *or eight years have elapsed following the conviction and the applicant (i) has complied with all obligations imposed by the criminal court; (ii) has completed a substance abuse treatment program; (iii) has completed a drug test administered by a laboratory or medical professional within 90 days prior to being approved, and such test returned with a negative result; and (iv) complies with any other obligations as determined by the Department.*

H. Notwithstanding any provision to the contrary contained in this section, a child-placing agency may approve as an adoptive or foster parent an applicant convicted of any offense set forth in clause (iii) of the definition of barrier crime in § 19.2-392.02 who has had his civil rights restored by the Governor or other appropriate authority, provided that 20 years have elapsed following the conviction.

I. If an applicant is denied licensure or approval because of information from the central registry or convictions appearing on his criminal history record, the Commissioner shall provide a copy of the information obtained from the central registry or the Central Criminal Records Exchange or both to the applicant.

J. Further dissemination of the background check information is prohibited other than to the Commissioner's representative or a federal or state authority or court as may be required to comply with an express requirement of law for such further dissemination.

**§ 63.2-1721. (Effective July 1, 2018, or earlier if contingency is met) Background check upon application for licensure as a child-placing agency, etc.; penalty.**

A. Upon application for licensure as a child-placing agency, independent foster home, or family day system or registration as a family day home, (i) all applicants; (ii) agents at the time of application who are or will be involved in the day-to-day operations of the child-placing agency, independent foster home, family day system, or family day home or who are or will be alone with, in control of, or supervising one or more of the children; and (iii) any other adult living in the home of an applicant for registration as a family day home shall undergo a background check pursuant to subsection B. Upon application for licensure as an assisted living facility, all applicants shall undergo a background check pursuant to subsection B. In addition, foster or adoptive parents requesting approval by child-placing agencies and operators of family day homes requesting approval by family day systems, and any other adult residing in the family day home or existing

employee or volunteer of the family day home, shall undergo background checks pursuant to subsection B prior to their approval.

B. Background checks pursuant to subsection A require:

1. A sworn statement or affirmation disclosing whether the person has a criminal conviction or is the subject of any pending criminal charges within or outside the Commonwealth and whether or not the person has been the subject of a founded complaint of child abuse or neglect within or outside the Commonwealth;

2. A criminal history records check through the Central Criminal Records Exchange pursuant to § 19.2-389; and

3. In the case of child-placing agencies, independent foster homes, family day systems, and family day homes, or adoptive or foster parents, a search of the central registry maintained pursuant to § 63.2-1515 for any founded complaint of child abuse and neglect.

C. The person required to have a background check pursuant to subsection A shall submit the background check information required in subsection B to the Commissioner's representative prior to issuance of a license, registration or approval. The applicant, other than an applicant for licensure as an assisted living facility, shall provide an original criminal record clearance with respect to any barrier crime as defined in § 19.2-392.02 or an original criminal history record from the Central Criminal Records Exchange. An applicant for licensure as an assisted living facility shall provide an original criminal record clearance with respect to any offense set forth in clause (i) of the definition of barrier crime in § 19.2-392.02 or an original criminal history record from the Central Criminal Records Exchange. Any person making a materially false statement regarding the sworn statement or affirmation provided pursuant to subdivision B 1 is guilty of a Class 1 misdemeanor. If any person specified in subsection A, other than an applicant for licensure as an assisted living facility, required to have a background check (i) has been convicted of any barrier crime as defined in § 19.2-392.02 or (ii) is the subject of a founded complaint of child abuse or neglect within or outside the Commonwealth, and such person has not been granted a waiver by the Commissioner pursuant to § 63.2-1723 or is not subject to an exception in subsection E, F, G, or H, (a) the Commissioner shall not issue a license to a child-placing agency, independent foster home, or family day system or a registration to a family day home; (b) a child-placing agency shall not approve an adoptive or foster home; or (c) a family day system shall not approve a family day home. If any applicant for licensure as an assisted living facility required to have a background check has been convicted of any offense set forth in clause (i) of the definition of barrier crime in § 19.2-392.02, the Commissioner shall not issue a license to an assisted living facility.

D. No person specified in subsection A shall be involved in the day-to-day operations of a licensed child-placing agency, independent foster home, or family day system or a registered family day home; be alone with, in control of, or supervising one or more children receiving services from a licensed child-placing agency, independent foster home, or family day system or a registered family day home; or be permitted to work in a position that involves direct contact with a person receiving services without first having completed background checks pursuant to subsection B unless such person is directly supervised by another person for whom a background check has been completed in accordance with the requirements of this section.

E. Notwithstanding any provision to the contrary contained in this section, a child-placing agency may approve as an adoptive or foster parent an applicant who has been convicted of not more than one misdemeanor offense as set out in § 18.2-57, or any substantially similar offense under the laws of another jurisdiction, not involving abuse, neglect, moral turpitude, or a minor, provided that 10 years have elapsed following the conviction.

F. Notwithstanding any provision to the contrary contained in this section, a child-placing agency may approve as a foster parent an applicant who has been convicted of statutory burglary for breaking and entering a dwelling home or other structure with intent to commit larceny, or any substantially similar offense under the laws of another jurisdiction, who has had his civil rights restored by the Governor or other appropriate authority, provided that 25 years have elapsed following the conviction.

G. Notwithstanding any provision to the contrary contained in this section, a child-placing agency may approve as an adoptive or foster parent an applicant convicted of any offense set forth in clause (iv) of the definition of barrier crime in § 19.2-392.02 who has had his civil rights restored by the Governor or other appropriate authority, provided that 10 years have elapsed following the conviction, *or eight years have elapsed following the conviction and the applicant (i) has complied with all obligations imposed by the criminal court; (ii) has completed a substance abuse treatment program; (iii) has completed a drug test administered by a laboratory or medical professional within 90 days prior to being approved, and such test returned with a negative result; and (iv) complies with any other obligations as determined by the Department.*

H. Notwithstanding any provision to the contrary contained in this section, a child-placing agency may approve as an adoptive or foster parent an applicant convicted of any offense set forth in clause (iii) of the definition of barrier crime in § 19.2-392.02 who has had his civil rights restored by the Governor or other appropriate authority, provided that 20 years have elapsed following the conviction.

I. If an applicant is denied licensure, registration or approval because of information from the central registry or convictions appearing on his criminal history record, the Commissioner shall provide a copy of the information obtained from the central registry or the Central Criminal Records Exchange or both to the applicant.

J. Further dissemination of the background check information is prohibited other than to the Commissioner's representative or a federal or state authority or court as may be required to comply with an express requirement of law for such further dissemination.

## CHAPTER 370

*An Act to amend and reenact § 37.2-312.1 of the Code of Virginia, relating to Department of Behavioral Health and Developmental Services; report on suicide prevention activities.*

[H 569]

Approved March 19, 2018

**Be it enacted by the General Assembly of Virginia:****1. That § 37.2-312.1 of the Code of Virginia is amended and reenacted as follows:****§ 37.2-312.1. Department to be lead agency for suicide prevention across the lifespan.**

A. With such funds as may be appropriated for this purpose, the Department, in consultation with community services boards and behavioral health authorities, the Department of Health, local departments of health, and the Department for Aging and Rehabilitative Services, shall have the lead responsibility for the suicide prevention across the lifespan program. The Department shall coordinate the activities of the agencies of the Commonwealth pertaining to suicide prevention in order to develop and carry out a comprehensive suicide prevention plan addressing public awareness, the promotion of health development, early identification, intervention and treatment, and support to survivors. The Department shall cooperate with federal, state, and local agencies, private and public agencies, survivor groups, and other interested persons to prevent suicide.

B. *The Commissioner shall report annually by December 1 to the Governor and the General Assembly on the Department's activities related to suicide prevention across the lifespan.*

## CHAPTER 371

*An Act to amend and reenact § 15.2-5384.1 of the Code of Virginia, relating to reimbursement of costs necessary to examine, review, and supervise a cooperative agreement.*

[H 663]

Approved March 19, 2018

**Be it enacted by the General Assembly of Virginia:****1. That § 15.2-5384.1 of the Code of Virginia is amended and reenacted as follows:****§ 15.2-5384.1. Review of cooperative agreements.**

A. The policy of the Commonwealth related to each participating locality is to encourage cooperative, collaborative, and integrative arrangements, including mergers and acquisitions among hospitals, health centers, or health providers who might otherwise be competitors. To the extent such cooperative agreements, or the planning and negotiations that precede such cooperative agreements, might be anticompetitive within the meaning and intent of state and federal antitrust laws, the intent of the Commonwealth with respect to each participating locality is to supplant competition with a regulatory program to permit cooperative agreements that are beneficial to citizens served by the Authority, and to invest in the Commissioner the authority to approve cooperative agreements recommended by the Authority and the duty of active supervision to ensure compliance with the provisions of the cooperative agreements that have been approved. Such intent is within the public policy of the Commonwealth to facilitate the provision of quality, cost-efficient medical care to rural patients.

B. A hospital may negotiate and enter into proposed cooperative agreements with other hospitals in the Commonwealth if the likely benefits resulting from the proposed cooperative agreements outweigh any disadvantages attributable to a reduction in competition that may result from the proposed cooperative agreements. Benefits to such a cooperative agreement may include, but are not limited to, improving access to care, advancing health status, targeting regional health issues, promoting technological advancement, ensuring accountability of the cost of care, enhancing academic engagement in regional health, strengthening the workforce for health-related careers, and improving health entity collaboration and regional integration where appropriate.

C. 1. Parties located within any participating locality may submit an application for approval of a proposed cooperative agreement to the Authority. In such an application, the applicants shall state in detail the nature of the proposed arrangement between them, including without limitation the parties' goals for, and methods for achieving, population health improvement, improved access to health care services, improved quality, cost efficiencies, ensuring affordability of care, and, as applicable, supporting the Authority's goals and strategic mission. The Authority shall determine whether the application is complete. If the Authority determines that the application is not complete, the Authority shall notify the applicants in writing of the additional items required to complete the application. A copy of the complete application shall be provided to the Commissioner and the Office of the Attorney General at the same time that it is submitted to the Authority. If the applicants believe the materials submitted contain proprietary information that are required to remain confidential, such information must be clearly identified and the applicants shall submit duplicate applications, one with full information for the Authority's use and one redacted application available for release to the public.

2. The Authority, promptly upon receipt of a complete application, shall publish notification of the application in a newspaper of general circulation in the LENOWISCO and Cumberland Plateau Planning Districts and on the Authority's website. The public may submit written comments regarding the application to the Authority within 20 days after the notice

is first published. The Authority shall promptly make any such comments available to the applicants. The applicants may respond in writing to the comments within 10 days after the deadline for submitting comments. Following the close of the written comment period, the Authority shall, in conjunction with the Commissioner, schedule a public hearing on the application. The hearing shall be held no later than 45 days after receipt of the application. Notice of the hearing shall be mailed to the applicants and to all persons who have submitted written comments on the proposed cooperative agreement. The Authority, no later than 15 days prior to the scheduled date of the hearing, also shall publish notice of the hearing in a newspaper of general circulation in the LENOWISCO and Cumberland Plateau Planning Districts and on the Authority's website.

D. In its review of an application submitted pursuant to subsection C, the Authority may consider the proposed cooperative agreement and any supporting documents submitted by the applicants, any written comments submitted by any person, any written response by the applicants, and any written or oral comments submitted at the public hearing. The Authority shall review a proposed cooperative agreement in consideration of the Commonwealth's policy to facilitate improvements in patient health care outcomes and access to quality health care, and population health improvement, in rural communities and in accordance with the standards set forth in subsection E. Any applicants to the proposed cooperative agreement under review, and their affiliates or employees, who are members of the Authority, as well as any members of the Authority that are competitors, or affiliates or employees of competitors, of the applicants proposing such cooperative agreement, shall not participate as a member of the Authority in the Authority's review of, or decision relating to, the proposed cooperative agreement; however, this prohibition on such person's participation shall not prohibit the person from providing comment on a proposed cooperative agreement to the Authority or the Commissioner. The Authority shall determine whether the proposed cooperative agreement should be recommended for approval by the Commissioner within 75 days of the date the completed application for the proposed cooperative agreement is submitted for approval. The Authority may extend the review period for a specified period of time upon 15 days' notice to the parties.

E. 1. The Authority shall recommend for approval by the Commissioner a proposed cooperative agreement if it determines that the benefits likely to result from the proposed cooperative agreement outweigh the disadvantages likely to result from a reduction in competition from the proposed cooperative agreement.

2. In evaluating the potential benefits of a proposed cooperative agreement, the Authority shall consider whether one or more of the following benefits may result from the proposed cooperative agreement:

- a. Enhancement of the quality of hospital and hospital-related care, including mental health services and treatment of substance abuse, provided to citizens served by the Authority, resulting in improved patient satisfaction;
- b. Enhancement of population health status consistent with the regional health goals established by the Authority;
- c. Preservation of hospital facilities in geographical proximity to the communities traditionally served by those facilities to ensure access to care;
- d. Gains in the cost-efficiency of services provided by the hospitals involved;
- e. Improvements in the utilization of hospital resources and equipment;
- f. Avoidance of duplication of hospital resources;
- g. Participation in the state Medicaid program; and
- h. Total cost of care.

3. The Authority's evaluation of any disadvantages attributable to any reduction in competition likely to result from the proposed cooperative agreement shall include, but need not be limited to, the following factors:

- a. The extent of any likely adverse impact of the proposed cooperative agreement on the ability of health maintenance organizations, preferred provider organizations, managed health care organizations, or other health care payors to negotiate reasonable payment and service arrangements with hospitals, physicians, allied health care professionals, or other health care providers;
- b. The extent of any reduction in competition among physicians, allied health professionals, other health care providers, or other persons furnishing goods or services to, or in competition with, hospitals that is likely to result directly or indirectly from the proposed cooperative agreement;
- c. The extent of any likely adverse impact on patients in the quality, availability, and price of health care services; and
- d. The availability of arrangements that are less restrictive to competition and achieve the same benefits or a more favorable balance of benefits over disadvantages attributable to any reduction in competition likely to result from the proposed cooperative agreement.

F. 1. If the Authority deems that the proposed cooperative agreement should be recommended for approval, it shall provide such recommendation to the Commissioner.

2. Upon receipt of the Authority's recommendation, the Commissioner may request from the applicants such supplemental information as the Commissioner deems necessary to the assessment of whether to approve the proposed cooperative agreement. The Commissioner shall consult with the Attorney General regarding his assessment of whether to approve the proposed cooperative agreement. On the basis of his review of the record developed by the Authority, including the Authority's recommendation, as well as any additional information received from the applicants as well as any other data, information, or advice available to the Commissioner, the Commissioner shall approve the proposed cooperative agreement if he finds after considering the factors in subsection E that the benefits likely to result from the proposed cooperative agreement outweigh the disadvantages likely to result from a reduction in competition from the proposed cooperative agreement. The Commissioner shall issue his decision in writing within 45 days of receipt of the Authority's

recommendation. However, if the Commissioner has requested additional information from the applicants, the Commissioner shall have an additional 15 days, following receipt of the supplemental information, to approve or deny the proposed cooperative agreement. The Commissioner may reasonably condition approval of the proposed cooperative agreement upon the parties' commitments to achieving the improvements in population health, access to health care services, quality, and cost efficiencies identified by the parties in support of their application for approval of the proposed cooperative agreement. Such conditions shall be fully enforceable by the Commissioner. The Commissioner's decision to approve or deny an application shall constitute a case decision pursuant to the Virginia Administrative Process Act (§ 2.2-4000 et seq.).

G. If approved, the cooperative agreement is entrusted to the Commissioner for active and continuing supervision to ensure compliance with the provisions of the cooperative agreement. The parties to a cooperative agreement that has been approved by the Commissioner shall report annually to the Commissioner on the extent of the benefits realized and compliance with other terms and conditions of the approval. The report shall describe the activities conducted pursuant to the cooperative agreement, including any actions taken in furtherance of commitments made by the parties or terms imposed by the Commissioner as a condition for approval of the cooperative agreement, and shall include information relating to price, cost, quality, access to care, and population health improvement. The Commissioner may require the parties to a cooperative agreement to supplement such report with additional information to the extent necessary to the Commissioner's active and continuing supervision to ensure compliance with the cooperative agreement. The Commissioner shall have the authority to investigate as needed, including the authority to conduct onsite inspections, to ensure compliance with the cooperative agreement.

H. If the Commissioner has reason to believe that compliance with a cooperative agreement no longer meets the requirements of this chapter, the Commissioner shall initiate a proceeding to determine whether compliance with the cooperative agreement no longer meets the requirements of this chapter. In the course of such proceeding, the Commissioner is authorized to seek reasonable modifications to a cooperative agreement, with the consent of the parties to the agreement, in order to ensure that it continues to meet the requirements of this chapter. The Commissioner is authorized to revoke a cooperative agreement upon a finding that (i) the parties to the agreement are not complying with its terms or the conditions of approval; (ii) the agreement is not in substantial compliance with the terms of the application or the conditions of approval; (iii) the benefits resulting from the approved agreement no longer outweigh the disadvantages attributable to the reduction in competition resulting from the agreement; (iv) the Commissioner's approval was obtained as a result of intentional material misrepresentation to the Commissioner or as the result of coercion, threats, or intimidation toward any party to the cooperative agreement; or (v) the parties to the agreement have failed to pay any required fee. All proceedings initiated by the Commissioner under this chapter and any judicial review thereof shall be held in accordance with and governed by the Virginia Administrative Process Act (§ 2.2-4000 et seq.).

I. The Commissioner shall maintain on file all cooperative agreements that the Commissioner has approved, including any conditions imposed by the Commissioner. Any party to a cooperative agreement that terminates its participation in such cooperative agreement shall file a notice of termination with the Commissioner within 30 days after termination.

J. ~~The Commissioner shall be entitled to reimbursement from the parties seeking approval of a cooperative agreement for all reasonable and actual costs, not to exceed \$75,000, incurred by the Commissioner in his review and approval of any cooperative agreement approved pursuant to this chapter. In addition, the Commissioner may assess an annual fee, in an amount established by regulation promulgated by the State Board of Health that does not exceed \$75,000, for the supervision of any cooperative agreement approved pursuant to this chapter and to support the implementation and administration of the provisions of this chapter may contract with qualified experts and consultants that he deems necessary in his review of an application for approval of a cooperative agreement or supervision of a cooperative agreement.~~

*K. The Commissioner shall be entitled to reimbursement from applicants seeking approval of a cooperative agreement for all reasonable and actual costs incurred by the Commissioner in his review of the application for a cooperative agreement made pursuant to this chapter, including costs of experts and consultants retained by the Commissioner. The Commissioner shall incur only those costs necessary to adequately review the application as determined in his sole discretion. The Commissioner shall maintain detailed records of all costs incurred for which he seeks reimbursement from the applicant.*

*L. The Commissioner shall determine the activities needed to actively supervise the cooperative agreement and may incur only those expenses necessary for such supervision as determined in his sole discretion. The Commissioner shall be entitled to reimbursement from the parties to a cooperative agreement for all reasonable and actual costs incurred by the Commissioner in the supervision of the cooperative agreement approved pursuant to this chapter, including costs of experts and consultants retained by the Commissioner. Prior to contracting with experts or consultants, the Commissioner shall provide reasonable notice to the parties describing the proposed scope of work and anticipated costs of such experts and consultants. The parties shall be given a reasonable time period to provide to the Commissioner information related to possible alternatives to the use of such experts and consultants. The Commissioner shall consider the information submitted by the parties in determining whether to retain an expert or consultant. The Commissioner shall maintain detailed records of all costs incurred for which he seeks reimbursement from the parties. Within 30 days of the end of each quarter, the Commissioner shall provide to the parties a written quarterly report detailing all costs incurred by the Commissioner related to the supervision of the cooperative agreement for which the Commissioner seeks reimbursement. The parties shall make payment to the Department of Health within 30 days of the receipt of such request for reimbursement.*

*M. Reimbursement received pursuant to subsections K and L shall be paid into the Department of Health. Nongeneral funds generated by the reimbursements collected in accordance with this chapter on behalf of the Department and accounted for and deposited into a special fund by the Commissioner of the Department shall be held exclusively to cover the expenses of the Department in administering this chapter and shall not be transferred to any other agency, except to cover expenses directly related to active supervision of the cooperative agreement.*

### CHAPTER 372

*An Act to amend and reenact § 54.1-3446 of the Code of Virginia, relating to Schedule I controlled substances.*

[H 1194]

Approved March 19, 2018

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

**1. That § 54.1-3446 of the Code of Virginia is amended and reenacted as follows:**

**§ 54.1-3446. Schedule I.**

The controlled substances listed in this section are included in Schedule I:

1. Any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, unless specifically excepted, whenever the existence of these isomers, esters, ethers and salts is possible within the specific chemical designation:

- 1-(2-phenylethyl)-4-phenyl-4-acetyloxypiperidine (other name: PEPAP);
- 1-methyl-4-phenyl-4-propionoxypiperidine (other name: MPPP);
- 2-methoxy-N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]-acetamide (other name: Methoxyacetyl fentanyl);*
- 3,4-dichloro-N-[2-(dimethylamino)cyclohexyl]-N-methyl-benzamide (other name: U-47700);
- 3,4-dichloro-N-{[1-(dimethylamino)cyclohexyl]methyl}benzamide (other name: AH-7921);
- Acetyl fentanyl (other name: desmethyl fentanyl);
- Acetylmethadol;
- Allylprodine;
- Alphacetylmethadol (except levo-alphacetylmethadol, also known as levo-alpha-acetylmethadol, levomethadyl acetate, or LAAM);
- Alphameprodine;
- Alphamethadol;
- Benzethidine;
- Betacetylmethadol;
- Betameprodine;
- Betamethadol;
- Betaprodine;
- Clonitazene;
- Dextromoramide;
- Diampromide;
- Diethylthiambutene;
- Difenoxin;
- Dimenoxadol;
- Dimepheptanol;
- Dimethylthiambutene;
- Dioxaphetylbutyrate;
- Dipipanone;
- Ethylmethylthiambutene;
- Etonitazene;
- Etoxidine;
- Furethidine;
- Hydroxypethidine;
- Ketobemidone;
- Levomoramide;
- Levophenacetylmorphan;
- Morpheridine;
- N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopropanecarboxamide (other name: Cyclopropyl fentanyl);*
- N-(1-phenethylpiperidin-4-yl)-N-phenyltetrahydrofuran-2-carboxamide (other name: Tetrahydrofuran fentanyl);*
- N-[1-[1-methyl-2-(2-thienyl)ethyl]-4-piperidyl]-N-phenylpropanamide (other name: alpha-methylthiofentanyl);
- N-[1-(1-methyl-2-phenylethyl)-4-piperidyl]-N-phenylacetamide (other name: acetyl-alpha-methylfentanyl);
- N-{1-[2-hydroxy-2-(2-thienyl)ethyl]-4-piperidinyl}-N-phenylpropanamide (other name: beta-hydroxythiofentanyl);*
- N-[1-(2-hydroxy-2-phenyl)ethyl-4-piperidyl]-N-phenylpropanamide (other name: beta-hydroxyfentanyl);

N-[1-(alpha-methyl-beta-phenyl)ethyl-4-piperidyl]propionanilide (other names:  
 1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine, alpha-methylfentanyl);  
*N*-(2-fluorophenyl)-*N*-[1-(2-phenylethyl)-4-piperidinyl]-propanamide (other names: 2-fluorofentanyl,  
*ortho*-fluorofentanyl);  
*N*-(3-fluorophenyl)-*N*-[1-(2-phenylethyl)-4-piperidinyl]-propanamide (other name: 3-fluorofentanyl);  
*N*-[3-methyl-1-(2-hydroxy-2-phenylethyl)4-piperidyl]-*N*-phenylpropanamide (other name:  
 beta-hydroxy-3-methylfentanyl);  
*N*-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-*N*-phenylpropanamide (other name: 3-methylfentanyl);  
*N*-[3-methyl-1-(2-thienyl)ethyl-4-piperidinyl]-*N*-phenylpropanamide (other name: 3-methylthiofentanyl);  
*N*-(4-fluorophenyl)-2-methyl-*N*-[1-(2-phenylethyl)-4-piperidinyl]-propanamide (other name: *para*-fluoroisobutyryl  
 fentanyl);  
*N*-(4-fluorophenyl)-*N*-[1-(2-phenylethyl)-4-piperidinyl]-butanamide (other name: *para*-fluorobutyrylfentanyl);  
*N*-(4-fluorophenyl)-*N*-1-(2-phenylethyl)-4-piperidinyl]-propanamide (other name: *para*-fluorofentanyl);  
 Noracymethadol;  
 Norlevorphanol;  
 Normethadone;  
 Norpipanone;  
*N*-phenyl-*N*-[1-(2-phenylethyl)-4-piperidinyl]-2-furancarboxamide (other name: Furanyl fentanyl);  
*N*-phenyl-*N*-[1-(2-phenylethyl)-4-piperidinyl]-2-propenamide (other name: *Acryl fentanyl*);  
*N*-phenyl-*N*-[1-(2-phenylethyl)-4-piperidinyl]-butanamide (other name: butyryl fentanyl);  
*N*-phenyl-*N*-[1-(2-phenylethyl)-4-piperidinyl]-pentanamide (other name: Pentanoyl fentanyl);  
*N*-phenyl-*N*-[1-(2-thienyl)ethyl-4-piperidinyl]-propanamide (other name: thiofentanyl);  
 Phenadoxone;  
 Phenampromide;  
 Phenomorphan;  
 Phenoperidine;  
 Piritramide;  
 Proheptazine;  
 Propiridine;  
 Propiram;  
 Racemoramide;  
 Tilidine;  
 Trimeperidine.

2. Any of the following opium derivatives, their salts, isomers and salts of isomers, unless specifically excepted, whenever the existence of these salts, isomers and salts of isomers is possible within the specific chemical designation:

Acetorphine;  
 Acetyldihydrocodeine;  
 Benzylmorphine;  
 Codeine methylbromide;  
 Codeine-N-Oxide;  
 Cyprenorphine;  
 Desomorphine;  
 Dihydromorphine;  
 Drotebanol;  
 Etorphine;  
 Heroin;  
 Hydromorphanol;  
 Methyl-desomorphine;  
 Methyl-dihydromorphine;  
 Morphine methylbromide;  
 Morphine methylsulfonate;  
 Morphine-N-Oxide;  
 Myrophine;  
 Nicocodeine;  
 Nicomorphine;  
 Normorphine;  
 Pholcodine;  
 Thebacon.

3. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation, which contains any quantity of the following hallucinogenic substances, or which contains any of its salts, isomers, and salts

of isomers, whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation (for purposes of this subdivision only, the term "isomer" includes the optical, position, and geometric isomers):

Alpha-ethyltryptamine (some trade or other names: Monase; a-ethyl-1H-indole-3-ethanamine; 3-2-aminobutyl] indole; a-ET; AET);

4-Bromo-2,5-dimethoxyphenethylamine (some trade or other names:

2-4-bromo-2,5-dimethoxyphenyl]-1-aminoethane;alpha-desmethyl DOB; 2C-B; Nexus);

3,4-methylenedioxy amphetamine;

5-methoxy-3,4-methylenedioxy amphetamine;

3,4,5-trimethoxy amphetamine;

Alpha-methyltryptamine (other name: AMT);

Bufotenine;

Diethyltryptamine;

Dimethyltryptamine;

4-methyl-2,5-dimethoxyamphetamine;

2,5-dimethoxy-4-ethylamphetamine (DOET);

2,5-dimethoxy-4-(n)-propylthiophenethylamine (other name: 2C-T-7);

Ibogaine;

5-methoxy-N,N-diisopropyltryptamine (other name: 5-MeO-DIPT);

Lysergic acid diethylamide;

Mescaline;

Parahexyl (some trade or other names: 3-Hexyl-1-hydroxy-7,8,9,10-tetrahydro-6,6,9-trimethyl-6H-dibenzo [b,d] pyran; Synhexyl);

Peyote;

N-ethyl-3-piperidyl benzilate;

N-methyl-3-piperidyl benzilate;

Psilocybin;

Psilocyn;

Salvinorin A;

Tetrahydrocannabinols, except as present in marijuana and dronabinol in sesame oil and encapsulated in a soft gelatin capsule in a drug product approved by the U.S. Food and Drug Administration;

Hashish oil (some trade or other names: hash oil; liquid marijuana; liquid hashish);

2,5-dimethoxyamphetamine (some trade or other names: 2,5-dimethoxy-a-methylphenethylamine; 2,5-DMA);

3,4-methylenedioxymethamphetamine (MDMA), its optical, positional and geometric isomers, salts and salts of isomers;

3,4-methylenedioxy-N-ethylamphetamine (also known as N-ethyl-alpha-methyl-3,4 (methylenedioxy)phenethylamine, N-ethyl MDA, MDE, MDEA);

N-hydroxy-3,4-methylenedioxyamphetamine (some other names:

N-hydroxy-alpha-methyl-3,4(methylenedioxy)phenethylamine, and N-hydroxy MDA);

4-bromo-2,5-dimethoxyamphetamine (some trade or other names: 4-bromo-2,5-dimethoxy-a-methylphenethylamine; 4-bromo-2,5-DMA);

4-methoxyamphetamine (some trade or other names: 4-methoxy-a-methylphenethylamine; paramethoxyamphetamine; PMA);

Ethylamine analog of phencyclidine (some other names: N-ethyl-1-phenylcyclohexylamine, (1-phenylcyclohexyl) ethylamine, N-(1-phenylcyclohexyl) ethylamine, cyclohexamine, PCE);

Pyrrolidine analog of phencyclidine (some other names: 1-(1-phenylcyclohexyl) -pyrrolidine, PCPy, PHP);

Thiophene analog of phencyclidine (some other names: 1-[1-(2-thienyl) -cyclohexyl]-piperidine, 2-thienyl analog of phencyclidine, TPCP, TCP);

1-1-(2-thienyl)cyclohexyl]pyrrolidine (other name: TCPy);

3,4-methylenedioxypyrovalerone (other name: MDPV);

4-methylmethcathinone (other names: mephedrone, 4-MMC);

3,4-methylenedioxymethcathinone (other name: methylone);

Naphthylpyrovalerone (other name: naphyrone);

4-fluoromethcathinone (other name: flephedrone, 4-FMC);

4-methoxymethcathinone (other names: methedrone; bk-PMMA);

Ethcathinone (other name: N-ethylcathinone);

3,4-methylenedioxyethcathinone (other name: ethylone);

Beta-keto-N-methyl-3,4-benzodioxolylbutanamine (other name: butylone);

N,N-dimethylcathinone (other name: metamfepramone);

Alpha-pyrrolidinopropiophenone (other name: alpha-PPP);

4-methoxy-alpha-pyrrolidinopropiophenone (other name: MOPPP);

3,4-methylenedioxy-alpha-pyrrolidinopropiophenone (other name: MDPPP);

Alpha-pyrrolidinovalerophenone (other name: alpha-PVP);  
 6,7-dihydro-5H-indeno-(5,6-d)-1,3-dioxol-6-amine (other name: MDAI);  
 3-fluoromethcathinone (other name: 3-FMC);  
 4-Ethyl-2,5-dimethoxyphenethylamine (other name: 2C-E);  
 4-Iodo-2,5-dimethoxyphenethylamine (other name: 2C-I);  
 4-Methylethcathinone (other name: 4-MEC);  
 4-Ethylmethcathinone (other name: 4-EMC);  
 N,N-diallyl-5-methoxytryptamine (other name: 5-MeO-DALT);  
 Beta-keto-methylbenzodioxolylpentanamine (other name: Pentylone, bk-MBDP);  
 Alpha-methylamino-butyrophenone (other name: Buphedrone);  
 Alpha-methylamino-valerophenone (other name: Pentedrone);  
 3,4-Dimethylmethcathinone (other name: 3.4-DMMC);  
 4-methyl-alpha-pyrrolidinopropiophenone (other name: MPPP);  
 4-Iodo-2,5-dimethoxy-N-[(2-methoxyphenyl)methyl]-benzeneethanamine (other names: 25-I, 25I-NBOMe,  
 2C-I-NBOMe);  
 Methoxetamine (other names: MXE, 3-MeO-2-Oxo-PCE);  
 4-Fluoromethamphetamine (other name: 4-FMA);  
 4-Fluoroamphetamine (other name: 4-FA);  
 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (other name: 2C-D);  
 2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (other name: 2C-C);  
 2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine (other name: 2C-T-2);  
 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine (other name: 2C-T-4);  
 2-(2,5-Dimethoxyphenyl)ethanamine (other name: 2C-H);  
 2-(2,5-Dimethoxy-4-nitro-phenyl)ethanamine (other name: 2C-N);  
 2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine (other name: 2C-P);  
 (2-aminopropyl)benzofuran (other name: APB);  
 (2-aminopropyl)-2,3-dihydrobenzofuran (other name: APDB);  
 4-chloro-2,5-dimethoxy-N-[(2-methoxyphenyl)methyl]-benzeneethanamine (other names: 2C-C-NBOMe,  
 25C-NBOMe, 25C);  
 4-bromo-2,5-dimethoxy-N-[(2-methoxyphenyl)methyl]-benzeneethanamine (other names: 2C-B-NBOMe,  
 25B-NBOMe, 25B);  
 Acetoxymethyltryptamine (other names: AcO-Psilocin, AcO-DMT, Psilacetin);  
 Benocyclidine (other names: BCP, BTCP);  
 Alpha-pyrrolidinobutiophenone (other name: alpha-PBP);  
 3,4-methylenedioxy-N,N-dimethylcathinone (other names: Dimethylone, bk-MDDMA);  
 4-bromomethcathinone (other name: 4-BMC);  
 4-chloromethcathinone (other name: 4-CMC);  
 4-Iodo-2,5-dimethoxy-N-[(2-hydroxyphenyl)methyl]-benzeneethanamine (other name: 25I-NBOH);  
 Alpha-Pyrrolidinoheptiophenone (other name: alpha-PHP);  
 Alpha-Pyrrolidinoheptiophenone (other name: PV8);  
 5-methoxy-N,N-methylisopropyltryptamine (other name: 5-MeO-MIPT);  
 Beta-keto-N,N-dimethylbenzodioxolylbutanamine (other names: Dibutylone, bk-DMBDB);  
 1-(1,3-benzodioxol-5-yl)-2-(ethylamino)-1-pentanone (other name: N-ethylpentylone);  
 1-[1-(3-methoxyphenyl)cyclohexyl]piperidine (other name: 3-methoxy PCP);  
 1-[1-(4-methoxyphenyl)cyclohexyl]piperidine (other name: 4-methoxy PCP);  
 4-Chloroethcathinone (other name: 4-CEC);  
 3-Methoxy-2-(methylamino)-1-(4-methylphenyl)-1-propanone (other name: Mexedrone);  
 1-propionyl lysergic acid diethylamide (other name: 1P-LSD);  
 (2-Methylaminopropyl)benzofuran (other name: MAPB);  
 1-(1,3-benzodioxol-5-yl)-2-(dimethylamino)-1-pentanone (other names: N,N-Dimethylpentylone, Dipentylone);  
 1-(4-methoxyphenyl)-2-(pyrrolidin-1-yl)octan-1-one (other name: 4-methoxy-PV9)  
 3,4-tetramethylene-alpha-pyrrolidinovalerophenone (other name: TH-PVP);  
 4-allyloxy-3,5-dimethoxyphenethylamine (other name: Allylescaline);  
 4-Bromo-2,5-dimethoxy-N-[(2-hydroxyphenyl)methyl]-benzeneethanamine (other name: 25B-NBOH);  
 4-chloro-alpha-methylamino-valerophenone (other name: 4-chloropentedrone);  
 4-chloro-alpha-pyrrolidinovalerophenone (other name: 4-chloro-alpha-PVP);  
 4-fluoro-alpha-pyrrolidinoheptiophenone (other name: 4-fluoro-PV8);  
 4-hydroxy-N,N-diisopropyltryptamine (other name: 4-OH-DIPT);  
 4-methyl-alpha-ethylaminopentiophenone;  
 4-methyl-alpha-pyrrolidinoheptiophenone (other name: MPHP);  
 5-methoxy-N,N-dimethyltryptamine (other name: 5-MeO-DMT);

*5-methoxy-N-ethyl-N-isopropyltryptamine (other name: 5-MeO-EIPT);*  
*6-ethyl-6-nor-lysergic acid diethylamide (other name: ETH-LAD);*  
*6-allyl-6-nor-lysergic acid diethylamide (other name: AL-LAD);*  
*(N-methyl aminopropyl)-2,3-dihydrobenzofuran (other name: MAPDB).*

4. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers and salts of isomers whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation:

Clonazolam;

Etizolam;

*Flubromazepam;*

Flubromazolam;

Gamma hydroxybutyric acid (some other names include GHB; gamma hydroxybutyrate; 4-hydroxybutyrate; 4-hydroxybutanoic acid; sodium oxybate; sodium oxybutyrate);

Mecloqualone;

Methaqualone.

5. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers and salts of isomers:

2-(3-fluorophenyl)-3-methylmorpholine (other name: 3-fluorophenmetrazine);

Aminorex (some trade or other names; aminoxaphen; 2-amino-5-phenyl-2-oxazoline; 4,5-dihydro-5-phenyl-2-oxazolamine);

Cathinone (some trade or other names: 2-amino-1-phenyl-1-propanone, alpha-aminopropiophenone, 2-aminopropiophenone, norephedrone), and any plant material from which Cathinone may be derived;

Cis-4-methylaminorex (other name: cis-4,5-dihydro-4-methyl-5-phenyl-2-oxazolamine);

Ethylamphetamine;

Ethyl phenyl(piperidin-2-yl)acetate (other name: Ethylphenidate);

Fenethylamine;

Methcathinone (some other names: 2-(methylamino)-propionophenone; alpha-(methylamino)-propionophenone; 2-(methylamino)-1-phenylpropan-1-one; alpha-N-methylaminopropiophenone; monomethylpropion; ephedrone; N-methylcathinone; methylcathinone; AL-464; AL-422; AL-463 and UR 1432);

N-Benzylpiperazine (some other names: BZP, 1-benzylpiperazine);

N,N-dimethylamphetamine (other names: N, N-alpha-trimethyl-benzeneethanamine, N, N-alpha-trimethylphenethylamine).

6. Any substance that contains one or more cannabimimetic agents or that contains their salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation, and any preparation, mixture, or substance containing, or mixed or infused with, any detectable amount of one or more cannabimimetic agents.

a. "Cannabimimetic agents" includes any substance that is within any of the following structural classes:

2-(3-hydroxycyclohexyl)phenol with substitution at the 5-position of the phenolic ring by alkyl or alkenyl, whether or not substituted on the cyclohexyl ring to any extent;

3-(1-naphthoyl)indole or 1H-indol-3-yl-(1-naphthyl)methane with substitution at the nitrogen atom of the indole ring, whether or not further substituted on the indole ring to any extent, whether or not substituted on the naphthoyl or naphthyl ring to any extent;

3-(1-naphthoyl)pyrrole with substitution at the nitrogen atom of the pyrrole ring, whether or not further substituted in the pyrrole ring to any extent, whether or not substituted on the naphthoyl ring to any extent;

1-(1-naphthylmethyl)indene with substitution of the 3-position of the indene ring, whether or not further substituted in the indene ring to any extent, whether or not substituted on the naphthyl ring to any extent;

3-phenylacetylindole or 3-benzoylindole with substitution at the nitrogen atom of the indole ring, whether or not further substituted in the indole ring to any extent, whether or not substituted on the phenyl ring to any extent;

3-cyclopropylindole with substitution at the nitrogen atom of the indole ring, whether or not further substituted on the indole ring to any extent, whether or not substituted on the cyclopropyl ring to any extent;

3-adamantoylindole with substitution at the nitrogen atom of the indole ring, whether or not further substituted on the indole ring to any extent, whether or not substituted on the adamantyl ring to any extent;

N-(adamantyl)-indole-3-carboxamide with substitution at the nitrogen atom of the indole ring, whether or not further substituted on the indole ring to any extent, whether or not substituted on the adamantyl ring to any extent; and

N-(adamantyl)-indazole-3-carboxamide with substitution at a nitrogen atom of the indazole ring, whether or not further substituted on the indazole ring to any extent, whether or not substituted on the adamantyl ring to any extent.

b. The term "cannabimimetic agents" includes:

5-(1,1-Dimethylheptyl)-2-[3-hydroxycyclohexyl]-phenol (other name: CP 47,497);

5-(1,1-Dimethylhexyl)-2-[3-hydroxycyclohexyl]-phenol (other name: CP 47,497 C6 homolog);

5-(1,1-Dimethyloctyl)-2-[3-hydroxycyclohexyl]-phenol (other name: CP 47,497 C8 homolog);  
 5-(1,1-Dimethylnonyl)-2-[3-hydroxycyclohexyl]-phenol (other name: CP 47,497 C9 homolog);  
 1-pentyl-3-(1-naphthoyl)indole (other names: JWH-018, AM-678);  
 1-butyl-3-(1-naphthoyl)indole (other name: JWH-073);  
 1-pentyl-3-(2-methoxyphenylacetyl)indole (other name: JWH-250);  
 1-hexyl-3-(naphthalen-1-oyl)indole (other name: JWH-019);  
 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole (other name: JWH-200);  
 (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-terahydrobenzo[*c*]chromen-1-ol  
 (other name: HU-210);  
 1-pentyl-3-(4-methoxy-1-naphthoyl)indole (other name: JWH-081);  
 1-pentyl-3-(4-methyl-1-naphthoyl)indole (other name: JWH-122);  
 1-pentyl-3-(2-chlorophenylacetyl)indole (other name: JWH-203);  
 1-pentyl-3-(4-ethyl-1-naphthoyl)indole (other name: JWH-210);  
 1-pentyl-3-(4-chloro-1-naphthoyl)indole (other name: JWH-398);  
 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole (other name: AM-694);  
 1-(*N*-methylpiperidin-2-yl)methyl-3-(1-naphthoyl)indole (other name: AM-1220);  
 1-(5-fluoropentyl)-3-(1-naphthoyl)indole (other name: AM-2201);  
 1-[(*N*-methylpiperidin-2-yl)methyl]-3-(2-iodobenzoyl)indole (other name: AM-2233);  
 Pravadoline (4-methoxyphenyl)-[2-methyl-1-(2-(4-morpholinyl)ethyl)indol-3-yl]methanone (other name:  
 WIN 48,098);  
 1-pentyl-3-(4-methoxybenzoyl)indole (other names: RCS-4, SR-19);  
 1-(2-cyclohexylethyl)-3-(2-methoxyphenylacetyl)indole (other names: RCS-8, SR-18);  
 1-pentyl-3-(2,2,3,3-tetramethylcyclopropylmethanone)indole (other name: UR-144);  
 1-(5-fluoropentyl)-3-(2,2,3,3-tetramethylcyclopropylmethanone)indole (other names: XLR-11, 5-fluoro-UR-144);  
*N*-adamantyl-1-fluoropentylindole-3-carboxamide (other name: STS-135);  
*N*-adamantyl-1-pentylindazole-3-carboxamide (other names: AKB48, APINACA);  
 1-pentyl-3-(1-adamantoyl)indole (other name: AB-001);  
 (8-quinolinyl)(1-pentylindol-3-yl)carboxylate (other name: PB-22);  
 (8-quinolinyl)(1-(5-fluoropentyl)indol-3-yl)carboxylate (other name: 5-fluoro-PB-22);  
 (8-quinolinyl)(1-cyclohexylmethyl-indol-3-yl)carboxylate (other name: BB-22);  
*N*-(1-amino-3-methyl-1-oxobutan-2-yl)-1-pentylindazole-3-carboxamide (other name: AB-PINACA);  
*N*-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)indazole-3-carboxamide (other name: AB-FUBINACA);  
 1-(5-fluoropentyl)-3-(1-naphthoyl)indazole (other name: THJ-2201);  
*N*-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-pentylindazole-3-carboxamide (other name: ADB-PINACA);  
*N*-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)indazole-3-carboxamide (other name:  
 AB-CHMINACA);  
*N*-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)indazole-3-carboxamide (other name:  
 5-fluoro-AB-PINACA);  
*N*-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)indazole-3-carboxamide (other names:  
 ADB-CHMINACA, MAB-CHMINACA);  
 Methyl-2-(1-(5-fluoropentyl)-1*H*-indazole-3-carboxamido)-3-methylbutanoate (other name: 5-fluoro-AMB);  
 1-naphthalenyl 1-(5-fluoropentyl)-1*H*-indole-3-carboxylate (other name: NM-2201);  
 1-(4-fluorobenzyl)-3-(2,2,3,3-tetramethylcyclopropylmethanone)indole (other name: FUB-144);  
 1-(5-fluoropentyl)-3-(4-methyl-1-naphthoyl)indole (other name MAM-2201);  
*N*-(1-Amino-3,3-dimethyl-1-oxobutan-2-yl)-1-[(4-fluorophenyl)methyl]-1*H*-indazole-3-carboxamide (other name:  
 ADB-FUBINACA);  
 Methyl 2-[1-[(4-fluorophenyl)methyl]-1*H*-indazole-3-carboxamido]-3,3-dimethylbutanoate (other name:  
 MDMB-FUBINACA);  
 Methyl 2-[1-(5-fluoropentyl)-1*H*-indazole-3-carboxamido]-3,3-dimethylbutanoate (other names: 5-fluoro-ADB,  
 5-Fluoro-MDMB-PINACA);  
 Methyl 2-({1-[(4-fluorophenyl)methyl]-1*H*-indazole-3-carboxyl}amino)-3-methylbutanoate (other names:  
 AMB-FUBINACA, FUB-AMB);  
*N*-(adamantan-1-yl)-1-(4-fluorobenzyl)-1*H*-indazole-3-carboxamide (other name: FUB-AKB48);  
*N*-(adamantan-1-yl)-1-(5-fluoropentyl)-1*H*-indazole-3-carboxamide (other name: 5F-AKB48);  
 Naphthalen-1-yl 1-pentyl-1*H*-indazole-3-carboxylate (other name: SDB-005);  
*N*-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)indole-3-carboxamide (other name: AB-CHMICA);  
 1-pentyl-*N*-(phenylmethyl)-1*H*-indole-3-carboxamide (other name: SDB-006);  
 Quinolin-8-yl 1-(4-fluorobenzyl)-1*H*-indole-3-carboxylate (other name: FUB-PB-22);  
 Methyl *N*-[1-(cyclohexylmethyl)-1*H*-indole-3-carboxyl]valinate (other name: MMB-CHMICA);  
*N*-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)indazole-3-carboxamide (other name:  
 5-fluoro-ADB-PINACA).

**2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation is \$0 for periods of imprisonment in state adult correctional facilities and cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.**

### CHAPTER 373

*An Act to amend and reenact § 54.1-3303 of the Code of Virginia, relating to prescribing controlled substances; veterinarian-client-patient relationship.*

[H 1303]

Approved March 19, 2018

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

**1. That § 54.1-3303 of the Code of Virginia is amended and reenacted as follows:**

**§ 54.1-3303. Prescriptions to be issued and drugs to be dispensed for medical or therapeutic purposes only.**

A. A prescription for a controlled substance may be issued only by a practitioner of medicine, osteopathy, podiatry, dentistry or veterinary medicine who is authorized to prescribe controlled substances, or by a licensed nurse practitioner pursuant to § 54.1-2957.01, a licensed physician assistant pursuant to § 54.1-2952.1, or a TPA-certified optometrist pursuant to Article 5 (§ 54.1-3222 et seq.) of Chapter 32. The prescription shall be issued for a medicinal or therapeutic purpose and may be issued only to persons or animals with whom the practitioner has a bona fide practitioner-patient relationship or veterinarian-client-patient relationship.

For purposes of this section, a bona fide practitioner-patient-pharmacist relationship is one in which a practitioner prescribes, and a pharmacist dispenses, controlled substances in good faith to his patient for a medicinal or therapeutic purpose within the course of his professional practice. In addition, a bona fide practitioner-patient relationship means that the practitioner shall (i) ensure that a medical or drug history is obtained; (ii) provide information to the patient about the benefits and risks of the drug being prescribed; (iii) perform or have performed an appropriate examination of the patient, either physically or by the use of instrumentation and diagnostic equipment through which images and medical records may be transmitted electronically; except for medical emergencies, the examination of the patient shall have been performed by the practitioner himself, within the group in which he practices, or by a consulting practitioner prior to issuing a prescription; and (iv) initiate additional interventions and follow-up care, if necessary, especially if a prescribed drug may have serious side effects. A practitioner who performs or has performed an appropriate examination of the patient required pursuant to clause (iii), either physically or by the use of instrumentation and diagnostic equipment through which images and medical records may be transmitted electronically, for the purpose of establishing a bona fide practitioner-patient relationship, may prescribe Schedule II through VI controlled substances to the patient, provided that the prescribing of such Schedule II through V controlled substance is in compliance with federal requirements for the practice of telemedicine.

For the purpose of prescribing a Schedule VI controlled substance to a patient via telemedicine services as defined in § 38.2-3418.16, a prescriber may establish a bona fide practitioner-patient relationship by an examination through face-to-face interactive, two-way, real-time communications services or store-and-forward technologies when all of the following conditions are met: (a) the patient has provided a medical history that is available for review by the prescriber; (b) the prescriber obtains an updated medical history at the time of prescribing; (c) the prescriber makes a diagnosis at the time of prescribing; (d) the prescriber conforms to the standard of care expected of in-person care as appropriate to the patient's age and presenting condition, including when the standard of care requires the use of diagnostic testing and performance of a physical examination, which may be carried out through the use of peripheral devices appropriate to the patient's condition; (e) the prescriber is actively licensed in the Commonwealth and authorized to prescribe; (f) if the patient is a member or enrollee of a health plan or carrier, the prescriber has been credentialed by the health plan or carrier as a participating provider and the diagnosing and prescribing meets the qualifications for reimbursement by the health plan or carrier pursuant to § 38.2-3418.16; and (g) upon request, the prescriber provides patient records in a timely manner in accordance with the provisions of § 32.1-127.1:03 and all other state and federal laws and regulations. Nothing in this paragraph shall permit a prescriber to establish a bona fide practitioner-patient relationship for the purpose of prescribing a Schedule VI controlled substance when the standard of care dictates that an in-person physical examination is necessary for diagnosis. Nothing in this paragraph shall apply to: (1) a prescriber providing on-call coverage per an agreement with another prescriber or his prescriber's professional entity or employer; (2) a prescriber consulting with another prescriber regarding a patient's care; or (3) orders of prescribers for hospital out-patients or in-patients.

*For purposes of this section, a bona fide veterinarian-client-patient relationship is one in which a veterinarian, another veterinarian within the group in which he practices, or a veterinarian with whom he is consulting has assumed the responsibility for making medical judgments regarding the health of and providing medical treatment to an animal as defined in § 3.2-6500, other than an equine as defined in § 3.2-6200, a group of agricultural animals as defined in § 3.2-6500, or bees as defined in § 3.2-4400, and a client who is the owner or other caretaker of the animal, group of agricultural animals, or bees has consented to such treatment and agreed to follow the instructions of the veterinarian. Evidence that a veterinarian has assumed responsibility for making medical judgments regarding the health of and providing medical treatment to an animal, group of agricultural animals, or bees shall include evidence that the*

*veterinarian (A) has sufficient knowledge of the animal, group of agricultural animals, or bees to provide a general or preliminary diagnosis of the medical condition of the animal, group of agricultural animals, or bees; (B) has made an examination of the animal, group of agricultural animals, or bees, either physically or by the use of instrumentation and diagnostic equipment through which images and medical records may be transmitted electronically or has become familiar with the care and keeping of that species of animal or bee on the premises of the client, including other premises within the same operation or production system of the client, through medically appropriate and timely visits to the premises at which the animal, group of agricultural animals, or bees are kept; and (C) is available to provide follow-up care.*

Any practitioner who prescribes any controlled substance with the knowledge that the controlled substance will be used otherwise than medicinally or for therapeutic purposes shall be subject to the criminal penalties provided in § 18.2-248 for violations of the provisions of law relating to the distribution or possession of controlled substances.

B. In order to determine whether a prescription that appears questionable to the pharmacist results from a bona fide practitioner-patient relationship, the pharmacist shall contact the prescribing practitioner or his agent and verify the identity of the patient and name and quantity of the drug prescribed. The person knowingly filling an invalid prescription shall be subject to the criminal penalties provided in § 18.2-248 for violations of the provisions of law relating to the sale, distribution or possession of controlled substances.

No prescription shall be filled unless there is a bona fide practitioner-patient-pharmacist relationship. A prescription not issued in the usual course of treatment or for authorized research is not a valid prescription.

C. Notwithstanding any provision of law to the contrary and consistent with recommendations of the Centers for Disease Control and Prevention or the Department of Health, a practitioner may prescribe Schedule VI antibiotics and antiviral agents to other persons in close contact with a diagnosed patient when (i) the practitioner meets all requirements of a bona fide practitioner-patient relationship, as defined in subsection A, with the diagnosed patient; (ii) in the practitioner's professional judgment, the practitioner deems there is urgency to begin treatment to prevent the transmission of a communicable disease; (iii) the practitioner has met all requirements of a bona fide practitioner-patient relationship, as defined in subsection A, for the close contact except for the physical examination required in clause (iii) of subsection A; and (iv) when such emergency treatment is necessary to prevent imminent risk of death, life-threatening illness, or serious disability.

D. A pharmacist may dispense a controlled substance pursuant to a prescription of an out-of-state practitioner of medicine, osteopathy, podiatry, dentistry, optometry, or veterinary medicine, a nurse practitioner, or a physician assistant authorized to issue such prescription if the prescription complies with the requirements of this chapter and the Drug Control Act (§ 54.1-3400 et seq.).

E. A licensed nurse practitioner who is authorized to prescribe controlled substances pursuant to § 54.1-2957.01 may issue prescriptions or provide manufacturers' professional samples for controlled substances and devices as set forth in the Drug Control Act (§ 54.1-3400 et seq.) in good faith to his patient for a medicinal or therapeutic purpose within the scope of his professional practice.

F. A licensed physician assistant who is authorized to prescribe controlled substances pursuant to § 54.1-2952.1 may issue prescriptions or provide manufacturers' professional samples for controlled substances and devices as set forth in the Drug Control Act (§ 54.1-3400 et seq.) in good faith to his patient for a medicinal or therapeutic purpose within the scope of his professional practice.

G. A TPA-certified optometrist who is authorized to prescribe controlled substances pursuant to Article 5 (§ 54.1-3222 et seq.) of Chapter 32 may issue prescriptions in good faith or provide manufacturers' professional samples to his patients for medicinal or therapeutic purposes within the scope of his professional practice for the drugs specified on the TPA-Formulary, established pursuant to § 54.1-3223, which shall be limited to (i) analgesics included on Schedule II controlled substances as defined in § 54.1-3448 of the Drug Control Act (§ 54.1-3400 et seq.) consisting of hydrocodone in combination with acetaminophen; (ii) oral analgesics included in Schedules III through VI, as defined in §§ 54.1-3450 and 54.1-3455 of the Drug Control Act (§ 54.1-3400 et seq.), which are appropriate to relieve ocular pain; (iii) other oral Schedule VI controlled substances, as defined in § 54.1-3455 of the Drug Control Act, appropriate to treat diseases and abnormal conditions of the human eye and its adnexa; (iv) topically applied Schedule VI drugs, as defined in § 54.1-3455 of the Drug Control Act; and (v) intramuscular administration of epinephrine for treatment of emergency cases of anaphylactic shock.

H. The requirement for a bona fide practitioner-patient relationship shall be deemed to be satisfied by a member or committee of a hospital's medical staff when approving a standing order or protocol for the administration of influenza vaccinations and pneumococcal vaccinations in a hospital in compliance with § 32.1-126.4.

#### CHAPTER 374

*An Act to amend and reenact § 54.1-2956.13 of the Code of Virginia, relating to registration of surgical assistants; renewal of registration.*

[H 1378]

Approved March 19, 2018

**Be it enacted by the General Assembly of Virginia:****1. That § 54.1-2956.13 of the Code of Virginia is amended and reenacted as follows:****§ 54.1-2956.13. Registered surgical assistant; use of title; registration.**

A. No person shall use or assume the title "registered surgical assistant" unless such person is registered with the Board.

B. The Board shall register as a registered surgical assistant any applicant who presents satisfactory evidence that he (i) holds a current credential as a surgical assistant or surgical first assistant issued by the National Board of Surgical Technology and Surgical Assisting, the National Surgical Assistant Association, or the National Commission for Certification of Surgical Assistants or their successors, (ii) has successfully completed a surgical assistant training program during the person's service as a member of any branch of the armed forces of the United States, or (iii) has practiced as a surgical assistant at any time in the six months prior to July 1, 2014, provided he registers with the Board by December 31, 2016.

C. For renewal of a registration, a surgical assistant who was registered based on a credential as a surgical assistant or surgical first assistant issued by the National Board of Surgical Technology and Surgical Assisting, the National Surgical Assistant Association, or the National Commission for the Certification of Surgical Assistants or their successors shall attest that the credential is current at the time of renewal.

**CHAPTER 375**

*An Act to amend and reenact § 54.1-3500 of the Code of Virginia, relating to marriage and family therapy; appraisal.*

[H 1383]

Approved March 19, 2018

**Be it enacted by the General Assembly of Virginia:****1. That § 54.1-3500 of the Code of Virginia is amended and reenacted as follows:****§ 54.1-3500. Definitions.**

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

"Appraisal activities" means the exercise of professional judgment based on observations and objective assessments of a client's behavior to evaluate current functioning, diagnose, and select appropriate treatment required to remediate identified problems or to make appropriate referrals.

"Board" means the Board of Counseling.

"Certified substance abuse counseling assistant" means a person certified by the Board to practice in accordance with the provisions of § 54.1-3507.2.

"Certified substance abuse counselor" means a person certified by the Board to practice in accordance with the provisions of § 54.1-3507.1.

"Counseling" means the application of principles, standards, and methods of the counseling profession in (i) conducting assessments and diagnoses for the purpose of establishing treatment goals and objectives and (ii) planning, implementing, and evaluating treatment plans using treatment interventions to facilitate human development and to identify and remediate mental, emotional, or behavioral disorders and associated distresses that interfere with mental health.

"Licensed substance abuse treatment practitioner" means a person who: (i) is trained in and engages in the practice of substance abuse treatment with individuals or groups of individuals suffering from the effects of substance abuse or dependence, and in the prevention of substance abuse or dependence; and (ii) is licensed to provide advanced substance abuse treatment and independent, direct, and unsupervised treatment to such individuals or groups of individuals, and to plan, evaluate, supervise, and direct substance abuse treatment provided by others.

"Marriage and family therapist" means a person trained in the ~~assessment~~ appraisal and treatment of cognitive, affective, or behavioral mental and emotional disorders within the context of marriage and family systems through the application of therapeutic and family systems theories and techniques.

"Marriage and family therapy" means the ~~assessment~~ appraisal and treatment of cognitive, affective, or behavioral mental and emotional disorders within the context of marriage and family systems through the application of therapeutic and family systems theories and techniques and delivery of services to individuals, couples, and families, singularly or in groups, for the purpose of treating such disorders.

"Practice of counseling" means rendering or offering to render to individuals, groups, organizations, or the general public any service involving the application of principles, standards, and methods of the counseling profession, which shall include appraisal, counseling, and referral activities.

"Practice of marriage and family therapy" means the ~~assessment~~ appraisal and treatment of cognitive, affective, or behavioral mental and emotional disorders within the context of marriage and family systems through the application of therapeutic and family systems theories and techniques, which shall include assessment, treatment, and referral activities.

"Practice of substance abuse treatment" means rendering or offering to render substance abuse treatment to individuals, groups, organizations, or the general public.

"Professional counselor" means a person trained in the application of principles, standards, and methods of the counseling profession, including counseling interventions designed to facilitate an individual's achievement of human

development goals and remediating mental, emotional, or behavioral disorders and associated distresses that interfere with mental health and development.

"Qualified mental health professional" means a person who by education and experience is professionally qualified and registered by the Board to provide collaborative mental health services for adults or children. A qualified mental health professional shall provide such services as an employee or independent contractor of the Department of Behavioral Health and Developmental Services or a provider licensed by the Department of Behavioral Health and Developmental Services.

"Referral activities" means the evaluation of data to identify problems and to determine advisability of referral to other specialists.

"Registered peer recovery specialist" means a person who by education and experience is professionally qualified and registered by the Board to provide collaborative services to assist individuals in achieving sustained recovery from the effects of addiction or mental illness, or both. A registered peer recovery specialist shall provide such services as an employee or independent contractor of the Department of Behavioral Health and Developmental Services, a provider licensed by the Department of Behavioral Health and Developmental Services, a practitioner licensed by or holding a permit issued from the Department of Health Professions, or a facility licensed by the Department of Health.

"Residency" means a post-internship supervised clinical experience registered with the Board.

"Resident" means an individual who has submitted a supervisory contract to the Board and has received Board approval to provide clinical services in professional counseling under supervision.

"Substance abuse" and "substance dependence" mean a maladaptive pattern of substance use leading to clinically significant impairment or distress.

"Substance abuse treatment" means (i) the application of specific knowledge, skills, substance abuse treatment theory, and substance abuse treatment techniques to define goals and develop a treatment plan of action regarding substance abuse or dependence prevention, education, or treatment in the substance abuse or dependence recovery process and (ii) referrals to medical, social services, psychological, psychiatric, or legal resources when such referrals are indicated.

"Supervision" means the ongoing process, performed by a supervisor, of monitoring the performance of the person supervised and providing regular, documented individual or group consultation, guidance, and instruction with respect to the clinical skills and competencies of the person supervised.

## CHAPTER 376

*An Act to amend and reenact § 54.1-3411.1 of the Code of Virginia, relating to the prescription drug donation program.*

[S 544]

Approved March 19, 2018

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

#### **1. That § 54.1-3411.1 of the Code of Virginia is amended and reenacted as follows:**

##### **§ 54.1-3411.1. Prohibition on returns, exchanges, or re-dispensing of drugs; exceptions.**

A. Drugs dispensed to persons pursuant to a prescription shall not be accepted for return or exchange for the purpose of re-dispensing by any pharmacist or pharmacy after such drugs have been removed from the pharmacy premises from which they were dispensed except:

1. In a hospital with an on-site hospital pharmacy wherein drugs may be returned to the pharmacy in accordance with practice standards;

2. In such cases where official compendium storage requirements are assured and the drugs are in manufacturers' original sealed containers or in sealed individual dose or unit dose packaging that meets official compendium class A or B container requirements, or better, and such return or exchange is consistent with federal law; or

3. When a dispensed drug has not been out of the possession of a delivery agent of the pharmacy.

B. The Board of ~~Pharmacy~~ shall promulgate regulations to establish a ~~Prescription Drug Donation Program~~ *prescription drug donation program* for accepting unused previously dispensed prescription drugs that meet the criteria set forth in subdivision A 2, for the purpose of re-dispensing such drugs to indigent patients, either through hospitals, or through clinics organized in whole or in part for the delivery of health care services to the indigent. Such program shall not authorize the donation of Schedule II-V controlled substances if so prohibited by federal law. No drugs shall be re-dispensed unless the integrity of the drug can be assured. *Such program shall accept eligible prescription drugs from individuals, including those residing in nursing homes, assisted living facilities, or intermediate care facilities established for individuals with intellectual disability (ICF/IID), licensed hospitals, or any facility operated by the Department of Behavioral Health and Developmental Services. Additionally, such program shall accept eligible prescription drugs from an agent pursuant to a power of attorney, a decedent's personal representative, a legal guardian of an incapacitated person, or a guardian ad litem donated on behalf of the represented individual.*

C. Unused prescription drugs dispensed for use by persons eligible for coverage under Title XIX or Title XXI of the Social Security Act, as amended, may be donated pursuant to this section unless such donation is prohibited.

D. A pharmaceutical manufacturer shall not be liable for any claim or injury arising from the storage, donation, acceptance, transfer, or dispensing of any drug provided to a patient, or any other activity undertaken in accordance with a drug distribution program established pursuant to this section.

E. Nothing in this section shall be construed to create any new or additional liability, or to abrogate any liability that may exist, applicable to a pharmaceutical manufacturer for its products separately from the storage, donation, acceptance, transfer, or dispensing of any drug provided to a patient in accordance with a drug distribution program established pursuant to this section.

*F. In the absence of bad faith or gross negligence, no person that donates, accepts, or dispenses unused prescription drugs in accordance with this section and Board regulations shall be subject to criminal or civil liability for matters arising from the donation, acceptance, or dispensing of such unused prescription drugs.*

### CHAPTER 377

*An Act to amend and reenact § 51.5-116 of the Code of Virginia and to amend the Code of Virginia by adding in Article 10 of Chapter 14 of Title 51.5 a section numbered 51.5-169.1, relating to Long-Term Employment Support Services and Extended Employment Services.*

[S 560]

Approved March 19, 2018

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

**1. That § 51.5-116 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Article 10 of Chapter 14 of Title 51.5 a section numbered 51.5-169.1 as follows:**

**§ 51.5-116. Definitions.**

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

"Case management" means a dynamic collaborative process that utilizes and builds on the strengths and resources of consumers to assist them in identifying their needs, accessing and coordinating services, and achieving their goals. The major collaborative components of case management services include advocacy, assessment, planning, facilitation, coordination, and monitoring.

"Case management system" means a central point of contact linking a wide variety of evolving services and supports that are (i) available in a timely, coordinated manner; (ii) physically and programmatically accessible; and (iii) consumer-directed with procedural safeguards to ensure responsiveness and accountability.

"Client" means any person receiving a service provided by the personnel or facilities of a public or private agency, whether referred to as a client, participant, patient, resident, or other term.

"Commissioner" means the Commissioner for Aging and Rehabilitative Services.

"Consumer" means, with respect to case management services, a person with a disability or his designee, guardian, conservator, or committee.

"Department" means the Department for Aging and Rehabilitative Services.

*"Employment services organization" means an organization that provides employment services to individuals with disabilities that is an approved Commission on Accreditation of Rehabilitation Facilities (CARF) accredited vendor of the Department.*

"Local board" means a local board of social services established pursuant to Article 1 (§ 63.2-300 et seq.) of Chapter 3 of Title 63.2.

"Local department" means a local department of social services established pursuant to Article 2 (§ 63.2-324 et seq.) of Chapter 3 of Title 63.2.

"Local director" means a local director of social services appointed pursuant to § 63.2-325.

"Older person" or "older Virginian" means a person who is age 60 years or older.

"Physical or sensory disability" means a disability resulting in functional impairment or impairment of the central nervous system, which may include but is not limited to brain injury, spinal cord injury, cerebral palsy, arthritis, muscular dystrophy, multiple sclerosis, Prader-Willi syndrome, and systemic lupus erythematosus (lupus).

"Prader-Willi syndrome" means a specific disorder that is usually caused by chromosomal change, resulting in lifelong functional and cognitive impairments and life-threatening obesity.

"Rehabilitation technology" means the systematic application of technologies, engineering methodologies, or scientific principles to meet the needs of and address the barriers confronted by individuals with disabilities in areas that include education, rehabilitation, employment, transportation, independent living, and recreation.

**§ 51.5-169.1. Long-Term Employment Support Services and Extended Employment Services.**

*A. Long-Term Employment Support Services and Extended Employment Services shall be provided in the Commonwealth to assist individuals with a significant disability or most significant disability with maintaining employment. The Department shall administer and make referrals for such services in accordance with the provisions of this section.*

*B. Long-Term Employment Support Services shall be provided to individuals with a most significant disability, as defined in 29 U.S.C. § 705, to assist such individuals with maintaining group-supported employment or individual center-based, facility-based, or community-based employment through an employment services organization.*

*All employment services organizations that provide group-supported, center-based, facility-based, or community-based employment services to individuals with a most significant disability shall be eligible to receive funding for Long-Term Employment Support Services.*

*C. Extended Employment Services shall be provided to individuals with a most significant disability and individuals with a significant disability, as those terms are defined in 29 U.S.C. § 705, to assist such individuals with maintaining group-supported employment or individual center-based or facility-based employment through an employment services organization. Extended Employment Services funds may also be used to support such individuals that transition from group-supported, center-based, or facility-based employment into community-based employment. Extended Employment Services shall be provided upon the informed choice of the individual being served and in accordance with the Commonwealth's Employment First initiative, federal law and regulation, and the Commonwealth's August 23, 2012, settlement agreement with the U.S. Department of Justice.*

*All employment services organizations that provide group-supported, center-based, or facility-based employment services to individuals with a most significant disability or individuals with a significant disability, or that provide community-based employment services to such individuals transitioning from group-supported, center-based, or facility-based employment, shall be eligible to receive funding for Extended Employment Services. The Department shall make referrals to any such employment services organization that provides competitive or commensurate wages.*

*D. In allocating funds for Long-Term Employment Support Services and Extended Employment Services, the Department shall consider recommendations made by the Employment Service Organization Steering Committee.*

**CHAPTER 378**

*An Act to amend the Code of Virginia by adding a section numbered 54.1-2808.3, relating to funeral services; acceptance of third-party-provided caskets.*

[S 831]

Approved March 19, 2018

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

**1. That the Code of Virginia is amended by adding a section numbered 54.1-2808.3 as follows:**

**§ 54.1-2808.3. Acceptance of third-party-provided caskets.**

*When arrangements for funeral services have been made with a licensed funeral service establishment, funeral service licensees shall accept caskets provided by third parties in accordance with 16 C.F.R. Part 453, Funeral Industry Practices, Federal Trade Commission.*

**CHAPTER 379**

*An Act to amend and reenact §§ 54.1-2519 and 54.1-2520 of the Code of Virginia, relating to Prescription Monitoring Program; covered substances.*

[S 832]

Approved March 19, 2018

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

**1. That §§ 54.1-2519 and 54.1-2520 of the Code of Virginia are amended and reenacted as follows:**

**§ 54.1-2519. Definitions.**

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

"Administer" means the direct application of a controlled substance, whether by injection, inhalation, ingestion or any other means, to the body of a patient or research subject by (i) a practitioner or, under the practitioner's direction, his authorized agent or (ii) the patient or research subject at the direction and in the presence of the practitioner.

"Bureau" means the Virginia Department of State Police, Bureau of Criminal Investigation, Drug Diversion Unit.

"Controlled substance" means a drug, substance or immediate precursor in Schedules I through VI of the Drug Control Act, Chapter 34 (§ 54.1-3400 et seq.) of this title.

"Covered substance" means all controlled substances included in Schedules II, III, and IV; *controlled substances included in Schedule V for which a prescription is required; naloxone*; and all drugs of concern that are required to be reported to the Prescription Monitoring Program, pursuant to this chapter.

"Department" means the Virginia Department of Health Professions.

"Director" means the Director of the Virginia Department of Health Professions.

"Dispense" means to deliver a controlled substance to an ultimate user or research subject by or pursuant to the lawful order of a practitioner, including the prescribing and administering, packaging, labeling or compounding necessary to prepare the substance for that delivery.

"Dispenser" means a person or entity that (i) is authorized by law to dispense a covered substance or to maintain a stock of covered substances for the purpose of dispensing, and (ii) dispenses the covered substance to a citizen of the

Commonwealth regardless of the location of the dispenser, or who dispenses such covered substance from a location in Virginia regardless of the location of the recipient.

"Drug of concern" means any drug or substance, including any controlled substance or other drug or substance, where there has been or there is the potential for abuse and that has been identified by the Board of Pharmacy pursuant to § 54.1-3456.1.

"Prescriber" means a practitioner licensed in the Commonwealth who is authorized pursuant to §§ 54.1-3303 and 54.1-3408 to issue a prescription for a covered substance or a practitioner licensed in another state to so issue a prescription for a covered substance.

"Recipient" means a person who receives a covered substance from a dispenser.

"Relevant health regulatory board" means any such board that licenses persons or entities with the authority to prescribe or dispense covered substances, including, but not limited to, the Board of Dentistry, the Board of Medicine, and the Board of Pharmacy.

**§ 54.1-2520. Program establishment; Director's regulatory authority.**

A. The Director shall establish, maintain, and administer an electronic system to monitor the dispensing of covered substances to be known as the Prescription Monitoring Program. ~~Covered substances shall include all Schedule II, III, and IV controlled substances, as defined in the Drug Control Act (§ 54.1-3400 et seq.), and any other drugs of concern identified by the Board of Pharmacy pursuant to § 54.1-3456.1.~~

B. The Director, after consultation with relevant health regulatory boards, shall promulgate, in accordance with the provisions of the Administrative Process Act (§ 2.2-4000 et seq.), such regulations as are necessary to implement the prescription monitoring program as provided in this chapter, including, but not limited to, the establishment of criteria for granting waivers of the reporting requirements set forth in § 54.1-2521.

C. The Director may enter into contracts as may be necessary for the implementation and maintenance of the Prescription Monitoring Program.

D. The Director shall provide dispensers with a basic file layout to enable electronic transmission of the information required in this chapter. For those dispensers unable to transmit the required information electronically, the Director shall provide an alternative means of data transmission.

E. The Director shall also establish an advisory committee within the Department to assist in the implementation and evaluation of the Prescription Monitoring Program. Such advisory committee shall provide guidance to the Director regarding information disclosed pursuant to subdivision C 9 of § 54.1-2523.

**CHAPTER 380**

*An Act to amend and reenact § 54.1-3303 of the Code of Virginia, relating to a protocol for prescription refills.*

[S 882]

Approved March 19, 2018

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

**1. That § 54.1-3303 of the Code of Virginia is amended and reenacted as follows:**

**§ 54.1-3303. Prescriptions to be issued and drugs to be dispensed for medical or therapeutic purposes only.**

A. A prescription for a controlled substance may be issued only by a practitioner of medicine, osteopathy, podiatry, dentistry or veterinary medicine who is authorized to prescribe controlled substances, or by a licensed nurse practitioner pursuant to § 54.1-2957.01, a licensed physician assistant pursuant to § 54.1-2952.1, or a TPA-certified optometrist pursuant to Article 5 (§ 54.1-3222 et seq.) of Chapter 32. The prescription shall be issued for a medicinal or therapeutic purpose and may be issued only to persons or animals with whom the practitioner has a bona fide practitioner-patient relationship.

For purposes of this section, a bona fide practitioner-patient-pharmacist relationship is one in which a practitioner prescribes, and a pharmacist dispenses, controlled substances in good faith to his patient for a medicinal or therapeutic purpose within the course of his professional practice. In addition, a bona fide practitioner-patient relationship means that the practitioner shall (i) ensure that a medical or drug history is obtained; (ii) provide information to the patient about the benefits and risks of the drug being prescribed; (iii) perform or have performed an appropriate examination of the patient, either physically or by the use of instrumentation and diagnostic equipment through which images and medical records may be transmitted electronically; except for medical emergencies, the examination of the patient shall have been performed by the practitioner himself, within the group in which he practices, or by a consulting practitioner prior to issuing a prescription; and (iv) initiate additional interventions and follow-up care, if necessary, especially if a prescribed drug may have serious side effects. A practitioner who performs or has performed an appropriate examination of the patient required pursuant to clause (iii), either physically or by the use of instrumentation and diagnostic equipment through which images and medical records may be transmitted electronically, for the purpose of establishing a bona fide practitioner-patient relationship, may prescribe Schedule II through VI controlled substances to the patient, provided that the prescribing of such Schedule II through V controlled substance is in compliance with federal requirements for the practice of telemedicine.

For the purpose of prescribing a Schedule VI controlled substance to a patient via telemedicine services as defined in § 38.2-3418.16, a prescriber may establish a bona fide practitioner-patient relationship by an examination through

face-to-face interactive, two-way, real-time communications services or store-and-forward technologies when all of the following conditions are met: (a) the patient has provided a medical history that is available for review by the prescriber; (b) the prescriber obtains an updated medical history at the time of prescribing; (c) the prescriber makes a diagnosis at the time of prescribing; (d) the prescriber conforms to the standard of care expected of in-person care as appropriate to the patient's age and presenting condition, including when the standard of care requires the use of diagnostic testing and performance of a physical examination, which may be carried out through the use of peripheral devices appropriate to the patient's condition; (e) the prescriber is actively licensed in the Commonwealth and authorized to prescribe; (f) if the patient is a member or enrollee of a health plan or carrier, the prescriber has been credentialed by the health plan or carrier as a participating provider and the diagnosing and prescribing meets the qualifications for reimbursement by the health plan or carrier pursuant to § 38.2-3418.16; and (g) upon request, the prescriber provides patient records in a timely manner in accordance with the provisions of § 32.1-127.1:03 and all other state and federal laws and regulations. Nothing in this paragraph shall permit a prescriber to establish a bona fide practitioner-patient relationship for the purpose of prescribing a Schedule VI controlled substance when the standard of care dictates that an in-person physical examination is necessary for diagnosis. Nothing in this paragraph shall apply to: (1) a prescriber providing on-call coverage per an agreement with another prescriber or his prescriber's professional entity or employer; (2) a prescriber consulting with another prescriber regarding a patient's care; or (3) orders of prescribers for hospital out-patients or in-patients.

Any practitioner who prescribes any controlled substance with the knowledge that the controlled substance will be used otherwise than medically or for therapeutic purposes shall be subject to the criminal penalties provided in § 18.2-248 for violations of the provisions of law relating to the distribution or possession of controlled substances.

B. In order to determine whether a prescription that appears questionable to the pharmacist results from a bona fide practitioner-patient relationship, the pharmacist shall contact the prescribing practitioner or his agent and verify the identity of the patient and name and quantity of the drug prescribed. The person knowingly filling an invalid prescription shall be subject to the criminal penalties provided in § 18.2-248 for violations of the provisions of law relating to the sale, distribution or possession of controlled substances.

No prescription shall be filled unless there is a bona fide practitioner-patient-pharmacist relationship. A prescription not issued in the usual course of treatment or for authorized research is not a valid prescription.

C. Notwithstanding any provision of law to the contrary and consistent with recommendations of the Centers for Disease Control and Prevention or the Department of Health, a practitioner may prescribe Schedule VI antibiotics and antiviral agents to other persons in close contact with a diagnosed patient when (i) the practitioner meets all requirements of a bona fide practitioner-patient relationship, as defined in subsection A, with the diagnosed patient; (ii) in the practitioner's professional judgment, the practitioner deems there is urgency to begin treatment to prevent the transmission of a communicable disease; (iii) the practitioner has met all requirements of a bona fide practitioner-patient relationship, as defined in subsection A, for the close contact except for the physical examination required in clause (iii) of subsection A; and (iv) when such emergency treatment is necessary to prevent imminent risk of death, life-threatening illness, or serious disability.

D. A pharmacist may dispense a controlled substance pursuant to a prescription of an out-of-state practitioner of medicine, osteopathy, podiatry, dentistry, optometry, or veterinary medicine, a nurse practitioner, or a physician assistant authorized to issue such prescription if the prescription complies with the requirements of this chapter and the Drug Control Act (§ 54.1-3400 et seq.).

E. A licensed nurse practitioner who is authorized to prescribe controlled substances pursuant to § 54.1-2957.01 may issue prescriptions or provide manufacturers' professional samples for controlled substances and devices as set forth in the Drug Control Act (§ 54.1-3400 et seq.) in good faith to his patient for a medicinal or therapeutic purpose within the scope of his professional practice.

F. A licensed physician assistant who is authorized to prescribe controlled substances pursuant to § 54.1-2952.1 may issue prescriptions or provide manufacturers' professional samples for controlled substances and devices as set forth in the Drug Control Act (§ 54.1-3400 et seq.) in good faith to his patient for a medicinal or therapeutic purpose within the scope of his professional practice.

G. A TPA-certified optometrist who is authorized to prescribe controlled substances pursuant to Article 5 (§ 54.1-3222 et seq.) of Chapter 32 may issue prescriptions in good faith or provide manufacturers' professional samples to his patients for medicinal or therapeutic purposes within the scope of his professional practice for the drugs specified on the TPA-Formulary, established pursuant to § 54.1-3223, which shall be limited to (i) analgesics included on Schedule II controlled substances as defined in § 54.1-3448 of the Drug Control Act (§ 54.1-3400 et seq.) consisting of hydrocodone in combination with acetaminophen; (ii) oral analgesics included in Schedules III through VI, as defined in §§ 54.1-3450 and 54.1-3455 of the Drug Control Act (§ 54.1-3400 et seq.), which are appropriate to relieve ocular pain; (iii) other oral Schedule VI controlled substances, as defined in § 54.1-3455 of the Drug Control Act, appropriate to treat diseases and abnormal conditions of the human eye and its adnexa; (iv) topically applied Schedule VI drugs, as defined in § 54.1-3455 of the Drug Control Act; and (v) intramuscular administration of epinephrine for treatment of emergency cases of anaphylactic shock.

H. The requirement for a bona fide practitioner-patient relationship shall be deemed to be satisfied by a member or committee of a hospital's medical staff when approving a standing order or protocol for the administration of influenza vaccinations and pneumococcal vaccinations in a hospital in compliance with § 32.1-126.4.

*I. Notwithstanding any other provision of law, a prescriber may authorize a registered nurse or licensed practical nurse to approve additional refills of a prescribed drug for no more than 90 consecutive days, provided that (i) the drug is classified as a Schedule VI drug; (ii) there are no changes in the prescribed drug, strength, or dosage; (iii) the prescriber has a current written protocol, accessible by the nurse, that identifies the conditions under which the nurse may approve additional refills; and (iv) the nurse documents in the patient's chart any refills authorized for a specific patient pursuant to the protocol and the additional refills are transmitted to a pharmacist in accordance with the allowances for an authorized agent to transmit a prescription orally or by facsimile pursuant to subsection C of § 54.1-3408.01 and regulations of the Board.*

**CHAPTER 381**

*An Act to amend the Code of Virginia by adding in Article 1 of Chapter 15 of Title 22.1 a section numbered 22.1-292.3 and by adding a section numbered 54.1-104.1 and to repeal § 54.1-2400.5 of the Code of Virginia, relating to professional and occupational regulation; authority to suspend or revoke certain licenses, certificates, registrations, or permits solely on the basis of default or delinquency in payment of an education loan or scholarship.*

[S 918]

Approved March 19, 2018

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

**1. That the Code of Virginia is amended by adding in Article 1 of Chapter 15 of Title 22.1 a section numbered 22.1-292.3 and by adding a section numbered 54.1-104.1 as follows:**

**§ 22.1-292.3. License may not be suspended solely on the basis of default or delinquency in payment of federal-guaranteed or state-guaranteed education loan or scholarship.**

*The Board shall not be authorized to suspend or revoke the administrative or teaching license it has issued to any person who is in default or delinquent in the payment of a federal-guaranteed or state-guaranteed educational loan or work-conditional scholarship solely on the basis of such default or delinquency.*

**§ 54.1-104.1. License, certificate, registration, permit, or authority may not be suspended or revoked solely on the basis of default or delinquency in payment of federal-guaranteed or state-guaranteed education loan or scholarship.**

*The Board of Accountancy and regulatory boards within the Department of Professional and Occupational Regulation and the Department of Health Professions shall not be authorized to suspend or revoke the license, certificate, registration, permit, or authority issued to any person who is in default or delinquent in the payment of a federal-guaranteed or state-guaranteed educational loan or work-conditional scholarship solely on the basis of such default or delinquency.*

**2. That § 54.1-2400.5 of the Code of Virginia is repealed.**

**CHAPTER 382**

*An Act to amend and reenact § 32.1-325.3 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 32.1-330.5, relating to medical assistance services; renewal information.*

[S 943]

Approved March 19, 2018

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

**1. That § 32.1-325.3 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 32.1-330.5 as follows:**

**§ 32.1-325.3. Disclosure or use of information for purpose not connected with medical assistance program; Department not subject to certain disclosure.**

*A. The Board of Medical Assistance Services shall promulgate regulations consistent with federal law to provide safeguards against the use or disclosure of information, including information provided to a managed care organization pursuant to § 32.1-330.5, concerning applicants for and recipients of medical assistance services for any purpose which that is not directly connected with the administration of the state plan for medical assistance services.*

*B. Information in the possession or control of the Department or a managed care organization pursuant to § 32.1-330.5 concerning applicants for and recipients of medical assistance services shall not be subject to disclosure through discovery in litigation to which the Department is not a necessary party, unless the appropriate circuit court, for good cause shown, shall order such disclosure.*

**§ 32.1-330.5. Reports related to eligibility renewal.**

*The Department of Medical Assistance Services shall provide a quarterly report to each managed care organization that is contracted with the Department to provide services through the Medicaid managed care program that specifies the medical assistance application renewal date for each recipient of medical assistance services who has been attributed to the managed care organization.*

**CHAPTER 383**

*An Act to amend and reenact § 22.1-207.1:1 of the Code of Virginia, relating to family life education curricula; personal privacy and personal boundaries.*

[H 45]

Approved March 19, 2018

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

**1. That § 22.1-207.1:1 of the Code of Virginia is amended and reenacted as follows:**

**§ 22.1-207.1:1. Family life education; certain curricula and Standards of Learning.**

A. Any family life education curriculum offered by a local school division shall require the Standards of Learning objectives related to dating violence and the characteristics of abusive relationships to be taught at least once in middle school and at least twice in high school, as described in the Board of Education's family life education guidelines.

B. Any high school family life education curriculum offered by a local school division shall incorporate age-appropriate elements of effective and evidence-based programs on the prevention of dating violence, domestic abuse, sexual harassment, and sexual violence and may incorporate age-appropriate elements of effective and evidence-based programs on the law and meaning of consent. Such age-appropriate elements of effective and evidence-based programs on the prevention of sexual violence may include instruction that increases student awareness of the fact that consent is required before sexual activity.

C. *Any family life education curriculum offered in any elementary school, middle school, or high school shall incorporate age-appropriate elements of effective and evidence-based programs on the importance of the personal privacy and personal boundaries of other individuals and tools for a student to use to ensure that he respects the personal privacy and personal boundaries of other individuals.*

**CHAPTER 384**

*An Act to amend the Code of Virginia by adding a section numbered 22.1-79.7, relating to local school boards; school meal policies.*

[H 50]

Approved March 19, 2018

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

**1. That the Code of Virginia is amended by adding a section numbered 22.1-79.7 as follows:**

**§ 22.1-79.7. School meal policies.**

*Each local school board shall adopt policies that:*

1. *Prohibit school board employees from requiring a student who cannot pay for a meal at school or who owes a school meal debt to do chores or other work to pay for such meals or wear a wristband or hand stamp; and*

2. *Require school board employees to direct any communication relating to a school meal debt to the student's parent. Such policy may permit such communication to be made by a letter addressed to the parent to be sent home with the student.*

**CHAPTER 385**

*An Act to amend and reenact § 22.1-47 of the Code of Virginia, relating to county manager plan of government; popular election of school board.*

[H 231]

Approved March 19, 2018

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

**1. That § 22.1-47 of the Code of Virginia is amended and reenacted as follows:**

**§ 22.1-47. Composition of boards; appointment and terms; tie breakers.**

A. The school board of a school division composed of a county having a county manager plan form of government provided for in Article 2 (§ 15.2-702 et seq.) of Chapter 7 of Title 15.2 shall be composed of not less than three nor more than seven members who shall be chosen by the board of county supervisors. The exact number of members shall be determined by the board of county supervisors. Each member shall be appointed for a term of four years, provided that initial appointments may be for such terms as will stagger the expiration of terms and that appointments to fill vacancies other than by expiration of term shall be for the unexpired term. The governing body of the county may also appoint a resident of the county to cast the deciding vote in case of a tie vote of the school board as provided in § 22.1-75. Each tie breaker, if any, shall be appointed for a four-year term whether the appointment is to fill a vacancy caused by expiration of term or otherwise. *Notwithstanding any contrary provisions of this section, any such county may have an elected school board pursuant to Article 4.1 (§ 22.1-47.1 et seq.).*

*B.* It is further provided that those counties having a county board form of government as contained in Chapter 4 (§ 15.2-400 et seq.) of Title 15.2 shall select their school board as provided in § 15.2-410, as amended.

**CHAPTER 386**

*An Act to amend and reenact § 2.2-4806 of the Code of Virginia, relating to the Virginia Debt Collection Act; public institutions of higher education.*

[H 339]

Approved March 19, 2018

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

**1. That § 2.2-4806 of the Code of Virginia is amended and reenacted as follows:**

**§ 2.2-4806. Utilization of certain collection techniques.**

A. Each state agency and institution shall take all appropriate and cost-effective actions to aggressively collect its accounts receivable. Each agency and institution shall utilize, but not be limited to, the following collection techniques, according to the policies and procedures required by the Department of Accounts and the Division: (i) credit reporting bureaus, (ii) collection agencies, (iii) garnishments, liens and judgments, (iv) administrative offset, and (v) participation in the Treasury Offset Program of the United States under 31 U.S.C. § 3716.

B. Except as provided otherwise herein, for collection of accounts receivable of \$3,000 or more that are 60 days past due, each agency and institution shall forward those claims to the Division for collection. The Division shall review forwarded accounts, determine the appropriate collection efforts, if any, for each account, and take such actions on the accounts as the Division may so determine.

C. Except as provided otherwise herein, for collection of accounts receivable under \$3,000 that are 60 days past due, each agency and institution shall contract with a private collection agency for the collection of those debts. Prior to referring accounts receivable of less than \$3,000, agencies and institutions may refer such accounts to the Division. The Division may accept the account for collection or return it to the agency or institution for collection by a private collection agency.

D. Except as otherwise provided in this subsection, where a debtor is paying a debt in periodic payments to an agency or institution, the agency or institution may elect to retain the claim in excess of 60 days provided that such periodic payments are promptly paid until the account is satisfied. In the event the debtor is delinquent (i) by 60 days in paying a periodic payment or (ii) for such other period of time approved by the Division, the account shall be handled in the manner provided by subsections B and C of this section.

E. *A public institution of higher education shall provide a debtor who is currently enrolled in such institution the option to pay his debt in periodic payments over the course of the term or semester in which the account became past due or, at the discretion of such institution, over a longer period, provided that such periodic payments are promptly paid until the account is satisfied. In the event that the debtor is delinquent (i) by 60 days in paying a periodic payment or (ii) for such other period of time approved by the Division, the account shall be handled in the manner provided by subsections B and C.*

F. Each state agency and institution shall report and pay required fees to the Division as required by subsection C of § 2.2-518.

**CHAPTER 387**

*An Act to amend and reenact §§ 23.1-204.1 and 23.1-409 of the Code of Virginia, relating to the State Council of Higher Education for Virginia; longitudinal data.*

[H 347]

Approved March 19, 2018

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

**1. That §§ 23.1-204.1 and 23.1-409 of the Code of Virginia are amended and reenacted as follows:**

**§ 23.1-204.1. Postgraduation employment rates.**

A. The Council shall annually collect and publish data on its website data on the proportion of graduates of each public institution of higher education and each nonprofit private institution of higher education eligible to participate in the Tuition Assistance Grant Program (§ 23.1-628 et seq.) who are employed (i) 18 months after the date of graduation and (ii) five years after the date of graduation. The data shall include the program and the program level, as recognized by the Council, for each degree awarded by each institution; the percentage of graduates known to be employed in the Commonwealth, by degree program and level; the average salary and the average higher education-related debt for the graduates on which the data is based, by degree program and level; rates of enrollment in remedial coursework for each institution; individual student credit accumulation for each institution; rates of postsecondary degree completion; and any other information that the Council determines is necessary to address adequate preparation for success in postsecondary education and alignment between secondary and postsecondary education. *The published data shall be consistent with the Government Data Collection and Dissemination Practices Act (§ 2.2-3800 et seq.) and the federal Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g.*

B. The Council shall disseminate to each public high school and each public institution of higher education and private institution of higher education for which the Council has student-level data a link on its website to the published data.

C. The Council shall provide a notification template that each public high school may use to annually notify students and their parents about the availability of such data. ~~The published data shall be consistent with the Government Data Collection and Dissemination Practices Act (§ 2.2-3800 et seq.) and the federal Family Educational Rights and Privacy Act (20 U.S.C. § 1232g).~~

~~B. D.~~ Each ~~such~~ public institution of higher education and each nonprofit private institution of higher education eligible to participate in the Tuition Assistance Grant Program (§ 23.1-628 et seq.) shall provide a link on its website to ~~such published~~ the postsecondary education and employment data published pursuant to subsection A and shall make such link available to each admitted student.

**§ 23.1-409. Transparency in higher education information.**

Each baccalaureate public institution of higher education shall maintain and update annually no later than September 30 a tab or link on the home page of its website that shall include the following information:

1. The institution's six-year undergraduate graduation rate for each of the past 10 years;
2. The institution's freshman-to-sophomore retention rate for full-time undergraduate students for each of the past 10 years;
3. The institution's average annual percentage increase in base undergraduate tuition for each of the past 10 years;
4. The institution's average annual percentage increase in mandatory undergraduate comprehensive student fees for each of the past 10 years;
5. A link to the annual report of the use of student fees as required by § 23.1-408;
6. A link to the postsecondary education and employment data referenced in subsection ~~B D~~ of § 23.1-204.1; and
7. A summary of the institution's budget, consistent with the institution's annual budgeting process, that includes (i) the major budget units (MBUs) in the institution and standard expenditure categories within each MBU for the current fiscal year and the previous fiscal year or (ii) a link to the annual reports required by subdivision B 10 of § 23.1-1303.

**CHAPTER 388**

*An Act to amend and reenact §§ 22.1-17.3 and 22.1-227.1 of the Code of Virginia, relating to High School to Work Partnerships; establishment; exemptions.*

[H 544]

Approved March 19, 2018

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

**1. That §§ 22.1-17.3 and 22.1-227.1 of the Code of Virginia are amended and reenacted as follows:**

**§ 22.1-17.3. Identification of student internship programs.**

The Board of Education, ~~together with~~ the Department of Labor and Industry, and the State Board for Community Colleges, shall identify *High School to Work Partnerships established pursuant to subsection D of § 22.1-227.1 and other student internship programs that may be eligible for exemptions from those federal and state labor laws and regulations for which exemptions are available for student apprenticeship programs.* The Board of Education, *the Department of Labor and Industry, and the State Board for Community Colleges,* ~~and the Department~~ shall also establish procedures by which such exemptions may be obtained for *such High School to Work Partnerships and other student internship programs.*

**§ 22.1-227.1. Career and technical education.**

A. The Board of Education shall incorporate into career and technical education the Standards of Learning for mathematics, science, English, and social studies, including history, and other subject areas as may be appropriate. The Board may also authorize, in its regulations for accrediting public schools in Virginia, the substitution of industry certification and state licensure examinations for Standards of Learning assessments for the purpose of awarding credit for career and technical education courses, where appropriate.

B. The Board shall also develop a plan for increasing the number of students receiving industry certification and state licensure as part of their career and technical education. The plan shall include an annual goal for school divisions. Where there is an accepted national industry certification for career and technical education instructional personnel and programs for automotive technology, such certification shall be mandatory.

C. With such funds as may be appropriated for such purpose, there shall be established, within the Department of Education, a unit of specialists in career and technical education. The unit shall (i) assist in developing and revising local career and technical curriculum to integrate the Standards of Learning, (ii) provide professional development for career and technical instructional personnel to improve the quality of career and technical education, (iii) conduct site visits to the schools providing career and technical education, and (iv) seek the input of business and industry representatives regarding the content and direction of career and technical education programs in the public schools of the Commonwealth.

D. The Board shall develop guidelines for the establishment of High School to Work Partnerships, hereafter referred to as "Partnerships," between public high schools and local businesses to create opportunities for *high school students who may not seek further education after high school* to (i) participate in an apprenticeship, internship, or job shadow program in a variety of trades and skilled labor positions or (ii) tour local businesses and meet with owners and employees. These

guidelines shall include a model waiver form to be used by high schools and local businesses in connection with Partnership programs to protect both the students and the businesses from liability.

Each local school board may ~~encourage~~ *establish Partnerships or delegate the authority to establish Partnerships to the local school division's career and technical education administrator or his designee to collaborate, in collaboration with the guidance counselor office of each public high school in the Commonwealth to establish Partnerships and to school division, and shall educate the student body high school students about available opportunities available through such Partnerships.*

Students who miss a partial or full day of school while participating in Partnership programs shall not be counted as absent for the purposes of calculating average daily membership, but each local school board shall develop policies and procedures for students to make up missed work and may determine the maximum number of school days per academic year that a student may spend participating in a Partnership program.

**CHAPTER 389**

*An Act to amend and reenact §§ 22.1-181 and 46.2-339 of the Code of Virginia, relating to school bus operators; training.*

[H 810]

Approved March 19, 2018

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

**1. That §§ 22.1-181 and 46.2-339 of the Code of Virginia are amended and reenacted as follows:**

**§ 22.1-181. Training program for school bus operators.**

The Board of Education shall develop a training program for persons applying for employment, and employed, to operate school buses and shall promote its implementation. *For applicants not currently possessing a commercial driver's license, such regulations shall require (i) a minimum of 24 hours of classroom training administered pursuant to this section and (ii) six hours of behind-the-wheel training on a school bus that contains no pupil passengers. For applicants currently possessing a commercial driver's license, such regulations shall require (a) a minimum of four hours of classroom training administered pursuant to this section and (b) three hours of behind-the-wheel training on a school bus that contains no pupil passengers. Behind-the-wheel training shall be administered under the direct on-board supervision of a designated school bus driver trainer.*

**§ 46.2-339. Qualifications of school bus operators; training; examination.**

A. No person shall ~~drive~~ *operate* any school bus on a highway in the Commonwealth unless he has had a reasonable amount of experience in ~~driving~~ *operating* motor vehicles; and has passed a special examination pertaining to his ability to ~~drive~~ *operate* a school bus with safety to its passengers and to other persons using the highways. Such person shall obtain a commercial driver's license with the applicable classifications and endorsements, issued pursuant to the Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.), if the school bus he ~~drives~~ *operates* is a commercial motor vehicle as defined in the Virginia Commercial Driver's License Act. For the purpose of preparing for the examination required by this section, any person ~~holding a valid driver's license issued under Article 4 of this chapter, may drive, under the direct supervision of a person holding a valid school bus license endorsement, a school bus which contains no other passengers, provided that, on and after April 1, 1992, only persons~~ holding a valid commercial driver's license or instruction permit issued under the provisions of the Virginia Commercial Driver's License Act; may operate, under the direct supervision of a person holding a valid commercial driver's license with a school bus endorsement, a school bus ~~which that~~ *which that* is a commercial motor vehicle as defined in the Virginia Commercial Driver's License Act and ~~which that~~ *which that* contains no pupil passengers.

B. The Department may adopt regulations necessary to provide for the examination of persons desiring to qualify to ~~drive~~ *operate* school buses in the Commonwealth and for the granting of permits to qualified applicants.

C. Notwithstanding the provisions of this section ~~otherwise~~, no person shall ~~drive~~ *operate* any school bus on a highway in the Commonwealth during any period in which he is a person for whom registration with the Sex Offender and Crimes Against Minors Registry is required pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1.

**2. That the State Board of Education and the Department of Motor Vehicles' initial adoption of regulations necessary to implement the provisions of this act shall be exempt from the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia), except that the State Board of Education and the Department of Motor Vehicles shall provide an opportunity for public comment on the regulations prior to adoption.**

**CHAPTER 390**

*An Act to amend the Code of Virginia by adding a section numbered 22.1-7.2, relating to public schools; students residing on a military installation or in military housing; enrollment.*

[H 1085]

Approved March 19, 2018

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

**1. That the Code of Virginia is amended by adding a section numbered 22.1-7.2 as follows:**

**§ 22.1-7.2. Enrollment for students residing on a military installation or in military housing.**

A. As used in this section, "military installation" means a base, camp, post, station, yard, center, homeport facility for any ship, fort, or other activity under the jurisdiction of the Department of Defense, including any leased facility, that is located in whole or in part within the Commonwealth. "Military installation" does not include any facility used primarily for civil works, rivers and harbors projects, or flood control projects.

B. Any local school board of a school division in which a military installation or other military housing is located shall establish and implement policies to provide for the enrollment to any school of any student residing on a military installation or in military housing within the school division upon the request of his parent if space in the school is available. In developing such policies, a local school board may include any of conditions listed in subsection A of § 22.1-7.1 or any other condition deemed appropriate by the local school board.

C. A copy of the school division's policies for enrollment for students residing on a military installation or in military housing within the school division shall be posted on the division's website and shall be available to the public upon request.

**CHAPTER 391**

*An Act to amend the Code of Virginia by adding a section numbered 22.1-298.5, relating to teacher licensure; endorsement in dual language instruction pre-kindergarten through grade six.*

[H 1156]

Approved March 19, 2018

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

**1. That the Code of Virginia is amended by adding a section numbered 22.1-298.5 as follows:**

**§ 22.1-298.5. Regulations governing licensure; endorsement in dual language instruction pre-kindergarten through grade six.**

A. As used in this section, "dual language instruction" means instruction that is delivered in English and in a second language.

B. In its regulations governing licensure established pursuant to § 22.1-298.1, the Board shall provide for licensure of teachers with an endorsement in dual language instruction pre-kindergarten through grade six. In establishing the requirements for such endorsement, the Board shall require, at minimum, coursework in dual language education; bilingual literacy development; methods of second language acquisition; theories of second language acquisition; instructional strategies for classroom management for the elementary classroom; and content-based curriculum, instruction, and assessment.

C. Each teacher with an endorsement in dual language instruction pre-kindergarten through grade six is exempt from the Virginia Communication and Literacy Assessment requirement but is subject to the subject matter-specific professional teacher's assessment requirements.

D. No teacher with an endorsement in dual language instruction pre-kindergarten through grade six is required to obtain an additional endorsement in early/primary education pre-kindergarten through grade three or elementary education pre-kindergarten through grade six in order to teach in pre-kindergarten through grade six.

**CHAPTER 392**

*An Act to amend and reenact § 22.1-207 of the Code of Virginia, relating to health instruction; mental health.*

[H 1604]

Approved March 19, 2018

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

**1. That § 22.1-207 of the Code of Virginia is amended and reenacted as follows:**

**§ 22.1-207. Physical and health education.**

Physical and health education shall be emphasized throughout the public school curriculum by lessons, drills, and physical exercises, and all pupils in the public elementary, middle, and high schools shall receive as part of the educational program such health instruction and physical training as shall be prescribed by the Board of Education and approved by the State Board of Health. Such health instruction shall incorporate standards that recognize the multiple dimensions of health by including mental health and the relationship of physical and mental health so as to enhance student understanding, attitudes, and behavior that promote health, well-being, and human dignity.

**2. That the Board of Education shall review and update the health Standards of Learning for students in grades nine and 10 to include mental health. In its review, the Board shall consult with mental health experts, including representatives from the Department of Behavioral Health and Developmental Services, NAMI Virginia, Mental Health America of Virginia, the Virginia Association of Community Services Boards, and VOCAL.**

## CHAPTER 393

*An Act to amend and reenact § 22.1-207 of the Code of Virginia, relating to health instruction; mental health.*

[S 953]

Approved March 19, 2018

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

**1. That § 22.1-207 of the Code of Virginia is amended and reenacted as follows:**

**§ 22.1-207. Physical and health education.**

Physical and health education shall be emphasized throughout the public school curriculum by lessons, drills, and physical exercises, and all pupils in the public elementary, middle, and high schools shall receive as part of the educational program such health instruction and physical training as shall be prescribed by the Board of Education and approved by the State Board of Health. *Such health instruction shall incorporate standards that recognize the multiple dimensions of health by including mental health and the relationship of physical and mental health so as to enhance student understanding, attitudes, and behavior that promote health, well-being, and human dignity.*

**2. That the Board of Education shall review and update the health Standards of Learning for students in grades nine and 10 to include mental health. In its review, the Board shall consult with mental health experts, including representatives from the Department of Behavioral Health and Developmental Services, NAMI Virginia, Mental Health America of Virginia, the Virginia Association of Community Services Boards, and VOCAL.**

## CHAPTER 394

*An Act to amend and reenact §§ 22.1-3, 22.1-3.1, and 22.1-270 of the Code of Virginia, relating to public schools; homeless children.*

[S 961]

Approved March 19, 2018

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

**1. That §§ 22.1-3, 22.1-3.1, and 22.1-270 of the Code of Virginia are amended and reenacted as follows:**

**§ 22.1-3. Persons to whom public schools shall be free.**

A. The public schools in each school division shall be free to each person of school age who resides within the school division. Every person of school age shall be deemed to reside in a school division:

1. When the person is living with a natural parent or a parent by legal adoption;
2. When, in accordance with the provisions of § 22.1-360, the person is living with a noncustodial parent or other person standing in loco parentis, not solely for school purposes, pursuant to a Special Power of Attorney executed under 10 U.S.C. § 1044b by the custodial parent;
3. When the parents of such person are dead and the person is living with a person in loco parentis who actually resides within the school division;
4. When the parents of such person are unable to care for the person and the person is living, not solely for school purposes, with another person who resides in the school division and is (i) the court-appointed guardian, or has legal custody, of the person; (ii) acting in loco parentis pursuant to placement of the person for adoption by a person or entity authorized to do so under § 63.2-1200; or (iii) an adult relative providing temporary kinship care as that term is defined in § 63.2-100. Local school divisions may require one or both parents and the relative providing kinship care to submit signed, notarized affidavits (a) explaining why the parents are unable to care for the person, (b) detailing the kinship care arrangement, and (c) agreeing that the kinship care provider or the parent will notify the school within 30 days of when the kinship care arrangement ends, as well as a power of attorney authorizing the adult relative to make educational decisions regarding the person. A school division may also require the parent or adult relative to obtain written verification from the local department of social services where the parent or parents live, or from both that department and the department of social services where the kinship provider lives, that the kinship arrangement serves a legitimate purpose that is in the best interest of the person other than school enrollment. With written consent from the parent or adult relative, for the purposes of expediting enrollment, a school division may obtain such written verification directly from the local department or departments of social services. The verification process shall be consistent with confidentiality provisions of Article 5 (§ 22.1-287 et seq.) of Chapter 14 of this title and Chapter 1 (§ 63.2-100 et seq.) of Title 63.2. If the kinship care arrangement lasts more than one year, a school division may require continued verification directly from one or both departments of social services as to why the parents are unable to care for the person and that the kinship care arrangement serves a legitimate purpose other than school enrollment. A local school division may enroll a person living with a relative in a kinship care arrangement that has not been verified by a local department of social services;
5. When the person is living in the school division not solely for school purposes, as an emancipated minor; or
6. When the person living in the school division is a homeless child or youth, as set forth in this subdivision, who lacks a fixed, regular, and adequate nighttime residence. Such persons shall include (i) children and youths, including unaccompanied youths who are not in the physical custody of their parents, who (a) are sharing the housing of other persons

due to loss of housing, economic hardship, or ~~other causes a similar reason~~; are living in motels, hotels, trailer parks, or camping grounds due to lack of alternative adequate accommodations or in emergency; ~~congregate, temporary, or transitional shelters; or are abandoned in hospitals; or are awaiting foster care placement;~~ (b) are living in an institution that provides a temporary residence for individuals with mental illness or individuals intended to be institutionalized; (c) have a primary nighttime residence that is a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings; or ~~(d)~~ (c) are living in parked cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and (ii) migratory children, as defined in the federal Elementary and Secondary Education Act of 1965, P.L. 89-10, as amended, who are deemed homeless as they are living in circumstances set forth in clause (i).

For purposes of clause (i) of subdivision 6, "temporary shelter" means (1) any home, single or multi-unit dwelling, or housing unit in which persons who are without housing or a fixed address receive temporary housing or shelter or (2) any facility specifically designed or approved for the purpose of providing temporary housing or shelter to persons who are without permanent housing or a fixed address.

If a person resides within housing, temporary shelter, or primary nighttime residence as described in subdivision 6 that is situated in more than one school division, the person shall be deemed to reside in and shall be entitled to attend a public school within either school division. However, if a person resides in housing, temporary shelter, or primary nighttime residence as described in subdivision 6 that is located in one school division, but the property on which such housing, temporary shelter, or primary nighttime residence is located lies within more than one school division, such person shall be deemed to reside only in the single school division in which the housing, temporary shelter, or primary nighttime residence is located. Notwithstanding any such residency determination, any person residing in housing, a temporary shelter, or primary nighttime residence as described in subdivision 6 that is located in one school division, but the property on which such housing, temporary shelter, or primary nighttime residence is located lies within more than one school division, shall be deemed to reside in either school division, if such person or any sibling of such person residing in the same housing or temporary shelter attends, prior to July 1, 1999, or, in the case of a primary nighttime residence as described in subdivision 6, prior to July 1, 2000, a school within either school division in which the property on which the housing, temporary shelter, or primary nighttime residence is located.

School divisions shall comply with the requirements of *Subtitle VII-B* of the federal McKinney-Vento Homeless Education Assistance Improvements Act of 2001, as amended (42 U.S.C. § 11431 et seq.), to ensure that homeless children and youths shall receive the educational services comparable to those offered to other public school students.

School divisions serving the students identified in subdivision 6 shall coordinate the identification and provision of services to such students with relevant local social services agencies and other agencies and programs providing services to such students, and with other school divisions as may be necessary to resolve interdivisional issues.

B. In the interest of providing educational continuity to the children of military personnel, no child of a person on active military duty attending a school free of charge in accordance with this section shall be charged tuition by that school division upon such child's relocation to military housing located in another school division in the Commonwealth, pursuant to orders received by such child's parent to relocate to base housing and forfeit his military housing allowance. Such children shall be allowed to continue attending school in the school division they attended immediately prior to the relocation and shall not be charged tuition for attending such school. Such children shall be counted in the average daily membership of the school division in which they are enrolled. Further, the school division in which such children are enrolled subsequent to their relocation to base housing shall not be responsible for providing for their transportation to and from school.

#### § 22.1-3.1. Birth certificates required upon admission; required notice to the local law-enforcement agency.

A. Except as otherwise provided in this subsection, no pupil shall be admitted for the first time to any public school in any school division in this Commonwealth unless the person enrolling the pupil shall present, upon admission, a certified copy of the pupil's birth record. The principal or his designee shall record the official state birth number from the pupil's birth record into the pupil's permanent school record and may retain a copy in the pupil's permanent school record. If a certified copy of the pupil's birth record cannot be obtained, the person so enrolling the pupil shall submit an affidavit setting forth the pupil's age and explaining the inability to present a certified copy of the birth record. If the school division cannot ascertain a child's age because of the lack of a birth certificate, the child shall nonetheless be admitted into the public schools if the division superintendent determines that the person submitting the affidavit presents information sufficient to estimate with reasonable certainty the age of such child.

However, if the student seeking enrollment is a homeless child or youth as defined in § 22.1-3, the school shall immediately enroll such student, even if such student is unable to produce the records required for enrollment, and shall immediately contact the school last attended by the student to obtain relevant academic and other records, and shall comply with the provisions of *Subtitle VII-B* of the federal McKinney-Vento Homeless Education Assistance Improvements Act of 2001, as amended (42 U.S.C. § 11431 et seq.), including immediately referring the parent of the student or the youth to the local school division liaison, as described in the federal Act, who shall assist in obtaining the necessary records for enrollment.

B. Upon the failure of any person enrolling a pupil to present a certified copy of the pupil's birth record, the principal of the school in which the pupil is being enrolled or his designee shall immediately notify the local law-enforcement agency.

The notice to the local law-enforcement agency shall include copies of the submitted proof of the pupil's identity and age and the affidavit explaining the inability to produce a certified copy of the birth record.

C. Within 14 days after enrolling a transferred pupil, the principal of the school in which the pupil has been enrolled or his designee shall request that the principal or his designee of the school in which the pupil was previously enrolled submit documentation that a certified copy of the pupil's birth record was presented upon the pupil's initial enrollment.

D. Principals and their designees shall be immune from any civil or criminal liability in connection with any notice to a local law-enforcement agency of a pupil lacking a birth certificate or failure to give such notice as required by this section.

**§ 22.1-270. Preschool physical examinations.**

A. No pupil shall be admitted for the first time to any public kindergarten or elementary school in a school division unless such pupil shall furnish, prior to admission, (i) a report from a qualified licensed physician, or a licensed nurse practitioner or licensed physician assistant acting under the supervision of a licensed physician, of a comprehensive physical examination of a scope prescribed by the State Health Commissioner performed within the 12 months prior to the date such pupil first enters such public kindergarten or elementary school or (ii) records establishing that such pupil furnished such report upon prior admission to another school or school division and providing the information contained in such report.

If the pupil is a homeless child or youth as defined in *subdivision A 6 of § 22.1-3*, and for that reason cannot furnish the report or records required by (i) or (ii) of this subsection, and the person seeking to enroll the pupil furnishes to the school division an affidavit so stating and also indicating that, to the best of his knowledge, such pupil is in good health and free from any communicable or contagious disease, the school division shall immediately refer the student to the local school division liaison, as described in *Subtitle VII-B of the federal McKinney-Vento Homeless Education Assistance Improvements Act of 2001*, as amended (42 U.S.C. § 11431 et seq.) (the Act), who shall, as soon as practicable, assist in obtaining the necessary physical examination by the county or city health department or other clinic or physician's office and shall immediately admit the pupil to school, as required by such Act.

B. The physician, or licensed nurse practitioner or licensed physician assistant acting under the supervision of a licensed physician, making a report of a physical examination required by this section shall, at the end of such report, summarize the abnormal physical findings, if any, and shall specifically state what, if any, conditions are found that would identify the child as handicapped.

C. Such physical examination report shall be placed in the child's health record at the school and shall be made available for review by any employee or official of the State Department of Health or any local health department at the request of such employee or official.

D. Such physical examination shall not be required of any child whose parent shall object on religious grounds and who shows no visual evidence of sickness, provided that such parent shall state in writing that, to the best of his knowledge, such child is in good health and free from any communicable or contagious disease.

E. The health departments of all of the counties and cities of the Commonwealth shall conduct such physical examinations for medically indigent children without charge upon request and may provide such examinations to others on such uniform basis as such departments may establish.

F. Parents of entering students shall complete a health information form which shall be distributed by the local school divisions. Such forms shall be developed and provided jointly by the Department of Education and Department of Health, or developed and provided by the school division and approved by the Superintendent of Public Instruction. Such forms shall be returnable within 15 days of receipt unless reasonable extensions have been granted by the superintendent or his designee. Upon failure of the parent to complete such form within the extended time, the superintendent may send to the parent written notice of the date he intends to exclude the child from school; however, no child who is a homeless child or youth as defined in *subdivision A 6 of § 22.1-3* shall be excluded from school for such failure to complete such form.

**CHAPTER 395**

*An Act to amend and reenact §§ 3.2, 3.3, as amended, 3.4, 4.3, 4.4, 4.6, 4.7, 4.8, and 5.3 of Chapter 29 of the Acts of Assembly of 1992, which provided a charter for the Town of Buchanan, relating to elections; town council members; employees of town.*

[H 123]

Approved March 23, 2018

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

**1. That §§ 3.2, 3.3, as amended, 3.4, 4.3, 4.4, 4.6, 4.7, 4.8, and 5.3 of Chapter 29 of the Acts of Assembly of 1992 are amended and reenacted as follows:**

§ 3.2. Town council: composition, terms of office.

Each member of council shall be an elector of the municipality.

The council of the Town of Buchanan shall be elected from the town at large. ~~Councilmen~~ *Council members* shall serve for terms of two years.

§ 3.3. Election of council: term of office, mayor and vice-mayor.

On the first Tuesday in May, 1992, and every two years thereafter, there shall be elected by the qualified voters of the town, six electors who shall be denominated council members. In addition thereto, the qualified voters shall elect an

additional elector who shall be denominated mayor. They shall enter upon the duties of their offices on the first day of July next succeeding their election. Notwithstanding the provisions of this paragraph, effective January 1, 2017, the number of council members shall be four.

However, ~~beginning in 2016 and every two years thereafter 2018~~, the mayor and four council members shall be elected at the time of the November general election, with terms to commence on January 1 following the election. The mayor and council members who were elected in May, 2014, and whose terms would expire on June 30, 2016, shall continue in office until their successors have been duly elected and have qualified to serve.

*In 2018, the two council members elected at the time of the November general election with the lowest total vote counts shall serve a term of one year to commence on January 1, 2019 and expire on January 1, 2020. Beginning in 2019 and every two years thereafter, two council members shall be elected at the time of the November general election, with terms to commence on January 1 following the election. Beginning in 2020 and every two years thereafter, the mayor and two council members shall be elected at the time of the November general election, with terms to commence on January 1 following the election.*

Council shall elect from their numbers one who shall be denominated vice-mayor, who shall serve in the absence of the mayor.

§ 3.4. Duties of mayor.

The mayor shall preside at all meetings of the council, and shall be a regular member of council. The mayor shall be recognized as the head of the municipal government for all ceremonial purposes, the purpose of military law and the service of civil process. The mayor shall authenticate by his *or her* signature such documents and instruments as the council, Constitution, or general laws require. The mayor shall be the chief executive officer of the town, unless and until a manager is appointed as hereafter provided.

§ 4.3. Town manager.

There may be a town manager who shall be the executive officer of the town responsible to the town council for the proper administration of the town government. The town manager shall be appointed by council for an indefinite term. At the time of appointment, he *or she* need not be a resident of the town or of the Commonwealth, but during his *or her* tenure of office he *or she* shall reside within the town limits.

§ 4.4. Duties.

The town manager shall:

1. Attend all meetings of town council with the right to speak but not to vote.
2. Advise town council of the financial condition and future needs of the town and of all matters pertaining to its proper administration and to make such recommendations as may seem to him *or her* requisite and proper.
3. Prepare and submit to town council the annual budget and be responsible for the administration of the budget as adopted.
4. Prepare in suitable form and submit to town council each year a comprehensive report of the financial transactions and administrative activities of the town government during the immediately preceding fiscal year.
5. Arrange for an annual audit by a certified public accountant previously approved by the town council.
6. Perform such other duties as may be prescribed by the general laws of the Commonwealth, required of him *or her* by town council or otherwise provided for by this charter.
7. Have the right to attend and participate, but not vote, in the proceedings of all boards, commissions or agencies created by this charter or by ordinance or by resolution of the town council.

§ 4.6. Acting town manager.

The town council shall designate by ordinance a person to act as town manager in the case of absence, incapacity, death or resignation of the town manager until his *or her* return to duty or the appointment of his *or her* successor.

§ 4.7. Town clerk.

The town clerk *shall be an employee of the town and* shall be clerk of the town council and shall be responsible for maintaining the journal of its proceedings and recording all ordinances and resolutions in the book or books kept for that purpose. The town clerk shall be custodian of the town corporate seal and shall be the officer authorized to use and authenticate it. The town clerk shall perform such other duties and keep such other records as town council *and the town manager* may require or the general laws of the Commonwealth may require. All records of the office of town clerk shall be public records and open to inspection at all times during regular business hours.

§ 4.8. Town treasurer.

~~Town council~~ *The town manager shall appoint a municipal treasurer, who shall be an employee of the town. The town treasurer shall give such bond as may be prescribed by town council and perform such duties as may be prescribed by the town council manager or prescribed by the general laws of this Commonwealth.*

§ 5.3. Rates for services.

The town shall have the power and right to charge a different rate for any utility service rendered or convenience furnished ~~without~~ *outside* the corporate limits from the rates charged for similar services ~~within~~ *inside* the corporate limits.

CHAPTER 396

*An Act to amend the Code of Virginia by adding a section numbered 15.2-943.1 and to repeal § 15.2-1129.1 of the Code of Virginia, relating to arts and cultural districts.*

[H 233]

Approved March 23, 2018

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

**1. That the Code of Virginia is amended by adding a section numbered 15.2-943.1 as follows:**

**§ 15.2-943.1. Creation of arts and cultural districts.**

*A. Any locality, or combination of localities, may by ordinance, or in the case of multiple localities by substantially similar ordinances, establish within the boundaries of such localities one or more arts and cultural districts for the purpose of increasing awareness and support for the arts and culture in the locality. The locality may provide incentives for the support and creation of arts and cultural venues in each district. The locality may also grant tax incentives and provide certain regulatory flexibility in each arts and cultural district.*

*B. The tax incentives for each district may be provided for up to 10 years and may include, but not be limited to, (i) reduction of permit fees, (ii) reduction of user fees, (iii) reduction of any type of gross receipts tax, and (iv) rebate of real estate property taxes. The extent and duration of such incentive proposals shall conform to the requirements of the Constitutions of Virginia and of the United States.*

*C. Each locality may also provide for regulatory flexibility in each district that may include, but not be limited to, (i) special zoning for the district, (ii) permit process reform, (iii) exemption from ordinances, and (iv) any other incentive adopted by ordinance, which shall be binding upon the locality for a period of up to 10 years.*

**2. That § 15.2-1129.1 of the Code of Virginia is repealed.**

**3. That the provisions of this act are declaratory of existing law.**

**4. That the provisions of the second enactment of this act shall not affect the powers of any locality that has adopted an ordinance pursuant to § 15.2-1129.1 of the Code of Virginia prior to the effective date of this act.**

CHAPTER 397

*An Act to amend the Code of Virginia by adding in Title 52 a chapter numbered 7.4, consisting of sections numbered 52-34.10, 52-34.11, and 52-34.12, relating to establishment of the Virginia Critically Missing Adult Alert Program.*

[H 260]

Approved March 23, 2018

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

**1. That the Code of Virginia is amended by adding in Title 52 a chapter numbered 7.4, consisting of sections numbered 52-34.10, 52-34.11, and 52-34.12, as follows:**

CHAPTER 7.4.

VIRGINIA CRITICALLY MISSING ADULT ALERT PROGRAM.

**§ 52-34.10. Definitions.**

*As used in this chapter:*

*"Critically missing adult" means an adult (i) whose whereabouts are unknown, (ii) who is believed to have been abducted, and (iii) whose disappearance poses a credible threat as determined by a law-enforcement agency to the health and safety of the adult and under such other circumstances as deemed appropriate by the Virginia State Police.*

*"Critically missing adult alert" means the notice of a critically missing adult provided to the public by the media or other methods under a Critically Missing Adult Alert Agreement.*

*"Critically Missing Adult Alert Agreement" means a voluntary agreement between law-enforcement officials and members of the media whereby an adult will be declared missing, and the public will be notified by media outlets, and includes all other incidental conditions of the partnership as found appropriate by the Virginia State Police.*

*"Critically Missing Adult Alert Program" means the procedures and Critically Missing Adult Alert Agreements to aid in the identification and location of a critically missing adult.*

*"Media" means print, radio, television, and Internet-based communication systems or other methods of communicating information to the public.*

**§ 52-34.11. Establishment of the Virginia Critically Missing Adult Alert Program.**

*The Virginia State Police shall develop policies for the establishment of uniform standards for the creation of Critically Missing Adult Alert Programs throughout the Commonwealth. The Virginia State Police shall (i) inform local law-enforcement officials of the policies and procedures to be used for the Critically Missing Adult Alert Programs; (ii) assist in determining the geographic scope of a particular Critically Missing Adult Alert; and (iii) establish procedures and standards by which a local law-enforcement agency shall verify that an adult is a critically missing adult and shall report such information to the Virginia State Police.*

*The establishment of a Critically Missing Adult Alert Program by a local law-enforcement agency and the media is voluntary, and nothing in this chapter shall be construed to be a mandate that local officials or the media establish or participate in a Critically Missing Adult Alert Program.*

**§ 52-34.12. Activation of Critically Missing Adult Alert Program upon an incident of a critically missing adult.**

A. Upon receipt of a notice of a critically missing adult from a law-enforcement agency, the Virginia State Police shall confirm the accuracy of the information and provide assistance in the activation of the Critically Missing Adult Alert Program as the investigation dictates.

B. Critically Missing Adult Alerts may be local, regional, or statewide. The initial decision to make a local Critically Missing Adult Alert shall be at the discretion of the local law-enforcement official. Prior to making a local Critically Missing Adult Alert, the local law-enforcement official shall confer with the Virginia State Police and provide information regarding the critically missing adult to the Virginia State Police. The decision to make a regional or statewide Critically Missing Adult Alert shall be at the discretion of the Virginia State Police.

C. The Critically Missing Adult Alert shall include the critically missing adult information as defined in § 15.2-1718.2 and any other such information as the law-enforcement agency deems appropriate that will assist in the safe recovery of the critically missing adult.

D. The Critically Missing Adult Alert shall be cancelled under the terms of the Critically Missing Adult Alert Agreement. Any local law-enforcement agency that locates a critically missing adult who is the subject of an alert shall notify the Virginia State Police immediately that the critically missing adult has been located.

**CHAPTER 398**

*An Act to amend and reenact § 19.2-11.8 of the Code of Virginia, relating to physical evidence recovery kits; submission to Department of Forensic Science.*

[H 303]

Approved March 23, 2018

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

**1. That § 19.2-11.8 of the Code of Virginia is amended and reenacted as follows:**

**§ 19.2-11.8. Submission of physical evidence recovery kits to the Department.**

A. A law-enforcement agency that receives a physical evidence recovery kit shall submit the physical evidence recovery kit to the Department for analysis within 60 days of receipt, except under the following circumstances: (i) it is an anonymous physical evidence recovery kit that shall be forwarded to the Division for storage; (ii) the physical evidence recovery kit was collected by the Office of the Chief Medical Examiner as part of a routine death investigation, and the medical examiner and the law-enforcement agency agree that analysis is not warranted; (iii) the physical evidence recovery kit is connected to an offense that occurred outside of the Commonwealth; ~~or~~ (iv) the physical evidence recovery kit was determined by the law-enforcement agency not to be connected to a criminal offense; or (v) another law-enforcement agency has taken over responsibility for the investigation related to the physical evidence recovery kit.

B. Upon completion of analysis, the Department shall return the physical evidence recovery kit to the submitting law-enforcement agency. Upon receipt of the physical evidence recovery kit from the Department, the law-enforcement agency shall store the physical evidence recovery kit for a period of 10 years or until 10 years after the victim reaches the age of majority if the victim was a minor at the time of collection, whichever is longer. The law-enforcement agency shall store the physical evidence recovery kit for a period of 10 years following the receipt of a written objection to the destruction of the kit from the victim. After the mandatory retention period or any additional 10-year storage period has lapsed, the law-enforcement agency shall, unless the victim has made a written request not to be contacted for this purpose, make a reasonable effort to notify the victim of the intended destruction of the physical evidence recovery kit no less than 60 days prior to the intended date of such destruction. In the absence of a response from the victim, or with the consent of the victim, the law-enforcement agency may destroy the physical evidence recovery kit or, in its discretion, may elect to retain the physical evidence recovery kit for a longer period of time.

C. The DNA profiles developed from physical evidence recovery kits submitted to the Department for analysis pursuant to this section shall be uploaded into any local, state, or national DNA data bank only if eligible as determined by Department procedures and in accordance with state and federal law.

**CHAPTER 399**

*An Act to amend and reenact § 15.2-961 of the Code of Virginia, relating to development projects; replacement of trees.*

[H 494]

Approved March 23, 2018

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

**1. That § 15.2-961 of the Code of Virginia is amended and reenacted as follows:**

**§ 15.2-961. Replacement of trees during development process in certain localities.**

A. Any locality with a population density of at least 75 persons per square mile *or any locality within the Chesapeake Bay watershed* may adopt an ordinance providing for the planting and replacement of trees during the development process pursuant to the provisions of this section. Population density shall be based upon the latest population estimates of the Cooper Center for Public Service of the University of Virginia.

B. The ordinance shall require that the site plan for any subdivision or development include the planting or replacement of trees on the site to the extent that, at 20 years, minimum tree canopies or covers will be provided in areas to be designated in the ordinance, as follows:

1. Ten percent tree canopy for a site zoned business, commercial, or industrial;
2. Ten percent tree canopy for a residential site zoned 20 or more units per acre;
3. Fifteen percent tree canopy for a residential site zoned more than 10 but less than 20 units per acre; *and*
4. Twenty percent tree canopy for a residential site zoned 10 units or less per acre; ~~and~~

~~5. Ten percent tree canopy for a cemetery as defined in § 54.1-2310, notwithstanding any other provision of this subsection.~~

However, the City of Williamsburg may require at 10 years the minimum tree canopies or covers set out above.

*C. The ordinance shall require that the site plan for any subdivision or development include, at 20 years, that a minimum 10 percent tree canopy will be provided on the site of any cemetery as defined in § 54.1-2310, notwithstanding any other provision of this section. In no event shall any local tree replacement or planting ordinance adopted pursuant to this section exceed the requirements of this subsection.*

D. The ordinance shall provide for reasonable provisions for reducing the tree canopy requirements or granting tree cover credit in consideration of the preservation of existing tree cover or for preservation of trees of outstanding age, size or physical characteristics.

~~E. The ordinance shall provide for reasonable exceptions to or deviations from these requirements to allow for the reasonable development of farm land or other areas devoid of healthy or suitable woody materials, for the preservation of wetlands, or otherwise when the strict application of the requirements would result in unnecessary or unreasonable hardship to the developer. In such instances, the ordinance may provide for a tree canopy bank whereby a portion of a development's tree canopy requirement may be met from off-site planting or replacement of trees at the direction of the locality. The following shall be exempt from the requirements of any tree replacement or planting ordinance promulgated under this section: dedicated school sites, playing fields and other nonwooded recreation areas, and other facilities and uses of a similar nature.~~

~~F. The ordinance may designate tree species that cannot be planted to meet minimum tree canopy requirements due to tendencies of such species to (i) negatively impact native plant communities, (ii) cause damage to nearby structures and infrastructure, or (iii) possess inherent physiological traits that cause such trees to structurally fail. All trees to be planted shall meet the specifications of the American Association of Nurserymen *AmericanHort*. The planting of trees shall be done in accordance with either the standardized landscape specifications jointly adopted by the Virginia Nurserymen's Virginia Nursery and Landscape Association, the Virginia Society of Landscape Designers and the Virginia Chapter of the American Society of Landscape Architects, or the road and bridge specifications of the Virginia Department of Transportation.~~

~~G. Existing trees which are to be preserved may be included to meet all or part of the canopy requirements, and may include wooded preserves, if the site plan identifies such trees and the trees meet standards of desirability and life-year expectancy which the locality may establish.~~

~~H. For purposes of this section:~~

~~"Tree canopy" or "tree cover" includes all areas of coverage by plant material exceeding five feet in height, and the extent of planted tree canopy at 10 or 20 years maturity. Planted canopy at 10 or 20 years maturity shall be based on published reference texts generally accepted by landscape architects, nurserymen, and arborists in the community, and the texts shall be specified in the ordinance.~~

~~I. Penalties for violations of ordinances adopted pursuant to this section shall be the same as those applicable to violations of zoning ordinances of the locality.~~

~~J. In no event shall any local tree replacement or planting ordinance adopted pursuant to this section exceed the requirements set forth herein.~~

~~K. Nothing in this section shall invalidate any local ordinance adopted pursuant to the provisions of this section prior to July 1, 1990, which imposes standards for tree replacement or planting during the development process.~~

~~L. Nothing in this section shall invalidate any local ordinance adopted by the City of Williamsburg that imposes standards for 10-year-minimum tree cover replacement or planting during the development process.~~

~~M. Nothing in this section shall invalidate any local ordinance adopted pursuant to the provisions of this section after July 1, 1990, which imposes standards for 20-year-minimum tree cover replacement or planting during the development process.~~

CHAPTER 400

*An Act to amend and reenact § 46.2-1166 of the Code of Virginia, relating to inspection stations; appointments.*

[H 581]

Approved March 23, 2018

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

**1. That § 46.2-1166 of the Code of Virginia is amended and reenacted as follows:**

**§ 46.2-1166. Minimum standards required for inspection stations; appointments.**

A. The Superintendent shall not designate any person, firm, or corporation as an official inspection station unless and until such person, firm or corporation satisfies the Superintendent, under such regulations as the Superintendent shall prescribe, that such person, firm, or corporation has met and will continue to meet the following standards:

1. The station has sufficient mechanical equipment and skilled and competent mechanics to make a complete inspection in accordance with the provisions of this article;

2. Adequate means are provided by the station to test the brakes, headlights, and steering mechanism of motor vehicles and to ascertain that motor vehicles inspected by the station meet the safety standards prescribed by the Superintendent under the terms of this title;

3. The person making the actual inspection or under whose immediate supervision such inspection is made shall have at least one year's practical experience as an automotive mechanic, or has satisfactorily completed a training program in automotive mechanics approved by the Superintendent of State Police;

4. No person shall be designated by such station to make such inspections unless the person has been approved for that purpose by the Department of State Police;

5. The Superintendent of State Police may, at his discretion, waive the experience and training requirements of this section for inspections of motorcycles and trailers when, in the Superintendent's opinion, the person performing such inspections is otherwise qualified to perform such inspections; and

6. The station has garage liability insurance in the amount of at least \$500,000 with an approved surplus lines carrier or insurance company licensed to write such insurance in this Commonwealth, provided this requirement shall not apply to inspection stations that inspect only their company-owned or leased or government-owned or leased vehicles.

~~B. In addition to accepting vehicles on a first-come, first-served basis, any~~ Any official inspection station ~~consisting of two or more inspection lanes~~ may, at the discretion of the inspection station, accept vehicles on a first-come, first-served basis or by prescheduled appointments for the safety inspection of a motor vehicle pursuant to § 46.2-1157; ~~so long as at least one lane is reserved for the sole purpose of first-come, first-served safety inspections.~~

CHAPTER 401

*An Act to amend and reenact § 15.2-7507 of the Code of Virginia, relating to land bank entities; acquisition of real property.*

[H 592]

Approved March 23, 2018

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

**1. That § 15.2-7507 of the Code of Virginia is amended and reenacted as follows:**

**§ 15.2-7507. Acquisition of property.**

A. The land bank entity may acquire real property or interests in real property by gift, devise, transfer, exchange, purchase, or otherwise on terms and conditions and in a manner the land bank entity considers proper.

B. In addition to the powers granted ~~is~~ in subsection A, the land bank entity may acquire real property by purchase contracts, lease purchase agreements, installment sales contracts, and land contracts; and pursuant to the sale or other conveyance of real property under Article 4 (§ 58.1-3965 et seq.) of Chapter 39 of Title 58.1.

C. The land bank entity may accept transfers or conveyances from a locality upon such terms and conditions as agreed to by the land bank entity and the locality. Notwithstanding any other law to the contrary, any locality may transfer or convey to the ~~authority~~ land bank entity real property and interests in real property of the locality on such terms and conditions and according to such procedures as determined by the locality.

D. The land bank entity shall maintain all of its real property in accordance with the laws and ordinances of the jurisdiction in which the real property is located.

CHAPTER 402

*An Act to amend and reenact §§ 46.2-1095 and 46.2-1096 of the Code of Virginia, relating to forward-facing child restraint devices.*

[H 708]

Approved March 23, 2018

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

**1. That §§ 46.2-1095 and 46.2-1096 of the Code of Virginia are amended and reenacted as follows:**

**§ 46.2-1095. Child restraint devices required when transporting certain children; safety belts for passengers less than 18 years old required.**

A. Any person who drives on the highways of Virginia any motor vehicle manufactured after January 1, 1968, shall ensure that any child, up to age eight, whom he transports therein is provided with and properly secured in a child restraint device of a type which meets the standards adopted by the United States Department of Transportation. *Such child restraint device shall not be forward-facing until at least (i) the child reaches two years of age or (ii) the child reaches the minimum weight limit for a forward-facing child restraint device as prescribed by the manufacturer of the device.* Further, ~~rear-facing~~ child restraint devices shall be placed in the back seat of a vehicle. In the event the vehicle does not have a back seat, the child restraint device may be placed in the front passenger seat only if the vehicle is either not equipped with a passenger side airbag or the passenger side airbag has been deactivated.

B. Any person transporting another person less than 18 years old, except for those required pursuant to subsection A to be secured in a child restraint device, shall ensure that such person is provided with and properly secured by an appropriate safety belt system when driving on the highways of Virginia in any motor vehicle manufactured after January 1, 1968, equipped or required by the provisions of this title to be equipped with a safety belt system, consisting of lap belts, shoulder harnesses, combinations thereof or similar devices.

C. A violation of this section shall not constitute negligence, be considered in mitigation of damages of whatever nature, be admissible in evidence or be the subject of comment by counsel in any action for the recovery of damages in a civil action.

D. A violation of this section may be charged on the uniform traffic summons form.

E. Nothing in this section shall apply to taxicabs, school buses, executive sedans, or limousines.

**§ 46.2-1096. Exceptions for certain children.**

Whenever any physician licensed to practice medicine in the Commonwealth or any other state determines, through accepted medical procedures, that use of a child restraint system by a particular child would be impractical by reason of the child's weight *or height*, physical unfitness, or other medical reason, the child shall be exempt from the provisions of this article. Any person transporting a child so exempted shall carry on his or her person or in the vehicle a signed written statement of the physician identifying the child so exempted and stating the grounds therefor.

**2. That the provisions of this act shall become effective on July 1, 2019.**

**CHAPTER 403**

*An Act to amend and reenact § 9.1-203 of the Code of Virginia, relating to the Virginia Fire Services Board; powers and duties; modular training program for volunteer firefighters.*

[H 729]

Approved March 23, 2018

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

**1. That § 9.1-203 of the Code of Virginia is amended and reenacted as follows:**

**§ 9.1-203. Powers and duties of Virginia Fire Services Board; limitation.**

A. The Board shall have the responsibility for promoting the coordination of the efforts of fire service organizations at the state and local levels. To these ends, it shall have the following powers and duties to:

1. Ensure the development and implementation of the Virginia Fire Prevention and Control Plan;
2. Review and approve a five-year statewide plan for fire education and training;
3. Approve the criteria for and disbursement of any grant funds received from the federal government and any agencies thereof and any other source and to disburse such funds in accordance therewith;
4. Provide technical assistance and advice to local fire departments, other fire services organizations, and local governments through Fire and Emergency Medical Services studies done in conjunction with the Department of Fire Programs;
5. Advise the Department of Fire Programs on and adopt personnel standards for fire services personnel;
6. Advise the Department of Fire Programs on the Commonwealth's statewide plan for the collection, analysis, and reporting of data relating to fires in the Commonwealth;
7. Make recommendations to the Secretary of Public Safety and Homeland Security concerning legislation affecting fire prevention and protection and fire services organizations in Virginia;
8. Evaluate all fire prevention and protection programs and make any recommendations deemed necessary to improve the level of fire prevention and protection in the Commonwealth;
9. Advise the Department of Fire Programs on the Statewide Fire Prevention Code; ~~and~~
10. Investigate alternative means of financial support for volunteer fire departments and advise jurisdictions regarding the implementation of such alternatives; *and*

11. Develop a modular training program for volunteer firefighters for adoption by local volunteer fire departments that shall include (i) Fire Fighter I and Fire Fighter II certification pursuant to standards developed by the National Fire Protection Association and (ii) an online training program.

B. Except for those policies established in § 38.2-401, compliance with the provisions of § 9.1-201 and this section and any policies or guidelines enacted pursuant thereto shall be optional with, and at the full discretion of, any local governing body and any volunteer fire department or volunteer fire departments operating under the same corporate charters.

**2. That the provisions of this act shall become effective on January 1, 2019.**

#### CHAPTER 404

*An Act to amend and reenact §§ 54.1-700 and 54.1-701 of the Code of Virginia, relating to licensed barbers and cosmetologists; exemptions.*

[H 790]

Approved March 23, 2018

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

**1. That §§ 54.1-700 and 54.1-701 of the Code of Virginia are amended and reenacted as follows:**

**§ 54.1-700. Definitions.**

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

"Barber" means any person who shaves, shapes or trims the beard; cuts, singes, ~~shampoos~~ or dyes the hair or applies lotions thereto; applies, treats or massages the face, neck or scalp with oils, creams, lotions, cosmetics, antiseptics, powders, clays or other preparations in connection with shaving, cutting or trimming the hair or beard, and practices barbering for compensation and when such services are not performed for the treatment of disease.

"Barbering" means any one or any combination of the following acts, when done on the human body for compensation and not for the treatment of disease, shaving, shaping and trimming the beard; cutting, singeing, ~~shampooing~~ or dyeing the hair or applying lotions thereto; applications, treatment or massages of the face, neck or scalp with oils, creams, lotions, cosmetics, antiseptics, powders, clays, or other preparations in connection with shaving, cutting or trimming the hair or a beard. The term "barbering" shall not apply to the acts described hereinabove when performed by any person in his home if such service is not offered to the public.

"Barber instructor" means any person who has been certified by the Board as having completed an approved curriculum and who meets the competency standards of the Board as an instructor of barbering.

"Barbershop" means any establishment or place of business within which the practice of barbering is engaged in or carried on by one or more barbers.

"Board" means the Board for Barbers and Cosmetology.

"Body-piercer" means any person who for remuneration penetrates the skin of a person to make a hole, mark, or scar, generally permanent in nature.

"Body-piercing" means the act of penetrating the skin of a person to make a hole, mark, or scar, generally permanent in nature.

"Body-piercing salon" means any place in which a fee is charged for the act of penetrating the skin of a person to make a hole, mark, or scar, generally permanent in nature.

"Body-piercing school" means a place or establishment licensed by the Board to accept and train students in body-piercing.

"Cosmetologist" means any person who administers cosmetic treatments; manicures or pedicures the nails of any person; arranges, dresses, curls, waves, ~~cleanses~~, cuts, shapes, singes, waxes, tweezes, shaves, bleaches, colors, relaxes, straightens, or performs similar work, upon human hair, or a wig or hairpiece, by any means, including hands or mechanical or electrical apparatus or appliances unless such acts as adjusting, combing, or brushing prestyled wigs or hairpieces do not alter the prestyled nature of the wig or hairpiece, and practices cosmetology for compensation.

"Cosmetology" includes, but is not limited to, the following practices: administering cosmetic treatments; manicuring or pedicuring the nails of any person; arranging, dressing, curling, waving, ~~cleansing~~, cutting, shaping, singeing, waxing, tweezing, shaving, bleaching, coloring, relaxing, straightening, or similar work, upon human hair, or a wig or hairpiece, by any means, including hands or mechanical or electrical apparatus or appliances, but shall not include hair braiding or such acts as adjusting, combing, or brushing prestyled wigs or hairpieces when such acts do not alter the prestyled nature of the wig or hairpiece.

"Cosmetology instructor" means a person who has been certified by the Board as having completed an approved curriculum and who meets the competency standards of the Board as an instructor of cosmetology.

"Cosmetology salon" means any commercial establishment, residence, vehicle or other establishment, place or event wherein cosmetology is offered or practiced on a regular basis for compensation and may include the training of apprentices under regulations of the Board.

"Esthetician" means a person who engages in the practice of esthetics for compensation.

"Esthetics" includes, but is not limited to, the following practices of administering cosmetic treatments to enhance or improve the appearance of the skin: cleansing, toning, performing effleurage or other related movements, stimulating,

exfoliating, or performing any other similar procedure on the skin of the human body or scalp by means of cosmetic preparations, treatments, or any nonlaser device, whether by electrical, mechanical, or manual means, for care of the skin; applying make-up or eyelashes to any person, tinting or perming eyelashes and eyebrows, and lightening hair on the body except the scalp; and removing unwanted hair from the body of any person by the use of any nonlaser device, by tweezing, or by use of chemical or mechanical means. However, "esthetics" is not a healing art and shall not include any practice, activity, or treatment that constitutes the practice of medicine, osteopathic medicine, or chiropractic. The terms "healing arts," "practice of medicine," "practice of osteopathic medicine," and "practice of chiropractic" shall mean the same as those terms are defined in § 54.1-2900.

"Esthetics instructor" means a licensed esthetician who has been certified by the Board as having completed an approved curriculum and who meets the competency standards of the Board as an instructor of esthetics.

"Esthetics spa" means any commercial establishment, residence, vehicle, or other establishment, place, or event wherein esthetics is offered or practiced on a regular basis for compensation under regulations of the Board.

"Master esthetician" means a licensed esthetician who, in addition to the practice of esthetics, offers to the public for compensation, without the use of laser technology, lymphatic drainage, chemical exfoliation, or microdermabrasion, and who has met such additional requirements as determined by the Board to practice lymphatic drainage, chemical exfoliation with products other than Schedules II through VI controlled substances as defined in the Drug Control Act (§ 54.1-3400 et seq.), and microdermabrasion of the epidermis.

"Nail care" means manicuring or pedicuring natural nails or performing artificial nail services.

"Nail salon" means any commercial establishment, residence, vehicle or other establishment, place or event wherein nail care is offered or practiced on a regular basis for compensation and may include the training of apprentices under regulations of the Board.

"Nail school" means a place or establishment licensed by the board to accept and train students in nail care.

"Nail technician" means any person who for compensation manicures or pedicures natural nails, or who performs artificial nail services for compensation, or any combination thereof.

"Nail technician instructor" means a licensed nail technician who has been certified by the Board as having completed an approved curriculum and who meets the competency standards of the Board as an instructor of nail care.

"Physical (wax) depilatory" means the wax depilatory product or substance used to remove superfluous hair.

"School of cosmetology" means a place or establishment licensed by the Board to accept and train students and which offers a cosmetology curriculum approved by the Board.

"School of esthetics" means a place or establishment licensed by the Board to accept and train students and which offers an esthetics curriculum approved by the Board.

"Tattoo parlor" means any place in which tattooing is offered or practiced.

"Tattoo school" means a place or establishment licensed by the Board to accept and train students in tattooing.

"Tattooer" means any person who for remuneration practices tattooing.

"Tattooing" means the placing of designs, letters, scrolls, figures, symbols or any other marks upon or under the skin of any person with ink or any other substance, resulting in the permanent coloration of the skin, including permanent make-up or permanent jewelry, by the aid of needles or any other instrument designed to touch or puncture the skin.

"Wax technician" means any person licensed by the Board who removes hair from the hair follicle using a physical (wax) depilatory or by tweezing.

"Wax technician instructor" means a licensed wax technician who has been certified by the Board as having completed an approved curriculum and who meets the competency standards of the Board as an instructor of waxing.

"Waxing" means the temporary removal of superfluous hair from the hair follicle on any area of the human body through the use of a physical (wax) depilatory or by tweezing.

"Waxing salon" means any commercial establishment, residence, vehicle or other establishment, place or event wherein waxing is offered or practiced on a regular basis for compensation and may include the training of apprentices under regulations of the Board.

"Waxing school" means a place or establishment licensed by the Board to accept and train students in waxing.

#### **§ 54.1-701. Exemptions.**

The provisions of this chapter shall not apply to:

1. Persons authorized by the laws of the Commonwealth to practice medicine and surgery or osteopathy or chiropractic;
2. Registered nurses licensed to practice in the Commonwealth;
3. Persons employed in state or local penal or correctional institutions, rehabilitation centers, sanatoria, or institutions for care and treatment of individuals with mental illness or intellectual disability, or for care and treatment of geriatric patients, as barbers, cosmetologists, wax technicians, nail technicians, estheticians, barber instructors, cosmetology instructors, wax technician instructors, nail technician instructors, or esthetics instructors who practice only on inmates or patients in such sanatoria or institutions;
4. Persons licensed as funeral directors or embalmers in the Commonwealth;
5. Gratuitous services as a barber, nail technician, cosmetologist, wax technician, tattooer, body-piercer, or esthetician;
6. Students enrolled in an approved school taking a course in barbering, nail care, cosmetology, waxing, tattooing, body-piercing, or esthetics;

7. Persons working in a cosmetology salon whose duties are expressly confined to the ~~shampooing and blow drying, arranging, dressing, curling, or~~ cleansing of human hair ~~under the direct supervision of a cosmetologist or barber;~~
8. Apprentices serving in a barbershop, nail salon, waxing salon, cosmetology salon, or esthetics spa licensed by the Board in accordance with the Board's regulations;
9. Schools of barbering, nail care, waxing, or cosmetology in public schools; and
10. Persons whose activities are confined solely to applying make-up, including such activities that are ancillary to applying make-up.

**CHAPTER 405**

*An Act to amend and reenact §§ 4.1-230, 4.1-231, and 4.1-332 of the Code of Virginia, relating to alcoholic beverage control.*

[H 826]

Approved March 23, 2018

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

**1. That §§ 4.1-230, 4.1-231, and 4.1-332 of the Code of Virginia are amended and reenacted as follows:**

**§ 4.1-230. Applications for licenses; publication; notice to localities; fees; permits.**

A. Every person intending to apply for any license authorized by this chapter shall file with the Board an application on forms provided by the Board and a statement in writing, under oath, setting forth any information required by the Board. Applications for banquet, tasting, mixed beverage special events, or club events licenses shall not be required to be under oath, but the information contained therein shall be certified as true by the applicant.

Applicants for retail licenses for establishments that serve food or are otherwise required to obtain a food establishment permit from the Department of Health or an inspection by the Department of Agriculture and Consumer Services shall provide a copy of such permit, proof of inspection, proof of a pending application for such permit, or proof of a pending request for such inspection. If the applicant provides a copy of such permit, proof of inspection, proof of a pending application for a permit, or proof of a pending request for an inspection, a license may be issued to the applicant. If a license is issued on the basis of a pending application or inspection, such license shall authorize the licensee to purchase alcoholic beverages in accordance with the provisions of this title; however, the licensee shall not sell or serve alcoholic beverages until a permit is issued or an inspection is completed.

B. In addition, each applicant for a license under the provisions of this chapter, except applicants for annual banquet, banquet, tasting, special events, club events, annual mixed beverage banquet, wine or beer shipper's, wine and beer shipper's, delivery permit, annual arts venue, or museum licenses issued under the provisions of Chapter 2 (§ 4.1-200 et seq.), or beer or wine importer's licenses, shall post a notice of his application with the Board on the front door of the building, place or room where he proposes to engage in such business for no more than 30 days and not less than 10 days. Such notice shall be of a size and contain such information as required by the Board, including a statement that any objections shall be submitted to the Board not more than 30 days following initial publication of the notice required pursuant to this subsection.

The applicant shall also cause notice to be published at least once a week for two consecutive weeks in a newspaper published in or having a general circulation in the county, city or town wherein such applicant proposes to engage in such business. Such notice shall contain such information as required by the Board, including a statement that any objections to the issuance of the license be submitted to the Board not later than 30 days from the date of the initial newspaper publication. In the case of wine or beer shipper's licensees, wine and beer shipper's licensees, delivery permittees or operators of boats, dining cars, buffet cars, club cars, and airplanes, the posting and publishing of notice shall not be required.

Except for applicants for annual banquet, banquet, tasting, mixed beverage special events, club events, annual mixed beverage banquet, wine or beer shipper's, wine and beer shipper's, beer or wine importer's, annual arts venue, or museum licenses, the Board shall conduct a background investigation, to include a criminal history records search, which may include a fingerprint-based national criminal history records search, on each applicant for a license. However, the Board may waive, for good cause shown, the requirement for a criminal history records search and completed personal data form for officers, directors, nonmanaging members, or limited partners of any applicant corporation, limited liability company, or limited partnership.

Except for applicants for wine shipper's, beer shipper's, wine and beer shipper's licenses, and delivery permits, the Board shall notify the local governing body of each license application through the county or city attorney or the chief law-enforcement officer of the locality. Local governing bodies shall submit objections to the granting of a license within 30 days of the filing of the application.

C. Each applicant shall pay the required application fee at the time the application is filed. Each license application fee, including annual banquet and annual mixed beverage banquet, shall be ~~\$65~~ \$195, plus the actual cost charged to the Department of State Police by the Federal Bureau of Investigation or the Central Criminal Records Exchange for processing any fingerprints through the Federal Bureau of Investigation or the Central Criminal Records Exchange for each criminal history records search required by the Board, except for banquet, tasting, ~~mixed beverage special events~~, or mixed beverage

club events licenses, in which case the application fee shall be \$15. *The application fee for banquet special event and mixed beverage special event licenses shall be \$45.* Application fees shall be in addition to the state license fee required pursuant to § 4.1-231 and shall not be refunded.

D. Subsection A shall not apply to the continuance of licenses granted under this chapter; however, all licensees shall file and maintain with the Board a current, accurate record of the information required by the Board pursuant to subsection A and notify the Board of any changes to such information in accordance with Board regulations.

E. Every application for a permit granted pursuant to § 4.1-212 shall be on a form provided by the Board. In the case of applications to solicit the sale of wine and beer or spirits, each application shall be accompanied by a fee of \$165 and \$390, respectively. The fee for each such permit shall be subject to proration to the following extent: If the permit is granted in the second quarter of any year, the fee shall be decreased by one-fourth; if granted in the third quarter of any year, the fee shall be decreased by one-half; and if granted in the fourth quarter of any year, the fee shall be decreased by three-fourths. Each such permit shall expire on June 30 next succeeding the date of issuance, unless sooner suspended or revoked by the Board. Such permits shall confer upon their holders no authority to make solicitations in the Commonwealth as otherwise provided by law.

The fee for a temporary permit shall be one-twelfth of the combined fees required by this section for applicable licenses to sell wine, beer, or mixed beverages computed to the nearest cent and multiplied by the number of months for which the permit is granted.

The fee for a keg registration permit shall be \$65 annually.

The fee for a permit for the storage of lawfully acquired alcoholic beverages not under customs bond or internal revenue bond in warehouses located in the Commonwealth shall be \$260 annually.

**§ 4.1-231. Taxes on state licenses.**

A. The annual fees on state licenses shall be as follows:

1. Alcoholic beverage licenses. For each:

a. Distiller's license, if not more than 5,000 gallons of alcohol or spirits, or both, manufactured during the year in which the license is granted, \$450; if more than 5,000 gallons but not more than 36,000 gallons manufactured during such year, \$2,500; and if more than 36,000 gallons manufactured during such year, \$3,725;

b. Fruit distiller's license, \$3,725;

c. Banquet facility license or museum license, \$190;

d. Bed and breakfast establishment license, \$35;

e. Tasting license, \$40 per license granted;

f. Equine sporting event license, \$130;

g. Motor car sporting event facility license, \$130;

h. Day spa license, \$100;

i. Delivery permit, \$120 if the permittee holds no other license under this title;

j. Meal-assembly kitchen license, \$100;

k. Canal boat operator license, \$100;

l. Annual arts venue event license, \$100;

m. Art instruction studio license, \$100; and

n. Commercial lifestyle center license, \$300.

2. Wine licenses. For each:

a. Winery license, if not more than 5,000 gallons of wine manufactured during the year in which the license is granted, \$189, and if more than 5,000 gallons manufactured during such year, \$3,725;

b. (1) Wholesale wine license, \$185 for any wholesaler who sells 30,000 gallons of wine or less per year, \$930 for any wholesaler who sells more than 30,000 gallons per year but not more than 150,000 gallons of wine per year, \$1,430 for any wholesaler who sells more than 150,000 but not more than 300,000 gallons of wine per year, and, \$1,860 for any wholesaler who sells more than 300,000 gallons of wine per year;

(2) Wholesale wine license, including that granted pursuant to § 4.1-207.1, applicable to two or more premises, the annual state license tax shall be the amount set forth in subdivision b (1), multiplied by the number of separate locations covered by the license;

c. Wine importer's license, \$370;

d. Retail off-premises winery license, \$145, which shall include a delivery permit;

e. Farm winery license, \$190 for any Class A license and \$3,725 for any Class B license, each of which shall include a delivery permit;

f. Wine shipper's license, ~~\$95~~ \$230; and

g. Internet wine retailer license, \$150.

3. Beer licenses. For each:

a. Brewery license, if not more than 500 barrels of beer manufactured during the year in which the license is granted, \$350; if not more than 10,000 barrels of beer manufactured during the year in which the license is granted, \$2,150; and if more than 10,000 barrels manufactured during such year, \$4,300;

b. Bottler's license, \$1,430;

c. (1) Wholesale beer license, \$930 for any wholesaler who sells 300,000 cases of beer a year or less, and \$1,430 for any wholesaler who sells more than 300,000 but not more than 600,000 cases of beer a year, and \$1,860 for any wholesaler who sells more than 600,000 cases of beer a year;

(2) Wholesale beer license applicable to two or more premises, the annual state license tax shall be the amount set forth in subdivision c (1), multiplied by the number of separate locations covered by the license;

d. Beer importer's license, \$370;

e. Retail on-premises beer license to a hotel, restaurant, club or other person, except a common carrier of passengers by train or boat, \$145; for each such license to a common carrier of passengers by train or boat, \$145 per annum for each of the average number of boats, dining cars, buffet cars or club cars operated daily in the Commonwealth;

f. Retail off-premises beer license, \$120, which shall include a delivery permit;

g. Retail on-and-off premises beer license to a hotel, restaurant, club or grocery store located in a town or in a rural area outside the corporate limits of any city or town, \$300, which shall include a delivery permit;

h. Beer shipper's license, ~~\$95~~ \$230; and

i. Retail off-premises brewery license, \$120, which shall include a delivery permit.

4. Wine and beer licenses. For each:

a. Retail on-premises wine and beer license to a hotel, restaurant, club or other person, except a common carrier of passengers by train, boat or airplane, \$300; for each such license to a common carrier of passengers by train or boat, \$300 per annum for each of the average number of boats, dining cars, buffet cars or club cars operated daily in the Commonwealth, and for each such license granted to a common carrier of passengers by airplane, \$750;

b. Retail on-premises wine and beer license to a hospital, \$145;

c. Retail on-premises wine and beer license to a historic cinema house, \$200;

d. Retail off-premises wine and beer license, including each gift shop, gourmet shop and convenience grocery store license, \$230, which shall include a delivery permit;

e. Retail on-and-off premises wine and beer license to a hotel, restaurant or club, \$600, which shall include a delivery permit;

f. Banquet license, \$40 per license granted by the Board, except for banquet licenses granted by the Board pursuant to subsection A of § 4.1-215, which shall be \$100 per license;

g. Gourmet brewing shop license, \$230;

h. Wine and beer shipper's license, ~~\$95~~ \$230;

i. Annual banquet license, \$150;

j. Fulfillment warehouse license, \$120;

k. Marketing portal license, \$150; and

l. Gourmet oyster house license, \$230.

5. Mixed beverage licenses. For each:

a. Mixed beverage restaurant license granted to persons operating restaurants, including restaurants located on premises of and operated by hotels or motels, or other persons:

(i) With a seating capacity at tables for up to 100 persons, \$560;

(ii) With a seating capacity at tables for more than 100 but not more than 150 persons, \$975; and

(iii) With a seating capacity at tables for more than 150 persons, \$1,430.

b. Mixed beverage restaurant license for restaurants located on the premises of and operated by private, nonprofit clubs:

(i) With an average yearly membership of not more than 200 resident members, \$750;

(ii) With an average yearly membership of more than 200 but not more than 500 resident members, \$1,860; and

(iii) With an average yearly membership of more than 500 resident members, \$2,765.

c. Mixed beverage caterer's license, \$1,860;

d. Mixed beverage limited caterer's license, \$500;

e. Mixed beverage special events license, \$45 for each day of each event;

f. Mixed beverage club events licenses, \$35 for each day of each event;

g. Annual mixed beverage special events license, \$560;

h. Mixed beverage carrier license:

(i) \$190 for each of the average number of dining cars, buffet cars or club cars operated daily in the Commonwealth by a common carrier of passengers by train;

(ii) \$560 for each common carrier of passengers by boat;

(iii) \$1,475 for each license granted to a common carrier of passengers by airplane.

i. Annual mixed beverage amphitheater license, \$560;

j. Annual mixed beverage motor sports race track license, \$560;

k. Annual mixed beverage banquet license, \$500;

l. Limited mixed beverage restaurant license:

(i) With a seating capacity at tables for up to 100 persons, \$460;

(ii) With a seating capacity at tables for more than 100 but not more than 150 persons, \$875;

(iii) With a seating capacity at tables for more than 150 persons, \$1,330;

m. Annual mixed beverage motor sports facility license, \$560; and

n. Annual mixed beverage performing arts facility license, \$560.

6. Temporary licenses. For each temporary license authorized by § 4.1-211, one-half of the tax imposed by this section on the license for which the applicant applied.

B. The tax on each such license, except banquet and mixed beverage special events licenses, shall be subject to proration to the following extent: If the license is granted in the second quarter of any year, the tax shall be decreased by one-fourth; if granted in the third quarter of any year, the tax shall be decreased by one-half; and if granted in the fourth quarter of any year, the tax shall be decreased by three-fourths.

If the license on which the tax is prorated is a distiller's license to manufacture not more than 5,000 gallons of alcohol or spirits, or both, during the year in which the license is granted, or a winery license to manufacture not more than 5,000 gallons of wine during the year in which the license is granted, the number of gallons permitted to be manufactured shall be prorated in the same manner.

Should the holder of a distiller's license or a winery license to manufacture not more than 5,000 gallons of alcohol or spirits, or both, or wine, apply during the license year for an unlimited distiller's or winery license, such person shall pay for such unlimited license a license tax equal to the amount that would have been charged had such license been applied for at the time that the license to manufacture less than 5,000 gallons of alcohol or spirits or wine, as the case may be, was granted, and such person shall be entitled to a refund of the amount of license tax previously paid on the limited license.

Notwithstanding the foregoing, the tax on each license granted or reissued for a period other than 12, 24, or 36 months shall be equal to one-twelfth of the taxes required by subsection A computed to the nearest cent, multiplied by the number of months in the license period, and then increased by five percent. Such tax shall not be refundable, except as provided in § 4.1-232.

C. Nothing in this chapter shall exempt any licensee from any state merchants' license or state restaurant license or any other state tax. Every licensee, in addition to the taxes imposed by this chapter, shall be liable to state merchants' license taxation and state restaurant license taxation and other state taxation the same as if the alcoholic beverages were nonalcoholic. In ascertaining the liability of a beer wholesaler to merchants' license taxation, however, and in computing the wholesale merchants' license tax on a beer wholesaler, the first \$163,800 of beer purchases shall be disregarded; and in ascertaining the liability of a wholesale wine distributor to merchants' license taxation, and in computing the wholesale merchants' license tax on a wholesale wine distributor, the first \$163,800 of wine purchases shall be disregarded.

D. In addition to the taxes set forth in this section, a fee of \$5 may be imposed on any license purchased in person from the Board if such license is available for purchase online.

**§ 4.1-332. Nonpayment of excise tax on beer, wine coolers, and wine; additional penalties.**

A. No person shall sell (i) beer or wine coolers to retailers or consumers without paying the excise tax imposed by § 4.1-236 or (ii) wine to retailers or consumers without paying the excise tax imposed by subsection A of § 4.1-234. No retailer shall purchase, receive, transport, store or sell any beer ~~or~~, wine coolers, or wine on which such retailer has reason to know such tax has not been paid and may not be paid.

Any person convicted of a violation of this subsection shall be guilty of a Class 1 misdemeanor.

B. In addition to subsection A, on each manufacturer, bottler or wholesaler who fails to make any return and pay the full amount of the tax required by § 4.1-236 or subsection A of § 4.1-234, as applicable, there shall be imposed a civil penalty to be added to the tax in the amount of five percent of the proper tax due if the failure is for not more than thirty days, with an additional five percent for each additional thirty days, or fraction thereof, during which the failure continues. Such civil penalty shall not exceed twenty-five percent in the aggregate. In the case of a false or fraudulent return, where willful intent exists to defraud the Commonwealth of any excise tax due on beer ~~and~~, wine coolers, or wine, a civil penalty of fifty percent of the amount of the proper tax due shall be assessed. All penalties and interest shall be payable to the Board and if not so paid shall be collectible in the same manner as if they were a part of the tax imposed.

C. After reasonable notice to the manufacturer, bottler, wholesaler or retailer, the Board may suspend or revoke the license of the manufacturer, bottler, wholesaler or retailer who has failed to make any return or to pay the full amount of the excise tax.

**CHAPTER 406**

*An Act to amend and reenact §§ 4.1-230, 4.1-231, and 4.1-332 of the Code of Virginia, relating to alcoholic beverage control.*

[S 884]

Approved March 23, 2018

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

**1. That §§ 4.1-230, 4.1-231, and 4.1-332 of the Code of Virginia are amended and reenacted as follows:**

**§ 4.1-230. Applications for licenses; publication; notice to localities; fees; permits.**

A. Every person intending to apply for any license authorized by this chapter shall file with the Board an application on forms provided by the Board and a statement in writing, under oath, setting forth any information required by the Board.

Applications for banquet, tasting, mixed beverage special events, or club events licenses shall not be required to be under oath, but the information contained therein shall be certified as true by the applicant.

Applicants for retail licenses for establishments that serve food or are otherwise required to obtain a food establishment permit from the Department of Health or an inspection by the Department of Agriculture and Consumer Services shall provide a copy of such permit, proof of inspection, proof of a pending application for such permit, or proof of a pending request for such inspection. If the applicant provides a copy of such permit, proof of inspection, proof of a pending application for a permit, or proof of a pending request for an inspection, a license may be issued to the applicant. If a license is issued on the basis of a pending application or inspection, such license shall authorize the licensee to purchase alcoholic beverages in accordance with the provisions of this title; however, the licensee shall not sell or serve alcoholic beverages until a permit is issued or an inspection is completed.

B. In addition, each applicant for a license under the provisions of this chapter, except applicants for annual banquet, banquet, tasting, special events, club events, annual mixed beverage banquet, wine or beer shipper's, wine and beer shipper's, delivery permit, annual arts venue, or museum licenses issued under the provisions of Chapter 2 (§ 4.1-200 et seq.), or beer or wine importer's licenses, shall post a notice of his application with the Board on the front door of the building, place or room where he proposes to engage in such business for no more than 30 days and not less than 10 days. Such notice shall be of a size and contain such information as required by the Board, including a statement that any objections shall be submitted to the Board not more than 30 days following initial publication of the notice required pursuant to this subsection.

The applicant shall also cause notice to be published at least once a week for two consecutive weeks in a newspaper published in or having a general circulation in the county, city or town wherein such applicant proposes to engage in such business. Such notice shall contain such information as required by the Board, including a statement that any objections to the issuance of the license be submitted to the Board not later than 30 days from the date of the initial newspaper publication. In the case of wine or beer shipper's licensees, wine and beer shipper's licensees, delivery permittees or operators of boats, dining cars, buffet cars, club cars, and airplanes, the posting and publishing of notice shall not be required.

Except for applicants for annual banquet, banquet, tasting, mixed beverage special events, club events, annual mixed beverage banquet, wine or beer shipper's, wine and beer shipper's, beer or wine importer's, annual arts venue, or museum licenses, the Board shall conduct a background investigation, to include a criminal history records search, which may include a fingerprint-based national criminal history records search, on each applicant for a license. However, the Board may waive, for good cause shown, the requirement for a criminal history records search and completed personal data form for officers, directors, managers, nonmanaging members, or limited partners of any applicant corporation, limited liability company, or limited partnership.

Except for applicants for wine shipper's, beer shipper's, wine and beer shipper's licenses, and delivery permits, the Board shall notify the local governing body of each license application through the county or city attorney or the chief law-enforcement officer of the locality. Local governing bodies shall submit objections to the granting of a license within 30 days of the filing of the application.

C. Each applicant shall pay the required application fee at the time the application is filed. Each license application fee, including annual banquet and annual mixed beverage banquet, shall be ~~\$65~~ \$195, plus the actual cost charged to the Department of State Police by the Federal Bureau of Investigation or the Central Criminal Records Exchange for processing any fingerprints through the Federal Bureau of Investigation or the Central Criminal Records Exchange for each criminal history records search required by the Board, except for banquet, tasting, ~~mixed beverage special events~~, or mixed beverage club events licenses, in which case the application fee shall be \$15. *The application fee for banquet special event and mixed beverage special event licenses shall be \$45.* Application fees shall be in addition to the state license fee required pursuant to § 4.1-231 and shall not be refunded.

D. Subsection A shall not apply to the continuance of licenses granted under this chapter; however, all licensees shall file and maintain with the Board a current, accurate record of the information required by the Board pursuant to subsection A and notify the Board of any changes to such information in accordance with Board regulations.

E. Every application for a permit granted pursuant to § 4.1-212 shall be on a form provided by the Board. In the case of applications to solicit the sale of wine and beer or spirits, each application shall be accompanied by a fee of \$165 and \$390, respectively. The fee for each such permit shall be subject to proration to the following extent: If the permit is granted in the second quarter of any year, the fee shall be decreased by one-fourth; if granted in the third quarter of any year, the fee shall be decreased by one-half; and if granted in the fourth quarter of any year, the fee shall be decreased by three-fourths. Each such permit shall expire on June 30 next succeeding the date of issuance, unless sooner suspended or revoked by the Board. Such permits shall confer upon their holders no authority to make solicitations in the Commonwealth as otherwise provided by law.

The fee for a temporary permit shall be one-twelfth of the combined fees required by this section for applicable licenses to sell wine, beer, or mixed beverages computed to the nearest cent and multiplied by the number of months for which the permit is granted.

The fee for a keg registration permit shall be \$65 annually.

The fee for a permit for the storage of lawfully acquired alcoholic beverages not under customs bond or internal revenue bond in warehouses located in the Commonwealth shall be \$260 annually.

**§ 4.1-231. Taxes on state licenses.**

A. The annual fees on state licenses shall be as follows:

1. Alcoholic beverage licenses. For each:

a. Distiller's license, if not more than 5,000 gallons of alcohol or spirits, or both, manufactured during the year in which the license is granted, \$450; if more than 5,000 gallons but not more than 36,000 gallons manufactured during such year, \$2,500; and if more than 36,000 gallons manufactured during such year, \$3,725;

b. Fruit distiller's license, \$3,725;

c. Banquet facility license or museum license, \$190;

d. Bed and breakfast establishment license, \$35;

e. Tasting license, \$40 per license granted;

f. Equine sporting event license, \$130;

g. Motor car sporting event facility license, \$130;

h. Day spa license, \$100;

i. Delivery permit, \$120 if the permittee holds no other license under this title;

j. Meal-assembly kitchen license, \$100;

k. Canal boat operator license, \$100;

l. Annual arts venue event license, \$100;

m. Art instruction studio license, \$100; and

n. Commercial lifestyle center license, \$300.

2. Wine licenses. For each:

a. Winery license, if not more than 5,000 gallons of wine manufactured during the year in which the license is granted, \$189, and if more than 5,000 gallons manufactured during such year, \$3,725;

b. (1) Wholesale wine license, \$185 for any wholesaler who sells 30,000 gallons of wine or less per year, \$930 for any wholesaler who sells more than 30,000 gallons per year but not more than 150,000 gallons of wine per year, \$1,430 for any wholesaler who sells more than 150,000 but not more than 300,000 gallons of wine per year, and, \$1,860 for any wholesaler who sells more than 300,000 gallons of wine per year;

(2) Wholesale wine license, including that granted pursuant to § 4.1-207.1, applicable to two or more premises, the annual state license tax shall be the amount set forth in subdivision b (1), multiplied by the number of separate locations covered by the license;

c. Wine importer's license, \$370;

d. Retail off-premises winery license, \$145, which shall include a delivery permit;

e. Farm winery license, \$190 for any Class A license and \$3,725 for any Class B license, each of which shall include a delivery permit;

f. Wine shipper's license, ~~\$95~~ \$230; and

g. Internet wine retailer license, \$150.

3. Beer licenses. For each:

a. Brewery license, if not more than 500 barrels of beer manufactured during the year in which the license is granted, \$350; if not more than 10,000 barrels of beer manufactured during the year in which the license is granted, \$2,150; and if more than 10,000 barrels manufactured during such year, \$4,300;

b. Bottler's license, \$1,430;

c. (1) Wholesale beer license, \$930 for any wholesaler who sells 300,000 cases of beer a year or less, and \$1,430 for any wholesaler who sells more than 300,000 but not more than 600,000 cases of beer a year, and \$1,860 for any wholesaler who sells more than 600,000 cases of beer a year;

(2) Wholesale beer license applicable to two or more premises, the annual state license tax shall be the amount set forth in subdivision c (1), multiplied by the number of separate locations covered by the license;

d. Beer importer's license, \$370;

e. Retail on-premises beer license to a hotel, restaurant, club or other person, except a common carrier of passengers by train or boat, \$145; for each such license to a common carrier of passengers by train or boat, \$145 per annum for each of the average number of boats, dining cars, buffet cars or club cars operated daily in the Commonwealth;

f. Retail off-premises beer license, \$120, which shall include a delivery permit;

g. Retail on-and-off premises beer license to a hotel, restaurant, club or grocery store located in a town or in a rural area outside the corporate limits of any city or town, \$300, which shall include a delivery permit;

h. Beer shipper's license, ~~\$95~~ \$230; and

i. Retail off-premises brewery license, \$120, which shall include a delivery permit.

4. Wine and beer licenses. For each:

a. Retail on-premises wine and beer license to a hotel, restaurant, club or other person, except a common carrier of passengers by train, boat or airplane, \$300; for each such license to a common carrier of passengers by train or boat, \$300 per annum for each of the average number of boats, dining cars, buffet cars or club cars operated daily in the Commonwealth, and for each such license granted to a common carrier of passengers by airplane, \$750;

b. Retail on-premises wine and beer license to a hospital, \$145;

c. Retail on-premises wine and beer license to a historic cinema house, \$200;

- d. Retail off-premises wine and beer license, including each gift shop, gourmet shop and convenience grocery store license, \$230, which shall include a delivery permit;
  - e. Retail on-and-off premises wine and beer license to a hotel, restaurant or club, \$600, which shall include a delivery permit;
  - f. Banquet license, \$40 per license granted by the Board, except for banquet licenses granted by the Board pursuant to subsection A of § 4.1-215, which shall be \$100 per license;
  - g. Gourmet brewing shop license, \$230;
  - h. Wine and beer shipper's license, ~~\$95~~ \$230;
  - i. Annual banquet license, \$150;
  - j. Fulfillment warehouse license, \$120;
  - k. Marketing portal license, \$150; and
  - l. Gourmet oyster house license, \$230.
5. Mixed beverage licenses. For each:
- a. Mixed beverage restaurant license granted to persons operating restaurants, including restaurants located on premises of and operated by hotels or motels, or other persons:
    - (i) With a seating capacity at tables for up to 100 persons, \$560;
    - (ii) With a seating capacity at tables for more than 100 but not more than 150 persons, \$975; and
    - (iii) With a seating capacity at tables for more than 150 persons, \$1,430.
  - b. Mixed beverage restaurant license for restaurants located on the premises of and operated by private, nonprofit clubs:
    - (i) With an average yearly membership of not more than 200 resident members, \$750;
    - (ii) With an average yearly membership of more than 200 but not more than 500 resident members, \$1,860; and
    - (iii) With an average yearly membership of more than 500 resident members, \$2,765.
  - c. Mixed beverage caterer's license, \$1,860;
  - d. Mixed beverage limited caterer's license, \$500;
  - e. Mixed beverage special events license, \$45 for each day of each event;
  - f. Mixed beverage club events licenses, \$35 for each day of each event;
  - g. Annual mixed beverage special events license, \$560;
  - h. Mixed beverage carrier license:
    - (i) \$190 for each of the average number of dining cars, buffet cars or club cars operated daily in the Commonwealth by a common carrier of passengers by train;
    - (ii) \$560 for each common carrier of passengers by boat;
    - (iii) \$1,475 for each license granted to a common carrier of passengers by airplane.
  - i. Annual mixed beverage amphitheater license, \$560;
  - j. Annual mixed beverage motor sports race track license, \$560;
  - k. Annual mixed beverage banquet license, \$500;
  - l. Limited mixed beverage restaurant license:
    - (i) With a seating capacity at tables for up to 100 persons, \$460;
    - (ii) With a seating capacity at tables for more than 100 but not more than 150 persons, \$875;
    - (iii) With a seating capacity at tables for more than 150 persons, \$1,330;
  - m. Annual mixed beverage motor sports facility license, \$560; and
  - n. Annual mixed beverage performing arts facility license, \$560.
6. Temporary licenses. For each temporary license authorized by § 4.1-211, one-half of the tax imposed by this section on the license for which the applicant applied.

B. The tax on each such license, except banquet and mixed beverage special events licenses, shall be subject to proration to the following extent: If the license is granted in the second quarter of any year, the tax shall be decreased by one-fourth; if granted in the third quarter of any year, the tax shall be decreased by one-half; and if granted in the fourth quarter of any year, the tax shall be decreased by three-fourths.

If the license on which the tax is prorated is a distiller's license to manufacture not more than 5,000 gallons of alcohol or spirits, or both, during the year in which the license is granted, or a winery license to manufacture not more than 5,000 gallons of wine during the year in which the license is granted, the number of gallons permitted to be manufactured shall be prorated in the same manner.

Should the holder of a distiller's license or a winery license to manufacture not more than 5,000 gallons of alcohol or spirits, or both, or wine, apply during the license year for an unlimited distiller's or winery license, such person shall pay for such unlimited license a license tax equal to the amount that would have been charged had such license been applied for at the time that the license to manufacture less than 5,000 gallons of alcohol or spirits or wine, as the case may be, was granted, and such person shall be entitled to a refund of the amount of license tax previously paid on the limited license.

Notwithstanding the foregoing, the tax on each license granted or reissued for a period other than 12, 24, or 36 months shall be equal to one-twelfth of the taxes required by subsection A computed to the nearest cent, multiplied by the number of months in the license period, and then increased by five percent. Such tax shall not be refundable, except as provided in § 4.1-232.

C. Nothing in this chapter shall exempt any licensee from any state merchants' license or state restaurant license or any other state tax. Every licensee, in addition to the taxes imposed by this chapter, shall be liable to state merchants' license taxation and state restaurant license taxation and other state taxation the same as if the alcoholic beverages were nonalcoholic. In ascertaining the liability of a beer wholesaler to merchants' license taxation, however, and in computing the wholesale merchants' license tax on a beer wholesaler, the first \$163,800 of beer purchases shall be disregarded; and in ascertaining the liability of a wholesale wine distributor to merchants' license taxation, and in computing the wholesale merchants' license tax on a wholesale wine distributor, the first \$163,800 of wine purchases shall be disregarded.

D. In addition to the taxes set forth in this section, a fee of \$5 may be imposed on any license purchased in person from the Board if such license is available for purchase online.

**§ 4.1-332. Nonpayment of excise tax on beer, wine coolers, and wine; additional penalties.**

A. No person shall sell (i) beer or wine coolers to retailers or consumers without paying the excise tax imposed by § 4.1-236 or (ii) wine to retailers or consumers without paying the excise tax imposed by subsection A of § 4.1-234. No retailer shall purchase, receive, transport, store or sell any beer ~~or~~, wine coolers, or wine on which such retailer has reason to know such tax has not been paid and may not be paid.

Any person convicted of a violation of this subsection shall be guilty of a Class 1 misdemeanor.

B. In addition to subsection A, on each manufacturer, bottler or wholesaler who fails to make any return and pay the full amount of the tax required by § 4.1-236 or subsection A of § 4.1-234, as applicable, there shall be imposed a civil penalty to be added to the tax in the amount of five percent of the proper tax due if the failure is for not more than thirty days, with an additional five percent for each additional thirty days, or fraction thereof, during which the failure continues. Such civil penalty shall not exceed twenty-five percent in the aggregate. In the case of a false or fraudulent return, where willful intent exists to defraud the Commonwealth of any excise tax due on beer ~~and~~, wine coolers, or wine, a civil penalty of fifty percent of the amount of the proper tax due shall be assessed. All penalties and interest shall be payable to the Board and if not so paid shall be collectible in the same manner as if they were a part of the tax imposed.

C. After reasonable notice to the manufacturer, bottler, wholesaler or retailer, the Board may suspend or revoke the license of the manufacturer, bottler, wholesaler or retailer who has failed to make any return or to pay the full amount of the excise tax.

## CHAPTER 407

*An Act to amend and reenact § 19.2-152.7 of the Code of Virginia, relating to Department of Criminal Justice Services to review pretrial services agencies; report.*

[H 996]

Approved March 23, 2018

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

**1. That § 19.2-152.7 of the Code of Virginia is amended and reenacted as follows:**

**§ 19.2-152.7. Funding; failure to comply.**

Counties and cities shall be required to establish a pretrial services agency only to the extent funded by the Commonwealth through the general appropriation act. The Department of Criminal Justice Services shall ~~periodically~~ *annually* review each agency established under this article to determine compliance with the submitted plan and operating standards. If the Department determines that any agency is not in substantial compliance with the submitted plan or standards, the Department may suspend all or any portion of financial aid made available to the locality for purposes of this article until there is compliance.

*The Department shall report annually on or before December 31 to the Governor and the General Assembly on the performance of each pretrial services agency, to include (i) the total amount of funding received by that agency; (ii) the number of investigations conducted by that agency; (iii) the number of defendants placed on pretrial supervision with that agency; (iv) the average daily caseload of that agency; (v) the appearance, public safety, and compliance rates of defendants placed on pretrial supervision with that agency; and (vi) a determination of whether that agency is in substantial compliance with all grant conditions and standards prescribed by the Department pursuant to § 19.2-152.3. If an agency is not in substantial compliance with all grant conditions and standards prescribed by the Department pursuant to § 19.2-152.3, that agency and the Department shall develop a plan and identify a timeframe to achieve compliance. A copy of that plan of compliance shall be included in the annual report. The Department shall ensure such report is available to the public.*

## CHAPTER 408

*An Act to amend and reenact § 55-248.41 of the Code of Virginia, relating to Manufactured Home Lot Rental Act; definition of manufactured home park.*

[H 1047]

Approved March 23, 2018

**Be it enacted by the General Assembly of Virginia:****1. That § 55-248.41 of the Code of Virginia is amended and reenacted as follows:****§ 55-248.41. Definitions.**

For the purposes of this chapter, unless expressly stated otherwise:

"Abandoned manufactured home" means a manufactured home occupying a manufactured home lot pursuant to a written agreement under which the tenant has defaulted in rent or if the landlord has the right to terminate the lease pursuant to § 55-248.33;

"Landlord" means the manufactured home park owner, lessor or sublessor, or a manager who fails to disclose the name of such owner, lessor or sublessor as provided in § 55-248.12;

"Manufactured home" means a structure, transportable in one or more sections, which in the traveling mode is 8 body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein;

"Manufactured home lot" means a parcel of land within the boundaries of a manufactured home park provided for the placement of a single manufactured home and the exclusive use of its occupants;

"Manufactured home park" means a parcel of land under single or common ownership upon which ~~ten~~ five or more manufactured homes are located on a continual, nonrecreational basis together with any structure, equipment, road or facility intended for use incidental to the occupancy of the manufactured homes, but ~~shall~~ does not include premises used solely for storage or display of uninhabited manufactured homes; or premises occupied solely by a landowner and members of his family;

"Owner" means one or more persons, jointly or severally, in whom is vested (i) all or part of the legal title to the property, or (ii) all or part of the beneficial ownership and right to present use and enjoyment of the premises, and the term includes a mortgagee in possession;

"Rent" means payments made by the tenant to the landlord for use of a manufactured home lot and other facilities or services provided by the landlord;

"Rental agreement" means any agreement, written or oral, and valid rules and regulations adopted in conformance with § 55-248.17 embodying the terms and conditions concerning the use and occupancy of a manufactured home lot and premises and other facilities or services provided by the landlord; ~~and~~.

"Tenant" means a person entitled as under a rental agreement to occupy a manufactured home lot to the exclusion of others.

**CHAPTER 409**

*An Act to amend and reenact § 3, as amended, of Chapter 94 of the Acts of Assembly of 1980, relating to the Dinwiddie Airport and Industrial Authority; residency requirements.*

[H 1132]

Approved March 23, 2018

**Be it enacted by the General Assembly of Virginia:****1. That § 3, as amended, of Chapter 94 of the Acts of Assembly of 1980 is amended and reenacted as follows:****§ 3. Dinwiddie Airport and Industrial Authority.**

There is hereby created and constituted a body politic and corporate and a political subdivision of the Commonwealth to be known as the "Dinwiddie Airport and Industrial Authority." The exercise by the Authority of the powers conferred by this act in the construction, operation and maintenance of the airport or in the promotion of industry, trade or commerce authorized by this act shall be deemed and held to be the performance of an essential governmental function.

The Authority shall consist of ~~six members all of whom shall be appointed by their respective governing bodies in the city of Petersburg and the county of Dinwiddie as hereinafter provided, all of whom shall be residents of such political subdivisions at the time of their appointment and during their tenure. Two of the members of the Authority first appointed shall continue in office for terms expiring on January 31, 1982, one from the city and the other from the county; two for terms expiring on January 31, 1983, one from the city and the other from the county; and two for terms expiring on January 31, 1984, one from the city and the other from the county. On and after July 1, 1986, the Authority shall consist of seven members, only at least four of whom shall be residents of the County of Dinwiddie and at least one of whom shall be a resident of the City of Petersburg. Each of the six members in office on July 1, 1986, shall remain in office, and, effective on that date, an additional member, who shall be a resident of the County of Dinwiddie, shall be appointed by the governing body of the County of Dinwiddie for a term ending January 31, 1987. All appointments subsequent to July 1, 1986, shall be made by the governing body of the County of Dinwiddie. Members of the Authority shall continue to serve until their successors shall be duly appointed and have qualified. The successor of any member shall be appointed for a term of three years and until his successor shall be duly appointed and qualified, except that any person appointed to fill a vacancy shall serve only for the unexpired term, but may thereafter be appointed and reappointed for a full term. Any member of the Authority shall be eligible for reappointment without limitation on the number of terms served. Members of the Authority shall be subject to removal from office in like manner as are Commonwealth, county, town and district officers under the~~

provisions of ~~§ 24.1-79.1~~ § 24.2-230 et seq. of the Code of Virginia. Each member of the Authority shall, before entering upon the discharge of the duties of his office, take and subscribe the oath prescribed in § 49-1 of the Code of Virginia. Any appointee who shall cease to reside within ~~the city or county from which he was appointed shall thereupon be disqualified from holding office as a member of the Authority~~ *the County of Dinwiddie may be removed from office at the discretion of the governing body of the County of Dinwiddie.*

The Authority shall annually elect one of its members as chairman and another as vice-chairman and shall also elect annually a secretary-treasurer, who may or may not be a member of the Authority. The secretary-treasurer shall keep a record of the proceedings of the Authority and shall be custodian of all books, documents and papers filed with the Authority and of the minute book or journal of the Authority and of its official seal. He shall have authority to cause copies to be made of all minutes and other records and documents of the Authority and to give certificates under the official seal of the Authority to the effect that such copies are true copies, and all persons dealing with the Authority may rely upon such certificates.

Four members of the Authority shall constitute a quorum and the affirmative vote of four members shall be necessary for any action taken by the Authority. No vacancy in the membership of the Authority shall impair the right of a quorum to exercise all the rights and perform all the duties of the Authority. The Authority shall keep suitable records of all its financial transactions and shall have the same audited annually. Copies of such audit shall be furnished the governing body of the County of Dinwiddie and shall be open to public inspection.

Before the issuance of any revenue bonds under the provisions of this act and at any other time the Authority may direct, the secretary-treasurer of the Authority shall execute a surety bond in the penal sum of ~~fifty thousand dollars~~ \$50,000, such surety bond to be conditioned upon the faithful performance of the duties of his office, to be executed by a surety company authorized to transact business in the Commonwealth as surety and to be approved by the Attorney General and filed in the office of the Secretary of the Commonwealth.

The members of the Authority shall be entitled to reimbursement for their expenses incurred in attendance upon the meetings of the Authority or while otherwise engaged in the discharge of their duties. Each member shall also be entitled to the sum of ~~fifty dollars~~ \$50 per day for each day or portion thereof during which he is engaged in the performance of his duties, with the maximum payable to any one member in any one calendar year of ~~fifteen hundred dollars~~ \$1,500.

The members of the Authority shall not be personally liable for any act done or action taken in their capacities as members of the Authority, nor shall they be personally liable for any bond, note or other evidence of indebtedness issued by the Authority.

## CHAPTER 410

*An Act to amend and reenact § 19.2-56 of the Code of Virginia, relating to return of search warrants to jurisdiction where executed.*

[H 1164]

Approved March 23, 2018

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

**1. That § 19.2-56 of the Code of Virginia is amended and reenacted as follows:**

**§ 19.2-56. To whom search warrant directed; what it shall command; warrant to show date and time of issuance; copy of affidavit to be part of warrant and served therewith; warrants not executed within 15 days.**

The judge, magistrate or other official authorized to issue criminal warrants, shall issue a search warrant if he finds from the facts or circumstances recited in the affidavit that there is probable cause for the issuance thereof.

Every search warrant shall be directed to (i) the sheriff, sergeant, or any policeman of the county, city or town in which the place to be searched is located, (ii) any law-enforcement officer or agent employed by the Commonwealth and vested with the powers of sheriffs and police, or (iii) jointly to any such sheriff, sergeant, policeman or law-enforcement officer or agent and an agent, special agent or officer of the Federal Bureau of Investigation, the Bureau of Alcohol, Tobacco and Firearms of the United States Treasury, the United States Naval Criminal Investigative Service, the United States Postal Department of Homeland Security, any inspector, law-enforcement official or police personnel of the United States Postal Service, or the Drug Enforcement Administration. The warrant shall (a) name the affiant, (b) recite the offense or the identity of the person to be arrested for whom a warrant or process for arrest has been issued in relation to which the search is to be made, (c) name or describe the place to be searched, (d) describe the property or person to be searched for, and (e) recite that the magistrate has found probable cause to believe that the property or person constitutes evidence of a crime (identified in the warrant) or tends to show that a person (named or described therein) has committed or is committing a crime or that the person to be arrested for whom a warrant or process for arrest has been issued is located at the place to be searched.

The warrant shall command that the place be forthwith searched, either in day or night, and that the objects or persons described in the warrant, if found there, be seized. An inventory shall be produced before a court having jurisdiction of the offense or over the person to be arrested for whom a warrant or process for arrest has been issued in relation to which the warrant was issued as provided in § 19.2-57.

Any such warrant as provided in this section shall be executed by the policeman or other law-enforcement officer or agent into whose hands it shall come or be delivered. If the warrant is directed jointly to a sheriff, sergeant, policeman or law-enforcement officer or agent of the Commonwealth and a federal agent or officer as otherwise provided in this section, the warrant may be executed jointly or by the policeman, law-enforcement officer or agent into whose hands it is delivered. No other person may be permitted to be present during or participate in the execution of a warrant to search a place except (1) the owners and occupants of the place to be searched when permitted to be present by the officer in charge of the conduct of the search and (2) persons designated by the officer in charge of the conduct of the search to assist or provide expertise in the conduct of the search.

Any search warrant for records or other information pertaining to a subscriber to, or customer of, an electronic communication service or remote computing service, whether a domestic corporation or foreign corporation, that is transacting or has transacted any business in the Commonwealth, to be executed upon such service provider may be executed within or ~~without~~ outside the Commonwealth by hand, United States mail, commercial delivery service, facsimile, or other electronic means upon the service provider. Notwithstanding the provisions of § 19.2-57, the officer executing a warrant pursuant to this paragraph shall endorse the date of execution thereon and shall file the warrant, with the inventory attached (or a notation that no property was seized) and the accompanying affidavit, unless such affidavit was made by voice or videotape recording, within three days after the materials ordered to be produced are received by the officer from the service provider. The return shall be made in the circuit court clerk's office for the jurisdiction wherein the warrant was (A) *executed, if executed within the Commonwealth, and a copy of the return shall also be delivered to the clerk of the circuit court of the county or city where the warrant was issued; or (B) issued, if executed outside the Commonwealth.* Saturdays, Sundays, or any federal or state legal holiday shall not be used in computing the three-day filing period.

Electronic communication service or remote computing service providers, whether a foreign or domestic corporation, shall also provide the contents of electronic communications pursuant to a search warrant issued under this section and § 19.2-70.3 using the same process described in the preceding paragraph.

Notwithstanding the provisions of § 19.2-57, any search warrant for records or other information pertaining to a customer of a financial institution as defined in § 6.2-604, money transmitter as defined in § 6.2-1900, commercial business providing credit history or credit reports, or issuer as defined in § 6.2-424 may be executed within the Commonwealth by hand, United States mail, commercial delivery service, facsimile, or other electronic means upon the financial institution, money transmitter, commercial business providing credit history or credit reports, or issuer. The officer executing such warrant shall endorse the date of execution thereon and shall file the warrant, with the inventory attached (or a notation that no property was seized) and the accompanying affidavit, unless such affidavit was made by voice or videotape recording, within three days after the materials ordered to be produced are received by the officer from the financial institution, money transmitter, commercial business providing credit history or credit reports, or issuer. The return shall be made in the circuit court clerk's office for the jurisdiction wherein the warrant was executed. Saturdays, Sundays, or any federal or state legal holiday shall not be used in computing the three-day filing period. For the purposes of this section, the warrant will be considered executed in the jurisdiction where the entity on which the warrant is served is located.

Every search warrant shall contain the date and time it was issued. However, the failure of any such search warrant to contain the date and time it was issued shall not render the warrant void, provided that the date and time of issuing of said warrant is established by competent evidence.

The judge, magistrate, or other official authorized to issue criminal warrants shall attach a copy of the affidavit required by § 19.2-54, which shall become a part of the search warrant and served therewith. However, this provision shall not be applicable in any case in which the affidavit is made by means of a voice or videotape recording or where the affidavit has been sealed pursuant to § 19.2-54.

Any search warrant not executed within 15 days after issuance thereof shall be returned to, and voided by, the officer who issued such search warrant.

For the purposes of this section:

"Foreign corporation" means any corporation or other entity, whose primary place of business is located outside of the boundaries of the Commonwealth, that makes a contract or engages in a terms of service agreement with a resident of the Commonwealth to be performed in whole or in part by either party in the Commonwealth, or a corporation that has been issued a certificate of authority pursuant to § 13.1-759 to transact business in the Commonwealth. The making of the contract or terms of service agreement or the issuance of a certificate of authority shall be considered to be the agreement of the foreign corporation or entity that a search warrant or subpoena, which has been properly served on it, has the same legal force and effect as if served personally within the Commonwealth.

"Properly served" means delivery of a search warrant or subpoena by hand, by United States mail, by commercial delivery service, by facsimile or by any other manner to any officer of a corporation or its general manager in the Commonwealth, to any natural person designated by it as agent for the service of process, or if such corporation has designated a corporate agent, to any person named in the latest annual report filed pursuant to § 13.1-775.

## CHAPTER 411

*An Act to amend and reenact §§ 46.2-1232 and 46.2-1233 of the Code of Virginia, relating to towing ordinances; Planning District 16 (George Washington).*

[H 1349]

Approved March 23, 2018

**Be it enacted by the General Assembly of Virginia:****1. That §§ 46.2-1232 and 46.2-1233 of the Code of Virginia are amended and reenacted as follows:****§ 46.2-1232. Localities may regulate removal or immobilization of trespassing vehicles.**

A. The governing body of any county, city, or town may by ordinance regulate the removal of trespassing vehicles from property by or at the direction of the owner, operator, lessee, or authorized agent in charge of the property. In the event that a vehicle is towed from one locality and stored in or released from a location in another locality, the local ordinance, if any, of the locality from which the vehicle was towed shall apply.

B. No local ordinance adopted under authority of this section shall require that any towing and recovery business also operate as or provide services as a vehicle repair facility or body shop, filling station, or any business other than a towing and recovery business.

C. Any such local ordinance may also require towing and recovery operators to (i) obtain and retain photographs or other documentary evidence substantiating the reason for the removal; (ii) post signs at their main place of business and at any other location where towed vehicles may be reclaimed conspicuously indicating (a) the maximum charges allowed by local ordinance, if any, for all their fees for towing, recovery, and storage services and (b) the name and business telephone number of the local official, if any, responsible for handling consumer complaints; (iii) obtain at the time the vehicle is towed, verbal approval of an agent designated in the local ordinance who is available at all times; and (iv) obtain, at the time the vehicle is towed, if such towing is performed during the normal business hours of the owner of the property from which the vehicle is being towed, the written authorization of the owner of the property from which the vehicle is towed, or his agent. Such written authorization, if required, shall be in addition to any written contract between the towing and recovery operator and the owner of the property or his agent, except for vehicles being towed from a locality within Planning District 8 or Planning District 16, which shall not require written authorization if such written contract is in place. Any such written contract governing a property located within Planning District 8 or Planning District 16 shall clearly state the terms on which towing and recovery operators may monitor private lots on behalf of property owners. For the purposes of this subsection, "agent" shall not include any person who either (a) is related by blood or marriage to the towing and recovery operator or (b) has a financial interest in the towing and recovery operator's business.

D. Any such ordinance adopted by a locality within Planning District 8 may require towing companies that tow vehicles from the county, city, or town adopting the ordinance to other localities, provided that the stored or released location is within the Commonwealth of Virginia and within 10 miles of the point of origin of the actual towing, (i) to obtain from the locality from which such vehicles are towed a permit to do so and (ii) to submit to an inspection of such towing company's facilities to ensure that the company meets all the locality's requirements, regardless of whether such facilities are located within the locality or elsewhere. The locality may impose and collect reasonable fees for the issuance and administration of permits as provided for in this subsection. Such ordinance may also provide grounds for revocation, suspension, or modification of any permit issued under this subsection, subject to notice to the permittee of the revocation, suspension, or modification and an opportunity for the permittee to have a hearing before the governing body of the locality or its designated agent to challenge the revocation, suspension, or modification. Any tow truck driver who removes or tows a vehicle, pursuant to any such ordinance, that is occupied by an unattended companion animal as defined in § 3.2-6500 shall, upon such removal, immediately notify the animal control office of the locality in which the vehicle is being removed or towed. Nothing in this subsection shall be applicable to public safety towing.

**§ 46.2-1233. Localities may regulate towing fees.**

The governing body of any locality may by ordinance set reasonable limits on fees charged for the removal of motor vehicles, trailers, and parts thereof left on private property in violation of § 46.2-1231, and for the removal of trespassing vehicles under § 46.2-1215, taking into consideration the fair market value of such removal.

Localities in Planning District 8 and Planning District 16 shall establish by ordinance (i) a hookup and initial towing fee of \$135 and (ii) for towing a vehicle between seven o'clock p.m. and eight o'clock a.m. or on any Saturday, Sunday, or holiday, an additional fee of \$25 per instance; however, such ordinance shall also provide that in no event shall more than two such additional fees be charged for towing any vehicle.

## CHAPTER 412

*An Act to amend and reenact §§ 46.2-1232 and 46.2-1233 of the Code of Virginia, relating to trespass towing.*

[S 601]

Approved March 23, 2018

**Be it enacted by the General Assembly of Virginia:****1. That §§ 46.2-1232 and 46.2-1233 of the Code of Virginia are amended and reenacted as follows:****§ 46.2-1232. Localities may regulate removal or immobilization of trespassing vehicles.**

A. The governing body of any county, city, or town may by ordinance regulate the removal of trespassing vehicles from property by or at the direction of the owner, operator, lessee, or authorized agent in charge of the property. In the event that a vehicle is towed from one locality and stored in or released from a location in another locality, the local ordinance, if any, of the locality from which the vehicle was towed shall apply.

B. No local ordinance adopted under authority of this section shall require that any towing and recovery business also operate as or provide services as a vehicle repair facility or body shop, filling station, or any business other than a towing and recovery business.

C. Any such local ordinance may also require towing and recovery operators to (i) obtain and retain photographs or other documentary evidence substantiating the reason for the removal; (ii) post signs at their main place of business and at any other location where towed vehicles may be reclaimed conspicuously indicating (a) the maximum charges allowed by local ordinance, if any, for all their fees for towing, recovery, and storage services and (b) the name and business telephone number of the local official, if any, responsible for handling consumer complaints; (iii) obtain at the time the vehicle is towed, verbal approval of an agent designated in the local ordinance who is available at all times; and (iv) obtain, at the time the vehicle is towed, if such towing is performed during the normal business hours of the owner of the property from which the vehicle is being towed, the written authorization of the owner of the property from which the vehicle is towed, or his agent. Such written authorization, if required, shall be in addition to any written contract between the towing and recovery operator and the owner of the property or his agent, except for vehicles being towed from a locality within Planning District 8 or Planning District 16, which shall not require written authorization if such written contract is in place. Any such written contract governing a property located within Planning District 8 or Planning District 16 shall clearly state the terms on which towing and recovery operators may monitor private lots on behalf of property owners. For the purposes of this subsection, "agent" shall not include any person who either (a) is related by blood or marriage to the towing and recovery operator or (b) has a financial interest in the towing and recovery operator's business.

D. Any such ordinance adopted by a locality within Planning District 8 may require towing companies that tow vehicles from the county, city, or town adopting the ordinance to other localities, provided that the stored or released location is within the Commonwealth of Virginia and within 10 miles of the point of origin of the actual towing, (i) to obtain from the locality from which such vehicles are towed a permit to do so and (ii) to submit to an inspection of such towing company's facilities to ensure that the company meets all the locality's requirements, regardless of whether such facilities are located within the locality or elsewhere. The locality may impose and collect reasonable fees for the issuance and administration of permits as provided for in this subsection. Such ordinance may also provide grounds for revocation, suspension, or modification of any permit issued under this subsection, subject to notice to the permittee of the revocation, suspension, or modification and an opportunity for the permittee to have a hearing before the governing body of the locality or its designated agent to challenge the revocation, suspension, or modification. Any tow truck driver who removes or tows a vehicle, pursuant to any such ordinance, that is occupied by an unattended companion animal as defined in § 3.2-6500 shall, upon such removal, immediately notify the animal control office of the locality in which the vehicle is being removed or towed. Nothing in this subsection shall be applicable to public safety towing.

**§ 46.2-1233. Localities may regulate towing fees.**

The governing body of any locality may by ordinance set reasonable limits on fees charged for the removal of motor vehicles, trailers, and parts thereof left on private property in violation of § 46.2-1231, and for the removal of trespassing vehicles under § 46.2-1215, taking into consideration the fair market value of such removal.

Localities in Planning District 8 and Planning District 16 shall establish by ordinance (i) a hookup and initial towing fee of \$135 and (ii) for towing a vehicle between seven o'clock p.m. and eight o'clock a.m. or on any Saturday, Sunday, or holiday, an additional fee of \$25 per instance; however, such ordinance shall also provide that in no event shall more than two such additional fees be charged for towing any vehicle.

**CHAPTER 413**

*An Act to amend and reenact §§ 2 and 3, as amended, of Chapter 107 of the Acts of Assembly of 1901, which provided a charter for the Town of Jonesville in Lee County, relating to town council.*

[H 1428]

Approved March 23, 2018

**Be it enacted by the General Assembly of Virginia:****1. That §§ 2 and 3, as amended, of Chapter 107 of the Acts of Assembly of 1901 is amended and reenacted as follows:**

§ 2. ~~The~~ *Beginning July 1, 2018, the government of said town shall be vested in a mayor and seven councilmen, and beginning in 2018 the elections under this charter for mayor and councilmen shall be held on the first Tuesday in May of every even-numbered year and every four years thereafter, and those persons so elected shall qualify and enter upon the duties of their respective offices on the first day of July following their election. Any person registered to vote in the town shall be entitled to vote in elections under this act of incorporation. All officers of said town shall take the oath of office*

before an officer authorized to administer oaths, and should any of the officers who may be elected, refuse or fail to accept and qualify then it shall be the duty of a majority of such town council as may accept and qualify, to fill such vacancy or vacancies and any vacancy or vacancies thereafter occurring by appointment. The council shall designate the time of its meetings.

§ 3. The mayor and the councilmen shall constitute the council of said town, a majority of whom shall constitute a quorum to do business, and all the corporate powers of said town shall be exercised by said council or under its authority, except when otherwise provided by law. The mayor shall be president of the council, and shall have all the rights, powers and privileges such office confers under the general laws governing towns within this State, but the mayor shall have no vote in the council, except in case of a tie. In case of sickness, absence, refusal or inability of the mayor at any time to act, the council shall designate some one of their number to act in place of said mayor, and who shall have the powers conferred upon said mayor by this charter. ~~The Beginning July 1, 2018, the mayor and the councilmen shall hold their respective offices for two four years from the first day of July succeeding their election, and until their successors are elected and qualified. Provided, however, those persons presently in office shall continue therein until July 1, 1980.~~

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

**CHAPTER 414**

*An Act to amend Chapter 423 of the Acts of Assembly of 1983, which provided a charter for the Town of Middleburg in Loudoun County, by adding a section numbered 2.4, relating to personal property taxes.*

[H 1437]

Approved March 23, 2018

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

**1. That Chapter 423 of the Acts of Assembly of 1983 is amended by adding a section numbered 2.4 as follows:**

*§ 2.4. Personal property taxes.*

*The town council may, notwithstanding any other provision of law, levy a tax on business personal property, as described in subdivision A 26 of § 58.1-3506 of the Code of Virginia, without regard to the existence of, or rate of, tax on motor vehicles or any other classification of tangible personal property.*

**CHAPTER 415**

*An Act to direct the State Corporation Commission to establish a pilot program for schools that generate electricity at levels that exceed the school's consumption.*

[H 1451]

Approved March 23, 2018

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

**1. § 1. That the State Corporation Commission (the Commission) shall require a Phase II Utility as defined in subdivision A 1 of § 56-585.1 of the Code of Virginia to submit a proposal to the Commission to conduct a pilot program, not to exceed 10 megawatts in the aggregate, in its certificated service territory to allow any school in a public school division in the Commonwealth that generates electricity from a wind-powered or solar-powered renewable energy generation facility located at the school in amounts that exceed the amount of electricity consumed by the school in a billing period, at the option of the school board, to either (i) credit such excess electricity to the metered accounts of one or more other schools in the same public school division, as directed by the school board, in a manner that reduces the amount of electricity for which the other school or schools are billed and provides the other school or schools with a credit against the amount billed to the other school or schools, which credit shall be at the same rate that the school or schools would otherwise be charged for such amount of electricity, without the assessment by the supplier of any service charges or fees in connection with or arising out of such crediting or (ii) receive payment for such excess electricity from the electric utility at the contractually negotiated rate. The duration of any pilot program approved by the Commission pursuant to this act shall be six years.**

**2. That the State Corporation Commission shall, by December 1, 2018, adopt such rules or establish such guidelines as may be necessary for its general administration of the pilot program established under this act.**

**3. That any electric utility participating in the pilot program established under this act shall report to the General Assembly by December 1 of each year the pilot program is in effect, commencing in 2020, regarding the status of the pilot program's enrollment and any other information that may be appropriate.**

## CHAPTER 416

*An Act to amend and reenact §§ 3.2-6500, 3.2-6504, 18.2-403.1, and 18.2-403.2 of the Code of Virginia, relating to abandonment of an animal; penalty.*

[H 1607]

Approved March 23, 2018

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

**1. That §§ 3.2-6500, 3.2-6504, 18.2-403.1, and 18.2-403.2 of the Code of Virginia are amended and reenacted as follows:**

**§ 3.2-6500. Definitions.**

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

"Abandon" means to desert, forsake, or absolutely give up an animal without having secured another owner or custodian for the animal or by failing to provide the elements of basic care as set forth in § 3.2-6503 for a period of ~~five~~ four consecutive days.

"Adequate care" or "care" means the responsible practice of good animal husbandry, handling, production, management, confinement, feeding, watering, protection, shelter, transportation, treatment, and, when necessary, euthanasia, appropriate for the age, species, condition, size and type of the animal and the provision of veterinary care when needed to prevent suffering or impairment of health.

"Adequate exercise" or "exercise" means the opportunity for the animal to move sufficiently to maintain normal muscle tone and mass for the age, species, size, and condition of the animal.

"Adequate feed" means access to and the provision of food that is of sufficient quantity and nutritive value to maintain each animal in good health; is accessible to each animal; is prepared so as to permit ease of consumption for the age, species, condition, size and type of each animal; is provided in a clean and sanitary manner; is placed so as to minimize contamination by excrement and pests; and is provided at suitable intervals for the species, age, and condition of the animal, but at least once daily, except as prescribed by a veterinarian or as dictated by naturally occurring states of hibernation or fasting normal for the species.

"Adequate shelter" means provision of and access to shelter that is suitable for the species, age, condition, size, and type of each animal; provides adequate space for each animal; is safe and protects each animal from injury, rain, sleet, snow, hail, direct sunlight, the adverse effects of heat or cold, physical suffering, and impairment of health; is properly lighted; is properly cleaned; enables each animal to be clean and dry, except when detrimental to the species; and, for dogs and cats, provides a solid surface, resting platform, pad, floormat, or similar device that is large enough for the animal to lie on in a normal manner and can be maintained in a sanitary manner. Under this chapter, shelters whose wire, grid, or slat floors: (i) permit the animals' feet to pass through the openings; (ii) sag under the animals' weight; or (iii) otherwise do not protect the animals' feet or toes from injury are not adequate shelter.

"Adequate space" means sufficient space to allow each animal to: (i) easily stand, sit, lie, turn about, and make all other normal body movements in a comfortable, normal position for the animal; and (ii) interact safely with other animals in the enclosure. When an animal is tethered, "adequate space" means a tether that permits the above actions and is appropriate to the age and size of the animal; is attached to the animal by a properly applied collar, halter, or harness configured so as to protect the animal from injury and prevent the animal or tether from becoming entangled with other objects or animals, or from extending over an object or edge that could result in the strangulation or injury of the animal; and is at least three times the length of the animal, as measured from the tip of its nose to the base of its tail, except when the animal is being walked on a leash or is attached by a tether to a lead line. When freedom of movement would endanger the animal, temporarily and appropriately restricting movement of the animal according to professionally accepted standards for the species is considered provision of adequate space.

"Adequate water" means provision of and access to clean, fresh, potable water of a drinkable temperature that is provided in a suitable manner, in sufficient volume, and at suitable intervals appropriate for the weather and temperature, to maintain normal hydration for the age, species, condition, size and type of each animal, except as prescribed by a veterinarian or as dictated by naturally occurring states of hibernation or fasting normal for the species; and is provided in clean, durable receptacles that are accessible to each animal and are placed so as to minimize contamination of the water by excrement and pests or an alternative source of hydration consistent with generally accepted husbandry practices.

"Adoption" means the transfer of ownership of a dog or a cat, or any other companion animal, from a releasing agency to an individual.

"Agricultural animals" means all livestock and poultry.

"Ambient temperature" means the temperature surrounding the animal.

"Animal" means any nonhuman vertebrate species except fish. For the purposes of § 3.2-6522, animal means any species susceptible to rabies. For the purposes of § 3.2-6570, animal means any nonhuman vertebrate species including fish except those fish captured and killed or disposed of in a reasonable and customary manner.

"Animal control officer" means a person appointed as an animal control officer or deputy animal control officer as provided in § 3.2-6555.

"Boarding establishment" means a place or establishment other than a public or private animal shelter where companion animals not owned by the proprietor are sheltered, fed, and watered in exchange for a fee.

"Collar" means a well-fitted device, appropriate to the age and size of the animal, attached to the animal's neck in such a way as to prevent trauma or injury to the animal.

"Commercial dog breeder" means any person who, during any 12-month period, maintains 30 or more adult female dogs for the primary purpose of the sale of their offspring as companion animals.

"Companion animal" means any domestic or feral dog, domestic or feral cat, nonhuman primate, guinea pig, hamster, rabbit not raised for human food or fiber, exotic or native animal, reptile, exotic or native bird, or any feral animal or any animal under the care, custody, or ownership of a person or any animal that is bought, sold, traded, or bartered by any person. Agricultural animals, game species, or any animals regulated under federal law as research animals shall not be considered companion animals for the purposes of this chapter.

"Consumer" means any natural person purchasing an animal from a dealer or pet shop or hiring the services of a boarding establishment. The term "consumer" shall not include a business or corporation engaged in sales or services.

"Dealer" means any person who in the regular course of business for compensation or profit buys, sells, transfers, exchanges, or barter companion animals. The following shall not be considered dealers: (i) any person who transports companion animals in the regular course of business as a common carrier or (ii) any person whose primary purpose is to find permanent adoptive homes for companion animals.

"Direct and immediate threat" means any clear and imminent danger to an animal's health, safety or life.

"Dump" means to knowingly desert, forsake, or absolutely give up without having secured another owner or custodian any dog, cat, or other companion animal in any public place including the right-of-way of any public highway, road or street or on the property of another.

"Emergency veterinary treatment" means veterinary treatment to stabilize a life-threatening condition, alleviate suffering, prevent further disease transmission, or prevent further disease progression.

"Enclosure" means a structure used to house or restrict animals from running at large.

"Euthanasia" means the humane destruction of an animal accomplished by a method that involves instantaneous unconsciousness and immediate death or by a method that involves anesthesia, produced by an agent that causes painless loss of consciousness, and death during such loss of consciousness.

"Exhibitor" means any person who has animals for or on public display, excluding an exhibitor licensed by the U.S. Department of Agriculture.

"Facility" means a building or portion thereof as designated by the State Veterinarian, other than a private residential dwelling and its surrounding grounds, that is used to contain a primary enclosure or enclosures in which animals are housed or kept.

"Farming activity" means, consistent with standard animal husbandry practices, the raising, management, and use of agricultural animals to provide food, fiber, or transportation and the breeding, exhibition, lawful recreational use, marketing, transportation, and slaughter of agricultural animals pursuant to such purposes.

"Foster care provider" means a person who provides care or rehabilitation for companion animals through an affiliation with a public or private animal shelter, home-based rescue, releasing agency, or other animal welfare organization.

"Foster home" means a private residential dwelling and its surrounding grounds, or any facility other than a public or private animal shelter, at which site through an affiliation with a public or private animal shelter, home-based rescue, releasing agency, or other animal welfare organization care or rehabilitation is provided for companion animals.

"Groomer" means any person who, for a fee, cleans, trims, brushes, makes neat, manicures, or treats for external parasites any animal.

"Home-based rescue" means an animal welfare organization that takes custody of companion animals for the purpose of facilitating adoption and houses such companion animals in a foster home or a system of foster homes.

"Humane" means any action taken in consideration of and with the intent to provide for the animal's health and well-being.

"Humane investigator" means a person who has been appointed by a circuit court as a humane investigator as provided in § 3.2-6558.

"Humane society" means any incorporated, nonprofit organization that is organized for the purposes of preventing cruelty to animals and promoting humane care and treatment or adoptions of animals.

"Incorporated" means organized and maintained as a legal entity in the Commonwealth.

"Kennel" means any establishment in which five or more canines, felines, or hybrids of either are kept for the purpose of breeding, hunting, training, renting, buying, boarding, selling, or showing.

"Law-enforcement officer" means any person who is a full-time or part-time employee of a police department or sheriff's office that is part of or administered by the Commonwealth or any political subdivision thereof and who is responsible for the prevention and detection of crime and the enforcement of the penal, traffic or highway laws of the Commonwealth. Part-time employees are compensated officers who are not full-time employees as defined by the employing police department or sheriff's office.

"Livestock" includes all domestic or domesticated: bovine animals; equine animals; ovine animals; porcine animals; cervidae animals; caprae animals; animals of the genus Lama; ratites; fish or shellfish in aquaculture facilities, as defined

in § 3.2-2600; enclosed domesticated rabbits or hares raised for human food or fiber; or any other individual animal specifically raised for food or fiber, except companion animals.

"New owner" means an individual who is legally competent to enter into a binding agreement pursuant to subdivision B 2 of § 3.2-6574, and who adopts or receives a dog or cat from a releasing agency.

"Ordinance" means any law, rule, regulation, or ordinance adopted by the governing body of any locality.

"Other officer" includes all other persons employed or elected by the people of Virginia, or by any locality, whose duty it is to preserve the peace, to make arrests, or to enforce the law.

"Owner" means any person who: (i) has a right of property in an animal; (ii) keeps or harbors an animal; (iii) has an animal in his care; or (iv) acts as a custodian of an animal.

"Pet shop" means an establishment where companion animals are bought, sold, exchanged, or offered for sale or exchange to the general public.

"Poultry" includes all domestic fowl and game birds raised in captivity.

"Primary enclosure" means any structure used to immediately restrict an animal or animals to a limited amount of space, such as a room, pen, cage, compartment, or hutch. For tethered animals, the term includes the shelter and the area within reach of the tether.

"Private animal shelter" means a facility operated for the purpose of finding permanent adoptive homes for animals that is used to house or contain animals and that is owned or operated by an incorporated, nonprofit, and nongovernmental entity, including a humane society, animal welfare organization, society for the prevention of cruelty to animals, or any other similar organization.

"Properly cleaned" means that carcasses, debris, food waste, and excrement are removed from the primary enclosure with sufficient frequency to minimize the animals' contact with the above-mentioned contaminants; the primary enclosure is sanitized with sufficient frequency to minimize odors and the hazards of disease; and the primary enclosure is cleaned so as to prevent the animals confined therein from being directly or indirectly sprayed with the stream of water, or directly or indirectly exposed to hazardous chemicals or disinfectants.

"Properly lighted" when referring to a facility means sufficient illumination to permit routine inspections, maintenance, cleaning, and housekeeping of the facility, and observation of the animals; to provide regular diurnal lighting cycles of either natural or artificial light, uniformly diffused throughout the facility; and to promote the well-being of the animals.

"Properly lighted" when referring to a private residential dwelling and its surrounding grounds means sufficient illumination to permit routine maintenance and cleaning thereof, and observation of the companion animals; and to provide regular diurnal lighting cycles of either natural or artificial light to promote the well-being of the animals.

"Public animal shelter" means a facility operated by the Commonwealth, or any locality, for the purpose of impounding or sheltering seized, stray, homeless, abandoned, unwanted, or surrendered animals or a facility operated for the same purpose under a contract with any locality.

"Releasing agency" means (i) a public animal shelter or (ii) a private animal shelter, humane society, animal welfare organization, society for the prevention of cruelty to animals, or other similar entity or home-based rescue that releases companion animals for adoption.

"Research facility" means any place, laboratory, or institution licensed by the U.S. Department of Agriculture at which scientific tests, experiments, or investigations involving the use of living animals are carried out, conducted, or attempted.

"Sanitize" means to make physically clean and to remove and destroy, to a practical minimum, agents injurious to health.

"Sore" means, when referring to an equine, that an irritating or blistering agent has been applied, internally or externally, by a person to any limb or foot of an equine; any burn, cut, or laceration that has been inflicted by a person to any limb or foot of an equine; any tack, nail, screw, or chemical agent that has been injected by a person into or used by a person on any limb or foot of an equine; any other substance or device that has been used by a person on any limb or foot of an equine; or a person has engaged in a practice involving an equine, and as a result of such application, infliction, injection, use, or practice, such equine suffers, or can reasonably be expected to suffer, physical pain or distress, inflammation, or lameness when walking, trotting, or otherwise moving, except that such term does not include such an application, infliction, injection, use, or practice in connection with the therapeutic treatment of an equine by or under the supervision of a licensed veterinarian. Notwithstanding anything contained herein to the contrary, nothing shall preclude the shoeing, use of pads, and use of action devices as permitted by 9 C.F.R. Part 11.2.

"Sterilize" or "sterilization" means a surgical or chemical procedure performed by a licensed veterinarian that renders a dog or cat permanently incapable of reproducing.

"Treasurer" includes the treasurer and his assistants of each county or city or other officer designated by law to collect taxes in such county or city.

"Treatment" or "adequate treatment" means the responsible handling or transportation of animals in the person's ownership, custody or charge, appropriate for the age, species, condition, size and type of the animal.

"Veterinary treatment" means treatment by or on the order of a duly licensed veterinarian.

"Weaned" means that an animal is capable of and physiologically accustomed to ingestion of solid food or food customary for the adult of the species and has ingested such food, without nursing, for a period of at least five days.

**§ 3.2-6504. Abandonment of animal; penalty.**

No person shall abandon or dump any animal. Violation of this section is a Class ~~3~~ 1 misdemeanor. Nothing in this section shall be construed to prohibit the release of an animal by its owner to a public or private animal shelter or other releasing agency.

**§ 18.2-403.1. Offenses involving animals — Class 1 misdemeanors.**

The following unlawful acts and offenses against animals shall constitute and be punished as a Class 1 misdemeanor:

1. Violation of subsection A of § 3.2-6570 pertaining to cruelty to animals, except as provided for second or subsequent violations in that section.

2. Violation of § 3.2-6508 pertaining to transporting animals under certain conditions.

3. Making a false claim or receiving money on a false claim under § 3.2-6553 pertaining to compensation for livestock and poultry killed by dogs.

4. Violation of § 3.2-6518 pertaining to boarding establishments and groomers as defined in § 3.2-6500.

5. Violation of § 3.2-6504 pertaining to the abandonment of animals.

**§ 18.2-403.2. Offenses involving animals — Class 3 misdemeanors.**

The following unlawful acts and offenses against animals shall constitute and be punished as a Class 3 misdemeanor:

1. Violation of § 3.2-6511 pertaining to the failure of a shopkeeper or pet dealer to provide adequate care to animals.

2. Violation of § 3.2-6509 pertaining to the misrepresentation of an animal's condition by the shopkeeper or pet dealer.

3. Violation of § 3.2-6504 pertaining to the abandonment of animals.

4. Violation of § 3.2-6510 pertaining to the sale of baby fowl.

~~5.~~ 4. Violation of clause (iii) of subsection A of § 3.2-6570 pertaining to soring horses.

~~6.~~ 5. Violation of § 3.2-6519 pertaining to notice of consumer remedies required to be supplied by boarding establishments.

**CHAPTER 417**

*An Act to amend and reenact §§ 18.2-460 and 19.2-310.2 of the Code of Virginia and to repeal § 18.2-479.1 of the Code of Virginia, relating to fleeing from a law-enforcement officer.*

[S 57]

Approved March 23, 2018

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

**1. That §§ 18.2-460 and 19.2-310.2 of the Code of Virginia are amended and reenacted as follows:**

**§ 18.2-460. Obstructing justice; resisting arrest; fleeing from a law-enforcement officer; penalties.**

A. If any person without just cause knowingly obstructs a judge, magistrate, justice, juror, attorney for the Commonwealth, witness, any law-enforcement officer, or animal control officer employed pursuant to § 3.2-6555 in the performance of his duties as such or fails or refuses without just cause to cease such obstruction when requested to do so by such judge, magistrate, justice, juror, attorney for the Commonwealth, witness, law-enforcement officer, or animal control officer employed pursuant to § 3.2-6555, he ~~shall be~~ *is* guilty of a Class 1 misdemeanor.

B. Except as provided in subsection C, any person who, by threats or force, knowingly attempts to intimidate or impede a judge, magistrate, justice, juror, attorney for the Commonwealth, witness, any law-enforcement officer, or an animal control officer employed pursuant to § 3.2-6555 lawfully engaged in his duties as such, or to obstruct or impede the administration of justice in any court, is guilty of a Class 1 misdemeanor.

C. If any person by threats of bodily harm or force knowingly attempts to intimidate or impede a judge, magistrate, justice, juror, attorney for the Commonwealth, witness, any law-enforcement officer, lawfully engaged in the discharge of his duty, or to obstruct or impede the administration of justice in any court relating to a violation of or conspiracy to violate § 18.2-248 or subdivision (a) (3), (b) or (c) of § 18.2-248.1, or § 18.2-46.2 or § 18.2-46.3, or relating to the violation of or conspiracy to violate any violent felony offense listed in subsection C of § 17.1-805, he ~~shall be~~ *is* guilty of a Class 5 felony.

D. Any person who knowingly and willfully makes any materially false statement or representation to a law-enforcement officer or an animal control officer employed pursuant to § 3.2-6555 who is in the course of conducting an investigation of a crime by another is guilty of a Class 1 misdemeanor.

*E. Any person who intentionally prevents or attempts to prevent a law-enforcement officer from lawfully arresting him, with or without a warrant, is guilty of a Class 1 misdemeanor. For purposes of this subsection, intentionally preventing or attempting to prevent a lawful arrest means fleeing from a law-enforcement officer when (i) the officer applies physical force to the person, or (ii) the officer communicates to the person that he is under arrest and (a) the officer has the legal authority and the immediate physical ability to place the person under arrest, and (b) a reasonable person who receives such communication knows or should know that he is not free to leave.*

**§ 19.2-310.2. Blood, saliva, or tissue sample required for DNA analysis upon conviction of certain crimes; fee.**

A. Every person convicted of a felony on or after July 1, 1990, every person convicted of a felony offense under Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2 who was incarcerated on July 1, 1989, and every person convicted of a misdemeanor violation of § 16.1-253.2, 18.2-60.3, 18.2-60.4, 18.2-67.4, 18.2-67.4:1, 18.2-67.4:2, 18.2-67.5, 18.2-102, 18.2-121, 18.2-130, 18.2-370.6, 18.2-387, or 18.2-387.1; or ~~18.2-479.1~~ subsection E of § 18.2-460 shall have a sample of

his blood, saliva or tissue taken for DNA (deoxyribonucleic acid) analysis to determine identification characteristics specific to the person. If a sample has been previously taken from the person as indicated by the Local Inmate Data System (LIDS), no additional sample shall be taken. The Department of Forensic Science shall provide to LIDS the most current information submitted to the DNA data bank on a weekly basis and shall remove from LIDS and the data bank persons no longer eligible to be in the data bank. A fee of \$53 shall be charged for the withdrawal of this sample. The fee shall be taxed as part of the costs of the criminal case resulting in the conviction and \$15 of the fee shall be paid into the general fund of the locality where the sample was taken and \$38 of the fee shall be paid into the general fund of the state treasury. This fee shall only be taxed one time regardless of the number of samples taken. The assessment provided for herein shall be in addition to any other fees prescribed by law. The analysis shall be performed by the Department of Forensic Science or other entity designated by the Department. The identification characteristics of the profile resulting from the DNA analysis shall be stored and maintained by the Department in a DNA data bank and shall be made available only as provided in § 19.2-310.5.

B. After July 1, 1990, the blood, saliva, or tissue sample shall be taken prior to release from custody. Notwithstanding the provisions of § 53.1-159, any person convicted of an offense listed in subsection A who is in custody after July 1, 1990, shall provide a blood, saliva, or tissue sample prior to his release. Every person so convicted after July 1, 1990, who is not sentenced to a term of confinement shall provide a blood, saliva, or tissue sample as a condition of such sentence. A person required under this section to submit a sample for DNA analysis is not relieved from this requirement regardless of whether no blood, saliva, or tissue sample has been taken from the person or, if a sample has been taken, whether the sample or the results from the analysis of a sample cannot be found in the DNA data bank maintained by the Department of Forensic Science.

C. Nothing in this section shall prevent the Department of Forensic Science from including the identification characteristics of an individual's DNA profile in the DNA data bank as ordered by a circuit court pursuant to a lawful plea agreement.

D. A collection or placement of a sample for DNA analysis that was taken or retained in good faith does not invalidate the sample's use in the data bank pursuant to the provisions of this article. The detention, arrest, or conviction of a person based upon a data bank match or data bank information is not invalidated if it is determined that the sample was obtained, placed, or retained in the data bank in good faith, or if the conviction or juvenile adjudication that resulted in the collection of the DNA sample was subsequently vacated or otherwise altered in any future proceeding, including but not limited to post-trial or post-fact-finding motions, appeals, or collateral attacks.

E. The Virginia Department of Corrections and the Department of Forensic Science shall, on a quarterly basis, compare databases of offenders under the custody or supervision of the Department of Corrections with the DNA data bank of the Department of Forensic Science. The Virginia Department of Corrections shall require a DNA sample of those offenders under its custody or supervision if they are not identified in the DNA data bank.

F. The Department of State Police shall verify that a DNA sample required to be taken for the Sex Offender and Crimes Against Minors Registry pursuant to § 9.1-903 has been received by the Department of Forensic Science. In any instance where a DNA sample has not been received, the Department of State Police or its designee shall obtain from the person required to register a sample for DNA analysis.

G. Each community-based probation services agency established pursuant to § 9.1-174 shall determine by reviewing the Local Inmate Data System upon intake and again prior to discharge whether a blood, saliva, or tissue sample has been taken for DNA analysis for each offender required to submit a sample pursuant to this section and, if no sample has been taken, require an offender to submit a sample for DNA analysis.

H. The sheriff or regional jailer shall determine by reviewing the Local Inmate Data System upon intake and again prior to release whether a blood, saliva, or tissue sample has been taken for DNA analysis for each offender required to submit a sample pursuant to this section and, if no sample has been taken, require an offender to submit a sample for DNA analysis.

**2. That § 18.2-479.1 of the Code of Virginia is repealed.**

## CHAPTER 418

*An Act to require notification of local appropriation to acquire property rights; Fentress Naval Auxiliary Landing Field.*

[S 137]

Approved March 23, 2018

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

**1. § 1.** *If a locality in the Commonwealth appropriates funds, from any source, for the acquisition of property rights surrounding Fentress Naval Auxiliary Landing Field ("Fentress") in Chesapeake, Virginia, the chief executive officer of the locality shall ensure that written notice is provided to the member of the House of Delegates and the member of the Senate of Virginia representing the area in which Fentress is located. Such notice shall be provided promptly, but in no case more than five working days after the appropriation is adopted by the governing body of the locality.*

CHAPTER 419

*An Act to amend and reenact § 19.2-60.1 of the Code of Virginia, relating to use of unmanned aircraft by a locality; search warrant; exception.*

[S 186]

Approved March 23, 2018

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

**1. That § 19.2-60.1 of the Code of Virginia is amended and reenacted as follows:**

**§ 19.2-60.1. Use of unmanned aircraft systems by public bodies; search warrant required.**

A. As used in this section, unless the context requires a different meaning:

"Unmanned aircraft" means an aircraft that is operated without the possibility of human intervention from within or on the aircraft.

"Unmanned aircraft system" means an unmanned aircraft and associated elements, including communication links, sensing devices, and the components that control the unmanned aircraft.

B. No state or local government department, agency, or instrumentality having jurisdiction over criminal law enforcement or regulatory violations, including but not limited to the Department of State Police, and no department of law enforcement as defined in § 15.2-836 of any county, city, or town shall utilize an unmanned aircraft system except during the execution of a search warrant issued pursuant to this chapter or an administrative or inspection warrant issued pursuant to law.

C. Notwithstanding the prohibition in this section, an unmanned aircraft system may be deployed without a warrant (i) when an Amber Alert is activated pursuant to § 52-34.3, (ii) when a Senior Alert is activated pursuant to § 52-34.6, (iii) when a Blue Alert is activated pursuant to § 52-34.9, (iv) where use of an unmanned aircraft system is determined to be necessary to alleviate an immediate danger to any person, (v) for training exercises related to such uses, or (vi) if a person with legal authority consents to the warrantless search.

D. The warrant requirements of this section shall not apply when such systems are utilized to support the Commonwealth *or any locality* for purposes other than law enforcement, including damage assessment, traffic assessment, flood stage assessment, and wildfire assessment. Nothing herein shall prohibit use of unmanned aircraft systems for private, commercial, or recreational use or solely for research and development purposes by institutions of higher education and other research organizations or institutions.

E. Evidence obtained through the utilization of an unmanned aircraft system in violation of this section is not admissible in any criminal or civil proceeding.

F. In no case may a weaponized unmanned aircraft system be deployed in the Commonwealth or its use facilitated in the Commonwealth by a state or local government department, agency, or instrumentality or department of law enforcement in the Commonwealth except in operations at the Space Port and Naval/Aegis facilities at Wallops Island.

G. Nothing herein shall apply to the Armed Forces of the United States or the Virginia National Guard while utilizing unmanned aircraft systems during training required to maintain readiness for its federal mission or when facilitating training for other U.S. Department of Defense units.

CHAPTER 420

*An Act to amend and reenact §§ 15.2-2223 and 15.2-2224 of the Code of Virginia, relating to comprehensive plans; groundwater and surface water.*

[S 211]

Approved March 23, 2018

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

**1. That §§ 15.2-2223 and 15.2-2224 of the Code of Virginia are amended and reenacted as follows:**

**§ 15.2-2223. Comprehensive plan to be prepared and adopted; scope and purpose.**

A. The local planning commission shall prepare and recommend a comprehensive plan for the physical development of the territory within its jurisdiction and every governing body shall adopt a comprehensive plan for the territory under its jurisdiction.

In the preparation of a comprehensive plan, the commission shall make careful and comprehensive surveys and studies of the existing conditions and trends of growth, and of the probable future requirements of its territory and inhabitants. The comprehensive plan shall be made with the purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the territory which will, in accordance with present and probable future needs and resources, best promote the health, safety, morals, order, convenience, prosperity and general welfare of the inhabitants, including the elderly and persons with disabilities.

The comprehensive plan shall be general in nature, in that it shall designate the general or approximate location, character, and extent of each feature, including any road improvement and any transportation improvement, shown on the

plan and shall indicate where existing lands or facilities are proposed to be extended, widened, removed, relocated, vacated, narrowed, abandoned, or changed in use as the case may be.

B. 1. As part of the comprehensive plan, each locality shall develop a transportation plan that designates a system of transportation infrastructure needs and recommendations that include the designation of new and expanded transportation facilities and that support the planned development of the territory covered by the plan and shall include, as appropriate, but not be limited to, roadways, bicycle accommodations, pedestrian accommodations, railways, bridges, waterways, airports, ports, and public transportation facilities. The plan shall recognize and differentiate among a hierarchy of roads such as expressways, arterials, and collectors. In developing the plan, the locality shall take into consideration how to align transportation infrastructure and facilities with affordable, accessible housing and community services that are located within the territory in order to facilitate community integration of the elderly and persons with disabilities. The Virginia Department of Transportation shall, upon request, provide localities with technical assistance in preparing such transportation plan.

2. The transportation plan shall include a map that shall show road and transportation improvements, including the cost estimates of such road and transportation improvements from the Virginia Department of Transportation, taking into account the current and future needs of residents in the locality while considering the current and future needs of the planning district within which the locality is situated.

3. The transportation plan, and any amendment thereto pursuant to § 15.2-2229, shall be consistent with the Commonwealth Transportation Board's Statewide Transportation Plan developed pursuant to § 33.2-353, the Six-Year Improvement Program adopted pursuant to subsection B of § 33.2-214, and the location of routes to be followed by roads comprising systems of state highways pursuant to subsection A of § 33.2-208. The locality shall consult with the Virginia Department of Transportation to assure such consistency is achieved. The transportation plan need reflect only those changes in the annual update of the Six-Year Improvement Program that are deemed to be significant new, expanded, or relocated roadways.

4. Prior to the adoption of the transportation plan or any amendment to the transportation plan, the locality shall submit such plan or amendment to the Department for review and comment. The Department shall conduct its review and provide written comments to the locality on the consistency of the transportation plan or any amendment to the provisions of subdivision 1. The Department shall provide such written comments to the locality within 90 days of receipt of the plan or amendment, or such other shorter period of time as may be otherwise agreed upon by the Department and the locality.

5. The locality shall submit a copy of the adopted transportation plan or any amendment to the transportation plan to the Department for informational purposes. If the Department determines that the transportation plan or amendment is not consistent with the provisions of subdivision 1, the Department shall notify the Commonwealth Transportation Board so that the Board may take appropriate action in accordance with subsection E of § 33.2-214.

6. Each locality's amendments or updates to its transportation plan as required by subdivisions 2 through 5 shall be made on or before its ongoing scheduled date for updating its transportation plan.

C. The comprehensive plan, with the accompanying maps, plats, charts, and descriptive matter, shall show the locality's long-range recommendations for the general development of the territory covered by the plan. It may include, but need not be limited to:

1. The designation of areas for various types of public and private development and use, such as different kinds of residential, including age-restricted, housing; business; industrial; agricultural; mineral resources; conservation; active and passive recreation; public service; flood plain and drainage; and other areas;

2. The designation of a system of community service facilities such as parks, sports playing fields, forests, schools, playgrounds, public buildings and institutions, hospitals, nursing homes, assisted living facilities, community centers, waterworks, sewage disposal or waste disposal areas, and the like;

3. The designation of historical areas and areas for urban renewal or other treatment;

4. The designation of areas for the implementation of reasonable ~~ground water protection~~ measures *to provide for the continued availability, quality, and sustainability of groundwater and surface water*;

5. A capital improvements program, a subdivision ordinance, a zoning ordinance and zoning district maps, mineral resource district maps and agricultural and forestal district maps, where applicable;

6. The location of existing or proposed recycling centers;

7. The location of military bases, military installations, and military airports and their adjacent safety areas; and

8. The designation of corridors or routes for electric transmission lines of 150 kilovolts or more.

D. The comprehensive plan shall include the designation of areas and implementation of measures for the construction, rehabilitation and maintenance of affordable housing, which is sufficient to meet the current and future needs of residents of all levels of income in the locality while considering the current and future needs of the planning district within which the locality is situated.

**§ 15.2-2224. Surveys and studies to be made in preparation of plan; implementation of plan.**

A. In the preparation of a comprehensive plan, the local planning commission shall survey and study such matters as the following:

1. Use of land, preservation of agricultural and forestal land, production of food and fiber, characteristics and conditions of existing development, trends of growth or changes, natural resources, historic areas, ~~ground water~~, *groundwater and surface water availability, quality, and sustainability*, geologic factors, population factors, employment,

environmental and economic factors, existing public facilities, drainage, flood control and flood damage prevention measures, dam break inundation zones and potential impacts to downstream properties to the extent that information concerning such information exists and is available to the local planning authority, the transmission of electricity, road improvements, and any estimated cost thereof, transportation facilities, transportation improvements, and any cost thereof, the need for affordable housing in both the locality and planning district within which it is situated, and any other matters relating to the subject matter and general purposes of the comprehensive plan.

However, if a locality chooses not to survey and study historic areas, then the locality shall include historic areas in the comprehensive plan, if such areas are identified and surveyed by the Department of Historic Resources. Furthermore, if a locality chooses not to survey and study mineral resources, then the locality shall include mineral resources in the comprehensive plan, if such areas are identified and surveyed by the Department of Mines, Minerals and Energy. The requirement to study the production of food and fiber shall apply only to those plans adopted on or after January 1, 1981.

2. Probable future economic and population growth of the territory and requirements therefor.

B. The comprehensive plan shall recommend methods of implementation and shall include a current map of the area covered by the comprehensive plan. Unless otherwise required by this chapter, the methods of implementation may include but need not be limited to:

1. An official map;
2. A capital improvements program;
3. A subdivision ordinance;
4. A zoning ordinance and zoning district maps;
5. A mineral resource map;
6. A recreation and sports resource map; and
7. A map of dam break inundation zones.

CHAPTER 421

*An Act to provide for the submission to the voters of a proposed amendment to Section 6-A of Article X of the Constitution of Virginia, relating to real property tax; exemption.*

[H 71]

Approved March 23, 2018

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

1. § 1. It shall be the duty of the officers conducting the election directed by law to be held on the Tuesday after the first Monday in November 2018, at the places appointed for holding the same, to open a poll and take the sense of the qualified voters upon the ratification or rejection of the proposed amendment to the Constitution of Virginia, contained herein and in the joint resolution proposing such amendment, to wit:

Amend Section 6-A of Article X of the Constitution of Virginia as follows:

ARTICLE X

TAXATION AND FINANCE

Section 6-A. Property tax exemption for certain veterans *and their surviving spouses* and surviving spouses of soldiers killed in action.

(a) Notwithstanding the provisions of Section 6, the General Assembly by general law, and within the restrictions and conditions prescribed therein, shall exempt from taxation the real property, including the joint real property of husband and wife, of any veteran who has been determined by the United States Department of Veterans Affairs or its successor agency pursuant to federal law to have a one hundred percent service-connected, permanent, and total disability, and who occupies the real property as his or her principal place of residence. The General Assembly shall also provide this exemption from taxation for real property owned by the surviving spouse of a veteran who was eligible for the exemption provided in this subdivision, so long as the surviving spouse does not remarry ~~and continues to occupy the real property as his or her principal place of residence~~. *This exemption applies to the surviving spouse's principal place of residence without any restriction on the spouse's moving to a different principal place of residence.*

(b) Notwithstanding the provisions of Section 6, the General Assembly by general law, and within the restrictions and conditions prescribed therein, may exempt from taxation the real property of the surviving spouse of any member of the armed forces of the United States who was killed in action as determined by the United States Department of Defense, who occupies the real property as his or her principal place of residence. The exemption under this subdivision shall cease if the surviving spouse remarries and shall not be claimed thereafter. This exemption applies regardless of whether the spouse was killed in action prior to the effective date of this subdivision, but the exemption shall not be applicable for any period of time prior to the effective date. This exemption applies to the surviving spouse's principal place of residence without any restriction on the spouse's moving to a different principal place of residence and without any requirement that the spouse reside in the Commonwealth at the time of death of the member of the armed forces.

§ 2. The ballot shall contain the following question:

"Question: Shall the real property tax exemption for a primary residence that is currently provided to the surviving spouses of veterans who had a one hundred percent service-connected, permanent, and total disability be amended to allow the surviving spouse to move to a different primary residence and still claim the exemption?"

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

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

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

If a majority of those voting vote in favor of the amendment, it shall become effective on January 1, 2019.

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

CHAPTER 422

*An Act to provide for the submission to the voters of a proposed amendment to Section 6-A of Article X of the Constitution of Virginia, relating to real property tax; exemption.*

[S 900]

Approved March 23, 2018

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

1. § 1. It shall be the duty of the officers conducting the election directed by law to be held on the Tuesday after the first Monday in November 2018, at the places appointed for holding the same, to open a poll and take the sense of the qualified voters upon the ratification or rejection of the proposed amendment to the Constitution of Virginia, contained herein and in the joint resolution proposing such amendment, to wit:

Amend Section 6-A of Article X of the Constitution of Virginia as follows:

ARTICLE X  
TAXATION AND FINANCE

Section 6-A. Property tax exemption for certain veterans *and their surviving spouses* and surviving spouses of soldiers killed in action.

(a) Notwithstanding the provisions of Section 6, the General Assembly by general law, and within the restrictions and conditions prescribed therein, shall exempt from taxation the real property, including the joint real property of husband and wife, of any veteran who has been determined by the United States Department of Veterans Affairs or its successor agency pursuant to federal law to have a one hundred percent service-connected, permanent, and total disability, and who occupies the real property as his or her principal place of residence. The General Assembly shall also provide this exemption from taxation for real property owned by the surviving spouse of a veteran who was eligible for the exemption provided in this subdivision, so long as the surviving spouse does not remarry ~~and continues to occupy the real property as his or her principal place of residence.~~ *This exemption applies to the surviving spouse's principal place of residence without any restriction on the spouse's moving to a different principal place of residence.*

(b) Notwithstanding the provisions of Section 6, the General Assembly by general law, and within the restrictions and conditions prescribed therein, may exempt from taxation the real property of the surviving spouse of any member of the armed forces of the United States who was killed in action as determined by the United States Department of Defense, who occupies the real property as his or her principal place of residence. The exemption under this subdivision shall cease if the surviving spouse remarries and shall not be claimed thereafter. This exemption applies regardless of whether the spouse was killed in action prior to the effective date of this subdivision, but the exemption shall not be applicable for any period of time prior to the effective date. This exemption applies to the surviving spouse's principal place of residence without any restriction on the spouse's moving to a different principal place of residence and without any requirement that the spouse reside in the Commonwealth at the time of death of the member of the armed forces.

§ 2. The ballot shall contain the following question:

"Question: Shall the real property tax exemption for a primary residence that is currently provided to the surviving spouses of veterans who had a one hundred percent service-connected, permanent, and total disability be amended to allow the surviving spouse to move to a different primary residence and still claim the exemption?"

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

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

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

If a majority of those voting vote in favor of the amendment, it shall become effective on January 1, 2019.

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

**CHAPTER 423**

*An Act to amend and reenact § 33.2-261 of the Code of Virginia, relating to value engineering.*

[H 134]

Approved March 23, 2018

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

**1. That § 33.2-261 of the Code of Virginia is amended and reenacted as follows:**

**§ 33.2-261. Value engineering required in certain projects.**

*For the purposes of this section, "value engineering" means a systematic process of review and analysis of an engineering project by a team of persons not originally involved in the project. Such team may offer suggestions that would improve project quality and reduce total project cost, ranging from a combination or elimination of inefficient or expensive parts or steps in the original proposal to total redesign of the project using different technologies, materials, or methods.*

~~The Department shall employ value engineering in conjunction with any project that has an estimated construction cost of more than \$15 million on any highway system using criteria established by the Department, including all projects costing more than \$5 million. For the purposes of this section, "value engineering" means a systematic process of review and analysis of an engineering project by a team of persons not originally involved in the project. Such team may offer suggestions that would improve project quality and reduce total project cost, ranging from a combination or elimination of inefficient or expensive parts or steps in the original proposal to total redesign of the project using different technologies, materials, or methods.~~

After a review, the Commissioner of Highways may waive the requirements of this section for any project for compelling reasons. Any such waiver shall be in writing, state the reasons for the waiver, and apply only to a single project.

*The provisions of this section shall not apply to projects that are designed (i) utilizing a design-build contract pursuant to § 33.2-209 or 33.2-269 or (ii) pursuant to the Public-Private Transportation Act of 1995 (§ 33.2-1800 et seq.).*

**CHAPTER 424**

*An Act to amend and reenact §§ 62.1-44.15:6, 62.1-266, and 62.1-267 of the Code of Virginia, relating to ground water withdrawal permit; 15-year term; permit fee.*

[H 211]

Approved March 23, 2018

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

**1. That §§ 62.1-44.15:6, 62.1-266, and 62.1-267 of the Code of Virginia are amended and reenacted as follows:**

**§ 62.1-44.15:6. Permit fee regulations.**

A. The Board shall promulgate regulations establishing a fee assessment and collection system to recover a portion of the State Water Control Board's, the Department of Game and Inland Fisheries' and the Department of Conservation and Recreation's direct and indirect costs associated with the processing of an application to issue, reissue, amend or modify any permit or certificate, which the Board has authority to issue under this chapter and Chapters 24 (§ 62.1-242 et seq.) and 25 (§ 62.1-254 et seq.) of this title, from the applicant for such permit or certificate for the purpose of more efficiently and expeditiously processing permits. The fees shall be exempt from statewide indirect costs charged and collected by the Department of Accounts. The Board shall have no authority to charge such fees where the authority to issue such permits has been delegated to another agency that imposes permit fees.

B1. Permit fees charged an applicant for a Virginia Pollutant Discharge Elimination System permit or a Virginia Pollution Abatement permit shall reflect the average time and complexity of processing a permit in each of the various categories of permits and permit actions. However, notwithstanding any other provision of law, in no instance shall the Board charge a fee for a permit pertaining to a farming operation engaged in production for market or for a permit pertaining to maintenance dredging for federal navigation channels or other Corps of Engineers- or Department of the Navy-sponsored dredging projects or for the regularly scheduled renewal of an individual permit for an existing facility. Fees shall be charged for a major modification or reissuance of a permit initiated by the permittee that occurs between

permit issuance and the stated expiration date. No fees shall be charged for a modification or amendment made at the Board's initiative. In no instance shall the Board exceed the following amounts for the processing of each type of permit/certificate category:

Type of Permit/Certificate Category	Maximum Amount
1. Virginia Pollutant Discharge Elimination System	
Major Industrial	\$24,000
Major Municipal	\$21,300
Minor Industrial with nonstandard limits	\$10,300
Minor Industrial with standard limits	\$6,600
Minor Municipal greater than 100,000 gallons per day	\$7,500
Minor Municipal 10,001-100,000 gallons per day	\$6,000
Minor Municipal 1,000-10,000 gallons per day	\$5,400
Minor Municipal less than 1,000 gallons per day	\$2,000
General-industrial stormwater management	\$500
General-stormwater management-phase I land clearing	\$500
General-stormwater management-phase II land clearing	\$300
General-other	\$600
2. Virginia Pollution Abatement	
Industrial/Wastewater 10 or more inches per year	\$15,000
Industrial/Wastewater less than 10 inches per year	\$10,500
Industrial/Sludge	\$7,500
Municipal/Wastewater	\$13,500
Municipal/Sludge	\$7,500
General Permit	\$600
Other	\$750

The fee for the major modification of a permit or certificate that occurs between the permit issuance and expiration dates shall be 50 percent of the maximum amount established by this subsection. No fees shall be charged for minor modifications or minor amendments to such permits. For the purpose of this subdivision, "minor modifications" or "minor amendments" means specific types of changes defined by the Board that are made to keep the permit current with routine changes to the facility or its operation that do not require extensive review. A minor permit modification or amendment does not substantially alter permit conditions, increase the size of the operation, or reduce the capacity of the facility to protect human health or the environment.

B2. Each permitted facility shall pay a permit maintenance fee to the Board by October 1 of each year, not to exceed the following amounts:

Type of Permit/Certificate Category	Maximum Amount
1. Virginia Pollutant Discharge Elimination System	
Major Industrial	\$4,800
Major Municipal greater than 10 million gallons per day	\$4,750
Major Municipal 2-10 million gallons per day	\$4,350
Major Municipal less than 2 million gallons per day	\$3,850
Minor Industrial with nonstandard limits	\$2,040
Minor Industrial with standard limits	\$1,320
Minor Industrial water treatment system	\$1,200
Minor Municipal greater than 100,000 gallons per day	\$1,500
Minor Municipal 10,001-100,000 gallons per day	\$1,200
Minor Municipal 1,000-10,000 gallons per day	\$1,080
Minor Municipal less than 1,000 gallons per day	\$400
2. Virginia Pollution Abatement	

Industrial/Wastewater 10 or more inches per year	\$3,000
Industrial/Wastewater less than 10 inches per year	\$2,100
Industrial/Sludge	\$3,000
Municipal/Wastewater	\$2,700
Municipal/Sludge	\$1,500

An additional permit maintenance fee of \$1,000 shall be collected from facilities in a toxics management program and an additional permit maintenance fee shall be collected from facilities that have more than five process wastewater discharge outfalls. Permit maintenance fees shall be collected annually and shall be remitted by October 1 of each year. For a local government or public service authority with permits for multiple facilities in a single jurisdiction, the permit maintenance fees for permits held as of April 1, 2004, shall not exceed \$20,000 per year. No permit maintenance fee shall be assessed for facilities operating under a general permit or for permits pertaining to a farming operation engaged in production for market.

B3. Permit application fees charged for Virginia Water Protection Permits, ground water withdrawal permits, and surface water withdrawal permits shall reflect the average time and complexity of processing a permit in each of the various categories of permits and permit actions and the size of the proposed impact. Only one permit fee shall be assessed for a water protection permit involving elements of more than one category of permit fees under this section. The fee shall be assessed based upon the primary purpose of the proposed activity. In no instance shall the Board charge a fee for a permit pertaining to maintenance dredging for federal navigation channels or other U.S. Army Corps of Engineers- or Department of the Navy-sponsored dredging projects, and in no instance shall the Board exceed the following amounts for the processing of each type of permit/certificate category:

Type of Permit	Maximum Amount
1. Virginia Water Protection	
Individual-wetland impacts	\$2,400 plus \$220 per 1/10 acre of impact over two acres, not to exceed \$60,000
Individual-minimum instream flow	\$25,000
Individual-reservoir	\$35,000
Individual-nonmetallic mineral mining	\$7,500
General-less than 1/10 acre impact	\$0
General-1/10 to 1/2 acre impact	\$600
General-greater than 1/2 to one acre impact	\$1,200
General-greater than one acre to two acres of impact	\$120 per 1/10 acre of impact
2. Ground Water Withdrawal	<del>\$6,000</del> \$9,000
3. Surface Water Withdrawal	\$12,000

No fees shall be charged for minor modifications or minor amendments to such permits. For the purpose of this subdivision, "minor modifications" or "minor amendments" means specific types of changes defined by the Board that are made to keep the permit current with routine changes to the facility or its operation that do not require extensive review. A minor permit modification or amendment does not substantially alter permit conditions, increase the size of the operation, or reduce the capacity of the facility to protect human health or the environment.

C. When promulgating regulations establishing permit fees, the Board shall take into account the permit fees charged in neighboring states and the importance of not placing existing or prospective industries in the Commonwealth at a competitive disadvantage.

D. Beginning January 1, 1998, and January 1 of every even-numbered year thereafter, the Board shall make a report on the implementation of the water permit program to the Senate Committee on Agriculture, Conservation and Natural Resources, the Senate Committee on Finance, the House Committee on Appropriations, the House Committee on Agriculture, Chesapeake and Natural Resources and the House Committee on Finance. The report shall include the following: (i) the total costs, both direct and indirect, including the costs of overhead, water quality planning, water quality assessment, operations coordination, and surface water and ground water investigations, (ii) the total fees collected by permit category, (iii) the amount of general funds allocated to the Board, (iv) the amount of federal funds received, (v) the Board's use of the fees, the general funds, and the federal funds, (vi) the number of permit applications received by category, (vii) the number of permits issued by category, (viii) the progress in eliminating permit backlogs, (ix) the timeliness of permit processing, and (x) the direct and indirect costs to neighboring states of administering their water permit programs,

including what activities each state categorizes as direct and indirect costs, and the fees charged to the permit holders and applicants.

E. Fees collected pursuant to this section shall not supplant or reduce in any way the general fund appropriation to the Board.

F. Permit fee schedules shall apply to permit programs in existence on July 1, 1992, any additional permits that may be required by the federal government and administered by the Board, or any new permit required pursuant to any law of the Commonwealth.

G. The Board is authorized to promulgate regulations establishing a schedule of reduced permit fees for facilities that have established a record of compliance with the terms and requirements of their permits and shall establish criteria by regulation to provide for reductions in the annual fee amount assessed for facilities accepted into the Department's programs to recognize excellent environmental performance.

**§ 62.1-266. Ground water withdrawal permits.**

A. The Board may issue any ground water withdrawal permit upon terms, conditions, and limitations necessary for the protection of the public welfare, safety, and health.

B. Applications for ground water withdrawal permits shall be in a form prescribed by the Board and shall contain such information, consistent with this chapter, as the Board deems necessary.

C. All ground water withdrawal permits issued by the Board under this chapter shall have a fixed term not to exceed ~~ten~~ 15 years. The term of a ground water withdrawal permit issued by the Board shall not be extended by modification beyond the maximum duration, and the permit shall expire at the end of the term unless a complete application for a new permit has been filed in a timely manner as required by the regulations of the Board, and the Board is unable, through no fault of the permittee, to issue a new permit before the expiration date of the previous permit. ~~Any permit to withdraw ground water issued by the Board on or after July 1, 1991, and prior to July 1, 1992, shall expire ten years after the date of its issuance.~~

D. Renewed ground water withdrawal permits shall be for a withdrawal amount that includes such savings as can be demonstrated to have been achieved through water conservation, provided that a beneficial use of the permitted ground water can be demonstrated for the following permit term.

E. Any permit issued by the Board under this chapter may, after notice and opportunity for a hearing, be amended or revoked on any of the following grounds or for good cause as may be provided by the regulations of the Board:

1. The permittee has violated any regulation or order of the Board pertaining to ground water, any condition of a ground water withdrawal permit, any provision of this chapter, or any order of a court, where such violation presents a hazard or potential hazard to human health or the environment or is representative of a pattern of serious or repeated violations ~~which that~~, in the opinion of the Board, demonstrates the permittee's disregard for or inability to comply with applicable laws, regulations, or requirements;

2. The permittee has failed to disclose fully all relevant material facts or has misrepresented a material fact in applying for a permit, or in any other report or document required under this chapter or under the ground water withdrawal regulations of the Board;

3. The activity for which the permit was issued endangers human health or the environment and can be regulated to acceptable levels by amendment or revocation of the permit; or

4. There exists a material change in the basis on which the permit was issued that requires either a temporary or a permanent reduction or elimination of the withdrawal controlled by the permit necessary to protect human health or the environment.

F. No application for a ground water withdrawal permit shall be considered complete unless the applicant has provided the Executive Director of the Board with notification from the governing body of the ~~county, city or town~~ locality in which the withdrawal is to occur that the location and operation of the withdrawing facility is in compliance with all ordinances adopted pursuant to Chapter 22 (§ 15.2-2200 et seq.) of Title 15.2. The provisions of this subsection shall not apply to any applicant exempt from compliance under Chapter 22 (§ 15.2-2200 et seq.) of Title 15.2.

G. A ground water withdrawal permit shall authorize withdrawal of a specific amount of ground water through a single well or system of wells, including a backup well or wells, or such other means as the withdrawer specifies.

**§ 62.1-267. Issuance of special exceptions.**

A. The Board may issue ~~a special exceptions~~ exception to allow the withdrawal of ground water in ~~cases~~ the case of an unusual ~~situations~~ where situation in which requiring the user to obtain a ground water withdrawal permit would be contrary to the intended purpose of the Act.

B. In reviewing an application for a special exception, the Board may consider the amount and duration of the proposed withdrawal, the beneficial use intended for the ground water, the return of the ground water to the aquifer, and the effect of the withdrawal on human health and the environment. Any person requesting a special exception shall submit an application to the Board containing such information as the Board shall require by regulation adopted pursuant to this chapter.

C. Any special exception issued by the Board shall state the terms pursuant to which the applicant may withdraw ground water, including the amount of ground water that may be withdrawn in any period and the duration of the special exception. No special exception shall be issued for a term exceeding ~~ten~~ 15 years.

D. A violation of any term or provision of a special exception shall subject the holder thereof to the same penalties and enforcement procedures as would apply to a violation of a ground water withdrawal permit.

E. The Board shall have the power to amend or revoke any special exception after notice and opportunity for hearing on the grounds set forth in subsection D of § 62.1-266 for amendment or revocation of a ground water withdrawal permit.

**2. That the State Water Control Board shall, by a regulation effective January 1, 2019, raise from \$6,000 to \$9,000 the permit fee applicable to new or reissued individual ground water withdrawal permits or certificates. The adoption of such regulation shall be exempt from the requirements of Article 2 (§ 2.2-4006 et seq.) of the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia).**

**CHAPTER 425**

*An Act to amend and reenact § 46.2-613 of the Code of Virginia, relating to parked vehicles; registration, licensing, and titling requirements.*

[H 236]

Approved March 23, 2018

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

**1. That § 46.2-613 of the Code of Virginia is amended and reenacted as follows:**

**§ 46.2-613. Offenses relating to registration, licensing, and certificates of title; penalties.**

A. No person shall:

1. Operate, *park*, or permit the operation *or parking* of a motor vehicle, trailer, or semitrailer owned, leased, or otherwise controlled by him ~~to be operated~~ on a highway unless (i) it is registered, (ii) a certificate of title therefor has been issued, and (iii) it has displayed on it the license plate or plates and decal or decals, if any, assigned to it by the Department for the current registration period, subject to the exemptions mentioned in Article 5 (§ 46.2-655 et seq.) and Article 6 (§ 46.2-662 et seq.). The provisions of this subdivision shall apply to the registration, licensing, and titling of mopeds on or after July 1, 2014.

2. Display, *or cause or permit to be displayed*, any registration card, certificate of title, or license plate or decal ~~which that he knows is fictitious or which that he knows has been cancelled, revoked, suspended, or altered~~; or display or cause or permit to be displayed on any motor vehicle, trailer, or semitrailer any license plate or decal that he knows is currently issued for another vehicle. Violation of this subdivision shall constitute a Class 2 misdemeanor.

3. Possess or ~~use~~ *use any registration card, license plate, or decal to which he is not entitled* or knowingly permit the use of any registration card, license plate, or decal by anyone not entitled to it.

4. Fail or refuse to surrender to the Department or the Department of State Police, on demand, any certificate of title, registration card, or license plate or decal which has been suspended, cancelled, or revoked. Violation of this subdivision shall constitute a Class 2 misdemeanor.

5. Use a false name or address in any application for the registration of any motor vehicle, trailer, or semitrailer ~~or~~, for a certificate of title, or for any renewal or duplicate certificate; or knowingly ~~to~~ make a false statement of a material fact ~~or~~ ~~to~~, *knowingly* conceal a material fact, or otherwise commit a fraud in any registration application. Violation of this subdivision shall constitute a Class 1 misdemeanor.

6. Willfully and intentionally violate the limitations imposed under §§ 46.2-665, 46.2-666, and 46.2-670 while operating an unregistered vehicle pursuant to the agricultural and horticultural exemptions allowed under those sections. A first violation of this subdivision shall constitute a traffic infraction punishable by a fine of not more than \$250, and a second or subsequent violation of this subdivision shall constitute a traffic infraction punishable by a fine of \$250.

B. For any summons issued for a violation of this section, the court may, in its discretion, dismiss the summons, where proof of compliance with this section is provided to the court on or before the court date.

**CHAPTER 426**

*An Act to amend and reenact § 29.1-748.1 of the Code of Virginia, relating to personal watercraft; lakes smaller than 50 acres.*

[H 346]

Approved March 23, 2018

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

**1. That § 29.1-748.1 of the Code of Virginia is amended and reenacted as follows:**

**§ 29.1-748.1. Local ordinances; operation on lakes; minimum distance from shoreline; penalty.**

A. *Any locality in Planning District 23 may, by ordinance, prohibit the operation of a personal watercraft on a public lake measuring less than 50 acres in extent. Such ordinance shall provide that a violation of the prohibition constitutes a Class 4 misdemeanor. Any violation of such an ordinance shall be subject to the provisions of subsection C of § 29.1-748.*

B. The City of Virginia Beach may, by ordinance, regulate in any portion of a waterway located solely within its territorial limits, the minimum distance that personal watercraft may be operated from the shoreline in excess of the slowest

possible speed required to maintain steerage and headway. Such ordinance shall provide for distances of 100 feet from the shoreline and 200 feet from swimmers in ocean waters, and shall provide for local enforcement and penalties not exceeding those applicable to Class 4 misdemeanors. Nothing in this ~~section~~ subsection prohibits access to and from waters where operation is not otherwise restricted.

**CHAPTER 427**

*An Act to amend and reenact § 62.1-255 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 62.1-259.1, relating to ground water management; subdivisions; technical evaluation.*

[H 358]

Approved March 23, 2018

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

**1. That § 62.1-255 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 62.1-259.1 as follows:**

**§ 62.1-255. Definitions.**

As used in this chapter, unless the context requires otherwise:

"Beneficial use" includes, but is not limited to, domestic (including public water supply), agricultural, commercial, and industrial uses.

"Board" means the State Water Control Board.

"Department" means the Department of Environmental Quality.

"Ground water" means any water, except capillary moisture, beneath the land surface in the zone of saturation or beneath the bed of any stream, lake, reservoir or other body of surface water wholly or partially within the boundaries of this Commonwealth, whatever the subsurface geologic structure in which such water stands, flows, percolates or otherwise occurs.

"Ground water withdrawal permit" means a certificate issued by the Board permitting the withdrawal of a specified quantity of ground water in a ground water management area.

"Person" means any and all persons, including individuals, firms, partnerships, associations, public or private institutions, municipalities or political subdivisions, governmental agencies, or private or public corporations organized under the laws of this Commonwealth or any other state or country.

"Surficial aquifer" means the upper surface of a zone of saturation, where the body of ground water is not confined by an overlying impermeable zone.

**§ 62.1-259.1. Certain withdrawals; technical evaluation required.**

*A. The developer of a subdivision, as defined in § 15.2-2201, located in a designated ground water management area shall apply for a technical evaluation from the Department of Environmental Quality prior to final subdivision plat approval if there will be 30 or more lots within the subdivision served by private wells, as defined in § 32.1-176.3. The application for a technical evaluation shall be on a form established by the Department and shall include a geophysical log from a geophysical borehole located within the subdivision. Such borehole may subsequently be utilized as a ground water supply for a dwelling unit or for other appropriate purpose within the subdivision. Within 60 days of receiving a complete application for a technical evaluation, the Department shall perform a technical evaluation and provide to the developer a recommendation sufficient to serve the water needs of each dwelling unit in the subdivision that specifies the aquifer or aquifers that will minimize unmitigated impacts to ground water resources and any offsite impacts to existing ground water users. The recommendation to the developer shall be nonbinding; however, any such developer who constructs one or more private wells in the subdivision in an aquifer inconsistent with the Department's recommendation shall prepare and submit a mitigation plan to the Department, consistent with requirements for mitigation plans established by the Board, and record a mitigation plan approved by the Department with the subdivision plat prior to constructing any private wells within the subdivision. The Department is authorized to charge the developer a fee not to exceed \$5,000 to perform the technical evaluation. This section shall not apply to the developer of a subdivision who constructs all of the private wells within the subdivision in the surficial aquifer.*

**2. That the technical evaluation requirement of this act applies to any such subdivision for which the developer obtains plat approval on or after July 1, 2018.**

**CHAPTER 428**

*An Act to amend and reenact § 10.1-2211.2 of the Code of Virginia, relating to historical African American cemeteries; Charlottesville; Daughters of Zion Cemetery.*

[H 360]

Approved March 23, 2018

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

**1. That § 10.1-2211.2 of the Code of Virginia is amended and reenacted as follows:**

**§ 10.1-2211.2. Disbursement of funds appropriated for caring for historical African American cemeteries and graves.**

A. For purposes of this section:

"Historical African American cemetery" means a cemetery that was established prior to January 1, 1900, for interments of African Americans and is owned by a public body or qualified charitable organization.

"Qualified charitable organization" means a charitable corporation, charitable association, or charitable trust that has been granted tax-exempt status under § 501(c)(3) of the Internal Revenue Code and whose primary purpose is the preservation of historical cemeteries and graves.

B. At the direction of the Director, the Comptroller of the Commonwealth shall draw an annual warrant upon the State Treasurer from any sum that may be provided in the general appropriation act in favor of the treasurer of a qualified charitable organization caring for any cemetery set forth in this subsection. Such appropriations shall be allocated on the basis of the number of graves, monuments, and markers in a cemetery of African Americans who lived at any time between January 1, 1800, and January 1, 1900, the dates to be determined by reference to grave markers or, at the discretion of the Director, other historical records. Such number of graves, monuments, and markers, as set forth opposite the cemetery name or as documented by the qualified charitable organization, shall be multiplied by the rate of \$5 or the average actual cost of routine maintenance of a grave, monument, or marker, whichever is greater, to determine the amount of the allocation. The Department shall determine the average actual cost of routine maintenance of a grave, monument, or marker in a biennial survey of at least four properly maintained cemeteries, each located in a different geographical region of the Commonwealth.

IN THE COUNTY OF:	NUMBER:
Henrico	
East End Cemetery	4,875
IN THE CITY OF:	NUMBER:
Charlottesville	
Daughters of Zion Cemetery	192
Richmond	
Evergreen Cemetery	2,100

C. An organization receiving funds shall expend the funds for the routine maintenance of its historical African American cemetery and its graves and the erection of and caring for markers, memorials, and monuments to the memory of such African Americans.

D. Each qualified charitable organization, through its proper officer, shall after July 1 of each year submit to the Director a certified statement that the funds appropriated to the organization during the preceding fiscal year were or will be expended for the purposes set forth in subsection C. No organization that fails to comply with any of the requirements of this section shall receive moneys allocated under this section for any subsequent fiscal year until the organization fully complies with the requirements.

E. In addition to funds that may be provided pursuant to subsection B, any organization set forth in subsection B may apply to the Director for a grant to perform extraordinary maintenance, renovation, repair, or reconstruction of any of its historical African American cemeteries and graves. Such a grant shall be made from any appropriation made available by the General Assembly for such purpose.

F. No local matching funds shall be required for any grants made pursuant to this section.

**CHAPTER 429**

*An Act to direct the Secretary of Transportation to conduct a review of the Washington Metropolitan Area Transit Authority Board of Directors membership provisions. Report.*

[H 384]

Approved March 23, 2018

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

**1.** *§ 1. The Secretary of Transportation (Secretary) shall conduct a review of the Washington Metropolitan Area Transit Authority Board of Directors membership provisions. Such review shall consider the criteria used to determine eligibility to represent the Commonwealth on the Washington Metropolitan Area Transit Authority and whether the current representation criteria serve the best interests of the Commonwealth. The Secretary shall also determine whether any changes to the Commonwealth's representation can be made without an amendment to the Washington Metropolitan Area Transit Authority Compact.*

*The Secretary shall conclude the review by November 30, 2018, and shall submit to the Governor and the General Assembly an executive summary and a report of his findings and recommendations for publication as a House or Senate*

document. The executive summary and report shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports no later than the first day of the 2019 Regular Session of the General Assembly and shall be posted on the General Assembly's website.

#### CHAPTER 430

An Act to amend the Code of Virginia by adding a section numbered 5.1-2.2:4, relating to airport boards and authorities; funding transparency.

[H 453]

Approved March 23, 2018

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

**1. That the Code of Virginia is amended by adding a section numbered 5.1-2.2:4 as follows:**

**§ 5.1-2.2:4. Transparency and accountability for use of Department and Board funds.**

A. Any (i) airport board, commission, authority, or body established pursuant to § 5.1-31 or 5.1-36 or (ii) public use privately owned airport that has received funding from the Department or Board shall keep records of receipts and disbursements thereof, which records shall be open for audit and evaluation by the appropriate state authorities.

B. By August 1 of each year, any (i) airport board, commission, authority, or body established pursuant to § 5.1-31 or 5.1-36 or (ii) public use privately owned airport that has received or disbursed funds from the Department or Board within the prior fiscal year shall submit to the Department a report detailing the purpose for which such funds were received or disbursed. The report shall also list any localities from which such entity receives funds. The Department shall make such report available to the public upon request and shall post such report on the website for the Department. Sensitive financial, personal, or security information contained in the report may be redacted at the discretion of the Department prior to public release. The Department shall send such redacted report to the governing body of any locality from which such airport board, commission, authority, or body receives funds.

#### CHAPTER 431

An Act to amend and reenact § 46.2-752 of the Code of Virginia, relating to registration and licensing of vehicles; payment of local taxes and fees.

[H 489]

Approved March 23, 2018

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

**1. That § 46.2-752 of the Code of Virginia is amended and reenacted as follows:**

**§ 46.2-752. Taxes and license fees imposed by counties, cities, and towns; limitations on amounts; disposition of revenues; requiring evidence of payment of personal property taxes and certain fines; prohibiting display of licenses after expiration; failure to display valid local license required by other localities; penalty.**

A. Except as provided in § 46.2-755, counties, cities, and towns may levy and assess taxes and charge license fees on motor vehicles, trailers, and semitrailers. However, none of these taxes and license fees shall be assessed or charged by any county on vehicles owned by residents of any town located in the county when such town constitutes a separate school district if the vehicles are already subject to town license fees and taxes, nor shall a town charge a license fee to any new resident of the town, previously a resident of a county within which all or part of the town is situated, who has previously paid a license fee for the same tax year to such county. The amount of the license fee or tax imposed by any county, city, or town on any motor vehicle, trailer, or semitrailer shall not be greater than the annual or one-year fee imposed by the Commonwealth on the motor vehicle, trailer, or semitrailer. The license fees and taxes shall be imposed in such manner, on such basis, for such periods, and subject to proration for fractional periods of years, as the proper local authorities may determine.

Owners or lessees of motor vehicles, trailers, and semitrailers who have served outside of the United States in the armed services of the United States shall have a 90-day grace period, beginning on the date they are no longer serving outside the United States, in which to comply with the requirements of this section. For purposes of this section, "the armed services of the United States" includes active duty service with the regular Armed Forces of the United States or the National Guard or other reserve component.

Local licenses may be issued free of charge for any or all of the following:

1. Vehicles powered by clean special fuels as defined in § 46.2-749.3, including dual-fuel and bi-fuel vehicles,
2. Vehicles owned by volunteer emergency medical services agencies,
3. Vehicles owned by volunteer fire departments,
4. Vehicles owned or leased by active members or active auxiliary members of volunteer emergency medical services agencies,
5. Vehicles owned or leased by active members or active auxiliary members of volunteer fire departments,
6. Vehicles owned or leased by auxiliary police officers,

- 7. Vehicles owned or leased by volunteer police chaplains,
- 8. Vehicles owned by surviving spouses of persons qualified to receive special license plates under § 46.2-739,
- 9. Vehicles owned or leased by auxiliary deputy sheriffs or volunteer deputy sheriffs,
- 10. Vehicles owned by persons qualified to receive special license plates under § 46.2-739,
- 11. Vehicles owned by any of the following who served at least 10 years in the locality: former members of volunteer emergency medical services agencies, former members of volunteer fire departments, former auxiliary police officers, members and former members of authorized police volunteer citizen support units, members and former members of authorized sheriff's volunteer citizen support units, former volunteer police chaplains, and former volunteer special police officers appointed under former § 15.2-1737. In the case of active members of volunteer emergency medical services agencies and active members of volunteer fire departments, applications for such licenses shall be accompanied by written evidence, in a form acceptable to the locality, of their active affiliation or membership, and no member of an emergency medical services agency or member of a volunteer fire department shall be issued more than one such license free of charge,
- 12. All vehicles having a situs for the imposition of licensing fees under this section in the locality,
- 13. Vehicles owned or leased by deputy sheriffs; however, no deputy sheriff shall be issued more than one such license free of charge,
- 14. Vehicles owned or leased by police officers; however, no police officer shall be issued more than one such license free of charge,
- 15. Vehicles owned or leased by officers of the State Police; however, no officer of the State Police shall be issued more than one such license free of charge,
- 16. Vehicles owned or leased by salaried firefighters; however, no salaried firefighter shall be issued more than one such license free of charge,
- 17. Vehicles owned or leased by salaried emergency medical services personnel; however, no salaried emergency medical services personnel shall be issued more than one such license free of charge,
- 18. Vehicles with a gross weight exceeding 10,000 pounds owned by museums officially designated by the Commonwealth,
- 19. Vehicles owned by persons, or their surviving spouses, qualified to receive special license plates under subsection A of § 46.2-743, and
- 20. Vehicles owned or leased by members of the Virginia Defense Force; however, no member of the Virginia Defense Force shall be issued more than one such license free of charge.

The governing body of any county, city, or town issuing licenses under this section may by ordinance provide for a 50 percent reduction in the fee charged for the issuance of any such license issued for any vehicle owned or leased by any person who is 65 years old or older. No such discount, however, shall be available for more than one vehicle owned or leased by the same person.

The governing body of any county, city, or town issuing licenses free of charge under this subsection may by ordinance provide for (i) the limitation, restriction, or denial of such free issuance to an otherwise qualified applicant, including without limitation the denial of free issuance to a taxpayer who has failed to timely pay personal property taxes due with respect to the vehicle and (ii) the grounds for such limitation, restriction, or denial.

The situs for the imposition of licensing fees under this section shall in all cases, except as hereinafter provided, be the county, city, or town in which the motor vehicle, trailer, or semitrailer is normally garaged, stored, or parked. If it cannot be determined where the personal property is normally garaged, stored, or parked, the situs shall be the domicile of its owner. In the event the owner of the motor vehicle is a full-time student attending an institution of higher education, the situs shall be the domicile of such student, provided the student has presented sufficient evidence that he has paid a personal property tax on the motor vehicle in his domicile.

B. The revenue derived from all county, city, or town taxes and license fees imposed on motor vehicles, trailers, or semitrailers shall be applied to general county, city, or town purposes.

C. A county, city, or town may require that no motor vehicle, trailer, or semitrailer shall be locally licensed until the applicant has produced satisfactory evidence that all personal property taxes on the motor vehicle, trailer, or semitrailer to be licensed have been paid and satisfactory evidence that any delinquent motor vehicle, trailer, or semitrailer personal property taxes owing have been paid which have been properly assessed or are assessable against the applicant by the county, city, or town. A county, city, or town may also provide that no motor vehicle license shall be issued unless the tangible personal property taxes properly assessed or assessable by that locality on any tangible personal property used or usable as a dwelling titled by the Department of Motor Vehicles and owned by the taxpayer have been paid. Any county and any town within any such county may by agreement require that all personal property taxes assessed by either the county or the town on any vehicle be paid before licensure of such vehicle by either the county or the town.

C1. The Counties of Dinwiddie, Lee, and Wise may, by ordinance or resolution adopted after public notice and hearing and, with the consent of the treasurer, require that no license may be issued under this section unless the applicant has produced satisfactory evidence that all fees, including delinquent fees, payable to such county or local solid waste authority, for the disposal of solid waste pursuant to the Virginia Water and Waste Authorities Act (§ 15.2-5100 et seq.), or pursuant to § 15.2-2159, have been paid in full. For purposes of this subsection, all fees, including delinquent fees, payable to a county for waste disposal services described herein, shall be paid to the treasurer of such county; however, in Wise County, the fee shall be paid to the county or its agent.

D. The Counties of Arlington, Fairfax, Loudoun, and Prince William and towns within them and any city may require that no motor vehicle, trailer, or semitrailer shall be licensed by that jurisdiction unless all fines owed to the jurisdiction by the owner of the vehicle, trailer, or semitrailer for violation of the jurisdiction's ordinances governing parking of vehicles have been paid. The provisions of this subsection shall not apply to vehicles owned by firms or companies in the business of renting motor vehicles.

E. If in any county imposing license fees and taxes under this section, a town therein imposes like fees and taxes on vehicles of owners resident in the town, the owner of any vehicle subject to the fees or taxes shall be entitled, on the owner's displaying evidence that he has paid the fees or taxes, to receive a credit on the fees or taxes imposed by the county to the extent of the fees or taxes he has paid to the town. Nothing in this section shall deprive any town now imposing these licenses and taxes from increasing them or deprive any town not now imposing them from hereafter doing so, but subject to the limitations provided in subsection D. The governing body of any county and the governing body of any town in that county wherein each imposes the license tax herein provided may provide mutual agreements so that not more than one license plate or decal in addition to the state plate shall be required.

F. Notwithstanding the provisions of subsection E, in a consolidated county wherein a tier-city exists, the tier-city may, in accordance with the provisions of the agreement or plan of consolidation, impose license fees and taxes under this section in addition to those fees and taxes imposed by the county, provided that the combined county and tier-city rates do not exceed the maximum provided in subsection A. No credit shall be allowed on the fees or taxes imposed by the county for fees or taxes paid to the tier-city, except as may be provided by the consolidation agreement or plan. The governing body of any county and the governing body of any tier-city in such county wherein each imposes the license tax herein may provide by mutual agreement that no more than one license plate or decal in addition to the state license plate shall be required.

G. Any county, city, or town may by ordinance provide that it shall be unlawful for any owner or operator of a motor vehicle, trailer, or semitrailer (i) to fail to obtain and, if any required by such ordinance, to display the local license required by any ordinance of the county, city or town in which the vehicle is registered, or (ii) to display upon a motor vehicle, trailer, or semitrailer any such local license, required by ordinance to be displayed, after its expiration date. The ordinance may provide that a violation shall constitute a misdemeanor the penalty for which shall not exceed that of a Class 4 misdemeanor and may, in the case of a motor vehicle registered to a resident of the locality where such vehicle is registered, authorize the issuance by local law-enforcement officers of citations, summonses, parking tickets, or uniform traffic summonses for violations. Any such ordinance may also provide that a violation of the ordinance by the registered owner of the vehicle may not be discharged by payment of a fine except upon presentation of satisfactory evidence that the required license has been obtained. Nothing in this section shall be construed to require a county, city, or town to issue a decal or any other tangible evidence of a local license to be displayed on the licensed vehicle if the county's, city's, or town's ordinance does not require display of a decal or other evidence of payment. No ordinance adopted pursuant to this section shall require the display of any local license, decal, or sticker on any vehicle owned by a public service company, as defined in § 56-76, having a fleet of at least 2,500 vehicles garaged in the Commonwealth.

H. Except as provided by subsections E and F, no vehicle shall be subject to taxation under the provisions of this section in more than one jurisdiction. Furthermore, no person who has purchased a local vehicle license, decal, or sticker for a vehicle in one county, city, or town and then moves to and garages his vehicle in another county, city, or town shall be required to purchase another local license, decal, or sticker from the county, city, or town to which he has moved and wherein his vehicle is now garaged until the expiration date of the local license, decal, or sticker issued by the county, city, or town from which he moved.

I. Purchasers of new or used motor vehicles shall be allowed at least a 10-day grace period, beginning with the date of purchase, during which to pay license fees charged by local governments under authority of this section.

J. The treasurer or director of finance of any county, city, or town may enter into an agreement with the Commissioner whereby the Commissioner will refuse to issue or renew any vehicle registration of any applicant therefor who owes to such county, city, or town any local vehicle license fees or delinquent tangible personal property tax or parking citations. Before being issued any vehicle registration or renewal of such license or registration by the Commissioner, the applicant shall first satisfy all such local vehicle license fees and delinquent taxes or parking citations and present evidence satisfactory to the Commissioner that all such local vehicle license fees and delinquent taxes or parking citations have been paid in full. *However, a vehicle purchased by an applicant subsequent to the onset of enforcement action under this subsection may be issued an initial registration for a period of up to 90 days to allow the applicant to satisfy all applicable requirements under this subsection, provided that a fee sufficient for the registration period, as calculated under subsection B of § 46.2-694, is paid. Such initial registration shall not be eligible for the one-month registration extension provided for in § 46.2-752.1 for this same purpose.* The Commissioner shall charge a reasonable fee to cover the costs of such enforcement action, and the treasurer or director of finance may add the cost of this fee to the delinquent tax bill or the amount of the parking citation. The treasurer or director of finance of any county, city, or town seeking to collect delinquent taxes or parking citations through the withholding of registration or renewal thereof by the Commissioner as provided for in this subsection shall notify the Commissioner in the manner provided for in his agreement with the Commissioner and supply to the Commissioner information necessary to identify the debtor whose registration or renewal is to be denied. Any agreement entered into pursuant to the provisions of this subsection shall provide the debtor notice of the intent to deny renewal of registration or issuance of registration for any currently unregistered vehicle at least 30 days prior to the expiration date of a current vehicle registration. For the purposes of this subsection, notice by first-class mail to the registrant's address as

maintained in the records of the Department of Motor Vehicles shall be deemed sufficient. In the case of parking violations, the Commissioner shall only refuse to issue or renew the vehicle registration of any applicant therefor pursuant to this subsection for the vehicle that incurred the parking violations. The provisions of this subsection shall not apply to vehicles owned by firms or companies in the business of renting motor vehicles.

K. The governing bodies of any two or more counties, cities, or towns may enter into compacts for the regional enforcement of local motor vehicle license requirements. The governing body of each participating jurisdiction may by ordinance require the owner or operator of any motor vehicle, trailer, or semitrailer to display on his vehicle a valid local license issued by another county, city, or town that is a party to the regional compact, provided that the owner or operator is required by the jurisdiction of situs, as provided in § 58.1-3511, to obtain and display such license. The ordinance may also provide that no motor vehicle, trailer, or semitrailer shall be locally licensed until the applicant has produced satisfactory evidence that (i) all personal property taxes on the motor vehicle, trailer, or semitrailer to be licensed have been paid to all participating jurisdictions and (ii) any delinquent motor vehicle, trailer, or semitrailer personal property taxes that have been properly assessed or are assessable by any participating jurisdiction against the applicant have been paid. Any city and any county having the urban county executive form of government, the counties adjacent to such county and towns within them may require that no motor vehicle, trailer, or semitrailer shall be licensed by that jurisdiction or any other jurisdiction in the compact unless all fines owed to any participating jurisdiction by the owner of the vehicle for violation of any participating jurisdiction's ordinances governing parking of vehicles have been paid. The ordinance may further provide that a violation shall constitute a misdemeanor the penalty for which shall not exceed that of a Class 4 misdemeanor. Any such ordinance may also provide that a violation of the ordinance by the owner of the vehicle may not be discharged by payment of a fine and applicable court costs except upon presentation of satisfactory evidence that the required license has been obtained. The provisions of this subsection shall not apply to vehicles owned by firms or companies in the business of renting motor vehicles.

L. In addition to the taxes and license fees permitted in subsection A, counties, cities, and towns may charge a license fee of no more than \$1 per motor vehicle, trailer, and semitrailer. Except for the provisions of subsection B, such fee shall be subject to all other provisions of this section. All funds collected pursuant to this subsection shall be paid pursuant to § 51.1-1204 to the Volunteer Firefighters' and Rescue Squad Workers' Service Award Fund to the accounts of all members of the Fund who are volunteers for fire departments or emergency medical services agencies within the jurisdiction of the particular county, city, or town.

M. In any county, the county treasurer or comparable officer and the treasurer of any town located wholly or partially within such county may enter into a reciprocal agreement, with the approval of the respective local governing bodies, that provides for the town treasurer to collect license fees or taxes on any motor vehicle, trailer, or semitrailer owed to the county that are non-delinquent, delinquent, or both or for the county treasurer to collect license fees or taxes on any motor vehicle, trailer, or semitrailer owed to the town that are non-delinquent, delinquent, or both. A treasurer or comparable officer collecting any such license fee or tax pursuant to an agreement entered into under this subsection shall account for and pay over such amounts to the locality owed such license fee or tax in the same manner as provided by law. As used in this subsection, with regard to towns, "treasurer" means the town officer or employee vested with authority by the charter, statute, or governing body to collect local taxes.

N. For any summons issued for a violation of this section, the court may, in its discretion, dismiss the summons, where proof of compliance with this section is provided to the court on or before the court date.

## CHAPTER 432

*An Act to amend the Code of Virginia by adding a section numbered 46.2-830.2, relating to traffic signs; people with disabilities.*

[H 505]

Approved March 23, 2018

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

**1. That the Code of Virginia is amended by adding a section numbered 46.2-830.2 as follows:**

**§ 46.2-830.2. Pedestrians with disabilities; traffic signs.**

*A. Upon request of any person who is deaf, blind, or deaf-blind, any person with autism or an intellectual or developmental disability as defined in § 37.2-100, or the agent of any such person, the Department of Transportation shall post and maintain signs informing drivers that a person with a disability may be present in or around the roadway.*

*B. The Department of Transportation shall establish regulations consistent with this section. Such regulations shall provide that any sign posted and maintained pursuant to this section shall be comparable in size and design to other signs typically used for traffic control.*

CHAPTER 433

*An Act to amend and reenact § 10.1-2211.2 of the Code of Virginia, relating to historical African American cemeteries; Portsmouth.*

[H 527]

Approved March 23, 2018

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

**1. That § 10.1-2211.2 of the Code of Virginia is amended and reenacted as follows:**

**§ 10.1-2211.2. Disbursement of funds appropriated for caring for historical African American cemeteries and graves.**

A. For purposes of this section:

"Historical African American cemetery" means a cemetery that was established prior to January 1, 1900, for interments of African Americans and is owned by a public body or qualified charitable organization.

"Qualified charitable organization" means a charitable corporation, charitable association, or charitable trust that has been granted tax-exempt status under § 501(c)(3) of the Internal Revenue Code and whose primary purpose is the preservation of historical cemeteries and graves.

B. At the direction of the Director, the Comptroller of the Commonwealth shall draw an annual warrant upon the State Treasurer from any sum that may be provided in the general appropriation act in favor of the treasurer of a qualified charitable organization caring for any cemetery set forth in this subsection. Such appropriations shall be allocated on the basis of the number of graves, monuments, and markers in a cemetery of African Americans who lived at any time between January 1, 1800, and January 1, 1900, the dates to be determined by reference to grave markers or, at the discretion of the Director, other historical records. Such number of graves, monuments, and markers, as set forth opposite the cemetery name or as documented by the qualified charitable organization, shall be multiplied by the rate of \$5 or the average actual cost of routine maintenance of a grave, monument, or marker, whichever is greater, to determine the amount of the allocation. The Department shall determine the average actual cost of routine maintenance of a grave, monument, or marker in a biennial survey of at least four properly maintained cemeteries, each located in a different geographical region of the Commonwealth.

IN THE COUNTY OF:	NUMBER:
Henrico	
East End Cemetery	4,875
IN THE CITY OF:	NUMBER:
Portsmouth	
Mt. Calvary Cemetery	266
Richmond	
Evergreen Cemetery	2,100

C. An organization receiving funds shall expend the funds for the routine maintenance of its historical African American cemetery and its graves and the erection of and caring for markers, memorials, and monuments to the memory of such African Americans.

D. Each qualified charitable organization, through its proper officer, shall after July 1 of each year submit to the Director a certified statement that the funds appropriated to the organization during the preceding fiscal year were or will be expended for the purposes set forth in subsection C. No organization that fails to comply with any of the requirements of this section shall receive moneys allocated under this section for any subsequent fiscal year until the organization fully complies with the requirements.

E. In addition to funds that may be provided pursuant to subsection B, any organization set forth in subsection B may apply to the Director for a grant to perform extraordinary maintenance, renovation, repair, or reconstruction of any of its historical African American cemeteries and graves. Such a grant shall be made from any appropriation made available by the General Assembly for such purpose.

F. No local matching funds shall be required for any grants made pursuant to this section.

CHAPTER 434

*An Act to amend and reenact § 10.1-2211.2 of the Code of Virginia, relating to historical African American cemeteries; Portsmouth.*

[S 198]

Approved March 23, 2018

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

**1. That § 10.1-2211.2 of the Code of Virginia is amended and reenacted as follows:**

**§ 10.1-2211.2. Disbursement of funds appropriated for caring for historical African American cemeteries and graves.**

A. For purposes of this section:

"Historical African American cemetery" means a cemetery that was established prior to January 1, 1900, for interments of African Americans and is owned by a public body or qualified charitable organization.

"Qualified charitable organization" means a charitable corporation, charitable association, or charitable trust that has been granted tax-exempt status under § 501(c)(3) of the Internal Revenue Code and whose primary purpose is the preservation of historical cemeteries and graves.

B. At the direction of the Director, the Comptroller of the Commonwealth shall draw an annual warrant upon the State Treasurer from any sum that may be provided in the general appropriation act in favor of the treasurer of a qualified charitable organization caring for any cemetery set forth in this subsection. Such appropriations shall be allocated on the basis of the number of graves, monuments, and markers in a cemetery of African Americans who lived at any time between January 1, 1800, and January 1, 1900, the dates to be determined by reference to grave markers or, at the discretion of the Director, other historical records. Such number of graves, monuments, and markers, as set forth opposite the cemetery name or as documented by the qualified charitable organization, shall be multiplied by the rate of \$5 or the average actual cost of routine maintenance of a grave, monument, or marker, whichever is greater, to determine the amount of the allocation. The Department shall determine the average actual cost of routine maintenance of a grave, monument, or marker in a biennial survey of at least four properly maintained cemeteries, each located in a different geographical region of the Commonwealth.

IN THE COUNTY OF:	NUMBER:
Henrico	
East End Cemetery	4,875
IN THE CITY OF:	NUMBER:
Portsmouth	
Mt. Calvary Cemetery	266
Richmond	
Evergreen Cemetery	2,100

C. An organization receiving funds shall expend the funds for the routine maintenance of its historical African American cemetery and its graves and the erection of and caring for markers, memorials, and monuments to the memory of such African Americans.

D. Each qualified charitable organization, through its proper officer, shall after July 1 of each year submit to the Director a certified statement that the funds appropriated to the organization during the preceding fiscal year were or will be expended for the purposes set forth in subsection C. No organization that fails to comply with any of the requirements of this section shall receive moneys allocated under this section for any subsequent fiscal year until the organization fully complies with the requirements.

E. In addition to funds that may be provided pursuant to subsection B, any organization set forth in subsection B may apply to the Director for a grant to perform extraordinary maintenance, renovation, repair, or reconstruction of any of its historical African American cemeteries and graves. Such a grant shall be made from any appropriation made available by the General Assembly for such purpose.

F. No local matching funds shall be required for any grants made pursuant to this section.

**CHAPTER 435**

*An Act to amend and reenact § 46.2-2099.18 of the Code of Virginia, relating to broker's licenses; bed and breakfast establishments.*

[H 554]

Approved March 23, 2018

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

**1. That § 46.2-2099.18 of the Code of Virginia is amended and reenacted as follows:**

**§ 46.2-2099.18. Broker's license required.**

No person shall for compensation sell or offer for sale transportation subject to this chapter or shall make any contract, agreement, or arrangement to provide, procure, furnish, or arrange for such transportation or shall hold himself out by advertisement, solicitation, or otherwise as one who sells, provides, procures, contracts, or arranges for such transportation, unless such person holds a TNC broker's license or broker's license issued by the Department to engage in such transactions;

~~however,~~ *However,* the provisions of this section shall not apply to (i) any carrier holding a certificate or permit under the provisions of this chapter or to any bona fide employee or agent of such motor carrier, so far as concerns transportation to be furnished wholly by such carrier or jointly with other motor carriers holding like certificates or permits, or (ii) persons operating bed and breakfast establishments, provided that their broker service is provided only to guests of such bed and breakfast establishment.

*For the purposes of this section, "bed and breakfast establishment" means any establishment (a) having no more than 15 bedrooms; (b) offering to the public, for compensation, transitory lodging or sleeping accommodations; and (c) offering at least one meal per day, which may but need not be breakfast, to each person to whom overnight lodging is provided.*

### CHAPTER 436

*An Act to amend the Code of Virginia by adding in Article 7 of Chapter 32 of Title 58.1 a section numbered 58.1-3295.2, relating to real property tax; assessment or exemption of certain property conveyed or owned by a community land trust.*

[H 590]

Approved March 23, 2018

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

**1. That the Code of Virginia is amended by adding in Article 7 of Chapter 32 of Title 58.1 a section numbered 58.1-3295.2 as follows:**

**§ 58.1-3295.2. Assessment or exemption of certain real property conveyed or owned by a community land trust.**

*A. Notwithstanding any other provision of law, in determining the fair market value of structural improvements conveyed by a community land trust as defined in § 55-221.1, subject to a ground lease having a term of at least 90 years, while retaining a preemptive option to purchase such structural improvements at a price determined by a formula that is designed to ensure that the improvements remain affordable in perpetuity to low-income and moderate-income families earning less than 120 percent of the area median income, adjusted for family size, the duly authorized real estate assessor shall consider:*

*1. Restrictions on the price at which the improvements may be sold, as evidenced by a ground lease or memorandum thereof duly recorded with the land records of the jurisdiction with taxing authority; and*

*2. The amount of debt incurred by the owner of the improvements as evidenced by a deed of trust or leasehold deed of trust on the improvements or underlying real property owned by the community land trust and that earns no interest and requires no repayment prior to satisfaction of any interest-earning promissory note or a subsequent transfer of the property, whichever comes first.*

*B. Notwithstanding any other provision of law, in determining the fair market value of real property owned by a community land trust, subject to a ground lease having a term of at least 90 years, while retaining a preemptive option to purchase any structural improvements on the real property at a price determined by a formula that is designed to ensure that the improvements remain affordable to low-income and moderate-income families earning less than 120 percent of the area median income, adjusted for family size, in perpetuity, the duly authorized real estate assessor shall utilize the income approach and, in so doing, shall consider the property's current use, the contract rent, the income restrictions, and provisions of any arms-length contract, including restrictions on the transfer of title or other restraints on the alienation of the real property.*

### CHAPTER 437

*An Act to amend and reenact § 58.1-3203 of the Code of Virginia, relating to real property tax; exemption for certain leasehold interests held by land bank entities.*

[H 591]

Approved March 23, 2018

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

**1. That § 58.1-3203 of the Code of Virginia is amended and reenacted as follows:**

**§ 58.1-3203. Taxation of certain leasehold interests; concessions.**

*A. All leasehold interests in real property ~~which~~ that is exempt from assessment for taxation from the owner shall be assessed for local taxation to the lessee. If the remaining term of the lease is ~~five~~ 50 years or more, or the lease permits the lessee to acquire the real property for a nominal sum at the completion of the term, such leasehold interest shall be assessed as if the lessee were the owner. Otherwise, such assessment shall be reduced two percent for each year that the remainder of such term is less than ~~five~~ 50 years; however, no such assessment shall be reduced more than ~~eighty-five~~ 85 percent. If the lessee has a right to renew without the consent of the lessor, the term of such lease shall be the sum of the original lease term plus all such renewal terms.*

*B. When any real property is exempt from taxation under Section 6 (a)(1) or (2) or by designation under Section 6 (a)(6) of Article X of the Constitution of Virginia, the leasehold interest in such property may also be exempt from*

taxation, provided that the property is leased to a lessee that is exempt from taxation pursuant to § 501(c) of the Internal Revenue Code or to a lessee that is entitled to or has received federal rehabilitation tax credits relating to the property pursuant to 26 U.S.C. § 47 or any successor thereto, and is used exclusively by such lessee primarily for charitable, literary, scientific, cultural, or educational purposes. No leasehold interest or concession, as defined in § 33.2-1800, of tax exempt property of a governmental agency shall be subject to assessment for local property tax purposes where the property is leased to a public service corporation or subsidiary thereof or a nonstock, nonprofit corporation whose occupation, use, or operation of the tax exempt property is in aid of or promotes the governmental purposes set out in Chapter 10 (§ 62.1-128 et seq.) of Title 62.1 or to a private entity that is party to a concession agreement with a responsible public entity pursuant to the Public-Private Transportation Act of 1995 (§ 33.2-1800 et seq.) or to similar federal law.

C. *When any real property is exempt from taxation under § 15.2-7510, the leasehold interest in the property shall also be exempt from taxation.*

D. The provisions of this section shall not apply to any leasehold interests exempted or partially exempted by other provisions of law.

### CHAPTER 438

*An Act to authorize the Department of Conservation and Recreation to accept certain property on Natural Tunnel Parkway in Scott County.*

[H 669]

Approved March 23, 2018

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

1. § 1. *That the Department of Conservation and Recreation, pursuant to §§ 2.2-1149 and 10.1-114 of the Code of Virginia, is hereby authorized to accept from the Newman Living Trust the conveyance of two parcels of real property measuring approximately 1.85 acres in total located on Natural Tunnel Parkway in Scott County, south and east of the intersection of Natural Tunnel Parkway and Glenita Fault Lane and more particularly described as Scott County Real Estate Map I.D. Number 100 A 64, held by the Newman Living Trust by that certain quitclaim deed recorded in Deed Book 545, Page 1420 in the office of the Clerk of the Circuit Court of Scott County and measuring approximately 1.73 acres, and as Scott County Real Estate Map I.D. Number 100 A 65, shown by the Scott County Tax Assessor as held by the Natural Tunnel Stone Co. and measuring approximately 0.12 acres. The conveyance shall be made without consideration and shall be made for the purpose of providing Natural Tunnel State Park with additional property.*

§ 2. *That notwithstanding any other provision of law, including any provision to the contrary contained in a general appropriation act adopted by the 2018 Session of the General Assembly, the Department of Conservation and Recreation is authorized to accept the conveyance of these properties as contiguous to Natural Tunnel State Park.*

§ 3. *That the conveyance shall be made in a form approved by the Attorney General. The appropriate officials of the Commonwealth are hereby authorized to prepare, execute, accept, and deliver such deed and other documents as may be necessary to accomplish the conveyance. Acceptance of the conveyance is subject to the Department of Conservation and Recreation obtaining appropriate environmental assessment(s) of the property satisfactory to the Commonwealth.*

### CHAPTER 439

*An Act to amend and reenact § 55-210.3:01 of the Code of Virginia, relating to the Uniform Disposition of Unclaimed Property Act; bank deposits and funds in financial organizations; charges on inactive accounts.*

[H 686]

Approved March 23, 2018

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

1. **That § 55-210.3:01 of the Code of Virginia is amended and reenacted as follows:**

**§ 55-210.3:01. Bank deposits and funds in financial organizations.**

A. Any demand, savings, or matured time deposit with a banking or financial organization, including deposits that are automatically renewable, and any funds paid toward the purchase of shares, a mutual investment certificate, or any other interest in a banking or financial organization is presumed abandoned unless the owner has, within five years:

1. In the case of a deposit or ownership of shares, increased or decreased the amount of the deposit or the number of shares owned, or presented the passbook or other similar evidence of the deposit or ownership of shares for the crediting of interest or dividends, or negotiated a check in payment of interest or dividends on a time deposit or ownership of shares;

2. Communicated in writing with the banking or financial organization concerning the property;

3. Otherwise indicated an interest in the property as evidenced by a memorandum or other record on file prepared by an employee of the banking or financial organization;

4. Owned other property to which subdivision A 1, A 2, or A 3 is applicable if the banking or financial organization communicated in writing with the owner with regard to the property that would otherwise be presumed abandoned under this paragraph at the address to which communications regarding the other property regularly are sent;

5. Had another relationship with the banking or financial organization concerning which the owner has (i) communicated in writing with the banking or financial organization, or (ii) otherwise indicated an interest as evidenced by a memorandum or other record on file prepared by an employee of the banking or financial organization if the banking or financial organization communicates in writing with the owner with regard to the property that would otherwise be abandoned under this paragraph at the address to which communications regarding the other relationship regularly are sent; or

6. A deposit made with or purchase of shares in a banking or financial organization by a court or by a guardian pursuant to order of a court or by any other person for the benefit of a person who was an infant at the time of the making of such deposit or purchase of shares, which deposit or ownership of shares is subject to withdrawal or transfer only upon the further order of such court or such guardian or other person, shall not be subject to the provisions of this chapter until one year after such infant attains the age of eighteen years or until one year after the death of such infant, whichever occurs sooner. These accounts are not subject to dormant service charges.

B. Notwithstanding any other provision of this section, share accounts of a member of a state or federally chartered credit union that is subject to or covered by life savings insurance provided by the credit union at no additional charge to the member shall be presumed abandoned five years after the date of the second mailing of a statement of account or other notification or communication that was returned as undeliverable, or after the date the credit union discontinued the mailings to the member, whichever is earlier. Funds held or owing under the life savings insurance policy are presumed abandoned pursuant to § 55-210.4:01.

C. For purposes of this section, "property" includes any interest or dividends thereon. No banking or financial organization may deduct any service charge or cease to accrue interest on any account; from the date the account is declared dormant or inactive by such organization except in conformity with cessation of interest or service charges generally assessed upon active accounts *and except as provided in this section*. With respect to any property described in this section, a holder may not impose any charges due to dormancy or inactivity which differ from ~~those charges~~ imposed on active accounts or cease to pay interest *due to dormancy or inactivity that differs from the cessation of payment of interest on active accounts* unless:

1. There is an enforceable contract between the holder and the owner of the property pursuant to which the holder may impose those charges or cease payment of interest;

2. For property in excess of \$100, the holder, no more than three months prior to the initial imposition of those charges or cessation of interest, has given written notice to the owner of the amount of those charges at the last known address of the owner stating that those charges will be imposed or that interest will cease; however, such notice need not be given with respect to charges imposed or interest ceased before July 1, 1984; ~~and~~

3. When the holder ~~imposes those charges or ceases payment of interest, it does not for any reason other than to correct a documented internal error~~ receives a request from the owner of the property to reverse or cancel ~~those dormancy charges~~ or retroactively credit interest with respect to such property, *the holder may at its option either:*

*a. Reverse or cancel dormancy charges or retroactively credit interest with respect to any such property, in which event the holder shall reverse or cancel dormancy charges or retroactively credit interest for all such property that becomes subject to the reporting requirements in § 55-210.12 for the Department of the Treasury; or*

*b. Not reverse or cancel dormancy charges or retroactively credit interest with respect to any such property, in which event the holder shall not be required to reverse or cancel dormancy charges or retroactively credit interest for any such property that becomes subject to the reporting requirements in § 55-210.12 for the Department of the Treasury; and*

4. *The holder may at its option reverse or cancel dormancy charges or retroactively credit interest with respect to any or all such property to correct a documented internal error without becoming required to reverse or cancel dormancy charges or retroactively credit interest for all such property that becomes subject to the reporting requirements in § 55-210.12 for the Department of the Treasury.*

Notwithstanding any provision of this subsection to the contrary, a holder that is a state-chartered credit union may refund charges or reverse or cancel those charges or retroactively credit interest with respect to such property to the same extent that a federally-chartered credit union is authorized so to do pursuant to applicable provisions of federal law.

D. Any automatically renewable property to which this section applies is matured upon the expiration of its initial time period. However, in the case of any renewal to which the owner consents at or about the time of renewal by communicating in writing with the banking or financial organization or otherwise indicates consent as specified in subsection A of this section, the property is matured upon the expiration of the last time period for which consent was given. If, at the time provided for delivery in subsection D of § 55-210.12, a penalty or forfeiture in the payment of interest would result from the delivery of the property, the time for delivery is extended until the time when no penalty or forfeiture would result. Notwithstanding any other provision of this section to the contrary, any automatically renewable time deposit that has matured shall be presumed abandoned five years after the date of the second mailing of a statement of account or other notification or communication that was returned as undeliverable, or after the date the holder discontinued the mailings to the apparent owner, whichever is earlier. However, any automatically renewable time deposit for which no such statement or other notification or mailing is required to be sent by the banking or financial organization shall be presumed abandoned as otherwise provided in this section.

**2. That the provisions of this act are declarative of existing law.**

CHAPTER 440

*An Act to amend the Code of Virginia by adding a section numbered 46.2-328.2 and to repeal § 46.2-345.1 of the Code of Virginia, relating to Department of Motor Vehicles documents; veteran indicator.*

[H 737]

Approved March 23, 2018

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

**1. That the Code of Virginia is amended by adding a section numbered 46.2-328.2 as follows:**

**§ 46.2-328.2. Department to issue documents; veteran indicator.**

*A. For the purposes of this section, "veteran" means (i) a Virginia resident who has served in the active military, naval, or air service and whose final discharge or release therefrom was under honorable conditions or (ii) a Virginia resident who has served honorably for greater than 180 days in the Virginia National Guard or the United States Armed Forces Reserves.*

*B. In cooperation with the Department of Veterans Services and the Department of Military Affairs, the Department shall issue driver's licenses, permits, and identification cards displaying an indicator that the holder is a veteran to applicants who request such indicator and provide proof of such veteran status.*

*C. The Department shall charge the same fee for any document issued pursuant to this section as is charged for the same document issued without the veteran indicator. No additional fee shall be charged for the veteran indicator.*

*D. Any veteran's indicator placed on documentation issued pursuant to this section shall not be used for determination of any federal benefit.*

**2. That § 46.2-345.1 of the Code of Virginia is repealed.**

CHAPTER 441

*An Act to amend and reenact § 5.1-1 of the Code of Virginia, relating to public aircraft; definition.*

[H 799]

Approved March 23, 2018

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

**1. That § 5.1-1 of the Code of Virginia is amended and reenacted as follows:**

**§ 5.1-1. Definitions.**

When used in this title, unless expressly stated otherwise:

"Aircraft" means any contrivance now known, or hereafter invented, used, or designed for navigation of or flight in the air, including a balloon or other contrivance designed for maneuvering in airspace at an altitude greater than 24 inches above ground or water level, except that any contrivance now or hereafter invented of fixed or flexible wing design, operating without the assistance of any motor, engine, or other mechanical propulsive device, which is designed to utilize the feet and legs of the operator or operators as the sole means of initiating and sustaining forward motion during the launch and of providing the point of contact with the ground upon landing and commonly called a "hang glider" shall not be included within this definition.

"Aircraft based in this Commonwealth" means an aircraft that is either (i) domiciled in a county, city, or town in the Commonwealth or (ii) parked in a county, city, or town in the Commonwealth when not in flight for the period of time specified in § 5.1-5.

"Airman" means any individual, including the person in command and any pilot, mechanic, or member of the crew, who engages in the navigation of aircraft while under way within Virginia airspace; any individual who is directly in charge of the inspection, maintenance, overhauling, or repair of aircraft, aircraft engines, propellers, or accessories; and any individual who serves in the capacity of aircraft dispatcher.

"Air navigation facility" means any airport ground or air navigation facility, other than one owned and operated by the United States, used in, available for use in, or designed for use in aid of air navigation, including any structures, buildings, mechanisms, lights, beacons, markers, communicating systems, or other instrumentalities or devices, and any combination of any or all of such facilities, used or useful as an aid, or constituting any advantage or convenience, to the safe taking off, navigation, and landing of aircraft; in the safe and efficient operation or maintenance of an airport; in the safe, efficient and convenient handling or processing of aviation passengers, mail or cargo; or in the servicing or maintenance of aircraft or ground equipment.

"Airport" means any area of land or water which is used, or intended for public use, for the landing and takeoff of aircraft, and any appurtenant areas that are used, or intended for use, for airport buildings or other airport facilities or rights-of-way, easements and together with all airport buildings and facilities located thereon.

"Airport hazard" means any structure, object or natural growth, or use of land that obstructs the airspace required for the flight of aircraft in landing or taking off at an airport or is otherwise hazardous to such landing or taking off of aircraft.

"Airspace" means all that space above the land and waters within the boundary of the Commonwealth.

"Board" means the Virginia Aviation Board.

"Civil aircraft" means any aircraft other than a public aircraft.

"Commercial aircraft" means any civil aircraft used in flight activity for compensation or for hire.

"Contract carrier by aircraft" or "contract carrier" means any person not included under the definitions of "common carrier by aircraft" or "restricted common carrier by aircraft" as defined in § 5.1-89 who, under special and individual contracts or agreements, and whether directly or by a lease or any other arrangement, transports passengers or property by aircraft for compensation and in the transportation of passengers does not charge individual fares.

"Department" means the Department of Aviation.

"Drop zone" means any locality whether over land or water that is used, or intended for use, for the landing and recovery of sky divers or parachutists using a parachute or other contrivance designed for sport jumping.

"Fighter or attack jet" means a jet-powered aircraft designed for military (i) combat training or (ii) operational mission execution.

"Landing area" or "landing field" means any locality, whether over land or water, including airports and intermediate landing fields, which is used or intended to be used for the landing and takeoff of aircraft and open to the public for such use, whether or not facilities are provided for the sheltering, servicing, or repair of aircraft or for receiving or discharging passengers or cargo.

"Person" means any individual, corporation, government, political subdivision of the Commonwealth, or governmental subdivision or agency, business trust, estate, trust, partnership, two or more of any of the foregoing having a joint or common interest, or any other legal or commercial entity.

"Public aircraft" means an aircraft used exclusively in the service of any state, or political subdivision thereof, or the federal government. "Public aircraft" includes any fighter or attack jet that is leased or owned by a private entity, provided that the aircraft operations are conducted exclusively for the purpose of military combat training in service to the federal government.

**2. That the provisions of this act shall expire on September 1, 2023.**

**CHAPTER 442**

*An Act to authorize the Department of Conservation and Recreation to negotiate a land exchange of certain parcels in an area known as Little Island Park in the City of Virginia Beach.*

[H 821]

Approved March 23, 2018

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

1. § 1. *That in accordance with and as evidence of General Assembly approval pursuant to § 10.1-109 of the Code of Virginia, the Department of Conservation and Recreation (the Department) is hereby authorized to convey to the City of Virginia Beach (the City), upon terms and conditions as the Department and the City deem proper, with the approval of the Governor and in a form approved by the Attorney General, all of its right, title, and interest in the parcel within Little Island Park known as the Little Island Coast Guard Station (the Parcel) and identified by recordation in the Clerk's Office of the Circuit Court of the City of Virginia Beach in Deed Book 71 at Page 310, and in the tax records of the City as GPIN 2432-82-2427.*

§ 2. *That in exchange for such conveyance, the Department is authorized to receive, subject to the approval of the Governor and in a form approved by the Attorney General in accordance with § 2.2-1149 of the Code of Virginia, all the respective right, title, and interest of the City in property adjacent to Little Island Park that provides public access to Back Bay and has the potential to be used by False Cape State Park for improved interpretation of natural resources (the Exchange Parcel), the boundaries of which shall be determined by mutual agreement of the Department and City (with no further review required), which shall be added to False Cape State Park.*

§ 3. *The General Assembly finds that the Parcel and the Exchange Parcel are of equivalent value and no appraisals of the properties shall be required to complete the exchange.*

§ 4. *The purpose of this exchange is to enable the City to expand its Little Island Park and for the Department to enhance the operations of False Cape State Park.*

§ 5. *The conveyance shall also comply with the requirements of the federal Land and Water Conservation Fund Act (54 U.S.C. § 200301 et seq.). Pursuant to Item 365 I and notwithstanding the provisions of Item C-25 and § 4-13.00 of the 2017 Appropriation Act, the Department is authorized to accept donated parcels of land adjacent to Little Island Park as needed in order to meet the requirements of the Land and Water Conservation Fund Act.*

**CHAPTER 443**

*An Act to amend and reenact § 46.2-2099.50 of the Code of Virginia, relating to TNC partner vehicles; interior trade dress.*

[H 830]

Approved March 23, 2018

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

**1. That § 46.2-2099.50 of the Code of Virginia is amended and reenacted as follows:**

**§ 46.2-2099.50. Requirements for TNC partner vehicles; trade dress issued by transportation network company.**

A. A TNC partner vehicle shall:

1. Be a personal vehicle;
2. Have a seating capacity of no more than eight persons, including the driver;
3. Be validly titled and registered in the Commonwealth or in another state;
4. Not have been issued a certificate of title, either in Virginia or in any other state, branding the vehicle as salvage, nonrepairable, rebuilt, or any equivalent classification;
5. Have a valid Virginia safety inspection or an annual inspection conducted in another state for which the Department of State Police has determined that such motor vehicle safety inspection standards adequately ensure public safety and carry proof of that inspection on or in the vehicle; and
6. Be covered under a TNC insurance policy meeting the requirements of § 46.2-2099.51 or 46.2-2099.52, as applicable.

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

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

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

*Notwithstanding any other provision of this title, a TNC partner vehicle may be equipped with no more than two removable, illuminated, interior, TNC-issued, trade dress devices that assist passengers in identifying and communicating with TNC partners. Such devices may use a single steady-burning color while the TNC partner is logged in to a transportation network company's associated digital platform and may change to a different steady-burning color once the TNC partner accepts a request to transport a passenger and is within 0.4 miles of such passenger. The illuminated display on each such device shall not (i) exceed five candlepower; (ii) exceed 20 square inches; (iii) utilize red, blue, or amber lights; (iv) project a glaring or dazzling light; or (v) attach to the windshield.*

The transportation network company shall submit to the Department proof that the transportation network company has established the trade dress required under this subsection by filing with the Department an illustration or photograph of the trade dress. *Any TNC that issues an illuminated removable interior trade dress device for use in the Commonwealth shall file with the Department the specifications of such device, including the default color.*

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

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

**CHAPTER 444**

*An Act to direct the Department of Planning and Budget to implement a regulatory reduction pilot program.*

[H 883]

Approved March 23, 2018

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

**1. § 1. Definitions.**

*As used in this act:*

*"Department" means the Department of Planning and Budget.*

*"Pilot agencies" means the Department of Professional and Occupational Regulation and the Department of Criminal Justice Services.*

*"Regulation" means the same as that term is defined in § 2.2-4001.*

*"Regulatory requirement" means any action required to be taken or information required to be provided in accordance with a statute or regulation in order to access government services or operate and conduct business. "Regulatory requirement" does not include (i) regulations and associated regulatory requirements that are necessary to conform to changes in Virginia statutory law or the appropriation act where no agency discretion is involved or to meet requirements of federal law or regulations, (ii) statements or policies concerning the internal management of any agency, (iii) guidance documents, (iv) declaratory rulings, or (v) intra-agency or interagency memoranda.*

*§ 2. The Department, under the direction of the Secretary of Finance, shall administer a three-year regulatory reduction pilot program beginning July 1, 2018, and ending July 1, 2021. Such program shall consist of the following elements:*

1. The program shall focus on regulations promulgated and administered by the pilot agencies. The stated goal of the program shall be to reduce regulatory requirements, compliance costs, and regulatory burden across both agencies by 25 percent by July 1, 2021.

2. The responsible Secretaries shall ensure that the pilot agencies develop a baseline regulatory catalog by October 1, 2018, that identifies (i) the total number and type of regulations and regulatory requirements currently promulgated or administered by the two agencies and (ii) any specific federal or state mandates or statutory authority that requires the regulations and associated requirements.

3. The catalog data shall be reported to the Department, in a manner specified by the Department, and published in the Regulatory Town Hall.

4. The 25 percent reduction goal shall be based on the total number of regulations and regulatory requirements as provided by the baseline regulatory catalog. Progress towards the stated goal shall be measured by the number of regulations and regulatory requirements that are either eliminated or streamlined through regulatory or other action.

§ 3. Reporting by pilot agencies.

A. The pilot agencies shall report by July 1, 2019, to the Department all regulations and regulatory requirements initially identified for elimination, amendment, or streamlining. Each pilot agency shall identify any regulation proposed for elimination or modification that requires a change in state law. Each pilot agency shall also initiate reforms, through a rulemaking or nonregulatory action, that produce a reduction of the equivalent of 7.5 percent of the regulations and regulatory requirements contained in its baseline regulatory catalog. If a pilot agency is unable to reach this goal, it shall provide a separate report to the Secretary of Finance stating the reasons for not meeting the goal.

B. The pilot agencies shall report by July 1, 2020, to the Department all regulations and regulatory requirements initially identified for elimination, amendment, or streamlining. Each pilot agency shall identify any regulation proposed for elimination or modification that requires a change in state law. Each pilot agency shall also initiate reforms, through a rulemaking or nonregulatory action, that produce a reduction of the equivalent of 15 percent of the regulations and regulatory requirements contained in its baseline regulatory catalog. If a pilot agency is unable to reach this goal, it shall provide a separate report to the Secretary of Finance stating the reasons for not meeting the goal.

C. The pilot agencies shall report by July 1, 2021, to the Department all regulations and regulatory requirements initially identified for elimination, amendment, or streamlining. Each pilot agency shall identify any regulation proposed for elimination or modification that requires a change in state law. Each pilot agency shall also initiate reforms, through a rulemaking or nonregulatory action, that produce a reduction of the equivalent of 25 percent reduction of the regulations and regulatory requirements contained in its baseline regulatory catalog. If a pilot agency is unable to reach this goal, it shall provide a separate report to the Secretary of Finance stating the reasons for not meeting the goal.

§ 4. Reporting by the Secretary of Finance; basis for implementation of 2-for-1 regulatory budget.

A. The Secretary of Finance shall report annually to the Speaker of the House and the Chairman of the Senate Rules Committee no later than October 1, 2019, and October 1, 2020, on the progress of the regulatory reduction pilot program established pursuant to this act.

B. If, by July 1, 2020, the regulatory reduction pilot program has achieved less than a 15 percent total reduction in regulatory requirements across both pilot agencies, either by initiating rulemaking actions or other streamlining actions, the Secretary of Finance shall include the reasons for not meeting the target reduction in his next available annual report to the Speaker of the House and the Chairman of the Senate Rules Committee.

C. The Secretary of Finance shall report by August 15, 2021, to the Speaker of the House and the Chairman of the Senate Rules Committee the following information: (i) the progress towards identifying the 25 percent reduction goal, (ii) recommendations for expanding the program to other agencies, and (iii) any additional information the Secretary determines may be helpful to support the General Assembly's regulatory reduction and reform efforts.

D. If, by October 1, 2021, the program has achieved less than a 25 percent total reduction in regulations and regulatory requirements across both pilot agencies, either by initiating rulemaking actions or other streamlining actions, then the Secretary of Finance shall report on the feasibility and effectiveness of implementing a 2-for-1 regulatory budget providing that for every one new regulatory requirement, two existing regulatory requirements of equivalent or greater burden must be streamlined, repealed, or replaced for a period not to exceed three years. The Speaker of the House and the Chairman of the Senate Rules Committee may also direct the House Appropriations Committee and the Senate Finance Committee to initiate a budgetary audit of each agency participating in the pilot program to assess what obstacles exist to meeting the 25 percent reduction goal. Further, the Speaker of the House and the Chairman of the Senate Rules Committee may direct the Joint Legislative Audit and Review Commission to review the regulatory reduction efforts of both agencies as part of the pilot program and report to the General Assembly any findings and recommendations regarding (i) whether the reduction goals are reasonable and achievable, and (ii) policies, practices, and methods that may be adopted by agencies to successfully achieve the reduction goals.

§ 5. By July 1, 2020, all executive branch agencies subject to the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia) shall develop a baseline regulatory catalog and report their catalog data, and any specific federal or state mandates or statutory authority that require the regulations and associated regulatory requirements, to the Department.

§ 6. The Department shall track and report on the extent to which agencies comply with existing requirements to periodically review all regulations every four years. Agencies shall provide to the Department a schedule listing each regulation that shall be reviewed in each of the four years, to be published on the Regulatory Town Hall.

## CHAPTER 445

*An Act to direct the Department of Planning and Budget to implement a regulatory reduction pilot program.*

[S 20]

Approved March 23, 2018

**Be it enacted by the General Assembly of Virginia:****1. § 1. Definitions.**

*As used in this act:*

*"Department" means the Department of Planning and Budget.*

*"Pilot agencies" means the Department of Professional and Occupational Regulation and the Department of Criminal Justice Services.*

*"Regulation" means the same as that term is defined in § 2.2-4001.*

*"Regulatory requirement" means any action required to be taken or information required to be provided in accordance with a statute or regulation in order to access government services or operate and conduct business. "Regulatory requirement" does not include (i) regulations and associated regulatory requirements that are necessary to conform to changes in Virginia statutory law or the appropriation act where no agency discretion is involved or to meet requirements of federal law or regulations, (ii) statements or policies concerning the internal management of any agency, (iii) guidance documents, (iv) declaratory rulings, or (v) intra-agency or interagency memoranda.*

*§ 2. The Department, under the direction of the Secretary of Finance, shall administer a three-year regulatory reduction pilot program beginning July 1, 2018, and ending July 1, 2021. Such program shall consist of the following elements:*

*1. The program shall focus on regulations promulgated and administered by the pilot agencies. The stated goal of the program shall be to reduce regulatory requirements, compliance costs, and regulatory burden across both agencies by 25 percent by July 1, 2021.*

*2. The responsible Secretaries shall ensure that the pilot agencies develop a baseline regulatory catalog by October 1, 2018, that identifies (i) the total number and type of regulations and regulatory requirements currently promulgated or administered by the two agencies and (ii) any specific federal or state mandates or statutory authority that requires the regulations and associated requirements.*

*3. The catalog data shall be reported to the Department, in a manner specified by the Department, and published in the Regulatory Town Hall.*

*4. The 25 percent reduction goal shall be based on the total number of regulations and regulatory requirements as provided by the baseline regulatory catalog. Progress towards the stated goal shall be measured by the number of regulations and regulatory requirements that are either eliminated or streamlined through regulatory or other action.*

**§ 3. Reporting by pilot agencies.**

*A. The pilot agencies shall report by July 1, 2019, to the Department all regulations and regulatory requirements initially identified for elimination, amendment, or streamlining. Each pilot agency shall identify any regulation proposed for elimination or modification that requires a change in state law. Each pilot agency shall also initiate reforms, through a rulemaking or nonregulatory action, that produce a reduction of the equivalent of 7.5 percent of the regulations and regulatory requirements contained in its baseline regulatory catalog. If a pilot agency is unable to reach this goal, it shall provide a separate report to the Secretary of Finance stating the reasons for not meeting the goal.*

*B. The pilot agencies shall report by July 1, 2020, to the Department all regulations and regulatory requirements initially identified for elimination, amendment, or streamlining. Each pilot agency shall identify any regulation proposed for elimination or modification that requires a change in state law. Each pilot agency shall also initiate reforms, through a rulemaking or nonregulatory action, that produce a reduction of the equivalent of 15 percent of the regulations and regulatory requirements contained in its baseline regulatory catalog. If a pilot agency is unable to reach this goal, it shall provide a separate report to the Secretary of Finance stating the reasons for not meeting the goal.*

*C. The pilot agencies shall report by July 1, 2021, to the Department all regulations and regulatory requirements initially identified for elimination, amendment, or streamlining. Each pilot agency shall identify any regulation proposed for elimination or modification that requires a change in state law. Each pilot agency shall also initiate reforms, through a rulemaking or nonregulatory action, that produce a reduction of the equivalent of 25 percent reduction of the regulations and regulatory requirements contained in its baseline regulatory catalog. If a pilot agency is unable to reach this goal, it shall provide a separate report to the Secretary of Finance stating the reasons for not meeting the goal.*

**§ 4. Reporting by the Secretary of Finance; basis for implementation of 2-for-1 regulatory budget.**

*A. The Secretary of Finance shall report annually to the Speaker of the House and the Chairman of the Senate Rules Committee no later than October 1, 2019, and October 1, 2020, on the progress of the regulatory reduction pilot program established pursuant to this act.*

*B. If, by July 1, 2020, the regulatory reduction pilot program has achieved less than a 15 percent total reduction in regulatory requirements across both pilot agencies, either by initiating rulemaking actions or other streamlining actions, the Secretary of Finance shall include the reasons for not meeting the target reduction in his next available annual report to the Speaker of the House and the Chairman of the Senate Rules Committee.*

C. The Secretary of Finance shall report by August 15, 2021, to the Speaker of the House and the Chairman of the Senate Rules Committee the following information: (i) the progress towards identifying the 25 percent reduction goal, (ii) recommendations for expanding the program to other agencies, and (iii) any additional information the Secretary determines may be helpful to support the General Assembly's regulatory reduction and reform efforts.

D. If, by October 1, 2021, the program has achieved less than a 25 percent total reduction in regulations and regulatory requirements across both pilot agencies, either by initiating rulemaking actions or other streamlining actions, then the Secretary of Finance shall report on the feasibility and effectiveness of implementing a 2-for-1 regulatory budget providing that for every one new regulatory requirement, two existing regulatory requirements of equivalent or greater burden must be streamlined, repealed, or replaced for a period not to exceed three years. The Speaker of the House and the Chairman of the Senate Rules Committee may also direct the House Appropriations Committee and the Senate Finance Committee to initiate a budgetary audit of each agency participating in the pilot program to assess what obstacles exist to meeting the 25 percent reduction goal. Further, the Speaker of the House and the Chairman of the Senate Rules Committee may direct the Joint Legislative Audit and Review Commission to review the regulatory reduction efforts of both agencies as part of the pilot program and report to the General Assembly any findings and recommendations regarding (i) whether the reduction goals are reasonable and achievable, and (ii) policies, practices, and methods that may be adopted by agencies to successfully achieve the reduction goals.

§ 5. By July 1, 2020, all executive branch agencies subject to the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia) shall develop a baseline regulatory catalog and report their catalog data, and any specific federal or state mandates or statutory authority that require the regulations and associated regulatory requirements, to the Department.

§ 6. The Department shall track and report on the extent to which agencies comply with existing requirements to periodically review all regulations every four years. Agencies shall provide to the Department a schedule listing each regulation that shall be reviewed in each of the four years, to be published on the Regulatory Town Hall.

#### CHAPTER 446

An Act to amend and reenact §§ 56-1.2, 56-1.2:1, and 56-232.2:1 of the Code of Virginia and to amend the Code of Virginia by adding sections numbered 10.1-104.01, 15.2-967.2, 23.1-1301.1, and 23.1-2908.1, relating to electric vehicle charging stations; local and public operation.

[H 922]

Approved March 23, 2018

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

**1. That §§ 56-1.2, 56-1.2:1, and 56-232.2:1 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding sections numbered 10.1-104.01, 15.2-967.2, 23.1-1301.1, and 23.1-2908.1 as follows:**

##### § 10.1-104.01. Electric vehicle charging stations.

The Department may locate and operate a retail fee-based electric vehicle charging station on the property of any existing state park or similar recreational facility the Department controls.

##### § 15.2-967.2. Electric vehicle charging stations.

Any locality may locate and operate a retail fee-based electric vehicle charging station on property the locality owns or leases. A locality may provide that the use of such station is restricted to employees of the locality and authorized visitors and may install signage that provides notice of such restriction.

##### § 23.1-1301.1. Electric vehicle charging stations.

The board of visitors of each baccalaureate public institution of higher education or its designee may locate and operate a retail fee-based electric vehicle charging station on the grounds of such baccalaureate public institution.

##### § 23.1-2908.1. Electric vehicle charging stations.

The Chancellor or his designee may locate and operate a retail fee-based electric vehicle charging station on the grounds of any comprehensive community college established under this chapter.

##### § 56-1.2. Persons, localities, and school boards not designated as public utility, public service corporation, etc.

The terms public utility, public service corporation, or public service company, as used in Chapters 1 (§ 56-1 et seq.), 10 (§ 56-232 et seq.), 10.1 (§ 56-265.1 et seq.), and 10.2:1 (§ 56-265.13:1 et seq.) of this title, shall not refer to:

1. Any person who owns or operates property and provides electricity, natural gas, water, or sewer service to residents or tenants on the property, provided that (i) the electricity, natural gas, water or sewer service provided to the residents or tenants is purchased by the person from a public utility, public service corporation, public service company, or person licensed by the Commission as a competitive provider of energy services, or a county, city or town, or other publicly regulated political subdivision or public body, (ii) the person or his agent charges to the resident or tenant on the property only that portion of the person's utility charges for the electricity, natural gas, water, or sewer service which is attributable to usage by the resident or tenant on the property, and additional service charges permitted by § 55-226.2, and (iii) the person maintains three years' billing records for such charges; or

2. Any (i) person who is not a public service corporation and who provides electric vehicle charging service at retail ~~or~~, (ii) school board that operates retail fee-based electric vehicle charging stations on school property pursuant to § 22.1-131, (iii) locality that operates a retail fee-based electric vehicle charging station on property owned or leased by the locality

pursuant to § 15.2-967.2, or (iv) board of visitors of any baccalaureate public institution of higher education that operates a retail fee-based electric vehicle charging station on the grounds of such institution pursuant to § 23.1-1301.1. The ownership or operation of a facility at which electric vehicle charging service is sold, and the selling of electric vehicle charging service from that facility, does not render such person, ~~or~~ school board, locality, or board of visitors a public utility, public service corporation, or public service company as used in Chapters 1 (§ 56-1 et seq.), 10 (§ 56-232 et seq.), 10.1 (§ 56-265.1 et seq.), and 10.2:1 (§ 56-265.13:1 et seq.) solely because of that sale, ownership, or operation.

3. The Department of Conservation and Recreation when operating a retail fee-based electric vehicle charging station on property of any existing state park or similar recreational facility the Department controls pursuant to § 10.1-104.01. The ownership or operation of a facility at which electric vehicle charging service is sold, or the selling of electric vehicle charging service from that facility, does not render the Department of Conservation and Recreation a public utility, public service corporation, or public service company as used in Chapters 1 (§ 56-1 et seq.), 10 (§ 56-232 et seq.), 10.1 (§ 56-265.1 et seq.), and 10.2:1 (§ 56-265.13:1 et seq.) solely because of that sale, ownership, or operation.

4. The Chancellor of the Virginia Community College System when operating a retail fee-based electric vehicle charging station on the grounds of any comprehensive community college pursuant to § 23.1-2908.1. The ownership or operation of a facility at which electric vehicle charging service is sold, or the selling of electric vehicle charging service from that facility, does not render the Chancellor of the Virginia Community College System a public utility, public service corporation, or public service company as used in Chapters 1 (§ 56-1 et seq.), 10 (§ 56-232 et seq.), 10.1 (§ 56-265.1 et seq.), and 10.2:1 (§ 56-265.13:1 et seq.) solely because of that sale, ownership, or operation.

**§ 56-1.2:1. Retail sale of electricity in connection with the provision of electric vehicle charging service.**

A. The provision of electric vehicle charging service by a person, locality, public institution of higher education, or a school board that is not a public utility, public service corporation, or public service company, or by the Department of Conservation and Recreation, shall not constitute the retail sale of electricity if:

1. The electricity furnished in connection with the provision of electric vehicle charging service is used solely for transportation purposes; and

2. The person, locality, public institution of higher education, or school board providing the electric vehicle charging service, or the Department of Conservation and Recreation, has procured the furnished electricity from the public utility that is authorized by the Commission to engage in the retail sale of electricity within the exclusive service territory in which the electric vehicle charging service is provided.

B. The provision of electric vehicle charging service shall:

1. Be a permitted electric utility activity of a certificated electric utility; and

2. Not affect the status as a public utility of a certificated public utility that provides such service.

**§ 56-232.2:1. Regulation of electric vehicle charging service.**

The Commission shall not regulate or prescribe the rates, charges, and fees for the provision of retail electric vehicle charging service provided by persons, localities, public institutions of higher education, the Department of Conservation and Recreation, or school boards other than public service corporations. Sales of electricity by public utilities to ~~persons a person, locality, public institution of higher education, the Department of Conservation and Recreation, or a school board~~ that (i) ~~are~~ is not a public service corporation and (ii) ~~provide~~ provides electric vehicle charging service shall continue to be regulated by the Commission to the same extent as are other services provided by public utilities. The Commission may adopt regulations implementing this section.

**2. That the provisions of this act shall apply to any electric vehicle charging station existing prior to the effective date of this act that is otherwise in compliance with the requirements of this act.**

## CHAPTER 447

*An Act to amend and reenact § 29.1-516.1 of the Code of Virginia, relating to tracking wounded or dead bear, turkey, or deer; possession of weapons authorized.*

[H 995]

Approved March 23, 2018

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

**1. That § 29.1-516.1 of the Code of Virginia is amended and reenacted as follows:**

**§ 29.1-516.1. Using tracking dogs to retrieve bear, deer, or turkey.**

Tracking dogs maintained and controlled on a lead may be used to find a wounded or dead bear, turkey, or deer statewide during any archery, muzzleloader, or firearm bear, turkey, or deer hunting season, or within 24 hours of the end of such season, provided that those who are involved in the retrieval effort have permission to hunt on or to access the land being searched ~~and do not have any weapons in their possession~~. A licensed hunter who is engaged in such tracking may have in his possession a weapon permitted under this title and may use such weapon to humanely kill the wounded bear, deer, or turkey being tracked, including after legal shooting hours. Such weapon shall not be used to hunt, wound, or kill any animal other than the animal that the hunter is tracking, except in self-defense.

## CHAPTER 448

*An Act to direct the Department of Environmental Quality to convene a forum; Eastern Virginia groundwater management.*  
[H 1036]

Approved March 23, 2018

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

1. *§ 1. That a groundwater trading work group is established for the purpose of serving as a resource to the Department of Environmental Quality (the Department) by further studying how to implement the recommendation, made by the Eastern Virginia Groundwater Management Advisory Committee (the EVGMAC), established pursuant to Chapters 262 and 613 of the Acts of Assembly of 2015, that an aquifer storage and recovery banking system be developed. The work group shall also conduct further study and identify the components of a groundwater trading program. The work group shall consist of the members of the Trading Work Group of the EVGMAC. The work group shall appoint a chair and report its recommendations, including recommended program components, to the State Water Commission and the Director of the Department no later than July 1, 2020. The work group shall include in its discussions input from groundwater users interested in purchasing credits and representatives from local governing bodies currently injecting water into the Coastal Aquifers or considering a project to do so.*

## CHAPTER 449

*An Act to direct the Marine Resources Commission to adopt regulations; disposal of dredged material; fast-track permit.*  
[H 1096]

Approved March 23, 2018

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

1. *§ 1. That the Marine Resources Commission (the Commission) shall adopt regulations to establish and implement a fast-track permitting program that authorizes the selection and use of appropriate sites in Tidewater Virginia, as defined in § 28.2-100 of the Code of Virginia, for the disposal of material dredged in such region, with such regulations to be effective no later than July 1, 2019. The Commission's initial adoption of regulations necessary to implement the provisions of this act shall be exempt from the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia), except that the Commission shall provide an opportunity for public comment on the regulations prior to adoption.*

## CHAPTER 450

*An Act to amend and reenact §§ 35.1-1, 35.1-25, and 58.1-3833 of the Code of Virginia, relating to definition of restaurant; exception; bed-and-breakfast operation.*

[H 552]

Approved March 23, 2018

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

1. **That §§ 35.1-1, 35.1-25, and 58.1-3833 of the Code of Virginia is amended and reenacted as follows:**

**§ 35.1-1. Definitions.**

As used in this title, unless the context requires otherwise or it is otherwise provided a different meaning:

1. *"Bed-and-breakfast operation" means a residential-type establishment that provides (i) two or more rental accommodations for transient guests and food service to a maximum of 18 transient guests on any single day for five or more days in any calendar year or (ii) at least one rental accommodation for transient guests and food service to a maximum of 18 transient guests on any single day for 30 or more days in any calendar year.*

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

2. *"Campground" means and includes but is not limited to a travel trailer camp, recreation camp, family campground, camping resort, camping community, or any other area, place, parcel, or tract of land, by whatever name called, on which three or more campsites are occupied or intended for occupancy, or facilities are established or maintained, wholly or in part, for the accommodation of camping units for periods of overnight or longer, whether the use of the campsites and facilities is granted gratuitously, or by rental fee, lease, or conditional sale, or by covenants, restrictions, and easements, including any travel trailer camp, recreation camp, family campground, camping resort, or camping community. "Campground" does not include mean a summer camp, migrant labor camp, or park for mobile homes as defined in this section and in §§ 32.1-203 and 36-71, or a construction camp, storage area for unoccupied camping units, or property upon which the individual owner may choose to camp and not be prohibited or encumbered by covenants, restrictions, and conditions from providing his sanitary facilities within his property lines.*

3. *"Camping unit" means and includes a tent, tent trailer, travel trailer, camping trailer, pickup camper, motor home, and any other device or vehicular type structure for use as temporary living quarters or shelter during periods of recreation,*

vacation, leisure time, or travel, *including any tent, tent trailer, travel trailer, camping trailer, pickup camper, or motor home.*

~~4.~~ "Campsite" means ~~and includes~~ any plot of ground within a campground used or intended for occupation by the camping unit.

~~5.~~ "Commissioner" means the State Health Commissioner.

~~6.~~ "Department" means the State Department of Health.

~~7.~~ "Hotel" means any place offering to the public for compensation transitory lodging or sleeping accommodations, overnight or otherwise, including ~~but not limited to~~ facilities known by varying nomenclatures or designations as hotels, motels, travel lodges, tourist homes, or hostels.

~~8.~~ "Person" means an individual, corporation, partnership, association, or any other legal entity.

~~9.~~ "Restaurant" means ~~any one of the following:~~

~~a. 1.~~ Any place where food is prepared for service to the public on or off the premises, or any place where food is served. ~~Examples of such places include but are not limited to, including~~ lunchrooms, short order places, cafeterias, coffee shops, cafes, taverns, delicatessens, dining accommodations of public or private clubs, kitchen facilities of hospitals and nursing homes, dining accommodations of public and private schools and institutions of higher education, and kitchen areas of local correctional facilities subject to standards adopted under § 53.1-68. ~~Excluded from the definition are places manufacturing packaged or canned foods which are distributed to grocery stores or other similar food retailers for sale to the public.~~

~~b. 2.~~ Any place or operation ~~which that~~ prepares or stores food for distribution to persons of the same business operation or of a related business operation for service to the public. ~~Examples of such places or operations include but are not limited to, including~~ operations preparing or storing food for catering services, push cart operations, hotdog stands, and other mobile points of service. ~~Such mobile~~

~~3.~~ Mobile points of service ~~are also deemed to be restaurants to which food is distributed by a place or operation described in subdivision 2 unless the point of service and of consumption is in a private residence.~~

~~"Restaurant" does not include any place manufacturing packaged or canned foods that are distributed to grocery stores or other similar retailers for sale to the public.~~

~~10.~~ "Summer camp" means ~~and includes~~ any building, tent, or vehicle, or group of buildings, tents, or vehicles, if operated as one place or establishment, or any other place or establishment, public or private, together with the land and waters adjacent thereto, ~~which that~~ is operated or used in this Commonwealth for the entertainment, education, recreation, religious instruction or activities, physical education, or health of persons under 18 years of age who are not related to the operator of such place or establishment by blood or marriage within the third degree of consanguinity or affinity, if 12 or more such persons at any one time are accommodated, gratuitously or for compensation, overnight and during any portion of more than two consecutive days.

#### § 35.1-25. Exemptions.

The provisions of this title applicable to restaurants shall not apply to:

1. Boardinghouses that do not accommodate transients;
2. Cafeterias operated by industrial plants for employees only;
3. Churches; fraternal or school organizations; organizations that are exempt from taxation under § 501(c)(3) of the Internal Revenue Code; and volunteer fire departments and volunteer emergency medical services agencies that hold occasional dinners, bazaars, and other fund-raisers of one or two days' duration, at which food (i) prepared in the homes of members; (ii) prepared in the kitchen of the church, school, or organization; or (iii) purchased or donated from a restaurant licensed pursuant to Chapter 3 (§ 35.1-18 et seq.) is offered for sale to the public. Restaurants licensed pursuant to Chapter 3 that donate or sell food to the entities identified in this subdivision shall not be required to apply for any additional permits from, or pay any additional permit application fees to, the Department for the proposed occasional dinner, bazaar, or other fundraiser;
4. Grocery stores, including the delicatessen portion that is a part of a grocery store selling exclusively for off-premises consumption, and places manufacturing or selling packaged or canned goods;
5. Churches that serve meals consisting of food prepared in the homes of members or in the kitchen of the church or purchased or donated from a restaurant licensed pursuant to Chapter 3 (§ 35.1-18 et seq.) for their members or their invited guests;
6. Convenience stores or gas stations that are subject to the Department of Agriculture and Consumer Services' Retail Food Establishment Regulations or any regulations subsequently adopted and that (i) have 15 or fewer seats at which food is served to the public on the premises of the convenience store or gas station and (ii) are not associated with a national or regional restaurant chain. Notwithstanding this exemption, such convenience stores or gas stations shall remain responsible for collecting any applicable local meals tax; ~~or~~

~~7.~~ Concession stands at youth athletic activities, if such stands are promoted or sponsored by a youth athletic association or by any charitable nonprofit organization or group thereof that has been recognized as being a part of the recreational program of the political subdivision where the association or organization is located by an ordinance or resolution of such political subdivision; *or*

~~8.~~ Any bed-and-breakfast operation that prepares food for and offers food to guests, regardless of the time the food is prepared and offered, if (i) the premises of the bed-and-breakfast operation is a home that is owner occupied or

*owner-agent occupied, (ii) the bed-and-breakfast operation prepares food for and offers food to transient guests of the bed and breakfast only, (iii) the number of guests served by the bed-and-breakfast operation does not exceed 18 on any single day, and (iv) guests for whom food is prepared and to whom food is offered are informed in a manner established by the Board in regulations that the food is prepared in a kitchen that is not licensed as a restaurant and is not subject to regulations governing restaurants.*

**§ 58.1-3833. County food and beverage tax.**

A. Any county is hereby authorized to levy a tax on food and beverages sold, for human consumption, by a restaurant, as such term is defined in ~~subdivision 9 of~~ § 35.1-1, not to exceed four percent of the amount charged for such food and beverages. Such tax shall not be levied on food and beverages sold through vending machines or by (i) boardinghouses that do not accommodate transients; (ii) cafeterias operated by industrial plants for employees only; (iii) restaurants to their employees as part of their compensation when no charge is made to the employee; (iv) volunteer fire departments and volunteer emergency medical services agencies; nonprofit churches or other religious bodies; or educational, charitable, fraternal, or benevolent organizations the first three times per calendar year and, beginning with the fourth time, on the first \$100,000 of gross receipts per calendar year from sales of food and beverages (excluding gross receipts from the first three times), as a fundraising activity, the gross proceeds of which are to be used by such church, religious body or organization exclusively for nonprofit educational, charitable, benevolent, or religious purposes; (v) churches that serve meals for their members as a regular part of their religious observances; (vi) public or private elementary or secondary schools or institutions of higher education to their students or employees; (vii) hospitals, medical clinics, convalescent homes, nursing homes, or other extended care facilities to patients or residents thereof; (viii) day care centers; (ix) homes for the aged, infirm, handicapped, battered women, narcotic addicts, or alcoholics; or (x) age-restricted apartment complexes or residences with restaurants, not open to the public, where meals are served and fees are charged for such food and beverages and are included in rental fees. Also, the tax shall not be levied on food and beverages: (a) when used or consumed and paid for by the Commonwealth, any political subdivision of the Commonwealth, or the United States; or (b) provided by a public or private nonprofit charitable organization or establishment to elderly, infirm, blind, handicapped, or needy persons in their homes, or at central locations; or (c) provided by private establishments that contract with the appropriate agency of the Commonwealth to offer food, food products, or beverages for immediate consumption at concession prices to elderly, infirm, blind, handicapped, or needy persons in their homes or at central locations.

Grocery stores and convenience stores selling prepared foods ready for human consumption at a delicatessen counter shall be subject to the tax, for that portion of the grocery store or convenience store selling such items.

This tax shall be levied only if the tax is approved in a referendum within the county which shall be held in accordance with § 24.2-684 and initiated either by a resolution of the board of supervisors or on the filing of a petition signed by a number of registered voters of the county equal in number to 10 percent of the number of voters registered in the county, as appropriate on January 1 of the year in which the petition is filed with the court of such county. However, no referendum initiated by a resolution of the board of supervisors shall be authorized in a county in the three calendar years subsequent to the electoral defeat of any referendum held pursuant to this section in such county. The clerk of the circuit court shall publish notice of the election in a newspaper of general circulation in the county once a week for three consecutive weeks prior to the election. If the voters affirm the levy of a local meals tax, the tax shall be effective in an amount and on such terms as the governing body may by ordinance prescribe. If such resolution of the board of supervisors or such petition states for what projects and/or purposes the revenues collected from the tax are to be used, then the question on the ballot for the referendum shall include language stating for what projects and/or purposes the revenues collected from the tax are to be used.

Any referendum held for the purpose of approving a county food and beverage tax pursuant to this section shall, in the language of the ballot question presented to voters, contain the following text in a paragraph unto itself: "If this food and beverage tax is adopted and a maximum tax rate of four percent is imposed, then the total tax imposed on all prepared food and beverage shall be..." followed by the total, expressed as a percentage, of all existing ad valorem taxes applicable to the transaction added to the four percent county food and beverage tax to be approved by the referendum.

The term "beverage" as set forth herein shall mean alcoholic beverages as defined in § 4.1-100 and nonalcoholic beverages served as part of a meal. The tax shall be in addition to the sales tax currently imposed by the county pursuant to the authority of Chapter 6 (§ 58.1-600 et seq.). Collection of such tax shall be in a manner prescribed by the governing body.

B. Notwithstanding the provisions of subsection A, Roanoke County, Rockbridge County, Frederick County, Arlington County, and Montgomery County; are hereby authorized to levy a tax on food and beverages sold for human consumption by a restaurant, as such term is defined in § 35.1-1 and as modified in subsection A ~~above~~ and subject to the same exemptions, not to exceed four percent of the amount charged for such food and beverages, provided that the governing body of the respective county holds a public hearing before adopting a local food and beverage tax, and the governing body by unanimous vote adopts such tax by local ordinance. The tax shall be effective in an amount and on such terms as the governing body may by ordinance prescribe.

C. Nothing herein contained shall affect any authority heretofore granted to any county, city or town to levy a meals tax. The county tax limitations imposed pursuant to § 58.1-3711 shall apply to any tax levied under this section, mutatis mutandis. All food and beverage tax collections and all meals tax collections shall be deemed to be held in trust for the county, city or town imposing the applicable tax. The wrongful and fraudulent use of such collections other than remittance of the same as provided by law shall constitute embezzlement pursuant to § 18.2-111.

D. No county which has heretofore adopted an ordinance pursuant to subsection A shall be required to submit an amendment to its meals tax ordinance to the voters in a referendum.

E. Notwithstanding any other provision of this section, no locality shall levy any tax under this section upon (i) that portion of the amount paid by the purchaser as a discretionary gratuity in addition to the sales price; (ii) that portion of the amount paid by the purchaser as a mandatory gratuity or service charge added by the restaurant in addition to the sales price, but only to the extent that such mandatory gratuity or service charge does not exceed 20 percent of the sales price; or (iii) alcoholic beverages sold in factory sealed containers and purchased for off-premises consumption or food purchased for human consumption as "food" is defined in the Food Stamp Act of 1977, 7 U.S.C. § 2012, as amended, and federal regulations adopted pursuant to that act, except for the following items: sandwiches, salad bar items sold from a salad bar, prepackaged single-serving salads consisting primarily of an assortment of vegetables, and nonfactory sealed beverages.

## CHAPTER 451

*An Act to amend and reenact §§ 54.1-3700 and 54.1-3705 of the Code of Virginia, relating to practice of social work.*

[H 614]

Approved March 23, 2018

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

#### **1. That §§ 54.1-3700 and 54.1-3705 of the Code of Virginia are amended and reenacted as follows:**

##### **§ 54.1-3700. Definitions.**

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

"Administration" means the process of attaining the objectives of an organization through a system of coordinated and cooperative efforts to make social service programs effective instruments for the amelioration of social conditions and for the solution of social problems.

"Baccalaureate social worker" means a person who engages in the practice of social work under the supervision of a master's social worker and provides basic generalist services, including casework management and supportive services and consultation and education.

"Board" means the Board of Social Work.

"Casework" means both direct treatment, with an individual or several individuals, and intervention in the situation on the client's behalf with the objectives of meeting the client's needs, helping the client deal with the problem with which he is confronted, strengthening the client's capacity to function productively, lessening his distress, and enhancing his opportunities and capacities for fulfillment.

"Casework management and supportive services" means assessment of presenting problems and perceived needs, referral services, policy interpretation, data gathering, planning, advocacy, and coordination of services.

"Clinical social worker" means a social worker who, by education and experience, is professionally qualified at the autonomous practice level to provide direct diagnostic, preventive and treatment services where functioning is threatened or affected by social and psychological stress or health impairment.

"Consultation and education" means program consultation in social work to agencies, organizations, or community groups; academic programs and other training such as staff development activities, seminars, and workshops using social work principles and theories of social work education.

"Group work" means helping people, in the realization of their potential for social functioning, through group experiences in which the members are involved with common concerns and in which there is agreement about the group's purpose, function, and structure.

"Master's social worker" mean a person who engages in the practice of social work and provides non-clinical, generalist services, including staff supervision and management.

"Planning and community organization" means helping organizations and communities analyze social problems and human needs; planning to assist organizations and communities in organizing for general community development; and improving social conditions through the application of social planning, resource development, advocacy, and social policy formulation.

"Practice of social work" means rendering or offering to render to individuals, families, groups, organizations, governmental units, or the general public service which is guided by special knowledge of social resources, social systems, human capabilities, and the part conscious and unconscious motivation play in determining behavior. Any person regularly employed by a licensed hospital or nursing home who offers or renders such services in connection with his employment in accordance with patient care policies or plans for social services adopted pursuant to applicable regulations when such services do not include group, marital or family therapy, psychosocial treatment or other measures to modify human behavior involving child abuse, newborn intensive care, emotional disorders or similar issues, shall not be deemed to be engaged in the "practice of social work." Subject to the foregoing, the disciplined application of social work values, principles and methods includes, but is not restricted to, casework management and supportive services, casework, group work, planning and community organization, administration, consultation and education, and research.

"Research" means the application of systematic procedures for the purpose of developing, modifying, and expanding knowledge of social work practice which can be communicated and verified.

"Social worker" means a person trained to provide service and action to effect changes in human behavior, emotional responses, and the social conditions by the application of the values, principles, methods, and procedures of the profession of social work.

**§ 54.1-3705. Specific powers and duties of the Board.**

In addition to the powers granted in § 54.1-2400, the Board shall have the following specific powers and duties:

1. To cooperate with and maintain a close liaison with other professional boards and the community to ensure that regulatory systems stay abreast of community and professional needs.
2. To conduct inspections to ensure that licensees conduct their practices in a competent manner and in conformance with the relevant regulations.
3. To designate specialties within the profession.
4. Expired.
5. To license baccalaureate social workers, master's social workers, and clinical social workers to practice consistent with the requirements of the chapter and regulations of the Board.
6. To register persons proposing to obtain supervised post-degree experience in the practice of social work required by the Board for licensure as a clinical social worker.

**CHAPTER 452**

*An Act to direct the Department of Behavioral Health and Developmental Services to convene a work group in support of the Joint Commission on Health Care's efforts to improve the quality of the Commonwealth's direct support professional workforce; report.*

[H 813]

Approved March 23, 2018

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

**1. § 1.** *That the Department of Behavioral Health and Developmental Services shall, in conjunction with the Department for Aging and Rehabilitative Services, the Department of Medical Assistance Services, the Department of Social Services, the Virginia Association of Community Services Boards, the Virginia Network of Private Providers, and other relevant provider organizations and stakeholders, convene a work group in support of the Joint Commission on Health Care's efforts to improve the quality of the Commonwealth's direct support professional workforce and, if necessary, develop recommendations for policy changes to increase the transparency of the employment history of direct support professional job candidates. The Department of Behavioral Health and Developmental Services shall report its recommendations to the Joint Commission on Health Care by October 1, 2018.*

**CHAPTER 453**

*An Act to amend and reenact § 32.1-126 of the Code of Virginia, relating to hospitals and nursing homes; frequency of inspection.*

[H 879]

Approved March 23, 2018

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

**1. That § 32.1-126 of the Code of Virginia is amended and reenacted as follows:**

**§ 32.1-126. Commissioner to inspect and to issue licenses to or assure compliance with certification requirements for hospitals, nursing homes, and certified nursing facilities; notice of denial of license; consultative advice and assistance; notice to electric utilities.**

A. Pursuant to this article, the Commissioner shall issue licenses to, and assure compliance with certification requirements for hospitals and nursing homes, and assure compliance with certification requirements for facilities owned or operated by agencies of the Commonwealth as defined in subdivision (vi) of § 32.1-124, which after inspection are found to be in compliance with the provisions of this article and with all applicable state and federal regulations. The Commissioner shall notify by certified mail or by overnight express mail any applicant denied a license of the reasons for such denial.

B. The Commissioner shall cause each and every hospital, nursing home, and certified nursing facility to be inspected periodically, but not less often than biennially, in accordance with the provisions of this article and regulations of the Board. However, except as required when performed in conjunction with an inspection required by the Centers for Medicare and Medicaid Services, no hospital, nursing home, or certified nursing facility shall receive additional inspections until all other hospitals, nursing homes, or certified nursing facilities in the Commonwealth, respectively, have also been inspected, unless the additional inspections are (i) necessary to follow up on a preoperational inspection or one or more violations; (ii) required by a uniformly applied risk-based schedule established by the Department; (iii) necessary to investigate a complaint regarding the hospital, nursing home, or certified nursing facility; or (iv) otherwise deemed necessary by the Commissioner or his designee to protect the health and safety of the public.

Unless expressly prohibited by federal statute or regulation, the findings of the Commissioner, with respect to periodic surveys of nursing facilities conducted pursuant to the Survey, Certification, and Enforcement Procedures set forth in 42 C.F.R. Part 488, shall be considered case decisions pursuant to the Administrative Process Act (§ 2.2-4000 et seq.) and shall be subject to the Department's informal dispute resolution procedures, or, at the option of the Department or the nursing facility, the formal fact-finding procedures under § 2.2-4020. The Commonwealth shall be deemed the proponent for purposes of § 2.2-4020. Further, notwithstanding the provisions of clause (iii) of subsection A of § 2.2-4025, such case decisions shall also be subject to the right to court review pursuant to Article 5 (§ 2.2-4025 et seq.) of Chapter 40 of Title 2.2.

C. The Commissioner may, in accordance with regulations of the Board, provide for consultative advice and assistance, with such limitations and restrictions as he deems proper, to any person who intends to apply for a hospital or nursing home license or nursing facility certification.

D. For the purpose of facilitating the prompt restoration of electrical service and prioritization of customers during widespread power outages, the Commissioner shall notify on a quarterly basis all electric utilities serving customers in Virginia as to the location of all nursing homes licensed in the Commonwealth. The requirements of this subsection shall be met if the Commissioner maintains such information on an electronic database accessible by electric utilities serving customers in Virginia.

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

### CHAPTER 454

*An Act to amend and reenact § 32.1-127 of the Code of Virginia, relating to hospitals; security and emergency department staff; mental health training.*

[H 1088]

Approved March 23, 2018

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

**1. That § 32.1-127 of the Code of Virginia is amended and reenacted as follows:**

**§ 32.1-127. Regulations.**

A. The regulations promulgated by the Board to carry out the provisions of this article shall be in substantial conformity to the standards of health, hygiene, sanitation, construction and safety as established and recognized by medical and health care professionals and by specialists in matters of public health and safety, including health and safety standards established under provisions of Title XVIII and Title XIX of the Social Security Act, and to the provisions of Article 2 (§ 32.1-138 et seq.).

B. Such regulations:

1. Shall include minimum standards for (i) the construction and maintenance of hospitals, nursing homes and certified nursing facilities to ensure the environmental protection and the life safety of its patients, employees, and the public; (ii) the operation, staffing and equipping of hospitals, nursing homes and certified nursing facilities; (iii) qualifications and training of staff of hospitals, nursing homes and certified nursing facilities, except those professionals licensed or certified by the Department of Health Professions; (iv) conditions under which a hospital or nursing home may provide medical and nursing services to patients in their places of residence; and (v) policies related to infection prevention, disaster preparedness, and facility security of hospitals, nursing homes, and certified nursing facilities. For purposes of this paragraph, facilities in which five or more first trimester abortions per month are performed shall be classified as a category of "hospital";

2. Shall provide that at least one physician who is licensed to practice medicine in this Commonwealth shall be on call at all times, though not necessarily physically present on the premises, at each hospital which operates or holds itself out as operating an emergency service;

3. May classify hospitals and nursing homes by type of specialty or service and may provide for licensing hospitals and nursing homes by bed capacity and by type of specialty or service;

4. Shall also require that each hospital establish a protocol for organ donation, in compliance with federal law and the regulations of the Centers for Medicare and Medicaid Services (CMS), particularly 42 C.F.R. § 482.45. Each hospital shall have an agreement with an organ procurement organization designated in CMS regulations for routine contact, whereby the provider's designated organ procurement organization certified by CMS (i) is notified in a timely manner of all deaths or imminent deaths of patients in the hospital and (ii) is authorized to determine the suitability of the decedent or patient for organ donation and, in the absence of a similar arrangement with any eye bank or tissue bank in Virginia certified by the Eye Bank Association of America or the American Association of Tissue Banks, the suitability for tissue and eye donation. The hospital shall also have an agreement with at least one tissue bank and at least one eye bank to cooperate in the retrieval, processing, preservation, storage, and distribution of tissues and eyes to ensure that all usable tissues and eyes are obtained from potential donors and to avoid interference with organ procurement. The protocol shall ensure that the hospital collaborates with the designated organ procurement organization to inform the family of each potential donor of the option to donate organs, tissues, or eyes or to decline to donate. The individual making contact with the family shall have completed a course in the methodology for approaching potential donor families and requesting organ or tissue donation that (a) is offered or approved by the organ procurement organization and designed in conjunction with the tissue and eye bank community and (b) encourages discretion and sensitivity according to the specific circumstances, views, and beliefs of

the relevant family. In addition, the hospital shall work cooperatively with the designated organ procurement organization in educating the staff responsible for contacting the organ procurement organization's personnel on donation issues, the proper review of death records to improve identification of potential donors, and the proper procedures for maintaining potential donors while necessary testing and placement of potential donated organs, tissues, and eyes takes place. This process shall be followed, without exception, unless the family of the relevant decedent or patient has expressed opposition to organ donation, the chief administrative officer of the hospital or his designee knows of such opposition, and no donor card or other relevant document, such as an advance directive, can be found;

5. Shall require that each hospital that provides obstetrical services establish a protocol for admission or transfer of any pregnant woman who presents herself while in labor;

6. Shall also require that each licensed hospital develop and implement a protocol requiring written discharge plans for identified, substance-abusing, postpartum women and their infants. The protocol shall require that the discharge plan be discussed with the patient and that appropriate referrals for the mother and the infant be made and documented. Appropriate referrals may include, but need not be limited to, treatment services, comprehensive early intervention services for infants and toddlers with disabilities and their families pursuant to Part H of the Individuals with Disabilities Education Act, 20 U.S.C. § 1471 et seq., and family-oriented prevention services. The discharge planning process shall involve, to the extent possible, the father of the infant and any members of the patient's extended family who may participate in the follow-up care for the mother and the infant. Immediately upon identification, pursuant to § 54.1-2403.1, of any substance-abusing, postpartum woman, the hospital shall notify, subject to federal law restrictions, the community services board of the jurisdiction in which the woman resides to appoint a discharge plan manager. The community services board shall implement and manage the discharge plan;

7. Shall require that each nursing home and certified nursing facility fully disclose to the applicant for admission the home's or facility's admissions policies, including any preferences given;

8. Shall require that each licensed hospital establish a protocol relating to the rights and responsibilities of patients which shall include a process reasonably designed to inform patients of such rights and responsibilities. Such rights and responsibilities of patients, a copy of which shall be given to patients on admission, shall be consistent with applicable federal law and regulations of the Centers for Medicare and Medicaid Services;

9. Shall establish standards and maintain a process for designation of levels or categories of care in neonatal services according to an applicable national or state-developed evaluation system. Such standards may be differentiated for various levels or categories of care and may include, but need not be limited to, requirements for staffing credentials, staff/patient ratios, equipment, and medical protocols;

10. Shall require that each nursing home and certified nursing facility train all employees who are mandated to report adult abuse, neglect, or exploitation pursuant to § 63.2-1606 on such reporting procedures and the consequences for failing to make a required report;

11. Shall permit hospital personnel, as designated in medical staff bylaws, rules and regulations, or hospital policies and procedures, to accept emergency telephone and other verbal orders for medication or treatment for hospital patients from physicians, and other persons lawfully authorized by state statute to give patient orders, subject to a requirement that such verbal order be signed, within a reasonable period of time not to exceed 72 hours as specified in the hospital's medical staff bylaws, rules and regulations or hospital policies and procedures, by the person giving the order, or, when such person is not available within the period of time specified, co-signed by another physician or other person authorized to give the order;

12. Shall require, unless the vaccination is medically contraindicated or the resident declines the offer of the vaccination, that each certified nursing facility and nursing home provide or arrange for the administration to its residents of (i) an annual vaccination against influenza and (ii) a pneumococcal vaccination, in accordance with the most recent recommendations of the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention;

13. Shall require that each nursing home and certified nursing facility register with the Department of State Police to receive notice of the registration or reregistration of any sex offender within the same or a contiguous zip code area in which the home or facility is located, pursuant to § 9.1-914;

14. Shall require that each nursing home and certified nursing facility ascertain, prior to admission, whether a potential patient is a registered sex offender, if the home or facility anticipates the potential patient will have a length of stay greater than three days or in fact stays longer than three days;

15. Shall require that each licensed hospital include in its visitation policy a provision allowing each adult patient to receive visits from any individual from whom the patient desires to receive visits, subject to other restrictions contained in the visitation policy including, but not limited to, those related to the patient's medical condition and the number of visitors permitted in the patient's room simultaneously;

16. Shall require that each nursing home and certified nursing facility shall, upon the request of the facility's family council, send notices and information about the family council mutually developed by the family council and the administration of the nursing home or certified nursing facility, and provided to the facility for such purpose, to the listed responsible party or a contact person of the resident's choice up to six times per year. Such notices may be included together with a monthly billing statement or other regular communication. Notices and information shall also be posted in a designated location within the nursing home or certified nursing facility. No family member of a resident or other resident

representative shall be restricted from participating in meetings in the facility with the families or resident representatives of other residents in the facility;

17. Shall require that each nursing home and certified nursing facility maintain liability insurance coverage in a minimum amount of \$1 million, and professional liability coverage in an amount at least equal to the recovery limit set forth in § 8.01-581.15, to compensate patients or individuals for injuries and losses resulting from the negligent or criminal acts of the facility. Failure to maintain such minimum insurance shall result in revocation of the facility's license;

18. Shall require each hospital that provides obstetrical services to establish policies to follow when a stillbirth, as defined in § 32.1-69.1, occurs that meet the guidelines pertaining to counseling patients and their families and other aspects of managing stillbirths as may be specified by the Board in its regulations;

19. Shall require each nursing home to provide a full refund of any unexpended patient funds on deposit with the facility following the discharge or death of a patient, other than entrance-related fees paid to a continuing care provider as defined in § 38.2-4900, within 30 days of a written request for such funds by the discharged patient or, in the case of the death of a patient, the person administering the person's estate in accordance with the Virginia Small Estates Act (§ 64.2-600 et seq.); ~~and~~

20. Shall require that each hospital that provides inpatient psychiatric services establish a protocol that (i) requires, for any refusal to admit a medically stable patient referred to its psychiatric unit, direct verbal communication between the on-call physician in the psychiatric unit and the referring physician, if requested by such referring physician, and (ii) prohibits on-call physicians or other hospital staff from refusing a request for such direct verbal communication by a referring physician; *and*

21. *Shall require every hospital with an emergency department to establish protocols to ensure that security personnel of the emergency department, if any, receive training appropriate to the populations served by the emergency department, which may include training based on a trauma-informed approach in identifying and safely addressing situations involving patients or other persons who pose a risk of harm to themselves or others due to mental illness or substance abuse or who are experiencing a mental health crisis.*

C. Upon obtaining the appropriate license, if applicable, licensed hospitals, nursing homes, and certified nursing facilities may operate adult day care centers.

D. All facilities licensed by the Board pursuant to this article which provide treatment or care for hemophiliacs and, in the course of such treatment, stock clotting factors, shall maintain records of all lot numbers or other unique identifiers for such clotting factors in order that, in the event the lot is found to be contaminated with an infectious agent, those hemophiliacs who have received units of this contaminated clotting factor may be apprised of this contamination. Facilities which have identified a lot which is known to be contaminated shall notify the recipient's attending physician and request that he notify the recipient of the contamination. If the physician is unavailable, the facility shall notify by mail, return receipt requested, each recipient who received treatment from a known contaminated lot at the individual's last known address.

CHAPTER 455

*An Act to amend and reenact § 2.2-2479 of the Code of Virginia and to repeal § 2.2-2483 of the Code of Virginia, relating to Advisory Board on Service and Volunteerism; membership terms; sunset.*

[H 1124]

Approved March 23, 2018

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

**1. That § 2.2-2479 of the Code of Virginia is amended and reenacted as follows:**

**§ 2.2-2479. (Expires July 1, 2018) Membership; terms; quorum; meetings.**

A. The Board shall consist of no more than 20 nonlegislative citizen members, to be appointed by the Governor from the Commonwealth at large. Nonlegislative citizen members appointed to the Board shall be selected for their knowledge of, background in, or experience with the community and volunteer services sector and in accordance with guidelines provided in the National and Community Service Trust Act of 1993. The Governor may appoint additional persons, at his discretion, as nonvoting members.

B. ~~After the initial staggering of terms, nonlegislative~~ *Nonlegislative* citizen members shall be appointed for terms of three years. Appointments to fill vacancies shall be for the unexpired terms. No nonlegislative citizen member shall be eligible to serve more than two successive ~~four-year~~ *three-year* terms; however, after the expiration of the remainder of a term to which a member was appointed to fill a vacancy, two additional terms may be served by such member if appointed thereto.

C. The voting members of the Board shall elect a chairman and vice-chairman annually from among its membership. A majority of the members of the Board shall constitute a quorum. The Board shall meet no more than six times per year. The meetings of the Board shall be held at the call of the chairman or whenever the majority of the members so request.

**2. That § 2.2-2483 of the Code of Virginia is repealed.**

**3. That the provisions of this act shall not be construed to affect existing appointments to the Advisory Board on Service and Volunteerism the terms of which have not yet expired as of the effective date of this act. However, any new appointments made after July 1, 2018, shall be made in accordance with this act.**

**CHAPTER 456**

*An Act to amend the Code of Virginia by adding sections numbered 9.1-203.1 and 32.1-111.5:1, relating to mental health awareness training: firefighters and emergency medical services personnel.*

[H 1412]

Approved March 23, 2018

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

**1. That the Code of Virginia is amended by adding sections numbered 9.1-203.1 and 32.1-111.5:1 as follows:**

**§ 9.1-203.1. Firefighter mental health awareness training.**

*A. Each fire department as defined in § 27-6.01 shall develop curricula for mental health awareness training for its personnel, which shall include training regarding the following:*

- 1. Understanding signs and symptoms of cumulative stress, depression, anxiety, exposure to acute and chronic trauma, compulsive behaviors, and addiction;*
- 2. Combating and overcoming stigmas;*
- 3. Responding appropriately to aggressive behaviors such as domestic violence and harassment; and*
- 4. Accessing available mental health treatment and resources.*

*B. Any fire department may develop the mental health awareness training curricula in conjunction with other fire departments or firefighter stakeholder groups or may use any training program, developed by any entity, that satisfies the criteria set forth in subsection A.*

*C. Firefighters who receive mental health awareness training in accordance with this section shall receive appropriate continuing education credits from the Department of Fire Programs and the Virginia Fire Services Board.*

**§ 32.1-111.5:1. Emergency medical services personnel mental health awareness training.**

*A. Each emergency medical services agency shall develop curricula for mental health awareness training for its personnel, which shall include training regarding the following:*

- 1. Understanding signs and symptoms of cumulative stress, depression, anxiety, exposure to acute and chronic trauma, compulsive behaviors, and addiction;*
- 2. Combating and overcoming stigmas;*
- 3. Responding appropriately to aggressive behaviors such as domestic violence and harassment; and*
- 4. Accessing available mental health treatment and resources.*

*B. Any emergency medical services agency may develop the mental health awareness training curricula in conjunction with other emergency medical services agencies or emergency medical services personnel stakeholder groups or may use any training program, developed by any entity, that satisfies the criteria set forth in subsection A.*

*C. Emergency medical services personnel who receive mental health awareness training in accordance with this section shall receive appropriate continuing education credits from the Office of Emergency Medical Services.*

**CHAPTER 457**

*An Act to repeal § 60.2-114.1 of the Code of Virginia, relating to an employer's duty to request disclosure of withholding orders.*

[S 51]

Approved March 23, 2018

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

**1. That § 60.2-114.1 of the Code of Virginia is repealed.**

**CHAPTER 458**

*An Act to amend and reenact §§ 54.1-1500 and 54.1-1501 of the Code of Virginia, relating to hearing aid specialists; exemptions for the sale of hearing aids.*

[S 315]

Approved March 23, 2018

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

**1. That §§ 54.1-1500 and 54.1-1501 of the Code of Virginia are amended and reenacted as follows:**

**§ 54.1-1500. Definitions.**

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

"Audiologist" means the same as that term is defined in § 54.1-2600.

"Board" means the Board for Hearing Aid Specialists and Opticians.

"Hearing aid" means any wearable instrument or device designed or offered to aid or compensate for impaired human hearing and any parts, attachments, or accessories, including earmolds, but excluding batteries and cords.

"Licensed hearing aid specialist" means any person who is the holder of a hearing aid specialist license issued by the Board for Hearing Aid Specialists and Opticians.

"Licensed optician" means any person who is the holder of an optician license issued by the Board for Hearing Aid Specialists and Opticians.

"Licensed optometrist" means any person authorized by Virginia law to practice optometry.

"Licensed physician" means any person licensed by the Board of Medicine to practice medicine and surgery.

"Optician" means any person not exempted by § 54.1-1506 who prepares or dispenses eyeglasses, spectacles, lenses, or related appurtenances, for the intended wearers or users, on prescriptions from licensed physicians or licensed optometrists, or as duplications or reproductions of previously prepared eyeglasses, spectacles, lenses, or related appurtenances; or who, in accordance with such prescriptions, duplications or reproductions, measures, adapts, fits, and adjusts eyeglasses, spectacles, lenses, or appurtenances, to the human face.

"Practice of audiology" means the same as that term is defined in § 54.1-2600.

"Practice of fitting or dealing in hearing aids" means (i) the measurement of human hearing by means of an audiometer or by any other means solely for the purpose of making selections, adaptations or sale of hearing aids, (ii) the sale of hearing aids, or (iii) the making of impressions for earmolds. A practitioner, at the request of a physician or a member of a related profession, may make audiograms for the professional's use in consultation with the hard-of-hearing.

"Sell" or "sale" means any transfer of title or of the right to use by lease, bailment, or any other contract, excluding wholesale transactions with distributors or practitioners.

"Temporary permit" means a permit issued while an applicant is in training to become a licensed hearing aid specialist.

**§ 54.1-1501. Exemptions; sale of hearing aids by corporations, etc., measuring hearing.**

A. Physicians licensed to practice in Virginia and certified by the American Board of Otolaryngology or eligible for such certification shall not be required to pass an examination as a prerequisite to obtaining a license under this chapter.

B. Nothing in this chapter shall prohibit a corporation, partnership, trust, association or other like organization maintaining an established business address from engaging in the business of selling or offering for sale hearing aids at retail without a license, provided that it employs only licensed practitioners in the direct sale and fitting of such products.

C. Nothing in this chapter shall prohibit any person who does not sell hearing aids or accessories or who is not employed by an organization which sells hearing aids or accessories from engaging in the practice of measuring human hearing for the purpose of selection of hearing aids.

D. Audiologists licensed to practice in Virginia who have earned a doctoral degree in audiology shall not be required to pass an examination as a prerequisite to obtaining a license under this chapter.

## CHAPTER 459

*An Act to amend and reenact § 32.1-70 of the Code of Virginia, relating to the statewide cancer registry; information on firefighters.*

[S 347]

Approved March 23, 2018

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

**1. That § 32.1-70 of the Code of Virginia is amended and reenacted as follows:**

**§ 32.1-70. Information from hospitals, clinics, certain laboratories and physicians supplied to Commissioner; statewide cancer registry.**

A. Each hospital, clinic and independent pathology laboratory shall make available to the Commissioner or his agents information on patients having malignant tumors or cancers. A physician shall report information on patients having cancers unless he has determined that a hospital, clinic or in-state pathology laboratory has reported the information. This reporting requirement shall not apply to basal and squamous cell carcinoma of the skin. Such information shall include the name, address, sex, race, diagnosis and any other pertinent identifying information regarding each such patient and shall include information regarding possible exposure to Agent Orange or other defoliants through their development, testing or use or through service in the Vietnam War. Each hospital, clinic, independent pathology laboratory, or physician shall provide other available clinical information as defined by the Board of Health.

B. From such information the Commissioner shall establish and maintain a statewide cancer registry. The purpose of the statewide cancer registry shall include but not be limited to:

1. Determining means of improving the diagnosis and treatment of cancer patients.

2. Determining the need for and means of providing better long-term, follow-up care of cancer patients.

~~2a.~~ 3. Conducting epidemiological analyses of the incidence, prevalence, survival, and risk factors associated with the occurrence of cancer in Virginia.

- ~~3~~. 4. Collecting data to evaluate the possible carcinogenic effects of environmental hazards including exposure to dioxin and the defoliant, Agent Orange.
- ~~4~~. 5. *Collecting data to evaluate potential links between exposure to fire incidents and cancer incidence.*
- 6. Improving rehabilitative programs for cancer patients.
- ~~5~~. 7. Assisting in the training of hospital personnel.
- ~~6~~. 8. Determining other needs of cancer patients and health personnel.

**CHAPTER 460**

*An Act to amend and reenact §§ 24.2-404 and 24.2-404.4 of the Code of Virginia, relating to voter registration list maintenance; due date of annual report.*

[H 28]

Approved March 23, 2018

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

**1. That §§ 24.2-404 and 24.2-404.4 of the Code of Virginia are amended and reenacted as follows:**

**§ 24.2-404. Duties of Department of Elections.**

A. The Department of Elections shall provide for the continuing operation and maintenance of a central recordkeeping system, the Virginia voter registration system, for all voters registered in the Commonwealth.

In order to operate and maintain the system, the Department shall:

1. Maintain a complete, separate, and accurate record of all registered voters in the Commonwealth.
2. Require the general registrars to enter the names of all registered voters into the system and to change or correct registration records as necessary.
3. Provide to each general registrar, voter confirmation documents for newly registered voters and for notice to registered voters on the system of changes and corrections in their registration records and polling places and voter photo identification cards containing the voter's photograph and signature for free for those voters who do not have one of the forms of identification specified in subsection B of § 24.2-643. The Department shall promulgate rules and regulations authorizing each general registrar to obtain a photograph and signature of a voter who does not have one of the forms of identification specified in subsection B of § 24.2-643 for the purpose of providing such voter a voter photo identification card containing the voter's photograph and signature. The Department shall provide each general registrar with the equipment necessary to obtain a voter's signature and photograph and no general registrar shall be required to purchase such equipment at his own expense. Photographs and signatures obtained by a general registrar shall be submitted to the Department. The Department may contract with an outside vendor for the production and distribution of voter photo identification cards.
4. Require the general registrars to delete from the record of registered voters the name of any voter who (i) is deceased, (ii) is no longer qualified to vote in the county or city where he is registered due to removal of his residence, (iii) has been convicted of a felony, (iv) has been adjudicated incapacitated, (v) is known not to be a United States citizen by reason of reports from the Department of Motor Vehicles pursuant to § 24.2-410.1 or from the Department of Elections based on information received from the Systematic Alien Verification for Entitlements Program (SAVE Program) pursuant to subsection E, or (vi) is otherwise no longer qualified to vote as may be provided by law. Such action shall be taken no later than 30 days after notification from the Department. The Department shall promptly provide the information referred to in this subdivision, upon receiving it, to general registrars.
5. Retain on the system for four years a separate record for registered voters whose names have been deleted, with the reason for deletion.
6. Retain on the system permanently a separate record for information received regarding deaths, felony convictions, and adjudications of incapacity pursuant to §§ 24.2-408 through 24.2-410.
7. Provide to each general registrar, at least 16 days prior to a general or primary election and three days prior to a special election, an alphabetical list of all registered voters in each precinct or portion of a precinct in which the election is being held in the county, city, or town. These precinct lists shall be used as the official lists of qualified voters and shall constitute the pollbooks. The Department shall provide instructions for the division of the pollbooks and precinct lists into sections to accommodate the efficient processing of voter lines at the polls. Prior to any general, primary, or special election, the Department shall provide any general registrar, upon his request, with a separate electronic list of all registered voters in the registrar's county or city. If electronic pollbooks are used in the locality or electronic voter registration inquiry devices are used in precincts in the locality, the Department shall provide a regional or statewide list of registered voters to the general registrar of the locality. The Department shall determine whether regional or statewide data is provided. Neither the pollbook nor the regional or statewide list of registered voters shall include the day and month of birth of the voter, but shall include the voter's year of birth.
8. Acquire by purchase, lease, or contract equipment necessary to execute the duties of the Department.
9. Use any source of information that may assist in carrying out the purposes of this section. All agencies of the Commonwealth shall cooperate with the Department in procuring and exchanging identification information for the purpose of maintaining the voter registration system. The Department may share any information that it receives from another

agency of the Commonwealth with any Chief Election Officer of another state for the maintenance of the voter registration system.

10. Cooperate with other states and jurisdictions to develop systems to compare voters, voter history, and voter registration lists to ensure the accuracy of the voter registration rolls, to identify voters whose addresses have changed, to prevent duplication of registration in more than one state or jurisdiction, and to determine eligibility of individuals to vote in Virginia.

11. Reprint and impose a reasonable charge for the sale of any part of Title 24.2, lists of precincts and polling places, statements of election results by precinct, and any other items required of the Department by law. Receipts from such sales shall be credited to the Board for reimbursement of printing expenses.

B. The Department shall be authorized to provide for the production, distribution, and receipt of information and lists through the Virginia voter registration system by any appropriate means including, but not limited to, paper and electronic means. The Virginia Freedom of Information Act (§ 2.2-3700 et seq.) shall not apply to records about individuals maintained in this system.

C. The State Board shall institute procedures to ensure that each requirement of this section is fulfilled. As part of its procedures, the State Board shall provide that the general registrar shall mail notice of any cancellation pursuant to clause (v) of subdivision A 4 to the person whose registration is cancelled.

D. The State Board shall promulgate rules and regulations to ensure the uniform application of the law for determining a person's residence.

E. The Department shall apply to participate in the Systematic Alien Verification for Entitlements Program (SAVE Program) operated by U.S. Citizenship and Immigration Services of the U.S. Department of Homeland Security for the purposes of verifying that voters listed in the Virginia voter registration system are United States citizens. Upon approval of the application, the Department shall enter into any required memorandum of agreement with U.S. Citizenship and Immigration Services. The State Board shall promulgate rules and regulations governing the use of the immigration status and citizenship status information received from the SAVE Program.

F. The Department shall report annually by ~~August~~ *October* 1 for the preceding 12 months ending ~~June 30~~ *August 31* to the Committees on Privileges and Elections on each of its activities undertaken to maintain the Virginia voter registration system and the results of those activities. The Department's report shall *be governed by the provisions of § 2.2-608 and shall encompass activities undertaken pursuant to subdivisions A 9 and 10 and subsection E and pursuant to §§ 24.2-404.3, 24.2-404.4, 24.2-408, 24.2-409, 24.2-409.1, 24.2-410, 24.2-410.1, 24.2-427, and 24.2-428. This report shall contain the methodology used in gathering and analyzing the data. The Commissioner of Elections shall certify that the data included in the report is accurate and reliable.*

**§ 24.2-404.4. Exchange of registered voter lists with other states.**

A. Pursuant to its authority under subsection A of § 24.2-405 and subsections B and C of § 24.2-406, the Department of Elections shall request voter registration information and lists of persons voting at primaries and elections, if available, from the states bordering the Commonwealth to identify duplicate registrations, voters who no longer reside in the Commonwealth, and other persons who are no longer entitled to be registered in order to maintain the overall accuracy of the voter registration system.

B. Pursuant to its authority under subdivision A 10 of § 24.2-404, the Department of Elections shall utilize data regarding voter registration and lists of persons voting at primaries and elections received through list comparisons with other states to identify duplicate registrations, voters who no longer reside in the Commonwealth, and other persons who are no longer entitled to be registered in order to maintain the overall accuracy of the voter registration system.

C. The Department shall compare the data received pursuant to subsections A and B with the state voter registration list and initiate list maintenance procedures under applicable state and federal law. The Department shall *include in its report to the House and Senate Committees on Privileges and Elections annually or, required by subsection F of § 24.2-404, the progress of activities conducted under this section, including the number of duplicate registrations found to exist and the procedures that the Department and general registrars are following to eliminate duplicate registrations from the Virginia registered voter lists. All annual reports required to be filed by the Department shall be governed by the provisions of § 2.2-608.*

**CHAPTER 461**

*An Act to amend and reenact §§ 2.2-4303 and 2.2-4303.1 of the Code of Virginia, relating to the Virginia Public Procurement Act; methods of procurement; professional services.*

[H 97]

Approved March 23, 2018

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

**1. That §§ 2.2-4303 and 2.2-4303.1 of the Code of Virginia are amended and reenacted as follows:**

**§ 2.2-4303. Methods of procurement.**

A. All public contracts with nongovernmental contractors for the purchase or lease of goods, or for the purchase of services, insurance, or construction, shall be awarded after competitive sealed bidding, or competitive negotiation as provided in this section, unless otherwise authorized by law.

B. Professional services shall be procured by competitive negotiation.

C. Goods, services other than professional services, and insurance may be procured by competitive sealed bidding or competitive negotiation.

Upon a written determination made in advance by (i) the Governor or his designee in the case of a procurement by the Commonwealth or by a department, agency or institution thereof or (ii) the local governing body in the case of a procurement by a political subdivision of the Commonwealth, that competitive negotiation is either not practicable or not fiscally advantageous, insurance may be procured through a licensed agent or broker selected in the manner provided for the procurement of things other than professional services set forth in § 2.2-4302.2. The basis for this determination shall be documented in writing.

D. Construction may be procured only by competitive sealed bidding, except that competitive negotiation may be used in the following instances:

1. By any public body on a fixed price design-build basis or construction management basis as provided in Chapter 43.1 (§ 2.2-4378 et seq.); or

2. By any public body for the construction of highways and any draining, dredging, excavation, grading or similar work upon real property upon a determination made in advance by the public body and set forth in writing that competitive sealed bidding is either not practicable or not fiscally advantageous to the public, which writing shall document the basis for this determination.

E. Upon a determination in writing that there is only one source practicably available for that which is to be procured, a contract may be negotiated and awarded to that source without competitive sealed bidding or competitive negotiation. The writing shall document the basis for this determination. The public body shall issue a written notice stating that only one source was determined to be practicably available, and identifying that which is being procured, the contractor selected, and the date on which the contract was or will be awarded. This notice shall be posted on the Department of General Services' central electronic procurement website or other appropriate websites, and in addition, public bodies may publish in a newspaper of general circulation on the day the public body awards or announces its decision to award the contract, whichever occurs first. Posting on the Department of General Services' central electronic procurement website shall be required of any state public body. Local public bodies are encouraged to utilize the Department of General Services' central electronic procurement website to provide the public with centralized visibility and access to the Commonwealth's procurement opportunities.

F. In case of emergency, a contract may be awarded without competitive sealed bidding or competitive negotiation; however, such procurement shall be made with such competition as is practicable under the circumstances. A written determination of the basis for the emergency and for the selection of the particular contractor shall be included in the contract file. The public body shall issue a written notice stating that the contract is being awarded on an emergency basis, and identifying that which is being procured, the contractor selected, and the date on which the contract was or will be awarded. This notice shall be posted on the Department of General Services' central electronic procurement website or other appropriate websites, and in addition, public bodies may publish in a newspaper of general circulation on the day the public body awards or announces its decision to award the contract, whichever occurs first, or as soon thereafter as is practicable. Posting on the Department of General Services' central electronic procurement website shall be required of any state public body. Local public bodies are encouraged to utilize the Department of General Services' central electronic procurement website to provide the public with centralized visibility and access to the Commonwealth's procurement opportunities.

G. A public body may establish purchase procedures, if adopted in writing, not requiring competitive sealed bids or competitive negotiation for single or term contracts for:

1. Goods and services other than professional services and non-transportation-related construction, if the aggregate or the sum of all phases is not expected to exceed \$100,000; and

2. Transportation-related construction, if the aggregate or sum of all phases is not expected to exceed \$25,000.

However, such small purchase procedures shall provide for competition wherever practicable.

Such purchase procedures may allow for single or term contracts for professional services without requiring competitive negotiation, provided the aggregate or the sum of all phases is not expected to exceed ~~\$60,000~~ \$80,000.

Where small purchase procedures are adopted for construction, the procedures shall not waive compliance with the Uniform State Building Code.

For state public bodies, purchases under this subsection that are expected to exceed \$30,000 shall require the (a) written informal solicitation of a minimum of four bidders or offerors and (b) posting of a public notice on the Department of General Services' central electronic procurement website or other appropriate websites. Posting on the Department of General Services' central electronic procurement website shall be required of any state public body. Local public bodies are encouraged to utilize the Department of General Services' central electronic procurement website to provide the public with centralized visibility and access to the Commonwealth's procurement opportunities.

H. Upon a determination made in advance by a public body and set forth in writing that the purchase of goods, products or commodities from a public auction sale is in the best interests of the public, such items may be purchased at the

auction, including online public auctions. Purchase of information technology and telecommunications goods and nonprofessional services from a public auction sale shall be permitted by any authority, department, agency, or institution of the Commonwealth if approved by the Chief Information Officer of the Commonwealth. The writing shall document the basis for this determination. However, bulk purchases of commodities used in road and highway construction and maintenance, and aggregates shall not be made by online public auctions.

I. The purchase of goods or nonprofessional services, but not construction or professional services, may be made by reverse auctioning. However, bulk purchases of commodities used in road and highway construction and maintenance, and aggregates shall not be made by reverse auctioning.

**§ 2.2-4303.1. Architectural and professional engineering term contracting; limitations.**

A. A contract for architectural or professional engineering services relating to multiple construction projects may be awarded by a public body, provided (i) the projects require similar experience and expertise, (ii) the nature of the projects is clearly identified in the Request for Proposal, and (iii) the contract is limited to a term of one year or when the cumulative total project fees reach the maximum authorized in this section, whichever occurs first.

Such contracts may be renewable for four additional one-year terms at the option of the public body. The fair and reasonable prices as negotiated shall be used in determining the cost of each project performed.

B. The sum of all projects performed in a one-year contract term shall not exceed ~~\$500,000~~ \$750,000, except that for:

1. A state agency, as defined in § 2.2-4347, the sum of all projects performed in a one-year contract term shall not exceed \$1 million;

2. Any locality with a population in excess of 78,000 or school division within such locality, or any authority, sanitation district, metropolitan planning organization, transportation district commission, or planning district commission, or any city within Planning District 8, the sum of all projects performed in a one-year contract term shall not exceed \$6 million and those awarded for any airport as defined in § 5.1-1 and aviation transportation projects, the sum of all such projects shall not exceed \$1.5 million;

3. Architectural and engineering services for rail and public transportation projects by the Director of the Department of Rail and Public Transportation, the sum of all projects in a one-year contract term shall not exceed \$2 million. Such contract may be renewable for two additional one-year terms at the option of the Director; and

4. Environmental location, design, and inspection work regarding highways and bridges by the Commissioner of Highways, the initial contract term shall be limited to two years or when the cumulative total project fees reach \$5 million, whichever occurs first. Such contract may be renewable for two additional one-year terms at the option of the Commissioner, and the sum of all projects in each one-year contract term shall not exceed \$5 million.

C. Competitive negotiations for such architectural or professional engineering services contracts may result in awards to more than one offeror, provided (i) the Request for Proposal so states and (ii) the public body has established procedures for distributing multiple projects among the selected contractors during the contract term. Such procedures shall prohibit requiring the selected contractors to compete for individual projects based on price.

D. The fee for any single project shall not exceed \$150,000; however, for architectural or engineering services for airports as defined in § 5.1-1 and aviation transportation projects, the project fee of any single project shall not exceed \$500,000, except that for:

1. A state agency as defined in § 2.2-4347, the project fee shall not exceed \$200,000, as may be determined by the Director of the Department of General Services or as otherwise provided by the Restructured Higher Education Financial and Administrative Operations Act (§ 23.1-1000 et seq.); and

2. Any locality with a population in excess of 78,000 or school division within such locality, or any authority, transportation district commission, or sanitation district, or any city within Planning District 8, the project fee shall not exceed \$2.5 million.

The limitations imposed upon single-project fees pursuant to this subsection shall not apply to environmental, location, design, and inspection work regarding highways and bridges by the Commissioner of Highways or architectural and engineering services for rail and public transportation projects by the Director of the Department of Rail and Public Transportation.

E. For the purposes of subsection B, any unused amounts from one contract term shall not be carried forward to any additional term, except as otherwise provided by the Restructured Higher Education Financial and Administrative Operations Act (§ 23.1-1000 et seq.).

**CHAPTER 462**

*An Act to amend Chapter 789 of the Acts of Assembly of 2017 by adding a second enactment, relating to the Virginia Public Procurement Act; bid, performance, and payment bonds; waiver by localities; sunset.*

[H 398]

Approved March 23, 2018

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

- 1. That Chapter 789 of the Acts of Assembly of 2017 is amended by adding a second enactment as follows:**
- 2. That the provisions of this Act shall expire on July 1, 2021.**

CHAPTER 463

*An Act to amend and reenact § 2.2-4343 of the Code of Virginia, relating to the Virginia Public Procurement Act; exemption for Virginia-grown food products; required documentation.*

[H 760]

Approved March 23, 2018

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

**1. That § 2.2-4343 of the Code of Virginia is amended and reenacted as follows:**

**§ 2.2-4343. Exemption from operation of chapter for certain transactions.**

A. The provisions of this chapter shall not apply to:

1. The Virginia Port Authority in the exercise of any of its powers in accordance with Chapter 10 (§ 62.1-128 et seq.) of Title 62.1, provided the Authority implements, by policy or regulation adopted by the Board of Commissioners, procedures to ensure fairness and competitiveness in the procurement of goods and services and in the administration of its capital outlay program. This exemption shall be applicable only so long as such policies and procedures meeting the requirements remain in effect.

2. The Virginia Retirement System for selection of services related to the management, purchase or sale of authorized investments, actuarial services, and disability determination services. Selection of these services shall be governed by the standard set forth in § 51.1-124.30.

3. The State Treasurer in the selection of investment management services related to the external management of funds shall be governed by the standard set forth in § 2.2-4514, and shall be subject to competitive guidelines and policies that are set by the Commonwealth Treasury Board and approved by the Department of General Services.

4. The Department of Social Services or local departments of social services for the acquisition of motor vehicles for sale or transfer to Temporary Assistance to Needy Families (TANF) recipients.

5. The College of William and Mary in Virginia, Virginia Commonwealth University, the University of Virginia, and Virginia Polytechnic Institute and State University in the selection of services related to the management and investment of their endowment funds, endowment income, gifts, all other nongeneral fund reserves and balances, or local funds of or held by the respective public institution of higher education pursuant to § 23.1-2210, 23.1-2306, 23.1-2604, or 23.1-2803. However, selection of these services shall be governed by the Uniform Prudent Management of Institutional Funds Act (§ 64.2-1100 et seq.) as required by §§ 23.1-2210, 23.1-2306, 23.1-2604, and 23.1-2803.

6. The Board of the Virginia College Savings Plan for the selection of services related to the operation and administration of the Plan, including, but not limited to, contracts or agreements for the management, purchase, or sale of authorized investments or actuarial, record keeping, or consulting services. However, such selection shall be governed by the standard set forth in § 23.1-706.

7. Public institutions of higher education for the purchase of items for resale at retail bookstores and similar retail outlets operated by such institutions. However, such purchase procedures shall provide for competition where practicable.

8. The purchase of goods and services by agencies of the legislative branch that may be specifically exempted therefrom by the Chairman of the Committee on Rules of either the House of Delegates or the Senate. Nor shall the contract review provisions of § 2.2-2012 apply to such procurements. The exemption shall be in writing and kept on file with the agency's disbursement records.

9. Any town with a population of less than 3,500, except as stipulated in the provisions of §§ 2.2-4305, 2.2-4311, 2.2-4315, 2.2-4330, 2.2-4333 through 2.2-4338, 2.2-4343.1, and 2.2-4367 through 2.2-4377 and Chapter 43.1 (§ 2.2-4378 et seq.).

10. Any county, city or town whose governing body has adopted, by ordinance or resolution, alternative policies and procedures which are (i) based on competitive principles and (ii) generally applicable to procurement of goods and services by such governing body and its agencies, except as stipulated in subdivision 12.

This exemption shall be applicable only so long as such policies and procedures, or other policies and procedures meeting the requirements of § 2.2-4300, remain in effect in such county, city or town. Such policies and standards may provide for incentive contracting that offers a contractor whose bid is accepted the opportunity to share in any cost savings realized by the locality when project costs are reduced by such contractor, without affecting project quality, during construction of the project. The fee, if any, charged by the project engineer or architect for determining such cost savings shall be paid as a separate cost and shall not be calculated as part of any cost savings.

11. Any school division whose school board has adopted, by policy or regulation, alternative policies and procedures that are (i) based on competitive principles and (ii) generally applicable to procurement of goods and services by the school board, except as stipulated in subdivision 12.

This exemption shall be applicable only so long as such policies and procedures, or other policies or procedures meeting the requirements of § 2.2-4300, remain in effect in such school division. This provision shall not exempt any school division from any centralized purchasing ordinance duly adopted by a local governing body.

12. Notwithstanding the exemptions set forth in subdivisions 9 through 11, the provisions of subsections C and D of § 2.2-4303, §§ 2.2-4305, 2.2-4311, 2.2-4315, 2.2-4317, 2.2-4330, 2.2-4333 through 2.2-4338, 2.2-4343.1, and 2.2-4367

through 2.2-4377, and Chapter 43.1 (§ 2.2-4378 et seq.) shall apply to all counties, cities, and school divisions, and to all towns having a population greater than 3,500 in the Commonwealth.

The method for procurement of professional services through competitive negotiation set forth in §§ 2.2-4303.1 and 2.2-4303.2 shall also apply to all counties, cities and school divisions, and to all towns having a population greater than 3,500, where the cost of the professional service is expected to exceed \$60,000 in the aggregate or for the sum of all phases of a contract or project. A school board that makes purchases through its public school foundation or purchases educational technology through its educational technology foundation, either as may be established pursuant to § 22.1-212.2:2 shall be exempt from the provisions of this chapter, except, relative to such purchases, the school board shall comply with the provisions of §§ 2.2-4311 and 2.2-4367 through 2.2-4377.

13. A public body that is also a utility operator may purchase services through or participate in contracts awarded by one or more utility operators that are not public bodies for utility marking services as required by the Underground Utility Damage Prevention Act (§ 56-265.14 et seq.). A purchase of services under this subdivision may deviate from the procurement procedures set forth in this chapter upon a determination made in advance by the public body and set forth in writing that competitive sealed bidding is either not practicable or not fiscally advantageous to the public, and the contract is awarded based on competitive principles.

14. Procurement of any construction or planning and design services for construction by a Virginia nonprofit corporation or organization not otherwise specifically exempted when (i) the planning, design or construction is funded by state appropriations of \$10,000 or less or (ii) the Virginia nonprofit corporation or organization is obligated to conform to procurement procedures that are established by federal statutes or regulations, whether those federal procedures are in conformance with the provisions of this chapter.

15. Purchases, exchanges, gifts or sales by the Citizens' Advisory Council on Furnishing and Interpreting the Executive Mansion.

16. The Eastern Virginia Medical School in the selection of services related to the management and investment of its endowment and other institutional funds. The selection of these services shall, however, be governed by the Uniform Prudent Management of Institutional Funds Act (§ 64.2-1100 et seq.).

17. The Department of Corrections in the selection of pre-release and post-incarceration services and the Department of Juvenile Justice in the selection of pre-release and post-commitment services.

18. The University of Virginia Medical Center to the extent provided by subdivision A 3 of § 23.1-2213.

19. The purchase of goods and services by a local governing body or any authority, board, department, instrumentality, institution, agency or other unit of state government when such purchases are made under a remedial plan established by the Governor pursuant to subsection C of § 2.2-4310 or by a chief administrative officer of a county, city or town pursuant to § 15.2-965.1.

20. The contract by community services boards or behavioral health authorities with an administrator or management body pursuant to a joint agreement authorized by § 37.2-512 or 37.2-615.

21. [Expired].

22. The purchase of Virginia-grown food products for use by a public body where the annual cost of the product is not expected to exceed \$100,000, *provided that the procurement is accomplished by (i) obtaining written informal solicitation of a minimum of three bidders or offerors if practicable and (ii) including a written statement regarding the basis for awarding the contract.*

23. The Virginia Industries for the Blind when procuring components, materials, supplies, or services for use in commodities and services furnished to the federal government in connection with its operation as an AbilityOne Program-qualified nonprofit agency for the blind under the Javits-Wagner-O'Day Act, 41 U.S.C. §§ 8501-8506, provided that the procurement is accomplished using procedures that ensure that funds are used as efficiently as practicable. Such procedures shall require documentation of the basis for awarding contracts. Notwithstanding the provisions of § 2.2-1117, no public body shall be required to purchase such components, materials, supplies, services, or commodities.

B. Where a procurement transaction involves the expenditure of federal assistance or contract funds, the receipt of which is conditioned upon compliance with mandatory requirements in federal laws or regulations not in conformance with the provisions of this chapter, a public body may comply with such federal requirements, notwithstanding the provisions of this chapter, only upon the written determination of the Governor, in the case of state agencies, or the governing body, in the case of political subdivisions, that acceptance of the grant or contract funds under the applicable conditions is in the public interest. Such determination shall state the specific provision of this chapter in conflict with the conditions of the grant or contract.

## CHAPTER 464

*An Act to amend and reenact §§ 24.2-613, 24.2-614, 24.2-615, 24.2-641, and 24.2-644 of the Code of Virginia and to repeal § 24.2-113 of the Code of Virginia, relating to obsolete statutes and provisions in Title 24.2.*

[S 130]

Approved March 23, 2018

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

**1. That §§ 24.2-613, 24.2-614, 24.2-615, 24.2-641, and 24.2-644 of the Code of Virginia are amended and reenacted as follows:**

**§ 24.2-613. Form of ballot.**

A. The ballots shall comply with the requirements of this title and the standards prescribed by the State Board.

B. For elections for federal, statewide, and General Assembly offices only, each candidate who has been nominated by a political party or in a primary election shall be identified by the name of his political party. Independent candidates shall be identified by the term "Independent." For the purpose of this section, any Independent candidate may, by producing sufficient and appropriate evidence of nomination by a "recognized political party" to the State Board, have the term "Independent" on the ballot converted to that of a "recognized political party" on the ballot and be treated on the ballot in a manner consistent with the candidates nominated by political parties. For the purpose of this section, a "recognized political party" is defined as an organization that, for at least six months preceding the filing of its nominee for the office, has had in continual existence a state central committee composed of registered voters residing in each congressional district of the Commonwealth, a party plan and bylaws, and a duly elected state chairman and secretary. A letter from the state chairman of a recognized political party certifying that a candidate is the nominee of that party and also signed by such candidate accepting that nomination shall constitute sufficient and appropriate evidence of nomination by a recognized political party. The name of the political party, the name of the "recognized political party," or term "Independent" may be shown by an initial or abbreviation to meet ballot requirements.

C. Except as provided for primary elections, the State Board shall determine by lot the order of the political parties, and the names of all candidates for a particular office shall appear together in the order determined for their parties. In an election district in which more than one person is nominated by one political party for the same office, the candidates' names shall appear alphabetically in their party groups under the name of the office, with sufficient space between party groups to indicate them as such. For the purpose of this section, except as provided for presidential elections in § 24.2-614, "recognized political parties" shall be treated as a class; the order of the recognized political parties within the class shall be determined by lot by the State Board; and the class shall follow the political parties as defined by § 24.2-101 and precede the independent class. Independent candidates shall be treated as a class under "Independent", and their names shall be placed on the ballot after the political parties and recognized political parties. Where there is more than one independent candidate for an office, their names shall appear on the ballot in an order determined by the priority of time of filing all required paperwork for the office. In the event two or more candidates file simultaneously, the order of filing shall then be determined by lot by the electoral board as in the case of a tie vote for the office.

No individual's name shall appear on the ballot more than once for the same office.

D. In preparing the printed ballots for general, special, and primary elections, the State Board and ~~electoral boards~~ *general registrars* shall cause to be printed in not less than 10-point type, immediately below the title of any office, a statement of the number of candidates for whom votes may be cast for that office. For any office to which only one candidate can be elected, the following language shall be used: "Vote for only one." For any office to which more than one candidate can be elected, the following language shall be used: "Vote for not more than."

E. Any locality that uses machine-readable ballots at one or more precincts, including any central absentee precinct, may, with the approval of the State Board, use a printed reproduction of the machine-readable ballot in lieu of the official machine-readable ballot. Such reproductions shall be printed and otherwise handled in accordance with all laws and procedures that apply to official paper ballots.

~~In every county and city using voting systems requiring printed ballots, the electoral board shall furnish a sufficient number of ballots printed on plain white paper, of such form and size as will fit in the ballot frames.~~

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

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

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

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

**§ 24.2-615. Separate questions for proposed constitutional amendments, etc.; uniform ballots.**

A separate ~~ballot question~~ *ballot question* shall be ~~printed~~ *presented* for each of the following: proposed amendments to the Constitution submitted to the qualified voters at one election; proposals submitted to the qualified voters after a constitutional convention pursuant to Article XII, Section 2 of the Constitution; candidates for President, Vice President, and presidential electors; and candidates for the Congress of the United States.

The form of the ballot shall be the same throughout the election district in which the same candidates are running to fill the same offices and throughout the district in which a question is submitted to the voters.

**§ 24.2-641. Sample ballot.**

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

**§ 24.2-644. Voting by paper ballot; voting for presidential electors; write-in votes.**

A. The qualified voter shall take the official paper ballot and enter the voting booth. After entering the voting booth, the qualified voter shall mark ~~immediately preceding the name of the ballot in accordance with the instructions for the type of ballot,~~ for each candidate for whom he wishes to vote a check (✓) or a cross (✗) or a line (—) in the square provided for such purpose, leaving unmarked the square preceding the name of each candidate for whom he does not wish to vote. Any ballot marked so that the intent of the voter is clear shall be counted.

B. The qualified voter at a presidential election shall mark ~~the square preceding the names and party designation the ballot in accordance with the instructions for the type of ballot,~~ for his choice of candidates for President and Vice President. His ballot so marked shall be counted as if he had marked ~~squares the ballot in accordance with the instructions for the type of ballot~~ preceding the names of the individual electors affiliated with his choice for President and Vice President. The qualified voter at a presidential election may cast a write-in vote for President and Vice President as provided in subsections C and D.

C. At all elections except primary elections it ~~shall be~~ is lawful for any voter to vote for any person other than the listed candidates for the office by writing or hand printing the person's name on the official ballot. No check or other mark shall be required to cast a valid write-in vote. Write-in votes for President and Vice President shall be counted only for candidates who have filed a joint declaration of intent to be write-in candidates for the offices with the Commissioner of Elections not less than 10 days before the date of the presidential election. The declaration of intent shall be on a form prescribed by the State Board and shall include a list of presidential electors pledged to those candidates which equals the whole number of senators and representatives to which the Commonwealth at that time is entitled in the Congress of the United States. A write-in vote cast for candidates for President and Vice President, or for a candidate for President only, shall be counted for the individual electors listed on the declaration of intent as pledged to those candidates.

D. No write-in vote shall be counted unless the name is entered on the ballot in conformance with this section. No write-in vote shall be counted when it is apparent to the officers of election that a voter has voted for the same person for the same office more than one time. No write-in vote shall be counted for an office for any person whose name appears on the ballot as a candidate for that office. If two or more persons are to be elected to the same office, a voter may vote for one or more persons whose names do appear on the ballot and one or more persons whose names do not appear on the ballot, provided that the total number of votes cast by him for that office does not exceed the number of persons to be elected to that office.

**2. That § 24.2-113 of the Code of Virginia is repealed.**

## CHAPTER 465

*An Act to amend and reenact § 24.2-112 of the Code of Virginia, relating to assistants to general registrars; full-time status.*

[S 152]

Approved March 23, 2018

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

**1. That § 24.2-112 of the Code of Virginia is amended and reenacted as follows:**

**§ 24.2-112. Assistants to general registrars; employees.**

The electoral board of each county and city shall determine the number of assistant registrars to serve in the office of the general registrar, including any to serve full-time ~~and set the term for assistant registrars; however, their terms shall not extend beyond the term set by law of the incumbent general registrar.~~ The general registrar shall establish the duties of assistant registrars, appoint assistant registrars, and have authority to remove any assistant registrar who fails to discharge the duties of his office.

In Russell County, there shall be at least one full-time assistant registrar who shall serve in the office of the general registrar.

In any county or city whose population is over 15,500, there shall be at least one assistant registrar who shall serve at least one day each week in the office of the general registrar.

Any county or city whose population is 15,500 or less shall have at least one substitute registrar who is able to take over the duties of the general registrar in an emergency and who shall assist the general registrar when he requests.

*The electoral board shall set the term for the assistant registrars; however, their terms shall not extend beyond the term set by law of the incumbent general registrar. The general registrar shall establish the duties of assistant registrars, appoint assistant registrars, and have authority to remove any assistant registrar who fails to discharge the duties of his office.*

All assistant registrars shall have the same limitations and qualifications and fulfill the same requirements as the general registrar except that (i) an assistant registrar may be an officer of election and (ii) an assistant registrar shall be a qualified voter of the Commonwealth but is not required to be a qualified voter of the county or city in which he serves as registrar. Candidates who are residents in the county or city for which they seek appointment may be given preference in hiring. Localities may mutually agree to share an assistant registrar among two or more localities. Assistant registrars who agree to serve without pay shall be supervised and trained by the general registrar.

All other employees shall be employed by the general registrar. The general registrar may hire additional temporary employees on a part-time basis as needed.

The compensation of any assistant registrar, other than those who agree to serve without pay, or any other employee of the general registrar shall be fixed and paid by the local governing body and shall be the equivalent of or exceed the minimum hourly wage established by federal law in 29 U.S.C. § 206 (a) (1), as amended.

The general registrar shall not appoint to the office of paid assistant registrar his spouse or any person, or the spouse of any person, who is his parent, grandparent, sibling, child, or grandchild.

#### CHAPTER 466

*An Act to amend and reenact § 54.1-2506 of the Code of Virginia, relating to Department of Health Professions; subpoenas.* [S 258]

Approved March 23, 2018

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

**1. That § 54.1-2506 of the Code of Virginia is amended and reenacted as follows:**

**§ 54.1-2506. Enforcement of laws by Director and investigative personnel; authority of investigative personnel and Director.**

A. The Director and investigative personnel appointed by him shall be sworn to enforce the statutes and regulations pertaining to the Department, the Board, and the health regulatory boards and shall have the authority to investigate any violations of those statutes and regulations and to the extent otherwise authorized by law inspect any office or facility operated, owned or employing individuals regulated by any health regulatory board. The Director or his designee shall have the power to subpoena witnesses and to request and obtain patient records, business records, papers, and physical or other evidence in the course of any investigation or to issue subpoenas requiring the production of such evidence. *A subpoena issued pursuant to this section may be served by (i) any person authorized to serve process under § 8.01-293, (ii) investigative personnel appointed by the Director, (iii) registered or certified mail or by equivalent commercial parcel delivery service, or (iv) email or facsimile if requested to do so by the recipient. Upon failure of any person to comply with a subpoena duly served, the Director may, pursuant to § 54.1-111, request that the Attorney General or the attorney for the Commonwealth for the jurisdiction in which the recipient of the subpoena resides, is found, or transacts business seek enforcement of the subpoena in such jurisdiction.*

B. All investigative personnel shall be vested with the authority to (i) administer oaths or affirmations for the purpose of receiving complaints of violations of this subtitle, (ii) serve and execute any warrant, paper or process issued by any court or magistrate, the Board, the Director or in his absence a designated subordinate, or by any regulatory board under the authority of the Director, (iii) request and receive criminal history information under the provisions of § 19.2-389, and (iv) request and receive social security numbers from practitioners or federal employee identification numbers from facilities.

C. The Director shall have the authority to issue summonses for violations of statutes and regulations governing the unlicensed practice of professions regulated by the Department. The Director may delegate such authority to investigators appointed by him. In the event a person issued such a summons fails or refuses to discontinue the unlawful acts or refuses to give a written promise to appear at the time and place specified in the summons, the investigator may appear before a magistrate or other issuing authority having jurisdiction to obtain a criminal warrant pursuant to § 19.2-72.

#### CHAPTER 467

*An Act to amend and reenact § 30-356.2 of the Code of Virginia, relating to the Virginia Conflict of Interest and Ethics Advisory Council; deadline extensions.* [S 298]

Approved March 23, 2018

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

**1. That § 30-356.2 of the Code of Virginia is amended and reenacted as follows:**

**§ 30-356.2. Right to grant extensions in special circumstances; civil penalty.**

A. Notwithstanding any other provision of law, any person required to file the disclosure form prescribed in Article 3 or the Acts shall be entitled to an extension where good cause for granting such an extension has been shown, as determined by the Council. Good cause shall include:

1. The death of a relative of the filer, as relative is defined in the definition of "gift" in Article 3 or the Acts.
2. A state of emergency is declared by the Governor pursuant to Chapter 3.2 (§ 44-146.13 et seq.) of Title 44 or declared by the President of the United States or the governor of another state pursuant to law and confirmed by the Governor by an executive order, and such an emergency interferes with the timely filing of disclosure forms. The extension shall be granted only for those filers in areas affected by such emergency.
3. The filer is a member of a uniformed service of the United States and is on active duty on the date of the filing deadline.
4. A failure of the electronic filing system and the failure of such system prevents the timely filing of disclosure forms.
  - B. For any person who is unable to timely file the disclosure form prescribed in the Acts due to the disclosure form not being made available to him until after the deadline has passed, the Council shall grant such person a five-day extension upon request. The head of the agency for which the person works or the clerk of the school board or governing body of the locality that was responsible for providing the disclosure form to such person shall be assessed a civil penalty in the amount equal to \$250, to be collected in accordance with the procedure set forth in subsection B of § 2.2-3124. If the disclosure form is provided to the person within three days prior to the filing deadline, the Council shall grant such person a three-day extension upon request and no civil penalties shall be assessed against the head of such person's agency or the clerk.
  - C. *The provisions of this section shall not apply to any statement of economic interests filed as a requirement of candidacy pursuant to § 24.2-502.*

**CHAPTER 468**

*An Act to direct the Department of Health to include certain information regarding cognitive impairment in its public health outreach programs.*

[S 305]

Approved March 23, 2018

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

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

**CHAPTER 469**

*An Act to amend and reenact §§ 3.2-1100, 3.2-1300, 3.2-1301, 3.2-1304, 3.2-1305, and 3.2-1306 of the Code of Virginia; to amend the Code of Virginia by adding a section numbered 3.2-1302.1; and to repeal § 3.2-1302 of the Code of Virginia, relating to the Beef Industry Council.*

[S 374]

Approved March 23, 2018

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

**1. That §§ 3.2-1100, 3.2-1300, 3.2-1301, 3.2-1304, 3.2-1305, and 3.2-1306 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 3.2-1302.1 as follows:**

**§ 3.2-1100. Diversion of dedicated revenues.**

A. The unexpended balances of the following special funds shall not be diverted or expended for any purpose other than each fund's intended purpose. The special funds are:

1. Apple Fund (§ 3.2-1206);
2. Peanut Fund (§ 3.2-1906);
3. Plant Pollination Fund (§ 3.2-2806);
4. Virginia Agricultural Foundation Fund (§ 3.2-2905);
5. Virginia Bright Flue-Cured Tobacco Promotion Fund (§ 3.2-2407);
6. Virginia Beef Cattle Industry Fund (§ 3.2-1305);
7. Virginia Corn Fund (§ 3.2-1411);
8. Virginia Cotton Fund (§ 3.2-1511);
9. Virginia Dark-Fired Tobacco Promotion Fund (§ 3.2-2407.1);
10. Virginia Egg Fund (§ 3.2-1605);
11. Virginia Horse Industry Promotion and Development Fund (§ 3.2-1704);
12. Virginia Marine Products Fund (§ 3.2-2705);

13. Virginia Milk Commission Assessments Fund (§ 3.2-3220);
14. Virginia Pork Industry Fund (§ 3.2-2005);
15. Virginia Potato Fund (§ 3.2-1810);
16. Virginia Sheep Industry Promotion and Development Fund (§ 3.2-2111);
17. Virginia Small Grains Fund (§ 3.2-2211);
18. Virginia Soybean Fund (§ 3.2-2311); and
19. Virginia Wine Promotion Fund (§ 3.2-3005).

B. No provision of this subtitle shall be construed to give any board the authority to expend funds for legislative or political activity.

#### CHAPTER 13.

#### ~~BEEF CATTLE INDUSTRY COUNCIL BOARD.~~

##### § 3.2-1300. Definitions.

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

"Board" means the Cattle Industry Board.

"Cattle" means ~~beef cattle sold for slaughter or feeding purposes, veal calves sold for slaughter or feeding purposes,~~ beef-type and dairy dairy-type cattle sold for immediate slaughter providing such animals are sold for a consideration in excess of \$20 \$100 per head in the Commonwealth.

"Handler" means, at the point where the cattle are weighed or traded and the value determined, ~~operators of all stockyards an operator of any stockyard, livestock dealerships, slaughterhouses dealership, slaughterhouse, packing plants, and plant, or livestock auction markets market,~~ or any other person that who purchases from a producer.

"Processor" or "packer" means any person that slaughters cattle.

"Producer" means any person engaged in the business of raising cattle, ~~or selling dairy cattle for slaughter.~~

##### § 3.2-1301. Cattle Industry Board; composition and appointment of members.

A. The ~~Beef Cattle Industry Council Board,~~ established by the passage of a referendum held pursuant to Chapter 375 of the Acts of Assembly of 1983, is continued within the Department.

The ~~Beef Industry Council Board~~ shall be composed of ~~15 11~~ members, each of whom shall be a citizen of the United States and a resident of the Commonwealth. Each member shall have been actively engaged in the type of production or business that he will represent on the ~~Beef Industry Council Board~~ for at least five years, shall derive a substantial proportion of his income from such production or business, and shall continue to be actively engaged in such production or business during his term.

B. The Governor shall appoint the members, who represent the ~~various segments of the cattle~~ industry as follows:

1. ~~Seven commercial~~ Six beef cattle producers, one from each ~~feeder~~ cattle production area of the Commonwealth. The ~~seven six~~ areas shall be designated by the ~~Virginia Cattlemen's Association Board~~ in general accordance with *census-based feeder cattle marketing practices populations and updated every five years using USDA National Agricultural Statistics Service information.*

2. Two ~~dairymen~~ producers doing business in any of the six cattle production areas.

3. One ~~commercial cattle feeder~~ dairy producer.

4. Two ~~purebred beef cattle breeders~~ handlers.

~~5. Two livestock market operators.~~

~~6. One meat packer or processor.~~

C. Such appointments shall be ~~chosen from the following recommendations made through the Commissioner:~~ by the Governor and confirmed in accordance with § 2.2-107. The Governor shall be guided in his appointments by nominations made by the Virginia Farm Bureau Federation, Virginia Cattlemen's Association, Virginia Livestock Markets Association, or other agricultural organizations representing Virginia cattle producers. Each such agricultural organization may nominate producers from each production area or for each Board position. The recommendations shall be submitted prior to the expiration of the member's term for which the nomination is being provided. If any such agricultural organization fails to provide its nominations, the Governor may appoint other nominees who meet the criteria set out in this subsection. However, no nomination shall be considered if the nominee currently serves on a board appointed pursuant to the USDA-approved collection and administration of the National Beef Checkoff in accordance with the federal 1985 National Beef Promotion Act and Order.

~~1. Each of the seven beef cattle producing areas shall recommend two producers to the Virginia Cattlemen's Association. The Virginia Cattlemen's Association shall recommend these 14 commercial beef cattle producers (two from each area); and at least one representative from each feeder cattle production area of the Commonwealth shall be appointed to the Beef Industry Council.~~

~~2. The Virginia Cattle Feeders Association shall recommend two commercial cattle feeders.~~

~~3. The Virginia State Dairymen's Association shall recommend four dairymen.~~

~~4. The Beef Cattle Improvement Association shall recommend four purebred beef cattle breeders, provided that not more than one be nominated from each of the four predominant breeder associations.~~

~~5. The Virginia Association of Livestock Market Operators shall recommend four livestock market operators.~~

~~6. The Virginia Cattlemen's Association shall recommend two persons, each of whom shall be either a processor or a packer.~~

The recommendations shall be submitted before the expiration of the member's term for which the nomination is being provided. If said associations fail to provide the recommendations, the Governor may appoint other nominees that meet the foregoing criteria:

**§ 3.2-1302.1. Cattle Industry Board officers and meetings.**

The Board shall elect a chairman from the membership of the Board and such other officers as deemed appropriate. The Board shall meet once per year and at such other times as called by the chairman. The chairman may call special meetings at any time and shall call a special meeting when requested by four or more members of the Board.

**§ 3.2-1304. Powers and duties of Cattle Industry Board.**

A. The Beef Cattle Industry Council may improve cattle industry markets through activities to develop, maintain, and expand the state, national, and foreign markets for cattle, beef, veal, and their products produced, processed, or manufactured in the Commonwealth. The Board shall be responsible for the promotion and economic development of the Virginia cattle industry and of beef products, including the improvement of the commercial value of cattle for Virginia producers.

B. The Beef Industry Council Board may formulate and effectuate, directly or in cooperation with other agencies and instrumentalities specified in this chapter, sales stimulation and consumer or other educational programs designed to increase the use and consumption of beef, veal, and their products. The Board shall expend funds collected pursuant to § 3.2-1306 to provide for programs to serve the Virginia cattle industry for market development, education, publicity, research, and the promotion of the sale and use of cattle and beef products; to manage the funds so as to accumulate a reserve for contingencies; to establish an office and employ such technical, professional, and other assistants as may be required; and to contract for market development, publicity, research, advertising, and other promotional services.

C. The Beef Industry Council shall engage in the research, education, and promotion of the use and sale of beef and beef products, and shall have the following powers and duties:

1. To enter into contracts as the Beef Industry Council deems necessary for the experimental development of new or improved markets or marketing methods.

2. To conduct or contract for scientific research and services to discover and develop the commercial value of beef and veal and their products.

3. To make grants to research agencies for financing special or emergency studies or for the purchase or acquisition of facilities necessary to carry out research in keeping with the intent of this chapter.

4. To disseminate reliable information founded upon the research conducted under this chapter and other sources, showing the uses of beef, veal, and their products.

5. To cooperate with any local, state, or national organization or agency engaged in work or activities similar to that of the Beef Industry Council and enter into contracts with such organizations or agencies for carrying on joint programs.

6. To act jointly and in cooperation with the federal and state governments, or any agency thereof in the administration of any program of the government or governmental agency deemed by the Beef Industry Council as beneficial to the production, marketing, or promotion of the beef and veal industry of the Commonwealth and expend funds in connection with such programs provided they are compatible with this chapter.

7. To enter into contracts that it deems appropriate to the carrying out of the purposes of the Beef Industry Council as authorized by this chapter.

8. To study and inform producers concerning state and federal legislation with respect to tariffs, duties, reciprocal trade agreements, import quotas, and other matters concerning the beef and veal industry.

9. To borrow money not in excess of estimates of its revenue from the current year's tax.

10. To appoint subordinate officers and employees of the Beef Industry Council and prescribe their duties and fix their compensation within the limitations of the Virginia Personnel Act (§ 2.2-2900 et seq.).

11. To acquire and maintain such office space and equipment as necessary to carry out the duties of the Beef Industry Council.

12. From the tax revenues it receives, to contract with organizations to carry out work and programs, approved by the Beef Industry Council, on a national basis.

D. The Beef Industry Council Board shall establish a meeting place anywhere within the Commonwealth, but the selection of the location shall be guided by consideration for the convenience of the majority of those most likely to have business with the Beef Industry Council Board or to be affected by this chapter.

E. The Beef Industry Council may adopt regulations necessary to carry out the purpose of this chapter.

F. D. An annual report shall be made by the Beef Industry Council Board to the Commissioner and shall be published as a public record to include a statement on receipts and itemized disbursements of the Virginia Beef Cattle Industry Fund.

**§ 3.2-1305. Virginia Cattle Industry Fund established.**

There is hereby created in the state treasury a special nonreverting fund to be known as the Virginia Beef Cattle Industry Fund, hereinafter referred to as "the Fund." The Fund shall be established on the books of the Comptroller. All funds collected pursuant to § 3.2-1306 shall be paid into the state treasury and credited to the Fund. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund.

All moneys credited to the Fund shall be used exclusively as set forth in this chapter. The Auditor of Public Accounts shall audit all the accounts of the Beef Industry Council Board as is provided for in § 30-133. Expenditures and

disbursements from the Fund shall be made by the ~~Beef Industry Council Board~~ on warrants issued by the Comptroller upon written request signed by a duly authorized officer of the ~~Beef Industry Council Board~~.

**§ 3.2-1306. Collection and disposition of assessment by handler; reports.**

A. ~~Every~~ Beginning January 1, 2019, and ending July 1, 2023, every handler shall deduct ~~25 cents (\$0.25)~~ 50 cents (\$0.50) per head from the proceeds of sale owed ~~by him~~ to the respective owners of all cattle and calves when sold in the Commonwealth, with the exception of dairy cows going back to farms for milk production and those animals selling for less than ~~\$20~~ \$100 per head, ~~or cattle of any type weighing 99 pounds or less~~. The handler shall remit such assessments to the Tax Commissioner on or before the last day of ~~the each~~ month following the end of each calendar quarter in which the handler sells cattle.

B. Every handler shall complete reports on forms furnished by the Tax Commissioner and submit such reports to the Tax Commissioner along with the assessments collected pursuant to subsection A. Each report shall include a statement of the number of cattle handled and the amount of money collected, and any other information deemed necessary by the Tax Commissioner to carry out his functions. Notwithstanding the provisions of § 58.1-3, upon request, the Tax Commissioner is authorized to provide the ~~Beef Industry Council Board~~ with a list of taxpayers and amounts paid.

C. Any assessment that is not paid when due shall be collected pursuant to § 3.2-1102.

D. Any producer from whom an assessment has been collected pursuant to subsection A who is dissatisfied with the assessment and the Board's use of the assessment may, within 90 days of the collection of the assessment, make a written demand with documented proof of sale for a refund of the assessment from the Board. The Board shall refund such assessments within 90 days of receiving a written demand for a refund.

2. That § 3.2-1302 of the Code of Virginia is repealed.

3. That the provisions of this act shall not affect the USDA-approved collection and administration of the National Beef Checkoff in accordance with the 1985 National Beef Promotion Act and Order or the dispersal of any collected funds in accordance with the guidelines of a marketing plan approved by the national Cattlemen's Beef Promotion and Research Board.

4. That between July 1, 2018, and January 1, 2019, no handler shall collect or remit any Virginia cattle assessment pursuant to the provisions of subsection A of § 3.2-1306 of the Code of Virginia, as amended by this act. No Virginia cattle assessment that was unpaid or uncollected prior to July 1, 2018, shall be collected by the Department of Taxation.

5. That prior to expending a substantial amount of the funds collected pursuant to § 3.2-1306 of the Code of Virginia, as amended by this act, the Cattle Industry Board shall develop and publish a strategic plan that provides for programs to serve the Virginia cattle industry for market development, education, publicity, research, and the promotion of the sale and use of cattle and beef products. In its development of the plan, the Board shall include input sessions that are open to the public, including members of the cattle industries.

6. That the initial appointments of the members to the Cattle Industry Board, as created by § 3.2-1301 of the Code of Virginia, as amended by this act, shall be staggered as follows: (i) three beef cattle producers from three of the cattle production areas of the Commonwealth for terms of two years and three such beef cattle producers for terms of four years; (ii) one producer doing business in any of the six cattle production areas for a term of two years and one such producer for a term of four years; (iii) one dairy producer for a term of four years; and (iv) one handler for a term of two years and one handler for a term of four years.

7. That the unexpired term of any member of the Beef Industry Council, established by the passage of a referendum held pursuant to Chapter 375 of the Acts of Assembly of 1983, shall expire on July 1, 2018. Any such member shall be eligible for appointment to the Virginia Cattle Industry Board pursuant to the provisions of Chapter 13 (§ 3.2-1300 et seq.) of Title 3.2 of the Code of Virginia, as amended by this act.

## CHAPTER 470

*An Act to amend and reenact § 2.2-3705.6 of the Code of Virginia, relating to the Virginia Freedom of Information Act; record exclusion for trade secrets supplied to the Virginia Department of Transportation.*

[H 1275]

Approved March 23, 2018

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

1. That § 2.2-3705.6 of the Code of Virginia is amended and reenacted as follows:

**§ 2.2-3705.6. Exclusions to application of chapter; proprietary records and trade secrets.**

The following information contained in a public record is excluded from the mandatory disclosure provisions of this chapter but may be disclosed by the custodian in his discretion, except where such disclosure is prohibited by law. Redaction of information excluded under this section from a public record shall be conducted in accordance with § 2.2-3704.01.

1. Proprietary information gathered by or for the Virginia Port Authority as provided in § 62.1-132.4 or 62.1-134.1.

2. Financial statements not publicly available filed with applications for industrial development financings in accordance with Chapter 49 (§ 15.2-4900 et seq.) of Title 15.2.

3. Proprietary information, voluntarily provided by private business pursuant to a promise of confidentiality from a public body, used by the public body for business, trade, and tourism development or retention; and memoranda, working papers, or other information related to businesses that are considering locating or expanding in Virginia, prepared by a public body, where competition or bargaining is involved and where disclosure of such information would adversely affect the financial interest of the public body.

4. Information that was filed as confidential under the Toxic Substances Information Act (§ 32.1-239 et seq.), as such Act existed prior to July 1, 1992.

5. Fisheries data that would permit identification of any person or vessel, except when required by court order as specified in § 28.2-204.

6. Confidential financial statements, balance sheets, trade secrets, and revenue and cost projections provided to the Department of Rail and Public Transportation, provided such information is exempt under the federal Freedom of Information Act or the federal Interstate Commerce Act or other laws administered by the Surface Transportation Board or the Federal Railroad Administration with respect to data provided in confidence to the Surface Transportation Board and the Federal Railroad Administration.

7. Proprietary information related to inventory and sales, voluntarily provided by private energy suppliers to the Department of Mines, Minerals and Energy, used by that Department for energy contingency planning purposes or for developing consolidated statistical information on energy supplies.

8. Confidential proprietary information furnished to the Board of Medical Assistance Services or the Medicaid Prior Authorization Advisory Committee pursuant to Article 4 (§ 32.1-331.12 et seq.) of Chapter 10 of Title 32.1.

9. Proprietary, commercial or financial information, balance sheets, trade secrets, and revenue and cost projections provided by a private transportation business to the Virginia Department of Transportation and the Department of Rail and Public Transportation for the purpose of conducting transportation studies needed to obtain grants or other financial assistance under the Transportation Equity Act for the 21st Century (P.L. 105-178) for transportation projects if disclosure of such information is exempt under the federal Freedom of Information Act or the federal Interstate Commerce Act or other laws administered by the Surface Transportation Board or the Federal Railroad Administration with respect to data provided in confidence to the Surface Transportation Board and the Federal Railroad Administration. However, the exclusion provided by this subdivision shall not apply to any wholly owned subsidiary of a public body.

10. Confidential information designated as provided in subsection F of § 2.2-4342 as trade secrets or proprietary information by any person in connection with a procurement transaction or by any person who has submitted to a public body an application for prequalification to bid on public construction projects in accordance with subsection B of § 2.2-4317.

11. a. Memoranda, staff evaluations, or other information prepared by the responsible public entity, its staff, outside advisors, or consultants exclusively for the evaluation and negotiation of proposals filed under the Public-Private Transportation Act of 1995 (§ 33.2-1800 et seq.) or the Public-Private Education Facilities and Infrastructure Act of 2002 (§ 56-575.1 et seq.) where (i) if such information was made public prior to or after the execution of an interim or a comprehensive agreement, § 33.2-1820 or 56-575.17 notwithstanding, the financial interest or bargaining position of the public entity would be adversely affected and (ii) the basis for the determination required in clause (i) is documented in writing by the responsible public entity; and

b. Information provided by a private entity to a responsible public entity, affected jurisdiction, or affected local jurisdiction pursuant to the provisions of the Public-Private Transportation Act of 1995 (§ 33.2-1800 et seq.) or the Public-Private Education Facilities and Infrastructure Act of 2002 (§ 56-575.1 et seq.) if disclosure of such information would reveal (i) trade secrets of the private entity as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.); (ii) financial information of the private entity, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise; or (iii) other information submitted by the private entity where if such information was made public prior to the execution of an interim agreement or a comprehensive agreement, the financial interest or bargaining position of the public or private entity would be adversely affected. In order for the information specified in clauses (i), (ii), and (iii) to be excluded from the provisions of this chapter, the private entity shall make a written request to the responsible public entity:

(1) Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;

(2) Identifying with specificity the data or other materials for which protection is sought; and

(3) Stating the reasons why protection is necessary.

The responsible public entity shall determine whether the requested exclusion from disclosure is necessary to protect the trade secrets or financial information of the private entity. To protect other information submitted by the private entity from disclosure, the responsible public entity shall determine whether public disclosure prior to the execution of an interim agreement or a comprehensive agreement would adversely affect the financial interest or bargaining position of the public or private entity. The responsible public entity shall make a written determination of the nature and scope of the protection to be afforded by the responsible public entity under this subdivision. Once a written determination is made by the responsible public entity, the information afforded protection under this subdivision shall continue to be protected from disclosure when in the possession of any affected jurisdiction or affected local jurisdiction.

Except as specifically provided in subdivision 11 a, nothing in this subdivision shall be construed to authorize the withholding of (a) procurement records as required by § 33.2-1820 or 56-575.17; (b) information concerning the terms and conditions of any interim or comprehensive agreement, service contract, lease, partnership, or any agreement of any kind entered into by the responsible public entity and the private entity; (c) information concerning the terms and conditions of any financing arrangement that involves the use of any public funds; or (d) information concerning the performance of any private entity developing or operating a qualifying transportation facility or a qualifying project.

For the purposes of this subdivision, the terms "affected jurisdiction," "affected local jurisdiction," "comprehensive agreement," "interim agreement," "qualifying project," "qualifying transportation facility," "responsible public entity," and "private entity" shall mean the same as those terms are defined in the Public-Private Transportation Act of 1995 (§ 33.2-1800 et seq.) or in the Public-Private Education Facilities and Infrastructure Act of 2002 (§ 56-575.1 et seq.).

12. Confidential proprietary information or trade secrets, not publicly available, provided by a private person or entity pursuant to a promise of confidentiality to the Virginia Resources Authority or to a fund administered in connection with financial assistance rendered or to be rendered by the Virginia Resources Authority where, if such information were made public, the financial interest of the private person or entity would be adversely affected.

13. Trade secrets, as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.), or confidential proprietary information that is not generally available to the public through regulatory disclosure or otherwise, provided by a (i) bidder or applicant for a franchise or (ii) franchisee under Chapter 21 (§ 15.2-2100 et seq.) of Title 15.2 to the applicable franchising authority pursuant to a promise of confidentiality from the franchising authority, to the extent the information relates to the bidder's, applicant's, or franchisee's financial capacity or provision of new services, adoption of new technologies or implementation of improvements, where such new services, technologies, or improvements have not been implemented by the franchisee on a nonexperimental scale in the franchise area, and where, if such information were made public, the competitive advantage or financial interests of the franchisee would be adversely affected.

In order for trade secrets or confidential proprietary information to be excluded from the provisions of this chapter, the bidder, applicant, or franchisee shall (a) invoke such exclusion upon submission of the data or other materials for which protection from disclosure is sought, (b) identify the data or other materials for which protection is sought, and (c) state the reason why protection is necessary.

No bidder, applicant, or franchisee may invoke the exclusion provided by this subdivision if the bidder, applicant, or franchisee is owned or controlled by a public body or if any representative of the applicable franchising authority serves on the management board or as an officer of the bidder, applicant, or franchisee.

14. Information of a proprietary or confidential nature furnished by a supplier or manufacturer of charitable gaming supplies to the Department of Agriculture and Consumer Services (i) pursuant to subsection E of § 18.2-340.34 and (ii) pursuant to regulations promulgated by the Charitable Gaming Board related to approval of electronic and mechanical equipment.

15. Information related to Virginia apple producer sales provided to the Virginia State Apple Board pursuant to § 3.2-1215.

16. Trade secrets, as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.) of Title 59.1, submitted by CMRS providers as defined in § 56-484.12 to the Wireless Carrier E-911 Cost Recovery Subcommittee created pursuant to § 56-484.15, relating to the provision of wireless E-911 service.

17. Information relating to a grant or loan application, or accompanying a grant or loan application, to the Innovation and Entrepreneurship Investment Authority pursuant to Article 3 (§ 2.2-2233.1 et seq.) of Chapter 22 of Title 2.2 or to the Commonwealth Health Research Board pursuant to Chapter 5.3 (§ 32.1-162.23 et seq.) of Title 32.1 if disclosure of such information would (i) reveal proprietary business or research-related information produced or collected by the applicant in the conduct of or as a result of study or research on medical, rehabilitative, scientific, technical, technological, or scholarly issues, when such information has not been publicly released, published, copyrighted, or patented, and (ii) be harmful to the competitive position of the applicant.

18. Confidential proprietary information and trade secrets developed and held by a local public body (i) providing telecommunication services pursuant to § 56-265.4:4 and (ii) providing cable television services pursuant to Article 1.1 (§ 15.2-2108.2 et seq.) of Chapter 21 of Title 15.2 if disclosure of such information would be harmful to the competitive position of the locality.

In order for confidential proprietary information or trade secrets to be excluded from the provisions of this chapter, the locality in writing shall (a) invoke the protections of this subdivision, (b) identify with specificity the information for which protection is sought, and (c) state the reasons why protection is necessary. However, the exemption provided by this subdivision shall not apply to any authority created pursuant to the BVU Authority Act (§ 15.2-7200 et seq.).

19. Confidential proprietary information and trade secrets developed by or for a local authority created in accordance with the Virginia Wireless Service Authorities Act (§ 15.2-5431.1 et seq.) to provide qualifying communications services as authorized by Article 5.1 (§ 56-484.7:1 et seq.) of Chapter 15 of Title 56, where disclosure of such information would be harmful to the competitive position of the authority, except that information required to be maintained in accordance with § 15.2-2160 shall be released.

20. Trade secrets as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.) or financial information of a business, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise, provided to the Department of Small Business and Supplier Diversity as part of an application for

certification as a small, women-owned, or minority-owned business in accordance with Chapter 16.1 (§ 2.2-1603 et seq.). In order for such trade secrets or financial information to be excluded from the provisions of this chapter, the business shall (i) invoke such exclusion upon submission of the data or other materials for which protection from disclosure is sought, (ii) identify the data or other materials for which protection is sought, and (iii) state the reasons why protection is necessary.

21. Information of a proprietary or confidential nature disclosed by a carrier to the State Health Commissioner pursuant to §§ 32.1-276.5:1 and 32.1-276.7:1.

22. Trade secrets, as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.), including, but not limited to, financial information, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise, and revenue and cost projections supplied by a private or nongovernmental entity to the State Inspector General for the purpose of an audit, special investigation, or any study requested by the Office of the State Inspector General in accordance with law.

In order for the information specified in this subdivision to be excluded from the provisions of this chapter, the private or nongovernmental entity shall make a written request to the State Inspector General:

a. Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;

b. Identifying with specificity the data or other materials for which protection is sought; and

c. Stating the reasons why protection is necessary.

The State Inspector General shall determine whether the requested exclusion from disclosure is necessary to protect the trade secrets or financial information of the private entity. The State Inspector General shall make a written determination of the nature and scope of the protection to be afforded by it under this subdivision.

23. Information relating to a grant application, or accompanying a grant application, submitted to the Tobacco Region Revitalization Commission that would (i) reveal (a) trade secrets as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.), (b) financial information of a grant applicant that is not a public body, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise, or (c) research-related information produced or collected by the applicant in the conduct of or as a result of study or research on medical, rehabilitative, scientific, technical, technological, or scholarly issues, when such information has not been publicly released, published, copyrighted, or patented, and (ii) be harmful to the competitive position of the applicant; and memoranda, staff evaluations, or other information prepared by the Commission or its staff exclusively for the evaluation of grant applications. The exclusion provided by this subdivision shall apply to grants that are consistent with the powers of and in furtherance of the performance of the duties of the Commission pursuant to § 3.2-3103.

In order for the information specified in this subdivision to be excluded from the provisions of this chapter, the applicant shall make a written request to the Commission:

a. Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;

b. Identifying with specificity the data, information or other materials for which protection is sought; and

c. Stating the reasons why protection is necessary.

The Commission shall determine whether the requested exclusion from disclosure is necessary to protect the trade secrets, financial information, or research-related information of the applicant. The Commission shall make a written determination of the nature and scope of the protection to be afforded by it under this subdivision.

24. a. Information held by the Commercial Space Flight Authority relating to rate structures or charges for the use of projects of, the sale of products of, or services rendered by the Authority if disclosure of such information would adversely affect the financial interest or bargaining position of the Authority or a private entity providing the information to the Authority; or

b. Information provided by a private entity to the Commercial Space Flight Authority if disclosure of such information would (i) reveal (a) trade secrets of the private entity as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.); (b) financial information of the private entity, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise; or (c) other information submitted by the private entity and (ii) adversely affect the financial interest or bargaining position of the Authority or private entity.

In order for the information specified in clauses (a), (b), and (c) of subdivision 24 b to be excluded from the provisions of this chapter, the private entity shall make a written request to the Authority:

(1) Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;

(2) Identifying with specificity the data or other materials for which protection is sought; and

(3) Stating the reasons why protection is necessary.

The Authority shall determine whether the requested exclusion from disclosure is necessary to protect the trade secrets or financial information of the private entity. To protect other information submitted by the private entity from disclosure, the Authority shall determine whether public disclosure would adversely affect the financial interest or bargaining position of the Authority or private entity. The Authority shall make a written determination of the nature and scope of the protection to be afforded by it under this subdivision.

25. Information of a proprietary nature furnished by an agricultural landowner or operator to the Department of Conservation and Recreation, the Department of Environmental Quality, the Department of Agriculture and Consumer

Services, or any political subdivision, agency, or board of the Commonwealth pursuant to §§ 10.1-104.7, 10.1-104.8, and 10.1-104.9, other than when required as part of a state or federal regulatory enforcement action.

26. Trade secrets, as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.), provided to the Department of Environmental Quality pursuant to the provisions of § 10.1-1458. In order for such trade secrets to be excluded from the provisions of this chapter, the submitting party shall (i) invoke this exclusion upon submission of the data or materials for which protection from disclosure is sought, (ii) identify the data or materials for which protection is sought, and (iii) state the reasons why protection is necessary.

27. Information of a proprietary nature furnished by a licensed public-use airport to the Department of Aviation for funding from programs administered by the Department of Aviation or the Virginia Aviation Board, where if such information was made public, the financial interest of the public-use airport would be adversely affected.

In order for the information specified in this subdivision to be excluded from the provisions of this chapter, the public-use airport shall make a written request to the Department of Aviation:

- a. Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;
- b. Identifying with specificity the data or other materials for which protection is sought; and
- c. Stating the reasons why protection is necessary.

28. Information relating to a grant or loan application, or accompanying a grant or loan application, submitted to the Virginia Research Investment Committee established pursuant to Article 8 (§ 23.1-3130 et seq.) of Chapter 31 of Title 23.1, to the extent that such records would (i) reveal (a) trade secrets as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.); (b) financial information of a party to a grant or loan application that is not a public body, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise; or (c) research-related information produced or collected by a party to the application in the conduct of or as a result of study or research on medical, rehabilitative, scientific, technical, technological, or scholarly issues, when such information has not been publicly released, published, copyrighted, or patented, and (ii) be harmful to the competitive position of a party to a grant or loan application; and memoranda, staff evaluations, or other information prepared by the Committee or its staff, or a reviewing entity pursuant to subsection D of § 23.1-3133, exclusively for the evaluation of grant or loan applications, including any scoring or prioritization documents prepared for and forwarded to the Committee pursuant to subsection D of § 23.1-3133.

In order for the information submitted by the applicant and specified in this subdivision to be excluded from the provisions of this chapter, the applicant shall make a written request to the Committee:

- a. Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;
- b. Identifying with specificity the data, information, or other materials for which protection is sought; and
- c. Stating the reasons why protection is necessary.

The Virginia Research Investment Committee shall determine whether the requested exclusion from disclosure is necessary to protect the trade secrets, financial information, or research-related information of the party to the application. The Committee shall make a written determination of the nature and scope of the protection to be afforded by it under this subdivision.

29. Proprietary information, voluntarily provided by a private business pursuant to a promise of confidentiality from a public body, used by the public body for a solar services agreement, where disclosure of such information would (i) reveal (a) trade secrets of the private business as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.); (b) financial information of the private business, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise; or (c) other information submitted by the private business and (ii) adversely affect the financial interest or bargaining position of the public body or private business.

In order for the information specified in clauses (i)(a), (b), and (c) to be excluded from the provisions of this chapter, the private business shall make a written request to the public body:

- a. Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;
- b. Identifying with specificity the data or other materials for which protection is sought; and
- c. Stating the reasons why protection is necessary.

30. Information contained in engineering and construction drawings and plans submitted for the sole purpose of complying with the Building Code in obtaining a building permit if disclosure of such information would identify specific trade secrets or other information that would be harmful to the competitive position of the owner or lessee. However, such information shall be exempt only until the building is completed. Information relating to the safety or environmental soundness of any building shall not be exempt from disclosure.

31. *Trade secrets, as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.), including, but not limited to, financial information, including balance sheets and financial statements that are not generally available to the public through regulatory disclosure or otherwise, and revenue and cost projections supplied by a private or nongovernmental entity to the Virginia Department of Transportation for the purpose of an audit, special investigation, or any study requested by the Virginia Department of Transportation in accordance with law.*

*In order for the records specified in this subdivision to be excluded from the provisions of this chapter, the private or nongovernmental entity shall make a written request to the Department:*

*a. Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;*

*b. Identifying with specificity the data or other materials for which protection is sought; and*

*c. Stating the reasons why protection is necessary.*

*The Virginia Department of Transportation shall determine whether the requested exclusion from disclosure is necessary to protect trade secrets or financial records of the private entity. The Virginia Department of Transportation shall make a written determination of the nature and scope of the protection to be afforded by it under this subdivision.*

**CHAPTER 471**

*An Act to amend and reenact § 38.2-3541 of the Code of Virginia, relating to group accident and sickness insurance policies; eligibility for continuation of coverage after termination; gross misconduct.*

[H 1368]

Approved March 23, 2018

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

**1. That § 38.2-3541 of the Code of Virginia is amended and reenacted as follows:**

**§ 38.2-3541. Continuation on termination of eligibility.**

A. Each group hospital policy, group medical and surgical policy, or group major medical policy delivered or issued for delivery in the Commonwealth or renewed, reissued, or extended if already issued, shall contain a provision for continuation of coverage under the group policy if the insurance on a person covered under such a policy ceases because of the termination of the person's eligibility for coverage, prior to that person becoming eligible for Medicare or Medicaid benefits. This provision shall not be applicable if the group policyholder is required by federal law to provide for continuation of coverage under its group health plan pursuant to the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA).

B. The insured's present coverage shall continue under the policy for a period of 12 months immediately following the date of the termination of the person's eligibility, without evidence of insurability, subject to the following requirements:

1. The application and payment for the extended coverage is made to the group policyholder within 31 days after issuance of the written notice required in subsection C, but in no event beyond the 60-day period following the date of the termination of the person's eligibility;

2. Each premium for such extended coverage is timely paid to the group policyholder on a monthly basis during the 12-month period;

3. The premium for continuing the group coverage shall be at the insurer's current rate applicable to the group policy plus any applicable administrative fee not to exceed two percent of the current rate; ~~and~~

4. Continuation shall only be available to an employee or member who has been continuously insured under the group policy during the entire three-month period immediately preceding termination of eligibility; *and*

5. *Continuation shall not be available to an individual whose eligibility for coverage under the group policy ceased because the individual was discharged from employment by the group policyholder for gross misconduct. As used in this subdivision, "gross misconduct" means any conduct connected with the individual's work that would constitute misconduct under § 60.2-618, including deliberately and willfully engaging in conduct evincing a complete disregard for the employer's workplace standards and policies.*

C. The group policyholder shall provide each employee or other person covered under such a policy written notice of the availability of continuation of coverage and the procedures and timeframes for obtaining continuation of the group policy. Such notice shall be provided within 14 days of the policyholder's knowledge of the employee's or other covered person's loss of eligibility under the policy.

**CHAPTER 472**

*An Act to amend and reenact §§ 3, 20, 28, and 29 of Chapter 638 of the Acts of Assembly of 2010, relating to the New River Valley Emergency Communications Regional Authority; annual contributions.*

[H 1500]

Approved March 23, 2018

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

**1. That §§ 3, 20, 28, and 29 of Chapter 638 of the Acts of Assembly of 2010 are amended and reenacted as follows:**

**§ 3. Definitions.**

As used in this act, the following words and terms have the following meanings unless a different meaning clearly appears from the context:

"Act" means the New River Valley Emergency Communications Regional Authority Act.

"Annual ~~deficit budget~~" means the amount of budgeted expenditures ~~in excess of anticipated revenues from necessary~~ each fiscal year for the payment of operations or capital budgets.

"Annual contribution" means the portion of the annual budget attributable to each participating political subdivision for each fiscal year.

"Authority" means the New River Valley Emergency Communications Regional Authority created by this Act.

"Board" means the governing body of the Authority.

"Bonds" means any bonds, notes, debentures, grant obligations, or other evidence of financial indebtedness issued by this Authority pursuant to this Act.

"Commonwealth" means the Commonwealth of Virginia.

"Facility" means any and all buildings, structures, or facilities purchased, constructed, or otherwise acquired or operated by the Authority pursuant to the provisions of this Act. Any facility may consist of or include any or all buildings or other structures, improvements, additions, extensions, replacements, machinery, or equipment, together with appurtenances, lands, rights in land, water rights, franchises, furnishings, landscaping, utilities, roadways, or other facilities necessary or desirable in connection therewith or incidental thereto.

"Participating political subdivisions" means the Towns of Blacksburg and Christiansburg, the County of Montgomery, and Virginia Polytechnic Institute and State University or any other political subdivision that may join or has joined the Authority pursuant to §§ 4 and 5 of this Act.

"Political subdivision" means a county, city, town, public body, public authority, institution (including an institution of higher education), or commission of the Commonwealth.

"University" means Virginia Polytechnic Institute and State University.

#### § 20. Annual ~~deficit budget~~.

A. The Board shall have full authority to adopt its ~~operating and capital budgets annual budget~~ on an annual fiscal year (July 1 through June 30) basis; ~~and to amend the same from time to time; and for the annual deficit to be divided among all participating political subdivisions.~~

B. ~~The Board shall have the full authority to develop and adopt a formula for allocating to the participating political subdivisions the responsibility to pay for the annual budget. Such allocation formula shall be presented to the participating political subdivisions on or before February 1, 2019. The participating political subdivisions shall consider and make a decision as to the approval of the allocation formula on or before May 1, 2019. If each of the participating political subdivisions approves the allocation formula, each shall pay its annual contribution as allocated by the formula. If all participating political subdivisions do not approve the application formula by July 1, 2019, each participating political subdivision's annual contribution shall be equal to the Authority's annual budget for fiscal year 2019 divided by the number of participating political subdivisions and shall continue to be so calculated for each fiscal year thereafter unless and until an allocation formula is approved by each participating political subdivision. Once approved by each participating political subdivision, the Board shall use the allocation formula to determine each political subdivision's annual contribution. The Board shall have full authority to amend the allocation formula, but any amendment shall be submitted to each participating political subdivision on or before the next February 1 after the amendment is adopted by the Board and shall be approved by each political subdivision by the May 1 preceding the fiscal year in which the amendment is to go into effect.~~

C. Each participating political subdivision shall contribute its ~~respective one-quarter share of the annual deficit annual contribution~~ each year and otherwise as required; however, such obligation shall be subject to and dependent upon annual appropriations being made from time to time by the governing body of each such respective participating political subdivision, and as to the university by normal approval of appropriations, and shall not be deemed to constitute a debt of such participating political subdivisions within the meaning of Article VII, Section 10 of the Constitution of Virginia, and as to the university, within the meaning of Article X, Section 9 of the Constitution of Virginia, or any applicable statutory debt limitation. Should any participating political subdivision fail to contribute in full its ~~proportionate share of the annual deficit contribution~~, it shall remain a member of the Authority, but its representative on the Board shall not be entitled to cast a vote on any Authority matter until that participating political subdivision's ~~share of the annual deficit contribution~~ has been paid in full. Further, should any participating political subdivision fail to contribute in full its ~~proportionate share of the annual deficit contribution~~, the Authority shall have a lien on any share of the Authority's profit or surplus revenues otherwise entitled to be distributed to the participating political subdivision. A participating political subdivision may contribute a portion or all of its ~~share of the annual deficit contribution~~ through "in-kind" contributions, subject to the approval of such contribution and valuation by the Authority.

#### § 28. Withdrawal of membership.

A participating political subdivision may withdraw its membership in the Authority at the end of any fiscal year if the withdrawing participating political subdivision has given notice to the Authority and all other participating political subdivisions of its intention to withdraw at least one year before the end of such fiscal year and the withdrawing participating political subdivision has paid in full its ~~share of the annual deficit contribution~~, if any; provided that no participating political subdivision may withdraw its membership in the Authority if the Authority has any outstanding debt without written approval of each participating political subdivision. As used in this section, the term "debt" shall mean a monetary obligation, whether general or limited in any way, to repay a loan or bond, or any long-term obligation, whether absolute or contingent in any way, to refund or reimburse any agency or entity for grant funds received by the Authority.

§ 29. Dissolution of Authority.

Whenever it shall appear to the Board or to all participating political subdivisions that the need for the Authority no longer exists, all participating political subdivisions may petition the Circuit Court of Montgomery County, Virginia, for the dissolution of the Authority. If the court determines that the need for the Authority as set forth in this Act no longer exists and that all debts and other obligations of any kind have been fully paid or provided for:

1. The Court shall enter an order dissolving the Authority; and

2. The remaining assets of the Authority shall be distributed to the participating political subdivisions in proportion to their respective ~~shares of the annual deficit~~ *contributions* less any amounts owed to the Authority by *each* such participating political subdivision.

Each participating political subdivision and all holders of the Authority's bonds shall be made parties to any such proceeding and shall be given notice as provided by law. Any party defendant may reply to such petition at any time within six months after the filing of the petition. An appeal from the final judgment of the court shall lie to the Supreme Court of Virginia.

### CHAPTER 473

*An Act to amend and reenact §§ 3, 20, 28, and 29 of Chapter 638 of the Acts of Assembly of 2010, relating to the New River Valley Emergency Communications Regional Authority; annual contributions.*

[S 821]

Approved March 23, 2018

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

**1. That §§ 3, 20, 28, and 29 of Chapter 638 of the Acts of Assembly of 2010 are amended and reenacted as follows:**

§ 3. Definitions.

As used in this act, the following words and terms have the following meanings unless a different meaning clearly appears from the context:

"Act" means the New River Valley Emergency Communications Regional Authority Act.

"Annual ~~deficit budget~~" means the amount of budgeted expenditures ~~in excess of anticipated revenues from necessary~~ *each fiscal year for the payment of operations or capital budgets.*

"Annual contribution" *means the portion of the annual budget attributable to each participating political subdivision for each fiscal year.*

"Authority" means the New River Valley Emergency Communications Regional Authority created by this Act.

"Board" means the governing body of the Authority.

"Bonds" means any bonds, notes, debentures, grant obligations, or other evidence of financial indebtedness issued by this Authority pursuant to this Act.

"Commonwealth" means the Commonwealth of Virginia.

"Facility" means any and all buildings, structures, or facilities purchased, constructed, or otherwise acquired or operated by the Authority pursuant to the provisions of this Act. Any facility may consist of or include any or all buildings or other structures, improvements, additions, extensions, replacements, machinery, or equipment, together with appurtenances, lands, rights in land, water rights, franchises, furnishings, landscaping, utilities, roadways, or other facilities necessary or desirable in connection therewith or incidental thereto.

"Participating political subdivisions" means the Towns of Blacksburg and Christiansburg, the County of Montgomery, and Virginia Polytechnic Institute and State University or any other political subdivision that may join or has joined the Authority pursuant to §§ 4 and 5 of this Act.

"Political subdivision" means a county, city, town, public body, public authority, institution (including an institution of higher education), or commission of the Commonwealth.

"University" means Virginia Polytechnic Institute and State University.

§ 20. Annual ~~deficit budget~~.

A. The Board shall have full authority to adopt its ~~operating and capital budgets annual budget~~ *annual budget* on an annual fiscal year (July 1 through June 30) basis; ~~and to amend the same from time to time; and for the annual deficit to be divided among all participating political subdivisions.~~

B. *The Board shall have the full authority to develop and adopt a formula for allocating to the participating political subdivisions the responsibility to pay for the annual budget. Such allocation formula shall be presented to the participating political subdivisions on or before February 1, 2019. The participating political subdivisions shall consider and make a decision as to the approval of the allocation formula on or before May 1, 2019. If each of the participating political subdivisions approves the allocation formula, each shall pay its annual contribution as allocated by the formula. If all participating political subdivisions do not approve the application formula by July 1, 2019, each participating political subdivision's annual contribution shall be equal to the Authority's annual budget for fiscal year 2019 divided by the number of participating political subdivisions and shall continue to be so calculated for each fiscal year thereafter unless and until an allocation formula is approved by each participating political subdivision. Once approved by each participating political subdivision, the Board shall use the allocation formula to determine each political subdivision's annual*

contribution. The Board shall have full authority to amend the allocation formula, but any amendment shall be submitted to each participating political subdivision on or before the next February 1 after the amendment is adopted by the Board and shall be approved by each political subdivision by the May 1 preceding the fiscal year in which the amendment is to go into effect.

C. Each participating political subdivision shall contribute its ~~respective one-quarter share of the annual deficit~~ *annual contribution* each year and otherwise as required; however, such obligation shall be subject to and dependent upon annual appropriations being made from time to time by the governing body of each such respective participating political subdivision, and as to the university by normal approval of appropriations, and shall not be deemed to constitute a debt of such participating political subdivisions within the meaning of Article VII, Section 10 of the Constitution of Virginia, and as to the university, within the meaning of Article X, Section 9 of the Constitution of Virginia, or any applicable statutory debt limitation. Should any participating political subdivision fail to contribute in full its ~~proportionate share of the annual deficit~~ *contribution*, it shall remain a member of the Authority, but its representative on the Board shall not be entitled to cast a vote on any Authority matter until that participating political subdivision's ~~share of the annual deficit~~ *contribution* has been paid in full. Further, should any participating political subdivision fail to contribute in full its ~~proportionate share of the annual deficit~~ *contribution*, the Authority shall have a lien on any share of the Authority's profit or surplus revenues otherwise entitled to be distributed to the participating political subdivision. A participating political subdivision may contribute a portion or all of its ~~share of the annual deficit~~ *contribution* through "in-kind" contributions, subject to the approval of such contribution and valuation by the Authority.

§ 28. Withdrawal of membership.

A participating political subdivision may withdraw its membership in the Authority at the end of any fiscal year if the withdrawing participating political subdivision has given notice to the Authority and all other participating political subdivisions of its intention to withdraw at least one year before the end of such fiscal year and the withdrawing participating political subdivision has paid in full its ~~share of the annual deficit~~ *contribution*, if any; provided that no participating political subdivision may withdraw its membership in the Authority if the Authority has any outstanding debt without written approval of each participating political subdivision. As used in this section, the term "debt" shall mean a monetary obligation, whether general or limited in any way, to repay a loan or bond, or any long-term obligation, whether absolute or contingent in any way, to refund or reimburse any agency or entity for grant funds received by the Authority.

§ 29. Dissolution of Authority.

Whenever it shall appear to the Board or to all participating political subdivisions that the need for the Authority no longer exists, all participating political subdivisions may petition the Circuit Court of Montgomery County, Virginia, for the dissolution of the Authority. If the court determines that the need for the Authority as set forth in this Act no longer exists and that all debts and other obligations of any kind have been fully paid or provided for:

1. The Court shall enter an order dissolving the Authority; and
2. The remaining assets of the Authority shall be distributed to the participating political subdivisions in proportion to their respective ~~shares of the annual deficit~~ *contributions* less any amounts owed to the Authority by *each* such participating political subdivision.

Each participating political subdivision and all holders of the Authority's bonds shall be made parties to any such proceeding and shall be given notice as provided by law. Any party defendant may reply to such petition at any time within six months after the filing of the petition. An appeal from the final judgment of the court shall lie to the Supreme Court of Virginia.

**CHAPTER 474**

*An Act to amend and reenact § 8.01-300 of the Code of Virginia, relating to service of process on county attorney.*

[S 14]

Approved March 23, 2018

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

**1. That § 8.01-300 of the Code of Virginia is amended and reenacted as follows:**

**§ 8.01-300. How process served on municipal and county governments and on quasi-governmental entities.**

Notwithstanding the provisions of § 8.01-299 for service of process on other domestic corporations, process shall be served on municipal and county governments and quasi-governmental bodies or agencies in the following manner:

1. If the case be against a city or a town, on its city or town attorney in those cities or towns which have created such a position, otherwise on its mayor, manager or trustee of such town or city; and
2. If the case be against a county, on its county attorney in those counties which have created such a position, otherwise on its attorney for the Commonwealth; and
3. If the case be against any political subdivision, or any other public governmental entity created by the laws of the Commonwealth and subject to suit as an entity separate from the Commonwealth, then on the director, commissioner, chief administrative officer, attorney, or any member of the governing body of such entity; and
4. If the case be against a supervisor, county officer, employee, or agent of the county board, arising out of official actions of such supervisor, officer, employee, or agent, then, in addition to the person named defendant in the case, on *each*

supervisor and the county attorney, if the county has a county attorney, and if there be is no county attorney, on the clerk of the county board.

Service under this section may be made by leaving a copy with the person in charge of the office of any officer designated in subdivisions 1 through 4.

**CHAPTER 475**

*An Act to amend and reenact § 8.01-299 of the Code of Virginia, relating to service of process on domestic limited liability company.*

[S 71]

Approved March 23, 2018

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

**1. That § 8.01-299 of the Code of Virginia is amended and reenacted as follows:**

**§ 8.01-299. How process served on domestic corporations and limited liability companies generally.**

Except as prescribed in § 8.01-300 as to municipal and quasi-governmental corporations, and subject to § 8.01-286.1, process may be served on a corporation *or limited liability company* created by the laws of the Commonwealth as follows:

1. By personal service on any officer, director, or registered agent of such corporation *or on the registered agent of such limited liability company*;
2. By substituted service on stock corporations in accordance with § 13.1-637 ~~and~~, on nonstock corporations in accordance with § 13.1-836, *and on limited liability companies in accordance with § 13.1-1018*; or
3. If the ~~registered~~ address of the registered office of the corporation *or limited liability company* is a single-family residential dwelling, by substituted service on the registered agent of the corporation *or limited liability company* in the manner ~~of~~ *provided by* subdivision 2 of § 8.01-296.

**CHAPTER 476**

*An Act to amend and reenact §§ 64.2-701 and 64.2-779.5 of the Code of Virginia, relating to trust decanting; authorized fiduciary.*

[S 78]

Approved March 23, 2018

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

**1. That §§ 64.2-701 and 64.2-779.5 of the Code of Virginia are amended and reenacted as follows:**

**§ 64.2-701. Definitions.**

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

"Action," with respect to an act of a trustee, includes a failure to act.

"Appointive property" means the property or property interest subject to a power of appointment.

"Ascertainable standard" means a standard relating to an individual's health, education, support, or maintenance within the meaning of § 2041(b)(1)(A) or 2514(c)(1) of the Internal Revenue Code of 1986 and any applicable regulations.

"Authorized fiduciary" means (i) a trustee or other fiduciary, other than a settlor, that has discretion to distribute or direct a trustee to distribute part or all of the income or principal of the first trust to one or more current beneficiaries *and that is not (a) a current beneficiary of the first trust or a beneficiary to which the net income or principal of the first trust would be distributed if the first trust were terminated, (b) a trustee of the first trust that may be removed and replaced by a current beneficiary who has the power to remove the existing trustee of the first trust and designate as successor trustee a person that may be a related or subordinate party, as defined in 26 U.S.C. § 672(c), with respect to such current beneficiary, or (c) an individual trustee whose legal obligation to support a beneficiary may be satisfied by distributions of income and principal of the first trust*; (ii) a special fiduciary appointed under § 64.2-779.6; or (iii) a special-needs fiduciary under § 64.2-779.10.

"Beneficiary" means a person that (i) has a present or future, vested or contingent, beneficial interest in a trust; (ii) holds a power of appointment over trust property; or (iii) is an identified charitable organization that will or may receive distributions under the terms of the trust.

"Charitable interest" means an interest in a trust that (i) is held by an identified charitable organization and makes the organization a qualified beneficiary; (ii) benefits only charitable organizations and, if the interest were held by an identified charitable organization, would make the organization a qualified beneficiary; or (iii) is held solely for charitable purposes and, if the interest were held by an identified charitable organization, would make the organization a qualified beneficiary.

"Charitable organization" means (i) a person, other than an individual, organized and operated exclusively for charitable purposes or (ii) a government or governmental subdivision, agency, or instrumentality, to the extent that it holds funds exclusively for a charitable purpose.

"Charitable purpose" means the relief of poverty, the advancement of education or religion, the promotion of health, a municipal or other governmental purpose, or another purpose the achievement of which is beneficial to the community.

"Charitable trust" means a trust, or portion of a trust, created for a charitable purpose described in § 64.2-723.

"Conservator" means a person appointed by the court to administer the estate of an adult individual.

"Court" means the court of the Commonwealth having jurisdiction in matters related to trusts.

"Current beneficiary" means a beneficiary that on the date the beneficiary's qualification is determined is a distributee or permissible distributee of trust income or principal. "Current beneficiary" includes the holder of a presently exercisable general power of appointment but does not include a person that is a beneficiary only because the person holds any other power of appointment.

"Decanting power" means the power of an authorized fiduciary under the Uniform Trust Decanting Act (§ 64.2-779.1 et seq.) to distribute property of a first trust to one or more second trusts or to modify the terms of the first trust.

"Environmental law" means a federal, state, or local law, rule, regulation, or ordinance relating to protection of the environment.

"Expanded distributive discretion" means a discretionary power of distribution that is not limited to an ascertainable standard or a reasonably definite standard.

"First trust" means a trust over which an authorized fiduciary may exercise the decanting power.

"First-trust instrument" means the trust instrument for a first trust.

"General power of appointment" means a power of appointment exercisable in favor of a powerholder, the powerholder's estate, a creditor of the powerholder, or a creditor of the powerholder's estate.

"Guardian" means a person appointed by the court to make decisions regarding the support, care, education, health, and welfare of a minor or adult individual. The term does not include a guardian ad litem.

"Guardian of the estate" means a person appointed by the court to administer the estate of a minor.

"Interests of the beneficiaries" means the beneficial interests provided in the terms of the trust.

"Jurisdiction," with respect to a geographic area, includes a state or country.

"Person" means an individual; business or nonprofit entity; government; governmental subdivision, agency, or instrumentality; public corporation; or other legal entity.

"Powerholder" means a person in which a donor creates a power of appointment.

"Power of appointment" means a power that enables a powerholder acting in a nonfiduciary capacity to designate a recipient of an ownership interest in or another power of appointment over the appointive property. "Power of appointment" does not include a power of attorney.

"Power of withdrawal" means a presently exercisable general power of appointment other than a power exercisable by a trustee that is limited by an ascertainable standard, or that is exercisable by another person only upon consent of the trustee or a person holding an adverse interest.

"Presently exercisable power of appointment" means a power of appointment exercisable by the powerholder at the relevant time. "Presently exercisable power of appointment" includes a power of appointment exercisable only after the occurrence of a specified event, the satisfaction of an ascertainable standard, or the passage of a specified time, only after (i) the occurrence of the specified event, (ii) the satisfaction of the ascertainable standard, or (iii) the passage of the specified time. "Presently exercisable power of appointment" does not include a power exercisable only at the powerholder's death.

"Property" means anything that may be the subject of ownership, whether real or personal, legal or equitable, or any interest therein.

"Qualified beneficiary" means a beneficiary who, on the date the beneficiary's qualification is determined, (i) is a distributee or permissible distributee of trust income or principal; (ii) would be a distributee or permissible distributee of trust income or principal if the interests of the distributees described in clause (i) terminated on that date without causing the trust to terminate; or (iii) would be a distributee or permissible distributee of trust income or principal if the trust terminated on that date.

"Reasonably definite standard" means a clearly measurable standard under which a holder of a power of distribution is legally accountable within the meaning of § 674(b)(5)(A) of the Internal Revenue Code of 1986 and any applicable regulations.

"Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

"Revocable," as applied to a trust, means revocable by the settlor without the consent of the trustee or a person holding an adverse interest.

"Second trust" means (i) a first trust after modification, including a restatement of the first trust, under the Uniform Trust Decanting Act (§ 64.2-779.1 et seq.) or (ii) a trust to which a distribution of property from a first trust is or may be made under the Uniform Trust Decanting Act (§ 64.2-779.1 et seq.).

"Second-trust instrument" means the trust instrument for a second trust.

"Settlor," except as otherwise provided in § 64.2-779.22, means a person, including a testator, who creates or contributes property to a trust. If more than one person creates or contributes property to a trust, each person is a settlor of the portion of the trust property attributable to that person's contribution except to the extent another person has the power to revoke or withdraw that portion.

"Sign" means, with present intent to authenticate or adopt a record, (i) to execute or adopt a tangible symbol or (ii) to attach to or logically associate with the record an electronic symbol, sound, or process.

"Spendthrift provision" means a term of a trust that restrains both voluntary and involuntary transfer of a beneficiary's interest.

"State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States. The term includes an Indian tribe or band recognized by federal law or formally acknowledged by a state.

"Terms of a trust" means the manifestation of the settlor's intent regarding a trust's provisions as expressed in the trust instrument or as may be established by (i) other evidence that would be admissible in a judicial proceeding or (ii) court order or nonjudicial settlement agreement.

"Trust instrument" means a record executed by the settlor to create a trust or by any person to create a second trust that contains some or all of the terms of the trust, including any amendments.

"Trustee" includes an original, additional, and successor trustee and a cotrustee.

**§ 64.2-779.5. Notice; exercise of decanting power.**

A. In this section, a notice period begins on the day notice is given under subsection C and ends 59 days after the day notice is given.

B. Except as otherwise provided in this article, an authorized fiduciary may exercise the decanting power without the consent of any person and without court approval.

C. Except as otherwise provided in subsection F, an authorized fiduciary shall give notice in a record of the intended exercise of the decanting power not later than 60 days before the exercise to (i) each settlor of the first trust, if living or then in existence; (ii) each qualified beneficiary of the first trust; (iii) each holder of a presently exercisable power of appointment over any part or all of the first trust; (iv) each person that currently has the right to remove or replace the authorized fiduciary; (v) each other fiduciary of the first trust; (vi) each fiduciary of the second trust; (vii) each person acting as an advisor or protector of the first trust; (viii) each person holding an adverse interest who has the power to consent to the revocation of the first trust; and (ix) the Attorney General, if subsection B of § 64.2-779.11 applies.

D. An authorized fiduciary is not required to give notice under subsection C to a person that is not known to the fiduciary or is known to the fiduciary but cannot be located by the fiduciary after reasonable diligence.

E. A notice under subsection C shall (i) specify the manner in which the authorized fiduciary intends to exercise the decanting power, (ii) specify the proposed effective date for exercise of the power, (iii) include a copy of the first-trust instrument, and (iv) include a copy of all second-trust instruments.

F. The decanting power may be exercised before expiration of the notice period under subsection A if all persons entitled to receive notice waive the period in a signed record.

G. The receipt of notice, waiver of the notice period, or expiration of the notice period does not affect the right of a person to file an application under § 64.2-779.6 asserting that (i) an attempted exercise of the decanting power is ineffective because it did not comply with this article or was an abuse of discretion or breach of fiduciary duty or (ii) § 64.2-779.19 applies to the exercise of the decanting power.

H. An exercise of the decanting power is not ineffective because of the failure to give notice to one or more persons under subsection C if the authorized fiduciary acted with reasonable care to comply with subsection C.

*I. The decanting power under this article may be exercised by a majority of the authorized fiduciaries. If no trustee is an authorized fiduciary or upon request of any of the trustees, the court may appoint a special fiduciary pursuant to § 64.2-779.6 with authority to exercise the decanting power under this article.*

- 2. That the provisions of this act apply to any trust created before, on, or after the effective date of this act.**
- 3. That no provision of this act shall affect any valid exercise of decanting power under a trust by an authorized fiduciary prior to the effective date of this act, and such exercise shall be governed by the laws in force at the time the decanting power was exercised by the authorized fiduciary.**
- 4. That an emergency exists and this act is in force from its passage.**

**CHAPTER 477**

*An Act to amend and reenact § 2.2-2101 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 25 of Title 2.2 an article numbered 10, consisting of sections numbered 2.2-2537 through 2.2-2543, relating to Henrietta Lacks Commission; report; sunset.*

[S 171]

Approved March 23, 2018

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

**1. That § 2.2-2101 of the Code of Virginia is amended and reenacted and the Code of Virginia is amended by adding in Chapter 25 of Title 2.2 an article numbered 10, consisting of sections numbered 2.2-2537 through 2.2-2543, as follows:**

**§ 2.2-2101. Prohibition against service by legislators on boards, commissions, and councils within the executive branch; exceptions.**

Members of the General Assembly shall be ineligible to serve on boards, commissions, and councils within the executive branch of state government who are responsible for administering programs established by the General Assembly.

Such prohibition shall not extend to boards, commissions, and councils engaged solely in policy studies or commemorative activities. If any law directs the appointment of any member of the General Assembly to a board, commission, or council in the executive branch of state government that is responsible for administering programs established by the General Assembly, such portion of such law shall be void, and the Governor shall appoint another person from the Commonwealth at large to fill such a position.

The provisions of this section shall not apply to members of the Board for Branch Pilots, who shall be appointed as provided for in § 54.1-901; to members of the Board of Trustees of the Southwest Virginia Higher Education Center, who shall be appointed as provided for in § 23.1-3126; to members of the Board of Trustees of the Southern Virginia Higher Education Center, who shall be appointed as provided for in § 23.1-3121; to members of the Board of Directors of the New College Institute, who shall be appointed as provided for in § 23.1-3112; to members of the Advisory Board on Teacher Education and Licensure, who shall be appointed as provided for in § 22.1-305.2; to members of the Virginia Interagency Coordinating Council, who shall be appointed as provided for in § 2.2-5204; to members of the Board of Veterans Services, who shall be appointed as provided for in § 2.2-2452; to members appointed to the Board of Trustees of the Roanoke Higher Education Authority pursuant to § 23.1-3117; to members of the Board of Trustees of the Online Virginia Network Authority, who shall be appointed as provided in § 23.1-3136; to members of the Virginia Geographic Information Network Advisory Board, who shall be appointed as provided for in § 2.2-2423; to members of the Standards of Learning Innovation Committee, who shall be appointed as provided for in § 22.1-253.13:10; to members of the Board of Visitors of the Virginia School for the Deaf and the Blind, who shall be appointed as provided for in § 22.1-346.2; to members of the Substance Abuse Services Council, who shall be appointed as provided for in § 2.2-2696; to members of the Criminal Justice Services Board, who shall be appointed as provided in § 9.1-108; to members of the State Executive Council for Children's Services, who shall be appointed as provided in § 2.2-2648; to members of the Virginia Board of Workforce Development, who shall be appointed as provided for in § 2.2-2471; to members of the Volunteer Firefighters' and Rescue Squad Workers' Service Award Fund Board, who shall be appointed as provided for in § 51.1-1201; to members of the Secure and Resilient Commonwealth Panel, who shall be appointed as provided for in § 2.2-222.3; to members of the Forensic Science Board, who shall be appointed as provided for in § 9.1-1109; to members of the Southwest Virginia Cultural Heritage Foundation, who shall be appointed as provided in § 2.2-2735; or to members of the Virginia Growth and Opportunity Board, who shall be appointed as provided in § 2.2-2485; or to members of the Henrietta Lacks Commission, who shall be appointed as provided in § 2.2-2538.

*Article 10.*

*Henrietta Lacks Commission.*

**§ 2.2-2537. Henrietta Lacks Commission; purpose.**

*The Henrietta Lacks Commission (the Commission) is established as an advisory commission in the executive branch of state government. The purpose of the Commission is to sustain the legacy of the life-changing contribution of Henrietta Lacks to medical science by advancing cancer research and treatment through the creation of a biomedical research and data center.*

**§ 2.2-2538. Membership; terms; vacancies; chairman and vice-chairman.**

*A. The Commission shall consist of nine members that include two legislative members, three nonlegislative citizen members, and four ex officio members. Members shall be appointed as follows: (i) one member of the House of Delegates to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates; (ii) one member of the Senate to be appointed by the Senate Committee on Rules; and (iii) one nonlegislative citizen member who is a member of the extended family of Henrietta Lacks, one nonlegislative citizen member who is a member of the Board of Directors of the Henrietta Lacks Legacy Group, and one nonlegislative citizen member who is a member of the Halifax County Industrial Development Authority to be appointed by the Governor. The mayor of the Town of South Boston, the chair of the Board of Supervisors of Halifax County, the Executive Director of the Southern Virginia Higher Education Center, and the Executive Director of the Halifax County Industrial Development Authority, or their designees, shall serve ex officio with voting privileges. Nonlegislative citizen members of the Commission shall be citizens of the Commonwealth.*

*B. Legislative members and ex officio members of the Commission shall serve terms coincident with their terms of office. Nonlegislative citizen members shall be appointed for a term of two years. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. Legislative members and nonlegislative citizen members may be reappointed. However, no nonlegislative citizen member shall serve more than four consecutive two-year terms. The remainder of any term to which a member is appointed to fill a vacancy shall not constitute a term in determining the member's eligibility for reappointment. Vacancies shall be filled in the same manner as the original appointments.*

*C. The Commission shall elect a chairman and vice-chairman from among its membership.*

**§ 2.2-2539. Quorum; meetings; voting on recommendations.**

*A majority of the members shall constitute a quorum. The meetings of the Commission shall be held at the call of the chairman or whenever a majority of the members so request.*

**§ 2.2-2540. Compensation; expenses.**

*Legislative members of the Commission shall receive such compensation as provided in § 30-19.12. Nonlegislative citizen members shall not receive compensation. All members shall be reimbursed for reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. Compensation to members of the*

*General Assembly for attendance at official meetings of the Commission shall be paid by the offices of the Clerk of the House of Delegates or Clerk of the Senate, as applicable. Reimbursement for the reasonable and necessary expenses of nonlegislative citizen members of the Commission shall be paid by the Halifax County Industrial Development Authority.*

**§ 2.2-2541. Powers and duties of the Commission.**

*The Commission shall have the power and duty to:*

*1. Establish a public-private partnership to create the Henrietta Lacks Life Sciences Center as a cancer research and treatment center located in Halifax County and designed to (i) transform and accelerate cancer research and treatment through the use of biodata tools, (ii) provide tailored cancer treatment medicine to an underserved portion of rural Southside Virginia, and (iii) incubate new biotech businesses across the Southside Virginia region; and*

*2. Submit to the Governor and the General Assembly an annual report for publication as a report document as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports. The chairman of the Commission shall submit to the Governor and the General Assembly an annual executive summary of the interim activity and work of the Commission no later than the first day of each regular session of the General Assembly. The executive summary shall be submitted for publication as a report document as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.*

**§ 2.2-2542. Staffing; cooperation of agencies of state and local governments.**

*The Department of Health shall provide staff support to the Commission. Every department, division, board, bureau, commission, authority, or political subdivision of the Commonwealth shall cooperate with, and provide assistance to, the Commission, upon request.*

**§ 2.2-2543. Sunset.**

*This article shall expire on July 1, 2021.*

**CHAPTER 478**

*An Act to amend and reenact the second enactment of Chapter 807 of the Acts of Assembly of 2007, as amended by Chapter 512 of the Acts of Assembly of 2014, relating to the Virginia State Bar; Clients' Protection Fund.*

[S 210]

Approved March 23, 2018

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

**1. That the second enactment of Chapter 807 of the Acts of Assembly of 2007, as amended by Chapter 512 of the Acts of Assembly of 2014, is amended and reenacted as follows:**

**2. That the provisions of this act shall expire on July 1, ~~2020~~ 2023.**

**CHAPTER 479**

*An Act to amend and reenact § 8.01-417 of the Code of Virginia, relating to personal injury claim; disclosure of insurance policy limits.*

[S 535]

Approved March 23, 2018

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

**1. That § 8.01-417 of the Code of Virginia is amended and reenacted as follows:**

**§ 8.01-417. Copies of written statements or transcriptions of verbal statements by injured person to be delivered to him; copies of subpoenaed documents to be provided to other party; disclosure of insurance policy limits.**

A. Any person who takes from a person who has sustained a personal injury a signed written statement or voice recording of any statement relative to such injury shall deliver to such injured person a copy of such written statement forthwith or a verified typed transcription of such recording within 30 days from the date such statement was given or recording made, when and if the statement or recording is transcribed or in all cases when requested by the injured person or his attorney.

B. Unless otherwise ordered for good cause shown, when one party to a civil proceeding subpoenas documents, the subpoenaing party, upon receipt of the subpoenaed documents, shall, if requested in writing, provide true and full copies of the same to any other party or to the attorney for any other party, provided the other party or attorney for the other party pays the reasonable cost of copying or reproducing the subpoenaed documents. This provision does not apply where the subpoenaed documents are returnable to and maintained by the clerk of court in which the action is pending.

C. After he gives written notice that he represents an injured person, an attorney, or an individual injured in a motor vehicle accident if he is not represented by counsel, may, prior to the filing of a civil action for personal injuries sustained as a result of a motor vehicle accident, request in writing that the insurer disclose (i) the limits of liability of any motor vehicle liability or any personal injury liability insurance policy that may be applicable to the claim and (ii) the physical address, if known, of the alleged tortfeasor who is insured by the insurer, if not previously reported to the requesting party. The

requesting party shall provide the insurer with the date of the motor vehicle accident, the name and last known address of the alleged tortfeasor if it has been reported to the requesting party, a copy of the accident report, if any, and the claim number, if available. The insurer shall provide the alleged tortfeasor's physical address within 30 days of the receipt of the request. When requesting the limits of liability, the requesting party shall also submit to the insurer the injured person's medical records, medical bills, and wage-loss documentation, if applicable, pertaining to the claimed injury. If (a) the total of the medical bills and wage losses submitted equals or exceeds \$12,500 or (b) regardless of the amount of losses, the alleged tortfeasor was convicted of an offense under § 18.2-51.4, 18.2-266, 18.2-266.1, or 46.2-341.24 and the injured person's injuries arose from the same incident that resulted in such conviction, the insurer shall respond in writing within 30 days of receipt of the request and shall disclose the limits of liability at the time of the accident of all such policies, regardless of whether the insurer contests the applicability of the policy to the injured person's claim, and the insured's address. Disclosure of the policy limits under this section shall not constitute an admission that the alleged injury or damage is subject to the policy. Information concerning the insurance policy is not by reason of disclosure pursuant to this subsection admissible as evidence at trial.

D. After he gives written notice that he represents the personal representative of the estate of a decedent who died as a result of a motor vehicle accident, an attorney, or the personal representative of the estate of the decedent who died as a result of a motor vehicle accident if he is not represented by counsel, may, prior to the filing of a civil action for wrongful death as a result of a motor vehicle accident, request in writing that the insurer disclose (i) the limits of liability of any motor vehicle liability insurance policy or any personal injury liability insurance policy that may be applicable to the claim and (ii) the physical address, if known, of the alleged tortfeasor who is insured by the insurer, if not previously reported to the requesting party. The requesting party shall provide the insurer with the date of the motor vehicle accident, the name and last known address of the alleged tortfeasor if it has been reported to the requesting party, a copy of the accident report, if any, and the claim number, if available. The insurer shall provide the alleged tortfeasor's physical address within 30 days of the receipt of the request. When requesting the limits of liability, the requesting party shall submit to the insurer the death certificate of the decedent; the certificate of qualification of the personal representative of the decedent's estate; the names and relationships of the statutory beneficiaries of the decedent; medical bills, if any, supporting a claim for damages under subdivision 3 of § 8.01-52; and, if at the time the request is made a claim for damages under clause (i) of subdivision 2 of § 8.01-52 is anticipated, a description of the source, amount, and payment history of the claimed income loss for each beneficiary. The insurer shall respond in writing within 30 days of receipt of the request and shall disclose the limits of liability at the time of the accident of all such policies, regardless of whether the insurer contests the applicability of the policy to the personal representative's claim, and the insured's address. Disclosure of the policy limits under this section shall not constitute an admission that the alleged death or other damage is subject to the policy. Information concerning the insurance policy is not by reason of disclosure pursuant to this subsection admissible as evidence at trial.

E. For purposes of subsections C and D, if the alleged tortfeasor has insurance coverage from a self-insured locality for a motor vehicle accident, as described in this section, and the locality is authorized by the alleged tortfeasor to accept service of process on behalf of the alleged tortfeasor and agrees to do so, the locality, in its discretion and instead of disclosing the alleged tortfeasor's home address, may disclose the insured's work address and the name and address of the person who shall accept service of process on behalf of the alleged tortfeasor. If the locality makes such a disclosure, the locality shall not be required to disclose the alleged tortfeasor's home address.

F. As used in subsections C and D, "insurer" does not include the insurance agency or the insurance agent representing the alleged tortfeasor as the authorized representative or agent with respect to the alleged tortfeasor's motor vehicle insurance policy.

## CHAPTER 480

*An Act to amend and reenact § 59.1-444.3 of the Code of Virginia, relating to security freezes for protected consumers.*

[S 95]

Approved March 23, 2018

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

#### **1. That § 59.1-444.3 of the Code of Virginia is amended and reenacted as follows:**

##### **§ 59.1-444.3. Security freezes for protected consumers.**

A. As used in this section, unless the context requires a different meaning:

"Protected consumer" means a consumer who is either:

1. Under the age of 16 years at the time a request for the placement of a security freeze is made; or

2. An incapacitated person for whom a guardian or conservator has been appointed in accordance with Chapter 20 (§ 64.2-2000 et seq.) of Title 64.2.

"Record" means a compilation of information regarding a specific identified protected consumer, which compilation is created by a consumer reporting agency solely for the purpose of complying with the requirement for a record's establishment set forth in subsection D.

"Representative" means a person who provides to a consumer reporting agency sufficient proof of authority to act on behalf of a protected consumer.

"Security freeze" means:

1. If a consumer reporting agency does not have a file pertaining to a protected consumer, a restriction that (i) is placed on the protected consumer's record in accordance with this section and (ii) prohibits the consumer reporting agency from releasing the protected consumer's record except as provided in this section; or

2. If a consumer reporting agency has a file pertaining to the protected consumer, a restriction that (i) is placed on the protected consumer's credit report in accordance with this section and (ii) prohibits the consumer reporting agency from releasing the protected consumer's credit report or any information derived from the protected consumer's credit report except as provided in this section.

"Sufficient proof of authority" means documentation that shows a representative has authority to act on behalf of a protected consumer. "Sufficient proof of authority" includes (i) an order issued by a court of law ~~and~~, (ii) a lawfully executed and valid power of attorney, (iii) a birth certification; or (iv) a written, notarized statement signed by a representative that expressly describes the authority of the representative to act on behalf of the protected consumer.

"Sufficient proof of identification" means information or documentation that identifies a protected consumer or a representative of a protected consumer. "Sufficient proof of identification" includes (i) a social security number or a copy of a social security card issued by the U.S. Social Security Administration; (ii) a certified or official copy of a birth certificate issued by the entity authorized to issue the birth certificate; (iii) a copy of a driver's license, an identification card issued by the Department of Motor Vehicles, or any other government-issued identification; or (iv) a copy of a bill, including a bill for telephone, sewer, septic tank, water, electric, oil, or natural gas services, that shows a name and home address.

B. This section does not apply to the use of a protected consumer's credit report or record by:

1. A person administering a credit file monitoring subscription service to which the protected consumer has subscribed or the representative of the protected consumer has subscribed on behalf of the protected consumer;

2. A person providing the protected consumer or the protected consumer's representative with a copy of the protected consumer's credit report on request of the protected consumer or the protected consumer's representative; or

3. An entity listed in subsection O of § 59.1-444.2.

C. A consumer reporting agency shall place a security freeze for a protected consumer if:

1. The consumer reporting agency receives a request from the protected consumer's representative for the placement of the security freeze under this section; and

2. The protected consumer's representative:

a. Submits the request to the consumer reporting agency at the address or other point of contact and in the manner specified by the consumer reporting agency;

b. Provides to the consumer reporting agency sufficient proof of identification of the protected consumer and the representative;

c. Provides to the consumer reporting agency sufficient proof of authority to act on behalf of the protected consumer; and

d. Pays to the consumer reporting agency a fee as provided in subsection J.

D. If a consumer reporting agency does not have a file pertaining to a protected consumer when the consumer reporting agency receives a request under subsection C from the protected consumer's representative for the placement of a security freeze, the consumer reporting agency shall create a record for the protected consumer. A record may not be created or used to consider the protected consumer's creditworthiness, credit standing, credit capacity, character, general reputation, personal characteristics, or mode of living for the purpose of serving as a factor in establishing the consumer's eligibility for (i) credit or insurance to be used primarily for personal, family, or household purposes or (ii) employment.

E. Within 30 days after receiving a request that meets the requirements of subsection C, a consumer reporting agency shall place a security freeze for the protected consumer.

F. Unless a security freeze for a protected consumer is removed in accordance with subsection H or K, a consumer reporting agency may not release the protected consumer's credit report, any information derived from the protected consumer's credit report, or any record created for the protected consumer.

G. A security freeze for a protected consumer placed under subsection E shall remain in effect until:

1. The protected consumer or the protected consumer's representative requests the consumer reporting agency to remove the security freeze in accordance with subsection H; or

2. The security freeze is removed in accordance with subsection K.

H. If a protected consumer or a protected consumer's representative wishes to remove a security freeze for the protected consumer, the protected consumer or the protected consumer's representative shall:

1. Submit a request for the removal of the security freeze to the consumer reporting agency at the address or other point of contact and in the manner specified by the consumer reporting agency;

2. Provide to the consumer reporting agency:

a. In the case of a request by the protected consumer:

(1) Proof that the sufficient proof of authority for the protected consumer's representative to act on behalf of the protected consumer is no longer valid; and

(2) Sufficient proof of identification of the protected consumer; or

b. In the case of a request by the representative of a protected consumer:

(1) Sufficient proof of identification of the protected consumer and the representative; and

(2) Sufficient proof of authority to act on behalf of the protected consumer; and

3. Pay to the consumer reporting agency a fee as provided in subsection J.

I. Within 30 days after receiving a request that meets the requirements of subsection H, the consumer reporting agency shall remove the security freeze for the protected consumer.

J. A consumer reporting agency may not charge a fee for any service performed under this section, except for a reasonable fee, not exceeding \$10, for each placement or removal of a security freeze for a protected consumer. Notwithstanding the foregoing, a consumer reporting agency shall not charge any fee for the placement or removal of a security freeze for a protected consumer if:

1. The protected consumer's representative has obtained, and provides to the consumer reporting agency, a report of alleged identity fraud against the protected consumer under § 18.2-186.3:1 or an Identity Theft Passport issued for the protected consumer under § 18.2-186.5; or

2. A request for the placement or removal of a security freeze is for a protected consumer who is under the age of 16 years at the time of the request, and the consumer reporting agency has a credit report pertaining to the protected consumer.

K. A consumer reporting agency may remove a security freeze for a protected consumer or delete a record of a protected consumer if the security freeze was placed or the record was created based on a material misrepresentation of fact by the protected consumer or the protected consumer's representative.

L. Any person who obtains a consumer report, requests a security freeze, requests the temporary lift of a freeze, or requests the removal of a security freeze from a consumer reporting agency under false pretenses or in an attempt to violate federal or state law shall be liable to the consumer reporting agency for damages sustained by the consumer reporting agency as provided in subsection R of § 59.1-444.2.

M. Notwithstanding any other provision of law:

1. The exclusive authority to bring an action for any violation of subsection E shall be with the Attorney General. In any action brought under this subsection, the Attorney General may cause an action to be brought in the name of the Commonwealth to enjoin the violation and to recover damages for aggrieved protected consumers.

2. In any action brought under this subsection, if the court finds a willful violation, the court may, in its discretion, also award a civil penalty of not more than \$1,000 per violation, to be deposited in the Literary Fund.

3. In any action brought under this subsection, the Attorney General may recover any costs, the reasonable expenses incurred in investigating and preparing the case, and attorney fees.

#### CHAPTER 481

*An Act to amend and reenact § 22.1-207.5 of the Code of Virginia, relating to instruction in American Sign Language; academic credit; foreign language requirements.*

[H 84]

Approved March 23, 2018

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

**1. That § 22.1-207.5 of the Code of Virginia is amended and reenacted as follows:**

**§ 22.1-207.5. Instruction in American Sign Language.**

*A. As used in this section, "American Sign Language" means the natural language recognized globally that is used by members of the deaf community and that is linguistically complete with unique rules for language structure and use that include phonology, morphology, syntax, semantics, and discourse.*

*B. If a local school board offers one or more elective courses in American Sign Language, such school board shall (i) grant academic credit for successful completion of an American Sign Language course on the same basis as the successful completion of a foreign language course; and (ii) count completion of an American Sign Language course toward the fulfillment of any foreign language requirement for graduation.*

*C. If a local school board does not offer any elective course in American Sign Language, such school board shall (i) grant academic credit for successful completion of an American Sign Language course offered by a comprehensive community college or a multidivision online provider approved by the Board on the same basis as the successful completion of a foreign language course and (ii) count completion of any such American Sign Language course toward the fulfillment of any foreign language requirement for graduation.*

#### CHAPTER 482

*An Act to amend and reenact § 22.1-253.13:4 of the Code of Virginia, relating to diploma seals; science, technology, engineering, and mathematics.*

[H 167]

Approved March 23, 2018

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

**1. That § 22.1-253.13:4 of the Code of Virginia is amended and reenacted as follows:**

**§ 22.1-253.13:4. Standard 4. Student achievement and graduation requirements.**

A. Each local school board shall award diplomas to all secondary school students, including students who transfer from nonpublic schools or from home instruction, who meet the requirements prescribed by the Board of Education and meet such other requirements as may be prescribed by the local school board and approved by the Board of Education. Provisions shall be made to facilitate the transfer and appropriate grade placement of students from other public secondary schools, from nonpublic schools, or from home instruction as outlined in the standards for accreditation. The standards for accreditation shall include provisions relating to the completion of graduation requirements through Virtual Virginia. Further, reasonable accommodation to meet the requirements for diplomas shall be provided for otherwise qualified students with disabilities as needed.

In addition, each local school board may devise, vis-a-vis the award of diplomas to secondary school students, a mechanism for calculating class rankings that takes into consideration whether the student has taken a required class more than one time and has had any prior earned grade for such required class expunged.

Each local school board shall notify the parents of rising eleventh and twelfth grade students of (i) the requirements for graduation pursuant to the standards for accreditation and (ii) the requirements that have yet to be completed by the individual student.

B. Students identified as disabled who complete the requirements of their individualized education programs and meet certain requirements prescribed by the Board pursuant to regulations but do not meet the requirements for any named diploma shall be awarded Applied Studies diplomas by local school boards.

Each local school board shall notify the parent of such students with disabilities who have an individualized education program and who fail to meet the graduation requirements of the student's right to a free and appropriate education to age 21, inclusive, pursuant to Article 2 (§ 22.1-213 et seq.) of Chapter 13.

C. Students who have completed a prescribed course of study as defined by the local school board shall be awarded certificates of program completion by local school boards if they are not eligible to receive a Board of Education-approved diploma.

Each local school board shall provide notification of the right to a free public education for students who have not reached 20 years of age on or before August 1 of the school year, pursuant to Chapter 1 (§ 22.1-1 et seq.), to the parent of students who fail to graduate or who have failed to achieve graduation requirements as provided in the standards for accreditation. If such student who does not graduate or complete such requirements is a student for whom English is a second language, the local school board shall notify the parent of the student's opportunity for a free public education in accordance with § 22.1-5.

D. (From Acts 2016, cc. 720 & 750: The graduation requirements established by the Board of Education pursuant to the provisions of subdivisions D 1, 2, and 3 shall apply to each student who enrolls in high school as (i) a freshman after July 1, 2018; (ii) a sophomore after July 1, 2019; (iii) a junior after July 1, 2020; or (iv) a senior after July 1, 2021) In establishing graduation requirements, the Board shall:

1. Develop and implement, in consultation with stakeholders representing elementary and secondary education, higher education, and business and industry in the Commonwealth and including parents, policymakers, and community leaders in the Commonwealth, a Profile of a Virginia Graduate that identifies the knowledge and skills that students should attain during high school in order to be successful contributors to the economy of the Commonwealth, giving due consideration to critical thinking, creative thinking, collaboration, communication, and citizenship.

2. Emphasize the development of core skill sets in the early years of high school.

3. Establish multiple paths toward college and career readiness for students to follow in the later years of high school. Each such pathway shall include opportunities for internships, externships, and credentialing.

4. Provide for the selection of integrated learning courses meeting the Standards of Learning and approved by the Board to satisfy graduation requirements, which shall include Standards of Learning testing, as necessary.

5. Require students to complete at least one course in fine or performing arts or career and technical education, one course in United States and Virginia history, and two sequential elective courses chosen from a concentration of courses selected from a variety of options that may be planned to ensure the completion of a focused sequence of elective courses that provides a foundation for further education or training or preparation for employment.

6. Require that students either (i) complete an Advanced Placement, honors, or International Baccalaureate course or (ii) earn a career and technical education credential that has been approved by the Board, except when a career and technical education credential in a particular subject area is not readily available or appropriate or does not adequately measure student competency, in which case the student shall receive satisfactory competency-based instruction in the subject area to earn credit. The career and technical education credential, when required, could include the successful completion of an industry certification, a state licensure examination, a national occupational competency assessment, the Armed Services Vocational Aptitude Battery, or the Virginia workplace readiness skills assessment.

7. Beginning with first-time ninth grade students in the 2016-2017 school year, require students to be trained in emergency first aid, cardiopulmonary resuscitation, and the use of automated external defibrillators, including hands-on practice of the skills necessary to perform cardiopulmonary resuscitation.

8. Make provision in its regulations for students with disabilities to earn a diploma.

9. Require students to complete one virtual course, which may be a noncredit-bearing course.

10. Provide that students who complete elective classes into which the Standards of Learning for any required course have been integrated and achieve a passing score on the relevant Standards of Learning test for the relevant required course receive credit for such elective class.

11. Establish a procedure to facilitate the acceleration of students that allows qualified students, with the recommendation of the division superintendent, without completing the 140-hour class, to obtain credit for such class upon demonstrating mastery of the course content and objectives and receiving a passing score on the relevant Standards of Learning assessment. Nothing in this section shall preclude relevant school division personnel from enforcing compulsory attendance in public schools.

12. Provide for the award of credit for passing scores on industry certifications, state licensure examinations, and national occupational competency assessments approved by the Board of Education.

School boards shall report annually to the Board of Education the number of Board-approved industry certifications obtained, state licensure examinations passed, national occupational competency assessments passed, Armed Services Vocational Aptitude Battery assessments passed, and Virginia workplace readiness skills assessments passed, and the number of career and technical education completers who graduated. These numbers shall be reported as separate categories on the School Performance Report Card.

For the purposes of this subdivision, "career and technical education completer" means a student who has met the requirements for a career and technical concentration or specialization and all requirements for high school graduation or an approved alternative education program.

In addition, the Board may:

a. For the purpose of awarding credit, approve the use of additional or substitute tests for the correlated Standards of Learning assessment, such as academic achievement tests, industry certifications or state licensure examinations; and

b. Permit students completing career and technical education programs designed to enable such students to pass such industry certification examinations or state licensure examinations to be awarded, upon obtaining satisfactory scores on such industry certification or licensure examinations, appropriate credit for one or more career and technical education classes into which relevant Standards of Learning for various classes taught at the same level have been integrated. Such industry certification and state licensure examinations may cover relevant Standards of Learning for various required classes and may, at the discretion of the Board, address some Standards of Learning for several required classes.

13. Provide for the waiver of certain graduation requirements (i) upon the Board's initiative or (ii) at the request of a local school board. Such waivers shall be granted only for good cause and shall be considered on a case-by-case basis.

14. Consider all computer science course credits earned by students to be science course credits, mathematics course credits, or career and technical education credits. The Board of Education shall develop guidelines addressing how computer science courses can satisfy graduation requirements.

15. Permit local school divisions to waive the requirement for students to receive 140 clock hours of instruction upon providing the Board with satisfactory proof, based on Board guidelines, that the students for whom such requirements are waived have learned the content and skills included in the relevant Standards of Learning.

16. Provide for the award of verified units of credit for a satisfactory score, as determined by the Board, on the Preliminary ACT (PreACT) or Preliminary SAT/National Merit Scholarship Qualifying Test (PSAT/NMSQT) examination.

E. In the exercise of its authority to recognize exemplary performance by providing for diploma seals:

1. The Board shall develop criteria for recognizing exemplary performance in career and technical education programs by students who have completed the requirements for a Board of Education-approved diploma and shall award seals on the diplomas of students meeting such criteria.

2. The Board shall establish criteria for awarding a diploma seal for ~~advanced science, technology, engineering, and mathematics and technology (STEM)~~ for the Board of Education-approved diplomas. The Board shall consider including criteria for (i) ~~technology courses relevant coursework~~; (ii) technical writing, reading, and oral communication skills; (iii) ~~technology-related relevant training~~; and (iv) industry, professional, and trade association national certifications.

3. The Board shall establish criteria for awarding a diploma seal for excellence in civics education and understanding of our state and federal constitutions and the democratic model of government for the Board of Education-approved diplomas. The Board shall consider including criteria for (i) successful completion of history, government, and civics courses, including courses that incorporate character education; (ii) voluntary participation in community service or extracurricular activities that includes the types of activities that shall qualify as community service and the number of hours required; and (iii) related requirements as it deems appropriate.

4. The Board shall establish criteria for awarding a diploma seal of biliteracy to any student who demonstrates proficiency in English and at least one other language for the Board of Education-approved diplomas. The Board shall consider criteria including the student's (i) score on a College Board Advanced Placement foreign language examination, (ii) score on an SAT II Subject Test in a foreign language, (iii) proficiency level on an ACTFL Assessment of Performance toward Proficiency in Languages (AAPPL) measure or another nationally or internationally recognized language proficiency test, or (iv) cumulative grade point average in a sequence of foreign language courses approved by the Board.

F. The Board shall establish, by regulation, requirements for the award of a general achievement adult high school diploma for those persons who are not subject to the compulsory school attendance requirements of § 22.1-254 and have (i) achieved a passing score on a high school equivalency examination approved by the Board of Education; (ii) successfully completed an education and training program designated by the Board of Education; (iii) earned a Board of

Education-approved career and technical education credential such as the successful completion of an industry certification, a state licensure examination, a national occupational competency assessment, the Armed Services Vocational Aptitude Battery, or the Virginia workplace readiness skills assessment; and (iv) satisfied other requirements as may be established by the Board for the award of such diploma.

G. To ensure the uniform assessment of high school graduation rates, the Board shall collect, analyze, report, and make available to the public high school graduation and dropout data using a formula prescribed by the Board.

H. The Board shall also collect, analyze, report, and make available to the public high school graduation and dropout data using a formula that excludes any student who fails to graduate because such student is in the custody of the Department of Corrections, the Department of Juvenile Justice, or local law enforcement. For the purposes of the Standards of Accreditation, the Board shall use the graduation rate required by this subsection.

I. The Board may promulgate such regulations as may be necessary and appropriate for the collection, analysis, and reporting of such data required by subsections G and H.

## CHAPTER 483

*An Act to amend and reenact § 2.2-3119 of the Code of Virginia, relating to the State and Local Government Conflict of Interests Act; school boards and school employees.*

[H 212]

Approved March 23, 2018

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

#### 1. That § 2.2-3119 of the Code of Virginia is amended and reenacted as follows:

##### § 2.2-3119. Additional provisions applicable to school boards and employees of school boards; exceptions.

A. Notwithstanding any other provision of this chapter, it shall be unlawful for the school board of any county or city or of any town constituting a separate school division to employ or pay any teacher or other school board employee from the public funds, federal, state or local, or for a division superintendent to recommend to the school board the employment of any teacher or other employee, if the teacher or other employee is the father, mother, brother, sister, spouse, son, daughter, son-in-law, daughter-in-law, sister-in-law or brother-in-law of the superintendent, or of any member of the school board.

This section shall apply to any person employed by any school board in the operation of the public free school system, adult education programs or any other program maintained and operated by a local county, city or town school board.

B. This section shall not be construed to prohibit the employment, promotion, or transfer within a school division of any person within a relationship described in subsection A when such person:

1. Has been employed pursuant to a written contract with a school board or employed as a substitute teacher or teacher's aide by a school board prior to the taking of office of any member of such board or division superintendent of schools; or
2. Has been employed pursuant to a written contract with a school board or employed as a substitute teacher or teacher's aide by a school board prior to the inception of such relationship; or
3. Was employed by a school board at any time prior to June 10, 1994, and had been employed at any time as a teacher or other employee of any Virginia school board prior to the taking of office of any member of such school board or division superintendent of schools.

C. A person employed as a substitute teacher may not be employed to any greater extent than he was employed by the school board in the last full school year prior to the taking of office of such board member or division superintendent or to the inception of such relationship. The exceptions in subdivisions B 1, B 2, and B 3 shall apply only if the prior employment has been in the same school divisions where the employee and the superintendent or school board member now seek to serve simultaneously.

D. If any member of the school board or any division superintendent knowingly violates these provisions, he shall be personally liable to refund to the local treasury any amounts paid in violation of this law, and the funds shall be recovered from the individual by action or suit in the name of the Commonwealth on the petition of the attorney for the Commonwealth. Recovered funds shall be paid into the local treasury for the use of the public schools.

E. The provisions of this section shall not apply to employment by a ~~any~~ school district located in ~~Planning Districts 3, 4, 11, 12, 13, and 17~~ of the father, mother, brother, sister, spouse, son, daughter, son-in-law, daughter-in-law, sister-in-law, or brother-in-law of any member of the school board, provided *that* (i) the member certifies that he had no involvement with the hiring decision and (ii) the superintendent certifies to the remaining members of the governing body in writing that the employment is based upon merit and fitness and the competitive rating of the qualifications of the individual and that no member of the board had any involvement with the hiring decision.

## CHAPTER 484

*An Act to amend and reenact §§ 22.1-253.13:1 and 22.1-253.13:2 of the Code of Virginia, relating to the Standards of Quality; instructional programs and positions; dual language.*

[H 507]

Approved March 23, 2018

**Be it enacted by the General Assembly of Virginia:****1. That §§ 22.1-253.13:1 and 22.1-253.13:2 of the Code of Virginia are amended and reenacted as follows:****§ 22.1-253.13:1. Standard 1. Instructional programs supporting the Standards of Learning and other educational objectives.**

A. The General Assembly and the Board of Education believe that the fundamental goal of the public schools of the Commonwealth must be to enable each student to develop the skills that are necessary for success in school, preparation for life, and reaching their full potential. The General Assembly and the Board of Education find that the quality of education is dependent upon the provision of (i) the appropriate working environment, benefits, and salaries necessary to ensure the availability of high-quality instructional personnel; (ii) the appropriate learning environment designed to promote student achievement; (iii) quality instruction that enables each student to become a productive and educated citizen of Virginia and the United States of America; and (iv) the adequate commitment of other resources. In keeping with this goal, the General Assembly shall provide for the support of public education as set forth in Article VIII, Section 1 of the Constitution of Virginia.

B. The Board of Education shall establish educational objectives known as the Standards of Learning, which shall form the core of Virginia's educational program, and other educational objectives, which together are designed to ensure the development of the skills that are necessary for success in school and for preparation for life in the years beyond. At a minimum, the Board shall establish Standards of Learning for English, mathematics, science, and history and social science. The Standards of Learning shall not be construed to be regulations as defined in § 2.2-4001.

The Board shall seek to ensure that the Standards of Learning are consistent with a high-quality foundation educational program. The Standards of Learning shall include, but not be limited to, the basic skills of communication (listening, speaking, reading, and writing); computation and critical reasoning, including problem solving and decision making; proficiency in the use of computers and related technology; computer science and computational thinking, including computer coding; and the skills to manage personal finances and to make sound financial decisions.

The English Standards of Learning for reading in kindergarten through grade three shall be based on components of effective reading instruction, to include, at a minimum, phonemic awareness, phonics, fluency, vocabulary development, and text comprehension.

The Standards of Learning in all subject areas shall be subject to regular review and revision to maintain rigor and to reflect a balance between content knowledge and the application of knowledge in preparation for eventual employment and lifelong learning. The Board of Education shall establish a regular schedule, in a manner it deems appropriate, for the review, and revision as may be necessary, of the Standards of Learning in all subject areas. Such review of each subject area shall occur at least once every seven years. Nothing in this section shall be construed to prohibit the Board from conducting such review and revision on a more frequent basis.

To provide appropriate opportunity for input from the general public, teachers, and local school boards, the Board of Education shall conduct public hearings prior to establishing revised Standards of Learning. Thirty days prior to conducting such hearings, the Board shall give notice of the date, time, and place of the hearings to all local school boards and any other persons requesting to be notified of the hearings and publish notice of its intention to revise the Standards of Learning in the Virginia Register of Regulations. Interested parties shall be given reasonable opportunity to be heard and present information prior to final adoption of any revisions of the Standards of Learning.

In addition, the Department of Education shall make available and maintain a website, either separately or through an existing website utilized by the Department of Education, enabling public elementary, middle, and high school educators to submit recommendations for improvements relating to the Standards of Learning, when under review by the Board according to its established schedule, and related assessments required by the Standards of Quality pursuant to this chapter. Such website shall facilitate the submission of recommendations by educators.

School boards shall implement the Standards of Learning or objectives specifically designed for their school divisions that are equivalent to or exceed the Board's requirements. Students shall be expected to achieve the educational objectives established by the school division at appropriate age or grade levels. The curriculum adopted by the local school division shall be aligned to the Standards of Learning.

The Board of Education shall include in the Standards of Learning for history and social science the study of contributions to society of diverse people. For the purposes of this subsection, "diverse" includes consideration of disability, ethnicity, race, and gender.

The Board of Education shall include in the Standards of Learning for health instruction in emergency first aid, cardiopulmonary resuscitation, and the use of an automated external defibrillator, including hands-on practice of the skills necessary to perform cardiopulmonary resuscitation. Such instruction shall be based on the current national evidence-based emergency cardiovascular care guidelines for cardiopulmonary resuscitation and the use of an automated external

defibrillator, such as a program developed by the American Heart Association or the American Red Cross. No teacher who is in compliance with subdivision D 5 of § 22.1-298.1 shall be required to be certified as a trainer of cardiopulmonary resuscitation to provide instruction for non-certification.

With such funds as are made available for this purpose, the Board shall regularly review and revise the competencies for career and technical education programs to require the full integration of English, mathematics, science, and history and social science Standards of Learning. Career and technical education programs shall be aligned with industry and professional standard certifications, where they exist.

C. Local school boards shall develop and implement a program of instruction for grades K through 12 that is aligned to the Standards of Learning and meets or exceeds the requirements of the Board of Education. The program of instruction shall emphasize reading, writing, speaking, mathematical concepts and computations, proficiency in the use of computers and related technology, computer science and computational thinking, including computer coding, and scientific concepts and processes; essential skills and concepts of citizenship, including knowledge of Virginia history and world and United States history, economics, government, foreign languages, international cultures, health and physical education, environmental issues, and geography necessary for responsible participation in American society and in the international community; fine arts, which may include, but need not be limited to, music and art, and practical arts; knowledge and skills needed to qualify for further education, gainful employment, or training in a career or technical field; and development of the ability to apply such skills and knowledge in preparation for eventual employment and lifelong learning and to achieve economic self-sufficiency.

Local school boards shall also develop and implement programs of prevention, intervention, or remediation for students who are educationally at risk including, but not limited to, those who fail to achieve a passing score on any Standards of Learning assessment in grades three through eight or who fail an end-of-course test required for the award of a verified unit of credit. Such programs shall include components that are research-based.

Any student who achieves a passing score on one or more, but not all, of the Standards of Learning assessments for the relevant grade level in grades three through eight may be required to attend a remediation program.

Any student who fails to achieve a passing score on all of the Standards of Learning assessments for the relevant grade level in grades three through eight or who fails an end-of-course test required for the award of a verified unit of credit shall be required to attend a remediation program or to participate in another form of remediation. Division superintendents shall require such students to take special programs of prevention, intervention, or remediation, which may include attendance in public summer school programs, in accordance with clause (ii) of subsection A of § 22.1-254 and § 22.1-254.01.

Remediation programs shall include, when applicable, a procedure for early identification of students who are at risk of failing the Standards of Learning assessments in grades three through eight or who fail an end-of-course test required for the award of a verified unit of credit. Such programs may also include summer school for all elementary and middle school grades and for all high school academic courses, as defined by regulations promulgated by the Board of Education, or other forms of remediation. Summer school remediation programs or other forms of remediation shall be chosen by the division superintendent to be appropriate to the academic needs of the student. Students who are required to attend such summer school programs or to participate in another form of remediation shall not be charged tuition by the school division.

The requirement for remediation may, however, be satisfied by the student's attendance in a program of prevention, intervention or remediation that has been selected by his parent, in consultation with the division superintendent or his designee, and is either (i) conducted by an accredited private school or (ii) a special program that has been determined to be comparable to the required public school remediation program by the division superintendent. The costs of such private school remediation program or other special remediation program shall be borne by the student's parent.

The Board of Education shall establish standards for full funding of summer remedial programs that shall include, but not be limited to, the minimum number of instructional hours or the equivalent thereof required for full funding and an assessment system designed to evaluate program effectiveness. Based on the number of students attending and the Commonwealth's share of the per pupil instructional costs, state funds shall be provided for the full cost of summer and other remediation programs as set forth in the appropriation act, provided such programs comply with such standards as shall be established by the Board, pursuant to § 22.1-199.2.

D. Local school boards shall also implement the following:

1. Programs in grades K through three that emphasize developmentally appropriate learning to enhance success.
2. Programs based on prevention, intervention, or remediation designed to increase the number of students who earn a high school diploma and to prevent students from dropping out of school. Such programs shall include components that are research-based.
3. Career and technical education programs incorporated into the K through 12 curricula that include:
  - a. Knowledge of careers and all types of employment opportunities, including, but not limited to, apprenticeships, entrepreneurship and small business ownership, the military, and the teaching profession, and emphasize the advantages of completing school with marketable skills;
  - b. Career exploration opportunities in the middle school grades;
  - c. Competency-based career and technical education programs that integrate academic outcomes, career guidance, and job-seeking skills for all secondary students. Programs shall be based upon labor market needs and student interest. Career guidance shall include counseling about available employment opportunities and placement services for students exiting school. Each school board shall develop and implement a plan to ensure compliance with the provisions of this subdivision.

Such plan shall be developed with the input of area business and industry representatives and local comprehensive community colleges and shall be submitted to the Superintendent of Public Instruction in accordance with the timelines established by federal law; and

d. Annual notice on its website to enrolled high school students and their parents of (i) the availability of the postsecondary education and employment data published by the State Council of Higher Education on its website pursuant to § 23.1-204.1 and (ii) the opportunity for such students to obtain a nationally recognized career readiness certificate at a local public high school, comprehensive community college, or workforce center.

4. Educational objectives in middle and high school that emphasize economic education and financial literacy pursuant to § 22.1-200.03.

5. Early identification of students with disabilities and enrollment of such students in appropriate instructional programs consistent with state and federal law.

6. Early identification of gifted students and enrollment of such students in appropriately differentiated instructional programs.

7. Educational alternatives for students whose needs are not met in programs prescribed elsewhere in these standards. Such students shall be counted in average daily membership (ADM) in accordance with the regulations of the Board of Education.

8. Adult education programs for individuals functioning below the high school completion level. Such programs may be conducted by the school board as the primary agency or through a collaborative arrangement between the school board and other agencies.

9. A plan to make achievements for students who are educationally at risk a divisionwide priority that shall include procedures for measuring the progress of such students.

10. An agreement for postsecondary degree attainment with a comprehensive community college in the Commonwealth specifying the options for students to complete an associate degree or a one-year Uniform Certificate of General Studies from a comprehensive community college concurrent with a high school diploma. Such agreement shall specify the credit available for dual enrollment courses and Advanced Placement courses with qualifying exam scores of three or higher.

11. A plan to notify students and their parents of the availability of dual enrollment and advanced placement classes, career and technical education programs, the International Baccalaureate Program, and Academic Year Governor's School Programs, the qualifications for enrolling in such classes and programs, and the availability of financial assistance to low-income and needy students to take the advanced placement and International Baccalaureate examinations. This plan shall include notification to students and parents of the agreement with a comprehensive community college in the Commonwealth to enable students to complete an associate degree or a one-year Uniform Certificate of General Studies concurrent with a high school diploma.

12. Identification of students with limited English proficiency and enrollment of such students in appropriate instructional programs, *which programs may include dual language programs whereby such students receive instruction in English and in a second language.*

13. Early identification, diagnosis, and assistance for students with reading and mathematics problems and provision of instructional strategies and reading and mathematics practices that benefit the development of reading and mathematics skills for all students.

Local school divisions shall provide reading intervention services to students in kindergarten through grade three who demonstrate deficiencies based on their individual performance on the Standards of Learning reading test or any reading diagnostic test that meets criteria established by the Department of Education. Local school divisions shall report the results of the diagnostic tests to the Department of Education on an annual basis, at a time to be determined by the Superintendent of Public Instruction. Each student who receives early intervention reading services will be assessed again at the end of that school year. The local school division, in its discretion, shall provide such reading intervention services prior to promoting a student from grade three to grade four. Reading intervention services may include the use of: special reading teachers; trained aides; volunteer tutors under the supervision of a certified teacher; computer-based reading tutorial programs; aides to instruct in-class groups while the teacher provides direct instruction to the students who need extra assistance; and extended instructional time in the school day or school year for these students. Funds appropriated for prevention, intervention, and remediation; summer school remediation; at-risk; or early intervention reading may be used to meet the requirements of this subdivision.

Local school divisions shall provide algebra readiness intervention services to students in grades six through nine who are at risk of failing the Algebra I end-of-course test, as demonstrated by their individual performance on any diagnostic test that has been approved by the Department of Education. Local school divisions shall report the results of the diagnostic tests to the Department of Education on an annual basis, at a time to be determined by the Superintendent of Public Instruction. Each student who receives algebra readiness intervention services will be assessed again at the end of that school year. Funds appropriated for prevention, intervention, and remediation; summer school remediation; at-risk; or algebra readiness intervention services may be used to meet the requirements of this subdivision.

14. Incorporation of art, music, and physical education as a part of the instructional program at the elementary school level.

15. (Applicable to school years before the 2018-2019 school year) A program of physical fitness available to all students with a goal of at least 150 minutes per week on average during the regular school year. Such program may include any combination of (i) physical education classes, (ii) extracurricular athletics, or (iii) other programs and physical activities deemed appropriate by the local school board. Each local school board shall incorporate into its local wellness policy a goal for the implementation of such program during the regular school year.

15. (Applicable beginning with the 2018-2019 school year) A program of physical activity available to all students in grades kindergarten through five consisting of at least 20 minutes per day or an average of 100 minutes per week during the regular school year and available to all students in grades six through 12 with a goal of at least 150 minutes per week on average during the regular school year. Such program may include any combination of (i) physical education classes, (ii) extracurricular athletics, (iii) recess, or (iv) other programs and physical activities deemed appropriate by the local school board. Each local school board shall implement such program during the regular school year.

16. A program of student services for kindergarten through grade 12 that shall be designed to aid students in their educational, social, and career development.

17. The collection and analysis of data and the use of the results to evaluate and make decisions about the instructional program.

18. A program of instruction in the high school Virginia and U.S. Government course on all information and concepts contained in the civics portion of the U.S. Naturalization Test.

E. From such funds as may be appropriated or otherwise received for such purpose, there shall be established within the Department of Education a unit to (i) conduct evaluative studies; (ii) provide the resources and technical assistance to increase the capacity for school divisions to deliver quality instruction; and (iii) assist school divisions in implementing those programs and practices that will enhance pupil academic performance and improve family and community involvement in the public schools. Such unit shall identify and analyze effective instructional programs and practices and professional development initiatives; evaluate the success of programs encouraging parental and family involvement; assess changes in student outcomes prompted by family involvement; and collect and disseminate among school divisions information regarding effective instructional programs and practices, initiatives promoting family and community involvement, and potential funding and support sources. Such unit may also provide resources supporting professional development for administrators and teachers. In providing such information, resources, and other services to school divisions, the unit shall give priority to those divisions demonstrating a less than 70 percent passing rate on the Standards of Learning assessments.

F. Each local school board may enter into agreements for postsecondary credential, certification, or license attainment with comprehensive community colleges or other public institutions of higher education or educational institutions established pursuant to Title 23.1 that offer a career and technical education curriculum. Such agreements shall specify (i) the options for students to take courses as part of the career and technical education curriculum that lead to an industry-recognized credential, certification, or license concurrent with a high school diploma and (ii) the credentials, certifications, or licenses available for such courses.

**§ 22.1-253.13:2. Standard 2. Instructional, administrative, and support personnel.**

A. The Board shall establish requirements for the licensing of teachers, principals, superintendents, and other professional personnel.

B. School boards shall employ licensed instructional personnel qualified in the relevant subject areas.

C. Each school board shall assign licensed instructional personnel in a manner that produces divisionwide ratios of students in average daily membership to full-time equivalent teaching positions, excluding special education teachers, principals, assistant principals, counselors, and librarians, that are not greater than the following ratios: (i) 24 to one in kindergarten with no class being larger than 29 students; if the average daily membership in any kindergarten class exceeds 24 pupils, a full-time teacher's aide shall be assigned to the class; (ii) 24 to one in grades one, two, and three with no class being larger than 30 students; (iii) 25 to one in grades four through six with no class being larger than 35 students; and (iv) 24 to one in English classes in grades six through 12. After September 30 of any school year, anytime the number of students in a class exceeds the class size limit established by this subsection, the local school division shall notify the parent of each student in such class of such fact no later than 10 days after the date on which the class exceeded the class size limit. Such notification shall state the reason that the class size exceeds the class size limit and describe the measures that the local school division will take to reduce the class size to comply with this subsection.

Within its regulations governing special education programs, the Board shall seek to set pupil/teacher ratios for pupils with intellectual disability that do not exceed the pupil/teacher ratios for self-contained classes for pupils with specific learning disabilities.

Further, school boards shall assign instructional personnel in a manner that produces schoolwide ratios of students in average daily memberships to full-time equivalent teaching positions of 21 to one in middle schools and high schools. School divisions shall provide all middle and high school teachers with one planning period per day or the equivalent, unencumbered of any teaching or supervisory duties.

D. Each local school board shall employ with state and local basic, special education, gifted, and career and technical education funds a minimum number of licensed, full-time equivalent instructional personnel for each 1,000 students in average daily membership (ADM) as set forth in the appropriation act. Calculations of kindergarten positions shall be based on full-day kindergarten programs. Beginning with the March 31 report of average daily membership, those school

divisions offering half-day kindergarten with pupil/teacher ratios that exceed 30 to one shall adjust their average daily membership for kindergarten to reflect 85 percent of the total kindergarten average daily memberships, as provided in the appropriation act.

E. In addition to the positions supported by basic aid and in support of regular school year programs of prevention, intervention, and remediation, state funding, pursuant to the appropriation act, shall be provided to fund certain full-time equivalent instructional positions for each 1,000 students in grades K through 12 who are identified as needing prevention, intervention, and remediation services. State funding for prevention, intervention, and remediation programs provided pursuant to this subsection and the appropriation act may be used to support programs for educationally at-risk students as identified by the local school boards.

To provide algebra readiness intervention services required by § 22.1-253.13:1, school divisions may employ mathematics teacher specialists to provide the required algebra readiness intervention services. School divisions using the Standards of Learning Algebra Readiness Initiative funding in this manner shall only employ instructional personnel licensed by the Board of Education.

F. In addition to the positions supported by basic aid and those in support of regular school year programs of prevention, intervention, and remediation, state funding, pursuant to the appropriation act, shall be provided to support 17 full-time equivalent instructional positions for each 1,000 students identified as having limited English proficiency, *which positions may include dual language teachers who provide instruction in English and in a second language.*

To provide flexibility in the instruction of English language learners who have limited English proficiency and who are at risk of not meeting state accountability standards, school divisions may use state and local funds from the Standards of Quality Prevention, Intervention, and Remediation account to employ additional English language learner teachers *or dual language teachers* to provide instruction to identified limited English proficiency students. Using these funds in this manner is intended to supplement the instructional services provided in this section. School divisions using the SOQ Prevention, Intervention, and Remediation funds in this manner shall employ only instructional personnel licensed by the Board of Education.

G. In addition to the full-time equivalent positions required elsewhere in this section, each local school board shall employ the following reading specialists in elementary schools, one full-time in each elementary school at the discretion of the local school board. One reading specialist employed by each local school board that employs a reading specialist shall have training in the identification of and the appropriate interventions, accommodations, and teaching techniques for students with dyslexia or a related disorder and shall serve as an advisor on dyslexia and related disorders. Such reading specialist shall have an understanding of the definition of dyslexia and a working knowledge of (i) techniques to help a student on the continuum of skills with dyslexia; (ii) dyslexia characteristics that may manifest at different ages and grade levels; (iii) the basic foundation of the keys to reading, including multisensory, explicit, systemic, and structured reading instruction; and (iv) appropriate interventions, accommodations, and assistive technology supports for students with dyslexia.

To provide reading intervention services required by § 22.1-253.13:1, school divisions may employ reading specialists to provide the required reading intervention services. School divisions using the Early Reading Intervention Initiative funds in this manner shall employ only instructional personnel licensed by the Board of Education.

H. Each local school board shall employ, at a minimum, the following full-time equivalent positions for any school that reports fall membership, according to the type of school and student enrollment:

1. Principals in elementary schools, one half-time to 299 students, one full-time at 300 students; principals in middle schools, one full-time, to be employed on a 12-month basis; principals in high schools, one full-time, to be employed on a 12-month basis;

2. Assistant principals in elementary schools, one half-time at 600 students, one full-time at 900 students; assistant principals in middle schools, one full-time for each 600 students; assistant principals in high schools, one full-time for each 600 students; and school divisions that employ a sufficient number of assistant principals to meet this staffing requirement may assign assistant principals to schools within the division according to the area of greatest need, regardless of whether such schools are elementary, middle, or secondary;

3. Librarians in elementary schools, one part-time to 299 students, one full-time at 300 students; librarians in middle schools, one-half time to 299 students, one full-time at 300 students, two full-time at 1,000 students; librarians in high schools, one half-time to 299 students, one full-time at 300 students, two full-time at 1,000 students. Local school divisions that employ a sufficient number of librarians to meet this staffing requirement may assign librarians to schools within the division according to the area of greatest need, regardless of whether such schools are elementary, middle, or secondary; and

4. Guidance counselors in elementary schools, one hour per day per 100 students, one full-time at 500 students, one hour per day additional time per 100 students or major fraction thereof; guidance counselors in middle schools, one period per 80 students, one full-time at 400 students, one additional period per 80 students or major fraction thereof; guidance counselors in high schools, one period per 70 students, one full-time at 350 students, one additional period per 70 students or major fraction thereof. Local school divisions that employ a sufficient number of guidance counselors to meet this staffing requirement may assign guidance counselors to schools within the division according to the area of greatest need, regardless of whether such schools are elementary, middle, or secondary.

I. Local school boards shall employ five full-time equivalent positions per 1,000 students in grades kindergarten through five to serve as elementary resource teachers in art, music, and physical education.

J. Local school boards shall employ two full-time equivalent positions per 1,000 students in grades kindergarten through 12, one to provide technology support and one to serve as an instructional technology resource teacher.

To provide flexibility, school divisions may use the state and local funds for instructional technology resource teachers to employ a data coordinator position, an instructional technology resource teacher position, or a data coordinator/instructional resource teacher blended position. The data coordinator position is intended to serve as a resource to principals and classroom teachers in the area of data analysis and interpretation for instructional and school improvement purposes, as well as for overall data management and administration of state assessments. School divisions using these funds in this manner shall employ only instructional personnel licensed by the Board of Education.

K. Local school boards may employ additional positions that exceed these minimal staffing requirements. These additional positions may include, but are not limited to, those funded through the state's incentive and categorical programs as set forth in the appropriation act.

L. A combined school, such as kindergarten through 12, shall meet at all grade levels the staffing requirements for the highest grade level in that school; this requirement shall apply to all staff, except for guidance counselors, and shall be based on the school's total enrollment; guidance counselor staff requirements shall, however, be based on the enrollment at the various school organization levels, i.e., elementary, middle, or high school. The Board of Education may grant waivers from these staffing levels upon request from local school boards seeking to implement experimental or innovative programs that are not consistent with these staffing levels.

M. School boards shall, however, annually, on or before December 31, report to the public (i) the actual pupil/teacher ratios in elementary school classrooms in the local school division by school for the current school year; and (ii) the actual pupil/teacher ratios in middle school and high school in the local school division by school for the current school year. Actual pupil/teacher ratios shall include only the teachers who teach the grade and class on a full-time basis and shall exclude resource personnel. School boards shall report pupil/teacher ratios that include resource teachers in the same annual report. Any classes funded through the voluntary kindergarten through third grade class size reduction program shall be identified as such classes. Any classes having waivers to exceed the requirements of this subsection shall also be identified. Schools shall be identified; however, the data shall be compiled in a manner to ensure the confidentiality of all teacher and pupil identities.

N. Students enrolled in a public school on a less than full-time basis shall be counted in ADM in the relevant school division. Students who are either (i) enrolled in a nonpublic school or (ii) receiving home instruction pursuant to § 22.1-254.1, and who are enrolled in public school on a less than full-time basis in any mathematics, science, English, history, social science, career and technical education, fine arts, foreign language, or health education or physical education course shall be counted in the ADM in the relevant school division on a pro rata basis as provided in the appropriation act. Each such course enrollment by such students shall be counted as 0.25 in the ADM; however, no such nonpublic or home school student shall be counted as more than one-half a student for purposes of such pro rata calculation. Such calculation shall not include enrollments of such students in any other public school courses.

O. Each local school board shall provide those support services that are necessary for the efficient and cost-effective operation and maintenance of its public schools.

For the purposes of this title, unless the context otherwise requires, "support services positions" shall include the following:

1. Executive policy and leadership positions, including school board members, superintendents and assistant superintendents;
2. Fiscal and human resources positions, including fiscal and audit operations;
3. Student support positions, including (i) social workers and social work administrative positions; (ii) guidance administrative positions not included in subdivision H 4; (iii) homebound administrative positions supporting instruction; (iv) attendance support positions related to truancy and dropout prevention; and (v) health and behavioral positions, including school nurses and school psychologists;
4. Instructional personnel support, including professional development positions and library and media positions not included in subdivision H 3;
5. Technology professional positions not included in subsection J;
6. Operation and maintenance positions, including facilities; pupil transportation positions; operation and maintenance professional and service positions; and security service, trade, and laborer positions;
7. Technical and clerical positions for fiscal and human resources, student support, instructional personnel support, operation and maintenance, administration, and technology; and
8. School-based clerical personnel in elementary schools; part-time to 299 students, one full-time at 300 students; clerical personnel in middle schools; one full-time and one additional full-time for each 600 students beyond 200 students and one full-time for the library at 750 students; clerical personnel in high schools; one full-time and one additional full-time for each 600 students beyond 200 students and one full-time for the library at 750 students. Local school divisions that employ a sufficient number of school-based clerical personnel to meet this staffing requirement may assign the clerical personnel to schools within the division according to the area of greatest need, regardless of whether such schools are elementary, middle, or secondary.

Pursuant to the appropriation act, support services shall be funded from basic school aid.

School divisions may use the state and local funds for support services to provide additional instructional services.

P. Notwithstanding the provisions of this section, when determining the assignment of instructional and other licensed personnel in subsections C through J, a local school board shall not be required to include full-time students of approved virtual school programs.

#### CHAPTER 485

*An Act to amend and reenact § 22.1-253.13:1 of the Code of Virginia, relating to career investigation courses and programs of instruction.*

[H 632]

Approved March 23, 2018

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

**1. That § 22.1-253.13:1 of the Code of Virginia is amended and reenacted as follows:**

**§ 22.1-253.13:1. Standard 1. Instructional programs supporting the Standards of Learning and other educational objectives.**

A. The General Assembly and the Board of Education believe that the fundamental goal of the public schools of the Commonwealth must be to enable each student to develop the skills that are necessary for success in school, preparation for life, and reaching their full potential. The General Assembly and the Board of Education find that the quality of education is dependent upon the provision of (i) the appropriate working environment, benefits, and salaries necessary to ensure the availability of high-quality instructional personnel; (ii) the appropriate learning environment designed to promote student achievement; (iii) quality instruction that enables each student to become a productive and educated citizen of Virginia and the United States of America; and (iv) the adequate commitment of other resources. In keeping with this goal, the General Assembly shall provide for the support of public education as set forth in Article VIII, Section 1 of the Constitution of Virginia.

B. The Board of Education shall establish educational objectives known as the Standards of Learning, which shall form the core of Virginia's educational program, and other educational objectives, which together are designed to ensure the development of the skills that are necessary for success in school and for preparation for life in the years beyond. At a minimum, the Board shall establish Standards of Learning for English, mathematics, science, and history and social science. The Standards of Learning shall not be construed to be regulations as defined in § 2.2-4001.

The Board shall seek to ensure that the Standards of Learning are consistent with a high-quality foundation educational program. The Standards of Learning shall include, but not be limited to, the basic skills of communication (listening, speaking, reading, and writing); computation and critical reasoning, including problem solving and decision making; proficiency in the use of computers and related technology; computer science and computational thinking, including computer coding; and the skills to manage personal finances and to make sound financial decisions.

The English Standards of Learning for reading in kindergarten through grade three shall be based on components of effective reading instruction, to include, at a minimum, phonemic awareness, phonics, fluency, vocabulary development, and text comprehension.

The Standards of Learning in all subject areas shall be subject to regular review and revision to maintain rigor and to reflect a balance between content knowledge and the application of knowledge in preparation for eventual employment and lifelong learning. The Board of Education shall establish a regular schedule, in a manner it deems appropriate, for the review, and revision as may be necessary, of the Standards of Learning in all subject areas. Such review of each subject area shall occur at least once every seven years. Nothing in this section shall be construed to prohibit the Board from conducting such review and revision on a more frequent basis.

To provide appropriate opportunity for input from the general public, teachers, and local school boards, the Board of Education shall conduct public hearings prior to establishing revised Standards of Learning. Thirty days prior to conducting such hearings, the Board shall give notice of the date, time, and place of the hearings to all local school boards and any other persons requesting to be notified of the hearings and publish notice of its intention to revise the Standards of Learning in the Virginia Register of Regulations. Interested parties shall be given reasonable opportunity to be heard and present information prior to final adoption of any revisions of the Standards of Learning.

In addition, the Department of Education shall make available and maintain a website, either separately or through an existing website utilized by the Department of Education, enabling public elementary, middle, and high school educators to submit recommendations for improvements relating to the Standards of Learning, when under review by the Board according to its established schedule, and related assessments required by the Standards of Quality pursuant to this chapter. Such website shall facilitate the submission of recommendations by educators.

School boards shall implement the Standards of Learning or objectives specifically designed for their school divisions that are equivalent to or exceed the Board's requirements. Students shall be expected to achieve the educational objectives established by the school division at appropriate age or grade levels. The curriculum adopted by the local school division shall be aligned to the Standards of Learning.

The Board of Education shall include in the Standards of Learning for history and social science the study of contributions to society of diverse people. For the purposes of this subsection, "diverse" includes consideration of disability, ethnicity, race, and gender.

The Board of Education shall include in the Standards of Learning for health instruction in emergency first aid, cardiopulmonary resuscitation, and the use of an automated external defibrillator, including hands-on practice of the skills necessary to perform cardiopulmonary resuscitation. Such instruction shall be based on the current national evidence-based emergency cardiovascular care guidelines for cardiopulmonary resuscitation and the use of an automated external defibrillator, such as a program developed by the American Heart Association or the American Red Cross. No teacher who is in compliance with subdivision D 5 of § 22.1-298.1 shall be required to be certified as a trainer of cardiopulmonary resuscitation to provide instruction for non-certification.

With such funds as are made available for this purpose, the Board shall regularly review and revise the competencies for career and technical education programs to require the full integration of English, mathematics, science, and history and social science Standards of Learning. Career and technical education programs shall be aligned with industry and professional standard certifications, where they exist.

*The Board shall establish content standards and curriculum guidelines for courses in career investigation in elementary school, middle school, and high school. Each school board shall (i) require each middle school student to take at least one course in career investigation or (ii) select an alternate means of delivering the career investigation course to each middle school student, provided that such alternative is equivalent in content and rigor and provides the foundation for such students to develop their academic and career plans. Any school board may require (a) such courses in career investigation at the high school level as it deems appropriate, subject to Board approval as required in subsection A of § 22.1-253.13:4, and (b) such courses in career investigation at the elementary school level as it deems appropriate. The Board shall develop and disseminate to each school board career investigation resource materials that are designed to ensure that students have the ability to further explore interest in career and technical education opportunities in middle and high school. In developing such resource materials, the Board shall consult with representatives of career and technical education, industry, skilled trade associations, chambers of commerce or similar organizations, and contractor organizations.*

C. Local school boards shall develop and implement a program of instruction for grades K through 12 that is aligned to the Standards of Learning and meets or exceeds the requirements of the Board of Education. The program of instruction shall emphasize reading, writing, speaking, mathematical concepts and computations, proficiency in the use of computers and related technology, computer science and computational thinking, including computer coding, and scientific concepts and processes; essential skills and concepts of citizenship, including knowledge of Virginia history and world and United States history, economics, government, foreign languages, international cultures, health and physical education, environmental issues, and geography necessary for responsible participation in American society and in the international community; fine arts, which may include, but need not be limited to, music and art, and practical arts; knowledge and skills needed to qualify for further education, gainful employment, or training in a career or technical field; and development of the ability to apply such skills and knowledge in preparation for eventual employment and lifelong learning and to achieve economic self-sufficiency.

Local school boards shall also develop and implement programs of prevention, intervention, or remediation for students who are educationally at risk including, but not limited to, those who fail to achieve a passing score on any Standards of Learning assessment in grades three through eight or who fail an end-of-course test required for the award of a verified unit of credit. Such programs shall include components that are research-based.

Any student who achieves a passing score on one or more, but not all, of the Standards of Learning assessments for the relevant grade level in grades three through eight may be required to attend a remediation program.

Any student who fails to achieve a passing score on all of the Standards of Learning assessments for the relevant grade level in grades three through eight or who fails an end-of-course test required for the award of a verified unit of credit shall be required to attend a remediation program or to participate in another form of remediation. Division superintendents shall require such students to take special programs of prevention, intervention, or remediation, which may include attendance in public summer school programs, in accordance with clause (ii) of subsection A of § 22.1-254 and § 22.1-254.01.

Remediation programs shall include, when applicable, a procedure for early identification of students who are at risk of failing the Standards of Learning assessments in grades three through eight or who fail an end-of-course test required for the award of a verified unit of credit. Such programs may also include summer school for all elementary and middle school grades and for all high school academic courses, as defined by regulations promulgated by the Board of Education, or other forms of remediation. Summer school remediation programs or other forms of remediation shall be chosen by the division superintendent to be appropriate to the academic needs of the student. Students who are required to attend such summer school programs or to participate in another form of remediation shall not be charged tuition by the school division.

The requirement for remediation may, however, be satisfied by the student's attendance in a program of prevention, intervention or remediation that has been selected by his parent, in consultation with the division superintendent or his designee, and is either (i) conducted by an accredited private school or (ii) a special program that has been determined to be comparable to the required public school remediation program by the division superintendent. The costs of such private school remediation program or other special remediation program shall be borne by the student's parent.

The Board of Education shall establish standards for full funding of summer remedial programs that shall include, but not be limited to, the minimum number of instructional hours or the equivalent thereof required for full funding and an assessment system designed to evaluate program effectiveness. Based on the number of students attending and the Commonwealth's share of the per pupil instructional costs, state funds shall be provided for the full cost of summer and

other remediation programs as set forth in the appropriation act, provided such programs comply with such standards as shall be established by the Board, pursuant to § 22.1-199.2.

D. Local school boards shall also implement the following:

1. Programs in grades K through three that emphasize developmentally appropriate learning to enhance success.
2. Programs based on prevention, intervention, or remediation designed to increase the number of students who earn a high school diploma and to prevent students from dropping out of school. Such programs shall include components that are research-based.
3. Career and technical education programs incorporated into the K through 12 curricula that include:
  - a. Knowledge of careers and all types of employment opportunities, including, but not limited to, apprenticeships, entrepreneurship and small business ownership, the military, and the teaching profession, and emphasize the advantages of completing school with marketable skills;
  - b. Career exploration opportunities in the middle school grades;
  - c. Competency-based career and technical education programs that integrate academic outcomes, career guidance, and job-seeking skills for all secondary students. Programs shall be based upon labor market needs and student interest. Career guidance shall include counseling about available employment opportunities and placement services for students exiting school. Each school board shall develop and implement a plan to ensure compliance with the provisions of this subdivision. Such plan shall be developed with the input of area business and industry representatives and local comprehensive community colleges and shall be submitted to the Superintendent of Public Instruction in accordance with the timelines established by federal law; and
  - d. Annual notice on its website to enrolled high school students and their parents of (i) the availability of the postsecondary education and employment data published by the State Council of Higher Education on its website pursuant to § 23.1-204.1 and (ii) the opportunity for such students to obtain a nationally recognized career readiness certificate at a local public high school, comprehensive community college, or workforce center.
4. Educational objectives in middle and high school that emphasize economic education and financial literacy pursuant to § 22.1-200.03.
5. Early identification of students with disabilities and enrollment of such students in appropriate instructional programs consistent with state and federal law.
6. Early identification of gifted students and enrollment of such students in appropriately differentiated instructional programs.
7. Educational alternatives for students whose needs are not met in programs prescribed elsewhere in these standards. Such students shall be counted in average daily membership (ADM) in accordance with the regulations of the Board of Education.
8. Adult education programs for individuals functioning below the high school completion level. Such programs may be conducted by the school board as the primary agency or through a collaborative arrangement between the school board and other agencies.
9. A plan to make achievements for students who are educationally at risk a divisionwide priority that shall include procedures for measuring the progress of such students.
10. An agreement for postsecondary degree attainment with a comprehensive community college in the Commonwealth specifying the options for students to complete an associate degree or a one-year Uniform Certificate of General Studies from a comprehensive community college concurrent with a high school diploma. Such agreement shall specify the credit available for dual enrollment courses and Advanced Placement courses with qualifying exam scores of three or higher.
11. A plan to notify students and their parents of the availability of dual enrollment and advanced placement classes, career and technical education programs, the International Baccalaureate Program, and Academic Year Governor's School Programs, the qualifications for enrolling in such classes and programs, and the availability of financial assistance to low-income and needy students to take the advanced placement and International Baccalaureate examinations. This plan shall include notification to students and parents of the agreement with a comprehensive community college in the Commonwealth to enable students to complete an associate degree or a one-year Uniform Certificate of General Studies concurrent with a high school diploma.
12. Identification of students with limited English proficiency and enrollment of such students in appropriate instructional programs.
13. Early identification, diagnosis, and assistance for students with reading and mathematics problems and provision of instructional strategies and reading and mathematics practices that benefit the development of reading and mathematics skills for all students.

Local school divisions shall provide reading intervention services to students in kindergarten through grade three who demonstrate deficiencies based on their individual performance on the Standards of Learning reading test or any reading diagnostic test that meets criteria established by the Department of Education. Local school divisions shall report the results of the diagnostic tests to the Department of Education on an annual basis, at a time to be determined by the Superintendent of Public Instruction. Each student who receives early intervention reading services will be assessed again at the end of that school year. The local school division, in its discretion, shall provide such reading intervention services prior to promoting a student from grade three to grade four. Reading intervention services may include the use of: special reading teachers;

trained aides; volunteer tutors under the supervision of a certified teacher; computer-based reading tutorial programs; aides to instruct in-class groups while the teacher provides direct instruction to the students who need extra assistance; and extended instructional time in the school day or school year for these students. Funds appropriated for prevention, intervention, and remediation; summer school remediation; at-risk; or early intervention reading may be used to meet the requirements of this subdivision.

Local school divisions shall provide algebra readiness intervention services to students in grades six through nine who are at risk of failing the Algebra I end-of-course test, as demonstrated by their individual performance on any diagnostic test that has been approved by the Department of Education. Local school divisions shall report the results of the diagnostic tests to the Department of Education on an annual basis, at a time to be determined by the Superintendent of Public Instruction. Each student who receives algebra readiness intervention services will be assessed again at the end of that school year. Funds appropriated for prevention, intervention, and remediation; summer school remediation; at-risk; or algebra readiness intervention services may be used to meet the requirements of this subdivision.

14. Incorporation of art, music, and physical education as a part of the instructional program at the elementary school level.

15. (Applicable to school years before the 2018-2019 school year) A program of physical fitness available to all students with a goal of at least 150 minutes per week on average during the regular school year. Such program may include any combination of (i) physical education classes, (ii) extracurricular athletics, or (iii) other programs and physical activities deemed appropriate by the local school board. Each local school board shall incorporate into its local wellness policy a goal for the implementation of such program during the regular school year.

15. (Applicable beginning with the 2018-2019 school year) A program of physical activity available to all students in grades kindergarten through five consisting of at least 20 minutes per day or an average of 100 minutes per week during the regular school year and available to all students in grades six through 12 with a goal of at least 150 minutes per week on average during the regular school year. Such program may include any combination of (i) physical education classes, (ii) extracurricular athletics, (iii) recess, or (iv) other programs and physical activities deemed appropriate by the local school board. Each local school board shall implement such program during the regular school year.

16. A program of student services for kindergarten through grade 12 that shall be designed to aid students in their educational, social, and career development.

17. The collection and analysis of data and the use of the results to evaluate and make decisions about the instructional program.

18. A program of instruction in the high school Virginia and U.S. Government course on all information and concepts contained in the civics portion of the U.S. Naturalization Test.

E. From such funds as may be appropriated or otherwise received for such purpose, there shall be established within the Department of Education a unit to (i) conduct evaluative studies; (ii) provide the resources and technical assistance to increase the capacity for school divisions to deliver quality instruction; and (iii) assist school divisions in implementing those programs and practices that will enhance pupil academic performance and improve family and community involvement in the public schools. Such unit shall identify and analyze effective instructional programs and practices and professional development initiatives; evaluate the success of programs encouraging parental and family involvement; assess changes in student outcomes prompted by family involvement; and collect and disseminate among school divisions information regarding effective instructional programs and practices, initiatives promoting family and community involvement, and potential funding and support sources. Such unit may also provide resources supporting professional development for administrators and teachers. In providing such information, resources, and other services to school divisions, the unit shall give priority to those divisions demonstrating a less than 70 percent passing rate on the Standards of Learning assessments.

F. Each local school board may enter into agreements for postsecondary credential, certification, or license attainment with comprehensive community colleges or other public institutions of higher education or educational institutions established pursuant to Title 23.1 that offer a career and technical education curriculum. Such agreements shall specify (i) the options for students to take courses as part of the career and technical education curriculum that lead to an industry-recognized credential, certification, or license concurrent with a high school diploma and (ii) the credentials, certifications, or licenses available for such courses.

**2. That the Board of Education shall convene a working group with the Virginia Board of Workforce Development to support the further development of an interactive Academic and Career Plan, as prescribed in 8VAC20-131-140, for all students as a virtual portfolio that can provide access to multiple partners and in which all academic and career plans, assessments, credentials, and achievements are tracked in a cloud-based environment for students, teachers, and parents to monitor and manage. The working group shall report its recommendations by November 1, 2018, to the Secretary of Education and the Chief Workforce Development Advisor.**

## CHAPTER 486

*An Act to amend and reenact § 22.1-254 of the Code of Virginia, relating to compulsory school attendance.*

[H 829]

Approved March 23, 2018

**Be it enacted by the General Assembly of Virginia:****1. That § 22.1-254 of the Code of Virginia is amended and reenacted as follows:****§ 22.1-254. Compulsory attendance required; excuses and waivers; alternative education program attendance; exemptions from article.**

A. *As used in this subsection, "attend" includes participation in educational programs and courses at a site remote from the school with the permission of the school and in conformity with applicable requirements.*

Except as otherwise provided in this article, every parent, guardian, or other person in the Commonwealth having control or charge of any child who will have reached the fifth birthday on or before September 30 of any school year and who has not passed the eighteenth birthday shall, during the period of each year the public schools are in session and for the same number of days and hours per day as the public schools, ~~send~~ *cause* such child to *attend* a public school or ~~to~~ a private, denominational, or parochial school or have such child taught by a tutor or teacher of qualifications prescribed by the Board of Education and approved by the division superintendent, or provide for home instruction of such child as described in § 22.1-254.1.

As prescribed in the regulations of the Board of Education, the requirements of this section may also be satisfied by ~~sending~~ *causing* a child to *attend* an alternative program of study or work/study offered by a public, private, denominational, or parochial school or by a public or private degree-granting institution of higher education. Further, in the case of any five-year-old child who is subject to the provisions of this subsection, the requirements of this section may be alternatively satisfied by ~~sending~~ *causing* the child to *attend* any public educational pre-kindergarten program, including a Head Start program, or in a private, denominational, or parochial educational pre-kindergarten program.

Instruction in the home of a child or children by the parent, guardian, or other person having control or charge of such child or children shall not be classified or defined as a private, denominational or parochial school.

The requirements of this section shall apply to (i) any child in the custody of the Department of Juvenile Justice or the Department of Corrections who has not passed his eighteenth birthday and (ii) any child whom the division superintendent has required to take a special program of prevention, intervention, or remediation as provided in subsection C of § 22.1-253.13:1 and in § 22.1-254.01. The requirements of this section shall not apply to (a) any person 16 through 18 years of age who is housed in an adult correctional facility when such person is actively pursuing the achievement of a passing score on a high school equivalency examination approved by the Board of Education but is not enrolled in an individual student alternative education plan pursuant to subsection E, and (b) any child who has obtained a high school diploma or its equivalent, a certificate of completion, or has achieved a passing score on a high school equivalency examination approved by the Board of Education, or who has otherwise complied with compulsory school attendance requirements as set forth in this article.

B. A school board shall excuse from attendance at school:

1. Any pupil who, together with his parents, by reason of bona fide religious training or belief is conscientiously opposed to attendance at school. For purposes of this subdivision, "bona fide religious training or belief" does not include essentially political, sociological or philosophical views or a merely personal moral code; and

2. On the recommendation of the juvenile and domestic relations district court of the county or city in which the pupil resides and for such period of time as the court deems appropriate, any pupil who, together with his parents, is opposed to attendance at a school by reason of concern for such pupil's health, as verified by competent medical evidence, or by reason of such pupil's reasonable apprehension for personal safety when such concern or apprehension in that pupil's specific case is determined by the court, upon consideration of the recommendation of the principal and division superintendent, to be justified.

C. Each local school board shall develop policies for excusing students who are absent by reason of observance of a religious holiday. Such policies shall ensure that a student shall not be deprived of any award or of eligibility or opportunity to compete for any award, or of the right to take an alternate test or examination, for any which he missed by reason of such absence, if the absence is verified in a manner acceptable to the school board.

D. A school board may excuse from attendance at school:

1. On recommendation of the principal and the division superintendent and with the written consent of the parent or guardian, any pupil who the school board determines, in accordance with regulations of the Board of Education, cannot benefit from education at such school; or

2. On recommendation of the juvenile and domestic relations district court of the county or city in which the pupil resides, any pupil who, in the judgment of such court, cannot benefit from education at such school.

E. Local school boards may allow the requirements of subsection A to be met under the following conditions:

For a student who is at least 16 years of age, there shall be a meeting of the student, the student's parents, and the principal or his designee of the school in which the student is enrolled in which an individual student alternative education plan shall be developed in conformity with guidelines prescribed by the Board, which plan must include:

1. Career guidance counseling;

2. Mandatory enrollment and attendance in a preparatory program for passing a high school equivalency examination approved by the Board of Education or other alternative education program approved by the local school board with attendance requirements that provide for reporting of student attendance by the chief administrator of such preparatory program or approved alternative education program to such principal or his designee;

3. Mandatory enrollment in a program to earn a Board of Education-approved career and technical education credential, such as the successful completion of an industry certification, a state licensure examination, a national occupational competency assessment, the Armed Services Vocational Aptitude Battery, or the Virginia workplace readiness skills assessment;

4. Successful completion of the course in economics and personal finance required to earn a Board of Education-approved high school diploma;

5. Counseling on the economic impact of failing to complete high school; and

6. Procedures for reenrollment to comply with the requirements of subsection A.

A student for whom an individual student alternative education plan has been granted pursuant to this subsection and who fails to comply with the conditions of such plan shall be in violation of the compulsory school attendance law, and the division superintendent or attendance officer of the school division in which such student was last enrolled shall seek immediate compliance with the compulsory school attendance law as set forth in this article.

Students enrolled with an individual student alternative education plan shall be counted in the average daily membership of the school division.

F. A school board may, in accordance with the procedures set forth in Article 3 (§ 22.1-276.01 et seq.) of Chapter 14 and upon a finding that a school-age child has been (i) charged with an offense relating to the Commonwealth's laws, or with a violation of school board policies, on weapons, alcohol or drugs, or intentional injury to another person; (ii) found guilty or not innocent of a crime that resulted in or could have resulted in injury to others, or of an offense that is required to be disclosed to the superintendent of the school division pursuant to subsection G of § 16.1-260; (iii) suspended pursuant to § 22.1-277.05; or (iv) expelled from school attendance pursuant to § 22.1-277.06 or 22.1-277.07 or subsection B of § 22.1-277, require the child to attend an alternative education program as provided in § 22.1-209.1:2 or 22.1-277.2:1.

G. Whenever a court orders any pupil into an alternative education program, including a program preparing students for a high school equivalency examination approved by the Board of Education, offered in the public schools, the local school board of the school division in which the program is offered shall determine the appropriate alternative education placement of the pupil, regardless of whether the pupil attends the public schools it supervises or resides within its school division.

The juvenile and domestic relations district court of the county or city in which a pupil resides or in which charges are pending against a pupil, or any court in which charges are pending against a pupil, may require the pupil who has been charged with (i) a crime that resulted in or could have resulted in injury to others, (ii) a violation of Article 1 (§ 18.2-77 et seq.) of Chapter 5 of Title 18.2, or (iii) any offense related to possession or distribution of any Schedule I, II, or III controlled substances to attend an alternative education program, including, but not limited to, night school, adult education, or any other education program designed to offer instruction to students for whom the regular program of instruction may be inappropriate.

This subsection shall not be construed to limit the authority of school boards to expel, suspend, or exclude students, as provided in §§ 22.1-277.04, 22.1-277.05, 22.1-277.06, 22.1-277.07, and 22.1-277.2. As used in this subsection, the term "charged" means that a petition or warrant has been filed or is pending against a pupil.

H. Within one calendar month of the opening of school, each school board shall send to the parents or guardian of each student enrolled in the division a copy of the compulsory school attendance law and the enforcement procedures and policies established by the school board.

I. The provisions of this article shall not apply to:

1. Children suffering from contagious or infectious diseases while suffering from such diseases;

2. Children whose immunizations against communicable diseases have not been completed as provided in § 22.1-271.2;

3. Children under 10 years of age who live more than two miles from a public school unless public transportation is provided within one mile of the place where such children live;

4. Children between the ages of 10 and 17, inclusive, who live more than 2.5 miles from a public school unless public transportation is provided within 1.5 miles of the place where such children live; and

5. Children excused pursuant to subsections B and D.

Further, any child who will not have reached his sixth birthday on or before September 30 of each school year whose parent or guardian notifies the appropriate school board that he does not wish the child to attend school until the following year because the child, in the opinion of the parent or guardian, is not mentally, physically, or emotionally prepared to attend school, may delay the child's attendance for one year.

The distances specified in subdivisions 3 and 4 of this subsection shall be measured or determined from the child's residence to the entrance to the school grounds or to the school bus stop nearest the entrance to the residence of such children by the nearest practical routes which are usable for walking or riding. Disease shall be established by the certificate of a reputable practicing physician in accordance with regulations adopted by the Board of Education.

## CHAPTER 487

*An Act to amend and reenact § 23.1-306 of the Code of Virginia, relating to governing boards of public institutions of higher education; six-year plans.*

[H 897]

Approved March 23, 2018

**Be it enacted by the General Assembly of Virginia:****1. That § 23.1-306 of the Code of Virginia is amended and reenacted as follows:****§ 23.1-306. Public institutions of higher education; six-year plans.**

A. The governing board of each public institution of higher education shall (i) develop and adopt biennially *in odd-numbered years* and amend or affirm ~~annually~~ *biennially in even-numbered years* a six-year plan for the institution; (ii) submit a *preliminary version* of such plan to the Council, the General Assembly, the Governor, and the Chairmen of the House Committee on Appropriations, the House Committee on Education, the Senate Committee on Education and Health, and the Senate Committee on Finance no later than July 1 of each odd-numbered year; and (iii) submit *preliminary* amendments to or ~~an a preliminary~~ affirmation of ~~that each such plan no later than July 1 of each even-numbered year or at any other time permitted by the Governor or General Assembly~~ to the Council, the General Assembly, the Governor, and the Chairmen of the House Committee on Appropriations, the House Committee on Education, the Senate Committee on Education and Health, and the Senate Committee on Finance *no later than July 1 of each even-numbered year*. Each such *preliminary* plan and *preliminary* amendment to or *preliminary* affirmation of such plan shall include a report of the institution's active contributions to efforts to stimulate the economic development of the Commonwealth, the area in which the institution is located, and, for those institutions subject to a management agreement set forth in Article 4 (§ 23.1-1004 et seq.) of Chapter 10, the areas that lag behind the Commonwealth in terms of income, employment, and other factors. *Each such preliminary plan and preliminary amendment to or preliminary affirmation of such plan shall be submitted as a report document as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports. No such preliminary plan, amendments, or affirmation shall be posted on the General Assembly's website.*

B. The Secretary of Finance, the Secretary of Education, the Director of the Department of Planning and Budget, the Director of the Council, the Staff Director of the House Committee on Appropriations, and the Staff Director of the Senate Committee on Finance, or their designees, shall review each institution's *preliminary plan* ~~or~~ amendments, *or affirmation* and provide comments to the institution on such plan ~~or~~ amendments, *or affirmation* by September 1 of the relevant year. Each institution shall respond to any such comments by October 1 of that year *and submit a finalized version of such plan, amendments, or affirmation to the Council, the General Assembly, the Governor, and the Chairmen of the House Committee on Appropriations, the House Committee on Education, the Senate Committee on Education and Health, and the Senate Committee on Finance no later than December 1 of that year. Each such finalized version shall be submitted as a report document as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.*

C. Each plan shall be structured in accordance with, and be consistent with, the objective and purposes of this chapter set forth in § 23.1-301 and the criteria developed pursuant to § 23.1-309 and shall be in a form and manner prescribed by the Council, in consultation with the Secretary of Finance, the Secretary of Education, the Director of the Department of Planning and Budget, the Director of the Council, the Staff Director of the House Committee on Appropriations, and the Staff Director of the Senate Committee on Finance, or their designees.

D. Each six-year plan shall (i) address the institution's academic, financial, and enrollment plans, including the number of Virginia and non-Virginia students, for the six-year period; (ii) indicate the planned use of any projected increase in general fund, tuition, or other nongeneral fund revenues; (iii) be based upon any assumptions provided by the Council, following consultation with the Department of Planning and Budget and the staffs of the House Committee on Appropriations and the Senate Committee on Finance, for funding relating to state general fund support pursuant to §§ 23.1-303, 23.1-304, and 23.1-305 and subdivision 9; (iv) be aligned with the institution's six-year enrollment projections; and (v) include:

1. Financial planning reflecting the institution's anticipated level of general fund, tuition, and other nongeneral fund support for each year of the next biennium;
2. The institution's anticipated annual tuition and educational and general fee charges required by (i) degree level and (ii) domiciliary status, as provided in § 23.1-307;
3. Plans for providing financial aid to help mitigate the impact of tuition and fee increases on low-income and middle-income students and their families as described in subdivision 9, including the projected mix of grants and loans;
4. Degree conferral targets for undergraduate Virginia students;
5. Plans for optimal year-round use of the institution's facilities and instructional resources;
6. Plans for the development of an instructional resource-sharing program with other public institutions of higher education and private institutions of higher education;
7. Plans with regard to any other incentives set forth in § 23.1-305 or any other matters the institution deems appropriate;

8. The identification of (i) new programs or initiatives including quality improvements and (ii) institution-specific funding based on particular state policies or institution-specific programs, or both, as provided in subsection C of § 23.1-307; and

9. An institutional student financial aid commitment that, in conjunction with general funds appropriated for that purpose, provides assistance to students from both low-income and middle-income families and takes into account the information and recommendations resulting from the review of federal and state financial aid programs and institutional practices conducted pursuant to subdivisions B 2 and C 1 of § 23.1-309.

E. In developing such plans, each public institution of higher education shall consider potential future impacts of tuition increases on the Virginia College Savings Plan and ABLE Savings Trust Accounts (§ 23.1-700 et seq.) and shall discuss such potential impacts with the Virginia College Savings Plan. The chief executive officer of the Virginia College Savings Plan shall provide to each institution the Plan's assumptions underlying the contract pricing of the program.

**CHAPTER 488**

*An Act to amend and reenact § 22.1-291.4 of the Code of Virginia, relating to school board policies prohibiting abusive work environment.*

[H 1044]

Approved March 23, 2018

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

**1. That § 22.1-291.4 of the Code of Virginia is amended and reenacted as follows:**

**§ 22.1-291.4. Bullying and abusive work environments prohibited.**

A. Each school board shall implement, by July 1, 2014, policies and procedures to educate school board employees about bullying, as defined in § 22.1-276.01, and the need to create a bully-free environment.

B. Each school board shall adopt policies to:

1. Prohibit abusive work environments in the school division;
2. Provide for the appropriate discipline of any school board employee who contributes to an abusive work environment; and
3. Prohibit retaliation or reprisal against a school board employee who alleges an abusive work environment or assists in the investigation of an allegation of an abusive work environment.

**CHAPTER 489**

*An Act to amend the Code of Virginia by adding in Chapter 2 of Title 23.1 an article numbered 4, consisting of sections numbered 23.1-231 through 23.1-234, relating to establishment of the Office of the Qualified Education Loan Ombudsman.*

[H 1138]

Approved March 23, 2018

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

**1. That the Code of Virginia is amended by adding in Chapter 2 of Title 23.1 an article numbered 4, consisting of sections numbered 23.1-231 through 23.1-234, as follows:**

*Article 4.*

*Office of the Qualified Education Loan Ombudsman.*

**§ 23.1-231. Definitions.**

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

"Qualified education loan" means any qualified education loan obtained specifically to finance education or other school-related expenses. "Qualified education loan" does not include credit card debt, home equity loan, or revolving debt.

"Qualified education loan borrower" means (i) any current resident of the Commonwealth who has received or agreed to pay a qualified education loan or (ii) any person who shares responsibility with such resident for repaying the qualified education loan.

"Qualified education loan servicer" or "loan servicer" means any person, wherever located, responsible for the servicing of any qualified education loan to any qualified education loan borrower.

"Servicing" means (i) receiving any scheduled periodic payments from a qualified education loan borrower pursuant to the terms of a qualified education loan; (ii) applying the payments of principal and interest and such other payments, with respect to the amounts received from a qualified education loan borrower, as may be required pursuant to the terms of a qualified education loan; and (iii) performing other administrative services with respect to a qualified education loan.

**§ 23.1-232. Office of the Qualified Education Loan Ombudsman established; duties.**

A. The Council shall create within the agency the Office of the Qualified Education Loan Ombudsman. The Office of the Qualified Education Loan Ombudsman shall provide timely assistance to any qualified education loan borrower of any

qualified education loan in the Commonwealth. All state agencies shall assist and cooperate with the Office of the Qualified Education Loan Ombudsman in the performance of its duties under this article.

B. The Office of the Qualified Education Loan Ombudsman shall:

1. Receive, review, and attempt to resolve any complaints from qualified education loan borrowers, including attempts to resolve such complaints in collaboration with institutions of higher education, qualified education loan servicers, and any other participants in qualified education loan lending;
2. Compile and analyze data on qualified education loan borrower complaints as described in subdivision 1;
3. Assist qualified education loan borrowers to understand their rights and responsibilities under the terms of qualified education loans;
4. Provide information to the public, state agencies, legislators, and other persons regarding the problems and concerns of qualified education loan borrowers and make recommendations for resolving those problems and concerns;
5. Analyze and monitor the development and implementation of federal and state laws and policies relating to qualified education loan borrowers and recommend any changes the Office of the Qualified Education Loan Ombudsman deems necessary;
6. Review the complete qualified education loan history of any qualified education loan borrower who has provided written consent for such review;
7. Disseminate information concerning the availability of the Office of the Qualified Education Loan Ombudsman to assist qualified education loan borrowers and potential qualified education loan borrowers, as well as public institutions of higher education, qualified education loan servicers, and any other participant in qualified education loan lending, with any qualified education loan servicing concerns; and
8. Take any other actions necessary to fulfill the duties of the Office of the Qualified Education Loan Ombudsman as set forth in this article.

**§ 23.1-233. Qualified education loan borrower education course.**

On or before December 1, 2019, the Office of the Qualified Education Loan Ombudsman, in consultation with the Council, shall establish and maintain a qualified education loan borrower education course that shall include educational presentations and materials regarding qualified education loans. Topics covered by the course shall include, but shall not be limited to, key loan terms, documentation requirements, monthly payment obligations, income-driven repayment options, loan forgiveness programs, and disclosure requirements. The course shall be web-based and available to the public at any time. The Office of the Qualified Education Loan Ombudsman may also establish in-person classes.

**§ 23.1-234. Reports.**

On or before January 1, 2019, and annually thereafter, the Council shall submit a report to the House Committees on Commerce and Labor and Education and the Senate Committees on Commerce and Labor and Education and Health. The report shall address (i) the implementation of this article and (ii) the overall effectiveness of the Office of the Qualified Education Loan Ombudsman.

## CHAPTER 490

An Act to amend and reenact § 22.1-207 of the Code of Virginia, relating to health education; prescription drugs.

[H 1532]

Approved March 23, 2018

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

**1. That § 22.1-207 of the Code of Virginia is amended and reenacted as follows:**

**§ 22.1-207. Physical and health education.**

Physical and health education shall be emphasized throughout the public school curriculum by lessons, drills and physical exercises, and all pupils in the public elementary, middle, and high schools shall receive as part of the educational program such health instruction and physical training as shall be prescribed by the Board of Education and approved by the State Board of Health. Such health instruction may include an age-appropriate program of instruction on the safe use of and risks of abuse of prescription drugs that is consistent with curriculum guidelines developed by the Board and approved by the State Board of Health.

**2. That the Board of Education may consider the curriculum adopted by the School Board of the City of Virginia Beach regarding drugs and the opioid crisis in developing the curriculum guidelines pursuant to this act.**

## CHAPTER 491

An Act to amend and reenact §§ 22.1-276.01 and 22.1-277.05 of the Code of Virginia, relating to public schools; student discipline; long-term suspension.

[H 1600]

Approved March 23, 2018

**Be it enacted by the General Assembly of Virginia:****1. That §§ 22.1-276.01 and 22.1-277.05 of the Code of Virginia are amended and reenacted as follows:****§ 22.1-276.01. Definitions.**

A. For the purposes of this article, unless the context requires a different meaning:

"Alternative education program" includes night school, adult education, or any other education program designed to offer instruction to students for whom the regular program of instruction may be inappropriate.

"Bullying" means any aggressive and unwanted behavior that is intended to harm, intimidate, or humiliate the victim; involves a real or perceived power imbalance between the aggressor or aggressors and victim; and is repeated over time or causes severe emotional trauma. "Bullying" includes cyber bullying. "Bullying" does not include ordinary teasing, horseplay, argument, or peer conflict.

"Disruptive behavior" means a violation of school board regulations governing student conduct that interrupts or obstructs the learning environment.

"Exclusion" means a Virginia school board's denial of school admission to a student who has been expelled or has been placed on a long-term suspension of more than 30 calendar days by another school board or a private school, either in Virginia or another state, or for whom admission has been withdrawn by a private school in Virginia or another state.

"Expulsion" means any disciplinary action imposed by a school board or a committee thereof, as provided in school board policy, whereby a student is not permitted to attend school within the school division and is ineligible for readmission for 365 calendar days after the date of the expulsion.

"Long-term suspension" means any disciplinary action whereby a student is not permitted to attend school for ~~more than 10 school days but less than 365 calendar~~ *11 to 45 school days*.

"Short-term suspension" means any disciplinary action whereby a student is not permitted to attend school for a period not to exceed 10 school days.

B. For the purposes of §§ 22.1-277.04, 22.1-277.05, 22.1-277.2, and 22.1-277.2:1, "superintendent's designee" means a (i) trained hearing officer or (ii) professional employee within the administrative offices of the school division who reports directly to the division superintendent and who is not a school-based instructional or administrative employee.

**§ 22.1-277.05. Long-term suspensions; procedures; readmission.**

A. A pupil may be suspended from attendance at school for ~~more than ten~~ *11 to 45 school days* after providing written notice to the pupil and his parent of the proposed action and the reasons therefor and of the right to a hearing before the school board, or a committee thereof, or the superintendent or his designee, in accordance with regulations of the school board. If the regulations provide for a hearing by the superintendent or his designee, the regulations shall also provide for an appeal of the decision to the full school board. Such appeal shall be decided by the school board within ~~thirty~~ *30* days.

If the regulations provide for a hearing by a committee of the school board, the regulations shall also provide that such committee may confirm or disapprove the suspension of a student. Any such committee of the school board shall be composed of at least three members. If the committee's decision is not unanimous, the pupil or his parent may appeal the committee's decision to the full school board. Such appeal shall be decided by the school board within ~~thirty~~ *30* days.

B. A school board shall include in the written notice of a suspension for ~~more than ten~~ *11 to 45 school days* required by this section; notification of the length of the suspension. In the case of a suspension for ~~more than ten~~ *11 to 45 school days*, such written notice shall provide information concerning the availability of community-based educational, alternative education, or intervention programs. Such notice shall also state that the student is eligible to return to regular school attendance upon the expiration of the suspension or to attend an appropriate alternative education program approved by the school board during or upon the expiration of the suspension. The costs of any community-based educational, alternative education, or intervention program that is not a part of the educational program offered by the school division that the student may attend during his suspension shall be borne by the parent of the student.

Nothing in this section shall be construed to prohibit the school board from permitting or requiring students suspended pursuant to this section to attend an alternative education program provided by the school board for the term of such suspension.

*C. Notwithstanding the provisions of subsections A and B, a long-term suspension may extend beyond a 45-school-day period but shall not exceed 364 calendar days if (i) the offense is one described in § 22.1-277.07 or 22.1-277.08 or involves serious bodily injury or (ii) the school board or division superintendent or his designee finds that aggravating circumstances exist, as defined by the Department. Such definition shall include a consideration of a student's disciplinary history.*

**CHAPTER 492**

*An Act to amend the Code of Virginia by adding a section numbered 19.2-303.01, relating to sentence reduction; substantial assistance to prosecution.*

Approved March 29, 2018

[H 188]

**Be it enacted by the General Assembly of Virginia:****1. That the Code of Virginia is amended by adding a section numbered 19.2-303.01 as follows:**

**§ 19.2-303.01. Reduction of sentence; substantial assistance to prosecution.**

*Notwithstanding any other provision of law or rule of court, upon motion of the attorney for the Commonwealth, the sentencing court may reduce the defendant's sentence if the defendant, after entry of the final judgment order, provided substantial assistance in investigating or prosecuting another person for (i) an act of violence as defined in § 19.2-297.1 or any violation of § 18.2-248, 18.2-248.01, 18.2-248.02, 18.2-248.03, 18.2-248.1, 18.2-248.5, 18.2-251.2, 18.2-251.3, 18.2-255, 18.2-255.2, 18.2-258, 18.2-258.02, 18.2-258.1, or 18.2-258.2, or any substantially similar offense in any other jurisdiction, which offense would be a felony if committed in the Commonwealth; (ii) a conspiracy to commit any of the offenses listed in clause (i); or (iii) violations as a principal in the second degree or accessory before the fact of any of the offenses listed in clause (i). In determining whether the defendant has provided substantial assistance pursuant to the provisions of this section, the court shall consider (a) the court's evaluation of the significance and usefulness of the defendant's assistance, taking into consideration the Commonwealth's evaluation of the assistance rendered; (b) the truthfulness, completeness, and reliability of any information or testimony provided by the defendant; (c) the nature and extent of the defendant's assistance; (d) any injury suffered or any danger or risk of injury to the defendant or his family resulting from his assistance; and (e) the timeliness of the defendant's assistance. If the motion is made more than one year after entry of the final judgment order, the court may reduce a sentence only if the defendant's substantial assistance involved (1) information not known to the defendant until more than one year after entry of the final judgment order, (2) information provided by the defendant within one year of entry of the final judgment order but that did not become useful to the Commonwealth until more than one year after entry of the final judgment order, or (3) information the usefulness of which could not reasonably have been anticipated by the defendant until more than one year after entry of the final judgment order and which was promptly provided to the Commonwealth by the defendant after its usefulness was reasonably apparent.*

**CHAPTER 493**

*An Act to amend the Code of Virginia by adding a section numbered 19.2-303.01, relating to sentence reduction; substantial assistance to prosecution.*

[S 35]

Approved March 29, 2018

**Be it enacted by the General Assembly of Virginia:****1. That the Code of Virginia is amended by adding a section numbered 19.2-303.01 as follows:****§ 19.2-303.01. Reduction of sentence; substantial assistance to prosecution.**

*Notwithstanding any other provision of law or rule of court, upon motion of the attorney for the Commonwealth, the sentencing court may reduce the defendant's sentence if the defendant, after entry of the final judgment order, provided substantial assistance in investigating or prosecuting another person for (i) an act of violence as defined in § 19.2-297.1 or any violation of § 18.2-248, 18.2-248.01, 18.2-248.02, 18.2-248.03, 18.2-248.1, 18.2-248.5, 18.2-251.2, 18.2-251.3, 18.2-255, 18.2-255.2, 18.2-258, 18.2-258.02, 18.2-258.1, or 18.2-258.2, or any substantially similar offense in any other jurisdiction, which offense would be a felony if committed in the Commonwealth; (ii) a conspiracy to commit any of the offenses listed in clause (i); or (iii) violations as a principal in the second degree or accessory before the fact of any of the offenses listed in clause (i). In determining whether the defendant has provided substantial assistance pursuant to the provisions of this section, the court shall consider (a) the court's evaluation of the significance and usefulness of the defendant's assistance, taking into consideration the Commonwealth's evaluation of the assistance rendered; (b) the truthfulness, completeness, and reliability of any information or testimony provided by the defendant; (c) the nature and extent of the defendant's assistance; (d) any injury suffered or any danger or risk of injury to the defendant or his family resulting from his assistance; and (e) the timeliness of the defendant's assistance. If the motion is made more than one year after entry of the final judgment order, the court may reduce a sentence only if the defendant's substantial assistance involved (1) information not known to the defendant until more than one year after entry of the final judgment order, (2) information provided by the defendant within one year of entry of the final judgment order but that did not become useful to the Commonwealth until more than one year after entry of the final judgment order, or (3) information the usefulness of which could not reasonably have been anticipated by the defendant until more than one year after entry of the final judgment order and which was promptly provided to the Commonwealth by the defendant after its usefulness was reasonably apparent.*

**CHAPTER 494**

*An Act to amend and reenact § 4.1-126 of the Code of Virginia, relating to alcoholic beverage control; granting of certain mixed beverage licenses.*

[H 486]

Approved March 29, 2018

**Be it enacted by the General Assembly of Virginia:****1. That § 4.1-126 of the Code of Virginia is amended and reenacted as follows:****§ 4.1-126. Licenses for establishments in national forests, certain adjoining lands, on the Blue Ridge Parkway, and certain other properties.**

A. Notwithstanding the provisions of § 4.1-124, mixed beverage licenses may be granted to establishments located (i) on property owned by the federal government in Jefferson National Forest, George Washington National Forest or the Blue Ridge Parkway; (ii) at altitudes of 3,800 feet or more above sea level on property adjoining the Jefferson National Forest; (iii) at an altitude of 2,800 feet or more above sea level on property adjoining the Blue Ridge Parkway at Mile Marker No. 189; (iv) on property within one-quarter mile of Mile Marker No. 174 on the Blue Ridge Parkway; (v) on property developed by a nonprofit economic development company or an industrial development authority; (vi) on old Jonesboro Road between Routes 823 and 654, located approximately 5,500 feet from the City of Bristol; (vii) on property developed as a motor sports road racing club, of which the track surface is 3.27 miles in length, on 1,200 acres of rural property bordering the Dan River in Halifax County, with such license applying to any area of the property deemed appropriate by the Board; (viii) at an altitude of 2,645 feet or more above sea level on land containing at least 750 acres used for recreational purposes and located within two and one-half miles of the Blue Ridge Parkway; (ix) on property fronting U.S. Route 11, with portions fronting Route 659, adjoining the City of Bristol and located approximately 2,700 feet north of mile marker 7.7 on Interstate 81; (x) on property bounded on the north by U.S. Route 11 and to the south by Interstate 81, and located between mile markers 8.1 and 8.5 of Interstate 81; (xi) on property consisting of at least 10,000 acres and operated as a resort located in any county with a population between 19,200 and 19,500; (xii) on property located as of December 1, 2012, within the Montgomery County Route 177 Urban Development Area, which area is adjacent to Exit 109 on Interstate 81; (xiii) on property fronting Route 603, with portions fronting on Interstate 81, located approximately 1,100 feet from the intersection of Route 603 and Interstate 81 at Exit 128; (xiv) on property located south of and within 1,400 feet of Interstate 81 between mile markers 38.8 and 39.5; (xv) on property bounded on the north by Interstate 81, on the west and south by State Route 691, and on the east by State Route 689; (xvi) on property located south of and within 1,500 feet of Interstate 81 between mile markers 44 and 44.4; (xvii) on property within 3,000 feet of Interstate 81 on either frontage road between mile markers 75 and 86 in the County of Wythe; (xviii) on property within the boundary of any town incorporated in 1875 located adjacent to the intersection of Interstate 81 and Route 91; (xix) on property adjacent to the intersection of U.S. Route 220 North and State Route 57, operated as a country club as of December 31, 1926, in Henry County; (xx) on property adjacent to Lake Lanier, operated as a country club as of December 31, 1932, in Henry County; (xxi) on property fronting Old Jonesboro Road between Routes 823 and 808, located approximately 4,500 feet south of Interstate 81, and operated as a country club; (xxii) on property located west of Route 58 and approximately 3,000 feet north of Interstate 81; (xxiii) on property fronting U.S. Route 11 and 1,300 feet north of Interstate 81; (xxiv) on property located within 1,500 feet of Exit 26 on Interstate 81; (xxv) on property within the boundary of any town incorporated in 1911 located adjacent to the intersection of Route 63 and Route 58 Alternate; (xxvi) on property within the boundary of any town incorporated in 1894 consisting of 1.9 square miles and, prior to the town's incorporation, known as Guest Station; (xxvii) on property fronting Kanawha Ridge Road, located within approximately 700 feet of Route 638, and operated as a resort in Carroll County as of December 31, 2007; (xxviii) on property located 2,135 feet north of the intersection of State Routes 1223 and 661; (xxix) on property located on State Route 685 approximately 1,128 feet west of the intersection of State Routes 652 and 685; ~~and~~ (xxx) on property located on State Route 685 approximately 1,600 feet east of the intersection of State Routes 652 and 685; and (xxxi) on property located adjacent to State Route 697 and operated as a country club in the Powell Valley section of Wise County.

B. In granting any license under clauses (iii) and (iv) of subsection A, the Board shall consider whether the (i) voters of the jurisdiction in which the establishment is located have voted by referendum under the provisions of § 4.1-124 to prohibit the sale of mixed beverages and (ii) granting of a license will give that establishment an unfair business advantage over other establishments in the same jurisdiction. If an unfair business advantage will result, then no license shall be granted.

**CHAPTER 495**

*An Act to amend the Code of Virginia by adding a section numbered 15.2-2288.7, relating to local regulation of solar facilities.*

[H 508]

Approved March 29, 2018

**Be it enacted by the General Assembly of Virginia:****1. That the Code of Virginia is amended by adding a section numbered 15.2-2288.7 as follows:****§ 15.2-2288.7. Local regulation of solar facilities.**

A. An owner of a residential dwelling unit may install a solar facility on the roof of such dwelling to serve the electricity or thermal needs of that dwelling, provided that such installation is (i) in compliance with any height and setback requirements in the zoning district where such property is located and (ii) in compliance with any provisions pertaining to any local historic, architectural preservation, or corridor protection district adopted pursuant to § 15.2-2306 where such property is located. Unless a local ordinance provides otherwise, a ground-mounted solar energy generation facility to be

located on property zoned residential shall be permitted, provided that such installation is (a) in compliance with any height and setback requirements in the zoning district where such property is located and (b) in compliance with any provisions pertaining to any local historic, architectural preservation, or corridor protection district adopted pursuant to § 15.2-2306 where such property is located. Except as provided herein, any other solar facility proposed on property zoned residential, including any solar facility that is designed to serve, or serves, the electricity or thermal needs of any property other than the property where such facilities are located, shall be subject to any applicable zoning regulations of the locality.

B. An owner of real property zoned agricultural may install a solar facility on the roof of a residential dwelling on such property, or on the roof of another building or structure on such property, to serve the electricity or thermal needs of that property upon which such facilities are located, provided that such installation is (i) in compliance with any height and setback requirements in the zoning district where such property is located and (ii) in compliance with any provisions pertaining to any local historic, architectural preservation, or corridor protection district adopted pursuant to § 15.2-2306 where such property is located. Unless a local ordinance provides otherwise, a ground-mounted solar energy generation facility to be located on property zoned agricultural and to be operated under § 56-594 or 56-594.2 shall be permitted, provided that such installation is (a) in compliance with any height and setback requirements in the zoning district where such property is located and (b) in compliance with any provisions pertaining to any local historic, architectural preservation, or corridor protection district adopted pursuant to § 15.2-2306 where such property is located. Except as otherwise provided herein, any other solar facility proposed on property zoned agricultural, including any solar facility that is designed to serve, or serves, the electricity or thermal needs of any property other than the property where such facilities are located, shall be subject to any applicable zoning regulations of the locality.

C. An owner of real property zoned commercial, industrial, or institutional may install a solar facility on the roof of one or more buildings located on such property to serve the electricity or thermal needs of that property upon which such facilities are located, provided that such installation is (i) in compliance with any height and setback requirements in the zoning district where such property is located and (ii) in compliance with any provisions pertaining to any local historic, architectural preservation, or corridor protection district adopted pursuant to § 15.2-2306 where such property is located. Unless a local ordinance provides otherwise, a ground-mounted solar energy generation facility to be located on property zoned commercial, industrial, or institutional shall be permitted, provided that such installation is (a) in compliance with any height and setback requirements in the zoning district where such property is located and (b) in compliance with any provisions pertaining to any local historic, architectural preservation, or corridor protection district adopted pursuant to § 15.2-2306 where such property is located. Except as otherwise provided herein, any other solar facility proposed on property zoned commercial, industrial, or institutional, including any solar facility that is designed to serve, or serves, the electricity or thermal needs of any property other than the property where such facilities are located, shall be subject to any applicable zoning regulations of the locality.

D. An owner of real property zoned mixed-use may install a solar facility on the roof of one or more buildings located on such property to serve the electricity or thermal needs of that property upon which such facilities are located, provided that such installation is (i) in compliance with any height and setback requirements in the zoning district where such property is located and (ii) in compliance with any provisions pertaining to any local historic, architectural preservation, or corridor protection district adopted pursuant to § 15.2-2306 where such property is located. Unless a local ordinance provides otherwise, a ground-mounted solar energy generation facility to be located on property zoned mixed-use shall be permitted, provided that such installation is (a) in compliance with any height and setback requirements in the zoning district where such property is located and (b) in compliance with any provisions pertaining to any local historic, architectural preservation, or corridor protection district adopted pursuant to § 15.2-2306 where such property is located. Except as provided herein, any other solar facility proposed on property zoned mixed-use, including any solar facility that is designed to serve, or serves, the electricity or thermal needs of any property other than the property where such facilities are located, shall be subject to any applicable zoning regulations of the locality.

E. Nothing in this section shall be construed to supersede or limit contracts or agreements between or among individuals or private entities related to the use of real property, including recorded declarations and covenants, the provisions of condominium instruments of a condominium created pursuant to the Condominium Act (§ 55-79.39 et seq.), the declaration of a common interest community as defined in § 55-528, the cooperative instruments of a cooperative created pursuant to the Virginia Real Estate Cooperative Act (§ 55-424 et seq.), or any declaration of a property owners' association created pursuant to the Property Owners' Association Act (§ 55-508 et seq.).

F. A locality, by ordinance, may provide by-right authority for installation of solar facilities in any zoning classification in addition to that provided in this section. A locality may also, by ordinance, require a property owner or an applicant for a permit pursuant to the Uniform Statewide Building Code (§ 36-97 et seq.) who removes solar panels to dispose of such panels in accordance with such ordinance in addition to other applicable laws and regulations affecting such disposal.

**2. That the provisions of this act with respect to ground-mounted solar energy generation facilities shall become effective on January 1, 2019. Unless a locality regulates ground-mounted solar facilities in the provisions of its zoning ordinance as a permitted principal or accessory use, or expressly as a solar facility, a ground-mounted solar energy generation facility existing as of January 1, 2018, shall be deemed a legally existing nonconforming use under § 15.2-2307 of the Code of Virginia and shall not be subject to removal.**

## CHAPTER 496

*An Act to amend the Code of Virginia by adding a section numbered 15.2-2288.7, relating to local regulation of solar facilities.*

[S 429]

Approved March 29, 2018

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

**1. That the Code of Virginia is amended by adding a section numbered 15.2-2288.7 as follows:**

**§ 15.2-2288.7. Local regulation of solar facilities.**

A. An owner of a residential dwelling unit may install a solar facility on the roof of such dwelling to serve the electricity or thermal needs of that dwelling, provided that such installation is (i) in compliance with any height and setback requirements in the zoning district where such property is located and (ii) in compliance with any provisions pertaining to any local historic, architectural preservation, or corridor protection district adopted pursuant to § 15.2-2306 where such property is located. Unless a local ordinance provides otherwise, a ground-mounted solar energy generation facility to be located on property zoned residential shall be permitted, provided that such installation is (a) in compliance with any height and setback requirements in the zoning district where such property is located and (b) in compliance with any provisions pertaining to any local historic, architectural preservation, or corridor protection district adopted pursuant to § 15.2-2306 where such property is located. Except as provided herein, any other solar facility proposed on property zoned residential, including any solar facility that is designed to serve, or serves, the electricity or thermal needs of any property other than the property where such facilities are located, shall be subject to any applicable zoning regulations of the locality.

B. An owner of real property zoned agricultural may install a solar facility on the roof of a residential dwelling on such property, or on the roof of another building or structure on such property, to serve the electricity or thermal needs of that property upon which such facilities are located, provided that such installation is (i) in compliance with any height and setback requirements in the zoning district where such property is located and (ii) in compliance with any provisions pertaining to any local historic, architectural preservation, or corridor protection district adopted pursuant to § 15.2-2306 where such property is located. Unless a local ordinance provides otherwise, a ground-mounted solar energy generation facility to be located on property zoned agricultural and to be operated under § 56-594 or 56-594.2 shall be permitted, provided that such installation is (a) in compliance with any height and setback requirements in the zoning district where such property is located and (b) in compliance with any provisions pertaining to any local historic, architectural preservation, or corridor protection district adopted pursuant to § 15.2-2306 where such property is located. Except as otherwise provided herein, any other solar facility proposed on property zoned agricultural, including any solar facility that is designed to serve, or serves, the electricity or thermal needs of any property other than the property where such facilities are located, shall be subject to any applicable zoning regulations of the locality.

C. An owner of real property zoned commercial, industrial, or institutional may install a solar facility on the roof of one or more buildings located on such property to serve the electricity or thermal needs of that property upon which such facilities are located, provided that such installation is (i) in compliance with any height and setback requirements in the zoning district where such property is located and (ii) in compliance with any provisions pertaining to any local historic, architectural preservation, or corridor protection district adopted pursuant to § 15.2-2306 where such property is located. Unless a local ordinance provides otherwise, a ground-mounted solar energy generation facility to be located on property zoned commercial, industrial, or institutional shall be permitted, provided that such installation is (a) in compliance with any height and setback requirements in the zoning district where such property is located and (b) in compliance with any provisions pertaining to any local historic, architectural preservation, or corridor protection district adopted pursuant to § 15.2-2306 where such property is located. Except as otherwise provided herein, any other solar facility proposed on property zoned commercial, industrial, or institutional, including any solar facility that is designed to serve, or serves, the electricity or thermal needs of any property other than the property where such facilities are located, shall be subject to any applicable zoning regulations of the locality.

D. An owner of real property zoned mixed-use may install a solar facility on the roof of one or more buildings located on such property to serve the electricity or thermal needs of that property upon which such facilities are located, provided that such installation is (i) in compliance with any height and setback requirements in the zoning district where such property is located and (ii) in compliance with any provisions pertaining to any local historic, architectural preservation, or corridor protection district adopted pursuant to § 15.2-2306 where such property is located. Unless a local ordinance provides otherwise, a ground-mounted solar energy generation facility to be located on property zoned mixed-use shall be permitted, provided that such installation is (a) in compliance with any height and setback requirements in the zoning district where such property is located and (b) in compliance with any provisions pertaining to any local historic, architectural preservation, or corridor protection district adopted pursuant to § 15.2-2306 where such property is located. Except as provided herein, any other solar facility proposed on property zoned mixed-use, including any solar facility that is designed to serve, or serves, the electricity or thermal needs of any property other than the property where such facilities are located, shall be subject to any applicable zoning regulations of the locality.

E. Nothing in this section shall be construed to supersede or limit contracts or agreements between or among individuals or private entities related to the use of real property, including recorded declarations and covenants, the

provisions of condominium instruments of a condominium created pursuant to the Condominium Act (§ 55-79.39 et seq.), the declaration of a common interest community as defined in § 55-528, the cooperative instruments of a cooperative created pursuant to the Virginia Real Estate Cooperative Act (§ 55-424 et seq.), or any declaration of a property owners' association created pursuant to the Property Owners' Association Act (§ 55-508 et seq.).

F. A locality, by ordinance, may provide by-right authority for installation of solar facilities in any zoning classification in addition to that provided in this section. A locality may also, by ordinance, require a property owner or an applicant for a permit pursuant to the Uniform Statewide Building Code (§ 36-97 et seq.) who removes solar panels to dispose of such panels in accordance with such ordinance in addition to other applicable laws and regulations affecting such disposal.

**2. That the provisions of this act with respect to ground-mounted solar energy generation facilities shall become effective on January 1, 2019. Unless a locality regulates ground-mounted solar facilities in the provisions of its zoning ordinance as a permitted principal or accessory use, or expressly as a solar facility, a ground-mounted solar energy generation facility existing as of January 1, 2018, shall be deemed a legally existing nonconforming use under § 15.2-2307 of the Code of Virginia and shall not be subject to removal.**

#### CHAPTER 497

*An Act to amend and reenact §§ 16.1-228 and 63.2-100 of the Code of Virginia, relating to Department of Juvenile Justice; placement of certain individuals in independent living arrangement.*

[H 528]

Approved March 29, 2018

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

**1. That §§ 16.1-228 and 63.2-100 of the Code of Virginia are amended and reenacted as follows:**

**§ 16.1-228. Definitions.**

When used in this chapter, unless the context otherwise requires:

"Abused or neglected child" means any child:

1. Whose parents or other person responsible for his care creates or inflicts, threatens to create or inflict, or allows to be created or inflicted upon such child a physical or mental injury by other than accidental means, or creates a substantial risk of death, disfigurement or impairment of bodily or mental functions, including, but not limited to, a child who is with his parent or other person responsible for his care either (i) during the manufacture or attempted manufacture of a Schedule I or II controlled substance, or (ii) during the unlawful sale of such substance by that child's parents or other person responsible for his care, where such manufacture, or attempted manufacture or unlawful sale would constitute a felony violation of § 18.2-248;

2. Whose parents or other person responsible for his care neglects or refuses to provide care necessary for his health; however, no child who in good faith is under treatment solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination shall for that reason alone be considered to be an abused or neglected child;

3. Whose parents or other person responsible for his care abandons such child;

4. Whose parents or other person responsible for his care commits or allows to be committed any sexual act upon a child in violation of the law;

5. Who is without parental care or guardianship caused by the unreasonable absence or the mental or physical incapacity of the child's parent, guardian, legal custodian, or other person standing in loco parentis;

6. Whose parents or other person responsible for his care creates a substantial risk of physical or mental injury by knowingly leaving the child alone in the same dwelling, including an apartment as defined in § 55-79.2, with a person to whom the child is not related by blood or marriage and who the parent or other person responsible for his care knows has been convicted of an offense against a minor for which registration is required as a violent sexual offender pursuant to § 9.1-902; or

7. Who has been identified as a victim of sex trafficking or severe forms of trafficking as defined in the Trafficking Victims Protection Act of 2000, 22 U.S.C. § 7102 et seq., and in the Justice for Victims of Trafficking Act of 2015, 42 U.S.C. § 5101 et seq.

If a civil proceeding under this chapter is based solely on the parent having left the child at a hospital or emergency medical services agency, it shall be an affirmative defense that such parent safely delivered the child to a hospital that provides 24-hour emergency services or to an attended emergency medical services agency that employs emergency medical services personnel, within 14 days of the child's birth. For purposes of terminating parental rights pursuant to § 16.1-283 and placement for adoption, the court may find such a child is a neglected child upon the ground of abandonment.

"Adoptive home" means the place of residence of any natural person in which a child resides as a member of the household and in which he has been placed for the purposes of adoption or in which he has been legally adopted by another member of the household.

"Adult" means a person 18 years of age or older.

"Ancillary crime" or "ancillary charge" means any delinquent act committed by a juvenile as a part of the same act or transaction as, or which constitutes a part of a common scheme or plan with, a delinquent act which would be a felony if committed by an adult.

"Boot camp" means a short term secure or nonsecure juvenile residential facility with highly structured components including, but not limited to, military style drill and ceremony, physical labor, education and rigid discipline, and no less than six months of intensive aftercare.

"Child," "juvenile," or "minor" means a person less than 18 years of age.

"Child in need of services" means (i) a child whose behavior, conduct or condition presents or results in a serious threat to the well-being and physical safety of the child or (ii) a child under the age of 14 whose behavior, conduct or condition presents or results in a serious threat to the well-being and physical safety of another person; however, no child who in good faith is under treatment solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination shall for that reason alone be considered to be a child in need of services, nor shall any child who habitually remains away from or habitually deserts or abandons his family as a result of what the court or the local child protective services unit determines to be incidents of physical, emotional or sexual abuse in the home be considered a child in need of services for that reason alone.

However, to find that a child falls within these provisions, (i) the conduct complained of must present a clear and substantial danger to the child's life or health or to the life or health of another person, (ii) the child or his family is in need of treatment, rehabilitation or services not presently being received, and (iii) the intervention of the court is essential to provide the treatment, rehabilitation or services needed by the child or his family.

"Child in need of supervision" means:

1. A child who, while subject to compulsory school attendance, is habitually and without justification absent from school, and (i) the child has been offered an adequate opportunity to receive the benefit of any and all educational services and programs that are required to be provided by law and which meet the child's particular educational needs, (ii) the school system from which the child is absent or other appropriate agency has made a reasonable effort to effect the child's regular attendance without success, and (iii) the school system has provided documentation that it has complied with the provisions of § 22.1-258; or

2. A child who, without reasonable cause and without the consent of his parent, lawful custodian or placement authority, remains away from or deserts or abandons his family or lawful custodian on more than one occasion or escapes or remains away without proper authority from a residential care facility in which he has been placed by the court, and (i) such conduct presents a clear and substantial danger to the child's life or health, (ii) the child or his family is in need of treatment, rehabilitation or services not presently being received, and (iii) the intervention of the court is essential to provide the treatment, rehabilitation or services needed by the child or his family.

"Child welfare agency" means a child-placing agency, child-caring institution or independent foster home as defined in § 63.2-100.

"The court" or the "juvenile court" or the "juvenile and domestic relations court" means the juvenile and domestic relations district court of each county or city.

"Delinquent act" means (i) an act designated a crime under the law of the Commonwealth, or an ordinance of any city, county, town, or service district, or under federal law, (ii) a violation of § 18.2-308.7, or (iii) a violation of a court order as provided for in § 16.1-292, but shall not include an act other than a violation of § 18.2-308.7, which is otherwise lawful, but is designated a crime only if committed by a child. For purposes of §§ 16.1-241 and 16.1-278.9, the term shall include a refusal to take a breath test in violation of § 18.2-268.2 or a similar ordinance of any county, city, or town.

"Delinquent child" means a child who has committed a delinquent act or an adult who has committed a delinquent act prior to his 18th birthday, except where the jurisdiction of the juvenile court has been terminated under the provisions of § 16.1-269.6.

"Department" means the Department of Juvenile Justice and "Director" means the administrative head in charge thereof or such of his assistants and subordinates as are designated by him to discharge the duties imposed upon him under this law.

"Family abuse" means any act involving violence, force, or threat that results in bodily injury or places one in reasonable apprehension of death, sexual assault, or bodily injury and that is committed by a person against such person's family or household member. Such act includes, but is not limited to, any forceful detention, stalking, criminal sexual assault in violation of Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2, or any criminal offense that results in bodily injury or places one in reasonable apprehension of death, sexual assault, or bodily injury.

"Family or household member" means (i) the person's spouse, whether or not he or she resides in the same home with the person, (ii) the person's former spouse, whether or not he or she resides in the same home with the person, (iii) the person's parents, stepparents, children, stepchildren, brothers, sisters, half-brothers, half-sisters, grandparents and grandchildren, regardless of whether such persons reside in the same home with the person, (iv) the person's mother-in-law, father-in-law, sons-in-law, daughters-in-law, brothers-in-law and sisters-in-law who reside in the same home with the person, (v) any individual who has a child in common with the person, whether or not the person and that individual have been married or have resided together at any time, or (vi) any individual who cohabits or who, within the previous 12 months, cohabited with the person, and any children of either of them then residing in the same home with the person.

"Foster care services" means the provision of a full range of casework, treatment and community services for a planned period of time to a child who is abused or neglected as defined in § 63.2-100 or in need of services as defined in this section and his family when the child (i) has been identified as needing services to prevent or eliminate the need for foster care placement, (ii) has been placed through an agreement between the local board of social services or a public agency designated by the community policy and management team and the parents or guardians where legal custody remains with the parents or guardians, (iii) has been committed or entrusted to a local board of social services or child welfare agency, or (iv) has been placed under the supervisory responsibility of the local board pursuant to § 16.1-293.

"Independent living arrangement" means placement of (i) a child at least 16 years of age who is in the custody of a local board or licensed child-placing agency ~~and has been placed~~ by the local board or licensed child-placing agency or (ii) a child at least 16 years of age or a person between the ages of 18 and 21 who was committed to the Department of Juvenile Justice immediately prior to placement by the Department of Juvenile Justice, in a living arrangement in which ~~he~~ such child or person does not have daily substitute parental supervision.

"Independent living services" means services and activities provided to a child in foster care 14 years of age or older and who has been committed or entrusted to a local board of social services, child welfare agency, or private child-placing agency. "Independent living services" may also mean services and activities provided to a person who (i) was in foster care on his 18th birthday and has not yet reached the age of 21 years; (ii) is between the ages of 18 and 21 and who, immediately prior to his commitment to the Department of Juvenile Justice, was in the custody of a local board of social services; or (iii) is a child at least 16 years of age or a person between the ages of 18 and 21 who was committed to the Department of Juvenile Justice immediately prior to placement in an independent living arrangement. Such services shall include counseling, education, housing, employment, and money management skills development and access to essential documents and other appropriate services to help children or persons prepare for self-sufficiency.

"Intake officer" means a juvenile probation officer appointed as such pursuant to the authority of this chapter.

"Jail" or "other facility designed for the detention of adults" means a local or regional correctional facility as defined in § 53.1-1, except those facilities utilized on a temporary basis as a court holding cell for a child incident to a court hearing or as a temporary lock-up room or ward incident to the transfer of a child to a juvenile facility.

"The judge" means the judge or the substitute judge of the juvenile and domestic relations district court of each county or city.

"This law" or "the law" means the Juvenile and Domestic Relations District Court Law embraced in this chapter.

"Legal custody" means (i) a legal status created by court order which vests in a custodian the right to have physical custody of the child, to determine and redetermine where and with whom he shall live, the right and duty to protect, train and discipline him and to provide him with food, shelter, education and ordinary medical care, all subject to any residual parental rights and responsibilities or (ii) the legal status created by court order of joint custody as defined in § 20-107.2.

"Permanent foster care placement" means the place of residence in which a child resides and in which he has been placed pursuant to the provisions of §§ 63.2-900 and 63.2-908 with the expectation and agreement between the placing agency and the place of permanent foster care that the child shall remain in the placement until he reaches the age of majority unless modified by court order or unless removed pursuant to § 16.1-251 or 63.2-1517. A permanent foster care placement may be a place of residence of any natural person or persons deemed appropriate to meet a child's needs on a long-term basis.

"Residual parental rights and responsibilities" means all rights and responsibilities remaining with the parent after the transfer of legal custody or guardianship of the person, including but not limited to the right of visitation, consent to adoption, the right to determine religious affiliation and the responsibility for support.

"Secure facility" or "detention home" means a local, regional or state public or private locked residential facility that has construction fixtures designed to prevent escape and to restrict the movement and activities of children held in lawful custody.

"Shelter care" means the temporary care of children in physically unrestricting facilities.

"State Board" means the State Board of Juvenile Justice.

"Status offender" means a child who commits an act prohibited by law which would not be criminal if committed by an adult.

"Status offense" means an act prohibited by law which would not be an offense if committed by an adult.

"Violent juvenile felony" means any of the delinquent acts enumerated in subsection B or C of § 16.1-269.1 when committed by a juvenile 14 years of age or older.

#### § 63.2-100. Definitions.

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

"Abused or neglected child" means any child less than 18 years of age:

1. Whose parents or other person responsible for his care creates or inflicts, threatens to create or inflict, or allows to be created or inflicted upon such child a physical or mental injury by other than accidental means, or creates a substantial risk of death, disfigurement, or impairment of bodily or mental functions, including, but not limited to, a child who is with his parent or other person responsible for his care either (i) during the manufacture or attempted manufacture of a Schedule I or II controlled substance, or (ii) during the unlawful sale of such substance by that child's parents or other person responsible for his care, where such manufacture, or attempted manufacture or unlawful sale would constitute a felony violation of § 18.2-248;

2. Whose parents or other person responsible for his care neglects or refuses to provide care necessary for his health. However, no child who in good faith is under treatment solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination shall for that reason alone be considered to be an abused or neglected child. Further, a decision by parents who have legal authority for the child or, in the absence of parents with legal authority for the child, any person with legal authority for the child, who refuses a particular medical treatment for a child with a life-threatening condition shall not be deemed a refusal to provide necessary care if (i) such decision is made jointly by the parents or other person with legal authority and the child; (ii) the child has reached 14 years of age and is sufficiently mature to have an informed opinion on the subject of his medical treatment; (iii) the parents or other person with legal authority and the child have considered alternative treatment options; and (iv) the parents or other person with legal authority and the child believe in good faith that such decision is in the child's best interest. Nothing in this subdivision shall be construed to limit the provisions of § 16.1-278.4;

3. Whose parents or other person responsible for his care abandons such child;

4. Whose parents or other person responsible for his care commits or allows to be committed any act of sexual exploitation or any sexual act upon a child in violation of the law;

5. Who is without parental care or guardianship caused by the unreasonable absence or the mental or physical incapacity of the child's parent, guardian, legal custodian or other person standing in loco parentis;

6. Whose parents or other person responsible for his care creates a substantial risk of physical or mental injury by knowingly leaving the child alone in the same dwelling, including an apartment as defined in § 55-79.2, with a person to whom the child is not related by blood or marriage and who the parent or other person responsible for his care knows has been convicted of an offense against a minor for which registration is required as a violent sexual offender pursuant to § 9.1-902; or

7. Who has been identified as a victim of sex trafficking or severe forms of trafficking as defined in the Trafficking Victims Protection Act of 2000, 22 U.S.C § 7102 et seq., and in the Justice for Victims of Trafficking Act of 2015, 42 U.S.C. § 5101 et seq.

If a civil proceeding under this title is based solely on the parent having left the child at a hospital or emergency medical services agency, it shall be an affirmative defense that such parent safely delivered the child to a hospital that provides 24-hour emergency services or to an attended emergency medical services agency that employs emergency medical services providers, within 14 days of the child's birth. For purposes of terminating parental rights pursuant to § 16.1-283 and placement for adoption, the court may find such a child is a neglected child upon the ground of abandonment.

"Adoptive home" means any family home selected and approved by a parent, local board or a licensed child-placing agency for the placement of a child with the intent of adoption.

"Adoptive placement" means arranging for the care of a child who is in the custody of a child-placing agency in an approved home for the purpose of adoption.

"Adult abuse" means the willful infliction of physical pain, injury or mental anguish or unreasonable confinement of an adult as defined in § 63.2-1603.

"Adult day care center" means any facility that is either operated for profit or that desires licensure and that provides supplementary care and protection during only a part of the day to four or more aged, infirm or disabled adults who reside elsewhere, except (i) a facility or portion of a facility licensed by the State Board of Health or the Department of Behavioral Health and Developmental Services, and (ii) the home or residence of an individual who cares for only persons related to him by blood or marriage. Included in this definition are any two or more places, establishments or institutions owned, operated or controlled by a single entity and providing such supplementary care and protection to a combined total of four or more aged, infirm or disabled adults.

"Adult exploitation" means the illegal, unauthorized, improper, or fraudulent use of an adult as defined in § 63.2-1603 or his funds, property, benefits, resources, or other assets for another's profit, benefit, or advantage, including a caregiver or person serving in a fiduciary capacity, or that deprives the adult of his rightful use of or access to such funds, property, benefits, resources, or other assets. "Adult exploitation" includes (i) an intentional breach of a fiduciary obligation to an adult to his detriment or an intentional failure to use the financial resources of an adult in a manner that results in neglect of such adult; (ii) the acquisition, possession, or control of an adult's financial resources or property through the use of undue influence, coercion, or duress; and (iii) forcing or coercing an adult to pay for goods or services or perform services against his will for another's profit, benefit, or advantage if the adult did not agree, or was tricked, misled, or defrauded into agreeing, to pay for such goods or services or to perform such services.

"Adult foster care" means room and board, supervision, and special services to an adult who has a physical or mental condition. Adult foster care may be provided by a single provider for up to three adults.

"Adult neglect" means that an adult as defined in § 63.2-1603 is living under such circumstances that he is not able to provide for himself or is not being provided services necessary to maintain his physical and mental health and that the failure to receive such necessary services impairs or threatens to impair his well-being. However, no adult shall be considered neglected solely on the basis that such adult is receiving religious nonmedical treatment or religious nonmedical nursing care in lieu of medical care, provided that such treatment or care is performed in good faith and in accordance with the religious practices of the adult and there is a written or oral expression of consent by that adult.

"Adult protective services" means services provided by the local department that are necessary to protect an adult as defined in § 63.2-1603 from abuse, neglect or exploitation.

"Assisted living care" means a level of service provided by an assisted living facility for adults who may have physical or mental impairments and require at least a moderate level of assistance with activities of daily living.

"Assisted living facility" means any congregate residential setting that provides or coordinates personal and health care services, 24-hour supervision, and assistance (scheduled and unscheduled) for the maintenance or care of four or more adults who are aged, infirm or disabled and who are cared for in a primarily residential setting, except (i) a facility or portion of a facility licensed by the State Board of Health or the Department of Behavioral Health and Developmental Services, but including any portion of such facility not so licensed; (ii) the home or residence of an individual who cares for or maintains only persons related to him by blood or marriage; (iii) a facility or portion of a facility serving infirm or disabled persons between the ages of 18 and 21, or 22 if enrolled in an educational program for the handicapped pursuant to § 22.1-214, when such facility is licensed by the Department as a children's residential facility under Chapter 17 (§ 63.2-1700 et seq.), but including any portion of the facility not so licensed; and (iv) any housing project for persons 62 years of age or older or the disabled that provides no more than basic coordination of care services and is funded by the U.S. Department of Housing and Urban Development, by the U.S. Department of Agriculture, or by the Virginia Housing Development Authority. Included in this definition are any two or more places, establishments or institutions owned or operated by a single entity and providing maintenance or care to a combined total of four or more aged, infirm or disabled adults. Maintenance or care means the protection, general supervision and oversight of the physical and mental well-being of an aged, infirm or disabled individual.

"Auxiliary grants" means cash payments made to certain aged, blind or disabled individuals who receive benefits under Title XVI of the Social Security Act, as amended, or would be eligible to receive these benefits except for excess income.

"Birth family" or "birth sibling" means the child's biological family or biological sibling.

"Birth parent" means the child's biological parent and, for purposes of adoptive placement, means parent(s) by previous adoption.

"Board" means the State Board of Social Services.

"Child" means any natural person under 18 years of age.

"Child day center" means a child day program offered to (i) two or more children under the age of 13 in a facility that is not the residence of the provider or of any of the children in care or (ii) 13 or more children at any location.

"Child day program" means a regularly operating service arrangement for children where, during the absence of a parent or guardian, a person or organization has agreed to assume responsibility for the supervision, protection, and well-being of a child under the age of 13 for less than a 24-hour period.

"Child-placing agency" means any person who places children in foster homes, adoptive homes or independent living arrangements pursuant to § 63.2-1819 or a local board that places children in foster homes or adoptive homes pursuant to §§ 63.2-900, 63.2-903, and 63.2-1221. Officers, employees, or agents of the Commonwealth, or any locality acting within the scope of their authority as such, who serve as or maintain a child-placing agency, shall not be required to be licensed.

"Child-protective services" means the identification, receipt and immediate response to complaints and reports of alleged child abuse or neglect for children under 18 years of age. It also includes assessment, and arranging for and providing necessary protective and rehabilitative services for a child and his family when the child has been found to have been abused or neglected or is at risk of being abused or neglected.

"Child support services" means any civil, criminal or administrative action taken by the Division of Child Support Enforcement to locate parents; establish paternity; and establish, modify, enforce, or collect child support, or child and spousal support.

"Child-welfare agency" means a child day center, child-placing agency, children's residential facility, family day home, family day system, or independent foster home.

"Children's residential facility" means any facility, child-caring institution, or group home that is maintained for the purpose of receiving children separated from their parents or guardians for full-time care, maintenance, protection and guidance, or for the purpose of providing independent living services to persons between 18 and 21 years of age who are in the process of transitioning out of foster care. Children's residential facility shall not include:

1. A licensed or accredited educational institution whose pupils, in the ordinary course of events, return annually to the homes of their parents or guardians for not less than two months of summer vacation;
2. An establishment required to be licensed as a summer camp by § 35.1-18; and
3. A licensed or accredited hospital legally maintained as such.

"Commissioner" means the Commissioner of the Department, his designee or authorized representative.

"Department" means the State Department of Social Services.

"Department of Health and Human Services" means the Department of Health and Human Services of the United States government or any department or agency thereof that may hereafter be designated as the agency to administer the Social Security Act, as amended.

"Disposable income" means that part of the income due and payable of any individual remaining after the deduction of any amount required by law to be withheld.

"Energy assistance" means benefits to assist low-income households with their home heating and cooling needs, including, but not limited to, purchase of materials or substances used for home heating, repair or replacement of heating

equipment, emergency intervention in no-heat situations, purchase or repair of cooling equipment, and payment of electric bills to operate cooling equipment, in accordance with § 63.2-805, or provided under the Virginia Energy Assistance Program established pursuant to the Low-Income Home Energy Assistance Act of 1981 (Title XXVI of Public Law 97-35), as amended.

"Family day home" means a child day program offered in the residence of the provider or the home of any of the children in care for one through 12 children under the age of 13, exclusive of the provider's own children and any children who reside in the home, when at least one child receives care for compensation. The provider of a licensed or registered family day home shall disclose to the parents or guardians of children in their care the percentage of time per week that persons other than the provider will care for the children. Family day homes serving five through 12 children, exclusive of the provider's own children and any children who reside in the home, shall be licensed. However, no family day home shall care for more than four children under the age of two, including the provider's own children and any children who reside in the home, unless the family day home is licensed or voluntarily registered. However, a family day home where the children in care are all related to the provider by blood or marriage shall not be required to be licensed.

"Family day system" means any person who approves family day homes as members of its system; who refers children to available family day homes in that system; and who, through contractual arrangement, may provide central administrative functions including, but not limited to, training of operators of member homes; technical assistance and consultation to operators of member homes; inspection, supervision, monitoring, and evaluation of member homes; and referral of children to available health and social services.

"Foster care placement" means placement of a child through (i) an agreement between the parents or guardians and the local board where legal custody remains with the parents or guardians or (ii) an entrustment or commitment of the child to the local board or licensed child-placing agency.

"Foster home" means the place of residence of any natural person in which any child, other than a child by birth or adoption of such person, resides as a member of the household.

"General relief" means money payments and other forms of relief made to those persons mentioned in § 63.2-802 in accordance with the regulations of the Board and reimbursable in accordance with § 63.2-401.

"Independent foster home" means a private family home in which any child, other than a child by birth or adoption of such person, resides as a member of the household and has been placed therein independently of a child-placing agency except (i) a home in which are received only children related by birth or adoption of the person who maintains such home and children of personal friends of such person and (ii) a home in which is received a child or children committed under the provisions of subdivision A 4 of § 16.1-278.2, subdivision 6 of § 16.1-278.4, or subdivision A 13 of § 16.1-278.8.

"Independent living" means a planned program of services designed to assist a child age 16 and over and persons who are former foster care children *or were formerly committed to the Department of Juvenile Justice and are* between the ages of 18 and 21 in transitioning to self-sufficiency.

"Independent living arrangement" means placement of (i) a child at least 16 years of age who is in the custody of a local board or licensed child-placing agency ~~and has been placed~~ by the local board or licensed child-placing agency *or (ii) a child at least 16 years of age or a person between the ages of 18 and 21 who was committed to the Department of Juvenile Justice immediately prior to placement by the Department of Juvenile Justice, in a living arrangement in which he* such child or person does not have daily substitute parental supervision.

"Independent living services" means services and activities provided to a child in foster care 14 years of age or older who was committed or entrusted to a local board of social services, child welfare agency, or private child-placing agency. "Independent living services" may also mean services and activities provided to a person who (i) was in foster care on his 18th birthday and has not yet reached the age of 21 years ~~or; (ii) is at least 18 years of age but who has not yet reached 21 years of age between the ages of 18 and 21~~ and who, immediately prior to his commitment to the Department of Juvenile Justice, was in the custody of a local board of social services; *or (iii) is a child at least 16 years of age or a person between the ages of 18 and 21 who was committed to the Department of Juvenile Justice immediately prior to placement in an independent living arrangement.* Such services shall include counseling, education, housing, employment, and money management skills development, access to essential documents, and other appropriate services to help children or persons prepare for self-sufficiency.

"Independent physician" means a physician who is chosen by the resident of the assisted living facility and who has no financial interest in the assisted living facility, directly or indirectly, as an owner, officer, or employee or as an independent contractor with the residence.

"Intercountry placement" means the arrangement for the care of a child in an adoptive home or foster care placement into or out of the Commonwealth by a licensed child-placing agency, court, or other entity authorized to make such placements in accordance with the laws of the foreign country under which it operates.

"Interstate placement" means the arrangement for the care of a child in an adoptive home, foster care placement or in the home of the child's parent or with a relative or nonagency guardian, into or out of the Commonwealth, by a child-placing agency or court when the full legal right of the child's parent or nonagency guardian to plan for the child has been voluntarily terminated or limited or severed by the action of any court.

"Kinship care" means the full-time care, nurturing, and protection of children by relatives.

"Local board" means the local board of social services representing one or more counties or cities.

"Local department" means the local department of social services of any county or city in this Commonwealth.

"Local director" means the director or his designated representative of the local department of the city or county.

"Merit system plan" means those regulations adopted by the Board in the development and operation of a system of personnel administration meeting requirements of the federal Office of Personnel Management.

"Parental placement" means locating or effecting the placement of a child or the placing of a child in a family home by the child's parent or legal guardian for the purpose of foster care or adoption.

"Public assistance" means Temporary Assistance for Needy Families (TANF); auxiliary grants to the aged, blind and disabled; medical assistance; energy assistance; food stamps; employment services; child care; and general relief.

"Qualified assessor" means an entity contracting with the Department of Medical Assistance Services to perform nursing facility pre-admission screening or to complete the uniform assessment instrument for a home and community-based waiver program, including an independent physician contracting with the Department of Medical Assistance Services to complete the uniform assessment instrument for residents of assisted living facilities, or any hospital that has contracted with the Department of Medical Assistance Services to perform nursing facility pre-admission screenings.

"Registered family day home" means any family day home that has met the standards for voluntary registration for such homes pursuant to regulations adopted by the Board and that has obtained a certificate of registration from the Commissioner.

"Residential living care" means a level of service provided by an assisted living facility for adults who may have physical or mental impairments and require only minimal assistance with the activities of daily living. The definition of "residential living care" includes the services provided by independent living facilities that voluntarily become licensed.

"Sibling" means each of two or more children having one or more parents in common.

"Social services" means foster care, adoption, adoption assistance, child-protective services, domestic violence services, or any other services program implemented in accordance with regulations adopted by the Board. Social services also includes adult services pursuant to Article 4 (§ 51.5-144 et seq.) of Chapter 14 of Title 51.5 and adult protective services pursuant to Article 5 (§ 51.5-148) of Chapter 14 of Title 51.5 provided by local departments of social services in accordance with regulations and under the supervision of the Commissioner for Aging and Rehabilitative Services.

"Special order" means an order imposing an administrative sanction issued to any party licensed pursuant to this title by the Commissioner that has a stated duration of not more than 12 months. A special order shall be considered a case decision as defined in § 2.2-4001.

"Temporary Assistance for Needy Families" or "TANF" means the program administered by the Department through which a relative can receive monthly cash assistance for the support of his eligible children.

"Temporary Assistance for Needy Families-Unemployed Parent" or "TANF-UP" means the Temporary Assistance for Needy Families program for families in which both natural or adoptive parents of a child reside in the home and neither parent is exempt from the Virginia Initiative for Employment Not Welfare (VIEW) participation under § 63.2-609.

"Title IV-E Foster Care" means a federal program authorized under §§ 472 and 473 of the Social Security Act, as amended, and administered by the Department through which foster care is provided on behalf of qualifying children.

## CHAPTER 498

*An Act to amend the Code of Virginia by adding a section numbered 15.2-941.1, relating to abandoned school revitalization zones.*

[H 1179]

Approved March 29, 2018

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

**1. That the Code of Virginia is amended by adding a section numbered 15.2-941.1 as follows:**

**§ 15.2-941.1. Creation of abandoned school revitalization zones.**

*A. Any locality may establish by ordinance one or more abandoned school revitalization zones for the purpose of providing incentives to private entities to purchase or develop real property or to assemble parcels suitable for economic development that include an abandoned school site. Each locality establishing an abandoned school revitalization zone may grant incentives and provide regulatory flexibility.*

*B. The incentives provided for in this section may include, but shall not be limited to, (i) reduction of permit fees, (ii) reduction of user fees, (iii) reduction of any type of gross receipts tax or any other type of local tax as permitted by state law, and (iv) waiver of tax liens to facilitate the sale of property, if deemed appropriate.*

*C. Incentives established pursuant to this section may extend for a period of up to 10 years from the date of initial establishment of the abandoned school revitalization zone; however, the extent and duration of any incentive shall conform to the requirements of applicable federal and state law.*

*D. The regulatory flexibility provided in an abandoned school revitalization zone may include (i) special zoning for the district; (ii) the use of a special permit process; (iii) exemption from certain specified ordinances, excluding ordinances or provisions of ordinances adopted pursuant to the requirements of the Erosion and Sediment Control Law (§ 62.1-44.15:51 et seq.) and the Virginia Stormwater Management Act (§ 62.1-44.15:24 et seq.); and (iv) any other incentives adopted by ordinance, which shall be binding upon the locality for a period of up to 10 years.*

*E. The governing body may establish a service district for the provision of additional public services pursuant to Chapter 24 (§ 15.2-2400 et seq.).*

*F. A school located in an abandoned school revitalization zone shall be eligible for participation in the Virginia Shell Building Initiative pursuant to § 15.2-941.*

*G. This section shall not authorize any local government powers that are not expressly granted herein.*

*H. Prior to adopting or amending any ordinance pursuant to this section, a locality shall provide for notice and public hearing in accordance with subsection A of § 15.2-2204.*

**CHAPTER 499**

*An Act to amend the Code of Virginia by adding a section numbered 15.2-941.1, relating to abandoned school revitalization zones.*

[S 448]

Approved March 29, 2018

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

**1. That the Code of Virginia is amended by adding a section numbered 15.2-941.1 as follows:**

**§ 15.2-941.1. Creation of abandoned school revitalization zones.**

*A. Any locality may establish by ordinance one or more abandoned school revitalization zones for the purpose of providing incentives to private entities to purchase or develop real property or to assemble parcels suitable for economic development that include an abandoned school site. Each locality establishing an abandoned school revitalization zone may grant incentives and provide regulatory flexibility.*

*B. The incentives provided for in this section may include, but shall not be limited to, (i) reduction of permit fees, (ii) reduction of user fees, (iii) reduction of any type of gross receipts tax or any other type of local tax as permitted by state law, and (iv) waiver of tax liens to facilitate the sale of property, if deemed appropriate.*

*C. Incentives established pursuant to this section may extend for a period of up to 10 years from the date of initial establishment of the abandoned school revitalization zone; however, the extent and duration of any incentive shall conform to the requirements of applicable federal and state law.*

*D. The regulatory flexibility provided in an abandoned school revitalization zone may include (i) special zoning for the district; (ii) the use of a special permit process; (iii) exemption from certain specified ordinances, excluding ordinances or provisions of ordinances adopted pursuant to the requirements of the Erosion and Sediment Control Law (§ 62.1-44.15:51 et seq.) and the Virginia Stormwater Management Act (§ 62.1-44.15:24 et seq.); and (iv) any other incentives adopted by ordinance, which shall be binding upon the locality for a period of up to 10 years.*

*E. The governing body may establish a service district for the provision of additional public services pursuant to Chapter 24 (§ 15.2-2400 et seq.).*

*F. A school located in an abandoned school revitalization zone shall be eligible for participation in the Virginia Shell Building Initiative pursuant to § 15.2-941.*

*G. This section shall not authorize any local government powers that are not expressly granted herein.*

*H. Prior to adopting or amending any ordinance pursuant to this section, a locality shall provide for notice and public hearing in accordance with subsection A of § 15.2-2204.*

**CHAPTER 500**

*An Act to amend and reenact § 58.1-439.6 of the Code of Virginia, relating to worker retraining tax credit; manufacturing instruction for students.*

[H 129]

Approved March 29, 2018

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

**1. That § 58.1-439.6 of the Code of Virginia is amended and reenacted as follows:**

**§ 58.1-439.6. Worker retraining tax credit.**

*A. As used in this section, unless the context clearly requires otherwise:*

*"Eligible worker retraining" means retraining of a qualified employee that promotes economic development in the form of (i) noncredit courses at any of the Commonwealth's comprehensive community colleges or a private school or (ii) worker retraining programs undertaken through an apprenticeship agreement approved by the Commissioner of Labor and Industry.*

*"Manufacturing" means processing, manufacturing, refining, mining, or converting products for sale or resale.*

*"Qualified employee" means an employee of an employer eligible for a credit under this section in a full-time position requiring a minimum of 1,680 hours in the entire normal year of the employer's operations if the standard fringe benefits are paid by the employer for the employee. Employees in seasonal or temporary positions shall not qualify as qualified employees. A qualified employee (i) shall not be a relative of any owner or the employer claiming the credit and (ii) shall*

not own, directly or indirectly, more than five percent in value of the outstanding stock of a corporation claiming the credit. As used herein, "relative" means a spouse, child, grandchild, parent or sibling of an owner or employer, and "owner" means, in the case of a corporation, any person who owns five percent or more of the corporation's stock.

"STEM or STEAM discipline" means a science, technology, engineering, mathematics, or applied mathematics related discipline as ~~determined~~ *certified* by the Virginia Economic Development Partnership Authority in consultation with the Superintendent of Public Instruction. The term shall include a health care-related discipline.

B. 1. For taxable years beginning on and after January 1, 1999, but prior to January 1, 2022, an employer shall be allowed a credit against the taxes imposed by Articles 2 (§ 58.1-320 et seq.), 6 (§ 58.1-360 et seq.), and 10 (§ 58.1-400 et seq.) of Chapter 3; Chapter 12 (§ 58.1-1200 et seq.); Article 1 (§ 58.1-2500 et seq.) of Chapter 25; or Article 2 (§ 58.1-2620 et seq.) of Chapter 26 in an amount equal to 30 percent of all expenditures paid or incurred by the employer during the taxable year for eligible worker retraining. However, for taxable years beginning prior to January 1, 2013, if the eligible worker retraining consists of courses conducted at a private school, the credit shall be in an amount equal to the cost per qualified employee, but the amount of the credit shall not exceed \$100 per qualified employee annually. For taxable years beginning on or after January 1, 2013, if the eligible worker retraining consists of courses conducted at a private school, the credit shall be in an amount equal to the cost per qualified employee, but the amount of the credit shall not exceed \$200 per qualified employee annually, or \$300 per qualified employee annually if the eligible worker retraining includes retraining in a STEM or STEAM discipline, including but not limited to industry-recognized credentials, certificates, and certifications.

2. *For taxable years beginning on and after January 1, 2018, but prior to January 1, 2022, a business primarily engaged in manufacturing shall be allowed a credit against the taxes imposed by Articles 2 (§ 58.1-320 et seq.) and 10 (§ 58.1-400 et seq.) in an amount equal to 35 percent of its direct costs incurred during the taxable year in conducting orientation, instruction, and training in the Commonwealth relating to the manufacturing activities undertaken by the business. In no event shall the credit allowed to a business under this subdivision exceed \$2,000 for any taxable year. The Department shall allow credit only for programs that (i) provide orientation, instruction, and training solely to students in grades six through 12; (ii) are coordinated with the local school division; and (iii) are conducted either at a plant or facility owned, leased, rented, or otherwise used by the business or at a public middle or high school in Virginia. The taxpayer shall include in its direct costs only the following expenditures: (a) salaries or wages paid to instructors and trainers, prorated for the period of instruction or training; (b) costs for orientation, instruction, and training materials; (c) amounts paid for machinery and equipment used primarily for such instruction and training; and (d) the cost of leased or rented space used primarily for conducting the program.*

3. The total amount of tax credits granted to employers under this section for each fiscal year shall not exceed ~~\$2,500,000~~ *\$1 million*.

C. For purposes of this section, the amount of any credit attributable to a partnership, electing small business corporation (S corporation), or limited liability company shall be allocated to the individual partners, shareholders, or members, respectively, in proportion to their ownership or interest in such business entities.

D. 1. An employer shall be ~~entitled to the credit granted under this section~~ *allowed a credit pursuant to subdivision B 1* only for those courses at a comprehensive community college or a private school for which courses have been certified as eligible worker retraining to the Department of Taxation by the Virginia Economic Development Partnership Authority. ~~The Tax Commissioner shall promulgate regulations, in accordance with the Administrative Process Act (§ 2.2-4000 et seq.), (i) establishing procedures for claiming the credit provided by this section, (ii) defining eligible worker retraining, which shall include only those courses and programs that are substantially related to the duties of a qualified employee or that enhance the qualified employee's job-related skills, and that promote economic development, and (iii) providing for the allocation of credits among employers requesting credits in the event that the amount of credits for which requests are made exceeds the available amount of credits in any year.~~ The Virginia Economic Development Partnership Authority shall review requests for certification submitted by employers and shall advise the Tax Commissioner whether a course or program qualifies as eligible worker retraining and, if it qualifies, whether the course or program is in a STEM or STEAM discipline.

2. *A business shall be allowed the credit pursuant to subdivision B 2 only for an orientation, instruction, and training program that has been approved by the local school division and certified as eligible by the Virginia Economic Development Partnership Authority. A business seeking a tax credit under subdivision B 2 shall include in its application reviewed by the Virginia Economic Development Partnership Authority an approval from the local school division. The Virginia Economic Development Partnership Authority shall review requests for certification submitted by businesses and shall advise the Tax Commissioner whether an orientation, instruction, and training program qualifies as relating to the manufacturing activities undertaken by the business and meets other applicable requirements.*

3. *The Tax Commissioner shall develop guidelines (i) establishing procedures for claiming the credit provided by this section, (ii) defining eligible worker retraining, which shall include only those courses and programs that are substantially related to the duties of a qualified employee or that enhance the qualified employee's job-related skills, and that promote economic development, and (iii) providing for the allocation of credits among employers and businesses requesting credits in the event that the amount of credits for which requests are made exceeds the available amount of credits in any year. Such guidelines shall be exempt from the provisions of the Administrative Process Act (§ 2.2-4000 et seq.).*

E. Any credit not usable for the taxable year may be carried over for the next three taxable years. The amount of credit allowed pursuant to this section shall not exceed the tax imposed for such taxable year. No credit shall be carried back to a preceding taxable year. If an employer *or business* that is subject to the tax limitation imposed pursuant to this subsection is allowed another credit pursuant to any other section of this Code, or has a credit carryover from a preceding taxable year, such employer *or business* shall be considered to have first utilized any credit allowed which does not have a carryover provision, and then any credit which is carried forward from a preceding taxable year, prior to the utilization of any credit allowed pursuant to this section.

F. No employer *or business* shall be eligible to claim a credit under this section for worker retraining *or manufacturing orientation, instruction, and training* undertaken by any program operated, administered, or paid for by the Commonwealth.

G. *The Department shall review certifications received from the Virginia Economic Development Partnership Authority pursuant to subsection D and, if it determines a taxpayer meets the applicable requirements, shall issue a credit in the amount specified in subsection B.*

H. The Virginia Economic Development Partnership Authority shall report annually to the Chairmen of the House Finance and Senate Finance Committees on the status and implementation of the credit established by this section, including certifications for eligible worker retraining.

CHAPTER 501

*An Act to amend and reenact § 46.2-1148 of the Code of Virginia, relating to overweight permits for hauling Virginia-grown farm produce; bridges and culverts.*

[H 214]

Approved March 29, 2018

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

**1. That § 46.2-1148 of the Code of Virginia is amended and reenacted as follows:**

**§ 46.2-1148. Overweight permit for hauling Virginia-grown farm produce.**

In addition to other permits provided for in this article, the Commissioner, upon written application by the owner or operator of any vehicle hauling farm produce grown in Virginia from the point of origin to the first place of delivery, shall issue permits for overweight operation of such vehicles as provided in this section. Such permits shall allow the vehicles to have a single axle weight of no more than 24,000 pounds, a tandem axle weight of no more than 40,000 pounds, and a tri-axle grouping weight of no more than 50,000 pounds. Additionally, any five-axle combination *having no less than 42 feet of axle space between extreme axles* may have a gross weight of no more than 90,000 pounds, any four-axle combination, may have a gross weight of not more than 70,000 pounds, any three-axle combination may have a gross weight of no more than 60,000 pounds, and any two-axle combination may have a gross weight of no more than 40,000 pounds.

Except as otherwise provided in this section, no such permit shall designate the route to be traversed nor contain restrictions or conditions not applicable to other vehicles in their general use of the highways.

No permit issued under this section shall authorize any vehicle ~~whose axle weights or axle spacing would not be permissible under §§ 46.2-1122 through 46.2-1127 to cross any bridge constituting a part of any public road to violate any weight limitation applicable to bridges or culverts, as promulgated and posted in accordance with § 46.2-1130.~~ Nothing contained in this section shall authorize any extension of weight limits provided in § 46.2-1127 for operation on interstate highways.

The fee for a permit issued under this section shall be \$45, to be allocated as follows: (i) \$40 to the Highway Maintenance and Operating Fund established pursuant to § 33.2-1530, with a portion equal to the percentage of the Commonwealth's total lane miles represented by the lane miles eligible for maintenance payments pursuant to §§ 33.2-319 and 33.2-366 being redistributed on the basis of lane miles to the applicable localities pursuant to §§ 33.2-319 and 33.2-366, to be used to assist in funding needed highway pavement and bridge maintenance and rehabilitation and (ii) a \$5 administrative fee to the Department.

CHAPTER 502

*An Act to amend the Code of Virginia by adding in Article 18.2 of Chapter 3 of Title 8.01 a section numbered 8.01-195.13 and for the relief of Danial J Williams, Joseph Jesse Dick, Jr., Eric Cameron Wilson, and Derek Elliot Tice, relating to compensation for wrongful incarceration for a felony conviction.*

[H 762]

Approved March 29, 2018

Whereas, Danial J Williams (Mr. Williams), Joseph Jesse Dick, Jr. (Mr. Dick), Eric Cameron Wilson (Mr. Wilson), and Derek Elliot Tice (Mr. Tice) spent nearly four decades in prison collectively for crimes they did not commit, and another collective 30 years after release from prison under highly restrictive parole and sex offender registry conditions that imposed onerous barriers to their reentry to society; and

Whereas, in the early morning hours of July 8, 1997, Omar Ballard (Ballard) entered the Norfolk, Virginia, apartment of Michelle Moore Bosko (Ms. Bosko) and brutally raped her and strangled and stabbed her to death; and

Whereas, in 1997, Mr. Williams, Mr. Dick, Mr. Wilson, and Mr. Tice were young men serving our country through military service with the United States Navy, none of whom had a criminal record; and

Whereas, investigating Norfolk police crime scene officers recorded a crime scene that strongly suggested Ms. Bosko was killed by a single assailant, and the officers collected several samples of DNA material; and

Whereas, a neighbor of Ms. Bosko provided police with the name of Ballard, a person with a long criminal history, as a suspect of Ms. Bosko's rape and murder; and

Whereas, Norfolk police officers investigated another rape that took place in the same complex where Ms. Bosko resided, and the victim provided information that fit the description of Ballard as her likely assailant; and

Whereas, the same evening as the neighbor provided Ballard's name as a suspect of Ms. Bosko's rape and murder, Norfolk police officers secured a warrant for Ballard's arrest for the assault of another woman in the same complex where Ms. Bosko resided; and

Whereas, instead of focusing on Ballard as a suspect in Ms. Bosko's rape and murder, Norfolk police officers interrogated and focused exclusively on Mr. Williams, a neighbor of Ms. Bosko; and

Whereas, police learned from Mr. Williams's ailing wife, who had just returned home from the hospital after cancer surgery, that Mr. Williams had been with her the entire evening of July 7 and morning hours of July 8; and

Whereas, while no evidence linked Mr. Williams to the crime, he fully cooperated with interrogating officers and repeatedly denied any involvement in or knowledge of the crime over the course of many hours; and

Whereas, after more than nine hours of interrogation during which Norfolk police officers falsely told Mr. Williams that he had failed a polygraph examination and suggested to Mr. Williams that he had raped Ms. Bosko and killed her by beating her with a shoe, Mr. Williams continued to declare his innocence; and

Whereas, Norfolk police brought into the interrogation Detective Robert Glen Ford (Ford), an aggressive and determined interrogator with a history of eliciting false confessions who has subsequently been convicted of federal felonies related to his police work; and

Whereas, Ford, through illegal and improper means and contrary to accepted police practices, obtained a false confession from an exhausted and traumatized Mr. Williams that he had assaulted and killed Ms. Bosko with a shoe; and

Whereas, Ford and other Norfolk police officers knew that Mr. Williams's statement was based on a false scenario provided to Mr. Williams by an interrogator and did not conform to the medical and forensic evidence; and

Whereas, when the medical examiner determined that Ms. Bosko had been strangled and stabbed to death, Norfolk police returned to Mr. Williams and insisted he change his confession to match the crime by saying that he stabbed and strangled Ms. Bosko; and

Whereas, Mr. Williams was a young man who had been taught by the Navy to comply with authority figures and was completely overwhelmed, and so he did as demanded by the police; and

Whereas, the Norfolk police accepted Mr. Williams's altered confession, told the public the case was solved, and did not further investigate the crime; and

Whereas, Mr. Williams was held without bail and charged with capital murder and rape; and

Whereas, in December 1997, Commonwealth crime lab DNA testing determined that Mr. Williams was not the source of the DNA evidence recovered from the crime scene; and

Whereas, Ford, who decided to continue to investigate Mr. Williams as a suspect, had previously secured false confessions after using aggressive interrogation techniques, and as a result had been demoted out of the homicide squad; and

Whereas, the Norfolk police did not turn the investigation to Ballard, even though he was now in prison for the violent assault of two young women, but instead sought to find a co-defendant to Mr. Williams who might be the contributor of the DNA evidence recovered at the crime scene; and

Whereas, Norfolk police decided to interrogate Mr. Williams's roommate, Mr. Dick, even though they had no evidence that he was involved in the crime; and

Whereas, Mr. Dick was a highly suggestible, immature young man of limited cognitive functioning; and

Whereas, on January 12, 1998, police picked up Mr. Dick from the naval base, placed him in a Norfolk police interrogation room, and sought to have him implicate himself and Mr. Williams in the crime; and

Whereas, Mr. Dick repeatedly told police that he had no involvement in the crime and had been on duty on the USS *Saipan* the week beginning on July 7; and

Whereas, Ford, through illegal and improper means and contrary to accepted police practices, obtained a false confession from Mr. Dick, who broke down after hours of steadfastly asserting his innocence; and

Whereas, Mr. Dick gave a statement in which he said that he and Mr. Williams had jointly assaulted and stabbed Ms. Bosko; and

Whereas, numerous facts in Mr. Dick's statement were glaringly inconsistent with both the known crime scene evidence and Mr. Williams's coerced statement; and

Whereas, Mr. Dick was held without bail and charged with capital murder and rape; and

Whereas, in March 1998, Commonwealth crime lab DNA testing confirmed that Mr. Dick was not the source of the DNA evidence recovered at the Bosko crime scene, and no evidence linked him to the crime; and

Whereas, Norfolk police again chose not to investigate Ballard as a suspect in the rape and murder of Ms. Bosko, and instead chose to look for another co-defendant to Mr. Williams and Mr. Dick, despite the fact that the crime scene evidence was inconsistent with a multiple-offender crime theory; and

Whereas, the Norfolk police turned their attention to Mr. Wilson, an acquaintance of Mr. Williams; and

Whereas, in early April 1998, Norfolk police brought Mr. Wilson to an interrogation room and, through illegal and improper means and contrary to accepted police practices, obtained a false confession; and

Whereas, Mr. Wilson had, for hours, denied any knowledge or involvement in the crime but like Mr. Williams and Mr. Dick had become exhausted and traumatized and gave into pressure from the police; and

Whereas, Mr. Wilson's confession matched neither the known crime scene evidence nor Mr. Williams's nor Mr. Dick's prior statements to the police, and no forensic evidence linked Mr. Wilson to the crime; and

Whereas, Mr. Wilson was held without bail and charged with capital murder and rape; and

Whereas, shortly thereafter, Commonwealth crime lab DNA testing also excluded Mr. Wilson as the source of the DNA recovered from the crime scene; and

Whereas, in June 1998, Norfolk police again ignored the overwhelming evidence that Ballard might have committed this crime and sought to identify a fourth potential DNA contributor through continued questioning of the highly malleable and submissive Mr. Dick; and

Whereas, undeterred by Mr. Dick's then-obvious prior false and inconsistent statements, Ford and his partner demanded that Mr. Dick provide the name of another suspect; and

Whereas, despite Mr. Dick giving the Norfolk police officers a made-up name and description of someone that did not match Navy records, Ford persisted and pressured Mr. Dick to pick out Mr. Tice from a Navy yearbook from Mr. Wilson's ship; and

Whereas, again, Ford, through illegal and improper means and contrary to accepted police practices, obtained a false confession from Mr. Tice, who after two days in police custody, hours of interrogation, and repeatedly professing his innocence to no avail finally told Ford that he committed the crime along with Mr. Williams, Mr. Dick, and Mr. Wilson; and

Whereas, Mr. Tice's confession was inconsistent in numerous respects with the known crime scene evidence and the statements of Mr. Williams, Mr. Dick, and Mr. Wilson; and

Whereas, Mr. Tice was held on bail and charged with capital murder and rape; and

Whereas, shortly thereafter, Commonwealth crime lab DNA testing also excluded Mr. Tice as a contributor of the DNA evidence recovered from the crime scene; and

Whereas, in the fall of 1998, in a misdirected search for a co-defendant whose DNA would match the Bosko crime scene evidence, Ford and other Norfolk police officers interrogated and charged three additional former members of the U.S. Navy with participating in the assault and murder of Ms. Bosko; despite forceful interrogations, none of these men gave incriminating statements but each was held for several months even though two of the three had very strong alibis that were known to the police; and

Whereas, in February 1999, Ballard, incarcerated for a sexual assault he had committed unrelated to the Bosko case, wrote to a friend and admitted responsibility for killing Ms. Bosko; and

Whereas, this letter was promptly shared with Norfolk police; and

Whereas, Ford and another Norfolk police officer met with Ballard, who confessed to Ms. Bosko's murder after a brief questioning and told police that he alone committed the crime; and

Whereas, Ballard's statement matched the known crime scene evidence in all respects; and

Whereas, Commonwealth crime lab DNA testing confirmed that the DNA evidence recovered from Ms. Bosko's body, from under her fingernails, and from a blanket near her body belonged to Ballard; and

Whereas, Ballard was charged with capital murder and rape; and

Whereas, Ford was involved before, during, and after his investigation of the rape and murder of Ms. Bosko in a fraudulent scheme to urge judges to allow certain offenders to remain out on bail; these offenders paid thousands of dollars to Ford as bribes, and in return Ford committed perjury so they could retain their freedom; and

Whereas, Ford has subsequently been convicted and is serving a 150-month sentence in federal prison related to this felonious scheme; and

Whereas, in order for Ford to conceal that the confessions of Mr. Williams, Mr. Dick, Mr. Wilson, and Mr. Tice were coerced and false so that he could continue to be employed with the homicide squad, as well as so that he could continue his enrichment scheme to accept bribes, Ford told Ballard that he could avoid the death penalty only by asserting that Mr. Williams, Mr. Dick, Mr. Wilson, and Mr. Tice committed the crime with him; and

Whereas, even though the statement that the other four men were involved in the assault and murder of Ms. Bosko was a lie, Ballard agreed to go along with Ford in order to obtain the life-sentence deal; and

Whereas, fearing the death penalty, Mr. Williams reluctantly entered a guilty plea in order to receive a sentence of life without parole; and

Whereas, Mr. Williams sought to withdraw his guilty plea after he learned of Ballard's confession, but the prosecution successfully opposed the motion; and

Whereas, also fearing for his life and in a fragile state of mind, Mr. Dick also entered a plea of guilty and was sentenced to life in prison; and

Whereas, Mr. Wilson insisted on going to trial and testified at the trial that he was not guilty; the jury acquitted him of murder but convicted him of rape, based solely on his false, coerced confession, and sentenced him to eight and one-half years in prison; and

Whereas, Mr. Tice also fought the charges against him and was tried twice. His first conviction was overturned on appeal due to defective jury instructions, but solely on the basis of his false, coerced confession he was convicted at a second trial of both capital murder and rape and received life sentences; and

Whereas, Norfolk police withheld from each of these wrongfully charged men evidence that, had it been disclosed, would have prevented Mr. Williams and Mr. Dick from entering guilty pleas to avoid the death penalty and would have led juries to acquit Mr. Wilson and Mr. Tice of all charges; and

Whereas, each of these four men were imprisoned and experienced assaults and other horrific experiences during the imprisonment that irreparably broke them in a manner that no time or money will ever fix; and

Whereas, in 2005, the four men sought absolute pardons due to their innocence; and

Whereas, Norfolk officials vigorously opposed these petitions and continued to withhold evidence from the Governor of Virginia that would have confirmed their innocence; and

Whereas, in 2009, Governor Tim Kaine granted conditional pardons to Mr. Williams, Mr. Dick, and Mr. Tice, concluding that they had made a very strong case that they, and Mr. Wilson, were innocent; however, Governor Kaine did not disturb their convictions and required that they each accept parole supervision for 20 years and register as sex offenders; and

Whereas, Mr. Wilson had previously been released from prison in 2005 after serving his full sentence and was also required to register as a sex offender; and

Whereas, all four men have struggled to rebuild their lives and have lived vastly reduced lives due to the strong stigma of their wrongful convictions for violent crimes and due further to the stringent conditions of parole and sex offender registry requirements; and

Whereas, many job training programs and promising employment opportunities have not been available due to these limitations; and

Whereas, the four men have been restricted from living in certain areas, subject to strict curfews, and unable to be in the vicinity of certain public facilities; and

Whereas, numerous family relations were shattered, and other friends and acquaintances have wanted nothing to do with them; and

Whereas, federal habeas review overturned Mr. Tice's convictions; that relief was affirmed by a unanimous three-judge panel of the United States Court of Appeals for the Fourth Circuit, and thereafter all state charges were dismissed without prejudice (with the Commonwealth reserving the right to recharge him later); and

Whereas, in 2016, federal habeas review brought relief to Mr. Williams and Mr. Dick when a district court judge, after conducting a two-day hearing on innocence, ruled that Mr. Williams, Mr. Dick, Mr. Tice, and Mr. Wilson were absolutely innocent, and that the only guilty party was Ballard; and

Whereas, all charges were dismissed against Mr. Williams and Mr. Dick in November 2016; and

Whereas, Mr. Wilson could not receive any state or federal judicial relief due to procedural technicalities; however, in late 2016, he, Mr. Williams, Mr. Dick, and Mr. Tice filed for absolute pardons from Governor Terry McAuliffe; and

Whereas, in March 2017, Governor McAuliffe issued full, absolute pardons to each man due to their factual innocence; and

Whereas, had Norfolk officials not purposefully fabricated evidence to make each man appear guilty and deliberately withheld exonerating evidence during the trials, appeals, clemency proceedings, and state and federal habeas proceedings that would have proven their innocence, these men would not have been charged with or convicted of these horrific crimes and would not have suffered for nearly two decades with shame, humiliation, and loss of liberty as convicted rapists and murderers; and

Whereas, Danial J Williams, Joseph Jesse Dick, Jr., Eric Cameron Wilson, and Derek Elliot Tice have no other means to obtain adequate relief except by action of this body; now, therefore,

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

**1. That the Code of Virginia is amended by adding in Article 18.2 of Chapter 3 of Title 8.01 a section numbered 8.01-195.13 as follows:**

**§ 8.01-195.13. Compensation for certain intentional acts.**

*A. In any matter resulting in compensation for wrongful incarceration pursuant to this article, if a court of competent jurisdiction over the matter determines, or the court record clearly demonstrates, that the Commonwealth or any agency, instrumentality, officer or employee, or political subdivision thereof (i) intentionally and wrongfully fabricated evidence that was used to obtain the wrongful conviction in such manner and (ii) intentionally, willfully, and continuously suppressed or withheld evidence establishing the innocence of the person wrongfully incarcerated, including but not limited to suppression or withholding of evidence to the Governor for the purpose of clemency, the Commonwealth may compensate the person wrongfully incarcerated for such intentional acts. Such amount shall be in addition to any compensation awarded pursuant to § 8.01-195.11 and may be up to or equal to the amount of such compensation. The additional compensation shall be added to any amount awarded pursuant to § 8.01-195.11, and the total compensation shall be paid pursuant to subdivision B of § 8.01-195.11. Nothing provided in this section shall be interpreted to supplant, revoke, or*

supersede any other provision of this article applicable to the award of compensation for wrongful incarceration, and the additional compensation shall be subject to any conditions set forth in this article.

*B. Any compensation awarded pursuant to this article that includes the additional compensation for intentional acts as set forth in subsection A shall not become effective and payable by the Commonwealth unless and until (i) the person wrongfully incarcerated executes the release and waiver pursuant to subsection B of § 8.01-195.12 and (ii) the instrumentality, or political subdivision thereof, employing any individual committing the intentional acts set forth in clauses (i) and (ii) of subsection A enters into an agreement with the person wrongfully incarcerated requiring such instrumentality or political subdivision to compensate the person with a sum at least equal to the total compensation provided pursuant to § 8.01-195.11 and this section.*

**2. § 1.** *That there is hereby appropriated from the general fund of the state treasury the sum of \$895,299 for the relief of Danial J Williams, to be paid by check issued by the State Treasurer on warrant of the Comptroller upon execution of a release of all claims Mr. Williams may have against (i) the Commonwealth or any agency, instrumentality, officer, employee, or political subdivision thereof; (ii) any legal counsel appointed pursuant to § 19.2-159 of the Code of Virginia; and (iii) all other parties of interest in connection with the aforesaid occurrence.*

*The compensation, subject to the execution of the release described herein, shall be paid as follows: (a) an initial lump sum of \$179,060 to be paid to Mr. Williams by check issued by the State Treasurer on warrant of the Comptroller within 60 days immediately following the execution of such release and (b) the sum of \$716,239 to purchase an annuity within 90 days of receipt of the signed agreement pursuant to the third enactment of this act, for the primary benefit of Mr. Williams, the terms of such annuity structured in Mr. Williams's best interests based on consultation among Mr. Williams or his representatives, the State Treasurer, and other necessary parties.*

**§ 2.** *That there is hereby appropriated from the general fund of the state treasury the sum of \$875,845 for the relief of Joseph Jesse Dick, Jr., to be paid by check issued by the State Treasurer on warrant of the Comptroller upon execution of a release of all claims Mr. Dick may have against (i) the Commonwealth or any agency, instrumentality, officer, employee, or political subdivision thereof; (ii) any legal counsel appointed pursuant to § 19.2-159 of the Code of Virginia; and (iii) all other parties of interest in connection with the aforesaid occurrence.*

*The compensation, subject to the execution of the release described herein, shall be paid as follows: (a) an initial lump sum of \$175,169 to be paid to Mr. Dick by check issued by the State Treasurer on warrant of the Comptroller within 60 days immediately following the execution of such release and (b) the sum of \$700,676 to purchase an annuity within 90 days of receipt of the signed agreement pursuant to the fourth enactment of this act, for the primary benefit of Mr. Dick, the terms of such annuity structured in Mr. Dick's best interests based on consultation among Mr. Dick or his representatives, the State Treasurer, and other necessary parties.*

**§ 3.** *That there is hereby appropriated from the general fund of the state treasury the sum of \$866,456 for the relief of Eric Cameron Wilson, to be paid by check issued by the State Treasurer on warrant of the Comptroller upon execution of a release of all claims Mr. Wilson may have against (i) the Commonwealth or any agency, instrumentality, officer, employee, or political subdivision thereof; (ii) any legal counsel appointed pursuant to § 19.2-159 of the Code of Virginia; and (iii) all other parties of interest in connection with the aforesaid occurrence.*

*The compensation, subject to the execution of the release described herein, shall be paid as follows: (a) an initial lump sum of \$173,291 to be paid to Mr. Wilson by check issued by the State Treasurer on warrant of the Comptroller within 60 days immediately following the execution of such release and (b) the sum of \$693,165 to purchase an annuity within 90 days of receipt of the signed agreement pursuant to the fifth enactment of this act, for the primary benefit of Mr. Wilson, the terms of such annuity structured in Mr. Wilson's best interests based on consultation among Mr. Wilson or his representatives, the State Treasurer, and other necessary parties.*

**§ 4.** *That there is hereby appropriated from the general fund of the state treasury the sum of \$858,704 for the relief of Derek Elliot Tice, to be paid by check issued by the State Treasurer on warrant of the Comptroller upon execution of a release of all claims Mr. Tice may have against (i) the Commonwealth or any agency, instrumentality, officer, employee, or political subdivision thereof; (ii) any legal counsel appointed pursuant to § 19.2-159 of the Code of Virginia; and (iii) all other parties of interest in connection with the aforesaid occurrence.*

*The compensation, subject to the execution of the release described herein, shall be paid as follows: (a) an initial lump sum of \$171,741 to be paid to Mr. Tice by check issued by the State Treasurer on warrant of the Comptroller within 60 days immediately following the execution of such release and (b) the sum of \$686,963 to purchase an annuity within 90 days of receipt of the signed agreement pursuant to the sixth enactment of this act, for the primary benefit of Mr. Tice, the terms of such annuity structured in Mr. Tice's best interests based on consultation among Mr. Tice or his representatives, the State Treasurer, and other necessary parties.*

**3.** **That notwithstanding the provisions of subsection B of § 8.01-195.12, the provisions of § 1 of the second enactment of this act shall not become effective until such time as Danial J Williams and the City of Norfolk enter into an agreement in connection with the aforesaid factual situation requiring the City of Norfolk to compensate Mr. Williams the sum of at least \$895,299. In order for the provisions of § 1 of the second enactment of this act to become effective, such agreement shall be entered into prior to a final verdict in a court of law related to the aforesaid factual situation. The City of Norfolk shall forward a copy of the signed agreement to the Treasurer of Virginia within five days of its execution.**

4. That notwithstanding the provisions of subsection B of § 8.01-195.12, the provisions of § 2 of the second enactment of this act shall not become effective until such time as Joseph Jesse Dick, Jr., and the City of Norfolk enter into an agreement in connection with the aforesaid factual situation requiring the City of Norfolk to compensate Mr. Dick the sum of at least \$875,845. In order for the provisions of § 2 of the second enactment of this act to become effective, such agreement shall be entered into prior to a final verdict in a court of law related to the aforesaid factual situation. The City of Norfolk shall forward a copy of the signed agreement to the Treasurer of Virginia within five days of its execution.

5. That notwithstanding the provisions of subsection B of § 8.01-195.12, the provisions of § 3 of the second enactment of this act shall not become effective until such time as Eric Cameron Wilson and the City of Norfolk enter into an agreement in connection with the aforesaid factual situation requiring the City of Norfolk to compensate Mr. Wilson the sum of at least \$866,456. In order for the provisions of § 3 of the second enactment of this act to become effective, such agreement shall be entered into prior to a final verdict in a court of law related to the aforesaid factual situation. The City of Norfolk shall forward a copy of the signed agreement to the Treasurer of Virginia within five days of its execution.

6. That notwithstanding the provisions of subsection B of § 8.01-195.12, the provisions of § 4 of the second enactment of this act shall not become effective until such time as Derek Elliot Tice and the City of Norfolk enter into an agreement in connection with the aforesaid factual situation requiring the City of Norfolk to compensate Mr. Tice the sum of at least \$858,704. In order for the provisions of § 4 of the second enactment of this act to become effective, such agreement shall be entered into prior to a final verdict in a court of law related to the aforesaid factual situation. The City of Norfolk shall forward a copy of the signed agreement to the Treasurer of Virginia within five days of its execution.

7. That the provisions of § 8.01-195.12 of the Code of Virginia shall apply to any compensation awarded under this act.

### CHAPTER 503

*An Act to amend the Code of Virginia by adding in Article 18.2 of Chapter 3 of Title 8.01 a section numbered 8.01-195.13 and for the relief of Danial J Williams, Joseph Jesse Dick, Jr., Eric Cameron Wilson, and Derek Elliot Tice, relating to compensation for wrongful incarceration for a felony conviction.*

[S 772]

Approved March 29, 2018

Whereas, Danial J Williams (Mr. Williams), Joseph Jesse Dick, Jr. (Mr. Dick), Eric Cameron Wilson (Mr. Wilson), and Derek Elliot Tice (Mr. Tice) spent nearly four decades in prison collectively for crimes they did not commit, and another collective 30 years after release from prison under highly restrictive parole and sex offender registry conditions that imposed onerous barriers to their reentry to society; and

Whereas, in the early morning hours of July 8, 1997, Omar Ballard (Ballard) entered the Norfolk, Virginia, apartment of Michelle Moore Bosko (Ms. Bosko) and brutally raped her and strangled and stabbed her to death; and

Whereas, in 1997, Mr. Williams, Mr. Dick, Mr. Wilson, and Mr. Tice were young men serving our country through military service with the United States Navy, none of whom had a criminal record; and

Whereas, investigating Norfolk police crime scene officers recorded a crime scene that strongly suggested Ms. Bosko was killed by a single assailant, and the officers collected several samples of DNA material; and

Whereas, a neighbor of Ms. Bosko provided police with the name of Ballard, a person with a long criminal history, as a suspect of Ms. Bosko's rape and murder; and

Whereas, Norfolk police officers investigated another rape that took place in the same complex where Ms. Bosko resided, and the victim provided information that fit the description of Ballard as her likely assailant; and

Whereas, the same evening as the neighbor provided Ballard's name as a suspect of Ms. Bosko's rape and murder, Norfolk police officers secured a warrant for Ballard's arrest for the assault of another woman in the same complex where Ms. Bosko resided; and

Whereas, instead of focusing on Ballard as a suspect in Ms. Bosko's rape and murder, Norfolk police officers interrogated and focused exclusively on Mr. Williams, a neighbor of Ms. Bosko; and

Whereas, police learned from Mr. Williams's ailing wife, who had just returned home from the hospital after cancer surgery, that Mr. Williams had been with her the entire evening of July 7 and morning hours of July 8; and

Whereas, while no evidence linked Mr. Williams to the crime, he fully cooperated with interrogating officers and repeatedly denied any involvement in or knowledge of the crime over the course of many hours; and

Whereas, after more than nine hours of interrogation during which Norfolk police officers falsely told Mr. Williams that he had failed a polygraph examination and suggested to Mr. Williams that he had raped Ms. Bosko and killed her by beating her with a shoe, Mr. Williams continued to declare his innocence; and

Whereas, Norfolk police brought into the interrogation Detective Robert Glen Ford (Ford), an aggressive and determined interrogator with a history of eliciting false confessions who has subsequently been convicted of federal felonies related to his police work; and

Whereas, Ford, through illegal and improper means and contrary to accepted police practices, obtained a false confession from an exhausted and traumatized Mr. Williams that he had assaulted and killed Ms. Bosko with a shoe; and

Whereas, Ford and other Norfolk police officers knew that Mr. Williams's statement was based on a false scenario provided to Mr. Williams by an interrogator and did not conform to the medical and forensic evidence; and

Whereas, when the medical examiner determined that Ms. Bosko had been strangled and stabbed to death, Norfolk police returned to Mr. Williams and insisted he change his confession to match the crime by saying that he stabbed and strangled Ms. Bosko; and

Whereas, Mr. Williams was a young man who had been taught by the Navy to comply with authority figures and was completely overwhelmed, and so he did as demanded by the police; and

Whereas, the Norfolk police accepted Mr. Williams's altered confession, told the public the case was solved, and did not further investigate the crime; and

Whereas, Mr. Williams was held without bail and charged with capital murder and rape; and

Whereas, in December 1997, Commonwealth crime lab DNA testing determined that Mr. Williams was not the source of the DNA evidence recovered from the crime scene; and

Whereas, Ford, who decided to continue to investigate Mr. Williams as a suspect, had previously secured false confessions after using aggressive interrogation techniques, and as a result had been demoted out of the homicide squad; and

Whereas, the Norfolk police did not turn the investigation to Ballard, even though he was now in prison for the violent assault of two young women, but instead sought to find a co-defendant to Mr. Williams who might be the contributor of the DNA evidence recovered at the crime scene; and

Whereas, Norfolk police decided to interrogate Mr. Williams's roommate, Mr. Dick, even though they had no evidence that he was involved in the crime; and

Whereas, Mr. Dick was a highly suggestible, immature young man of limited cognitive functioning; and

Whereas, on January 12, 1998, police picked up Mr. Dick from the naval base, placed him in a Norfolk police interrogation room, and sought to have him implicate himself and Mr. Williams in the crime; and

Whereas, Mr. Dick repeatedly told police that he had no involvement in the crime and had been on duty on the USS *Saipan* the week beginning on July 7; and

Whereas, Ford, through illegal and improper means and contrary to accepted police practices, obtained a false confession from Mr. Dick, who broke down after hours of steadfastly asserting his innocence; and

Whereas, Mr. Dick gave a statement in which he said that he and Mr. Williams had jointly assaulted and stabbed Ms. Bosko; and

Whereas, numerous facts in Mr. Dick's statement were glaringly inconsistent with both the known crime scene evidence and Mr. Williams's coerced statement; and

Whereas, Mr. Dick was held without bail and charged with capital murder and rape; and

Whereas, in March 1998, Commonwealth crime lab DNA testing confirmed that Mr. Dick was not the source of the DNA evidence recovered at the Bosko crime scene, and no evidence linked him to the crime; and

Whereas, Norfolk police again chose not to investigate Ballard as a suspect in the rape and murder of Ms. Bosko, and instead chose to look for another co-defendant to Mr. Williams and Mr. Dick, despite the fact that the crime scene evidence was inconsistent with a multiple-offender crime theory; and

Whereas, the Norfolk police turned their attention to Mr. Wilson, an acquaintance of Mr. Williams; and

Whereas, in early April 1998, Norfolk police brought Mr. Wilson to an interrogation room and, through illegal and improper means and contrary to accepted police practices, obtained a false confession; and

Whereas, Mr. Wilson had, for hours, denied any knowledge or involvement in the crime but like Mr. Williams and Mr. Dick had become exhausted and traumatized and gave into pressure from the police; and

Whereas, Mr. Wilson's confession matched neither the known crime scene evidence nor Mr. Williams's nor Mr. Dick's prior statements to the police, and no forensic evidence linked Mr. Wilson to the crime; and

Whereas, Mr. Wilson was held without bail and charged with capital murder and rape; and

Whereas, shortly thereafter, Commonwealth crime lab DNA testing also excluded Mr. Wilson as the source of the DNA recovered from the crime scene; and

Whereas, in June 1998, Norfolk police again ignored the overwhelming evidence that Ballard might have committed this crime and sought to identify a fourth potential DNA contributor through continued questioning of the highly malleable and submissive Mr. Dick; and

Whereas, undeterred by Mr. Dick's then-obvious prior false and inconsistent statements, Ford and his partner demanded that Mr. Dick provide the name of another suspect; and

Whereas, despite Mr. Dick giving the Norfolk police officers a made-up name and description of someone that did not match Navy records, Ford persisted and pressured Mr. Dick to pick out Mr. Tice from a Navy yearbook from Mr. Wilson's ship; and

Whereas, again, Ford, through illegal and improper means and contrary to accepted police practices, obtained a false confession from Mr. Tice, who after two days in police custody, hours of interrogation, and repeatedly professing his innocence to no avail finally told Ford that he committed the crime along with Mr. Williams, Mr. Dick, and Mr. Wilson; and

Whereas, Mr. Tice's confession was inconsistent in numerous respects with the known crime scene evidence and the statements of Mr. Williams, Mr. Dick, and Mr. Wilson; and

Whereas, Mr. Tice was held on bail and charged with capital murder and rape; and

Whereas, shortly thereafter, Commonwealth crime lab DNA testing also excluded Mr. Tice as a contributor of the DNA evidence recovered from the crime scene; and

Whereas, in the fall of 1998, in a misdirected search for a co-defendant whose DNA would match the Bosko crime scene evidence, Ford and other Norfolk police officers interrogated and charged three additional former members of the U.S. Navy with participating in the assault and murder of Ms. Bosko; despite forceful interrogations, none of these men gave incriminating statements but each was held for several months even though two of the three had very strong alibis that were known to the police; and

Whereas, in February 1999, Ballard, incarcerated for a sexual assault he had committed unrelated to the Bosko case, wrote to a friend and admitted responsibility for killing Ms. Bosko; and

Whereas, this letter was promptly shared with Norfolk police; and

Whereas, Ford and another Norfolk police officer met with Ballard, who confessed to Ms. Bosko's murder after a brief questioning and told police that he alone committed the crime; and

Whereas, Ballard's statement matched the known crime scene evidence in all respects; and

Whereas, Commonwealth crime lab DNA testing confirmed that the DNA evidence recovered from Ms. Bosko's body, from under her fingernails, and from a blanket near her body belonged to Ballard; and

Whereas, Ballard was charged with capital murder and rape; and

Whereas, Ford was involved before, during, and after his investigation of the rape and murder of Ms. Bosko in a fraudulent scheme to urge judges to allow certain offenders to remain out on bail; these offenders paid thousands of dollars to Ford as bribes, and in return Ford committed perjury so they could retain their freedom; and

Whereas, Ford has subsequently been convicted and is serving a 150-month sentence in federal prison related to this felonious scheme; and

Whereas, in order for Ford to conceal that the confessions of Mr. Williams, Mr. Dick, Mr. Wilson, and Mr. Tice were coerced and false so that he could continue to be employed with the homicide squad, as well as so that he could continue his enrichment scheme to accept bribes, Ford told Ballard that he could avoid the death penalty only by asserting that Mr. Williams, Mr. Dick, Mr. Wilson, and Mr. Tice committed the crime with him; and

Whereas, even though the statement that the other four men were involved in the assault and murder of Ms. Bosko was a lie, Ballard agreed to go along with Ford in order to obtain the life-sentence deal; and

Whereas, fearing the death penalty, Mr. Williams reluctantly entered a guilty plea in order to receive a sentence of life without parole; and

Whereas, Mr. Williams sought to withdraw his guilty plea after he learned of Ballard's confession, but the prosecution successfully opposed the motion; and

Whereas, also fearing for his life and in a fragile state of mind, Mr. Dick also entered a plea of guilty and was sentenced to life in prison; and

Whereas, Mr. Wilson insisted on going to trial and testified at the trial that he was not guilty; the jury acquitted him of murder but convicted him of rape, based solely on his false, coerced confession, and sentenced him to eight and one-half years in prison; and

Whereas, Mr. Tice also fought the charges against him and was tried twice. His first conviction was overturned on appeal due to defective jury instructions, but solely on the basis of his false, coerced confession he was convicted at a second trial of both capital murder and rape and received life sentences; and

Whereas, Norfolk police withheld from each of these wrongfully charged men evidence that, had it been disclosed, would have prevented Mr. Williams and Mr. Dick from entering guilty pleas to avoid the death penalty and would have led juries to acquit Mr. Wilson and Mr. Tice of all charges; and

Whereas, each of these four men were imprisoned and experienced assaults and other horrific experiences during the imprisonment that irreparably broke them in a manner that no time or money will ever fix; and

Whereas, in 2005, the four men sought absolute pardons due to their innocence; and

Whereas, Norfolk officials vigorously opposed these petitions and continued to withhold evidence from the Governor of Virginia that would have confirmed their innocence; and

Whereas, in 2009, Governor Tim Kaine granted conditional pardons to Mr. Williams, Mr. Dick, and Mr. Tice, concluding that they had made a very strong case that they, and Mr. Wilson, were innocent; however, Governor Kaine did not disturb their convictions and required that they each accept parole supervision for 20 years and register as sex offenders; and

Whereas, Mr. Wilson had previously been released from prison in 2005 after serving his full sentence and was also required to register as a sex offender; and

Whereas, all four men have struggled to rebuild their lives and have lived vastly reduced lives due to the strong stigma of their wrongful convictions for violent crimes and due further to the stringent conditions of parole and sex offender registry requirements; and

Whereas, many job training programs and promising employment opportunities have not been available due to these limitations; and

Whereas, the four men have been restricted from living in certain areas, subject to strict curfews, and unable to be in the vicinity of certain public facilities; and

Whereas, numerous family relations were shattered, and other friends and acquaintances have wanted nothing to do with them; and

Whereas, federal habeas review overturned Mr. Tice's convictions; that relief was affirmed by a unanimous three-judge panel of the United States Court of Appeals for the Fourth Circuit, and thereafter all state charges were dismissed without prejudice (with the Commonwealth reserving the right to recharge him later); and

Whereas, in 2016, federal habeas review brought relief to Mr. Williams and Mr. Dick when a district court judge, after conducting a two-day hearing on innocence, ruled that Mr. Williams, Mr. Dick, Mr. Tice, and Mr. Wilson were absolutely innocent, and that the only guilty party was Ballard; and

Whereas, all charges were dismissed against Mr. Williams and Mr. Dick in November 2016; and

Whereas, Mr. Wilson could not receive any state or federal judicial relief due to procedural technicalities; however, in late 2016, he, Mr. Williams, Mr. Dick, and Mr. Tice filed for absolute pardons from Governor Terry McAuliffe; and

Whereas, in March 2017, Governor McAuliffe issued full, absolute pardons to each man due to their factual innocence; and

Whereas, had Norfolk officials not purposefully fabricated evidence to make each man appear guilty and deliberately withheld exonerating evidence during the trials, appeals, clemency proceedings, and state and federal habeas proceedings that would have proven their innocence, these men would not have been charged with or convicted of these horrific crimes and would not have suffered for nearly two decades with shame, humiliation, and loss of liberty as convicted rapists and murderers; and

Whereas, Dania J Williams, Joseph Jesse Dick, Jr., Eric Cameron Wilson, and Derek Elliot Tice have no other means to obtain adequate relief except by action of this body; now, therefore,

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

**1. That the Code of Virginia is amended by adding in Article 18.2 of Chapter 3 of Title 8.01 a section numbered 8.01-195.13 as follows:**

**§ 8.01-195.13. Compensation for certain intentional acts.**

*A. In any matter resulting in compensation for wrongful incarceration pursuant to this article, if a court of competent jurisdiction over the matter determines, or the court record clearly demonstrates, that the Commonwealth or any agency, instrumentality, officer or employee, or political subdivision thereof (i) intentionally and wrongfully fabricated evidence that was used to obtain the wrongful conviction in such manner and (ii) intentionally, willfully, and continuously suppressed or withheld evidence establishing the innocence of the person wrongfully incarcerated, including but not limited to suppression or withholding of evidence to the Governor for the purpose of clemency, the Commonwealth may compensate the person wrongfully incarcerated for such intentional acts. Such amount shall be in addition to any compensation awarded pursuant to § 8.01-195.11 and may be up to or equal to the amount of such compensation. The additional compensation shall be added to any amount awarded pursuant to § 8.01-195.11, and the total compensation shall be paid pursuant to subdivision B of § 8.01-195.11. Nothing provided in this section shall be interpreted to supplant, revoke, or supersede any other provision of this article applicable to the award of compensation for wrongful incarceration, and the additional compensation shall be subject to any conditions set forth in this article.*

*B. Any compensation awarded pursuant to this article that includes the additional compensation for intentional acts as set forth in subsection A shall not become effective and payable by the Commonwealth unless and until (i) the person wrongfully incarcerated executes the release and waiver pursuant to subsection B of § 8.01-195.12 and (ii) the instrumentality, or political subdivision thereof, employing any individual committing the intentional acts set forth in clauses (i) and (ii) of subsection A enters into an agreement with the person wrongfully incarcerated requiring such instrumentality or political subdivision to compensate the person with a sum at least equal to the total compensation provided pursuant to § 8.01-195.11 and this section.*

**2. § 1. That there is hereby appropriated from the general fund of the state treasury the sum of \$895,299 for the relief of Dania J Williams, to be paid by check issued by the State Treasurer on warrant of the Comptroller upon execution of a release of all claims Mr. Williams may have against (i) the Commonwealth or any agency, instrumentality, officer, employee, or political subdivision thereof; (ii) any legal counsel appointed pursuant to § 19.2-159 of the Code of Virginia; and (iii) all other parties of interest in connection with the aforesaid occurrence.**

*The compensation, subject to the execution of the release described herein, shall be paid as follows: (a) an initial lump sum of \$179,060 to be paid to Mr. Williams by check issued by the State Treasurer on warrant of the Comptroller within 60 days immediately following the execution of such release and (b) the sum of \$716,239 to purchase an annuity within 90 days of receipt of the signed agreement pursuant to the third enactment of this act, for the primary benefit of Mr. Williams, the terms of such annuity structured in Mr. Williams's best interests based on consultation among Mr. Williams or his representatives, the State Treasurer, and other necessary parties.*

**§ 2. That there is hereby appropriated from the general fund of the state treasury the sum of \$875,845 for the relief of Joseph Jesse Dick, Jr., to be paid by check issued by the State Treasurer on warrant of the Comptroller upon execution of a release of all claims Mr. Dick may have against (i) the Commonwealth or any agency, instrumentality, officer, employee, or political subdivision thereof; (ii) any legal counsel appointed pursuant to § 19.2-159 of the Code of Virginia; and (iii) all other parties of interest in connection with the aforesaid occurrence.**

*The compensation, subject to the execution of the release described herein, shall be paid as follows: (a) an initial lump sum of \$175,169 to be paid to Mr. Dick by check issued by the State Treasurer on warrant of the Comptroller within 60 days*

*immediately following the execution of such release and (b) the sum of \$700,676 to purchase an annuity within 90 days of receipt of the signed agreement pursuant to the fourth enactment of this act, for the primary benefit of Mr. Dick, the terms of such annuity structured in Mr. Dick's best interests based on consultation among Mr. Dick or his representatives, the State Treasurer, and other necessary parties.*

*§ 3. That there is hereby appropriated from the general fund of the state treasury the sum of \$866,456 for the relief of Eric Cameron Wilson, to be paid by check issued by the State Treasurer on warrant of the Comptroller upon execution of a release of all claims Mr. Wilson may have against (i) the Commonwealth or any agency, instrumentality, officer, employee, or political subdivision thereof; (ii) any legal counsel appointed pursuant to § 19.2-159 of the Code of Virginia; and (iii) all other parties of interest in connection with the aforesaid occurrence.*

*The compensation, subject to the execution of the release described herein, shall be paid as follows: (a) an initial lump sum of \$173,291 to be paid to Mr. Wilson by check issued by the State Treasurer on warrant of the Comptroller within 60 days immediately following the execution of such release and (b) the sum of \$693,165 to purchase an annuity within 90 days of receipt of the signed agreement pursuant to the fifth enactment of this act, for the primary benefit of Mr. Wilson, the terms of such annuity structured in Mr. Wilson's best interests based on consultation among Mr. Wilson or his representatives, the State Treasurer, and other necessary parties.*

*§ 4. That there is hereby appropriated from the general fund of the state treasury the sum of \$858,704 for the relief of Derek Elliot Tice, to be paid by check issued by the State Treasurer on warrant of the Comptroller upon execution of a release of all claims Mr. Tice may have against (i) the Commonwealth or any agency, instrumentality, officer, employee, or political subdivision thereof; (ii) any legal counsel appointed pursuant to § 19.2-159 of the Code of Virginia; and (iii) all other parties of interest in connection with the aforesaid occurrence.*

*The compensation, subject to the execution of the release described herein, shall be paid as follows: (a) an initial lump sum of \$171,741 to be paid to Mr. Tice by check issued by the State Treasurer on warrant of the Comptroller within 60 days immediately following the execution of such release and (b) the sum of \$686,963 to purchase an annuity within 90 days of receipt of the signed agreement pursuant to the sixth enactment of this act, for the primary benefit of Mr. Tice, the terms of such annuity structured in Mr. Tice's best interests based on consultation among Mr. Tice or his representatives, the State Treasurer, and other necessary parties.*

**3. That notwithstanding the provisions of subsection B of § 8.01-195.12, the provisions of § 1 of the second enactment of this act shall not become effective until such time as Danial J Williams and the City of Norfolk enter into an agreement in connection with the aforesaid factual situation requiring the City of Norfolk to compensate Mr. Williams the sum of at least \$895,299. In order for the provisions of § 1 of the second enactment of this act to become effective, such agreement shall be entered into prior to a final verdict in a court of law related to the aforesaid factual situation. The City of Norfolk shall forward a copy of the signed agreement to the Treasurer of Virginia within five days of its execution.**

**4. That notwithstanding the provisions of subsection B of § 8.01-195.12, the provisions of § 2 of the second enactment of this act shall not become effective until such time as Joseph Jesse Dick, Jr., and the City of Norfolk enter into an agreement in connection with the aforesaid factual situation requiring the City of Norfolk to compensate Mr. Dick the sum of at least \$875,845. In order for the provisions of § 2 of the second enactment of this act to become effective, such agreement shall be entered into prior to a final verdict in a court of law related to the aforesaid factual situation. The City of Norfolk shall forward a copy of the signed agreement to the Treasurer of Virginia within five days of its execution.**

**5. That notwithstanding the provisions of subsection B of § 8.01-195.12, the provisions of § 3 of the second enactment of this act shall not become effective until such time as Eric Cameron Wilson and the City of Norfolk enter into an agreement in connection with the aforesaid factual situation requiring the City of Norfolk to compensate Mr. Wilson the sum of at least \$866,456. In order for the provisions of § 3 of the second enactment of this act to become effective, such agreement shall be entered into prior to a final verdict in a court of law related to the aforesaid factual situation. The City of Norfolk shall forward a copy of the signed agreement to the Treasurer of Virginia within five days of its execution.**

**6. That notwithstanding the provisions of subsection B of § 8.01-195.12, the provisions of § 4 of the second enactment of this act shall not become effective until such time as Derek Elliot Tice and the City of Norfolk enter into an agreement in connection with the aforesaid factual situation requiring the City of Norfolk to compensate Mr. Tice the sum of at least \$858,704. In order for the provisions of § 4 of the second enactment of this act to become effective, such agreement shall be entered into prior to a final verdict in a court of law related to the aforesaid factual situation. The City of Norfolk shall forward a copy of the signed agreement to the Treasurer of Virginia within five days of its execution.**

**7. That the provisions of § 8.01-195.12 of the Code of Virginia shall apply to any compensation awarded under this act.**

## CHAPTER 504

*An Act to amend and reenact §§ 58.1-3230, 58.1-3231, and 58.1-3234 of the Code of Virginia, relating to real property tax; use value assessment.*

[H 871]

Approved March 29, 2018

**Be it enacted by the General Assembly of Virginia:****1. That §§ 58.1-3230, 58.1-3231, and 58.1-3234 of the Code of Virginia are amended and reenacted as follows:****§ 58.1-3230. Special classifications of real estate established and defined.**

For the purposes of this article the following special classifications of real estate are established and defined:

"Real estate devoted to agricultural use" shall mean real estate devoted to the bona fide production for sale of plants and animals, or products made from such plants and animals on the real estate, that are useful to man or devoted to and meeting the requirements and qualifications for payments or other compensation pursuant to soil and water conservation programs under an agreement with an agency of the state or federal government under uniform standards prescribed by the Commissioner of Agriculture and Consumer Services in accordance with the Administrative Process Act (§ 2.2-4000 et seq.); or ~~devoted to and meeting the requirements and qualifications for payments or other compensation pursuant to a soil conservation program under an agreement with an agency of the federal government.~~ Prior, discontinued use of property shall not be considered in determining its current use. Real estate upon which recreational activities are conducted for a profit or otherwise shall be considered real estate devoted to agricultural use as long as the recreational activities conducted on such real estate do not change the character of the real estate so that it does not meet the uniform standards prescribed by the Commissioner. Real property that has been designated as devoted to agricultural use shall not lose such designation solely because a portion of the property is being used for a different purpose pursuant to a special use permit or otherwise allowed by zoning, provided that the property, excluding such portion, otherwise meets all the requirements for such designation. The portion of the property being used for a different purpose pursuant to a special use permit or otherwise allowed by zoning shall be deemed a separate piece of property from the remaining property for purposes of assessment. The presence of utility lines on real property shall not be considered in determining whether the property, including the portion where the utility lines are located, is devoted to agricultural use. In determining whether real property is devoted to agricultural use, zoning designations and special use permits for the property shall not be the sole considerations.

"Real estate devoted to horticultural use" shall mean real estate devoted to the bona fide production for sale of fruits of all kinds, including grapes, nuts, and berries; vegetables; ~~and~~ nursery and floral products; ~~and plants or products directly produced from fruits, vegetables, nursery and floral products, or plants on such real estate or devoted to and meeting the requirements and qualifications for payments or other compensation pursuant to a soil and water conservation program under an agreement with an agency of the state or federal government.~~ Prior, discontinued use of property shall not be considered in determining its current use. Real estate upon which recreational activities are conducted for profit or otherwise shall be considered real estate devoted to horticultural use as long as the recreational activities conducted on such real estate do not change the character of the real estate so that it does not meet the uniform standards prescribed by the Commissioner. Real property that has been designated as devoted to horticultural use shall not lose such designation solely because a portion of the property is being used for a different purpose pursuant to a special use permit or otherwise allowed by zoning, provided that the property, excluding such portion, otherwise meets all the requirements for such designation. The portion of the property being used for a different purpose pursuant to a special use permit or otherwise allowed by zoning shall be deemed a separate piece of property from the remaining property for purposes of assessment. The presence of utility lines on real property shall not be considered in determining whether the property, including the portion where the utility lines are located, is devoted to horticultural use. In determining whether real property is devoted to horticultural use, zoning designations and special use permits for the property shall not be the sole considerations.

"Real estate devoted to forest use" shall mean land, including the standing timber and trees thereon, devoted to tree growth in such quantity and so spaced and maintained as to constitute a forest area under standards prescribed by the State Forester pursuant to the authority set out in § 58.1-3240 and in accordance with the Administrative Process Act (§ 2.2-4000 et seq.). Prior, discontinued use of property shall not be considered in determining its current use. Real estate upon which recreational activities are conducted for profit, or otherwise, shall still be considered real estate devoted to forest use as long as the recreational activities conducted on such real estate do not change the character of the real estate so that it no longer constitutes a forest area under standards prescribed by the State Forester pursuant to the authority set out in § 58.1-3240. Real property that has been designated as devoted to forest use shall not lose such designation solely because a portion of the property is being used for a different purpose pursuant to a special use permit or is otherwise allowed by zoning, provided that the property, excluding such portion, otherwise meets all the requirements for such designation. The portion of the property being used for a different purpose pursuant to a special use permit or otherwise allowed by zoning shall be

deemed a separate piece of property from the remaining property for purposes of assessment. The presence of utility lines on real property shall not be considered in determining whether the property, including the portion where the utility lines are located, is devoted to forest use. In determining whether real property is devoted to forest use, zoning designations and special use permits for the property shall not be the sole considerations.

"Real estate devoted to open-space use" shall mean real estate used as, or preserved for, (i) park or recreational purposes, including public or private golf courses, (ii) conservation of land or other natural resources, (iii) floodways, (iv) wetlands as defined in § 58.1-3666, (v) riparian buffers as defined in § 58.1-3666, (vi) historic or scenic purposes, or (vii) assisting in the shaping of the character, direction, and timing of community development or for the public interest and consistent with the local land-use plan under uniform standards prescribed by the Director of the Department of Conservation and Recreation pursuant to the authority set out in § 58.1-3240 and in accordance with the Administrative Process Act (§ 2.2-4000 et seq.) and the local ordinance. Prior, discontinued use of property shall not be considered in determining its current use. Real property that has been designated as devoted to open-space use shall not lose such designation solely because a portion of the property is being used for a different purpose pursuant to a special use permit or is otherwise allowed by zoning, provided that the property, excluding such portion, otherwise meets all the requirements for such designation. The portion of the property being used for a different purpose pursuant to a special use permit or otherwise allowed by zoning shall be deemed a separate piece of property from the remaining property for purposes of assessment. The presence of utility lines on real property shall not be considered in determining whether the property, including the portion where the utility lines are located, is devoted to open-space use. In determining whether real property is devoted to open-space use, zoning designations and special use permits for the property shall not be the sole considerations.

**§ 58.1-3231. Authority of counties, cities and towns to adopt ordinances; general reassessment following adoption of ordinance.**

Any county, city or town which has adopted a land-use plan may adopt an ordinance to provide for the use value assessment and taxation, in accord with the provisions of this article, of real estate classified in § 58.1-3230. The local governing body pursuant to § 58.1-3237.1 may provide in the ordinance that property located in specified zoning districts shall not be eligible for special assessment as provided in this article. *However, real estate that is being provided use value assessment and taxation shall not be denied such use value assessment and taxation solely because of its location in a newly created zoning district that was not requested by the real estate owner.* The provisions of this article shall not be applicable in any county, city or town for any year unless such an ordinance is adopted by the governing body thereof not later than June 30 of the year previous to the year when such taxes are first assessed and levied under this article, or December 31 of such year for localities which have adopted a fiscal year assessment date of July 1, under Chapter 30 (§ 58.1-3000 et seq.) of this subtitle. The provisions of this article also shall not apply to the assessment of any real estate assessable pursuant to law by a central state agency.

Land used in agricultural and forestal production within an agricultural district, a forestal district or an agricultural and forestal district that has been established under Chapter 43 (§ 15.2-4300 et seq.) of Title 15.2, shall be eligible for the use value assessment and taxation whether or not a local land-use plan or local ordinance pursuant to this section has been adopted.

Such ordinance shall provide for the assessment and taxation in accordance with the provisions of this article of any or all of the four classes of real estate set forth in § 58.1-3230. If the uniform standards prescribed by the Commissioner of Agriculture and Consumer Services pursuant to § 58.1-3230 require real estate to have been used for a particular purpose for a minimum length of time before qualifying as real estate devoted to agricultural use or horticultural use, then such ordinance may waive such prior use requirement for real estate devoted to the production of agricultural and horticultural crops that require more than two years from initial planting until commercially feasible harvesting. *If the uniform standards prescribed by the Commissioner of Agriculture and Consumer Services pursuant to § 58.1-3230 require real estate to have been used for a particular purpose for a minimum length of time before qualifying as real estate devoted to agricultural use or horticultural use, then (i) use of other similar property by a lessee of the owner shall be included in calculating such time and (ii) the Commissioner of Agriculture and Consumer Services shall include in the uniform standards a shorter minimum length of time for real estate with no prior qualifying use, provided that the owner submits a written document of the owner's intent regarding use of the real estate containing elements set out in the uniform standards. Localities are not required to maintain such written document.*

In addition to but not to replace any other requirements of a land-use plan such ordinance may provide that the special assessment and taxation be established on a sliding scale which establishes a lower assessment for property held for longer periods of time within the classes of real estate set forth in § 58.1-3230. Any such sliding scale shall be set forth in the ordinance.

Notwithstanding any other provision of law, the governing body of any county, city or town shall be authorized to direct a general reassessment of real estate in the year following adoption of an ordinance pursuant to this article.

**§ 58.1-3234. Application by property owners for assessment, etc., under ordinance; continuation of assessment, etc.**

Property owners ~~must~~ shall submit an application for taxation on the basis of a use assessment to the local assessing officer *as follows*:

1. ~~At~~ *The property owner shall submit an initial application, unless it is a revalidation form, at least ~~sixty~~ 60 days preceding the tax year for which such taxation is sought; or*

2. In any year in which a general reassessment is being made, the property owner may submit such application until ~~thirty~~ 30 days have elapsed after his notice of increase in assessment is mailed in accordance with § 58.1-3330, or ~~sixty~~ 60 days preceding the tax year, whichever is later; or

3. In any locality which has adopted a fiscal tax year under Chapter 30 (§ 58.1-3000 et seq.) of this Subtitle III, but continues to assess as of January 1, such application ~~must~~ shall be submitted for any year at least ~~sixty~~ 60 days preceding the effective date of the assessment for such year.

The governing body, by ordinance, may permit applications to be filed within no more than ~~sixty~~ 60 days after the filing deadline specified herein, upon the payment of a late filing fee to be established by the governing body. In addition, a locality may, by ordinance, permit a further extension of the filing deadline specified herein, upon payment of an extension fee to be established by the governing body in an amount not to exceed the late filing fee, to a date not later than ~~thirty~~ 30 days after notices of assessments are mailed. An individual who is owner of an undivided interest in a parcel may apply on behalf of himself and the other owners of such parcel upon submitting an affidavit that such other owners are minors or cannot be located. An application shall be submitted whenever the use or acreage of such land previously approved changes; however, no application fee may be required when a change in acreage occurs solely as a result of a conveyance necessitated by governmental action or condemnation of a portion of any land previously approved for taxation on the basis of use assessment. The governing body of any ~~county, city or town~~ locality may, however, require any such property owner to revalidate ~~annually~~ at least every six years with such locality, on or before the date on which the last installment of property tax prior to the effective date of the assessment is due, on forms prepared by the locality, any applications previously approved. Each locality which has adopted an ordinance hereunder may provide for the imposition of a revalidation fee every sixth year. Such revalidation fee shall not, however, exceed the application fee currently charged by the locality. The governing body may also provide for late filing of revalidation forms on or before the effective date of the assessment, on payment of a late filing fee. Forms shall be prepared by the State Tax Commissioner and supplied to the locality for use of the applicants and applications shall be submitted on such forms. An application fee may be required to accompany all such applications.

In the event of a material misstatement of facts in the application or a material change in such facts prior to the date of assessment, such application for taxation based on use assessment granted thereunder shall be void and the tax for such year extended on the basis of value determined under § 58.1-3236 D. Except as provided by local ordinance, no application for assessment based on use shall be accepted or approved if, at the time the application is filed, the tax on the land affected is delinquent. Upon the payment of all delinquent taxes, including penalties and interest, the application shall be treated in accordance with the provisions of this section.

Continuation of valuation, assessment and taxation under an ordinance adopted pursuant to this article shall depend on continuance of the real estate in a qualifying use, continued payment of taxes as referred to in § 58.1-3235, and compliance with the other requirements of this article and the ordinance and not upon continuance in the same owner of title to the land.

In the event that the locality provides for a sliding scale under an ordinance, the property owner and the locality shall execute a written agreement which sets forth the period of time that the property shall remain within the classes of real estate set forth in § 58.1-3230. The term of the written agreement shall be for a period not exceeding ~~twenty~~ 20 years, and the instrument shall be recorded in the office of the clerk of the circuit court for the locality in which the subject property is located.

No locality shall require any applicant who is a lessor of the property or a portion of the property that is the subject of an application submitted pursuant to this section to provide the lease agreement governing the property for the purpose of determining whether the property is eligible for special assessment and taxation pursuant to this article.

## CHAPTER 505

*An Act to direct the Department of Transportation to develop and submit for approval an expedited land use permit process; rights-of-way.*

[H 901]

Approved March 29, 2018

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

1. *§ 1. That the Department of Transportation (Department) shall develop and submit for approval to the Federal Highway Administration an expedited land use permit process by which public or private utility companies that offer high-speed Internet services may apply to use any right-of-way maintained by the Department. Such process shall be designed to apply only when the proposed use of the right-of-way does not make substantial changes to such right-of-way and does not interfere with the safety or ongoing maintenance of the right-of-way for transportation purposes.*

2. **That the Department of Transportation shall complete the requirements of the first enactment of this act by November 30, 2018, and shall submit to the Governor and the General Assembly an executive summary and a report on the expedited land use permit process and, if possible, the response from the Federal Highway Administration for publication as a House or Senate document. The executive summary and report shall be submitted as provided in the**

procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports no later than the first day of the 2019 Regular Session of the General Assembly and shall be posted on the General Assembly's website.

### CHAPTER 506

*An Act to amend and reenact §§ 5.1-2.2:3 and 58.1-638 of the Code of Virginia, relating to sales tax revenue allocation; increase amount allocated to discretionary spending for airports.*

[H 993]

Approved March 29, 2018

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

**1. That §§ 5.1-2.2:3 and 58.1-638 of the Code of Virginia are amended and reenacted as follows:**

**§ 5.1-2.2:3. Transparency and accountability in the use of Commonwealth Airport Fund revenues.**

A. By November 1 of each year, the Board shall report to the Governor and the General Assembly on the use of ~~Commercial~~ Commonwealth Airport Fund revenues the previous fiscal year. The report shall include at a minimum the following:

1. The use of entitlement funds allocated pursuant to subdivision A 3 a of § 58.1-638 by each air carrier airport, including the amount of funds that are unobligated;
2. The award and use of discretionary funds allocated for air carrier and reliever airports pursuant to ~~subdivision A 3 b~~ *subdivision A 3 b 1 a* of § 58.1-638 by every such airport; ~~and~~
3. The award and use of discretionary funds allocated for general aviation airports pursuant to ~~subdivision A 3 e~~ *subdivision A 3 b 1 b* of § 58.1-638 by every such airport; ~~and~~
4. *The award and use of discretionary funds allocated for all airports pursuant to subdivision A 3 b 2 of § 58.1-638 by every such airport.*

Such report shall also include the status of ongoing projects funded in whole or in part by the Commonwealth Airport Fund pursuant to subdivision A 3 of § 58.1-638.

B. Each year prior to the release of entitlement funds allocated pursuant to subdivision A 3 a of § 58.1-638, each air carrier airport shall submit a plan that outlines the planned use of such funds for the upcoming fiscal year to the Board for review and approval. The Board shall approve such plan provided that the use of funds is in accordance with Board policies. An airport may modify its plan during a fiscal year by submitting a revised plan to the Board for review.

C. The Board shall have the right to withhold entitlement funds allocated pursuant to subdivision A 3 a of § 58.1-638 in the event that the entitlement utilization plan is not approved by the Board or the airport uses the funds in a manner that is inconsistent with the approved plan.

**§ 58.1-638. Disposition of state sales and use tax revenue.**

A. The Comptroller shall designate a specific revenue code number for all the state sales and use tax revenue collected under the preceding sections of this chapter.

1. The sales and use tax revenue generated by the one-half percent sales and use tax increase enacted by the 1986 Special Session of the General Assembly shall be paid, in the manner hereinafter provided in this section, to the Transportation Trust Fund as defined in § 33.2-1524. Of the funds paid to the Transportation Trust Fund, an aggregate of 4.2 percent shall be set aside as the Commonwealth Port Fund as provided in this section; an aggregate of 2.4 percent shall be set aside as the Commonwealth Airport Fund as provided in this section; and an aggregate of 14.7 percent shall be set aside as the Commonwealth Mass Transit Fund as provided in this section. The Fund's share of such net revenue shall be computed as an estimate of the net revenue to be received into the state treasury each month, and such estimated payment shall be adjusted for the actual net revenue received in the preceding month. All payments shall be made to the Fund on the last day of each month.

2. There is hereby created in the Department of the Treasury a special nonreverting fund which shall be a part of the Transportation Trust Fund and which shall be known as the Commonwealth Port Fund.

a. The Commonwealth Port Fund shall be established on the books of the Comptroller and the funds remaining in such Fund at the end of a biennium shall not revert to the general fund but shall remain in the Fund. Interest earned on such funds shall remain in the Fund and be credited to it. Funds may be paid to any authority, locality or commission for the purposes hereinafter specified.

b. The amounts allocated pursuant to this section shall be allocated by the Commonwealth Transportation Board to the Board of Commissioners of the Virginia Port Authority to be used to support port capital needs and the preservation of existing capital needs of all ocean, river, or tributary ports within the Commonwealth. Expenditures for such capital needs are restricted to those capital projects specified in subsection B of § 62.1-132.1.

c. Commonwealth Port Fund revenue shall be allocated by the Board of Commissioners to the Virginia Port Authority in order to foster and stimulate the flow of maritime commerce through the ports of Virginia, including but not limited to the ports of Richmond, Hopewell, and Alexandria.

3. There is hereby created in the Department of the Treasury a special nonreverting fund which shall be part of the Transportation Trust Fund and which shall be known as the Commonwealth Airport Fund. The Commonwealth Airport

Fund shall be established on the books of the Comptroller and any funds remaining in such Fund at the end of a biennium shall not revert to the general fund but shall remain in the Fund. Interest earned on the funds shall be credited to the Fund. The funds so allocated shall be allocated by the Commonwealth Transportation Board to the Virginia Aviation Board. The funds shall be allocated by the Virginia Aviation Board to any Virginia airport which is owned by the Commonwealth, a governmental subdivision thereof, or a private entity to which the public has access for the purposes enumerated in § 5.1-2.16, or is owned or leased by the Metropolitan Washington Airports Authority (MWAA), as follows:

Any new funds in excess of \$12.1 million which are available for allocation by the Virginia Aviation Board from the Commonwealth Transportation Fund, shall be allocated as follows: 60 percent to MWAA, up to a maximum annual amount of \$2 million, and 40 percent to air carrier airports as provided in subdivision A 3 a. Except for adjustments due to changes in enplaned passengers, no air carrier airport sponsor, excluding MWAA, shall receive less funds identified under subdivision A 3 a than it received in fiscal year 1994-1995.

Of the remaining amount:

a. Forty percent of the funds shall be allocated to air carrier airports, except airports owned or leased by MWAA, based upon the percentage of enplanements for each airport to total enplanements at all air carrier airports, except airports owned or leased by MWAA. No air carrier airport sponsor, however, shall receive less than \$50,000 nor more than \$2 million per year from this provision.

b. *Sixty percent of the funds shall be allocated as follows:*

*(1) For the first six months of each fiscal year, the funds shall be allocated as follows:*

*(a) Forty percent of the funds shall be allocated by the Aviation Board for air carrier and reliever airports on a discretionary basis, except airports owned or leased by MWAA; and*

*⊖ (b) Twenty percent of the funds shall be allocated by the Aviation Board for general aviation airports on a discretionary basis; and*

*(2) For the second six months of each fiscal year, all remaining funds shall be allocated by the Aviation Board for all eligible airports on a discretionary basis, except airports owned or leased by MWAA.*

3a. There is hereby created in the Department of the Treasury a special nonreverting fund that shall be a part of the Transportation Trust Fund and that shall be known as the Commonwealth Space Flight Fund. The Commonwealth Space Flight Fund shall be established on the books of the Comptroller and the funds remaining in such Fund at the end of a biennium shall not revert to the general fund but shall remain in the Fund. Interest earned on such funds shall remain in the Fund and be credited to it.

a. The amounts allocated to the Commonwealth Space Flight Fund pursuant to § 33.2-1526 shall be allocated by the Commonwealth Transportation Board to the Board of Directors of the Virginia Commercial Space Flight Authority to be used to support the capital needs, maintenance, and operating costs of any and all facilities owned and operated by the Virginia Commercial Space Flight Authority.

b. Commonwealth Space Flight Fund revenue shall be allocated by the Board of Directors to the Virginia Commercial Space Flight Authority in order to foster and stimulate the growth of the commercial space flight industry in Virginia.

4. There is hereby created in the Department of the Treasury a special nonreverting fund which shall be a part of the Transportation Trust Fund and which shall be known as the Commonwealth Mass Transit Fund.

a. The Commonwealth Mass Transit Fund shall be established on the books of the Comptroller and any funds remaining in such Fund at the end of the biennium shall not revert to the general fund but shall remain in the Fund. Interest earned on such funds shall be credited to the Fund. If funds in subdivision 4 b (1)(c) or 4 b (2)(d) are allocated to the construction of a new fixed rail project, such project shall be evaluated according to the process established pursuant to subsection B of § 33.2-214.1. Funds may be paid to any local governing body, transportation district commission, or public service corporation for the purposes hereinafter specified.

b. The amounts allocated pursuant to this section shall be used to support the operating, capital, and administrative costs of public transportation at a state share determined by the Commonwealth Transportation Board, and these amounts may be used to support the capital project costs of public transportation and ridesharing equipment, facilities, and associated costs at a state share determined by the Commonwealth Transportation Board. Capital costs may include debt service payments on local or agency transit bonds. In making these determinations, the Commonwealth Transportation Board shall confer with the Director of the Department of Rail and Public Transportation. In development of the Director's recommendation and subsequent allocation of funds by the Commonwealth Transportation Board, the Director of the Department of Rail and Public Transportation and the Commonwealth Transportation Board shall adhere to the following:

(1) For the distribution of revenues from the Commonwealth Mass Transit Fund, of those revenues generated in 2014 and thereafter, the first \$160 million in revenues or the maximum available revenues if less than \$160 million shall be distributed by the Commonwealth Transportation Board as follows:

(a) Funds for special programs, which shall include ridesharing, transportation demand management programs, experimental transit, public transportation promotion, operation studies, and technical assistance, shall not exceed 3 percent of the funds pursuant to this section and may be allocated to any local governing body, planning district commission, transportation district commission, or public transit corporation, or may be used directly by the Department of Rail and Public Transportation for the following purposes and aid of public transportation services:

(i) To finance a program administered by the Department of Rail and Public Transportation designed to promote the use of public transportation and ridesharing throughout Virginia.

(ii) To finance up to 80 percent of the cost of the development and implementation of projects where the purpose of such project is to enhance the provision and use of public transportation services.

(b) At least 72 percent of the funds shall be distributed to each transit property in the same proportion as its operating expenses bear to the total statewide operating expenses and shall be spent for the purposes specified in subdivision 4 b.

(c) Twenty-five percent of the funds shall be allocated and distributed utilizing a tiered approach evaluated by the Transit Service Delivery Advisory Committee along with the Director of the Department of Rail and Public Transportation and established by the Commonwealth Transportation Board for capital purposes based on asset need and anticipated state participation level and revenues. The tier distribution measures may be evaluated by the Transit Service Delivery Advisory Committee along with the Director of the Department of Rail and Public Transportation every three years and, if redefined by the Board, shall be published at least one year in advance of being applied. Funds allocated for debt service payments will be included in the tier that applies to the capital asset that is leveraged.

(d) Transfer of funds from funding categories in subdivisions 4 b (1)(a) and 4 b (1)(c) to 4 b (1)(b) shall be considered by the Commonwealth Transportation Board in times of statewide economic distress or statewide special need.

(2) The Commonwealth Transportation Board shall allocate the remaining revenues after the application of the provisions set forth in subdivision 4 b (1) generated for the Commonwealth Mass Transit Fund for 2014 and succeeding years as follows:

(a) Funds pursuant to this section shall be distributed among operating, capital, and special projects in order to respond to the needs of the transit community.

(b) Of the funds pursuant to this section, at least 72 percent shall be allocated to support operating costs of transit providers and distributed by the Commonwealth Transportation Board based on service delivery factors, based on effectiveness and efficiency, as established by the Commonwealth Transportation Board. These measures and their relative weight shall be evaluated every three years and, if redefined by the Commonwealth Transportation Board, shall be published and made available for public comment at least one year in advance of being applied. In developing the service delivery factors, the Commonwealth Transportation Board shall create for the Department of Rail and Public Transportation a Transit Service Delivery Advisory Committee, consisting of two members appointed by the Virginia Transit Association, one member appointed by the Community Transportation Association of Virginia, one member appointed by the Virginia Municipal League, one member appointed by the Virginia Association of Counties, and three members appointed by the Director of the Department of Rail and Public Transportation, to advise the Department of Rail and Public Transportation in the development of a distribution process for the funds allocated pursuant to this subdivision 4 b (2)(b) and how transit systems can incorporate these metrics in their transit development plans. The Transit Service Delivery Advisory Committee shall elect a Chair. The Department of Rail and Public Transportation shall provide administrative support to the committee. Effective July 1, 2013, the Transit Service Delivery Advisory Committee shall meet at least annually and consult with interested stakeholders and hold at least one public hearing and report its findings to the Director of the Department of Rail and Public Transportation. Prior to the Commonwealth Transportation Board approving the service delivery factors, the Director of the Department of Rail and Public Transportation along with the Chair of the Transit Service Delivery Advisory Committee shall brief the Senate Committee on Finance, the House Appropriations Committee, and the Senate and House Committees on Transportation on the findings of the Transit Service Delivery Advisory Committee and the Department's recommendation. Before redefining any component of the service delivery factors, the Commonwealth Transportation Board shall consult with the Director of the Department of Rail and Public Transportation, Transit Service Delivery Advisory Committee, and interested stakeholders and provide for a 45-day public comment period. Prior to approval of any amendment to the service delivery measures, the Board shall notify the aforementioned committees of the pending amendment to the service delivery factors and its content.

(c) Funds for special programs, which shall include ridesharing, transportation demand management programs, experimental transit, public transportation promotion, operation studies, and technical assistance, shall not exceed 3 percent of the funds pursuant to this section and may be allocated to any local governing body, planning district commission, transportation district commission, or public transit corporation, or may be used directly by the Department of Rail and Public Transportation for the following purposes and aid of public transportation services:

(i) To finance a program administered by the Department of Rail and Public Transportation designed to promote the use of public transportation and ridesharing throughout Virginia.

(ii) To finance up to 80 percent of the cost of the development and implementation of projects where the purpose of such project is to enhance the provision and use of public transportation services.

(d) Of the funds pursuant to this section, 25 percent shall be allocated and distributed utilizing a tiered approach evaluated by the Transit Service Delivery Advisory Committee along with the Director of Rail and Public Transportation and established by the Commonwealth Transportation Board for capital purposes based on asset need and anticipated state participation level and revenues. The tier distribution measures may be evaluated by the Transit Service Delivery Advisory Committee along with the Director of Rail and Public Transportation every three years and, if redefined by the Board, shall be published at least one year in advance of being applied. Funds allocated for debt service payments shall be included in the tier that applies to the capital asset that is leveraged.

(e) Transfer of funds from funding categories in subdivisions 4 b (2)(c) and 4 b (2)(d) to 4 b (2)(b) shall be considered by the Commonwealth Transportation Board in times of statewide economic distress or statewide special need.

(f) The Department of Rail and Public Transportation may reserve a balance of up to five percent of the Commonwealth Mass Transit Fund revenues under this subsection in order to assure better stability in providing operating and capital funding to transit entities from year to year.

(3) The Commonwealth Mass Transit Fund shall not be allocated without requiring a local match from the recipient.

c. There is hereby created in the Department of the Treasury a special nonreverting fund known as the Commonwealth Transit Capital Fund. The Commonwealth Transit Capital Fund shall be part of the Commonwealth Mass Transit Fund. The Commonwealth Transit Capital Fund subaccount shall be established on the books of the Comptroller and consist of such moneys as are appropriated to it by the General Assembly and of all donations, gifts, bequests, grants, endowments, and other moneys given, bequeathed, granted, or otherwise made available to the Commonwealth Transit Capital Fund. Any funds remaining in the Commonwealth Transit Capital Fund at the end of the biennium shall not revert to the general fund, but shall remain in the Commonwealth Transit Capital Fund. Interest earned on funds within the Commonwealth Transit Capital Fund shall remain in and be credited to the Commonwealth Transit Capital Fund. Proceeds of the Commonwealth Transit Capital Fund may be paid to any political subdivision, another public entity created by an act of the General Assembly, or a private entity as defined in § 33.2-1800 and for purposes as enumerated in subdivision 7 of § 33.2-1701 or expended by the Department of Rail and Public Transportation for the purposes specified in this subdivision. Revenues of the Commonwealth Transit Capital Fund shall be used to support capital expenditures involving the establishment, improvement, or expansion of public transportation services through specific projects approved by the Commonwealth Transportation Board. If revenues of the Commonwealth Transit Capital Fund are allocated to the construction of a new fixed rail project, such project shall be evaluated according to the process established pursuant to subsection B of § 33.2-214.1. The Commonwealth Transit Capital Fund shall not be allocated without requiring a local match from the recipient.

d. The Commonwealth Transportation Board may allocate up to three and one-half percent of the funds set aside for the Commonwealth Mass Transit Fund to support costs of project development, project administration, and project compliance incurred by the Department of Rail and Public Transportation in implementing rail, public transportation, and congestion management grants and programs.

5. Funds for Metro shall be paid by the Northern Virginia Transportation Commission (NVTC) to the Washington Metropolitan Area Transit Authority (WMATA) and be a credit to the Counties of Arlington and Fairfax and the Cities of Alexandria, Falls Church, and Fairfax in the following manner:

a. Local obligations for debt service for WMATA rail transit bonds apportioned to each locality using WMATA's capital formula shall be paid first by NVTC. NVTC shall use 95 percent state aid for these payments.

b. The remaining funds shall be apportioned to reflect WMATA's allocation formulas by using the related WMATA-allocated subsidies and relative shares of local transit subsidies. Capital costs shall include 20 percent of annual local bus capital expenses. Hold harmless protections and obligations for NVTC's jurisdictions agreed to by NVTC on November 5, 1998, shall remain in effect.

Appropriations from the Commonwealth Mass Transit Fund are intended to provide a stable and reliable source of revenue as defined by Public Law 96-184.

6. Notwithstanding any other provision of law, funds allocated to Metro may be disbursed by the Department of Rail and Public Transportation directly to Metro or to any other transportation entity that has an agreement to provide funding to Metro.

B. The sales and use tax revenue generated by a one percent sales and use tax shall be distributed among the counties and cities of the Commonwealth in the manner provided in subsections C and D.

C. The localities' share of the net revenue distributable under this section among the counties and cities shall be apportioned by the Comptroller and distributed among them by warrants of the Comptroller drawn on the Treasurer of Virginia as soon as practicable after the close of each month during which the net revenue was received into the state treasury. The distribution of the localities' share of such net revenue shall be computed with respect to the net revenue received into the state treasury during each month, and such distribution shall be made as soon as practicable after the close of each such month.

D. The net revenue so distributable among the counties and cities shall be apportioned and distributed upon the basis of the latest yearly estimate of the population of cities and counties ages five to 19, provided by the Weldon Cooper Center for Public Service of the University of Virginia. Such population estimate produced by the Weldon Cooper Center for Public Service of the University of Virginia shall account for persons who are domiciled in orphanages or charitable institutions or who are dependents living on any federal military or naval reservation or other federal property within the school division in which the institutions or federal military or naval reservation or other federal property is located. Such population estimate produced by the Weldon Cooper Center for Public Service of the University of Virginia shall account for members of the military services who are under 20 years of age within the school division in which the parents or guardians of such persons legally reside. Such population estimate produced by the Weldon Cooper Center for Public Service of the University of Virginia shall account for individuals receiving services in state hospitals, state training centers, or mental health facilities, persons who are confined in state or federal correctional institutions, or persons who attend the Virginia School for the Deaf and the Blind within the school division in which the parents or guardians of such persons legally reside. Such population estimate produced by the Weldon Cooper Center for Public Service of the University of Virginia shall account for persons who attend institutions of higher education within the school division in which the student's parents or guardians legally

reside. To such estimate, the Department of Education shall add the population of students with disabilities, ages two through four and 20 through 21, as provided to the Department of Education by school divisions. The revenue so apportionable and distributable is hereby appropriated to the several counties and cities for maintenance, operation, capital outlays, debt and interest payments, or other expenses incurred in the operation of the public schools, which shall be considered as funds raised from local resources. In any county, however, wherein is situated any incorporated town constituting a school division, the county treasurer shall pay into the town treasury for maintenance, operation, capital outlays, debt and interest payments, or other expenses incurred in the operation of the public schools, the proper proportionate amount received by him in the ratio that the school population of such town bears to the school population of the entire county. If the school population of any city or of any town constituting a school division is increased by the annexation of territory since the last estimate of school population provided by the Weldon Cooper Center for Public Service, such increase shall, for the purposes of this section, be added to the school population of such city or town as shown by the last such estimate and a proper reduction made in the school population of the county or counties from which the annexed territory was acquired.

E. Beginning July 1, 2000, of the remaining sales and use tax revenue, the revenue generated by a two percent sales and use tax, up to an annual amount of \$13 million, collected from the sales of hunting equipment, auxiliary hunting equipment, fishing equipment, auxiliary fishing equipment, wildlife-watching equipment, and auxiliary wildlife-watching equipment in Virginia, as estimated by the most recent U.S. Department of the Interior, Fish and Wildlife Service and U.S. Department of Commerce, Bureau of the Census National Survey of Fishing, Hunting, and Wildlife-Associated Recreation, shall be paid into the Game Protection Fund established under § 29.1-101 and shall be used, in part, to defray the cost of law enforcement. Not later than 30 days after the close of each quarter, the Comptroller shall transfer to the Game Protection Fund the appropriate amount of collections to be dedicated to such Fund. At any time that the balance in the Capital Improvement Fund, established under § 29.1-101.01, is equal to or in excess of \$35 million, any portion of sales and use tax revenues that would have been transferred to the Game Protection Fund, established under § 29.1-101, in excess of the net operating expenses of the Board, after deduction of other amounts which accrue to the Board and are set aside for the Game Protection Fund, shall remain in the general fund until such time as the balance in the Capital Improvement Fund is less than \$35 million.

F. 1. Of the net revenue generated from the one-half percent increase in the rate of the state sales and use tax effective August 1, 2004, pursuant to enactments of the 2004 Special Session I of the General Assembly, the Comptroller shall transfer from the general fund of the state treasury to the Public Education Standards of Quality/Local Real Estate Property Tax Relief Fund established under § 58.1-638.1 an amount equivalent to one-half of the net revenue generated from such one-half percent increase as provided in this subdivision. The transfers to the Public Education Standards of Quality/Local Real Estate Property Tax Relief Fund under this subdivision shall be for one-half of the net revenue generated (and collected in the succeeding month) from such one-half percent increase for the month of August 2004 and for each month thereafter.

2. Beginning July 1, 2013, of the remaining sales and use tax revenue, an amount equal to the revenue generated by a 0.125 percent sales and use tax shall be distributed to the Public Education Standards of Quality/Local Real Estate Property Tax Relief Fund established under § 58.1-638.1, and be used for the state's share of Standards of Quality basic aid payments.

3. For the purposes of the Comptroller making the required transfers under subdivision 1 and 2, the Tax Commissioner shall make a written certification to the Comptroller no later than the twenty-fifth of each month certifying the sales and use tax revenues generated in the preceding month. Within three calendar days of receiving such certification, the Comptroller shall make the required transfers to the Public Education Standards of Quality/Local Real Estate Property Tax Relief Fund.

G. (Contingent expiration date) Beginning July 1, 2013, of the remaining sales and use tax revenue, an amount equal to the following percentages of the revenue generated by a one-half percent sales and use tax, such as that paid to the Transportation Trust Fund as provided in subdivision A 1, shall be paid to the Highway Maintenance and Operating Fund established pursuant to § 33.2-1530:

1. For fiscal year 2014, an amount equal to 10 percent;
2. For fiscal year 2015, an amount equal to 20 percent;
3. For fiscal year 2016, an amount equal to 30 percent; and
4. For fiscal year 2017 and thereafter, an amount equal to 35 percent.

The Highway Maintenance and Operating Fund's share of the net revenue distributable under this subsection shall be computed as an estimate of the net revenue to be received into the state treasury each month, and such estimated payment shall be adjusted for the actual net revenue received in the preceding month. All payments shall be made to the Fund on the last day of each month.

H. (Contingent expiration date) 1. The additional revenue generated by increases in the state sales and use tax from Planning District 8 pursuant to §§ 58.1-603.1, 58.1-604.01, 58.1-604.1, and 58.1-614 shall be deposited by the Comptroller in the fund established under § 33.2-2509.

2. The additional revenue generated by increases in the state sales and use tax from Planning District 23 pursuant to §§ 58.1-603.1, 58.1-604.01, 58.1-604.1, and 58.1-614 shall be deposited by the Comptroller in the fund established under § 33.2-2600.

3. The additional revenue generated by increases in the state sales and use tax in any other Planning District pursuant to §§ 58.1-603.1, 58.1-604.01, 58.1-604.1, and 58.1-614 shall be deposited into special funds that shall be established by appropriate legislation.

4. The net revenues distributable under this subsection shall be computed as an estimate of the net revenue to be received by the state treasury each month, and such estimated payment shall be adjusted for the actual net revenue received in the preceding month. All payments shall be made to the appropriate funds on the last day of each month.

I. If errors are made in any distribution, or adjustments are otherwise necessary, the errors shall be corrected and adjustments made in the distribution for the next quarter or for subsequent quarters.

J. The term "net revenue," as used in this section, means the gross revenue received into the general fund or the Transportation Trust Fund of the state treasury under the preceding sections of this chapter, less refunds to taxpayers.

### CHAPTER 507

*An Act to amend and reenact §§ 29.1-301 and 29.1-408 of the Code of Virginia, relating to nonresident youth fishing license; exemption.*

[H 1151]

Approved March 29, 2018

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

#### **1. That §§ 29.1-301 and 29.1-408 of the Code of Virginia are amended and reenacted as follows:**

##### **§ 29.1-301. Exemptions from license requirements.**

A. No license shall be required of landowners, their spouses, their children and grandchildren and the spouses of such children and grandchildren, or the landowner's parents, resident or nonresident, to hunt, trap and fish within the boundaries of their own lands and inland waters or while within such boundaries or upon any private permanent extension therefrom, to fish in any abutting public waters.

B. No license shall be required of any stockholder owning 50 percent or more of the stock of any domestic corporation owning land in this Commonwealth, his or her spouse and children and minor grandchildren, resident or nonresident, to hunt, trap and fish within the boundaries of lands and inland waters owned by the domestic corporation.

C. No license shall be required of bona fide tenants, renters or lessees to hunt, trap or fish within the boundaries of the lands or waters on which they reside or while within such boundaries or upon any private permanent extension therefrom, to fish in any abutting public waters if such individuals have the written consent of the landlord upon their person. A guest of the owner of a private fish pond shall not be required to have a fishing license to fish in such pond.

D. No license shall be required of resident *or nonresident* persons under 16 years ~~old~~ of age to fish.

D1. No license shall be required of resident persons under 12 years ~~old~~ of age to hunt, provided such person is accompanied and directly supervised by an adult who has, on his person, a valid Virginia hunting license as described in subsection B of § 29.1-300.1.

E. No license shall be required of a resident person 65 years of age or over to hunt or trap on private property in the county or city in which he resides. An annual license at a fee of \$1 shall be required of a resident person 65 years of age or older to fish in any inland waters of the Commonwealth, which shall be in addition to a license to fish for trout as specified in subsection B of § 29.1-310 or a special lifetime trout fishing license as specified in § 29.1-302.4. A resident 65 years of age or older may, upon proof of age satisfactory to the Department and the payment of a \$1 fee, apply for and receive from any authorized agent of the Department a nontransferable annual license permitting such person to hunt or an annual license permitting such person to trap in all cities and counties of the Commonwealth. Any lifetime license issued pursuant to this article prior to July 1, 1988, shall remain valid for the lifetime of the person to whom it was issued. Any license issued pursuant to this section includes any damage stamp required pursuant to Article 3 (§ 29.1-352 et seq.) of this chapter.

F. No license to fish, ~~except for trout as provided in § 29.1-302.4 or subsection B of § 29.1-310,~~ shall be required of nonresident persons under ~~12~~ 16 years of age when accompanied by a person possessing a valid license to fish in Virginia.

G. No license shall be required to trap rabbits with box traps.

H. No license shall be required of resident persons under 16 years of age to trap when accompanied by any person 18 years of age or older who possesses a valid state license to trap in this Commonwealth.

I. No license to hunt, trap or fish shall be required of any Indian who habitually resides on an Indian reservation or of a member of the Virginia recognized tribes who resides in the Commonwealth; however, such Indian must have on his person an identification card or paper signed by the chief of his tribe, a valid tribal identification card, written confirmation through a central tribal registry, or certification from a tribal office. Such card, paper, confirmation, or certification shall set forth that the person named is an actual resident upon such reservation or member of the recognized tribes in the Commonwealth, and such card, paper, confirmation or certification shall create a presumption of residence, which may be rebutted by proof of actual residence elsewhere.

J. No license to fish shall be required of legally blind persons.

K. No fishing license shall be required in any inland waters of the Commonwealth on free fishing days. The Board shall designate no more than three free fishing days in any calendar year.

L. No license to fish, except for trout as provided in § 29.1-302.4 or subsection B of § 29.1-310, in Laurel Lake and Beaver Pond at Breaks Interstate Park shall be required of a resident of the State of Kentucky who (i) possesses a valid license to fish in Kentucky or (ii) is exempt under Kentucky law from the requirement of possessing a valid fishing license.

M. No license to fish, except for trout as provided in subsection B of § 29.1-310, shall be required of a member of the armed forces of the United States, on active duty, who is a resident of the Commonwealth while such person is on official leave, provided that person presents a copy of his leave papers upon request.

N. No license to hunt or fish shall be required of any person who is not hunting or fishing but is aiding a disabled person to hunt or fish when such disabled person possesses a valid Virginia hunting or fishing license under § 29.1-302, 29.1-302.1, or 29.1-302.2.

**§ 29.1-408. Permit required; exceptions.**

No person shall hunt, fish, or trap on any lands in the national forests in this Commonwealth without first obtaining, in addition to the regular resident or nonresident license, a special permit to hunt, fish, or trap on such areas in the national forests as the Board and the Forest Service may agree upon. However, no such permit shall be required of (i) residents under the age of ~~sixteen~~ 16 to fish or trap; (ii) residents over the age of ~~sixty-five~~ 65 to fish; (iii) nonresidents under the age of ~~twelve~~ 16 to fish; ~~except for trout~~, when accompanied by a person possessing a valid license to fish therein; (iv) residents possessing a license as provided by subsection E of § 29.1-301; and (v) persons holding a license as provided by § 29.1-339.

The violation of any of the terms of this article shall constitute a Class 3 misdemeanor.

**CHAPTER 508**

*An Act to amend and reenact § 15.2-6015.4 of the Code of Virginia, relating to Virginia Coalfields Expressway Authority; powers and duties; grants.*

[H 1154]

Approved March 29, 2018

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

**1. That § 15.2-6015.4 of the Code of Virginia is amended and reenacted as follows:**

**§ 15.2-6015.4. Powers and duties of the Authority; report.**

The Virginia Coalfields Expressway Authority shall have the following powers and duties:

1. Coordinate with counties, municipalities, state and federal agencies, public nonprofit corporations, private corporations, associations, partnerships, and individuals for the purpose of planning, assisting, and establishing recreational, tourism, industrial, economic, and community development of the proposed Coalfields Expressway for the benefit of the Commonwealth.

2. Work with surrounding states in developing the Coalfields Expressway in the Commonwealth, in an effort to link Interstates 64 and 77 in West Virginia with Route 23 in Virginia, which links to interstates in Kentucky and Tennessee.

3. Submit an annual report to the Governor and the General Assembly for publication as a report document as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports. The chairman shall submit to the Governor and the General Assembly an annual executive summary of the interim activity and work of the Authority no later than the first day of each regular session of the General Assembly. The executive summary shall be submitted as a report document as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

4. *Apply for and accept gifts, grants of money, or gifts, grants, or loans of other property or other financial assistance from the United States of America and agencies and instrumentalities thereof, the Commonwealth, or any other person or entity, for or in aid of carrying out the powers and duties of this chapter.*

**CHAPTER 509**

*An Act to amend and reenact § 46.2-1508 of the Code of Virginia, relating to motor vehicle dealers; injunctive relief for failure to obtain a license.*

[H 1178]

Approved March 29, 2018

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

**1. That § 46.2-1508 of the Code of Virginia is amended and reenacted as follows:**

**§ 46.2-1508. Licenses required; penalty.**

A. It shall be unlawful for any person to engage in business in the Commonwealth as a motor vehicle dealer or salesperson without first obtaining a license as provided in this chapter. It shall be unlawful for any person to engage in business in the Commonwealth as a manufacturer, factory branch, distributor, distributor branch, or factory or distributor representative without first obtaining a license from the Department. Every person licensed as a manufactured home dealer under Chapter 4.2 (§ 36-85.16 et seq.) of Title 36 shall obtain a certificate of dealer registration as provided in this chapter. Every person licensed as a watercraft dealer under Chapter 8 (§ 29.1-800 et seq.) of Title 29.1 and who offers for sale watercraft trailers shall obtain a certificate of dealer registration as provided in this chapter but shall not be required to obtain a dealer license unless he also sells other types of trailers. Any nonprofit organization exempt from taxation under § 501(c)(3) of the Internal Revenue Code, after having obtained a nonprofit organization certificate as provided in this

chapter, may consign donated motor vehicles to licensed Virginia motor vehicle dealers. Any person licensed in another state as a motor vehicle dealer may sell motor vehicles at wholesale auctions in the Commonwealth after having obtained a certificate of dealer registration as provided in this chapter. The offering or granting of a motor vehicle dealer franchise in the Commonwealth shall constitute engaging in business in the Commonwealth for purposes of this section, and no new motor vehicle may be sold or offered for sale in the Commonwealth unless the franchisor of motor vehicle dealer franchises for that line-make in the Commonwealth, whether such franchisor is a manufacturer, factory branch, distributor, distributor branch, or otherwise, is licensed under this chapter. In the event a license issued to a franchisor of motor vehicle dealer franchises is suspended, revoked, or not renewed, nothing in this section shall prevent the sale of any new motor vehicle of such franchisor's line-make manufactured in or brought into the Commonwealth for sale prior to the suspension, revocation or expiration of the license.

Violation of any provision of this ~~section~~ subsection shall constitute a Class 1 misdemeanor, and such violation may also serve as the basis for injunctive relief pursuant to subsection B or C.

*B. The Board may file a motion with the circuit court for the county or city in which a person who violated any provision of subsection A is located, or with the circuit court for the City of Richmond, and, upon a hearing and for cause shown, the court may grant an injunction restraining such person from violating any provision of subsection A, regardless of whether an adequate remedy at law exists. A single act in violation of the provisions of subsection A is sufficient basis to authorize the issuance of an injunction. The Board shall not be required to post an injunction bond or other security.*

*C. Any licensed motor vehicle dealer who sustains injury or damage to his business or property by reason of a violation of subsection A by any person that is not licensed as required by subsection A may file a motion with the circuit court for the county or city in which a person alleged to have committed such violation is located, and, upon a hearing and for cause shown, the court may grant a temporary or permanent injunction prohibiting any further such violation. A single act in violation of the provisions of subsection A shall be sufficient basis to show injury or damage to the business or property of the licensed motor vehicle dealer. A licensed motor vehicle dealer shall not be required to post an injunction bond or other security.*

*D. If the Board, pursuant to subsection B, or a licensed motor vehicle dealer, pursuant to subsection C, is awarded an injunction, the court may also award reasonable attorney fees and costs.*

*E. Notwithstanding the provisions of subsection A, a manufacturer, factory branch, distributor, distributor branch, or factory or distributor representative engaged in the manufacture or distribution of all-terrain vehicles or off-road motorcycles that does not also manufacture or distribute in the Commonwealth any motorcycle designed for lawful use on the public highways shall not be required to obtain a license from the Department.*

## CHAPTER 510

*An Act to amend and reenact § 62.1-44.15:1 of the Code of Virginia, relating to sewerage systems; state adoption of federal criteria.*

[H 1475]

Approved March 29, 2018

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

**1. That § 62.1-44.15:1 of the Code of Virginia is amended and reenacted as follows:**

**§ 62.1-44.15:1. Limitation on power to require construction of sewerage systems or sewage or other waste treatment works; ammonia criteria.**

*A. Nothing contained in this chapter shall be construed to empower the Board to require the Commonwealth, or any political subdivision thereof, or any authority created under the provisions of § 15.2-5102 or §§ 15.2-5152 through 15.2-5158, to construct any sewerage system, sewage treatment works, or water treatment plant waste treatment works or system necessary to (1) (i) upgrade the present level of treatment in existing systems or works to abate existing pollution of state waters; or (2) (ii) expand a system or works to accommodate additional growth, unless the Board shall have previously committed itself to provide financial assistance from federal and state funds equal to the maximum amount provided for under § 8 or other applicable sections of the Federal Water Pollution Control Act (, P.L. 84-660, as amended), or unless the Commonwealth or political subdivision or authority voluntarily agrees, or is directed by the Board with the concurrence of the Governor, to proceed with such construction, subject to reimbursement under § 8; or other applicable sections of such federal act.*

The foregoing restriction shall not apply to those cases where existing sewerage systems or sewage or other waste treatment works cease to perform in accordance with their approved certificate requirements.

*B. Nothing contained in this chapter shall be construed to empower the Board to require the Commonwealth, or any political subdivision thereof, to upgrade the level of treatment in any works to a level more stringent than that required by applicable provisions of the Federal Water Pollution Control Act, P.L. 84-660, as amended.*

*C. Nothing contained in this chapter shall be construed to empower the Board to adopt the 2013 proposed Aquatic Life Ambient Water Quality Criteria for Ammonia of the U.S. Environmental Protection Agency unless the Board includes in such adoption a phased implementation program consistent with the federal Clean Water Act (33 U.S.C. § 1251 et seq.) that includes (i) consideration of the relative priority of ammonia criteria and other water quality and water infrastructure*

*needs of the local community, (ii) mechanisms to coordinate implementation timing with grant funding mechanisms pursuant to § 10.1-2131 and other treatment facility expansion and upgrade plans, (iii) appropriate long-term compliance schedules for facilities or classes of facilities utilizing multiple permit cycles, and (iv) appropriate mechanisms to address affordability limitations and financial hardship situations remaining notwithstanding the other elements of the phased implementation program.*

**2. That the Department of Environmental Quality shall (i) identify any other states that have adopted the U.S. Environmental Protection Agency 2013 Aquatic Life Ambient Water Quality Criteria for Ammonia (the Criteria) as of July 1, 2018; (ii) identify the specific procedures and practices for the implementation of the Criteria by the General Assembly or the State Water Control Board (the Board) that will both minimize the impact of the Criteria on Virginia sewerage systems or other treatment works and be permissible under the federal Clean Water Act (33 U.S.C. § 1251 et seq.), including an opportunity to request consideration of alternative effluent limitations based on a demonstration by the permittee, acceptable to the Board, of the lack of appreciable harm from the discharge of ammonia to aquatic life that is present in the vicinity of the discharge or which should be present but for the discharge; and (iii) report its findings to the Chairmen of the Senate Committee on Agriculture, Conservation and Natural Resources, the House Committee on Agriculture, Chesapeake and Natural Resources, the Senate Finance Committee, and the House Appropriations Committee no later than November 1, 2018. The completion of such identification and reporting shall not preclude the Board from proceeding to adopt the Criteria.**

**3. That the inclusion of the phased implementation program required by this act in the current regulatory action of the State Water Control Board (the Board) on the adoption of the U.S. Environmental Protection Agency 2013 Aquatic Life Ambient Water Quality Criteria for Ammonia shall not require reproposal of the current action and shall not be considered changes with substantial impact under § 2.2-4007.06 of the Code of Virginia if the Department of Environmental Quality provides a 60-day public comment period on the proposed phased implementation program before it is presented to the Board for adoption.**

#### CHAPTER 511

*An Act to amend and reenact § 62.1-44.15:1 of the Code of Virginia, relating to sewerage systems; state adoption of federal criteria.*

[S 344]

Approved March 29, 2018

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

**1. That § 62.1-44.15:1 of the Code of Virginia is amended and reenacted as follows:**

**§ 62.1-44.15:1. Limitation on power to require construction of sewerage systems or sewage or other waste treatment works; ammonia criteria.**

A. Nothing contained in this chapter shall be construed to empower the Board to require the Commonwealth, or any political subdivision thereof, or any authority created under the provisions of § 15.2-5102 or §§ 15.2-5152 through 15.2-5158, to construct any sewerage system, sewage treatment works, or water treatment plant waste treatment works or system necessary to ~~(1)~~ (i) upgrade the present level of treatment in existing systems or works to abate existing pollution of state waters; or ~~(2)~~ (ii) expand a system or works to accommodate additional growth, unless the Board shall have previously committed itself to provide financial assistance from federal and state funds equal to the maximum amount provided for under § 8 or other applicable sections of the Federal Water Pollution Control Act ~~(, P.L. 84-660, as amended)~~, or unless the Commonwealth or political subdivision or authority voluntarily agrees, or is directed by the Board with the concurrence of the Governor, to proceed with such construction, subject to reimbursement under § 8; or other applicable sections of such federal act.

The foregoing restriction shall not apply to those cases where existing sewerage systems or sewage or other waste treatment works cease to perform in accordance with their approved certificate requirements.

B. Nothing contained in this chapter shall be construed to empower the Board to require the Commonwealth, or any political subdivision thereof, to upgrade the level of treatment in any works to a level more stringent than that required by applicable provisions of the Federal Water Pollution Control Act, *P.L. 84-660*, as amended.

*C. Nothing contained in this chapter shall be construed to empower the Board to adopt the 2013 proposed Aquatic Life Ambient Water Quality Criteria for Ammonia of the U.S. Environmental Protection Agency unless the Board includes in such adoption a phased implementation program consistent with the federal Clean Water Act (33 U.S.C. § 1251 et seq.) that includes (i) consideration of the relative priority of ammonia criteria and other water quality and water infrastructure needs of the local community, (ii) mechanisms to coordinate implementation timing with grant funding mechanisms pursuant to § 10.1-2131 and other treatment facility expansion and upgrade plans, (iii) appropriate long-term compliance schedules for facilities or classes of facilities utilizing multiple permit cycles, and (iv) appropriate mechanisms to address affordability limitations and financial hardship situations remaining notwithstanding the other elements of the phased implementation program.*

**2. That the Department of Environmental Quality shall (i) identify any other states that have adopted the U.S. Environmental Protection Agency 2013 Aquatic Life Ambient Water Quality Criteria for Ammonia (the**

Criteria) as of July 1, 2018; (ii) identify the specific procedures and practices for the implementation of the Criteria by the General Assembly or the State Water Control Board (the Board) that will both minimize the impact of the Criteria on Virginia sewerage systems or other treatment works and be permissible under the federal Clean Water Act (33 U.S.C. § 1251 et seq.), including an opportunity to request consideration of alternative effluent limitations based on a demonstration by the permittee, acceptable to the Board, of the lack of appreciable harm from the discharge of ammonia to aquatic life that is present in the vicinity of the discharge or which should be present but for the discharge; and (iii) report its findings to the Chairmen of the Senate Committee on Agriculture, Conservation and Natural Resources, the House Committee on Agriculture, Chesapeake and Natural Resources, the Senate Finance Committee, and the House Appropriations Committee no later than November 1, 2018. The completion of such identification and reporting shall not preclude the Board from proceeding to adopt the Criteria.

3. That the inclusion of the phased implementation program required by this act in the current regulatory action of the State Water Control Board (the Board) on the adoption of the U.S. Environmental Protection Agency 2013 Aquatic Life Ambient Water Quality Criteria for Ammonia shall not require reproposal of the current action and shall not be considered changes with substantial impact under § 2.2-4007.06 of the Code of Virginia if the Department of Environmental Quality provides a 60-day public comment period on the proposed phased implementation program before it is presented to the Board for adoption.

## CHAPTER 512

*An Act to amend and reenact § 22.1-253.13:4 of the Code of Virginia, relating to high school graduation requirements; course load.*

[H 329]

Approved March 29, 2018

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

**1. That § 22.1-253.13:4 of the Code of Virginia is amended and reenacted as follows:**

**§ 22.1-253.13:4. Standard 4. Student achievement and graduation requirements.**

A. Each local school board shall award diplomas to all secondary school students, including students who transfer from nonpublic schools or from home instruction, who meet the requirements prescribed by the Board of Education and meet such other requirements as may be prescribed by the local school board and approved by the Board of Education. Provisions shall be made to facilitate the transfer and appropriate grade placement of students from other public secondary schools, from nonpublic schools, or from home instruction as outlined in the standards for accreditation. The standards for accreditation shall include provisions relating to the completion of graduation requirements through Virtual Virginia. Further, reasonable accommodation to meet the requirements for diplomas shall be provided for otherwise qualified students with disabilities as needed.

In addition, each local school board may devise, vis-a-vis the award of diplomas to secondary school students, a mechanism for calculating class rankings that takes into consideration whether the student has taken a required class more than one time and has had any prior earned grade for such required class expunged.

Each local school board shall notify the parents of rising eleventh and twelfth grade students of (i) the requirements for graduation pursuant to the standards for accreditation and (ii) the requirements that have yet to be completed by the individual student.

B. Students identified as disabled who complete the requirements of their individualized education programs and meet certain requirements prescribed by the Board pursuant to regulations but do not meet the requirements for any named diploma shall be awarded Applied Studies diplomas by local school boards.

Each local school board shall notify the parent of such students with disabilities who have an individualized education program and who fail to meet the graduation requirements of the student's right to a free and appropriate education to age 21, inclusive, pursuant to Article 2 (§ 22.1-213 et seq.) of Chapter 13.

C. Students who have completed a prescribed course of study as defined by the local school board shall be awarded certificates of program completion by local school boards if they are not eligible to receive a Board of Education-approved diploma.

Each local school board shall provide notification of the right to a free public education for students who have not reached 20 years of age on or before August 1 of the school year, pursuant to Chapter 1 (§ 22.1-1 et seq.), to the parent of students who fail to graduate or who have failed to achieve graduation requirements as provided in the standards for accreditation. If such student who does not graduate or complete such requirements is a student for whom English is a second language, the local school board shall notify the parent of the student's opportunity for a free public education in accordance with § 22.1-5.

D. (From Acts 2016, cc. 720 & 750: The graduation requirements established by the Board of Education pursuant to the provisions of subdivisions D 1, 2, and 3 shall apply to each student who enrolls in high school as (i) a freshman after July 1, 2018; (ii) a sophomore after July 1, 2019; (iii) a junior after July 1, 2020; or (iv) a senior after July 1, 2021) In establishing graduation requirements, the Board shall:

1. Develop and implement, in consultation with stakeholders representing elementary and secondary education, higher education, and business and industry in the Commonwealth and including parents, policymakers, and community leaders in the Commonwealth, a Profile of a Virginia Graduate that identifies the knowledge and skills that students should attain during high school in order to be successful contributors to the economy of the Commonwealth, giving due consideration to critical thinking, creative thinking, collaboration, communication, and citizenship.

2. Emphasize the development of core skill sets in the early years of high school.

3. Establish multiple paths toward college and career readiness for students to follow in the later years of high school. Each such pathway shall include opportunities for internships, externships, and credentialing.

4. Provide for the selection of integrated learning courses meeting the Standards of Learning and approved by the Board to satisfy graduation requirements, which shall include Standards of Learning testing, as necessary.

5. Require students to complete at least one course in fine or performing arts or career and technical education, one course in United States and Virginia history, and two sequential elective courses chosen from a concentration of courses selected from a variety of options that may be planned to ensure the completion of a focused sequence of elective courses that provides a foundation for further education or training or preparation for employment.

6. Require that students either (i) complete an Advanced Placement, honors, or International Baccalaureate course or (ii) earn a career and technical education credential that has been approved by the Board, except when a career and technical education credential in a particular subject area is not readily available or appropriate or does not adequately measure student competency, in which case the student shall receive satisfactory competency-based instruction in the subject area to earn credit. The career and technical education credential, when required, could include the successful completion of an industry certification, a state licensure examination, a national occupational competency assessment, the Armed Services Vocational Aptitude Battery, or the Virginia workplace readiness skills assessment.

7. Beginning with first-time ninth grade students in the 2016-2017 school year, require students to be trained in emergency first aid, cardiopulmonary resuscitation, and the use of automated external defibrillators, including hands-on practice of the skills necessary to perform cardiopulmonary resuscitation.

8. Make provision in its regulations for students with disabilities to earn a diploma.

9. Require students to complete one virtual course, which may be a noncredit-bearing course.

10. Provide that students who complete elective classes into which the Standards of Learning for any required course have been integrated and achieve a passing score on the relevant Standards of Learning test for the relevant required course receive credit for such elective class.

11. Establish a procedure to facilitate the acceleration of students that allows qualified students, with the recommendation of the division superintendent, without completing the 140-hour class, to obtain credit for such class upon demonstrating mastery of the course content and objectives and receiving a passing score on the relevant Standards of Learning assessment. Nothing in this section shall preclude relevant school division personnel from enforcing compulsory attendance in public schools.

12. Provide for the award of credit for passing scores on industry certifications, state licensure examinations, and national occupational competency assessments approved by the Board of Education.

School boards shall report annually to the Board of Education the number of Board-approved industry certifications obtained, state licensure examinations passed, national occupational competency assessments passed, Armed Services Vocational Aptitude Battery assessments passed, and Virginia workplace readiness skills assessments passed, and the number of career and technical education completers who graduated. These numbers shall be reported as separate categories on the School Performance Report Card.

For the purposes of this subdivision, "career and technical education completer" means a student who has met the requirements for a career and technical concentration or specialization and all requirements for high school graduation or an approved alternative education program.

In addition, the Board may:

a. For the purpose of awarding credit, approve the use of additional or substitute tests for the correlated Standards of Learning assessment, such as academic achievement tests, industry certifications or state licensure examinations; and

b. Permit students completing career and technical education programs designed to enable such students to pass such industry certification examinations or state licensure examinations to be awarded, upon obtaining satisfactory scores on such industry certification or licensure examinations, appropriate credit for one or more career and technical education classes into which relevant Standards of Learning for various classes taught at the same level have been integrated. Such industry certification and state licensure examinations may cover relevant Standards of Learning for various required classes and may, at the discretion of the Board, address some Standards of Learning for several required classes.

13. Provide for the waiver of certain graduation requirements (i) upon the Board's initiative or (ii) at the request of a local school board. Such waivers shall be granted only for good cause and shall be considered on a case-by-case basis.

14. Consider all computer science course credits earned by students to be science course credits, mathematics course credits, or career and technical education credits. The Board of Education shall develop guidelines addressing how computer science courses can satisfy graduation requirements.

15. Permit local school divisions to waive the requirement for students to receive 140 clock hours of instruction upon providing the Board with satisfactory proof, based on Board guidelines, that the students for whom such requirements are waived have learned the content and skills included in the relevant Standards of Learning.

16. Provide for the award of verified units of credit for a satisfactory score, as determined by the Board, on the Preliminary ACT (PreACT) or Preliminary SAT/National Merit Scholarship Qualifying Test (PSAT/NMSQT) examination.

17. *Permit students to exceed a full course load in order to participate in courses offered by an institution of higher education that lead to a degree, certificate, or credential at such institution.*

E. In the exercise of its authority to recognize exemplary performance by providing for diploma seals:

1. The Board shall develop criteria for recognizing exemplary performance in career and technical education programs by students who have completed the requirements for a Board of Education-approved diploma and shall award seals on the diplomas of students meeting such criteria.

2. The Board shall establish criteria for awarding a diploma seal for advanced mathematics and technology for the Board of Education-approved diplomas. The Board shall consider including criteria for (i) technology courses; (ii) technical writing, reading, and oral communication skills; (iii) technology-related training; and (iv) industry, professional, and trade association national certifications.

3. The Board shall establish criteria for awarding a diploma seal for excellence in civics education and understanding of our state and federal constitutions and the democratic model of government for the Board of Education-approved diplomas. The Board shall consider including criteria for (i) successful completion of history, government, and civics courses, including courses that incorporate character education; (ii) voluntary participation in community service or extracurricular activities that includes the types of activities that shall qualify as community service and the number of hours required; and (iii) related requirements as it deems appropriate.

4. The Board shall establish criteria for awarding a diploma seal of biliteracy to any student who demonstrates proficiency in English and at least one other language for the Board of Education-approved diplomas. The Board shall consider criteria including the student's (i) score on a College Board Advanced Placement foreign language examination, (ii) score on an SAT II Subject Test in a foreign language, (iii) proficiency level on an ACTFL Assessment of Performance toward Proficiency in Languages (AAPPL) measure or another nationally or internationally recognized language proficiency test, or (iv) cumulative grade point average in a sequence of foreign language courses approved by the Board.

F. The Board shall establish, by regulation, requirements for the award of a general achievement adult high school diploma for those persons who are not subject to the compulsory school attendance requirements of § 22.1-254 and have (i) achieved a passing score on a high school equivalency examination approved by the Board of Education; (ii) successfully completed an education and training program designated by the Board of Education; (iii) earned a Board of Education-approved career and technical education credential such as the successful completion of an industry certification, a state licensure examination, a national occupational competency assessment, the Armed Services Vocational Aptitude Battery, or the Virginia workplace readiness skills assessment; and (iv) satisfied other requirements as may be established by the Board for the award of such diploma.

G. To ensure the uniform assessment of high school graduation rates, the Board shall collect, analyze, report, and make available to the public high school graduation and dropout data using a formula prescribed by the Board.

H. The Board shall also collect, analyze, report, and make available to the public high school graduation and dropout data using a formula that excludes any student who fails to graduate because such student is in the custody of the Department of Corrections, the Department of Juvenile Justice, or local law enforcement. For the purposes of the Standards of Accreditation, the Board shall use the graduation rate required by this subsection.

I. The Board may promulgate such regulations as may be necessary and appropriate for the collection, analysis, and reporting of such data required by subsections G and H.

**CHAPTER 513**

*An Act to require the Department of Education and local school boards to adopt policies prohibiting job assistance when sexual misconduct suspected.*

[H 438]

Approved March 29, 2018

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

1. § 1. *The Department of Education and local school boards shall adopt policies to implement the provisions of 20 U.S.C. § 7926 that prohibit any local school board or any individual who is an employee, contractor, or agent of a local school board from assisting an employee, contractor, or agent of such local school board in obtaining a new job if such local school board or individual knows or has probable cause to believe that the employee, contractor, or agent engaged in sexual misconduct regarding a minor or student in violation of law.*

CHAPTER 514

*An Act to require the Department of Education and local school boards to adopt policies prohibiting job assistance when sexual misconduct suspected.*

[S 605]

Approved March 29, 2018

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

1. § 1. *The Department of Education and local school boards shall adopt policies to implement the provisions of 20 U.S.C. § 7926 that prohibit any local school board or any individual who is an employee, contractor, or agent of a local school board from assisting an employee, contractor, or agent of such local school board in obtaining a new job if such local school board or individual knows or has probable cause to believe that the employee, contractor, or agent engaged in sexual misconduct regarding a minor or student in violation of law.*

CHAPTER 515

*An Act to amend the Code of Virginia by adding a section numbered 23.1-900.01, relating to institutions of higher education; diplomas; proof of education; method.*

[H 589]

Approved March 29, 2018

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

1. **That the Code of Virginia is amended by adding a section numbered 23.1-900.01 as follows:**

**§ 23.1-900.01. Diplomas; proof of education; method.**

A. *Each public institution of higher education and private institution of higher education may provide any diploma or other proof of education to requesting individuals or entities using the method that it deems most appropriate, in either electronic or paper form.*

B. *The Council shall post on its website a statement in accordance with the provisions of subsection A.*

CHAPTER 516

*An Act to amend and reenact § 22.1-254.1 of the Code of Virginia, relating to requirements for home instruction of children; education options.*

[H 1370]

Approved March 29, 2018

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

1. **That § 22.1-254.1 of the Code of Virginia is amended and reenacted as follows:**

**§ 22.1-254.1. Declaration of policy; requirements for home instruction of children.**

A. *When the requirements of this section have been satisfied, instruction of children by their parents is an acceptable alternative form of education under the policy of the Commonwealth of Virginia. Any parent of any child who will have reached the fifth birthday on or before September 30 of any school year and who has not passed the eighteenth birthday may elect to provide home instruction in lieu of school attendance if he (i) holds a high school diploma; ~~or~~ (ii) is a teacher of qualifications prescribed by the Board of Education; ~~or~~ (iii) provides *the child with* a program of study or curriculum which may be delivered through a correspondence course or distance learning program or in any other manner; or (iv) provides evidence that he is able to provide an adequate education for the child.*

B. *Any parent who elects to provide home instruction in lieu of school attendance shall annually notify the division superintendent in August of his intention to so instruct the child and provide a description of the curriculum, limited to a list of subjects to be studied during the coming year, and evidence of having met one of the criteria for providing home instruction as required by subsection A. Effective July 1, 2000, parents electing to provide home instruction shall provide such annual notice no later than August 15. Any parent who moves into a school division or begins home instruction after the school year has begun shall notify the division superintendent of his intention to provide home instruction as soon as practicable and shall thereafter comply with the requirements of this section within 30 days of such notice. The division superintendent shall notify the Superintendent of Public Instruction of the number of students in the school division receiving home instruction.*

C. *The parent who elects to provide home instruction shall provide the division superintendent by August 1 following the school year in which the child has received home instruction with either (i) evidence that the child has attained a composite score in or above the fourth stanine on any nationally normed standardized achievement test, or an equivalent score on the ACT, SAT, or PSAT test or (ii) an evaluation or assessment which the division superintendent determines to indicate that the child is achieving an adequate level of educational growth and progress, including but not limited to (a) an evaluation letter from a person licensed to teach in any state, or a person with a master's degree or higher in an academic*

discipline, having knowledge of the child's academic progress, stating that the child is achieving an adequate level of educational growth and progress or (b) a report card or transcript from an institution of higher education, college distance learning program, or home-education correspondence school.

In the event that evidence of progress as required in this subsection is not provided by the parent, the home instruction program for that child may be placed on probation for one year. Parents shall file with the division superintendent evidence of their ability to provide an adequate education for their child in compliance with subsection A and a remediation plan for the probationary year which indicates their program is designed to address any educational deficiency. Upon acceptance of such evidence and plan by the division superintendent, the home instruction may continue for one probationary year. If the remediation plan and evidence are not accepted or the required evidence of progress is not provided by August 1 following the probationary year, home instruction shall cease and the parent shall make other arrangements for the education of the child which comply with § 22.1-254. The requirements of subsection C shall not apply to children who are under the age of six as of September 30 of the school year.

D. Nothing in this section shall prohibit a pupil and his parents from obtaining an excuse from school attendance by reason of bona fide religious training or belief pursuant to subdivision B 1 of § 22.1-254.

E. Any party aggrieved by a decision of the division superintendent may appeal his decision within 30 days to an independent hearing officer. The independent hearing officer shall be chosen from the list maintained by the Executive Secretary of the Supreme Court for hearing appeals of the placements of children with disabilities. The costs of the hearing shall be apportioned among the parties by the hearing officer in a manner consistent with his findings.

F. School boards shall make Advanced Placement (AP), Preliminary SAT/National Merit Scholarship Qualifying Test (PSAT/NMSQT), and PreACT examinations available to students receiving home instruction pursuant to this section. School boards shall adopt written policies that specify the date by which such students shall register to participate in such examinations. School boards shall notify such students and their parents of such registration deadline and the availability of financial assistance to low-income and needy students to take such examinations.

G. No division superintendent or local school board shall disclose to the Department of Education or any other person or entity outside of the local school division information that is provided by a parent or student to satisfy the requirements of this section or subdivision B 1 of § 22.1-254. However, a division superintendent or local school board may disclose, with the written consent of a student's parent, such information to the extent provided by the parent's consent. Nothing in this subsection shall prohibit a division superintendent from notifying the Superintendent of Public Instruction of the number of students in the school division receiving home instruction as required by subsection B.

## CHAPTER 517

*An Act to direct the Board of Education to make recommendations relating to career and technical education and diplomas.*

[H 1530]

Approved March 29, 2018

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

1. § 1. *The Board of Education shall make recommendations to the Governor and the Chairmen of the House Committee on Education and the Senate Committee on Education and Health no later than November 1, 2018, relating to (i) strategies for eliminating any stigma associated with high school career and technical education pathways and the choice of high school students to pursue coursework and other educational opportunities in career and technical education and related fields such as computer science and robotics and (ii) the consolidation of the standard and advanced diplomas into a single diploma and the creation of multiple endorsements for such diploma to recognize student competencies and achievements in specific subject matter areas.*

## CHAPTER 518

*An Act to amend and reenact § 22.1-298.2 of the Code of Virginia, relating to the Board of Education; teacher licensure regulations; education preparation programs.*

[S 76]

Approved March 29, 2018

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

1. **That § 22.1-298.2 of the Code of Virginia is amended and reenacted as follows:**

#### **§ 22.1-298.2. Regulations governing education preparation programs.**

A. As used in this section:

"Assessment of basic skills" means an assessment prescribed by the Board of Education that an individual must take prior to admission into an approved education preparation program, as prescribed by the Board of Education in its regulations.

"Education preparation program" includes four-year bachelor's degree programs in teacher education.

B. Education preparation programs shall meet the requirements for accreditation and program approval as prescribed by the Board of Education in its regulations.

C. The Board of Education regulations shall provide for education preparation programs offered by institutions of higher education, Virginia public school divisions, and certified providers for alternate routes to licensure.

D. The Board shall prescribe an assessment of basic skills for individuals seeking entry into an approved education preparation program and shall establish a minimum passing score for such assessment. The Board also may prescribe other requirements for admission to Virginia's approved education preparation programs in its regulations.

E. The Board shall establish accountability measures for approved education programs. Data shall be submitted to the Board on not less than a biennial basis.

**CHAPTER 519**

*An Act to amend and reenact § 22.1-207.1:1 of the Code of Virginia, relating to family life education; curricula; certain topics.*

[S 101]

Approved March 29, 2018

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

**1. That § 22.1-207.1:1 of the Code of Virginia is amended and reenacted as follows:**

**§ 22.1-207.1:1. Family life education; certain curricula and Standards of Learning.**

A. Any family life education curriculum offered by a local school division shall require the Standards of Learning objectives related to dating violence and the characteristics of abusive relationships to be taught at least once in middle school and at least twice in high school, as described in the Board of Education's family life education guidelines.

B. Any high school family life education curriculum offered by a local school division shall incorporate age-appropriate elements of effective and evidence-based programs on the prevention of dating violence, domestic abuse, sexual harassment, *including sexual harassment using electronic means*, and sexual violence and may incorporate age-appropriate elements of effective and evidence-based programs on the law and meaning of consent. Such age-appropriate elements of effective and evidence-based programs on the prevention of sexual violence may include instruction that increases student awareness of the fact that consent is required before sexual activity.

C. *Any family life education curriculum offered by a local school division may incorporate age-appropriate elements of effective and evidence-based programs on the prevention, recognition, and awareness of child abduction, child abuse, child sexual exploitation, and child sexual abuse.*

**CHAPTER 520**

*An Act to amend and reenact § 2.2-3119 of the Code of Virginia, relating to the State and Local Government Conflict of Interests Act; school boards and school employees.*

[S 124]

Approved March 29, 2018

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

**1. That § 2.2-3119 of the Code of Virginia is amended and reenacted as follows:**

**§ 2.2-3119. Additional provisions applicable to school boards and employees of school boards; exceptions.**

A. Notwithstanding any other provision of this chapter, it shall be unlawful for the school board of any county or city or of any town constituting a separate school division to employ or pay any teacher or other school board employee from the public funds, federal, state or local, or for a division superintendent to recommend to the school board the employment of any teacher or other employee, if the teacher or other employee is the father, mother, brother, sister, spouse, son, daughter, son-in-law, daughter-in-law, sister-in-law or brother-in-law of the superintendent, or of any member of the school board.

This section shall apply to any person employed by any school board in the operation of the public free school system, adult education programs or any other program maintained and operated by a local county, city or town school board.

B. This section shall not be construed to prohibit the employment, promotion, or transfer within a school division of any person within a relationship described in subsection A when such person:

1. Has been employed pursuant to a written contract with a school board or employed as a substitute teacher or teacher's aide by a school board prior to the taking of office of any member of such board or division superintendent of schools; or

2. Has been employed pursuant to a written contract with a school board or employed as a substitute teacher or teacher's aide by a school board prior to the inception of such relationship; or

3. Was employed by a school board at any time prior to June 10, 1994, and had been employed at any time as a teacher or other employee of any Virginia school board prior to the taking of office of any member of such school board or division superintendent of schools.

C. A person employed as a substitute teacher may not be employed to any greater extent than he was employed by the school board in the last full school year prior to the taking of office of such board member or division superintendent or to the inception of such relationship. The exceptions in subdivisions B 1, B 2, and B 3 shall apply only if the prior employment has been in the same school divisions where the employee and the superintendent or school board member now seek to serve simultaneously.

D. If any member of the school board or any division superintendent knowingly violates these provisions, he shall be personally liable to refund to the local treasury any amounts paid in violation of this law, and the funds shall be recovered from the individual by action or suit in the name of the Commonwealth on the petition of the attorney for the Commonwealth. Recovered funds shall be paid into the local treasury for the use of the public schools.

E. The provisions of this section shall not apply to employment by ~~a~~ *any* school district located in Planning Districts 3, 4, 11, 12, 13, and 17 of the father, mother, brother, sister, spouse, son, daughter, son-in-law, daughter-in-law, sister-in-law, or brother-in-law of any member of the school board, provided *that* (i) the member certifies that he had no involvement with the hiring decision and (ii) the superintendent certifies to the remaining members of the governing body in writing that the employment is based upon merit and fitness and the competitive rating of the qualifications of the individual and that no member of the board had any involvement with the hiring decision.

## CHAPTER 521

*An Act to amend and reenact §§ 22.1-205 and 46.2-1702 of the Code of Virginia, relating to driver education programs; parent/student driver education component.*

[S 126]

Approved March 29, 2018

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

**1. That §§ 22.1-205 and 46.2-1702 of the Code of Virginia are amended and reenacted as follows:**

**§ 22.1-205. Driver education programs.**

A. The Board of Education shall establish for the public school system a standardized program of driver education in the safe operation of motor vehicles. Such program shall consist of classroom training and behind-the-wheel driver training. However, any student who participates in such a program of driver education shall meet the academic requirements established by the Board, and no student in a course shall be permitted to operate a motor vehicle without a license or permit to do so issued by the Department of Motor Vehicles.

1. ~~The driver education program shall include (i) instruction concerning (a) alcohol and drug abuse; (b) aggressive driving; (c) distracted driving; (d) motorcycle awareness; (e) organ and tissue donor awareness; (f) fuel-efficient driving practices; and (g) traffic stops, including law-enforcement procedures for traffic stops, appropriate actions to be taken by drivers during traffic stops, and appropriate interactions with law-enforcement officers who initiate traffic stops, and (ii) in Planning District 8, for any student completing a driver education program beginning in academic year 2010-2011, an additional minimum 90-minute parent/student driver education component as part of the in-classroom portion of the driver education curriculum, requiring. The additional parent/student driver education component may be provided to students outside Planning District 8, at the discretion of each local school board.~~

2. ~~The parent/student driver education component shall be administered as part of the classroom portion of the driver education curriculum. In Planning District 8, the parent/student driver education component shall be administered in-person. Outside Planning District 8, the parent/student driver education component may be administered either in-person or online by a public school or driver training schools that are licensed as computer-based driver education providers. For students in Planning District 8 and those students in school divisions that offer the parent/student component, the participation of the student's parent or guardian shall be required, and emphasizing the program shall emphasize (i) parental responsibilities regarding juvenile driver behavior, (ii) juvenile driving restrictions pursuant to the Code of Virginia, and (iii) the dangers of driving while intoxicated and underage consumption of alcohol. Such instruction shall be developed by the Department in cooperation with the Virginia Alcohol Safety Action Program, the Department of Health, and the Department of Behavioral Health and Developmental Services, as appropriate. Nothing in this subdivision precludes any school division outside Planning District 8 from including a program of parental involvement as part of a driver education program in addition to or as an alternative to the minimum 90-minute parent/student driver education component.~~

~~Such~~ 3. Any driver education program shall require a minimum number of miles driven during the behind-the-wheel driver training.

B. The Board shall assist school divisions by preparation, publication and distribution of competent driver education instructional materials to ensure a more complete understanding of the responsibilities and duties of motor vehicle operators.

C. Each school board shall determine whether to offer the program of driver education in the safe operation of motor vehicles and, if offered, whether such program shall be an elective or a required course. In addition to the fee approved by the Board of Education pursuant to the appropriation act that allows local school boards to charge a per pupil fee for behind-the-wheel driver education, the Board of Education may authorize a local school board's request to assess a

surcharge in order to further recover program costs that exceed state funds distributed through basic aid to school divisions offering driver education programs. Each school board may waive the fee or the surcharge in total or in part for those students it determines cannot pay the fee or surcharge. Only school divisions complying with the standardized program and regulations established by the Board of Education and the provisions of § 46.2-335 shall be entitled to participate in the distribution of state funds appropriated for driver education.

School boards in Planning District 8 shall make the 90-minute parent/student driver education component available to all students and their parents or guardians who are in compliance with § 22.1-254.

D. The actual initial driving instruction shall be conducted, with motor vehicles equipped as may be required by regulation of the Board of Education, on private or public property removed from public highways if practicable; if impracticable, then, at the request of the school board, the Commissioner of Highways shall designate a suitable section of road near the school to be used for such instruction. Such section of road shall be marked with signs, which the Commissioner of Highways shall supply, giving notice of its use for driving instruction. Such signs shall be removed at the close of the instruction period. No vehicle other than those used for driver training shall be operated between such signs at a speed in excess of 25 miles per hour. Violation of this limit shall be a Class 4 misdemeanor.

E. The Board of Education may, in its discretion, promulgate regulations for the use and certification of paraprofessionals as teaching assistants in the driver education programs of school divisions.

F. The Board of Education shall approve correspondence courses for the classroom training component of driver education. These correspondence courses shall be consistent in quality with instructional programs developed by the Board for classroom training in the public schools. Students completing the correspondence courses for classroom training, who are eligible to take behind-the-wheel driver training, may receive behind-the-wheel driver training (i) from a public school, upon payment of the required fee, if the school division offers behind-the-wheel driver training and space is available, (ii) from a driver training school licensed by the Department of Motor Vehicles, or (iii) in the case of a home schooling parent or guardian instructing his own child who meets the requirements for home school instruction under § 22.1-254.1 or subdivision B 1 of § 22.1-254, from a behind-the-wheel training course approved by the Board. Nothing herein shall be construed to require any school division to provide behind-the-wheel driver training to nonpublic school students.

**§ 46.2-1702. Certification of driver education courses by Commissioner.**

Notwithstanding any other provision of law, the Commissioner shall have the authority to approve as a driver education course satisfying the requirements of § 46.2-334 any course which is offered by any driver training school licensed under the provisions of this chapter if he finds that the course is of comparable content and quality to that offered in the Commonwealth's public schools. In making such finding, the Commissioner shall not require that the instructors of any driver training school meet the certification requirements of teachers in the Commonwealth's public schools.

Any comprehensive community college within the Virginia Community College System shall have the authority to offer the courses required by the Virginia Board of Education to become a certified driver education instructor in Virginia on a not-for-credit basis so long as the courses include the same content and curriculum required by the Department of Education, enabling individuals who complete those courses to then teach driver's education in Virginia driver education training schools upon official certification by the Department of Motor Vehicles. The Virginia Department of Education shall provide the curriculum, content, and other information regarding the courses required to become certified driver education instructors in Virginia to any comprehensive community college within the Virginia Community College System. The content of each course must be accurate and rigorous and must meet the requirements for the Department of Education's Curriculum and Administrative Guide for Driver's Education, which includes the Board of Education's standards of learning.

Except for schools in the Commonwealth's public school system and providers of correspondence courses approved by the Board of Education pursuant to subsection F of § 22.1-205, only those driver training schools that are licensed as computer-based driver education providers shall be authorized to administer computer-based driver education courses, *including the parent/student driver education component of the driver education curriculum as established in § 22.1-205.* The content and quality of such computer-based driver education courses shall be comparable to that of courses offered in the Commonwealth's public schools. The Commissioner may establish minimum standards for testing students who have enrolled in computer-based driver education courses. Such standards may include (i) requirements for the test site; (ii) verification that the person taking the test is the person enrolled in the course; (iii) verification of the identity of the student using photo identification approved by the Commissioner; and (iv) maintenance of a log containing the name and title of the licensed instructor monitoring the test, the test date, the name of the student taking the test, and the student's time-in and time-out of the test site. Computer-based driver education providers shall not issue a certificate of completion to a student ~~in Planning District 8~~ prior to receiving proof of completion of the additional minimum 90-minute parent/student driver education component pursuant to § 22.1-205.

Any driver training school licensed under the provisions of this chapter shall be authorized to provide the 90-minute parent/student driver education component ~~in Planning District 8~~ *of the driver education curriculum pursuant to § 22.1-205. Only public schools and those driver training schools that are licensed as computer-based driver education providers shall be authorized to administer the parent/student driver education component of the driver education curriculum through a virtual, computer-based program.* Completion of such education component shall satisfy the requirement for the additional 90-minute parent/student driver education component ~~pursuant to § 22.1-205~~, so long as there is participation of the student's parent or guardian and the content provided is comparable to that which is offered in the Commonwealth's public

schools and emphasizes ~~(i)~~ (a) parental responsibilities regarding juvenile driver behavior, ~~(ii)~~ (b) juvenile driving restrictions pursuant to this Code, and ~~(iii)~~ (c) the dangers of driving while intoxicated and underage consumption of alcohol.

The Commissioner shall have authority to approve any driver education course offered by any Class A licensee if he finds the course meets the requirements for such courses as set forth in this chapter and as otherwise established by the Department. Class A licensees shall not be permitted to administer knowledge or behind-the-wheel examinations. Driver education courses offered by any Class B licensee shall be based on the driver education curriculum currently approved by the Department of Education and the Department.

The Commissioner may accept 20 years' service with the Virginia Department of State Police by a person who retired or resigned while in good standing from such Department in lieu of requirements established by the Department of Education for instructor qualification.

CHAPTER 522

*An Act to amend the Code of Virginia by adding a section numbered 8.01-274.1, relating to motion or petition for rule to show cause.*

[H 128]

Approved March 29, 2018

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

**1. That the Code of Virginia is amended by adding a section numbered 8.01-274.1 as follows:**

**§ 8.01-274.1. Motion or petition for rule to show cause for violation of court order.**

*Except as otherwise provided by law, any party requesting a rule to show cause for a violation of a court order in any civil action in a court of record shall file with the court a motion or petition, which may be on a form prescribed by the Office of the Executive Secretary of the Supreme Court of Virginia. The motion or petition shall include facts identifying with particularity the violation of a specific court order and be sworn to or accompanied by an affidavit setting forth such facts. A rule to show cause entered by the court shall be served on the person alleged to have violated the court order, along with the accompanying motion or petition and any affidavit filed with such motion or petition.*

CHAPTER 523

*An Act to amend and reenact §§ 17.1-240 and 17.1-258.6 of the Code of Virginia and to repeal § 55-111 of the Code of Virginia, relating to clerks of court; court records.*

[H 166]

Approved March 29, 2018

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

**1. That §§ 17.1-240 and 17.1-258.6 of the Code of Virginia are amended and reenacted as follows:**

**§ 17.1-240. Recording by microphotographic or electronic process.**

A procedural microphotographic process, digital reproduction, or any other micrographic process ~~which~~ *that* stores images of documents in reduced size or in electronic format, may be used to accomplish the recording of writings otherwise required by any provision of law to be spread in a book or retained in the circuit court clerk's office, including, ~~but not limited to,~~ the civil and criminal order books, the Will Book or Fiduciary Account Book, the Juvenile Order Book, the Adoption Order Book, the Trust Fund Order Book, the Deed Book, the Plat Book, the Land Book, *the Bond Book*, the Judgment Docket Book, the Partnership or Assumed Name Certificate Book, marriage records, and financing statements. Any such micrographic, microphotographic, or electronic recording process shall meet archival standards as recommended by The Library of Virginia.

**§ 17.1-258.6. Acceptability of electronic medium; submission of trial court record to appellate court.**

A. In connection with civil proceedings in circuit court, any statutory requirement for an original, original paper, paper, record, document, facsimile, memorandum, exhibit, certification, or transcript shall be satisfied if such is in an electronic form approved for filing under the Rules of Supreme Court of Virginia. However, this section shall not apply to documents the form of which is specified in any statute governing the creation and execution of wills, codicils, testamentary trusts, premarital agreements, and negotiable instruments.

B. Notwithstanding any other provision of law, any statutory authorization for the use of copies or reproductions in civil proceedings in circuit court shall be satisfied by use of such copies or reproductions in hard copy or electronic form approved for filing under the Rules of Supreme Court of Virginia.

C. Any clerk of a circuit court with an electronic filing system that complies with the Rules of Supreme Court of Virginia may provide the trial court record in electronic form to the appropriate clerk of any appellate court. The clerk of the Supreme Court and the clerk of the Court of Appeals shall accept the official civil or criminal record in electronic form as otherwise required by law. *The clerk in the appellate court may also request that any paper trial court records be forwarded to such clerk.*

D. The Rules of Supreme Court of Virginia shall not prohibit the use of a private vendor electronic filing system if such system is in compliance with the filing standards established by the Court.

**2. That § 55-111 of the Code of Virginia is repealed.**

**CHAPTER 524**

*An Act to amend the Code of Virginia by adding a section numbered 18.2-67.9:1, relating to witness testimony accompanied by certified facility dogs.*

[H 482]

Approved March 29, 2018

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

**1. That the Code of Virginia is amended by adding a section numbered 18.2-67.9:1 as follows:**

**§ 18.2-67.9:1. Use of a certified facility dog for testimony in a criminal proceeding.**

A. As used in this section, "certified facility dog" means a dog that (i) has completed training and been certified by a program accredited by Assistance Dogs International or by another assistance dog organization that is a member of an organization whose main purpose is to improve training, placement, and utilization of assistance dogs and (ii) is accompanied by a duly trained handler:

B. In any criminal proceeding, including preliminary hearings, the attorney for the Commonwealth or the defendant may apply for an order from the court allowing a certified facility dog to be present with a witness testifying before the court through in-person testimony or testimony televised by two-way closed-circuit television pursuant to § 18.2-67.9.

C. The court may enter an order authorizing a dog to accompany a witness while testifying at a hearing in accordance with subsection B if the court finds by a preponderance of the evidence that:

1. The dog to be used qualifies as a certified facility dog;
2. The use of a certified facility dog will aid the witness in providing his testimony; and
3. The presence and use of the certified facility dog will not interfere with or distract from the testimony or proceedings.

D. The party seeking such order shall apply for the order at least 14 days before the preliminary hearing, trial date, or other hearing to which the order is to apply.

E. The court may make such orders as necessary to preserve the fairness of the proceeding, including imposing restrictions on and instructing the jury regarding the presence of the certified facility dog during the proceedings.

F. Nothing contained in this section shall prevent the court from providing any other accommodations to a witness as provided by law.

**CHAPTER 525**

*An Act to amend and reenact § 30-172 of the Code of Virginia, relating to the Virginia Commission on Intergovernmental Cooperation.*

[H 530]

Approved March 29, 2018

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

**1. That § 30-172 of the Code of Virginia is amended and reenacted as follows:**

**§ 30-172. Powers and duties of Commission.**

The Commission shall have the power and duty to:

1. Encourage and arrange conferences with officials of other states and other units of government;
2. Carry forward the participation of Virginia as a member of the Council of State Governments, both regionally and nationally;
3. Formulate proposals for cooperation between Virginia and other states;
4. Establish such committees as it deems advisable to conduct conferences and formulate proposals concerning subjects of interstate cooperation;
5. Monitor and evaluate the Commonwealth's participation in interstate compacts;
6. Review, evaluate, and recommend suggested uniform state legislation;
7. Require, at its discretion, from any appointee representing Virginia on any interstate compact, commission, committee, or board, a report on that organization's work and accomplishments;
8. Review, evaluate, and make recommendations concerning federal policies that are of concern to the Commonwealth;
9. Establish such committees as deemed advisable and designate the members of every such committee. State officials who are not members of the Commission may be appointed as members of any such committee, but at least one member of the Commission shall be a member of every such committee; and
10. Appoint persons drawn from the membership of the Senate, the membership of the House of Delegates, and officials of state and local government to serve on those intergovernmental boards, committees, and commissions as to

which the Commonwealth is entitled to such appointment, or is invited to make such appointments, provided that members of the General Assembly shall be appointed as follows:

- a. If an appointment be made from the membership of the Senate, such an appointment shall be made by the Commission on Interstate Cooperation of the Senate and shall be approved by the Chair of the Committee on Rules; and
- b. If an appointment be made from the membership of the House of Delegates, such appointment shall be made by the ~~Commission on Interstate Cooperation of the House of Delegates and shall be approved by the~~ Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates.

The Commission may provide such rules as it considers appropriate concerning the membership and the functioning of any committee established.

CHAPTER 526

*An Act to amend and reenact §§ 30-193, 30-194, and 30-195 of the Code of Virginia, relating to the Capitol Square Preservation Council.*

[H 847]

Approved March 29, 2018

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

**1. That §§ 30-193, 30-194, and 30-195 of the Code of Virginia are amended and reenacted as follows:**

**§ 30-193. Capitol Square Preservation Council; membership; terms; compensation and expenses; quorum; "Capitol Square" defined.**

A. The Capitol Square Preservation Council (the Council) is established in the legislative branch of state government. The Council shall consist of 13 members as follows: three members appointed by the Speaker of the House of Delegates, after consideration of the lists of nominations provided by the governing bodies of The Garden Club of Virginia, the Historic Richmond Foundation, and the ~~Association for the Preservation of Virginia Antiquities~~ *Preservation Virginia*, if any; two members appointed by the Senate Committee on Rules, after consideration of the lists of nominations provided by the governing bodies of the Virginia Society of the American Institute of Architects and the Virginia Museum of Fine Arts, if any; five nonlegislative citizen members appointed by the Governor, two after consideration of the lists of nominations provided by the governing bodies of the Virginia Chapter of the American Society of Landscape Architects and the Virginia Historical Society, if any, one from the membership of the Citizens' Advisory Council on Furnishing and Interpreting the Executive Mansion, and two citizens at large; the Secretary of Administration; or his designee; and the Clerks of the House of Delegates and the Senate, who shall serve ex officio with voting privileges. Nonlegislative citizen members shall be citizens of the Commonwealth.

B. A personnel committee of the Council is established, consisting of the Clerk of the House of Delegates, the Clerk of the Senate, the Secretary of Administration, and the chairman of the Council or their designees. The personnel committee shall establish the personnel policies for the ~~Executive Director~~ *Chief Administrative Officer* of the Council employed pursuant to § 30-194. The ~~Executive Director~~ *Chief Administrative Officer* shall report to the personnel committee regarding proposed projects and activities and shall seek the prior approval of the personnel committee for personnel expenditures related to such projects and activities.

C. Following the initial staggering of terms, all appointments to the Council shall be for terms of three years, except any legislative member appointed shall serve a term coincident with his terms of office. Vacancies occurring other than by expiration of a term shall be filled for the unexpired term in the same manner as the original appointment. No member shall be eligible to serve more than two successive three-year terms, except any legislative member appointed may be reappointed for successive terms without limitation. However, after expiration of a term of three years or less, or after the expiration of the remainder of a term to which he was appointed to fill a vacancy, two additional terms may be served by such member if appointed thereto.

D. The members of the Council shall elect from among its membership a chairman and a vice-chairman for two-year terms. The chairman and vice-chairman may not succeed themselves to the same position. The Council shall hold meetings quarterly, or upon the call of the chairman. A majority of the members of the Council shall constitute a quorum.

E. Members of the Council shall not receive compensation, but shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. Funding for the costs of expenses of the members shall be provided from existing appropriations to the Council.

F. For the purposes of this article, "Capitol Square" means the grounds and the interior and exterior of all buildings in that area in the City of Richmond bounded by Bank, Governor, Broad, and Ninth Streets. The term also includes the exterior of all state buildings that are at least 50 years old and bordering the boundary streets. The term does not include the interiors of the General Assembly Building, the Washington Building, the Jefferson Building, or the Governor's Mansion.

**§ 30-194. Powers and duties of the Council; Chief Administrative Officer; annual report.**

A. With regard to the architectural, historical, archeological, and landscape features of Capitol Square and antiquities contained therein, the Council shall:

- 1. Inventory and assess their condition;

2. Develop plans and recommendations for their maintenance and preservation and for the enhancement of their historical and architectural integrity;

3. Develop recommendations for the promotion of activities and efforts that will enhance interpretive and educational opportunities; and

4. Review all plans or proposals for alterations, improvements, additions, renovations, or other disposition that is structural or architectural in nature. No implementation of such plans or proposals shall take place prior to review by the Council. The Council shall report its findings on each plan or proposal to the Governor and the agency responsible for the plan or proposal. However, the Council's ~~executive director~~ *Chief Administrative Officer* and the Director of the Department of General Services shall enter into a memorandum of agreement describing the type of plans and proposals that are of such a routine or operational nature to not require review by the Council.

B. The Council may employ ~~an executive director~~ *a Chief Administrative Officer* and determine his duties and compensation within the amounts appropriated therefor. The ~~executive director~~ *Chief Administrative Officer* shall be qualified to carry out the duties to which he is assigned and shall work at the pleasure of the Council. The Council may also obtain such assistance as it may deem necessary, and may employ, within the amounts appropriated therefor, experts who have special knowledge of the issues before the Council.

C. *The Council may enter into partnerships, joint ventures, and other collaborative relationships with organizations in furtherance of the Council's duties.*

D. The Council may, unless otherwise restricted by the Governor or the General Assembly, under terms approved by the Attorney General, accept gifts and grants in furtherance of its duties. This provision shall be deemed to be in addition to and not in conflict with any other powers or authorities related to the acceptance of gifts and grants under other provisions of this Code.

~~D.~~ E. The Council may enter into contracts in the furtherance of its duties in accordance with the Virginia Public Procurement Act (§ 2.2-4300 et seq.).

F. *Neither the Council nor its staff in fulfilling their responsibilities shall act in a manner inconsistent with subsection A of § 2.2-1144.*

~~E.~~ G. The Council shall make a report on its activities and recommendations, if any, annually by December 1 to the Governor and the General Assembly. The Council shall make such further interim reports to the Governor and the General Assembly as it deems advisable or as required by the General Assembly.

#### **§ 30-195. Duties of the chief administrative officer.**

A. ~~The executive director shall serve as curator for the architectural, historical, archeological and landscape features of Capitol Square. Neither the Council nor the executive director in fulfilling his responsibilities as curator shall act in a manner inconsistent with subsection A of § 2.2-1144.~~

~~B.~~ The ~~executive director~~ *Chief Administrative Officer* shall work under the direction and control of the Council and shall exercise the powers and duties conferred upon him by law or requested by the Council pursuant to authorities conferred by this chapter.

~~C.~~ B. The ~~executive director~~ *Chief Administrative Officer* shall be vested with the authority of the Council when it is not in session, subject to guidelines or delegations prescribed by the Council.

~~D.~~ C. The ~~executive director~~ *Chief Administrative Officer* shall, upon request, act as an advisor to the Governor, the Art and Architectural Review Board, the Citizens' Advisory Council on Furnishing and Interpreting the Executive Mansion, and other state agencies dealing with architectural, historical, archeological, and landscape features of Capitol Square.

D. *The Chief Administrative Officer may employ an Architectural Historian who shall serve as curator for the architectural, historical, archeological, and landscape features of Capitol Square.*

### **CHAPTER 527**

*An Act to amend and reenact §§ 30-193, 30-194, and 30-195 of the Code of Virginia, relating to the Capitol Square Preservation Council.*

[S 489]

Approved March 29, 2018

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

**1. That §§ 30-193, 30-194, and 30-195 of the Code of Virginia are amended and reenacted as follows:**

**§ 30-193. Capitol Square Preservation Council; membership; terms; compensation and expenses; quorum; "Capitol Square" defined.**

A. The Capitol Square Preservation Council (the Council) is established in the legislative branch of state government. The Council shall consist of 13 members as follows: three members appointed by the Speaker of the House of Delegates, after consideration of the lists of nominations provided by the governing bodies of The Garden Club of Virginia, the Historic Richmond Foundation, and the Association for the Preservation of Virginia Antiquities *Preservation Virginia*, if any; two members appointed by the Senate Committee on Rules, after consideration of the lists of nominations provided by the governing bodies of the Virginia Society of the American Institute of Architects and the Virginia Museum of Fine Arts, if any; five nonlegislative citizen members appointed by the Governor, two after consideration of the lists of nominations

provided by the governing bodies of the Virginia Chapter of the American Society of Landscape Architects and the Virginia Historical Society, if any, one from the membership of the Citizens' Advisory Council on Furnishing and Interpreting the Executive Mansion, and two citizens at large; the Secretary of Administration, or his designee; and the Clerks of the House of Delegates and the Senate, who shall serve ex officio with voting privileges. Nonlegislative citizen members shall be citizens of the Commonwealth.

B. A personnel committee of the Council is established, consisting of the Clerk of the House of Delegates, the Clerk of the Senate, the Secretary of Administration, and the chairman of the Council or their designees. The personnel committee shall establish the personnel policies for the ~~Executive Director~~ *Chief Administrative Officer* of the Council employed pursuant to § 30-194. The ~~Executive Director~~ *Chief Administrative Officer* shall report to the personnel committee regarding proposed projects and activities and shall seek the prior approval of the personnel committee for personnel expenditures related to such projects and activities.

C. Following the initial staggering of terms, all appointments to the Council shall be for terms of three years, except any legislative member appointed shall serve a term coincident with his terms of office. Vacancies occurring other than by expiration of a term shall be filled for the unexpired term in the same manner as the original appointment. No member shall be eligible to serve more than two successive three-year terms, except any legislative member appointed may be reappointed for successive terms without limitation. However, after expiration of a term of three years or less, or after the expiration of the remainder of a term to which he was appointed to fill a vacancy, two additional terms may be served by such member if appointed thereto.

D. The members of the Council shall elect from among its membership a chairman and a vice-chairman for two-year terms. The chairman and vice-chairman may not succeed themselves to the same position. The Council shall hold meetings quarterly, or upon the call of the chairman. A majority of the members of the Council shall constitute a quorum.

E. Members of the Council shall not receive compensation, but shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. Funding for the costs of expenses of the members shall be provided from existing appropriations to the Council.

F. For the purposes of this article, "Capitol Square" means the grounds and the interior and exterior of all buildings in that area in the City of Richmond bounded by Bank, Governor, Broad, and Ninth Streets. The term also includes the exterior of all state buildings that are at least 50 years old and bordering the boundary streets. The term does not include the interiors of the General Assembly Building, the Washington Building, the Jefferson Building, or the Governor's Mansion.

**§ 30-194. Powers and duties of the Council; Chief Administrative Officer; annual report.**

A. With regard to the architectural, historical, archeological, and landscape features of Capitol Square and antiquities contained therein, the Council shall:

1. Inventory and assess their condition;
2. Develop plans and recommendations for their maintenance and preservation and for the enhancement of their historical and architectural integrity;
3. Develop recommendations for the promotion of activities and efforts that will enhance interpretive and educational opportunities; and
4. Review all plans or proposals for alterations, improvements, additions, renovations, or other disposition that is structural or architectural in nature. No implementation of such plans or proposals shall take place prior to review by the Council. The Council shall report its findings on each plan or proposal to the Governor and the agency responsible for the plan or proposal. However, the Council's ~~executive director~~ *Chief Administrative Officer* and the Director of the Department of General Services shall enter into a memorandum of agreement describing the type of plans and proposals that are of such a routine or operational nature to not require review by the Council.

B. The Council may employ ~~an executive director~~ *a Chief Administrative Officer* and determine his duties and compensation within the amounts appropriated therefor. The ~~executive director~~ *Chief Administrative Officer* shall be qualified to carry out the duties to which he is assigned and shall work at the pleasure of the Council. The Council may also obtain such assistance as it may deem necessary, and may employ, within the amounts appropriated therefor, experts who have special knowledge of the issues before the Council.

C. *The Council may enter into partnerships, joint ventures, and other collaborative relationships with organizations in furtherance of the Council's duties.*

D. The Council may, unless otherwise restricted by the Governor or the General Assembly, under terms approved by the Attorney General, accept gifts and grants in furtherance of its duties. This provision shall be deemed to be in addition to and not in conflict with any other powers or authorities related to the acceptance of gifts and grants under other provisions of this Code.

~~D.~~ E. The Council may enter into contracts in the furtherance of its duties in accordance with the Virginia Public Procurement Act (§ 2.2-4300 et seq.).

F. *Neither the Council nor its staff in fulfilling their responsibilities shall act in a manner inconsistent with subsection A of § 2.2-1144.*

~~E.~~ G. The Council shall make a report on its activities and recommendations, if any, annually by December 1 to the Governor and the General Assembly. The Council shall make such further interim reports to the Governor and the General Assembly as it deems advisable or as required by the General Assembly.

**§ 30-195. Duties of the chief administrative officer.**

~~A. The executive director shall serve as curator for the architectural, historical, archeological and landscape features of Capitol Square. Neither the Council nor the executive director in fulfilling his responsibilities as curator shall act in a manner inconsistent with subsection A of § 2.2-1144.~~

~~B. The executive director Chief Administrative Officer shall work under the direction and control of the Council and shall exercise the powers and duties conferred upon him by law or requested by the Council pursuant to authorities conferred by this chapter.~~

~~C. B. The executive director Chief Administrative Officer shall be vested with the authority of the Council when it is not in session, subject to guidelines or delegations prescribed by the Council.~~

~~D. C. The executive director Chief Administrative Officer shall, upon request, act as an advisor to the Governor, the Art and Architectural Review Board, the Citizens' Advisory Council on Furnishing and Interpreting the Executive Mansion, and other state agencies dealing with architectural, historical, archeological, and landscape features of Capitol Square.~~

~~D. The Chief Administrative Officer may employ an Architectural Historian who shall serve as curator for the architectural, historical, archeological, and landscape features of Capitol Square.~~

**CHAPTER 528**

*An Act to amend and reenact § 2.2-3114 of the Code of Virginia, relating to the State and Local Government Conflict of Interests Act; disclosures; Virginia College Savings Plan.*

[H 991]

Approved March 29, 2018

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

**1. That § 2.2-3114 of the Code of Virginia is amended and reenacted as follows:**

**§ 2.2-3114. Disclosure by state officers and employees.**

A. In accordance with the requirements set forth in § 2.2-3118.2, the Governor, Lieutenant Governor, Attorney General, Justices of the Supreme Court, judges of the Court of Appeals, judges of any circuit court, judges and substitute judges of any district court, members of the State Corporation Commission, members of the Virginia Workers' Compensation Commission, members of the Commonwealth Transportation Board, members of the Board of Trustees of the Virginia Retirement System, members of the Board of Directors of the Virginia Alcoholic Beverage Control Board Authority, members of the Board of the Virginia College Savings Plan, and members of the Virginia Lottery Board and other persons occupying such offices or positions of trust or employment in state government, including members of the governing bodies of authorities, as may be designated by the Governor, or officers or employees of the legislative branch, as may be designated by the Joint Rules Committee of the General Assembly, shall file with the Council, as a condition to assuming office or employment, a disclosure statement of their personal interests and such other information as is required on the form prescribed by the Council pursuant to § 2.2-3117 and thereafter shall file such a statement annually on or before February 1.

B. In accordance with the requirements set forth in § 2.2-3118.2, nonsalaried citizen members of all policy and supervisory boards, commissions and councils in the executive branch of state government, other than the Commonwealth Transportation Board, members of the Board of Trustees of the Virginia Retirement System, members of the Board of the Virginia College Savings Plan, and the Virginia Lottery Board, shall file with the Council, as a condition to assuming office, a disclosure form of their personal interests and such other information as is required on the form prescribed by the Council pursuant to § 2.2-3118 and thereafter shall file such form annually on or before February 1. Nonsalaried citizen members of other boards, commissions and councils, including advisory boards and authorities, may be required to file a disclosure form if so designated by the Governor, in which case the form shall be that prescribed by the Council pursuant to § 2.2-3118.

C. The disclosure forms required by subsections A and B shall be made available by the Council at least 30 days prior to the filing deadline. Disclosure forms shall be filed electronically with the Council in accordance with the standards approved by it pursuant to § 30-356. All forms shall be maintained as public records for five years in the office of the Council. Such forms shall be made public no later than six weeks after the filing deadline.

D. Candidates for the offices of Governor, Lieutenant Governor or Attorney General shall file a disclosure statement of their personal interests as required by § 24.2-502.

E. Any officer or employee of state government who has a personal interest in any transaction before the governmental or advisory agency of which he is an officer or employee and who is disqualified from participating in that transaction pursuant to subsection A of § 2.2-3112, or otherwise elects to disqualify himself, shall forthwith make disclosure of the existence of his interest, including the full name and address of the business and the address or parcel number for the real estate if the interest involves a business or real estate, and his disclosure shall also be reflected in the public records of the agency for five years in the office of the administrative head of the officer's or employee's governmental agency or advisory agency or, if the agency has a clerk, in the clerk's office.

F. An officer or employee of state government who is required to declare his interest pursuant to subdivision B 1 of § 2.2-3112, shall declare his interest by stating (i) the transaction involved, (ii) the nature of the officer's or employee's personal interest affected by the transaction, (iii) that he is a member of a business, profession, occupation, or group the

members of which are affected by the transaction, and (iv) that he is able to participate in the transaction fairly, objectively, and in the public interest. The officer or employee shall either make his declaration orally to be recorded in written minutes for his agency or file a signed written declaration with the clerk or administrative head of his governmental or advisory agency, as appropriate, who shall, in either case, retain and make available for public inspection such declaration for a period of five years from the date of recording or receipt. If reasonable time is not available to comply with the provisions of this subsection prior to participation in the transaction, the officer or employee shall prepare and file the required declaration by the end of the next business day.

G. An officer or employee of state government who is required to declare his interest pursuant to subdivision B 2 of § 2.2-3112, shall declare his interest by stating (i) the transaction involved, (ii) that a party to the transaction is a client of his firm, (iii) that he does not personally represent or provide services to the client, and (iv) that he is able to participate in the transaction fairly, objectively, and in the public interest. The officer or employee shall either make his declaration orally to be recorded in written minutes for his agency or file a signed written declaration with the clerk or administrative head of his governmental or advisory agency, as appropriate, who shall, in either case, retain and make available for public inspection such declaration for a period of five years from the date of recording or receipt. If reasonable time is not available to comply with the provisions of this subsection prior to participation in the transaction, the officer or employee shall prepare and file the required declaration by the end of the next business day.

H. Notwithstanding any other provision of law, chairs of departments at a public institution of higher education in the Commonwealth shall not be required to file the disclosure form prescribed by the Council pursuant to § 2.2-3117 or 2.2-3118.

**2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation is \$0 for periods of imprisonment in state adult correctional facilities and \$0 for periods of commitment to the custody of the Department of Juvenile Justice.**

## CHAPTER 529

*An Act to amend and reenact § 2.2-3118.1 of the Code of Virginia, relating to State and Local Government Conflict of Interests Act; disclosure statements; multiple positions.*

[H 992]

Approved March 29, 2018

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

**1. That § 2.2-3118.1 of the Code of Virginia is amended and reenacted as follows:**

**§ 2.2-3118.1. Special provisions for individuals serving in or seeking multiple positions or offices; reappointees.**

A. The filing of a single current statement of economic interests by an individual required to file the form prescribed in § 2.2-3117 shall suffice for the purposes of this chapter as filing for all positions or offices held or sought by such individual during a ~~single reporting period~~ *the course of a calendar year*. The filing of a single current financial disclosure statement by an individual required to file the form prescribed in § 2.2-3118 shall suffice for the purposes of this chapter as filing for all positions or offices held or sought by such individual and requiring the filing of the § 2.2-3118 form during a ~~single reporting period~~ *the course of a calendar year*.

B. Any individual who has met the requirement for ~~periodically~~ *annually* filing a statement provided in § 2.2-3117 or 2.2-3118 shall not be required to file an additional statement upon such individual's reappointment to the same office or position for which he is required to file, provided such reappointment occurs within ~~six~~ 12 months after filing ~~a such annual statement pursuant to § 2.2-3117 and within 12 months after filing a statement pursuant to § 2.2-3118.~~

## CHAPTER 530

*An Act to amend and reenact § 8.01-412.10 of the Code of Virginia, relating to the issuance of foreign subpoenas; clerk of court.*

[H 1023]

Approved March 29, 2018

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

**1. That § 8.01-412.10 of the Code of Virginia is amended and reenacted as follows:**

**§ 8.01-412.10. Issuance of subpoena.**

A. To request the issuance of a subpoena under this article, a party shall submit to the clerk of court in the circuit in which discovery is sought to be conducted in the Commonwealth (i) a foreign subpoena and (ii) a written statement that the law of the foreign jurisdiction grants reciprocal privileges to citizens of the Commonwealth for taking discovery in the jurisdiction that issued the foreign subpoena.

B. When a party submits a foreign subpoena to a clerk of court in the Commonwealth, the clerk, in accordance with that court's procedure, shall promptly issue a subpoena for service upon the person to which the foreign subpoena is directed.

- C. A subpoena under subsection B shall:
  - 1. Incorporate the terms used in the foreign subpoena; and
  - 2. Contain or be accompanied by the names, addresses, and telephone numbers of all counsel of record in the proceeding to which the subpoena relates and of any party not represented by counsel.
- D. A request for the issuance of a subpoena under this article does not constitute an appearance in the courts of the Commonwealth, and no civil action need be filed in the circuit court of the Commonwealth.
- E. The provisions of this article shall be in addition to other procedures authorized in the Code of Virginia and the rules of court for obtaining discovery, *except that no subpoena issued in the Commonwealth pursuant to this article may be issued by any person other than the applicable circuit court clerk of court in the Commonwealth, in accordance with subsections A and B.*

**CHAPTER 531**

*An Act to amend and reenact § 32.1-65 of the Code of Virginia, relating to newborn screening.*

[H 1362]

Approved March 29, 2018

- Be it enacted by the General Assembly of Virginia:**
- 1. That § 32.1-65 of the Code of Virginia is amended and reenacted as follows:
    - § 32.1-65. **Certain newborn screening required.**

In order to prevent intellectual disability and permanent disability or death, every infant who is born in the Commonwealth shall be subjected to screening tests for various disorders consistent with, but not necessarily identical to, the uniform condition panel recommended by the U.S. Secretary of Health and Human Services and the Secretary's Advisory Committee on Heritable Disorders in Newborns and Children.

Any infant whose parent or guardian objects thereto on the grounds that such tests conflict with his religious practices or tenets shall not be required to receive such screening tests.

The physician or certified nurse midwife in charge of the infant's care after delivery shall cause such tests to be performed. The screening tests shall be performed by the Division of Consolidated Laboratory Services or any other laboratory the Department of Health has contracted with to provide ~~this~~ such service. *Screening tests for time-critical disorders identified by the U.S. Department of Health and Human Services and the Secretary's Advisory Committee on Heritable Disorders in Newborns and Children shall be performed seven days a week.*

The program for screening infants for sickle cell diseases shall be conducted in addition to the programs provided for in Article 8 (§ 32.1-68 et seq.).

- 2. That the provisions of this act shall become effective on January 1, 2019.

**CHAPTER 532**

*An Act to amend and reenact §§ 2.2-3705.6, 2.2-3711, 56-1.3, 56-484.12, 56-484.16, and 56-484.17 of the Code of Virginia and to repeal §§ 56-484.12:1, 56-484.12:2, and 56-484.15 of the Code of Virginia, relating to the Enhanced Public Safety Telephone Services Act.*

[H 1388]

Approved March 29, 2018

- Be it enacted by the General Assembly of Virginia:**
- 1. That §§ 2.2-3705.6, 2.2-3711, 56-1.3, 56-484.12, 56-484.16, and 56-484.17 of the Code of Virginia are amended and reenacted as follows:

**§ 2.2-3705.6. Exclusions to application of chapter; proprietary records and trade secrets.**

The following information contained in a public record is excluded from the mandatory disclosure provisions of this chapter but may be disclosed by the custodian in his discretion, except where such disclosure is prohibited by law. Redaction of information excluded under this section from a public record shall be conducted in accordance with § 2.2-3704.01.

- 1. Proprietary information gathered by or for the Virginia Port Authority as provided in § 62.1-132.4 or 62.1-134.1.
- 2. Financial statements not publicly available filed with applications for industrial development financings in accordance with Chapter 49 (§ 15.2-4900 et seq.) of Title 15.2.
- 3. Proprietary information, voluntarily provided by private business pursuant to a promise of confidentiality from a public body, used by the public body for business, trade, and tourism development or retention; and memoranda, working papers, or other information related to businesses that are considering locating or expanding in Virginia, prepared by a public body, where competition or bargaining is involved and where disclosure of such information would adversely affect the financial interest of the public body.
- 4. Information that was filed as confidential under the Toxic Substances Information Act (§ 32.1-239 et seq.), as such Act existed prior to July 1, 1992.

5. Fisheries data that would permit identification of any person or vessel, except when required by court order as specified in § 28.2-204.

6. Confidential financial statements, balance sheets, trade secrets, and revenue and cost projections provided to the Department of Rail and Public Transportation, provided such information is exempt under the federal Freedom of Information Act or the federal Interstate Commerce Act or other laws administered by the Surface Transportation Board or the Federal Railroad Administration with respect to data provided in confidence to the Surface Transportation Board and the Federal Railroad Administration.

7. Proprietary information related to inventory and sales, voluntarily provided by private energy suppliers to the Department of Mines, Minerals and Energy, used by that Department for energy contingency planning purposes or for developing consolidated statistical information on energy supplies.

8. Confidential proprietary information furnished to the Board of Medical Assistance Services or the Medicaid Prior Authorization Advisory Committee pursuant to Article 4 (§ 32.1-331.12 et seq.) of Chapter 10 of Title 32.1.

9. Proprietary, commercial or financial information, balance sheets, trade secrets, and revenue and cost projections provided by a private transportation business to the Virginia Department of Transportation and the Department of Rail and Public Transportation for the purpose of conducting transportation studies needed to obtain grants or other financial assistance under the Transportation Equity Act for the 21st Century (P.L. 105-178) for transportation projects if disclosure of such information is exempt under the federal Freedom of Information Act or the federal Interstate Commerce Act or other laws administered by the Surface Transportation Board or the Federal Railroad Administration with respect to data provided in confidence to the Surface Transportation Board and the Federal Railroad Administration. However, the exclusion provided by this subdivision shall not apply to any wholly owned subsidiary of a public body.

10. Confidential information designated as provided in subsection F of § 2.2-4342 as trade secrets or proprietary information by any person in connection with a procurement transaction or by any person who has submitted to a public body an application for prequalification to bid on public construction projects in accordance with subsection B of § 2.2-4317.

11. a. Memoranda, staff evaluations, or other information prepared by the responsible public entity, its staff, outside advisors, or consultants exclusively for the evaluation and negotiation of proposals filed under the Public-Private Transportation Act of 1995 (§ 33.2-1800 et seq.) or the Public-Private Education Facilities and Infrastructure Act of 2002 (§ 56-575.1 et seq.) where (i) if such information was made public prior to or after the execution of an interim or a comprehensive agreement, § 33.2-1820 or 56-575.17 notwithstanding, the financial interest or bargaining position of the public entity would be adversely affected and (ii) the basis for the determination required in clause (i) is documented in writing by the responsible public entity; and

b. Information provided by a private entity to a responsible public entity, affected jurisdiction, or affected local jurisdiction pursuant to the provisions of the Public-Private Transportation Act of 1995 (§ 33.2-1800 et seq.) or the Public-Private Education Facilities and Infrastructure Act of 2002 (§ 56-575.1 et seq.) if disclosure of such information would reveal (i) trade secrets of the private entity as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.); (ii) financial information of the private entity, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise; or (iii) other information submitted by the private entity where if such information was made public prior to the execution of an interim agreement or a comprehensive agreement, the financial interest or bargaining position of the public or private entity would be adversely affected. In order for the information specified in clauses (i), (ii), and (iii) to be excluded from the provisions of this chapter, the private entity shall make a written request to the responsible public entity:

(1) Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;

(2) Identifying with specificity the data or other materials for which protection is sought; and

(3) Stating the reasons why protection is necessary.

The responsible public entity shall determine whether the requested exclusion from disclosure is necessary to protect the trade secrets or financial information of the private entity. To protect other information submitted by the private entity from disclosure, the responsible public entity shall determine whether public disclosure prior to the execution of an interim agreement or a comprehensive agreement would adversely affect the financial interest or bargaining position of the public or private entity. The responsible public entity shall make a written determination of the nature and scope of the protection to be afforded by the responsible public entity under this subdivision. Once a written determination is made by the responsible public entity, the information afforded protection under this subdivision shall continue to be protected from disclosure when in the possession of any affected jurisdiction or affected local jurisdiction.

Except as specifically provided in subdivision 11 a, nothing in this subdivision shall be construed to authorize the withholding of (a) procurement records as required by § 33.2-1820 or 56-575.17; (b) information concerning the terms and conditions of any interim or comprehensive agreement, service contract, lease, partnership, or any agreement of any kind entered into by the responsible public entity and the private entity; (c) information concerning the terms and conditions of any financing arrangement that involves the use of any public funds; or (d) information concerning the performance of any private entity developing or operating a qualifying transportation facility or a qualifying project.

For the purposes of this subdivision, the terms "affected jurisdiction," "affected local jurisdiction," "comprehensive agreement," "interim agreement," "qualifying project," "qualifying transportation facility," "responsible public entity," and

"private entity" shall mean the same as those terms are defined in the Public-Private Transportation Act of 1995 (§ 33.2-1800 et seq.) or in the Public-Private Education Facilities and Infrastructure Act of 2002 (§ 56-575.1 et seq.).

12. Confidential proprietary information or trade secrets, not publicly available, provided by a private person or entity pursuant to a promise of confidentiality to the Virginia Resources Authority or to a fund administered in connection with financial assistance rendered or to be rendered by the Virginia Resources Authority where, if such information were made public, the financial interest of the private person or entity would be adversely affected.

13. Trade secrets, as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.), or confidential proprietary information that is not generally available to the public through regulatory disclosure or otherwise, provided by a (i) bidder or applicant for a franchise or (ii) franchisee under Chapter 21 (§ 15.2-2100 et seq.) of Title 15.2 to the applicable franchising authority pursuant to a promise of confidentiality from the franchising authority, to the extent the information relates to the bidder's, applicant's, or franchisee's financial capacity or provision of new services, adoption of new technologies or implementation of improvements, where such new services, technologies, or improvements have not been implemented by the franchisee on a nonexperimental scale in the franchise area, and where, if such information were made public, the competitive advantage or financial interests of the franchisee would be adversely affected.

In order for trade secrets or confidential proprietary information to be excluded from the provisions of this chapter, the bidder, applicant, or franchisee shall (a) invoke such exclusion upon submission of the data or other materials for which protection from disclosure is sought, (b) identify the data or other materials for which protection is sought, and (c) state the reason why protection is necessary.

No bidder, applicant, or franchisee may invoke the exclusion provided by this subdivision if the bidder, applicant, or franchisee is owned or controlled by a public body or if any representative of the applicable franchising authority serves on the management board or as an officer of the bidder, applicant, or franchisee.

14. Information of a proprietary or confidential nature furnished by a supplier or manufacturer of charitable gaming supplies to the Department of Agriculture and Consumer Services (i) pursuant to subsection E of § 18.2-340.34 and (ii) pursuant to regulations promulgated by the Charitable Gaming Board related to approval of electronic and mechanical equipment.

15. Information related to Virginia apple producer sales provided to the Virginia State Apple Board pursuant to § 3.2-1215.

16. Trade secrets, as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.) of Title 59.1, submitted by CMRS providers as defined in § 56-484.12 to the *former* Wireless Carrier E-911 Cost Recovery Subcommittee created pursuant to *former* § 56-484.15, relating to the provision of wireless E-911 service.

17. Information relating to a grant or loan application, or accompanying a grant or loan application, to the Innovation and Entrepreneurship Investment Authority pursuant to Article 3 (§ 2.2-2233.1 et seq.) of Chapter 22 of Title 2.2 or to the Commonwealth Health Research Board pursuant to Chapter 5.3 (§ 32.1-162.23 et seq.) of Title 32.1 if disclosure of such information would (i) reveal proprietary business or research-related information produced or collected by the applicant in the conduct of or as a result of study or research on medical, rehabilitative, scientific, technical, technological, or scholarly issues, when such information has not been publicly released, published, copyrighted, or patented, and (ii) be harmful to the competitive position of the applicant.

18. Confidential proprietary information and trade secrets developed and held by a local public body (i) providing telecommunication services pursuant to § 56-265.4:4 and (ii) providing cable television services pursuant to Article 1.1 (§ 15.2-2108.2 et seq.) of Chapter 21 of Title 15.2 if disclosure of such information would be harmful to the competitive position of the locality.

In order for confidential proprietary information or trade secrets to be excluded from the provisions of this chapter, the locality in writing shall (a) invoke the protections of this subdivision, (b) identify with specificity the information for which protection is sought, and (c) state the reasons why protection is necessary. However, the exemption provided by this subdivision shall not apply to any authority created pursuant to the BVU Authority Act (§ 15.2-7200 et seq.).

19. Confidential proprietary information and trade secrets developed by or for a local authority created in accordance with the Virginia Wireless Service Authorities Act (§ 15.2-5431.1 et seq.) to provide qualifying communications services as authorized by Article 5.1 (§ 56-484.7:1 et seq.) of Chapter 15 of Title 56, where disclosure of such information would be harmful to the competitive position of the authority, except that information required to be maintained in accordance with § 15.2-2160 shall be released.

20. Trade secrets as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.) or financial information of a business, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise, provided to the Department of Small Business and Supplier Diversity as part of an application for certification as a small, women-owned, or minority-owned business in accordance with Chapter 16.1 (§ 2.2-1603 et seq.). In order for such trade secrets or financial information to be excluded from the provisions of this chapter, the business shall (i) invoke such exclusion upon submission of the data or other materials for which protection from disclosure is sought, (ii) identify the data or other materials for which protection is sought, and (iii) state the reasons why protection is necessary.

21. Information of a proprietary or confidential nature disclosed by a carrier to the State Health Commissioner pursuant to §§ 32.1-276.5:1 and 32.1-276.7:1.

22. Trade secrets, as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.), including, but not limited to, financial information, including balance sheets and financial statements, that are not generally available to the public

through regulatory disclosure or otherwise, and revenue and cost projections supplied by a private or nongovernmental entity to the State Inspector General for the purpose of an audit, special investigation, or any study requested by the Office of the State Inspector General in accordance with law.

In order for the information specified in this subdivision to be excluded from the provisions of this chapter, the private or nongovernmental entity shall make a written request to the State Inspector General:

- a. Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;
- b. Identifying with specificity the data or other materials for which protection is sought; and
- c. Stating the reasons why protection is necessary.

The State Inspector General shall determine whether the requested exclusion from disclosure is necessary to protect the trade secrets or financial information of the private entity. The State Inspector General shall make a written determination of the nature and scope of the protection to be afforded by it under this subdivision.

23. Information relating to a grant application, or accompanying a grant application, submitted to the Tobacco Region Revitalization Commission that would (i) reveal (a) trade secrets as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.), (b) financial information of a grant applicant that is not a public body, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise, or (c) research-related information produced or collected by the applicant in the conduct of or as a result of study or research on medical, rehabilitative, scientific, technical, technological, or scholarly issues, when such information has not been publicly released, published, copyrighted, or patented, and (ii) be harmful to the competitive position of the applicant; and memoranda, staff evaluations, or other information prepared by the Commission or its staff exclusively for the evaluation of grant applications. The exclusion provided by this subdivision shall apply to grants that are consistent with the powers of and in furtherance of the performance of the duties of the Commission pursuant to § 3.2-3103.

In order for the information specified in this subdivision to be excluded from the provisions of this chapter, the applicant shall make a written request to the Commission:

- a. Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;
- b. Identifying with specificity the data, information or other materials for which protection is sought; and
- c. Stating the reasons why protection is necessary.

The Commission shall determine whether the requested exclusion from disclosure is necessary to protect the trade secrets, financial information, or research-related information of the applicant. The Commission shall make a written determination of the nature and scope of the protection to be afforded by it under this subdivision.

24. a. Information held by the Commercial Space Flight Authority relating to rate structures or charges for the use of projects of, the sale of products of, or services rendered by the Authority if disclosure of such information would adversely affect the financial interest or bargaining position of the Authority or a private entity providing the information to the Authority; or

b. Information provided by a private entity to the Commercial Space Flight Authority if disclosure of such information would (i) reveal (a) trade secrets of the private entity as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.); (b) financial information of the private entity, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise; or (c) other information submitted by the private entity and (ii) adversely affect the financial interest or bargaining position of the Authority or private entity.

In order for the information specified in clauses (a), (b), and (c) of subdivision 24 b to be excluded from the provisions of this chapter, the private entity shall make a written request to the Authority:

- (1) Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;
- (2) Identifying with specificity the data or other materials for which protection is sought; and
- (3) Stating the reasons why protection is necessary.

The Authority shall determine whether the requested exclusion from disclosure is necessary to protect the trade secrets or financial information of the private entity. To protect other information submitted by the private entity from disclosure, the Authority shall determine whether public disclosure would adversely affect the financial interest or bargaining position of the Authority or private entity. The Authority shall make a written determination of the nature and scope of the protection to be afforded by it under this subdivision.

25. Information of a proprietary nature furnished by an agricultural landowner or operator to the Department of Conservation and Recreation, the Department of Environmental Quality, the Department of Agriculture and Consumer Services, or any political subdivision, agency, or board of the Commonwealth pursuant to §§ 10.1-104.7, 10.1-104.8, and 10.1-104.9, other than when required as part of a state or federal regulatory enforcement action.

26. Trade secrets, as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.), provided to the Department of Environmental Quality pursuant to the provisions of § 10.1-1458. In order for such trade secrets to be excluded from the provisions of this chapter, the submitting party shall (i) invoke this exclusion upon submission of the data or materials for which protection from disclosure is sought, (ii) identify the data or materials for which protection is sought, and (iii) state the reasons why protection is necessary.

27. Information of a proprietary nature furnished by a licensed public-use airport to the Department of Aviation for funding from programs administered by the Department of Aviation or the Virginia Aviation Board, where if such information was made public, the financial interest of the public-use airport would be adversely affected.

In order for the information specified in this subdivision to be excluded from the provisions of this chapter, the public-use airport shall make a written request to the Department of Aviation:

- a. Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;
- b. Identifying with specificity the data or other materials for which protection is sought; and
- c. Stating the reasons why protection is necessary.

28. Information relating to a grant or loan application, or accompanying a grant or loan application, submitted to the Virginia Research Investment Committee established pursuant to Article 8 (§ 23.1-3130 et seq.) of Chapter 31 of Title 23.1, to the extent that such records would (i) reveal (a) trade secrets as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.); (b) financial information of a party to a grant or loan application that is not a public body, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise; or (c) research-related information produced or collected by a party to the application in the conduct of or as a result of study or research on medical, rehabilitative, scientific, technical, technological, or scholarly issues, when such information has not been publicly released, published, copyrighted, or patented, and (ii) be harmful to the competitive position of a party to a grant or loan application; and memoranda, staff evaluations, or other information prepared by the Committee or its staff, or a reviewing entity pursuant to subsection D of § 23.1-3133, exclusively for the evaluation of grant or loan applications, including any scoring or prioritization documents prepared for and forwarded to the Committee pursuant to subsection D of § 23.1-3133.

In order for the information submitted by the applicant and specified in this subdivision to be excluded from the provisions of this chapter, the applicant shall make a written request to the Committee:

- a. Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;
- b. Identifying with specificity the data, information, or other materials for which protection is sought; and
- c. Stating the reasons why protection is necessary.

The Virginia Research Investment Committee shall determine whether the requested exclusion from disclosure is necessary to protect the trade secrets, financial information, or research-related information of the party to the application. The Committee shall make a written determination of the nature and scope of the protection to be afforded by it under this subdivision.

29. Proprietary information, voluntarily provided by a private business pursuant to a promise of confidentiality from a public body, used by the public body for a solar services agreement, where disclosure of such information would (i) reveal (a) trade secrets of the private business as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.); (b) financial information of the private business, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise; or (c) other information submitted by the private business and (ii) adversely affect the financial interest or bargaining position of the public body or private business.

In order for the information specified in clauses (i)(a), (b), and (c) to be excluded from the provisions of this chapter, the private business shall make a written request to the public body:

- a. Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;
- b. Identifying with specificity the data or other materials for which protection is sought; and
- c. Stating the reasons why protection is necessary.

30. Information contained in engineering and construction drawings and plans submitted for the sole purpose of complying with the Building Code in obtaining a building permit if disclosure of such information would identify specific trade secrets or other information that would be harmful to the competitive position of the owner or lessee. However, such information shall be exempt only until the building is completed. Information relating to the safety or environmental soundness of any building shall not be exempt from disclosure.

**§ 2.2-3711. Closed meetings authorized for certain limited purposes.**

A. Public bodies may hold closed meetings only for the following purposes:

1. Discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body; and evaluation of performance of departments or schools of public institutions of higher education where such evaluation will necessarily involve discussion of the performance of specific individuals. Any teacher shall be permitted to be present during a closed meeting in which there is a discussion or consideration of a disciplinary matter that involves the teacher and some student and the student involved in the matter is present, provided the teacher makes a written request to be present to the presiding officer of the appropriate board. Nothing in this subdivision, however, shall be construed to authorize a closed meeting by a local governing body or an elected school board to discuss compensation matters that affect the membership of such body or board collectively.

2. Discussion or consideration of admission or disciplinary matters or any other matters that would involve the disclosure of information contained in a scholastic record concerning any student of any public institution of higher

education in the Commonwealth or any state school system. However, any such student, legal counsel and, if the student is a minor, the student's parents or legal guardians shall be permitted to be present during the taking of testimony or presentation of evidence at a closed meeting, if such student, parents, or guardians so request in writing and such request is submitted to the presiding officer of the appropriate board.

3. Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.

4. The protection of the privacy of individuals in personal matters not related to public business.

5. Discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community.

6. Discussion or consideration of the investment of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of the governmental unit would be adversely affected.

7. Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body. For the purposes of this subdivision, "probable litigation" means litigation that has been specifically threatened or on which the public body or its legal counsel has a reasonable basis to believe will be commenced by or against a known party. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter.

8. Consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter.

9. Discussion or consideration by governing boards of public institutions of higher education of matters relating to gifts, bequests and fund-raising activities, and of grants and contracts for services or work to be performed by such institution. However, the terms and conditions of any such gifts, bequests, grants, and contracts made by a foreign government, a foreign legal entity, or a foreign person and accepted by a public institution of higher education in the Commonwealth shall be subject to public disclosure upon written request to the appropriate board of visitors. For the purpose of this subdivision, (i) "foreign government" means any government other than the United States government or the government of a state or a political subdivision thereof, (ii) "foreign legal entity" means any legal entity (a) created under the laws of the United States or of any state thereof if a majority of the ownership of the stock of such legal entity is owned by foreign governments or foreign persons or if a majority of the membership of any such entity is composed of foreign persons or foreign legal entities or (b) created under the laws of a foreign government, and (iii) "foreign person" means any individual who is not a citizen or national of the United States or a trust territory or protectorate thereof.

10. Discussion or consideration by the boards of trustees of the Virginia Museum of Fine Arts, the Virginia Museum of Natural History, the Jamestown-Yorktown Foundation, and The Science Museum of Virginia of matters relating to specific gifts, bequests, and grants from private sources.

11. Discussion or consideration of honorary degrees or special awards.

12. Discussion or consideration of tests, examinations, or other information used, administered, or prepared by a public body and subject to the exclusion in subdivision 4 of § 2.2-3705.1.

13. Discussion, consideration, or review by the appropriate House or Senate committees of possible disciplinary action against a member arising out of the possible inadequacy of the disclosure statement filed by the member, provided the member may request in writing that the committee meeting not be conducted in a closed meeting.

14. Discussion of strategy with respect to the negotiation of a hazardous waste siting agreement or to consider the terms, conditions, and provisions of a hazardous waste siting agreement if the governing body in open meeting finds that an open meeting will have an adverse effect upon the negotiating position of the governing body or the establishment of the terms, conditions and provisions of the siting agreement, or both. All discussions with the applicant or its representatives may be conducted in a closed meeting.

15. Discussion by the Governor and any economic advisory board reviewing forecasts of economic activity and estimating general and nongeneral fund revenues.

16. Discussion or consideration of medical and mental health records subject to the exclusion in subdivision 1 of § 2.2-3705.5.

17. Deliberations of the Virginia Lottery Board in a licensing appeal action conducted pursuant to subsection D of § 58.1-4007 regarding the denial or revocation of a license of a lottery sales agent; and discussion, consideration or review of Virginia Lottery matters related to proprietary lottery game information and studies or investigations excluded from disclosure under subdivision 6 of § 2.2-3705.3 and subdivision 11 of § 2.2-3705.7.

18. Those portions of meetings in which the Board of Corrections discusses or discloses the identity of, or information tending to identify, any prisoner who (i) provides information about crimes or criminal activities, (ii) renders assistance in preventing the escape of another prisoner or in the apprehension of an escaped prisoner, or (iii) voluntarily or at the instance of a prison official renders other extraordinary services, the disclosure of which is likely to jeopardize the prisoner's life or safety.

19. Discussion of plans to protect public safety as it relates to terrorist activity or specific cybersecurity threats or vulnerabilities and briefings by staff members, legal counsel, or law-enforcement or emergency service officials concerning actions taken to respond to such matters or a related threat to public safety; discussion of information subject to the exclusion in subdivision 2 or 14 of § 2.2-3705.2, where discussion in an open meeting would jeopardize the safety of any person or the security of any facility, building, structure, information technology system, or software program; or discussion of reports or plans related to the security of any governmental facility, building or structure, or the safety of persons using such facility, building or structure.

20. Discussion by the Board of the Virginia Retirement System, acting pursuant to § 51.1-124.30, or of any local retirement system, acting pursuant to § 51.1-803, or by a local finance board or board of trustees of a trust established by one or more local public bodies to invest funds for postemployment benefits other than pensions, acting pursuant to Article 8 (§ 15.2-1544 et seq.) of Chapter 15 of Title 15.2, or by the board of visitors of the University of Virginia, acting pursuant to § 23.1-2210, or by the Board of the Virginia College Savings Plan, acting pursuant to § 23.1-706, regarding the acquisition, holding or disposition of a security or other ownership interest in an entity, where such security or ownership interest is not traded on a governmentally regulated securities exchange, to the extent that such discussion (i) concerns confidential analyses prepared for the board of visitors of the University of Virginia, prepared by the retirement system, or a local finance board or board of trustees, or the Virginia College Savings Plan or provided to the retirement system, a local finance board or board of trustees, or the Virginia College Savings Plan under a promise of confidentiality, of the future value of such ownership interest or the future financial performance of the entity, and (ii) would have an adverse effect on the value of the investment to be acquired, held, or disposed of by the retirement system, a local finance board or board of trustees, the board of visitors of the University of Virginia, or the Virginia College Savings Plan. Nothing in this subdivision shall be construed to prevent the disclosure of information relating to the identity of any investment held, the amount invested or the present value of such investment.

21. Those portions of meetings in which individual child death cases are discussed by the State Child Fatality Review team established pursuant to § 32.1-283.1, those portions of meetings in which individual child death cases are discussed by a regional or local child fatality review team established pursuant to § 32.1-283.2, those portions of meetings in which individual death cases are discussed by family violence fatality review teams established pursuant to § 32.1-283.3, those portions of meetings in which individual adult death cases are discussed by the state Adult Fatality Review Team established pursuant to § 32.1-283.5, and those portions of meetings in which individual adult death cases are discussed by a local or regional adult fatality review team established pursuant to § 32.1-283.6.

22. Those portions of meetings of the board of visitors of the University of Virginia or the Eastern Virginia Medical School Board of Visitors, as the case may be, and those portions of meetings of any persons to whom management responsibilities for the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, have been delegated, in which there is discussed proprietary, business-related information pertaining to the operations of the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, including business development or marketing strategies and activities with existing or future joint venturers, partners, or other parties with whom the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, has formed, or forms, any arrangement for the delivery of health care, if disclosure of such information would adversely affect the competitive position of the Medical Center or Eastern Virginia Medical School, as the case may be.

23. Discussion or consideration by the Virginia Commonwealth University Health System Authority or the board of visitors of Virginia Commonwealth University of any of the following: the acquisition or disposition by the Authority of real property, equipment, or technology software or hardware and related goods or services, where disclosure would adversely affect the bargaining position or negotiating strategy of the Authority; matters relating to gifts or bequests to, and fund-raising activities of, the Authority; grants and contracts for services or work to be performed by the Authority; marketing or operational strategies plans of the Authority where disclosure of such strategies or plans would adversely affect the competitive position of the Authority; and members of the Authority's medical and teaching staffs and qualifications for appointments thereto.

24. Those portions of the meetings of the Health Practitioners' Monitoring Program Committee within the Department of Health Professions to the extent such discussions identify any practitioner who may be, or who actually is, impaired pursuant to Chapter 25.1 (§ 54.1-2515 et seq.) of Title 54.1.

25. Meetings or portions of meetings of the Board of the Virginia College Savings Plan wherein personal information, as defined in § 2.2-3801, which has been provided to the Board or its employees by or on behalf of individuals who have requested information about, applied for, or entered into prepaid tuition contracts or savings trust account agreements pursuant to Chapter 7 (§ 23.1-700 et seq.) of Title 23.1 is discussed.

26. Discussion or consideration, by the *former* Wireless Carrier E-911 Cost Recovery Subcommittee created pursuant to *former* § 56-484.15, of trade secrets, as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.), submitted by CMRS providers as defined in § 56-484.12, related to the provision of wireless E-911 service.

27. Those portions of disciplinary proceedings by any regulatory board within the Department of Professional and Occupational Regulation, Department of Health Professions, or the Board of Accountancy conducted pursuant to § 2.2-4019 or 2.2-4020 during which the board deliberates to reach a decision or meetings of health regulatory boards or conference committees of such boards to consider settlement proposals in pending disciplinary actions or modifications to previously issued board orders as requested by either of the parties.

28. Discussion or consideration of information subject to the exclusion in subdivision 11 of § 2.2-3705.6 by a responsible public entity or an affected locality or public entity, as those terms are defined in § 33.2-1800, or any independent review panel appointed to review information and advise the responsible public entity concerning such records.

29. Discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body.

30. Discussion or consideration of grant or loan application information subject to the exclusion in subdivision 17 of § 2.2-3705.6 by (i) the Commonwealth Health Research Board or (ii) the Innovation and Entrepreneurship Investment Authority or the Research and Technology Investment Advisory Committee appointed to advise the Innovation and Entrepreneurship Investment Authority.

31. Discussion or consideration by the Commitment Review Committee of information subject to the exclusion in subdivision 5 of § 2.2-3705.2 relating to individuals subject to commitment as sexually violent predators under Chapter 9 (§ 37.2-900 et seq.) of Title 37.2.

32. Discussion or consideration of confidential proprietary information and trade secrets developed and held by a local public body providing certain telecommunication services or cable television services and subject to the exclusion in subdivision 18 of § 2.2-3705.6. However, the exemption provided by this subdivision shall not apply to any authority created pursuant to the BVU Authority Act (§ 15.2-7200 et seq.).

33. Discussion or consideration by a local authority created in accordance with the Virginia Wireless Service Authorities Act (§ 15.2-5431.1 et seq.) of confidential proprietary information and trade secrets subject to the exclusion in subdivision 19 of § 2.2-3705.6.

34. Discussion or consideration by the State Board of Elections or local electoral boards of voting security matters made confidential pursuant to § 24.2-625.1.

35. Discussion or consideration by the Forensic Science Board or the Scientific Advisory Committee created pursuant to Article 2 (§ 9.1-1109 et seq.) of Chapter 11 of Title 9.1 of criminal investigative files subject to the exclusion in subdivision A 2 a of § 2.2-3706.

36. Discussion or consideration by the Brown v. Board of Education Scholarship Committee of information or confidential matters subject to the exclusion in subdivision 3 of § 2.2-3705.4, and meetings of the Committee to deliberate concerning the annual maximum scholarship award, review and consider scholarship applications and requests for scholarship award renewal, and cancel, rescind, or recover scholarship awards.

37. Discussion or consideration by the Virginia Port Authority of information subject to the exclusion in subdivision 1 of § 2.2-3705.6 related to certain proprietary information gathered by or for the Virginia Port Authority.

38. Discussion or consideration by the Board of Trustees of the Virginia Retirement System acting pursuant to § 51.1-124.30, by the Investment Advisory Committee appointed pursuant to § 51.1-124.26, by any local retirement system, acting pursuant to § 51.1-803, by the Board of the Virginia College Savings Plan acting pursuant to § 23.1-706, or by the Virginia College Savings Plan's Investment Advisory Committee appointed pursuant to § 23.1-702 of information subject to the exclusion in subdivision 24 of § 2.2-3705.7.

39. Discussion or consideration of information subject to the exclusion in subdivision 3 of § 2.2-3705.6 related to economic development.

40. Discussion or consideration by the Board of Education of information relating to the denial, suspension, or revocation of teacher licenses subject to the exclusion in subdivision 11 of § 2.2-3705.3.

41. Those portions of meetings of the Virginia Military Advisory Council or any commission created by executive order for the purpose of studying and making recommendations regarding preventing closure or realignment of federal military and national security installations and facilities located in Virginia and relocation of such facilities to Virginia, or a local or regional military affairs organization appointed by a local governing body, during which there is discussion of information subject to the exclusion in subdivision 8 of § 2.2-3705.2.

42. Discussion or consideration by the Board of Trustees of the Veterans Services Foundation of information subject to the exclusion in subdivision 28 of § 2.2-3705.7 related to personally identifiable information of donors.

43. Discussion or consideration by the Virginia Tobacco Region Revitalization Commission of information subject to the exclusion in subdivision 23 of § 2.2-3705.6 related to certain information contained in grant applications.

44. Discussion or consideration by the board of directors of the Commercial Space Flight Authority of information subject to the exclusion in subdivision 24 of § 2.2-3705.6 related to rate structures or charges for the use of projects of, the sale of products of, or services rendered by the Authority and certain proprietary information of a private entity provided to the Authority.

45. Discussion or consideration of personal and proprietary information related to the resource management plan program and subject to the exclusion in (i) subdivision 25 of § 2.2-3705.6 or (ii) subsection E of § 10.1-104.7. This exclusion shall not apply to the discussion or consideration of records that contain information that has been certified for release by the person who is the subject of the information or transformed into a statistical or aggregate form that does not allow identification of the person who supplied, or is the subject of, the information.

46. (Effective January 15, 2018) Discussion or consideration by the Board of Directors of the Virginia Alcoholic Beverage Control Authority of information subject to the exclusion in subdivision 1 of § 2.2-3705.3 related to investigations of applicants for licenses and permits and of licensees and permittees.

47. Discussion or consideration of grant or loan application records subject to the exclusion in subdivision 28 of § 2.2-3705.6 related to the submission of an application for an award from the Virginia Research Investment Fund pursuant to Article 8 (§ 23.1-3130 et seq.) of Chapter 31 of Title 23.1 or interviews of parties to an application by a reviewing entity pursuant to subsection D of § 23.1-3133 or by the Virginia Research Investment Committee.

48. Discussion or development of grant proposals by a regional council established pursuant to Article 26 (§ 2.2-2484 et seq.) of Chapter 24 to be submitted for consideration to the Virginia Growth and Opportunity Board.

49. Discussion or consideration of (i) individual sexual assault cases by a sexual assault team established pursuant to § 15.2-1627.4 or (ii) individual child abuse or neglect cases or sex offenses involving a child by a child abuse team established pursuant to § 15.2-1627.5.

50. Discussion or consideration by the Board of the Virginia Economic Development Partnership Authority, or any subcommittee thereof, of the portions of the strategic plan, marketing plan, or operational plan exempt from disclosure pursuant to subdivision 33 of § 2.2-3705.7.

51. Those portions of meetings of the subcommittee of the Board of the Virginia Economic Development Partnership Authority established pursuant to subsection F of § 2.2-2237.3 to review and discuss information received from the Virginia Employment Commission pursuant to subdivision C 2 of § 60.2-114.

B. No resolution, ordinance, rule, contract, regulation or motion adopted, passed or agreed to in a closed meeting shall become effective unless the public body, following the meeting, reconvenes in open meeting and takes a vote of the membership on such resolution, ordinance, rule, contract, regulation, or motion that shall have its substance reasonably identified in the open meeting.

C. Public officers improperly selected due to the failure of the public body to comply with the other provisions of this section shall be de facto officers and, as such, their official actions are valid until they obtain notice of the legal defect in their election.

D. Nothing in this section shall be construed to prevent the holding of conferences between two or more public bodies, or their representatives, but these conferences shall be subject to the same procedures for holding closed meetings as are applicable to any other public body.

E. This section shall not be construed to (i) require the disclosure of any contract between the Department of Health Professions and an impaired practitioner entered into pursuant to Chapter 25.1 (§ 54.1-2515 et seq.) of Title 54.1 or (ii) require the board of directors of any authority created pursuant to the Industrial Development and Revenue Bond Act (§ 15.2-4900 et seq.), or any public body empowered to issue industrial revenue bonds by general or special law, to identify a business or industry to which subdivision A 5 applies. However, such business or industry shall be identified as a matter of public record at least 30 days prior to the actual date of the board's authorization of the sale or issuance of such bonds.

#### **§ 56-1.3. Regulation of Voice-over-Internet protocol service.**

Notwithstanding any provision of law, except ~~§§ 56-484.12-1 and~~ § 58.1-1730, to the contrary:

1. "Telecommunications service" and "telephone service" shall not include the provision of Voice-over-Internet protocol service for purposes of regulation by the Commission.

2. The Commission shall not have jurisdiction with respect to the regulation of Voice-over-Internet protocol service, including but not limited to the imposition of regulatory fees, certification requirements, and the filing or approval of tariffs.

3. Nothing herein shall be construed to either mandate or prohibit the payment of switched network access rates or other intercarrier compensation, if any, related to Voice-over-Internet protocol service, as may be determined by the Commission.

#### **§ 56-484.12. Definitions.**

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

"Automatic location identification" or "ALI" means a telecommunications network capability that enables the automatic display of information defining the geographical location of the telephone used to place a wireless enhanced 9-1-1 call.

"Automatic number identification" or "ANI" means a telecommunications network capability that enables the automatic display of the telephone number used to place a wireless Enhanced 9-1-1 call.

"Board" means the 9-1-1 Services Board created pursuant to this article.

"Chief Information Officer" or "CIO" means the Chief Information Officer appointed pursuant to § 2.2-2005.

"Coordinator" means the Virginia Public Safety Communications Systems Coordinator employed by the Division.

"CMRS" means mobile telecommunications service as defined in the federal Mobile Telecommunications Sourcing Act, 4 U.S.C. § 124, as amended.

"CMRS provider" means an entity authorized by the Federal Communications Commission to provide CMRS within the Commonwealth.

"Division" means the Division of Public Safety Communications created in § 2.2-2031.

"Emergency services IP network" or "ESInet" means a shared public safety agency-managed Internet protocol (IP) network that (i) is used for emergency services communications, (ii) provides an IP transport infrastructure that is capable of carrying voice and data and that supports next generation 9-1-1 service core functions such as routing and location validation of emergency service requests, and (iii) is engineered, managed, and intended to support emergency public safety communications and 9-1-1 service.

"Enhanced 9-1-1 service" or "E-911" means a service consisting of telephone network features and PSAPs provided for users of telephone systems enabling such users to reach a PSAP by dialing the digits "9-1-1." Such service automatically directs 9-1-1 emergency telephone calls to the appropriate PSAPs by selective routing based on the geographical location from which the emergency call originated and provides the capability for ANI and ALI features.

~~"FCC order" means Federal Communications Commission Order 94-102 (61 Federal Register 40348) and any other FCC order that affects the provision of E-911 service to CMRS customers.~~

*"ESInet point of interconnection" means the demarcation point at which the NG9-1-1 Service Provider receives and assumes responsibility for 9-1-1 call traffic from originating service providers.*

"Local exchange carrier" means any public service company granted a certificate to furnish public utility service for the provision of local exchange telephone service pursuant to Chapter 10.1 (§ 56-265.1 et seq.) of Title 56.

"Next generation 9-1-1 service" or "NG9-1-1" means a service that (i) consists of coordinated intrastate 9-1-1 IP networks serving residents of the Commonwealth with the routing of emergency service requests, by voice or data, across public safety ESInets; (ii) automatically directs 9-1-1 emergency telephone calls and other emergency service requests in data formats to the appropriate PSAPs by routing using geographical information system data; (iii) provides for ANI and ALI features; and (iv) interconnects with enhanced 9-1-1 service.

"9-1-1 service" includes E-911 and NG9-1-1.

*"Originating service provider" means the local exchange carrier, VoIP provider, or CMRS provider that serves the end user over which a 9-1-1 call is made.*

"Place of primary use" has the meaning as defined in the federal Mobile Telecommunications Sourcing Act, 4 U.S.C. § 124, as amended.

"Postpaid CMRS" means CMRS that is not prepaid CMRS, as defined in § 56-484.17:1.

"Public safety answering point" or "PSAP" means a facility (i) equipped and staffed on a 24-hour basis to receive and process 9-1-1 calls or (ii) that intends to receive and process 9-1-1 calls and has notified CMRS providers in its jurisdiction of its intention to receive and process such calls.

"VoIP service" means interconnected voice over Internet protocol service as defined in the Code of Federal Regulations, Title 47, Part 9, section 9.3, as amended.

~~"Wireless E-911 CMRS costs" means all reasonable, direct recurring and nonrecurring capital costs and operating expenses incurred by CMRS providers in designing, upgrading, leasing, purchasing, programming, installing, testing, administering, delivering, or maintaining all necessary data, hardware, software and local exchange telephone service required to provide wireless E-911 service, which have been sworn to by an authorized agent of a CMRS provider.~~

"Wireless E-911 Fund" means a dedicated fund consisting of all moneys collected pursuant to the wireless E-911 surcharge, all prepaid wireless E-911 charges collected pursuant to § 56-484.17:1, and any additional funds otherwise allocated or donated to the Wireless E-911 Fund.

~~"Wireless E-911 service" means the E-911 service required to be provided by CMRS providers pursuant to the FCC order.~~

"Wireless E-911 surcharge" means a monthly fee of \$0.75 billed with respect to postpaid CMRS customers by each CMRS provider and CMRS reseller on each CMRS device capable of two-way interactive voice communication.

**§ 56-484.16. Local emergency telecommunications requirements; use of digits "9-1-1."**

A. On or before July 1, 2003, every county, city or town in the Commonwealth shall be served by an E-911 system, unless an extension of time has been granted by the Board.

B. The digits "9-1-1" shall be the designated emergency telephone number in Virginia. No public safety agency shall advertise or otherwise promote the use of any number for emergency response service other than "9-1-1."

C. *All originating service providers required to provide access to 9-1-1 service shall route the 9-1-1 calls of their subscribers to ESInet points of interconnection designated by the Board. The Board shall establish points of interconnection at or within the local access and transport area and in proximity of each selective router central office providing E-911 service as of July 1, 2018. Additionally, the Board shall establish a minimum of one pair (two) and a maximum of three pair (six) geographically diverse from their designated pair point of session initiation protocol (SIP) interconnection within the Commonwealth. The Board shall establish ESInet points of interconnection in a manner that minimizes cost to the originating service providers to the extent practicable while still achieving necessary 9-1-1 service and ESInet objectives.*

D. *The NG9-1-1 service provider shall receive the 9-1-1 calls delivered by the originating service provider at the designated ESInet points of interconnection and deliver the calls to the appropriate PSAP. The NG9-1-1 service provider shall not charge the originating service provider to connect to the ESInet point of interconnection nor for the delivery of the 9-1-1 calls to the PSAP. The originating service provider responsibility for 9-1-1 calls ends and the PSAP responsibility begins at their respective sides of the ESInet point of interconnection.*

E. *The PSAP shall validate the location of the originating service provider subscribers as necessary to ensure the location exists and will route to the appropriate PSAP if 9-1-1 is dialed. The PSAP shall not charge the originating service provider for such validation.*

F. *No later than July 1, 2023, the Board shall develop and fully implement NG9-1-1 transition plans to migrate PSAPs and originating service providers from E-911 to NG9-1-1. To the extent practicable, the migration of PSAPs will be implemented on a sequential region-by-region basis for those PSAPs served by each legacy E-911 selective router pair. With a minimum of six months' written notice to the impacted stakeholders, this date may be extended by the Board for good*

cause. For purposes of this section, "good cause" means an event or events reasonably beyond the ability of the Board to anticipate or control.

**§ 56-484.17. Wireless E-911 Fund; uses of Fund; enforcement; audit required.**

A. There is hereby created in the state treasury a special nonreverting fund to be known as the Wireless E-911 Fund (the Fund). The Fund shall be established on the books of the Comptroller. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Except as provided in § 2.2-2031, moneys in the Fund shall be used for the purposes stated in subsections C ~~through~~ and D. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the Tax Commissioner or the Chief Information Officer of the Commonwealth.

B. Each CMRS provider and each CMRS reseller shall collect a wireless E-911 surcharge from each of its customers whose place of primary use is within the Commonwealth. However, no surcharge shall be imposed on federal, state and local government agencies. A payment equal to all wireless E-911 surcharges shall be remitted within 30 days to the Department of Taxation. The Department of Taxation, after subtracting its direct costs of administration, shall deposit all remitted wireless E-911 surcharges into the state treasury. The Comptroller shall as soon as practicable deposit such moneys into the Fund. Each CMRS provider and CMRS reseller may retain an amount equal to three percent of the wireless E-911 surcharges collected to defray the costs of collecting the surcharges. State and local taxes shall not apply to any wireless E-911 surcharge collected from customers. Surcharges collected from customers shall be subject to the provisions of the federal Mobile Telecommunications Sourcing Act (4 U.S.C. § 116 et seq., as amended).

The CMRS provider and CMRS reseller shall collect the surcharge through regular periodic billing.

C. ~~Beginning July 1, 2012, 60~~ Sixty percent of the Wireless E-911 Fund shall be distributed on a monthly basis to the PSAPs according to each PSAP's average pro rata distribution from the Wireless E-911 Fund for fiscal years 2007-2012, taking into account any funding adjustments made pursuant to subsection E. On or before July 1, 2018, and every five years thereafter, the Department of Taxation shall recalculate the distribution percentage for each PSAP based on the ~~cost~~ population and call load data of the PSAP for the previous five fiscal years, which data shall continue to be received by the Board and then reported to the Department of Taxation. The distribution from the Wireless E-911 Fund shall be made on a monthly basis to the PSAPs according to such distribution percentage beginning July 1 of such fiscal year.

D. ~~Using 30 percent of the Wireless E-911 Fund, the Board shall provide payment to CMRS providers of wireless E-911 CMRS costs. For these purposes each CMRS provider shall submit to the Board on or before December 31 of each year an estimate of wireless E-911 CMRS costs it expects to incur during the next fiscal year of counties and municipalities in whose jurisdiction it operates. The Board shall review such estimates and advise each CMRS provider on or before the following March 1 whether its estimate qualifies for payment hereunder and whether the Wireless E-911 Fund is expected to be sufficient for such payment during said fiscal year. A CMRS provider with an approved estimate of costs shall submit its request for payment of such costs no later than four months after the end of the fiscal year in which the cost was incurred. If the portion of the Fund designated for CMRS provider cost payments is insufficient to provide full payment to each CMRS provider for its costs, no unpaid cost shall be paid in the following fiscal year. The remaining 40 40 percent of the Fund and any remaining funds for the previous fiscal year from the 30 percent for CMRS providers shall be distributed to PSAPs or on behalf of PSAPs based on grant requests received by the Board each fiscal year. The Board shall establish criteria for receiving and making grants from the Fund, including procedures for determining the amount of a grant and payment schedule; however, the grants must be to the benefit of wireless E-911 priority shall be given to grants that support the deployment and sustainment of NG9-1-1. Any grant funding that has not been committed by the Board by the end of the fiscal year shall be distributed to the PSAPs based on the same distribution percentage used during the fiscal year in which the funding was collected; however, the~~ If requested by an originating service provider, the Board shall execute a contract to reimburse that originating service provider for its costs incurred to deliver 9-1-1 calls to the ESInet points of interconnection. The Board shall ensure that cost is minimized while still achieving necessary 9-1-1 service and ESInet objectives. The Board may retain some or all of this uncommitted funding for an identified 9-1-1 funding need in the next fiscal year or for a reserve balance pursuant to a reserve balance policy adopted by the Board.

E. After the end of each fiscal year, on a schedule adopted by the Board, the Board shall audit the grant funding received by all recipients to ensure it was utilized in accordance with the grant requirements. ~~For the fiscal year ending June 30, 2005, the Board shall determine whether qualifying payments to PSAP operators and CMRS providers during the preceding fiscal year exceeded or were less than the actual wireless E-911 PSAP costs or wireless E-911 CMRS costs of any PSAP operator or CMRS provider.~~ Each funding recipient shall provide such verification of such costs as may be requested by the Board. Any overpayment shall be refunded to the Board or credited to payments during the ~~then current~~ then-current fiscal year, on such schedule as the Board shall determine. If payments are less than the actual costs reported, the Board may include the additional funding in the ~~then current~~ then-current fiscal year.

F. The Auditor of Public Accounts, or his legally authorized representatives, shall annually audit the Wireless E-911 Fund. The cost of such audit shall be borne by the Board and be payable from the Wireless E-911 Fund, as appropriate. The Board shall furnish copies of the audits to the Governor, the Public Safety Subcommittees of the Senate Committee on Finance and the House Committee on Appropriations, and the Virginia State Crime Commission.

G. The special tax authorized by § 58.1-1730 shall not be imposed on consumers of CMRS.

**2. That §§ 56-484.12:1, 56-484.12:2, and 56-484.15 of the Code of Virginia are repealed.**

## CHAPTER 533

*An Act to amend and reenact §§ 2.2-3705.6, 2.2-3711, 56-1.3, 56-484.12, 56-484.16, and 56-484.17 of the Code of Virginia and to repeal §§ 56-484.12:1, 56-484.12:2, and 56-484.15 of the Code of Virginia, relating to the Enhanced Public Safety Telephone Services Act.*

[S 513]

Approved March 29, 2018

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

**1. That §§ 2.2-3705.6, 2.2-3711, 56-1.3, 56-484.12, 56-484.16, and 56-484.17 of the Code of Virginia are amended and reenacted as follows:**

**§ 2.2-3705.6. Exclusions to application of chapter; proprietary records and trade secrets.**

The following information contained in a public record is excluded from the mandatory disclosure provisions of this chapter but may be disclosed by the custodian in his discretion, except where such disclosure is prohibited by law. Redaction of information excluded under this section from a public record shall be conducted in accordance with § 2.2-3704.01.

1. Proprietary information gathered by or for the Virginia Port Authority as provided in § 62.1-132.4 or 62.1-134.1.
2. Financial statements not publicly available filed with applications for industrial development financings in accordance with Chapter 49 (§ 15.2-4900 et seq.) of Title 15.2.
3. Proprietary information, voluntarily provided by private business pursuant to a promise of confidentiality from a public body, used by the public body for business, trade, and tourism development or retention; and memoranda, working papers, or other information related to businesses that are considering locating or expanding in Virginia, prepared by a public body, where competition or bargaining is involved and where disclosure of such information would adversely affect the financial interest of the public body.
4. Information that was filed as confidential under the Toxic Substances Information Act (§ 32.1-239 et seq.), as such Act existed prior to July 1, 1992.
5. Fisheries data that would permit identification of any person or vessel, except when required by court order as specified in § 28.2-204.
6. Confidential financial statements, balance sheets, trade secrets, and revenue and cost projections provided to the Department of Rail and Public Transportation, provided such information is exempt under the federal Freedom of Information Act or the federal Interstate Commerce Act or other laws administered by the Surface Transportation Board or the Federal Railroad Administration with respect to data provided in confidence to the Surface Transportation Board and the Federal Railroad Administration.
7. Proprietary information related to inventory and sales, voluntarily provided by private energy suppliers to the Department of Mines, Minerals and Energy, used by that Department for energy contingency planning purposes or for developing consolidated statistical information on energy supplies.
8. Confidential proprietary information furnished to the Board of Medical Assistance Services or the Medicaid Prior Authorization Advisory Committee pursuant to Article 4 (§ 32.1-331.12 et seq.) of Chapter 10 of Title 32.1.
9. Proprietary, commercial or financial information, balance sheets, trade secrets, and revenue and cost projections provided by a private transportation business to the Virginia Department of Transportation and the Department of Rail and Public Transportation for the purpose of conducting transportation studies needed to obtain grants or other financial assistance under the Transportation Equity Act for the 21st Century (P.L. 105-178) for transportation projects if disclosure of such information is exempt under the federal Freedom of Information Act or the federal Interstate Commerce Act or other laws administered by the Surface Transportation Board or the Federal Railroad Administration with respect to data provided in confidence to the Surface Transportation Board and the Federal Railroad Administration. However, the exclusion provided by this subdivision shall not apply to any wholly owned subsidiary of a public body.
10. Confidential information designated as provided in subsection F of § 2.2-4342 as trade secrets or proprietary information by any person in connection with a procurement transaction or by any person who has submitted to a public body an application for prequalification to bid on public construction projects in accordance with subsection B of § 2.2-4317.
11. a. Memoranda, staff evaluations, or other information prepared by the responsible public entity, its staff, outside advisors, or consultants exclusively for the evaluation and negotiation of proposals filed under the Public-Private Transportation Act of 1995 (§ 33.2-1800 et seq.) or the Public-Private Education Facilities and Infrastructure Act of 2002 (§ 56-575.1 et seq.) where (i) if such information was made public prior to or after the execution of an interim or a comprehensive agreement, § 33.2-1820 or 56-575.17 notwithstanding, the financial interest or bargaining position of the public entity would be adversely affected and (ii) the basis for the determination required in clause (i) is documented in writing by the responsible public entity; and
  - b. Information provided by a private entity to a responsible public entity, affected jurisdiction, or affected local jurisdiction pursuant to the provisions of the Public-Private Transportation Act of 1995 (§ 33.2-1800 et seq.) or the Public-Private Education Facilities and Infrastructure Act of 2002 (§ 56-575.1 et seq.) if disclosure of such information would reveal (i) trade secrets of the private entity as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.);

(ii) financial information of the private entity, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise; or (iii) other information submitted by the private entity where if such information was made public prior to the execution of an interim agreement or a comprehensive agreement, the financial interest or bargaining position of the public or private entity would be adversely affected. In order for the information specified in clauses (i), (ii), and (iii) to be excluded from the provisions of this chapter, the private entity shall make a written request to the responsible public entity:

(1) Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;

(2) Identifying with specificity the data or other materials for which protection is sought; and

(3) Stating the reasons why protection is necessary.

The responsible public entity shall determine whether the requested exclusion from disclosure is necessary to protect the trade secrets or financial information of the private entity. To protect other information submitted by the private entity from disclosure, the responsible public entity shall determine whether public disclosure prior to the execution of an interim agreement or a comprehensive agreement would adversely affect the financial interest or bargaining position of the public or private entity. The responsible public entity shall make a written determination of the nature and scope of the protection to be afforded by the responsible public entity under this subdivision. Once a written determination is made by the responsible public entity, the information afforded protection under this subdivision shall continue to be protected from disclosure when in the possession of any affected jurisdiction or affected local jurisdiction.

Except as specifically provided in subdivision 11 a, nothing in this subdivision shall be construed to authorize the withholding of (a) procurement records as required by § 33.2-1820 or 56-575.17; (b) information concerning the terms and conditions of any interim or comprehensive agreement, service contract, lease, partnership, or any agreement of any kind entered into by the responsible public entity and the private entity; (c) information concerning the terms and conditions of any financing arrangement that involves the use of any public funds; or (d) information concerning the performance of any private entity developing or operating a qualifying transportation facility or a qualifying project.

For the purposes of this subdivision, the terms "affected jurisdiction," "affected local jurisdiction," "comprehensive agreement," "interim agreement," "qualifying project," "qualifying transportation facility," "responsible public entity," and "private entity" shall mean the same as those terms are defined in the Public-Private Transportation Act of 1995 (§ 33.2-1800 et seq.) or in the Public-Private Education Facilities and Infrastructure Act of 2002 (§ 56-575.1 et seq.).

12. Confidential proprietary information or trade secrets, not publicly available, provided by a private person or entity pursuant to a promise of confidentiality to the Virginia Resources Authority or to a fund administered in connection with financial assistance rendered or to be rendered by the Virginia Resources Authority where, if such information were made public, the financial interest of the private person or entity would be adversely affected.

13. Trade secrets, as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.), or confidential proprietary information that is not generally available to the public through regulatory disclosure or otherwise, provided by a (i) bidder or applicant for a franchise or (ii) franchisee under Chapter 21 (§ 15.2-2100 et seq.) of Title 15.2 to the applicable franchising authority pursuant to a promise of confidentiality from the franchising authority, to the extent the information relates to the bidder's, applicant's, or franchisee's financial capacity or provision of new services, adoption of new technologies or implementation of improvements, where such new services, technologies, or improvements have not been implemented by the franchisee on a nonexperimental scale in the franchise area, and where, if such information were made public, the competitive advantage or financial interests of the franchisee would be adversely affected.

In order for trade secrets or confidential proprietary information to be excluded from the provisions of this chapter, the bidder, applicant, or franchisee shall (a) invoke such exclusion upon submission of the data or other materials for which protection from disclosure is sought, (b) identify the data or other materials for which protection is sought, and (c) state the reason why protection is necessary.

No bidder, applicant, or franchisee may invoke the exclusion provided by this subdivision if the bidder, applicant, or franchisee is owned or controlled by a public body or if any representative of the applicable franchising authority serves on the management board or as an officer of the bidder, applicant, or franchisee.

14. Information of a proprietary or confidential nature furnished by a supplier or manufacturer of charitable gaming supplies to the Department of Agriculture and Consumer Services (i) pursuant to subsection E of § 18.2-340.34 and (ii) pursuant to regulations promulgated by the Charitable Gaming Board related to approval of electronic and mechanical equipment.

15. Information related to Virginia apple producer sales provided to the Virginia State Apple Board pursuant to § 3.2-1215.

16. Trade secrets, as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.) of Title 59.1, submitted by CMRS providers as defined in § 56-484.12 to the *former* Wireless Carrier E-911 Cost Recovery Subcommittee created pursuant to *former* § 56-484.15, relating to the provision of wireless E-911 service.

17. Information relating to a grant or loan application, or accompanying a grant or loan application, to the Innovation and Entrepreneurship Investment Authority pursuant to Article 3 (§ 2.2-2233.1 et seq.) of Chapter 22 of Title 2.2 or to the Commonwealth Health Research Board pursuant to Chapter 5.3 (§ 32.1-162.23 et seq.) of Title 32.1 if disclosure of such information would (i) reveal proprietary business or research-related information produced or collected by the applicant in the conduct of or as a result of study or research on medical, rehabilitative, scientific, technical, technological, or scholarly

issues, when such information has not been publicly released, published, copyrighted, or patented, and (ii) be harmful to the competitive position of the applicant.

18. Confidential proprietary information and trade secrets developed and held by a local public body (i) providing telecommunication services pursuant to § 56-265.4:4 and (ii) providing cable television services pursuant to Article 1.1 (§ 15.2-2108.2 et seq.) of Chapter 21 of Title 15.2 if disclosure of such information would be harmful to the competitive position of the locality.

In order for confidential proprietary information or trade secrets to be excluded from the provisions of this chapter, the locality in writing shall (a) invoke the protections of this subdivision, (b) identify with specificity the information for which protection is sought, and (c) state the reasons why protection is necessary. However, the exemption provided by this subdivision shall not apply to any authority created pursuant to the BVU Authority Act (§ 15.2-7200 et seq.).

19. Confidential proprietary information and trade secrets developed by or for a local authority created in accordance with the Virginia Wireless Service Authorities Act (§ 15.2-5431.1 et seq.) to provide qualifying communications services as authorized by Article 5.1 (§ 56-484.7:1 et seq.) of Chapter 15 of Title 56, where disclosure of such information would be harmful to the competitive position of the authority, except that information required to be maintained in accordance with § 15.2-2160 shall be released.

20. Trade secrets as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.) or financial information of a business, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise, provided to the Department of Small Business and Supplier Diversity as part of an application for certification as a small, women-owned, or minority-owned business in accordance with Chapter 16.1 (§ 2.2-1603 et seq.). In order for such trade secrets or financial information to be excluded from the provisions of this chapter, the business shall (i) invoke such exclusion upon submission of the data or other materials for which protection from disclosure is sought, (ii) identify the data or other materials for which protection is sought, and (iii) state the reasons why protection is necessary.

21. Information of a proprietary or confidential nature disclosed by a carrier to the State Health Commissioner pursuant to §§ 32.1-276.5:1 and 32.1-276.7:1.

22. Trade secrets, as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.), including, but not limited to, financial information, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise, and revenue and cost projections supplied by a private or nongovernmental entity to the State Inspector General for the purpose of an audit, special investigation, or any study requested by the Office of the State Inspector General in accordance with law.

In order for the information specified in this subdivision to be excluded from the provisions of this chapter, the private or nongovernmental entity shall make a written request to the State Inspector General:

- a. Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;
- b. Identifying with specificity the data or other materials for which protection is sought; and
- c. Stating the reasons why protection is necessary.

The State Inspector General shall determine whether the requested exclusion from disclosure is necessary to protect the trade secrets or financial information of the private entity. The State Inspector General shall make a written determination of the nature and scope of the protection to be afforded by it under this subdivision.

23. Information relating to a grant application, or accompanying a grant application, submitted to the Tobacco Region Revitalization Commission that would (i) reveal (a) trade secrets as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.), (b) financial information of a grant applicant that is not a public body, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise, or (c) research-related information produced or collected by the applicant in the conduct of or as a result of study or research on medical, rehabilitative, scientific, technical, technological, or scholarly issues, when such information has not been publicly released, published, copyrighted, or patented, and (ii) be harmful to the competitive position of the applicant; and memoranda, staff evaluations, or other information prepared by the Commission or its staff exclusively for the evaluation of grant applications. The exclusion provided by this subdivision shall apply to grants that are consistent with the powers of and in furtherance of the performance of the duties of the Commission pursuant to § 3.2-3103.

In order for the information specified in this subdivision to be excluded from the provisions of this chapter, the applicant shall make a written request to the Commission:

- a. Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;
- b. Identifying with specificity the data, information or other materials for which protection is sought; and
- c. Stating the reasons why protection is necessary.

The Commission shall determine whether the requested exclusion from disclosure is necessary to protect the trade secrets, financial information, or research-related information of the applicant. The Commission shall make a written determination of the nature and scope of the protection to be afforded by it under this subdivision.

24. a. Information held by the Commercial Space Flight Authority relating to rate structures or charges for the use of projects of, the sale of products of, or services rendered by the Authority if disclosure of such information would adversely affect the financial interest or bargaining position of the Authority or a private entity providing the information to the Authority; or

b. Information provided by a private entity to the Commercial Space Flight Authority if disclosure of such information would (i) reveal (a) trade secrets of the private entity as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.); (b) financial information of the private entity, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise; or (c) other information submitted by the private entity and (ii) adversely affect the financial interest or bargaining position of the Authority or private entity.

In order for the information specified in clauses (a), (b), and (c) of subdivision 24 b to be excluded from the provisions of this chapter, the private entity shall make a written request to the Authority:

(1) Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;

(2) Identifying with specificity the data or other materials for which protection is sought; and

(3) Stating the reasons why protection is necessary.

The Authority shall determine whether the requested exclusion from disclosure is necessary to protect the trade secrets or financial information of the private entity. To protect other information submitted by the private entity from disclosure, the Authority shall determine whether public disclosure would adversely affect the financial interest or bargaining position of the Authority or private entity. The Authority shall make a written determination of the nature and scope of the protection to be afforded by it under this subdivision.

25. Information of a proprietary nature furnished by an agricultural landowner or operator to the Department of Conservation and Recreation, the Department of Environmental Quality, the Department of Agriculture and Consumer Services, or any political subdivision, agency, or board of the Commonwealth pursuant to §§ 10.1-104.7, 10.1-104.8, and 10.1-104.9, other than when required as part of a state or federal regulatory enforcement action.

26. Trade secrets, as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.), provided to the Department of Environmental Quality pursuant to the provisions of § 10.1-1458. In order for such trade secrets to be excluded from the provisions of this chapter, the submitting party shall (i) invoke this exclusion upon submission of the data or materials for which protection from disclosure is sought, (ii) identify the data or materials for which protection is sought, and (iii) state the reasons why protection is necessary.

27. Information of a proprietary nature furnished by a licensed public-use airport to the Department of Aviation for funding from programs administered by the Department of Aviation or the Virginia Aviation Board, where if such information was made public, the financial interest of the public-use airport would be adversely affected.

In order for the information specified in this subdivision to be excluded from the provisions of this chapter, the public-use airport shall make a written request to the Department of Aviation:

a. Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;

b. Identifying with specificity the data or other materials for which protection is sought; and

c. Stating the reasons why protection is necessary.

28. Information relating to a grant or loan application, or accompanying a grant or loan application, submitted to the Virginia Research Investment Committee established pursuant to Article 8 (§ 23.1-3130 et seq.) of Chapter 31 of Title 23.1, to the extent that such records would (i) reveal (a) trade secrets as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.); (b) financial information of a party to a grant or loan application that is not a public body, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise; or (c) research-related information produced or collected by a party to the application in the conduct of or as a result of study or research on medical, rehabilitative, scientific, technical, technological, or scholarly issues, when such information has not been publicly released, published, copyrighted, or patented, and (ii) be harmful to the competitive position of a party to a grant or loan application; and memoranda, staff evaluations, or other information prepared by the Committee or its staff, or a reviewing entity pursuant to subsection D of § 23.1-3133, exclusively for the evaluation of grant or loan applications, including any scoring or prioritization documents prepared for and forwarded to the Committee pursuant to subsection D of § 23.1-3133.

In order for the information submitted by the applicant and specified in this subdivision to be excluded from the provisions of this chapter, the applicant shall make a written request to the Committee:

a. Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;

b. Identifying with specificity the data, information, or other materials for which protection is sought; and

c. Stating the reasons why protection is necessary.

The Virginia Research Investment Committee shall determine whether the requested exclusion from disclosure is necessary to protect the trade secrets, financial information, or research-related information of the party to the application. The Committee shall make a written determination of the nature and scope of the protection to be afforded by it under this subdivision.

29. Proprietary information, voluntarily provided by a private business pursuant to a promise of confidentiality from a public body, used by the public body for a solar services agreement, where disclosure of such information would (i) reveal (a) trade secrets of the private business as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.); (b) financial information of the private business, including balance sheets and financial statements, that are not generally available to the

public through regulatory disclosure or otherwise; or (c) other information submitted by the private business and (ii) adversely affect the financial interest or bargaining position of the public body or private business.

In order for the information specified in clauses (i)(a), (b), and (c) to be excluded from the provisions of this chapter, the private business shall make a written request to the public body:

a. Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;

b. Identifying with specificity the data or other materials for which protection is sought; and

c. Stating the reasons why protection is necessary.

30. Information contained in engineering and construction drawings and plans submitted for the sole purpose of complying with the Building Code in obtaining a building permit if disclosure of such information would identify specific trade secrets or other information that would be harmful to the competitive position of the owner or lessee. However, such information shall be exempt only until the building is completed. Information relating to the safety or environmental soundness of any building shall not be exempt from disclosure.

**§ 2.2-3711. Closed meetings authorized for certain limited purposes.**

A. Public bodies may hold closed meetings only for the following purposes:

1. Discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body; and evaluation of performance of departments or schools of public institutions of higher education where such evaluation will necessarily involve discussion of the performance of specific individuals. Any teacher shall be permitted to be present during a closed meeting in which there is a discussion or consideration of a disciplinary matter that involves the teacher and some student and the student involved in the matter is present, provided the teacher makes a written request to be present to the presiding officer of the appropriate board. Nothing in this subdivision, however, shall be construed to authorize a closed meeting by a local governing body or an elected school board to discuss compensation matters that affect the membership of such body or board collectively.

2. Discussion or consideration of admission or disciplinary matters or any other matters that would involve the disclosure of information contained in a scholastic record concerning any student of any public institution of higher education in the Commonwealth or any state school system. However, any such student, legal counsel and, if the student is a minor, the student's parents or legal guardians shall be permitted to be present during the taking of testimony or presentation of evidence at a closed meeting, if such student, parents, or guardians so request in writing and such request is submitted to the presiding officer of the appropriate board.

3. Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.

4. The protection of the privacy of individuals in personal matters not related to public business.

5. Discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community.

6. Discussion or consideration of the investment of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of the governmental unit would be adversely affected.

7. Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body. For the purposes of this subdivision, "probable litigation" means litigation that has been specifically threatened or on which the public body or its legal counsel has a reasonable basis to believe will be commenced by or against a known party. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter.

8. Consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter.

9. Discussion or consideration by governing boards of public institutions of higher education of matters relating to gifts, bequests and fund-raising activities, and of grants and contracts for services or work to be performed by such institution. However, the terms and conditions of any such gifts, bequests, grants, and contracts made by a foreign government, a foreign legal entity, or a foreign person and accepted by a public institution of higher education in the Commonwealth shall be subject to public disclosure upon written request to the appropriate board of visitors. For the purpose of this subdivision, (i) "foreign government" means any government other than the United States government or the government of a state or a political subdivision thereof, (ii) "foreign legal entity" means any legal entity (a) created under the laws of the United States or of any state thereof if a majority of the ownership of the stock of such legal entity is owned by foreign governments or foreign persons or if a majority of the membership of any such entity is composed of foreign persons or foreign legal entities or (b) created under the laws of a foreign government, and (iii) "foreign person" means any individual who is not a citizen or national of the United States or a trust territory or protectorate thereof.

10. Discussion or consideration by the boards of trustees of the Virginia Museum of Fine Arts, the Virginia Museum of Natural History, the Jamestown-Yorktown Foundation, and The Science Museum of Virginia of matters relating to specific gifts, bequests, and grants from private sources.

11. Discussion or consideration of honorary degrees or special awards.

12. Discussion or consideration of tests, examinations, or other information used, administered, or prepared by a public body and subject to the exclusion in subdivision 4 of § 2.2-3705.1.

13. Discussion, consideration, or review by the appropriate House or Senate committees of possible disciplinary action against a member arising out of the possible inadequacy of the disclosure statement filed by the member, provided the member may request in writing that the committee meeting not be conducted in a closed meeting.

14. Discussion of strategy with respect to the negotiation of a hazardous waste siting agreement or to consider the terms, conditions, and provisions of a hazardous waste siting agreement if the governing body in open meeting finds that an open meeting will have an adverse effect upon the negotiating position of the governing body or the establishment of the terms, conditions and provisions of the siting agreement, or both. All discussions with the applicant or its representatives may be conducted in a closed meeting.

15. Discussion by the Governor and any economic advisory board reviewing forecasts of economic activity and estimating general and nongeneral fund revenues.

16. Discussion or consideration of medical and mental health records subject to the exclusion in subdivision 1 of § 2.2-3705.5.

17. Deliberations of the Virginia Lottery Board in a licensing appeal action conducted pursuant to subsection D of § 58.1-4007 regarding the denial or revocation of a license of a lottery sales agent; and discussion, consideration or review of Virginia Lottery matters related to proprietary lottery game information and studies or investigations excluded from disclosure under subdivision 6 of § 2.2-3705.3 and subdivision 11 of § 2.2-3705.7.

18. Those portions of meetings in which the Board of Corrections discusses or discloses the identity of, or information tending to identify, any prisoner who (i) provides information about crimes or criminal activities, (ii) renders assistance in preventing the escape of another prisoner or in the apprehension of an escaped prisoner, or (iii) voluntarily or at the instance of a prison official renders other extraordinary services, the disclosure of which is likely to jeopardize the prisoner's life or safety.

19. Discussion of plans to protect public safety as it relates to terrorist activity or specific cybersecurity threats or vulnerabilities and briefings by staff members, legal counsel, or law-enforcement or emergency service officials concerning actions taken to respond to such matters or a related threat to public safety; discussion of information subject to the exclusion in subdivision 2 or 14 of § 2.2-3705.2, where discussion in an open meeting would jeopardize the safety of any person or the security of any facility, building, structure, information technology system, or software program; or discussion of reports or plans related to the security of any governmental facility, building or structure, or the safety of persons using such facility, building or structure.

20. Discussion by the Board of the Virginia Retirement System, acting pursuant to § 51.1-124.30, or of any local retirement system, acting pursuant to § 51.1-803, or by a local finance board or board of trustees of a trust established by one or more local public bodies to invest funds for postemployment benefits other than pensions, acting pursuant to Article 8 (§ 15.2-1544 et seq.) of Chapter 15 of Title 15.2, or by the board of visitors of the University of Virginia, acting pursuant to § 23.1-2210, or by the Board of the Virginia College Savings Plan, acting pursuant to § 23.1-706, regarding the acquisition, holding or disposition of a security or other ownership interest in an entity, where such security or ownership interest is not traded on a governmentally regulated securities exchange, to the extent that such discussion (i) concerns confidential analyses prepared for the board of visitors of the University of Virginia, prepared by the retirement system, or a local finance board or board of trustees, or the Virginia College Savings Plan or provided to the retirement system, a local finance board or board of trustees, or the Virginia College Savings Plan under a promise of confidentiality, of the future value of such ownership interest or the future financial performance of the entity, and (ii) would have an adverse effect on the value of the investment to be acquired, held, or disposed of by the retirement system, a local finance board or board of trustees, the board of visitors of the University of Virginia, or the Virginia College Savings Plan. Nothing in this subdivision shall be construed to prevent the disclosure of information relating to the identity of any investment held, the amount invested or the present value of such investment.

21. Those portions of meetings in which individual child death cases are discussed by the State Child Fatality Review team established pursuant to § 32.1-283.1, those portions of meetings in which individual child death cases are discussed by a regional or local child fatality review team established pursuant to § 32.1-283.2, those portions of meetings in which individual death cases are discussed by family violence fatality review teams established pursuant to § 32.1-283.3, those portions of meetings in which individual adult death cases are discussed by the state Adult Fatality Review Team established pursuant to § 32.1-283.5, and those portions of meetings in which individual adult death cases are discussed by a local or regional adult fatality review team established pursuant to § 32.1-283.6.

22. Those portions of meetings of the board of visitors of the University of Virginia or the Eastern Virginia Medical School Board of Visitors, as the case may be, and those portions of meetings of any persons to whom management responsibilities for the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, have been delegated, in which there is discussed proprietary, business-related information pertaining to the operations of the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, including business

development or marketing strategies and activities with existing or future joint venturers, partners, or other parties with whom the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, has formed, or forms, any arrangement for the delivery of health care, if disclosure of such information would adversely affect the competitive position of the Medical Center or Eastern Virginia Medical School, as the case may be.

23. Discussion or consideration by the Virginia Commonwealth University Health System Authority or the board of visitors of Virginia Commonwealth University of any of the following: the acquisition or disposition by the Authority of real property, equipment, or technology software or hardware and related goods or services, where disclosure would adversely affect the bargaining position or negotiating strategy of the Authority; matters relating to gifts or bequests to, and fund-raising activities of, the Authority; grants and contracts for services or work to be performed by the Authority; marketing or operational strategies plans of the Authority where disclosure of such strategies or plans would adversely affect the competitive position of the Authority; and members of the Authority's medical and teaching staffs and qualifications for appointments thereto.

24. Those portions of the meetings of the Health Practitioners' Monitoring Program Committee within the Department of Health Professions to the extent such discussions identify any practitioner who may be, or who actually is, impaired pursuant to Chapter 25.1 (§ 54.1-2515 et seq.) of Title 54.1.

25. Meetings or portions of meetings of the Board of the Virginia College Savings Plan wherein personal information, as defined in § 2.2-3801, which has been provided to the Board or its employees by or on behalf of individuals who have requested information about, applied for, or entered into prepaid tuition contracts or savings trust account agreements pursuant to Chapter 7 (§ 23.1-700 et seq.) of Title 23.1 is discussed.

26. Discussion or consideration, by the *former* Wireless Carrier E-911 Cost Recovery Subcommittee created pursuant to *former* § 56-484.15, of trade secrets, as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.), submitted by CMRS providers as defined in § 56-484.12, related to the provision of wireless E-911 service.

27. Those portions of disciplinary proceedings by any regulatory board within the Department of Professional and Occupational Regulation, Department of Health Professions, or the Board of Accountancy conducted pursuant to § 2.2-4019 or 2.2-4020 during which the board deliberates to reach a decision or meetings of health regulatory boards or conference committees of such boards to consider settlement proposals in pending disciplinary actions or modifications to previously issued board orders as requested by either of the parties.

28. Discussion or consideration of information subject to the exclusion in subdivision 11 of § 2.2-3705.6 by a responsible public entity or an affected locality or public entity, as those terms are defined in § 33.2-1800, or any independent review panel appointed to review information and advise the responsible public entity concerning such records.

29. Discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body.

30. Discussion or consideration of grant or loan application information subject to the exclusion in subdivision 17 of § 2.2-3705.6 by (i) the Commonwealth Health Research Board or (ii) the Innovation and Entrepreneurship Investment Authority or the Research and Technology Investment Advisory Committee appointed to advise the Innovation and Entrepreneurship Investment Authority.

31. Discussion or consideration by the Commitment Review Committee of information subject to the exclusion in subdivision 5 of § 2.2-3705.2 relating to individuals subject to commitment as sexually violent predators under Chapter 9 (§ 37.2-900 et seq.) of Title 37.2.

32. Discussion or consideration of confidential proprietary information and trade secrets developed and held by a local public body providing certain telecommunication services or cable television services and subject to the exclusion in subdivision 18 of § 2.2-3705.6. However, the exemption provided by this subdivision shall not apply to any authority created pursuant to the BVU Authority Act (§ 15.2-7200 et seq.).

33. Discussion or consideration by a local authority created in accordance with the Virginia Wireless Service Authorities Act (§ 15.2-5431.1 et seq.) of confidential proprietary information and trade secrets subject to the exclusion in subdivision 19 of § 2.2-3705.6.

34. Discussion or consideration by the State Board of Elections or local electoral boards of voting security matters made confidential pursuant to § 24.2-625.1.

35. Discussion or consideration by the Forensic Science Board or the Scientific Advisory Committee created pursuant to Article 2 (§ 9.1-1109 et seq.) of Chapter 11 of Title 9.1 of criminal investigative files subject to the exclusion in subdivision A 2 a of § 2.2-3706.

36. Discussion or consideration by the Brown v. Board of Education Scholarship Committee of information or confidential matters subject to the exclusion in subdivision 3 of § 2.2-3705.4, and meetings of the Committee to deliberate concerning the annual maximum scholarship award, review and consider scholarship applications and requests for scholarship award renewal, and cancel, rescind, or recover scholarship awards.

37. Discussion or consideration by the Virginia Port Authority of information subject to the exclusion in subdivision 1 of § 2.2-3705.6 related to certain proprietary information gathered by or for the Virginia Port Authority.

38. Discussion or consideration by the Board of Trustees of the Virginia Retirement System acting pursuant to § 51.1-124.30, by the Investment Advisory Committee appointed pursuant to § 51.1-124.26, by any local retirement system, acting pursuant to § 51.1-803, by the Board of the Virginia College Savings Plan acting pursuant to § 23.1-706, or by the

Virginia College Savings Plan's Investment Advisory Committee appointed pursuant to § 23.1-702 of information subject to the exclusion in subdivision 24 of § 2.2-3705.7.

39. Discussion or consideration of information subject to the exclusion in subdivision 3 of § 2.2-3705.6 related to economic development.

40. Discussion or consideration by the Board of Education of information relating to the denial, suspension, or revocation of teacher licenses subject to the exclusion in subdivision 11 of § 2.2-3705.3.

41. Those portions of meetings of the Virginia Military Advisory Council or any commission created by executive order for the purpose of studying and making recommendations regarding preventing closure or realignment of federal military and national security installations and facilities located in Virginia and relocation of such facilities to Virginia, or a local or regional military affairs organization appointed by a local governing body, during which there is discussion of information subject to the exclusion in subdivision 8 of § 2.2-3705.2.

42. Discussion or consideration by the Board of Trustees of the Veterans Services Foundation of information subject to the exclusion in subdivision 28 of § 2.2-3705.7 related to personally identifiable information of donors.

43. Discussion or consideration by the Virginia Tobacco Region Revitalization Commission of information subject to the exclusion in subdivision 23 of § 2.2-3705.6 related to certain information contained in grant applications.

44. Discussion or consideration by the board of directors of the Commercial Space Flight Authority of information subject to the exclusion in subdivision 24 of § 2.2-3705.6 related to rate structures or charges for the use of projects of, the sale of products of, or services rendered by the Authority and certain proprietary information of a private entity provided to the Authority.

45. Discussion or consideration of personal and proprietary information related to the resource management plan program and subject to the exclusion in (i) subdivision 25 of § 2.2-3705.6 or (ii) subsection E of § 10.1-104.7. This exclusion shall not apply to the discussion or consideration of records that contain information that has been certified for release by the person who is the subject of the information or transformed into a statistical or aggregate form that does not allow identification of the person who supplied, or is the subject of, the information.

46. (Effective January 15, 2018) Discussion or consideration by the Board of Directors of the Virginia Alcoholic Beverage Control Authority of information subject to the exclusion in subdivision 1 of § 2.2-3705.3 related to investigations of applicants for licenses and permits and of licensees and permittees.

47. Discussion or consideration of grant or loan application records subject to the exclusion in subdivision 28 of § 2.2-3705.6 related to the submission of an application for an award from the Virginia Research Investment Fund pursuant to Article 8 (§ 23.1-3130 et seq.) of Chapter 31 of Title 23.1 or interviews of parties to an application by a reviewing entity pursuant to subsection D of § 23.1-3133 or by the Virginia Research Investment Committee.

48. Discussion or development of grant proposals by a regional council established pursuant to Article 26 (§ 2.2-2484 et seq.) of Chapter 24 to be submitted for consideration to the Virginia Growth and Opportunity Board.

49. Discussion or consideration of (i) individual sexual assault cases by a sexual assault team established pursuant to § 15.2-1627.4 or (ii) individual child abuse or neglect cases or sex offenses involving a child by a child abuse team established pursuant to § 15.2-1627.5.

50. Discussion or consideration by the Board of the Virginia Economic Development Partnership Authority, or any subcommittee thereof, of the portions of the strategic plan, marketing plan, or operational plan exempt from disclosure pursuant to subdivision 33 of § 2.2-3705.7.

51. Those portions of meetings of the subcommittee of the Board of the Virginia Economic Development Partnership Authority established pursuant to subsection F of § 2.2-2237.3 to review and discuss information received from the Virginia Employment Commission pursuant to subdivision C 2 of § 60.2-114.

B. No resolution, ordinance, rule, contract, regulation or motion adopted, passed or agreed to in a closed meeting shall become effective unless the public body, following the meeting, reconvenes in open meeting and takes a vote of the membership on such resolution, ordinance, rule, contract, regulation, or motion that shall have its substance reasonably identified in the open meeting.

C. Public officers improperly selected due to the failure of the public body to comply with the other provisions of this section shall be de facto officers and, as such, their official actions are valid until they obtain notice of the legal defect in their election.

D. Nothing in this section shall be construed to prevent the holding of conferences between two or more public bodies, or their representatives, but these conferences shall be subject to the same procedures for holding closed meetings as are applicable to any other public body.

E. This section shall not be construed to (i) require the disclosure of any contract between the Department of Health Professions and an impaired practitioner entered into pursuant to Chapter 25.1 (§ 54.1-2515 et seq.) of Title 54.1 or (ii) require the board of directors of any authority created pursuant to the Industrial Development and Revenue Bond Act (§ 15.2-4900 et seq.), or any public body empowered to issue industrial revenue bonds by general or special law, to identify a business or industry to which subdivision A 5 applies. However, such business or industry shall be identified as a matter of public record at least 30 days prior to the actual date of the board's authorization of the sale or issuance of such bonds.

**§ 56-1.3. Regulation of Voice-over-Internet protocol service.**

Notwithstanding any provision of law, except §§ ~~56-484.12-1~~ and § 58.1-1730, to the contrary:

1. "Telecommunications service" and "telephone service" shall not include the provision of Voice-over-Internet protocol service for purposes of regulation by the Commission.

2. The Commission shall not have jurisdiction with respect to the regulation of Voice-over-Internet protocol service, including but not limited to the imposition of regulatory fees, certification requirements, and the filing or approval of tariffs.

3. Nothing herein shall be construed to either mandate or prohibit the payment of switched network access rates or other intercarrier compensation, if any, related to Voice-over-Internet protocol service, as may be determined by the Commission.

**§ 56-484.12. Definitions.**

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

"Automatic location identification" or "ALI" means a telecommunications network capability that enables the automatic display of information defining the geographical location of the telephone used to place a wireless enhanced 9-1-1 call.

"Automatic number identification" or "ANI" means a telecommunications network capability that enables the automatic display of the telephone number used to place a wireless Enhanced 9-1-1 call.

"Board" means the 9-1-1 Services Board created pursuant to this article.

"Chief Information Officer" or "CIO" means the Chief Information Officer appointed pursuant to § 2.2-2005.

"Coordinator" means the Virginia Public Safety Communications Systems Coordinator employed by the Division.

"CMRS" means mobile telecommunications service as defined in the federal Mobile Telecommunications Sourcing Act, 4 U.S.C. § 124, as amended.

"CMRS provider" means an entity authorized by the Federal Communications Commission to provide CMRS within the Commonwealth.

"Division" means the Division of Public Safety Communications created in § 2.2-2031.

"Emergency services IP network" or "ESInet" means a shared public safety agency-managed Internet protocol (IP) network that (i) is used for emergency services communications, (ii) provides an IP transport infrastructure that is capable of carrying voice and data and that supports next generation 9-1-1 service core functions such as routing and location validation of emergency service requests, and (iii) is engineered, managed, and intended to support emergency public safety communications and 9-1-1 service.

"Enhanced 9-1-1 service" or "E-911" means a service consisting of telephone network features and PSAPs provided for users of telephone systems enabling such users to reach a PSAP by dialing the digits "9-1-1." Such service automatically directs 9-1-1 emergency telephone calls to the appropriate PSAPs by selective routing based on the geographical location from which the emergency call originated and provides the capability for ANI and ALI features.

~~"FCC order" means Federal Communications Commission Order 94-102 (61 Federal Register 40348) and any other FCC order that affects the provision of E-911 service to CMRS customers.~~

*"ESInet point of interconnection" means the demarcation point at which the NG9-1-1 Service Provider receives and assumes responsibility for 9-1-1 call traffic from originating service providers.*

"Local exchange carrier" means any public service company granted a certificate to furnish public utility service for the provision of local exchange telephone service pursuant to Chapter 10.1 (§ 56-265.1 et seq.) of Title 56.

"Next generation 9-1-1 service" or "NG9-1-1" means a service that (i) consists of coordinated intrastate 9-1-1 IP networks serving residents of the Commonwealth with the routing of emergency service requests, by voice or data, across public safety ESInets; (ii) automatically directs 9-1-1 emergency telephone calls and other emergency service requests in data formats to the appropriate PSAPs by routing using geographical information system data; (iii) provides for ANI and ALI features; and (iv) interconnects with enhanced 9-1-1 service.

"9-1-1 service" includes E-911 and NG9-1-1.

*"Originating service provider" means the local exchange carrier, VoIP provider, or CMRS provider that serves the end user over which a 9-1-1 call is made.*

"Place of primary use" has the meaning as defined in the federal Mobile Telecommunications Sourcing Act, 4 U.S.C. § 124, as amended.

"Postpaid CMRS" means CMRS that is not prepaid CMRS, as defined in § 56-484.17:1.

"Public safety answering point" or "PSAP" means a facility (i) equipped and staffed on a 24-hour basis to receive and process 9-1-1 calls or (ii) that intends to receive and process 9-1-1 calls and has notified CMRS providers in its jurisdiction of its intention to receive and process such calls.

"VoIP service" means interconnected voice over Internet protocol service as defined in the Code of Federal Regulations, Title 47, Part 9, section 9.3, as amended.

~~"Wireless E-911 CMRS costs" means all reasonable, direct recurring and nonrecurring capital costs and operating expenses incurred by CMRS providers in designing, upgrading, leasing, purchasing, programming, installing, testing, administering, delivering, or maintaining all necessary data, hardware, software and local exchange telephone service required to provide wireless E-911 service, which have been sworn to by an authorized agent of a CMRS provider.~~

"Wireless E-911 Fund" means a dedicated fund consisting of all moneys collected pursuant to the wireless E-911 surcharge, all prepaid wireless E-911 charges collected pursuant to § 56-484.17:1, and any additional funds otherwise allocated or donated to the Wireless E-911 Fund.

"Wireless E-911 service" means the E-911 service required to be provided by CMRS providers pursuant to the FCC order.

"Wireless E-911 surcharge" means a monthly fee of \$0.75 billed with respect to postpaid CMRS customers by each CMRS provider and CMRS reseller on each CMRS device capable of two-way interactive voice communication.

**§ 56-484.16. Local emergency telecommunications requirements; use of digits "9-1-1."**

A. On or before July 1, 2003, every county, city or town in the Commonwealth shall be served by an E-911 system, unless an extension of time has been granted by the Board.

B. The digits "9-1-1" shall be the designated emergency telephone number in Virginia. No public safety agency shall advertise or otherwise promote the use of any number for emergency response service other than "9-1-1."

C. All originating service providers required to provide access to 9-1-1 service shall route the 9-1-1 calls of their subscribers to ESInet points of interconnection designated by the Board. The Board shall establish points of interconnection at or within the local access and transport area and in proximity of each selective router central office providing E-911 service as of July 1, 2018. Additionally, the Board shall establish a minimum of one pair (two) and a maximum of three pair (six) geographically diverse from their designated pair point of session initiation protocol (SIP) interconnection within the Commonwealth. The Board shall establish ESInet points of interconnection in a manner that minimizes cost to the originating service providers to the extent practicable while still achieving necessary 9-1-1 service and ESInet objectives.

D. The NG9-1-1 service provider shall receive the 9-1-1 calls delivered by the originating service provider at the designated ESInet points of interconnection and deliver the calls to the appropriate PSAP. The NG9-1-1 service provider shall not charge the originating service provider to connect to the ESInet point of interconnection nor for the delivery of the 9-1-1 calls to the PSAP. The originating service provider responsibility for 9-1-1 calls ends and the PSAP responsibility begins at their respective sides of the ESInet point of interconnection.

E. The PSAP shall validate the location of the originating service provider subscribers as necessary to ensure the location exists and will route to the appropriate PSAP if 9-1-1 is dialed. The PSAP shall not charge the originating service provider for such validation.

F. No later than July 1, 2023, the Board shall develop and fully implement NG9-1-1 transition plans to migrate PSAPs and originating service providers from E-911 to NG9-1-1. To the extent practicable, the migration of PSAPs will be implemented on a sequential region-by-region basis for those PSAPs served by each legacy E-911 selective router pair. With a minimum of six months' written notice to the impacted stakeholders, this date may be extended by the Board for good cause. For purposes of this section, "good cause" means an event or events reasonably beyond the ability of the Board to anticipate or control.

**§ 56-484.17. Wireless E-911 Fund; uses of Fund; enforcement; audit required.**

A. There is hereby created in the state treasury a special nonreverting fund to be known as the Wireless E-911 Fund (the Fund). The Fund shall be established on the books of the Comptroller. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Except as provided in § 2.2-2031, moneys in the Fund shall be used for the purposes stated in subsections C ~~through~~ and D. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the Tax Commissioner or the Chief Information Officer of the Commonwealth.

B. Each CMRS provider and each CMRS reseller shall collect a wireless E-911 surcharge from each of its customers whose place of primary use is within the Commonwealth. However, no surcharge shall be imposed on federal, state and local government agencies. A payment equal to all wireless E-911 surcharges shall be remitted within 30 days to the Department of Taxation. The Department of Taxation, after subtracting its direct costs of administration, shall deposit all remitted wireless E-911 surcharges into the state treasury. The Comptroller shall as soon as practicable deposit such moneys into the Fund. Each CMRS provider and CMRS reseller may retain an amount equal to three percent of the wireless E-911 surcharges collected to defray the costs of collecting the surcharges. State and local taxes shall not apply to any wireless E-911 surcharge collected from customers. Surcharges collected from customers shall be subject to the provisions of the federal Mobile Telecommunications Sourcing Act (4 U.S.C. § 116 et seq., as amended).

The CMRS provider and CMRS reseller shall collect the surcharge through regular periodic billing.

C. ~~Beginning July 1, 2012, 60~~ Sixty percent of the Wireless E-911 Fund shall be distributed on a monthly basis to the PSAPs according to each PSAP's average pro rata distribution from the Wireless E-911 Fund for fiscal years 2007-2012, taking into account any funding adjustments made pursuant to subsection E. On or before July 1, 2018, and every five years thereafter, the Department of Taxation shall recalculate the distribution percentage for each PSAP based on the ~~cost~~ population and call load data of the PSAP for the previous five fiscal years, which data shall continue to be received by the Board and then reported to the Department of Taxation. The distribution from the Wireless E-911 Fund shall be made on a monthly basis to the PSAPs according to such distribution percentage beginning July 1 of such fiscal year.

D. ~~Using 30 percent of the Wireless E-911 Fund, the Board shall provide payment to CMRS providers of wireless E-911 CMRS costs. For these purposes each CMRS provider shall submit to the Board on or before December 31 of each year an estimate of wireless E-911 CMRS costs it expects to incur during the next fiscal year of counties and municipalities in whose jurisdiction it operates. The Board shall review such estimates and advise each CMRS provider on or before the following March 1 whether its estimate qualifies for payment hereunder and whether the Wireless E-911 Fund is expected to be sufficient for such payment during said fiscal year. A CMRS provider with an approved estimate of costs shall submit~~

its request for payment of such costs no later than four months after the end of the fiscal year in which the cost was incurred. If the portion of the Fund designated for CMRS provider cost payments is insufficient to provide full payment to each CMRS provider for its costs, no unpaid cost shall be paid in the following fiscal year. The remaining 40 percent of the Fund and any remaining funds for the previous fiscal year from the 30 percent for CMRS providers shall be distributed to PSAPs or on behalf of PSAPs based on grant requests received by the Board each fiscal year. The Board shall establish criteria for receiving and making grants from the Fund, including procedures for determining the amount of a grant and payment schedule; however, the grants must be to the benefit of wireless E-911 priority shall be given to grants that support the deployment and sustainment of NG9-1-1. Any grant funding that has not been committed by the Board by the end of the fiscal year shall be distributed to the PSAPs based on the same distribution percentage used during the fiscal year in which the funding was collected; however, the If requested by an originating service provider, the Board shall execute a contract to reimburse that originating service provider for its costs incurred to deliver 9-1-1 calls to the ESInet points of interconnection. The Board shall ensure that cost is minimized while still achieving necessary 9-1-1 service and ESInet objectives. The Board may retain some or all of this uncommitted funding for an identified 9-1-1 funding need in the next fiscal year or for a reserve balance pursuant to a reserve balance policy adopted by the Board.

E. After the end of each fiscal year, on a schedule adopted by the Board, the Board shall audit the grant funding received by all recipients to ensure it was utilized in accordance with the grant requirements. For the fiscal year ending June 30, 2005, the Board shall determine whether qualifying payments to PSAP operators and CMRS providers during the preceding fiscal year exceeded or were less than the actual wireless E-911 PSAP costs or wireless E-911 CMRS costs of any PSAP operator or CMRS provider. Each funding recipient shall provide such verification of such costs as may be requested by the Board. Any overpayment shall be refunded to the Board or credited to payments during the then current then-current fiscal year, on such schedule as the Board shall determine. If payments are less than the actual costs reported, the Board may include the additional funding in the then current then-current fiscal year.

F. The Auditor of Public Accounts, or his legally authorized representatives, shall annually audit the Wireless E-911 Fund. The cost of such audit shall be borne by the Board and be payable from the Wireless E-911 Fund, as appropriate. The Board shall furnish copies of the audits to the Governor, the Public Safety Subcommittees of the Senate Committee on Finance and the House Committee on Appropriations, and the Virginia State Crime Commission.

G. The special tax authorized by § 58.1-1730 shall not be imposed on consumers of CMRS.

2. That §§ 56-484.12:1, 56-484.12:2, and 56-484.15 of the Code of Virginia are repealed.

CHAPTER 534

An Act to amend and reenact § 3.2-6202 of the Code of Virginia, relating to equine activity liability; waiver.

[H 1479]

Approved March 29, 2018

Be it enacted by the General Assembly of Virginia:

1. That § 3.2-6202 of the Code of Virginia is amended and reenacted as follows:

§ 3.2-6202. Liability limited; liability actions prohibited.

A. Except as provided in § 3.2-6203, an equine activity sponsor, an equine professional, or any other person, which shall include a corporation, partnership, or limited liability company, shall not be liable for an injury to or death of a participant resulting from the intrinsic dangers of equine activities and, except as provided in § 3.2-6203, no participant nor any participant's parent, or guardian, or representative of such parent or guardian, shall have or make any claim against or recover from any equine activity sponsor, equine professional, or any other person for injury, loss, damage, or death of the participant resulting from any of the intrinsic dangers of equine activities.

B. Except as provided in § 3.2-6203, no participant or parent or guardian of a participant who has knowingly executed a waiver of his rights to sue or agrees to assume all risks specifically enumerated under this subsection or intrinsic dangers of equine activities may maintain an action against or recover from an equine activity sponsor or an equine professional for an injury to or the death of a participant engaged in an equine activity. The waiver shall give notice to the participant of the intrinsic dangers of equine activities and may be executed at a location other than that of the equine activity. The waiver shall remain valid unless expressly revoked in writing by the participant or his parent or guardian of a minor. For purposes of this section, in the case of a minor participant, the execution of a waiver by a duly authorized representative of the parent or guardian designated in writing by the parent or guardian shall constitute a valid and knowing execution of a waiver by the parent or guardian.

CHAPTER 535

An Act to amend and reenact § 53.1-131.1 of the Code of Virginia, relating to weekend jail time.

[S 36]

Approved March 29, 2018

**Be it enacted by the General Assembly of Virginia:****1. That § 53.1-131.1 of the Code of Virginia is amended and reenacted as follows:****§ 53.1-131.1. Provision for sentencing of person to nonconsecutive days in jail; payment to defray costs; penalty.**

Any court having jurisdiction for the trial of a person charged with a misdemeanor or, traffic offense or charged with, any offense under Chapter 5 (§ 20-61 et seq.) of Title 20, or a felony that is not an act of violence as defined in § 19.2-297.1 may, for good cause, if the defendant is convicted and sentenced to confinement in jail and the active portion of the sentence remaining to be served is 45 days or less, impose the remaining time to be served on weekends or nonconsecutive days to permit the convicted defendant to retain gainful employment; however, the court shall not impose weekends or nonconsecutive days for a person convicted of a felony if the Commonwealth objects. A person sentenced pursuant to this section shall pay an amount to defray the cost of his keep, which amount shall be the actual cost of incarceration but shall not exceed that amount charged to the Compensation Board for purposes of reimbursement as provided in the general appropriation act. Such amount shall be collected by the sheriff, if he is responsible for operating a jail, or by the regional jail superintendent, and remitted by the sheriff to the treasurer of the appropriate county or city, or by the regional jail superintendent to the regional jail board or authority, solely for the purposes of defraying the costs of such weekend or nonconsecutive incarceration. The funds collected pursuant to this section shall not be used for purposes other than those provided for in this section. The assessment provided for herein shall be in addition to any other fees prescribed by law. If the defendant willfully fails to report at times specified by the court, the sentence imposed pursuant to this section shall be revoked and a straight jail sentence imposed.

If an offender who has been sentenced to nonconsecutive days by the court is in violation of the rules of the jail pursuant to § 53.1-117, the sheriff or jail administrator may require the offender to serve out a portion or the entirety of the remainder of his sentence in consecutive days. Upon revoking the offender's ability to serve his sentence on nonconsecutive days, the sheriff or jail administrator shall notify in writing the court that sentenced the offender and indicate the specific violations that led to the decision.

The time served by a person sentenced for violation of state law in a local jail, regional jail, or local jail farm pursuant to this section shall be included in the count of prisoner days reported by the Department for the purpose of apportioning state funds to local correctional facilities for operating costs in accordance with § 53.1-84.

**CHAPTER 536**

*An Act to amend and reenact §§ 24.2-671 and 24.2-675 of the Code of Virginia, relating to elections; write-in votes; duties of local electoral boards.*

[S 150]

Approved March 29, 2018

**Be it enacted by the General Assembly of Virginia:****1. That §§ 24.2-671 and 24.2-675 of the Code of Virginia are amended and reenacted as follows:****§ 24.2-671. Electoral board to meet and ascertain results; conclusiveness of results.**

Each electoral board shall meet at the clerk's or general registrar's office of the county or city for which they are appointed at or before 5:00 p.m. on the day after any election. The board may adjourn to another room of sufficient size in a public building to ascertain the results, and may adjourn as needed, not to exceed seven calendar days from the date of the election. Written directions to the location of any room other than the clerk's or general registrar's office where the board will meet shall be posted at the doors of the clerk's and general registrar's offices prior to the beginning of the meeting.

The board shall open the returns delivered by the officers.

If the electoral board has exercised the option provided by § 24.2-668 for delivery of the election materials to the office of the general registrar on the night of the election, the electoral board shall meet at the office of the general registrar at or before 5:00 p.m. on the day after any election.

The board shall ascertain from the returns the total votes in the county or city, or town in a town election, for each candidate and for and against each question and complete the abstract of votes cast at such election, as provided for in § 24.2-675. For any office in which no person was elected by write-in votes, and for which the total number of write-in votes for that office is less than (i) ~~five~~ 10 percent of the total number of votes cast for that office and (ii) the total number of votes cast for the candidate receiving the most votes, the electoral board shall ascertain the total votes for each write-in candidate for the office within one week following the election. For offices for which the electoral board issues the certificate of election, the result so ascertained, signed and attested, shall be conclusive and shall not thereafter be subject to challenge except as specifically provided in Chapter 8 (§ 24.2-800 et seq.) of this title.

Once the result is so ascertained, the secretary of the electoral board shall deliver one copy of each statement of results to the general registrar to be available for inspection when his office is open for business. The secretary shall then return all pollbooks, any printed inspection and return sheets, and one copy of each statement of results to the clerk.

Beginning with the general election in November 2007, a report of any changes made by the local electoral board to the unofficial results ascertained by the officers of election or any subsequent change to the official abstract of votes made by the local electoral board shall be forwarded to the State Board of Elections and the explanation of such change shall be posted on the State Board website.

Each political party and each independent candidate on the ballot, or each primary candidate, shall be entitled to have representatives present when the local electoral board meets to ascertain the results of the election. Each such party and candidate shall be entitled to have at least as many representatives present as there are teams of officials working to ascertain the results, and the room in which the local electoral board meets shall be of sufficient size and configuration to allow the representatives reasonable access and proximity to view the ballots as the teams of officials work to ascertain the results. The representatives and observers lawfully present shall be prohibited from interfering with the officials in any way.

**§ 24.2-675. Abstracts of votes to be made by secretary and forwarded to State Board and to clerks.**

As soon as the electoral board determines the persons who have received the highest number of votes for any office, the secretary shall make out an abstract of the votes for each of the following: Governor; Lieutenant Governor; Attorney General; members of the Senate of Virginia; members of the House of Delegates; members of the United States Senate; members of the United States House of Representatives; electors of the President and Vice President of the United States; each county office; each city office; each district office; each town office; and such others as may be required for statewide referenda. The abstracts shall contain the names of all persons receiving any vote for each office and the total number of votes received by each person or for or against each question. However, if no person was elected by write-in votes and the total number of write-in votes for any office is less than (i) ~~five~~ 10 percent of the total number of votes cast for that office and (ii) the total number of votes cast for the candidate receiving the most votes, the abstract shall contain only the total number of write-in votes and not the number of write-in votes for each person receiving write-in votes.

The abstracts shall be certified and signed by the electoral board, attested by the secretary, and retained by the electoral board as part of its records. A copy of each, certified under the official seal of the electoral board, shall immediately be mailed or delivered by hand to the State Board. The State Board shall require the electoral board of any county or city to correct any errors found on such abstracts prior to completing the requirements of § 24.2-679.

One certified copy of each abstract of votes shall be forwarded (i) to the clerk of the city council or board of supervisors and recorded in its record book, (ii) for town elections, to the clerk of the town council and recorded in its minute book, and (iii) for each local referendum, to the circuit court for the locality.

**CHAPTER 537**

*An Act to amend and reenact § 24.2-613 of the Code of Virginia, relating to elections; form of ballot; order of independent candidates.*

[S 153]

Approved March 29, 2018

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

**1. That § 24.2-613 of the Code of Virginia is amended and reenacted as follows:**

**§ 24.2-613. Form of ballot.**

A. The ballots shall comply with the requirements of this title and the standards prescribed by the State Board.

B. For elections for federal, statewide, and General Assembly offices only, each candidate who has been nominated by a political party or in a primary election shall be identified by the name of his political party. Independent candidates shall be identified by the term "Independent." For the purpose of this section, any Independent candidate may, by producing sufficient and appropriate evidence of nomination by a "recognized political party" to the State Board, have the term "Independent" on the ballot converted to that of a "recognized political party" on the ballot and be treated on the ballot in a manner consistent with the candidates nominated by political parties. For the purpose of this section, a "recognized political party" is defined as an organization that, for at least six months preceding the filing of its nominee for the office, has had in continual existence a state central committee composed of registered voters residing in each congressional district of the Commonwealth, a party plan and bylaws, and a duly elected state chairman and secretary. A letter from the state chairman of a recognized political party certifying that a candidate is the nominee of that party and also signed by such candidate accepting that nomination shall constitute sufficient and appropriate evidence of nomination by a recognized political party. The name of the political party, the name of the "recognized political party," or term "Independent" may be shown by an initial or abbreviation to meet ballot requirements.

C. Except as provided for primary elections, the State Board shall determine by lot the order of the political parties, and the names of all candidates for a particular office shall appear together in the order determined for their parties. In an election district in which more than one person is nominated by one political party for the same office, the candidates' names shall appear alphabetically in their party groups under the name of the office, with sufficient space between party groups to indicate them as such. For the purpose of this section, except as provided for presidential elections in § 24.2-614, "recognized political parties" shall be treated as a class; the order of the recognized political parties within the class shall be determined by lot by the State Board; and the class shall follow the political parties as defined by § 24.2-101 and precede the independent class. Independent candidates shall be treated as a class under "Independent", and their names shall be placed on the ballot after the political parties and recognized political parties. Where there is more than one independent candidate for an office, their names shall appear on the ballot in an order determined by the priority of time of filing ~~at~~ ~~required paperwork~~ for the office. In the event two or more candidates file simultaneously, the order of filing shall then be determined by lot by the electoral board as in the case of a tie vote for the office.

*For the purposes of this subsection, "time of filing for the office" means the time at which an independent candidate has filed his petition signature pages with a number of signatures at least equal to the number required for the office pursuant to § 24.2-506. In the case of an office for which no petition is required, "time of filing for the office" means the time at which the candidate has filed his completed statement of qualification pursuant to § 24.2-501.*

No individual's name shall appear on the ballot more than once for the same office.

D. In preparing the printed ballots for general, special, and primary elections, the State Board and electoral boards shall cause to be printed in not less than 10-point type, immediately below the title of any office, a statement of the number of candidates for whom votes may be cast for that office. For any office to which only one candidate can be elected, the following language shall be used: "Vote for only one." For any office to which more than one candidate can be elected, the following language shall be used: "Vote for not more than."

E. Any locality that uses machine-readable ballots at one or more precincts, including any central absentee precinct, may, with the approval of the State Board, use a printed reproduction of the machine-readable ballot in lieu of the official machine-readable ballot. Such reproductions shall be printed and otherwise handled in accordance with all laws and procedures that apply to official paper ballots.

In every county and city using voting systems requiring printed ballots, the electoral board shall furnish a sufficient number of ballots printed on plain white paper, of such form and size as will fit in the ballot frames.

### CHAPTER 538

*An Act to amend and reenact § 24.2-947.5 of the Code of Virginia, relating to the Campaign Finance Disclosure Act of 2006; campaign committees; electronic filing requirement.*

[S 264]

Approved March 29, 2018

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

**1. That § 24.2-947.5 of the Code of Virginia is amended and reenacted as follows:**

**§ 24.2-947.5. With whom candidates file reports; electronic filing requirement.**

A. Candidates for statewide office *and for the General Assembly* shall file the reports required by this article by computer or electronic means in accordance with the standards approved by the State Board.

B. Candidates for ~~the General Assembly~~ *may local or constitutional office in any locality with a population of more than 70,000* shall file reports required by this article with the State Board by computer or electronic means in accordance with the standards approved by the State Board. ~~Nonelectronic reports for the General Assembly shall be filed with the State Board and with the general registrar of the locality where the candidate resides. All other candidates for local or constitutional office may file reports required by this article with the State Board by computer or electronic means in accordance with the standards approved by the State Board. Candidates who file by electronic means with the State Board are not required to file reports with the general registrar of the locality in which the candidate resides.~~

C. Except as provided in § 24.2-948.1, candidates for any other office in nonelectronic format shall file with the general registrar of the locality in which the candidate resides. ~~Beginning July 1, 2007, candidates for local or constitutional office may file reports required by this article with the State Board by computer or other electronic means in accordance with standards approved by the State Board. Candidates who file by electronic means with the State Board do not have to file reports with the general registrar of the locality in which the candidate resides.~~

D. Any report that may be filed with the State Board by mail shall be (i) received by the State Board by the deadline for filing the report or (ii) transmitted to the State Board by telephonic transmission to a facsimile device by the deadline for filing the report with an original copy of the report mailed to the State Board and postmarked by the deadline for filing the report.

### CHAPTER 539

*An Act to amend and reenact § 24.2-411 of the Code of Virginia, relating to office of the general registrar; open five days a week.*

[S 379]

Approved March 29, 2018

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

**1. That § 24.2-411 of the Code of Virginia is amended and reenacted as follows:**

**§ 24.2-411. Office of the general registrar.**

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

and office supplies. The telephone number shall be listed in the local telephone directory separately or under the local governmental listing under the designation "Voter Registration."

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

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

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

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

## CHAPTER 540

*An Act to amend and reenact § 2.2-4310 of the Code of Virginia, relating to the Virginia Public Procurement Act; participation of service disabled veteran-owned business.*

[S 386]

Approved March 29, 2018

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

**1. That § 2.2-4310 of the Code of Virginia is amended and reenacted as follows:**

**§ 2.2-4310. Discrimination prohibited; participation of small, women-owned, minority-owned, and service disabled veteran-owned businesses and employment services organizations.**

A. In the solicitation or awarding of contracts, no public body shall discriminate against a bidder or offeror because of race, religion, color, sex, national origin, age, disability, status as a service disabled veteran, or any other basis prohibited by state law relating to discrimination in employment. Whenever solicitations are made, each public body shall include businesses selected from a list made available by the Department of Small Business and Supplier Diversity, which list shall include all companies and organizations certified by the Department.

B. All public bodies shall establish programs consistent with this chapter to facilitate the participation of small businesses, businesses owned by women, minorities, and service disabled veterans, and employment services organizations in procurement transactions. The programs established shall be in writing and shall comply with the provisions of any enhancement or remedial measures authorized by the Governor pursuant to subsection C or, where applicable, by the chief executive of a local governing body pursuant to § 15.2-965.1, and shall include specific plans to achieve any goals established therein. State agencies shall submit annual progress reports on (i) small, women-owned, and minority-owned business procurement, (ii) service disabled veteran-owned business procurement, and (iii) employment services organization procurement to the Department of Small Business and Supplier Diversity in a form specified by the Department of Small Business and Supplier Diversity. Contracts and subcontracts awarded to employment services organizations *and service disabled veteran-owned businesses* shall be credited toward the small business, women-owned, and minority-owned business contracting and subcontracting goals of state agencies and contractors. The Department of Small Business and Supplier Diversity shall make information on service disabled veteran-owned procurement available to the Department of Veterans Services upon request.

C. Whenever there exists (i) a rational basis for small business or employment services organization enhancement or (ii) a persuasive analysis that documents a statistically significant disparity between the availability and utilization of women-owned and minority-owned businesses, the Governor is authorized and encouraged to require state agencies to implement appropriate enhancement or remedial measures consistent with prevailing law. Any enhancement or remedial measure authorized by the Governor pursuant to this subsection for state public bodies may allow for small businesses certified by the Department of Small Business and Supplier Diversity or a subcategory of small businesses established as a part of the enhancement program to have a price preference over noncertified businesses competing for the same contract award on designated procurements, provided that the bid of the certified small business or the business in such subcategory of small businesses established as a part of an enhancement program does not exceed the low bid by more than five percent.

D. In awarding a contract for services to a small, women-owned, or minority-owned business that is certified in accordance with § 2.2-1606, or to a business identified by a public body as a service disabled veteran-owned business where the award is being made pursuant to an enhancement or remedial program as provided in subsection C, the public body shall include in every such contract of more than \$10,000 the following:

"If the contractor intends to subcontract work as part of its performance under this contract, the contractor shall include in the proposal a plan to subcontract to small, women-owned, minority-owned, and service disabled veteran-owned businesses."

E. In the solicitation or awarding of contracts, no state agency, department or institution shall discriminate against a bidder or offeror because the bidder or offeror employs ex-offenders unless the state agency, department or institution has made a written determination that employing ex-offenders on the specific contract is not in its best interest.

F. As used in this section:

"Employment services organization" means an organization that provides community-based employment services to individuals with disabilities that is an approved Commission on Accreditation of Rehabilitation Facilities (CARF) accredited vendor of the Department for Aging and Rehabilitative Services.

"Minority individual" means an individual who is a citizen of the United States or a legal resident alien and who satisfies one or more of the following definitions:

1. "African American" means a person having origins in any of the original peoples of Africa and who is regarded as such by the community of which this person claims to be a part.

2. "Asian American" means a person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands, including but not limited to Japan, China, Vietnam, Samoa, Laos, Cambodia, Taiwan, Northern Mariana Islands, the Philippines, a U.S. territory of the Pacific, India, Pakistan, Bangladesh, or Sri Lanka and who is regarded as such by the community of which this person claims to be a part.

3. "Hispanic American" means a person having origins in any of the Spanish-speaking peoples of Mexico, South or Central America, or the Caribbean Islands or other Spanish or Portuguese cultures and who is regarded as such by the community of which this person claims to be a part.

4. "Native American" means a person having origins in any of the original peoples of North America and who is regarded as such by the community of which this person claims to be a part or who is recognized by a tribal organization.

"Minority-owned business" means a business that is at least 51 percent owned by one or more minority individuals who are U.S. citizens or legal resident aliens, or in the case of a corporation, partnership, or limited liability company or other entity, at least 51 percent of the equity ownership interest in the corporation, partnership, or limited liability company or other entity is owned by one or more minority individuals who are U.S. citizens or legal resident aliens, and both the management and daily business operations are controlled by one or more minority individuals, or any historically black college or university as defined in § 2.2-1604, regardless of the percentage ownership by minority individuals or, in the case of a corporation, partnership, or limited liability company or other entity, the equity ownership interest in the corporation, partnership, or limited liability company or other entity.

"Service disabled veteran" means a veteran who (i) served on active duty in the United States military ground, naval, or air service, (ii) was discharged or released under conditions other than dishonorable, and (iii) has a service-connected disability rating fixed by the United States Department of Veterans Affairs.

"Service disabled veteran business" means a business that is at least 51 percent owned by one or more service disabled veterans or, in the case of a corporation, partnership, or limited liability company or other entity, at least 51 percent of the equity ownership interest in the corporation, partnership, or limited liability company or other entity is owned by one or more individuals who are service disabled veterans and both the management and daily business operations are controlled by one or more individuals who are service disabled veterans.

"Small business" means a business, independently owned and controlled by one or more individuals who are U.S. citizens or legal resident aliens, and together with affiliates, has 250 or fewer employees, or annual gross receipts of \$10 million or less averaged over the previous three years. One or more of the individual owners shall control both the management and daily business operations of the small business.

"State agency" means any authority, board, department, instrumentality, institution, agency, or other unit of state government. "State agency" shall not include any county, city, or town.

"Women-owned business" means a business that is at least 51 percent owned by one or more women who are U.S. citizens or legal resident aliens, or in the case of a corporation, partnership, or limited liability company or other entity, at least 51 percent of the equity ownership interest is owned by one or more women who are U.S. citizens or legal resident aliens, and both the management and daily business operations are controlled by one or more women.

## CHAPTER 541

*An Act to amend and reenact § 2.2-3802 of the Code of Virginia, relating to the Government Data Collection and Dissemination Practices Act; exemption for Division of Capitol Police.*

[S 407]

Approved March 29, 2018

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

**1. That § 2.2-3802 of the Code of Virginia is amended and reenacted as follows:**

**§ 2.2-3802. Systems to which chapter inapplicable.**

The provisions of this chapter shall not apply to personal information systems:

1. Maintained by any court of the Commonwealth;
2. Which may exist in publications of general circulation;
3. Contained in the Criminal Justice Information System as defined in §§ 9.1-126 through 9.1-137 or in the Sex Offender and Crimes Against Minors Registry maintained by the Department of State Police pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1, except to the extent that information is required to be posted on the Internet pursuant to § 9.1-913;
4. Contained in the Virginia Juvenile Justice Information System as defined in §§ 16.1-222 through 16.1-225;
5. Maintained by agencies concerning persons required by law to be licensed in the Commonwealth to engage in the practice of any profession, in which case the names and addresses of persons applying for or possessing the license may be disseminated upon written request to a person engaged in the profession or business of offering professional educational materials or courses for the sole purpose of providing the licensees or applicants for licenses with informational materials relating solely to available professional educational materials or courses, provided the disseminating agency is reasonably assured that the use of the information will be so limited;
6. Maintained by the Parole Board, the Crime Commission, the Judicial Inquiry and Review Commission, the Virginia Racing Commission, and the Virginia Alcoholic Beverage Control Authority;
7. Maintained by any of the following and that deal with investigations and intelligence gathering related to criminal activity:
  - a. The Department of State Police;
  - b. The police department of the Chesapeake Bay Bridge and Tunnel Commission;
  - c. Police departments of cities, counties, and towns;
  - d. Sheriff's departments of counties and cities; ~~and~~
  - e. Campus police departments of public institutions of higher education as established by Article 3 (§ 23.1-809 et seq.) of Chapter 8 of Title 23.1; *and*
  - f. *The Division of Capitol Police.*
8. Maintained by local departments of social services regarding alleged cases of child abuse or neglect while such cases are also subject to an ongoing criminal prosecution;
9. Maintained by the Virginia Port Authority as provided in § 62.1-132.4 or 62.1-134.1;
10. Maintained by the Virginia Tourism Authority in connection with or as a result of the promotion of travel or tourism in the Commonwealth, in which case names and addresses of persons requesting information on those subjects may be disseminated upon written request to a person engaged in the business of providing travel services or distributing travel information, provided the Virginia Tourism Authority is reasonably assured that the use of the information will be so limited;
11. Maintained by the Division of Consolidated Laboratory Services of the Department of General Services and the Department of Forensic Science, which deal with scientific investigations relating to criminal activity or suspected criminal activity, except to the extent that § 9.1-1104 may apply;
12. Maintained by the Department of Corrections or the Office of the State Inspector General that deal with investigations and intelligence gathering by persons acting under the provisions of Chapter 3.2 (§ 2.2-307 et seq.);
13. Maintained by (i) the Office of the State Inspector General or internal audit departments of state agencies or institutions that deal with communications and investigations relating to the Fraud, Waste and Abuse Hotline or (ii) an auditor appointed by the local governing body of any county, city, or town or a school board that deals with local investigations required by § 15.2-2511.2;
14. Maintained by the Department of Social Services or any local department of social services relating to public assistance fraud investigations; and
15. Maintained by the Department of Social Services related to child welfare, adult services or adult protective services, or public assistance programs when requests for personal information are made to the Department of Social Services. Requests for information from these systems shall be made to the appropriate local department of social services, which is the custodian of that record. Notwithstanding the language in this section, an individual shall not be prohibited from obtaining information from the central registry in accordance with the provisions of § 63.2-1515.

## CHAPTER 542

*An Act to amend and reenact § 15.2-1132 of the Code of Virginia, relating to City of Hampton; volunteer property maintenance and zoning inspectors.*

[H 1183]

Approved March 30, 2018

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

**1. That § 15.2-1132 of the Code of Virginia is amended and reenacted as follows:**

**§ 15.2-1132. Volunteer property maintenance and zoning inspectors in certain cities.**

The Cities of Chesapeake, *Hampton*, Newport News, Portsmouth, Richmond, and Virginia Beach may provide that the agency charged with the enforcement of local ordinances adopted pursuant to §§ 15.2-901, 15.2-903, 15.2-904, 15.2-905,

and 15.2-908 or city charter relating to the external maintenance of property or local zoning ordinances relating to motor vehicles or trailers as defined in § 46.2-100 may utilize supervised, trained, and qualified volunteers to issue notices of noncompliance with such ordinances. Such volunteers shall have any and all immunity provided to an employee of the locality doing an identical job.

### CHAPTER 543

*An Act to amend and reenact § 19.2-310.2 of the Code of Virginia, relating to DNA analysis upon conviction of certain misdemeanors.*

[H 1249]

Approved March 30, 2018

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

**1. That § 19.2-310.2 of the Code of Virginia is amended and reenacted as follows:**

**§ 19.2-310.2. Blood, saliva, or tissue sample required for DNA analysis upon conviction of certain crimes; fee.**

A. Every person convicted of a felony on or after July 1, 1990, every person convicted of a felony offense under Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2 who was incarcerated on July 1, 1989, and every person convicted of a misdemeanor violation of § 16.1-253.2, 18.2-57, 18.2-60.3, 18.2-60.4, 18.2-67.4, 18.2-67.4:1, 18.2-67.4:2, 18.2-67.5, 18.2-102, 18.2-119, 18.2-121, 18.2-130, 18.2-370.6, 18.2-387, 18.2-387.1, or 18.2-479.1 shall have a sample of his blood, saliva or tissue taken for DNA (deoxyribonucleic acid) analysis to determine identification characteristics specific to the person. If a sample has been previously taken from the person as indicated by the Local Inmate Data System (LIDS), no additional sample shall be taken. The Department of Forensic Science shall provide to LIDS the most current information submitted to the DNA data bank on a weekly basis and shall remove from LIDS and the data bank persons no longer eligible to be in the data bank. A fee of \$53 shall be charged for the withdrawal of this sample. The fee shall be taxed as part of the costs of the criminal case resulting in the conviction and \$15 of the fee shall be paid into the general fund of the locality where the sample was taken and \$38 of the fee shall be paid into the general fund of the state treasury. This fee shall only be taxed one time regardless of the number of samples taken. The assessment provided for herein shall be in addition to any other fees prescribed by law. The analysis shall be performed by the Department of Forensic Science or other entity designated by the Department. The identification characteristics of the profile resulting from the DNA analysis shall be stored and maintained by the Department in a DNA data bank and shall be made available only as provided in § 19.2-310.5.

B. After July 1, 1990, the blood, saliva, or tissue sample shall be taken prior to release from custody. Notwithstanding the provisions of § 53.1-159, any person convicted of an offense listed in subsection A who is in custody after July 1, 1990, shall provide a blood, saliva, or tissue sample prior to his release. Every person so convicted after July 1, 1990, who is not sentenced to a term of confinement shall provide a blood, saliva, or tissue sample as a condition of such sentence. A person required under this section to submit a sample for DNA analysis is not relieved from this requirement regardless of whether no blood, saliva, or tissue sample has been taken from the person or, if a sample has been taken, whether the sample or the results from the analysis of a sample cannot be found in the DNA data bank maintained by the Department of Forensic Science.

C. Nothing in this section shall prevent the Department of Forensic Science from including the identification characteristics of an individual's DNA profile in the DNA data bank as ordered by a circuit court pursuant to a lawful plea agreement.

D. A collection or placement of a sample for DNA analysis that was taken or retained in good faith does not invalidate the sample's use in the data bank pursuant to the provisions of this article. The detention, arrest, or conviction of a person based upon a data bank match or data bank information is not invalidated if it is determined that the sample was obtained, placed, or retained in the data bank in good faith, or if the conviction or juvenile adjudication that resulted in the collection of the DNA sample was subsequently vacated or otherwise altered in any future proceeding, including but not limited to post-trial or post-fact-finding motions, appeals, or collateral attacks.

E. The Virginia Department of Corrections and the Department of Forensic Science shall, on a quarterly basis, compare databases of offenders under the custody or supervision of the Department of Corrections with the DNA data bank of the Department of Forensic Science. The Virginia Department of Corrections shall require a DNA sample of those offenders under its custody or supervision if they are not identified in the DNA data bank.

F. The Department of State Police shall verify that a DNA sample required to be taken for the Sex Offender and Crimes Against Minors Registry pursuant to § 9.1-903 has been received by the Department of Forensic Science. In any instance where a DNA sample has not been received, the Department of State Police or its designee shall obtain from the person required to register a sample for DNA analysis.

G. Each community-based probation services agency established pursuant to § 9.1-174 shall determine by reviewing the Local Inmate Data System upon intake and again prior to discharge whether a blood, saliva, or tissue sample has been taken for DNA analysis for each offender required to submit a sample pursuant to this section and, if no sample has been taken, require an offender to submit a sample for DNA analysis.

H. The sheriff or regional jailer shall determine by reviewing the Local Inmate Data System upon intake and again prior to release whether a blood, saliva, or tissue sample has been taken for DNA analysis for each offender required to

submit a sample pursuant to this section and, if no sample has been taken, require an offender to submit a sample for DNA analysis.

#### CHAPTER 544

*An Act to amend and reenact § 19.2-310.2 of the Code of Virginia, relating to DNA analysis upon conviction of certain misdemeanors.*

[S 565]

Approved March 30, 2018

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

**1. That § 19.2-310.2 of the Code of Virginia is amended and reenacted as follows:**

**§ 19.2-310.2. Blood, saliva, or tissue sample required for DNA analysis upon conviction of certain crimes; fee.**

A. Every person convicted of a felony on or after July 1, 1990, every person convicted of a felony offense under Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2 who was incarcerated on July 1, 1989, and every person convicted of a misdemeanor violation of § 16.1-253.2, 18.2-57, 18.2-60.3, 18.2-60.4, 18.2-67.4, 18.2-67.4:1, 18.2-67.4:2, 18.2-67.5, 18.2-102, 18.2-119, 18.2-121, 18.2-130, 18.2-370.6, 18.2-387, 18.2-387.1, or 18.2-479.1 shall have a sample of his blood, saliva or tissue taken for DNA (deoxyribonucleic acid) analysis to determine identification characteristics specific to the person. If a sample has been previously taken from the person as indicated by the Local Inmate Data System (LIDS), no additional sample shall be taken. The Department of Forensic Science shall provide to LIDS the most current information submitted to the DNA data bank on a weekly basis and shall remove from LIDS and the data bank persons no longer eligible to be in the data bank. A fee of \$53 shall be charged for the withdrawal of this sample. The fee shall be taxed as part of the costs of the criminal case resulting in the conviction and \$15 of the fee shall be paid into the general fund of the locality where the sample was taken and \$38 of the fee shall be paid into the general fund of the state treasury. This fee shall only be taxed one time regardless of the number of samples taken. The assessment provided for herein shall be in addition to any other fees prescribed by law. The analysis shall be performed by the Department of Forensic Science or other entity designated by the Department. The identification characteristics of the profile resulting from the DNA analysis shall be stored and maintained by the Department in a DNA data bank and shall be made available only as provided in § 19.2-310.5.

B. After July 1, 1990, the blood, saliva, or tissue sample shall be taken prior to release from custody. Notwithstanding the provisions of § 53.1-159, any person convicted of an offense listed in subsection A who is in custody after July 1, 1990, shall provide a blood, saliva, or tissue sample prior to his release. Every person so convicted after July 1, 1990, who is not sentenced to a term of confinement shall provide a blood, saliva, or tissue sample as a condition of such sentence. A person required under this section to submit a sample for DNA analysis is not relieved from this requirement regardless of whether no blood, saliva, or tissue sample has been taken from the person or, if a sample has been taken, whether the sample or the results from the analysis of a sample cannot be found in the DNA data bank maintained by the Department of Forensic Science.

C. Nothing in this section shall prevent the Department of Forensic Science from including the identification characteristics of an individual's DNA profile in the DNA data bank as ordered by a circuit court pursuant to a lawful plea agreement.

D. A collection or placement of a sample for DNA analysis that was taken or retained in good faith does not invalidate the sample's use in the data bank pursuant to the provisions of this article. The detention, arrest, or conviction of a person based upon a data bank match or data bank information is not invalidated if it is determined that the sample was obtained, placed, or retained in the data bank in good faith, or if the conviction or juvenile adjudication that resulted in the collection of the DNA sample was subsequently vacated or otherwise altered in any future proceeding, including but not limited to post-trial or post-fact-finding motions, appeals, or collateral attacks.

E. The Virginia Department of Corrections and the Department of Forensic Science shall, on a quarterly basis, compare databases of offenders under the custody or supervision of the Department of Corrections with the DNA data bank of the Department of Forensic Science. The Virginia Department of Corrections shall require a DNA sample of those offenders under its custody or supervision if they are not identified in the DNA data bank.

F. The Department of State Police shall verify that a DNA sample required to be taken for the Sex Offender and Crimes Against Minors Registry pursuant to § 9.1-903 has been received by the Department of Forensic Science. In any instance where a DNA sample has not been received, the Department of State Police or its designee shall obtain from the person required to register a sample for DNA analysis.

G. Each community-based probation services agency established pursuant to § 9.1-174 shall determine by reviewing the Local Inmate Data System upon intake and again prior to discharge whether a blood, saliva, or tissue sample has been taken for DNA analysis for each offender required to submit a sample pursuant to this section and, if no sample has been taken, require an offender to submit a sample for DNA analysis.

H. The sheriff or regional jailer shall determine by reviewing the Local Inmate Data System upon intake and again prior to release whether a blood, saliva, or tissue sample has been taken for DNA analysis for each offender required to submit a sample pursuant to this section and, if no sample has been taken, require an offender to submit a sample for DNA analysis.

## CHAPTER 545

*An Act to amend and reenact § 15.2-6402 of the Code of Virginia, relating to regional industrial facility authority.*

[H 1452]

Approved March 30, 2018

**Be it enacted by the General Assembly of Virginia:****1. That § 15.2-6402 of the Code of Virginia is amended and reenacted as follows:****§ 15.2-6402. Procedure for creation of authorities.**

The governing bodies of any ~~three~~ two or more localities within the region, provided that *at least* two or more of the localities are cities or counties or a combination thereof, may, in conformance with the procedure set forth herein, create a regional industrial facility authority by adopting ordinances proposing to create an authority which shall (i) set forth the name of the proposed regional industrial facility authority (which shall include the words "industrial facility authority"); (ii) name the member localities; (iii) contain findings that the economic growth and development of the locality and the comfort, convenience and welfare of its citizens require the development of facilities and that joint action through a regional industrial facility authority by the localities which are to be members of the proposed authority will facilitate the development of the needed facilities; and (iv) authorize the execution of an agreement establishing the respective rights and obligations of the member localities with respect to the authority consistent with the provisions of this chapter. However, with regard to Planning Districts 2, 3, 10, 11 and 12, the governing bodies of any two or more localities within the region, provided that one or more of the localities is a city or county, may adopt such an ordinance. Such ordinances shall be filed with the Secretary of the Commonwealth. Upon certification by the Secretary of the Commonwealth that the ordinances required by this chapter have been filed and, upon the basis of the facts set forth therein, satisfy such requirements, the proposed authority shall be and constitute an authority for all of the purposes of this chapter, to be known and designated by the name stated in the ordinances. Upon the issuance of such certificate, the authority shall be deemed to have been lawfully and properly created and established and authorized to exercise its powers under this chapter. Each authority created pursuant to this chapter is hereby created as a political subdivision of the Commonwealth. At any time subsequent to the creation of an authority under this chapter, the membership of the authority may, with the approval of the authority's board, be expanded to include any locality within the region that would have been eligible to be an initial member of the authority. The governing body of a locality seeking to become a member of an existing authority shall evidence its intent to become a member by adopting an ordinance proposing to join the authority that conforms, to the extent applicable, to the requirements for an ordinance set forth in clauses (i), (iii), and (iv) of this section.

## CHAPTER 546

*An Act to amend and reenact § 19.2-60.1 of the Code of Virginia, relating to use of unmanned aircraft systems by public bodies; search warrant required; exception.*

[H 1482]

Approved March 30, 2018

**Be it enacted by the General Assembly of Virginia:****1. That § 19.2-60.1 of the Code of Virginia is amended and reenacted as follows:****§ 19.2-60.1. Use of unmanned aircraft systems by public bodies; search warrant required.**

A. As used in this section, unless the context requires a different meaning:

"Unmanned aircraft" means an aircraft that is operated without the possibility of human intervention from within or on the aircraft.

"Unmanned aircraft system" means an unmanned aircraft and associated elements, including communication links, sensing devices, and the components that control the unmanned aircraft.

B. No state or local government department, agency, or instrumentality having jurisdiction over criminal law enforcement or regulatory violations, including but not limited to the Department of State Police, and no department of law enforcement as defined in § 15.2-836 of any county, city, or town shall utilize an unmanned aircraft system except during the execution of a search warrant issued pursuant to this chapter or an administrative or inspection warrant issued pursuant to law.

C. Notwithstanding the prohibition in this section, an unmanned aircraft system may be deployed without a warrant (i) when an Amber Alert is activated pursuant to § 52-34.3; (ii) when a Senior Alert is activated pursuant to § 52-34.6; (iii) when a Blue Alert is activated pursuant to § 52-34.9; (iv) where use of an unmanned aircraft system is determined to be necessary to alleviate an immediate danger to any person; (v) *by a law-enforcement officer following an accident where a report is required pursuant to § 46.2-373, to survey the scene of such accident for the purpose of crash reconstruction and record the scene by photographic or video images;* (vi) *by the Department of Transportation when assisting a law-enforcement officer to prepare a report pursuant to § 46.2-373;* (vii) for training exercises related to such uses; or ~~(vi)~~ (viii) if a person with legal authority consents to the warrantless search.

D. The warrant requirements of this section shall not apply when such systems are utilized to support the Commonwealth for purposes other than law enforcement, including damage assessment, traffic assessment, flood stage assessment, and wildfire assessment. Nothing herein shall prohibit use of unmanned aircraft systems for private, commercial, or recreational use or solely for research and development purposes by institutions of higher education and other research organizations or institutions.

E. Evidence obtained through the utilization of an unmanned aircraft system in violation of this section is not admissible in any criminal or civil proceeding.

F. In no case may a weaponized unmanned aircraft system be deployed in the Commonwealth or its use facilitated in the Commonwealth by a state or local government department, agency, or instrumentality or department of law enforcement in the Commonwealth except in operations at the Space Port and Naval/Aegis facilities at Wallops Island.

G. Nothing herein shall apply to the Armed Forces of the United States or the Virginia National Guard while utilizing unmanned aircraft systems during training required to maintain readiness for its federal mission or when facilitating training for other U.S. Department of Defense units.

CHAPTER 547

*An Act to amend and reenact § 15.2-5102.1, as it is currently effective, of the Code of Virginia, relating to Hampton Roads area authority; board terms.*

[H 1560]

Approved March 30, 2018

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

**1. That § 15.2-5102.1, as it is currently effective, of the Code of Virginia is amended and reenacted as follows:**

**§ 15.2-5102.1. (Contingent expiration date) Hampton Roads area refuse collection and disposal system authority.**

Any authority, or any subsidiary thereof, organized pursuant to § 15.2-5102 to operate a refuse collection and disposal system that has among its members the Cities of Norfolk, Virginia Beach, Portsmouth, Chesapeake, and Franklin, and the Counties of Isle of Wight, Southampton, and Suffolk, shall, notwithstanding any other law to the contrary, comply with the following requirements:

1. Each locality that is a member of the authority shall be entitled to nominate individuals to fill one position on the Board of Directors (the Board) by submitting a list of three potential directors, each of whom shall possess general business knowledge and shall not be an elected official, to the Governor. The Governor shall then select and appoint one director from each of the lists of nominees prepared by the member localities. In addition, each member locality shall be authorized to directly appoint, upon a majority vote of the governing body of the member locality, one ex officio member of the Board who shall be an employee of the member locality. The members of the Board shall be appointed for terms of four years each. Vacancies occurring other than by expiration of a term shall be filled for the unexpired term. Vacancies shall be filled in the same manner as the original appointments. No member shall serve for more than two consecutive four-year terms, except that (i) any member appointed to the unexpired term of another shall be eligible to serve two consecutive four-year terms and (ii) a member directly appointed by the governing body of a member locality shall not be subject to a term limit.

2. The authority shall develop and maintain an overall strategic plan that shall cover a period of at least five years forward from the year in which it is submitted and approved by the Board. The plans shall be reviewed annually to determine whether amendments are needed. Any such amendments shall be submitted to the board of directors for approval.

3. The authority's core purpose shall be defined as "management of the safe and environmentally sound disposal of regional waste." The authority shall devote its time and effort to activities associated with its core purpose. A vote of a majority of the Board shall be required prior to undertaking any activities not associated with the authority's core purpose.

4. The authority shall develop and maintain a strategic operating plan identifying all elements of its core business units and core purpose, how each business and administrative unit will support the overall strategic plan, and how the authority will achieve its stated mission and core purpose. The strategic operating plan shall be subject to review and approval of the Board on an annual basis.

5. The authority shall consider outsourcing any or all functions that may result in reduced costs to the authority, and the authority shall annually issue requests for proposals that potentially reduce the costs of any of its programs. In addition, the authority shall accept and review any proposals under the Public-Private Education Facilities and Infrastructure Act of 2002 (§ 56-575.1 et seq.) that potentially reduce the costs of any of the authority's programs.

6. The authority shall evaluate its landfill capacity annually, taking into consideration and projecting future changes in the quantity of waste disposed of in its landfill, or landfills reasonably situated or contractually obligated to accept its waste.

7. The authority shall keep records of its costs, revenue, debts, and capital expenses by fiscal year for each program. The authority shall also keep records of costs for each individual capital project.

8. The authority shall maintain a detailed financing plan that shall include a plan for the retirement of all debt and a plan for the funding of all planned capital projects. The plan for the funding of all planned capital projects shall specify the amount of debt the authority will issue in furtherance of the projects and the debt repayment plan for any new debt created

by the capital projects, including the revenue source that will be used to repay the debt. The detailed financing plan shall be updated and approved annually by the Board and reviewed and certified annually by an external certified public accountant.

9. Prior to issuance of new debt, the Board shall perform a due diligence investigation of the appropriateness of issuing the debt, including an analysis of the costs of repaying the debt. Such analysis shall be certified by an external certified public accountant, reviewed by the Board, and approved by a vote of a minimum of 75 percent of the Board. The issuance of new debt shall require a vote of a minimum of 75 percent of the Board of Directors of the authority. The authority shall not issue long-term bond indebtedness to fund operational expenses. The provisions of this subdivision shall not apply to the issuance of new debt issued for the purpose of refunding or refinancing debt incurred by the authority prior to September 30, 2009.

10. In the interest of open and transparent government, the authority shall adhere strictly to the requirements of the Freedom of Information Act (§ 2.2-3700 et seq.).

11. The executive director of the authority shall not be permitted to execute or commit the authority to any contract, memorandum of agreement or memorandum of understanding without an informed vote of approval by the Board. This subdivision shall not apply in the case of (i) contracts for the purchase of goods and services for an aggregate sum of less than \$30,000, which are subject to the Virginia Procurement Act (Va. Code § 2.2-4300 et seq.) but exempted from competitive negotiation or competitive sealed bidding by a duly adopted policy of the Board and (ii) sole source and emergency procurements made pursuant to subsections E and F of § 2.2-4303.

## CHAPTER 548

*An Act to amend and reenact §§ 9.1-101 and 9.1-400 of the Code of Virginia, relating to Department of Criminal Justice Services; definitions; law-enforcement officer.*

[H 1599]

Approved March 30, 2018

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

**1. That §§ 9.1-101 and 9.1-400 of the Code of Virginia are amended and reenacted as follows:**

**§ 9.1-101. Definitions.**

As used in this chapter or in Chapter 23 (§ 19.2-387 et seq.) of Title 19.2, unless the context requires a different meaning:

"Administration of criminal justice" means performance of any activity directly involving the detection, apprehension, detention, pretrial release, post-trial release, prosecution, adjudication, correctional supervision, or rehabilitation of accused persons or criminal offenders or the collection, storage, and dissemination of criminal history record information.

"Board" means the Criminal Justice Services Board.

"Conviction data" means information in the custody of any criminal justice agency relating to a judgment of conviction, and the consequences arising therefrom, in any court.

"Correctional status information" means records and data concerning each condition of a convicted person's custodial status, including probation, confinement, work release, study release, escape, or termination of custody through expiration of sentence, parole, pardon, or court decision.

"Criminal history record information" means records and data collected by criminal justice agencies on adult individuals consisting of identifiable descriptions and notations of arrests, detentions, indictments, informations, or other formal charges, and any disposition arising therefrom. The term shall not include juvenile record information which is controlled by Chapter 11 (§ 16.1-226 et seq.) of Title 16.1, criminal justice intelligence information, criminal justice investigative information, or correctional status information.

"Criminal justice agency" means (i) a court or any other governmental agency or subunit thereof which as its principal function performs the administration of criminal justice and any other agency or subunit thereof which performs criminal justice activities, but only to the extent that it does so; (ii) for the purposes of Chapter 23 (§ 19.2-387 et seq.) of Title 19.2, any private corporation or agency which, within the context of its criminal justice activities, employs special conservators of the peace appointed under Chapter 2 (§ 19.2-12 et seq.) of Title 19.2, provided that (a) such private corporation or agency requires its officers or special conservators to meet compulsory training standards established by the Criminal Justice Services Board and submits reports of compliance with the training standards and (b) the private corporation or agency complies with the provisions of Article 3 (§ 9.1-126 et seq.), but only to the extent that the private corporation or agency so designated as a criminal justice agency performs criminal justice activities; and (iii) the Office of the Attorney General, for all criminal justice activities otherwise permitted under clause (i) and for the purpose of performing duties required by the Civil Commitment of Sexually Violent Predators Act (§ 37.2-900 et seq.).

"Criminal justice agency" includes any program certified by the Commission on VASAP pursuant to § 18.2-271.2.

"Criminal justice agency" includes the Department of Criminal Justice Services.

"Criminal justice agency" includes the Virginia State Crime Commission.

"Criminal justice information system" means a system including the equipment, facilities, procedures, agreements, and organizations thereof, for the collection, processing, preservation, or dissemination of criminal history record information.

The operations of the system may be performed manually or by using electronic computers or other automated data processing equipment.

"Department" means the Department of Criminal Justice Services.

"Dissemination" means any transfer of information, whether orally, in writing, or by electronic means. The term shall not include access to the information by officers or employees of a criminal justice agency maintaining the information who have both a need and right to know the information.

"Law-enforcement officer" means any full-time or part-time employee of a police department or sheriff's office which is a part of or administered by the Commonwealth or any political subdivision thereof, or any full-time or part-time employee of a private police department, and who is responsible for the prevention and detection of crime and the enforcement of the penal, traffic or highway laws of the Commonwealth, and shall include any (i) special agent of the Virginia Alcoholic Beverage Control Authority; (ii) police agent appointed under the provisions of § 56-353; (iii) officer of the Virginia Marine Police; (iv) conservation police officer who is a full-time sworn member of the enforcement division of the Department of Game and Inland Fisheries; (v) investigator who is a full-time sworn member of the security division of the Virginia Lottery; (vi) conservation officer of the Department of Conservation and Recreation commissioned pursuant to § 10.1-115; (vii) full-time sworn member of the enforcement division of the Department of Motor Vehicles appointed pursuant to § 46.2-217; (viii) animal protection police officer employed under § 15.2-632 or 15.2-836.1; (ix) campus police officer appointed under Article 3 (§ 23.1-809 et seq.) of Chapter 8 of Title 23.1; ~~or~~ (x) *member of the investigations unit designated by the State Inspector General pursuant to § 2.2-311 to investigate allegations of criminal behavior affecting the operations of a state or nonstate agency*; (xi) *employee with internal investigations authority designated by the Department of Corrections pursuant to subdivision 11 of § 53.1-10 or by the Department of Juvenile Justice pursuant to subdivision A 7 of § 66-3*; or (xii) private police officer employed by a private police department. Part-time employees are those compensated officers who are not full-time employees as defined by the employing police department, sheriff's office, or private police department.

"Private police department" means any police department, other than a department that employs police agents under the provisions of § 56-353, that employs private police officers operated by an entity authorized by statute or an act of assembly to establish a private police department or such entity's successor in interest, provided it complies with the requirements set forth herein. No entity is authorized to operate a private police department or represent that it is a private police department unless such entity has been authorized by statute or an act of assembly or such entity is the successor in interest of an entity that has been authorized pursuant to this section, provided it complies with the requirements set forth herein. The authority of a private police department shall be limited to real property owned, leased, or controlled by the entity and, if approved by the local chief of police or sheriff, any contiguous property; such authority shall not supersede the authority, duties, or jurisdiction vested by law with the local police department or sheriff's office including as provided in §§ 15.2-1609 and 15.2-1704. The chief of police or sheriff who is the chief local law-enforcement officer shall enter into a memorandum of understanding with the private police department that addresses the duties and responsibilities of the private police department and the chief law-enforcement officer in the conduct of criminal investigations. Private police departments and private police officers shall be subject to and comply with the Constitution of the United States; the Constitution of Virginia; the laws governing municipal police departments, including the provisions of §§ 9.1-600, 15.2-1705 through 15.2-1708, 15.2-1719, 15.2-1721, and 15.2-1722; and any regulations adopted by the Board that the Department designates as applicable to private police departments. Any person employed as a private police officer pursuant to this section shall meet all requirements, including the minimum compulsory training requirements, for law-enforcement officers pursuant to this chapter. A private police officer is not entitled to benefits under the Line of Duty Act (§ 9.1-400 et seq.) or under the Virginia Retirement System, is not a "qualified law enforcement officer" or "qualified retired law enforcement officer" within the meaning of the federal Law Enforcement Officers Safety Act, 18 U.S.C. § 926B et seq., and shall not be deemed an employee of the Commonwealth or any locality. An authorized private police department may use the word "police" to describe its sworn officers and may join a regional criminal justice academy created pursuant to Article 5 (§ 15.2-1747 et seq.) of Chapter 17 of Title 15.2. Any private police department in existence on January 1, 2013, that was not otherwise established by statute or an act of assembly and whose status as a private police department was recognized by the Department at that time is hereby validated and may continue to operate as a private police department as may such entity's successor in interest, provided it complies with the requirements set forth herein.

"School resource officer" means a certified law-enforcement officer hired by the local law-enforcement agency to provide law-enforcement and security services to Virginia public elementary and secondary schools.

"School security officer" means an individual who is employed by the local school board for the singular purpose of maintaining order and discipline, preventing crime, investigating violations of school board policies, and detaining students violating the law or school board policies on school property or at school-sponsored events and who is responsible solely for ensuring the safety, security, and welfare of all students, faculty, staff, and visitors in the assigned school.

**§ 9.1-400. Title of chapter; definitions.**

A. This chapter shall be known and designated as the Line of Duty Act.

B. As used in this chapter, unless the context requires a different meaning:

"Beneficiary" means the spouse of a deceased person and such persons as are entitled to take under the will of a deceased person if testate, or as his heirs at law if intestate.

"Deceased person" means any individual whose death occurs on or after April 8, 1972, in the line of duty as the direct or proximate result of the performance of his duty, including the presumptions under §§ 27-40.1, 27-40.2, 51.1-813, 65.2-402, and 65.2-402.1 if his position is covered by the applicable statute, as a law-enforcement officer of the Commonwealth or any of its political subdivisions, *except employees designated pursuant to § 53.1-10 to investigate allegations of criminal behavior affecting the operations of the Department of Corrections, employees designated pursuant to § 66-3 to investigate allegations of criminal behavior affecting the operations of the Department of Juvenile Justice, and members of the investigations unit of the State Inspector General designated pursuant to § 2.2-311 to investigate allegations of criminal behavior affecting the operations of a state or nonstate agency*; a correctional officer as defined in § 53.1-1; a jail officer; a regional jail or jail farm superintendent; a sheriff, deputy sheriff, or city sergeant or deputy city sergeant of the City of Richmond; a police chaplain; a member of any fire company or department or emergency medical services agency that has been recognized by an ordinance or a resolution of the governing body of any county, city, or town of the Commonwealth as an integral part of the official safety program of such county, city, or town, including a person with a recognized membership status with such fire company or department who is enrolled in a Fire Service Training course offered by the Virginia Department of Fire Programs or any fire company or department training required in pursuit of qualification to become a certified firefighter; a member of any fire company providing fire protection services for facilities of the Virginia National Guard or the Virginia Air National Guard; a member of the Virginia National Guard or the Virginia Defense Force while such member is serving in the Virginia National Guard or the Virginia Defense Force on official state duty or federal duty under Title 32 of the United States Code; any special agent of the Virginia Alcoholic Beverage Control Authority; any regular or special conservation police officer who receives compensation from a county, city, or town or from the Commonwealth appointed pursuant to the provisions of § 29.1-200; any commissioned forest warden appointed under the provisions of § 10.1-1135; any member or employee of the Virginia Marine Resources Commission granted the power of arrest pursuant to § 28.2-900; any Department of Emergency Management hazardous materials officer; any other employee of the Department of Emergency Management who is performing official duties of the agency, when those duties are related to a major disaster or emergency, as defined in § 44-146.16, that has been or is later declared to exist under the authority of the Governor in accordance with § 44-146.28; any employee of any county, city, or town performing official emergency management or emergency services duties in cooperation with the Department of Emergency Management, when those duties are related to a major disaster or emergency, as defined in § 44-146.16, that has been or is later declared to exist under the authority of the Governor in accordance with § 44-146.28 or a local emergency, as defined in § 44-146.16, declared by a local governing body; any nonfirefighter regional hazardous materials emergency response team member; any conservation officer of the Department of Conservation and Recreation commissioned pursuant to § 10.1-115; or any full-time sworn member of the enforcement division of the Department of Motor Vehicles appointed pursuant to § 46.2-217.

"Disabled person" means any individual who has been determined to be mentally or physically incapacitated so as to prevent the further performance of his duties at the time of his disability where such incapacity is likely to be permanent, and whose incapacity occurs in the line of duty as the direct or proximate result of the performance of his duty, including the presumptions under §§ 27-40.1, 27-40.2, 51.1-813, 65.2-402, and 65.2-402.1 if his position is covered by the applicable statute, in any position listed in the definition of deceased person in this section. "Disabled person" does not include any individual who has been determined to be no longer disabled pursuant to subdivision A 2 of § 9.1-404. "Disabled person" includes any state employee included in the definition of a deceased person who was disabled on or after January 1, 1966.

"Eligible dependent" for purposes of continued health insurance pursuant to § 9.1-401 means the natural or adopted child or children of a deceased person or disabled person or of a deceased or disabled person's eligible spouse, provided that any such natural child is born as the result of a pregnancy that occurred prior to the time of the employee's death or disability and that any such adopted child is (i) adopted prior to the time of the employee's death or disability or (ii) adopted after the employee's death or disability if the adoption is pursuant to a preadoptive agreement entered into prior to the death or disability. Eligibility will continue until the end of the year in which the eligible dependent reaches age 26 or when the eligible dependent ceases to be eligible based on the Virginia Administrative Code or administrative guidance as determined by the Department of Human Resource Management.

"Eligible spouse" for purposes of continued health insurance pursuant to § 9.1-401 means the spouse of a deceased person or a disabled person at the time of the death or disability. Eligibility will continue until the eligible spouse dies, ceases to be married to a disabled person, or in the case of the spouse of a deceased person, dies, remarries on or after July 1, 2017, or otherwise ceases to be eligible based on the Virginia Administrative Code or administrative guidance as determined by the Department of Human Resource Management.

"Employee" means any person who would be covered or whose spouse, dependents, or beneficiaries would be covered under the benefits of this chapter if the person became a disabled person or a deceased person.

"Employer" means (i) the employer of a person who is a covered employee or (ii) in the case of a volunteer who is a member of any fire company or department or rescue squad described in the definition of "deceased person," the county, city, or town that by ordinance or resolution recognized such fire company or department or rescue squad as an integral part of the official safety program of such locality.

"Fund" means the Line of Duty Death and Health Benefits Trust Fund established pursuant to § 9.1-400.1.

"Line of duty" means any action the deceased or disabled person was obligated or authorized to perform by rule, regulation, condition of employment or service, or law.

"LODA Health Benefit Plans" means the separate health benefits plans established pursuant to § 9.1-401.

"Nonparticipating employer" means any employer that is a political subdivision of the Commonwealth that elected to directly fund the cost of benefits provided under this chapter and not participate in the Fund.

"Participating employer" means any employer that is a state agency or is a political subdivision of the Commonwealth that did not make an election to become a nonparticipating employer.

"VRS" means the Virginia Retirement System.

## CHAPTER 549

*An Act to amend and reenact §§ 18.2-51.7 and 19.2-8 of the Code of Virginia, relating to female genital mutilation; criminal penalty.*

[S 47]

Approved March 30, 2018

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

#### 1. That §§ 18.2-51.7 and 19.2-8 of the Code of Virginia are amended and reenacted as follows:

##### § 18.2-51.7. Female genital mutilation; penalty.

A. Any person who knowingly circumcises, excises, or infibulates, in whole or in any part, the labia majora or labia minora or clitoris of another person who has not attained the age of 18 years is guilty of a Class 4 ~~misdemeanor~~ 2 felony.

B. Any parent, guardian, or other person responsible for the care of a minor who consents to the circumcision, excision, or infibulation, in whole or in any part, of the labia majora or labia minora or clitoris of such minor is guilty of a Class 4 ~~misdemeanor~~ 2 felony.

C. Any parent, guardian, or other person responsible for the care of a minor who knowingly removes or causes or permits the removal of such minor from the Commonwealth for the purposes of committing an offense under subsection A is guilty of a Class 4 ~~misdemeanor~~ 2 felony.

D. A surgical operation is not a violation of this section if the operation is (i) necessary to the health of the person on whom it is performed and is performed by a person licensed in the place of its performance as a medical practitioner or (ii) performed on a person in labor who has just given birth and is performed for medical purposes connected with that labor or birth by a person licensed in the place it is performed as a medical practitioner, midwife, or person in training to become such a practitioner or midwife.

E. A violation of this section shall constitute a separate and distinct offense. The provisions of this section shall not preclude prosecution under any other statute.

##### § 19.2-8. Limitation of prosecutions.

A prosecution for a misdemeanor, or any pecuniary fine, forfeiture, penalty or amercement, shall be commenced within one year next after there was cause therefor, except that a prosecution for petit larceny may be commenced within five years, and for an attempt to produce abortion, within two years after commission of the offense.

A prosecution for any misdemeanor violation of § 54.1-3904 shall be commenced within two years of the discovery of the offense.

A prosecution for violation of laws governing the placement of children for adoption without a license pursuant to § 63.2-1701 shall be commenced within one year from the date of the filing of the petition for adoption.

A prosecution for making a false statement or representation of a material fact knowing it to be false or knowingly failing to disclose a material fact, to obtain or increase any benefit or other payment under the Virginia Unemployment Compensation Act (§ 60.2-100 et seq.) shall be commenced within three years next after the commission of the offense.

A prosecution for any violation of § 10.1-1320, 62.1-44.32 (b), 62.1-194.1, or Article 11 (§ 62.1-44.34:14 et seq.) of Chapter 3.1 of Title 62.1 that involves the discharge, dumping or emission of any toxic substance as defined in § 32.1-239 shall be commenced within three years next after the commission of the offense.

Prosecution of Building Code violations under § 36-106 shall commence within one year of discovery of the offense by the building official, provided that such discovery occurs within two years of the date of initial occupancy or use after construction of the building or structure, or the issuance of a certificate of use and occupancy for the building or structure, whichever is later. However, prosecutions under § 36-106 relating to the maintenance of existing buildings or structures as contained in the Uniform Statewide Building Code shall commence within one year of the issuance of a notice of violation for the offense by the building official.

Prosecution of any misdemeanor violation of § 54.1-111 shall commence within one year of the discovery of the offense by the complainant, but in no case later than five years from occurrence of the offense.

Prosecution of any misdemeanor violation of any professional licensure requirement imposed by a locality shall commence within one year of the discovery of the offense by the complainant, but in no case later than five years from occurrence of the offense.

Prosecution of nonfelonious offenses which constitute malfeasance in office shall commence within two years next after the commission of the offense.

Prosecution of any violation of § 55-79.87, 55-79.88, 55-79.89, 55-79.90, 55-79.93, 55-79.94, 55-79.95, 55-79.103, or any rule adopted under or order issued pursuant to § 55-79.98, shall commence within three years next after the commission of the offense.

Prosecution of illegal sales or purchases of wild birds, wild animals and freshwater fish under § 29.1-553 shall commence within three years after commission of the offense.

Prosecution of violations under Title 58.1 for offenses involving false or fraudulent statements, documents or returns, or for the offense of willfully attempting in any manner to evade or defeat any tax or the payment thereof, or for the offense of willfully failing to pay any tax, or willfully failing to make any return at the time or times required by law or regulations shall commence within three years next after the commission of the offense, unless a longer period is otherwise prescribed.

Prosecution of violations of subsection A or B of § 3.2-6570 shall commence within five years of the commission of the offense, except violations regarding agricultural animals shall commence within one year of the commission of the offense.

A prosecution for a violation of § 18.2-386.1 shall be commenced within five years of the commission of the offense.

A prosecution for any violation of the Campaign Finance Disclosure Act, Chapter 9.3 (§ 24.2-945 et seq.) of Title 24.2, shall commence within one year of the discovery of the offense but in no case more than three years after the date of the commission of the offense.

A prosecution of a crime that is punishable as a misdemeanor pursuant to the Virginia Computer Crimes Act (§ 18.2-152.1 et seq.) or pursuant to § 18.2-186.3 for identity theft shall be commenced before the earlier of (i) five years after the commission of the last act in the course of conduct constituting a violation of the article or (ii) one year after the existence of the illegal act and the identity of the offender are discovered by the Commonwealth, by the owner, or by anyone else who is damaged by such violation.

A prosecution of a misdemeanor under § ~~18.2-51.7~~, 18.2-64.2, 18.2-67.4, 18.2-67.4:1, 18.2-67.4:2, 18.2-67.5, or 18.2-370.6 where the victim is a minor at the time of the offense shall be commenced no later than one year after the victim reaches majority.

A prosecution for a violation of § 18.2-260.1 shall be commenced within three years of the commission of the offense.

Nothing in this section shall be construed to apply to any person fleeing from justice or concealing himself within or without the Commonwealth to avoid arrest or be construed to limit the time within which any prosecution may be commenced for desertion of a spouse or child or for neglect or refusal or failure to provide for the support and maintenance of a spouse or child.

**2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 836 of the Acts of Assembly of 2017 requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.**

**CHAPTER 550**

*An Act to amend and reenact § 15.2-2242 of the Code of Virginia, relating to subdivision ordinances; road improvements.*

[S 129]

Approved March 30, 2018

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

**1. That § 15.2-2242 of the Code of Virginia is amended and reenacted as follows:**

**§ 15.2-2242. Optional provisions of a subdivision ordinance.**

A subdivision ordinance may include:

1. Provisions for variations in or exceptions to the general regulations of the subdivision ordinance in cases of unusual situations or when strict adherence to the general regulations would result in substantial injustice or hardship.

2. A requirement (i) for the furnishing of a preliminary opinion from the applicable health official regarding the suitability of a subdivision for installation of subsurface sewage disposal systems where such method of sewage disposal is to be utilized in the development of a subdivision and (ii) that all buildings constructed on lots resulting from subdivision of a larger tract that abuts or adjoins a public water or sewer system or main shall be connected to that public water or sewer system or main subject to the provisions of § 15.2-2121.

3. A requirement that, in the event streets in a subdivision will not be constructed to meet the standards necessary for inclusion in the secondary system of state highways or for state street maintenance moneys paid to municipalities, the subdivision plat and all approved deeds of subdivision, or similar instruments, must contain a statement advising that the streets in the subdivision do not meet state standards and will not be maintained by the Department of Transportation or the localities enacting the ordinances. Grantors of any subdivision lots to which such statement applies must include the statement on each deed of conveyance thereof. However, localities in their ordinances may establish minimum standards for construction of streets that will not be built to state standards.

For streets constructed or to be constructed, as provided for in this subsection, a subdivision ordinance may require that the same procedure be followed as that set forth in provision 5 of § 15.2-2241. Further, the subdivision ordinance may provide that the developer's financial commitment shall continue until such time as the local government releases such financial commitment in accordance with provision 11 of § 15.2-2241.

4. Reasonable provision for the voluntary funding of off-site road improvements and reimbursements of advances by the governing body. If a subdivider or developer makes an advance of payments for or construction of reasonable and necessary road improvements located outside the property limits of the land owned or controlled by him, the need for which is substantially generated and reasonably required by the construction or improvement of his subdivision or development, and such advance is accepted, the governing body may agree to reimburse the subdivider or developer from such funds as the governing body may make available for such purpose from time to time for the cost of such advance together with interest, which shall be excludable from gross income for federal income tax purposes, at a rate equal to the rate of interest on bonds most recently issued by the governing body on the following terms and conditions:

a. The governing body shall determine or confirm that the road improvements were substantially generated and reasonably required by the construction or improvement of the subdivision or development and shall determine or confirm the cost thereof, on the basis of a study or studies conducted by qualified traffic engineers and approved and accepted by the subdivider or developer.

b. The governing body shall prepare, or cause to be prepared, a report accepted and approved by the subdivider or developer, indicating the governmental services required to be furnished to the subdivision or development and an estimate of the annual cost thereof for the period during which the reimbursement is to be made to the subdivider or developer.

c. The governing body may make annual reimbursements to the subdivider or developer from funds made available for such purpose from time to time, including but not limited to real estate taxes assessed and collected against the land and improvements on the property included in the subdivision or development in amounts equal to the amount by which such real estate taxes exceed the annual cost of providing reasonable and necessary governmental services to such subdivision or development.

5. In Arlington County, Fairfax County, Loudoun County, and Prince William County, in any town located within such counties, in Bedford County, Pittsylvania County, Spotsylvania County, and Stafford County, or in the Cities of Alexandria, *Chesapeake*, Fairfax, Falls Church, Hampton, Manassas, ~~and~~ Manassas Park, *and Portsmouth*, provisions for payment by a subdivider or developer of land of a pro rata share of the cost of reasonable and necessary road improvements, located outside the property limits of the land owned or controlled by him but serving an area having related traffic needs to which his subdivision or development will contribute, to reimburse an initial subdivider or developer who has advanced such costs or constructed such road improvements. Such ordinance may apply to road improvements constructed after July 1, 1988, in Fairfax County; in Arlington County, Loudoun County, and Prince William County, in any town located within such counties, in Bedford County, Pittsylvania County, Spotsylvania County, and Stafford County, or in the Cities of Alexandria, *Chesapeake*, Fairfax, Falls Church, Hampton, Manassas, ~~and~~ Manassas Park, *and Portsmouth*, such ordinance may only apply to road improvements constructed after the effective date of such ordinance.

Such provisions shall provide for the adoption of a pro rata reimbursement plan which shall include reasonable standards to identify the area having related traffic needs, to determine the total estimated or actual cost of road improvements required to adequately serve the area when fully developed in accordance with the comprehensive plan or as required by proffered conditions, and to determine the proportionate share of such costs to be reimbursed by each subsequent subdivider or developer within the area, with interest (i) at the legal rate or (ii) at an inflation rate prescribed by a generally accepted index of road construction costs, whichever is less.

For any subdivision ordinance adopted pursuant to provision 5 of this section after February 1, 1993, no such payment shall be assessed or imposed upon a subsequent developer or subdivider if (i) prior to the adoption of a pro rata reimbursement plan the subsequent subdivider or developer has proffered conditions pursuant to § 15.2-2303 for offsite road improvements and such proffered conditions have been accepted by the locality, (ii) the locality has assessed or imposed an impact fee on the subsequent development or subdivision pursuant to Article 8 (§ 15.2-2317 et seq.) of Chapter 22, or (iii) the subsequent subdivider or developer has received final site plan, subdivision plan, or plan of development approval from the locality prior to the adoption of a pro rata reimbursement plan for the area having related traffic needs.

The amount of the costs to be reimbursed by a subsequent developer or subdivider shall be determined before or at the time the site plan or subdivision is approved. The ordinance shall specify that such costs are to be collected at the time of the issuance of a temporary or final certificate of occupancy or functional use and occupancy within the development, whichever shall come first. The ordinance also may provide that the required reimbursement may be paid (i) in lump sum, (ii) by agreement of the parties on installment at a reasonable rate of interest or rate of inflation, whichever is less, for a fixed number of years, or (iii) on such terms as otherwise agreed to by the initial and subsequent subdividers and developers.

Such ordinance provisions may provide that no certificate of occupancy shall be issued to a subsequent developer or subdivider until (i) the initial developer certifies to the locality that the subsequent developer has made the required reimbursement directly to him as provided above or (ii) the subsequent developer has deposited the reimbursement amount with the locality for transfer forthwith to the initial developer.

6. Provisions for establishing and maintaining access to solar energy to encourage the use of solar heating and cooling devices in new subdivisions. The provisions shall be applicable to a new subdivision only when so requested by the subdivider.

7. Provisions, in any town with a population between 14,500 and 15,000, granting authority to the governing body, in its discretion, to use funds escrowed pursuant to provision 5 of § 15.2-2241 for improvements similar to but other than those

for which the funds were escrowed, if the governing body (i) obtains the written consent of the owner or developer who submitted the escrowed funds; (ii) finds that the facilities for which funds are escrowed are not immediately required; (iii) releases the owner or developer from liability for the construction or for the future cost of constructing those improvements for which the funds were escrowed; and (iv) accepts liability for future construction of these improvements. If such town fails to locate such owner or developer after making a reasonable attempt to do so, the town may proceed as if such consent had been granted. In addition, the escrowed funds to be used for such other improvement may only come from an escrow that does not exceed a principal amount of \$30,000 plus any accrued interest and shall have been escrowed for at least five years.

8. Provisions for clustering of single-family dwellings and preservation of open space developments, which provisions shall comply with the requirements and procedures set forth in § 15.2-2286.1.

9. Provisions requiring that where a lot being subdivided or developed fronts on an existing street, and adjacent property on either side has an existing sidewalk, a locality may require the dedication of land for, and construction of, a sidewalk on the property being subdivided or developed, to connect to the existing sidewalk. Nothing in this paragraph shall alter in any way any authority of localities or the Department of Transportation to require sidewalks on any newly constructed street or highway.

10. Provisions for requiring and considering Phase I environmental site assessments based on the anticipated use of the property proposed for the subdivision or development that meet generally accepted national standards for such assessments, such as those developed by the American Society for Testing and Materials, and Phase II environmental site assessments, that also meet accepted national standards, such as, but not limited to, those developed by the American Society for Testing and Materials, if the locality deems such to be reasonably necessary, based on findings in the Phase I assessment, and in accordance with regulations of the United States Environmental Protection Agency and the American Society for Testing and Materials. A reasonable fee may be charged for the review of such environmental assessments. Such fees shall not exceed an amount commensurate with the services rendered, taking into consideration the time, skill, and administrative expense involved in such review.

11. Provisions for requiring disclosure and remediation of contamination and other adverse environmental conditions of the property prior to approval of subdivision and development plans.

12. Provisions, in any town located in the Northern Virginia Transportation District, granting authority to the governing body to require the dedication of land for sidewalk, curb, and gutter improvements on the property being subdivided or developed if the property is designated for such improvements on the locality's adopted pedestrian plan.

## CHAPTER 551

*An Act to amend and reenact § 19.2-242 of the Code of Virginia, relating to timeliness of indictments; discharge from jail.*

[H 1238]

Approved March 30, 2018

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

**1. That § 19.2-242 of the Code of Virginia is amended and reenacted as follows:**

**§ 19.2-242. Accused discharged from jail if not indicted in time.**

A person in jail on a criminal charge *that has been certified or otherwise transferred from a district court to a circuit court* shall be discharged from imprisonment if a presentment, indictment or information be not found or filed against him before the end of the second term of the court at which he is held to answer, unless it appear to the court that material witnesses for the Commonwealth have been enticed or kept away or are prevented from attendance by sickness or inevitable accident, and except, also, in the cases provided in §§ 19.2-168.1 and 19.2-169.1. A discharge under the provisions of this section shall not, however, prevent a reincarceration after a presentment or indictment has been found.

## CHAPTER 552

*An Act to amend and reenact § 62.1-44.16 of the Code of Virginia, relating to discharge of industrial wastes; notice of application.*

[H 1206]

Approved March 30, 2018

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

**1. That § 62.1-44.16 of the Code of Virginia is amended and reenacted as follows:**

**§ 62.1-44.16. Industrial wastes.**

A. Any owner who erects, constructs, opens, reopens, expands, or employs new processes in or operates any establishment from which there is a potential or actual discharge of industrial wastes or other wastes to state waters shall first provide facilities approved by the Board for the treatment or control of such industrial wastes or other wastes.

Application for such discharge shall be made to the Board and shall be accompanied by pertinent plans, specifications, maps, and such other relevant information as may be required, in scope and details satisfactory to the Board.

1. Public notice of every such application shall be given by notice published once a week for two successive weeks in a newspaper of general circulation in the county or city where the certificate is applied for or by such other means as the Board may prescribe. *However, to the extent authorized by federal law and if the permit applicant so chooses, an abbreviated public notice shall be published in such newspaper listing the name of the permitted facility, the type of discharge, and a link to the Department's website with such public notice.*

2. The Board shall review the application and the information that accompanies it as soon as practicable and making a ruling within a period of four months from the date the application is filed with the Board approving or disapproving the application and stating the grounds for conditional approval or disapproval. If the application is approved, the Board shall grant a certificate for the discharge of the industrial wastes or other wastes into state waters or for the other alteration of the physical, chemical, or biological properties of state waters, as the case may be. If the application is disapproved, the Board shall notify the owner as to what measures, if any, the owner may take to secure approval.

B. Any owner operating under a valid certificate issued by the Board who fails to meet water quality standards established by the Board solely as a result of a change in water quality standards or in the law shall provide the necessary facilities approved by the Board within a reasonable time to meet such new requirements; provided, however, that such facilities shall be reasonable and practicable of attainment giving consideration to the public interest and the equities of the case. The Board may amend such certificate, or revoke it and issue a new one to reflect such facilities after proper hearing, with at least thirty days' notice to the owner of the time, place, and purpose thereof. If such revocation or amendment of a certificate is mutually agreeable to the Board and the owner involved, the hearing and notice may be dispensed with.

C. The Board shall revoke the certificate in case of a failure to comply with all such requirements and may issue a special order under subdivisions (8a), (8b), and (8c) of § 62.1-44.15 (8).

D. Any locality may adopt an ordinance that provides for the testing and monitoring of the land application of solid or semisolid industrial wastes within its political boundaries to ensure compliance with applicable laws and regulations.

E. The Board shall adopt regulations requiring the payment of a fee for the land application of solid or semisolid industrial wastes, pursuant to permits issued under this section, in localities that have adopted ordinances in accordance with subsection D. The person land applying industrial wastes shall (i) provide advance notice of the estimated fee to the generator of the industrial wastes unless notification is waived, (ii) collect the fee from the generator, and (iii) remit the fee to the Department of Environmental Quality as provided by regulation. The fee shall be imposed on each dry ton of solid or semisolid industrial wastes that is land applied in a locality in accordance with the regulations adopted by the Board. The regulations shall include requirements and procedures for:

1. Collection of fees by the Department of Environmental Quality;
2. The deposit of collected fees into the Sludge Management Fund established by subsection G of § 62.1-44.19:3; and
3. Disbursement of proceeds from the Sludge Management Fund by the Department of Environmental Quality pursuant to subsection G of § 62.1-44.19:3.

F. The Department, in consultation with the Department of Health, the Department of Conservation and Recreation, the Department of Agriculture and Consumer Services, and the Virginia Cooperative Extension Service, shall establish and implement a program to train persons employed by those local governments that have adopted ordinances, pursuant to this section, to test and monitor the land application of industrial wastes. The program shall include, at a minimum, instruction in (i) the provisions of the Virginia Pollution Abatement Permit Regulation; (ii) land application methods and equipment, including methods and processes for preparation and stabilization of industrial wastes that are land applied; (iii) sampling and chain of custody control; (iv) preparation and implementation of nutrient management plans for land application sites; (v) complaint response and preparation of complaint and inspection reports; (vi) enforcement authority and procedures; (vii) interaction and communication with the public; and (viii) preparation of applications for reimbursement of local monitoring costs disbursed pursuant to subsection G of § 62.1-44.19:3. To the extent feasible, the program shall emphasize in-field instruction and practical training. Persons employed by local governments shall successfully complete such training before the local government may request reimbursement from the Board for testing and monitoring of land application of solid or semisolid industrial wastes performed by the person. The completion of training shall not be a prerequisite to the exercise of authority granted to local governments by any applicable provision of law.

The Department may:

1. Charge attendees a reasonable fee to recover the actual costs of preparing course materials and providing facilities and instructors for the program. The fee shall be reimbursable from the Fund established pursuant to subsection G of § 62.1-44.19:3; and
2. Request and accept the assistance and participation of other state agencies and institutions in preparing and presenting the course of training established by this subsection.

**2. That the adoption of amendments to the State Water Control Board regulations necessary to implement the provisions of this act shall be exempt from Article 2 (§ 2.2-4006 et seq. of the Code of Virginia) of the Administrative Process Act if the Department of Environmental Quality accepts public comment on the proposed amendments for at least 60 days and provides a summary of the public comments to the Board prior to Board action on the amendments.**

## CHAPTER 553

*An Act to authorize the Department of Transportation to review implications of enrollment in a federal pilot program or project.*

[H 1276]

Approved March 30, 2018

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

**1. § 1.** *That the Department of Transportation (the Department) shall convene a work group to identify the implications of the Commonwealth's participation in a federal data collection pilot program or project involving six-axle tractor truck semitrailer combinations weighing up to 91,000 pounds and utilizing interstate highways. The Department shall consult relevant stakeholders and shall review (i) the fee structure for qualifying tractor trucks, (ii) the axle spacing for qualifying tractor trucks, (iii) issues related to reasonable access from loading facilities onto a primary or secondary highway and interstate highways, (iv) the sufficiency of existing data in determining if certain routes and bridges should be excluded from the federal pilot program or project, and (v) any other issues as deemed relevant or appropriate by the Department. The Department shall complete its meetings by November 30, 2018, and shall submit to the General Assembly and the Governor an executive summary and a report of its findings and recommendations. The executive summary and report shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports no later than the first day of the 2019 Regular Session of the General Assembly and shall be posted on the General Assembly's website.*

## CHAPTER 554

*An Act to authorize the Department of Transportation to review implications of enrollment in a federal pilot program or project.*

[S 504]

Approved March 30, 2018

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

**1. § 1.** *That the Department of Transportation (the Department) shall convene a work group to identify the implications of the Commonwealth's participation in a federal data collection pilot program or project involving six-axle tractor truck semitrailer combinations weighing up to 91,000 pounds and utilizing interstate highways. The Department shall consult relevant stakeholders and shall review (i) the fee structure for qualifying tractor trucks, (ii) the axle spacing for qualifying tractor trucks, (iii) issues related to reasonable access from loading facilities onto a primary or secondary highway and interstate highways, (iv) the sufficiency of existing data in determining if certain routes and bridges should be excluded from the federal pilot program or project, and (v) any other issues as deemed relevant or appropriate by the Department. The Department shall complete its meetings by November 30, 2018, and shall submit to the General Assembly and the Governor an executive summary and a report of its findings and recommendations. The executive summary and report shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports no later than the first day of the 2019 Regular Session of the General Assembly and shall be posted on the General Assembly's website.*

## CHAPTER 555

*An Act to amend and reenact §§ 46.2-100, 46.2-711, 46.2-1158.01, and 46.2-1179 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 46.2-730.1, relating to military surplus motor vehicles; registration and operation on highways; penalty.*

[H 1323]

Approved March 30, 2018

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

**1. That §§ 46.2-100, 46.2-711, 46.2-1158.01, and 46.2-1179 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 46.2-730.1 as follows:**

**§ 46.2-100. Definitions.**

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

"All-terrain vehicle" means a motor vehicle having three or more wheels that is powered by a motor and is manufactured for off-highway use. "All-terrain vehicle" does not include four-wheeled vehicles commonly known as "go-carts" that have low centers of gravity and are typically used in racing on relatively level surfaces, nor does the term include any riding lawn mower.

"Antique motor vehicle" means every motor vehicle, as defined in this section, which was actually manufactured or designated by the manufacturer as a model manufactured in a calendar year not less than 25 years prior to January 1 of each calendar year and is owned solely as a collector's item.

"Antique trailer" means every trailer or semitrailer, as defined in this section, that was actually manufactured or designated by the manufacturer as a model manufactured in a calendar year not less than 25 years prior to January 1 of each calendar year and is owned solely as a collector's item.

"Autocycle" means a three-wheeled motor vehicle that has a steering wheel and seating that does not require the operator to straddle or sit astride and is manufactured to comply with federal safety requirements for motorcycles. Except as otherwise provided, an autocycle shall not be deemed to be a motorcycle.

"Automobile transporter" means any tractor truck, lowboy, vehicle, or combination, including vehicles or combinations that transport motor vehicles on their power unit, designed and used exclusively for the transportation of motor vehicles or used to transport cargo or general freight on a backhaul pursuant to the provisions of 49 U.S.C. § 31111(a)(1).

"Bicycle" means a device propelled solely by human power, upon which a person may ride either on or astride a regular seat attached thereto, having two or more wheels in tandem, including children's bicycles, except a toy vehicle intended for use by young children. For purposes of Chapter 8 (§ 46.2-800 et seq.), a bicycle shall be a vehicle while operated on the highway.

"Bicycle lane" means that portion of a roadway designated by signs and/or pavement markings for the preferential use of bicycles, electric power-assisted bicycles, and mopeds.

"Business district" means the territory contiguous to a highway where 75 percent or more of the property contiguous to a highway, on either side of the highway, for a distance of 300 feet or more along the highway, is occupied by land and buildings actually in use for business purposes.

"Camping trailer" means every vehicle that has collapsible sides and contains sleeping quarters but may or may not contain bathing and cooking facilities and is designed to be drawn by a motor vehicle.

"Cancel" or "cancellation" means that the document or privilege cancelled has been annulled or terminated because of some error, defect, or ineligibility, but the cancellation is without prejudice and reapplication may be made at any time after cancellation.

"Chauffeur" means every person employed for the principal purpose of driving a motor vehicle and every person who drives a motor vehicle while in use as a public or common carrier of persons or property.

"Circular intersection" means an intersection that has an island, generally circular in design, located in the center of the intersection, where all vehicles pass to the right of the island. Circular intersections include roundabouts, rotaries, and traffic circles.

"Commission" means the State Corporation Commission.

"Commissioner" means the Commissioner of the Department of Motor Vehicles of the Commonwealth.

"Converted electric vehicle" means any motor vehicle, other than a motorcycle or autocycle, that has been modified subsequent to its manufacture to replace an internal combustion engine with an electric propulsion system. Such vehicles shall retain their original vehicle identification number, line-make, and model year. A converted electric vehicle shall not be deemed a "reconstructed vehicle" as defined in this section unless it has been materially altered from its original construction by the removal, addition, or substitution of new or used essential parts other than those required for the conversion to electric propulsion.

"Crosswalk" means that part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or, in the absence of curbs, from the edges of the traversable roadway; or any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

"Decal" means a device to be attached to a license plate that validates the license plate for a predetermined registration period.

"Department" means the Department of Motor Vehicles of the Commonwealth.

"Disabled parking license plate" means a license plate that displays the international symbol of access in the same size as the numbers and letters on the plate and in a color that contrasts with the background.

"Disabled veteran" means a veteran who (i) has either lost, or lost the use of, a leg, arm, or hand; (ii) is blind; or (iii) is permanently and totally disabled as certified by the U.S. Department of Veterans Affairs. A veteran shall be considered blind if he has a permanent impairment of both eyes to the following extent: central visual acuity of 20/200 or less in the better eye, with corrective lenses, or central visual acuity of more than 20/200, if there is a field defect in which the peripheral field has contracted to such an extent that the widest diameter of visual field subtends an angular distance no greater than 20 degrees in the better eye.

"Driver's license" means any license, including a commercial driver's license as defined in the Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.), issued under the laws of the Commonwealth authorizing the operation of a motor vehicle.

"Electric personal assistive mobility device" means a self-balancing two-nontandem-wheeled device that is designed to transport only one person and powered by an electric propulsion system that limits the device's maximum speed to 15 miles

per hour or less. For purposes of Chapter 8 (§ 46.2-800 et seq.), an electric personal assistive mobility device shall be a vehicle when operated on a highway.

"Electric personal delivery device" means an electrically powered device that (i) is operated on sidewalks, shared-use paths, and crosswalks and intended primarily to transport property; (ii) weighs less than 50 pounds, excluding cargo; (iii) has a maximum speed of 10 miles per hour; and (iv) is equipped with technology to allow for operation of the device with or without the active control or monitoring of a natural person.

"Electric personal delivery device operator" means an entity or its agent who exercises direct physical control or monitoring over the navigation system and operation of an electric personal delivery device. For the purposes of this definition, "agent" means a person not less than 16 years of age charged by an entity with the responsibility of navigating and operating an electric personal delivery device. "Electric personal delivery device operator" does not include (i) an entity or person who requests the services of an electric personal delivery device to transport property or (ii) an entity or person who only arranges for and dispatches the requested services of an electric personal delivery device.

"Electric power-assisted bicycle" means a vehicle that travels on not more than three wheels in contact with the ground and is equipped with (i) pedals that allow propulsion by human power and (ii) an electric motor with an input of no more than 1,000 watts that reduces the pedal effort required of the rider. For the purposes of Chapter 8 (§ 46.2-800 et seq.), an electric power-assisted bicycle shall be a vehicle when operated on a highway.

"Essential parts" means all integral parts and body parts, the removal, alteration, or substitution of which will tend to conceal the identity of a vehicle.

"Farm tractor" means every motor vehicle designed and used as a farm, agricultural, or horticultural implement for drawing plows, mowing machines, and other farm, agricultural, or horticultural machinery and implements, including self-propelled mowers designed and used for mowing lawns.

"Farm utility vehicle" means a vehicle that is powered by a motor and is designed for off-road use and is used as a farm, agricultural, or horticultural service vehicle, generally having four or more wheels, bench seating for the operator and a passenger, a steering wheel for control, and a cargo bed. "Farm utility vehicle" does not include pickup or panel trucks, golf carts, low-speed vehicles, or riding lawn mowers.

"Federal safety requirements" means applicable provisions of 49 U.S.C. § 30101 et seq. and all administrative regulations and policies adopted pursuant thereto.

"Financial responsibility" means the ability to respond in damages for liability thereafter incurred arising out of the ownership, maintenance, use, or operation of a motor vehicle, in the amounts provided for in § 46.2-472.

"Foreign market vehicle" means any motor vehicle originally manufactured outside the United States, which was not manufactured in accordance with 49 U.S.C. § 30101 et seq. and the policies and regulations adopted pursuant to that Act, and for which a Virginia title or registration is sought.

"Foreign vehicle" means every motor vehicle, trailer, or semitrailer that is brought into the Commonwealth otherwise than in the ordinary course of business by or through a manufacturer or dealer and that has not been registered in the Commonwealth.

"Golf cart" means a self-propelled vehicle that is designed to transport persons playing golf and their equipment on a golf course.

"Governing body" means the board of supervisors of a county, council of a city, or council of a town, as context may require.

"Gross weight" means the aggregate weight of a vehicle or combination of vehicles and the load thereon.

"Highway" means the entire width between the boundary lines of every way or place open to the use of the public for purposes of vehicular travel in the Commonwealth, including the streets and alleys, and, for law-enforcement purposes, (i) the entire width between the boundary lines of all private roads or private streets that have been specifically designated "highways" by an ordinance adopted by the governing body of the county, city, or town in which such private roads or streets are located and (ii) the entire width between the boundary lines of every way or place used for purposes of vehicular travel on any property owned, leased, or controlled by the United States government and located in the Commonwealth.

"Intersection" means (i) the area embraced within the prolongation or connection of the lateral curblines or, if none, then the lateral boundary lines of the roadways of two highways that join one another at, or approximately at, right angles, or the area within which vehicles traveling on different highways joining at any other angle may come in conflict; (ii) where a highway includes two roadways 30 feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection, in the event such intersecting highway also includes two roadways 30 feet or more apart, then every crossing of two roadways of such highways shall be regarded as a separate intersection; or (iii) for purposes only of authorizing installation of traffic-control devices, every crossing of a highway or street at grade by a pedestrian crosswalk.

"Lane-use control signal" means a signal face displaying indications to permit or prohibit the use of specific lanes of a roadway or to indicate the impending prohibition of such use.

"Law-enforcement officer" means any officer authorized to direct or regulate traffic or to make arrests for violations of this title or local ordinances authorized by law. For the purposes of access to law-enforcement databases regarding motor vehicle registration and ownership only, "law-enforcement officer" also includes city and county commissioners of the revenue and treasurers, together with their duly designated deputies and employees, when such officials are actually engaged in the enforcement of §§ 46.2-752, 46.2-753, and 46.2-754 and local ordinances enacted thereunder.

"License plate" means a device containing letters, numerals, or a combination of both, attached to a motor vehicle, trailer, or semitrailer to indicate that the vehicle is properly registered with the Department.

"Light" means a device for producing illumination or the illumination produced by the device.

"Low-speed vehicle" means any four-wheeled electrically powered or gas-powered vehicle, except a motor vehicle or low-speed vehicle that is used exclusively for agricultural or horticultural purposes or a golf cart, whose maximum speed is greater than 20 miles per hour but not greater than 25 miles per hour and is manufactured to comply with safety standards contained in Title 49 of the Code of Federal Regulations, § 571.500.

"Manufactured home" means a structure subject to federal regulation, transportable in one or more sections, which in the traveling mode is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. "Manufactured home" does not include a park model recreational vehicle, which is a vehicle that is (i) designed and marketed as temporary living quarters for recreational, camping, travel, or seasonal use; (ii) not permanently affixed to real property for use as a permanent dwelling; (iii) built on a single chassis mounted on wheels; and (iv) certified by the manufacturer as complying with the American National Standards Institute (ANSI) A119.5 Park Model Recreational Vehicle Standard.

*"Military surplus motor vehicle" means a multipurpose or tactical vehicle that was manufactured by or under the direction of the United States Armed Forces for off-road use and subsequently authorized for sale to civilians. "Military surplus motor vehicle" does not include specialized mobile equipment as defined in § 46.2-700, trailers, or semitrailers.*

"Moped" means every vehicle that travels on not more than three wheels in contact with the ground that (i) has a seat that is no less than 24 inches in height, measured from the middle of the seat perpendicular to the ground; (ii) has a gasoline, electric, or hybrid motor that (a) displaces 50 cubic centimeters or less or (b) has an input of 1500 watts or less; (iii) is power-driven, with or without pedals that allow propulsion by human power; and (iv) is not operated at speeds in excess of 35 miles per hour. For purposes of this title, a moped shall be a motorcycle when operated at speeds in excess of 35 miles per hour. For purposes of Chapter 8 (§ 46.2-800 et seq.), a moped shall be a vehicle while operated on a highway.

"Motor-driven cycle" means every motorcycle that has a gasoline engine that (i) displaces less than 150 cubic centimeters; (ii) has a seat less than 24 inches in height, measured from the middle of the seat perpendicular to the ground; and (iii) has no manufacturer-issued vehicle identification number.

"Motor home" means every private motor vehicle with a normal seating capacity of not more than 10 persons, including the driver, designed primarily for use as living quarters for human beings.

"Motor vehicle" means every vehicle as defined in this section that is self-propelled or designed for self-propulsion except as otherwise provided in this title. Any structure designed, used, or maintained primarily to be loaded on or affixed to a motor vehicle to provide a mobile dwelling, sleeping place, office, or commercial space shall be considered a part of a motor vehicle. Except as otherwise provided, for the purposes of this title, any device herein defined as a bicycle, electric personal assistive mobility device, electric power-assisted bicycle, or moped shall be deemed not to be a motor vehicle.

"Motorcycle" means every motor vehicle designed to travel on not more than three wheels in contact with the ground and is capable of traveling at speeds in excess of 35 miles per hour. "Motorcycle" does not include any "autocycle," "electric personal assistive mobility device," "electric power-assisted bicycle," "farm tractor," "golf cart," "moped," "motorized skateboard or foot-scooter," "utility vehicle," or "wheelchair or wheelchair conveyance" as defined in this section.

"Motorized skateboard or foot-scooter" means every vehicle, regardless of the number of its wheels in contact with the ground, that (i) has no seat, but is designed to be stood upon by the operator, (ii) has no manufacturer-issued vehicle identification number, and (iii) is powered by an electric motor having an input of no more than 1,000 watts or a gasoline engine that displaces less than 36 cubic centimeters. "Motorized skateboard or foot-scooter" includes vehicles with or without handlebars but does not include "electric personal assistive mobility devices."

"Nonresident" means every person who is not domiciled in the Commonwealth, except: (i) any foreign corporation that is authorized to do business in the Commonwealth by the State Corporation Commission shall be a resident of the Commonwealth for the purpose of this title; in the case of corporations incorporated in the Commonwealth but doing business outside the Commonwealth, only such principal place of business or branches located within the Commonwealth shall be dealt with as residents of the Commonwealth; (ii) a person who becomes engaged in a gainful occupation in the Commonwealth for a period exceeding 60 days shall be a resident for the purposes of this title except for the purposes of Chapter 3 (§ 46.2-300 et seq.); (iii) a person, other than (a) a nonresident student as defined in this section or (b) a person who is serving a full-time church service or proselyting mission of not more than 36 months and who is not gainfully employed, who has actually resided in the Commonwealth for a period of six months, whether employed or not, or who has registered a motor vehicle, listing an address in the Commonwealth in the application for registration, shall be deemed a resident for the purposes of this title, except for the purposes of the Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.).

"Nonresident student" means every nonresident person who is enrolled as a full-time student in an accredited institution of learning in the Commonwealth and who is not gainfully employed.

"Off-road motorcycle" means every motorcycle designed exclusively for off-road use by an individual rider with not more than two wheels in contact with the ground. Except as otherwise provided in this chapter, for the purposes of this chapter off-road motorcycles shall be deemed to be "motorcycles."

"Operation or use for rent or for hire, for the transportation of passengers, or as a property carrier for compensation," and "business of transporting persons or property" mean any owner or operator of any motor vehicle, trailer, or semitrailer operating over the highways in the Commonwealth who accepts or receives compensation for the service, directly or indirectly; but these terms do not mean a "truck lessor" as defined in this section and do not include persons or businesses that receive compensation for delivering a product that they themselves sell or produce, where a separate charge is made for delivery of the product or the cost of delivery is included in the sale price of the product, but where the person or business does not derive all or a substantial portion of its income from the transportation of persons or property except as part of a sales transaction.

"Operator" or "driver" means every person who either (i) drives or is in actual physical control of a motor vehicle on a highway or (ii) is exercising control over or steering a vehicle being towed by a motor vehicle.

"Owner" means a person who holds the legal title to a vehicle; however, if a vehicle is the subject of an agreement for its conditional sale or lease with the right of purchase on performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee or if a mortgagor of a vehicle is entitled to possession, then the conditional vendee or lessee or mortgagor shall be the owner for the purpose of this title. In all such instances when the rent paid by the lessee includes charges for services of any nature or when the lease does not provide that title shall pass to the lessee on payment of the rent stipulated, the lessor shall be regarded as the owner of the vehicle, and the vehicle shall be subject to such requirements of this title as are applicable to vehicles operated for compensation. A "truck lessor" as defined in this section shall be regarded as the owner, and his vehicles shall be subject to such requirements of this title as are applicable to vehicles of private carriers.

"Passenger car" means every motor vehicle other than a motorcycle or autocycle designed and used primarily for the transportation of no more than 10 persons, including the driver.

"Payment device" means any credit card as defined in 15 U.S.C. § 1602 (k) or any "accepted card or other means of access" set forth in 15 U.S.C. § 1693a (1). For the purposes of this title, this definition shall also include a card that enables a person to pay for transactions through the use of value stored on the card itself.

"Pickup or panel truck" means (i) every motor vehicle designed for the transportation of property and having a registered gross weight of 7,500 pounds or less or (ii) every motor vehicle registered for personal use, designed to transport property on its own structure independent of any other vehicle, and having a registered gross weight in excess of 7,500 pounds but not in excess of 10,000 pounds.

"Private road or driveway" means every way in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

"Reconstructed vehicle" means every vehicle of a type required to be registered under this title materially altered from its original construction by the removal, addition, or substitution of new or used essential parts. Such vehicles, at the discretion of the Department, shall retain their original vehicle identification number, line-make, and model year. Except as otherwise provided in this title, this definition shall not include a "converted electric vehicle" as defined in this section.

"Replica vehicle" means every vehicle of a type required to be registered under this title not fully constructed by a licensed manufacturer but either constructed or assembled from components. Such components may be from a single vehicle, multiple vehicles, a kit, parts, or fabricated components. The kit may be made up of "major components" as defined in § 46.2-1600, a full body, or a full chassis, or a combination of these parts. The vehicle shall resemble a vehicle of distinctive name, line-make, model, or type as produced by a licensed manufacturer or manufacturer no longer in business and is not a reconstructed or specially constructed vehicle as herein defined.

"Residence district" means the territory contiguous to a highway, not comprising a business district, where 75 percent or more of the property abutting such highway, on either side of the highway, for a distance of 300 feet or more along the highway consists of land improved for dwelling purposes, or is occupied by dwellings, or consists of land or buildings in use for business purposes, or consists of territory zoned residential or territory in residential subdivisions created under Chapter 22 (§ 15.2-2200 et seq.) of Title 15.2.

"Revoke" or "revocation" means that the document or privilege revoked is not subject to renewal or restoration except through reapplication after the expiration of the period of revocation.

"Roadway" means that portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the shoulder. A highway may include two or more roadways if divided by a physical barrier or barriers or an unpaved area.

"Safety zone" means the area officially set apart within a roadway for the exclusive use of pedestrians and that is protected or is so marked or indicated by plainly visible signs.

"School bus" means any motor vehicle, other than a station wagon, automobile, truck, or commercial bus, which is: (i) designed and used primarily for the transportation of pupils to and from public, private or religious schools, or used for the transportation of the mentally or physically handicapped to and from a sheltered workshop; (ii) painted yellow and bears the words "School Bus" in black letters of a specified size on front and rear; and (iii) is equipped with warning devices prescribed in § 46.2-1090. A yellow school bus may have a white roof provided such vehicle is painted in accordance with regulations promulgated by the Department of Education.

"Semitrailer" means every vehicle of the trailer type so designed and used in conjunction with a motor vehicle that some part of its own weight and that of its own load rests on or is carried by another vehicle.

"Shared-use path" means a bikeway that is physically separated from motorized vehicular traffic by an open space or barrier and is located either within the highway right-of-way or within a separate right-of-way. Shared-use paths may also

be used by pedestrians, skaters, users of wheel chairs or wheel chair conveyances, joggers, and other nonmotorized users and electric personal delivery devices.

"Shoulder" means that part of a highway between the portion regularly traveled by vehicular traffic and the lateral curbline or ditch.

"Sidewalk" means the portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for use by pedestrians.

"Snowmobile" means a self-propelled vehicle designed to travel on snow or ice, steered by skis or runners, and supported in whole or in part by one or more skis, belts, or cleats.

"Special construction and forestry equipment" means any vehicle which is designed primarily for highway construction, highway maintenance, earth moving, timber harvesting or other construction or forestry work and which is not designed for the transportation of persons or property on a public highway.

"Specially constructed vehicle" means any vehicle that was not originally constructed under a distinctive name, make, model, or type by a generally recognized manufacturer of vehicles and not a reconstructed vehicle as herein defined.

"Stinger-steered automobile or watercraft transporter" means an automobile or watercraft transporter configured as a semitrailer combination wherein the fifth wheel is located on a drop frame behind and below the rearmost axle of the power unit.

"Superintendent" means the Superintendent of the Department of State Police of the Commonwealth.

"Suspend" or "suspension" means that the document or privilege suspended has been temporarily withdrawn, but may be reinstated following the period of suspension unless it has expired prior to the end of the period of suspension.

"Tow truck" means a motor vehicle for hire (i) designed to lift, pull, or carry another vehicle by means of a hoist or other mechanical apparatus and (ii) having a manufacturer's gross vehicle weight rating of at least 10,000 pounds. "Tow truck" also includes vehicles designed with a ramp on wheels and a hydraulic lift with a capacity to haul or tow another vehicle, commonly referred to as "rollback." "Tow truck" does not include any "automobile or watercraft transporter," "stinger-steered automobile or watercraft transporter," or "tractor truck" as those terms are defined in this section.

"Towing and recovery operator" means a person engaged in the business of (i) removing disabled vehicles, parts of vehicles, their cargoes, and other objects to facilities for repair or safekeeping and (ii) restoring to the highway or other location where they either can be operated or removed to other locations for repair or safekeeping vehicles that have come to rest in places where they cannot be operated.

"Toy vehicle" means any motorized or propellant-driven device that has no manufacturer-issued vehicle identification number that is designed or used to carry any person or persons, on any number of wheels, bearings, glides, blades, runners, or a cushion of air. "Toy vehicle" does not include electric personal assistive mobility devices, electric power-assisted bicycles, mopeds, or motorcycles, nor does it include any nonmotorized or nonpropellant-driven devices such as bicycles, roller skates, or skateboards.

"Tractor truck" means every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the load and weight of the vehicle attached thereto.

"Traffic control device" means a sign, signal, marking, or other device used to regulate, warn, or guide traffic placed on, over, or adjacent to a street, highway, private road open to public travel, pedestrian facility, or shared-use path by authority of a public agency or official having jurisdiction, or in the case of a private road open to public travel, by authority of the private owner or private official having jurisdiction.

"Traffic infraction" means a violation of law punishable as provided in § 46.2-113, which is neither a felony nor a misdemeanor.

"Traffic lane" or "lane" means that portion of a roadway designed or designated to accommodate the forward movement of a single line of vehicles.

"Trailer" means every vehicle without motive power designed for carrying property or passengers wholly on its own structure and for being drawn by a motor vehicle, including manufactured homes.

"Truck" means every motor vehicle designed to transport property on its own structure independent of any other vehicle and having a registered gross weight in excess of 7,500 pounds. "Truck" does not include any pickup or panel truck.

"Truck lessor" means a person who holds the legal title to any motor vehicle, trailer, or semitrailer that is the subject of a bona fide written lease for a term of one year or more to another person, provided that: (i) neither the lessor nor the lessee is a common carrier by motor vehicle or restricted common carrier by motor vehicle or contract carrier by motor vehicle as defined in § 46.2-2000; (ii) the leased motor vehicle, trailer, or semitrailer is used exclusively for the transportation of property of the lessee; (iii) the lessor is not employed in any capacity by the lessee; (iv) the operator of the leased motor vehicle is a bona fide employee of the lessee and is not employed in any capacity by the lessor; and (v) a true copy of the lease, verified by affidavit of the lessor, is filed with the Commissioner.

"Utility vehicle" means a motor vehicle that is (i) designed for off-road use, (ii) powered by a motor, and (iii) used for general maintenance, security, agricultural, or horticultural purposes. "Utility vehicle" does not include riding lawn mowers.

"Vehicle" means every device in, on or by which any person or property is or may be transported or drawn on a highway, except electric personal delivery devices and devices moved by human power or used exclusively on stationary rails or tracks. For the purposes of Chapter 8 (§ 46.2-800 et seq.), bicycles, electric personal assistive mobility devices, electric power-assisted bicycles, and mopeds shall be vehicles while operated on a highway.

"Watercraft transporter" means any tractor truck, lowboy, vehicle, or combination, including vehicles or combinations that transport watercraft on their power unit, designed and used exclusively for the transportation of watercraft.

"Wheel chair or wheel chair conveyance" means a chair or seat equipped with wheels, typically used to provide mobility for persons who, by reason of physical disability, are otherwise unable to move about as pedestrians. "Wheel chair or wheel chair conveyance" includes both three-wheeled and four-wheeled devices. So long as it is operated only as provided in § 46.2-677, a self-propelled wheel chair or self-propelled wheel chair conveyance shall not be considered a motor vehicle.

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

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

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

1. Passenger-carrying vehicles for rent or hire for the transportation of passengers for private trips, other than TNC partner vehicles as defined in § 46.2-2000 and emergency medical services vehicles pursuant to clause (iii) of § 46.2-649.1:1;
2. Taxicabs;
3. Passenger-carrying vehicles operated by common carriers or restricted common carriers;
4. Property-carrying motor vehicles registered pursuant to § 46.2-697 except pickup or panel trucks as defined in § 46.2-100;
5. Applicants, other than TNC partners as defined in § 46.2-2000 and emergency medical services vehicles pursuant to clause (iii) of § 46.2-649.1:1, who operate motor vehicles as passenger carriers for rent or hire;
6. Vehicles operated by nonemergency medical transportation carriers as defined in § 46.2-2000; and
7. Trailers and semitrailers.

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

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

E. *The Department shall issue appropriately designated license plates for military surplus motor vehicles registered pursuant to § 46.2-730.1.*

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

G. For any summons issued for a violation of this section, the court may, in its discretion, dismiss the summons, where proof of compliance with this section is provided to the court on or before the court date.

**§ 46.2-730.1. License plates for military surplus motor vehicles; fee; penalty.**

A. *On receipt of an application and evidence that the applicant owns or has regular use of another passenger car, autocycle, or motorcycle, the Commissioner shall issue a registration card and appropriately designed license plates to owners of military surplus motor vehicles. These license plates shall be valid so long as title to the vehicle is vested in the applicant. The fee for the registration card and license plates for any of these vehicles shall be a one-time fee of \$100.*

B. *Military surplus motor vehicles registered with license plates issued under this section shall not be used for general transportation purposes, including, but not limited to, daily travel to and from the owner's place of employment, but shall only be used:*

1. *For participation in off-road events, on-road club activities, exhibits, tours, parades, and similar events; and*
2. *On the highways of the Commonwealth for the purpose of selling the vehicle, obtaining repairs or maintenance, transportation to and from events as described in subdivision 1, and occasional pleasure driving not exceeding 125 miles from the address at which the vehicle is stored for use.*

*The registration card issued to the owner of a military surplus motor vehicle registered pursuant to this section shall indicate that such vehicle is for limited use.*

C. *Any owner of a military surplus motor vehicle applying for registration pursuant to this section shall submit to the Department, in the manner prescribed by the Department, certification that such vehicle is capable of being safely operated on the highways of the Commonwealth.*

*Pursuant to § 46.2-1000, the Department shall suspend the registration of any vehicle registered with license plates issued under this section that the Department or the Department of State Police determines is not properly equipped or is otherwise unsafe to operate. Any law-enforcement officer shall take possession of the license plates, registration card, and decals, if any, of any vehicle registered with license plates issued under this section when he observes any defect in such vehicle as set forth in § 46.2-1000.*

D. *Any law-enforcement officer may require any person operating a military surplus motor vehicle registered pursuant to this section to provide, upon request, the address at which the vehicle is stored for use and the destination of such operation. Any owner of a military surplus motor vehicle registered with license plates pursuant to this section who is*

convicted of a violation of this section is guilty of a Class 4 misdemeanor. Upon receiving a record of conviction of a violation of this section, the Department shall revoke and not reinstate the owner's privilege to register the vehicle operated in violation of this section with license plates issued pursuant to this section for a period of five years from the date of conviction.

E. Military surplus motor vehicles registered with the Department under any other provision of this Code prior to January 1, 2019, may continue to be registered under such provision. Such vehicles shall be considered to be registered under this section for the purpose of § 46.2-1158.01. In the event that any such vehicle is transferred to a new owner, the vehicle must be registered pursuant to this section.

F. No military surplus motor vehicle shall be registered as an antique vehicle pursuant to § 46.2-730.

**§ 46.2-1158.01. Exceptions to motor vehicle inspection requirement.**

A. The following shall be exempt from inspection as required by § 46.2-1157:

1. Four-wheel vehicles weighing less than 500 pounds and having less than 6 horsepower;
2. Boat, utility, or travel trailers that are not equipped with brakes;
3. Antique motor vehicles or antique trailers as defined in § 46.2-100 and licensed pursuant to § 46.2-730;
4. Any motor vehicle, trailer, or semitrailer that is outside the Commonwealth at the time its inspection expires when operated by the most direct route to the owner's or operator's place of residence or the owner's legal place of business in the Commonwealth;
5. A truck, tractor truck, trailer, or semitrailer for which the period fixed for inspection has expired while the vehicle was outside the Commonwealth (i) from a point outside the Commonwealth to the place where such vehicle is kept or garaged within the Commonwealth or (ii) to a destination within the Commonwealth where such vehicle will be (a) unloaded within 24 hours of entering the Commonwealth, (b) inspected within such 24-hour period, and (c) operated, after being unloaded, only to an inspection station or to the place where it is kept or garaged within the Commonwealth;
6. New motor vehicles, new trailers, or new semitrailers operated upon the highways of the Commonwealth for the purpose of delivery from the place of manufacture to the dealer's or distributor's designated place of business or between places of business if such manufacturer, dealer, or distributor has more than one place of business; dealers or distributors may take delivery and operate upon the highways of the Commonwealth new motor vehicles, new trailers, or new semitrailers from another dealer or distributor provided a motor vehicle, trailer, or semitrailer shall not be considered new if driven upon the highways for any purpose other than the delivery of the vehicle;
7. New motor vehicles, new trailers, or new semitrailers bearing a manufacturer's license operated for test purposes by the manufacturer;
8. Motor vehicles, trailers, or semitrailers operated for test purposes by a certified inspector during the performance of an official inspection;
9. New motor vehicles, new trailers, or new semitrailers operated upon the highways of the Commonwealth over the most direct route to a location for installation of a permanent body;
10. Motor vehicles, trailers, or semitrailers purchased outside the Commonwealth driven to the purchaser's place of residence or the dealer's or distributor's designated place of business;
11. Prior to purchase from auto auctions, motor vehicles, trailers, or semitrailers operated upon the highways not to exceed a five-mile radius of such auction by prospective purchasers only for the purpose of road testing and motor vehicles, trailers, or semitrailers purchased from auto auctions operated upon the highways from such auction to (i) an official safety inspection station provided that (a) the inspection station is located between the auto auction and the purchaser's residence or place of business or within a five-mile radius of such residence or business and (b) the vehicle is taken to the inspection station on the same day the purchaser removes the vehicle from the auto auction or (ii) the purchaser's place of residence or business;
12. Motor vehicles, trailers, or semitrailers, after the expiration of a period fixed for the inspection thereof, (i) operated over the most direct route between the place where such vehicle is kept or garaged and an official inspection station or (ii) parked on a highway and that have been submitted for a motor vehicle safety inspection to an official inspection station, for the purpose of having the same inspected pursuant to a prior appointment with such station;
13. Any vehicle for transporting well-drilling machinery and mobile equipment as defined in § 46.2-700;
14. Motor vehicles being towed in a legal manner as exempted under § 46.2-1150;
15. Logtrailers as exempted under § 46.2-1159;
16. Motor vehicles designed or altered and used exclusively for racing or other exhibition purposes as exempted under § 46.2-1160;
17. Any tow dolly or converter gear as defined in § 46.2-1119;
18. A new motor vehicle, as defined in § 46.2-1500, that has been inspected in accordance with an inspection requirement of the manufacturer or distributor of the new motor vehicle by an employee who customarily performs such inspection on behalf of a motor vehicle dealer licensed pursuant to § 46.2-1508. Such inspection shall be deemed to be the first inspection for the purpose of § 46.2-1158, and an inspection approval sticker furnished by the Department of State Police at the uniform price paid by all official inspection stations to the Department of State Police for an inspection approval sticker may be affixed to the vehicle as required by § 46.2-1163;
19. Mopeds;
20. Low-speed vehicles; ~~and~~

21. Vehicles exempt from registration pursuant to Article 6 (§ 46.2-662 et seq.) of Chapter 6; and  
 22. *Military surplus motor vehicles as defined in § 46.2-100 and licensed pursuant to § 46.2-730.1.*

B. The following shall be exempt from inspection as required by § 46.2-1157 provided *that* (i) the commercial motor vehicle operates in interstate commerce; (ii) the commercial motor vehicle is found to meet the federal requirements for annual inspection through a self-inspection, a third-party inspection, a Commercial Vehicle Safety Alliance inspection, or a periodic inspection performed by any state with a program; (iii) the inspection has been determined by the Federal Motor Carrier Safety Administration to be comparable to or as effective as the requirements of 49 C.F.R. ~~Part 396~~ § 396.3(a); and (iv) documentation of such determination as provided for in 49 C.F.R. ~~Part 396~~ § 396.3(b) is available for review by law-enforcement officials to verify that the inspection is current:

1. Any commercial motor vehicle operating in interstate commerce that is subject to the Federal Motor Carrier Safety Regulations;
2. Any trailer or semitrailer being operated in interstate commerce that is subject to the Federal Motor Carrier Safety Regulations.

**§ 46.2-1179. Board to adopt emissions standards.**

A. The Board shall adopt emissions standards necessary to implement the emissions inspection program provided for in this article. Such standards shall include specifications and criteria that will enable the identification of vehicles whose emissions so far exceed those permissible under this article as to qualify them as "gross violators," and enable the expedited identification of such vehicles through on-road testing pursuant to § 46.2-1178.1.

B. The Board shall establish separate and distinct emissions standards applicable to on-road testing of motor vehicles pursuant to § 46.2-1178.1. Notwithstanding any contrary provision of this article, except for any motor vehicle registered as an antique motor vehicle or a *military surplus motor vehicle*, such criteria shall be applicable to all motor vehicles manufactured for the 1968 model year or any more recent model year, with criteria for each model year being appropriate to that model year.

**CHAPTER 556**

*An Act to amend and reenact § 58.1-439.5 of the Code of Virginia, relating to agricultural best management practices tax credit; refundability for corporations.*

[H 1382]

Approved March 30, 2018

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

**1. That § 58.1-439.5 of the Code of Virginia is amended and reenacted as follows:**

**§ 58.1-439.5. Agricultural best management practices tax credit.**

A. For all taxable years beginning on and after January 1, 1998, any corporation engaged in agricultural production for market who has in place a soil conservation plan approved by the local Soil and Water Conservation District (SWCD) shall be allowed a credit against the tax imposed by § 58.1-400 of an amount equaling twenty-five percent of the first \$70,000 expended for agricultural best management practices by the corporation. As used in this section, "agricultural best management practice" means a practice approved by the Virginia Soil and Water Conservation Board (VSWCB) which will provide a significant improvement to water quality in the state's streams and rivers and the Chesapeake Bay and is consistent with other state and federal programs that address agricultural, nonpoint-source-pollution management. Eligible practices shall include, but are not limited to, the following:

1. Livestock-waste and poultry-waste management;
2. Soil erosion control;
3. Nutrient and sediment filtration and detention;
4. Nutrient management; and
5. Pest management and pesticide handling.

A detailed list of the standards and criteria for practices eligible for credit shall be found in the most recently approved "Virginia Agricultural BMP Implementation Manual" published by the Department of Conservation and Recreation.

B. Any practice approved by the local Soil and Water Conservation District Board shall be completed within the taxable year in which the credit is claimed. After the practice installation has been completed, the local SWCD Board shall certify the practice as approved and completed, and eligible for credit. The applicant shall forward the certification to the Department of Taxation on forms provided by the Department. The credit shall be allowed only for expenditures made by the taxpayer from funds of his own sources.

C. 1. The amount of such credit shall not exceed \$17,500 or the total amount of the tax imposed by this chapter, whichever is less, in the year the project was completed, as certified by the Board. *Any taxpayer claiming a tax credit under this section shall not claim a credit under any similar Virginia law for costs related to the same eligible practices.*

2. If the amount of the credit exceeds the taxpayer's liability for such taxable year, the excess ~~may be carried over for credit against income taxes in the next five taxable years until the total amount of the tax credit has been taken~~ shall be refunded by the Tax Commissioner. *Tax credits shall be refunded by the Tax Commissioner on behalf of the Commonwealth*

for 100 percent of face value. Tax credits shall be refunded within 90 days after the filing date of the income tax return on which the taxpayer applies for the refund.

D. For purposes of this section, the amount of any credit attributable to agricultural best management practices by a partnership or electing small business corporation (S Corporation) shall be allocated to the individual partners or shareholders in proportion to their ownership or interest in the partnership or S Corporation.

### CHAPTER 557

*An Act to amend and reenact §§ 15.2-916, 15.2-1209, 18.2-285, 18.2-286, 29.1-306, 29.1-307, 29.1-519, 29.1-521, 29.1-521.2, 29.1-524, 29.1-525, and 29.1-549 of the Code of Virginia, relating to arrowgun hunting; license.*

[H 1393]

Approved March 30, 2018

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

**1. That §§ 15.2-916, 15.2-1209, 18.2-285, 18.2-286, 29.1-306, 29.1-307, 29.1-519, 29.1-521, 29.1-521.2, 29.1-524, 29.1-525, and 29.1-549 of the Code of Virginia are amended and reenacted as follows:**

**§ 15.2-916. Prohibiting shooting of compound bows, slingbows, arrowguns, crossbows, longbows, and recurve bows.**

Any locality may prohibit the shooting of an arrow from a bow *or arrowgun* in a manner that can be reasonably expected to result in the impact of the arrow upon the property of another without permission from the owner or tenant of such property. For the purposes of this section, "bow" includes all compound bows, crossbows, slingbows, longbows, and recurve bows having a peak draw weight of 10 pounds or more. The term "bow" does not include bows that have a peak draw weight of less than 10 pounds or that are designed or intended to be used principally as toys. The term "arrow" means a shaft-like projectile intended to be shot from a bow.

**§ 15.2-1209. Prohibiting outdoor shooting of firearms or arrows from bows or arrowguns in certain areas.**

Any county may prohibit the outdoor shooting of firearms or arrows from bows *or arrowguns* in any areas of the county which are in the opinion of the governing body so heavily populated as to make such conduct dangerous to the inhabitants thereof.

For purposes of this section, "bow" includes all compound bows, crossbows, slingbows, longbows, and recurve bows having a peak draw weight of 10 pounds or more. The term "bow" does not include bows that have a peak draw weight of less than 10 pounds or that are designed or intended to be used principally as toys. The term "arrow" means a shaft-like projectile intended to be shot from a bow.

Any county that prohibits the outdoor shooting of firearms or arrows from bows *or arrowguns* shall provide an exemption for the killing of deer pursuant to § 29.1-529. Such exemption for the shooting of firearms *or arrowguns* shall apply on land of at least five acres that is zoned for agricultural use. Such exemption for the shooting of arrows from bows shall apply on land of at least two acres that is zoned for agricultural use.

**§ 18.2-285. Hunting with firearms while under influence of intoxicant or narcotic drug; penalty.**

It shall be unlawful for any person to hunt wildlife with a firearm, bow and arrow, slingbow, *arrowgun*, or crossbow in the Commonwealth while he is (i) under the influence of alcohol; (ii) under the influence of any narcotic drug or any other self-administered intoxicant or drug of whatsoever nature, or any combination of such drugs, to a degree that impairs his ability to hunt with a firearm, bow and arrow, slingbow, *arrowgun*, or crossbow safely; or (iii) under the combined influence of alcohol and any drug or drugs to a degree that impairs his ability to hunt with a firearm, bow and arrow, slingbow, *arrowgun*, or crossbow safely. Any person who violates the provisions of this section is guilty of a Class 1 misdemeanor. Conservation police officers, sheriffs, and all other law-enforcement officers shall enforce the provisions of this section.

**§ 18.2-286. Shooting in or across road or in street.**

If any person discharges a firearm, crossbow, slingbow, *arrowgun*, or bow and arrow in or across any road, or within the right-of-way thereof, or in a street of any city or town, he shall, for each offense, be guilty of a Class 4 misdemeanor.

The provisions of this section shall not apply to firing ranges or shooting matches maintained, and supervised or approved, by law-enforcement officers and military personnel in performance of their lawful duties.

**§ 29.1-306. Special archery license, slingbow license, and crossbow license.**

There shall be a license for hunting with a bow and arrow, slingbow, or crossbow, during the special archery seasons, which shall be in addition to the licenses required to hunt small and big game. *Any person who is disabled so as to prevent drawing the weight of a bow or crossbow may obtain such license for hunting with an arrowgun. The applicant shall provide proof of disability acceptable to the Director on a standardized form provided by the Department, which shall be in the person's possession while hunting with an arrowgun.*

The fee for the special license shall be \$17 for a resident and \$30 for a nonresident. The Board may subsequently revise the cost of licenses set forth in this section pursuant to § 29.1-103.

**§ 29.1-307. Special muzzleloading license.**

There shall be a license for hunting with a muzzleloader *or arrowgun* during the special muzzleloading seasons, which shall be in addition to the license required to hunt small game.

The fee for the special license shall be ~~twelve dollars~~ \$12 for a resident and ~~twenty-five dollars~~ \$25 for a nonresident. The special muzzleloader license may be obtained from the clerk or agent whose duty it is to sell licenses in any county or city. The Board may subsequently revise the cost of licenses set forth in this section pursuant to § 29.1-103.

**§ 29.1-519. Guns, pistols, revolvers, etc., which may be used; penalty.**

A. All wild birds and wild animals may be hunted with the following weapons unless shooting is expressly prohibited:

1. A shotgun or muzzleloading shotgun not larger than 10 gauge;
2. An automatic-loading or hand-operated repeating shotgun capable of holding not more than three shells the magazine of which has been cut off or plugged with a one-piece filler incapable of removal through the loading end, so as to reduce the capacity of the gun to not more than three shells at one time in the magazine and chamber combined, unless otherwise allowed by Board regulations;
3. A rifle, a muzzleloading rifle, or an air rifle;
4. A bow and arrow;
5. [Expired.]
6. A crossbow, which is a type of bow and arrow, in accordance with the provisions of § 29.1-306;
7. A slingshot, except when hunting deer, bear, elk, or turkey; ~~and~~
8. *An arrowgun, which is a pneumatic-powered air gun that fires an arrow; and*
9. A slingbow, which is a type of bow and arrow, in accordance with the provisions of § 29.1-306 except when hunting bear or elk.

B. A pistol, muzzleloading pistol, or revolver may be used to hunt nuisance species of birds and animals.

C. In the counties west of the Blue Ridge Mountains, and counties east of the Blue Ridge where rifles of a caliber larger than .22 caliber may be used for hunting wild birds and animals, game birds and animals may be hunted with pistols or revolvers firing cartridges rated in manufacturers' tables at 350 foot pounds of energy or greater and under the same restrictions and conditions as apply to rifles, provided that no cartridge shall be used with a bullet of less than .23 caliber. In no event shall pistols or revolvers firing cartridges rated in manufacturers' tables at 350 foot pounds of energy or greater be used if rifles of a caliber larger than .22 caliber are not authorized for hunting purposes.

D. The use of muzzleloading pistols and .22 caliber rimfire handguns is permitted for hunting small game where .22 caliber rifles are permitted.

E. The use of muzzleloading pistols of .45 caliber or larger is permitted for hunting big game where and in those seasons when the use of muzzleloading rifles is permitted. The Board may adopt regulations that specify the types of muzzleloading pistols and the projectiles and propellants that shall be permitted.

F. The hunting of wild birds and wild animals with fully automatic firearms, defined as a machine gun in § 18.2-288, is prohibited.

G. The hunting of wild birds or wild animals with (i) weapons other than those authorized by this section or (ii) weapons that have been prohibited by this section is punishable as a Class 3 misdemeanor.

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

A. The following shall be unlawful:

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

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

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

4. To knowingly occupy any baited blind or other baited place for the purpose of taking or attempting to take any wild bird or wild animal or to put out bait or salt for any wild bird or wild animal for the purpose of taking or killing it. There shall be a rebuttable presumption that a person charged with violating this subdivision knows that he is occupying a baited blind or other baited place for the purpose of taking or attempting to take any wild bird or wild animal. However, this shall

not apply to baiting nuisance species of animals and birds, or to baiting traps for the purpose of taking fur-bearing animals that may be lawfully trapped.

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

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

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

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

9. To fail to visit all traps once each day and remove all animals caught, and immediately report to the landowner as to stock, dogs, or fowl that are caught and the date. However, the Director or his designee may authorize employees of federal, state, and local government agencies, and persons holding a valid Commercial Nuisance Animal Permit issued by the Department, to visit body-gripping traps that are completely submerged at least once every 72 hours, and the Board may adopt regulations permitting trappers to visit traps less frequently under specified conditions. The Board shall adopt regulations permitting trappers to use remote trap-checking technology to check traps under specified conditions.

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

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

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

"Verification" as used in this section shall include (i) display of a valid tribal identification card, (ii) confirmation through a central tribal registry, (iii) a letter from a tribal chief or council, or (iv) certification from a tribal office that the person is an enrolled member of the tribe.

C. Notwithstanding any other provision of this chapter, the Department may authorize the use of snake exclusion devices by public utilities at their transmission or distribution facilities and the incidental taking of snakes resulting from the use of such devices.

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

**§ 29.1-521.2. Violation of § 18.2-286 while hunting; revocation of license and privileges.**

A. Any firearm, crossbow, slingbow, *arrowgun*, or bow and arrow used by any person to hunt any game bird or game animal in a manner which violates § 18.2-286 may, upon conviction of such person violating § 18.2-286, be forfeited to the Commonwealth by order of the court trying the case. The forfeiture shall be enforced as provided in Chapter 22.1 (§ 19.2-386.1 et seq.) of Title 19.2. The officer or other person seizing the property shall immediately give notice to the attorney for the Commonwealth.

B. The court may revoke the current hunting license and privileges of a person hunting any game bird or game animal in a manner that constitutes a violation of § 18.2-286. The court may prohibit that person from hunting for a period of one to five years. If found hunting during this prohibited period, the person shall be guilty of a Class 2 misdemeanor. Notification of such revocation or prohibition shall be forwarded to the Department pursuant to subsection C of § 18.2-56.1.

**§ 29.1-524. Forfeiture of vehicles and weapons used for killing or attempt to kill.**

Every vehicle, firearm, crossbow, slingbow, *arrowgun*, bow and arrow, or speargun used with the knowledge or consent of the owner or lienholder thereof, in killing or attempting to kill deer between a half hour after sunset and a half hour before sunrise in violation of § 29.1-523, and every vehicle used in the transportation of the carcass, or any part thereof, of a deer so killed shall be forfeited to the Commonwealth. Upon being condemned as forfeited in proceedings under Chapter 22.1 (§ 19.2-386.1 et seq.) of Title 19.2, the proceeds of sale shall be disposed of according to law.

**§ 29.1-525. Employment of lights under certain circumstances upon places used by deer.**

A. Any person in any vehicle and then in possession of any firearm, crossbow, slingbow, *arrowgun*, bow and arrow, or speargun who employs a light attached to the vehicle or a spotlight or flashlight to cast a light beyond the water or surface of the roadway upon any place used by deer shall be guilty of a Class 2 misdemeanor. Every person in or on any such vehicle shall be deemed prima facie a principal in the second degree and subject to the same punishment as a principal in the first degree. This subsection shall not apply to a landowner in possession of a weapon when he is on his own land and is making a bona fide effort to protect his property from damage by deer and not for the purpose of killing deer unless the landowner is in possession of a permit to do so pursuant to the provisions of § 29.1-529.

B. Any person in any motor vehicle who deliberately employs a light attached to such vehicle or a spotlight or flashlight to cast a light beyond the surface of the roadway upon any place used by deer, except upon his own land or upon land on which he has an easement or permission for such purpose, shall be guilty of a Class 4 misdemeanor. Every person in or on any such vehicle shall be deemed prima facie a principal in the second degree and subject to the same punishment as a principal in the first degree.

C. The provisions of subsections A and B shall not apply to activities conducted by a locality pursuant to a permit or written authorization issued by the Department.

D. In addition to the penalties prescribed in subsection A, the court shall revoke the current hunting license and privileges of the person convicted of a violation of subsection A and prohibit the person from hunting for a period of one to five years. In addition to the penalties prescribed in subsection B, the court may revoke the current hunting license and privileges of the person convicted of a violation of subsection B and prohibit that person from hunting for one to five years. If a person convicted of a violation of subsection A or B is found hunting during the prohibited period, the person shall be guilty of a Class 2 misdemeanor. Notification of such revocation or prohibition shall be forwarded to the Department pursuant to subsections C and D of § 18.2-56.1.

**§ 29.1-549. Hunting deer from watercraft.**

A. Any person who kills or attempts to kill any deer while the person is in a boat or other type watercraft shall be guilty of a Class 4 misdemeanor.

B. Every boat or other watercraft and their motors, and any firearm, slingbow, *arrowgun*, crossbow, bow and arrow, or speargun, used with the knowledge or consent of the owner or lienholder thereof in killing or attempting to kill deer in violation of this section shall be forfeited to the Commonwealth, and upon being condemned as forfeited in proceedings under Chapter 22.1 (§ 19.2-386.1 et seq.) of Title 19.2 the proceeds of sale shall be disposed of according to law.

**CHAPTER 558**

*An Act to amend and reenact §§ 15.2-916, 15.2-1209, 18.2-285, 18.2-286, 29.1-306, 29.1-307, 29.1-519, 29.1-521, 29.1-521.2, 29.1-524, 29.1-525, and 29.1-549 of the Code of Virginia, relating to arrowgun hunting; license.*

[S 859]

Approved March 30, 2018

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

**1. That §§ 15.2-916, 15.2-1209, 18.2-285, 18.2-286, 29.1-306, 29.1-307, 29.1-519, 29.1-521, 29.1-521.2, 29.1-524, 29.1-525, and 29.1-549 of the Code of Virginia are amended and reenacted as follows:**

**§ 15.2-916. Prohibiting shooting of compound bows, slingbows, arrowguns, crossbows, longbows, and recurve bows.**

Any locality may prohibit the shooting of an arrow from a bow *or arrowgun* in a manner that can be reasonably expected to result in the impact of the arrow upon the property of another without permission from the owner or tenant of such property. For the purposes of this section, "bow" includes all compound bows, crossbows, slingbows, longbows, and recurve bows having a peak draw weight of 10 pounds or more. The term "bow" does not include bows that have a peak draw weight of less than 10 pounds or that are designed or intended to be used principally as toys. The term "arrow" means a shaft-like projectile intended to be shot from a bow.

**§ 15.2-1209. Prohibiting outdoor shooting of firearms or arrows from bows or arrowguns in certain areas.**

Any county may prohibit the outdoor shooting of firearms or arrows from bows *or arrowguns* in any areas of the county which are in the opinion of the governing body so heavily populated as to make such conduct dangerous to the inhabitants thereof.

For purposes of this section, "bow" includes all compound bows, crossbows, slingbows, longbows, and recurve bows having a peak draw weight of 10 pounds or more. The term "bow" does not include bows that have a peak draw weight of less than 10 pounds or that are designed or intended to be used principally as toys. The term "arrow" means a shaft-like projectile intended to be shot from a bow.

Any county that prohibits the outdoor shooting of firearms or arrows from bows *or arrowguns* shall provide an exemption for the killing of deer pursuant to § 29.1-529. Such exemption for the shooting of firearms *or arrowguns* shall apply on land of at least five acres that is zoned for agricultural use. Such exemption for the shooting of arrows from bows shall apply on land of at least two acres that is zoned for agricultural use.

**§ 18.2-285. Hunting with firearms while under influence of intoxicant or narcotic drug; penalty.**

It shall be unlawful for any person to hunt wildlife with a firearm, bow and arrow, slingbow, *arrowgun*, or crossbow in the Commonwealth while he is (i) under the influence of alcohol; (ii) under the influence of any narcotic drug or any other self-administered intoxicant or drug of whatsoever nature, or any combination of such drugs, to a degree that impairs his ability to hunt with a firearm, bow and arrow, slingbow, *arrowgun*, or crossbow safely; or (iii) under the combined influence of alcohol and any drug or drugs to a degree that impairs his ability to hunt with a firearm, bow and arrow, slingbow, *arrowgun*, or crossbow safely. Any person who violates the provisions of this section is guilty of a Class 1 misdemeanor. Conservation police officers, sheriffs, and all other law-enforcement officers shall enforce the provisions of this section.

**§ 18.2-286. Shooting in or across road or in street.**

If any person discharges a firearm, crossbow, slingbow, *arrowgun*, or bow and arrow in or across any road, or within the right-of-way thereof, or in a street of any city or town, he shall, for each offense, be guilty of a Class 4 misdemeanor.

The provisions of this section shall not apply to firing ranges or shooting matches maintained, and supervised or approved, by law-enforcement officers and military personnel in performance of their lawful duties.

**§ 29.1-306. Special archery license, slingbow license, and crossbow license.**

There shall be a license for hunting with a bow and arrow, slingbow, or crossbow, during the special archery seasons, which shall be in addition to the licenses required to hunt small and big game. *Any person who is disabled so as to prevent drawing the weight of a bow or crossbow may obtain such license for hunting with an arrowgun. The applicant shall provide proof of disability acceptable to the Director on a standardized form provided by the Department, which shall be in the person's possession while hunting with an arrowgun.*

The fee for the special license shall be \$17 for a resident and \$30 for a nonresident. The Board may subsequently revise the cost of licenses set forth in this section pursuant to § 29.1-103.

**§ 29.1-307. Special muzzleloading license.**

There shall be a license for hunting with a muzzleloader or *arrowgun* during the special muzzleloading seasons, which shall be in addition to the license required to hunt small game.

The fee for the special license shall be ~~twelve dollars~~ \$12 for a resident and ~~twenty-five dollars~~ \$25 for a nonresident. The special muzzleloader license may be obtained from the clerk or agent whose duty it is to sell licenses in any county or city. The Board may subsequently revise the cost of licenses set forth in this section pursuant to § 29.1-103.

**§ 29.1-519. Guns, pistols, revolvers, etc., which may be used; penalty.**

A. All wild birds and wild animals may be hunted with the following weapons unless shooting is expressly prohibited:

1. A shotgun or muzzleloading shotgun not larger than 10 gauge;
2. An automatic-loading or hand-operated repeating shotgun capable of holding not more than three shells the magazine of which has been cut off or plugged with a one-piece filler incapable of removal through the loading end, so as to reduce the capacity of the gun to not more than three shells at one time in the magazine and chamber combined, unless otherwise allowed by Board regulations;
3. A rifle, a muzzleloading rifle, or an air rifle;
4. A bow and arrow;
5. [Expired.]
6. A crossbow, which is a type of bow and arrow, in accordance with the provisions of § 29.1-306;
7. A slingshot, except when hunting deer, bear, elk, or turkey; ~~and~~
8. *An arrowgun, which is a pneumatic-powered air gun that fires an arrow; and*
9. A slingbow, which is a type of bow and arrow, in accordance with the provisions of § 29.1-306 except when hunting bear or elk.

B. A pistol, muzzleloading pistol, or revolver may be used to hunt nuisance species of birds and animals.

C. In the counties west of the Blue Ridge Mountains, and counties east of the Blue Ridge where rifles of a caliber larger than .22 caliber may be used for hunting wild birds and animals, game birds and animals may be hunted with pistols or revolvers firing cartridges rated in manufacturers' tables at 350 foot pounds of energy or greater and under the same restrictions and conditions as apply to rifles, provided that no cartridge shall be used with a bullet of less than .23 caliber. In no event shall pistols or revolvers firing cartridges rated in manufacturers' tables at 350 foot pounds of energy or greater be used if rifles of a caliber larger than .22 caliber are not authorized for hunting purposes.

D. The use of muzzleloading pistols and .22 caliber rimfire handguns is permitted for hunting small game where .22 caliber rifles are permitted.

E. The use of muzzleloading pistols of .45 caliber or larger is permitted for hunting big game where and in those seasons when the use of muzzleloading rifles is permitted. The Board may adopt regulations that specify the types of muzzleloading pistols and the projectiles and propellants that shall be permitted.

F. The hunting of wild birds and wild animals with fully automatic firearms, defined as a machine gun in § 18.2-288, is prohibited.

G. The hunting of wild birds or wild animals with (i) weapons other than those authorized by this section or (ii) weapons that have been prohibited by this section is punishable as a Class 3 misdemeanor.

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

A. The following shall be unlawful:

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

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

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

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

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

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

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

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

9. To fail to visit all traps once each day and remove all animals caught, and immediately report to the landowner as to stock, dogs, or fowl that are caught and the date. However, the Director or his designee may authorize employees of federal, state, and local government agencies, and persons holding a valid Commercial Nuisance Animal Permit issued by the Department, to visit body-gripping traps that are completely submerged at least once every 72 hours, and the Board may adopt regulations permitting trappers to visit traps less frequently under specified conditions. The Board shall adopt regulations permitting trappers to use remote trap-checking technology to check traps under specified conditions.

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

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

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

"Verification" as used in this section shall include (i) display of a valid tribal identification card, (ii) confirmation through a central tribal registry, (iii) a letter from a tribal chief or council, or (iv) certification from a tribal office that the person is an enrolled member of the tribe.

C. Notwithstanding any other provision of this chapter, the Department may authorize the use of snake exclusion devices by public utilities at their transmission or distribution facilities and the incidental taking of snakes resulting from the use of such devices.

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

**§ 29.1-521.2. Violation of § 18.2-286 while hunting; revocation of license and privileges.**

A. Any firearm, crossbow, slingbow, *arrowgun*, or bow and arrow used by any person to hunt any game bird or game animal in a manner which violates § 18.2-286 may, upon conviction of such person violating § 18.2-286, be forfeited to the Commonwealth by order of the court trying the case. The forfeiture shall be enforced as provided in Chapter 22.1 (§ 19.2-386.1 et seq.) of Title 19.2. The officer or other person seizing the property shall immediately give notice to the attorney for the Commonwealth.

B. The court may revoke the current hunting license and privileges of a person hunting any game bird or game animal in a manner that constitutes a violation of § 18.2-286. The court may prohibit that person from hunting for a period of one to five years. If found hunting during this prohibited period, the person shall be guilty of a Class 2 misdemeanor. Notification of such revocation or prohibition shall be forwarded to the Department pursuant to subsection C of § 18.2-56.1.

**§ 29.1-524. Forfeiture of vehicles and weapons used for killing or attempt to kill.**

Every vehicle, firearm, crossbow, slingbow, *arrowgun*, bow and arrow, or speargun used with the knowledge or consent of the owner or lienholder thereof, in killing or attempting to kill deer between a half hour after sunset and a half hour before sunrise in violation of § 29.1-523, and every vehicle used in the transportation of the carcass, or any part thereof, of a deer so killed shall be forfeited to the Commonwealth. Upon being condemned as forfeited in proceedings under Chapter 22.1 (§ 19.2-386.1 et seq.) of Title 19.2, the proceeds of sale shall be disposed of according to law.

**§ 29.1-525. Employment of lights under certain circumstances upon places used by deer.**

A. Any person in any vehicle and then in possession of any firearm, crossbow, slingbow, *arrowgun*, bow and arrow, or speargun who employs a light attached to the vehicle or a spotlight or flashlight to cast a light beyond the water or surface of the roadway upon any place used by deer shall be guilty of a Class 2 misdemeanor. Every person in or on any such vehicle shall be deemed prima facie a principal in the second degree and subject to the same punishment as a principal in the first degree. This subsection shall not apply to a landowner in possession of a weapon when he is on his own land and is making a bona fide effort to protect his property from damage by deer and not for the purpose of killing deer unless the landowner is in possession of a permit to do so pursuant to the provisions of § 29.1-529.

B. Any person in any motor vehicle who deliberately employs a light attached to such vehicle or a spotlight or flashlight to cast a light beyond the surface of the roadway upon any place used by deer, except upon his own land or upon land on which he has an easement or permission for such purpose, shall be guilty of a Class 4 misdemeanor. Every person in or on any such vehicle shall be deemed prima facie a principal in the second degree and subject to the same punishment as a principal in the first degree.

C. The provisions of subsections A and B shall not apply to activities conducted by a locality pursuant to a permit or written authorization issued by the Department.

D. In addition to the penalties prescribed in subsection A, the court shall revoke the current hunting license and privileges of the person convicted of a violation of subsection A and prohibit the person from hunting for a period of one to five years. In addition to the penalties prescribed in subsection B, the court may revoke the current hunting license and privileges of the person convicted of a violation of subsection B and prohibit that person from hunting for one to five years. If a person convicted of a violation of subsection A or B is found hunting during the prohibited period, the person shall be guilty of a Class 2 misdemeanor. Notification of such revocation or prohibition shall be forwarded to the Department pursuant to subsections C and D of § 18.2-56.1.

**§ 29.1-549. Hunting deer from watercraft.**

A. Any person who kills or attempts to kill any deer while the person is in a boat or other type watercraft shall be guilty of a Class 4 misdemeanor.

B. Every boat or other watercraft and their motors, and any firearm, slingbow, *arrowgun*, crossbow, bow and arrow, or speargun, used with the knowledge or consent of the owner or lienholder thereof in killing or attempting to kill deer in violation of this section shall be forfeited to the Commonwealth, and upon being condemned as forfeited in proceedings under Chapter 22.1 (§ 19.2-386.1 et seq.) of Title 19.2 the proceeds of sale shall be disposed of according to law.

## CHAPTER 559

*An Act to amend and reenact § 29.1-574 of the Code of Virginia, relating to snakehead fish; certified restaurants and retail markets.*

[H 1404]

Approved March 30, 2018

**Be it enacted by the General Assembly of Virginia:****1. That § 29.1-574 of the Code of Virginia is amended and reenacted as follows:****§ 29.1-574. Prohibitions.**

A. No person shall knowingly import, possess, transport, sell, purchase, give, receive, or introduce into the Commonwealth any member of a species designated as a nonindigenous aquatic nuisance species without a permit from the Director issued pursuant to § 29.1-575.

B. Subsection A shall not apply to any person who (i) lawfully catches a snakehead fish of the family Channidae, (ii) subsequently kills such fish, and (iii) notifies the Department, as soon as practicable, of his actions.

C. *Subsection A shall not apply to any Hazard Analysis and Critical Control Point (HACCP) plan (21 C.F.R. 120 et seq.) certified restaurant or retail market that purchases from an HACCP certified dealer or sells processed snakehead fish of the family Channidae.*

**CHAPTER 560**

*An Act to amend and reenact § 58.1-513 of the Code of Virginia, relating to land preservation tax credits; transfer of credits upon the death of an individual with unused credits.*

[H 1460]

Approved March 30, 2018

**Be it enacted by the General Assembly of Virginia:****1. That § 58.1-513 of the Code of Virginia is amended and reenacted as follows:****§ 58.1-513. Limitations; transfer of credit; gain or loss from tax credit.**

A. Any taxpayer claiming a tax credit under this article shall not claim a credit under any similar Virginia law for costs related to the same project. To the extent a credit is taken in accordance with this article, no subtraction allowed for the gain on the sale of (i) land dedicated to open-space use or (ii) an easement dedicated to open-space use under subdivision 14 of § 58.1-322.02 shall be allowed for three years following the year in which the credit is taken. Any building which serves as the basis, in whole or in part, of a tax credit under this article shall not serve as the basis of the tax credit allowed under § 58.1-339.2 for a period of five years following the donation on which the credit is based; and any building which serves as the basis for the tax credit allowed under § 58.1-339.2 shall not serve as the basis, in whole or in part, for a tax credit under this article for a period of five years following the completion of the rehabilitation project on which the credit is based.

B. Any tax credits that arise under this article from the donation of land or an interest in land made by a pass-through tax entity such as a trust, estate, partnership, limited liability company or partnership, limited partnership, subchapter S corporation or other fiduciary shall be used either by such entity if it is the taxpayer on behalf of such entity or by the member, manager, partner, shareholder or beneficiary, as the case may be, in proportion to their interest in such entity in the event that income, deductions and tax liability pass through such entity to such member, manager, partner, shareholder or beneficiary or as set forth in the agreement of said entity. Such tax credits shall not be claimed by both the entity and the member, manager, partner, shareholder or beneficiary for the same donation.

C. 1. Any taxpayer holding a credit under this article may transfer unused but otherwise allowable credit for use by another taxpayer on Virginia income tax returns. A taxpayer who transfers any amount of credit under this article shall file a notification of such transfer to the Department in accordance with procedures and forms prescribed by the Tax Commissioner.

2. A fee of two percent of the value of the donated interest shall be imposed upon any transfer arising from the sale by any taxpayer of credits under this article and upon the distribution of a portion of credits under this article to a member, manager, partner, shareholder or beneficiary pursuant to subsection B. The two percent fee shall not apply to a distribution of credits to a nonresident owner of a pass-through entity when such credits are applied by the pass-through entity to the withholding tax pursuant to subdivision B 2 of § 58.1-486.2. Revenues generated by such fees first shall be used by the Department of Taxation and the Department of Conservation and Recreation for their costs in implementing this article but in no event shall such amount exceed 50 percent of the total revenue generated by the fee on an annual basis. The remainder of such revenues shall be transferred to the Virginia Land Conservation Fund for distribution to the public or private conservation agencies or organizations, excluding federal governmental entities, that are responsible for enforcing the conservation and preservation purposes of the donated interests. Distribution of such revenues shall be made annually by the Virginia Land Conservation Foundation proportionally based on a three-year average of the number of donated interests accepted by the public or private conservation agencies or organizations, excluding federal governmental entities, during the immediately preceding three-year period.

3. *If the individual taxpayer who originally earned the tax credit holds unused credit under this article, he may provide through a will, bequest, or other instrument of transfer that, upon his death, his unused credit shall be transferred to a designated beneficiary. If such taxpayer dies without a will, his unused credit shall be transferred to the next person who is eligible to receive according to the rules of intestate succession as described in § 64.2-200; however, if two or more persons are eligible to receive according to such rules, the administrator of the taxpayer's estate shall choose one such person to whom to transfer such taxpayer's unused credit. The two percent fee described in subdivision 2 shall not apply to a transfer of unused credits pursuant to this subdivision. The carryover period for such transferred credits shall not be extended;*

*instead, such credits shall be subject to the original carryover period as determined pursuant to subdivision C 1 of § 58.1-512.*

D. To the extent included in and not otherwise subtracted from federal adjusted gross income pursuant to § 58.1-322.02 or federal taxable income pursuant to § 58.1-402, there shall be subtracted any amount of gain or income recognized by a taxpayer on the application of a tax credit under this article against a Virginia income tax liability.

E. The transfer of the credit and its application against a tax liability shall not create gain or loss for the transferor or the transferee of such credit.

F. A pass-through tax entity, such as a partnership, limited liability company or Subchapter S corporation, may appoint a tax matters representative, who shall be a general partner, member/manager or shareholder, and register that representative with the Tax Commissioner. The Tax Commissioner shall be entitled to deal with the tax matters representative as representative of the taxpayers to whom credits have been allocated or transferred by the entity under this article with respect to those credits. In the event a pass-through tax entity allocates or transfers tax credits arising under this article to its partners, members or shareholders and the allocated or transferred credits shall be disallowed, in whole or in part, such that an assessment of additional tax against a taxpayer shall be made, the Tax Commissioner shall first make written demand for payment of any additional tax, together with interest and penalties, from the tax matters representative. In the event such payment demand is not satisfied, the Tax Commissioner shall proceed to collection against the taxpayers in accordance with the provisions of Chapter 18 (§ 58.1-1800 et seq.).

**2. That the provisions of subdivision C 3 of § 58.1-513 of the Code of Virginia, as amended by this act, shall apply to transfers of unused credits upon the death of a taxpayer occurring on and after July 1, 2018, regardless of when such unused credits were earned.**

## CHAPTER 561

*An Act to amend the Code of Virginia by adding a section numbered 38.2-3407.9:04, relating to health benefit plans; prescription drug coverage; synchronization of medications.*

[H 234]

Approved March 30, 2018

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

**1. That the Code of Virginia is amended by adding a section numbered 38.2-3407.9:04 as follows:**

**§ 38.2-3407.9:04. Medication synchronization.**

*A. As used in this section:*

*"Carrier," "health plan," and "provider contract" have the meanings ascribed thereto in subsection A of § 38.2-3407.15.*

*"Enrollee" and "provider" have the meanings ascribed thereto in subsection A of § 38.2-3407.10.*

*"Network pharmacy" means a pharmacy that has agreed to provide pharmacy services to enrollees with an expectation of receiving payments, other than coinsurance, copayments, or deductibles, directly or indirectly from the carrier under the terms of a provider contract.*

*B. Any health plan providing prescription drug coverage in the Commonwealth shall permit and apply a prorated daily cost-sharing rate to prescriptions that are dispensed by a network pharmacy for a partial supply if the prescribing provider or the pharmacist determines the fill or refill to be in the best interest of the enrollee and the enrollee requests or agrees to a partial supply for the purpose of synchronizing the enrollee's medications, provided that such a proration for any prescription shall not occur more frequently than annually.*

*C. No health plan providing prescription drug coverage shall deny coverage for the dispensing of a medication that is dispensed by a network pharmacy on the basis that the dispensing is for a partial supply if the prescribing provider or the pharmacist determines the fill or refill to be in the best interest of the enrollee and the enrollee requests or agrees to a partial supply for the purpose of synchronizing the enrollee's medications. The health plan shall allow a pharmacy to override any denial codes indicating that a prescription is being refilled too soon for the purposes of synchronizing the enrollee's medications.*

*D. No health plan providing prescription drug coverage shall use payment structures incorporating prorated dispensing fees. Dispensing fees for partially filled or refilled prescriptions shall be paid in full for each prescription dispensed, regardless of any prorated copay or fee paid for synchronization services.*

*E. This section shall apply with respect to health plans that are entered into, amended, extended, or renewed on or after January 1, 2019.*

*F. Pursuant to the authority granted by § 38.2-223, the Commission may promulgate such rules and regulations as it may deem necessary to implement this section.*

*G. The Commission shall have no jurisdiction to adjudicate individual controversies arising out of this section.*

CHAPTER 562

*An Act to require the Board of Health to amend regulations governing newborn screening to include certain diseases.*

[H 1174]

Approved March 30, 2018

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

1. § 1. *That the Board of Health shall amend regulations governing newborn screening to include screening for Pompe disease and mucopolysaccharidosis type 1 (MPS-1).*

CHAPTER 563

*An Act to require the Board of Health to amend regulations governing newborn screening to include certain diseases.*

[S 449]

Approved March 30, 2018

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

1. § 1. *That the Board of Health shall amend regulations governing newborn screening to include screening for Pompe disease and mucopolysaccharidosis type 1 (MPS-1).*

CHAPTER 564

*An Act to amend and reenact § 63.2-1521 of the Code of Virginia, relating to civil proceedings involving child abuse or neglect; testimony of children.*

[S 89]

Approved March 30, 2018

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

1. That § 63.2-1521 of the Code of Virginia is amended and reenacted as follows:

**§ 63.2-1521. Testimony by child using two-way closed-circuit television.**

A. In any civil proceeding involving alleged abuse or neglect of a child pursuant to this chapter or pursuant to §§ 16.1-241, 16.1-251, 16.1-252, 16.1-253, 16.1-253.1, 16.1-253.4, 16.1-278.14, 16.1-279.1, 16.1-283, or § 20-107.2, the child's attorney or guardian ad litem or, if the child has been committed to the custody of a local department, the attorney for the local department may apply for an order from the court that the testimony of the alleged victim or of a child witness be taken in a room outside the courtroom and be televised by two-way closed-circuit television. The person seeking such order shall apply for the order at least seven days before the trial date.

B. The provisions of this section shall apply to the following:

1. An alleged victim who was ~~fourteen~~ 14 years of age or under on the date of the alleged offense and is ~~sixteen~~ 16 or under at the time of the trial; and

2. Any child witness who is ~~fourteen~~ 14 years of age or under at the time of the trial.

C. The court may order that the testimony of the child be taken by closed-circuit television as provided in subsections A and B if it finds that the child is unavailable to testify in open court in the presence of the defendant, the jury, the judge, and the public, for any of the following reasons:

1. The child's persistent refusal to testify despite judicial requests to do so;

2. The child's substantial inability to communicate about the offense; or

3. The substantial likelihood, based upon expert opinion testimony, that the child will suffer severe emotional trauma from so testifying.

Any ruling on the child's unavailability under this subsection shall be supported by the court with findings on the record or with written findings in a court not of record.

D. In any proceeding in which closed-circuit television is used to receive testimony, the attorney for the child and the defendant's attorney and, if the child has been committed to the custody of a local board, the attorney for the local board shall be present in the room with the child, and the child shall be subject to direct and cross examination. The only other persons allowed to be present in the room with the child during his testimony shall be the guardian ad litem, those persons necessary to operate the closed-circuit equipment, and any other person whose presence is determined by the court to be necessary to the welfare and well-being of the child.

E. The child's testimony shall be transmitted by closed-circuit television into the courtroom for the defendant, jury, judge and public to view. The defendant shall be provided with a means of private, contemporaneous communication with his attorney during the testimony.

## CHAPTER 565

*An Act to amend and reenact §§ 32.1-127 and 54.1-2990 of the Code of Virginia, relating to medically or ethically inappropriate care not required.*

[S 222]

Approved March 30, 2018

**Be it enacted by the General Assembly of Virginia:****1. That §§ 32.1-127 and 54.1-2990 of the Code of Virginia are amended and reenacted as follows:****§ 32.1-127. Regulations.**

A. The regulations promulgated by the Board to carry out the provisions of this article shall be in substantial conformity to the standards of health, hygiene, sanitation, construction and safety as established and recognized by medical and health care professionals and by specialists in matters of public health and safety, including health and safety standards established under provisions of Title XVIII and Title XIX of the Social Security Act, and to the provisions of Article 2 (§ 32.1-138 et seq.).

**B. Such regulations:**

1. Shall include minimum standards for (i) the construction and maintenance of hospitals, nursing homes and certified nursing facilities to ensure the environmental protection and the life safety of its patients, employees, and the public; (ii) the operation, staffing and equipping of hospitals, nursing homes and certified nursing facilities; (iii) qualifications and training of staff of hospitals, nursing homes and certified nursing facilities, except those professionals licensed or certified by the Department of Health Professions; (iv) conditions under which a hospital or nursing home may provide medical and nursing services to patients in their places of residence; and (v) policies related to infection prevention, disaster preparedness, and facility security of hospitals, nursing homes, and certified nursing facilities. For purposes of this paragraph, facilities in which five or more first trimester abortions per month are performed shall be classified as a category of "hospital";

2. Shall provide that at least one physician who is licensed to practice medicine in this Commonwealth shall be on call at all times, though not necessarily physically present on the premises, at each hospital which operates or holds itself out as operating an emergency service;

3. May classify hospitals and nursing homes by type of specialty or service and may provide for licensing hospitals and nursing homes by bed capacity and by type of specialty or service;

4. Shall also require that each hospital establish a protocol for organ donation, in compliance with federal law and the regulations of the Centers for Medicare and Medicaid Services (CMS), particularly 42 C.F.R. § 482.45. Each hospital shall have an agreement with an organ procurement organization designated in CMS regulations for routine contact, whereby the provider's designated organ procurement organization certified by CMS (i) is notified in a timely manner of all deaths or imminent deaths of patients in the hospital and (ii) is authorized to determine the suitability of the decedent or patient for organ donation and, in the absence of a similar arrangement with any eye bank or tissue bank in Virginia certified by the Eye Bank Association of America or the American Association of Tissue Banks, the suitability for tissue and eye donation. The hospital shall also have an agreement with at least one tissue bank and at least one eye bank to cooperate in the retrieval, processing, preservation, storage, and distribution of tissues and eyes to ensure that all usable tissues and eyes are obtained from potential donors and to avoid interference with organ procurement. The protocol shall ensure that the hospital collaborates with the designated organ procurement organization to inform the family of each potential donor of the option to donate organs, tissues, or eyes or to decline to donate. The individual making contact with the family shall have completed a course in the methodology for approaching potential donor families and requesting organ or tissue donation that (a) is offered or approved by the organ procurement organization and designed in conjunction with the tissue and eye bank community and (b) encourages discretion and sensitivity according to the specific circumstances, views, and beliefs of the relevant family. In addition, the hospital shall work cooperatively with the designated organ procurement organization in educating the staff responsible for contacting the organ procurement organization's personnel on donation issues, the proper review of death records to improve identification of potential donors, and the proper procedures for maintaining potential donors while necessary testing and placement of potential donated organs, tissues, and eyes takes place. This process shall be followed, without exception, unless the family of the relevant decedent or patient has expressed opposition to organ donation, the chief administrative officer of the hospital or his designee knows of such opposition, and no donor card or other relevant document, such as an advance directive, can be found;

5. Shall require that each hospital that provides obstetrical services establish a protocol for admission or transfer of any pregnant woman who presents herself while in labor;

6. Shall also require that each licensed hospital develop and implement a protocol requiring written discharge plans for identified, substance-abusing, postpartum women and their infants. The protocol shall require that the discharge plan be discussed with the patient and that appropriate referrals for the mother and the infant be made and documented. Appropriate referrals may include, but need not be limited to, treatment services, comprehensive early intervention services for infants and toddlers with disabilities and their families pursuant to Part H of the Individuals with Disabilities Education Act, 20 U.S.C. § 1471 et seq., and family-oriented prevention services. The discharge planning process shall involve, to the extent possible, the father of the infant and any members of the patient's extended family who may participate in the follow-up care for the mother and the infant. Immediately upon identification, pursuant to § 54.1-2403.1, of any

substance-abusing, postpartum woman, the hospital shall notify, subject to federal law restrictions, the community services board of the jurisdiction in which the woman resides to appoint a discharge plan manager. The community services board shall implement and manage the discharge plan;

7. Shall require that each nursing home and certified nursing facility fully disclose to the applicant for admission the home's or facility's admissions policies, including any preferences given;

8. Shall require that each licensed hospital establish a protocol relating to the rights and responsibilities of patients which shall include a process reasonably designed to inform patients of such rights and responsibilities. Such rights and responsibilities of patients, a copy of which shall be given to patients on admission, shall be consistent with applicable federal law and regulations of the Centers for Medicare and Medicaid Services;

9. Shall establish standards and maintain a process for designation of levels or categories of care in neonatal services according to an applicable national or state-developed evaluation system. Such standards may be differentiated for various levels or categories of care and may include, but need not be limited to, requirements for staffing credentials, staff/patient ratios, equipment, and medical protocols;

10. Shall require that each nursing home and certified nursing facility train all employees who are mandated to report adult abuse, neglect, or exploitation pursuant to § 63.2-1606 on such reporting procedures and the consequences for failing to make a required report;

11. Shall permit hospital personnel, as designated in medical staff bylaws, rules and regulations, or hospital policies and procedures, to accept emergency telephone and other verbal orders for medication or treatment for hospital patients from physicians, and other persons lawfully authorized by state statute to give patient orders, subject to a requirement that such verbal order be signed, within a reasonable period of time not to exceed 72 hours as specified in the hospital's medical staff bylaws, rules and regulations or hospital policies and procedures, by the person giving the order, or, when such person is not available within the period of time specified, co-signed by another physician or other person authorized to give the order;

12. Shall require, unless the vaccination is medically contraindicated or the resident declines the offer of the vaccination, that each certified nursing facility and nursing home provide or arrange for the administration to its residents of (i) an annual vaccination against influenza and (ii) a pneumococcal vaccination, in accordance with the most recent recommendations of the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention;

13. Shall require that each nursing home and certified nursing facility register with the Department of State Police to receive notice of the registration or reregistration of any sex offender within the same or a contiguous zip code area in which the home or facility is located, pursuant to § 9.1-914;

14. Shall require that each nursing home and certified nursing facility ascertain, prior to admission, whether a potential patient is a registered sex offender, if the home or facility anticipates the potential patient will have a length of stay greater than three days or in fact stays longer than three days;

15. Shall require that each licensed hospital include in its visitation policy a provision allowing each adult patient to receive visits from any individual from whom the patient desires to receive visits, subject to other restrictions contained in the visitation policy including, but not limited to, those related to the patient's medical condition and the number of visitors permitted in the patient's room simultaneously;

16. Shall require that each nursing home and certified nursing facility shall, upon the request of the facility's family council, send notices and information about the family council mutually developed by the family council and the administration of the nursing home or certified nursing facility, and provided to the facility for such purpose, to the listed responsible party or a contact person of the resident's choice up to six times per year. Such notices may be included together with a monthly billing statement or other regular communication. Notices and information shall also be posted in a designated location within the nursing home or certified nursing facility. No family member of a resident or other resident representative shall be restricted from participating in meetings in the facility with the families or resident representatives of other residents in the facility;

17. Shall require that each nursing home and certified nursing facility maintain liability insurance coverage in a minimum amount of \$1 million, and professional liability coverage in an amount at least equal to the recovery limit set forth in § 8.01-581.15, to compensate patients or individuals for injuries and losses resulting from the negligent or criminal acts of the facility. Failure to maintain such minimum insurance shall result in revocation of the facility's license;

18. Shall require each hospital that provides obstetrical services to establish policies to follow when a stillbirth, as defined in § 32.1-69.1, occurs that meet the guidelines pertaining to counseling patients and their families and other aspects of managing stillbirths as may be specified by the Board in its regulations;

19. Shall require each nursing home to provide a full refund of any unexpended patient funds on deposit with the facility following the discharge or death of a patient, other than entrance-related fees paid to a continuing care provider as defined in § 38.2-4900, within 30 days of a written request for such funds by the discharged patient or, in the case of the death of a patient, the person administering the person's estate in accordance with the Virginia Small Estates Act (§ 64.2-600 et seq.); ~~and~~

20. Shall require that each hospital that provides inpatient psychiatric services establish a protocol that (i) requires, for any refusal to admit a medically stable patient referred to its psychiatric unit, direct verbal communication between the on-call physician in the psychiatric unit and the referring physician, if requested by such referring physician, and

(ii) prohibits on-call physicians or other hospital staff from refusing a request for such direct verbal communication by a referring physician; and

21. Shall require that each hospital that is equipped to provide life-sustaining treatment shall develop a policy governing determination of the medical and ethical appropriateness of proposed medical care, which shall include (i) a process for obtaining a second opinion regarding the medical and ethical appropriateness of proposed medical care in cases in which a physician has determined proposed care to be medically or ethically inappropriate; (ii) provisions for review of the determination that proposed medical care is medically or ethically inappropriate by an interdisciplinary medical review committee and a determination by the interdisciplinary medical review committee regarding the medical and ethical appropriateness of the proposed health care; and (iii) requirements for a written explanation of the decision reached by the interdisciplinary medical review committee, which shall be included in the patient's medical record. Such policy shall ensure that the patient, his agent, or the person authorized to make medical decisions pursuant to § 54.1-2986 (a) are informed of the patient's right to obtain his medical record and to obtain an independent medical opinion and (b) afforded reasonable opportunity to participate in the medical review committee meeting. Nothing in such policy shall prevent the patient, his agent, or the person authorized to make medical decisions pursuant to § 54.1-2986 from obtaining legal counsel to represent the patient or from seeking other remedies available at law, including seeking court review, provided that the patient, his agent, or the person authorized to make medical decisions pursuant to § 54.1-2986, or legal counsel provides written notice to the chief executive officer of the hospital within 14 days of the date on which the physician's determination that proposed medical treatment is medically or ethically inappropriate is documented in the patient's medical record.

C. Upon obtaining the appropriate license, if applicable, licensed hospitals, nursing homes, and certified nursing facilities may operate adult day care centers.

D. All facilities licensed by the Board pursuant to this article which provide treatment or care for hemophiliacs and, in the course of such treatment, stock clotting factors, shall maintain records of all lot numbers or other unique identifiers for such clotting factors in order that, in the event the lot is found to be contaminated with an infectious agent, those hemophiliacs who have received units of this contaminated clotting factor may be apprised of this contamination. Facilities which have identified a lot which is known to be contaminated shall notify the recipient's attending physician and request that he notify the recipient of the contamination. If the physician is unavailable, the facility shall notify by mail, return receipt requested, each recipient who received treatment from a known contaminated lot at the individual's last known address.

**§ 54.1-2990. Medically unnecessary health care not required; procedure when physician refuses to comply with an advance directive or a designated person's health care decision; mercy killing or euthanasia prohibited.**

A. As used in this section:

"Health care provider" has the same meaning as in § 8.01-581.1.

"Life-sustaining treatment" means any ongoing health care that utilizes mechanical or other artificial means to sustain, restore, or supplant a spontaneous vital function, including hydration, nutrition, maintenance medication, and cardiopulmonary resuscitation.

B. Nothing in this article shall be construed to require a physician to prescribe or render health care to a patient that the physician determines to be medically or ethically inappropriate. ~~However, in such a case, if the physician's~~ A determination of the medical or ethical inappropriateness of proposed health care shall be based solely on the patient's medical condition and not on the patient's age or other demographic status, disability, or diagnosis of persistent vegetative state.

In cases in which a physician's determination that proposed health care, including life-sustaining treatment, is medically or ethically inappropriate is contrary to the request of the patient, the terms of a patient's advance directive, the decision of an agent or person authorized to make decisions pursuant to § 54.1-2986, or a Durable Do Not Resuscitate Order, the physician or his designee shall document the physician's determination in the patient's medical record, make a reasonable effort to inform the patient or the patient's agent or person with decision-making authority pursuant to § 54.1-2986 of such determination and the reasons ~~for the determination~~ therefor in writing, and provide a copy of the hospital's written policies regarding review of decisions regarding the medical or ethical appropriateness of proposed health care established pursuant to subdivision B 21 of § 32.1-127.

If the conflict remains unresolved, the physician shall make a reasonable effort to transfer the patient to another physician ~~who~~ or facility that is willing to comply with the request of the patient, the terms of the advance directive, the decision of an agent or person authorized to make decisions pursuant to § 54.1-2986, or a Durable Do Not Resuscitate Order and shall cooperate in transferring the patient to the physician or facility identified. The physician shall provide the patient or his agent or person with decision-making authority pursuant to § 54.1-2986 a reasonable time of not less than ~~fourteen~~ 14 days after the date on which the decision regarding the medical or ethical inappropriateness of the proposed treatment is documented in the patient's medical record in accordance with the hospital's written policy developed pursuant to subdivision B 21 of § 32.1-127 to effect such transfer. During this period, (i) the physician shall continue to provide any life-sustaining ~~care~~ treatment to the patient ~~which~~ that is reasonably available to such physician, as requested by the patient or his agent or person with decision-making authority pursuant to § 54.1-2986, and (ii) the hospital in which the patient is receiving life-sustaining treatment shall facilitate prompt access to the patient's medical record pursuant to § 32.1-127.1:03.

*If, at the end of the 14-day period, the conflict remains unresolved despite compliance with the hospital's written policy established pursuant to subdivision B 21 of § 32.1-127 and the physician has been unable to identify another physician or facility willing to provide the care requested by the patient, the terms of the advance directive, or the decision of the agent or person authorized to make decisions pursuant to § 54.1-2986 to which to transfer the patient despite reasonable efforts, the physician may cease to provide the treatment that the physician has determined to be medically or ethically inappropriate subject to the right of court review by any party. However, artificial nutrition and hydration may be withdrawn or withheld only if, on the basis of physician's reasonable medical judgment, providing such artificial nutrition and hydration would (a) hasten the patient's death, (b) be medically ineffective in prolonging life, or (c) be contrary to the clearly documented wishes of the patient, the terms of the patient's advance directive, or the decision of an agent or person authorized to make decisions pursuant to § 54.1-2986 regarding the withholding of artificial nutrition or hydration. In all cases, care directed toward the patient's pain and comfort shall be provided.*

~~B. For purposes of this section, "life-sustaining care" means any ongoing health care that utilizes mechanical or other artificial means to sustain, restore or supplant a spontaneous vital function, including hydration, nutrition, maintenance medication, and cardiopulmonary resuscitation.~~

C. Nothing in this section shall require the provision of health care that the physician is physically or legally unable to provide; or health care that the physician is physically or legally unable to provide without thereby denying the same health care to another patient.

D. Nothing in this article shall be construed to condone, authorize, or approve mercy killing or euthanasia; or to permit any affirmative or deliberate act or omission to end life other than to permit the natural process of dying.

E. *Compliance with the requirements of this section shall not be admissible to prove a violation of or compliance with the standard of care as set forth in § 8.01-581.20.*

#### CHAPTER 566

*An Act to direct the Department of Medical Assistance Services to make recommendations regarding flexibility to individuals enrolled in certain waivers.*

[S 310]

Approved March 30, 2018

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

1. *§ 1. The Department of Medical Assistance Services (Department) shall make recommendations to the General Assembly for legislative, regulatory, or policy changes that provide flexibility to an individual enrolled in a home and community-based waiver to choose his place of residence in the Commonwealth and that ensure such individual's informed choice of place of residence does not reduce, terminate, suspend, or deny services for which he is otherwise eligible. The Department shall report such recommendations to the House Committees on Appropriations and Health, Welfare and Institutions and the Senate Committees on Finance and Education and Health by November 1, 2018.*

#### CHAPTER 567

*An Act to amend and reenact §§ 54.1-2519, 54.1-2521, 54.1-2522.1, as it is currently effective and as it shall become effective, 54.1-3442.6, and 54.1-3442.7 of the Code of Virginia, relating to dispensing of THC-A oil; tetrahydrocannabinol levels and stability testing.*

[S 330]

Approved March 30, 2018

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

1. **That §§ 54.1-2519, 54.1-2521, 54.1-2522.1, as it is currently effective and as it shall become effective, 54.1-3442.6, and 54.1-3442.7 of the Code of Virginia are amended and reenacted as follows:**

##### **§ 54.1-2519. Definitions.**

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

"Administer" means the direct application of a controlled substance, whether by injection, inhalation, ingestion or any other means, to the body of a patient or research subject by (i) a practitioner or, under the practitioner's direction, his authorized agent or (ii) the patient or research subject at the direction and in the presence of the practitioner.

"Bureau" means the Virginia Department of State Police, Bureau of Criminal Investigation, Drug Diversion Unit.

"Controlled substance" means a drug, substance or immediate precursor in Schedules I through VI of the Drug Control Act, Chapter 34 (§ 54.1-3400 et seq.) of this title.

"Covered substance" means all controlled substances included in Schedules II, III, and IV and all drugs of concern that are required to be reported to the Prescription Monitoring Program, pursuant to this chapter. "Covered substance" also includes cannabidiol oil or THC-A oil dispensed by a pharmaceutical processor in Virginia.

"Department" means the Virginia Department of Health Professions.

"Director" means the Director of the Virginia Department of Health Professions.

"Dispense" means to deliver a controlled substance to an ultimate user or research subject by or pursuant to the lawful order of a practitioner, including the prescribing and administering, packaging, labeling or compounding necessary to prepare the substance for that delivery.

"Dispenser" means a person or entity that (i) is authorized by law to dispense a covered substance or to maintain a stock of covered substances for the purpose of dispensing, and (ii) dispenses the covered substance to a citizen of the Commonwealth regardless of the location of the dispenser, or who dispenses such covered substance from a location in Virginia regardless of the location of the recipient.

"Drug of concern" means any drug or substance, including any controlled substance or other drug or substance, where there has been or there is the potential for abuse and that has been identified by the Board of Pharmacy pursuant to § 54.1-3456.1.

"Prescriber" means a practitioner licensed in the Commonwealth who is authorized pursuant to §§ 54.1-3303 and 54.1-3408 to issue a prescription for a covered substance or a practitioner licensed in another state to so issue a prescription for a covered substance.

"Recipient" means a person who receives a covered substance from a dispenser.

"Relevant health regulatory board" means any such board that licenses persons or entities with the authority to prescribe or dispense covered substances, including, but not limited to, the Board of Dentistry, the Board of Medicine, and the Board of Pharmacy.

**§ 54.1-2521. Reporting requirements.**

A. The failure by any person subject to the reporting requirements set forth in this section and the Department's regulations to report the dispensing of covered substances shall constitute grounds for disciplinary action by the relevant health regulatory board.

B. Upon dispensing a covered substance, a dispenser of such covered substance shall report the following information:

1. The recipient's name and address.
2. The recipient's date of birth.
3. The covered substance that was dispensed to the recipient.
4. The quantity of the covered substance that was dispensed.
5. The date of the dispensing.
6. The prescriber's identifier number *and, in cases in which the covered substance is cannabidiol oil or THC-A oil, the expiration date of the written certification.*
7. The dispenser's identifier number.
8. The method of payment for the prescription.
9. Any other non-clinical information that is designated by the Director as necessary for the implementation of this chapter in accordance with the Department's regulations.
10. Any other information specified in regulations promulgated by the Director as required in order for the Prescription Monitoring Program to be eligible to receive federal funds.

C. The reports required herein shall be made to the Department or its agent within 24 hours or the dispenser's next business day, whichever comes later, and shall be made and transmitted in such manner and format and according to the standards and schedule established in the Department's regulations.

**§ 54.1-2522.1. (Effective until July 1, 2022) Requirements of practitioners.**

A. Any prescriber who is licensed in the Commonwealth to treat human patients and is authorized pursuant to §§ 54.1-3303 and 54.1-3408 to issue a prescription for a covered substance shall be registered with the Prescription Monitoring Program by the Department of Health Professions.

B. A prescriber registered with the Prescription Monitoring Program or a person to whom he has delegated authority to access information in the possession of the Prescription Monitoring Program pursuant to § 54.1-2523.2 shall, at the time of initiating a new course of treatment to a human patient that includes the prescribing of opioids anticipated at the onset of treatment to last more than seven consecutive days, request information from the Director for the purpose of determining what, if any, other covered substances are currently prescribed to the patient. In addition, any prescriber who holds a special identification number from the Drug Enforcement Administration authorizing the prescribing of controlled substances approved for use in opioid addiction therapy shall, prior to or as a part of execution of a treatment agreement with the patient, request information from the Director for the purpose of determining what, if any, other covered substances the patient is currently being prescribed. Nothing in this section shall prohibit prescribers from making additional periodic requests for information from the Director as may be required by routine prescribing practices.

C. A prescriber shall not be required to meet the provisions of subsection B if:

1. The opioid is prescribed to a patient currently receiving hospice or palliative care;
2. The opioid is prescribed to a patient as part of treatment for a surgical or invasive procedure and such prescription is for no more than 14 consecutive days;
3. The opioid is prescribed to a patient during an inpatient hospital admission or at discharge;
4. The opioid is prescribed to a patient in a nursing home or a patient in an assisted living facility that uses a sole source pharmacy;
5. The Prescription Monitoring Program is not operational or available due to temporary technological or electrical failure or natural disaster; or

6. The prescriber is unable to access the Prescription Monitoring Program due to emergency or disaster and documents such circumstances in the patient's medical record.

*D. Prior to issuing a written certification for the use of cannabidiol oil or THC-A oil in accordance with § 54.1-3408.3, a practitioner shall request information from the Director for the purpose of determining what, if any, other covered substances have been dispensed to the patient.*

**§ 54.1-2522.1. (Effective July 1, 2022) Requirements of practitioners.**

A. Any prescriber who is licensed in the Commonwealth to treat human patients and is authorized pursuant to §§ 54.1-3303 and 54.1-3408 to issue a prescription for a covered substance shall be registered with the Prescription Monitoring Program by the Department of Health Professions.

B. Prescribers registered with the Prescription Monitoring Program shall, at the time of initiating a new course of treatment to a human patient that includes the prescribing of benzodiazepine or an opiate anticipated at the onset of treatment to last more than 90 consecutive days, request information from the Director for the purpose of determining what, if any, other covered substances are currently prescribed to the patient. In addition, any prescriber who holds a special identification number from the Drug Enforcement Administration authorizing the prescribing of controlled substances approved for use in opioid addiction therapy shall, prior to or as a part of execution of a treatment agreement with the patient, request information from the Director for the purpose of determining what, if any, other covered substances the patient is currently being prescribed. Nothing in this section shall prohibit prescribers from making additional periodic requests for information from the Director as may be required by routine prescribing practices.

C. The Secretary of Health and Human Resources may identify and publish a list of benzodiazepines or opiates that have a low potential for abuse by human patients. Prescribers who prescribe such identified benzodiazepines or opiates shall not be required to meet the provisions of subsection B. In addition, a prescriber shall not be required to meet the provisions of subsection B if the course of treatment arises from pain management relating to dialysis or cancer treatments.

*D. Prior to issuing a written certification for the use of cannabidiol oil or THC-A oil in accordance with § 54.1-3408.3, a practitioner shall request information from the Director for the purpose of determining what, if any, other covered substances have been dispensed to the patient.*

**§ 54.1-3442.6. Permit to operate pharmaceutical processor.**

A. No person shall operate a pharmaceutical processor without first obtaining a permit from the Board. The application for such permit shall be made on a form provided by the Board and signed by a pharmacist who will be in full and actual charge of the pharmaceutical processor. The Board shall establish an application fee and other general requirements for such application.

B. Each permit shall expire annually on a date determined by the Board in regulation. The number of permits that the Board may issue or renew in any year is limited to one for each health service area established by the Board of Health. Permits shall be displayed in a conspicuous place on the premises of the pharmaceutical processor.

C. The Board shall adopt regulations establishing health, safety, and security requirements for pharmaceutical processors. Such regulations shall include requirements for (i) physical standards; (ii) location restrictions; (iii) security systems and controls; (iv) minimum equipment and resources; (v) recordkeeping; (vi) labeling and packaging; (vii) quarterly inspections; (viii) processes for safely and securely cultivating Cannabis plants intended for producing cannabidiol oil and THC-A oil, producing cannabidiol oil and THC-A oil, and dispensing and delivering in person cannabidiol oil and THC-A oil to a registered patient or, if such patient is a minor or an incapacitated adult as defined in § 18.2-369, such patient's parent or legal guardian; (ix) a maximum number of marijuana plants a pharmaceutical processor may possess at any one time; ~~and~~ (x) the secure disposal of plant remains; *and (xi) a process for registering a cannabidiol oil and THC-A oil product.*

D. Every pharmaceutical processor shall be under the personal supervision of a licensed pharmacist on the premises of the pharmaceutical processor.

*E. The Board shall require an applicant for a pharmaceutical processor permit to submit to fingerprinting and provide personal descriptive information to be forwarded along with his fingerprints through the Central Criminal Records Exchange to the Federal Bureau of Investigation for the purpose of obtaining criminal history record information regarding the applicant. The cost of fingerprinting and the criminal history record search shall be paid by the applicant. The Central Criminal Records Exchange shall forward the results of the criminal history background check to the Board or its designee, which shall be a governmental entity.*

F. No person who has been convicted of a felony or of any offense in violation of Article 1 (§ 18.2-247 et seq.) or Article 1.1 (§ 18.2-265.1 et seq.) of Chapter 7 of Title 18.2 shall be employed by or act as an agent of a pharmaceutical processor.

**§ 54.1-3442.7. Dispensing cannabidiol oil and THC-A oil; report.**

A. A pharmaceutical processor shall dispense or deliver cannabidiol oil or THC-A oil only in person to (i) a patient who is a Virginia resident, has been issued a valid written certification, and is registered with the Board pursuant to § 54.1-3408.3 or (ii) if such patient is a minor or an incapacitated adult as defined in § 18.2-369, such patient's parent or legal guardian who is a Virginia resident and is registered with the Board pursuant to § 54.1-3408.3. Prior to *the initial dispensing of each written certification, the pharmacist or pharmacy technician at the location of the pharmaceutical processor shall verify that the practitioner issuing the written certification, the patient, and, if such patient is a minor or an incapacitated adult, the patient's parent or legal guardian are registered with the Board make and maintain for two years a*

*paper or electronic copy of the written certification that provides an exact image of the document that is clearly legible; shall view a current photo identification of the patient, parent, or legal guardian; and shall verify current board registration of the practitioner and the corresponding patient, parent, or legal guardian. Prior to any subsequent dispensing of each written certification, the pharmacist, pharmacy technician, or delivery agent shall view the current written certification; a current photo identification of the patient, parent, or legal guardian; and the current board registration issued to the patient, parent, or legal guardian. No pharmaceutical processor shall dispense more than a 30-day supply for any patient during any 30-day period. The Board shall establish in regulation an amount of cannabidiol oil or THC-A oil that constitutes a 30-day supply to treat or alleviate the symptoms of a patient's intractable epilepsy.*

B. A pharmaceutical processor shall dispense only cannabidiol oil and THC-A oil that has been cultivated and produced on the premises of such pharmaceutical processor.

C. The Board shall report annually by December 1 to the Chairmen of the House and Senate Committees for Courts of Justice on the operation of pharmaceutical processors issued a permit by the Board, including the number of practitioners, patients, and parents or legal guardians of patients who have registered with the Board and the number of written certifications issued pursuant to § 54.1-3408.3.

D. *A pharmaceutical processor shall ensure that the concentration of tetrahydrocannabinol in any THC-A oil on site is within 10 percent of the level of tetrahydrocannabinol measured for labeling and shall establish a stability testing schedule of THC-A oil.*

**2. That the Board of Pharmacy shall promulgate regulations to implement the provisions of this act to be effective within 280 days of its enactment.**

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

## CHAPTER 568

*An Act to amend and reenact § 16.1-341 of the Code of Virginia, relating to involuntary commitment of a juvenile; notification of parents.*

[S 392]

Approved March 30, 2018

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

**1. That § 16.1-341 of the Code of Virginia is amended and reenacted as follows:**

**§ 16.1-341. Involuntary commitment; petition; hearing scheduled; notice and appointment of counsel.**

A. A petition for the involuntary commitment of a minor may be filed with the juvenile and domestic relations district court serving the jurisdiction in which the minor is located by a parent or, if the parent is not available or is unable or unwilling to file a petition, by any responsible adult, including the person having custody over a minor in detention or shelter care pursuant to an order of a juvenile and domestic relations district court. The petition shall include the name and address of the petitioner and the minor and shall set forth in specific terms why the petitioner believes the minor meets the criteria for involuntary commitment specified in § 16.1-345. To the extent available, the petition shall contain the information required by § 16.1-339.1. The petition shall be taken under oath.

If a commitment hearing has been scheduled pursuant to subdivision 3 of subsection C of § 16.1-339, the petition for judicial approval filed by the facility under subsection C of § 16.1-339 shall serve as the petition for involuntary commitment as long as such petition complies in substance with the provisions of this subsection.

B. Upon the filing of a petition for involuntary commitment of a minor, the juvenile and domestic relations district court serving the jurisdiction in which the minor is located shall schedule a hearing which shall occur no sooner than 24 hours and no later than 96 hours from the time the petition was filed or from the issuance of the temporary detention order as provided in § 16.1-340.1, whichever occurs later, or from the time of the hearing held pursuant to subsection C of § 16.1-339 if the commitment hearing has been conducted pursuant to subdivision C 3 of § 16.1-339. If the 96-hour period expires on a Saturday, Sunday, legal holiday or day on which the court is lawfully closed, the 96 hours shall be extended to the next day that is not a Saturday, Sunday, legal holiday or day on which the court is lawfully closed. The attorney for the minor, the guardian ad litem for the minor, the attorney for the Commonwealth in the jurisdiction giving rise to the detention, and the juvenile and domestic relations district court having jurisdiction over any minor in detention or shelter care shall be given notice prior to the hearing.

If the petition is not dismissed or withdrawn, copies of the petition, together with a notice of the hearing, shall be served immediately upon the minor and the minor's parents, if they are not petitioners, by the sheriffs of the jurisdictions in which the minor and his parents are located. *The hearing on the petition may proceed if the court determines that copies of the petition and notice of the hearing have been served on at least one parent and a reasonable effort has been made to serve such copies on both parents.* No later than 24 hours before the hearing, the court shall appoint a guardian ad litem for the minor and counsel to represent the minor, unless it has determined that the minor has retained counsel. Upon the request of the minor's counsel, for good cause shown, and after notice to the petitioner and all other persons receiving notice of the hearing, the court may continue the hearing once for a period not to exceed 96 hours.

Any recommendation made by a state mental health facility or state hospital regarding the minor's involuntary commitment may be admissible during the course of the hearing.

## CHAPTER 569

*An Act to amend and reenact §§ 37.2-416 and 37.2-506 of the Code of Virginia, relating to barrier crimes; adult substance abuse and mental health treatment providers.*

[S 555]

Approved March 30, 2018

**Be it enacted by the General Assembly of Virginia:****1. That §§ 37.2-416 and 37.2-506 of the Code of Virginia is amended and reenacted as follows:****§ 37.2-416. Background checks required.****A. As used in this section:**

"Direct care position" means any position that includes responsibility for (i) treatment, case management, health, safety, development, or well-being of an individual receiving services or (ii) immediately supervising a person in a position with this responsibility.

"Hire for compensated employment" does not include (i) a promotion from one adult substance abuse or adult mental health treatment position to another such position within the same licensee licensed pursuant to this article or (ii) new employment in an adult substance abuse or adult mental health treatment position in another office or program licensed pursuant to this article if the person employed prior to July 1, 1999, in a licensed program had no convictions in the five years prior to the application date for employment. "Hire for compensated employment" includes (a) a promotion or transfer from an adult substance abuse treatment position to any mental health or developmental services direct care position within the same licensee licensed pursuant to this article or (b) new employment in any mental health or developmental services direct care position in another office or program of the same licensee licensed pursuant to this article for which the person has previously worked in an adult substance abuse treatment position.

"Shared living" means an arrangement in which the Commonwealth's program of medical assistance pays a portion of a person's rent, utilities, and food expenses in return for the person residing with and providing companionship, support, and other limited, basic assistance to a person with developmental disabilities receiving medical assistance services in accordance with a waiver for whom he has no legal responsibility.

**B. Every provider licensed pursuant to this article shall require (i) any applicant who accepts employment in any direct care position, (ii) any applicant for approval as a sponsored residential service provider, (iii) any adult living in the home of an applicant for approval as a sponsored residential service provider, (iv) any person employed by a sponsored residential service provider to provide services in the home, and (v) any person who enters into a shared living arrangement with a person receiving medical assistance services pursuant to a waiver to submit to fingerprinting and provide personal descriptive information to be forwarded through the Central Criminal Records Exchange to the Federal Bureau of Investigation (FBI) for the purpose of obtaining national criminal history record information regarding the applicant. Except as otherwise provided in subsection C, D, or F, no provider licensed pursuant to this article shall:**

1. Hire for compensated employment any person who has been convicted of (i) any offense set forth in clause (i), (ii), or (iii) of the definition of barrier crime in § 19.2-392.02 or (ii) any offense set forth in clause (iv) of the definition of barrier crime in § 19.2-392.02 (a) in the five years prior to the application date for employment or (b) such person continues on probation or parole or has failed to pay required court costs for such offense set forth in clause (iv) of the definition of barrier crime in § 19.2-392.02;

2. Approve an applicant as a sponsored residential service provider if the applicant, any adult residing in the home of the applicant, or any person employed by the applicant has been convicted of (i) any offense set forth in clause (i), (ii), or (iii) of the definition of barrier crime in § 19.2-392.02 or (ii) any offense set forth in clause (iv) of the definition of barrier crime in § 19.2-392.02 (a) in the five years prior to the application date to be a sponsored residential service provider or (b) such applicant continues on probation or parole or has failed to pay required court costs for such offense set forth in clause (iv) of the definition of barrier crime in § 19.2-392.02; or

3. Permit to enter into a shared living arrangement with a person receiving medical assistance services pursuant to a waiver any person who has been convicted of (i) any offense set forth in clause (i), (ii), or (iii) of the definition of barrier crime in § 19.2-392.02 or (ii) any offense set forth in clause (iv) of the definition of barrier crime in § 19.2-392.02 (a) in the five years prior to entering into a shared living arrangement or (b) such person continues on probation or parole or has failed to pay required court costs for such offense set forth in clause (iv) of the definition of barrier crime in § 19.2-392.02.

The Central Criminal Records Exchange, upon receipt of an applicant's record or notification that no record exists, shall submit a report to the requesting authorized officer or director of a provider licensed pursuant to this article. If any applicant is denied employment because of information appearing on the criminal history record and the applicant disputes the information upon which the denial was based, the Central Criminal Records Exchange shall, upon written request, furnish to the applicant the procedures for obtaining a copy of the criminal history record from the FBI. The information provided to the authorized officer or director of a provider licensed pursuant to this article shall not be disseminated except as provided in this section.

**C. Notwithstanding the provisions of subsection B, a provider may hire for compensated employment at adult substance abuse or adult mental health treatment facilities a person who was convicted of any violation of § 18.2-51.3; a misdemeanor violation of § 18.2-56 or 18.2-56.1 or subsection A of § 18.2-57; any violation of § 18.2-60, 18.2-89, 18.2-92,**

or 18.2-94; any offense set forth in clause (iii) of the definition of barrier crime in § 19.2-392.02, except an offense pursuant to subsections H1 and H2 of § 18.2-248; or any substantially similar offense under the laws of another jurisdiction, if the hiring provider determines, based upon a screening assessment, that the criminal behavior was substantially related to the applicant's substance abuse or mental illness and that the person has been successfully rehabilitated and is not a risk to individuals receiving services based on his criminal history background and his substance abuse or mental illness history.

D. Notwithstanding the provisions of subsection B, a provider may hire for compensated employment at adult substance abuse treatment facilities a person who has been convicted of not more than one offense under subsection C of § 18.2-57, or any substantially similar offense under the laws of another jurisdiction, if (i) the person has been granted a simple pardon if the offense was a felony committed in Virginia, or the equivalent if the person was convicted under the laws of another jurisdiction; (ii) more than 10 years have elapsed since the conviction; and (iii) the hiring provider determines, based upon a screening assessment, that the criminal behavior was substantially related to the applicant's substance abuse and that the person has been successfully rehabilitated and is not a risk to individuals receiving services based on his criminal history background and his substance abuse history.

E. The hiring provider and a screening contractor designated by the Department shall screen applicants who meet the criteria set forth in subsections C and D to assess whether the applicants have been rehabilitated successfully and are not a risk to individuals receiving services based on their criminal history backgrounds and substance abuse or mental illness histories. To be eligible for such screening, the applicant shall have completed all prison or jail terms, shall not be under probation or parole supervision, shall have no pending charges in any locality, shall have paid all fines, restitution, and court costs for any prior convictions, and shall have been free of parole or probation for at least five years for all convictions. In addition to any supplementary information the provider or screening contractor may require or the applicant may wish to present, the applicant shall provide to the screening contractor a statement from his most recent probation or parole officer, if any, outlining his period of supervision and a copy of any pre-sentencing or post-sentencing report in connection with the felony conviction. The cost of this screening shall be paid by the applicant, unless the licensed provider decides to pay the cost.

F. Notwithstanding the provisions of subsection B, a provider may (i) hire for compensated employment, (ii) approve as a sponsored residential service provider, or (iii) permit to enter into a shared living arrangement persons who have been convicted of not more than one misdemeanor offense under § 18.2-57 or 18.2-57.2, or any substantially similar offense under the laws of another jurisdiction, if 10 years have elapsed following the conviction, unless the person committed the offense while employed in a direct care position. A provider may also approve a person as a sponsored residential service provider if (a) any adult living in the home of an applicant or (b) any person employed by the applicant to provide services in the home in which sponsored residential services are provided has been convicted of not more than one misdemeanor offense under § 18.2-57 or 18.2-57.2, or any substantially similar offense under the laws of another jurisdiction, if 10 years have elapsed following the conviction, unless the person committed the offense while employed in a direct care position.

G. Providers licensed pursuant to this article also shall require, as a condition of employment, approval as a sponsored residential service provider, or permission to enter into a shared living arrangement with a person receiving medical assistance services pursuant to a waiver, written consent and personal information necessary to obtain a search of the registry of founded complaints of child abuse and neglect that is maintained by the Department of Social Services pursuant to § 63.2-1515.

H. The cost of obtaining the criminal history record and search of the child abuse and neglect registry record shall be borne by the applicant, unless the provider licensed pursuant to this article decides to pay the cost.

I. A person who complies in good faith with the provisions of this section shall not be liable for any civil damages for any act or omission in the performance of duties under this section unless the act or omission was the result of gross negligence or willful misconduct.

**§ 37.2-506. Background checks required.**

A. As used in this section:

"Direct care position" means any position that includes responsibility for (i) treatment, case management, health, safety, development, or well-being of an individual receiving services or (ii) immediately supervising a person in a position with this responsibility.

"Hire for compensated employment" does not include (i) a promotion from one adult substance abuse or adult mental health treatment position to another such position within the same community services board or (ii) new employment in an adult substance abuse or adult mental health treatment position in another office or program of the same community services board if the person employed prior to July 1, 1999, had no convictions in the five years prior to the application date for employment. "Hire for compensated employment" includes (a) a promotion or transfer from an adult substance abuse treatment position to any mental health or developmental services direct care position within the same community services board or (b) new employment in any mental health or developmental services direct care position in another office or program of the same community services board for which the person has previously worked in an adult substance abuse treatment position.

"Shared living" means an arrangement in which the Commonwealth's program of medical assistance pays a portion of a person's rent, utilities, and food expenses in return for the person residing with and providing companionship, support, and other limited, basic assistance to a person with developmental disabilities receiving medical assistance services in accordance with a waiver for whom he has no legal responsibility.

B. Every community services board shall require (i) any applicant who accepts employment in any direct care position with the community services board, (ii) any applicant for approval as a sponsored residential service provider, (iii) any adult living in the home of an applicant for approval as a sponsored residential service provider, (iv) any person employed by a sponsored residential service provider to provide services in the home, and (v) any person who enters into a shared living arrangement with a person receiving medical assistance services pursuant to a waiver to submit to fingerprinting and provide personal descriptive information to be forwarded through the Central Criminal Records Exchange to the Federal Bureau of Investigation (FBI) for the purpose of obtaining national criminal history record information regarding the applicant. Except as otherwise provided in subsection C, D, or F, no community services board shall hire for compensated employment, approve as a sponsored residential service provider, or permit to enter into a shared living arrangement with a person receiving medical assistance services pursuant to a waiver persons who have been convicted of (a) any offense set forth in clause (i), (ii), or (iii) of the definition of barrier crime in § 19.2-392.02 or (b) any offense set forth in clause (iv) of the definition of barrier crime in § 19.2-392.02 (1) in the five years prior to the application date for employment, the application date to be a sponsored residential service provider, or entering into a shared living arrangement or (2) such person continues on probation or parole or has failed to pay required court costs for such offense set forth in clause (iv) of the definition of barrier crime in § 19.2-392.02.

The Central Criminal Records Exchange, upon receipt of an applicant's record or notification that no record exists, shall submit a report to the requesting executive director or personnel director of the community services board. If any applicant is denied employment because of information appearing on his criminal history record and the applicant disputes the information upon which the denial was based, the Central Criminal Records Exchange shall, upon written request, furnish to the applicant the procedures for obtaining a copy of the criminal history record from the FBI. The information provided to the executive director or personnel director of any community services board shall not be disseminated except as provided in this section.

C. Notwithstanding the provisions of subsection B, the community services board may hire for compensated employment at adult substance abuse or adult mental health treatment programs a person who was convicted of any violation of § 18.2-51.3; a misdemeanor violation of § 18.2-56 or 18.2-56.1, subsection A of § 18.2-57, or § 18.2-57.2; any violation of § 18.2-60, 18.2-89, 18.2-92, or 18.2-94; any offense set forth in clause (iii) of the definition of barrier crime in § 19.2-392.02, except an offense pursuant to subsection H1 or H2 of § 18.2-248; or any substantially similar offense under the laws of another jurisdiction, if the hiring community services board determines, based upon a screening assessment, that the criminal behavior was substantially related to the applicant's substance abuse or mental illness and that the person has been successfully rehabilitated and is not a risk to individuals receiving services based on his criminal history background and his substance abuse or mental illness history.

D. Notwithstanding the provisions of subsection B, the community services board may hire for compensated employment at adult substance abuse treatment programs a person who has been convicted of not more than one offense under subsection C of § 18.2-57, or any substantially similar offense under the laws of another jurisdiction, if (i) the person has been granted a simple pardon if the offense was a felony committed in Virginia, or the equivalent if the person was convicted under the laws of another jurisdiction; (ii) more than 10 years have elapsed since the conviction; and (iii) the hiring community services board determines, based upon a screening assessment, that the criminal behavior was substantially related to the applicant's substance abuse and that the person has been successfully rehabilitated and is not a risk to individuals receiving services based on his criminal history background and his substance abuse history.

E. The community services board and a screening contractor designated by the Department shall screen applicants who meet the criteria set forth in subsections C and D to assess whether the applicants have been rehabilitated successfully and are not a risk to individuals receiving services based on their criminal history backgrounds and substance abuse or mental illness histories. To be eligible for such screening, the applicant shall have completed all prison or jail terms, shall not be under probation or parole supervision, shall have no pending charges in any locality, shall have paid all fines, restitution, and court costs for any prior convictions, and shall have been free of parole or probation for at least five years for all convictions. In addition to any supplementary information the community services board or screening contractor may require or the applicant may wish to present, the applicant shall provide to the screening contractor a statement from his most recent probation or parole officer, if any, outlining his period of supervision and a copy of any pre-sentencing or post-sentencing report in connection with the felony conviction. The cost of this screening shall be paid by the applicant, unless the board decides to pay the cost.

F. Notwithstanding the provisions of subsection B, a community services board may (i) hire for compensated employment, (ii) approve as a sponsored residential service provider, or (iii) permit to enter into a shared living arrangement persons who have been convicted of not more than one misdemeanor offense under § 18.2-57 or 18.2-57.2, or any substantially similar offense under the laws of another jurisdiction, if 10 years have elapsed following the conviction, unless the person committed the offense while employed in a direct care position. A community services board may also approve a person as a sponsored residential service provider if (a) any adult living in the home of an applicant or (b) any person employed by the applicant to provide services in the home in which sponsored residential services are provided has been convicted of not more than one misdemeanor offense under § 18.2-57 or 18.2-57.2, or any substantially similar offense under the laws of another jurisdiction, if 10 years have elapsed following the conviction, unless the person committed the offense while employed in a direct care position.

G. Community services boards also shall require, as a condition of employment, approval as a sponsored residential service provider, or permission to enter into a shared living arrangement with a person receiving medical assistance services pursuant to a waiver, written consent and personal information necessary to obtain a search of the registry of founded complaints of child abuse and neglect that is maintained by the Department of Social Services pursuant to § 63.2-1515.

H. The cost of obtaining the criminal history record and search of the child abuse and neglect registry record shall be borne by the applicant, unless the community services board decides to pay the cost.

I. A person who complies in good faith with the provisions of this section shall not be liable for any civil damages for any act or omission in the performance of duties under this section unless the act or omission was the result of gross negligence or willful misconduct.

## CHAPTER 570

*An Act to amend and reenact §§ 16.1-340 and 37.2-808 of the Code of Virginia, relating to emergency custody orders; extension.*

[S 673]

Approved March 30, 2018

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

**1. That §§ 16.1-340 and 37.2-808 of the Code of Virginia are amended and reenacted as follows:**

**§ 16.1-340. Emergency custody; issuance and execution of order.**

A. Any magistrate shall issue, upon the sworn petition of a minor's treating physician or parent or, if the parent is not available or is unable or unwilling to file a petition, by any responsible adult, including the person having custody over a minor in detention or shelter care pursuant to an order of a juvenile and domestic relations district court, or upon his own motion, an emergency custody order when he has probable cause to believe that (i) because of mental illness, the minor (a) presents a serious danger to himself or others to the extent that severe or irreparable injury is likely to result, as evidenced by recent acts or threats, or (b) is experiencing a serious deterioration of his ability to care for himself in a developmentally age-appropriate manner, as evidenced by delusory thinking or by a significant impairment of functioning in hydration, nutrition, self-protection, or self-control; and (ii) the minor is in need of compulsory treatment for a mental illness and is reasonably likely to benefit from the proposed treatment. Any emergency custody order entered pursuant to this section shall provide for the disclosure of medical records pursuant to subsection B of § 16.1-337. This subsection shall not preclude any other disclosures as required or permitted by law. To the extent possible, the petition shall contain the information required by § 16.1-339.1.

When considering whether there is probable cause to issue an emergency custody order, the magistrate may, in addition to the petition, consider (1) the recommendations of any treating or examining physician or psychologist licensed in Virginia, if available, (2) any past actions of the minor, (3) any past mental health treatment of the minor, (4) any relevant hearsay evidence, (5) any medical records available, (6) any affidavits submitted, if the witness is unavailable and it so states in the affidavit, and (7) any other information available that the magistrate considers relevant to the determination of whether probable cause exists to issue an emergency custody order.

B. Any minor for whom an emergency custody order is issued shall be taken into custody and transported to a convenient location to be evaluated to determine whether he meets the criteria for temporary detention pursuant to § 16.1-340.1 and to assess the need for hospitalization or treatment. The evaluation shall be made by a person designated by the community services board serving the area in which the minor is located who is skilled in the diagnosis and treatment of mental illness and who has completed a certification program approved by the Department.

C. The magistrate issuing an emergency custody order shall specify the primary law-enforcement agency and jurisdiction to execute the emergency custody order and provide transportation. However, the magistrate may authorize transportation by an alternative transportation provider, including a parent, family member, or friend of the minor who is the subject of the order, a representative of the community services board, or other transportation provider with personnel trained to provide transportation in a safe manner, upon determining, following consideration of information provided by the petitioner; the community services board or its designee; the local law-enforcement agency, if any; the minor's treating physician, if any; or other persons who are available and have knowledge of the minor, and, when the magistrate deems appropriate, the proposed alternative transportation provider, either in person or via two-way electronic video and audio or telephone communication system, that the proposed alternative transportation provider is available to provide transportation, willing to provide transportation, and able to provide transportation in a safe manner. When transportation is ordered to be provided by an alternative transportation provider, the magistrate shall order the specified primary law-enforcement agency to execute the order, to take the minor into custody, and to transfer custody of the minor to the alternative transportation provider identified in the order. In such cases, a copy of the emergency custody order shall accompany the minor being transported pursuant to this section at all times and shall be delivered by the alternative transportation provider to the community services board or its designee responsible for conducting the evaluation. The community services board or its designee conducting the evaluation shall return a copy of the emergency custody order to the court designated by the magistrate as soon as is practicable. Delivery of an order to a law-enforcement officer or alternative transportation provider and return of an order to the court may be accomplished electronically or by facsimile.

Transportation under this section shall include transportation to a medical facility as may be necessary to obtain emergency medical evaluation or treatment that shall be conducted immediately in accordance with state and federal law. Transportation under this section shall include transportation to a medical facility for a medical evaluation if a physician at the hospital in which the minor subject to the emergency custody order may be detained requires a medical evaluation prior to admission.

D. In specifying the primary law-enforcement agency and jurisdiction for purposes of this section, the magistrate shall order the primary law-enforcement agency from the jurisdiction served by the community services board that designated the person to perform the evaluation required in subsection B to execute the order and, in cases in which transportation is ordered to be provided by the primary law-enforcement agency, provide transportation. If the community services board serves more than one jurisdiction, the magistrate shall designate the primary law-enforcement agency from the particular jurisdiction within the community services board's service area where the minor who is the subject of the emergency custody order was taken into custody or, if the minor has not yet been taken into custody, the primary law-enforcement agency from the jurisdiction where the minor is presently located to execute the order and provide transportation.

E. The law-enforcement agency or alternative transportation provider providing transportation pursuant to this section may transfer custody of the minor to the facility or location to which the minor is transported for the evaluation required in subsection B, G, or H if the facility or location (i) is licensed to provide the level of security necessary to protect both the minor and others from harm, (ii) is actually capable of providing the level of security necessary to protect the minor and others from harm, and (iii) in cases in which transportation is provided by a law-enforcement agency, has entered into an agreement or memorandum of understanding with the law-enforcement agency setting forth the terms and conditions under which it will accept a transfer of custody, provided, however, that the facility or location may not require the law-enforcement agency to pay any fees or costs for the transfer of custody.

F. A law-enforcement officer may lawfully go or be sent beyond the territorial limits of the county, city, or town in which he serves to any point in the Commonwealth for the purpose of executing an emergency custody order pursuant to this section.

G. A law-enforcement officer who, based upon his observation or the reliable reports of others, has probable cause to believe that a minor meets the criteria for emergency custody as stated in this section may take that minor into custody and transport that minor to an appropriate location to assess the need for hospitalization or treatment without prior authorization. A law-enforcement officer who takes a person into custody pursuant to this subsection or subsection H may lawfully go or be sent beyond the territorial limits of the county, city, or town in which he serves to any point in the Commonwealth for the purpose of obtaining the assessment. Such evaluation shall be conducted immediately. The period of custody shall not exceed eight hours from the time the law-enforcement officer takes the minor into custody.

H. A law-enforcement officer who is transporting a minor who has voluntarily consented to be transported to a facility for the purpose of assessment or evaluation and who is beyond the territorial limits of the county, city, or town in which he serves may take such minor into custody and transport him to an appropriate location to assess the need for hospitalization or treatment without prior authorization when the law-enforcement officer determines (i) that the minor has revoked consent to be transported to a facility for the purpose of assessment or evaluation and (ii) based upon his observations, that probable cause exists to believe that the minor meets the criteria for emergency custody as stated in this section. The period of custody shall not exceed eight hours from the time the law-enforcement officer takes the minor into custody.

I. A representative of the primary law-enforcement agency specified to execute an emergency custody order or a representative of the law-enforcement agency employing a law-enforcement officer who takes a person into custody pursuant to subsection G or H shall notify the community services board responsible for conducting the evaluation required in subsection B, G, or H as soon as practicable after execution of the emergency custody order or after the person has been taken into custody pursuant to subsection G or H.

J. Nothing herein shall preclude a law-enforcement officer or alternative transportation provider from obtaining emergency medical treatment or further medical evaluation at any time for a minor in his custody as provided in this section.

K. The minor shall remain in custody until a temporary detention order is issued, until the minor is released, or until the emergency custody order expires. An emergency custody order shall be valid for a period not to exceed eight hours from the time of execution.

L. If an emergency custody order is not executed within eight hours of its issuance, the order shall be void and shall be returned unexecuted to the office of the clerk of the issuing court or, if such office is not open, to any magistrate serving the jurisdiction of the issuing court.

M. ~~Expired.~~ *In addition to the eight-hour period of emergency custody set forth in subsection G, H, or K, if the minor is detained in a state facility pursuant to subsection D of § 16.1-340.1, the state facility and an employee or designee of the community services board may, for an additional four hours, continue to attempt to identify an alternative facility that is able and willing to provide temporary detention and appropriate care to the minor.*

N. Payments shall be made pursuant to § 37.2-804 to licensed health care providers for medical screening and assessment services provided to minors with mental illnesses while in emergency custody.

O. No person who provides alternative transportation pursuant to this section shall be liable to the person being transported for any civil damages for ordinary negligence in acts or omissions that result from providing such alternative transportation.

**§ 37.2-808. Emergency custody; issuance and execution of order.**

A. Any magistrate shall issue, upon the sworn petition of any responsible person, treating physician, or upon his own motion, an emergency custody order when he has probable cause to believe that any person (i) has a mental illness and that there exists a substantial likelihood that, as a result of mental illness, the person will, in the near future, (a) cause serious physical harm to himself or others as evidenced by recent behavior causing, attempting, or threatening harm and other relevant information, if any, or (b) suffer serious harm due to his lack of capacity to protect himself from harm or to provide for his basic human needs, (ii) is in need of hospitalization or treatment, and (iii) is unwilling to volunteer or incapable of volunteering for hospitalization or treatment. Any emergency custody order entered pursuant to this section shall provide for the disclosure of medical records pursuant to § 37.2-804.2. This subsection shall not preclude any other disclosures as required or permitted by law.

When considering whether there is probable cause to issue an emergency custody order, the magistrate may, in addition to the petition, consider (1) the recommendations of any treating or examining physician or psychologist licensed in Virginia, if available, (2) any past actions of the person, (3) any past mental health treatment of the person, (4) any relevant hearsay evidence, (5) any medical records available, (6) any affidavits submitted, if the witness is unavailable and it so states in the affidavit, and (7) any other information available that the magistrate considers relevant to the determination of whether probable cause exists to issue an emergency custody order.

B. Any person for whom an emergency custody order is issued shall be taken into custody and transported to a convenient location to be evaluated to determine whether the person meets the criteria for temporary detention pursuant to § 37.2-809 and to assess the need for hospitalization or treatment. The evaluation shall be made by a person designated by the community services board who is skilled in the diagnosis and treatment of mental illness and who has completed a certification program approved by the Department.

C. The magistrate issuing an emergency custody order shall specify the primary law-enforcement agency and jurisdiction to execute the emergency custody order and provide transportation. However, the magistrate shall consider any request to authorize transportation by an alternative transportation provider in accordance with this section, whenever an alternative transportation provider is identified to the magistrate, which may be a person, facility, or agency, including a family member or friend of the person who is the subject of the order, a representative of the community services board, or other transportation provider with personnel trained to provide transportation in a safe manner, upon determining, following consideration of information provided by the petitioner; the community services board or its designee; the local law-enforcement agency, if any; the person's treating physician, if any; or other persons who are available and have knowledge of the person, and, when the magistrate deems appropriate, the proposed alternative transportation provider, either in person or via two-way electronic video and audio or telephone communication system, that the proposed alternative transportation provider is available to provide transportation, willing to provide transportation, and able to provide transportation in a safe manner. When transportation is ordered to be provided by an alternative transportation provider, the magistrate shall order the specified primary law-enforcement agency to execute the order, to take the person into custody, and to transfer custody of the person to the alternative transportation provider identified in the order. In such cases, a copy of the emergency custody order shall accompany the person being transported pursuant to this section at all times and shall be delivered by the alternative transportation provider to the community services board or its designee responsible for conducting the evaluation. The community services board or its designee conducting the evaluation shall return a copy of the emergency custody order to the court designated by the magistrate as soon as is practicable. Delivery of an order to a law-enforcement officer or alternative transportation provider and return of an order to the court may be accomplished electronically or by facsimile.

Transportation under this section shall include transportation to a medical facility as may be necessary to obtain emergency medical evaluation or treatment that shall be conducted immediately in accordance with state and federal law. Transportation under this section shall include transportation to a medical facility for a medical evaluation if a physician at the hospital in which the person subject to the emergency custody order may be detained requires a medical evaluation prior to admission.

D. In specifying the primary law-enforcement agency and jurisdiction for purposes of this section, the magistrate shall order the primary law-enforcement agency from the jurisdiction served by the community services board that designated the person to perform the evaluation required in subsection B to execute the order and, in cases in which transportation is ordered to be provided by the primary law-enforcement agency, provide transportation. If the community services board serves more than one jurisdiction, the magistrate shall designate the primary law-enforcement agency from the particular jurisdiction within the community services board's service area where the person who is the subject of the emergency custody order was taken into custody or, if the person has not yet been taken into custody, the primary law-enforcement agency from the jurisdiction where the person is presently located to execute the order and provide transportation.

E. The law-enforcement agency or alternative transportation provider providing transportation pursuant to this section may transfer custody of the person to the facility or location to which the person is transported for the evaluation required in subsection B, G, or H if the facility or location (i) is licensed to provide the level of security necessary to protect both the person and others from harm, (ii) is actually capable of providing the level of security necessary to protect the person and others from harm, and (iii) in cases in which transportation is provided by a law-enforcement agency, has entered into an agreement or memorandum of understanding with the law-enforcement agency setting forth the terms and conditions under

which it will accept a transfer of custody, provided, however, that the facility or location may not require the law-enforcement agency to pay any fees or costs for the transfer of custody.

F. A law-enforcement officer may lawfully go or be sent beyond the territorial limits of the county, city, or town in which he serves to any point in the Commonwealth for the purpose of executing an emergency custody order pursuant to this section.

G. A law-enforcement officer who, based upon his observation or the reliable reports of others, has probable cause to believe that a person meets the criteria for emergency custody as stated in this section may take that person into custody and transport that person to an appropriate location to assess the need for hospitalization or treatment without prior authorization. A law-enforcement officer who takes a person into custody pursuant to this subsection or subsection H may lawfully go or be sent beyond the territorial limits of the county, city, or town in which he serves to any point in the Commonwealth for the purpose of obtaining the assessment. Such evaluation shall be conducted immediately. The period of custody shall not exceed eight hours from the time the law-enforcement officer takes the person into custody.

H. A law-enforcement officer who is transporting a person who has voluntarily consented to be transported to a facility for the purpose of assessment or evaluation and who is beyond the territorial limits of the county, city, or town in which he serves may take such person into custody and transport him to an appropriate location to assess the need for hospitalization or treatment without prior authorization when the law-enforcement officer determines (i) that the person has revoked consent to be transported to a facility for the purpose of assessment or evaluation, and (ii) based upon his observations, that probable cause exists to believe that the person meets the criteria for emergency custody as stated in this section. The period of custody shall not exceed eight hours from the time the law-enforcement officer takes the person into custody.

I. Nothing herein shall preclude a law-enforcement officer or alternative transportation provider from obtaining emergency medical treatment or further medical evaluation at any time for a person in his custody as provided in this section.

J. A representative of the primary law-enforcement agency specified to execute an emergency custody order or a representative of the law-enforcement agency employing a law-enforcement officer who takes a person into custody pursuant to subsection G or H shall notify the community services board responsible for conducting the evaluation required in subsection B, G, or H as soon as practicable after execution of the emergency custody order or after the person has been taken into custody pursuant to subsection G or H.

K. The person shall remain in custody until a temporary detention order is issued, until the person is released, or until the emergency custody order expires. An emergency custody order shall be valid for a period not to exceed eight hours from the time of execution.

L. Nothing in this section shall preclude the issuance of an order for temporary detention for testing, observation, or treatment pursuant to § 37.2-1104 for a person who is also the subject of an emergency custody order issued pursuant to this section. In any case in which an order for temporary detention for testing, observation, or treatment is issued for a person who is also the subject of an emergency custody order, the person may be detained by a hospital emergency room or other appropriate facility for testing, observation, and treatment for a period not to exceed 24 hours, unless extended by the court as part of an order pursuant to § 37.2-1101, in accordance with subsection A of § 37.2-1104. Upon completion of testing, observation, or treatment pursuant to § 37.2-1104, the hospital emergency room or other appropriate facility in which the person is detained shall notify the nearest community services board, and the designee of the community services board shall, as soon as is practicable and prior to the expiration of the order for temporary detention issued pursuant to § 37.2-1104, conduct an evaluation of the person to determine if he meets the criteria for temporary detention pursuant to § 37.2-809.

M. Any person taken into emergency custody pursuant to this section shall be given a written summary of the emergency custody procedures and the statutory protections associated with those procedures.

N. If an emergency custody order is not executed within eight hours of its issuance, the order shall be void and shall be returned unexecuted to the office of the clerk of the issuing court or, if such office is not open, to any magistrate serving the jurisdiction of the issuing court.

O. ~~Expired.~~ *In addition to the eight-hour period of emergency custody set forth in subsection G, H, or K, if the individual is detained in a state facility pursuant to subsection E of § 37.2-809, the state facility and an employee or designee of the community services board as defined in § 37.2-809 may, for an additional four hours, continue to attempt to identify an alternative facility that is able and willing to provide temporary detention and appropriate care to the individual.*

P. Payments shall be made pursuant to § 37.2-804 to licensed health care providers for medical screening and assessment services provided to persons with mental illnesses while in emergency custody.

Q. No person who provides alternative transportation pursuant to this section shall be liable to the person being transported for any civil damages for ordinary negligence in acts or omissions that result from providing such alternative transportation.

## CHAPTER 571

*An Act to amend the Code of Virginia by adding in Article 5 of Chapter 1 of Title 32.1 a section numbered 32.1-34.2 and by adding sections numbered 32.1-133.1 and 33.2-267.1, relating to posting notice of the human trafficking hotline.*

[S 725]

Approved March 30, 2018

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

**1. That the Code of Virginia is amended by adding in Article 5 of Chapter 1 of Title 32.1 a section numbered 32.1-34.2 and by adding sections numbered 32.1-133.1 and 33.2-267.1 as follows:**

**§ 32.1-34.2. Human trafficking hotline; posted notice required.**

*Each local department of health shall post notice of the existence of a human trafficking hotline to alert possible witnesses or victims of human trafficking to the availability of a means to report crimes or gain assistance. The notice required by this section shall (i) be posted in a place readily visible and accessible to the public and (ii) meet the requirements specified in subsection C of § 40.1-11.3.*

**§ 32.1-133.1. Human trafficking hotline; posted notice required; civil penalty.**

*Any health care facility (i) licensed as a hospital pursuant to § 32.1-125 that includes an emergency department or that is a dedicated emergency department as defined in 42 C.F.R. § 489.24(b), (ii) operating as a clinic which is organized in whole or in part for the delivery of health care services without charge, (iii) licensed as an abortion facility pursuant to § 32.1-127, or (iv) in which the majority of patients are seen without appointments shall post notice of the existence of a human trafficking hotline to alert possible witnesses or victims of human trafficking to the availability of a means to report crimes or gain assistance. The notice required by this section shall be posted in a place readily visible and accessible to the public such as the admitting area or public or patient restrooms of such facility. Such notice shall meet the requirements specified in subsection C of § 40.1-11.3. The State Board shall promulgate regulations necessary to implement the provisions of this section.*

**§ 33.2-267.1. Human trafficking hotline; posted notice required.**

*The Department shall post notice at all rest areas along Interstate System highways in the Commonwealth of the existence of a human trafficking hotline to alert possible witnesses or victims of human trafficking to the availability of a means to report crimes or gain assistance. The notice required by this section shall (i) be posted in a place readily visible and accessible to the public and (ii) meet the requirements specified in subsection C of § 40.1-11.3.*

## CHAPTER 572

*An Act to require the State Board of Behavioral Health and Developmental Services to amend the definition of "licensed mental health professional."*

[S 762]

Approved March 30, 2018

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

**1. § 1. That the State Board of Behavioral Health and Developmental Services shall amend regulations governing licensure of providers of behavioral health services to include behavior analysts in the definition of "licensed mental health professional."**

**2. That the State Board of Behavioral Health and Developmental Services shall promulgate regulations to implement the provisions of this act to be effective within 280 days of its enactment.**

## CHAPTER 573

*An Act to amend and reenact § 63.2-1721, as it is currently effective and as it shall become effective, of the Code of Virginia, relating to adoption and foster care; barrier crimes; exception.*

[S 920]

Approved March 30, 2018

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

**1. That § 63.2-1721, as it is currently effective and as it shall become effective, of the Code of Virginia is amended and reenacted as follows:**

**§ 63.2-1721. (Expires July 1, 2018, or earlier if contingency is met) Background check upon application for licensure as a child-placing agency or independent foster home; penalty.**

A. Upon application for licensure as a child-placing agency or independent foster home, all (i) applicants and (ii) agents at the time of application who are or will be involved in the day-to-day operations of the child-placing agency or independent foster home or who are or will be alone with, in control of, or supervising one or more of the children shall undergo a background check pursuant to subsection B. Upon application for licensure as an assisted living facility, all

applicants shall undergo a background check pursuant to subsection B. In addition, foster or adoptive parents requesting approval by child-placing agencies shall undergo background checks pursuant to subsection B prior to their approval.

B. Background checks pursuant to subsection A require:

1. A sworn statement or affirmation disclosing whether the person has a criminal conviction or is the subject of any pending criminal charges within or outside the Commonwealth and whether or not the person has been the subject of a founded complaint of child abuse or neglect within or outside the Commonwealth;

2. A criminal history records check through the Central Criminal Records Exchange pursuant to § 19.2-389; and

3. In the case of child-placing agencies, independent foster homes, or adoptive or foster parents, a search of the central registry maintained pursuant to § 63.2-1515 for any founded complaint of child abuse and neglect.

C. The person required to have a background check pursuant to subsection A shall submit the background check information required in subsection B to the Commissioner's representative prior to issuance of a license or approval. The applicant, other than an applicant for licensure as an assisted living facility, shall provide an original criminal record clearance with respect to any barrier crime as defined in § 19.2-392.02 or an original criminal history record from the Central Criminal Records Exchange. An applicant for licensure as an assisted living facility shall provide an original criminal record clearance with respect to any offense set forth in clause (i) of the definition of barrier crime in § 19.2-392.02 or an original criminal history record from the Central Criminal Records Exchange. Any person making a materially false statement regarding the sworn statement or affirmation provided pursuant to subdivision B 1 is guilty of a Class 1 misdemeanor. If any person specified in subsection A, other than an applicant for licensure as an assisted living facility, required to have a background check (i) has been convicted of any barrier crime as defined in § 19.2-392.02 or (ii) is the subject of a founded complaint of child abuse or neglect within or outside the Commonwealth, and such person has not been granted a waiver by the Commissioner pursuant to § 63.2-1723 or is not subject to an exception in subsection E, F, G, or H, (a) the Commissioner shall not issue a license to a child-placing agency or independent foster home; or (b) a child-placing agency shall not approve an adoptive or foster home. If any applicant for licensure as an assisted living facility required to have a background check has been convicted of any offense set forth in clause (i) of the definition of barrier crime in § 19.2-392.02, the Commissioner shall not issue a license to an assisted living facility.

D. No person specified in subsection A shall be involved in the day-to-day operations of a licensed child-placing agency or independent foster home; be alone with, in control of, or supervising one or more children receiving services from a licensed child-placing agency or independent foster home; or be permitted to work in a position that involves direct contact with a person receiving services without first having completed background checks pursuant to subsection B unless such person is directly supervised by another person for whom a background check has been completed in accordance with the requirements of this section.

E. Notwithstanding any provision to the contrary contained in this section, a child-placing agency may approve as an adoptive or foster parent an applicant who has been convicted of not more than one misdemeanor offense as set out in § 18.2-57, or any substantially similar offense under the laws of another jurisdiction, not involving abuse, neglect, moral turpitude, or a minor, provided that 10 years have elapsed following the conviction.

F. Notwithstanding any provision to the contrary contained in this section, a child-placing agency may approve as a foster parent an applicant who has been convicted of statutory burglary for breaking and entering a dwelling home or other structure with intent to commit larceny, or any substantially similar offense under the laws of another jurisdiction, who has had his civil rights restored by the Governor or other appropriate authority, provided that 25 years have elapsed following the conviction.

G. Notwithstanding any provision to the contrary contained in this section, a child-placing agency may approve as an adoptive or foster parent an applicant convicted of any offense set forth in clause (iv) of the definition of barrier crime in § 19.2-392.02 who has had his civil rights restored by the Governor or other appropriate authority, provided that 10 years have elapsed following the conviction, *or eight years have elapsed following the conviction and the applicant (i) has complied with all obligations imposed by the criminal court; (ii) has completed a substance abuse treatment program; (iii) has completed a drug test administered by a laboratory or medical professional within 90 days prior to being approved, and such test returned with a negative result; and (iv) complies with any other obligations as determined by the Department.*

H. Notwithstanding any provision to the contrary contained in this section, a child-placing agency may approve as an adoptive or foster parent an applicant convicted of any offense set forth in clause (iii) of the definition of barrier crime in § 19.2-392.02 who has had his civil rights restored by the Governor or other appropriate authority, provided that 20 years have elapsed following the conviction.

I. If an applicant is denied licensure or approval because of information from the central registry or convictions appearing on his criminal history record, the Commissioner shall provide a copy of the information obtained from the central registry or the Central Criminal Records Exchange or both to the applicant.

J. Further dissemination of the background check information is prohibited other than to the Commissioner's representative or a federal or state authority or court as may be required to comply with an express requirement of law for such further dissemination.

**§ 63.2-1721. (Effective July 1, 2018, or earlier if contingency is met) Background check upon application for licensure as a child-placing agency, etc.; penalty.**

A. Upon application for licensure as a child-placing agency, independent foster home, or family day system or registration as a family day home, (i) all applicants; (ii) agents at the time of application who are or will be involved in the

day-to-day operations of the child-placing agency, independent foster home, family day system, or family day home or who are or will be alone with, in control of, or supervising one or more of the children; and (iii) any other adult living in the home of an applicant for registration as a family day home shall undergo a background check pursuant to subsection B. Upon application for licensure as an assisted living facility, all applicants shall undergo a background check pursuant to subsection B. In addition, foster or adoptive parents requesting approval by child-placing agencies and operators of family day homes requesting approval by family day systems, and any other adult residing in the family day home or existing employee or volunteer of the family day home, shall undergo background checks pursuant to subsection B prior to their approval.

B. Background checks pursuant to subsection A require:

1. A sworn statement or affirmation disclosing whether the person has a criminal conviction or is the subject of any pending criminal charges within or outside the Commonwealth and whether or not the person has been the subject of a founded complaint of child abuse or neglect within or outside the Commonwealth;

2. A criminal history records check through the Central Criminal Records Exchange pursuant to § 19.2-389; and

3. In the case of child-placing agencies, independent foster homes, family day systems, and family day homes, or adoptive or foster parents, a search of the central registry maintained pursuant to § 63.2-1515 for any founded complaint of child abuse and neglect.

C. The person required to have a background check pursuant to subsection A shall submit the background check information required in subsection B to the Commissioner's representative prior to issuance of a license, registration or approval. The applicant, other than an applicant for licensure as an assisted living facility, shall provide an original criminal record clearance with respect to any barrier crime as defined in § 19.2-392.02 or an original criminal history record from the Central Criminal Records Exchange. An applicant for licensure as an assisted living facility shall provide an original criminal record clearance with respect to any offense set forth in clause (i) of the definition of barrier crime in § 19.2-392.02 or an original criminal history record from the Central Criminal Records Exchange. Any person making a materially false statement regarding the sworn statement or affirmation provided pursuant to subdivision B 1 is guilty of a Class 1 misdemeanor. If any person specified in subsection A, other than an applicant for licensure as an assisted living facility, required to have a background check (i) has been convicted of any barrier crime as defined in § 19.2-392.02 or (ii) is the subject of a founded complaint of child abuse or neglect within or outside the Commonwealth, and such person has not been granted a waiver by the Commissioner pursuant to § 63.2-1723 or is not subject to an exception in subsection E, F, G, or H, (a) the Commissioner shall not issue a license to a child-placing agency, independent foster home, or family day system or a registration to a family day home; (b) a child-placing agency shall not approve an adoptive or foster home; or (c) a family day system shall not approve a family day home. If any applicant for licensure as an assisted living facility required to have a background check has been convicted of any offense set forth in clause (i) of the definition of barrier crime in § 19.2-392.02, the Commissioner shall not issue a license to an assisted living facility.

D. No person specified in subsection A shall be involved in the day-to-day operations of a licensed child-placing agency, independent foster home, or family day system or a registered family day home; be alone with, in control of, or supervising one or more children receiving services from a licensed child-placing agency, independent foster home, or family day system or a registered family day home; or be permitted to work in a position that involves direct contact with a person receiving services without first having completed background checks pursuant to subsection B unless such person is directly supervised by another person for whom a background check has been completed in accordance with the requirements of this section.

E. Notwithstanding any provision to the contrary contained in this section, a child-placing agency may approve as an adoptive or foster parent an applicant who has been convicted of not more than one misdemeanor offense as set out in § 18.2-57, or any substantially similar offense under the laws of another jurisdiction, not involving abuse, neglect, moral turpitude, or a minor, provided that 10 years have elapsed following the conviction.

F. Notwithstanding any provision to the contrary contained in this section, a child-placing agency may approve as a foster parent an applicant who has been convicted of statutory burglary for breaking and entering a dwelling home or other structure with intent to commit larceny, or any substantially similar offense under the laws of another jurisdiction, who has had his civil rights restored by the Governor or other appropriate authority, provided that 25 years have elapsed following the conviction.

G. Notwithstanding any provision to the contrary contained in this section, a child-placing agency may approve as an adoptive or foster parent an applicant convicted of any offense set forth in clause (iv) of the definition of barrier crime in § 19.2-392.02 who has had his civil rights restored by the Governor or other appropriate authority, provided that 10 years have elapsed following the conviction, *or eight years have elapsed following the conviction and the applicant (i) has complied with all obligations imposed by the criminal court; (ii) has completed a substance abuse treatment program; (iii) has completed a drug test administered by a laboratory or medical professional within 90 days prior to being approved, and such test returned with a negative result; and (iv) complies with any other obligations as determined by the Department.*

H. Notwithstanding any provision to the contrary contained in this section, a child-placing agency may approve as an adoptive or foster parent an applicant convicted of any offense set forth in clause (iii) of the definition of barrier crime in § 19.2-392.02 who has had his civil rights restored by the Governor or other appropriate authority, provided that 20 years have elapsed following the conviction.

I. If an applicant is denied licensure, registration or approval because of information from the central registry or convictions appearing on his criminal history record, the Commissioner shall provide a copy of the information obtained from the central registry or the Central Criminal Records Exchange or both to the applicant.

J. Further dissemination of the background check information is prohibited other than to the Commissioner's representative or a federal or state authority or court as may be required to comply with an express requirement of law for such further dissemination.

**CHAPTER 574**

*An Act to amend and reenact § 59.1-9.4 of the Code of Virginia, relating to the Virginia Antitrust Act; exemption for certain hospitals.*

[S 989]

Approved March 30, 2018

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

**1. That § 59.1-9.4 of the Code of Virginia is amended and reenacted as follows:**

**§ 59.1-9.4. Certain activities not prohibited.**

- (a) A. No provision of this chapter shall be construed to make illegal:
  - (1) 1. The activities of any labor or professional organization or of individual members thereof that are directed solely to labor or professional objectives legitimate under the laws of ~~this~~ the Commonwealth or the United States.
  - (2) 2. The activities of any agricultural or horticultural cooperative organization, or of individual members thereof, to the extent necessary to achieve the aims of the enacted laws of either ~~this~~ the Commonwealth or the United States.
  - (3) 3. The bona fide religious and charitable activities of any nonprofit corporation, trust or organization established exclusively for religious or charitable purposes.
  - (4) ~~The activities of any nonprofit hospital, or of any officer, director or employee thereof, that are directed to a reduction in services or an improvement in the quality of services to the extent that any such reduction or improvement will reduce, stabilize or limit cost increases.~~
- (b) B. Nothing contained in this chapter shall make unlawful conduct that is authorized, regulated or approved
  - (1) (i) by a statute of ~~this~~ the Commonwealth; or
  - (2) (ii) by an administrative or constitutionally established agency of ~~this~~ the Commonwealth or of the United States having jurisdiction of the subject matter and having authority to consider the anticompetitive effect, if any, of such conduct. Nothing in this ~~paragraph~~ subsection shall be construed to alter or terminate any other applicable limitation, exemption or exclusion.

**CHAPTER 575**

*An Act to amend and reenact § 64.2-1411 of the Code of Virginia, relating to qualification of fiduciary without security; no monetary value.*

[H 1142]

Approved March 30, 2018

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

**1. That § 64.2-1411 of the Code of Virginia is amended and reenacted as follows:**

**§ 64.2-1411. When fiduciary may qualify without security; requirements for issuance of certificates of qualification; payments.**

- A. Any circuit court or circuit court clerk, having jurisdiction to appoint personal representatives, guardians, conservators, and committees, may, in his discretion, when *there are no assets or the asset or amount coming into the possession of the personal representative, guardian of a minor, conservator, or committee does not exceed \$25,000*, allow the personal representative, guardian, conservator, or committee to qualify by giving bond without surety.
- B. Any personal representative or trustee serving jointly with a bank or trust company that is exempted from giving surety on its bond under § 6.2-1003 shall, unless the court directs otherwise, also be exempt from giving surety.
- C. If a fiduciary qualifies pursuant to subsection A, the court or clerk shall issue one or more certificates of qualification pursuant to this section for administration of an estate, guardianship, conservatorship, or committeehip that does not exceed a cumulative total of \$25,000. Each such certificate shall specify that the maximum amount of estate, guardianship, conservatorship, or committeehip assets that may be collected pursuant to that certificate shall not exceed \$25,000. Each such certificate shall:
  - 1. Be titled "Qualification Certificate for Small Asset Estate";
  - 2. State in a prominent position on the front of such certificate that any person may pay or deliver to the fiduciary named in the certificate any asset belonging, owed, or distributable to the specified deceased person, incapacitated ward, or minor having a value, on the date of payment or delivery, of no more than \$25,000. Assets held in a safe deposit box shall not be counted toward such \$25,000 limit, and the lessor of a safe deposit box shall not be deemed to know of, and shall have no obligation to determine, the presence or value of any asset in a safe deposit box;

3. State that the certificate (i) may only be used once, (ii) is not effective if it does not have an impression seal of the court clerk and therefore photocopies of the certificate are not effective, and (iii) must be retained by the payor; and

4. Bear the impression seal of the court clerk.

D. Upon being presented with a certificate of qualification issued pursuant to subsection C, any person may pay or deliver to the fiduciary named in such certificate any asset belonging, owed, or distributable to the specified deceased person, incapacitated ward, or minor having a value, on the date of payment, of no more than \$25,000. The payor shall retain possession of such certificate. Assets held in a safe deposit box shall not be counted toward such \$25,000 limit, and the lessor of a safe deposit box shall not be deemed to know of, and shall have no obligation to determine, the presence or value of any asset in a safe deposit box. Any person that makes such payment or delivery upon presentation of a certificate of qualification issued pursuant to subsection C is discharged and released from any or all claims or liabilities for such payment or delivery. Such payor is not required to see the application of such payment or delivery or to inquire into the assets paid or delivered by other parties to a fiduciary that qualifies pursuant to subsection A. A person presented with a certificate of qualification issued pursuant to subsection C shall not be liable for, or subject to, any claims, damages, fines or penalties for paying or distributing assets the person believed in good faith to have a value of \$25,000 or less or for the failure to pay or deliver assets the person believed in good faith to have a value of more than \$25,000.

E. A court clerk shall not be liable for any misrepresentations of a personal representative, guardian, conservator, or committee with regard to whether the estate qualifies for the small asset estate exemption under this section or for the performance of any of the clerk's duties under this section, except in the case of the clerk's gross negligence or intentional misconduct.

## CHAPTER 576

*An Act to amend and reenact § 18.2-271.2 of the Code of Virginia, relating to appointments to the Commission on Virginia Alcohol Safety Action Program.*

[H 1160]

Approved March 30, 2018

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

**1. That § 18.2-271.2 of the Code of Virginia is amended and reenacted as follows:**

**§ 18.2-271.2. Commission on VASAP; purpose; membership; terms; meetings; staffing; compensation and expenses; chairman's executive summary.**

A. There is hereby established in the legislative branch of state government the Commission on the Virginia Alcohol Safety Action Program (VASAP). The Commission shall administer and supervise the state system of local alcohol and safety action programs, develop and maintain operation and performance standards for local alcohol and safety action programs, and allocate funding to such programs. The Commission shall have a total membership of 15 members that shall consist of six legislative members and nine nonlegislative citizen members. Members shall be appointed as follows: four current or former members of the House Committee for Courts of Justice, to be appointed by the Speaker of the House of Delegates; two members of the Senate Committee for Courts of Justice, to be appointed by the Senate Committee on Rules; three sitting or retired judges, one each from the circuit, general district and juvenile and domestic relations district courts, who regularly hear or heard cases involving driving under the influence and are familiar with their local alcohol safety action programs, to be appointed by the Chairman of the Committee on District Courts; ~~two directors of local alcohol safety action programs, to be appointed by the legislative members of the Commission;~~ *one director of a local alcohol safety action program to be appointed by the Speaker of the House of Delegates upon consideration of the recommendations of the legislative members of the Commission; one director of a local alcohol safety action program to be appointed by the Senate Committee on Rules upon consideration of the recommendations of the legislative members of the Commission;* one representative from the law-enforcement profession, to be appointed by the Speaker of the House and one nonlegislative citizen at large, to be appointed by the Senate Committee on Rules; one representative from the Virginia Department of Motor Vehicles whose duties are substantially related to matters to be addressed by the Commission to be appointed by the Commissioner of the Department of Motor Vehicles, and one representative from the Department of Behavioral Health and Developmental Services whose duties also substantially involve such matters, to be appointed by the Commissioner of Behavioral Health and Developmental Services. Legislative members shall serve terms coincident with their terms of office. In accordance with the staggered terms previously established, nonlegislative citizen members shall serve two-year terms. All members may be reappointed. Appointments to fill vacancies, other than by expiration of a term, shall be made for the unexpired terms. Any appointment to fill a vacancy shall be made in the same manner as the original appointment.

B. The Commission shall meet at least four times each year at such places as it may from time to time designate. A majority of the members shall constitute a quorum. The Commission shall elect a chairman and vice-chairman from among its membership.

The Commission shall be empowered to establish and ensure the maintenance of minimum standards and criteria for program operations and performance, accounting, auditing, public information and administrative procedures for the various local alcohol safety action programs and shall be responsible for overseeing the administration of the statewide VASAP system. Such programs shall be certified by the Commission in accordance with procedures set forth in the

Commission on VASAP Certification Manual. The Commission shall also oversee program plans, operations and performance and a system for allocating funds to cover deficits that may occur in the budgets of local programs.

C. The Commission shall appoint and employ and, at its pleasure, remove an executive director and such other persons as it may deem necessary, and determine their duties and fix their salaries or compensation.

D. The Commission shall appoint a Virginia Alcohol Safety Action Program Advisory Board to make recommendations to the Commission regarding its duties and administrative functions. The membership of such Board shall be appointed in the discretion of the Commission and include personnel from (i) local safety action programs, (ii) the State Board of Behavioral Health and Developmental Services, community services boards, or behavioral health authorities and (iii) other community mental health services organizations. An assistant attorney general who provides counsel in matters relating to driving under the influence shall also be appointed to the Board.

E. Legislative members of the Commission shall receive compensation as provided in § 30-19.12. Funding for the costs of compensation of legislative members shall be provided by the Commission. All members shall be reimbursed for all reasonable and necessary expenses as provided in §§ 2.2-2813 and 2.2-2825 to be paid out of that portion of moneys paid in VASAP defendant entry fees which is forwarded to the Virginia Alcohol Safety Action Program.

F. The chairman of the Commission shall submit to the Governor and the General Assembly an annual executive summary of the interim activity and work of the Commission no later than the first day of each regular session of the General Assembly. The executive summary shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

**2. That this act shall not be construed to affect existing appointments of directors of local alcohol safety action programs to the Commission on the Virginia Alcohol Safety Action Program (Commission) for which the terms have not expired. However, any new appointments made after the effective date of this act shall be made in accordance with the provisions of this act, provided that the first vacancy of a Commission seat that was held by a director of a local alcohol safety action program immediately prior to the vacancy shall be filled by appointment made by the Speaker of the House of Delegates.**

## CHAPTER 577

*An Act to amend and reenact § 18.2-186.5 of the Code of Virginia, relating to Identity Theft Passport; police reports submitted to the Attorney General.*

[H 1246]

Approved March 30, 2018

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

**1. That § 18.2-186.5 of the Code of Virginia is amended and reenacted as follows:**

**§ 18.2-186.5. Expungement of false identity information from police and court records; Identity Theft Passport.**

A. Any person whose name or other identification has been used without his consent or authorization by another person who has been charged or arrested using such name or identification may file a petition with the court for relief pursuant to § 19.2-392.2. A person who has petitioned the court pursuant to § 19.2-392.2 as a result of a violation of § 18.2-186.3, may submit to the Attorney General a certified copy of a court order obtained pursuant to § 19.2-392.2. Upon receipt by the Attorney General of a certified copy of the court order and upon request by such person, the Office of the Attorney General, in cooperation with the State Police, may issue an "Identity Theft Passport" stating that such an order has been submitted. The Office of the Attorney General shall provide access to identity theft information to (i) criminal justice agencies and (ii) individuals who have submitted a court order pursuant to this ~~section~~ subsection.

B. Any person whose name or other identification has been used without his consent or authorization by another person may file with the Attorney General a copy of a police report showing that he has reported to a law-enforcement agency that his name or other identification has been used without his consent or authorization by another person. Upon receipt by the Attorney General of a copy of the police report and upon request by such person, the Office of the Attorney General, in cooperation with the State Police, may issue an Identity Theft Passport stating that such a police report has been submitted. The Office of the Attorney General shall provide access to identity theft information to (i) criminal justice agencies and (ii) individuals who have submitted a copy of a police report pursuant to this subsection.

C. When the Office of the Attorney General issues an Identity Theft Passport, it shall transmit a record of the issuance of the passport, and indicate under which subsection the passport was issued, to the Department of Motor Vehicles. The Department shall note on the individual's driver abstract that a court order was obtained pursuant to § 19.2-392.2 or a police report was filed and that an Identity Theft Passport has been issued. The provisions of § 2.2-3808 shall not apply to this section.

## CHAPTER 578

*An Act to amend and reenact §§ 16.1-69.9, 16.1-69.9:1, 16.1-69.9:4, 17.1-303, 17.1-400, 17.1-501, 17.1-509, 17.1-512, and 63.2-1515 of the Code of Virginia, relating to judges; central registry records check; statement of economic interests.*

[H 1301]

Approved March 30, 2018

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

**1. That §§ 16.1-69.9, 16.1-69.9:1, 16.1-69.9:4, 17.1-303, 17.1-400, 17.1-501, 17.1-509, 17.1-512, and 63.2-1515 of the Code of Virginia are amended and reenacted as follows:**

**§ 16.1-69.9. Judges in office continued; terms of judges; how elected or appointed.**

Every judge or justice and every associate, assistant and substitute judge or justice of a court not of record in office January 1, 1973, shall continue in office as a judge or substitute judge of such court under its designation as a general district court or juvenile and domestic relations district court until the expiration of the term for which he was appointed or elected, or until a vacancy shall occur in his office or until a successor shall be appointed or elected, whichever is the latter.

Upon the expiration of such terms, or when a vacancy occurs, successors shall be elected only as authorized pursuant to §§ 16.1-69.10 and 16.1-69.14 and for the term and in the manner following:

~~(a), (a1) [Repealed.]~~

~~(b)~~ 1. With respect to terms expiring on or after July 1, 1980, successors to judges shall be elected for a term of six years by the General Assembly as provided in ~~(e) hereof~~ subdivision 2.

Any vacancy in the office of any full-time district court judge shall be filled for a full term of six years in the manner prescribed herein; provided that such vacancy shall not be filled except as provided in § 16.1-69.9:3.

~~(e)~~ 2. Full-time district court judges shall be elected by the majority of the members elected to each house of the General Assembly. No person shall be elected or reelected to a subsequent term under this section until he has submitted to a criminal history record search and submitted to a search of the central registry maintained pursuant to § 63.2-1515 for any founded complaint of child abuse or neglect and a report reports of such search searches has have been received by the chairmen of the House and Senate Committees for Courts of Justice. *If the person has not met the requirement of filing in the preceding calendar year a disclosure form prescribed in § 2.2-3117 or 30-111, he shall also provide a written statement of economic interests on the disclosure form prescribed in § 2.2-3117 to the chairmen of the House and Senate Committees for Courts of Justice.* The judges of the circuit court having jurisdiction over the district may nominate a panel of no more than three persons for each judgeship within the district who are deemed qualified to hold the office. The General Assembly may consider such nominations in electing a judge to fill the office but may elect a person not on such panel to fill the office. Nominations shall be forwarded to the clerks of both houses of the General Assembly on or before December 15.

~~(d)~~ 3. No person with a criminal conviction for a felony shall be appointed as a substitute judge.

If an appointment is to be made by two or more judges and there is a tie vote, then the senior judge of the circuit court having jurisdiction in the district shall make the appointment.

**§ 16.1-69.9:1. Appointment, terms, etc., of substitute judges.**

~~(a)~~ A. Substitute judges shall be appointed by the chief judge of the circuit court having jurisdiction within the district for a term of six years.

~~(b) [Repealed.]~~

~~(e)~~ B. Each substitute judge shall be appointed to serve every general district court and every juvenile and domestic relations district court within the judicial district for which the appointment is made.

~~(d)~~ C. No person shall be appointed under this section until he has submitted his fingerprints to be used for the conduct of a national criminal records search and a Virginia criminal history records search, submitted to a search of the central registry maintained pursuant to § 63.2-1515 for any founded complaint of child abuse or neglect, and provided a written statement of economic interests on the disclosure form prescribed in § 2.2-3117. No person with a criminal conviction for a felony shall be appointed as a substitute judge.

**§ 16.1-69.9:4. Same; election of successor judges.**

Whenever a vacancy occurs or exists in the office of a full-time district judge while the General Assembly is in session, or whenever the term of a full-time judge of a district court will expire or the office will be vacated at a date certain between the adjournment of the General Assembly and the commencement of the next session of the General Assembly, a successor judge may be elected at any time during a session preceding the date of such vacancy, by the vote of a majority of the members elected to each house of the General Assembly, for a full term of six years and, upon qualification, the successor judge shall enter at once upon the discharge of the duties of his office. However, such successor judge shall not enter upon the discharge of his duties prior to the commencement of his term of office. No person shall be elected or reelected to a subsequent term under this section until he has submitted to a criminal history record search and submitted to a search of the central registry maintained pursuant to § 63.2-1515 for any founded complaint of child abuse or neglect and a report reports of such search searches has have been received by the chairmen of the House and Senate Committees for Courts of Justice. *If the person has not met the requirement of filing in the preceding calendar year a disclosure form prescribed in § 2.2-3117 or 30-111, he shall also provide a written statement of economic interests on the disclosure form prescribed in § 2.2-3117 to the chairmen of the House and Senate Committees for Courts of Justice.*

**§ 17.1-303. Election of successor justice before date of vacancy.**

Whenever a vacancy occurs or exists in the office of a justice of the Supreme Court while the General Assembly is in session, or whenever the term of office of a justice of the Supreme Court will expire or the office will be vacated at a date certain between the adjournment of the General Assembly and the commencement of the next session of the General Assembly, a successor may be elected at any time during a session preceding the date of such vacancy, by the vote of a majority of the members elected to each house of the General Assembly, for a full term and, upon qualification, the successor shall enter at once upon the discharge of the duties of the office; however, such successor shall not qualify prior to the predecessor leaving office. No person shall be elected or reelected to a subsequent term under this section until he has submitted to a criminal history record search *and submitted to a search of the central registry maintained pursuant to § 63.2-1515 for any founded complaint of child abuse or neglect* and ~~a report~~ reports of such ~~search~~ searches ~~has~~ have been received by the chairmen of the House and Senate Committees for Courts of Justice. *If the person has not met the requirement of filing in the preceding calendar year a disclosure form prescribed in § 2.2-3117 or 30-111, he shall also provide a written statement of economic interests on the disclosure form prescribed in § 2.2-3117 to the chairmen of the House and Senate Committees for Courts of Justice.*

**§ 17.1-400. Creation and organization; election and terms of judges; oath; vacancies; qualifications; incompatible activities prohibited; chief judge.**

A. The Court of Appeals of Virginia is hereby established effective January 1, 1985. It shall consist of 11 judges who shall be elected for terms of eight years by the majority of the members elected to each house of the General Assembly. Before entering upon the duties of the office, a judge of the Court of Appeals shall take the oath of office required by law. The oath shall be taken before a justice of the Supreme Court of Virginia or before any officer authorized by law to administer an oath. When any vacancy exists while the General Assembly is not in session, the Governor may appoint a successor to serve until 30 days after the commencement of the next regular session of the General Assembly. Whenever a vacancy occurs or exists in the office of a judge of the Court of Appeals while the General Assembly is in session, or when the term of office of a judge of the Court of Appeals will expire or the office will be vacated at a date certain between the adjournment of the General Assembly and the commencement of the next session of the General Assembly, a successor may be elected at any time during a session preceding the date of such vacancy by the vote of a majority of the members elected to each house of the General Assembly for a full term and, upon qualification, the successor shall enter at once upon the discharge of the duties of the office; however, such successor shall not qualify prior to the predecessor leaving office. No person shall be elected or reelected to a subsequent term under this section until he has submitted to a criminal history record search *and submitted to a search of the central registry maintained pursuant to § 63.2-1515 for any founded complaint of child abuse or neglect* and ~~a report~~ reports of such ~~search~~ searches ~~has~~ have been received by the chairmen of the House and Senate Committees for Courts of Justice. *If the person has not met the requirement of filing in the preceding calendar year a disclosure form prescribed in § 2.2-3117 or 30-111, he shall also provide a written statement of economic interests on the disclosure form prescribed in § 2.2-3117 to the chairmen of the House and Senate Committees for Courts of Justice.*

All judges of the Court of Appeals shall be residents of the Commonwealth and shall, at least five years prior to the appointment or election, have been licensed to practice law in the Commonwealth. No judge of the Court of Appeals, during his continuance in office, shall engage in the practice of law within or without the Commonwealth or seek or accept any nonjudicial elective office, or hold any other office of public trust, or engage in any other incompatible activity.

B. The chief judge shall be elected by majority vote of the judges of the Court of Appeals to serve a term of four years.

C. If a judge of the Court of Appeals is absent or unable through sickness, disability, or any other reason to perform or discharge any official duty or function authorized or required by law, a (i) retired chief justice or retired justice of the Supreme Court of Virginia, (ii) retired chief judge or retired judge of the Court of Appeals of Virginia, or (iii) retired judge of a circuit court of Virginia, with his or her prior consent, may be appointed by the chief judge of the Court of Appeals, acting upon his own initiative or upon a personal request from the absent or disabled judge, to perform or discharge the official duties or functions of the absent or disabled judge until that judge shall again be able to attend his duties. The chief judge of the Court of Appeals shall be notified forthwith at the time any absent or disabled judge is able to return to his duties.

D. The chief judge of the Court of Appeals may, upon his own initiative, designate a (i) retired chief justice or retired justice of the Supreme Court of Virginia, (ii) retired chief judge or retired judge of the Court of Appeals of Virginia, or (iii) retired or active judge of a circuit court of Virginia, with the prior consent of such justice or judge, to perform or discharge the official duties or functions of a judge of the Court of Appeals if there is a need to do so due to congestion in the work of the court. Nothing in this subsection shall be construed to increase the number of judges of the Court of Appeals provided for in subsection A of this section.

E. Any retired chief justice, retired justice, retired chief judge or active or retired judge sitting on the Court of Appeals pursuant to subsection C or D shall receive from the state treasury actual expenses for the time he or she is actually engaged in holding court.

F. The powers and duties herein conferred or empowered upon the chief judge of the Court of Appeals may be exercised and performed by any judge or any committee of judges of the court designated by the chief judge for such purpose.

**§ 17.1-501. Judges of circuit courts; selection, powers and duties of chief judges; exercise of appointive powers.**

A. There shall be as many judges of the circuit courts as may be fixed by the General Assembly. The judges of each circuit shall select from their number by majority vote a chief judge of the circuit, who shall serve for the term of two years. In the event such judges cannot agree as to who shall be chief judge, the Chief Justice of the Supreme Court shall act as tie breaker.

B. The chief judge of the circuit shall ensure that the system of justice in his circuit operates smoothly and efficiently. He shall have authority to assign the work of the circuit among the judges, and in doing so he may consider the nature and categories of the cases to be assigned.

C. Unless otherwise provided by law, powers of appointment within a circuit shall be exercised by a majority of the judges of the circuit; however, the order of appointment may be signed by the chief judge or that judge's designee on behalf of the other judges. In case of a tie, the Chief Justice of the Supreme Court shall appoint a circuit judge from another circuit who shall act as tie breaker. Where the power of appointment is to be exercised by a majority of the judges of the Second Judicial Circuit and such appointment is to a local post, board or commission in Accomack or Northampton County, the resident judge or judges of the County of Accomack or Northampton shall exercise such appointment power as if he or they comprise the majority of the judges of the circuit.

D. No person shall be appointed or reappointed under this section until he has submitted his fingerprints to be used for the conduct of a national criminal records search and a Virginia criminal history records search, *submitted to a search of the central registry maintained pursuant to § 63.2-1515 for any founded complaint of child abuse or neglect, and provided a written statement of economic interests on the disclosure form prescribed in § 2.2-3117.* No person with a criminal conviction for a felony shall be appointed as a judge.

**§ 17.1-509. Vacancies in office of judge.**

Whenever a vacancy occurs in the office of judge, a successor, who shall be a resident of the same circuit, shall be elected for a full term of eight years and upon qualification shall enter at once upon the discharge of the duties of his office. No person shall be elected or reelected to a subsequent term under this section until he has submitted to a criminal history record search and submitted to a search of the central registry maintained pursuant to § 63.2-1515 for any founded complaint of child abuse or neglect and a report reports of such search searches has have been received by the chairmen of the House and Senate Committees for Courts of Justice. *If the person has not met the requirement of filing in the preceding calendar year a disclosure form prescribed in § 2.2-3117 or 30-111, he shall also provide a written statement of economic interests on the disclosure form prescribed in § 2.2-3117 to the chairmen of the House and Senate Committees for Courts of Justice.* Subject to the provisions of §§ 17.1-511 and 17.1-512, the Governor shall have the power while the General Assembly is not in session to fill pro tempore vacancies in such office. Such appointment to every vacancy shall be by commission to expire at the end of 30 days after the commencement of the next regular session of the General Assembly. No person with a criminal conviction for a felony shall be appointed as a judge.

**§ 17.1-512. Election of successor judge before date of vacancy.**

Whenever a vacancy occurs or exists in the office of a judge of a circuit while the General Assembly is in session, or whenever the term of office of a judge of a circuit court will expire or the office will be vacated at a date certain between the adjournment of the General Assembly and the commencement of the next session of the General Assembly, a successor judge may be elected at any time during a session preceding the date of such vacancy, by the vote of a majority of the members elected to each house of the General Assembly, for a term of eight years and upon qualification, the successor judge shall enter at once upon the discharge of the duties of his office. However, such successor judge shall not enter upon the discharge of his duties prior to the commencement of his term of office. No person shall be elected or reelected to a subsequent term under this section until he has submitted to a criminal history record search and submitted to a search of the central registry maintained pursuant to § 63.2-1515 for any founded complaint of child abuse or neglect and a report reports of such search searches has have been received by the chairmen of the House and Senate Committees for Courts of Justice. No person with a criminal conviction for a felony shall be appointed as a judge. *If the person has not met the requirement of filing in the preceding calendar year a disclosure form prescribed in § 2.2-3117 or 30-111, he shall also provide a written statement of economic interests on the disclosure form prescribed in § 2.2-3117 to the chairmen of the House and Senate Committees for Courts of Justice.*

**§ 63.2-1515. Central registry; disclosure of information.**

The central registry shall contain such information as shall be prescribed by Board regulation; however, when the founded case of abuse or neglect does not name the parents or guardians of the child as the abuser or neglecter, and the abuse or neglect occurred in a licensed or unlicensed child day center, a licensed, registered or approved family day home, a private or public school, or a children's residential facility, the child's name shall not be entered on the registry without consultation with and permission of the parents or guardians. If a child's name currently appears on the registry without consultation with and permission of the parents or guardians for a founded case of abuse and neglect that does not name the parents or guardians of the child as the abuser or neglecter, such parents or guardians may have the child's name removed by written request to the Department. The information contained in the central registry shall not be open to inspection by the public. However, appropriate disclosure may be made in accordance with Board regulations.

The Department shall respond to requests for a search of the central registry made by (i) local departments, (ii) local school boards, and (iii) governing boards or administrators of private schools accredited pursuant to § 22.1-19 regarding applicants for employment, pursuant to § 22.1-296.4, in cases where there is no match within the central registry within

10 business days of receipt of such requests. In cases where there is a match within the central registry regarding applicants for employment, the Department shall respond to requests made by local departments, local school boards, and governing boards or administrators within 30 business days of receipt of such requests. The response may be by first-class mail or facsimile transmission.

*The Department shall disclose information in the central registry to the Chairmen of the Committees for the Courts of Justice of the Senate and House of Delegates for the purpose of determining if any person being considered for election to any judgeship has been the subject of any founded complaint of child abuse or neglect.*

Any central registry check of a person who has applied to be a volunteer with a (a) Virginia affiliate of Big Brothers/Big Sisters of America, (b) Virginia affiliate of Compeer, (c) Virginia affiliate of Childhelp USA, (d) volunteer fire company or volunteer emergency medical services agency, or (e) court-appointed special advocate program pursuant to § 9.1-153 shall be conducted at no charge.

#### CHAPTER 579

*An Act to amend and reenact § 30-34.2:1 of the Code of Virginia, relating to Capitol Police; concurrent jurisdiction.*

[H 1505]

Approved March 30, 2018

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

**1. That § 30-34.2:1 of the Code of Virginia is amended and reenacted as follows:**

**§ 30-34.2:1. Powers, duties and functions of Capitol Police.**

The Capitol Police may exercise within the limits of the Capitol Square, when assigned to any other property owned, leased, or controlled by the Commonwealth or any agency, department, institution, or commission thereof, and pursuant to the provisions of §§ 15.2-1724, 15.2-1726, and 15.2-1728 all the powers, duties, and functions that are exercised by the police of the city or the police or sheriff of the county within which such property is located. The jurisdiction of the Capitol Police shall further extend 300 feet beyond the boundary of any property they are required to protect, such jurisdiction to be concurrent with that of other law-enforcement officers of the locality in which such property is located. Additionally, the Capitol Police shall have concurrent jurisdiction with law-enforcement officers of the City of Richmond ~~and of any county contiguous thereto in any case involving the theft or misappropriation of the personal property of any member or employee of the General Assembly.~~ *In any case involving the theft or misappropriation of the personal property of any member or employee of the General Assembly, the Capitol Police shall have concurrent jurisdiction with law-enforcement officers of any county contiguous to the City of Richmond.* Members of the Capitol Police when assigned to accompany the Governor or Governor-elect, members of the Governor's family, the Lieutenant Governor or Lieutenant Governor-elect, the Attorney General or Attorney General-elect, members of the General Assembly, or members of the Supreme Court or Court of Appeals of Virginia, or when directed to serve a summons issued by the Clerk of the Senate or the Clerk of the House of Delegates, a joint committee or commission thereof, or any committee of either house, shall be vested with all the powers and authority of a law-enforcement officer of any city or county in which they are required to be. All members of the Capitol Police shall be subject to the provisions of § 2.2-1201.1 and Chapter 5 (§ 9.1-500 et seq.) of Title 9.1.

The assignment of jurisdiction to any property pursuant to this section shall be approved by the Legislative Support Commission.

The Division of Capitol Police shall have the authority to enter into contracts or agreements necessary or incidental to the performance of its duties.

#### CHAPTER 580

*An Act to amend and reenact § 30-34.2:1 of the Code of Virginia, relating to Capitol Police; concurrent jurisdiction.*

[S 885]

Approved March 30, 2018

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

**1. That § 30-34.2:1 of the Code of Virginia is amended and reenacted as follows:**

**§ 30-34.2:1. Powers, duties and functions of Capitol Police.**

The Capitol Police may exercise within the limits of the Capitol Square, when assigned to any other property owned, leased, or controlled by the Commonwealth or any agency, department, institution, or commission thereof, and pursuant to the provisions of §§ 15.2-1724, 15.2-1726, and 15.2-1728 all the powers, duties, and functions that are exercised by the police of the city or the police or sheriff of the county within which such property is located. The jurisdiction of the Capitol Police shall further extend 300 feet beyond the boundary of any property they are required to protect, such jurisdiction to be concurrent with that of other law-enforcement officers of the locality in which such property is located. Additionally, the Capitol Police shall have concurrent jurisdiction with law-enforcement officers of the City of Richmond ~~and of any county contiguous thereto in any case involving the theft or misappropriation of the personal property of any member or employee of the General Assembly.~~ *In any case involving the theft or misappropriation of the personal property of any member or*

*employee of the General Assembly, the Capitol Police shall have concurrent jurisdiction with law-enforcement officers of any county contiguous to the City of Richmond.* Members of the Capitol Police when assigned to accompany the Governor or Governor-elect, members of the Governor's family, the Lieutenant Governor or Lieutenant Governor-elect, the Attorney General or Attorney General-elect, members of the General Assembly, or members of the Supreme Court or Court of Appeals of Virginia, or when directed to serve a summons issued by the Clerk of the Senate or the Clerk of the House of Delegates, a joint committee or commission thereof, or any committee of either house, shall be vested with all the powers and authority of a law-enforcement officer of any city or county in which they are required to be. All members of the Capitol Police shall be subject to the provisions of § 2.2-1201.1 and Chapter 5 (§ 9.1-500 et seq.) of Title 9.1.

The assignment of jurisdiction to any property pursuant to this section shall be approved by the Legislative Support Commission.

The Division of Capitol Police shall have the authority to enter into contracts or agreements necessary or incidental to the performance of its duties.

## CHAPTER 581

*An Act to amend and reenact § 30-34.2:2 of the Code of Virginia, relating to disposal of unclaimed personal property in possession of the Division of Capitol Police.*

[S 406]

Approved March 30, 2018

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

**1. That § 30-34.2:2 of the Code of Virginia is amended and reenacted as follows:**

**§ 30-34.2:2. Disposal of unclaimed firearms, other weapons, or other unclaimed personal property in possession of the Division of Capitol Police.**

Subject to the provisions of § 19.2-386.29, the Division of Capitol Police may destroy unclaimed firearms and other weapons, *and may lawfully dispose of other unclaimed personal property*, that have been in the possession of the Division for a period of more than 120 days. For the purposes of this section, "unclaimed firearms and other weapons" means any firearm or other weapon belonging to another that has been acquired by a law-enforcement officer pursuant to his duties, that is not needed in any criminal prosecution, that has not been claimed by its rightful owner, and that the State Treasurer has indicated will be declined if remitted under the Uniform Disposition of Unclaimed Property Act (§ 55-210.1 et seq.), *and "unclaimed personal property" means any personal property belonging to another that has been acquired by a law-enforcement officer pursuant to his duties, that is not needed in any criminal prosecution, that has not been claimed by its rightful owner, and that the State Treasurer has indicated will be declined if remitted under the Uniform Disposition of Unclaimed Property Act (§ 55-210.1 et seq.).*

At the discretion of the chief of police or his designee, *the Division of Capitol Police may destroy* unclaimed firearms or other weapons ~~may be destroyed~~ by any means that renders the firearms or other weapons permanently inoperable *and may lawfully dispose of other unclaimed personal property*. Prior to the destruction of such *unclaimed* firearms or other weapons *or disposal of such other unclaimed personal property*, the chief of police or his designee shall (i) make reasonable attempts to notify by mail the rightful owner of the property and (ii) obtain from the attorney for the Commonwealth of the jurisdiction from which the unclaimed item came into the possession of the Division of Capitol Police in writing a statement advising that the item is not needed in any criminal prosecution. *The Division may dispose of an unclaimed bicycle, electric personal assistive mobility device, electric power-assisted bicycle, or moped in accordance with the provisions of § 15.2-1720.*

In lieu of destroying any such unclaimed firearm, the chief of police or his designee may donate the firearm to the Department of Forensic Science, upon agreement of the Department.

## CHAPTER 582

*An Act to amend and reenact § 15.2-1646 of the Code of Virginia, relating to expansion of courthouses.*

[S 538]

Approved March 30, 2018

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

**1. That § 15.2-1646 of the Code of Virginia is amended and reenacted as follows:**

**§ 15.2-1646. Certification of result to board of supervisors; procuring land and buildings; relocation to contiguous land.**

If it appears from the returns that a majority of the votes cast at the election specified in § 15.2-1644 are for the removal of the courthouse to one of the places specified in the petition or resolution, the results shall be certified to the board of supervisors of the county, with the amount authorized to be expended for land, if not donated, and for necessary buildings and improvements. If the vote is for removal, the board of supervisors shall at once proceed to acquire the

necessary land at the new location, if the same has not been donated, and to erect the necessary buildings and improvements.

The relocation *or expansion* of a courthouse to land contiguous with its present location, including contiguous property directly across a public right-of-way, and within the same county *or city* is not such a removal as to require authorization by the electorate.

The provisions of these sections requiring authorization by the electorate shall not apply, in the case of a joint court system, between Albemarle County and the City of Charlottesville, James City County and the City of Williamsburg, York County and the City of Poquoson, and Greensville County and the City of Emporia, to the relocation of the courthouse to other land within the localities which it serves, from its present location, if the governing bodies find by concurrent resolutions that the existing courthouse is inadequate and that renovation or expansion of the existing courthouse is not feasible.

## CHAPTER 583

*An Act to amend and reenact §§ 20-107.1 and 20-109 of the Code of Virginia, relating to modification of spousal support; retirement age.*

[S 540]

Approved March 30, 2018

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

**1. That §§ 20-107.1 and 20-109 of the Code of Virginia are amended and reenacted as follows:**

**§ 20-107.1. Court may decree as to maintenance and support of spouses.**

A. Pursuant to any proceeding arising under subsection L of § 16.1-241 or upon the entry of a decree providing (i) for the dissolution of a marriage, (ii) for a divorce, whether from the bond of matrimony or from bed and board, (iii) that neither party is entitled to a divorce, or (iv) for separate maintenance, the court may make such further decree as it shall deem expedient concerning the maintenance and support of the spouses, notwithstanding a party's failure to prove his grounds for divorce, provided that a claim for support has been properly pled by the party seeking support. However, the court shall have no authority to decree maintenance and support payable by the estate of a deceased spouse.

B. Any maintenance and support shall be subject to the provisions of § 20-109, and no permanent maintenance and support shall be awarded from a spouse if there exists in such spouse's favor a ground of divorce under the provisions of subdivision A (1) of § 20-91. However, the court may make such an award notwithstanding the existence of such ground if the court determines from clear and convincing evidence, that a denial of support and maintenance would constitute a manifest injustice, based upon the respective degrees of fault during the marriage and the relative economic circumstances of the parties.

C. The court, in its discretion, may decree that maintenance and support of a spouse be made in periodic payments for a defined duration, or in periodic payments for an undefined duration, or in a lump sum award, or in any combination thereof.

D. In addition to or in lieu of an award pursuant to subsection C, the court may reserve the right of a party to receive support in the future. In any case in which the right to support is so reserved, there shall be a rebuttable presumption that the reservation will continue for a period equal to 50 percent of the length of time between the date of the marriage and the date of separation. Once granted, the duration of such a reservation shall not be subject to modification.

E. The court, in determining whether to award support and maintenance for a spouse, shall consider the circumstances and factors which contributed to the dissolution of the marriage, specifically including adultery and any other ground for divorce under the provisions of subdivision A (3) or (6) of § 20-91 or § 20-95. In determining the nature, amount and duration of an award pursuant to this section, the court shall consider the following:

1. The obligations, needs and financial resources of the parties, including but not limited to income from all pension, profit sharing or retirement plans, of whatever nature;
2. The standard of living established during the marriage;
3. The duration of the marriage;
4. The age and physical and mental condition of the parties and any special circumstances of the family;
5. The extent to which the age, physical or mental condition or special circumstances of any child of the parties would make it appropriate that a party not seek employment outside of the home;
6. The contributions, monetary and nonmonetary, of each party to the well-being of the family;
7. The property interests of the parties, both real and personal, tangible and intangible;
8. The provisions made with regard to the marital property under § 20-107.3;
9. The earning capacity, including the skills, education and training of the parties and the present employment opportunities for persons possessing such earning capacity;
10. The opportunity for, ability of, and the time and costs involved for a party to acquire the appropriate education, training and employment to obtain the skills needed to enhance his or her earning ability;

11. The decisions regarding employment, career, economics, education and parenting arrangements made by the parties during the marriage and their effect on present and future earning potential, including the length of time one or both of the parties have been absent from the job market;

12. The extent to which either party has contributed to the attainment of education, training, career position or profession of the other party; and

13. Such other factors, including the tax consequences to each party and the circumstances and factors that contributed to the dissolution, specifically including any ground for divorce, as are necessary to consider the equities between the parties.

F. In contested cases in the circuit courts, any order granting, reserving or denying a request for spousal support shall be accompanied by written findings and conclusions of the court identifying the factors in subsection E which support the court's order. *Any order granting or reserving any request for spousal support shall state whether the retirement of either party was contemplated by the court and specifically considered by the court in making its award, and, if so, the order shall state the facts the court contemplated and specifically considered as to the retirement of the party.* If the court awards periodic support for a defined duration, such findings shall identify the basis for the nature, amount and duration of the award and, if appropriate, a specification of the events and circumstances reasonably contemplated by the court which support the award.

G. For purposes of this section and § 20-109, "date of separation" means the earliest date at which the parties are physically separated and at least one party intends such separation to be permanent provided the separation is continuous thereafter and "defined duration" means a period of time (i) with a specific beginning and ending date or (ii) specified in relation to the occurrence or cessation of an event or condition other than death or termination pursuant to § 20-110.

H. Where there are no minor children whom the parties have a mutual duty to support, an order directing the payment of spousal support, including those orders confirming separation agreements, entered on or after October 1, 1985, whether they are original orders or modifications of existing orders, shall contain the following:

1. If known, the name, date of birth and social security number of each party and, unless otherwise ordered, each party's residential and, if different, mailing address, residential and employer telephone number, driver's license number, and the name and address of his employer; however, when a protective order has been issued or the court otherwise finds reason to believe that a party is at risk of physical or emotional harm from the other party, information other than the name of the party at risk shall not be included in the order;

2. The amount of periodic spousal support expressed in fixed sums, together with the payment interval, the date payments are due, and the date the first payment is due;

3. A statement as to whether there is an order for health care coverage for a party;

4. If support arrearages exist, (i) to whom an arrearage is owed and the amount of the arrearage, (ii) the period of time for which such arrearage is calculated, and (iii) a direction that all payments are to be credited to current spousal support obligations first, with any payment in excess of the current obligation applied to arrearages;

5. If spousal support payments are ordered to be paid directly to the obligee, and unless the court for good cause shown orders otherwise, the parties shall give each other and the court at least 30 days' written notice, in advance, of any change of address and any change of telephone number within 30 days after the change; and

6. Notice that in determination of a spousal support obligation, the support obligation as it becomes due and unpaid creates a judgment by operation of law.

**§ 20-109. Changing maintenance and support for a spouse; effect of stipulations as to maintenance and support for a spouse; cessation upon cohabitation, remarriage, or death; effect of retirement.**

A. Upon petition of either party the court may increase, decrease, or terminate the amount or duration of any spousal support and maintenance that may thereafter accrue, whether previously or hereafter awarded, as the circumstances may make proper. Upon order of the court based upon clear and convincing evidence that the spouse receiving support has been habitually cohabiting with another person in a relationship analogous to a marriage for one year or more commencing on or after July 1, 1997, the court shall terminate spousal support and maintenance unless (i) otherwise provided by stipulation or contract or (ii) the spouse receiving support proves by a preponderance of the evidence that termination of such support would be unconscionable. The provisions of this subsection shall apply to all orders and decrees for spousal support, regardless of the date of the suit for initial setting of support, the date of entry of any such order or decree, or the date of any petition for modification of support.

B. The court may consider a modification of an award of spousal support for a defined duration upon petition of either party filed within the time covered by the duration of the award. Upon consideration of the factors set forth in subsection E of § 20-107.1, the court may increase, decrease or terminate the amount or duration of the award upon finding that (i) there has been a material change in the circumstances of the parties, not reasonably in the contemplation of the parties when the award was made or (ii) an event which the court anticipated would occur during the duration of the award and which was significant in the making of the award, does not in fact occur through no fault of the party seeking the modification. The provisions of this subsection shall apply only to suits for initial spousal support orders filed on or after July 1, 1998, and suits for modification of spousal support orders arising from suits for initial support orders filed on or after July 1, 1998.

C. In suits for divorce, annulment and separate maintenance, and in proceedings arising under subdivision A 3 or subsection L of § 16.1-241, if a stipulation or contract signed by the party to whom such relief might otherwise be awarded is filed before entry of a final decree, no decree or order directing the payment of support and maintenance for the spouse,

suit money, or counsel fee or establishing or imposing any other condition or consideration, monetary or nonmonetary, shall be entered except in accordance with that stipulation or contract. If such a stipulation or contract is filed after entry of a final decree and if any party so moves, the court shall modify its decree to conform to such stipulation or contract.

D. Unless otherwise provided by stipulation or contract, spousal support and maintenance shall terminate upon the death of either party or remarriage of the spouse receiving support. The spouse entitled to support shall have an affirmative duty to notify the payor spouse immediately of remarriage at the last known address of the payor spouse.

E. For purposes of the modification of an award of spousal support, and without precluding the ability of a party to otherwise file for a modification of spousal support based upon any other material change in circumstances, the payor spouse's attainment of full retirement age shall be considered a material change in circumstances. For the purposes of this subsection, "full retirement age" means the normal retirement age at which a person is eligible to receive full retirement benefits under the federal Social Security Act, but "full retirement age" does not mean "early retirement age" as defined under the federal Social Security Act (42 U.S.C. § 416, as amended).

F. In an action for the increase, decrease, or termination of spousal support based on the retirement of the payor spouse pursuant to subsection E, where the court finds that there has been a material change in circumstances, the court shall determine whether any modification or termination of such spousal support should be granted. In making such determination, the court may consider the factors set forth in subsection E of § 20-107.1 and shall consider the following factors:

1. Whether retirement was contemplated by the court and specifically considered by the court when the spousal support was awarded;
2. Whether the retirement is mandatory or voluntary, and the terms and conditions related to such retirement;
3. Whether the retirement would result in a change in the income of either the payor or the payee spouse;
4. The age and health of the parties;
5. The duration and amount of spousal support already paid; and
6. The assets or property interest of each of the parties during the period from the date of the support order and up to the date of the hearing on modification or termination.

The provisions of this subsection (i) shall be subject to the provisions regarding stipulations or contracts as set forth in subsection C, and (ii) shall not apply to a contract or stipulation that is non-modifiable.

The provisions of this subsection and subsection E shall apply to suits for modification or termination of spousal support orders regardless of the date of the suit for initial setting of support or the date of entry of any such order or decree.

G. In any action for the increase, decrease, or termination of spousal support, if the court finds that there has been a material change in circumstances, the court may consider the factors set forth in subsection E of § 20-107.1 and subsection F of this section in making its determination as to whether any modification or termination of such support should be granted. The court shall further consider the assets or property interest of each of the parties from the date of the support order and up to the time of the hearing on modification or termination, and any income generated from the asset or property interest. Any order granting or denying a request for the modification or termination of spousal support shall be accompanied by written findings and conclusions of the court identifying the factors set forth in subsection E of § 20-107.1 and subsection F of this section that support the court's order.

## CHAPTER 584

An Act to amend and reenact §§ 2.2-3703, 17.1-208, and 17.1-292 of the Code of Virginia and to amend the Code of Virginia by adding sections numbered 16.1-69.54:1 and 17.1-293.1, relating to public access to nonconfidential court records.

[S 564]

Approved March 30, 2018

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

**1. That §§ 2.2-3703, 17.1-208, and 17.1-292 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding sections numbered 16.1-69.54:1 and 17.1-293.1 as follows:**

**§ 2.2-3703. Public bodies and records to which chapter inapplicable; voter registration and election records; access by persons incarcerated in a state, local, or federal correctional facility.**

A. The provisions of this chapter shall not apply to:

1. The Virginia Parole Board, except that (i) information from the Virginia Parole Board providing the number of inmates considered by the Board for discretionary parole, the number of inmates granted or denied parole, and the number of parolees returned to the custody of the Department of Corrections solely as a result of a determination by the Board of a violation of parole shall be open to inspection and available for release, on a monthly basis, as provided by § 2.2-3704; (ii) all guidance documents, as defined in § 2.2-4101, shall be public records and subject to the provisions of this chapter; and (iii) all records concerning the finances of the Virginia Parole Board shall be public records and subject to the provisions of this chapter. The information required by clause (i) shall be furnished by offense, sex, race, age of the inmate, and the locality in which the conviction was obtained, upon the request of the party seeking the information. The information required by clause (ii) shall include all documents establishing the policy of the Board or any change in or

clarification of such policy with respect to grant, denial, deferral, revocation, or supervision of parole or geriatric release or the process for consideration thereof, and shall be clearly and conspicuously posted on the Board's website. However, such information shall not include any portion of any document reflecting the application of any policy or policy change or clarification of such policy to an individual inmate;

2. Petit juries and grand juries;
3. Family assessment and planning teams established pursuant to § 2.2-5207;
4. The Virginia State Crime Commission; and

5. The records ~~required by law to be~~ maintained by the clerks of the courts of record, as defined in § 1-212, *for which clerks are custodians under § 17.1-242*, and courts not of record, as defined in § 16.1-69.5, *for which clerks are custodians under § 16.1-69.54, including those transferred for storage, maintenance, or archiving. Such records shall be requested in accordance with the provisions of §§ 16.1-69.54:1 and 17.1-208, as appropriate.* However, other records maintained by the clerks of such courts shall be public records and subject to the provisions of this chapter.

B. Public access to voter registration and election records shall be governed by the provisions of Title 24.2 and this chapter. The provisions of Title 24.2 shall be controlling in the event of any conflict.

C. No provision of this chapter or Chapter 21 (§ 30-178 et seq.) of Title 30 shall be construed to afford any rights to any person (i) incarcerated in a state, local or federal correctional facility, whether or not such facility is (a) located in the Commonwealth or (b) operated pursuant to the Corrections Private Management Act (§ 53.1-261 et seq.) or (ii) civilly committed pursuant to the Sexually Violent Predators Act (§ 37.2-900 et seq.). However, this subsection shall not be construed to prevent such persons from exercising their constitutionally protected rights, including, but not limited to, their right to call for evidence in their favor in a criminal prosecution.

**§ 16.1-69.54:1. Request for district court records.**

A. For the purposes of this section, "confidential court records," "court records," and "nonconfidential court records" shall have the same meaning as set forth in § 17.1-292.

B. Requests for copies of nonconfidential court records maintained in individual case files shall be made to the clerk of a district court.

C. Requests for reports of aggregated, nonconfidential case data fields that are viewable through the online case information systems maintained by the Executive Secretary of the Supreme Court shall be made to the Office of the Executive Secretary. Such reports of aggregated case data shall not include the name, date of birth, or social security number of any party and shall not include images of the individual records in the respective case files. However, nothing in this section shall be construed to permit any reports or aggregated case data to be sold or posted on any other website or in any way redistributed to any third party. The Executive Secretary, in his discretion, may deny such request to ensure compliance with these provisions. However, such data may be included in products or services provided to a third party, provided that such data is not made available to the general public.

D. Any clerk or the Executive Secretary, as applicable, may require that the request be in writing and that the requester provide his name and legal address. A request for nonconfidential court records or reports of aggregated nonconfidential case data shall identify the requested records with reasonable specificity. Any clerk or the Executive Secretary, as applicable, may determine the costs to provide the requested records to the requester, advise the requester of such costs, and, before continuing to process the request, require the requester to agree to payment of a deposit not to exceed the amount of the advance determination, which shall be credited to the final cost of supplying the requested records. No clerk, nor the Executive Secretary, shall be required to create a new record if the record does not already exist or provide a report of aggregated, nonconfidential case data in a format not regularly used by the clerk or the Executive Secretary; however, a clerk or the Executive Secretary, as applicable, may abstract or summarize information under such terms and conditions as agreed to by the requester and the clerk or Executive Secretary, as provided herein.

E. Except where the nature or size of the request would interfere with the business of the court or with its use by the general public, or as otherwise provided by law, the requested court records or reports of aggregated, nonconfidential case data shall be provided to the requester within a reasonable period of time, given the nature of the request and the availability of staff to respond to the request, but in no event longer than 30 days from the date of a complete request made by a requester that is fully compliant with the requirements of this section and other applicable law. Any objection or assertion of confidentiality shall be provided to the requester within a reasonable period of time, but in no event longer than 30 days from the date of a complete request made by a requester.

F. Any clerk, or the Executive Secretary, may require payment in advance of all reasonable costs, not to exceed the actual cost incurred in accessing, duplicating, reviewing, supplying, or searching for the requested court records or reports of aggregated, nonconfidential case data, including removing any confidential information contained in the court records from the nonconfidential court records being provided, excluding any extraneous, intermediary, or surplus fees or expenses to recoup the general overhead costs associated with creating or maintaining records or transacting the general business of the clerk or the Office of the Executive Secretary. Before processing a request for court records or reports of aggregated, nonconfidential case data, any clerk or the Executive Secretary may require the requester to pay any amounts owed to the clerk or the Office of the Executive Secretary for previous requests for court records or reports of aggregated, nonconfidential case data that remain unpaid 30 days or more after billing.

*G. Any clerk and the Executive Secretary shall be immune from any suit arising from the production of court records or reports of aggregated nonconfidential case data in accordance with this section absent gross negligence or willful misconduct.*

**§ 17.1-208. Records, etc., open to inspection; copies; exception.**

*A. For the purposes of this section, "confidential court records," "court records," and "nonconfidential court records" shall have the same meaning as set forth in § 17.1-292.*

*B. Except as otherwise provided by law, any records that are maintained by the clerk clerks of the circuit court courts shall be open to inspection in the office of the clerk by any person and the clerk shall, when requested, furnish copies thereof subject to any reasonable fee charged by the clerk pursuant to § 17.1-275; ~~except in cases in which it is otherwise specially provided by statute.~~ No person shall be permitted to use the clerk's office for the purpose of making copies of records in such manner, or to such extent, as will, in the determination of the clerk, interfere with the business of the office or with its reasonable use by the general public. The certificate of the clerk to copies furnished by the clerk shall, if the paper copied be recorded in a bound volume, contain the name and number of the volume and the page or folio at which the recordation of the paper begins, or the instrument number as applicable, and the clerk may charge a fee therefor pursuant to § 17.1-275. The certificate of the circuit court clerk to such copies may be provided electronically subject to the provisions of § 17.1-258.3:2. Such electronic certificate may reference an instrument number, bound volume, or other case number, but is not required to do so.*

*C. Requests for copies of nonconfidential court records maintained in individual case files shall be made to the clerk of the circuit court.*

*D. Requests for reports of aggregated, nonconfidential case data fields that are viewable through the online case information systems maintained by the Executive Secretary of the Supreme Court shall be made to the Office of the Executive Secretary. Such reports of aggregated case data shall not include the name, date of birth, or social security number of any party, and shall not include images of the individual records in the respective case files. However, nothing in this section shall be construed to permit any reports of aggregated case data to be sold or posted on any other website or in any way redistributed to any third party. The clerk or the Executive Secretary, in his discretion, may deny such request to ensure compliance with these provisions. However, such data may be included in products or services provided to a third party, provided that such data is not made available to the general public.*

*E. Any clerk or the Executive Secretary, as applicable, may require that the request be in writing and that the requester provide his name and legal address. A request for nonconfidential court records or reports of aggregated, nonconfidential case data shall identify the requested records with reasonable specificity. Any clerk or the Executive Secretary, as applicable, may determine the costs for providing the requested records to the requester, advise the requester of such costs, and, before continuing to process the request, require the requester to agree to payment of a deposit not to exceed the amount of the advance determination, which shall be credited to the final cost of supplying the requested records. Neither a clerk nor the Executive Secretary shall be required to create a new record if the record does not already exist or provide a report of aggregated, nonconfidential case data in a format not regularly used by the clerk or the Executive Secretary; however, a clerk or the Executive Secretary, as applicable, may abstract or summarize information under such terms and conditions as agreed to by the requester and the clerk or Executive Secretary, as provided herein.*

*F. Except as otherwise provided by law, the requested court records or reports of aggregated, nonconfidential case data shall be provided to the requester within a reasonable period of time, given the nature of the request and the availability of staff to respond to the request, but in no event longer than 30 days from the date of a complete request made by a requester that is fully compliant with the requirements of this section and other applicable law. Any objection or assertion of confidentiality shall be provided to the requester within a reasonable period of time, but in no event longer than 30 days from the date of a complete request made by a requester.*

*G. Any clerk or the Executive Secretary may require payment in advance of all reasonable costs, not to exceed the actual cost incurred in accessing, duplicating, reviewing, supplying, or searching for the requested court records or reports of aggregated, nonconfidential case data, including removing any confidential information contained in the court records from the nonconfidential court records being provided, excluding any extraneous, intermediary, or surplus fees or expenses to recoup the general overhead costs associated with creating or maintaining records or transacting the general business of the clerk or the Office of the Executive Secretary. Before processing a request for court records or reports of aggregated, nonconfidential case data, any clerk or the Executive Secretary may require the requester to pay any amounts owed to the clerk or the Office of the Executive Secretary for previous requests for court records or reports of aggregated, nonconfidential case data that remain unpaid 30 days or more after billing.*

*H. Any clerk and the Executive Secretary shall be immune from any suit arising from the production of court records or reports of aggregated, nonconfidential case data in accordance with this section absent gross negligence or willful misconduct.*

*I. Nothing in this section shall be construed to apply to court records transferred to the Library of Virginia for permanent archiving pursuant to the duties imposed by the Virginia Public Records Act (§ 42.1-76 et seq.). In accordance with § 42.1-79, the Library of Virginia shall be the custodian of such permanently archived records and shall be responsible for responding to requests for such records.*

**§ 17.1-292. Applicability; definitions.**

A. The provisions of § 17.1-293 of this article shall apply to clerks of the courts of record as defined in § 1-212 and courts not of record as defined in § 16.1-69.5.

B. As used in this article:

*"Confidential court records" means court records maintained by a clerk of a court of record, as defined in § 1-212, or a court not of record, as defined in § 16.1-69.5, and recognized as confidential under any applicable law or sealed pursuant to court order.*

"Court records" means any record maintained by the clerk in a civil, traffic, or criminal proceeding in the court, and any appeal from a district court.

"Internet" means the international computer network of interoperable packet-switched data networks.

"Land records" means any writing authorized by law to be recorded on paper or in electronic format that the clerk records affecting title to real property, including but not limited to instruments, orders, or any other writings recorded under this title, Article 5 (§ 8.01-446 et seq.) of Chapter 17 of Title 8.01, Title 8.9A and Chapter 6 (§ 55-106 et seq.) of Title 55.

*"Nonconfidential court records" means all court records except those court records that are confidential court records.*

**§ 17.1-293.1. Online case information system.**

*The Executive Secretary shall make available a publicly viewable online case information system of certain nonconfidential information entered into the case management system for criminal cases in the circuit courts participating in the Executive Secretary's case management system and in the general district courts. Such system shall be searchable by defendant name across all participating courts, and search results shall be viewable free of charge.*

**2. That the provisions of § 17.1-293.1 of the Code of Virginia, as created by this act, shall become effective on July 1, 2019.**

**CHAPTER 585**

*An Act to amend and reenact §§ 22.1-254, 22.1-277, and 22.1-277.2:1 of the Code of Virginia, relating to public schools; student discipline.*

[S 170]

Approved March 30, 2018

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

**1. That §§ 22.1-254, 22.1-277, and 22.1-277.2:1 of the Code of Virginia are amended and reenacted as follows:**

**§ 22.1-254. Compulsory attendance required; excuses and waivers; alternative education program attendance; exemptions from article.**

A. Except as otherwise provided in this article, every parent, guardian, or other person in the Commonwealth having control or charge of any child who will have reached the fifth birthday on or before September 30 of any school year and who has not passed the eighteenth birthday shall, during the period of each year the public schools are in session and for the same number of days and hours per day as the public schools, send such child to a public school or to a private, denominational, or parochial school or have such child taught by a tutor or teacher of qualifications prescribed by the Board of Education and approved by the division superintendent, or provide for home instruction of such child as described in § 22.1-254.1.

As prescribed in the regulations of the Board of Education, the requirements of this section may also be satisfied by sending a child to an alternative program of study or work/study offered by a public, private, denominational, or parochial school or by a public or private degree-granting institution of higher education. Further, in the case of any five-year-old child who is subject to the provisions of this subsection, the requirements of this section may be alternatively satisfied by sending the child to any public educational pre-kindergarten program, including a Head Start program, or in a private, denominational, or parochial educational pre-kindergarten program.

Instruction in the home of a child or children by the parent, guardian, or other person having control or charge of such child or children shall not be classified or defined as a private, denominational or parochial school.

The requirements of this section shall apply to (i) any child in the custody of the Department of Juvenile Justice or the Department of Corrections who has not passed his eighteenth birthday and (ii) any child whom the division superintendent has required to take a special program of prevention, intervention, or remediation as provided in subsection C of § 22.1-253.13:1 and in § 22.1-254.01. The requirements of this section shall not apply to (a) any person 16 through 18 years of age who is housed in an adult correctional facility when such person is actively pursuing the achievement of a passing score on a high school equivalency examination approved by the Board of Education but is not enrolled in an individual student alternative education plan pursuant to subsection E, and (b) any child who has obtained a high school diploma or its equivalent, a certificate of completion, or has achieved a passing score on a high school equivalency examination approved by the Board of Education, or who has otherwise complied with compulsory school attendance requirements as set forth in this article.

B. A school board shall excuse from attendance at school:

1. Any pupil who, together with his parents, by reason of bona fide religious training or belief is conscientiously opposed to attendance at school. For purposes of this subdivision, "bona fide religious training or belief" does not include essentially political, sociological or philosophical views or a merely personal moral code; and

2. On the recommendation of the juvenile and domestic relations district court of the county or city in which the pupil resides and for such period of time as the court deems appropriate, any pupil who, together with his parents, is opposed to attendance at a school by reason of concern for such pupil's health, as verified by competent medical evidence, or by reason of such pupil's reasonable apprehension for personal safety when such concern or apprehension in that pupil's specific case is determined by the court, upon consideration of the recommendation of the principal and division superintendent, to be justified.

C. Each local school board shall develop policies for excusing students who are absent by reason of observance of a religious holiday. Such policies shall ensure that a student shall not be deprived of any award or of eligibility or opportunity to compete for any award, or of the right to take an alternate test or examination, for any which he missed by reason of such absence, if the absence is verified in a manner acceptable to the school board.

D. A school board may excuse from attendance at school:

1. On recommendation of the principal and the division superintendent and with the written consent of the parent or guardian, any pupil who the school board determines, in accordance with regulations of the Board of Education, cannot benefit from education at such school; or

2. On recommendation of the juvenile and domestic relations district court of the county or city in which the pupil resides, any pupil who, in the judgment of such court, cannot benefit from education at such school.

E. Local school boards may allow the requirements of subsection A to be met under the following conditions:

For a student who is at least 16 years of age, there shall be a meeting of the student, the student's parents, and the principal or his designee of the school in which the student is enrolled in which an individual student alternative education plan shall be developed in conformity with guidelines prescribed by the Board, which plan must include:

1. Career guidance counseling;

2. Mandatory enrollment and attendance in a preparatory program for passing a high school equivalency examination approved by the Board of Education or other alternative education program approved by the local school board with attendance requirements that provide for reporting of student attendance by the chief administrator of such preparatory program or approved alternative education program to such principal or his designee;

3. Mandatory enrollment in a program to earn a Board of Education-approved career and technical education credential, such as the successful completion of an industry certification, a state licensure examination, a national occupational competency assessment, the Armed Services Vocational Aptitude Battery, or the Virginia workplace readiness skills assessment;

4. Successful completion of the course in economics and personal finance required to earn a Board of Education-approved high school diploma;

5. Counseling on the economic impact of failing to complete high school; and

6. Procedures for reenrollment to comply with the requirements of subsection A.

A student for whom an individual student alternative education plan has been granted pursuant to this subsection and who fails to comply with the conditions of such plan shall be in violation of the compulsory school attendance law, and the division superintendent or attendance officer of the school division in which such student was last enrolled shall seek immediate compliance with the compulsory school attendance law as set forth in this article.

Students enrolled with an individual student alternative education plan shall be counted in the average daily membership of the school division.

F. A school board may, in accordance with the procedures set forth in Article 3 (§ 22.1-276.01 et seq.) of Chapter 14 and upon a finding that a school-age child has been (i) charged with an offense relating to the Commonwealth's laws, or with a violation of school board policies, on weapons, alcohol or drugs, or intentional injury to another person; (ii) found guilty or not innocent of a crime that resulted in or could have resulted in injury to others, or of an offense that is required to be disclosed to the superintendent of the school division pursuant to subsection G of § 16.1-260; (iii) suspended pursuant to § 22.1-277.05; or (iv) expelled from school attendance pursuant to § 22.1-277.06 or 22.1-277.07 or subsection B C of § 22.1-277, require the child to attend an alternative education program as provided in § 22.1-209.1:2 or 22.1-277.2:1.

G. Whenever a court orders any pupil into an alternative education program, including a program preparing students for a high school equivalency examination approved by the Board of Education, offered in the public schools, the local school board of the school division in which the program is offered shall determine the appropriate alternative education placement of the pupil, regardless of whether the pupil attends the public schools it supervises or resides within its school division.

The juvenile and domestic relations district court of the county or city in which a pupil resides or in which charges are pending against a pupil, or any court in which charges are pending against a pupil, may require the pupil who has been charged with (i) a crime that resulted in or could have resulted in injury to others, (ii) a violation of Article 1 (§ 18.2-77 et seq.) of Chapter 5 of Title 18.2, or (iii) any offense related to possession or distribution of any Schedule I, II, or III controlled substances to attend an alternative education program, including, but not limited to, night school, adult education, or any other education program designed to offer instruction to students for whom the regular program of instruction may be inappropriate.

This subsection shall not be construed to limit the authority of school boards to expel, suspend, or exclude students, as provided in §§ 22.1-277.04, 22.1-277.05, 22.1-277.06, 22.1-277.07, and 22.1-277.2. As used in this subsection, the term "charged" means that a petition or warrant has been filed or is pending against a pupil.

H. Within one calendar month of the opening of school, each school board shall send to the parents or guardian of each student enrolled in the division a copy of the compulsory school attendance law and the enforcement procedures and policies established by the school board.

1. The provisions of this article shall not apply to:

1. Children suffering from contagious or infectious diseases while suffering from such diseases;
2. Children whose immunizations against communicable diseases have not been completed as provided in § 22.1-271.2;
3. Children under 10 years of age who live more than two miles from a public school unless public transportation is provided within one mile of the place where such children live;
4. Children between the ages of 10 and 17, inclusive, who live more than 2.5 miles from a public school unless public transportation is provided within 1.5 miles of the place where such children live; and
5. Children excused pursuant to subsections B and D.

Further, any child who will not have reached his sixth birthday on or before September 30 of each school year whose parent or guardian notifies the appropriate school board that he does not wish the child to attend school until the following year because the child, in the opinion of the parent or guardian, is not mentally, physically, or emotionally prepared to attend school, may delay the child's attendance for one year.

The distances specified in subdivisions 3 and 4 of this subsection shall be measured or determined from the child's residence to the entrance to the school grounds or to the school bus stop nearest the entrance to the residence of such children by the nearest practical routes which are usable for walking or riding. Disease shall be established by the certificate of a reputable practicing physician in accordance with regulations adopted by the Board of Education.

**§ 22.1-277. Suspensions and expulsions of pupils generally.**

A. ~~Pupils~~ *Students* may be suspended or expelled from attendance at school for sufficient cause; however, in no cases may sufficient cause for suspensions include only instances of truancy.

B. *Except as provided in subsection C or § 22.1-277.07 or 22.1-277.08, no student in preschool through grade three shall be suspended for more than three school days or expelled from attendance at school, unless (i) the offense involves physical harm or credible threat of physical harm to others or (ii) the local school board or the division superintendent or his designee finds that aggravating circumstances exist, as defined by the Department.*

C. Any student for whom the division superintendent of the school division in which such student is enrolled has received a report pursuant to § 16.1-305.1 of an adjudication of delinquency or a conviction for an offense listed in subsection G of § 16.1-260 may be suspended or expelled from school attendance pursuant to this article.

↯ D. The authority provided in § 22.1-276.2 for teachers to remove students from their classes in certain instances of disruptive behavior shall not be interpreted to affect the operation of § 22.1-277.04, 22.1-277.05, or 22.1-277.06.

**§ 22.1-277.2:1. Disciplinary authority of school boards under certain circumstances; alternative education program.**

A. A school board may, in accordance with the procedures set forth in this article, require any student who has been (i) charged with an offense relating to the Commonwealth's laws, or with a violation of school board policies, on weapons, alcohol or drugs, or intentional injury to another person, or with an offense that is required to be disclosed to the superintendent of the school division pursuant to subsection G of § 16.1-260; (ii) found guilty or not innocent of an offense relating to the Commonwealth's laws on weapons, alcohol, or drugs, or of a crime that resulted in or could have resulted in injury to others, or of an offense that is required to be disclosed to the superintendent of the school division pursuant to subsection G of § 16.1-260; (iii) found to have committed a serious offense or repeated offenses in violation of school board policies; (iv) suspended pursuant to § 22.1-277.05; or (v) expelled pursuant to § 22.1-277.06, 22.1-277.07, or 22.1-277.08, or subsection ~~B~~ C of § 22.1-277, to attend an alternative education program. A school board may require such student to attend such programs regardless of where the crime occurred. School boards may require any student who has been found, in accordance with the procedures set forth in this article, to have been in possession of, or under the influence of, drugs or alcohol on a school bus, on school property, or at a school-sponsored activity in violation of school board policies, to undergo evaluation for drug or alcohol abuse, or both, and, if recommended by the evaluator and with the consent of the student's parent, to participate in a treatment program.

As used in this section, the term "charged" means that a petition or warrant has been filed or is pending against a pupil.

B. A school board may adopt regulations authorizing the division superintendent or his designee to require students to attend an alternative education program consistent with the provisions of subsection A after (i) written notice to the student and his parent that the student will be required to attend an alternative education program and (ii) notice of the opportunity for the student or his parent to participate in a hearing to be conducted by the division superintendent or his designee regarding such placement. The decision of the superintendent or his designee regarding such alternative education placement shall be final unless altered by the school board, upon timely written petition, as established in regulation, by the student or his parent, for a review of the record by the school board.

C. A school board may adopt regulations authorizing the principal or his designee to impose a short-term suspension, pursuant to § 22.1-277.04, upon a student who has been charged with an offense involving intentional injury enumerated in

subsection G of § 16.1-260, to another student in the same school pending a decision as to whether to require that such student attend an alternative education program.

**CHAPTER 586**

*An Act to amend and reenact § 22.1-298.3 of the Code of Virginia, relating to school bus personnel; training program; autism spectrum disorders.*

[S 229]

Approved March 30, 2018

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

**1. That § 22.1-298.3 of the Code of Virginia is amended and reenacted as follows:**

**§ 22.1-298.3. Students with autism spectrum disorders; training required of personnel.**

~~By September 1, 2014, each~~ *A. Each school board shall ensure that aides assigned to work with a teacher who has primary oversight of students with autism spectrum disorders receive training in student behavior management within 60 days of assignment to such responsibility. School boards may provide such training to other employees, including transportation employees.*

The Board of Education shall provide training standards that school ~~divisions~~ *boards* may use to fulfill the requirements of this ~~section~~ *subsection*.

*B. The Board of Education shall establish a training program for school board employees who assist in the transportation of students on school buses, including individuals employed to operate school buses and school bus aides, on autism spectrum disorders, including the characteristics of autism spectrum disorders, strategies for interacting with students with autism spectrum disorders, and collaboration with other employees who assist in the transportation of students on school buses. Each school board employee who assists in the transportation of students with autism spectrum disorders on school buses shall participate in such training program.*

**CHAPTER 587**

*An Act to amend and reenact § 22.1-4.2 of the Code of Virginia, relating to collection of student demographic data.*

[S 238]

Approved March 30, 2018

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

**1. That § 22.1-4.2 of the Code of Virginia is amended and reenacted as follows:**

**§ 22.1-4.2. Designation of race or ethnicity.**

*A. School board employees administering tests or other assessment instruments shall not require any public ~~elementary~~ school students being tested to disclose their race or ethnicity on such tests.*

Nothing in this ~~section~~ *subsection* shall, however, prevent relevant school division personnel from obtaining such information from the students' permanent record and placing such information on such test or assessment instrument.

*B. No student or his parent shall be required to disclose information related to the student's race or ethnicity unless (i) the student or his parent is given an option to designate "other" for the student's race or ethnicity or (ii) such disclosure is required by federal law.*

**CHAPTER 588**

*An Act to amend the Code of Virginia by adding a section numbered 23.1-902.1, relating to education preparation programs; reading specialists; dyslexia.*

[S 368]

Approved March 30, 2018

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

**1. That the Code of Virginia is amended by adding a section numbered 23.1-902.1 as follows:**

**§ 23.1-902.1. Education preparation programs; reading specialists; dyslexia.**

*Each education preparation program offered by a public institution of higher education or private institution of higher education that leads to a degree, concentration, or certificate for reading specialists shall include a program of coursework and other training in the identification of and the appropriate interventions, accommodations, and teaching techniques for students with dyslexia or a related disorder. Such program shall (i) include coursework in the constructs and pedagogy underlying remediation of reading, spelling, and writing and (ii) require reading specialists to demonstrate mastery of an evidence-based, structured literacy instructional approach that includes explicit, systematic, sequential, and cumulative instruction.*

## CHAPTER 589

*An Act to amend the Code of Virginia by adding in Chapter 4 of Title 23.1 a section numbered 23.1-411, relating to public institutions of higher education; federal student loan information.*

[S 568]

Approved March 30, 2018

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

**1. That the Code of Virginia is amended by adding in Chapter 4 of Title 23.1 a section numbered 23.1-411 as follows:**  
**§ 23.1-411. Federal student loan information.**

*A. A public institution of higher education that receives federal education loan information for a student enrolled in the institution shall provide to the student, at least once during each academic year, the following up-to-date information: (i) an estimate of (a) the student's total amount of federal education loans, (b) the student's total potential loan repayment amount, including principal and interest, for the total amount of federal education loans, and (c) the student's monthly loan repayment amounts for the total amount of federal education loans and (ii) the percentage of the aggregate borrowing limit the student has reached, unless such information is unavailable.*

*B. No public institution of higher education shall incur liability for providing information to a student in accordance with this section.*

## CHAPTER 590

*An Act to amend and reenact § 23.1-204.1 of the Code of Virginia, relating to the Virginia Longitudinal Data System; workforce data.*

[S 637]

Approved March 30, 2018

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

**1. That § 23.1-204.1 of the Code of Virginia is amended and reenacted as follows:**

**§ 23.1-204.1. Postgraduation employment rates.**

*A. The Council shall annually publish data on its website on the proportion of graduates of each public institution of higher education and each nonprofit private institution of higher education eligible to participate in the Tuition Assistance Grant Program (§ 23.1-628 et seq.) who are employed (i) 18 months after the date of graduation and (ii) five years after the date of graduation. The data shall include the program and the program level, as recognized by the Council, for each degree awarded by each institution; the percentage of graduates known to be employed in the Commonwealth; the average salary, hours worked, as available, occupation or occupation code, as available, and the average higher education-related debt for the graduates on which the data is based; rates of enrollment in remedial coursework for each institution; individual student credit accumulation for each institution; rates of postsecondary degree completion; and any other information that the Council determines is necessary to address adequate preparation for success in postsecondary education and alignment between secondary and postsecondary education, and alignment between postsecondary education and workforce preparation. The Council shall disseminate to each public high school and each public institution of higher education and private institution of higher education for which the Council has student-level data a link on its website to the published data. The Council shall provide a notification template that each public high school may use to annually notify students and their parents about the availability of such data. The published data shall be consistent with the Government Data Collection and Dissemination Practices Act (§ 2.2-3800 et seq.) and the federal Family Educational Rights and Privacy Act (20 U.S.C. § 1232g).*

*B. Each such institution of higher education shall provide a link to such published postsecondary education and employment data.*

**2. That the Virginia Department of Motor Vehicles, the Virginia Employment Commission, and the Virginia Department of Taxation shall cooperate with the State Council of Higher Education for Virginia (SCHEV) to determine the feasibility of entering into data-collection and data-sharing agreements, consistent with state and federal law, that would allow SCHEV, through the Virginia Longitudinal Data System, to obtain data from such agencies to assist it in better analyzing the alignment of postsecondary education and workforce in the Commonwealth.**

## CHAPTER 591

*An Act to amend and reenact § 22.1-153 of the Code of Virginia, relating to the Literary Fund; application for loans by regional and joint schools.*

[S 658]

Approved March 30, 2018

**Be it enacted by the General Assembly of Virginia:****1. That § 22.1-153 of the Code of Virginia is amended and reenacted as follows:****§ 22.1-153. School boards authorized to borrow from Fund; form of application.**

The school boards of the several school divisions are authorized to borrow money belonging to the Literary Fund, and any school board desiring to borrow from the Fund shall make written application to the Board of Education for such loan on a form to be prescribed by the Board. *In the case of a regional or joint school, the school boards of the school divisions participating in such school may jointly apply to borrow money for the benefit of the regional or joint school.*

The Board shall not disburse any proceeds of any approved loan prior to its receipt of the concurrent approval of the governing body at the time of initial disbursement and an acceptable opinion of bond counsel obtained by the governing body as to the validity of the loan.

**CHAPTER 592**

*An Act to amend and reenact § 22.1-253.13:4 of the Code of Virginia, relating to graduation requirements; clock hours.*

[S 664]

Approved March 30, 2018

**Be it enacted by the General Assembly of Virginia:****1. That § 22.1-253.13:4 of the Code of Virginia is amended and reenacted as follows:****§ 22.1-253.13:4. Standard 4. Student achievement and graduation requirements.**

A. Each local school board shall award diplomas to all secondary school students, including students who transfer from nonpublic schools or from home instruction, who meet the requirements prescribed by the Board of Education and meet such other requirements as may be prescribed by the local school board and approved by the Board of Education. Provisions shall be made to facilitate the transfer and appropriate grade placement of students from other public secondary schools, from nonpublic schools, or from home instruction as outlined in the standards for accreditation. The standards for accreditation shall include provisions relating to the completion of graduation requirements through Virtual Virginia. Further, reasonable accommodation to meet the requirements for diplomas shall be provided for otherwise qualified students with disabilities as needed.

In addition, each local school board may devise, vis-a-vis the award of diplomas to secondary school students, a mechanism for calculating class rankings that takes into consideration whether the student has taken a required class more than one time and has had any prior earned grade for such required class expunged.

Each local school board shall notify the parents of rising eleventh and twelfth grade students of (i) the requirements for graduation pursuant to the standards for accreditation and (ii) the requirements that have yet to be completed by the individual student.

B. Students identified as disabled who complete the requirements of their individualized education programs and meet certain requirements prescribed by the Board pursuant to regulations but do not meet the requirements for any named diploma shall be awarded Applied Studies diplomas by local school boards.

Each local school board shall notify the parent of such students with disabilities who have an individualized education program and who fail to meet the graduation requirements of the student's right to a free and appropriate education to age 21, inclusive, pursuant to Article 2 (§ 22.1-213 et seq.) of Chapter 13.

C. Students who have completed a prescribed course of study as defined by the local school board shall be awarded certificates of program completion by local school boards if they are not eligible to receive a Board of Education-approved diploma.

Each local school board shall provide notification of the right to a free public education for students who have not reached 20 years of age on or before August 1 of the school year, pursuant to Chapter 1 (§ 22.1-1 et seq.), to the parent of students who fail to graduate or who have failed to achieve graduation requirements as provided in the standards for accreditation. If such student who does not graduate or complete such requirements is a student for whom English is a second language, the local school board shall notify the parent of the student's opportunity for a free public education in accordance with § 22.1-5.

D. (From Acts 2016, cc. 720 & 750: The graduation requirements established by the Board of Education pursuant to the provisions of subdivisions D 1, 2, and 3 shall apply to each student who enrolls in high school as (i) a freshman after July 1, 2018; (ii) a sophomore after July 1, 2019; (iii) a junior after July 1, 2020; or (iv) a senior after July 1, 2021) In establishing graduation requirements, the Board shall:

1. Develop and implement, in consultation with stakeholders representing elementary and secondary education, higher education, and business and industry in the Commonwealth and including parents, policymakers, and community leaders in the Commonwealth, a Profile of a Virginia Graduate that identifies the knowledge and skills that students should attain during high school in order to be successful contributors to the economy of the Commonwealth, giving due consideration to critical thinking, creative thinking, collaboration, communication, and citizenship.

2. Emphasize the development of core skill sets in the early years of high school.

3. Establish multiple paths toward college and career readiness for students to follow in the later years of high school.

Each such pathway shall include opportunities for internships, externships, and credentialing.

4. Provide for the selection of integrated learning courses meeting the Standards of Learning and approved by the Board to satisfy graduation requirements, which shall include Standards of Learning testing, as necessary.

5. Require students to complete at least one course in fine or performing arts or career and technical education, one course in United States and Virginia history, and two sequential elective courses chosen from a concentration of courses selected from a variety of options that may be planned to ensure the completion of a focused sequence of elective courses that provides a foundation for further education or training or preparation for employment.

6. Require that students either (i) complete an Advanced Placement, honors, or International Baccalaureate course or (ii) earn a career and technical education credential that has been approved by the Board, except when a career and technical education credential in a particular subject area is not readily available or appropriate or does not adequately measure student competency, in which case the student shall receive satisfactory competency-based instruction in the subject area to earn credit. The career and technical education credential, when required, could include the successful completion of an industry certification, a state licensure examination, a national occupational competency assessment, the Armed Services Vocational Aptitude Battery, or the Virginia workplace readiness skills assessment.

7. Beginning with first-time ninth grade students in the 2016-2017 school year, require students to be trained in emergency first aid, cardiopulmonary resuscitation, and the use of automated external defibrillators, including hands-on practice of the skills necessary to perform cardiopulmonary resuscitation.

8. Make provision in its regulations for students with disabilities to earn a diploma.

9. Require students to complete one virtual course, which may be a noncredit-bearing course.

10. Provide that students who complete elective classes into which the Standards of Learning for any required course have been integrated and achieve a passing score on the relevant Standards of Learning test for the relevant required course receive credit for such elective class.

11. Establish a procedure to facilitate the acceleration of students that allows qualified students, with the recommendation of the division superintendent, without completing the 140-hour class, to obtain credit for such class upon demonstrating mastery of the course content and objectives and receiving a passing score on the relevant Standards of Learning assessment. Nothing in this section shall preclude relevant school division personnel from enforcing compulsory attendance in public schools.

12. Provide for the award of credit for passing scores on industry certifications, state licensure examinations, and national occupational competency assessments approved by the Board of Education.

School boards shall report annually to the Board of Education the number of Board-approved industry certifications obtained, state licensure examinations passed, national occupational competency assessments passed, Armed Services Vocational Aptitude Battery assessments passed, and Virginia workplace readiness skills assessments passed, and the number of career and technical education completers who graduated. These numbers shall be reported as separate categories on the School Performance Report Card.

For the purposes of this subdivision, "career and technical education completer" means a student who has met the requirements for a career and technical concentration or specialization and all requirements for high school graduation or an approved alternative education program.

In addition, the Board may:

a. For the purpose of awarding credit, approve the use of additional or substitute tests for the correlated Standards of Learning assessment, such as academic achievement tests, industry certifications or state licensure examinations; and

b. Permit students completing career and technical education programs designed to enable such students to pass such industry certification examinations or state licensure examinations to be awarded, upon obtaining satisfactory scores on such industry certification or licensure examinations, appropriate credit for one or more career and technical education classes into which relevant Standards of Learning for various classes taught at the same level have been integrated. Such industry certification and state licensure examinations may cover relevant Standards of Learning for various required classes and may, at the discretion of the Board, address some Standards of Learning for several required classes.

13. Provide for the waiver of certain graduation requirements (i) upon the Board's initiative or (ii) at the request of a local school board. Such waivers shall be granted only for good cause and shall be considered on a case-by-case basis.

14. Consider all computer science course credits earned by students to be science course credits, mathematics course credits, or career and technical education credits. The Board of Education shall develop guidelines addressing how computer science courses can satisfy graduation requirements.

15. Permit local school divisions to waive the requirement for students to receive 140 clock hours of instruction upon providing the Board with satisfactory proof, based on Board guidelines, that the students for whom such requirements are waived have learned the content and skills included in the relevant Standards of Learning.

16. Provide for the award of verified units of credit for a satisfactory score, as determined by the Board, on the Preliminary ACT (PreACT) or Preliminary SAT/National Merit Scholarship Qualifying Test (PSAT/NMSQT) examination.

17. *Permit local school divisions to waive the requirement for students to receive 140 clock hours of instruction after the student has completed the course curriculum and relevant Standards of Learning end-of-course assessment, or Board-approved substitute, provided that such student subsequently receives instruction, coursework, or study toward an industry certification approved by the local school board.*

E. In the exercise of its authority to recognize exemplary performance by providing for diploma seals:

1. The Board shall develop criteria for recognizing exemplary performance in career and technical education programs by students who have completed the requirements for a Board of Education-approved diploma and shall award seals on the diplomas of students meeting such criteria.

2. The Board shall establish criteria for awarding a diploma seal for advanced mathematics and technology for the Board of Education-approved diplomas. The Board shall consider including criteria for (i) technology courses; (ii) technical writing, reading, and oral communication skills; (iii) technology-related training; and (iv) industry, professional, and trade association national certifications.

3. The Board shall establish criteria for awarding a diploma seal for excellence in civics education and understanding of our state and federal constitutions and the democratic model of government for the Board of Education-approved diplomas. The Board shall consider including criteria for (i) successful completion of history, government, and civics courses, including courses that incorporate character education; (ii) voluntary participation in community service or extracurricular activities that includes the types of activities that shall qualify as community service and the number of hours required; and (iii) related requirements as it deems appropriate.

4. The Board shall establish criteria for awarding a diploma seal of biliteracy to any student who demonstrates proficiency in English and at least one other language for the Board of Education-approved diplomas. The Board shall consider criteria including the student's (i) score on a College Board Advanced Placement foreign language examination, (ii) score on an SAT II Subject Test in a foreign language, (iii) proficiency level on an ACTFL Assessment of Performance toward Proficiency in Languages (AAPPL) measure or another nationally or internationally recognized language proficiency test, or (iv) cumulative grade point average in a sequence of foreign language courses approved by the Board.

F. The Board shall establish, by regulation, requirements for the award of a general achievement adult high school diploma for those persons who are not subject to the compulsory school attendance requirements of § 22.1-254 and have (i) achieved a passing score on a high school equivalency examination approved by the Board of Education; (ii) successfully completed an education and training program designated by the Board of Education; (iii) earned a Board of Education-approved career and technical education credential such as the successful completion of an industry certification, a state licensure examination, a national occupational competency assessment, the Armed Services Vocational Aptitude Battery, or the Virginia workplace readiness skills assessment; and (iv) satisfied other requirements as may be established by the Board for the award of such diploma.

G. To ensure the uniform assessment of high school graduation rates, the Board shall collect, analyze, report, and make available to the public high school graduation and dropout data using a formula prescribed by the Board.

H. The Board shall also collect, analyze, report, and make available to the public high school graduation and dropout data using a formula that excludes any student who fails to graduate because such student is in the custody of the Department of Corrections, the Department of Juvenile Justice, or local law enforcement. For the purposes of the Standards of Accreditation, the Board shall use the graduation rate required by this subsection.

I. The Board may promulgate such regulations as may be necessary and appropriate for the collection, analysis, and reporting of such data required by subsections G and H.

### CHAPTER 593

*An Act to amend and reenact § 23.1-907 of the Code of Virginia, relating to public institutions of higher education; guaranteed admissions agreements.*

[S 747]

Approved March 30, 2018

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

**1. That § 23.1-907 of the Code of Virginia is amended and reenacted as follows:**

**§ 23.1-907. Articulation, dual admissions, and guaranteed admissions agreements; admission of certain comprehensive community college graduates.**

A. The board of visitors of each baccalaureate public institution of higher education shall develop, consistent with Council guidelines and the institution's six-year plan as set forth in § 23.1-306, articulation, dual admissions, and guaranteed admissions agreements with each associate-degree-granting public institution of higher education. *Such guaranteed admissions agreements may provide for the guaranteed admission of a student who earns an associate degree concurrently with a high school diploma through a dual enrollment program, in addition to any guaranteed admission for a student who earns an associate degree post-high school.*

B. The Council and each public institution of higher education shall develop a passport credit program, including any necessary guidelines for such program. In developing the program, the Council and each public institution of higher education shall establish competencies and standards for each passport credit course. Any course that does not meet or exceed the standards developed under the program shall not be deemed a passport credit course. Such passport credit program shall require that it is the responsibility of the course provider to ensure that a passport credit course meets the standards of the program. Each passport credit course shall satisfy a lower division general education requirement at any public institution of higher education.

C. The Council and each public institution of higher education shall develop a one-year uniform certificate of general studies program as set forth in subdivision 20 of § 23.1-203. All credits earned in academic subject coursework by students attending an associate-degree-granting public institution of higher education who complete the one-year uniform certificate of general studies program are transferrable to a baccalaureate public institution of higher education in accordance with Council guidelines.

D. The Council shall prepare an annual report on the pertinent aspects of the pipeline of students transferring from comprehensive community colleges to baccalaureate public institutions of higher education.

E. The Council, consistent with its responsibility to facilitate the development of articulation, dual admissions, and guaranteed admissions agreements set forth in §§ 23.1-203 and 23.1-908, shall develop guidelines for such agreements.

F. Each comprehensive community college shall develop agreements for postsecondary degree attainment with the public high schools in the school divisions that such comprehensive community college serves specifying the options for students to complete an associate degree or a one-year Uniform Certificate of General Studies concurrent with a high school diploma. Such agreements shall specify the credit available for dual enrollment courses and Advanced Placement courses with qualifying exam scores of three or higher.

## CHAPTER 594

*An Act to amend and reenact § 22.1-3 of the Code of Virginia, relating to public schools; military children; tuition.*

[S 775]

Approved March 30, 2018

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

#### **1. That § 22.1-3 of the Code of Virginia is amended and reenacted as follows:**

##### **§ 22.1-3. Persons to whom public schools shall be free.**

A. The public schools in each school division shall be free to each person of school age who resides within the school division. Every person of school age shall be deemed to reside in a school division:

1. When the person is living with a natural parent or a parent by legal adoption;
2. When, in accordance with the provisions of § 22.1-360, the person is living with a noncustodial parent or other person standing in loco parentis, not solely for school purposes, pursuant to a Special Power of Attorney executed under 10 U.S.C. § 1044b by the custodial parent;
3. When the parents of such person are dead and the person is living with a person in loco parentis who actually resides within the school division;
4. When the parents of such person are unable to care for the person and the person is living, not solely for school purposes, with another person who resides in the school division and is (i) the court-appointed guardian, or has legal custody, of the person; (ii) acting in loco parentis pursuant to placement of the person for adoption by a person or entity authorized to do so under § 63.2-1200; or (iii) an adult relative providing temporary kinship care as that term is defined in § 63.2-100. Local school divisions may require one or both parents and the relative providing kinship care to submit signed, notarized affidavits (a) explaining why the parents are unable to care for the person, (b) detailing the kinship care arrangement, and (c) agreeing that the kinship care provider or the parent will notify the school within 30 days of when the kinship care arrangement ends, as well as a power of attorney authorizing the adult relative to make educational decisions regarding the person. A school division may also require the parent or adult relative to obtain written verification from the local department of social services where the parent or parents live, or from both that department and the department of social services where the kinship provider lives, that the kinship arrangement serves a legitimate purpose that is in the best interest of the person other than school enrollment. With written consent from the parent or adult relative, for the purposes of expediting enrollment, a school division may obtain such written verification directly from the local department or departments of social services. The verification process shall be consistent with confidentiality provisions of Article 5 (§ 22.1-287 et seq.) of Chapter 14 of this title and Chapter 1 (§ 63.2-100 et seq.) of Title 63.2. If the kinship care arrangement lasts more than one year, a school division may require continued verification directly from one or both departments of social services as to why the parents are unable to care for the person and that the kinship care arrangement serves a legitimate purpose other than school enrollment. A local school division may enroll a person living with a relative in a kinship care arrangement that has not been verified by a local department of social services;
5. When the person is living in the school division not solely for school purposes, as an emancipated minor; or
6. When the person living in the school division is a homeless child or youth, as set forth in this subdivision, who lacks a fixed, regular, and adequate nighttime residence. Such persons shall include (i) children and youths, including unaccompanied youths who are not in the physical custody of their parents, who (a) are sharing the housing of other persons due to loss of housing, economic hardship, or other causes; are living in motels, hotels, trailer parks, or camping grounds due to lack of alternative adequate accommodations or in emergency, congregate, temporary, or transitional shelters; are abandoned in hospitals; or are awaiting foster care placement; (b) are living in an institution that provides a temporary residence for individuals with mental illness or individuals intended to be institutionalized; (c) have a primary nighttime residence that is a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings; or (d) are living in parked cars, parks, public spaces, abandoned buildings, substandard housing, bus or train

stations, or similar settings; and (ii) migratory children, as defined in the federal Elementary and Secondary Education Act of 1965, P.L. 89-10, as amended, who are deemed homeless as they are living in circumstances set forth in clause (i).

For purposes of clause (i) of subdivision 6, "temporary shelter" means (1) any home, single or multi-unit dwelling, or housing unit in which persons who are without housing or a fixed address receive temporary housing or shelter or (2) any facility specifically designed or approved for the purpose of providing temporary housing or shelter to persons who are without permanent housing or a fixed address.

If a person resides within housing, temporary shelter, or primary nighttime residence as described in subdivision 6 that is situated in more than one school division, the person shall be deemed to reside in and shall be entitled to attend a public school within either school division. However, if a person resides in housing, temporary shelter, or primary nighttime residence as described in subdivision 6 that is located in one school division, but the property on which such housing, temporary shelter, or primary nighttime residence is located lies within more than one school division, such person shall be deemed to reside only in the single school division in which the housing, temporary shelter, or primary nighttime residence is located. Notwithstanding any such residency determination, any person residing in housing, a temporary shelter, or primary nighttime residence as described in subdivision 6 that is located in one school division, but the property on which such housing, temporary shelter, or primary nighttime residence is located lies within more than one school division, shall be deemed to reside in either school division, if such person or any sibling of such person residing in the same housing or temporary shelter attends, prior to July 1, 1999, or, in the case of a primary nighttime residence as described in subdivision 6, prior to July 1, 2000, a school within either school division in which the property on which the housing, temporary shelter, or primary nighttime residence is located.

School divisions shall comply with the requirements of the federal McKinney-Vento Homeless Education Assistance Improvements Act of 2001, as amended (42 U.S.C. § 11431 et seq.), to ensure that homeless children and youths shall receive the educational services comparable to those offered to other public school students.

School divisions serving the students identified in subdivision 6 shall coordinate the identification and provision of services to such students with relevant local social services agencies and other agencies and programs providing services to such students, and with other school divisions as may be necessary to resolve interdivisional issues.

B. In the interest of providing educational continuity to the children of military personnel, no child of a person on active military duty:

1. *Who is attending a school free of charge in accordance with this section shall be charged tuition by that school division upon such child's relocation to military housing located in another school division in the Commonwealth, pursuant to orders received by such child's parent to relocate to base housing and forfeit his military housing allowance.* Such children shall be allowed to continue attending school in the school division they attended immediately prior to the relocation and shall not be charged tuition for attending such school. ~~Such children shall be counted in the average daily membership of the school division in which they are enrolled. Further, the school division in which such children are enrolled subsequent to their relocation to base housing shall not be responsible for providing for their transportation to and from school;~~

2. *Who is attending a school free of charge in accordance with this section shall be charged tuition by that school division upon such child's relocation pursuant to orders received by such child's parent to relocate to a new duty station or to be deployed. Such children shall be allowed to remain enrolled in the current school division free of tuition through the end of the school year; and*

3. *Who is eligible to attend school free of charge in accordance with this section shall be charged tuition by a school division that will be the child's school division of residence once his service member parent is relocated pursuant to orders received. Such a child shall be allowed to enroll in the school division of the child's intended residence if documentation is provided, at the time of enrollment, of military orders of the service member parent or an official letter from the service member's command indicating such relocation. Documentation indicating a permanent address within the school division shall be provided to the school division within 120 days of a child's enrollment or tuition may be charged, including tuition for the days since the child's enrollment in school. In the event that the child's service member parent is ordered to relocate before the 120th day following the child's enrollment, the school division shall not charge tuition. The assignment of the school such child will attend shall be determined by the local school division.*

*Such children as listed in subdivisions 1, 2, and 3 shall be counted in the average daily membership of the school division in which they are enrolled. Further, the school division in which such children are enrolled subsequent to their relocation to base housing shall not be responsible for providing for their transportation to and from school.*

## CHAPTER 595

*An Act to amend and reenact § 24.2-701 of the Code of Virginia, relating to absentee voting; certain information not required when completing application in person.*

[H 397]

Approved March 30, 2018

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

**1. That § 24.2-701 of the Code of Virginia is amended and reenacted as follows:**

**§ 24.2-701. Application for absentee ballot.**

A. The State Board shall furnish each general registrar with a sufficient number of applications for official absentee ballots. The registrars shall furnish applications to persons requesting them.

The State Board shall implement a system that enables eligible persons to request and receive an absentee ballot application electronically through the Internet. Electronic absentee ballot applications shall be in a form approved by the State Board.

Except as provided in § 24.2-703, a separate application shall be completed for each election in which the applicant offers to vote. An application for an absentee ballot may be accepted the later of (i) 12 months before an election or (ii) the day following any election held in the twelfth month prior to the election in which the applicant is applying to vote.

An application that is completed in person at the same time that the applicant registers to vote shall be held and processed no sooner than the fifth day after the date that the applicant registered to vote; however, this requirement shall not be applicable to any person who is qualified to vote absentee under subdivision 2 of § 24.2-700.

Any application received before the ballots are printed shall be held and processed as soon as the printed ballots for the election are available.

For the purposes of this chapter, the general registrar's office shall be open a minimum of eight hours between the hours of 8:00 a.m. and 5:00 p.m. on the first and second Saturday immediately preceding all general elections, except May general elections, and on the Saturday immediately preceding any primary election, May general election, or special election.

Unless the applicant is disabled, all applications for absentee ballots shall be signed by the applicant who shall state, subject to felony penalties for making false statements pursuant to § 24.2-1016, that to the best of his knowledge and belief the facts contained in the application are true and correct and that he has not and will not vote in the election at any other place in Virginia or in any other state. If the applicant is unable to sign the application, a person assisting the applicant will note this fact on the applicant signature line and provide his signature, name, and address.

B. Applications for absentee ballots shall be completed in the following manner:

1. An application completed in person shall be made not less than three days prior to the election in which the applicant offers to vote and completed only in the office of the general registrar. The applicant shall sign the application in the presence of a registrar. The applicant shall provide one of the forms of identification specified in subsection B of § 24.2-643. Any applicant who does not show one of the forms of identification specified in subsection B of § 24.2-643 shall be offered a provisional ballot under the provisions of § 24.2-653. The State Board of Elections shall provide instructions to the general registrar for the handling and counting of such provisional ballots pursuant to subsection B of § 24.2-653 and this section.

2. Any other application may be made by mail, electronic or telephonic transmission to a facsimile device if one is available to the office of the general registrar or the office of the State Board if a device is not available locally, or other means. The application shall be on a form furnished by the registrar or, if made under subdivision 2 of § 24.2-700, may be on a federal postcard application prescribed pursuant to 52 U.S.C. § 20301(b)(2). The federal postcard application may be accepted the later of (i) 12 months before an election or (ii) the day following any election held in the twelfth month prior to the election in which the applicant is applying to vote. The application shall be made to the appropriate registrar no later than 5:00 p.m. on the seventh day prior to the election in which the applicant offers to vote.

C. Applications for absentee ballots shall contain the following information:

1. The applicant's printed name, the last four digits of the applicant's social security number, and the reason the applicant will be absent or cannot vote at his polling place on the day of the election. *However, an applicant completing the application in person shall not be required to provide the last four digits of his social security number;*

2. A statement that he is registered in the county or city in which he offers to vote and his residence address in such county or city. Any person temporarily residing outside the United States shall provide the last date of residency at his Virginia residence address, if that residence is no longer available to him. Any person who makes application under subdivision 2 of § 24.2-700 who is not a registered voter may file the applications to register and for a ballot simultaneously;

3. The complete address to which the ballot is to be sent directly to the applicant, unless the application is made in person at a time when the printed ballots for the election are available and the applicant chooses to vote in person at the time of completing his application. The address given shall be (i) the address of the applicant on file in the registration records; (ii) the address at which he will be located while absent from his county or city; or (iii) the address at which he will be located while temporarily confined due to a disability or illness. No ballot shall be sent to, or in care of, any other person; and

4. In the case of a person, or the spouse or dependent of a person, who is on active duty as a member of the uniformed services as defined in § 24.2-452, the branch of service to which he or the spouse belongs; or

5. In the case of a student, or the spouse of a student, who is attending a school or institution of higher education, the name of the school or institution of higher education; or

6. In the case of any duly registered person with a disability, as defined in § 24.2-101, who is unable to go in person to the polls on the day of the election because of his disability, illness, or pregnancy, that he is a person with a disability, illness, or pregnancy; or

7. In the case of a person who is confined awaiting trial or for having been convicted of a misdemeanor, the name of the institution of confinement; or

- 8. In the case of a person who will be absent on election day for business reasons, the name of his employer or business; or
- 9. In the case of a person who will be absent on election day for personal business or vacation reasons, the name of the county or city in Virginia or the state or country to which he is traveling; or
- 10. In the case of a person who is unable to go to the polls on the day of election because he is primarily and personally responsible for the care of an ill or disabled family member who is confined at home, his relationship to the family member; or
- 11. In the case of a person who is unable to go to the polls on the day of election because of an obligation occasioned by his religion, that he has an obligation occasioned by his religion; or
- 12. In the case of a person who, in the regular and orderly course of his business, profession, or occupation, will be at his place of work and commuting to and from his home to his place of work for 11 or more hours of the 13 hours that the polls are open pursuant to § 24.2-603, the name of his business or employer and hours he will be at the workplace and commuting on election day; or
- 13. In the case of a law-enforcement officer, as defined in § 18.2-51.1; firefighter, as defined in § 65.2-102; volunteer firefighter, as defined in § 27-42; search and rescue personnel, as defined in § 18.2-51.1; or emergency medical services personnel, as defined in § 32.1-111.1, that he is a first responder; or
- 14. In the case of a person who has been designated by a political party, independent candidate, or candidate in a primary election to be a representative of the party or candidate inside a polling place on the day of the election pursuant to subsection C of § 24.2-604 and § 24.2-639, the fact that he is so designated; or
- 15. In the case of a person who has been granted a protective order issued by or under the authority of any court of competent jurisdiction, the name of the county or city in Virginia or the state of the issuing court.

**CHAPTER 596**

*An Act to amend and reenact § 32.1-276.5 of the Code of Virginia, relating to health care data reporting; civil penalty for failure to report.*

[H 1003]

Approved March 30, 2018

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

**1. That § 32.1-276.5 of the Code of Virginia is amended and reenacted as follows:**

**§ 32.1-276.5. Providers to submit data; civil penalty.**

A. Every health care provider shall submit data as required pursuant to regulations of the Board, consistent with the recommendations of the nonprofit organization in its strategic plans submitted and approved pursuant to § 32.1-276.4, and as required by this section. Such data shall include relevant data and information for any parent or subsidiary company of the health care provider that operates in the Commonwealth. Notwithstanding the provisions of Chapter 38 (§ 2.2-3800 et seq.) of Title 2.2, it shall be lawful to provide information in compliance with the provisions of this chapter.

B. In addition, health maintenance organizations shall annually submit to the Commissioner, to make available to consumers who make health benefit enrollment decisions, audited data consistent with the latest version of the Health Employer Data and Information Set (HEDIS), as required by the National Committee for Quality Assurance, or any other quality of care or performance information set as approved by the Board. The Commissioner, at his discretion, may grant a waiver of the HEDIS or other approved quality of care or performance information set upon a determination by the Commissioner that the health maintenance organization has met Board-approved exemption criteria. The Board shall promulgate regulations to implement the provisions of this section.

*The Commissioner shall also negotiate and contract with a nonprofit organization authorized under § 32.1-276.4 for compiling, storing, and making available to consumers the data submitted by health maintenance organizations pursuant to this section. The nonprofit organization shall assist the Board in developing a quality of care or performance information set for such health maintenance organizations and shall, at the Commissioner's discretion, periodically review this information set for its effectiveness.*

C. Every medical care facility as that term is defined in § 32.1-102.1 that furnishes, conducts, operates, or offers any reviewable service shall report data on utilization of such service to the Commissioner, who shall contract with the nonprofit organization authorized under this chapter to collect and disseminate such data. For purposes of this section, "reviewable service" shall mean inpatient beds, operating rooms, nursing home services, cardiac catheterization, computed tomographic (CT) scanning, stereotactic radiosurgery, lithotripsy, magnetic resonance imaging (MRI), magnetic source imaging, medical rehabilitation, neonatal special care, obstetrical services, open heart surgery, positron emission tomographic (PET) scanning, psychiatric services, organ and tissue transplant services, radiation therapy, stereotactic radiotherapy, proton beam therapy, nuclear medicine imaging except for the purpose of nuclear cardiac imaging, and substance abuse treatment.

Every medical care facility for which a certificate of public need with conditions imposed pursuant to § 32.1-102.4 is issued shall report to the Commissioner data on charity care, as that term is defined in § 32.1-102.1, provided to satisfy a condition of a certificate of public need, including (i) the total amount of such charity care the facility provided to indigent persons; (ii) the number of patients to whom such charity care was provided; (iii) the specific services delivered to patients that are reported as charity care recipients; and (iv) the portion of the total amount of such charity care provided that each

service represents. The value of charity care reported shall be based on the medical care facility's submission of applicable Diagnosis Related Group codes and Current Procedural Terminology codes aligned with methodology utilized by the Centers for Medicare and Medicaid Services for reimbursement under Title XVIII of the Social Security Act, 42 U.S.C. § 1395 et seq. Notwithstanding the foregoing, every nursing home as defined in § 32.1-123 for which a certificate of public need with conditions imposed pursuant to § 32.1-102.4 is issued shall report data on utilization and other data in accordance with regulations of the Board.

~~The Commissioner shall also negotiate and contract with a nonprofit organization authorized under § 32.1-276.4 for compiling, storing, and making available to consumers the data submitted by health maintenance organizations pursuant to this section. The nonprofit organization shall assist the Board in developing a quality of care or performance information set for such health maintenance organizations and shall, at the Commissioner's discretion, periodically review this information set for its effectiveness.~~

*A medical care facility that fails to report data required by this subsection shall be subject to a civil penalty of up to \$100 per day per violation, which shall be collected by the Commissioner and paid into the Literary Fund.*

D. Every continuing care retirement community established pursuant to Chapter 49 (§ 38.2-4900 et seq.) of Title 38.2 that includes nursing home beds shall report data on utilization of such nursing home beds to the Commissioner, who shall contract with the nonprofit organization authorized under this chapter to collect and disseminate such data.

E. Every hospital that receives a disproportionate share hospital adjustment pursuant to § 1886(d)(5)(F) of the Social Security Act shall report, in accordance with regulations of the Board consistent with recommendations of the nonprofit organization in its strategic plan submitted and provided pursuant to § 32.1-276.4, the number of inpatient days attributed to patients eligible for Medicaid but not Medicare Part A and the total amount of the disproportionate share hospital adjustment received.

F. The Board shall evaluate biennially the impact and effectiveness of such data collection.

**CHAPTER 597**

*An Act to amend and reenact §§ 2.2-3800, 2.2-3801, and 2.2-3803 of the Code of Virginia, relating to the Government Data Collection and Dissemination Practices Act; sharing and dissemination of data.*

[H 1277]

Approved March 30, 2018

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

**1. That §§ 2.2-3800, 2.2-3801, and 2.2-3803 of the Code of Virginia are amended and reenacted as follows:**

**§ 2.2-3800. Short title; findings; principles of information practice.**

A. This chapter may be cited as the "Government Data Collection and Dissemination Practices Act."

B. The General Assembly finds that:

1. An individual's privacy is directly affected by the extensive collection, maintenance, use and dissemination of personal information;

2. The increasing use of computers and sophisticated information technology has greatly magnified the harm that can occur from these practices;

3. An individual's opportunities to secure employment, insurance, credit, and his right to due process, and other legal protections are endangered by the misuse of certain of these personal information systems; and

4. In order to preserve the rights guaranteed a citizen in a free society, legislation is necessary to establish procedures to govern information systems containing records on individuals.

C. Recordkeeping agencies of the Commonwealth and political subdivisions shall adhere to the following principles of information practice to ensure safeguards for personal privacy:

1. There shall be no personal information system whose existence is secret.

2. Information shall not be collected unless the need for it has been clearly established in advance.

3. Information shall be appropriate and relevant to the purpose for which it has been collected.

4. Information shall not be obtained by fraudulent or unfair means.

5. Information shall not be used unless it is accurate and current.

6. There shall be a prescribed procedure for an individual to learn the purpose for which information has been recorded and particulars about its use and dissemination.

7. There shall be a clearly prescribed and uncomplicated procedure for an individual to correct, erase or amend inaccurate, obsolete or irrelevant information.

8. Any agency holding personal information shall assure its reliability and take precautions to prevent its misuse.

9. There shall be a clearly prescribed procedure to prevent personal information collected for one purpose from being used or disseminated for another purpose *unless such use or dissemination is authorized or required by law.*

10. The Commonwealth or any agency or political subdivision thereof shall not collect personal information except as explicitly or implicitly authorized by law.

**§ 2.2-3801. Definitions.**

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

"Agency" means any agency, authority, board, department, division, commission, institution, bureau, or like governmental entity of the Commonwealth or of any unit of local government including counties, cities, towns, regional governments, and the departments thereof, and includes constitutional officers, except as otherwise expressly provided by law. "Agency" shall also include any entity, whether public or private, with which any of the foregoing has entered into a contractual relationship for the operation of a system of personal information to accomplish an agency function. Any such entity included in this definition by reason of a contractual relationship shall only be deemed an agency as relates to services performed pursuant to that contractual relationship, provided that if any such entity is a consumer reporting agency, it shall be deemed to have satisfied all of the requirements of this chapter if it fully complies with the requirements of the Federal Fair Credit Reporting Act as applicable to services performed pursuant to such contractual relationship.

"Data subject" means an individual about whom personal information is indexed or may be located under his name, personal number, or other identifiable particulars, in an information system.

"Disseminate" means to release, transfer, or otherwise communicate information orally, in writing, or by electronic means.

"Information system" means the total components and operations of a record-keeping process, including information collected or managed by means of computer networks and the Internet, whether automated or manual, containing personal information and the name, personal number, or other identifying particulars of a data subject.

"Personal information" means all information that (i) describes, locates or indexes anything about an individual including, but not limited to, his social security number, driver's license number, agency-issued identification number, student identification number, real or personal property holdings derived from tax returns, and his education, financial transactions, medical history, ancestry, religion, political ideology, criminal or employment record, or (ii) affords a basis for inferring personal characteristics, such as finger and voice prints, photographs, or things done by or to such individual; and the record of his presence, registration, or membership in an organization or activity, or admission to an institution. "Personal information" shall not include routine information maintained for the purpose of internal office administration whose use could not be such as to affect adversely any data subject nor does the term include real estate assessment information.

*"Proper purpose" includes the sharing or dissemination of data or information among and between agencies in order to (i) streamline administrative processes to improve the efficiency and efficacy of services, access to services, eligibility determinations for services, and service delivery; (ii) reduce paperwork and administrative burdens on applicants for and recipients of public services; (iii) improve the efficiency and efficacy of the management of public programs; (iv) prevent fraud and improve auditing capabilities; (v) conduct outcomes-related research; (vi) develop quantifiable data to aid in policy development and decision making to promote the most efficient and effective use of resources; and (vii) perform data analytics regarding any of the purposes set forth in this definition.*

"Purge" means to obliterate information completely from the transient, permanent, or archival records of an agency.

**§ 2.2-3803. Administration of systems including personal information; Internet privacy policy; exceptions.**

A. Any agency maintaining an information system that includes personal information shall:

1. Collect, maintain, use, and disseminate only that personal information permitted or required by law to be so collected, maintained, used, or disseminated, or necessary to accomplish a proper purpose of the agency;
2. Collect information to the greatest extent feasible from the data subject directly, *or through the sharing of data with other agencies, in order to accomplish a proper purpose of the agency;*
3. Establish categories for maintaining personal information to operate in conjunction with confidentiality requirements and access controls;
4. Maintain information in the system with accuracy, completeness, timeliness, and pertinence as necessary to ensure fairness in determinations relating to a data subject;
5. Make no dissemination to another system without (i) specifying requirements for security and usage including limitations on access thereto, and (ii) receiving reasonable assurances that those requirements and limitations will be observed. This subdivision shall not apply, however, to a dissemination made by an agency to an agency in another state, district or territory of the United States where the personal information is requested by the agency of such other state, district or territory in connection with the application of the data subject therein for a service, privilege or right under the laws thereof, nor shall this apply to information transmitted to family advocacy representatives of the United States Armed Forces in accordance with subsection N of § 63.2-1503;
6. Maintain a list of all persons or organizations having regular access to personal information in the information system;
7. Maintain for a period of three years or until such time as the personal information is purged, whichever is shorter, a complete and accurate record, including identity and purpose, of every access to any personal information in a system, including the identity of any persons or organizations not having regular access authority but excluding access by the personnel of the agency wherein data is put to service for the purpose for which it is obtained;
8. Take affirmative action to establish rules of conduct and inform each person involved in the design, development, operation, or maintenance of the system, or the collection or use of any personal information contained therein, about all the requirements of this chapter, the rules and procedures, including penalties for noncompliance, of the agency designed to assure compliance with such requirements;
9. Establish appropriate safeguards to secure the system from any reasonably foreseeable threat to its security; and

10. Collect no personal information concerning the political or religious beliefs, affiliations, and activities of data subjects that is maintained, used or disseminated in or by any information system operated by any agency unless authorized explicitly by statute or ordinance.

B. Every public body, as defined in § 2.2-3701, that has an Internet website associated with that public body shall develop an Internet privacy policy and an Internet privacy policy statement that explains the policy to the public. The policy shall be consistent with the requirements of this chapter. The statement shall be made available on the public body's website in a conspicuous manner. The Secretary of Technology or his designee shall provide guidelines for developing the policy and the statement, and each public body shall tailor the policy and the statement to reflect the information practices of the individual public body. At minimum, the policy and the statement shall address (i) what information, including personally identifiable information, will be collected, if any; (ii) whether any information will be automatically collected simply by accessing the website and, if so, what information; (iii) whether the website automatically places a computer file, commonly referred to as a "cookie," on the Internet user's computer and, if so, for what purpose; and (iv) how the collected information is being used or will be used.

C. Notwithstanding the provisions of subsection A, the Virginia Retirement System may disseminate information as to the retirement status or benefit eligibility of any employee covered by the Virginia Retirement System, the Judicial Retirement System, the State Police Officers' Retirement System, or the Virginia Law Officers' Retirement System, to the chief executive officer or personnel officers of the state or local agency by which he is employed.

D. Notwithstanding the provisions of subsection A, the Department of Social Services may disseminate client information to the Department of Taxation for the purposes of providing specified tax information as set forth in clause (ii) of subsection C of § 58.1-3.

E. Notwithstanding the provisions of subsection A, the State Council of Higher Education for Virginia may disseminate student information to agencies acting on behalf or in place of the U.S. government to gain access to data on wages earned outside the Commonwealth or through federal employment, for the purposes of complying with § 23.1-204.1.

#### CHAPTER 598

*An Act to require the Department of Health to determine the most effective means of protecting the public from cancer caused by radon.*

[H 1534]

Approved March 30, 2018

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

**1. § 1.** *That the Department of Health shall review consumer complaints regarding radon testing and mitigation received since 2013 and the current certification requirements for individuals performing radon testing and mitigation and shall determine the benefits of any additional oversight for individuals performing radon testing and mitigation. The Department of Health shall report its findings and any recommendations to the House Committee on Health, Welfare and Institutions and the Senate Committee on Education and Health by December 1, 2018.*

#### CHAPTER 599

*An Act to amend and reenact § 3.2-6500 of the Code of Virginia, relating to animal boarding establishments; in-home care exception.*

[H 1537]

Approved March 30, 2018

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

**1. That § 3.2-6500 of the Code of Virginia is amended and reenacted as follows:**

**§ 3.2-6500. Definitions.**

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

"Abandon" means to desert, forsake, or absolutely give up an animal without having secured another owner or custodian for the animal or by failing to provide the elements of basic care as set forth in § 3.2-6503 for a period of five consecutive days.

"Adequate care" or "care" means the responsible practice of good animal husbandry, handling, production, management, confinement, feeding, watering, protection, shelter, transportation, treatment, and, when necessary, euthanasia, appropriate for the age, species, condition, size and type of the animal and the provision of veterinary care when needed to prevent suffering or impairment of health.

"Adequate exercise" or "exercise" means the opportunity for the animal to move sufficiently to maintain normal muscle tone and mass for the age, species, size, and condition of the animal.

"Adequate feed" means access to and the provision of food that is of sufficient quantity and nutritive value to maintain each animal in good health; is accessible to each animal; is prepared so as to permit ease of consumption for the age, species, condition, size and type of each animal; is provided in a clean and sanitary manner; is placed so as to minimize

contamination by excrement and pests; and is provided at suitable intervals for the species, age, and condition of the animal, but at least once daily, except as prescribed by a veterinarian or as dictated by naturally occurring states of hibernation or fasting normal for the species.

"Adequate shelter" means provision of and access to shelter that is suitable for the species, age, condition, size, and type of each animal; provides adequate space for each animal; is safe and protects each animal from injury, rain, sleet, snow, hail, direct sunlight, the adverse effects of heat or cold, physical suffering, and impairment of health; is properly lighted; is properly cleaned; enables each animal to be clean and dry, except when detrimental to the species; and, for dogs and cats, provides a solid surface, resting platform, pad, floormat, or similar device that is large enough for the animal to lie on in a normal manner and can be maintained in a sanitary manner. Under this chapter, shelters whose wire, grid, or slat floors: (i) permit the animals' feet to pass through the openings; (ii) sag under the animals' weight; or (iii) otherwise do not protect the animals' feet or toes from injury are not adequate shelter.

"Adequate space" means sufficient space to allow each animal to: (i) easily stand, sit, lie, turn about, and make all other normal body movements in a comfortable, normal position for the animal; and (ii) interact safely with other animals in the enclosure. When an animal is tethered, "adequate space" means a tether that permits the above actions and is appropriate to the age and size of the animal; is attached to the animal by a properly applied collar, halter, or harness configured so as to protect the animal from injury and prevent the animal or tether from becoming entangled with other objects or animals, or from extending over an object or edge that could result in the strangulation or injury of the animal; and is at least three times the length of the animal, as measured from the tip of its nose to the base of its tail, except when the animal is being walked on a leash or is attached by a tether to a lead line. When freedom of movement would endanger the animal, temporarily and appropriately restricting movement of the animal according to professionally accepted standards for the species is considered provision of adequate space.

"Adequate water" means provision of and access to clean, fresh, potable water of a drinkable temperature that is provided in a suitable manner, in sufficient volume, and at suitable intervals appropriate for the weather and temperature, to maintain normal hydration for the age, species, condition, size and type of each animal, except as prescribed by a veterinarian or as dictated by naturally occurring states of hibernation or fasting normal for the species; and is provided in clean, durable receptacles that are accessible to each animal and are placed so as to minimize contamination of the water by excrement and pests or an alternative source of hydration consistent with generally accepted husbandry practices.

"Adoption" means the transfer of ownership of a dog or a cat, or any other companion animal, from a releasing agency to an individual.

"Agricultural animals" means all livestock and poultry.

"Ambient temperature" means the temperature surrounding the animal.

"Animal" means any nonhuman vertebrate species except fish. For the purposes of § 3.2-6522, animal means any species susceptible to rabies. For the purposes of § 3.2-6570, animal means any nonhuman vertebrate species including fish except those fish captured and killed or disposed of in a reasonable and customary manner.

"Animal control officer" means a person appointed as an animal control officer or deputy animal control officer as provided in § 3.2-6555.

"Boarding establishment" means a place or establishment other than a public or private animal shelter where companion animals not owned by the proprietor are sheltered, fed, and watered in exchange for a fee. *"Boarding establishment" shall not include any private residential dwelling that shelters, feeds, and waters fewer than five companion animals not owned by the proprietor.*

"Collar" means a well-fitted device, appropriate to the age and size of the animal, attached to the animal's neck in such a way as to prevent trauma or injury to the animal.

"Commercial dog breeder" means any person who, during any 12-month period, maintains 30 or more adult female dogs for the primary purpose of the sale of their offspring as companion animals.

"Companion animal" means any domestic or feral dog, domestic or feral cat, nonhuman primate, guinea pig, hamster, rabbit not raised for human food or fiber, exotic or native animal, reptile, exotic or native bird, or any feral animal or any animal under the care, custody, or ownership of a person or any animal that is bought, sold, traded, or bartered by any person. Agricultural animals, game species, or any animals regulated under federal law as research animals shall not be considered companion animals for the purposes of this chapter.

"Consumer" means any natural person purchasing an animal from a dealer or pet shop or hiring the services of a boarding establishment. The term "consumer" shall not include a business or corporation engaged in sales or services.

"Dealer" means any person who in the regular course of business for compensation or profit buys, sells, transfers, exchanges, or barter companion animals. The following shall not be considered dealers: (i) any person who transports companion animals in the regular course of business as a common carrier or (ii) any person whose primary purpose is to find permanent adoptive homes for companion animals.

"Direct and immediate threat" means any clear and imminent danger to an animal's health, safety or life.

"Dump" means to knowingly desert, forsake, or absolutely give up without having secured another owner or custodian any dog, cat, or other companion animal in any public place including the right-of-way of any public highway, road or street or on the property of another.

"Emergency veterinary treatment" means veterinary treatment to stabilize a life-threatening condition, alleviate suffering, prevent further disease transmission, or prevent further disease progression.

"Enclosure" means a structure used to house or restrict animals from running at large.

"Euthanasia" means the humane destruction of an animal accomplished by a method that involves instantaneous unconsciousness and immediate death or by a method that involves anesthesia, produced by an agent that causes painless loss of consciousness, and death during such loss of consciousness.

"Exhibitor" means any person who has animals for or on public display, excluding an exhibitor licensed by the U.S. Department of Agriculture.

"Facility" means a building or portion thereof as designated by the State Veterinarian, other than a private residential dwelling and its surrounding grounds, that is used to contain a primary enclosure or enclosures in which animals are housed or kept.

"Farming activity" means, consistent with standard animal husbandry practices, the raising, management, and use of agricultural animals to provide food, fiber, or transportation and the breeding, exhibition, lawful recreational use, marketing, transportation, and slaughter of agricultural animals pursuant to such purposes.

"Foster care provider" means a person who provides care or rehabilitation for companion animals through an affiliation with a public or private animal shelter, home-based rescue, releasing agency, or other animal welfare organization.

"Foster home" means a private residential dwelling and its surrounding grounds, or any facility other than a public or private animal shelter, at which site through an affiliation with a public or private animal shelter, home-based rescue, releasing agency, or other animal welfare organization care or rehabilitation is provided for companion animals.

"Groomer" means any person who, for a fee, cleans, trims, brushes, makes neat, manicures, or treats for external parasites any animal.

"Home-based rescue" means an animal welfare organization that takes custody of companion animals for the purpose of facilitating adoption and houses such companion animals in a foster home or a system of foster homes.

"Humane" means any action taken in consideration of and with the intent to provide for the animal's health and well-being.

"Humane investigator" means a person who has been appointed by a circuit court as a humane investigator as provided in § 3.2-6558.

"Humane society" means any incorporated, nonprofit organization that is organized for the purposes of preventing cruelty to animals and promoting humane care and treatment or adoptions of animals.

"Incorporated" means organized and maintained as a legal entity in the Commonwealth.

"Kennel" means any establishment in which five or more canines, felines, or hybrids of either are kept for the purpose of breeding, hunting, training, renting, buying, boarding, selling, or showing.

"Law-enforcement officer" means any person who is a full-time or part-time employee of a police department or sheriff's office that is part of or administered by the Commonwealth or any political subdivision thereof and who is responsible for the prevention and detection of crime and the enforcement of the penal, traffic or highway laws of the Commonwealth. Part-time employees are compensated officers who are not full-time employees as defined by the employing police department or sheriff's office.

"Livestock" includes all domestic or domesticated: bovine animals; equine animals; ovine animals; porcine animals; cervidae animals; caprae animals; animals of the genus Lama; ratites; fish or shellfish in aquaculture facilities, as defined in § 3.2-2600; enclosed domesticated rabbits or hares raised for human food or fiber; or any other individual animal specifically raised for food or fiber, except companion animals.

"New owner" means an individual who is legally competent to enter into a binding agreement pursuant to subdivision B 2 of § 3.2-6574, and who adopts or receives a dog or cat from a releasing agency.

"Ordinance" means any law, rule, regulation, or ordinance adopted by the governing body of any locality.

"Other officer" includes all other persons employed or elected by the people of Virginia, or by any locality, whose duty it is to preserve the peace, to make arrests, or to enforce the law.

"Owner" means any person who: (i) has a right of property in an animal; (ii) keeps or harbors an animal; (iii) has an animal in his care; or (iv) acts as a custodian of an animal.

"Pet shop" means an establishment where companion animals are bought, sold, exchanged, or offered for sale or exchange to the general public.

"Poultry" includes all domestic fowl and game birds raised in captivity.

"Primary enclosure" means any structure used to immediately restrict an animal or animals to a limited amount of space, such as a room, pen, cage, compartment, or hutch. For tethered animals, the term includes the shelter and the area within reach of the tether.

"Private animal shelter" means a facility operated for the purpose of finding permanent adoptive homes for animals that is used to house or contain animals and that is owned or operated by an incorporated, nonprofit, and nongovernmental entity, including a humane society, animal welfare organization, society for the prevention of cruelty to animals, or any other similar organization.

"Properly cleaned" means that carcasses, debris, food waste, and excrement are removed from the primary enclosure with sufficient frequency to minimize the animals' contact with the above-mentioned contaminants; the primary enclosure is sanitized with sufficient frequency to minimize odors and the hazards of disease; and the primary enclosure is cleaned so as to prevent the animals confined therein from being directly or indirectly sprayed with the stream of water, or directly or indirectly exposed to hazardous chemicals or disinfectants.

"Properly lighted" when referring to a facility means sufficient illumination to permit routine inspections, maintenance, cleaning, and housekeeping of the facility, and observation of the animals; to provide regular diurnal lighting cycles of either natural or artificial light, uniformly diffused throughout the facility; and to promote the well-being of the animals.

"Properly lighted" when referring to a private residential dwelling and its surrounding grounds means sufficient illumination to permit routine maintenance and cleaning thereof, and observation of the companion animals; and to provide regular diurnal lighting cycles of either natural or artificial light to promote the well-being of the animals.

"Public animal shelter" means a facility operated by the Commonwealth, or any locality, for the purpose of impounding or sheltering seized, stray, homeless, abandoned, unwanted, or surrendered animals or a facility operated for the same purpose under a contract with any locality.

"Releasing agency" means (i) a public animal shelter or (ii) a private animal shelter, humane society, animal welfare organization, society for the prevention of cruelty to animals, or other similar entity or home-based rescue that releases companion animals for adoption.

"Research facility" means any place, laboratory, or institution licensed by the U.S. Department of Agriculture at which scientific tests, experiments, or investigations involving the use of living animals are carried out, conducted, or attempted.

"Sanitize" means to make physically clean and to remove and destroy, to a practical minimum, agents injurious to health.

"Sore" means, when referring to an equine, that an irritating or blistering agent has been applied, internally or externally, by a person to any limb or foot of an equine; any burn, cut, or laceration that has been inflicted by a person to any limb or foot of an equine; any tack, nail, screw, or chemical agent that has been injected by a person into or used by a person on any limb or foot of an equine; any other substance or device that has been used by a person on any limb or foot of an equine; or a person has engaged in a practice involving an equine, and as a result of such application, infliction, injection, use, or practice, such equine suffers, or can reasonably be expected to suffer, physical pain or distress, inflammation, or lameness when walking, trotting, or otherwise moving, except that such term does not include such an application, infliction, injection, use, or practice in connection with the therapeutic treatment of an equine by or under the supervision of a licensed veterinarian. Notwithstanding anything contained herein to the contrary, nothing shall preclude the shoeing, use of pads, and use of action devices as permitted by 9 C.F.R. Part 11.2.

"Sterilize" or "sterilization" means a surgical or chemical procedure performed by a licensed veterinarian that renders a dog or cat permanently incapable of reproducing.

"Treasurer" includes the treasurer and his assistants of each county or city or other officer designated by law to collect taxes in such county or city.

"Treatment" or "adequate treatment" means the responsible handling or transportation of animals in the person's ownership, custody or charge, appropriate for the age, species, condition, size and type of the animal.

"Veterinary treatment" means treatment by or on the order of a duly licensed veterinarian.

"Weaned" means that an animal is capable of and physiologically accustomed to ingestion of solid food or food customary for the adult of the species and has ingested such food, without nursing, for a period of at least five days.

## CHAPTER 600

*An Act to amend and reenact §§ 2.2-3705.5 and 2.2-3711 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 32.1-283.7, relating to overdose fatality review teams; penalty.*

[S 399]

Approved March 30, 2018

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

**1. That §§ 2.2-3705.5 and 2.2-3711 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 32.1-283.7 as follows:**

#### **§ 2.2-3705.5. Exclusions to application of chapter; health and social services records.**

The following information contained in a public record is excluded from the mandatory disclosure provisions of this chapter but may be disclosed by the custodian in his discretion, except where such disclosure is prohibited by law. Redaction of information excluded under this section from a public record shall be conducted in accordance with § 2.2-3704.01.

1. Health records, except that such records may be personally reviewed by the individual who is the subject of such records, as provided in subsection F of § 32.1-127.1:03.

Where the person who is the subject of health records is confined in a state or local correctional facility, the administrator or chief medical officer of such facility may assert such confined person's right of access to the health records if the administrator or chief medical officer has reasonable cause to believe that such confined person has an infectious disease or other medical condition from which other persons so confined need to be protected. Health records shall only be reviewed and shall not be copied by such administrator or chief medical officer. The information in the health records of a person so confined shall continue to be confidential and shall not be disclosed by the administrator or chief medical officer of the facility to any person except the subject or except as provided by law.

Where the person who is the subject of health records is under the age of 18, his right of access may be asserted only by his guardian or his parent, including a noncustodial parent, unless such parent's parental rights have been terminated, a court of competent jurisdiction has restricted or denied such access, or a parent has been denied access to the health record in accordance with § 20-124.6. In instances where the person who is the subject thereof is an emancipated minor, a student in a public institution of higher education, or is a minor who has consented to his own treatment as authorized by § 16.1-338 or 54.1-2969, the right of access may be asserted by the subject person.

For the purposes of this chapter, statistical summaries of incidents and statistical data concerning abuse of individuals receiving services compiled by the Commissioner of Behavioral Health and Developmental Services shall be disclosed. No such summaries or data shall include any information that identifies specific individuals receiving services.

2. Applications for admission to examinations or for licensure and scoring records maintained by the Department of Health Professions or any board in that department on individual licensees or applicants; information required to be provided to the Department of Health Professions by certain licensees pursuant to § 54.1-2506.1; information held by the Health Practitioners' Monitoring Program Committee within the Department of Health Professions that identifies any practitioner who may be, or who is actually, impaired to the extent that disclosure is prohibited by § 54.1-2517; and information relating to the prescribing and dispensing of covered substances to recipients and any abstracts from such information that are in the possession of the Prescription Monitoring Program (Program) pursuant to Chapter 25.2 (§ 54.1-2519 et seq.) of Title 54.1 and any material relating to the operation or security of the Program.

3. Reports, documentary evidence, and other information as specified in §§ 51.5-122 and 51.5-141 and Chapter 1 (§ 63.2-100 et seq.) of Title 63.2 and information and statistical registries required to be kept confidential pursuant to Chapter 1 (§ 63.2-100 et seq.) of Title 63.2.

4. Investigative notes; proprietary information not published, copyrighted or patented; information obtained from employee personnel records; personally identifiable information regarding residents, clients or other recipients of services; other correspondence and information furnished in confidence to the Department of Social Services in connection with an active investigation of an applicant or licensee pursuant to Chapters 17 (§ 63.2-1700 et seq.) and 18 (§ 63.2-1800 et seq.) of Title 63.2; and information furnished to the Office of the Attorney General in connection with an investigation or litigation pursuant to Article 19.1 (§ 8.01-216.1 et seq.) of Chapter 3 of Title 8.01 and Chapter 9 (§ 32.1-310 et seq.) of Title 32.1. However, nothing in this subdivision shall prevent the disclosure of information from the records of completed investigations in a form that does not reveal the identity of complainants, persons supplying information, or other individuals involved in the investigation.

5. Information collected for the designation and verification of trauma centers and other specialty care centers within the Statewide Emergency Medical Services System and Services pursuant to Article 2.1 (§ 32.1-111.1 et seq.) of Chapter 4 of Title 32.1.

6. Reports and court documents relating to involuntary admission required to be kept confidential pursuant to § 37.2-818.

7. Information acquired (i) during a review of any child death conducted by the State Child Fatality Review team established pursuant to § 32.1-283.1 or by a local or regional child fatality review team to the extent that such information is made confidential by § 32.1-283.2; (ii) during a review of any death conducted by a family violence fatality review team to the extent that such information is made confidential by § 32.1-283.3; ~~or~~ (iii) during a review of any adult death conducted by the Adult Fatality Review Team to the extent made confidential by § 32.1-283.5 or by a local or regional adult fatality review team to the extent that such information is made confidential by § 32.1-283.6; or (iv) by a local or regional overdose fatality review team to the extent that such information is made confidential by § 32.1-283.7.

8. Patient level data collected by the Board of Health and not yet processed, verified, and released, pursuant to § 32.1-276.9, to the Board by the nonprofit organization with which the Commissioner of Health has contracted pursuant to § 32.1-276.4.

9. Information relating to a grant application, or accompanying a grant application, submitted to the Commonwealth Neurotrauma Initiative Advisory Board pursuant to Article 12 (§ 51.5-178 et seq.) of Chapter 14 of Title 51.5 that would (i) reveal (a) medical or mental health records or other data identifying individual patients or (b) proprietary business or research-related information produced or collected by the applicant in the conduct of or as a result of study or research on medical, rehabilitative, scientific, technical, or scholarly issues, when such information has not been publicly released, published, copyrighted, or patented, and (ii) be harmful to the competitive position of the applicant.

10. Any information copied, recorded, or received by the Commissioner of Health in the course of an examination, investigation, or review of a managed care health insurance plan licensee pursuant to §§ 32.1-137.4 and 32.1-137.5, including books, records, files, accounts, papers, documents, and any or all computer or other recordings.

11. Records of the Virginia Birth-Related Neurological Injury Compensation Program required to be kept confidential pursuant to § 38.2-5002.2.

12. Information held by the State Health Commissioner relating to the health of any person subject to an order of quarantine or an order of isolation pursuant to Article 3.02 (§ 32.1-48.05 et seq.) of Chapter 2 of Title 32.1. However, nothing in this subdivision shall be construed to prevent the disclosure of statistical summaries, abstracts, or other information in aggregate form.

13. The names and addresses or other contact information of persons receiving transportation services from a state or local public body or its designee under Title II of the Americans with Disabilities Act, (42 U.S.C. § 12131 et seq.) or funded by Temporary Assistance for Needy Families (TANF) created under § 63.2-600.

14. Information held by certain health care committees and entities that may be withheld from discovery as privileged communications pursuant to § 8.01-581.17.

15. Data and information specified in § 37.2-308.01 relating to proceedings provided for in Article 16 (§ 16.1-335 et seq.) of Chapter 11 of Title 16.1 and Chapter 8 (§ 37.2-800 et seq.) of Title 37.2.

16. (For contingent effective date, see Editor's note.) Records of and information held by the Emergency Department Care Coordination Program required to be kept confidential pursuant to § 32.1-372.

**§ 2.2-3711. Closed meetings authorized for certain limited purposes.**

A. Public bodies may hold closed meetings only for the following purposes:

1. Discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body; and evaluation of performance of departments or schools of public institutions of higher education where such evaluation will necessarily involve discussion of the performance of specific individuals. Any teacher shall be permitted to be present during a closed meeting in which there is a discussion or consideration of a disciplinary matter that involves the teacher and some student and the student involved in the matter is present, provided the teacher makes a written request to be present to the presiding officer of the appropriate board. Nothing in this subdivision, however, shall be construed to authorize a closed meeting by a local governing body or an elected school board to discuss compensation matters that affect the membership of such body or board collectively.

2. Discussion or consideration of admission or disciplinary matters or any other matters that would involve the disclosure of information contained in a scholastic record concerning any student of any public institution of higher education in the Commonwealth or any state school system. However, any such student, legal counsel and, if the student is a minor, the student's parents or legal guardians shall be permitted to be present during the taking of testimony or presentation of evidence at a closed meeting, if such student, parents, or guardians so request in writing and such request is submitted to the presiding officer of the appropriate board.

3. Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.

4. The protection of the privacy of individuals in personal matters not related to public business.

5. Discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community.

6. Discussion or consideration of the investment of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of the governmental unit would be adversely affected.

7. Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body. For the purposes of this subdivision, "probable litigation" means litigation that has been specifically threatened or on which the public body or its legal counsel has a reasonable basis to believe will be commenced by or against a known party. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter.

8. Consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter.

9. Discussion or consideration by governing boards of public institutions of higher education of matters relating to gifts, bequests and fund-raising activities, and of grants and contracts for services or work to be performed by such institution. However, the terms and conditions of any such gifts, bequests, grants, and contracts made by a foreign government, a foreign legal entity, or a foreign person and accepted by a public institution of higher education in the Commonwealth shall be subject to public disclosure upon written request to the appropriate board of visitors. For the purpose of this subdivision, (i) "foreign government" means any government other than the United States government or the government of a state or a political subdivision thereof, (ii) "foreign legal entity" means any legal entity (a) created under the laws of the United States or of any state thereof if a majority of the ownership of the stock of such legal entity is owned by foreign governments or foreign persons or if a majority of the membership of any such entity is composed of foreign persons or foreign legal entities or (b) created under the laws of a foreign government, and (iii) "foreign person" means any individual who is not a citizen or national of the United States or a trust territory or protectorate thereof.

10. Discussion or consideration by the boards of trustees of the Virginia Museum of Fine Arts, the Virginia Museum of Natural History, the Jamestown-Yorktown Foundation, and The Science Museum of Virginia of matters relating to specific gifts, bequests, and grants from private sources.

11. Discussion or consideration of honorary degrees or special awards.

12. Discussion or consideration of tests, examinations, or other information used, administered, or prepared by a public body and subject to the exclusion in subdivision 4 of § 2.2-3705.1.

13. Discussion, consideration, or review by the appropriate House or Senate committees of possible disciplinary action against a member arising out of the possible inadequacy of the disclosure statement filed by the member, provided the member may request in writing that the committee meeting not be conducted in a closed meeting.

14. Discussion of strategy with respect to the negotiation of a hazardous waste siting agreement or to consider the terms, conditions, and provisions of a hazardous waste siting agreement if the governing body in open meeting finds that an open meeting will have an adverse effect upon the negotiating position of the governing body or the establishment of the terms, conditions and provisions of the siting agreement, or both. All discussions with the applicant or its representatives may be conducted in a closed meeting.

15. Discussion by the Governor and any economic advisory board reviewing forecasts of economic activity and estimating general and nongeneral fund revenues.

16. Discussion or consideration of medical and mental health records subject to the exclusion in subdivision 1 of § 2.2-3705.5.

17. Deliberations of the Virginia Lottery Board in a licensing appeal action conducted pursuant to subsection D of § 58.1-4007 regarding the denial or revocation of a license of a lottery sales agent; and discussion, consideration or review of Virginia Lottery matters related to proprietary lottery game information and studies or investigations excluded from disclosure under subdivision 6 of § 2.2-3705.3 and subdivision 11 of § 2.2-3705.7.

18. Those portions of meetings in which the Board of Corrections discusses or discloses the identity of, or information tending to identify, any prisoner who (i) provides information about crimes or criminal activities, (ii) renders assistance in preventing the escape of another prisoner or in the apprehension of an escaped prisoner, or (iii) voluntarily or at the instance of a prison official renders other extraordinary services, the disclosure of which is likely to jeopardize the prisoner's life or safety.

19. Discussion of plans to protect public safety as it relates to terrorist activity or specific cybersecurity threats or vulnerabilities and briefings by staff members, legal counsel, or law-enforcement or emergency service officials concerning actions taken to respond to such matters or a related threat to public safety; discussion of information subject to the exclusion in subdivision 2 or 14 of § 2.2-3705.2, where discussion in an open meeting would jeopardize the safety of any person or the security of any facility, building, structure, information technology system, or software program; or discussion of reports or plans related to the security of any governmental facility, building or structure, or the safety of persons using such facility, building or structure.

20. Discussion by the Board of the Virginia Retirement System, acting pursuant to § 51.1-124.30, or of any local retirement system, acting pursuant to § 51.1-803, or by a local finance board or board of trustees of a trust established by one or more local public bodies to invest funds for postemployment benefits other than pensions, acting pursuant to Article 8 (§ 15.2-1544 et seq.) of Chapter 15 of Title 15.2, or by the board of visitors of the University of Virginia, acting pursuant to § 23.1-2210, or by the Board of the Virginia College Savings Plan, acting pursuant to § 23.1-706, regarding the acquisition, holding or disposition of a security or other ownership interest in an entity, where such security or ownership interest is not traded on a governmentally regulated securities exchange, to the extent that such discussion (i) concerns confidential analyses prepared for the board of visitors of the University of Virginia, prepared by the retirement system, or a local finance board or board of trustees, or the Virginia College Savings Plan or provided to the retirement system, a local finance board or board of trustees, or the Virginia College Savings Plan under a promise of confidentiality, of the future value of such ownership interest or the future financial performance of the entity, and (ii) would have an adverse effect on the value of the investment to be acquired, held, or disposed of by the retirement system, a local finance board or board of trustees, the board of visitors of the University of Virginia, or the Virginia College Savings Plan. Nothing in this subdivision shall be construed to prevent the disclosure of information relating to the identity of any investment held, the amount invested or the present value of such investment.

21. Those portions of meetings in which individual child death cases are discussed by the State Child Fatality Review team established pursuant to § 32.1-283.1, those portions of meetings in which individual child death cases are discussed by a regional or local child fatality review team established pursuant to § 32.1-283.2, those portions of meetings in which individual death cases are discussed by family violence fatality review teams established pursuant to § 32.1-283.3, those portions of meetings in which individual adult death cases are discussed by the state Adult Fatality Review Team established pursuant to § 32.1-283.5, ~~and~~ those portions of meetings in which individual adult death cases are discussed by a local or regional adult fatality review team established pursuant to § 32.1-283.6, *and those portions of meetings in which individual death cases are discussed by overdose fatality review teams established pursuant to § 32.1-283.7.*

22. Those portions of meetings of the board of visitors of the University of Virginia or the Eastern Virginia Medical School Board of Visitors, as the case may be, and those portions of meetings of any persons to whom management responsibilities for the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, have been delegated, in which there is discussed proprietary, business-related information pertaining to the operations of the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, including business development or marketing strategies and activities with existing or future joint venturers, partners, or other parties with whom the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, has formed, or forms, any arrangement for the delivery of health care, if disclosure of such information would adversely affect the competitive position of the Medical Center or Eastern Virginia Medical School, as the case may be.

23. Discussion or consideration by the Virginia Commonwealth University Health System Authority or the board of visitors of Virginia Commonwealth University of any of the following: the acquisition or disposition by the Authority of real property, equipment, or technology software or hardware and related goods or services, where disclosure would adversely affect the bargaining position or negotiating strategy of the Authority; matters relating to gifts or bequests to, and fund-raising activities of, the Authority; grants and contracts for services or work to be performed by the Authority; marketing or operational strategies plans of the Authority where disclosure of such strategies or plans would adversely affect the competitive position of the Authority; and members of the Authority's medical and teaching staffs and qualifications for appointments thereto.

24. Those portions of the meetings of the Health Practitioners' Monitoring Program Committee within the Department of Health Professions to the extent such discussions identify any practitioner who may be, or who actually is, impaired pursuant to Chapter 25.1 (§ 54.1-2515 et seq.) of Title 54.1.

25. Meetings or portions of meetings of the Board of the Virginia College Savings Plan wherein personal information, as defined in § 2.2-3801, which has been provided to the Board or its employees by or on behalf of individuals who have requested information about, applied for, or entered into prepaid tuition contracts or savings trust account agreements pursuant to Chapter 7 (§ 23.1-700 et seq.) of Title 23.1 is discussed.

26. Discussion or consideration, by the Wireless Carrier E-911 Cost Recovery Subcommittee created pursuant to § 56-484.15, of trade secrets, as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.), submitted by CMRS providers as defined in § 56-484.12, related to the provision of wireless E-911 service.

27. Those portions of disciplinary proceedings by any regulatory board within the Department of Professional and Occupational Regulation, Department of Health Professions, or the Board of Accountancy conducted pursuant to § 2.2-4019 or 2.2-4020 during which the board deliberates to reach a decision or meetings of health regulatory boards or conference committees of such boards to consider settlement proposals in pending disciplinary actions or modifications to previously issued board orders as requested by either of the parties.

28. Discussion or consideration of information subject to the exclusion in subdivision 11 of § 2.2-3705.6 by a responsible public entity or an affected locality or public entity, as those terms are defined in § 33.2-1800, or any independent review panel appointed to review information and advise the responsible public entity concerning such records.

29. Discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body.

30. Discussion or consideration of grant or loan application information subject to the exclusion in subdivision 17 of § 2.2-3705.6 by (i) the Commonwealth Health Research Board or (ii) the Innovation and Entrepreneurship Investment Authority or the Research and Technology Investment Advisory Committee appointed to advise the Innovation and Entrepreneurship Investment Authority.

31. Discussion or consideration by the Commitment Review Committee of information subject to the exclusion in subdivision 5 of § 2.2-3705.2 relating to individuals subject to commitment as sexually violent predators under Chapter 9 (§ 37.2-900 et seq.) of Title 37.2.

32. Discussion or consideration of confidential proprietary information and trade secrets developed and held by a local public body providing certain telecommunication services or cable television services and subject to the exclusion in subdivision 18 of § 2.2-3705.6. However, the exemption provided by this subdivision shall not apply to any authority created pursuant to the BVU Authority Act (§ 15.2-7200 et seq.).

33. Discussion or consideration by a local authority created in accordance with the Virginia Wireless Service Authorities Act (§ 15.2-5431.1 et seq.) of confidential proprietary information and trade secrets subject to the exclusion in subdivision 19 of § 2.2-3705.6.

34. Discussion or consideration by the State Board of Elections or local electoral boards of voting security matters made confidential pursuant to § 24.2-625.1.

35. Discussion or consideration by the Forensic Science Board or the Scientific Advisory Committee created pursuant to Article 2 (§ 9.1-1109 et seq.) of Chapter 11 of Title 9.1 of criminal investigative files subject to the exclusion in subdivision A 2 a of § 2.2-3706.

36. Discussion or consideration by the Brown v. Board of Education Scholarship Committee of information or confidential matters subject to the exclusion in subdivision 3 of § 2.2-3705.4, and meetings of the Committee to deliberate concerning the annual maximum scholarship award, review and consider scholarship applications and requests for scholarship award renewal, and cancel, rescind, or recover scholarship awards.

37. Discussion or consideration by the Virginia Port Authority of information subject to the exclusion in subdivision 1 of § 2.2-3705.6 related to certain proprietary information gathered by or for the Virginia Port Authority.

38. Discussion or consideration by the Board of Trustees of the Virginia Retirement System acting pursuant to § 51.1-124.30, by the Investment Advisory Committee appointed pursuant to § 51.1-124.26, by any local retirement system, acting pursuant to § 51.1-803, by the Board of the Virginia College Savings Plan acting pursuant to § 23.1-706, or by the Virginia College Savings Plan's Investment Advisory Committee appointed pursuant to § 23.1-702 of information subject to the exclusion in subdivision 24 of § 2.2-3705.7.

39. Discussion or consideration of information subject to the exclusion in subdivision 3 of § 2.2-3705.6 related to economic development.

40. Discussion or consideration by the Board of Education of information relating to the denial, suspension, or revocation of teacher licenses subject to the exclusion in subdivision 11 of § 2.2-3705.3.

41. Those portions of meetings of the Virginia Military Advisory Council or any commission created by executive order for the purpose of studying and making recommendations regarding preventing closure or realignment of federal military and national security installations and facilities located in Virginia and relocation of such facilities to Virginia, or a local or regional military affairs organization appointed by a local governing body, during which there is discussion of information subject to the exclusion in subdivision 8 of § 2.2-3705.2.

42. Discussion or consideration by the Board of Trustees of the Veterans Services Foundation of information subject to the exclusion in subdivision 28 of § 2.2-3705.7 related to personally identifiable information of donors.

43. Discussion or consideration by the Virginia Tobacco Region Revitalization Commission of information subject to the exclusion in subdivision 23 of § 2.2-3705.6 related to certain information contained in grant applications.

44. Discussion or consideration by the board of directors of the Commercial Space Flight Authority of information subject to the exclusion in subdivision 24 of § 2.2-3705.6 related to rate structures or charges for the use of projects of, the sale of products of, or services rendered by the Authority and certain proprietary information of a private entity provided to the Authority.

45. Discussion or consideration of personal and proprietary information related to the resource management plan program and subject to the exclusion in (i) subdivision 25 of § 2.2-3705.6 or (ii) subsection E of § 10.1-104.7. This exclusion shall not apply to the discussion or consideration of records that contain information that has been certified for release by the person who is the subject of the information or transformed into a statistical or aggregate form that does not allow identification of the person who supplied, or is the subject of, the information.

46. (Effective January 15, 2018) Discussion or consideration by the Board of Directors of the Virginia Alcoholic Beverage Control Authority of information subject to the exclusion in subdivision 1 of § 2.2-3705.3 related to investigations of applicants for licenses and permits and of licensees and permittees.

47. Discussion or consideration of grant or loan application records subject to the exclusion in subdivision 28 of § 2.2-3705.6 related to the submission of an application for an award from the Virginia Research Investment Fund pursuant to Article 8 (§ 23.1-3130 et seq.) of Chapter 31 of Title 23.1 or interviews of parties to an application by a reviewing entity pursuant to subsection D of § 23.1-3133 or by the Virginia Research Investment Committee.

48. Discussion or development of grant proposals by a regional council established pursuant to Article 26 (§ 2.2-2484 et seq.) of Chapter 24 to be submitted for consideration to the Virginia Growth and Opportunity Board.

49. Discussion or consideration of (i) individual sexual assault cases by a sexual assault team established pursuant to § 15.2-1627.4 or (ii) individual child abuse or neglect cases or sex offenses involving a child by a child abuse team established pursuant to § 15.2-1627.5.

50. Discussion or consideration by the Board of the Virginia Economic Development Partnership Authority, or any subcommittee thereof, of the portions of the strategic plan, marketing plan, or operational plan exempt from disclosure pursuant to subdivision 33 of § 2.2-3705.7.

51. Those portions of meetings of the subcommittee of the Board of the Virginia Economic Development Partnership Authority established pursuant to subsection F of § 2.2-2237.3 to review and discuss information received from the Virginia Employment Commission pursuant to subdivision C 2 of § 60.2-114.

B. No resolution, ordinance, rule, contract, regulation or motion adopted, passed or agreed to in a closed meeting shall become effective unless the public body, following the meeting, reconvenes in open meeting and takes a vote of the membership on such resolution, ordinance, rule, contract, regulation, or motion that shall have its substance reasonably identified in the open meeting.

C. Public officers improperly selected due to the failure of the public body to comply with the other provisions of this section shall be de facto officers and, as such, their official actions are valid until they obtain notice of the legal defect in their election.

D. Nothing in this section shall be construed to prevent the holding of conferences between two or more public bodies, or their representatives, but these conferences shall be subject to the same procedures for holding closed meetings as are applicable to any other public body.

E. This section shall not be construed to (i) require the disclosure of any contract between the Department of Health Professions and an impaired practitioner entered into pursuant to Chapter 25.1 (§ 54.1-2515 et seq.) of Title 54.1 or (ii) require the board of directors of any authority created pursuant to the Industrial Development and Revenue Bond Act (§ 15.2-4900 et seq.), or any public body empowered to issue industrial revenue bonds by general or special law, to identify a business or industry to which subdivision A 5 applies. However, such business or industry shall be identified as a matter of public record at least 30 days prior to the actual date of the board's authorization of the sale or issuance of such bonds.

**§ 32.1-283.7. Local and regional overdose fatality review teams established; membership; authority; confidentiality; immunity.**

A. Any county or city, or combination of counties, cities, or counties and cities, may establish a local or regional overdose fatality review team for the purpose of (i) conducting contemporaneous reviews of local overdose deaths, (ii) promoting cooperation and coordination among agencies involved in investigations of overdose deaths or in providing services to surviving family members, (iii) developing an understanding of the causes and incidence of overdose deaths in the locality, (iv) developing plans for and recommending changes within the agencies represented on the local team to

prevent overdose deaths, and (v) advising the Department and other relevant state agencies on changes to law, policy, or practice to prevent overdose deaths.

B. A local or regional team may review the death of any person who resides in the Commonwealth and whose death was or is suspected to be due to overdose. Each team shall establish rules and procedures to govern the review process. Agencies may share information but shall be bound by confidentiality and execute a sworn statement to honor the confidentiality of the information they share. A violation of this subsection is punishable as a Class 3 misdemeanor. The Office of the Chief Medical Examiner may develop a model protocol for the development and implementation of local or regional overdose fatality review teams, and such model protocol may include relevant procedures for conducting reviews of overdose fatalities.

C. Local and regional teams may be composed of the following persons from the localities represented on a particular board or their designees: a medical examiner appointed pursuant to § 32.1-282, a local social services official, a director of the relevant local or district health department, a chief law-enforcement officer, an attorney for the Commonwealth, an executive director of the local community services board or other local mental health agency, a local judge, the local school division superintendent, a representative of a local jail or detention center, and such additional persons as may be appointed to serve by the chair of the local or regional team. The chair shall be elected from among the designated membership. The additional members appointed by the chair may include representatives of local human services agencies, local health care professionals who specialize in the prevention and treatment of substance abuse disorders, local emergency medical services personnel, a representative of a hospital, experts in forensic medicine and pathology, local funeral services providers, and representatives of the local bar.

D. Each local or regional team shall establish operating procedures to govern the review process prior to conducting the first overdose fatality review. The review of a death shall be delayed until any criminal investigations connected with the death are completed or the Commonwealth consents to the commencement of such review prior to the completion of the criminal investigation.

E. All information and records obtained or created regarding a review of a fatality shall be confidential and shall be excluded from the Virginia Freedom of Information Act (§ 2.2-3700 et seq.) pursuant to subdivision 7 of § 2.2-3705.5. All such information and records shall be used by the team only in the exercise of its proper purpose and function and shall not be disclosed. Such information and records shall not be subject to subpoena, subpoena duces tecum, discovery, or introduction into evidence when obtained through such other sources solely because the information and records were presented to the team during the fatality review. No person who participated in the review and no member of the team shall be required to make any statement as to what transpired during the review or what information was collected during the review. Upon the conclusion of the fatality review, all information and records concerning the victim and family shall be returned to the originating agency or destroyed. However, the findings of the team may be disclosed or published in statistical or other form that does not identify any individuals. The portions of meetings in which individual cases are discussed by the team shall be closed pursuant to subdivision A 21 of § 2.2-3711. All team members, persons attending closed team meetings, and persons presenting information and records on specific fatalities to the team during closed meetings shall execute a sworn statement to honor the confidentiality of the information, records, discussions, and opinions disclosed during any closed meeting to review a specific death. A violation of this subsection is punishable as a Class 3 misdemeanor.

F. Members of teams, as well as their agents and employees, shall be immune from civil liability for any act or omission made in connection with participation in an overdose fatality review team review, unless such act or omission was the result of gross negligence or willful misconduct. Any organization, institution, or person furnishing information, data, testimony, reports, or records to overdose fatality review teams as part of such review shall be immune from civil liability for any act or omission in furnishing such information, unless such act or omission was the result of gross negligence or willful misconduct.

## CHAPTER 601

*An Act to amend and reenact § 30-133 of the Code of Virginia, relating to the Auditor of Public Accounts; Commonwealth Data Point; employee compensation information.*

[S 633]

Approved March 30, 2018

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

**1. That § 30-133 of the Code of Virginia is amended and reenacted as follows:**

**§ 30-133. Duties and powers generally.**

A. The Auditor of Public Accounts shall audit all the accounts of every state department, officer, board, commission, institution or other agency handling any state funds. In the performance of such duties and the exercise of such powers he may employ the services of certified public accountants, provided the cost thereof shall not exceed such sums as may be available out of the appropriation provided by law for the conduct of his office.

B. The Auditor of Public Accounts shall review the information required in § 2.2-1501 to determine that state agencies are providing and reporting appropriate information on financial and performance measures, and the Auditor shall review

the accuracy of the management systems used to accumulate and report the results. The Auditor shall report annually to the General Assembly the results of such audits and make recommendations, if indicated, for new or revised accountability or performance measures to be implemented for the agencies audited.

C. The Auditor of Public Accounts shall prepare, by November 1, a summary of the results of all of the audits and other oversight responsibilities performed for the most recently ended fiscal year. The Auditor of Public Accounts shall present this summary to the Senate Finance, House Appropriations and House Finance Committees on the day the Governor presents to the General Assembly the Executive Budget in accordance with §§ 2.2-1508 and 2.2-1509 or at the direction of the respective Chairman of the Senate Finance, House Appropriations or House Finance Committees at one of their committee meetings prior to the meeting above.

D. As part of his normal oversight responsibilities, the Auditor of Public Accounts shall incorporate into his audit procedures and processes a review process to ensure that the Commonwealth's payments to counties, cities, and towns under Chapter 35.1 (§ 58.1-3523 et seq.) of Title 58.1 are consistent with the provisions of § 58.1-3524. The Auditor of Public Accounts shall report to the Governor and the Chairman of the Senate Finance Committee annually any material failure by a locality or the Commonwealth to comply with the provisions of Chapter 35.1 of Title 58.1.

E. The Auditor of Public Accounts when called upon by the Governor shall examine the accounts of any institution maintained in whole or in part by the Commonwealth and, upon the direction of the Comptroller, shall examine the accounts of any officer required to settle his accounts with him; and upon the direction of any other state officer at the seat of government he shall examine the accounts of any person required to settle his accounts with such officer.

F. Upon the written request of any member of the General Assembly, the Auditor of Public Accounts shall furnish the requested information and provide technical assistance upon any matter requested by such member.

G. In compliance with the provisions of the federal Single Audit Act Amendments of 1996, Public Law 104-156, the Joint Legislative Audit and Review Commission may authorize the Auditor of Public Accounts to audit biennially the accounts pertaining to federal funds received by state departments, officers, boards, commissions, institutions or other agencies.

H. 1. The Auditor of Public Accounts shall compile and maintain on its Internet website a searchable database providing certain state expenditure, revenue, and demographic information as described in this subsection. In maintaining the database, the Auditor of Public Accounts shall work with and coordinate his efforts with the Joint Legislative Audit and Review Commission in obtaining, summarizing, and compiling the information to avoid duplication of efforts. The database shall be updated each year by October 15 to provide the information required in this subsection for the 10 most recently ended fiscal years of the Commonwealth.

The online database shall be made available to citizens of the Commonwealth to allow public access to historical revenue collections and appropriations with related demographic information, to the extent that the information is available and provided to the Auditor of Public Accounts. All state departments, courts officers, boards, commissions, institutions, or other agencies of the Commonwealth shall furnish all information requested by the Auditor of Public Accounts and shall cooperate with him to the fullest extent.

For purposes of reporting information and implementing the database pursuant to this subsection, the Auditor of Public Accounts shall include all appropriated funds and other sources under the control of public institutions of higher education, except for the activity of private gifts, including endowment funds and unrestricted gifts referenced in § 23.1-101. The exclusion of this activity does not affect the public access to these records unless otherwise specifically exempted by law.

2. The database shall contain the following for each of the 10 most recently ended fiscal years of the Commonwealth:

a. Major categories of spending by each secretariat and each agency and institution, including each independent agency, and including within each major category a register of all funds expended, showing vendor name, date of payment, amount, and a description of the type of expense, including credit card purchases with the same information to the extent that the information exists. The database shall include the name, phone number, and email address for a contact at the agency or institution who may be contacted for additional information;

b. The number of full-time state employees and a listing of the positions, and *the salary, bonuses, and total compensation* of each such position, *and the identifier associated with each position for which the annual rate of pay is more than \$10,000*, organized by agency;

c. Total fiscal year revenues from state taxes, fees, and other charges, and total fiscal year revenues from state taxes, fees, and other charges computed on a per capita basis and as a percentage of personal income in the Commonwealth;

d. With regard to state taxes, fees, and other charges computed on a per capita basis and as a percentage of personal income, a comparison of such statistics for Virginia with the same statistics for other states;

e. Total fiscal year revenues from federal sources, including the major categories of spending for such revenues;

f. Total population and total population by various age groups including, but not limited to, school-age population and the population of persons 65 years of age and older;

g. Student enrollment in grades K through 12;

h. Enrollment in public institutions of higher education of the Commonwealth;

i. Enrollment in private institutions of higher education in the Commonwealth;

j. The annual prison population;

k. Virginia adjusted gross income and Virginia taxable income by various age groups;

l. The number of citizens in the Commonwealth receiving food stamps;

- m. The number of driver's licenses issued;
  - n. The number of registered motor vehicles;
  - o. The number of full-time private sector employees;
  - p. The number of households;
  - q. The number of prepaid tuition contracts outstanding pursuant to Chapter 7 (§ 23.1-700 et seq.) of Title 23.1 and the estimated total liability under such contracts;
  - r. Any state audit or report relating to the programs or activities of an agency;
  - s. Information on capital outlay payments including, but not limited to, project title, funding date, completion date, appropriations, year-to-date expenditures, and unexpended appropriations;
  - t. Annual bonded indebtedness that shall include, but not be limited to, the amount of the total original obligation stated in terms of principal and interest, the term of the obligation, the amounts of principal and interest previously paid to reduce the obligation, the balance remaining of the obligation, and any refinancing of the obligation; and
  - u. Other data as the Auditor deems appropriate relating to the Commonwealth of Virginia.
3. The Auditor of Public Accounts shall incorporate into the database the following additional elements as they become available through improved enterprise applications or other systems:
- a. Commodities including, but not limited to, line item expenditures;
  - b. Virginia Performs data as it directly relates to funding actions or expenditures;
  - c. Descriptive purpose for funding action or expenditure;
  - d. Statute or act of General Assembly authorizing the issuance of bonds; and
  - e. Copies of actual grants and contracts.
4. The Auditor of Public Accounts shall incorporate in the database the following enhancements:
- a. Graphs, charts, or other visual displays of aggregated data showing (i) current state spending by expense category, (ii) year-to-year state spending, and (iii) other data deemed appropriate by the Auditor, including display of available line item expenditures; and
  - b. Frequently asked questions and their responses.
5. By October 15 of each year, the Auditor shall also produce a paper copy or a computer file containing the information described in this subsection and shall distribute the copy or file to newspapers of general circulation in the Commonwealth. The distribution shall include the address of the Internet website for the searchable database.
- I. As a part of audits conducted pursuant to subsection A, the Auditor of Public Accounts shall review compliance with requirements established pursuant to the provisions of § 2.2-519 and the requirements of the Virginia Debt Collection Act (§ 2.2-4800 et seq.).

**2. That the provisions of this act shall become effective on July 1, 2019.**

**CHAPTER 602**

*An Act to amend the Code of Virginia by adding a section numbered 38.2-3407.15:4, relating to carrier business practices; contracts with pharmacies and pharmacists; amounts charged to an enrollee for covered prescription drugs; disclosure of less expensive alternatives to using enrollee's health plan.*

[S 933]

Approved March 30, 2018

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

**1. That the Code of Virginia is amended by adding a section numbered 38.2-3407.15:4 as follows:**

**§ 38.2-3407.15:4. Limit on copayment for prescription drugs; permitted disclosures.**

*A. As used in this section:*

*"Carrier" has the same meaning ascribed thereto in subsection A of § 38.2-3407.15.*

*"Copayment" means an amount an enrollee is required to pay at the point of sale in order to receive a covered prescription drug.*

*"Enrollee" means a policyholder, subscriber, participant, or other individual covered by a health benefit plan.*

*"Health plan" means any health benefit plan, as defined in § 38.2-3438, that provides coverage for prescription drugs.*

*"Pharmacy benefits management" means the administration or management of prescription drug benefits provided by a carrier for the benefit of enrollees.*

*"Pharmacy benefits manager" means an entity that performs pharmacy benefits management. The term includes a person or entity acting for a pharmacy benefits manager in a contractual or employment relationship in the performance of pharmacy benefits management for a carrier.*

*"Provider contract" has the same meaning ascribed thereto in subsection A of § 38.2-3407.15.*

*B. No provider contract between a health carrier or its pharmacy benefits manager and a pharmacy or its contracting agent shall contain a provision (i) authorizing the carrier or its pharmacy benefits manager to charge, (ii) requiring the pharmacy or pharmacist to collect, or (iii) requiring an enrollee to make, a copayment for a covered prescription drug in an amount that exceeds the least of:*

- 1. The applicable copayment for the prescription drug that would be payable in the absence of this section; or*

2. The cash price the enrollee would pay for the prescription drug if the enrollee purchased the prescription drug without using the enrollee's health plan.

C. Provider contracts between a health carrier or its pharmacy benefits manager and a pharmacy or its contracting agent shall contain specific provisions that allow a pharmacy to:

1. Disclose to an enrollee information relating to (i) the provisions of this section and (ii) the availability of a more affordable therapeutically equivalent prescription drug;

2. Sell a more affordable therapeutically equivalent prescription drug to an enrollee if one is available in accordance with § 54.1-3408.03; and

3. Offer and provide direct and limited delivery services to an enrollee as an ancillary service of the pharmacy in accordance with § 54.1-3420.2.

D. A pharmacy shall not be penalized by a pharmacy benefits manager or a carrier for discussing information or for selling a more affordable alternative as described in subsection C.

E. Provider contracts between a health carrier or its pharmacy benefits manager and a pharmacy or its contracting agent shall contain specific provisions that prohibit the carrier or the pharmacy benefit manager from charging a fee to a pharmacy or otherwise holding a pharmacy responsible for a fee relating to the adjudication of a claim unless the fee is reported on the remittance advice of the adjudicated claim or is set out in contract between the pharmacy benefits manager and the pharmacy or its contracting agent.

F. This section shall not apply with respect to claims under an employee benefit plan under the Employee Retirement Income Security Act of 1974, Medicaid, or Medicare Part D.

G. This section shall apply with respect to provider contracts entered into, amended, extended, or renewed on or after January 1, 2019.

H. Pursuant to the authority granted by § 38.2-223, the Commission may promulgate such rules and regulations as it may deem necessary to implement this section.

I. The Commission shall have no jurisdiction to adjudicate individual controversies arising out of this section.

**CHAPTER 603**

*An Act to amend and reenact § 58.1-3284.3 of the Code of Virginia, relating to real property tax; assessment of wetlands.*

[H 1442]

Approved March 30, 2018

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

**1. That § 58.1-3284.3 of the Code of Virginia is amended and reenacted as follows:**

**§ 58.1-3284.3. Wetlands to be specially and separately assessed.**

A. Whenever real property is assessed or reassessed, the commissioner of the revenue or other assessing official shall consider, at the request of the property owner, specially and separately assessing at the fair market value all wetlands on such property, as defined in § 62.1-44.3. If the commissioner of the revenue or other assessing official disagrees with the property owner as to the presence of wetlands, then the commissioner of the revenue or other assessing official shall consider the National Wetlands Inventory Map prepared by U.S. Fish and Wildlife Services recognize (i) the National Wetlands Inventory Map prepared by the U.S. Fish and Wildlife Service, (ii) a wetland delineation map confirmed by a Preliminary Jurisdictional Determination, or (iii) an Approved Jurisdictional Determination issued by the U.S. Army Corps of Engineers and provided by the property owner in making his determination, and such map also shall be considered in any administrative or judicial appeal.

B. When wetlands on property are specially and separately assessed, the commissioner of the revenue or other assessing official shall set forth upon the land book (i) the area and the fair market value of such portion of each tract consisting of wetlands and (ii) the area and the fair market value of the remaining portion of each tract.

C. Nothing in this section shall prohibit the commissioner of the revenue or other assessing official from specially and separately assessing at the fair market value wetlands, as well as any other type of lands, even if not requested by the property owner.

D. Under the provisions of this section, the actual physical use of the property shall be the only determining factor of its land use value.

**CHAPTER 604**

*An Act to amend and reenact §§ 58.1-3370 and 58.1-3378 of the Code of Virginia, relating to real property tax; boards of equalization.*

[H 1495]

Approved March 30, 2018

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

**1. That §§ 58.1-3370 and 58.1-3378 of the Code of Virginia are amended and reenacted as follows:**

**§ 58.1-3370. Appointment.**

A. The circuit court having jurisdiction within each city and each county other than those counties operating under § 58.1-3371 shall, in each tax year immediately following the year a general reassessment or annual or biennial assessment is conducted in such city or county, appoint for such city or county a board of equalization of real estate assessments, unless such county or city has a permanent board of equalization appointed according to law. In addition, at the request of the local governing body, the circuit court may appoint alternate members as provided in subsection B of § 58.1-3373, and the provisions of that subsection shall apply mutatis mutandis.

B. The term of any board of equalization appointed under the authority of this section shall expire one year after the effective date of the assessment for which ~~they were~~ it was appointed. *However, if a taxpayer applies to the commissioner of the revenue or other official performing the duties imposed on commissioners of the revenue for relief from a real property tax assessment prior to the expiration of the board of equalization's term, and the term of the board of equalization expires prior to a final determination on such application for relief, and the taxpayer advises the circuit court that he wishes to appeal the determination to the board of equalization, then the circuit court may reappoint the board of equalization to hear and act on such appeal.*

**§ 58.1-3378. Sittings; notices thereof.**

Each board of equalization shall sit at and for such time or times as may be necessary to discharge the duties imposed and to exercise the powers conferred by this chapter. Of each sitting public notice shall be given at least 10 days beforehand by publication in a newspaper having general circulation in the county or city and, in a county, also by posting the notice at the courthouse and at each public library, voting precinct or both. Such posting shall be done by the sheriff or his deputy. Such notice shall inform the public that the board shall sit at the place or places and on the days named therein for the purpose of equalizing real estate assessments in such county or city and for the purpose of hearing complaints of inequalities wherein the property owners allege a lack of uniformity in assessment, or errors in acreage in such real estate assessments. The board also shall hear complaints that real property is assessed at more than fair market value. Except as otherwise provided by the Code of Virginia:

1. The fair market value of real property shall be established by the board as of January 1 of the applicable year; or
2. If a county or city has adopted July 1 as its tax day for real property pursuant to § 58.1-3011, then, for other than public service corporation property, the fair market value of real property shall be established by the board as of July 1 of the applicable year.

The governing body of any county or city may provide by ordinance the date by which applications must be made by property owners or lessees for relief. Such date shall not be earlier than 30 days after the termination of the date set by the assessing officer to hear objections to the assessments as provided in § 58.1-3330. If no applications for relief are received by such date, the board of equalization shall be deemed to have discharged its duties. Such governing body may also provide by ordinance the deadline by which all applications must be finally disposed of by the board of equalization. All such deadlines shall be clearly stated on the notice of assessment. *Notwithstanding such deadlines, if a taxpayer applies to the commissioner of the revenue or other official performing the duties imposed on commissioners of the revenue for relief from a real property tax assessment prior to such deadlines, and such deadlines occur prior to a final determination on such application for relief, and the taxpayer advises the circuit court that he wishes to appeal the determination to the board of equalization, then the circuit court may require the board of equalization to hear and act on such appeal.* The governing body may provide for applications for relief to be made electronically; however, taxpayers retain the right to file applications on traditional paper forms provided by the governing body as long as such forms are submitted prior to the established deadline. If such paper forms are mailed by the applicant, the postmark date shall be considered the date of receipt by the governing body. A hearing for relief before the board of equalization regarding an assessment on residential property shall not be denied on the basis of a lack of information on the application for relief, as long as the application includes the address, the parcel number, and the owner's proposed assessed value for the property. A hearing for relief before the board of equalization regarding an assessment on commercial, multi-family residential, or industrial property on the basis of fair market value shall not be denied on the basis of a lack of information on the application, as long as documentation of any applicable assessment methodologies is submitted with the application, and the application includes the address, the parcel number, and the owner's proposed assessed value for the property.

**CHAPTER 605**

*An Act directing the Department of Environmental Quality to seek an exemption from the federal reformulated gasoline program for certain gasoline sold in the City of Hopewell.*

[H 1521]

Approved March 30, 2018

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

1. § 1. *That the Department of Environmental Quality be directed to seek from the U.S. Environmental Protection Agency an exemption from the federal reformulated gasoline program for the sale of conventional gasoline within that portion of the City of Hopewell that is located west of Interstate 295.*

CHAPTER 606

*An Act to amend and reenact § 46.2-1078.1 of the Code of Virginia, relating to use of handheld personal communication devices; highway work zone.*

[H 1525]

Approved March 30, 2018

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

**1. That § 46.2-1078.1 of the Code of Virginia is amended and reenacted as follows:**

**§ 46.2-1078.1. Use of handheld personal communications devices in certain motor vehicles; exceptions; penalty.**

A. It is unlawful for any person to operate a moving motor vehicle on the highways in the Commonwealth while using any handheld personal communications device to:

1. Manually enter multiple letters or text in the device as a means of communicating with another person; or
2. Read any email or text message transmitted to the device or stored within the device, provided that this prohibition shall not apply to any name or number stored within the device nor to any caller identification information.

B. The provisions of this section shall not apply to:

1. The operator of any emergency vehicle while he is engaged in the performance of his official duties;
2. An operator who is lawfully parked or stopped;
3. The use of factory-installed or aftermarket global positioning systems (GPS) or wireless communications devices used to transmit or receive data as part of a digital dispatch system; or
4. Any person using a handheld personal communications device to report an emergency.

C. A violation of this section is a traffic infraction punishable, for a first offense, by a fine of \$125 and, for a second or subsequent offense, by a fine of \$250. *If the violation of this section occurs in a highway work zone, it shall be punishable by a mandatory fine of \$250. For the purposes of this section, "highway work zone" means a construction or maintenance area that is located on or beside a highway and marked by appropriate warning signs with attached flashing lights or other traffic control devices indicating that work is in progress.*

For the purposes of this section, "emergency vehicle" means:

1. Any law-enforcement vehicle operated by or under the direction of a federal, state, or local law-enforcement officer;
2. Any regional detention center vehicle operated by or under the direction of a correctional officer responding to an emergency call or operating in an emergency situation;
3. Any vehicle used to fight fire, including publicly owned state forest warden vehicles, when traveling in response to a fire alarm or emergency call;
4. Any emergency medical services vehicle designed or used for the principal purpose of emergency medical services where human life is endangered;
5. Any Department of Emergency Management vehicle or Office of Emergency Medical Services vehicle, when responding to an emergency call or operating in an emergency situation;
6. Any Department of Corrections vehicle designated by the Director of the Department of Corrections, when (i) responding to an emergency call at a correctional facility, (ii) participating in a drug-related investigation, (iii) pursuing escapees from a correctional facility, or (iv) responding to a request for assistance from a law-enforcement officer; and
7. Any vehicle authorized to be equipped with alternating, blinking, or flashing red or red and white secondary warning lights pursuant to § 46.2-1029.2.

D. Distracted driving shall be included as a part of the driver's license knowledge examination.

CHAPTER 607

*An Act to designate a portion of U.S. Route 220 in Botetourt County the "William Preston Memorial Highway."*

[H 1571]

Approved March 30, 2018

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

**1. § 1.** *That the portion of U.S. Route 220 in Botetourt County between the Town of Fincastle and the intersection of State Route 675 is hereby designated the "William Preston Memorial Highway." The Department of Transportation shall place and maintain appropriate markers indicating the designation of this highway. This designation shall not affect any other designation heretofore or hereafter applied to this highway or any portions thereof.*

## CHAPTER 608

*An Act to amend and reenact § 3.2-4209.1 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 58.1-3.2:1, relating to certain state agencies sharing or disclosing information regarding nonparticipating tobacco product manufacturers.*

[H 1605]

Approved March 30, 2018

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

**1. That § 3.2-4209.1 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 58.1-3.2:1 as follows:**

**§ 3.2-4209.1. Additional information required; penalty.**

A. When used in this section, the term "applicable returns" means the following returns or reports relating to cigarettes that are filed or required to be filed with the Alcohol and Tobacco Tax and Trade Bureau, ~~United States~~ U.S. Department of the Treasury, after the effective date of this section; Alcohol and Tobacco Tax and Trade Bureau Form 5000.24, Alcohol and Tobacco Tax and Trade Bureau Form 5210.5 and Alcohol and Tobacco Tax and Trade Bureau Form 5220.6 as well as any successor returns or reports intended to replace ~~Forms~~ Form 5000.24, 5210.5, or 5220.6.

B. As a condition of selling cigarettes in the Commonwealth, every tobacco product manufacturer, as defined in § 3.2-4200, whose cigarettes are to be sold in the Commonwealth whether directly or through a distributor, importer, retailer, or similar intermediary or intermediaries shall, at the election of such tobacco product manufacturer, either:

(+) ~~submit~~ 1. *Submit* to the Attorney General a true and correct copy of each and every applicable return of such tobacco product manufacturer; or

(-) ~~submit~~ 2. *Submit* to the United States Treasury a request or consent under Internal Revenue Code section 6103 (c) authorizing the Alcohol and Tobacco Tax and Trade Bureau to disclose the applicable returns of such manufacturer to the Attorney General.

A foreign tobacco product manufacturer whose cigarettes are imported into the United States by an importer or importers shall submit, or shall cause each of its importers to submit, to the Attorney General each and every applicable return that includes any information about cigarettes of that foreign tobacco product manufacturer imported into the United States.

The Attorney General shall not disclose any applicable returns or any information contained therein, except as provided in subsection C or under § 58.1-3.2:1, notwithstanding any statute of this state that otherwise authorizes or requires the disclosure of information by the Attorney General.

C. The Attorney General's Office shall compile data on cigarette shipments from the applicable returns and shall share such data with other states that are signatories to the Master Settlement Agreement, as defined in § 3.2-4200, provided that such states impose protections against disclosure of the applicable returns, or any information from applicable returns, that are equivalent to the protections provided under subsection B. ~~No~~ *Except as provided under § 58.1-3.2:1, no* other disclosures of the applicable returns, or of information from the applicable returns, may be made by the Attorney General.

D. A tobacco product manufacturer who does not comply with the requirements of subsection B shall, after 30 days' notice by the Commonwealth to such tobacco product manufacturer of the compliance failure, lose its authority to sell cigarettes in the Commonwealth unless such tobacco product manufacturer has brought itself into compliance by the end of the 30-day period.

E. Any tobacco manufacturer or importer who intentionally provides any applicable return containing materially false information shall be guilty of a Class 6 felony. The provision of each applicable return containing one or more false statements shall constitute a separate offense.

F. The Attorney General may promulgate regulations to implement and carry out the provisions of this section.

**§ 58.1-3.2:1. Release of information relating to nonparticipating manufacturers.**

A. *Notwithstanding any provision of § 3.2-4209.1, 58.1-3, or other law, the respective officers, employees, and agents of the Office of the Attorney General and the Department of Taxation shall share with each other and shall be authorized to disclose information collected by or reported or provided to them as provided in (i) the Master Settlement Agreement as defined in § 3.2-4200 or (ii) the Non-Participating Manufacturer (NPM) Adjustment Settlement Agreement entered into by the Commonwealth on October 10, 2017, and entered into by other states and leading United States tobacco product manufacturers.*

B. *Notwithstanding any provision of § 3.2-4209.1, 58.1-3, or other law, the Office of the Attorney General shall upon the request of a tobacco product manufacturer that has placed funds for a particular year into a qualified escrow account pursuant to subdivision A 2 of § 3.2-4201 provide to such tobacco product manufacturer a calculation that demonstrates in reasonable detail the amount of the release, if any, to which such tobacco product manufacturer may be entitled for such year under subdivision B 2 of § 3.2-4201. For purposes of this subsection, such reasonable detail shall include supporting documentation in the possession, custody, or control of the Office of the Attorney General sufficient to substantiate such calculation provided it does not reveal confidential information of any tobacco product manufacturer. Nothing in this subsection shall limit or expand a tobacco product manufacturer's rights or protections under the Virginia Freedom of Information Act (§ 2.2-3700 et seq.), the Government Data Collection and Dissemination Practices Act (§ 2.2-3800 et seq.),*

or under the rules of discovery applicable in any proceeding challenging the Office of the Attorney General's determination whether a tobacco product manufacturer is entitled to a release under subdivision B 2 of § 3.2-4201.

C. Any records shared with or disclosed, reported, or provided to an officer, employee, or agent of the Office of the Attorney General or the Department of Taxation pursuant to the Master Settlement Agreement as defined in § 3.2-4200 or the Non-Participating Manufacturer (NPM) Adjustment Settlement Agreement entered into by the Commonwealth on October 10, 2017, and entered into by other states and leading United States tobacco product manufacturers shall be exempt from the provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.) and the Government Data Collection and Dissemination Practices Act (§ 2.2-3800 et seq.).

**2. That the provisions of this act shall not become effective unless reenacted by the 2019 Session of the General Assembly.**

## CHAPTER 609

*An Act to amend and reenact § 10.1-2131 of the Code of Virginia, relating to the Virginia Water Quality Improvement Fund; publicly owned treatment works; nutrient reduction.*

[H 1608]

Approved March 30, 2018

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

**1. That § 10.1-2131 of the Code of Virginia is amended and reenacted as follows:**

**§ 10.1-2131. Point source pollution funding; conditions for approval.**

A. The Department of Environmental Quality shall be the lead state agency for determining the appropriateness of any grant related to point source pollution to be made from the Fund to restore, protect or improve state water quality.

B. The Director of the Department of Environmental Quality shall, subject to available funds and in coordination with the Director of the Department of Conservation and Recreation, direct the State Treasurer to make Water Quality Improvement Grants in accordance with the guidelines established pursuant to § 10.1-2129. The Director of the Department of Environmental Quality shall enter into grant agreements with all facilities designated as significant dischargers or eligible nonsignificant dischargers that apply for grants; however, all such grant agreements shall contain provisions that payments thereunder are subject to the availability of funds.

C. Notwithstanding the priority provisions of § 10.1-2129, the Director of the Department of Environmental Quality shall not authorize the distribution of grants from the Fund for purposes other than financing the cost of design and installation of nutrient removal technology at publicly owned treatment works in the Chesapeake Bay watershed until such time as nutrient reductions of regulations, permits, or the Chesapeake Bay TMDL Watershed Implementation Plan are satisfied, unless he finds that there exists in the Fund sufficient funds for substantial and continuing progress in implementation of the reductions established in accordance with regulations, permits, or the Chesapeake Bay TMDL Watershed Implementation Plan within the Chesapeake Bay watershed. In addition to the provisions of § 10.1-2130, all grant agreements related to nutrients shall include: (i) numerical technology-based effluent concentration limitations on nutrient discharges to state waters based upon the technology installed by the facility; (ii) enforceable provisions related to the maintenance of the numerical concentrations that will allow for exceedances of 0.8 mg/L for total nitrogen or no more than 10 percent, whichever is greater, for exceedances of 0.1 mg/L for total phosphorus or no more than 10%, and for exceedances caused by extraordinary conditions; and (iii) recognition of the authority of the Commonwealth to make the Virginia Water Facilities Revolving Fund (§ 62.1-224 et seq.) available to local governments to fund their share of the cost of designing and installing nutrient removal technology based on financial need and subject to availability of revolving loan funds, priority ranking and revolving loan distribution criteria. If, pursuant to § 10.1-1187.6, the State Water Control Board approves an alternative compliance method to technology-based concentration limitations in Virginia Pollutant Discharge Elimination System permits, the concentration limitations of the grant agreement shall be suspended subject to the terms of such approval. The cost of the design and installation of nutrient removal technology at publicly owned treatment works meeting the nutrient reductions of regulations, permits, or the Chesapeake Bay TMDL Watershed Implementation Plan and incurred prior to the execution of a grant agreement is eligible for reimbursement from the Fund provided the grant is made pursuant to an executed agreement consistent with the provisions of this chapter.

Subsequent to the implementation of any applicable regulations, permits, or the Chesapeake Bay TMDL Watershed Implementation Plan, the Director may authorize disbursements from the Fund for any water quality restoration, protection and improvements related to point source pollution that are clearly demonstrated as likely to achieve measurable and specific water quality improvements, including, ~~but not limited to,~~ cost effective technologies to reduce ~~nutrient~~ loads of total phosphorus, total nitrogen, or nitrogen-containing ammonia in order to meet the requirements of regulations associated with the reduction of ammonia that have not yet been adopted and that are more stringent than regulations adopted by the State Water Control Board as of January 1, 2018. Notwithstanding the previous provisions of this subsection, the Director may, at any time, authorize grants, including grants to institutions of higher education, for technical assistance related to nutrient reduction.

D. The grant percentage provided for financing the costs of the design and installation of nutrient removal technology at publicly owned treatment works shall be based upon the financial need of the community as determined by comparing the annual sewer charges expended within the service area to the reasonable sewer cost established for the community.

E. Grants shall be awarded in the following manner:

1. In communities for which the ratio of annual sewer charges to reasonable sewer cost is less than 0.30, the Director of the Department of Environmental Quality shall authorize grants in the amount of 35 percent of the costs of the design and installation of nutrient removal technology;

2. In communities for which the ratio of annual sewer charges to reasonable sewer cost is equal to or greater than 0.30 and less than 0.50, the Director shall authorize grants in the amount of 45 percent of the costs of the design and installation of nutrient removal technology;

3. In communities for which the ratio of annual sewer charges to reasonable sewer cost is equal to or greater than 0.50 and less than 0.80, the Director shall authorize grants in the amount of 60 percent of the costs of design and installation of nutrient removal technology; and

4. In communities for which the ratio of annual sewer charges to reasonable sewer cost is equal to or greater than 0.80, the Director shall authorize grants in the amount of 75 percent of the costs of the design and installation of nutrient removal technology.

**2. That the Department of Environmental Quality shall prepare a preliminary estimate of the amount and timing of Water Quality Improvement Grants required to fund projects to reduce loads of nitrogen-containing ammonia at the levels authorized by subsection E of § 10.2131 of the Code of Virginia, as amended by this act, based on an estimate of the anticipated range of costs for all publicly owned treatment works if the State Water Control Board were to adopt the 2013 Aquatic Life Ambient Water Quality Criteria for Ammonia published by the U.S. Environmental Protection Agency. For purposes of preparing the preliminary estimate, the Department may rely upon readily available existing information and any reasonable assumption. The Department shall report such preliminary estimate and related assumptions no later than November 1, 2018, to the Chairmen of the Senate Finance Committee, the House Appropriations Committee, the Senate Committee on Agriculture, Conservation and Natural Resources, and the House Committee on Agriculture, Chesapeake and Natural Resources.**

#### CHAPTER 610

*An Act to amend and reenact § 10.1-2131 of the Code of Virginia, relating to the Virginia Water Quality Improvement Fund; publicly owned treatment works; nutrient reduction.*

[S 340]

Approved March 30, 2018

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

**1. That § 10.1-2131 of the Code of Virginia is amended and reenacted as follows:**

**§ 10.1-2131. Point source pollution funding; conditions for approval.**

A. The Department of Environmental Quality shall be the lead state agency for determining the appropriateness of any grant related to point source pollution to be made from the Fund to restore, protect or improve state water quality.

B. The Director of the Department of Environmental Quality shall, subject to available funds and in coordination with the Director of the Department of Conservation and Recreation, direct the State Treasurer to make Water Quality Improvement Grants in accordance with the guidelines established pursuant to § 10.1-2129. The Director of the Department of Environmental Quality shall enter into grant agreements with all facilities designated as significant dischargers or eligible nonsignificant dischargers that apply for grants; however, all such grant agreements shall contain provisions that payments thereunder are subject to the availability of funds.

C. Notwithstanding the priority provisions of § 10.1-2129, the Director of the Department of Environmental Quality shall not authorize the distribution of grants from the Fund for purposes other than financing the cost of design and installation of nutrient removal technology at publicly owned treatment works in the Chesapeake Bay watershed until such time as nutrient reductions of regulations, permits, or the Chesapeake Bay TMDL Watershed Implementation Plan are satisfied, unless he finds that there exists in the Fund sufficient funds for substantial and continuing progress in implementation of the reductions established in accordance with regulations, permits, or the Chesapeake Bay TMDL Watershed Implementation Plan within the Chesapeake Bay watershed. In addition to the provisions of § 10.1-2130, all grant agreements related to nutrients shall include: (i) numerical technology-based effluent concentration limitations on nutrient discharges to state waters based upon the technology installed by the facility; (ii) enforceable provisions related to the maintenance of the numerical concentrations that will allow for exceedances of 0.8 mg/L for total nitrogen or no more than 10 percent, whichever is greater, for exceedances of 0.1 mg/L for total phosphorus or no more than 10%, and for exceedances caused by extraordinary conditions; and (iii) recognition of the authority of the Commonwealth to make the Virginia Water Facilities Revolving Fund (§ 62.1-224 et seq.) available to local governments to fund their share of the cost of designing and installing nutrient removal technology based on financial need and subject to availability of revolving loan funds, priority ranking and revolving loan distribution criteria. If, pursuant to § 10.1-1187.6, the State Water Control Board approves an alternative compliance method to technology-based concentration limitations in Virginia Pollutant Discharge

Elimination System permits, the concentration limitations of the grant agreement shall be suspended subject to the terms of such approval. The cost of the design and installation of nutrient removal technology at publicly owned treatment works meeting the nutrient reductions of regulations, permits, or the Chesapeake Bay TMDL Watershed Implementation Plan and incurred prior to the execution of a grant agreement is eligible for reimbursement from the Fund provided the grant is made pursuant to an executed agreement consistent with the provisions of this chapter.

Subsequent to the implementation of any applicable regulations, permits, or the Chesapeake Bay TMDL Watershed Implementation Plan, the Director may authorize disbursements from the Fund for any water quality restoration, protection and improvements related to point source pollution that are clearly demonstrated as likely to achieve measurable and specific water quality improvements, including, ~~but not limited to,~~ cost effective technologies to reduce ~~nutrient~~ loads of *total phosphorus, total nitrogen, or nitrogen-containing ammonia in order to meet the requirements of regulations associated with the reduction of ammonia that have not yet been adopted and that are more stringent than regulations adopted by the State Water Control Board as of January 1, 2018.* Notwithstanding the previous provisions of this subsection, the Director may, at any time, authorize grants, including grants to institutions of higher education, for technical assistance related to nutrient reduction.

D. The grant percentage provided for financing the costs of the design and installation of nutrient removal technology at publicly owned treatment works shall be based upon the financial need of the community as determined by comparing the annual sewer charges expended within the service area to the reasonable sewer cost established for the community.

E. Grants shall be awarded in the following manner:

1. In communities for which the ratio of annual sewer charges to reasonable sewer cost is less than 0.30, the Director of the Department of Environmental Quality shall authorize grants in the amount of 35 percent of the costs of the design and installation of nutrient removal technology;

2. In communities for which the ratio of annual sewer charges to reasonable sewer cost is equal to or greater than 0.30 and less than 0.50, the Director shall authorize grants in the amount of 45 percent of the costs of the design and installation of nutrient removal technology;

3. In communities for which the ratio of annual sewer charges to reasonable sewer cost is equal to or greater than 0.50 and less than 0.80, the Director shall authorize grants in the amount of 60 percent of the costs of design and installation of nutrient removal technology; and

4. In communities for which the ratio of annual sewer charges to reasonable sewer cost is equal to or greater than 0.80, the Director shall authorize grants in the amount of 75 percent of the costs of the design and installation of nutrient removal technology.

**2. That the Department of Environmental Quality shall prepare a preliminary estimate of the amount and timing of Water Quality Improvement Grants required to fund projects to reduce loads of nitrogen-containing ammonia at the levels authorized by subsection E of § 10.2131 of the Code of Virginia, as amended by this act, based on an estimate of the anticipated range of costs for all publicly owned treatment works if the State Water Control Board were to adopt the 2013 Aquatic Life Ambient Water Quality Criteria for Ammonia published by the U.S. Environmental Protection Agency. For purposes of preparing the preliminary estimate, the Department may rely upon readily available existing information and any reasonable assumption. The Department shall report such preliminary estimate and related assumptions no later than November 1, 2018, to the Chairmen of the Senate Finance Committee, the House Appropriations Committee, the Senate Committee on Agriculture, Conservation and Natural Resources, and the House Committee on Agriculture, Chesapeake and Natural Resources.**

CHAPTER 611

*An Act to amend and reenact § 58.1-3825.3 of the Code of Virginia, relating to transient occupancy tax; Arlington County.*

[S 69]

Approved March 30, 2018

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

**1. That § 58.1-3825.3 of the Code of Virginia is amended and reenacted as follows:**

**§ 58.1-3825.3. Additional transient occupancy tax in Arlington County.**

In addition to such transient occupancy taxes as are authorized by §§ 58.1-3819 and 58.1-3820, ~~beginning July 1, 2016, and ending July 1, 2018,~~ *beginning July 1, 2018, and ending July 1, 2021,* Arlington County may impose an additional transient occupancy tax not to exceed one-fourth of one percent of the amount of the charge for the occupancy of any room or space occupied. The revenues collected from the additional tax shall be designated and spent for the purpose of promoting tourism and business travel in the county.

CHAPTER 612

*An Act to amend and reenact § 46.2-1148 of the Code of Virginia, relating to overweight permits for hauling Virginia-grown farm produce; bridges and culverts.*

[S 73]

Approved March 30, 2018

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

**1. That § 46.2-1148 of the Code of Virginia is amended and reenacted as follows:**

**§ 46.2-1148. Overweight permit for hauling Virginia-grown farm produce.**

In addition to other permits provided for in this article, the Commissioner, upon written application by the owner or operator of any vehicle hauling farm produce grown in Virginia from the point of origin to the first place of delivery, shall issue permits for overweight operation of such vehicles as provided in this section. Such permits shall allow the vehicles to have a single axle weight of no more than 24,000 pounds, a tandem axle weight of no more than 40,000 pounds, and a tri-axle grouping weight of no more than 50,000 pounds. Additionally, any five-axle combination *having no less than 42 feet of axle space between extreme axles* may have a gross weight of no more than 90,000 pounds, any four-axle combination, may have a gross weight of not more than 70,000 pounds, any three-axle combination may have a gross weight of no more than 60,000 pounds, and any two-axle combination may have a gross weight of no more than 40,000 pounds.

Except as otherwise provided in this section, no such permit shall designate the route to be traversed nor contain restrictions or conditions not applicable to other vehicles in their general use of the highways.

No permit issued under this section shall authorize any vehicle ~~whose axle weights or axle spacing would not be permissible under §§ 46.2-1122 through 46.2-1127 to cross any bridge constituting a part of any public road to violate any weight limitation applicable to bridges or culverts, as promulgated and posted in accordance with § 46.2-1130.~~ Nothing contained in this section shall authorize any extension of weight limits provided in § 46.2-1127 for operation on interstate highways.

The fee for a permit issued under this section shall be \$45, to be allocated as follows: (i) \$40 to the Highway Maintenance and Operating Fund established pursuant to § 33.2-1530, with a portion equal to the percentage of the Commonwealth's total lane miles represented by the lane miles eligible for maintenance payments pursuant to §§ 33.2-319 and 33.2-366 being redistributed on the basis of lane miles to the applicable localities pursuant to §§ 33.2-319 and 33.2-366, to be used to assist in funding needed highway pavement and bridge maintenance and rehabilitation and (ii) a \$5 administrative fee to the Department.

CHAPTER 613

*An Act to amend and reenact § 2.2-4024 of the Code of Virginia, relating to the Administrative Process Act; hearing officers; timely decisions.*

[S 154]

Approved March 30, 2018

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

**1. That § 2.2-4024 of the Code of Virginia is amended and reenacted as follows:**

**§ 2.2-4024. Hearing officers.**

A. In all formal hearings conducted in accordance with § 2.2-4020, the hearing shall be presided over by a hearing officer selected from a list prepared by the Executive Secretary of the Supreme Court and maintained in the Office of the Executive Secretary of the Supreme Court. Parties to informal fact-finding proceedings conducted pursuant to § 2.2-4019 may agree at the outset of the proceeding to have a hearing officer preside at the proceeding, such agreement to be revoked only by mutual consent. The Executive Secretary may promulgate rules necessary for the administration of the hearing officer system and shall have the authority to establish the number of hearing officers necessary to preside over administrative hearings in the Commonwealth.

Prior to being included on the list, all hearing officers shall meet the following minimum standards:

1. Active membership in good standing in the Virginia State Bar;
2. Active practice of law for at least five years; and
3. Completion of a course of training approved by the Executive Secretary of the Supreme Court. In order to comply with the demonstrated requirements of the agency requesting a hearing officer, the Executive Secretary may require additional training before a hearing officer shall be assigned to a proceeding before that agency.

B. On request from the head of an agency, the Executive Secretary shall name a hearing officer from the list, selected on a rotation system administered by the Executive Secretary. Lists reflecting geographic preference and specialized training or knowledge shall be maintained by the Executive Secretary if an agency demonstrates the need.

C. A hearing officer appointed in accordance with this section shall be subject to disqualification as provided in § 2.2-4024.1. If the hearing officer denies a petition for disqualification pursuant to § 2.2-4024.1, the petitioning party may request reconsideration of the denial by filing a written request with the Executive Secretary along with an affidavit, prior to

the taking of evidence at a hearing, stating with particularity the grounds upon which it is claimed that a fair and impartial hearing cannot be accorded, or the applicable rule of practice requiring disqualification.

The issue shall be determined not less than 10 days prior to the hearing by the Executive Secretary.

D. Any hearing officer empowered by the agency to provide a recommendation or conclusion in a case decision matter shall render that recommendation or conclusion *as follows*:

1. *If the agency's written regulations or procedures require the hearing officer to render a recommendation or conclusion within a specified time period, the hearing officer shall render the recommendation or conclusion on or before the expiration of the specified period; and*

2. *In all other cases, the hearing officer shall render the recommendation or conclusion within 90 days from the date of the case decision proceeding or from a later date agreed to by the named party and the agency.*

If the hearing officer does not render a decision within ~~90 days~~ *the time required by this subsection*, then *the agency or the named party* to the case decision may provide written notice to the hearing officer and the Executive Secretary of the Supreme Court that a decision is due. If no decision is made within 30 days from receipt by the hearing officer of the notice, then the Executive Secretary of the Supreme Court shall remove the hearing officer from the hearing officer list and report the hearing officer to the Virginia State Bar for possible disciplinary action, unless good cause is shown for the delay.

E. The Executive Secretary shall remove hearing officers from the list, upon a showing of cause after written notice and an opportunity for a hearing. When there is a failure by a hearing officer to render a decision as required by subsection D, the burden shall be on the hearing officer to show good cause for the delay. Decisions to remove a hearing officer may be reviewed by a request to the Executive Secretary for reconsideration, followed by judicial review in accordance with this chapter.

F. This section shall not apply to hearings conducted by (i) any commission or board where all of the members, or a quorum, are present; (ii) the Virginia Alcoholic Beverage Control Authority, the Virginia Workers' Compensation Commission, the State Corporation Commission, the Virginia Employment Commission, the Department of Motor Vehicles under Title 46.2 (§ 46.2-100 et seq.), § 58.1-2409, or Chapter 27 (§ 58.1-2700 et seq.) of Title 58.1, or the Motor Vehicle Dealer Board under Chapter 15 (§ 46.2-1500 et seq.) of Title 46.2; or (iii) any panel of a health regulatory board convened pursuant to § 54.1-2400, including any panel having members of a relevant advisory board to the Board of Medicine. All employees hired after July 1, 1986, pursuant to §§ 65.2-201 and 65.2-203 by the Virginia Workers' Compensation Commission to conduct hearings pursuant to its basic laws shall meet the minimum qualifications set forth in subsection A. Agency employees who are not licensed to practice law in the Commonwealth, and are presiding as hearing officers in proceedings pursuant to clause (ii) shall participate in periodic training courses.

G. Notwithstanding the exemptions of subsection A of § 2.2-4002, this article shall apply to hearing officers conducting hearings of the kind described in § 2.2-4020 for the Department of Game and Inland Fisheries, the Virginia Housing Development Authority, the Milk Commission, and the Virginia Resources Authority pursuant to their basic laws.

## CHAPTER 614

*An Act to amend and reenact § 10.1-2211.2 of the Code of Virginia, relating to historical African American cemeteries; Loudoun County; Belmont.*

[S 163]

Approved March 30, 2018

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

**1. That § 10.1-2211.2 of the Code of Virginia is amended and reenacted as follows:**

**§ 10.1-2211.2. Disbursement of funds appropriated for caring for historical African American cemeteries and graves.**

A. For purposes of this section:

"Historical African American cemetery" means a cemetery that was established prior to January 1, 1900, for interments of African Americans and is owned by a public body or qualified charitable organization.

"Qualified charitable organization" means a charitable corporation, charitable association, or charitable trust that has been granted tax-exempt status under § 501(c)(3) of the Internal Revenue Code and whose primary purpose is the preservation of historical cemeteries and graves.

B. At the direction of the Director, the Comptroller of the Commonwealth shall draw an annual warrant upon the State Treasurer from any sum that may be provided in the general appropriation act in favor of the treasurer of a qualified charitable organization caring for any cemetery set forth in this subsection. Such appropriations shall be allocated on the basis of the number of graves, monuments, and markers in a cemetery of African Americans who lived at any time between January 1, 1800, and January 1, 1900, the dates to be determined by reference to grave markers or, at the discretion of the Director, other historical records. Such number of graves, monuments, and markers, as set forth opposite the cemetery name or as documented by the qualified charitable organization, shall be multiplied by the rate of \$5 or the average actual cost of routine maintenance of a grave, monument, or marker, whichever is greater, to determine the amount of the allocation. The Department shall determine the average actual cost of routine maintenance of a grave, monument, or marker in a biennial

survey of at least four properly maintained cemeteries, each located in a different geographical region of the Commonwealth.

IN THE COUNTY OF: Henrico East End Cemetery Loudoun <i>African-American Burial Ground for the Enslaved at Belmont</i> IN THE CITY OF: Richmond Evergreen Cemetery	NUMBER:  4,875  44  NUMBER:  2,100
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C. An organization receiving funds shall expend the funds for the routine maintenance of its historical African American cemetery and its graves and the erection of and caring for markers, memorials, and monuments to the memory of such African Americans.

D. Each qualified charitable organization, through its proper officer, shall after July 1 of each year submit to the Director a certified statement that the funds appropriated to the organization during the preceding fiscal year were or will be expended for the purposes set forth in subsection C. No organization that fails to comply with any of the requirements of this section shall receive moneys allocated under this section for any subsequent fiscal year until the organization fully complies with the requirements.

E. In addition to funds that may be provided pursuant to subsection B, any organization set forth in subsection B may apply to the Director for a grant to perform extraordinary maintenance, renovation, repair, or reconstruction of any of its historical African American cemeteries and graves. Such a grant shall be made from any appropriation made available by the General Assembly for such purpose.

F. No local matching funds shall be required for any grants made pursuant to this section.

**CHAPTER 615**

*An Act to amend and reenact §§ 10.1-1414, 10.1-1415, and 10.1-1422 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 10.1-1422.06, relating to recycling; beneficial use.*

[S 218]

Approved March 30, 2018

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

**1. That §§ 10.1-1414, 10.1-1415, and 10.1-1422 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 10.1-1422.06 as follows:**

**§ 10.1-1414. Definitions.**

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

"Advisory Board" means the Litter Control and Recycling Fund Advisory Board;

"Beneficial use" means a use that is of benefit as a substitute for natural or commercial products and does not contribute to adverse effects on health or the environment. Beneficial use products are produced by facilities that include beneficiation facilities and recycling centers.

"Beneficiation facility" means a facility that uses methods including sorting by color, removal of contaminants, crushing, grinding, screening, grading, and monitoring of size and quality to produce clean, crushed glass cullet that satisfies the specifications of the end user of the cullet, including a manufacturer of glass containers or fiberglass.

"Disposable package" or "container" means all packages or containers intended or used to contain solids, liquids or materials and so designated;

"Fund" means the Litter Control and Recycling Fund;

"Litter" means all waste material disposable packages or containers but not including the wastes of the primary processes of mining, logging, sawmilling, farming, or manufacturing;

"Litter bag" means a bag, sack, or durable material which is large enough to serve as a receptacle for litter inside a vehicle or watercraft which is similar in size and capacity to a state approved litter bag;

"Litter receptacle" means containers acceptable to the Department for the depositing of litter;

"Person" means any natural person, corporation, association, firm, receiver, guardian, trustee, executor, administrator, fiduciary, representative or group of individuals or entities of any kind;

"Public place" means any area that is used or held out for use by the public, whether owned or operated by public or private interests;

"Recycling" means the process of separating a given waste material from the waste stream and processing it so that it may be used again as a raw material for a product which may or may not be similar to the original product;

"Recycling center" means a facility that (i) accepts recyclable materials that have already been separated at the source from municipal solid waste generated by either residential or commercial producers; (ii) processes source segregated recyclable materials, including mixed-paper fiber materials, metal and plastic postconsumer containers, and glass containers; and (iii) processes and sells recyclable materials according to end-user specifications. "Recycling center" does not include a facility for construction and demolition debris processing, sorting of municipal solid waste, incineration, sorting or processing of industrial waste, composting, or used tire processing.

"Sold within the Commonwealth" or "sales of the business within the Commonwealth" means all sales of retailers engaged in business within the Commonwealth and in the case of manufacturers and wholesalers, sales of products for use and consumption within the Commonwealth.

"Vehicle" includes every device capable of being moved upon a public highway and in, upon, or by which any person or property may be transported upon a public highway, except devices moved by human power or used exclusively upon stationary rails or tracks; ~~and~~.

"Watercraft" means any boat, ship, vessel, barge, or other floating craft.

**§ 10.1-1415. Litter Control Program.**

The Department shall support local, regional, and statewide programs to control, prevent, and eliminate litter from the Commonwealth and to encourage the recycling *and beneficial use* of discarded materials to the maximum practical extent. Every department of state government and all governmental units and agencies of the Commonwealth shall cooperate with the Department in the administration and enforcement of this article.

This article is intended to add to and coordinate existing litter control removal and recycling efforts, and not to terminate existing efforts nor, except as specifically stated, to repeal or affect any state law governing or prohibiting litter or the control and disposition of waste.

**§ 10.1-1422. Further duties of Department.**

In addition to the foregoing duties the Department shall:

1. Serve as the coordinating agency between the various industry and business organizations seeking to aid in the recycling, *beneficial use*, and anti-litter effort;
2. Recommend to local governing bodies that they adopt ordinances similar to the provisions of this article;
3. Cooperate with all local governments to accomplish coordination of local recycling, *beneficial use*, and anti-litter efforts;
4. Encourage all voluntary local recycling, *beneficial use*, and anti-litter campaigns seeking to focus the attention of the public on the programs of the Commonwealth to control and remove litter and encourage recycling;
5. Investigate the availability of, and apply for, funds available from any private or public source to be used in the program provided for in this article;
6. Allocate funds annually for the study of available research and development in recycling and litter control, removal, and disposal, as well as study methods for implementation in the Commonwealth of such research and development. In addition, such funds may be used for the development of public educational programs concerning the litter problem and recycling. Grants shall be made available for these purposes to those persons deemed appropriate and qualified by the Board or the Department;
7. Investigate the methods and success of other techniques in recycling and the control of litter, and develop, encourage, and coordinate programs in the Commonwealth to utilize successful techniques in recycling *and beneficial use* and the control and elimination of litter; and
8. Expend, after receiving the recommendations of the Advisory Board, at least 95% of the funds deposited annually into the Fund pursuant to contracts with localities. The Department may enter into contracts with planning district commissions for the receipt and expenditure of funds attributable to localities which designate in writing to the Department a planning district commission as the agency to receive and expend funds hereunder.

**§ 10.1-1422.06. Beneficiation facility as manufacturer for grant purposes.**

*For the purpose of any state or local economic development incentive grant, including a grant awarded pursuant to the provisions of Chapter 51 (§ 2.2-5100 et seq.) of Title 2.2, a beneficiation facility or recycling center as defined in § 10.1-1414 shall be considered a manufacturer.*

**2. That the Virginia Department of Environmental Quality (the Department) shall provide to the General Assembly, not later than November 1, 2019, an evaluation of Virginia's solid waste recycling rates and a set of recommendations for improving the reliability of the supply of recycled materials during the next 10 years in order to provide for beneficial use, as defined in § 10.1-1414 of the Code of Virginia, as amended by this act, by industry. The evaluation shall consider incentive-based strategies, including the granting of economic development incentives for the construction of recycling centers and beneficiation facilities that have the potential to increase beneficial use of glass, plastic, metal, and fiber. The evaluation shall also investigate the effect of the operation of mixed-waste material recycling facilities on the quality and quantity of recyclable materials available for beneficial use.**

CHAPTER 616

*An Act to provide for the submission to the voters of a proposed amendment to Section 6 of Article X of the Constitution of Virginia, relating to property tax; exemption for flooding remediation, abatement, and resiliency.*

[S 219]

Approved March 30, 2018

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

1. § 1. It shall be the duty of the officers conducting the election directed by law to be held on the Tuesday after the first Monday in November 2018, at the places appointed for holding the same, to open a poll and take the sense of the qualified voters upon the ratification or rejection of the proposed amendment to the Constitution of Virginia, contained herein and in the joint resolution proposing such amendment, to wit:

Amend Section 6 of Article X of the Constitution of Virginia as follows:

ARTICLE X  
TAXATION AND FINANCE

Section 6. Exempt property.

(a) Except as otherwise provided in this Constitution, the following property and no other shall be exempt from taxation, State and local, including inheritance taxes:

(1) Property owned directly or indirectly by the Commonwealth or any political subdivision thereof, and obligations of the Commonwealth or any political subdivision thereof exempt by law.

(2) Real estate and personal property owned and exclusively occupied or used by churches or religious bodies for religious worship or for the residences of their ministers.

(3) Private or public burying grounds or cemeteries, provided the same are not operated for profit.

(4) Property owned by public libraries or by institutions of learning not conducted for profit, so long as such property is primarily used for literary, scientific, or educational purposes or purposes incidental thereto. This provision may also apply to leasehold interests in such property as may be provided by general law.

(5) Intangible personal property, or any class or classes thereof, as may be exempted in whole or in part by general law.

(6) Property used by its owner for religious, charitable, patriotic, historical, benevolent, cultural, or public park and playground purposes, as may be provided by classification or designation by an ordinance adopted by the local governing body and subject to such restrictions and conditions as provided by general law.

(7) Land subject to a perpetual easement permitting inundation by water as may be exempted in whole or in part by general law.

(b) The General Assembly may by general law authorize the governing body of any county, city, town, or regional government to provide for the exemption from local property taxation, or a portion thereof, within such restrictions and upon such conditions as may be prescribed, of real estate and personal property designed for continuous habitation owned by, and occupied as the sole dwelling of, persons not less than sixty-five years of age or persons permanently and totally disabled as established by general law. A local governing body may be authorized to establish either income or financial worth limitations, or both, in order to qualify for such relief.

(c) Except as to property of the Commonwealth, the General Assembly by general law may restrict or condition, in whole or in part, but not extend, any or all of the above exemptions.

(d) The General Assembly may define as a separate subject of taxation any property, including real or personal property, equipment, facilities, or devices, used primarily for the purpose of abating or preventing pollution of the atmosphere or waters of the Commonwealth or for the purpose of transferring or storing solar energy, and by general law may allow the governing body of any county, city, town, or regional government to exempt or partially exempt such property from taxation, or by general law may directly exempt or partially exempt such property from taxation.

(e) The General Assembly may define as a separate subject of taxation household goods, personal effects and tangible farm property and products, and by general law may allow the governing body of any county, city, town, or regional government to exempt or partially exempt such property from taxation, or by general law may directly exempt or partially exempt such property from taxation.

(f) Exemptions of property from taxation as established or authorized hereby shall be strictly construed; provided, however, that all property exempt from taxation on the effective date of this section shall continue to be exempt until otherwise provided by the General Assembly as herein set forth.

(g) The General Assembly may by general law authorize any county, city, town, or regional government to impose a service charge upon the owners of a class or classes of exempt property for services provided by such governments.

(h) The General Assembly may by general law authorize the governing body of any county, city, town, or regional government to provide for a partial exemption from local real property taxation, within such restrictions and upon such conditions as may be prescribed, (i) of real estate whose improvements, by virtue of age and use, have undergone substantial renovation, rehabilitation or replacement or (ii) of real estate with new structures and improvements in conservation, redevelopment, or rehabilitation areas.

(i) The General Assembly may by general law allow the governing body of any county, city, or town to exempt or partially exempt from taxation any generating equipment installed after December thirty-one, nineteen hundred

seventy-four, for the purpose of converting from oil or natural gas to coal or to wood, wood bark, wood residue, or to any other alternate energy source for manufacturing, and any co-generation equipment installed since such date for use in manufacturing.

(j) The General Assembly may by general law allow the governing body of any county, city, or town to have the option to exempt or partially exempt from taxation any business, occupational or professional license or any merchants' capital, or both.

(k) *The General Assembly may by general law authorize the governing body of any county, city, or town to provide for a partial exemption from local real property taxation, within such restrictions and upon such conditions as may be prescribed, of improved real estate subject to recurrent flooding upon which flooding abatement, mitigation, or resiliency efforts have been undertaken.*

§ 2. The ballot shall contain the following question:

"Question: Should a county, city, or town be authorized to provide a partial tax exemption for real property that is subject to recurrent flooding, if flooding resiliency improvements have been made on the property?"

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

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

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

If a majority of those voting vote in favor of the amendment, it shall become effective on January 1, 2019.

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

**CHAPTER 617**

*An Act to amend and reenact § 5.1-1 of the Code of Virginia, relating to the Department of Aviation; unmanned aircraft systems.*

[S 307]

Approved March 30, 2018

**Be it enacted by the General Assembly of Virginia:**

**1. That § 5.1-1 of the Code of Virginia is amended and reenacted as follows:**

**§ 5.1-1. Definitions.**

When used in this title, unless expressly stated otherwise:

"Aircraft" means any contrivance now known, or hereafter invented, used, or designed for navigation or flight in the air, including a balloon or other contrivance designed for maneuvering in airspace at an altitude greater than 24 inches above ground or water level, except that any contrivance now or hereafter invented of fixed or flexible wing design, operating without the assistance of any motor, engine, or other mechanical propulsive device, which is designed to utilize the feet and legs of the operator or operators as the sole means of initiating and sustaining forward motion during the launch and of providing the point of contact with the ground upon landing and commonly called a "hang glider" shall not be included within this definition.

"Aircraft based in this Commonwealth" means an aircraft that is either (i) domiciled in a county, city, or town in the Commonwealth or (ii) parked in a county, city, or town in the Commonwealth when not in flight for the period of time specified in § 5.1-5.

"Airman" means any individual, including the person in command and any pilot, mechanic, or member of the crew, who engages in the navigation of aircraft while under way within Virginia airspace; any individual who is directly in charge of the inspection, maintenance, overhauling, or repair of aircraft, aircraft engines, propellers, or accessories; and any individual who serves in the capacity of aircraft dispatcher.

"Air navigation facility" means any airport ground or air navigation facility, other than one owned and operated by the United States, used in, or designed for use in, aid of air navigation, including any structures, buildings, mechanisms, lights, beacons, markers, communicating systems, or other instrumentalities or devices, and any combination of any or all of such facilities, used or useful as an aid, or constituting any advantage or convenience, to the safe taking off, navigation, and landing of aircraft; in the safe and efficient operation or maintenance of an airport; in the safe, efficient and convenient handling or processing of aviation passengers, mail or cargo; or in the servicing or maintenance of aircraft or ground equipment.

"Airport" means any area of land or water which is used, or intended for public use, for the landing and takeoff of aircraft, and any appurtenant areas that are used, or intended for use, for airport buildings or other airport facilities or rights-of-way, easements and together with all airport buildings and facilities located thereon.

"Airport hazard" means any structure, object or natural growth, or use of land that obstructs the airspace required for the flight of aircraft in landing or taking off at an airport or is otherwise hazardous to such landing or taking off of aircraft.

"Airspace" means all that space above the land and waters within the boundary of the Commonwealth.

"Board" means the Virginia Aviation Board.

"Civil aircraft" means any aircraft other than a public aircraft.

"Commercial aircraft" means any civil aircraft used in flight activity for compensation or for hire.

"Contract carrier by aircraft" or "contract carrier" means any person not included under the definitions of "common carrier by aircraft" or "restricted common carrier by aircraft" as defined in § 5.1-89 who, under special and individual contracts or agreements, and whether directly or by a lease or any other arrangement, transports passengers or property by aircraft for compensation and in the transportation of passengers does not charge individual fares.

"Department" means the Department of Aviation.

"Drop zone" means any locality whether over land or water that is used, or intended for use, for the landing and recovery of sky divers or parachutists using a parachute or other contrivance designed for sport jumping.

"Landing area" or "landing field" means any locality, whether over land or water, including airports and intermediate landing fields, which is used or intended to be used for the landing and takeoff of aircraft and open to the public for such use, whether or not facilities are provided for the sheltering, servicing, or repair of aircraft or for receiving or discharging passengers or cargo.

"Person" means any individual, corporation, government, political subdivision of the Commonwealth, or governmental subdivision or agency, business trust, estate, trust, partnership, two or more of any of the foregoing having a joint or common interest, or any other legal or commercial entity.

"Public aircraft" means an aircraft used exclusively in the service of any state, or political subdivision thereof, or the federal government.

*"Unmanned aircraft" means an aircraft that is operated without the possibility of human intervention from within or on the aircraft.*

*"Unmanned aircraft system" means an unmanned aircraft and associated elements, including communication links, sensing devices, and the components that control the unmanned aircraft.*

**2. That the provisions of the first enactment of this act shall not become effective unless reenacted by the 2019 Session of the General Assembly.**

**3. That the Department of Aviation shall convene a work group with representation from the aviation industry, the unmanned aircraft system industry, and other interested parties to explore issues related to unmanned aircraft system activities, in coordination with the Federal Aviation Administration and other responsible federal agencies.**

## CHAPTER 618

*An Act to amend and reenact § 58.1-3505 of the Code of Virginia, relating to personal property tax; definition of agricultural products.*

[S 314]

Approved March 30, 2018

**Be it enacted by the General Assembly of Virginia:**

**1. That § 58.1-3505 of the Code of Virginia is amended and reenacted as follows:**

**§ 58.1-3505. Classification of farm animals, certain grains, agricultural products, farm machinery, farm implements and equipment; governing body may exempt.**

A. Farm animals, grains and other feeds used for the nurture of farm animals, agricultural products *as defined in § 3.2-6400*, farm machinery and farm implements are hereby defined as separate items of taxation and classified as follows:

1. Horses, mules and other kindred animals.

2. Cattle.

3. Sheep and goats.

4. Hogs.

5. Poultry.

6. Grains and other feeds used for the nurture of farm animals.

7. Grain; tobacco; wine produced by farm wineries as defined in § 4.1-100 and other agricultural products in the hands of a producer.

8. Farm machinery other than the farm machinery described in subdivision 10, and farm implements, which shall include equipment and machinery used by farm wineries as defined in § 4.1-100 in the production of wine.

9. Equipment used by farmers or farm cooperatives qualifying under § 521 of the Internal Revenue Code to manufacture industrial ethanol, provided that the materials from which the ethanol is derived consist primarily of farm products.

- 10. Farm machinery designed solely for the planting, production or harvesting of a single product or commodity.
  - 11. Privately owned trailers as defined in § 46.2-100 that are primarily used by farmers in their farming operations for the transportation of farm animals or other farm products as enumerated in subdivisions A 1 through A 7 of this section.
  - 12. Motor vehicles that are used exclusively for agricultural purposes, for which the owner is not required to obtain a registration certificate, license plate, and decal or pay a registration fee pursuant to § 46.2-665, 46.2-666, or 46.2-670.
  - 13. Trucks or tractor trucks as defined in § 46.2-100, that are exclusively used by farmers in their farming operations for the transportation of farm animals or other farm products as enumerated in subdivisions 1 through 7 or for the transport of farm-related machinery.
- B. The governing body of any county, city or town may, by ordinance duly adopted, exempt in whole or in part from taxation, or provide a different rate of tax upon, all or any of the above classes of farm animals, grains and feeds used for the nurture of farm animals, farm vehicles, and farm machinery, implements or equipment set forth in subsection A.
- C. Grain; tobacco; wine produced by farm wineries as defined in § 4.1-100; and other agricultural products, *as defined in § 3.2-6400*, shall be exempt from taxation *under this chapter* while in the hands of a producer.

CHAPTER 619

*An Act to amend and reenact § 46.2-1702 of the Code of Virginia, relating to driver education courses; instructor qualifications.*

[S 359]

Approved March 30, 2018

**Be it enacted by the General Assembly of Virginia:**

**1. That § 46.2-1702 of the Code of Virginia is amended and reenacted as follows:**

**§ 46.2-1702. Certification of driver education courses by Commissioner.**

Notwithstanding any other provision of law, the Commissioner shall have the authority to approve as a driver education course satisfying the requirements of § 46.2-334 any course which is offered by any driver training school licensed under the provisions of this chapter if he finds that the course is of comparable content and quality to that offered in the Commonwealth's public schools. In making such finding, the Commissioner shall not require that the instructors of any driver training school meet the certification requirements of teachers in the Commonwealth's public schools.

Any comprehensive community college within the Virginia Community College System shall have the authority to offer the courses required by the Virginia Board of Education to become a certified driver education instructor in Virginia on a not-for-credit basis so long as the courses include the same content and curriculum required by the Department of Education, enabling individuals who complete those courses to then teach driver's education in Virginia driver education training schools upon official certification by the Department of Motor Vehicles. The Virginia Department of Education shall provide the curriculum, content, and other information regarding the courses required to become certified driver education instructors in Virginia to any comprehensive community college within the Virginia Community College System. The content of each course must be accurate and rigorous and must meet the requirements for the Department of Education's Curriculum and Administrative Guide for Driver's Education, which includes the Board of Education's standards of learning.

Except for schools in the Commonwealth's public school system and providers of correspondence courses approved by the Board of Education pursuant to subsection F of § 22.1-205, only those driver training schools that are licensed as computer-based driver education providers shall be authorized to administer computer-based driver education courses. The content and quality of such computer-based driver education courses shall be comparable to that of courses offered in the Commonwealth's public schools. The Commissioner may establish minimum standards for testing students who have enrolled in computer-based driver education courses. Such standards may include (i) requirements for the test site; (ii) verification that the person taking the test is the person enrolled in the course; (iii) verification of the identity of the student using photo identification approved by the Commissioner; and (iv) maintenance of a log containing the name and title of the licensed instructor monitoring the test, the test date, the name of the student taking the test, and the student's time-in and time-out of the test site. Computer-based driver education providers shall not issue a certificate of completion to a student in Planning District 8 prior to receiving proof of completion of the additional minimum 90-minute parent/student driver education component pursuant to § 22.1-205.

Any driver training school licensed under the provisions of this chapter shall be authorized to provide the 90-minute parent/student driver education component in Planning District 8. Completion of such education component shall satisfy the requirement for the additional 90-minute parent/student driver education component pursuant to § 22.1-205, so long as there is participation of the student's parent or guardian and the content provided is comparable to that which is offered in the Commonwealth's public schools and emphasizes ~~(i)~~ (a) parental responsibilities regarding juvenile driver behavior, ~~(ii)~~ (b) juvenile driving restrictions pursuant to this Code, and ~~(iii)~~ (c) the dangers of driving while intoxicated and underage consumption of alcohol.

The Commissioner shall have authority to approve any driver education course offered by any Class A licensee if he finds the course meets the requirements for such courses as set forth in this chapter and as otherwise established by the Department. Class A licensees shall not be permitted to administer knowledge or behind-the-wheel examinations. Driver

education courses offered by any Class B licensee shall be based on the driver education curriculum currently approved by the Department of Education and the Department.

The Commissioner may accept, *in lieu of requirements established by the Department of Education for instructor qualification*, (1) 20 years' service with the Virginia Department of State Police by a ~~person~~ law-enforcement officer who retired or resigned while in good standing from such Department or (2) (i) 20 years' service as a traffic enforcement officer with patrol experience with any local police department by a law-enforcement officer who has been certified by the Virginia Department of Criminal Justice Services pursuant to § 15.2-1706, (ii) who retired or resigned while in good standing from such department, and (iii) who has been certified to teach driver training by the Virginia Department of Criminal Justice Services ~~in lieu of requirements established by the Department of Education for instructor qualification~~.

## CHAPTER 620

*An Act to amend and reenact § 29.1-521 of the Code of Virginia, relating to Sunday raccoon hunting authorized.*

[S 375]

Approved March 30, 2018

**Be it enacted by the General Assembly of Virginia:**

**1. That § 29.1-521 of the Code of Virginia is amended and reenacted as follows:**

**§ 29.1-521. Unlawful to hunt, trap, possess, sell, or transport wild birds and wild animals except as permitted; exception; penalty.**

A. The following shall be unlawful:

1. To hunt or kill any wild bird or wild animal, including any nuisance species, with a gun, firearm, or other weapon, or to hunt or kill any deer or bear with a gun, firearm, or other weapon with the aid or assistance of dogs, on Sunday. The provision of this subdivision that prohibits the hunting or killing of any wild bird or wild animal, including nuisance species, on Sunday shall not apply to (i) any person who hunts or kills raccoons, ~~which may be hunted until 2:00 a.m. on Sunday mornings~~; (ii) any person who hunts or kills birds in the family Rallidae or waterfowl, subject to geographical limitations established by the Director and except within 200 yards of a place of worship or any accessory structure thereof; or (iii) any landowner or member of his family or any person with written permission from the landowner who hunts or kills any wild bird or wild animal, including any nuisance species, on the landowner's property, except within 200 yards of a place of worship or any accessory structure thereof. However, a person lawfully carrying a gun, firearm, or other weapon on Sunday in an area that could be used for hunting shall not be presumed to be hunting on Sunday, absent evidence to the contrary.

2. To destroy or molest the nest, eggs, dens, or young of any wild bird or wild animal, except nuisance species, at any time without a permit as required by law.

3. To hunt or attempt to kill or trap any species of wild bird or wild animal after having obtained the daily bag or season limit during such day or season. However, any properly licensed person, or a person exempt from having to obtain a license, who has obtained such daily bag or season limit while hunting may assist others who are hunting game by calling game, retrieving game, handling dogs, or conducting drives if the weapon in his possession is an unloaded firearm, a bow without a nocked arrow, an unloaded slingbow, or an unloaded crossbow. Any properly licensed person, or person exempt from having to obtain a license, who has obtained such season limit prior to commencement of the hunt may assist others who are hunting game by calling game, retrieving game, handling dogs, or conducting drives, provided he does not have a firearm, bow, slingbow, or crossbow in his possession.

4. To knowingly occupy any baited blind or other baited place for the purpose of taking or attempting to take any wild bird or wild animal or to put out bait or salt for any wild bird or wild animal for the purpose of taking or killing it. There shall be a rebuttable presumption that a person charged with violating this subdivision knows that he is occupying a baited blind or other baited place for the purpose of taking or attempting to take any wild bird or wild animal. However, this shall not apply to baiting nuisance species of animals and birds, or to baiting traps for the purpose of taking fur-bearing animals that may be lawfully trapped.

5. To kill or capture any wild bird or wild animal adjacent to any area while a field or forest fire is in progress.

6. To shoot or attempt to take any wild bird or wild animal from an automobile or other vehicle, except as provided in § 29.1-521.3.

7. To set a trap of any kind on the lands or waters of another without attaching to the trap: (i) the name and address of the trapper; or (ii) an identification number issued by the Department.

8. To set a trap where it would be likely to injure persons, dogs, stock, or fowl.

9. To fail to visit all traps once each day and remove all animals caught, and immediately report to the landowner as to stock, dogs, or fowl that are caught and the date. However, the Director or his designee may authorize employees of federal, state, and local government agencies, and persons holding a valid Commercial Nuisance Animal Permit issued by the Department, to visit body-gripping traps that are completely submerged at least once every 72 hours, and the Board may adopt regulations permitting trappers to visit traps less frequently under specified conditions. The Board shall adopt regulations permitting trappers to use remote trap-checking technology to check traps under specified conditions.

10. To hunt, trap, take, capture, kill, attempt to take, capture, or kill, possess, deliver for transportation, transport, cause to be transported, by any means whatever, receive for transportation or export, or import, at any time or in any manner, any

wild bird or wild animal or the carcass or any part thereof, except as specifically permitted by law and only by the manner or means and within the numbers stated. However, the provisions of this section shall not be construed to prohibit the (i) use or transportation of legally taken turkey carcasses, or portions thereof, for the purposes of making or selling turkey callers; (ii) the manufacture or sale of implements, including tools or utensils made from legally harvested deer skeletal parts, including antlers; (iii) the possession of shed antlers; or (iv) the possession, manufacture, or sale of other parts or implements authorized by regulations adopted by the Board.

11. To offer for sale, sell, offer to purchase, or purchase, at any time or in any manner, any wild bird or wild animal or the carcass or any part thereof, except as specifically permitted by law, including subsection D of § 29.1-553. However, any nonprofit organization exempt from taxation under § 501(c)(3) of the Internal Revenue Code that is (i) organized to provide wild game as food to the hungry and (ii) authorized by the Department to possess, transport, and distribute donated or unclaimed meat to the hungry may pay a processing fee in order to obtain such meat. Such fee shall not exceed the actual cost for processing the meat. In addition, any nonprofit organization exempt from taxation under § 501(c)(3) of the Internal Revenue Code that is (a) organized to support wildlife habitat conservation and (b) approved by the Department shall be allowed to offer wildlife mounts that have undergone the taxidermy process for sale in conjunction with fundraising activities. A violation of this subdivision shall be punishable as provided in § 29.1-553.

B. Notwithstanding any other provision of this article, any American Indian who produces verification that he is an enrolled member of a tribe recognized by the Commonwealth, another state, or the U.S. government, may possess, offer for sale, or sell to another American Indian, or offer to purchase or purchase from another American Indian, parts of legally obtained fur-bearing animals, nonmigratory game birds, and game animals, except bear. Such legally obtained parts shall include antlers, hooves, feathers, claws, and bones.

"Verification" as used in this section shall include (i) display of a valid tribal identification card, (ii) confirmation through a central tribal registry, (iii) a letter from a tribal chief or council, or (iv) certification from a tribal office that the person is an enrolled member of the tribe.

C. Notwithstanding any other provision of this chapter, the Department may authorize the use of snake exclusion devices by public utilities at their transmission or distribution facilities and the incidental taking of snakes resulting from the use of such devices.

D. A violation of subdivisions A 1 through 10 shall be punishable as a Class 3 misdemeanor.

## CHAPTER 621

*An Act to modify the restrictions related to entities entitled to voluntary contributions of tax refunds and their listing on individual income tax returns.*

[S 376]

Approved March 30, 2018

### **Be it enacted by the General Assembly of Virginia:**

1. § 1. For taxable years beginning on and after January 1, 2018, but before January 1, 2021, notwithstanding the provisions of subdivision A 2 of § 58.1-344.3 of the Code of Virginia, the entity listed in subdivision B 13 of § 58.1-344.3 shall be listed on the individual income tax return regardless of whether it meets the requirements of subdivision A 1 of § 58.1-344.3.

§ 2. For taxable years beginning on and after January 1, 2021, the entity listed in subdivision B 13 of § 58.1-344.3 of the Code of Virginia shall be listed on the individual income tax return only if it meets the requirements of subdivision A 1 of § 58.1-344.3; however, it shall not be removed from the individual income tax return for failure to meet such requirements in any taxable year prior to January 1, 2018.

§ 3. The entity listed in subdivision B 13 of § 58.1-344.3 of the Code of Virginia shall count as one of the maximum of 25 contributions listed on the individual income tax return pursuant to subdivision A 3 a of § 58.1-344.3 unless it is removed for a taxable year beginning on and after January 1, 2021.

## CHAPTER 622

*An Act to direct the entry into an agreement to transfer certain battlefield easements.*

[S 450]

Approved March 30, 2018

### **Be it enacted by the General Assembly of Virginia:**

1. § 1. The Secretary of Natural Resources, on behalf of the Commonwealth, shall endeavor to enter into a memorandum of understanding, memorandum of agreement, or similar protocol with the United States to accomplish and expedite the transfer or assignment, in such instances and upon such terms as the Secretary may deem appropriate, of the Commonwealth's easement interests in battlefield lands located within the boundaries of federal battlefield parks. By October 1, 2018, the Secretary shall report on the status of this protocol to the Chairmen of the Senate Committee on Agriculture, Conservation and Natural Resources and the House Committee on Agriculture, Chesapeake and Natural Resources.

CHAPTER 623

*An Act to deem certain property exempt from taxation pursuant to Article X of the Constitution of Virginia.*

[S 485]

Approved March 30, 2018

**Be it enacted by the General Assembly of Virginia:**

1. *§ 1. The General Assembly of Virginia deems that property owned by the Norfolk Chapter of the Izaak Walton League of America located at 2136 Trailsend Lane in Chesapeake, Virginia (Parcel Number 0340000001070) was exempt from taxation pursuant to the 1902 Constitution of Virginia and thus continues to be exempt pursuant to Article X, Section 6 (f) of the Constitution of Virginia.*

2. **That nothing in this act shall be construed to provide the Norfolk Chapter of the Izaak Walton League of America a claim for a refund for any property taxes paid on the property set forth in the first enactment prior to January 1, 2017.**

CHAPTER 624

*An Act to amend and reenact § 8.01-216.3 of the Code of Virginia, relating to Virginia Fraud Against Taxpayers Act; civil penalties; rate of inflation.*

[S 487]

Approved March 30, 2018

**Be it enacted by the General Assembly of Virginia:**

1. **That § 8.01-216.3 of the Code of Virginia is amended and reenacted as follows:**

**§ 8.01-216.3. False claims; civil penalty.**

A. Any person who:

1. Knowingly presents, or causes to be presented, a false or fraudulent claim for payment or approval;  
 2. Knowingly makes, uses, or causes to be made or used, a false record or statement material to a false or fraudulent claim;

3. Conspires to commit a violation of subdivision 1, 2, 4, 5, 6, or 7;

4. Has possession, custody, or control of property or money used, or to be used, by the Commonwealth and knowingly delivers, or causes to be delivered, less than all such money or property;

5. Is authorized to make or deliver a document certifying receipt of property used, or to be used, by the Commonwealth and, intending to defraud the Commonwealth, makes or delivers the receipt without completely knowing that the information on the receipt is true;

6. Knowingly buys or receives as a pledge of an obligation or debt, public property from an officer or employee of the Commonwealth who lawfully may not sell or pledge the property; or

7. Knowingly makes, uses, or causes to be made or used, a false record or statement material to an obligation to pay or transmit money or property to the Commonwealth or knowingly conceals or knowingly and improperly avoids or decreases an obligation to pay or transmit money or property to the Commonwealth;

shall be liable to the Commonwealth for a civil penalty of not less than ~~\$5,500~~ \$10,957 and not more than ~~\$11,000~~ \$21,916, *except that these lower and upper limits on liability shall automatically be adjusted to equal the amounts allowed under the Federal False Claims Act, 31 U.S.C. § 3729 et seq., as amended, as such penalties in the Federal False Claims Act are adjusted for inflation by the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended (28 U.S.C. § 2461 Note, P.L. 101-410), plus three times the amount of damages sustained by the Commonwealth.*

A person violating this section shall be liable to the Commonwealth for reasonable attorney fees and costs of a civil action brought to recover any such penalties or damages. All such fees and costs shall be paid to the Attorney General's Office by the defendant and shall not be included in any damages or civil penalties recovered in a civil action based on a violation of this section.

B. If the court finds that (i) the person committing the violation of this section furnished officials of the Commonwealth responsible for investigating false claims violations with all information known to the person about the violation within 30 days after the date on which the defendant first obtained the information; (ii) such person fully cooperated with any Commonwealth investigation of such violation; (iii) at the time such person furnished the Commonwealth with the information about the violation, no criminal prosecution, civil action, or administrative action had commenced with respect to such violation; and (iv) the person did not have actual knowledge of the existence of an investigation into such violation, the court may assess not less than two times the amount of damages that the Commonwealth sustains because of the act of that person. A person violating this section shall also be liable to the Commonwealth for the costs of a civil action brought to recover any such penalty or damages.

C. For purposes of this section, the terms "knowing" and "knowingly" mean that a person, with respect to information, (i) has actual knowledge of the information; (ii) acts in deliberate ignorance of the truth or falsity of the information; or (iii) acts in reckless disregard of the truth or falsity of the information and require no proof of specific intent to defraud.

D. This section shall not apply to claims, records or statements relating to state or local taxes.

CHAPTER 625

*An Act to require the Department of Taxation to reinstitute an accelerated refund program.*

[S 531]

Approved March 30, 2018

**Be it enacted by the General Assembly of Virginia:**

**1. § 1.** *The Department of Taxation shall reestablish an accelerated refund program for Virginia taxpayers filing income tax returns in person or via the United States mail with a local commissioner of the revenue for taxable years beginning on and after January 1, 2018. Such program shall be similar to the program discontinued on December 1, 2016.*

CHAPTER 626

*An Act to amend the Code of Virginia by adding a section numbered 58.1-3825.2:1, relating to transient occupancy tax; eligible historic lodging properties.*

[S 547]

Approved March 30, 2018

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding a section numbered 58.1-3825.2:1 as follows:**

**§ 58.1-3825.2:1. Additional transient occupancy tax for historic lodging properties.**

*A. As used in this section:*

*"Eligible historic lodging property" means a structure (i) that contains 450 or more rooms for overnight lodging purposes, (ii) that is situated on one or more parcels of land exceeding 700 acres, and (iii) of which some or all portions of the structure were constructed prior to 1930.*

*"Qualified county" means a county in which at least 40 percent of the employment is in accommodations and food services, as set forth in the Quarterly Census of Employment and Wages for the second quarter of 2017, as published by the Virginia Employment Commission.*

*B. In addition to such transient occupancy taxes as are authorized by this chapter, a qualified county may impose an additional transient occupancy tax not to exceed five percent of the amount of the charge for the occupancy of any room or space occupied at an eligible historic lodging property. The qualified county may adopt an ordinance implementing the tax only after it holds a public hearing regarding the implementation of such a tax.*

*C. The revenues collected from the additional tax authorized by this section shall be designated solely as local funds to be used to incentivize other entities to invest in substantial rehabilitation, renovation, and expansion projects on eligible historic lodging properties that would enhance local economic development and tourism opportunities.*

*D. The tax imposed hereunder shall not apply to rooms or spaces rented and continuously occupied by the same individual or same group of individuals for 30 or more days.*

CHAPTER 627

*An Act to amend and reenact §§ 62.1-44.15:31, as it shall become effective, and 62.1-44.15:55, as it is currently effective, of the Code of Virginia, relating to stream restoration; standards and specifications.*

[S 576]

Approved March 30, 2018

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 62.1-44.15:31, as it shall become effective, and 62.1-44.15:55, as it is currently effective, of the Code of Virginia are amended and reenacted as follows:**

**§ 62.1-44.15:31. (For effective date, see Acts 2016, cc. 68 and 758, as amended by Acts 2017, c. 345) Standards and specifications for state agencies, federal entities, and other specified entities.**

*A. As an alternative to submitting soil erosion control and stormwater management plans for its land-disturbing activities pursuant to § 62.1-44.15:34, the Virginia Department of Transportation shall, and any other state agency or federal entity may, submit standards and specifications for its conduct of land-disturbing activities for Department of Environmental Quality approval. Approved standards and specifications shall be consistent with this article. The Department of Environmental Quality shall have 60 days after receipt in which to act on any standards and specifications submitted or resubmitted to it for approval.*

*B. As an alternative to submitting soil erosion control and stormwater management plans pursuant to § 62.1-44.15:34, electric, natural gas, and telephone utility companies, interstate and intrastate natural gas pipeline companies, railroad companies, and authorities created pursuant to § 15.2-5102 may submit standards and specifications for Department approval that describe how land-disturbing activities shall be conducted. Such standards and specifications may be submitted for the following types of projects:*

1. Construction, installation, or maintenance of electric transmission and distribution lines, oil or gas transmission and distribution pipelines, communication utility lines, and water and sewer lines; and

2. Construction of the tracks, rights-of-way, bridges, communication facilities, and other related structures and facilities of a railroad company.

The Department shall have 60 days after receipt in which to act on any standards and specifications submitted or resubmitted to it for approval. A linear project not included in subdivision 1 or 2, or for which the owner chooses not to submit standards and specifications, shall comply with the requirements of the VESMP or the VESCP and VSMP, as appropriate, in any locality within which the project is located.

C. As an alternative to submitting soil erosion control and stormwater management plans pursuant to § 62.1-44.15:34, any person engaging in more than one jurisdiction in the creation and operation of a wetland mitigation or stream restoration bank that has been approved and is operated in accordance with applicable federal and state guidance, laws, or regulations for the establishment, use, and operation of (i) a wetlands mitigation or stream restoration bank, pursuant to a mitigation banking instrument signed by the Department, the Marine Resources Commission, or the U.S. Army Corps of Engineers, or (ii) a stream restoration project for purposes of reducing nutrients or sediment entering state waters may submit standards and specifications for Department approval that describe how land-disturbing activities shall be conducted. The Department shall have 60 days after receipt in which to act on standards and specifications submitted to it or resubmitted to it for approval.

D. All standards and specifications submitted to the Department shall be periodically updated according to a schedule to be established by the Department and shall be consistent with the requirements of this article. Approval of standards and specifications by the Department does not relieve the owner or operator of the duty to comply with any other applicable local ordinances or regulations. Standards and specifications shall include:

1. Technical criteria to meet the requirements of this article and regulations developed under this article;
2. Provisions for the long-term responsibility and maintenance of any stormwater management control devices and other techniques specified to manage the quantity and quality of runoff;
3. Provisions for administration of the standards and specifications program, project-specific plan design, plan review and plan approval, and construction inspection and compliance;
4. Provisions for ensuring that personnel and contractors assisting the owner in carrying out the land-disturbing activity obtain training or qualifications for soil erosion control and stormwater management as set forth in regulations adopted pursuant to this article;
5. Provisions for ensuring that personnel implementing approved standards and specifications pursuant to this section obtain certifications or qualifications comparable to those required for VESMP personnel pursuant to subsection C of § 62.1-44.15:30;
6. Implementation of a project tracking system that ensures notification to the Department of all land-disturbing activities covered under this article; and
7. Requirements for documenting onsite changes as they occur to ensure compliance with the requirements of this article.

E. The Department shall perform random site inspections or inspections in response to a complaint to ensure compliance with this article and regulations adopted thereunder.

F. The Department shall assess an administrative charge to cover the costs of services rendered associated with its responsibilities pursuant to this section, including standards and specifications review and approval, project inspections, and compliance. The Board may take enforcement actions in accordance with this article and related regulations.

**§ 62.1-44.15:55. (For expiration date, see Acts 2016, cc. 68 and 758, as amended by Acts 2017, c. 345) Regulated land-disturbing activities; submission and approval of erosion and sediment control plan.**

A. Except as provided in § 62.1-44.15:56 for state agency and federal entity land-disturbing activities, no person shall engage in any land-disturbing activity until he has submitted to the VESCP authority an erosion and sediment control plan for the land-disturbing activity and the plan has been reviewed and approved. Upon the development of an online reporting system by the Department, but no later than July 1, 2014, a VESCP authority shall then be required to obtain evidence of Virginia Stormwater Management Program permit coverage where it is required prior to providing approval to begin land disturbance. Where land-disturbing activities involve lands under the jurisdiction of more than one VESCP, an erosion and sediment control plan may, at the request of one or all of the VESCP authorities, be submitted to the Department for review and approval rather than to each jurisdiction concerned. The Department may charge the jurisdictions requesting the review a fee sufficient to cover the cost associated with conducting the review. A VESCP may enter into an agreement with an adjacent VESCP regarding the administration of multijurisdictional projects whereby the jurisdiction that contains the greater portion of the project shall be responsible for all or part of the administrative procedures. Where the land-disturbing activity results from the construction of a single-family residence, an agreement in lieu of a plan may be substituted for an erosion and sediment control plan if executed by the VESCP authority.

B. The VESCP authority shall review erosion and sediment control plans submitted to it and grant written approval within 60 days of the receipt of the plan if it determines that the plan meets the requirements of this article and the Board's regulations and if the person responsible for carrying out the plan certifies that he will properly perform the erosion and sediment control measures included in the plan and shall comply with the provisions of this article. In addition, as a prerequisite to engaging in the land-disturbing activities shown on the approved plan, the person responsible for carrying

out the plan shall provide the name of an individual holding a certificate of competence to the VESCP authority, as provided by § 62.1-44.15:52, who will be in charge of and responsible for carrying out the land-disturbing activity. However, any VESCP authority may waive the certificate of competence requirement for an agreement in lieu of a plan for construction of a single-family residence. If a violation occurs during the land-disturbing activity, then the person responsible for carrying out the agreement in lieu of a plan shall correct the violation and provide the name of an individual holding a certificate of competence, as provided by § 62.1-44.15:52. Failure to provide the name of an individual holding a certificate of competence prior to engaging in land-disturbing activities may result in revocation of the approval of the plan and the person responsible for carrying out the plan shall be subject to the penalties provided in this article.

When a plan is determined to be inadequate, written notice of disapproval stating the specific reasons for disapproval shall be communicated to the applicant within 45 days. The notice shall specify the modifications, terms, and conditions that will permit approval of the plan. If no action is taken by the VESCP authority within the time specified in this subsection, the plan shall be deemed approved and the person authorized to proceed with the proposed activity. The VESCP authority shall act on any erosion and sediment control plan that has been previously disapproved within 45 days after the plan has been revised, resubmitted for approval, and deemed adequate.

C. The VESCP authority may require changes to an approved plan in the following cases:

1. Where inspection has revealed that the plan is inadequate to satisfy applicable regulations; or
2. Where the person responsible for carrying out the approved plan finds that because of changed circumstances or for other reasons the approved plan cannot be effectively carried out, and proposed amendments to the plan, consistent with the requirements of this article and associated regulations, are agreed to by the VESCP authority and the person responsible for carrying out the plan.

D. Electric, natural gas, and telephone utility companies, interstate and intrastate natural gas pipeline companies, and railroad companies shall, and authorities created pursuant to § 15.2-5102 may, file general erosion and sediment control standards and specifications annually with the Department for review and approval. Such standards and specifications shall be consistent with the requirements of this article and associated regulations and the Stormwater Management Act (§ 62.1-44.15:24 et seq.) and associated regulations where applicable. The specifications shall apply to:

1. Construction, installation, or maintenance of electric transmission, natural gas, and telephone utility lines and pipelines, and water and sewer lines; and
2. Construction of the tracks, rights-of-way, bridges, communication facilities, and other related structures and facilities of the railroad company.

The Department shall have 60 days in which to approve the standards and specifications. If no action is taken by the Department within 60 days, the standards and specifications shall be deemed approved. Individual approval of separate projects within subdivisions 1 and 2 is not necessary when approved specifications are followed. Projects not included in subdivisions 1 and 2 shall comply with the requirements of the appropriate VESCP. The Board shall have the authority to enforce approved specifications and charge fees equal to the lower of (i) \$1,000 or (ii) an amount sufficient to cover the costs associated with standard and specification review and approval, project inspections, and compliance.

E. Any person engaging, in more than one jurisdiction, in the creation and operation of a wetland mitigation or stream restoration bank or banks, which have been approved and are operated in accordance with applicable federal and state guidance, laws, or regulations for the establishment, use, and operation of (i) wetlands mitigation or stream restoration banks, pursuant to a mitigation banking instrument signed by the Department of Environmental Quality, the Marine Resources Commission, or the U.S. Army Corps of Engineers, or (ii) a stream restoration project for purposes of reducing nutrients or sediment entering state waters may, at the option of that person, file general erosion and sediment control standards and specifications for wetland mitigation or stream restoration banks annually with the Department for review and approval consistent with guidelines established by the Board.

The Department shall have 60 days in which to approve the specifications. If no action is taken by the Department within 60 days, the specifications shall be deemed approved. Individual approval of separate projects under this subsection is not necessary when approved specifications are implemented through a project-specific erosion and sediment control plan. Projects not included in this subsection shall comply with the requirements of the appropriate local erosion and sediment control program. The Board shall have the authority to enforce approved specifications and charge fees equal to the lower of (i) \$1,000 or (ii) an amount sufficient to cover the costs associated with standard and specification review and approval, projection inspections, and compliance. Approval of general erosion and sediment control specifications by the Department does not relieve the owner or operator from compliance with any other local ordinances and regulations including requirements to submit plans and obtain permits as may be required by such ordinances and regulations.

F. In order to prevent further erosion, a VESCP authority may require approval of an erosion and sediment control plan for any land identified by the VESCP authority as an erosion impact area.

G. For the purposes of subsections A and B, when land-disturbing activity will be required of a contractor performing construction work pursuant to a construction contract, the preparation, submission, and approval of an erosion and sediment control plan shall be the responsibility of the owner.

## CHAPTER 628

*An Act to amend and reenact §§ 30-256 and 46.2-749.2 of the Code of Virginia, relating to Chesapeake Bay Restoration Fund Advisory Committee.*

[S 585]

Approved March 30, 2018

**Be it enacted by the General Assembly of Virginia:****1. That §§ 30-256 and 46.2-749.2 of the Code of Virginia are amended and reenacted as follows:****§ 30-256. Chesapeake Bay Restoration Fund Advisory Committee; membership; terms; expenses; staff.**

A. There is hereby established in the legislative branch of state government the Chesapeake Bay Restoration Fund Advisory Committee ~~to be known as~~ (the "Committee"). The Committee shall advise the General Assembly on the expenditure of moneys received in the Chesapeake Bay Restoration Fund (the Fund) *created pursuant to § 46.2-749.2*.

B. The Committee shall consist of seven persons as follows: two members of the House of Delegates appointed by the Speaker of the House of Delegates; one member of the Senate appointed by the Senate Committee on Rules; two nonlegislative citizen members appointed by the Speaker of the House of Delegates, one of whom shall be a representative of the Chesapeake Bay Foundation; and two nonlegislative citizen members appointed by the Senate Committee on Rules, one of whom shall be a representative of the Virginia Association of Soil and Water Conservation Districts. All persons appointed to the Committee shall be representative of the interests associated with the restoration and conservation of the Chesapeake Bay and shall be citizens of the Commonwealth.

C. Nonlegislative citizen members of the Committee shall serve for terms of four years. Legislative members shall serve terms coincident with their terms of office and may be reappointed for successive terms. Appointments to fill vacancies shall be for the unexpired term and shall be made in the same manner as the original appointment. Nonlegislative citizen members shall not be eligible to serve more than two consecutive four-year terms. The remainder of any term to which a member is appointed to fill a vacancy shall not constitute a term in determining the member's eligibility for reappointment.

D. Members shall receive no compensation for their services, but shall be reimbursed out of the Fund for all reasonable and necessary expenses as provided in §§ 2.2-2813 and 2.2-2825 incurred in the performance of their duties. The Division of Legislative Services shall be reimbursed from the Fund for costs, as shall be approved by the Committee, incurred in providing administrative assistance to the Committee.

~~E.~~ E. The Committee shall elect a chairman and vice-chairman from among its legislative membership. A majority of the members of the Committee shall constitute a quorum. The Committee shall meet at least one time each year, and additional meetings may be held at the call of the chairman.

~~D.~~ F. The Committee shall develop goals and guidelines for the use of the Fund, ~~which in accordance with the purposes of the fund as provided in § 46.2-749.2. The uses of the Fund may include but not be limited to~~ cooperative programs with, or project grants to, state agencies, the federal government, or any not-for-profit agency, institution, organization, or entity, public or private, ~~whose purpose is to provide environmental education and projects relating to the restoration and conservation of the Chesapeake Bay.~~ Moneys in the Fund may not be used to supplant existing general fund appropriations except as provided in subsection ~~B~~ D.

~~E.~~ G. No later than ~~December 4~~ November 15 of each year, the Committee shall present to the General Assembly and the Governor a plan for expenditure of any amounts in the Fund.

~~F.~~ H. Staffing of the Committee shall be provided by the Division of Legislative Services.

**§ 46.2-749.2. Special Chesapeake Bay preservation plates; fees; fund.**

A. *There is hereby created in the state treasury a special nonreverting fund to be known as the Chesapeake Bay Restoration Fund (the Fund). The Fund shall be established on the books of the Comptroller. All funds received on its behalf from the sale of license plates issued pursuant to this section, and any gifts, donations, grants, bequests, and other funds received on its behalf, shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund.*

B. *Moneys in the Fund shall be used solely for the purposes of environmental education and restoration and conservation projects relating to the Chesapeake Bay and its tributaries. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the Chesapeake Bay Restoration Fund Advisory Committee created pursuant to § 30-256.*

C. On receipt of an application and payment of the fee prescribed by this section, the Commissioner shall issue special license plates bearing the following legend: FRIEND OF THE CHESAPEAKE.

~~B.~~ D. The annual fee for plates issued pursuant to this section shall be ~~twenty-five dollars~~ \$25 in addition to the prescribed fee for state license plates. For each such ~~twenty-five dollar~~ \$25 fee collected in excess of 1,000 registrations pursuant to this section, ~~fifteen dollars~~ \$15 shall be paid into the state treasury and credited to the ~~special nonreverting fund known as the Chesapeake Bay Restoration Fund, established within the Department of Accounts, for use by the Commonwealth of Virginia for environmental education and restoration projects relating to the Chesapeake Bay and its tributaries.~~ ~~Interest earned on the Fund will accrue to the Fund.~~ *All other fees imposed under the provisions of this section*

*shall be paid to, and received by, the Commissioner of the Department of Motor Vehicles and paid by him into the state treasury and set aside as a special fund to be used to meet the necessary expenses incurred by the Department of Motor Vehicles.*

**CHAPTER 629**

*An Act to amend the Code of Virginia by adding in Article 4 of Chapter 2 of Title 33.2 a section numbered 33.2-280.1, relating to Department of Transportation; electronic toll collection device fees or exchange.*

[S 643]

Approved March 30, 2018

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding in Article 4 of Chapter 2 of Title 33.2 a section numbered 33.2-280.1 as follows:**

**§ 33.2-280.1. Charging electronic toll collection device fees.**

*The Department shall not, as a result of inactivity on the part of the holder of any electronic toll collection device for a time period of less than one year, (i) charge maintenance fees for electronic toll collection devices or (ii) require users to exchange their electronic toll collection device for a different type.*

**2. That the provisions of this act apply to all electronic toll transponders, regardless of the date they were issued to an account holder.**

**CHAPTER 630**

*An Act to amend the Code of Virginia by adding a section numbered 62.1-44.15:26.1, relating to stormwater management; termination of general permit; notice.*

[S 741]

Approved March 30, 2018

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding a section numbered 62.1-44.15:26.1 as follows:**

**§ 62.1-44.15:26.1. Termination of Construction General Permit coverage.**

*A. A VSMP authority shall recommend that the Department of Environmental Quality terminate coverage under a General Permit for Discharges of Stormwater from Construction Activities (Construction General Permit) within 60 days of receiving a complete notice of termination from the operator of the construction activity.*

*B. Coverage under a Construction General Permit shall be deemed to be terminated 90 days after the receipt by the VSMP authority of a complete notice of termination from the operator of the construction activity.*

*C. If a VSMP authority receives a notice of termination of a Construction General Permit that it determines to be incomplete, the VSMP authority shall, within a reasonable time, inform the operator of the construction activity of such incompleteness and provide the operator with a detailed list itemizing the elements of information that are missing from the notice.*

**CHAPTER 631**

*An Act to amend and reenact § 3 of Chapter 760 of the Acts of Assembly of 2011, relating to special license plates; Friends of the Blue Ridge Parkway.*

[S 792]

Approved March 30, 2018

**Be it enacted by the General Assembly of Virginia:**

**1. That § 3 of Chapter 760 of the Acts of Assembly of 2011 is amended and reenacted as follows:**

**§ 3. Special license plates for members and supporters of the Friends of the Blue Ridge Parkway, Inc.; fees.**

*A. On receipt of an application and payment of the fee prescribed by this section, and following the provisions of § 46.2-725 of the Code of Virginia other than those relating to the fee for the plates and its disposition, the Commissioner of the Department of Motor Vehicles shall issue special license plates to members and supporters of the Friends of the Blue Ridge Parkway, Inc.*

*B. The annual fee for plates issued pursuant to this section shall be \$25 in addition to the prescribed fee for state license plates. For each such \$25 fee collected in excess of 1,000 registrations pursuant to this section, \$15 shall be paid into the state treasury and credited to a special nonreverting fund known as the Friends of the Blue Ridge Parkway, Inc., Fund established within the Department of Accounts. These funds shall be paid annually to the Friends of the Blue Ridge Parkway, Inc., and used to support its program to clear the scenic overlooks along the Blue Ridge Parkway in order to promote tourism along the Parkway in Virginia operation and programs in Virginia. All other fees imposed under the*

provisions of this section shall be paid to, and received by, the Commissioner of the Department of Motor Vehicles and paid by him into the state treasury and set aside as a special fund to be used to meet the necessary expenses incurred by the Department of Motor Vehicles.

### CHAPTER 632

*An Act relating to the closure of coal combustion residuals impoundments and other units; permits; request for proposals for recycling or beneficial use projects.*

[S 807]

Approved March 30, 2018

**Be it enacted by the General Assembly of Virginia:**

1. § 1. That the Director of the Department of Environmental Quality shall suspend, delay, or defer until July 1, 2019, the issuance of any permit required to provide for the closure of any coal combustion residuals (CCRs) surface impoundment or other CCRs unit that no longer receives CCRs, located within the Chesapeake Bay watershed. The provisions of this section shall not apply to the issuance of any permit required for impoundments where CCRs have already been removed and placed in another impoundment on site, are being removed from an impoundment, or are being processed in connection with a recycling or beneficial use project.

2. That the owner or operator of any coal combustion residuals (CCRs) surface impoundment or other CCRs unit to which the first enactment of this act applies shall by July 15, 2018, issue a request for proposals for entities to conduct recycling or beneficial use projects for the CCRs at such impoundment or unit. The request for proposals shall require responding entities to provide information from which the owner or operator is able to determine (i) the quantity of CCRs, including CCRs below the unit's waste boundary, that may be suitable for recycling or beneficial use, including but not limited to encapsulated beneficial uses, such as bricks or concrete, in each such CCRs unit; (ii) the cost of such recycling or beneficial use of such CCRs; and (iii) the potential market demand for material recycled or beneficially used from such CCRs.

3. That no later than November 15, 2018, the owner or operator of each coal combustion residuals (CCRs) surface impoundment or other CCRs unit to which the second enactment of this act applies shall transmit a business plan that compiles the information collected pursuant to clauses (i), (ii), and (iii) of such enactment to the Governor; to the Chairmen of the House Committee on Agriculture, Chesapeake and Natural Resources, the House Committee on Commerce and Labor, the Senate Committee on Agriculture, Conservation and Natural Resources, and the Senate Committee on Commerce and Labor (the Committees); and to the Directors of the Departments of Environmental Quality and Conservation and Recreation (the Departments). Each such owner or operator and each entity that provided the information collected pursuant to clauses (i), (ii), and (iii) of the second enactment of this act shall provide assistance to the Governor, the Committees, and the Departments, upon request.

### CHAPTER 633

*An Act to amend and reenact § 30-209 of the Code of Virginia, relating to the scheduled expiration of the Commission on Electric Utility Regulation.*

[S 815]

Approved March 30, 2018

**Be it enacted by the General Assembly of Virginia:**

1. That § 30-209 of the Code of Virginia is amended and reenacted as follows:

**§ 30-209. Sunset.**

This chapter shall expire on July 1, ~~2018~~ 2020.

### CHAPTER 634

*An Act to authorize the Virginia Marine Resources Commission to convey a permanent easement and rights-of-way across the Rappahannock River, including a portion of the Baylor Survey, to Virginia Electric and Power Company (Dominion Energy Virginia) for the purpose of installing, constructing, maintaining, repairing, and operating an underground electric transmission line and to repeal Chapter 377 of the Acts of Assembly of 2015.*

[S 888]

Approved March 30, 2018

**Be it enacted by the General Assembly of Virginia:**

1. § 1. The Virginia Marine Resources Commission is hereby authorized to grant and convey to Virginia Electric and Power Company, its successors and assigns, upon such terms and conditions as the Commission, with the approval of the Governor and the Attorney General, shall deem proper, a permanent easement and right-of-way of 200 feet of width, and a

temporary right-of-way of a reasonable width, as needed for the purpose of installing, constructing, maintaining, repairing, and operating an underground electric transmission line across the Rappahannock River, including a portion of the Baylor Survey, the center line of such easement being described as follows:

Beginning at a point on the mean low water mark on the south side of the Rappahannock River and east of the Robert O. Norris Bridge, State Route 3, said point also being on the southerly line of the Commonwealth of Virginia and being S. 15°27'20" E., a distance of 5.40' from the northwesterly property corner of a parcel of land owned by David B. Wallace and Heidi M. Ott as recorded in Deed Book 282, page 699 in the Clerk's Office of the Circuit Court of Middlesex County, Virginia, said point having a coordinate value of North 3,753,477.44, East 12,081,494.01 based on the Virginia State Plane Coordinate System, South Zone, NAD 1983 (2011), thence continuing in the waters of the Rappahannock River, N. 37°08'57" E., a distance of 224.70' to a point having a coordinate value of North 3,753,656.54, East 12,081,629.71, thence on a curve to the right having a radius of 1990.00', an arc length of 160.99', and a chord bearing and distance of N. 39°28'00" E., 160.94' to a point having a coordinate value of North 3,753,780.79, East 12,081,732.01, thence N. 41°47'04" E., a distance of 1410.46' to a point having a coordinate value of North 3,754,832.51, East 12,082,671.84, thence N. 36°35'14" E., a distance of 6853.09' to a point having a coordinate value of North 3,760,335.21, East 12,086,756.59, thence N. 34°30'43" E., a distance of 1530.60' to a point having a coordinate value of North 3,761,596.43, East 12,087,623.79, thence on a curve to the right having a radius of 990.00', an arc length of 47.03', and a chord bearing and distance of N. 35°52'23" E., 47.03' ending at a point on the mean low water mark on the north side of the Rappahannock River and east of the Robert O. Norris Bridge, State Route 3, said point also being on the northerly line of the Commonwealth of Virginia and being S. 77°21'59" E., a distance of 62.15' from the southwestwesterly property corner of a parcel of land owned by Highbank Association Incorporated as recorded in instrument number LR20080000163 in the Clerk's Office of the Circuit Court of Lancaster County, Virginia, said point having a coordinate value of North 3,761,634.54, East 12,087,651.35, and containing 46.42 acres more or less.

§ 2. The portion of the property described in § 1 of this act that lies within the Baylor Survey shall not be considered part of the natural oyster beds, rocks, and shoals in the waters of the Commonwealth and is described as follows:

*Area within Public Ground No. 1 Middlesex County*

Beginning at a point on the southerly line of the Baylor Survey grounds of Public Ground No. 1 in the waters of the Rappahannock River, located in Middlesex County, Virginia (119.001.0300), said point also being along the centerline of a 200' Virginia Electric and Power Company right-of-way, having a coordinate value of North 3,754,348.40, East 12,082,239.23, based on the Virginia State Plane Coordinate System, South Zone, NAD 1983 (2011) and being the point of beginning: thence, from said point of beginning along the southerly line of the Baylor Survey Grounds of Public Ground No. 1, N. 75°00'02" W., a distance of 112.02' to a point having a coordinate value of North 3,754,377.39, East 12,082,131.03, thence leaving the aforesaid southerly line, N. 41°47'04" E., a distance of 695.18' to a point having a coordinate value of North 3,754,895.76, East 12,082,594.25, thence N. 36°35'14" E., a distance of 1582.23' to a point on the northerly line of the Baylor Survey Grounds of Public Ground No. 1 having a coordinate value of North 3,756,166.21, East 12,083,537.33, thence along the aforesaid northerly line, S. 73°58'25" E., a distance of 106.80' to a point, said point being along the centerline of a 200' Virginia Electric and Power Company right-of-way, having a coordinate value of North 3,756,136.72, East 12,083,639.98, thence S. 73°58'25" E., a distance of 106.80' to a point having a coordinate value of North 3,756,107.24, East 12,083,742.63, thence leaving the aforesaid northerly line, S. 36°35'14" W., a distance of 1666.32' to a point having a coordinate value of North 3,754,769.26, East 12,082,749.43, thence S. 41°47'04" W., a distance of 603.30' to a point, said point being on the southerly line of the aforesaid Public Ground No. 1 having a coordinate value of North 3,754,319.41, East 12,082,347.44, thence along the aforesaid southerly line, N. 75°00'02" W., a distance of 112.02' to the point of beginning, containing 10.44 acres.

*Area within Public Ground No. 1 Lancaster County*

Beginning at a point on the northerly line of the Baylor Survey Grounds of Public Ground No. 1 in the waters of the Rappahannock River, located in Lancaster County, Virginia (103.001.0300), said point also being along the centerline of a 200' Virginia Electric and Power Company right-of-way, having a coordinate value of North 3,760,975.70, East 12,087,196.98 based on the Virginia State Plane Coordinate System, South Zone, NAD 1983 (2011) and being the point of beginning: thence, from said point of beginning along the northerly line of the Baylor Survey Grounds of Public Ground No. 1, S. 36°47'27" E., a distance of 105.57' to a point, having a coordinate value of North 3,760,891.15, East 12,087,260.20, thence leaving the aforesaid northerly line, S. 34°30'43" W., a distance of 745.26' to a point having a coordinate value of North 3,760,277.06, East 12,086,837.96, thence S. 36°35'14" W., a distance of 1454.73' to a point on the southerly line of the Baylor Survey Grounds of Public Ground No. 1, having a coordinate value of North 3,759,108.98, East 12,085,970.87, thence along the aforesaid southerly line, N. 55°16'47" W., a distance of 100.05' to a point, said point being along the centerline of a 200' Virginia Electric and Power Company right-of-way, having a coordinate value of North 3,759,165.97, East 12,085,888.64, thence N. 55°16'47" W., a distance of 100.05' to a point having a coordinate value of North 3,759,222.95, East 12,085,806.40, thence leaving the aforesaid southerly line N. 36°35'14" E., a distance of 1457.63' to a point having a coordinate value of North 3,760,393.36, East 12,086,675.21, thence N. 34°30'43" E., a distance of 809.32' to a point, said point being on the northerly line of the aforesaid Public Ground No. 1 having a coordinate value of North 3,761,060.24, East 12,087,133.75, thence along the aforesaid northerly line S. 36°47'27" E., a distance of 105.57' to the point of beginning, containing 10.25 acres.

§ 3. *The instruments granting and conveying the easement and rights-of-way from the Commonwealth to Virginia Electric and Power Company shall be in a form approved by the Attorney General. The legal descriptions in §§ 1 and 2 may be modified to correct any errors discovered during the process of finalizing these instruments. The appropriate officials of the Commonwealth are hereby authorized to prepare, execute, and deliver such deed and other documents as may be necessary to accomplish the conveyance.*

**2. That Chapter 377 of the Acts of Assembly of 2015 is repealed.**

**CHAPTER 635**

*An Act to amend and reenact §§ 46.2-735 and 46.2-736 of the Code of Virginia, relating to special license plates; emergency medical services agencies; fire departments.*

[S 947]

Approved March 30, 2018

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 46.2-735 and 46.2-736 of the Code of Virginia are amended and reenacted as follows:**

**§ 46.2-735. Special license plates for members of volunteer emergency medical services agencies and members of volunteer emergency medical services agency auxiliaries; fees.**

The Commissioner, on application, shall supply members of volunteer emergency medical services agencies and members of volunteer emergency medical services agency auxiliaries special license plates bearing the letters "R S" followed by numbers or letters or any combination thereof.

Only one application shall be required from each volunteer emergency medical services agency or volunteer emergency medical services agency auxiliary. The application shall contain the names and residence addresses of all members of the volunteer emergency medical services agency and members of the volunteer emergency medical services agency auxiliary who request license plates. *Each volunteer emergency medical services agency or volunteer emergency medical services agency auxiliary shall notify the Commissioner within 30 days of separation of any member from such agency or agency auxiliary.*

The Commissioner shall charge the prescribed cost of state license plates for each set of license plates issued under this section.

**§ 46.2-736. Special license plates for professional or volunteer fire fighters and members of volunteer fire department auxiliaries; fees.**

The Commissioner, on application, shall supply professional fire fighters, members of volunteer fire departments, members of volunteer fire department auxiliaries, and volunteer members of any fire department license plates bearing the letters "F D" followed by numbers or letters or any combination thereof.

An application shall be required from each professional fire fighter, volunteer fire fighter, or member of a volunteer fire department auxiliary. The application shall be approved by the chief or head of the fire department and shall contain the name and residence address of the applicant. *Each fire department shall maintain a copy of such approved application and shall notify the Commissioner within 30 days of separation of any professional fire fighter, volunteer fire fighter, or member of a volunteer fire department auxiliary from such fire department.*

The Commissioner shall charge each professional fire fighter a fee of one dollar in addition to the prescribed cost of state license plates, for each set of license plates issued under this section. No additional fee shall be charged to members of volunteer fire departments, members of volunteer fire department auxiliaries, or volunteer members of any fire department.

**2. That any emergency medical services agency, volunteer emergency medical services agency auxiliary, or fire department is authorized to submit to the Department of Motor Vehicles a list of former members who have separated from such agency, auxiliary, or department and who are known or believed to have been issued license plates in accordance with § 46.2-735 or 46.2-736 of the Code of Virginia prior to the effective date of this act. Such list shall include for each former member the former member's name and at least one of the following: date of birth, customer number issued by the Department of Motor Vehicles found on the former member's driver's license or identification card, or license plate number assigned to the former member. The submitting agency, auxiliary, or department is authorized to provide any additional identifying information the Department of Motor Vehicles may need in the event that a former member cannot be accurately identified from the initial information provided.**

**CHAPTER 636**

*An Act to amend and reenact §§ 62.1-44.15:20 and 62.1-44.15:21 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 3.1 of Title 62.1 an article numbered 2.6, consisting of sections numbered 62.1-44.15:80 through 62.1-44.15:84, relating to interstate natural gas pipelines; Department of Environmental Quality review; upland construction.*

[S 950]

Approved March 30, 2018

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 62.1-44.15:20 and 62.1-44.15:21 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Chapter 3.1 of Title 62.1 an article numbered 2.6, consisting of sections numbered 62.1-44.15:80 through 62.1-44.15:84, as follows:**

**§ 62.1-44.15:20. Virginia Water Protection Permit.**

A. Except in compliance with an individual or general Virginia Water Protection Permit issued in accordance with this article, it shall be unlawful to:

1. Excavate in a wetland;
2. On or after October 1, 2001, conduct the following in a wetland:
  - a. New activities to cause draining that significantly alters or degrades existing wetland acreage or functions;
  - b. Filling or dumping;
  - c. Permanent flooding or impounding; or
  - d. New activities that cause significant alteration or degradation of existing wetland acreage or functions; or
3. Alter the physical, chemical, or biological properties of state waters and make them detrimental to the public health, animal or aquatic life, or to the uses of such waters for domestic or industrial consumption, or for recreation, or for other uses unless authorized by a certificate issued by the Board.

B. The Board shall, after providing an opportunity for public comment, issue a Virginia Water Protection Permit if it has determined that the proposed activity is consistent with the provisions of the Clean Water Act and the State Water Control Law and will protect instream beneficial uses.

C. Prior to the issuance of a Virginia Water Protection Permit, the Board shall consult with and give full consideration to any relevant information contained in the state water supply plan described in subsection A of § 62.1-44.38:1 as well as to the written recommendations of the following agencies: the Department of Game and Inland Fisheries, the Department of Conservation and Recreation, the Virginia Marine Resources Commission, the Department of Health, the Department of Agriculture and Consumer Services, and any other interested and affected agencies. When considering the state water supply plan, nothing shall be construed to limit the operation or expansion of an electric generation facility located on a man-made lake or impoundment built for the purpose of providing cooling water to such facility. Such consultation shall include the need for balancing instream uses with offstream uses. Agencies may submit written comments on proposed permits within 45 days after notification by the Board. If written comments are not submitted by an agency within this time period, the Board shall assume that the agency has no comments on the proposed permit and deem that the agency has waived its right to comment. After the expiration of the 45-day period, any such agency shall have no further opportunity to comment.

D. Issuance of a Virginia Water Protection Permit shall constitute the certification required under § 401 of the Clean Water Act, *except for any applicant to the Federal Energy Regulatory Commission for a certificate of public convenience and necessity pursuant to § 7c of the federal Natural Gas Act (15 U.S.C. § 717f(c)) to construct any natural gas transmission pipeline greater than 36 inches inside diameter; in which case issuance of a Virginia Water Protection Permit pursuant to this article and a certification issued pursuant to Article 2.6 (§ 62.1-44.15:80 et seq.) shall together constitute the certification required under § 401 of the federal Clean Water Act.*

E. No locality may impose wetlands permit requirements duplicating state or federal wetlands permit requirements. In addition, no locality shall impose or establish by ordinance, policy, plan, or any other means provisions related to the location of wetlands or stream mitigation in satisfaction of aquatic resource impacts regulated under a Virginia Water Protection Permit or under a permit issued by the U.S. Army Corps of Engineers pursuant to § 404 of the Clean Water Act. However, a locality's determination of allowed uses within zoning classifications or its approval of the siting or construction of wetlands or stream mitigation banks or other mitigation projects shall not be affected by the provisions of this subsection.

F. The Board shall assess compensation implementation, inventory permitted wetland impacts, and work to prevent unpermitted impacts to wetlands.

**§ 62.1-44.15:21. Impacts to wetlands.**

A. Permits shall address avoidance and minimization of wetland impacts to the maximum extent practicable. A permit shall be issued only if the Board finds that the effect of the impact, together with other existing or proposed impacts to wetlands, will not cause or contribute to a significant impairment of state waters or fish and wildlife resources.

B. Permits shall contain requirements for compensating impacts on wetlands. Such compensation requirements shall be sufficient to achieve no net loss of existing wetland acreage and functions and may be met through (i) wetland creation or restoration, (ii) purchase or use of mitigation bank credits pursuant to § 62.1-44.15:23, (iii) contribution to the Wetland and Stream Replacement Fund established pursuant to § 62.1-44.15:23.1 to provide compensation for impacts to wetlands, streams, or other state waters that occur in areas where neither mitigation bank credits nor credits from a Board-approved fund that have met the success criteria are available at the time of permit application, or (iv) contribution to a Board-approved fund dedicated to achieving no net loss of wetland acreage and functions. When utilized in conjunction with creation, restoration, or mitigation bank credits, compensation may incorporate (a) preservation or restoration of upland buffers adjacent to wetlands or other state waters or (b) preservation of wetlands.

C. The Board shall utilize the U.S. Army Corps of Engineers' "Wetlands Delineation Manual, Technical Report Y-87-1, January 1987, Final Report" as the approved method for delineating wetlands. The Board shall adopt appropriate guidance and regulations to ensure consistency with the U.S. Army Corps of Engineers' implementation of delineation practices. The

Board shall also adopt guidance and regulations for review and approval of the geographic area of a delineated wetland. Any such approval of a delineation shall remain effective for a period of five years; however, if the Board issues a permit pursuant to this article for an activity in the delineated wetland within the five-year period, the approval shall remain effective for the term of the permit. Any delineation accepted by the U.S. Army Corps of Engineers as sufficient for its exercise of jurisdiction pursuant to § 404 of the Clean Water Act shall be determinative of the geographic area of that delineated wetland.

D. The Board shall develop general permits for such activities in wetlands as it deems appropriate. General permits shall include such terms and conditions as the Board deems necessary to protect state waters and fish and wildlife resources from significant impairment. The Board is authorized to waive the requirement for a general permit or deem an activity in compliance with a general permit when it determines that an isolated wetland is of minimal ecological value. The Board shall develop general permits for:

1. Activities causing wetland impacts of less than one-half of an acre;
2. Facilities and activities of utilities and public service companies regulated by the Federal Energy Regulatory Commission or State Corporation Commission, *except for construction of any natural gas transmission pipeline that is greater than 36 inches inside diameter pursuant to a certificate of public convenience and necessity under § 7c of the federal Natural Gas Act (15 U.S.C. § 717f(c))*. No Board action on an individual or general permit for such facilities shall alter the siting determination made through Federal Energy Regulatory Commission or State Corporation Commission approval. The Board and the State Corporation Commission shall develop a memorandum of agreement pursuant to §§ 56-46.1, 56-265.2, 56-265.2:1, and 56-580 to ensure that consultation on wetland impacts occurs prior to siting determinations;
3. Coal, natural gas, and coalbed methane gas mining activities authorized by the Department of Mines, Minerals and Energy, and sand mining;
4. Virginia Department of Transportation or other linear transportation projects; and
5. Activities governed by nationwide or regional permits approved by the Board and issued by the U.S. Army Corps of Engineers. Conditions contained in the general permits shall include, but not be limited to, filing with the Board any copies of preconstruction notification, postconstruction report, and certificate of compliance required by the U.S. Army Corps of Engineers.

E. Within 15 days of receipt of an individual permit application, the Board shall review the application for completeness and either accept the application or request additional specific information from the applicant. Within 120 days of receipt of a complete application, the Board shall issue the permit, issue the permit with conditions, deny the permit, or decide to conduct a public meeting or hearing. If a public meeting or hearing is held, it shall be held within 60 days of the decision to conduct such a proceeding, and a final decision as to the permit shall be made within 90 days of completion of the public meeting or hearing. *In addition, for an individual permit application related to an application to the Federal Energy Regulatory Commission for a certificate of public convenience and necessity pursuant to § 7c of the federal Natural Gas Act (15 U.S.C. § 717f(c)) for construction of any natural gas transmission pipeline greater than 36 inches inside diameter, the Board shall complete its consideration within the one-year period established under 33 U.S.C. § 1341(a).*

F. Within 15 days of receipt of a general permit application, the Board shall review the application for completeness and either accept the application or request additional specific information from the applicant. A determination that an application is complete shall not mean the Board will issue the permit but means only that the applicant has submitted sufficient information to process the application. The Board shall deny, approve, or approve with conditions any application for coverage under a general permit within 45 days of receipt of a complete preconstruction application. The application shall be deemed approved if the Board fails to act within 45 days.

G. No Virginia Water Protection Permit shall be required for impacts to wetlands caused by activities governed under Chapter 13 (§ 28.2-1300 et seq.) of Title 28.2 or normal agricultural activities or normal silvicultural activities. This section shall also not apply to normal residential gardening, lawn and landscape maintenance, or other similar activities that are incidental to an occupant's ongoing residential use of property and of minimal ecological impact. The Board shall develop criteria governing this exemption and shall specifically identify the activities meeting these criteria in its regulations.

H. No Virginia Water Protection Permit shall be required for impacts caused by the construction or maintenance of farm or stock ponds, but other permits may be required pursuant to state and federal law. For purposes of this exclusion, farm or stock ponds shall include all ponds and impoundments that do not fall under the authority of the Virginia Soil and Water Conservation Board pursuant to Article 2 (§ 10.1-604 et seq.) of Chapter 6 pursuant to normal agricultural or silvicultural activities.

*1. An individual Virginia Water Protection Permit shall be required for impacts to state waters for the construction of any natural gas transmission pipeline greater than 36 inches inside diameter pursuant to a certificate of public convenience and necessity under § 7c of the federal Natural Gas Act (15 U.S.C. § 717f(c)). For purposes of this subsection:*

1. *Each wetland and stream crossing shall be considered as a single and complete project; however, only one individual Virginia Water Protection Permit addressing all such crossings shall be required for any such pipeline. Notwithstanding the requirement for only one such individual permit addressing all such crossings, individual review of each proposed water body crossing with an upstream drainage area of five square miles or greater shall be performed.*

2. All pipelines shall be constructed in a manner that minimizes temporary and permanent impacts to state waters and protects water quality to the maximum extent practicable, including by the use of applicable best management practices that the Board determines to be necessary to protect water quality.

3. The Department shall assess an administrative charge to any applicant for such project to cover the direct costs of services rendered associated with its responsibilities pursuant to this subsection. This administrative charge shall be in addition to any fee assessed pursuant to § 62.1-44.15:6.

Article 2.6.

*Additional Upland Conditions for Water Quality Certification.*

**§ 62.1-44.15:80. Findings and purpose.**

The General Assembly determines and finds that to comply with § 401 of the federal Clean Water Act (33 U.S.C. § 1341), any applicant for a federal license or permit to conduct any activity that may result in any discharge into navigable waters shall provide the federal licensing or permitting authority with a certification from the state in which the discharge originates or will originate certifying that any such discharge will comply with applicable provisions of the Clean Water Act. The General Assembly determines and finds that the Virginia Water Protection Permit program has proven to be sufficient to evaluate and, when necessary, mitigate potential water quality impacts for most federally permitted projects. Virginia Water Protection Permit coverage addresses the impacts caused to wetlands and streams by excavating in a wetland, draining or significantly altering wetland acreage or function, filling or dumping in a stream or wetland, or permanently flooding or impounding a wetland area or stream. However, the conditions and requirements of a Virginia Water Protection Permit do not cover activities in upland areas, outside of wetlands and streams, that may result in a discharge to state waters. The General Assembly determines and finds that for construction of natural gas transmission pipelines greater than 36 inches inside diameter that are subject to a certificate of public convenience and necessity under § 7c of the federal Natural Gas Act (15 U.S.C. § 717f(c)), there may be activities in upland areas that may have the potential to affect water quality but that do not fall within the scope of the Virginia Water Protection Permit program. Information related to such impacts would not be contained in the Joint Permit Application utilized to determine permit conditions for a Virginia Water Protection Permit. The General Assembly determines and finds that issuance of a Virginia Water Protection Permit and a certification issued pursuant to this article shall together constitute the certification required under § 401 of the Clean Water Act for natural gas transmission pipelines greater than 36 inches inside diameter subject to § 7c of the Natural Gas Act.

**§ 62.1-44.15:81. Application and preparation of draft certificate conditions.**

A. Any applicant for a federal license or permit for a natural gas transmission pipeline greater than 36 inches inside diameter subject to § 7c of the federal Natural Gas Act (15 U.S.C. § 717f(c)) shall submit a separate application, at the same time the Joint Permit Application is submitted, to the Department containing a description of all activities that will occur in upland areas, including activities in or related to (i) slopes with a grade greater than 15 percent; (ii) karst geology features, including sinkholes and underground springs; (iii) proximity to sensitive streams and wetlands identified by the Department of Conservation and Recreation or the Department of Game and Inland Fisheries; (iv) seasonally high water tables; (v) water impoundment structures and reservoirs; and (vi) areas with highly erodible soils, low pH, and acid sulfate soils.

B. At any time during the review of the application, but prior to issuing a certification pursuant to this article, the Department may issue an information request to the applicant for any relevant additional information necessary to determine (i) if any activities related to the applicant's project in upland areas are likely to result in a discharge to state waters and (ii) how the applicant proposes to minimize water quality impacts to the maximum extent practicable to protect water quality. The information request shall provide a reasonable amount of time for the applicant to respond.

C. The Department shall review the information contained in the application and any additional information obtained through any information requests issued pursuant to subsection B to determine if any activities described in the application or in any additional information requests (i) are likely to result in a discharge to state waters with the potential to adversely impact water quality and (ii) will not be addressed by the Virginia Water Protection Permit issued for the activity pursuant to Article 2.2 (§ 62.1-44.15:20 et seq.). The Department of Game and Inland Fisheries, the Department of Conservation and Recreation, the Department of Health, and the Department of Agriculture and Consumer Services shall consult with the Department during the review of the application and any additional information obtained through any information requests issued pursuant to subsection B. Following the conclusion of its review, the Department shall develop a draft certification for public comment and potential issuance by the Department or the Board pursuant to § 62.1-44.15:02 that contains any additional conditions for activities in upland areas necessary to protect water quality. The Department shall make the information contained in the application and any additional information obtained through any information requests issued pursuant to subsection B available to the public.

D. Notwithstanding any applicable annual standards and specifications for erosion and sediment control or stormwater management pursuant to Article 2.3 (§ 62.1-44.15:24 et seq.) or 2.4 (§ 62.1-44.15:51 et seq.), the applicant shall not commence land-disturbing activity prior to approval by the Department of an erosion and sediment control plan and stormwater management plan in accordance with applicable regulations. The Department shall act on any plan submittal within 60 days after initial submittal of a completed plan to the Department. The Department may issue either approval or disapproval and shall provide written rationale for any disapproval. The Department shall act on any plan that has been previously disapproved within 30 days after the plan has been revised and resubmitted for approval.

*E. No action by either the Department or the Board on a certification pursuant to this article shall alter the siting determination made through Federal Energy Regulatory Commission or State Corporation Commission approval.*

*F. The Department shall assess an administrative charge to the applicant to cover the direct costs of services rendered associated with its responsibilities pursuant to this section.*

**§ 62.1-44.15:82. Public notice of draft certificate conditions.**

*A. The Department shall prepare a public notice of draft certification conditions developed pursuant to § 62.1-44.15:81 that the applicant shall cause to be published once in one or more newspapers of general circulation selected by the Department in the areas in which the proposed activity is to take place.*

*B. The public notice shall include:*

*1. The name, address, telephone number, and government email address of the Department office at which persons may obtain information pertinent to the application;*

*2. A brief description of the activity that may result in a discharge to state waters or how to obtain detailed information on the activity;*

*3. The location of such activity and the state waters that may be affected. The location shall include a listing of all counties and cities in which the activity will occur and include either maps of the project area or directions on how to access such maps. Where possible, location information shall reference route numbers, road intersections, map coordinates, or similar information or how to obtain detailed information on the activity;*

*4. A summary of the draft certification conditions;*

*5. A brief description of the procedures for formulation of a final determination of any conditions, including the appropriate comment period required by subsection C and the means by which interested persons may comment on the application; and*

*6. Instructions for requesting a public hearing if a public hearing is not already scheduled.*

*C. If no public hearing has already been scheduled, a period of 30 days following the date of the publication of public notice shall be provided during which interested persons may submit written comments and requests for a hearing. If a public hearing has already been scheduled, public notice shall be provided at least 30 days before the public hearing date.*

**§ 62.1-44.15:83. Requests for public hearing, hearings, and final decisions procedures.**

*A. The issuance of a certification pursuant to this article shall be a permit action for purposes of § 62.1-44.15:02.*

*B. The Department shall assess an administrative charge to the applicant to cover the direct costs of services rendered associated with its responsibilities pursuant to this section.*

**§ 62.1-44.15:84. Requests for modification or revocation; public notice.**

*A. The applicant or the Department may request that conditions in the certification be modified or revoked. Requests for modification or revocation of any certification conditions shall contain the following information:*

*1. If the request is made by the applicant, the name, mailing address, and telephone number of the requester and the name, mailing address, and telephone number of any person representing the requestor;*

*2. Where applicable, a statement specifically setting forth the requested modification and the reason for such modification; and*

*3. Where applicable, a statement specifically setting forth the reason for the requested revocation.*

*B. The Director shall review all requests for modification or revocation and make a tentative determination within 60 days of receipt of the completed request whether to grant or deny the requested modification or revocation.*

*C. Any draft modification or revocation shall be public noticed, and final decisions shall be made in the same manner as the original certification.*

**2. That the provisions of this act shall apply to any application submitted on or after July 1, 2018, for a federal license or permit for construction of a natural gas transmission pipeline that has an inside diameter of greater than 36 inches pursuant to a certificate of public convenience and necessity under § 7c of the federal Natural Gas Act (15 U.S.C. § 717f(c)).**

**CHAPTER 637**

*An Act to amend and reenact § 29.1-744.3 of the Code of Virginia, relating to motorboats; means of propulsion; when person in water accompanying boat.*

[S 984]

Approved March 30, 2018

**Be it enacted by the General Assembly of Virginia:**

**1. That § 29.1-744.3 of the Code of Virginia is amended and reenacted as follows:**

**§ 29.1-744.3. Slacken speed and control wakes near structures.**

It shall be unlawful to operate any motorboat, except a personal watercraft, at a speed greater than the slowest possible speed required to maintain steerage and headway when within 50 feet or less of docks, piers, boathouses, boat ramps, or a person in the water, unless such person in the water (i) is being towed by the motorboat or (ii) is accompanying the motorboat, provided that such motorboat is propelled by an inboard motor or a means of propulsion that is below the water line and forward of (a) the transom or (b) an integrated swim platform.

## CHAPTER 638

*An Act for the relief of Robert Paul Davis.*

[H 1010]

Approved March 30, 2018

Whereas, Robert Paul Davis (Robert Davis) spent almost 13 years in prison within the Virginia Department of Corrections for crimes he did not commit; and

Whereas, on February 19, 2003, the Crozet Fire Department and Albemarle County law-enforcement officers responded to a fire on Cling Lane in Crozet, Virginia, and upon entering the home, investigators discovered the bodies of Nola Annette Charles and her son, William Thomas Charles; and

Whereas, the deaths of Nola Annette Charles and William Thomas Charles were determined to be homicides; and

Whereas, investigation by law enforcement led to the arrest on February 21, 2003, of William Rockland Fugett, Jr. (Rocky Fugett), age 19, and his sister Jessica Gale Fugett (Jessica Fugett), age 15; and

Whereas, Rocky Fugett and Jessica Fugett lived across the street from the home of the Charleses and knew the Charles family; and

Whereas, Rocky Fugett and Jessica Fugett attended Western Albemarle High School, where Robert Davis also attended; and

Whereas, Rocky Fugett and Jessica Fugett were interrogated by investigators of the Albemarle County Police Department on February 21, 2003; and

Whereas, Rocky Fugett and Jessica Fugett admitted to the murders of Nola Annette Charles and William Thomas Charles and also implicated Robert Davis and others not prosecuted; and

Whereas, Rocky Fugett and Jessica Fugett were known to have bullied and harbored a deep hatred of Robert Davis; and

Whereas, there was substantial physical and forensic evidence linking Rocky Fugett and Jessica Fugett to the deaths of Nola Annette Charles and Williams Thomas Charles; and

Whereas, the statements by Rocky Fugett and Jessica Fugett implicating Robert Davis in the deaths of Nola Annette Charles and William Thomas Charles were never corroborated by any independent evidence; and

Whereas, Robert Davis was arrested on February 22, 2003, and subsequently interrogated by investigators of the Albemarle County Police Department; and

Whereas the video-taped interrogation commenced at 2:00 a.m., February 22, 2003, and continued until 8:00 a.m., February 22, 2003; and

Whereas, at the time of his arrest, Robert Davis was 18 years of age, was a senior at Western Albemarle High School, and had no prior adult criminal record; and

Whereas, at the time of his arrest, Robert Davis had a learning disability and had attended a special school for learning disabled students; and

Whereas, at the time of his arrest, Robert Davis was ill with a virus, was on antibiotic medication, and periodically used a breathing device for his asthma; and

Whereas, Robert Davis denied any involvement in the deaths of Nola Annette Charles and William Thomas Charles at least 78 times during almost six hours of video-taped interrogation; and

Whereas, Robert Davis asked to be given a polygraph examination at least five times and stated at least 26 times that he had not been in the Charleses' house; and

Whereas, the investigators interrogating Robert Davis did not have any independent, physical, or forensic evidence linking Robert Davis to the deaths of Nola Annette Charles and William Thomas Charles, only statements made by Rocky Fugett and Jessica Fugett implicating Robert Davis; and

Whereas, through improper and questionable interrogating procedures and techniques, the investigators fed Robert Davis facts relevant to the deaths of Nola Annette Charles and William Thomas Charles; and

Whereas, through these improper and questionable interrogating procedures and techniques, coupled with other salient factors, the investigators eventually wore Robert Davis down and overbore his will, and Robert Davis eventually confessed to the deaths of Nola Annette Charles and William Thomas Charles; and

Whereas, Robert Davis's confession was never corroborated by any independent evidence linking Robert Davis to the deaths of Nola Annette Charles and William Thomas Charles and the confession given by Robert Davis did not fit the facts of the crime scene; and

Whereas, upon the conclusion of the interrogation by investigators of the Albemarle County Police Department, Robert Davis once again insisted that he was not involved in the deaths of Nola Annette Charles and William Thomas Charles; and

Whereas, on October 6, 2003, Robert Davis was indicted on two counts of first-degree murder, two counts of attempted murder, and arson, robbery, and burglary; and

Whereas, a Motion to Suppress the Confession was heard by the Albemarle Circuit Court on December 2, 2003, and said motion was denied as a matter of constitutional law, leaving the reliability of the confession to the judgment of the jury; and

Whereas, prosecutors notified the attorneys for Robert Davis that Rocky Fugett would testify against Robert Davis; and

Whereas, Robert Davis, if convicted at trial, could have been sentenced to life imprisonment in the Virginia Department of Corrections; and

Whereas, the prosecutors offered Robert Davis the opportunity to plead guilty to the first-degree murder of Nola Annette Charles and the second-degree murder of William Thomas Charles and indicated that they would recommend a sentence of 23 years in the Virginia Department of Corrections; and

Whereas, Robert Davis continued to insist that he was innocent and was not involved in the deaths of Nola Annette Charles and William Thomas Charles; and

Whereas, the attorneys for Robert Davis were concerned that if Robert Davis went to trial on these charges and were found guilty, he likely would receive at least one life sentence; and

Whereas, upon consultation with his attorneys, who recommended that he accept the plea agreement, Robert Davis reluctantly agreed; and

Whereas, Robert Davis entered an "Alford Plea," which would allow him to maintain his innocence while acknowledging that the prosecutors could prove the charges; and

Whereas, on April 19, 2004, after entering his Alford Plea, Robert Davis, while still maintaining his innocence, was sentenced to 23 years in the Virginia Department of Corrections; and

Whereas, in 2006, Rocky Fugett, who was sentenced to 75 years in the Virginia Department of Corrections for his role in the deaths of Nola Annette Charles and William Thomas Charles, contacted the attorney for Robert Davis and recanted his statement, under oath, that Robert Davis was involved in the deaths of Nola Annette Charles and William Thomas Charles; and

Whereas, in 2012, Jessica Fugett, who was sentenced to 100 years in the Virginia Department of Corrections for her role in the deaths of Nola Annette Charles and William Thomas Charles, contacted the attorney for Robert Davis and recanted her statement, under oath, that Robert Davis was involved in the deaths of Nola Annette Charles and William Thomas Charles; and

Whereas, a Petition for Clemency on behalf of Robert Davis was filed in 2012 with the Office of the Governor of Virginia; and

Whereas, nationally recognized experts in the field of interrogation practices and procedures, along with mental health experts who evaluated Robert Davis, examined the interrogation processes and procedures used against Robert Davis and evidence related to the deaths of Nola Annette Charles and William Thomas Charles and opined that the interrogation of Robert Davis that led to his confession was improper and unreliable; and

Whereas, on December 21, 2015, Governor Terry McAuliffe granted the Petition for Clemency and issued a Conditional Pardon releasing Robert Davis from prison and placing him on parole; and

Whereas, in 2016, the Chief of Albemarle County Police Department and a senior detective stated that Robert Davis's confession was improperly obtained and thus unreliable, and this was presented to Governor Terry McAuliffe as a basis to request an absolute pardon for Robert Davis and a declaration of innocence; and

Whereas, on December 15, 2016, Governor Terry McAuliffe granted the Petition for Clemency, issued an Absolute Pardon, and declared Robert Davis innocent in the deaths of Nola Annette Charles and William Thomas Charles; and

Whereas, Robert Davis, as a result of this wrongful incarceration, has lost almost 13 years of his freedom and countless life experiences and opportunities, including the loss of family relations, the opportunity to further his education, and the opportunity to earn potential income from gainful employment during his years of incarceration; and

Whereas, Robert Davis, as a result of this wrongful incarceration, has suffered severe physical, emotional, and psychological damage; and

Whereas, Robert Davis has no other means to obtain adequate relief except by action of this body; now, therefore,

**Be it enacted by the General Assembly of Virginia:**

1. § 1. *That there is hereby appropriated from the general fund of the state treasury the sum of \$582,313 for the relief of Robert Davis, to be paid by check issued by the State Treasurer on warrant of the Comptroller upon execution of a release of any present or future claims Robert Davis may have against (i) the Commonwealth or any agency, instrumentality, officer, employee, or political subdivision thereof, (ii) any legal counsel appointed pursuant to § 19.2-159 of the Code of Virginia, and (iii) all other parties of interest in connection with the aforesaid occurrence.*

*The compensation, subject to the execution of the release described herein, shall be paid as follows: (a) an initial lump sum of \$116,463 to be paid to Robert Davis by check issued by the State Treasurer on warrant of the Comptroller within 60 days immediately following the execution of such release and (b) the sum of \$465,850 to purchase an annuity no later than September 30, 2018, for the primary benefit of Robert Davis, the terms of such annuity structured in Robert Davis's best interests based on consultation with Robert Davis or his representatives, the State Treasurer, and other necessary parties.*

*The State Treasurer shall purchase the annuity at the lowest cost available from any A+ rated company authorized to sell annuities in the Commonwealth, including any A+ rated company from which the State Lottery Department may purchase an annuity. The annuity shall provide that it shall not be sold, discounted, or used as securitization for loans and mortgages. The annuity shall, however, contain beneficiary provisions providing for the annuity's continued disbursement in the event of Robert Davis's death.*

§ 2. *That Robert Davis shall be entitled to receive career and technical training within the Virginia Community College System free of tuition charges, up to a maximum of \$10,000. The cost for the tuition benefit shall be paid by the community*

college at which the career or technical training is provided. The tuition benefit provided by this section shall expire on January 1, 2023.

**2. That the provisions of § 8.01-195.12 of the Code of Virginia shall apply to any compensation awarded under this act.**

**CHAPTER 639**

*An Act to amend and reenact § 10.1-2211.1 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 10.1-2211.1:1, relating to Revolutionary War graves.*

[H 153]

Approved March 30, 2018

**Be it enacted by the General Assembly of Virginia:**

**1. That § 10.1-2211.1 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 10.1-2211.1:1 as follows:**

**§ 10.1-2211.1. Disbursement of funds appropriated for caring for Revolutionary War cemeteries and graves.**

A. At the direction of the Director, the Comptroller of the Commonwealth is instructed and empowered to draw annual warrants upon the State Treasurer from any sums that may be provided in the general appropriation act, in favor of the treasurers of the *Virginia Society of the Sons of the American Revolution (VASSAR)* and the Revolutionary War memorial associations caring for cemeteries as set forth in subsection B. Such sums shall be expended by the associations for the routine maintenance of their respective Revolutionary War cemeteries and graves and for the graves of Revolutionary War soldiers and sailors not otherwise cared for in other cemeteries; and in erecting and caring for markers, memorials, and monuments to the memory of such soldiers and sailors, and persons rendering service to the Patriot cause in the Revolutionary War. All such associations, through their proper officers, are required after July 1 of each year to submit to the Director a certified statement that the funds appropriated disbursed to the association or organization in the preceding fiscal year were or will be expended for the routine maintenance of cemeteries and graves specified in this section and the graves of Revolutionary War soldiers and sailors and in erecting and caring for markers, memorials, and monuments to the memory of such soldiers and sailors, and persons rendering service to the Patriot cause in the Revolutionary War. ~~A~~ If a cemetery association ~~fails~~ fails to comply with any of the requirements of this section, such association shall be prohibited from receiving moneys allocated under this section for all subsequent fiscal years until the association fully complies with the requirements. *No retroactive disbursement of funds for any preceding year shall be made. The Director shall deposit any appropriated funds that are not disbursed during the same fiscal year into the Revolutionary War Cemeteries and Graves Fund created pursuant to § 10.1-2211.1:1.*

B. Allocation of appropriations made pursuant to this section shall be based on the number of graves, monuments, and markers as set forth opposite the cemetery name, or as documented by each association multiplied by the rate of ~~five dollars~~ \$5 or the average actual cost of routine maintenance, whichever is greater, for each grave, monument, or marker in the care of a cemetery association. For the purposes of this section, the "average actual cost of care" shall be determined by the Department in a biennial survey of at least four properly maintained cemeteries, each located in a different geographical region of the Commonwealth.

IN THE COUNTIES OF:	NUMBER:
Amherst	
St. Matthews Episcopal Church	3
Augusta	
Bethel Presbyterian Church	33
Glebe Burying Ground	11
Mossy Creek Cemetery	6
Augusta Stone Presbyterian Church	44
Hebron Presbyterian Church	6
Old Providence Presbyterian Church	20
Rocky Spring Presbyterian Church	4
St. John's Reformed Lutheran Church	4
St. Peter's Lutheran Church	3
Tinkling Springs Presbyterian Church	13
Trinity Lutheran Church	8
Botetourt	
Fincastle Presbyterian Church	28

Campbell	
Callaway-Steptoe Cemetery	4
Cobbs Hall Farm	3
Concord Presbyterian Church	4
Family Cemetery at Avoca	3
Mount Airy Family Cemetery	3
Haden Family Cemetery on Phillips Farm	3
Hat Creek Presbyterian Church	3
Clarke	
Old Chapel Churchyard	3
Culpeper	
Culpeper Cemetery	3
Masonic Cemetery	3
Dinwiddie	
Sweden Plantation	3
Floyd	
Pine Creek Cemetery	4
Franklin	
Tanyard-Benard-Hill Cemetery	3
Greenesville	
Robinson Family Cemetery	3
Halifax	
Terry Family Cemetery	5
Hanover	
Spring Grove Cemetery	5
Henry	
Leatherwood Plantation	5
Loudoun	
Ketocin Cemetery	7
Louisa	
Little River Baptist Church	3
Nelson	
Cub Creek Road Cemetery	10
Page	
Printz Family Cemetery	3
Pittsylvania	
Buckler Family Cemetery	3
Roanoke	
Walton Family Cemetery	3
Rockingham	
Dayton Cemetery	3
Old Peaked Mountain Church	30
Russell	
Soloman Litton Hollow Cemetery	4
Shenandoah	
St. Mary's Lutheran Church	7
Tazewell	

Thompson Family Cemetery	4
Washington	
Green Spring Church	6
Sinking Spring Cemetery	9
Wythe	
St. John's Lutheran Church	5
St. Paul's Lutheran Church	4
IN THE CITIES OF:	
Alexandria	
Christ Church Cemetery	8
Old Presbyterian Meeting House	43
Fairfax	
Fairfax City Cemetery	3
Pohick Church Cemetery	3
Washington Family Tomb	3
Fredericksburg	
Fredericksburg Cemetery	5
Masonic Cemetery	6
St. George's Episcopal Church	3
Lexington	
Stonewall Jackson Memorial Cemetery	19
Washington and Lee University	3
Lynchburg	
Old City Cemetery	3
Newport News	
Warwick Burial Ground	3
Norfolk	
St. Paul's Cemetery	3
Portsmouth	
Cedar Grove	4
Trinity Episcopal Church	5
Richmond	
Hollywood Cemetery	4
Shockoe Hill Cemetery	8
St. John's Episcopal Church	4
Rockbridge	
Falling Spring Presbyterian Church	6
High Bridge Presbyterian Church	3
New Providence Presbyterian Church	16
Timber Ridge Cemetery	9
Staunton	
Trinity Episcopal Church	17
Williamsburg	
Bruton Parish Church	4
Winchester	
Mount Hebron Cemetery	31
Old Opequon Presbyterian Church	10

C. In addition to any sums that may be provided in favor of the associations as set forth in subsection B, the Director shall disburse funds at the same rate to VASSAR to fund its maintenance of no more than 4,050 additional Revolutionary War graves in the Commonwealth, as documented and certified by VASSAR and set forth in a list submitted annually to the Director.

~~In addition to funds that may be provided pursuant to subsection B, any~~ D. Any of the associations and societies set forth in subsection B or C may apply to the Director for grants to perform extraordinary maintenance, renovation, repair, or reconstruction of any of their respective Revolutionary War cemeteries and graves and ~~for the graves of Revolutionary War~~ to erect and care for markers, memorials, and monuments to the memory of such soldiers and, sailors, and persons rendering service to the Patriot cause in the Revolutionary War. These grants shall be made from any appropriation made available by the General Assembly for such purpose or from the Revolutionary War Cemeteries and Graves Fund created pursuant to § 10.1-2211.1:1. In making such grants, the Director shall give full consideration to the assistance available from the ~~United States~~ U.S. Department of Veterans Affairs, or other agencies, except in those instances where such assistance is deemed by the Director to be detrimental to the historical, artistic, or architectural significance of the site.

~~D.~~ E. Local matching funds shall not be required for grants made pursuant to this section.

**§ 10.1-2211.1:1. Revolutionary War Cemeteries and Graves Fund.**

There is hereby created in the state treasury a special nonreverting fund to be known as the Revolutionary War Cemeteries and Graves Fund, referred to in this section as "the Fund." The Fund shall be established on the books of the Comptroller. All funds appropriated for such purpose, all funds deposited in the Fund pursuant to subsection A of § 10.1-2211.1, and any gifts, donations, grants, bequests, and other funds received on its behalf shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used solely for the purposes set out in subsection D of § 10.1-2211.1. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the Director.

**CHAPTER 640**

An Act to amend the Code of Virginia by adding a section numbered 33.2-214.3, relating to transportation project selection in Planning District 8 (Northern Virginia); public meeting.

[H 1285]

Approved March 30, 2018

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding a section numbered 33.2-214.3 as follows:**

**§ 33.2-214.3. Transparency in project selection in Planning District 8.**

At least annually, the Northern Virginia Transportation Authority, the Northern Virginia Transportation Commission, the Virginia Railway Express, and the Commonwealth Transportation Board shall conduct a joint public meeting for the purposes of presenting to the public, and receiving public comments on, the transportation projects proposed and conducted by each entity in Planning District 8. Such presentation shall include documentation regarding how the combined project selection, timing, and revenue sources employed by the entities represents the most efficient use of revenue sources. Such presentation shall include any evaluations or analyses conducted by such entities pursuant to § 33.2-214.1 or 33.2-257 that relate to Planning District 8. Each entity shall have at least one designee physically assembled at such joint public meeting. Nothing herein shall require a quorum of each such entity to participate in such joint public meeting.

**CHAPTER 641**

An Act to amend and reenact § 10.1-2211.1 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 10.1-2211.1:1, relating to Revolutionary War graves.

[S 177]

Approved March 30, 2018

**Be it enacted by the General Assembly of Virginia:**

**1. That § 10.1-2211.1 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 10.1-2211.1:1 as follows:**

**§ 10.1-2211.1. Disbursement of funds appropriated for caring for Revolutionary War cemeteries and graves.**

A. At the direction of the Director, the Comptroller of the Commonwealth is instructed and empowered to draw annual warrants upon the State Treasurer from any sums that may be provided in the general appropriation act, in favor of the treasurers of the Virginia Society of the Sons of the American Revolution (VASSAR) and the Revolutionary War memorial associations caring for cemeteries as set forth in subsection B. Such sums shall be expended by the associations for the routine maintenance of their respective Revolutionary War cemeteries and graves and for the graves of Revolutionary War soldiers and sailors not otherwise cared for in other cemeteries; and in erecting and caring for markers, memorials, and

monuments to the memory of such soldiers ~~and~~, sailors, *and persons rendering service to the Patriot cause in the Revolutionary War*. All such associations, through their proper officers, are required after July 1 of each year to submit to the Director a certified statement that the funds ~~appropriated~~ *disbursed* to the association or organization in the preceding fiscal year were or will be expended for the routine maintenance of cemeteries *and graves* specified in this section ~~and the graves of Revolutionary War soldiers and sailors~~ and in erecting and caring for markers, memorials, and monuments to the memory of such soldiers ~~and~~, sailors, *and persons rendering service to the Patriot cause in the Revolutionary War*. ~~A~~ *If* a cemetery association ~~fails~~ *fails* to comply with any of the requirements of this section, *such association* shall be prohibited from receiving moneys allocated under this section for all subsequent fiscal years until the association fully complies with the requirements. *No retroactive disbursement of funds for any preceding year shall be made. The Director shall deposit any appropriated funds that are not disbursed during the same fiscal year into the Revolutionary War Cemeteries and Graves Fund created pursuant to § 10.1-2211.1:1.*

B. Allocation of appropriations made pursuant to this section shall be based on the number of graves, monuments, and markers as set forth opposite the cemetery name, or as documented by each association multiplied by the rate of ~~five dollars~~ \$5 or the average actual cost of routine maintenance, whichever is greater, for each grave, monument, or marker in the care of a cemetery association. For the purposes of this section, the "average actual cost of care" shall be determined by the Department in a biennial survey of at least four properly maintained cemeteries, each located in a different geographical region of the Commonwealth.

IN THE COUNTIES OF:	NUMBER:
Amherst	
St. Matthews Episcopal Church	3
Augusta	
Bethel Presbyterian Church	33
Glebe Burying Ground	11
Mossy Creek Cemetery	6
Augusta Stone Presbyterian Church	44
Hebron Presbyterian Church	6
Old Providence Presbyterian Church	20
Rocky Spring Presbyterian Church	4
St. John's Reformed Lutheran Church	4
St. Peter's Lutheran Church	3
Tinkling Springs Presbyterian Church	13
Trinity Lutheran Church	8
Botetourt	
Fincastle Presbyterian Church	28
Campbell	
Callaway-Steptoe Cemetery	4
Cobbs Hall Farm	3
Concord Presbyterian Church	4
Family Cemetery at Avoca	3
Mount Airy Family Cemetery	3
Haden Family Cemetery on Phillips Farm	3
Hat Creek Presbyterian Church	3
Clarke	
Old Chapel Churchyard	3
Culpeper	
Culpeper Cemetery	3
Masonic Cemetery	3
Dinwiddie	
Sweden Plantation	3
Floyd	

Pine Creek Cemetery	4
Franklin	
Tanyard-Benard-Hill Cemetery	3
Greensville	
Robinson Family Cemetery	3
Halifax	
Terry Family Cemetery	5
Hanover	
Spring Grove Cemetery	5
Henry	
Leatherwood Plantation	5
Loudoun	
Ketoctin Cemetery	7
Louisa	
Little River Baptist Church	3
Nelson	
Cub Creek Road Cemetery	10
Page	
Printz Family Cemetery	3
Pittsylvania	
Buckler Family Cemetery	3
Roanoke	
Walton Family Cemetery	3
Rockingham	
Dayton Cemetery	3
Old Peaked Mountain Church	30
Russell	
Soloman Litton Hollow Cemetery	4
Shenandoah	
St. Mary's Lutheran Church	7
Tazewell	
Thompson Family Cemetery	4
Washington	
Green Spring Church	6
Sinking Spring Cemetery	9
Wythe	
St. John's Lutheran Church	5
St. Paul's Lutheran Church	4
IN THE CITIES OF:	
Alexandria	
Christ Church Cemetery	8
Old Presbyterian Meeting House	43
Fairfax	
Fairfax City Cemetery	3
Pohick Church Cemetery	3
Washington Family Tomb	3
Fredericksburg	

Fredericksburg Cemetery	5
Masonic Cemetery	6
St. George's Episcopal Church	3
Lexington	
Stonewall Jackson Memorial Cemetery	19
Washington and Lee University	3
Lynchburg	
Old City Cemetery	3
Newport News	
Warwick Burial Ground	3
Norfolk	
St. Paul's Cemetery	3
Portsmouth	
Cedar Grove	4
Trinity Episcopal Church	5
Richmond	
Hollywood Cemetery	4
Shockoe Hill Cemetery	8
St. John's Episcopal Church	4
Rockbridge	
Falling Spring Presbyterian Church	6
High Bridge Presbyterian Church	3
New Providence Presbyterian Church	16
Timber Ridge Cemetery	9
Staunton	
Trinity Episcopal Church	17
Williamsburg	
Bruton Parish Church	4
Winchester	
Mount Hebron Cemetery	31
Old Opequon Presbyterian Church	10

C. In addition to any sums that may be provided in favor of the associations as set forth in subsection B, the Director shall disburse funds at the same rate to VASSAR to fund its maintenance of no more than 6,000 additional Revolutionary War graves in the Commonwealth, as documented and certified by VASSAR and set forth in a list submitted annually to the Director.

~~In addition to funds that may be provided pursuant to subsection B, any~~ D. Any of the associations and societies set forth in subsection B or C may apply to the Director for grants to perform extraordinary maintenance, renovation, repair, or reconstruction of any of their respective Revolutionary War cemeteries and graves and ~~for the graves of Revolutionary War~~ to erect and care for markers, memorials, and monuments to the memory of such soldiers and, sailors, and persons rendering service to the Patriot cause in the Revolutionary War. These grants shall be made from any appropriation made available by the General Assembly for such purpose or from the Revolutionary War Cemeteries and Graves Fund created pursuant to § 10.1-2211.1:1. In making such grants, the Director shall give full consideration to the assistance available from the ~~United States~~ U.S. Department of Veterans Affairs, or other agencies, except in those instances where such assistance is deemed by the Director to be detrimental to the historical, artistic, or architectural significance of the site.

~~D. E.~~ Local matching funds shall not be required for grants made pursuant to this section.

**§ 10.1-2211.1:1. Revolutionary War Cemeteries and Graves Fund.**

There is hereby created in the state treasury a special nonreverting fund to be known as the Revolutionary War Cemeteries and Graves Fund, referred to in this section as "the Fund." The Fund shall be established on the books of the Comptroller. All funds appropriated for such purpose, all funds deposited in the Fund pursuant to subsection A of § 10.1-2211.1, and any gifts, donations, grants, bequests, and other funds received on its behalf shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any

*moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used solely for the purposes set out in subsection D of § 10.1-2211.1. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the Director.*

#### CHAPTER 642

*An Act to amend the Code of Virginia by adding sections numbered 62.1-132.3:3 and 62.1-132.3:4, relating to Virginia Waterway Maintenance Fund; grant program.*

[S 693]

Approved March 30, 2018

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding sections numbered 62.1-132.3:3 and 62.1-132.3:4 as follows:**

**§ 62.1-132.3:3. Virginia Waterway Maintenance Fund.**

*From such funds as may be appropriated by the General Assembly and any gifts, grants, or donations from public or private sources, there is hereby created in the state treasury a special nonreverting, permanent fund to be known as the Virginia Waterway Maintenance Fund (the Fund), to be administered by the Authority. The Fund shall be established on the books of the Comptroller. Any moneys remaining in the Fund at the end of each fiscal year, including interest thereon, shall not revert to the general fund but shall remain in the Fund. Expenditures and disbursements from the Fund, which shall be in the form of grants, shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the Executive Director. Moneys in the Fund shall be used solely for the purpose of awarding grants to applicants to the Virginia Waterway Maintenance Grant Program pursuant to § 62.1-132.3:4.*

**§ 62.1-132.3:4. Virginia Waterway Maintenance Grant Program.**

*A. Once each fiscal year, the Authority shall award a grant of funds to a qualified applicant or applicants to support a dredging project or projects that have been approved by the Authority. The source of the grant funds shall be the Virginia Waterway Maintenance Fund created pursuant to § 62.1-132.3:3. Applicants shall be limited to political subdivisions and the governing bodies of Virginia localities.*

*B. The Authority shall develop guidelines establishing an application process, procedures for evaluating the feasibility of a proposed dredging project, and procedures for awarding grants. The guidelines and procedures shall be exempt from the Administrative Process Act (§ 2.2-4000 et seq.). The guidelines and procedures shall provide that:*

*1. The Authority shall evaluate each application to determine its completeness, the sufficiency of its justification for the proposed project, the status of any necessary permits, the adequacy of its project management organization, and the potential beneficial use of dredged materials for the purpose of mitigation of coastal erosion, flooding, or other purposes for the common good.*

*2. The Authority shall not require any level of matching contributions from the applicant.*

*3. No award of a grant shall support any dredging project for a solely privately owned marina or dock.*

*4. Prior to receipt of a grant, the applicant shall enter into a memorandum of understanding with the Authority establishing the requirements for the use of the grant funds.*

*C. Projects for which the Authority may award grant funding include (i) feasibility and cost evaluations, pre-project engineering studies, and project permitting and contracting costs for a waterway project conducted by the Commonwealth; (ii) the state portion of a nonfederal sponsor funding requirement for a federal project, which may include the beneficial use of dredged materials that are not covered by federal funding; (iii) the Commonwealth's maintenance of shallow-draft navigable waterway channel maintenance dredging and the construction and management of areas for the placement of dredged material; and (iv) the beneficial use, for environmental restoration and the mitigation of coastal erosion or flooding, of dredged materials from waterway projects conducted by the Commonwealth.*

#### CHAPTER 643

*An Act to amend and reenact § 15.2-2403 of the Code of Virginia, relating to powers of service districts.*

[H 161]

Approved March 30, 2018

**Be it enacted by the General Assembly of Virginia:**

**1. That § 15.2-2403 of the Code of Virginia is amended and reenacted as follows:**

**§ 15.2-2403. Powers of service districts.**

*After adoption of an ordinance or ordinances or the entry of an order creating a service district, the governing body or bodies shall have the following powers with respect to the service districts:*

*1. To construct, maintain, and operate such facilities and equipment as may be necessary or desirable to provide additional, more complete, or more timely governmental services within a service district, including but not limited to general government facilities; water supply, dams, sewerage, garbage removal and disposal, heat, light, fire-fighting*

equipment and power and gas systems and sidewalks; economic development services; promotion of business and retail development services; beautification and landscaping; beach and shoreline management and restoration; dredging of creeks and rivers to maintain existing uses; control of infestations of insects that may carry a disease that is dangerous to humans, gypsy moths, cankerworms or other pests identified by the Commissioner of the Department of Agriculture and Consumer Services in accordance with the Virginia Pest Law (§ 3.2-700 et seq.); public parking; extra security, street cleaning, snow removal and refuse collection services; sponsorship and promotion of recreational and cultural activities; upon petition of over 50 percent of the property owners who own not less than 50 percent of the property to be served, construction, maintenance, and general upkeep of streets and roads; construction, maintenance, and general upkeep of streets and roads through creation of urban transportation service districts pursuant to § 15.2-2403.1; and other services, events, or activities that will enhance the public use and enjoyment of and the public safety, public convenience, and public well-being within a service district. Such services, events, or activities shall not be undertaken for the sole or dominant benefit of any particular individual, business or other private entity. Any transportation service, system, facility, roadway, or roadway appurtenance established under this subdivision that will be operated or maintained by the Virginia Department of Transportation shall be established with the involvement of the governing body of the locality and meet the appropriate requirements of the Department.

2. Notwithstanding the provisions of § 33.2-326, to provide, in addition to services authorized by subdivision 1, transportation and transportation services within a service district, regardless of whether the facilities subject to the services are or will be operated or maintained by the Virginia Department of Transportation, including, but not limited to: public transportation systems serving the district; transportation management services; road construction, including any new roads or improvements to existing roads; rehabilitation and replacement of existing transportation facilities or systems; and sound walls or sound barriers. However, any transportation service, system, facility, roadway, or roadway appurtenance established under this subdivision that will be operated or maintained by the Virginia Department of Transportation shall be established with the involvement of the governing body of the locality and meet the appropriate requirements of the Department. The proceeds from any annual tax or portion thereof collected for road construction pursuant to subdivision 6 may be accumulated and set aside for such reasonable period of time as is necessary to finance such construction; however, the governing body or bodies shall make available an annual disclosure statement, which shall contain the amount of any such proceeds accumulated and set aside to finance such road construction.

3. To acquire in accordance with § 15.2-1800, any such facilities and equipment and rights, title, interest or easements therefor in and to real estate in such district and maintain and operate the same as may be necessary and desirable to provide the governmental services authorized by subdivisions 1 and 2.

4. To contract with any person, municipality or state agency to provide the governmental services authorized by subdivisions 1 and 2 and to construct, establish, maintain, and operate any such facilities and equipment as may be necessary and desirable in connection therewith.

5. To require owners or tenants of any property in the district to connect with any such system or systems, and to contract with the owners or tenants for such connections. The owners or tenants shall have the right of appeal to the circuit court within 10 days from action by the governing body.

6. To levy and collect an annual tax upon any property in such service district subject to local taxation to pay, either in whole or in part, the expenses and charges for providing the governmental services authorized by subdivisions 1, 2 and 11 and for constructing, maintaining, and operating such facilities and equipment as may be necessary and desirable in connection therewith; however, such annual tax shall not be levied for or used to pay for schools, police, or general government services not authorized by this section, and the proceeds from such annual tax shall be so segregated as to enable the same to be expended in the district in which raised. Such tax may be levied on taxable real estate zoned for residential, commercial, industrial or other uses, or any combination of such use classification, within the geographic boundaries of the service district; however, such tax shall only be levied upon the specific classification of real estate that the local governing body deems the provided governmental services to benefit. In addition to the tax on property authorized herein, in the City of Virginia Beach, the city council shall have the power to impose a tax on the base transient room rentals, excluding hotels, motels, and travel campgrounds, within such service district at a rate or percentage not higher than five percent which is in addition to any other transient room rental tax imposed by the city. The proceeds from such additional transient room rental tax shall be deposited in a special fund to be used only for the purpose of beach and shoreline management and restoration. Any locality imposing a tax pursuant to this subdivision may base the tax on the full assessed value of the taxable property within the service district, notwithstanding any special use value assessment of property within the service district for land preservation pursuant to Article 4 (§ 58.1-3229 et seq.) of Chapter 32 of Title 58.1, provided the owner of such property has given written consent. In addition to the taxes and assessments described herein, a locality creating a service district may contribute from its general fund any amount of funds it deems appropriate to pay for the governmental services authorized by subdivisions 1, 2, and 11 of this section.

7. To accept the allocation, contribution or funds of, or to reimburse from, any available source, including, but not limited to, any person, authority, transportation district, locality, or state or federal agency for either the whole or any part of the costs, expenses and charges incident to the acquisition, construction, reconstruction, maintenance, alteration, improvement, expansion, and the operation or maintenance of any facilities and services in the district.

8. To employ and fix the compensation of any technical, clerical, or other force and help which from time to time, in their judgment may be necessary or desirable to provide the governmental services authorized by subdivisions 1, 2 and 11 or

for the construction, operation, or maintenance of any such facilities and equipment as may be necessary or desirable in connection therewith.

9. To create and terminate a development board or other body to which shall be granted and assigned such powers and responsibilities with respect to a special service district as are delegated to it by ordinance adopted by the governing body of such locality or localities. Any such board or alternative body created shall be responsible for control and management of funds appropriated for its use by the governing body or bodies, and such funds may be used to employ or contract with, on such terms and conditions as the board or other body shall determine, persons, municipal or other governmental entities or such other entities as the development board or alternative body deems necessary to accomplish the purposes for which the development board or alternative body has been created. If the district was created by court order, the ordinance creating the development board or alternative body may provide that the members appointed to the board or alternative body shall consist of a majority of the landowners who petitioned for the creation of the district, or their designees or nominees.

10. To negotiate and contract with any person or municipality with regard to the connections of any such system or systems with any other system or systems now in operation or hereafter established, and with regard to any other matter necessary and proper for the construction or operation and maintenance of any such system within the district.

11. To acquire by purchase, gift, devise, bequest, grant, or otherwise title to or any interests or rights of not less than five years' duration in real property that will provide a means for the preservation or provision of open-space land as provided for in the Open-Space Land Act (§ 10.1-1700 et seq.). Notwithstanding the provisions of subdivision 3, the governing body shall not use the power of condemnation to acquire any interest in land for the purposes of this subdivision.

12. To contract with any state agency or state or local authority for services within the power of the agency or authority related to the financing, construction, or operation of the facilities and services to be provided within the district; however, nothing in this subdivision shall authorize a locality to obligate its general tax revenues, or to pledge its full faith and credit.

13. In the Town of Front Royal, to construct, maintain, and operate facilities, equipment, and programs as may be necessary or desirable to control, eradicate, and prevent the infestation of rats and removal of skunks and the conditions that harbor them.

14. In Accomack County, to construct, maintain, and operate in the Wallops Research Park, consistent with all applicable federal, state, and local laws and regulations, such infrastructure, services, or amenities as may be necessary or desirable to provide access for aerospace-related economic development to the NASA/Wallops Flight Facility runway and related facilities, and to create and terminate a Wallops Research Park Partnership body, which shall consist of one representative of the NASA/Wallops Research Flight Facility, one representative of the U.S. Navy Surface Combat Systems Center, one representative of the Marine Science Consortium, one representative of the Accomack County government, the Chancellor of the Virginia Community College System, and one representative of the Virginia Economic Development Partnership. The Partnership body shall have all of the powers enumerated in § 15.2-2403. Federal appointees to the Partnership body shall maintain their absolute duties of loyalty to the U.S. government.

**CHAPTER 644**

*An Act to amend and reenact § 54.1-2009 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 54.1-2017.1, relating to real estate appraisers; evaluations.*

[H 1453]

Approved March 30, 2018

**Be it enacted by the General Assembly of Virginia:**

**1. That § 54.1-2009 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 54.1-2017.1 as follows:**

**§ 54.1-2009. Definitions.**

As used in this chapter, unless the context clearly indicates otherwise:

"Appraisal" means an analysis, opinion, or conclusion relating to the nature, quality, value, or utility of specified interests in, or aspects of, identified real estate or identified real property. An appraisal may be classified by subject matter into either a valuation or analysis. A "valuation" is an estimate of the value of real estate or real property. An "analysis" is a study of real estate or real property other than estimating value. The term "appraiser" or "appraisal" may be used only by a person licensed or certified by the Board.

"Appraisal report" means any communications, written or oral, of an appraisal.

"Board" means the Real Estate Appraiser Board.

"Certified general real estate appraiser" means an individual who meets the requirements for licensure that relate to the appraisal of all types of real estate and real property and is licensed as a certified general real estate appraiser. This designation is identified in Title 11, § 1116 (a) of the Financial Institutions Reform, Recovery and Enforcement Act of 1989 (12 U.S.C. § 3345 (a)) as a "state certified real estate appraiser."

"Certified residential real estate appraiser" means an individual who meets the requirements for licensure for the appraisal of (i) all types of real estate and real property that a licensed residential real estate appraiser is permitted to appraise and (ii) such other real estate and real property as the Board, by regulation, may permit.

To the extent permitted by federal law and regulation, a certified residential real estate appraiser shall be considered a state certified real estate appraiser within the meaning of Title 11, § 1116 (a) of the Financial Institutions Reform, Recovery and Enforcement Act of 1989 (12 U.S.C. § 3345 (a)).

"Department" means the Department of Professional and Occupational Regulation.

"Director" means the Director of the Department of Professional and Occupational Regulation.

"Evaluation" means an ~~analysis, opinion, or conclusion relating to the nature, quality, value, or utility of specified interests in, or aspects of, identified~~ of the market value of real property or real estate that may be utilized in connection with a real estate-related financial transaction where an appraisal by a state-certified or state-licensed appraiser is not required by the state or federal financial institution's regulatory agency engaging in, contracting for, or regulating such real estate-related financial transaction or regulating the financial institution or lender engaged in or about to engage in such real estate-related financial transaction. An evaluation is limited in its scope and development to the requirements for evaluations as set forth in the Interagency Appraisal and Evaluation Guidelines promulgated by the Office of the Comptroller of the Currency et al. (75 F.R. 77450).

"Federal financial institutions regulatory agencies" means the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, the Office of the Comptroller of the Currency, the Office of Thrift Supervision, the National Credit Union Administration, the Resolution Trust Corporation, the Federal National Mortgage Association, and the Federal Home Loan Mortgage Corporation.

"Federally related transaction" means any real estate-related financial transaction which:

1. A federal financial institutions regulatory agency engages in, contracts for or regulates; and
2. Requires the services of an appraiser.

"General real estate appraisal" means an appraisal conducted by an individual licensed as a certified general real estate appraiser.

"Licensed residential real estate appraiser" means an individual who meets the requirements for licensure for the appraisal of any residential real estate or real property of one to four family residential units as the Board, by regulation, may permit, and such other real estate and real property as the Board, by regulation, may permit.

This designation is identified in Title 11, § 1116 (c) of the Financial Institutions Reform, Recovery and Enforcement Act of 1989 (12 U.S.C. § 3345 (c)) as a "state-licensed appraiser."

"Real estate" means an identified parcel or tract of land, including improvements thereon, if any.

"Real estate-related financial transaction" means any transaction involving:

1. The sale, lease, purchase, investment in or exchange of real property, including interests in property, or the financing thereof;
2. The refinancing of real property or interests in real property; or
3. The use of real property or interests in real property as security for a loan or investment, including mortgage-backed securities.

"Real property" means one or more defined interests, benefits or rights inherent in the ownership of real estate.

"Regulation" means any regulations promulgated by the Real Estate Appraiser Board pursuant to the Administrative Process Act (§ 2.2-4000 et seq.).

"Residential real estate appraisal" means an appraisal conducted by a licensed residential real estate appraiser or a certified residential real estate appraiser.

**§ 54.1-2017.1. Evaluation requirements; report.**

A. Any evaluation, as defined in § 54.1-2009, shall contain the statement: "This is not an appraisal performed in accordance with the Uniform Standards of Professional Appraisal Practice."

B. The evaluation report may be prepared in any reporting format, provided that (i) the reporting format meets the requirements as set forth in the Interagency Appraisal and Evaluation Guidelines promulgated by the Office of the Comptroller of the Currency et al. (75 F.R. 77450) and (ii) the evaluation report contains sufficient information in clear and understandable language to allow a person to understand the opinion of the market value of real property or real estate.

**CHAPTER 645**

*An Act to amend and reenact § 55-508 of the Code of Virginia, relating to the Virginia Property Owners' Association Act; applicability.*

[H 1533]

Approved March 30, 2018

**Be it enacted by the General Assembly of Virginia:**

**1. That § 55-508 of the Code of Virginia is amended and reenacted as follows:**

**§ 55-508. Applicability.**

A. This chapter shall apply to developments subject to a declaration, as defined herein, initially recorded after January 1, 1959, associations incorporated or otherwise organized after such date, and all subdivisions created under the former Subdivided Land Sales Act (§ 55-336 et seq.). For the purposes of this chapter, as used in the former Subdivided Land Sales Act, the terms:

"Covenants," "deed restrictions," or "other recorded instruments" for the management, regulation and control of a development shall be deemed to correspond with the term "declaration";

"Developer" shall be deemed to correspond with the term "declarant";

"Lot" shall be deemed to correspond with the term "lot"; and

"Subdivision" shall be deemed to correspond with the term "development."

B. This chapter shall be deemed to supersede the former Subdivided Land Sales Act (§ 55-336 et seq.), and no development shall be established under the latter on or after July 1, 1998.

This chapter shall not be construed to affect the validity of any provision of any declaration recorded prior to July 1, 1998; *provided, however, that this chapter shall be applicable to any development established prior to the enactment of the former Subdivided Land Sales Act (§ 55-336 et seq.) (i) located in a county with an urban county executive form of government, (ii) containing 500 or more lots, (iii) each lot of which is located within the boundaries of a watershed improvement district established pursuant to Article 3 (§ 10.1-614 et seq.) of Chapter 6 of Title 10.1, and (iv) each lot of which is subject to substantially similar deed restrictions, which shall be considered a declaration under this chapter.*

*In addition, any development established prior to the enactment of the former Subdivided Land Sales Act (§ 55-336 et seq.) may specifically provide for the applicability of the provisions of this chapter.*

C. This chapter shall not be construed to affect the validity of any prior declaration; however, to the extent the declaration is silent, the provisions of this chapter shall apply. If any one lot in a development is subject to the provisions of this chapter, all lots in the development shall be subject to the provisions of this chapter notwithstanding the fact that such lots would otherwise be excluded from the provisions of this chapter. Notwithstanding any provisions of this chapter, a declaration may specifically provide for the applicability of the provisions of this chapter. The granting of rights in this chapter shall not be construed to imply that such rights did not exist with respect to any development created in the Commonwealth before July 1, 1989.

~~B.~~ D. This chapter shall not apply to the (i) provisions of documents of, (ii) operations of any association governing, or (iii) relationship of a member to any association governing condominiums created pursuant to the Condominium Act (§ 55-79.39 et seq.), cooperatives created pursuant to the Virginia Real Estate Cooperative Act (§ 55-424 et seq.), time-shares created pursuant to the Virginia Real Estate Time-Share Act (§ 55-360 et seq.), or membership campgrounds created pursuant to the Virginia Membership Camping Act (§ 59.1-311 et seq.). This chapter shall not apply to any nonstock, nonprofit, taxable corporation with nonmandatory membership which, as its primary function, makes available golf, ski and other recreational facilities both to its members and the general public.

## CHAPTER 646

*An Act to amend and reenact § 2.2-4002 of the Code of Virginia, relating to the Administrative Process Act; exemption for certain regulations of the Department of Veterans Services.*

[S 294]

Approved March 30, 2018

**Be it enacted by the General Assembly of Virginia:**

**1. That § 2.2-4002 of the Code of Virginia is amended and reenacted as follows:**

**§ 2.2-4002. Exemptions from chapter generally.**

A. Although required to comply with § 2.2-4103 of the Virginia Register Act (§ 2.2-4100 et seq.), the following agencies shall be exempted from the provisions of this chapter, except to the extent that they are specifically made subject to §§ 2.2-4024, 2.2-4030, and 2.2-4031:

1. The General Assembly.
2. Courts, any agency of the Supreme Court, and any agency that by the Constitution is expressly granted any of the powers of a court of record.
3. The Department of Game and Inland Fisheries in promulgating regulations regarding the management of wildlife and for all case decisions rendered pursuant to any provisions of Chapters 2 (§ 29.1-200 et seq.), 3 (§ 29.1-300 et seq.), 4 (§ 29.1-400 et seq.), 5 (§ 29.1-500 et seq.), and 7 (§ 29.1-700 et seq.) of Title 29.1.
4. The Virginia Housing Development Authority.
5. Municipal corporations, counties, and all local, regional or multijurisdictional authorities created under this Code, including those with federal authorities.
6. Educational institutions operated by the Commonwealth, provided that, with respect to § 2.2-4031, such educational institutions shall be exempt from the publication requirements only with respect to regulations that pertain to (i) their academic affairs, (ii) the selection, tenure, promotion and disciplining of faculty and employees, (iii) the selection of students, and (iv) rules of conduct and disciplining of students.
7. The Milk Commission in promulgating regulations regarding (i) producers' licenses and bases, (ii) classification and allocation of milk, computation of sales and shrinkage, and (iii) class prices for producers' milk, time and method of payment, butterfat testing and differential.
8. The Virginia Resources Authority.
9. Agencies expressly exempted by any other provision of this Code.

10. The Department of General Services in promulgating standards for the inspection of buildings for asbestos pursuant to § 2.2-1164.
11. The State Council of Higher Education for Virginia, in developing, issuing, and revising guidelines pursuant to § 23.1-207.
12. The Commissioner of Agriculture and Consumer Services in adopting regulations pursuant to subsection B of § 3.2-6002 and in adopting regulations pursuant to § 3.2-6023.
13. The Commissioner of Agriculture and Consumer Services and the Board of Agriculture and Consumer Services in promulgating regulations pursuant to subsections B and D of § 3.2-3601, subsection B of § 3.2-3701, § 3.2-4002, subsections B and D of § 3.2-4801, §§ 3.2-5121 and 3.2-5206, and subsection A of § 3.2-5406.
14. The Board of Optometry when specifying therapeutic pharmaceutical agents, treatment guidelines, and diseases and abnormal conditions of the human eye and its adnexa for TPA-certification of optometrists pursuant to Article 5 (§ 54.1-3222 et seq.) of Chapter 32 of Title 54.1.
15. The Commissioner of the Department of Veterans Services in adopting regulations pursuant to § 2.2-2001.3.
16. The State Board of Education, in developing, issuing, and revising guidelines pursuant to § 22.1-203.2.
17. The Virginia Racing Commission, (i) when acting by and through its duly appointed stewards or in matters related to any specific race meeting or (ii) in promulgating technical rules regulating actual live horse racing at race meetings licensed by the Commission.
18. The Virginia Small Business Financing Authority.
19. The Virginia Economic Development Partnership Authority.
20. The Board of Agriculture and Consumer Services in adopting, amending or repealing regulations pursuant to subsection A (ii) of § 59.1-156.
21. The Insurance Continuing Education Board pursuant to § 38.2-1867.
22. The Board of Health in promulgating the list of diseases that shall be reported to the Department of Health pursuant to § 32.1-35 and in adopting, amending or repealing regulations pursuant to subsection C of § 35.1-14 that incorporate the Food and Drug Administration's Food Code pertaining to restaurants or food service.
23. The Commissioner of the Marine Resources Commission in setting a date of closure for the Chesapeake Bay purse seine fishery for Atlantic menhaden for reduction purposes pursuant to § 28.2-1000.2.
24. The Board of Pharmacy when specifying special subject requirements for continuing education for pharmacists pursuant to § 54.1-3314.1.
25. The Virginia Department of Veterans Services when promulgating rules and regulations pursuant to § 58.1-3219.7 or 58.1-3219.11.
26. The Virginia Department of Criminal Justice Services when developing, issuing, or revising any training standards established by the Criminal Justice Services Board under § 9.1-102, provided such actions are authorized by the Governor in the interest of public safety.
  - B. Agency action relating to the following subjects shall be exempted from the provisions of this chapter:
    1. Money or damage claims against the Commonwealth or agencies thereof.
    2. The award or denial of state contracts, as well as decisions regarding compliance therewith.
    3. The location, design, specifications or construction of public buildings or other facilities.
    4. Grants of state or federal funds or property.
    5. The chartering of corporations.
    6. Customary military, militia, naval or police functions.
    7. The selection, tenure, dismissal, direction or control of any officer or employee of an agency of the Commonwealth.
    8. The conduct of elections or eligibility to vote.
    9. Inmates of prisons or other such facilities or parolees therefrom.
    10. The custody of persons in, or sought to be placed in, mental health facilities or penal or other state institutions as well as the treatment, supervision, or discharge of such persons.
    11. Traffic signs, markers or control devices.
    12. Instructions for application or renewal of a license, certificate, or registration required by law.
    13. Content of, or rules for the conduct of, any examination required by law.
    14. The administration of pools authorized by Chapter 47 (§ 2.2-4700 et seq.).
    15. Any rules for the conduct of specific lottery games, so long as such rules are not inconsistent with duly adopted regulations of the Virginia Lottery Board, and provided that such regulations are published and posted.
    16. Orders condemning or closing any shellfish, finfish, or crustacea growing area and the shellfish, finfish or crustacea located thereon pursuant to Article 2 (§ 28.2-803 et seq.) of Chapter 8 of Title 28.2.
    17. Any operating procedures for review of child deaths developed by the State Child Fatality Review Team pursuant to § 32.1-283.1 and any operating procedures for review of adult deaths developed by the Adult Fatality Review Team pursuant to § 32.1-283.5.
    18. The regulations for the implementation of the Health Practitioners' Monitoring Program and the activities of the Health Practitioners' Monitoring Program Committee pursuant to Chapter 25.1 (§ 54.1-2515 et seq.) of Title 54.1.
    19. The process of reviewing and ranking grant applications submitted to the Commonwealth Neurotrauma Initiative Advisory Board pursuant to Article 12 (§ 51.5-178 et seq.) of Chapter 14 of Title 51.5.

20. Loans from the Small Business Environmental Compliance Assistance Fund pursuant to Article 4 (§ 10.1-1197.1 et seq.) of Chapter 11.1 of Title 10.1.

21. The Virginia Breeders Fund created pursuant to § 59.1-372.

22. The types of pari-mutuel wagering pools available for live or simulcast horse racing.

23. The administration of medication or other substances foreign to the natural horse.

24. Any rules adopted by the Charitable Gaming Board for the approval and conduct of game variations for the conduct of raffles, bingo, network bingo, and instant bingo games, provided that such rules are (i) consistent with Article 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2 and (ii) published and posted.

C. Minor changes to regulations published in the Virginia Administrative Code under the Virginia Register Act (§ 2.2-4100 et seq.), made by the Virginia Code Commission pursuant to § 30-150, shall be exempt from the provisions of this chapter.

**CHAPTER 647**

*An Act to amend and reenact § 44-139 of the Code of Virginia, relating to reversion of property donated to the Virginia National Guard.*

[S 320]

Approved March 30, 2018

**Be it enacted by the General Assembly of Virginia:**

**1. That § 44-139 of the Code of Virginia is amended and reenacted as follows:**

**§ 44-139. Reversions of donations.**

In the event that any real property is donated ~~to a~~, ~~deeded~~, or otherwise conveyed for a nominal sum to the Commonwealth, Department of Military Affairs, Virginia National Guard ~~organization~~, Virginia Army or Air National Guard, Virginia Defense Force, or a subordinate element of any such entity under the provisions of this chapter, for the purpose of supporting Virginia National Guard or Virginia Defense Force operations, and the organization shall fail to accept such property, or shall, after accepting it, ~~be disbanded~~ upon determination by the Adjutant General, no longer require the property to support the organization's mission, the title to the property thus donated ~~shall~~, ~~deeded~~, or otherwise conveyed may, at the discretion of the Adjutant General, revert to the person, county, or municipality donating ~~the same~~ such property as their interest may appear. If the Adjutant General chooses not to allow the reversion or if the person, county, or municipality declines to reacquire such property, it shall be declared excess.

**CHAPTER 648**

*An Act to amend and reenact §§ 2.2-2000, 2.2-2001, 2.2-2001.1, 2.2-2004, and 2.2-4310.2 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 2.2-2000.1, relating to the Department of Veterans Services.*

[S 325]

Approved March 30, 2018

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 2.2-2000, 2.2-2001, 2.2-2001.1, 2.2-2004, and 2.2-4310.2 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 2.2-2000.1 as follows:**

**§ 2.2-2000. Department of Veterans Services created; appointment of Commissioner.**

A. There shall be a Department of Veterans Services (~~the Department~~), which shall be headed by a Commissioner appointed by the Governor subject to confirmation by the General Assembly. The Commissioner shall be a veteran who has received an honorable discharge from the ~~armed forces~~ Armed Forces of the United States. He shall report ~~directly~~ to the Secretary of Veterans and Defense Affairs on behalf of the Governor and shall hold his office at the pleasure of the Governor for a term of five years.

B. The Commissioner ~~of the Department~~ shall, under the direction and control of the Governor, exercise powers and perform duties conferred or imposed upon him by law and perform such other duties as may be required by the Governor and the Secretary of Veterans and Defense Affairs.

**§ 2.2-2000.1. Definitions.**

*As used in this chapter, unless the context requires a different meaning:*

*"Active military, naval, or air service members" means military service members who perform full-time duty in the Armed Forces of the United States, or a reserve component thereof, including the National Guard.*

*"Commissioner" means the Commissioner of the Department of Veterans Services appointed pursuant to § 2.2-2000.*

*"Department" means the Department of Veterans Services established pursuant to § 2.2-2000.*

*"Service-connected" means, with respect to disability, that such disability was incurred or aggravated in the line of duty in the active military, naval, or air service.*

"Service disabled veteran" means a veteran who (i) served in the active military, naval, or air service, (ii) was discharged or released under conditions other than dishonorable, and (iii) has a service-connected disability rating fixed by the U.S. Department of Veterans Affairs.

"Service disabled veteran-owned business" means a business concern that is at least 51 percent owned by one or more service disabled veterans or, in the case of a corporation, partnership, or limited liability company or other entity, at least 51 percent of the equity ownership interest in the corporation, partnership, or limited liability company or other entity is owned by one or more individuals who are service disabled veterans and both the management and daily business operations are controlled by one or more individuals who are service disabled veterans.

"Veteran" means an individual who has served in the active military, naval, or air service and who was discharged or released therefrom under conditions other than dishonorable.

**§ 2.2-2001. Administrative responsibilities of the Department; annual report.**

A. The Department shall be responsible to the Secretary of Veterans and Defense Affairs on behalf of the Governor for the establishment, operation, administration, and maintenance of offices and programs related to services for Virginia-domiciled veterans of the ~~armed forces~~ *Armed Forces* of the United States and their eligible spouses, orphans, and dependents. Such services shall include, but not be limited to, benefits claims processing and all medical care centers and cemeteries for veterans owned and operated by the Commonwealth.

Subject to the availability of sufficient nongeneral fund revenues, including, but not limited to, private donations and federal funds, the Department shall work in concert with applicable ~~State state~~ and ~~Federal federal~~ agencies to develop and deploy an automated system for the electronic preparation of veterans' disability claims that ensures the collection of the necessary information to expedite processing of Virginia veterans' disability claims. The Department's development and deployment work shall be appropriately phased to minimize risk and shall include an initial replacement of the Department's existing case management technology, which replacement is required to support highly sophisticated electronic claims preparation. The Commissioner shall ensure that the system is efficient and statutorily compliant.

B. From such funds as may be appropriated or otherwise received for such purpose, the Department shall provide burial vaults at cost to eligible veterans and their family members interred at state-operated veterans cemeteries.

C. The Department shall establish guidelines for the determination of eligibility for Virginia-domiciled veterans and their spouses, orphans, and dependents for participation in programs and benefits administered by the Department. Such guidelines shall meet the intent of the federal statutes and regulations pertaining to the administration of federal programs supporting U.S. Armed Forces veterans and their spouses, orphans, and dependents.

D. The Department shall adopt reasonable regulations to implement a program to certify, upon request of the small business owner, that he holds a "service disabled veteran" status.

E. ~~As used in this chapter, unless the context requires otherwise:~~

~~"Active military, naval, or air service members" means military service members who perform full-time duty in the armed forces of the United States, or a reserve component thereof, including the National Guard.~~

~~"Service-connected" means, with respect to disability that such disability was incurred or aggravated in the line of duty in the active military, naval, or air service.~~

~~"Service disabled veteran" means a veteran who (i) served on active duty in the United States military ground, naval, or air service, (ii) was discharged or released under conditions other than dishonorable, and (iii) has a service-connected disability rating fixed by the United States Department of Veterans Affairs.~~

~~"Service disabled veteran business" means a business concern that is at least 51 percent owned by one or more service disabled veterans or, in the case of a corporation, partnership, or limited liability company or other entity, at least 51 percent of the equity ownership interest in the corporation, partnership, or limited liability company or other entity is owned by one or more individuals who are service disabled veterans and both the management and daily business operations are controlled by one or more individuals who are service disabled veterans.~~

~~"Veteran" means an individual who has served in the active military, naval or air service, and who was discharged or released therefrom under conditions other than dishonorable.~~

*The Department shall submit an annual report through the Secretary of Veterans and Defense Affairs to the Governor and the General Assembly on or before December 1 of each year and other reports to the Secretary as required by the Secretary. The annual report to the Governor and the General Assembly shall be submitted for publication as a report document as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.*

**§ 2.2-2001.1. Program for mental health and rehabilitative services.**

A. The Department, in cooperation with the Department of Behavioral Health and Developmental Services and the Department for Aging and Rehabilitative Services, shall establish a program to monitor and coordinate mental health and rehabilitative services support for Virginia veterans and members of the Virginia National Guard and Virginia residents in the Armed Forces Reserves not in active federal service. The program shall also support family members affected by covered military members' service and deployments. The purpose of the program is to, in a cost-effective manner, refer veterans to mental health, physical rehabilitation, and other services as needed to help them achieve individually identified goals and to periodically monitor their progress toward achieving those goals.

B. The program shall, subject to the availability of public and private funds appropriated for such purposes, (i) build awareness of veterans' service needs and the availability of the program through marketing, outreach, training for first

responders, service providers, and others; (ii) collaborate with relevant agencies of the Commonwealth, localities, and service providers; (iii) develop and implement a consistent method of determining how many veterans in the Commonwealth are in need of mental health, physical rehabilitation, or other services currently or may be in need of such services in the future; (iv) work with veterans to develop a coordinated resources plan that identifies appropriate service providers to meet the veteran's service needs; (v) refer veterans to appropriate and available providers on the basis of needs identified in the coordinated resources plan; and (vi) monitor progress toward individually identified goals in accordance with the coordinated resource plan.

Coordinated resources plans shall be developed and veterans shall be referred to necessary services in a timely manner. The program shall prioritize veterans served on the basis of the immediacy and severity of service needs and the likelihood that those needs are attributable to the veteran's military service or combat experience.

C. The program shall cooperate with localities that may establish special treatment procedures for veterans and active military service members such as authorized by §§ 9.1-173 and 9.1-174. To facilitate local involvement and flexibility in responding to the problem of crime in local communities and to effectively treat, counsel, rehabilitate, and supervise veterans and active military service members who are offenders or defendants in the criminal justice system and who need access to proper treatment for mental illness including major depression, alcohol or drug abuse, post traumatic stress disorder, traumatic brain injury or a combination of these, any city, county, or combination thereof, may develop, establish, and maintain policies, procedures, and treatment services for all such offenders who are convicted and sentenced for misdemeanors or felonies that are not felony acts of violence, as defined in § 19.2-297.1. Such policies, procedures, and treatment services shall be designed to provide:

1. Coordination of treatment and counseling services available to the criminal justice system case processing;
2. Enhanced public safety through offender supervision, counseling, and treatment;
3. Prompt identification and placement of eligible participants;
4. Access to a continuum of treatment, rehabilitation, and counseling services in collaboration with such care providers as are willing and able to provide the services needed;
5. Where appropriate, verified participant abstinence through frequent alcohol and other drug testing;
6. Prompt response to participants' noncompliance with program requirements;
7. Ongoing monitoring and evaluation of program effectiveness and efficiency;
8. Ongoing education and training in support of program effectiveness and efficiency;
9. Ongoing collaboration among public agencies, community-based organizations and the U.S. Department of Veterans Affairs health care networks, the Veterans Benefits Administration, volunteer veteran mentors, and veterans and military family support organizations; and
10. The creation of a veterans and military service members' advisory council to provide input on the operations of such programs. The council shall include individuals responsible for the criminal justice procedures program along with veterans and, if available, active military service members.

D. The ~~program~~ *Department* shall report annually *program results* to the *Secretary of Veterans and Defense Affairs*, the Governor, and the General Assembly. *The report shall include* the number of veterans, members of the Virginia National Guard and Virginia residents in the Armed Forces Reserves not in active federal service, and family members affected by covered military members' service and deployments for whom coordinated resources plans are developed and who are referred for services; information about services provided to veterans, members of the Virginia National Guard, members of the Armed Forces Reserves not in active federal service, and family members, including information about the types of services provided and the quality of those services; and the number of veterans, members of the Virginia National Guard, members of the Armed Forces Reserves not in active federal service, and family members identified by the program as in need of services but not referred for services.

**§ 2.2-2004. Additional powers and duties of Commissioner.**

The Commissioner shall have the following powers and duties related to veterans services:

1. Perform *an annual* cost-benefit and value analysis of (i) existing programs and services and (ii) new programs and services before establishing and implementing them *and report the results of such analysis to the Secretary of Veterans and Defense Affairs*;
2. Seek alternative funding sources for the Department's veterans service programs;
3. Cooperate with all relevant entities of the federal government, including, but not limited to, the ~~United States~~ U.S. Department of Veterans Affairs, the ~~United States~~ U.S. Department of Housing and Urban Development, and the ~~United States~~ U.S. Department of Labor in matters concerning veterans benefits and services;
4. Appoint a full-time coordinator to collaborate with the Joint Leadership Council of Veterans Service Organizations created in § 2.2-2681 on ways to provide both direct and indirect support of ongoing veterans programs, and to determine and address future veterans needs and concerns;
5. Initiate, conduct, and issue special studies on matters pertaining to veterans needs and priorities, as determined necessary by the Commissioner;
6. Evaluate veterans service efforts, practices, and programs of the agencies, political subdivisions or other entities and organizations of the government of the Commonwealth and make recommendations to the Secretary of Veterans and Defense Affairs, the Governor, and the General Assembly on ways to increase awareness of the services available to veterans or improve veterans services;

7. Assist entities of state government and political subdivisions of the Commonwealth in enhancing their efforts to provide services to veterans, those members of the Virginia National Guard, Virginia residents in the Armed Forces Reserves who qualify for veteran status, and their immediate family members, including the dissemination of relevant materials and the rendering of technical or other advice;

8. Assist counties, cities, and towns of the Commonwealth in the development, implementation, and review of local veterans services programs as part of the state program and establish as necessary, in consultation with the Board of Veterans Services and the Joint Leadership Council of Veterans Service Organizations, volunteer local and regional advisory committees to assist and support veterans service efforts;

9. Review the activities, roles, and contributions of various entities and organizations to the Commonwealth's veterans services programs and report on or before December 1 of each year in writing to the *Secretary of Veterans and Defense Affairs*, the Governor, and the General Assembly on the status, progress, and prospects of veterans services in the Commonwealth, including performance measures and outcomes of veterans services programs;

10. Recommend to the Secretary of Veterans and Defense Affairs, the Governor, and the General Assembly any corrective measures, policies, procedures, plans, and programs to make service to Virginia-domiciled veterans and their eligible spouses, orphans, and dependents as efficient and effective as practicable;

11. Design, implement, administer, and review, *in consultation with the Secretary of Veterans and Defense Affairs*, special programs or projects needed to promote veterans services in the Commonwealth;

12. Integrate veterans services activities into the framework of economic development activities in general;

13. Manage operational funds using accepted accounting principles and practices in order to provide for a sum sufficient to ensure continued, uninterrupted operations;

14. Engage Department personnel in training and educational activities aimed at enhancing veterans services;

15. Develop a strategic plan to ensure efficient and effective utilization of resources, programs, and services;

16. Certify eligibility for the Virginia Military Survivors and Dependents Education Program and perform other duties related to such Program as outlined in § 23.1-608; and

17. Establish and implement a compact with Virginia's veterans, which shall have a goal of making Virginia America's most veteran-friendly state. The compact shall be established in conjunction with the Board of Veterans Services and supported by the Joint Leadership Council of Veterans Service Organizations and shall (i) include specific provisions for technology advances, workforce development, outreach, quality of life enhancement, and other services for veterans and (ii) provide service standards and goals to be attained for each specific provision in clause (i). The provisions of the compact shall be reviewed and updated annually. The Commissioner shall include in the annual report required by this section the progress of veterans services established in the compact.

**§ 2.2-4310.2. Executive branch agency's goals for participation by small businesses; requirements.**

Any ~~state~~ *executive branch* agency's goals under § 2.2-4310 for participation by small businesses shall include within the goals a minimum of three percent participation by service disabled ~~veteran~~ *veteran-owned* businesses as defined in §§ ~~2.2-2001~~ 2.2-2000.1 and 2.2-4310 when contracting for information technology goods and services.

As used in this section, "information technology" and "~~state~~ *executive branch agency*" mean the same as those terms are defined in § 2.2-2006.

**CHAPTER 649**

*An Act to amend and reenact § 38.2-401 of the Code of Virginia, relating to the Fire Programs Fund; use of funds.*

[S 346]

Approved March 30, 2018

**Be it enacted by the General Assembly of Virginia:**

**1. That § 38.2-401 of the Code of Virginia is amended and reenacted as follows:**

**§ 38.2-401. Fire Programs Fund.**

A. 1. There is hereby established in the state treasury a special nonreverting fund to be known as the Fire Programs Fund, hereinafter referred to as "the Fund." The Fund shall be administered by the Department of Fire Programs under policies and definitions established by the Virginia Fire Services Board. All moneys collected pursuant to the assessment made by the Commission pursuant to subdivision 2 of this subsection shall be paid into the state treasury and credited to the Fund. The Fund shall also consist of any moneys appropriated thereto by the General Assembly and any grants or other moneys received by the Virginia Fire Services Board or Department of Fire Programs for the purposes set forth in this section. Any moneys deposited to or remaining in such Fund during or at the end of each fiscal year or biennium, including interest thereon, shall not revert to the general fund but shall remain in the Fund. Interest earned on all moneys in the Fund and interest earned on moneys held by the Commission pursuant to subdivision 2 of this subsection prior to the deposit of such moneys into the Fund, including interest earned on such moneys during any period when the Commission is reconciling payments from insurers, shall remain in or be deposited into the Fund, as the case may be, and be credited to it. Such interest shall be set aside for fire service purposes in accordance with policies developed by the Virginia Fire Services Board. Notwithstanding any other provision of law to the contrary, policies established by the Virginia Fire Services Board for the administration of the Fund, and any grants provided from the Fund, that are not inconsistent with the purposes set out

in this section shall be binding upon any locality that accepts such funds or related grants. The Commission shall be reimbursed from the Fund for all expenses necessary for the administration of this section. The balance of moneys in the Fund shall be allocated periodically as provided in this section. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the Executive Director of the Department of Fire Programs (Director) or his designee.

2. The Commission shall annually assess against all licensed insurance companies doing business in the Commonwealth by writing any type of insurance as defined in §§ 38.2-110, 38.2-111, 38.2-126, 38.2-130 and 38.2-131 and those combination policies as defined in § 38.2-1921 that contain insurance as defined in §§ 38.2-110, 38.2-111 and 38.2-126, an assessment in the amount of one percent of the total direct gross premium income for such insurance. Such assessment shall be apportioned, assessed and paid as prescribed by § 38.2-403. In any year in which a company has no direct gross premium income or in which its direct gross premium income is insufficient to produce at the rate of assessment prescribed by law an amount equal to or in excess of \$100, there shall be so apportioned and assessed against such company a contribution of \$100.

B. After reserving funds for the Fire Services Grant Program and Dry Fire Hydrant Grant Program pursuant to subsection D, 75 percent of the remaining moneys available for allocation from the Fund shall be allocated to the several counties, cities, and towns of the Commonwealth providing fire service operations to be used for the improvement of volunteer and career fire services in each of the receiving localities. Funds allocated to the counties, cities, and towns pursuant to this subsection shall not be used directly or indirectly to supplant or replace any other funds appropriated by the counties, cities, and towns for fire service operations. Such funds shall be used solely for the purposes of (i) training volunteer or career firefighting personnel in each of the receiving localities; (ii) funding fire prevention and public safety education programs; (iii) constructing, improving, and expanding regional or local fire service training facilities; (iv) purchasing emergency medical care and equipment for fire personnel; (v) payment of personnel costs related to fire and medical training for fire personnel; ~~or for~~ (vi) purchasing personal protective equipment, vehicles, equipment, and supplies for use in the receiving locality specifically for fire service purposes; or (vii) *providing training and education and purchasing products, including personal protective equipment, diesel exhaust removal systems, decontamination equipment, and commercial extractors, that are designed to reduce the incidence of cancer among firefighters.* Notwithstanding any other provision of the Code, when localities use such funds to construct, improve, or expand fire service training facilities, fire-related training provided at such training facilities shall be by instructors certified or approved according to policies developed by the Virginia Fire Services Board. Distribution of this 75 percent of the Fund shall be made on the basis of population as provided for in §§ 4.1-116 and 4.1-117; however, no county or city eligible for such funds shall receive less than \$10,000, nor eligible town less than \$4,000. The Virginia Fire Services Board shall be authorized to exceed allocations of \$10,000 for eligible counties and cities and \$4,000 for eligible towns, respectively. Allocations to counties, cities, and towns receiving such allocations shall be fair and equitable as set forth in Board policy. Any increases or decreases in such allocations shall be uniform for all localities. In order to remain eligible for such funds, each receiving locality shall report annually to the Department on the use of the funds allocated to it for the previous year and shall provide a completed Fire Programs Fund Disbursement Agreement form. Each receiving locality shall be responsible for certifying the proper use of the funds. If, at the end of any annual reporting period, a satisfactory report and a completed agreement form have not been submitted by a receiving locality, any funds due to that locality for the next year shall not be retained. Such funds shall be added to the 75 percent of the Fund allocated to the counties, cities, and towns of the Commonwealth for improvement of fire services in localities.

C. The remainder of the moneys available for allocation from the Fund shall be used for (i) the purposes of carrying out the powers and duties assigned to the Department of Fire Programs under Chapter 2 (§ 9.1-200) of Title 9.1, which shall include providing funded training and administrative support services for nonfunded training to localities and (ii) the payment of the compensation and costs of expenses of the members of the Fire Services Board in performing their official duties; however, the Fund shall not be used for salaries or operating expenses associated with the Office of the State Fire Marshal.

D. The Fire Services Grant Program is hereby established and will be used as grants to provide regional fire services training facilities, to finance the Virginia Fire Incident Reporting System and to build or repair burn buildings as determined by the Virginia Fire Services Board. Beginning January 1, 1996, \$1 million from the assessments made pursuant to this section shall be distributed each year for the Fire Services Grant Program to be used as herein provided, and \$100,000 shall be distributed annually for continuing the statewide Dry Fire Hydrant Grant Program. Moneys allocated pursuant to this subsection shall be used for the purposes stated in this subsection, and for no other purpose. All grants provided from these programs shall be administered by the Department according to the policies established by the Virginia Fire Services Board.

E. Moneys in the Fund shall not be diverted or expended for any purpose not authorized by this section.

F. The Director shall establish written standards for determining the extent to which clients outside the Commonwealth shall be financially responsible for the cost of fire and emergency services training provided by the Department of Fire Programs. Revenues generated by such training shall be retained in the Fire Programs Fund and may be used solely for providing additional funded direct training to members of Virginia's fire and emergency services.

## CHAPTER 650

*An Act to amend and reenact § 4.16, as amended, and § 4.18 of Chapter 116 of the Acts of Assembly of 1948, which provided a charter for the City of Richmond, and to amend Chapter 116 of the Acts of Assembly of 1948 by adding a section numbered 4.19, relating to establishing the office of the inspector general; city auditor.*

[S 356]

Approved March 30, 2018

**Be it enacted by the General Assembly of Virginia:****1. That § 4.16, as amended, and § 4.18 of Chapter 116 of the Acts of Assembly of 1948 are amended and reenacted and that Chapter 116 of the Acts of Assembly of 1948 is amended by adding a section numbered 4.19 as follows:**

## § 4.16. Powers of investigation.

(a) The council, or any committee of members of the council when authorized by the council, shall have power to make such investigations relating to the municipal affairs of the city as it may deem necessary, and shall have power to investigate any or all departments, boards, commissions, offices and agencies of the city government and any officer or employee of the city, concerning the performance of their duties and functions and use of property of the city.

(b) The mayor, the chief administrative officer, the heads of all departments, all boards and commissions whose members are appointed by the council, ~~and the city auditor,~~ *and the inspector general* shall have power to make such investigations in connection with the performance of their duties and functions as they may deem necessary, and shall have power to investigate any officer or employee appointed by them or pursuant to their authority concerning the performance of duty and use of property of the city.

(c) The council, or any committee of members of the council when authorized by the council, the mayor, *the* chief administrative officer, the heads of departments, ~~and~~ boards and commissions whose members are appointed by the council ~~and~~, the city auditor, *and the inspector general*, in an investigation held by any of them, may order the attendance of any person as a witness and the production by any person of all relevant books and papers. Any person, having been ordered to attend, or to produce such books and papers, who refuses or fails to obey such order, or who having attended, refuses or fails to answer any question relevant or pertinent to the matter under investigation shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine not exceeding \$100 or imprisonment in jail not exceeding 30 days, either or both. Every such person shall have the right of appeal to the Circuit Court of the City of Richmond, Division I. The investigating authority shall cause every person who violates the provisions of this section to be summoned before the general district court criminal division for trial. Witnesses shall be sworn by the person presiding at such investigation, and they shall be liable to prosecution or suit for damages for perjury for any false testimony given at such investigation.

## § 4.18. City auditor.

There shall be a city auditor who shall be appointed by the council for an indefinite term. ~~He/she~~ *The city auditor* shall have been certified as a certified public accountant by the Virginia State Board of Accountancy or by the examining board of any other state which extends to and is extended reciprocity by the Commonwealth of Virginia, and shall be qualified by training and experience for the duties of ~~his/her office~~ *the city auditor*. *The city auditor shall have the power to appoint such accountants and other assistants for the performance of the duties of the city auditor's office as the council may provide for. It shall be the duty of the city auditor to examine and audit all accounts, books, records, and financial transactions of the city or any department, board, commission, office, or agency thereof, including all trust funds, special funds, and other funds.* In performing ~~his/her~~ *the city auditor's* duties, ~~he/she~~ *the city auditor* shall have access at any and all times to all books, records, and accounts of each department and agency subject to examination and audit by ~~him/her~~ *the city auditor*.

## § 4.19. Inspector general.

*There shall be an inspector general who shall be appointed by the council for an indefinite term and who shall be qualified by training and experience for the duties of the office. The inspector general shall have the power to appoint such assistants for the performance of the duties of the inspector general's office as the council may provide for. It shall be the duty of the inspector general to conduct such investigations as may be authorized by § 15.2-2511.2 of the Code of Virginia.*

## CHAPTER 651

*An Act to amend and reenact § 46.2-1022 of the Code of Virginia, relating to steady-burning blue or red lights on law-enforcement vehicles.*

[S 410]

Approved March 30, 2018

**Be it enacted by the General Assembly of Virginia:****1. That § 46.2-1022 of the Code of Virginia is amended and reenacted as follows:****§ 46.2-1022. Flashing or steady-burning blue or red, flashing red and blue or blue and white, or red, white, and blue warning lights.**

Certain Department of Military Affairs vehicles and certain Virginia National Guard vehicles designated by the Adjutant General, when used in state active duty to perform particular law-enforcement functions, Department of

Corrections vehicles designated by the Director of the Department of Corrections, and law-enforcement vehicles may be equipped with flashing, blinking, or alternating blue, blue and red, blue and white, or red, white, and blue combination warning lights of types approved by the Superintendent. Such warning lights may be of types constructed within turn signal housings or motorcycle headlight housings, subject to approval by the Superintendent.

*Law-enforcement vehicles may also be equipped with steady-burning blue or red warning lights of types approved by the Superintendent.*

### CHAPTER 652

*An Act to amend and reenact §§ 16.1-253.1, 16.1-253.4, 16.1-279.1, 19.2-152.8, 19.2-152.9, and 19.2-152.10 of the Code of Virginia, relating to victims of domestic violence; list of local resources.*

[S 426]

Approved March 30, 2018

#### **Be it enacted by the General Assembly of Virginia:**

**1. That §§ 16.1-253.1, 16.1-253.4, 16.1-279.1, 19.2-152.8, 19.2-152.9, and 19.2-152.10 of the Code of Virginia are amended and reenacted as follows:**

##### **§ 16.1-253.1. Preliminary protective orders in cases of family abuse; confidentiality.**

A. Upon the filing of a petition alleging that the petitioner is or has been, within a reasonable period of time, subjected to family abuse, the court may issue a preliminary protective order against an allegedly abusing person in order to protect the health and safety of the petitioner or any family or household member of the petitioner. The order may be issued in an ex parte proceeding upon good cause shown when the petition is supported by an affidavit or sworn testimony before the judge or intake officer. Immediate and present danger of family abuse or evidence sufficient to establish probable cause that family abuse has recently occurred shall constitute good cause. Evidence that the petitioner has been subjected to family abuse within a reasonable time and evidence of immediate and present danger of family abuse may be established by a showing that (i) the allegedly abusing person is incarcerated and is to be released from incarceration within 30 days following the petition or has been released from incarceration within 30 days prior to the petition, (ii) the crime for which the allegedly abusing person was convicted and incarcerated involved family abuse against the petitioner, and (iii) the allegedly abusing person has made threatening contact with the petitioner while he was incarcerated, exhibiting a renewed threat to the petitioner of family abuse.

A preliminary protective order may include any one or more of the following conditions to be imposed on the allegedly abusing person:

1. Prohibiting acts of family abuse or criminal offenses that result in injury to person or property.
2. Prohibiting such contacts by the respondent with the petitioner or family or household members of the petitioner as the court deems necessary for the health or safety of such persons.
3. Granting the petitioner possession of the premises occupied by the parties to the exclusion of the allegedly abusing person; however, no such grant of possession shall affect title to any real or personal property.
4. Enjoining the respondent from terminating any necessary utility service to a premises that the petitioner has been granted possession of pursuant to subdivision 3 or, where appropriate, ordering the respondent to restore utility services to such premises.
5. Granting the petitioner temporary possession or use of a motor vehicle owned by the petitioner alone or jointly owned by the parties to the exclusion of the allegedly abusing person; however, no such grant of possession or use shall affect title to the vehicle.
6. Requiring that the allegedly abusing person provide suitable alternative housing for the petitioner and any other family or household member and, where appropriate, requiring the respondent to pay deposits to connect or restore necessary utility services in the alternative housing provided.
7. Granting the petitioner the possession of any companion animal as defined in § 3.2-6500 if such petitioner meets the definition of owner in § 3.2-6500.
8. Any other relief necessary for the protection of the petitioner and family or household members of the petitioner.

B. The court shall forthwith, but in all cases no later than the end of the business day on which the order was issued, enter and transfer electronically to the Virginia Criminal Information Network the respondent's identifying information and the name, date of birth, sex, and race of each protected person provided to the court. A copy of a preliminary protective order containing any such identifying information shall be forwarded forthwith to the primary law-enforcement agency responsible for service and entry of protective orders. Upon receipt of the order by the primary law-enforcement agency, the agency shall forthwith verify and enter any modification as necessary to the identifying information and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 and the order shall be served forthwith on the allegedly abusing person in person as provided in § 16.1-264 and due return made to the court. However, if the order is issued by the circuit court, the clerk of the circuit court shall forthwith forward an attested copy of the order containing the respondent's identifying information and the name, date of birth, sex, and race of each protected person provided to the court to the primary law-enforcement agency providing service and entry of protective orders and upon receipt of the order,

the primary law-enforcement agency shall enter the name of the person subject to the order and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 and the order shall be served forthwith on the allegedly abusing person in person as provided in § 16.1-264. Upon service, the agency making service shall enter the date and time of service and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network and make due return to the court. The preliminary order shall specify a date for the full hearing. The hearing shall be held within 15 days of the issuance of the preliminary order. If the respondent fails to appear at this hearing because the respondent was not personally served, or if personally served was incarcerated and not transported to the hearing, the court may extend the protective order for a period not to exceed six months. The extended protective order shall be served forthwith on the respondent. However, upon motion of the respondent and for good cause shown, the court may continue the hearing. The preliminary order shall remain in effect until the hearing. Upon request after the order is issued, the clerk shall provide the petitioner with a copy of the order and information regarding the date and time of service. The order shall further specify that either party may at any time file a motion with the court requesting a hearing to dissolve or modify the order. The hearing on the motion shall be given precedence on the docket of the court.

Upon receipt of the return of service or other proof of service pursuant to subsection C of § 16.1-264, the clerk shall forthwith forward an attested copy of the preliminary protective order to the primary law-enforcement agency, and the agency shall forthwith verify and enter any modification as necessary into the Virginia Criminal Information Network as described above. If the order is later dissolved or modified, a copy of the dissolution or modification order shall also be attested, forwarded forthwith to the primary law-enforcement agency responsible for service and entry of protective orders, and upon receipt of the order by the primary law-enforcement agency, the agency shall forthwith verify and enter any modification as necessary to the identifying information and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network as described above and the order shall be served forthwith and due return made to the court.

C. The preliminary order is effective upon personal service on the allegedly abusing person. Except as otherwise provided in § 16.1-253.2, a violation of the order shall constitute contempt of court.

D. At a full hearing on the petition, the court may issue a protective order pursuant to § 16.1-279.1 if the court finds that the petitioner has proven the allegation of family abuse by a preponderance of the evidence.

E. Neither a law-enforcement agency, the attorney for the Commonwealth, a court nor the clerk's office, nor any employee of them, may disclose, except among themselves, the residential address, telephone number, or place of employment of the person protected by the order or that of the family of such person, except to the extent that disclosure is (i) required by law or the Rules of the Supreme Court, (ii) necessary for law-enforcement purposes, or (iii) permitted by the court for good cause.

F. As used in this section, "copy" includes a facsimile copy.

G. No fee shall be charged for filing or serving any petition or order pursuant to this section.

H. *Upon issuance of a preliminary protective order, the clerk of the court shall make available to the petitioner information that is published by the Department of Criminal Justice Services for victims of domestic violence or for petitioners in protective order cases.*

**§ 16.1-253.4. Emergency protective orders authorized in certain cases; penalty.**

A. Any judge of a circuit court, general district court, juvenile and domestic relations district court or magistrate may issue a written or oral ex parte emergency protective order pursuant to this section in order to protect the health or safety of any person.

B. When a law-enforcement officer or an allegedly abused person asserts under oath to a judge or magistrate, and on that assertion or other evidence the judge or magistrate (i) finds that a warrant for a violation of § 18.2-57.2 has been issued or issues a warrant for violation of § 18.2-57.2 and finds that there is probable danger of further acts of family abuse against a family or household member by the respondent or (ii) finds that reasonable grounds exist to believe that the respondent has committed family abuse and there is probable danger of a further such offense against a family or household member by the respondent, the judge or magistrate shall issue an ex parte emergency protective order, except if the respondent is a minor, an emergency protective order shall not be required, imposing one or more of the following conditions on the respondent:

1. Prohibiting acts of family abuse or criminal offenses that result in injury to person or property;
2. Prohibiting such contacts by the respondent with the allegedly abused person or family or household members of the allegedly abused person, including prohibiting the respondent from being in the physical presence of the allegedly abused person or family or household members of the allegedly abused person, as the judge or magistrate deems necessary to protect the safety of such persons;
3. Granting the family or household member possession of the premises occupied by the parties to the exclusion of the respondent; however, no such grant of possession shall affect title to any real or personal property; and
4. Granting the petitioner the possession of any companion animal as defined in § 3.2-6500 if such petitioner meets the definition of owner in § 3.2-6500.

When the judge or magistrate considers the issuance of an emergency protective order pursuant to clause (i), he shall presume that there is probable danger of further acts of family abuse against a family or household member by the respondent unless the presumption is rebutted by the allegedly abused person.

C. An emergency protective order issued pursuant to this section shall expire at 11:59 p.m. on the third day following issuance. If the expiration occurs on a day that the court is not in session, the emergency protective order shall be extended until 11:59 p.m. on the next day that the juvenile and domestic relations district court is in session. When issuing an emergency protective order under this section, the judge or magistrate shall provide the protected person or the law-enforcement officer seeking the emergency protective order with the form for use in filing petitions pursuant to § 16.1-253.1 and written information regarding protective orders that shall include the telephone numbers of domestic violence agencies and legal referral sources on a form prepared by the Supreme Court. If these forms are provided to a law-enforcement officer, the officer may provide these forms to the protected person when giving the emergency protective order to the protected person. The respondent may at any time file a motion with the court requesting a hearing to dissolve or modify the order issued hereunder. The hearing on the motion shall be given precedence on the docket of the court.

D. A law-enforcement officer may request an emergency protective order pursuant to this section and, if the person in need of protection is physically or mentally incapable of filing a petition pursuant to § 16.1-253.1 or 16.1-279.1, may request the extension of an emergency protective order for an additional period of time not to exceed three days after expiration of the original order. The request for an emergency protective order or extension of an order may be made orally, in person or by electronic means, and the judge of a circuit court, general district court, or juvenile and domestic relations district court or a magistrate may issue an oral emergency protective order. An oral emergency protective order issued pursuant to this section shall be reduced to writing, by the law-enforcement officer requesting the order or the magistrate on a preprinted form approved and provided by the Supreme Court of Virginia. The completed form shall include a statement of the grounds for the order asserted by the officer or the allegedly abused person.

E. The court or magistrate shall forthwith, but in all cases no later than the end of the business day on which the order was issued, enter and transfer electronically to the Virginia Criminal Information Network the respondent's identifying information and the name, date of birth, sex, and race of each protected person provided to the court or magistrate. A copy of an emergency protective order issued pursuant to this section containing any such identifying information shall be forwarded forthwith to the primary law-enforcement agency responsible for service and entry of protective orders. Upon receipt of the order by the primary law-enforcement agency, the agency shall forthwith verify and enter any modification as necessary to the identifying information and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 and the order shall be served forthwith upon the respondent and due return made to the court. However, if the order is issued by the circuit court, the clerk of the circuit court shall forthwith forward an attested copy of the order containing the respondent's identifying information and the name, date of birth, sex, and race of each protected person provided to the court to the primary law-enforcement agency providing service and entry of protective orders and upon receipt of the order, the primary law-enforcement agency shall enter the name of the person subject to the order and other appropriate information required by the Department of State Police into the Virginia Criminal Network established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 and the order shall be served forthwith on the respondent. Upon service, the agency making service shall enter the date and time of service and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network and make due return to the court. One copy of the order shall be given to the allegedly abused person when it is issued, and one copy shall be filed with the written report required by subsection D of § 19.2-81.3. The judge or magistrate who issues an oral order pursuant to an electronic request by a law-enforcement officer shall verify the written order to determine whether the officer who reduced it to writing accurately transcribed the contents of the oral order. The original copy shall be filed with the clerk of the juvenile and domestic relations district court within five business days of the issuance of the order. If the order is later dissolved or modified, a copy of the dissolution or modification order shall also be attested, forwarded forthwith to the primary law-enforcement agency responsible for service and entry of protective orders, and upon receipt of the order by the primary law-enforcement agency, the agency shall forthwith verify and enter any modification as necessary to the identifying information and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network as described above and the order shall be served forthwith and due return made to the court. Upon request, the clerk shall provide the allegedly abused person with information regarding the date and time of service.

F. The availability of an emergency protective order shall not be affected by the fact that the family or household member left the premises to avoid the danger of family abuse by the respondent.

G. The issuance of an emergency protective order shall not be considered evidence of any wrongdoing by the respondent.

H. As used in this section, "law-enforcement officer" means (i) any full-time or part-time employee of a police department or sheriff's office which is part of or administered by the Commonwealth or any political subdivision thereof and who is responsible for the prevention and detection of crime and the enforcement of the penal, traffic, or highway laws of the Commonwealth; (ii) any member of an auxiliary police force established pursuant to § 15.2-1731; and (iii) any special conservator of the peace who meets the certification requirements for a law-enforcement officer as set forth in § 15.2-1706. Part-time employees are compensated officers who are not full-time employees as defined by the employing police department or sheriff's office.

I. Neither a law-enforcement agency, the attorney for the Commonwealth, a court nor the clerk's office, nor any employee of them, may disclose, except among themselves, the residential address, telephone number, or place of employment of the person protected by the order or that of the family of such person, except to the extent that disclosure is

(i) required by law or the Rules of the Supreme Court, (ii) necessary for law-enforcement purposes, or (iii) permitted by the court for good cause.

J. As used in this section:

"Copy" includes a facsimile copy.

"Physical presence" includes (i) intentionally maintaining direct visual contact with the petitioner or (ii) unreasonably being within 100 feet from the petitioner's residence or place of employment.

K. No fee shall be charged for filing or serving any petition or order pursuant to this section.

L. Except as provided in § 16.1-253.2, a violation of a protective order issued under this section shall constitute contempt of court.

*M. Upon issuance of an emergency protective order, the clerk of court shall make available to the petitioner information that is published by the Department of Criminal Justice Services for victims of domestic violence or for petitioners in protective order cases.*

**§ 16.1-279.1. Protective order in cases of family abuse.**

A. In cases of family abuse, including any case involving an incarcerated or recently incarcerated respondent against whom a preliminary protective order has been issued pursuant to § 16.1-253.1, the court may issue a protective order to protect the health and safety of the petitioner and family or household members of the petitioner. A protective order issued under this section may include any one or more of the following conditions to be imposed on the respondent:

1. Prohibiting acts of family abuse or criminal offenses that result in injury to person or property;
2. Prohibiting such contacts by the respondent with the petitioner or family or household members of the petitioner as the court deems necessary for the health or safety of such persons;
3. Granting the petitioner possession of the residence occupied by the parties to the exclusion of the respondent; however, no such grant of possession shall affect title to any real or personal property;
4. Enjoining the respondent from terminating any necessary utility service to the residence to which the petitioner was granted possession pursuant to subdivision 3 or, where appropriate, ordering the respondent to restore utility services to that residence;
5. Granting the petitioner temporary possession or use of a motor vehicle owned by the petitioner alone or jointly owned by the parties to the exclusion of the respondent and enjoining the respondent from terminating any insurance, registration, or taxes on the motor vehicle and directing the respondent to maintain the insurance, registration, and taxes, as appropriate; however, no such grant of possession or use shall affect title to the vehicle;
6. Requiring that the respondent provide suitable alternative housing for the petitioner and, if appropriate, any other family or household member and where appropriate, requiring the respondent to pay deposits to connect or restore necessary utility services in the alternative housing provided;
7. Ordering the respondent to participate in treatment, counseling or other programs as the court deems appropriate;
8. Granting the petitioner the possession of any companion animal as defined in § 3.2-6500 if such petitioner meets the definition of owner in § 3.2-6500; and
9. Any other relief necessary for the protection of the petitioner and family or household members of the petitioner, including a provision for temporary custody or visitation of a minor child.

A1. If a protective order is issued pursuant to subsection A, the court may also issue a temporary child support order for the support of any children of the petitioner whom the respondent has a legal obligation to support. Such order shall terminate upon the determination of support pursuant to § 20-108.1.

B. The protective order may be issued for a specified period of time up to a maximum of two years. The protective order shall expire at 11:59 p.m. on the last day specified or at 11:59 p.m. on the last day of the two-year period if no date is specified. Prior to the expiration of the protective order, a petitioner may file a written motion requesting a hearing to extend the order. Proceedings to extend a protective order shall be given precedence on the docket of the court. If the petitioner was a family or household member of the respondent at the time the initial protective order was issued, the court may extend the protective order for a period not longer than two years to protect the health and safety of the petitioner or persons who are family or household members of the petitioner at the time the request for an extension is made. The extension of the protective order shall expire at 11:59 p.m. on the last day specified or at 11:59 p.m. on the last day of the two-year period if no date is specified. Nothing herein shall limit the number of extensions that may be requested or issued.

C. A copy of the protective order shall be served on the respondent and provided to the petitioner as soon as possible. The court, including a circuit court if the circuit court issued the order, shall forthwith, but in all cases no later than the end of the business day on which the order was issued, enter and transfer electronically to the Virginia Criminal Information Network the respondent's identifying information and the name, date of birth, sex, and race of each protected person provided to the court and shall forthwith forward the attested copy of the protective order containing any such identifying information to the primary law-enforcement agency responsible for service and entry of protective orders. Upon receipt of the order by the primary law-enforcement agency, the agency shall forthwith verify and enter any modification as necessary to the identifying information and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 and the order shall be served forthwith upon the respondent and due return made to the court. Upon service, the agency making service shall enter the date and time of service and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network and make due return to the court. If the order is

later dissolved or modified, a copy of the dissolution or modification order shall also be attested, forwarded forthwith to the primary law-enforcement agency responsible for service and entry of protective orders, and upon receipt of the order by the primary law-enforcement agency, the agency shall forthwith verify and enter any modification as necessary to the identifying information and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network as described above and the order shall be served forthwith and due return made to the court.

D. Except as otherwise provided in § 16.1-253.2, a violation of a protective order issued under this section shall constitute contempt of court.

E. The court may assess costs and attorneys' fees against either party regardless of whether an order of protection has been issued as a result of a full hearing.

F. Any judgment, order or decree, whether permanent or temporary, issued by a court of appropriate jurisdiction in another state, the United States or any of its territories, possessions or Commonwealths, the District of Columbia or by any tribal court of appropriate jurisdiction for the purpose of preventing violent or threatening acts or harassment against or contact or communication with or physical proximity to another person, including any of the conditions specified in subsection A, shall be accorded full faith and credit and enforced in the Commonwealth as if it were an order of the Commonwealth, provided reasonable notice and opportunity to be heard were given by the issuing jurisdiction to the person against whom the order is sought to be enforced sufficient to protect such person's due process rights and consistent with federal law. A person entitled to protection under such a foreign order may file the order in any juvenile and domestic relations district court by filing with the court an attested or exemplified copy of the order. Upon such a filing, the clerk shall forthwith forward an attested copy of the order to the primary law-enforcement agency responsible for service and entry of protective orders which shall, upon receipt, enter the name of the person subject to the order and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52. Where practical, the court may transfer information electronically to the Virginia Criminal Information Network.

Upon inquiry by any law-enforcement agency of the Commonwealth, the clerk shall make a copy available of any foreign order filed with that court. A law-enforcement officer may, in the performance of his duties, rely upon a copy of a foreign protective order or other suitable evidence which has been provided to him by any source and may also rely upon the statement of any person protected by the order that the order remains in effect.

G. Either party may at any time file a written motion with the court requesting a hearing to dissolve or modify the order. Proceedings to dissolve or modify a protective order shall be given precedence on the docket of the court.

H. As used in this section:

"Copy" includes a facsimile copy; and

"Protective order" includes an initial, modified or extended protective order.

I. Neither a law-enforcement agency, the attorney for the Commonwealth, a court nor the clerk's office, nor any employee of them, may disclose, except among themselves, the residential address, telephone number, or place of employment of the person protected by the order or that of the family of such person, except to the extent that disclosure is (i) required by law or the Rules of the Supreme Court, (ii) necessary for law-enforcement purposes, or (iii) permitted by the court for good cause.

J. No fee shall be charged for filing or serving any petition or order pursuant to this section.

*K. Upon issuance of a protective order, the clerk of the court shall make available to the petitioner information that is published by the Department of Criminal Justice Services for victims of domestic violence or for petitioners in protective order cases.*

#### **§ 19.2-152.8. Emergency protective orders authorized.**

A. Any judge of a circuit court, general district court, juvenile and domestic relations district court or magistrate may issue a written or oral ex parte emergency protective order pursuant to this section in order to protect the health or safety of any person.

B. When a law-enforcement officer or an alleged victim asserts under oath to a judge or magistrate that such person is being or has been subjected to an act of violence, force, or threat and on that assertion or other evidence the judge or magistrate finds that (i) there is probable danger of a further such act being committed by the respondent against the alleged victim or (ii) a petition or warrant for the arrest of the respondent has been issued for any criminal offense resulting from the commission of an act of violence, force, or threat, the judge or magistrate shall issue an ex parte emergency protective order imposing one or more of the following conditions on the respondent:

1. Prohibiting acts of violence, force, or threat or criminal offenses resulting in injury to person or property;

2. Prohibiting such contacts by the respondent with the alleged victim or the alleged victim's family or household members, including prohibiting the respondent from being in the physical presence of the alleged victim or the alleged victim's family or household members, as the judge or magistrate deems necessary to protect the safety of such persons;

3. Such other conditions as the judge or magistrate deems necessary to prevent (i) acts of violence, force, or threat, (ii) criminal offenses resulting in injury to person or property, or (iii) communication or other contact of any kind by the respondent; and

4. Granting the petitioner the possession of any companion animal as defined in § 3.2-6500 if such petitioner meets the definition of owner in § 3.2-6500.

C. An emergency protective order issued pursuant to this section shall expire at 11:59 p.m. on the third day following issuance. If the expiration occurs on a day that the court is not in session, the emergency protective order shall be extended until 11:59 p.m. on the next day that the court which issued the order is in session. The respondent may at any time file a motion with the court requesting a hearing to dissolve or modify the order. The hearing on the motion shall be given precedence on the docket of the court.

D. A law-enforcement officer may request an emergency protective order pursuant to this section and, if the person in need of protection is physically or mentally incapable of filing a petition pursuant to § 19.2-152.9 or 19.2-152.10, may request the extension of an emergency protective order for an additional period of time not to exceed three days after expiration of the original order. The request for an emergency protective order or extension of an order may be made orally, in person or by electronic means, and the judge of a circuit court, general district court, or juvenile and domestic relations district court or a magistrate may issue an oral emergency protective order. An oral emergency protective order issued pursuant to this section shall be reduced to writing, by the law-enforcement officer requesting the order or the magistrate, on a preprinted form approved and provided by the Supreme Court of Virginia. The completed form shall include a statement of the grounds for the order asserted by the officer or the alleged victim of such crime.

E. The court or magistrate shall forthwith, but in all cases no later than the end of the business day on which the order was issued, enter and transfer electronically to the Virginia Criminal Information Network the respondent's identifying information and the name, date of birth, sex, and race of each protected person provided to the court or magistrate. A copy of an emergency protective order issued pursuant to this section containing any such identifying information shall be forwarded forthwith to the primary law-enforcement agency responsible for service and entry of protective orders. Upon receipt of the order by the primary law-enforcement agency, the agency shall forthwith verify and enter any modification as necessary to the identifying information and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 and the order shall be served forthwith upon the respondent and due return made to the court. However, if the order is issued by the circuit court, the clerk of the circuit court shall forthwith forward an attested copy of the order containing the respondent's identifying information and the name, date of birth, sex, and race of each protected person provided to the court to the primary law-enforcement agency providing service and entry of protective orders and upon receipt of the order, the primary law-enforcement agency shall enter the name of the person subject to the order and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 and the order shall be served forthwith upon the respondent. Upon service, the agency making service shall enter the date and time of service and other appropriate information required into the Virginia Criminal Information Network and make due return to the court. One copy of the order shall be given to the alleged victim of such crime. The judge or magistrate who issues an oral order pursuant to an electronic request by a law-enforcement officer shall verify the written order to determine whether the officer who reduced it to writing accurately transcribed the contents of the oral order. The original copy shall be filed with the clerk of the appropriate district court within five business days of the issuance of the order. If the order is later dissolved or modified, a copy of the dissolution or modification order shall also be attested, forwarded forthwith to the primary law-enforcement agency responsible for service and entry of protective orders, and upon receipt of the order by the primary law-enforcement agency, the agency shall forthwith verify and enter any modification as necessary to the identifying information and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network as described above and the order shall be served forthwith and due return made to the court. Upon request, the clerk shall provide the alleged victim of such crime with information regarding the date and time of service.

F. The issuance of an emergency protective order shall not be considered evidence of any wrongdoing by the respondent.

G. As used in this section, a "law-enforcement officer" means any (i) person who is a full-time or part-time employee of a police department or sheriff's office which is part of or administered by the Commonwealth or any political subdivision thereof and who is responsible for the prevention and detection of crime and the enforcement of the penal, traffic or highway laws of the Commonwealth and (ii) member of an auxiliary police force established pursuant to § 15.2-1731. Part-time employees are compensated officers who are not full-time employees as defined by the employing police department or sheriff's office.

H. Neither a law-enforcement agency, the attorney for the Commonwealth, a court nor the clerk's office, nor any employee of them, may disclose, except among themselves, the residential address, telephone number, or place of employment of the person protected by the order or that of the family of such person, except to the extent that disclosure is (i) required by law or the Rules of the Supreme Court, (ii) necessary for law-enforcement purposes, or (iii) permitted by the court for good cause.

I. As used in this section:

"Copy" includes a facsimile copy.

"Physical presence" includes (i) intentionally maintaining direct visual contact with the petitioner or (ii) unreasonably being within 100 feet from the petitioner's residence or place of employment.

J. No fee shall be charged for filing or serving any petition pursuant to this section.

K. No emergency protective order shall be issued pursuant to this section against a law-enforcement officer for any action arising out of the lawful performance of his duties.

*L. Upon issuance of an emergency protective order, the clerk of the court shall make available to the petitioner information that is published by the Department of Criminal Justice Services for victims of domestic violence or for petitioners in protective order cases.*

**§ 19.2-152.9. Preliminary protective orders.**

A. Upon the filing of a petition alleging that (i) the petitioner is or has been, within a reasonable period of time, subjected to an act of violence, force, or threat, or (ii) a petition or warrant has been issued for the arrest of the alleged perpetrator for any criminal offense resulting from the commission of an act of violence, force, or threat, the court may issue a preliminary protective order against the alleged perpetrator in order to protect the health and safety of the petitioner or any family or household member of the petitioner. The order may be issued in an ex parte proceeding upon good cause shown when the petition is supported by an affidavit or sworn testimony before the judge or intake officer. Immediate and present danger of any act of violence, force, or threat or evidence sufficient to establish probable cause that an act of violence, force, or threat has recently occurred shall constitute good cause.

A preliminary protective order may include any one or more of the following conditions to be imposed on the respondent:

1. Prohibiting acts of violence, force, or threat or criminal offenses that may result in injury to person or property;
2. Prohibiting such other contacts by the respondent with the petitioner or the petitioner's family or household members as the court deems necessary for the health and safety of such persons;
3. Such other conditions as the court deems necessary to prevent (i) acts of violence, force, or threat, (ii) criminal offenses that may result in injury to person or property, or (iii) communication or other contact of any kind by the respondent; and
4. Granting the petitioner the possession of any companion animal as defined in § 3.2-6500 if such petitioner meets the definition of owner in § 3.2-6500.

B. The court shall forthwith, but in all cases no later than the end of the business day on which the order was issued, enter and transfer electronically to the Virginia Criminal Information Network the respondent's identifying information and the name, date of birth, sex, and race of each protected person provided to the court. A copy of a preliminary protective order containing any such identifying information shall be forwarded forthwith to the primary law-enforcement agency responsible for service and entry of protective orders. Upon receipt of the order by the primary law-enforcement agency, the agency shall forthwith verify and enter any modification as necessary to the identifying information and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 and the order shall be served forthwith on the alleged perpetrator in person as provided in § 16.1-264, and due return made to the court. However, if the order is issued by the circuit court, the clerk of the circuit court shall forthwith forward an attested copy of the order containing the respondent's identifying information and the name, date of birth, sex, and race of each protected person provided to the court to the primary law-enforcement agency providing service and entry of protective orders and upon receipt of the order, the primary law-enforcement agency shall enter the name of the person subject to the order and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 and the order shall be served forthwith on the alleged perpetrator in person as provided in § 16.1-264. Upon service, the agency making service shall enter the date and time of service and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network and make due return to the court. The preliminary order shall specify a date for the full hearing. The hearing shall be held within 15 days of the issuance of the preliminary order. If the respondent fails to appear at this hearing because the respondent was not personally served, the court may extend the protective order for a period not to exceed six months. The extended protective order shall be served as soon as possible on the respondent. However, upon motion of the respondent and for good cause shown, the court may continue the hearing. The preliminary order shall remain in effect until the hearing. Upon request after the order is issued, the clerk shall provide the petitioner with a copy of the order and information regarding the date and time of service. The order shall further specify that either party may at any time file a motion with the court requesting a hearing to dissolve or modify the order. The hearing on the motion shall be given precedence on the docket of the court.

Upon receipt of the return of service or other proof of service pursuant to subsection C of § 16.1-264, the clerk shall forthwith forward an attested copy of the preliminary protective order to primary law-enforcement agency and the agency shall forthwith verify and enter any modification as necessary into the Virginia Criminal Information Network as described above. If the order is later dissolved or modified, a copy of the dissolution or modification order shall also be attested, forwarded forthwith to the primary law-enforcement agency responsible for service and entry of protective orders, and upon receipt of the order by the primary law-enforcement agency, the agency shall forthwith verify and enter any modification as necessary to the identifying information and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network as described above and the order shall be served forthwith and due return made to the court.

C. The preliminary order is effective upon personal service on the alleged perpetrator. Except as otherwise provided, a violation of the order shall constitute contempt of court.

D. At a full hearing on the petition, the court may issue a protective order pursuant to § 19.2-152.10 if the court finds that the petitioner has proven the allegation that the petitioner is or has been, within a reasonable period of time, subjected to an act of violence, force, or threat by a preponderance of the evidence.

E. No fees shall be charged for filing or serving petitions pursuant to this section.

F. Neither a law-enforcement agency, the attorney for the Commonwealth, a court nor the clerk's office, nor any employee of them, may disclose, except among themselves, the residential address, telephone number, or place of employment of the person protected by the order or that of the family of such person, except to the extent that disclosure is (i) required by law or the Rules of the Supreme Court, (ii) necessary for law-enforcement purposes, or (iii) permitted by the court for good cause.

G. As used in this section, "copy" includes a facsimile copy.

H. *Upon issuance of a preliminary protective order, the clerk of the court shall make available to the petitioner information that is published by the Department of Criminal Justice Services for victims of domestic violence or for petitioners in protective order cases.*

**§ 19.2-152.10. Protective order.**

A. The court may issue a protective order pursuant to this chapter to protect the health and safety of the petitioner and family or household members of a petitioner upon (i) the issuance of a petition or warrant for, or a conviction of, any criminal offense resulting from the commission of an act of violence, force, or threat or (ii) a hearing held pursuant to subsection D of § 19.2-152.9. A protective order issued under this section may include any one or more of the following conditions to be imposed on the respondent:

1. Prohibiting acts of violence, force, or threat or criminal offenses that may result in injury to person or property;
2. Prohibiting such contacts by the respondent with the petitioner or family or household members of the petitioner as the court deems necessary for the health or safety of such persons;
3. Any other relief necessary to prevent (i) acts of violence, force, or threat, (ii) criminal offenses that may result in injury to person or property, or (iii) communication or other contact of any kind by the respondent; and
4. Granting the petitioner the possession of any companion animal as defined in § 3.2-6500 if such petitioner meets the definition of owner in § 3.2-6500.

B. The protective order may be issued for a specified period of time up to a maximum of two years. The protective order shall expire at 11:59 p.m. on the last day specified or at 11:59 p.m. on the last day of the two-year period if no date is specified. Prior to the expiration of the protective order, a petitioner may file a written motion requesting a hearing to extend the order. Proceedings to extend a protective order shall be given precedence on the docket of the court. The court may extend the protective order for a period not longer than two years to protect the health and safety of the petitioner or persons who are family or household members of the petitioner at the time the request for an extension is made. The extension of the protective order shall expire at 11:59 p.m. on the last day specified or at 11:59 p.m. on the last day of the two-year period if no date is specified. Nothing herein shall limit the number of extensions that may be requested or issued.

C. A copy of the protective order shall be served on the respondent and provided to the petitioner as soon as possible. The court, including a circuit court if the circuit court issued the order, shall forthwith, but in all cases no later than the end of the business day on which the order was issued, enter and transfer electronically to the Virginia Criminal Information Network the respondent's identifying information and the name, date of birth, sex, and race of each protected person provided to the court and shall forthwith forward the attested copy of the protective order and containing any such identifying information to the primary law-enforcement agency responsible for service and entry of protective orders. Upon receipt of the order by the primary law-enforcement agency, the agency shall forthwith verify and enter any modification as necessary to the identifying information and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 and the order shall be served forthwith upon the respondent and due return made to the court. Upon service, the agency making service shall enter the date and time of service and other appropriate information required into the Virginia Criminal Information Network and make due return to the court. If the order is later dissolved or modified, a copy of the dissolution or modification order shall also be attested, forwarded forthwith to the primary law-enforcement agency responsible for service and entry of protective orders, and upon receipt of the order by the primary law-enforcement agency, the agency shall forthwith verify and enter any modification as necessary to the identifying information and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network as described above and the order shall be served forthwith and due return made to the court.

D. Except as otherwise provided, a violation of a protective order issued under this section shall constitute contempt of court.

E. The court may assess costs and attorneys' fees against either party regardless of whether an order of protection has been issued as a result of a full hearing.

F. Any judgment, order or decree, whether permanent or temporary, issued by a court of appropriate jurisdiction in another state, the United States or any of its territories, possessions or Commonwealths, the District of Columbia or by any tribal court of appropriate jurisdiction for the purpose of preventing violent or threatening acts or harassment against or contact or communication with or physical proximity to another person, including any of the conditions specified in subsection A, shall be accorded full faith and credit and enforced in the Commonwealth as if it were an order of the Commonwealth, provided reasonable notice and opportunity to be heard were given by the issuing jurisdiction to the person

against whom the order is sought to be enforced sufficient to protect such person's due process rights and consistent with federal law. A person entitled to protection under such a foreign order may file the order in any appropriate district court by filing with the court, an attested or exemplified copy of the order. Upon such a filing, the clerk shall forthwith forward an attested copy of the order to the primary law-enforcement agency responsible for service and entry of protective orders which shall, upon receipt, enter the name of the person subject to the order and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52. Where practical, the court may transfer information electronically to the Virginia Criminal Information Network.

Upon inquiry by any law-enforcement agency of the Commonwealth, the clerk shall make a copy available of any foreign order filed with that court. A law-enforcement officer may, in the performance of his duties, rely upon a copy of a foreign protective order or other suitable evidence which has been provided to him by any source and may also rely upon the statement of any person protected by the order that the order remains in effect.

G. Either party may at any time file a written motion with the court requesting a hearing to dissolve or modify the order. Proceedings to modify or dissolve a protective order shall be given precedence on the docket of the court.

H. Neither a law-enforcement agency, the attorney for the Commonwealth, a court nor the clerk's office, nor any employee of them, may disclose, except among themselves, the residential address, telephone number, or place of employment of the person protected by the order or that of the family of such person, except to the extent that disclosure is (i) required by law or the Rules of the Supreme Court, (ii) necessary for law-enforcement purposes, or (iii) permitted by the court for good cause.

I. No fees shall be charged for filing or serving petitions pursuant to this section.

J. As used in this section:

"Copy" includes a facsimile copy; and

"Protective order" includes an initial, modified or extended protective order.

K. Upon issuance of a protective order, the clerk of the court shall make available to the petitioner information that is published by the Department of Criminal Justice Services for victims of domestic violence or for petitioners in protective order cases.

## CHAPTER 653

*An Act to amend and reenact § 54.1-1115 of the Code of Virginia, relating to the Department of Professional and Occupational Regulation; contractors; prohibited acts.*

[S 478]

Approved March 30, 2018

**Be it enacted by the General Assembly of Virginia:**

**1. That § 54.1-1115 of the Code of Virginia is amended and reenacted as follows:**

**§ 54.1-1115. Prohibited acts.**

A. The following acts are prohibited and shall constitute the commission of a Class 1 misdemeanor:

1. Contracting for, or bidding upon the construction, removal, repair or improvements to or upon real property owned, controlled or leased by another person without a license or certificate, or without the proper class of license as defined in § 54.1-1100 for the value of work to be performed.
2. Attempting to practice contracting in the Commonwealth, except as provided for in this chapter.
3. Presenting or attempting to use the license or certificate of another.
4. Giving false or forged evidence of any kind to the Board or any member thereof in an application for the issuance or renewal of a license or certificate.
5. Impersonating another or using an expired or revoked license or certificate.
6. Receiving or considering as the awarding authority a bid from anyone whom the awarding authority knows is not properly licensed or certified under this chapter. The awarding authority shall require a bidder to submit his license or certificate number prior to considering a bid.

B. Any person who undertakes work without (i) any valid Virginia contractor's license or certificate when a license or certificate is required by this chapter or (ii) the proper class of license as defined in § 54.1-1100 for the work undertaken, shall be fined an amount not to exceed \$500 per day for each day that such person is in violation, in addition to the authorized penalties for the commission of a Class 1 misdemeanor. Any violation of clause (i) of this subsection shall also constitute a prohibited practice in accordance with § 59.1-200, provided that the violation involves a consumer transaction as defined in the Virginia Consumer Protection Act (§ 59.1-196 et seq.), and shall be subject to any and all of the enforcement provisions of the Virginia Consumer Protection Act.

C. ~~No person shall be entitled to assert the lack of licensure or certification as required by this chapter as a defense to any action at law or suit in equity if the party who seeks to recover from such person.~~ *A construction contract entered into by a person undertaking work without a valid Virginia contractor's license shall not be enforceable by the unlicensed contractor undertaking the work unless the unlicensed contractor (i) gives substantial performance within the terms of the*

contract in good faith and ~~without~~ (ii) did not have actual knowledge that a license or certificate was required by this chapter to perform the work for which he seeks to recover payment.

Failure to renew a license or certificate issued in accordance with this chapter shall create a rebuttable presumption of actual knowledge of such licensing or certification requirements.

### CHAPTER 654

*An Act to amend and reenact § 19.2-60.1 of the Code of Virginia, relating to use of unmanned aircraft systems by public bodies; search warrant required; exception.*

[S 508]

Approved March 30, 2018

**Be it enacted by the General Assembly of Virginia:**

**1. That § 19.2-60.1 of the Code of Virginia is amended and reenacted as follows:**

**§ 19.2-60.1. Use of unmanned aircraft systems by public bodies; search warrant required.**

A. As used in this section, unless the context requires a different meaning:

"Unmanned aircraft" means an aircraft that is operated without the possibility of human intervention from within or on the aircraft.

"Unmanned aircraft system" means an unmanned aircraft and associated elements, including communication links, sensing devices, and the components that control the unmanned aircraft.

B. No state or local government department, agency, or instrumentality having jurisdiction over criminal law enforcement or regulatory violations, including but not limited to the Department of State Police, and no department of law enforcement as defined in § 15.2-836 of any county, city, or town shall utilize an unmanned aircraft system except during the execution of a search warrant issued pursuant to this chapter or an administrative or inspection warrant issued pursuant to law.

C. Notwithstanding the prohibition in this section, an unmanned aircraft system may be deployed without a warrant (i) when an Amber Alert is activated pursuant to § 52-34.3; (ii) when a Senior Alert is activated pursuant to § 52-34.6; (iii) when a Blue Alert is activated pursuant to § 52-34.9; (iv) where use of an unmanned aircraft system is determined to be necessary to alleviate an immediate danger to any person; (v) *following an accident where a report is required pursuant to § 46.2-373, to survey the scene of such accident for the purpose of crash reconstruction and record the scene by photographic or video images; (vi) by the Department of Transportation when assisting a law-enforcement officer to prepare a report pursuant to § 46.2-373; (vii) for training exercises related to such uses; or ~~(viii)~~ (viii) if a person with legal authority consents to the warrantless search.*

D. The warrant requirements of this section shall not apply when such systems are utilized to support the Commonwealth for purposes other than law enforcement, including damage assessment, traffic assessment, flood stage assessment, and wildfire assessment. Nothing herein shall prohibit use of unmanned aircraft systems for private, commercial, or recreational use or solely for research and development purposes by institutions of higher education and other research organizations or institutions.

E. Evidence obtained through the utilization of an unmanned aircraft system in violation of this section is not admissible in any criminal or civil proceeding.

F. In no case may a weaponized unmanned aircraft system be deployed in the Commonwealth or its use facilitated in the Commonwealth by a state or local government department, agency, or instrumentality or department of law enforcement in the Commonwealth except in operations at the Space Port and Naval/Aegis facilities at Wallops Island.

G. Nothing herein shall apply to the Armed Forces of the United States or the Virginia National Guard while utilizing unmanned aircraft systems during training required to maintain readiness for its federal mission or when facilitating training for other U.S. Department of Defense units.

### CHAPTER 655

*An Act to amend and reenact § 46.2-1049 of the Code of Virginia, relating to exhaust system in good working order; excluded vehicles.*

[S 586]

Approved March 30, 2018

**Be it enacted by the General Assembly of Virginia:**

**1. That § 46.2-1049 of the Code of Virginia is amended and reenacted as follows:**

**§ 46.2-1049. Exhaust system in good working order.**

No person shall drive and no owner of a vehicle shall permit or allow the operation of any such vehicle on a highway unless it is equipped with an exhaust system in good working order and in constant operation to prevent excessive or unusual levels of noise; provided however, that for motor vehicles, such exhaust system shall be of a type installed as standard factory equipment, or comparable to that designed for use on the particular vehicle as standard factory equipment.

An exhaust system shall not be deemed to prevent excessive or unusual noise if it permits the escape of noise in excess of that permitted by the standard factory equipment exhaust system of private passenger motor vehicles or trucks of standard make.

The term "exhaust system," as used in this section, means all the parts of a vehicle through which the exhaust passes after leaving the engine block, including mufflers and other sound dissipative devices.

Chambered pipes are not an effective muffling device to prevent excessive or unusual noise, and any vehicle equipped with chambered pipes shall be deemed in violation of this section.

The provisions of this section shall not apply to (i) any antique motor vehicle ~~manufactured prior to 1950~~ licensed pursuant to § 46.2-730, provided that the engine is comparable to that designed as standard factory equipment for use on that particular vehicle, and the exhaust system is in good working order, or (ii) converted electric vehicles.

**CHAPTER 656**

*An Act to amend and reenact § 16.1-242 of the Code of Virginia, relating to retention of jurisdiction over juvenile offenders.*  
[S 609]

Approved March 30, 2018

**Be it enacted by the General Assembly of Virginia:**

**1. That § 16.1-242 of the Code of Virginia is amended and reenacted as follows:**

**§ 16.1-242. Retention of jurisdiction.**

When jurisdiction has been obtained by the court in the case of any child, such jurisdiction, *which includes the authority to suspend, reduce, modify, or dismiss the disposition of any juvenile adjudication*, may be retained by the court until such person becomes ~~twenty-one~~ 21 years of age, except when the person is in the custody of the Department or when jurisdiction is divested under the provisions of § 16.1-244. In any event, when such person reaches the age of ~~twenty-one~~ 21 and a prosecution has not been commenced against him, he shall be proceeded against as an adult, even if he was a juvenile when the offense was committed.

**2. That the provisions of this act are declaratory of existing law.**

**CHAPTER 657**

*An Act to amend and reenact § 4.1-230 of the Code of Virginia, relating to alcoholic beverage control; notarization of applications for licenses.*

[S 647]

Approved March 30, 2018

**Be it enacted by the General Assembly of Virginia:**

**1. That § 4.1-230 of the Code of Virginia is amended and reenacted as follows:**

**§ 4.1-230. Applications for licenses; publication; notice to localities; fees; permits.**

A. Every person intending to apply for any license authorized by this chapter shall file with the Board an application on forms provided by the Board and a statement in writing, ~~under oath, setting forth any information required by the Board.~~ Applications for banquet, tasting, mixed beverage special events, or club events licenses shall not be required to be under oath, but by the applicant swearing and affirming that all of the information contained therein shall be certified as is true by the applicant.

Applicants for retail licenses for establishments that serve food or are otherwise required to obtain a food establishment permit from the Department of Health or an inspection by the Department of Agriculture and Consumer Services shall provide a copy of such permit, proof of inspection, proof of a pending application for such permit, or proof of a pending request for such inspection. If the applicant provides a copy of such permit, proof of inspection, proof of a pending application for a permit, or proof of a pending request for an inspection, a license may be issued to the applicant. If a license is issued on the basis of a pending application or inspection, such license shall authorize the licensee to purchase alcoholic beverages in accordance with the provisions of this title; however, the licensee shall not sell or serve alcoholic beverages until a permit is issued or an inspection is completed.

B. In addition, each applicant for a license under the provisions of this chapter, except applicants for annual banquet, banquet, tasting, special events, club events, annual mixed beverage banquet, wine or beer shipper's, wine and beer shipper's, delivery permit, annual arts venue, or museum licenses issued under the provisions of Chapter 2 (§ 4.1-200 et seq.), or beer or wine importer's licenses, shall post a notice of his application with the Board on the front door of the building, place or room where he proposes to engage in such business for no more than 30 days and not less than 10 days. Such notice shall be of a size and contain such information as required by the Board, including a statement that any objections shall be submitted to the Board not more than 30 days following initial publication of the notice required pursuant to this subsection.

The applicant shall also cause notice to be published at least once a week for two consecutive weeks in a newspaper published in or having a general circulation in the county, city or town wherein such applicant proposes to engage in such

business. Such notice shall contain such information as required by the Board, including a statement that any objections to the issuance of the license be submitted to the Board not later than 30 days from the date of the initial newspaper publication. In the case of wine or beer shipper's licensees, wine and beer shipper's licensees, delivery permittees or operators of boats, dining cars, buffet cars, club cars, and airplanes, the posting and publishing of notice shall not be required.

Except for applicants for annual banquet, banquet, tasting, mixed beverage special events, club events, annual mixed beverage banquet, wine or beer shipper's, wine and beer shipper's, beer or wine importer's, annual arts venue, or museum licenses, the Board shall conduct a background investigation, to include a criminal history records search, which may include a fingerprint-based national criminal history records search, on each applicant for a license. However, the Board may waive, for good cause shown, the requirement for a criminal history records search and completed personal data form for officers, directors, nonmanaging members, or limited partners of any applicant corporation, limited liability company, or limited partnership.

Except for applicants for wine shipper's, beer shipper's, wine and beer shipper's licenses, and delivery permits, the Board shall notify the local governing body of each license application through the county or city attorney or the chief law-enforcement officer of the locality. Local governing bodies shall submit objections to the granting of a license within 30 days of the filing of the application.

C. Each applicant shall pay the required application fee at the time the application is filed. Each license application fee, including annual banquet and annual mixed beverage banquet, shall be \$65, plus the actual cost charged to the Department of State Police by the Federal Bureau of Investigation or the Central Criminal Records Exchange for processing any fingerprints through the Federal Bureau of Investigation or the Central Criminal Records Exchange for each criminal history records search required by the Board, except for banquet, tasting, mixed beverage special events, or mixed beverage club events licenses, in which case the application fee shall be \$15. Application fees shall be in addition to the state license fee required pursuant to § 4.1-231 and shall not be refunded.

D. Subsection A shall not apply to the continuance of licenses granted under this chapter; however, all licensees shall file and maintain with the Board a current, accurate record of the information required by the Board pursuant to subsection A and notify the Board of any changes to such information in accordance with Board regulations.

E. Every application for a permit granted pursuant to § 4.1-212 shall be on a form provided by the Board. In the case of applications to solicit the sale of wine and beer or spirits, each application shall be accompanied by a fee of \$165 and \$390, respectively. The fee for each such permit shall be subject to proration to the following extent: If the permit is granted in the second quarter of any year, the fee shall be decreased by one-fourth; if granted in the third quarter of any year, the fee shall be decreased by one-half; and if granted in the fourth quarter of any year, the fee shall be decreased by three-fourths. Each such permit shall expire on June 30 next succeeding the date of issuance, unless sooner suspended or revoked by the Board. Such permits shall confer upon their holders no authority to make solicitations in the Commonwealth as otherwise provided by law.

The fee for a temporary permit shall be one-twelfth of the combined fees required by this section for applicable licenses to sell wine, beer, or mixed beverages computed to the nearest cent and multiplied by the number of months for which the permit is granted.

The fee for a keg registration permit shall be \$65 annually.

The fee for a permit for the storage of lawfully acquired alcoholic beverages not under customs bond or internal revenue bond in warehouses located in the Commonwealth shall be \$260 annually.

**CHAPTER 658**

*An Act to amend the Code of Virginia by adding sections numbered 9.1-203.1 and 32.1-111.5:1, relating to mental health awareness training; firefighters and emergency medical services personnel.*

[S 670]

Approved March 30, 2018

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding sections numbered 9.1-203.1 and 32.1-111.5:1 as follows:**

**§ 9.1-203.1. Firefighter mental health awareness training.**

*A. Each fire department as defined in § 27-6.01 shall develop curricula for mental health awareness training for its personnel, which shall include training regarding the following:*

- 1. Understanding signs and symptoms of cumulative stress, depression, anxiety, exposure to acute and chronic trauma, compulsive behaviors, and addiction;*
- 2. Combating and overcoming stigmas;*
- 3. Responding appropriately to aggressive behaviors such as domestic violence and harassment; and*
- 4. Accessing available mental health treatment and resources.*

*B. Any fire department may develop the mental health awareness training curricula in conjunction with other fire departments or firefighter stakeholder groups or may use any training program, developed by any entity, that satisfies the criteria set forth in subsection A.*

*C. Firefighters who receive mental health awareness training in accordance with this section shall receive appropriate continuing education credits from the Department of Fire Programs and the Virginia Fire Services Board.*

**§ 32.1-111.5:1. Emergency medical services personnel mental health awareness training.**

*A. Each emergency medical services agency shall develop curricula for mental health awareness training for its personnel, which shall include training regarding the following:*

- 1. Understanding signs and symptoms of cumulative stress, depression, anxiety, exposure to acute and chronic trauma, compulsive behaviors, and addiction;*
- 2. Combating and overcoming stigmas;*
- 3. Responding appropriately to aggressive behaviors such as domestic violence and harassment; and*
- 4. Accessing available mental health treatment and resources.*

*B. Any emergency medical services agency may develop the mental health awareness training curricula in conjunction with other emergency medical services agencies or emergency medical services personnel stakeholder groups or may use any training program, developed by any entity, that satisfies the criteria set forth in subsection A.*

*C. Emergency medical services personnel who receive mental health awareness training in accordance with this section shall receive appropriate continuing education credits from the Office of Emergency Medical Services.*

### CHAPTER 659

*An Act to amend and reenact § 15.2-1535 of the Code of Virginia, relating to local tourism board; membership; member of a governing body of a locality.*

[S 677]

Approved March 30, 2018

**Be it enacted by the General Assembly of Virginia:**

**1. That § 15.2-1535 of the Code of Virginia is amended and reenacted as follows:**

**§ 15.2-1535. Members of governing body not to be elected or appointed by governing body to certain offices.**

*A. Pursuant to Article VII, Section 6 of the Constitution of Virginia, no member of a governing body of a locality shall be eligible, during the term of office for which he was elected or appointed, to hold any office filled by the governing body by election or appointment, except that a member of a governing body may be named a member of such other boards, commissions, and bodies as may be permitted by general law and except that a member of a governing body may be named to fill a vacancy in the office of mayor or board chairman if permitted by general or special law.*

*B. Pursuant to Article VII, Section 6 of the Constitution of Virginia, and without limiting any other provision of general law, a governing body member may be named by the governing body to one or more of the following positions:*

- 1. Director of emergency management pursuant to § 44-146.19;*
- 2. Member of a planning district commission pursuant to § 15.2-4203;*
- 3. Member of a transportation district commission pursuant to § 33.2-1907;*
- 4. Member of a behavioral health authority board pursuant to Chapter 6 (§ 37.2-600 et seq.) of Title 37.2;*
- 5. Member of a hospital or health center commission pursuant to Chapter 52 (§ 15.2-5200 et seq.) of Title 15.2;*
- 6. Member of a community services board pursuant to Chapter 5 (§ 37.2-500 et seq.) of Title 37.2;*
- 7. Member of a park authority pursuant to Chapter 57 (§ 15.2-5700 et seq.) of Title 15.2;*
- 8. Member of a detention or other residential care facilities commission pursuant to Article 13 (§ 16.1-315 et seq.) of Chapter 11 of Title 16.1;*
- 9. Member of a board of directors, governing board or advisory council of an area agency on aging pursuant to § 51.5-135;*
- 10. Member of a regional jail or jail farm board, pursuant to § 53.1-106 or of a regional jail authority or jail authority pursuant to Article 3.1 (§ 53.1-95.2 et seq.) of Chapter 3 of Title 53.1;*
- 11. With respect to members of the governing body of a town under 3,500 population, member of an industrial development authority's board of directors pursuant to Chapter 49 (§ 15.2-4900 et seq.) of Title 15.2;*
- 12. Member of the board of directors, governing board, or advisory council or committee of an airport commission or authority;*
- 13. Member of a Board of Directors of a Regional Industrial Facility Authority pursuant to Chapter 64 (§ 15.2-6400 et seq.) of Title 15.2;*
- 14. Member of a local parks and recreation commission;*
- 15. Member of the Board of the Richmond Ambulance Authority; ~~and~~*
- 16. Member of a local convention, visitors, or tourism board, authority, or agency; and*
- 17. Member of the Board of Directors of the Richmond Metropolitan Transportation Authority pursuant to § 33.2-2901.*

*C. If any governing body member is appointed or elected by the governing body to any office, his qualification in that office shall be void except as provided in subsection B or by other general law.*

D. Except as specifically provided in general or special law, no appointed body listed in subsection B shall be comprised of a majority of elected officials as members, nor shall any locality be represented on such appointed body by more than one elected official.

E. For the purposes of this section, "governing body" includes the mayor of a municipality and the county board chairman.

**CHAPTER 660**

*An Act to amend the Code of Virginia by adding a section numbered 15.2-922.2, relating to special fee to fund emergency services in certain counties.*

[S 680]

Approved March 30, 2018

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding a section numbered 15.2-922.2 as follows:**

**§ 15.2-922.2. Special fee for emergency services in certain counties.**

*A. Any county with a population of less than 3,000 may by ordinance, and after a public hearing and subject to such terms and conditions as set forth in the ordinance, levy a fee to fund the provision of emergency medical services in the county, not to exceed the actual cost incurred by the county in providing such services.*

*B. The county may enter into a contractual agreement with any water or heat, light, and power company or other corporation coming within the provisions of Chapter 26 (§ 58.1-2600 et seq.) of Title 58.1 for the collection of such fee. The agreement may include a commission for such service in the form of a deduction from the fee remitted. The commission shall be provided for in the ordinance, which shall set the rate not to exceed five percent of the amount of fees due and collected.*

**CHAPTER 661**

*An Act to amend and reenact § 15.2-2025 of the Code of Virginia, relating to removal of snow and ice; county executive form of government.*

[S 684]

Approved March 30, 2018

**Be it enacted by the General Assembly of Virginia:**

**1. That § 15.2-2025 of the Code of Virginia is amended and reenacted as follows:**

**§ 15.2-2025. Removal of snow and ice.**

Notwithstanding the provisions of subsection A of § 15.2-2000, any county in Northern Virginia Planning District 8, or any county outside Planning District 8 that has adopted the county executive form of government, may provide by ordinance reasonable criteria and requirements for the removal of accumulations of snow and ice from public sidewalks, by the owner or other person in charge of any occupied property.

Such ordinance shall include reasonable time frames for compliance and reasonable exceptions for handicapped and elderly persons, and those otherwise physically incapable of meeting the criteria and requirements for such removal.

Civil penalties not to exceed \$100 may be imposed for violation of such ordinance.

**CHAPTER 662**

*An Act to request that the Department of State Police recommend options to expedite the process of performing background checks; report.*

[S 716]

Approved March 30, 2018

**Be it enacted by the General Assembly of Virginia:**

**1. § 1. That the Department of State Police (the Department) shall identify, analyze, and recommend options to expedite and improve the efficiency of its process for performing requested background checks. The Department shall report its findings and recommendations to the Chairmen of the House Committee on Health, Welfare and Institutions and the Senate Committee on Rehabilitation and Social Services by November 1, 2018.**

## CHAPTER 663

*An Act to amend and reenact §§ 55-79.74:1, 55-509.3:2, and 55-510 of the Code of Virginia, relating to the Condominium and Property Owners' Association Acts; access to association books and records; duty to redact.*

[S 722]

Approved March 30, 2018

**Be it enacted by the General Assembly of Virginia:****1. That §§ 55-79.74:1, 55-509.3:2, and 55-510 of the Code of Virginia are amended and reenacted as follows:****§ 55-79.74:1. Books, minutes and records; inspection.**

A. The declarant, the managing agent, the unit owners' association, or the person specified in the bylaws of the association shall keep detailed records of the receipts and expenditures affecting the operation and administration of the condominium and specifying the maintenance and repair expenses of the common elements and any other expenses incurred by or on behalf of the association. Subject to the provisions of subsections B, C, and ~~E~~, upon request, any unit owner shall be provided a copy of such records and minutes. All financial books and records shall be kept in accordance with generally accepted accounting practices.

B. Subject to the provisions of subsection C, all books and records kept by or on behalf of the unit owners' association, including, but not limited to, the unit owners' association membership list, addresses and aggregate salary information of unit owners' association employees, shall be available for examination and copying by a unit owner in good standing or his authorized agent so long as the request is for a proper purpose related to his membership in the unit owners' association, and not for pecuniary gain or commercial solicitation. Notwithstanding any provision of law to the contrary, this right of examination shall exist without reference to the duration of membership and may be exercised (i) only during reasonable business hours or at a mutually convenient time and location and (ii) upon five business days' written notice for a unit owner association managed by a common interest community manager and 10 business days' written notice for a self-managed unit owners' association, which notice shall reasonably identify the purpose for the request and the specific books and records of the unit owners' association requested.

C. Books and records kept by or on behalf of a unit owners' association may be withheld from examination or copying by unit owners and contract purchasers to the extent that they are drafts not yet incorporated into the unit owners' association's books and records or if such books and records concern:

1. Personnel matters relating to specific, identified persons or a person's medical records;
2. Contracts, leases, and other commercial transactions to purchase or provide goods or services, currently in or under negotiation;
3. Pending or probable litigation. Probable litigation means those instances where there has been a specific threat of litigation from a party or the legal counsel of a party;
4. Matters involving state or local administrative or other formal proceedings before a government tribunal for enforcement of the condominium instruments or rules and regulations promulgated by the executive organ;
5. Communications with legal counsel which relates to subdivisions 1 through 4 or which is protected by the attorney-client privilege or the attorney work product doctrine;
6. Disclosure of information in violation of law;
7. Meeting minutes or other confidential records of an executive session of the executive organ held pursuant to subsection C of § 55-79.75;
8. Documentation, correspondence or management or executive organ reports compiled for or on behalf of the unit owners' association or the executive organ by its agents or committees for consideration by the executive organ in executive session; or
9. Individual unit owner or member files, other than those of the requesting unit owner, including any individual unit owner's files kept by or on behalf of the unit owners' association.

D. *Books and records kept by or on behalf of a unit owners' association shall be withheld from examination and copying in their entirety only to the extent that an exclusion from disclosure under subsection C applies to the entire content of such books and records. Otherwise, only those portions of the books and records containing information subject to an exclusion under subsection C may be withheld or redacted, and all portions of the books and records that are not so excluded shall be available for examination and copying, provided that the requesting member shall be responsible to the association for paying or reimbursing the association for any reasonable costs incurred by the association in responding to the request for the books and records and review for redaction of the same.*

E. Prior to providing copies of any books and records, the unit owners' association may impose and collect a charge, reflecting the reasonable costs of materials and labor, not to exceed the actual costs thereof. Charges may be imposed only in accordance with a cost schedule adopted by the executive organ in accordance with this subsection. The cost schedule shall (i) specify the charges for materials and labor, (ii) apply equally to all unit owners in good standing, and (iii) be provided to such requesting unit owner at the time the request is made.

**§ 55-509.3:2. Statement of lot owner rights.**

Every lot owner who is a member in good standing of a property owners' association shall have the following rights:

1. The right of access to all books and records kept by or on behalf of the association according to and subject to the provisions of § 55-510, including records of all financial transactions;
2. The right to cast a vote on any matter requiring a vote by the association's membership in proportion to the lot owner's ownership interest, except to the extent that the declaration provides otherwise;
3. The right to have notice of any meeting of the board of directors, to make a record of such meetings by audio or visual means, and to participate in such meeting in accordance with the provisions of subsection F G of § 55-510 and § 55-510.1;
4. The right to have (i) notice of any proceeding conducted by the board of directors or other tribunal specified in the declaration against the lot owner to enforce any rule or regulation of the association and (ii) the opportunity to be heard and represented by counsel at the proceeding, as provided in § 55-513, and the right of due process in the conduct of that hearing; and
5. The right to serve on the board of directors if duly elected and a member in good standing of the association, except to the extent the declaration provides otherwise.

The rights enumerated in this section shall be enforceable by any such lot owner pursuant to the provisions of § 55-515.

**§ 55-510. Access to association records; association meetings; notice.**

A. The association shall keep detailed records of receipts and expenditures affecting the operation and administration of the association. All financial books and records shall be kept in accordance with generally accepted accounting practices.

B. Subject to the provisions of subsection C and so long as the request is for a proper purpose related to his membership in the association, all books and records kept by or on behalf of the association, shall be available for examination and copying by a member in good standing or his authorized agent including but not limited to:

1. The association's membership list and addresses, which shall not be used for purposes of pecuniary gain or commercial solicitation; and
2. The actual salary of the six highest compensated employees of the association earning over \$75,000 and aggregate salary information of all other employees of the association; however, individual salary information shall not be available for examination and copying during the declarant control period.

Notwithstanding any provision of law to the contrary, this right of examination shall exist without reference to the duration of membership and may be exercised (i) only during reasonable business hours or at a mutually convenient time and location and (ii) upon five business days' written notice for an association managed by a common interest community manager and 10 business days' written notice for a self-managed association, which notice reasonably identifies the purpose for the request and the specific books and records of the association requested.

C. Books and records kept by or on behalf of an association may be withheld from inspection and copying to the extent that they concern:

1. Personnel matters relating to specific, identified persons or a person's medical records;
2. Contracts, leases, and other commercial transactions to purchase or provide goods or services, currently in or under negotiation;
3. Pending or probable litigation. Probable litigation means those instances where there has been a specific threat of litigation from a party or the legal counsel of a party;
4. Matters involving state or local administrative or other formal proceedings before a government tribunal for enforcement of the association documents or rules and regulations promulgated pursuant to § 55-513;
5. Communications with legal counsel that relate to subdivisions 1 through 4 or that are protected by the attorney-client privilege or the attorney work product doctrine;
6. Disclosure of information in violation of law;
7. Meeting minutes or other confidential records of an executive session of the board of directors held in accordance with subsection C of § 55-510.1;
8. Documentation, correspondence or management or board reports compiled for or on behalf of the association or the board by its agents or committees for consideration by the board in executive session; or
9. Individual unit owner or member files, other than those of the requesting lot owner, including any individual lot owner's or member's files kept by or on behalf of the association.

D. *Books and records kept by or on behalf of an association shall be withheld from inspection and copying in their entirety only to the extent that an exclusion from disclosure under subsection C applies to the entire content of such books and records. Otherwise, only those portions of the books and records containing information subject to an exclusion under subsection C may be withheld or redacted, and all portions of the books and records that are not so excluded shall be available for examination and copying, provided that the requesting member shall be responsible to the association for paying or reimbursing the association for any reasonable costs incurred by the association in responding to the request for the books and records and review for redaction of the same.*

E. Prior to providing copies of any books and records to a member in good standing under this section, the association may impose and collect a charge, reflecting the reasonable costs of materials and labor, not to exceed the actual costs thereof. Charges may be imposed only in accordance with a cost schedule adopted by the board of directors in accordance with this subsection. The cost schedule shall (i) specify the charges for materials and labor, (ii) apply equally to all members in good standing, and (iii) be provided to such requesting member at the time the request is made.

~~E. F.~~ Notwithstanding the provisions of subsections B and C, all books and records of the association, including individual salary information for all employees and payments to independent contractors, shall be available for examination and copying upon request by a member of the board of directors in the discharge of his duties as a director.

~~F. G.~~ Meetings of the association shall be held in accordance with the provisions of the bylaws at least once each year after the formation of the association. The bylaws shall specify an officer or his agent who shall, at least 14 days in advance of any annual or regularly scheduled meeting, and at least seven days in advance of any other meeting, send to each member notice of the time, place, and purposes of such meeting. In the event of cancellation of any annual meeting of the association at which directors are elected, the seven-day notice of any subsequent meeting scheduled to elect such directors shall include a statement that the meeting is scheduled for the purpose of the election of directors.

Notice shall be sent by United States mail to all members at the address of their respective lots unless the member has provided to such officer or his agent an address other than the address of the member's lot; or notice may be hand delivered by the officer or his agent, provided the officer or his agent certifies in writing that notice was delivered to the member. Except as provided in subdivision C 7, draft minutes of the board of directors shall be open for inspection and copying (i) within 60 days from the conclusion of the meeting to which such minutes appertain or (ii) when such minutes are distributed to board members as part of an agenda package for the next meeting of the board of directors, whichever occurs first.

**CHAPTER 664**

*An Act to amend Chapter 116 of the Acts of Assembly of 1948, which provided a charter for the City of Richmond, by adding a section numbered 6.15:3, relating to equal educational opportunities; school infrastructure.*

[S 750]

Approved March 30, 2018

**Be it enacted by the General Assembly of Virginia:**

**1. That Chapter 116 of the Acts of Assembly of 1948 is amended and reenacted as follows:**

*§ 6.15:3. School buildings and infrastructure modernization.*

(a) *Not later than January 1, 2019, the mayor shall formally present to the city council a fully funded plan to modernize the city's K-12 educational infrastructure consistent with national standards or inform city council such a plan is not feasible. In fulfilling the duties herein, the mayor shall consult with the school board and city council, consider cost savings available in state or federal law, and further provide an opportunity for public participation.*

(b) *Such fully funded plan required in subsection (a) shall not be based on the passage of new or increased taxes for that purpose.*

(c) *Nothing herein shall alter powers previously given to the school board.*

(d) *Once the mayor has complied with subsection (a), the city council shall have 90 days to take such action as it deems appropriate.*

**CHAPTER 665**

*An Act to amend and reenact §§ 4.1-208 and 4.1-233 of the Code of Virginia, relating to alcoholic beverage control; beer licenses.*

[S 769]

Approved March 30, 2018

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 4.1-208 and 4.1-233 of the Code of Virginia are amended and reenacted as follows:**

**§ 4.1-208. Beer licenses.**

A. The Board may grant the following licenses relating to beer:

1. Brewery licenses, which shall authorize the licensee to manufacture beer and to sell and deliver or ship the beer so manufactured, in accordance with Board regulations, in closed containers to (i) persons licensed to sell the beer at wholesale; (ii) persons licensed to sell beer at retail for the purpose of resale within a theme or amusement park owned and operated by the brewery or a parent, subsidiary or a company under common control of such brewery, or upon property of such brewery or a parent, subsidiary or a company under common control of such brewery contiguous to such premises, or in a development contiguous to such premises owned and operated by such brewery or a parent, subsidiary or a company under common control of such brewery; and (iii) persons outside the Commonwealth for resale outside the Commonwealth. Such license shall also authorize the licensee to sell at retail the brands of beer that the brewery owns at premises described in the brewery license for on-premises consumption and in closed containers for off-premises consumption.

Such license may also authorize individuals holding a brewery license to (a) operate a facility designed for and utilized exclusively for the education of persons in the manufacture of beer, including sampling by such individuals of beer products, within a theme or amusement park located upon the premises occupied by such brewery, or upon property of such person contiguous to such premises, or in a development contiguous to such premises owned and operated by such person or a wholly owned subsidiary or (b) offer samples of the brewery's products to individuals visiting the licensed premises,

provided that such samples shall be provided only to individuals for consumption on the premises of such facility or licensed premises and only to individuals to whom such products may be lawfully sold.

2. Limited brewery licenses, to breweries that manufacture no more than 15,000 barrels of beer per calendar year, provided that (i) the brewery is located on a farm in the Commonwealth on land zoned agricultural and owned or leased by such brewery or its owner and (ii) agricultural products, including barley, other grains, hops, or fruit, used by such brewery in the manufacture of its beer are grown on the farm. The licensed premises shall be limited to the portion of the farm on which agricultural products, including barley, other grains, hops, or fruit, used by such brewery in the manufacture of its beer are grown and that is contiguous to the premises of such brewery where the beer is manufactured, exclusive of any residence and the curtilage thereof. However, the Board may, with notice to the local governing body in accordance with the provisions of § 4.1-230, also approve other portions of the farm to be included as part of the licensed premises. For purposes of this subdivision, "land zoned agricultural" means (a) land zoned as an agricultural district or classification or (b) land otherwise permitted by a locality for limited brewery use. For purposes of this subdivision, "land zoned agricultural" does not include land zoned "residential conservation." Except for the limitation on land zoned "residential conservation," nothing in this definition shall otherwise limit or affect local zoning authority.

Limited brewery licensees shall be treated as breweries for all purposes of this title except as otherwise provided in this subdivision.

3. Bottlers' licenses, which shall authorize the licensee to acquire and receive deliveries and shipments of beer in closed containers and to bottle, sell and deliver or ship it, in accordance with Board regulations to (i) wholesale beer licensees for the purpose of resale, (ii) owners of boats registered under the laws of the United States sailing for ports of call of a foreign country or another state, and (iii) persons outside the Commonwealth for resale outside the Commonwealth.

4. Wholesale beer licenses, which shall authorize the licensee to acquire and receive deliveries and shipments of beer and to sell and deliver or ship the beer from one or more premises identified in the license, in accordance with Board regulations, in closed containers to (i) persons licensed under this chapter to sell such beer at wholesale or retail for the purpose of resale, (ii) owners of boats registered under the laws of the United States sailing for ports of call of a foreign country or another state, and (iii) persons outside the Commonwealth for resale outside the Commonwealth.

No wholesale beer licensee shall purchase beer for resale from a person outside the Commonwealth who does not hold a beer importer's license unless such wholesale beer licensee holds a beer importer's license and purchases beer for resale pursuant to the privileges of such beer importer's license.

5. Beer importers' licenses, which shall authorize persons licensed within or outside the Commonwealth to sell and deliver or ship beer into the Commonwealth, in accordance with Board regulations, in closed containers, to persons in the Commonwealth licensed to sell beer at wholesale for the purpose of resale.

6. Retail on-premises beer licenses to:

a. Hotels, restaurants, and clubs, which shall authorize the licensee to sell beer, either with or without meals, only in dining areas and other designated areas of such restaurants, or in dining areas, private guest rooms, and other designated areas of such hotels or clubs, for consumption only in such rooms and areas. For purposes of this subdivision, "other designated areas" includes outdoor dining areas, whether or not contiguous to the licensed premises, which may have more than one means of ingress and egress to an adjacent public thoroughfare, provided that such outdoor dining areas are under the control of the licensee and approved by the Board. Such noncontiguous designated areas shall not be approved for any retail license issued pursuant to subdivision A 5 of § 4.1-201.

b. Persons operating dining cars, buffet cars, and club cars of trains, which shall authorize the licensee to sell beer, either with or without meals, in the dining cars, buffet cars, and club cars so operated by them for on-premises consumption when carrying passengers.

c. Persons operating sight-seeing boats, or special or charter boats, which shall authorize the licensee to sell beer, either with or without meals, on such boats operated by them for on-premises consumption when carrying passengers.

d. Grocery stores located in any town or in a rural area outside the corporate limits of any city or town, which shall authorize the licensee to sell beer for on-premises consumption in such establishments. No license shall be granted unless it appears affirmatively that a substantial public demand for such licensed establishment exists and that public convenience and the purposes of this title will be promoted by granting the license.

e. Persons operating food concessions at coliseums, stadia, or similar facilities, which shall authorize the licensee to sell beer, in paper, plastic, or similar disposable containers or in single original metal cans, during the performance of professional sporting exhibitions, events or performances immediately subsequent thereto, to patrons within all seating areas, concourses, walkways, concession areas, and additional locations designated by the Board in such coliseums, stadia, or similar facilities, for on-premises consumption. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license.

f. Persons operating food concessions at any outdoor performing arts amphitheater, arena or similar facility which has seating for more than 3,500 persons and is located in Albemarle, Augusta, Pittsylvania, Nelson, or Rockingham Counties. Such license shall authorize the licensee to sell beer during the performance of any event, in paper, plastic or similar disposable containers or in single original metal cans, to patrons within all seating areas, concourses, walkways, concession areas, or similar facilities, for on-premises consumption. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license.

g. Persons operating food concessions at exhibition or exposition halls, convention centers or similar facilities located in any county operating under the urban county executive form of government or any city which is completely surrounded by such county, which shall authorize the licensee to sell beer during the event, in paper, plastic or similar disposable containers or in single original metal cans, to patrons or attendees within all seating areas, exhibition areas, concourses, walkways, concession areas, and such additional locations designated by the Board in such facilities, for on-premises consumption. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license. For purposes of this subsection, "exhibition or exposition halls" and "convention centers" mean facilities conducting private or public trade shows or exhibitions in an indoor facility having in excess of 100,000 square feet of floor space.

h. *A nonprofit museum exempt from taxation under § 501(c)(3) of the Internal Revenue Code, located in the Town of Front Royal, and dedicated to educating the consuming public about historic beer products, which shall authorize the licensee to sell beer for on-premises consumption in areas approved by the Board. The privileges of this license shall be limited to the premises of the museum, regularly occupied and utilized as such.*

7. Retail off-premises beer licenses, which shall authorize the licensee to sell beer in closed containers for off-premises consumption.

8. Retail off-premises brewery licenses to persons holding a brewery license which shall authorize the licensee to sell beer at the place of business designated in the brewery license, in closed containers which shall include growlers and other reusable containers, for off-premises consumption.

9. Retail on-and-off premises beer licenses to persons enumerated in subdivisions 6 a and 6 d, which shall accord all the privileges conferred by retail on-premises beer licenses and in addition, shall authorize the licensee to sell beer in closed containers for off-premises consumption.

B. Any farm winery or limited brewery that, prior to July 1, 2016, (i) holds a valid license granted by the Board in accordance with this title and (ii) is in compliance with the local zoning ordinance as an agricultural district or classification or as otherwise permitted by a locality for farm winery or limited brewery use shall be allowed to continue such use as provided in § 15.2-2307, notwithstanding (a) the provisions of this section or (b) a subsequent change in ownership of the farm winery or limited brewery on or after July 1, 2016, whether by transfer, acquisition, inheritance, or other means. Any such farm winery or limited brewery located on land zoned residential conservation prior to July 1, 2016 may expand any existing building or structure and the uses thereof so long as specifically approved by the locality by special exception. Any such farm winery or limited brewery located on land zoned residential conservation prior to July 1, 2016 may construct a new building or structure so long as specifically approved by the locality by special exception. All such licensees shall comply with the requirements of this title and Board regulations for renewal of such license or the issuance of a new license in the event of a change in ownership of the farm winery or limited brewery on or after July 1, 2016.

#### § 4.1-233. Taxes on local licenses.

A. In addition to the state license taxes, the annual local license taxes which may be collected shall not exceed the following sums:

1. Alcoholic beverages. — For each:

a. Distiller's license, if more than 5,000 gallons but not more than 36,000 gallons manufactured during such year, \$750; if more than 36,000 gallons manufactured during such year, \$1,000; and no local license shall be required for any person who manufactures not more than 5,000 gallons of alcohol or spirits, or both, during such license year;

b. Fruit distiller's license, \$1,500;

c. Bed and breakfast establishment license, \$40;

d. Museum license, \$10;

e. Tasting license, \$5 per license granted;

f. Equine sporting event license, \$10;

g. Day spa license, \$20;

h. Motor car sporting event facility license, \$10;

i. Meal-assembly kitchen license, \$20;

j. Canal boat operator license, \$20;

k. Annual arts venue event license, \$20;

l. Art instruction studio license, \$20; and

m. Commercial lifestyle center license, \$60.

2. Beer. — For each:

a. Brewery license, if not more than 500 barrels of beer manufactured during the year in which the license is granted, \$250, and if more than 500 barrels of beer manufactured during the year in which the license is granted, \$1,000;

b. Bottler's license, \$500;

c. Wholesale beer license, in a city, \$250, and in a county or town, \$75;

d. Retail on-premises beer license for a hotel, restaurant ~~or~~ club or other person and for each retail off-premises beer license in a city, \$100, and in a county or town, \$25; and

e. Beer shipper's license, \$10.

3. Wine. — For each:

a. Winery license, \$50;

- b. Wholesale wine license, \$50;
  - c. Farm winery license, \$50; and
  - d. Wine shipper's license, \$10.
  - 4. Wine and beer. — For each:
    - a. Retail on-premises wine and beer license for a hotel, restaurant or club; and for each retail off-premises wine and beer license, including each gift shop, gourmet shop and convenience grocery store license, in a city, \$150, and in a county or town, \$37.50;
      - b. Hospital license, \$10;
      - c. Historic cinema house license, \$20;
      - d. Banquet license, \$5 for each license granted, except for banquet licenses granted by the Board pursuant to subsection A of § 4.1-215, which shall be \$20 per license;
      - e. Gourmet brewing shop license, \$150;
      - f. Wine and beer shipper's license, \$10;
      - g. Annual banquet license, \$15; and
      - h. Gourmet oyster house license, in a city, \$150, and in a county or town, \$37.50.
    - 5. Mixed beverages. — For each:
      - a. Mixed beverage restaurant license, including restaurants located on the premises of and operated by hotels or motels, or other persons:
        - (i) With a seating capacity at tables for up to 100 persons, \$200;
        - (ii) With a seating capacity at tables for more than 100 but not more than 150 persons, \$350; and
        - (iii) With a seating capacity at tables for more than 150 persons, \$500.
      - b. Private, nonprofit club operating a restaurant located on the premises of such club, \$350;
      - c. Mixed beverage caterer's license, \$500;
      - d. Mixed beverage limited caterer's license, \$100;
      - e. Mixed beverage special events licenses, \$10 for each day of each event;
      - f. Mixed beverage club events licenses, \$10 for each day of each event;
      - g. Annual mixed beverage amphitheater license, \$300;
      - h. Annual mixed beverage motor sports race track license, \$300;
      - i. Annual mixed beverage banquet license, \$75;
      - j. Limited mixed beverage restaurant license:
        - (i) With a seating capacity at tables for up to 100 persons, \$100;
        - (ii) With a seating capacity at tables for more than 100 but not more than 150 persons, \$250;
        - (iii) With a seating capacity at tables for more than 150 persons, \$400;
      - k. Annual mixed beverage motor sports facility license, \$300; and
      - l. Annual mixed beverage performing arts facility license, \$300.
  - B. Common carriers. — No local license tax shall be either charged or collected for the privilege of selling alcoholic beverages in (i) passenger trains, boats or airplanes and (ii) rooms designated by the Board of establishments of air carriers of passengers at airports in the Commonwealth for on-premises consumption only.
  - C. Merchants' and restaurants' license taxes. — The governing body of each county, city or town in the Commonwealth, in imposing local wholesale merchants' license taxes measured by purchases, local retail merchants' license taxes measured by sales, and local restaurant license taxes measured by sales, may include alcoholic beverages in the base for measuring such local license taxes the same as if the alcoholic beverages were nonalcoholic. No local alcoholic beverage license authorized by this chapter shall exempt any licensee from any local merchants' or local restaurant license tax, but such local merchants' and local restaurant license taxes may be in addition to the local alcoholic beverage license taxes authorized by this chapter.
- The governing body of any county, city or town, in adopting an ordinance under this section, shall provide that in ascertaining the liability of (i) a beer wholesaler to local merchants' license taxation under the ordinance, and in computing the local wholesale merchants' license tax on such beer wholesaler, purchases of beer up to a stated amount shall be disregarded, which stated amount shall be the amount of beer purchases which would be necessary to produce a local wholesale merchants' license tax equal to the local wholesale beer license tax paid by such wholesaler and (ii) a wholesale wine licensee to local merchants' license taxation under the ordinance, and in computing the local wholesale merchants' license tax on such wholesale wine licensee, purchases of wine up to a stated amount shall be disregarded, which stated amount shall be the amount of wine purchases which would be necessary to produce a local wholesale merchants' license tax equal to the local wholesale wine licensee license tax paid by such wholesale wine licensee.
- D. Delivery. — No county, city or town shall impose any local alcoholic beverages license tax on any wholesaler for the privilege of delivering alcoholic beverages in the county, city or town when such wholesaler maintains no place of business in such county, city or town.
  - E. Application of county tax within town. — Any county license tax imposed under this section shall not apply within the limits of any town located in such county, where such town now, or hereafter, imposes a town license tax on the same privilege.

## CHAPTER 666

*An Act to amend and reenact § 19.2-386.14 of the Code of Virginia, relating to sharing of forfeited assets; report.*

[S 813]

Approved March 30, 2018

**Be it enacted by the General Assembly of Virginia:****1. That § 19.2-386.14 of the Code of Virginia is amended and reenacted as follows:****§ 19.2-386.14. Sharing of forfeited assets.**

A. All cash, negotiable instruments, and proceeds from a sale conducted pursuant to § 19.2-386.7 or 19.2-386.12, after deduction of expenses, fees, and costs as provided in § 19.2-386.12, shall, as soon after entry of the forfeiture as is practicable, be distributed in a manner consistent with this chapter and Article VIII, Section 8 of the Constitution of Virginia.

A1. All cash, negotiable instruments and proceeds from a sale conducted pursuant to § 19.2-386.7 or 19.2-386.12, after deduction of expenses, fees and costs as provided in § 19.2-386.12, shall, as soon after entry of the forfeiture as is practicable, be paid over to the state treasury into a special fund of the Department of Criminal Justice Services for distribution in accordance with this section. The forfeited property and proceeds, less 10 percent, shall be made available to federal, state and local agencies to promote law enforcement in accordance with this section and regulations adopted by the Criminal Justice Services Board to implement the asset-sharing program.

The 10 percent retained by the Department shall be held in a nonreverting fund, known as the Asset Sharing Administrative Fund. Administrative costs incurred by the Department to manage and operate the asset-sharing program shall be paid from the Fund. Any amounts remaining in the Fund after payment of these costs shall be used to promote state or local law-enforcement activities. Distributions from the Fund for these activities shall be based upon need and shall be made from time to time in accordance with regulations promulgated by the Board.

B. Any federal, state or local agency or office that directly participated in the investigation or other law-enforcement activity which led, directly or indirectly, to the seizure and forfeiture shall be eligible for, and may petition the Department for, return of the forfeited asset or an equitable share of the net proceeds, based upon the degree of participation in the law-enforcement effort resulting in the forfeiture, taking into account the total value of all property forfeited and the total law-enforcement effort with respect to the violation of law on which the forfeiture is based. Upon finding that the petitioning agency is eligible for distribution and that all participating agencies agree on the equitable share of each, the Department shall distribute each share directly to the appropriate treasury of the participating agency.

If all eligible participating agencies cannot agree on the equitable shares of the net proceeds, the shares shall be determined by the Criminal Justice Services Board in accordance with regulations which shall specify the criteria to be used by the Board in assessing the degree of participation in the law-enforcement effort resulting in the forfeiture.

C. After the order of forfeiture is entered concerning any motor vehicle, boat, aircraft, or other tangible personal property, any seizing agency may (i) petition the Department for return of the property that is not subject to a grant or pending petition for remission or (ii) request the circuit court to order the property destroyed. Where all the participating agencies agree upon the equitable distribution of the tangible personal property, the Department shall return the property to those agencies upon finding that (a) the agency meets the criteria for distribution as set forth in subsection B and (b) the agency has a clear and reasonable law-enforcement need for the forfeited property.

If all eligible participating agencies cannot agree on the distribution of the property, distribution shall be determined by the Criminal Justice Services Board as in subsection B, taking into consideration the clear and reasonable law-enforcement needs for the property which the agencies may have. In order to equitably distribute tangible personal property, the Criminal Justice Services Board may require the agency receiving the property to reimburse the Department in cash for the difference between the fair market value of the forfeited property and the agency's equitable share as determined by the Criminal Justice Services Board.

If a seizing agency has received property for its use pursuant to this section, when the agency disposes of the property (1) by sale, the proceeds shall be distributed as set forth in this section; or (2) by destruction pursuant to a court order, the agency shall do so in a manner consistent with this section.

D. All forfeited property, including its proceeds or cash equivalent, received by a participating state or local agency pursuant to this section shall be used to promote law enforcement but shall not be used to supplant existing programs or funds. The Board shall promulgate regulations establishing an audit procedure to ensure compliance with this section.

E. On or after July 1, 2012, but before July 1, 2014, local seizing agencies may contribute cash funds and proceeds from forfeited property to the Virginia Public Safety Foundation to support the construction of the Commonwealth Public Safety Memorial. Any funds contributed by seizing agencies shall be contributed only after an internal analysis to determine that such contributions will not negatively impact law-enforcement training or operations.

F. The Department shall report annually on or before December 31 to the Governor and the General Assembly the amount of all cash, negotiable instruments, and proceeds from sales conducted pursuant to § 19.2-386.7 or 19.2-386.12 that were forfeited to the Commonwealth, including the amount of all forfeitures distributed to the Literary Fund. Such report shall also detail the amount distributed by the Department to each federal, state, or local agency or office pursuant to this section, and the amount each state or local agency or office received from federal asset forfeiture proceedings. *Any state or*

*local agency that receives a forfeited asset or an equitable share of the net proceeds of a forfeited asset from the Department or from a federal asset forfeiture proceeding shall inform the Department, in a manner prescribed by the Department, of (i) the offense on which the forfeiture is based listed in the information filed pursuant to § 19.2-386.1, (ii) any criminal charge brought against the owner of the forfeited asset, and (iii) if a criminal charge was brought against the owner of the forfeited asset, the status of the charge, including whether the charge is pending or resulted in a conviction. The Department shall include such information in the annual report. The Department shall ensure that such report is available to the public.*

### CHAPTER 667

*An Act to amend and reenact §§ 19.2-70.2 and 19.2-70.3 of the Code of Virginia, relating to installation of a pen register or trap and trace device; emergency circumstances.*

[S 833]

Approved March 30, 2018

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 19.2-70.2 and 19.2-70.3 of the Code of Virginia are amended and reenacted as follows:**

**§ 19.2-70.2. Application for and issuance of order for a pen register or trap and trace device; assistance in installation and use.**

A. An investigative or law-enforcement officer may make application for an order or an extension of an order authorizing or approving the installation and use of a pen register or a trap and trace device, in writing under oath or equivalent affirmation, to a court of competent jurisdiction. The application shall include:

1. The identity of the officer making the application and the identity of the law-enforcement agency conducting the investigation; and
2. A certification by the applicant that the information likely to be obtained is relevant to an ongoing criminal investigation being conducted by that agency.

The application may include a request that the order require information, facilities and technical assistance necessary to accomplish the installation be furnished.

B. An application for an ex parte order authorizing the installation and use of a pen register or trap and trace device may be filed in the jurisdiction where the ongoing criminal investigation is being conducted; where there is probable cause to believe that an offense was committed, is being committed, or will be committed; or where the person or persons who subscribe to the wire or electronic communication system live, work, or maintain an address or a post office box. For the purposes of an order entered pursuant to this section for the installation and use of a pen register or trap and trace device, such installation shall be deemed to occur in the jurisdiction where the order is entered, regardless of the physical location or the method by which the information is captured or routed to the law-enforcement officer that made the application. Upon application, the court shall enter an ex parte order authorizing the installation and use of a pen register or a trap and trace device if the court finds that the investigative or law-enforcement officer has certified to the court that the information likely to be obtained by such installation and use is relevant to an ongoing criminal investigation.

The order shall specify:

1. The identity, if known, of the person in whose name the telephone line or other facility to which the pen register or trap and trace device is to be attached or applied is listed or to whom the line or other facility is leased;
2. The identity, if known, of the person who is the subject of the criminal investigation;
3. The attributes of the communications to which the order applies, including the number or other identifier and, if known, the location of the telephone line or other facility to which the pen register or trap and trace device is to be attached or applied; and
4. A statement of the offense to which the information likely to be obtained by the pen register or trap and trace device relates.

C. Installation and use of a pen register or a trap and trace device shall be authorized for a period not to exceed 60 days. Extensions of the order may be granted, but only upon application made and order issued in accordance with this section. The period of an extension shall not exceed 60 days.

D. An order authorizing or approving the installation and use of a pen register or a trap and trace device shall direct that:

1. The order and application be sealed until otherwise ordered by the court;
2. Information, facilities and technical assistance necessary to accomplish the installation be furnished if requested in the application; and
3. The person owning or leasing the line or other facility to which the pen register or trap and trace device is attached or applied, or who is obligated by the order to provide assistance to the applicant, not disclose the existence of the pen register or trap and trace device or the existence of the investigation to the listed subscriber, or to any other person, unless or until otherwise ordered by the court.

E. Upon request of an investigative or a law-enforcement officer authorized by the court to install and use a pen register, a provider of wire or electronic communication service, a landlord, custodian or any other person so ordered by the court shall, as soon as practicable, furnish the officer with all information, facilities, and technical assistance necessary to

accomplish the installation of the pen register unobtrusively and with a minimum of interference with the services that the person so ordered by the court accords the party with respect to whom the installation and use is to take place.

F. Upon request of an investigative or law-enforcement officer authorized by the court to receive the results of a trap and trace device under this section, a provider of wire or electronic communication service, a landlord, custodian or any other person so ordered by the court shall, as soon as practicable, install the device on the appropriate line and furnish the officer with all additional information, facilities and technical assistance, including installation and operation of the device, unobtrusively and with a minimum of interference with the services that the person so ordered by the court accords the party with respect to whom the installation and use is to take place. Unless otherwise ordered by the court, the results of the trap and trace device shall be furnished to the investigative or law-enforcement officer designated by the court at reasonable intervals during regular business hours for the duration of the order. Where the law-enforcement agency implementing an ex parte order under this subsection seeks to do so by installing and using its own pen register or trap and trace device on a packet-switched data network of a provider of electronic communication service to the public, the agency shall ensure that a record will be maintained that will identify (i) any officer or officers who installed the device and any officer or officers who accessed the device to obtain information from the network; (ii) the date and time the device was installed, the date and time the device was uninstalled, and the date, time, and duration of each time the device is accessed to obtain information; (iii) the configuration of the device at the time of its installation and any subsequent modification thereof; and (iv) any information that has been collected by the device. To the extent that the pen register or trap and trace device can be set automatically to record this information electronically, the record shall be maintained electronically throughout the installation and use of such device. The record maintained hereunder shall be provided ex parte and under seal of the court that entered the ex parte order authorizing the installation and use of the device within 30 days after termination of the order, including any extensions thereof.

G. A provider of a wire or electronic communication service, a landlord, custodian or other person who furnishes facilities or technical assistance pursuant to this section shall be reasonably compensated for reasonable and actual expenses incurred in providing such facilities and assistance. The expenses shall be paid out of the criminal fund.

H. *When disclosure of real-time location data is not prohibited by federal law, an investigative or law-enforcement officer may obtain a pen register or trap and trace device installation without a court order, in addition to any real-time location data obtained pursuant to subsection E of § 19.2-70.3, in the following circumstances:*

1. *To respond to a user's call for emergency services;*
2. *With the informed, affirmative consent of the owner or user of the electronic device concerned if (i) the device is in his possession, (ii) the owner or user knows or believes that the device is in the possession of an employee or agent of the owner or user with the owner's or user's consent, or (iii) the owner or user knows or believes that the device has been taken by a third party without the consent of the owner or user;*
3. *With the informed, affirmative consent of the legal guardian or next of kin of the owner or user, if reasonably available, if the owner or user is reasonably believed to be deceased, is reported missing, or is unable to be contacted;*
4. *To locate a child who is reasonably believed to have been abducted or to be missing and endangered; or*
5. *If the investigative or law-enforcement officer reasonably believes that an emergency involving the immediate danger to a person requires the disclosure, without delay, of pen register and trap and trace data, or real-time location data pursuant to subsection E of § 19.2-70.3, concerning a specific person and that a court order cannot be obtained in time to prevent the identified danger.*

*No later than three business days after seeking the installation of a pen register or trap and trace device pursuant to this subsection, the investigative or law-enforcement officer seeking the installation shall file with the appropriate court a written statement setting forth the facts giving rise to the emergency and the reasons why the installation of the pen register or trap and trace device was believed to be important in addressing the emergency.*

I. No cause of action shall lie in any court against a provider of a wire or electronic communication service, its officers, employees, agents or other specified persons for providing information, facilities, or assistance in accordance with the terms of a court order issued pursuant to this section. Good faith reliance on a court order, a legislative authorization or a statutory authorization is a complete defense against any civil or criminal action based upon a violation of this chapter.

**§ 19.2-70.3. Obtaining records concerning electronic communication service or remote computing service.**

A. A provider of electronic communication service or remote computing service, which, for purposes of subdivisions 2, 3, and 4, includes a foreign corporation that provides such services, shall disclose a record or other information pertaining to a subscriber to or customer of such service, excluding the contents of electronic communications and real-time location data, to an investigative or law-enforcement officer only pursuant to:

1. A subpoena issued by a grand jury of a court of the Commonwealth;
2. A search warrant issued by a magistrate, general district court, or circuit court;
3. A court order issued by a circuit court for such disclosure issued as provided in subsection B; or
4. The consent of the subscriber or customer to such disclosure.

B. A court shall issue an order for disclosure under this section only if the investigative or law-enforcement officer shows that there is reason to believe the records or other information sought are relevant and material to an ongoing criminal investigation, or the investigation of any missing child as defined in § 52-32, missing senior adult as defined in § 52-34.4, or an incapacitated person as defined in § 64.2-2000 who meets the definition of a missing senior adult except for the age requirement. Upon issuance of an order for disclosure under this section, the order and any written application or statement

of facts may be sealed by the court for 90 days for good cause shown upon application of the attorney for the Commonwealth in an ex parte proceeding. The order and any written application or statement of facts may be sealed for additional 90-day periods for good cause shown upon subsequent application of the attorney for the Commonwealth in an ex parte proceeding. A court issuing an order pursuant to this section, on a motion made promptly by the service provider, may quash or modify the order, if the information or records requested are unusually voluminous in nature or compliance with such order would otherwise cause an undue burden on such provider.

C. Except as provided in subsection D or E, a provider of electronic communication service or remote computing service, including a foreign corporation that provides such services, shall disclose the contents of electronic communications or real-time location data to an investigative or law-enforcement officer only pursuant to a search warrant issued by a magistrate, a juvenile and domestic relations district court, a general district court, or a circuit court, based upon complaint on oath supported by an affidavit as required in § 19.2-54, or judicial officer or court of any of the several states of the United States or its territories, or the District of Columbia when the warrant issued by such officer or such court complies with the provisions of subsection G. In the case of a search warrant directed to a foreign corporation, the affidavit shall state that the complainant believes that the records requested are actually or constructively possessed by a foreign corporation that provides electronic communication service or remote computing service within the Commonwealth of Virginia. If satisfied that probable cause has been established for such belief and as required by Chapter 5 (§ 19.2-52 et seq.), the magistrate, the juvenile and domestic relations district court, the general district court, or the circuit court shall issue a warrant identifying those records to be searched for and commanding the person seeking such warrant to properly serve the warrant upon the foreign corporation. A search warrant for real-time location data shall be issued if the magistrate, the juvenile and domestic relations district court, the general district court, or the circuit court is satisfied that probable cause has been established that the real-time location data sought is relevant to a crime that is being committed or has been committed or that an arrest warrant exists for the person whose real-time location data is sought.

D. A provider of electronic communication service or remote computing service, including a foreign corporation that provides such services, shall disclose a record or other information pertaining to a subscriber to or customer of such service, including real-time location data but excluding the contents of electronic communications, to an investigative or law-enforcement officer pursuant to an administrative subpoena issued pursuant to § 19.2-10.2 concerning a violation of § 18.2-374.1 or 18.2-374.1:1, former § 18.2-374.1:2, or § 18.2-374.3 when the information sought is relevant and material to an ongoing criminal investigation.

E. When disclosure of real-time location data is not prohibited by federal law, an investigative or law-enforcement officer may obtain real-time location data without a warrant in the following circumstances:

1. To respond to the user's call for emergency services;
2. With the informed, affirmative consent of the owner or user of the electronic device concerned if (i) the device is in his possession; (ii) the owner or user knows or believes that the device is in the possession of an employee or agent of the owner or user with the owner's or user's consent; or (iii) the owner or user knows or believes that the device has been taken by a third party without the consent of the owner or user;
3. With the informed, affirmative consent of the legal guardian or next of kin of the owner or user, if reasonably available, if the owner or user is reasonably believed to be deceased, is reported missing, or is unable to be contacted; ~~or~~
4. *To locate a child who is reasonably believed to have been abducted or to be missing and endangered; or*
5. If the investigative or law-enforcement officer reasonably believes that an emergency involving the immediate danger to a person requires the disclosure, without delay, of real-time location data concerning a specific person and that a warrant cannot be obtained in time to prevent the identified danger.

No later than three business days after seeking disclosure of real-time location data pursuant to this subsection, the investigative or law-enforcement officer seeking the information shall file with the appropriate court a written statement setting forth the facts giving rise to the emergency and the facts as to why the person whose real-time location data was sought is believed to be important in addressing the emergency.

F. In order to comply with the requirements of § 19.2-54, any search of the records of a foreign corporation shall be deemed to have been made in the same place wherein the search warrant was issued.

G. A Virginia corporation or other entity that provides electronic communication services or remote computing services to the general public, when properly served with a search warrant and affidavit in support of the warrant, issued by a judicial officer or court of any of the several states of the United States or its territories, or the District of Columbia with jurisdiction over the matter, to produce a record or other information pertaining to a subscriber to or customer of such service, including real-time location data, or the contents of electronic communications, or both, shall produce the record or other information, including real-time location data, or the contents of electronic communications as if that warrant had been issued by a Virginia court. The provisions of this subsection shall only apply to a record or other information, including real-time location data, or contents of electronic communications relating to the commission of a criminal offense that is substantially similar to (i) a violent felony as defined in § 17.1-805, (ii) an act of violence as defined in § 19.2-297.1, (iii) any offense for which registration is required pursuant to § 9.1-902, (iv) computer fraud pursuant to § 18.2-152.3, or (v) identity theft pursuant to § 18.2-186.3. The search warrant shall be enforced and executed in the Commonwealth as if it were a search warrant described in subsection C.

H. The provider of electronic communication service or remote computing service may verify the authenticity of the written reports or records that it discloses pursuant to this section by providing an affidavit from the custodian of those

written reports or records or from a person to whom said custodian reports certifying that they are true and complete copies of reports or records and that they are prepared in the regular course of business. When so authenticated, no other evidence of authenticity shall be necessary. The written reports and records, excluding the contents of electronic communications, shall be considered business records for purposes of the business records exception to the hearsay rule.

I. No cause of action shall lie in any court against a provider of a wire or electronic communication service or remote computing service or such provider's officers, employees, agents, or other specified persons for providing information, facilities, or assistance in accordance with the terms of a court order, warrant, administrative subpoena, or subpoena under this section or the provisions of subsection E.

J. A search warrant or administrative subpoena for the disclosure of real-time location data pursuant to this section shall require the provider to provide ongoing disclosure of such data for a reasonable period of time, not to exceed 30 days. A court may, for good cause shown, grant one or more extensions, not to exceed 30 days each.

K. An investigative or law-enforcement officer shall not use any device to obtain electronic communications or collect real-time location data from an electronic device without first obtaining a search warrant authorizing the use of the device if, in order to obtain the contents of such electronic communications or such real-time location data from the provider of electronic communication service or remote computing service, such officer would be required to obtain a search warrant pursuant to this section. However, an investigative or law-enforcement officer may use such a device without first obtaining a search warrant under the circumstances set forth in subsection E. For purposes of subdivision E 4 5, the investigative or law-enforcement officer using such a device shall be considered to be the possessor of the real-time location data.

L. Upon issuance of any subpoena, search warrant, or order for disclosure issued under this section, upon written certification by the attorney for the Commonwealth that there is a reason to believe that the victim is under the age of 18 and that notification or disclosure of the existence of the subpoena, search warrant, or order will endanger the life or physical safety of an individual, or lead to flight from prosecution, the destruction of or tampering with evidence, the intimidation of potential witnesses, or otherwise seriously jeopardize an investigation, the court may in an ex parte proceeding order a provider of electronic communication service or remote computing service not to disclose for a period of 90 days the existence of the subpoena, search warrant, or order and written application or statement of facts to another person, other than an attorney to obtain legal advice. The nondisclosure order may be renewed for additional 90-day periods for good cause shown upon subsequent application of the attorney for the Commonwealth in an ex parte proceeding. A court issuing an order for disclosure pursuant to this section, on a motion made promptly by the service provider, may quash or modify the order if the information or records requested are unusually voluminous in nature or compliance with such order would otherwise cause an undue burden on such provider.

M. For the purposes of this section:

"Electronic device" means a device that enables access to, or use of, an electronic communication service, remote computing service, or location information service, including a global positioning service or other mapping, locational, or directional information service.

"Foreign corporation" means any corporation or other entity, whose primary place of business is located outside of the boundaries of the Commonwealth, that makes a contract or engages in a terms of service agreement with a resident of the Commonwealth to be performed in whole or in part by either party in the Commonwealth, or a corporation that has been issued a certificate of authority pursuant to § 13.1-759 to transact business in the Commonwealth. The making of the contract or terms of service agreement or the issuance of a certificate of authority shall be considered to be the agreement of the foreign corporation or entity that a search warrant or subpoena, which has been properly served on it, has the same legal force and effect as if served personally within the Commonwealth.

"Properly served" means delivery of a search warrant or subpoena by hand, by United States mail, by commercial delivery service, by facsimile or by any other manner to any officer of a corporation or its general manager in the Commonwealth, to any natural person designated by it as agent for the service of process, or if such corporation has designated a corporate agent, to any person named in the latest annual report filed pursuant to § 13.1-775.

"Real-time location data" means any data or information concerning the current location of an electronic device that, in whole or in part, is generated, derived from, or obtained by the operation of the device.

## CHAPTER 668

*An Act to amend and reenact §§ 38.2-1868.1, 38.2-1869, 38.2-1871, and 38.2-1872 of the Code of Virginia, relating to insurance agent licensing; continuing education requirements.*

[S 853]

Approved March 30, 2018

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 38.2-1868.1, 38.2-1869, 38.2-1871, and 38.2-1872 of the Code of Virginia are amended and reenacted as follows:**

**§ 38.2-1868.1. Proof of compliance; exemption or waiver.**

A. As used in this article:

"Proof of compliance" shall mean all documents, forms and fees specified by the Board for (i) filing proof of completion of Board-approved continuing education courses for the appropriate number of hours and for the appropriate content or (ii) filing proof of meeting the exemption requirements set forth in subsection B ~~or C~~ of § 38.2-1871.

"Received by the Board or its administrator" shall mean delivered into the possession of the Board or its administrator at the business address of the Board's administrator.

B. Each agent holding one or more licenses subject to the continuing education requirements of this article shall complete all continuing education course, exemption, or waiver requirements and shall submit to the Board or its administrator proof of compliance with or exemption from the continuing education requirements in the form and manner required by the Board by no later than ~~November 30~~ *December 31*, or the next working day *thereafter* if ~~November 30~~ *December 31* falls on a weekend, of each even-numbered year.

~~C. After November 30, agents who have failed to complete all continuing education course, exemption, or waiver requirements or have failed to pay any required fees shall be provided a final opportunity to complete such requirements, provided proof of compliance is received by the Board or its administrator by December 31, or the next working day thereafter if December 31 falls on a weekend.~~

~~D. Agents who have completed all continuing education course or, exemption, or waiver requirements by December 31 but failed to demonstrate proof of compliance by failing to pay the filing fee imposed by the Board shall be permitted to pay such filing fee for an additional period of time, until the close of business on January 31, or the next working day thereafter if January 31 falls on a weekend, of the following year, but only if the agent pays, in addition to the filing fee, a late filing penalty of \$100, payable to the Board in such manner as may be prescribed by the Board. No agent whose proof of compliance is received during this final period shall be considered in compliance with the continuing education requirements unless the filing fee and the late filing penalty described herein are paid by the close of business on January 31, or the next working day thereafter if January 31 falls on a weekend.~~

~~E. D. Failure of an agent to furnish proof of compliance by the applicable date dates specified in subsection subsections B, and C or D of this section and pay any applicable filing penalty shall result in license termination as set forth in § 38.2-1869.~~

~~F. E. Agents seeking a waiver of some or all of the course credit requirements for a biennium pursuant to § 38.2-1870 shall submit all documentation, forms, and fees specified by the Board so as to be received by the Board or its administrator no later than the deadlines set forth in subsection subsections B or and C of this section.~~

~~G. F. Any agent holding one or more licenses subject to this article who fails to submit complete documentation showing proof of compliance with continuing education requirements, as well as all specified forms and fees, so as to be received by the Board or its administrator by the close of business on the dates described in this section shall be deemed to be in noncompliance with the requirements of this article.~~

~~H. G. All fees specified by the Board shall be nonrefundable once received by the Board or its administrator, except that duplicate payments may be refunded.~~

**§ 38.2-1869. Failure to satisfy requirements; termination of license.**

A. Failure of an agent to satisfy the requirements of this article within the time period specified in § 38.2-1868.1; either by obtaining the continuing education credits required and furnishing evidence of same to the Board or its administrator as required by this article, or by furnishing to the Board acceptable evidence of exemption from the requirements of this article, or by obtaining, in a manner prescribed by the Board pursuant to this article, a waiver of the requirements for that biennium; shall result, subsequent to notification by the Board to the Commission, in the administrative termination of each license held by the agent for which the requirement was not satisfied.

B. The Board shall, on or about a date six months prior to the end of each biennium, provide a status report to each agent who has not yet fully satisfied the requirements of this article for such biennium. Such report shall inform the agent of his current compliance status for each license held that is subject to this article, and the consequences associated with noncompliance, and shall be sent by first-class mail to such agent at his last-known residence address as shown in the Commission's records. Failure of an agent to receive such notification shall not be grounds for contesting license termination.

C. No administrative termination pursuant to this section shall become effective until the Commission has provided 30 calendar days' written notice of such impending termination to the agent by first-class mail sent to the agent at the agent's last known residence address as shown in the Commission's records. The notice period shall commence on the date that the written notice is deposited in the United States mail and, if the 30th calendar day falls on a weekend, the end of the notice period shall be extended to the next business day. Failure of an agent to receive such notification shall not be grounds for contesting a license termination. Any agent who obtained the required number of continuing education credits in the time permitted for obtaining such credits and paid any required fees shall be permitted to submit proof of compliance during the 30 calendar day notice period.

D. Neither the Board, its administrator, nor the Commission shall have the power to grant an agent additional time for completing the continuing education credits required by § 38.2-1866, or additional time for submitting proof of compliance as required by § 38.2-1868.1, or additional time for seeking waivers or exemption pursuant to § 38.2-1870 or 38.2-1871.

~~E. During the period set forth in subsection C of § 38.2-1868.1, the Board shall permit agents either to demonstrate to the satisfaction of the Board that the agent had, in fact, timely submitted and the Board or its administrator had received~~

~~proof of compliance on or before the filing deadlines set forth in § 38.2-1868.1 or to complete all continuing education course, exemption, or waiver requirements and present proof of compliance.~~

~~F. During the period set forth in subsection C of § 38.2-1868.1, the Board shall not be obligated to review or respond to any other submissions except for submissions that prove that the records of the Board or its administrator are incorrect and late filing submissions permitted pursuant to subsection C of § 38.2-1868.1. Subsequent to the expiration of such period immediately following December 31 of each even-numbered year, the Board shall provide a reasonable additional period of time for processing of appeals pursuant to § 38.2-1874. However, failure of an agent to provide written notice of appeal in the form and manner required by the Board within 30 calendar days following the expiration of the period set forth in subsection C of § 38.2-1868.1 by the close of business on January 31, or the next working day thereafter if January 31 falls on a weekend, of the following year shall be deemed a waiver by such agent of the right to appeal the determination of noncompliance.~~

~~G. F.~~ No more than 15 calendar days after the end of ~~such~~ the appeal period set forth in subsection E, the Board or its administrator shall provide to the Commission a final updated record of those agents who complied with the requirements of this article, whereupon the Commission shall administratively terminate the licenses of those agents required to submit proof of compliance and by whom proof of compliance was not submitted in a proper or timely manner. Agents wishing to contest the Commission's action in terminating a license shall adhere to the Commission's Rules of Practice and Procedure (5 VAC 5-20-10 et seq.) and the Rules of the Supreme Court of Virginia. Failure by the agent to initiate such contest within 30 calendar days following the date the license was administratively terminated shall be deemed a waiver by the agent of the right to contest such license termination.

~~H. G.~~ Pursuant to the requirements of subsection C of § 38.2-1815, §§ ~~38.2-4806~~ 38.2-1857.1, and 55-525.19, respectively:

1. A resident variable contract agent whose life and annuities insurance agent license is administratively terminated for failure to satisfy the requirements of this article shall also have such variable contract license administratively terminated by the Commission;

2. A resident agent holding a license as a surplus lines broker whose property and casualty insurance agent license is administratively terminated for failure to satisfy the requirements of this article shall also have such surplus lines broker license administratively terminated by the Commission; and

3. An agent holding a registration as a title settlement agent whose title insurance agent license is administratively terminated for failure to satisfy the requirements of this article shall also have such registration as a title settlement agent administratively terminated by the Commission.

Any such license or registration so terminated may be applied for again after the agent has obtained, respectively, a new life and annuities insurance agent's license, a new property and casualty insurance agent's license, or a new title insurance agent's license and appointment, if appointment is required.

~~I. H.~~ A resident agent whose license or licenses have been terminated under the terms of this section shall be permitted to make application for new licenses, provided that such agent has successfully completed, subsequent to the end of the biennium, the examination required by § 38.2-1817. In such an event, the examination requirements shall not be subject to waiver under any circumstances, including those set forth in § 38.2-1817.

~~J. I.~~ A nonresident agent whose license or licenses have been terminated under the terms of this section and who is in good standing in the person's state of residence shall be permitted to make application for new licenses in the manner prescribed by § 38.2-1836.

~~K. J.~~ A resident or nonresident agent who voluntarily surrenders his license without prejudice during a biennium or prior to the expiration of the appeal period for that biennium as described in subsection ~~F~~ E, and who has not provided proof of compliance for such biennium, shall not be permitted to apply for a new license of the same type until such agent has complied with the requirements of subsection H or I ~~or J~~.

~~L. K.~~ A resident agent whose license terminates because, within 180 calendar days prior to the end of a biennium, or prior to the expiration of the appeal period for that biennium as described in subsection ~~F~~ E, such agent moves his residence to another state, and who had not, prior to such relocation, provided proof of compliance for such biennium shall not be permitted to apply for a new license of the same type until such agent has complied with the requirements of subsection ~~J~~ I.

~~M. L.~~ An insurance consultant who fails to renew his insurance consultant license by the date specified in § 38.2-1840, but who obtains a new insurance consultant license within 12 months following such renewal date shall be treated, for purposes of determining exemption from continuing education requirements pursuant to § 38.2-1871, as if such insurance consultant license had been renewed in a timely manner.

**§ 38.2-1871. Licensees exempt from continuing education requirements of article.**

A. Resident or nonresident agents who have been issued a license during the last ~~twelve~~ 12 months of the biennium in which such licenses are issued, and who are not otherwise exempt from the continuing education requirements for that license, shall be exempt from fulfilling the continuing education credit requirements set forth in this article for that biennium.

B. The following licensees are exempt from fulfilling the continuing education credit requirements set forth in this article:

1. Life and health insurance consultants who are also licensed both as life and annuities insurance agents and as health agents and who satisfy the continuing education requirements needed for continuation of their life and annuities and health agent licenses; and

2. Property and casualty insurance consultants who are also licensed as property and casualty agents and who satisfy the continuing education requirements needed for continuation of their property and casualty agent license;

~~C. The following licensees may request exemptions from continuing education requirements, but shall not be exempt unless such exemption is approved by the Board after submission of an exemption request in the form and manner required by the Board:~~

~~1. An agent who can prove, in the form and manner required by the Board, that he has attained or will attain at least the age of sixty-five by the end of a biennium may apply for a permanent exemption with respect to one or more licenses held by such agent, subject to submission of proof of the following, in a form and manner required by the Board:~~

~~a. A resident or nonresident agent must demonstrate that the agent has held any combination of resident or nonresident Virginia licenses of equivalent type continuously and without interruption for at least the twenty years immediately preceding the end of the biennium; or~~

~~b. A resident agent who will have held a Virginia resident agent license continuously and without interruption for no fewer than the immediately preceding four years by the end of the biennium must furnish proof of having held equivalent license authority continuously and without interruption in other states for a period that, when combined with the number of years of resident licensure in Virginia, equals at least twenty continuous and uninterrupted years immediately preceding the end of the biennium; or~~

~~c. A resident agent who will have held a Virginia resident license continuously and without interruption for no fewer than the immediately preceding four years by the end of the biennium shall furnish proof (i) of having held equivalent license authority in Virginia for at least twenty of the preceding thirty years; and (ii) that any unlicensed period was not the result of a license revocation or termination by the Commission pursuant to § 38.2-1832 or § 38.2-1869; and~~

~~2. 3. Nonresident agents who furnish evidence in the form and manner required by the Board of their current good standing in their home state, provided that the insurance supervisory official of the nonresident agent's home state will grant similar exemptions to Virginia residents; and~~

~~4. Agents who have applied for and received a permanent exemption from the continuing education credit requirements set forth in this article by December 31, 2018.~~

**§ 38.2-1872. Administrative duties of Board; transfer to outside administrator.**

A. The Board shall have the authority to transfer all or part of its administrative duties to an outside administrator. The performance of the administrator shall be confirmed at least annually by the Board and appropriate corrective action shall be taken for any deficiencies. Such administrator shall maintain records reflecting the continuing education status of all licensed agents reporting credits to it, subject to the requirements of this article.

B. The Board or its administrator shall, following the end of each biennium and on a date and in a form acceptable to the Commission but in no event later than fifteen calendar days following the end of the appeal period provided by the Board pursuant to § 38.2-1869, provide to the Commission a report of all licensees who satisfied the requirements of this article for such biennium. The Board or its administrator shall not, however, be required to include in such report those licensees exempt pursuant to subsection A of § 38.2-1871. The administrative termination of licenses, as required by ~~subsection C~~ of § 38.2-1869, shall be carried out by operation of law.

C. The Board or its administrator shall be provided such information from the Commission's records as the Board may reasonably require in order to carry out its duties, including, but not limited to, (i) requesting and receiving from the Commission computer-generated reports, mailing labels, or other computer-generated information containing the names, license identification numbers, license types, and residence addresses of all licensees subject to the requirements of this article; and (ii) direct on-line access to such automated system data as the Commission may deem appropriate.

**2. That the provisions of this act shall become effective on January 1, 2019.**

**CHAPTER 669**

*An Act to amend and reenact § 18.2-308.016 of the Code of Virginia, relating to retired law-enforcement officers; carrying a concealed handgun; return to work.*

[S 912]

Approved March 30, 2018

**Be it enacted by the General Assembly of Virginia:**

**1. That § 18.2-308.016 of the Code of Virginia is amended and reenacted as follows:**

**§ 18.2-308.016. Retired law-enforcement officers; carrying a concealed handgun.**

A. Except as provided in subsection A of § 18.2-308.012, § 18.2-308 shall not apply to:

1. Any State Police officer retired from the Department of State Police, any officer retired from the Division of Capitol Police, any local law-enforcement officer, auxiliary police officer or animal control officer retired from a police department or sheriff's office within the Commonwealth, any special agent retired from the State Corporation Commission or the Virginia Alcoholic Beverage Control Authority, any employee with internal investigations authority designated by the

Department of Corrections pursuant to subdivision 11 of § 53.1-10 retired from the Department of Corrections, any conservation police officer retired from the Department of Game and Inland Fisheries, any conservation officer retired from the Department of Conservation and Recreation, any Virginia Marine Police officer retired from the Law Enforcement Division of the Virginia Marine Resources Commission, any campus police officer appointed under Article 3 (§ 23.1-809 et seq.) of Chapter 8 of Title 23.1 retired from a campus police department, any retired member of the enforcement division of the Department of Motor Vehicles appointed pursuant to § 46.2-217, and any retired investigator of the security division of the Virginia Lottery, other than an officer or agent terminated for cause, (i) with a service-related disability; (ii) following at least 10 years of service with any such law-enforcement agency, commission, board, or any combination thereof; (iii) who has reached 55 years of age; or (iv) who is on long-term leave from such law-enforcement agency or board due to a service-related injury, provided such officer carries with him written proof of consultation with and favorable review of the need to carry a concealed handgun issued by the chief law-enforcement officer of the last such agency from which the officer retired or the agency that employs the officer or, in the case of special agents, issued by the State Corporation Commission or the Virginia Alcoholic Beverage Control Authority. A copy of the proof of consultation and favorable review shall be forwarded by the chief, Commission, or Board to the Department of State Police for entry into the Virginia Criminal Information Network. The chief law-enforcement officer shall not without cause withhold such written proof if the retired law-enforcement officer otherwise meets the requirements of this section. An officer set forth in clause (iv) who receives written proof of consultation to carry a concealed handgun shall surrender such proof of consultation upon return to work as a *law-enforcement officer* or upon termination of employment with the law-enforcement agency. Notice of the surrender shall be forwarded to the Department of State Police for entry into the Virginia Criminal Information Network. However, if such officer retires on disability because of the service-related injury, and would be eligible under clause (i) for written proof of consultation to carry a concealed handgun, he may retain the previously issued written proof of consultation.

2. Any person who is eligible for retirement with at least 20 years of service with a law-enforcement agency, commission, or board mentioned in subdivision 1 who has resigned in good standing from such law-enforcement agency, commission, or board to accept a position covered by a retirement system that is authorized under Title 51.1, provided such person carries with him written proof of consultation with and favorable review of the need to carry a concealed handgun issued by the chief law-enforcement officer of the agency from which he resigned or, in the case of special agents, issued by the State Corporation Commission or the Virginia Alcoholic Beverage Control Authority. A copy of the proof of consultation and favorable review shall be forwarded by the chief, Commission, or Board to the Department of State Police for entry into the Virginia Criminal Information Network. The chief law-enforcement officer shall not without cause withhold such written proof if the law-enforcement officer otherwise meets the requirements of this section.

3. Any State Police officer who is a member of the organized reserve forces of any of the Armed Services of the United States or National Guard, while such officer is called to active military duty, provided such officer carries with him written proof of consultation with and favorable review of the need to carry a concealed handgun issued by the Superintendent of State Police. The proof of consultation and favorable review shall be valid as long as the officer is on active military duty and shall expire when the officer returns to active law-enforcement duty. The issuance of the proof of consultation and favorable review shall be entered into the Virginia Criminal Information Network. The Superintendent of State Police shall not without cause withhold such written proof if the officer is in good standing and is qualified to carry a weapon while on active law-enforcement duty.

4. Any retired or resigned attorney for the Commonwealth or assistant attorney for the Commonwealth who (i) was not terminated for cause and served at least 10 years prior to his retirement or resignation; (ii) during the most recent 12-month period, has met, at his own expense, the standards for qualification in firearms training for active law-enforcement officers in the Commonwealth; (iii) carries with him written proof of consultation with and favorable review of the need to carry a concealed handgun issued by the attorney for the Commonwealth from whose office he retired or resigned; and (iv) meets the requirements of a "qualified retired law enforcement officer" pursuant to the federal Law Enforcement Officers Safety Act of 2004 (18 U.S.C. § 926C). A copy of the proof of consultation and favorable review shall be forwarded by the attorney for the Commonwealth to the Department of State Police for entry into the Virginia Criminal Information Network.

B. For purposes of complying with the federal Law Enforcement Officers Safety Act of 2004, a retired or resigned law-enforcement officer, including a retired or resigned attorney for the Commonwealth or assistant attorney for the Commonwealth, who receives proof of consultation and review pursuant to this section shall have the opportunity to annually participate, at the retired or resigned law-enforcement officer's expense, in the same training and testing to carry firearms as is required of active law-enforcement officers in the Commonwealth. If such retired or resigned law-enforcement officer meets the training and qualification standards, the chief law-enforcement officer shall issue the retired or resigned officer certification, valid one year from the date of issuance, indicating that the retired or resigned officer has met the standards of the agency to carry a firearm.

C. A retired or resigned law-enforcement officer, including a retired or resigned attorney for the Commonwealth or assistant attorney for the Commonwealth, who receives proof of consultation and review pursuant to this section may annually participate and meet the training and qualification standards to carry firearms as is required of active law-enforcement officers in the Commonwealth. If such retired or resigned law-enforcement officer meets the training and qualification standards, the chief law-enforcement officer shall issue the retired or resigned officer certification, valid one year from the date of issuance, indicating that the retired or resigned officer has met the standards of the Commonwealth to

carry a firearm. A copy of the certification indicating that the retired or resigned officer has met the standards of the Commonwealth to carry a firearm shall be forwarded by the chief, Commission, Board, or attorney for the Commonwealth to the Department of State Police for entry into the Virginia Criminal Information Network.

D. For all purposes, including for the purpose of applying the reciprocity provisions of § 18.2-308.014, any person granted the privilege to carry a concealed handgun pursuant to this section, while carrying the proof of consultation and favorable review required, shall be deemed to have been issued a concealed handgun permit.

## CHAPTER 670

*An Act to amend and reenact § 15.2-2259 of the Code of Virginia, relating to local planning commissions; proposed plats.*

[S 993]

Approved March 30, 2018

**Be it enacted by the General Assembly of Virginia:**

**1. That § 15.2-2259 of the Code of Virginia is amended and reenacted as follows:**

**§ 15.2-2259. Local planning commission to act on proposed plat.**

A. 1. Except as otherwise provided in subdivisions 2 and 3, the local planning commission or other agent shall act on any proposed plat within 60 days after it has been officially submitted for approval by either approving or disapproving the plat in writing, and giving with the latter specific reasons therefor. The Commission or agent shall thoroughly review the plat and shall make a good faith effort to identify all deficiencies, if any, with the initial submission. However, if approval of a feature or features of the plat by a state agency or public authority authorized by state law is necessary, the commission or agent shall forward the plat to the appropriate state agency or agencies for review within 10 business days of receipt of such plat. The state agency shall respond in accord with the requirements set forth in § 15.2-2222.1, which shall extend the time for action by the local planning commission or other agent, as set forth in subsection B. Specific reasons for disapproval shall be contained either in a separate document or on the plat itself. The reasons for disapproval shall identify deficiencies in the plat that cause the disapproval by reference to specific duly adopted ordinances, regulations, or policies and shall identify modifications or corrections as will permit approval of the plat. The local planning commission or other agent shall act on any proposed plat that it has previously disapproved within 45 days after the plat has been modified, corrected and resubmitted for approval.

2. The approval of plats, site plans, and plans of development solely involving parcels of commercial real estate by a local planning commission or other agent shall be governed by subdivision 3 and subsections B, C, and D. For the purposes of this section, the term "commercial" means all real property used for commercial or industrial uses.

3. The local planning commission or other agent shall act on any proposed plat, site plan or plan of development within 60 days after it has been officially submitted for approval by either approving or disapproving the plat in writing, and giving with the latter specific reasons therefor. *The local planning commission or other agent shall not delay the official submission of any proposed plat, site plan, or plan of development by requiring presubmission conferences, meetings, or reviews.* The Commission or agent shall thoroughly review the plat or plan and shall in good faith identify, to the greatest extent practicable, all deficiencies, if any, with the initial submission. However, if approval of a feature or features of the plat or plan by a state agency or public authority authorized by state law is necessary, the commission or agent shall forward the plat or plan to the appropriate state agency or agencies for review within 10 business days of receipt of such plat or plan. The state agency shall respond in accord with the requirements set forth in § 15.2-2222.1, which shall extend the time for action by the local planning commission or other agent, as set forth in subsection B. Specific reasons for disapproval shall be contained either in a separate document or on the plat or plan itself. The reasons for disapproval shall identify deficiencies in the plat or plan that caused the disapproval by reference to specific duly adopted ordinances, regulations, or policies and shall identify, to the greatest extent practicable, modifications or corrections that will permit approval of the plat or plan.

In the review of a resubmitted proposed plat, site plan or plan of development that has been previously disapproved, the local planning commission or other agent shall consider only deficiencies it had identified in its review of the initial submission of the plat or plan that have not been corrected in such resubmission and any deficiencies that arise as a result of the corrections made to address deficiencies identified in the initial submission. In the review of the resubmission of a plat or plan, the local planning commission or other agent shall identify all deficiencies with the proposed plat or plan that caused the disapproval by reference to specific duly adopted ordinances, regulations or policies and shall identify modifications or corrections that will permit approval of the plat or plan. Upon the second resubmission of such disapproved plat or plan, the local planning commission or other agent's review shall be limited solely to the previously identified deficiencies that caused its disapproval.

The local planning commission or other agent shall act on any proposed plat, site plan or plan of development that it has previously disapproved within 45 days after the plat or plan has been modified, corrected and resubmitted for approval. The failure of a local planning commission or other agent to approve or disapprove a resubmitted plat or plan within the time periods required by this section shall cause the plat or plan to be deemed approved.

Notwithstanding the approval or deemed approval of any proposed plat, site plan or plan of development, any deficiency in any proposed plat or plan, that if left uncorrected, would violate local, state or federal law, regulations,

mandatory Department of Transportation engineering and safety requirements, and other mandatory engineering and safety requirements, shall not be considered, treated or deemed as having been approved by the local planning commission or other agent. Should any resubmission include a material revision of infrastructure or physical improvements from the earlier submission or if a material revision in the resubmission creates a new required review by the Virginia Department of Transportation or by a state agency or public authority authorized by state law, then the local planning commission or other agent's review shall not be limited to only the previously identified deficiencies identified in the prior submittals and may consider deficiencies initially appearing in the resubmission because of such material revision.

~~The provisions of this subsection shall not apply to deficiencies caused by changes, errors or omissions occurring in the applicant's plat, site plan or plan of development filings after the initial submission of such plat, site plan or plan of development. The provision of this subsection shall not apply to the review and approval of construction plans.~~

B. Any state agency or public authority authorized by state law making a review of a plat forwarded to it under this article, including, without limitation, the Virginia Department of Transportation and authorities authorized by Chapter 51 (§ 15.2-5100 et seq.), shall complete its review within 45 days of receipt of the plat upon first submission and within 45 days for any proposed plat that has previously been disapproved, provided, however, that the time periods set forth in § 15.2-2222.1 shall apply to plats triggering the applicability of said section. The Virginia Department of Transportation and authorities authorized by Chapter 51 (§ 15.2-5100 et seq.) shall allow use of public rights-of-way dedicated for public street purposes for placement of utilities by permit when practical and shall not unreasonably deny plat approval. If a state agency or public authority authorized by state law does not approve the plat, it shall comply with the requirements, and be subject to the restrictions, set forth in subsection A, with the exception of the time period therein specified. Upon receipt of the approvals from all state agencies and other agencies, the local agent shall act upon a plat within 35 days.

C. If the commission or other agent fails to approve or disapprove the plat within 60 days after it has been officially submitted for approval, or within 45 days after it has been officially resubmitted after a previous disapproval or within 35 days of receipt of any agency response pursuant to subsection B, the subdivider, after 10-days' written notice to the commission, or agent, may petition the circuit court for the locality in which the land involved, or the major part thereof, is located, to decide whether the plat should or should not be approved. The court shall give the petition priority on the civil docket, hear the matter expeditiously in accordance with the procedures prescribed in Article 2 (§ 8.01-644 et seq.) of Chapter 25 of Title 8.01 and make and enter an order with respect thereto as it deems proper, which may include directing approval of the plat.

D. If a commission or other agent disapproves a plat and the subdivider contends that the disapproval was not properly based on the ordinance applicable thereto, or was arbitrary or capricious, he may appeal to the circuit court having jurisdiction of such land and the court shall hear and determine the case as soon as may be, provided that his appeal is filed with the circuit court within 60 days of the written disapproval by the commission or other agent.

**CHAPTER 671**

*An Act to amend and reenact §§ 9.1-176.1, 19.2-305.1, 19.2-358, 19.2-368.15, and 53.1-145 of the Code of Virginia, relating to restitution; probation.*

[S 994]

Approved March 30, 2018

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 9.1-176.1, 19.2-305.1, 19.2-358, 19.2-368.15, and 53.1-145 of the Code of Virginia are amended and reenacted as follows:**

**§ 9.1-176.1. Duties and responsibilities of local community-based probation officers.**

- A. Each local community-based probation officer, for the localities served, shall:
  1. Supervise and assist all local-responsible adult offenders, residing within the localities served and placed on local community-based probation by any judge of any court within the localities served;
  2. Ensure offender compliance with all orders of the court, including the requirement to perform community service;
  3. Conduct, when ordered by a court, substance abuse screenings, or conduct or facilitate the preparation of assessments pursuant to state approved protocols;
  4. Conduct, at his discretion, random drug and alcohol tests on any offender whom the officer has reason to believe is engaged in the illegal use of controlled substances or marijuana or the abuse of alcohol or prescribed medication;
  5. Facilitate placement of offenders in substance abuse education or treatment programs and services or other education or treatment programs and services based on the needs of the offender;
  6. Seek a capias from any judicial officer in the event of failure to comply with conditions of local community-based probation or supervision on the part of any offender provided that noncompliance resulting from intractable behavior presents a risk of flight, or a risk to public safety or to the offender;
  7. Seek a motion to show cause for offenders requiring a subsequent hearing before the court;
  8. Provide information to assist any law-enforcement officer with the return to custody of defendants placed on supervision for which a capias has been sought;
  9. Keep such records and make such reports as required by the Department of Criminal Justice Services; ~~and~~

10. Determine by reviewing the Local Inmate Data System upon intake and again prior to discharge whether a blood, saliva, or tissue sample has been taken for DNA analysis for each offender required to submit a sample pursuant to Article 1.1 (§ 19.2-310.2 et seq.) of Chapter 18 of Title 19.2 and, if no sample has been taken, require an offender to submit a sample for DNA analysis; *and*

11. *Monitor the collection and payment of restitution to the victims of crime for offenders placed on local supervised probation.*

B. Each local probation officer may provide the following optional services, as appropriate and when available resources permit:

1. Supervise local-responsible adult offenders placed on home incarceration with or without home electronic monitoring as a condition of local community-based probation;

2. Investigate and report on any local-responsible adult offender and prepare or facilitate the preparation of any other screening, assessment, evaluation, testing or treatment required as a condition of probation;

3. Monitor placements of local-responsible adults who are required to perform court-ordered community service at approved work sites;

4. Assist the courts, when requested, by monitoring the collection of court costs; *and* fines ~~and restitution to the victims of crime~~ for offenders placed on local probation; *and*

5. Collect supervision and intervention fees pursuant to § 9.1-182 subject to local approval and the approval of the Department of Criminal Justice Services.

**§ 19.2-305.1. Restitution for property damage or loss; community service.**

A. Notwithstanding any other provision of law, no person convicted of a crime in violation of any provision in Title 18.2, which resulted in property damage or loss, shall be placed on probation or have his sentence suspended unless such person shall make at least partial restitution for such property damage or loss, or shall be compelled to perform community services, or both, or shall submit a plan for doing that which appears to the court to be feasible under the circumstances.

B. Notwithstanding any other provision of law, any person who, on or after July 1, 1995, commits, and is convicted of, a crime in violation of any provision in Title 18.2 shall make at least partial restitution for any property damage or loss caused by the crime or for any medical expenses or expenses directly related to funeral or burial incurred by the victim or his estate as a result of the crime, may be compelled to perform community services and, if the court so orders, shall submit a plan for doing that which appears to be feasible to the court under the circumstances.

B1. Notwithstanding any other provision of law, any person, who on or after July 1, 2005 commits and is convicted of a crime in violation of § 18.2-248 involving the manufacture of any controlled substance, may be ordered, upon presentation of suitable evidence of such costs, by the court to reimburse the Commonwealth or the locality for the costs incurred by the jurisdiction, as the case may be, for the removal and remediation associated with the illegal manufacture of any controlled substance by the defendant.

B2. Notwithstanding any other provision of law, any person who, on or after July 1, 2015, commits and is convicted of a violation of § 18.2-138 for damage to the Capitol or any building, monument, statuary, artwork, or other state property in Capitol Square, or at any other property assigned to the Capitol Police, shall be ordered to pay restitution to the Commonwealth for the full amount of damages. Any person who, on or after July 1, 2015, commits and is convicted of a violation of § 18.2-405, 18.2-407, or 18.2-408 in Capitol Square, or at any other property assigned to the Capitol Police, shall be ordered to pay restitution to the Commonwealth for the full amount of damages to the Capitol or any building, monument, statuary, artwork, or other state property in Capitol Square, or at any other property assigned to the Capitol Police, to which damage is caused during such riot or unlawful assembly. In any prosecution under § 18.2-138, 18.2-405, 18.2-407, or 18.2-408, testimony of the Division of Engineering and Buildings of the Department of General Services or the Division of Risk Management shall be admissible as evidence of value or extent of damages or cost of repairs to the Capitol or any building, monument, statuary, artwork, or other state property in Capitol Square, or at any other property assigned to the Capitol Police. For the purposes of this subsection, "Capitol Square" means the grounds and the interior and exterior of all buildings in that area in the City of Richmond bounded by Bank, Governor, Broad, and Ninth Streets. "Capitol Square" includes the exterior of all state buildings that are at least 50 years old and bordering the boundary streets.

C. At or before the time of sentencing, the court shall receive and consider any plan for making restitution submitted by the defendant. The plan shall include the defendant's home address, place of employment and address, social security number and bank information. If the court finds such plan to be reasonable and practical under the circumstances, it may consider probation or suspension of whatever portion of the sentence that it deems appropriate. By order of the court incorporating the defendant's plan or a reasonable and practical plan devised by the court, the defendant shall make restitution while he is free on probation or work release or following his release from confinement. Additionally, the court may order that the defendant make restitution during his confinement, if feasible, based upon both his earning capacity and net worth as determined by the court at sentencing.

D. At the time of sentencing, the court shall determine the amount to be repaid by the defendant and the terms and conditions thereof. If community service work is ordered, the court shall determine the terms and conditions upon which such work shall be performed. The court shall include such findings in the judgment order. The order shall specify that sums paid under such order shall be paid to the clerk, who shall disburse such sums as the court may, by order, direct. Any court

desiring to participate in the Setoff Debt Collection Act (§§ 58.1-520 through 58.1-535) for the purpose of collecting fines or costs or providing restitution shall, at the time of sentencing, obtain the social security number of each defendant.

E. At the time of sentencing, the court shall enter the amount of restitution to be repaid by the defendant, the date by which all restitution is to be paid, and the terms and conditions of such repayment on a form prescribed by the Office of the Executive Secretary of the Supreme Court of Virginia. If the attorney for the Commonwealth participated in the prosecution of the defendant, the attorney for the Commonwealth or his designee shall complete, to the extent possible, all portions of the form excluding the amount of restitution to be repaid by the defendant and the terms and conditions of such repayment. If the attorney for the Commonwealth did not participate in the prosecution of the defendant, the court or the clerk shall complete the form. A copy of the form, excluding contact information for the victim, shall be provided to the defendant at sentencing. A copy of the form shall be provided to the attorney for the Commonwealth and to the victim, his agent, or his estate upon request and free of charge.

F. 1. *In any case in which the court orders the defendant to pay restitution and places the defendant on probation that includes a period of active supervision, the probation agency supervising the defendant shall notify the court and the attorney for the Commonwealth of the amount of any restitution that remains unsatisfied and the last known address for the defendant (i) 60 days prior to the defendant's release from supervision pursuant to the terms of the sentencing order or (ii) if the agency requests that the defendant be released from supervision, at the time the agency submits its request to the court. Such notice shall be in writing and the attorney for the Commonwealth shall, if practicable, provide a copy of the notice to the victim. If any amount of restitution remains unsatisfied, the court shall conduct a hearing prior to the defendant's release from supervision after providing notice of the hearing to the defendant and the attorney for the Commonwealth. If the court finds that the defendant is not in compliance with the restitution order, the court may (a) release the defendant from supervision, (b) modify the period or terms of supervision pursuant to § 19.2-304, (c) revoke some or all of the suspended sentence or probation pursuant to § 19.2-306, or (d) proceed in accordance with subsection E of § 19.2-358. The court shall also docket the restitution order as a civil judgment pursuant to subsection B of § 19.2-305.2 unless such order has previously been docketed. Any defendant who is released from supervision shall be subject to the provisions of subdivision 3.*

2. *In any case in which the court orders the defendant to pay restitution and places the defendant on probation that does not include a period of active supervision, the court shall include in the order a date, not to exceed two years from the date of the entry of the order or, if the court has sentenced the defendant to an active term of incarceration, from the date of the defendant's release from incarceration, on which the defendant's compliance with the restitution order shall be reviewed and the court shall schedule a hearing for such date. The court may, on its own motion, cancel the hearing if the amount of restitution has been satisfied. If at the hearing the court finds that the defendant is not in compliance with the restitution order, the court may (i) modify the period or terms of probation pursuant to § 19.2-304, (ii) revoke some or all of the suspended sentence or probation pursuant to § 19.2-306, or (iii) proceed in accordance with the provisions of subsection E of § 19.2-358. The court shall also docket the restitution order as a civil judgment pursuant to subsection B of § 19.2-305.2 unless such order has previously been docketed. After the hearing conducted pursuant to this subdivision, the defendant shall be subject to the provisions of subdivision 3.*

3. *If any amount of restitution remains unsatisfied at the time of a hearing conducted pursuant to subdivision 1 or 2, the court shall continue to schedule hearings to review the defendant's compliance with the restitution order until the amount of restitution has been satisfied and provide notice of such hearings to the defendant. The court may, on its own motion, cancel any such hearing if the amount of restitution has been satisfied or if the defendant is in compliance with the restitution order. If at any hearing conducted pursuant to this subdivision the court finds that the defendant is not in compliance with the restitution order, the court may (i) modify the period or terms of probation pursuant to § 19.2-304, (ii) revoke some or all of the suspended sentence or probation pursuant to § 19.2-306, or (iii) proceed in accordance with the provisions of subsection E of § 19.2-358. The court shall follow the procedures set forth in this subdivision for the purpose of reviewing compliance with a restitution order by a defendant (a) until the amount of restitution has been satisfied or (b) if any amount of restitution remains unsatisfied, for the longer of 10 years from the date of the hearing held pursuant to subdivision 1 or 2 or the period of probation ordered by the court.*

4. *If the court determines at any hearing conducted pursuant to this subsection that the defendant is unable to pay restitution and will remain unable to pay restitution for the duration of the review period set forth in subdivision 3, the court may discontinue any further hearings to review a defendant's compliance with the restitution order.*

5. *If the court determines that a defendant would be incarcerated on the date of any hearing scheduled pursuant to this subsection, the court may remove the case from the docket, reschedule such hearing to a date after the defendant's release from incarceration, and provide notice of the hearing to the defendant and the attorney for the Commonwealth. If the defendant who is on probation that includes a period of active supervision is incarcerated, the probation agency supervising the defendant shall notify the court when the defendant has been released from incarceration.*

6. *No provision of this subsection shall be construed to prohibit the court from exercising any authority otherwise granted by law over a defendant during any period of probation ordered by the court.*

G. *Unreasonable failure to execute the plan by the defendant shall result in revocation of the probation or imposition of the suspended sentence. A hearing shall be held in accordance with the provisions of this Code relating to revocation of probation or imposition of a suspended sentence before either such action is taken.*

~~G.~~ H. *A defendant convicted of an offense under § 18.2-374.1, 18.2-374.1:1, or 18.2-374.3 shall be ordered to pay mandatory restitution to the victim of the offense in an amount as determined by the court. For purposes of this subsection,*

"victim" means a person who is depicted in a still or videographic image involved in an offense under § 18.2-374.1, 18.2-374.1:1, or 18.2-374.3.

The Commonwealth shall make reasonable efforts to notify victims of offenses under § 18.2-374.1, 18.2-374.1:1, or 18.2-374.3.

¶ I. If restitution is ordered to be paid by the defendant to the victim of a crime and the victim can no longer be located or identified, the clerk shall deposit any such restitution collected to the Criminal Injuries Compensation Fund for the benefit of crime victims. The administrator shall reserve a sum sufficient in the Fund from which he shall make prompt payment to the victim for any proper claims. Before making the deposit he shall record the name, last known address and amount of restitution due each victim appearing from the clerk's report to be entitled to restitution.

¶ J. If restitution pursuant to § 19.2-305 or this section is ordered to be paid by the defendant to the victim of a crime or other entity, and the Criminal Injuries Compensation Fund has made any payments to or on behalf of the victim for any loss, damage, or expenses included in the restitution order, then upon presentation by the Fund of a written request that sets forth the amount of payments made by the Fund to the victim or on the victim's behalf, the entity collecting restitution shall pay to the Fund as much of the restitution collected as will reimburse the Fund for its payments made to the victim or on the victim's behalf.

¶ K. Whenever a defendant is ordered to pay restitution, any sums collected shall be used first to satisfy such restitution order and any collection costs associated with restitution prior to being used to satisfy any fine, forfeiture, penalty, or cost assessed against the defendant.

**§ 19.2-358. Procedure on default in deferred payment or installment payment of fine, costs, forfeiture, restitution or penalty.**

A. When an individual obligated to pay a fine, costs, forfeiture, ~~restitution~~ or penalty defaults in the payment or any installment payment, the court upon the motion of the Commonwealth in the case of a conviction of a violation of a state law, or attorney for a locality or for the Commonwealth in the event of a conviction of a violation of a local law or ordinance, or upon its own motion, may require him to show cause why he should not be confined in jail or fined for nonpayment. A show cause proceeding shall not be required prior to issuance of a capias if an order to appear on a date certain in the event of nonpayment was issued pursuant to subsection A of § 19.2-354 and the defendant failed to appear.

B. Following the order to show cause or following a capias issued for a defendant's failure to comply with a court order to appear issued pursuant to subsection A of § 19.2-354, unless the defendant shows that his default *for the payment of fines, costs, forfeitures, or penalties* was not attributable to an intentional refusal to obey the sentence of the court, or not attributable to a failure on his part to make a good faith effort to obtain the necessary funds for payment, or unless the defendant shows that any failure to appear was not attributable to an intentional refusal to obey the order of the court, the court may order the defendant confined as for a contempt for a term not to exceed sixty days or impose a fine not to exceed \$500. The court may provide in its order that payment or satisfaction of the amounts in default *for the payment of fines, costs, forfeitures, or penalties* at any time will entitle the defendant to his release from such confinement or, after entering the order, may at any time reduce the sentence for good cause shown, including payment or satisfaction of such amounts.

C. If it appears that the default *for the payment of fines, costs, forfeitures, or penalties* is excusable under the standards set forth in subsection B ~~hereof~~, the court may enter an order allowing the defendant additional time for payment, reducing the amount due or of each installment, or remitting the unpaid portion in whole or in part.

D. *When an individual obligated to pay restitution defaults in the payment or any installment payment, the court upon the motion of the Commonwealth in the case of a conviction of a violation of a state law, or attorney for a locality or for the Commonwealth in the event of a conviction of a violation of a local law or ordinance, or upon its own motion, may proceed in accordance with the procedures set forth in subsection E.*

*E. If, pursuant to subsection D or at a hearing conducted pursuant to subsection F of § 19.2-305.1, the court finds that a defendant is not in compliance with a restitution order, the court may order the defendant confined as for a contempt for a term not to exceed 60 days unless the defendant shows that his default was not attributable to an intentional refusal to obey the sentence of the court, or not attributable to a failure on his part to make a good faith effort to obtain the necessary funds for payment, or unless the defendant shows that any failure to appear was not attributable to an intentional refusal to obey the order of the court. The court may provide in its order that payment or satisfaction of the amounts in default at any time will entitle the defendant to his release from such confinement or, after entering the order, may at any time reduce the sentence for good cause shown, including payment or satisfaction of such amounts. If it appears that the defendant's default for the payment of restitution is excusable under the standards set forth in this subsection, the court may modify the terms for payment of restitution, except that the court may not modify the amount of restitution owed by the defendant.*

F. Nothing in this section shall be deemed to alter or interfere with the collection of fines by any means authorized for the enforcement of money judgments rendered in favor of the Commonwealth or any locality within the Commonwealth.

**§ 19.2-368.15. Subrogation of Commonwealth to claimant's right of action; lien in favor of the Commonwealth; disposition of funds collected.**

Acceptance of an award made pursuant to this chapter shall subrogate the Commonwealth, to the extent of such award, to any right or right of action accruing to the claimant or the victim to recover payments on account of losses resulting from the crime with respect to which the award is made. However, except as otherwise provided in subsection ¶ J of § 19.2-305.1, the Commonwealth shall not institute any proceedings in connection with its right of subrogation under this section within one year from the date of commission of the crime, unless any claimant or victim's right or action shall have been previously

terminated. All funds collected by the Commonwealth in a proceeding instituted pursuant to this section shall be paid over to the Comptroller for deposit into the Criminal Injuries Compensation Fund.

Whenever any person receives an award from the Criminal Injuries Compensation Fund, the Commonwealth shall have a lien for the total amount paid by the Fund, or any portion thereof compromised pursuant to the authority granted under § 2.2-514, on the claim of such injured person or his personal representative against the person, firm, or corporation who is alleged to have caused such injuries. The Fund's lien shall be inferior to any lien for payment of reasonable attorney fees and costs, but shall be superior to all other liens created by § 8.01-66.2. The injured person may file a petition or motion to reduce the lien and apportion the recovery pursuant to § 8.01-66.9. The Fund's lien shall become effective when notice is provided pursuant to § 8.01-66.5 and liability shall attach pursuant to § 8.01-66.6.

**§ 53.1-145. Powers and duties of probation and parole officers.**

In addition to other powers and duties prescribed by this article, each probation and parole officer shall:

1. Investigate and report on any case pending in any court or before any judge in his jurisdiction referred to him by the court or judge;
2. Supervise and assist all persons within his territory placed on probation, secure, as appropriate and when available resources permit, placement of such persons in a substance abuse treatment program which may include utilization of acupuncture and other treatment modalities, and furnish every such person with a written statement of the conditions of his probation and instruct him therein; if any such person has been committed to the Department of Behavioral Health and Developmental Services under the provisions of Chapter 9 (§ 37.2-900 et seq.) of Title 37.2, the conditions of probation shall include the requirement that the person comply with all conditions given him by the Department of Behavioral Health and Developmental Services, and that he follow all of the terms of his treatment plan;
3. Supervise and assist all persons within his territory released on parole or postrelease supervision, secure, as appropriate and when available resources permit, placement of such persons in a substance abuse treatment program which may include utilization of acupuncture and other treatment modalities, and, in his discretion, assist any person within his territory who has completed his parole, postrelease supervision, or has been mandatorily released from any correctional facility in the Commonwealth and requests assistance in finding a place to live, finding employment, or in otherwise becoming adjusted to the community;
4. Arrest and recommit to the place of confinement from which he was released, or in which he would have been confined but for the suspension of his sentence or of its imposition, for violation of the terms of probation, post-release supervision pursuant to § 19.2-295.2 or parole, any probationer, person subject to post-release supervision or parolee under his supervision, or as directed by the Chairman, Board member or the court, pending a hearing by the Board or the court, as the case may be;
5. Keep such records, make such reports, and perform other duties as may be required of him by the Director or by regulations prescribed by the Board of Corrections, and the court or judge by whom he was authorized;
6. Order and conduct, in his discretion, drug and alcohol screening tests of any probationer, person subject to post-release supervision pursuant to § 19.2-295.2 or parolee under his supervision who the officer has reason to believe is engaged in the illegal use of controlled substances or marijuana, or the abuse of alcohol. The cost of the test may be charged to the person under supervision. Regulations governing the officer's exercise of this authority shall be promulgated by the Board;
7. Have the power to carry a concealed weapon in accordance with regulations promulgated by the Board and upon the certification of appropriate training and specific authorization by a judge of a circuit court;
8. Provide services in accordance with any contract entered into between the Department of Corrections and the Department of Behavioral Health and Developmental Services pursuant to § 37.2-912;
9. Pursuant to any contract entered into between the Department of Corrections and the Department of Behavioral Health and Developmental Services, probation and parole officers shall have the power to provide intensive supervision services to persons placed on conditional release, regardless of whether the person has any time remaining to serve on any criminal sentence, pursuant to Chapter 9 (§ 37.2-900 et seq.);
10. Determine by reviewing the Local Inmate Data System upon intake and again prior to release whether a blood, saliva, or tissue sample has been taken for DNA analysis for each person placed on probation or parole required to submit a sample pursuant to Article 1.1 (§ 19.2-310.2 et seq.) of Chapter 18 of Title 19.2 and, if no sample has been taken, require a person placed on probation or parole to submit a sample for DNA analysis; ~~and~~
11. For every offender accepted pursuant to the Interstate Compact for the Supervision of Adult Offenders (§ 53.1-176.1 et seq.) who has been convicted of an offense that, if committed in Virginia, would be considered a felony, take a sample or verify that a sample has been taken and accepted into the data bank for DNA analysis in the Commonwealth; *and*
12. *Monitor the collection and payment of restitution to the victims of crime for offenders placed on supervised probation.*

Nothing in this article shall require probation and parole officers to investigate or supervise cases before general district or juvenile and domestic relations district courts.

CHAPTER 672

*An Act to amend the Code of Virginia by adding in Chapter 65 of Title 3.2 an article numbered 13, consisting of sections numbered 3.2-6591, 3.2-6592, and 3.2-6593, relating to animal research; alternative test methods; civil penalty.*

[H 1087]

Approved March 30, 2018

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding in Chapter 65 of Title 3.2 an article numbered 13, consisting of sections numbered 3.2-6591, 3.2-6592, and 3.2-6593, as follows:**

*Article 13.*

*Animal Research.*

**§ 3.2-6591. Definitions.**

*As used in this article, unless the context requires a different meaning:*

*"Alternative test method" means a test method that (i) provides information of equivalent or better scientific quality and relevance than animal test methods, (ii) has been identified by a validation body and adopted by the relevant federal agency or program within an agency responsible for regulating the specific product or activity for which the test is being conducted, and (iii) does not use animals, or, when there is no test method available that does not use animals, uses the fewest animals possible and reduces the level of suffering or stress, to the greatest extent possible, of an animal used for testing. "Alternative test method" includes computational toxicology and bioinformatics, high-throughput screening methods, testing of categories of chemical substances, tiered testing methods, invitro studies, and systems biology and new or revised methods.*

*"Animal" means any live vertebrate nonhuman animal.*

*"Animal test method" means a process or procedure that uses animals to obtain information on the characteristics of a chemical or agent or the biological effect of exposure to a chemical or agent under specified conditions.*

*"Contract testing facility" means any partnership, corporation, association, or other legal relationship that tests chemicals, ingredients, product formulations, or products on behalf of another entity.*

*"Manufacturer" means any partnership, corporation, association, or other legal entity that produces chemicals, ingredients, product formulations, or products.*

*"Validation body" means an organization that seeks to facilitate development, validation, and regulatory acceptance of new and revised regulatory test methods that reduce, refine, or replace the use of animals in testing, such as the Interagency Coordinating Committee on the Validation of Alternative Methods or other similar organizations.*

**§ 3.2-6592. Manufacturers and contract testing facilities required to use alternative test methods when available.**

*A. No manufacturer or contract testing facility shall use an animal test method when an alternative test method is available.*

*B. Nothing in this section shall prohibit the use of a test method that does not use animals.*

*C. This section shall not apply to any manufacturer or contract test facility using an animal test method for the purpose of medical research related to the causes, diagnosis, treatment, control, or prevention of physical or mental diseases and impairments of humans and animals, or related to the development of devices or drugs, as those terms are defined in 21 U.S.C. § 321, biomedical products, or any other products regulated by the U.S. Food and Drug Administration, except for any product regulated under Subchapter VI of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. § 301 et seq.). Such medical research does not include the testing of an ingredient that (i) was formerly used in a drug; (ii) was tested for use in a drug using commonly accepted animal testing methods to characterize the ingredient and to substantiate its safety for human use; and (iii) is proposed for use in a product other than a biomedical product, medical device, or drug.*

**§ 3.2-6593. Enforcement; civil action; penalty.**

*The Attorney General may bring a civil action in the appropriate circuit court for injunctive relief to enforce the provisions of this article. Any person who violates any provision of this article may, upon such finding by an appropriate circuit court, be subject to a civil penalty of not more than \$5,000 and any court costs and attorney fees. Such civil penalties shall be paid into the state treasury.*

CHAPTER 673

*An Act to amend and reenact § 56-484.16 of the Code of Virginia, relating to public safety answering points; processing requests for emergency services sent via text message.*

[S 418]

Approved March 30, 2018

**Be it enacted by the General Assembly of Virginia:**

**1. That § 56-484.16 of the Code of Virginia is amended and reenacted as follows:**

**§ 56-484.16. Local emergency telecommunications requirements; text messages; use of digits "9-1-1".**

A. On or before July 1, 2003, every county, city or town in the Commonwealth shall be served by an E-911 system, unless an extension of time has been granted by the Board.

B. *On or before July 1, 2020, each PSAP in the Commonwealth shall deploy equipment, products, and services necessary or appropriate to enable the PSAP to receive and process calls for emergency assistance sent via Short Message Service (SMS) text messages in a manner consistent with FCC Order 14-118 and any other FCC order that affects the deployment of SMS text-to-9-1-1. Upon such deployment, the PSAP shall notify the FCC's PSAP Text-to-911 Readiness and Certification Registry.*

C. The digits "9-1-1" shall be the designated emergency telephone number in Virginia. No public safety agency shall advertise or otherwise promote the use of any number for emergency response service other than "9-1-1".

**CHAPTER 674**

*An Act to amend and reenact §§ 3.2-5121 and 35.1-14 of the Code of Virginia, relating to sale of rabbits; regulations.*

[S 470]

Approved March 30, 2018

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 3.2-5121 and 35.1-14 of the Code of Virginia are amended and reenacted as follows:**

**§ 3.2-5121. Authority to adopt regulations; conformity with federal regulations; hearings; enforcement of article; review of regulations.**

A. The Board is authorized to adopt regulations for the efficient enforcement of this article, unless that authority is specifically granted to the Commissioner. The Board may make the regulations adopted under this article conform, insofar as practicable, with those adopted under the federal act. Notwithstanding any other requirement under the Administrative Process Act (§ 2.2-4000 et seq.) to the contrary, the Commissioner may adopt any regulation under the federal act without public hearing. Such regulation shall be effective upon filing with the Registrar of Regulations. The Board, at its next regular meeting, shall adopt the regulation after notice but without public hearing unless a petition is filed in accordance with subsection F.

B. The Board may adopt any edition of the Food and Drug Administration's Food Code, or supplement thereto, or any portion thereof, as regulations, with any amendments as it deems appropriate. In addition, the Board may repeal or amend any regulation adopted pursuant to this subsection. No regulations adopted or amended by the Board pursuant to this subsection shall establish requirements for any license, permit, or inspection unless such license, permit, or inspection is otherwise provided for in this title. The provisions of the Food and Drug Administration's Food Code shall not apply to farmers selling their own farm-produced products directly to consumers for their personal use, whether such sales occur on such farmer's farm or at a farmers' market, unless such provisions are adopted in accordance with the Administrative Process Act (§ 2.2-4000 et seq.).

C. The provisions of the Administrative Process Act (§ 2.2-4000 et seq.) shall not apply to the adoption of any regulation pursuant to subsection B if the Board of Health adopts the same edition of the Food and Drug Administration's Food Code, or the same portions thereof, pursuant to subsection C of § 35.1-14, and the regulations adopted by the Board and the Board of Health have the same effective date. In the event that the Board of Health adopts regulations pursuant to § 2.2-4012.1, the effective date of the Board's regulations may be any date on or after the effective date of the regulations adopted by the Board of Health.

Notwithstanding any exemption to the contrary, a regulation adopted pursuant to subsection B shall be subject to the requirements set out in §§ 2.2-4007.03, 2.2-4007.04, and 2.2-4007.05, and shall be published in the Virginia Register of Regulations. After the close of the 60-day comment period, the Board may adopt a final regulation, with or without changes. Such regulation shall become effective 15 days after publication in the Virginia Register, unless the Board has withdrawn or suspended the regulation, or a later date has been set by the Board. The Board shall also hold at least one public hearing on the proposed regulation during the 60-day comment period. The notice for such public hearing shall include the date, time, and place of the hearing.

D. Hearings authorized or required by this article shall be conducted by the Board, the Commissioner, or such officer, agent, or employee as the Board may designate for the purpose.

E. The Commissioner shall coordinate enforcement of this article with the applicable federal agencies charged with enforcement of the federal act, in order to avoid unnecessary or unjustified conflict between enforcement of this article and the federal act as to Virginia food manufacturers, processors, packers, and retailers.

F. The Board or Commissioner shall from time to time for good cause shown to review the regulations and enforcement guidelines adopted pursuant to this article. If the Commissioner finds that any federal regulation or enforcement guideline that includes any tolerance or action level that does not protect the health and welfare of the citizens of the Commonwealth, he shall petition the appropriate federal agency to change the federal regulation or enforcement guideline.

G. The Commissioner or any interested party for good cause shown may request the Board to hold a public hearing concerning any regulation or enforcement guideline. If the Board after hearing finds that the regulation or enforcement

guideline does not protect the health and welfare of the citizens of the Commonwealth, it shall adopt a new regulation or enforcement guideline. Within the limits of personnel and funds available all state agencies and institutions shall cooperate and assist in furnishing information and data as to whether the regulations or enforcement guidelines in question protect the health and welfare of the citizens of the Commonwealth.

*H. No regulation adopted or amended by the Board pursuant to subsection B shall require that commercially slaughtered or processed rabbits that are offered for sale or service be slaughtered or processed under (i) the voluntary inspection program that is conducted by the state agency that has animal health jurisdiction or (ii) a voluntary inspection program that is administered by the U.S. Department of Agriculture. However, nothing in this subsection shall exempt any person who is commercially slaughtering or processing rabbits that are offered for sale or service from any other applicable provision of this chapter.*

**§ 35.1-14. Regulations governing restaurants; advisory standards for exempt entities.**

A. Regulations of the Board governing restaurants shall include but not be limited to the following subjects: (i) a procedure for obtaining a license; (ii) the safe and sanitary maintenance, storage, operation, and use of equipment; (iii) the sanitary maintenance and use of a restaurant's physical plant; (iv) the safe preparation, handling, protection, and preservation of food, including necessary refrigeration or heating methods; (v) procedures for vector and pest control; (vi) requirements for toilet and cleansing facilities for employees and customers; (vii) requirements for appropriate lighting and ventilation not otherwise provided for in the Uniform Statewide Building Code; (viii) requirements for an approved water supply and sewage disposal system; (ix) personal hygiene standards for employees, particularly those engaged in food handling; (x) the appropriate use of precautions to prevent the transmission of communicable diseases; and (xi) training standards that address food safety and food allergy awareness and safety.

B. In its regulations, the Board may classify restaurants by type and specify different requirements for each classification.

C. The Board may adopt any edition of the Food and Drug Administration's Food Code, or supplement thereto, or any portion thereof, as regulations, with any amendments as it deems appropriate. In addition, the Board may repeal or amend any regulation adopted pursuant to this subsection. No regulations adopted or amended by the Board pursuant to this subsection, however, shall establish requirements for any license, permit, or inspection unless such license, permit, or inspection is otherwise provided for in this title. The provisions of the Food and Drug Administration's Food Code shall not apply to farmers selling their own farm-produced products directly to consumers for their personal use, whether such sales occur on such farmer's farm or at a farmers' market, unless such provisions are adopted in accordance with the Administrative Process Act (§ 2.2-4000 et seq.).

D. The Board may issue advisory standards for the safe preparation, handling, protection, and preservation of food by entities exempt from the provisions of this title pursuant to § 35.1-25 or 35.1-26.

E. The provisions of the Administrative Process Act (§ 2.2-4000 et seq.) shall not apply to the adoption of any regulation pursuant to subsection C if the Board of Agriculture and Consumer Services adopts the same edition of the Food Code, or the same portions thereof, pursuant to subsection B of § 3.2-5121 and the regulations adopted by the Board and the Board of Agriculture and Consumer Services have the same effective date. In the event that the Board of Agriculture and Consumer Services adopts regulations pursuant to § 2.2-4012.1, the effective date of the Board's regulations may be any date on or after the effective date of the regulations adopted by the Board of Agriculture and Consumer Services.

Notwithstanding any exemption to the contrary, a regulation promulgated pursuant to subsection C shall be subject to the requirements set out in §§ 2.2-4007.03, 2.2-4007.04, and 2.2-4007.05, and shall be published in the Virginia Register of Regulations. After the close of the 60-day comment period, the Board may adopt a final regulation, with or without changes. Such regulation shall become effective 15 days after publication in the Virginia Register, unless the Board has withdrawn or suspended the regulation, or a later date has been set by the Board. The Board shall also hold at least one public hearing on the proposed regulation during the 60-day comment period. The notice for such public hearing shall include the date, time and place of the hearing.

*F. The Board shall adopt regulations pursuant to subsection C that allow the receipt for sale or service of rabbits that are slaughtered or processed in a facility that complies with regulations adopted by the Board of Agriculture and Consumer Services pursuant to the provisions of subsection H of § 3.2-5121.*

**CHAPTER 675**

*An Act to amend and reenact § 24.2-122 of the Code of Virginia, relating to elections; status of officers of election.*

[S 474]

Approved March 30, 2018

**Be it enacted by the General Assembly of Virginia:**

**1. That § 24.2-122 of the Code of Virginia is amended and reenacted as follows:**

**§ 24.2-122. Status of members of electoral boards, registrars, and officers of election.**

Members of electoral boards, registrars, and officers of election shall serve the Commonwealth and its localities in administering the election laws. They shall be deemed to be employees of the county or city in which they serve except as otherwise specifically provided by state law.

*A county or city may retain officers of election as independent contractors.  
Assistant registrars who agree to serve without pay are not state or local employees for any purpose.*

**CHAPTER 676**

*An Act to designate the Pocahontas Building as the temporary General Assembly Building and a part of the Capitol Square complex.*

[S 490]

Approved March 30, 2018

**Be it enacted by the General Assembly of Virginia:**

1. *§ 1. Notwithstanding any other law to the contrary, the Pocahontas Building is designated as the temporary General Assembly Building and as such a part of the Capitol Square complex during the reconstruction of the General Assembly Building and until such time as the building is reoccupied and ready to resume business as determined by the Director of the Department of General Services in consultation with the Clerk of the Senate and the Clerk of the House of Delegates.*
2. **That an emergency exists and this act is in force from its passage.**

**CHAPTER 677**

*An Act to amend and reenact § 3.2-302 of the Code of Virginia, relating to agricultural operations; nuisance.*

[S 567]

Approved March 30, 2018

**Be it enacted by the General Assembly of Virginia:**

1. **That § 3.2-302 of the Code of Virginia is amended and reenacted as follows:**

**§ 3.2-302. When agricultural operations do not constitute nuisance.**

A. No agricultural operation or any of its appurtenances shall be or become a nuisance, private or public, if such operations are conducted in accordance with ~~substantial compliance with existing~~ *any applicable best management practices in use by the operation at the time of the alleged nuisance and comply with existing any applicable laws and regulations of the Commonwealth relevant to the alleged nuisance. No action shall be brought by any person against any agricultural operation the existence of which was known or reasonably knowable when that person's use or occupancy of his property began.*

*The provisions of this section shall apply to any nuisance claim brought against any party that has a business relationship with the agricultural operation that is the subject of the alleged nuisance. The provisions of this section shall not apply whenever a nuisance results from the negligent or improper operation of any such agricultural operation or its appurtenances to any action for negligence or any tort other than a nuisance.*

*For the purposes of this subsection, "substantial compliance" means a level of compliance with applicable best management practices, laws, or regulations such that any identified deficiency did not cause a nuisance that created a significant risk to human health or safety. Agricultural operations shall be presumed to be in substantial compliance absent a contrary showing.*

B. The provisions of subsection A shall not affect or defeat the right of any person to recover damages for any injuries or damages sustained by them on account of any pollution of, or change in condition of, the waters of any stream or on the account of any overflow of lands of any such person.

C. *Only persons with an ownership interest in the property allegedly affected by the nuisance may bring an action for private nuisance. Any compensatory damages awarded to any person for a private nuisance action not otherwise prohibited by this section, where the alleged nuisance emanated from an agricultural operation, shall be measured as follows:*

1. *For a permanent nuisance, by the reduction in fair market value of the person's property caused by the nuisance, but not to exceed the fair market value of the property; or*
2. *For a temporary nuisance, by the diminution of the fair rental value of the person's property.*

*The combined recovery from multiple actions for private nuisance brought against any agricultural operation by any person or that person's successor in interest shall not exceed the fair market value of the subject property, regardless of whether any subsequent action is brought against a different defendant than any preceding action.*

D. *Notwithstanding subsection C, for any nuisance claim not otherwise prohibited by this section, nothing herein shall limit any recovery allowed under common law for physical or mental injuries that arise from such alleged nuisance and are shown by objective and documented medical evidence to have endangered life or health.*

E. Any and all ordinances of any unit of local government now in effect or hereafter adopted that would make the operation of any such agricultural operation or its appurtenances a nuisance or providing for abatement thereof as a nuisance in the circumstance set forth in this section are and shall be null and void. ~~The provisions of this section shall not apply whenever a nuisance results from the negligent or improper operation of any such agricultural operation or any of its appurtenances.~~

CHAPTER 678

*An Act to amend the Code of Virginia by adding a section numbered 3.2-6509.1, relating to disclosure of animal bite history; penalty.*

[S 571]

Approved March 30, 2018

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding a section numbered 3.2-6509.1 as follows:**

**§ 3.2-6509.1. Disclosure of animal bite history; penalties.**

*A. Any custodian of a releasing agency, animal control officer, law-enforcement officer, or humane investigator, upon taking custody of any dog or cat in the course of his official duties, shall ask and document whether, if known, the dog or cat has bitten a person or other animal and the circumstances and date of such bite. Any custodian of a releasing agency, animal control officer, law-enforcement officer, or humane investigator, upon release of a dog or cat for (i) adoption, (ii) return to a rightful owner, or (iii) transfer to another agency, shall disclose, if known, that the dog or cat has bitten a person or other animal and the circumstances and date of such bite.*

*B. Violation of this section is a Class 3 misdemeanor.*

CHAPTER 679

*An Act to amend and reenact §§ 2.2-3800, 2.2-3801, and 2.2-3803 of the Code of Virginia and to amend the Code of Virginia by adding in Article 2 of Chapter 2 of Title 2.2 a section numbered 2.2-203.2:4, relating to data collection and dissemination; governance.*

[S 580]

Approved March 30, 2018

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 2.2-3800, 2.2-3801, and 2.2-3803 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Article 2 of Chapter 2 of Title 2.2 a section numbered 2.2-203.2:4 as follows:**

**§ 2.2-203.2:4. Chief Data Officer; position created.**

*A. As used in this section, "open data" means data that is collected by an agency that is not prohibited from being made available to the public by applicable laws or regulations or other restrictions, requirements, or rights associated with such data.*

*B. There is created in the Office of the Secretary of Administration the position of Chief Data Officer of the Commonwealth to coordinate and oversee the effective sharing of data among state, regional, and local public entities and public institutions of higher education and to implement effective data governance strategies to maintain data integrity and security and promote access to open data.*

*C. The Chief Data Officer shall:*

*1. Establish business rules, guidelines, and best practices for the use of data, including open data, in the Commonwealth. Such rules, guidelines, and best practices shall address, at a minimum, (i) the sharing of data between state, regional, and local public entities and public institutions of higher education, and, when appropriate, private entities; (ii) data storage; (iii) data security; (iv) privacy; (v) compliance with federal law; (vi) the de-identification of data for research purposes; and (vii) the appropriate access to and presentation of open data and datasets to the public;*

*2. Assist state, regional, and local public entities, public institutions of higher education, and employees thereof, with the application of the Government Data Collection and Dissemination Practices Act (§ 2.2-3800 et. seq.) and understanding the applicability of federal laws governing privacy and access to data to the data sharing practices of the Commonwealth;*

*3. Assist the Chief Information Officer of the Commonwealth with matters related to the creation, storage, and dissemination of data upon request;*

*4. Encourage and coordinate efforts of state, regional, and local public entities and public institutions of higher education to access and share data, including open data, across all levels of government in an effort to improve the efficiency and efficacy of services, improve outcomes, and promote data-driven policy making, decision making, research, and analysis; and*

*5. Oversee the implementation of a website dedicated to (i) hosting open data from state, regional, and local public entities and public institutions of higher education and (ii) providing links to any other additional open data websites in the Commonwealth.*

**§ 2.2-3800. Short title; findings; principles of information practice.**

*A. This chapter may be cited as the "Government Data Collection and Dissemination Practices Act."*

*B. The General Assembly finds that:*

*1. An individual's privacy is directly affected by the extensive collection, maintenance, use and dissemination of personal information;*

2. The increasing use of computers and sophisticated information technology has greatly magnified the harm that can occur from these practices;

3. An individual's opportunities to secure employment, insurance, credit, and his right to due process, and other legal protections are endangered by the misuse of certain of these personal information systems; and

4. In order to preserve the rights guaranteed a citizen in a free society, legislation is necessary to establish procedures to govern information systems containing records on individuals.

C. Recordkeeping agencies of the Commonwealth and political subdivisions shall adhere to the following principles of information practice to ensure safeguards for personal privacy:

1. There shall be no personal information system whose existence is secret.

2. Information shall not be collected unless the need for it has been clearly established in advance.

3. Information shall be appropriate and relevant to the purpose for which it has been collected.

4. Information shall not be obtained by fraudulent or unfair means.

5. Information shall not be used unless it is accurate and current.

6. There shall be a prescribed procedure for an individual to learn the purpose for which information has been recorded and particulars about its use and dissemination.

7. There shall be a clearly prescribed and uncomplicated procedure for an individual to correct, erase or amend inaccurate, obsolete or irrelevant information.

8. Any agency holding personal information shall assure its reliability and take precautions to prevent its misuse.

9. There shall be a clearly prescribed procedure to prevent personal information collected for one purpose from being used or disseminated for another purpose unless such use or dissemination is authorized or required by law.

10. The Commonwealth or any agency or political subdivision thereof shall not collect personal information except as explicitly or implicitly authorized by law.

**§ 2.2-3801. Definitions.**

As used in this chapter, unless the context requires a different meaning:

"Agency" means any agency, authority, board, department, division, commission, institution, bureau, or like governmental entity of the Commonwealth or of any unit of local government including counties, cities, towns, regional governments, and the departments thereof, and includes constitutional officers, except as otherwise expressly provided by law. "Agency" shall also include any entity, whether public or private, with which any of the foregoing has entered into a contractual relationship for the operation of a system of personal information to accomplish an agency function. Any such entity included in this definition by reason of a contractual relationship shall only be deemed an agency as relates to services performed pursuant to that contractual relationship, provided that if any such entity is a consumer reporting agency, it shall be deemed to have satisfied all of the requirements of this chapter if it fully complies with the requirements of the Federal Fair Credit Reporting Act as applicable to services performed pursuant to such contractual relationship.

"Data subject" means an individual about whom personal information is indexed or may be located under his name, personal number, or other identifiable particulars, in an information system.

"Disseminate" means to release, transfer, or otherwise communicate information orally, in writing, or by electronic means.

"Information system" means the total components and operations of a record-keeping process, including information collected or managed by means of computer networks and the Internet, whether automated or manual, containing personal information and the name, personal number, or other identifying particulars of a data subject.

"Personal information" means all information that (i) describes, locates or indexes anything about an individual including, but not limited to, his social security number, driver's license number, agency-issued identification number, student identification number, real or personal property holdings derived from tax returns, and his education, financial transactions, medical history, ancestry, religion, political ideology, criminal or employment record, or (ii) affords a basis for inferring personal characteristics, such as finger and voice prints, photographs, or things done by or to such individual; and the record of his presence, registration, or membership in an organization or activity, or admission to an institution. "Personal information" shall not include routine information maintained for the purpose of internal office administration whose use could not be such as to affect adversely any data subject nor does the term include real estate assessment information.

*"Proper purpose" includes the sharing or dissemination of data or information among and between agencies in order to (i) streamline administrative processes to improve the efficiency and efficacy of services, access to services, eligibility determinations for services, and service delivery; (ii) reduce paperwork and administrative burdens on applicants for and recipients of public services; (iii) improve the efficiency and efficacy of the management of public programs; (iv) prevent fraud and improve auditing capabilities; (v) conduct outcomes-related research; (vi) develop quantifiable data to aid in policy development and decision making to promote the most efficient and effective use of resources; and (vii) perform data analytics regarding any of the purposes set forth in this definition.*

"Purge" means to obliterate information completely from the transient, permanent, or archival records of an agency.

**§ 2.2-3803. Administration of systems including personal information; Internet privacy policy; exceptions.**

A. Any agency maintaining an information system that includes personal information shall:

1. Collect, maintain, use, and disseminate only that personal information permitted or required by law to be so collected, maintained, used, or disseminated, or necessary to accomplish a proper purpose of the agency;

2. Collect information to the greatest extent feasible from the data subject directly, *or through the sharing of data with other agencies, in order to accomplish a proper purpose of the agency;*

3. Establish categories for maintaining personal information to operate in conjunction with confidentiality requirements and access controls;

4. Maintain information in the system with accuracy, completeness, timeliness, and pertinence as necessary to ensure fairness in determinations relating to a data subject;

5. Make no dissemination to another system without (i) specifying requirements for security and usage including limitations on access thereto, and (ii) receiving reasonable assurances that those requirements and limitations will be observed. This subdivision shall not apply, however, to a dissemination made by an agency to an agency in another state, district or territory of the United States where the personal information is requested by the agency of such other state, district or territory in connection with the application of the data subject therein for a service, privilege or right under the laws thereof, nor shall this apply to information transmitted to family advocacy representatives of the United States Armed Forces in accordance with subsection N of § 63.2-1503;

6. Maintain a list of all persons or organizations having regular access to personal information in the information system;

7. Maintain for a period of three years or until such time as the personal information is purged, whichever is shorter, a complete and accurate record, including identity and purpose, of every access to any personal information in a system, including the identity of any persons or organizations not having regular access authority but excluding access by the personnel of the agency wherein data is put to service for the purpose for which it is obtained;

8. Take affirmative action to establish rules of conduct and inform each person involved in the design, development, operation, or maintenance of the system, or the collection or use of any personal information contained therein, about all the requirements of this chapter, the rules and procedures, including penalties for noncompliance, of the agency designed to assure compliance with such requirements;

9. Establish appropriate safeguards to secure the system from any reasonably foreseeable threat to its security; and

10. Collect no personal information concerning the political or religious beliefs, affiliations, and activities of data subjects that is maintained, used or disseminated in or by any information system operated by any agency unless authorized explicitly by statute or ordinance.

B. Every public body, as defined in § 2.2-3701, that has an Internet website associated with that public body shall develop an Internet privacy policy and an Internet privacy policy statement that explains the policy to the public. The policy shall be consistent with the requirements of this chapter. The statement shall be made available on the public body's website in a conspicuous manner. The Secretary of Technology or his designee shall provide guidelines for developing the policy and the statement, and each public body shall tailor the policy and the statement to reflect the information practices of the individual public body. At minimum, the policy and the statement shall address (i) what information, including personally identifiable information, will be collected, if any; (ii) whether any information will be automatically collected simply by accessing the website and, if so, what information; (iii) whether the website automatically places a computer file, commonly referred to as a "cookie," on the Internet user's computer and, if so, for what purpose; and (iv) how the collected information is being used or will be used.

C. Notwithstanding the provisions of subsection A, the Virginia Retirement System may disseminate information as to the retirement status or benefit eligibility of any employee covered by the Virginia Retirement System, the Judicial Retirement System, the State Police Officers' Retirement System, or the Virginia Law Officers' Retirement System, to the chief executive officer or personnel officers of the state or local agency by which he is employed.

D. Notwithstanding the provisions of subsection A, the Department of Social Services may disseminate client information to the Department of Taxation for the purposes of providing specified tax information as set forth in clause (ii) of subsection C of § 58.1-3.

E. Notwithstanding the provisions of subsection A, the State Council of Higher Education for Virginia may disseminate student information to agencies acting on behalf or in place of the U.S. government to gain access to data on wages earned outside the Commonwealth or through federal employment, for the purposes of complying with § 23.1-204.1.

**2. That a Data Sharing and Analytics Advisory Committee (the Advisory Committee) is hereby created to advise the Chief Data Officer of the Commonwealth in the establishment of the initial business rules, guidelines, and best practices required pursuant to § 2.2-203.2:4 of the Code of Virginia, as created by this act. The Advisory Committee shall have a total membership of 17 as follows: three members of the House of Delegates, to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates; two members of the Senate, to be appointed by the Senate Committee on Rules; one representative of a public institution of higher education in the Commonwealth with expertise in data analytics and governance, to be appointed by the Governor; one nonlegislative citizen member with an expertise in data security, to be appointed by the Governor; the Attorney General of the Commonwealth or his designee; the director of the Virginia Municipal League or his designee; the director of the Virginia Association of Counties or his designee; a representative of a regional technology council, to be appointed by the Governor; an employee of the State Council of Higher Education for Virginia (SCHEV) with expertise in data sharing, to be appointed by the director of SCHEV; the Chief Workforce Advisor to the Governor; and the Secretaries of Administration, Commerce and Trade, Health and Human Resources, and Public Safety and Homeland Security. Nonlegislative citizen members of the Advisory**

Committee shall be citizens of the Commonwealth. Members shall serve without compensation. The Advisory Committee shall recommend to the Governor and the General Assembly, no later than October 1, 2018, a permanent governance structure for data sharing and analytics in the Commonwealth.

3. That the provisions of the second enactment of this act shall expire on June 30, 2019.

4. That the Chief Data Officer of the Commonwealth, in cooperation with the Data Sharing and Analytics Advisory Committee, shall focus his initial efforts on developing a project for the sharing, analysis, and dissemination among and between state, regional, and local agencies of data related to substance abuse, with a focus on opioid addiction, abuse, and overdose. To the fullest extent allowed by federal law, and notwithstanding any state law to the contrary, all agencies set forth in subsection A of § 2.2-212 and subsection A of § 2.2-221 of the Code of Virginia, any community services board, any local law-enforcement agency, and any other health and human services-related entity of a political subdivision that receives any state funds shall share data relevant to the prevention or treatment of substance abuse, with a focus on prevention and treatment of opioid addiction, abuse, and overdose. Such entities shall share data with the Chief Data Officer and directly with other entities listed herein when appropriate. The Chief Data Officer may also request data and information from any private source deemed relevant to the analysis and shall be encouraged to enter into public-private partnerships and enter into agreements with public institutions of higher education in the Commonwealth to conduct data analytics related to the project. The Chief Data Officer shall report to the Governor and the General Assembly no later than October 1, 2019, regarding the project. Such report shall include, at a minimum, the identification of the categories and sources of information provided for the project; areas of improved service delivery resulting from the sharing of data; trends or metrics relevant to the prevention and treatment of substance abuse, with a focus on opioid addiction, abuse, and overdose, that have emerged from the sharing and analysis of the data; cost savings and efficiencies that have been identified or achieved through improved service identification and delivery; any legal or policy hindrances preventing the sharing of data; and any policy recommendations regarding substance abuse treatment and prevention, with a focus on opioid addiction, abuse, or overdose, or regarding data sharing generally identified as the result of the project.

**CHAPTER 680**

*An Act to amend and reenact § 2.2-4310.2 of the Code of Virginia, relating to Virginia Public Procurement Act; executive branch agency's goals for participation by small businesses; requirements.*

[S 651]

Approved March 30, 2018

**Be it enacted by the General Assembly of Virginia:**

1. That § 2.2-4310.2 of the Code of Virginia is amended and reenacted as follows:

**§ 2.2-4310.2. Executive branch agency's goals for participation by small businesses; requirements.**

Any ~~state~~ executive branch agency's goals under § 2.2-4310 for participation by small businesses shall include within the goals a minimum of three percent participation by service disabled veteran businesses as defined in §§ 2.2-2001 and 2.2-4310 when contracting for ~~information technology~~ goods and services.

As used in this section, "~~information technology~~" and "~~state executive branch agency~~" ~~mean~~ means the same as ~~those terms are~~ that term is defined in § 2.2-2006.

**CHAPTER 681**

*An Act to amend and reenact § 2.2-1606 of the Code of Virginia, relating to the Department of Small Business and Supplier Diversity and the powers of the director related to certification.*

[S 652]

Approved March 30, 2018

**Be it enacted by the General Assembly of Virginia:**

1. That § 2.2-1606 of the Code of Virginia is amended and reenacted as follows:

**§ 2.2-1606. Powers of Director.**

As deemed necessary or appropriate to better fulfill the duties of the Department, the Director may:

1. With the participation of other state departments and agencies, develop comprehensive plans and specific program goals for small, women-owned, and minority-owned business programs; establish regular performance monitoring and reporting systems to assure that goals of state agencies and institutions are being achieved; and evaluate the impact of federal and state support in achieving objectives.

2. Employ the necessary personnel or subcontract, according to his discretion, with localities to supplement the functions of business development organizations.

3. Assure the coordinated review of all proposed state training and technical assistance activities in direct support of small, women-owned, and minority-owned business programs to ensure consistency with program goals and to avoid duplication.

4. Convene, for purposes of coordination, meetings of the heads of departments and agencies, or their designees, whose programs and activities may affect or contribute to the purposes of this chapter.

5. Convene business leaders, educators, and other representatives of the private sector who are engaged in assisting the development of small, women-owned, and minority-owned business programs or who could contribute to their development for the purpose of proposing, evaluating, or coordinating governmental and private activities in furtherance of the objectives of this chapter.

6. Provide the managerial and organizational framework through which joint undertakings with state departments or agencies or private organizations can be planned and implemented.

7. Recommend appropriate legislative or executive actions.

8. Adopt regulations to implement certification programs for small, women-owned, and minority-owned businesses and employment services organizations, which regulations shall be exempt from the Administrative Process Act (§ 2.2-4000 et seq.) pursuant to subdivision B 2 of § 2.2-4002. Such certification programs shall allow applications for certification to be submitted by electronic means as authorized by § 59.1-496 and the applicant to affix thereto his electronic signature, as defined in § 59.1-480. Such certification programs shall deny certification to vendors from states that deny like certifications to Virginia-based small, women-owned, or minority-owned businesses and employment services organizations or that provide a preference for small, women-owned, or minority-owned businesses and employment services organizations based in that state that is not available to Virginia-based businesses. The regulations shall (i) establish minimum requirements for certification of small, women-owned, and minority-owned businesses and employment services organizations; (ii) provide a process for evaluating existing local, state, and private sector certification programs that meet the minimum requirements; and (iii) mandate certification without any additional paperwork of any small, women-owned, or minority-owned business that has obtained (a) certification under any federal certification program or (b) certification under any other certification program that is determined to meet the minimum requirements established in the regulations, and of any employment services organization that has been approved by the Department for Aging and Rehabilitative Services. *All employment services organization certifications shall remain in effect until the Department is notified by the Department for Aging and Rehabilitative Services that such organization is no longer approved.* The regulations shall also require as a prerequisite for approval that any out-of-state business applying for certification in Virginia as a small, women-owned, or minority-owned business have the equivalent certification in the business's state of origin. An out-of-state business located in a state that does not have a small, women-owned, or minority-owned business certification program shall be exempt from the requirements of this provision.

9. Establish an interdepartmental board in accordance with § 2.2-1608 to supply the Director with information useful in promoting minority business activity.

**2. That the Secretary of Administration shall convene a work group of interested stakeholders to examine and make recommendations regarding modifications to state procurement policies and procedures to incentivize the competitive integrated employment of individuals with significant disabilities. The work group shall include (i) one representative from the Office of the Governor; (ii) two representatives from the Office of the Secretary of Administration; (iii) one representative each from the Department for Aging and Rehabilitative Services, the Department for the Blind and Vision Impaired, the Department of Behavioral Health and Developmental Services, and the Virginia Board for People with Disabilities; (iv) the staff directors of the House Committee on Appropriations and the Senate Committee on Finance, or their designees; (v) one representative of the Virginia Association of Counties; (vi) one representative of the Virginia Municipal League; (vii) one representative from the Virginia Business Leadership Network; (viii) one representative of an employment services organization from the Virginia Association of People Supporting Employment First; (ix) one representative of an employment services organization from the Virginia Association of Community Rehabilitation Programs; (x) one representative of the Virginia Goodwill Coalition; and (xi) two additional representatives of employment services organizations that employ persons with significant disabilities in competitive integrated employment. At a minimum, the work group shall review (a) current procurement policies and practices that impact the employment of people with disabilities in the Commonwealth, (b) procurement policies of other states that impact the employment of people with disabilities, and (c) the potential establishment and responsibilities of a board with the responsibility for advising the Department of Small Business and Supplier Diversity on matters related to the impact of procurement policies and procedures on the employment of people with significant disabilities in the Commonwealth. The Secretary of Administration shall report the findings and recommendations of the work group to the Governor and General Assembly on or before July 1, 2019.**

## CHAPTER 682

*An Act to amend and reenact § 32.1-127 of the Code of Virginia, relating to air medical transportation; informed decision.*

[S 663]

Approved March 30, 2018

**Be it enacted by the General Assembly of Virginia:**

**1. That § 32.1-127 of the Code of Virginia is amended and reenacted as follows:**

**§ 32.1-127. Regulations.**

A. The regulations promulgated by the Board to carry out the provisions of this article shall be in substantial conformity to the standards of health, hygiene, sanitation, construction and safety as established and recognized by medical and health care professionals and by specialists in matters of public health and safety, including health and safety standards established under provisions of Title XVIII and Title XIX of the Social Security Act, and to the provisions of Article 2 (§ 32.1-138 et seq.).

B. Such regulations:

1. Shall include minimum standards for (i) the construction and maintenance of hospitals, nursing homes and certified nursing facilities to ensure the environmental protection and the life safety of its patients, employees, and the public; (ii) the operation, staffing and equipping of hospitals, nursing homes and certified nursing facilities; (iii) qualifications and training of staff of hospitals, nursing homes and certified nursing facilities, except those professionals licensed or certified by the Department of Health Professions; (iv) conditions under which a hospital or nursing home may provide medical and nursing services to patients in their places of residence; and (v) policies related to infection prevention, disaster preparedness, and facility security of hospitals, nursing homes, and certified nursing facilities. For purposes of this paragraph, facilities in which five or more first trimester abortions per month are performed shall be classified as a category of "hospital";

2. Shall provide that at least one physician who is licensed to practice medicine in this Commonwealth shall be on call at all times, though not necessarily physically present on the premises, at each hospital which operates or holds itself out as operating an emergency service;

3. May classify hospitals and nursing homes by type of specialty or service and may provide for licensing hospitals and nursing homes by bed capacity and by type of specialty or service;

4. Shall also require that each hospital establish a protocol for organ donation, in compliance with federal law and the regulations of the Centers for Medicare and Medicaid Services (CMS), particularly 42 C.F.R. § 482.45. Each hospital shall have an agreement with an organ procurement organization designated in CMS regulations for routine contact, whereby the provider's designated organ procurement organization certified by CMS (i) is notified in a timely manner of all deaths or imminent deaths of patients in the hospital and (ii) is authorized to determine the suitability of the decedent or patient for organ donation and, in the absence of a similar arrangement with any eye bank or tissue bank in Virginia certified by the Eye Bank Association of America or the American Association of Tissue Banks, the suitability for tissue and eye donation. The hospital shall also have an agreement with at least one tissue bank and at least one eye bank to cooperate in the retrieval, processing, preservation, storage, and distribution of tissues and eyes to ensure that all usable tissues and eyes are obtained from potential donors and to avoid interference with organ procurement. The protocol shall ensure that the hospital collaborates with the designated organ procurement organization to inform the family of each potential donor of the option to donate organs, tissues, or eyes or to decline to donate. The individual making contact with the family shall have completed a course in the methodology for approaching potential donor families and requesting organ or tissue donation that (a) is offered or approved by the organ procurement organization and designed in conjunction with the tissue and eye bank community and (b) encourages discretion and sensitivity according to the specific circumstances, views, and beliefs of the relevant family. In addition, the hospital shall work cooperatively with the designated organ procurement organization in educating the staff responsible for contacting the organ procurement organization's personnel on donation issues, the proper review of death records to improve identification of potential donors, and the proper procedures for maintaining potential donors while necessary testing and placement of potential donated organs, tissues, and eyes takes place. This process shall be followed, without exception, unless the family of the relevant decedent or patient has expressed opposition to organ donation, the chief administrative officer of the hospital or his designee knows of such opposition, and no donor card or other relevant document, such as an advance directive, can be found;

5. Shall require that each hospital that provides obstetrical services establish a protocol for admission or transfer of any pregnant woman who presents herself while in labor;

6. Shall also require that each licensed hospital develop and implement a protocol requiring written discharge plans for identified, substance-abusing, postpartum women and their infants. The protocol shall require that the discharge plan be discussed with the patient and that appropriate referrals for the mother and the infant be made and documented. Appropriate referrals may include, but need not be limited to, treatment services, comprehensive early intervention services for infants and toddlers with disabilities and their families pursuant to Part H of the Individuals with Disabilities Education Act, 20 U.S.C. § 1471 et seq., and family-oriented prevention services. The discharge planning process shall involve, to the extent possible, the father of the infant and any members of the patient's extended family who may participate in the follow-up care for the mother and the infant. Immediately upon identification, pursuant to § 54.1-2403.1, of any substance-abusing, postpartum woman, the hospital shall notify, subject to federal law restrictions, the community services board of the jurisdiction in which the woman resides to appoint a discharge plan manager. The community services board shall implement and manage the discharge plan;

7. Shall require that each nursing home and certified nursing facility fully disclose to the applicant for admission the home's or facility's admissions policies, including any preferences given;

8. Shall require that each licensed hospital establish a protocol relating to the rights and responsibilities of patients which shall include a process reasonably designed to inform patients of such rights and responsibilities. Such rights and responsibilities of patients, a copy of which shall be given to patients on admission, shall be consistent with applicable federal law and regulations of the Centers for Medicare and Medicaid Services;

9. Shall establish standards and maintain a process for designation of levels or categories of care in neonatal services according to an applicable national or state-developed evaluation system. Such standards may be differentiated for various levels or categories of care and may include, but need not be limited to, requirements for staffing credentials, staff/patient ratios, equipment, and medical protocols;

10. Shall require that each nursing home and certified nursing facility train all employees who are mandated to report adult abuse, neglect, or exploitation pursuant to § 63.2-1606 on such reporting procedures and the consequences for failing to make a required report;

11. Shall permit hospital personnel, as designated in medical staff bylaws, rules and regulations, or hospital policies and procedures, to accept emergency telephone and other verbal orders for medication or treatment for hospital patients from physicians, and other persons lawfully authorized by state statute to give patient orders, subject to a requirement that such verbal order be signed, within a reasonable period of time not to exceed 72 hours as specified in the hospital's medical staff bylaws, rules and regulations or hospital policies and procedures, by the person giving the order, or, when such person is not available within the period of time specified, co-signed by another physician or other person authorized to give the order;

12. Shall require, unless the vaccination is medically contraindicated or the resident declines the offer of the vaccination, that each certified nursing facility and nursing home provide or arrange for the administration to its residents of (i) an annual vaccination against influenza and (ii) a pneumococcal vaccination, in accordance with the most recent recommendations of the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention;

13. Shall require that each nursing home and certified nursing facility register with the Department of State Police to receive notice of the registration or reregistration of any sex offender within the same or a contiguous zip code area in which the home or facility is located, pursuant to § 9.1-914;

14. Shall require that each nursing home and certified nursing facility ascertain, prior to admission, whether a potential patient is a registered sex offender, if the home or facility anticipates the potential patient will have a length of stay greater than three days or in fact stays longer than three days;

15. Shall require that each licensed hospital include in its visitation policy a provision allowing each adult patient to receive visits from any individual from whom the patient desires to receive visits, subject to other restrictions contained in the visitation policy including, but not limited to, those related to the patient's medical condition and the number of visitors permitted in the patient's room simultaneously;

16. Shall require that each nursing home and certified nursing facility shall, upon the request of the facility's family council, send notices and information about the family council mutually developed by the family council and the administration of the nursing home or certified nursing facility, and provided to the facility for such purpose, to the listed responsible party or a contact person of the resident's choice up to six times per year. Such notices may be included together with a monthly billing statement or other regular communication. Notices and information shall also be posted in a designated location within the nursing home or certified nursing facility. No family member of a resident or other resident representative shall be restricted from participating in meetings in the facility with the families or resident representatives of other residents in the facility;

17. Shall require that each nursing home and certified nursing facility maintain liability insurance coverage in a minimum amount of \$1 million, and professional liability coverage in an amount at least equal to the recovery limit set forth in § 8.01-581.15, to compensate patients or individuals for injuries and losses resulting from the negligent or criminal acts of the facility. Failure to maintain such minimum insurance shall result in revocation of the facility's license;

18. Shall require each hospital that provides obstetrical services to establish policies to follow when a stillbirth, as defined in § 32.1-69.1, occurs that meet the guidelines pertaining to counseling patients and their families and other aspects of managing stillbirths as may be specified by the Board in its regulations;

19. Shall require each nursing home to provide a full refund of any unexpended patient funds on deposit with the facility following the discharge or death of a patient, other than entrance-related fees paid to a continuing care provider as defined in § 38.2-4900, within 30 days of a written request for such funds by the discharged patient or, in the case of the death of a patient, the person administering the person's estate in accordance with the Virginia Small Estates Act (§ 64.2-600 et seq.); ~~and~~

20. Shall require that each hospital that provides inpatient psychiatric services establish a protocol that (i) requires, for any refusal to admit a medically stable patient referred to its psychiatric unit, direct verbal communication between the on-call physician in the psychiatric unit and the referring physician, if requested by such referring physician, and (ii) prohibits on-call physicians or other hospital staff from refusing a request for such direct verbal communication by a referring physician; *and*

*21. Shall require that each hospital establish a protocol requiring that, before a health care provider arranges for air medical transportation services for a patient who does not have an emergency medical condition as defined in 42 U.S.C. § 1395dd(e)(1), the hospital shall provide the patient or his authorized representative with written or electronic notice that the patient (i) may have a choice of transportation by an air medical transportation provider or medically appropriate ground transportation by an emergency medical services provider and (ii) will be responsible for charges incurred for such transportation in the event that the provider is not a contracted network provider of the patient's health insurance carrier or such charges are not otherwise covered in full or in part by the patient's health insurance plan.*

C. Upon obtaining the appropriate license, if applicable, licensed hospitals, nursing homes, and certified nursing facilities may operate adult day care centers.

D. All facilities licensed by the Board pursuant to this article which provide treatment or care for hemophiliacs and, in the course of such treatment, stock clotting factors, shall maintain records of all lot numbers or other unique identifiers for such clotting factors in order that, in the event the lot is found to be contaminated with an infectious agent, those hemophiliacs who have received units of this contaminated clotting factor may be apprised of this contamination. Facilities which have identified a lot which is known to be contaminated shall notify the recipient's attending physician and request that he notify the recipient of the contamination. If the physician is unavailable, the facility shall notify by mail, return receipt requested, each recipient who received treatment from a known contaminated lot at the individual's last known address.

**2. That the provisions of the first enactment of this act shall become effective on March 1, 2019.**

**3. That the Office of Emergency Medical Services shall, as soon as possible and no later than January 1, 2019, develop a mechanism by which to disclose to the patient, prior to services provided by an out of network air transport provider, a good faith estimate of the range of typical charges for out of network air transport services provided in that geographic area.**

**CHAPTER 683**

*An Act to amend and reenact §§ 24.2-946.1 and 24.2-947.5 of the Code of Virginia, relating to campaign finance reports; with whom former candidates file reports.*

[S 739]

Approved March 30, 2018

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 24.2-946.1 and 24.2-947.5 of the Code of Virginia are amended and reenacted as follows:**

**§ 24.2-946.1. Standards and requirements for electronic preparation and transmittal of campaign finance disclosure reports; database.**

A. The State Board shall review or cause to be developed and shall approve standards for the preparation, production, and transmittal by computer or electronic means of campaign finance reports required by this chapter. The State Board may prescribe the method of execution and certification of and the procedures for receiving electronically filed campaign finance reports required by this chapter in the office of the State Board or any local electoral board. The State Board may provide campaign finance report-creation software to filers without charge or at a reasonable cost.

B. The State Board shall accept any campaign finance report filed by candidates for the General Assembly and statewide office by computer or electronic means in accordance with the standards approved by the Board and using software meeting standards approved by it. This information shall be made available to the public promptly by the Board through the Internet.

C. ~~By July 1, 2007, the~~ The State Board of Elections shall develop and implement a centralized system to accept reports from any candidate for local or constitutional office. Such reports shall be filed in accordance with, and using software that meets, standards approved by the State Board. The State Board shall promptly notify the general registrar of the locality in which a candidate resides and make the information contained in the report available to the general registrar. *In the case of a former candidate who is no longer seeking election but has not yet filed a final report as required by § 24.2-948.4, the State Board shall promptly notify the general registrar of the locality in which he sought office and make the information contained in the report available to such general registrar.*

D. The State Board shall enter or cause to be entered into a campaign finance database, available to the public through the Internet, the information from required campaign finance reports filed by computer, electronic, or other means by candidates for the General Assembly and statewide office.

E. Other campaign finance reports required by this chapter to be filed by a committee with the State Board or a general registrar, or both, may be filed electronically on terms agreed to by the committee and the Board.

**§ 24.2-947.5. With whom candidates file reports.**

A. Candidates for statewide office shall file the reports required by this article by computer or electronic means in accordance with the standards approved by the State Board.

B. Candidates for the General Assembly may file reports required by this article with the State Board by computer or electronic means in accordance with the standards approved by the State Board. Nonelectronic reports for the General Assembly shall be filed with the State Board and with the general registrar of the locality where the candidate resides.

C. Except as provided in § 24.2-948.1, candidates for any other office who file reports in nonelectronic format shall file with the general registrar of the locality in which the candidate resides. ~~Beginning July 1, 2007, candidates~~ Candidates for local or constitutional office may file reports required by this article with the State Board by computer or other electronic means in accordance with standards approved by the State Board. Candidates who file by electronic means with the State Board do not have to file reports with the general registrar of the locality in which the candidate resides.

D. Notwithstanding the provisions of subsection C, a former candidate who is no longer seeking election but has not yet filed a final report as required by § 24.2-948.4 and who files reports in nonelectronic format shall file with the general registrar of the locality in which he sought office.

E. Any report that may be filed with the State Board by mail shall be (i) received by the State Board by the deadline for filing the report or (ii) transmitted to the State Board by telephonic transmission to a facsimile device by the deadline for filing the report with an original copy of the report mailed to the State Board and postmarked by the deadline for filing the report.

## CHAPTER 684

*An Act to amend and reenact § 1-510 of the Code of Virginia, relating to emblems of the Commonwealth; Freedom Flag.*

[S 754]

Approved March 30, 2018

### Be it enacted by the General Assembly of Virginia:

#### 1. That § 1-510 of the Code of Virginia is amended and reenacted as follows:

##### § 1-510. Official emblems and designations.

The following are hereby designated official emblems and designations of the Commonwealth:

Artisan Center — "Virginia Artisans Center," located in the City of Waynesboro.

Bat — Virginia Big-eared bat (*Corynorhinus townsendii virginianus*).

Beverage — Milk.

Bird — Northern Cardinal (*Cardinalis cardinalis*).

Blue Ridge Folklore State Center — Blue Ridge Institute located in the village of Ferrum.

Boat — "Chesapeake Bay Deadrise."

Cabin Capital of Virginia — Page County.

Coal Miners' Memorial — The Richlands Coal Miners' Memorial located in Tazewell County.

Covered Bridge Capital of the Commonwealth — Patrick County.

Covered Bridge Festival — Virginia Covered Bridge Festival held in Patrick County.

Dog — American Foxhound.

Fish (Freshwater) — Brook Trout.

Fish (Saltwater) — Striped Bass.

*Flag of Remembrance of September 11, 2001 — Freedom Flag, designed by a Virginian, as the flag of remembrance of September 11, 2001.*

Fleet — Replicas of the three ships, Susan Constant, Godspeed, and Discovery, which comprised the Commonwealth's founding fleet that brought the first permanent English settlers to Jamestown in 1607, and which are exhibited at the Jamestown Settlement in Williamsburg.

Flower — American Dogwood (*Cornus florida*).

Folk dance — Square dancing, the American folk dance that traces its ancestry to the English Country Dance and the French Ballroom Dance, and is called, cued, or prompted to the dancers, and includes squares, rounds, clogging, contra, line, the Virginia Reel, and heritage dances.

Fossil — *Chesapecten jeffersonius*.

Gold mining interpretive center — Monroe Park, located in the County of Fauquier.

Insect — Tiger Swallowtail Butterfly (*Papilio glaucus* Linne).

Maple Festival — The Highland County Maple Festival.

Motor sports museum — "Wood Brothers Racing Museum and Virginia Motor Sports Hall of Fame," located in Patrick County.

Outdoor drama — "The Trail of the Lonesome Pine Outdoor Drama," adapted for the stage by Clara Lou Kelly and performed in the Town of Big Stone Gap.

Outdoor drama, historical — "The Long Way Home" based on the life of Mary Draper Ingles, adapted for the stage by Earl Hobson Smith, and performed in the City of Radford.

Rock — Nelsonite.

Shakespeare festival — The Virginia Shakespeare Festival held in the City of Williamsburg.

Shell — Oyster shell (*Crassostrea virginica*).

Snake — Eastern Garter Snake (*Thamnophis sirtalis sirtalis*).

Song emeritus — "Carry Me Back to Old Virginy," by James A. Bland, as set out in the House Joint Resolution 10, adopted by the General Assembly of Virginia at the Session of 1940.

Song (Popular) — "Sweet Virginia Breeze," by Robbin Thompson and Steve Bassett.

Song (Traditional) — "Our Great Virginia," lyrics by Mike Greenly and arranged by Jim Papoulis with music from the original American folk song "Oh Shenandoah."

Spirit — George Washington's rye whiskey produced at Mount Vernon, Virginia.

Sports hall of fame — "Virginia Sports Hall of Fame," located in the City of Portsmouth.

Television series — "Song of the Mountains."

Tree — American Dogwood (*Cornus florida*).  
 War memorial museum — "Virginia War Museum," (formerly known as the War Memorial Museum of Virginia), located in the City of Newport News.

**CHAPTER 685**

*An Act to amend and reenact § 3.2-3803 of the Code of Virginia, relating to renewal of nursery stock licenses; late fee.*

[S 854]

Approved March 30, 2018

**Be it enacted by the General Assembly of Virginia:**

**1. That § 3.2-3803 of the Code of Virginia is amended and reenacted as follows:**

**§ 3.2-3803. Licenses required of nurserymen or dealers; inspection fees.**

A. It is unlawful for any nurseryman or dealer to offer for sale, sell, deliver, or give away nursery stock unless such person shall have first procured a license from the Commissioner.

B. The Commissioner shall not issue any license to a dealer except upon the payment of \$25 for each separate sales location. *Any dealer who fails to renew his license within the 30 days following the December 31 expiration date shall pay to the Commissioner a \$15 late fee in addition to the license fee.*

C. The Commissioner shall not issue any license to a nurseryman except upon the payment of \$75 and receipt of an inspection certificate. At the issuance of the license, each nursery shall also pay an inspection fee of \$1.50 for each acre above 50 acres of nursery stock inspected by the Commissioner. *Any nurseryman who fails to renew his license within the 30 days following the December 31 expiration date shall pay to the Commissioner a \$50 late fee in addition to the license fee.*

D. All licenses shall expire on December 31. *Any nurseryman or dealer who fails to renew his license within the 30 days following the December 31 expiration date shall be considered unlicensed for the purposes of subsection B of § 3.2-3808.*

*E. Any nurseryman or dealer who pays to the Commissioner a late fee in accordance with the provisions of subsection B or C is not guilty of a Class 1 misdemeanor for failure to renew his license under subsection B of § 3.2-3810.*

**CHAPTER 686**

*An Act to require the State Board of Social Services to amend certain regulations related to staffing of assisted living facilities providing care for adults with serious cognitive impairments.*

[S 875]

Approved March 30, 2018

**Be it enacted by the General Assembly of Virginia:**

**1. § 1. That the State Board of Social Services shall amend regulations governing staffing of assisted living facilities that provide care for adults with serious cognitive impairments who cannot recognize danger or protect their own safety and welfare to allow an exception to the requirements that at least two direct care staff members who are awake, on duty, and responsible for the care and supervision of residents be in each building at all times when residents are present for assisted living facilities that are licensed for 10 or fewer residents if no more than three of the residents have serious cognitive impairments.**

**2. That an emergency exists and this act is in force from its passage.**

**3. That the Board of Social Services shall promulgate regulations to implement the provisions of this act to be effective within 280 days of its enactment.**

**4. That the Commissioner of Social Services shall not enforce the provisions of 22VAC40-73-1020, as it shall become effective, in cases involving assisted living facilities that are licensed for 10 or fewer residents if no more than three of the residents have serious cognitive impairments.**

**CHAPTER 687**

*An Act to establish standards for the display of the Honor and Remember Flag at state buildings and facilities outside of Capitol Square.*

[S 924]

Approved March 30, 2018

Whereas, in 2010 the General Assembly designated the Honor and Remember Flag as the Commonwealth's emblem of the service and sacrifice of the brave men and women of the United States Armed Forces who had given their lives in the line of duty; and

Whereas, since that designation there have been instances where the appropriateness for the display of the Honor and Remember Flag was unclear; and

Whereas, there is a need to clarify when it is appropriate to display the Honor and Remember Flag in light of its symbolic importance; now, therefore,

**Be it enacted by the General Assembly of Virginia:**

1. § 1. That in the absence of a directive from the Governor or the Director of the Department of General Services, the head of the state agency that controls any facility or building outside of Capitol Square may determine when to display the Honor and Remember Flag, provided that the Honor and Remember Flag that is displayed is (i) smaller in height and width than the flag of the United States that is officially displayed at the building or facility and (ii) made in the United States.

**CHAPTER 688**

*An Act to amend and reenact § 16.1-267 of the Code of Virginia, relating to compensation of guardian ad litem appointed to represent a child; adjustment by the court.*

[H 278]

Approved March 30, 2018

**Be it enacted by the General Assembly of Virginia:**

1. That § 16.1-267 of the Code of Virginia is amended and reenacted as follows:

**§ 16.1-267. Compensation of appointed counsel.**

A. When the court appoints counsel to represent a child pursuant to subsection A of § 16.1-266 and, after an investigation by the court services unit, finds that the parents are financially able to pay for the attorney and refuse to do so, the court shall assess costs against the parents for such legal services in the maximum amount of that awarded the attorney by the court under the circumstances of the case, considering such factors as the ability of the parents to pay and the nature and extent of the counsel's duties in the case. Such amount shall not exceed the maximum amount specified in subdivision 1 of § 19.2-163 if the action is in district court.

When the court appoints counsel to represent a child pursuant to subsection B or C of § 16.1-266 and, after an investigation by the court services unit, finds that the parents are financially able to pay for the attorney in whole or in part and refuse to do so, the court shall assess costs in whole or in part against the parents for such legal services in the amount awarded the attorney by the court. Such amount shall not exceed \$100 if the action is in circuit court or the maximum amount specified in subdivision 1 of § 19.2-163 if the action is in district court. In determining the financial ability of the parents to pay for an attorney to represent the child, the court shall utilize the financial statement required by § 19.2-159.

In all other cases, except as provided in § 16.1-343, counsel appointed to represent a child shall be compensated for his services pursuant to § 19.2-163.

B. When the court appoints counsel to represent a parent, guardian or other adult pursuant to § 16.1-266, such counsel shall be compensated for his services pursuant to § 19.2-163.

C. 1. In any proceeding in which the court appoints a guardian ad litem to represent a child pursuant to § 16.1-266, the court shall order the parent, or other party with a legitimate interest who has filed a petition in such proceeding, to reimburse the Commonwealth the costs of such services in an amount not to exceed the amount awarded the guardian ad litem by the court. If the court determines that such party is unable to pay, the required reimbursement may be reduced or eliminated. No party whom the court determines to be indigent pursuant to § 19.2-159 shall be required to pay reimbursement except where the court finds good cause to do so. The Executive Secretary of the Supreme Court shall administer the guardian ad litem program and shall report August 1 and January 1 of each year to the Chairmen of the House Appropriations and Senate Finance Committees on the amounts paid for guardian ad litem purposes, amounts reimbursed, savings achieved, and management actions taken to further enhance savings under this program.

2. For good cause shown, or upon the failure by the guardian ad litem to substantially comply with the standards adopted for attorneys appointed as guardians ad litem pursuant to § 16.1-266.1, the court may adjust the cost sought by the guardian ad litem of such services.

3. For the purposes of this subsection, "other party with a legitimate interest" shall not include child welfare agencies or local departments of social services.

**CHAPTER 689**

*An Act to amend and reenact §§ 3.2-4112 through 3.2-4119 and 54.1-3401, as it is currently effective and as it shall become effective, of the Code of Virginia; to amend the Code of Virginia by adding sections numbered 3.2-4114.1 and 3.2-4114.2; and to repeal § 3.2-4120 of the Code of Virginia, relating to industrial hemp; research.*

[H 532]

Approved March 30, 2018

**Be it enacted by the General Assembly of Virginia:**

1. That §§ 3.2-4112 through 3.2-4119 and 54.1-3401, as it is currently effective and as it shall become effective, of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding sections numbered 3.2-4114.1 and 3.2-4114.2 as follows:

**§ 3.2-4112. Definitions.**

As used in this chapter, *unless the context requires a different meaning:*

"Grow" means to plant, cultivate, or harvest a plant or crop.

"Grower" means any person ~~licensed~~ registered pursuant to subsection A of § 3.2-4115 to grow industrial hemp as part of the industrial hemp research program.

"Hemp products product" means all products a product made from industrial hemp; including cloth, cordage, fiber, food, fuel, paint, paper, particleboard, plastics, seed, seed meal and seed oil for consumption, and seed for cultivation.

"Higher education industrial hemp research program" means a research program established pursuant to subsection A of § 3.2-4114.1.

"Industrial hemp" means all parts and varieties of the plant *Cannabis sativa*, cultivated or possessed by a licensed grower, whether growing or not, that contain a concentration of ~~THC~~ tetrahydrocannabinol that is no greater than that allowed by federal law. Industrial hemp as defined and applied in this chapter is excluded from the definition of marijuana as found in § 54.1-3401.

"Industrial hemp research program" means the research program established pursuant to § 3.2-4120.

"Seed research" means research conducted to develop or re-create better varieties of industrial hemp, particularly for the purposes of seed production.

"Tetrahydrocannabinol" or "THC" means the natural or synthetic equivalents of the substances contained in the plant, or in the resinous extractives, of the genus *Cannabis*, or any synthetic substances, compounds, salts, or derivatives of the plant or chemicals and their isomers with similar chemical structure and pharmacological activity.

"Process" means to convert industrial hemp into a marketable form.

"Processor" means a person registered pursuant to subsection A of § 3.2-4115 to process industrial hemp.

"Process site" means the location at which a processor processes or intends to process industrial hemp.

"Production field" means the land or area on which a grower is growing or intends to grow industrial hemp.

"Virginia industrial hemp research program" means the research program established pursuant to subsection B of § 3.2-4114.1.

**§ 3.2-4113. Production of industrial hemp lawful.**

A. It is lawful for a person licensed pursuant to § 3.2-4115 or 3.2-4117 to cultivate, produce, or otherwise grow grower or his agent to grow or a processor or his agent to process industrial hemp in the Commonwealth for any lawful purpose, including the manufacture of industrial a hemp products product or scientific, agricultural, or other research related to other lawful applications for industrial hemp. No person licensed pursuant to § 3.2-4115 or 3.2-4117 grower or his agent or processor or his agent shall be prosecuted under § 18.2-247, 18.2-248, 18.2-248.01, 18.2-248.1, 18.2-250, or 18.2-250.1 for the possession, cultivation, or manufacture growing, or processing of industrial hemp plant material and seeds or industrial hemp products. In any complaint, information, or indictment, and in any action or proceeding brought for the enforcement of any provision of Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2 or the Drug Control Act (§ 54.1-3400 et seq.), it shall not be necessary to negate any exception, excuse, proviso, or exemption contained in this chapter or the Drug Control Act, and the burden of proof of any such exception, excuse, proviso, or exemption shall be on the defendant.

B. Nothing in this chapter shall be construed to authorize any person to violate any federal law or regulation. If any part of this chapter conflicts with a provision of federal law relating to industrial hemp that has been adopted in Virginia under this chapter, the federal provision shall control to the extent of the conflict.

C. No person shall be prosecuted under § 18.2-247, 18.2-248, 18.2-248.01, 18.2-248.1, 18.2-250, or 18.2-250.1 for the involuntary growth of industrial hemp through the inadvertent natural spread of seeds or pollen as a result of proximity to a licensed grower or a grower licensed pursuant to § 3.2-4117 production field or process site.

**§ 3.2-4114. Regulations.**

The Board may adopt regulations pursuant to this chapter as necessary to ~~(i) license~~ register persons to grow or process industrial hemp or ~~(ii) administer the industrial hemp research program~~ implement the provisions of this chapter.

**§ 3.2-4114.1. Higher education industrial hemp research programs; Virginia industrial hemp research program.**

A. To the extent that adequate funds are available, the Commissioner may undertake research of industrial hemp growth, processing, or marketing through the establishment and oversight of higher education industrial hemp research programs, which shall be directly managed by institutions of higher education in the Commonwealth. Any institution of higher education directly managing a higher education industrial hemp research program shall, by October 1 of each year, submit a report to the Commissioner regarding the institution's growing or processing activities for the previous year.

B. To the extent that adequate funds are available, the Commissioner may undertake research of industrial hemp growth, processing, or marketing through the establishment and management of the Virginia industrial hemp research program.

C. Each participant in a research program established pursuant to this section shall be registered pursuant to subsection A of § 3.2-4115 prior to growing or processing any industrial hemp.

D. The research activities undertaken pursuant to this section shall not:

1. Subject any industrial hemp research program established pursuant to this section to any criminal liability under the controlled substances laws of the Commonwealth. This exemption from criminal liability is a limited exemption that shall be strictly construed and that shall not apply to any activities of such an industrial hemp research program that are not authorized; or

2. *Alter, amend, or repeal by implication any provision of this Code relating to controlled substances.*

**§ 3.2-4114.2. Authority of Commissioner; notice to law enforcement; report.**

A. *The Commissioner may charge a nonrefundable fee not to exceed \$50 for (i) any application for registration or renewal of registration allowed under this chapter and (ii) tetrahydrocannabinol testing allowed under this chapter. All fees collected by the Commissioner shall be deposited in the state treasury.*

B. *The Commissioner may establish a minimum size for a production field that shall qualify a person for a Virginia industrial hemp research program grower registration.*

C. *The Commissioner shall notify the Superintendent of State Police of the locations of all industrial hemp production fields and process sites.*

D. *The Commissioner shall forward a copy or appropriate electronic record of each registration issued by the Commissioner under this chapter to the chief law-enforcement officer of the county or city where industrial hemp will be grown or processed.*

E. *The Commissioner shall be responsible for monitoring the industrial hemp grown or processed by a person registered pursuant to subsection A of § 3.2-4115 and shall provide for random testing of the industrial hemp, at the cost of the grower or processor, for compliance with tetrahydrocannabinol limits and for other appropriate purposes established pursuant to § 3.2-4114. In addition to any routine inspection and sampling, the Commissioner may inspect and sample the industrial hemp at any production field or process site during normal business hours without advance notice if he has reason to believe a violation of this chapter is occurring or has occurred.*

F. *The Commissioner may require a grower or processor to destroy, at the cost of the grower or processor and in a manner approved of and verified by the Commissioner, any Cannabis sativa that the grower grows or the processor processes that has been tested and is found to have a concentration of tetrahydrocannabinol that is greater than that allowed by federal law.*

G. *The Commissioner may advise the Superintendent of State Police or the chief law-enforcement officer of the appropriate county or city when a grower grows or a processor processes any Cannabis sativa with a concentration of tetrahydrocannabinol that is greater than that allowed by federal law.*

H. *The Commissioner may pursue any permits or waivers from the U.S. Drug Enforcement Administration or appropriate federal agency that he determines to be necessary for the advancement of a higher education industrial hemp research program or the Virginia industrial hemp research program.*

I. *The Commissioner may cooperatively seek funds from public and private sources to implement a higher education industrial hemp research program or the Virginia industrial hemp research program.*

J. *By December 1 of each year, the Commissioner shall report on the status and progress of any higher education industrial hemp research program and the Virginia industrial hemp research program to the Governor and to the General Assembly and shall submit such report for publication as a report document as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports.*

**§ 3.2-4115. Issuance of registrations.**

A. *The Commissioner shall establish a registration program of licensure to allow a person to grow or process industrial hemp in the Commonwealth in a controlled fashion solely and exclusively as part of the a higher education industrial hemp research program or the Virginia industrial hemp research program. This form of licensure shall only be allowed subject to a grant of necessary permissions, waivers, or other form of valid legal status by the U.S. Drug Enforcement Administration or other appropriate federal agency pursuant to applicable federal laws relating to industrial hemp.*

B. *Any person seeking to grow or process industrial hemp as part of the a higher education industrial hemp research program or the Virginia industrial hemp research program shall apply to the Commissioner for a licensure registration on a form provided by the Commissioner. At a minimum, the application shall include:*

1. *The name and mailing address of the applicant;*

2. *The legal description and geographic data sufficient for locating the production fields to be used (i) the land on which the applicant intends to grow industrial hemp. A licensure or (ii) the site at which the applicant intends to process industrial hemp. A registration shall authorize industrial hemp propagation growth or processing only on the land areas at the location specified in the licensure registration;*

3. *A signed statement indicating whether the applicant has ever been convicted of a felony. A person with a prior felony drug conviction within 10 years of applying for a licensure registration under this section shall not be eligible for the licensure to be registered;*

4. *Written consent allowing the sheriff's office, police department, or Department of State Police, if a licensure registration is ultimately issued to the applicant, to enter the premises on which the industrial hemp is grown or processed to conduct physical inspections of the industrial hemp planted and grown by the applicant and to ensure compliance with the requirements of this chapter. No more than two physical inspections shall be conducted under this subdivision per year, unless a valid search warrant for an inspection has been issued by a court of competent jurisdiction. All testing for THC levels shall be performed as provided in subsection K;*

5. *Documentation If the applicant intends to participate in a higher education industrial hemp research program, documentation of an agreement between a public an institution of higher education and the applicant that states that the applicant, if licensed registered pursuant to this section subsection A, will be a participant in the higher education industrial hemp research program managed by that public institution of higher education;*

6. *Written consent allowing the Commissioner or his designee to enter the premises on which the industrial hemp is grown or processed to conduct inspections and sampling of the industrial hemp to ensure compliance with the requirements of this chapter;*

7. *If the applicant intends to participate in the Virginia industrial hemp research program, a statement of the approximate square footage or acreage of the location he intends to use as a production field or process site and a description of the research he plans to conduct to advance the industrial hemp industry;*

8. Any other information required by the Commissioner; and

9. The payment of a nonrefundable application fee, in an amount set by the Commissioner *not to exceed \$50.*

C. ~~The Commissioner shall require a state and national fingerprint-based criminal history background check by the Department of State Police on any person applying for licensure. The Department of State Police may charge a fee, as established by the Department of State Police, to be paid by the applicant for the actual cost of processing the background check. A copy of the results of the background check shall be sent to the Commissioner.~~

D. All license applications shall be processed as follows:

1. Upon receipt of a license application, the Commissioner shall forward a copy of the application to the Department of State Police, which shall initiate its review thereof;

2. The Department of State Police shall, within 60 days, perform the required state and national criminal history background check of the applicant; approve the application, if it is determined that the requirements relating to prior criminal convictions have been met; and return all applications to the Commissioner together with its findings and a copy of the state and national criminal history background check; and

3. The Commissioner shall review all license applications returned from the Department of State Police. If the Commissioner determines that all requirements have been met and that a license should be granted to the applicant, taking into consideration any prior convictions of the applicant, the Commissioner shall approve the application for issuance of a license.

E. ~~The Commissioner may approve licenses for only those selected growers whose demonstration plots will, in the discretion of the Commissioner, advance the goals of the industrial hemp research program to the furthest extent possible based on location, soil type, growing conditions, varieties of industrial hemp and their suitability for particular hemp products, and other relevant factors. The location and acreage of each demonstration plot to be grown by a license holder, as well as the total number of plots to be grown by a license holder, shall be determined at the discretion of the Commissioner.~~

F. ~~An industrial hemp research program grower license shall not be subject to a minimum acreage.~~

G. ~~Each license registration issued pursuant to this section shall be valid for a period of one year from the date of issuance and may be renewed in successive years. Each annual renewal shall require the payment of a license registration renewal fee, in an amount set by the Commissioner not to exceed \$50.~~

H. ~~The Commissioner shall establish the fee amounts required for license applications and license renewals allowed under this section. All application and license renewal fees collected by the Commissioner shall be deposited in the State Treasury.~~

I. ~~A copy or appropriate electronic record of each license issued by the Commissioner under this section shall be forwarded immediately to the chief law-enforcement officer of each county or city where the industrial hemp is licensed to be planted, grown, and harvested.~~

J. ~~D. All records, data, and information filed in support of a license registration application submitted pursuant to this section shall be considered proprietary and excluded from the provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.).~~

K. ~~The Commissioner shall be responsible for monitoring the industrial hemp grown by any license holder and shall provide for random testing of the industrial hemp for compliance with THC levels and for other appropriate purposes established pursuant to § 3.2-4114 at the cost of the license holder.~~

#### **§ 3.2-4116. Registration conditions.**

A. A person shall obtain an industrial hemp grower license a registration pursuant to subsection A of § 3.2-4115 prior to planting or growing or processing any industrial hemp in the Commonwealth.

B. A person granted an industrial hemp grower license issued a registration pursuant to subsection A of § 3.2-4115 shall:

1. Maintain records that reflect compliance with this chapter and with all other state laws regulating the planting and cultivation growing or processing of industrial hemp;

2. Retain all industrial hemp production growing or processing records for at least three years;

3. Allow industrial hemp crops, throughout sowing, growing, and harvesting, his production field or process site to be inspected by and at the discretion of the Commissioner or his designee, the Department of State Police, or the chief law-enforcement officer of the locality in which the production field or process site exists; and

4. Allow the Commissioner or his designee to monitor and test the grower's or processor's industrial hemp for compliance with tetrahydrocannabinol levels and for other appropriate purposes established pursuant to § 3.2-4114, at the cost of the grower or processor;

5. If the person is a participant in a higher education industrial hemp research program, maintain Maintain a current written agreement with a public an institution of higher education that states that the grower or processor is a participant in the higher education industrial hemp research program managed by that public institution of higher education;

6. If required by the Commissioner, destroy, at the cost of the grower or processor and in a manner approved of and verified by the Commissioner, any *Cannabis sativa* that the grower grows or the processor processes that has been tested and is found to have a concentration of tetrahydrocannabinol that is greater than that allowed by federal law; and

7. If the person is a participant in the Virginia industrial hemp research program, by October 1 of each year, submit a report to the Commissioner regarding his growing or processing activities for the previous year.

**§ 3.2-4117. Additional industrial hemp registration.**

~~A. The~~ If applicable federal laws allow the growth or processing of industrial hemp for commercial purposes in the United States, the Board may adopt regulations as necessary to ~~license~~ register persons to grow or process industrial hemp in the Commonwealth for any lawful purpose.

~~B. Notwithstanding the provisions of §§ 3.2-4115 and 3.2-4116, and the Commissioner shall~~ may establish a registration program of ~~licensure and renewal~~, including the establishment of any fees not to exceed ~~\$250~~ \$50, to allow a person to grow or process industrial hemp in the Commonwealth for any lawful purpose. ~~Valid applications shall be granted licensure within 90 days of receipt of the application. The Commissioner shall accept license applications throughout the year. Licenses shall be valid for four years from the date of the issuance of the license.~~

**§ 3.2-4118. Forfeiture of industrial hemp grower or processor registration.**

A. The Commissioner shall deny the application, or suspend or revoke the ~~license~~ registration, of any ~~industrial hemp grower if the grower~~ person who violates any provision of this chapter. The Commissioner shall provide reasonable notice of an informal fact-finding conference pursuant to § 2.2-4019 to any ~~industrial hemp grower~~ person in connection with the denial, suspension, or revocation of the ~~grower's license~~ a registration.

B. If a ~~license~~ registration is revoked as the result of an informal hearing, the decision may be appealed, and upon appeal an administrative hearing shall be conducted in accordance with the Administrative Process Act (§ 2.2-4000 et seq.). The grower or processor may appeal a final order to the circuit court in accordance with the Administrative Process Act.

C. The Commissioner may revoke any ~~license~~ registration of any ~~person~~ grower or processor who has pled guilty to, or been convicted of, a felony.

**§ 3.2-4119. Eligibility to receive tobacco settlement funds.**

Industrial hemp growers ~~licensed~~ or processors registered under this chapter may be eligible to receive funds from the Tobacco Indemnification and Community Revitalization Fund established pursuant to § 3.2-3106.

**§ 54.1-3401. (Effective until July 1, 2020) Definitions.**

As used in this chapter, unless the context requires a different meaning:

"Administer" means the direct application of a controlled substance, whether by injection, inhalation, ingestion, or any other means, to the body of a patient or research subject by (i) a practitioner or by his authorized agent and under his direction or (ii) the patient or research subject at the direction and in the presence of the practitioner.

"Advertisement" means all representations disseminated in any manner or by any means, other than by labeling, for the purpose of inducing, or which are likely to induce, directly or indirectly, the purchase of drugs or devices.

"Agent" means an authorized person who acts on behalf of or at the direction of a manufacturer, distributor, or dispenser. It does not include a common or contract carrier, public warehouseman, or employee of the carrier or warehouseman.

"Anabolic steroid" means any drug or hormonal substance, chemically and pharmacologically related to testosterone, other than estrogens, progestins, corticosteroids, and dehydroepiandrosterone.

"Animal" means any nonhuman animate being endowed with the power of voluntary action.

"Automated drug dispensing system" means a mechanical or electronic system that performs operations or activities, other than compounding or administration, relating to pharmacy services, including the storage, dispensing, or distribution of drugs and the collection, control, and maintenance of all transaction information, to provide security and accountability for such drugs.

"Biological product" means a virus, therapeutic serum, toxin, antitoxin, vaccine, blood, blood component or derivative, allergenic product, protein other than a chemically synthesized polypeptide, or analogous product, or arsphenamine or any derivative of arsphenamine or any other trivalent organic arsenic compound, applicable to the prevention, treatment, or cure of a disease or condition of human beings.

"Biosimilar" means a biological product that is highly similar to a specific reference biological product, notwithstanding minor differences in clinically inactive compounds, such that there are no clinically meaningful differences between the reference biological product and the biological product that has been licensed as a biosimilar pursuant to 42 U.S.C. § 262(k) in terms of safety, purity, and potency of the product.

"Board" means the Board of Pharmacy.

"Bulk drug substance" means any substance that is represented for use, and that, when used in the compounding, manufacturing, processing, or packaging of a drug, becomes an active ingredient or a finished dosage form of the drug; however, "bulk drug substance" shall not include intermediates that are used in the synthesis of such substances.

"Change of ownership" of an existing entity permitted, registered, or licensed by the Board means (i) the sale or transfer of all or substantially all of the assets of the entity or of any corporation that owns or controls the entity; (ii) the creation of a partnership by a sole proprietor, the dissolution of a partnership, or change in partnership composition; (iii) the acquisition or disposal of 50 percent or more of the outstanding shares of voting stock of a corporation owning the entity or of the parent corporation of a wholly owned subsidiary owning the entity, except that this shall not apply to any corporation

the voting stock of which is actively traded on any securities exchange or in any over-the-counter market; (iv) the merger of a corporation owning the entity or of the parent corporation of a wholly-owned subsidiary owning the entity with another business or corporation; or (v) the expiration or forfeiture of a corporation's charter.

"Co-licensed partner" means a person who, with at least one other person, has the right to engage in the manufacturing or marketing of a prescription drug, consistent with state and federal law.

"Compounding" means the combining of two or more ingredients to fabricate such ingredients into a single preparation and includes the mixing, assembling, packaging, or labeling of a drug or device (i) by a pharmacist, or within a permitted pharmacy, pursuant to a valid prescription issued for a medicinal or therapeutic purpose in the context of a bona fide practitioner-patient-pharmacist relationship, or in expectation of receiving a valid prescription based on observed historical patterns of prescribing and dispensing; (ii) by a practitioner of medicine, osteopathy, podiatry, dentistry, or veterinary medicine as an incident to his administering or dispensing, if authorized to dispense, a controlled substance in the course of his professional practice; or (iii) for the purpose of, or as incident to, research, teaching, or chemical analysis and not for sale or for dispensing. The mixing, diluting, or reconstituting of a manufacturer's product drugs for the purpose of administration to a patient, when performed by a practitioner of medicine or osteopathy licensed under Chapter 29 (§ 54.1-2900 et seq.), a person supervised by such practitioner pursuant to subdivision A 6 or 19 of § 54.1-2901, or a person supervised by such practitioner or a licensed nurse practitioner or physician assistant pursuant to subdivision A 4 of § 54.1-2901 shall not be considered compounding.

"Controlled substance" means a drug, substance, or immediate precursor in Schedules I through VI of this chapter. The term shall not include distilled spirits, wine, malt beverages, or tobacco as those terms are defined or used in Title 3.2 or Title 4.1. The term "controlled substance" includes a controlled substance analog that has been placed into Schedule I or II by the Board pursuant to the regulatory authority in subsection D of § 54.1-3443.

"Controlled substance analog" means a substance the chemical structure of which is substantially similar to the chemical structure of a controlled substance in Schedule I or II and either (i) which has a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance in Schedule I or II or (ii) with respect to a particular person, which such person represents or intends to have a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance in Schedule I or II. "Controlled substance analog" does not include (a) any substance for which there is an approved new drug application as defined under § 505 of the federal Food, Drug, and Cosmetic Act (21 U.S.C. § 355) or that is generally recognized as safe and effective pursuant to §§ 501, 502, and 503 of the federal Food, Drug, and Cosmetic Act (21 U.S.C. §§ 351, 352, and 353) and 21 C.F.R. Part 330; (b) with respect to a particular person, any substance for which an exemption is in effect for investigational use for that person under § 505 of the federal Food, Drug, and Cosmetic Act to the extent that the conduct with respect to that substance is pursuant to such exemption; or (c) any substance to the extent not intended for human consumption before such an exemption takes effect with respect to that substance.

"DEA" means the Drug Enforcement Administration, U.S. Department of Justice, or its successor agency.

"Deliver" or "delivery" means the actual, constructive, or attempted transfer of any item regulated by this chapter, whether or not there exists an agency relationship.

"Device" means instruments, apparatus, and contrivances, including their components, parts, and accessories, intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or animals or to affect the structure or any function of the body of man or animals.

"Dialysis care technician" or "dialysis patient care technician" means an individual who is certified by an organization approved by the Board of Health Professions pursuant to Chapter 27.01 (§ 54.1-2729.1 et seq.) and who, under the supervision of a licensed physician, nurse practitioner, physician assistant, or a registered nurse, assists in the care of patients undergoing renal dialysis treatments in a Medicare-certified renal dialysis facility.

"Dialysis solution" means either the commercially available, unopened, sterile solutions whose purpose is to be instilled into the peritoneal cavity during the medical procedure known as peritoneal dialysis, or commercially available solutions whose purpose is to be used in the performance of hemodialysis not to include any solutions administered to the patient intravenously.

"Dispense" means to deliver a drug to an ultimate user or research subject by or pursuant to the lawful order of a practitioner, including the prescribing and administering, packaging, labeling, or compounding necessary to prepare the substance for that delivery. However, dispensing shall not include the transportation of drugs mixed, diluted, or reconstituted in accordance with this chapter to other sites operated by such practitioner or that practitioner's medical practice for the purpose of administration of such drugs to patients of the practitioner or that practitioner's medical practice at such other sites. For practitioners of medicine or osteopathy, "dispense" shall only include the provision of drugs by a practitioner to patients to take with them away from the practitioner's place of practice.

"Dispenser" means a practitioner who dispenses.

"Distribute" means to deliver other than by administering or dispensing a controlled substance.

"Distributor" means a person who distributes.

"Drug" means (i) articles or substances recognized in the official United States Pharmacopoeia National Formulary or official Homeopathic Pharmacopoeia of the United States, or any supplement to any of them; (ii) articles or substances

intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or animals; (iii) articles or substances, other than food, intended to affect the structure or any function of the body of man or animals; (iv) articles or substances intended for use as a component of any article specified in clause (i), (ii), or (iii); or (v) a biological product. "Drug" does not include devices or their components, parts, or accessories.

"Drug product" means a specific drug in dosage form from a known source of manufacture, whether by brand or therapeutically equivalent drug product name.

"Electronic transmission prescription" means any prescription, other than an oral or written prescription or a prescription transmitted by facsimile machine, that is electronically transmitted directly to a pharmacy without interception or intervention from a third party from a practitioner authorized to prescribe or from one pharmacy to another pharmacy.

"Facsimile (FAX) prescription" means a written prescription or order that is transmitted by an electronic device over telephone lines that sends the exact image to the receiving pharmacy in hard copy form.

"FDA" means the U.S. Food and Drug Administration.

"Hashish oil" means any oily extract containing one or more cannabinoids, but shall not include any such extract with a tetrahydrocannabinol content of less than 12 percent by weight.

"Immediate precursor" means a substance which the Board of Pharmacy has found to be and by regulation designates as being the principal compound commonly used or produced primarily for use, and which is an immediate chemical intermediary used or likely to be used in the manufacture of a controlled substance, the control of which is necessary to prevent, curtail, or limit manufacture.

"Interchangeable" means a biosimilar that meets safety standards for determining interchangeability pursuant to 42 U.S.C. § 262(k)(4).

"Label" means a display of written, printed, or graphic matter upon the immediate container of any article. A requirement made by or under authority of this chapter that any word, statement, or other information appear on the label shall not be considered to be complied with unless such word, statement, or other information also appears on the outside container or wrapper, if any, of the retail package of such article or is easily legible through the outside container or wrapper.

"Labeling" means all labels and other written, printed, or graphic matter on an article or any of its containers or wrappers, or accompanying such article.

"Manufacture" means the production, preparation, propagation, conversion, or processing of any item regulated by this chapter, either directly or indirectly by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling or relabeling of its container. This term does not include compounding.

"Manufacturer" means every person who manufactures, a manufacturer's co-licensed partner, or a repackager.

"Marijuana" means any part of a plant of the genus *Cannabis* whether growing or not, its seeds, or its resin; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds, or its resin. Marijuana shall not include any oily extract containing one or more cannabinoids unless such extract contains less than 12 percent of tetrahydrocannabinol by weight, nor shall marijuana include the mature stalks of such plant, fiber produced from such stalk, or oil or cake made from the seeds of such plant, unless such stalks, fiber, oil, or cake is combined with other parts of plants of the genus *Cannabis*. Marijuana shall not include industrial hemp as defined in § 3.2-4112 that is possessed, cultivated, or manufactured by a grower licensed person registered pursuant to subsection A of § 3.2-4115 or his agent.

"Medical equipment supplier" means any person, as defined in § 1-230, engaged in the delivery to the ultimate consumer, pursuant to the lawful order of a practitioner, of hypodermic syringes and needles, medicinal oxygen, Schedule VI controlled devices, those Schedule VI controlled substances with no medicinal properties that are used for the operation and cleaning of medical equipment, solutions for peritoneal dialysis, and sterile water or saline for irrigation.

"Narcotic drug" means any of the following, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis: (i) opium, opiates, and any salt, compound, derivative, or preparation of opium or opiates; (ii) any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of the substances referred to in clause (i), but not including the isoquinoline alkaloids of opium; (iii) opium poppy and poppy straw; (iv) coca leaves and any salt, compound, derivative, or preparation of coca leaves, and any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of these substances, but not including decocainized coca leaves or extraction of coca leaves which do not contain cocaine or ecgonine.

"New drug" means (i) any drug, except a new animal drug or an animal feed bearing or containing a new animal drug, the composition of which is such that such drug is not generally recognized, among experts qualified by scientific training and experience to evaluate the safety and effectiveness of drugs, as safe and effective for use under the conditions prescribed, recommended, or suggested in the labeling, except that such a drug not so recognized shall not be deemed to be a "new drug" if at any time prior to the enactment of this chapter it was subject to the Food and Drugs Act of June 30, 1906, as amended, and if at such time its labeling contained the same representations concerning the conditions of its use, or (ii) any drug, except a new animal drug or an animal feed bearing or containing a new animal drug, the composition of which is such that such drug, as a result of investigations to determine its safety and effectiveness for use under such conditions, has become so recognized, but which has not, otherwise than in such investigations, been used to a material extent or for a material time under such conditions.

"Nuclear medicine technologist" means an individual who holds a current certification with the American Registry of Radiological Technologists or the Nuclear Medicine Technology Certification Board.

"Official compendium" means the official United States Pharmacopoeia National Formulary, official Homeopathic Pharmacopoeia of the United States, or any supplement to any of them.

"Official written order" means an order written on a form provided for that purpose by the U.S. Drug Enforcement Administration, under any laws of the United States making provision therefor, if such order forms are authorized and required by federal law, and if no such order form is provided then on an official form provided for that purpose by the Board of Pharmacy.

"Opiate" means any substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having such addiction-forming or addiction-sustaining liability. It does not include, unless specifically designated as controlled under Article 4 (§ 54.1-3437 et seq.), the dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts (dextromethorphan). It does include its racemic and levorotatory forms.

"Opium poppy" means the plant of the species *Papaver somniferum* L., except the seeds thereof.

"Original package" means the unbroken container or wrapping in which any drug or medicine is enclosed together with label and labeling, put up by or for the manufacturer, wholesaler, or distributor for use in the delivery or display of such article.

"Outsourcing facility" means a facility that is engaged in the compounding of sterile drugs and is currently registered as an outsourcing facility with the U.S. Secretary of Health and Human Services and that complies with all applicable requirements of federal and state law, including the Federal Food, Drug, and Cosmetic Act.

"Person" means both the plural and singular, as the case demands, and includes an individual, partnership, corporation, association, governmental agency, trust, or other institution or entity.

"Pharmacist-in-charge" means the person who, being licensed as a pharmacist, signs the application for a pharmacy permit and assumes full legal responsibility for the operation of the relevant pharmacy in a manner complying with the laws and regulations for the practice of pharmacy and the sale and dispensing of controlled substances; the "pharmacist-in-charge" shall personally supervise the pharmacy and the pharmacy's personnel as required by § 54.1-3432.

"Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing.

"Practitioner" means a physician, dentist, licensed nurse practitioner pursuant to § 54.1-2957.01, licensed physician assistant pursuant to § 54.1-2952.1, pharmacist pursuant to § 54.1-3300, TPA-certified optometrist pursuant to Article 5 (§ 54.1-3222 et seq.) of Chapter 32, veterinarian, scientific investigator, or other person licensed, registered, or otherwise permitted to distribute, dispense, prescribe and administer, or conduct research with respect to a controlled substance in the course of professional practice or research in the Commonwealth.

"Prescriber" means a practitioner who is authorized pursuant to §§ 54.1-3303 and 54.1-3408 to issue a prescription.

"Prescription" means an order for drugs or medical supplies, written or signed or transmitted by word of mouth, telephone, telegraph, or other means of communication to a pharmacist by a duly licensed physician, dentist, veterinarian, or other practitioner authorized by law to prescribe and administer such drugs or medical supplies.

"Prescription drug" means any drug required by federal law or regulation to be dispensed only pursuant to a prescription, including finished dosage forms and active ingredients subject to § 503(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. § 353(b)).

"Production" or "produce" includes the manufacture, planting, cultivation, growing, or harvesting of a controlled substance or marijuana.

"Proprietary medicine" means a completely compounded nonprescription drug in its unbroken, original package which does not contain any controlled substance or marijuana as defined in this chapter and is not in itself poisonous, and which is sold, offered, promoted, or advertised directly to the general public by or under the authority of the manufacturer or primary distributor, under a trademark, trade name, or other trade symbol privately owned, and the labeling of which conforms to the requirements of this chapter and applicable federal law. However, this definition shall not include a drug that is only advertised or promoted professionally to licensed practitioners, a narcotic or drug containing a narcotic, a drug that may be dispensed only upon prescription or the label of which bears substantially the statement "Warning — may be habit-forming," or a drug intended for injection.

"Radiopharmaceutical" means any drug that exhibits spontaneous disintegration of unstable nuclei with the emission of nuclear particles or photons and includes any non-radioactive reagent kit or radionuclide generator that is intended to be used in the preparation of any such substance, but does not include drugs such as carbon-containing compounds or potassium-containing salts that include trace quantities of naturally occurring radionuclides. The term also includes any biological product that is labeled with a radionuclide or intended solely to be labeled with a radionuclide.

"Reference biological product" means the single biological product licensed pursuant to 42 U.S.C. § 262(a) against which a biological product is evaluated in an application submitted to the U.S. Food and Drug Administration for licensure of biological products as biosimilar or interchangeable pursuant to 42 U.S.C. § 262(k).

"Sale" includes barter, exchange, or gift, or offer therefor, and each such transaction made by any person, whether as an individual, proprietor, agent, servant, or employee.

"Therapeutically equivalent drug products" means drug products that contain the same active ingredients and are identical in strength or concentration, dosage form, and route of administration and that are classified as being therapeutically equivalent by the U.S. Food and Drug Administration pursuant to the definition of "therapeutically

equivalent drug products" set forth in the most recent edition of the Approved Drug Products with Therapeutic Equivalence Evaluations, otherwise known as the "Orange Book."

"Third-party logistics provider" means a person that provides or coordinates warehousing of or other logistics services for a drug or device in interstate commerce on behalf of a manufacturer, wholesale distributor, or dispenser of the drug or device but does not take ownership of the product or have responsibility for directing the sale or disposition of the product.

"USP-NF" means the current edition of the United States Pharmacopeia-National Formulary.

"Warehouser" means any person, other than a wholesale distributor, manufacturer, or third-party logistics provider, engaged in the business of selling or otherwise distributing prescription drugs or devices to any person who is not the ultimate user or consumer. No person shall be subject to any state or local tax by reason of this definition.

"Wholesale distribution" means distribution of prescription drugs to persons other than consumers or patients, subject to the exemptions set forth in the federal Drug Supply Chain Security Act.

"Wholesale distributor" means any person other than a manufacturer, a manufacturer's co-licensed partner, a third-party logistics provider, or a repackager that engages in wholesale distribution.

The words "drugs" and "devices" as used in Chapter 33 (§ 54.1-3300 et seq.) and in this chapter shall not include surgical or dental instruments, physical therapy equipment, X-ray apparatus, or glasses or lenses for the eyes.

The terms "pharmacist," "pharmacy," and "practice of pharmacy" as used in this chapter shall be defined as provided in Chapter 33 (§ 54.1-3300 et seq.) unless the context requires a different meaning.

**§ 54.1-3401. (Effective July 1, 2020) Definitions.**

As used in this chapter, unless the context requires a different meaning:

"Administer" means the direct application of a controlled substance, whether by injection, inhalation, ingestion, or any other means, to the body of a patient or research subject by (i) a practitioner or by his authorized agent and under his direction or (ii) the patient or research subject at the direction and in the presence of the practitioner.

"Advertisement" means all representations disseminated in any manner or by any means, other than by labeling, for the purpose of inducing, or which are likely to induce, directly or indirectly, the purchase of drugs or devices.

"Agent" means an authorized person who acts on behalf of or at the direction of a manufacturer, distributor, or dispenser. It does not include a common or contract carrier, public warehouseman, or employee of the carrier or warehouseman.

"Anabolic steroid" means any drug or hormonal substance, chemically and pharmacologically related to testosterone, other than estrogens, progestins, corticosteroids, and dehydroepiandrosterone.

"Animal" means any nonhuman animate being endowed with the power of voluntary action.

"Automated drug dispensing system" means a mechanical or electronic system that performs operations or activities, other than compounding or administration, relating to pharmacy services, including the storage, dispensing, or distribution of drugs and the collection, control, and maintenance of all transaction information, to provide security and accountability for such drugs.

"Biological product" means a virus, therapeutic serum, toxin, antitoxin, vaccine, blood, blood component or derivative, allergenic product, protein other than a chemically synthesized polypeptide, or analogous product, or arsphenamine or any derivative of arsphenamine or any other trivalent organic arsenic compound, applicable to the prevention, treatment, or cure of a disease or condition of human beings.

"Biosimilar" means a biological product that is highly similar to a specific reference biological product, notwithstanding minor differences in clinically inactive compounds, such that there are no clinically meaningful differences between the reference biological product and the biological product that has been licensed as a biosimilar pursuant to 42 U.S.C. § 262(k) in terms of safety, purity, and potency of the product.

"Board" means the Board of Pharmacy.

"Bulk drug substance" means any substance that is represented for use, and that, when used in the compounding, manufacturing, processing, or packaging of a drug, becomes an active ingredient or a finished dosage form of the drug; however, "bulk drug substance" shall not include intermediates that are used in the synthesis of such substances.

"Change of ownership" of an existing entity permitted, registered, or licensed by the Board means (i) the sale or transfer of all or substantially all of the assets of the entity or of any corporation that owns or controls the entity; (ii) the creation of a partnership by a sole proprietor, the dissolution of a partnership, or change in partnership composition; (iii) the acquisition or disposal of 50 percent or more of the outstanding shares of voting stock of a corporation owning the entity or of the parent corporation of a wholly owned subsidiary owning the entity, except that this shall not apply to any corporation the voting stock of which is actively traded on any securities exchange or in any over-the-counter market; (iv) the merger of a corporation owning the entity or of the parent corporation of a wholly-owned subsidiary owning the entity with another business or corporation; or (v) the expiration or forfeiture of a corporation's charter.

"Co-licensed partner" means a person who, with at least one other person, has the right to engage in the manufacturing or marketing of a prescription drug, consistent with state and federal law.

"Compounding" means the combining of two or more ingredients to fabricate such ingredients into a single preparation and includes the mixing, assembling, packaging, or labeling of a drug or device (i) by a pharmacist, or within a permitted pharmacy, pursuant to a valid prescription issued for a medicinal or therapeutic purpose in the context of a bona fide practitioner-patient-pharmacist relationship, or in expectation of receiving a valid prescription based on observed historical patterns of prescribing and dispensing; (ii) by a practitioner of medicine, osteopathy, podiatry, dentistry, or veterinary

medicine as an incident to his administering or dispensing, if authorized to dispense, a controlled substance in the course of his professional practice; or (iii) for the purpose of, or as incident to, research, teaching, or chemical analysis and not for sale or for dispensing. The mixing, diluting, or reconstituting of a manufacturer's product drugs for the purpose of administration to a patient, when performed by a practitioner of medicine or osteopathy licensed under Chapter 29 (§ 54.1-2900 et seq.), a person supervised by such practitioner pursuant to subdivision A 6 or 19 of § 54.1-2901, or a person supervised by such practitioner or a licensed nurse practitioner or physician assistant pursuant to subdivision A 4 of § 54.1-2901 shall not be considered compounding.

"Controlled substance" means a drug, substance, or immediate precursor in Schedules I through VI of this chapter. The term shall not include distilled spirits, wine, malt beverages, or tobacco as those terms are defined or used in Title 3.2 or Title 4.1. The term "controlled substance" includes a controlled substance analog that has been placed into Schedule I or II by the Board pursuant to the regulatory authority in subsection D of § 54.1-3443.

"Controlled substance analog" means a substance the chemical structure of which is substantially similar to the chemical structure of a controlled substance in Schedule I or II and either (i) which has a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance in Schedule I or II or (ii) with respect to a particular person, which such person represents or intends to have a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance in Schedule I or II. "Controlled substance analog" does not include (a) any substance for which there is an approved new drug application as defined under § 505 of the federal Food, Drug, and Cosmetic Act (21 U.S.C. § 355) or that is generally recognized as safe and effective pursuant to §§ 501, 502, and 503 of the federal Food, Drug, and Cosmetic Act (21 U.S.C. §§ 351, 352, and 353) and 21 C.F.R. Part 330; (b) with respect to a particular person, any substance for which an exemption is in effect for investigational use for that person under § 505 of the federal Food, Drug, and Cosmetic Act to the extent that the conduct with respect to that substance is pursuant to such exemption; or (c) any substance to the extent not intended for human consumption before such an exemption takes effect with respect to that substance.

"DEA" means the Drug Enforcement Administration, U.S. Department of Justice, or its successor agency.

"Deliver" or "delivery" means the actual, constructive, or attempted transfer of any item regulated by this chapter, whether or not there exists an agency relationship.

"Device" means instruments, apparatus, and contrivances, including their components, parts, and accessories, intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or animals or to affect the structure or any function of the body of man or animals.

"Dialysis care technician" or "dialysis patient care technician" means an individual who is certified by an organization approved by the Board of Health Professions pursuant to Chapter 27.01 (§ 54.1-2729.1 et seq.) and who, under the supervision of a licensed physician, nurse practitioner, physician assistant, or a registered nurse, assists in the care of patients undergoing renal dialysis treatments in a Medicare-certified renal dialysis facility.

"Dialysis solution" means either the commercially available, unopened, sterile solutions whose purpose is to be instilled into the peritoneal cavity during the medical procedure known as peritoneal dialysis, or commercially available solutions whose purpose is to be used in the performance of hemodialysis not to include any solutions administered to the patient intravenously.

"Dispense" means to deliver a drug to an ultimate user or research subject by or pursuant to the lawful order of a practitioner, including the prescribing and administering, packaging, labeling, or compounding necessary to prepare the substance for that delivery. However, dispensing shall not include the transportation of drugs mixed, diluted, or reconstituted in accordance with this chapter to other sites operated by such practitioner or that practitioner's medical practice for the purpose of administration of such drugs to patients of the practitioner or that practitioner's medical practice at such other sites. For practitioners of medicine or osteopathy, "dispense" shall only include the provision of drugs by a practitioner to patients to take with them away from the practitioner's place of practice.

"Dispenser" means a practitioner who dispenses.

"Distribute" means to deliver other than by administering or dispensing a controlled substance.

"Distributor" means a person who distributes.

"Drug" means (i) articles or substances recognized in the official United States Pharmacopoeia National Formulary or official Homeopathic Pharmacopoeia of the United States, or any supplement to any of them; (ii) articles or substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or animals; (iii) articles or substances, other than food, intended to affect the structure or any function of the body of man or animals; (iv) articles or substances intended for use as a component of any article specified in clause (i), (ii), or (iii); or (v) a biological product. "Drug" does not include devices or their components, parts, or accessories.

"Drug product" means a specific drug in dosage form from a known source of manufacture, whether by brand or therapeutically equivalent drug product name.

"Electronic prescription" means a written prescription that is generated on an electronic application and is transmitted to a pharmacy as an electronic data file; Schedule II through V prescriptions shall be transmitted in accordance with 21 C.F.R. Part 1300.

"Facsimile (FAX) prescription" means a written prescription or order that is transmitted by an electronic device over telephone lines that sends the exact image to the receiving pharmacy in hard copy form.

"FDA" means the U.S. Food and Drug Administration.

"Hashish oil" means any oily extract containing one or more cannabinoids, but shall not include any such extract with a tetrahydrocannabinol content of less than 12 percent by weight.

"Immediate precursor" means a substance which the Board of Pharmacy has found to be and by regulation designates as being the principal compound commonly used or produced primarily for use, and which is an immediate chemical intermediary used or likely to be used in the manufacture of a controlled substance, the control of which is necessary to prevent, curtail, or limit manufacture.

"Interchangeable" means a biosimilar that meets safety standards for determining interchangeability pursuant to 42 U.S.C. § 262(k)(4).

"Label" means a display of written, printed, or graphic matter upon the immediate container of any article. A requirement made by or under authority of this chapter that any word, statement, or other information appear on the label shall not be considered to be complied with unless such word, statement, or other information also appears on the outside container or wrapper, if any, of the retail package of such article or is easily legible through the outside container or wrapper.

"Labeling" means all labels and other written, printed, or graphic matter on an article or any of its containers or wrappers, or accompanying such article.

"Manufacture" means the production, preparation, propagation, conversion, or processing of any item regulated by this chapter, either directly or indirectly by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling or relabeling of its container. This term does not include compounding.

"Manufacturer" means every person who manufactures, a manufacturer's co-licensed partner, or a repackager.

"Marijuana" means any part of a plant of the genus *Cannabis* whether growing or not, its seeds, or its resin; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds, or its resin. Marijuana shall not include any oily extract containing one or more cannabinoids unless such extract contains less than 12 percent of tetrahydrocannabinol by weight, nor shall marijuana include the mature stalks of such plant, fiber produced from such stalk, or oil or cake made from the seeds of such plant, unless such stalks, fiber, oil, or cake is combined with other parts of plants of the genus *Cannabis*. Marijuana shall not include industrial hemp as defined in § 3.2-4112 that is possessed, ~~cultivated, or manufactured~~ by a ~~grower~~ *licensed person registered pursuant to subsection A of § 3.2-4115 or his agent*.

"Medical equipment supplier" means any person, as defined in § 1-230, engaged in the delivery to the ultimate consumer, pursuant to the lawful order of a practitioner, of hypodermic syringes and needles, medicinal oxygen, Schedule VI controlled devices, those Schedule VI controlled substances with no medicinal properties that are used for the operation and cleaning of medical equipment, solutions for peritoneal dialysis, and sterile water or saline for irrigation.

"Narcotic drug" means any of the following, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis: (i) opium, opiates, and any salt, compound, derivative, or preparation of opium or opiates; (ii) any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of the substances referred to in clause (i), but not including the isoquinoline alkaloids of opium; (iii) opium poppy and poppy straw; (iv) coca leaves and any salt, compound, derivative, or preparation of coca leaves, and any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of these substances, but not including decocainized coca leaves or extraction of coca leaves which do not contain cocaine or ecgonine.

"New drug" means (i) any drug, except a new animal drug or an animal feed bearing or containing a new animal drug, the composition of which is such that such drug is not generally recognized, among experts qualified by scientific training and experience to evaluate the safety and effectiveness of drugs, as safe and effective for use under the conditions prescribed, recommended, or suggested in the labeling, except that such a drug not so recognized shall not be deemed to be a "new drug" if at any time prior to the enactment of this chapter it was subject to the Food and Drugs Act of June 30, 1906, as amended, and if at such time its labeling contained the same representations concerning the conditions of its use, or (ii) any drug, except a new animal drug or an animal feed bearing or containing a new animal drug, the composition of which is such that such drug, as a result of investigations to determine its safety and effectiveness for use under such conditions, has become so recognized, but which has not, otherwise than in such investigations, been used to a material extent or for a material time under such conditions.

"Nuclear medicine technologist" means an individual who holds a current certification with the American Registry of Radiological Technologists or the Nuclear Medicine Technology Certification Board.

"Official compendium" means the official United States Pharmacopoeia National Formulary, official Homeopathic Pharmacopoeia of the United States, or any supplement to any of them.

"Official written order" means an order written on a form provided for that purpose by the U.S. Drug Enforcement Administration, under any laws of the United States making provision therefor, if such order forms are authorized and required by federal law, and if no such order form is provided then on an official form provided for that purpose by the Board of Pharmacy.

"Opiate" means any substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having such addiction-forming or addiction-sustaining liability. It does not include,

unless specifically designated as controlled under Article 4 (§ 54.1-3437 et seq.), the dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts (dextromethorphan). It does include its racemic and levorotatory forms.

"Opium poppy" means the plant of the species *Papaver somniferum* L., except the seeds thereof.

"Original package" means the unbroken container or wrapping in which any drug or medicine is enclosed together with label and labeling, put up by or for the manufacturer, wholesaler, or distributor for use in the delivery or display of such article.

"Outsourcing facility" means a facility that is engaged in the compounding of sterile drugs and is currently registered as an outsourcing facility with the U.S. Secretary of Health and Human Services and that complies with all applicable requirements of federal and state law, including the Federal Food, Drug, and Cosmetic Act.

"Person" means both the plural and singular, as the case demands, and includes an individual, partnership, corporation, association, governmental agency, trust, or other institution or entity.

"Pharmacist-in-charge" means the person who, being licensed as a pharmacist, signs the application for a pharmacy permit and assumes full legal responsibility for the operation of the relevant pharmacy in a manner complying with the laws and regulations for the practice of pharmacy and the sale and dispensing of controlled substances; the "pharmacist-in-charge" shall personally supervise the pharmacy and the pharmacy's personnel as required by § 54.1-3432.

"Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing.

"Practitioner" means a physician, dentist, licensed nurse practitioner pursuant to § 54.1-2957.01, licensed physician assistant pursuant to § 54.1-2952.1, pharmacist pursuant to § 54.1-3300, TPA-certified optometrist pursuant to Article 5 (§ 54.1-3222 et seq.) of Chapter 32, veterinarian, scientific investigator, or other person licensed, registered, or otherwise permitted to distribute, dispense, prescribe and administer, or conduct research with respect to a controlled substance in the course of professional practice or research in the Commonwealth.

"Prescriber" means a practitioner who is authorized pursuant to §§ 54.1-3303 and 54.1-3408 to issue a prescription.

"Prescription" means an order for drugs or medical supplies, written or signed or transmitted by word of mouth, telephone, telegraph, or other means of communication to a pharmacist by a duly licensed physician, dentist, veterinarian, or other practitioner authorized by law to prescribe and administer such drugs or medical supplies.

"Prescription drug" means any drug required by federal law or regulation to be dispensed only pursuant to a prescription, including finished dosage forms and active ingredients subject to § 503(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. § 353(b)).

"Production" or "produce" includes the manufacture, planting, cultivation, growing, or harvesting of a controlled substance or marijuana.

"Proprietary medicine" means a completely compounded nonprescription drug in its unbroken, original package which does not contain any controlled substance or marijuana as defined in this chapter and is not in itself poisonous, and which is sold, offered, promoted, or advertised directly to the general public by or under the authority of the manufacturer or primary distributor, under a trademark, trade name, or other trade symbol privately owned, and the labeling of which conforms to the requirements of this chapter and applicable federal law. However, this definition shall not include a drug that is only advertised or promoted professionally to licensed practitioners, a narcotic or drug containing a narcotic, a drug that may be dispensed only upon prescription or the label of which bears substantially the statement "Warning — may be habit-forming," or a drug intended for injection.

"Radiopharmaceutical" means any drug that exhibits spontaneous disintegration of unstable nuclei with the emission of nuclear particles or photons and includes any non-radioactive reagent kit or radionuclide generator that is intended to be used in the preparation of any such substance, but does not include drugs such as carbon-containing compounds or potassium-containing salts that include trace quantities of naturally occurring radionuclides. The term also includes any biological product that is labeled with a radionuclide or intended solely to be labeled with a radionuclide.

"Reference biological product" means the single biological product licensed pursuant to 42 U.S.C. § 262(a) against which a biological product is evaluated in an application submitted to the U.S. Food and Drug Administration for licensure of biological products as biosimilar or interchangeable pursuant to 42 U.S.C. § 262(k).

"Sale" includes barter, exchange, or gift, or offer therefor, and each such transaction made by any person, whether as an individual, proprietor, agent, servant, or employee.

"Therapeutically equivalent drug products" means drug products that contain the same active ingredients and are identical in strength or concentration, dosage form, and route of administration and that are classified as being therapeutically equivalent by the U.S. Food and Drug Administration pursuant to the definition of "therapeutically equivalent drug products" set forth in the most recent edition of the Approved Drug Products with Therapeutic Equivalence Evaluations, otherwise known as the "Orange Book."

"Third-party logistics provider" means a person that provides or coordinates warehousing of or other logistics services for a drug or device in interstate commerce on behalf of a manufacturer, wholesale distributor, or dispenser of the drug or device but does not take ownership of the product or have responsibility for directing the sale or disposition of the product.

"USP-NF" means the current edition of the United States Pharmacopeia-National Formulary.

"Warehouser" means any person, other than a wholesale distributor, manufacturer, or third-party logistics provider, engaged in the business of selling or otherwise distributing prescription drugs or devices to any person who is not the ultimate user or consumer. No person shall be subject to any state or local tax by reason of this definition.

"Wholesale distribution" means distribution of prescription drugs to persons other than consumers or patients, subject to the exemptions set forth in the federal Drug Supply Chain Security Act.

"Wholesale distributor" means any person other than a manufacturer, a manufacturer's co-licensed partner, a third-party logistics provider, or a repackager that engages in wholesale distribution.

The words "drugs" and "devices" as used in Chapter 33 (§ 54.1-3300 et seq.) and in this chapter shall not include surgical or dental instruments, physical therapy equipment, X-ray apparatus, or glasses or lenses for the eyes.

The terms "pharmacist," "pharmacy," and "practice of pharmacy" as used in this chapter shall be defined as provided in Chapter 33 (§ 54.1-3300 et seq.) unless the context requires a different meaning.

**2. That § 3.2-4120 of the Code of Virginia is repealed.**

**CHAPTER 690**

*An Act to amend and reenact §§ 3.2-4112 through 3.2-4119 and 54.1-3401, as it is currently effective and as it shall become effective, of the Code of Virginia; to amend the Code of Virginia by adding sections numbered 3.2-4114.1 and 3.2-4114.2; and to repeal § 3.2-4120 of the Code of Virginia, relating to industrial hemp; research.*

[S 247]

Approved March 30, 2018

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 3.2-4112 through 3.2-4119 and 54.1-3401, as it is currently effective and as it shall become effective, of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding sections numbered 3.2-4114.1 and 3.2-4114.2 as follows:**

**§ 3.2-4112. Definitions.**

As used in this chapter, *unless the context requires a different meaning:*

"Grow" means to plant, cultivate, or harvest a plant or crop.

"Grower" means any person ~~licensed~~ *registered pursuant to subsection A of § 3.2-4115 to grow industrial hemp as part of the industrial hemp research program.*

"Hemp products product" means ~~all products~~ *a product made from industrial hemp, including cloth, cordage, fiber, food, fuel, paint, paper, particleboard, plastics, seed, seed meal and seed oil for consumption, and seed for cultivation.*

"Higher education industrial hemp research program" means *a research program established pursuant to subsection A of § 3.2-4114.1.*

"Industrial hemp" means all parts and varieties of the plant *Cannabis sativa*, ~~cultivated or possessed by a licensed grower~~, whether growing or not, that contain a concentration of ~~THC tetrahydrocannabinol~~ that is no greater than that allowed by federal law. ~~Industrial hemp as defined and applied in this chapter is excluded from the definition of marijuana as found in § 54.1-3401.~~

"Industrial hemp research program" means ~~the research program established pursuant to § 3.2-4120.~~

"Seed research" means ~~research conducted to develop or re-create better varieties of industrial hemp, particularly for the purposes of seed production.~~

"Tetrahydrocannabinol" or "THC" means ~~the natural or synthetic equivalents of the substances contained in the plant, or in the resinous extractives, of the genus Cannabis, or any synthetic substances, compounds, salts, or derivatives of the plant or chemicals and their isomers with similar chemical structure and pharmacological activity.~~

"Process" means *to convert industrial hemp into a marketable form.*

"Processor" means *a person registered pursuant to subsection A of § 3.2-4115 to process industrial hemp.*

"Process site" means *the location at which a processor processes or intends to process industrial hemp.*

"Production field" means *the land or area on which a grower is growing or intends to grow industrial hemp.*

"Virginia industrial hemp research program" means *the research program established pursuant to subsection B of § 3.2-4114.1.*

**§ 3.2-4113. Production of industrial hemp lawful.**

A. It is lawful for a ~~person licensed pursuant to § 3.2-4115 or 3.2-4117 to cultivate, produce, or otherwise grow~~ grower or his agent to grow or a processor or his agent to process industrial hemp in the Commonwealth for any lawful purpose, including the manufacture of ~~industrial a hemp products product~~ or scientific, agricultural, or other research related to other lawful applications for industrial hemp. No ~~person licensed pursuant to § 3.2-4115 or 3.2-4117 grower or his agent or processor or his agent~~ shall be prosecuted under § 18.2-247, 18.2-248, 18.2-248.01, 18.2-248.1, 18.2-250, or 18.2-250.1 for the possession, ~~cultivation, or manufacture~~ growing, or processing of industrial hemp ~~plant material and seeds or industrial hemp products~~. In any complaint, information, or indictment, and in any action or proceeding brought for the enforcement of any provision of Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2 or the Drug Control Act (§ 54.1-3400 et seq.), it shall not be necessary to negate any exception, excuse, proviso, or exemption contained in this chapter or the Drug Control Act, and the burden of proof of any such exception, excuse, proviso, or exemption shall be on the defendant.

B. Nothing in this chapter shall be construed to authorize any person to violate any federal law or regulation. If any part of this chapter conflicts with a provision of federal law relating to industrial hemp ~~that has been adopted in Virginia under this chapter~~, the federal provision shall control to the extent of the conflict.

C. No person shall be prosecuted under § 18.2-247, 18.2-248, 18.2-248.01, 18.2-248.1, 18.2-250, or 18.2-250.1 for the involuntary growth of industrial hemp through the inadvertent natural spread of seeds or pollen as a result of proximity to a licensed grower or a grower licensed pursuant to § 3.2-4117 production field or process site.

**§ 3.2-4114. Regulations.**

The Board may adopt regulations pursuant to this chapter as necessary to ~~(i) license~~ register persons to grow or process industrial hemp or ~~(ii) administer the industrial hemp research program~~ implement the provisions of this chapter.

**§ 3.2-4114.1. Higher education industrial hemp research programs; Virginia industrial hemp research program.**

A. To the extent that adequate funds are available, the Commissioner may undertake research of industrial hemp growth, processing, or marketing through the establishment and oversight of higher education industrial hemp research programs, which shall be directly managed by institutions of higher education in the Commonwealth. Any institution of higher education directly managing a higher education industrial hemp research program shall, by October 1 of each year, submit a report to the Commissioner regarding the institution's growing or processing activities for the previous year.

B. To the extent that adequate funds are available, the Commissioner may undertake research of industrial hemp growth, processing, or marketing through the establishment and management of the Virginia industrial hemp research program.

C. Each participant in a research program established pursuant to this section shall be registered pursuant to subsection A of § 3.2-4115 prior to growing or processing any industrial hemp.

D. The research activities undertaken pursuant to this section shall not:

1. Subject any industrial hemp research program established pursuant to this section to any criminal liability under the controlled substances laws of the Commonwealth. This exemption from criminal liability is a limited exemption that shall be strictly construed and that shall not apply to any activities of such an industrial hemp research program that are not authorized; or

2. Alter, amend, or repeal by implication any provision of this Code relating to controlled substances.

**§ 3.2-4114.2. Authority of Commissioner; notice to law enforcement; report.**

A. The Commissioner may charge a nonrefundable fee not to exceed \$50 for (i) any application for registration or renewal of registration allowed under this chapter and (ii) tetrahydrocannabinol testing allowed under this chapter. All fees collected by the Commissioner shall be deposited in the state treasury.

B. The Commissioner may establish a minimum size for a production field that shall qualify a person for a Virginia industrial hemp research program grower registration.

C. The Commissioner shall notify the Superintendent of State Police of the locations of all industrial hemp production fields and process sites.

D. The Commissioner shall forward a copy or appropriate electronic record of each registration issued by the Commissioner under this chapter to the chief law-enforcement officer of the county or city where industrial hemp will be grown or processed.

E. The Commissioner shall be responsible for monitoring the industrial hemp grown or processed by a person registered pursuant to subsection A of § 3.2-4115 and shall provide for random testing of the industrial hemp, at the cost of the grower or processor, for compliance with tetrahydrocannabinol limits and for other appropriate purposes established pursuant to § 3.2-4114. In addition to any routine inspection and sampling, the Commissioner may inspect and sample the industrial hemp at any production field or process site during normal business hours without advance notice if he has reason to believe a violation of this chapter is occurring or has occurred.

F. The Commissioner may require a grower or processor to destroy, at the cost of the grower or processor and in a manner approved of and verified by the Commissioner, any Cannabis sativa that the grower grows or the processor processes that has been tested and is found to have a concentration of tetrahydrocannabinol that is greater than that allowed by federal law.

G. The Commissioner may advise the Superintendent of State Police or the chief law-enforcement officer of the appropriate county or city when a grower grows or a processor processes any Cannabis sativa with a concentration of tetrahydrocannabinol that is greater than that allowed by federal law.

H. The Commissioner may pursue any permits or waivers from the U.S. Drug Enforcement Administration or appropriate federal agency that he determines to be necessary for the advancement of a higher education industrial hemp research program or the Virginia industrial hemp research program.

I. The Commissioner may cooperatively seek funds from public and private sources to implement a higher education industrial hemp research program or the Virginia industrial hemp research program.

J. By December 1 of each year, the Commissioner shall report on the status and progress of any higher education industrial hemp research program and the Virginia industrial hemp research program to the Governor and to the General Assembly and shall submit such report for publication as a report document as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports.

**§ 3.2-4115. Issuance of registrations.**

A. The Commissioner shall establish a registration program of licensure to allow a person to grow or process industrial hemp in the Commonwealth in a controlled fashion solely and exclusively as part of ~~the~~ a higher education industrial hemp research program or the Virginia industrial hemp research program. ~~This form of licensure shall only be allowed subject to~~

a grant of necessary permissions, waivers, or other form of valid legal status by the U.S. Drug Enforcement Administration or other appropriate federal agency pursuant to applicable federal laws relating to industrial hemp.

B. Any person seeking to grow or process industrial hemp as part of ~~the a higher education industrial hemp research program or the Virginia~~ industrial hemp research program shall apply to the Commissioner for a ~~license~~ registration on a form provided by the Commissioner. At a minimum, the application shall include:

1. The name and mailing address of the applicant;

2. The legal description and geographic data sufficient for locating ~~the production fields to be used~~ (i) ~~the land on which the applicant intends to grow industrial hemp. A license~~ or (ii) ~~the site at which the applicant intends to process industrial hemp. A registration shall authorize industrial hemp propagation growth or processing only on the land areas at the location specified in the license registration;~~

3. A signed statement indicating whether the applicant has ever been convicted of a felony. A person with a prior felony drug conviction within 10 years of applying for a ~~license~~ registration under this section shall not be eligible ~~for the license to be registered;~~

4. Written consent allowing the sheriff's office, police department, or Department of State Police, if a ~~license~~ registration is ultimately issued to the applicant, to enter the premises on which the industrial hemp is grown or processed to conduct physical inspections of ~~the industrial hemp planted and grown by the applicant~~ and to ensure compliance with the requirements of this chapter. No more than two physical inspections shall be conducted under this subdivision per year, unless a valid search warrant for an inspection has been issued by a court of competent jurisdiction. ~~All testing for THC levels shall be performed as provided in subsection K;~~

5. ~~Documentation~~ If the applicant intends to participate in a higher education industrial hemp research program, documentation of an agreement between ~~a public~~ an institution of higher education and the applicant that states that the applicant, if ~~licensed~~ registered pursuant to ~~this section~~ subsection A, will be a participant in the higher education industrial hemp research program managed by that ~~public~~ institution of higher education;

6. ~~Written consent allowing the Commissioner or his designee to enter the premises on which the industrial hemp is grown or processed to conduct inspections and sampling of the industrial hemp to ensure compliance with the requirements of this chapter;~~

7. ~~If the applicant intends to participate in the Virginia industrial hemp research program, a statement of the approximate square footage or acreage of the location he intends to use as a production field or process site and a description of the research he plans to conduct to advance the industrial hemp industry;~~

8. Any other information required by the Commissioner; and

9. The payment of a nonrefundable application fee, in an amount set by the Commissioner *not to exceed \$50*.

C. The Commissioner shall require a state and national fingerprint-based criminal history background check by the Department of State Police on any person applying for licensure. The Department of State Police may charge a fee, as established by the Department of State Police, to be paid by the applicant for the actual cost of processing the background check. A copy of the results of the background check shall be sent to the Commissioner.

~~D. All license applications shall be processed as follows:~~

1. Upon receipt of a license application, the Commissioner shall forward a copy of the application to the Department of State Police, which shall initiate its review thereof;

2. The Department of State Police shall, within 60 days, perform the required state and national criminal history background check of the applicant; approve the application, if it is determined that the requirements relating to prior criminal convictions have been met; and return all applications to the Commissioner together with its findings and a copy of the state and national criminal history background check; and

3. The Commissioner shall review all license applications returned from the Department of State Police. If the Commissioner determines that all requirements have been met and that a license should be granted to the applicant, taking into consideration any prior convictions of the applicant, the Commissioner shall approve the application for issuance of a license.

E. The Commissioner may approve licenses for only those selected growers whose demonstration plots will, in the discretion of the Commissioner, advance the goals of the industrial hemp research program to the furthest extent possible based on location, soil type, growing conditions, varieties of industrial hemp and their suitability for particular hemp products, and other relevant factors. The location and acreage of each demonstration plot to be grown by a license holder, as well as the total number of plots to be grown by a license holder, shall be determined at the discretion of the Commissioner.

F. An industrial hemp research program grower license shall not be subject to a minimum acreage.

G. Each ~~license~~ registration issued pursuant to this section shall be valid for a period of one year from the date of issuance and may be renewed in successive years. Each annual renewal shall require the payment of a ~~license~~ registration renewal fee, *in an amount set by the Commissioner not to exceed \$50*.

H. The Commissioner shall establish the fee amounts required for license applications and license renewals allowed under this section. All application and license renewal fees collected by the Commissioner shall be deposited in the State Treasury.

I. A copy or appropriate electronic record of each license issued by the Commissioner under this section shall be forwarded immediately to the chief law enforcement officer of each county or city where the industrial hemp is licensed to be planted, grown, and harvested.

J. D. All records, data, and information filed in support of a ~~license~~ *registration* application submitted pursuant to this section shall be considered proprietary and excluded from the provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.).

K. ~~The Commissioner shall be responsible for monitoring the industrial hemp grown by any license holder and shall provide for random testing of the industrial hemp for compliance with THC levels and for other appropriate purposes established pursuant to § 3.2-4114 at the cost of the license holder.~~

**§ 3.2-4116. Registration conditions.**

A. A person shall obtain ~~an industrial hemp grower license~~ a *registration* pursuant to subsection A of § 3.2-4115 prior to ~~planting or growing or processing~~ any industrial hemp in the Commonwealth.

B. A person ~~granted an industrial hemp grower license~~ issued a *registration* pursuant to subsection A of § 3.2-4115 shall:

1. Maintain records that reflect compliance with this chapter and with all other state laws regulating the ~~planting and cultivation~~ *growing or processing* of industrial hemp;

2. Retain all industrial hemp ~~production~~ *growing or processing* records for at least three years;

3. Allow ~~industrial hemp crops, throughout sowing, growing, and harvesting, his production field or process site~~ to be inspected by and at the discretion of the Commissioner or his designee, the Department of State Police, or the chief law-enforcement officer of the locality *in which the production field or process site exists*; ~~and~~

4. ~~Allow the Commissioner or his designee to monitor and test the grower's or processor's industrial hemp for compliance with tetrahydrocannabinol levels and for other appropriate purposes established pursuant to § 3.2-4114, at the cost of the grower or processor;~~

5. ~~If the person is a participant in a higher education industrial hemp research program, maintain~~ *Maintain* a current written agreement with a ~~public~~ *public* institution of higher education that states that the grower or processor is a participant in the *higher education* industrial hemp research program managed by that ~~public~~ *public* institution of higher education;

6. ~~If required by the Commissioner, destroy, at the cost of the grower or processor and in a manner approved of and verified by the Commissioner, any Cannabis sativa that the grower grows or the processor processes that has been tested and is found to have a concentration of tetrahydrocannabinol that is greater than that allowed by federal law; and~~

7. ~~If the person is a participant in the Virginia industrial hemp research program, by October 1 of each year, submit a report to the Commissioner regarding his growing or processing activities for the previous year.~~

**§ 3.2-4117. Additional industrial hemp registration.**

~~A. The~~ *If applicable federal laws allow the growth or processing of industrial hemp for commercial purposes in the United States, the Board may adopt regulations as necessary to* ~~license~~ *register* persons to grow or process industrial hemp in the Commonwealth for any ~~lawful~~ purpose.

~~B. Notwithstanding the provisions of §§ 3.2-4115 and 3.2-4116, and the Commissioner shall~~ *may* establish a *registration* program of ~~licensure and renewal~~, including the establishment of any fees not to exceed ~~\$250~~ *\$50*, to allow a person to grow or process industrial hemp in the Commonwealth for any ~~lawful~~ purpose. ~~Valid applications shall be granted licensure within 90 days of receipt of the application. The Commissioner shall accept license applications throughout the year. Licenses shall be valid for four years from the date of the issuance of the license.~~

**§ 3.2-4118. Forfeiture of industrial hemp grower or processor registration.**

A. The Commissioner shall deny the application, or suspend or revoke the ~~license registration~~, of any ~~industrial hemp grower~~ *industrial hemp grower* if the ~~grower~~ *grower* person who violates any provision of this chapter. The Commissioner shall provide reasonable notice of an informal fact-finding conference pursuant to § 2.2-4019 to any ~~industrial hemp grower person~~ *industrial hemp grower person* in connection with the denial, suspension, or revocation of the ~~grower's license a registration~~.

B. If a ~~license registration~~ is revoked as the result of an informal hearing, the decision may be appealed, and upon appeal an administrative hearing shall be conducted in accordance with the Administrative Process Act (§ 2.2-4000 et seq.). The grower or processor may appeal a final order to the circuit court in accordance with the Administrative Process Act.

C. The Commissioner may revoke any ~~license registration~~ of any ~~person grower or processor~~ *person grower or processor* who has pled guilty to, or been convicted of, a felony.

**§ 3.2-4119. Eligibility to receive tobacco settlement funds.**

Industrial hemp growers ~~licensed~~ *or processors registered* under this chapter may be eligible to receive funds from the Tobacco Indemnification and Community Revitalization Fund established pursuant to § 3.2-3106.

**§ 54.1-3401. (Effective until July 1, 2020) Definitions.**

As used in this chapter, unless the context requires a different meaning:

"Administer" means the direct application of a controlled substance, whether by injection, inhalation, ingestion, or any other means, to the body of a patient or research subject by (i) a practitioner or by his authorized agent and under his direction or (ii) the patient or research subject at the direction and in the presence of the practitioner.

"Advertisement" means all representations disseminated in any manner or by any means, other than by labeling, for the purpose of inducing, or which are likely to induce, directly or indirectly, the purchase of drugs or devices.

"Agent" means an authorized person who acts on behalf of or at the direction of a manufacturer, distributor, or dispenser. It does not include a common or contract carrier, public warehouseman, or employee of the carrier or warehouseman.

"Anabolic steroid" means any drug or hormonal substance, chemically and pharmacologically related to testosterone, other than estrogens, progestins, corticosteroids, and dehydroepiandrosterone.

"Animal" means any nonhuman animate being endowed with the power of voluntary action.

"Automated drug dispensing system" means a mechanical or electronic system that performs operations or activities, other than compounding or administration, relating to pharmacy services, including the storage, dispensing, or distribution of drugs and the collection, control, and maintenance of all transaction information, to provide security and accountability for such drugs.

"Biological product" means a virus, therapeutic serum, toxin, antitoxin, vaccine, blood, blood component or derivative, allergenic product, protein other than a chemically synthesized polypeptide, or analogous product, or arsphenamine or any derivative of arsphenamine or any other trivalent organic arsenic compound, applicable to the prevention, treatment, or cure of a disease or condition of human beings.

"Biosimilar" means a biological product that is highly similar to a specific reference biological product, notwithstanding minor differences in clinically inactive compounds, such that there are no clinically meaningful differences between the reference biological product and the biological product that has been licensed as a biosimilar pursuant to 42 U.S.C. § 262(k) in terms of safety, purity, and potency of the product.

"Board" means the Board of Pharmacy.

"Bulk drug substance" means any substance that is represented for use, and that, when used in the compounding, manufacturing, processing, or packaging of a drug, becomes an active ingredient or a finished dosage form of the drug; however, "bulk drug substance" shall not include intermediates that are used in the synthesis of such substances.

"Change of ownership" of an existing entity permitted, registered, or licensed by the Board means (i) the sale or transfer of all or substantially all of the assets of the entity or of any corporation that owns or controls the entity; (ii) the creation of a partnership by a sole proprietor, the dissolution of a partnership, or change in partnership composition; (iii) the acquisition or disposal of 50 percent or more of the outstanding shares of voting stock of a corporation owning the entity or of the parent corporation of a wholly owned subsidiary owning the entity, except that this shall not apply to any corporation the voting stock of which is actively traded on any securities exchange or in any over-the-counter market; (iv) the merger of a corporation owning the entity or of the parent corporation of a wholly-owned subsidiary owning the entity with another business or corporation; or (v) the expiration or forfeiture of a corporation's charter.

"Co-licensed partner" means a person who, with at least one other person, has the right to engage in the manufacturing or marketing of a prescription drug, consistent with state and federal law.

"Compounding" means the combining of two or more ingredients to fabricate such ingredients into a single preparation and includes the mixing, assembling, packaging, or labeling of a drug or device (i) by a pharmacist, or within a permitted pharmacy, pursuant to a valid prescription issued for a medicinal or therapeutic purpose in the context of a bona fide practitioner-patient-pharmacist relationship, or in expectation of receiving a valid prescription based on observed historical patterns of prescribing and dispensing; (ii) by a practitioner of medicine, osteopathy, podiatry, dentistry, or veterinary medicine as an incident to his administering or dispensing, if authorized to dispense, a controlled substance in the course of his professional practice; or (iii) for the purpose of, or as incident to, research, teaching, or chemical analysis and not for sale or for dispensing. The mixing, diluting, or reconstituting of a manufacturer's product drugs for the purpose of administration to a patient, when performed by a practitioner of medicine or osteopathy licensed under Chapter 29 (§ 54.1-2900 et seq.), a person supervised by such practitioner pursuant to subdivision A 6 or 19 of § 54.1-2901, or a person supervised by such practitioner or a licensed nurse practitioner or physician assistant pursuant to subdivision A 4 of § 54.1-2901 shall not be considered compounding.

"Controlled substance" means a drug, substance, or immediate precursor in Schedules I through VI of this chapter. The term shall not include distilled spirits, wine, malt beverages, or tobacco as those terms are defined or used in Title 3.2 or Title 4.1. The term "controlled substance" includes a controlled substance analog that has been placed into Schedule I or II by the Board pursuant to the regulatory authority in subsection D of § 54.1-3443.

"Controlled substance analog" means a substance the chemical structure of which is substantially similar to the chemical structure of a controlled substance in Schedule I or II and either (i) which has a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance in Schedule I or II or (ii) with respect to a particular person, which such person represents or intends to have a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance in Schedule I or II. "Controlled substance analog" does not include (a) any substance for which there is an approved new drug application as defined under § 505 of the federal Food, Drug, and Cosmetic Act (21 U.S.C. § 355) or that is generally recognized as safe and effective pursuant to §§ 501, 502, and 503 of the federal Food, Drug, and Cosmetic Act (21 U.S.C. §§ 351, 352, and 353) and 21 C.F.R. Part 330; (b) with respect to a particular person, any substance for which an exemption is in effect for investigational use for that person under § 505 of the federal Food, Drug, and Cosmetic Act to the extent that the conduct with respect to that substance is pursuant to such exemption; or (c) any substance to the extent not intended for human consumption before such an exemption takes effect with respect to that substance.

"DEA" means the Drug Enforcement Administration, U.S. Department of Justice, or its successor agency.

"Deliver" or "delivery" means the actual, constructive, or attempted transfer of any item regulated by this chapter, whether or not there exists an agency relationship.

"Device" means instruments, apparatus, and contrivances, including their components, parts, and accessories, intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or animals or to affect the structure or any function of the body of man or animals.

"Dialysis care technician" or "dialysis patient care technician" means an individual who is certified by an organization approved by the Board of Health Professions pursuant to Chapter 27.01 (§ 54.1-2729.1 et seq.) and who, under the supervision of a licensed physician, nurse practitioner, physician assistant, or a registered nurse, assists in the care of patients undergoing renal dialysis treatments in a Medicare-certified renal dialysis facility.

"Dialysis solution" means either the commercially available, unopened, sterile solutions whose purpose is to be instilled into the peritoneal cavity during the medical procedure known as peritoneal dialysis, or commercially available solutions whose purpose is to be used in the performance of hemodialysis not to include any solutions administered to the patient intravenously.

"Dispense" means to deliver a drug to an ultimate user or research subject by or pursuant to the lawful order of a practitioner, including the prescribing and administering, packaging, labeling, or compounding necessary to prepare the substance for that delivery. However, dispensing shall not include the transportation of drugs mixed, diluted, or reconstituted in accordance with this chapter to other sites operated by such practitioner or that practitioner's medical practice for the purpose of administration of such drugs to patients of the practitioner or that practitioner's medical practice at such other sites. For practitioners of medicine or osteopathy, "dispense" shall only include the provision of drugs by a practitioner to patients to take with them away from the practitioner's place of practice.

"Dispenser" means a practitioner who dispenses.

"Distribute" means to deliver other than by administering or dispensing a controlled substance.

"Distributor" means a person who distributes.

"Drug" means (i) articles or substances recognized in the official United States Pharmacopoeia National Formulary or official Homeopathic Pharmacopoeia of the United States, or any supplement to any of them; (ii) articles or substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or animals; (iii) articles or substances, other than food, intended to affect the structure or any function of the body of man or animals; (iv) articles or substances intended for use as a component of any article specified in clause (i), (ii), or (iii); or (v) a biological product. "Drug" does not include devices or their components, parts, or accessories.

"Drug product" means a specific drug in dosage form from a known source of manufacture, whether by brand or therapeutically equivalent drug product name.

"Electronic transmission prescription" means any prescription, other than an oral or written prescription or a prescription transmitted by facsimile machine, that is electronically transmitted directly to a pharmacy without interception or intervention from a third party from a practitioner authorized to prescribe or from one pharmacy to another pharmacy.

"Facsimile (FAX) prescription" means a written prescription or order that is transmitted by an electronic device over telephone lines that sends the exact image to the receiving pharmacy in hard copy form.

"FDA" means the U.S. Food and Drug Administration.

"Hashish oil" means any oily extract containing one or more cannabinoids, but shall not include any such extract with a tetrahydrocannabinol content of less than 12 percent by weight.

"Immediate precursor" means a substance which the Board of Pharmacy has found to be and by regulation designates as being the principal compound commonly used or produced primarily for use, and which is an immediate chemical intermediary used or likely to be used in the manufacture of a controlled substance, the control of which is necessary to prevent, curtail, or limit manufacture.

"Interchangeable" means a biosimilar that meets safety standards for determining interchangeability pursuant to 42 U.S.C. § 262(k)(4).

"Label" means a display of written, printed, or graphic matter upon the immediate container of any article. A requirement made by or under authority of this chapter that any word, statement, or other information appear on the label shall not be considered to be complied with unless such word, statement, or other information also appears on the outside container or wrapper, if any, of the retail package of such article or is easily legible through the outside container or wrapper.

"Labeling" means all labels and other written, printed, or graphic matter on an article or any of its containers or wrappers, or accompanying such article.

"Manufacture" means the production, preparation, propagation, conversion, or processing of any item regulated by this chapter, either directly or indirectly by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling or relabeling of its container. This term does not include compounding.

"Manufacturer" means every person who manufactures, a manufacturer's co-licensed partner, or a repackager.

"Marijuana" means any part of a plant of the genus *Cannabis* whether growing or not, its seeds, or its resin; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds, or its resin. Marijuana shall not include any oily extract containing one or more cannabinoids unless such extract contains less than 12 percent of tetrahydrocannabinol by weight, nor shall marijuana include the mature stalks of such plant, fiber produced from such stalk, or oil or cake made from the seeds of such plant, unless such stalks, fiber, oil, or cake is combined with other parts of plants

of the genus *Cannabis*. Marijuana shall not include industrial hemp as defined in § 3.2-4112 that is possessed, ~~cultivated, or manufactured~~ by a ~~grower licensed~~ *person registered* pursuant to *subsection A* of § 3.2-4115 or *his agent*.

"Medical equipment supplier" means any person, as defined in § 1-230, engaged in the delivery to the ultimate consumer, pursuant to the lawful order of a practitioner, of hypodermic syringes and needles, medicinal oxygen, Schedule VI controlled devices, those Schedule VI controlled substances with no medicinal properties that are used for the operation and cleaning of medical equipment, solutions for peritoneal dialysis, and sterile water or saline for irrigation.

"Narcotic drug" means any of the following, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis: (i) opium, opiates, and any salt, compound, derivative, or preparation of opium or opiates; (ii) any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of the substances referred to in clause (i), but not including the isoquinoline alkaloids of opium; (iii) opium poppy and poppy straw; (iv) coca leaves and any salt, compound, derivative, or preparation of coca leaves, and any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of these substances, but not including decocainized coca leaves or extraction of coca leaves which do not contain cocaine or ecgonine.

"New drug" means (i) any drug, except a new animal drug or an animal feed bearing or containing a new animal drug, the composition of which is such that such drug is not generally recognized, among experts qualified by scientific training and experience to evaluate the safety and effectiveness of drugs, as safe and effective for use under the conditions prescribed, recommended, or suggested in the labeling, except that such a drug not so recognized shall not be deemed to be a "new drug" if at any time prior to the enactment of this chapter it was subject to the Food and Drugs Act of June 30, 1906, as amended, and if at such time its labeling contained the same representations concerning the conditions of its use, or (ii) any drug, except a new animal drug or an animal feed bearing or containing a new animal drug, the composition of which is such that such drug, as a result of investigations to determine its safety and effectiveness for use under such conditions, has become so recognized, but which has not, otherwise than in such investigations, been used to a material extent or for a material time under such conditions.

"Nuclear medicine technologist" means an individual who holds a current certification with the American Registry of Radiological Technologists or the Nuclear Medicine Technology Certification Board.

"Official compendium" means the official United States Pharmacopoeia National Formulary, official Homeopathic Pharmacopoeia of the United States, or any supplement to any of them.

"Official written order" means an order written on a form provided for that purpose by the U.S. Drug Enforcement Administration, under any laws of the United States making provision therefor, if such order forms are authorized and required by federal law, and if no such order form is provided then on an official form provided for that purpose by the Board of Pharmacy.

"Opiate" means any substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having such addiction-forming or addiction-sustaining liability. It does not include, unless specifically designated as controlled under Article 4 (§ 54.1-3437 et seq.), the dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts (dextromethorphan). It does include its racemic and levorotatory forms.

"Opium poppy" means the plant of the species *Papaver somniferum* L., except the seeds thereof.

"Original package" means the unbroken container or wrapping in which any drug or medicine is enclosed together with label and labeling, put up by or for the manufacturer, wholesaler, or distributor for use in the delivery or display of such article.

"Outsourcing facility" means a facility that is engaged in the compounding of sterile drugs and is currently registered as an outsourcing facility with the U.S. Secretary of Health and Human Services and that complies with all applicable requirements of federal and state law, including the Federal Food, Drug, and Cosmetic Act.

"Person" means both the plural and singular, as the case demands, and includes an individual, partnership, corporation, association, governmental agency, trust, or other institution or entity.

"Pharmacist-in-charge" means the person who, being licensed as a pharmacist, signs the application for a pharmacy permit and assumes full legal responsibility for the operation of the relevant pharmacy in a manner complying with the laws and regulations for the practice of pharmacy and the sale and dispensing of controlled substances; the "pharmacist-in-charge" shall personally supervise the pharmacy and the pharmacy's personnel as required by § 54.1-3432.

"Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing.

"Practitioner" means a physician, dentist, licensed nurse practitioner pursuant to § 54.1-2957.01, licensed physician assistant pursuant to § 54.1-2952.1, pharmacist pursuant to § 54.1-3300, TPA-certified optometrist pursuant to Article 5 (§ 54.1-3222 et seq.) of Chapter 32, veterinarian, scientific investigator, or other person licensed, registered, or otherwise permitted to distribute, dispense, prescribe and administer, or conduct research with respect to a controlled substance in the course of professional practice or research in the Commonwealth.

"Prescriber" means a practitioner who is authorized pursuant to §§ 54.1-3303 and 54.1-3408 to issue a prescription.

"Prescription" means an order for drugs or medical supplies, written or signed or transmitted by word of mouth, telephone, telegraph, or other means of communication to a pharmacist by a duly licensed physician, dentist, veterinarian, or other practitioner authorized by law to prescribe and administer such drugs or medical supplies.

"Prescription drug" means any drug required by federal law or regulation to be dispensed only pursuant to a prescription, including finished dosage forms and active ingredients subject to § 503(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. § 353(b)).

"Production" or "produce" includes the manufacture, planting, cultivation, growing, or harvesting of a controlled substance or marijuana.

"Proprietary medicine" means a completely compounded nonprescription drug in its unbroken, original package which does not contain any controlled substance or marijuana as defined in this chapter and is not in itself poisonous, and which is sold, offered, promoted, or advertised directly to the general public by or under the authority of the manufacturer or primary distributor, under a trademark, trade name, or other trade symbol privately owned, and the labeling of which conforms to the requirements of this chapter and applicable federal law. However, this definition shall not include a drug that is only advertised or promoted professionally to licensed practitioners, a narcotic or drug containing a narcotic, a drug that may be dispensed only upon prescription or the label of which bears substantially the statement "Warning — may be habit-forming," or a drug intended for injection.

"Radiopharmaceutical" means any drug that exhibits spontaneous disintegration of unstable nuclei with the emission of nuclear particles or photons and includes any non-radioactive reagent kit or radionuclide generator that is intended to be used in the preparation of any such substance, but does not include drugs such as carbon-containing compounds or potassium-containing salts that include trace quantities of naturally occurring radionuclides. The term also includes any biological product that is labeled with a radionuclide or intended solely to be labeled with a radionuclide.

"Reference biological product" means the single biological product licensed pursuant to 42 U.S.C. § 262(a) against which a biological product is evaluated in an application submitted to the U.S. Food and Drug Administration for licensure of biological products as biosimilar or interchangeable pursuant to 42 U.S.C. § 262(k).

"Sale" includes barter, exchange, or gift, or offer therefor, and each such transaction made by any person, whether as an individual, proprietor, agent, servant, or employee.

"Therapeutically equivalent drug products" means drug products that contain the same active ingredients and are identical in strength or concentration, dosage form, and route of administration and that are classified as being therapeutically equivalent by the U.S. Food and Drug Administration pursuant to the definition of "therapeutically equivalent drug products" set forth in the most recent edition of the Approved Drug Products with Therapeutic Equivalence Evaluations, otherwise known as the "Orange Book."

"Third-party logistics provider" means a person that provides or coordinates warehousing of or other logistics services for a drug or device in interstate commerce on behalf of a manufacturer, wholesale distributor, or dispenser of the drug or device but does not take ownership of the product or have responsibility for directing the sale or disposition of the product.

"USP-NF" means the current edition of the United States Pharmacopeia-National Formulary.

"Warehouser" means any person, other than a wholesale distributor, manufacturer, or third-party logistics provider, engaged in the business of selling or otherwise distributing prescription drugs or devices to any person who is not the ultimate user or consumer. No person shall be subject to any state or local tax by reason of this definition.

"Wholesale distribution" means distribution of prescription drugs to persons other than consumers or patients, subject to the exemptions set forth in the federal Drug Supply Chain Security Act.

"Wholesale distributor" means any person other than a manufacturer, a manufacturer's co-licensed partner, a third-party logistics provider, or a repackager that engages in wholesale distribution.

The words "drugs" and "devices" as used in Chapter 33 (§ 54.1-3300 et seq.) and in this chapter shall not include surgical or dental instruments, physical therapy equipment, X-ray apparatus, or glasses or lenses for the eyes.

The terms "pharmacist," "pharmacy," and "practice of pharmacy" as used in this chapter shall be defined as provided in Chapter 33 (§ 54.1-3300 et seq.) unless the context requires a different meaning.

**§ 54.1-3401. (Effective July 1, 2020) Definitions.**

As used in this chapter, unless the context requires a different meaning:

"Administer" means the direct application of a controlled substance, whether by injection, inhalation, ingestion, or any other means, to the body of a patient or research subject by (i) a practitioner or by his authorized agent and under his direction or (ii) the patient or research subject at the direction and in the presence of the practitioner.

"Advertisement" means all representations disseminated in any manner or by any means, other than by labeling, for the purpose of inducing, or which are likely to induce, directly or indirectly, the purchase of drugs or devices.

"Agent" means an authorized person who acts on behalf of or at the direction of a manufacturer, distributor, or dispenser. It does not include a common or contract carrier, public warehouseman, or employee of the carrier or warehouseman.

"Anabolic steroid" means any drug or hormonal substance, chemically and pharmacologically related to testosterone, other than estrogens, progestins, corticosteroids, and dehydroepiandrosterone.

"Animal" means any nonhuman animate being endowed with the power of voluntary action.

"Automated drug dispensing system" means a mechanical or electronic system that performs operations or activities, other than compounding or administration, relating to pharmacy services, including the storage, dispensing, or distribution of drugs and the collection, control, and maintenance of all transaction information, to provide security and accountability for such drugs.

"Biological product" means a virus, therapeutic serum, toxin, antitoxin, vaccine, blood, blood component or derivative, allergenic product, protein other than a chemically synthesized polypeptide, or analogous product, or arsphenamine or any derivative of arsphenamine or any other trivalent organic arsenic compound, applicable to the prevention, treatment, or cure of a disease or condition of human beings.

"Biosimilar" means a biological product that is highly similar to a specific reference biological product, notwithstanding minor differences in clinically inactive compounds, such that there are no clinically meaningful differences between the reference biological product and the biological product that has been licensed as a biosimilar pursuant to 42 U.S.C. § 262(k) in terms of safety, purity, and potency of the product.

"Board" means the Board of Pharmacy.

"Bulk drug substance" means any substance that is represented for use, and that, when used in the compounding, manufacturing, processing, or packaging of a drug, becomes an active ingredient or a finished dosage form of the drug; however, "bulk drug substance" shall not include intermediates that are used in the synthesis of such substances.

"Change of ownership" of an existing entity permitted, registered, or licensed by the Board means (i) the sale or transfer of all or substantially all of the assets of the entity or of any corporation that owns or controls the entity; (ii) the creation of a partnership by a sole proprietor, the dissolution of a partnership, or change in partnership composition; (iii) the acquisition or disposal of 50 percent or more of the outstanding shares of voting stock of a corporation owning the entity or of the parent corporation of a wholly owned subsidiary owning the entity, except that this shall not apply to any corporation the voting stock of which is actively traded on any securities exchange or in any over-the-counter market; (iv) the merger of a corporation owning the entity or of the parent corporation of a wholly-owned subsidiary owning the entity with another business or corporation; or (v) the expiration or forfeiture of a corporation's charter.

"Co-licensed partner" means a person who, with at least one other person, has the right to engage in the manufacturing or marketing of a prescription drug, consistent with state and federal law.

"Compounding" means the combining of two or more ingredients to fabricate such ingredients into a single preparation and includes the mixing, assembling, packaging, or labeling of a drug or device (i) by a pharmacist, or within a permitted pharmacy, pursuant to a valid prescription issued for a medicinal or therapeutic purpose in the context of a bona fide practitioner-patient-pharmacist relationship, or in expectation of receiving a valid prescription based on observed historical patterns of prescribing and dispensing; (ii) by a practitioner of medicine, osteopathy, podiatry, dentistry, or veterinary medicine as an incident to his administering or dispensing, if authorized to dispense, a controlled substance in the course of his professional practice; or (iii) for the purpose of, or as incident to, research, teaching, or chemical analysis and not for sale or for dispensing. The mixing, diluting, or reconstituting of a manufacturer's product drugs for the purpose of administration to a patient, when performed by a practitioner of medicine or osteopathy licensed under Chapter 29 (§ 54.1-2900 et seq.), a person supervised by such practitioner pursuant to subdivision A 6 or 19 of § 54.1-2901, or a person supervised by such practitioner or a licensed nurse practitioner or physician assistant pursuant to subdivision A 4 of § 54.1-2901 shall not be considered compounding.

"Controlled substance" means a drug, substance, or immediate precursor in Schedules I through VI of this chapter. The term shall not include distilled spirits, wine, malt beverages, or tobacco as those terms are defined or used in Title 3.2 or Title 4.1. The term "controlled substance" includes a controlled substance analog that has been placed into Schedule I or II by the Board pursuant to the regulatory authority in subsection D of § 54.1-3443.

"Controlled substance analog" means a substance the chemical structure of which is substantially similar to the chemical structure of a controlled substance in Schedule I or II and either (i) which has a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance in Schedule I or II or (ii) with respect to a particular person, which such person represents or intends to have a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance in Schedule I or II. "Controlled substance analog" does not include (a) any substance for which there is an approved new drug application as defined under § 505 of the federal Food, Drug, and Cosmetic Act (21 U.S.C. § 355) or that is generally recognized as safe and effective pursuant to §§ 501, 502, and 503 of the federal Food, Drug, and Cosmetic Act (21 U.S.C. §§ 351, 352, and 353) and 21 C.F.R. Part 330; (b) with respect to a particular person, any substance for which an exemption is in effect for investigational use for that person under § 505 of the federal Food, Drug, and Cosmetic Act to the extent that the conduct with respect to that substance is pursuant to such exemption; or (c) any substance to the extent not intended for human consumption before such an exemption takes effect with respect to that substance.

"DEA" means the Drug Enforcement Administration, U.S. Department of Justice, or its successor agency.

"Deliver" or "delivery" means the actual, constructive, or attempted transfer of any item regulated by this chapter, whether or not there exists an agency relationship.

"Device" means instruments, apparatus, and contrivances, including their components, parts, and accessories, intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or animals or to affect the structure or any function of the body of man or animals.

"Dialysis care technician" or "dialysis patient care technician" means an individual who is certified by an organization approved by the Board of Health Professions pursuant to Chapter 27.01 (§ 54.1-2729.1 et seq.) and who, under the

supervision of a licensed physician, nurse practitioner, physician assistant, or a registered nurse, assists in the care of patients undergoing renal dialysis treatments in a Medicare-certified renal dialysis facility.

"Dialysis solution" means either the commercially available, unopened, sterile solutions whose purpose is to be instilled into the peritoneal cavity during the medical procedure known as peritoneal dialysis, or commercially available solutions whose purpose is to be used in the performance of hemodialysis not to include any solutions administered to the patient intravenously.

"Dispense" means to deliver a drug to an ultimate user or research subject by or pursuant to the lawful order of a practitioner, including the prescribing and administering, packaging, labeling, or compounding necessary to prepare the substance for that delivery. However, dispensing shall not include the transportation of drugs mixed, diluted, or reconstituted in accordance with this chapter to other sites operated by such practitioner or that practitioner's medical practice for the purpose of administration of such drugs to patients of the practitioner or that practitioner's medical practice at such other sites. For practitioners of medicine or osteopathy, "dispense" shall only include the provision of drugs by a practitioner to patients to take with them away from the practitioner's place of practice.

"Dispenser" means a practitioner who dispenses.

"Distribute" means to deliver other than by administering or dispensing a controlled substance.

"Distributor" means a person who distributes.

"Drug" means (i) articles or substances recognized in the official United States Pharmacopoeia National Formulary or official Homeopathic Pharmacopoeia of the United States, or any supplement to any of them; (ii) articles or substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or animals; (iii) articles or substances, other than food, intended to affect the structure or any function of the body of man or animals; (iv) articles or substances intended for use as a component of any article specified in clause (i), (ii), or (iii); or (v) a biological product. "Drug" does not include devices or their components, parts, or accessories.

"Drug product" means a specific drug in dosage form from a known source of manufacture, whether by brand or therapeutically equivalent drug product name.

"Electronic prescription" means a written prescription that is generated on an electronic application and is transmitted to a pharmacy as an electronic data file; Schedule II through V prescriptions shall be transmitted in accordance with 21 C.F.R. Part 1300.

"Facsimile (FAX) prescription" means a written prescription or order that is transmitted by an electronic device over telephone lines that sends the exact image to the receiving pharmacy in hard copy form.

"FDA" means the U.S. Food and Drug Administration.

"Hashish oil" means any oily extract containing one or more cannabinoids, but shall not include any such extract with a tetrahydrocannabinol content of less than 12 percent by weight.

"Immediate precursor" means a substance which the Board of Pharmacy has found to be and by regulation designates as being the principal compound commonly used or produced primarily for use, and which is an immediate chemical intermediary used or likely to be used in the manufacture of a controlled substance, the control of which is necessary to prevent, curtail, or limit manufacture.

"Interchangeable" means a biosimilar that meets safety standards for determining interchangeability pursuant to 42 U.S.C. § 262(k)(4).

"Label" means a display of written, printed, or graphic matter upon the immediate container of any article. A requirement made by or under authority of this chapter that any word, statement, or other information appear on the label shall not be considered to be complied with unless such word, statement, or other information also appears on the outside container or wrapper, if any, of the retail package of such article or is easily legible through the outside container or wrapper.

"Labeling" means all labels and other written, printed, or graphic matter on an article or any of its containers or wrappers, or accompanying such article.

"Manufacture" means the production, preparation, propagation, conversion, or processing of any item regulated by this chapter, either directly or indirectly by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling or relabeling of its container. This term does not include compounding.

"Manufacturer" means every person who manufactures, a manufacturer's co-licensed partner, or a repackager.

"Marijuana" means any part of a plant of the genus *Cannabis* whether growing or not, its seeds, or its resin; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds, or its resin. Marijuana shall not include any oily extract containing one or more cannabinoids unless such extract contains less than 12 percent of tetrahydrocannabinol by weight, nor shall marijuana include the mature stalks of such plant, fiber produced from such stalk, or oil or cake made from the seeds of such plant, unless such stalks, fiber, oil, or cake is combined with other parts of plants of the genus *Cannabis*. Marijuana shall not include industrial hemp as defined in § 3.2-4112 that is possessed, cultivated, or manufactured by a grower licensed person registered pursuant to subsection A of § 3.2-4115 or his agent.

"Medical equipment supplier" means any person, as defined in § 1-230, engaged in the delivery to the ultimate consumer, pursuant to the lawful order of a practitioner, of hypodermic syringes and needles, medicinal oxygen, Schedule VI controlled devices, those Schedule VI controlled substances with no medicinal properties that are used for the operation and cleaning of medical equipment, solutions for peritoneal dialysis, and sterile water or saline for irrigation.

"Narcotic drug" means any of the following, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis: (i) opium, opiates, and any salt, compound, derivative, or preparation of opium or opiates; (ii) any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of the substances referred to in clause (i), but not including the isoquinoline alkaloids of opium; (iii) opium poppy and poppy straw; (iv) coca leaves and any salt, compound, derivative, or preparation of coca leaves, and any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of these substances, but not including decocainized coca leaves or extraction of coca leaves which do not contain cocaine or ecgonine.

"New drug" means (i) any drug, except a new animal drug or an animal feed bearing or containing a new animal drug, the composition of which is such that such drug is not generally recognized, among experts qualified by scientific training and experience to evaluate the safety and effectiveness of drugs, as safe and effective for use under the conditions prescribed, recommended, or suggested in the labeling, except that such a drug not so recognized shall not be deemed to be a "new drug" if at any time prior to the enactment of this chapter it was subject to the Food and Drugs Act of June 30, 1906, as amended, and if at such time its labeling contained the same representations concerning the conditions of its use, or (ii) any drug, except a new animal drug or an animal feed bearing or containing a new animal drug, the composition of which is such that such drug, as a result of investigations to determine its safety and effectiveness for use under such conditions, has become so recognized, but which has not, otherwise than in such investigations, been used to a material extent or for a material time under such conditions.

"Nuclear medicine technologist" means an individual who holds a current certification with the American Registry of Radiological Technologists or the Nuclear Medicine Technology Certification Board.

"Official compendium" means the official United States Pharmacopoeia National Formulary, official Homeopathic Pharmacopoeia of the United States, or any supplement to any of them.

"Official written order" means an order written on a form provided for that purpose by the U.S. Drug Enforcement Administration, under any laws of the United States making provision therefor, if such order forms are authorized and required by federal law, and if no such order form is provided then on an official form provided for that purpose by the Board of Pharmacy.

"Opiate" means any substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having such addiction-forming or addiction-sustaining liability. It does not include, unless specifically designated as controlled under Article 4 (§ 54.1-3437 et seq.), the dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts (dextromethorphan). It does include its racemic and levorotatory forms.

"Opium poppy" means the plant of the species *Papaver somniferum* L., except the seeds thereof.

"Original package" means the unbroken container or wrapping in which any drug or medicine is enclosed together with label and labeling, put up by or for the manufacturer, wholesaler, or distributor for use in the delivery or display of such article.

"Outsourcing facility" means a facility that is engaged in the compounding of sterile drugs and is currently registered as an outsourcing facility with the U.S. Secretary of Health and Human Services and that complies with all applicable requirements of federal and state law, including the Federal Food, Drug, and Cosmetic Act.

"Person" means both the plural and singular, as the case demands, and includes an individual, partnership, corporation, association, governmental agency, trust, or other institution or entity.

"Pharmacist-in-charge" means the person who, being licensed as a pharmacist, signs the application for a pharmacy permit and assumes full legal responsibility for the operation of the relevant pharmacy in a manner complying with the laws and regulations for the practice of pharmacy and the sale and dispensing of controlled substances; the "pharmacist-in-charge" shall personally supervise the pharmacy and the pharmacy's personnel as required by § 54.1-3432.

"Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing.

"Practitioner" means a physician, dentist, licensed nurse practitioner pursuant to § 54.1-2957.01, licensed physician assistant pursuant to § 54.1-2952.1, pharmacist pursuant to § 54.1-3300, TPA-certified optometrist pursuant to Article 5 (§ 54.1-3222 et seq.) of Chapter 32, veterinarian, scientific investigator, or other person licensed, registered, or otherwise permitted to distribute, dispense, prescribe and administer, or conduct research with respect to a controlled substance in the course of professional practice or research in the Commonwealth.

"Prescriber" means a practitioner who is authorized pursuant to §§ 54.1-3303 and 54.1-3408 to issue a prescription.

"Prescription" means an order for drugs or medical supplies, written or signed or transmitted by word of mouth, telephone, telegraph, or other means of communication to a pharmacist by a duly licensed physician, dentist, veterinarian, or other practitioner authorized by law to prescribe and administer such drugs or medical supplies.

"Prescription drug" means any drug required by federal law or regulation to be dispensed only pursuant to a prescription, including finished dosage forms and active ingredients subject to § 503(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. § 353(b)).

"Production" or "produce" includes the manufacture, planting, cultivation, growing, or harvesting of a controlled substance or marijuana.

"Proprietary medicine" means a completely compounded nonprescription drug in its unbroken, original package which does not contain any controlled substance or marijuana as defined in this chapter and is not in itself poisonous, and which is sold, offered, promoted, or advertised directly to the general public by or under the authority of the manufacturer or primary

distributor, under a trademark, trade name, or other trade symbol privately owned, and the labeling of which conforms to the requirements of this chapter and applicable federal law. However, this definition shall not include a drug that is only advertised or promoted professionally to licensed practitioners, a narcotic or drug containing a narcotic, a drug that may be dispensed only upon prescription or the label of which bears substantially the statement "Warning — may be habit-forming," or a drug intended for injection.

"Radiopharmaceutical" means any drug that exhibits spontaneous disintegration of unstable nuclei with the emission of nuclear particles or photons and includes any non-radioactive reagent kit or radionuclide generator that is intended to be used in the preparation of any such substance, but does not include drugs such as carbon-containing compounds or potassium-containing salts that include trace quantities of naturally occurring radionuclides. The term also includes any biological product that is labeled with a radionuclide or intended solely to be labeled with a radionuclide.

"Reference biological product" means the single biological product licensed pursuant to 42 U.S.C. § 262(a) against which a biological product is evaluated in an application submitted to the U.S. Food and Drug Administration for licensure of biological products as biosimilar or interchangeable pursuant to 42 U.S.C. § 262(k).

"Sale" includes barter, exchange, or gift, or offer therefor, and each such transaction made by any person, whether as an individual, proprietor, agent, servant, or employee.

"Therapeutically equivalent drug products" means drug products that contain the same active ingredients and are identical in strength or concentration, dosage form, and route of administration and that are classified as being therapeutically equivalent by the U.S. Food and Drug Administration pursuant to the definition of "therapeutically equivalent drug products" set forth in the most recent edition of the Approved Drug Products with Therapeutic Equivalence Evaluations, otherwise known as the "Orange Book."

"Third-party logistics provider" means a person that provides or coordinates warehousing of or other logistics services for a drug or device in interstate commerce on behalf of a manufacturer, wholesale distributor, or dispenser of the drug or device but does not take ownership of the product or have responsibility for directing the sale or disposition of the product.

"USP-NF" means the current edition of the United States Pharmacopeia-National Formulary.

"Warehouser" means any person, other than a wholesale distributor, manufacturer, or third-party logistics provider, engaged in the business of selling or otherwise distributing prescription drugs or devices to any person who is not the ultimate user or consumer. No person shall be subject to any state or local tax by reason of this definition.

"Wholesale distribution" means distribution of prescription drugs to persons other than consumers or patients, subject to the exemptions set forth in the federal Drug Supply Chain Security Act.

"Wholesale distributor" means any person other than a manufacturer, a manufacturer's co-licensed partner, a third-party logistics provider, or a repackager that engages in wholesale distribution.

The words "drugs" and "devices" as used in Chapter 33 (§ 54.1-3300 et seq.) and in this chapter shall not include surgical or dental instruments, physical therapy equipment, X-ray apparatus, or glasses or lenses for the eyes.

The terms "pharmacist," "pharmacy," and "practice of pharmacy" as used in this chapter shall be defined as provided in Chapter 33 (§ 54.1-3300 et seq.) unless the context requires a different meaning.

**2. That § 3.2-4120 of the Code of Virginia is repealed.**

**CHAPTER 691**

*An Act to amend and reenact §§ 15.2-2223 and 15.2-2224 of the Code of Virginia, relating to comprehensive plan; broadband infrastructure.*

[H 640]

Approved March 30, 2018

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 15.2-2223 and 15.2-2224 of the Code of Virginia are amended and reenacted as follows:**

**§ 15.2-2223. Comprehensive plan to be prepared and adopted; scope and purpose.**

A. The local planning commission shall prepare and recommend a comprehensive plan for the physical development of the territory within its jurisdiction and every governing body shall adopt a comprehensive plan for the territory under its jurisdiction.

In the preparation of a comprehensive plan, the commission shall make careful and comprehensive surveys and studies of the existing conditions and trends of growth, and of the probable future requirements of its territory and inhabitants. The comprehensive plan shall be made with the purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the territory which will, in accordance with present and probable future needs and resources, best promote the health, safety, morals, order, convenience, prosperity and general welfare of the inhabitants, including the elderly and persons with disabilities.

The comprehensive plan shall be general in nature, in that it shall designate the general or approximate location, character, and extent of each feature, including any road improvement and any transportation improvement, shown on the plan and shall indicate where existing lands or facilities are proposed to be extended, widened, removed, relocated, vacated, narrowed, abandoned, or changed in use as the case may be.

B. 1. As part of the comprehensive plan, each locality shall develop a transportation plan that designates a system of transportation infrastructure needs and recommendations that include the designation of new and expanded transportation facilities and that support the planned development of the territory covered by the plan and shall include, as appropriate, but not be limited to, roadways, bicycle accommodations, pedestrian accommodations, railways, bridges, waterways, airports, ports, and public transportation facilities. The plan shall recognize and differentiate among a hierarchy of roads such as expressways, arterials, and collectors. In developing the plan, the locality shall take into consideration how to align transportation infrastructure and facilities with affordable, accessible housing and community services that are located within the territory in order to facilitate community integration of the elderly and persons with disabilities. The Virginia Department of Transportation shall, upon request, provide localities with technical assistance in preparing such transportation plan.

2. The transportation plan shall include a map that shall show road and transportation improvements, including the cost estimates of such road and transportation improvements from the Virginia Department of Transportation, taking into account the current and future needs of residents in the locality while considering the current and future needs of the planning district within which the locality is situated.

3. The transportation plan, and any amendment thereto pursuant to § 15.2-2229, shall be consistent with the Commonwealth Transportation Board's Statewide Transportation Plan developed pursuant to § 33.2-353, the Six-Year Improvement Program adopted pursuant to subsection B of § 33.2-214, and the location of routes to be followed by roads comprising systems of state highways pursuant to subsection A of § 33.2-208. The locality shall consult with the Virginia Department of Transportation to assure such consistency is achieved. The transportation plan need reflect only those changes in the annual update of the Six-Year Improvement Program that are deemed to be significant new, expanded, or relocated roadways.

4. Prior to the adoption of the transportation plan or any amendment to the transportation plan, the locality shall submit such plan or amendment to the Department for review and comment. The Department shall conduct its review and provide written comments to the locality on the consistency of the transportation plan or any amendment to the provisions of subdivision 1. The Department shall provide such written comments to the locality within 90 days of receipt of the plan or amendment, or such other shorter period of time as may be otherwise agreed upon by the Department and the locality.

5. The locality shall submit a copy of the adopted transportation plan or any amendment to the transportation plan to the Department for informational purposes. If the Department determines that the transportation plan or amendment is not consistent with the provisions of subdivision 1, the Department shall notify the Commonwealth Transportation Board so that the Board may take appropriate action in accordance with subsection E of § 33.2-214.

6. Each locality's amendments or updates to its transportation plan as required by subdivisions 2 through 5 shall be made on or before its ongoing scheduled date for updating its transportation plan.

C. The comprehensive plan, with the accompanying maps, plats, charts, and descriptive matter, shall show the locality's long-range recommendations for the general development of the territory covered by the plan. It may include, but need not be limited to:

1. The designation of areas for various types of public and private development and use, such as different kinds of residential, including age-restricted, housing; business; industrial; agricultural; mineral resources; conservation; active and passive recreation; public service; flood plain and drainage; and other areas;

2. The designation of a system of community service facilities such as parks, sports playing fields, forests, schools, playgrounds, public buildings and institutions, hospitals, nursing homes, assisted living facilities, community centers, waterworks, sewage disposal or waste disposal areas, and the like;

3. The designation of historical areas and areas for urban renewal or other treatment;

4. The designation of areas for the implementation of reasonable ground water protection measures;

5. A capital improvements program, a subdivision ordinance, a zoning ordinance and zoning district maps, mineral resource district maps and agricultural and forestal district maps, where applicable;

6. The location of existing or proposed recycling centers;

7. The location of military bases, military installations, and military airports and their adjacent safety areas; and

8. The designation of corridors or routes for electric transmission lines of 150 kilovolts or more.

D. The comprehensive plan shall include the designation of areas and implementation of measures for the construction, rehabilitation and maintenance of affordable housing, which is sufficient to meet the current and future needs of residents of all levels of income in the locality while considering the current and future needs of the planning district within which the locality is situated.

*E. The comprehensive plan shall consider strategies to provide broadband infrastructure that is sufficient to meet the current and future needs of residents and businesses in the locality. To this end, local planning commissions may consult with and receive technical assistance from the Center for Innovative Technology, among other resources.*

**§ 15.2-2224. Surveys and studies to be made in preparation of plan; implementation of plan.**

A. In the preparation of a comprehensive plan, the local planning commission shall survey and study such matters as the following:

1. Use of land, preservation of agricultural and forestal land, production of food and fiber, characteristics and conditions of existing development, trends of growth or changes, natural resources, historic areas, ground water, surface water, geologic factors, population factors, employment, environmental and economic factors, existing public facilities,

drainage, flood control and flood damage prevention measures, dam break inundation zones and potential impacts to downstream properties to the extent that information concerning such information exists and is available to the local planning authority, the transmission of electricity, *broadband infrastructure*, road improvements, and any estimated cost thereof, transportation facilities, transportation improvements, and any cost thereof, the need for affordable housing in both the locality and planning district within which it is situated, and any other matters relating to the subject matter and general purposes of the comprehensive plan.

However, if a locality chooses not to survey and study historic areas, then the locality shall include historic areas in the comprehensive plan, if such areas are identified and surveyed by the Department of Historic Resources. Furthermore, if a locality chooses not to survey and study mineral resources, then the locality shall include mineral resources in the comprehensive plan, if such areas are identified and surveyed by the Department of Mines, Minerals and Energy. The requirement to study the production of food and fiber shall apply only to those plans adopted on or after January 1, 1981.

2. Probable future economic and population growth of the territory and requirements therefor.

B. The comprehensive plan shall recommend methods of implementation and shall include a current map of the area covered by the comprehensive plan. Unless otherwise required by this chapter, the methods of implementation may include but need not be limited to:

1. An official map;
2. A capital improvements program;
3. A subdivision ordinance;
4. A zoning ordinance and zoning district maps;
5. A mineral resource map;
6. A recreation and sports resource map; and
7. A map of dam break inundation zones.

## CHAPTER 692

*An Act to amend and reenact § 24.2-110 of the Code of Virginia, relating to residency requirement for general registrars; exemption for certain counties and cities.*

[H 690]

Approved March 30, 2018

**Be it enacted by the General Assembly of Virginia:**

**1. That § 24.2-110 of the Code of Virginia is amended and reenacted as follows:**

**§ 24.2-110. Appointment, qualifications, and term of general registrar; vacancies; certain prohibitions.**

Each electoral board shall meet in the month of May or June in 2007, and every four years thereafter, and shall appoint a general registrar, who shall be a qualified voter of the county or city for which he is appointed *unless such county or city has a population of 25,000 or less*. ~~However, in~~ In the case of a city that is wholly contained within one county, the city electoral board may appoint a qualified voter of that county to serve as city general registrar. General registrars shall serve four-year terms beginning July 1, 2007, and each fourth year thereafter, and continue in office until a successor is appointed and qualifies.

The electoral board shall fill any vacancy in the office of general registrar for the unexpired term. The electoral board shall declare vacant and fill the office of the general registrar if the appointee fails to qualify and deliver a copy of his oath to the secretary of the electoral board within 30 days after he has been notified of his appointment.

No general registrar shall hold any other office, by election or appointment, while serving as general registrar; however, with the consent of the electoral board, he may undertake other duties which do not conflict with his duties as general registrar. General registrars shall not serve as officers of election. The election or appointment of a general registrar to any other office shall vacate the office of the general registrar.

No general registrar shall be eligible to offer for or hold an office to be filled by election in whole or in part by the qualified voters of his jurisdiction at any election held during the time he serves as general registrar or for the six months thereafter.

The electoral board shall not appoint to the office of general registrar any person who is the spouse of an electoral board member or any person, or the spouse of any person, who is the parent, grandparent, sibling, child, or grandchild of an electoral board member.

No general registrar shall serve as the chairman of a political party or other officer of a state, local or district level political party committee. No general registrar shall serve as a paid or volunteer worker in the campaign of a candidate for nomination or election to an office filled by election in whole or in part by the qualified voters of his jurisdiction. The restrictions of this paragraph shall apply to paid assistant registrars but shall not apply to unpaid assistant registrars.

## CHAPTER 693

*An Act to amend and reenact § 24.2-110 of the Code of Virginia, relating to residency requirement for general registrars; exemption for certain counties and cities.*

[S 556]

Approved March 30, 2018

**Be it enacted by the General Assembly of Virginia:****1. That § 24.2-110 of the Code of Virginia is amended and reenacted as follows:****§ 24.2-110. Appointment, qualifications, and term of general registrar; vacancies; certain prohibitions.**

Each electoral board shall meet in the month of May or June in 2007, and every four years thereafter, and shall appoint a general registrar, who shall be a qualified voter of the county or city for which he is appointed *unless such county or city has a population of 25,000 or less.* ~~However, in~~ *In* the case of a city that is wholly contained within one county, the city electoral board may appoint a qualified voter of that county to serve as city general registrar. General registrars shall serve four-year terms beginning July 1, 2007, and each fourth year thereafter, and continue in office until a successor is appointed and qualifies.

The electoral board shall fill any vacancy in the office of general registrar for the unexpired term. The electoral board shall declare vacant and fill the office of the general registrar if the appointee fails to qualify and deliver a copy of his oath to the secretary of the electoral board within 30 days after he has been notified of his appointment.

No general registrar shall hold any other office, by election or appointment, while serving as general registrar; however, with the consent of the electoral board, he may undertake other duties which do not conflict with his duties as general registrar. General registrars shall not serve as officers of election. The election or appointment of a general registrar to any other office shall vacate the office of the general registrar.

No general registrar shall be eligible to offer for or hold an office to be filled by election in whole or in part by the qualified voters of his jurisdiction at any election held during the time he serves as general registrar or for the six months thereafter.

The electoral board shall not appoint to the office of general registrar any person who is the spouse of an electoral board member or any person, or the spouse of any person, who is the parent, grandparent, sibling, child, or grandchild of an electoral board member.

No general registrar shall serve as the chairman of a political party or other officer of a state, local or district level political party committee. No general registrar shall serve as a paid or volunteer worker in the campaign of a candidate for nomination or election to an office filled by election in whole or in part by the qualified voters of his jurisdiction. The restrictions of this paragraph shall apply to paid assistant registrars but shall not apply to unpaid assistant registrars.

## CHAPTER 694

*An Act to amend and reenact §§ 63.2-900 and 63.2-1208 of the Code of Virginia, relating to foster care and adoption; disclosure of information prior to placement.*

[H 986]

Approved March 30, 2018

**Be it enacted by the General Assembly of Virginia:****1. That §§ 63.2-900 and 63.2-1208 of the Code of Virginia are amended and reenacted as follows:****§ 63.2-900. Accepting children for placement in homes, facilities, etc., by local boards.**

A. Pursuant to § 63.2-319, a local board shall have the right to accept for placement in suitable family homes, children's residential facilities or independent living arrangements, subject to the supervision of the Commissioner and in accordance with regulations adopted by the Board, such persons under 18 years of age as may be entrusted to it by the parent, parents or guardian, committed by any court of competent jurisdiction, or placed through an agreement between it and the parent, parents or guardians where legal custody remains with the parent, parents, or guardians.

The Board shall adopt regulations for the provision of foster care services by local boards, which shall be directed toward the prevention of unnecessary foster care placements and towards the immediate care of and permanent planning for children in the custody of or placed by local boards and that shall achieve, as quickly as practicable, permanent placements for such children. The local board shall first seek out kinship care options to keep children out of foster care and as a placement option for those children in foster care, if it is in the child's best interests, pursuant to § 63.2-900.1. In cases in which a child cannot be returned to his prior family or placed for adoption and kinship care is not currently in the best interests of the child, the local board shall consider the placement and services that afford the best alternative for protecting the child's welfare. Placements may include but are not limited to family foster care, treatment foster care and residential care. Services may include but are not limited to assessment and stabilization, diligent family search, intensive in-home, intensive wraparound, respite, mentoring, family mentoring, adoption support, supported adoption, crisis stabilization or other community-based services. The Board shall also approve in foster care policy the language of the agreement required

in § 63.2-902. The agreement shall include at a minimum a Code of Ethics and mutual responsibilities for all parties to the agreement.

Within 30 days of accepting for foster care placement a person under 18 years of age whose father is unknown, the local board shall request a search of the Virginia Birth Father Registry established pursuant to Article 7 (§ 63.2-1249 et seq.) of Chapter 12 to determine whether any man has registered as the putative father of the child. If the search results indicate that a man has registered as the putative father of the child, the local board shall contact the man to begin the process to determine paternity.

The local board shall, in accordance with the regulations adopted by the Board and in accordance with the entrustment agreement or other order by which such person is entrusted or committed to its care, have custody and control of the person so entrusted or committed to it until he is lawfully discharged, has been adopted or has attained his majority.

Whenever a local board places a child where legal custody remains with the parent, parents or guardians, the board shall enter into an agreement with the parent, parents or guardians. The agreement shall specify the responsibilities of each for the care and control of the child.

The local board shall have authority to place for adoption, and to consent to the adoption of, any child properly committed or entrusted to its care when the order of commitment or entrustment agreement between the parent or parents and the agency provides for the termination of all parental rights and responsibilities with respect to the child for the purpose of placing and consenting to the adoption of the child.

The local board shall also have the right to accept temporary custody of any person under 18 years of age taken into custody pursuant to subdivision B of § 16.1-246 or § 63.2-1517. The placement of a child in a foster home, whether within or without the Commonwealth, shall not be for the purpose of adoption unless the placement agreement between the foster parents and the local board specifically so stipulates.

B. Prior to the approval of any family for placement of a child, a home study shall be completed and the prospective foster or adoptive parents shall be informed that information about shaken baby syndrome, its effects, and resources for help and support for caretakers is available on a website maintained by the Department as prescribed in regulations adopted by the Board. Home studies by local boards shall be conducted in accordance with the Mutual Family Assessment home study template and any addenda thereto developed by the Department.

C. Prior to placing any such child in any foster home or children's residential facility, the local board shall enter into a written agreement with the foster parents, pursuant to § 63.2-902, or other appropriate custodian setting forth therein the conditions under which the child is so placed pursuant to § 63.2-902. However, if a child is placed in a children's residential facility licensed as a temporary emergency shelter, and a verbal agreement for placement is secured within eight hours of the child's arrival at the facility, the written agreement does not need to be entered into prior to placement, but shall be completed and signed by the local board and the facility representative within 24 hours of the child's arrival or by the end of the next business day after the child's arrival.

*Agreements entered into pursuant to this subsection shall include a statement by the local board that all reasonably ascertainable background, medical, and psychological records of the child, including whether the child has been the subject of an investigation as the perpetrator of sexual abuse, have been provided to the foster home or children's residential facility.*

D. Within 72 hours of placing a child of school age in a foster care placement, as defined in § 63.2-100, the local social services agency making such placement shall, in writing, (i) notify the principal of the school in which the student is to be enrolled and the superintendent of the relevant school division or his designee of such placement, and (ii) inform the principal of the status of the parental rights.

If the documents required for enrollment of the foster child pursuant to § 22.1-3.1, 22.1-270 or 22.1-271.2, are not immediately available upon taking the child into custody, the placing social services agency shall obtain and produce or otherwise ensure compliance with such requirements for the foster child within 30 days after the child's enrollment.

**§ 63.2-1208. Investigations; report to circuit court.**

A. Upon consideration of the petition, the circuit court shall, upon being satisfied as to proper jurisdiction and venue, immediately enter an order referring the case to a child-placing agency to conduct an investigation and prepare a report unless no investigation is required pursuant to this chapter. The court shall enter the order of reference prior to or concurrently with the entering of an order of publication, if such is necessary. Upon entry of the order of reference, the clerk shall forward a copy of the order of reference, the petition, and all exhibits thereto to the Commissioner and the child-placing agency retained to provide investigative, reporting, and supervisory services. If no Virginia agency was retained to provide such services, the order of reference, petition, and all exhibits shall be forwarded to the local director of social services of the locality where the petitioners reside or resided at the time of filing the petition or had legal residence at the time the petition was filed.

B. Upon receiving a petition and order of reference from the circuit court, the applicable agency shall make a thorough investigation of the matter and report thereon in writing, in such form as the Commissioner may prescribe, to the circuit court within 60 days after the copy of the petition and all exhibits thereto are forwarded. A copy of the report to the circuit court shall be served on the Commissioner by delivering or mailing a copy to him on or before the day of filing the report with the circuit court. On the report to the circuit court there shall be appended either acceptance of service or certificate of the local director, or the representative of the child-placing agency, that copies were served as this section requires, showing

the date of delivery or mailing. The circuit court shall expeditiously consider the merits of the petition upon receipt of the report.

C. If the report is not made to the circuit court within the periods specified, the circuit court may proceed to hear and determine the merits of the petition and enter such order or orders as the circuit court may deem appropriate.

D. The investigation requested by the circuit court shall include, in addition to other inquiries that the circuit court may require the child-placing agency or local director to make, inquiries as to (i) whether the petitioner is financially able, except as provided in Chapter 13 (§ 63.2-1300 et seq.) of this title, morally suitable, in satisfactory physical and mental health and a proper person to care for and to train the child; (ii) what the physical and mental condition of the child is; (iii) why the parents, if living, desire to be relieved of the responsibility for the custody, care, and maintenance of the child, and what their attitude is toward the proposed adoption; (iv) whether the parents have abandoned the child or are morally unfit to have custody over him; (v) the circumstances under which the child came to live, and is living, in the physical custody of the petitioner; (vi) whether the child is a suitable child for adoption by the petitioner; (vii) what fees have been paid by the petitioners or on their behalf to persons or agencies that have assisted them in obtaining the child; and (viii) whether the requirements of subsections E and F have been met. Any report made to the circuit court shall include a recommendation as to the action to be taken by the circuit court on the petition. A copy of any report made to the circuit court shall be furnished to counsel of record representing the adopting parent or parents. When the investigation reveals that there may have been a violation of § 63.2-1200 or § 63.2-1218, the local director or child-placing agency shall so inform the circuit court and the Commissioner.

E. The report shall include the relevant physical and mental history of the birth parents if known to the person making the report. The child-placing agency or local director shall document in the report all efforts they made to encourage birth parents to share information related to their physical and mental history. However, nothing in this subsection shall require that an investigation of the physical and mental history of the birth parents be made.

F. The report shall include a statement by the child-placing agency or local director that all reasonably ascertainable background, medical, and psychological records of the child, *including whether the child has been the subject of an investigation as the perpetrator of sexual abuse*, have been provided to the prospective adoptive parent(s). The report also shall include a list of such records provided.

G. If the specific provisions set out in §§ 63.2-1228, 63.2-1238, 63.2-1242 and 63.2-1244 do not apply, the petition and all exhibits shall be forwarded to the local director where the petitioners reside or to a licensed child-placing agency.

## CHAPTER 695

*An Act to amend the Code of Virginia by adding in Chapter 2 of Title 32.1 an article numbered 17, consisting of a section numbered 32.1-73.12, relating to substance-exposed infants; plan for services.*

[H 1157]

Approved March 30, 2018

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding in Chapter 2 of Title 32.1 an article numbered 17, consisting of a section numbered 32.1-73.12, as follows:**

*Article 17.*

*Substance-Exposed Infants.*

**§ 32.1-73.12. Department to be lead agency for services for substance-exposed infants.**

*The Department shall serve as the lead agency with responsibility for the development, coordination, and implementation of a plan for services for substance-exposed infants in the Commonwealth. Such plan shall support a trauma-informed approach to identification and treatment of substance-exposed infants and their caregivers and shall include options for improving screening and identification of substance-using pregnant women; use of multidisciplinary approaches to intervention and service delivery during the prenatal period and following the birth of the substance-exposed child; and referral among providers serving substance-exposed infants and their families and caregivers. In carrying out its duties, the Department shall work cooperatively with the Department of Social Services, the Department of Behavioral Health and Developmental Services, community services boards and behavioral health authorities, local departments of health, the Virginia Chapter of the American Academy of Pediatrics, the American Congress of Obstetricians and Gynecologists, Virginia Section, and such other stakeholders as may be appropriate. The Department shall report annually on December 1 to the General Assembly regarding implementation of the plan.*

## CHAPTER 696

*An Act to amend the Code of Virginia by adding in Chapter 2 of Title 32.1 an article numbered 17, consisting of a section numbered 32.1-73.12, relating to substance-exposed infants; plan for services.*

[S 389]

Approved March 30, 2018

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding in Chapter 2 of Title 32.1 an article numbered 17, consisting of a section numbered 32.1-73.12, as follows:**

*Article 17.*

*Substance-Exposed Infants.*

**§ 32.1-73.12. Department to be lead agency for services for substance-exposed infants.**

*The Department shall serve as the lead agency with responsibility for the development, coordination, and implementation of a plan for services for substance-exposed infants in the Commonwealth. Such plan shall support a trauma-informed approach to identification and treatment of substance-exposed infants and their caregivers and shall include options for improving screening and identification of substance-using pregnant women; use of multidisciplinary approaches to intervention and service delivery during the prenatal period and following the birth of the substance-exposed child; and referral among providers serving substance-exposed infants and their families and caregivers. In carrying out its duties, the Department shall work cooperatively with the Department of Social Services, the Department of Behavioral Health and Developmental Services, community services boards and behavioral health authorities, local departments of health, the Virginia Chapter of the American Academy of Pediatrics, the American Congress of Obstetricians and Gynecologists, Virginia Section, and such other stakeholders as may be appropriate. The Department shall report annually on December 1 to the General Assembly regarding implementation of the plan.*

**CHAPTER 697**

*An Act to amend the Code of Virginia by adding in Title 30 a chapter numbered 42.1, consisting of sections numbered 30-281.1 and 30-281.2, and to repeal Article 11 (§ 2.2-2424 et seq.) of Chapter 24 of Title 2.2 of the Code of Virginia, relating to the Virginia-Israel Advisory Board; report.*

[H 1297]

Approved March 30, 2018

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding in Title 30 a chapter numbered 42.1, consisting of sections numbered 30-281.1 and 30-281.2, as follows:**

*CHAPTER 42.1.*

*VIRGINIA-ISRAEL ADVISORY BOARD.*

**§ 30-281.1. Virginia-Israel Advisory Board; purpose; membership; terms; compensation and expenses; staff; chairman's executive summary.**

*A. The Virginia-Israel Advisory Board (the Board) is established as an advisory board in the legislative branch of state government. The purpose of the Board is to advise the General Assembly on ways to improve economic and cultural links between the Commonwealth and the State of Israel, with a focus on the areas of commerce and trade, art and education, and general government.*

*B. The Board shall have a total membership of 31 members that shall consist of 29 citizen members and two ex officio members. Members shall be appointed as follows: 10 citizen members appointed by the Speaker of the House of Delegates, who may be members of the House of Delegates or other state or local elected officials; 10 citizen members appointed by the Senate Committee on Rules, who may be members of the Senate or other state or local elected officials; five citizen members appointed by the Governor who represent business, industry, education, the arts, and government; the president, or his designee, of each of the four Jewish Community Federations serving the Richmond, Northern Virginia, Tidewater, and Peninsula regions, each of whom shall be a resident of the Commonwealth; and the Secretary of Commerce and Trade and the Secretary of Education, or their designees, who shall serve as ex officio voting members of the Board.*

*C. Nonlegislative citizen members shall serve for terms of four years. Legislative members and the Secretary of Commerce and Trade and the Secretary of Education, or their designees, shall serve terms coincident with their terms of office. Vacancies occurring other than by expiration of a term shall be filled for the unexpired term. Vacancies shall be filled in the same manner as the original appointments. Any member may be reappointed for successive terms.*

*D. The members of the Board shall elect a chairman and vice-chairman annually from among its membership. The Board shall meet at such times as it deems appropriate or on call of the chairman. A majority of the Board shall constitute a quorum.*

*E. Members shall receive no compensation for their services. However, all members shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825.*

*F. The Joint Rules Committee shall appoint an executive director to the Board. Funding for the costs of expenses of the members and the operations of the Board, including staffing needs, shall be from such funds as appropriated by the General Assembly.*

*G. The chairman of the Board shall submit to the Governor and the General Assembly an annual executive summary of the interim activity and work of the Board no later than the first day of each regular session of the General Assembly. The executive summary shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.*

**§ 30-281.2. Powers and duties of the Board.**

A. The Board shall have the power and duty to:

1. Undertake studies and gather information and data in order to accomplish its purposes as set forth in § 30-281.1, and to formulate and present its recommendations to the Governor and the General Assembly;
2. Apply for, accept, and expend gifts, grants, or donations from public, quasi-public, or private sources, including any matching funds as may be designated in the appropriation act, to enable it to better carry out its purposes;
3. Report annually its findings and recommendations to the Governor and the General Assembly. The Board may make interim reports to the Governor and the General Assembly as it deems advisable; and
4. Account annually on its fiscal activities, including any matching funds received or expended by the Board.

B. In addition, the Board shall meet with the Governor at least annually to (i) provide a review of the Board's economic and cultural development activity and (ii) assist in planning an economic development and cultural exchange mission to Israel.

2. That Article 11 (§ 2.2-2424 et seq.) of Chapter 24 of Title 2.2 of the Code of Virginia is repealed.

3. That any unexpended balances of the Virginia-Israel Advisory Board as of June 30, 2018, that have accrued in the executive department pursuant to a general appropriation act shall be transferred to the Virginia-Israel Advisory Board in the legislative department.

4. That the provisions of this act shall not affect current members of the Virginia-Israel Advisory Board whose terms have not expired as of July 1, 2018. However, beginning July 1, 2018, with the exception of appointments to fill the remainder of an unexpired term, the Governor shall not appoint any citizen members to the Board until such time as the number of gubernatorial citizen appointees serving on the Board is less than five.

**CHAPTER 698**

*An Act to amend and reenact § 47.1-20 of the Code of Virginia, relating to notaries; fee agreements with employer.*

[H 1343]

Approved March 30, 2018

**Be it enacted by the General Assembly of Virginia:**

**1. That § 47.1-20 of the Code of Virginia is amended and reenacted as follows:**

**§ 47.1-20. Fee agreements with employer.**

A. Any employer, as a condition of employment of a person who is a notary, may require the employee to perform notarial acts in the course of or in connection with such employment without charging the fee allowed by law for the performance of such acts.

B. ~~It shall not be lawful for any~~ Any employer ~~to~~ may require a notary in his employment to surrender to such employer a fee, if charged, or any part thereof, provided that the notarial act for which the fee is charged is performed during the course of such employee's employment.

**CHAPTER 699**

*An Act to amend the Code of Virginia by adding a section numbered 18.2-67.9:1, relating to witness testimony accompanied by certified facility dogs.*

[S 420]

Approved March 30, 2018

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding a section numbered 18.2-67.9:1 as follows:**

**§ 18.2-67.9:1. Use of a certified facility dog for testimony in a criminal proceeding.**

A. As used in this section, "certified facility dog" means a dog that (i) has completed training and been certified by a program accredited by Assistance Dogs International or by another assistance dog organization that is a member of an organization whose main purpose is to improve training, placement, and utilization of assistance dogs and (ii) is accompanied by a duly trained handler.

B. In any criminal proceeding, including preliminary hearings, the attorney for the Commonwealth or the defendant may apply for an order from the court allowing a certified facility dog to be present with a witness testifying before the court through in-person testimony or testimony televised by two-way closed-circuit television pursuant to § 18.2-67.9.

C. The court may enter an order authorizing a dog to accompany a witness while testifying at a hearing in accordance with subsection B if the court finds by a preponderance of the evidence that:

1. The dog to be used qualifies as a certified facility dog;
2. The use of a certified facility dog will aid the witness in providing his testimony; and
3. The presence and use of the certified facility dog will not interfere with or distract from the testimony or proceedings.

*D. The party seeking such order shall apply for the order at least 14 days before the preliminary hearing, trial date, or other hearing to which the order is to apply.*

*E. The court may make such orders as necessary to preserve the fairness of the proceeding, including imposing restrictions on and instructing the jury regarding the presence of the certified facility dog during the proceedings.*

*F. Nothing contained in this section shall prevent the court from providing any other accommodations to a witness as provided by law.*

## CHAPTER 700

*An Act to amend and reenact § 24.2-604 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 24.2-604.3, relating to election day page program.*

[S 589]

Approved March 30, 2018

### **Be it enacted by the General Assembly of Virginia:**

**1. That § 24.2-604 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 24.2-604.3 as follows:**

**§ 24.2-604. Prohibited activities at polls; notice of prohibited area; electioneering; presence of representatives of parties or candidates; simulated elections; observers; news media; penalties.**

A. During the times the polls are open and ballots are being counted, it shall be unlawful for any person (i) to loiter or congregate within 40 feet of any entrance of any polling place; (ii) within such distance to give, tender, or exhibit any ballot, ticket, or other campaign material to any person or to solicit or in any manner attempt to influence any person in casting his vote; or (iii) to hinder or delay a qualified voter in entering or leaving a polling place.

B. Prior to opening the polls, the officers of election shall post, in the area within 40 feet of any entrance to the polling place, sufficient notices which state "Prohibited Area" in two-inch type. The notices shall also state the provisions of this section in not less than 24-point type. The officers of election shall post the notices within the prohibited area to be visible to voters and the public.

C. The officers of election shall permit one authorized representative of each political party or independent candidate in a general or special election, or one authorized representative of each candidate in a primary election, to remain in the room in which the election is being conducted at all times. A representative may serve part of the day and be replaced by successive representatives. The officers of election shall have discretion to permit up to three authorized representatives of each political party or independent candidate in a general or special election, or up to three authorized representatives of each candidate in a primary election, to remain in the room in which the election is being conducted. The officers shall permit one such representative for each pollbook station. However, no more than one such representative for each pollbook station or three representatives of any political party or independent candidate, whichever number is larger, shall be permitted in the room at any one time. Each authorized representative shall be a qualified voter of any jurisdiction of the Commonwealth. Each representative shall present to the officers of election a written statement designating him to be a representative of the party or candidate and signed by the county or city chairman of his political party, the independent candidate, or the primary candidate, as appropriate. If the county or city chairman is unavailable to sign such a written designation, such a designation may be made by the state or district chairman of the political party. However, no written designation made by a state or district chairman shall take precedence over a written designation made by the county or city chairman. Such statement, bearing the chairman's or candidate's original signature, may be photocopied, and such photocopy shall be as valid as if the copy had been signed. No candidate whose name is printed on the ballot shall serve as a representative of a party or candidate for purposes of this section. Authorized representatives shall be allowed, whether in a regular polling place or central absentee voter precinct, to be close enough to the voter check-in table to be able to hear and see what is occurring; however, such observation shall not violate the secret vote provision of Article II, Section 3 of the Constitution of Virginia or otherwise interfere with the orderly process of the election. Any representative who complains to the chief officer of election that he is unable to hear or see the process may accept the chief officer's decision or, if dissatisfied, he may immediately appeal the decision to the local electoral board or general registrar. Authorized representatives shall be allowed, whether in a regular polling place or central absentee voter precinct, to use a handheld wireless communications device, but shall not be allowed to use such a device to capture a digital image inside the polling place or central absentee voter precinct. The officers of election may prohibit the use of cellular telephones or other handheld wireless communications devices if such use will result in a violation of subsection A or D or § 24.2-607. Authorized representatives shall not be allowed in any case to provide assistance to any voter as permitted under § 24.2-649 or to wear any indication that they are authorized to assist voters either inside the polling place or within 40 feet of any entrance to the polling place.

D. It shall be unlawful for any authorized representative, voter, or any other person in the room to (i) hinder or delay a qualified voter; (ii) give, tender, or exhibit any ballot, ticket, or other campaign material to any person; (iii) solicit or in any manner attempt to influence any person in casting his vote; (iv) hinder or delay any officer of election; (v) be in a position to see the marked ballot of any other voter; or (vi) otherwise impede the orderly conduct of the election.

E. The officers of election may require any person who is found by a majority of the officers present to be in violation of this section to remain outside of the prohibited area. Any person violating subsection A or D ~~shall be~~ *is* guilty of a Class 1 misdemeanor.

F. This section shall not be construed to prohibit a candidate from entering any polling place on the day of the election to vote, or to visit a polling place for no longer than 10 minutes per polling place per election day, provided that he complies with the restrictions stated in subsections A, D, and ~~K~~ J.

G. This section shall not be construed to prohibit a minor from entering a polling place on the day of the election to vote in a simulated election at that polling place, provided that the local electoral board or general registrar has determined that such polling place can accommodate simulated election activities without interference or substantial delay in the orderly conduct of the official voting process. Persons supervising or working in a simulated election in which minors vote may remain within such polling place. The local electoral board or general registrar and the chief officer for the polling place shall exercise authority over, but shall have no responsibility for the administration of, simulated election related activities at the polling place.

~~H. The local electoral board, or its general registrar, may conduct a special election day program for high school students in one or more polling places designated by the electoral board or the general registrar, other than a central absentee voter precinct. Such students shall be selected by the electoral board or the general registrar in cooperation with high school authorities. The program shall be designed to stimulate the students' interest in elections and registering to vote, provide assistance to the officers of election, and ensure the safe entry and exit of elderly and disabled voters from the polling place. Each student shall receive, from a person designated by the electoral board, training on the duties, responsibilities, and prohibited conduct of election pages. Each student shall take and sign an oath as an election page, serve under the direct supervision of the chief officer of election of his assigned polling place, and observe strict impartiality at all times. Election pages may observe the electoral process and seek information from the chief officer of election and may assist in the arrangement of the voting equipment, furniture, and other materials for the conduct of the election, but shall not enter any voting booth. Election pages may, at the direction and under the direct supervision of the chief officer of election, assist in the counting of unmarked ballots prior to the opening of the polls, but shall not handle or touch ballots in any other circumstance.~~

~~I. A local electoral board or general registrar may authorize in writing the presence of additional neutral observers as may be deemed appropriate, except as otherwise prohibited or limited by this section. Such observers shall comply with the restrictions in subsections A and D and shall not be allowed in any case to provide assistance to any voter as permitted under § 24.2-649 or to wear any indication that they are authorized to assist voters either inside the polling place or within 40 feet of any entrance to the polling place.~~

~~J. I. The officers of election shall permit representatives of the news media to visit and film or photograph inside the polling place for a reasonable and limited period of time while the polls are open. However, the media (i) shall comply with the restrictions in subsections A and D; (ii) shall not film or photograph any person who specifically asks the media representative at that time that he not be filmed or photographed; (iii) shall not film or photograph the voter or the ballot in such a way that divulges how any individual voter is voting; and (iv) shall not film or photograph the voter list or any other voter record or material at the precinct in such a way that it divulges the name or other information concerning any individual voter. Any interviews with voters, candidates or other persons, live broadcasts, or taping of reporters' remarks, shall be conducted outside of the polling place and the prohibited area. The officers of election may require any person who is found by a majority of the officers present to be in violation of this subsection to leave the polling place and the prohibited area.~~

~~K. J. The provisions of subsections A and D shall not be construed to prohibit a person who approaches or enters the polling place for the purpose of voting from wearing a shirt, hat, or other apparel on which a candidate's name or a political slogan appears or from having a sticker or button attached to his apparel on which a candidate's name or a political slogan appears. This exemption shall not apply to candidates, representatives of candidates, or any other person who approaches or enters the polling place for any purpose other than voting.~~

**§ 24.2-604.3. Election day page program; high school students.**

*A. The local electoral board, or its general registrar, may conduct a special election day page program for high school students in one or more polling places designated by the electoral board or the general registrar, other than a central absentee voter precinct. Students shall be selected for the election day page program by the electoral board or the general registrar in cooperation with high school authorities. The program shall be designed to stimulate the pages' interest in elections and registering to vote, provide assistance to the officers of election, and ensure the safe entry and exit of elderly and disabled voters from the polling place.*

*B. Each page shall receive, from a person designated by the electoral board, training on the duties, responsibilities, and prohibited conduct of election pages. Each page shall take and sign an oath as an election page, serve under the direct supervision of the chief officer of election of his assigned polling place, and observe strict impartiality at all times.*

*C. Election pages may observe the electoral process and seek information from the chief officer of election and may assist in the arrangement of the voting equipment, furniture, and other materials for the conduct of the election but shall not enter any voting booth. Election pages may, at the direction and under the direct supervision of the chief officer of election, assist in the counting of unmarked ballots but shall not handle or touch ballots in any other circumstance.*

## CHAPTER 701

*An Act to amend and reenact § 20-109 of the Code of Virginia, relating to modification of spousal support.*

[S 614]

Approved March 30, 2018

**Be it enacted by the General Assembly of Virginia:**

**1. That § 20-109 of the Code of Virginia is amended and reenacted as follows:**

**§ 20-109. Changing maintenance and support for a spouse; effect of stipulations as to maintenance and support for a spouse; cessation upon cohabitation, remarriage or death.**

A. Upon petition of either party the court may increase, decrease, or terminate the amount or duration of any spousal support and maintenance that may thereafter accrue, whether previously or hereafter awarded, as the circumstances may make proper. Upon order of the court based upon clear and convincing evidence that the spouse receiving support has been habitually cohabiting with another person in a relationship analogous to a marriage for one year or more commencing on or after July 1, 1997, the court shall terminate spousal support and maintenance unless (i) otherwise provided by stipulation or contract or (ii) the spouse receiving support proves by a preponderance of the evidence that termination of such support would be unconscionable. The provisions of this subsection shall apply to all orders and decrees for spousal support, regardless of the date of the suit for initial setting of support, the date of entry of any such order or decree, or the date of any petition for modification of support.

B. The court may consider a modification of an award of spousal support for a defined duration upon petition of either party filed within the time covered by the duration of the award. Upon consideration of the factors set forth in subsection E of § 20-107.1, the court may increase, decrease or terminate the amount or duration of the award upon finding that (i) there has been a material change in the circumstances of the parties, not reasonably in the contemplation of the parties when the award was made or (ii) an event which the court anticipated would occur during the duration of the award and which was significant in the making of the award, does not in fact occur through no fault of the party seeking the modification. The provisions of this subsection shall apply only to suits for initial spousal support orders filed on or after July 1, 1998, and suits for modification of spousal support orders arising from suits for initial support orders filed on or after July 1, 1998.

C. In suits for divorce, annulment and separate maintenance, and in proceedings arising under subdivision A 3 or subsection L of § 16.1-241, if a stipulation or contract signed by the party to whom such relief might otherwise be awarded is filed before entry of a final decree, no decree or order directing the payment of support and maintenance for the spouse, suit money, or counsel fee or establishing or imposing any other condition or consideration, monetary or nonmonetary, shall be entered except in accordance with that stipulation or contract. If such a stipulation or contract is filed after entry of a final decree and if any party so moves, the court shall modify its decree to conform to such stipulation or contract. *No request for modification of spousal support based on a material change in circumstances or the terms of stipulation or contract shall be denied solely on the basis of the terms of any stipulation or contract that is executed on or after July 1, 2018, unless such stipulation or contract contains the following language: "The amount or duration of spousal support contained in this [AGREEMENT] is not modifiable except as specifically set forth in this [AGREEMENT]."*

D. Unless otherwise provided by stipulation or contract, spousal support and maintenance shall terminate upon the death of either party or remarriage of the spouse receiving support. The spouse entitled to support shall have an affirmative duty to notify the payor spouse immediately of remarriage at the last known address of the payor spouse.

## CHAPTER 702

*An Act to amend and reenact §§ 25.1-100 and 25.1-230.1 of the Code of Virginia, relating to eminent domain; calculation of lost profits.*

[S 809]

Approved March 30, 2018

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 25.1-100 and 25.1-230.1 of the Code of Virginia are amended and reenacted as follows:**

**§ 25.1-100. Definitions.**

As used in this title, unless the context requires a different meaning:

"Appraisal" means a written statement independently and impartially prepared by a qualified appraiser setting forth an opinion of defined value of an adequately described property as of a specific date, supported by the presentation and analysis of relevant market information.

"Body determining just compensation" means a panel of commissioners empaneled pursuant to § 25.1-227.2, jury selected pursuant to § 25.1-229, or the court if neither a panel of commissioners nor a jury is appointed or empaneled.

"Court" means the court having jurisdiction as provided in § 25.1-201.

"Date of valuation" means the time of the lawful taking by the petitioner, or the date of the filing of the petition pursuant to § 25.1-205, whichever occurs first.

"Freeholder" means any person owning an interest in land in fee, including a person owning a condominium unit.

"Land" means real estate and all rights and appurtenances thereto, together with the structures and other improvements thereon, and any right, title, interest, estate or claim in or to real estate.

"Locality" or "local government" means a county, city, or town, as the context may require.

"Lost access" means a material impairment of direct access to property, a portion of which has been taken or damaged as set out in subsection B of § 25.1-230.1. This definition of the term "lost access" shall not diminish any existing right or remedy, and shall not create any new right or remedy other than to allow the body determining just compensation to consider a change in access in awarding just compensation.

"Lost profits" means a loss of business profits, as defined in § 25.1-230.1, *that is suffered as a result of a taking of the property on which a business or farm operation is located*, subject to adjustment using generally accepted accounting principles consistently applied, from a business or farm operation for a period not to exceed ~~(±)~~ three years from the *later of (i) the date of valuation if less than or (ii) the date the state agency or its contractor prevents the owner from using the land or any of the owner's other property rights are taken*. The person claiming lost profits is entitled to compensation whether *part of the property or the entire parcel of property is taken or (ii) one year from the date of valuation if the entire parcel of property is taken that is suffered as a result of a taking of the property on which the business or farm operation is located, provided*. In order to qualify for an award of lost profits, one of the following conditions shall be met: (a) the business is owned by the owner of the property taken, or by a tenant whose leasehold interest grants the tenant exclusive possession of substantially all the property taken, or (b) the farm operation is operated by the owner of the property taken, or by a tenant using for a farm operation the property taken, to the extent that the loss is determined and proven pursuant to subsection C of § 25.1-230.1. This definition of the term "lost profits" shall not create any new right or remedy or diminish any existing right or remedy other than to allow the body determining just compensation to consider lost profits in awarding just compensation if a person asserts a right to lost profits in a claim for compensation.

"Owner" means any person who owns property, provided that the person's ownership of the property is of record in the land records of the clerk's office of the circuit court of the county or city where the property is located. The term "owner" shall not include trustees or beneficiaries under a deed of trust, any person with a security interest in the property, or any person with a judgment or lien against the property. This definition of the term "owner" shall not affect in any way the valuation of property.

"Person" means any individual; firm; cooperative; association; corporation; limited liability company; trust; business trust; syndicate; partnership; limited liability partnership; joint venture; receiver; trustee in bankruptcy or any other person acting in a fiduciary or representative capacity, whether appointed by a court or otherwise; club, society or other group or combination acting as a unit; the Commonwealth or any department, agency or instrumentality thereof; any city, county, town, or other political subdivision or any department, agency or instrumentality thereof; or any interstate body to which the Commonwealth is a party.

"Petitioner" or "condemnor" means any person who possesses the power to exercise the right of eminent domain and who seeks to exercise such power. The term "petitioner" or "condemnor" includes a state agency.

"Property" means land and personal property, and any right, title, interest, estate or claim in or to such property.

"State agency" means any (i) department, agency or instrumentality of the Commonwealth; (ii) public authority, municipal corporation, local governmental unit or political subdivision of the Commonwealth or any department, agency or instrumentality thereof; (iii) person who has the authority to acquire property by eminent domain under state law; or (iv) two or more of the aforementioned that carry out projects that cause persons to be displaced.

"State institution" means any (i) institution enumerated in § 23.1-1100 or (ii) state hospital or state training center operated by the Department of Behavioral Health and Developmental Services.

**§ 25.1-230.1. Lost access and lost profits.**

A. For purposes of this section:

"Business" shall have the same meaning as set forth in § 25.1-400.

"Business profit" means the average net income for federal income tax purposes for the three years immediately prior to the ~~valuation date of~~ *later of (i) the date of valuation or (ii) the date the state agency or its contractor prevents the owner from using the land or any of the owner's other property rights are taken*, for a business or farm operation located on the property taken.

"Direct access" means ingress or egress on or off a public road, street, or highway at a location where the property adjoins that road, street, or highway.

"Farm operation" shall have the same meaning as set forth in § 25.1-400.

B. The body determining just compensation shall include in its determination of damage to the residue any loss in market value of the remaining property from lost access caused by the taking or damaging of the property. The body determining just compensation shall ascertain any reduction in value for lost access, if any, that may accrue to the residue (i) beyond the enhancement in value, if any, to such residue as provided in subdivision A 1 of § 25.1-230, or (ii) beyond the peculiar benefits, if any, to such other property as provided in subdivision A 2 of § 25.1-230, by reason of the taking and use by the petitioner. If such peculiar benefit or enhancement in value shall exceed the reduction in value, there shall be no recovery against the landowner for such excess. The body determining just compensation may not consider an injury or benefit that the property owner experiences in common with the general community, including off-site circuitry of travel and diversion of traffic, arising from an exercise of the police power. The body determining just compensation shall ensure that

any compensation awarded for lost access shall not be duplicated in the compensation otherwise awarded to the owner of the property taken or damaged.

C. The body determining just compensation shall include in its determination of just compensation lost profits to the owner of a business or farm operation conducted on the property taken only if the owner proves with reasonable certainty the amount of the loss and that the loss is directly and proximately caused by the taking of the property through the exercise of eminent domain and the following conditions are met:

1. The loss cannot be reasonably prevented by a relocation of the business or farm operation, or by taking steps and adopting procedures that a reasonably prudent person would take and adopt;
2. The loss will not be included in relocation assistance provided pursuant to Chapter 4 (§ 25.1-400 et seq.);
3. Compensation for the loss will not be duplicated in the compensation otherwise awarded to the owner of the property taken or damaged; and
4. The loss shall be determined in accordance with generally accepted accounting principles applied on a consistent basis.

D. Any and all liability for lost access shall be established and made a part of the award of just compensation for damage to the residue of the property taken or damaged, and any and all liability for lost profits shall be set forth specifically in the award. In a partial acquisition, in the event that the owner of the property being condemned and the owner of the business or farm operation claiming lost profits are the same, then any enhancement or peculiar benefit shall be offset against both damage to the residue and lost profits.

E. It shall not be a requirement of any bona fide effort to purchase the property pursuant to § 25.1-204 or 33.2-1001 that the petitioner include any liability for lost profits in a written offer to purchase the property.

F. In any proceeding in which the owner of a business or farm operation seeks to recover lost profits, the owner shall provide the condemning authority with all federal income tax returns, if any, relating to the business or farm operation for which the owner seeks lost profits for a period of three years prior to the *later of (i) the valuation date or (ii) the date the state agency or its contractor prevents the owner from using the land or any of the owner's other property rights are taken*, and for each year thereafter during the pendency of the condemnation proceeding. The condemning authority shall not divulge the information provided pursuant to this subsection except in connection with the condemnation proceeding. *Additionally, unless already named in the petition for condemnation, the owner may intervene in the proceeding by filing a motion to intervene accompanied by a petition for intervention setting forth the basis for the lost profits claim under this chapter. Proceedings to adjudicate lost profits may be bifurcated from the other proceedings to determine just compensation if the lost profits claim period will not expire until one year or later from the date of the filing of the petition for condemnation, but such bifurcation shall not prevent the entry of an order confirming indefeasible title to the land interests acquired by the condemning authority.*

G. Nothing in this section is intended to provide for compensation for inverse condemnation claims for temporary interference with or interruption of a business or farm operation other than that which is directly and proximately caused by a taking or damaging of property through the exercise of eminent domain.

### CHAPTER 703

*An Act to amend the Code of Virginia by adding a section numbered 38.2-3407.10:1, relating to reimbursement of a physician for services rendered during the period in which a credentialing application is pending before a health insurance carrier.*

[H 139]

Approved March 30, 2018

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding a section numbered 38.2-3407.10:1 as follows:**

**§ 38.2-3407.10:1. Reimbursement for services rendered during pendency of physician's credentialing application.**

*A. As used in this section:*

*"Carrier" means an entity subject to the insurance laws and regulations of the Commonwealth and subject to the jurisdiction of the Commission that contracts or offers to contract to provide, deliver, arrange for, pay for, or reimburse any of the costs of health care services, including an insurer licensed to sell accident and sickness insurance, a health maintenance organization, a health services plan, or any other entity providing a plan of health insurance, health benefits, or health care services.*

*"Covered person" means a policyholder, subscriber, enrollee, participant, or other individual covered by a health benefit plan.*

*"Health benefit plan" means a policy, contract, certificate, or agreement offered by a carrier to provide, deliver, arrange for, pay for, or reimburse any of the costs of health care services.*

*"Network" means a group of participating physicians who provide health care services under the carrier's health benefit plan that requires or creates incentives for a covered person to use the participating physicians.*

*"New provider applicant" means a physician who has submitted a completed credentialing application to a carrier.*

"Participating physician" means a physician who is managed, under contract with, or employed by a carrier and who has agreed to provide health care services to covered persons with an expectation of receiving payments, other than coinsurance, copayments, or deductibles, directly or indirectly from the carrier.

"Physician" means a doctor of medicine or osteopathic medicine holding an active license from the Board of Medicine.

B. A carrier that credentials the physicians in its network shall establish reasonable protocols and procedures for reimbursing new provider applicants, after being credentialed by the carrier, for health care services provided to covered persons during the period in which the applicant's completed credentialing application is pending. At a minimum, the protocols and procedures shall:

1. Apply only if the physician's credentialing application is approved by the carrier;
2. Permit physician reimbursement for services rendered from the date the physician's completed credentialing application is received for consideration by the carrier;
3. Apply only if a contractual relationship exists between the carrier and the physician or entity for whom the physician is employed or engaged; and
4. Require that any reimbursement be paid at the in-network rate that the physician would have received had he been, at the time the covered health care services were provided, a credentialed participating physician in the network for the applicable health benefit plan.

C. Nothing in this section shall require reimbursement of physician-rendered services that are not benefits or services covered by the carrier's health benefit plan.

D. Nothing in this section requires a carrier to pay reimbursement at the contracted in-network rate for any covered medical services provided by the new provider applicant if the new provider applicant's credentialing application is not approved or the carrier is otherwise not willing to contract with the new provider applicant.

E. Payments made or retroactive denials of payments made under this section shall be governed by § 38.2-3407.15.

F. If a payment is made by the carrier to a physician or any entity that employs or engages such physician under this section for a covered service, the patient shall only be responsible for any coinsurance, copayments, or deductibles permitted under the insurance contract with the carrier or participating provider agreement with the physician. If the new provider applicant is not credentialed by the carrier, the new provider applicant or any entity that employs or engages such physician shall not collect any amount from the patient for health care services provided from the date the completed credentialing application was submitted to the carrier until the applicant received notification from the carrier that credentialing was denied.

G. New provider applicants, in order to submit claims to the carrier pursuant to this section, shall provide written or electronic notice to covered persons in advance of treatment that they have submitted a credentialing application to the carrier of the covered person, stating that the carrier is in the process of obtaining and verifying the following pursuant to credentialing regulations:

*"Notice of Provider credentialing and re-credentialing.*

Your health insurance carrier is required to establish and maintain a comprehensive credentialing verification program to ensure that its physicians meet the minimum standards of professional licensure or certification. Written supporting documentation for physicians who have completed their residency or fellowship requirements for their specialty area more than 12 months prior to the credentialing decision shall include:

1. Current valid license and history of licensure or certification;
2. Status of hospital privileges, if applicable;
3. Valid U.S. Drug Enforcement Administration certificate, if applicable;
4. Information from the National Practitioner Data Bank, as available;
5. Education and training, including postgraduate training, if applicable;
6. Specialty board certification status, if applicable;
7. Practice or work history covering at least the past five years; and
8. Current, adequate malpractice insurance and malpractice history covering at least the past five years.

Your health insurance carrier is in the process of obtaining and verifying the above information in order to determine if your physician will be credentialed or not."

H. The provisions of this section shall not apply to coverages issued by a Medicare Advantage plan or pursuant to Title XIX of the Social Security Act, 42 U.S.C. § 1396 et seq. (Medicaid).

I. The Commission shall have no jurisdiction to adjudicate individual controversies arising out of this section.

**2. That the Virginia Department of Health shall revise and reenact the regulations promulgated pursuant to § 32.1-137.1 of the Code of Virginia regarding managed care health insurance plans consistent with the provisions of this act.**

### CHAPTER 704

*An Act to amend and reenact § 59.1-200 of the Code of Virginia and to amend the Code of Virginia by adding in Title 59.1 a chapter numbered 17.8, consisting of sections numbered 59.1-207.45 through 59.1-207.49, relating to automatic renewal offers and continuous service offers; charging accounts for ongoing shipments of a product or ongoing deliveries of a service; penalties.*

Approved March 30, 2018

[H 911]

**Be it enacted by the General Assembly of Virginia:**

**1. That § 59.1-200 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Title 59.1 a chapter numbered 17.8, consisting of sections numbered 59.1-207.45 through 59.1-207.49, as follows:**

**§ 59.1-200. Prohibited practices.**

A. The following fraudulent acts or practices committed by a supplier in connection with a consumer transaction are hereby declared unlawful:

1. Misrepresenting goods or services as those of another;
2. Misrepresenting the source, sponsorship, approval, or certification of goods or services;
3. Misrepresenting the affiliation, connection, or association of the supplier, or of the goods or services, with another;
4. Misrepresenting geographic origin in connection with goods or services;
5. Misrepresenting that goods or services have certain quantities, characteristics, ingredients, uses, or benefits;
6. Misrepresenting that goods or services are of a particular standard, quality, grade, style, or model;
7. Advertising or offering for sale goods that are used, secondhand, repossessed, defective, blemished, deteriorated, or reconditioned, or that are "seconds," irregulars, imperfects, or "not first class," without clearly and unequivocally indicating in the advertisement or offer for sale that the goods are used, secondhand, repossessed, defective, blemished, deteriorated, reconditioned, or are "seconds," irregulars, imperfects or "not first class";

8. Advertising goods or services with intent not to sell them as advertised, or with intent not to sell at the price or upon the terms advertised.

In any action brought under this subdivision, the refusal by any person, or any employee, agent, or servant thereof, to sell any goods or services advertised or offered for sale at the price or upon the terms advertised or offered, shall be prima facie evidence of a violation of this subdivision. This paragraph shall not apply when it is clearly and conspicuously stated in the advertisement or offer by which such goods or services are advertised or offered for sale, that the supplier or offeror has a limited quantity or amount of such goods or services for sale, and the supplier or offeror at the time of such advertisement or offer did in fact have or reasonably expected to have at least such quantity or amount for sale;

9. Making false or misleading statements of fact concerning the reasons for, existence of, or amounts of price reductions;

10. Misrepresenting that repairs, alterations, modifications, or services have been performed or parts installed;

11. Misrepresenting by the use of any written or documentary material that appears to be an invoice or bill for merchandise or services previously ordered;

12. Notwithstanding any other provision of law, using in any manner the words "wholesale," "wholesaler," "factory," or "manufacturer" in the supplier's name, or to describe the nature of the supplier's business, unless the supplier is actually engaged primarily in selling at wholesale or in manufacturing the goods or services advertised or offered for sale;

13. Using in any contract or lease any liquidated damage clause, penalty clause, or waiver of defense, or attempting to collect any liquidated damages or penalties under any clause, waiver, damages, or penalties that are void or unenforceable under any otherwise applicable laws of the Commonwealth, or under federal statutes or regulations;

13a. Failing to provide to a consumer, or failing to use or include in any written document or material provided to or executed by a consumer, in connection with a consumer transaction any statement, disclosure, notice, or other information however characterized when the supplier is required by 16 C.F.R. Part 433 to so provide, use, or include the statement, disclosure, notice, or other information in connection with the consumer transaction;

14. Using any other deception, fraud, false pretense, false promise, or misrepresentation in connection with a consumer transaction;

15. Violating any provision of § 3.2-6512, 3.2-6513, or 3.2-6516, relating to the sale of certain animals by pet dealers which is described in such sections, is a violation of this chapter;

16. Failing to disclose all conditions, charges, or fees relating to:

a. The return of goods for refund, exchange, or credit. Such disclosure shall be by means of a sign attached to the goods, or placed in a conspicuous public area of the premises of the supplier, so as to be readily noticeable and readable by the person obtaining the goods from the supplier. If the supplier does not permit a refund, exchange, or credit for return, he shall so state on a similar sign. The provisions of this subdivision shall not apply to any retail merchant who has a policy of providing, for a period of not less than 20 days after date of purchase, a cash refund or credit to the purchaser's credit card account for the return of defective, unused, or undamaged merchandise upon presentation of proof of purchase. In the case of merchandise paid for by check, the purchase shall be treated as a cash purchase and any refund may be delayed for a period of 10 banking days to allow for the check to clear. This subdivision does not apply to sale merchandise that is obviously distressed, out of date, post season, or otherwise reduced for clearance; nor does this subdivision apply to special order purchases where the purchaser has requested the supplier to order merchandise of a specific or unusual size, color, or brand not ordinarily carried in the store or the store's catalog; nor shall this subdivision apply in connection with a transaction for the sale or lease of motor vehicles, farm tractors, or motorcycles as defined in § 46.2-100;

b. A layaway agreement. Such disclosure shall be furnished to the consumer (i) in writing at the time of the layaway agreement, or (ii) by means of a sign placed in a conspicuous public area of the premises of the supplier, so as to be readily noticeable and readable by the consumer, or (iii) on the bill of sale. Disclosure shall include the conditions, charges, or fees in the event that a consumer breaches the agreement;

16a. Failing to provide written notice to a consumer of an existing open-end credit balance in excess of \$5 (i) on an account maintained by the supplier and (ii) resulting from such consumer's overpayment on such account. Suppliers shall give consumers written notice of such credit balances within 60 days of receiving overpayments. If the credit balance information is incorporated into statements of account furnished consumers by suppliers within such 60-day period, no separate or additional notice is required;

17. If a supplier enters into a written agreement with a consumer to resolve a dispute that arises in connection with a consumer transaction, failing to adhere to the terms and conditions of such an agreement;

18. Violating any provision of the Virginia Health Club Act, Chapter 24 (§ 59.1-294 et seq.);

19. Violating any provision of the Virginia Home Solicitation Sales Act, Chapter 2.1 (§ 59.1-21.1 et seq.);

20. Violating any provision of the Automobile Repair Facilities Act, Chapter 17.1 (§ 59.1-207.1 et seq.);

21. Violating any provision of the Virginia Lease-Purchase Agreement Act, Chapter 17.4 (§ 59.1-207.17 et seq.);

22. Violating any provision of the Prizes and Gifts Act, Chapter 31 (§ 59.1-415 et seq.);

23. Violating any provision of the Virginia Public Telephone Information Act, Chapter 32 (§ 59.1-424 et seq.);

24. Violating any provision of § 54.1-1505;

25. Violating any provision of the Motor Vehicle Manufacturers' Warranty Adjustment Act, Chapter 17.6 (§ 59.1-207.34 et seq.);

26. Violating any provision of § 3.2-5627, relating to the pricing of merchandise;

27. Violating any provision of the Pay-Per-Call Services Act, Chapter 33 (§ 59.1-429 et seq.);

28. Violating any provision of the Extended Service Contract Act, Chapter 34 (§ 59.1-435 et seq.);

29. Violating any provision of the Virginia Membership Camping Act, Chapter 25 (§ 59.1-311 et seq.);

30. Violating any provision of the Comparison Price Advertising Act, Chapter 17.7 (§ 59.1-207.40 et seq.);

31. Violating any provision of the Virginia Travel Club Act, Chapter 36 (§ 59.1-445 et seq.);

32. Violating any provision of §§ 46.2-1231 and 46.2-1233.1;

33. Violating any provision of Chapter 40 (§ 54.1-4000 et seq.) of Title 54.1;

34. Violating any provision of Chapter 10.1 (§ 58.1-1031 et seq.) of Title 58.1;

35. Using the consumer's social security number as the consumer's account number with the supplier, if the consumer has requested in writing that the supplier use an alternate number not associated with the consumer's social security number;

36. Violating any provision of Chapter 18 (§ 6.2-1800 et seq.) of Title 6.2;

37. Violating any provision of § 8.01-40.2;

38. Violating any provision of Article 7 (§ 32.1-212 et seq.) of Chapter 6 of Title 32.1;

39. Violating any provision of Chapter 34.1 (§ 59.1-441.1 et seq.);

40. Violating any provision of Chapter 20 (§ 6.2-2000 et seq.) of Title 6.2;

41. Violating any provision of the Virginia Post-Disaster Anti-Price Gouging Act, Chapter 46 (§ 59.1-525 et seq.);

42. Violating any provision of Chapter 47 (§ 59.1-530 et seq.);

43. Violating any provision of § 59.1-443.2;

44. Violating any provision of Chapter 48 (§ 59.1-533 et seq.);

45. Violating any provision of Chapter 25 (§ 6.2-2500 et seq.) of Title 6.2;

46. Violating the provisions of clause (i) of subsection B of § 54.1-1115;

47. Violating any provision of § 18.2-239;

48. Violating any provision of Chapter 26 (§ 59.1-336 et seq.);

49. Selling, offering for sale, or manufacturing for sale a children's product the supplier knows or has reason to know was recalled by the U.S. Consumer Product Safety Commission. There is a rebuttable presumption that a supplier has reason to know a children's product was recalled if notice of the recall has been posted continuously at least 30 days before the sale, offer for sale, or manufacturing for sale on the website of the U.S. Consumer Product Safety Commission. This prohibition does not apply to children's products that are used, secondhand or "seconds";

50. Violating any provision of Chapter 44.1 (§ 59.1-518.1 et seq.);

51. Violating any provision of Chapter 22 (§ 6.2-2200 et seq.) of Title 6.2;

52. Violating any provision of § 8.2-317.1;

53. Violating subsection A of § 9.1-149.1;

54. Selling, offering for sale, or using in the construction, remodeling, or repair of any residential dwelling in the Commonwealth, any drywall that the supplier knows or has reason to know is defective drywall. This subdivision shall not apply to the sale or offering for sale of any building or structure in which defective drywall has been permanently installed or affixed;

55. Engaging in fraudulent or improper or dishonest conduct as defined in § 54.1-1118 while engaged in a transaction that was initiated (i) during a declared state of emergency as defined in § 44-146.16 or (ii) to repair damage resulting from the event that prompted the declaration of a state of emergency, regardless of whether the supplier is licensed as a contractor in the Commonwealth pursuant to Chapter 11 (§ 54.1-1100 et seq.) of Title 54.1; ~~and~~

56. Violating any provision of Chapter 33.1 (§ 59.1-434.1 et seq.); *and*

57. Violating any provision of Chapter 17.8 (§ 59.1-207.45 et seq.).

B. Nothing in this section shall be construed to invalidate or make unenforceable any contract or lease solely by reason of the failure of such contract or lease to comply with any other law of the Commonwealth or any federal statute or

regulation, to the extent such other law, statute, or regulation provides that a violation of such law, statute, or regulation shall not invalidate or make unenforceable such contract or lease.

CHAPTER 17.8.

*AUTOMATIC RENEWAL OFFERS AND CONTINUOUS SERVICE OFFERS.*

**§ 59.1-207.45. Definitions.**

*As used in this chapter, unless the context requires a different meaning:*

"Automatic renewal" means a plan or arrangement in which a paid subscription or purchasing agreement is automatically renewed at the end of a definite term for a subsequent term.

"Automatic renewal offer terms" means the following clear and conspicuous disclosures:

1. That the subscription or purchasing agreement will continue until the consumer cancels;
2. The description of the cancellation policy that applies to the offer;
3. The recurring charges that will be charged to the consumer's credit or debit card or payment account with a third party as part of the automatic renewal plan or arrangement and that the amount of the charge may change, if that is the case, and the amount to which the charge will change, if known;
4. The length of the automatic renewal term or that the service is continuous, unless the length of the term is chosen by the consumer; and
5. The minimum purchase obligation, if any.

"Clear and conspicuous" or "clearly and conspicuously" means in larger type than the surrounding text, or in contrasting type, font, or color to the surrounding text of the same size, or set off from the surrounding text of the same size by symbols or other marks, in a manner that clearly calls attention to the language. In the case of an audio disclosure, "clear and conspicuous" or "clearly and conspicuously" means in a volume and cadence sufficient to be readily audible and understandable.

"Consumer" means any individual who seeks or acquires, by purchase or lease, any goods, services, money, or credit for personal, family, or household purposes.

"Continuous service" means a plan or arrangement in which a subscription or purchasing agreement continues until the consumer cancels the service.

"Supplier" has the same meaning ascribed thereto in § 59.1-198.

**§ 59.1-207.46. Making automatic renewal or continuous service offer to consumer; affirmative consent required; disclosures; prohibited conduct.**

A. No supplier making an automatic renewal or continuous service offer to a consumer in the Commonwealth shall do any of the following:

1. Fail to present the automatic renewal offer terms or continuous service offer terms in a clear and conspicuous manner before the consumer becomes obligated on the automatic renewal or continuous service offer and in visual proximity, or in the case of an offer conveyed by voice, in temporal proximity, to the request for consent to the offer.
2. Charge the consumer's credit or debit card or the consumer's account with a third party for an automatic renewal or continuous service without first obtaining the consumer's affirmative consent to the agreement containing the automatic renewal offer terms or continuous service offer terms.
3. Fail to provide an acknowledgment that includes the automatic renewal or continuous service offer terms, cancellation policy, and information regarding how to cancel in a manner that is capable of being retained by the consumer. If the offer includes a free trial, the supplier shall also disclose in the acknowledgment how to cancel and allow the consumer to cancel before the consumer pays or becomes obligated to pay for the goods or services.

B. A supplier making automatic renewal or continuous service offers shall provide a toll-free telephone number, an electronic mail address, a postal address only when the supplier directly bills the consumer, or another cost-effective, timely, and easy-to-use mechanism for cancellation that shall be described in the acknowledgment specified in subdivision A 3.

C. In the case of a material change in the terms of the automatic renewal or continuous service offer that has been accepted by a consumer in the Commonwealth, the supplier shall provide the consumer with a clear and conspicuous notice of the material change and provide information regarding how to cancel in a manner that is capable of being retained by the consumer.

D. The requirements of this section shall apply only prior to the completion of the initial order for the automatic renewal or continuous service, except:

1. The requirement in subdivision A 3 may be fulfilled after completion of the initial order; and
2. The requirement in subsection C shall be fulfilled prior to implementation of the material change.

**§ 59.1-207.47. When goods, wares, merchandise, or products deemed a gift.**

In any case in which a supplier sends any goods, wares, merchandise, or products to a consumer under a continuous service agreement or automatic renewal of a purchase without first obtaining the consumer's affirmative consent as described in § 59.1-207.46, the goods, wares, merchandise, or products shall for all purposes be deemed an unconditional gift to the consumer; who may use or dispose of the same in any manner he sees fit without any obligation whatsoever on the consumer's part to the supplier, including any obligation or responsibility for shipping any goods, wares, merchandise, or products to the supplier.

**§ 59.1-207.48. Exemptions.**

This chapter shall not apply to:

1. Any service provided by a supplier or its affiliate where either the supplier or its affiliate is doing business pursuant to a franchise issued by a political subdivision of the Commonwealth or a license, franchise, certificate, or other authorization issued by the State Corporation Commission to a public service company or public utility pursuant to Title 56;
2. Any service provided by a supplier or its affiliate where either the supplier or its affiliate is regulated by the State Corporation Commission, the Federal Communications Commission, or the Federal Energy Regulatory Commission;
3. Alarm company operators that are regulated pursuant to § 15.2-911;
4. A bank, bank holding company, or the subsidiary or affiliate of either, or a credit union or other financial institution, licensed under federal or state law;
5. Any home protection company regulated by the State Corporation Commission pursuant to Chapter 26 (§ 38.2-2600 et seq.) of Title 38.2;
6. Any home service contract provider regulated by the Department of Agriculture and Consumer Services pursuant to Chapter 33.1 (§ 59.1-434.1 et seq.); or
7. Any health club registered pursuant to the Virginia Health Club Act (59.1-294 et seq.).

**§ 59.1-207.49. Enforcement; penalties.**

Any violation of this chapter shall constitute a prohibited practice under the provisions of § 59.1-200 and shall be subject to the enforcement provisions of the Virginia Consumer Protection Act (§ 59.1-196 et seq.). However, if a supplier makes a good faith effort to comply with the requirements of this chapter, the supplier shall not be subject to either a civil penalty under § 59.1-206 or damages under § 59.1-204.

**2. That the provisions of this act shall become effective on January 1, 2019.**

**CHAPTER 705**

*An Act to amend and reenact § 2.2-2101 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 25 of Title 2.2 an article numbered 10, consisting of sections numbered 2.2-2537 through 2.2-2543, relating to Henrietta Lacks Commission; report; sunset.*

[H 1415]

Approved March 30, 2018

**Be it enacted by the General Assembly of Virginia:**

**1. That § 2.2-2101 of the Code of Virginia is amended and reenacted and the Code of Virginia is amended by adding in Chapter 25 of Title 2.2 an article numbered 10, consisting of sections numbered 2.2-2537 through 2.2-2543, as follows:**

**§ 2.2-2101. Prohibition against service by legislators on boards, commissions, and councils within the executive branch; exceptions.**

Members of the General Assembly shall be ineligible to serve on boards, commissions, and councils within the executive branch of state government who are responsible for administering programs established by the General Assembly. Such prohibition shall not extend to boards, commissions, and councils engaged solely in policy studies or commemorative activities. If any law directs the appointment of any member of the General Assembly to a board, commission, or council in the executive branch of state government that is responsible for administering programs established by the General Assembly, such portion of such law shall be void, and the Governor shall appoint another person from the Commonwealth at large to fill such a position.

The provisions of this section shall not apply to members of the Board for Branch Pilots, who shall be appointed as provided for in § 54.1-901; to members of the Board of Trustees of the Southwest Virginia Higher Education Center, who shall be appointed as provided for in § 23.1-3126; to members of the Board of Trustees of the Southern Virginia Higher Education Center, who shall be appointed as provided for in § 23.1-3121; to members of the Board of Directors of the New College Institute, who shall be appointed as provided for in § 23.1-3112; to members of the Advisory Board on Teacher Education and Licensure, who shall be appointed as provided for in § 22.1-305.2; to members of the Virginia Interagency Coordinating Council, who shall be appointed as provided for in § 2.2-5204; to members of the Board of Veterans Services, who shall be appointed as provided for in § 2.2-2452; to members appointed to the Board of Trustees of the Roanoke Higher Education Authority pursuant to § 23.1-3117; to members of the Board of Trustees of the Online Virginia Network Authority, who shall be appointed as provided in § 23.1-3136; to members of the Virginia Geographic Information Network Advisory Board, who shall be appointed as provided for in § 2.2-2423; to members of the Standards of Learning Innovation Committee, who shall be appointed as provided for in § 22.1-253.13:10; to members of the Board of Visitors of the Virginia School for the Deaf and the Blind, who shall be appointed as provided for in § 22.1-346.2; to members of the Substance Abuse Services Council, who shall be appointed as provided for in § 2.2-2696; to members of the Criminal Justice Services Board, who shall be appointed as provided in § 9.1-108; to members of the State Executive Council for Children's Services, who shall be appointed as provided in § 2.2-2648; to members of the Virginia Board of Workforce Development, who shall be appointed as provided for in § 2.2-2471; to members of the Volunteer Firefighters' and Rescue Squad Workers' Service Award Fund Board, who shall be appointed as provided for in § 51.1-1201; to members of the Secure and Resilient Commonwealth Panel, who shall be appointed as provided for in § 2.2-222.3; to members of the Forensic Science Board, who shall be appointed as provided for in § 9.1-1109; to members of the Southwest Virginia Cultural Heritage Foundation,

who shall be appointed as provided in § 2.2-2735; ~~or to members of the Virginia Growth and Opportunity Board, who shall be appointed as provided in § 2.2-2485; or to members of the Henrietta Lacks Commission, who shall be appointed as provided in § 2.2-2538.~~

*Article 10.*

*Henrietta Lacks Commission.*

**§ 2.2-2537. Henrietta Lacks Commission; purpose.**

*The Henrietta Lacks Commission (the Commission) is established as an advisory commission in the executive branch of state government. The purpose of the Commission is to sustain the legacy of the life-changing contribution of Henrietta Lacks to medical science by advancing cancer research and treatment through the creation of a biomedical research and data center.*

**§ 2.2-2538. Membership; terms; vacancies; chairman and vice-chairman.**

*A. The Commission shall consist of nine members that include two legislative members, three nonlegislative citizen members, and four ex officio members. Members shall be appointed as follows: (i) one member of the House of Delegates to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates; (ii) one member of the Senate to be appointed by the Senate Committee on Rules; and (iii) one nonlegislative citizen member who is a member of the extended family of Henrietta Lacks, one nonlegislative citizen member who is a member of the Board of Directors of the Henrietta Lacks Legacy Group, and one nonlegislative citizen member who is a member of the Halifax County Industrial Development Authority to be appointed by the Governor. The mayor of the Town of South Boston, the chair of the Board of Supervisors of Halifax County, the Executive Director of the Southern Virginia Higher Education Center, and the Executive Director of the Halifax County Industrial Development Authority, or their designees, shall serve ex officio with voting privileges. Nonlegislative citizen members of the Commission shall be citizens of the Commonwealth.*

*B. Legislative members and ex officio members of the Commission shall serve terms coincident with their terms of office. Nonlegislative citizen members shall be appointed for a term of two years. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. Legislative members and nonlegislative citizen members may be reappointed. However, no nonlegislative citizen member shall serve more than four consecutive two-year terms. The remainder of any term to which a member is appointed to fill a vacancy shall not constitute a term in determining the member's eligibility for reappointment. Vacancies shall be filled in the same manner as the original appointments.*

*C. The Commission shall elect a chairman and vice-chairman from among its membership.*

**§ 2.2-2539. Quorum; meetings; voting on recommendations.**

*A majority of the members shall constitute a quorum. The meetings of the Commission shall be held at the call of the chairman or whenever a majority of the members so request.*

**§ 2.2-2540. Compensation; expenses.**

*Legislative members of the Commission shall receive such compensation as provided in § 30-19.12. Nonlegislative citizen members shall not receive compensation. All members shall be reimbursed for reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. Compensation to members of the General Assembly for attendance at official meetings of the Commission shall be paid by the offices of the Clerk of the House of Delegates or Clerk of the Senate, as applicable. Reimbursement for the reasonable and necessary expenses of nonlegislative citizen members of the Commission shall be paid by the Halifax County Industrial Development Authority.*

**§ 2.2-2541. Powers and duties of the Commission.**

*The Commission shall have the power and duty to:*

*1. Establish a public-private partnership to create the Henrietta Lacks Life Sciences Center as a cancer research and treatment center located in Halifax County and designed to (i) transform and accelerate cancer research and treatment through the use of biodata tools, (ii) provide tailored cancer treatment medicine to an underserved portion of rural Southside Virginia, and (iii) incubate new biotech businesses across the Southside Virginia region; and*

*2. Submit to the Governor and the General Assembly an annual report for publication as a report document as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports. The chairman of the Commission shall submit to the Governor and the General Assembly an annual executive summary of the interim activity and work of the Commission no later than the first day of each regular session of the General Assembly. The executive summary shall be submitted for publication as a report document as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.*

**§ 2.2-2542. Staffing; cooperation of agencies of state and local governments.**

*The Department of Health shall provide staff support to the Commission. Every department, division, board, bureau, commission, authority, or political subdivision of the Commonwealth shall cooperate with, and provide assistance to, the Commission, upon request.*

**§ 2.2-2543. Sunset.**

*This article shall expire on July 1, 2021.*

## CHAPTER 706

*An Act to amend and reenact §§ 38.2-1016.1, 38.2-1700 through 38.2-1710, 38.2-1714, 38.2-1715, 38.2-4302, 38.2-4310, 38.2-4319, 38.2-5506, 38.2-5509, 38.2-5510, and 55-532 of the Code of Virginia and to repeal §§ 38.2-4317 and 38.2-4317.1 of the Code of Virginia, relating to the Virginia Life, Accident and Sickness Insurance Guaranty Association.*

[H 1486]

Approved March 30, 2018

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 38.2-1016.1, 38.2-1700 through 38.2-1710, 38.2-1714, 38.2-1715, 38.2-4302, 38.2-4310, 38.2-4319, 38.2-5506, 38.2-5509, 38.2-5510, and 55-532 of the Code of Virginia are amended and reenacted as follows:**

**§ 38.2-1016.1. Conversion of a health maintenance organization to an accident and sickness insurer.**

A. Any health maintenance organization domiciled in the Commonwealth and subject to the provisions of Chapter 43 (§ 38.2-4300 et seq.) may, at its option and without reincorporation, convert to an insurer licensed to write accident and sickness insurance, hereinafter referred to as the "converted insurer," by following the procedures set forth in this section. A health maintenance organization that becomes a converted insurer under this section shall have all of the rights to and titles and interests in the assets of the original health maintenance organization, as well as all of its liabilities and obligations.

B. A health maintenance organization eligible to become a converted insurer under subsection A may effect such conversion by (i) complying with the requirements for formation of a domestic insurer under Article 1 (§ 38.2-1000 et seq.); (ii) promptly filing with the Commission any necessary amendments to its articles of incorporation, bylaws, and other corporate documents pursuant to the provisions of Chapter 9 (§ 13.1-601 et seq.) of Title 13.1; and (iii) filing with the Commission such other information as the Commission may require to meet all of the requirements of an insurer in Virginia. When those requirements have been met, the Commission shall issue a license in accordance with the provisions of Article 5 (§ 38.2-1024 et seq.) to permit the converted insurer to conduct the business of accident and sickness insurance in the Commonwealth. Upon the issuance of the converted insurer's license, and except as provided in this section, the converted insurer shall be subject to all of the provisions of this title that pertain to insurers licensed pursuant to Article 5 (§ 38.2-1024 et seq.) of this chapter and the business of accident and sickness insurance.

C. After the effective date of the health maintenance organization's conversion to and licensure as an insurer, all of the converted insurer's individual and group health care plans, contracts, and evidences of coverage shall remain valid and in force in accordance with their terms until the earlier of (i) the expiration or termination of the plans, contracts, or evidences of coverage; or (ii) the last day of the eighteenth month after the effective date of conversion. For the period during which the converted insurer continues to provide or arrange for health care services under such health care plan or plans, the insurer's obligation to pay license taxes under Chapter 25 (§ 58.1-2500 et seq.) of Title 58.1 and fees for maintaining the Bureau of Insurance under Chapter 4 (§ 38.2-400 et seq.), which are, in all cases, attributable to such health care plan or plans, shall be the same as the license taxes and fees required of health maintenance organizations generally.

D. Except as provided herein, a converted insurer shall not, after the effective date of its conversion, use in its accident and sickness insurance policies, contracts or other literature (i) the words "health maintenance organization" or "HMO" or (ii) any other words descriptive of a health maintenance organization or deceptively similar to the name or description of any health maintenance organization then doing business in the Commonwealth in any manner that misrepresents the benefits, advantages, conditions, or terms of the converted insurer's insurance policies, contracts, or other literature.

E. For the purposes of handling the rehabilitation, liquidation, or conservation of a converted insurer, the provisions of Chapter 15 (§ 38.2-1500 et seq.) shall apply. Whenever an order has been entered pursuant to Chapter 15 authorizing the Commission or other receiver to proceed with the rehabilitation, liquidation, or conservation of a converted insurer, the Commission may utilize the provisions of §§ § 38.2-4310, ~~38.2-4317, and 38.2-4317.1~~ to protect the interests of enrollees in the converted insurer's health care plans. If a receivership occurs in a converted insurer that continues to provide or arrange for health care services under such health care plan or plans, contracts, or policies, the receiver shall consider these plans, contracts, or policies as existing in the converted insurer. The Commission or other receiver appointed pursuant to Chapter 15 shall allocate the assets, liabilities, and obligations of the insolvent converted insurer in the manner that the Commission or other receiver determines is fair and equitable to the insurer's accident and sickness insurance policyholders, health care plan enrollees, and other creditors. The accident and sickness insurance contracts and policies issued by the converted insurer shall be governed by the provisions applicable to the Virginia Life, Accident and Sickness Insurance Guaranty Association pursuant to Chapter 17 (§ 38.2-1700 et seq.). The health care plans, contracts, or policies of the converted insurer, associated with the business written as a health maintenance organization, shall be governed by the provisions of §§ § 38.2-4310, ~~38.2-4317, and 38.2-4317.1~~.

**§ 38.2-1700. Purpose and applicability of chapter.**

A. The purpose of this chapter is to protect, subject to certain limitations, the persons specified in subsection B against failure in the performance of contractual obligations, under life ~~and~~ accident and sickness insurance ~~policies~~, and annuity ~~policies, plans, or contracts~~ specified in subsection C because of the impairment or insolvency of the member insurer that issued the policies, ~~plans, or contracts~~. This chapter shall be construed to effect this purpose. To provide this protection, an

association of *member* insurers is created to pay benefits and to continue coverage as limited by this chapter, and members of the Association are subject to assessments to provide funds to carry out the purpose of this chapter.

B. This chapter shall provide coverage for the policies and contracts specified in subsection C as follows:

1. This chapter shall provide coverage, for the policies and contracts specified in subsection C, to persons who, regardless of where they reside, except for nonresident certificate holders under group policies or contracts, are the beneficiaries, assignees, or payees, *including health care providers rendering services covered under accident and sickness insurance policies or certificates*, of the persons covered under subdivision B 2.

2. This chapter shall provide coverage, for the policies and contracts specified in subsection C, to persons who are owners of or certificate holders *or enrollees* under the policies or contracts, other than unallocated annuity contracts and structured settlement annuities, and in each case who:

a. Are residents; or

b. Are not residents and (i) the *member* insurer that issued the policies or contracts is domiciled in the Commonwealth, (ii) the states in which the persons reside have associations similar to the Association, and (iii) the persons are not eligible for coverage by an association in any other state due to the fact that the insurer *or health maintenance organization* was not licensed in the state at the time specified in the state's guaranty association law.

3. For unallocated annuity contracts specified in subsection C, subdivisions B 1 and B 2 shall not apply, and this chapter, except as provided in subdivisions B 5 and B 6, shall provide coverage to persons who are the owners of the unallocated annuity contracts if the contracts are issued to or in connection with a specific benefit plan whose plan sponsor has its principal place of business in ~~this~~ the Commonwealth.

4. For structured settlement annuities specified in subsection C, subdivision B 1 and B 2 shall not apply and this chapter, except as provided in subdivisions B 5 and B 6, shall provide coverage to a person who is a payee under a structured settlement annuity, or beneficiary of a payee if the payee is deceased, if the payee:

a. Is a resident, regardless of where the contract owner resides; or

b. Is not a resident and both (i) the contract owner of the structured settlement annuity is (a) a resident or (b) not a resident but the insurer that issued the structured settlement annuity is domiciled in the Commonwealth and the state in which the contract owner resides has an association similar to the Association; and (ii) neither the payee or beneficiary, nor the contract owner is eligible for coverage by the association of the state in which the payee or contract owner resides.

5. This chapter shall not provide coverage to:

a. A person who is a payee, or beneficiary, of a contract owner resident of the Commonwealth if the payee, or beneficiary, is afforded any coverage by the association of another state; or

b. A person covered under subdivision B 3 if any coverage is provided by the association of another state to the person.

6. This chapter is intended to provide coverage to a person who is a resident of the Commonwealth and, in special circumstances, to a nonresident. In order to avoid duplicate coverage, if a person who would otherwise receive coverage under this chapter is provided coverage under the laws of any other state, the person shall not be provided coverage under this chapter. In determining the application of the provisions of this subdivision in situations where a person could be covered by the association of more than one state, whether as an owner, payee, *enrollee*, beneficiary, or assignee, this chapter shall be construed in conjunction with other state laws to result in coverage by only one association.

C. This chapter shall:

1. Provide coverage to the persons specified in subsection B for *policies or contracts of direct, nongroup life insurance, accident and sickness insurance, which for the purposes of this chapter includes health maintenance organization subscriber contracts and certificates, or annuity policies or contracts annuities*, and supplemental contracts to any of these, for certificates under direct group policies and contracts, and for unallocated annuity contracts issued by member insurers, in each case except as limited by this chapter. Annuity contracts and certificates under group annuity contracts include guaranteed investment contracts, deposit administration contracts, unallocated funding agreements, allocated funding agreements, structured settlement annuities, and any immediate or deferred annuity contracts. This chapter shall apply also to dental benefit contracts entered into with a dental plan organization as provided in Chapter 61 (§ 38.2-6100 et seq.).

2. ~~Not~~ *Except as otherwise provided in subdivision 3, not* provide coverage for:

a. A portion of a policy or contract not guaranteed by ~~an~~ a *member* insurer or under which the risk is borne by the policy or contract owner;

b. A policy or contract of reinsurance, unless assumption certificates have been issued pursuant to the reinsurance policy or contract;

c. A portion of a policy or contract to the extent that the rate of interest on which it is based, or the interest rate, crediting rate, or similar factor determined by use of an index or other external reference stated in the policy or contract employed in calculating returns or changes in value:

(1) Averaged over the period of four years prior to the date on which the member insurer becomes an impaired or insolvent insurer under this chapter, whichever is earlier, exceeds the rate of interest determined by subtracting two percentage points from Moody's Corporate Bond Yield Average averaged for that same four-year period or for such lesser period if the policy or contract was issued less than four years before the member insurer becomes an impaired or insolvent insurer under this chapter, whichever is earlier; and

(2) On and after the date on which the member insurer becomes an impaired or insolvent insurer under this chapter, whichever is earlier, exceeds the rate of interest determined by subtracting three percentage points from Moody's Corporate Bond Yield Average as most recently available;

d. A portion of a policy or contract issued to a plan or program of an employer, association, or other person to provide life, health, or annuity benefits to its employees, members, or others, to the extent that the plan or program is self-funded or uninsured, including but not limited to benefits payable by an employer, association, or other person under:

- (1) A multiple employer welfare arrangement as defined in 29 U.S.C. § 1144;
- (2) A minimum premium group insurance plan;
- (3) A stop-loss agreement described in subsection B of § 38.2-109; or
- (4) An administrative services only contract;

e. A portion of a policy or contract to the extent that it provides for:

- (1) Dividends or experience rating credits;
- (2) Voting rights; or

(3) Payment of any fees or allowances to any person, including the policy or contract owner, in connection with the service to or administration of the policy or contract;

f. A policy or contract issued in the Commonwealth by a member insurer at a time when its license to issue the policy or contract in the Commonwealth had been suspended, revoked, not renewed, or voluntarily withdrawn;

g. An unallocated annuity contract issued to or in connection with a benefit plan protected under the federal Pension Benefit Guaranty Corporation, regardless of whether the federal Pension Benefit Guaranty Corporation has yet become liable to make any payments with respect to the benefit plan;

h. A portion of an unallocated annuity contract that is not issued to or in connection with a specific employee, union, or association of natural persons benefit plan;

i. A portion of a policy or contract to the extent that the assessments required by § 38.2-1705 with respect to the policy or contract are preempted by federal or state law;

j. An obligation that does not arise under the express written terms of the policy or contract issued by the *member insurer* to the *enrollee, certificate holder, contract owner, or policy owner*, including:

- (1) Claims based on marketing materials;
- (2) Claims based on side letters, riders, or other documents that were issued by the *member insurer* without meeting applicable policy *or contract* form filing or approval requirements;
- (3) Misrepresentations of or regarding policy *or contract* benefits;
- (4) Extra-contractual claims; or
- (5) A claim for penalties or consequential or incidental damages;

k. A contractual agreement that establishes the member insurer's obligations to provide a book value accounting guaranty for defined contribution benefit plan participants by reference to a portfolio of assets that is owned by the benefit plan or its trustee, which in each case is not an affiliate of the member insurer;

l. A portion of a policy or contract to the extent it provides for interest or other changes in value to be determined by the use of an index or other external reference stated in the policy or contract, but which have not been credited to the policy or contract, or as to which the policy or contract owner's rights are subject to forfeiture, as of the date the member insurer becomes an impaired or insolvent insurer under this chapter, whichever is earlier. If a policy's or contract's interest or changes in value are credited less frequently than annually, then for purposes of determining the values that have been credited and are not subject to forfeiture under this subdivision, the interest or change in value determined by using the procedures defined in the policy or contract will be credited as if the contractual date of crediting interest or changing values was the date of impairment or insolvency, whichever is earlier, and will not be subject to forfeiture;

m. A policy or contract providing any hospital, medical, prescription drug, or other health care benefits pursuant to Part C or Part D of Subchapter XVIII, ~~chapter~~ Chapter 7 of Title 42 of the United States Code (known as Medicare Parts C and D); *Subchapter XIX, Chapter 7 of Title 42 of the United States Code (known as Medicaid); § 32.1-352 (known as FAMIS);* or any regulations issued pursuant thereto; or

n. A charitable gift annuity as defined in § 38.2-106.1.

3. *The exclusion from coverage referenced in subdivision 2 c shall not apply to any portion of a policy or contract, including a rider, that provides long-term care or any other accident and sickness insurance benefits.*

D. The benefits that the Association may become obligated to cover shall in no event exceed the lesser of:

1. The contractual obligations for which the insurer is liable or would have been liable if it were not an impaired or insolvent insurer; or

2. With respect to:

a. One life, regardless of the number of policies or contracts:

(1) \$300,000 in life insurance death benefits, but not more than \$100,000 in net cash surrender and net cash withdrawal values for life insurance;

(2) ~~In health~~ *For accident and sickness insurance benefits, (i) \$100,000 for coverage not defined as disability income insurance, basic hospital, medical and surgical insurance, major medical insurance health benefit plans, or long-term care insurance including any net cash surrender and net cash withdrawal values; (ii) \$300,000 for accident and sickness insurance that constitutes disability income insurance or and \$300,000 for long-term care insurance; and (iii) \$500,000 for*

~~accident and sickness insurance that constitutes basic hospital medical and surgical insurance or major medical insurance health benefit plans; and~~

(3) \$250,000 in the present value of annuity benefits, including net cash surrender and net cash withdrawal values;

b. Each individual participating in a benefit plan established under Section 401, 403(b) or 457 of the U.S. Internal Revenue Code who (i) selected an investment option that includes investment in unallocated annuity contracts and (ii) is covered by such an unallocated annuity contract, including the beneficiaries of each such individual if deceased, in the aggregate, \$250,000 in present value of annuity benefits, including net cash surrender and net cash withdrawal values;

c. Each payee of a structured settlement annuity (or beneficiary or beneficiaries of the payee if deceased), \$250,000 in present value annuity benefits, in the aggregate, including net cash surrender and net cash withdrawal values, if any; and

d. One plan sponsor whose plans own directly or in trust one or more unallocated annuity contracts part or all of any of which is not included in subdivision 2 b, \$5 million in benefits, irrespective of the number of contracts with respect to the plan sponsor. However, in the case where one or more unallocated annuity contracts are covered contracts under this chapter and are owned by a trust or other entity for the benefit or two or more plan sponsors, coverage shall be afforded by the Association if the largest interest in the trust or entity owning the contract or contracts is held by a plan sponsor whose principal place of business is in the Commonwealth and in no event shall the Association be obligated to cover more than \$5 million in benefits with respect to all such unallocated contracts.

e. In no event shall the Association be obligated to cover (i) more than an aggregate of \$350,000 in benefits with respect to any one life under subdivisions D 2 a, b, and c except with respect to benefits for ~~basic hospital, medical and surgical insurance, and major medical insurance health benefit plans~~ under subdivision D 2 a (2), in which case the aggregate liability of the Association shall not exceed \$500,000 with respect to any one individual, or (ii) with respect to one owner of multiple nongroup policies of life insurance, whether the policy *or contract* owner is an individual, firm, corporation, or other person, and whether the persons insured are officers, managers, employees, or other persons, more than \$5 million in benefits, regardless of the number of policies and contracts held by the owner.

f. The limitations set forth in this subsection are limitations on the benefits for which the Association is obligated before taking into account either its subrogation and assignment rights or the extent to which those benefits could be provided out of the assets of the impaired or insolvent insurer attributable to covered policies. The costs of the Association's obligations under this chapter may be met by the use of assets attributable to covered policies or reimbursed to the Association pursuant to its subrogation and assignment rights.

g. *For purposes of this chapter, benefits provided by a long-term care rider to a life insurance policy or annuity contract shall be considered the same type of benefits as the base life insurance policy or annuity contract to which such rider relates.*

E. In performing its obligations to provide coverage under § 38.2-1704, the Association shall not be required to guarantee, assume, reinsure, *reissue*, or perform, or cause to be guaranteed, assumed, reinsured, *reissued*, or performed, the contractual obligations of the insolvent or impaired insurer under a covered policy or contract that the Association has determined, with the concurrence of the Commission, do not materially affect the economic values or economic benefits of the covered policy or contract.

#### § 38.2-1701. Definitions.

As used in this chapter:

"Account" means any one of the two accounts created under § 38.2-1702.

"Association" means the Virginia Life, Accident and Sickness Insurance Guaranty Association created under § 38.2-1702.

"Authorized assessment" or the term "authorized" when used in the context of assessments means that a resolution by the board of directors has been passed whereby an assessment will be called immediately or in the future from member insurers for a specified amount. An assessment is authorized when the resolution is passed.

"Benefit plan" means a specific employee, union, or association of natural persons benefit plan.

"Called assessment" or the term "called" when used in the context of assessments means that a notice has been issued by the Association to member insurers requiring that an authorized assessment be paid within the time frame set forth within the notice. An authorized assessment becomes a called assessment when notice is mailed by the Association to member insurers.

"Contractual obligation" means an obligation under a policy or contract or certificate under a group policy or contract, or portion thereof for which coverage is provided under § 38.2-1700.

"Covered *contract*" or "*covered* policy" means a policy or contract or portion of a policy or contract for which coverage is provided under § 38.2-1700.

"Extra-contractual claims" shall include, for example, claims relating to bad faith in the payment of claims, punitive damages, or attorney fees and costs.

"*Health benefit plan*" means any hospital or medical expense policy or certificate, or health maintenance organization subscriber contract or any other similar health contract. "*Health benefit plan*" does not include:

1. *Accident only insurance;*
2. *Credit insurance;*
3. *Dental only insurance;*
4. *Vision only insurance;*

5. Medicare Supplement insurance;
6. Benefits for long-term care, home health care, community-based care, or any combination thereof;
7. Disability income insurance;
8. Coverage for on-site medical clinics; or
9. Specified disease, hospital confinement indemnity, or limited benefit health insurance if the types of coverage do not provide coordination of benefits and are provided under separate policies or certificates.

"Impaired insurer" means a member insurer considered by the Commission to be potentially unable to fulfill its contractual obligations.

"Insolvent insurer" means a member insurer that is placed under an order of liquidation by a court of competent jurisdiction with a finding of insolvency.

"Member insurer" means an insurer *or health maintenance organization* licensed to transact in ~~this~~ the Commonwealth any class of insurance *or health maintenance organization business* to which this chapter applies under § 38.2-1700, including an insurer *or health maintenance organization* whose license to transact the business of insurance in the Commonwealth has been suspended, revoked, not renewed, or voluntarily withdrawn, but does not include cooperative nonprofit life benefit companies, ~~health maintenance organizations~~, mutual assessment life, accident and sickness insurance companies, burial societies, fraternal benefit societies, dental and optometric services plans, and health services plans not subject to this chapter pursuant to § 38.2-4213.

"Moody's Corporate Bond Yield Average" means the Monthly Average Corporates as published by Moody's Investors Service, Inc., or any successor thereto.

"Owner" of a policy or contract or "*policyholder*," "policy owner," and "contract owner" means the person who is identified as the legal owner under the terms of the policy or contract or who is otherwise vested with legal title to the policy or contract through a valid assignment completed in accordance with the terms of the policy or contract and properly recorded as the owner on the books of the *member* insurer. The terms "owner," "contract owner," "*policyholder*," and "policy owner" do not include persons with a mere beneficial interest in a policy or contract.

"Plan sponsor" means (i) the employer, in the case of a benefit plan established or maintained by a single employer; (ii) the employee organization in the case of a benefit plan established or maintained by an employee organization; or (iii) in the case of a benefit plan established or maintained by two or more employers or jointly by one or more employers and one or more employee organizations, the association, committee, joint board of trustees, or other similar group of representatives of the parties who establish or maintain the benefit plan.

"Premiums" means amounts or considerations, by whatever name called, received on covered policies or contracts, less any returned premiums, considerations, and deposits and less dividends and experience credits. "Premiums" does not include amounts or considerations received for policies or contracts or for the portions of policies or contracts for which coverage is not provided under subsection C of § 38.2-1700 except that assessable premium shall not be reduced on account of subdivision C 2 of § 38.2-1700 relating to interest limitations and subdivision D 2 of § 38.2-1700 relating to limitations with respect to one individual, one participant, and one *policy or contract* owner. "Premiums" shall not include (i) premiums for coverage in excess of \$5 million on an unallocated annuity contract covered under ~~subdivision~~ *subdivisions* D 2 d, e, and f of § 38.2-1700 or (ii) with respect to multiple nongroup policies of life insurance owned by one owner, whether the *policy or contract* owner is an individual, firm, corporation, or other person, and whether the persons insured are officers, managers, employees or other persons, premiums for coverage in excess of \$5 million with respect to these policies or contracts, regardless of the number of policies or contracts held by the owner.

"Principal place of business" of a plan sponsor or a person other than a natural person means the single state in which the natural persons who establish policy for the direction, control, and coordination of the operations of the entity as a whole primarily exercise that function, determined by the Association in its reasonable judgment by considering the following factors: (i) the state in which the primary executive and administrative headquarters of the entity is located; (ii) the state in which the principal office of the chief executive officer of the entity is located; (iii) the state in which the board of directors (or similar governing person or persons) of the entity conducts the majority of its meetings; (iv) the state from which the management of the overall operations of the entity is directed; and in the case of a benefit plan sponsored by affiliated companies comprising a consolidated corporation, the state in which the holding company or controlling affiliate has its principal place of business as determined using these factors. However, in the case of a plan sponsor, if more than 50 percent of the participants in the benefit plan are employed in a single state, that state shall be deemed to be the principal place of business of the plan sponsor. The principal place of business of a plan sponsor described in clause (iii) of the definition of plan sponsor in this section shall be deemed to be the principal place of business of the association, committee, joint board of trustees, or other similar group of representatives of the parties who establish or maintain the benefit plan that, in lieu of a specific or clear designation of a principal place of business, shall be deemed to be the principal place of business of the employer or employee organization that has the largest investment in the benefit plan in question.

"Receivership court" means the court in the insolvent or impaired insurer's state having jurisdiction over the conservation, rehabilitation, or liquidation of the *member* insurer.

"Resident" means a person to whom a contractual obligation is owed and who resides in the Commonwealth on the date a member insurer becomes an impaired insurer or a court order is entered that determines a member insurer to be an insolvent insurer. A person may be a resident of only one state, which in the case of a person other than a natural person shall be its principal place of business. Citizens of the United States that are either (i) residents of foreign countries, or

(ii) residents of United States possessions, territories, or protectorates that do not have an association similar to the Association, shall be deemed residents of the state of domicile of the *member* insurer that issued the policies or contracts.

"Structured settlement annuity" means an annuity purchased in order to fund periodic payments for a plaintiff or other claimant in payment for or with respect to personal injury or sickness suffered by the plaintiff or other claimant.

"Supplemental contract" means a written agreement entered into for the distribution of proceeds under a life, health, or annuity policy or contract.

"Unallocated annuity contract" means an annuity contract or group annuity certificate that is not issued to and owned by an individual or a trust created by an individual for the benefit of one or more individuals, except to the extent of any annuity benefits guaranteed to an individual or such a trust by an insurer under the contract or certificate.

**§ 38.2-1702. Association; creation; memberships; accounts; supervision.**

A. The Association is a nonprofit legal entity known as the Virginia Life, Accident and Sickness Insurance Guaranty Association, created by former § 38.1-482.20. All member insurers shall be and remain members of the Association as a condition of their license to transact the business of insurance *or the business of a health maintenance organization in this the Commonwealth*. The Association shall perform its functions under the plan of operation established and approved under § 38.2-1706 and shall exercise its powers through a board of directors established under § 38.2-1703. For purposes of administration and assessment, the Association shall maintain two accounts: (i) the accident and sickness insurance account; and (ii) the life insurance and annuity account, which includes the following subaccounts: (a) the life insurance account, (b) the annuity account, which shall include unallocated annuity contracts covered under subdivision D 2 b of § 38.2-1700, but shall otherwise exclude unallocated annuities, and (c) the unallocated annuity account, which shall consist of contracts covered under ~~subdivision~~ *subdivisions D 2 d, e, and f* of § 38.2-1700, but shall otherwise exclude unallocated annuities.

B. The Association shall come under the immediate supervision of the Commission and shall be subject to the applicable provisions of the insurance laws of the Commonwealth. Meetings or records of the Association may be opened to the public upon majority vote of the board of directors of the Association.

**§ 38.2-1703. Board of directors of Association.**

A. The board of directors of the Association shall consist of not less than ~~five~~ *nine* nor more than ~~nine~~ *13* member insurers serving terms as established in the plan of operation. The members of the board shall be selected by member insurers subject to the approval of the Commission. Vacancies on the board shall be filled for the remainder of the term by a majority vote of the remaining board members, subject to the approval of the Commission.

B. In approving selections the Commission shall consider, among other things, whether all member insurers are fairly represented.

C. Members of the board may be reimbursed from the assets of the Association for expenses incurred by them as members of the board of directors but members of the board shall not be otherwise compensated by the Association for their services.

**§ 38.2-1704. Powers and duties of Association.**

In addition to the powers and duties enumerated in other sections of this chapter:

A. If the member insurer is an impaired insurer, the Association may, in its discretion and subject to any conditions imposed by the Association that do not impair the contractual obligations of the impaired insurer and that are approved by the Commission:

1. Guarantee, assume, *reissue*, or reinsure, or cause to be guaranteed, assumed, *reissued*, or reinsured, any or all of the policies or contracts of the impaired insurer; and

2. Provide moneys, pledges, loans, notes, guarantees or other means as are proper to effectuate subdivision 1 and assure payment of the contractual obligations of the impaired insurer pending action under that subdivision.

B. If the member insurer is an insolvent insurer, the Association shall, in its discretion and subject to the approval of the Commission, either:

1. a. Guarantee, assume, *reissue*, or reinsure or cause to be guaranteed, assumed, *reissued*, or reinsured the covered policies of the insolvent insurer or assure payment of the contractual obligations of the insolvent insurer; and

b. Provide moneys, pledges, notes, guarantees, or other means reasonably necessary to discharge its duties; or

2. Provide benefits and coverages in accordance with the following provisions:

a. With respect to ~~life and health insurance policies and annuities contracts~~, assure payment of benefits for premiums ~~identical to the premiums and benefits, except for terms of conversion and renewability~~, that would have been payable under the policies or contracts of the insolvent insurer, for claims incurred:

(1) With respect to group policies and contracts, not later than the earlier of the next renewal date under those policies or contracts or 45 days, but in no event less than 30 days, after the date on which the Association becomes obligated with respect to the policies and contracts;

(2) With respect to nongroup policies, contracts, and annuities, not later than the earlier of the next renewal date, if any, under the policies or contracts or one year, but in no event less than 30 days, from the date on which the Association becomes obligated with respect to the policies or contracts;

b. Make diligent efforts to provide all known insureds, *enrollees*, or annuitants (for nongroup policies and contracts), or group policy *or contract* owners with respect to group policies and contracts, 30 days' notice of the termination, pursuant to subdivision 2 a, of the benefits provided;

c. With respect to nongroup ~~life and health insurance~~ policies and ~~annuities~~ *contracts* covered by the Association, make available to each known insured, *enrollee*, or annuitant, or owner if other than the insured, *enrollee*, or annuitant, and with respect to an individual formerly *an* insured, *enrollee*, or ~~formerly an~~ annuitant under a group policy *or contract* who is not eligible for replacement group coverage, make available substitute coverage on an individual basis in accordance with the provisions of subdivision 2 d, if the insureds, *enrollees*, or annuitants had a right under law or the terminated policy or annuity to convert coverage to individual coverage or to continue an individual policy, *contract*, or annuity in force until a specified age or for a specified time, during which the insurer *or health maintenance organization* had no right unilaterally to make changes in any provision of the policy, *contract*, or annuity or had a right only to make changes in premium by class;

d. In providing the substitute coverage required under subdivision 2 c, the Association may offer either to reissue the terminated coverage or to issue an alternative policy *or contract at actuarially justified rates, subject to the prior approval of the Commission*. Alternative or reissued policies shall be offered without requiring evidence of insurability, and shall not provide for any waiting period or exclusion that would not have applied under the terminated policy *or contract*. The Association may reinsure any alternative or reissued policy *or contract*;

e. Alternative policies *or contracts* adopted by the Association shall be subject to the approval of the ~~domiciliary insurance commissioner and the receivership court~~ *Commission*. The Association may adopt alternative policies *or contracts* of various types for future issuance without regard to any particular impairment or insolvency. Alternative policies *or contracts* shall contain at least the minimum statutory provisions required in ~~this~~ *the* Commonwealth and provide benefits that shall not be unreasonable in relation to the premium charged. The Association shall set the premium in accordance with a table of rates that it shall adopt. The premium shall reflect the amount of insurance to be provided and the age and class of risk of each insured, but shall not reflect any changes in the health of the insured after the original policy *or contract* was last underwritten. Any alternative policy *or contract* issued by the Association shall provide coverage of a type similar to that of the policy *or contract* issued by the impaired or insolvent insurer, as determined by the Association;

f. If the Association elects to reissue terminated coverage at a premium rate different from that charged under the terminated policy *or contract*, the premium shall be *actuarially justified and* set by the Association in accordance with the amount of insurance *or coverage* provided and the age and class of risk, subject to approval of the ~~domiciliary insurance commissioner and the receivership court~~ *Commission*;

g. The Association's obligations with respect to coverage under any policy *or contract* of the impaired or insolvent insurer or under any reissued or alternative policy *or contract* shall cease on the date the coverage or policy *or contract* is replaced by another similar policy *or contract* by the policy *or contract* owner, the insured, *the enrollee*, or the Association; and

h. When proceeding under subdivision B 2 with respect to a policy or contract carrying guaranteed minimum interest rates, the Association shall assure the payment or crediting of a rate of interest consistent with subdivision C 2 c of § 38.2-1700.

C. Nonpayment of premiums within 31 days after the date required under the terms of any guaranteed, assumed, alternative, or reissued policy or contract or substitute coverage shall terminate the Association's obligations under the policy *or contract* or coverage under this chapter with respect to the policy, *contract*, or coverage, except with respect to any claims incurred or any net cash surrender value that may be due in accordance with the provisions of this chapter.

D. Premiums due for coverage after entry of an order of liquidation of an insolvent insurer shall belong to and be payable at the direction of the Association. If the liquidator of an insolvent insurer requests, the Association shall provide a report to the liquidator regarding such premium collected by the Association. The Association shall be liable for unearned premiums due to policy or contract owners arising after the entry of the order.

E. The protection provided by this chapter shall not apply where the Commission has determined that the foreign or alien insurer's domiciliary jurisdiction or state of entry provides substantially similar protection by statute or regulation for residents of ~~this~~ *the* Commonwealth.

F. In carrying out its duties under subsection B, the Association may:

1. Subject to approval by the Commission, impose permanent policy contract liens in connection with a guarantee, assumption, or reinsurance agreement, if the Association finds that the amounts that can be assessed under this chapter are less than the amounts needed to assure full and prompt performance of the Association's duties under this chapter, or that economic or financial conditions as they affect member insurers are sufficiently adverse to render the imposition of such permanent policy or contract liens to be in the public interest; and

2. Subject to approval by the Commission, impose temporary moratoriums or liens on payments of cash values and policy loans or any other right to withdraw funds held in conjunction with policies or contracts, in addition to any contractual provisions for deferral of cash or policy loan values. In addition, in the event of a temporary moratorium or moratorium charge imposed by the receivership court on payment of cash values or policy loans, or on any other right to withdraw funds held in conjunction with policies or contracts, out of the assets of the impaired or insolvent insurer, the Association may defer the payment of cash values, policy loans, or other rights by the Association for the period of the moratorium or moratorium charge imposed by the receivership court, except for claims covered by the Association to be paid in accordance with a hardship procedure established by the liquidator or rehabilitator and approved by the receivership court.

G. A deposit in ~~this~~ *the* Commonwealth, held pursuant to law or required by the Commission for the benefit of creditors, including policy *or contract* owners, not turned over to the domiciliary liquidator upon the entry of a final order of

liquidation or order approving a rehabilitation plan of ~~an~~ *a member* insurer domiciled in ~~this~~ *the* Commonwealth or in a reciprocal state, pursuant to Article 7 (§ 38.2-1045 et seq.) of Chapter 10 shall be promptly paid to the Association. The Association shall be entitled to retain a portion of any amount so paid to it equal to the percentage determined by dividing the aggregate amount of policy *or contract* owners' claims related to that insolvency for which the Association has provided statutory benefits by the aggregate amount of all policy *or contract* owners' claims in ~~this~~ *the* Commonwealth related to that insolvency and shall remit to the domiciliary receiver the amount so paid to the Association less the amount retained pursuant to this subsection. Any amount so paid to the Association and retained by it shall be treated as a distribution of estate assets pursuant to applicable state receivership law dealing with early access disbursements.

H. If the Association fails to act within a reasonable period of time with respect to an insolvent insurer, as provided in subsection B, the Commission shall have the powers and duties of the Association under this chapter with respect to the insolvent insurer.

I. The Association may render assistance and advice to the Commission, upon the Commission's request, concerning rehabilitation, payment of claims, continuation of coverage, or the performance of other contractual obligations of an impaired or insolvent insurer.

J. The Association shall have standing to appear or intervene before the Commission or any court or agency in the Commonwealth with jurisdiction over an impaired or insolvent insurer concerning which the Association is or may become obligated under this chapter or with jurisdiction over any person or property against which the Association may have rights through subrogation or otherwise. Standing shall extend to all matters germane to the powers and duties of the Association, including proposals for reinsuring, *reissuing*, modifying, or guaranteeing the policies or contracts of the impaired or insolvent insurer and the determination of the policies or contracts and contractual obligations. The Association shall also have the right to appear or intervene before a court or agency in another state with jurisdiction over an impaired or insolvent insurer for which the Association is or may become obligated or with jurisdiction over any person or property against whom the Association may have rights through subrogation or otherwise.

K. 1. Any person receiving benefits under this chapter shall be deemed to have assigned the rights under, and any causes of action against any person for losses arising under, resulting from, or otherwise relating to, the covered policy or contract to the Association to the extent of the benefits received because of this chapter, whether the benefits are payments of or on account of contractual obligations, continuation of coverage, or provision of substitute or alternative *policies, contracts, or coverages*. The Association may require an assignment to it of such rights and causes of action by any *enrollee*, payee, policy or contract owner, beneficiary, insured, or annuitant as a condition precedent to the receipt of any right or benefits conferred by this chapter upon the person.

2. The subrogation rights of the Association under this subsection shall have the same priority against the assets of the insolvent insurer as that possessed by the person entitled to receive benefits under this chapter.

3. In addition to the rights provided by subdivisions K 1 and K 2, the Association shall have all common law rights of subrogation and any other equitable or legal remedy that would have been available to the impaired or insolvent insurer or owner, beneficiary, *enrollee*, or payee of a policy or contract with respect to the policy or contract, including, in the case of a structured settlement annuity, any rights of the owner, beneficiary, or payee of the annuity, to the extent of benefits received pursuant to this chapter, against a person originally or by succession responsible for the losses arising from the personal injury relating to the annuity or payment therefor, excepting any such person responsible solely by reason of serving as an assignee in respect of a qualified assignment under § 130 of the Internal Revenue Code.

4. If ~~subdivision~~ *subdivisions* K 1 ~~through K~~ 2, and 3 are invalid or ineffective with respect to any person or claim for any reason, the amount payable by the Association with respect to the related covered obligations shall be reduced by the amount realized by any other person with respect to the person or claim that is attributable to the policies *or contracts*, or portion thereof, covered by the Association.

5. If the Association has provided benefits with respect to a covered obligation and a person recovers amounts to which the Association has rights as described in subdivisions K 1 through K 4, the person shall pay to the Association the portion of the recovery attributable to the policies *or contracts*, or portion thereof, covered by the Association.

L. In addition to the rights and powers granted to it elsewhere in this chapter, the Association may:

1. Enter into such contracts as are necessary or proper to carry out the provisions and purposes of this chapter;
2. Sue or be sued, including taking any legal actions necessary or proper to recover any unpaid assessments under § 38.2-1705 and to settle any claims or potential claims against it;
3. Borrow money to effect the purposes of this chapter. Any notes or other evidence of indebtedness of the Association not in default shall be Category 1 investments, as defined in § 38.2-1401, for domestic *member* insurers;
4. Employ or retain such persons as are necessary or appropriate to handle the financial transactions of the Association, and to perform other functions as become necessary or proper under this chapter;
5. Negotiate and contract with any liquidator, rehabilitator, conservator, or ancillary receiver to carry out the powers and duties of the Association;
6. Take such legal action as may be necessary or appropriate to avoid or recover payment of improper claims;
7. Exercise, for the purposes of this chapter and to the extent approved by the Commission, the powers of a domestic life ~~or insurer~~, accident and sickness insurer, *or health maintenance organization*, but in no case may the Association issue ~~insurance~~ policies or ~~annuity~~ contracts other than those issued to perform its obligations under this chapter;
8. Organize itself as a corporation or in other legal form permitted by the laws of the Commonwealth;

9. Request information from a person seeking coverage from the Association in order to aid the Association in determining its obligations under this chapter with respect to the person, and the person shall promptly comply with the request; ~~and~~

10. *In accordance with the terms and conditions of the policy or contract, file for actuarially justified rate or premium increases for any policy or contract for which it provides coverage under this chapter; and*

11. Take other necessary or appropriate action to discharge its duties and obligations under this chapter or to exercise its powers under this chapter.

M. The Association may join an organization of one or more other state associations of similar purposes, to further the purposes and administer the powers and duties of the Association.

N. 1. a. At any time within 180 days of the date of the order of liquidation, the Association may elect to succeed to the rights and obligations of the ceding member insurer that relate to policies, *contracts*, or annuities covered, in whole or in part, by the Association, in each case under any one or more reinsurance contracts entered into by the insolvent insurer and its reinsurers and selected by the Association. Any such assumption shall be effective as of the date of the order of liquidation. The election shall be effected by the Association or any agent of the Association on the Association's behalf sending written notice, return receipt requested, to the affected reinsurers.

b. To facilitate the earliest practicable decision about whether to assume any of the contracts of reinsurance, and in order to protect the financial position of the estate, the receiver and each reinsurer of the ceding member insurer shall make available upon request to the Association or to any agent of the Association on the Association's behalf as soon as possible after commencement of formal delinquency proceedings (i) copies of in-force contracts of reinsurance and all related files and records relevant to the determination of whether such contracts should be assumed and (ii) notices of any defaults under the reinsurance contracts or any known event or condition which with the passage of time could become a default under the reinsurance contracts.

c. The following shall apply to reinsurance contracts so assumed by the Association:

(1) The Association shall be responsible for all unpaid premiums due under the reinsurance contracts for periods both before and after the date of the order of liquidation, and shall be responsible for the performance of all other obligations to be performed after the date of the order of liquidation, in each case which relate to policies, *contracts*, or annuities covered, in whole or in part, by the Association. The Association may charge policies, *contracts*, or annuities covered in part by the Association, through reasonable allocation methods, the costs for reinsurance in excess of the obligations of the Association and shall provide notice and an accounting of these charges to the liquidator;

(2) The Association shall be entitled to any amounts payable by the reinsurer under the reinsurance contracts with respect to losses or events that occur in periods after the date of the order of liquidation and that relate to policies, *contracts*, or annuities covered, in whole or in part, by the Association, provided that, upon receipt of any such amounts, the Association shall be obliged to pay to the beneficiary, under the policy, *contract*, or annuity on account of which the amounts were paid, a portion of the amount equal to the lesser of (i) the amount received by the Association and (ii) the excess of the amount received by the Association over the amount equal to the benefits paid by the Association on account of the policy, *contract*, or annuity less the retention of the insurer applicable to the loss or event;

(3) Within 30 days following the Association's election (the election date), the Association and each reinsurer under contracts assumed by the Association shall calculate the net balance due to or from the Association under each reinsurance contract as of the election date with respect to policies, *contracts*, or annuities covered, in whole or in part, by the Association, which calculation shall give full credit to all items paid by either the *member* insurer or its receiver or the reinsurer prior to the election date. The reinsurer shall pay the receiver any amounts due for losses or events prior to the date of the order of liquidation, subject to any set-off for premiums unpaid for periods prior to the date, and the Association or reinsurer shall pay any remaining balance due the other, in each case within five days of the completion of the aforementioned calculation. Any disputes over the amounts due to either the Association or the reinsurer shall be resolved by arbitration pursuant to the terms of the affected reinsurance contract or, if the contract contains no arbitration clause, as otherwise provided by law. If the receiver has received any amounts due the Association pursuant to subdivision N 1 c (2), the receiver shall remit the same to the Association as promptly as practicable; and

(4) If the Association or receiver, on the Association's behalf, within 60 days of the election date, pays the unpaid premiums due for periods both before and after the election date that relate to policies, *contracts*, or annuities covered, in whole or in part, by the Association, the reinsurer shall not be entitled to terminate the reinsurance contracts for failure to pay premium insofar as the reinsurance contracts related to policies, *contracts*, or annuities covered, in whole or in part, by the Association, and shall not be entitled to set off any unpaid amounts due under other contracts, or unpaid amounts due from parties other than the Association, against amounts due the Association.

2. During the period from the date of the order of liquidation until the election date (or, if the election date does not occur, until 180 days after the date of the order of liquidation),

a. Neither the Association nor the reinsurer shall have any rights or obligations under reinsurance contracts that the Association has the right to assume under subdivision N 1, whether for periods prior to or after the date of the order of liquidation; and the reinsurer, the receiver, and the Association shall, to the extent practicable, provide each other data and records reasonably requested;

b. Provided that once the Association has elected to assume a reinsurance contract, the parties' rights and obligations shall be governed by subdivision N 1.

3. If the Association does not elect to assume a reinsurance contract by the election date pursuant to subdivision N 1, the Association shall have no rights or obligations, in each case for periods both before and after the date of the order of liquidation, with respect to the reinsurance contract.

4. When policies, *contracts*, or annuities, or covered obligations with respect thereto, are transferred to an assuming insurer, reinsurance on the policies, *contracts*, or annuities may also be transferred by the Association, in the case of contracts assumed under subdivision N 1, subject to the following:

a. Unless the reinsurer and the assuming insurer agree otherwise, the reinsurance contract transferred shall not cover any new policies of insurance, *contracts*, or annuities in addition to those transferred;

b. The obligations described in subdivision N 1 shall no longer apply with respect to matters arising after the effective date of the transfer; and

c. Notice shall be given in writing, return receipt requested, by the transferring party to the affected reinsurer not less than 30 days prior to the effective date of the transfer.

5. The provisions of this subsection shall supersede the provisions of any *Commonwealth* law or of any affected reinsurance contract that provides for or requires any payment of reinsurance proceeds, on account of losses or events that occur in periods after the date of the order of liquidation, to the receiver of the insolvent insurer or any other person. The receiver shall remain entitled to any amounts payable by the reinsurer under the reinsurance contracts with respect to losses or events that occur in periods prior to the date of the order of liquidation, subject to applicable setoff provisions.

6. Except as otherwise provided in this section, nothing in this subsection shall alter or modify the terms and conditions of any reinsurance contract. Nothing in this section shall abrogate or limit any rights of any reinsurer to claim that it is entitled to rescind a reinsurance contract. Nothing in this section shall give a policy holder, *contract owner*, *enrollee*, *certificate holder*, or beneficiary an independent cause of action against a reinsurer that is not otherwise set forth in the reinsurance contract. Nothing in this section shall limit or affect the Association's rights as a creditor of the estate against the assets of the estate. Nothing in this section shall apply to reinsurance agreements covering property or casualty risks.

O. The board of directors of the Association shall have discretion and may exercise good faith business judgment to determine the means by which the Association is to provide the benefits of this chapter in an economical and efficient manner.

P. Where the Association has arranged or offered to provide the benefits of this chapter to a covered person under a plan or arrangement that fulfills the Association's obligations under this chapter, the person shall not be entitled to benefits from the Association in addition to or other than those provided under the plan or arrangement.

Q. Venue in a suit against the Association arising under this chapter shall be in the circuit court of the city or county in which the Association has its principal place of business except that any suit to which the Commission is a party shall be brought before the Commission. The Association shall not be required to give an appeal bond in an appeal that relates to a cause of action arising under this chapter.

R. In carrying out its duties in connection with guaranteeing, assuming, *reissuing*, or reinsuring policies or contracts under subsection A or B, the Association may, ~~subject to approval of the receivership court,~~ issue substitute coverage for a policy or contract that provides an interest rate, crediting rate or similar factor determined by use of an index or other external reference stated in the policy or contract employed in calculating returns or changes in value by issuing an alternative policy or contract in accordance with the following provisions:

1. In lieu of the index or other external reference provided for in the original policy or contract, the alternative policy or contract provides for (i) a fixed interest rate, (ii) payment of dividends with minimum guarantees, or (iii) a different method for calculating interest or changes in value;

2. There is no requirement for evidence of insurability, waiting period, or other exclusion that would not have applied under the replaced policy or contract; and

3. The alternative policy or contract is similar to the replaced policy or contract in all other material terms.

#### § 38.2-1705. Assessments.

A. For the purpose of providing the funds necessary to carry out the powers and duties of the Association, the board of directors shall assess the member insurers, separately for each account, at such time and for any amounts as the board finds necessary. Assessments shall be due not less than 30 days after prior written notice has been given to the member insurers. Late payments shall accrue interest from the due date compounded quarterly, based upon the average ~~90 day~~ 90-day treasury bill rate for the most recently completed calendar quarter as published in the Federal Reserve Bulletin and shall be subject to a minimum charge of \$50.

B. There shall be two classes of assessments, as follows:

1. Class A assessments shall be authorized and called for the purpose of meeting administrative and legal costs and other expenses. Class A assessments may be authorized and called whether or not related to a particular impaired or insolvent insurer.

2. Class B assessments shall be authorized and called to the extent necessary to carry out the powers and duties of the Association under § 38.2-1704 with regard to an impaired or an insolvent insurer.

C. 1. The amount of any Class A assessment shall be determined by the board and may be authorized and called for current member insurers on a ~~pro-rata~~ *pro-rata* or ~~nonpro-rata~~ *non-pro-rata* basis. If *pro-rata*, the board may provide that it be credited against future Class B assessments. ~~The total of all nonpro-rata assessments shall not exceed \$500 per member insurer in any one calendar year.~~ The amount of a Class B assessment, *except for assessments related to long-term care*

insurance, shall be allocated for assessment purposes ~~among~~ *between the accounts and among the subaccounts of the life insurance and annuity account*, pursuant to an allocation formula which may be based on the premiums or reserves of the impaired or insolvent insurer or any other standard deemed by the board in its sole discretion as being fair and reasonable under the circumstances. *The amount of the Class B assessment for long-term care insurance written by the impaired or insolvent insurer shall be allocated according to a methodology included in the plan of operation and approved by the Commission. The methodology shall provide for 50 percent of the assessment to be allocated to accident and sickness member insurers and 50 percent to be allocated to life and annuity member insurers.*

2. *In determining the shares that shall be allocated to the life insurance and annuity account pursuant to the methodology in subdivision C 1, the guaranty association shall use the following formula:  $= (0.50 - \text{Life and annuity member insurers' share of Accident and Sickness Account}) / (\text{Life and annuity member insurers' share of Life Insurance and Annuity Account} - \text{Life and annuity member insurers' share of Accident and Sickness Account})$ .*

3. *For the purposes of the methodology in subdivision C 1 and the formula in subdivision C 2 only, "life and annuity member insurer" means a member insurer for which (i) the sum of its assessable life insurance premiums and annuity premiums is greater than or equal to (ii) its assessable accident and sickness insurance premiums, which shall include its assessable health maintenance organization premiums but shall exclude its assessable premiums written for disability income and long-term care insurance. For purposes of this definition, assessable premiums shall be measured within the state. An "accident and sickness member insurer" means any member insurer not defined as a "life and annuity member insurer."*

~~2.~~ 4. Class B assessments against member insurers for each account and subaccount shall be in the proportion that the premiums received on business in ~~this~~ *the Commonwealth* by each assessed member insurer on policies or contracts covered by each account and subaccount for the three most recent calendar years for which information is available preceding the year in which the *member* insurer became insolvent or, in the case of an assessment with respect to an impaired insurer, the three most recent calendar years for which information is available preceding the year in which the insurer became impaired, bear to such premiums received on business in ~~this~~ *the Commonwealth* for those calendar years by all assessed member insurers.

~~3.~~ 5. Assessments for funds to meet the requirements of the Association with respect to an impaired or insolvent insurer shall not be authorized or called until necessary to implement the purposes of this chapter. Classification of assessments under subsection B and computation of assessments under this subsection shall be made with a reasonable degree of accuracy, recognizing that exact determinations may not always be possible. The Association shall notify each member insurer of its anticipated ~~pro-rata~~ *pro rata* share of an authorized assessment not yet called within 180 days after the assessment is authorized.

D. The Association may abate or defer, in whole or in part, the assessment of a member insurer if, in the opinion of the board, payment of the assessment would endanger the ability of the member insurer to fulfill its contractual obligations. In the event an assessment against a member insurer is abated or deferred in whole or in part, the amount by which the assessment is abated or deferred may be assessed against the other member insurers in a manner consistent with the basis for assessments set forth in this section. Once the conditions that caused a deferral have been removed or rectified, the member insurer shall pay all assessments that were deferred pursuant to a repayment plan approved by the Association.

E. 1. a. Subject to the provisions of subdivision E 1 b, the total of all assessments authorized by the Association with respect to a member insurer for each subaccount of the life insurance and annuity account and for the accident and sickness ~~insurance~~ *insurance* account shall not in any one calendar year exceed two percent of that member insurer's average annual premiums received in the Commonwealth on the policies and contracts covered by the subaccount or account during the three calendar years preceding the year in which the *member* insurer became an impaired or insolvent insurer.

b. If two or more assessments are authorized in one calendar year with respect to *member* insurers that become impaired or insolvent in different calendar years, the average annual premiums for purposes of the aggregate assessment percentage limitation referenced in subdivision E 1 a shall be equal and limited to the higher of the three-year average annual premiums for the applicable subaccount or account as calculated pursuant to this section.

c. If the maximum assessment, together with the other assets of the Association in an account, does not provide in one year in that account an amount sufficient to carry out the responsibilities of the Association, the necessary additional funds shall be assessed as soon thereafter as permitted by this chapter.

2. The board may provide in the plan of operation a method of allocating funds among claims, whether relating to one or more impaired or insolvent insurers, when the maximum assessment will be insufficient to cover anticipated claims.

3. If the maximum assessment for a subaccount of the life and annuity account in one year does not provide an amount sufficient to carry out the responsibilities of the Association, then pursuant to subdivision C 2, the board shall access the other subaccounts of the life and annuity account for the necessary additional amount, subject to the maximum stated in subdivision E 1.

F. If the Board of Directors of the Association determines that it has surplus funds on hand with respect to an insolvency, the Association shall, in accordance with the process set forth in the certificate of contribution for adjusting or cancelling the unamortized portion of the member insurer's certificate of contribution in the event of a reimbursement of assessment payments, use such surplus funds to reimburse member insurers for assessment costs not otherwise amortized and offset pursuant to § 38.2-1709 and pay the remaining surplus to the Department of Taxation, for deposit with the State Treasurer for credit to the general fund of the Commonwealth. Within 90 days of making payment of surplus funds to the

Department of Taxation for deposit with the State Treasurer, the Association shall notify its member insurers of such payment. If any member insurer contends that it is entitled to any portion of the surplus refunded to the Commonwealth in order to recover assessment costs not otherwise amortized and offset pursuant to § 38.2-1709, then the member insurer may present evidence of such entitlement to the Department of Taxation. If the Department of Taxation determines that the member insurer is entitled to a portion of the surplus funds in order to recover assessment costs not otherwise amortized and offset pursuant to § 38.2-1709, then the State Treasurer shall pay to the member insurer the sum that the Department of Taxation determines that the member insurer is entitled to receive. A reasonable amount may be retained in any account to provide funds for the continuing expenses of the Association and for future losses and claims. For purposes of this subsection, "surplus funds" includes funds that the Association obtains by way of distributions or recoveries from receivers and third parties as reimbursement for its costs in connection with insolvencies and impairments in excess of reasonable amounts retained in an account to provide funds for the continuing expenses of the Association and for future losses and claims.

G. It shall be proper for any member insurer, in determining its premium rates and policy owner dividends as to any kind of insurance or *health maintenance organization business* within the scope of this chapter, to consider the amount reasonably necessary to meet its assessment obligations under this chapter.

H. The Association shall issue to each *member* insurer paying an assessment under this chapter, other than a Class A assessment, a certificate of contribution, in a form prescribed by the Commission, for the amount of the assessment so paid excluding interest penalties. All outstanding certificates shall be of equal dignity and priority without reference to amounts or dates of issue. A certificate of contribution may be shown by the *member* insurer in its financial statement as an asset in such form and for such amount, if any, and period of time as the Commission may approve.

I. 1. A member insurer that wishes to protest all or part of an assessment shall pay when due the full amount of the assessment as set forth in the notice provided by the Association. The payment shall be available to meet Association obligations during the pendency of the protest or any subsequent appeal. Payment shall be accompanied by a statement in writing that the payment is made under protest and setting forth a brief statement of the grounds for the protest.

2. Within 60 days following the payment of an assessment under protest by a member insurer, the Association shall notify the member insurer in writing of its determination with respect to the protest unless the Association notifies the member insurer that additional time is required to resolve the issues raised by the protest.

3. Within 30 days after a final decision has been made, the Association shall notify the protesting member insurer in writing of that final decision. Within 60 days of receipt of notice of the final decision, the protesting member insurer may appeal that final action to the Commission.

4. In the alternative to rendering a final decision with respect to a protest based on a question regarding the assessment base, the Association may refer the protest to the Commission for a final decision, with or without a recommendation from the Association.

5. If the protest or appeal on the assessment is upheld, the amount paid in error or excess shall be returned to the member ~~company~~ insurer. Interest on a refund due a protesting member insurer shall be paid at the rate actually earned by the Association.

J. The Association may request information of member insurers in order to aid in the exercise of its power under this section and member insurers shall promptly comply with a request.

**§ 38.2-1706. Plan of operation.**

A. 1. The Association's plan of operation approved under former § 38.1-482.24 shall remain in effect until modified in accordance with this subsection. The Association shall from time to time submit to the Commission any amendments to the plan of operation necessary or suitable to assure the fair, reasonable, and equitable administration of the Association. Any amendments to the plan of operation shall become effective upon the Commission's written approval or unless they have not been disapproved within 60 days.

2. If at any time the Association fails to submit suitable amendments to the plan, the Commission shall, after notice and hearing, adopt and promulgate such reasonable rules as are necessary or advisable to effectuate the provisions of this chapter. The rules shall continue in force until modified by the Commission or superseded by an amended plan submitted by the Association and approved by the Commission.

B. All member insurers shall comply with the plan of operation.

C. The plan of operation shall, in addition to requirements enumerated elsewhere in this chapter:

1. Establish procedures for handling assets of the Association;
2. Establish the amount and method of reimbursing members of the board of directors under § 38.2-1703;
3. Establish regular places and times for meetings, including telephone conference calls, of the board of directors;
4. Establish procedures for records to be kept of all financial transactions of the Association, its agents, and the board of directors;
5. Establish the procedures whereby selections for the board of directors will be made and submitted to the Commission;
6. Establish any additional procedures for assessments under § 38.2-1705;
7. Establish a plan for equitable distribution of refunds to ~~members~~ member insurers;
8. Contain additional provisions necessary or proper for the execution of the powers and duties of the Association;

9. Establish procedures whereby a director may be removed for cause, including in the case where a member insurer director becomes an impaired or insolvent insurer; and

10. Require the board of directors to establish a policy and procedures for addressing conflicts of interests.

D. The plan of operation may provide that any or all powers and duties of the Association, except those under subdivision L 3 of § 38.2-1704 and § 38.2-1705, are delegated to a corporation, association, or other organization that performs or will perform functions similar to those of this Association, or its equivalent, in two or more states. Such a corporation, association, or organization shall be reimbursed for any payments made on behalf of the Association and shall be paid for its performance of any function of the Association. A delegation under this subsection shall take effect only with the approval of both the board of directors and the Commission, and may be made only to a corporation, association, or organization that extends protection not substantially less favorable and effective than that provided by this chapter.

**§ 38.2-1707. Duties and powers of the Commission.**

A. In addition to the duties and powers enumerated elsewhere in this chapter, the Commission shall:

1. Upon request of the board of directors, provide the Association with a statement of the premiums in the appropriate states for each member insurer;

2. When an impairment is declared and the amount of the impairment is determined, serve a demand upon the impaired insurer to make good the impairment within a reasonable time. Notice to the impaired insurer shall constitute notice to its shareholders, if any. The failure of the *impaired* insurer to promptly comply with this demand shall not excuse the Association from the performance of its powers and duties under this chapter; and

3. Be appointed as the liquidator or rehabilitator in any liquidation or rehabilitation proceeding involving a domestic *member* insurer. If a foreign or alien member insurer is subject to a liquidation proceeding in its domiciliary jurisdiction or state of entry, the Commission shall be appointed conservator.

B. The Commission may suspend or revoke, after notice and hearing, the license to transact ~~the business of insurance~~ in ~~this~~ the Commonwealth of any member insurer that fails to pay an assessment when due or fails to comply with the plan of operation. As an alternative the Commission may levy a forfeiture on any member insurer that fails to pay an assessment when due. The forfeiture shall not exceed five percent of the unpaid assessment per month, but no forfeiture shall be less than \$100 per month.

C. Any action of the board of directors or the Association may be appealed to the Commission by any member insurer if the appeal is taken within 30 days of the action being appealed. Any final action or order of the Commission shall be subject to judicial review in accordance with the provisions of §§ 12.1-39 through 12.1-41.

D. The liquidator, rehabilitator, or conservator of any impaired or insolvent insurer may notify all interested persons of the effect of this chapter.

**§ 38.2-1708. Detection and prevention of insolvencies.**

A. To aid in the detection and prevention of *member* insurer insolvencies, the Commission shall have the duty to:

1. Notify the insurance departments of all of the other states within 30 days following the action taken or the date the action occurs, when the Commission takes any of the following actions against a member insurer:

a. Revocation of license;

b. Suspension of license; or

c. Enters a formal order that the ~~company~~ *member insurer* restrict its premium writing, obtain additional contributions to surplus, withdraw from the Commonwealth, reinsure all or any part of its business, or increase capital, surplus, or any other account for the security of policy owners, *contract owners*, *certificate holders*, or creditors;

2. Report to the board of directors when the Commission has taken any of the actions set forth in subdivision 1 or has received a report from any other insurance department indicating that any such action has been taken in another state. The report to the board of directors shall contain all significant details of the action taken or the report received from another insurance department;

3. Report to the board of directors when the Commission has reasonable cause to believe from an examination, whether completed or in process, of any member insurer that the *member* insurer may be an impaired or insolvent insurer; and

4. Furnish to the board of directors the National Association of Insurance Commissioners (NAIC) Insurance Regulatory Information System (IRIS) ratios and listings of companies not included in the ratios developed by the NAIC, and the board may use the information contained therein in carrying out its duties and responsibilities under this section. The report and the information contained therein shall be kept confidential by the board of directors until such time as made public by the Commission or other lawful authority.

B. The Commission may seek the advice and recommendations of the board of directors concerning any matter affecting its duties and responsibilities regarding the financial condition of member insurers and insurers *or health maintenance organizations* seeking admission to transact ~~the business of insurance~~ in the Commonwealth.

C. The board of directors may, upon majority vote, make reports and recommendations to the Commission upon any matter germane to the solvency, liquidation, rehabilitation or conservation of any member insurer or germane to the solvency of any insurer *or health maintenance organization* seeking to transact ~~the business of insurance~~ in ~~this~~ the Commonwealth. These reports and recommendations shall not be considered public documents.

D. The board of directors, upon majority vote, may notify the Commission of any information indicating a member insurer may be an impaired or insolvent insurer.

E. The board of directors, upon majority vote, may make recommendations to the Commission for the detection and prevention of *member* insurer insolvencies.

**§ 38.2-1709. Tax write-offs of certificates of contributions.**

A. A member insurer shall have at its option the right to show a certificate of contribution as an asset in the form approved by the Commission pursuant to subsection H of § 38.2-1705 at the original face amount for the calendar year of issuance. Such amount shall be amortized over the 10 calendar years following the year the contribution was paid in amounts each equal to 10 percent of the amount of the contribution.

B. The *member* insurer may offset the amount of the certificate amortized in a calendar year as provided in subsection A. This amount shall be deducted from the premium tax liability incurred on business transacted in ~~this~~ the Commonwealth for that year. However, the Association shall diligently pursue all rights available to it to recover its expenditures made in the fulfillment of its responsibilities under this chapter. If the Commission determines after a hearing that the Association is not diligently pursuing available measures of recovery, the Commission shall notify the Department and contributing *member* insurers will not be able to offset amounts amortized during the period that the Commission determines that the Association has not been diligently pursuing available measures of recovery.

C. Any sums for which a certificate of contribution has been issued that have been (i) amortized by contributing insurers and offset against premium taxes as provided in subsection B and (ii) subsequently refunded pursuant to subsection F of § 38.2-1705 shall be paid to the Department of Taxation and deposited with the State Treasurer for credit to the general fund of ~~this~~ the Commonwealth.

D. The amount of any credit against premium taxes provided for in this section for ~~an~~ a *member* insurer shall be reduced by the amount of reduction in federal income taxes for any deduction claimed by the *member* insurer for an assessment paid pursuant to this chapter.

*E. A member insurer that is exempt from taxes referenced in subsection A may recoup its assessments by a surcharge on its premiums in a sum reasonably calculated to recoup the assessments over a reasonable period of time, as approved by the Commission. Amounts recouped shall not be considered premiums for any other purpose, including the computation of gross premium tax, the loss ratio, or agent commission. If a member insurer collects excess surcharges, the member insurer shall remit the excess amount to the Association, and the excess amount shall be applied to reduce future assessments in the appropriate account.*

**§ 38.2-1710. Miscellaneous provisions.**

A. Nothing in this chapter shall be construed to reduce the liability for unpaid assessments of the insureds on an impaired or insolvent insurer operating under a plan with assessment liability.

B. Records shall be kept of all meetings of the board of directors to discuss the activities of the Association in carrying out its powers and duties under § 38.2-1704. The records of the Association with respect to an impaired or insolvent insurer shall not be disclosed prior to the termination of a liquidation, rehabilitation, or conservation proceeding involving the impaired or insolvent insurer, except (i) upon the termination of the impairment or insolvency of the *member* insurer or (ii) upon the order of a court of competent jurisdiction. Nothing in this subsection shall limit the duty of the Association to render a report of its activities under § 38.2-1711.

C. For the purpose of carrying out its obligations under this chapter, the Association shall be deemed to be a creditor of the impaired or insolvent insurer to the extent of assets attributable to covered policies and contracts reduced by any amounts to which the Association is entitled as subrogee pursuant to subsection K of § 38.2-1704. Assets of the impaired or insolvent insurer attributable to covered policies and contracts shall be used to continue all covered policies and contracts and pay all contractual obligations of the impaired or insolvent insurer as required by this chapter. "Assets attributable to covered policies and contracts" means that proportion of the assets which the reserves that should have been established for these policies and contracts bear to the reserves that should have been established for all insurance policies ~~and~~, contracts, and health benefit plans written by the impaired or insolvent insurer.

D. As a creditor of the impaired or insolvent insurer as established in subsection C and consistent with subsection B of § 38.2-1509, the Association and other similar associations shall be entitled to receive a disbursement of assets out of the marshaled assets, from time to time as the assets become available to reimburse it, as a credit against contractual obligations under this chapter. If the liquidator has not, within 120 days of a final determination of insolvency of ~~an~~ a *member* insurer by the receivership court, made an application to the court for the approval of a proposal to disburse assets out of marshaled assets to guaranty associations having obligations because of the insolvency, then the Association shall be entitled to make application to the receivership court for approval of its own proposal to disburse these assets.

E. 1. Prior to the termination of any liquidation, rehabilitation, or conservation proceeding, the court, in making an equitable distribution of the ownership rights of the insolvent insurer, may take into consideration the contributions of the respective parties, including the Association, the shareholders, *contract owners*, *certificate holders*, *enrollees*, and policy and contract owners of the insolvent insurer, and any other party with a legitimate interest. In this determination, consideration shall be given to the welfare of the policy ~~and~~ owners, contract owners, *certificate holders*, and *enrollees* of the continuing or successor *member* insurer.

2. No distribution to any stockholders, if any, of an impaired or insolvent insurer shall be made until and unless the total amount of valid claims of the Association with interest thereon for funds expended in carrying out its powers and duties under § 38.2-1704 with respect to the *member* insurer have been fully recovered by the Association.

F. 1. If an order for liquidation or rehabilitation of ~~an~~ a *member* insurer domiciled in ~~this~~ the Commonwealth has been entered, the receiver appointed under that order shall have a right to recover on behalf of the *member* insurer, from any affiliate that controlled it, the amount of distributions, other than stock dividends paid by the *member* insurer on its capital stock, made at any time during the five years preceding the petition for liquidation or rehabilitation, subject to the limitations of subdivisions 2 through 4.

2. No such distribution shall be recoverable if the *member* insurer shows that when paid the distribution was lawful and reasonable, and that the *member* insurer did not know and could not reasonably have known that the distribution might adversely affect the ability of the *member* insurer to fulfill its contractual obligations.

3. Any person who was an affiliate that controlled the *member* insurer at the time the distributions were paid shall be liable up to the amount of distributions received. Any person who was an affiliate that controlled the *member* insurer at the time the distributions were declared shall be liable up to the amount of distributions that would have been received if they had been paid immediately. If two or more persons are liable with respect to the same distributions, they shall be jointly and severally liable.

4. The maximum amount recoverable under this subsection shall be the amount in excess of all other available assets of the insolvent insurer needed to pay (i) the contractual obligations of the insolvent insurer and (ii) the reasonable expenses of the Association incurred in connection with the performance of its duties for the insolvent insurer.

5. If any person liable under subdivision 3 is insolvent, all its affiliates that controlled it at the time the distribution was paid shall be jointly and severally liable for any resulting deficiency in the amount recovered from the insolvent affiliate.

**§ 38.2-1714. Stay of proceedings; reopening default judgments.**

All proceedings in which the insolvent *member* insurer is a party in any court in this Commonwealth shall be stayed 180 days from the date an order of liquidation, rehabilitation, or conservation is final to permit proper legal action by the Association on all matters germane to its powers and duties. The Association may apply to have the judgment under any decision, order, verdict, or finding based on default set aside by the same court that made the judgment and shall be permitted to defend against the suit on the merits.

**§ 38.2-1715. Prohibited advertisement of Association coverage in insurance sales; notice to policy owners.**

A. No person, including ~~an~~ a *member* insurer, agent, or affiliate of ~~an~~ a *member* insurer, shall make, publish, disseminate, circulate, or place before the public, or cause, directly or indirectly, to be made, published, disseminated, circulated or placed before the public, in any newspaper, magazine, or other publication, or in the form of a notice, circular, pamphlet, letter, or poster, or over any radio station or television station, or in any other way, any advertisement, announcement, or statement, written or oral, that uses the existence of the Association of ~~this~~ the Commonwealth for the purpose of sales, solicitation, or inducement to purchase any form of insurance or *other coverage* covered by this chapter. This subsection shall not apply to the Association or any other entity that does not sell or solicit insurance or *coverage by a health maintenance organization*.

B. ~~By January 1, 2011, the~~ The Association shall prepare a summary document describing the general purposes and current limitations of this chapter and that complies with subsection C. This document shall be submitted to the Commission for approval. At the expiration of the sixtieth day after the date on which the Commission approves the document, ~~an~~ a *member* insurer may not deliver a policy or contract to a policy ~~or~~ owner, contract owner, *certificate holder*, or *enrollee* unless the summary document is delivered to the policy ~~or~~ owner, contract owner, *certificate holder*, or *enrollee* at the time of delivery of the policy or contract. The document shall be posted on the Association's website and shall also be available upon request by a policy ~~or~~ owner, contract owner, *certificate holder*, or *enrollee*. The distribution, delivery, or contents or interpretation of this document does not guarantee that either the policy or the contract or the *policy* owner ~~of the policy or~~ contract owner, *certificate holder*, or *enrollee* is covered in the event of the impairment or insolvency of a member insurer. The summary document shall be revised by the Association as amendments to the chapter may require. Failure to receive this document does not give the policy owner, contract owner, *certificate holder*, *enrollee*, or insured any greater rights than those stated in this chapter.

C. The document prepared under subsection B shall contain a clear and conspicuous disclaimer on its face. The Commission shall establish the form and content of the disclaimer. The disclaimer shall:

1. State the name and address of the Association and the Bureau of Insurance;
2. Prominently warn the policy ~~or~~ owner, contract owner, *certificate holder*, or *enrollee* that the Association may not cover the policy or contract or, if coverage is available, it will be subject to substantial limitations and exclusions and conditioned on continued residence in the Commonwealth;
3. State the types of policies or *contracts* for which guaranty funds will provide coverage;
4. State that the *member* insurer and its agents are prohibited by law from using the existence of the Association for the purpose of sales, solicitation, or inducement to purchase any form of insurance or *health maintenance organization coverage*;
5. State that the policy ~~or~~ owner, contract owner, *certificate holder*, or *enrollee* should not rely on coverage under the Association when selecting an insurer or *health maintenance organization*;
6. Explain rights available and procedures for filing a complaint to allege a violation of any provisions of this chapter; and

7. Provide other information as directed by the Commission including but not limited to, sources for information about the financial condition of insurers provided that the information is not proprietary and is subject to disclosure under the Freedom of Information Act (§ 2.2-3700 et seq.).

D. A member insurer shall retain evidence of compliance with subsection B for so long as the policy or contract for which the notice is given remains in effect.

**§ 38.2-4302. Issuance of license; fee; minimum net worth; impairment.**

A. The Commission shall issue a license to a health maintenance organization after the receipt of a complete application and payment of a \$500 nonrefundable application fee if the Commission is satisfied that the following conditions are met:

1. The persons responsible for the conduct of the affairs of the applicant are competent, trustworthy, and reputable;
2. The health care plan constitutes an appropriate mechanism for the health maintenance organization to provide or arrange for the provision of, as a minimum, basic health care services or limited health care services on a prepaid basis, except to the extent of reasonable requirements for copayments, deductibles, or both;
3. The health maintenance organization is financially responsible and may reasonably be expected to meet its obligations to enrollees and prospective enrollees. In making this determination, the Commission may consider:
  - a. The financial soundness of the health care plan's arrangements for health care services and the schedule of prepaid charges used for those services;
  - b. The adequacy of working capital;
  - c. Any agreement with an insurer, a health services plan, a government, or any other organization for insuring the payment of the cost of health care services or the provision for automatic applicability of an alternative coverage if the health care plan is discontinued;
  - d. Any contracts with health care providers that set forth the health care services to be performed and the providers' responsibilities for fulfilling the health maintenance organization's obligations to its enrollees;
  - e. The deposit of acceptable securities in an amount satisfactory to the Commission, submitted in accordance with § 38.2-4310 as a guarantee that the obligations to the enrollees will be duly performed;
  - f. The applicant's net worth which shall include minimum net worth in an amount at least equal to the sum of uncovered expenses, but not less than \$600,000, up to a maximum of \$4 million; uncovered expenses shall be amounts determined from the most recently ended calendar quarter pursuant to regulations promulgated by the Commission; and
4. The enrollees will be given an opportunity to participate in matters of policy and operation as required by § 38.2-4304; and
5. Nothing in the method of operation is contrary to the public interest, as shown in the information submitted pursuant to § 38.2-4301 or Chapter 58 (§ 38.2-5800 et seq.) or by independent investigation. Issuance of a license shall not constitute approval of the forms submitted under subdivisions B 6, 7, and 12 of ~~subsection B~~ of § 38.2-4301.

B. A licensed health maintenance organization shall have and maintain at all times the minimum net worth described in subdivision A 3 f of ~~subsection A~~ of this section.

1. If the Commission finds that the minimum net worth of a domestic health maintenance organization is impaired, the Commission shall issue an order requiring the health maintenance organization to eliminate the impairment within a period not exceeding 90 days. The Commission may by order served upon the health maintenance organization prohibit the health maintenance organization from issuing any new contracts while the impairment exists. If at the expiration of the designated period the health maintenance organization has not satisfied the Commission that the impairment has been eliminated, an order for the rehabilitation or liquidation of the health maintenance organization may be entered as provided in § 38.2-4317.

2. If the Commission finds an impairment of the minimum net worth of any foreign health maintenance organization, the Commission may order the health maintenance organization to eliminate the impairment and restore the minimum net worth to the amount required by this section. The Commission may, by order served upon the health maintenance organization, prohibit the health maintenance organization from issuing any new contracts while the impairment exists. If the health maintenance organization fails to comply with the Commission's order within a period of not more than 90 days, the Commission may, in the manner set out in § 38.2-4316, suspend or revoke the license of the health maintenance organization.

3. Prior to December 31, 1999, a health maintenance organization with less than minimum net worth which is licensed on and after June 30, 1998, may continue to operate as a licensed health maintenance organization without a finding of impairment if the licensee has net worth (i) on June 30, 1998, and up to December 31, 1998, in an amount at least equal to the sum of uncovered expenses, but not less than \$300,000, up to a maximum of \$2 million; (ii) on December 31, 1998, and up to June 30, 1999, in an amount at least equal to the sum of uncovered expenses, but not less than \$400,000, up to a maximum of \$2.5 million; and (iii) on June 30, 1999, and up to December 31, 1999, in an amount at least equal to the sum of uncovered expenses, but not less than \$500,000, up to a maximum of \$3 million.

**§ 38.2-4310. Protection against insolvency.**

A. Each health maintenance organization shall deposit and maintain acceptable securities with the State Treasurer in amounts prescribed by § 38.2-4310.1. The deposit shall be held as a special fund in trust, as a guarantee that the obligations to the enrollees who are residents of this Commonwealth will be performed. The securities shall be deposited pursuant to a system of book-entry evidencing ownership interests of the securities with transfers of ownership interests effected on the

records of a depository and its participants pursuant to rules and procedures established by the depository. Upon a determination of insolvency or action by the Commission pursuant to § 38.2-4317, the deposit shall be used to protect the interests of the health maintenance organization's enrollees and to assure continuation of covered services to enrollees. If a health maintenance organization is placed in receivership, the deposit shall be an asset subject to the provisions of Chapter 15 (§ 38.2-1500 et seq.) of this title.

B. The Commission may require that each health maintenance organization have a plan for handling insolvency which allows for continuation of benefits for the duration of the contract period for which premiums have been paid and continuation of benefits to members who are confined on the date of insolvency in an inpatient facility until their discharge or expiration of benefits. In considering such a plan, the Commission may require:

1. Insurance satisfactory in form and content to the Commission to cover the expenses to be paid for continued benefits after an insolvency;
2. Provisions in provider contracts that obligate the provider to provide services for the duration of the period after the health maintenance organization's insolvency for which premium payment has been made and until the enrollees' discharge from inpatient facilities;
3. Acceptable letters of credit; or
4. Any other arrangements to assure that benefits are continued as specified above.

~~C. 1. In the event of an insolvency of a health maintenance organization, all other carriers that participated in the enrollment process with the insolvent health maintenance organization at a group's last regular enrollment period shall offer such group's enrollees of the insolvent health maintenance organization a 30-day enrollment period commencing upon a date to be prescribed by the Commission. Each carrier shall offer such enrollees of the insolvent health maintenance organization the same coverages and rates then in effect for its enrollees in such group.~~

~~2. If no other carrier had been offered to some groups enrolled in the insolvent health maintenance organization, or if the Commission determines that the other health benefit plan lacks sufficient health care delivery resources to assure that health care services shall be available and accessible to all of the group enrollees of the insolvent health maintenance organization, then the Commission may allocate equitably the insolvent health maintenance organization's group contracts for such groups among all health maintenance organizations which operate within a portion of the insolvent health maintenance organization's service area, taking into consideration the health care delivery resources of each health maintenance organization. Each health maintenance organization to which a group or groups are so allocated shall offer such group or groups the health maintenance organization's existing coverage which is most similar to each group's coverage with the insolvent health maintenance organization at rates determined in accordance with the successor health maintenance organization's existing rating methodology.~~

~~3. The Commission may also allocate equitably the insolvent health maintenance organization's nongroup enrollees which are unable to obtain other coverage among all health maintenance organizations which operate within a portion of the insolvent health maintenance organization's service area, taking into consideration the health care delivery resources of each such health maintenance organization. Each health maintenance organization to which nongroup enrollees are allocated shall offer such nongroup enrollees the health maintenance organization's existing coverage for individual coverage as determined by his type of coverage in the insolvent health maintenance organization at rates determined in accordance with the successor health maintenance organization's existing rating methodology. Successor health maintenance organizations which do not offer direct nongroup enrollment may aggregate all of the allocated nongroup enrollees into one group for rating and coverage purposes.~~

~~D. 1. Any carrier providing replacement coverage with respect to group hospital, medical or surgical expense or service benefits within a period of 60 days from the date of discontinuance of a prior health maintenance organization contract or policy providing such hospital, medical or surgical expense or service benefits shall immediately cover all employees and dependents who were validly covered under the previous health maintenance organization contract or policy at the date of discontinuance and who would otherwise be eligible for coverage under the succeeding carrier's contract, regardless of any provisions of the contract relating to active employment or hospital confinement or pregnancy.~~

~~2. Except to the extent benefits for the condition would have been reduced or excluded under the prior carrier's contract or policy, no provision in a succeeding carrier's contract of replacement coverage which would operate to reduce or exclude benefits on the basis that the condition giving rise to benefits preexisted the effective date of the succeeding carrier's contract shall be applied with respect to those employees and dependents validly covered under the prior carrier's contract or policy on the date of discontinuance.~~

**§ 38.2-4319. Statutory construction and relationship to other laws.**

A. No provisions of this title except this chapter and, insofar as they are not inconsistent with this chapter, §§ 38.2-100, 38.2-136, 38.2-200, 38.2-203, 38.2-209 through 38.2-213, 38.2-216, 38.2-218 through 38.2-225, 38.2-229, 38.2-232, 38.2-305, 38.2-316, 38.2-316.1, 38.2-322, 38.2-325, 38.2-326, 38.2-400, 38.2-402 through 38.2-413, 38.2-500 through 38.2-515, 38.2-600 through 38.2-620, Chapter 9 (§ 38.2-900 et seq.), §§ 38.2-1016.1 through 38.2-1023, 38.2-1057, 38.2-1306.1, Article 2 (§ 38.2-1306.2 et seq.), § 38.2-1315.1, Articles 3.1 (§ 38.2-1316.1 et seq.), 4 (§ 38.2-1317 et seq.), 5 (§ 38.2-1322 et seq.), 5.1 (§ 38.2-1334.3 et seq.), and 5.2 (§ 38.2-1334.11 et seq.) of Chapter 13, Articles 1 (§ 38.2-1400 et seq.), 2 (§ 38.2-1412 et seq.), and 4 (§ 38.2-1446 et seq.) of Chapter 14, *Chapter 15 (§ 38.2-1500 et seq.)*, *Chapter 17 (§ 38.2-1700 et seq.)*, §§ 38.2-1800 through 38.2-1836, 38.2-3401, 38.2-3405, 38.2-3405.1, 38.2-3406.1, 38.2-3407.2 through 38.2-3407.6:1, 38.2-3407.9 through 38.2-3407.19, 38.2-3411, 38.2-3411.2, 38.2-3411.3, 38.2-3411.4, 38.2-3412.1,

38.2-3414.1, 38.2-3418.1 through 38.2-3418.17, 38.2-3419.1, 38.2-3430.1 through 38.2-3454, 38.2-3500, subdivision 13 of § 38.2-3503, subdivision 8 of § 38.2-3504, §§ 38.2-3514.1, 38.2-3514.2, 38.2-3522.1 through 38.2-3523.4, 38.2-3525, 38.2-3540.1, 38.2-3540.2, 38.2-3541.2, 38.2-3542, 38.2-3543.2, Article 5 (§ 38.2-3551 et seq.) of Chapter 35, Chapter 35.1 (§ 38.2-3556 et seq.), Chapter 52 (§ 38.2-5200 et seq.), Chapter 55 (§ 38.2-5500 et seq.), and Chapter 58 (§ 38.2-5800 et seq.) shall be applicable to any health maintenance organization granted a license under this chapter. This chapter shall not apply to an insurer or health services plan licensed and regulated in conformance with the insurance laws or Chapter 42 (§ 38.2-4200 et seq.) except with respect to the activities of its health maintenance organization.

B. For plans administered by the Department of Medical Assistance Services that provide benefits pursuant to Title XIX or Title XXI of the Social Security Act, as amended, no provisions of this title except this chapter and, insofar as they are not inconsistent with this chapter, §§ 38.2-100, 38.2-136, 38.2-200, 38.2-203, 38.2-209 through 38.2-213, 38.2-216, 38.2-218 through 38.2-225, 38.2-229, 38.2-232, 38.2-322, 38.2-325, 38.2-400, 38.2-402 through 38.2-413, 38.2-500 through 38.2-515, 38.2-600 through 38.2-620, Chapter 9 (§ 38.2-900 et seq.), §§ 38.2-1016.1 through 38.2-1023, 38.2-1057, 38.2-1306.1, Article 2 (§ 38.2-1306.2 et seq.), § 38.2-1315.1, Articles 3.1 (§ 38.2-1316.1 et seq.), 4 (§ 38.2-1317 et seq.), 5 (§ 38.2-1322 et seq.), 5.1 (§ 38.2-1334.3 et seq.), and 5.2 (§ 38.2-1334.11 et seq.) of Chapter 13, Articles 1 (§ 38.2-1400 et seq.), 2 (§ 38.2-1412 et seq.), and 4 (§ 38.2-1446 et seq.) of Chapter 14, §§ 38.2-3401, 38.2-3405, 38.2-3407.2 through 38.2-3407.5, 38.2-3407.6, 38.2-3407.6:1, 38.2-3407.9, 38.2-3407.9:01, and 38.2-3407.9:02, subdivisions F 1, F 2, and F 3 of § 38.2-3407.10, §§ 38.2-3407.11, 38.2-3407.11:3, 38.2-3407.13, 38.2-3407.13:1, 38.2-3407.14, 38.2-3411.2, 38.2-3418.1, 38.2-3418.2, 38.2-3419.1, 38.2-3430.1 through 38.2-3437, 38.2-3500, subdivision 13 of § 38.2-3503, subdivision 8 of § 38.2-3504, §§ 38.2-3514.1, 38.2-3514.2, 38.2-3522.1 through 38.2-3523.4, 38.2-3525, 38.2-3540.1, 38.2-3540.2, 38.2-3541.2, 38.2-3542, 38.2-3543.2, Chapter 52 (§ 38.2-5200 et seq.), Chapter 55 (§ 38.2-5500 et seq.), and Chapter 58 (§ 38.2-5800 et seq.) shall be applicable to any health maintenance organization granted a license under this chapter. This chapter shall not apply to an insurer or health services plan licensed and regulated in conformance with the insurance laws or Chapter 42 (§ 38.2-4200 et seq.) except with respect to the activities of its health maintenance organization.

C. Solicitation of enrollees by a licensed health maintenance organization or by its representatives shall not be construed to violate any provisions of law relating to solicitation or advertising by health professionals.

D. A licensed health maintenance organization shall not be deemed to be engaged in the unlawful practice of medicine. All health care providers associated with a health maintenance organization shall be subject to all provisions of law.

E. Notwithstanding the definition of an eligible employee as set forth in § 38.2-3431, a health maintenance organization providing health care plans pursuant to § 38.2-3431 shall not be required to offer coverage to or accept applications from an employee who does not reside within the health maintenance organization's service area.

F. For purposes of applying this section, "insurer" when used in a section cited in subsections A and B shall be construed to mean and include "health maintenance organizations" unless the section cited clearly applies to health maintenance organizations without such construction.

**§ 38.2-5506. Mandatory Control Level Event.**

A. "Mandatory Control Level Event" means any of the following events:

1. The filing of an RBC Report which indicates that the licensee's Total Adjusted Capital is less than its Mandatory Control Level RBC;
2. The notification by the Commission to the licensee of an Adjusted RBC Report that indicates the event in subdivision A 1, provided the licensee does not challenge the Adjusted RBC Report under § 38.2-5507; or
3. If, pursuant to § 38.2-5507, the licensee challenges an Adjusted RBC Report that indicates the event in subdivision A 1, notification by the Commission to the licensee that the Commission has, after a hearing, rejected the licensee's challenge.

B. In the event of a Mandatory Control Level Event:

1. With respect to a life and health insurer, the Commission shall take actions as are necessary to place the insurer under regulatory control pursuant to the provisions of Chapter 15 (§ 38.2-1500 et seq.). In that event, the Mandatory Control Level Event shall be deemed an indication of a hazardous financial condition which serves as sufficient grounds for the Commission to commence delinquency proceedings, and the receiver appointed in conjunction with such proceedings, shall have the rights, powers and duties with respect to the insurer as are set forth in Chapter 15 or any order of liquidation, rehabilitation or conservation entered thereunder. If the Commission takes actions pursuant to an Adjusted RBC Report, the insurer shall be entitled to such protections as are afforded to insurers under the appropriate provisions of this title pertaining to summary proceedings. Notwithstanding any of the foregoing, the Commission may forego action for up to ninety days after the Mandatory Control Level Event if the Commission finds there is a reasonable expectation that the Mandatory Control Level Event may be eliminated within the ninety-day period.

2. With respect to a property and casualty insurer, the Commission shall take actions as are necessary to place the insurer under regulatory control pursuant to the provisions of Chapter 15, or, in the case of an insurer which is writing no business and which is running-off its existing business, may allow the insurer to continue to run-off under the supervision of the Commission. In either event, the Mandatory Control Level Event shall be deemed an indication of a hazardous financial condition which serves as sufficient grounds for the Commission to commence delinquency proceedings, and the receiver appointed in conjunction with such proceedings, shall have the rights, powers and duties with respect to the insurer as are set forth in Chapter 15 or any order of liquidation, rehabilitation, or conservation entered thereunder. If the Commission

takes actions pursuant to an Adjusted RBC Report, the insurer shall be entitled to such protections as are afforded to insurers under the appropriate provisions of this title pertaining to summary proceedings. Notwithstanding any of the foregoing, the Commission may forego action for up to ninety days after the Mandatory Control Level Event if the Commission finds there is a reasonable expectation that the Mandatory Control Level Event may be eliminated within the ninety-day period.

3. With respect to a health organization, the Commission shall take actions as are necessary to place the health organization under regulatory control pursuant to and in accordance with applicable provisions in Chapter 15 (§ 38.2-1500 et seq.) and §§ 38.2-4214.1, ~~38.2-4317~~, or § 38.2-4509.1 of this title. In that event, the Mandatory Control Level Event shall be deemed an indication of a hazardous financial condition which serves as sufficient grounds for the Commission to commence delinquency proceedings, and the receiver appointed in conjunction with such proceedings shall have the rights, powers and duties with respect to the licensee as are set forth in Chapter 15, or any order of liquidation, rehabilitation or conservation entered thereunder. If the Commission takes actions pursuant to an adjusted RBC Report, the health organization shall be entitled to such protections as are afforded to the licensee under the appropriate provisions of this title pertaining to summary proceedings. Notwithstanding any of the foregoing, the Commission may forego action for up to ninety days after the Mandatory Control Level Event if the Commission finds there is a reasonable expectation that the Mandatory Control Level Event may be eliminated within the ninety-day period.

**§ 38.2-5509. Supplemental provisions; rules; exemption.**

A. The provisions of this Act are supplemental to any other provisions of the laws of this Commonwealth, and shall not preclude or limit any other powers or duties of the Commission, the Commissioner of Insurance, or any of the Commission's employees or agents under such laws, including, but not limited to, the provisions of §§ 38.2-1038 and 38.2-1040, ~~or § subdivision A 7 of § 38.2-4316 A 7 and 38.2-4317~~, and Chapter 15 (§ 38.2-1500 et seq.) and any regulations issued thereunder.

B. The Commission may adopt reasonable rules necessary for the implementation of this Act.

C. The Commission may exempt from the application of this Act any domestic property and casualty insurer which:

1. Writes direct business only in this Commonwealth;
2. Writes direct annual premiums of \$2 million or less; and
3. Assumes no reinsurance in excess of five percent of direct premium written.

D. The Commission may exempt from the application of this Act an insurer organized and operating under the laws of this Commonwealth and licensed pursuant to the provisions of Chapter 25 (§ 38.2-2500 et seq.) ~~of this title~~.

E. The Commission may exempt from the application of this Act a domestic health organization that writes direct business only in this Commonwealth and assumes no reinsurance in excess of five percent of direct premium written, and either (i) writes direct annual premiums of two million dollars or less for comprehensive medical coverages or (ii) is licensed pursuant to Chapter 45 (*§ 38.2-4500 et seq.*) and covers less than 2,000 lives. As used in this subsection, "comprehensive medical coverages" means contracts providing basic health care services and Medicare and Medicaid risk coverages or policies providing hospital, surgical, major medical, Medicare risk and Medicaid risk coverages. Medicare supplement need not be included and premiums for administrative services shall not be included.

**§ 38.2-5510. Foreign licensees.**

A. Any foreign licensee shall, upon the written request of the Commission, submit to the Commission an RBC Report as of the end of the calendar year just ended not later than the later of:

1. The date an RBC Report would be required to be filed by a domestic licensee under this Act; or
2. Fifteen days after the request is received by the foreign licensee.

Any foreign licensee shall, at the written request of the Commission, promptly submit to the Commission a copy of any RBC Plan that is filed with the insurance commissioner of any other state.

B. In the event of a Company Action Level Event, Regulatory Action Level Event or Authorized Control Level Event with respect to any foreign licensee as determined under the RBC statute applicable in the state of domicile of the licensee, or, if no RBC provision is in force in that state, under the provisions of this Act, if the insurance commissioner of the state of domicile of the foreign licensee fails to require the foreign licensee to file an RBC Plan in the manner specified under the RBC statute, or, if no RBC provision is in force in the state, under § 38.2-5503 hereof, the Commission may require the foreign licensee to file an RBC Plan with the Commission. In such event, the failure of the foreign licensee to file an RBC Plan with the Commission shall be grounds to order the licensee to cease writing new insurance business in this Commonwealth or to suspend, revoke or refuse to issue a license pursuant to § 38.2-1040.

C. In the event of a Mandatory Control Level Event with respect to any foreign licensee, if no domiciliary receiver has been appointed with respect to the foreign licensee under the rehabilitation and liquidation statute applicable in the state of domicile of the foreign licensee, the Commission may deem such licensee in a condition where any further transaction of business will be hazardous to its policyholders, creditors, members, subscribers, stockholders, or to the public, and an action may be instituted and conducted pursuant to the provisions of Chapter 15 (§ 38.2-1500 et seq.) and, if applicable, §§ 38.2-4214.1, ~~38.2-4317~~, or 38.2-4509.1, and the occurrence of the Mandatory Control Level Event shall be considered adequate grounds for the application for such action.

**§ 55-532. Obligations of nonprofit entity.**

Prior to disposition of assets, any nonprofit entity shall provide to the Attorney General written notice, on a form provided by the Attorney General, of its intent to dispose of such assets, including the terms of the proposal. The notice shall be given at least 60 days in advance of the effective date of such proposed transaction in order that the Attorney

General may exercise his common law and statutory authority over the activities of these organizations. The Attorney General may employ expert assistance in reviewing any proposed transaction and such reasonable expenses incurred by the Attorney General shall be paid by a party to the proposed transaction.

Within 10 days of receipt of the notice from the entity, the Attorney General shall cause a public notice of the transaction to be published in a newspaper in which legal notices may be published in that jurisdiction.

No later than 40 days prior to any disposition of assets, the nonprofit entity shall convene a public meeting to set forth its expectations about how the health care needs of the community will be served following the proposed disposition of assets and to receive comments and respond to questions on the potential impact of the proposed disposition of assets on the community served by the nonprofit entity. Notice of the time and place of such meeting shall be published at least 10 days prior to the meeting in a newspaper in which legal notices may be published in that jurisdiction.

Notice to the Attorney General pursuant to this section shall be given for State Corporation Commission approval sought pursuant to Article 11 (§ 13.1-893.1 et seq.) of Chapter 10 of Title 13.1 and §§ 38.2-203 and 38.2-1322 through 38.2-1328 and subdivision A 1 of § 38.2-4316. Such notice need not be given where the State Corporation Commission determines, in its sole discretion, that there is a reasonable expectation that the foreign or domestic nonstock corporation licensed and subject to regulation under Chapter 42 (§ 38.2-4200 et seq.) of Title 38.2 or health maintenance organization referenced herein will not be able to meet its obligations to subscribers or enrollees.

The provisions of this section shall not apply to any disposition of assets subject to the provisions of § 38.2-4214.1 or 38.2-4317 or any of the provisions of Chapter 15 (§ 38.2-1500 et seq.) of Title 38.2.

**2. That §§ 38.2-4317 and 38.2-4317.1 of the Code of Virginia are repealed.**

#### CHAPTER 707

*An Act to amend and reenact § 20-79.1 of the Code of Virginia, relating to spousal support payments; employer withholding.*

[S 615]

Approved March 30, 2018

#### **Be it enacted by the General Assembly of Virginia:**

#### **1. That § 20-79.1 of the Code of Virginia is amended and reenacted as follows:**

##### **§ 20-79.1. Enforcement of support orders; income deduction; penalty for wrongful discharge.**

A. As part of any order directing a person to pay child support, except for initial orders entered pursuant to § 20-79.2, or spousal support pursuant to this chapter or §§ 16.1-278.15 through 16.1-278.18, 20-103, 20-107.2 or § 20-109.1, or by separate order at any time thereafter, a court of competent jurisdiction may order a person's employer to deduct from the amounts due or payable to such person, the entitlement to which is based upon income as defined in § 63.2-1900, the amount of current support due and an amount to be applied to arrearages, if any. The terms "employer" and "income" shall have the meanings prescribed in § 63.2-1900. The court shall order such income deductions (i) if so provided in a stipulation or contract signed by the party ordered to pay such support and filed with the pleadings or depositions, (ii) upon receipt of a notice of arrearages in a case in which an order has been entered pursuant to § 20-60.3, or (iii) upon a finding that the respondent is in arrears for an amount equal to one month's support obligation. The court may, in its discretion, order such payroll deduction ~~(i)~~ (a) based upon the obligor's past financial responsibility, history of prior payments pursuant to any such support order, and any other matter which the court considers relevant in determining the likelihood of payment in accordance with the support order; or ~~(ii)~~ (b) at the request of the obligor.

B. Any income deduction order shall be entered upon motion and concurrent proper notice sent by the clerk or counsel. The notice shall cite this section. If the notice is sent by the clerk, it shall be served in accordance with the provisions of § 8.01-296 or § 8.01-329, or sent by certified mail or by electronic means, including facsimile transmission, to the employer. An employer paying wages subject to deduction shall deliver the notice to the person ordered to pay such support.

The notice shall advise the obligor (i) of the amount proposed to be withheld, (ii) that the order of the court will apply to current and future income, (iii) of the right to contest the order, (iv) that the obligor must file a written notice of contest of such deduction with the court within ~~ten~~ 10 days of the date of issuance of the notice, (v) that if the notice is contested, a hearing will be held and a decision rendered within ~~ten~~ 10 days from the receipt of the notice of contest by the court, unless good cause is shown for additional time, which shall in no event exceed forty-five days from receipt of the notice by the obligor, (vi) that only disputes as to mistakes of fact as defined in § 63.2-1900 will be heard, (vii) that any order for income deduction entered will state when the deductions will start and the information that will be provided to the person's employer, and (viii) that payment of overdue support upon receipt of the notice shall not be a bar to the implementation of withholding.

Whenever the obligor and the obligee agree to income deductions in a contract or stipulation, the obligor shall be deemed to have waived notice as required in this subsection and the deduction shall be ordered only upon the stipulation or contract being approved by the court.

C. The income deduction order of the court shall by its terms direct the clerk to issue an order in accordance with § 20-79.3 to any employer and, if required, to each future employer, as necessary to implement the order. The order shall cite this section as authority for the entry of the order.

D. The rights and responsibilities of employers with respect to income deduction orders are set out in § 20-79.3.

E. The order to the employer pursuant to this section shall be effective when a certified copy thereof has been served upon or sent to the employer by electronic means, including facsimile transmission. A copy shall be provided to the employee by the employer. If the employer is a corporation, such service shall be accomplished as is provided in § 8.01-513.

F. Any order issued pursuant to this section shall be promptly terminated or modified, as appropriate, after notice and an opportunity for a hearing for the parties when (i) the whereabouts of the children entitled to support and their custodian become unknown, or (ii) the support obligation to an obligee ceases. Any such order shall be promptly modified, as appropriate, when arrearages have been paid in full.

G. The Department of Social Services may charge an obligee an appropriate fee when complying with an order entered under this section sufficient to cover the Department's cost.

H. If a court of competent jurisdiction in any state or territory of the United States or the District of Columbia has ordered a person to pay child support, a court of competent jurisdiction in this Commonwealth, upon motion, notice and opportunity for a hearing as provided in this section, shall enter an income deduction order, conforming with § 20-79.3 as provided in this section. The rights and responsibilities of the employer with respect to the order are set out in § 20-79.3. Similar orders of the courts of this Commonwealth may be enforced in a similar manner in such other state, territory or district.

I. The court or clerk shall attempt to ascertain the obligor's pay period interval prior to service of the clerk's order. If, after the order is served, the employer replies to the court that the pay period interval in the income deduction order differs from the obligor's pay period interval, the clerk shall convert the single monetary amount in the income deduction order to an equivalent single monetary amount for the obligor's pay period interval pursuant to a formula approved by the Committee on District Courts. The equivalent single monetary amount shall be contained in a new order issued by the clerk and served on the employer and which conforms to § 20-79.3.

J. If the Department of Social Services or the Department's designee receives payments deducted from income of the obligor pursuant to more than one judicial order or a combination of judicial and administrative orders, the Department or the Department's designee shall first allocate such payments among the obligees under such orders with priority given to payment of the order for current support. Where payments are received pursuant to two or more orders for current support, the Department or the Department's designee shall prorate the payments received on the basis of the amounts due under each such order. Upon satisfaction of any amounts due for current support the Department or the Department's designee shall prorate the remainder of the payments received on the basis of amounts due under any orders for accrued arrearages.

**CHAPTER 708**

*An Act to amend and reenact § 38.2-316.1 of the Code of Virginia, relating to accident and sickness insurance rate filings; agent commissions.*

[S 717]

Approved March 30, 2018

**Be it enacted by the General Assembly of Virginia:**

**1. That § 38.2-316.1 of the Code of Virginia is amended and reenacted as follows:**

**§ 38.2-316.1. Premium rates.**

A. The Commission shall review and approve accident and sickness insurance premium rates applicable to (i) health benefit plans issued in ~~this~~ the Commonwealth in the individual and small group markets, as those terms are defined in § 38.2-3431, and (ii) health benefit plans providing health insurance coverage, as defined in § 38.2-3431, in the individual market to residents of the Commonwealth through a group trust, association, purchasing cooperative, or other group that is not an employer plan. The Commission shall promulgate regulations to establish standards applicable to such review and approval.

B. *Premium rate filings for a health benefit plan issued in the Commonwealth in the individual and small group markets shall include a description of agent commissions and any limitations or exceptions as they relate to the payment of such commissions.*

**CHAPTER 709**

*An Act to amend and reenact §§ 17.1-106, 17.1-302, 17.1-401, and 51.1-309 of the Code of Virginia, relating to retired circuit court judges, Court of Appeals judges, and Supreme Court justices under recall; qualification by Committees for Courts of Justice.*

[S 939]

Approved March 30, 2018

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 17.1-106, 17.1-302, 17.1-401, and 51.1-309 of the Code of Virginia are amended and reenacted as follows:**

**§ 17.1-106. Temporary recall of retired judges.**

A. The Chief Justice of the Supreme Court may call upon ~~and authorize any justice or judge of a circuit court of record~~ who is retired under the Judicial Retirement System (§ 51.1-300 et seq.) *and who has been found qualified within the preceding three years by the Senate and House Committees for Courts of Justice to sit in recall* either to (i) hear a specific case or cases pursuant to the provisions of § 17.1-105, such designation to continue in effect for the duration of the case or cases, or (ii) perform for a period of time not to exceed ~~ninety~~ 90 days at any one time; such judicial duties in any *circuit court of record* as the Chief Justice shall deem in the public interest for the expeditious disposition of the business of the courts ~~of record~~.

B. It shall be the obligation of any retired judge ~~or justice~~ who is recalled to temporary service under this section and who has not attained age ~~seventy~~ 70 to accept the recall and perform the duties assigned. It shall be within the discretion of any ~~justice or judge~~ who has attained age ~~seventy~~ 70 to accept such recall.

C. Any ~~justice or judge~~ recalled to duty under this section shall have all the powers, duties, and privileges attendant on the position he is recalled to serve.

D. ~~A retired justice of the Supreme Court or judge of the Court of Appeals recalled to active service shall be furnished an office, office supplies, and stenographer while performing such active service. Notwithstanding the provisions of subsection A, the Chief Justice may call upon and authorize any judge of a circuit court whose retirement becomes effective during the interim period between regularly scheduled sessions of the General Assembly to sit in recall either to (i) hear a specific case or cases pursuant to the provisions of § 17.1-105, and such designation shall continue in effect for the duration of the case or cases, or (ii) perform, for a period of time not to exceed 90 days at any one time, such judicial duties in any circuit court as the Chief Justice shall deem in the public interest for the expeditious disposition of the business of the courts.~~

**§ 17.1-302. Senior justice.**

A. Any Chief Justice or justice of the Supreme Court of Virginia who is eligible for retirement, other than for disability, with the prior consent of a majority of the members of the Court, may elect to retire under the Judicial Retirement System (§ 51.1-300 et seq.) and be designated a senior justice. In addition, any Chief Justice or justice of the Supreme Court of Virginia who is retired under the Judicial Retirement System (§ 51.1-300 et seq.) ~~and shall be~~ subject to recall ~~pursuant to § 17.1-106~~, with the consent of a majority of the members of the court, *and* may be known and designated as a senior justice.

B. Any Chief Justice or justice who has retired from active service, as provided in subsection A, may be designated and assigned by the Chief Justice of the Supreme Court of Virginia to perform the duties of a justice of the Court. *Such justice shall have all the powers, duties, and privileges attendant on the position for which he is recalled to serve.*

C. While serving in such status, a senior justice shall be deemed to be serving in a temporary capacity and, in addition to the retirement benefits received by such justice, shall receive as compensation a sum equal to one-fourth of the total compensation of an active justice of the Supreme Court of Virginia for a similar period of service. A retired justice, while performing the duties of a senior justice, shall be furnished office space, support staff, a telephone, and supplies as are furnished a justice of the Court.

D. A justice may terminate his status as a senior justice, or such status may be terminated by a majority of the members of the Court. Each justice designated a senior justice shall serve a one-year term unless the Court, by order or otherwise, extends the term for an additional year. There shall be no limit on the number of terms a senior justice may so serve.

E. Only five retired justices shall serve as senior justices at any one time.

F. Nothing in this section shall be construed to increase the number of justices of the Supreme Court provided for in Section 2 of Article VI of the Constitution of Virginia and in § 17.1-300.

**§ 17.1-401. Senior judge.**

A. Any chief judge or judge of the Court of Appeals who is eligible for retirement, other than for disability, with the consent of a majority of the members of the court first obtained, may elect to retire under the Judicial Retirement System (§ 51.1-300 et seq.) and be known and designated as a senior judge. In addition, any chief judge or judge of the Court of Appeals who is retired under the Judicial Retirement System (§ 51.1-300 et seq.) ~~and shall be~~ subject to recall ~~pursuant to § 17.1-106~~, with the consent of a majority of the members of the court, *and* may be known and designated as a senior judge.

B. Any chief judge or judge who has retired from active service, as provided in subsection A, may be designated and assigned by the Chief Judge of the Court of Appeals to perform the duties of a judge of the court. *Such judge shall have all the powers, duties, and privileges attendant on the position for which he is recalled to serve.*

C. While serving in such status, a senior judge shall be deemed to be serving in a temporary capacity and, in addition to the retirement benefits received by such judge, shall receive as compensation a sum equal to one-fourth of the total compensation of an active judge of the Court of Appeals for a similar period of service. A retired judge, while performing the duties of a senior judge, shall be furnished office space, support staff, a telephone, and supplies as are furnished a judge of the court.

D. A judge may terminate his status as a senior judge, or such status may be terminated by a majority of the members of the court. Each judge designated a senior judge shall serve a one-year term unless the court, by order or otherwise, extends the term for an additional year. There shall be no limit on the number of terms a senior judge may so serve.

E. Only five retired judges shall serve as senior judges at any one time.

F. Nothing in this section shall be construed to increase the number of judges of the Court of Appeals provided for in § 17.1-400.

**§ 51.1-309. Appearance as counsel in certain forums prohibited.**

A. No former justice or judge of a court of record of the Commonwealth and no former full-time judge of a court not of record of the Commonwealth, who is retired and receiving retirement benefits under the provisions of the Judicial Retirement System, shall appear as counsel in any case in any court of the Commonwealth.

B. No former member of the State Corporation Commission or Virginia Workers' Compensation Commission, who is retired and receiving retirement benefits under the provisions of the Judicial Retirement System, shall appear as counsel in any case before the Commission of which he was formerly a member.

C. The provisions of subsection A shall not be applicable if (i) the retired justice or judge has been retired for at least two years and is not authorized for *or assigned to* temporary recall by the Chief Justice of the Supreme Court, *the Chief Judge of the Court of Appeals, or the Committees for Courts of Justice of the Senate and House of Delegates*; (ii) the retired justice or judge is appearing as counsel, pro bono, for an indigent person in a civil matter; (iii) such civil matter is assigned or referred to the retired justice or judge by a nonprofit legal aid program organized under the auspices of the Virginia State Bar; and (iv) the retired justice or judge is not an employee, officer, or board member of such nonprofit legal aid program. Nothing herein shall relieve the retired justice or judge from having obtained any license or meeting any requirement in connection with the appearance as counsel as required by law, rule, or regulation.

**2. That the provisions of this act shall become effective on July 1, 2019.**

## CHAPTER 710

*An Act to direct the Virginia Board of Workforce Development to develop strategies to identify and engage certain persons; report.*

[H 1552]

Approved March 30, 2018

**Be it enacted by the General Assembly of Virginia:**

**1. § 1.** *The Virginia Board of Workforce Development (the Board) shall recommend strategies to identify and engage discouraged workers and unemployed individuals not currently served by the workforce system and measurably improve the performance of federal Workforce Innovation and Opportunity Act of 2014 (P.L. 113-128) Title 1 Youth programs so they lead to improved employability and the development of skills to enter the workforce in a high-demand field. The Board shall (i) review the Commonwealth's current workforce development programs and use income, race, geographic, and age data to identify underserved populations that will be targeted; (ii) determine which localities to target using measures such as the fiscal stress index published by the Commission on Local Government of the Department of Housing and Community Development, underemployment and unemployment data, and socioeconomic and demographic characteristics; and (iii) encourage partnerships among public and private entities, including the Department of Social Services, to provide identified underserved populations and populations with low labor market participation rates with job training and other resources to obtain employment.*

**2. That the Virginia Board of Workforce Development shall report on its recommended strategies developed pursuant to the first enactment of this act, and metrics and other items identified therein, to the Governor and the General Assembly by October 1, 2019.**

## CHAPTER 711

*An Act to amend and reenact § 22.1-298.1 of the Code of Virginia, relating to teacher licensure; alternate routes; instructors at regionally accredited institutions of higher education.*

[H 215]

Approved March 30, 2018

**Be it enacted by the General Assembly of Virginia:**

**1. That § 22.1-298.1 of the Code of Virginia is amended and reenacted as follows:**

**§ 22.1-298.1. Regulations governing licensure.**

A. As used in this section:

"Alternate route to licensure" means a nontraditional route to teacher licensure available to individuals who meet the criteria specified in the regulations issued by the Board of Education.

"Industry certification credential" means an active career and technical education credential that is earned by successfully completing a Board of Education-approved industry certification examination, being issued a professional license in the Commonwealth, or successfully completing an occupational competency examination.

"Licensure by reciprocity" means a process used to issue a license to an individual coming into the Commonwealth from another state when that individual meets certain conditions specified in the Board of Education's regulations.

"Professional teacher's assessment" means those tests mandated for licensure as prescribed by the Board of Education.

"Provisional license" means a nonrenewable license issued by the Board of Education for a specified period of time, not to exceed three years, to an individual who may be employed by a school division in the Commonwealth and who generally meets the requirements specified in the Board of Education's regulations for licensure, but who may need to take additional coursework or pass additional assessments to be fully licensed with a renewable license.

"Renewable license" means a license issued by the Board of Education for five years to an individual who meets the requirements specified in the Board of Education's regulations.

B. The Board of Education shall prescribe, by regulation, the requirements for the licensure of teachers and other school personnel required to hold a license. Such regulations shall include requirements for the denial, suspension, cancellation, revocation, and reinstatement of licensure and procedures for the immediate and thorough investigation by the division superintendent or his designee of any complaint alleging that a license holder has engaged in conduct that may form the basis for the revocation of his license. At a minimum, such procedures for investigations contained in such regulations shall require (i) the division superintendent to petition for the revocation of the license upon completing such investigation and finding that there is reasonable cause to believe that the license holder has engaged in conduct that forms the basis for revocation of a license; (ii) the school board to proceed to a hearing on such petition for revocation within 90 days of the mailing of a copy of the petition to the license holder, unless the license holder requests the cancellation of his license in accordance with Board regulations; and (iii) the school board to provide a copy of the investigative file and such petition for revocation to the Superintendent of Public Instruction at the time that the hearing is scheduled. The Board of Education shall revoke the license of any person for whom it has received a notice of dismissal or resignation pursuant to subsection F of § 22.1-313 and, in the case of a person who is the subject of a founded complaint of child abuse or neglect, after all rights to any administrative appeal provided by § 63.2-1526 have been exhausted. Regardless of the authority of any other agency of the Commonwealth to approve educational programs, only the Board of Education shall have the authority to license teachers to be regularly employed by school boards, including those teachers employed to provide nursing education.

The Board of Education shall prescribe by regulation the licensure requirements for teachers who teach only online courses, as defined in § 22.1-212.23. Such license shall be valid only for teaching online courses. Teachers who hold a five-year renewable license issued by the Board of Education may teach online courses for which they are properly endorsed.

C. The Board of Education's regulations shall include requirements that a person seeking initial licensure:

1. Complete professional assessments as prescribed by the Board of Education;
2. Complete study in attention deficit disorder;
3. Complete study in gifted education, including the use of multiple criteria to identify gifted students; and
4. Complete study in methods of improving communication between schools and families and ways of increasing family involvement in student learning at home and at school.

D. In addition, such regulations shall include requirements that:

1. Every person seeking initial licensure or renewal of a license demonstrate proficiency in the use of educational technology for instruction;
2. Every person seeking initial licensure and persons seeking licensure renewal as teachers who have not completed such study shall complete study in child abuse recognition and intervention in accordance with curriculum guidelines developed by the Board of Education in consultation with the Department of Social Services that are relevant to the specific teacher licensure routes;
3. Every person seeking initial licensure or renewal of a license shall receive professional development in instructional methods tailored to promote student academic progress and effective preparation for the Standards of Learning end-of-course and end-of-grade assessments;
4. Every person seeking renewal of a license shall complete all renewal requirements, including professional development in a manner prescribed by the Board, except that no person seeking renewal of a license shall be required to satisfy any such requirement by completing coursework and earning credit at an institution of higher education;
5. Every person seeking initial licensure or renewal of a license shall provide evidence of completion of certification or training in emergency first aid, cardiopulmonary resuscitation, and the use of automated external defibrillators. The certification or training program shall (i) be based on the current national evidence-based emergency cardiovascular care guidelines for cardiopulmonary resuscitation and the use of an automated external defibrillator, such as a program developed by the American Heart Association or the American Red Cross, and (ii) include hands-on practice of the skills necessary to perform cardiopulmonary resuscitation. The Board shall provide a waiver for this requirement for any person with a disability whose disability prohibits such person from completing the certification or training;
6. Every person seeking licensure with an endorsement as a teacher of the blind and visually impaired shall demonstrate proficiency in reading and writing Braille;
7. Every teacher seeking an initial license in the Commonwealth with an endorsement in the area of career and technical education shall have an industry certification credential in the area in which the teacher seeks endorsement. If a teacher seeking an initial license in the Commonwealth has not attained an industry certification credential in the area in which the teacher seeks endorsement, the Board may, upon request of the employing school division or educational agency, issue the teacher a provisional license to allow time for the teacher to attain such credential;

8. Every person seeking initial licensure or renewal of a license shall complete awareness training, provided by the Department of Education, on the indicators of dyslexia, as that term is defined by the Board pursuant to regulations, and the evidence-based interventions and accommodations for dyslexia; and

9. Every person seeking initial licensure or renewal of a license with an endorsement as a school counselor shall complete training in the recognition of mental health disorder and behavioral distress, including depression, trauma, violence, youth suicide, and substance abuse.

E. Each local school board or division superintendent may waive for any individual whom it seeks to employ as a career and technical education teacher and who is also seeking initial licensure or renewal of a license with an endorsement in the area of career and technical education any applicable requirement set forth in subsection C or subdivision D 1, 3, 4, 6, or 8.

F. The Board's regulations shall require that initial licensure for principals and assistant principals be contingent upon passage of an assessment as prescribed by the Board.

G. The Board shall establish criteria in its regulations to effectuate the substitution of experiential learning for coursework for those persons seeking initial licensure through an alternate route as defined in Board regulations. *Such alternate routes shall include eligibility for any individual to receive, notwithstanding any provision of law to the contrary, a renewable one-year license to teach in public high schools in the Commonwealth if he has:*

1. *Received a graduate degree from a regionally accredited institution of higher education;*
2. *Completed at least 30 credit hours of teaching experience as an instructor at a regionally accredited institution of higher education;*
3. *Received qualifying scores on the professional teacher's assessments prescribed by the Board, including the communication and literacy assessment and the content-area assessment for the endorsement sought; and*
4. *Met the requirements set forth in subdivisions D 2 and 5.*

H. Notwithstanding any provision of law to the contrary, the Board (i) may provide for the issuance of a provisional license, valid for a period not to exceed three years, pursuant to subdivision D 7 or to any person who does not meet the requirements of this section or any other requirement for licensure imposed by law and (ii) shall provide for the issuance of a provisional license, valid for a period not to exceed three years, to any former member of the Armed Forces of the United States or the Virginia National Guard who has received an honorable discharge and has the appropriate level of experience or training but does not meet the requirements for a renewable license.

I. The Board's licensure regulations shall also provide for licensure by reciprocity:

1. With comparable endorsement areas for those individuals holding a valid out-of-state teaching license and national certification from the National Board for Professional Teaching Standards or a nationally recognized certification program approved by the Board of Education. The application for such individuals shall require evidence of such valid licensure and national certification and shall not require official student transcripts;

2. For individuals who have obtained a valid out-of-state license, with full credentials and without deficiencies, that is in force at the time the application for a Virginia license is received by the Department of Education. The individual must establish a file in the Department of Education by submitting a complete application packet, which shall include official student transcripts. An assessment of basic skills as provided in § 22.1-298.2 and service requirements shall not be imposed for these licensed individuals. Other licensing assessments, as prescribed by the Board of Education, shall be required, but any such individual shall be exempt from any professional teacher's assessment requirements, subject to the approval of the division superintendent or the school board in the school division in which such individual is employed; and

3. The Board may include other provisions for reciprocity in its regulations.

**CHAPTER 712**

*An Act to amend the Code of Virginia by adding a section numbered 22.1-79.7, relating to local school boards; school meal policies.*

[S 840]

Approved March 30, 2018

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding a section numbered 22.1-79.7 as follows:**

**§ 22.1-79.7. School meal policies.**

*Each local school board shall adopt policies that:*

1. *Prohibit school board employees from requiring a student who cannot pay for a meal at school or who owes a school meal debt to do chores or other work to pay for such meals or wear a wristband or hand stamp; and*

2. *Require school board employees to direct any communication relating to a school meal debt to the student's parent. Such policy may permit such communication to be made by a letter addressed to the parent to be sent home with the student.*

## CHAPTER 713

*An Act to amend and reenact §§ 22.1-258 and 22.1-262 of the Code of Virginia, relating to truancy; procedures.*

[S 841]

Approved March 30, 2018

**Be it enacted by the General Assembly of Virginia:****1. That §§ 22.1-258 and 22.1-262 of the Code of Virginia are amended and reenacted as follows:****§ 22.1-258. Appointment of attendance officers; notification when pupil fails to report to school; plan; conference; court proceedings.**

Every school board shall have power to appoint one or more attendance officers, who shall be charged with the enforcement of the provisions of this article. Where no attendance officer is appointed by the school board, the division superintendent or his designee shall act as attendance officer.

Whenever any pupil fails to report to school on a regularly scheduled school day and no indication has been received by school personnel that the pupil's parent is aware of and supports the pupil's absence, a reasonable effort to notify by telephone the parent to obtain an explanation for the pupil's absence shall be made by either the school principal or his designee, the attendance officer, other school personnel, or volunteers organized by the school administration for this purpose. Any such volunteers shall not be liable for any civil damages for any acts or omissions resulting from making such reasonable efforts to notify parents and obtain such explanation when such acts or omissions are taken in good faith, unless such acts or omissions were the result of gross negligence or willful misconduct. This subsection shall not be construed to limit, withdraw, or overturn any defense or immunity already existing in statutory or common law or to affect any claim occurring prior to the effective date of this law. School divisions are encouraged to use noninstructional personnel for this notice.

Whenever any pupil fails to report to school for a total of five scheduled school days for the school year and no indication has been received by school personnel that the pupil's parent is aware of and supports the pupil's absence, and a reasonable effort to notify the parent has failed, the school principal or his designee ~~or the attendance officer~~ shall make a reasonable effort to ensure that direct contact is made with the parent, ~~either in person or, through telephone conversation, or through the use of other communications devices~~ to obtain an explanation for the pupil's absence and to explain to the parent the consequences of continued nonattendance. The school principal or his designee ~~or the attendance officer~~, the pupil, and the pupil's parent shall jointly develop a plan to resolve the pupil's nonattendance. Such plan shall include documentation of the reasons for the pupil's nonattendance.

If the pupil is absent ~~an~~ *for more than one* additional day after direct contact with the pupil's parent, and ~~the attendance officer has school personnel have~~ received no indication that the pupil's parent is aware of and supports the pupil's absence, ~~either the school principal or his designee or the attendance officer~~ shall schedule a conference ~~within 10 school days~~ with the pupil, his parent, and school personnel, ~~which~~. *Such* conference may include *the attendance officer* and other community service providers, to resolve issues related to the pupil's nonattendance. The conference shall be held no later than ~~15~~ *10* school days after the ~~sixth~~ *tenth* absence of the pupil, *regardless of whether his parent approves of the conference. Upon the next absence by such pupil without indication to the attendance officer that the pupil's parent is aware of and supports the pupil's absence, the school principal or his designee shall notify the attendance officer or the division superintendent or his designee, as the case may be, who shall enforce the provisions of this article by either or both of the following: (i) filing* *The conference team shall monitor the pupil's attendance and may meet again as necessary to address concerns and plan additional interventions if attendance does not improve. In circumstances in which the parent is intentionally noncompliant with compulsory attendance requirements or the pupil is resisting parental efforts to comply with compulsory attendance requirements, the principal or his designee shall make a referral to the attendance officer. The attendance officer shall schedule a conference with the pupil and his parent within 10 school days and may (i) file a complaint with the juvenile and domestic relations district court alleging the pupil is a child in need of supervision as defined in § 16.1-228 or (ii) instituting* *institute* proceedings against the parent pursuant to § 18.2-371 or § 22.1-262. In filing a complaint against the student, the attendance officer shall provide written documentation of the efforts to comply with the provisions of this section. In the event that both parents have been awarded joint physical custody pursuant to § 20-124.2 and the school has received notice of such order, both parents shall be notified at the last known addresses of the parents.

Nothing in this section shall be construed to limit in any way the authority of any attendance officer or division superintendent to seek immediate compliance with the compulsory school attendance law as set forth in this article.

Attendance officers, other school personnel or volunteers organized by the school administration for this purpose shall be immune from any civil or criminal liability in connection with the notice to parents of a pupil's absence or failure to give such notice as required by this section.

**§ 22.1-262. Complaint to court when parent fails to comply with law.**

A list of persons notified pursuant to § 22.1-261 shall be sent by the attendance officer to the appropriate school principal. If the parent (i) fails to comply with the provisions of § 22.1-261 within the time specified in the notice; or (ii) fails to comply with the provisions of § 22.1-254; ~~or (iii) refuses to participate in the development of the plan to resolve the student's nonattendance or in the conference provided for in § 22.1-258,~~ it shall be the duty of the attendance officer,

with the knowledge and approval of the division superintendent, to make complaint against the pupil's parent in the name of the Commonwealth before the juvenile and domestic relations district court. If proceedings are instituted against the parent for failure to comply with the provisions of § 22.1-258, the attendance officer is to provide documentation to the court regarding the school division's compliance with § 22.1-258. In addition thereto, such child may be proceeded against as a child in need of services or a child in need of supervision as provided in Chapter 11 (§ 16.1-226 et seq.) of Title 16.1.

#### CHAPTER 714

*An Act to amend and reenact § 23.1-804 of the Code of Virginia, relating to public institutions of higher education; crisis and emergency management plan; annual exercise.*

[S 931]

Approved March 30, 2018

**Be it enacted by the General Assembly of Virginia:**

**1. That § 23.1-804 of the Code of Virginia is amended and reenacted as follows:**

**§ 23.1-804. Institutional crisis and emergency management plan.**

A. The governing board of each public institution of higher education shall develop, adopt, and keep current a written crisis and emergency management plan. The plan shall (i) require the Department of Criminal Justice Services and the Virginia Criminal Injuries Compensation Fund to be contacted immediately to deploy assistance in the event of an emergency as defined in the emergency response plan when there are victims as defined in § 19.2-11.01 and (ii) include current contact information for both agencies. The Department of Criminal Justice Services and the Virginia Criminal Injuries Compensation Fund shall be the lead coordinating agencies for those individuals determined to be victims.

B. Every four years, each public institution of higher education shall conduct a comprehensive review and revision of its crisis and emergency management plan to ensure that the plan remains current, and the revised plan shall be adopted formally by the governing board. Such review shall also be certified in writing to the Department of Emergency Management. The institution shall coordinate with the local emergency management organization, as defined in § 44-146.16, to ensure integration into the local emergency operations plan.

C. The chief executive officer of each public institution of higher education shall annually (i) review the institution's crisis and emergency management plan; (ii) certify in writing to the Department of Emergency Management that he has reviewed the plan; and (iii) make recommendations to the institution for appropriate changes to the plan.

D. Each public institution of higher education shall annually conduct a ~~functional~~ test or exercise in accordance with the protocols established by the institution's crisis and emergency management plan and certify in writing to the Department of Emergency Management that such a test or exercise was conducted. *The activation of its crisis and emergency management plan and completion of an after-action report by a public institution of higher education in response to an actual event or incident satisfies the requirement to conduct such a test or exercise.*

#### CHAPTER 715

*An Act to amend and reenact § 23.1-2002 of the Code of Virginia, relating to Old Dominion University; board of visitors; officers.*

[S 932]

Approved March 30, 2018

**Be it enacted by the General Assembly of Virginia:**

**1. That § 23.1-2002 of the Code of Virginia is amended and reenacted as follows:**

**§ 23.1-2002. Meetings; officers; committees.**

A. The board shall meet at the University once a year and at such other times as it determines. Special meetings of the board may be called by the rector or any three members. The secretary shall provide notice of any special meeting to each member.

B. A majority of members shall constitute a quorum.

C. ~~At the first meeting after July 1 in~~ *In every even-numbered year, the board shall elect from its membership a rector to preside at its meetings, a vice-rector to preside at its meetings in the absence of the rector, and a secretary to preside at its meetings in the absence of the rector and vice-rector. Such officers shall assume their duties on July 1 of such year.*

D. The board may appoint a pro tempore officer to preside at its meetings in the absence of the rector, vice-rector, and secretary.

E. Vacancies in the offices of rector, vice-rector, and secretary may be filled by the board for the unexpired term.

F. At every regular annual meeting of the board, an executive committee for the transaction of business in the recess of the board may be appointed, consisting of at least five members. The executive committee shall consist of the officers of the board and such other members as the rector may appoint.

## CHAPTER 716

*An Act to amend and reenact § 22.1-253.13:4 of the Code of Virginia, relating to high school graduation requirements; substitution of computer coding credit for foreign language credit.*

[H 443]

Approved March 30, 2018

**Be it enacted by the General Assembly of Virginia:****1. That § 22.1-253.13:4 of the Code of Virginia is amended and reenacted as follows:****§ 22.1-253.13:4. Standard 4. Student achievement and graduation requirements.**

A. Each local school board shall award diplomas to all secondary school students, including students who transfer from nonpublic schools or from home instruction, who meet the requirements prescribed by the Board of Education and meet such other requirements as may be prescribed by the local school board and approved by the Board of Education. Provisions shall be made to facilitate the transfer and appropriate grade placement of students from other public secondary schools, from nonpublic schools, or from home instruction as outlined in the standards for accreditation. The standards for accreditation shall include provisions relating to the completion of graduation requirements through Virtual Virginia. Further, reasonable accommodation to meet the requirements for diplomas shall be provided for otherwise qualified students with disabilities as needed.

In addition, each local school board may devise, vis-a-vis the award of diplomas to secondary school students, a mechanism for calculating class rankings that takes into consideration whether the student has taken a required class more than one time and has had any prior earned grade for such required class expunged.

Each local school board shall notify the parents of rising eleventh and twelfth grade students of (i) the requirements for graduation pursuant to the standards for accreditation and (ii) the requirements that have yet to be completed by the individual student.

B. Students identified as disabled who complete the requirements of their individualized education programs and meet certain requirements prescribed by the Board pursuant to regulations but do not meet the requirements for any named diploma shall be awarded Applied Studies diplomas by local school boards.

Each local school board shall notify the parent of such students with disabilities who have an individualized education program and who fail to meet the graduation requirements of the student's right to a free and appropriate education to age 21, inclusive, pursuant to Article 2 (§ 22.1-213 et seq.) of Chapter 13.

C. Students who have completed a prescribed course of study as defined by the local school board shall be awarded certificates of program completion by local school boards if they are not eligible to receive a Board of Education-approved diploma.

Each local school board shall provide notification of the right to a free public education for students who have not reached 20 years of age on or before August 1 of the school year, pursuant to Chapter 1 (§ 22.1-1 et seq.), to the parent of students who fail to graduate or who have failed to achieve graduation requirements as provided in the standards for accreditation. If such student who does not graduate or complete such requirements is a student for whom English is a second language, the local school board shall notify the parent of the student's opportunity for a free public education in accordance with § 22.1-5.

D. (From Acts 2016, cc. 720 & 750: The graduation requirements established by the Board of Education pursuant to the provisions of subdivisions D 1, 2, and 3 shall apply to each student who enrolls in high school as (i) a freshman after July 1, 2018; (ii) a sophomore after July 1, 2019; (iii) a junior after July 1, 2020; or (iv) a senior after July 1, 2021) In establishing graduation requirements, the Board shall:

1. Develop and implement, in consultation with stakeholders representing elementary and secondary education, higher education, and business and industry in the Commonwealth and including parents, policymakers, and community leaders in the Commonwealth, a Profile of a Virginia Graduate that identifies the knowledge and skills that students should attain during high school in order to be successful contributors to the economy of the Commonwealth, giving due consideration to critical thinking, creative thinking, collaboration, communication, and citizenship.

2. Emphasize the development of core skill sets in the early years of high school.

3. Establish multiple paths toward college and career readiness for students to follow in the later years of high school. Each such pathway shall include opportunities for internships, externships, and credentialing.

4. Provide for the selection of integrated learning courses meeting the Standards of Learning and approved by the Board to satisfy graduation requirements, which shall include Standards of Learning testing, as necessary.

5. Require students to complete at least one course in fine or performing arts or career and technical education, one course in United States and Virginia history, and two sequential elective courses chosen from a concentration of courses selected from a variety of options that may be planned to ensure the completion of a focused sequence of elective courses that provides a foundation for further education or training or preparation for employment.

6. Require that students either (i) complete an Advanced Placement, honors, or International Baccalaureate course or (ii) earn a career and technical education credential that has been approved by the Board, except when a career and technical education credential in a particular subject area is not readily available or appropriate or does not adequately measure student competency, in which case the student shall receive satisfactory competency-based instruction in the subject area to

earn credit. The career and technical education credential, when required, could include the successful completion of an industry certification, a state licensure examination, a national occupational competency assessment, the Armed Services Vocational Aptitude Battery, or the Virginia workplace readiness skills assessment.

7. Beginning with first-time ninth grade students in the 2016-2017 school year, require students to be trained in emergency first aid, cardiopulmonary resuscitation, and the use of automated external defibrillators, including hands-on practice of the skills necessary to perform cardiopulmonary resuscitation.

8. Make provision in its regulations for students with disabilities to earn a diploma.

9. Require students to complete one virtual course, which may be a noncredit-bearing course.

10. Provide that students who complete elective classes into which the Standards of Learning for any required course have been integrated and achieve a passing score on the relevant Standards of Learning test for the relevant required course receive credit for such elective class.

11. Establish a procedure to facilitate the acceleration of students that allows qualified students, with the recommendation of the division superintendent, without completing the 140-hour class, to obtain credit for such class upon demonstrating mastery of the course content and objectives and receiving a passing score on the relevant Standards of Learning assessment. Nothing in this section shall preclude relevant school division personnel from enforcing compulsory attendance in public schools.

12. Provide for the award of credit for passing scores on industry certifications, state licensure examinations, and national occupational competency assessments approved by the Board of Education.

School boards shall report annually to the Board of Education the number of Board-approved industry certifications obtained, state licensure examinations passed, national occupational competency assessments passed, Armed Services Vocational Aptitude Battery assessments passed, and Virginia workplace readiness skills assessments passed, and the number of career and technical education completers who graduated. These numbers shall be reported as separate categories on the School Performance Report Card.

For the purposes of this subdivision, "career and technical education completer" means a student who has met the requirements for a career and technical concentration or specialization and all requirements for high school graduation or an approved alternative education program.

In addition, the Board may:

a. For the purpose of awarding credit, approve the use of additional or substitute tests for the correlated Standards of Learning assessment, such as academic achievement tests, industry certifications or state licensure examinations; and

b. Permit students completing career and technical education programs designed to enable such students to pass such industry certification examinations or state licensure examinations to be awarded, upon obtaining satisfactory scores on such industry certification or licensure examinations, appropriate credit for one or more career and technical education classes into which relevant Standards of Learning for various classes taught at the same level have been integrated. Such industry certification and state licensure examinations may cover relevant Standards of Learning for various required classes and may, at the discretion of the Board, address some Standards of Learning for several required classes.

13. Provide for the waiver of certain graduation requirements (i) upon the Board's initiative or (ii) at the request of a local school board. Such waivers shall be granted only for good cause and shall be considered on a case-by-case basis.

14. Consider all computer science course credits earned by students to be science course credits, mathematics course credits, or career and technical education credits. The Board of Education shall develop guidelines addressing how computer science courses can satisfy graduation requirements.

15. Permit local school divisions to waive the requirement for students to receive 140 clock hours of instruction upon providing the Board with satisfactory proof, based on Board guidelines, that the students for whom such requirements are waived have learned the content and skills included in the relevant Standards of Learning.

16. Provide for the award of verified units of credit for a satisfactory score, as determined by the Board, on the Preliminary ACT (PreACT) or Preliminary SAT/National Merit Scholarship Qualifying Test (PSAT/NMSQT) examination.

17. *Permit any English language learner who previously earned a sufficient score on an Advanced Placement or International Baccalaureate foreign language examination or an SAT II Subject Test in a foreign language to substitute computer coding course credit for any foreign language course credit required to graduate, except in cases in which such foreign language course credit is required to earn an advanced diploma offered by a nationally recognized provider of college-level courses.*

E. In the exercise of its authority to recognize exemplary performance by providing for diploma seals:

1. The Board shall develop criteria for recognizing exemplary performance in career and technical education programs by students who have completed the requirements for a Board of Education-approved diploma and shall award seals on the diplomas of students meeting such criteria.

2. The Board shall establish criteria for awarding a diploma seal for advanced mathematics and technology for the Board of Education-approved diplomas. The Board shall consider including criteria for (i) technology courses; (ii) technical writing, reading, and oral communication skills; (iii) technology-related training; and (iv) industry, professional, and trade association national certifications.

3. The Board shall establish criteria for awarding a diploma seal for excellence in civics education and understanding of our state and federal constitutions and the democratic model of government for the Board of Education-approved diplomas. The Board shall consider including criteria for (i) successful completion of history, government, and civics

courses, including courses that incorporate character education; (ii) voluntary participation in community service or extracurricular activities that includes the types of activities that shall qualify as community service and the number of hours required; and (iii) related requirements as it deems appropriate.

4. The Board shall establish criteria for awarding a diploma seal of biliteracy to any student who demonstrates proficiency in English and at least one other language for the Board of Education-approved diplomas. The Board shall consider criteria including the student's (i) score on a College Board Advanced Placement foreign language examination, (ii) score on an SAT II Subject Test in a foreign language, (iii) proficiency level on an ACTFL Assessment of Performance toward Proficiency in Languages (AAPPL) measure or another nationally or internationally recognized language proficiency test, or (iv) cumulative grade point average in a sequence of foreign language courses approved by the Board.

F. The Board shall establish, by regulation, requirements for the award of a general achievement adult high school diploma for those persons who are not subject to the compulsory school attendance requirements of § 22.1-254 and have (i) achieved a passing score on a high school equivalency examination approved by the Board of Education; (ii) successfully completed an education and training program designated by the Board of Education; (iii) earned a Board of Education-approved career and technical education credential such as the successful completion of an industry certification, a state licensure examination, a national occupational competency assessment, the Armed Services Vocational Aptitude Battery, or the Virginia workplace readiness skills assessment; and (iv) satisfied other requirements as may be established by the Board for the award of such diploma.

G. To ensure the uniform assessment of high school graduation rates, the Board shall collect, analyze, report, and make available to the public high school graduation and dropout data using a formula prescribed by the Board.

H. The Board shall also collect, analyze, report, and make available to the public high school graduation and dropout data using a formula that excludes any student who fails to graduate because such student is in the custody of the Department of Corrections, the Department of Juvenile Justice, or local law enforcement. For the purposes of the Standards of Accreditation, the Board shall use the graduation rate required by this subsection.

I. The Board may promulgate such regulations as may be necessary and appropriate for the collection, analysis, and reporting of such data required by subsections G and H.

CHAPTER 717

*An Act to amend and reenact §§ 22.1-223 through 22.1-225 of the Code of Virginia, relating to high school equivalency programs; eligibility.*

[H 803]

Approved March 30, 2018

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 22.1-223 through 22.1-225 of the Code of Virginia are amended and reenacted as follows:**

**§ 22.1-223. Definitions.**

As used in this article:

"Adult basic education" means education for ~~adults~~ *adults individuals over the age of compulsory school attendance specified in § 22.1-254* that enables them to express themselves orally and in writing, read, access information and resources, make decisions, act independently and interact with others, and continue lifelong learning to cope with and compete successfully in a global economy.

"Adult education program" means an instructional program below the college credit level provided by public schools for ~~persons over the age of compulsory school attendance specified in § 22.1-254~~ *adults individuals* who are not enrolled in the regular public school program, including adult basic education, credit programs, cultural adult education, external diploma programs, general adult education, and *high school equivalency programs preparing students to pass a high school equivalency examination approved by the Board of Education.*

"Credit program" means a program of academic courses that are available to ~~adults~~ *adults individuals over the age of compulsory school attendance specified in § 22.1-254* to enable them to complete the regular requirements for a high school diploma.

"Cultural adult education" means English for speakers of other languages (ESOL), the preparation of foreign-born adults for participation in American life or for becoming American citizens, and other educational services for foreign-born ~~adults~~ *adults individuals over the age of compulsory school attendance specified in § 22.1-254.*

"External diploma program" means a program in which ~~adults~~ *adults individuals over the age of compulsory school attendance specified in § 22.1-254* who did not complete high school may earn a high school diploma by demonstrating with 100 percent mastery the 65 competencies established and validated by the American Council on Education.

"General adult education" means academic, cultural, and avocational instruction for *adults individuals over the age of compulsory school attendance specified in § 22.1-254* that may be obtained through programs other than ~~high school credit programs, high school equivalency programs preparing students to pass a high school equivalency examination approved by the Board of Education, or an external diploma program (EDP) approved by the Board of Education~~ *programs.*

"High school equivalency program" means a program of preparation and instruction *to take a high school equivalency examination approved by the Board of Education* for ~~adults~~ *adults individuals over the age of compulsory school attendance*

specified in § 22.1-254 who did not complete high school, ~~for students~~ *individuals* who have been granted permission by the superintendent of the school division in which they are or were last enrolled to take a high school equivalency examination approved by the Board of Education, ~~and for those~~ *individuals who are at least 16 years of age, and individuals* who have been ordered by a court to participate in the program.

**§ 22.1-224. Duties of State Board.**

The Board of Education shall:

1. Require the development of adult education programs in every school division;
2. Encourage coordination in the development and provision of adult education programs between school boards and other state, federal, and local public and private agencies;
3. Promulgate appropriate standards and guidelines for adult education programs;
4. Accept and administer grants, gifts, services, and funds from available sources for use in adult education programs; and
5. Assist school divisions with all diligence in meeting the educational needs of ~~adults~~ *individuals* participating in adult education programs to master the requirements for and earn a high school diploma or to pass a high school equivalency examination approved by the Board of Education.

**§ 22.1-225. Authority of school boards.**

A. Local school boards shall provide adult education programs, in compliance with subdivision D 8 of § 22.1-253.13:1, for residents of the school division and, in their discretion, may charge appropriate fees to persons admitted to such programs.

B. With such funds as may be appropriated for the purposes of this article, school boards shall seek to ensure that every ~~adult~~ *individual* participating in such program has an opportunity to earn a high school diploma or pass a high school equivalency examination approved by the Board of Education.

**CHAPTER 718**

*An Act to amend the Code of Virginia by adding in Article 1 of Chapter 29 of Title 54.1 a section numbered 54.1-2910.4, relating to health record retention.*

[H 1524]

Approved March 30, 2018

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding in Article 1 of Chapter 29 of Title 54.1 a section numbered 54.1-2910.4 as follows:**

**§ 54.1-2910.4. Health record retention.**

*Practitioners licensed under this chapter shall maintain health records, as defined in § 32.1-127.1:03, for a minimum of six years following the last patient encounter. However, such practitioners are not required to maintain health records for longer than 12 years from the date of creation except for (i) health records of a minor child, including immunizations, which shall be maintained until the child reaches the age of 18 or becomes emancipated, with a minimum time for record retention of six years from the last patient encounter regardless of the age of the child or (ii) health records that are required by contractual obligation or federal law to be maintained for a longer period of time. Health records that have previously been transferred to another practitioner or health care provider or provided to the patient or his personal representative are not required to be maintained beyond such transfer or provision.*

**CHAPTER 719**

*An Act to amend and reenact § 30-329 of the Code of Virginia, relating to Autism Advisory Council; sunset.*

[S 234]

Approved March 30, 2018

**Be it enacted by the General Assembly of Virginia:**

**1. That § 30-329 of the Code of Virginia is amended and reenacted as follows:**

**§ 30-329. (Expires July 1, 2018) Sunset.**

This chapter shall expire on July 1, ~~2018~~ 2020.

**CHAPTER 720**

*An Act to amend and reenact §§ 15.2-1806 and 15.2-1809.1 of the Code of Virginia, relating to local parks; waterway activities; liability.*

[H 220]

Approved March 30, 2018

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 15.2-1806 and 15.2-1809.1 of the Code of Virginia are amended and reenacted as follows:**

**§ 15.2-1806. Parks, recreation facilities, playgrounds, etc.**

A. A locality may establish parks, recreation facilities and playgrounds; set apart for such use any land or buildings owned or leased by it; and acquire land, buildings and other facilities pursuant to § 15.2-1800 for the aforesaid purposes.

In regard to its parks, recreation facilities and playgrounds, a locality may:

1. Fix, prescribe, and provide for the collection of fees for their use;
2. Levy and collect an annual tax upon all property in the locality subject to local taxation to pay, in whole or in part, the expenses incident to their maintenance and operation;
3. Operate their use through a department or bureau of recreation or delegate the operation thereof to a recreation board created by it, to a school board, or any other appropriate existing board or commission.

B. A locality may also establish, conduct, and regulate a system of hiking, biking, and horseback riding trails and may set apart for such use any land or buildings owned or leased by it and may obtain licenses or permits for such use on land not owned or leased by it. A locality may also establish, conduct, and regulate a system of trails for all-terrain vehicles, off-road motorcycles, or both, as those terms are defined in § 46.2-100, and may set apart for such use any land or buildings owned or leased by it and may obtain licenses, easements, leases, or permits for such use on land not owned or leased by it. *A locality may also establish, conduct, and regulate a system of boating, canoeing, kayaking, or tubing activities on waterways and may set apart for such use any land or buildings owned or leased by it and may obtain licenses or permits for such use on land not owned or leased by it.*

In furtherance of the purposes of this subsection, a locality may provide for the protection of persons whose property interests, or personal liability, may be related to or affected by the use of such trails *or waterways*. *Nothing contained in this subsection shall be construed to interfere with the use and enjoyment of private property.*

**§ 15.2-1809.1. Liability of localities for the site of trails or waterways.**

A locality, *or a park authority created by the Park Authorities Act (§ 15.2-5700 et seq.), which* that establishes, conducts, and regulates *a system of hiking, biking, or horseback riding trails,* a system of trails for all-terrain vehicles, off-road motorcycles, *or both a system of boating, canoeing, kayaking, or tubing activities on waterways,* as provided in subsection B of § 15.2-1806, and the owner *or licensor or permit issuer* of any property leased or licensed for any such use, shall not be liable for damages resulting from any injury to the person or from a loss of or damage to the property of any person arising from the condition of the property used for such trails *or waterways*, in the absence of gross negligence or willful misconduct.

**CHAPTER 721**

*An Act to amend and reenact §§ 15.2-1806 and 15.2-1809.1 of the Code of Virginia, relating to local parks; waterway activities; liability.*

[S 371]

Approved March 30, 2018

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 15.2-1806 and 15.2-1809.1 of the Code of Virginia are amended and reenacted as follows:**

**§ 15.2-1806. Parks, recreation facilities, playgrounds, etc.**

A. A locality may establish parks, recreation facilities and playgrounds; set apart for such use any land or buildings owned or leased by it; and acquire land, buildings and other facilities pursuant to § 15.2-1800 for the aforesaid purposes.

In regard to its parks, recreation facilities and playgrounds, a locality may:

1. Fix, prescribe, and provide for the collection of fees for their use;
2. Levy and collect an annual tax upon all property in the locality subject to local taxation to pay, in whole or in part, the expenses incident to their maintenance and operation;
3. Operate their use through a department or bureau of recreation or delegate the operation thereof to a recreation board created by it, to a school board, or any other appropriate existing board or commission.

B. A locality may also establish, conduct, and regulate a system of hiking, biking, and horseback riding trails and may set apart for such use any land or buildings owned or leased by it and may obtain licenses or permits for such use on land not owned or leased by it. A locality may also establish, conduct, and regulate a system of trails for all-terrain vehicles, off-road motorcycles, or both, as those terms are defined in § 46.2-100, and may set apart for such use any land or buildings owned or leased by it and may obtain licenses, easements, leases, or permits for such use on land not owned or leased by it. *A locality may also establish, conduct, and regulate a system of boating, canoeing, kayaking, or tubing activities on waterways and may set apart for such use any land or buildings owned or leased by it and may obtain licenses or permits for such use on land not owned or leased by it.*

In furtherance of the purposes of this subsection, a locality may provide for the protection of persons whose property interests, or personal liability, may be related to or affected by the use of such trails *or waterways*. *Nothing contained in this subsection shall be construed to interfere with the use and enjoyment of private property.*

**§ 15.2-1809.1. Liability of localities for the site of trails or waterways.**

A locality, or a park authority created by the Park Authorities Act (§ 15.2-5700 et seq.), ~~which~~ that establishes, conducts, and regulates a system of hiking, biking, or horseback riding trails, a system of trails for all-terrain vehicles, off-road motorcycles, or ~~both~~ a system of boating, canoeing, kayaking, or tubing activities on waterways, as provided in subsection B of § 15.2-1806, and the owner or licensor or permit issuer of any property leased or licensed for any such use, shall not be liable for damages resulting from any injury to the person or from a loss of or damage to the property of any person arising from the condition of the property used for such trails or waterways, in the absence of gross negligence or willful misconduct.

**CHAPTER 722**

*An Act to amend the Code of Virginia by adding in Title 2.2 a chapter numbered 4.2:1, consisting of a section numbered 2.2-435.11, relating to the creation of the Special Assistant to the Governor for Coastal Adaptation and Protection.*

[H 345]

Approved March 30, 2018

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding in Title 2.2 a chapter numbered 4.2:1, consisting of a section numbered 2.2-435.11, as follows:**

*CHAPTER 4.2:1.*

*SPECIAL ASSISTANT TO THE GOVERNOR FOR COASTAL ADAPTATION AND PROTECTION.*

**§ 2.2-435.11. Special Assistant to the Governor for Coastal Adaptation and Protection; duties.**

*The position of Special Assistant to the Governor for Coastal Adaptation and Protection (the Special Assistant) is created. The Special Assistant shall be the primary point of contact for the resources to address coastal adaptation and flooding mitigation. The Special Assistant shall be the lead in developing and in providing direction and ensuring accountability for a statewide coastal flooding adaptation strategy. He shall initiate and assist with economic development opportunities associated with adaptation, development opportunities for the creation of business incubators, the advancement of the academic expertise at the Commonwealth Center for Recurrent Flooding and Resiliency, coordination with the Virginia Growth and Opportunity Board, safeguarding strategic national assets threatened by coastal flooding, and pursuing federal, state, and local funding opportunities for adaptation initiatives.*

**CHAPTER 723**

*An Act to amend the Code of Virginia by adding in Title 2.2 a chapter numbered 4.2:1, consisting of a section numbered 2.2-435.11, relating to the creation of the Special Assistant to the Governor for Coastal Adaptation and Protection.*

[S 265]

Approved March 30, 2018

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding in Title 2.2 a chapter numbered 4.2:1, consisting of a section numbered 2.2-435.11, as follows:**

*CHAPTER 4.2:1.*

*SPECIAL ASSISTANT TO THE GOVERNOR FOR COASTAL ADAPTATION AND PROTECTION.*

**§ 2.2-435.11. Special Assistant to the Governor for Coastal Adaptation and Protection; duties.**

*The position of Special Assistant to the Governor for Coastal Adaptation and Protection (the Special Assistant) is created. The Special Assistant shall be the primary point of contact for the resources to address coastal adaptation and flooding mitigation. The Special Assistant shall be the lead in developing and in providing direction and ensuring accountability for a statewide coastal flooding adaptation strategy. He shall initiate and assist with economic development opportunities associated with adaptation, development opportunities for the creation of business incubators, the advancement of the academic expertise at the Commonwealth Center for Recurrent Flooding and Resiliency, coordination with the Virginia Growth and Opportunity Board, safeguarding strategic national assets threatened by coastal flooding, and pursuing federal, state, and local funding opportunities for adaptation initiatives.*

**CHAPTER 724**

*An Act to amend and reenact §§ 19.2-305.1, 19.2-349, and 19.2-368.3 of the Code of Virginia, relating to restitution; collection; Criminal Injuries Compensation Fund.*

[H 483]

Approved March 30, 2018

**Be it enacted by the General Assembly of Virginia:****1. That §§ 19.2-305.1, 19.2-349, and 19.2-368.3 of the Code of Virginia are amended and reenacted as follows:****§ 19.2-305.1. Restitution for property damage or loss; community service.**

A. Notwithstanding any other provision of law, no person convicted of a crime in violation of any provision in Title 18.2, which resulted in property damage or loss, shall be placed on probation or have his sentence suspended unless such person shall make at least partial restitution for such property damage or loss, or shall be compelled to perform community services, or both, or shall submit a plan for doing that which appears to the court to be feasible under the circumstances.

B. Notwithstanding any other provision of law, any person who, on or after July 1, 1995, commits, and is convicted of, a crime in violation of any provision in Title 18.2 shall make at least partial restitution for any property damage or loss caused by the crime or for any medical expenses or expenses directly related to funeral or burial incurred by the victim or his estate as a result of the crime, may be compelled to perform community services and, if the court so orders, shall submit a plan for doing that which appears to be feasible to the court under the circumstances.

B1. Notwithstanding any other provision of law, any person, who on or after July 1, 2005 commits and is convicted of a crime in violation of § 18.2-248 involving the manufacture of any controlled substance, may be ordered, upon presentation of suitable evidence of such costs, by the court to reimburse the Commonwealth or the locality for the costs incurred by the jurisdiction, as the case may be, for the removal and remediation associated with the illegal manufacture of any controlled substance by the defendant.

B2. Notwithstanding any other provision of law, any person who, on or after July 1, 2015, commits and is convicted of a violation of § 18.2-138 for damage to the Capitol or any building, monument, statuary, artwork, or other state property in Capitol Square, or at any other property assigned to the Capitol Police, shall be ordered to pay restitution to the Commonwealth for the full amount of damages. Any person who, on or after July 1, 2015, commits and is convicted of a violation of § 18.2-405, 18.2-407, or 18.2-408 in Capitol Square, or at any other property assigned to the Capitol Police, shall be ordered to pay restitution to the Commonwealth for the full amount of damages to the Capitol or any building, monument, statuary, artwork, or other state property in Capitol Square, or at any other property assigned to the Capitol Police, to which damage is caused during such riot or unlawful assembly. In any prosecution under § 18.2-138, 18.2-405, 18.2-407, or 18.2-408, testimony of the Division of Engineering and Buildings of the Department of General Services or the Division of Risk Management shall be admissible as evidence of value or extent of damages or cost of repairs to the Capitol or any building, monument, statuary, artwork, or other state property in Capitol Square, or at any other property assigned to the Capitol Police. For the purposes of this subsection, "Capitol Square" means the grounds and the interior and exterior of all buildings in that area in the City of Richmond bounded by Bank, Governor, Broad, and Ninth Streets. "Capitol Square" includes the exterior of all state buildings that are at least 50 years old and bordering the boundary streets.

C. At or before the time of sentencing, the court shall receive and consider any plan for making restitution submitted by the defendant. The plan shall include the defendant's home address, place of employment and address, social security number and bank information. If the court finds such plan to be reasonable and practical under the circumstances, it may consider probation or suspension of whatever portion of the sentence that it deems appropriate. By order of the court incorporating the defendant's plan or a reasonable and practical plan devised by the court, the defendant shall make restitution while he is free on probation or work release or following his release from confinement. Additionally, the court may order that the defendant make restitution during his confinement, if feasible, based upon both his earning capacity and net worth as determined by the court at sentencing.

D. At the time of sentencing, the court shall determine the amount to be repaid by the defendant and the terms and conditions thereof. If community service work is ordered, the court shall determine the terms and conditions upon which such work shall be performed. The court shall include such findings in the judgment order. The order shall specify that sums paid under such order shall be paid to the clerk, who shall disburse such sums as the court may, by order, direct. *The clerk shall record receipt of restitution payments in an automated financial management system operated and maintained by the Executive Secretary of the Supreme Court or such other system established and maintained by a circuit court clerk pursuant to § 17.1-502.* Any court desiring to participate in the Setoff Debt Collection Act (§§ 58.1-520 through 58.1-535) for the purpose of collecting fines or costs or providing restitution shall, at the time of sentencing, obtain the social security number of each defendant.

E. At the time of sentencing, the court shall enter the amount of restitution to be repaid by the defendant, the date by which all restitution is to be paid, ~~and~~ the terms and conditions of such repayment, *and the victim's name and contact information, including the victim's home address, telephone number, and email address,* on a form prescribed by the Office of the Executive Secretary of the Supreme Court of Virginia. If the attorney for the Commonwealth participated in the prosecution of the defendant, the attorney for the Commonwealth or his designee shall complete, to the extent possible, all portions of the form excluding the amount of restitution to be repaid by the defendant and the terms and conditions of such repayment. If the attorney for the Commonwealth did not participate in the prosecution of the defendant, the court or the clerk shall complete the form. A copy of the form, excluding contact information for the victim, shall be provided to the defendant at sentencing. A copy of the form shall be provided to the attorney for the Commonwealth and to the victim, his agent, or his estate upon request and free of charge. *Except as provided in this section or otherwise required by law, the victim's contact information shall be confidential, and the clerk shall not disclose such confidential information to any person.*

F. Unreasonable failure to execute the plan by the defendant shall result in revocation of the probation or imposition of the suspended sentence. A hearing shall be held in accordance with the provisions of this Code relating to revocation of probation or imposition of a suspended sentence before either such action is taken.

G. A defendant convicted of an offense under § 18.2-374.1, 18.2-374.1:1, or 18.2-374.3 shall be ordered to pay mandatory restitution to the victim of the offense in an amount as determined by the court. For purposes of this subsection, "victim" means a person who is depicted in a still or videographic image involved in an offense under § 18.2-374.1, 18.2-374.1:1, or 18.2-374.3.

The Commonwealth shall make reasonable efforts to notify victims of offenses under § 18.2-374.1, 18.2-374.1:1, or 18.2-374.3.

H. If restitution is ordered to be paid by the defendant to the victim of a crime and the victim can no longer be located or identified, the clerk shall deposit any such restitution collected to the Criminal Injuries Compensation Fund for the benefit of crime victims *by November 1 of each year. If a clerk does not have any such restitution to deposit, the clerk shall provide a statement to that effect to the Fund by November 1 of each year.* The administrator shall reserve a sum sufficient in the Fund from which he shall make prompt payment *directly* to the victim for any proper claims. *When depositing such restitution to the Fund, the clerk shall report the victim's last known contact information, including the victim's home address, telephone number, and email address, and the amount of restitution being deposited for that victim.* Before making the deposit ~~he~~, *the administrator* shall record the name, ~~last known address~~ *contact information*, and amount of restitution ~~due~~ *being deposited* for each victim appearing from the clerk's report to be entitled to restitution. *The victim's contact information reported to the Fund shall be confidential and shall not be disseminated further except as otherwise required by law.*

I. If restitution pursuant to § 19.2-305 or this section is ordered to be paid by the defendant to the victim of a crime or other entity, and the Criminal Injuries Compensation Fund has made any payments to or on behalf of the victim for any loss, damage, or expenses included in the restitution order, then upon presentation by the Fund of a written request that sets forth the amount of payments made by the Fund to the victim or on the victim's behalf, the entity collecting restitution shall pay to the Fund as much of the restitution collected as will reimburse the Fund for its payments made to the victim or on the victim's behalf.

J. Whenever a defendant is ordered to pay restitution, any sums collected shall be used first to satisfy such restitution order and any collection costs associated with restitution prior to being used to satisfy any fine, forfeiture, penalty, or cost assessed against the defendant.

**§ 19.2-349. Responsibility for collections; clerks to report unsatisfied fines, etc.; duty of attorneys for Commonwealth; duties of Department of Taxation.**

A. The clerk of the circuit court and district court of every county and city shall submit to the judge of his court, the Department of Taxation, the State Compensation Board and the attorney for the Commonwealth of his county or city a monthly report of all fines, costs, forfeitures and penalties which are delinquent more than 90 days, including court-ordered restitution of a sum certain, imposed in his court for a violation of state law or a local ordinance which remain unsatisfied, including those which are delinquent in installment payments. The monthly report shall include the social security number or driver's license number of the defendant, if known, and such other information as the Department of Taxation and the Compensation Board deem appropriate. The Executive Secretary shall make the report required by this subsection on behalf of those clerks who participate in the Supreme Court's automated information system.

B. The clerk of the circuit court and district court of every county and city shall submit quarterly to the attorney for the Commonwealth of his county or city and any probation agency that serves such county or city:

1. A list of all defendants with an outstanding balance of restitution ordered by the court served by such clerk. Such report shall include the defendant's name, case number, total amount of restitution ordered, amount of restitution remaining due, and last date of payment; and

2. A list of all accounts where more than 90 days have passed since an account was sent to collections and no payments have been made toward fines, costs, forfeitures, penalties, or restitution. For accounts where restitution is owed, such report shall include the defendant's name, case number, and total amount of restitution and restitution interest due.

C. It shall be the duty of the attorney for the Commonwealth to cause proper proceedings to be instituted for the collection and satisfaction of all fines, costs, forfeitures, penalties and restitution. The attorney for the Commonwealth shall determine whether it would be impractical or uneconomical for such service to be rendered by the office of the attorney for the Commonwealth. If the defendant does not enter into an installment payment agreement under § 19.2-354, the attorney for the Commonwealth and the clerk may agree to a process by which collection activity may be commenced 90 days after judgment.

If the attorney for the Commonwealth does not undertake collection, he shall contract with (i) private attorneys or private collection agencies, (ii) enter into an agreement with a local governing body, (iii) enter into an agreement with the county or city treasurer, or (iv) use the services of the Department of Taxation, upon such terms and conditions as may be established by guidelines promulgated by the Office of the Attorney General, the Executive Secretary of the Supreme Court with the Department of Taxation and the Compensation Board. If the attorney for the Commonwealth undertakes collection, he shall follow the procedures established by the Department of Taxation and the Compensation Board. Such guidelines shall not supersede contracts between attorneys for the Commonwealth and private attorneys and collection agencies when active collection efforts are being undertaken. As part of such contract, private attorneys or collection agencies shall be

given access to the social security number of the defendant in order to assist in the collection effort. Any such private attorney shall be subject to the penalties and provisions of § 18.2-186.3.

The fees of any private attorneys or collection agencies shall be paid on a contingency fee basis out of the proceeds of the amounts collected. However, in no event shall such attorney or collection agency receive a fee for amounts collected by the Department of Taxation under the Setoff Debt Collection Act (§ 58.1-520 et seq.). A local treasurer undertaking collection pursuant to an agreement with the attorney for the Commonwealth may collect the administrative fee authorized by § 58.1-3958.

D. The Department of Taxation and the State Compensation Board shall be responsible for the collection of any judgment which remains unsatisfied or does not meet the conditions of § 19.2-354. Persons owing such unsatisfied judgments or failing to comply with installment payment agreements under § 19.2-354 shall be subject to the delinquent tax collection provisions of Title 58.1. The Department of Taxation and the State Compensation Board shall establish procedures to be followed by clerks of courts, attorneys for the Commonwealth, other state agencies and any private attorneys or collection agents and may employ private attorneys or collection agencies, or engage other state agencies to collect the judgment. The Department of Taxation and the Commonwealth shall be entitled to deduct a fee for services from amounts collected for violations of local ordinances.

The Department of Taxation and the State Compensation Board shall annually report to the Governor and the General Assembly the total of fines, costs, forfeitures and penalties assessed, collected, and unpaid and those which remain unsatisfied or do not meet the conditions of § 19.2-354 by each circuit and district court. The report shall include the procedures established by the Department of Taxation and the State Compensation Board pursuant to this section and a plan for increasing the collection of unpaid fines, costs, forfeitures and penalties. The Auditor of Public Accounts shall annually report to the Governor, the Executive Secretary of the Supreme Court and the General Assembly as to the adherence of clerks of courts, attorneys for the Commonwealth and other state agencies to the procedures established by the Department of Taxation and the State Compensation Board.

*The Office of the Executive Secretary of the Supreme Court shall annually report to the Governor, the General Assembly, the Chairmen of the House and Senate Committees for Courts of Justice, and the Virginia State Crime Commission on the total of restitution assessed, collected, and unpaid for each circuit and district court and the total of restitution collected and deposited into the Criminal Injuries Compensation Fund pursuant to subsection H of § 19.2-305.1 by each circuit and district court.*

#### **§ 19.2-368.3. Powers and duties of Commission.**

The Commission shall have the following powers and duties in the administration of the provisions of this chapter:

1. To adopt, promulgate, amend and rescind suitable rules and regulations to carry out the provisions and purposes of this chapter, to include a distinct policy (i) for the payment of physical evidence recovery kit examinations and (ii) to require each health care provider as defined in § 8.01-581.1 that provides services under this chapter to negotiate with the Commission or its designee to establish prospective agreements relating to rates for payment of claims for such services allowed under § 19.2-368.11:1, such rates to discharge the obligation to the provider in full except where the provider is an agency of the Commonwealth and the claimant receives a third party recovery in addition to the payment from the Fund.

2. Notwithstanding the provisions of § 2.2-3706, to acquire from the attorneys for the Commonwealth, State Police, local police departments, sheriffs' departments, and the Chief Medical Examiner such investigative results, information and data as will enable the Commission to determine if, in fact, a crime was committed or attempted, and the extent, if any, to which the victim or claimant was responsible for his own injury. These data shall include prior adult arrest records and juvenile court disposition records of the offender. For such purposes and in accordance with § 16.1-305, the Commission may also acquire from the juvenile and domestic relations district courts a copy of the order of disposition relating to the crime. The use of any information received by the Commission pursuant to this subdivision shall be limited to carrying out the purposes set forth in this section, and this information shall be confidential and shall not be disseminated further. The agency from which the information is requested may submit original reports, portions thereof, summaries, or such other configurations of information as will comply with the requirements of this section.

3. To hear and determine all claims for awards filed with the Commission pursuant to this chapter, and to reinvestigate or reopen cases as the Commission deems necessary.

4. To require and direct medical examination of victims.

5. To hold hearings, administer oaths or affirmations, examine any person under oath or affirmation and to issue summonses requiring the attendance and giving of testimony of witnesses and require the production of any books, papers, documentary or other evidence. The powers provided in this subsection may be delegated by the Commission to any member or employee thereof.

6. To take or cause to be taken affidavits or depositions within or without the Commonwealth.

7. To render each year to the Governor and to the General Assembly a written report of its activities. *This report shall include a detailed section on all unclaimed restitution collected and disbursed to the victim from the Criminal Injuries Compensation Fund pursuant to subsection H of § 19.2-305.1.*

8. To accept from the government of the United States grants of federal moneys for disbursement under the provisions of this chapter.

9. To collect and disburse unclaimed restitution pursuant to subsection H of § 19.2-305.1 and develop, in consultation with circuit court clerks and the Office of the Executive Secretary of the Supreme Court of Virginia, policies and procedures for the receipt, collection, and disbursement of unclaimed restitution to victims of crime.

10. To identify and locate victims of crime for whom restitution owed to such victims has been deposited into the Criminal Injuries Compensation Fund pursuant to subsection H of § 19.2-305.1. Notwithstanding the provisions of § 2.2-3706, the Commission may acquire from the attorneys for the Commonwealth, State Police, local police departments, and sheriffs' departments such information as will enable the Commission to identify and locate such victims. The use of any information received by the Commission pursuant to this subdivision shall be limited to carrying out the purposes set forth in this section, and this information shall be confidential and shall not be disseminated further.

## CHAPTER 725

*An Act to amend and reenact §§ 19.2-305.1, 19.2-349, and 19.2-368.3 of the Code of Virginia, relating to restitution; collection; Criminal Injuries Compensation Fund.*

[S 562]

Approved March 30, 2018

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 19.2-305.1, 19.2-349, and 19.2-368.3 of the Code of Virginia are amended and reenacted as follows:**

**§ 19.2-305.1. Restitution for property damage or loss; community service.**

A. Notwithstanding any other provision of law, no person convicted of a crime in violation of any provision in Title 18.2, which resulted in property damage or loss, shall be placed on probation or have his sentence suspended unless such person shall make at least partial restitution for such property damage or loss, or shall be compelled to perform community services, or both, or shall submit a plan for doing that which appears to the court to be feasible under the circumstances.

B. Notwithstanding any other provision of law, any person who, on or after July 1, 1995, commits, and is convicted of, a crime in violation of any provision in Title 18.2 shall make at least partial restitution for any property damage or loss caused by the crime or for any medical expenses or expenses directly related to funeral or burial incurred by the victim or his estate as a result of the crime, may be compelled to perform community services and, if the court so orders, shall submit a plan for doing that which appears to be feasible to the court under the circumstances.

B1. Notwithstanding any other provision of law, any person, who on or after July 1, 2005 commits and is convicted of a crime in violation of § 18.2-248 involving the manufacture of any controlled substance, may be ordered, upon presentation of suitable evidence of such costs, by the court to reimburse the Commonwealth or the locality for the costs incurred by the jurisdiction, as the case may be, for the removal and remediation associated with the illegal manufacture of any controlled substance by the defendant.

B2. Notwithstanding any other provision of law, any person who, on or after July 1, 2015, commits and is convicted of a violation of § 18.2-138 for damage to the Capitol or any building, monument, statuary, artwork, or other state property in Capitol Square, or at any other property assigned to the Capitol Police, shall be ordered to pay restitution to the Commonwealth for the full amount of damages. Any person who, on or after July 1, 2015, commits and is convicted of a violation of § 18.2-405, 18.2-407, or 18.2-408 in Capitol Square, or at any other property assigned to the Capitol Police, shall be ordered to pay restitution to the Commonwealth for the full amount of damages to the Capitol or any building, monument, statuary, artwork, or other state property in Capitol Square, or at any other property assigned to the Capitol Police, to which damage is caused during such riot or unlawful assembly. In any prosecution under § 18.2-138, 18.2-405, 18.2-407, or 18.2-408, testimony of the Division of Engineering and Buildings of the Department of General Services or the Division of Risk Management shall be admissible as evidence of value or extent of damages or cost of repairs to the Capitol or any building, monument, statuary, artwork, or other state property in Capitol Square, or at any other property assigned to the Capitol Police. For the purposes of this subsection, "Capitol Square" means the grounds and the interior and exterior of all buildings in that area in the City of Richmond bounded by Bank, Governor, Broad, and Ninth Streets. "Capitol Square" includes the exterior of all state buildings that are at least 50 years old and bordering the boundary streets.

C. At or before the time of sentencing, the court shall receive and consider any plan for making restitution submitted by the defendant. The plan shall include the defendant's home address, place of employment and address, social security number and bank information. If the court finds such plan to be reasonable and practical under the circumstances, it may consider probation or suspension of whatever portion of the sentence that it deems appropriate. By order of the court incorporating the defendant's plan or a reasonable and practical plan devised by the court, the defendant shall make restitution while he is free on probation or work release or following his release from confinement. Additionally, the court may order that the defendant make restitution during his confinement, if feasible, based upon both his earning capacity and net worth as determined by the court at sentencing.

D. At the time of sentencing, the court shall determine the amount to be repaid by the defendant and the terms and conditions thereof. If community service work is ordered, the court shall determine the terms and conditions upon which such work shall be performed. The court shall include such findings in the judgment order. The order shall specify that sums paid under such order shall be paid to the clerk, who shall disburse such sums as the court may, by order, direct. *The clerk*

shall record receipt of restitution payments in an automated financial management system operated and maintained by the Executive Secretary of the Supreme Court or such other system established and maintained by a circuit court clerk pursuant to § 17.1-502. Any court desiring to participate in the Setoff Debt Collection Act (§§ 58.1-520 through 58.1-535) for the purpose of collecting fines or costs or providing restitution shall, at the time of sentencing, obtain the social security number of each defendant.

E. At the time of sentencing, the court shall enter the amount of restitution to be repaid by the defendant, the date by which all restitution is to be paid, ~~and~~ the terms and conditions of such repayment, *and the victim's name and contact information, including the victim's home address, telephone number, and email address*, on a form prescribed by the Office of the Executive Secretary of the Supreme Court of Virginia. If the attorney for the Commonwealth participated in the prosecution of the defendant, the attorney for the Commonwealth or his designee shall complete, to the extent possible, all portions of the form excluding the amount of restitution to be repaid by the defendant and the terms and conditions of such repayment. If the attorney for the Commonwealth did not participate in the prosecution of the defendant, the court or the clerk shall complete the form. A copy of the form, excluding contact information for the victim, shall be provided to the defendant at sentencing. A copy of the form shall be provided to the attorney for the Commonwealth and to the victim, his agent, or his estate upon request and free of charge. *Except as provided in this section or otherwise required by law, the victim's contact information shall be confidential, and the clerk shall not disclose such confidential information to any person.*

F. Unreasonable failure to execute the plan by the defendant shall result in revocation of the probation or imposition of the suspended sentence. A hearing shall be held in accordance with the provisions of this Code relating to revocation of probation or imposition of a suspended sentence before either such action is taken.

G. A defendant convicted of an offense under § 18.2-374.1, 18.2-374.1:1, or 18.2-374.3 shall be ordered to pay mandatory restitution to the victim of the offense in an amount as determined by the court. For purposes of this subsection, "victim" means a person who is depicted in a still or videographic image involved in an offense under § 18.2-374.1, 18.2-374.1:1, or 18.2-374.3.

The Commonwealth shall make reasonable efforts to notify victims of offenses under § 18.2-374.1, 18.2-374.1:1, or 18.2-374.3.

H. If restitution is ordered to be paid by the defendant to the victim of a crime and the victim can no longer be located or identified, the clerk shall deposit any such restitution collected to the Criminal Injuries Compensation Fund for the benefit of crime victims *by November 1 of each year. If a clerk does not have any such restitution to deposit, the clerk shall provide a statement to that effect to the Fund by November 1 of each year.* The administrator shall reserve a sum sufficient in the Fund from which he shall make prompt payment *directly* to the victim for any proper claims. *When depositing such restitution to the Fund, the clerk shall report the victim's last known contact information, including the victim's home address, telephone number, and email address, and the amount of restitution being deposited for that victim.* Before making the deposit ~~he~~, the administrator shall record the name, ~~last known address~~ *contact information*, and amount of restitution ~~due~~ *being deposited* for each victim appearing from the clerk's report to be entitled to restitution. *The victim's contact information reported to the Fund shall be confidential and shall not be disseminated further except as otherwise required by law.*

I. If restitution pursuant to § 19.2-305 or this section is ordered to be paid by the defendant to the victim of a crime or other entity, and the Criminal Injuries Compensation Fund has made any payments to or on behalf of the victim for any loss, damage, or expenses included in the restitution order, then upon presentation by the Fund of a written request that sets forth the amount of payments made by the Fund to the victim or on the victim's behalf, the entity collecting restitution shall pay to the Fund as much of the restitution collected as will reimburse the Fund for its payments made to the victim or on the victim's behalf.

J. Whenever a defendant is ordered to pay restitution, any sums collected shall be used first to satisfy such restitution order and any collection costs associated with restitution prior to being used to satisfy any fine, forfeiture, penalty, or cost assessed against the defendant.

**§ 19.2-349. Responsibility for collections; clerks to report unsatisfied fines, etc.; duty of attorneys for Commonwealth; duties of Department of Taxation.**

A. The clerk of the circuit court and district court of every county and city shall submit to the judge of his court, the Department of Taxation, the State Compensation Board and the attorney for the Commonwealth of his county or city a monthly report of all fines, costs, forfeitures and penalties which are delinquent more than 90 days, including court-ordered restitution of a sum certain, imposed in his court for a violation of state law or a local ordinance which remain unsatisfied, including those which are delinquent in installment payments. The monthly report shall include the social security number or driver's license number of the defendant, if known, and such other information as the Department of Taxation and the Compensation Board deem appropriate. The Executive Secretary shall make the report required by this subsection on behalf of those clerks who participate in the Supreme Court's automated information system.

B. The clerk of the circuit court and district court of every county and city shall submit quarterly to the attorney for the Commonwealth of his county or city and any probation agency that serves such county or city:

1. A list of all defendants with an outstanding balance of restitution ordered by the court served by such clerk. Such report shall include the defendant's name, case number, total amount of restitution ordered, amount of restitution remaining due, and last date of payment; and

2. A list of all accounts where more than 90 days have passed since an account was sent to collections and no payments have been made toward fines, costs, forfeitures, penalties, or restitution. For accounts where restitution is owed, such report shall include the defendant's name, case number, and total amount of restitution and restitution interest due.

C. It shall be the duty of the attorney for the Commonwealth to cause proper proceedings to be instituted for the collection and satisfaction of all fines, costs, forfeitures, penalties and restitution. The attorney for the Commonwealth shall determine whether it would be impractical or uneconomical for such service to be rendered by the office of the attorney for the Commonwealth. If the defendant does not enter into an installment payment agreement under § 19.2-354, the attorney for the Commonwealth and the clerk may agree to a process by which collection activity may be commenced 90 days after judgment.

If the attorney for the Commonwealth does not undertake collection, he shall contract with (i) private attorneys or private collection agencies, (ii) enter into an agreement with a local governing body, (iii) enter into an agreement with the county or city treasurer, or (iv) use the services of the Department of Taxation, upon such terms and conditions as may be established by guidelines promulgated by the Office of the Attorney General, the Executive Secretary of the Supreme Court with the Department of Taxation and the Compensation Board. If the attorney for the Commonwealth undertakes collection, he shall follow the procedures established by the Department of Taxation and the Compensation Board. Such guidelines shall not supersede contracts between attorneys for the Commonwealth and private attorneys and collection agencies when active collection efforts are being undertaken. As part of such contract, private attorneys or collection agencies shall be given access to the social security number of the defendant in order to assist in the collection effort. Any such private attorney shall be subject to the penalties and provisions of § 18.2-186.3.

The fees of any private attorneys or collection agencies shall be paid on a contingency fee basis out of the proceeds of the amounts collected. However, in no event shall such attorney or collection agency receive a fee for amounts collected by the Department of Taxation under the Setoff Debt Collection Act (§ 58.1-520 et seq.). A local treasurer undertaking collection pursuant to an agreement with the attorney for the Commonwealth may collect the administrative fee authorized by § 58.1-3958.

D. The Department of Taxation and the State Compensation Board shall be responsible for the collection of any judgment which remains unsatisfied or does not meet the conditions of § 19.2-354. Persons owing such unsatisfied judgments or failing to comply with installment payment agreements under § 19.2-354 shall be subject to the delinquent tax collection provisions of Title 58.1. The Department of Taxation and the State Compensation Board shall establish procedures to be followed by clerks of courts, attorneys for the Commonwealth, other state agencies and any private attorneys or collection agents and may employ private attorneys or collection agencies, or engage other state agencies to collect the judgment. The Department of Taxation and the Commonwealth shall be entitled to deduct a fee for services from amounts collected for violations of local ordinances.

The Department of Taxation and the State Compensation Board shall annually report to the Governor and the General Assembly the total of fines, costs, forfeitures and penalties assessed, collected, and unpaid and those which remain unsatisfied or do not meet the conditions of § 19.2-354 by each circuit and district court. The report shall include the procedures established by the Department of Taxation and the State Compensation Board pursuant to this section and a plan for increasing the collection of unpaid fines, costs, forfeitures and penalties. The Auditor of Public Accounts shall annually report to the Governor, the Executive Secretary of the Supreme Court and the General Assembly as to the adherence of clerks of courts, attorneys for the Commonwealth and other state agencies to the procedures established by the Department of Taxation and the State Compensation Board.

*The Office of the Executive Secretary of the Supreme Court shall annually report to the Governor, the General Assembly, the Chairmen of the House and Senate Committees for Courts of Justice, and the Virginia State Crime Commission on the total of restitution assessed, collected, and unpaid for each circuit and district court and the total of restitution collected and deposited into the Criminal Injuries Compensation Fund pursuant to subsection H of § 19.2-305.1 by each circuit and district court.*

#### **§ 19.2-368.3. Powers and duties of Commission.**

The Commission shall have the following powers and duties in the administration of the provisions of this chapter:

1. To adopt, promulgate, amend and rescind suitable rules and regulations to carry out the provisions and purposes of this chapter, to include a distinct policy (i) for the payment of physical evidence recovery kit examinations and (ii) to require each health care provider as defined in § 8.01-581.1 that provides services under this chapter to negotiate with the Commission or its designee to establish prospective agreements relating to rates for payment of claims for such services allowed under § 19.2-368.11:1, such rates to discharge the obligation to the provider in full except where the provider is an agency of the Commonwealth and the claimant receives a third party recovery in addition to the payment from the Fund.

2. Notwithstanding the provisions of § 2.2-3706, to acquire from the attorneys for the Commonwealth, State Police, local police departments, sheriffs' departments, and the Chief Medical Examiner such investigative results, information and data as will enable the Commission to determine if, in fact, a crime was committed or attempted, and the extent, if any, to which the victim or claimant was responsible for his own injury. These data shall include prior adult arrest records and juvenile court disposition records of the offender. For such purposes and in accordance with § 16.1-305, the Commission may also acquire from the juvenile and domestic relations district courts a copy of the order of disposition relating to the crime. The use of any information received by the Commission pursuant to this subdivision shall be limited to carrying out the purposes set forth in this section, and this information shall be confidential and shall not be disseminated further. The

agency from which the information is requested may submit original reports, portions thereof, summaries, or such other configurations of information as will comply with the requirements of this section.

3. To hear and determine all claims for awards filed with the Commission pursuant to this chapter, and to reinvestigate or reopen cases as the Commission deems necessary.

4. To require and direct medical examination of victims.

5. To hold hearings, administer oaths or affirmations, examine any person under oath or affirmation and to issue summonses requiring the attendance and giving of testimony of witnesses and require the production of any books, papers, documentary or other evidence. The powers provided in this subsection may be delegated by the Commission to any member or employee thereof.

6. To take or cause to be taken affidavits or depositions within or without the Commonwealth.

7. To render each year to the Governor and to the General Assembly a written report of its activities. *This report shall include a detailed section on all unclaimed restitution collected and disbursed to the victim from the Criminal Injuries Compensation Fund pursuant to subsection H of § 19.2-305.1.*

8. To accept from the government of the United States grants of federal moneys for disbursement under the provisions of this chapter.

*9. To collect and disburse unclaimed restitution pursuant to subsection H of § 19.2-305.1 and develop, in consultation with circuit court clerks and the Office of the Executive Secretary of the Supreme Court of Virginia, policies and procedures for the receipt, collection, and disbursement of unclaimed restitution to victims of crime.*

*10. To identify and locate victims of crime for whom restitution owed to such victims has been deposited into the Criminal Injuries Compensation Fund pursuant to subsection H of § 19.2-305.1. Notwithstanding the provisions of § 2.2-3706, the Commission may acquire from the attorneys for the Commonwealth, State Police, local police departments, and sheriffs' departments such information as will enable the Commission to identify and locate such victims. The use of any information received by the Commission pursuant to this subdivision shall be limited to carrying out the purposes set forth in this section, and this information shall be confidential and shall not be disseminated further.*

**CHAPTER 726**

*An Act to amend and reenact § 15.2-2286 of the Code of Virginia, relating to zoning; penalties.*

[H 709]

Approved March 30, 2018

**Be it enacted by the General Assembly of Virginia:**

**1. That § 15.2-2286 of the Code of Virginia is amended and reenacted as follows:**

**§ 15.2-2286. Permitted provisions in zoning ordinances; amendments; applicant to pay delinquent taxes; penalties.**

A. A zoning ordinance may include, among other things, reasonable regulations and provisions as to any or all of the following matters:

1. For variances or special exceptions, as defined in § 15.2-2201, to the general regulations in any district.

2. For the temporary application of the ordinance to any property coming into the territorial jurisdiction of the governing body by annexation or otherwise, subsequent to the adoption of the zoning ordinance, and pending the orderly amendment of the ordinance.

3. For the granting of special exceptions under suitable regulations and safeguards; notwithstanding any other provisions of this article, the governing body of any locality may reserve unto itself the right to issue such special exceptions. Conditions imposed in connection with residential special use permits, wherein the applicant proposes affordable housing, shall be consistent with the objective of providing affordable housing. When imposing conditions on residential projects specifying materials and methods of construction or specific design features, the approving body shall consider the impact of the conditions upon the affordability of housing.

The governing body or the board of zoning appeals of the City of Norfolk may impose a condition upon any special exception relating to retail alcoholic beverage control licensees which provides that such special exception will automatically expire upon a change of ownership of the property, a change in possession, a change in the operation or management of a facility or upon the passage of a specific period of time.

The governing body of the City of Richmond may impose a condition upon any special use permit issued after July 1, 2000, relating to retail alcoholic beverage licensees which provides that such special use permit shall be subject to an automatic review by the governing body upon a change in possession, a change in the owner of the business, or a transfer of majority control of the business entity. Upon review by the governing body, it may either amend or revoke the special use permit after notice and a public hearing as required by § 15.2-2206.

4. For the administration and enforcement of the ordinance including the appointment or designation of a zoning administrator who may also hold another office in the locality. The zoning administrator shall have all necessary authority on behalf of the governing body to administer and enforce the zoning ordinance. His authority shall include (i) ordering in writing the remedying of any condition found in violation of the ordinance; (ii) insuring compliance with the ordinance, bringing legal action, including injunction, abatement, or other appropriate action or proceeding subject to appeal pursuant

to § 15.2-2311; and (iii) in specific cases, making findings of fact and, with concurrence of the attorney for the governing body, conclusions of law regarding determinations of rights accruing under § 15.2-2307 or subsection C of § 15.2-2311.

Whenever the zoning administrator has reasonable cause to believe that any person has engaged in or is engaging in any violation of a zoning ordinance that limits occupancy in a residential dwelling unit, which is subject to a civil penalty that may be imposed in accordance with the provisions of § 15.2-2209, and the zoning administrator, after a good faith effort to obtain the data or information necessary to determine whether a violation has occurred, has been unable to obtain such information, he may request that the attorney for the locality petition the judge of the general district court for his jurisdiction for a subpoena duces tecum against any such person refusing to produce such data or information. The judge of the court, upon good cause shown, may cause the subpoena to be issued. Any person failing to comply with such subpoena shall be subject to punishment for contempt by the court issuing the subpoena. Any person so subpoenaed may apply to the judge who issued the subpoena to quash it.

Notwithstanding the provisions of § 15.2-2311, a zoning ordinance may prescribe an appeal period of less than 30 days, but not less than 10 days, for a notice of violation involving temporary or seasonal commercial uses, parking of commercial trucks in residential zoning districts, maximum occupancy limitations of a residential dwelling unit, or similar short-term, recurring violations.

Where provided by ordinance, the zoning administrator may be authorized to grant a modification from any provision contained in the zoning ordinance with respect to physical requirements on a lot or parcel of land, including but not limited to size, height, location or features of or related to any building, structure, or improvements, if the administrator finds in writing that: (i) the strict application of the ordinance would produce undue hardship; (ii) such hardship is not shared generally by other properties in the same zoning district and the same vicinity; and (iii) the authorization of the modification will not be of substantial detriment to adjacent property and the character of the zoning district will not be changed by the granting of the modification. Prior to the granting of a modification, the zoning administrator shall give, or require the applicant to give, all adjoining property owners written notice of the request for modification, and an opportunity to respond to the request within 21 days of the date of the notice. The zoning administrator shall make a decision on the application for modification and issue a written decision with a copy provided to the applicant and any adjoining landowner who responded in writing to the notice sent pursuant to this paragraph. The decision of the zoning administrator shall constitute a decision within the purview of § 15.2-2311, and may be appealed to the board of zoning appeals as provided by that section. Decisions of the board of zoning appeals may be appealed to the circuit court as provided by § 15.2-2314.

The zoning administrator shall respond within 90 days of a request for a decision or determination on zoning matters within the scope of his authority unless the requester has agreed to a longer period.

5. For the imposition of penalties upon conviction of any violation of the zoning ordinance. Any such violation shall be a misdemeanor punishable by a fine of not ~~less than \$10 nor~~ more than \$1,000. If the violation is uncorrected at the time of the conviction, the court shall order the violator to abate or remedy the violation in compliance with the zoning ordinance, within a time period established by the court. Failure to remove or abate a zoning violation within the specified time period shall constitute a separate misdemeanor offense punishable by a fine of not ~~less than \$10 nor~~ more than \$1,000; ~~and~~; any such failure during ~~any a~~ succeeding 10-day period shall constitute a separate misdemeanor offense ~~for each 10-day period~~ punishable by a fine of not ~~less than \$100 nor~~ more than \$1,500; ~~and any such failure during any succeeding 10-day period shall constitute a separate misdemeanor offense for each 10-day period punishable by a fine of not more than \$2,000.~~

However, any conviction resulting from a violation of provisions regulating the number of unrelated persons in single-family residential dwellings shall be punishable by a fine of up to \$2,000. Failure to abate the violation within the specified time period shall be punishable by a fine of up to \$5,000, and any such failure during any succeeding 10-day period shall constitute a separate misdemeanor offense for each 10-day period punishable by a fine of up to \$7,500. However, no such fine shall accrue against an owner or managing agent of a single-family residential dwelling unit during the pendency of any legal action commenced by such owner or managing agent of such dwelling unit against a tenant to eliminate an overcrowding condition in accordance with Chapter 13 or Chapter 13.2 of Title 55, as applicable. A conviction resulting from a violation of provisions regulating the number of unrelated persons in single-family residential dwellings shall not be punishable by a jail term.

6. For the collection of fees to cover the cost of making inspections, issuing permits, advertising of notices and other expenses incident to the administration of a zoning ordinance or to the filing or processing of any appeal or amendment thereto.

7. For the amendment of the regulations or district maps from time to time, or for their repeal. Whenever the public necessity, convenience, general welfare, or good zoning practice requires, the governing body may by ordinance amend, supplement, or change the regulations, district boundaries, or classifications of property. Any such amendment may be initiated (i) by resolution of the governing body; (ii) by motion of the local planning commission; or (iii) by petition of the owner, contract purchaser with the owner's written consent, or the owner's agent therefor, of the property which is the subject of the proposed zoning map amendment, addressed to the governing body or the local planning commission, who shall forward such petition to the governing body; however, the ordinance may provide for the consideration of proposed amendments only at specified intervals of time, and may further provide that substantially the same petition will not be reconsidered within a specific period, not exceeding one year. Any such resolution or motion by such governing body or commission proposing the rezoning shall state the above public purposes therefor.

In any county having adopted such zoning ordinance, all motions, resolutions or petitions for amendment to the zoning ordinance, and/or map shall be acted upon and a decision made within such reasonable time as may be necessary which shall not exceed 12 months unless the applicant requests or consents to action beyond such period or unless the applicant withdraws his motion, resolution or petition for amendment to the zoning ordinance or map, or both. In the event of and upon such withdrawal, processing of the motion, resolution or petition shall cease without further action as otherwise would be required by this subdivision.

8. For the submission and approval of a plan of development prior to the issuance of building permits to assure compliance with regulations contained in such zoning ordinance.

9. For areas and districts designated for mixed use developments or planned unit developments as defined in § 15.2-2201.

10. For the administration of incentive zoning as defined in § 15.2-2201.

11. For provisions allowing the locality to enter into a voluntary agreement with a landowner that would result in the downzoning of the landowner's undeveloped or underdeveloped property in exchange for a tax credit equal to the amount of excess real estate taxes that the landowner has paid due to the higher zoning classification. The locality may establish reasonable guidelines for determining the amount of excess real estate tax collected and the method and duration for applying the tax credit. For purposes of this section, "downzoning" means a zoning action by a locality that results in a reduction in a formerly permitted land use intensity or density.

12. Provisions for requiring and considering Phase I environmental site assessments based on the anticipated use of the property proposed for the subdivision or development that meet generally accepted national standards for such assessments, such as those developed by the American Society for Testing and Materials, and Phase II environmental site assessments, that also meet accepted national standards, such as, but not limited to, those developed by the American Society for Testing and Materials, if the locality deems such to be reasonably necessary, based on findings in the Phase I assessment, and in accordance with regulations of the United States Environmental Protection Agency and the American Society for Testing and Materials. A reasonable fee may be charged for the review of such environmental assessments. Such fees shall not exceed an amount commensurate with the services rendered, taking into consideration the time, skill, and administrative expense involved in such review.

13. Provisions for requiring disclosure and remediation of contamination and other adverse environmental conditions of the property prior to approval of subdivision and development plans.

14. For the enforcement of provisions of the zoning ordinance that regulate the number of persons permitted to occupy a single-family residential dwelling unit, provided such enforcement is in compliance with applicable local, state and federal fair housing laws.

15. For the issuance of inspection warrants by a magistrate or court of competent jurisdiction. The zoning administrator or his agent may make an affidavit under oath before a magistrate or court of competent jurisdiction and, if such affidavit establishes probable cause that a zoning ordinance violation has occurred, request that the magistrate or court grant the zoning administrator or his agent an inspection warrant to enable the zoning administrator or his agent to enter the subject dwelling for the purpose of determining whether violations of the zoning ordinance exist. After issuing a warrant under this section, the magistrate or judge shall file the affidavit in the manner prescribed by § 19.2-54. After executing the warrant, the zoning administrator or his agents shall return the warrant to the clerk of the circuit court of the city or county wherein the inspection was made. The zoning administrator or his agent shall make a reasonable effort to obtain consent from the owner or tenant of the subject dwelling prior to seeking the issuance of an inspection warrant under this section.

B. Prior to the initiation of an application by the owner of the subject property, the owner's agent, or any entity in which the owner holds an ownership interest greater than 50 percent, for a special exception, special use permit, variance, rezoning or other land disturbing permit, including building permits and erosion and sediment control permits, or prior to the issuance of final approval, the authorizing body may require the applicant to produce satisfactory evidence that any delinquent real estate taxes, nuisance charges, stormwater management utility fees, and any other charges that constitute a lien on the subject property, that are owed to the locality and have been properly assessed against the subject property, have been paid, unless otherwise authorized by the treasurer.

**CHAPTER 727**

*An Act to amend and reenact § 17.1-100 of the Code of Virginia, relating to discretionary sentencing guidelines; judicial performance evaluation program.*

[H 1055]

Approved March 30, 2018

**Be it enacted by the General Assembly of Virginia:**

**1. That § 17.1-100 of the Code of Virginia is amended and reenacted as follows:**

**§ 17.1-100. Judicial performance evaluation program.**

A. The Supreme Court, by rule, shall establish and maintain a judicial performance evaluation program that will provide a self-improvement mechanism for judges and a source of information for the reelection process. By December 1 of each year, the Supreme Court, or its designee, shall transmit a report of the evaluation in the final year of the term of each

justice and judge whose term expires during the next session of the General Assembly to the Chairmen of the House and Senate Committees for Courts of Justice. *Such report shall include the number of cases during the judge's term in which a judge imposed a sentence that is either greater or less than that indicated by the sentencing guidelines and did not file a written explanation of such departure required pursuant to subsection B of § 19.2-298.01. The Virginia Criminal Sentencing Commission shall provide such information to the Supreme Court by November 1.*

B. The reporting requirement of this section shall become effective when funds are appropriated for this program and shall apply to the evaluation of any justice or judge who has had at least one interim evaluation conducted during his term. For any judge or justice elected or reelected on or after January 1, 2014, an interim evaluation of each individual justice or judge shall be completed during his term. Such interim evaluation shall be commenced by the judicial performance evaluation program no later than the midpoint of his term.

C. All records created or maintained by or on behalf of the judicial performance evaluation program related to an evaluation of any individual justice or judge are confidential and shall not be disclosed, except that any report provided to the General Assembly pursuant to this section shall be a public record that is open to inspection.

## CHAPTER 728

*An Act to amend and reenact § 15.2-1301 of the Code of Virginia, relating to economic growth-sharing agreements.*

[H 1148]

Approved March 30, 2018

**Be it enacted by the General Assembly of Virginia:**

**1. That § 15.2-1301 of the Code of Virginia is amended and reenacted as follows:**

**§ 15.2-1301. Voluntary economic growth-sharing agreements.**

A. Any county, city or town, or combination thereof, may enter voluntarily into an agreement with any other county, city or town, or combination thereof, whereby the locality may agree for any purpose otherwise permitted, including the provision on a multi-jurisdictional basis of one or more public services or facilities or any type of economic development project, to enter into binding fiscal arrangements for fixed time periods, to exceed one year, to share in the benefits of the economic growth of their localities. However, if any such agreement contains any provision addressing any issue provided for in ~~Chapter~~ Chapter 32 (§ 15.2-3200 et seq.), 33 (§ 15.2-3300 et seq.), 36 (§ 15.2-3600 et seq.), 38 (§ 15.2-3800 et seq.), 39 (§ 15.2-3900 et seq.), or 41 of this title (§ 15.2-4100 et seq.), the agreement shall be subject to the review and implementation process established by Chapter 34 of this title (§ 15.2-3400 et seq.). *All such agreements, including those that address any issue provided for in Chapter 32, 33, 36, 38, 39, or 41, shall require, at least annually, a report from each locality that is a recipient of funds pursuant to the agreement to each of the other governing bodies of the participating localities that includes (i) the amount of money transferred among the localities pursuant to the agreement and (ii) the uses of such funds by the localities. The parties to any such agreement that has been in effect for at least 10 years as of July 1, 2018, and pursuant to which annual payments exceed \$5 million, shall (a) comply with the reporting requirements of this subsection, notwithstanding whether such requirements are contained in the existing agreement and (b) convene an annual meeting to discuss anticipated future plans for economic growth in the localities.*

B. The terms and conditions of the revenue, tax base or economic growth-sharing agreement as provided in subsection A shall be determined by the affected localities and shall be approved by the governing body of each locality participating in the agreement, provided the governing body of each such locality first holds a public hearing which shall be advertised once a week for two successive weeks in a newspaper of general circulation in the locality. However, the public hearing shall not take place until the Commission on Local Government has issued its findings in accordance with subsection D. For purposes of this section, "revenue, tax base, and economic growth-sharing agreements" means any agreement authorized by subsection A which obligates any locality to pay another locality all or any portion of designated taxes or other revenues received by that political subdivision, but shall not include any interlocal service agreement.

C. Any revenue, tax base or economic growth-sharing agreement entered into under the provisions of this section that creates a debt pursuant to Article VII, Section 10 (b) of the Constitution of Virginia, shall require the board of supervisors to hold a special election on the question as provided in § 15.2-3401.

D. Revenue, tax base, and economic growth-sharing agreements drafted under the provisions of this chapter shall be submitted to the Commission on Local Government for review as provided in subdivision 4 of § 15.2-2903. However, no such review shall be required for two or more localities entering into an economic growth-sharing agreement pursuant to this section in order to facilitate the reception of grants for qualified companies in such locality pursuant to the Port of Virginia Economic and Infrastructure Development Grant Fund and Program established pursuant to § 62.1-132.3:2.

## CHAPTER 729

*An Act to amend and reenact § 4.1-204 of the Code of Virginia, relating to alcoholic beverage control; records of retail licensees.*

[H 1379]

Approved March 30, 2018

**Be it enacted by the General Assembly of Virginia:****1. That § 4.1-204 of the Code of Virginia is amended and reenacted as follows:****§ 4.1-204. Records of licensees; inspection of records and places of business.**

A. Manufacturers, bottlers or wholesalers. — Every licensed manufacturer, bottler or wholesaler shall keep complete, accurate and separate records in accordance with Board regulations of all alcoholic beverages purchased, manufactured, bottled, sold or shipped by him, and the applicable tax required by § 4.1-234 or 4.1-236, if any.

B. Retailers. — Every retail licensee shall keep complete, accurate and separate records, in accordance with Board regulations, of all purchases of alcoholic beverages, the prices charged such licensee therefor, and the names and addresses of the persons from whom purchased. Every retail licensee shall also preserve all invoices showing his purchases for a period as specified by Board regulations. He shall also keep an accurate account of daily sales, showing quantities of alcoholic beverages sold and the total price charged by him therefor. Except as otherwise provided in subsection D, such account need not give the names or addresses of the purchasers thereof, except as may be required by Board regulation for the sale of alcoholic beverages in kegs. In the case of persons holding retail licenses which require sales of food to determine their qualifications for such licenses, the records shall also include purchases and sales of food and nonalcoholic beverages.

*Notwithstanding the provisions of subsection F, electronic records of retail licensees may be stored off site, provided that such records are readily retrievable and available for electronic inspection by the Board or its special agents at the licensed premises. However, in the case that such electronic records are not readily available for electronic inspection on the licensed premises, the retail licensee may obtain Board approval, for good cause shown, to permit the retail licensee to provide the records to a special agent of the Board within three business days or less, as determined by the Board, after a request is made to inspect the records.*

C. Common carriers. — Common carriers of passengers by train, boat, or airplane shall keep records of purchases and sales of alcoholic beverages and food as required by Board regulation.

D. Wine shippers and beer shippers. — Every wine shipper licensee and every beer shipper licensee shall keep complete, accurate, and separate records in accordance with Board regulations of all shipments of wine or beer to persons in the Commonwealth. Such licensees shall also remit on a monthly basis an accurate account stating whether any wine, farm wine, or beer products were sold and shipped and, if so, stating the total quantities of wine and beer sold and the total price charged for such wine and beer. Such records shall include the names and addresses of the purchasers to whom the wine and beer is shipped.

E. Delivery permittees. — Every holder of a delivery permit issued pursuant to § 4.1-212.1 shall keep complete, accurate, and separate records in accordance with Board regulations of all deliveries of wine or beer to persons in the Commonwealth. Such permittees shall also remit on a monthly basis an accurate account that sets forth the total quantities of wine and beer sold and the total price charged for such wine and beer. Such records shall include the names and addresses of the purchasers to whom the wine and beer is delivered. If no wine or beer was sold and delivered in any month, the permittee shall not be required to submit a report to the Board for that month; however, every permittee must submit a report to the Board no less frequently than once every 12 months even if no sales or deliveries have been made in the preceding 12 months.

F. Inspection. — The Board and its special agents shall be allowed free access during reasonable hours to every place in the Commonwealth and to the premises of both (i) every wine shipper licensee and beer shipper licensee and (ii) every delivery permittee wherever located where alcoholic beverages are manufactured, bottled, stored, offered for sale or sold, for the purpose of examining and inspecting such place and all records, invoices and accounts therein. The Board may engage the services of alcoholic beverage control authorities in any state to assist with the inspection of the premises of a wine shipper licensee, a beer shipper licensee, or delivery permittee, or any applicant for such license or permit.

For purposes of a Board inspection of the records of any retail licensees, "reasonable hours" means the hours between 9 a.m. and 5 p.m.; however, if the licensee generally is not open to the public substantially during the same hours, "reasonable hours" shall mean the business hours when the licensee is open to the public. At any other time of day, if the retail licensee's records are not available for inspection, the retailer shall provide the records to a special agent of the Board within 24 hours after a request is made to inspect the records.

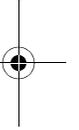
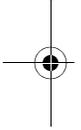
**ACTS  
OF THE  
GENERAL ASSEMBLY**



**2018 REGULAR SESSION**

**VOLUME I**

**VOLUME II**



**ACTS**

**OF THE**

**GENERAL ASSEMBLY**

**OF THE**

**COMMONWEALTH OF VIRGINIA**

**2018 REGULAR SESSION**

**which met at the State Capitol, Richmond**

**Convened Wednesday, January 10, 2018**

**Adjourned sine die Saturday, March 10, 2018**

**Reconvened Wednesday, April 18, 2018**

**Adjourned sine die Wednesday, April 18, 2018**

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**RICHMOND**  
**2018**

**Compiled by the Clerk's Office**

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**Senate of Virginia,**  
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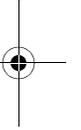
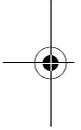
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## CHAPTER 730

*An Act to amend and reenact §§ 15.2-2607 and 58.1-3833 of the Code of Virginia, relating to bond referenda; authorizing localities to make bond issuance contingent on enactment of a food and beverage tax.*

[H 1390]

Approved March 30, 2018

**Be it enacted by the General Assembly of Virginia:****1. That §§ 15.2-2607 and 58.1-3833 of the Code of Virginia are amended and reenacted as follows:****§ 15.2-2607. Provisions which may be embodied in bond ordinances or resolution; adoption; filing copy with court.**

The governing body of any locality, subject to the approval of a majority of the qualified voters of the locality voting on the issuance of such bonds if required by the Constitution of Virginia or by this chapter, is authorized to provide by ordinance or resolution for the issuance, at one time or from time to time, of bonds of the locality for the purposes set forth in and subject to the provisions of this chapter.

Any such ordinance or resolution may contain provisions which shall be a part of the contract with the owners of the bonds as to:

1. The payment of the principal of and premium, if any, and the interest on bonds from (i) ad valorem taxes to be levied without limitation as to rate or amount on all property subject to taxation or (ii) county food and beverage taxes levied pursuant to Article 7.1 (§ 58.1-3833 et seq.) of Chapter 38 of Title 58.1 and the pledging of the full faith and credit of the locality to secure the payment of bonds;

2. The pledge of specified revenues of the locality, other than taxes, ad valorem or otherwise, including, without limitation, the pledge of the revenues of any revenue-producing undertaking or undertakings, to the payment of the principal of and premium, if any, and interest on bonds;

3. The granting of a mortgage or deed of trust lien on any specific revenue-producing undertaking or undertakings to secure the payment of the principal of and premium, if any, and interest on bonds issued to finance in whole or in part the costs of the undertaking or undertakings, but only if the full faith and credit of the locality is not pledged to the payment of the bonds;

4. The securing of the payment of the principal of and premium, if any, and interest on bonds by an ordinance resolution, trust agreement, indenture or other instrument, which may (i) appoint any trust company or bank having the powers of a trust company within or outside the Commonwealth as corporate trustee, (ii) set forth the rights and remedies of the bondholders and of the trustee, (iii) restrict the individual right of action by bondholders, and (iv) contain any other provisions as the governing body of the locality deems reasonable and proper for the security of the bondholders;

5. The payment of the principal of and premium, if any, and the interest on bonds from any one or more of the sources of funds provided for in this section or any combination of them and the pledging of any one or more of the sources of funds or any combination of them to secure the payment of the principal of and premium, if any and interest on bonds;

6. The rates, rents, fees, charges, taxes and other revenues or receipts of any revenue-producing undertaking or undertakings and the amounts to be raised in each year by them, and the use and disposition of such rates, rents, fees, charges, taxes and other revenues and receipts of any undertaking or undertakings;

7. The setting aside of reserves or sinking funds and the regulation and disposition of them;

8. Limitations on the right of the locality to restrict and regulate the use of any project;

9. Limitations on the purpose to which the proceeds of sale of any bonds may be applied;

10. Limitations on issuance of additional revenue bonds;

11. The procedure, if any, by which the terms of any contract with bondholders may be amended or discharged, the amount of bonds the owners of which shall consent to the amendment or abrogation, and the manner in which the consent must be given;

12. Conferring upon the bondholders or the trustee under any ordinance, resolution, trust agreement, indenture or other instrument remedies for enforcing the rights of the bondholders and requiring the governing body to carry out any agreement with the bondholders;

13. Any other matter required by any state or federal agency as a condition precedent to the obtaining of a direct grant or grants of money for or in aid of any project or to defray or partially to defray the cost of the labor and materials employed upon any project, or to obtain a loan or loans of money for or in aid of any project from any state or federal agency; and

14. Any provisions necessary to qualify the interest on the bonds for exclusion from gross income for federal income tax purposes and to maintain that exclusion.

Any ordinance or resolution authorizing the issuance of bonds may be finally adopted at the meeting at which it is introduced, which may be a regular or special meeting, by a majority of the members of the governing body. A certified copy of each such ordinance or resolution shall be filed in the circuit court having jurisdiction over the locality. When any town is situated partly in two or more counties, the certified copy of the ordinance or resolution may be presented to the circuit court for any of the counties. Except as expressly required by this article, the ordinance or resolution need not be published, posted or advertised.

**§ 58.1-3833. County food and beverage tax.**

A. 1. Any county is hereby authorized to levy a tax on food and beverages sold, for human consumption, by a restaurant, as such term is defined in subdivision 9 of § 35.1-1, not to exceed four percent of the amount charged for such food and beverages. Such tax shall not be levied on food and beverages sold through vending machines or by (i) boardinghouses that do not accommodate transients; (ii) cafeterias operated by industrial plants for employees only; (iii) restaurants to their employees as part of their compensation when no charge is made to the employee; (iv) volunteer fire departments and volunteer emergency medical services agencies; nonprofit churches or other religious bodies; or educational, charitable, fraternal, or benevolent organizations the first three times per calendar year and, beginning with the fourth time, on the first \$100,000 of gross receipts per calendar year from sales of food and beverages (excluding gross receipts from the first three times), as a fundraising activity, the gross proceeds of which are to be used by such church, religious body or organization exclusively for nonprofit educational, charitable, benevolent, or religious purposes; (v) churches that serve meals for their members as a regular part of their religious observances; (vi) public or private elementary or secondary schools or institutions of higher education to their students or employees; (vii) hospitals, medical clinics, convalescent homes, nursing homes, or other extended care facilities to patients or residents thereof; (viii) day care centers; (ix) homes for the aged, infirm, handicapped, battered women, narcotic addicts, or alcoholics; or (x) age-restricted apartment complexes or residences with restaurants, not open to the public, where meals are served and fees are charged for such food and beverages and are included in rental fees. Also, the tax shall not be levied on food and beverages: (a) when used or consumed and paid for by the Commonwealth, any political subdivision of the Commonwealth, or the United States; or (b) provided by a public or private nonprofit charitable organization or establishment to elderly, infirm, blind, handicapped, or needy persons in their homes, or at central locations; or (c) provided by private establishments that contract with the appropriate agency of the Commonwealth to offer food, food products, or beverages for immediate consumption at concession prices to elderly, infirm, blind, handicapped, or needy persons in their homes or at central locations.

2. Grocery stores and convenience stores selling prepared foods ready for human consumption at a delicatessen counter shall be subject to the tax, for that portion of the grocery store or convenience store selling such items.

3. This tax shall be levied only if the tax is approved in a referendum within the county which shall be held in accordance with § 24.2-684 and initiated either by a resolution of the board of supervisors or on the filing of a petition signed by a number of registered voters of the county equal in number to 10 percent of the number of voters registered in the county, as appropriate on January 1 of the year in which the petition is filed with the court of such county. However, no referendum initiated by a resolution of the board of supervisors shall be authorized in a county in the three calendar years subsequent to the electoral defeat of any referendum held pursuant to this section in such county. The clerk of the circuit court shall publish notice of the election in a newspaper of general circulation in the county once a week for three consecutive weeks prior to the election. If the voters affirm the levy of a local meals tax, the tax shall be effective in an amount and on such terms as the governing body may by ordinance prescribe. If such resolution of the board of supervisors or such petition states for what projects and/or purposes the revenues collected from the tax are to be used, then the question on the ballot for the referendum shall include language stating for what projects and/or purposes the revenues collected from the tax are to be used.

4. Any referendum held for the purpose of approving a county food and beverage tax pursuant to this section shall, in the language of the ballot question presented to voters, contain the following text in a paragraph unto itself: "If this food and beverage tax is adopted and a maximum tax rate of four percent is imposed, then the total tax imposed on all prepared food and beverage shall be..." followed by the total, expressed as a percentage, of all existing ad valorem taxes applicable to the transaction added to the four percent county food and beverage tax to be approved by the referendum.

5. *Notwithstanding any other provision of this section, if a county that has not imposed a county food and beverage tax adopts an ordinance or resolution pursuant to subdivision 1 of § 15.2-2607 providing for the payment of the principal and premium, if any, and interest on bonds issued in accordance with the Public Finance Act (§ 15.2-2600 et seq.) from revenue collected from a county food and beverage tax, then the ballot may provide, as a single question:*

*a. The purpose or purposes of the bonds to be issued;*

*b. The estimated maximum amount of such bonds proposed in the notice required in subsection A of § 15.2-2606;*

*c. The request for approval by the voters of a county food and beverage tax authorized and levied in accordance with subdivision 3;*

*d. The language required to be included in the ballot question as set forth in subdivision 4; and*

*e. An explanation that the bonds shall be issued only if the county food and beverage tax is approved in the referendum.*

*Any referendum placed on the ballot pursuant to this subdivision 5 shall be submitted according to the procedures specified in § 24.2-684.*

The term "beverage" as set forth herein shall mean alcoholic beverages as defined in § 4.1-100 and nonalcoholic beverages served as part of a meal. The tax shall be in addition to the sales tax currently imposed by the county pursuant to the authority of Chapter 6 (§ 58.1-600 et seq.). Collection of such tax shall be in a manner prescribed by the governing body.

B. Notwithstanding the provisions of subsection A, Roanoke County, Rockbridge County, Frederick County, Arlington County, and Montgomery County, are hereby authorized to levy a tax on food and beverages sold for human consumption by a restaurant, as such term is defined in § 35.1-1 and as modified in subsection A above and subject to the same exemptions, not to exceed four percent of the amount charged for such food and beverages, provided that the governing

body of the respective county holds a public hearing before adopting a local food and beverage tax, and the governing body by unanimous vote adopts such tax by local ordinance. The tax shall be effective in an amount and on such terms as the governing body may by ordinance prescribe.

C. Nothing herein contained shall affect any authority heretofore granted to any county, city or town to levy a meals tax. The county tax limitations imposed pursuant to § 58.1-3711 shall apply to any tax levied under this section, mutatis mutandis. All food and beverage tax collections and all meals tax collections shall be deemed to be held in trust for the county, city or town imposing the applicable tax. The wrongful and fraudulent use of such collections other than remittance of the same as provided by law shall constitute embezzlement pursuant to § 18.2-111.

D. No county which has heretofore adopted an ordinance pursuant to subsection A shall be required to submit an amendment to its meals tax ordinance to the voters in a referendum.

E. Notwithstanding any other provision of this section, no locality shall levy any tax under this section upon (i) that portion of the amount paid by the purchaser as a discretionary gratuity in addition to the sales price; (ii) that portion of the amount paid by the purchaser as a mandatory gratuity or service charge added by the restaurant in addition to the sales price, but only to the extent that such mandatory gratuity or service charge does not exceed 20 percent of the sales price; or (iii) alcoholic beverages sold in factory sealed containers and purchased for off-premises consumption or food purchased for human consumption as "food" is defined in the Food Stamp Act of 1977, 7 U.S.C. § 2012, as amended, and federal regulations adopted pursuant to that act, except for the following items: sandwiches, salad bar items sold from a salad bar, prepackaged single-serving salads consisting primarily of an assortment of vegetables, and nonfactory sealed beverages.

### CHAPTER 731

*An Act to amend and reenact § 8.01-226.8 of the Code of Virginia, relating to civil immunity; programs for probationers; nonprofit corporation officials; worksite supervisors.*

[H 1454]

Approved March 30, 2018

**Be it enacted by the General Assembly of Virginia:**

**1. That § 8.01-226.8 of the Code of Virginia is amended and reenacted as follows:**

**§ 8.01-226.8. Civil immunity for public and nonprofit corporation officials and private volunteers participating in certain programs for probationers.**

Probation officers; court personnel; *state*, county, city, and town personnel; any other public officials; and private volunteers who participate in a program where persons on probation or community service are ordered as a condition of probation or community service to pick up litter along a section of public roadway or waterway, to perform recycling duties at landfills, garbage transfer sites, and other waste disposal systems, to mow rights-of-way or to perform other landscaping maintenance tasks, *or to perform services assigned by such probation officers, court personnel, state, county, city, or town personnel, or private volunteers acting as approved worksite supervisors of a court-approved voluntary jail diversion program* shall not be liable for any civil damages to a probationer or person on community service, or the property of such person, for acts or omissions resulting from such participation, unless such act or omission is the result of willful misconduct. The provisions of this section shall not be interpreted to grant any immunity to a driver transporting the persons on probation or community service or a motorist who, by his negligence, may injure such probationer or person on community service.

*Nonprofit corporation employees or officials who participate in a program where persons on probation or community service are ordered as a condition of probation or community service to pick up litter along a section of public roadway or waterway, to perform recycling duties at landfills, garbage transfer sites, and other waste disposal systems, to mow rights-of-way or to perform other landscaping maintenance tasks, or to perform services assigned by such nonprofit corporation employees or officials acting as approved worksite supervisors of a court-approved voluntary jail diversion program shall not be liable for any civil damages to a probationer or person on community service, or the property of such person, for acts or omissions resulting from such participation, unless such act or omission is the result of gross negligence or willful misconduct.*

### CHAPTER 732

*An Act to amend and reenact § 15.2-1644 of the Code of Virginia, relating to removal of county courthouse.*

[H 1546]

Approved March 30, 2018

**Be it enacted by the General Assembly of Virginia:**

**1. That § 15.2-1644 of the Code of Virginia is amended and reenacted as follows:**

**§ 15.2-1644. Petition for removal of county courthouse; writ of election.**

A. Whenever a number of voters equal to at least one third of the voters of a county registered in the county on the January 1 preceding filing of the petition, petition the circuit court of such county, or whenever the governing body of any

county by resolution duly adopted requests the circuit court for such county, for an election in such county on the question of the removal of the courthouse to one or more places specified in the petition or resolution, such court shall issue a writ of election in accordance with Article 5 (§ 24.2-681 et seq.) of Chapter 6 of Title 24.2, which shall fix the day of holding such election. Such petition shall also state the amount to be appropriated by the board of supervisors for the purchase of land, unless the land is to be donated, and for the erection of necessary buildings and improvements at the new location.

B. If the courthouse is used before and after removal for any city as well as for the county, then the petition shall be signed by a number of voters equal to at least one-third of the total number of voters registered in the locality on the January 1 preceding filing of the petition. The registered voters of such city shall be eligible to sign the petition. The petition shall state the amounts to be appropriated by both the county and city. The voters of such city shall be eligible to vote in any election on the question of relocating the courthouse. The court shall issue a writ of election to such city the same as issued to and for the county.

The votes of such city voters shall be treated as if they were cast by qualified voters of the county for the purposes of these sections (§§ 15.2-1644 through 15.2-1654).

C. In the case of the removal of a county courthouse that is not located in a city or town, and *that* is not being relocated to a city or town, such removal shall not require a petition or approval by the voters. *However, this subsection shall not apply to the removal or relocation of any county courthouse, whether located on county or city property, that is entirely surrounded by a city, and any such courthouse shall be removed or relocated only in accordance with the provisions of subsections A and B.*

### CHAPTER 733

*An Act to amend and reenact §§ 54.1-2350 and 55-509.1 of the Code of Virginia, relating to the Common Interest Community Board; disclosure packets; registration of associations.*

[S 328]

Approved March 30, 2018

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 54.1-2350 and 55-509.1 of the Code of Virginia are amended and reenacted as follows:**

**§ 54.1-2350. Annual report and disclosure packets.**

In addition to the provisions of § 54.1-2349, the Board shall:

1. Administer the provisions of Chapter 29 (§ 55-528 et seq.) of Title 55;
2. Develop and disseminate an association annual report form for use in accordance with §§ 55-79.93:1, 55-504.1, and 55-516.1; and
3. Develop and disseminate a one-page form to accompany association disclosure packets required pursuant to § 55-509.5, which form shall summarize the unique characteristics of property owners' associations generally and shall make known to prospective purchasers the unusual and material circumstances affecting a lot owner in a property owners' association, including (i) the obligation of a lot owner to pay regular annual or special assessments to the association, (ii) the penalty for failure or refusal to pay such assessments, (iii) the purposes for which such assessments may be used, (iv) the importance of the declaration of restrictive covenants and other governing documents play in association living, (v) *the period or length of declarant control*, and ~~(vi)~~ (vi) that the purchase contract for a lot within an association is a legally binding document once it is signed by the prospective purchaser where the purchaser has not elected to cancel the purchase contract in accordance with law.

**§ 55-509.1. Developer to register and file annual report; payment of real estate taxes attributable to the common area upon transfer to association.**

*A. Unless control of the association has been transferred to the members, the developer shall register the association with the Common Interest Community Board within 30 days after recordation of the declaration and thereafter shall ensure that the report required pursuant to § 55-516.1 has been filed.*

*B. Upon the transfer of the common area to the association, the developer shall pay all real estate taxes attributable to the open or common space as defined in § 58.1-3284.1 through the date of the transfer to the association.*

**2. That the provisions of this act amending § 55-509.1 of the Code of Virginia shall become effective on July 1, 2019.**

### CHAPTER 734

*An Act to amend and reenact §§ 4.1-119 and 4.1-215 of the Code of Virginia, relating to alcoholic beverage control; distiller licensee; samples; special events.*

[S 486]

Approved March 30, 2018

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 4.1-119 and 4.1-215 of the Code of Virginia are amended and reenacted as follows:**

**§ 4.1-119. Operation of government stores.**

A. Subject to the requirements of §§ 4.1-121 and 4.1-122, the Board may establish, maintain, and operate government stores for the sale of alcoholic beverages, other than beer and wine not produced by farm wineries, vermouth, mixers, products used in connection with distilled spirits, including any garnish or garnishment applied to the rim of a glass of distilled spirits, as may be approved by the Board from time to time, and products licensed by the Virginia Tourism Corporation as specified in § 4.1-103 in such counties, cities, and towns considered advisable by the Board. The Board may discontinue any such store.

B. With respect to the sale of wine or cider produced by farm wineries, the Board may give preference to farm wineries that produce 2,500 cases or less of wine or cider per year.

C. The Board shall fix the wholesale and retail prices at which the various classes, varieties and brands of alcoholic beverages and other Board-approved products that are sold in government stores. Differences in the cost of operating stores, and market competition and conditions may be reflected in the sale price of alcoholic beverages sold at government stores. The Board may sell alcoholic beverages to federal instrumentalities (i) authorized and operating under the laws of the United States and regulations of the United States Department of Defense and (ii) located within the boundaries of federal enclaves or reservations over which the United States has acquired jurisdiction, at prices which may be greater or less than the wholesale price charged other authorized purchasers. Nothing in this subsection shall be construed to limit the authority of the Board to fix the retail price of alcoholic beverages sold at government stores, which retail price may include promotional, volume, or other discounts deemed appropriate by the Board.

D. Alcoholic beverages at government stores shall be sold by employees of the Authority who shall carry out the provisions of this title and Board regulations governing the operation of government stores and the sale of alcoholic beverages, except that the Board may appoint the holder of a distiller's license or its officers and employees as agents of the Board for the sale of spirits, manufactured by or for, or blended by such licensee on the licensed premises, at government stores established by the Board (i) on the distiller's licensed premises or (ii) at the site of an event licensed by the Board and conducted for the purpose of featuring and educating the consuming public about spirits products.

Such agents shall sell the spirits in accordance with the provisions of this title, Board regulations, and the terms of the agency agreement between the Authority and the licensed distiller.

For the purposes of this subsection, "blended" means the receipt by a licensed distiller of deliveries and shipments of alcoholic beverages, other than wine and beer, in accordance with subdivision 6 of § 4.1-201 to be (i) additionally aged by the receiving distillery in order to increase the quality and flavor of such alcoholic beverages and (ii) bottled by the receiving distillery.

E. (Effective until July 1, 2022) No Class 1 neutral grain spirit or alcohol, as defined by federal regulations, that is without distinctive character, aroma, taste or color shall be sold in government stores at a proof greater than 151 except upon permits issued by the Board for industrial, commercial, culinary, or medical use.

E. (Effective July 1, 2022) No Class 1 neutral grain spirit or alcohol, as defined by federal regulations, that is without distinctive character, aroma, taste or color shall be sold in government stores at a proof greater than 101 except upon permits issued by the Board for industrial, commercial, culinary, or medical use.

F. All alcoholic beverages sold in government stores, except for tasting samples pursuant to subsection G sold in government stores established by the Board on a distiller's licensed premises, shall be in closed containers, sealed and affixed with labels prescribed by the Board.

G. No alcoholic beverages shall be consumed in a government store by any person unless it is part of an organized tasting event conducted by (i) an employee of a manufacturer of distilled spirits or farm winery or (ii) an authorized representative of a manufacturer of distilled spirits or farm winery with a permit issued by the Board pursuant to subdivision A 15 of § 4.1-212, at which the samples of alcoholic beverages provided to any consumer do not exceed the limits for spirits or wine set forth in subdivision A 5 of § 4.1-201.1. No sample may be consumed by any individual to whom alcoholic beverages may not lawfully be sold pursuant to § 4.1-304.

Notwithstanding the provision of this subsection to the contrary, an agent of the Board appointed pursuant to subsection D may give samples of spirits, beer, wine, or cider to persons to whom alcoholic beverages may be lawfully sold for on-premises consumption, provided that (i) the spirits, beer, wine, or cider samples are manufactured within the same licensed premises or on contiguous premises of such agent licensed as a distillery, brewery, or winery or cider; (ii) no single sample shall exceed four ounces of beer, two ounces of wine, or one-half ounce of spirits, unless served as a mixed beverage, in which case a single sample of spirits may contain up to one and one-half ounces of spirits; (iii) no more than four total samples of alcoholic beverage products or, in the case of spirits samples, no more than three ounces of spirits shall be given or sold to any person per day; and (iv) in the case of spirits samples, a method is used to track the consumption of each consumer. Nothing in this paragraph shall prohibit such agent from serving samples of spirits as part of a mixed beverage. *Such mixed beverage samples may contain spirits or vermouth not manufactured on the licensed premises or on contiguous premises of the licensed distillery, provided that at least 75 percent of the alcohol used in such samples is manufactured on the licensed premises or on contiguous premises of the licensed distillery. An agent of the Board appointed pursuant to subsection D may keep on the licensed premises no more than 10 varieties of spirits or vermouth not manufactured on the licensed premises or on contiguous premises of the licensed distillery. Any spirits or vermouth used in such samples that are not manufactured on the licensed premises or on contiguous premises of the licensed distillery shall be purchased from the Board.*

The Board shall establish guidelines governing tasting events conducted pursuant to this subsection.

H. With respect to purchases by licensees at government stores, the Authority shall (i) accept in payment for any purchase or series of purchases cash, electronic fund transfer, credit or debit card, or check payable to the Authority, in the exact amount of any such purchase or series of purchases and (ii) provide notice to licensees on Board policies relating to the assignment of government stores from which licensees may purchase products and any procedure for the licensee to elect to make purchases from an alternative government store.

I. With respect to purchases by consumers at government stores, the Authority shall accept cash in payment for any purchase or series of purchases. The Board may adopt regulations which provide for accepting a credit card or debit card as payment. Such regulations may provide for the collection, where appropriate, of related fees, penalties and service charges for the use of a credit card or debit card by any consumer.

J. Before the Authority implements any increase in the markup on distilled spirits or any change to the markup formula for distilled spirits pursuant to § 4.1-235 that would result in an increase in the retail price of distilled spirits sold to the public, the Authority shall (i) provide at least 45 days' public notice before such a price increase takes effect; (ii) provide the opportunity for submission of written comments regarding the proposed price increase; (iii) conduct a public meeting for the purpose of receiving verbal comment regarding the proposed price increase; and (iv) consider any written or verbal comments before implementing such a price increase.

**§ 4.1-215. Limitation on manufacturers, bottlers and wholesalers; exemptions.**

A. 1. Unless exempted pursuant to subsection B, no retail license for the sale of alcoholic beverages shall be granted to any (i) manufacturer, bottler or wholesaler of alcoholic beverages, whether licensed in the Commonwealth or not; (ii) officer or director of any such manufacturer, bottler or wholesaler; (iii) partnership or corporation, where any partner or stockholder is an officer or director of any such manufacturer, bottler or wholesaler; (iv) corporation which is a subsidiary of a corporation which owns or has interest in another subsidiary corporation which is a manufacturer, bottler or wholesaler of alcoholic beverages; or (v) manufacturer, bottler or wholesaler of alcoholic beverages who has a financial interest in a corporation which has a retail license as a result of a holding company, which owns or has an interest in such manufacturer, bottler or wholesaler of alcoholic beverages. Nor shall such licenses be granted in any instances where such manufacturer, bottler or wholesaler and such retailer are under common control, by stock ownership or otherwise.

2. Notwithstanding any other provision of this title:

a. A manufacturer of malt beverages, whether licensed in the Commonwealth or not, may obtain a banquet license as provided in § 4.1-209 upon application to the Board, provided that the event for which a banquet license is obtained is ~~(a)~~ (i) at a place approved by the Board and ~~(b)~~ (ii) conducted for the purposes of featuring and educating the consuming public about malt beverage products. Such manufacturer shall be limited to eight banquet licenses for such events per year without regard to the number of breweries owned or operated by such manufacturer or by any parent, subsidiary, or company under common control with such manufacturer. Where the event occurs on no more than three consecutive days, a manufacturer need only obtain one such license for the event; or

b. A manufacturer of wine, whether licensed in the Commonwealth or not, may obtain a banquet license as provided in § 4.1-209 upon application to the Board, provided that the event for which a banquet license is obtained is (i) at a place approved by the Board and (ii) conducted for the purposes of featuring and educating the consuming public about wine products. Such manufacturer shall be limited to eight banquet licenses for such events per year without regard to the number of wineries owned or operated by such manufacturer or by any parent, subsidiary, or company under common control with such manufacturer. Where the event occurs on no more than three consecutive days, a manufacturer need only obtain one such license for the event.

3. Notwithstanding any other provision of this title, a manufacturer of distilled spirits, whether licensed in the Commonwealth or not, may obtain a banquet license for a special event as provided in subdivision A 4 of § 4.1-210 upon application to the Board, provided that such event is ~~(1)~~ (i) at a place approved by the Board and ~~(2)~~ (ii) conducted for the purposes of featuring and educating the consuming public about the manufacturer's spirits products. Such manufacturer shall be limited to no more than ~~four~~ eight banquet licenses for such special events per year. Where the event occurs on no more than three consecutive days, a manufacturer need only obtain one such license for the event. Such banquet license shall authorize the manufacturer to *sell or give* samples of spirits to any person to whom alcoholic beverages may be lawfully sold in designated areas at the special event, provided that ~~(A)~~ (a) no single sample shall exceed one-half ounce per spirits product offered, unless served as a mixed beverage, in which case a single sample may contain up to one and one-half ounces of spirits, and ~~(B)~~ (b) no more than three ounces of spirits may be offered to any patron *per day*. Nothing in this paragraph shall prohibit such manufacturer from serving such samples as part of a mixed beverage.

B. This section shall not apply to:

1. Corporations operating dining cars, buffet cars, club cars or boats;
2. Brewery, distillery, or winery licensees engaging in conduct authorized by subdivision A 5 of § 4.1-201;
3. Farm winery licensees in conduct authorized by subdivision 5 of § 4.1-207;
4. Manufacturers, bottlers or wholesalers of alcoholic beverages who do not (i) sell or otherwise furnish, directly or indirectly, alcoholic beverages or other merchandise to persons holding a retail license or banquet license as described in subsection A and (ii) require, by agreement or otherwise, such person to exclude from sale at his establishment alcoholic beverages of other manufacturers, bottlers or wholesalers;
5. Wineries, farm wineries, or breweries engaging in conduct authorized by § 4.1-209.1 or 4.1-212.1; or

6. One out-of-state winery, not under common control or ownership with any other winery, that is under common ownership or control with one restaurant licensed to sell wine at retail in Virginia, so long as any wine produced by that winery is purchased from a Virginia wholesale wine licensee by the restaurant before it is offered for sale to consumers.

C. The General Assembly finds that it is necessary and proper to require a separation between manufacturing interests, wholesale interests and retail interests in the production and distribution of alcoholic beverages in order to prevent suppliers from dominating local markets through vertical integration and to prevent excessive sales of alcoholic beverages caused by overly aggressive marketing techniques. The exceptions established by this section to the general prohibition against tied interests shall be limited to their express terms so as not to undermine the general prohibition and shall therefore be construed accordingly.

### CHAPTER 735

*An Act to amend and reenact § 30-312 of the Code of Virginia, relating to the MEI Commission; report.*

[S 819]

Approved March 30, 2018

**Be it enacted by the General Assembly of Virginia:**

**1. That § 30-312 of the Code of Virginia is amended and reenacted as follows:**

**§ 30-312. Commission report to General Assembly.**

The Commission shall report annually by the first day of each General Assembly Regular Session on all endorsed incentive packages *for which an offer has been made and publicly announced*. Staff identified in § 30-311 shall assist the commission in preparing such report, which shall contain the following information: (i) the industrial sector of the MEI project or other economic development project, (ii) known competitor states, (iii) employment creation and capital investment expectations, (iv) anticipated average annual wage of the new jobs, (v) local and state returns on investment as prepared by the Virginia Economic Development Partnership Authority, (vi) expected time frame for repayment of the incentives to the Commonwealth in the form of direct and indirect general tax revenues, (vii) details of the proposed incentive package, including the breakdown of the components into various uses and an expected timeline for payments, and (viii) draft legislation or amendments to the Appropriation Act that propose financing for the endorsed incentive package through the Virginia Public Building Authority or any other proposed funding or financing mechanisms.

### CHAPTER 736

*An Act to amend and reenact §§ 19.2-305.2 and 19.2-341 of the Code of Virginia, relating to restitution; penalties other than fines; limitations on actions.*

[S 846]

Approved March 30, 2018

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 19.2-305.2 and 19.2-341 of the Code of Virginia are amended and reenacted as follows:**

**§ 19.2-305.2. Amount of restitution; enforcement.**

A. The court, when ordering restitution pursuant to § 19.2-305.1, may require that such defendant, in the case of an offense resulting in damage to or loss or destruction of property of a victim of the offense, (i) return the property to the owner or (ii) if return of the property is impractical or impossible, pay an amount equal to the greater of the value of the property at the time of the offense or the value of the property at the time of sentencing.

B. An order of restitution may be docketed as provided in § 8.01-446 when so ordered by the court or upon written request of the victim and may be enforced by a victim named in the order to receive the restitution in the same manner as a judgment in a civil action. *Enforcement by a victim of any order of restitution docketed as provided in § 8.01-446 is not subject to any statute of limitations.* Such docketing shall not be construed to prohibit the court from exercising any authority otherwise available to enforce the order of restitution.

**§ 19.2-341. Penalties other than fines; how recovered; in what name; limitation of actions.**

When any statute or ordinance prescribes a monetary penalty other than a fine, unless it is otherwise expressly provided or would be inconsistent with the manifest intention of the General Assembly, it shall be paid to the Commonwealth if prescribed by a statute and paid to the locality if prescribed by an ordinance and recoverable by warrant, presentment, indictment, or information. Penalties imposed and costs taxed in any such proceeding shall constitute a judgment and, if not paid at the time they are imposed, execution may issue thereon in the same manner as upon any other monetary judgment. No such proceeding of any nature, however, shall be brought or had for the recovery of such a penalty or costs due the Commonwealth or any political subdivision thereof, unless within ~~twenty~~ **60** years from the date of the offense or delinquency giving rise to imposition of such penalty if imposed by a circuit court, or within ~~ten~~ **30** years if imposed by a general district court.

CHAPTER 737

*An Act to authorize the issuance of special license plates for supporters of stopping gun violence bearing the legend STOP GUN VIOLENCE; fees.*

[H 287]

Approved April 4, 2018

**Be it enacted by the General Assembly of Virginia:**

1. § 1. *Special license plates for supporters of stopping gun violence bearing the legend STOP GUN VIOLENCE.*  
*On receipt of an application and following the provisions of § 46.2-725 of the Code of Virginia, the Commissioner of the Department of Motor Vehicles shall issue to the applicant special license plates for supporters of stopping gun violence bearing the legend STOP GUN VIOLENCE.*
  - § 2. *Special license plates for supporters of stopping gun violence bearing the legend STOP GUN VIOLENCE; fees.*
    - A. *On receipt of an application and payment of the fee prescribed by this section, and following the provisions of § 46.2-725 of the Code of Virginia other than those relating to the fee for the plates and its disposition, the Commissioner of the Department of Motor Vehicles shall issue to the applicant special license plates for supporters of stopping gun violence bearing the legend STOP GUN VIOLENCE.*
    - B. *The annual fee for plates issued pursuant to this section shall be \$25 in addition to the prescribed fee for state license plates. For each such \$25 fee collected in excess of 1,000 registrations pursuant to this section, \$15 shall be paid into the state treasury and credited to a special nonreverting fund known as the Stop Gun Violence Fund established within the Department of Accounts. These funds shall be paid annually to the Behavioral Health and Developmental Services Fund and used to enhance and ensure for the coming years the quality of care and treatment provided to individuals receiving public mental health, developmental, and substance abuse services in Virginia. All other fees imposed under the provisions of this section shall be paid to, and received by, the Commissioner of the Department of Motor Vehicles and paid by him into the state treasury and set aside as a special fund to be used to meet the necessary expenses incurred by the Department of Motor Vehicles.*
2. **That the provisions of § 1 of the first enactment of this act shall expire on July 1, 2020.**
3. **That the provisions of § 2 of the first enactment of this act shall become effective on July 1, 2020.**

CHAPTER 738

*An Act to direct the Department of Transportation to submit a plan for the remediation of the American Legion Bridge to the General Assembly.*

[H 662]

Approved April 4, 2018

**Be it enacted by the General Assembly of Virginia:**

1. § 1. *The Department of Transportation (Department) shall begin the initial design and related assessments for remediating the American Legion Bridge at the earliest time possible once necessary decisions have been made by the state of Maryland. The Department shall consult with the Commonwealth Transportation Board, the Department of Rail and Public Transportation, and the Northern Virginia Transportation Authority.*  
*The Department shall submit to the Governor and the General Assembly an executive summary and a report of its design and assessments for publication as a House or Senate document when available.*

CHAPTER 739

*An Act to authorize the Department of Conservation and Recreation to convey certain property adjacent to the White Oak Technology Park and Elko Tract Road to the Economic Development Authority of Henrico County.*

[S 353]

Approved April 4, 2018

Whereas, the Department of Conservation and Recreation ("the Department") acquired 39.564 acres of land at the corner of Elko Road and Elko Tract Road in Henrico County ("the Property") from the Division of Engineering and Buildings (now the Department of General Services) by Agreement dated August 10, 1976, of record in Deed Book 1691, Page 89, in the Office of the Circuit Court Clerk of Henrico County, which property was held for possible construction of a new headquarters building for the Department; and

Whereas, the Department of General Services subsequently transferred adjacent lands to the Industrial Development Authority of Henrico County, now known as the Economic Development Authority of Henrico County ("the Authority") for the development of the White Oak Technology Park, by Deed of Bargain and Sale dated September 25, 1996, of record in Deed Book 2675, Page 1312, in the Office of the Circuit Court Clerk of Henrico County; and

Whereas, a portion of the White Oak Technology Park property lying south of Portugee Road is environmentally sensitive and is unsuitable for development; and

Whereas, the Department no longer has any need for the Property and is willing to transfer it to the Authority in exchange for the placement by the Authority of a deed of open space easement and natural area preserve dedication under the Open-Space Land Act (§ 10.1-1700 et seq. of the Code of Virginia) and the Virginia Natural Area Preserves Act (§ 10.1-209 et seq. of the Code of Virginia) on certain portions of the White Oak Technology Park property that are unsuitable for development; now, therefore,

**Be it enacted by the General Assembly of Virginia:**

1. § 1. That the Department of Conservation and Recreation ("the Department"), with approval of the Governor pursuant to § 10.1-109 of the Code of Virginia, or his designee, is hereby authorized to convey to the Economic Development Authority of Henrico County ("the Authority") a parcel of 39.564 acres of land at the corner of Elko Road and Elko Tract Road in Henrico County ("the Property"), which the Department acquired from the Division of Engineering and Buildings by Agreement dated August 10, 1976, of record in Deed Book 1691, Page 89, in the Office of the Circuit Court Clerk of Henrico County. The conveyance shall be made without any monetary consideration and shall be subject to easements and other restrictions of record.

§ 2. That the deed transferring the Property shall be made in a form approved by the Attorney General. The appropriate officials of the Commonwealth are hereby authorized to prepare, execute, and deliver such deed and other documents as may be necessary to accomplish the conveyance.

§ 3. That as a condition of such conveyance, the Authority shall simultaneously convey to the Department a deed of open space easement and natural area preserve dedication on land, the extent of which shall be mutually deemed sufficient by the Department and the Authority, comprising a portion of that property known as White Oak Technology Park, which property was acquired by the Authority from the Department of General Services by Deed of Bargain and Sale dated September 25, 1996, of record in Deed Book 2675, Page 1312, in the Office of the Circuit Court Clerk of Henrico County.

§ 4. That the Authority shall not be required to provide any payment to the Commonwealth under the terms of the Real Estate Purchase Agreement dated May 20, 1996, and amended December 12, 2017, for transfer of the deed of open space easement and natural area preserve dedication set forth above.

**CHAPTER 740**

*An Act to authorize the Department of Conservation and Recreation to convey its interest in certain property at Caledon State Park.*

[S 587]

Approved April 4, 2018

**Be it enacted by the General Assembly of Virginia:**

1. § 1. That in accordance with and as evidence of General Assembly approval pursuant to § 10.1-109 of the Code of Virginia, the Department of Conservation and Recreation (Department) is hereby authorized to quitclaim and release any interest it may hold in the unimproved parcel of land near the southwest corner of Caledon State Park, and containing approximately 6.5 acres bearing Tax Map Parcel No. 6A-1-19, and included within the survey to a deed recorded in Plat Book 8, Page 20, in the Office of Circuit Court Clerk of King George County (the Payne Property) to Rose Payne, her successors and assigns (the Grantee), upon terms and conditions as the Department deems proper, and with the approval of the Governor and in a form approved by the Attorney General, all as required by § 10.1-109 of the Code of Virginia.

§ 2. The purpose of this quitclaim and release is to certify that the Grantee's claim of title is superior to the Department's. The conveyance shall be made without any consideration. The appropriate officials of the Commonwealth are hereby authorized to prepare, execute, and deliver such deed and other documents as may be necessary to accomplish the conveyance.

§ 3. The conveyance shall, to the extent applicable, comply with the requirements of the federal Land and Water Conservation Fund Act (54 U.S.C. § 200301 et seq.). Pursuant to Item 365 I and notwithstanding the provisions of Item C-25 and § 4-13.00 of the 2017 Appropriation Act, the Department is authorized to accept donated parcels of land as needed in order to meet the requirements of the Land and Water Conservation Fund Act.

**CHAPTER 741**

*An Act to amend and reenact § 2.2-3705.2 of the Code of Virginia, relating to the Virginia Freedom of Information Act; exclusion of records related to public safety.*

[S 657]

Approved April 4, 2018

**Be it enacted by the General Assembly of Virginia:**

1. That § 2.2-3705.2 of the Code of Virginia is amended and reenacted as follows:

**§ 2.2-3705.2. Exclusions to application of chapter; records relating to public safety.**

The following information contained in a public record is excluded from the mandatory disclosure provisions of this chapter but may be disclosed by the custodian in his discretion, except where such disclosure is prohibited by law. Redaction of information excluded under this section from a public record shall be conducted in accordance with § 2.2-3704.01.

1. Confidential information, including victim identity, provided to or obtained by staff in a rape crisis center or a program for battered spouses.

2. Information that describes the design, function, operation, or access control features of any security system, whether manual or automated, which is used to control access to or use of any automated data processing or telecommunications system.

3. Information that would disclose the security aspects of a system safety program plan adopted pursuant to 49 C.F.R. Part 659 by the Commonwealth's designated Rail Fixed Guideway Systems Safety Oversight agency; and information in the possession of such agency, the release of which would jeopardize the success of an ongoing investigation of a rail accident or other incident threatening railway safety.

4. Information concerning security plans and specific assessment components of school safety audits, as provided in § 22.1-279.8.

Nothing in this subdivision shall be construed to prevent the disclosure of information relating to the effectiveness of security plans after (i) any school building or property has been subjected to fire, explosion, natural disaster, or other catastrophic event or (ii) any person on school property has suffered or been threatened with any personal injury.

5. Information concerning the mental health assessment of an individual subject to commitment as a sexually violent predator under Chapter 9 (§ 37.2-900 et seq.) of Title 37.2 held by the Commitment Review Committee; except that in no case shall information identifying the victims of a sexually violent predator be disclosed.

6. Subscriber data provided directly or indirectly by a communications services provider to a public body that operates a 911 or E-911 emergency dispatch system or an emergency notification or reverse 911 system if the data is in a form not made available by the communications services provider to the public generally. Nothing in this subdivision shall prevent the disclosure of subscriber data generated in connection with specific calls to a 911 emergency system, where the requester is seeking to obtain public records about the use of the system in response to a specific crime, emergency or other event as to which a citizen has initiated a 911 call.

For the purposes of this subdivision:

"Communications services provider" means the same as that term is defined in § 58.1-647.

"Subscriber data" means the name, address, telephone number, and any other information identifying a subscriber of a communications services provider.

7. Subscriber data collected by a local governing body in accordance with the Enhanced Public Safety Telephone Services Act (§ 56-484.12 et seq.) and other identifying information of a personal, medical, or financial nature provided to a local governing body in connection with a 911 or E-911 emergency dispatch system or an emergency notification or reverse 911 system if such records are not otherwise publicly available.

Nothing in this subdivision shall prevent the disclosure of subscriber data generated in connection with specific calls to a 911 emergency system, where the requester is seeking to obtain public records about the use of the system in response to a specific crime, emergency or other event as to which a citizen has initiated a 911 call.

For the purposes of this subdivision:

"Communications services provider" means the same as that term is defined in § 58.1-647.

"Subscriber data" means the name, address, telephone number, and any other information identifying a subscriber of a communications services provider.

8. Information held by the Virginia Military Advisory Council or any commission created by executive order for the purpose of studying and making recommendations regarding preventing closure or realignment of federal military and national security installations and facilities located in Virginia and relocation of such facilities to Virginia, or a local or regional military affairs organization appointed by a local governing body, that would (i) reveal strategies under consideration or development by the Council or such commission or organizations to prevent the closure or realignment of federal military installations located in Virginia or the relocation of national security facilities located in Virginia, to limit the adverse economic effect of such realignment, closure, or relocation, or to seek additional tenant activity growth from the Department of Defense or federal government or (ii) disclose trade secrets, as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.), provided to the Council or such commission or organizations in connection with their work.

In order to invoke the trade secret protection provided by clause (ii), the submitting entity shall, in writing and at the time of submission (a) invoke this exclusion, (b) identify with specificity the information for which such protection is sought, and (c) state the reason why such protection is necessary. Nothing in this subdivision shall be construed to prevent the disclosure of all or part of any record, other than a trade secret that has been specifically identified as required by this subdivision, after the Department of Defense or federal agency has issued a final, unappealable decision, or in the event of litigation, a court of competent jurisdiction has entered a final, unappealable order concerning the closure, realignment, or expansion of the military installation or tenant activities, or the relocation of the national security facility, for which records are sought.

9. Information, as determined by the State Comptroller, that describes the design, function, operation, or implementation of internal controls over the Commonwealth's financial processes and systems, and the assessment of risks and vulnerabilities of those controls, including the annual assessment of internal controls mandated by the State Comptroller, if disclosure of such information would jeopardize the security of the Commonwealth's financial assets. However, records relating to the investigation of and findings concerning the soundness of any fiscal process shall be disclosed in a form that does not compromise internal controls. Nothing in this subdivision shall be construed to prohibit the Auditor of Public Accounts or the Joint Legislative Audit and Review Commission from reporting internal control deficiencies discovered during the course of an audit.

10. Information relating to the Statewide Agencies Radio System (STARS) or any other similar local or regional public safety communications system that (i) describes the design, function, programming, operation, or access control features of the overall system, components, structures, individual networks, and subsystems of the STARS or any other similar local or regional communications system or (ii) relates to radio frequencies assigned to or utilized by STARS or any other similar local or regional communications system, code plugs, circuit routing, addressing schemes, talk groups, fleet maps, encryption, or programming maintained by or utilized by STARS or any other similar local or regional public safety communications system.

11. Information concerning a salaried or volunteer Fire/EMS company or Fire/EMS department if disclosure of such information would reveal the telephone numbers for cellular telephones, pagers, or comparable portable communication devices provided to its personnel for use in the performance of their official duties.

12. Information concerning the disaster recovery plans or the evacuation plans in the event of fire, explosion, natural disaster, or other catastrophic event for hospitals and nursing homes regulated by the Board of Health pursuant to Chapter 5 (§ 32.1-123 et seq.) of Title 32.1 provided to the Department of Health. Nothing in this subdivision shall be construed to prevent the disclosure of information relating to the effectiveness of executed evacuation plans after the occurrence of fire, explosion, natural disaster, or other catastrophic event.

13. Records received by the Department of Criminal Justice Services pursuant to §§ 9.1-184, 22.1-79.4, and 22.1-279.8 or for purposes of evaluating threat assessment teams established by a public institution of higher education pursuant to § 23.1-805 or by a private nonprofit institution of higher education, to the extent such records reveal security plans, walk-through checklists, or vulnerability and threat assessment components.

14. Information contained in (i) engineering, architectural, or construction drawings; (ii) operational, procedural, tactical planning, or training manuals; (iii) staff meeting minutes; or (iv) other records that reveal any of the following, the disclosure of which would jeopardize the safety or security of any person; governmental facility, building, or structure or persons using such facility, building, or structure; or public or private commercial office, multifamily residential, or retail building or its occupants:

a. Critical infrastructure information or the location or operation of security equipment and systems of any public building, structure, or information storage facility, including ventilation systems, fire protection equipment, mandatory building emergency equipment or systems, elevators, electrical systems, telecommunications equipment and systems, or utility equipment and systems;

b. Vulnerability assessments, information not lawfully available to the public regarding specific cybersecurity threats or vulnerabilities, or security plans and measures of an entity, facility, building structure, information technology system, or software program;

c. Surveillance techniques, personnel deployments, alarm or security systems or technologies, or operational or transportation plans or protocols; or

d. Interconnectivity, network monitoring, network operation centers, master sites, or systems related to the Statewide Agencies Radio System (STARS) or any other similar local or regional public safety communications system.

The same categories of records of any person or entity submitted to a public body for the purpose of antiterrorism response planning or cybersecurity planning or protection may be withheld from disclosure if such person or entity in writing (a) invokes the protections of this subdivision, (b) identifies with specificity the records or portions thereof for which protection is sought, and (c) states with reasonable particularity why the protection of such records from public disclosure is necessary to meet the objective of antiterrorism, cybersecurity planning or protection, or critical infrastructure information security and resilience. Such statement shall be a public record and shall be disclosed upon request.

Any public body receiving a request for records excluded under clauses (a) and (b) of this subdivision 14 shall notify the Secretary of Public Safety and Homeland Security or his designee of such request and the response made by the public body in accordance with § 2.2-3704.

Nothing in this subdivision 14 shall prevent the disclosure of records relating to (1) the structural or environmental soundness of any such facility, building, or structure or (2) an inquiry into the performance of such facility, building, or structure after it has been subjected to fire, explosion, natural disaster, or other catastrophic event.

As used in this subdivision, "critical infrastructure information" means the same as that term is defined in 6 U.S.C. § 131.

15. Information held by the Virginia Commercial Space Flight Authority that is categorized as classified or sensitive but unclassified, including national security, defense, and foreign policy information, provided that such information is exempt under the federal Freedom of Information Act, 5 U.S.C. § 552.

## CHAPTER 742

*An Act to amend and reenact § 2.2-3110 of the Code of Virginia, relating to the State and Local Government Conflict of Interests Act; prohibited conduct relating to contracts; exceptions; officer or immediate family member of officer of the Marine Resources Commission.*

[S 930]

Approved April 4, 2018

**Be it enacted by the General Assembly of Virginia:****1. That § 2.2-3110 of the Code of Virginia is amended and reenacted as follows:****§ 2.2-3110. Further exceptions.**

A. The provisions of Article 3 (§ 2.2-3106 et seq.) shall not apply to:

1. The sale, lease or exchange of real property between an officer or employee and a governmental agency, provided the officer or employee does not participate in any way as such officer or employee in such sale, lease or exchange, and this fact is set forth as a matter of public record by the governing body of the governmental agency or by the administrative head thereof;

2. The publication of official notices;

3. Contracts between the government or school board of a county, city, or town with a population of less than 10,000 and an officer or employee of that county, city, or town government or school board when the total of such contracts between the government or school board and the officer or employee of that government or school board or a business controlled by him does not exceed \$5,000 per year or such amount exceeds \$5,000 and is less than \$25,000 but results from contracts arising from awards made on a sealed bid basis, and such officer or employee has made disclosure as provided for in § 2.2-3115;

4. An officer or employee whose sole personal interest in a contract with the governmental agency is by reason of income from the contracting firm or governmental agency in excess of \$5,000 per year, provided the officer or employee or a member of his immediate family does not participate and has no authority to participate in the procurement or letting of such contract on behalf of the contracting firm and the officer or employee either does not have authority to participate in the procurement or letting of the contract on behalf of his governmental agency or he disqualifies himself as a matter of public record and does not participate on behalf of his governmental agency in negotiating the contract or in approving the contract;

5. When the governmental agency is a public institution of higher education, an officer or employee whose personal interest in a contract with the institution is by reason of an ownership in the contracting firm in excess of three percent of the contracting firm's equity or such ownership interest and income from the contracting firm is in excess of \$5,000 per year, provided that (i) the officer or employee's ownership interest, or ownership and income interest, and that of any immediate family member in the contracting firm is disclosed in writing to the president of the institution, which writing certifies that the officer or employee has not and will not participate in the contract negotiations on behalf of the contracting firm or the institution, (ii) the president of the institution makes a written finding as a matter of public record that the contract is in the best interests of the institution, (iii) the officer or employee either does not have authority to participate in the procurement or letting of the contract on behalf of the institution or disqualifies himself as a matter of public record, and (iv) *the officer or employee* does not participate on behalf of the institution in negotiating the contract or approving the contract;

6. Except when the governmental agency is the Virginia Retirement System, contracts between an officer's or employee's governmental agency and a public service corporation, financial institution, or company furnishing public utilities in which the officer or employee has a personal interest, provided the officer or employee disqualifies himself as a matter of public record and does not participate on behalf of his governmental agency in negotiating the contract or in approving the contract;

7. Contracts for the purchase of goods or services when the contract does not exceed \$500;

8. Grants or other payment under any program wherein uniform rates for, or the amounts paid to, all qualified applicants are established solely by the administering governmental agency;

9. An officer or employee whose sole personal interest in a contract with his own governmental agency is by reason of his marriage to his spouse who is employed by the same agency, if the spouse was employed by such agency for five or more years prior to marrying such officer or employee; or

10. Contracts entered into by an officer or employee or immediate family member of an officer or employee of a soil and water conservation district created pursuant to Article 3 (§ 10.1-506 et seq.) of Chapter 5 of Title 10.1 to participate in the Virginia Agricultural Best Management Practices Cost-Share Program (the Program) established in accordance with § 10.1-546.1 or to participate in other cost-share programs for the installation of best management practices to improve water quality. This subdivision shall not apply to subcontracts or other agreements entered into by an officer or employee of a soil and water conservation district to provide services for implementation of a cost-share contract established under the Program or such other cost-share programs.

*11. Contracts entered into by an officer or immediate family member of an officer of the Marine Resources Commission for goods or services for shellfish replenishment, provided that such officer or immediate family member does not*

*participate in (i) awarding the contract, (ii) authorizing the procurement, or (iii) authorizing the use of alternate procurement methods pursuant to § 28.2-550.*

B. Neither the provisions of this chapter nor, unless expressly provided otherwise, any amendments thereto shall apply to those employment contracts or renewals thereof or to any other contracts entered into prior to August 1, 1987, which were in compliance with either the former Virginia Conflict of Interests Act, Chapter 22 (§ 2.1-347 et seq.) or the former Comprehensive Conflict of Interests Act, Chapter 40 (§ 2.1-599 et seq.) of Title 2.1 at the time of their formation and thereafter. Those contracts shall continue to be governed by the provisions of the appropriate prior Act. Notwithstanding the provisions of subdivision (f)(4) of former § 2.1-348 of Title 2.1 in effect prior to July 1, 1983, the employment by the same governmental agency of an officer or employee and spouse or any other relative residing in the same household shall not be deemed to create a material financial interest except when one of such persons is employed in a direct supervisory or administrative position, or both, with respect to such spouse or other relative residing in his household and the annual salary of such subordinate is \$35,000 or more.

### CHAPTER 743

*An Act to direct the Commonwealth Transportation Board to study financing options for Interstate 81 corridor improvements; report.*

[S 971]

Approved April 4, 2018

Whereas, an adequate, efficient, and safe Interstate 81 corridor is important to the economic well-being of the communities located along the corridor; and

Whereas, Interstate 81 carries 42 percent of all the truck vehicle miles traveled on interstate highways in the Commonwealth and, in 2016, there were more than 2,000 crashes on Interstate 81 and, of such crashes, 30 took more than six hours to clear; and

Whereas, Interstate 81 is a crucial corridor for interstate truck traffic and an efficient artery to promote the flow of goods and continued economic development; and

Whereas, losing one lane of traffic due to a crash reduces the highway capacity by 65 percent; and

Whereas, the lack of parallel routes and automated traffic management systems increases the impact of such crashes on users of Interstate 81; and

Whereas, due to these conditions, the Interstate 81 corridor today does not meet the needs of these communities, and current statewide transportation revenues are not sufficient to implement necessary improvements to the Interstate 81 corridor; now, therefore,

**Be it enacted by the General Assembly of Virginia:**

**1. § 1.** *That the Commonwealth Transportation Board (the Board) be directed to study financing options for Interstate 81 corridor improvements.*

*In conducting its study, the Board shall evaluate the feasibility of using toll financing to improve Interstate 81 throughout the Commonwealth. Such evaluation shall not consider options that toll all users of Interstate 81, and shall not consider tolls on commuters using Interstate 81, but may consider high-occupancy toll lanes established pursuant to § 33.2-502 of the Code of Virginia and tolls on heavy commercial vehicles. The Board, with the support of the Office of Intermodal Planning and Investment, shall develop and adopt an Interstate 81 Corridor Improvement Plan (Plan). Such Plan shall include the examination of the entire length of Interstate 81 and the methods of financing such improvements, and such Plan may include tolls imposed or collected on heavy commercial vehicles but shall not include tolls on commuters using Interstate 81.*

*At a minimum, in the development of such Plan, the Board shall:*

- 1. Designate specific segments of the Interstate 81 corridor for improvement;*
- 2. Identify a targeted set of improvements for each segment that may be financed or funded in such segment and evaluated using the statewide prioritization process pursuant to § 33.2-214.1 of the Code of Virginia;*
- 3. Ensure that in the overall plan of expenditure and distribution of any toll revenues or other financing means evaluated, each segment's total long-term benefit shall be approximately equal to the proportion of the total of the toll revenues collected that are attributable to such segment divided by the total of such toll revenues collected;*
- 4. Study truck travel patterns along the Interstate 81 corridor and analyze policies that minimize the impact on local truck traffic;*
- 5. Identify incident management strategies corridor-wide;*
- 6. Ensure that any revenues collected on Interstate 81 be used only for the benefit of that corridor;*
- 7. Identify actions and policies that will be implemented to minimize the diversion of truck traffic from the Interstate 81 corridor, including the prohibition of through trucks on parallel routes;*
- 8. Determine potential solutions to address truck parking needs along the Interstate 81 corridor; and*
- 9. Assess the potential economic impacts on Virginia agriculture, manufacturing, and logistics sector companies utilizing the I-81 corridor from tolling only heavy commercial trucks.*

*Technical assistance shall be provided to the Commonwealth Transportation Board by the Department of Transportation, the Department of Motor Vehicles, and the Department of State Police. All agencies of the Commonwealth shall provide assistance to the Commonwealth Transportation Board for this study, upon request.*

*The Commonwealth Transportation Board shall complete its meetings by November 30, 2018, and shall submit to the Governor and the General Assembly an executive summary and a report of its findings and recommendations for publication as a House or Senate document. The executive summary and report shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports no later than the first day of the 2019 Regular Session of the General Assembly and shall be posted on the General Assembly's website.*

**2. That nothing in this act shall be construed to conflict with the exclusive authority of the General Assembly to approve tolling on components of highways, bridges, or tunnels.**

#### CHAPTER 744

*An Act to amend the Code of Virginia by adding in Title 59.1 a chapter numbered 22.11, consisting of a section numbered 59.1-284.30, relating to Special Workforce Grant Fund; creation.*

[H 1551]

Approved April 4, 2018

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding in Title 59.1 a chapter numbered 22.11, consisting of a section numbered 59.1-284.30, as follows:**

#### CHAPTER 22.11.

#### SPECIAL WORKFORCE GRANT FUND.

##### **§ 59.1-284.30. Special Workforce Grant Fund created.**

*A. As used in this section, unless the context requires a different meaning:*

*"Capital investment" means an investment on or after May 1, 2017, in real property, tangible personal property, or both, at a facility within an eligible county that has been capitalized or is subject to being capitalized. "Capital investment" may include (i) a capital expenditure related to a leasehold interest in real property; (ii) the purchase or lease of furniture, fixtures, machinery, and equipment, including under an operating lease; and (iii) necessary changes to facilities to accommodate specific business needs and tenant improvements made by or on behalf of the qualified company.*

*"Eligible county" means Fairfax County.*

*"Facility" means the building, group of buildings, or corporate campus, including any related machinery, furniture, fixtures, and equipment, that is owned, leased, licensed, occupied, or otherwise operated by the qualified company for use in the administration, management, and operation of its business.*

*"Fund" means the Special Workforce Grant Fund.*

*"Grant" means a grant from the Special Workforce Grant Fund awarded to a qualified company for up to \$5,600 per new full-time job, and \$25,000 per \$1 million of capital investment, not to exceed a total aggregate award of \$10.5 million. Grants are intended to pay or to reimburse the qualified company for the costs of workforce development, workforce recruitment, and instructional or training purposes. The qualified company may use the award for any lawful purpose.*

*"Memorandum of understanding" means a performance agreement or related document entered into on or before August 1, 2018, between a qualified company and the Commonwealth that sets forth the requirements for capital investment and the creation of new full-time jobs for the qualified company to be eligible for a grant from the Fund.*

*"New full-time job" means employment of an indefinite duration at the facility for which wages and standard fringe benefits are paid, for which the annual average wage is at least equal to the prevailing average wage of the eligible county, and requiring a minimum of either (i) 35 hours of an employee's time per week for the entire normal year of the employer's operations, which "normal year" must consist of at least 48 weeks, or (ii) 1,680 hours per year. A new full-time job shall be a job position in which an employee, an employee of an employee leasing company, or a combination of such employees work at the facility. Seasonal or temporary positions and positions created when a job function is shifted from an existing location in the Commonwealth shall not qualify as new full-time jobs under this section. Other positions, which may or may not be of indefinite duration, including supplemental employees of affiliates, joint ventures, contractors, or subcontractors of the qualified company, may be considered new full-time jobs if designated as such in a memorandum of understanding. "New full-time job" does not include any existing full-time positions at the facility prior to May 1, 2017. The Commonwealth may gauge compliance with the new full-time jobs requirements for the qualified company by reference to the new payroll generated by a qualified company, as indicated in a memorandum of understanding.*

*"Qualified company" means an e-commerce company, including its affiliates, that between May 1, 2017, and December 31, 2022, is expected to (i) make a capital investment at a facility of at least \$84 million and (ii) create at least 1,500 new full-time jobs at the facility related to, or supportive of, its e-commerce business.*

*"Secretary" means the Secretary of Commerce and Trade or his designee.*

*B. There is hereby created in the state treasury a special nonreverting fund to be known as the Special Workforce Grant Fund. The Fund shall be established on the books of the Comptroller. All funds appropriated for such Fund shall be paid*

into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used solely for the purpose to pay grants. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller pursuant to subsection F.

C. A qualified company shall be eligible to receive grants each fiscal year beginning with the Commonwealth's fiscal year starting on July 1, 2021, and ending with the Commonwealth's fiscal year starting on July 1, 2026, unless such timeframe is extended in accordance with the memorandum of understanding. The grants under this section shall be paid to the qualified company from the Fund, subject to appropriation by the General Assembly, during each such fiscal year, contingent upon the qualified company's meeting the requirements set forth in the memorandum of understanding for the number of new full-time jobs created and maintained and the amount of capital investment made. No grant shall be awarded until the qualified company has made a preliminary capital investment of at least \$20 million and has created at least 600 new full-time jobs, and the amount of the grant that may be awarded in a particular fiscal year shall depend on the amount of capital investment and creation of new full-time jobs created to date.

D. The aggregate amount of grants payable under this section shall be calculated in accordance with the memorandum of understanding, estimated to not exceed the following:

1. \$5.31 million for the Commonwealth's fiscal year beginning July 1, 2021;
2. \$8.21 million, less the total amount of grants previously awarded pursuant to this subsection, for the Commonwealth's fiscal year beginning July 1, 2022; and
3. \$10.5 million, less the total amount of grants previously awarded pursuant to this subsection, for the Commonwealth's fiscal year beginning July 1, 2023.

E. A qualified company applying for a grant under this section shall provide evidence, satisfactory to the Secretary, of (i) the aggregate number of new full-time jobs created and maintained as of the last day of the calendar year that immediately precedes the beginning of the fiscal year in which the grant installment is to be paid and (ii) the aggregate amount of the capital investment made as of the last day of the calendar year that immediately precedes the beginning of the fiscal year in which the grant installment is to be paid. The application and evidence shall be filed with the Secretary in person, by mail, or as otherwise agreed upon in the memorandum of understanding, by no later than April 1 each year following the end of the prior calendar year upon which the evidence set forth above is based. Failure to meet the filing deadline shall result in a deferral of a scheduled grant installment payment set forth in subsection D. For filings by mail, the postmark cancellation shall govern the date of the filing determination.

F. Within 30 days of receiving the application and evidence pursuant to subsection E, the Secretary shall certify to the Comptroller and the qualified company the amount of grants to which such qualified company is entitled for payment in the following fiscal year. Payment of such grants shall be made by check issued by the State Treasurer on warrant of the Comptroller in the Commonwealth's fiscal year following the submission of such application. The Comptroller shall not draw any warrants to issue checks for the grants under this section without a specific appropriation for the same.

G. As a condition of receipt of the grants, a qualified company shall make available for inspection to the Secretary or his designee, upon request, all documents relevant and applicable to determining whether the qualified company has met the requirements for the receipt of a grant as set forth in this section and subject to the memorandum of understanding. All such documents appropriately identified by the qualified company shall be considered confidential and proprietary.

## CHAPTER 745

*An Act to amend and reenact § 22.1-298.1 of the Code of Virginia, relating to teacher licensure; reciprocity; spouses of Armed Forces members.*

[H 2]

Approved April 4, 2018

**Be it enacted by the General Assembly of Virginia:**

**1. That § 22.1-298.1 of the Code of Virginia is amended and reenacted as follows:**

**§ 22.1-298.1. Regulations governing licensure.**

A. As used in this section:

"Alternate route to licensure" means a nontraditional route to teacher licensure available to individuals who meet the criteria specified in the regulations issued by the Board of Education.

"Industry certification credential" means an active career and technical education credential that is earned by successfully completing a Board of Education-approved industry certification examination, being issued a professional license in the Commonwealth, or successfully completing an occupational competency examination.

"Licensure by reciprocity" means a process used to issue a license to an individual coming into the Commonwealth from another state when that individual meets certain conditions specified in the Board of Education's regulations.

"Professional teacher's assessment" means those tests mandated for licensure as prescribed by the Board of Education.

"Provisional license" means a nonrenewable license issued by the Board of Education for a specified period of time, not to exceed three years, to an individual who may be employed by a school division in the Commonwealth and who

generally meets the requirements specified in the Board of Education's regulations for licensure, but who may need to take additional coursework or pass additional assessments to be fully licensed with a renewable license.

"Renewable license" means a license issued by the Board of Education for five years to an individual who meets the requirements specified in the Board of Education's regulations.

B. The Board of Education shall prescribe, by regulation, the requirements for the licensure of teachers and other school personnel required to hold a license. Such regulations shall include requirements for the denial, suspension, cancellation, revocation, and reinstatement of licensure and procedures for the immediate and thorough investigation by the division superintendent or his designee of any complaint alleging that a license holder has engaged in conduct that may form the basis for the revocation of his license. At a minimum, such procedures for investigations contained in such regulations shall require (i) the division superintendent to petition for the revocation of the license upon completing such investigation and finding that there is reasonable cause to believe that the license holder has engaged in conduct that forms the basis for revocation of a license; (ii) the school board to proceed to a hearing on such petition for revocation within 90 days of the mailing of a copy of the petition to the license holder, unless the license holder requests the cancellation of his license in accordance with Board regulations; and (iii) the school board to provide a copy of the investigative file and such petition for revocation to the Superintendent of Public Instruction at the time that the hearing is scheduled. The Board of Education shall revoke the license of any person for whom it has received a notice of dismissal or resignation pursuant to subsection F of § 22.1-313 and, in the case of a person who is the subject of a founded complaint of child abuse or neglect, after all rights to any administrative appeal provided by § 63.2-1526 have been exhausted. Regardless of the authority of any other agency of the Commonwealth to approve educational programs, only the Board of Education shall have the authority to license teachers to be regularly employed by school boards, including those teachers employed to provide nursing education.

The Board of Education shall prescribe by regulation the licensure requirements for teachers who teach only online courses, as defined in § 22.1-212.23. Such license shall be valid only for teaching online courses. Teachers who hold a five-year renewable license issued by the Board of Education may teach online courses for which they are properly endorsed.

C. The Board of Education's regulations shall include requirements that a person seeking initial licensure:

1. Complete professional assessments as prescribed by the Board of Education;
2. Complete study in attention deficit disorder;
3. Complete study in gifted education, including the use of multiple criteria to identify gifted students; and
4. Complete study in methods of improving communication between schools and families and ways of increasing family involvement in student learning at home and at school.

D. In addition, such regulations shall include requirements that:

1. Every person seeking initial licensure or renewal of a license demonstrate proficiency in the use of educational technology for instruction;
2. Every person seeking initial licensure and persons seeking licensure renewal as teachers who have not completed such study shall complete study in child abuse recognition and intervention in accordance with curriculum guidelines developed by the Board of Education in consultation with the Department of Social Services that are relevant to the specific teacher licensure routes;
3. Every person seeking initial licensure or renewal of a license shall receive professional development in instructional methods tailored to promote student academic progress and effective preparation for the Standards of Learning end-of-course and end-of-grade assessments;
4. Every person seeking renewal of a license shall complete all renewal requirements, including professional development in a manner prescribed by the Board, except that no person seeking renewal of a license shall be required to satisfy any such requirement by completing coursework and earning credit at an institution of higher education;
5. Every person seeking initial licensure or renewal of a license shall provide evidence of completion of certification or training in emergency first aid, cardiopulmonary resuscitation, and the use of automated external defibrillators. The certification or training program shall (i) be based on the current national evidence-based emergency cardiovascular care guidelines for cardiopulmonary resuscitation and the use of an automated external defibrillator, such as a program developed by the American Heart Association or the American Red Cross, and (ii) include hands-on practice of the skills necessary to perform cardiopulmonary resuscitation. The Board shall provide a waiver for this requirement for any person with a disability whose disability prohibits such person from completing the certification or training;
6. Every person seeking licensure with an endorsement as a teacher of the blind and visually impaired shall demonstrate proficiency in reading and writing Braille;
7. Every teacher seeking an initial license in the Commonwealth with an endorsement in the area of career and technical education shall have an industry certification credential in the area in which the teacher seeks endorsement. If a teacher seeking an initial license in the Commonwealth has not attained an industry certification credential in the area in which the teacher seeks endorsement, the Board may, upon request of the employing school division or educational agency, issue the teacher a provisional license to allow time for the teacher to attain such credential;
8. Every person seeking initial licensure or renewal of a license shall complete awareness training, provided by the Department of Education, on the indicators of dyslexia, as that term is defined by the Board pursuant to regulations, and the evidence-based interventions and accommodations for dyslexia; and

9. Every person seeking initial licensure or renewal of a license with an endorsement as a school counselor shall complete training in the recognition of mental health disorder and behavioral distress, including depression, trauma, violence, youth suicide, and substance abuse.

E. Each local school board or division superintendent may waive for any individual whom it seeks to employ as a career and technical education teacher and who is also seeking initial licensure or renewal of a license with an endorsement in the area of career and technical education any applicable requirement set forth in subsection C or subdivision D 1, 3, 4, 6, or 8.

F. The Board's regulations shall require that initial licensure for principals and assistant principals be contingent upon passage of an assessment as prescribed by the Board.

G. The Board shall establish criteria in its regulations to effectuate the substitution of experiential learning for coursework for those persons seeking initial licensure through an alternate route as defined in Board regulations.

H. Notwithstanding any provision of law to the contrary, the Board (i) may provide for the issuance of a provisional license, valid for a period not to exceed three years, pursuant to subdivision D 7 or to any person who does not meet the requirements of this section or any other requirement for licensure imposed by law and (ii) shall provide for the issuance of a provisional license, valid for a period not to exceed three years, to any former member of the Armed Forces of the United States or the Virginia National Guard who has received an honorable discharge and has the appropriate level of experience or training but does not meet the requirements for a renewable license.

I. The Board's licensure regulations shall also provide for licensure by reciprocity:

1. With comparable endorsement areas for those individuals holding a valid out-of-state teaching license and national certification from the National Board for Professional Teaching Standards or a nationally recognized certification program approved by the Board of Education. The application for such individuals shall require evidence of such valid licensure and national certification and shall not require official student transcripts;

2. *For any spouse of an active duty member of the Armed Forces of the United States or the Commonwealth who has obtained a valid out-of-state license, with full credentials and without deficiencies, that is in force at the time the application for a Virginia license is received by the Department of Education. Each such individual shall establish a file in the Department of Education by submitting a complete application packet, which shall include official student transcripts. No service requirements or licensing assessments shall be required for any such individual; and*

3. For individuals who have obtained a valid out-of-state license, with full credentials and without deficiencies, that is in force at the time the application for a Virginia license is received by the Department of Education. The individual must establish a file in the Department of Education by submitting a complete application packet, which shall include official student transcripts. An assessment of basic skills as provided in § 22.1-298.2 and service requirements shall not be imposed for these licensed individuals. Other licensing assessments, as prescribed by the Board of Education, shall be required, but any such individual shall be exempt from any professional teacher's assessment requirements, subject to the approval of the division superintendent or the school board in the school division in which such individual is employed; ~~and~~

~~3. The Board may include other provisions for reciprocity in its regulations.~~

## CHAPTER 746

*An Act to amend and reenact § 22.1-298.1 of the Code of Virginia, relating to teacher licensure; reciprocity; spouses of Armed Forces members.*

[S 103]

Approved April 4, 2018

**Be it enacted by the General Assembly of Virginia:**

**1. That § 22.1-298.1 of the Code of Virginia is amended and reenacted as follows:**

**§ 22.1-298.1. Regulations governing licensure.**

A. As used in this section:

"Alternate route to licensure" means a nontraditional route to teacher licensure available to individuals who meet the criteria specified in the regulations issued by the Board of Education.

"Industry certification credential" means an active career and technical education credential that is earned by successfully completing a Board of Education-approved industry certification examination, being issued a professional license in the Commonwealth, or successfully completing an occupational competency examination.

"Licensure by reciprocity" means a process used to issue a license to an individual coming into the Commonwealth from another state when that individual meets certain conditions specified in the Board of Education's regulations.

"Professional teacher's assessment" means those tests mandated for licensure as prescribed by the Board of Education.

"Provisional license" means a nonrenewable license issued by the Board of Education for a specified period of time, not to exceed three years, to an individual who may be employed by a school division in the Commonwealth and who generally meets the requirements specified in the Board of Education's regulations for licensure, but who may need to take additional coursework or pass additional assessments to be fully licensed with a renewable license.

"Renewable license" means a license issued by the Board of Education for five years to an individual who meets the requirements specified in the Board of Education's regulations.

B. The Board of Education shall prescribe, by regulation, the requirements for the licensure of teachers and other school personnel required to hold a license. Such regulations shall include requirements for the denial, suspension, cancellation, revocation, and reinstatement of licensure and procedures for the immediate and thorough investigation by the division superintendent or his designee of any complaint alleging that a license holder has engaged in conduct that may form the basis for the revocation of his license. At a minimum, such procedures for investigations contained in such regulations shall require (i) the division superintendent to petition for the revocation of the license upon completing such investigation and finding that there is reasonable cause to believe that the license holder has engaged in conduct that forms the basis for revocation of a license; (ii) the school board to proceed to a hearing on such petition for revocation within 90 days of the mailing of a copy of the petition to the license holder, unless the license holder requests the cancellation of his license in accordance with Board regulations; and (iii) the school board to provide a copy of the investigative file and such petition for revocation to the Superintendent of Public Instruction at the time that the hearing is scheduled. The Board of Education shall revoke the license of any person for whom it has received a notice of dismissal or resignation pursuant to subsection F of § 22.1-313 and, in the case of a person who is the subject of a founded complaint of child abuse or neglect, after all rights to any administrative appeal provided by § 63.2-1526 have been exhausted. Regardless of the authority of any other agency of the Commonwealth to approve educational programs, only the Board of Education shall have the authority to license teachers to be regularly employed by school boards, including those teachers employed to provide nursing education.

The Board of Education shall prescribe by regulation the licensure requirements for teachers who teach only online courses, as defined in § 22.1-212.23. Such license shall be valid only for teaching online courses. Teachers who hold a five-year renewable license issued by the Board of Education may teach online courses for which they are properly endorsed.

C. The Board of Education's regulations shall include requirements that a person seeking initial licensure:

1. Complete professional assessments as prescribed by the Board of Education;
2. Complete study in attention deficit disorder;
3. Complete study in gifted education, including the use of multiple criteria to identify gifted students; and
4. Complete study in methods of improving communication between schools and families and ways of increasing family involvement in student learning at home and at school.

D. In addition, such regulations shall include requirements that:

1. Every person seeking initial licensure or renewal of a license demonstrate proficiency in the use of educational technology for instruction;
2. Every person seeking initial licensure and persons seeking licensure renewal as teachers who have not completed such study shall complete study in child abuse recognition and intervention in accordance with curriculum guidelines developed by the Board of Education in consultation with the Department of Social Services that are relevant to the specific teacher licensure routes;
3. Every person seeking initial licensure or renewal of a license shall receive professional development in instructional methods tailored to promote student academic progress and effective preparation for the Standards of Learning end-of-course and end-of-grade assessments;
4. Every person seeking renewal of a license shall complete all renewal requirements, including professional development in a manner prescribed by the Board, except that no person seeking renewal of a license shall be required to satisfy any such requirement by completing coursework and earning credit at an institution of higher education;
5. Every person seeking initial licensure or renewal of a license shall provide evidence of completion of certification or training in emergency first aid, cardiopulmonary resuscitation, and the use of automated external defibrillators. The certification or training program shall (i) be based on the current national evidence-based emergency cardiovascular care guidelines for cardiopulmonary resuscitation and the use of an automated external defibrillator, such as a program developed by the American Heart Association or the American Red Cross, and (ii) include hands-on practice of the skills necessary to perform cardiopulmonary resuscitation. The Board shall provide a waiver for this requirement for any person with a disability whose disability prohibits such person from completing the certification or training;
6. Every person seeking licensure with an endorsement as a teacher of the blind and visually impaired shall demonstrate proficiency in reading and writing Braille;
7. Every teacher seeking an initial license in the Commonwealth with an endorsement in the area of career and technical education shall have an industry certification credential in the area in which the teacher seeks endorsement. If a teacher seeking an initial license in the Commonwealth has not attained an industry certification credential in the area in which the teacher seeks endorsement, the Board may, upon request of the employing school division or educational agency, issue the teacher a provisional license to allow time for the teacher to attain such credential;
8. Every person seeking initial licensure or renewal of a license shall complete awareness training, provided by the Department of Education, on the indicators of dyslexia, as that term is defined by the Board pursuant to regulations, and the evidence-based interventions and accommodations for dyslexia; and
9. Every person seeking initial licensure or renewal of a license with an endorsement as a school counselor shall complete training in the recognition of mental health disorder and behavioral distress, including depression, trauma, violence, youth suicide, and substance abuse.

E. Each local school board or division superintendent may waive for any individual whom it seeks to employ as a career and technical education teacher and who is also seeking initial licensure or renewal of a license with an endorsement in the area of career and technical education any applicable requirement set forth in subsection C or subdivision D 1, 3, 4, 6, or 8.

F. The Board's regulations shall require that initial licensure for principals and assistant principals be contingent upon passage of an assessment as prescribed by the Board.

G. The Board shall establish criteria in its regulations to effectuate the substitution of experiential learning for coursework for those persons seeking initial licensure through an alternate route as defined in Board regulations.

H. Notwithstanding any provision of law to the contrary, the Board (i) may provide for the issuance of a provisional license, valid for a period not to exceed three years, pursuant to subdivision D 7 or to any person who does not meet the requirements of this section or any other requirement for licensure imposed by law and (ii) shall provide for the issuance of a provisional license, valid for a period not to exceed three years, to any former member of the Armed Forces of the United States or the Virginia National Guard who has received an honorable discharge and has the appropriate level of experience or training but does not meet the requirements for a renewable license.

I. The Board's licensure regulations shall also provide for licensure by reciprocity:

1. With comparable endorsement areas for those individuals holding a valid out-of-state teaching license and national certification from the National Board for Professional Teaching Standards or a nationally recognized certification program approved by the Board of Education. The application for such individuals shall require evidence of such valid licensure and national certification and shall not require official student transcripts;

2. *For any spouse of an active duty member of the Armed Forces of the United States or the Commonwealth who has obtained a valid out-of-state license, with full credentials and without deficiencies, that is in force at the time the application for a Virginia license is received by the Department of Education. Each such individual shall establish a file in the Department of Education by submitting a complete application packet, which shall include official student transcripts. No service requirements or licensing assessments shall be required for any such individual; and*

3. For individuals who have obtained a valid out-of-state license, with full credentials and without deficiencies, that is in force at the time the application for a Virginia license is received by the Department of Education. The individual must establish a file in the Department of Education by submitting a complete application packet, which shall include official student transcripts. An assessment of basic skills as provided in § 22.1-298.2 and service requirements shall not be imposed for these licensed individuals. Other licensing assessments, as prescribed by the Board of Education, shall be required, but any such individual shall be exempt from any professional teacher's assessment requirements, subject to the approval of the division superintendent or the school board in the school division in which such individual is employed; ~~and~~

~~3. The Board may include other provisions for reciprocity in its regulations.~~

CHAPTER 747

*An Act to amend and reenact § 22.1-298.1 of the Code of Virginia, relating to teacher licensure by reciprocity; third-party verification of application documents.*

[H 80]

Approved April 4, 2018

**Be it enacted by the General Assembly of Virginia:**

**1. That § 22.1-298.1 of the Code of Virginia is amended and reenacted as follows:**

**§ 22.1-298.1. Regulations governing licensure.**

A. As used in this section:

"Alternate route to licensure" means a nontraditional route to teacher licensure available to individuals who meet the criteria specified in the regulations issued by the Board of Education.

"Industry certification credential" means an active career and technical education credential that is earned by successfully completing a Board of Education-approved industry certification examination, being issued a professional license in the Commonwealth, or successfully completing an occupational competency examination.

"Licensure by reciprocity" means a process used to issue a license to an individual coming into the Commonwealth from another state when that individual meets certain conditions specified in the Board of Education's regulations.

"Professional teacher's assessment" means those tests mandated for licensure as prescribed by the Board of Education.

"Provisional license" means a nonrenewable license issued by the Board of Education for a specified period of time, not to exceed three years, to an individual who may be employed by a school division in the Commonwealth and who generally meets the requirements specified in the Board of Education's regulations for licensure, but who may need to take additional coursework or pass additional assessments to be fully licensed with a renewable license.

"Renewable license" means a license issued by the Board of Education for five years to an individual who meets the requirements specified in the Board of Education's regulations.

B. The Board of Education shall prescribe, by regulation, the requirements for the licensure of teachers and other school personnel required to hold a license. Such regulations shall include requirements for the denial, suspension, cancellation, revocation, and reinstatement of licensure and procedures for the immediate and thorough investigation by the division superintendent or his designee of any complaint alleging that a license holder has engaged in conduct that may

form the basis for the revocation of his license. At a minimum, such procedures for investigations contained in such regulations shall require (i) the division superintendent to petition for the revocation of the license upon completing such investigation and finding that there is reasonable cause to believe that the license holder has engaged in conduct that forms the basis for revocation of a license; (ii) the school board to proceed to a hearing on such petition for revocation within 90 days of the mailing of a copy of the petition to the license holder, unless the license holder requests the cancellation of his license in accordance with Board regulations; and (iii) the school board to provide a copy of the investigative file and such petition for revocation to the Superintendent of Public Instruction at the time that the hearing is scheduled. The Board of Education shall revoke the license of any person for whom it has received a notice of dismissal or resignation pursuant to subsection F of § 22.1-313 and, in the case of a person who is the subject of a founded complaint of child abuse or neglect, after all rights to any administrative appeal provided by § 63.2-1526 have been exhausted. Regardless of the authority of any other agency of the Commonwealth to approve educational programs, only the Board of Education shall have the authority to license teachers to be regularly employed by school boards, including those teachers employed to provide nursing education.

The Board of Education shall prescribe by regulation the licensure requirements for teachers who teach only online courses, as defined in § 22.1-212.23. Such license shall be valid only for teaching online courses. Teachers who hold a five-year renewable license issued by the Board of Education may teach online courses for which they are properly endorsed.

C. The Board of Education's regulations shall include requirements that a person seeking initial licensure:

1. Complete professional assessments as prescribed by the Board of Education;
2. Complete study in attention deficit disorder;
3. Complete study in gifted education, including the use of multiple criteria to identify gifted students; and
4. Complete study in methods of improving communication between schools and families and ways of increasing family involvement in student learning at home and at school.

D. In addition, such regulations shall include requirements that:

1. Every person seeking initial licensure or renewal of a license demonstrate proficiency in the use of educational technology for instruction;
2. Every person seeking initial licensure and persons seeking licensure renewal as teachers who have not completed such study shall complete study in child abuse recognition and intervention in accordance with curriculum guidelines developed by the Board of Education in consultation with the Department of Social Services that are relevant to the specific teacher licensure routes;
3. Every person seeking initial licensure or renewal of a license shall receive professional development in instructional methods tailored to promote student academic progress and effective preparation for the Standards of Learning end-of-course and end-of-grade assessments;
4. Every person seeking renewal of a license shall complete all renewal requirements, including professional development in a manner prescribed by the Board, except that no person seeking renewal of a license shall be required to satisfy any such requirement by completing coursework and earning credit at an institution of higher education;
5. Every person seeking initial licensure or renewal of a license shall provide evidence of completion of certification or training in emergency first aid, cardiopulmonary resuscitation, and the use of automated external defibrillators. The certification or training program shall (i) be based on the current national evidence-based emergency cardiovascular care guidelines for cardiopulmonary resuscitation and the use of an automated external defibrillator, such as a program developed by the American Heart Association or the American Red Cross, and (ii) include hands-on practice of the skills necessary to perform cardiopulmonary resuscitation. The Board shall provide a waiver for this requirement for any person with a disability whose disability prohibits such person from completing the certification or training;
6. Every person seeking licensure with an endorsement as a teacher of the blind and visually impaired shall demonstrate proficiency in reading and writing Braille;
7. Every teacher seeking an initial license in the Commonwealth with an endorsement in the area of career and technical education shall have an industry certification credential in the area in which the teacher seeks endorsement. If a teacher seeking an initial license in the Commonwealth has not attained an industry certification credential in the area in which the teacher seeks endorsement, the Board may, upon request of the employing school division or educational agency, issue the teacher a provisional license to allow time for the teacher to attain such credential;
8. Every person seeking initial licensure or renewal of a license shall complete awareness training, provided by the Department of Education, on the indicators of dyslexia, as that term is defined by the Board pursuant to regulations, and the evidence-based interventions and accommodations for dyslexia; and
9. Every person seeking initial licensure or renewal of a license with an endorsement as a school counselor shall complete training in the recognition of mental health disorder and behavioral distress, including depression, trauma, violence, youth suicide, and substance abuse.

E. Each local school board or division superintendent may waive for any individual whom it seeks to employ as a career and technical education teacher and who is also seeking initial licensure or renewal of a license with an endorsement in the area of career and technical education any applicable requirement set forth in subsection C or subdivision D 1, 3, 4, 6, or 8.

F. The Board's regulations shall require that initial licensure for principals and assistant principals be contingent upon passage of an assessment as prescribed by the Board.

G. The Board shall establish criteria in its regulations to effectuate the substitution of experiential learning for coursework for those persons seeking initial licensure through an alternate route as defined in Board regulations.

H. Notwithstanding any provision of law to the contrary, the Board (i) may provide for the issuance of a provisional license, valid for a period not to exceed three years, pursuant to subdivision D 7 or to any person who does not meet the requirements of this section or any other requirement for licensure imposed by law and (ii) shall provide for the issuance of a provisional license, valid for a period not to exceed three years, to any former member of the Armed Forces of the United States or the Virginia National Guard who has received an honorable discharge and has the appropriate level of experience or training but does not meet the requirements for a renewable license.

I. The Board's licensure regulations shall also provide for licensure by reciprocity:

1. With comparable endorsement areas for those individuals holding a valid out-of-state teaching license and national certification from the National Board for Professional Teaching Standards or a nationally recognized certification program approved by the Board of Education. The application for such individuals shall require evidence of such valid licensure and national certification and shall not require official student transcripts;

2. For individuals who have obtained a valid out-of-state license, with full credentials and without deficiencies, that is in force at the time the application for a Virginia license is received by the Department of Education. The individual must establish a file in the Department of Education by submitting a complete application packet, which shall include official student transcripts. An assessment of basic skills as provided in § 22.1-298.2 and service requirements shall not be imposed for these licensed individuals. Other licensing assessments, as prescribed by the Board of Education, shall be required, but any such individual shall be exempt from any professional teacher's assessment requirements, subject to the approval of the division superintendent or the school board in the school division in which such individual is employed; and

3. The Board may include other provisions for reciprocity in its regulations.

*J. The Board, in its regulations providing for licensure by reciprocity established pursuant to subsection I, shall permit applicants to submit third-party employment verification forms.*

## CHAPTER 748

*An Act to amend and reenact §§ 22.1-253.13:1, 22.1-298.1, 22.1-298.2, 22.1-299, 22.1-299.5, and 22.1-299.6 of the Code of Virginia, relating to teacher licensure.*

[S 349]

Approved April 4, 2018

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 22.1-253.13:1, 22.1-298.1, 22.1-298.2, 22.1-299, 22.1-299.5, and 22.1-299.6 of the Code of Virginia are amended and reenacted as follows:**

**§ 22.1-253.13:1. Standard 1. Instructional programs supporting the Standards of Learning and other educational objectives.**

A. The General Assembly and the Board of Education believe that the fundamental goal of the public schools of the Commonwealth must be to enable each student to develop the skills that are necessary for success in school, preparation for life, and reaching their full potential. The General Assembly and the Board of Education find that the quality of education is dependent upon the provision of (i) the appropriate working environment, benefits, and salaries necessary to ensure the availability of high-quality instructional personnel; (ii) the appropriate learning environment designed to promote student achievement; (iii) quality instruction that enables each student to become a productive and educated citizen of Virginia and the United States of America; and (iv) the adequate commitment of other resources. In keeping with this goal, the General Assembly shall provide for the support of public education as set forth in Article VIII, Section 1 of the Constitution of Virginia.

B. The Board of Education shall establish educational objectives known as the Standards of Learning, which shall form the core of Virginia's educational program, and other educational objectives, which together are designed to ensure the development of the skills that are necessary for success in school and for preparation for life in the years beyond. At a minimum, the Board shall establish Standards of Learning for English, mathematics, science, and history and social science. The Standards of Learning shall not be construed to be regulations as defined in § 2.2-4001.

The Board shall seek to ensure that the Standards of Learning are consistent with a high-quality foundation educational program. The Standards of Learning shall include, but not be limited to, the basic skills of communication (listening, speaking, reading, and writing); computation and critical reasoning, including problem solving and decision making; proficiency in the use of computers and related technology; computer science and computational thinking, including computer coding; and the skills to manage personal finances and to make sound financial decisions.

The English Standards of Learning for reading in kindergarten through grade three shall be based on components of effective reading instruction, to include, at a minimum, phonemic awareness, phonics, fluency, vocabulary development, and text comprehension.

The Standards of Learning in all subject areas shall be subject to regular review and revision to maintain rigor and to reflect a balance between content knowledge and the application of knowledge in preparation for eventual employment and lifelong learning. The Board of Education shall establish a regular schedule, in a manner it deems appropriate, for the

review, and revision as may be necessary, of the Standards of Learning in all subject areas. Such review of each subject area shall occur at least once every seven years. Nothing in this section shall be construed to prohibit the Board from conducting such review and revision on a more frequent basis.

To provide appropriate opportunity for input from the general public, teachers, and local school boards, the Board of Education shall conduct public hearings prior to establishing revised Standards of Learning. Thirty days prior to conducting such hearings, the Board shall give notice of the date, time, and place of the hearings to all local school boards and any other persons requesting to be notified of the hearings and publish notice of its intention to revise the Standards of Learning in the Virginia Register of Regulations. Interested parties shall be given reasonable opportunity to be heard and present information prior to final adoption of any revisions of the Standards of Learning.

In addition, the Department of Education shall make available and maintain a website, either separately or through an existing website utilized by the Department of Education, enabling public elementary, middle, and high school educators to submit recommendations for improvements relating to the Standards of Learning, when under review by the Board according to its established schedule, and related assessments required by the Standards of Quality pursuant to this chapter. Such website shall facilitate the submission of recommendations by educators.

School boards shall implement the Standards of Learning or objectives specifically designed for their school divisions that are equivalent to or exceed the Board's requirements. Students shall be expected to achieve the educational objectives established by the school division at appropriate age or grade levels. The curriculum adopted by the local school division shall be aligned to the Standards of Learning.

The Board of Education shall include in the Standards of Learning for history and social science the study of contributions to society of diverse people. For the purposes of this subsection, "diverse" includes consideration of disability, ethnicity, race, and gender.

The Board of Education shall include in the Standards of Learning for health instruction in emergency first aid, cardiopulmonary resuscitation, and the use of an automated external defibrillator, including hands-on practice of the skills necessary to perform cardiopulmonary resuscitation. Such instruction shall be based on the current national evidence-based emergency cardiovascular care guidelines for cardiopulmonary resuscitation and the use of an automated external defibrillator, such as a program developed by the American Heart Association or the American Red Cross. No teacher who is in compliance with subdivision D § 3 of § 22.1-298.1 shall be required to be certified as a trainer of cardiopulmonary resuscitation to provide instruction for non-certification.

With such funds as are made available for this purpose, the Board shall regularly review and revise the competencies for career and technical education programs to require the full integration of English, mathematics, science, and history and social science Standards of Learning. Career and technical education programs shall be aligned with industry and professional standard certifications, where they exist.

C. Local school boards shall develop and implement a program of instruction for grades K through 12 that is aligned to the Standards of Learning and meets or exceeds the requirements of the Board of Education. The program of instruction shall emphasize reading, writing, speaking, mathematical concepts and computations, proficiency in the use of computers and related technology, computer science and computational thinking, including computer coding, and scientific concepts and processes; essential skills and concepts of citizenship, including knowledge of Virginia history and world and United States history, economics, government, foreign languages, international cultures, health and physical education, environmental issues, and geography necessary for responsible participation in American society and in the international community; fine arts, which may include, but need not be limited to, music and art, and practical arts; knowledge and skills needed to qualify for further education, gainful employment, or training in a career or technical field; and development of the ability to apply such skills and knowledge in preparation for eventual employment and lifelong learning and to achieve economic self-sufficiency.

Local school boards shall also develop and implement programs of prevention, intervention, or remediation for students who are educationally at risk including, but not limited to, those who fail to achieve a passing score on any Standards of Learning assessment in grades three through eight or who fail an end-of-course test required for the award of a verified unit of credit. Such programs shall include components that are research-based.

Any student who achieves a passing score on one or more, but not all, of the Standards of Learning assessments for the relevant grade level in grades three through eight may be required to attend a remediation program.

Any student who fails to achieve a passing score on all of the Standards of Learning assessments for the relevant grade level in grades three through eight or who fails an end-of-course test required for the award of a verified unit of credit shall be required to attend a remediation program or to participate in another form of remediation. Division superintendents shall require such students to take special programs of prevention, intervention, or remediation, which may include attendance in public summer school programs, in accordance with clause (ii) of subsection A of § 22.1-254 and § 22.1-254.01.

Remediation programs shall include, when applicable, a procedure for early identification of students who are at risk of failing the Standards of Learning assessments in grades three through eight or who fail an end-of-course test required for the award of a verified unit of credit. Such programs may also include summer school for all elementary and middle school grades and for all high school academic courses, as defined by regulations promulgated by the Board of Education, or other forms of remediation. Summer school remediation programs or other forms of remediation shall be chosen by the division superintendent to be appropriate to the academic needs of the student. Students who are required to attend such summer school programs or to participate in another form of remediation shall not be charged tuition by the school division.

The requirement for remediation may, however, be satisfied by the student's attendance in a program of prevention, intervention or remediation that has been selected by his parent, in consultation with the division superintendent or his designee, and is either (i) conducted by an accredited private school or (ii) a special program that has been determined to be comparable to the required public school remediation program by the division superintendent. The costs of such private school remediation program or other special remediation program shall be borne by the student's parent.

The Board of Education shall establish standards for full funding of summer remedial programs that shall include, but not be limited to, the minimum number of instructional hours or the equivalent thereof required for full funding and an assessment system designed to evaluate program effectiveness. Based on the number of students attending and the Commonwealth's share of the per pupil instructional costs, state funds shall be provided for the full cost of summer and other remediation programs as set forth in the appropriation act, provided such programs comply with such standards as shall be established by the Board, pursuant to § 22.1-199.2.

D. Local school boards shall also implement the following:

1. Programs in grades K through three that emphasize developmentally appropriate learning to enhance success.
2. Programs based on prevention, intervention, or remediation designed to increase the number of students who earn a high school diploma and to prevent students from dropping out of school. Such programs shall include components that are research-based.
3. Career and technical education programs incorporated into the K through 12 curricula that include:
  - a. Knowledge of careers and all types of employment opportunities, including, but not limited to, apprenticeships, entrepreneurship and small business ownership, the military, and the teaching profession, and emphasize the advantages of completing school with marketable skills;
  - b. Career exploration opportunities in the middle school grades;
  - c. Competency-based career and technical education programs that integrate academic outcomes, career guidance, and job-seeking skills for all secondary students. Programs shall be based upon labor market needs and student interest. Career guidance shall include counseling about available employment opportunities and placement services for students exiting school. Each school board shall develop and implement a plan to ensure compliance with the provisions of this subdivision. Such plan shall be developed with the input of area business and industry representatives and local comprehensive community colleges and shall be submitted to the Superintendent of Public Instruction in accordance with the timelines established by federal law; and
  - d. Annual notice on its website to enrolled high school students and their parents of (i) the availability of the postsecondary education and employment data published by the State Council of Higher Education on its website pursuant to § 23.1-204.1 and (ii) the opportunity for such students to obtain a nationally recognized career readiness certificate at a local public high school, comprehensive community college, or workforce center.
4. Educational objectives in middle and high school that emphasize economic education and financial literacy pursuant to § 22.1-200.03.
5. Early identification of students with disabilities and enrollment of such students in appropriate instructional programs consistent with state and federal law.
6. Early identification of gifted students and enrollment of such students in appropriately differentiated instructional programs.
7. Educational alternatives for students whose needs are not met in programs prescribed elsewhere in these standards. Such students shall be counted in average daily membership (ADM) in accordance with the regulations of the Board of Education.
8. Adult education programs for individuals functioning below the high school completion level. Such programs may be conducted by the school board as the primary agency or through a collaborative arrangement between the school board and other agencies.
9. A plan to make achievements for students who are educationally at risk a divisionwide priority that shall include procedures for measuring the progress of such students.
10. An agreement for postsecondary degree attainment with a comprehensive community college in the Commonwealth specifying the options for students to complete an associate degree or a one-year Uniform Certificate of General Studies from a comprehensive community college concurrent with a high school diploma. Such agreement shall specify the credit available for dual enrollment courses and Advanced Placement courses with qualifying exam scores of three or higher.
11. A plan to notify students and their parents of the availability of dual enrollment and advanced placement classes, career and technical education programs, the International Baccalaureate Program, and Academic Year Governor's School Programs, the qualifications for enrolling in such classes and programs, and the availability of financial assistance to low-income and needy students to take the advanced placement and International Baccalaureate examinations. This plan shall include notification to students and parents of the agreement with a comprehensive community college in the Commonwealth to enable students to complete an associate degree or a one-year Uniform Certificate of General Studies concurrent with a high school diploma.
12. Identification of students with limited English proficiency and enrollment of such students in appropriate instructional programs.

13. Early identification, diagnosis, and assistance for students with reading and mathematics problems and provision of instructional strategies and reading and mathematics practices that benefit the development of reading and mathematics skills for all students.

Local school divisions shall provide reading intervention services to students in kindergarten through grade three who demonstrate deficiencies based on their individual performance on the Standards of Learning reading test or any reading diagnostic test that meets criteria established by the Department of Education. Local school divisions shall report the results of the diagnostic tests to the Department of Education on an annual basis, at a time to be determined by the Superintendent of Public Instruction. Each student who receives early intervention reading services will be assessed again at the end of that school year. The local school division, in its discretion, shall provide such reading intervention services prior to promoting a student from grade three to grade four. Reading intervention services may include the use of: special reading teachers; trained aides; volunteer tutors under the supervision of a certified teacher; computer-based reading tutorial programs; aides to instruct in-class groups while the teacher provides direct instruction to the students who need extra assistance; and extended instructional time in the school day or school year for these students. Funds appropriated for prevention, intervention, and remediation; summer school remediation; at-risk; or early intervention reading may be used to meet the requirements of this subdivision.

Local school divisions shall provide algebra readiness intervention services to students in grades six through nine who are at risk of failing the Algebra I end-of-course test, as demonstrated by their individual performance on any diagnostic test that has been approved by the Department of Education. Local school divisions shall report the results of the diagnostic tests to the Department of Education on an annual basis, at a time to be determined by the Superintendent of Public Instruction. Each student who receives algebra readiness intervention services will be assessed again at the end of that school year. Funds appropriated for prevention, intervention, and remediation; summer school remediation; at-risk; or algebra readiness intervention services may be used to meet the requirements of this subdivision.

14. Incorporation of art, music, and physical education as a part of the instructional program at the elementary school level.

15. (Applicable to school years before the 2018-2019 school year) A program of physical fitness available to all students with a goal of at least 150 minutes per week on average during the regular school year. Such program may include any combination of (i) physical education classes, (ii) extracurricular athletics, or (iii) other programs and physical activities deemed appropriate by the local school board. Each local school board shall incorporate into its local wellness policy a goal for the implementation of such program during the regular school year.

15. (Applicable beginning with the 2018-2019 school year) A program of physical activity available to all students in grades kindergarten through five consisting of at least 20 minutes per day or an average of 100 minutes per week during the regular school year and available to all students in grades six through 12 with a goal of at least 150 minutes per week on average during the regular school year. Such program may include any combination of (i) physical education classes, (ii) extracurricular athletics, (iii) recess, or (iv) other programs and physical activities deemed appropriate by the local school board. Each local school board shall implement such program during the regular school year.

16. A program of student services for kindergarten through grade 12 that shall be designed to aid students in their educational, social, and career development.

17. The collection and analysis of data and the use of the results to evaluate and make decisions about the instructional program.

18. A program of instruction in the high school Virginia and U.S. Government course on all information and concepts contained in the civics portion of the U.S. Naturalization Test.

E. From such funds as may be appropriated or otherwise received for such purpose, there shall be established within the Department of Education a unit to (i) conduct evaluative studies; (ii) provide the resources and technical assistance to increase the capacity for school divisions to deliver quality instruction; and (iii) assist school divisions in implementing those programs and practices that will enhance pupil academic performance and improve family and community involvement in the public schools. Such unit shall identify and analyze effective instructional programs and practices and professional development initiatives; evaluate the success of programs encouraging parental and family involvement; assess changes in student outcomes prompted by family involvement; and collect and disseminate among school divisions information regarding effective instructional programs and practices, initiatives promoting family and community involvement, and potential funding and support sources. Such unit may also provide resources supporting professional development for administrators and teachers. In providing such information, resources, and other services to school divisions, the unit shall give priority to those divisions demonstrating a less than 70 percent passing rate on the Standards of Learning assessments.

F. Each local school board may enter into agreements for postsecondary credential, certification, or license attainment with comprehensive community colleges or other public institutions of higher education or educational institutions established pursuant to Title 23.1 that offer a career and technical education curriculum. Such agreements shall specify (i) the options for students to take courses as part of the career and technical education curriculum that lead to an industry-recognized credential, certification, or license concurrent with a high school diploma and (ii) the credentials, certifications, or licenses available for such courses.

**§ 22.1-298.1. Regulations governing licensure.**

A. As used in this section:

"Alternate route to licensure" means a nontraditional route to teacher licensure available to individuals who meet the criteria specified in the regulations issued by the Board of Education.

"Industry certification credential" means an active career and technical education credential that is earned by successfully completing a Board of Education-approved industry certification examination, being issued a professional license in the Commonwealth, or successfully completing an occupational competency examination.

"Licensure by reciprocity" means a process used to issue a license to an individual coming into the Commonwealth from another state when that individual meets certain conditions specified in the Board of Education's regulations.

"Professional teacher's assessment" means those tests mandated for licensure as prescribed by the Board of Education.

"Provisional license" means a nonrenewable license issued by the Board of Education for a specified period of time, not to exceed three years, to an individual who may be employed by a school division in the Commonwealth and who generally meets the requirements specified in the Board of Education's regulations for licensure, but who may need to take additional coursework or pass additional assessments to be fully licensed with a renewable license.

"Renewable license" means a license issued by the Board of Education for ~~five~~ 10 years to an individual who meets the requirements specified in the Board of Education's regulations.

B. The Board of Education shall prescribe, by regulation, the requirements for the licensure of teachers and other school personnel required to hold a license. Such regulations shall include requirements for the denial, suspension, cancellation, revocation, and reinstatement of licensure and procedures for the immediate and thorough investigation by the division superintendent or his designee of any complaint alleging that a license holder has engaged in conduct that may form the basis for the revocation of his license. At a minimum, such procedures for investigations contained in such regulations shall require (i) the division superintendent to petition for the revocation of the license upon completing such investigation and finding that there is reasonable cause to believe that the license holder has engaged in conduct that forms the basis for revocation of a license; (ii) the school board to proceed to a hearing on such petition for revocation within 90 days of the mailing of a copy of the petition to the license holder, unless the license holder requests the cancellation of his license in accordance with Board regulations; and (iii) the school board to provide a copy of the investigative file and such petition for revocation to the Superintendent of Public Instruction at the time that the hearing is scheduled. The Board of Education shall revoke the license of any person for whom it has received a notice of dismissal or resignation pursuant to subsection F of § 22.1-313 and, in the case of a person who is the subject of a founded complaint of child abuse or neglect, after all rights to any administrative appeal provided by § 63.2-1526 have been exhausted. Regardless of the authority of any other agency of the Commonwealth to approve educational programs, only the Board of Education shall have the authority to license teachers to be regularly employed by school boards, including those teachers employed to provide nursing education.

The Board of Education shall prescribe by regulation the licensure requirements for teachers who teach only online courses, as defined in § 22.1-212.23. Such license shall be valid only for teaching online courses. Teachers who hold a ~~five-year~~ 10-year renewable license issued by the Board of Education may teach online courses for which they are properly endorsed.

C. The Board of Education's regulations shall include requirements that a person seeking initial licensure:

1. Complete professional assessments as prescribed by the Board of Education;
2. Complete study in attention deficit disorder;
3. Complete study in gifted education, including the use of multiple criteria to identify gifted students; and
4. Complete study in methods of improving communication between schools and families and ways of increasing family involvement in student learning at home and at school.

D. In addition, such regulations shall include requirements that:

~~1. Every person seeking initial licensure or renewal of a license demonstrate proficiency in the use of educational technology for instruction;~~

~~2. Every person seeking initial licensure and persons seeking licensure renewal as teachers who have not completed such study shall complete study in child abuse recognition and intervention in accordance with curriculum guidelines developed by the Board of Education in consultation with the Department of Social Services that are relevant to the specific teacher licensure routes;~~

~~3. Every person seeking initial licensure or renewal of a license shall receive professional development in instructional methods tailored to promote student academic progress and effective preparation for the Standards of Learning end-of-course and end-of-grade assessments;~~

~~4. 2. Every person seeking renewal of a license shall complete all renewal requirements, including professional development in a manner prescribed by the Board, except that no person seeking renewal of a license shall be required to satisfy any such requirement by completing coursework and earning credit at an institution of higher education;~~

~~5. 3. Every person seeking initial licensure or renewal of a license shall provide evidence of completion of certification or training in emergency first aid, cardiopulmonary resuscitation, and the use of automated external defibrillators. The certification or training program shall (i) be based on the current national evidence-based emergency cardiovascular care guidelines for cardiopulmonary resuscitation and the use of an automated external defibrillator, such as a program developed by the American Heart Association or the American Red Cross, and (ii) include hands-on practice of the skills necessary to perform cardiopulmonary resuscitation. The Board shall provide a waiver for this requirement for any person with a disability whose disability prohibits such person from completing the certification or training;~~

~~6~~ 4. Every person seeking licensure with an endorsement as a teacher of the blind and visually impaired shall demonstrate proficiency in reading and writing Braille;

~~7~~ 5. Every teacher seeking an initial license in the Commonwealth with an endorsement in the area of career and technical education shall have an industry certification credential in the area in which the teacher seeks endorsement. If a teacher seeking an initial license in the Commonwealth has not attained an industry certification credential in the area in which the teacher seeks endorsement, the Board may, upon request of the employing school division or educational agency, issue the teacher a provisional license to allow time for the teacher to attain such credential;

~~8~~ 6. Every person seeking initial licensure or renewal of a license shall complete awareness training, provided by the Department of Education, on the indicators of dyslexia, as that term is defined by the Board pursuant to regulations, and the evidence-based interventions and accommodations for dyslexia; and

~~9~~ 7. Every person seeking initial licensure or renewal of a license with an endorsement as a school counselor shall complete training in the recognition of mental health disorder and behavioral distress, including depression, trauma, violence, youth suicide, and substance abuse.

E. *No teacher who seeks a provisional license shall be required to meet any requirement set forth in subdivision D 1, 3, or 6 as a condition of such licensure, but each such teacher shall complete each such requirement during the first year of provisional licensure.*

F. Each local school board or division superintendent may waive for any individual whom it seeks to employ as a career and technical education teacher and who is also seeking initial licensure or renewal of a license with an endorsement in the area of career and technical education any applicable requirement set forth in subsection C or subdivision D ~~1, 3, 2, 4, or 6;~~ ~~or~~ 8.

~~F~~ G. The Board's regulations shall require that initial licensure for principals and assistant principals be contingent upon passage of an assessment as prescribed by the Board.

~~G~~ H. The Board shall establish criteria in its regulations to effectuate the substitution of experiential learning for coursework for those persons seeking initial licensure through an alternate route as defined in Board regulations.

~~H~~ I. Notwithstanding any provision of law to the contrary, the Board (i) may provide for the issuance of a provisional license, valid for a period not to exceed three years, pursuant to subdivision D ~~7~~ 5 or to any person who does not meet the requirements of this section or any other requirement for licensure imposed by law and (ii) shall provide for the issuance of a provisional license, valid for a period not to exceed three years, to any former member of the Armed Forces of the United States or the Virginia National Guard who has received an honorable discharge and has the appropriate level of experience or training but does not meet the requirements for a renewable license.

~~I~~ J. The Board's licensure regulations shall also provide for licensure by reciprocity:

1. With comparable endorsement areas for those individuals holding a valid out-of-state teaching license and national certification from the National Board for Professional Teaching Standards or a nationally recognized certification program approved by the Board of Education. The application for such individuals shall require evidence of such valid licensure and national certification and shall not require official student transcripts; *and*

2. For individuals who have obtained a valid out-of-state license, with full credentials and without deficiencies, that is in force at the time the application for a Virginia license is received by the Department of Education. ~~The~~ *Each such individual must shall* establish a file in the Department of Education by submitting a complete application packet, which shall include official student transcripts. ~~An assessment of basic skills as provided in § 22.1-298.2 and No service requirements shall not be imposed for these licensed individuals. Other or~~ licensing assessments; ~~as prescribed by the Board of Education;~~ shall be required; ~~but for any such individual shall be exempt from any professional teacher's assessment requirements, subject to the approval of the division superintendent or the school board in the school division in which such individual is employed; and~~

~~3. The Board may include other provisions for reciprocity in its regulations.~~

K. *The Board shall include in its regulations an alternate route to licensure for elementary education preK-6 and an alternate route to licensure for special education general curriculum K-12. Each such alternate route to licensure shall require individuals to (i) meet the qualifying scores on the content area assessment prescribed by the Board for the endorsements sought and (ii) complete an alternative certification program that provides training in the pedagogy and methodology of the respective content or special education areas prescribed by the Board. The curriculum of any such alternative certification program shall be approved by the Board. Nothing in this subsection shall preclude the Board from establishing other alternate routes to licensure.*

**§ 22.1-298.2. Regulations governing education preparation programs.**

A. As used in this section:

"Assessment of basic skills" means an assessment prescribed by the Board of Education that an individual must take prior to admission into an approved education preparation program, as prescribed by the Board of Education in its regulations.

"Education preparation program" includes four-year bachelor's degree programs in teacher education.

B. Education preparation programs shall meet the requirements for accreditation and program approval as prescribed by the Board of Education in its regulations.

C. The Board of Education regulations shall provide for education preparation programs offered by institutions of higher education, Virginia public school divisions, and certified providers for alternate routes to licensure.

D. The Board shall prescribe an assessment of basic skills for individuals seeking entry into an approved education preparation program and shall establish a minimum passing score for such assessment. The Board also may prescribe other requirements for admission to Virginia's approved education preparation programs in its regulations.

E. The Board shall establish accountability measures for approved education programs. Data shall be submitted to the Board on not less than a biennial basis.

**§ 22.1-299. License required of teachers; provisional licenses; exceptions.**

A. No teacher shall be regularly employed by a school board or paid from public funds unless such teacher holds a license or provisional license issued by the Board of Education.

B. Notwithstanding the provision in § 22.1-298.1 that the provisional license is limited to three years, ~~if the following exceptions shall apply:~~

1. If a teacher employed in ~~Virginia~~ *the Commonwealth* under a provisional license is activated or deployed for military service within a school year (July 1-June 30), an additional year ~~will~~ *shall* be added to the teacher's provisional license for each school year or portion thereof *during which* the teacher is activated or deployed. The additional year ~~or years~~ shall be granted the ~~following year or years after~~ *following* the return of the teacher from deployment or activation.

2. *The Board shall extend for at least one additional year; but for no more than two additional years, the three-year provisional license of a teacher upon receiving from the division superintendent (i) a recommendation for such extension and (ii) satisfactory performance evaluations for such teacher for each year of the original three-year provisional license.*

C. In accordance with regulations prescribed by the Board, a person not meeting the requirements for a license or provisional license may be employed and paid from public funds by a school board temporarily as a substitute teacher to meet an emergency.

**§ 22.1-299.5. Waiver of teacher licensure requirements; trade and industrial education programs.**

A. Notwithstanding any provision of law to the contrary, any division superintendent may apply to the Department of Education for ~~an annual~~ *a biennial* waiver of the teacher licensure requirements for any individual whom the local school board hires or seeks to hire to teach in a trade and industrial education program who has obtained or is working toward an industry credential relating to the program area and who has at least 4,000 hours of recent and relevant employment experience, as defined by the Board pursuant to regulation.

B. The Department of Education shall establish a procedure for submitting, receiving, and acting upon such ~~annual~~ *biennial* waiver applications.

**§ 22.1-299.6. Career and technical education; three-year licenses.**

A. Notwithstanding any provision of law to the contrary, the Board shall provide for the issuance of three-year licenses to qualified individuals to teach, *either full time or part time*, high school career and technical education courses in specific subject areas ~~for no more than 50 percent of the instructional day or year, on average.~~

B. The Board shall issue a three-year license to teach high school career and technical education courses in a specific subject area to an individual who:

1. Submits an application to the Board, in the form prescribed by the Board, that includes a recommendation for such a license from the local school board;

2. Meets certain basic conditions for licensure as prescribed by the Board;

3. Meets one of the following requirements: (i) holds, at a minimum, a baccalaureate degree from a regionally accredited institution of higher education and has completed coursework in the career and technical education subject area in which the individual seeks to teach, (ii) holds the required professional license in the specific career and technical education subject area in which the individual seeks to teach, where applicable, or (iii) holds an industry certification credential, as that term is defined in § 22.1-298.1, in the specific career and technical education subject area in which the individual seeks to teach;

4. Has at least four years of full-time work experience or its equivalent in the specific career and technical education subject area in which the individual seeks to teach; and

5. ~~Has~~ *If appropriate, has* obtained qualifying scores on the communication and literacy professional teacher's assessment prescribed by the Board.

C. The employing school board shall assign a mentor to supervise an individual issued a three-year license pursuant to this section during his ~~first year~~ *two years* of teaching.

D. Except as otherwise provided in subsection E, any individual issued a three-year license pursuant to this section may be granted subsequent three-year extensions of such license by the Board upon recommendation of the local school board.

E. Any individual issued a three-year license pursuant to this section who completes (i) nine semester hours of specialized professional studies credit from a regionally accredited institution of higher education or (ii) an alternative course of professional studies proposed by the local school board and approved by the Department of Education shall be granted a three-year extension of such license by the Board and may be granted subsequent three-year extensions of such license by the Board upon recommendation of the local school board. Any such specialized professional studies credit or alternative course of professional studies may be completed through distance learning programs and shall include human growth and development; curriculum, instructional, and technology procedures; and classroom and behavior management.

F. No three-year license issued by the Board pursuant to this section shall be deemed a provisional license or a renewable license, as those terms are defined in § 22.1-298.1.

G. Individuals issued a three-year license pursuant to this section shall not be eligible for continuing contract status while teaching under such license and shall be subject to the probationary terms of employment specified in § 22.1-303.

H. The provisions of this article and of Board regulations governing the denial, suspension, cancellation, revocation, and reinstatement of licensure shall apply to three-year licenses issued pursuant to this section.

I. The Board shall report at least triennially to the Chairmen of the House Committee on Education and the Senate Committee on Education and Health on the issuance of three-year licenses pursuant to this section by high school, local school division, and career and technical education subject area.

**2. That the Board of Education shall amend its regulations for the establishment of requirements for teacher licensure renewal set forth in 8VAC20-22-110 to require teachers to complete no more than 360 professional development points within the 10-year license renewal period established by this act.**

**3. That the Department of Education and the Board of Education shall report to the Chairmen of the House Committees on Appropriations and Education and the Senate Committees on Finance and Education and Health on the effects of the provisions of this act by July 1, 2019.**

#### CHAPTER 749

*An Act to amend and reenact §§ 22.1-253.13:1, 22.1-298.1, 22.1-298.2, 22.1-299, 22.1-299.5, and 22.1-299.6 of the Code of Virginia, relating to teacher licensure.*

[H 1125]

Approved April 4, 2018

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 22.1-253.13:1, 22.1-298.1, 22.1-298.2, 22.1-299, 22.1-299.5, and 22.1-299.6 of the Code of Virginia are amended and reenacted as follows:**

**§ 22.1-253.13:1. Standard 1. Instructional programs supporting the Standards of Learning and other educational objectives.**

A. The General Assembly and the Board of Education believe that the fundamental goal of the public schools of the Commonwealth must be to enable each student to develop the skills that are necessary for success in school, preparation for life, and reaching their full potential. The General Assembly and the Board of Education find that the quality of education is dependent upon the provision of (i) the appropriate working environment, benefits, and salaries necessary to ensure the availability of high-quality instructional personnel; (ii) the appropriate learning environment designed to promote student achievement; (iii) quality instruction that enables each student to become a productive and educated citizen of Virginia and the United States of America; and (iv) the adequate commitment of other resources. In keeping with this goal, the General Assembly shall provide for the support of public education as set forth in Article VIII, Section 1 of the Constitution of Virginia.

B. The Board of Education shall establish educational objectives known as the Standards of Learning, which shall form the core of Virginia's educational program, and other educational objectives, which together are designed to ensure the development of the skills that are necessary for success in school and for preparation for life in the years beyond. At a minimum, the Board shall establish Standards of Learning for English, mathematics, science, and history and social science. The Standards of Learning shall not be construed to be regulations as defined in § 2.2-4001.

The Board shall seek to ensure that the Standards of Learning are consistent with a high-quality foundation educational program. The Standards of Learning shall include, but not be limited to, the basic skills of communication (listening, speaking, reading, and writing); computation and critical reasoning, including problem solving and decision making; proficiency in the use of computers and related technology; computer science and computational thinking, including computer coding; and the skills to manage personal finances and to make sound financial decisions.

The English Standards of Learning for reading in kindergarten through grade three shall be based on components of effective reading instruction, to include, at a minimum, phonemic awareness, phonics, fluency, vocabulary development, and text comprehension.

The Standards of Learning in all subject areas shall be subject to regular review and revision to maintain rigor and to reflect a balance between content knowledge and the application of knowledge in preparation for eventual employment and lifelong learning. The Board of Education shall establish a regular schedule, in a manner it deems appropriate, for the review, and revision as may be necessary, of the Standards of Learning in all subject areas. Such review of each subject area shall occur at least once every seven years. Nothing in this section shall be construed to prohibit the Board from conducting such review and revision on a more frequent basis.

To provide appropriate opportunity for input from the general public, teachers, and local school boards, the Board of Education shall conduct public hearings prior to establishing revised Standards of Learning. Thirty days prior to conducting such hearings, the Board shall give notice of the date, time, and place of the hearings to all local school boards and any other persons requesting to be notified of the hearings and publish notice of its intention to revise the Standards of Learning in the Virginia Register of Regulations. Interested parties shall be given reasonable opportunity to be heard and present information prior to final adoption of any revisions of the Standards of Learning.

In addition, the Department of Education shall make available and maintain a website, either separately or through an existing website utilized by the Department of Education, enabling public elementary, middle, and high school educators to submit recommendations for improvements relating to the Standards of Learning, when under review by the Board according to its established schedule, and related assessments required by the Standards of Quality pursuant to this chapter. Such website shall facilitate the submission of recommendations by educators.

School boards shall implement the Standards of Learning or objectives specifically designed for their school divisions that are equivalent to or exceed the Board's requirements. Students shall be expected to achieve the educational objectives established by the school division at appropriate age or grade levels. The curriculum adopted by the local school division shall be aligned to the Standards of Learning.

The Board of Education shall include in the Standards of Learning for history and social science the study of contributions to society of diverse people. For the purposes of this subsection, "diverse" includes consideration of disability, ethnicity, race, and gender.

The Board of Education shall include in the Standards of Learning for health instruction in emergency first aid, cardiopulmonary resuscitation, and the use of an automated external defibrillator, including hands-on practice of the skills necessary to perform cardiopulmonary resuscitation. Such instruction shall be based on the current national evidence-based emergency cardiovascular care guidelines for cardiopulmonary resuscitation and the use of an automated external defibrillator, such as a program developed by the American Heart Association or the American Red Cross. No teacher who is in compliance with subdivision D 5 3 of § 22.1-298.1 shall be required to be certified as a trainer of cardiopulmonary resuscitation to provide instruction for non-certification.

With such funds as are made available for this purpose, the Board shall regularly review and revise the competencies for career and technical education programs to require the full integration of English, mathematics, science, and history and social science Standards of Learning. Career and technical education programs shall be aligned with industry and professional standard certifications, where they exist.

C. Local school boards shall develop and implement a program of instruction for grades K through 12 that is aligned to the Standards of Learning and meets or exceeds the requirements of the Board of Education. The program of instruction shall emphasize reading, writing, speaking, mathematical concepts and computations, proficiency in the use of computers and related technology, computer science and computational thinking, including computer coding, and scientific concepts and processes; essential skills and concepts of citizenship, including knowledge of Virginia history and world and United States history, economics, government, foreign languages, international cultures, health and physical education, environmental issues, and geography necessary for responsible participation in American society and in the international community; fine arts, which may include, but need not be limited to, music and art, and practical arts; knowledge and skills needed to qualify for further education, gainful employment, or training in a career or technical field; and development of the ability to apply such skills and knowledge in preparation for eventual employment and lifelong learning and to achieve economic self-sufficiency.

Local school boards shall also develop and implement programs of prevention, intervention, or remediation for students who are educationally at risk including, but not limited to, those who fail to achieve a passing score on any Standards of Learning assessment in grades three through eight or who fail an end-of-course test required for the award of a verified unit of credit. Such programs shall include components that are research-based.

Any student who achieves a passing score on one or more, but not all, of the Standards of Learning assessments for the relevant grade level in grades three through eight may be required to attend a remediation program.

Any student who fails to achieve a passing score on all of the Standards of Learning assessments for the relevant grade level in grades three through eight or who fails an end-of-course test required for the award of a verified unit of credit shall be required to attend a remediation program or to participate in another form of remediation. Division superintendents shall require such students to take special programs of prevention, intervention, or remediation, which may include attendance in public summer school programs, in accordance with clause (ii) of subsection A of § 22.1-254 and § 22.1-254.01.

Remediation programs shall include, when applicable, a procedure for early identification of students who are at risk of failing the Standards of Learning assessments in grades three through eight or who fail an end-of-course test required for the award of a verified unit of credit. Such programs may also include summer school for all elementary and middle school grades and for all high school academic courses, as defined by regulations promulgated by the Board of Education, or other forms of remediation. Summer school remediation programs or other forms of remediation shall be chosen by the division superintendent to be appropriate to the academic needs of the student. Students who are required to attend such summer school programs or to participate in another form of remediation shall not be charged tuition by the school division.

The requirement for remediation may, however, be satisfied by the student's attendance in a program of prevention, intervention or remediation that has been selected by his parent, in consultation with the division superintendent or his designee, and is either (i) conducted by an accredited private school or (ii) a special program that has been determined to be comparable to the required public school remediation program by the division superintendent. The costs of such private school remediation program or other special remediation program shall be borne by the student's parent.

The Board of Education shall establish standards for full funding of summer remedial programs that shall include, but not be limited to, the minimum number of instructional hours or the equivalent thereof required for full funding and an assessment system designed to evaluate program effectiveness. Based on the number of students attending and the Commonwealth's share of the per pupil instructional costs, state funds shall be provided for the full cost of summer and

other remediation programs as set forth in the appropriation act, provided such programs comply with such standards as shall be established by the Board, pursuant to § 22.1-199.2.

D. Local school boards shall also implement the following:

1. Programs in grades K through three that emphasize developmentally appropriate learning to enhance success.
2. Programs based on prevention, intervention, or remediation designed to increase the number of students who earn a high school diploma and to prevent students from dropping out of school. Such programs shall include components that are research-based.
3. Career and technical education programs incorporated into the K through 12 curricula that include:
  - a. Knowledge of careers and all types of employment opportunities, including, but not limited to, apprenticeships, entrepreneurship and small business ownership, the military, and the teaching profession, and emphasize the advantages of completing school with marketable skills;
  - b. Career exploration opportunities in the middle school grades;
  - c. Competency-based career and technical education programs that integrate academic outcomes, career guidance, and job-seeking skills for all secondary students. Programs shall be based upon labor market needs and student interest. Career guidance shall include counseling about available employment opportunities and placement services for students exiting school. Each school board shall develop and implement a plan to ensure compliance with the provisions of this subdivision. Such plan shall be developed with the input of area business and industry representatives and local comprehensive community colleges and shall be submitted to the Superintendent of Public Instruction in accordance with the timelines established by federal law; and
  - d. Annual notice on its website to enrolled high school students and their parents of (i) the availability of the postsecondary education and employment data published by the State Council of Higher Education on its website pursuant to § 23.1-204.1 and (ii) the opportunity for such students to obtain a nationally recognized career readiness certificate at a local public high school, comprehensive community college, or workforce center.
4. Educational objectives in middle and high school that emphasize economic education and financial literacy pursuant to § 22.1-200.03.
5. Early identification of students with disabilities and enrollment of such students in appropriate instructional programs consistent with state and federal law.
6. Early identification of gifted students and enrollment of such students in appropriately differentiated instructional programs.
7. Educational alternatives for students whose needs are not met in programs prescribed elsewhere in these standards. Such students shall be counted in average daily membership (ADM) in accordance with the regulations of the Board of Education.
8. Adult education programs for individuals functioning below the high school completion level. Such programs may be conducted by the school board as the primary agency or through a collaborative arrangement between the school board and other agencies.
9. A plan to make achievements for students who are educationally at risk a divisionwide priority that shall include procedures for measuring the progress of such students.
10. An agreement for postsecondary degree attainment with a comprehensive community college in the Commonwealth specifying the options for students to complete an associate degree or a one-year Uniform Certificate of General Studies from a comprehensive community college concurrent with a high school diploma. Such agreement shall specify the credit available for dual enrollment courses and Advanced Placement courses with qualifying exam scores of three or higher.
11. A plan to notify students and their parents of the availability of dual enrollment and advanced placement classes, career and technical education programs, the International Baccalaureate Program, and Academic Year Governor's School Programs, the qualifications for enrolling in such classes and programs, and the availability of financial assistance to low-income and needy students to take the advanced placement and International Baccalaureate examinations. This plan shall include notification to students and parents of the agreement with a comprehensive community college in the Commonwealth to enable students to complete an associate degree or a one-year Uniform Certificate of General Studies concurrent with a high school diploma.
12. Identification of students with limited English proficiency and enrollment of such students in appropriate instructional programs.
13. Early identification, diagnosis, and assistance for students with reading and mathematics problems and provision of instructional strategies and reading and mathematics practices that benefit the development of reading and mathematics skills for all students.

Local school divisions shall provide reading intervention services to students in kindergarten through grade three who demonstrate deficiencies based on their individual performance on the Standards of Learning reading test or any reading diagnostic test that meets criteria established by the Department of Education. Local school divisions shall report the results of the diagnostic tests to the Department of Education on an annual basis, at a time to be determined by the Superintendent of Public Instruction. Each student who receives early intervention reading services will be assessed again at the end of that school year. The local school division, in its discretion, shall provide such reading intervention services prior to promoting a student from grade three to grade four. Reading intervention services may include the use of: special reading teachers;

trained aides; volunteer tutors under the supervision of a certified teacher; computer-based reading tutorial programs; aides to instruct in-class groups while the teacher provides direct instruction to the students who need extra assistance; and extended instructional time in the school day or school year for these students. Funds appropriated for prevention, intervention, and remediation; summer school remediation; at-risk; or early intervention reading may be used to meet the requirements of this subdivision.

Local school divisions shall provide algebra readiness intervention services to students in grades six through nine who are at risk of failing the Algebra I end-of-course test, as demonstrated by their individual performance on any diagnostic test that has been approved by the Department of Education. Local school divisions shall report the results of the diagnostic tests to the Department of Education on an annual basis, at a time to be determined by the Superintendent of Public Instruction. Each student who receives algebra readiness intervention services will be assessed again at the end of that school year. Funds appropriated for prevention, intervention, and remediation; summer school remediation; at-risk; or algebra readiness intervention services may be used to meet the requirements of this subdivision.

14. Incorporation of art, music, and physical education as a part of the instructional program at the elementary school level.

15. (Applicable to school years before the 2018-2019 school year) A program of physical fitness available to all students with a goal of at least 150 minutes per week on average during the regular school year. Such program may include any combination of (i) physical education classes, (ii) extracurricular athletics, or (iii) other programs and physical activities deemed appropriate by the local school board. Each local school board shall incorporate into its local wellness policy a goal for the implementation of such program during the regular school year.

15. (Applicable beginning with the 2018-2019 school year) A program of physical activity available to all students in grades kindergarten through five consisting of at least 20 minutes per day or an average of 100 minutes per week during the regular school year and available to all students in grades six through 12 with a goal of at least 150 minutes per week on average during the regular school year. Such program may include any combination of (i) physical education classes, (ii) extracurricular athletics, (iii) recess, or (iv) other programs and physical activities deemed appropriate by the local school board. Each local school board shall implement such program during the regular school year.

16. A program of student services for kindergarten through grade 12 that shall be designed to aid students in their educational, social, and career development.

17. The collection and analysis of data and the use of the results to evaluate and make decisions about the instructional program.

18. A program of instruction in the high school Virginia and U.S. Government course on all information and concepts contained in the civics portion of the U.S. Naturalization Test.

E. From such funds as may be appropriated or otherwise received for such purpose, there shall be established within the Department of Education a unit to (i) conduct evaluative studies; (ii) provide the resources and technical assistance to increase the capacity for school divisions to deliver quality instruction; and (iii) assist school divisions in implementing those programs and practices that will enhance pupil academic performance and improve family and community involvement in the public schools. Such unit shall identify and analyze effective instructional programs and practices and professional development initiatives; evaluate the success of programs encouraging parental and family involvement; assess changes in student outcomes prompted by family involvement; and collect and disseminate among school divisions information regarding effective instructional programs and practices, initiatives promoting family and community involvement, and potential funding and support sources. Such unit may also provide resources supporting professional development for administrators and teachers. In providing such information, resources, and other services to school divisions, the unit shall give priority to those divisions demonstrating a less than 70 percent passing rate on the Standards of Learning assessments.

F. Each local school board may enter into agreements for postsecondary credential, certification, or license attainment with comprehensive community colleges or other public institutions of higher education or educational institutions established pursuant to Title 23.1 that offer a career and technical education curriculum. Such agreements shall specify (i) the options for students to take courses as part of the career and technical education curriculum that lead to an industry-recognized credential, certification, or license concurrent with a high school diploma and (ii) the credentials, certifications, or licenses available for such courses.

#### **§ 22.1-298.1. Regulations governing licensure.**

A. As used in this section:

"Alternate route to licensure" means a nontraditional route to teacher licensure available to individuals who meet the criteria specified in the regulations issued by the Board of Education.

"Industry certification credential" means an active career and technical education credential that is earned by successfully completing a Board of Education-approved industry certification examination, being issued a professional license in the Commonwealth, or successfully completing an occupational competency examination.

"Licensure by reciprocity" means a process used to issue a license to an individual coming into the Commonwealth from another state when that individual meets certain conditions specified in the Board of Education's regulations.

"Professional teacher's assessment" means those tests mandated for licensure as prescribed by the Board of Education.

"Provisional license" means a nonrenewable license issued by the Board of Education for a specified period of time, not to exceed three years, to an individual who may be employed by a school division in the Commonwealth and who

generally meets the requirements specified in the Board of Education's regulations for licensure, but who may need to take additional coursework or pass additional assessments to be fully licensed with a renewable license.

"Renewable license" means a license issued by the Board of Education for ~~five~~ 10 years to an individual who meets the requirements specified in the Board of Education's regulations.

B. The Board of Education shall prescribe, by regulation, the requirements for the licensure of teachers and other school personnel required to hold a license. Such regulations shall include requirements for the denial, suspension, cancellation, revocation, and reinstatement of licensure and procedures for the immediate and thorough investigation by the division superintendent or his designee of any complaint alleging that a license holder has engaged in conduct that may form the basis for the revocation of his license. At a minimum, such procedures for investigations contained in such regulations shall require (i) the division superintendent to petition for the revocation of the license upon completing such investigation and finding that there is reasonable cause to believe that the license holder has engaged in conduct that forms the basis for revocation of a license; (ii) the school board to proceed to a hearing on such petition for revocation within 90 days of the mailing of a copy of the petition to the license holder, unless the license holder requests the cancellation of his license in accordance with Board regulations; and (iii) the school board to provide a copy of the investigative file and such petition for revocation to the Superintendent of Public Instruction at the time that the hearing is scheduled. The Board of Education shall revoke the license of any person for whom it has received a notice of dismissal or resignation pursuant to subsection F of § 22.1-313 and, in the case of a person who is the subject of a founded complaint of child abuse or neglect, after all rights to any administrative appeal provided by § 63.2-1526 have been exhausted. Regardless of the authority of any other agency of the Commonwealth to approve educational programs, only the Board of Education shall have the authority to license teachers to be regularly employed by school boards, including those teachers employed to provide nursing education.

The Board of Education shall prescribe by regulation the licensure requirements for teachers who teach only online courses, as defined in § 22.1-212.23. Such license shall be valid only for teaching online courses. Teachers who hold a ~~five-year~~ 10-year renewable license issued by the Board of Education may teach online courses for which they are properly endorsed.

C. The Board of Education's regulations shall include requirements that a person seeking initial licensure:

1. Complete professional assessments as prescribed by the Board of Education;
2. Complete study in attention deficit disorder;
3. Complete study in gifted education, including the use of multiple criteria to identify gifted students; and
4. Complete study in methods of improving communication between schools and families and ways of increasing family involvement in student learning at home and at school.

D. In addition, such regulations shall include requirements that:

~~1. Every person seeking initial licensure or renewal of a license demonstrate proficiency in the use of educational technology for instruction;~~

~~2. Every person seeking initial licensure and persons seeking licensure renewal as teachers who have not completed such study shall complete study in child abuse recognition and intervention in accordance with curriculum guidelines developed by the Board of Education in consultation with the Department of Social Services that are relevant to the specific teacher licensure routes;~~

~~3. Every person seeking initial licensure or renewal of a license shall receive professional development in instructional methods tailored to promote student academic progress and effective preparation for the Standards of Learning end-of-course and end-of-grade assessments;~~

~~4. 2. Every person seeking renewal of a license shall complete all renewal requirements, including professional development in a manner prescribed by the Board, except that no person seeking renewal of a license shall be required to satisfy any such requirement by completing coursework and earning credit at an institution of higher education;~~

~~5. 3. Every person seeking initial licensure or renewal of a license shall provide evidence of completion of certification or training in emergency first aid, cardiopulmonary resuscitation, and the use of automated external defibrillators. The certification or training program shall (i) be based on the current national evidence-based emergency cardiovascular care guidelines for cardiopulmonary resuscitation and the use of an automated external defibrillator, such as a program developed by the American Heart Association or the American Red Cross, and (ii) include hands-on practice of the skills necessary to perform cardiopulmonary resuscitation. The Board shall provide a waiver for this requirement for any person with a disability whose disability prohibits such person from completing the certification or training;~~

~~6. 4. Every person seeking licensure with an endorsement as a teacher of the blind and visually impaired shall demonstrate proficiency in reading and writing Braille;~~

~~7. 5. Every teacher seeking an initial license in the Commonwealth with an endorsement in the area of career and technical education shall have an industry certification credential in the area in which the teacher seeks endorsement. If a teacher seeking an initial license in the Commonwealth has not attained an industry certification credential in the area in which the teacher seeks endorsement, the Board may, upon request of the employing school division or educational agency, issue the teacher a provisional license to allow time for the teacher to attain such credential;~~

~~8. 6. Every person seeking initial licensure or renewal of a license shall complete awareness training, provided by the Department of Education, on the indicators of dyslexia, as that term is defined by the Board pursuant to regulations, and the evidence-based interventions and accommodations for dyslexia; and~~

~~9.~~ 7. Every person seeking initial licensure or renewal of a license with an endorsement as a school counselor shall complete training in the recognition of mental health disorder and behavioral distress, including depression, trauma, violence, youth suicide, and substance abuse.

~~E.~~ *No teacher who seeks a provisional license shall be required to meet any requirement set forth in subdivision D 1, 3, or 6 as a condition of such licensure, but each such teacher shall complete each such requirement during the first year of provisional licensure.*

~~F.~~ Each local school board or division superintendent may waive for any individual whom it seeks to employ as a career and technical education teacher and who is also seeking initial licensure or renewal of a license with an endorsement in the area of career and technical education any applicable requirement set forth in subsection C or subdivision D ~~1, 3, 2, 4, or 6, or 8.~~

~~F.~~ *G.* The Board's regulations shall require that initial licensure for principals and assistant principals be contingent upon passage of an assessment as prescribed by the Board.

~~G.~~ *H.* The Board shall establish criteria in its regulations to effectuate the substitution of experiential learning for coursework for those persons seeking initial licensure through an alternate route as defined in Board regulations.

~~H.~~ *I.* Notwithstanding any provision of law to the contrary, the Board (i) may provide for the issuance of a provisional license, valid for a period not to exceed three years, pursuant to subdivision D ~~7~~ 5 or to any person who does not meet the requirements of this section or any other requirement for licensure imposed by law and (ii) shall provide for the issuance of a provisional license, valid for a period not to exceed three years, to any former member of the Armed Forces of the United States or the Virginia National Guard who has received an honorable discharge and has the appropriate level of experience or training but does not meet the requirements for a renewable license.

~~I.~~ *J.* The Board's licensure regulations shall also provide for licensure by reciprocity:

1. With comparable endorsement areas for those individuals holding a valid out-of-state teaching license and national certification from the National Board for Professional Teaching Standards or a nationally recognized certification program approved by the Board of Education. The application for such individuals shall require evidence of such valid licensure and national certification and shall not require official student transcripts; *and*

2. For individuals who have obtained a valid out-of-state license, with full credentials and without deficiencies, that is in force at the time the application for a Virginia license is received by the Department of Education. ~~The~~ *Each such individual must shall* establish a file in the Department of Education by submitting a complete application packet, which shall include official student transcripts. ~~An assessment of basic skills as provided in § 22.1-298.2 and No service requirements shall not be imposed for these licensed individuals. Other or~~ licensing assessments, as prescribed by the Board of Education, shall be required; ~~but for any such individual shall be exempt from any professional teacher's assessment requirements, subject to the approval of the division superintendent or the school board in the school division in which such individual is employed; and~~

~~3.~~ *The Board may include other provisions for reciprocity in its regulations.*

~~K.~~ *The Board shall include in its regulations an alternate route to licensure for elementary education preK-6 and an alternate route to licensure for special education general curriculum K-12. Each such alternate route to licensure shall require individuals to (i) meet the qualifying scores on the content area assessment prescribed by the Board for the endorsements sought and (ii) complete an alternative certification program that provides training in the pedagogy and methodology of the respective content or special education areas prescribed by the Board. The curriculum of any such alternative certification program shall be approved by the Board. Nothing in this subsection shall preclude the Board from establishing other alternate routes to licensure.*

**§ 22.1-298.2. Regulations governing education preparation programs.**

A. As used in this section:

"Assessment of basic skills" means an assessment prescribed by the Board of Education that an individual must take prior to admission into an approved education preparation program, as prescribed by the Board of Education in its regulations.

"Education preparation program" includes four-year bachelor's degree programs in teacher education.

B. Education preparation programs shall meet the requirements for accreditation and program approval as prescribed by the Board of Education in its regulations.

C. The Board of Education regulations shall provide for education preparation programs offered by institutions of higher education, Virginia public school divisions, and certified providers for alternate routes to licensure.

D. The Board shall prescribe an assessment of basic skills for individuals seeking entry into an approved education preparation program and shall establish a minimum passing score for such assessment. The Board also may prescribe other requirements for admission to Virginia's approved education preparation programs in its regulations.

E. The Board shall establish accountability measures for approved education programs. Data shall be submitted to the Board on not less than a biennial basis.

**§ 22.1-299. License required of teachers; provisional licenses; exceptions.**

A. No teacher shall be regularly employed by a school board or paid from public funds unless such teacher holds a license or provisional license issued by the Board of Education.

B. Notwithstanding the provision in § 22.1-298.1 that the provisional license is limited to three years, ~~if the following exceptions shall apply:~~

1. If a teacher employed in ~~Virginia~~ *the Commonwealth* under a provisional license is activated or deployed for military service within a school year (July 1-June 30), an additional year ~~will~~ *shall* be added to the teacher's provisional license for each school year or portion thereof *during which* the teacher is activated or deployed. The additional year ~~or years~~ shall be granted the ~~following year or years after~~ *following* the return of the teacher from deployment or activation.

2. *The Board shall extend for at least one additional year, but for no more than two additional years, the three-year provisional license of a teacher upon receiving from the division superintendent (i) a recommendation for such extension and (ii) satisfactory performance evaluations for such teacher for each year of the original three-year provisional license.*

C. In accordance with regulations prescribed by the Board, a person not meeting the requirements for a license or provisional license may be employed and paid from public funds by a school board temporarily as a substitute teacher to meet an emergency.

**§ 22.1-299.5. Waiver of teacher licensure requirements; trade and industrial education programs.**

A. Notwithstanding any provision of law to the contrary, any division superintendent may apply to the Department of Education for ~~an annual~~ *a biennial* waiver of the teacher licensure requirements for any individual whom the local school board hires or seeks to hire to teach in a trade and industrial education program who has obtained or is working toward an industry credential relating to the program area and who has at least 4,000 hours of recent and relevant employment experience, as defined by the Board pursuant to regulation.

B. The Department of Education shall establish a procedure for submitting, receiving, and acting upon such ~~annual~~ *biennial* waiver applications.

**§ 22.1-299.6. Career and technical education; three-year licenses.**

A. Notwithstanding any provision of law to the contrary, the Board shall provide for the issuance of three-year licenses to qualified individuals to teach, *either full time or part time*, high school career and technical education courses in specific subject areas ~~for no more than 50 percent of the instructional day or year, on average.~~

B. The Board shall issue a three-year license to teach high school career and technical education courses in a specific subject area to an individual who:

1. Submits an application to the Board, in the form prescribed by the Board, that includes a recommendation for such a license from the local school board;

2. Meets certain basic conditions for licensure as prescribed by the Board;

3. Meets one of the following requirements: (i) holds, at a minimum, a baccalaureate degree from a regionally accredited institution of higher education and has completed coursework in the career and technical education subject area in which the individual seeks to teach, (ii) holds the required professional license in the specific career and technical education subject area in which the individual seeks to teach, where applicable, or (iii) holds an industry certification credential, as that term is defined in § 22.1-298.1, in the specific career and technical education subject area in which the individual seeks to teach;

4. Has at least four years of full-time work experience or its equivalent in the specific career and technical education subject area in which the individual seeks to teach; and

5. ~~Has~~ *If appropriate, has* obtained qualifying scores on the communication and literacy professional teacher's assessment prescribed by the Board.

C. The employing school board shall assign a mentor to supervise an individual issued a three-year license pursuant to this section during his first ~~year~~ *two years* of teaching.

D. Except as otherwise provided in subsection E, any individual issued a three-year license pursuant to this section may be granted subsequent three-year extensions of such license by the Board upon recommendation of the local school board.

E. Any individual issued a three-year license pursuant to this section who completes (i) nine semester hours of specialized professional studies credit from a regionally accredited institution of higher education or (ii) an alternative course of professional studies proposed by the local school board and approved by the Department of Education shall be granted a three-year extension of such license by the Board and may be granted subsequent three-year extensions of such license by the Board upon recommendation of the local school board. Any such specialized professional studies credit or alternative course of professional studies may be completed through distance learning programs and shall include human growth and development; curriculum, instructional, and technology procedures; and classroom and behavior management.

F. No three-year license issued by the Board pursuant to this section shall be deemed a provisional license or a renewable license, as those terms are defined in § 22.1-298.1.

G. Individuals issued a three-year license pursuant to this section shall not be eligible for continuing contract status while teaching under such license and shall be subject to the probationary terms of employment specified in § 22.1-303.

H. The provisions of this article and of Board regulations governing the denial, suspension, cancellation, revocation, and reinstatement of licensure shall apply to three-year licenses issued pursuant to this section.

I. The Board shall report at least triennially to the Chairmen of the House Committee on Education and the Senate Committee on Education and Health on the issuance of three-year licenses pursuant to this section by high school, local school division, and career and technical education subject area.

**2. That the Board of Education shall amend its regulations for the establishment of requirements for teacher licensure renewal set forth in 8VAC20-22-110 to require teachers to complete no more than 360 professional development points within the 10-year license renewal period established by this act.**

**3. That the Department of Education and the Board of Education shall report to the Chairmen of the House Committees on Appropriations and Education and the Senate Committees on Finance and Education and Health on the effects of the provisions of this act by July 1, 2019.**

**CHAPTER 750**

*An Act to amend and reenact § 54.1-1132 of the Code of Virginia, relating to Board for Contractors; tradesmen licenses; expiration date.*

[H 101]

Approved April 4, 2018

**Be it enacted by the General Assembly of Virginia:**

**1. That § 54.1-1132 of the Code of Virginia is amended and reenacted as follows:**

**§ 54.1-1132. Expiration and renewal of license or certificate.**

A license as a tradesman, liquefied petroleum gas fitter, or natural gas fitter provider, or a certificate as a backflow prevention device worker, issued pursuant to this article shall expire as provided in Board regulations and shall become invalid on that date unless renewed, subject to approval of the Board. *A license for a tradesman shall be valid for three years from the date of issuance.* Application for renewal of any certificate or license issued pursuant to this article shall be made as provided by Board regulations and shall be accompanied by a fee set by the Board pursuant to § 54.1-201.

**2. That the Board for Contractors shall adjust the expiration date of current licenses for tradesmen such that license expiration dates coincide with the updates schedule of the Uniform Statewide Building Code until all licenses for tradesmen expire in three years pursuant to this act.**

**CHAPTER 751**

*An Act to amend the Code of Virginia by adding a section numbered 23.1-401.1 and to repeal § 23.1-900.1 of the Code of Virginia, relating to public institutions of higher education in the Commonwealth; constitutionally protected speech; policies, materials, and reports; report.*

[H 344]

Approved April 4, 2018

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding a section numbered 23.1-401.1 as follows:**

**§ 23.1-401.1. Constitutionally protected speech; policies, materials, and reports; report.**

*A. Except as otherwise permitted by the First Amendment to the United States Constitution, no public institution of higher education shall abridge the constitutional freedom of any individual, including enrolled students, faculty and other employees, and invited guests, to speak on campus.*

*B. Each public institution of higher education shall establish and include in its student handbook, on its website, and in its student orientation programs policies regarding speech that is constitutionally protected under the First Amendment to the United States Constitution and the process to report incidents of disruption of such constitutionally protected speech.*

*C. Each public institution of higher education shall develop materials on the policies established pursuant to subsection B and notify any employee who is responsible for the discipline or education of enrolled students of such materials.*

*D. Each public institution of higher education shall develop, post on its website in a searchable, publicly accessible, and conspicuous manner, and submit to the Governor and the Chairmen of the House Committee on Education and the Senate Committee on Education and Health no later than December 1 of each year a report on the institution's compliance with the provisions of this section that includes:*

*1. A copy of the institution's policies as described in subsection B and materials on such policies as described in subsection C;*

*2. Certification that the institution has complied with subsection C; and*

*3. A copy of any complaint filed in a court of law since December 1 of the preceding year to initiate a lawsuit against the institution or an employee of the institution in his official capacity for an alleged violation of the First Amendment to the United States Constitution.*

*E. Each public institution of higher education shall submit to the Governor and the Chairmen of the House Committee on Education and the Senate Committee on Education and Health a copy of any complaint filed in a court of law to initiate a lawsuit against the institution or an employee of the institution in his official capacity for an alleged violation of the First Amendment to the United States Constitution no later than 30 days after such complaint is served.*

**2. That § 23.1-900.1 of the Code of Virginia is repealed.**

## CHAPTER 752

*An Act to amend and reenact § 23.1-1308 of the Code of Virginia, relating to public institutions of higher education; governing boards; open educational resources.*

[H 454]

Approved April 4, 2018

**Be it enacted by the General Assembly of Virginia:****1. That § 23.1-1308 of the Code of Virginia is amended and reenacted as follows:****§ 23.1-1308. Governing board procedures; textbook sales and bookstores; open educational resources.**

A. No employee of a public institution of higher education shall demand or receive any payment, loan, subscription, advance, deposit of money, services, or anything, present or promised, as an inducement for requiring students to purchase a specific textbook required for coursework or instruction. However, such employee may receive (i) sample copies, instructor's copies, or instructional material not to be sold and (ii) royalties or other compensation from sales of textbooks that include such instructor's own writing or work.

B. The governing board of each public institution of higher education shall implement procedures for making available to students in a central location and in a standard format on the relevant institutional website listings of textbooks required or assigned for particular courses at the institution. The lists of those required or assigned textbooks for each particular course shall include the International Standard Book Number (ISBN) along with other relevant information.

C. Public institutions of higher education maintaining a bookstore supported by auxiliary services or operated by a private contractor shall post the listing of such textbooks when the relevant instructor or academic department identifies the required textbooks for order and subsequent student purchase.

D. The governing board of each public institution of higher education shall implement policies, procedures, and guidelines that encourage efforts to minimize the cost of textbooks for students while maintaining the quality of education and academic freedom. The guidelines shall ensure that:

1. Faculty textbook adoptions are made with sufficient lead time to university-managed or contract-managed bookstores so as to confirm availability of the requested materials and, when possible, ensure maximum availability of used textbooks;

2. In the textbook adoption process, the intent to use all items ordered, particularly each individual item sold as part of a bundled package, is affirmatively confirmed by the faculty member before the adoption is finalized. If the faculty member does not intend to use each item in the bundled package, he shall notify the bookstore, and the bookstore shall order the individualized items when their procurement is cost effective for both the institution and students and such items are made available by the publisher;

3. Faculty members affirmatively acknowledge the bookstore's quoted retail price of textbooks selected for use in each course;

4. Faculty members are encouraged to limit their use of new edition textbooks when previous editions do not significantly differ in a substantive way as determined by the appropriate faculty member; and

5. Provisions address the availability of required textbooks to students otherwise unable to afford the cost.

E. *The governing board of each public institution of higher education shall implement guidelines for the adoption and use of low-cost and no-cost open educational resources in courses offered at such institution. Such guidelines may include provisions for low-cost commercially published materials.*

F. No funds provided for financial aid from university bookstore revenue shall be counted in the calculation for state appropriations for student financial aid.

## CHAPTER 753

*An Act to amend and reenact §§ 22.1-258 and 22.1-262 of the Code of Virginia, relating to truancy; procedures.*

[H 1485]

Approved April 4, 2018

**Be it enacted by the General Assembly of Virginia:****1. That §§ 22.1-258 and 22.1-262 of the Code of Virginia are amended and reenacted as follows:****§ 22.1-258. Appointment of attendance officers; notification when pupil fails to report to school; plan; conference; court proceedings.**

Every school board shall have power to appoint one or more attendance officers, who shall be charged with the enforcement of the provisions of this article. Where no attendance officer is appointed by the school board, the division superintendent or his designee shall act as attendance officer.

Whenever any pupil fails to report to school on a regularly scheduled school day and no indication has been received by school personnel that the pupil's parent is aware of and supports the pupil's absence, a reasonable effort to notify by telephone the parent to obtain an explanation for the pupil's absence shall be made by either the school principal or his designee, the attendance officer, other school personnel, or volunteers organized by the school administration for this

purpose. Any such volunteers shall not be liable for any civil damages for any acts or omissions resulting from making such reasonable efforts to notify parents and obtain such explanation when such acts or omissions are taken in good faith, unless such acts or omissions were the result of gross negligence or willful misconduct. This subsection shall not be construed to limit, withdraw, or overturn any defense or immunity already existing in statutory or common law or to affect any claim occurring prior to the effective date of this law. School divisions are encouraged to use noninstructional personnel for this notice.

Whenever any pupil fails to report to school for a total of five scheduled school days for the school year and no indication has been received by school personnel that the pupil's parent is aware of and supports the pupil's absence, and a reasonable effort to notify the parent has failed, the school principal or his designee ~~or the attendance officer~~ shall make a reasonable effort to ensure that direct contact is made with the parent; ~~either~~ in person ~~or~~, through telephone conversation, ~~or through the use of other communications devices~~ to obtain an explanation for the pupil's absence and to explain to the parent the consequences of continued nonattendance. The school principal or his designee ~~or the attendance officer~~, the pupil, and the pupil's parent shall jointly develop a plan to resolve the pupil's nonattendance. Such plan shall include documentation of the reasons for the pupil's nonattendance.

If the pupil is absent ~~an~~ for more than one additional day after direct contact with the pupil's parent, and ~~the attendance officer has school personnel have~~ received no indication that the pupil's parent is aware of and supports the pupil's absence, ~~either~~ the school principal or his designee ~~or the attendance officer~~ shall schedule a conference ~~within 10 school days~~ with the pupil, his parent, and school personnel; ~~which~~. Such conference may include ~~the attendance officer and other community service providers~~; to resolve issues related to the pupil's nonattendance. The conference shall be held no later than ~~15~~ 10 school days after the ~~sixth~~ tenth absence of the pupil, regardless of whether his parent approves of the conference. ~~Upon the next absence by such pupil without indication to the attendance officer that the pupil's parent is aware of and supports the pupil's absence, the school principal or his designee shall notify the attendance officer or the division superintendent or his designee, as the case may be, who shall enforce the provisions of this article by either or both of the following: (i) filing~~ The conference team shall monitor the pupil's attendance and may meet again as necessary to address concerns and plan additional interventions if attendance does not improve. In circumstances in which the parent is intentionally noncompliant with compulsory attendance requirements or the pupil is resisting parental efforts to comply with compulsory attendance requirements, the principal or his designee shall make a referral to the attendance officer. The attendance officer shall schedule a conference with the pupil and his parent within 10 school days and may (i) file a complaint with the juvenile and domestic relations district court alleging the pupil is a child in need of supervision as defined in § 16.1-228 or (ii) ~~instituting~~ institute proceedings against the parent pursuant to § 18.2-371 or § 22.1-262. In filing a complaint against the student, the attendance officer shall provide written documentation of the efforts to comply with the provisions of this section. In the event that both parents have been awarded joint physical custody pursuant to § 20-124.2 and the school has received notice of such order, both parents shall be notified at the last known addresses of the parents.

Nothing in this section shall be construed to limit in any way the authority of any attendance officer or division superintendent to seek immediate compliance with the compulsory school attendance law as set forth in this article.

Attendance officers, other school personnel or volunteers organized by the school administration for this purpose shall be immune from any civil or criminal liability in connection with the notice to parents of a pupil's absence or failure to give such notice as required by this section.

**§ 22.1-262. Complaint to court when parent fails to comply with law.**

A list of persons notified pursuant to § 22.1-261 shall be sent by the attendance officer to the appropriate school principal. If the parent (i) fails to comply with the provisions of § 22.1-261 within the time specified in the notice; or (ii) fails to comply with the provisions of § 22.1-254; ~~or (iii) refuses to participate in the development of the plan to resolve the student's nonattendance or in the conference provided for in § 22.1-258,~~ it shall be the duty of the attendance officer, with the knowledge and approval of the division superintendent, to make complaint against the pupil's parent in the name of the Commonwealth before the juvenile and domestic relations district court. If proceedings are instituted against the parent for failure to comply with the provisions of § 22.1-258, the attendance officer is to provide documentation to the court regarding the school division's compliance with § 22.1-258. In addition thereto, such child may be proceeded against as a child in need of services or a child in need of supervision as provided in Chapter 11 (§ 16.1-226 et seq.) of Title 16.1.

**CHAPTER 754**

*An Act to amend and reenact § 23.1-3113 of the Code of Virginia, relating to the New College Institute: powers and duties of board.*

[S 227]

Approved April 4, 2018

**Be it enacted by the General Assembly of Virginia:**

**1. That § 23.1-3113 of the Code of Virginia is amended and reenacted as follows:**

**§ 23.1-3113. Powers and duties of the board.**

A. The board has, in addition to its other powers, all the corporate powers given to corporations by the provisions of Title 13.1, except in those cases where, by the express terms of its provisions, the law is confined to corporations created under that title. The board shall have the power to accept, execute, and administer any trust in which it may have an interest under the terms of the instrument creating the trust.

B. The board shall oversee the educational programs of New College and may enter into and administer agreements with institutions of higher education for such institutions to provide continuing education, instructional programs, and degree programs at New College. *The board shall seek opportunities to collaborate with local comprehensive community colleges to meet specialized noncredit workforce training needs identified by industry. However, if local comprehensive community colleges are unable to meet identified industry needs, then the board may seek to collaborate with other education providers or other public and private organizations to provide specialized noncredit workforce training independent of local comprehensive community colleges.*

C. The board, with the prior approval of the Governor, may lease, sell, and convey any and all real estate to which New College has acquired title by gift, devise, or purchase. The proceeds derived from any such lease, sale, or conveyance shall be held by New College upon the identical trusts, and subject to the same uses, limitations, and conditions, if any, that are expressed in the original deed or will under which its title has derived. If no such trusts, uses, limitations, or conditions are expressed in such original deed or will, then such funds shall be applied by the board to such purposes as it may deem best for New College.

D. The board may, on behalf of New College, apply for, accept, and expend gifts, grants, or donations from public or private sources to enable it to carry out the purposes of this article.

E. The board may request and accept the cooperation of agencies of the Commonwealth or the local governing bodies in Southside Virginia, or the agencies of the Commonwealth or such local governing bodies in the performance of its duties.

F. The board shall direct the development and focus of New College's curriculum to include appropriate degree and nondegree programs offered by other educational institutions.

**CHAPTER 755**

*An Act to amend the Code of Virginia by adding in Chapter 2 of Title 23.1 an article numbered 4, consisting of sections numbered 23.1-231 through 23.1-234, relating to establishment of the Office of the Qualified Education Loan Ombudsman.*

[S 394]

Approved April 4, 2018

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding in Chapter 2 of Title 23.1 an article numbered 4, consisting of sections numbered 23.1-231 through 23.1-234, as follows:**

*Article 4.**Office of the Qualified Education Loan Ombudsman.***§ 23.1-231. Definitions.**

*As used in this article, unless the context requires a different meaning:*

*"Qualified education loan" means any qualified education loan obtained specifically to finance education or other school-related expenses. "Qualified education loan" does not include credit card debt, home equity loan, or revolving debt.*

*"Qualified education loan borrower" means (i) any current resident of the Commonwealth who has received or agreed to pay a qualified education loan or (ii) any person who shares responsibility with such resident for repaying the qualified education loan.*

*"Qualified education loan servicer" or "loan servicer" means any person, wherever located, responsible for the servicing of any qualified education loan to any qualified education loan borrower.*

*"Servicing" means (i) receiving any scheduled periodic payments from a qualified education loan borrower pursuant to the terms of a qualified education loan; (ii) applying the payments of principal and interest and such other payments, with respect to the amounts received from a qualified education loan borrower, as may be required pursuant to the terms of a qualified education loan; and (iii) performing other administrative services with respect to a qualified education loan.*

**§ 23.1-232. Office of the Qualified Education Loan Ombudsman established; duties.**

*A. The Council shall create within the agency the Office of the Qualified Education Loan Ombudsman. The Office of the Qualified Education Loan Ombudsman shall provide timely assistance to any qualified education loan borrower of any qualified education loan in the Commonwealth. All state agencies shall assist and cooperate with the Office of the Qualified Education Loan Ombudsman in the performance of its duties under this article.*

*B. The Office of the Qualified Education Loan Ombudsman shall:*

*1. Receive, review, and attempt to resolve any complaints from qualified education loan borrowers, including attempts to resolve such complaints in collaboration with institutions of higher education, qualified education loan servicers, and any other participants in qualified education loan lending;*

*2. Compile and analyze data on qualified education loan borrower complaints as described in subdivision 1;*

3. Assist qualified education loan borrowers to understand their rights and responsibilities under the terms of qualified education loans;

4. Provide information to the public, state agencies, legislators, and other persons regarding the problems and concerns of qualified education loan borrowers and make recommendations for resolving those problems and concerns;

5. Analyze and monitor the development and implementation of federal and state laws and policies relating to qualified education loan borrowers and recommend any changes the Office of the Qualified Education Loan Ombudsman deems necessary;

6. Review the complete qualified education loan history of any qualified education loan borrower who has provided written consent for such review;

7. Disseminate information concerning the availability of the Office of the Qualified Education Loan Ombudsman to assist qualified education loan borrowers and potential qualified education loan borrowers, as well as public institutions of higher education, qualified education loan servicers, and any other participant in qualified education loan lending, with any qualified education loan servicing concerns; and

8. Take any other actions necessary to fulfill the duties of the Office of the Qualified Education Loan Ombudsman as set forth in this article.

**§ 23.1-233. Qualified education loan borrower education course.**

On or before December 1, 2019, the Office of the Qualified Education Loan Ombudsman, in consultation with the Council, shall establish and maintain a qualified education loan borrower education course that shall include educational presentations and materials regarding qualified education loans. Topics covered by the course shall include, but shall not be limited to, key loan terms, documentation requirements, monthly payment obligations, income-driven repayment options, loan forgiveness programs, and disclosure requirements. The course shall be web-based and available to the public at any time. The Office of the Qualified Education Loan Ombudsman may also establish in-person classes.

**§ 23.1-234. Reports.**

On or before January 1, 2019, and annually thereafter, the Council shall submit a report to the House Committees on Commerce and Labor and Education and the Senate Committees on Commerce and Labor and Education and Health. The report shall address (i) the implementation of this article and (ii) the overall effectiveness of the Office of the Qualified Education Loan Ombudsman.

**CHAPTER 756**

*An Act to amend and reenact § 2.2-3705.4 of the Code of Virginia, relating to student addresses, telephone numbers, and email addresses.*

[S 512]

Approved April 4, 2018

**Be it enacted by the General Assembly of Virginia:**

**1. That § 2.2-3705.4 of the Code of Virginia is amended and reenacted as follows:**

**§ 2.2-3705.4. Exclusions to application of chapter; educational records and certain records of educational institutions.**

A. The following information contained in a public record is excluded from the mandatory disclosure provisions of this chapter but may be disclosed by the custodian in his discretion, except as provided in subsection B or where such disclosure is otherwise prohibited by law. Redaction of information excluded under this section from a public record shall be conducted in accordance with § 2.2-3704.01.

1. Scholastic records containing information concerning identifiable individuals, except that such access shall not be denied to the person who is the subject thereof, or the parent or legal guardian of the student. However, no student shall have access to (i) financial records of a parent or guardian or (ii) records of instructional, supervisory, and administrative personnel and educational personnel ancillary thereto, that are in the sole possession of the maker thereof and that are not accessible or revealed to any other person except a substitute.

The parent or legal guardian of a student may prohibit, by written request, the release of any individual information regarding that student until the student reaches the age of 18 years. For scholastic records of students under the age of 18 years, the right of access may be asserted only by his legal guardian or parent, including a noncustodial parent, unless such parent's parental rights have been terminated or a court of competent jurisdiction has restricted or denied such access. For scholastic records of students who are emancipated or attending a public institution of higher education in the Commonwealth, the right of access may be asserted by the student.

Any person who is the subject of any scholastic record and who is 18 years of age or older may waive, in writing, the protections afforded by this subdivision. If the protections are so waived, such records shall be disclosed.

2. Confidential letters and statements of recommendation placed in the records of educational agencies or institutions respecting (i) admission to any educational agency or institution, (ii) an application for employment or promotion, or (iii) receipt of an honor or honorary recognition.

3. Information held by the Brown v. Board of Education Scholarship Committee that would reveal personally identifiable information, including scholarship applications, personal financial information, and confidential correspondence and letters of recommendation.

4. Information of a proprietary nature produced or collected by or for faculty or staff of public institutions of higher education, other than the institutions' financial or administrative records, in the conduct of or as a result of study or research on medical, scientific, technical or scholarly issues, whether sponsored by the institution alone or in conjunction with a governmental body or a private concern, where such information has not been publicly released, published, copyrighted or patented.

5. Information held by the University of Virginia or the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, that contain proprietary, business-related information pertaining to the operations of the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, including business development or marketing strategies and activities with existing or future joint venturers, partners, or other parties with whom the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, has formed, or forms, any arrangement for the delivery of health care, if disclosure of such information would be harmful to the competitive position of the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be.

6. Personal information, as defined in § 2.2-3801, provided to the Board of the Virginia College Savings Plan or its employees by or on behalf of individuals who have requested information about, applied for, or entered into prepaid tuition contracts or savings trust account agreements pursuant to Chapter 7 (§ 23.1-700 et seq.) of Title 23.1, including personal information related to (i) qualified beneficiaries as that term is defined in § 23.1-700, (ii) designated survivors, or (iii) authorized individuals. Nothing in this subdivision shall be construed to prevent disclosure or publication of information in a statistical or other form that does not identify individuals or provide personal information. Individuals shall be provided access to their own personal information.

For purposes of this subdivision:

"Authorized individual" means an individual who may be named by the account owner to receive information regarding the account but who does not have any control or authority over the account.

"Designated survivor" means the person who will assume account ownership in the event of the account owner's death.

7. Information maintained in connection with fundraising activities by or for a public institution of higher education that would reveal (i) personal fundraising strategies relating to identifiable donors or prospective donors or (ii) wealth assessments; estate, financial, or tax planning information; health-related information; employment, familial, or marital status information; electronic mail addresses, facsimile or telephone numbers; birth dates or social security numbers of identifiable donors or prospective donors. Nothing in this subdivision, however, shall be construed to prevent the disclosure of information relating to the amount, date, purpose, and terms of the pledge or donation, or the identity of the donor unless the donor has requested anonymity in connection with or as a condition of making a pledge or donation. The exclusion provided by this subdivision shall not apply to protect from disclosure (i) the identities of sponsors providing grants to or contracting with the institution for the performance of research services or other work or (ii) the terms and conditions of such grants or contracts.

8. Information held by a threat assessment team established by a local school board pursuant to § 22.1-79.4 or by a public institution of higher education pursuant to § 23.1-805 relating to the assessment or intervention with a specific individual. However, in the event an individual who has been under assessment commits an act, or is prosecuted for the commission of an act that has caused the death of, or caused serious bodily injury, including any felony sexual assault, to another person, such information of the threat assessment team concerning the individual under assessment shall be made available as provided by this chapter, with the exception of any criminal history records obtained pursuant to § 19.2-389 or 19.2-389.1, health records obtained pursuant to § 32.1-127.1:03, or scholastic records as defined in § 22.1-289. The public body providing such information shall remove personally identifying information of any person who provided information to the threat assessment team under a promise of confidentiality.

*B. The custodian of a scholastic record shall not release the address, phone number, or email address of a student in response to a request made under this chapter without written consent. For any student who is (i) 18 years of age or older, (ii) under the age of 18 and emancipated, or (iii) attending an institution of higher education, written consent of the student shall be required. For any other student, written consent of the parent or legal guardian of such student shall be required.*

## CHAPTER 757

*An Act to amend and reenact §§ 15.2-2283 and 15.2-2309 of the Code of Virginia, relating to zoning; disabilities.*

[H 796]

Approved April 4, 2018

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 15.2-2283 and 15.2-2309 of the Code of Virginia are amended and reenacted as follows:**

**§ 15.2-2283. Purpose of zoning ordinances.**

Zoning ordinances shall be for the general purpose of promoting the health, safety or general welfare of the public and of further accomplishing the objectives of § 15.2-2200. To these ends, such ordinances shall be designed to give reasonable

consideration to each of the following purposes, where applicable: (i) to provide for adequate light, air, convenience of access, and safety from fire, flood, impounding structure failure, crime and other dangers; (ii) to reduce or prevent congestion in the public streets; (iii) to facilitate the creation of a convenient, attractive and harmonious community; (iv) to facilitate the provision of adequate police and fire protection, disaster evacuation, civil defense, transportation, water, sewerage, flood protection, schools, parks, forests, playgrounds, recreational facilities, airports and other public requirements; (v) to protect against destruction of or encroachment upon historic areas and working waterfront development areas; (vi) to protect against one or more of the following: overcrowding of land, undue density of population in relation to the community facilities existing or available, obstruction of light and air, danger and congestion in travel and transportation, or loss of life, health, or property from fire, flood, impounding structure failure, panic or other dangers; (vii) to encourage economic development activities that provide desirable employment and enlarge the tax base; (viii) to provide for the preservation of agricultural and forestal lands and other lands of significance for the protection of the natural environment; (ix) to protect approach slopes and other safety areas of licensed airports, including United States government and military air facilities; (x) to promote the creation and preservation of affordable housing suitable for meeting the current and future needs of the locality as well as a reasonable proportion of the current and future needs of the planning district within which the locality is situated; ~~and~~ (xi) to provide reasonable protection against encroachment upon military bases, military installations, and military airports and their adjacent safety areas, excluding armories operated by the Virginia National Guard; *and (xii) to provide reasonable modifications in accordance with the Americans with Disabilities Act of 1990 (42 U.S.C. § 12131 et seq.) or state and federal fair housing laws, as applicable.* Such ordinance may also include reasonable provisions, not inconsistent with applicable state water quality standards, to protect surface water and ground water as defined in § 62.1-255.

**§ 15.2-2309. Powers and duties of boards of zoning appeals.**

Boards of zoning appeals shall have the following powers and duties:

1. To hear and decide appeals from any order, requirement, decision, or determination made by an administrative officer in the administration or enforcement of this article or of any ordinance adopted pursuant thereto. The decision on such appeal shall be based on the board's judgment of whether the administrative officer was correct. The determination of the administrative officer shall be presumed to be correct. At a hearing on an appeal, the administrative officer shall explain the basis for his determination after which the appellant has the burden of proof to rebut such presumption of correctness by a preponderance of the evidence. The board shall consider any applicable ordinances, laws, and regulations in making its decision. For purposes of this section, determination means any order, requirement, decision or determination made by an administrative officer. Any appeal of a determination to the board shall be in compliance with this section, notwithstanding any other provision of law, general or special.

2. Notwithstanding any other provision of law, general or special, to grant upon appeal or original application in specific cases a variance as defined in § 15.2-2201, provided that the burden of proof shall be on the applicant for a variance to prove by a preponderance of the evidence that his application meets the standard for a variance as defined in § 15.2-2201 and the criteria set out in this section.

Notwithstanding any other provision of law, general or special, a variance shall be granted if the evidence shows that the strict application of the terms of the ordinance would unreasonably restrict the utilization of the property or that the granting of the variance would alleviate a hardship due to a physical condition relating to the property or improvements thereon at the time of the effective date of the ordinance, *or alleviate a hardship by granting a reasonable modification to a property or improvements thereon requested by, or on behalf of, a person with a disability*, and (i) the property interest for which the variance is being requested was acquired in good faith and any hardship was not created by the applicant for the variance; (ii) the granting of the variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area; (iii) the condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the ordinance; (iv) the granting of the variance does not result in a use that is not otherwise permitted on such property or a change in the zoning classification of the property; and (v) the relief or remedy sought by the variance application is not available through a special exception process that is authorized in the ordinance pursuant to subdivision 6 of § 15.2-2309 or the process for modification of a zoning ordinance pursuant to subdivision A 4 of § 15.2-2286 at the time of the filing of the variance application. *Any variance granted to provide a reasonable modification to a property or improvements thereon requested by, or on behalf of, a person with a disability may expire when the person benefited by it is no longer in need of the modification to such property or improvements provided by the variance, subject to the provisions of state and federal fair housing laws, or the Americans with Disabilities Act of 1990 (42 U.S.C. § 12131 et seq.), as applicable. If a request for a reasonable modification is made to a locality and is appropriate under the provisions of state and federal fair housing laws, or the Americans with Disabilities Act of 1990 (42 U.S.C. § 12131 et seq.), as applicable, such request shall be granted by the locality unless a variance from the board of zoning appeals under this section is required in order for such request to be granted.*

No variance shall be considered except after notice and hearing as required by § 15.2-2204. However, when giving any required notice to the owners, their agents or the occupants of abutting property and property immediately across the street or road from the property affected, the board may give such notice by first-class mail rather than by registered or certified mail.

In granting a variance, the board may impose such conditions regarding the location, character, and other features of the proposed structure or use as it may deem necessary in the public interest and may require a guarantee or bond to ensure

that the conditions imposed are being and will continue to be complied with. Notwithstanding any other provision of law, general or special, the property upon which a property owner has been granted a variance shall be treated as conforming for all purposes under state law and local ordinance; however, the structure permitted by the variance may not be expanded unless the expansion is within an area of the site or part of the structure for which no variance is required under the ordinance. Where the expansion is proposed within an area of the site or part of the structure for which a variance is required, the approval of an additional variance shall be required.

3. To hear and decide appeals from the decision of the zoning administrator after notice and hearing as provided by § 15.2-2204. However, when giving any required notice to the owners, their agents or the occupants of abutting property and property immediately across the street or road from the property affected, the board may give such notice by first-class mail rather than by registered or certified mail.

4. To hear and decide applications for interpretation of the district map where there is any uncertainty as to the location of a district boundary. After notice to the owners of the property affected by the question, and after public hearing with notice as required by § 15.2-2204, the board may interpret the map in such way as to carry out the intent and purpose of the ordinance for the particular section or district in question. However, when giving any required notice to the owners, their agents or the occupants of abutting property and property immediately across the street or road from the property affected, the board may give such notice by first-class mail rather than by registered or certified mail. The board shall not have the power to change substantially the locations of district boundaries as established by ordinance.

5. No provision of this section shall be construed as granting any board the power to rezone property or to base board decisions on the merits of the purpose and intent of local ordinances duly adopted by the governing body.

6. To hear and decide applications for special exceptions as may be authorized in the ordinance. The board may impose such conditions relating to the use for which a permit is granted as it may deem necessary in the public interest, including limiting the duration of a permit, and may require a guarantee or bond to ensure that the conditions imposed are being and will continue to be complied with.

No special exception may be granted except after notice and hearing as provided by § 15.2-2204. However, when giving any required notice to the owners, their agents or the occupants of abutting property and property immediately across the street or road from the property affected, the board may give such notice by first-class mail rather than by registered or certified mail.

7. To revoke a special exception previously granted by the board of zoning appeals if the board determines that there has not been compliance with the terms or conditions of the permit. No special exception may be revoked except after notice and hearing as provided by § 15.2-2204. However, when giving any required notice to the owners, their agents or the occupants of abutting property and property immediately across the street or road from the property affected, the board may give such notice by first-class mail rather than by registered or certified mail. If a governing body reserves unto itself the right to issue special exceptions pursuant to § 15.2-2286, and, if the governing body determines that there has not been compliance with the terms and conditions of the permit, then it may also revoke special exceptions in the manner provided by this subdivision.

8. The board by resolution may fix a schedule of regular meetings, and may also fix the day or days to which any meeting shall be continued if the chairman, or vice-chairman if the chairman is unable to act, finds and declares that weather or other conditions are such that it is hazardous for members to attend the meeting. Such finding shall be communicated to the members and the press as promptly as possible. All hearings and other matters previously advertised for such meeting in accordance with § 15.2-2312 shall be conducted at the continued meeting and no further advertisement is required.

## CHAPTER 758

*An Act to address local ordinances concerning the regulation of short-term rentals in the City of Lexington and the City of Virginia Beach.*

[H 824]

Approved April 4, 2018

### **Be it enacted by the General Assembly of Virginia:**

**1.** *§ 1. Notwithstanding any provision of law to the contrary, general or special, any ordinance in effect and any ordinance adopted by the governing body of the City of Lexington ("the City") shall comply with each of the following provisions:*

*1. The provisions of this act shall apply to all short-term rentals, whether the City ordinance refers to such rentals as "45 Nights or Less Rentals" or by any other terms.*

*2. The provisions of this act and subsections A, B, and C of § 15.2-983 of the Code of Virginia shall be construed to prohibit, limit, or otherwise supersede any existing local authority of the City to regulate the short-term rental of property through its general land use and zoning authority or any other local authority through its charter or through any provision of Title 15.2 of the Code of Virginia. The City shall not have any provision in its ordinance that is inconsistent with, or not expressly authorized by, subsections A, B, and C of § 15.2-983 of the Code of Virginia. However, subject to this act and subsections A, B, and C of § 15.2-983 of the Code of Virginia, the City may regulate short-term rentals through its general land use and zoning authority as authorized in subsection D of 15.2-983 of the Code of Virginia.*

3. The City shall not regulate the short-term rental of real property except for such rentals that are for a period of fewer than 30 consecutive days, in compliance with § 15.2-983 of the Code of Virginia.

4. The City shall not require a business license for, nor require payment of license taxes by, any person engaged in the rental of real property, in compliance with subdivision C 7 of § 58.1-3703 of the Code of Virginia.

5. The City may include in its ordinance a provision for a short-term rental registry only in compliance with § 15.2-983 of the Code of Virginia, including exemptions as provided in subdivision B 2 of § 15.2-983.

6. The City shall comply with the provisions of § 15.2-2311 of the Code of Virginia with respect to any determinations made by the zoning administrator or other administrative officials concerning any alleged violations of the City's short-term rental ordinance, including complying with the requirement to provide the recipient with a statement informing him that he may have a right to appeal the notice of a zoning violation or written order within 30 days.

2. That the City of Lexington shall amend and reenact its existing ordinance to come into compliance with this act on or before September 30, 2018.

3. That any short-term rental located in the Sandbridge Special Service District in the City of Virginia Beach shall be a principal use subject to the City's regulations applicable to short-term rentals. Whether a short-term rental located in any other area of the City of Virginia Beach is a permitted use shall be determined by the provisions of the City's zoning ordinance.

CHAPTER 759

*An Act to amend and reenact the second enactment of Chapter 444 of the Acts of Assembly of 2008 and to amend and reenact the third enactment of Chapter 818 and the third enactment of Chapter 852 of the Acts of Assembly of 2009, relating to the Office of Telework Promotion and Broadband Assistance and the Broadband Advisory Council; expiration.*

[H 999]

Approved April 4, 2018

Be it enacted by the General Assembly of Virginia:

1. That the second enactment of Chapter 444 of the Acts of Assembly of 2008 is amended and reenacted as follows:

2. That the provisions of this act shall expire on July 1, ~~2018~~ 2019.

2. That the third enactment of Chapter 818 of the Acts of Assembly of 2009 is amended and reenacted as follows:

3. That the provisions of this act shall expire on July 1, ~~2018~~ 2019.

3. That the third enactment of Chapter 852 of the Acts of Assembly of 2009 is amended and reenacted as follows:

3. That the provisions of this act shall expire on July 1, ~~2018~~ 2019.

CHAPTER 760

*An Act to amend and reenact the second enactment of Chapter 444 of the Acts of Assembly of 2008 and to amend and reenact the third enactment of Chapter 818 and the third enactment of Chapter 852 of the Acts of Assembly of 2009, relating to the Office of Telework Promotion and Broadband Assistance and the Broadband Advisory Council; expiration.*

[S 991]

Approved April 4, 2018

Be it enacted by the General Assembly of Virginia:

1. That the second enactment of Chapter 444 of the Acts of Assembly of 2008 is amended and reenacted as follows:

2. That the provisions of this act shall expire on July 1, ~~2018~~ 2019.

2. That the third enactment of Chapter 818 of the Acts of Assembly of 2009 is amended and reenacted as follows:

3. That the provisions of this act shall expire on July 1, ~~2018~~ 2019.

3. That the third enactment of Chapter 852 of the Acts of Assembly of 2009 is amended and reenacted as follows:

3. That the provisions of this act shall expire on July 1, ~~2018~~ 2019.

CHAPTER 761

*An Act to amend the Code of Virginia by adding in Title 9.1 a chapter numbered 5.1, consisting of sections numbered 9.1-508 through 9.1-512, relating to creation of Correctional Officer Procedural Guarantee Act.*

[H 1418]

Approved April 4, 2018

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 9.1 a chapter numbered 5.1, consisting of sections numbered 9.1-508 through 9.1-512, as follows:

CHAPTER 5.1.  
CORRECTIONAL OFFICER PROCEDURAL GUARANTEE ACT.

**§ 9.1-508. Definitions.**

*As used in this chapter, unless the context requires a different meaning:*

*"Correctional officer" means a duly sworn non-probationary employee of the Department of Corrections whose normal duties relate to maintaining immediate control, supervision, and custody of prisoners confined in any state correctional facility.*

*"State correctional facility" means any correctional center or correctional field unit used for the incarceration of adult offenders established and operated by the Department of Corrections.*

**§ 9.1-509. Conduct of investigation; notice of charges.**

*A. Whenever an investigation focuses on matters that could lead to the dismissal, demotion, suspension, or transfer for punitive reasons of a correctional officer:*

*1. Any questioning shall take place at a reasonable time and place, preferably when the correctional officer under investigation is on duty; and*

*2. Prior to the questioning of the correctional officer, he shall be informed of (i) the name and job title of the investigator, (ii) the name and job title of any other individual to be present during the questioning, and (iii) the nature of the investigation.*

*B. After questioning pursuant to subsection A but before any dismissal, demotion, suspension, or transfer for punitive reasons may be imposed, the following rights shall be afforded:*

*1. The correctional officer shall be notified in writing of all charges, the basis therefor, and the action that may be taken;*

*2. The correctional officer shall be given an opportunity, within a reasonable time limit after the date of receipt of the written notice required by subdivision 1, to respond orally and in writing to the charges. The time limit shall be determined by the Department of Corrections, but in no event shall it be less than three calendar days unless agreed to by the correctional officer; and*

*3. In making his response, the correctional officer may be assisted by counsel at his own expense or by a representative.*

*C. The correctional officer shall also be given written notification of his right to initiate a grievance under the grievance procedure established by the Department of Human Resource Management or his right to request a hearing under this chapter. A copy of the grievance procedure, as well as instructions on how to proceed to a hearing under this chapter, shall be provided to the correctional officer upon his request.*

*D. No provision of this section shall apply to any person conducting a criminal investigation or to any correctional officer under investigation for criminal conduct.*

**§ 9.1-510. Hearing; recommendations.**

*A. Whenever a correctional officer is dismissed, demoted, suspended without pay, or transferred for punitive reasons, he may, within a reasonable amount of time following such action, as set by the agency, request a hearing. If such request is timely made, a hearing shall be held within a reasonable amount of time set by the agency. The hearing shall be set no later than 14 calendar days following the date of request, unless a later date is agreed to by the correctional officer.*

*B. At the hearing, the correctional officer and the agency shall have the opportunity to present evidence and to examine and cross-examine witnesses. The correctional officer shall also be given the opportunity to be represented by counsel or a representative at the hearing.*

*C. The hearing shall be conducted by a panel consisting of one member from within the agency selected by the grievant, one member from within the agency appointed by the agency head, and a third member selected by the other two members. These members shall be security officers of no more than three ranks above the rank of the grievant. If there is no agreement on a third member, the third member shall be chosen by the chief circuit court judge of the circuit where the correctional officer is employed. The hearing panel may issue subpoenas to compel witness testimony at the request of either the correctional officer or the agency. The hearing panel shall rule on the admissibility of evidence. A record shall be made of the hearing.*

*D. At the option of the agency, it may, in lieu of complying with the provisions of § 9.1-509, (i) give the correctional officer a written statement of the charges and the basis for them, and the action that may be taken, and (ii) provide a hearing as provided for in this section prior to dismissing, demoting, suspending, or transferring the correctional officer for disciplinary reasons.*

*E. The recommendations of the hearing panel and the reasons therefor shall be made in writing and transmitted promptly to the correctional officer or his counsel and to the agency. Such recommendations shall be advisory only but shall be accorded significant weight.*

*F. No provision of this section shall apply to correctional officers dismissed, demoted, suspended without pay, or transferred for punitive reasons as a result of a criminal conviction.*

**§ 9.1-511. Immediate suspension.**

*Nothing in this chapter shall prevent the immediate suspension without pay of any correctional officer whose continued presence in the workplace may be harmful to the correctional officer, other employees, contractors, volunteers, prisoners, or the public; makes it impossible for the agency to conduct business; may hamper an internal investigation into*

*the correctional officer's alleged misconduct; may hamper an investigation being conducted by law enforcement; or may constitute negligence in regard to the agency's duties to the public, other employees, contractors, volunteers, or prisoners. Further, nothing in this chapter shall prevent the suspension of a correctional officer for refusing to obey a direct order issued in compliance with the agency's written and disseminated policies. In such a case, the correctional officer shall, upon request, be afforded the rights provided under this chapter within a reasonable amount of time set by the agency.*

**§ 9.1-512. Informal counseling not prohibited.**

*Nothing in this chapter shall be construed to prohibit the informal counseling of a correctional officer by a supervisor in reference to a minor infraction of policy or procedure that does not result in disciplinary action being taken against the correctional officer.*

**CHAPTER 762**

*An Act to amend the Code of Virginia by adding in Title 9.1 a chapter numbered 5.1, consisting of sections numbered 9.1-508 through 9.1-512, relating to creation of Correctional Officer Procedural Guarantee Act.*

[S 851]

Approved April 4, 2018

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding in Title 9.1 a chapter numbered 5.1, consisting of sections numbered 9.1-508 through 9.1-512, as follows:**

**CHAPTER 5.1.**

**CORRECTIONAL OFFICER PROCEDURAL GUARANTEE ACT.**

**§ 9.1-508. Definitions.**

*As used in this chapter, unless the context requires a different meaning:*

*"Correctional officer" means a duly sworn non-probationary employee of the Department of Corrections whose normal duties relate to maintaining immediate control, supervision, and custody of prisoners confined in any state correctional facility.*

*"State correctional facility" means any correctional center or correctional field unit used for the incarceration of adult offenders established and operated by the Department of Corrections.*

**§ 9.1-509. Conduct of investigation; notice of charges.**

*A. Whenever an investigation focuses on matters that could lead to the dismissal, demotion, suspension, or transfer for punitive reasons of a correctional officer:*

*1. Any questioning shall take place at a reasonable time and place, preferably when the correctional officer under investigation is on duty; and*

*2. Prior to the questioning of the correctional officer, he shall be informed of (i) the name and job title of the investigator, (ii) the name and job title of any other individual to be present during the questioning, and (iii) the nature of the investigation.*

*B. After questioning pursuant to subsection A but before any dismissal, demotion, suspension, or transfer for punitive reasons may be imposed, the following rights shall be afforded:*

*1. The correctional officer shall be notified in writing of all charges, the basis therefor, and the action that may be taken;*

*2. The correctional officer shall be given an opportunity, within a reasonable time limit after the date of receipt of the written notice required by subdivision 1, to respond orally and in writing to the charges. The time limit shall be determined by the Department of Corrections, but in no event shall it be less than three calendar days unless agreed to by the correctional officer; and*

*3. In making his response, the correctional officer may be assisted by counsel at his own expense or by a representative.*

*C. The correctional officer shall also be given written notification of his right to initiate a grievance under the grievance procedure established by the Department of Human Resource Management or his right to request a hearing under this chapter. A copy of the grievance procedure, as well as instructions on how to proceed to a hearing under this chapter, shall be provided to the correctional officer upon his request.*

*D. No provision of this section shall apply to any person conducting a criminal investigation or to any correctional officer under investigation for criminal conduct.*

**§ 9.1-510. Hearing; recommendations.**

*A. Whenever a correctional officer is dismissed, demoted, suspended without pay, or transferred for punitive reasons, he may, within a reasonable amount of time following such action, as set by the agency, request a hearing. If such request is timely made, a hearing shall be held within a reasonable amount of time set by the agency. The hearing shall be set no later than 14 calendar days following the date of request, unless a later date is agreed to by the correctional officer.*

*B. At the hearing, the correctional officer and the agency shall have the opportunity to present evidence and to examine and cross-examine witnesses. The correctional officer shall also be given the opportunity to be represented by counsel or a representative at the hearing.*

C. The hearing shall be conducted by a panel consisting of one member from within the agency selected by the grievant, one member from within the agency appointed by the agency head, and a third member selected by the other two members. These members shall be security officers of no more than three ranks above the rank of the grievant. If there is no agreement on a third member, the third member shall be chosen by the chief circuit court judge of the circuit where the correctional officer is employed. The hearing panel may issue subpoenas to compel witness testimony at the request of either the correctional officer or the agency. The hearing panel shall rule on the admissibility of evidence. A record shall be made of the hearing.

D. At the option of the agency, it may, in lieu of complying with the provisions of § 9.1-509, (i) give the correctional officer a written statement of the charges and the basis for them, and the action that may be taken, and (ii) provide a hearing as provided for in this section prior to dismissing, demoting, suspending, or transferring the correctional officer for disciplinary reasons.

E. The recommendations of the hearing panel and the reasons therefor shall be made in writing and transmitted promptly to the correctional officer or his counsel and to the agency. Such recommendations shall be advisory only but shall be accorded significant weight.

F. No provision of this section shall apply to correctional officers dismissed, demoted, suspended without pay, or transferred for punitive reasons as a result of a criminal conviction.

**§ 9.1-511. Immediate suspension.**

Nothing in this chapter shall prevent the immediate suspension without pay of any correctional officer whose continued presence in the workplace may be harmful to the correctional officer, other employees, contractors, volunteers, prisoners, or the public; makes it impossible for the agency to conduct business; may hamper an internal investigation into the correctional officer's alleged misconduct; may hamper an investigation being conducted by law enforcement; or may constitute negligence in regard to the agency's duties to the public, other employees, contractors, volunteers, or prisoners. Further, nothing in this chapter shall prevent the suspension of a correctional officer for refusing to obey a direct order issued in compliance with the agency's written and disseminated policies. In such a case, the correctional officer shall, upon request, be afforded the rights provided under this chapter within a reasonable amount of time set by the agency.

**§ 9.1-512. Informal counseling not prohibited.**

Nothing in this chapter shall be construed to prohibit the informal counseling of a correctional officer by a supervisor in reference to a minor infraction of policy or procedure that does not result in disciplinary action being taken against the correctional officer.

## CHAPTER 763

An Act to amend and reenact § 46.2-1012 of the Code of Virginia, relating to auxiliary lights on motorcycles and autocycles.

[H 1464]

Approved April 4, 2018

**Be it enacted by the General Assembly of Virginia:**

**1. That § 46.2-1012 of the Code of Virginia is amended and reenacted as follows:**

**§ 46.2-1012. Headlights, auxiliary headlights, tail lights, brake lights, auxiliary lights, and illumination of license plates on motorcycles or autocycles.**

Every motorcycle or autocycle shall be equipped with at least one headlight which shall be of a type that has been approved by the Superintendent and shall be capable of projecting sufficient light to the front of such motorcycle or autocycle to render discernible a person or object at a distance of 200 feet. However, the lights shall not project a glaring or dazzling light to persons approaching such motorcycles or autocycles. In addition, each motorcycle or autocycle may be equipped with not more than two auxiliary headlights of a type approved by the Superintendent *except as otherwise provided in this section.*

Motorcycles or autocycles may be equipped with means of modulating the high beam of their headlights between high and low beam at a rate of 200 to 280 flashes per minute. Such headlights shall not be so modulated during periods when headlights would ordinarily be required to be lighted under § 46.2-1030.

*Notwithstanding § 46.2-1002, motorcycles or autocycles may be equipped with standard bulb running lights or light-emitting diode (LED) pods or strips as auxiliary lighting. Such lighting shall be (i) either red or amber in color, (ii) directed toward the ground in such a manner that no part of the beam will strike the level of the surface on which the motorcycle or autocycle stands at a distance of more than 10 feet from the vehicle, and (iii) designed for vehicular use. Such lighting shall not (a) project a beam of light of an intensity greater than 25 candlepower or its equivalent from a single lamp or bulb; (b) be blinking, flashing, oscillating, or rotating; or (c) be attached to the wheels of the motorcycle or autocycle.*

Every motorcycle or autocycle registered in the Commonwealth and operated on the highways of the Commonwealth shall be equipped with at least one brake light of a type approved by the Superintendent. Motorcycles or autocycles may be equipped with one or more auxiliary brake lights of a type approved by the Superintendent. The Superintendent may by regulation prescribe or limit the size, number, location, and configuration of such auxiliary brake lights.

Every motorcycle or autocycle shall carry at the rear at least one or more red lights plainly visible in clear weather from a distance of 500 feet to the rear of such vehicle. Such tail lights shall be constructed and so mounted in their relation to the

rear license plate as to illuminate the license plate with a white light so that the same may be read from a distance of 50 feet to the rear of such vehicle. Alternatively, a separate white light shall be so mounted as to illuminate the rear license plate from a distance of 50 feet to the rear of such vehicle. Any such tail lights or special white light shall be of a type approved by the Superintendent.

Motorcycles or autocycles may be equipped with a means of varying the brightness of the vehicle's brake light upon application of the vehicle's brakes.

#### CHAPTER 764

*An Act to amend and reenact §§ 18.2-23, 18.2-80, 18.2-81, 18.2-95 through 18.2-97, 18.2-102, 18.2-103, 18.2-108.01, 18.2-145.1, 18.2-150, 18.2-152.3, 18.2-162, 18.2-181, 18.2-181.1, 18.2-182, 18.2-186, 18.2-186.3, 18.2-187.1, 18.2-188, 18.2-195, 18.2-195.2, 18.2-197, 18.2-340.37, 19.2-289, 19.2-290, 19.2-386.16, and 29.1-553 of the Code of Virginia, relating to grand larceny and certain property crimes; threshold.*

[H 1550]

Approved April 4, 2018

#### Be it enacted by the General Assembly of Virginia:

**1. That §§ 18.2-23, 18.2-80, 18.2-81, 18.2-95 through 18.2-97, 18.2-102, 18.2-103, 18.2-108.01, 18.2-145.1, 18.2-150, 18.2-152.3, 18.2-162, 18.2-181, 18.2-181.1, 18.2-182, 18.2-186, 18.2-186.3, 18.2-187.1, 18.2-188, 18.2-195, 18.2-195.2, 18.2-197, 18.2-340.37, 19.2-289, 19.2-290, 19.2-386.16, and 29.1-553 of the Code of Virginia are amended and reenacted as follows:**

#### **§ 18.2-23. Conspiring to trespass or commit larceny.**

A. If any person shall conspire, confederate or combine with another or others in the Commonwealth to go upon or remain upon the lands, buildings or premises of another, or any part, portion or area thereof, having knowledge that any of them have been forbidden, either orally or in writing, to do so by the owner, lessee, custodian or other person lawfully in charge thereof, or having knowledge that any of them have been forbidden to do so by a sign or signs posted on such lands, buildings, premises or part, portion or area thereof at a place or places where it or they may reasonably be seen, he shall be deemed guilty of a Class 3 misdemeanor.

B. If any person shall conspire, confederate or combine with another or others in the Commonwealth to commit larceny or counsel, assist, aid or abet another in the performance of a larceny, where the aggregate value of the goods or merchandise involved is ~~more than \$200~~ *\$500 or more*, he is guilty of a felony punishable by confinement in a state correctional facility for not less than one year nor more than 20 years. The willful concealment of goods or merchandise of any store or other mercantile establishment, while still on the premises thereof, shall be prima facie evidence of an intent to convert and defraud the owner thereof out of the value of the goods or merchandise. A violation of this subsection constitutes a separate and distinct felony.

C. Jurisdiction for the trial of any person charged under this section shall be in the county or city wherein any part of such conspiracy is planned, or in the county or city wherein any act is done toward the consummation of such plan or conspiracy.

#### **§ 18.2-80. Burning or destroying any other building or structure.**

If any person maliciously, or with intent to defraud an insurance company or other person, burn, or by the use of any explosive device or substance, maliciously destroy, in whole or in part, or cause to be burned or destroyed, or aid, counsel or procure the burning or destruction of any building, bridge, lock, dam or other structure, whether the property of himself or of another, at a time when any person is therein or thereon, the burning or destruction whereof is not punishable under any other section of this chapter, he shall be guilty of a Class 3 felony. If he commits such offense at a time when no person is in such building, or other structure, and such building, or other structure, with the property therein, be of the value of ~~\$200,~~ *\$500 or more*, he shall be guilty of a Class 4 felony, and if it and the property therein be of less value, he shall be guilty of a Class 1 misdemeanor.

#### **§ 18.2-81. Burning or destroying personal property, standing grain, etc.**

If any person maliciously, or with intent to defraud an insurance company or other person, set fire to or burn or destroy by any explosive device or substance, or cause to be burned, or destroyed by any explosive device or substance, or aid, counsel, or procure the burning or destroying by any explosive device or substance, of any personal property, standing grain or other crop, he shall, if the thing burnt or destroyed; be of the value of ~~\$200~~ *\$500 or more*, be guilty of a Class 4 felony; and if the thing burnt or destroyed be of less value, he shall be guilty of a Class 1 misdemeanor.

#### **§ 18.2-95. Grand larceny defined; how punished.**

Any person who (i) commits larceny from the person of another of money or other thing of value of \$5 or more, (ii) commits simple larceny not from the person of another of goods and chattels of the value of ~~\$200~~ *\$500 or more*, or (iii) commits simple larceny not from the person of another of any firearm, regardless of the firearm's value, shall be guilty of grand larceny, punishable by imprisonment in a state correctional facility for not less than one nor more than ~~twenty~~ *20* years or, in the discretion of the jury or court trying the case without a jury, be confined in jail for a period not exceeding ~~twelve~~ *12* months or fined not more than \$2,500, either or both.

**§ 18.2-96. Petit larceny defined; how punished.**

Any person who:

1. Commits larceny from the person of another of money or other thing of value of less than \$5, or
2. Commits simple larceny not from the person of another of goods and chattels of the value of less than ~~\$200~~ \$500, except as provided in subdivision clause (iii) of § 18.2-95, shall be deemed guilty of petit larceny, which shall be punishable as a Class 1 misdemeanor.

**§ 18.2-96.1. Identification of certain personalty.**

A. The owner of personal property may permanently mark such property, including any part thereof, for the purpose of identification with the social security number of the owner, preceded by the letters "VA."

B. [Repealed.]

C. It shall be unlawful for any person to remove, alter, deface, destroy, conceal, or otherwise obscure the manufacturer's serial number or marks, including personalty marked with a social security number preceded by the letters "VA," from such personal property or any part thereof, without the consent of the owner, with intent to render it or other property unidentifiable.

D. It shall be unlawful for any person to possess such personal property or any part thereof, without the consent of the owner, knowing that the manufacturer's serial number or any other distinguishing identification number or mark, including personalty marked with a social security number preceded by the letters "VA," has been removed, altered, defaced, destroyed, concealed, or otherwise obscured with the intent to violate the provisions of this section.

E. A person in possession of such property which is otherwise in violation of this section may apply in writing to the Bureau of Criminal Investigation, Virginia State Police, for assignment of a number for the personal property providing he can show that he is the lawful owner of the property. If a number is issued in conformity with the provisions of this section, then the person to whom it was issued and any person to whom the property is lawfully disposed of shall not be in violation of this section. This subsection shall apply only when the application has been filed by a person prior to arrest or authorization of a warrant of arrest for that person by a court.

F. Any person convicted of an offense under this section, when the value of the personalty is less than ~~\$200~~ \$500, shall be guilty of a Class 1 misdemeanor and, when the value of the personalty is ~~\$200~~ \$500 or more, shall be guilty of a Class 5 felony.

**§ 18.2-97. Larceny of certain animals and poultry.**

Any person who shall be guilty of the larceny of a dog, horse, pony, mule, cow, steer, bull, or calf shall be guilty of a Class 5 felony, and any person who shall be guilty of the larceny of any poultry of the value of \$5 ~~dollars~~ or more, but of the value of less than ~~\$200~~ \$500, or of a sheep, lamb, swine, or goat, of the value of less than ~~\$200~~ \$500, shall be guilty of a Class 6 felony.

**§ 18.2-102. Unauthorized use of animal, aircraft, vehicle or boat; consent; accessories or accomplices.**

Any person who shall take, drive or use any animal, aircraft, vehicle, boat or vessel, not his own, without the consent of the owner thereof and in the absence of the owner, and with intent temporarily to deprive the owner thereof of his possession thereof, without intent to steal the same, shall be guilty of a Class 6 felony, provided, however, that if the value of such animal, aircraft, vehicle, boat or vessel shall be less than ~~\$200~~ \$500, such person shall be guilty of a Class 1 misdemeanor. The consent of the owner of an animal, aircraft, vehicle, boat or vessel to its taking, driving or using shall not in any case be presumed or implied because of such owner's consent on a previous occasion to the taking, driving or using of such animal, aircraft, vehicle, boat or vessel by the same or a different person. Any person who assists in, or is a party or accessory to, or an accomplice in, any such unauthorized taking, driving or using shall be subject to the same punishment as if he were the principal offender.

**§ 18.2-103. Concealing or taking possession of merchandise; altering price tags; transferring goods from one container to another; counseling, etc., another in performance of such acts.**

Whoever, without authority, with the intention of converting goods or merchandise to his own or another's use without having paid the full purchase price thereof, or of defrauding the owner of the value of the goods or merchandise, (i) willfully conceals or takes possession of the goods or merchandise of any store or other mercantile establishment, or (ii) alters the price tag or other price marking on such goods or merchandise, or transfers the goods from one container to another, or (iii) counsels, assists, aids or abets another in the performance of any of the above acts, when the value of the goods or merchandise involved in the offense is less than ~~\$200~~ \$500, shall be guilty of petit larceny and, when the value of the goods or merchandise involved in the offense is ~~\$200~~ \$500 or more, shall be guilty of grand larceny. The willful concealment of goods or merchandise of any store or other mercantile establishment, while still on the premises thereof, shall be prima facie evidence of an intent to convert and defraud the owner thereof out of the value of the goods or merchandise.

**§ 18.2-108.01. Larceny with intent to sell or distribute; sale of stolen property; penalty.**

A. Any person who commits larceny of property with a value of ~~\$200~~ \$500 or more with the intent to sell or distribute such property is guilty of a felony punishable by confinement in a state correctional facility for not less than two years nor more than 20 years. The larceny of more than one item of the same product is prima facie evidence of intent to sell or intent to distribute for sale.

B. Any person who sells, attempts to sell or possesses with intent to sell or distribute any stolen property with an aggregate value of ~~\$200~~ \$500 or more where he knew or should have known that the property was stolen is guilty of a Class 5 felony.

C. A violation of this section constitutes a separate and distinct offense.

**§ 18.2-145.1. Damaging or destroying research farm product; penalty; restitution.**

A. Any person or entity that (i) maliciously damages or destroys any farm product, as defined in § 3.2-4709, and (ii) knows the product is grown for testing or research purposes in the context of product development in conjunction or coordination with a private research facility or a baccalaureate institution of higher education or any federal, state, or local government agency is guilty of a Class 1 misdemeanor if the value of the farm product was less than ~~\$200~~ \$500, or a Class 6 felony if the value of the farm product was ~~\$200~~ \$500 or more.

B. The court shall order the defendant to make restitution in accordance with § 19.2-305.1 for the damage or destruction caused. For the purpose of awarding restitution under this section, the court shall determine the market value of the farm product prior to its damage or destruction and, in so doing, shall include the cost of: (i) production, (ii) research, (iii) testing, (iv) replacement, and (v) product development directly related to the product damaged or destroyed.

**§ 18.2-150. Willfully destroying vessel, etc.**

If any person willfully scuttle, cast away or otherwise dispose of, or in any manner destroy, except as otherwise provided, a ship, vessel or other watercraft, with intent to injure or defraud any owner thereof or of any property on board the same, or any insurer of such ship, vessel or other watercraft, or any part thereof, or of any such property on board the same, if the same be of the value of ~~\$200~~ \$500 or more, he shall be guilty of a Class 4 felony, but if it be of less value than ~~\$200~~ \$500, he shall be guilty of a Class 1 misdemeanor.

**§ 18.2-152.3. Computer fraud; penalty.**

Any person who uses a computer or computer network, without authority and:

1. Obtains property or services by false pretenses;
2. Embezzles or commits larceny; or
3. Converts the property of another;

is guilty of the crime of computer fraud.

If the value of the property or services obtained is ~~\$200~~ \$500 or more, the crime of computer fraud shall be punishable as a Class 5 felony. Where the value of the property or services obtained is less than ~~\$200~~ \$500, the crime of computer fraud shall be punishable as a Class 1 misdemeanor.

**§ 18.2-162. Damage or trespass to public services or utilities.**

Any person who shall intentionally destroy or damage any facility which is used to furnish oil, telegraph, telephone, electric, gas, sewer, wastewater or water service to the public, shall be guilty of a Class 4 felony, provided that in the event *that* the destruction or damage may be remedied or repaired for ~~\$200 or less than~~ \$500 such act shall constitute a Class 3 misdemeanor. On electric generating property marked with no trespassing signs, the security personnel of a utility may detain a trespasser for a period not to exceed one hour pending arrival of a law-enforcement officer.

Notwithstanding any other provisions of this title, any person who shall intentionally destroy or damage, or attempt to destroy or damage, any such facility, equipment or material connected therewith, the destruction or damage of which might, in any manner, threaten the release of radioactive materials or ionizing radiation beyond the areas in which they are normally used or contained, shall be guilty of a Class 4 felony, provided that in the event the destruction or damage results in the death of another due to exposure to radioactive materials or ionizing radiation, such person shall be guilty of a Class 2 felony; provided further, that in the event the destruction or damage results in injury to another, such person shall be guilty of a Class 3 felony.

**§ 18.2-181. Issuing bad checks, etc., larceny.**

Any person who, with intent to defraud, shall make or draw or utter or deliver any check, draft, or order for the payment of money, upon any bank, banking institution, trust company, or other depository, knowing, at the time of such making, drawing, uttering or delivering, that the maker or drawer has not sufficient funds in, or credit with, such bank, banking institution, trust company, or other depository, for the payment of such check, draft or order, although no express representation is made in reference thereto, shall be guilty of larceny; and, if this check, draft, or order has a represented value of ~~\$200~~ \$500 or more, such person shall be guilty of a Class 6 felony. In cases in which such value is less than ~~\$200~~ \$500, the person shall be guilty of a Class 1 misdemeanor.

The word "credit" as used herein, shall be construed to mean any arrangement or understanding with the bank, trust company, or other depository for the payment of such check, draft or order.

Any person making, drawing, uttering or delivering any such check, draft or order in payment as a present consideration for goods or services for the purposes set out in this section shall be guilty as provided herein.

**§ 18.2-181.1. Issuance of bad checks.**

It shall be a Class 6 felony for any person, within a period of ~~ninety~~ 90 days, to issue two or more checks, drafts or orders for the payment of money in violation of § 18.2-181; ~~which~~ *that* have an aggregate represented value of ~~\$200~~ \$500 or more and ~~which~~ *that* (i) are drawn upon the same account of any bank, banking institution, trust company or other depository and (ii) are made payable to the same person, firm or corporation.

**§ 18.2-182. Issuing bad checks on behalf of business firm or corporation in payment of wages; penalty.**

Any person who shall make, draw, or utter, or deliver any check, draft, or order for the payment of money, upon any bank, banking institution, trust company or other depository on behalf of any business firm or corporation, for the purpose of paying wages to any employee of such firm or corporation, or for the purpose of paying for any labor performed by any person for such firm or corporation, knowing, at the time of such making, drawing, uttering or delivering, that the account

upon which such check, draft or order is drawn has not sufficient funds, or credit with, such bank, banking institution, trust company or other depository, for the payment of such check, draft or order, although no express representation is made in reference thereto, shall be guilty of a Class 1 misdemeanor; except that if this check, draft, or order has a represented value of ~~\$200~~ \$500 or more, such person shall be guilty of a Class 6 felony.

The word "credit," as used herein, shall be construed to mean any arrangement or understanding with the bank, banking institution, trust company, or other depository for the payment of such check, draft or order.

In addition to the criminal penalty set forth herein, such person shall be personally liable in any civil action brought upon such check, draft or order.

**§ 18.2-186. False statements to obtain property or credit.**

A. A person shall be guilty of a Class 1 misdemeanor if he makes, causes to be made or conspires to make directly, indirectly or through an agency, any materially false statement in writing, knowing it to be false and intending that it be relied upon, concerning the financial condition or means or ability to pay of himself, or of any other person for whom he is acting, or any firm or corporation in which he is interested or for which he is acting, for the purpose of procuring, for his own benefit or for the benefit of such person, firm or corporation, the delivery of personal property, the payment of cash, the making of a loan or credit, the extension of a credit, the discount of an account receivable, or the making, acceptance, discount, sale or endorsement of a bill of exchange or promissory note.

B. Any person who knows that a false statement has been made in writing concerning the financial condition or ability to pay of himself or of any person for whom he is acting, or any firm or corporation in which he is interested or for which he is acting and who, with intent to defraud, procures, upon the faith thereof, for his own benefit, or for the benefit of the person, firm or corporation in which he is interested or for which he is acting, any such delivery, payment, loan, credit, extension, discount making, acceptance, sale or endorsement, shall, if the value of the thing or the amount of the loan, credit or benefit obtained is ~~\$200~~ \$500 or more, be guilty of grand larceny or, if the value is less than ~~\$200~~ \$500, be guilty of petit larceny.

C. Venue for the trial of any person charged with an offense under this section may be in the county or city in which (i) any act was performed in furtherance of the offense, or (ii) the person charged with the offense resided at the time of the offense.

D. As used in this section, "in writing" shall include information transmitted by computer, facsimile, e-mail, Internet, or any other electronic medium, and shall not include information transmitted by any such medium by voice transmission.

**§ 18.2-186.3. Identity theft; penalty; restitution; victim assistance.**

A. It shall be unlawful for any person, without the authorization or permission of the person or persons who are the subjects of the identifying information, with the intent to defraud, for his own use or the use of a third person, to:

1. Obtain, record, or access identifying information which is not available to the general public that would assist in accessing financial resources, obtaining identification documents, or obtaining benefits of such other person;
2. Obtain money, credit, loans, goods, or services through the use of identifying information of such other person;
3. Obtain identification documents in such other person's name; or
4. Obtain, record, or access identifying information while impersonating a law-enforcement officer or an official of the government of the Commonwealth.

B. It shall be unlawful for any person without the authorization or permission of the person who is the subject of the identifying information, with the intent to sell or distribute the information to another to:

1. Fraudulently obtain, record, or access identifying information that is not available to the general public that would assist in accessing financial resources, obtaining identification documents, or obtaining benefits of such other person;
2. Obtain money, credit, loans, goods, or services through the use of identifying information of such other person;
3. Obtain identification documents in such other person's name; or
4. Obtain, record, or access identifying information while impersonating a law-enforcement officer or an official of the Commonwealth.

B1. It shall be unlawful for any person to use identification documents or identifying information of another person, whether that person is dead or alive, or of a false or fictitious person, to avoid summons, arrest, prosecution, or to impede a criminal investigation.

C. As used in this section, "identifying information" shall include but not be limited to: (i) name; (ii) date of birth; (iii) social security number; (iv) driver's license number; (v) bank account numbers; (vi) credit or debit card numbers; (vii) personal identification numbers (PIN); (viii) electronic identification codes; (ix) automated or electronic signatures; (x) biometric data; (xi) fingerprints; (xii) passwords; or (xiii) any other numbers or information that can be used to access a person's financial resources, obtain identification, act as identification, or obtain money, credit, loans, goods, or services.

D. Violations of this section shall be punishable as a Class 1 misdemeanor. Any violation resulting in financial loss of ~~greater than \$200~~ \$500 or more shall be punishable as a Class 6 felony. Any second or subsequent conviction shall be punishable as a Class 6 felony. Any violation of subsection B where five or more persons' identifying information has been obtained, recorded, or accessed in the same transaction or occurrence shall be punishable as a Class 5 felony. Any violation of subsection B where 50 or more persons' identifying information has been obtained, recorded, or accessed in the same transaction or occurrence shall be punishable as a Class 4 felony. Any violation resulting in the arrest and detention of the person whose identification documents or identifying information were used to avoid summons, arrest, prosecution, or to impede a criminal investigation shall be punishable as a Class 5 felony. In any proceeding brought pursuant to this section,

the crime shall be considered to have been committed in any locality where the person whose identifying information was appropriated resides, or in which any part of the offense took place, regardless of whether the defendant was ever actually in such locality.

E. Upon conviction, in addition to any other punishment, a person found guilty of this offense shall be ordered by the court to make restitution as the court deems appropriate to any person whose identifying information was appropriated or to the estate of such person. Such restitution may include the person's or his estate's actual expenses associated with correcting inaccuracies or errors in his credit report or other identifying information.

F. Upon the request of a person whose identifying information was appropriated, the Attorney General may provide assistance to the victim in obtaining information necessary to correct inaccuracies or errors in his credit report or other identifying information; however, no legal representation shall be afforded such person.

**§ 18.2-187.1. Obtaining or attempting to obtain oil, electric, gas, water, telephone, telegraph, cable television or electronic communication service without payment; penalty; civil liability.**

A. It shall be unlawful for any person knowingly, with the intent to defraud, to obtain or attempt to obtain, for himself or for another, oil, electric, gas, water, telephone, telegraph, cable television or electronic communication service by the use of any false information, or in any case where such service has been disconnected by the supplier and notice of disconnection has been given.

B. It shall be unlawful for any person to obtain or attempt to obtain oil, electric, gas, water, telephone, telegraph, cable television or electronic communication service by the use of any scheme, device, means or method, or by a false application for service with intent to avoid payment of lawful charges therefor.

B1. It shall be unlawful for any person to obtain, or attempt to obtain, electronic communication service as defined in § 18.2-190.1 by the use of an unlawful electronic communication device as defined in § 18.2-190.1.

C. The word "notice" as used in subsection A shall be notice given in writing to the person to whom the service was assigned. The sending of a notice in writing by registered or certified mail in the United States mail, duly stamped and addressed to such person at his last known address, requiring delivery to the addressee only with return receipt requested, and the actual signing of the receipt for such mail by the addressee, shall be prima facie evidence that such notice was duly received.

D. Any person who violates any provisions of this section, if the value of service, credit or benefit procured is ~~\$200~~ \$500 or more, shall be guilty of a Class 6 felony; or if the value is less than ~~\$200~~ \$500, shall be guilty of a Class 1 misdemeanor. In addition, the court may order restitution for the value of the services unlawfully used and for all costs. Such costs shall be limited to actual expenses, including the base wages of employees acting as witnesses for the Commonwealth, and suit costs. However, the total amount of allowable costs granted hereunder shall not exceed \$250, excluding the value of the service.

E. Any party providing oil, electric, gas, water, telephone, telegraph, cable television or electronic communication service who is aggrieved by a violation of this section may, in a civil proceeding in any court of competent jurisdiction, seek both injunctive and equitable relief, and an award of damages, including ~~attorney's~~ attorney fees and costs. In addition to any other remedy provided by law, the party aggrieved may recover an award of actual damages or \$500, whichever is greater, for each action.

**§ 18.2-188. Defrauding hotels, motels, campgrounds, boardinghouses, etc.**

It shall be unlawful for any person, without paying therefor, and with the intent to cheat or defraud the owner or keeper to:

1. Put up at a hotel, motel, campground or boardinghouse;
2. Obtain food from a restaurant or other eating house;
3. Gain entrance to an amusement park; or

4. Without having an express agreement for credit, procure food, entertainment or accommodation from any hotel, motel, campground, boardinghouse, restaurant, eating house or amusement park.

It shall be unlawful for any person, with intent to cheat or defraud the owner or keeper out of the pay therefor to obtain credit at a hotel, motel, campground, boardinghouse, restaurant or eating house for food, entertainment or accommodation by means of any false show of baggage or effects brought thereto.

It shall be unlawful for any person, with intent to cheat or defraud, to obtain credit at a hotel, motel, campground, boardinghouse, restaurant, eating house or amusement park for food, entertainment or accommodation through any misrepresentation or false statement.

It shall be unlawful for any person, with intent to cheat or defraud, to remove or cause to be removed any baggage or effects from a hotel, motel, campground, boardinghouse, restaurant or eating house while there is a lien existing thereon for the proper charges due from him for fare and board furnished.

Any person who violates any provision of this section ~~shall~~ *is*, if the value of service, credit or benefit procured or obtained is ~~\$200~~ \$500 or more, ~~be~~ *is* guilty of a Class 5 felony; or *is*, if the value is less than ~~\$200~~ \$500, *guilty of* a Class 1 misdemeanor.

**§ 18.2-195. Credit card fraud; conspiracy; penalties.**

(1) A person is guilty of credit card fraud when, with intent to defraud any person, he:

(a) Uses for the purpose of obtaining money, goods, services or anything else of value a credit card or credit card number obtained or retained in violation of § 18.2-192 or a credit card or credit card number which he knows is expired or revoked;

(b) Obtains money, goods, services or anything else of value by representing (i) without the consent of the cardholder that he is the holder of a specified card or credit card number or (ii) that he is the holder of a card or credit card number and such card or credit card number has not in fact been issued;

(c) Obtains control over a credit card or credit card number as security for debt; or

(d) Obtains money from an issuer by use of an unmanned device of the issuer or through a person other than the issuer when he knows that such advance will exceed his available credit with the issuer and any available balances held by the issuer.

(2) A person who is authorized by an issuer to furnish money, goods, services or anything else of value upon presentation of a credit card or credit card number by the cardholder, or any agent or employee of such person, is guilty of a credit card fraud when, with intent to defraud the issuer or the cardholder, he:

(a) Furnishes money, goods, services or anything else of value upon presentation of a credit card or credit card number obtained or retained in violation of § 18.2-192, or a credit card or credit card number which he knows is expired or revoked;

(b) Fails to furnish money, goods, services or anything else of value which he represents or causes to be represented in writing or by any other means to the issuer that he has furnished; or

(c) Remits to an issuer or acquirer a record of a credit card or credit card number transaction which is in excess of the monetary amount authorized by the cardholder.

(3) Conviction of credit card fraud is punishable as a Class 1 misdemeanor if the value of all money, goods, services and other things of value furnished in violation of this section, or if the difference between the value of all money, goods, services and anything else of value actually furnished and the value represented to the issuer to have been furnished in violation of this section, ~~does not exceed \$200~~ *is less than \$500* in any six-month period; conviction of credit card fraud is punishable as a Class 6 felony if such value ~~exceeds \$200~~ *is \$500 or more* in any six-month period.

(4) Any person who conspires, confederates or combines with another, (i) either within or without the Commonwealth to commit credit card fraud within the Commonwealth or (ii) within the Commonwealth to commit credit card fraud within or without the Commonwealth, is guilty of a Class 6 felony.

**§ 18.2-195.2. Fraudulent application for credit card; penalties.**

A. A person shall be guilty of a Class 1 misdemeanor if he makes, causes to be made or conspires to make, directly, indirectly or through an agency, any materially false statement in writing concerning the financial condition or means or ability to pay of himself or of any other person for whom he is acting or any firm or corporation in which he is interested or for which he is acting, knowing the statement to be false and intending that it be relied upon for the purpose of procuring a credit card. However, if the statement is made in response to an unrequested written solicitation from the issuer or an agent of the issuer to apply for a credit card, he shall be guilty of a Class 4 misdemeanor.

B. A person who knows that a false statement has been made in writing concerning the financial condition or ability to pay of himself or of any person for whom he is acting or any firm or corporation in which he is interested or for which he is acting and who with intent to defraud, procures a credit card, upon the faith of such false statement, for his own benefit, or for the benefit of the person, firm or corporation in which he is interested or for which he is acting, and obtains by use of the credit card, money, property, services or any thing of value, is guilty of grand larceny if the value of whatever is obtained is ~~\$200~~ *\$500* or more or petit larceny if the value is less than ~~\$200~~ *\$500*.

C. As used in this section, "in writing" shall include information transmitted by computer, facsimile, e-mail, Internet, or any other electronic medium, and shall not include information transmitted by any such medium by voice transmission.

**§ 18.2-197. Criminally receiving goods and services fraudulently obtained.**

A person is guilty of criminally receiving goods and services fraudulently obtained when he receives money, goods, services or anything else of value obtained in violation of subsection (1) of § 18.2-195 with the knowledge or belief that the same were obtained in violation of subsection (1) of § 18.2-195. Conviction of criminal receipt of goods and services fraudulently obtained is punishable as a Class 1 misdemeanor if the value of all money, goods, services and anything else of value, obtained in violation of this section, ~~does not exceed \$200~~ *is less than \$500* in any six-month period; conviction of criminal receipt of goods and services fraudulently obtained is punishable as a Class 6 felony if such value ~~exceeds \$200~~ *is \$500 or more* in any six-month period.

**§ 18.2-340.37. Criminal penalties.**

A. Any person who violates the provisions of this article or who willfully and knowingly files, or causes to be filed, a false application, report or other document or who willfully and knowingly makes a false statement, or causes a false statement to be made, on any application, report or other document required to be filed with or made to the Department shall be guilty of a Class 1 misdemeanor.

B. Each day in violation shall constitute a separate offense.

C. Any person who converts funds derived from any charitable gaming to his own or another's use, when the amount of funds is less than ~~\$200~~ *\$500*, shall be guilty of petit larceny and, when the amount of funds is ~~\$200~~ *\$500* or more, shall be guilty of grand larceny. The provisions of this section shall not preclude the applicability of any other provision of the criminal law of the Commonwealth that may apply to any course of conduct that violates this section.

**§ 19.2-289. Conviction of petit larceny.**

In a prosecution for grand larceny, if it be found that the thing stolen is of less value than ~~\$200~~ *\$500*, the jury may find the accused guilty of petit larceny.

**§ 19.2-290. Conviction of petit larceny though thing stolen worth \$500 or more.**

In a prosecution for petit larceny, though the thing stolen be of the value of ~~\$200~~ \$500 or more, the jury may find the accused guilty, and upon a conviction under this section or § 19.2-289 the accused shall be sentenced for petit larceny.

**§ 19.2-386.16. Forfeiture of motor vehicles used in commission of certain crimes.**

A. Any vehicle knowingly used by the owner thereof or used by another with his knowledge of and during the commission of, or in an attempt to commit, a second or subsequent offense of § 18.2-346, 18.2-347, 18.2-348, 18.2-349, 18.2-355, 18.2-356 or 18.2-357 or of a similar ordinance of any county, city or town or knowingly used for the transportation of any stolen goods, chattels or other property, when the value of such stolen goods, chattels or other property is ~~\$200~~ \$500 or more, or any stolen property obtained as a result of a robbery, without regard to the value of the property, shall be forfeited to the Commonwealth. The vehicle shall be seized by any law-enforcement officer arresting the operator of such vehicle for the criminal offense, and delivered to the sheriff of the county or city in which the offense occurred. The officer shall take a receipt therefor.

B. Any vehicle knowingly used by the owner thereof or used by another with his knowledge of and during the commission of, or in an attempt to commit, a misdemeanor violation of subsection D of § 18.2-47 or a felony violation of (i) Article 3 (§ 18.2-47 et seq.) of Chapter 4 of Title 18.2 or (ii) § 18.2-357 where the prostitute is a minor, shall be forfeited to the Commonwealth. The vehicle shall be seized by any law-enforcement officer arresting the operator of such vehicle for the criminal offense, and delivered to the sheriff of the county or city in which the offense occurred. The officer shall take a receipt therefor.

C. Forfeiture of such vehicle shall be enforced as is provided in Chapter 22.1 (§ 19.2-386.1 et seq.).

**§ 29.1-553. Selling or offering for sale; penalty.**

A. Any person who offers for sale, sells, offers to purchase, or purchases any wild bird or wild animal, or any part thereof, or any freshwater fish, except as provided by law, shall be guilty of a Class 1 misdemeanor. However, when the aggregate of such sales or purchases, or any combination thereof, by any person totals ~~\$200~~ \$500 or more during any 90-day period, that person shall be guilty of a Class 6 felony.

B. Whether or not criminal charges have been placed, when any property is taken possession of by a conservation police officer for the purpose of being used as evidence of a violation of this section or for confiscation, the conservation police officer making such seizure shall immediately report the seizure to the Attorney for the Commonwealth.

C. In any prosecution for a violation of this section, photographs of the wild bird, wild animal, or any freshwater fish, or any part thereof shall be deemed competent evidence of such wild bird, wild animal, or freshwater fish, or part thereof and shall be admissible in any proceeding, hearing, or trial of the case to the same extent as if such wild bird, wild animal, or any freshwater fish, or part thereof had been introduced as evidence. Such photographs shall bear a written description of the wild bird, wild animal, or freshwater fish, or parts thereof, the name of the place where the alleged offense occurred, the date on which the alleged offense occurred, the name of the accused, the name of the arresting officer or investigating officer, the date of the photograph, and the name of the photographer. The photographs shall be identified by the signature of the photographer.

D. Any licensed Virginia auctioneer or licensed auction firm that sells, as a legitimate item of an auction sale, wildlife mounts that have undergone the taxidermy process, shall be exempt from the provisions of this section and subdivision A 11 of § 29.1-521.

**CHAPTER 765**

*An Act to amend and reenact §§ 18.2-23, 18.2-80, 18.2-81, 18.2-95 through 18.2-97, 18.2-102, 18.2-103, 18.2-108.01, 18.2-145.1, 18.2-150, 18.2-152.3, 18.2-162, 18.2-181, 18.2-181.1, 18.2-182, 18.2-186, 18.2-186.3, 18.2-187.1, 18.2-188, 18.2-195, 18.2-195.2, 18.2-197, 18.2-340.37, 19.2-289, 19.2-290, 19.2-386.16, and 29.1-553 of the Code of Virginia, relating to grand larceny and certain property crimes; threshold.*

[S 105]

Approved April 4, 2018

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 18.2-23, 18.2-80, 18.2-81, 18.2-95 through 18.2-97, 18.2-102, 18.2-103, 18.2-108.01, 18.2-145.1, 18.2-150, 18.2-152.3, 18.2-162, 18.2-181, 18.2-181.1, 18.2-182, 18.2-186, 18.2-186.3, 18.2-187.1, 18.2-188, 18.2-195, 18.2-195.2, 18.2-197, 18.2-340.37, 19.2-289, 19.2-290, 19.2-386.16, and 29.1-553 of the Code of Virginia are amended and reenacted as follows:**

**§ 18.2-23. Conspiring to trespass or commit larceny.**

A. If any person shall conspire, confederate or combine with another or others in the Commonwealth to go upon or remain upon the lands, buildings or premises of another, or any part, portion or area thereof, having knowledge that any of them have been forbidden, either orally or in writing, to do so by the owner, lessee, custodian or other person lawfully in charge thereof, or having knowledge that any of them have been forbidden to do so by a sign or signs posted on such lands, buildings, premises or part, portion or area thereof at a place or places where it or they may reasonably be seen, he shall be deemed guilty of a Class 3 misdemeanor.

B. If any person shall conspire, confederate or combine with another or others in the Commonwealth to commit larceny or counsel, assist, aid or abet another in the performance of a larceny, where the aggregate value of the goods or merchandise involved is ~~more than \$200~~ *\$500 or more*, he is guilty of a felony punishable by confinement in a state correctional facility for not less than one year nor more than 20 years. The willful concealment of goods or merchandise of any store or other mercantile establishment, while still on the premises thereof, shall be prima facie evidence of an intent to convert and defraud the owner thereof out of the value of the goods or merchandise. A violation of this subsection constitutes a separate and distinct felony.

C. Jurisdiction for the trial of any person charged under this section shall be in the county or city wherein any part of such conspiracy is planned, or in the county or city wherein any act is done toward the consummation of such plan or conspiracy.

**§ 18.2-80. Burning or destroying any other building or structure.**

If any person maliciously, or with intent to defraud an insurance company or other person, burn, or by the use of any explosive device or substance, maliciously destroy, in whole or in part, or cause to be burned or destroyed, or aid, counsel or procure the burning or destruction of any building, bridge, lock, dam or other structure, whether the property of himself or of another, at a time when any person is therein or thereon, the burning or destruction whereof is not punishable under any other section of this chapter, he shall be guilty of a Class 3 felony. If he commits such offense at a time when no person is in such building, or other structure, and such building, or other structure, with the property therein, be of the value of ~~\$200,~~ *\$500 or more*, he shall be guilty of a Class 4 felony, and if it and the property therein be of less value, he shall be guilty of a Class 1 misdemeanor.

**§ 18.2-81. Burning or destroying personal property, standing grain, etc.**

If any person maliciously, or with intent to defraud an insurance company or other person, set fire to or burn or destroy by any explosive device or substance, or cause to be burned, or destroyed by any explosive device or substance, or aid, counsel, or procure the burning or destroying by any explosive device or substance, of any personal property, standing grain or other crop, he shall, if the thing burnt or destroyed, be of the value of ~~\$200~~ *\$500 or more*, be guilty of a Class 4 felony; and if the thing burnt or destroyed be of less value, he shall be guilty of a Class 1 misdemeanor.

**§ 18.2-95. Grand larceny defined; how punished.**

Any person who (i) commits larceny from the person of another of money or other thing of value of \$5 or more, (ii) commits simple larceny not from the person of another of goods and chattels of the value of ~~\$200~~ *\$500 or more*, or (iii) commits simple larceny not from the person of another of any firearm, regardless of the firearm's value, shall be guilty of grand larceny, punishable by imprisonment in a state correctional facility for not less than one nor more than ~~twenty~~ *20* years or, in the discretion of the jury or court trying the case without a jury, be confined in jail for a period not exceeding ~~twelve~~ *12* months or fined not more than \$2,500, either or both.

**§ 18.2-96. Petit larceny defined; how punished.**

Any person who:

1. Commits larceny from the person of another of money or other thing of value of less than \$5, or
2. Commits simple larceny not from the person of another of goods and chattels of the value of less than ~~\$200~~ *\$500*, except as provided in ~~subdivision clause~~ *clause* (iii) of § 18.2-95, shall be deemed guilty of petit larceny, which shall be punishable as a Class 1 misdemeanor.

**§ 18.2-96.1. Identification of certain personalty.**

A. The owner of personal property may permanently mark such property, including any part thereof, for the purpose of identification with the social security number of the owner, preceded by the letters "VA."

B. [Repealed.]

C. It shall be unlawful for any person to remove, alter, deface, destroy, conceal, or otherwise obscure the manufacturer's serial number or marks, including personalty marked with a social security number preceded by the letters "VA," from such personal property or any part thereof, without the consent of the owner, with intent to render it or other property unidentifiable.

D. It shall be unlawful for any person to possess such personal property or any part thereof, without the consent of the owner, knowing that the manufacturer's serial number or any other distinguishing identification number or mark, including personalty marked with a social security number preceded by the letters "VA," has been removed, altered, defaced, destroyed, concealed, or otherwise obscured with the intent to violate the provisions of this section.

E. A person in possession of such property which is otherwise in violation of this section may apply in writing to the Bureau of Criminal Investigation, Virginia State Police, for assignment of a number for the personal property providing he can show that he is the lawful owner of the property. If a number is issued in conformity with the provisions of this section, then the person to whom it was issued and any person to whom the property is lawfully disposed of shall not be in violation of this section. This subsection shall apply only when the application has been filed by a person prior to arrest or authorization of a warrant of arrest for that person by a court.

F. Any person convicted of an offense under this section, when the value of the personalty is less than ~~\$200~~ *\$500*, shall be guilty of a Class 1 misdemeanor and, when the value of the personalty is ~~\$200~~ *\$500 or more*, shall be guilty of a Class 5 felony.

**§ 18.2-97. Larceny of certain animals and poultry.**

Any person who shall be guilty of the larceny of a dog, horse, pony, mule, cow, steer, bull, or calf shall be guilty of a Class 5 felony; and any person who shall be guilty of the larceny of any poultry of the value of \$5 ~~dollars~~ or more, but of the value of less than ~~\$200~~ \$500, or of a sheep, lamb, swine, or goat, of the value of less than ~~\$200~~ \$500, shall be guilty of a Class 6 felony.

**§ 18.2-102. Unauthorized use of animal, aircraft, vehicle or boat; consent; accessories or accomplices.**

Any person who shall take, drive or use any animal, aircraft, vehicle, boat or vessel, not his own, without the consent of the owner thereof and in the absence of the owner, and with intent temporarily to deprive the owner thereof of his possession thereof, without intent to steal the same, shall be guilty of a Class 6 felony; provided, however, that if the value of such animal, aircraft, vehicle, boat or vessel shall be less than ~~\$200~~ \$500, such person shall be guilty of a Class 1 misdemeanor. The consent of the owner of an animal, aircraft, vehicle, boat or vessel to its taking, driving or using shall not in any case be presumed or implied because of such owner's consent on a previous occasion to the taking, driving or using of such animal, aircraft, vehicle, boat or vessel by the same or a different person. Any person who assists in, or is a party or accessory to, or an accomplice in, any such unauthorized taking, driving or using shall be subject to the same punishment as if he were the principal offender.

**§ 18.2-103. Concealing or taking possession of merchandise; altering price tags; transferring goods from one container to another; counseling, etc., another in performance of such acts.**

Whoever, without authority, with the intention of converting goods or merchandise to his own or another's use without having paid the full purchase price thereof, or of defrauding the owner of the value of the goods or merchandise, (i) willfully conceals or takes possession of the goods or merchandise of any store or other mercantile establishment, or (ii) alters the price tag or other price marking on such goods or merchandise, or transfers the goods from one container to another, or (iii) counsels, assists, aids or abets another in the performance of any of the above acts, when the value of the goods or merchandise involved in the offense is less than ~~\$200~~ \$500, shall be guilty of petit larceny and, when the value of the goods or merchandise involved in the offense is ~~\$200~~ \$500 or more, shall be guilty of grand larceny. The willful concealment of goods or merchandise of any store or other mercantile establishment, while still on the premises thereof, shall be prima facie evidence of an intent to convert and defraud the owner thereof out of the value of the goods or merchandise.

**§ 18.2-108.01. Larceny with intent to sell or distribute; sale of stolen property; penalty.**

A. Any person who commits larceny of property with a value of ~~\$200~~ \$500 or more with the intent to sell or distribute such property is guilty of a felony punishable by confinement in a state correctional facility for not less than two years nor more than 20 years. The larceny of more than one item of the same product is prima facie evidence of intent to sell or intent to distribute for sale.

B. Any person who sells, attempts to sell or possesses with intent to sell or distribute any stolen property with an aggregate value of ~~\$200~~ \$500 or more where he knew or should have known that the property was stolen is guilty of a Class 5 felony.

C. A violation of this section constitutes a separate and distinct offense.

**§ 18.2-145.1. Damaging or destroying research farm product; penalty; restitution.**

A. Any person or entity that (i) maliciously damages or destroys any farm product, as defined in § 3.2-4709, and (ii) knows the product is grown for testing or research purposes in the context of product development in conjunction or coordination with a private research facility or a baccalaureate institution of higher education or any federal, state, or local government agency is guilty of a Class 1 misdemeanor if the value of the farm product was less than ~~\$200~~ \$500, or a Class 6 felony if the value of the farm product was ~~\$200~~ \$500 or more.

B. The court shall order the defendant to make restitution in accordance with § 19.2-305.1 for the damage or destruction caused. For the purpose of awarding restitution under this section, the court shall determine the market value of the farm product prior to its damage or destruction and, in so doing, shall include the cost of: (i) production, (ii) research, (iii) testing, (iv) replacement, and (v) product development directly related to the product damaged or destroyed.

**§ 18.2-150. Willfully destroying vessel, etc.**

If any person willfully scuttle, cast away or otherwise dispose of, or in any manner destroy, except as otherwise provided, a ship, vessel or other watercraft, with intent to injure or defraud any owner thereof or of any property on board the same, or any insurer of such ship, vessel or other watercraft, or any part thereof, or of any such property on board the same, if the same be of the value of ~~\$200~~ \$500 or more, he shall be guilty of a Class 4 felony, but if it be of less value than ~~\$200~~ \$500, he shall be guilty of a Class 1 misdemeanor.

**§ 18.2-152.3. Computer fraud; penalty.**

Any person who uses a computer or computer network, without authority and:

1. Obtains property or services by false pretenses;
  2. Embezzles or commits larceny; or
  3. Converts the property of another;
- is guilty of the crime of computer fraud.

If the value of the property or services obtained is ~~\$200~~ \$500 or more, the crime of computer fraud shall be punishable as a Class 5 felony. Where the value of the property or services obtained is less than ~~\$200~~ \$500, the crime of computer fraud shall be punishable as a Class 1 misdemeanor.

**§ 18.2-162. Damage or trespass to public services or utilities.**

Any person who shall intentionally destroy or damage any facility which is used to furnish oil, telegraph, telephone, electric, gas, sewer, wastewater or water service to the public, shall be guilty of a Class 4 felony, provided that in the event *that* the destruction or damage may be remedied or repaired for ~~\$200 or less~~ *less than \$500* such act shall constitute a Class 3 misdemeanor. On electric generating property marked with no trespassing signs, the security personnel of a utility may detain a trespasser for a period not to exceed one hour pending arrival of a law-enforcement officer.

Notwithstanding any other provisions of this title, any person who shall intentionally destroy or damage, or attempt to destroy or damage, any such facility, equipment or material connected therewith, the destruction or damage of which might, in any manner, threaten the release of radioactive materials or ionizing radiation beyond the areas in which they are normally used or contained, shall be guilty of a Class 4 felony, provided that in the event the destruction or damage results in the death of another due to exposure to radioactive materials or ionizing radiation, such person shall be guilty of a Class 2 felony; provided further, that in the event the destruction or damage results in injury to another, such person shall be guilty of a Class 3 felony.

**§ 18.2-181. Issuing bad checks, etc., larceny.**

Any person who, with intent to defraud, shall make or draw or utter or deliver any check, draft, or order for the payment of money, upon any bank, banking institution, trust company, or other depository, knowing, at the time of such making, drawing, uttering or delivering, that the maker or drawer has not sufficient funds in, or credit with, such bank, banking institution, trust company, or other depository, for the payment of such check, draft or order, although no express representation is made in reference thereto, shall be guilty of larceny; and, if this check, draft, or order has a represented value of ~~\$200~~ *\$500* or more, such person shall be guilty of a Class 6 felony. In cases in which such value is less than ~~\$200~~ *\$500*, the person shall be guilty of a Class 1 misdemeanor.

The word "credit" as used herein, shall be construed to mean any arrangement or understanding with the bank, trust company, or other depository for the payment of such check, draft or order.

Any person making, drawing, uttering or delivering any such check, draft or order in payment as a present consideration for goods or services for the purposes set out in this section shall be guilty as provided herein.

**§ 18.2-181.1. Issuance of bad checks.**

It shall be a Class 6 felony for any person, within a period of ~~ninety~~ *90* days, to issue two or more checks, drafts or orders for the payment of money in violation of § 18.2-181, ~~which~~ *that* have an aggregate represented value of ~~\$200~~ *\$500* or more and ~~which~~ *that* (i) are drawn upon the same account of any bank, banking institution, trust company or other depository and (ii) are made payable to the same person, firm or corporation.

**§ 18.2-182. Issuing bad checks on behalf of business firm or corporation in payment of wages; penalty.**

Any person who shall make, draw, or utter, or deliver any check, draft, or order for the payment of money, upon any bank, banking institution, trust company or other depository on behalf of any business firm or corporation, for the purpose of paying wages to any employee of such firm or corporation, or for the purpose of paying for any labor performed by any person for such firm or corporation, knowing, at the time of such making, drawing, uttering or delivering, that the account upon which such check, draft or order is drawn has not sufficient funds, or credit with, such bank, banking institution, trust company or other depository, for the payment of such check, draft or order, although no express representation is made in reference thereto, shall be guilty of a Class 1 misdemeanor; except that if this check, draft, or order has a represented value of ~~\$200~~ *\$500* or more, such person shall be guilty of a Class 6 felony.

The word "credit," as used herein, shall be construed to mean any arrangement or understanding with the bank, banking institution, trust company, or other depository for the payment of such check, draft or order.

In addition to the criminal penalty set forth herein, such person shall be personally liable in any civil action brought upon such check, draft or order.

**§ 18.2-186. False statements to obtain property or credit.**

A. A person shall be guilty of a Class 1 misdemeanor if he makes, causes to be made or conspires to make directly, indirectly or through an agency, any materially false statement in writing, knowing it to be false and intending that it be relied upon, concerning the financial condition or means or ability to pay of himself, or of any other person for whom he is acting, or any firm or corporation in which he is interested or for which he is acting, for the purpose of procuring, for his own benefit or for the benefit of such person, firm or corporation, the delivery of personal property, the payment of cash, the making of a loan or credit, the extension of a credit, the discount of an account receivable, or the making, acceptance, discount, sale or endorsement of a bill of exchange or promissory note.

B. Any person who knows that a false statement has been made in writing concerning the financial condition or ability to pay of himself or of any person for whom he is acting, or any firm or corporation in which he is interested or for which he is acting and who, with intent to defraud, procures, upon the faith thereof, for his own benefit, or for the benefit of the person, firm or corporation in which he is interested or for which he is acting, any such delivery, payment, loan, credit, extension, discount making, acceptance, sale or endorsement, shall, if the value of the thing or the amount of the loan, credit or benefit obtained is ~~\$200~~ *\$500* or more, be guilty of grand larceny or, if the value is less than ~~\$200~~ *\$500*, be guilty of petit larceny.

C. Venue for the trial of any person charged with an offense under this section may be in the county or city in which (i) any act was performed in furtherance of the offense, or (ii) the person charged with the offense resided at the time of the offense.

D. As used in this section, "in writing" shall include information transmitted by computer, facsimile, e-mail, Internet, or any other electronic medium, and shall not include information transmitted by any such medium by voice transmission.

**§ 18.2-186.3. Identity theft; penalty; restitution; victim assistance.**

A. It shall be unlawful for any person, without the authorization or permission of the person or persons who are the subjects of the identifying information, with the intent to defraud, for his own use or the use of a third person, to:

1. Obtain, record, or access identifying information which is not available to the general public that would assist in accessing financial resources, obtaining identification documents, or obtaining benefits of such other person;
2. Obtain money, credit, loans, goods, or services through the use of identifying information of such other person;
3. Obtain identification documents in such other person's name; or
4. Obtain, record, or access identifying information while impersonating a law-enforcement officer or an official of the government of the Commonwealth.

B. It shall be unlawful for any person without the authorization or permission of the person who is the subject of the identifying information, with the intent to sell or distribute the information to another to:

1. Fraudulently obtain, record, or access identifying information that is not available to the general public that would assist in accessing financial resources, obtaining identification documents, or obtaining benefits of such other person;
2. Obtain money, credit, loans, goods, or services through the use of identifying information of such other person;
3. Obtain identification documents in such other person's name; or
4. Obtain, record, or access identifying information while impersonating a law-enforcement officer or an official of the Commonwealth.

B1. It shall be unlawful for any person to use identification documents or identifying information of another person, whether that person is dead or alive, or of a false or fictitious person, to avoid summons, arrest, prosecution, or to impede a criminal investigation.

C. As used in this section, "identifying information" shall include but not be limited to: (i) name; (ii) date of birth; (iii) social security number; (iv) driver's license number; (v) bank account numbers; (vi) credit or debit card numbers; (vii) personal identification numbers (PIN); (viii) electronic identification codes; (ix) automated or electronic signatures; (x) biometric data; (xi) fingerprints; (xii) passwords; or (xiii) any other numbers or information that can be used to access a person's financial resources, obtain identification, act as identification, or obtain money, credit, loans, goods, or services.

D. Violations of this section shall be punishable as a Class 1 misdemeanor. Any violation resulting in financial loss of ~~greater than \$200~~ *\$500 or more* shall be punishable as a Class 6 felony. Any second or subsequent conviction shall be punishable as a Class 6 felony. Any violation of subsection B where five or more persons' identifying information has been obtained, recorded, or accessed in the same transaction or occurrence shall be punishable as a Class 5 felony. Any violation of subsection B where 50 or more persons' identifying information has been obtained, recorded, or accessed in the same transaction or occurrence shall be punishable as a Class 4 felony. Any violation resulting in the arrest and detention of the person whose identification documents or identifying information were used to avoid summons, arrest, prosecution, or to impede a criminal investigation shall be punishable as a Class 5 felony. In any proceeding brought pursuant to this section, the crime shall be considered to have been committed in any locality where the person whose identifying information was appropriated resides, or in which any part of the offense took place, regardless of whether the defendant was ever actually in such locality.

E. Upon conviction, in addition to any other punishment, a person found guilty of this offense shall be ordered by the court to make restitution as the court deems appropriate to any person whose identifying information was appropriated or to the estate of such person. Such restitution may include the person's or his estate's actual expenses associated with correcting inaccuracies or errors in his credit report or other identifying information.

F. Upon the request of a person whose identifying information was appropriated, the Attorney General may provide assistance to the victim in obtaining information necessary to correct inaccuracies or errors in his credit report or other identifying information; however, no legal representation shall be afforded such person.

**§ 18.2-187.1. Obtaining or attempting to obtain oil, electric, gas, water, telephone, telegraph, cable television or electronic communication service without payment; penalty; civil liability.**

A. It shall be unlawful for any person knowingly, with the intent to defraud, to obtain or attempt to obtain, for himself or for another, oil, electric, gas, water, telephone, telegraph, cable television or electronic communication service by the use of any false information, or in any case where such service has been disconnected by the supplier and notice of disconnection has been given.

B. It shall be unlawful for any person to obtain or attempt to obtain oil, electric, gas, water, telephone, telegraph, cable television or electronic communication service by the use of any scheme, device, means or method, or by a false application for service with intent to avoid payment of lawful charges therefor.

B1. It shall be unlawful for any person to obtain, or attempt to obtain, electronic communication service as defined in § 18.2-190.1 by the use of an unlawful electronic communication device as defined in § 18.2-190.1.

C. The word "notice" as used in subsection A shall be notice given in writing to the person to whom the service was assigned. The sending of a notice in writing by registered or certified mail in the United States mail, duly stamped and addressed to such person at his last known address, requiring delivery to the addressee only with return receipt requested, and the actual signing of the receipt for such mail by the addressee, shall be prima facie evidence that such notice was duly received.

D. Any person who violates any provisions of this section, if the value of service, credit or benefit procured is ~~\$200~~ \$500 or more, shall be guilty of a Class 6 felony; or if the value is less than ~~\$200~~ \$500, shall be guilty of a Class 1 misdemeanor. In addition, the court may order restitution for the value of the services unlawfully used and for all costs. Such costs shall be limited to actual expenses, including the base wages of employees acting as witnesses for the Commonwealth, and suit costs. However, the total amount of allowable costs granted hereunder shall not exceed \$250, excluding the value of the service.

E. Any party providing oil, electric, gas, water, telephone, telegraph, cable television or electronic communication service who is aggrieved by a violation of this section may, in a civil proceeding in any court of competent jurisdiction, seek both injunctive and equitable relief, and an award of damages, including ~~attorney's~~ attorney fees and costs. In addition to any other remedy provided by law, the party aggrieved may recover an award of actual damages or \$500, whichever is greater, for each action.

**§ 18.2-188. Defrauding hotels, motels, campgrounds, boardinghouses, etc.**

It shall be unlawful for any person, without paying therefor, and with the intent to cheat or defraud the owner or keeper to:

1. Put up at a hotel, motel, campground or boardinghouse;
2. Obtain food from a restaurant or other eating house;
3. Gain entrance to an amusement park; or
4. Without having an express agreement for credit, procure food, entertainment or accommodation from any hotel, motel, campground, boardinghouse, restaurant, eating house or amusement park.

It shall be unlawful for any person, with intent to cheat or defraud the owner or keeper out of the pay therefor to obtain credit at a hotel, motel, campground, boardinghouse, restaurant or eating house for food, entertainment or accommodation by means of any false show of baggage or effects brought thereto.

It shall be unlawful for any person, with intent to cheat or defraud, to obtain credit at a hotel, motel, campground, boardinghouse, restaurant, eating house or amusement park for food, entertainment or accommodation through any misrepresentation or false statement.

It shall be unlawful for any person, with intent to cheat or defraud, to remove or cause to be removed any baggage or effects from a hotel, motel, campground, boardinghouse, restaurant or eating house while there is a lien existing thereon for the proper charges due from him for fare and board furnished.

Any person who violates any provision of this section ~~shall~~ *is*, if the value of service, credit or benefit procured or obtained is ~~\$200~~ \$500 or more, ~~be~~ *is* guilty of a Class 5 felony; or *is*, if the value is less than ~~\$200~~ \$500, *guilty of a Class 1 misdemeanor.*

**§ 18.2-195. Credit card fraud; conspiracy; penalties.**

(1) A person is guilty of credit card fraud when, with intent to defraud any person, he:

- (a) Uses for the purpose of obtaining money, goods, services or anything else of value a credit card or credit card number obtained or retained in violation of § 18.2-192 or a credit card or credit card number which he knows is expired or revoked;
- (b) Obtains money, goods, services or anything else of value by representing (i) without the consent of the cardholder that he is the holder of a specified card or credit card number or (ii) that he is the holder of a card or credit card number and such card or credit card number has not in fact been issued;
- (c) Obtains control over a credit card or credit card number as security for debt; or
- (d) Obtains money from an issuer by use of an unmanned device of the issuer or through a person other than the issuer when he knows that such advance will exceed his available credit with the issuer and any available balances held by the issuer.

(2) A person who is authorized by an issuer to furnish money, goods, services or anything else of value upon presentation of a credit card or credit card number by the cardholder, or any agent or employee of such person, is guilty of a credit card fraud when, with intent to defraud the issuer or the cardholder, he:

- (a) Furnishes money, goods, services or anything else of value upon presentation of a credit card or credit card number obtained or retained in violation of § 18.2-192, or a credit card or credit card number which he knows is expired or revoked;
- (b) Fails to furnish money, goods, services or anything else of value which he represents or causes to be represented in writing or by any other means to the issuer that he has furnished; or
- (c) Remits to an issuer or acquirer a record of a credit card or credit card number transaction which is in excess of the monetary amount authorized by the cardholder.

(3) Conviction of credit card fraud is punishable as a Class 1 misdemeanor if the value of all money, goods, services and other things of value furnished in violation of this section, or if the difference between the value of all money, goods, services and anything else of value actually furnished and the value represented to the issuer to have been furnished in violation of this section, ~~does not exceed \$200~~ *is less than \$500* in any six-month period; conviction of credit card fraud is punishable as a Class 6 felony if such value ~~exceeds \$200~~ *is \$500 or more* in any six-month period.

(4) Any person who conspires, confederates or combines with another, (i) either within or without the Commonwealth to commit credit card fraud within the Commonwealth or (ii) within the Commonwealth to commit credit card fraud within or without the Commonwealth, is guilty of a Class 6 felony.

**§ 18.2-195.2. Fraudulent application for credit card; penalties.**

A. A person shall be guilty of a Class 1 misdemeanor if he makes, causes to be made or conspires to make, directly, indirectly or through an agency, any materially false statement in writing concerning the financial condition or means or ability to pay of himself or of any other person for whom he is acting or any firm or corporation in which he is interested or for which he is acting, knowing the statement to be false and intending that it be relied upon for the purpose of procuring a credit card. However, if the statement is made in response to an unrequested written solicitation from the issuer or an agent of the issuer to apply for a credit card, he shall be guilty of a Class 4 misdemeanor.

B. A person who knows that a false statement has been made in writing concerning the financial condition or ability to pay of himself or of any person for whom he is acting or any firm or corporation in which he is interested or for which he is acting and who with intent to defraud, procures a credit card, upon the faith of such false statement, for his own benefit, or for the benefit of the person, firm or corporation in which he is interested or for which he is acting, and obtains by use of the credit card, money, property, services or any thing of value, is guilty of grand larceny if the value of whatever is obtained is ~~\$200~~ *\$500* or more or petit larceny if the value is less than ~~\$200~~ *\$500*.

C. As used in this section, "in writing" shall include information transmitted by computer, facsimile, e-mail, Internet, or any other electronic medium, and shall not include information transmitted by any such medium by voice transmission.

**§ 18.2-197. Criminally receiving goods and services fraudulently obtained.**

A person is guilty of criminally receiving goods and services fraudulently obtained when he receives money, goods, services or anything else of value obtained in violation of subsection (1) of § 18.2-195 with the knowledge or belief that the same were obtained in violation of subsection (1) of § 18.2-195. Conviction of criminal receipt of goods and services fraudulently obtained is punishable as a Class 1 misdemeanor if the value of all money, goods, services and anything else of value, obtained in violation of this section, ~~does not exceed \$200 is less than \$500~~ in any six-month period; conviction of criminal receipt of goods and services fraudulently obtained is punishable as a Class 6 felony if such value ~~exceeds \$200 is \$500 or more~~ in any six-month period.

**§ 18.2-340.37. Criminal penalties.**

A. Any person who violates the provisions of this article or who willfully and knowingly files, or causes to be filed, a false application, report or other document or who willfully and knowingly makes a false statement, or causes a false statement to be made, on any application, report or other document required to be filed with or made to the Department shall be guilty of a Class 1 misdemeanor.

B. Each day in violation shall constitute a separate offense.

C. Any person who converts funds derived from any charitable gaming to his own or another's use, when the amount of funds is less than ~~\$200~~ *\$500*, shall be guilty of petit larceny and, when the amount of funds is ~~\$200~~ *\$500* or more, shall be guilty of grand larceny. The provisions of this section shall not preclude the applicability of any other provision of the criminal law of the Commonwealth that may apply to any course of conduct that violates this section.

**§ 19.2-289. Conviction of petit larceny.**

In a prosecution for grand larceny, if it be found that the thing stolen is of less value than ~~\$200~~ *\$500*, the jury may find the accused guilty of petit larceny.

**§ 19.2-290. Conviction of petit larceny though thing stolen worth \$500 or more.**

In a prosecution for petit larceny, though the thing stolen be of the value of ~~\$200~~ *\$500* or more, the jury may find the accused guilty, and upon a conviction under this section or § 19.2-289 the accused shall be sentenced for petit larceny.

**§ 19.2-386.16. Forfeiture of motor vehicles used in commission of certain crimes.**

A. Any vehicle knowingly used by the owner thereof or used by another with his knowledge of and during the commission of, or in an attempt to commit, a second or subsequent offense of § 18.2-346, 18.2-347, 18.2-348, 18.2-349, 18.2-355, 18.2-356 or 18.2-357 or of a similar ordinance of any county, city or town or knowingly used for the transportation of any stolen goods, chattels or other property, when the value of such stolen goods, chattels or other property is ~~\$200~~ *\$500* or more, or any stolen property obtained as a result of a robbery, without regard to the value of the property, shall be forfeited to the Commonwealth. The vehicle shall be seized by any law-enforcement officer arresting the operator of such vehicle for the criminal offense, and delivered to the sheriff of the county or city in which the offense occurred. The officer shall take a receipt therefor.

B. Any vehicle knowingly used by the owner thereof or used by another with his knowledge of and during the commission of, or in an attempt to commit, a misdemeanor violation of subsection D of § 18.2-47 or a felony violation of (i) Article 3 (§ 18.2-47 et seq.) of Chapter 4 of Title 18.2 or (ii) § 18.2-357 where the prostitute is a minor, shall be forfeited to the Commonwealth. The vehicle shall be seized by any law-enforcement officer arresting the operator of such vehicle for the criminal offense, and delivered to the sheriff of the county or city in which the offense occurred. The officer shall take a receipt therefor.

C. Forfeiture of such vehicle shall be enforced as is provided in Chapter 22.1 (§ 19.2-386.1 et seq.).

**§ 29.1-553. Selling or offering for sale; penalty.**

A. Any person who offers for sale, sells, offers to purchase, or purchases any wild bird or wild animal, or any part thereof, or any freshwater fish, except as provided by law, shall be guilty of a Class 1 misdemeanor. However, when the aggregate of such sales or purchases, or any combination thereof, by any person totals ~~\$200~~ *\$500* or more during any 90-day period, that person shall be guilty of a Class 6 felony.

B. Whether or not criminal charges have been placed, when any property is taken possession of by a conservation police officer for the purpose of being used as evidence of a violation of this section or for confiscation, the conservation police officer making such seizure shall immediately report the seizure to the Attorney for the Commonwealth.

C. In any prosecution for a violation of this section, photographs of the wild bird, wild animal, or any freshwater fish, or any part thereof shall be deemed competent evidence of such wild bird, wild animal, or freshwater fish, or part thereof and shall be admissible in any proceeding, hearing, or trial of the case to the same extent as if such wild bird, wild animal, or any freshwater fish, or part thereof had been introduced as evidence. Such photographs shall bear a written description of the wild bird, wild animal, or freshwater fish, or parts thereof, the name of the place where the alleged offense occurred, the date on which the alleged offense occurred, the name of the accused, the name of the arresting officer or investigating officer, the date of the photograph, and the name of the photographer. The photographs shall be identified by the signature of the photographer.

D. Any licensed Virginia auctioneer or licensed auction firm that sells, as a legitimate item of an auction sale, wildlife mounts that have undergone the taxidermy process, shall be exempt from the provisions of this section and subdivision A 11 of § 29.1-521.

## CHAPTER 766

*An Act to amend the Code of Virginia by adding a section numbered 2.2-205.2, relating to the Commonwealth Broadband Chief Advisor.*

[H 1583]

Approved April 4, 2018

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding a section numbered 2.2-205.2 as follows:**

**§ 2.2-205.2. Commonwealth Broadband Chief Advisor.**

*A. The position of Commonwealth Broadband Chief Advisor (Chief Advisor) is hereby established within the office of the Secretary of Commerce and Trade.*

*1. The purpose of the Chief Advisor is to serve as Virginia's single point of contact and integration for broadband issues, efforts, and initiatives and to increase the availability and affordability of broadband throughout all regions of the Commonwealth.*

*2. The Chief Advisor shall be selected for his knowledge of, background in, and experience with information technology, broadband telecommunications, and economic development in a private, for-profit, or not-for-profit organization.*

*B. The Chief Advisor shall be designated by the Secretary of Commerce and Trade. Staff for the Chief Advisor shall be provided by the Center for Innovative Technology (CIT) and the Department of Housing and Community Development (DHCD). All agencies of the Commonwealth shall provide assistance to the Chief Advisor, upon request.*

*C. As the single point of contact, the Chief Advisor shall:*

*1. Integrate activities among different federal and state agencies and departments, and localities, and coordinate with Internet service providers in the Commonwealth;*

*2. Provide continual research into public grants and loans, in addition to private and nonprofit funding opportunities, available to provide incentives and help defray the costs of broadband infrastructure buildouts and upgrades;*

*3. Maintain broadband maps, the Integrated Broadband Planning and Analysis Toolbox, and other data to help decision makers understand where broadband needs exist and help develop strategies to address these needs;*

*4. Continually monitor and analyze broadband legislative and policy activities, as well as investments, in other nations, states, and localities to ensure that the Commonwealth remains competitive and up to date on best practices to address the Commonwealth's unique broadband needs, create efficiencies, target funding, and streamline operations;*

*5. Monitor the trends in the availability and deployment of and access to broadband communications services, which include, but are not limited to, high-speed data services and Internet access services of general application, throughout the Commonwealth and advancements in communications technology for deployment potential;*

*6. Research and evaluate emerging technologies to determine the most effective applications for these technologies and their benefits to the Commonwealth;*

*7. Monitor federal legislation and policy, in order to maximize the Commonwealth's effective use of and access to federal funding available for broadband development programs, including but not limited to the Connect America Fund program;*

*8. Coordinate with Virginia agencies and departments to target funding activities for the purpose of ensuring that Commonwealth funds are spent effectively to increase economic and social opportunities through widespread and affordable broadband deployment;*

*9. Coordinate with Virginia agencies and departments, including, but not limited to, DHCD, the Virginia Tobacco Region Revitalization Commission, and the Virginia Resources Authority, to review funding proposals and provide recommendations for Virginia grants and loans for the purpose of ensuring that Commonwealth funds are spent effectively on projects most likely to result in a solid return on investment for broadband deployment throughout the Commonwealth;*

10. Serve as a central coordinating position and repository for any broadband-related projects and grants related to the mission herein, including, but not limited to, information from DHCD, the Virginia Tobacco Region Revitalization Commission, the CIT, the Virginia Growth and Opportunity Board, and the Virginia Resources Authority;

11. After consultation with the Virginia Growth and Opportunity Board, the Broadband Advisory Council, and the Joint Commission on Technology and Science, the Chief Advisor shall (i) develop a strategic plan that includes specific objectives, metrics, and benchmarks for developing and deploying broadband communications, including in rural areas, which minimize the risk to the Commonwealth's assets and encourage public-private partnerships, across the Commonwealth; such strategic plan and any changes thereto shall be submitted to the Governor, the Chairman of the House Appropriations Committee, the Chairman of the Senate Finance Committee, the Chairman of the Joint Commission on Technology and Science, the Chairman of the Broadband Advisory Council, and the Chairman of the Virginia Growth and Opportunity Board and (ii) present to these organizations annually on updates, changes, and progress made relative to this strategic plan, other relevant broadband activities in the Commonwealth, and suggestions to further the objectives of increased broadband development and deployment, including areas such as, but not limited to, the following: education, telehealth, economic development, and workforce development, as well as policies that may facilitate broadband deployment at the state and local level;

12. Submit to the Governor and the General Assembly an annual report for publication as a report document as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports on broadband development and deployment activities that shall include, but not be limited to, the following areas: education, telehealth, workforce development, and economic development in regard to (i) broadband deployment and program successes, (ii) obstacles to program and resource coordination, (iii) strategies for improving such programs and resources needed to help close the Commonwealth's rural digital divide, and (iv) progress made on the objectives detailed in the strategic plan. The Chief Advisor shall submit to the Governor and the General Assembly an annual executive summary of the interim activity and work of the Chief Advisor no later than the first day of each regular session of the General Assembly. The executive summary shall be submitted for publication as a report document as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

D. The Chief Advisor may form such advisory panels and commissions as deemed necessary, convenient, or desirable to advise and assist in exercising the powers and performing the duties conferred by this section. Persons appointed to advisory committees shall be selected for their knowledge of, background in, or experience with information technology, broadband telecommunications, or economic development in a private, for-profit, or not-for-profit organization.

E. The disclosure requirements of Article 5 (§ 2.2-3113 et seq.) of the State and Local Government Conflict of Interests Act shall apply to members of the advisory committees.

## CHAPTER 767

*An Act to amend and reenact § 54.1-1101 of the Code of Virginia, relating to the Department of Professional and Occupational Regulation; Board for Contractors; exemptions from licensure.*

[S 569]

Approved April 4, 2018

**Be it enacted by the General Assembly of Virginia:**

**1. That § 54.1-1101 of the Code of Virginia is amended and reenacted as follows:**

**§ 54.1-1101. Exemptions; failure to obtain certificate of occupancy; penalties.**

- A. The provisions of this chapter shall not apply to:
1. Any governmental agency performing work with its own forces;
  2. Work bid upon or undertaken for the armed services of the United States under the Armed Services Procurement Act;
  3. Work bid upon or undertaken for the United States government on land under the exclusive jurisdiction of the federal government either by statute or deed of cession;
  4. Work bid upon or undertaken for the Department of Transportation on the construction, reconstruction, repair or improvement of any highway or bridge;
  5. Any other persons who may be specifically excluded by other laws but only to such an extent as such laws provide;
  6. Any material supplier who renders advice concerning use of products sold and who does not provide construction or installation services;
  7. Any person who performs or supervises the construction, removal, repair or improvement of no more than one primary residence owned by him and for his own use during any 24-month period;
  8. Any person who performs or supervises the construction, removal, repair or improvement of a house upon his own real property as a bona fide gift to a member of his immediate family provided such member lives in the house. For purposes of this section, "immediate family" includes one's mother, father, son, daughter, brother, sister, grandchild, grandparent, mother-in-law and father-in-law;
  9. Any person who performs or supervises the repair or improvement of industrial or manufacturing facilities, or a commercial or retail building, for his own use;

10. Any person who performs or supervises the repair or improvement of residential dwelling units owned by him that are subject to the Virginia Residential Landlord and Tenant Act (§ 55-248.2 et seq.);

11. Any owner-developer, provided that any third-party purchaser is made a third-party beneficiary to the contract between the owner-developer and a licensed contractor whereby the contractor's obligation to perform the contract extends to both the owner-developer and the third party;

12. Work undertaken by students as part of a career and technical education project as defined in § 22.1-228 established by any school board in accordance with Article 5 (§ 22.1-228 et seq.) of Chapter 13 of Title 22.1 for the construction of portable classrooms or single family homes;

13. Any person who performs the removal of building detritus or provides janitorial, cleaning, or sanitizing services incidental to the construction, removal, repair, or improvement of real property; ~~and~~

14. *Any person who is performing work directly under the supervision of a licensed contractor and is (i) a student in good standing and enrolled in a public or private institution of higher education, (ii) a student enrolled in a career training or technical education program, or (iii) an apprentice as defined in § 40.1-120; and*

15. Work undertaken by a person providing construction, remodeling, repair, improvement, removal, or demolition valued at ~~\$2,500~~ \$5,000 or less per project on behalf of a properly licensed contractor, provided that such contractor holds a valid license in the (i) residential ~~or~~ building, (ii) commercial building, or (iii) home improvement building contractor classification. However, any construction services that require an individual license or certification shall be rendered only by an individual licensed or certified in accordance with this chapter.

All other contractors performing work for any government or for any governmental agency are subject to the provisions of this chapter and are required to be licensed as provided herein.

B. Any person who is exempt from the provisions of this chapter as a result of subdivision A 7, 10, 11, or 12 shall obtain a certificate of occupancy for any building constructed, repaired or improved by him prior to conveying such property to a third-party purchaser, unless such purchaser has acknowledged in writing that no certificate of occupancy has been issued and that such purchaser consents to acquire the property without a certificate of occupancy.

C. Any person who is exempt from the provisions of this chapter as a result of subdivision 7, 8, 9, 10, 11, ~~or 12~~, or 14 of subsection A shall comply with the provisions of the Uniform Statewide Building Code (§ 36-97 et seq.).

D. Any person who violates the provisions of subsection B or C shall be guilty of a Class 1 misdemeanor. The third or any subsequent conviction of violating subsection B or C during a 36-month period shall constitute a Class 6 felony.

## CHAPTER 768

*An Act to amend and reenact § 19.2-182.3 of the Code of Virginia, relating to persons acquitted by reason of insanity; commitment; sentencing.*

[H 1193]

Approved April 4, 2018

### **Be it enacted by the General Assembly of Virginia:**

#### **1. That § 19.2-182.3 of the Code of Virginia is amended and reenacted as follows:**

##### **§ 19.2-182.3. Commitment; civil proceedings.**

Upon receipt of the evaluation report and, if applicable, a conditional release or discharge plan, the court shall schedule the matter for hearing on an expedited basis, giving the matter priority over other civil matters before the court, to determine the appropriate disposition of the acquittee. Except as otherwise ordered by the court, the attorney who represented the defendant at the criminal proceedings shall represent the acquittee through the proceedings pursuant to this section. The matter may be continued on motion of either party for good cause shown. The acquittee shall be provided with adequate notice of the hearing, of the right to be present at the hearing, the right to the assistance of counsel in preparation for and during the hearing, and the right to introduce evidence and cross-examine witnesses at the hearing. The hearing is a civil proceeding.

At the conclusion of the hearing, the court shall commit the acquittee if it finds that he has mental illness or intellectual disability and is in need of inpatient hospitalization. For the purposes of this chapter, mental illness includes any mental illness, as defined in § 37.2-100, in a state of remission when the illness may, with reasonable probability, become active. The decision of the court shall be based upon consideration of the following factors:

1. To what extent the acquittee has mental illness or intellectual disability, as those terms are defined in § 37.2-100;
2. The likelihood that the acquittee will engage in conduct presenting a substantial risk of bodily harm to other persons or to himself in the foreseeable future;
3. The likelihood that the acquittee can be adequately controlled with supervision and treatment on an outpatient basis; and
4. Such other factors as the court deems relevant.

If the court determines that an acquittee does not need inpatient hospitalization solely because of treatment or habilitation he is currently receiving, but the court is not persuaded that the acquittee will continue to receive such treatment or habilitation, it may commit him for inpatient hospitalization. The court shall order the acquittee released with conditions pursuant to §§ 19.2-182.7, 19.2-182.8, and 19.2-182.9 if it finds that he is not in need of inpatient hospitalization but that he

meets the criteria for conditional release set forth in § 19.2-182.7. If the court finds that the acquittee does not need inpatient hospitalization nor does he meet the criteria for conditional release, it shall release him without conditions, provided the court has approved a discharge plan prepared by the appropriate community services board or behavioral health authority in consultation with the appropriate hospital staff.

*The court shall order that any person acquitted by reason of insanity and committed pursuant to this section who is sentenced to a term of incarceration for any other offense in the same proceeding or in any proceeding conducted prior to the proceeding in which the person is acquitted by reason of insanity complete any sentence imposed for such other offense prior to being placed in the custody of the Commissioner of Behavioral Health and Developmental Services until released from commitment pursuant to this chapter. The court shall order that any person acquitted by reason of insanity and committed pursuant to this section who is sentenced to a term of incarceration in any proceeding conducted during the period of commitment be transferred to the custody of the correctional facility where he is to serve his sentence, and, upon completion of his sentence, such person shall be placed in the custody of the Commissioner of Behavioral Health and Developmental Services until released from commitment pursuant to this chapter.*

### CHAPTER 769

*An Act to amend and reenact §§ 63.2-100 and 63.2-905 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 13 of Title 63.2 a section numbered 63.2-1305, relating to Kinship Guardianship Assistance program.*

[H 1333]

Approved April 4, 2018

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 63.2-100 and 63.2-905 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Chapter 13 of Title 63.2 a section numbered 63.2-1305 as follows:**

**§ 63.2-100. Definitions.**

As used in this title, unless the context requires a different meaning:

"Abused or neglected child" means any child less than 18 years of age:

1. Whose parents or other person responsible for his care creates or inflicts, threatens to create or inflict, or allows to be created or inflicted upon such child a physical or mental injury by other than accidental means, or creates a substantial risk of death, disfigurement, or impairment of bodily or mental functions, including, but not limited to, a child who is with his parent or other person responsible for his care either (i) during the manufacture or attempted manufacture of a Schedule I or II controlled substance, or (ii) during the unlawful sale of such substance by that child's parents or other person responsible for his care, where such manufacture, or attempted manufacture or unlawful sale would constitute a felony violation of § 18.2-248;

2. Whose parents or other person responsible for his care neglects or refuses to provide care necessary for his health. However, no child who in good faith is under treatment solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination shall for that reason alone be considered to be an abused or neglected child. Further, a decision by parents who have legal authority for the child or, in the absence of parents with legal authority for the child, any person with legal authority for the child, who refuses a particular medical treatment for a child with a life-threatening condition shall not be deemed a refusal to provide necessary care if (i) such decision is made jointly by the parents or other person with legal authority and the child; (ii) the child has reached 14 years of age and is sufficiently mature to have an informed opinion on the subject of his medical treatment; (iii) the parents or other person with legal authority and the child have considered alternative treatment options; and (iv) the parents or other person with legal authority and the child believe in good faith that such decision is in the child's best interest. Nothing in this subdivision shall be construed to limit the provisions of § 16.1-278.4;

3. Whose parents or other person responsible for his care abandons such child;

4. Whose parents or other person responsible for his care commits or allows to be committed any act of sexual exploitation or any sexual act upon a child in violation of the law;

5. Who is without parental care or guardianship caused by the unreasonable absence or the mental or physical incapacity of the child's parent, guardian, legal custodian or other person standing in loco parentis;

6. Whose parents or other person responsible for his care creates a substantial risk of physical or mental injury by knowingly leaving the child alone in the same dwelling, including an apartment as defined in § 55-79.2, with a person to whom the child is not related by blood or marriage and who the parent or other person responsible for his care knows has been convicted of an offense against a minor for which registration is required as a violent sexual offender pursuant to § 9.1-902; or

7. Who has been identified as a victim of sex trafficking or severe forms of trafficking as defined in the Trafficking Victims Protection Act of 2000, 22 U.S.C. § 7102 et seq., and in the Justice for Victims of Trafficking Act of 2015, 42 U.S.C. § 5101 et seq.

If a civil proceeding under this title is based solely on the parent having left the child at a hospital or emergency medical services agency, it shall be an affirmative defense that such parent safely delivered the child to a hospital that provides 24-hour emergency services or to an attended emergency medical services agency that employs emergency

medical services providers, within 14 days of the child's birth. For purposes of terminating parental rights pursuant to § 16.1-283 and placement for adoption, the court may find such a child is a neglected child upon the ground of abandonment.

"Adoptive home" means any family home selected and approved by a parent, local board or a licensed child-placing agency for the placement of a child with the intent of adoption.

"Adoptive placement" means arranging for the care of a child who is in the custody of a child-placing agency in an approved home for the purpose of adoption.

"Adult abuse" means the willful infliction of physical pain, injury or mental anguish or unreasonable confinement of an adult as defined in § 63.2-1603.

"Adult day care center" means any facility that is either operated for profit or that desires licensure and that provides supplementary care and protection during only a part of the day to four or more aged, infirm or disabled adults who reside elsewhere, except (i) a facility or portion of a facility licensed by the State Board of Health or the Department of Behavioral Health and Developmental Services, and (ii) the home or residence of an individual who cares for only persons related to him by blood or marriage. Included in this definition are any two or more places, establishments or institutions owned, operated or controlled by a single entity and providing such supplementary care and protection to a combined total of four or more aged, infirm or disabled adults.

"Adult exploitation" means the illegal, unauthorized, improper, or fraudulent use of an adult as defined in § 63.2-1603 or his funds, property, benefits, resources, or other assets for another's profit, benefit, or advantage, including a caregiver or person serving in a fiduciary capacity, or that deprives the adult of his rightful use of or access to such funds, property, benefits, resources, or other assets. "Adult exploitation" includes (i) an intentional breach of a fiduciary obligation to an adult to his detriment or an intentional failure to use the financial resources of an adult in a manner that results in neglect of such adult; (ii) the acquisition, possession, or control of an adult's financial resources or property through the use of undue influence, coercion, or duress; and (iii) forcing or coercing an adult to pay for goods or services or perform services against his will for another's profit, benefit, or advantage if the adult did not agree, or was tricked, misled, or defrauded into agreeing, to pay for such goods or services or to perform such services.

"Adult foster care" means room and board, supervision, and special services to an adult who has a physical or mental condition. Adult foster care may be provided by a single provider for up to three adults.

"Adult neglect" means that an adult as defined in § 63.2-1603 is living under such circumstances that he is not able to provide for himself or is not being provided services necessary to maintain his physical and mental health and that the failure to receive such necessary services impairs or threatens to impair his well-being. However, no adult shall be considered neglected solely on the basis that such adult is receiving religious nonmedical treatment or religious nonmedical nursing care in lieu of medical care, provided that such treatment or care is performed in good faith and in accordance with the religious practices of the adult and there is a written or oral expression of consent by that adult.

"Adult protective services" means services provided by the local department that are necessary to protect an adult as defined in § 63.2-1603 from abuse, neglect or exploitation.

"Assisted living care" means a level of service provided by an assisted living facility for adults who may have physical or mental impairments and require at least a moderate level of assistance with activities of daily living.

"Assisted living facility" means any congregate residential setting that provides or coordinates personal and health care services, 24-hour supervision, and assistance (scheduled and unscheduled) for the maintenance or care of four or more adults who are aged, infirm or disabled and who are cared for in a primarily residential setting, except (i) a facility or portion of a facility licensed by the State Board of Health or the Department of Behavioral Health and Developmental Services, but including any portion of such facility not so licensed; (ii) the home or residence of an individual who cares for or maintains only persons related to him by blood or marriage; (iii) a facility or portion of a facility serving infirm or disabled persons between the ages of 18 and 21, or 22 if enrolled in an educational program for the handicapped pursuant to § 22.1-214, when such facility is licensed by the Department as a children's residential facility under Chapter 17 (§ 63.2-1700 et seq.), but including any portion of the facility not so licensed; and (iv) any housing project for persons 62 years of age or older or the disabled that provides no more than basic coordination of care services and is funded by the U.S. Department of Housing and Urban Development, by the U.S. Department of Agriculture, or by the Virginia Housing Development Authority. Included in this definition are any two or more places, establishments or institutions owned or operated by a single entity and providing maintenance or care to a combined total of four or more aged, infirm or disabled adults. Maintenance or care means the protection, general supervision and oversight of the physical and mental well-being of an aged, infirm or disabled individual.

"Auxiliary grants" means cash payments made to certain aged, blind or disabled individuals who receive benefits under Title XVI of the Social Security Act, as amended, or would be eligible to receive these benefits except for excess income.

"Birth family" or "birth sibling" means the child's biological family or biological sibling.

"Birth parent" means the child's biological parent and, for purposes of adoptive placement, means parent(s) by previous adoption.

"Board" means the State Board of Social Services.

"Child" means any natural person under 18 years of age.

"Child day center" means a child day program offered to (i) two or more children under the age of 13 in a facility that is not the residence of the provider or of any of the children in care or (ii) 13 or more children at any location.

"Child day program" means a regularly operating service arrangement for children where, during the absence of a parent or guardian, a person or organization has agreed to assume responsibility for the supervision, protection, and well-being of a child under the age of 13 for less than a 24-hour period.

"Child-placing agency" means any person who places children in foster homes, adoptive homes or independent living arrangements pursuant to § 63.2-1819 or a local board that places children in foster homes or adoptive homes pursuant to §§ 63.2-900, 63.2-903, and 63.2-1221. Officers, employees, or agents of the Commonwealth, or any locality acting within the scope of their authority as such, who serve as or maintain a child-placing agency, shall not be required to be licensed.

"Child-protective services" means the identification, receipt and immediate response to complaints and reports of alleged child abuse or neglect for children under 18 years of age. It also includes assessment, and arranging for and providing necessary protective and rehabilitative services for a child and his family when the child has been found to have been abused or neglected or is at risk of being abused or neglected.

"Child support services" means any civil, criminal or administrative action taken by the Division of Child Support Enforcement to locate parents; establish paternity; and establish, modify, enforce, or collect child support, or child and spousal support.

"Child-welfare agency" means a child day center, child-placing agency, children's residential facility, family day home, family day system, or independent foster home.

"Children's residential facility" means any facility, child-caring institution, or group home that is maintained for the purpose of receiving children separated from their parents or guardians for full-time care, maintenance, protection and guidance, or for the purpose of providing independent living services to persons between 18 and 21 years of age who are in the process of transitioning out of foster care. Children's residential facility shall not include:

1. A licensed or accredited educational institution whose pupils, in the ordinary course of events, return annually to the homes of their parents or guardians for not less than two months of summer vacation;
2. An establishment required to be licensed as a summer camp by § 35.1-18; and
3. A licensed or accredited hospital legally maintained as such.

"Commissioner" means the Commissioner of the Department, his designee or authorized representative.

"Department" means the State Department of Social Services.

"Department of Health and Human Services" means the Department of Health and Human Services of the United States government or any department or agency thereof that may hereafter be designated as the agency to administer the Social Security Act, as amended.

"Disposable income" means that part of the income due and payable of any individual remaining after the deduction of any amount required by law to be withheld.

"Energy assistance" means benefits to assist low-income households with their home heating and cooling needs, including, but not limited to, purchase of materials or substances used for home heating, repair or replacement of heating equipment, emergency intervention in no-heat situations, purchase or repair of cooling equipment, and payment of electric bills to operate cooling equipment, in accordance with § 63.2-805, or provided under the Virginia Energy Assistance Program established pursuant to the Low-Income Home Energy Assistance Act of 1981 (Title XXVI of Public Law 97-35), as amended.

"Family day home" means a child day program offered in the residence of the provider or the home of any of the children in care for one through 12 children under the age of 13, exclusive of the provider's own children and any children who reside in the home, when at least one child receives care for compensation. The provider of a licensed or registered family day home shall disclose to the parents or guardians of children in their care the percentage of time per week that persons other than the provider will care for the children. Family day homes serving five through 12 children, exclusive of the provider's own children and any children who reside in the home, shall be licensed. However, no family day home shall care for more than four children under the age of two, including the provider's own children and any children who reside in the home, unless the family day home is licensed or voluntarily registered. However, a family day home where the children in care are all related to the provider by blood or marriage shall not be required to be licensed.

"Family day system" means any person who approves family day homes as members of its system; who refers children to available family day homes in that system; and who, through contractual arrangement, may provide central administrative functions including, but not limited to, training of operators of member homes; technical assistance and consultation to operators of member homes; inspection, supervision, monitoring, and evaluation of member homes; and referral of children to available health and social services.

"Foster care placement" means placement of a child through (i) an agreement between the parents or guardians and the local board where legal custody remains with the parents or guardians or (ii) an entrustment or commitment of the child to the local board or licensed child-placing agency.

"Foster home" means the place of residence of any natural person in which any child, other than a child by birth or adoption of such person, resides as a member of the household.

"General relief" means money payments and other forms of relief made to those persons mentioned in § 63.2-802 in accordance with the regulations of the Board and reimbursable in accordance with § 63.2-401.

"Independent foster home" means a private family home in which any child, other than a child by birth or adoption of such person, resides as a member of the household and has been placed therein independently of a child-placing agency except (i) a home in which are received only children related by birth or adoption of the person who maintains such home

and children of personal friends of such person and (ii) a home in which is received a child or children committed under the provisions of subdivision A 4 of § 16.1-278.2, subdivision 6 of § 16.1-278.4, or subdivision A 13 of § 16.1-278.8.

"Independent living" means a planned program of services designed to assist a child age 16 and over and persons who are former foster care children between the ages of 18 and 21 in transitioning to self-sufficiency.

"Independent living arrangement" means placement of a child at least 16 years of age who is in the custody of a local board or licensed child-placing agency and has been placed by the local board or licensed child-placing agency in a living arrangement in which he does not have daily substitute parental supervision.

"Independent living services" means services and activities provided to a child in foster care 14 years of age or older who was committed or entrusted to a local board of social services, child welfare agency, or private child-placing agency. "Independent living services" may also mean services and activities provided to a person who (i) was in foster care on his 18th birthday and has not yet reached the age of 21 years or (ii) is at least 18 years of age but who has not yet reached 21 years of age and who, immediately prior to his commitment to the Department of Juvenile Justice, was in the custody of a local board of social services. Such services shall include counseling, education, housing, employment, and money management skills development, access to essential documents, and other appropriate services to help children or persons prepare for self-sufficiency.

"Independent physician" means a physician who is chosen by the resident of the assisted living facility and who has no financial interest in the assisted living facility, directly or indirectly, as an owner, officer, or employee or as an independent contractor with the residence.

"Intercountry placement" means the arrangement for the care of a child in an adoptive home or foster care placement into or out of the Commonwealth by a licensed child-placing agency, court, or other entity authorized to make such placements in accordance with the laws of the foreign country under which it operates.

"Interstate placement" means the arrangement for the care of a child in an adoptive home, foster care placement or in the home of the child's parent or with a relative or nonagency guardian, into or out of the Commonwealth, by a child-placing agency or court when the full legal right of the child's parent or nonagency guardian to plan for the child has been voluntarily terminated or limited or severed by the action of any court.

"Kinship care" means the full-time care, nurturing, and protection of children by relatives.

*"Kinship guardian" means the adult relative of a child in a kinship guardianship established in accordance with § 63.2-1305 who has been awarded custody of the child by the court after acting as the child's foster parent.*

*"Kinship guardianship" means a relationship established in accordance with § 63.2-1305 between a child and an adult relative of the child who has formerly acted as the child's foster parent that is intended to be permanent and self-sustaining as evidenced by the transfer by the court to the adult relative of the child of the authority necessary to ensure the protection, education, care and control, and custody of the child and the authority for decision making for the child.*

*"Kinship Guardianship Assistance program" means a program consistent with 42 U.S.C. § 673 that provides, subject to a kinship guardianship assistance agreement developed in accordance with § 63.2-1305, payments to eligible individuals who have received custody of a relative child of whom they had been the foster parents.*

"Local board" means the local board of social services representing one or more counties or cities.

"Local department" means the local department of social services of any county or city in this Commonwealth.

"Local director" means the director or his designated representative of the local department of the city or county.

"Merit system plan" means those regulations adopted by the Board in the development and operation of a system of personnel administration meeting requirements of the federal Office of Personnel Management.

"Parental placement" means locating or effecting the placement of a child or the placing of a child in a family home by the child's parent or legal guardian for the purpose of foster care or adoption.

"Public assistance" means Temporary Assistance for Needy Families (TANF); auxiliary grants to the aged, blind and disabled; medical assistance; energy assistance; food stamps; employment services; child care; and general relief.

"Qualified assessor" means an entity contracting with the Department of Medical Assistance Services to perform nursing facility pre-admission screening or to complete the uniform assessment instrument for a home and community-based waiver program, including an independent physician contracting with the Department of Medical Assistance Services to complete the uniform assessment instrument for residents of assisted living facilities, or any hospital that has contracted with the Department of Medical Assistance Services to perform nursing facility pre-admission screenings.

"Registered family day home" means any family day home that has met the standards for voluntary registration for such homes pursuant to regulations adopted by the Board and that has obtained a certificate of registration from the Commissioner.

"Residential living care" means a level of service provided by an assisted living facility for adults who may have physical or mental impairments and require only minimal assistance with the activities of daily living. The definition of "residential living care" includes the services provided by independent living facilities that voluntarily become licensed.

"Sibling" means each of two or more children having one or more parents in common.

"Social services" means foster care, adoption, adoption assistance, child-protective services, domestic violence services, or any other services program implemented in accordance with regulations adopted by the Board. Social services also includes adult services pursuant to Article 4 (§ 51.5-144 et seq.) of Chapter 14 of Title 51.5 and adult protective

services pursuant to Article 5 (§ 51.5-148) of Chapter 14 of Title 51.5 provided by local departments of social services in accordance with regulations and under the supervision of the Commissioner for Aging and Rehabilitative Services.

"Special order" means an order imposing an administrative sanction issued to any party licensed pursuant to this title by the Commissioner that has a stated duration of not more than 12 months. A special order shall be considered a case decision as defined in § 2.2-4001.

"Temporary Assistance for Needy Families" or "TANF" means the program administered by the Department through which a relative can receive monthly cash assistance for the support of his eligible children.

"Temporary Assistance for Needy Families-Unemployed Parent" or "TANF-UP" means the Temporary Assistance for Needy Families program for families in which both natural or adoptive parents of a child reside in the home and neither parent is exempt from the Virginia Initiative for Employment Not Welfare (VIEW) participation under § 63.2-609.

"Title IV-E Foster Care" means a federal program authorized under §§ 472 and 473 of the Social Security Act, as amended, and administered by the Department through which foster care is provided on behalf of qualifying children.

**§ 63.2-905. Foster care services.**

Foster care services are the provision of a full range of casework, treatment and community services, including but not limited to independent living services, for a planned period of time to a child who is abused or neglected as defined in § 63.2-100 or in need of services as defined in § 16.1-228 and his family when the child (i) has been identified as needing services to prevent or eliminate the need for foster care placement, (ii) has been placed through an agreement between the local board or the public agency designated by the community policy and management team and the parents or guardians where legal custody remains with the parents or guardians, or (iii) has been committed or entrusted to a local board or licensed child placing agency, or (iv) is living with a relative participating in the Kinship Guardianship Assistance program set forth in § 63.2-1305 and developed consistent with 42 U.S.C. § 673. Foster care services also include the provision and restoration of independent living services to a person who is over the age of 18 years but who has not yet reached the age of 21 years, in accordance with § 63.2-905.1.

**§ 63.2-1305. Kinship Guardianship Assistance program.**

*A. The Kinship Guardianship Assistance program is established to facilitate placements with relatives and ensure permanency for children for whom adoption or being returned home are not appropriate permanency options. Kinship guardianship assistance payments may include Title IV-E maintenance payments, state-funded maintenance payments, state special services payments, and nonrecurring expense payments made pursuant to this section.*

*B. A child is eligible for kinship guardianship assistance under the program if:*

- 1. The child has been removed from his home pursuant to a voluntary placement agreement or as a result of a judicial determination that continuation in the home would be contrary to the welfare of the child;*
- 2. The child was eligible for foster care maintenance payments under 42 U.S.C. § 672 or under state law while residing for at least six consecutive months in the home of the prospective kinship guardian;*
- 3. Being returned home or adopted is not an appropriate permanency option for the child;*
- 4. The child demonstrates a strong attachment to the prospective kinship guardian, and the prospective kinship guardian has a strong commitment to caring permanently for the child; and*
- 5. The child has been consulted regarding the kinship guardianship if the child is 14 years of age or older.*

*C. If a child does not meet the eligibility criteria set forth in subsection B but has a sibling who meets such criteria, the child may be placed in the same kinship guardianship with his eligible sibling, in accordance with 42 U.S.C. § 671(a)(31), if the local department and kinship guardian agree that such placement is appropriate. In such cases, kinship guardianship assistance may be paid on behalf of each sibling so placed.*

*D. In order to receive payments under 42 U.S.C. § 674(a)(5) or pursuant to the Children's Services Act (§ 2.2-5200 et seq.), the local department and the prospective kinship guardian of a child who meets the requirements of subsection B shall enter into a written kinship guardianship assistance agreement negotiated by the Department and containing terms providing for the following:*

- 1. The amount of, and the manner in which, each kinship guardianship assistance payment will be provided and the manner in which such payment may be adjusted periodically, in consultation with the kinship guardian, on the basis of the circumstances of the kinship guardian and the needs of the child;*
- 2. The additional services or assistance, if any, for which the child and kinship guardian will be eligible under the agreement;*
- 3. The procedure by which the kinship guardian may apply for additional services as needed;*
- 4. Subject to 42 U.S.C. § 673(d)(1)(D), assurance that the local department shall pay the total cost of nonrecurring expenses associated with obtaining kinship guardianship of the child, to the extent that the total cost does not exceed \$2,000; and*
- 5. Assurance that the agreement shall remain in effect without regard to the state of residency of the kinship guardian.*

*E. A kinship guardianship assistance payment on behalf of a child pursuant to this section shall not exceed the foster care maintenance payment that would have been paid on behalf of the child had the child remained in a foster family home.*

*F. The Board shall promulgate regulations for the Kinship Guardianship Assistance program that are necessary to comply with Title IV-E requirements, including those set forth in 42 U.S.C. § 673. The regulations may set forth qualifications for kinship guardians, the conditions under which a kinship guardianship may be established, the requirements for the development and amendment of a kinship guardianship assistance agreement, and the manner of payments on behalf of siblings placed in the same household.*

## CHAPTER 770

*An Act to amend and reenact §§ 63.2-100 and 63.2-905 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 13 of Title 63.2 a section numbered 63.2-1305, relating to Kinship Guardianship Assistance program.*

[S 636]

Approved April 4, 2018

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 63.2-100 and 63.2-905 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Chapter 13 of Title 63.2 a section numbered 63.2-1305 as follows:**

**§ 63.2-100. Definitions.**

As used in this title, unless the context requires a different meaning:

"Abused or neglected child" means any child less than 18 years of age:

1. Whose parents or other person responsible for his care creates or inflicts, threatens to create or inflict, or allows to be created or inflicted upon such child a physical or mental injury by other than accidental means, or creates a substantial risk of death, disfigurement, or impairment of bodily or mental functions, including, but not limited to, a child who is with his parent or other person responsible for his care either (i) during the manufacture or attempted manufacture of a Schedule I or II controlled substance, or (ii) during the unlawful sale of such substance by that child's parents or other person responsible for his care, where such manufacture, or attempted manufacture or unlawful sale would constitute a felony violation of § 18.2-248;

2. Whose parents or other person responsible for his care neglects or refuses to provide care necessary for his health. However, no child who in good faith is under treatment solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination shall for that reason alone be considered to be an abused or neglected child. Further, a decision by parents who have legal authority for the child or, in the absence of parents with legal authority for the child, any person with legal authority for the child, who refuses a particular medical treatment for a child with a life-threatening condition shall not be deemed a refusal to provide necessary care if (i) such decision is made jointly by the parents or other person with legal authority and the child; (ii) the child has reached 14 years of age and is sufficiently mature to have an informed opinion on the subject of his medical treatment; (iii) the parents or other person with legal authority and the child have considered alternative treatment options; and (iv) the parents or other person with legal authority and the child believe in good faith that such decision is in the child's best interest. Nothing in this subdivision shall be construed to limit the provisions of § 16.1-278.4;

3. Whose parents or other person responsible for his care abandons such child;

4. Whose parents or other person responsible for his care commits or allows to be committed any act of sexual exploitation or any sexual act upon a child in violation of the law;

5. Who is without parental care or guardianship caused by the unreasonable absence or the mental or physical incapacity of the child's parent, guardian, legal custodian or other person standing in loco parentis;

6. Whose parents or other person responsible for his care creates a substantial risk of physical or mental injury by knowingly leaving the child alone in the same dwelling, including an apartment as defined in § 55-79.2, with a person to whom the child is not related by blood or marriage and who the parent or other person responsible for his care knows has been convicted of an offense against a minor for which registration is required as a violent sexual offender pursuant to § 9.1-902; or

7. Who has been identified as a victim of sex trafficking or severe forms of trafficking as defined in the Trafficking Victims Protection Act of 2000, 22 U.S.C. § 7102 et seq., and in the Justice for Victims of Trafficking Act of 2015, 42 U.S.C. § 5101 et seq.

If a civil proceeding under this title is based solely on the parent having left the child at a hospital or emergency medical services agency, it shall be an affirmative defense that such parent safely delivered the child to a hospital that provides 24-hour emergency services or to an attended emergency medical services agency that employs emergency medical services providers, within 14 days of the child's birth. For purposes of terminating parental rights pursuant to § 16.1-283 and placement for adoption, the court may find such a child is a neglected child upon the ground of abandonment.

"Adoptive home" means any family home selected and approved by a parent, local board or a licensed child-placing agency for the placement of a child with the intent of adoption.

"Adoptive placement" means arranging for the care of a child who is in the custody of a child-placing agency in an approved home for the purpose of adoption.

"Adult abuse" means the willful infliction of physical pain, injury or mental anguish or unreasonable confinement of an adult as defined in § 63.2-1603.

"Adult day care center" means any facility that is either operated for profit or that desires licensure and that provides supplementary care and protection during only a part of the day to four or more aged, infirm or disabled adults who reside elsewhere, except (i) a facility or portion of a facility licensed by the State Board of Health or the Department of Behavioral Health and Developmental Services, and (ii) the home or residence of an individual who cares for only persons related to him by blood or marriage. Included in this definition are any two or more places, establishments or institutions owned,

operated or controlled by a single entity and providing such supplementary care and protection to a combined total of four or more aged, infirm or disabled adults.

"Adult exploitation" means the illegal, unauthorized, improper, or fraudulent use of an adult as defined in § 63.2-1603 or his funds, property, benefits, resources, or other assets for another's profit, benefit, or advantage, including a caregiver or person serving in a fiduciary capacity, or that deprives the adult of his rightful use of or access to such funds, property, benefits, resources, or other assets. "Adult exploitation" includes (i) an intentional breach of a fiduciary obligation to an adult to his detriment or an intentional failure to use the financial resources of an adult in a manner that results in neglect of such adult; (ii) the acquisition, possession, or control of an adult's financial resources or property through the use of undue influence, coercion, or duress; and (iii) forcing or coercing an adult to pay for goods or services or perform services against his will for another's profit, benefit, or advantage if the adult did not agree, or was tricked, misled, or defrauded into agreeing, to pay for such goods or services or to perform such services.

"Adult foster care" means room and board, supervision, and special services to an adult who has a physical or mental condition. Adult foster care may be provided by a single provider for up to three adults.

"Adult neglect" means that an adult as defined in § 63.2-1603 is living under such circumstances that he is not able to provide for himself or is not being provided services necessary to maintain his physical and mental health and that the failure to receive such necessary services impairs or threatens to impair his well-being. However, no adult shall be considered neglected solely on the basis that such adult is receiving religious nonmedical treatment or religious nonmedical nursing care in lieu of medical care, provided that such treatment or care is performed in good faith and in accordance with the religious practices of the adult and there is a written or oral expression of consent by that adult.

"Adult protective services" means services provided by the local department that are necessary to protect an adult as defined in § 63.2-1603 from abuse, neglect or exploitation.

"Assisted living care" means a level of service provided by an assisted living facility for adults who may have physical or mental impairments and require at least a moderate level of assistance with activities of daily living.

"Assisted living facility" means any congregate residential setting that provides or coordinates personal and health care services, 24-hour supervision, and assistance (scheduled and unscheduled) for the maintenance or care of four or more adults who are aged, infirm or disabled and who are cared for in a primarily residential setting, except (i) a facility or portion of a facility licensed by the State Board of Health or the Department of Behavioral Health and Developmental Services, but including any portion of such facility not so licensed; (ii) the home or residence of an individual who cares for or maintains only persons related to him by blood or marriage; (iii) a facility or portion of a facility serving infirm or disabled persons between the ages of 18 and 21, or 22 if enrolled in an educational program for the handicapped pursuant to § 22.1-214, when such facility is licensed by the Department as a children's residential facility under Chapter 17 (§ 63.2-1700 et seq.), but including any portion of the facility not so licensed; and (iv) any housing project for persons 62 years of age or older or the disabled that provides no more than basic coordination of care services and is funded by the U.S. Department of Housing and Urban Development, by the U.S. Department of Agriculture, or by the Virginia Housing Development Authority. Included in this definition are any two or more places, establishments or institutions owned or operated by a single entity and providing maintenance or care to a combined total of four or more aged, infirm or disabled adults. Maintenance or care means the protection, general supervision and oversight of the physical and mental well-being of an aged, infirm or disabled individual.

"Auxiliary grants" means cash payments made to certain aged, blind or disabled individuals who receive benefits under Title XVI of the Social Security Act, as amended, or would be eligible to receive these benefits except for excess income.

"Birth family" or "birth sibling" means the child's biological family or biological sibling.

"Birth parent" means the child's biological parent and, for purposes of adoptive placement, means parent(s) by previous adoption.

"Board" means the State Board of Social Services.

"Child" means any natural person under 18 years of age.

"Child day center" means a child day program offered to (i) two or more children under the age of 13 in a facility that is not the residence of the provider or of any of the children in care or (ii) 13 or more children at any location.

"Child day program" means a regularly operating service arrangement for children where, during the absence of a parent or guardian, a person or organization has agreed to assume responsibility for the supervision, protection, and well-being of a child under the age of 13 for less than a 24-hour period.

"Child-placing agency" means any person who places children in foster homes, adoptive homes or independent living arrangements pursuant to § 63.2-1819 or a local board that places children in foster homes or adoptive homes pursuant to §§ 63.2-900, 63.2-903, and 63.2-1221. Officers, employees, or agents of the Commonwealth, or any locality acting within the scope of their authority as such, who serve as or maintain a child-placing agency, shall not be required to be licensed.

"Child-protective services" means the identification, receipt and immediate response to complaints and reports of alleged child abuse or neglect for children under 18 years of age. It also includes assessment, and arranging for and providing necessary protective and rehabilitative services for a child and his family when the child has been found to have been abused or neglected or is at risk of being abused or neglected.

"Child support services" means any civil, criminal or administrative action taken by the Division of Child Support Enforcement to locate parents; establish paternity; and establish, modify, enforce, or collect child support, or child and spousal support.

"Child-welfare agency" means a child day center, child-placing agency, children's residential facility, family day home, family day system, or independent foster home.

"Children's residential facility" means any facility, child-caring institution, or group home that is maintained for the purpose of receiving children separated from their parents or guardians for full-time care, maintenance, protection and guidance, or for the purpose of providing independent living services to persons between 18 and 21 years of age who are in the process of transitioning out of foster care. Children's residential facility shall not include:

1. A licensed or accredited educational institution whose pupils, in the ordinary course of events, return annually to the homes of their parents or guardians for not less than two months of summer vacation;
2. An establishment required to be licensed as a summer camp by § 35.1-18; and
3. A licensed or accredited hospital legally maintained as such.

"Commissioner" means the Commissioner of the Department, his designee or authorized representative.

"Department" means the State Department of Social Services.

"Department of Health and Human Services" means the Department of Health and Human Services of the United States government or any department or agency thereof that may hereafter be designated as the agency to administer the Social Security Act, as amended.

"Disposable income" means that part of the income due and payable of any individual remaining after the deduction of any amount required by law to be withheld.

"Energy assistance" means benefits to assist low-income households with their home heating and cooling needs, including, but not limited to, purchase of materials or substances used for home heating, repair or replacement of heating equipment, emergency intervention in no-heat situations, purchase or repair of cooling equipment, and payment of electric bills to operate cooling equipment, in accordance with § 63.2-805, or provided under the Virginia Energy Assistance Program established pursuant to the Low-Income Home Energy Assistance Act of 1981 (Title XXVI of Public Law 97-35), as amended.

"Family day home" means a child day program offered in the residence of the provider or the home of any of the children in care for one through 12 children under the age of 13, exclusive of the provider's own children and any children who reside in the home, when at least one child receives care for compensation. The provider of a licensed or registered family day home shall disclose to the parents or guardians of children in their care the percentage of time per week that persons other than the provider will care for the children. Family day homes serving five through 12 children, exclusive of the provider's own children and any children who reside in the home, shall be licensed. However, no family day home shall care for more than four children under the age of two, including the provider's own children and any children who reside in the home, unless the family day home is licensed or voluntarily registered. However, a family day home where the children in care are all related to the provider by blood or marriage shall not be required to be licensed.

"Family day system" means any person who approves family day homes as members of its system; who refers children to available family day homes in that system; and who, through contractual arrangement, may provide central administrative functions including, but not limited to, training of operators of member homes; technical assistance and consultation to operators of member homes; inspection, supervision, monitoring, and evaluation of member homes; and referral of children to available health and social services.

"Foster care placement" means placement of a child through (i) an agreement between the parents or guardians and the local board where legal custody remains with the parents or guardians or (ii) an entrustment or commitment of the child to the local board or licensed child-placing agency.

"Foster home" means the place of residence of any natural person in which any child, other than a child by birth or adoption of such person, resides as a member of the household.

"General relief" means money payments and other forms of relief made to those persons mentioned in § 63.2-802 in accordance with the regulations of the Board and reimbursable in accordance with § 63.2-401.

"Independent foster home" means a private family home in which any child, other than a child by birth or adoption of such person, resides as a member of the household and has been placed therein independently of a child-placing agency except (i) a home in which are received only children related by birth or adoption of the person who maintains such home and children of personal friends of such person and (ii) a home in which is received a child or children committed under the provisions of subdivision A 4 of § 16.1-278.2, subdivision 6 of § 16.1-278.4, or subdivision A 13 of § 16.1-278.8.

"Independent living" means a planned program of services designed to assist a child age 16 and over and persons who are former foster care children between the ages of 18 and 21 in transitioning to self-sufficiency.

"Independent living arrangement" means placement of a child at least 16 years of age who is in the custody of a local board or licensed child-placing agency and has been placed by the local board or licensed child-placing agency in a living arrangement in which he does not have daily substitute parental supervision.

"Independent living services" means services and activities provided to a child in foster care 14 years of age or older who was committed or entrusted to a local board of social services, child welfare agency, or private child-placing agency.

"Independent living services" may also mean services and activities provided to a person who (i) was in foster care on his 18th birthday and has not yet reached the age of 21 years or (ii) is at least 18 years of age but who has not yet reached 21 years of age and who, immediately prior to his commitment to the Department of Juvenile Justice, was in the custody of a local board of social services. Such services shall include counseling, education, housing, employment, and money

management skills development, access to essential documents, and other appropriate services to help children or persons prepare for self-sufficiency.

"Independent physician" means a physician who is chosen by the resident of the assisted living facility and who has no financial interest in the assisted living facility, directly or indirectly, as an owner, officer, or employee or as an independent contractor with the residence.

"Intercountry placement" means the arrangement for the care of a child in an adoptive home or foster care placement into or out of the Commonwealth by a licensed child-placing agency, court, or other entity authorized to make such placements in accordance with the laws of the foreign country under which it operates.

"Interstate placement" means the arrangement for the care of a child in an adoptive home, foster care placement or in the home of the child's parent or with a relative or nonagency guardian, into or out of the Commonwealth, by a child-placing agency or court when the full legal right of the child's parent or nonagency guardian to plan for the child has been voluntarily terminated or limited or severed by the action of any court.

"Kinship care" means the full-time care, nurturing, and protection of children by relatives.

*"Kinship guardian" means the adult relative of a child in a kinship guardianship established in accordance with § 63.2-1305 who has been awarded custody of the child by the court after acting as the child's foster parent.*

*"Kinship guardianship" means a relationship established in accordance with § 63.2-1305 between a child and an adult relative of the child who has formerly acted as the child's foster parent that is intended to be permanent and self-sustaining as evidenced by the transfer by the court to the adult relative of the child of the authority necessary to ensure the protection, education, care and control, and custody of the child and the authority for decision making for the child.*

*"Kinship Guardianship Assistance program" means a program consistent with 42 U.S.C. § 673 that provides, subject to a kinship guardianship assistance agreement developed in accordance with § 63.2-1305, payments to eligible individuals who have received custody of a relative child of whom they had been the foster parents.*

"Local board" means the local board of social services representing one or more counties or cities.

"Local department" means the local department of social services of any county or city in this Commonwealth.

"Local director" means the director or his designated representative of the local department of the city or county.

"Merit system plan" means those regulations adopted by the Board in the development and operation of a system of personnel administration meeting requirements of the federal Office of Personnel Management.

"Parental placement" means locating or effecting the placement of a child or the placing of a child in a family home by the child's parent or legal guardian for the purpose of foster care or adoption.

"Public assistance" means Temporary Assistance for Needy Families (TANF); auxiliary grants to the aged, blind and disabled; medical assistance; energy assistance; food stamps; employment services; child care; and general relief.

"Qualified assessor" means an entity contracting with the Department of Medical Assistance Services to perform nursing facility pre-admission screening or to complete the uniform assessment instrument for a home and community-based waiver program, including an independent physician contracting with the Department of Medical Assistance Services to complete the uniform assessment instrument for residents of assisted living facilities, or any hospital that has contracted with the Department of Medical Assistance Services to perform nursing facility pre-admission screenings.

"Registered family day home" means any family day home that has met the standards for voluntary registration for such homes pursuant to regulations adopted by the Board and that has obtained a certificate of registration from the Commissioner.

"Residential living care" means a level of service provided by an assisted living facility for adults who may have physical or mental impairments and require only minimal assistance with the activities of daily living. The definition of "residential living care" includes the services provided by independent living facilities that voluntarily become licensed.

"Sibling" means each of two or more children having one or more parents in common.

"Social services" means foster care, adoption, adoption assistance, child-protective services, domestic violence services, or any other services program implemented in accordance with regulations adopted by the Board. Social services also includes adult services pursuant to Article 4 (§ 51.5-144 et seq.) of Chapter 14 of Title 51.5 and adult protective services pursuant to Article 5 (§ 51.5-148) of Chapter 14 of Title 51.5 provided by local departments of social services in accordance with regulations and under the supervision of the Commissioner for Aging and Rehabilitative Services.

"Special order" means an order imposing an administrative sanction issued to any party licensed pursuant to this title by the Commissioner that has a stated duration of not more than 12 months. A special order shall be considered a case decision as defined in § 2.2-4001.

"Temporary Assistance for Needy Families" or "TANF" means the program administered by the Department through which a relative can receive monthly cash assistance for the support of his eligible children.

"Temporary Assistance for Needy Families-Unemployed Parent" or "TANF-UP" means the Temporary Assistance for Needy Families program for families in which both natural or adoptive parents of a child reside in the home and neither parent is exempt from the Virginia Initiative for Employment Not Welfare (VIEW) participation under § 63.2-609.

"Title IV-E Foster Care" means a federal program authorized under §§ 472 and 473 of the Social Security Act, as amended, and administered by the Department through which foster care is provided on behalf of qualifying children.

**§ 63.2-905. Foster care services.**

Foster care services are the provision of a full range of casework, treatment and community services, including but not limited to independent living services, for a planned period of time to a child who is abused or neglected as defined in § 63.2-100 or in need of services as defined in § 16.1-228 and his family when the child (i) has been identified as needing services to prevent or eliminate the need for foster care placement, (ii) has been placed through an agreement between the local board or the public agency designated by the community policy and management team and the parents or guardians where legal custody remains with the parents or guardians, ~~or~~ (iii) has been committed or entrusted to a local board or licensed child placing agency, or (iv) is living with a relative participating in the Kinship Guardianship Assistance program set forth in § 63.2-1305 and developed consistent with 42 U.S.C. § 673. Foster care services also include the provision and restoration of independent living services to a person who is over the age of 18 years but who has not yet reached the age of 21 years, in accordance with § 63.2-905.1.

**§ 63.2-1305. Kinship Guardianship Assistance program.**

*A. The Kinship Guardianship Assistance program is established to facilitate placements with relatives and ensure permanency for children for whom adoption or being returned home are not appropriate permanency options. Kinship guardianship assistance payments may include Title IV-E maintenance payments, state-funded maintenance payments, state special services payments, and nonrecurring expense payments made pursuant to this section.*

*B. A child is eligible for kinship guardianship assistance under the program if:*

- 1. The child has been removed from his home pursuant to a voluntary placement agreement or as a result of a judicial determination that continuation in the home would be contrary to the welfare of the child;*
- 2. The child was eligible for foster care maintenance payments under 42 U.S.C. § 672 or under state law while residing for at least six consecutive months in the home of the prospective kinship guardian;*
- 3. Being returned home or adopted is not an appropriate permanency option for the child;*
- 4. The child demonstrates a strong attachment to the prospective kinship guardian, and the prospective kinship guardian has a strong commitment to caring permanently for the child; and*
- 5. The child has been consulted regarding the kinship guardianship if the child is 14 years of age or older.*

*C. If a child does not meet the eligibility criteria set forth in subsection B but has a sibling who meets such criteria, the child may be placed in the same kinship guardianship with his eligible sibling, in accordance with 42 U.S.C. § 671(a)(31), if the local department and kinship guardian agree that such placement is appropriate. In such cases, kinship guardianship assistance may be paid on behalf of each sibling so placed.*

*D. In order to receive payments under 42 U.S.C. § 674(a)(5) or pursuant to the Children's Services Act (§ 2.2-5200 et seq.), the local department and the prospective kinship guardian of a child who meets the requirements of subsection B shall enter into a written kinship guardianship assistance agreement negotiated by the Department and containing terms providing for the following:*

- 1. The amount of, and the manner in which, each kinship guardianship assistance payment will be provided and the manner in which such payment may be adjusted periodically, in consultation with the kinship guardian, on the basis of the circumstances of the kinship guardian and the needs of the child;*
- 2. The additional services or assistance, if any, for which the child and kinship guardian will be eligible under the agreement;*
- 3. The procedure by which the kinship guardian may apply for additional services as needed;*
- 4. Subject to 42 U.S.C. § 673(d)(1)(D), assurance that the local department shall pay the total cost of nonrecurring expenses associated with obtaining kinship guardianship of the child, to the extent that the total cost does not exceed \$2,000; and*
- 5. Assurance that the agreement shall remain in effect without regard to the state of residency of the kinship guardian.*

*E. A kinship guardianship assistance payment on behalf of a child pursuant to this section shall not exceed the foster care maintenance payment that would have been paid on behalf of the child had the child remained in a foster family home.*

*F. The Board shall promulgate regulations for the Kinship Guardianship Assistance program that are necessary to comply with Title IV-E requirements, including those set forth in 42 U.S.C. § 673. The regulations may set forth qualifications for kinship guardians, the conditions under which a kinship guardianship may be established, the requirements for the development and amendment of a kinship guardianship assistance agreement, and the manner of payments on behalf of siblings placed in the same household.*

**CHAPTER 771**

*An Act to amend the Code of Virginia by adding in Title 32.1 a chapter numbered 5.4, consisting of a section numbered 32.1-162.32, relating to medical research on dogs and cats; prohibition on use of state funds.*

[S 28]

Approved April 4, 2018

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding in Title 32.1 a chapter numbered 5.4, consisting of a section numbered 32.1-162.32, as follows:**

CHAPTER 5.4.  
ANIMAL RESEARCH.

**§ 32.1-162.32. Definitions.**

A. For purposes of this section, unless the context requires a different meaning:

"Animal subject" means a dog or a cat.

"Medically unnecessary" means not carried out solely for the better health, welfare, or safety of the animal subject.

B. No funds appropriated, granted, or awarded by the Commonwealth shall be used by any person or entity, public or private, to directly fund medically unnecessary research classified under pain and distress category E by the U.S. Department of Agriculture on animal subjects. For purposes of this section, the direct funding of research shall not include the appropriation, grant, or award of funds for the construction or maintenance of facilities; the purchase or maintenance of general-use equipment; overhead costs; capital improvements; or faculty or employee salaries.

CHAPTER 772

An Act to amend and reenact §§ 54.1-2519, 54.1-2521, and 54.1-2522 of the Code of Virginia, relating to the Prescription Monitoring Program; veterinarians.

[S 226]

Approved April 4, 2018

Be it enacted by the General Assembly of Virginia:

1. That §§ 54.1-2519, 54.1-2521, and 54.1-2522 of the Code of Virginia are amended and reenacted as follows:

**§ 54.1-2519. Definitions.**

As used in this chapter, unless the context requires a different meaning:

"Administer" means the direct application of a controlled substance, whether by injection, inhalation, ingestion or any other means, to the body of a patient or research subject by (i) a practitioner or, under the practitioner's direction, his authorized agent or (ii) the patient or research subject at the direction and in the presence of the practitioner.

"Bureau" means the Virginia Department of State Police, Bureau of Criminal Investigation, Drug Diversion Unit.

"Controlled substance" means a drug, substance or immediate precursor in Schedules I through VI of the Drug Control Act, Chapter 34 (§ 54.1-3400 et seq.) of this title.

"Covered substance" means all controlled substances included in Schedules II, III, and IV and all drugs of concern that are required to be reported to the Prescription Monitoring Program, pursuant to this chapter.

"Department" means the Virginia Department of Health Professions.

"Director" means the Director of the Virginia Department of Health Professions.

"Dispense" means to deliver a controlled substance to an ultimate user ~~or~~, research subject, or owner of an animal patient by or pursuant to the lawful order of a practitioner, including the prescribing and administering, packaging, labeling or compounding necessary to prepare the substance for that delivery.

"Dispenser" means a person or entity that (i) is authorized by law to dispense a covered substance or to maintain a stock of covered substances for the purpose of dispensing, and (ii) dispenses the covered substance to a citizen of the Commonwealth regardless of the location of the dispenser, or who dispenses such covered substance from a location in Virginia regardless of the location of the recipient.

"Drug of concern" means any drug or substance, including any controlled substance or other drug or substance, where there has been or there is the potential for abuse and that has been identified by the Board of Pharmacy pursuant to § 54.1-3456.1.

"Prescriber" means a practitioner licensed in the Commonwealth who is authorized pursuant to §§ 54.1-3303 and 54.1-3408 to issue a prescription for a covered substance or a practitioner licensed in another state to so issue a prescription for a covered substance.

"Recipient" means a person who receives a covered substance from a dispenser and includes the owner of an animal patient.

"Relevant health regulatory board" means any such board that licenses persons or entities with the authority to prescribe or dispense covered substances, including, ~~but not limited to,~~ the Board of Dentistry, the Board of Medicine, the Board of Veterinary Medicine, and the Board of Pharmacy.

**§ 54.1-2521. Reporting requirements.**

A. The failure by any person subject to the reporting requirements set forth in this section and the Department's regulations to report the dispensing of covered substances shall constitute grounds for disciplinary action by the relevant health regulatory board.

B. Upon dispensing a covered substance, a dispenser of such covered substance shall report the following information:

1. The recipient's name and address.
2. The recipient's date of birth.
3. The covered substance that was dispensed to the recipient.
4. The quantity of the covered substance that was dispensed.
5. The date of the dispensing.

6. The prescriber's identifier number.
7. The dispenser's identifier number.
8. The method of payment for the prescription.
9. Any other non-clinical information that is designated by the Director as necessary for the implementation of this chapter in accordance with the Department's regulations.
10. Any other information specified in regulations promulgated by the Director as required in order for the Prescription Monitoring Program to be eligible to receive federal funds.

*C. Except as provided in subdivision 7 of § 54.1-2522, in cases where the ultimate user of a covered substance is an animal, the dispenser shall report the relevant information required by subsection B for the owner of the animal.*

*D. The reports required herein shall be made to the Department or its agent within 24 hours or the dispenser's next business day, whichever comes later, and shall be made and transmitted in such manner and format and according to the standards and schedule established in the Department's regulations.*

#### **§ 54.1-2522. Reporting exemptions.**

The dispensing of covered substances under the following circumstances shall be exempt from the reporting requirements set forth in § 54.1-2521:

1. Dispensing of manufacturers' samples of such covered substances or of covered substances dispensed pursuant to an indigent patient program offered by a pharmaceutical manufacturer.
2. Dispensing of covered substances by a practitioner of the healing arts to his patient in a bona fide medical emergency or when pharmaceutical services are not available.
3. Administering of covered substances.
4. Dispensing of covered substances within an appropriately licensed narcotic maintenance treatment program.
5. Dispensing of covered substances to inpatients in hospitals or nursing facilities licensed by the Board of Health or facilities that are otherwise authorized by law to operate as hospitals or nursing homes in the Commonwealth.
6. Dispensing of covered substances to inpatients in hospices licensed by the Board of Health.
7. Dispensing of covered substances by veterinarians to animals within the usual course of their professional practice for a course of treatment to last seven days or less.
8. Dispensing of covered substances as otherwise provided in the Department's regulations.

### **CHAPTER 773**

*An Act to amend and reenact § 32.1-309.2 of the Code of Virginia, relating to disposition of unclaimed dead body; final orders of transportation and disposition.*

[S 959]

Approved April 4, 2018

#### **Be it enacted by the General Assembly of Virginia:**

**1. That § 32.1-309.2 of the Code of Virginia is amended and reenacted as follows:**

#### **§ 32.1-309.2. Disposition of unclaimed dead body; how expenses paid.**

A. In any case in which (i) the primary law-enforcement agency of the county or city in which the person or institution having initial custody of the dead body of the decedent is located or the county or city in which the decedent resided, as may be appropriate pursuant to § 32.1-309.1, is unable to identify and notify the next of kin of the decedent or other person authorized by law to make arrangements for disposition of the decedent's remains within 10 days of the date of contact by the person or institution having initial custody of the dead body despite good faith efforts to do so or (ii) the next of kin of the decedent or other person authorized by law to make arrangements for disposition of the decedent's remains fails or refuses to claim the body within 10 days of receipt of notice of the decedent's death, the primary law-enforcement agency shall notify (a) the attorney for the county or city in which the decedent resided at the time of death, if known, or (b) if the decedent's county or city of residence at the time of death is not known, the attorney for the county or city in which the person or institution having initial custody of the dead body is located or, if there is no county or city attorney, the attorney for the Commonwealth in such county or city, and such attorney shall *forthwith and without delay* request an order *to be entered by the court within one business day of receiving such request* authorizing the person or institution having initial custody of the dead body to transfer custody of the body to a funeral service establishment for final disposition. *Such request shall contain transportation and disposition instructions for the unclaimed dead body.* Upon entry of a final order for disposition of the dead body, the person or institution having initial custody of the body shall transfer custody of the body to a funeral service establishment, which shall take possession of the dead body for disposition in accordance with the provisions of such order. *In such final order, the court may direct the clerk to forthwith provide a copy of the final order to the attorney who has submitted the request for a final order authorizing the person or institution having initial custody of the dead body to transfer custody of the dead body to a funeral service establishment for final disposition in accordance with this subsection.* Except as provided in subsection B or C, the reasonable expenses of disposition of the body shall be borne (1) by the county or city in which the decedent resided at the time of death if the decedent was a resident of Virginia or (2) by the county or city where death occurred if the decedent was not a resident of Virginia or the location of the

decedent's residence cannot reasonably be determined. However, no such expenses shall be paid by such county or city until allowed by an appropriate court in such county or city.

B. In the case of a person who has been received into the state corrections system and died prior to his release, whose body is unclaimed, the Department of Corrections shall accept the body for proper disposition and shall bear the reasonable expenses for cremation or other disposition of the body. In the case of a person who has been received into the state corrections system and died prior to his release and whose claimant is financially unable to pay reasonable expenses of disposition, the expenses shall be borne by the county or city where the claimant resides.

C. In the case of a person who has been committed to the custody of the Department of Behavioral Health and Developmental Services and died prior to his release, whose body is unclaimed, the Department of Behavioral Health and Developmental Services shall bear the reasonable expenses for cremation or other disposition of the body. In the case of a person who has been committed to the custody of the Department of Behavioral Health and Developmental Services and died prior to his release and whose claimant is financially unable to pay reasonable expenses of disposition, the expenses shall be borne by the county or city where the claimant resides.

D. Any person or institution having initial custody of a dead body may enter into an agreement with a local funeral service establishment whereby the funeral service establishment shall take possession of the dead body for the purpose of storing the dead body during such time as the person or institution having initial custody of the body or the primary local law-enforcement agency is engaged in identifying the decedent, attempting to identify and contact the next of kin of the decedent, and making arrangements for the final disposition of the body in accordance with this section, provided that at all times during which the funeral service establishment is providing storage of the body, the person or institution having initial custody of the dead body shall continue to have legal custody of the body until such time as custody is transferred in accordance with this chapter.

E. In cases in which a decedent whose remains are disposed of in accordance with this section has an estate out of which disposition expenses may be paid, in whole or in part, such assets shall be seized for such purpose.

F. No dead body that is the subject of an investigation pursuant to § 32.1-283 or autopsy pursuant to § 32.1-285 shall be transferred for purposes of disposition until such investigation or autopsy has been completed.

G. Any sheriff or primary law-enforcement officer, county, city, health care provider, funeral service establishment, or funeral service licensee; the Department of Corrections; or any other person or institution that acts in accordance with the requirements of this chapter shall be immune from civil liability for any act, decision, or omission resulting from acceptance and disposition of the dead body in accordance with this section, unless such act, decision, or omission resulted from bad faith or malicious intent.

H. Nothing in this section shall prevent a law-enforcement agency other than the primary law-enforcement agency from performing the duties established by this section if so requested by the primary law-enforcement agency and agreed to by the other law-enforcement agency.

**CHAPTER 774**

*An Act to amend and reenact §§ 3.2-6546, 54.1-3423, and 54.1-3801, as it is currently effective and as it shall become effective, of the Code of Virginia, relating to animal shelters; administration of biological products.*

[S 996]

Approved April 4, 2018

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 3.2-6546, 54.1-3423 and 54.1-3801, as it is currently effective and as it shall become effective, of the Code of Virginia are amended and reenacted as follows:**

**§ 3.2-6546. County or city public animal shelters; confinement and disposition of animals; affiliation with foster care providers; penalties; injunctive relief.**

A. For purposes of this section:

"Animal" shall not include agricultural animals.

"Rightful owner" means a person with a right of property in the animal.

B. The governing body of each county or city shall maintain or cause to be maintained a public animal shelter and shall require dogs running at large without the tag required by § 3.2-6531 or in violation of an ordinance passed pursuant to § 3.2-6538 to be confined therein. Nothing in this section shall be construed to prohibit confinement of other companion animals in such a shelter. The governing body of any county or city need not own the facility required by this section but may contract for its establishment with a private group or in conjunction with one or more other local governing bodies. The governing body shall require that:

1. The public animal shelter shall be accessible to the public at reasonable hours during the week;

2. The public animal shelter shall obtain a signed statement from each of its directors, operators, staff, or animal caregivers specifying that each individual has never been convicted of animal cruelty, neglect, or abandonment, and each shelter shall update such statement as changes occur;

3. If a person contacts the public animal shelter inquiring about a lost companion animal, the shelter shall advise the person if the companion animal is confined at the shelter or if a companion animal of similar description is confined at the shelter;

4. The public animal shelter shall maintain a written record of the information on each companion animal submitted to the shelter by a private animal shelter in accordance with subsection D of § 3.2-6548 for a period of 30 days from the date the information is received by the shelter. If a person contacts the shelter inquiring about a lost companion animal, the shelter shall check its records and make available to such person any information submitted by a private animal shelter or allow such person inquiring about a lost animal to view the written records;

5. The public animal shelter shall maintain a written record of the information on each companion animal submitted to the shelter by a releasing agency other than a public or private animal shelter in accordance with subdivision F 2 of § 3.2-6549 for a period of 30 days from the date the information is received by the shelter. If a person contacts the shelter inquiring about a lost companion animal, the shelter shall check its records and make available to such person any information submitted by such releasing agency or allow such person inquiring about a lost companion animal to view the written records; and

6. The public animal shelter shall maintain a written record of the information on each companion animal submitted to the shelter by an individual in accordance with subdivision A 2 of § 3.2-6551 for a period of 30 days from the date the information is received by the shelter. If a person contacts the shelter inquiring about a lost companion animal, the shelter shall check its records and make available to such person any information submitted by the individual or allow such person inquiring about a lost companion animal to view the written records.

C. An animal confined pursuant to this section shall be kept for a period of not less than five days, such period to commence on the day immediately following the day the animal is initially confined in the facility, unless sooner claimed by the rightful owner thereof.

The operator or custodian of the public animal shelter shall make a reasonable effort to ascertain whether the animal has a collar, tag, license, tattoo, or other form of identification. If such identification is found on the animal, the animal shall be held for an additional five days, unless sooner claimed by the rightful owner. If the rightful owner of the animal can be readily identified, the operator or custodian of the shelter shall make a reasonable effort to notify the owner of the animal's confinement within the next 48 hours following its confinement.

*During the time that an animal is confined pursuant to this subsection, the operator or custodian of the public animal shelter may vaccinate the animal to prevent the risk of communicable diseases, provided that (i) all vaccines are administered in accordance with a protocol approved by a licensed veterinarian and (ii) rabies vaccines are administered by a licensed veterinarian or licensed veterinary technician under the immediate direction and supervision of a licensed veterinarian in accordance with § 3.2-6521.*

If any animal confined pursuant to this section is claimed by its rightful owner, such owner may be charged with the actual expenses incurred in keeping the animal impounded. In addition to this and any other fees that might be levied, the locality may, after a public hearing, adopt an ordinance to charge the owner of an animal a fee for impoundment and increased fees for subsequent impoundments of the same animal.

D. If an animal confined pursuant to this section has not been claimed upon expiration of the appropriate holding period as provided by subsection C, it shall be deemed abandoned and become the property of the public animal shelter.

Such animal may be euthanized in accordance with the methods approved by the State Veterinarian or disposed of by the methods set forth in subdivisions 1 through 5. No shelter shall release more than two animals or a family of animals during any 30-day period to any one person under subdivisions 2, 3, or 4.

1. Release to any humane society, public or private animal shelter, or other releasing agency within the Commonwealth, provided that each humane society, animal shelter, or other releasing agency obtains a signed statement from each of its directors, operators, staff, or animal caregivers specifying that each individual has never been convicted of animal cruelty, neglect, or abandonment and updates such statements as changes occur;

2. Adoption by a resident of the county or city where the shelter is operated and who will pay the required license fee, if any, on such animal, provided that such resident has read and signed a statement specifying that he has never been convicted of animal cruelty, neglect, or abandonment;

3. Adoption by a resident of an adjacent political subdivision of the Commonwealth, if the resident has read and signed a statement specifying that he has never been convicted of animal cruelty, neglect, or abandonment;

4. Adoption by any other person, provided that such person has read and signed a statement specifying that he has never been convicted of animal cruelty, neglect, or abandonment and provided that no dog or cat may be adopted by any person who is not a resident of the county or city where the shelter is operated, or of an adjacent political subdivision, unless the dog or cat is first sterilized, and the shelter may require that the sterilization be done at the expense of the person adopting the dog or cat; or

5. Release for the purposes of adoption or euthanasia only, to an animal shelter, or any other releasing agency located in and lawfully operating under the laws of another state, provided that such animal shelter, or other releasing agency: (i) maintains records that would comply with § 3.2-6557; (ii) requires that adopted dogs and cats be sterilized; (iii) obtains a signed statement from each of its directors, operators, staff, and animal caregivers specifying that each individual has never been convicted of animal cruelty, neglect, or abandonment, and updates such statement as changes occur; and (iv) has provided to the public or private animal shelter or other releasing agency within the Commonwealth a statement signed by

an authorized representative specifying the entity's compliance with clauses (i) through (iii), and the provisions of adequate care and performance of humane euthanasia, as necessary in accordance with the provisions of this chapter.

For purposes of recordkeeping, release of an animal by a public animal shelter to a public or private animal shelter or other releasing agency shall be considered a transfer and not an adoption. If the animal is not first sterilized, the responsibility for sterilizing the animal transfers to the receiving entity.

Any proceeds deriving from the gift, sale, or delivery of such animals shall be paid directly to the treasurer of the locality. Any proceeds deriving from the gift, sale, or delivery of such animals by a public or private animal shelter or other releasing agency shall be paid directly to the clerk or treasurer of the animal shelter or other releasing agency for the expenses of the society and expenses incident to any agreement concerning the disposing of such animal. No part of the proceeds shall accrue to any individual except for the aforementioned purposes.

E. Nothing in this section shall prohibit the immediate euthanasia of a critically injured, critically ill, or unweaned animal for humane purposes. Any animal euthanized pursuant to the provisions of this chapter shall be euthanized by one of the methods prescribed or approved by the State Veterinarian.

F. Nothing in this section shall prohibit the immediate euthanasia or disposal by the methods listed in subdivisions 1 through 5 of subsection D of an animal that has been released to a public or private animal shelter, other releasing agency, or animal control officer by the animal's rightful owner after the rightful owner has read and signed a statement: (i) surrendering all property rights in such animal; (ii) stating that no other person has a right of property in the animal; and (iii) acknowledging that the animal may be immediately euthanized or disposed of in accordance with subdivisions 1 through 5 of subsection D.

G. Nothing in this section shall prohibit any feral dog or feral cat not bearing a collar, tag, tattoo, or other form of identification that, based on the written statement of a disinterested person, exhibits behavior that poses a risk of physical injury to any person confining the animal, from being euthanized after being kept for a period of not less than three days, at least one of which shall be a full business day, such period to commence on the day the animal is initially confined in the facility, unless sooner claimed by the rightful owner. The statement of the disinterested person shall be kept with the animal as required by § 3.2-6557. For purposes of this subsection, a disinterested person shall not include a person releasing or reporting the animal.

H. No public animal shelter shall place a companion animal in a foster home with a foster care provider unless the foster care provider has read and signed a statement specifying that he has never been convicted of animal cruelty, neglect, or abandonment, and each shelter shall update such statement as changes occur. The shelter shall maintain the original statement and any updates to such statement in accordance with this chapter and for at least so long as the shelter has an affiliation with the foster care provider.

I. A public animal shelter that places a companion animal in a foster home with a foster care provider shall ensure that the foster care provider complies with § 3.2-6503.

J. If a public animal shelter finds a direct and immediate threat to a companion animal placed with a foster care provider, it shall report its findings to the animal control agency in the locality where the foster care provider is located.

K. The governing body shall require that the public animal shelter be operated in accordance with regulations issued by the Board. If this chapter or such regulations are violated, the locality may be assessed a civil penalty by the Board or its designee in an amount that does not exceed \$1,000 per violation. Each day of the violation is a separate offense. In determining the amount of any civil penalty, the Board or its designee shall consider: (i) the history of previous violations at the shelter; (ii) whether the violation has caused injury to, death or suffering of, an animal; and (iii) the demonstrated good faith of the locality to achieve compliance after notification of the violation. All civil penalties assessed under this section shall be recovered in a civil action brought by the Attorney General in the name of the Commonwealth. Such civil penalties shall be paid into a special fund in the state treasury to the credit of the Department to be used in carrying out the purposes of this chapter.

L. If this chapter or any laws governing public animal shelters are violated, the Commissioner may bring an action to enjoin the violation or threatened violation of this chapter or the regulations pursuant thereto regarding public animal shelters, in the circuit court where the shelter is located. The Commissioner may request the Attorney General to bring such an action, when appropriate.

**§ 54.1-3423. Board to issue registration unless inconsistent with public interest; authorization to conduct research; application and fees.**

A. The Board shall register an applicant to manufacture or distribute controlled substances included in Schedules I through V unless it determines that the issuance of that registration would be inconsistent with the public interest. In determining the public interest, the Board shall consider the following factors:

1. Maintenance of effective controls against diversion of controlled substances into other than legitimate medical, scientific, or industrial channels;
2. Compliance with applicable state and local law;
3. Any convictions of the applicant under any federal and state laws relating to any controlled substance;
4. Past experience in the manufacture or distribution of controlled substances, and the existence in the applicant's establishment of effective controls against diversion;
5. Furnishing by the applicant of false or fraudulent material in any application filed under this chapter;

6. Suspension or revocation of the applicant's federal registration to manufacture, distribute, or dispense controlled substances as authorized by federal law; and

7. Any other factors relevant to and consistent with the public health and safety.

B. Registration under subsection A does not entitle a registrant to manufacture and distribute controlled substances in Schedule I or II other than those specified in the registration.

C. Practitioners must be registered to conduct research with controlled substances in Schedules II through VI. Practitioners registered under federal law to conduct research with Schedule I substances may conduct research with Schedule I substances within this Commonwealth upon furnishing the evidence of that federal registration.

D. The Board may register other persons or entities to possess controlled substances listed on Schedules II through VI upon a determination that (i) there is a documented need, (ii) the issuance of the registration is consistent with the public interest, (iii) the possession and subsequent use of the controlled substances complies with applicable state and federal laws and regulations, and (iv) the subsequent storage, use, and recordkeeping of the controlled substances will be under the general supervision of a licensed pharmacist, practitioner of medicine, osteopathy, podiatry, dentistry, or veterinary medicine as specified in the Board's regulations. The Board shall consider, at a minimum, the factors listed in subsection A of this section in determining whether the registration shall be issued. Notwithstanding the exceptions listed in § 54.1-3422 A, the Board may mandate a controlled substances registration for sites maintaining certain types and quantities of Schedules II through VI controlled substances as it may specify in its regulations. The Board shall promulgate regulations related to requirements or criteria for the issuance of such controlled substances registration, storage, security, supervision, and recordkeeping.

E. The Board may register a public or private animal shelter as defined in § 3.2-6500 to purchase, possess, and administer certain Schedule ~~II through VI~~ *II through VI* controlled substances approved by the State Veterinarian for the purpose of euthanizing injured, sick, homeless, and unwanted domestic pets and animals; and to purchase, possess, and administer certain Schedule VI ~~controlled substances~~ *drugs and biological products* for the purpose of preventing, controlling, and treating certain communicable diseases that failure to control would result in transmission to the animal population in the shelter. ~~The drugs~~ *Controlled substances* used for euthanasia shall be administered only in accordance with protocols established by the State Veterinarian and only by persons trained in accordance with instructions by the State Veterinarian. The list of Schedule VI *drugs and biological products* used for treatment and prevention of communicable diseases within the shelter shall be determined by the supervising veterinarian of the shelter and the *drugs and biological products* shall be administered only pursuant to written protocols established or approved by the supervising veterinarian of the shelter and only by persons who have been trained in accordance with instructions established or approved by the supervising veterinarian. The shelter shall maintain a copy of the approved list of *drugs and biological products*, written protocols for administering, and training records of those persons administering *drugs and biological products* on the premises of the shelter.

F. The Board may register a crisis stabilization unit established pursuant to § 37.2-500 or 37.2-601 and licensed by the Department of Behavioral Health and Developmental Services to maintain a stock of Schedule VI controlled substances necessary for immediate treatment of patients admitted to the crisis stabilization unit, which may be accessed and administered by a nurse pursuant to a written or oral order of a prescriber in the absence of a prescriber. Schedule II through Schedule V controlled substances shall only be maintained if so authorized by federal law and Board regulations.

G. The Board may register an entity at which a patient is treated by the use of instrumentation and diagnostic equipment through which images and medical records may be transmitted electronically for the purpose of establishing a bona fide practitioner-patient relationship and is prescribed Schedule II through VI controlled substances when such prescribing is in compliance with federal requirements for the practice of telemedicine and the patient is not in the physical presence of a practitioner registered with the U.S. Drug Enforcement Administration. In determining whether the registration shall be issued, the Board shall consider (i) the factors listed in subsection A, (ii) whether there is a documented need for such registration, and (iii) whether the issuance of the registration is consistent with the public interest.

H. Applications for controlled substances registration certificates and renewals thereof shall be made on a form prescribed by the Board and such applications shall be accompanied by a fee in an amount to be determined by the Board.

I. Upon (i) any change in ownership or control of a business, (ii) any change of location of the controlled substances stock, (iii) the termination of authority by or of the person named as the responsible party on a controlled substances registration, or (iv) a change in the supervising practitioner, if applicable, the registrant or responsible party shall immediately surrender the registration. The registrant shall, within 14 days following surrender of a registration, file a new application and, if applicable, name the new responsible party or supervising practitioner.

**§ 54.1-3801. (Effective until July 1, 2018) Exceptions.**

This chapter shall not apply to:

1. The owner of an animal and the owner's full-time, regular employee caring for and treating the animal belonging to such owner, except where the ownership of the animal was transferred for the purpose of circumventing the requirements of this chapter;
2. Veterinarians licensed in other states called in actual consultation with veterinarians licensed in the Commonwealth who do not open an office or appoint a place to practice within the Commonwealth;
3. Veterinarians employed by the United States or by the Commonwealth while actually engaged in the performance of their official duties;

4. Veterinarians providing free care in underserved areas of Virginia who (i) do not regularly practice veterinary medicine in Virginia, (ii) hold a current valid license or certificate to practice veterinary medicine in another state, territory, district or possession of the United States, (iii) volunteer to provide free care in an underserved area of the Commonwealth under the auspices of a publicly supported all volunteer, nonprofit organization that sponsors the provision of health care to populations of underserved people, (iv) file copies of their licenses or certificates issued in such other jurisdiction with the Board, (v) notify the Board at least five business days prior to the voluntary provision of services of the dates and location of such service, and (vi) acknowledge, in writing, that such licensure exemption shall only be valid, in compliance with the Board's regulations, during the limited period that such free health care is made available through the volunteer, nonprofit organization on the dates and at the location filed with the Board. The Board may deny the right to practice in Virginia to any veterinarian whose license has been previously suspended or revoked, who has been convicted of a felony or who is otherwise found to be in violation of applicable laws or regulations. However, the Board shall allow a veterinarian who meets the above criteria to provide volunteer services without prior notice for a period of up to three days, provided the nonprofit organization verifies that the practitioner has a valid, unrestricted license in another state; or

5. Persons purchasing, possessing, and administering drugs *and biological products* in a public or private *animal* shelter as defined in § 3.2-6500, provided that such purchase, possession, and administration is in compliance with § 54.1-3423.

**§ 54.1-3801. (Effective July 1, 2018) Exceptions.**

This chapter shall not apply to:

1. The owner of an animal and the owner's full-time, regular employee caring for and treating the animal belonging to such owner, except where the ownership of the animal was transferred for the purpose of circumventing the requirements of this chapter;

2. Veterinarians licensed in other states called in actual consultation with veterinarians licensed in the Commonwealth who do not open an office or appoint a place to practice within the Commonwealth;

3. Veterinarians employed by the United States or by the Commonwealth while actually engaged in the performance of their official duties, with the exception of those engaged in the practice of veterinary medicine, pursuant to § 54.1-3800, as part of a veterinary medical education program accredited by the American Veterinary Medical Association Council on Education and located in the Commonwealth;

4. Veterinarians providing free care in underserved areas of Virginia who (i) do not regularly practice veterinary medicine in Virginia, (ii) hold a current valid license or certificate to practice veterinary medicine in another state, territory, district, or possession of the United States, (iii) volunteer to provide free care in an underserved area of the Commonwealth under the auspices of a publicly supported all volunteer, nonprofit organization that sponsors the provision of health care to populations of underserved people, (iv) file copies of their licenses or certificates issued in such other jurisdiction with the Board, (v) notify the Board at least five business days prior to the voluntary provision of services of the dates and location of such service, and (vi) acknowledge, in writing, that such licensure exemption shall only be valid, in compliance with the Board's regulations, during the limited period that such free health care is made available through the volunteer, nonprofit organization on the dates and at the location filed with the Board. The Board may deny the right to practice in Virginia to any veterinarian whose license has been previously suspended or revoked, who has been convicted of a felony, or who is otherwise found to be in violation of applicable laws or regulations. However, the Board shall allow a veterinarian who meets the above criteria to provide volunteer services without prior notice for a period of up to three days, provided the nonprofit organization verifies that the practitioner has a valid, unrestricted license in another state; or

5. Persons purchasing, possessing, and administering drugs *and biological products* in a public or private *animal* shelter as defined in § 3.2-6500, provided that such purchase, possession, and administration is in compliance with § 54.1-3423.

**CHAPTER 775**

*An Act to amend and reenact § 2.2-2009 of the Code of Virginia, relating to the Virginia Information Technologies Agency; additional duties of CIO; cybersecurity review.*

[H 1221]

Approved April 4, 2018

**Be it enacted by the General Assembly of Virginia:**

**1. That § 2.2-2009 of the Code of Virginia is amended and reenacted as follows:**

**§ 2.2-2009. Additional duties of the CIO relating to security of government information.**

A. To provide for the security of state government electronic information from unauthorized uses, intrusions or other security threats, the CIO shall direct the development of policies, standards, and guidelines for assessing security risks, determining the appropriate security measures and performing security audits of government electronic information. Such policies, standards, and guidelines shall apply to the Commonwealth's executive, legislative, and judicial branches and independent agencies. The CIO shall work with representatives of the Chief Justice of the Supreme Court and Joint Rules Committee of the General Assembly to identify their needs. Such policies, standards, and guidelines shall, at a minimum:

1. Address the scope and frequency of security audits. In developing and updating such policies, standards, and guidelines, the CIO shall designate a government entity to oversee, plan, and coordinate the conduct of periodic security audits of all executive branch agencies and independent agencies. The CIO shall coordinate these audits with the Auditor of Public Accounts and the Joint Legislative Audit and Review Commission. The Chief Justice of the Supreme Court and the Joint Rules Committee of the General Assembly shall determine the most appropriate methods to review the protection of electronic information within their branches;

2. Control unauthorized uses, intrusions, or other security threats;

3. Provide for the protection of confidential data maintained by state agencies against unauthorized access and use in order to ensure the security and privacy of citizens of the Commonwealth in their interaction with state government. Such policies, standards, and guidelines shall include requirements that (i) any state employee or other authorized user of a state technology asset provide passwords or other means of authentication to use a technology asset and access a state-owned or state-operated computer network or database and (ii) a digital rights management system or other means of authenticating and controlling an individual's ability to access electronic records be utilized to limit access to and use of electronic records that contain confidential information to authorized individuals;

4. Address the creation and operation of a risk management program designed to identify information technology security gaps and develop plans to mitigate the gaps. All agencies in the Commonwealth shall cooperate with the CIO, including (i) providing the CIO with information required to create and implement a Commonwealth risk management program, (ii) creating an agency risk management program, and (iii) complying with all other risk management activities; and

5. Require that any contract for information technology entered into by the Commonwealth's executive, legislative, and judicial branches and independent agencies require compliance with applicable federal laws and regulations pertaining to information security and privacy.

B. 1. The CIO shall annually report to the Governor, the Secretary, and General Assembly on the results of security audits, the extent to which security policy, standards, and guidelines have been adopted by executive branch and independent agencies, and a list of those executive branch agencies and independent agencies that have not implemented acceptable security and risk management regulations, policies, standards, and guidelines to control unauthorized uses, intrusions, or other security threats. For any executive branch agency or independent agency whose security audit results and plans for corrective action are unacceptable, the CIO shall report such results to (i) the Secretary, (ii) any other affected cabinet secretary, (iii) the Governor, and (iv) the Auditor of Public Accounts. Upon review of the security audit results in question, the CIO may take action to suspend the executive branch agency's or independent agency's information technology projects pursuant to subsection B of § 2.2-2016.1, limit additional information technology investments pending acceptable corrective actions, and recommend to the Governor and Secretary any other appropriate actions.

2. Executive branch agencies and independent agencies subject to such audits as required by this section shall fully cooperate with the entity designated to perform such audits and bear any associated costs. Public bodies that are not required to but elect to use the entity designated to perform such audits shall also bear any associated costs.

C. *In addition to coordinating security audits as provided in subdivision B 1, the CIO shall conduct an annual comprehensive review of cybersecurity policies of every executive branch agency, with a particular focus on any breaches in information technology that occurred in the reviewable year and any steps taken by agencies to strengthen cybersecurity measures. Upon completion of the annual review, the CIO shall issue a report of his findings to the Chairmen of the House Committee on Appropriations and the Senate Committee on Finance. Such report shall not contain technical information deemed by the CIO to be security sensitive or information that would expose security vulnerabilities.*

D. The provisions of this section shall not infringe upon responsibilities assigned to the Comptroller, the Auditor of Public Accounts, or the Joint Legislative Audit and Review Commission by other provisions of the Code of Virginia.

~~D.~~ E. The CIO shall promptly receive reports from directors of departments in the executive branch of state government made in accordance with § 2.2-603 and shall take such actions as are necessary, convenient or desirable to ensure the security of the Commonwealth's electronic information and confidential data.

~~E.~~ F. The CIO shall provide technical guidance to the Department of General Services in the development of policies, standards, and guidelines for the recycling and disposal of computers and other technology assets. Such policies, standards, and guidelines shall include the expunging, in a manner as determined by the CIO, of all confidential data and personal identifying information of citizens of the Commonwealth prior to such sale, disposal, or other transfer of computers or other technology assets.

~~F.~~ G. The CIO shall provide all directors of agencies and departments with all such information, guidance, and assistance required to ensure that agencies and departments understand and adhere to the policies, standards, and guidelines developed pursuant to this section.

## CHAPTER 776

*An Act to amend and reenact §§ 22.1-271.7, 32.1-263, 32.1-282, 54.1-2901, 54.1-2903, 54.1-2957, 54.1-2957.01, 54.1-3300, 54.1-3300.1, 54.1-3301, 54.1-3482, and 54.1-3482.1 of the Code of Virginia, relating to nurse practitioners; practice agreements.*

Approved April 4, 2018

[H 793]

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 22.1-271.7, 32.1-263, 32.1-282, 54.1-2901, 54.1-2903, 54.1-2957, 54.1-2957.01, 54.1-3300, 54.1-3300.1, 54.1-3301, 54.1-3482, and 54.1-3482.1 of the Code of Virginia are amended and reenacted as follows:**

**§ 22.1-271.7. Public middle school student-athletes; pre-participation physical examination.**

No public middle school student shall be a participant on or try out for any school athletic team or squad with a predetermined roster, regular practices, and scheduled competitions with other middle schools unless such student has submitted to the school principal a signed report from a licensed physician, a licensed nurse practitioner practicing in accordance with ~~his practice agreement~~ *the provisions of § 54.1-2957*, or a licensed physician assistant acting under the supervision of a licensed physician attesting that such student has been examined, within the preceding 12 months, and found to be physically fit for athletic competition.

**§ 32.1-263. Filing death certificates; medical certification; investigation by Office of the Chief Medical Examiner.**

A. A death certificate, including, if known, the social security number or control number issued by the Department of Motor Vehicles pursuant to § 46.2-342 of the deceased, shall be filed for each death that occurs in the Commonwealth. Non-electronically filed death certificates shall be filed with the registrar of any district in the Commonwealth within three days after such death and prior to final disposition or removal of the body from the Commonwealth. Electronically filed death certificates shall be filed with the State Registrar of Vital Records within three days after such death and prior to final disposition or removal of the body from the Commonwealth. Any death certificate shall be registered by such registrar if it has been completed and filed in accordance with the following requirements:

1. If the place of death is unknown, but the dead body is found in the Commonwealth, the death shall be registered in the Commonwealth and the place where the dead body is found shall be shown as the place of death. If the date of death is unknown, it shall be determined by approximation, taking into consideration all relevant information, including information provided by the immediate family regarding the date and time that the deceased was last seen alive, if the individual died in his home; and

2. When death occurs in a moving conveyance, in the United States of America and the body is first removed from the conveyance in the Commonwealth, the death shall be registered in the Commonwealth and the place where it is first removed shall be considered the place of death. When a death occurs on a moving conveyance while in international waters or air space or in a foreign country or its air space and the body is first removed from the conveyance in the Commonwealth, the death shall be registered in the Commonwealth but the certificate shall show the actual place of death insofar as can be determined.

B. The licensed funeral director, funeral service licensee, office of the state anatomical program, or next of kin as defined in § 54.1-2800 who first assumes custody of a dead body shall file the certificate of death with the registrar. He shall obtain the personal data, including the social security number of the deceased or control number issued to the deceased by the Department of Motor Vehicles pursuant to § 46.2-342, from the next of kin or the best qualified person or source available and obtain the medical certification from the person responsible therefor.

C. The medical certification shall be completed, signed in black or dark blue ink, and returned to the funeral director within 24 hours after death by the physician in charge of the patient's care for the illness or condition which resulted in death except when inquiry or investigation by the Office of the Chief Medical Examiner is required by § 32.1-283 or 32.1-285.1, or by the physician that pronounces death pursuant to § 54.1-2972.

In the absence of such physician or with his approval, the certificate may be completed and signed by the following: (i) another physician employed or engaged by the same professional practice; (ii) a physician assistant supervised by such physician; (iii) a nurse practitioner practicing ~~as part of a patient care team as defined in § 54.1-2900~~ *in accordance with the provisions of § 54.1-2957*; (iv) the chief medical officer or medical director, or his designee, of the institution, hospice, or nursing home in which death occurred; (v) a physician specializing in the delivery of health care to hospitalized or emergency department patients who is employed by or engaged by the facility where the death occurred; (vi) the physician who performed an autopsy upon the decedent; or (vii) an individual to whom the physician has delegated authority to complete and sign the certificate, if such individual has access to the medical history of the case and death is due to natural causes.

D. When inquiry or investigation by the Office of the Chief Medical Examiner is required by § 32.1-283 or 32.1-285.1, the Chief Medical Examiner shall cause an investigation of the cause of death to be made and the medical certification portion of the death certificate to be completed and signed within 24 hours after being notified of the death. If the Office of the Chief Medical Examiner refuses jurisdiction, the physician last furnishing medical care to the deceased shall prepare and sign the medical certification portion of the death certificate.

E. If the death is a natural death and a death certificate is being prepared pursuant to § 54.1-2972 and the physician, nurse practitioner, or physician assistant is uncertain about the cause of death, he shall use his best medical judgment to certify a reasonable cause of death or contact the health district physician director in the district where the death occurred to obtain guidance in reaching a determination as to a cause of death and document the same.

If the cause of death cannot be determined within 24 hours after death, the medical certification shall be completed as provided by regulations of the Board. The attending physician or the Chief Medical Examiner, an Assistant Chief Medical Examiner, or a medical examiner appointed pursuant to § 32.1-282 shall give the funeral director or person acting as such notice of the reason for the delay, and final disposition of the body shall not be made until authorized by the attending

physician, the Chief Medical Examiner, an Assistant Chief Medical Examiner, or a medical examiner appointed pursuant to § 32.1-282.

F. A physician, nurse practitioner, or physician assistant who, in good faith, signs a certificate of death or determines the cause of death shall be immune from civil liability, only for such signature and determination of causes of death on such certificate, absent gross negligence or willful misconduct.

**§ 32.1-282. Medical examiners.**

A. The Chief Medical Examiner may appoint for each county and city one or more medical examiners, who shall be licensed as a doctor of medicine or osteopathic medicine, a physician assistant, or a nurse practitioner in the Commonwealth and appointed as agents of the Commonwealth, to assist the Office of the Chief Medical Examiner with medicolegal death investigations. A physician assistant appointed as a medical examiner shall have a practice agreement with and be under the continuous supervision of a physician medical examiner in accordance with § 54.1-2952. A nurse practitioner appointed as a medical examiner shall have a practice agreement with and practice in collaboration with a physician medical examiner in accordance with § 54.1-2957.

B. At the request of the Chief Medical Examiner, the Assistant Chief Medical Examiner, or their designees, medical examiners may assist the Office of the Chief Medical Examiner with cases requiring medicolegal death investigations in accordance with § 32.1-283.

C. The term of each medical examiner appointed, other than an appointment to fill a vacancy, shall begin on the first day of October of the year of appointment. The term of each medical examiner shall be three years; however, an appointment to fill a vacancy shall be for the unexpired term.

**§ 54.1-2901. Exceptions and exemptions generally.**

A. The provisions of this chapter shall not prevent or prohibit:

1. Any person entitled to practice his profession under any prior law on June 24, 1944, from continuing such practice within the scope of the definition of his particular school of practice;

2. Any person licensed to practice naturopathy prior to June 30, 1980, from continuing such practice in accordance with regulations promulgated by the Board;

3. Any licensed nurse practitioner from rendering care in collaboration and consultation with a patient care team physician as part of a patient care team pursuant to § accordance with the provisions of §§ 54.1-2957 and 54.1-2957.01 or any nurse practitioner licensed by the Boards of Nursing and Medicine and Nursing in the category of certified nurse midwife practicing pursuant to subsection H of § 54.1-2957 when such services are authorized by regulations promulgated jointly by the Board Boards of Medicine and the Board of Nursing;

4. Any registered professional nurse, licensed nurse practitioner, graduate laboratory technician or other technical personnel who have been properly trained from rendering care or services within the scope of their usual professional activities which shall include the taking of blood, the giving of intravenous infusions and intravenous injections, and the insertion of tubes when performed under the orders of a person licensed to practice medicine or osteopathy, a nurse practitioner, or a physician assistant;

5. Any dentist, pharmacist or optometrist from rendering care or services within the scope of his usual professional activities;

6. Any practitioner licensed or certified by the Board from delegating to personnel supervised by him, such activities or functions as are nondiscretionary and do not require the exercise of professional judgment for their performance and which are usually or customarily delegated to such persons by practitioners of the healing arts, if such activities or functions are authorized by and performed for such practitioners of the healing arts and responsibility for such activities or functions is assumed by such practitioners of the healing arts;

7. The rendering of medical advice or information through telecommunications from a physician licensed to practice medicine in Virginia or an adjoining state, or from a licensed nurse practitioner, to emergency medical personnel acting in an emergency situation;

8. The domestic administration of family remedies;

9. The giving or use of massages, steam baths, dry heat rooms, infrared heat or ultraviolet lamps in public or private health clubs and spas;

10. The manufacture or sale of proprietary medicines in this Commonwealth by licensed pharmacists or druggists;

11. The advertising or sale of commercial appliances or remedies;

12. The fitting by nonitinerant persons or manufacturers of artificial eyes, limbs or other apparatus or appliances or the fitting of plaster cast counterparts of deformed portions of the body by a nonitinerant bracemaker or prosthetist for the purpose of having a three-dimensional record of the deformity, when such bracemaker or prosthetist has received a prescription from a licensed physician, licensed nurse practitioner, or licensed physician assistant directing the fitting of such casts and such activities are conducted in conformity with the laws of Virginia;

13. Any person from the rendering of first aid or medical assistance in an emergency in the absence of a person licensed to practice medicine or osteopathy under the provisions of this chapter;

14. The practice of the religious tenets of any church in the ministrations to the sick and suffering by mental or spiritual means without the use of any drug or material remedy, whether gratuitously or for compensation;

15. Any legally qualified out-of-state or foreign practitioner from meeting in consultation with legally licensed practitioners in this Commonwealth;

16. Any practitioner of the healing arts licensed or certified and in good standing with the applicable regulatory agency in another state or Canada when that practitioner of the healing arts is in Virginia temporarily and such practitioner has been issued a temporary authorization by the Board from practicing medicine or the duties of the profession for which he is licensed or certified (i) in a summer camp or in conjunction with patients who are participating in recreational activities, (ii) while participating in continuing educational programs prescribed by the Board, or (iii) by rendering at any site any health care services within the limits of his license, voluntarily and without compensation, to any patient of any clinic which is organized in whole or in part for the delivery of health care services without charge as provided in § 54.1-106;

17. The performance of the duties of any active duty health care provider in active service in the army, navy, coast guard, marine corps, air force, or public health service of the United States at any public or private health care facility while such individual is so commissioned or serving and in accordance with his official military duties;

18. Any masseur, who publicly represents himself as such, from performing services within the scope of his usual professional activities and in conformance with state law;

19. Any person from performing services in the lawful conduct of his particular profession or business under state law;

20. Any person from rendering emergency care pursuant to the provisions of § 8.01-225;

21. Qualified emergency medical services personnel, when acting within the scope of their certification, and licensed health care practitioners, when acting within their scope of practice, from following Durable Do Not Resuscitate Orders issued in accordance with § 54.1-2987.1 and Board of Health regulations, or licensed health care practitioners from following any other written order of a physician not to resuscitate a patient in the event of cardiac or respiratory arrest;

22. Any commissioned or contract medical officer of the army, navy, coast guard or air force rendering services voluntarily and without compensation while deemed to be licensed pursuant to § 54.1-106;

23. Any provider of a chemical dependency treatment program who is certified as an "acupuncture detoxification specialist" by the National Acupuncture Detoxification Association or an equivalent certifying body, from administering auricular acupuncture treatment under the appropriate supervision of a National Acupuncture Detoxification Association certified licensed physician or licensed acupuncturist;

24. Any employee of any assisted living facility who is certified in cardiopulmonary resuscitation (CPR) acting in compliance with the patient's individualized service plan and with the written order of the attending physician not to resuscitate a patient in the event of cardiac or respiratory arrest;

25. Any person working as a health assistant under the direction of a licensed medical or osteopathic doctor within the Department of Corrections, the Department of Juvenile Justice or local correctional facilities;

26. Any employee of a school board, authorized by a prescriber and trained in the administration of insulin and glucagon, when, upon the authorization of a prescriber and the written request of the parents as defined in § 22.1-1, assisting with the administration of insulin or administering glucagon to a student diagnosed as having diabetes and who requires insulin injections during the school day or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia;

27. Any practitioner of the healing arts or other profession regulated by the Board from rendering free health care to an underserved population of Virginia who (i) does not regularly practice his profession in Virginia, (ii) holds a current valid license or certificate to practice his profession in another state, territory, district or possession of the United States, (iii) volunteers to provide free health care to an underserved area of the Commonwealth under the auspices of a publicly supported all volunteer, nonprofit organization that sponsors the provision of health care to populations of underserved people, (iv) files a copy of the license or certification issued in such other jurisdiction with the Board, (v) notifies the Board at least five business days prior to the voluntary provision of services of the dates and location of such service, and (vi) acknowledges, in writing, that such licensure exemption shall only be valid, in compliance with the Board's regulations, during the limited period that such free health care is made available through the volunteer, nonprofit organization on the dates and at the location filed with the Board. The Board may deny the right to practice in Virginia to any practitioner of the healing arts whose license or certificate has been previously suspended or revoked, who has been convicted of a felony or who is otherwise found to be in violation of applicable laws or regulations. However, the Board shall allow a practitioner of the healing arts who meets the above criteria to provide volunteer services without prior notice for a period of up to three days, provided the nonprofit organization verifies that the practitioner has a valid, unrestricted license in another state;

28. Any registered nurse, acting as an agent of the Department of Health, from obtaining specimens of sputum or other bodily fluid from persons in whom the diagnosis of active tuberculosis disease, as defined in § 32.1-49.1, is suspected and submitting orders for testing of such specimens to the Division of Consolidated Laboratories or other public health laboratories, designated by the State Health Commissioner, for the purpose of determining the presence or absence of tubercle bacilli as defined in § 32.1-49.1;

29. Any physician of medicine or osteopathy or nurse practitioner from delegating to a registered nurse under his supervision the screening and testing of children for elevated blood-lead levels when such testing is conducted (i) in accordance with a written protocol between the physician or nurse practitioner and the registered nurse and (ii) in compliance with the Board of Health's regulations promulgated pursuant to §§ 32.1-46.1 and 32.1-46.2. Any follow-up testing or treatment shall be conducted at the direction of a physician or nurse practitioner;

30. Any practitioner of one of the professions regulated by the Board of Medicine who is in good standing with the applicable regulatory agency in another state or Canada from engaging in the practice of that profession when the

practitioner is in Virginia temporarily with an out-of-state athletic team or athlete for the duration of the athletic tournament, game, or event in which the team or athlete is competing;

31. Any person from performing state or federally funded health care tasks directed by the consumer, which are typically self-performed, for an individual who lives in a private residence and who, by reason of disability, is unable to perform such tasks but who is capable of directing the appropriate performance of such tasks; or

32. Any practitioner of one of the professions regulated by the Board of Medicine who is in good standing with the applicable regulatory agency in another state from engaging in the practice of that profession in Virginia with a patient who is being transported to or from a Virginia hospital for care.

B. Notwithstanding any provision of law or regulation to the contrary, military medical personnel, as defined in § 2.2-2001.4, while participating in a pilot program established by the Department of Veterans Services pursuant to § 2.2-2001.4, may practice under the supervision of a licensed physician or podiatrist.

**§ 54.1-2903. What constitutes practice.**

Any person shall be regarded as practicing the healing arts who actually engages in such practice as defined in this chapter, or who opens an office for such purpose, or who advertises or announces to the public in any manner a readiness to practice or who uses in connection with his name the words or letters "Doctor," "Dr.," "M.D.," "D.O.," "D.P.M.," "D.C.," "Healer," "N.P.," or any other title, word, letter or designation intending to designate or imply that he is a practitioner of the healing arts or that he is able to heal, cure or relieve those suffering from any injury, deformity or disease. No person regulated under this chapter shall use the title "Doctor" or the abbreviation "Dr." in writing or in advertising in connection with his practice unless he simultaneously uses a clarifying title, initials, abbreviation or designation or language that identifies the type of practice for which he is licensed.

Signing a birth or death certificate, or signing any statement certifying that the person so signing has rendered professional service to the sick or injured, or signing or issuing a prescription for drugs or other remedial agents, shall be prima facie evidence that the person signing or issuing such writing is practicing the healing arts within the meaning of this chapter except where persons other than physicians are required to sign birth certificates.

**§ 54.1-2957. Licensure and practice of nurse practitioners.**

A. As used in this section:

*"Clinical experience" means the postgraduate delivery of health care directly to patients pursuant to a practice agreement with a patient care team physician.*

*"Collaboration" means the communication and decision-making process among a nurse practitioner, patient care team physician, and other health care providers who are members of a patient care team related to the treatment that includes the degree of cooperation necessary to provide treatment and care of a patient and includes (i) communication of data and information about the treatment and care of a patient, including exchange of clinical observations and assessments, and (ii) development of an appropriate plan of care, including decisions regarding the health care provided, accessing and assessment of appropriate additional resources or expertise, and arrangement of appropriate referrals, testing, or studies.*

*"Consultation" means the communicating of data and information, exchanging of clinical observations and assessments, accessing and assessing of additional resources and expertise, problem-solving, and arranging for referrals, testing, or studies.*

B. The Board of Medicine and the Board of Nursing shall jointly prescribe the regulations governing the licensure of nurse practitioners. It ~~shall be~~ is unlawful for a person to practice as a nurse practitioner in the Commonwealth unless he holds such a joint license.

~~C. Except as provided in subsection H, a Every nurse practitioner shall only practice as part of a patient care team. Each member of a patient care team shall have specific responsibilities related to the care of the patient or patients and shall provide health care services within the scope of his usual professional activities. Nurse practitioners practicing as part of a patient care team other than a nurse practitioner licensed by the Boards of Medicine and Nursing as a certified nurse midwife or a certified registered nurse anesthetist or a nurse practitioner who meets the requirements of subsection I shall maintain appropriate collaboration and consultation, as evidenced in a written or electronic practice agreement, with at least one patient care team physician. Nurse practitioners A nurse practitioner who meets the requirements of subsection I may practice without a written or electronic practice agreement. A nurse practitioner who is licensed by the Boards of Medicine and Nursing as a certified nurse midwife shall practice pursuant to subsection H. A nurse practitioner who are is a certified registered nurse anesthetists shall practice under the supervision of a licensed doctor of medicine, osteopathy, podiatry, or dentistry. Nurse practitioners A nurse practitioner who is appointed as a medical examiners examiner pursuant to § 32.1-282 shall practice in collaboration with a licensed doctor of medicine or osteopathic medicine who has been appointed to serve as a medical examiner pursuant to § 32.1-282. Collaboration and consultation among nurse practitioners and patient care team physicians may be provided through telemedicine as described in § 38.2-3418.16. Practice of patient care teams in all settings shall include the periodic review of patient charts or electronic health records and may include visits to the site where health care is delivered in the manner and at the frequency determined by the patient care team.~~

Physicians on patient care teams may require that a nurse practitioner be covered by a professional liability insurance policy with limits equal to the current limitation on damages set forth in § 8.01-581.15.

Service on a patient care team by a patient care team member shall not, by the existence of such service alone, establish or create liability for the actions or inactions of other team members.

D. The ~~Board~~ *Boards of Medicine and the Board of Nursing* shall jointly promulgate regulations specifying collaboration and consultation among physicians and nurse practitioners working as part of patient care teams that shall include the development of, and periodic review and revision of, a written or electronic practice agreement; guidelines for availability and ongoing communications that define consultation among the collaborating parties and the patient; and periodic joint evaluation of the services delivered. Practice agreements shall include ~~a provision~~ *provisions* for ~~appropriate physician~~ *(i) periodic review of health records, which may include visits to the site where health care is delivered, in the manner and at the frequency determined by the nurse practitioner and the patient care team physician and (ii) input from appropriate health care providers* in complex clinical cases and patient emergencies and for referrals. Evidence of a practice agreement shall be maintained by a nurse practitioner and provided to the Boards upon request. For nurse practitioners providing care to patients within a hospital or health care system, the practice agreement may be included as part of documents delineating the nurse practitioner's clinical privileges or the electronic or written delineation of duties and responsibilities in collaboration and consultation with a patient care team physician.

E. The *Boards of Medicine and Nursing* may issue a license by endorsement to an applicant to practice as a nurse practitioner if the applicant has been licensed as a nurse practitioner under the laws of another state and, ~~in the opinion~~ *pursuant to regulations* of the Boards, the applicant meets the qualifications for licensure required of nurse practitioners in the Commonwealth. *A nurse practitioner to whom a license is issued by endorsement may practice without a practice agreement with a patient care team physician pursuant to subsection I if such application provides an attestation to the Boards that the applicant has completed the equivalent of at least five years of full-time clinical experience, as determined by the Boards, in accordance with the laws of the state in which the nurse practitioner was licensed.*

F. Pending the outcome of the next National Specialty Examination, the Boards may jointly grant temporary licensure to nurse practitioners.

G. In the event a physician who is serving as a patient care team physician dies, becomes disabled, retires from active practice, surrenders his license or has it suspended or revoked by the Board, or relocates his practice such that he is no longer able to serve, and a nurse practitioner is unable to enter into a new practice agreement with another patient care team physician, the nurse practitioner may continue to practice upon notification to the designee or his alternate of the Boards and receipt of such notification. Such nurse practitioner may continue to treat patients without a patient care team physician for an initial period not to exceed 60 days, provided the nurse practitioner continues to prescribe only those drugs previously authorized by the practice agreement with such physician and to have access to ~~appropriate physician~~ *appropriate health care providers* input from ~~appropriate health care providers~~ in complex clinical cases and patient emergencies and for referrals. The designee or his alternate of the Boards shall grant permission for the nurse practitioner to continue practice under this subsection for another 60 days, provided the nurse practitioner provides evidence of efforts made to secure another patient care team physician and of access to physician input.

H. Nurse practitioners licensed by the Boards of Medicine and Nursing in the category of certified nurse midwife shall practice in consultation with a licensed physician in accordance with a practice agreement between the nurse practitioner and the licensed physician. Such practice agreement shall address the availability of the physician for routine and urgent consultation on patient care. Evidence of a practice agreement shall be maintained by a nurse practitioner and provided to the Boards upon request. The Boards shall jointly promulgate regulations, consistent with the Standards for the Practice of Midwifery set by the American College of Nurse-Midwives, governing such practice.

*I. A nurse practitioner, other than a nurse practitioner licensed by the Boards of Medicine and Nursing in the category of certified nurse midwife or certified registered nurse anesthetist, who has completed the equivalent of at least five years of full-time clinical experience as a licensed nurse practitioner, as determined by the Boards, may practice in the practice category in which he is certified and licensed without a written or electronic practice agreement upon receipt by the nurse practitioner of an attestation from the patient care team physician stating (i) that the patient care team physician has served as a patient care team physician on a patient care team with the nurse practitioner pursuant to a practice agreement meeting the requirements of this section and § 54.1-2957.01; (ii) that while a party to such practice agreement, the patient care team physician routinely practiced with a patient population and in a practice area included within the category for which the nurse practitioner was certified and licensed; and (iii) the period of time for which the patient care team physician practiced with the nurse practitioner under such a practice agreement. A copy of such attestation shall be submitted to the Boards together with a fee established by the Boards. Upon receipt of such attestation and verification that a nurse practitioner satisfies the requirements of this subsection, the Boards shall issue to the nurse practitioner a new license that includes a designation indicating that the nurse practitioner is authorized to practice without a practice agreement. In the event that a nurse practitioner is unable to obtain the attestation required by this subsection, the Boards may accept other evidence demonstrating that the applicant has met the requirements of this subsection in accordance with regulations adopted by the Boards.*

*A nurse practitioner authorized to practice without a practice agreement pursuant to this subsection shall (a) only practice within the scope of his clinical and professional training and limits of his knowledge and experience and consistent with the applicable standards of care, (b) consult and collaborate with other health care providers based on the clinical conditions of the patient to whom health care is provided, and (c) establish a plan for referral of complex medical cases and emergencies to physicians or other appropriate health care providers.*

*A nurse practitioner practicing without a practice agreement pursuant to this subsection shall obtain and maintain coverage by or shall be named insured on a professional liability insurance policy with limits equal to the current limitation on damages set forth in § 8.01-581.15.*

**§ 54.1-2957.01. Prescription of certain controlled substances and devices by licensed nurse practitioners.**

A. In accordance with the provisions of this section and pursuant to the requirements of Chapter 33 (§ 54.1-3300 et seq.), a licensed nurse practitioner, other than a certified registered nurse anesthetist, shall have the authority to prescribe Schedule II through Schedule VI controlled substances and devices as set forth in Chapter 34 (§ 54.1-3400 et seq.). ~~Nurse practitioners shall have such prescriptive authority upon the provision~~

B. ~~A nurse practitioner who does not meet the requirements for practice without a written or electronic practice agreement set forth in subsection I of § 54.1-2957 shall prescribe controlled substances or devices only if such prescribing is authorized by a written or electronic practice agreement entered into by the nurse practitioner and a patient care team physician. Such nurse practitioner shall provide to the Board Boards of Medicine and the Board of Nursing of such evidence as they the Boards may jointly require that the nurse practitioner has entered into and is, at the time of writing a prescription, a party to a written or electronic practice agreement with a patient care team physician that clearly states the prescriptive practices of the nurse practitioner. Such written or electronic practice agreements shall include the controlled substances the nurse practitioner is or is not authorized to prescribe and may restrict such prescriptive authority as described in the practice agreement. Evidence of a practice agreement shall be maintained by a nurse practitioner pursuant to § 54.1-2957. Practice agreements authorizing a nurse practitioner to prescribe controlled substances or devices pursuant to this section either shall either be signed by the patient care team physician who is practicing as part of a patient care team with the nurse practitioner or shall clearly state the name of the patient care team physician who has entered into the practice agreement with the nurse practitioner.~~

~~B.~~ It shall be unlawful for a nurse practitioner to prescribe controlled substances or devices pursuant to this section unless (i) such prescription is authorized by the written or electronic practice agreement or (ii) *the nurse practitioner is authorized to practice without a written or electronic practice agreement pursuant to subsection I of § 54.1-2957.*

C. ~~The Board of Nursing and the Board Boards of Medicine and Nursing shall promulgate such regulations governing the prescriptive authority of nurse practitioners as are deemed reasonable and necessary to ensure an appropriate standard of care for patients. Regulations promulgated pursuant to this section~~ Such regulations shall include, ~~at a minimum, such~~ requirements as may be necessary to ensure continued nurse practitioner competency, which may include continuing education, testing, or any other requirement, and shall address the need to promote ethical practice, an appropriate standard of care, patient safety, the use of new pharmaceuticals, and appropriate communication with patients.

D. This section shall not limit the functions and procedures of certified registered nurse anesthetists or of any nurse practitioners which are otherwise authorized by law or regulation.

E. The following restrictions shall apply to any nurse practitioner authorized to prescribe drugs and devices pursuant to this section:

1. The nurse practitioner shall disclose to the patient at the initial encounter that he is a licensed nurse practitioner. Any ~~member of a patient care team party to a practice agreement~~ shall disclose, upon request of a patient or his legal representative, the name of the patient care team physician and information regarding how to contact the patient care team physician.

2. Physicians shall not serve as a patient care team physician on a patient care team at any one time to more than six nurse practitioners.

F. This section shall not prohibit a licensed nurse practitioner from administering controlled substances in compliance with the definition of "administer" in § 54.1-3401 or from receiving and dispensing manufacturers' professional samples of controlled substances in compliance with the provisions of this section.

G. Notwithstanding any provision of law or regulation to the contrary, a nurse practitioner licensed by the Boards of ~~Nursing and Medicine and Nursing~~ in the category of certified nurse midwife and holding a license for prescriptive authority may prescribe (i) Schedules II through V controlled substances in accordance with any prescriptive authority included in a practice agreement with a licensed physician pursuant to subsection H of § 54.1-2957 and (ii) Schedule VI controlled substances without the requirement for inclusion of such prescriptive authority in a practice agreement.

**§ 54.1-3300. Definitions.**

As used in this chapter, unless the context requires a different meaning:

"Board" means the Board of Pharmacy.

"Collaborative agreement" means a voluntary, written, or electronic arrangement between one pharmacist and his designated alternate pharmacists involved directly in patient care at a single physical location where patients receive services and (i) any person licensed to practice medicine, osteopathy, or podiatry together with any person licensed, registered, or certified by a health regulatory board of the Department of Health Professions who provides health care services to patients of such person licensed to practice medicine, osteopathy, or podiatry; (ii) a physician's office as defined in § 32.1-276.3, provided *that* such collaborative agreement is signed by each physician participating in the collaborative practice agreement; (iii) any licensed physician assistant working under the supervision of a person licensed to practice medicine, osteopathy, or podiatry; or (iv) any licensed nurse practitioner working ~~as part of a patient care team as defined in § 54.1-2900~~ in accordance with the provisions of § 54.1-2957, involved directly in patient care which authorizes cooperative procedures with respect to patients of such practitioners. Collaborative procedures shall be related to treatment

using drug therapy, laboratory tests, or medical devices, under defined conditions or limitations, for the purpose of improving patient outcomes. A collaborative agreement is not required for the management of patients of an inpatient facility.

"Dispense" means to deliver a drug to an ultimate user or research subject by or pursuant to the lawful order of a practitioner, including the prescribing and administering, packaging, labeling, or compounding necessary to prepare the substance for delivery.

"Pharmacist" means a person holding a license issued by the Board to practice pharmacy.

"Pharmacy" means every establishment or institution in which drugs, medicines, or medicinal chemicals are dispensed or offered for sale, or a sign is displayed bearing the word or words "pharmacist," "pharmacy," "apothecary," "drugstore," "druggist," "drugs," "medicine store," "drug sundries," "prescriptions filled," or any similar words intended to indicate that the practice of pharmacy is being conducted.

"Pharmacy intern" means a student currently enrolled in or a graduate of an approved school of pharmacy who is registered with the Board for the purpose of gaining the practical experience required to apply for licensure as a pharmacist.

"Pharmacy technician" means a person registered with the Board to assist a pharmacist under the pharmacist's supervision.

"Practice of pharmacy" means the personal health service that is concerned with the art and science of selecting, procuring, recommending, administering, preparing, compounding, packaging, and dispensing of drugs, medicines, and devices used in the diagnosis, treatment, or prevention of disease, whether compounded or dispensed on a prescription or otherwise legally dispensed or distributed, and shall include the proper and safe storage and distribution of drugs; the maintenance of proper records; the responsibility of providing information concerning drugs and medicines and their therapeutic values and uses in the treatment and prevention of disease; and the management of patient care under the terms of a collaborative agreement as defined in this section.

"Supervision" means the direction and control by a pharmacist of the activities of a pharmacy intern or a pharmacy technician whereby the supervising pharmacist is physically present in the pharmacy or in the facility in which the pharmacy is located when the intern or technician is performing duties restricted to a pharmacy intern or technician, respectively, and is available for immediate oral communication.

Other terms used in the context of this chapter shall be defined as provided in Chapter 34 (§ 54.1-3400 et seq.) unless the context requires a different meaning.

**§ 54.1-3300.1. Participation in collaborative agreements; regulations to be promulgated by the Boards of Medicine and Pharmacy.**

A pharmacist and his designated alternate pharmacists involved directly in patient care may participate with (i) any person licensed to practice medicine, osteopathy, or podiatry together with any person licensed, registered, or certified by a health regulatory board of the Department of Health Professions who provides health care services to patients of such person licensed to practice medicine, osteopathy, or podiatry; (ii) a physician's office as defined in § 32.1-276.3, provided *that* such collaborative agreement is signed by each physician participating in the collaborative practice agreement; (iii) any licensed physician assistant working under the supervision of a person licensed to practice medicine, osteopathy, or podiatry; or (iv) any licensed nurse practitioner working ~~as part of a patient care team as defined in § 54.1-2900 in accordance with the provisions of § 54.1-2957~~, involved directly in patient care in collaborative agreements which authorize cooperative procedures related to treatment using drug therapy, laboratory tests, or medical devices, under defined conditions or limitations, for the purpose of improving patient outcomes. However, no person licensed to practice medicine, osteopathy, or podiatry shall be required to participate in a collaborative agreement with a pharmacist and his designated alternate pharmacists, regardless of whether a professional business entity on behalf of which the person is authorized to act enters into a collaborative agreement with a pharmacist and his designated alternate pharmacists.

No patient shall be required to participate in a collaborative procedure without such patient's consent. A patient who chooses to not participate in a collaborative procedure shall notify the prescriber of his refusal to participate in such collaborative procedure. A prescriber may elect to have a patient not participate in a collaborative procedure by contacting the pharmacist or his designated alternative pharmacists or by documenting the same on the patient's prescription.

Collaborative agreements may include the implementation, modification, continuation, or discontinuation of drug therapy pursuant to written or electronic protocols, provided implementation of drug therapy occurs following diagnosis by the prescriber; the ordering of laboratory tests; or other patient care management measures related to monitoring or improving the outcomes of drug or device therapy. No such collaborative agreement shall exceed the scope of practice of the respective parties. Any pharmacist who deviates from or practices in a manner inconsistent with the terms of a collaborative agreement shall be in violation of § 54.1-2902; such violation shall constitute grounds for disciplinary action pursuant to §§ 54.1-2400 and 54.1-3316.

Collaborative agreements may only be used for conditions which have protocols that are clinically accepted as the standard of care, or are approved by the Boards of Medicine and Pharmacy. The Boards of Medicine and Pharmacy shall jointly develop and promulgate regulations to implement the provisions of this section and to facilitate the development and implementation of safe and effective collaborative agreements between the appropriate practitioners and pharmacists. The regulations shall include guidelines concerning the use of protocols, and a procedure to allow for the approval or disapproval of specific protocols by the Boards of Medicine and Pharmacy if review is requested by a practitioner or pharmacist.

Nothing in this section shall be construed to supersede the provisions of § 54.1-3303.

**§ 54.1-3301. Exceptions.**

This chapter shall not be construed to:

1. Interfere with any legally qualified practitioner of dentistry, or veterinary medicine or any physician acting on behalf of the Virginia Department of Health or local health departments, in the compounding of his prescriptions or the purchase and possession of drugs as he may require;
2. Prevent any legally qualified practitioner of dentistry, or veterinary medicine or any prescriber, as defined in § 54.1-3401, acting on behalf of the Virginia Department of Health or local health departments, from administering or supplying to his patients the medicines that he deems proper under the conditions of § 54.1-3303 or from causing drugs to be administered or dispensed pursuant to §§ 32.1-42.1 and 54.1-3408, except that a veterinarian shall only be authorized to dispense a compounded drug, distributed from a pharmacy, when (i) the animal is his own patient, (ii) the animal is a companion animal as defined in regulations promulgated by the Board of Veterinary Medicine, (iii) the quantity dispensed is no more than a 72-hour supply, (iv) the compounded drug is for the treatment of an emergency condition, and (v) timely access to a compounding pharmacy is not available, as determined by the prescribing veterinarian;
3. Prohibit the sale by merchants and retail dealers of proprietary medicines as defined in Chapter 34 (§ 54.1-3400 et seq.) of this title;
4. Prevent the operation of automated drug dispensing systems in hospitals pursuant to Chapter 34 (§ 54.1-3400 et seq.) of this title;
5. Prohibit the employment of ancillary personnel to assist a pharmacist as provided in the regulations of the Board;
6. Interfere with any legally qualified practitioner of medicine, osteopathy, or podiatry from purchasing, possessing or administering controlled substances to his own patients or providing controlled substances to his own patients in a bona fide medical emergency or providing manufacturers' professional samples to his own patients;
7. Interfere with any legally qualified practitioner of optometry, certified or licensed to use diagnostic pharmaceutical agents, from purchasing, possessing or administering those controlled substances as specified in § 54.1-3221 or interfere with any legally qualified practitioner of optometry certified to prescribe therapeutic pharmaceutical agents from purchasing, possessing, or administering to his own patients those controlled substances as specified in § 54.1-3222 and the TPA formulary, providing manufacturers' samples of these drugs to his own patients, or dispensing, administering, or selling ophthalmic devices as authorized in § 54.1-3204;
8. Interfere with any physician assistant with prescriptive authority receiving and dispensing to his own patients manufacturers' professional samples of controlled substances and devices that he is authorized, in compliance with the provisions of § 54.1-2952.1, to prescribe according to his practice setting and a written agreement with a physician or podiatrist;
9. Interfere with any licensed nurse practitioner with prescriptive authority receiving and dispensing to his own patients manufacturers' professional samples of controlled substances and devices that he is authorized, in compliance with the provisions of § 54.1-2957.01, to prescribe according to his practice setting and a written or electronic agreement with a physician;
10. Interfere with any legally qualified practitioner of medicine or osteopathy participating in an indigent patient program offered by a pharmaceutical manufacturer in which the practitioner sends a prescription for one of his own patients to the manufacturer, and the manufacturer donates a stock bottle of the prescription drug ordered at no cost to the practitioner or patient. The practitioner may dispense such medication at no cost to the patient without holding a license to dispense from the Board of Pharmacy. However, the container in which the drug is dispensed shall be labeled in accordance with the requirements of § 54.1-3410, and, unless directed otherwise by the practitioner or the patient, shall meet standards for special packaging as set forth in § 54.1-3426 and Board of Pharmacy regulations. In lieu of dispensing directly to the patient, a practitioner may transfer the donated drug with a valid prescription to a pharmacy for dispensing to the patient. The practitioner or pharmacy participating in the program shall not use the donated drug for any purpose other than dispensing to the patient for whom it was originally donated, except as authorized by the donating manufacturer for another patient meeting that manufacturer's requirements for the indigent patient program. Neither the practitioner nor the pharmacy shall charge the patient for any medication provided through a manufacturer's indigent patient program pursuant to this subdivision. A participating pharmacy, including a pharmacy participating in bulk donation programs, may charge a reasonable dispensing or administrative fee to offset the cost of dispensing, not to exceed the actual costs of such dispensing. However, if the patient is unable to pay such fee, the dispensing or administrative fee shall be waived;
11. Interfere with any legally qualified practitioner of medicine or osteopathy from providing controlled substances to his own patients in a free clinic without charge when such controlled substances are donated by an entity other than a pharmaceutical manufacturer as authorized by subdivision 10. The practitioner shall first obtain a controlled substances registration from the Board and shall comply with the labeling and packaging requirements of this chapter and the Board's regulations; or
12. Prevent any pharmacist from providing free health care to an underserved population in Virginia who (i) does not regularly practice pharmacy in Virginia, (ii) holds a current valid license or certificate to practice pharmacy in another state, territory, district or possession of the United States, (iii) volunteers to provide free health care to an underserved area of this Commonwealth under the auspices of a publicly supported all volunteer, nonprofit organization that sponsors the provision of health care to populations of underserved people, (iv) files a copy of the license or certificate issued in such other

jurisdiction with the Board, (v) notifies the Board at least five business days prior to the voluntary provision of services of the dates and location of such service, and (vi) acknowledges, in writing, that such licensure exemption shall only be valid, in compliance with the Board's regulations, during the limited period that such free health care is made available through the volunteer, nonprofit organization on the dates and at the location filed with the Board. The Board may deny the right to practice in Virginia to any pharmacist whose license has been previously suspended or revoked, who has been convicted of a felony or who is otherwise found to be in violation of applicable laws or regulations. However, the Board shall allow a pharmacist who meets the above criteria to provide volunteer services without prior notice for a period of up to three days, provided the nonprofit organization verifies that the practitioner has a valid, unrestricted license in another state.

This section shall not be construed as exempting any person from the licensure, registration, permitting and record keeping requirements of this chapter or Chapter 34 of this title.

**§ 54.1-3482. Practice of physical therapy; certain experience and referrals required; physical therapist assistants.**

A. It shall be unlawful for a person to engage in the practice of physical therapy except as a licensed physical therapist, upon the referral and direction of a licensed doctor of medicine, osteopathy, chiropractic, podiatry, or dental surgery, a licensed nurse practitioner practicing in accordance with ~~his practice agreement~~ *the provisions of § 54.1-2957*, or a licensed physician assistant acting under the supervision of a licensed physician, except as provided in this section.

B. A physical therapist who has completed a doctor of physical therapy program approved by the Commission on Accreditation of Physical Therapy Education or who has obtained a certificate of authorization pursuant to § 54.1-3482.1 may evaluate and treat a patient for no more than 30 consecutive days after an initial evaluation without a referral under the following conditions: (i) the patient is not receiving care from any licensed doctor of medicine, osteopathy, chiropractic, podiatry, or dental surgery, a licensed nurse practitioner practicing in accordance with ~~his practice agreement~~ *the provisions of § 54.1-2957*, or a licensed physician assistant acting under the supervision of a licensed physician for the symptoms giving rise to the presentation at the time of the presentation to the physical therapist for physical therapy services or (ii) the patient is receiving care from a licensed doctor of medicine, osteopathy, chiropractic, podiatry, or dental surgery, a licensed nurse practitioner practicing in accordance with ~~his practice agreement~~ *the provisions of § 54.1-2957*, or a licensed physician assistant acting under the supervision of a licensed physician at the time of his presentation to the physical therapist for the symptoms giving rise to the presentation for physical therapy services and (a) the patient identifies a licensed doctor of medicine, osteopathy, chiropractic, podiatry, or dental surgery, a licensed nurse practitioner practicing in accordance with ~~his practice agreement~~ *the provisions of § 54.1-2957*, or a licensed physician assistant acting under the supervision of a licensed physician from whom he is currently receiving care; (b) the patient gives written consent for the physical therapist to release all personal health information and treatment records to the identified practitioner; and (c) the physical therapist notifies the practitioner identified by the patient no later than 14 days after treatment commences and provides the practitioner with a copy of the initial evaluation along with a copy of the patient history obtained by the physical therapist. Treatment for more than 30 consecutive days after evaluation of such patient shall only be upon the referral and direction of a licensed doctor of medicine, osteopathy, chiropractic, podiatry, or dental surgery, a licensed nurse practitioner practicing in accordance with ~~his practice agreement~~ *the provisions of § 54.1-2957*, or a licensed physician assistant acting under the supervision of a licensed physician. A physical therapist may contact the practitioner identified by the patient at the end of the 30-day period to determine if the practitioner will authorize additional physical therapy services until such time as the patient can be seen by the practitioner. A physical therapist shall not perform an initial evaluation of a patient under this subsection if the physical therapist has performed an initial evaluation of the patient under this subsection for the same condition within the immediately preceding 60 days.

C. A physical therapist who has not completed a doctor of physical therapy program approved by the Commission on Accreditation of Physical Therapy Education or who has not obtained a certificate of authorization pursuant to § 54.1-3482.1 may conduct a one-time evaluation that does not include treatment of a patient without the referral and direction of a licensed doctor of medicine, osteopathy, chiropractic, podiatry, or dental surgery, a licensed nurse practitioner practicing in accordance with ~~his practice agreement~~ *the provisions of § 54.1-2957*, or a licensed physician assistant acting under the supervision of a licensed physician; if appropriate, the physical therapist shall immediately refer such patient to the appropriate practitioner.

D. Invasive procedures within the scope of practice of physical therapy shall at all times be performed only under the referral and direction of a licensed doctor of medicine, osteopathy, chiropractic, podiatry, or dental surgery, a licensed nurse practitioner practicing in accordance with ~~his practice agreement~~ *the provisions of § 54.1-2957*, or a licensed physician assistant acting under the supervision of a licensed physician.

E. It shall be unlawful for any licensed physical therapist to fail to immediately refer any patient to a licensed doctor of medicine, osteopathy, chiropractic, podiatry, or dental surgery, or a licensed nurse practitioner practicing in accordance with ~~his practice agreement~~ *the provisions of § 54.1-2957* when such patient's medical condition is determined, at the time of evaluation or treatment, to be beyond the physical therapist's scope of practice. Upon determining that the patient's medical condition is beyond the scope of practice of a physical therapist, a physical therapist shall immediately refer such patient to an appropriate practitioner.

F. Any person licensed as a physical therapist assistant shall perform his duties only under the direction and control of a licensed physical therapist.

G. However, a licensed physical therapist may provide, without referral or supervision, physical therapy services to (i) a student athlete participating in a school-sponsored athletic activity while such student is at such activity in a public, private, or religious elementary, middle or high school, or public or private institution of higher education when such services are rendered by a licensed physical therapist who is certified as an athletic trainer by the National Athletic Trainers' Association Board of Certification or as a sports certified specialist by the American Board of Physical Therapy Specialties; (ii) employees solely for the purpose of evaluation and consultation related to workplace ergonomics; (iii) special education students who, by virtue of their individualized education plans (IEPs), need physical therapy services to fulfill the provisions of their IEPs; (iv) the public for the purpose of wellness, fitness, and health screenings; (v) the public for the purpose of health promotion and education; and (vi) the public for the purpose of prevention of impairments, functional limitations, and disabilities.

**§ 54.1-3482.1. Certain certification required.**

A. The Board shall promulgate regulations establishing criteria for certification of physical therapists to provide certain physical therapy services pursuant to subsection B of § 54.1-3482 without referral from a licensed doctor of medicine, osteopathy, chiropractic, podiatry, or dental surgery, a licensed nurse practitioner practicing in accordance with his practice agreement the provisions of § 54.1-2957, or a licensed physician assistant acting under the supervision of a licensed physician. The regulations shall include but not be limited to provisions for (i) the promotion of patient safety; (ii) an application process for a one-time certification to perform such procedures; and (iii) minimum education, training, and experience requirements for certification to perform such procedures.

B. The minimum education, training, and experience requirements for certification shall include evidence that the applicant has successfully completed (i) a transitional program in physical therapy as recognized by the Board or (ii) at least three years of active practice with evidence of continuing education relating to carrying out direct access duties under § 54.1-3482.

**2. That the Boards of Medicine and Nursing shall jointly promulgate regulations to implement the provisions of this act, which shall govern the practice of nurse practitioners practicing without a practice agreement in accordance with the provisions of this act, to be effective within 280 days of its enactment.**

**3. That the Department of Health Professions shall, by November 1, 2020, report to the General Assembly a process by which nurse practitioners who practice without a practice agreement may be included in the online Practitioner Profile maintained by the Department of Health Professions.**

**4. That the Boards of Medicine and Nursing shall report on data on the implementation of this act, including the number of nurse practitioners who have been authorized to practice without a practice agreement, the geographic and specialty areas in which nurse practitioners are practicing without a practice agreement, and any complaints or disciplinary actions taken against such nurse practitioners, along with any recommended modifications to the requirements of this act including any modifications to the clinical experience requirements for practicing without a practice agreement, to the Chairmen of the House Committee on Health, Welfare and Institutions and the Senate Committee on Education and Health and the Chairman of the Joint Commission on Health Care by November 1, 2021.**

**CHAPTER 777**

*An Act to amend the Code of Virginia by adding in Title 30 a chapter numbered 13.1, consisting of sections numbered 30-129.4, 30-129.5, and 30-129.6, relating to required sexual harassment training; legislative branch.*

[H 371]

Approved April 4, 2018

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding in Title 30 a chapter numbered 13.1, consisting of sections numbered 30-129.4, 30-129.5, and 30-129.6, as follows:**

*CHAPTER 13.1.*

*SEXUAL HARASSMENT TRAINING ACT.*

**§ 30-129.4. Sexual harassment training required; legislative branch.**

*A. As used in this chapter, unless the context requires a different meaning:*

*"Legislative branch employee" means (i) a General Assembly member; (ii) a General Assembly member's legislative assistant or other legislative staff compensated in whole, or in part, with state appropriations, working full-time for the member; and (iii) all other full-time employees of each legislative branch agency of the Commonwealth.*

*"Sexual harassment" means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when such conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile, or offensive work environment.*

*B. 1. Every legislative branch employee shall once every two calendar years complete a sexual harassment training course provided by the Office of the Clerk of the House of Delegates or the Office of the Clerk of the Senate. The sexual harassment training course shall be (i) provided online; (ii) available 24 hours per day, seven days per week; and*

(iii) substantially similar to any sexual harassment training course offered through the Commonwealth of Virginia Learning Center administered by the Department of Human Resource Management.

2. Legislative branch employees who are (i) members elected to the House of Delegates or legislative assistants or staff for such members or (ii) officers or employees of the Office of the Clerk of the House of Delegates shall complete the sexual harassment training course provided by the Clerk of the House of Delegates. Legislative branch employees who are (a) members elected to the Senate or legislative assistants or staff for such members or (b) officers or employees of the Office of the Clerk of the Senate shall complete the sexual harassment training course provided by the Clerk of the Senate. All other legislative branch employees shall complete the sexual harassment training course provided by either the Clerk of the House of Delegates or the Clerk of the Senate. The content of the sexual harassment training course provided by the Clerk of the House of Delegates and the Clerk of the Senate shall be substantially similar.

C. 1. The Clerk of the House of Delegates and the Clerk of the Senate shall maintain records for members elected to the House of Delegates and the Senate, respectively, completing the sexual harassment training course. Each record at a minimum shall include the name of the General Assembly member completing the training, the date on which the training was successfully completed, and the name of the training course. The Clerk of the House of Delegates and the Clerk of the Senate shall keep such records for at least five years for public inspection.

2. By no later than July 1, 2019, the Clerk of the House of Delegates and the Clerk of the Senate shall ensure that the sexual harassment training course is developed and provided in a manner such that a person successfully completing the training course will have a means to print a certificate of course completion that includes the person's name, the name of the state agency employing the person, the date on which the training was successfully completed, the name of the training course, and a unique serial number or other unique identifying information for each certificate.

**§ 30-129.5. Sexual harassment training for new employees and new General Assembly members.**

A (i) legislative branch employee commencing or recommencing employment or (ii) new member of the General Assembly elected after January 1, 2019, shall complete sexual harassment training required under this chapter within 90 days of commencing or recommencing employment or such election, unless the person previously completed such training in the calendar year in which the person commenced or recommenced employment as a legislative branch employee or was elected to the General Assembly. Thereafter, the legislative branch employee or new member of the General Assembly shall complete sexual harassment training once every two calendar years.

**§ 30-129.6. Responsibility of agency heads for sexual harassment training.**

The head of each agency in the legislative branch shall be responsible for ensuring that the agency's legislative branch employees comply with the training requirements established under this chapter.

**2. That the provisions of this act shall become effective on January 1, 2019.**

**CHAPTER 778**

*An Act to amend and reenact § 24.2-309.2 of the Code of Virginia, relating to prohibiting election precinct changes for specified period of time.*

[H 767]

Approved April 4, 2018

**Be it enacted by the General Assembly of Virginia:**

**1. That § 24.2-309.2 of the Code of Virginia is amended and reenacted as follows:**

**§ 24.2-309.2. Election precincts; prohibiting precinct changes for specified period of time.**

No county, city, or town shall create, divide, abolish, or consolidate any precincts, or otherwise change the boundaries of any precinct, effective during the period from February 1, ~~2009~~ 2019, to May 15, ~~2011~~ 2021, except as (i) provided by law upon a change in the boundaries of the county, city, or town, (ii) the result of a court order, (iii) the result of a change in the form of government, or (iv) the result of an increase or decrease in the number of local election districts other than at-large districts. Any ordinance required to comply with the requirements of § 24.2-307 shall be adopted on or before February 1, ~~2009~~ 2019.

If a change in the boundaries of a precinct is required pursuant to clause (i), (ii), (iii), or (iv) ~~above~~, the county, city, or town shall comply with the applicable requirements of law, including §§ 24.2-304.3 and 30-264, and send copies of the ordered or enacted changes to the State Board of Elections and the Division of Legislative Services.

This section shall not prohibit any county, city, or town from adopting an ordinance revising precinct boundaries ~~or submitting that ordinance to the United States Department of Justice in accordance with § 5 of the United States Voting Rights Act of 1965, as amended~~, after January 1, ~~2011~~ 2021. However, no revisions in precinct boundaries shall be implemented in the conduct of elections prior to May 15, ~~2011~~ 2021.

CHAPTER 779

*An Act to amend and reenact § 24.2-309.2 of the Code of Virginia, relating to prohibiting election precinct changes for specified period of time.*

[S 983]

Approved April 4, 2018

**Be it enacted by the General Assembly of Virginia:**

**1. That § 24.2-309.2 of the Code of Virginia is amended and reenacted as follows:**

**§ 24.2-309.2. Election precincts; prohibiting precinct changes for specified period of time.**

No county, city, or town shall create, divide, abolish, or consolidate any precincts, or otherwise change the boundaries of any precinct, effective during the period from February 1, ~~2009~~ 2019, to May 15, ~~2011~~ 2021, except as (i) provided by law upon a change in the boundaries of the county, city, or town, (ii) the result of a court order, (iii) the result of a change in the form of government, or (iv) the result of an increase or decrease in the number of local election districts other than at-large districts. Any ordinance required to comply with the requirements of § 24.2-307 shall be adopted on or before February 1, ~~2009~~ 2019.

If a change in the boundaries of a precinct is required pursuant to clause (i), (ii), (iii), or (iv) ~~above~~, the county, city, or town shall comply with the applicable requirements of law, including §§ 24.2-304.3 and 30-264, and send copies of the ordered or enacted changes to the State Board of Elections and the Division of Legislative Services.

This section shall not prohibit any county, city, or town from adopting an ordinance revising precinct boundaries ~~or submitting that ordinance to the United States Department of Justice in accordance with § 5 of the United States Voting Rights Act of 1965, as amended,~~ after January 1, ~~2011~~ 2021. However, no revisions in precinct boundaries shall be implemented in the conduct of elections prior to May 15, ~~2011~~ 2021.

CHAPTER 780

*An Act to amend and reenact § 3.2-6500 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 3.2-6513.1, relating to pet shops; posting of information about dogs; records.*

[H 877]

Approved April 4, 2018

**Be it enacted by the General Assembly of Virginia:**

**1. That § 3.2-6500 of the Code of Virginia is amended and reenacted and the Code of Virginia is amended by adding a section numbered 3.2-6513.1 as follows:**

**§ 3.2-6500. Definitions.**

As used in this chapter unless the context requires a different meaning:

"Abandon" means to desert, forsake, or absolutely give up an animal without having secured another owner or custodian for the animal or by failing to provide the elements of basic care as set forth in § 3.2-6503 for a period of five consecutive days.

"Adequate care" or "care" means the responsible practice of good animal husbandry, handling, production, management, confinement, feeding, watering, protection, shelter, transportation, treatment, and, when necessary, euthanasia, appropriate for the age, species, condition, size and type of the animal and the provision of veterinary care when needed to prevent suffering or impairment of health.

"Adequate exercise" or "exercise" means the opportunity for the animal to move sufficiently to maintain normal muscle tone and mass for the age, species, size, and condition of the animal.

"Adequate feed" means access to and the provision of food that is of sufficient quantity and nutritive value to maintain each animal in good health; is accessible to each animal; is prepared so as to permit ease of consumption for the age, species, condition, size and type of each animal; is provided in a clean and sanitary manner; is placed so as to minimize contamination by excrement and pests; and is provided at suitable intervals for the species, age, and condition of the animal, but at least once daily, except as prescribed by a veterinarian or as dictated by naturally occurring states of hibernation or fasting normal for the species.

"Adequate shelter" means provision of and access to shelter that is suitable for the species, age, condition, size, and type of each animal; provides adequate space for each animal; is safe and protects each animal from injury, rain, sleet, snow, hail, direct sunlight, the adverse effects of heat or cold, physical suffering, and impairment of health; is properly lighted; is properly cleaned; enables each animal to be clean and dry, except when detrimental to the species; and, for dogs and cats, provides a solid surface, resting platform, pad, floor mat, or similar device that is large enough for the animal to lie on in a normal manner and can be maintained in a sanitary manner. Under this chapter, shelters whose wire, grid, or slat floors: (i) permit the animals' feet to pass through the openings; (ii) sag under the animals' weight; or (iii) otherwise do not protect the animals' feet or toes from injury are not adequate shelter.

"Adequate space" means sufficient space to allow each animal to: (i) easily stand, sit, lie, turn about, and make all other normal body movements in a comfortable, normal position for the animal; and (ii) interact safely with other animals in the

enclosure. When an animal is tethered, "adequate space" means a tether that permits the above actions and is appropriate to the age and size of the animal; is attached to the animal by a properly applied collar, halter, or harness configured so as to protect the animal from injury and prevent the animal or tether from becoming entangled with other objects or animals, or from extending over an object or edge that could result in the strangulation or injury of the animal; and is at least three times the length of the animal, as measured from the tip of its nose to the base of its tail, except when the animal is being walked on a leash or is attached by a tether to a lead line. When freedom of movement would endanger the animal, temporarily and appropriately restricting movement of the animal according to professionally accepted standards for the species is considered provision of adequate space.

"Adequate water" means provision of and access to clean, fresh, potable water of a drinkable temperature that is provided in a suitable manner, in sufficient volume, and at suitable intervals appropriate for the weather and temperature, to maintain normal hydration for the age, species, condition, size and type of each animal, except as prescribed by a veterinarian or as dictated by naturally occurring states of hibernation or fasting normal for the species; and is provided in clean, durable receptacles that are accessible to each animal and are placed so as to minimize contamination of the water by excrement and pests or an alternative source of hydration consistent with generally accepted husbandry practices.

"Adoption" means the transfer of ownership of a dog or a cat, or any other companion animal, from a releasing agency to an individual.

"Agricultural animals" means all livestock and poultry.

"Ambient temperature" means the temperature surrounding the animal.

"Animal" means any nonhuman vertebrate species except fish. For the purposes of § 3.2-6522, animal means any species susceptible to rabies. For the purposes of § 3.2-6570, animal means any nonhuman vertebrate species including fish except those fish captured and killed or disposed of in a reasonable and customary manner.

"Animal control officer" means a person appointed as an animal control officer or deputy animal control officer as provided in § 3.2-6555.

"Boarding establishment" means a place or establishment other than a public or private animal shelter where companion animals not owned by the proprietor are sheltered, fed, and watered in exchange for a fee.

"Collar" means a well-fitted device, appropriate to the age and size of the animal, attached to the animal's neck in such a way as to prevent trauma or injury to the animal.

"Commercial dog breeder" means any person who, during any 12-month period, maintains 30 or more adult female dogs for the primary purpose of the sale of their offspring as companion animals.

"Companion animal" means any domestic or feral dog, domestic or feral cat, nonhuman primate, guinea pig, hamster, rabbit not raised for human food or fiber, exotic or native animal, reptile, exotic or native bird, or any feral animal or any animal under the care, custody, or ownership of a person or any animal that is bought, sold, traded, or bartered by any person. Agricultural animals, game species, or any animals regulated under federal law as research animals shall not be considered companion animals for the purposes of this chapter.

"Consumer" means any natural person purchasing an animal from a dealer or pet shop or hiring the services of a boarding establishment. The term "consumer" shall not include a business or corporation engaged in sales or services.

"Dealer" means any person who in the regular course of business for compensation or profit buys, sells, transfers, exchanges, or barter companion animals. The following shall not be considered dealers: (i) any person who transports companion animals in the regular course of business as a common carrier or (ii) any person whose primary purpose is to find permanent adoptive homes for companion animals.

"Direct and immediate threat" means any clear and imminent danger to an animal's health, safety or life.

"Dump" means to knowingly desert, forsake, or absolutely give up without having secured another owner or custodian any dog, cat, or other companion animal in any public place including the right-of-way of any public highway, road or street or on the property of another.

"Emergency veterinary treatment" means veterinary treatment to stabilize a life-threatening condition, alleviate suffering, prevent further disease transmission, or prevent further disease progression.

"Enclosure" means a structure used to house or restrict animals from running at large.

"Euthanasia" means the humane destruction of an animal accomplished by a method that involves instantaneous unconsciousness and immediate death or by a method that involves anesthesia, produced by an agent that causes painless loss of consciousness, and death during such loss of consciousness.

"Exhibitor" means any person who has animals for or on public display, excluding an exhibitor licensed by the U.S. Department of Agriculture.

"Facility" means a building or portion thereof as designated by the State Veterinarian, other than a private residential dwelling and its surrounding grounds, that is used to contain a primary enclosure or enclosures in which animals are housed or kept.

"Farming activity" means, consistent with standard animal husbandry practices, the raising, management, and use of agricultural animals to provide food, fiber, or transportation and the breeding, exhibition, lawful recreational use, marketing, transportation, and slaughter of agricultural animals pursuant to such purposes.

"Foster care provider" means a person who provides care or rehabilitation for companion animals through an affiliation with a public or private animal shelter, home-based rescue, releasing agency, or other animal welfare organization.

"Foster home" means a private residential dwelling and its surrounding grounds, or any facility other than a public or private animal shelter, at which site through an affiliation with a public or private animal shelter, home-based rescue, releasing agency, or other animal welfare organization care or rehabilitation is provided for companion animals.

"Groomer" means any person who, for a fee, cleans, trims, brushes, makes neat, manicures, or treats for external parasites any animal.

"Home-based rescue" means an animal welfare organization that takes custody of companion animals for the purpose of facilitating adoption and houses such companion animals in a foster home or a system of foster homes.

"Humane" means any action taken in consideration of and with the intent to provide for the animal's health and well-being.

"Humane investigator" means a person who has been appointed by a circuit court as a humane investigator as provided in § 3.2-6558.

"Humane society" means any incorporated, nonprofit organization that is organized for the purposes of preventing cruelty to animals and promoting humane care and treatment or adoptions of animals.

"Incorporated" means organized and maintained as a legal entity in the Commonwealth.

"Kennel" means any establishment in which five or more canines, felines, or hybrids of either are kept for the purpose of breeding, hunting, training, renting, buying, boarding, selling, or showing.

"Law-enforcement officer" means any person who is a full-time or part-time employee of a police department or sheriff's office that is part of or administered by the Commonwealth or any political subdivision thereof and who is responsible for the prevention and detection of crime and the enforcement of the penal, traffic or highway laws of the Commonwealth. Part-time employees are compensated officers who are not full-time employees as defined by the employing police department or sheriff's office.

"Livestock" includes all domestic or domesticated: bovine animals; equine animals; ovine animals; porcine animals; cervidae animals; caprae animals; animals of the genus Lama; ratites; fish or shellfish in aquaculture facilities, as defined in § 3.2-2600; enclosed domesticated rabbits or hares raised for human food or fiber; or any other individual animal specifically raised for food or fiber, except companion animals.

"New owner" means an individual who is legally competent to enter into a binding agreement pursuant to subdivision B 2 of § 3.2-6574, and who adopts or receives a dog or cat from a releasing agency.

"Ordinance" means any law, rule, regulation, or ordinance adopted by the governing body of any locality.

"Other officer" includes all other persons employed or elected by the people of Virginia, or by any locality, whose duty it is to preserve the peace, to make arrests, or to enforce the law.

"Owner" means any person who: (i) has a right of property in an animal; (ii) keeps or harbors an animal; (iii) has an animal in his care; or (iv) acts as a custodian of an animal.

"Pet shop" means ~~an~~ a retail establishment where companion animals are bought, sold, exchanged, or offered for sale or exchange to the general public.

"Poultry" includes all domestic fowl and game birds raised in captivity.

"Primary enclosure" means any structure used to immediately restrict an animal or animals to a limited amount of space, such as a room, pen, cage, compartment, or hutch. For tethered animals, the term includes the shelter and the area within reach of the tether.

"Private animal shelter" means a facility operated for the purpose of finding permanent adoptive homes for animals that is used to house or contain animals and that is owned or operated by an incorporated, nonprofit, and nongovernmental entity, including a humane society, animal welfare organization, society for the prevention of cruelty to animals, or any other similar organization.

"Properly cleaned" means that carcasses, debris, food waste, and excrement are removed from the primary enclosure with sufficient frequency to minimize the animals' contact with the above-mentioned contaminants; the primary enclosure is sanitized with sufficient frequency to minimize odors and the hazards of disease; and the primary enclosure is cleaned so as to prevent the animals confined therein from being directly or indirectly sprayed with the stream of water, or directly or indirectly exposed to hazardous chemicals or disinfectants.

"Properly lighted" when referring to a facility means sufficient illumination to permit routine inspections, maintenance, cleaning, and housekeeping of the facility, and observation of the animals; to provide regular diurnal lighting cycles of either natural or artificial light, uniformly diffused throughout the facility; and to promote the well-being of the animals.

"Properly lighted" when referring to a private residential dwelling and its surrounding grounds means sufficient illumination to permit routine maintenance and cleaning thereof, and observation of the companion animals; and to provide regular diurnal lighting cycles of either natural or artificial light to promote the well-being of the animals.

"Public animal shelter" means a facility operated by the Commonwealth, or any locality, for the purpose of impounding or sheltering seized, stray, homeless, abandoned, unwanted, or surrendered animals or a facility operated for the same purpose under a contract with any locality.

"Releasing agency" means (i) a public animal shelter or (ii) a private animal shelter, humane society, animal welfare organization, society for the prevention of cruelty to animals, or other similar entity or home-based rescue that releases companion animals for adoption.

"Research facility" means any place, laboratory, or institution licensed by the U.S. Department of Agriculture at which scientific tests, experiments, or investigations involving the use of living animals are carried out, conducted, or attempted.

"Sanitize" means to make physically clean and to remove and destroy, to a practical minimum, agents injurious to health.

"Sore" means, when referring to an equine, that an irritating or blistering agent has been applied, internally or externally, by a person to any limb or foot of an equine; any burn, cut, or laceration that has been inflicted by a person to any limb or foot of an equine; any tack, nail, screw, or chemical agent that has been injected by a person into or used by a person on any limb or foot of an equine; any other substance or device that has been used by a person on any limb or foot of an equine; or a person has engaged in a practice involving an equine, and as a result of such application, infliction, injection, use, or practice, such equine suffers, or can reasonably be expected to suffer, physical pain or distress, inflammation, or lameness when walking, trotting, or otherwise moving, except that such term does not include such an application, infliction, injection, use, or practice in connection with the therapeutic treatment of an equine by or under the supervision of a licensed veterinarian. Notwithstanding anything contained herein to the contrary, nothing shall preclude the shoeing, use of pads, and use of action devices as permitted by 9 C.F.R. Part 11.2.

"Sterilize" or "sterilization" means a surgical or chemical procedure performed by a licensed veterinarian that renders a dog or cat permanently incapable of reproducing.

"Treasurer" includes the treasurer and his assistants of each county or city or other officer designated by law to collect taxes in such county or city.

"Treatment" or "adequate treatment" means the responsible handling or transportation of animals in the person's ownership, custody or charge, appropriate for the age, species, condition, size and type of the animal.

"Veterinary treatment" means treatment by or on the order of a duly licensed veterinarian.

"Weaned" means that an animal is capable of and physiologically accustomed to ingestion of solid food or food customary for the adult of the species and has ingested such food, without nursing, for a period of at least five days.

**§ 3.2-6513.1. Pet shops; posting of information about dogs.**

*A. Any pet shop that sells dogs shall place a clear and conspicuous sign near the cages in the public sales area stating: "USDA APHIS Inspection Reports Available Prior to Purchase." The sign shall be no smaller than eight and one-half inches high by 11 inches wide, and the print shall be no smaller than one-half inch.*

*B. Any pet shop that sells dogs shall maintain for each dog in its possession a written record that includes the following information:*

- 1. The breed, age, and date of birth of the dog, if known;*
- 2. The sex, color, and any identifying markings of the dog;*
- 3. Any additional identifying information, including a tag, tattoo, collar number, or microchip;*
- 4. Documentation of all inoculations, worming treatments, and other medical treatments, if known, including the date of the medical treatment, the diagnosis, and the name and title of the treatment provider;*
- 5. For a dog obtained from a breeder or dealer; (i) the state in which the breeder and, if applicable, the dealer are located; (ii) the U.S. Department of Agriculture license number of the breeder and, if applicable, the dealer; (iii) the final inspection reports for the breeder and, if applicable, the dealer, issued by the U.S. Department of Agriculture from the two years immediately before the date the pet store received the dog; and (iv) the facility where the dog was born and the transporter or carrier of the dog, if any;*
- 6. For a dog obtained from a public animal shelter, the name of the shelter; and*
- 7. For a dog obtained from a private animal shelter or humane society, the name of the shelter or organization and the locality in which it is located.*

*C. Any pet shop that sells dogs shall maintain a copy of the written record required by subsection B for at least two years after the date of sale of the dog and shall make such record available to the Office of the State Veterinarian upon reasonable notice, to any bona fide prospective purchaser upon request, and to the purchaser at the time of sale. Any such pet shop shall transmit the information required by subdivisions B 5, 6, and 7 to the local animal control officer upon request.*

**CHAPTER 781**

*An Act to amend the Code of Virginia by adding in Title 30 a chapter numbered 13.1, consisting of sections numbered 30-129.4, 30-129.5, and 30-129.6, relating to required sexual harassment training; legislative branch.*

[S 796]

Approved April 4, 2018

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding in Title 30 a chapter numbered 13.1, consisting of sections numbered 30-129.4, 30-129.5, and 30-129.6, as follows:**

*CHAPTER 13.1.*

*SEXUAL HARASSMENT TRAINING ACT.*

**§ 30-129.4. Sexual harassment training required; legislative branch.**

*A. As used in this chapter, unless the context requires a different meaning:*

"Legislative branch employee" means (i) a General Assembly member; (ii) a General Assembly member's legislative assistant or other legislative staff compensated in whole, or in part, with state appropriations, working full-time for the member; and (iii) all other full-time employees of each legislative branch agency of the Commonwealth.

"Sexual harassment" means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when such conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile, or offensive work environment.

B. 1. Every legislative branch employee shall once every two calendar years complete a sexual harassment training course provided by the Office of the Clerk of the House of Delegates or the Office of the Clerk of the Senate. The sexual harassment training course shall be (i) provided online; (ii) available 24 hours per day, seven days per week; and (iii) substantially similar to any sexual harassment training course offered through the Commonwealth of Virginia Learning Center administered by the Department of Human Resource Management.

2. Legislative branch employees who are (i) members elected to the House of Delegates or legislative assistants or staff for such members or (ii) officers or employees of the Office of the Clerk of the House of Delegates shall complete the sexual harassment training course provided by the Clerk of the House of Delegates. Legislative branch employees who are (a) members elected to the Senate or legislative assistants or staff for such members or (b) officers or employees of the Office of the Clerk of the Senate shall complete the sexual harassment training course provided by the Clerk of the Senate. All other legislative branch employees shall complete the sexual harassment training course provided by either the Clerk of the House of Delegates or the Clerk of the Senate. The content of the sexual harassment training course provided by the Clerk of the House of Delegates and the Clerk of the Senate shall be substantially similar.

C. 1. The Clerk of the House of Delegates and the Clerk of the Senate shall maintain records for members elected to the House of Delegates and the Senate, respectively, completing the sexual harassment training course. Each record at a minimum shall include the name of the General Assembly member completing the training, the date on which the training was successfully completed, and the name of the training course. The Clerk of the House of Delegates and the Clerk of the Senate shall keep such records for at least five years for public inspection.

2. By no later than July 1, 2019, the Clerk of the House of Delegates and the Clerk of the Senate shall ensure that the sexual harassment training course is developed and provided in a manner such that a person successfully completing the training course will have a means to print a certificate of course completion that includes the person's name, the name of the state agency employing the person, the date on which the training was successfully completed, the name of the training course, and a unique serial number or other unique identifying information for each certificate.

**§ 30-129.5. Sexual harassment training for new employees and new General Assembly members.**

A (i) legislative branch employee commencing or recommencing employment or (ii) new member of the General Assembly elected after January 1, 2019, shall complete sexual harassment training required under this chapter within 90 days of commencing or recommencing employment or such election, unless the person previously completed such training in the calendar year in which the person commenced or recommenced employment as a legislative branch employee or was elected to the General Assembly. Thereafter, the legislative branch employee or new member of the General Assembly shall complete sexual harassment training once every two calendar years.

**§ 30-129.6. Responsibility of agency heads for sexual harassment training.**

The head of each agency in the legislative branch shall be responsible for ensuring that the agency's legislative branch employees comply with the training requirements established under this chapter.

**2. That the provisions of this act shall become effective on January 1, 2019.**

**CHAPTER 782**

*An Act to amend and reenact §§ 38.2-3406.1 and 38.2-3431 of the Code of Virginia, relating to health insurance; small employers.*

[S 672]

Approved April 6, 2018

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 38.2-3406.1 and 38.2-3431 of the Code of Virginia are amended and reenacted as follows:**

**§ 38.2-3406.1. Application of requirements that policies offered by small employers include state-mandated health benefits.**

A. As used in this section:

"Eligible individual" means an individual who is employed by a small employer and has satisfied applicable waiting period requirements.

"Health insurance coverage" means benefits consisting of coverage for costs of medical care, whether directly, through insurance or reimbursement, or otherwise, and including items and services paid for as medical care under a group policy of accident and sickness insurance, hospital or medical service policy or certificate, hospital or medical service plan contract, or health maintenance organization contract, which coverage is subject to this title or is provided under a plan regulated under the Employee Retirement Income Security Act of 1974.

"Health insurer" means any insurance company that issues accident and sickness insurance policies providing hospital, medical and surgical, or major medical coverage on an expense-incurred basis, a corporation that provides accident and sickness subscription contracts, or any health maintenance organization that provides a health care plan that provides, arranges for, pays for, or reimburses any part of the cost of any health care services, that is licensed to engage in such business in the Commonwealth, and that is subject to the laws of the Commonwealth that regulate insurance within the meaning of § 514(b)(2) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. § 1144(b)(2)).

"Small employer" means, with respect to a calendar year and a plan year, an employer located in the Commonwealth that employed an average of at least one but not more than 50 eligible individuals on business days during the preceding calendar year and who employs at least one eligible individual on the date a policy under this section becomes effective has the same meaning ascribed to the term in § 38.2-3431.

"State-mandated health benefit" means coverage required under this title or other laws of the Commonwealth to be provided in a policy of accident and sickness insurance or a contract for a health-related condition that (i) includes coverage for specific health care services or benefits; (ii) places limitations or restrictions on deductibles, coinsurance, copayments, or any annual or lifetime maximum benefit amounts; or (iii) includes a specific category of licensed health care practitioners from whom an insured is entitled to receive care. "State-mandated health benefit" includes, without limitation, any coverage, or the offering of coverage, of a benefit or provider pursuant to §§ 38.2-3407.5 through 38.2-3407.6:1, 38.2-3407.9:01, 38.2-3407.9:02, 38.2-3407.11 through 38.2-3407.11:3, 38.2-3407.16, 38.2-3408, 38.2-3411 through 38.2-3414.1, 38.2-3418 through 38.2-3418.14, or § 38.2-4221. For purposes of this article, "state-mandated health benefit" does not include a benefit that is mandated by federal law.

B. Notwithstanding any statute, rule, or regulation to the contrary, and for the purposes of this section, a group accident and sickness insurance policy providing hospital, medical and surgical, or major medical coverage on an expense-incurred basis; a group accident and sickness subscription contract providing health insurance coverage for eligible individuals; and a health care plan that provides, arranges for, pays for, or reimburses any part of the cost of any health care services that is offered, sold, or issued by a health insurer to a small employer:

1. Shall not be required to include coverage, or the offer of coverage, for any state-mandated health benefit, except for:
  - a. Coverage for mammograms pursuant to § 38.2-3418.1;
  - b. Coverage for pap smears pursuant to § 38.2-3418.1:2;
  - c. Coverage for PSA testing pursuant to § 38.2-3418.7; and
  - d. Coverage for colorectal cancer screening pursuant to § 38.2-3418.7:1.

2. May include any, or none, of the state-mandated health benefits not otherwise noted in subdivision B 1 as the health insurer and the small employer shall agree.

Notwithstanding any provision of this section to the contrary, if any plan authorized by this section includes and offers health care services covered by the plan that may be legally rendered by a health care provider listed in § 38.2-3408, that plan shall allow for the reimbursement of such covered services when rendered by such provider. Unless otherwise provided in this section, this provision shall not require any benefit be provided as a covered service.

C. Any application and any enrollment form used in connection with coverage under this section shall prominently disclose that the policy, contract, or evidence of coverage is not required to provide state-mandated health benefits, shall prominently disclose any and all state-mandated health benefits that the policy, subscription contract, or evidence of coverage does not provide, and shall clearly describe all eligibility requirements.

D. A policy form, subscription contract, or evidence of coverage issued under this section to a small employer shall prominently disclose any and all state-mandated health benefits that the policy, subscription contract, or evidence of coverage does not provide. Such disclosure shall also be included in certificate forms or other evidences of coverage furnished to each participant. Health insurers proposing to issue forms providing coverage under this section shall clearly disclose the intended purposes for such policies, contracts, or evidences of coverage when submitting the forms to the Commission for approval in accordance with § 38.2-316.

E. The Commission shall adopt any regulations necessary to implement this section.

F. The provisions of this section shall not apply in any instance in which the provisions of this section are inconsistent or in conflict with a provision of Article 6 (§ 38.2-3438 et seq.) of Chapter 34.

**§ 38.2-3431. Application of article; definitions.**

A. This article applies to group health plans and to health insurance issuers offering group health insurance coverage, and individual policies offered to employees of small employers.

Each insurer proposing to issue individual or group accident and sickness insurance policies providing hospital, medical and surgical or major medical coverage on an expense incurred basis, each corporation providing individual or group accident and sickness subscription contracts, and each health maintenance organization or multiple employer welfare arrangement providing health care plans for health care services that offers individual or group coverage to the small employer market in this Commonwealth shall be subject to the provisions of this article. Any issuer of individual coverage to employees of a small employer shall be subject to the provisions of this article if any of the following conditions are met:

1. Any portion of the premiums or benefits is paid by or on behalf of the employer;
2. The eligible employee or dependent is reimbursed, whether through wage adjustments or otherwise, by or on behalf of the employer for any portion of the premium;

3. The employer has permitted payroll deduction for the covered individual and any portion of the premium is paid by the employer, provided that the health insurance issuer providing individual coverage under such circumstances shall be registered as a health insurance issuer in the small group market under this article, and shall have offered small employer group insurance to the employer in the manner required under this article; or

4. The health benefit plan is treated by the employer or any of the covered individuals as part of a plan or program for the purpose of § 106, 125, or 162 of the United States Internal Revenue Code.

B. For the purposes of this article:

"Actuarial certification" means a written statement by a member of the American Academy of Actuaries or other individual acceptable to the Commission that a health insurance issuer is in compliance with the provisions of this article based upon the person's examination, including a review of the appropriate records and of the actuarial assumptions and methods used by the health insurance issuer in establishing premium rates for applicable insurance coverage.

"Affiliation period" means a period which, under the terms of the health insurance coverage offered by a health maintenance organization, must expire before the health insurance coverage becomes effective. The health maintenance organization is not required to provide health care services or benefits during such period and no premium shall be charged to the participant or beneficiary for any coverage during the period.

1. Such period shall begin on the enrollment date.

2. An affiliation period under a plan shall run concurrently with any waiting period under the plan.

"Beneficiary" has the meaning given such term under section 3(8) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. § 1002 (8)).

"Bona fide association" means, with respect to health insurance coverage offered in this Commonwealth, an association which:

1. Has been actively in existence for at least five years;

2. Has been formed and maintained in good faith for purposes other than obtaining insurance;

3. Does not condition membership in the association on any health status-related factor relating to an individual (including an employee of an employer or a dependent of an employee);

4. Makes health insurance coverage offered through the association available to all members regardless of any health status-related factor relating to such members (or individuals eligible for coverage through a member);

5. Does not make health insurance coverage offered through the association available other than in connection with a member of the association; and

6. Meets such additional requirements as may be imposed under the laws of this Commonwealth.

"Certification" means a written certification of the period of creditable coverage of an individual under a group health plan and coverage provided by a health insurance issuer offering group health insurance coverage and the coverage if any under such COBRA continuation provision, and the waiting period if any and affiliation period if applicable imposed with respect to the individual for any coverage under such plan.

"Church plan" has the meaning given such term under section 3(33) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. § 1002 (33)).

"COBRA continuation provision" means any of the following:

1. Section 4980B of the Internal Revenue Code of 1986(26 U.S.C. § 4980B), other than subsection (f)(1) of such section insofar as it relates to pediatric vaccines;

2. Part 6 of subtitle B of Title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. § 1161 et seq.), other than section 609 of such Act; or

3. Title XXII of P.L. 104-191.

"Creditable coverage" means with respect to an individual, coverage of the individual under any of the following:

1. A group health plan;

2. Health insurance coverage;

3. Part A or B of Title XVIII of the Social Security Act (42 U.S.C. § 1395c or § 1395);

4. Title XIX of the Social Security Act (42 U.S.C. § 1396 et seq.), other than coverage consisting solely of benefits under section 1928;

5. Chapter 55 of Title 10, United States Code (10 U.S.C. § 1071 et seq.);

6. A medical care program of the Indian Health Service or of a tribal organization;

7. A state health benefits risk pool;

8. A health plan offered under Chapter 89 of Title 5, United States Code (5 U.S.C. § 8901 et seq.);

9. A public health plan (as defined in federal regulations);

10. A health benefit plan under section 5 (e) of the Peace Corps Act (22 U.S.C. § 2504(e)); or

11. Individual health insurance coverage.

Such term does not include coverage consisting solely of coverage of excepted benefits.

"Dependent" means the spouse or child of an eligible employee, subject to the applicable terms of the policy, contract or plan covering the eligible employee.

"Eligible employee" means an employee who works for a small group employer on a full-time basis, has a normal work week of 30 or more hours, has satisfied applicable waiting period requirements, and is not a part-time, temporary or

substitute employee. At the employer's sole discretion, the eligibility criterion may be broadened to include part-time employees.

"Eligible individual" means such an individual in relation to the employer as shall be determined:

1. In accordance with the terms of such plan;
2. As provided by the health insurance issuer under rules of the health insurance issuer which are uniformly applicable to employers in the group market; and
3. In accordance with all applicable law of this Commonwealth governing such issuer and such market.

"Employee" has the meaning given such term under section 3(6) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. § 1002 (6)).

"Employer" has the meaning given such term under section 3(5) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. § 1002 (5)), except that such term shall include only employers of two or more employees.

"Enrollment date" means, with respect to an eligible individual covered under a group health plan or health insurance coverage, the date of enrollment of the eligible individual in the plan or coverage or, if earlier, the first day of the waiting period for such enrollment.

"Excepted benefits" means benefits under one or more (or any combination thereof) of the following:

1. Benefits not subject to requirements of this article:
  - a. Coverage only for accident, or disability income insurance, or any combination thereof;
  - b. Coverage issued as a supplement to liability insurance;
  - c. Liability insurance, including general liability insurance and automobile liability insurance;
  - d. Workers' compensation or similar insurance;
  - e. Medical expense and loss of income benefits;
  - f. Credit-only insurance;
  - g. Coverage for on-site medical clinics; and
  - h. Other similar insurance coverage, specified in regulations, under which benefits for medical care are secondary or incidental to other insurance benefits.
2. Benefits not subject to requirements of this article if offered separately:
  - a. Limited scope dental or vision benefits;
  - b. Benefits for long-term care, nursing home care, home health care, community-based care, or any combination thereof; and
  - c. Such other similar, limited benefits as are specified in regulations.
3. Benefits not subject to requirements of this article if offered as independent, noncoordinated benefits:
  - a. Coverage only for a specified disease or illness; and
  - b. Hospital indemnity or other fixed indemnity insurance.
4. Benefits not subject to requirements of this article if offered as separate insurance policy:
  - a. Medicare supplemental health insurance (as defined under section 1882 (g)(1) of the Social Security Act (42 U.S.C. § 1395ss (g)(1)));
  - b. Coverage supplemental to the coverage provided under Chapter 55 of Title 10, United States Code (10 U.S.C. § 1071 et seq.); and
  - c. Similar supplemental coverage provided to coverage under a group health plan.

"Federal governmental plan" means a governmental plan established or maintained for its employees by the government of the United States or by an agency or instrumentality of such government.

"Governmental plan" has the meaning given such term under section 3(32) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. § 1002 (32)) and any federal governmental plan.

"Group health insurance coverage" means in connection with a group health plan, health insurance coverage offered in connection with such plan.

"Group health plan" means an employee welfare benefit plan (as defined in section 3 (1) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. § 1002 (1))), to the extent that the plan provides medical care and including items and services paid for as medical care to employees or their dependents (as defined under the terms of the plan) directly or through insurance, reimbursement, or otherwise.

"Health benefit plan" means any accident and health insurance policy or certificate, health services plan contract, health maintenance organization subscriber contract, plan provided by a MEWA or plan provided by another benefit arrangement. "Health benefit plan" does not mean accident only, credit, or disability insurance; coverage of Medicare services or federal employee health plans, pursuant to contracts with the United States government; Medicare supplement or long-term care insurance; Medicaid coverage; dental only or vision only insurance; specified disease insurance; hospital confinement indemnity coverage; limited benefit health coverage; coverage issued as a supplement to liability insurance; insurance arising out of a workers' compensation or similar law; automobile medical payment insurance; medical expense and loss of income benefits; or insurance under which benefits are payable with or without regard to fault and that is statutorily required to be contained in any liability insurance policy or equivalent self-insurance.

"Health insurance coverage" means benefits consisting of medical care (provided directly, through insurance or reimbursement, or otherwise and including items and services paid for as medical care) under any hospital or medical

service policy or certificate, hospital or medical service plan contract, or health maintenance organization contract offered by a health insurance issuer.

"Health insurance issuer" means an insurance company, or insurance organization (including a health maintenance organization) which is licensed to engage in the business of insurance in this Commonwealth and which is subject to the laws of this Commonwealth which regulate insurance within the meaning of section 514 (b)(2) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. § 1144 (b)(2)). Such term does not include a group health plan.

"Health maintenance organization" means:

1. A federally qualified health maintenance organization;
2. An organization recognized under the laws of this Commonwealth as a health maintenance organization; or
3. A similar organization regulated under the laws of this Commonwealth for solvency in the same manner and to the same extent as such a health maintenance organization.

"Health status-related factor" means the following in relation to the individual or a dependent eligible for coverage under a group health plan or health insurance coverage offered by a health insurance issuer:

1. Health status;
2. Medical condition (including both physical and mental illnesses);
3. Claims experience;
4. Receipt of health care;
5. Medical history;
6. Genetic information;
7. Evidence of insurability (including conditions arising out of acts of domestic violence); or
8. Disability.

"Individual health insurance coverage" means health insurance coverage offered to individuals in the individual market, but does not include coverage defined as excepted benefits. Individual health insurance coverage does not include short-term limited duration coverage.

"Individual market" means the market for health insurance coverage offered to individuals other than in connection with a group health plan.

"Large employer" means, in connection with a group health plan or health insurance coverage with respect to a calendar year and a plan year, an employer who employed an average of at least 51 employees on business days during the preceding calendar year and who employs at least one employee on the first day of the plan year.

"Large group market" means the health insurance market under which individuals obtain health insurance coverage (directly or through any arrangement) on behalf of themselves (and their dependents) through a group health plan maintained by a large employer.

"Late enrollee" means, with respect to coverage under a group health plan or health insurance coverage provided by a health insurance issuer, a participant or beneficiary who enrolls under the plan other than during:

1. The first period in which the individual is eligible to enroll under the plan; or
2. A special enrollment period as required pursuant to subsections J through M of § 38.2-3432.3.

"Medical care" means amounts paid for:

1. The diagnosis, cure, mitigation, treatment, or prevention of disease, or amounts paid for the purpose of affecting any structure or function of the body;
2. Transportation primarily for and essential to medical care referred to in subdivision 1; and
3. Insurance covering medical care referred to in subdivisions 1 and 2.

"Network plan" means health insurance coverage of a health insurance issuer under which the financing and delivery of medical care (including items and services paid for as medical care) are provided, in whole or in part, through a defined set of providers under contract with the health insurance issuer.

"Nonfederal governmental plan" means a governmental plan that is not a federal governmental plan.

"Participant" has the meaning given such term under section 3(7) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. § 1002 (7)).

"Placed for adoption," or "placement" or "being placed" for adoption, in connection with any placement for adoption of a child with any person, means the assumption and retention by such person of a legal obligation for total or partial support of such child in anticipation of adoption of such child. The child's placement with such person terminates upon the termination of such legal obligation.

"Plan sponsor" has the meaning given such term under section 3(16)(B) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. § 1002 (16)(B)).

"Preexisting condition exclusion" means, with respect to coverage, a limitation or exclusion of benefits relating to a condition based on the fact that the condition was present before the date of enrollment for such coverage, whether or not any medical advice, diagnosis, care, or treatment was recommended or received before such date. Genetic information shall not be treated as a preexisting condition in the absence of a diagnosis of the condition related to such information.

"Premium" means all moneys paid by an employer and eligible employees as a condition of coverage from a health insurance issuer, including fees and other contributions associated with the health benefit plan.

"Rating period" means the 12-month period for which premium rates are determined by a health insurance issuer and are assumed to be in effect.

"Self-employed individual" means an individual who derives a substantial portion of his income from a trade or business (i) operated by the individual as a sole proprietor; (ii) through which the individual has attempted to earn taxable income, and (iii) for which he has filed the appropriate Internal Revenue Service Form 1040, Schedule C or F, for the previous taxable year.

"Service area" means a broad geographic area of the Commonwealth in which a health insurance issuer sells or has sold insurance policies on or before January 1994, or upon its subsequent authorization to do business in Virginia.

"Small employer" means in connection with a group health plan or health insurance coverage with respect to a calendar year and a plan year, an employer who employed an average of at least one but not more than 50 employees on business days during the preceding calendar year and who employs at least one employee on the first day of the plan year. In determining whether a corporation or limited liability company employed an average of at least one individual during the preceding calendar year and employed at least one employee on the first day of the plan year; an individual who performed any service for remuneration under a contract of hire, written or oral, express or implied, for a (i) corporation of which the individual is its sole shareholder or an immediate family member of such sole shareholder or (ii) a limited liability company of which the individual is its sole member or an immediate family member of such sole member; shall be deemed to be an employee of the corporation or the limited liability company, respectively. "Small employer" includes a self-employed individual.

"Small group market" means the health insurance market under which individuals obtain health insurance coverage (directly or through any arrangement) on behalf of themselves (and their dependents) through a group health plan maintained by a small employer.

"State" means each of the several states, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands.

"Waiting period" means, with respect to a group health plan or health insurance coverage provided by a health insurance issuer and an individual who is a potential participant or beneficiary in the plan, the period that must pass with respect to the individual before the individual is eligible to be covered for benefits under the terms of the plan. If an employee or dependent enrolls during a special enrollment period pursuant to subsections J through M of § 38.2-3432.3 or as a late enrollee, any period before such enrollment is not a waiting period.

C. The provisions of this section shall not apply in any instance in which the provisions of this section are inconsistent or in conflict with a provision of Article 6 (§ 38.2-3438 et seq.) of Chapter 34.

CHAPTER 783

An Act to amend the Code of Virginia by adding in Title 17.1 a chapter numbered 10, consisting of sections numbered 17.1-1000 through 17.1-1005, relating to court reporters; prohibited actions; civil penalties.

[S 545]

Approved April 6, 2018

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 17.1 a chapter numbered 10, consisting of sections numbered 17.1-1000 through 17.1-1005, as follows:

CHAPTER 10.  
COURT REPORTERS.

§ 17.1-1000. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Court reporter" means a person who records legal proceedings by stenotype machine or other means allowed under the Rules of Supreme Court of Virginia and provides prompt preparation of an accurate, verbatim written transcript.

"Court reporting services" means services provided by a court reporter and associated videography services.

"Court reporting services provider" means a business, entity, or firm that provides or arranges for court reporting services.

"Legal proceeding" includes a court proceeding, a deposition, an administrative hearing, an arbitration hearing, an examination under oath, and a sworn statement.

§ 17.1-1001. Applicability; waiver.

A. This chapter applies to court reporting services performed in the Commonwealth, whether a party appears in person or by remote access, provided by:

1. A court reporter or court reporting services provider, whether or not based in the Commonwealth, in connection with a legal proceeding that is commenced or maintained in the Commonwealth; or
2. A court reporter or court reporting services provider based in the Commonwealth in connection with a legal proceeding that is commenced or maintained in a foreign jurisdiction.

B. The provisions of this chapter shall not be waived or otherwise modified. Any waiver or modification is contrary to public policy and is void and unenforceable.

§ 17.1-1002. Prohibited actions; exception.

A. A court reporter or court reporting services provider shall not:

1. Enter into an oral or written contractual agreement for more than one case, action, or legal proceeding with a party, insurance company, or any other person or entity that has a financial interest in the case, action, or legal proceeding. This prohibition does not apply to a contract for the provision of court reporting services between a court reporter or court reporting services provider and an attorney or law firm that is counsel of record in one or more cases, actions, or legal proceedings;

2. Give an economic or other advantage to a party or a party's attorney, representative, agent, insurer, or employee without offering the advantage to all parties or fail to offer comparable services, prices, or financial terms to all parties, except that different credit terms may be offered based on payment experience and creditworthiness;

3. Offer or provide court reporting services if payment for those services is made contingent on the outcome of the legal proceeding, base the compensation for the court reporting services on the outcome of the legal proceeding, or otherwise give the court reporter or court reporting services provider a financial interest in the action;

4. Enter into an agreement for court reporting services that restricts an attorney from using the court reporter or court reporting services provider of the attorney's choosing;

5. Enter into an oral or written contractual agreement with a party, insurance company, or any other person or entity that has a financial interest in the case, action, or legal proceeding to include a court reporter or court reporting services provider on a list of preferred providers of court reporting services that is maintained by a person, business, entity, or firm that has entered into an oral or written contractual agreement for more than one case, action, or legal proceeding with an attorney, party, insurance company, third-party administrator, or any other person or entity that has a financial interest in the case, action, or legal proceeding. This prohibition does not apply to a contract between a court reporter or court reporting services provider and an attorney or law firm to include such court reporter or court reporting services provider on a list of preferred providers maintained by such attorney or law firm;

6. Allow the format, content, or body of a certified transcript as submitted by the court reporter to be manipulated in a manner that increases the cost of the transcript; or

7. Provide additional advocacy or litigation support services, including trial preparation assistance, deposition summaries, and nonpublished transcript databases.

B. Notwithstanding subsection A, if authorized or required by law, ordinance, or rule, a governmental entity may obtain court reporting services on a long-term basis through competitive bidding.

**§ 17.1-1003. Comparable treatment of parties.**

A. At any time during or following a legal proceeding, an attorney or a party is entitled to an itemized statement of the rates and charges for all services that have been or will be provided by a court reporter or court reporting services provider that is providing court reporting services to any party to the legal proceeding.

B. Upon request, a court reporter or court reporting services provider shall provide to the parties, if known, information on prices, terms, and conditions of court reporting services in sufficient time prior to the commencement of the legal proceeding to allow the parties the opportunity to effectively negotiate for any changes necessary to ensure that comparable terms and conditions are made available to all parties.

C. Upon request, a court reporter or court reporting services provider shall provide an itemized invoice of all rates and charges for court reporting services provided in the administrative body, court, or administrative tribunal in which the action upon which the legal proceeding is based is pending or scheduled to be heard.

**§ 17.1-1004. Pro bono services.**

Nothing in this chapter shall be construed to limit the ability of a court reporter or court reporting services provider to provide pro bono services to persons or parties with limited means.

**§ 17.1-1005. Penalties.**

A. A person harmed by a violation of this chapter may file a motion alleging the violation with the administrative body, court, or administrative tribunal in which the action upon which the legal proceeding is based is pending or is scheduled to be heard. A person need not commence a separate action to allege a violation of this chapter.

B. A complaint alleging a violation of this chapter may be filed by any person with knowledge of the offense or by the administrative body, court, or administrative tribunal on its own initiative. The court reporter or court reporting services provider alleged to have violated this chapter shall be given notice and a right to be heard on any such complaint, with the right of appeal or review as in other cases.

C. A complaint and request for civil penalties and sanctions may be brought:

1. By motion in the administrative body, court, or administrative tribunal in which the case is pending or scheduled to be heard; or

2. In the general district court for the county or city in which the court reporting services were or are scheduled to be provided.

D. A court reporter or court reporting services provider that willfully violates this chapter shall be subject to a civil penalty of \$500 for the first offense, \$750 for the second offense, and \$1,000 for the third and any subsequent offense. Such penalty shall be collected by the clerk of the administrative body, court, or administrative tribunal in which such penalty was assessed. The amounts so collected shall be paid by the clerk to the state treasury and credited to the Legal Aid Services Fund within the Virginia State Bar fund. Such amounts credited to the Legal Aid Services Fund shall be disbursed by the Virginia State Bar by check from the State Treasurer upon a warrant of the comptroller to nonprofit legal aid programs organized under the auspices of the Virginia State Bar through the Legal Services Corporation of Virginia.

*In addition to any civil penalty assessed, the administrative body, court, or administrative tribunal that received the complaint pursuant to this section and determined that a person or entity violated this chapter may bar such person or entity from providing services in matters before such body, court, or tribunal.*

*E. An administrative body, court, or administrative tribunal that finds a violation as a result of a complaint pursuant to this section shall submit a record of the nature and disposition of each complaint to the Virginia State Bar, which shall make such information publicly available on its website.*

**CHAPTER 784**

*An Act to include unstructured recreational time in any calculation of total instructional time.*

[S 273]

Approved April 6, 2018

**Be it enacted by the General Assembly of Virginia:**

**1. § 1.** *Local school boards shall provide (i) a minimum of 680 hours of instructional time to students in elementary school, except for students in half-day kindergarten, in the four academic disciplines of English, mathematics, science, and history and social science and (ii) a minimum of 375 hours of instructional time to students in half-day kindergarten in the four academic disciplines of English, mathematics, science, and history and social science.*

*§ 2. Local school boards may include and the Board of Education shall accept, for elementary school, unstructured recreational time that is intended to develop teamwork, social skills, and overall physical fitness in any calculation of total instructional time or teaching hours, provided that such unstructured recreational time does not exceed 15 percent of total instructional time or teaching hours.*

**CHAPTER 785**

*An Act to include unstructured recreational time in any calculation of total instructional time.*

[H 1419]

Approved April 6, 2018

**Be it enacted by the General Assembly of Virginia:**

**1. § 1.** *Local school boards shall provide (i) a minimum of 680 hours of instructional time to students in elementary school, except for students in half-day kindergarten, in the four academic disciplines of English, mathematics, science, and history and social science and (ii) a minimum of 375 hours of instructional time to students in half-day kindergarten in the four academic disciplines of English, mathematics, science, and history and social science.*

*§ 2. Local school boards may include and the Board of Education shall accept, for elementary school, unstructured recreational time that is intended to develop teamwork, social skills, and overall physical fitness in any calculation of total instructional time or teaching hours, provided that such unstructured recreational time does not exceed 15 percent of total instructional time or teaching hours.*

**CHAPTER 786**

*An Act to amend and reenact § 23.1-619 of the Code of Virginia, relating to public institutions of higher education; loans to students; collection.*

[H 165]

Approved April 6, 2018

**Be it enacted by the General Assembly of Virginia:**

**1. That § 23.1-619 of the Code of Virginia is amended and reenacted as follows:**

**§ 23.1-619. Collection of loans.**

~~Each~~ *For each loan made from its fund, each institution shall make:*

*1. Include in loan documents for each loan an individual plan for the repayment of principal and interest and the payment of any late fees and clear and detailed information about the collection process for such loan pursuant to the Virginia Debt Collection Act (§ 2.2-4800 et seq.), including information about the agency or entity that is responsible for collection;*

*2. Establish a process for notifying each student or, in the case of an undergraduate student and as appropriate, the student's parent of any loan payment that is past due no later than (i) 30 days after the payments become past due and (ii) if necessary, the end of the academic term during which such payment becomes past due; and*

*3. Make every effort to collect each loan ~~made from its fund~~ and comply with the Virginia Debt Collection Act (§ ~~2.2-4801~~ 2.2-4800 et seq.) with regard to the collection of such loans, provided that, notwithstanding §§ 2.2-4805 and 2.2-4806, the institution may, with the consent of the borrower, modify the terms of any loan for which payments are past due to provide for repayment forbearance on such loan and repayment to commence on a mutually agreed-upon date in the*

*future. Prior to entering into any such agreement, the institution shall provide the borrower with information regarding the effect of a forbearance on the loan amount, including (i) the amount of any additional accumulated principal and interest and (ii) the estimated total amount to be owed upon recommenced payments.*

### CHAPTER 787

*An Act to amend and reenact § 23.1-2904 of the Code of Virginia, relating to dual enrollment; quality.*

[H 3]

Approved April 6, 2018

**Be it enacted by the General Assembly of Virginia:**

**1. That § 23.1-2904 of the Code of Virginia is amended and reenacted as follows:**

**§ 23.1-2904. State Board; duties.**

In addition to the duties of governing boards of public institutions of higher education set forth in Chapter 13 (§ 23.1-1300 et seq.), the State Board shall:

1. Be the state agency with primary responsibility for coordinating workforce training at the postsecondary through the associate degree level, exclusive of the career and technical education programs provided through and administered by the public school system. This responsibility shall not preclude other agencies from also providing such services as appropriate, but these activities shall be coordinated with the comprehensive community colleges;
2. Report on actions that comprehensive community colleges have taken to meet the requirements of § 23.1-2906 in its annual report to the General Assembly on workforce development activities required by the general appropriation act;
3. Prepare and administer a plan providing standards and policies for the establishment, development, and administration of comprehensive community colleges under its authority. It shall determine the need for comprehensive community colleges and develop a statewide plan for their location and a time schedule for their establishment. In the development of such plan, a principal objective is to provide and maintain a system of comprehensive community colleges, as that term is defined in § 23.1-100 to make appropriate educational opportunities and programs available throughout the Commonwealth. In providing these offerings, the State Board shall recognize the need for excellence in all curricula and shall endeavor to establish and maintain standards appropriate to the various purposes the respective programs are designed to serve;
4. Establish policies providing for the creation of a local community college board for each comprehensive community college established under this chapter and the procedures and regulations under which such local boards shall operate. These boards shall assist in ascertaining educational needs and enlisting community involvement and support and shall perform such other duties as may be prescribed by the State Board;
5. Adhere to the policies of the Council for the coordination of higher education as required by law; ~~and~~
6. Develop a mental health referral policy directing comprehensive community colleges to designate at least one individual at each college to serve as a point of contact with an emergency services system clinician at a local community services board, or another qualified mental health services provider, for the purposes of facilitating screening and referral of students who may have emergency or urgent mental health needs and of assisting the college in carrying out the duties specified by §§ 23.1-802 and 23.1-805. Each comprehensive community college may establish relationships with community services boards or other mental health providers for referral and treatment of persons with less serious mental health needs; *and*
7. *Develop and implement, in coordination with the Council, the Department of Education, and the Virginia Association of School Superintendents, (i) a plan to achieve and maintain the same standards regarding quality, consistency, and level of evaluation and review for dual enrollment courses offered by local school divisions pursuant to § 23.1-907 as are required for all courses taught in the System and (ii) a process and criteria for determining whether any dual enrollment course offered in the Commonwealth that meets or exceeds such standards is transferable to a public institution of higher education as (a) a uniform certificate of general studies program or passport program course credit, (b) a general elective course credit, or (c) a course credit meeting other academic requirements of a public institution of higher education.*

### CHAPTER 788

*An Act to amend and reenact § 8.01-27.5 of the Code of Virginia, relating to Medicare, Medicaid, and CHIP; duty of in-network providers to submit claims.*

[S 536]

Approved April 6, 2018

**Be it enacted by the General Assembly of Virginia:**

**1. That § 8.01-27.5 of the Code of Virginia is amended and reenacted as follows:**

**§ 8.01-27.5. Duty of in-network providers to submit claims to health insurers; liability of covered patients for unbilled health care services.**

A. As used in this section:

"Covered patient" means a patient whose health care services are covered under terms of a health care policy.

"Health care policy" means any health care plan, subscription contract, evidence of coverage, certificate, health services plan, medical or hospital services plan, accident and sickness insurance policy or certificate, or other similar certificate, policy, contract, or arrangement, and any endorsement or rider thereto, offered, arranged, issued, or administered by a health insurer to an individual or a group contract holder to cover all or a portion of the cost of individuals, or their eligible dependents, receiving covered health care services. "Health care policy" includes coverages issued pursuant to (i) Chapter 28 (§ 2.2-2800 et seq.) of Title 2.2 (state employees); (ii) § 2.2-1204 (local choice); (iii) 5 U.S.C. § 8901 et seq. (federal employees); ~~and~~ (iv) an employee welfare benefit plan as defined in 29 U.S.C. § 1002 (1) of the Employee Retirement Income Security Act of 1974 (ERISA) that is self-insured or self-funded; *and* (v) *Title XVIII of the Social Security Act, 42 U.S.C. § 1395 et seq. (Medicare), Title XIX of the Social Security Act, 42 U.S.C. § 1396 et seq. (Medicaid), or Title XXI of the Social Security Act, 42 U.S.C. § 1397aa et seq. (CHIP).* "Health care policy" does not include (a) ~~coverages issued pursuant to Title XVIII of the Social Security Act, 42 U.S.C. § 1395 et seq. (Medicare), Title XIX of the Social Security Act, 42 U.S.C. § 1396 et seq. (Medicaid), or Title XXI of the Social Security Act, 42 U.S.C. § 1397aa et seq. (CHIP),~~ or Chapter 55 of Title 10 of the United States Code, 10 U.S.C. § 1071 et seq. (TRICARE); (b) subscription contracts for one or more dental or optometric services plans that are subject to Chapter 45 (§ 38.2-4500 et seq.) of Title 38.2; (c) insurance policies that provide coverage, singly or in combination, for death, dismemberment, disability, or hospital and medical care caused by or necessitated as a result of accident or specified kinds of accidents, including student accident, sports accident, blanket accident, specific accident, and accidental death and dismemberment policies; (d) credit life insurance and credit accident and sickness insurance issued pursuant to Chapter 37.1 (§ 38.2-3717 et seq.) of Title 38.2; (e) insurance policies that provide payments when an insured is disabled or unable to work because of illness, disease, or injury, including incidental benefits; (f) long-term care insurance as defined in § 38.2-5200; (g) plans providing only limited health care services under § 38.2-4300 unless offered by endorsement or rider to a group health benefit plan; (h) TRICARE supplement, Medicare supplement, or workers' compensation coverages; or (i) medical expense coverage issued pursuant to § 38.2-2201.

"Health care provider" has the same meaning ascribed to the term in § 8.01-581.1.

"Health care services" means items or services furnished to any individual for the purpose of preventing, alleviating, curing, or healing human illness, injury, or physical disability.

"Health insurer" means any entity that is the issuer or sponsor of a health care policy.

"In-network provider" means a health care provider that is employed by or has entered into a provider agreement with the health insurer that has issued the health care policy *or is a participating provider with such health insurer*, under which agreement *or conditions of participation* the health care provider has agreed to provide health care services to covered patients.

"Patient" means an individual who receives health care services from a health care provider, or any person authorized by law to consent on behalf of the individual incapable of making an informed decision, or, in the case of a minor child, the parent or parents having custody of the child or the child's legal guardian, or as otherwise provided by law.

"Provider agreement" means a contract, agreement, or arrangement between a health care provider and a health insurer, or a health insurer's network, provider panel, intermediary, or representative, under which the health care provider has agreed to provide health care services to patients with coverage under a health care policy issued by the health insurer and to accept payment from the health insurer for the health care services provided.

B. An in-network provider that provides health care services to a covered patient shall submit its claim to the health insurer for the health care services in accordance with the terms of the applicable provider agreement *or as permitted under applicable federal or state laws or regulations*, provided that the covered patient provides the in-network provider with information required by the terms of the covered patient's health care policy's plan documents, including the information that is required to verify the individual's coverage under the health care policy, within not fewer than 21 business days before the deadline for the in-network provider to submit its claim to the health insurer as required by the terms of the provider agreement. If an in-network provider does not submit its claim to the health insurer in accordance with the requirements of this subsection, then (i) the covered patient shall have no obligation to pay for health care services for which the in-network provider was required to submit its claim, (ii) the in-network provider shall not have the benefit of the liens provided by §§ 8.01-66.2 and 8.01-66.9 with regard to health care services for which the in-network provider was required to submit its claim, and (iii) the in-network provider shall be prohibited from recovering payment for any of the health care services for which it was required to submit its claim from an insurer providing medical expense benefits to the covered patient under a policy of motor vehicle liability insurance pursuant to § 38.2-2201, by exercising an assignment of the covered patient's rights to the medical expense benefits or by other means. If the in-network provider submits its claim to the health insurer in accordance with the requirements of this subsection, the covered patient or the health insurer shall be obligated to pay for the health care services in accordance with the terms of the provider agreement or health care policy's plan documents. To the extent that self-insured or self-funded plans governed by ERISA *or Title XVIII of the Social Security Act, 42 U.S.C. § 1395 et seq. (Medicare), Title XIX of the Social Security Act, 42 U.S.C. § 1396 et seq. (Medicaid), or Title XXI of the Social Security Act, 42 U.S.C. § 1397aa et seq. (CHIP)* provide otherwise, health care providers shall be permitted to submit claims and coordinate benefits as provided for in the provider agreements or plan documents *or as required under applicable federal and state laws and regulations*.

## CHAPTER 789

*An Act to exempt certain children's residential facilities from current licensure requirements.*

[S 506]

Approved April 6, 2018

**Be it enacted by the General Assembly of Virginia:**

1. *§ 1. That, notwithstanding any provision of Chapter 17 (§ 63.2-1700 et seq.) of Title 63.2 of the Code of Virginia, the Commissioner of Social Services shall issue a license to a facility operated or conducted under the auspices of a religious institution established in 1978 and located in Atkins, Virginia, at the intersection of Pierce Road and Freedom Tabernacle Lane that receives no public funds that meets the minimum standards for licensed child-caring institutions adopted by the Board of Social Services and in effect on January 1, 1987. Such facility shall not be required to comply with regulations governing children's residential facilities as a condition of licensure.*

2. **That the provisions of this act shall expire on July 1, 2021.**

## CHAPTER 790

*An Act to amend and reenact § 54.1-3303 of the Code of Virginia, relating to treatment of sexually transmitted disease.*

[H 1054]

Approved April 6, 2018

**Be it enacted by the General Assembly of Virginia:**

1. **That § 54.1-3303 of the Code of Virginia is amended and reenacted as follows:**

**§ 54.1-3303. Prescriptions to be issued and drugs to be dispensed for medical or therapeutic purposes only.**

A. A prescription for a controlled substance may be issued only by a practitioner of medicine, osteopathy, podiatry, dentistry or veterinary medicine who is authorized to prescribe controlled substances, or by a licensed nurse practitioner pursuant to § 54.1-2957.01, a licensed physician assistant pursuant to § 54.1-2952.1, or a TPA-certified optometrist pursuant to Article 5 (§ 54.1-3222 et seq.) of Chapter 32.

~~The B. A prescription shall be issued for a medicinal or therapeutic purpose and may be issued only to persons or animals with whom the practitioner has a bona fide practitioner-patient relationship.~~

~~For purposes of this section, a bona fide practitioner-patient pharmacist relationship is one in which a practitioner prescribes, and a pharmacist dispenses, controlled substances in good faith to his patient for a medicinal or therapeutic purpose within the course of his professional practice. In addition, a bona fide practitioner-patient relationship means that shall exist if the practitioner shall has (i) ensure that obtained or caused to be obtained a medical or drug history is obtained of the patient; (ii) provide provided information to the patient about the benefits and risks of the drug being prescribed; (iii) perform performed or have caused to be performed an appropriate examination of the patient, either physically or by the use of instrumentation and diagnostic equipment through which images and medical records may be transmitted electronically; except for medical emergencies, the examination of the patient shall have been performed by the practitioner himself, within the group in which he practices, or by a consulting practitioner prior to issuing a prescription; and (iv) initiate initiated additional interventions and follow-up care, if necessary, especially if a prescribed drug may have serious side effects. Except in cases involving a medical emergency, the examination required pursuant to clause (iii) shall be performed by the practitioner prescribing the controlled substance, a practitioner who practices in the same group as the practitioner prescribing the controlled substance, or a consulting practitioner. In cases in which the practitioner is an employee of the Department of Health and is providing expedited partner therapy consistent with the recommendations of the Centers for Disease Control and Prevention, the examination required by clause (iii) shall not be required.~~

~~A practitioner who performs or has performed an appropriate examination of the patient required pursuant to clause (iii), either physically or by the use of instrumentation and diagnostic equipment through which images and medical records may be transmitted electronically, for the purpose of establishing a bona fide practitioner-patient relationship, has established a bona fide practitioner-patient relationship with a patient in accordance with the provisions of this subsection may prescribe Schedule II through VI controlled substances to the that patient, provided that, in cases in which the practitioner has performed the examination required pursuant to clause (iii) by use of instrumentation and diagnostic equipment through which images and medical records may be transmitted electronically, the prescribing of such Schedule II through V controlled substance is in compliance with federal requirements for the practice of telemedicine.~~

~~For the purpose of prescribing a Schedule VI controlled substance to a patient via telemedicine services as defined in § 38.2-3418.16, a prescriber may establish a bona fide practitioner-patient relationship by an examination through face-to-face interactive, two-way, real-time communications services or store-and-forward technologies when all of the following conditions are met: (a) the patient has provided a medical history that is available for review by the prescriber; (b) the prescriber obtains an updated medical history at the time of prescribing; (c) the prescriber makes a diagnosis at the time of prescribing; (d) the prescriber conforms to the standard of care expected of in-person care as appropriate to the patient's age and presenting condition, including when the standard of care requires the use of diagnostic testing and performance of a physical examination, which may be carried out through the use of peripheral devices appropriate to the~~

patient's condition; (e) the prescriber is actively licensed in the Commonwealth and authorized to prescribe; (f) if the patient is a member or enrollee of a health plan or carrier, the prescriber has been credentialed by the health plan or carrier as a participating provider and the diagnosing and prescribing meets the qualifications for reimbursement by the health plan or carrier pursuant to § 38.2-3418.16; and (g) upon request, the prescriber provides patient records in a timely manner in accordance with the provisions of § 32.1-127.1:03 and all other state and federal laws and regulations. Nothing in this paragraph shall permit a prescriber to establish a bona fide practitioner-patient relationship for the purpose of prescribing a Schedule VI controlled substance when the standard of care dictates that an in-person physical examination is necessary for diagnosis. Nothing in this paragraph shall apply to: (1) a prescriber providing on-call coverage per an agreement with another prescriber or his prescriber's professional entity or employer; (2) a prescriber consulting with another prescriber regarding a patient's care; or (3) orders of prescribers for hospital out-patients or in-patients.

~~Any~~ *C. A prescription shall only be issued for a medicinal or therapeutic purpose in the usual course of treatment or for authorized research. A prescription not issued in the usual course of treatment or for authorized research is not a valid prescription. A practitioner who prescribes any controlled substance with the knowledge that the controlled substance will be used otherwise than ~~medicinally~~ or for medicinal or therapeutic purposes shall be subject to the criminal penalties provided in § 18.2-248 for violations of the provisions of law relating to the distribution or possession of controlled substances.*

~~B-~~ *D. No prescription shall be filled unless a bona fide practitioner-patient-pharmacist relationship exists. A bona fide practitioner-patient-pharmacist relationship shall exist in cases in which a practitioner prescribes, and a pharmacist dispenses, controlled substances in good faith to a patient for a medicinal or therapeutic purpose within the course of his professional practice.*

~~In order to determine whether a prescription that appears questionable to the pharmacist results from cases in which it is not clear to a pharmacist that a bona fide practitioner-patient relationship exists between a prescriber and a patient, the~~ *a pharmacist shall contact the prescribing practitioner or his agent and verify the identity of the patient and name and quantity of the drug prescribed.*

~~The~~ *Any person knowingly filling an invalid prescription shall be subject to the criminal penalties provided in § 18.2-248 for violations of the provisions of law relating to the sale, distribution or possession of controlled substances.*

~~No prescription shall be filled unless there is a bona fide practitioner-patient-pharmacist relationship.~~

~~A prescription not issued in the usual course of treatment or for authorized research is not a valid prescription.~~

~~G-~~ *E. Notwithstanding any provision of law to the contrary and consistent with recommendations of the Centers for Disease Control and Prevention or the Department of Health, a practitioner may prescribe Schedule VI antibiotics and antiviral agents to other persons in close contact with a diagnosed patient when (i) the practitioner meets all requirements of a bona fide practitioner-patient relationship, as defined in subsection ~~A B~~, with the diagnosed patient; (ii) in the practitioner's professional judgment, the practitioner deems there is urgency to begin treatment to prevent the transmission of a communicable disease; (iii) the practitioner has met all requirements of a bona fide practitioner-patient relationship, as defined in subsection ~~A B~~, for the close contact except for the physical examination required in clause (iii) of subsection ~~A B~~; and (iv) when such emergency treatment is necessary to prevent imminent risk of death, life-threatening illness, or serious disability.*

~~D-~~ *F. A pharmacist may dispense a controlled substance pursuant to a prescription of an out-of-state practitioner of medicine, osteopathy, podiatry, dentistry, optometry, or veterinary medicine, a nurse practitioner, or a physician assistant authorized to issue such prescription if the prescription complies with the requirements of this chapter and the Drug Control Act (§ 54.1-3400 et seq.).*

~~E-~~ *G. A licensed nurse practitioner who is authorized to prescribe controlled substances pursuant to § 54.1-2957.01 may issue prescriptions or provide manufacturers' professional samples for controlled substances and devices as set forth in the Drug Control Act (§ 54.1-3400 et seq.) in good faith to his patient for a medicinal or therapeutic purpose within the scope of his professional practice.*

~~F-~~ *H. A licensed physician assistant who is authorized to prescribe controlled substances pursuant to § 54.1-2952.1 may issue prescriptions or provide manufacturers' professional samples for controlled substances and devices as set forth in the Drug Control Act (§ 54.1-3400 et seq.) in good faith to his patient for a medicinal or therapeutic purpose within the scope of his professional practice.*

~~G-~~ *I. A TPA-certified optometrist who is authorized to prescribe controlled substances pursuant to Article 5 (§ 54.1-3222 et seq.) of Chapter 32 may issue prescriptions in good faith or provide manufacturers' professional samples to his patients for medicinal or therapeutic purposes within the scope of his professional practice for the drugs specified on the TPA-Formulary, established pursuant to § 54.1-3223, which shall be limited to (i) analgesics included on Schedule II controlled substances as defined in § 54.1-3448 of the Drug Control Act (§ 54.1-3400 et seq.) consisting of hydrocodone in combination with acetaminophen; (ii) oral analgesics included in Schedules III through VI, as defined in §§ 54.1-3450 and 54.1-3455 of the Drug Control Act (§ 54.1-3400 et seq.), which are appropriate to relieve ocular pain; (iii) other oral Schedule VI controlled substances, as defined in § 54.1-3455 of the Drug Control Act, appropriate to treat diseases and abnormal conditions of the human eye and its adnexa; (iv) topically applied Schedule VI drugs, as defined in § 54.1-3455 of the Drug Control Act; and (v) intramuscular administration of epinephrine for treatment of emergency cases of anaphylactic shock.*

H. J. The requirement for a bona fide practitioner-patient relationship shall be deemed to be satisfied by a member or committee of a hospital's medical staff when approving a standing order or protocol for the administration of influenza vaccinations and pneumococcal vaccinations in a hospital in compliance with § 32.1-126.4.

**2. That the Commissioner of Health shall convene a workgroup consisting of staff of the Department of Health and practitioners engaged in private practice to evaluate services provided by the Department of Health pursuant to this act and to make appropriate recommendations for the use of expedited partner therapy in the Commonwealth. The Commissioner of Health shall report to the Secretary of Health and Human Resources concerning his findings and recommendations by July 1, 2019.**

**3. That the provisions of this act shall expire on July 1, 2020.**

## CHAPTER 791

*An Act to amend and reenact § 32.1-127 of the Code of Virginia, relating to admissions for mental health treatment; toxicology.*

[H 886]

Approved April 6, 2018

**Be it enacted by the General Assembly of Virginia:**

**1. That § 32.1-127 of the Code of Virginia is amended and reenacted as follows:**

**§ 32.1-127. Regulations.**

A. The regulations promulgated by the Board to carry out the provisions of this article shall be in substantial conformity to the standards of health, hygiene, sanitation, construction and safety as established and recognized by medical and health care professionals and by specialists in matters of public health and safety, including health and safety standards established under provisions of Title XVIII and Title XIX of the Social Security Act, and to the provisions of Article 2 (§ 32.1-138 et seq.).

B. Such regulations:

1. Shall include minimum standards for (i) the construction and maintenance of hospitals, nursing homes and certified nursing facilities to ensure the environmental protection and the life safety of its patients, employees, and the public; (ii) the operation, staffing and equipping of hospitals, nursing homes and certified nursing facilities; (iii) qualifications and training of staff of hospitals, nursing homes and certified nursing facilities, except those professionals licensed or certified by the Department of Health Professions; (iv) conditions under which a hospital or nursing home may provide medical and nursing services to patients in their places of residence; and (v) policies related to infection prevention, disaster preparedness, and facility security of hospitals, nursing homes, and certified nursing facilities. For purposes of this paragraph, facilities in which five or more first trimester abortions per month are performed shall be classified as a category of "hospital";

2. Shall provide that at least one physician who is licensed to practice medicine in this Commonwealth shall be on call at all times, though not necessarily physically present on the premises, at each hospital which operates or holds itself out as operating an emergency service;

3. May classify hospitals and nursing homes by type of specialty or service and may provide for licensing hospitals and nursing homes by bed capacity and by type of specialty or service;

4. Shall also require that each hospital establish a protocol for organ donation, in compliance with federal law and the regulations of the Centers for Medicare and Medicaid Services (CMS), particularly 42 C.F.R. § 482.45. Each hospital shall have an agreement with an organ procurement organization designated in CMS regulations for routine contact, whereby the provider's designated organ procurement organization certified by CMS (i) is notified in a timely manner of all deaths or imminent deaths of patients in the hospital and (ii) is authorized to determine the suitability of the decedent or patient for organ donation and, in the absence of a similar arrangement with any eye bank or tissue bank in Virginia certified by the Eye Bank Association of America or the American Association of Tissue Banks, the suitability for tissue and eye donation. The hospital shall also have an agreement with at least one tissue bank and at least one eye bank to cooperate in the retrieval, processing, preservation, storage, and distribution of tissues and eyes to ensure that all usable tissues and eyes are obtained from potential donors and to avoid interference with organ procurement. The protocol shall ensure that the hospital collaborates with the designated organ procurement organization to inform the family of each potential donor of the option to donate organs, tissues, or eyes or to decline to donate. The individual making contact with the family shall have completed a course in the methodology for approaching potential donor families and requesting organ or tissue donation that (a) is offered or approved by the organ procurement organization and designed in conjunction with the tissue and eye bank community and (b) encourages discretion and sensitivity according to the specific circumstances, views, and beliefs of the relevant family. In addition, the hospital shall work cooperatively with the designated organ procurement organization in educating the staff responsible for contacting the organ procurement organization's personnel on donation issues, the proper review of death records to improve identification of potential donors, and the proper procedures for maintaining potential donors while necessary testing and placement of potential donated organs, tissues, and eyes takes place. This process shall be followed, without exception, unless the family of the relevant decedent or patient has expressed opposition to organ donation, the chief administrative officer of the hospital or his designee knows of such opposition, and no donor card or other relevant document, such as an advance directive, can be found;

5. Shall require that each hospital that provides obstetrical services establish a protocol for admission or transfer of any pregnant woman who presents herself while in labor;

6. Shall also require that each licensed hospital develop and implement a protocol requiring written discharge plans for identified, substance-abusing, postpartum women and their infants. The protocol shall require that the discharge plan be discussed with the patient and that appropriate referrals for the mother and the infant be made and documented. Appropriate referrals may include, but need not be limited to, treatment services, comprehensive early intervention services for infants and toddlers with disabilities and their families pursuant to Part H of the Individuals with Disabilities Education Act, 20 U.S.C. § 1471 et seq., and family-oriented prevention services. The discharge planning process shall involve, to the extent possible, the father of the infant and any members of the patient's extended family who may participate in the follow-up care for the mother and the infant. Immediately upon identification, pursuant to § 54.1-2403.1, of any substance-abusing, postpartum woman, the hospital shall notify, subject to federal law restrictions, the community services board of the jurisdiction in which the woman resides to appoint a discharge plan manager. The community services board shall implement and manage the discharge plan;

7. Shall require that each nursing home and certified nursing facility fully disclose to the applicant for admission the home's or facility's admissions policies, including any preferences given;

8. Shall require that each licensed hospital establish a protocol relating to the rights and responsibilities of patients which shall include a process reasonably designed to inform patients of such rights and responsibilities. Such rights and responsibilities of patients, a copy of which shall be given to patients on admission, shall be consistent with applicable federal law and regulations of the Centers for Medicare and Medicaid Services;

9. Shall establish standards and maintain a process for designation of levels or categories of care in neonatal services according to an applicable national or state-developed evaluation system. Such standards may be differentiated for various levels or categories of care and may include, but need not be limited to, requirements for staffing credentials, staff/patient ratios, equipment, and medical protocols;

10. Shall require that each nursing home and certified nursing facility train all employees who are mandated to report adult abuse, neglect, or exploitation pursuant to § 63.2-1606 on such reporting procedures and the consequences for failing to make a required report;

11. Shall permit hospital personnel, as designated in medical staff bylaws, rules and regulations, or hospital policies and procedures, to accept emergency telephone and other verbal orders for medication or treatment for hospital patients from physicians, and other persons lawfully authorized by state statute to give patient orders, subject to a requirement that such verbal order be signed, within a reasonable period of time not to exceed 72 hours as specified in the hospital's medical staff bylaws, rules and regulations or hospital policies and procedures, by the person giving the order, or, when such person is not available within the period of time specified, co-signed by another physician or other person authorized to give the order;

12. Shall require, unless the vaccination is medically contraindicated or the resident declines the offer of the vaccination, that each certified nursing facility and nursing home provide or arrange for the administration to its residents of (i) an annual vaccination against influenza and (ii) a pneumococcal vaccination, in accordance with the most recent recommendations of the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention;

13. Shall require that each nursing home and certified nursing facility register with the Department of State Police to receive notice of the registration or reregistration of any sex offender within the same or a contiguous zip code area in which the home or facility is located, pursuant to § 9.1-914;

14. Shall require that each nursing home and certified nursing facility ascertain, prior to admission, whether a potential patient is a registered sex offender, if the home or facility anticipates the potential patient will have a length of stay greater than three days or in fact stays longer than three days;

15. Shall require that each licensed hospital include in its visitation policy a provision allowing each adult patient to receive visits from any individual from whom the patient desires to receive visits, subject to other restrictions contained in the visitation policy including, but not limited to, those related to the patient's medical condition and the number of visitors permitted in the patient's room simultaneously;

16. Shall require that each nursing home and certified nursing facility shall, upon the request of the facility's family council, send notices and information about the family council mutually developed by the family council and the administration of the nursing home or certified nursing facility, and provided to the facility for such purpose, to the listed responsible party or a contact person of the resident's choice up to six times per year. Such notices may be included together with a monthly billing statement or other regular communication. Notices and information shall also be posted in a designated location within the nursing home or certified nursing facility. No family member of a resident or other resident representative shall be restricted from participating in meetings in the facility with the families or resident representatives of other residents in the facility;

17. Shall require that each nursing home and certified nursing facility maintain liability insurance coverage in a minimum amount of \$1 million, and professional liability coverage in an amount at least equal to the recovery limit set forth in § 8.01-581.15, to compensate patients or individuals for injuries and losses resulting from the negligent or criminal acts of the facility. Failure to maintain such minimum insurance shall result in revocation of the facility's license;

18. Shall require each hospital that provides obstetrical services to establish policies to follow when a stillbirth, as defined in § 32.1-69.1, occurs that meet the guidelines pertaining to counseling patients and their families and other aspects of managing stillbirths as may be specified by the Board in its regulations;

19. Shall require each nursing home to provide a full refund of any unexpended patient funds on deposit with the facility following the discharge or death of a patient, other than entrance-related fees paid to a continuing care provider as defined in § 38.2-4900, within 30 days of a written request for such funds by the discharged patient or, in the case of the death of a patient, the person administering the person's estate in accordance with the Virginia Small Estates Act (§ 64.2-600 et seq.); and

20. Shall require that each hospital that provides inpatient psychiatric services establish a protocol that (i) requires, for any refusal to admit (i) a medically stable patient referred to its psychiatric unit, direct verbal communication between the on-call physician in the psychiatric unit and the referring physician, if requested by such referring physician, and (ii) prohibits on-call physicians or other hospital staff from refusing a request for such direct verbal communication by a referring physician and (ii) a patient for whom there is a question regarding the medical stability or medical appropriateness of admission for inpatient psychiatric services due to a situation involving results of a toxicology screening, the on-call physician in the psychiatric unit to which the patient is sought to be transferred to participate in direct verbal communication, either in person or via telephone, with a clinical toxicologist or other person who is a Certified Specialist in Poison Information employed by a poison control center that is accredited by the American Association of Poison Control Centers to review the results of the toxicology screen and determine whether a medical reason for refusing admission to the psychiatric unit related to the results of the toxicology screen exists, if requested by the referring physician.

C. Upon obtaining the appropriate license, if applicable, licensed hospitals, nursing homes, and certified nursing facilities may operate adult day care centers.

D. All facilities licensed by the Board pursuant to this article which provide treatment or care for hemophiliacs and, in the course of such treatment, stock clotting factors, shall maintain records of all lot numbers or other unique identifiers for such clotting factors in order that, in the event the lot is found to be contaminated with an infectious agent, those hemophiliacs who have received units of this contaminated clotting factor may be apprised of this contamination. Facilities which have identified a lot which is known to be contaminated shall notify the recipient's attending physician and request that he notify the recipient of the contamination. If the physician is unavailable, the facility shall notify by mail, return receipt requested, each recipient who received treatment from a known contaminated lot at the individual's last known address.

## CHAPTER 792

*An Act to amend and reenact § 19.2-13 of the Code of Virginia, relating to special conservators of the peace; authority; insurance.*

[H 151]

Approved April 6, 2018

**Be it enacted by the General Assembly of Virginia:**

**1. That § 19.2-13 of the Code of Virginia is amended and reenacted as follows:**

**§ 19.2-13. Special conservators of the peace; authority; jurisdiction; registration; liability of employers; penalty; report.**

A. Upon the submission of an application, which shall include the results of the background investigation conducted pursuant to subsection C, from (i) any sheriff or chief of police of any county, city, or town; (ii) any corporation authorized to do business in the Commonwealth; (iii) the owner, proprietor, or authorized custodian of any place within the Commonwealth; or (iv) any museum owned and managed by the Commonwealth, a circuit court judge of any county or city shall appoint special conservators of the peace who shall serve as such for such length of time as the court may designate, but not exceeding four years under any one appointment, during which time the court shall retain jurisdiction over the appointment order, upon a showing by the applicant of a necessity for the security of property or the peace and presentation of evidence that the person or persons to be appointed as a special conservator of the peace possess a valid registration issued by the Department of Criminal Justice Services in accordance with the provisions of subsection C. Upon an application made pursuant to clause (ii), (iii), or (iv), the court shall, prior to entering the order of appointment, transmit a copy of the application to the local attorney for the Commonwealth and the local sheriff or chief of police who may submit to the court a sworn, written statement indicating whether the order of appointment should be granted. However, a judge may deny the appointment for good cause, and shall state the specific reasons for the denial in writing in the order denying the appointment. A judge also may revoke the appointment order for good cause shown, upon the filing of a sworn petition by the attorney for the Commonwealth, sheriff, or chief of police for any locality in which the special conservator of the peace is authorized to serve or by the Department of Criminal Justice Services. Prior to revocation, a hearing shall be set and the special conservator of the peace shall be given notice and the opportunity to be heard. The judge may temporarily suspend the appointment pending the hearing for good cause shown. A hearing on the petition shall be heard by the court as soon as practicable. If the appointment order is suspended or revoked, the clerk of court shall notify the Department of

Criminal Justice Services, the Department of State Police, the applicable local law-enforcement agencies in all cities and counties where the special conservator of the peace is authorized to serve, and the employer of the special conservator of the peace.

The order of appointment ~~may shall~~ provide that a special conservator of the peace ~~shall have all the powers, functions, duties, responsibilities and authority of any other conservator of the peace~~ *may perform only the duties for which he is qualified by training as established by the Criminal Justice Services Board. The order of appointment shall provide that such duties shall be exercised only within such geographical limitations as the court may deem appropriate specified by the court, which shall be* within the confines of the county, city or town that makes application or on the real property where the corporate applicant is located, or any real property contiguous to such real property, limited, except as provided in subsection F, to the city or county wherein application has been made, ~~whenever and only when~~ such special conservator of the peace is engaged in the performance of his duties as such; *however, a court may, in its discretion, specify in the order of appointment additional jurisdictions in which a special conservator of the peace employed by the Shenandoah Valley Regional Airport Commission or the Richmond Metropolitan Transportation Authority may exercise his duties.* The order may provide that the special conservator of the peace shall have the authority to make an arrest outside of such geographical limitations if the arrest results from a close pursuit that was initiated when the special conservator of the peace was within the confines of the area wherein he has been authorized to have the powers and authority of a special conservator of the peace; the order ~~may shall~~ further delineate a geographical limitation or distance beyond which the special conservator of the peace may not effectuate such an arrest that follows from a close pursuit. The order shall require the special conservator of the peace to comply with the provisions of the United States Constitution and the Constitution of Virginia. The order shall not identify the special conservator of the peace as a law-enforcement officer pursuant to § 9.1-101. The order may provide, however, that the special conservator of the peace is a "law-enforcement officer" for the purposes of Article 4 (§ 37.2-808 et seq.) of Chapter 8 of Title 37.2 or Article 16 (§ 16.1-335 et seq.) of Chapter 11 of Title 16.1, but such designation shall not qualify the special conservator of the peace as a "qualified law-enforcement officer" or "qualified retired law-enforcement officer" within the meaning of the federal Law Enforcement Officer Safety Act, 18 U.S.C. § 926(B) et seq., and the order of appointment shall specifically state this. ~~Upon request and for good cause shown, the order may also provide that the special conservator of the peace is authorized to use the seal of the Commonwealth in a badge or other credential of office as the court may deem appropriate. Upon request and for good cause shown, the order may also provide that the special conservator of the peace may use the title "police" on any badge or uniform worn in the performance of his duties as such.~~ The order may also provide that a special conservator of the peace who has completed the minimum training standards established by the Criminal Justice Services Board, has the authority to affect arrests, using up to the same amount of force as would be allowed to a law-enforcement officer employed by the Commonwealth or any of its political subdivisions when making a lawful arrest. The order shall prohibit blue flashing lights, but upon request and for good cause shown may provide that the special conservator of the peace may use flashing lights and sirens on any vehicle used by the special conservator of the peace when he is in the performance of his duties. Prior to granting an application for appointment, the circuit court shall ensure that the applicant has met the registration requirements established by the Criminal Justice Services Board.

B. All applications and orders for appointments of special conservators of the peace shall be submitted on forms developed by the Office of the Executive Secretary of the Supreme Court of Virginia in consultation with the Department of Criminal Justice Services and shall specify the duties for which the applicant is qualified. The applications and orders shall specify the geographic limitations consistent with subsection A.

C. No person shall seek appointment as a special conservator of the peace from a circuit court judge without possessing a valid registration issued by the Department of Criminal Justice Services, except as provided in this section. Applicants for registration may submit an application on or after January 1, 2004. A temporary registration may be issued in accordance with regulations established by the Criminal Justice Services Board while awaiting the results of a state and national fingerprint search. However, no person shall be issued a valid registration or temporary registration until he has (i) complied with, or been exempted from the compulsory minimum training standards as set forth in this section; (ii) submitted his fingerprints on a form provided by the Department to be used for the conduct of a national criminal records search and a Virginia criminal history records search; (iii) submitted the results of a background investigation, performed by any state or local law-enforcement agency, which may, at its discretion, charge a reasonable fee to the applicant and which shall include a review of the applicant's criminal history records and may include a review of the applicant's school records, employment records, or interviews with persons possessing general knowledge of the applicant's character and fitness for such appointment; and (iv) met all other requirements of this article and Board regulations. No person with a criminal conviction for a misdemeanor involving (a) moral turpitude, (b) assault and battery, (c) damage to real or personal property, (d) controlled substances or imitation controlled substances as defined in Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2, (e) prohibited sexual behavior as described in Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2, or (f) firearms, or any felony, or who is required to register with the Sex Offender and Crimes Against Minors Registry pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1, or who is prohibited from possessing, transporting, or purchasing a firearm shall be eligible for registration or appointment as a special conservator of the peace. A special conservator of the peace shall report if he is arrested for, charged with, or convicted of any misdemeanor or felony offense or becomes ineligible for registration or appointment as a special conservator of the peace pursuant to this subsection to the Department of Criminal Justice Services and the chief law-enforcement officer of all localities in which he is authorized to serve within

three days of such arrest or of becoming ineligible for registration or appointment as a special conservator of the peace. Any appointment for a special conservator of the peace shall be eligible for suspension and revocation after a hearing pursuant to subsection A if the special conservator of the peace is convicted of any offense listed in this subsection or becomes ineligible for registration or appointment as a special conservator of the peace pursuant to this subsection. All appointments for special conservators of the peace shall become void on September 15, 2004, unless they have obtained a valid registration issued by the Department of Criminal Justice Services.

D. Each person registered as or seeking registration as a special conservator of the peace shall be covered by evidence of a policy of (i) personal injury liability insurance, as defined in § 38.2-117; (ii) property damage liability insurance, as defined in § 38.2-118; and (iii) miscellaneous casualty insurance, as defined in subsection B of § 38.2-111, which includes professional liability insurance that provides coverage for any activity within the scope of the duties of a special conservator of the peace as set forth in this section, in an amount and with coverage for each as fixed by the Board, or self-insurance in an amount and with coverage as fixed by the Board. Any person who is aggrieved by the misconduct of any person registered as a special conservator of the peace and recovers a judgment against the registrant, which is unsatisfied in whole or in part, may bring an action in his own name against the insurance policy of the registrant.

E. Effective July 1, 2015, all persons currently appointed or seeking appointment or reappointment as a special conservator of the peace are required to register with the Department of Criminal Justice Services, regardless of any other standing the person may have as a law-enforcement officer or other position requiring registration or licensure by the Department. The employer of any special conservator of the peace shall notify the circuit court, the Department of Criminal Justice Services, the Department of State Police, and the chief law-enforcement officer of all localities in which the special conservator of the peace is authorized to serve within 30 days after the date such individual has left employment and all powers of the special conservator of the peace shall be void. Failure to provide such notification shall be punishable by a fine of \$250 plus an additional \$50 per day for each day such notice is not provided.

F. When the application is made by any sheriff or chief of police, the circuit court shall specify in the order of appointment the name of the applicant authorized under subsection A and the geographic jurisdiction of the special conservator of the peace. Such appointments shall be limited to the city or county wherein application has been made. When the application is made by any corporation authorized to do business in the Commonwealth, any owner, proprietor, or authorized custodian of any place within the Commonwealth, or any museum owned and managed by the Commonwealth, the circuit court shall specify in the order of appointment the name of the applicant authorized under subsection A and the specific real property where the special conservator of the peace is authorized to serve. Such appointments shall be limited to the specific real property within the county, city, or town wherein application has been made. In the case of a corporation or other business, the court appointment may also include, for good cause shown, any real property owned or leased by the corporation or business, including any subsidiaries, in other specifically named cities and counties, but shall provide that the powers of the special conservator of the peace do not extend beyond the boundaries of such real property. The clerk of the appointing circuit court shall transmit to the Department of State Police, the clerk of the circuit court of each locality where the special conservator of the peace is authorized to serve, and the sheriff or chief of police of each such locality a copy of the order of appointment that shall specify the following information: the person's complete name, address, date of birth, social security number, gender, race, height, weight, color of hair, color of eyes, firearm authority or limitation as set forth in subsection G, date of the order, and other information as may be required by the Department of State Police. The Department of State Police shall enter the person's name and other information into the Virginia Criminal Information Network established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52. The Department of State Police may charge a fee not to exceed \$10 to cover its costs associated with processing these orders. Each special conservator of the peace so appointed on application shall present his credentials to the chief of police or sheriff or his designee of all jurisdictions where he has conservator powers. If his powers are limited to certain areas of real property owned or leased by a corporation or business, he shall also provide notice of the exact physical addresses of those areas. Each special conservator shall provide to the circuit court a temporary registration letter issued by the Department of Criminal Justice Services to include the results of the background check prior to seeking an appointment by the circuit court. Once the applicant receives the appointment from the circuit court the applicant shall file the appointment order and a copy of the application with the Department of Criminal Justice Services in order to receive his special conservator of the peace registration document. If the court appointment includes any real property owned or leased by the corporation or business in other specifically named cities and counties not within the city or county wherein application has been made, the clerk of the appointing court shall transmit a copy of the order of appointment to (i) the clerk of the circuit court for each jurisdiction where the special conservator of the peace is authorized to serve and (ii) the sheriff or chief of police of each jurisdiction where the special conservator of the peace is authorized to serve.

If any such special conservator of the peace is the employee, agent or servant of another, his appointment as special conservator of the peace shall not relieve his employer, principal or master from civil liability to another arising out of any wrongful action or conduct committed by such special conservator of the peace while within the scope of his employment.

Effective July 1, 2002, no person employed by a local school board as a school security officer, as defined in § 9.1-101, shall be eligible for appointment as a conservator for purposes of maintaining safety in a public school in the Commonwealth. All appointments of special conservators of the peace granted to school security officers as defined in § 9.1-101 prior to July 1, 2002 are void.

G. The court may limit or prohibit the carrying of weapons by any special conservator of the peace initially appointed on or after July 1, 1996, while the appointee is within the scope of his employment as such.

H. The governing body of any locality or the sheriff of a county where no police department has been established may enter into mutual aid agreements with any entity employing special conservators of the peace that is located in such locality for the use of their joint forces and their equipment and materials to maintain peace and good order. Any law-enforcement officer or special conservator of the peace, while performing his duty under any such agreement, shall have the same authority as lawfully conferred on him within his own jurisdiction.

*I. No special conservator of the peace shall display or use the word "police" on any uniform, badge, credential, or vehicle in the performance of his duties as a special conservator of the peace. Other than special conservators of the peace employed by a state agency, no special conservator of the peace shall use the seal of the Commonwealth on any uniform, badge, credential, or vehicle in the performance of his duties. However, upon request and for good cause shown, the order of appointment may provide that a special conservator of the peace who (i) meets all requirements, including the minimum compulsory training requirements, for law-enforcement officers set forth in Chapter 1 (§ 9.1-100 et seq.) of Title 9.1 and (ii) is employed by the Shenandoah Valley Regional Airport Commission or the Richmond Metropolitan Transportation Authority may use the word "police" on any badge, uniform, or vehicle in the performance of his duties or the seal of the Commonwealth on any badge or credential in the performance of his duties.*

**2. That special conservators of the peace employed on July 1, 2018, by the Shenandoah Regional Airport Commission or the Richmond Metropolitan Transportation Authority who do not meet all requirements, including the minimum compulsory training requirements, for law-enforcement officers set forth in Chapter 1 (§ 9.1-100 et seq.) of Title 9.1 of the Code of Virginia may, in accordance with the provisions of this act, continue to use the word "police" on any badge, uniform, or vehicle in the performance of their duties or the seal of the Commonwealth on any badge or credential in the performance of their duties until July 1, 2020.**

#### CHAPTER 793

*An Act to amend the Code of Virginia by adding a section numbered 15.2-2114.1, relating to car-washing fundraisers; biodegradable cleaners.*

[H 1241]

Approved April 6, 2018

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding a section numbered 15.2-2114.1 as follows:**

**§ 15.2-2114.1. Car-washing fundraiser.**

*No locality shall prohibit car washing as a noncommercial fundraising activity if the washing uses only biodegradable, phosphate-free, water-based cleaners, nor shall any permit issued pursuant to the State Water Control Law (§ 62.1-44.2 et seq.) prohibit the discharge of such noncommercial fundraising activity washwaters from a municipal separate storm sewer system.*

#### CHAPTER 794

*An Act to amend and reenact § 33.2-1204 of the Code of Virginia, relating to outdoor advertising.*

[S 995]

Approved April 6, 2018

**Be it enacted by the General Assembly of Virginia:**

**1. That § 33.2-1204 of the Code of Virginia is amended and reenacted as follows:**

**§ 33.2-1204. Excepted signs, advertisements, and advertising structures.**

The following signs and advertisements, if securely attached to real property or advertising structures, and the advertising structures or parts thereof upon which they are posted or displayed are excepted from all the provisions of this article except those enumerated in §§ 33.2-1202, 33.2-1205, and 33.2-1208, subdivisions 2 through 12 of § 33.2-1216, and §§ 33.2-1217, 33.2-1224, and 33.2-1227:

1. Advertisements securely attached to a place of business or residence and no more than 10 advertising structures, with a combined total area of such advertisements and advertising structures, exclusive of the area occupied by the name of the business, owner, or lessee, of no more than 500 square feet, erected or maintained, or caused to be erected or maintained, by the owner or lessee of such place of business or residence, within 250 feet of such place of business or residence or located on the real property of such place of business or residence and relating solely to merchandise, services, or entertainment sold, produced, manufactured, or furnished at such place of business or residence;

2. Signs erected or maintained, or caused to be erected or maintained, on any farm by the owner or lessee of such farm and relating solely to farm produce, merchandise, services, or entertainment sold, produced, manufactured, or furnished on such farm;

3. Signs upon real property posted or displayed by the owner, or by the authority of the owner, stating that the property upon which the sign is located, or a part of such property, is for sale or rent or stating any data pertaining to such property and its appurtenances and the name and address of the owner and the agent of such owner;
4. Official notices or advertisements posted or displayed by or under the direction of any public or court officer in the performance of his official or directed duties or by trustees under deeds of trust, deeds of assignment, or other similar instruments;
5. ~~Danger~~ *Notwithstanding the provisions of § 33.2-1224, danger* or precautionary signs relating to the premises or signs warning of the condition of or dangers of travel on a highway erected or authorized by the Commissioner of Highways; forest fire warning signs erected under authority of the State Forester; and signs, notices, or symbols erected by the United States government under the direction of the U.S. Forest Service;
6. ~~Notices~~ *Notwithstanding the provisions of § 33.2-1224, notices* of any telephone company, telegraph company, railroad, bridges, ferries, or other transportation company necessary in the discretion of the Commissioner of Highways for the safety of the public or for the direction of the public to such utility or to any place to be reached by it;
7. Signs, notices, or symbols for the information of aviators as to location, direction, and landings and conditions affecting safety in aviation erected or authorized by the Commissioner of Highways;
8. Signs of 16 square feet or less and bearing an announcement of any locality, or historic place, museum, or shrine situated in the Commonwealth advertising itself or local industries, meetings, buildings, or attractions, provided such signs are maintained wholly at public expense or at the expense of such historic place, museum, or shrine;
9. Signs or notices of two square feet or less placed at a junction of two or more highways in the primary state highway system denoting only the distance or direction of a church, residence, or place of business, provided such signs or notices do not exceed a reasonable number in the discretion of the Commissioner of Highways;
10. Signs or notices erected or maintained upon property giving the name of the owner, lessee, or occupant of the premises;
11. Advertisements and advertising structures within the corporate limits of cities and towns, except as specified in § 33.2-1202;
12. ~~Historical~~ *Notwithstanding the provisions of § 33.2-1224, historical* markers erected by duly constituted and authorized public authorities;
13. ~~Highway~~ *Notwithstanding the provisions of § 33.2-1224, highway* markers and signs erected or caused to be erected by the Commissioner of Highways or the Board or other authorities in accordance with law;
14. Signs erected upon property warning the public against hunting, fishing, or trespassing thereon;
15. ~~Signs~~ *Notwithstanding the provisions of § 33.2-1224, signs* erected by Red Cross authorities relating to Red Cross Emergency Stations, with authority hereby expressly given for the erection and maintenance of such signs upon the right-of-way of all highways in the Commonwealth at such locations as may be approved by the Commissioner of Highways;
16. Signs advertising agricultural products and horticultural products, or either, when such products are produced by the person who erects and maintains the signs, provided that restriction of the location and number of such signs shall be in the sole discretion of the Commissioner of Highways;
17. Signs advertising only the name, time, and place of bona fide agricultural, county, district, or state fairs, together with announcements of related special events that do not consume more than 50 percent of the display area of such signs, provided the person who posts the signs or causes them to be posted shall post a cash bond as may be prescribed by the Commissioner of Highways adequate to reimburse the Commonwealth for the actual cost of removing such signs that are not removed within 30 days after the last day of the fair so advertised;
18. Signs of no more than eight square feet, or one sign structure containing more than one sign of no more than eight square feet, that denote only the name of a civic service club or church, location and directions for reaching same, and time of meeting of such organization, provided such signs or notices do not exceed a reasonable number as determined by the Commissioner of Highways;
19. Notwithstanding the provisions of § 33.2-1224, signs containing advertisements or notices that have been authorized by a county and that are securely affixed to a public transit passenger shelter that is owned by that county, provided that no advertisement shall be placed within the right-of-way of the Interstate System, National Highway System, or federal-aid primary system of highways in violation of federal law. The prohibition in subdivision 7 of § 33.2-1216 against placing signs within 15 feet of the nearest edge of the pavement of any highway shall not apply to such signs. The Commissioner of Highways may require the removal of any particular sign located on such a shelter as provided in this subdivision if, in his judgment, such sign constitutes a safety hazard; and
20. Notwithstanding the provisions of § 33.2-1205, signs containing advertisements or notices that have been authorized by a county and that are located on public park property or school property that is owned by that county, provided that no advertisement or notice is visible from the main traveled way of the National Highway System in violation of federal law.

## CHAPTER 795

*An Act to amend and reenact § 56-585.1 of the Code of Virginia, relating to the regulation of investor-owned electric utilities.*

[S 922]

Approved April 6, 2018

**Be it enacted by the General Assembly of Virginia:****1. That § 56-585.1 of the Code of Virginia is amended and reenacted as follows:****§ 56-585.1. Generation, distribution, and transmission rates after capped rates terminate or expire.**

A. During the first six months of 2009, the Commission shall, after notice and opportunity for hearing, initiate proceedings to review the rates, terms and conditions for the provision of generation, distribution and transmission services of each investor-owned incumbent electric utility. Such proceedings shall be governed by the provisions of Chapter 10 (§ 56-232 et seq.), except as modified herein. In such proceedings the Commission shall determine fair rates of return on common equity applicable to the generation and distribution services of the utility. In so doing, the Commission may use any methodology to determine such return it finds consistent with the public interest, but such return shall not be set lower than the average of the returns on common equity reported to the Securities and Exchange Commission for the three most recent annual periods for which such data are available by not less than a majority, selected by the Commission as specified in subdivision 2 b, of other investor-owned electric utilities in the peer group of the utility, nor shall the Commission set such return more than 300 basis points higher than such average. The peer group of the utility shall be determined in the manner prescribed in subdivision 2 b. The Commission may increase or decrease such combined rate of return by up to 100 basis points based on the generating plant performance, customer service, and operating efficiency of a utility, as compared to nationally recognized standards determined by the Commission to be appropriate for such purposes. In such a proceeding, the Commission shall determine the rates that the utility may charge until such rates are adjusted. If the Commission finds that the utility's combined rate of return on common equity is more than 50 basis points below the combined rate of return as so determined, it shall be authorized to order increases to the utility's rates necessary to provide the opportunity to fully recover the costs of providing the utility's services and to earn not less than such combined rate of return. If the Commission finds that the utility's combined rate of return on common equity is more than 50 basis points above the combined rate of return as so determined, it shall be authorized either (i) to order reductions to the utility's rates it finds appropriate, provided that the Commission may not order such rate reduction unless it finds that the resulting rates will provide the utility with the opportunity to fully recover its costs of providing its services and to earn not less than the fair rates of return on common equity applicable to the generation and distribution services; or (ii) to direct that 60 percent of the amount of the utility's earnings that were more than 50 basis points above the fair combined rate of return for calendar year 2008 be credited to customers' bills, in which event such credits shall be amortized over a period of six to 12 months, as determined at the discretion of the Commission, following the effective date of the Commission's order and be allocated among customer classes such that the relationship between the specific customer class rates of return to the overall target rate of return will have the same relationship as the last approved allocation of revenues used to design base rates. Commencing in 2011, the Commission, after notice and opportunity for hearing, shall conduct biennial reviews of the rates, terms and conditions for the provision of generation, distribution and transmission services by each investor-owned incumbent electric utility, subject to the following provisions:

1. Rates, terms and conditions for each service shall be reviewed separately on an unbundled basis, and such reviews shall be conducted in a single, combined proceeding. The first such review shall utilize the two successive 12-month test periods ending December 31, 2010. However, the Commission may, in its discretion, elect to stagger its biennial reviews of utilities by utilizing the two successive 12-month test periods ending December 31, 2010, for a Phase I Utility, and utilizing the two successive 12-month test periods ending December 31, 2011, for a Phase II Utility, with subsequent proceedings utilizing the two successive 12-month test periods ending December 31 immediately preceding the year in which such proceeding is conducted. For purposes of this section, a Phase I Utility is an investor-owned incumbent electric utility that was, as of July 1, 1999, not bound by a rate case settlement adopted by the Commission that extended in its application beyond January 1, 2002, and a Phase II Utility is an investor-owned incumbent electric utility that was bound by such a settlement.

2. Subject to the provisions of subdivision 6, fair rates of return on common equity applicable separately to the generation and distribution services of such utility, and for the two such services combined, shall be determined by the Commission during each such biennial review, as follows:

a. The Commission may use any methodology to determine such return it finds consistent with the public interest, but such return shall not be set lower than the average of the returns on common equity reported to the Securities and Exchange Commission for the three most recent annual periods for which such data are available by not less than a majority, selected by the Commission as specified in subdivision 2 b, of other investor-owned electric utilities in the peer group of the utility subject to such biennial review, nor shall the Commission set such return more than 300 basis points higher than such average.

b. In selecting such majority of peer group investor-owned electric utilities, the Commission shall first remove from such group the two utilities within such group that have the lowest reported returns of the group, as well as the two utilities

within such group that have the highest reported returns of the group, and the Commission shall then select a majority of the utilities remaining in such peer group. In its final order regarding such biennial review, the Commission shall identify the utilities in such peer group it selected for the calculation of such limitation. For purposes of this subdivision, an investor-owned electric utility shall be deemed part of such peer group if (i) its principal operations are conducted in the southeastern United States east of the Mississippi River in either the states of West Virginia or Kentucky or in those states south of Virginia, excluding the state of Tennessee, (ii) it is a vertically-integrated electric utility providing generation, transmission and distribution services whose facilities and operations are subject to state public utility regulation in the state where its principal operations are conducted, (iii) it had a long-term bond rating assigned by Moody's Investors Service of at least Baa at the end of the most recent test period subject to such biennial review, and (iv) it is not an affiliate of the utility subject to such biennial review.

c. The Commission may, consistent with its precedent for incumbent electric utilities prior to the enactment of Chapters 888 and 933 of the Acts of Assembly of 2007, increase or decrease the utility's combined rate of return based on the Commission's consideration of the utility's performance.

d. In any Current Proceeding, the Commission shall determine whether the Current Return has increased, on a percentage basis, above the Initial Return by more than the increase, expressed as a percentage, in the United States Average Consumer Price Index for all items, all urban consumers (CPI-U), as published by the Bureau of Labor Statistics of the United States Department of Labor, since the date on which the Commission determined the Initial Return. If so, the Commission may conduct an additional analysis of whether it is in the public interest to utilize such Current Return for the Current Proceeding then pending. A finding of whether the Current Return justifies such additional analysis shall be made without regard to any enhanced rate of return on common equity awarded pursuant to the provisions of subdivision 6. Such additional analysis shall include, but not be limited to, a consideration of overall economic conditions, the level of interest rates and cost of capital with respect to business and industry, in general, as well as electric utilities, the current level of inflation and the utility's cost of goods and services, the effect on the utility's ability to provide adequate service and to attract capital if less than the Current Return were utilized for the Current Proceeding then pending, and such other factors as the Commission may deem relevant. If, as a result of such analysis, the Commission finds that use of the Current Return for the Current Proceeding then pending would not be in the public interest, then the lower limit imposed by subdivision 2 a on the return to be determined by the Commission for such utility shall be calculated, for that Current Proceeding only, by increasing the Initial Return by a percentage at least equal to the increase, expressed as a percentage, in the United States Average Consumer Price Index for all items, all urban consumers (CPI-U), as published by the Bureau of Labor Statistics of the United States Department of Labor, since the date on which the Commission determined the Initial Return. For purposes of this subdivision:

"Current Proceeding" means any proceeding conducted under any provisions of this subsection that require or authorize the Commission to determine a fair combined rate of return on common equity for a utility and that will be concluded after the date on which the Commission determined the Initial Return for such utility.

"Current Return" means the minimum fair combined rate of return on common equity required for any Current Proceeding by the limitation regarding a utility's peer group specified in subdivision 2 a.

"Initial Return" means the fair combined rate of return on common equity determined for such utility by the Commission on the first occasion after July 1, 2009, under any provision of this subsection pursuant to the provisions of subdivision 2 a.

e. In addition to other considerations, in setting the return on equity within the range allowed by this section, the Commission shall strive to maintain costs of retail electric energy that are cost competitive with costs of retail electric energy provided by the other peer group investor-owned electric utilities.

f. The determination of such returns shall be made by the Commission on a stand-alone basis, and specifically without regard to any return on common equity or other matters determined with regard to facilities described in subdivision 6.

g. If the combined rate of return on common equity earned by the generation and distribution services is no more than 50 basis points above or below the return as so determined or, for any test period commencing after December 31, 2012, for a Phase II Utility and after December 31, 2013, for a Phase I Utility, such return is no more than 70 basis points above or below the return as so determined, such combined return shall not be considered either excessive or insufficient, respectively. However, for any test period commencing after December 31, 2012, for a Phase II Utility, and after December 31, 2013, for a Phase I Utility, if the utility has, during the test period or periods under review, earned below the return as so determined, whether or not such combined return is within 70 basis points of the return as so determined, the utility may petition the Commission for approval of an increase in rates in accordance with the provisions of subdivision 8 a as if it had earned more than 70 basis points below a fair combined rate of return, and such proceeding shall otherwise be conducted in accordance with the provisions of this section.

h. Any amount of a utility's earnings directed by the Commission to be credited to customers' bills pursuant to this section shall not be considered for the purpose of determining the utility's earnings in any subsequent biennial review.

3. Each such utility shall make a biennial filing by March 31 of every other year, beginning in 2011, consisting of the schedules contained in the Commission's rules governing utility rate increase applications; however, if the Commission elects to stagger the dates of the biennial reviews of utilities as provided in subdivision 1, then each Phase I Utility shall commence biennial filings in 2011 and each Phase II Utility shall commence biennial filings in 2012. Such filing shall encompass the two successive 12-month test periods ending December 31 immediately preceding the year in which such

proceeding is conducted, and in every such case the filing for each year shall be identified separately and shall be segregated from any other year encompassed by the filing. If the Commission determines that rates should be revised or credits be applied to customers' bills pursuant to subdivision 8 or 9, any rate adjustment clauses previously implemented pursuant to subdivision 5 or those related to facilities utilizing simple-cycle combustion turbines described in subdivision 6, shall be combined with the utility's costs, revenues and investments until the amounts that are the subject of such rate adjustment clauses are fully recovered. The Commission shall combine such clauses with the utility's costs, revenues and investments only after it makes its initial determination with regard to necessary rate revisions or credits to customers' bills, and the amounts thereof, but after such clauses are combined as herein specified, they shall thereafter be considered part of the utility's costs, revenues, and investments for the purposes of future biennial review proceedings. A Phase I Utility shall delay for one year the filing of its biennial review from March 31, 2013, to March 31, 2014, and shall not defer on its books for future recovery any costs incurred during calendar year 2011, other than as provided in subdivision 7 or § 56-249.6, and its subsequent biennial filing shall be made by March 31, 2016, and every two years thereafter. *In a biennial filing under this subdivision that does not result in an overall rate change a utility may propose an adjustment to one or more tariffs that are revenue neutral to the utility.*

4. The following costs incurred by the utility shall be deemed reasonable and prudent: (i) costs for transmission services provided to the utility by the regional transmission entity of which the utility is a member, as determined under applicable rates, terms and conditions approved by the Federal Energy Regulatory Commission, and (ii) costs charged to the utility that are associated with demand response programs approved by the Federal Energy Regulatory Commission and administered by the regional transmission entity of which the utility is a member. Upon petition of a utility at any time after the expiration or termination of capped rates, but not more than once in any 12-month period, the Commission shall approve a rate adjustment clause under which such costs, including, without limitation, costs for transmission service, charges for new and existing transmission facilities, administrative charges, and ancillary service charges designed to recover transmission costs, shall be recovered on a timely and current basis from customers. Retail rates to recover these costs shall be designed using the appropriate billing determinants in the retail rate schedules.

5. A utility may at any time, after the expiration or termination of capped rates, but not more than once in any 12-month period, petition the Commission for approval of one or more rate adjustment clauses for the timely and current recovery from customers of the following costs:

a. Incremental costs described in clause (vi) of subsection B of § 56-582 incurred between July 1, 2004, and the expiration or termination of capped rates, if such utility is, as of July 1, 2007, deferring such costs consistent with an order of the Commission entered under clause (vi) of subsection B of § 56-582. The Commission shall approve such a petition allowing the recovery of such costs that comply with the requirements of clause (vi) of subsection B of § 56-582;

b. Projected and actual costs for the utility to design and operate fair and effective peak-shaving programs. The Commission shall approve such a petition if it finds that the program is in the public interest; provided that the Commission shall allow the recovery of such costs as it finds are reasonable;

c. Projected and actual costs for the utility to design, implement, and operate energy efficiency programs, including a margin to be recovered on operating expenses, which margin for the purposes of this section shall be equal to the general rate of return on common equity determined as described in subdivision 2. The Commission shall only approve such a petition if it finds that the program is in the public interest. As part of such cost recovery, the Commission, if requested by the utility, shall allow for the recovery of revenue reductions related to energy efficiency programs. The Commission shall only allow such recovery to the extent that the Commission determines such revenue has not been recovered through margins from incremental off-system sales as defined in § 56-249.6 that are directly attributable to energy efficiency programs.

None of the costs of new energy efficiency programs of an electric utility, including recovery of revenue reductions, shall be assigned to any customer that has a verifiable history of having used more than 10 megawatts of demand from a single meter of delivery. Nor shall any of the costs of new energy efficiency programs of an electric utility, including recovery of revenue reductions, be incurred by any large general service customer as defined herein that has notified the utility of non-participation in such energy efficiency program or programs. A large general service customer is a customer that has a verifiable history of having used more than 500 kilowatts of demand from a single meter of delivery. Non-participation in energy efficiency programs shall be allowed by the Commission if the large general service customer has, at the customer's own expense, implemented energy efficiency programs that have produced or will produce measured and verified results consistent with industry standards and other regulatory criteria stated in this section. The Commission shall, no later than November 15, 2009, promulgate rules and regulations to accommodate the process under which such large general service customers shall file notice for such an exemption and (i) establish the administrative procedures by which eligible customers will notify the utility and (ii) define the standard criteria that must be satisfied by an applicant in order to notify the utility. In promulgating such rules and regulations, the Commission may also specify the timing as to when a utility shall accept and act on such notice, taking into consideration the utility's integrated resource planning process as well as its administration of energy efficiency programs that are approved for cost recovery by the Commission. The notice of non-participation by a large general service customer, to be given by March 1 of a given year, shall be for the duration of the service life of the customer's energy efficiency program. The Commission on its own motion may initiate steps necessary to verify such non-participants' achievement of energy efficiency if the Commission has a body of evidence that the non-participant has knowingly misrepresented its energy efficiency achievement. A utility shall not charge such

large general service customer, as defined by the Commission, for the costs of installing energy efficiency equipment beyond what is required to provide electric service and meter such service on the customer's premises if the customer provides, at the customer's expense, equivalent energy efficiency equipment. In all relevant proceedings pursuant to this section, the Commission shall take into consideration the goals of economic development, energy efficiency and environmental protection in the Commonwealth;

d. Projected and actual costs of participation in a renewable energy portfolio standard program pursuant to § 56-585.2 that are not recoverable under subdivision 6. The Commission shall approve such a petition allowing the recovery of such costs as are provided for in a program approved pursuant to § 56-585.2;

e. Projected and actual costs of projects that the Commission finds to be necessary to comply with state or federal environmental laws or regulations applicable to generation facilities used to serve the utility's native load obligations. The Commission shall approve such a petition if it finds that such costs are necessary to comply with such environmental laws or regulations; and

f. Projected and actual costs, not currently in rates, for the utility to design, implement, and operate programs approved by the Commission that accelerate the vegetation management of distribution rights-of-way. No costs shall be allocated to or recovered from customers that are served within the large general service rate classes for a Phase II Utility or that are served at subtransmission or transmission voltage, or take delivery at a substation served from subtransmission or transmission voltage, for a Phase I Utility.

The Commission shall have the authority to determine the duration or amortization period for any adjustment clause approved under this subdivision.

6. To ensure the generation and delivery of a reliable and adequate supply of electricity, to meet the utility's projected native load obligations and to promote economic development, a utility may at any time, after the expiration or termination of capped rates, petition the Commission for approval of a rate adjustment clause for recovery on a timely and current basis from customers of the costs of (i) a coal-fueled generation facility that utilizes Virginia coal and is located in the coalfield region of the Commonwealth as described in § 15.2-6002, regardless of whether such facility is located within or without the utility's service territory, (ii) one or more other generation facilities, (iii) one or more major unit modifications of generation facilities, including the costs of any system or equipment upgrade, system or equipment replacement, or other cost reasonably appropriate to extend the combined operating license for or the operating life of one or more generation facilities utilizing nuclear power, (iv) one or more new underground facilities to replace one or more existing overhead distribution facilities of 69 kilovolts or less located within the Commonwealth, or (v) one or more pumped hydroelectricity generation and storage facilities that utilize on-site or off-site renewable energy resources as all or a portion of their power source and such facilities and associated resources are located in the coalfield region of the Commonwealth as described in § 15.2-6002, regardless of whether such facility is located within or without the utility's service territory; however, subject to the provisions of the following sentence, the utility shall not file a petition under clause (iv) more often than annually and, in such petition, shall not seek any annual incremental increase in the level of investments associated with such a petition that exceeds five percent of such utility's distribution rate base, as such rate base was determined for the most recently ended 12-month test period in the utility's latest biennial review proceeding conducted pursuant to subdivision 3 and concluded by final order of the Commission prior to the date of filing of such petition under clause (iv). In all proceedings regarding petitions filed under clause (iv), the level of investments approved for recovery in such proceedings shall be in addition to, and not in lieu of, levels of investments previously approved for recovery in prior proceedings under clause (iv). Such a petition concerning facilities described in clause (ii) that utilize nuclear power, facilities described in clause (ii) that are coal-fueled and will be built by a Phase I Utility, or facilities described in clause (i) may also be filed before the expiration or termination of capped rates. A utility that constructs or makes modifications to any such facility, or purchases any facility consisting of at least one megawatt of generating capacity using energy derived from sunlight and located in the Commonwealth and that utilizes goods or services sourced, in whole or in part, from one or more Virginia businesses, shall have the right to recover the costs of the facility, as accrued against income, through its rates, including projected construction work in progress, and any associated allowance for funds used during construction, planning, development and construction or acquisition costs, life-cycle costs, costs related to assessing the feasibility of potential sites for new underground facilities, and costs of infrastructure associated therewith, plus, as an incentive to undertake such projects, an enhanced rate of return on common equity calculated as specified below; however, in determining the amounts recoverable under a rate adjustment clause for new underground facilities, the Commission shall not consider, or increase or reduce such amounts recoverable because of (a) the operation and maintenance costs attributable to either the overhead distribution facilities being replaced or the new underground facilities or (b) any other costs attributable to the overhead distribution facilities being replaced. Notwithstanding the preceding sentence, the costs described in clauses (a) and (b) thereof shall remain eligible for recovery from customers through the utility's base rates for distribution service. A utility filing a petition for approval to construct or purchase a facility consisting of at least one megawatt of generating capacity using energy derived from sunlight and located in the Commonwealth and that utilizes goods or services sourced, in whole or in part, from one or more Virginia businesses may propose a rate adjustment clause based on a market index in lieu of a cost of service model for such facility. A utility seeking approval to construct or purchase a generating facility described in clause (i) or (ii) shall demonstrate that it has considered and weighed alternative options, including third-party market alternatives, in its selection process. The costs of the facility, other than return on projected construction work in progress and allowance for funds used during construction, shall not be recovered prior to the date a facility constructed by the utility and described

in clause (i), (ii), or (iii) begins commercial operation, the date the utility becomes the owner of a purchased generation facility consisting of at least one megawatt of generating capacity using energy derived from sunlight and located in the Commonwealth and that utilizes goods or services sourced, in whole or in part, from one or more Virginia businesses, or the date new underground facilities are classified by the utility as plant in service. Such enhanced rate of return on common equity shall be applied to allowance for funds used during construction and to construction work in progress during the construction phase of the facility and shall thereafter be applied to the entire facility during the first portion of the service life of the facility. The first portion of the service life shall be as specified in the table below; however, the Commission shall determine the duration of the first portion of the service life of any facility, within the range specified in the table below, which determination shall be consistent with the public interest and shall reflect the Commission's determinations regarding how critical the facility may be in meeting the energy needs of the citizens of the Commonwealth and the risks involved in the development of the facility. After the first portion of the service life of the facility is concluded, the utility's general rate of return shall be applied to such facility for the remainder of its service life. As used herein, the service life of the facility shall be deemed to begin on the date a facility constructed by the utility and described in clause (i), (ii), or (iii) begins commercial operation, the date the utility becomes the owner of a purchased generation facility consisting of at least one megawatt of generating capacity using energy derived from sunlight and located in the Commonwealth and that utilizes goods or services sourced, in whole or in part, from one or more Virginia businesses, or the date new underground facilities are classified by the utility as plant in service, and such service life shall be deemed equal in years to the life of that facility as used to calculate the utility's depreciation expense. Such enhanced rate of return on common equity shall be calculated by adding the basis points specified in the table below to the utility's general rate of return, and such enhanced rate of return shall apply only to the facility that is the subject of such rate adjustment clause. Allowance for funds used during construction shall be calculated for any such facility utilizing the utility's actual capital structure and overall cost of capital, including an enhanced rate of return on common equity as determined pursuant to this subdivision, until such construction work in progress is included in rates. The construction of any facility described in clause (i) or (v) is in the public interest, and in determining whether to approve such facility, the Commission shall liberally construe the provisions of this title. The construction or purchase by a utility of one or more generation facilities with at least one megawatt of generating capacity, and with an aggregate rated capacity that does not exceed 500 megawatts, that use energy derived from sunlight and are located in the Commonwealth, regardless of whether any of such facilities are located within or without the utility's service territory, is in the public interest, and in determining whether to approve such facility, the Commission shall liberally construe the provisions of this title. A utility may enter into short-term or long-term power purchase contracts for the power derived from sunlight generated by such generation facility prior to purchasing the generation facility. The replacement of any subset of a utility's existing overhead distribution tap lines that have, in the aggregate, an average of nine or more total unplanned outage events-per-mile over a preceding 10-year period with new underground facilities in order to improve electric service reliability is in the public interest. In determining whether to approve petitions for rate adjustment clauses for such new underground facilities that meet this criteria, and in determining the level of costs to be recovered thereunder, the Commission shall liberally construe the provisions of this title. There shall be a rebuttable presumption that the conversion of such facilities will provide local and system-wide benefits, that such new underground facilities are cost beneficial, and that the costs associated with such new underground facilities are reasonably and prudently incurred. The basis points to be added to the utility's general rate of return to calculate the enhanced rate of return on common equity, and the first portion of that facility's service life to which such enhanced rate of return shall be applied, shall vary by type of facility, as specified in the following table:

Type of Generation Facility	Basis Points	First Portion of Service Life
Nuclear-powered	200	Between 12 and 25 years
Carbon capture compatible, clean-coal powered	200	Between 10 and 20 years
Renewable powered, other than landfill gas powered	200	Between 5 and 15 years
Coalbed methane gas powered	150	Between 5 and 15 years
Landfill gas powered	200	Between 5 and 15 years
Conventional coal or combined-cycle combustion turbine	100	Between 10 and 20 years

For generating facilities other than those utilizing nuclear power constructed pursuant to clause (ii) or those utilizing energy derived from offshore wind, as of July 1, 2013, only those facilities as to which a rate adjustment clause under this subdivision has been previously approved by the Commission, or as to which a petition for approval of such rate adjustment clause was filed with the Commission, on or before January 1, 2013, shall be entitled to the enhanced rate of return on common equity as specified in the above table during the construction phase of the facility and the approved first portion of its service life.

For generating facilities within the Commonwealth utilizing nuclear power or those utilizing energy derived from offshore wind projects located in waters off the Commonwealth's Atlantic shoreline, such facilities shall continue to be eligible for an enhanced rate of return on common equity during the construction phase of the facility and the approved first portion of its service life of between 12 and 25 years in the case of a facility utilizing nuclear power and for a service life of

between 5 and 15 years in the case of a facility utilizing energy derived from offshore wind, provided, however, that, as of July 1, 2013, the enhanced return for such facilities constructed pursuant to clause (ii) shall be 100 basis points, which shall be added to the utility's general rate of return as determined under subdivision 2. Thirty percent of all costs of such a facility utilizing nuclear power that the utility incurred between July 1, 2007, and December 31, 2013, and all of such costs incurred after December 31, 2013, may be deferred by the utility and recovered through a rate adjustment clause under this subdivision at such time as the Commission provides in an order approving such a rate adjustment clause. The remaining 70 percent of all costs of such a facility that the utility incurred between July 1, 2007, and December 31, 2013, shall not be deferred for recovery through a rate adjustment clause under this subdivision; however, such remaining 70 percent of all costs shall be recovered ratably through existing base rates as determined by the Commission in the test periods under review in the utility's next biennial review filed after July 1, 2014. Thirty percent of all costs of such a facility utilizing energy derived from offshore wind that the utility incurred between July 1, 2007, and December 31, 2013, and all of such costs incurred after December 31, 2013, may be deferred by the utility and recovered through a rate adjustment clause under this subdivision at such time as the Commission provides in an order approving such a rate adjustment clause. The remaining 70 percent of all costs of such a facility that the utility incurred between July 1, 2007, and December 31, 2013, shall not be deferred for recovery through a rate adjustment clause under this subdivision; however, such remaining 70 percent of all costs shall be recovered ratably through existing base rates as determined by the Commission in the test periods under review in the utility's next biennial review filed after July 1, 2014.

In connection with planning to meet forecasted demand for electric generation supply and assure the adequate and sufficient reliability of service, consistent with § 56-598, planning and development activities for a new nuclear generation facility or facilities are in the public interest.

In connection with planning to meet forecasted demand for electric generation supply and assure the adequate and sufficient reliability of service, consistent with § 56-598, planning and development activities for a new utility-owned and utility-operated generating facility or facilities utilizing energy derived from sunlight with an aggregate capacity of 500 megawatts, or from offshore wind, are in the public interest.

Neither generation facilities described in clause (ii) that utilize simple-cycle combustion turbines nor new underground facilities shall receive an enhanced rate of return on common equity as described herein, but instead shall receive the utility's general rate of return during the construction phase of the facility and, thereafter, for the entire service life of the facility. No rate adjustment clause for new underground facilities shall allocate costs to, or provide for the recovery of costs from, customers that are served within the large power service rate class for a Phase I Utility and the large general service rate classes for a Phase II Utility. New underground facilities are hereby declared to be ordinary extensions or improvements in the usual course of business under the provisions of § 56-265.2.

As used in this subdivision, a generation facility is (1) "coalbed methane gas powered" if the facility is fired at least 50 percent by coalbed methane gas, as such term is defined in § 45.1-361.1, produced from wells located in the Commonwealth, and (2) "landfill gas powered" if the facility is fired by methane or other combustible gas produced by the anaerobic digestion or decomposition of biodegradable materials in a solid waste management facility licensed by the Waste Management Board. A landfill gas powered facility includes, in addition to the generation facility itself, the equipment used in collecting, drying, treating, and compressing the landfill gas and in transmitting the landfill gas from the solid waste management facility where it is collected to the generation facility where it is combusted.

For purposes of this subdivision, "general rate of return" means the fair combined rate of return on common equity as it is determined by the Commission from time to time for such utility pursuant to subdivision 2. In any proceeding under this subdivision conducted prior to the conclusion of the first biennial review for such utility, the Commission shall determine a general rate of return for such utility in the same manner as it would in a biennial review proceeding.

Notwithstanding any other provision of this subdivision, if the Commission finds during the biennial review conducted for a Phase II Utility in 2018 that such utility has not filed applications for all necessary federal and state regulatory approvals to construct one or more nuclear-powered or coal-fueled generation facilities that would add a total capacity of at least 1500 megawatts to the amount of the utility's generating resources as such resources existed on July 1, 2007, or that, if all such approvals have been received, that the utility has not made reasonable and good faith efforts to construct one or more such facilities that will provide such additional total capacity within a reasonable time after obtaining such approvals, then the Commission, if it finds it in the public interest, may reduce on a prospective basis any enhanced rate of return on common equity previously applied to any such facility to no less than the general rate of return for such utility and may apply no less than the utility's general rate of return to any such facility for which the utility seeks approval in the future under this subdivision.

7. Any petition filed pursuant to subdivision 4, 5, or 6 shall be considered by the Commission on a stand-alone basis without regard to the other costs, revenues, investments, or earnings of the utility. Any costs incurred by a utility prior to the filing of such petition, or during the consideration thereof by the Commission, that are proposed for recovery in such petition and that are related to subdivision 5 a, or that are related to facilities and projects described in clause (i) of subdivision 6, or that are related to new underground facilities described in clause (iv) of subdivision 6, shall be deferred on the books and records of the utility until the Commission's final order in the matter, or until the implementation of any applicable approved rate adjustment clauses, whichever is later. Except as otherwise provided in subdivision 6, any costs prudently incurred on or after July 1, 2007, by a utility prior to the filing of such petition, or during the consideration thereof by the Commission, that are proposed for recovery in such petition and that are related to facilities and projects described in

clause (ii) or clause (iii) of subdivision 6 that utilize nuclear power, or coal-fueled facilities and projects described in clause (ii) of subdivision 6 if such coal-fueled facilities will be built by a Phase I Utility, shall be deferred on the books and records of the utility until the Commission's final order in the matter, or until the implementation of any applicable approved rate adjustment clauses, whichever is later. Any costs prudently incurred after the expiration or termination of capped rates related to other matters described in subdivision 4, 5, or 6 shall be deferred beginning only upon the expiration or termination of capped rates, provided, however, that no provision of this act shall affect the rights of any parties with respect to the rulings of the Federal Energy Regulatory Commission in PJM Interconnection LLC and Virginia Electric and Power Company, 109 F.E.R.C. P 61,012 (2004). A utility shall establish a regulatory asset for regulatory accounting and ratemaking purposes under which it shall defer its operation and maintenance costs incurred in connection with (i) the refueling of any nuclear-powered generating plant and (ii) other work at such plant normally performed during a refueling outage. The utility shall amortize such deferred costs over the refueling cycle, but in no case more than 18 months, beginning with the month in which such plant resumes operation after such refueling. The refueling cycle shall be the applicable period of time between planned refueling outages for such plant. As of January 1, 2014, such amortized costs are a component of base rates, recoverable in base rates only ratably over the refueling cycle rather than when such outages occur, and are the only nuclear refueling costs recoverable in base rates. This provision shall apply to any nuclear-powered generating plant refueling outage commencing after December 31, 2013, and the Commission shall treat the deferred and amortized costs of such regulatory asset as part of the utility's costs for the purpose of proceedings conducted (a) with respect to biennial filings under subdivision 3 made on and after July 1, 2014, and (b) pursuant to § 56-245 or the Commission's rules governing utility rate increase applications as provided in subsection B. This provision shall not be deemed to change or reset base rates.

The Commission's final order regarding any petition filed pursuant to subdivision 4, 5, or 6 shall be entered not more than three months, eight months, and nine months, respectively, after the date of filing of such petition. If such petition is approved, the order shall direct that the applicable rate adjustment clause be applied to customers' bills not more than 60 days after the date of the order, or upon the expiration or termination of capped rates, whichever is later.

8. In any biennial review proceeding, the following utility generation and distribution costs not proposed for recovery under any other subdivision of this subsection, as recorded per books by the utility for financial reporting purposes and accrued against income, shall be attributed to the test periods under review: costs associated with asset impairments related to early retirement determinations made by the utility prior to December 31, 2012, for utility generation plant; costs associated with severe weather events; and costs associated with natural disasters. Such costs shall be deemed to have been recovered from customers through rates for generation and distribution services in effect during the test periods under review unless such costs, individually or in the aggregate, together with the utility's other costs, revenues, and investments to be recovered through rates for generation and distribution services, result in the utility's earned return on its generation and distribution services for the combined test periods under review to fall more than 50 basis points below the fair combined rate of return authorized under subdivision 2 for such periods or, for any test period commencing after December 31, 2012, for a Phase II Utility and after December 31, 2013, for a Phase I Utility, to fall more than 70 basis points below the fair combined rate of return authorized under subdivision 2 for such periods. In such cases, the Commission shall, in such biennial review proceeding, authorize deferred recovery of such costs and allow the utility to amortize and recover such deferred costs over future periods as determined by the Commission. The aggregate amount of such deferred costs shall not exceed an amount that would, together with the utility's other costs, revenues, and investments to be recovered through rates for generation and distribution services, cause the utility's earned return on its generation and distribution services to exceed the fair rate of return authorized under subdivision 2, less 50 basis points, for the combined test periods under review or, for any test period commencing after December 31, 2012, for a Phase II Utility and after December 31, 2013, for a Phase I Utility, to exceed the fair rate of return authorized under subdivision 2 less 70 basis points. Nothing in this section shall limit the Commission's authority, pursuant to the provisions of Chapter 10 (§ 56-232 et seq.), including specifically § 56-235.2, following the review of combined test period earnings of the utility in a biennial review, for normalization of nonrecurring test period costs and annualized adjustments for future costs, in determining any appropriate increase or decrease in the utility's rates for generation and distribution services pursuant to subdivision 8 a or 8 c.

If the Commission determines as a result of such biennial review that:

a. The utility has, during the test period or periods under review, considered as a whole, earned more than 50 basis points below a fair combined rate of return on its generation and distribution services or, for any test period commencing after December 31, 2012, for a Phase II Utility and after December 31, 2013, for a Phase I Utility, more than 70 basis points below a fair combined rate of return on its generation and distribution services, as determined in subdivision 2, without regard to any return on common equity or other matters determined with respect to facilities described in subdivision 6, the Commission shall order increases to the utility's rates necessary to provide the opportunity to fully recover the costs of providing the utility's services and to earn not less than such fair combined rate of return, using the most recently ended 12-month test period as the basis for determining the amount of the rate increase necessary. However, the Commission may not order such rate increase unless it finds that the resulting rates are necessary to provide the utility with the opportunity to fully recover its costs of providing its services and to earn not less than a fair combined rate of return on both its generation and distribution services, as determined in subdivision 2, without regard to any return on common equity or other matters determined with respect to facilities described in subdivision 6, using the most recently ended 12-month test period as the basis for determining the permissibility of any rate increase under the standards of this sentence, and the amount thereof;

b. The utility has, during the test period or test periods under review, considered as a whole, earned more than 50 basis points above a fair combined rate of return on its generation and distribution services or, for any test period commencing after December 31, 2012, for a Phase II Utility and after December 31, 2013, for a Phase I Utility, more than 70 basis points above a fair combined rate of return on its generation and distribution services, as determined in subdivision 2, without regard to any return on common equity or other matters determined with respect to facilities described in subdivision 6, the Commission shall, subject to the provisions of subdivision 9, direct that 60 percent of the amount of such earnings that were more than 50 basis points, or, for any test period commencing after December 31, 2012, for a Phase II Utility and after December 31, 2013, for a Phase I Utility, that 70 percent of the amount of such earnings that were more than 70 basis points, above such fair combined rate of return for the test period or periods under review, considered as a whole, shall be credited to customers' bills. Any such credits shall be amortized over a period of six to 12 months, as determined at the discretion of the Commission, following the effective date of the Commission's order, and shall be allocated among customer classes such that the relationship between the specific customer class rates of return to the overall target rate of return will have the same relationship as the last approved allocation of revenues used to design base rates; or

c. Such biennial review is the second consecutive biennial review in which the utility has, during the test period or test periods under review, considered as a whole, earned more than 50 basis points above a fair combined rate of return on its generation and distribution services or, for any test period commencing after December 31, 2012, for a Phase II Utility and after December 31, 2013, for a Phase I Utility, more than 70 basis points above a fair combined rate of return on its generation and distribution services, as determined in subdivision 2, without regard to any return on common equity or other matter determined with respect to facilities described in subdivision 6, the Commission shall, subject to the provisions of subdivision 9 and in addition to the actions authorized in subdivision b, also order reductions to the utility's rates it finds appropriate. However, the Commission may not order such rate reduction unless it finds that the resulting rates will provide the utility with the opportunity to fully recover its costs of providing its services and to earn not less than a fair combined rate of return on its generation and distribution services, as determined in subdivision 2, without regard to any return on common equity or other matters determined with respect to facilities described in subdivision 6, using the most recently ended 12-month test period as the basis for determining the permissibility of any rate reduction under the standards of this sentence, and the amount thereof.

The Commission's final order regarding such biennial review shall be entered not more than eight months after the date of filing, and any revisions in rates or credits so ordered shall take effect not more than 60 days after the date of the order. The fair combined rate of return on common equity determined pursuant to subdivision 2 in such biennial review shall apply, for purposes of reviewing the utility's earnings on its rates for generation and distribution services, to the entire two successive 12-month test periods ending December 31 immediately preceding the year of the utility's subsequent biennial review filing under subdivision 3.

9. If, as a result of a biennial review required under this subsection and conducted with respect to any test period or periods under review ending later than December 31, 2010 (or, if the Commission has elected to stagger its biennial reviews of utilities as provided in subdivision 1, under review ending later than December 31, 2010, for a Phase I Utility, or December 31, 2011, for a Phase II Utility), the Commission finds, with respect to such test period or periods considered as a whole, that (i) any utility has, during the test period or periods under review, considered as a whole, earned more than 50 basis points above a fair combined rate of return on its generation and distribution services or, for any test period commencing after December 31, 2012, for a Phase II Utility and after December 31, 2013, for a Phase I Utility, more than 70 basis points above a fair combined rate of return on its generation and distribution services, as determined in subdivision 2, without regard to any return on common equity or other matters determined with respect to facilities described in subdivision 6, and (ii) the total aggregate regulated rates of such utility at the end of the most recently-ended 12-month test period exceeded the annual increases in the United States Average Consumer Price Index for all items, all urban consumers (CPI-U), as published by the Bureau of Labor Statistics of the United States Department of Labor, compounded annually, when compared to the total aggregate regulated rates of such utility as determined pursuant to the biennial review conducted for the base period, the Commission shall, unless it finds that such action is not in the public interest or that the provisions of subdivisions 8 b and c are more consistent with the public interest, direct that any or all earnings for such test period or periods under review, considered as a whole that were more than 50 basis points, or, for any test period commencing after December 31, 2012, for a Phase II Utility and after December 31, 2013, for a Phase I Utility, more than 70 basis points, above such fair combined rate of return shall be credited to customers' bills, in lieu of the provisions of subdivisions 8 b and c. Any such credits shall be amortized and allocated among customer classes in the manner provided by subdivision 8 b. For purposes of this subdivision:

"Base period" means (i) the test period ending December 31, 2010 (or, if the Commission has elected to stagger its biennial reviews of utilities as provided in subdivision 1, the test period ending December 31, 2010, for a Phase I Utility, or December 31, 2011, for a Phase II Utility), or (ii) the most recent test period with respect to which credits have been applied to customers' bills under the provisions of this subdivision, whichever is later.

"Total aggregate regulated rates" shall include: (i) fuel tariffs approved pursuant to § 56-249.6, except for any increases in fuel tariffs deferred by the Commission for recovery in periods after December 31, 2010, pursuant to the provisions of clause (ii) of subsection C of § 56-249.6; (ii) rate adjustment clauses implemented pursuant to subdivision 4 or 5; (iii) revisions to the utility's rates pursuant to subdivision 8 a; (iv) revisions to the utility's rates pursuant to the

Commission's rules governing utility rate increase applications, as permitted by subsection B, occurring after July 1, 2009; and (v) base rates in effect as of July 1, 2009.

10. For purposes of this section, the Commission shall regulate the rates, terms and conditions of any utility subject to this section on a stand-alone basis utilizing the actual end-of-test period capital structure and cost of capital of such utility, *excluding any debt associated with securitized bonds that are the obligation of non-Virginia jurisdictional customers*, unless the Commission finds that the debt to equity ratio of such capital structure is unreasonable for such utility, in which case the Commission may utilize a debt to equity ratio that it finds to be reasonable for such utility in determining any rate adjustment pursuant to subdivisions 8 a and c, and without regard to the cost of capital, capital structure, revenues, expenses or investments of any other entity with which such utility may be affiliated. In particular, and without limitation, the Commission shall determine the federal and state income tax costs for any such utility that is part of a publicly traded, consolidated group as follows: (i) such utility's apportioned state income tax costs shall be calculated according to the applicable statutory rate, as if the utility had not filed a consolidated return with its affiliates, and (ii) such utility's federal income tax costs shall be calculated according to the applicable federal income tax rate and shall exclude any consolidated tax liability or benefit adjustments originating from any taxable income or loss of its affiliates.

B. Nothing in this section shall preclude an investor-owned incumbent electric utility from applying for an increase in rates pursuant to § 56-245 or the Commission's rules governing utility rate increase applications; however, in any such filing, a fair rate of return on common equity shall be determined pursuant to subdivision A 2. Nothing in this section shall preclude such utility's recovery of fuel and purchased power costs as provided in § 56-249.6.

C. Except as otherwise provided in this section, the Commission shall exercise authority over the rates, terms and conditions of investor-owned incumbent electric utilities for the provision of generation, transmission and distribution services to retail customers in the Commonwealth pursuant to the provisions of Chapter 10 (§ 56-232 et seq.), including specifically § 56-235.2.

D. The Commission may determine, during any proceeding authorized or required by this section, the reasonableness or prudence of any cost incurred or projected to be incurred, by a utility in connection with the subject of the proceeding. A determination of the Commission regarding the reasonableness or prudence of any such cost shall be consistent with the Commission's authority to determine the reasonableness or prudence of costs in proceedings pursuant to the provisions of Chapter 10 (§ 56-232 et seq.). In determining the reasonableness or prudence of a utility providing energy and capacity to its customers from renewable energy resources, the Commission shall consider the extent to which such renewable energy resources, whether utility-owned or by contract, further the objectives of the Commonwealth Energy Policy set forth in §§ 67-101 and 67-102, and shall also consider whether the costs of such resources is likely to result in unreasonable increases in rates paid by consumers.

E. The Commission shall promulgate such rules and regulations as may be necessary to implement the provisions of this section.

**CHAPTER 796**

*An Act to amend and reenact § 15.2-2223 of the Code of Virginia, relating to local transportation plan; secondary system road construction program allocation; undergrounding utilities.*

[S 622]

Approved April 6, 2018

**Be it enacted by the General Assembly of Virginia:**

**1. That § 15.2-2223 of the Code of Virginia is amended and reenacted as follows:**

**§ 15.2-2223. Comprehensive plan to be prepared and adopted; scope and purpose.**

A. The local planning commission shall prepare and recommend a comprehensive plan for the physical development of the territory within its jurisdiction and every governing body shall adopt a comprehensive plan for the territory under its jurisdiction.

In the preparation of a comprehensive plan, the commission shall make careful and comprehensive surveys and studies of the existing conditions and trends of growth, and of the probable future requirements of its territory and inhabitants. The comprehensive plan shall be made with the purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the territory which will, in accordance with present and probable future needs and resources, best promote the health, safety, morals, order, convenience, prosperity and general welfare of the inhabitants, including the elderly and persons with disabilities.

The comprehensive plan shall be general in nature, in that it shall designate the general or approximate location, character, and extent of each feature, including any road improvement and any transportation improvement, shown on the plan and shall indicate where existing lands or facilities are proposed to be extended, widened, removed, relocated, vacated, narrowed, abandoned, or changed in use as the case may be.

B. 1. As part of the comprehensive plan, each locality shall develop a transportation plan that designates a system of transportation infrastructure needs and recommendations that include the designation of new and expanded transportation facilities and that support the planned development of the territory covered by the plan and shall include, as appropriate, but not be limited to, roadways, bicycle accommodations, pedestrian accommodations, railways, bridges, waterways, airports,

ports, and public transportation facilities. The plan shall recognize and differentiate among a hierarchy of roads such as expressways, arterials, and collectors. In developing the plan, the locality shall take into consideration how to align transportation infrastructure and facilities with affordable, accessible housing and community services that are located within the territory in order to facilitate community integration of the elderly and persons with disabilities. The Virginia Department of Transportation shall, upon request, provide localities with technical assistance in preparing such transportation plan.

2. The transportation plan shall include a map that shall show road and transportation improvements, including the cost estimates of such road and transportation improvements from the Virginia Department of Transportation, taking into account the current and future needs of residents in the locality while considering the current and future needs of the planning district within which the locality is situated.

3. The transportation plan, and any amendment thereto pursuant to § 15.2-2229, shall be consistent with the Commonwealth Transportation Board's Statewide Transportation Plan developed pursuant to § 33.2-353, the Six-Year Improvement Program adopted pursuant to subsection B of § 33.2-214, and the location of routes to be followed by roads comprising systems of state highways pursuant to subsection A of § 33.2-208. The locality shall consult with the Virginia Department of Transportation to assure such consistency is achieved. The transportation plan need reflect only those changes in the annual update of the Six-Year Improvement Program that are deemed to be significant new, expanded, or relocated roadways.

4. Prior to the adoption of the transportation plan or any amendment to the transportation plan, the locality shall submit such plan or amendment to the Department for review and comment. The Department shall conduct its review and provide written comments to the locality on the consistency of the transportation plan or any amendment to the provisions of subdivision 1. The Department shall provide such written comments to the locality within 90 days of receipt of the plan or amendment, or such other shorter period of time as may be otherwise agreed upon by the Department and the locality.

5. The locality shall submit a copy of the adopted transportation plan or any amendment to the transportation plan to the Department for informational purposes. If the Department determines that the transportation plan or amendment is not consistent with the provisions of subdivision 1, the Department shall notify the Commonwealth Transportation Board so that the Board may take appropriate action in accordance with subsection E of § 33.2-214.

6. *If the adopted transportation plan designates corridors planned to be served by mass transit, as defined in § 33.2-100, a portion of its allocation from (i) the Northern Virginia Transportation Authority distribution specified in subdivision B 1 of § 33.2-2510, (ii) the commercial and industrial real property tax revenue specified in § 58.1-3221.3, and (iii) the secondary system road construction program, as described in Article 5 (§ 33.2-351 et seq.) of Chapter 3 of Title 33.2, may be used for the purpose of utility undergrounding in the planned corridor, if the locality matches 100 percent of the state allocation.*

7. Each locality's amendments or updates to its transportation plan as required by subdivisions 2 through 5 shall be made on or before its ongoing scheduled date for updating its transportation plan.

C. The comprehensive plan, with the accompanying maps, plats, charts, and descriptive matter, shall show the locality's long-range recommendations for the general development of the territory covered by the plan. It may include, but need not be limited to:

1. The designation of areas for various types of public and private development and use, such as different kinds of residential, including age-restricted, housing; business; industrial; agricultural; mineral resources; conservation; active and passive recreation; public service; flood plain and drainage; and other areas;

2. The designation of a system of community service facilities such as parks, sports playing fields, forests, schools, playgrounds, public buildings and institutions, hospitals, nursing homes, assisted living facilities, community centers, waterworks, sewage disposal or waste disposal areas, and the like;

3. The designation of historical areas and areas for urban renewal or other treatment;

4. The designation of areas for the implementation of reasonable ground water protection measures;

5. A capital improvements program, a subdivision ordinance, a zoning ordinance and zoning district maps, mineral resource district maps and agricultural and forestal district maps, where applicable;

6. The location of existing or proposed recycling centers;

7. The location of military bases, military installations, and military airports and their adjacent safety areas; and

8. The designation of corridors or routes for electric transmission lines of 150 kilovolts or more.

D. The comprehensive plan shall include the designation of areas and implementation of measures for the construction, rehabilitation and maintenance of affordable housing, which is sufficient to meet the current and future needs of residents of all levels of income in the locality while considering the current and future needs of the planning district within which the locality is situated.

## CHAPTER 797

*An Act to amend and reenact §§ 58.1-2292, 58.1-2295, as it is currently effective, 58.1-2299, 58.1-2299.10, and 58.1-2299.14 of the Code of Virginia, relating to the motor vehicle fuels sales tax in certain regions of the Commonwealth; price floor.*

[S 896]

Approved April 6, 2018

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 58.1-2292, 58.1-2295, as it is currently effective, 58.1-2299, 58.1-2299.10, and 58.1-2299.14 of the Code of Virginia are amended and reenacted as follows:**

**§ 58.1-2292. Definitions.**

As used in this chapter unless the context requires a different meaning:

*"Alternative fuel" means the same as that term is defined in § 58.1-2201.*

*"Applied period" means the period of time in which a tax rate is imposed.*

*"Base period" means the period of time used to calculate the statewide average distributor price.*

*"Commissioner" means the Commissioner of the Department of Motor Vehicles.*

*"Cost price" means the same as that term is defined in § 58.1-602, and also includes all federal and state excise taxes and storage tank fees paid by the distributor. "Cost price" does not include separately stated federal diesel fuel excise taxes, unless the distributor fails to exclude the federal diesel excise tax when collecting the tax imposed pursuant to this chapter.*

*"Department" means the Department of Motor Vehicles, acting directly or through its duly authorized officers and agents.*

*"Diesel fuel" means the same as that term is defined in § 58.1-2201.*

*"Distributor" means (i) any person engaged in the business of selling fuels in the Commonwealth who brings, or causes to be brought, into the Commonwealth from outside the Commonwealth any fuels for sale, or any other person engaged in the business of selling fuels in the Commonwealth; (ii) any person who makes, manufactures, fabricates, processes, or stores fuels in the Commonwealth for sale in the Commonwealth; or (iii) any person engaged in the business of selling fuels outside the Commonwealth who ships or transports fuels to any person in the business of selling fuels in the Commonwealth.*

*"Distributor charges" means the amount calculated by the Department to approximate the value of the items, on a per gallon basis, excluding the wholesale price of a gallon of fuel, upon which the tax imposed by § 58.1-2295 was calculated prior to July 1, 2018.*

*"Fuel" means any fuel subject to tax under Chapter 22 (§ 58.1-2200 et seq.).*

*"Gross sales" means the same as that term is defined in § 58.1-602.*

*"Gasoline" means the same as that term is defined in § 58.1-2201.*

*"Liquid" means the same as that term is defined in § 58.1-2201.*

*"Retail dealer" means any person, including a distributor, who that sells fuels to a consumer or to any person for any purpose other than resale.*

*"Sale" means the same as that term is defined in § 58.1-602 and also includes the distribution of fuel by a distributor to itself as a retail dealer.*

*"Sales price" means the same as that term is defined in § 58.1-602 and also includes all transportation and delivery charges, regardless of whether the charges are separately stated on the invoice. Sales price does not include separately stated federal diesel fuel excise taxes, unless the distributor fails to exclude the federal diesel excise tax when collecting the tax imposed pursuant to this chapter.*

*"Statewide average distributor price" means the statewide average wholesale price of a gallon of unleaded regular gasoline or diesel fuel, as appropriate, plus distributor charges.*

*"Statewide average wholesale price" means the statewide average wholesale price of a gallon of unleaded regular gasoline or diesel fuel, as appropriate, calculated pursuant to § 58.1-2217.*

*"Wholesale price" means the same as that term is defined in § 58.1-2201.*

**§ 58.1-2295. (Contingent expiration date) Levy; payment of tax.**

A. 1. In addition to all other taxes now imposed by law, there is hereby imposed a tax upon every distributor who engages in the business of selling fuels at wholesale to retail dealers for retail sale in any county or city that is a member of (i) any transportation district in which a rapid heavy rail commuter mass transportation system operating on an exclusive right-of-way and a bus commuter mass transportation system are owned, operated, or controlled by an agency or commission as defined in § 33.2-1901 or (ii) any transportation district that is subject to subsection C of § 33.2-1915 and that is contiguous to the Northern Virginia Transportation District.

2. In addition to all other taxes now imposed by law, there is hereby imposed a tax upon every distributor who engages in the business of selling fuels at wholesale to retail dealers for retail sale in any county or city that is located in a Planning District established pursuant to Chapter 42 (§ 15.2-4200 et seq.) of Title 15.2 that (i) as of January 1, 2013, has a population of not less than 1.5 million but fewer than two million, as shown by the most recent United States Census, has not less than 1.2 million but fewer than 1.7 million motor vehicles registered therein, and has a total transit ridership of not less than

15 million but fewer than 50 million riders per year across all transit systems within the Planning District or (ii) as shown by the most recent United States Census meets the population criteria set forth in clause (i) and also meets the vehicle registration and ridership criteria set forth in clause (i). In any case in which the tax is imposed pursuant to clause (ii), such tax shall be effective beginning on the July 1 immediately following the calendar year in which all of the criteria have been met.

B. 1. The tax shall be imposed on each gallon of fuel, other than diesel fuel, sold by a distributor to a retail dealer for retail sale in any such county or city described in subsection A at a rate of 2.1 percent of the sales price charged by a distributor for fuels sold to a retail dealer for retail sale in any such county or city. In any such sale to a retail dealer in which the distributor and the retail dealer are the same person, the sales price charged by the distributor shall be the cost price to the distributor of the fuel statewide average distributor price of a gallon of unleaded regular gasoline as determined by the Commissioner pursuant to subdivision C 1. For alternative fuels other than liquid alternative fuels, the Commissioner shall determine an equivalent tax rate based on gasoline gallon equivalency.

2. The tax shall be imposed on each gallon of diesel fuel sold by a distributor to a retail dealer for retail sale in any such county or city at a rate of 2.1 percent of the statewide average distributor price of a gallon of diesel fuel as determined by the Commissioner pursuant to subdivision C 2.

C. 1. To determine the statewide average distributor price of a gallon of unleaded regular gasoline, the Commissioner shall use the period from June 1 to November 30, inclusive, as the base period for the determination of the rate of the tax for the immediately following applied period beginning January 1 and ending June 30, inclusive. The Commissioner shall use the period from December 1 to May 31, inclusive, as the base period for the determination of the rate of the tax for the immediately following applied period beginning July 1 and ending December 31, inclusive. In no case shall the statewide average distributor price of a gallon of unleaded regular gasoline determined for the purposes of this section be less than the statewide average wholesale price of a gallon of unleaded regular gasoline on February 20, 2013, plus a distributor charge calculated by the Commissioner for that date.

2. To determine the statewide average distributor price of a gallon of diesel fuel, the Commissioner shall use the period from June 1 to November 30, inclusive, as the base period for the determination of the rate of the tax for the immediately following applied period beginning January 1 and ending June 30, inclusive. The Commissioner shall use the period from December 1 to May 31, inclusive, as the base period for the determination of the rate of the tax for the immediately following applied period beginning July 1 and ending December 31, inclusive. In no case shall the statewide average distributor price of a gallon of diesel fuel determined for the purposes of this section be less than the statewide average wholesale price of a gallon of diesel fuel on February 20, 2013, plus a distributor charge calculated by the Commissioner for that date.

D. The tax levied under this section shall be imposed at the time of sale by the distributor to the retail dealer.

~~E.~~ E. The tax imposed by this section shall be paid by the distributor, but the distributor shall separately state the amount of the tax and add such tax to the sales price or charge. Thereafter, such tax shall be a debt from the retail dealer to the distributor until paid and shall be recoverable at law in the same manner as other debts. No action at law or suit in equity under this chapter shall be maintained in the Commonwealth by any distributor who is not registered under § 58.1-2299.2 or is delinquent in the payment of taxes imposed under this chapter.

F. Nothing in this section shall be construed to exempt the imposition and remittance of tax pursuant to this section in a sale to a retail dealer in which the distributor and the retail dealer are the same person.

#### § 58.1-2299. Bad debts.

A. In any return filed under the provisions of this chapter, a distributor may credit, against the tax shown to be due on the return, the amount of tax previously returned and paid on accounts which are owed to the distributor and which have been found to be worthless within the period covered by the return. The credit, however, shall not exceed the amount of the uncollected sales price determined by treating prior payments on each debt as consisting of the same proportion of the sales price, tax levied under this chapter, and other nontaxable charges as the total debt originally owed to the distributor tax due pursuant to § 58.1-2295 for the relevant applied period for the fuel delivered to the worthless accounts. The amount of accounts for which a credit has been taken that are thereafter in whole or in part paid to the dealer shall be included in the first return filed after such collection.

B. Notwithstanding any other provision of this section, a distributor whose volume and character of uncollectible accounts, including checks returned for insufficient funds, renders it impractical to substantiate the credit on an account-by-account basis may, subject to the approval of the Department, utilize an alternative method of substantiating the credit.

#### § 58.1-2299.10. Willful commission of prohibited acts; criminal penalties.

Any person who willfully commits any of the following acts with the intent to (i) evade or circumvent the taxes imposed under this chapter or (ii) assist any other person in efforts to evade or circumvent such taxes is guilty of a Class 6 felony, if he:

1. Does not pay the taxes imposed under this chapter and diverts the proceeds from such taxes for other purposes;
2. Is a distributor required to be registered under the provisions of this chapter, or the agent or representative of such a distributor, and converts or attempts to convert proceeds from taxes imposed under this chapter for the use of the distributor or the distributor's agent or representative, with the intent to defraud the Commonwealth;
3. Illegally collects taxes imposed under this chapter when not authorized or licensed by the Commissioner to do so;

4. Conspires with any other person or persons to engage in an act, plan, or scheme to defraud the Commonwealth of proceeds from taxes levied under this chapter;

5. Fails to remit to the Commissioner any tax levied pursuant to this chapter, if he (i) has added, or represented that he has added, the tax to the sales price for the fuel and (ii) has collected the amount of the tax; or

6. Applies for or collects from the Department a tax credit when the person knows or has reason to know that fuel for which the credit is claimed has been or will be used for a taxable purpose; however, if the amount of fuel involved is not more than 20 gallons, such person is guilty of a Class 1 misdemeanor.

**§ 58.1-2299.14. Recordkeeping requirements; inspection of records; civil penalties.**

A. Every distributor required to make a return and pay or collect any tax under this chapter shall keep and preserve suitable records of the sales taxable under this chapter, and such other books of account as may be necessary to determine the amount of tax due hereunder, and such other pertinent information as may be required by the Commissioner. Such records shall be kept and maintained for a period to include the Department's current fiscal year and the previous three fiscal years.

B. The Commissioner or any agent authorized by him may examine during the usual business hours all records, books, papers, or other documents of any distributor required to be registered under this chapter relating to the sales price amount of any fuel subject to taxation under this chapter to verify the truth and accuracy of any statement or any other information as to a particular sale.

C. Any person who fails to keep or retain records as required by this section shall be subject to a civil penalty. The amount of the civil penalty assessed against a person for his first violation shall be \$1,000. The amount of the civil penalty assessed against a person for each subsequent violation shall be \$1,000 more than the amount of the civil penalty for the preceding violation.

D. Any person who refuses to allow an inspection authorized under this section shall be subject to a civil penalty of \$5,000 for each refusal.

**2. That the Department of Motor Vehicles (the Department) shall develop guidelines, with the input of relevant stakeholders, to determine the distributor charges, as defined by § 58.1-2292 of the Code of Virginia, as amended by this act, to be added to the wholesale price of a gallon of fuel in order to establish the statewide average distributor price of a gallon of fuel pursuant to § 58.1-2295 of the Code of Virginia, as amended by this act. Such guidelines shall include a procedure for a review of the items included in the distributor charge and an adjustment of the charge, if necessary, at the same time that the Department computes the tax for an applicable base period pursuant to § 58.1-2217 of the Code of Virginia. The guidelines required by this enactment shall not be subject to the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia).**

## CHAPTER 798

*An Act to amend and reenact §§ 58.1-2292, 58.1-2295, as it is currently effective, 58.1-2299, 58.1-2299.10, and 58.1-2299.14 of the Code of Virginia, relating to the motor vehicle fuels sales tax in certain regions of the Commonwealth; price floor.*

[H 768]

Approved April 6, 2018

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 58.1-2292, 58.1-2295, as it is currently effective, 58.1-2299, 58.1-2299.10, and 58.1-2299.14 of the Code of Virginia are amended and reenacted as follows:**

**§ 58.1-2292. Definitions.**

As used in this chapter unless the context requires a different meaning:

"Alternative fuel" means the same as that term is defined in § 58.1-2201.

"Applied period" means the period of time in which a tax rate is imposed.

"Base period" means the period of time used to calculate the statewide average distributor price.

"Commissioner" means the Commissioner of the Department of Motor Vehicles.

"Cost price" means the same as that term is defined in § 58.1-602, and also includes all federal and state excise taxes and storage tank fees paid by the distributor. "Cost price" does not include separately stated federal diesel fuel excise taxes, unless the distributor fails to exclude the federal diesel excise tax when collecting the tax imposed pursuant to this chapter.

"Department" means the Department of Motor Vehicles, acting directly or through its duly authorized officers and agents.

"Diesel fuel" means the same as that term is defined in § 58.1-2201.

"Distributor" means (i) any person engaged in the business of selling fuels in the Commonwealth who brings, or causes to be brought, into the Commonwealth from outside the Commonwealth any fuels for sale, or any other person engaged in the business of selling fuels in the Commonwealth; (ii) any person who makes, manufactures, fabricates, processes, or stores fuels in the Commonwealth for sale in the Commonwealth; or (iii) any person engaged in the business of selling fuels outside the Commonwealth who ships or transports fuels to any person in the business of selling fuels in the Commonwealth.

"Distributor charges" means the amount calculated by the Department to approximate the value of the items, on a per gallon basis, excluding the wholesale price of a gallon of fuel, upon which the tax imposed by § 58.1-2295 was calculated prior to July 1, 2018.

"Fuel" means any fuel subject to tax under Chapter 22 (§ 58.1-2200 et seq.).

~~"Gross sales" means the same as that term is defined in § 58.1-602.~~

~~"Gasoline" means the same as that term is defined in § 58.1-2201.~~

~~"Liquid" means the same as that term is defined in § 58.1-2201.~~

"Retail dealer" means any person, including a distributor, ~~who~~ that sells fuels to a consumer or to any person for any purpose other than resale.

"Sale" means the same as that term is defined in § 58.1-602 and also includes the distribution of fuel by a distributor to itself as a retail dealer.

~~"Sales price" means the same as that term is defined in § 58.1-602 and also includes all transportation and delivery charges, regardless of whether the charges are separately stated on the invoice. Sales price does not include separately stated federal diesel fuel excise taxes, unless the distributor fails to exclude the federal diesel excise tax when collecting the tax imposed pursuant to this chapter.~~

*"Statewide average distributor price" means the statewide average wholesale price of a gallon of unleaded regular gasoline or diesel fuel, as appropriate, plus distributor charges.*

*"Statewide average wholesale price" means the statewide average wholesale price of a gallon of unleaded regular gasoline or diesel fuel, as appropriate, calculated pursuant to § 58.1-2217.*

*"Wholesale price" means the same as that term is defined in § 58.1-2201.*

**§ 58.1-2295. (Contingent expiration date) Levy; payment of tax.**

A. 1. In addition to all other taxes now imposed by law, there is hereby imposed a tax upon every distributor who engages in the business of selling fuels at wholesale to retail dealers for retail sale in any county or city that is a member of (i) any transportation district in which a rapid heavy rail commuter mass transportation system operating on an exclusive right-of-way and a bus commuter mass transportation system are owned, operated, or controlled by an agency or commission as defined in § 33.2-1901 or (ii) any transportation district that is subject to subsection C of § 33.2-1915 and that is contiguous to the Northern Virginia Transportation District.

2. In addition to all other taxes now imposed by law, there is hereby imposed a tax upon every distributor who engages in the business of selling fuels at wholesale to retail dealers for retail sale in any county or city that is located in a Planning District established pursuant to Chapter 42 (§ 15.2-4200 et seq.) of Title 15.2 that (i) as of January 1, 2013, has a population of not less than 1.5 million but fewer than two million, as shown by the most recent United States Census, has not less than 1.2 million but fewer than 1.7 million motor vehicles registered therein, and has a total transit ridership of not less than 15 million but fewer than 50 million riders per year across all transit systems within the Planning District or (ii) as shown by the most recent United States Census meets the population criteria set forth in clause (i) and also meets the vehicle registration and ridership criteria set forth in clause (i). In any case in which the tax is imposed pursuant to clause (ii), such tax shall be effective beginning on the July 1 immediately following the calendar year in which all of the criteria have been met.

B. 1. The tax shall be imposed on each gallon of fuel, other than diesel fuel, sold by a distributor to a retail dealer for retail sale in any such county or city described in subsection A at a rate of 2.1 percent of the sales price charged by a distributor for fuels sold to a retail dealer for retail sale in any such county or city. ~~In any such sale to a retail dealer in which the distributor and the retail dealer are the same person, the sales price charged by the distributor shall be the cost price to the distributor of the fuel statewide average distributor price of a gallon of unleaded regular gasoline as determined by the Commissioner pursuant to subdivision C 1. For alternative fuels other than liquid alternative fuels, the Commissioner shall determine an equivalent tax rate based on gasoline gallon equivalency.~~

2. The tax shall be imposed on each gallon of diesel fuel sold by a distributor to a retail dealer for retail sale in any such county or city at a rate of 2.1 percent of the statewide average distributor price of a gallon of diesel fuel as determined by the Commissioner pursuant to subdivision C 2.

C. 1. To determine the statewide average distributor price of a gallon of unleaded regular gasoline, the Commissioner shall use the period from June 1 to November 30, inclusive, as the base period for the determination of the rate of the tax for the immediately following applied period beginning January 1 and ending June 30, inclusive. The Commissioner shall use the period from December 1 to May 31, inclusive, as the base period for the determination of the rate of the tax for the immediately following applied period beginning July 1 and ending December 31, inclusive. In no case shall the statewide average distributor price of a gallon of unleaded regular gasoline determined for the purposes of this section be less than the statewide average wholesale price of a gallon of unleaded regular gasoline on February 20, 2013, plus a distributor charge calculated by the Commissioner for that date.

2. To determine the statewide average distributor price of a gallon of diesel fuel, the Commissioner shall use the period from June 1 to November 30, inclusive, as the base period for the determination of the rate of the tax for the immediately following applied period beginning January 1 and ending June 30, inclusive. The Commissioner shall use the period from December 1 to May 31, inclusive, as the base period for the determination of the rate of the tax for the immediately following applied period beginning July 1 and ending December 31, inclusive. In no case shall the statewide average distributor price of a gallon of diesel fuel determined for the purposes of this section be less than the statewide average

wholesale price of a gallon of diesel fuel on February 20, 2013, plus a distributor charge calculated by the Commissioner for that date.

D. The tax levied under this section shall be imposed at the time of sale by the distributor to the retail dealer.

~~E.~~ E. The tax imposed by this section shall be paid by the distributor, but the distributor shall separately state the amount of the tax and add such tax to the sales price or charge. Thereafter, such tax shall be a debt from the retail dealer to the distributor until paid and shall be recoverable at law in the same manner as other debts. No action at law or suit in equity under this chapter shall be maintained in the Commonwealth by any distributor who is not registered under § 58.1-2299.2 or is delinquent in the payment of taxes imposed under this chapter.

F. Nothing in this section shall be construed to exempt the imposition and remittance of tax pursuant to this section in a sale to a retail dealer in which the distributor and the retail dealer are the same person.

**§ 58.1-2299. Bad debts.**

A. In any return filed under the provisions of this chapter, a distributor may credit, against the tax shown to be due on the return, the amount of tax previously returned and paid on accounts which are owed to the distributor and which have been found to be worthless within the period covered by the return. The credit, however, shall not exceed the amount of ~~the uncollected sales price determined by treating prior payments on each debt as consisting of the same proportion of the sales price, tax levied under this chapter, and other nontaxable charges as the total debt originally owed to the distributor tax due pursuant to § 58.1-2295 for the relevant applied period for the fuel delivered to the worthless accounts.~~ The amount of accounts for which a credit has been taken that are thereafter in whole or in part paid to the dealer shall be included in the first return filed after such collection.

B. Notwithstanding any other provision of this section, a distributor whose volume and character of uncollectible accounts, including checks returned for insufficient funds, renders it impractical to substantiate the credit on an account-by-account basis may, subject to the approval of the Department, utilize an alternative method of substantiating the credit.

**§ 58.1-2299.10. Willful commission of prohibited acts; criminal penalties.**

Any person who willfully commits any of the following acts with the intent to (i) evade or circumvent the taxes imposed under this chapter or (ii) assist any other person in efforts to evade or circumvent such taxes is guilty of a Class 6 felony, if he:

1. Does not pay the taxes imposed under this chapter and diverts the proceeds from such taxes for other purposes;
2. Is a distributor required to be registered under the provisions of this chapter, or the agent or representative of such a distributor, and converts or attempts to convert proceeds from taxes imposed under this chapter for the use of the distributor or the distributor's agent or representative, with the intent to defraud the Commonwealth;
3. Illegally collects taxes imposed under this chapter when not authorized or licensed by the Commissioner to do so;
4. Conspires with any other person or persons to engage in an act, plan, or scheme to defraud the Commonwealth of proceeds from taxes levied under this chapter;
5. Fails to remit to the Commissioner any tax levied pursuant to this chapter, if he (i) has added, or represented that he has added, the tax to the sales price for the fuel and (ii) has collected the amount of the tax; or
6. Applies for or collects from the Department a tax credit when the person knows or has reason to know that fuel for which the credit is claimed has been or will be used for a taxable purpose; however, if the amount of fuel involved is not more than 20 gallons, such person is guilty of a Class 1 misdemeanor.

**§ 58.1-2299.14. Recordkeeping requirements; inspection of records; civil penalties.**

A. Every distributor required to make a return and pay or collect any tax under this chapter shall keep and preserve suitable records of the sales taxable under this chapter, and such other books of account as may be necessary to determine the amount of tax due hereunder, and such other pertinent information as may be required by the Commissioner. Such records shall be kept and maintained for a period to include the Department's current fiscal year and the previous three fiscal years.

B. The Commissioner or any agent authorized by him may examine during the usual business hours all records, books, papers, or other documents of any distributor required to be registered under this chapter relating to the sales price amount of any fuel subject to taxation under this chapter to verify the truth and accuracy of any statement or any other information as to a particular sale.

C. Any person who fails to keep or retain records as required by this section shall be subject to a civil penalty. The amount of the civil penalty assessed against a person for his first violation shall be \$1,000. The amount of the civil penalty assessed against a person for each subsequent violation shall be \$1,000 more than the amount of the civil penalty for the preceding violation.

D. Any person who refuses to allow an inspection authorized under this section shall be subject to a civil penalty of \$5,000 for each refusal.

**2. That the Department of Motor Vehicles (the Department) shall develop guidelines, with the input of relevant stakeholders, to determine the distributor charges, as defined by § 58.1-2292 of the Code of Virginia, as amended by this act, to be added to the wholesale price of a gallon of fuel in order to establish the statewide average distributor price of a gallon of fuel pursuant to § 58.1-2295 of the Code of Virginia, as amended by this act. Such guidelines shall include a procedure for a review of the items included in the distributor charge and an adjustment of the charge, if necessary, at the same time that the Department computes the tax for an applicable base period pursuant to**

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§ 58.1-2217 of the Code of Virginia. The guidelines required by this enactment shall not be subject to the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia).

CHAPTER 799

*An Act to amend the Code of Virginia by adding in Article 1 of Chapter 9 of Title 15.2 a section numbered 15.2-926.4, relating to regulation of smoking in outdoor amphitheater or concert venue; civil penalty.*

[S 149]

Approved April 9, 2018

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding in Article 1 of Chapter 9 of Title 15.2 a section numbered 15.2-926.4 as follows:**

**§ 15.2-926.4. Regulation of smoking in outdoor amphitheater or concert venue; civil penalty.**

*A. Any locality, by ordinance, may designate reasonable no-smoking areas within an outdoor amphitheater or concert venue owned by that locality.*

*B. An ordinance adopted pursuant to this section shall:*

*1. Require the locality to install adequate signs within each outdoor amphitheater or concert venue that designate the no-smoking areas within such outdoor amphitheater or concert venue;*

*2. Provide that no person shall smoke in any area or place designated as a no-smoking area and that any person who continues to smoke in such area or place after having been asked to refrain from smoking shall be subject to a civil penalty of not more than \$25; and*

*3. Provide that any law-enforcement officer may issue a summons regarding a violation of the ordinance.*

*C. Civil penalties assessed under this section shall be paid into the treasury of the locality where the offense occurred and shall be expended solely for public health purposes.*

**2. That the provisions of this act shall not become effective unless reenacted by the 2019 Session of the General Assembly.**

CHAPTER 800

*An Act to amend and reenact § 8.01-321 of the Code of Virginia, relating to orders of publication to enforce tax lien; limited-value property.*

[S 108]

Approved April 9, 2018

**Be it enacted by the General Assembly of Virginia:**

**1. That § 8.01-321 of the Code of Virginia is amended and reenacted as follows:**

**§ 8.01-321. Orders of publication in proceedings to enforce liens for taxes assessed upon real estate.**

Whenever an order of publication is entered in any proceeding brought by any county, city, or town to enforce a lien for taxes assessed upon real estate, such order need not be published more than once a week for two successive weeks. *In the event the property is assessed in the local tax records for \$50,000 or less, such order need not be published more than once.* The party served by publication shall be required to appear and protect his interest by the date stated in the order of publication, which shall be not less than ~~twenty-four~~ 24 days after entry of such order. The publication shall in other respects conform to § 8.01-317, and when such publication so conforms, the provisions of § 8.01-318 shall apply.

CHAPTER 801

*An Act to amend and reenact §§ 2.2-115, 58.1-405, 58.1-408, 58.1-417 through 58.1-420, 58.1-422, 58.1-422.1, and 58.1-422.2 of the Code of Virginia and to amend the Code of Virginia by adding sections numbered 15.2-958.2:01 and 58.1-405.1, relating to income tax; modification for certain companies; grants.*

[S 883]

Approved April 9, 2018

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 2.2-115, 58.1-405, 58.1-408, 58.1-417 through 58.1-420, 58.1-422, 58.1-422.1, and 58.1-422.2 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding sections numbered 15.2-958.2:01 and 58.1-405.1 as follows:**

**§ 2.2-115. Commonwealth's Development Opportunity Fund.**

**A.** As used in this section, unless the context requires otherwise:

"New job" means employment of an indefinite duration, created as the direct result of the private investment, for which the firm pays the wages and standard fringe benefits for its employee, requiring a minimum of either (i) 35 hours of the

employee's time a week for the entire normal year of the firm's operations, which "normal year" must consist of at least 48 weeks or (ii) 1,680 hours per year.

Seasonal or temporary positions, positions created when a job function is shifted from an existing location in the Commonwealth to the location of the economic development project, positions with suppliers, and multiplier or spin-off jobs shall not qualify as new jobs. The term "new job" shall include positions with contractors provided that all requirements included within the definition of the term are met.

"Prevailing average wage" means that amount determined by the Virginia Employment Commission to be the average wage paid workers in the city or county of the Commonwealth where the economic development project is located. The prevailing average wage shall be determined without regard to any fringe benefits.

"Private investment" means the private investment required under this section.

B. There is created the Commonwealth's Development Opportunity Fund (the Fund) to be used by the Governor to attract economic development prospects and secure the expansion of existing industry in the Commonwealth. The Fund shall consist of any funds appropriated to it by the general appropriation act and revenue from any other source, public or private. The Fund shall be established on the books of the Comptroller, and any funds remaining in the Fund at the end of a biennium shall not revert to the general fund but shall remain in the Fund. Interest earned on the Fund shall be credited to the Fund. The Governor shall report to the Chairmen of the House Committees on Appropriations and Finance and the Senate Committee on Finance as funds are awarded in accordance with this section.

C. Funds shall be awarded from the Fund by the Governor as grants or loans to political subdivisions. The criteria for making such grants or loans shall include (i) job creation, (ii) private capital investment, and (iii) anticipated additional state tax revenue expected to accrue to the state and affected localities as a result of the capital investment and jobs created. Loans shall be approved by the Governor and made in accordance with guidelines established by the Virginia Economic Development Partnership and approved by the Comptroller. Loans shall be interest-free unless otherwise determined by the Governor and shall be repaid to the Fund. The Governor may establish the interest rate to be charged; otherwise, any interest charged shall be at market rates as determined by the State Treasurer and shall be indicative of the duration of the loan. The Virginia Economic Development Partnership shall be responsible for monitoring repayment of such loans and reporting the receivables to the Comptroller as required.

Beginning with the five fiscal years from fiscal year 2006-2007 through fiscal year 2010-2011, and for every five fiscal years' period thereafter, in general, no less than one-third of the moneys appropriated to the Fund in every such five-year period shall be awarded to counties and cities having an annual average unemployment rate that is greater than the final statewide average unemployment rate for the calendar year that immediately precedes the calendar year of the award. However, if such one-third requirement will not be met because economic development prospects in such counties and cities are unable to fulfill the applicable minimum private investment and new jobs requirements set forth in this section, then any funds remaining in the Fund at the end of the five-year period that would have otherwise been awarded to such counties and cities shall be made available for awards in the next five fiscal years' period.

D. Funds may be used for public and private utility extension or capacity development on and off site; public and private installation, extension, or capacity development of high-speed or broadband Internet access, whether on or off site; road, rail, or other transportation access costs beyond the funding capability of existing programs; site acquisition; grading, drainage, paving, and any other activity required to prepare a site for construction; construction or build-out of publicly or privately owned buildings; training; or grants or loans to an industrial development authority, housing and redevelopment authority, or other political subdivision for purposes directly relating to any of the foregoing. However, in no case shall funds from the Fund be used, directly or indirectly, to pay or guarantee the payment for any rental, lease, license, or other contractual right to the use of any property.

It shall be the policy of the Commonwealth that moneys in the Fund shall not be used for any economic development project in which a business relocates or expands its operations in one or more Virginia localities and simultaneously closes its operations or substantially reduces the number of its employees in another Virginia locality, unless the procedures set forth in § 30-310 are followed. The Secretary of Commerce and Trade shall enforce this policy and for any exception thereto shall, pursuant to § 30-310, submit such projects to the MEI Project Approval Commission established pursuant to § 30-309.

E. 1. a. Except as provided in this subdivision, no grant or loan shall be awarded from the Fund unless the project involves a minimum private investment of \$5 million and creates at least 50 new jobs for which the average wage, excluding fringe benefits, is no less than the prevailing average wage. For projects, including but not limited to projects involving emerging technologies, for which the average wage of the new jobs created, excluding fringe benefits, is at least twice the prevailing average wage for that locality or region, the Governor shall have the discretion to require no less than one-half the number of new jobs as set forth for that locality in this subdivision.

b. Notwithstanding the provisions of subdivision a, a grant or loan may be awarded from the Fund if the project involves a minimum private investment of \$100 million and creates at least 25 new jobs for which the average wage, excluding fringe benefits, is no less than the prevailing average wage.

2. Notwithstanding the provisions of subdivision 1 a, in localities (i) with an annual unemployment rate for the most recent calendar year for which such data is available that is greater than the final statewide average unemployment rate for that calendar year or (ii) with a poverty rate for the most recent calendar year for which such data is available that exceeds the statewide average poverty rate for that year, a grant or loan may be awarded from the Fund pursuant to subdivision 1 a if

the project involves a minimum private investment of \$2.5 million and creates at least 25 new jobs for which the average wage, excluding fringe benefits, is no less than 85 percent of the prevailing average wage.

3. Notwithstanding the provisions of subdivisions 1 a and 2, in localities (i) with an annual unemployment rate for the most recent calendar year for which such data is available that is greater than the final statewide average unemployment rate for that calendar year and (ii) with a poverty rate for the most recent calendar year for which such data is available that exceeds the statewide average poverty rate for that year, a grant or loan may be awarded from the Fund pursuant to such subdivisions if the project involves a minimum private investment of \$1.5 million and creates at least 15 new jobs for which the average wage, excluding fringe benefits, is no less than 85 percent of the prevailing average wage.

4. For projects that are eligible under subdivision 2 or 3, the average wage of the new jobs, excluding fringe benefits, shall be no less than 85 percent of the prevailing average wage. In addition, for projects in such localities, the Governor may award a grant or loan for a project paying less than 85 percent of the prevailing average wage but still providing customary employee benefits, only after the Secretary of Commerce and Trade has made a written finding that the economic circumstances in the area are sufficiently distressed (i.e., high unemployment or underemployment and negative economic forecasts) that assistance to the locality to attract the project is nonetheless justified. However, the minimum private investment and number of new jobs required to be created as set forth in this subsection shall still be a condition of eligibility for an award from the Fund. Such written finding shall promptly be provided to the chairs of the Senate Committee on Finance and the House Committee on Appropriations.

F. 1. The Virginia Economic Development Partnership shall assist the Governor in developing objective guidelines and criteria that shall be used in awarding grants or making loans from the Fund. The guidelines may require that as a condition of receiving any grant or loan incentive that is based on employment goals, a recipient company must provide copies of employer quarterly payroll reports that have been provided to the Virginia Employment Commission to verify the employment status of any position included in the employment goal. The guidelines may include a requirement for the affected locality or localities to provide matching funds which may be cash or in-kind, at the discretion of the Governor. The guidelines and criteria shall include provisions for geographic diversity and a cap on the amount of funds to be provided to any individual project. At the discretion of the Governor, this cap may be waived for qualifying projects of regional or statewide interest. In developing the guidelines and criteria, the Virginia Economic Development Partnership shall use the measure for Fiscal Stress published by the Commission on Local Government of the Department of Housing and Community Development for the locality in which the project is located or will be located as one method of determining the amount of assistance a locality shall receive from the Fund.

2. a. Notwithstanding any provision in this section or in the guidelines, each political subdivision that receives a grant or loan from the Fund shall enter into a contract with each business beneficiary of funds from the Fund. A person or entity shall be a business beneficiary of funds from the Fund if grant or loan moneys awarded from the Fund by the Governor are paid to a political subdivision and (i) subsequently distributed by the political subdivision to the person or entity or (ii) used by the political subdivision for the benefit of the person or entity but never distributed to the person or entity.

b. The contract between the political subdivision and the business beneficiary shall provide in detail (i) the fair market value of all funds that the Commonwealth has committed to provide, (ii) the fair market value of all matching funds (or in-kind match) that the political subdivision has agreed to provide, (iii) how funds committed by the Commonwealth (including but not limited to funds from the Fund committed by the Governor) and funds that the political subdivision has agreed to provide are to be spent, (iv) the minimum private investment to be made and the number of new jobs to be created agreed to by the business beneficiary, (v) the average wage (excluding fringe benefits) agreed to be paid in the new jobs, (vi) the prevailing average wage, and (vii) the formula, means, or processes agreed to be used for measuring compliance with the minimum private investment and new jobs requirements, including consideration of any layoffs instituted by the business beneficiary over the course of the period covered by the contract.

The contract shall state the date by which the agreed upon private investment and new job requirements shall be met by the business beneficiary of funds from the Fund and may provide for the political subdivision to grant up to a 15-month extension of such date if deemed appropriate by the political subdivision subsequent to the execution of the contract. Any extension of such date granted by the political subdivision shall be in writing and promptly delivered to the business beneficiary, and the political subdivision shall simultaneously provide a copy of the extension to the Virginia Economic Development Partnership.

The contract shall provide that if the private investment and new job contractual requirements are not met by the expiration of the date stipulated in the contract, including any extension granted by the political subdivision, the business beneficiary shall be liable to the political subdivision for repayment of a portion of the funds provided under the contract. The contract shall include a formula for purposes of determining the portion of such funds to be repaid. The formula shall, in part, be based upon the fair market value of all funds that have been provided by the Commonwealth and the political subdivision and the extent to which the business beneficiary has met the private investment and new job contractual requirements. Any such funds repaid to the political subdivision that relate to the award from the Commonwealth's Development Opportunity Fund shall promptly be paid over by the political subdivision to the Commonwealth by payment remitted to the State Treasurer. Upon receipt by the State Treasurer of such payment, the Comptroller shall deposit such repaid funds into the Commonwealth's Development Opportunity Fund.

c. The contract shall be amended to reflect changes in the funds committed by the Commonwealth or agreed to be provided by the political subdivision.

d. Notwithstanding any provision in this section or in the guidelines, whenever layoffs instituted by a business beneficiary over the course of the period covered by a contract cause the net total number of the new jobs created to be fewer than the number agreed to, then the business beneficiary shall return the portion of any funds received pursuant to the repayment formula established by the contract.

3. Notwithstanding any provision in this section or in the guidelines, prior to executing any such contract with a business beneficiary, the political subdivision shall provide a copy of the proposed contract to the Attorney General. The Attorney General shall review the proposed contract (i) for enforceability as to its provisions and (ii) to ensure that it is in appropriate legal form. The Attorney General shall provide any written suggestions to the political subdivision within seven days of his receipt of the copy of the contract. The Attorney General's suggestions shall be limited to the enforceability of the contract's provisions and the legal form of the contract.

4. Notwithstanding any provision in this section or in the guidelines, a political subdivision shall not expend, distribute, pledge, use as security, or otherwise use any award from the Fund unless and until such contract as described herein is executed with the business beneficiary.

G. Within the 30 days immediately following June 30 and December 30 of each year, the Governor shall provide a report to the Chairmen of the House Committees on Appropriations and Finance and the Senate Committee on Finance which shall include, but is not limited to, the following information regarding grants and loans awarded from the Fund during the immediately preceding six-month period for economic development projects: the name of the company that is the business beneficiary of the grant or loan and the type of business in which it engages; the location (county, city, or town) of the project; the amount of the grant or loan committed from the Fund and the amount of all other funds committed by the Commonwealth from other sources and the purpose for which such grants, loans, or other funds will be used; the amount of all moneys or funds agreed to be provided by political subdivisions and the purposes for which they will be used; the number of new jobs agreed to be created by the business beneficiary; the amount of investment in the project agreed to be made by the business beneficiary; the timetable for the completion of the project and new jobs created; the prevailing average wage; and the average wage (excluding fringe benefits) agreed to be paid in the new jobs.

H. The Governor shall provide grants and commitments from the Fund in an amount not to exceed the dollar amount contained in the Fund. If the Governor commits funds for years beyond the fiscal years covered under the existing appropriation act, the State Treasurer shall set aside and reserve the funds the Governor has committed, and the funds shall remain in the Fund for those future fiscal years. No grant or loan shall be payable in the years beyond the existing appropriation act unless the funds are currently available in the Fund.

I. On a quarterly basis, the Virginia Economic Development Partnership shall notify the Governor, his campaign committee, and his political action committee of awards from the Fund made in the prior quarter. Within 18 months of the date of each award from the Fund, the Governor, his campaign committee, and his political action committee shall submit to the Virginia Conflict of Interest and Ethics Advisory Council established in § 30-355 a report listing any contribution, gift, or other item with a value greater than \$100 provided by the business beneficiary of such award to the Governor, his campaign committee, or his political action committee, respectively, during (i) the period in which the business beneficiary's application for such award was pending and (ii) the one-year period immediately after any such award was made.

*J. 1. Notwithstanding any provision of this section, the Governor may give grants or loans to any eligible company, as defined in § 58.1-405.1, provided that such company shall be required to distribute at least half of such grant or loan to its employees in jobs located in a qualified locality, as defined in § 58.1-405.1. If the Governor gives a grant or loan pursuant to this subsection, it shall not be required to meet other provisions in this section, including provisions, restrictions, and procedural requirements related to job creation, investment, local matching funds, or contracts with business beneficiaries.*

*2. The grant or loan shall not exceed \$2,000 per new job, as defined in § 58.1-405.1; however, the Governor may give a new grant or loan each year to the same eligible company.*

*3. An eligible company's eligibility for or receipt of a grant or loan pursuant to this subsection shall not prevent it from receiving any other grant or loan for which it may be qualified pursuant to this section.*

**§ 15.2-958.2:01. Grants for certain corporations and pass-through entities.**

*A. The counties and cities listed in subsection B may give grants or loans to any eligible company, as defined in § 58.1-405.1.*

*B. The counties and cities that may give grants pursuant to subsection A are:*

*1. The Counties of Alleghany, Bland, Buchanan, Carroll, Craig, Dickenson, Giles, Grayson, Lee, Russell, Scott, Smyth, Tazewell, Washington, Wise, and Wythe and the Cities of Bristol, Galax, and Norton;*

*2. The Counties of Amelia, Appomattox, Buckingham, Charlotte, Cumberland, Halifax, Henry, Lunenburg, Mecklenburg, Nottoway, Patrick, Pittsylvania, and Prince Edward and the Cities of Danville and Martinsville;*

*3. The Counties of Accomack, Caroline, Essex, Gloucester, King and Queen, King William, Lancaster, Mathews, Middlesex, Northampton, Northumberland, Richmond, and Westmoreland; and*

*4. The Counties of Brunswick and Dinwiddie and the City of Petersburg.*

**§ 58.1-405. Corporations transacting or conducting entire business within this Commonwealth.**

*Except as provided in § 58.1-405.1, if the entire business of the corporation is transacted or conducted within the Commonwealth, the tax imposed by this chapter shall be upon the entire Virginia taxable income of such corporation for each taxable year; however, if such corporation is certified by the Virginia Economic Development Partnership Authority as*

an eligible company pursuant to § 58.1-405.1, it may elect to (i) apportion its income between qualified localities, as defined in § 58.1-405.1, and other localities in the Commonwealth, provided that it shall not apportion any of its income to a state other than Virginia and (ii) utilize any modification for which it may be eligible pursuant to the provisions of § 58.1-408, 58.1-417, 58.1-418, 58.1-419, 58.1-420, 58.1-422, 58.1-422.1, or 58.1-422.2, as applicable. The entire business of the corporation shall be deemed to have been transacted or conducted within the Commonwealth if such corporation is not subject in any other state to a net income tax, a franchise tax measured by net income, or a franchise tax for the privilege of doing business.

**§ 58.1-405.1. Eligibility of companies for apportionment modification; certification by the Virginia Economic Development Partnership Authority.**

A. For purposes of this section:

"Authority" means the Virginia Economic Development Partnership Authority.

"Eligible company" means a corporation or pass-through entity, as defined in § 58.1-390.1, that does not have any existing property or payroll in Virginia as of January 1, 2018, and on or after January 1, 2018, but before January 1, 2025, (i) either (a) spends at least \$5 million on new capital investment in a qualified locality or qualified localities and creates at least 10 new jobs in a qualified locality or qualified localities or (b) creates at least 50 new jobs in a qualified locality or qualified localities; (ii) is a traded-sector company; and (iii) is certified by the Authority as generating a positive fiscal impact pursuant to subsection B.

"New capital investment" means real property acquired in a qualified locality or qualified localities on or after January 1, 2018, but before January 1, 2025, and any improvements to real property in a qualified locality or qualified localities on or after January 1, 2018, but before January 1, 2025.

"New job" means a permanent, full-time position of indefinite duration that pays at least 150 percent of the minimum wage, as defined in the Virginia Minimum Wage Act (§ 40.1-28.8 et seq.), and that requires a minimum of (i) 35 hours of an employee's time a week for the entire normal year of the eligible company's operations, which normal year shall consist of at least 48 weeks, or (ii) 1,680 hours per year.

"Qualified development site" means real property that is in a locality adjacent to a qualified locality and, before January 1, 2018, either (i) was owned or partly owned by a qualified locality or an industrial development authority of which a qualified locality is a member or (ii) was owned or partly owned by a locality or industrial development authority, was leased to a private party, and was subject to a revenue-sharing agreement providing that a portion of the revenues from the lease would be distributed to a qualified locality. "Qualified development site" does not include real property that is not owned by the Commonwealth or a political subdivision thereof.

"Qualified locality" means (i) the County of Alleghany, Bland, Buchanan, Carroll, Craig, Dickenson, Giles, Grayson, Lee, Russell, Scott, Smyth, Tazewell, Washington, Wise, or Wythe or the City of Bristol, Galax, or Norton; (ii) the County of Amelia, Appomattox, Buckingham, Charlotte, Cumberland, Halifax, Henry, Lunenburg, Mecklenburg, Nottoway, Patrick, Pittsylvania, or Prince Edward or the City of Danville or Martinsville; (iii) the County of Accomack, Caroline, Essex, Gloucester, King and Queen, King William, Lancaster, Mathews, Middlesex, Northampton, Northumberland, Richmond, or Westmoreland; or (iv) the County of Brunswick or Dinwiddie or the City of Petersburg. "Qualified locality" includes a qualified development site.

"Traded-sector company" means a company that directly or indirectly derives more than 50 percent of its revenue from out-of-state sources.

B. 1. The Authority shall determine whether a company will generate a positive fiscal impact based on the following factors: (i) job creation; (ii) private capital investment; and (iii) anticipated additional state and local tax revenue. The Authority also shall consider the additional revenue the Commonwealth likely would expend in and for the localities if the economy in the localities continues to erode. In making its determination, the Authority shall consult with the Department regarding the revenue impact of certifying such company. The Authority shall certify a company only if it determines such company will generate a positive fiscal impact.

2. The Authority shall deny certification to any company if it determines such taxpayer has engaged in a merger, acquisition, similar business combination, name change, change in business form, or other transaction the primary purpose of which is to obtain status as an eligible company.

3. The Authority shall make an annual re-certification according to subdivision B 1, and no company shall remain an eligible company for any taxable year that the Authority does not grant re-certification.

C. Any eligible company may elect to apportion its income pursuant to the provisions of § 58.1-408, 58.1-417, 58.1-418, 58.1-419, 58.1-420, 58.1-422, 58.1-422.1, or 58.1-422.2, as applicable. However, if the entire business of an eligible company is transacted or conducted within the Commonwealth, it shall not apportion its income pursuant to this subsection but may elect to apportion its income pursuant to the provisions of § 58.1-405.

**§ 58.1-408. What income apportioned and how.**

A. The Virginia taxable income of any corporation, except those subject to the provisions of § 58.1-417, 58.1-418, 58.1-419, 58.1-420, 58.1-422, 58.1-422.1, or 58.1-422.2, excluding income allocable under § 58.1-407, shall be apportioned to the Commonwealth by multiplying such income by a fraction, the numerator of which is the property factor plus the payroll factor, plus twice the sales factor, and the denominator of which is four; however, where the sales factor does not exist, the denominator of the fraction shall be the number of existing factors and where the sales factor exists but the payroll factor or the property factor does not exist, the denominator of the fraction shall be the number of existing factors plus one.

*B. Any eligible company, as defined in § 58.1-405.1, may subtract from the numerator of the corresponding factor the value of its (i) property acquired in any qualified locality or qualified localities, as defined in § 58.1-405.1, on or after January 1, 2018, but before January 1, 2025; (ii) payroll attributable to jobs created on or after January 1, 2018, but before January 1, 2025, in any qualified locality or qualified localities; and (iii) sales in the Commonwealth during the taxable year. Such eligible company may make such modification for the taxable year in which it first becomes eligible and for the six subsequent, consecutive taxable years, except for any year in which the eligible company's (a) total, cumulative new capital investment falls below the applicable initial threshold or (b) number of new jobs falls below the applicable initial threshold.*

**§ 58.1-417. Motor carriers; apportionment.**

A. Motor carriers of property or passengers shall apportion their net apportionable income to this Commonwealth by the use of the ratio of vehicle miles in this Commonwealth to total vehicle miles of the corporation everywhere. For the purposes of this section the words "vehicle miles" in the case of motor carriers of property shall mean miles traveled by vehicles (whether owned or operated by the corporation) hauling property for a charge or traveling on a scheduled route. In the case of motor carriers of passengers the same shall mean miles traveled by vehicles (whether owned or operated by the corporation) carrying passengers for a fare or traveling on a scheduled route.

B. The provisions of subsection A shall not be applicable to a carrier:

1. Which neither owns nor rents real or tangible personal property within this Commonwealth, except vehicles, which has made no pick-ups or deliveries within this Commonwealth, and which has traveled less than 50,000 vehicle miles in this Commonwealth in the taxable year; or

2. Which neither owns nor rents any real or tangible personal property within this Commonwealth, except vehicles, and which makes no more than twelve round trips into this Commonwealth during a taxable year.

The mileage traveled under 50,000 miles or the mileage traveled in such round trips, however, may not represent more than 5 percent of the total miles annually traveled in all states by such carrier.

*C. Any eligible company, as defined in § 58.1-405.1, may subtract its vehicle miles traveled in any qualified locality or qualified localities, as defined in § 58.1-405.1, during the taxable year from the numerator of the ratio in subsection A. Such eligible company may make such modification for the taxable year in which it first becomes eligible and for the six subsequent, consecutive taxable years, except for any year in which the eligible company's (i) total, cumulative new capital investment falls below the applicable initial threshold or (ii) number of new jobs falls below the applicable initial threshold.*

**§ 58.1-418. Financial corporations; apportionment.**

A. The Virginia taxable income of a financial corporation, as defined herein, excluding income allocable under § 58.1-407, shall be apportioned within and without this Commonwealth in the ratio that the business within this Commonwealth is to the total business of the corporation. Business within this Commonwealth shall be based on cost of performance in the Commonwealth over cost of performance everywhere.

B. "Financial corporation" means any corporation not exempted from the imposition of tax under the provisions of § 58.1-401, which derives more than seventy percent of its gross income from the classes of income enumerated in subdivisions 1 through 4 below, without reference to the state wherein such income is earned, including but not limited to small loan companies, sales finance companies, brokerage companies and investment companies:

1. Fees, commissions, other compensation for financial services rendered;
2. Gross profits from trading in stocks, bonds, or other securities;
3. Interest; and
4. Dividends received to the extent included in Virginia taxable income.

C. In computing the amounts referred to in subdivisions 1 through 4 of subsection B of this section, any amount received by a member of an affiliated group, determined under § 1504(a) of the Internal Revenue Code but without reference to whether any such corporation is an includable corporation under § 1504(b) of the Internal Revenue Code, from another member of such group shall be included only to the extent such amount exceeds expenses of the recipient directly related thereto.

*D. Any eligible company, as defined in § 58.1-405.1, may subtract the value of its business within any qualified locality or qualified localities, as defined in § 58.1-405.1, during the taxable year from the numerator of the ratio in subsection A. Such eligible company may make such modification for the taxable year in which it first becomes eligible and for the six subsequent, consecutive taxable years, except for any year in which the eligible company's (i) total, cumulative new capital investment falls below the applicable initial threshold or (ii) number of new jobs falls below the applicable initial threshold.*

**§ 58.1-419. Construction corporations; apportionment.**

A. Construction companies which have elected to report income on the completed contract basis shall apportion income within and without this Commonwealth in the ratio that the business within the Commonwealth is to the total business of the corporation.

B. All other construction corporations not reporting under the completed contract method shall determine Virginia taxable income by reference to §§ 58.1-406 through 58.1-416.

*C. Any eligible company, as defined in § 58.1-405.1, may subtract the value of its business within any qualified locality or qualified localities, as defined in § 58.1-405.1, during the taxable year from the numerator of the ratio in subsection A. Such eligible company may make such modification for the taxable year in which it first becomes eligible and for the six*

*subsequent, consecutive taxable years, except for any year in which the eligible company's (i) total, cumulative new capital investment falls below the applicable initial threshold or (ii) number of new jobs falls below the applicable initial threshold.*

**§ 58.1-420. Railway companies; apportionment.**

A. Notwithstanding the provisions of § 58.1-408, railway companies shall determine their net apportionable income to the Commonwealth by multiplying the Virginia taxable income of such company, excluding the classes of income allocable under § 58.1-407, by the use of the ratio of revenue car miles in the Commonwealth to total revenue car miles of the company everywhere. For the purposes of this section, "revenue car mile" in the case of railway carriers of property or passengers means the movement of a unit of loaded car equipment a distance of one mile. The loaded car miles shall be determined in accordance with the Uniform System of Accounts for Railroad Companies of the Interstate Commerce Commission.

B. *Any eligible company, as defined in § 58.1-405.1, may subtract its revenue car miles traveled in any qualified locality or qualified localities, as defined in § 58.1-405.1, during the taxable year from the numerator of the ratio in subsection A. Such eligible company may make such modification for the taxable year in which it first becomes eligible and for the six subsequent, consecutive taxable years, except for any year in which the eligible company's (i) total, cumulative new capital investment falls below the applicable initial threshold or (ii) number of new jobs falls below the applicable initial threshold.*

**§ 58.1-422. Manufacturing companies; apportionment.**

A. For taxable years beginning on or after July 1, 2011, the Virginia taxable income of a manufacturing company, excluding income allocable under § 58.1-407, may be apportioned within and without the Commonwealth as provided in § 58.1-408 or as follows:

1. From July 1, 2011, until July 1, 2013, by multiplying such income by a fraction, the numerator of which is the property factor plus the payroll factor plus triple the sales factor and the denominator of which is five, except when the sales factor does not exist, the denominator of the fraction shall be the number of existing factors, and when the sales factor exists but the payroll factor or property factor does not exist, the denominator of the fraction shall be the number of existing factors plus two;

2. From July 1, 2013, until July 1, 2014, by multiplying such income by a fraction, the numerator of which is the property factor plus the payroll factor plus quadruple the sales factor and the denominator of which is six, except when the sales factor does not exist, the denominator of the fraction shall be the number of existing factors, and when the sales factor exists but the payroll factor or property factor does not exist, the denominator of the fraction shall be the number of existing factors plus three; and

3. From July 1, 2014, and thereafter, by multiplying such income by the sales factor.

B. If the taxpayer makes one or more of the elections described in subdivision A 1, A 2, or A 3, the taxpayer may not revoke the election for a period of three taxable years.

In addition, the taxpayer shall certify to the Department that the average weekly wage of its full-time employees is greater than the lower of the state or local average weekly wages for the taxpayer's industry.

C. If the average annual number of full-time employees of a manufacturing company for the first three taxable years (in which the manufacturing company used the alternative apportionment set forth in this section) is less than 90 percent of the base year employment, or the average wage of its full-time employees as certified by the taxpayer is not greater than the lower of the state or local average weekly wage, then the Department of Taxation shall assess the manufacturing company with additional taxes pursuant to this article computed as the difference between (i) the taxes that would have been due under the apportionment formula provided under § 58.1-408 for such three taxable years, minus (ii) the taxes due under the alternative apportionment provided under this section for such three taxable years. Interest shall accrue and shall be assessed on such additional taxes at the rate prescribed under § 58.1-15, with such interest accruing from the original due date for filing of the income tax return to the date of payment of such additional taxes.

Such additional taxes and interest are hereby imposed on manufacturing companies using the alternative apportionment set forth in this section.

D. As used in this section, unless the context requires another meaning:

"Base year employment" means the average number of full-time employees employed by the manufacturing company in the Commonwealth in the taxable year that ended immediately prior to the first taxable year in which the manufacturing company used the alternative apportionment set forth in this section.

"Full-time employee" means an employee of a manufacturing company who is employed for an indefinite duration in the Commonwealth for which the standard fringe benefits are paid by the manufacturing company, for which employment requires a minimum of either (i) 35 hours of an employee's time per week for the entire normal year of such manufacturing company's operations, which "normal year" shall consist of at least 48 weeks, or (ii) 1,680 hours per year.

"Manufacturing company" means a domestic or foreign corporation primarily engaged in activities that, in accordance with the North American Industrial Classification System (NAICS), United States Manual, United States Office of Management and Budget, 1997 Edition, would be included in Sector 11, 31, 32, or 33.

E. The General Assembly of Virginia finds that job creation is essential to the continued fiscal health of the Commonwealth. In this modern economy, states often compete for quality manufacturing jobs. Accordingly, the provisions of this section relating to manufacturing companies that increase their employment in Virginia are integral to the purpose of

the election allowed pursuant to this section. If any provision of this section is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, that provision shall not be deemed severable.

*F. Any eligible company, as defined in § 58.1-405.1, that elects to apportion its income pursuant to subsection A may subtract the value of its sales in the Commonwealth during the taxable year from the numerator of the ratio in subdivision A 3. Such eligible company may make such modification for the taxable year in which it first becomes eligible and for the six subsequent, consecutive taxable years, except for any year in which the eligible company's (i) total, cumulative new capital investment falls below the applicable initial threshold or (ii) number of new jobs falls below the applicable initial threshold.*

**§ 58.1-422.1. Retail companies; apportionment.**

A. For taxable years beginning on or after July 1, 2012, the Virginia taxable income of a retail company, excluding income allocable under § 58.1-407, shall be apportioned within and without the Commonwealth as follows:

1. From July 1, 2012, until July 1, 2014, by multiplying such income by a fraction, the numerator of which is the property factor plus the payroll factor plus triple the sales factor and the denominator of which is five, except that when the sales factor does not exist, the denominator of the fraction shall be the number of existing factors, and when the sales factor exists but the payroll factor or property factor does not exist, the denominator of the fraction shall be the number of existing factors plus two;

2. From July 1, 2014, until July 1, 2015, by multiplying such income by a fraction, the numerator of which is the property factor plus the payroll factor plus quadruple the sales factor and the denominator of which is six, except that when the sales factor does not exist, the denominator of the fraction shall be the number of existing factors, and when the sales factor exists but the payroll factor or property factor does not exist, the denominator of the fraction shall be the number of existing factors plus three; and

3. From July 1, 2015, and thereafter, by multiplying such income by the sales factor.

B. As used in this section, "retail company" means a domestic or foreign corporation primarily engaged in activities that, in accordance with the North American Industry Classification System (NAICS), United States Manual, United States Office of Management and Budget, 1997 Edition, would be included in Sectors 44-45.

*C. Any eligible company, as defined in § 58.1-405.1, may subtract the value of its sales in the Commonwealth during the taxable year from the numerator of the ratio in subdivision A 3. Such eligible company may make such modification for the taxable year in which it first becomes eligible and for the six subsequent, consecutive taxable years, except for any year in which the eligible company's (i) total, cumulative new capital investment falls below the applicable initial threshold or (ii) number of new jobs falls below the applicable initial threshold.*

**§ 58.1-422.2. Apportionment; taxpayers with enterprise data center operations.**

A. For taxable years beginning on or after July 1, 2016, the Virginia taxable income of taxpayers with enterprise data center operations, excluding income allocable under § 58.1-407, shall be apportioned within and without the Commonwealth as follows:

1. From July 1, 2016, until July 1, 2017, by multiplying such income by a fraction, the numerator of which is the property factor plus the payroll factor plus quadruple the sales factor and the denominator of which is six, except that when the sales factor does not exist, the denominator of the fraction shall be the number of existing factors, and when the sales factor exists but the payroll factor or property factor does not exist, the denominator of the fraction shall be the number of existing factors plus three; and

2. From July 1, 2017, and thereafter, by multiplying such income by the sales factor.

B. As used in this section:

"Enterprise data center operations" means operations that (i) physically house information technology equipment such as servers, switches, routers, data storage devices, or related equipment; (ii) manage and process digital data and information to provide application services or management for data processing, such as web hosting, Internet, intranet, telecommunication, and information technology; (iii) are developed and owned by the taxpayer; and (iv) are operated by the taxpayer or any of its affiliates substantially for their own use.

C. The provisions of this section requiring an apportionment formula for taxpayers with enterprise data center operations shall apply only to taxpayers that have entered into a memorandum of understanding with the Virginia Economic Development Partnership Authority on or after July 1, 2015, to make a new capital investment of at least \$150 million in an enterprise data center in the Commonwealth on or after such date. The apportionment formula under this section shall apply to such taxpayers beginning with the taxable year for which the Virginia Economic Development Partnership Authority provides a written certification to the taxpayer that the new capital investment has been completed.

D. The General Assembly of Virginia finds that capital investment in data centers is essential to the continued fiscal health of the Commonwealth. In this modern economy, states often compete for quality data centers. Accordingly, the provisions of subsection C relating to capital investment in enterprise data centers are integral to the purpose of this section. If any provision of this section is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, that provision shall not be deemed severable.

*E. Any eligible company, as defined in § 58.1-405.1, that apportions its income pursuant to this section may subtract the value of its sales in the Commonwealth during the taxable year from the numerator of the ratio in subdivision A 2. Such eligible company may make such modification for the taxable year in which it first becomes eligible and for the six subsequent, consecutive taxable years, except for any year in which the eligible company's (i) total, cumulative new capital investment falls below the applicable initial threshold or (ii) number of new jobs falls below the applicable initial threshold.*

2. That the Virginia Economic Development Partnership Authority shall promulgate guidelines regarding the certification process described in subsection B of § 58.1-405.1 of the Code of Virginia, as created by this act, and that the Department of Taxation shall promulgate guidelines regarding the modifications to apportionment formulae described in §§ 58.1-405, 58.1-408, 58.1-417, 58.1-418, 58.1-419, 58.1-420, 58.1-422, 58.1-422.1, and 58.1-422.2 of the Code of Virginia, as amended by this act.

3. That any eligible company, as defined in § 58.1-405.1 of the Code of Virginia, as created by this act, that apportions its income pursuant to the provisions of this act shall include with its income tax return information regarding the modification of its apportionment method pursuant to this act, including the amounts subtracted from the relevant apportionment factors. The Department of Taxation shall use such information to compute the fiscal savings to such companies and shall report annually by the first day of each regular session of the General Assembly to the Chairmen of the House Committee on Appropriations, the House Committee on Finance, and the Senate Committee on Finance the number of returns processed during the prior fiscal year for eligible companies that claimed a modified method of apportionment under this act and the estimated revenue impact of such modified methods of apportionment.

## CHAPTER 802

*An Act to amend and reenact §§ 2.2-115, 58.1-405, 58.1-408, 58.1-417 through 58.1-420, 58.1-422, 58.1-422.1, and 58.1-422.2 of the Code of Virginia and to amend the Code of Virginia by adding sections numbered 15.2-958.2:01 and 58.1-405.1, relating to income tax; modification for certain companies; grants.*

[H 222]

Approved April 9, 2018

**Be it enacted by the General Assembly of Virginia:**

1. That §§ 2.2-115, 58.1-405, 58.1-408, 58.1-417 through 58.1-420, 58.1-422, 58.1-422.1, and 58.1-422.2 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding sections numbered 15.2-958.2:01 and 58.1-405.1 as follows:

### § 2.2-115. Commonwealth's Development Opportunity Fund.

A. As used in this section, unless the context requires otherwise:

"New job" means employment of an indefinite duration, created as the direct result of the private investment, for which the firm pays the wages and standard fringe benefits for its employee, requiring a minimum of either (i) 35 hours of the employee's time a week for the entire normal year of the firm's operations, which "normal year" must consist of at least 48 weeks or (ii) 1,680 hours per year.

Seasonal or temporary positions, positions created when a job function is shifted from an existing location in the Commonwealth to the location of the economic development project, positions with suppliers, and multiplier or spin-off jobs shall not qualify as new jobs. The term "new job" shall include positions with contractors provided that all requirements included within the definition of the term are met.

"Prevailing average wage" means that amount determined by the Virginia Employment Commission to be the average wage paid workers in the city or county of the Commonwealth where the economic development project is located. The prevailing average wage shall be determined without regard to any fringe benefits.

"Private investment" means the private investment required under this section.

B. There is created the Commonwealth's Development Opportunity Fund (the Fund) to be used by the Governor to attract economic development prospects and secure the expansion of existing industry in the Commonwealth. The Fund shall consist of any funds appropriated to it by the general appropriation act and revenue from any other source, public or private. The Fund shall be established on the books of the Comptroller, and any funds remaining in the Fund at the end of a biennium shall not revert to the general fund but shall remain in the Fund. Interest earned on the Fund shall be credited to the Fund. The Governor shall report to the Chairmen of the House Committees on Appropriations and Finance and the Senate Committee on Finance as funds are awarded in accordance with this section.

C. Funds shall be awarded from the Fund by the Governor as grants or loans to political subdivisions. The criteria for making such grants or loans shall include (i) job creation, (ii) private capital investment, and (iii) anticipated additional state tax revenue expected to accrue to the state and affected localities as a result of the capital investment and jobs created. Loans shall be approved by the Governor and made in accordance with guidelines established by the Virginia Economic Development Partnership and approved by the Comptroller. Loans shall be interest-free unless otherwise determined by the Governor and shall be repaid to the Fund. The Governor may establish the interest rate to be charged; otherwise, any interest charged shall be at market rates as determined by the State Treasurer and shall be indicative of the duration of the loan. The Virginia Economic Development Partnership shall be responsible for monitoring repayment of such loans and reporting the receivables to the Comptroller as required.

Beginning with the five fiscal years from fiscal year 2006-2007 through fiscal year 2010-2011, and for every five fiscal years' period thereafter, in general, no less than one-third of the moneys appropriated to the Fund in every such five-year period shall be awarded to counties and cities having an annual average unemployment rate that is greater than the final statewide average unemployment rate for the calendar year that immediately precedes the calendar year of the award.

However, if such one-third requirement will not be met because economic development prospects in such counties and cities are unable to fulfill the applicable minimum private investment and new jobs requirements set forth in this section, then any funds remaining in the Fund at the end of the five-year period that would have otherwise been awarded to such counties and cities shall be made available for awards in the next five fiscal years' period.

D. Funds may be used for public and private utility extension or capacity development on and off site; public and private installation, extension, or capacity development of high-speed or broadband Internet access, whether on or off site; road, rail, or other transportation access costs beyond the funding capability of existing programs; site acquisition; grading, drainage, paving, and any other activity required to prepare a site for construction; construction or build-out of publicly or privately owned buildings; training; or grants or loans to an industrial development authority, housing and redevelopment authority, or other political subdivision for purposes directly relating to any of the foregoing. However, in no case shall funds from the Fund be used, directly or indirectly, to pay or guarantee the payment for any rental, lease, license, or other contractual right to the use of any property.

It shall be the policy of the Commonwealth that moneys in the Fund shall not be used for any economic development project in which a business relocates or expands its operations in one or more Virginia localities and simultaneously closes its operations or substantially reduces the number of its employees in another Virginia locality, unless the procedures set forth in § 30-310 are followed. The Secretary of Commerce and Trade shall enforce this policy and for any exception thereto shall, pursuant to § 30-310, submit such projects to the MEI Project Approval Commission established pursuant to § 30-309.

E. 1. a. Except as provided in this subdivision, no grant or loan shall be awarded from the Fund unless the project involves a minimum private investment of \$5 million and creates at least 50 new jobs for which the average wage, excluding fringe benefits, is no less than the prevailing average wage. For projects, including but not limited to projects involving emerging technologies, for which the average wage of the new jobs created, excluding fringe benefits, is at least twice the prevailing average wage for that locality or region, the Governor shall have the discretion to require no less than one-half the number of new jobs as set forth for that locality in this subdivision.

b. Notwithstanding the provisions of subdivision a, a grant or loan may be awarded from the Fund if the project involves a minimum private investment of \$100 million and creates at least 25 new jobs for which the average wage, excluding fringe benefits, is no less than the prevailing average wage.

2. Notwithstanding the provisions of subdivision 1 a, in localities (i) with an annual unemployment rate for the most recent calendar year for which such data is available that is greater than the final statewide average unemployment rate for that calendar year or (ii) with a poverty rate for the most recent calendar year for which such data is available that exceeds the statewide average poverty rate for that year, a grant or loan may be awarded from the Fund pursuant to subdivision 1 a if the project involves a minimum private investment of \$2.5 million and creates at least 25 new jobs for which the average wage, excluding fringe benefits, is no less than 85 percent of the prevailing average wage.

3. Notwithstanding the provisions of subdivisions 1 a and 2, in localities (i) with an annual unemployment rate for the most recent calendar year for which such data is available that is greater than the final statewide average unemployment rate for that calendar year and (ii) with a poverty rate for the most recent calendar year for which such data is available that exceeds the statewide average poverty rate for that year, a grant or loan may be awarded from the Fund pursuant to such subdivisions if the project involves a minimum private investment of \$1.5 million and creates at least 15 new jobs for which the average wage, excluding fringe benefits, is no less than 85 percent of the prevailing average wage.

4. For projects that are eligible under subdivision 2 or 3, the average wage of the new jobs, excluding fringe benefits, shall be no less than 85 percent of the prevailing average wage. In addition, for projects in such localities, the Governor may award a grant or loan for a project paying less than 85 percent of the prevailing average wage but still providing customary employee benefits, only after the Secretary of Commerce and Trade has made a written finding that the economic circumstances in the area are sufficiently distressed (i.e., high unemployment or underemployment and negative economic forecasts) that assistance to the locality to attract the project is nonetheless justified. However, the minimum private investment and number of new jobs required to be created as set forth in this subsection shall still be a condition of eligibility for an award from the Fund. Such written finding shall promptly be provided to the chairs of the Senate Committee on Finance and the House Committee on Appropriations.

F. 1. The Virginia Economic Development Partnership shall assist the Governor in developing objective guidelines and criteria that shall be used in awarding grants or making loans from the Fund. The guidelines may require that as a condition of receiving any grant or loan incentive that is based on employment goals, a recipient company must provide copies of employer quarterly payroll reports that have been provided to the Virginia Employment Commission to verify the employment status of any position included in the employment goal. The guidelines may include a requirement for the affected locality or localities to provide matching funds which may be cash or in-kind, at the discretion of the Governor. The guidelines and criteria shall include provisions for geographic diversity and a cap on the amount of funds to be provided to any individual project. At the discretion of the Governor, this cap may be waived for qualifying projects of regional or statewide interest. In developing the guidelines and criteria, the Virginia Economic Development Partnership shall use the measure for Fiscal Stress published by the Commission on Local Government of the Department of Housing and Community Development for the locality in which the project is located or will be located as one method of determining the amount of assistance a locality shall receive from the Fund.

2. a. Notwithstanding any provision in this section or in the guidelines, each political subdivision that receives a grant or loan from the Fund shall enter into a contract with each business beneficiary of funds from the Fund. A person or entity shall be a business beneficiary of funds from the Fund if grant or loan moneys awarded from the Fund by the Governor are paid to a political subdivision and (i) subsequently distributed by the political subdivision to the person or entity or (ii) used by the political subdivision for the benefit of the person or entity but never distributed to the person or entity.

b. The contract between the political subdivision and the business beneficiary shall provide in detail (i) the fair market value of all funds that the Commonwealth has committed to provide, (ii) the fair market value of all matching funds (or in-kind match) that the political subdivision has agreed to provide, (iii) how funds committed by the Commonwealth (including but not limited to funds from the Fund committed by the Governor) and funds that the political subdivision has agreed to provide are to be spent, (iv) the minimum private investment to be made and the number of new jobs to be created agreed to by the business beneficiary, (v) the average wage (excluding fringe benefits) agreed to be paid in the new jobs, (vi) the prevailing average wage, and (vii) the formula, means, or processes agreed to be used for measuring compliance with the minimum private investment and new jobs requirements, including consideration of any layoffs instituted by the business beneficiary over the course of the period covered by the contract.

The contract shall state the date by which the agreed upon private investment and new job requirements shall be met by the business beneficiary of funds from the Fund and may provide for the political subdivision to grant up to a 15-month extension of such date if deemed appropriate by the political subdivision subsequent to the execution of the contract. Any extension of such date granted by the political subdivision shall be in writing and promptly delivered to the business beneficiary, and the political subdivision shall simultaneously provide a copy of the extension to the Virginia Economic Development Partnership.

The contract shall provide that if the private investment and new job contractual requirements are not met by the expiration of the date stipulated in the contract, including any extension granted by the political subdivision, the business beneficiary shall be liable to the political subdivision for repayment of a portion of the funds provided under the contract. The contract shall include a formula for purposes of determining the portion of such funds to be repaid. The formula shall, in part, be based upon the fair market value of all funds that have been provided by the Commonwealth and the political subdivision and the extent to which the business beneficiary has met the private investment and new job contractual requirements. Any such funds repaid to the political subdivision that relate to the award from the Commonwealth's Development Opportunity Fund shall promptly be paid over by the political subdivision to the Commonwealth by payment remitted to the State Treasurer. Upon receipt by the State Treasurer of such payment, the Comptroller shall deposit such repaid funds into the Commonwealth's Development Opportunity Fund.

c. The contract shall be amended to reflect changes in the funds committed by the Commonwealth or agreed to be provided by the political subdivision.

d. Notwithstanding any provision in this section or in the guidelines, whenever layoffs instituted by a business beneficiary over the course of the period covered by a contract cause the net total number of the new jobs created to be fewer than the number agreed to, then the business beneficiary shall return the portion of any funds received pursuant to the repayment formula established by the contract.

3. Notwithstanding any provision in this section or in the guidelines, prior to executing any such contract with a business beneficiary, the political subdivision shall provide a copy of the proposed contract to the Attorney General. The Attorney General shall review the proposed contract (i) for enforceability as to its provisions and (ii) to ensure that it is in appropriate legal form. The Attorney General shall provide any written suggestions to the political subdivision within seven days of his receipt of the copy of the contract. The Attorney General's suggestions shall be limited to the enforceability of the contract's provisions and the legal form of the contract.

4. Notwithstanding any provision in this section or in the guidelines, a political subdivision shall not expend, distribute, pledge, use as security, or otherwise use any award from the Fund unless and until such contract as described herein is executed with the business beneficiary.

G. Within the 30 days immediately following June 30 and December 30 of each year, the Governor shall provide a report to the Chairmen of the House Committees on Appropriations and Finance and the Senate Committee on Finance which shall include, but is not limited to, the following information regarding grants and loans awarded from the Fund during the immediately preceding six-month period for economic development projects: the name of the company that is the business beneficiary of the grant or loan and the type of business in which it engages; the location (county, city, or town) of the project; the amount of the grant or loan committed from the Fund and the amount of all other funds committed by the Commonwealth from other sources and the purpose for which such grants, loans, or other funds will be used; the amount of all moneys or funds agreed to be provided by political subdivisions and the purposes for which they will be used; the number of new jobs agreed to be created by the business beneficiary; the amount of investment in the project agreed to be made by the business beneficiary; the timetable for the completion of the project and new jobs created; the prevailing average wage; and the average wage (excluding fringe benefits) agreed to be paid in the new jobs.

H. The Governor shall provide grants and commitments from the Fund in an amount not to exceed the dollar amount contained in the Fund. If the Governor commits funds for years beyond the fiscal years covered under the existing appropriation act, the State Treasurer shall set aside and reserve the funds the Governor has committed, and the funds shall remain in the Fund for those future fiscal years. No grant or loan shall be payable in the years beyond the existing appropriation act unless the funds are currently available in the Fund.

I. On a quarterly basis, the Virginia Economic Development Partnership shall notify the Governor, his campaign committee, and his political action committee of awards from the Fund made in the prior quarter. Within 18 months of the date of each award from the Fund, the Governor, his campaign committee, and his political action committee shall submit to the Virginia Conflict of Interest and Ethics Advisory Council established in § 30-355 a report listing any contribution, gift, or other item with a value greater than \$100 provided by the business beneficiary of such award to the Governor, his campaign committee, or his political action committee, respectively, during (i) the period in which the business beneficiary's application for such award was pending and (ii) the one-year period immediately after any such award was made.

*J. 1. Notwithstanding any provision of this section, the Governor may give grants or loans to any eligible company, as defined in § 58.1-405.1, provided that such company shall be required to distribute at least half of such grant or loan to its employees in jobs located in a qualified locality, as defined in § 58.1-405.1. If the Governor gives a grant or loan pursuant to this subsection, it shall not be required to meet other provisions in this section, including provisions, restrictions, and procedural requirements related to job creation, investment, local matching funds, or contracts with business beneficiaries.*

*2. The grant or loan shall not exceed \$2,000 per new job, as defined in § 58.1-405.1; however, the Governor may give a new grant or loan each year to the same eligible company.*

*3. An eligible company's eligibility for or receipt of a grant or loan pursuant to this subsection shall not prevent it from receiving any other grant or loan for which it may be qualified pursuant to this section.*

**§ 15.2-958.2:01. Grants for certain corporations and pass-through entities.**

*A. The counties and cities listed in subsection B may give grants or loans to any eligible company, as defined in § 58.1-405.1.*

*B. The counties and cities that may give grants pursuant to subsection A are:*

*1. The Counties of Alleghany, Bland, Buchanan, Carroll, Craig, Dickenson, Giles, Grayson, Lee, Russell, Scott, Smyth, Tazewell, Washington, Wise, and Wythe and the Cities of Bristol, Galax, and Norton;*

*2. The Counties of Amelia, Appomattox, Buckingham, Charlotte, Cumberland, Halifax, Henry, Lunenburg, Mecklenburg, Nottoway, Patrick, Pittsylvania, and Prince Edward and the Cities of Danville and Martinsville;*

*3. The Counties of Accomack, Caroline, Essex, Gloucester, King and Queen, King William, Lancaster, Mathews, Middlesex, Northampton, Northumberland, Richmond, and Westmoreland; and*

*4. The Counties of Brunswick and Dinwiddie and the City of Petersburg.*

**§ 58.1-405. Corporations transacting or conducting entire business within this Commonwealth.**

*¶ Except as provided in § 58.1-405.1, if the entire business of the corporation is transacted or conducted within the Commonwealth, the tax imposed by this chapter shall be upon the entire Virginia taxable income of such corporation for each taxable year; however, if such corporation is certified by the Virginia Economic Development Partnership Authority as an eligible company pursuant to § 58.1-405.1, it may elect to (i) apportion its income between qualified localities, as defined in § 58.1-405.1, and other localities in the Commonwealth, provided that it shall not apportion any of its income to a state other than Virginia and (ii) utilize any modification for which it may be eligible pursuant to the provisions of § 58.1-408, 58.1-417, 58.1-418, 58.1-419, 58.1-420, 58.1-422, 58.1-422.1, or 58.1-422.2, as applicable. The entire business of the corporation shall be deemed to have been transacted or conducted within the Commonwealth if such corporation is not subject in any other state to a net income tax, a franchise tax measured by net income, or a franchise tax for the privilege of doing business.*

**§ 58.1-405.1. Eligibility of companies for apportionment modification; certification by the Virginia Economic Development Partnership Authority.**

*A. For purposes of this section:*

*"Authority" means the Virginia Economic Development Partnership Authority.*

*"Eligible company" means a corporation or pass-through entity, as defined in § 58.1-390.1, that does not have any existing property or payroll in Virginia as of January 1, 2018, and on or after January 1, 2018, but before January 1, 2025, (i) either (a) spends at least \$5 million on new capital investment in a qualified locality or qualified localities and creates at least 10 new jobs in a qualified locality or qualified localities or (b) creates at least 50 new jobs in a qualified locality or qualified localities; (ii) is a traded-sector company; and (iii) is certified by the Authority as generating a positive fiscal impact pursuant to subsection B.*

*"New capital investment" means real property acquired in a qualified locality or qualified localities on or after January 1, 2018, but before January 1, 2025, and any improvements to real property in a qualified locality or qualified localities on or after January 1, 2018, but before January 1, 2025.*

*"New job" means a permanent, full-time position of indefinite duration that pays at least 150 percent of the minimum wage, as defined in the Virginia Minimum Wage Act (§ 40.1-28.8 et seq.), and that requires a minimum of (i) 35 hours of an employee's time a week for the entire normal year of the eligible company's operations, which normal year shall consist of at least 48 weeks, or (ii) 1,680 hours per year.*

*"Qualified development site" means real property that is in a locality adjacent to a qualified locality and, before January 1, 2018, either (i) was owned or partly owned by a qualified locality or an industrial development authority of which a qualified locality is a member or (ii) was owned or partly owned by a locality or industrial development authority, was leased to a private party, and was subject to a revenue-sharing agreement providing that a portion of the revenues from*

the lease would be distributed to a qualified locality. "Qualified development site" does not include real property that is not owned by the Commonwealth or a political subdivision thereof.

"Qualified locality" means (i) the County of Alleghany, Bland, Buchanan, Carroll, Craig, Dickenson, Giles, Grayson, Lee, Russell, Scott, Smyth, Tazewell, Washington, Wise, or Wythe or the City of Bristol, Galax, or Norton; (ii) the County of Amelia, Appomattox, Buckingham, Charlotte, Cumberland, Halifax, Henry, Lunenburg, Mecklenburg, Nottoway, Patrick, Pittsylvania, or Prince Edward or the City of Danville or Martinsville; (iii) the County of Accomack, Caroline, Essex, Gloucester, King and Queen, King William, Lancaster, Mathews, Middlesex, Northampton, Northumberland, Richmond, or Westmoreland; or (iv) the County of Brunswick or Dinwiddie or the City of Petersburg. "Qualified locality" includes a qualified development site.

"Traded-sector company" means a company that directly or indirectly derives more than 50 percent of its revenue from out-of-state sources.

B. 1. The Authority shall determine whether a company will generate a positive fiscal impact based on the following factors: (i) job creation; (ii) private capital investment; and (iii) anticipated additional state and local tax revenue. The Authority also shall consider the additional revenue the Commonwealth likely would expend in and for the localities if the economy in the localities continues to erode. In making its determination, the Authority shall consult with the Department regarding the revenue impact of certifying such company. The Authority shall certify a company only if it determines such company will generate a positive fiscal impact.

2. The Authority shall deny certification to any company if it determines such taxpayer has engaged in a merger, acquisition, similar business combination, name change, change in business form, or other transaction the primary purpose of which is to obtain status as an eligible company.

3. The Authority shall make an annual re-certification according to subdivision B 1, and no company shall remain an eligible company for any taxable year that the Authority does not grant re-certification.

C. Any eligible company may elect to apportion its income pursuant to the provisions of § 58.1-408, 58.1-417, 58.1-418, 58.1-419, 58.1-420, 58.1-422, 58.1-422.1, or 58.1-422.2, as applicable. However, if the entire business of an eligible company is transacted or conducted within the Commonwealth, it shall not apportion its income pursuant to this subsection but may elect to apportion its income pursuant to the provisions of § 58.1-405.

#### **§ 58.1-408. What income apportioned and how.**

A. The Virginia taxable income of any corporation, except those subject to the provisions of § 58.1-417, 58.1-418, 58.1-419, 58.1-420, 58.1-422, 58.1-422.1, or 58.1-422.2, excluding income allocable under § 58.1-407, shall be apportioned to the Commonwealth by multiplying such income by a fraction, the numerator of which is the property factor plus the payroll factor, plus twice the sales factor, and the denominator of which is four; however, where the sales factor does not exist, the denominator of the fraction shall be the number of existing factors and where the sales factor exists but the payroll factor or the property factor does not exist, the denominator of the fraction shall be the number of existing factors plus one.

B. Any eligible company, as defined in § 58.1-405.1, may subtract from the numerator of the corresponding factor the value of its (i) property acquired in any qualified locality or qualified localities, as defined in § 58.1-405.1, on or after January 1, 2018, but before January 1, 2025; (ii) payroll attributable to jobs created on or after January 1, 2018, but before January 1, 2025, in any qualified locality or qualified localities; and (iii) sales in the Commonwealth during the taxable year. Such eligible company may make such modification for the taxable year in which it first becomes eligible and for the six subsequent, consecutive taxable years, except for any year in which the eligible company's (a) total, cumulative new capital investment falls below the applicable initial threshold or (b) number of new jobs falls below the applicable initial threshold.

#### **§ 58.1-417. Motor carriers; apportionment.**

A. Motor carriers of property or passengers shall apportion their net apportionable income to this Commonwealth by the use of the ratio of vehicle miles in this Commonwealth to total vehicle miles of the corporation everywhere. For the purposes of this section the words "vehicle miles" in the case of motor carriers of property shall mean miles traveled by vehicles (whether owned or operated by the corporation) hauling property for a charge or traveling on a scheduled route. In the case of motor carriers of passengers the same shall mean miles traveled by vehicles (whether owned or operated by the corporation) carrying passengers for a fare or traveling on a scheduled route.

B. The provisions of subsection A shall not be applicable to a carrier:

1. Which neither owns nor rents real or tangible personal property within this Commonwealth, except vehicles, which has made no pick-ups or deliveries within this Commonwealth, and which has traveled less than 50,000 vehicle miles in this Commonwealth in the taxable year; or

2. Which neither owns nor rents any real or tangible personal property within this Commonwealth, except vehicles, and which makes no more than twelve round trips into this Commonwealth during a taxable year.

The mileage traveled under 50,000 miles or the mileage traveled in such round trips, however, may not represent more than 5 percent of the total miles annually traveled in all states by such carrier.

C. Any eligible company, as defined in § 58.1-405.1, may subtract its vehicle miles traveled in any qualified locality or qualified localities, as defined in § 58.1-405.1, during the taxable year from the numerator of the ratio in subsection A. Such eligible company may make such modification for the taxable year in which it first becomes eligible and for the six subsequent, consecutive taxable years, except for any year in which the eligible company's (i) total, cumulative new capital investment falls below the applicable initial threshold or (ii) number of new jobs falls below the applicable initial threshold.

**§ 58.1-418. Financial corporations; apportionment.**

A. The Virginia taxable income of a financial corporation, as defined herein, excluding income allocable under § 58.1-407, shall be apportioned within and without this Commonwealth in the ratio that the business within this Commonwealth is to the total business of the corporation. Business within this Commonwealth shall be based on cost of performance in the Commonwealth over cost of performance everywhere.

B. "Financial corporation" means any corporation not exempted from the imposition of tax under the provisions of § 58.1-401, which derives more than seventy percent of its gross income from the classes of income enumerated in subdivisions 1 through 4 below, without reference to the state wherein such income is earned, including but not limited to small loan companies, sales finance companies, brokerage companies and investment companies:

1. Fees, commissions, other compensation for financial services rendered;
2. Gross profits from trading in stocks, bonds, or other securities;
3. Interest; and
4. Dividends received to the extent included in Virginia taxable income.

C. In computing the amounts referred to in subdivisions 1 through 4 of subsection B of this section, any amount received by a member of an affiliated group, determined under § 1504(a) of the Internal Revenue Code but without reference to whether any such corporation is an includable corporation under § 1504(b) of the Internal Revenue Code, from another member of such group shall be included only to the extent such amount exceeds expenses of the recipient directly related thereto.

*D. Any eligible company, as defined in § 58.1-405.1, may subtract the value of its business within any qualified locality or qualified localities, as defined in § 58.1-405.1, during the taxable year from the numerator of the ratio in subsection A. Such eligible company may make such modification for the taxable year in which it first becomes eligible and for the six subsequent, consecutive taxable years, except for any year in which the eligible company's (i) total, cumulative new capital investment falls below the applicable initial threshold or (ii) number of new jobs falls below the applicable initial threshold.*

**§ 58.1-419. Construction corporations; apportionment.**

A. Construction companies which have elected to report income on the completed contract basis shall apportion income within and without this Commonwealth in the ratio that the business within the Commonwealth is to the total business of the corporation.

B. All other construction corporations not reporting under the completed contract method shall determine Virginia taxable income by reference to §§ 58.1-406 through 58.1-416.

*C. Any eligible company, as defined in § 58.1-405.1, may subtract the value of its business within any qualified locality or qualified localities, as defined in § 58.1-405.1, during the taxable year from the numerator of the ratio in subsection A. Such eligible company may make such modification for the taxable year in which it first becomes eligible and for the six subsequent, consecutive taxable years, except for any year in which the eligible company's (i) total, cumulative new capital investment falls below the applicable initial threshold or (ii) number of new jobs falls below the applicable initial threshold.*

**§ 58.1-420. Railway companies; apportionment.**

A. Notwithstanding the provisions of § 58.1-408, railway companies shall determine their net apportionable income to the Commonwealth by multiplying the Virginia taxable income of such company, excluding the classes of income allocable under § 58.1-407, by the use of the ratio of revenue car miles in the Commonwealth to total revenue car miles of the company everywhere. For the purposes of this section, "revenue car mile" in the case of railway carriers of property or passengers means the movement of a unit of loaded car equipment a distance of one mile. The loaded car miles shall be determined in accordance with the Uniform System of Accounts for Railroad Companies of the Interstate Commerce Commission.

*B. Any eligible company, as defined in § 58.1-405.1, may subtract its revenue car miles traveled in any qualified locality or qualified localities, as defined in § 58.1-405.1, during the taxable year from the numerator of the ratio in subsection A. Such eligible company may make such modification for the taxable year in which it first becomes eligible and for the six subsequent, consecutive taxable years, except for any year in which the eligible company's (i) total, cumulative new capital investment falls below the applicable initial threshold or (ii) number of new jobs falls below the applicable initial threshold.*

**§ 58.1-422. Manufacturing companies; apportionment.**

A. For taxable years beginning on or after July 1, 2011, the Virginia taxable income of a manufacturing company, excluding income allocable under § 58.1-407, may be apportioned within and without the Commonwealth as provided in § 58.1-408 or as follows:

1. From July 1, 2011, until July 1, 2013, by multiplying such income by a fraction, the numerator of which is the property factor plus the payroll factor plus triple the sales factor and the denominator of which is five, except when the sales factor does not exist, the denominator of the fraction shall be the number of existing factors, and when the sales factor exists but the payroll factor or property factor does not exist, the denominator of the fraction shall be the number of existing factors plus two;

2. From July 1, 2013, until July 1, 2014, by multiplying such income by a fraction, the numerator of which is the property factor plus the payroll factor plus quadruple the sales factor and the denominator of which is six, except when the sales factor does not exist, the denominator of the fraction shall be the number of existing factors, and when the sales factor

exists but the payroll factor or property factor does not exist, the denominator of the fraction shall be the number of existing factors plus three; and

3. From July 1, 2014, and thereafter, by multiplying such income by the sales factor.

B. If the taxpayer makes one or more of the elections described in subdivision A 1, A 2, or A 3, the taxpayer may not revoke the election for a period of three taxable years.

In addition, the taxpayer shall certify to the Department that the average weekly wage of its full-time employees is greater than the lower of the state or local average weekly wages for the taxpayer's industry.

C. If the average annual number of full-time employees of a manufacturing company for the first three taxable years (in which the manufacturing company used the alternative apportionment set forth in this section) is less than 90 percent of the base year employment, or the average wage of its full-time employees as certified by the taxpayer is not greater than the lower of the state or local average weekly wage, then the Department of Taxation shall assess the manufacturing company with additional taxes pursuant to this article computed as the difference between (i) the taxes that would have been due under the apportionment formula provided under § 58.1-408 for such three taxable years, minus (ii) the taxes due under the alternative apportionment provided under this section for such three taxable years. Interest shall accrue and shall be assessed on such additional taxes at the rate prescribed under § 58.1-15, with such interest accruing from the original due date for filing of the income tax return to the date of payment of such additional taxes.

Such additional taxes and interest are hereby imposed on manufacturing companies using the alternative apportionment set forth in this section.

D. As used in this section, unless the context requires another meaning:

"Base year employment" means the average number of full-time employees employed by the manufacturing company in the Commonwealth in the taxable year that ended immediately prior to the first taxable year in which the manufacturing company used the alternative apportionment set forth in this section.

"Full-time employee" means an employee of a manufacturing company who is employed for an indefinite duration in the Commonwealth for which the standard fringe benefits are paid by the manufacturing company, for which employment requires a minimum of either (i) 35 hours of an employee's time per week for the entire normal year of such manufacturing company's operations, which "normal year" shall consist of at least 48 weeks, or (ii) 1,680 hours per year.

"Manufacturing company" means a domestic or foreign corporation primarily engaged in activities that, in accordance with the North American Industrial Classification System (NAICS), United States Manual, United States Office of Management and Budget, 1997 Edition, would be included in Sector 11, 31, 32, or 33.

E. The General Assembly of Virginia finds that job creation is essential to the continued fiscal health of the Commonwealth. In this modern economy, states often compete for quality manufacturing jobs. Accordingly, the provisions of this section relating to manufacturing companies that increase their employment in Virginia are integral to the purpose of the election allowed pursuant to this section. If any provision of this section is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, that provision shall not be deemed severable.

*F. Any eligible company, as defined in § 58.1-405.1, that elects to apportion its income pursuant to subsection A may subtract the value of its sales in the Commonwealth during the taxable year from the numerator of the ratio in subdivision A 3. Such eligible company may make such modification for the taxable year in which it first becomes eligible and for the six subsequent, consecutive taxable years, except for any year in which the eligible company's (i) total, cumulative new capital investment falls below the applicable initial threshold or (ii) number of new jobs falls below the applicable initial threshold.*

**§ 58.1-422.1. Retail companies; apportionment.**

A. For taxable years beginning on or after July 1, 2012, the Virginia taxable income of a retail company, excluding income allocable under § 58.1-407, shall be apportioned within and without the Commonwealth as follows:

1. From July 1, 2012, until July 1, 2014, by multiplying such income by a fraction, the numerator of which is the property factor plus the payroll factor plus triple the sales factor and the denominator of which is five, except that when the sales factor does not exist, the denominator of the fraction shall be the number of existing factors, and when the sales factor exists but the payroll factor or property factor does not exist, the denominator of the fraction shall be the number of existing factors plus two;

2. From July 1, 2014, until July 1, 2015, by multiplying such income by a fraction, the numerator of which is the property factor plus the payroll factor plus quadruple the sales factor and the denominator of which is six, except that when the sales factor does not exist, the denominator of the fraction shall be the number of existing factors, and when the sales factor exists but the payroll factor or property factor does not exist, the denominator of the fraction shall be the number of existing factors plus three; and

3. From July 1, 2015, and thereafter, by multiplying such income by the sales factor.

B. As used in this section, "retail company" means a domestic or foreign corporation primarily engaged in activities that, in accordance with the North American Industry Classification System (NAICS), United States Manual, United States Office of Management and Budget, 1997 Edition, would be included in Sectors 44-45.

*C. Any eligible company, as defined in § 58.1-405.1, may subtract the value of its sales in the Commonwealth during the taxable year from the numerator of the ratio in subdivision A 3. Such eligible company may make such modification for the taxable year in which it first becomes eligible and for the six subsequent, consecutive taxable years, except for any year in which the eligible company's (i) total, cumulative new capital investment falls below the applicable initial threshold or (ii) number of new jobs falls below the applicable initial threshold.*

**§ 58.1-422.2. Apportionment; taxpayers with enterprise data center operations.**

A. For taxable years beginning on or after July 1, 2016, the Virginia taxable income of taxpayers with enterprise data center operations, excluding income allocable under § 58.1-407, shall be apportioned within and without the Commonwealth as follows:

1. From July 1, 2016, until July 1, 2017, by multiplying such income by a fraction, the numerator of which is the property factor plus the payroll factor plus quadruple the sales factor and the denominator of which is six, except that when the sales factor does not exist, the denominator of the fraction shall be the number of existing factors, and when the sales factor exists but the payroll factor or property factor does not exist, the denominator of the fraction shall be the number of existing factors plus three; and

2. From July 1, 2017, and thereafter, by multiplying such income by the sales factor.

B. As used in this section:

"Enterprise data center operations" means operations that (i) physically house information technology equipment such as servers, switches, routers, data storage devices, or related equipment; (ii) manage and process digital data and information to provide application services or management for data processing, such as web hosting, Internet, intranet, telecommunication, and information technology; (iii) are developed and owned by the taxpayer; and (iv) are operated by the taxpayer or any of its affiliates substantially for their own use.

C. The provisions of this section requiring an apportionment formula for taxpayers with enterprise data center operations shall apply only to taxpayers that have entered into a memorandum of understanding with the Virginia Economic Development Partnership Authority on or after July 1, 2015, to make a new capital investment of at least \$150 million in an enterprise data center in the Commonwealth on or after such date. The apportionment formula under this section shall apply to such taxpayers beginning with the taxable year for which the Virginia Economic Development Partnership Authority provides a written certification to the taxpayer that the new capital investment has been completed.

D. The General Assembly of Virginia finds that capital investment in data centers is essential to the continued fiscal health of the Commonwealth. In this modern economy, states often compete for quality data centers. Accordingly, the provisions of subsection C relating to capital investment in enterprise data centers are integral to the purpose of this section. If any provision of this section is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, that provision shall not be deemed severable.

*E. Any eligible company, as defined in § 58.1-405.1, that apportions its income pursuant to this section may subtract the value of its sales in the Commonwealth during the taxable year from the numerator of the ratio in subdivision A 2. Such eligible company may make such modification for the taxable year in which it first becomes eligible and for the six subsequent, consecutive taxable years, except for any year in which the eligible company's (i) total, cumulative new capital investment falls below the applicable initial threshold or (ii) number of new jobs falls below the applicable initial threshold.*

**2. That the Virginia Economic Development Partnership Authority shall promulgate guidelines regarding the certification process described in subsection B of § 58.1-405.1 of the Code of Virginia, as created by this act, and that the Department of Taxation shall promulgate guidelines regarding the modifications to apportionment formulae described in §§ 58.1-405, 58.1-408, 58.1-417, 58.1-418, 58.1-419, 58.1-420, 58.1-422, 58.1-422.1, and 58.1-422.2 of the Code of Virginia, as amended by this act.**

**3. That any eligible company, as defined in § 58.1-405.1 of the Code of Virginia, as created by this act, that apportions its income pursuant to the provisions of this act shall include with its income tax return information regarding the modification of its apportionment method pursuant to this act, including the amounts subtracted from the relevant apportionment factors. The Department of Taxation shall use such information to compute the fiscal savings to such companies and shall report annually by the first day of each regular session of the General Assembly to the Chairmen of the House Committee on Appropriations, the House Committee on Finance, and the Senate Committee on Finance the number of returns processed during the prior fiscal year for eligible companies that claimed a modified method of apportionment under this act and the estimated revenue impact of such modified methods of apportionment.**

**CHAPTER 803**

*An Act to amend and reenact §§ 54.1-2400.1 and 54.1-3500 of the Code of Virginia, relating to definition of qualified mental health professional.*

[S 812]

Approved April 9, 2018

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 54.1-2400.1 and 54.1-3500 of the Code of Virginia are amended and reenacted as follows:**

**§ 54.1-2400.1. Mental health service providers; duty to protect third parties; immunity.**

A. As used in this section:

"Certified substance abuse counselor" means a person certified to provide substance abuse counseling in a state-approved public or private substance abuse program or facility.

"Client" or "patient" means any person who is voluntarily or involuntarily receiving mental health services or substance abuse services from any mental health service provider.

"Clinical psychologist" means a person who practices clinical psychology as defined in § 54.1-3600.

"Clinical social worker" means a person who practices social work as defined in § 54.1-3700.

"Licensed practical nurse" means a person licensed to practice practical nursing as defined in § 54.1-3000.

"Licensed substance abuse treatment practitioner" means any person licensed to engage in the practice of substance abuse treatment as defined in § 54.1-3500.

"Marriage and family therapist" means a person licensed to engage in the practice of marriage and family therapy as defined in § 54.1-3500.

"Mental health professional" means a person who by education and experience is professionally qualified and licensed in Virginia to provide counseling interventions designed to facilitate an individual's achievement of human development goals and remediate mental, emotional, or behavioral disorders and associated distresses which interfere with mental health and development.

"Mental health service provider" or "provider" refers to any of the following: (i) a person who provides professional services as a certified substance abuse counselor, clinical psychologist, clinical social worker, licensed substance abuse treatment practitioner, licensed practical nurse, marriage and family therapist, mental health professional, physician, physician assistant, professional counselor, psychologist, qualified mental health professional, registered nurse, registered peer recovery specialist, school psychologist, or social worker; (ii) a professional corporation, all of whose shareholders or members are so licensed; or (iii) a partnership, all of whose partners are so licensed.

"Professional counselor" means a person who practices counseling as defined in § 54.1-3500.

"Psychologist" means a person who practices psychology as defined in § 54.1-3600.

"Qualified mental health professional" means a person who by education and experience is professionally qualified and registered by the Board of Counseling to provide collaborative mental health services for adults or children. A qualified mental health professional shall provide such services as an employee or independent contractor of the Department of Behavioral Health and Developmental Services, *the Department of Corrections*, or a provider licensed by the Department of Behavioral Health and Developmental Services.

"Registered nurse" means a person licensed to practice professional nursing as defined in § 54.1-3000.

"Registered peer recovery specialist" means a person who by education and experience is professionally qualified and registered by the Board of Counseling to provide collaborative services to assist individuals in achieving sustained recovery from the effects of addiction or mental illness, or both. A registered peer recovery specialist shall provide such services as an employee or independent contractor of the Department of Behavioral Health and Developmental Services, a provider licensed by the Department of Behavioral Health and Developmental Services, a practitioner licensed by or holding a permit issued from the Department of Health Professions, or a facility licensed by the Department of Health.

"School psychologist" means a person who practices school psychology as defined in § 54.1-3600.

"Social worker" means a person who practices social work as defined in § 54.1-3700.

B. A mental health service provider has a duty to take precautions to protect third parties from violent behavior or other serious harm only when the client has orally, in writing, or via sign language, communicated to the provider a specific and immediate threat to cause serious bodily injury or death to an identified or readily identifiable person or persons, if the provider reasonably believes, or should believe according to the standards of his profession, that the client has the intent and ability to carry out that threat immediately or imminently. If the third party is a child, in addition to taking precautions to protect the child from the behaviors in the above types of threats, the provider also has a duty to take precautions to protect the child if the client threatens to engage in behaviors that would constitute physical abuse or sexual abuse as defined in § 18.2-67.10. The duty to protect does not attach unless the threat has been communicated to the provider by the threatening client while the provider is engaged in his professional duties.

C. The duty set forth in subsection B is discharged by a mental health service provider who takes one or more of the following actions:

1. Seeks involuntary admission of the client under Article 16 (§ 16.1-335 et seq.) of Chapter 11 of Title 16.1 or Chapter 8 (§ 37.2-800 et seq.) of Title 37.2.

2. Makes reasonable attempts to warn the potential victims or the parent or guardian of the potential victim if the potential victim is under the age of 18.

3. Makes reasonable efforts to notify a law-enforcement official having jurisdiction in the client's or potential victim's place of residence or place of work, or place of work of the parent or guardian if the potential victim is under age 18, or both.

4. Takes steps reasonably available to the provider to prevent the client from using physical violence or other means of harm to others until the appropriate law-enforcement agency can be summoned and takes custody of the client.

5. Provides therapy or counseling to the client or patient in the session in which the threat has been communicated until the mental health service provider reasonably believes that the client no longer has the intent or the ability to carry out the threat.

6. In the case of a registered peer recovery specialist, or a qualified mental health professional who is not otherwise licensed by a health regulatory board at the Department of Health Professions, reports immediately to a licensed mental health service provider to take one or more of the actions set forth in this subsection.

D. A mental health service provider shall not be held civilly liable to any person for:

1. Breaching confidentiality with the limited purpose of protecting third parties by communicating the threats described in subsection B made by his clients to potential third party victims or law-enforcement agencies or by taking any of the actions specified in subsection C.

2. Failing to predict, in the absence of a threat described in subsection B, that the client would cause the third party serious physical harm.

3. Failing to take precautions other than those enumerated in subsection C to protect a potential third party victim from the client's violent behavior.

**§ 54.1-3500. Definitions.**

As used in this chapter, unless the context requires a different meaning:

"Appraisal activities" means the exercise of professional judgment based on observations and objective assessments of a client's behavior to evaluate current functioning, diagnose, and select appropriate treatment required to remediate identified problems or to make appropriate referrals.

"Board" means the Board of Counseling.

"Certified substance abuse counseling assistant" means a person certified by the Board to practice in accordance with the provisions of § 54.1-3507.2.

"Certified substance abuse counselor" means a person certified by the Board to practice in accordance with the provisions of § 54.1-3507.1.

"Counseling" means the application of principles, standards, and methods of the counseling profession in (i) conducting assessments and diagnoses for the purpose of establishing treatment goals and objectives and (ii) planning, implementing, and evaluating treatment plans using treatment interventions to facilitate human development and to identify and remediate mental, emotional, or behavioral disorders and associated distresses that interfere with mental health.

"Licensed substance abuse treatment practitioner" means a person who: (i) is trained in and engages in the practice of substance abuse treatment with individuals or groups of individuals suffering from the effects of substance abuse or dependence, and in the prevention of substance abuse or dependence; and (ii) is licensed to provide advanced substance abuse treatment and independent, direct, and unsupervised treatment to such individuals or groups of individuals, and to plan, evaluate, supervise, and direct substance abuse treatment provided by others.

"Marriage and family therapist" means a person trained in the assessment and treatment of cognitive, affective, or behavioral mental and emotional disorders within the context of marriage and family systems through the application of therapeutic and family systems theories and techniques.

"Marriage and family therapy" means the assessment and treatment of cognitive, affective, or behavioral mental and emotional disorders within the context of marriage and family systems through the application of therapeutic and family systems theories and techniques and delivery of services to individuals, couples, and families, singularly or in groups, for the purpose of treating such disorders.

"Practice of counseling" means rendering or offering to render to individuals, groups, organizations, or the general public any service involving the application of principles, standards, and methods of the counseling profession, which shall include appraisal, counseling, and referral activities.

"Practice of marriage and family therapy" means the assessment and treatment of cognitive, affective, or behavioral mental and emotional disorders within the context of marriage and family systems through the application of therapeutic and family systems theories and techniques, which shall include assessment, treatment, and referral activities.

"Practice of substance abuse treatment" means rendering or offering to render substance abuse treatment to individuals, groups, organizations, or the general public.

"Professional counselor" means a person trained in the application of principles, standards, and methods of the counseling profession, including counseling interventions designed to facilitate an individual's achievement of human development goals and remediating mental, emotional, or behavioral disorders and associated distresses that interfere with mental health and development.

"Qualified mental health professional" means a person who by education and experience is professionally qualified and registered by the Board to provide collaborative mental health services for adults or children. A qualified mental health professional shall provide such services as an employee or independent contractor of the Department of Behavioral Health and Developmental Services, *the Department of Corrections*, or a provider licensed by the Department of Behavioral Health and Developmental Services.

"Referral activities" means the evaluation of data to identify problems and to determine advisability of referral to other specialists.

"Registered peer recovery specialist" means a person who by education and experience is professionally qualified and registered by the Board to provide collaborative services to assist individuals in achieving sustained recovery from the effects of addiction or mental illness, or both. A registered peer recovery specialist shall provide such services as an employee or independent contractor of the Department of Behavioral Health and Developmental Services, a provider licensed by the Department of Behavioral Health and Developmental Services, a practitioner licensed by or holding a permit issued from the Department of Health Professions, or a facility licensed by the Department of Health.

"Residency" means a post-internship supervised clinical experience registered with the Board.

"Resident" means an individual who has submitted a supervisory contract to the Board and has received Board approval to provide clinical services in professional counseling under supervision.

"Substance abuse" and "substance dependence" mean a maladaptive pattern of substance use leading to clinically significant impairment or distress.

"Substance abuse treatment" means (i) the application of specific knowledge, skills, substance abuse treatment theory, and substance abuse treatment techniques to define goals and develop a treatment plan of action regarding substance abuse or dependence prevention, education, or treatment in the substance abuse or dependence recovery process and (ii) referrals to medical, social services, psychological, psychiatric, or legal resources when such referrals are indicated.

"Supervision" means the ongoing process, performed by a supervisor, of monitoring the performance of the person supervised and providing regular, documented individual or group consultation, guidance, and instruction with respect to the clinical skills and competencies of the person supervised.

## CHAPTER 804

*An Act to amend and reenact § 30-356.2 of the Code of Virginia, relating to the Virginia Conflict of Interest and Ethics Advisory Council; deadline extensions.*

[H 990]

Approved April 9, 2018

**Be it enacted by the General Assembly of Virginia:**

**1. That § 30-356.2 of the Code of Virginia is amended and reenacted as follows:**

**§ 30-356.2. Right to grant extensions in special circumstances; civil penalty.**

A. Notwithstanding any other provision of law, any person required to file the disclosure form prescribed in Article 3 or the Acts shall be entitled to an extension where good cause for granting such an extension has been shown, as determined by the Council. Good cause shall include:

1. The death of a relative of the filer, as relative is defined in the definition of "gift" in Article 3 or the Acts.

2. A state of emergency is declared by the Governor pursuant to Chapter 3.2 (§ 44-146.13 et seq.) of Title 44 or declared by the President of the United States or the governor of another state pursuant to law and confirmed by the Governor by an executive order, and such an emergency interferes with the timely filing of disclosure forms. The extension shall be granted only for those filers in areas affected by such emergency.

3. The filer is a member of a uniformed service of the United States and is on active duty on the date of the filing deadline.

4. A failure of the electronic filing system and the failure of such system prevents the timely filing of disclosure forms.

B. For any person who is unable to timely file the disclosure form prescribed in the Acts due to the disclosure form not being made available to him until after the deadline has passed, the Council shall grant such person a five-day extension upon request. The head of the agency for which the person works or the clerk of the school board or governing body of the locality that was responsible for providing the disclosure form to such person shall be assessed a civil penalty in the amount equal to \$250, to be collected in accordance with the procedure set forth in subsection B of § 2.2-3124. If the disclosure form is provided to the person within three days prior to the filing deadline, the Council shall grant such person a three-day extension upon request and no civil penalties shall be assessed against the head of such person's agency or the clerk.

C. *The provisions of this section shall not apply to any statement of economic interests filed as a requirement of candidacy pursuant to § 24.2-502.*

## CHAPTER 805

*An Act to amend and reenact § 15.2-907 of the Code of Virginia, relating to localities; authority to require abatement of criminal blight on real property.*

[H 594]

Approved April 9, 2018

**Be it enacted by the General Assembly of Virginia:**

**1. That § 15.2-907 of the Code of Virginia is amended and reenacted as follows:**

**§ 15.2-907. Authority to require removal, repair, etc., of buildings and other structures harboring illegal drug use or other criminal activity.**

A. As used in this section:

"Affidavit" means the affidavit *sworn to under oath* prepared by a locality in accordance with subdivision B 1 a ~~hereof~~.

"Commercial sex acts" means any specific activities that would constitute a criminal act under Article 3 (§ 18.2-344 et seq.) of Chapter 8 of Title 18.2 or a substantially similar local ordinance if a criminal charge were to be filed against the individual perpetrator of such criminal activity.

"Controlled substance" means illegally obtained controlled substances or marijuana, as defined in § 54.1-3401.

"Corrective action" means ~~the~~ (i) taking ~~which of steps~~ specific actions with respect to the buildings or structures on property that are reasonably expected to be effective to abate ~~drug~~ criminal blight on such real property, ~~such as including~~ the removal, repair, or securing of any building, wall, or other structure, or (ii) changing specific policies, practices, and

*procedures of the real property owner that are reasonably expected to abate criminal blight on real property. A local law-enforcement official shall prepare an affidavit on behalf of the locality that states specific actions to be taken on the part of the property owner that the locality determines are necessary to abate the identified criminal blight on such real property and that do not impose an undue financial burden on the owner.*

"~~Drug~~ Criminal blight" means a condition existing on real property ~~which tends to endanger~~ that endangers the public health or safety of residents of a locality and is caused by (i) the regular presence on the property of persons under the influence of controlled substances ~~or~~; (ii) the regular use of the property for the purpose of illegally possessing, manufacturing, or distributing controlled substances; (iii) *the regular use of the property for the purpose of engaging in commercial sex acts*; or (iv) *repeated acts of the malicious discharge of a firearm within any building or dwelling that would constitute a criminal act under § 18.2-279 or a substantially similar local ordinance if a criminal charge were to be filed against the individual perpetrator of such criminal activity.*

"Law-enforcement official" means an official designated to enforce criminal laws within a locality, or an agent of such law-enforcement official. The law-enforcement official shall coordinate with the building or fire code official of the locality as otherwise provided under applicable laws and regulations.

"Owner" means the record owner of real property.

"Property" means real property.

B. Any locality may, by ordinance, provide that:

1. The locality may *require the owner of real property to undertake corrective action, or the locality may undertake corrective action*, with respect to *such* property in accordance with the procedures described herein:

a. The locality shall execute an affidavit, citing this section, to the effect that (i) ~~drug criminal~~ blight exists on the property and in the manner described therein; (ii) the locality has used diligence without effect to abate the ~~drug criminal~~ blight; and (iii) the ~~drug criminal~~ blight constitutes a present threat to the public's health, safety, or welfare.

b. The locality shall then send a notice to the owner of the property, to be sent by ~~regular~~ (i) *certified mail, return receipt requested*; (ii) *hand delivery*; or (iii) *overnight delivery by a commercial service or the United States Postal Service*, to the last address listed for the owner on the locality's assessment records for the property, together with a copy of such affidavit, advising that ~~(i)~~ (a) the owner has up to 30 days from the date thereof to undertake corrective action to abate the ~~drug criminal~~ blight described in such affidavit and ~~(ii)~~ (b) the locality will, if requested to do so, assist the owner in determining and coordinating the appropriate corrective action to abate the ~~drug criminal~~ blight described in such affidavit. *If the owner notifies the locality in writing within the 30-day period that additional time to complete the corrective action is needed, the locality shall allow such owner an extension for an additional 30-day period to take such corrective action.*

c. If no corrective action is undertaken during such 30-day period, *or during the extension if such extension is granted by the locality*, the locality shall send by ~~regular~~ *certified mail, return receipt requested*, an additional notice to the owner of the property, at the address stated in ~~the preceding~~ subdivision b, stating (i) the date on which the locality may commence corrective action to abate the ~~drug criminal~~ blight on the property or (ii) *the date on which the locality may commence legal action in a court of competent jurisdiction to obtain a court order to require that the owner take such corrective action or, if the owner does not take corrective action, a court order to revoke the certificate of occupancy for such property*, which date shall be no earlier than 15 days after the date of mailing of the notice. Such additional notice shall also reasonably describe the corrective action contemplated to be taken by the locality. Upon receipt of such notice, the owner shall have a right, upon reasonable notice to the locality, to seek ~~equitable~~ *judicial relief*, and the locality shall initiate no corrective action while a proper petition for relief is pending before a court of competent jurisdiction.

2. If the locality undertakes corrective action with respect to the property after complying with the provisions of subdivision B 1, the costs and expenses thereof shall be chargeable to and paid by the owner of such property and may be collected by the locality as taxes are collected.

3. Every charge authorized by this section with which the owner of any such property has been assessed and ~~which~~ *that* remains unpaid shall constitute a lien against such property with the same priority as liens for unpaid local real estate taxes and enforceable in the same manner as provided in Articles 3 (§ 58.1-3940 et seq.) and 4 (§ 58.1-3965 et seq.) of Chapter 39 of Title 58.1.

4. *A criminal blight proceeding pursuant to this section shall be a civil proceeding in a court of competent jurisdiction in the Commonwealth.*

C. If the owner of ~~such~~ *real* property takes timely corrective action pursuant to ~~such~~ *the provisions of a local ordinance*, the locality shall deem the ~~drug criminal~~ blight abated, shall close the proceeding without any charge or cost to the owner, and shall promptly provide written notice to the owner that the proceeding has been terminated satisfactorily. The closing of a proceeding shall not bar the locality from initiating a subsequent proceeding if the ~~drug criminal~~ blight recurs.

D. Nothing in this section shall be construed to abridge, *diminish, limit, or waive any rights or remedies of an owner of property at law or in equity or any permits or nonconforming rights the owner may have under Chapter 22 (§ 15.2-2200 et seq.) or under a local ordinance. If an owner in good faith takes corrective action, and despite having taken such action, the specific criminal blight identified in the affidavit of the locality persists, such owner shall be deemed in compliance with this section. Further, if a tenant in a rental dwelling unit, or a tenant on a manufactured home lot, is the cause of criminal blight on such property and the owner in good faith initiates legal action and pursues the same by requesting a final order by a court of competent jurisdiction, as otherwise authorized by this Code, against such tenant to remedy such noncompliance or to terminate the tenancy, such owner shall be deemed in compliance with this section.*

## CHAPTER 806

*An Act to amend and reenact §§ 22.1-287, 22.1-287.1, and 23.1-405 of the Code of Virginia, relating to scholastic records; directory information.*

[H 1]

Approved April 9, 2018

**Be it enacted by the General Assembly of Virginia:****1. That §§ 22.1-287, 22.1-287.1, and 23.1-405 of the Code of Virginia are amended and reenacted as follows:****§ 22.1-287. Limitations on access to records.**

A. No teacher, principal or employee of any public school nor any school board member shall permit access to any records concerning any particular pupil enrolled in the school in any class to any person except under judicial process unless the person is one of the following:

1. Either parent of such pupil or such pupil; provided that a school board may require that such pupil, if he be less than 18 years of age, as a condition precedent to access to such records, furnish written consent of his or her parent for such access;
2. A person designated in writing by such pupil if the pupil is 18 years of age or older or by either parent of such pupil if the pupil is less than 18 years of age;
3. The principal, or someone designated by him, of a school where the pupil attends, has attended, or intends to enroll;
4. The current teachers of such pupil;
5. State or local law-enforcement or correctional personnel, including a law-enforcement officer, probation officer, parole officer or administrator, or a member of a parole board, seeking information in the course of his duties;
6. The Superintendent of Public Instruction, a member of his staff, the division superintendent of schools where the pupil attends, has attended, or intends to enroll or a member of his staff;
7. An officer or employee of a county or city agency responsible for protective services to children, as to a pupil referred to that agency as a minor requiring investigation or supervision by that agency.

B. A parent or pupil entitled to see the records pursuant to subdivision A 1 shall have access to all records relating to such pupil maintained by the school except as otherwise provided by law and need only appear in person during regular hours of the school day and request to see such records. No material concerning such pupil shall be edited or withheld except as otherwise provided by law, and the parent or pupil shall be entitled to read such material personally.

C. ~~The restrictions imposed by this section shall not apply to the giving of information by school personnel concerning participation in athletics and other school activities, the winning of scholastic or other honors and awards, and other like information shall be governed by the provisions of § 22.1-287.1.~~

D. Notwithstanding the restrictions imposed by this section:

1. A division superintendent of schools may, in his discretion, provide information to the staff of an institution of higher education or educational research and development organization or laboratory if such information is necessary to a research project or study conducted, sponsored, or approved by the institution of higher education or educational research and development organization or laboratory and if no pupil will be identified by name in the information provided for research;
2. The name and address of a pupil, the record of a pupil's daily attendance, a pupil's scholastic record in the form of grades received in school subjects, the names of a pupil's parents, a pupil's date and place of birth, and the names and addresses of other schools a pupil has attended may be released to an officer or employee of the United States government seeking this information in the course of his duties when the pupil is a veteran of military service with the United States, an orphan or dependent of such veteran, or an alien;
3. The record of a pupil's daily attendance shall be open for inspection and reproduction to an employee of a local department of social services who needs the record to determine the eligibility of the pupil's family for public assistance and social services;
4. The principal or his designee may disclose identifying information from a pupil's scholastic record for the purpose of furthering the ability of the juvenile justice system to effectively serve the pupil prior to adjudication. In addition to those agencies or personnel identified in subdivisions A 5 and 7, the principal or his designee may disclose identifying information from a pupil's scholastic record to attorneys for the Commonwealth, court services units, juvenile detention centers or group homes, mental and medical health agencies, state and local children and family service agencies, and the Department of Juvenile Justice and to the staff of such agencies. Prior to disclosure of any such scholastic records, the persons to whom the records are to be disclosed shall certify in writing to the principal or his designee that the information will not be disclosed to any other party, except as provided under state law, without the prior written consent of the parent of the pupil or by such pupil if the pupil is 18 years of age or older.

**§ 22.1-287.1. Directory information.**

A. Notwithstanding §§ 22.1-287 and 22.1-288, directory information, *as defined by the federal Family Educational Rights and Privacy Act (20 U.S.C. § 1232g), and which may include a student's name, sex, address, telephone listing, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height as a member of an athletic team, dates of attendance, degrees and awards received, and other similar information,* may be

publicly released disclosed in accordance with federal and state law and regulations and the regulations of the Board of Education. Such directory information may include the student's name, sex, address, telephone listing, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, and other similar information, provided that the school has given notice to the parent or eligible student of (i) the types of information that the school has designated as directory information; (ii) the right of the parent or eligible student to refuse the designation of any or all of the types of information about the student as directory information, and (iii) the period of time within which the parent or eligible student must notify the school in writing that he does not want any or all of the types of information about the student designated as directory information. However, no school shall disclose the address, telephone number, or email address of a student pursuant to 34 C.F.R. § 99.31(a)(11) or the Virginia Freedom of Information Act (§ 2.2-3700 et seq.) unless the parent or eligible student has affirmatively consented in writing to such disclosure.

B. For purposes of this section, an "eligible student" is a student 18 years of age or older or a student under the age of 18 who is emancipated.

**§ 23.1-405. Student records and personal information; social media.**

A. As used in this section:

"Social media account" means a personal account with an electronic medium or service through which users may create, share, or view user-generated content, including, without limitation, videos, photographs, blogs, podcasts, messages, emails, or website profiles or locations. "Social media account" does not include an account (i) opened by a student at the request of a public or private institution of higher education or (ii) provided to a student by a public or private institution of higher education such as the student's email account or other software program owned or operated exclusively by a public or private institution of higher education.

B. Each public institution of higher education and private institution of higher education may require any student who attends, or any applicant who has been accepted to and has committed to attend, such institution to provide, to the extent available, from the originating secondary school and, if applicable, any institution of higher education he has attended a complete student record, including any mental health records held by the previous school or institution. Such records shall be kept confidential as required by state and federal law, including the federal Family Educational Rights and Privacy Act (20 U.S.C. § 1232g) (*FERPA*).

C. Student directory information, as defined by *FERPA*, and which may include a student's name, sex, address, telephone listing, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height as a member of an athletic team, dates of attendance, degrees and awards received, and other similar information, may be disclosed, provided that the institution has given notice to the student of (i) the types of information that the institution has designated as directory information; (ii) the right of the student to refuse the designation of any or all of the types of information about the student as directory information, and (iii) the period of time within which the student must notify the institution in writing that he does not want any or all of the types of information about the student designated as directory information. However, no institution shall disclose the address, telephone number, or email address of a student pursuant to 34 C.F.R. § 99.31(a)(11) or the Virginia Freedom of Information Act (§ 2.2-3700 et seq.) unless the student has affirmatively consented in writing to such disclosure.

D. No public institution of higher education shall sell students' personal information, including names, addresses, phone numbers, and email addresses, to any person. This subsection shall not apply to transactions involving credit, debit, employment, finance, identity verification, risk assessment, fraud prevention, or other transactions initiated by the student.

~~D.~~ E. No public or private institution of higher education shall require a student to disclose the username or password to any of such student's personal social media accounts. Nothing in this subsection shall prevent a campus police officer appointed under Article 3 (§ 23.1-809 et seq.) of Chapter 8 from performing his official duties.

**CHAPTER 807**

*An Act to amend and reenact §§ 58.1-408 and 58.1-416 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 58.1-422.3, relating to income tax; apportionment of sales for debt buyers.*

[H 798]

Approved April 9, 2018

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 58.1-408 and 58.1-416 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered § 58.1-422.3 as follows:**

**§ 58.1-408. What income apportioned and how.**

The Virginia taxable income of any corporation, except those subject to the provisions of § 58.1-417, 58.1-418, 58.1-419, 58.1-420, 58.1-422, 58.1-422.1, ~~or~~ 58.1-422.2, or 58.1-422.3, excluding income allocable under § 58.1-407, shall be apportioned to the Commonwealth by multiplying such income by a fraction, the numerator of which is the property factor plus the payroll factor, plus twice the sales factor, and the denominator of which is four; however, where the sales factor does not exist, the denominator of the fraction shall be the number of existing factors and where the sales factor exists

but the payroll factor or the property factor does not exist, the denominator of the fraction shall be the number of existing factors plus one.

**§ 58.1-416. When certain other sales deemed in the Commonwealth.**

A. Sales, other than sales of tangible personal property, are in the Commonwealth if:

1. The income-producing activity is performed in the Commonwealth; or
2. The income-producing activity is performed both in and outside the Commonwealth and a greater proportion of the income-producing activity is performed in the Commonwealth than in any other state, based on costs of performance.

B. For debt buyers, as defined in § 58.1-422.3, sales, other than sales of tangible personal property, are in the Commonwealth if they consist of money recovered on debt that a debt buyer collected from a person who is a resident of the Commonwealth or an entity that has its commercial domicile in the Commonwealth. Such rule shall apply regardless of the location of a debt buyer's business.

C. The taxes under this article on the sales described under subsection B are imposed to the maximum extent permitted under the Constitutions of Virginia and the United States and federal law. For the collection of such taxes on such sales, it is the intent of the General Assembly that the Tax Commissioner and the Department assert the taxpayer's nexus with the Commonwealth to the maximum extent permitted under the Constitutions of Virginia and the United States and federal law.

D. If necessary information is not available to the taxpayer to determine whether a sale other than a sale of tangible personal property is in the Commonwealth pursuant to the provisions of subsections B and C, the taxpayer may estimate the dollar value or portion of such sale in the Commonwealth, provided that the taxpayer can demonstrate to the satisfaction of the Tax Commissioner that (i) the estimate has been undertaken in good faith, (ii) the estimate is a reasonable approximation of the dollar value or portion of such sale in the Commonwealth, and (iii) in using an estimate the taxpayer did not have as a principal purpose the avoidance of any tax due under this article. The Department may implement procedures for obtaining its approval to use an estimate. The Department shall adopt remedies and corrective procedures for cases in which the Department has determined that the sourcing rules for sales other than sales of tangible personal property have been abused by the taxpayer, which may include reliance on the location of income-producing activity and direct costs of performance as described in subsection A.

**§ 58.1-422.3. Debt buyers; apportionment.**

A. As used in this section, "debt buyer" means an entity and its affiliated entities that purchase nonperforming loans from unaffiliated commercial entities that (i) are in default for at least 120 days or (ii) are in bankruptcy proceedings. "Debt buyer" does not include an entity that provides debt collection services for unaffiliated entities.

B. For taxable years beginning on and after January 1, 2019, the Virginia taxable income of a debt buyer, excluding income allocable under § 58.1-407, shall be apportioned within and without the Commonwealth by multiplying such income by the sales factor. For debt buyers, only money recovered on debt that a debt buyer collected from a person who is a resident of the Commonwealth or an entity that has its commercial domicile in the Commonwealth shall be apportioned to the Commonwealth for income tax purposes.

**2. That the Department of Taxation shall develop and make publicly available guidelines implementing the provisions of this act. In developing such guidelines, the Department of Taxation shall not be subject to the provisions of the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia) for guidelines promulgated on or before December 31, 2021, but shall cooperate with and seek the counsel of interested groups and shall not promulgate any guidelines, preliminary or final, without first seeking such counsel and conducting a public hearing. Preliminary guidelines shall be promulgated and made publicly available no later than December 31, 2018, and final guidelines shall be promulgated and made publicly available no later than December 31, 2019. Subsequent to December 31, 2019, the guidelines shall next be updated by December 31, 2021, under the same procedures as required for the preliminary and final guidelines. After December 31, 2021, the guidelines shall be subject to the Administrative Process Act and accorded the weight of regulations under § 58.1-205 of the Code of Virginia.**

## CHAPTER 808

*An Act relating to the disposition of a portion of the Camp 7 parcel located in Clarke County.*

[S 899]

Approved April 9, 2018

**Be it enacted by the General Assembly of Virginia:**

**1. § 1. That the Commonwealth shall not convey, sell, or otherwise dispose of certain real property identified as a 65+/- contiguous acre parcel, described below, located within Clarke County. The portion of the Camp 7 parcel shall be held by the Commonwealth with the intent to enter into an agreement for the conveyance, sale, or other disposition to Clarke County upon such terms as negotiated by the Commonwealth or any agency thereof and representatives of Clarke County, pursuant to § 2.2-1150 of the Code of Virginia.**

**§ 2. Any conveyance, sale, or other disposition of the 65+/- contiguous acre parcel or any portion thereof that is proposed as a result of negotiations between the Commonwealth and the representatives of Clarke County shall be approved by the General Assembly prior to execution of such conveyance, sale, or other disposition.**

§ 3. *The prohibition on the conveyance, sale, or other disposition of the 65+/- contiguous acre parcel to anyone other than Clarke County shall expire on July 1, 2019; however, any conveyance, sale, or other disposition of the 65+/- acre parcel shall be approved by the General Assembly.*

§ 4. *The 65+/- contiguous acres is bound by Rt. 340/Lord Fairfax Highway to the north, Rt. 644/Featherbed Road to the east, and a subdivision line to be created starting at the northern intersection point of the property line at Rt. 522 to the west and extending to Rt. 644/Featherbed Road to the east separating the parcel from the balance of the 200+/- acres and designated as Clarke County tax map number 27A 10.*

**CHAPTER 809**

*An Act to amend and reenact §§ 18.2-250.1, 54.1-3408.3, 54.1-3442.5, and 54.1-3442.7 of the Code of Virginia, relating to certification for use of cannabidiol oil or THC-A oil.*

[S 726]

Approved April 9, 2018

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 18.2-250.1, 54.1-3408.3, 54.1-3442.5, and 54.1-3442.7 of the Code of Virginia are amended and reenacted as follows:**

**§ 18.2-250.1. Possession of marijuana unlawful.**

A. It is unlawful for any person knowingly or intentionally to possess marijuana unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his professional practice, or except as otherwise authorized by the Drug Control Act (§ 54.1-3400 et seq.).

Upon the prosecution of a person for violation of this section, ownership or occupancy of the premises or vehicle upon or in which marijuana was found shall not create a presumption that such person either knowingly or intentionally possessed such marijuana.

Any person who violates this section is guilty of a misdemeanor and shall be confined in jail not more than 30 days and fined not more than \$500, either or both; any person, upon a second or subsequent conviction of a violation of this section, is guilty of a Class 1 misdemeanor.

B. The provisions of this section shall not apply to members of state, federal, county, city, or town law-enforcement agencies, jail officers, or correctional officers, as defined in § 53.1-1, certified as handlers of dogs trained in the detection of controlled substances when possession of marijuana is necessary for the performance of their duties.

C. In any prosecution under this section involving marijuana in the form of cannabidiol oil or THC-A oil as those terms are defined in § 54.1-3408.3, it shall be an affirmative defense that the individual possessed such oil pursuant to a valid written certification issued by a practitioner in the course of his professional practice pursuant to § 54.1-3408.3 for treatment or to alleviate the symptoms of (i) the individual's ~~intractable epilepsy~~ *diagnosed condition or disease* or (ii) if such individual is the parent or legal guardian of a minor or of an incapacitated adult as defined in § 18.2-369, such minor's or incapacitated adult's ~~intractable epilepsy~~ *diagnosed condition or disease*. If the individual files the valid written certification with the court at least 10 days prior to trial and causes a copy of such written certification to be delivered to the attorney for the Commonwealth, such written certification shall be prima facie evidence that such oil was possessed pursuant to a valid written certification.

**§ 54.1-3408.3. Certification for use of cannabidiol oil or THC-A oil for treatment.**

A. As used in this section:

"Cannabidiol oil" means a processed Cannabis plant extract that contains at least 15 percent cannabidiol but no more than five percent tetrahydrocannabinol, or a dilution of the resin of the Cannabis plant that contains at least ~~50~~ *five* milligrams of cannabidiol per milliliter but not more than five percent tetrahydrocannabinol.

"Practitioner" means a practitioner of medicine or osteopathy licensed by the Board of Medicine ~~who is a neurologist or who specializes in the treatment of epilepsy.~~

"THC-A oil" means a processed Cannabis plant extract that contains at least 15 percent tetrahydrocannabinol acid but not more than five percent tetrahydrocannabinol, or a dilution of the resin of the Cannabis plant that contains at least ~~50~~ *five* milligrams of tetrahydrocannabinol acid per milliliter but not more than five percent tetrahydrocannabinol.

B. A practitioner in the course of his professional practice may issue a written certification for the use of cannabidiol oil or THC-A oil for treatment or to alleviate the symptoms of ~~a patient's intractable epilepsy~~ *any diagnosed condition or disease determined by the practitioner to benefit from such use.*

C. The written certification shall be on a form provided by the Office of the Executive Secretary of the Supreme Court developed in consultation with the Board of Medicine. Such written certification shall contain the name, address, and telephone number of the practitioner, the name and address of the patient issued the written certification, the date on which the written certification was made, and the signature of the practitioner. Such written certification issued pursuant to subsection B shall expire no later than one year after its issuance unless the practitioner provides in such written certification an earlier expiration.

D. No practitioner shall be prosecuted under § 18.2-248 or 18.2-248.1 for dispensing or distributing cannabidiol oil or THC-A oil for the treatment or to alleviate the symptoms of a patient's ~~intractable epilepsy~~ *diagnosed condition or disease*

pursuant to a written certification issued pursuant to subsection B. Nothing in this section shall preclude the Board of Medicine from sanctioning a practitioner for failing to properly evaluate or treat a patient's medical condition or otherwise violating the applicable standard of care for evaluating or treating medical conditions.

E. A practitioner who issues a written certification to a patient pursuant to this section shall register with the Board. The Board shall, in consultation with the Board of Medicine, set a limit on the number of patients to whom a practitioner may issue a written certification.

F. A patient who has been issued a written certification shall register with the Board or, if such patient is a minor or an incapacitated adult as defined in § 18.2-369, a patient's parent or legal guardian shall register and shall register such patient with the Board.

G. The Board shall promulgate regulations to implement the registration process. Such regulations shall include (i) a mechanism for sufficiently identifying the practitioner issuing the written certification, the patient being treated by the practitioner, and, if such patient is a minor or an incapacitated adult as defined in § 18.2-369, the patient's parent or legal guardian; (ii) a process for ensuring that any changes in the information are reported in an appropriate timeframe; and (iii) a prohibition for the patient to be issued a written certification by more than one practitioner during any given time period.

H. Information obtained under the registration process shall be confidential and shall not be subject to the disclosure provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.). However, reasonable access to registry information shall be provided to (i) the Chairmen of the House and Senate Committees for Courts of Justice, (ii) state and federal agencies or local law enforcement for the purpose of investigating or prosecuting a specific individual for a specific violation of law, (iii) licensed physicians or pharmacists for the purpose of providing patient care and drug therapy management and monitoring of drugs obtained by a registered patient, (iv) a pharmaceutical processor involved in the treatment of a registered patient, or (v) a registered patient or, if such patient is a minor or an incapacitated adult as defined in § 18.2-369, the patient's parent or legal guardian, but only with respect to information related to such registered patient.

#### § 54.1-3442.5. Definitions.

As used in this article:

"Cannabidiol oil" has the same meaning as specified in § 54.1-3408.3.

"Pharmaceutical processor" means a facility that (i) has obtained a permit from the Board pursuant to § 54.1-3408.3 and (ii) cultivates Cannabis plants intended only for the production of cannabidiol oil or THC-A oil, produces cannabidiol oil or THC-A oil, and dispenses cannabidiol oil or THC-A oil to a registered patient or, if such patient is a minor or an incapacitated adult as defined in § 18.2-369, such patient's parent or legal guardian ~~for the treatment of intractable epilepsy.~~

"Practitioner" has the same meaning as specified in § 54.1-3408.3.

"THC-A oil" has the same meaning as specified in § 54.1-3408.3.

#### § 54.1-3442.7. Dispensing cannabidiol oil and THC-A oil; report.

A. A pharmaceutical processor shall dispense or deliver cannabidiol oil or THC-A oil only in person to (i) a patient who is a Virginia resident, has been issued a valid written certification, and is registered with the Board pursuant to § 54.1-3408.3 or (ii) if such patient is a minor or an incapacitated adult as defined in § 18.2-369, such patient's parent or legal guardian who is a Virginia resident and is registered with the Board pursuant to § 54.1-3408.3. Prior to dispensing, the pharmaceutical processor shall verify that the practitioner issuing the written certification, the patient, and, if such patient is a minor or an incapacitated adult, the patient's parent or legal guardian are registered with the Board. No pharmaceutical processor shall dispense more than a ~~30-day~~ 90-day supply for any patient during any ~~30-day~~ 90-day period. The Board shall establish in regulation an amount of cannabidiol oil or THC-A oil that constitutes a ~~30-day~~ 90-day supply to treat or alleviate the symptoms of a patient's ~~intractable epilepsy~~ *diagnosed condition or disease*.

B. A pharmaceutical processor shall dispense only cannabidiol oil and THC-A oil that has been cultivated and produced on the premises of such pharmaceutical processor.

C. The Board shall report annually by December 1 to the Chairmen of the House and Senate Committees for Courts of Justice on the operation of pharmaceutical processors issued a permit by the Board, including the number of practitioners, patients, and parents or legal guardians of patients who have registered with the Board and the number of written certifications issued pursuant to § 54.1-3408.3.

**2. That an emergency exists and this act is in force from its passage.**

## CHAPTER 810

*An Act to amend and reenact §§ 19.2-392.02, 63.2-1715, and 63.2-1716 of the Code of Virginia, relating to child day programs; exemptions from licensure.*

[S 539]

Approved April 9, 2018

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 19.2-392.02, 63.2-1715, and 63.2-1716 of the Code of Virginia are amended and reenacted as follows:**

**§ 19.2-392.02. National criminal background checks by businesses and organizations regarding employees or volunteers providing care to children or the elderly or disabled.**

A. For purposes of this section:

"Barrier crime" means (i) a felony violation of § 16.1-253.2; any violation of § 18.2-31, 18.2-32, 18.2-32.1, 18.2-32.2, 18.2-33, 18.2-35, 18.2-36, 18.2-36.1, 18.2-36.2, 18.2-41, or 18.2-42; any felony violation of § 18.2-46.2, 18.2-46.3, 18.2-46.3:1, or 18.2-46.3:3; any violation of § 18.2-46.5, 18.2-46.6, or 18.2-46.7; any violation of subsection A or B of § 18.2-47; any violation of § 18.2-48, 18.2-49, or 18.2-50.3; any violation of § 18.2-51, 18.2-51.1, 18.2-51.2, 18.2-51.3, 18.2-51.4, 18.2-51.5, 18.2-51.6, 18.2-52, 18.2-52.1, 18.2-53, 18.2-53.1, 18.2-54.1, 18.2-54.2, 18.2-55, 18.2-55.1, 18.2-56, 18.2-56.1, 18.2-56.2, 18.2-57, 18.2-57.01, 18.2-57.02, 18.2-57.2, 18.2-58, 18.2-58.1, 18.2-59, 18.2-60, or 18.2-60.1; any felony violation of § 18.2-60.3 or 18.2-60.4; any violation of § 18.2-61, 18.2-63, 18.2-64.1, 18.2-64.2, 18.2-67.1, 18.2-67.2, 18.2-67.3, 18.2-67.4, 18.2-67.4:1, 18.2-67.4:2, 18.2-67.5, 18.2-67.5:1, 18.2-67.5:2, 18.2-67.5:3, 18.2-77, 18.2-79, 18.2-80, 18.2-81, 18.2-82, 18.2-83, 18.2-84, 18.2-85, 18.2-86, 18.2-87, 18.2-87.1, or 18.2-88; any felony violation of § 18.2-279, 18.2-280, 18.2-281, 18.2-282, 18.2-282.1, 18.2-286.1, or 18.2-287.2; any violation of § 18.2-289, 18.2-290, 18.2-300, 18.2-308.4, or 18.2-314; any felony violation of § 18.2-346; any violation of § 18.2-355, 18.2-356, 18.2-357, or 18.2-357.1; any violation of subsection B of § 18.2-361; any violation of § 18.2-366, 18.2-369, 18.2-370, 18.2-370.1, 18.2-370.2, 18.2-370.3, 18.2-370.4, 18.2-370.5, 18.2-370.6, 18.2-371.1, 18.2-374.1, 18.2-374.1:1, 18.2-374.3, 18.2-374.4, 18.2-379, 18.2-386.1, or 18.2-386.2; any felony violation of § 18.2-405 or 18.2-406; any violation of § 18.2-408, 18.2-413, 18.2-414, 18.2-423, 18.2-423.01, 18.2-423.1, 18.2-423.2, 18.2-433.2, 18.2-472.1, 18.2-474.1, 18.2-477, 18.2-477.1, 18.2-477.2, 18.2-478, 18.2-479, 18.2-480, 18.2-481, 18.2-484, 18.2-485, 37.2-917, or 53.1-203; or any substantially similar offense under the laws of another jurisdiction; (ii) any violation of § 18.2-89, 18.2-90, 18.2-91, 18.2-92, 18.2-93, or 18.2-94 or any substantially similar offense under the laws of another jurisdiction; (iii) any felony violation of § 18.2-248, 18.2-248.01, 18.2-248.02, 18.2-248.03, 18.2-248.1, 18.2-248.5, 18.2-251.2, 18.2-251.3, 18.2-255, 18.2-255.2, 18.2-258, 18.2-258.02, 18.2-258.1, or 18.2-258.2 or any substantially similar offense under the laws of another jurisdiction; (iv) any felony violation of § 18.2-250 or any substantially similar offense under the laws of another jurisdiction; (v) any offense set forth in § 9.1-902 that results in the person's requirement to register with the Sex Offender and Crimes Against Minors Registry pursuant to § 9.1-901, including any finding that a person is not guilty by reason of insanity in accordance with Chapter 11.1 (§ 19.2-182.2 et seq.) of Title 19.2 of an offense set forth in § 9.1-902 that results in the person's requirement to register with the Sex Offender and Crimes Against Minors Registry pursuant to § 9.1-901; any substantially similar offense under the laws of another jurisdiction; or any offense for which registration in a sex offender and crimes against minors registry is required under the laws of the jurisdiction where the offender was convicted; or (vi) any other felony not included in clause (i), (ii), (iii), (iv), or (v) unless five years have elapsed from the date of the conviction.

"Barrier crime information" means the following facts concerning a person who has been arrested for, or has been convicted of, a barrier crime, regardless of whether the person was a juvenile or adult at the time of the arrest or conviction: full name, race, sex, date of birth, height, weight, fingerprints, a brief description of the barrier crime or offenses for which the person has been arrested or has been convicted, the disposition of the charge, and any other information that may be useful in identifying persons arrested for or convicted of a barrier crime.

"Care" means the provision of care, treatment, education, training, instruction, supervision, or recreation to children or the elderly or disabled.

"Department" means the Department of State Police.

"Employed by" means any person who is employed by, volunteers for, seeks to be employed by, or seeks to volunteer for a qualified entity.

"Identification document" means a document made or issued by or under the authority of the United States government, a state, a political subdivision of a state, a foreign government, political subdivision of a foreign government, an international governmental or an international quasi-governmental organization that, when completed with information concerning a particular individual, is of a type intended or commonly accepted for the purpose of identification of individuals.

"Provider" means a person who (i) is employed by a qualified entity and has, seeks to have, or may have unsupervised access to a child or to an elderly or disabled person to whom the qualified entity provides care; (ii) is a volunteer of a qualified entity and has, seeks to have, or may have unsupervised access to a child to whom the qualified entity provides care; or (iii) owns, operates, or seeks to own or operate a qualified entity.

"Qualified entity" means a business or organization that provides care to children or the elderly or disabled, whether governmental, private, for profit, nonprofit, or voluntary, except organizations exempt pursuant to subdivision A ~~4~~ 7 of § 63.2-1715.

B. A qualified entity may request the Department of State Police to conduct a national criminal background check on any provider who is employed by such entity. No qualified entity may request a national criminal background check on a provider until such provider has:

1. Been fingerprinted; and
2. Completed and signed a statement, furnished by the entity, that includes (i) his name, address, and date of birth as it appears on a valid identification document; (ii) a disclosure of whether or not the provider has ever been convicted of or is the subject of pending charges for a criminal offense within or outside the Commonwealth, and if the provider has been convicted of a crime, a description of the crime and the particulars of the conviction; (iii) a notice to the provider that the entity may request a background check; (iv) a notice to the provider that he is entitled to obtain a copy of any background check report, to challenge the accuracy and completeness of any information contained in any such report, and to obtain a prompt determination as to the validity of such challenge before a final determination is made by the Department; and (v) a

notice to the provider that prior to the completion of the background check the qualified entity may choose to deny the provider unsupervised access to children or the elderly or disabled for whom the qualified entity provides care.

C. Upon receipt of (i) a qualified entity's written request to conduct a background check on a provider, (ii) the provider's fingerprints, and (iii) a completed, signed statement as described in subsection B, the Department shall make a determination whether the provider has been convicted of or is the subject of charges of a barrier crime. To conduct its determination regarding the provider's barrier crime information, the Department shall access the national criminal history background check system, which is maintained by the Federal Bureau of Investigation and is based on fingerprints and other methods of identification, and shall access the Central Criminal Records Exchange maintained by the Department. If the Department receives a background report lacking disposition data, the Department shall conduct research in whatever state and local recordkeeping systems are available in order to obtain complete data. The Department shall make reasonable efforts to respond to a qualified entity's inquiry within 15 business days.

D. Any background check conducted pursuant to this section for a provider employed by a private entity shall be screened by the Department of State Police. If the provider has been convicted of or is under indictment for a barrier crime, the qualified entity shall be notified that the provider is not qualified to work or volunteer in a position that involves unsupervised access to children or the elderly or disabled.

E. Any background check conducted pursuant to this section for a provider employed by a governmental entity shall be provided to that entity.

F. In the case of a provider who desires to volunteer at a qualified entity and who is subject to a national criminal background check, the Department and the Federal Bureau of Investigation may each charge the provider the lesser of \$18 or the actual cost to the entity of the background check conducted with the fingerprints.

G. The failure to request a criminal background check pursuant to subsection B shall not be considered negligence per se in any civil action.

#### § 63.2-1715. Exemptions from licensure.

A. The following *programs are not* child day programs *and* shall not be required to be licensed:

1. ~~A child day center that has obtained an exemption pursuant to § 63.2-1716.~~

~~2. A program where, by written policy given to and signed by a parent or guardian, school-aged children are free to enter and leave the premises without permission or supervision, regardless of (i) such program's location or the number of days per week of its operation; (ii) the provision of transportation services, including drop-off and pick-up times; or (iii) the scheduling of breaks for snacks, homework, or other activities. A program that would qualify for this exemption except that it assumes responsibility for the supervision, protection and well-being of several children with disabilities who are mainstreamed shall not be subject to licensure.~~

~~3. A program of instructional experience in a single focus, such as, but not limited to, computer science, archaeology, sport clinics, or music, if children under the age of six do not attend at all and if no child is allowed to attend for more than 25 days in any three-month period commencing with enrollment. This exemption does not apply if children merely change their enrollment to a different focus area at a site offering a variety of activities and such children's attendance exceeds 25 days in a three-month period.~~

~~4. 2. Programs of instructional or recreational activities wherein no child under age six attends for more than six hours weekly with no class or activity period to exceed one and one-half hours, and no child six years of age or above attends for more than six hours weekly when school is in session or 12 hours weekly when school is not in session. Competition, performances and exhibitions related to the instructional or recreational activity shall be excluded when determining the hours of program operation.~~

~~5. A program that operates no more than a total of 20 program days in the course of a calendar year provided that programs serving children under age six operate no more than two consecutive weeks without a break of at least a week.~~

~~6. 3. Instructional programs offered by private schools that serve school-age children and that satisfy compulsory attendance laws or provide services under the Individuals with Disabilities Education Act, as amended, and programs of school-sponsored extracurricular activities that are focused on single interests such as, but not limited to, music, sports, drama, civic service, or foreign language.~~

~~7. 4. Instructional programs offered by public schools that serve preschool-age children or that, satisfy compulsory attendance laws, or provide services under the Individuals with Disabilities Education Act, as amended, and programs of school-sponsored extracurricular activities that are focused on single interests such as, but not limited to, music, sports, drama, civic service, or foreign language.~~

~~8. 5. Early intervention programs for children eligible under Part C of the Individuals with Disabilities Education Act, as amended, wherein no child attends for more than a total of six hours per week.~~

~~9. 6. Practice or competition in organized competitive sports leagues.~~

~~10. 7. Programs of religious instruction, such as Sunday schools, vacation Bible schools, and Bar Mitzvah or Bat Mitzvah classes, and child-minding services provided nurseries offered by religious institutions and provided for the duration of specified religious services or related activities to allow parents or guardians or their designees who are on site to attend such religious worship or instructional services and activities.~~

~~11. Child-minding services that are not available for more than three hours per day for any individual child offered on site in commercial or recreational establishments if the parent or guardian (i) is not an on-duty employee, except for part-time employees working less than two hours per day, (ii) can be contacted and can resume responsibility for the child's~~

supervision within 30 minutes, and (iii) is receiving or providing services or participating in activities offered by the establishment.

~~12. A certified preschool or nursery school program operated by a private school that is accredited by an accrediting organization recognized by the State Board of Education pursuant to § 22.1-19 and complies with the provisions of § 63.2-1717.~~

~~13. A program of recreational activities offered by local governments, staffed by local government employees, and attended by school-age children. Such programs shall be subject to safety and supervisory standards established by local governments.~~

~~14. 8. A program of instructional or athletic experience operated during the summer months by, and as an extension of, an accredited private elementary, middle, or high school program as set forth in § 22.1-19 and administered by the Virginia Council for Private Education.~~

~~B. The following child day programs shall not be required to be licensed:~~

~~1. A child day program or child day center that has obtained an exemption pursuant to § 63.2-1716.~~

~~2. A program where, by written policy given to and signed by a parent or guardian, school-age children are free to enter and leave the premises without permission. A program that would qualify for this exemption except that it assumes responsibility for the supervision, protection, and well-being of several children with disabilities who are mainstreamed shall not be subject to licensure.~~

~~3. A program that operates no more than a total of 20 program days in the course of a calendar year, provided that programs serving children under age six operate no more than two consecutive weeks without a break of at least a week.~~

~~4. Child-minding services that are not available for more than three hours per day for any individual child offered on site in commercial or recreational establishments if the parent or guardian (i) can be contacted and can resume responsibility for the child's supervision within 30 minutes and (ii) is receiving or providing services or participating in activities offered by the establishment.~~

~~5. A certified preschool or nursery school program operated by a private school that is accredited by an accrediting organization recognized by the State Board of Education pursuant to § 22.1-19 and complies with the provisions of § 63.2-1717.~~

~~6. A program of recreational activities offered by local governments, staffed by local government employees, and attended by school-age children. Such programs shall be subject to safety and supervisory standards established by the local government offering the program.~~

~~7. A program offered by a local school division, operated for no more than four hours per day, staffed by local school division employees, and attended by school-age children who are enrolled in public school within such school division. Such programs shall be subject to safety and supervisory standards established by the local school division offering the program.~~

~~C. Child day programs that are exempt from licensure pursuant to subsection B, except for child day programs that are exempt from licensure pursuant to subdivision B 1 or 5, shall:~~

~~1. File with the Commissioner annually and prior to beginning operation of a child day program a statement indicating the intent to operate a child day program, identifying the specific provision of this section relied upon for exemption from licensure, and certifying that the child day program has disclosed in writing to the parents or guardians of the children in the program the fact that it is exempt from licensure;~~

~~2. Report to the Commissioner all incidents involving serious physical injury to or death of children attending the child day program. Reports of serious physical injuries, which shall include any physical injuries that require an emergency referral to an offsite health care professional or treatment in a hospital, shall be submitted annually. Reports of deaths shall be submitted no later than one business day after the death occurred; and~~

~~3. Post in a visible location on the premises notice that the child day program is operating as a program exempt from licensure with basic health and safety requirements but has no direct oversight by the Department.~~

~~D. Child day programs that are exempt from licensure pursuant to subsection B, except for child day programs that are exempt from licensure pursuant to subdivision B 1, 5, 6, or 7 shall:~~

~~1. Have a person trained and certified in first aid and cardiopulmonary resuscitation present at the child day program whenever children are present or at any other location in which children attending the child day program are present;~~

~~2. Maintain daily attendance records that document the arrival and departure of all children;~~

~~3. Have an emergency preparedness plan in place;~~

~~4. Comply with all applicable laws and regulations governing transportation of children; and~~

~~5. Comply with all safe sleep guidelines recommended by the American Academy of Pediatrics.~~

~~E. The Commissioner shall inspect child day programs that are exempt from licensure pursuant to subsection B to determine compliance with the provisions of this section only upon receipt of a complaint, except as otherwise provided by law.~~

Family day homes that are members of a licensed family day system shall not be required to obtain a license from the Commissioner.

~~E. F. Officers, employees, or agents of the Commonwealth, or of any county, city, or town acting within the scope of their authority as such, who serve as or maintain a child-placing agency shall not be required to be licensed.~~

**§ 63.2-1716. Child day center operated by religious institution exempt from licensure; annual statement and documentary evidence required; enforcement; injunctive relief.**

A. Notwithstanding any other provisions of this chapter, a child day center, including a child day center that is a child welfare agency operated or conducted under the auspices of a religious institution, shall be exempt from the licensure requirements of this subtitle, but shall comply with the provisions of this section unless it chooses to be licensed. If such religious institution chooses not to be licensed, it shall file with the Commissioner, prior to beginning operation of a child day center and thereafter annually, a statement of intent to operate a child day center, certification that the child day center has disclosed in writing to the parents or guardians of the children in the center the fact that it is exempt from licensure *and has posted the fact that it is exempt from licensure in a visible location on the premises*, the qualifications of the personnel employed therein, and documentary evidence that:

1. Such religious institution has tax exempt status as a nonprofit religious institution in accordance with § 501(c) of the Internal Revenue Code of 1954, as amended, or that the real property owned and exclusively occupied by the religious institution is exempt from local taxation.

2. Within the prior 90 days for the initial exemption and within the prior 180 days for exemptions thereafter, the local health department and local fire marshal or Office of the State Fire Marshal, whichever is appropriate, have inspected the physical facilities of the child day center and have determined that the center is in compliance with applicable laws and regulations with regard to food service activities, health and sanitation, water supply, building codes, and the Statewide Fire Prevention Code or the Uniform Statewide Building Code.

3. The child day center employs supervisory personnel according to the following ratio of staff to children:

- a. One staff member to four children from ~~ages zero to twenty-four~~ 16 months.
- b. *One staff member to five children from ages 16 months to 24 months.*
- c. One staff member to ~~ten~~ eight children from ages ~~twenty-four~~ 24 months to ~~six~~ years 36 months.
- ~~e. d.~~ *One staff member to 10 children from ages 36 months to five years.*
- e. One staff member to 20 children from ages five years to nine years.*
- f. One staff member to ~~twenty-five~~ 25 children from ages ~~six~~ nine years ~~and older~~ to 12 years.

Staff shall be counted in the required staff-to-children ratios only when they are directly supervising children. In each grouping of children, at least one adult staff member shall be regularly present. However, during designated daily rest periods and designated sleep periods of evening and overnight care programs, for children ages ~~24~~ 16 months to six years, only one staff member shall be required to be present with the children under supervision. In such cases, at least one staff member shall be physically present in the same space as the children under supervision at all times. Other staff members counted for purposes of the staff-to-child ratio need not be physically present in the same space as the resting or sleeping children, but shall be present on the same floor as the resting or sleeping children and shall have no barrier to their immediate access to the resting or sleeping children. The staff member who is physically present in the same space as the sleeping children shall be able to summon additional staff counted in the staff-to-child ratio without leaving the space in which the resting or sleeping children are located.

Staff members shall be at least 16 years of age. Staff members under 18 years of age shall be under the supervision of an adult staff member. Adult staff members shall supervise no more than two staff members under 18 years of age at any given time.

4. Each person in a supervisory position has been certified by a practicing physician or physician assistant to be free from any disability which would prevent him from caring for children under his supervision.

5. The center is in compliance with the requirements of:

- a. This section.
- b. Section 63.2-1724 relating to background checks.
- c. Section 63.2-1509 relating to the reporting of suspected cases of child abuse and neglect.
- d. Chapter 3 (§ 46.2-300 et seq.) of Title 46.2 regarding a valid Virginia driver's license or commercial driver's license; ~~of~~ Article 21 (§ 46.2-1157 et seq.) of Chapter 10 of Title 46.2, regarding vehicle inspections; ensuring that any vehicle used to transport children is an insured motor vehicle as defined in § 46.2-705; and Article 13 (§ 46.2-1095 et seq.) of Chapter 10 of Title 46.2, regarding child restraint devices.

6. The following aspects of the child day center's operations are described in a written statement provided to the parents or guardians of the children in the center and made available to the general public: physical facilities, enrollment capacity, food services, health requirements for the staff and public liability insurance.

7. *A person trained and certified in first aid and cardiopulmonary resuscitation (CPR) will be present at the child day center whenever children are present or at any other location in which children attending the child day center are present.*

8. *The child day center is in compliance with all safe sleep guidelines recommended by the American Academy of Pediatrics.*

B. The center shall establish and implement procedures for:

1. Hand washing by staff and children before eating and after toileting and diapering.
2. Appropriate supervision of all children in care, including daily intake and dismissal procedures to ensure safety of children.
3. A daily simple health screening and exclusion of sick children by a person trained to perform such screenings.
4. ~~Ensuring that a person trained and certified in first aid is present at the center whenever children are present.~~

~~5.~~ Ensuring that all children in the center are in compliance with the provisions of § 32.1-46 regarding the immunization of children against certain diseases.

~~6.~~ 5. Ensuring that all areas of the premises accessible to children are free of obvious injury hazards, including providing and maintaining sand or other cushioning material under playground equipment.

~~7.~~ 6. Ensuring that all staff are able to recognize the signs of child abuse and neglect.

7. *Ensuring that all incidents involving serious physical injury to or death of children attending the child day center are reported to the Commissioner. Reports of serious physical injuries, which shall include any physical injuries that require an emergency referral to an offsite health care professional or treatment in a hospital, shall be submitted annually. Reports of deaths shall be submitted no later than one business day after the death occurred.*

C. The Commissioner may perform on-site inspections of religious institutions to confirm compliance with the provisions of this section and to investigate complaints that the religious institution is not in compliance with the provisions of this section. The Commissioner may revoke the exemption for any child day center in serious or persistent violation of the requirements of this section. If a religious institution operates a child day center and does not file the statement and documentary evidence required by this section, the Commissioner shall give reasonable notice to such religious institution of the nature of its noncompliance and may thereafter take such action as he determines appropriate, including a suit to enjoin the operation of the child day center.

D. Any person who has reason to believe that a child day center falling within the provisions of this section is not in compliance with the requirements of this section may report the same to the local department, the local health department or the local fire marshal, each of which may inspect the child day center for noncompliance, give reasonable notice to the religious institution, and thereafter may take appropriate action as provided by law, including a suit to enjoin the operation of the child day center.

E. Nothing in this section shall prohibit a child day center operated by or conducted under the auspices of a religious institution from obtaining a license pursuant to this chapter.

**2. That the provisions of this act shall become effective on July 1, 2019.**

**3. That the Commissioner of Social Services shall develop and establish a process to gather and track aggregate data regarding child injuries and deaths that occur at child day programs exempt from licensure.**

**4. That, notwithstanding the provisions of this act, all child day programs that enter into a contract with the Department of Social Services or a local department of social services to provide child care services funded by the Child Care and Development Block Grant shall comply with all applicable requirements imposed by federal law or regulation.**

**5. That the Commissioner of Social Services shall assess the need for different standards governing child day programs that are exempt from licensure pursuant to § 63.2-1716 of the Code of Virginia, as amended by this act, and other child day programs that are exempt from licensure and shall report his findings and conclusions to the Chairmen of the House Committee on Health, Welfare and Institutions and the Senate Committee on Rehabilitation and Social Services by December 1, 2018.**

## CHAPTER 811

*An Act to amend and reenact §§ 59.1-365 and 59.1-392 of the Code of Virginia, relating to horse racing and pari-mutuel wagering.*

[H 1609]

Approved April 9, 2018

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 59.1-365 and 59.1-392 of the Code of Virginia are amended and reenacted as follows:**

**§ 59.1-365. Definitions.**

As used in this chapter, unless the context requires a different meaning:

"Advance deposit account wagering" means a method of pari-mutuel wagering conducted in the Commonwealth that is permissible under the Interstate Horseracing Act, § 3001 et seq. of Chapter 57 of Title 15 of the United States Code, and in which an individual may establish an account with an entity, licensed by the Commission, to place pari-mutuel wagers in person or electronically.

"Breakage" means the odd cents by which the amount payable on each dollar wagered exceeds a multiple of \$0.10.

"Commission" means the Virginia Racing Commission.

"Dependent" means a son, daughter, father, mother, brother, sister, or other person, whether or not related by blood or marriage, if such person receives from an officer or employee more than one-half of his financial support.

"Drug" shall have the meaning prescribed by § 54.1-3401. The Commission shall by regulation define and designate those drugs the use of which is prohibited or restricted.

"Enclosure" means all areas of the property of a track to which admission can be obtained only by payment of an admission fee or upon presentation of authorized credentials, and any additional areas designated by the Commission.

"Handle" means the total amount of all pari-mutuel wagering sales excluding refunds and cancellations.

*"Historical horse racing" means a form of horse racing that creates pari-mutuel pools from wagers placed on previously conducted horse races and is hosted at (i) a racetrack owned or operated by a significant infrastructure limited licensee or (ii) a satellite facility that is owned or operated by (a) a significant infrastructure limited licensee or (b) the nonprofit industry stakeholder organization recognized by the Commission and licensed to own or operate such satellite facility.*

"Horse racing" means a competition on a set course involving a race between horses on which pari-mutuel wagering is permitted and includes historical horse racing.

"Immediate family" means (i) a spouse and (ii) any other person residing in the same household as an officer or employee, who is a dependent of the officer or employee or of whom the officer or employee is a dependent.

"Licensee" includes any person holding an owner's or operator's license under Article 2 (§ 59.1-375 et seq.).

"Member" includes any person designated a member of a nonstock corporation, and any person who by means of a pecuniary or other interest in such corporation exercises the power of a member.

"Pari-mutuel wagering" means the system of wagering on horse races in which those who wager on horses that finish in the position or positions for which wagers are taken share in the total amounts wagered, plus any amounts provided by a licensee, less deductions required or permitted by law and includes pari-mutuel wagering on *historical horse racing and simulcast horse racing* originating within the Commonwealth or from any other jurisdiction.

"Participant" means any person who (i) has an ownership interest in any horse entered to race in the Commonwealth or who acts as the trainer, jockey, or driver of any horse entered to race in the Commonwealth or (ii) takes part in any horse racing subject to the jurisdiction of the Commission or in the conduct of a race meeting or pari-mutuel wagering there, including but not limited to a horse owner, trainer, jockey, or driver, groom, stable foreman, valet, veterinarian, agent, pari-mutuel employee, concessionaire or employee thereof, track employee, or other position the Commission deems necessary to regulate to ensure the integrity of horse racing in Virginia.

"Permit holder" includes any person holding a permit to participate in any horse racing subject to the jurisdiction of the Commission or in the conduct of a race meeting or pari-mutuel wagering thereon as provided in § 59.1-387.

"Person" means any individual, group of individuals, firm, company, corporation, partnership, business, trust, association, or other legal entity.

"Pool" means the amount wagered during a race meeting or during a specified period thereof.

"Principal stockholder" means any person who individually or in concert with his spouse and immediate family members, beneficially owns or controls, directly or indirectly, five percent or more of the stock of any person which is a licensee, or who in concert with his spouse and immediate family members, has the power to vote or cause the vote of five percent or more of any such stock. However, "principal stockholder" shall not include a broker-dealer registered under the Securities Exchange Act of 1934, as amended, which holds in inventory shares for sale on the financial markets for a publicly traded corporation holding, directly or indirectly, a license from the Commission.

"Race meeting" means the whole consecutive period of time during which horse racing with pari-mutuel wagering is conducted by a licensee.

"Racetrack" means an outdoor course located in Virginia which is laid out for horse racing and is licensed by the Commission.

"Recognized majority horsemen's group" means the organization recognized by the Commission as the representative of the majority of owners and trainers racing at race meetings subject to the Commission's jurisdiction.

"Retainage" means the total amount deducted from the pari-mutuel wagering pool for (i) a license fee to the Commission and localities, (ii) the licensee, (iii) purse money for the participants, (iv) the Virginia Breeders Fund, and (v) certain enumerated organizations as required or permitted by law, regulation or contract approved by the Commission.

"Satellite facility" means all areas of the property at which simulcast horse racing is received for the purposes of pari-mutuel wagering, and any additional areas designated by the Commission.

"Significant infrastructure facility" means a horse racing facility that has been approved by a local referendum pursuant to § 59.1-391 and has a minimum racing infrastructure consisting of (i) a one-mile dirt track for flat racing, (ii) a seven-eighths-mile turf course for flat or jump racing, (iii) covered seating for no fewer than 500 persons, and (iv) barns with no fewer than 400 permanent stalls.

"Significant infrastructure limited licensee" means a person who owns or operates a significant infrastructure facility and holds a limited license under § 59.1-376.

"Simulcast horse racing" means the simultaneous transmission of the audio or video portion, or both, of horse races from a licensed horse racetrack or satellite facility to another licensed horse racetrack or satellite facility, regardless of state of licensure, whether such races originate within the Commonwealth or any other jurisdiction, by satellite communication devices, television cables, telephone lines, or any other means for the purposes of conducting pari-mutuel wagering.

"Steward" means a racing official, duly appointed by the Commission, with powers and duties prescribed by Commission regulations.

"Stock" includes all classes of stock, partnership interest, membership interest, or similar ownership interest of an applicant or licensee, and any debt or other obligation of such person or an affiliated person if the Commission finds that the holder of such interest or stock derives therefrom such control of or voice in the operation of the applicant or licensee that he should be deemed an owner of stock.

"Virginia Breeders Fund" means the fund established to foster the industry of breeding race horses in the Commonwealth of Virginia.

**§ 59.1-392. Percentage retained; tax.**

A. Any person holding an operator's license to operate a horse racetrack or satellite facility in the Commonwealth pursuant to this chapter shall be authorized to conduct pari-mutuel wagering on horse racing subject to the provisions of this chapter and the conditions and regulations of the Commission.

B. On pari-mutuel pools generated by wagering at the racetrack on live horse racing conducted within the Commonwealth, involving win, place and show wagering, the licensee shall retain a percentage amount approved by the Commission as jointly requested by a recognized majority horsemen's group and a licensee and the legitimate breakage, out of which shall be paid one and one-quarter percent to be distributed as follows: one percent to the Commonwealth as a license tax and one-quarter percent to the locality in which the racetrack is located. The remainder of the retainage shall be paid as provided in subsection D, provided, however, that if the percentage amount approved by the Commission is other than 18 percent, the amounts provided in subdivisions D 1, 2 and 3 shall be adjusted by the proportion that the approved percentage amount bears to 18 percent.

C. On pari-mutuel pools generated by wagering at each Virginia satellite facility on live horse racing conducted within the Commonwealth, involving win, place and show wagering, the licensee shall retain a percentage amount approved by the Commission as jointly requested by a recognized majority horsemen's group and a licensee and the legitimate breakage, out of which shall be paid one and one-quarter percent to be distributed as follows: three-quarters percent to the Commonwealth as a license tax, one-quarter percent to the locality in which the satellite facility is located, and one-quarter percent to the locality in which the racetrack is located. The remainder of the retainage shall be paid as provided in subsection D; provided, however, that if the percentage amount approved by the Commission is other than 18 percent, the amounts provided in subdivisions D 1, 2 and 3 shall be adjusted by the proportion that the approved percentage amount bears to 18 percent.

D. On pari-mutuel pools generated by wagering at the racetrack and each Virginia satellite facility on live horse racing conducted within the Commonwealth, involving win, place and show wagering, the licensee shall retain a percentage amount approved by the Commission as jointly requested by a recognized majority horsemen's group and a licensee and the legitimate breakage, out of which shall be paid:

1. Eight percent as purses or prizes to the participants in such race meeting;
2. Seven and one-half percent, and all of the breakage and the proceeds of pari-mutuel tickets unredeemed 180 days from the date on which the race was conducted, to the operator;
3. One percent to the Virginia Breeders Fund;
4. Fifteen one-hundredths percent to the Virginia-Maryland Regional College of Veterinary Medicine;
5. Five one-hundredths percent to the Virginia Horse Center Foundation;
6. Five one-hundredths percent to the Virginia Horse Industry Board; and
7. The remainder of the retainage shall be paid as appropriate under subsection B or C.

E. On pari-mutuel pools generated by wagering at the racetrack on live horse racing conducted within the Commonwealth involving wagering other than win, place and show wagering, the licensee shall retain a percentage amount approved by the Commission as jointly requested by a recognized majority horsemen's group and a licensee and the legitimate breakage, out of which shall be paid two and three-quarters percent to be distributed as follows: two and one-quarter percent to the Commonwealth as a license tax, and one-half percent to the locality in which the racetrack is located. The remainder of the retainage shall be paid as provided in subsection G; provided, however, that if the percentage amount approved by the Commission is other than 22 percent, the amounts provided in subdivisions G 1, 2 and 3 shall be adjusted by the proportion that the approved percentage amount bears to 22 percent.

F. On pari-mutuel pools generated by wagering at each Virginia satellite facility on live horse racing conducted within the Commonwealth involving wagering other than win, place and show wagering, the licensee shall retain a percentage amount approved by the Commission as jointly requested by a recognized majority horsemen's group and a licensee and the legitimate breakage, out of which shall be paid two and three-quarters percent to be distributed as follows: one and three-quarters percent to the Commonwealth as a license tax, one-half percent to the locality in which the satellite facility is located, and one-half percent to the locality in which the racetrack is located. The remainder of the retainage shall be paid as provided in subsection G; provided, however, that if the percentage amount approved by the Commission is other than 22 percent, the amounts provided in subdivisions G 1, 2 and 3 shall be adjusted by the proportion that the approved percentage amount bears to 22 percent.

G. On pari-mutuel pools generated by wagering at the racetrack and each Virginia satellite facility on live horse racing conducted within the Commonwealth involving wagering other than win, place and show wagering, the licensee shall retain a percentage amount approved by the Commission as jointly requested by a recognized majority horsemen's group and a licensee and the legitimate breakage, out of which shall be paid:

1. Nine percent as purses or prizes to the participants in such race meeting;
2. Nine percent, and the proceeds of the pari-mutuel tickets unredeemed 180 days from the date on which the race was conducted, to the operator;
3. One percent to the Virginia Breeders Fund;
4. Fifteen one-hundredths percent to the Virginia-Maryland Regional College of Veterinary Medicine;

5. Five one-hundredths percent to the Virginia Horse Center Foundation;
6. Five one-hundredths percent to the Virginia Horse Industry Board; and
7. The remainder of the retainage shall be paid as appropriate under subsection E or F.

H. On pari-mutuel wagering generated by simulcast horse racing transmitted from jurisdictions outside the Commonwealth, the licensee may, with the approval of the Commission, commingle pools with the racetrack where the transmission emanates or establish separate pools for wagering within the Commonwealth. All simulcast horse racing in this subsection must comply with the Interstate Horse Racing Act of 1978 (15 U.S.C. § 3001 et seq.).

I. On pari-mutuel pools generated by wagering at the racetrack on simulcast horse racing transmitted from jurisdictions outside the Commonwealth, involving win, place and show wagering, the licensee shall retain one and one-quarter percent of such pool to be distributed as follows: three-quarters percent to the Commonwealth as a license tax, and one-half percent to the Virginia locality in which the racetrack is located.

J. On pari-mutuel pools generated by wagering at each Virginia satellite facility on simulcast horse racing transmitted from jurisdictions outside the Commonwealth, involving win, place and show wagering, the licensee shall retain one and one-quarter percent of such pool to be distributed as follows: three-quarters percent to the Commonwealth as a license tax, one-quarter percent to the locality in which the satellite facility is located, and one-quarter percent to the Virginia locality in which the racetrack is located.

K. On pari-mutuel pools generated by wagering at the racetrack and each Virginia satellite facility on simulcast horse racing transmitted from jurisdictions outside the Commonwealth, involving win, place and show wagering, the licensee shall retain one and thirty one-hundredths percent of such pool to be distributed as follows:

1. One percent of the pool to the Virginia Breeders Fund;
2. Fifteen one-hundredths percent to the Virginia-Maryland Regional College of Veterinary Medicine;
3. Five one-hundredths percent to the Virginia Horse Center Foundation;
4. Five one-hundredths percent to the Virginia Horse Industry Board; and
5. Five one-hundredths percent to the Virginia Thoroughbred Association for the promotion of breeding in the Commonwealth.

L. On pari-mutuel pools generated by wagering at the racetrack on simulcast horse racing transmitted from jurisdictions outside the Commonwealth, involving wagering other than win, place and show wagering, the licensee shall retain two and three-quarters percent of such pool to be distributed as follows: one and three-quarters percent to the Commonwealth as a license tax, and one percent to the Virginia locality in which the racetrack is located.

M. On pari-mutuel pools generated by wagering at each Virginia satellite facility on simulcast horse racing transmitted from jurisdictions outside the Commonwealth, involving wagering other than win, place and show wagering, the licensee shall retain two and three-quarters percent of such pool to be distributed as follows: one and three-quarters percent to the Commonwealth as a license tax, one-half percent to the locality in which the satellite facility is located, and one-half percent to the Virginia locality in which the racetrack is located.

N. On pari-mutuel pools generated by wagering at the racetrack and each Virginia satellite facility on simulcast horse racing transmitted from jurisdictions outside the Commonwealth, involving wagering other than win, place and show wagering, the licensee shall retain one and thirty one-hundredths percent of such pool to be distributed as follows:

1. One percent of the pool to the Virginia Breeders Fund;
2. Fifteen one-hundredths percent to the Virginia-Maryland Regional College of Veterinary Medicine;
3. Five one-hundredths percent to the Virginia Horse Center Foundation;
4. Five one-hundredths percent to the Virginia Horse Industry Board; and
5. Five one-hundredths percent to the Virginia Thoroughbred Association for the promotion of breeding in the Commonwealth.

O. Moneys payable to the Commonwealth shall be deposited in the general fund. Gross receipts for license tax purposes under Chapter 37 (§ 58.1-3700 et seq.) of Title 58.1 shall not include pari-mutuel wagering pools and license taxes authorized by this section.

P. All payments by the licensee to the Commonwealth or any locality shall be made within five days from the date on which such wagers are received by the licensee. All payments by the licensee to the Virginia Breeders Fund shall be made to the Commission within five days from the date on which such wagers are received by the licensee. All payments by the licensee to the Virginia-Maryland Regional College of Veterinary Medicine, the Virginia Horse Center Foundation, the Virginia Horse Industry Board, and the Virginia Thoroughbred Association shall be made by the first day of each quarter of the calendar year. All payments made under this section shall be used in support of the policy of the Commonwealth to sustain and promote the growth of a native industry.

Q. If a satellite facility is located in more than one locality, any amount a licensee is required to pay under this section to the locality in which the satellite facility is located shall be prorated in equal shares among those localities.

R. Any contractual agreement between a licensee and other entities concerning the distribution of the remaining portion of the retainage under subsections I through N and subsection U shall be subject to the approval of the Commission.

S. The recognized majority horsemen's group racing at a licensed race meeting may, subject to the approval of the Commission, withdraw for administrative costs associated with serving the interests of the horsemen an amount not to exceed two percent of the amount in the horsemen's account.

T. The legitimate breakage from each pari-mutuel pool for ~~both live, historical, and simulcast horse racing and simulcast horse racing~~ shall be distributed as follows:

1. Seventy percent to be retained by the licensee to be used for capital improvements that are subject to approval of the Commission; and

2. Thirty percent to be deposited in the Racing Benevolence Fund, administered jointly by the licensee and the recognized majority horsemen's group racing at a licensed race meeting, to be disbursed with the approval of the Commission for gambling addiction and substance abuse counseling, recreational, educational or other related programs.

U. *On pari-mutuel pools generated by wagering on historical horse racing, the licensee shall retain one and one-quarter percent of such pool to be distributed as follows:*

1. *Three-quarters percent to the Commonwealth as a license tax; and*

2. *a. If generated at a racetrack, one-half percent to the locality in which the racetrack is located; or*

*b. If generated at a satellite facility, one-quarter percent to the locality in which the satellite facility is located and one-quarter percent to the Virginia locality in which the racetrack is located.*

**2. That the Virginia Racing Commission shall promulgate regulations to implement the provisions of this act to be effective within 180 days of its enactment.**

CHAPTER 812

HOUSE JOINT RESOLUTION NO. 6

*Proposing an amendment to Section 6-A of Article X of the Constitution of Virginia, relating to real property tax; exemption.*

Agreed to by the House of Delegates, February 8, 2018

Agreed to by the Senate, March 5, 2018

WHEREAS, a proposed amendment to the Constitution of Virginia, hereinafter set forth, was agreed to by a majority of the members elected to each of the two houses of the General Assembly at the regular session of 2017 and referred to this, the next regular session held after the 2017 general election of members of the House of Delegates, as required by the Constitution of Virginia; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the following amendment to the Constitution of Virginia be, and the same hereby is, proposed in conformity with the provisions of Section 1 of Article XII of the Constitution of Virginia, namely:

Amend Section 6-A of Article X of the Constitution of Virginia as follows:

ARTICLE X

TAXATION AND FINANCE

Section 6-A. Property tax exemption for certain veterans *and their surviving spouses* and surviving spouses of soldiers killed in action.

(a) Notwithstanding the provisions of Section 6, the General Assembly by general law, and within the restrictions and conditions prescribed therein, shall exempt from taxation the real property, including the joint real property of husband and wife, of any veteran who has been determined by the United States Department of Veterans Affairs or its successor agency pursuant to federal law to have a one hundred percent service-connected, permanent, and total disability, and who occupies the real property as his or her principal place of residence. The General Assembly shall also provide this exemption from taxation for real property owned by the surviving spouse of a veteran who was eligible for the exemption provided in this subdivision, so long as the surviving spouse does not remarry ~~and continues to occupy the real property as his or her principal place of residence~~. *This exemption applies to the surviving spouse's principal place of residence without any restriction on the spouse's moving to a different principal place of residence.*

(b) Notwithstanding the provisions of Section 6, the General Assembly by general law, and within the restrictions and conditions prescribed therein, may exempt from taxation the real property of the surviving spouse of any member of the armed forces of the United States who was killed in action as determined by the United States Department of Defense, who occupies the real property as his or her principal place of residence. The exemption under this subdivision shall cease if the surviving spouse remarries and shall not be claimed thereafter. This exemption applies regardless of whether the spouse was killed in action prior to the effective date of this subdivision, but the exemption shall not be applicable for any period of time prior to the effective date. This exemption applies to the surviving spouse's principal place of residence without any restriction on the spouse's moving to a different principal place of residence and without any requirement that the spouse reside in the Commonwealth at the time of death of the member of the armed forces.

CHAPTER 813

SENATE JOINT RESOLUTION NO. 21

*Proposing an amendment to Section 6 of Article X of the Constitution of Virginia, relating to property tax; exemption for flooding remediation, abatement, and resiliency.*

Agreed to by the Senate, February 12, 2018

Agreed to by the House of Delegates, February 28, 2018

WHEREAS, a proposed amendment to the Constitution of Virginia, hereinafter set forth, was agreed to by a majority of the members elected to each of the two houses of the General Assembly at the regular session of 2017 and referred to this, the next regular session held after the 2017 general election of members of the House of Delegates, as required by the Constitution of Virginia; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the following amendment to the Constitution of Virginia be, and the same hereby is, proposed in conformity with the provisions of Section 1 of Article XII of the Constitution of Virginia, namely:

Amend Section 6 of Article X of the Constitution of Virginia as follows:

ARTICLE X  
TAXATION AND FINANCE

Section 6. Exempt property.

(a) Except as otherwise provided in this Constitution, the following property and no other shall be exempt from taxation, State and local, including inheritance taxes:

(1) Property owned directly or indirectly by the Commonwealth or any political subdivision thereof, and obligations of the Commonwealth or any political subdivision thereof exempt by law.

(2) Real estate and personal property owned and exclusively occupied or used by churches or religious bodies for religious worship or for the residences of their ministers.

(3) Private or public burying grounds or cemeteries, provided the same are not operated for profit.

(4) Property owned by public libraries or by institutions of learning not conducted for profit, so long as such property is primarily used for literary, scientific, or educational purposes or purposes incidental thereto. This provision may also apply to leasehold interests in such property as may be provided by general law.

(5) Intangible personal property, or any class or classes thereof, as may be exempted in whole or in part by general law.

(6) Property used by its owner for religious, charitable, patriotic, historical, benevolent, cultural, or public park and playground purposes, as may be provided by classification or designation by an ordinance adopted by the local governing body and subject to such restrictions and conditions as provided by general law.

(7) Land subject to a perpetual easement permitting inundation by water as may be exempted in whole or in part by general law.

(b) The General Assembly may by general law authorize the governing body of any county, city, town, or regional government to provide for the exemption from local property taxation, or a portion thereof, within such restrictions and upon such conditions as may be prescribed, of real estate and personal property designed for continuous habitation owned by, and occupied as the sole dwelling of, persons not less than sixty-five years of age or persons permanently and totally disabled as established by general law. A local governing body may be authorized to establish either income or financial worth limitations, or both, in order to qualify for such relief.

(c) Except as to property of the Commonwealth, the General Assembly by general law may restrict or condition, in whole or in part, but not extend, any or all of the above exemptions.

(d) The General Assembly may define as a separate subject of taxation any property, including real or personal property, equipment, facilities, or devices, used primarily for the purpose of abating or preventing pollution of the atmosphere or waters of the Commonwealth or for the purpose of transferring or storing solar energy, and by general law may allow the governing body of any county, city, town, or regional government to exempt or partially exempt such property from taxation, or by general law may directly exempt or partially exempt such property from taxation.

(e) The General Assembly may define as a separate subject of taxation household goods, personal effects and tangible farm property and products, and by general law may allow the governing body of any county, city, town, or regional government to exempt or partially exempt such property from taxation, or by general law may directly exempt or partially exempt such property from taxation.

(f) Exemptions of property from taxation as established or authorized hereby shall be strictly construed; provided, however, that all property exempt from taxation on the effective date of this section shall continue to be exempt until otherwise provided by the General Assembly as herein set forth.

(g) The General Assembly may by general law authorize any county, city, town, or regional government to impose a service charge upon the owners of a class or classes of exempt property for services provided by such governments.

(h) The General Assembly may by general law authorize the governing body of any county, city, town, or regional government to provide for a partial exemption from local real property taxation, within such restrictions and upon such conditions as may be prescribed, (i) of real estate whose improvements, by virtue of age and use, have undergone substantial renovation, rehabilitation or replacement or (ii) of real estate with new structures and improvements in conservation, redevelopment, or rehabilitation areas.

(i) The General Assembly may by general law allow the governing body of any county, city, or town to exempt or partially exempt from taxation any generating equipment installed after December thirty-one, nineteen hundred seventy-four, for the purpose of converting from oil or natural gas to coal or to wood, wood bark, wood residue, or to any

other alternate energy source for manufacturing, and any co-generation equipment installed since such date for use in manufacturing.

(j) The General Assembly may by general law allow the governing body of any county, city, or town to have the option to exempt or partially exempt from taxation any business, occupational or professional license or any merchants' capital, or both.

(k) *The General Assembly may by general law authorize the governing body of any county, city, or town to provide for a partial exemption from local real property taxation, within such restrictions and upon such conditions as may be prescribed, of improved real estate subject to recurrent flooding upon which flooding abatement, mitigation, or resiliency efforts have been undertaken.*

**CHAPTER 814**

**SENATE JOINT RESOLUTION NO. 76**

*Proposing an amendment to Section 6-A of Article X of the Constitution of Virginia, relating to real property tax; exemption.*

Agreed to by the Senate, February 12, 2018

Agreed to by the House of Delegates, February 28, 2018

WHEREAS, a proposed amendment to the Constitution of Virginia, hereinafter set forth, was agreed to by a majority of the members elected to each of the two houses of the General Assembly at the regular session of 2017 and referred to this, the next regular session held after the 2017 general election of members of the House of Delegates, as required by the Constitution of Virginia; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the following amendment to the Constitution of Virginia be, and the same hereby is, proposed in conformity with the provisions of Section 1 of Article XII of the Constitution of Virginia, namely:

Amend Section 6-A of Article X of the Constitution of Virginia as follows:

ARTICLE X

TAXATION AND FINANCE

Section 6-A. Property tax exemption for certain veterans *and their surviving spouses* and surviving spouses of soldiers killed in action.

(a) Notwithstanding the provisions of Section 6, the General Assembly by general law, and within the restrictions and conditions prescribed therein, shall exempt from taxation the real property, including the joint real property of husband and wife, of any veteran who has been determined by the United States Department of Veterans Affairs or its successor agency pursuant to federal law to have a one hundred percent service-connected, permanent, and total disability, and who occupies the real property as his or her principal place of residence. The General Assembly shall also provide this exemption from taxation for real property owned by the surviving spouse of a veteran who was eligible for the exemption provided in this subdivision, so long as the surviving spouse does not remarry ~~and continues to occupy the real property as his or her principal place of residence.~~ *This exemption applies to the surviving spouse's principal place of residence without any restriction on the spouse's moving to a different principal place of residence.*

(b) Notwithstanding the provisions of Section 6, the General Assembly by general law, and within the restrictions and conditions prescribed therein, may exempt from taxation the real property of the surviving spouse of any member of the armed forces of the United States who was killed in action as determined by the United States Department of Defense, who occupies the real property as his or her principal place of residence. The exemption under this subdivision shall cease if the surviving spouse remarries and shall not be claimed thereafter. This exemption applies regardless of whether the spouse was killed in action prior to the effective date of this subdivision, but the exemption shall not be applicable for any period of time prior to the effective date. This exemption applies to the surviving spouse's principal place of residence without any restriction on the spouse's moving to a different principal place of residence and without any requirement that the spouse reside in the Commonwealth at the time of death of the member of the armed forces.

**CHAPTER 815**

*An Act to require the provision of feminine hygiene products at no cost to female prisoners or inmates.*

[H 83]

Approved April 18, 2018

**Be it enacted by the General Assembly of Virginia:**

1. § 1. *The State Board of Corrections shall adopt and implement a standard to ensure the provision of feminine hygiene products to female inmates without charge.*

§ 2. *The Director of the Department of Corrections shall adopt and implement a policy and procedure to ensure the provision of feminine hygiene products to female prisoners without charge.*

## CHAPTER 816

*An Act to amend and reenact § 37.2-406 of the Code of Virginia, relating to clinics for treatment of opioid addiction; location.*

[H 155]

Approved April 18, 2018

**Be it enacted by the General Assembly of Virginia:****1. That § 37.2-406 of the Code of Virginia is amended and reenacted as follows:****§ 37.2-406. Conditions for initial licensure of certain providers.**

A. Notwithstanding the Commissioner's discretion to grant licenses pursuant to this article or any Board regulation regarding licensing, no initial license shall be granted by the Commissioner to a provider of treatment for persons with opiate addiction through the use of (i) methadone or (ii) opioid replacements other than opioid replacements approved for the treatment of opioid addiction by the U.S. Food and Drug Administration if the provider is to be located within one-half mile of a public or private licensed day care center or a public or private K-12 school, except when such service is provided by a hospital licensed by the Board of Health or the Commissioner or is owned or operated by an agency of the Commonwealth.

B. No provider shall be required to conduct, maintain, or operate services for the treatment of persons with opiate addiction through the use of (i) methadone or (ii) opioid replacements other than opioid replacements approved for the treatment of opioid addiction by the U.S. Food and Drug Administration on Sunday, except when such service is provided by a hospital licensed by the Board of Health or the Commissioner or is owned or operated by an agency of the Commonwealth, subject to regulations or guidelines issued by the Department consistent with the health, safety and welfare of individuals receiving services and the security of take-home doses of (i) methadone or (ii) opioid replacements other than opioid replacements approved for the treatment of opioid addiction by the U.S. Food and Drug Administration.

C. Upon receiving notice of a proposal for or an application to obtain an initial license from a provider of treatment for persons with opiate addiction through the use of (i) methadone or (ii) opioid replacements other than opioid replacements approved for the treatment of opioid addiction by the U.S. Food and Drug Administration, the Commissioner shall, within 15 days of the receipt, notify the local governing body of and the community services board serving the jurisdiction in which the facility is to be located of the proposal or application and the facility's proposed location.

Within 30 days of the date of the notice, the local governing body and community services board shall submit to the Commissioner comments on the proposal or application. The local governing body shall notify the Commissioner within 30 days of the date of the notice concerning the compliance of the applicant with this section and any applicable local ordinances.

D. No license shall be issued by the Commissioner to the provider until the conditions of this section have been met, i.e., local governing body and community services board comments have been received and the local governing body has determined compliance with the provisions of this section and any relevant local ordinances.

E. No applicant for a license to provide treatment for persons with opiate addiction through the use of (i) methadone or (ii) opioid replacements other than opioid replacements approved for the treatment of opioid addiction by the U.S. Food and Drug Administration that has obtained a certificate of occupancy in accordance with the law and regulations in effect on January 1, 2004, shall be required to comply with the provisions of this section with respect to the existing facility for which the certificate of occupancy was obtained. No existing licensed provider shall be required to comply with the provisions of this section with respect to an existing facility in which it is currently providing such treatment. License applicants and licensees who fall within this exception shall, however, be required to comply with the provisions of this section for purposes of relocating an existing facility or establishing a new facility.

F. The provisions of subsections A and E shall not apply to (i) the jurisdictions in Planning District 8 ~~or to~~, (ii) an applicant for a license for the purpose of relocating within a city located in Planning District 23 a facility to provide treatment for persons with opiate addiction through the use of methadone or other opioid replacements that has been providing such treatment in the same city since 1984 and is operated by and located with a community services board, or (iii) an applicant for a license to operate in its current location as a facility to provide treatment for persons with opiate addiction through the use of methadone or other opioid replacements when the facility is located within one-half mile of a public or private licensed day care center or a public or private K-12 school in Henrico County, the City of Newport News, or the City of Richmond and has been licensed and operated as a facility to provide treatment for persons with opiate addiction through the use of methadone or other opioid replacements by another provider immediately prior to submission of the application for a license.

## CHAPTER 817

*An Act to amend and reenact § 32.1-248.2 of the Code of Virginia, relating to use of rainwater and gray water; regulations.*

[H 192]

Approved April 18, 2018

**Be it enacted by the General Assembly of Virginia:**

**1. That § 32.1-248.2 of the Code of Virginia is amended and reenacted as follows:**

**§ 32.1-248.2. Use of rainwater and reuse of gray water; regulations.**

A. The ~~Department Board~~ shall ~~develop by January 1, 1999; guidelines~~ *adopt regulations* regarding the use of gray water and rainwater. The ~~guidelines regulations~~ shall (i) describe the conditions under which gray water and rainwater may appropriately be used and for what purposes; ~~The guidelines shall;~~ (ii) include categories of ~~used~~ gray water, such as types of used household water and used water from businesses, ~~which that~~ are appropriate for reuse; ~~The guidelines shall;~~ and (iii) include a definition of gray water that ~~does not include~~ *excludes* used toilet water. *The regulations shall also provide standards for the use of rainwater harvesting systems, including systems that collect rainwater for use by commercial enterprises but do not provide water for human consumption, as defined in § 32.1-167.*

*Such regulations shall not apply to water not for human consumption, as defined in § 32.1-167, including gray water and rainwater, that is produced and utilized by any facility that is permitted through a Virginia Pollutant Discharge Elimination System permit or General Virginia Pollution Abatement permit.*

B. The Department, in conjunction with the Department of Environmental Quality, shall promote the use of rainwater and reuse of gray water as means to reduce fresh water consumption, ease demands on public treatment works and water supply systems, and promote conservation.

C. *The Department, in conjunction with the Department of Environmental Quality, shall consider recognizing rainwater as an independent source of fresh water available for use by the residents of the Commonwealth.*

**CHAPTER 818**

*An Act to amend and reenact § 10.1-2211.2 of the Code of Virginia, relating to historical African American cemeteries; owners and localities receiving funds.*

[H 284]

Approved April 18, 2018

**Be it enacted by the General Assembly of Virginia:**

**1. That § 10.1-2211.2 of the Code of Virginia is amended and reenacted as follows:**

**§ 10.1-2211.2. Disbursement of funds appropriated for caring for historical African American cemeteries and graves.**

A. For purposes of this section:

"Historical African American cemetery" means a cemetery that was established prior to January 1, 1900, for interments of African Americans ~~and is owned by a public body or qualified charitable organization.~~

"Qualified ~~charitable~~ organization" means a charitable corporation, charitable association, or charitable trust that has been granted tax-exempt status under § 501(c)(3) of the Internal Revenue Code and whose primary purpose is the preservation of historical cemeteries and graves *or any person or locality that owns a historical African American cemetery.*

B. At the direction of the Director, the Comptroller of the Commonwealth shall draw an annual warrant upon the State Treasurer from any sum that may be provided in the general appropriation act in favor of the treasurer of a qualified ~~charitable~~ organization caring for any cemetery set forth in this subsection. Such appropriations shall be allocated on the basis of the number of graves, monuments, and markers in a cemetery of African Americans who lived at any time between January 1, 1800, and January 1, 1900, the dates to be determined by reference to grave markers or, at the discretion of the Director, other historical records. Such number of graves, monuments, and markers, as set forth opposite the cemetery name or as documented by the qualified ~~charitable~~ organization, shall be multiplied by the rate of \$5 or the average actual cost of routine maintenance of a grave, monument, or marker, whichever is greater, to determine the amount of the allocation. The Department shall determine the average actual cost of routine maintenance of a grave, monument, or marker in a biennial survey of at least four properly maintained cemeteries, each located in a different geographical region of the Commonwealth.

IN THE COUNTY OF:	NUMBER:
Henrico	
East End Cemetery	4,875
IN THE CITY OF:	NUMBER:
Richmond	
Evergreen Cemetery	2,100

C. An organization receiving funds shall expend the funds for the routine maintenance of its historical African American cemetery and its graves and the erection of and caring for markers, memorials, and monuments to the memory of such African Americans.

D. Each qualified ~~charitable~~ organization, through its proper officer, shall after July 1 of each year submit to the Director a certified statement that the funds appropriated to the organization during the preceding fiscal year were or will be

expended for the purposes set forth in subsection C. No organization that fails to comply with any of the requirements of this section shall receive moneys allocated under this section for any subsequent fiscal year until the organization fully complies with the requirements.

E. In addition to funds that may be provided pursuant to subsection B, any organization set forth in subsection B may apply to the Director for a grant to perform extraordinary maintenance, renovation, repair, or reconstruction of any of its historical African American cemeteries and graves. Such a grant shall be made from any appropriation made available by the General Assembly for such purpose.

F. *Any locality may receive and hold funds drawn pursuant to subsection B on behalf of any qualified organization until such time as the organization is able to receive or utilize such funds.* No local matching funds shall be required for any grants made pursuant to this section.

G. *The owner of a historical African American cemetery shall reasonably cooperate with a qualified organization that receives funds pursuant to subsection B.*

### CHAPTER 819

*An Act to amend and reenact § 3.2-5115 of the Code of Virginia, relating to food and drink sanitary requirements; exception for companion animals in wineries.*

[H 286]

Approved April 18, 2018

**Be it enacted by the General Assembly of Virginia:**

**1. That § 3.2-5115 of the Code of Virginia is amended and reenacted as follows:**

**§ 3.2-5115. Animals.**

No animal shall be permitted in any area used for the manufacture or storage of food products. A guard or guide animal may be allowed in some areas if the presence of the animal is unlikely to result in contamination of food, food contact surfaces, or food packaging materials. *Additionally, a dog may be allowed within a designated area inside or on the premises of, except in any area used for the manufacture of food products, a distillery licensed pursuant to § 4.1-206, a winery or farm winery licensed pursuant to § 4.1-207, or a brewery or farm brewery licensed pursuant to § 4.1-208.*

### CHAPTER 820

*An Act to amend and reenact § 2.2-4001 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 2.2-4002.1, relating to the Administrative Process Act; guidance documents.*

[H 297]

Approved April 18, 2018

**Be it enacted by the General Assembly of Virginia:**

**1. That § 2.2-4001 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 2.2-4002.1 as follows:**

**§ 2.2-4001. Definitions.**

As used in this chapter, unless the context requires a different meaning:

"Agency" means any authority, instrumentality, officer, board or other unit of the state government empowered by the basic laws to make regulations or decide cases.

"Agency action" means either an agency's regulation or case decision or both, any violation, compliance, or noncompliance with which could be a basis for the imposition of injunctive orders, penal or civil sanctions of any kind, or the grant or denial of relief or of a license, right, or benefit by any agency or court.

"Basic law" or "basic laws" means provisions of the Constitution and statutes of the Commonwealth authorizing an agency to make regulations or decide cases or containing procedural requirements therefor.

"Case" or "case decision" means any agency proceeding or determination that, under laws or regulations at the time, a named party as a matter of past or present fact, or of threatened or contemplated private action, either is, is not, or may or may not be (i) in violation of such law or regulation or (ii) in compliance with any existing requirement for obtaining or retaining a license or other right or benefit.

*"Guidance document" means the same as that term is defined in § 2.2-4101.*

"Hearing" means agency processes other than those informational or factual inquiries of an informal nature provided in §§ 2.2-4007.01 and 2.2-4019 and includes only (i) opportunity for private parties to submit factual proofs in formal proceedings as provided in § 2.2-4009 in connection with the making of regulations or (ii) a similar right of private parties or requirement of public agencies as provided in § 2.2-4020 in connection with case decisions.

"Hearing officer" means an attorney selected from a list maintained by the Executive Secretary of the Supreme Court in accordance with § 2.2-4024.

"Public assistance and social services programs" means those programs specified in § 63.2-100.

"Registrar" means the Registrar of Regulations appointed as provided in § 2.2-4102.

"Rule" or "regulation" means any statement of general application, having the force of law, affecting the rights or conduct of any person, adopted by an agency in accordance with the authority conferred on it by applicable basic laws.

"Subordinate" means (i) one or more but less than a quorum of the members of a board constituting an agency, (ii) one or more of its staff members or employees, or (iii) any other person or persons designated by the agency to act in its behalf.

"Virginia Register of Regulations" means the publication issued under the provisions of Article 6 (§ 2.2-4031 et seq.).

"Virginia Regulatory Town Hall" means the website operated by the Department of Planning and Budget, which has online public comment forums and displays information about regulatory actions under consideration in the Commonwealth and sends this information to registered public users.

**§ 2.2-4002.1. Guidance documents.**

A. *Guidance documents shall be exempt from the provisions of this chapter, pursuant to this section. Guidance documents do not include agency (i) rulings and advisory opinions, (ii) forms and instructions, (iii) bulletins and legislative summaries, (iv) studies and reports, and (v) internal manuals and memoranda.*

B. *The agency that develops a guidance document shall certify that the document conforms to the definition of a guidance document in § 2.2-4101.*

*The guidance document shall be subject to a 30-day public comment period, to include public comment through the Virginia Regulatory Town Hall website, after publication in the Virginia Register of Regulations and prior to its effective date.*

*The agency shall provide notice of the opportunity for public comment to interested parties as identified under § 2.2-4007.02 prior to the start of the 30-day public comment period.*

C. *If a written comment is received during a public comment period asserting that the guidance document is contrary to state law or regulation, or that the document should not be exempted from the provisions of this chapter, the effective date of the guidance document by the agency shall be delayed for an additional 30-day period. During this additional period, the agency shall respond to any such comments in writing by certified mail to the commenter or by posting the response electronically in a manner consistent with the provisions for publication of comments on regulations provided in this chapter. Any person who remains aggrieved after the effective date of the final guidance document may avail himself of the remedies articulated in Article 5 (§ 2.2-4025 et seq.).*

**2. That the provisions of this act shall become effective on January 1, 2019.**

**CHAPTER 821**

*An Act to amend and reenact §§ 58.1-322.02 and 58.1-402 of the Code of Virginia, relating to income tax subtraction; Virginia real estate investment trust income.*

[H 365]

Approved April 18, 2018

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 58.1-322.02 and 58.1-402 of the Code of Virginia are amended and reenacted as follows:**

**§ 58.1-322.02. Virginia taxable income; subtractions.**

In computing Virginia taxable income pursuant to § 58.1-322, to the extent included in federal adjusted gross income, there shall be subtracted:

1. Income derived from obligations, or on the sale or exchange of obligations, of the United States and on obligations or securities of any authority, commission, or instrumentality of the United States to the extent exempt from state income taxes under the laws of the United States, including, but not limited to, stocks, bonds, treasury bills, and treasury notes but not including interest on refunds of federal taxes, interest on equipment purchase contracts, or interest on other normal business transactions.

2. Income derived from obligations, or on the sale or exchange of obligations, of the Commonwealth or of any political subdivision or instrumentality of the Commonwealth.

3. Benefits received under Title II of the Social Security Act and other benefits subject to federal income taxation solely pursuant to § 86 of the Internal Revenue Code.

4. Up to \$20,000 of disability income, as defined in § 22(c)(2)(B)(iii) of the Internal Revenue Code; however, any person who claims a deduction under subdivision 5 of § 58.1-322.03 may not also claim a subtraction under this subdivision.

5. The amount of any refund or credit for overpayment of income taxes imposed by the Commonwealth or any other taxing jurisdiction.

6. The amount of wages or salaries eligible for the federal Work Opportunity Credit which was not deducted for federal purposes on account of the provisions of § 280C(a) of the Internal Revenue Code.

7. Any amount included therein less than \$600 from a prize awarded by the Virginia Lottery.

8. The wages or salaries received by any person for active and inactive service in the National Guard of the Commonwealth of Virginia, not to exceed the amount of income derived from 39 calendar days of such service or \$3,000, whichever amount is less; however, only those persons in the ranks of O3 and below shall be entitled to the deductions specified in this subdivision.

9. Amounts received by an individual, not to exceed \$1,000 in any taxable year, as a reward for information provided to a law-enforcement official or agency, or to a nonprofit corporation created exclusively to assist such law-enforcement official or agency, in the apprehension and conviction of perpetrators of crimes. This subdivision shall not apply to the following: an individual who is an employee of, or under contract with, a law-enforcement agency, a victim or the perpetrator of the crime for which the reward was paid, or any person who is compensated for the investigation of crimes or accidents.

10. The amount of "qualified research expenses" or "basic research expenses" eligible for deduction for federal purposes, but which were not deducted, on account of the provisions of § 280C(c) of the Internal Revenue Code and which shall be available to partners, shareholders of S corporations, and members of limited liability companies to the extent and in the same manner as other deductions may pass through to such partners, shareholders, and members.

11. Any income received during the taxable year derived from a qualified pension, profit-sharing, or stock bonus plan as described by § 401 of the Internal Revenue Code, an individual retirement account or annuity established under § 408 of the Internal Revenue Code, a deferred compensation plan as defined by § 457 of the Internal Revenue Code, or any federal government retirement program, the contributions to which were deductible from the taxpayer's federal adjusted gross income, but only to the extent the contributions to such plan or program were subject to taxation under the income tax in another state.

12. Any income attributable to a distribution of benefits or a refund from a prepaid tuition contract or savings trust account with the Virginia College Savings Plan, created pursuant to Chapter 7 (§ 23.1-700 et seq.) of Title 23.1. The subtraction for any income attributable to a refund shall be limited to income attributable to a refund in the event of a beneficiary's death, disability, or receipt of a scholarship.

13. All military pay and allowances, to the extent included in federal adjusted gross income and not otherwise subtracted, deducted, or exempted under this section, earned by military personnel while serving by order of the President of the United States with the consent of Congress in a combat zone or qualified hazardous duty area that is treated as a combat zone for federal tax purposes pursuant to § 112 of the Internal Revenue Code.

14. For taxable years beginning before January 1, 2015, the gain derived from the sale or exchange of real property or the sale or exchange of an easement to real property which results in the real property or the easement thereto being devoted to open-space use, as that term is defined in § 58.1-3230, for a period of time not less than 30 years. To the extent that a subtraction is taken in accordance with this subdivision, no tax credit under this chapter for donating land for its preservation shall be allowed for three years following the year in which the subtraction is taken.

15. Fifteen thousand dollars of military basic pay for military service personnel on extended active duty for periods in excess of 90 days; however, the subtraction amount shall be reduced dollar-for-dollar by the amount by which the taxpayer's military basic pay exceeds \$15,000 and shall be reduced to zero if such military basic pay amount is equal to or exceeds \$30,000.

16. The first \$15,000 of salary for each federal and state employee whose total annual salary from all employment for the taxable year is \$15,000 or less.

17. Unemployment benefits taxable pursuant to § 85 of the Internal Revenue Code.

18. Any amount received as military retirement income by an individual awarded the Congressional Medal of Honor.

19. Items of income attributable to, derived from, or in any way related to (i) assets stolen from, hidden from, or otherwise lost by an individual who was a victim or target of Nazi persecution or (ii) damages, reparations, or other consideration received by a victim or target of Nazi persecution to compensate such individual for performing labor against his will under the threat of death, during World War II and its prelude and direct aftermath. This subtraction shall not apply to assets acquired with such items of income or with the proceeds from the sale of assets stolen from, hidden from, or otherwise lost to, during World War II and its prelude and direct aftermath, a victim or target of Nazi persecution. The provisions of this subdivision shall only apply to an individual who was the first recipient of such items of income and who was a victim or target of Nazi persecution, or a spouse, widow, widower, or child or stepchild of such victim.

As used in this subdivision:

"Nazi regime" means the country of Nazi Germany, areas occupied by Nazi Germany, those European countries allied with Nazi Germany, or any other neutral European country or area in Europe under the influence or threat of Nazi invasion.

"Victim or target of Nazi persecution" means any individual persecuted or targeted for persecution by the Nazi regime who had assets stolen from, hidden from, or otherwise lost as a result of any act or omission in any way relating to (i) the Holocaust, (ii) World War II and its prelude and direct aftermath, (iii) transactions with or actions of the Nazi regime, (iv) treatment of refugees fleeing Nazi persecution, or (v) the holding of such assets by entities or persons in the Swiss Confederation during World War II and its prelude and aftermath. A "victim or target of Nazi persecution" also includes any individual forced into labor against his will, under the threat of death, during World War II and its prelude and direct aftermath.

20. The military death gratuity payment made after September 11, 2001, to the survivor of deceased military personnel killed in the line of duty, pursuant to 10 U.S.C. Chapter 75; however, the subtraction amount shall be reduced dollar-for-dollar by the amount that the survivor may exclude from his federal gross income in accordance with § 134 of the Internal Revenue Code.

21. The death benefit payments from an annuity contract that are received by a beneficiary of such contract, provided that (i) the death benefit payment is made pursuant to an annuity contract with an insurance company and (ii) the death

benefit payment is paid solely by lump sum. The subtraction under this subdivision shall be allowed only for that portion of the death benefit payment that is included in federal adjusted gross income.

22. Any gain recognized from the sale of launch services to space flight participants, as defined in 49 U.S.C. § 70102, or launch services intended to provide individuals with the training or experience of a launch, without performing an actual launch. To qualify for a deduction under this subdivision, launch services must be performed in Virginia or originate from an airport or spaceport in Virginia.

23. Any gain recognized as a result of resupply services contracts for delivering payload, as defined in 49 U.S.C. § 70102, entered into with the Commercial Orbital Transportation Services division of the National Aeronautics and Space Administration or other space flight entity, as defined in § 8.01-227.8, and launched from an airport or spaceport in Virginia.

24. Any income taxed as a long-term capital gain for federal income tax purposes, or any income taxed as investment services partnership interest income (otherwise known as investment partnership carried interest income) for federal income tax purposes. To qualify for a subtraction under this subdivision, such income shall be attributable to an investment in a "qualified business," as defined in § 58.1-339.4, or in any other technology business approved by the Secretary of Technology, provided that the business has its principal office or facility in the Commonwealth and less than \$3 million in annual revenues in the fiscal year prior to the investment. To qualify for a subtraction under this subdivision, the investment shall be made between the dates of April 1, 2010, and June 30, 2020. No taxpayer who has claimed a tax credit for an investment in a "qualified business" under § 58.1-339.4 shall be eligible for the subtraction under this subdivision for an investment in the same business.

25. For taxable years beginning on and after January 1, 2014, any income of an account holder for the taxable year taxed as (i) a capital gain for federal income tax purposes attributable to such person's first-time home buyer savings account established pursuant to Chapter 32 (§ 55-555 et seq.) of Title 55 and (ii) interest income or other income for federal income tax purposes attributable to such person's first-time home buyer savings account.

Notwithstanding the statute of limitations on assessments contained in § 58.1-312, any subtraction taken under this subdivision shall be subject to recapture in the taxable year or years in which moneys or funds withdrawn from the first-time home buyer savings account were used for any purpose other than the payment of eligible costs by or on behalf of a qualified beneficiary, as provided under § 55-558. The amount subject to recapture shall be a portion of the amount withdrawn in the taxable year that was used for other than the payment of eligible costs, computed by multiplying the amount withdrawn and used for other than the payment of eligible costs by the ratio of the aggregate earnings in the account at the time of the withdrawal to the total balance in the account at such time.

However, recapture shall not apply to the extent of moneys or funds withdrawn that were (i) withdrawn by reason of the qualified beneficiary's death or disability; (ii) a disbursement of assets of the account pursuant to a filing for protection under the United States Bankruptcy Code, 11 U.S.C. §§ 101 through 1330; or (iii) transferred from an account established pursuant to Chapter 32 (§ 55-555 et seq.) of Title 55 into another account established pursuant to such chapter for the benefit of another qualified beneficiary.

For purposes of this subdivision, "account holder," "eligible costs," "first-time home buyer savings account," and "qualified beneficiary" mean the same as those terms are defined in § 55-555.

26. For taxable years beginning on and after January 1, 2015, any income for the taxable year attributable to the discharge of a student loan solely by reason of the student's death. For purposes of this subdivision, "student loan" means the same as that term is defined under § 108(f) of the Internal Revenue Code.

27. a. Income, including investment services partnership interest income (otherwise known as investment partnership carried interest income), attributable to an investment in a Virginia venture capital account. To qualify for a subtraction under this subdivision, the investment shall be made on or after January 1, 2018, but before December 31, 2023. No subtraction shall be allowed under this subdivision for an investment in a company that is owned or operated by a family member or an affiliate of the taxpayer. No subtraction shall be allowed under this subdivision for a taxpayer who has claimed a subtraction under subdivision 24 or a tax credit under § 58.1-339.4 for the same investment.

b. As used in this subdivision 27:

"Qualified portfolio company" means a company that (i) has its principal place of business in the Commonwealth; (ii) has a primary purpose of production, sale, research, or development of a product or service other than the management or investment of capital; and (iii) provides equity in the company to the Virginia venture capital account in exchange for a capital investment. "Qualified portfolio company" does not include a company that is an individual or sole proprietorship.

"Virginia venture capital account" means an investment fund that has been certified by the Department as a Virginia venture capital account. In order to be certified as a Virginia venture capital account, the operator of the investment fund shall register the investment fund with the Department prior to December 31, 2023, (i) indicating that it intends to invest at least 50 percent of the capital committed to its fund in qualified portfolio companies and (ii) providing documentation that it employs at least one investor who has at least four years of professional experience in venture capital investment or substantially equivalent experience. "Substantially equivalent experience" includes, but is not limited to, an undergraduate degree from an accredited college or university in economics, finance, or a similar field of study. The Department may require an investment fund to provide documentation of the investor's training, education, or experience as deemed necessary by the Department to determine substantial equivalency. If the Department determines that the investment fund employs at least one investor with the experience set forth herein, the Department shall certify the investment fund as a

Virginia venture capital account at such time as the investment fund actually invests at least 50 percent of the capital committed to its fund in qualified portfolio companies.

28. a. *Income attributable to an investment in a Virginia real estate investment trust. To qualify for a subtraction under this subdivision, the investment shall be made on or after January 1, 2019, but before December 31, 2024. No subtraction shall be allowed for an investment in a trust that is managed by a family member or an affiliate of the taxpayer. No subtraction shall be allowed under this subdivision for a taxpayer who has claimed a subtraction under subdivision 24 or 27 or a tax credit under § 58.1-339.4 for the same investment.*

b. *As used in this subdivision 28:*

*"Distressed" means satisfying the criteria applicable to a locality described in subdivision E 2 of § 2.2-115.*

*"Double distressed" means satisfying the criteria applicable to a locality described in subdivision E 3 of § 2.2-115.*

*"Virginia real estate investment trust" means a real estate investment trust, as defined in 26 U.S.C. § 856, that has been certified by the Department as a Virginia real estate investment trust. In order to be certified as a Virginia real estate investment trust, the trustee shall register the trust with the Department prior to December 31, 2024, indicating that it intends to invest at least 90 percent of trust funds in Virginia and at least 40 percent of trust funds in real estate in localities that are distressed or double distressed. If the Department determines that the trust satisfies the preceding criteria, the Department shall certify the trust as a Virginia real estate investment trust at such time as the trust actually invests at least 90 percent of trust funds in Virginia and at least 40 percent of trust funds in real estate in localities that are distressed or double distressed.*

**§ 58.1-402. Virginia taxable income.**

A. For purposes of this article, Virginia taxable income for a taxable year means the federal taxable income and any other income taxable to the corporation under federal law for such year of a corporation adjusted as provided in subsections B, C, D, and E.

For a regulated investment company and a real estate investment trust, such term means the "investment company taxable income" and "real estate investment trust taxable income," respectively, to which shall be added in each case any amount of capital gains and any other income taxable to the corporation under federal law which shall be further adjusted as provided in subsections B, C, D, and E.

B. There shall be added to the extent excluded from federal taxable income:

1. Interest, less related expenses to the extent not deducted in determining federal taxable income, on obligations of any state other than Virginia, or of a political subdivision of any such other state unless created by compact or agreement to which the Commonwealth is a party;

2. Interest or dividends, less related expenses to the extent not deducted in determining federal taxable income, on obligations or securities of any authority, commission or instrumentality of the United States, which the laws of the United States exempt from federal income tax but not from state income taxes;

3. [Repealed.]

4. The amount of any net income taxes and other taxes, including franchise and excise taxes, which are based on, measured by, or computed with reference to net income, imposed by the Commonwealth or any other taxing jurisdiction, to the extent deducted in determining federal taxable income;

5. Unrelated business taxable income as defined by § 512 of the Internal Revenue Code;

6. [Repealed.]

7. The amount required to be included in income for the purpose of computing the partial tax on an accumulation distribution pursuant to § 667 of the Internal Revenue Code;

8. a. For taxable years beginning on and after January 1, 2004, the amount of any intangible expenses and costs directly or indirectly paid, accrued, or incurred to, or in connection directly or indirectly with one or more direct or indirect transactions with one or more related members to the extent such expenses and costs were deductible or deducted in computing federal taxable income for Virginia purposes. This addition shall not be required for any portion of the intangible expenses and costs if one of the following applies:

(1) The corresponding item of income received by the related member is subject to a tax based on or measured by net income or capital imposed by Virginia, another state, or a foreign government that has entered into a comprehensive tax treaty with the United States government;

(2) The related member derives at least one-third of its gross revenues from the licensing of intangible property to parties who are not related members, and the transaction giving rise to the expenses and costs between the corporation and the related member was made at rates and terms comparable to the rates and terms of agreements that the related member has entered into with parties who are not related members for the licensing of intangible property; or

(3) The corporation can establish to the satisfaction of the Tax Commissioner that the intangible expenses and costs meet both of the following: (i) the related member during the same taxable year directly or indirectly paid, accrued or incurred such portion to a person who is not a related member, and (ii) the transaction giving rise to the intangible expenses and costs between the corporation and the related member did not have as a principal purpose the avoidance of any portion of the tax due under this chapter.

b. A corporation required to add to its federal taxable income intangible expenses and costs pursuant to subdivision a may petition the Tax Commissioner, after filing the related income tax return for the taxable year and remitting to the Tax Commissioner all taxes, penalties, and interest due under this article for such taxable year including tax upon any amount of

intangible expenses and costs required to be added to federal taxable income pursuant to subdivision a, to consider evidence relating to the transaction or transactions between the corporation and a related member or members that resulted in the corporation's taxable income being increased, as required under subdivision a, for such intangible expenses and costs.

If the corporation can demonstrate to the Tax Commissioner's sole satisfaction, by clear and convincing evidence, that the transaction or transactions between the corporation and a related member or members resulting in such increase in taxable income pursuant to subdivision a had a valid business purpose other than the avoidance or reduction of the tax due under this chapter, the Tax Commissioner shall permit the corporation to file an amended return. For purposes of such amended return, the requirements of subdivision a shall not apply to any transaction for which the Tax Commissioner is satisfied (and has identified) that the transaction had a valid business purpose other than the avoidance or reduction of the tax due under this chapter. Such amended return shall be filed by the corporation within one year of the written permission granted by the Tax Commissioner and any refund of the tax imposed under this article shall include interest at a rate equal to the rate of interest established under § 58.1-15 and such interest shall accrue as provided under § 58.1-1833. However, upon the filing of such amended return, any related member of the corporation that subtracted from taxable income amounts received pursuant to subdivision C 21 shall be subject to the tax imposed under this article on that portion of such amounts for which the corporation has filed an amended return pursuant to this subdivision. In addition, for such transactions identified by the Tax Commissioner herein by which he has been satisfied by clear and convincing evidence, the Tax Commissioner may permit the corporation in filing income tax returns for subsequent taxable years to deduct the related intangible expenses and costs without making the adjustment under subdivision a.

The Tax Commissioner may charge a fee for all direct and indirect costs relating to the review of any petition pursuant to this subdivision, to include costs necessary to secure outside experts in evaluating the petition. The Tax Commissioner may condition the review of any petition pursuant to this subdivision upon payment of such fee.

No suit for the purpose of contesting any action of the Tax Commissioner under this subdivision shall be maintained in any court of this Commonwealth.

c. Nothing in subdivision B 8 shall be construed to limit or negate the Department's authority under § 58.1-446;

9. a. For taxable years beginning on and after January 1, 2004, the amount of any interest expenses and costs directly or indirectly paid, accrued, or incurred to, or in connection directly or indirectly with one or more direct or indirect transactions with one or more related members to the extent such expenses and costs were deductible or deducted in computing federal taxable income for Virginia purposes. This addition shall not be required for any portion of the interest expenses and costs, if:

(1) The related member has substantial business operations relating to interest-generating activities, in which the related member pays expenses for at least five full-time employees who maintain, manage, defend or are otherwise responsible for operations or administration relating to the interest-generating activities; and

(2) The interest expenses and costs are not directly or indirectly for, related to or in connection with the direct or indirect acquisition, maintenance, management, sale, exchange, or disposition of intangible property; and

(3) The transaction giving rise to the expenses and costs between the corporation and the related member has a valid business purpose other than the avoidance or reduction of taxation and payments between the parties are made at arm's length rates and terms; and

(4) One of the following applies:

(i) The corresponding item of income received by the related member is subject to a tax based on or measured by net income or capital imposed by Virginia, another state, or a foreign government that has entered into a comprehensive tax treaty with the United States government;

(ii) Payments arise pursuant to a pre-existing contract entered into when the parties were not related members provided the payments continue to be made at arm's length rates and terms;

(iii) The related member engages in transactions with parties other than related members that generate revenue in excess of \$2 million annually; or

(iv) The transaction giving rise to the interest payments between the corporation and a related member was done at arm's length rates and terms and meets any of the following: (a) the related member uses funds that are borrowed from a party other than a related member or that are paid, incurred or passed-through to a person who is not a related member; (b) the debt is part of a regular and systematic funds management or portfolio investment activity conducted by the related member, whereby the funds of two or more related members are aggregated for the purpose of achieving economies of scale, the internal financing of the active business operations of members, or the benefit of centralized management of funds; (c) financing the expansion of the business operations; or (d) restructuring the debt of related members, or the pass-through of acquisition-related indebtedness to related members.

b. A corporation required to add to its federal taxable income interest expenses and costs pursuant to subdivision a may petition the Tax Commissioner, after filing the related income tax return for the taxable year and remitting to the Tax Commissioner all taxes, penalties, and interest due under this article for such taxable year including tax upon any amount of interest expenses and costs required to be added to federal taxable income pursuant to subdivision a, to consider evidence relating to the transaction or transactions between the corporation and a related member or members that resulted in the corporation's taxable income being increased, as required under subdivision a, for such interest expenses and costs.

If the corporation can demonstrate to the Tax Commissioner's sole satisfaction, by clear and convincing evidence, that the transaction or transactions between the corporation and a related member or members resulting in such increase in

taxable income pursuant to subdivision a had a valid business purpose other than the avoidance or reduction of the tax due under this chapter and that the related payments between the parties were made at arm's length rates and terms, the Tax Commissioner shall permit the corporation to file an amended return. For purposes of such amended return, the requirements of subdivision a shall not apply to any transaction for which the Tax Commissioner is satisfied (and has identified) that the transaction had a valid business purpose other than the avoidance or reduction of the tax due under this chapter and that the related payments between the parties were made at arm's length rates and terms. Such amended return shall be filed by the corporation within one year of the written permission granted by the Tax Commissioner and any refund of the tax imposed under this article shall include interest at a rate equal to the rate of interest established under § 58.1-15 and such interest shall accrue as provided under § 58.1-1833. However, upon the filing of such amended return, any related member of the corporation that subtracted from taxable income amounts received pursuant to subdivision C 21 shall be subject to the tax imposed under this article on that portion of such amounts for which the corporation has filed an amended return pursuant to this subdivision. In addition, for such transactions identified by the Tax Commissioner herein by which he has been satisfied by clear and convincing evidence, the Tax Commissioner may permit the corporation in filing income tax returns for subsequent taxable years to deduct the related interest expenses and costs without making the adjustment under subdivision a.

The Tax Commissioner may charge a fee for all direct and indirect costs relating to the review of any petition pursuant to this subdivision, to include costs necessary to secure outside experts in evaluating the petition. The Tax Commissioner may condition the review of any petition pursuant to this subdivision upon payment of such fee.

No suit for the purpose of contesting any action of the Tax Commissioner under this subdivision shall be maintained in any court of this Commonwealth.

c. Nothing in subdivision B 9 shall be construed to limit or negate the Department's authority under § 58.1-446.

d. For purposes of subdivision B 9:

"Arm's-length rates and terms" means that (i) two or more related members enter into a written agreement for the transaction, (ii) such agreement is of a duration and contains payment terms substantially similar to those that the related member would be able to obtain from an unrelated entity, (iii) the interest is at or below the applicable federal rate compounded annually for debt instruments under § 1274(d) of the Internal Revenue Code that was in effect at the time of the agreement, and (iv) the borrower or payor adheres to the payment terms of the agreement governing the transaction or any amendments thereto.

"Valid business purpose" means one or more business purposes that alone or in combination constitute the motivation for some business activity or transaction, which activity or transaction improves, apart from tax effects, the economic position of the taxpayer, as further defined by regulation.

10. a. For taxable years beginning on and after January 1, 2009, the amount of dividends deductible under §§ 561 and 857 of the Internal Revenue Code by a Captive Real Estate Investment Trust (REIT). For purposes of this subdivision, a REIT is a Captive REIT if:

(1) It is not regularly traded on an established securities market;

(2) More than 50 percent of the voting power or value of beneficial interests or shares of which, at any time during the last half of the taxable year, is owned or controlled, directly or indirectly, by a single entity that is (i) a corporation or an association taxable as a corporation under the Internal Revenue Code; and (ii) not exempt from federal income tax pursuant to § 501(a) of the Internal Revenue Code; and

(3) More than 25 percent of its income consists of rents from real property as defined in § 856(d) of the Internal Revenue Code.

b. For purposes of applying the ownership test of subdivision 10 a (2), the following entities shall not be considered a corporation or an association taxable as a corporation:

(1) Any REIT that is not treated as a Captive REIT;

(2) Any REIT subsidiary under § 856 of the Internal Revenue Code other than a qualified REIT subsidiary of a Captive REIT;

(3) Any Listed Australian Property Trust, or an entity organized as a trust, provided that a Listed Australian Property Trust owns or controls, directly or indirectly, 75 percent or more of the voting or value of the beneficial interests or shares of such trust; and

(4) Any Qualified Foreign Entity.

c. For purposes of subdivision B 10, the constructive ownership rules prescribed under § 318(a) of the Internal Revenue Code, as modified by § 856(d)(5) of the Internal Revenue Code, shall apply in determining the ownership of stock, assets, or net profits of any person.

d. For purposes of subdivision B 10:

"Listed Australian Property Trust" means an Australian unit trust registered as a Management Investment Scheme, pursuant to the Australian Corporations Act, in which the principal class of units is listed on a recognized stock exchange in Australia and is regularly traded on an established securities market.

"Qualified Foreign Entity" means a corporation, trust, association or partnership organized outside the laws of the United States and that satisfies all of the following criteria:

(1) At least 75 percent of the entity's total asset value at the close of its taxable year is represented by real estate assets, as defined in § 856(c)(5)(B) of the Internal Revenue Code, thereby including shares or certificates of beneficial interest in any REIT, cash and cash equivalents, and U.S. Government securities;

(2) The entity is not subject to a tax on amounts distributed to its beneficial owners, or is exempt from entity level tax;

(3) The entity distributes, on an annual basis, at least 85 percent of its taxable income, as computed in the jurisdiction in which it is organized, to the holders of its shares or certificates of beneficial interest;

(4) The shares or certificates of beneficial interest of such entity are regularly traded on an established securities market or, if not so traded, not more than 10 percent of the voting power or value in such entity is held directly, indirectly, or constructively by a single entity or individual; and

(5) The entity is organized in a country that has a tax treaty with the United States.

e. For taxable years beginning on or after January 1, 2016, for purposes of subdivision B 10, any voting power or value of the beneficial interests or shares in a REIT that is held in a segregated asset account of a life insurance corporation as described in § 817 of the Internal Revenue Code shall not be taken into consideration when determining if such REIT is a Captive REIT.

11. For taxable years beginning on or after January 1, 2016, to the extent that tax credit is allowed for the same donation pursuant to § 58.1-439.12:12, any amount claimed as a federal income tax deduction for such donation under § 170 of the Internal Revenue Code, as amended or renumbered.

C. There shall be subtracted to the extent included in and not otherwise subtracted from federal taxable income:

1. Income derived from obligations, or on the sale or exchange of obligations, of the United States and on obligations or securities of any authority, commission or instrumentality of the United States to the extent exempt from state income taxes under the laws of the United States including, but not limited to, stocks, bonds, treasury bills, and treasury notes, but not including interest on refunds of federal taxes, interest on equipment purchase contracts, or interest on other normal business transactions.

2. Income derived from obligations, or on the sale or exchange of obligations of this Commonwealth or of any political subdivision or instrumentality of this Commonwealth.

3. Dividends upon stock in any domestic international sales corporation, as defined by § 992 of the Internal Revenue Code, 50 percent or more of the income of which was assessable for the preceding year, or the last year in which such corporation has income, under the provisions of the income tax laws of the Commonwealth.

4. The amount of any refund or credit for overpayment of income taxes imposed by this Commonwealth or any other taxing jurisdiction.

5. Any amount included therein by the operation of the provisions of § 78 of the Internal Revenue Code (foreign dividend gross-up).

6. The amount of wages or salaries eligible for the federal Targeted Jobs Credit which was not deducted for federal purposes on account of the provisions of § 280C(a) of the Internal Revenue Code.

7. Any amount included therein by the operation of § 951 of the Internal Revenue Code (subpart F income).

8. Any amount included therein which is foreign source income as defined in § 58.1-302.

9. [Repealed.]

10. The amount of any dividends received from corporations in which the taxpaying corporation owns 50 percent or more of the voting stock.

11. [Repealed.]

12, 13. [Expired.]

14. For taxable years beginning on or after January 1, 1995, the amount for "qualified research expenses" or "basic research expenses" eligible for deduction for federal purposes, but which were not deducted, on account of the provisions of § 280C(c) of the Internal Revenue Code.

15. For taxable years beginning on or after January 1, 2000, the total amount actually contributed in funds to the Virginia Public School Construction Grants Program and Fund established in Chapter 11.1 (§ 22.1-175.1 et seq.) of Title 22.1.

16. For taxable years beginning on or after January 1, 2000, but before January 1, 2015, the gain derived from the sale or exchange of real property or the sale or exchange of an easement to real property which results in the real property or the easement thereto being devoted to open-space use, as that term is defined in § 58.1-3230, for a period of time not less than 30 years. To the extent a subtraction is taken in accordance with this subdivision, no tax credit under this chapter for donating land for its preservation shall be allowed for three years following the year in which the subtraction is taken.

17. For taxable years beginning on and after January 1, 2001, any amount included therein with respect to § 58.1-440.1.

18. For taxable years beginning on and after January 1, 1999, income received as a result of (i) the "Master Settlement Agreement," as defined in § 3.2-3100; and (ii) the National Tobacco Grower Settlement Trust dated July 19, 1999, by (a) tobacco farming businesses; (b) any business holding a tobacco marketing quota, or tobacco farm acreage allotment, under the Agricultural Adjustment Act of 1938; or (c) any business having the right to grow tobacco pursuant to such a quota allotment.

19, 20. [Repealed.]

21. For taxable years beginning on and after January 1, 2004, any amount of intangible expenses and costs or interest expenses and costs added to the federal taxable income of a corporation pursuant to subdivision B 8 or B 9 shall be subtracted from the federal taxable income of the related member that received such amount if such related member is subject to Virginia income tax on the same amount.

22. For taxable years beginning on and after January 1, 2009, any gain recognized from the sale of launch services to space flight participants, as defined in 49 U.S.C. § 70102, or launch services intended to provide individuals the training or experience of a launch, without performing an actual launch. To qualify for a deduction under this subdivision, launch services must be performed in Virginia or originate from an airport or spaceport in Virginia.

23. For taxable years beginning on and after January 1, 2009, any gain recognized as a result of resupply services contracts for delivering payload, as defined in 49 U.S.C. § 70102, entered into with the Commercial Orbital Transportation Services division of the National Aeronautics and Space Administration or other space flight entity, as defined in § 8.01-227.8, and launched from an airport or spaceport in Virginia.

24. For taxable years beginning on or after January 1, 2011, any income taxed as a long-term capital gain for federal income tax purposes, or any income taxed as investment services partnership interest income (otherwise known as investment partnership carried interest income) for federal income tax purposes. To qualify for a subtraction under this subdivision, such income must be attributable to an investment in a "qualified business," as defined in § 58.1-339.4, or in any other technology business approved by the Secretary of Technology, provided the business has its principal office or facility in the Commonwealth and less than \$3 million in annual revenues in the fiscal year prior to the investment. To qualify for a subtraction under this subdivision, the investment must be made between the dates of April 1, 2010, and June 30, 2020. No taxpayer who has claimed a tax credit for an investment in a "qualified business" under § 58.1-339.4 shall be eligible for the subtraction under this subdivision for an investment in the same business.

25. a. Income, including investment services partnership interest income (otherwise known as investment partnership carried interest income), attributable to an investment in a Virginia venture capital account. To qualify for a subtraction under this subdivision, the investment shall be made on or after January 1, 2018, but before December 31, 2023. No subtraction shall be allowed under this subdivision for an investment in a company that is owned or operated by an affiliate of the taxpayer. No subtraction shall be allowed under this subdivision for a taxpayer who has claimed a subtraction under subdivision C 24 for the same investment.

b. As used in this subdivision 25:

"Qualified portfolio company" means a company that (i) has its principal place of business in the Commonwealth; (ii) has a primary purpose of production, sale, research, or development of a product or service other than the management or investment of capital; and (iii) provides equity in the company to the Virginia venture capital account in exchange for a capital investment. "Qualified portfolio company" does not include a company that is an individual or sole proprietorship.

"Virginia venture capital account" means an investment fund that has been certified by the Department as a Virginia venture capital account. In order to be certified as a Virginia venture capital account, the operator of the investment fund shall register the investment fund with the Department prior to December 31, 2023, (i) indicating that it intends to invest at least 50 percent of the capital committed to its fund in qualified portfolio companies and (ii) providing documentation that it employs at least one investor who has at least four years of professional experience in venture capital investment or substantially equivalent experience. "Substantially equivalent experience" includes, but is not limited to, an undergraduate degree from an accredited college or university in economics, finance, or a similar field of study. The Department may require an investment fund to provide documentation of the investor's training, education, or experience as deemed necessary by the Department to determine substantial equivalency. If the Department determines that the investment fund employs at least one investor with the experience set forth herein, the Department shall certify the investment fund as a Virginia venture capital account at such time as the investment fund actually invests at least 50 percent of the capital committed to its fund in qualified portfolio companies.

26. a. *Income attributable to an investment in a Virginia real estate investment trust. To qualify for a subtraction under this subdivision, the investment shall be made on or after January 1, 2019, but before December 31, 2024. No subtraction shall be allowed for an investment in a trust that is managed by an affiliate of the taxpayer. No subtraction shall be allowed under this subdivision for a taxpayer who has claimed a subtraction under subdivision C 24 or 25 for the same investment.*

b. As used in this subdivision 26:

"Distressed" means satisfying the criteria applicable to a locality described in subdivision E 2 of § 2.2-115.

"Double distressed" means satisfying the criteria applicable to a locality described in subdivision E 3 of § 2.2-115.

"Virginia real estate investment trust" means a real estate investment trust, as defined in 26 U.S.C. § 856, that has been certified by the Department as a Virginia real estate investment trust. In order to be certified as a Virginia real estate investment trust, the trustee shall register the trust with the Department prior to December 31, 2024, indicating that it intends to invest at least 90 percent of trust funds in Virginia and at least 40 percent of trust funds in real estate in localities that are distressed or double distressed. If the Department determines that the trust satisfies the preceding criteria, the Department shall certify the trust as a Virginia real estate investment trust at such time as the trust actually invests at least 90 percent of trust funds in Virginia and at least 40 percent of trust funds in real estate in localities that are distressed or double distressed.

D. For taxable years beginning on and after January 1, 2006, there shall be subtracted from federal taxable income contract payments to a producer of quota tobacco or a tobacco quota holder as provided under the American Jobs Creation Act of 2004 (P.L. 108-357) as follows:

1. If the payment is received in installment payments, then the recognized gain, including any gain recognized in taxable year 2005, may be subtracted in the taxable year immediately following the year in which the installment payment is received.

2. If the payment is received in a single payment, then 10 percent of the recognized gain may be subtracted in the taxable year immediately following the year in which the single payment is received. The taxpayer may then deduct an equal amount in each of the nine succeeding taxable years.

E. Adjustments to federal taxable income shall be made to reflect the transitional modifications provided in § 58.1-315.

F. Notwithstanding any other provision of law, the income from any disposition of real property which is held by the taxpayer for sale to customers in the ordinary course of the taxpayer's trade or business, as defined in § 453(l)(1)(B) of the Internal Revenue Code, of property made on or after January 1, 2009, may, at the election of the taxpayer, be recognized under the installment method described under § 453 of the Internal Revenue Code, provided that (i) the election relating to the dealer disposition of the property has been made on or before the due date prescribed by law (including extensions) for filing the taxpayer's return of the tax imposed under this chapter for the taxable year in which the disposition occurs, and (ii) the dealer disposition is in accordance with restrictions or conditions established by the Department, which shall be set forth in guidelines developed by the Department. Along with such restrictions or conditions, the guidelines shall also address the recapture of such income under certain circumstances. The development of the guidelines shall be exempt from the Administrative Process Act (§ 2.2-4000 et seq.).

**2. That prior to December 31, 2018, the Department of Taxation shall develop guidelines establishing procedures implementing the provisions of this act relating to the registration and certification of a real estate investment trust as a Virginia real estate investment trust. Such guidelines shall be exempt from the provisions of the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia).**

**3. That the Department of Taxation shall report annually by November 1 of each year to the Chairmen of the House Committee on Appropriations and the Senate Committee on Finance regarding the number of registrations and certifications of Virginia real estate investment trusts.**

CHAPTER 822

*An Act to amend and reenact § 2.2-222.3 of the Code of Virginia, relating to Secure and Resilient Commonwealth Panel; membership.*

[H 376]

Approved April 18, 2018

**Be it enacted by the General Assembly of Virginia:**

**1. That § 2.2-222.3 of the Code of Virginia is amended and reenacted as follows:**

**§ 2.2-222.3. Secure and Resilient Commonwealth Panel; membership; duties; compensation; staff.**

A. The Secure and Resilient Commonwealth Panel (the Panel) is established as an advisory board, within the meaning of § 2.2-2100, in the executive branch of state government. The Panel shall consist of ~~36~~ 38 members as follows: ~~three~~ four members of the House of Delegates to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates, one of whom shall be the Chairman of the House Committee on Militia, Police and Public Safety; and one of whom shall be a member of the Subcommittee on Public Safety of the House Committee on Appropriations; two nonlegislative citizens citizen members to be appointed by the Speaker of the House of Delegates; ~~three~~ four members of the Senate of Virginia to be appointed by the Senate Committee on Rules, one of whom shall be the Chairman of the Senate Committee on General Laws and Technology; and one of whom shall be a member of the Subcommittee on Public Safety of the Senate Committee on Finance; two nonlegislative citizens citizen members to be appointed by the Senate Committee on Rules; the Lieutenant Governor; the Attorney General; the Executive Secretary of the Supreme Court of Virginia; the Secretaries of Administration, Commerce and Trade, Health and Human Resources, Technology, Transportation, Public Safety and Homeland Security, and Veterans and Defense Affairs; the State Coordinator of Emergency Management; the Superintendent of State Polices; the Adjutant General of the Virginia National Guard; and the State Health Commissioner, or their designees; two local first responders; two local government representatives; two physicians with knowledge of public health; five members from the business or industry sector; and two citizens nonlegislative citizen members from the Commonwealth at large. Except for appointments made by the Speaker of the House of Delegates and the Senate Committee on Rules, all appointments shall be made by the Governor. ~~The Public Safety Subcommittee of the Senate Finance Committee shall appoint one ex officio member who is either a member of such subcommittee or a member of the Senate Finance Committee staff. The Public Safety Subcommittee of the House Appropriations Committee shall appoint one ex officio member who is either a member of such subcommittee or a member of the House Appropriations Committee staff.~~ Additional ex officio members may be appointed to the Panel by the Governor. Legislative members shall serve terms coincident with their terms of office or until their successors shall qualify. Nonlegislative citizen members shall serve for terms of four years. Ex officio members shall serve

at the pleasure of the person or entity by whom they were appointed. The Secretary of Public Safety and Homeland Security shall be the chairman of the Panel.

B. The Panel shall have as its primary focus emergency management and homeland security within the Commonwealth to ensure that prevention, protection, mitigation, response, and recovery programs, initiatives, and activities, both at the state and local levels, are fully integrated, suitable, and effective in addressing risks from man-made and natural disasters. The Panel shall where necessary review, evaluate, and make recommendations concerning implementation of such initiatives. The Panel shall also make such recommendations as it deems necessary to enhance or improve the resiliency of public and private critical infrastructure to mitigate against man-made and natural disasters.

C. The Panel shall carry out the provisions of Title 3, Public Law 99-499. The Panel shall convene at least biennially to discuss (i) changing and persistent risks to the Commonwealth from threats, hazards, vulnerabilities, and consequences and (ii) plans and resources to address those risks.

D. On or before October 1 of each year, the Panel shall report to the Governor, the Senate Committee on Finance, the Senate Committee on General Laws and Technology, the House Committee on Appropriations, and the House Committee on Militia, Police and Public Safety concerning the state of the Commonwealth's emergency prevention, protection, mitigation, response, and recovery efforts and the resources necessary to implement them. Such report may, with the concurrence of the Governor, include sensitive information, which information is excluded from disclosure in accordance with subdivisions 2, 3, 4, and 6 of § 2.2-3705.2 and which, if revealed publicly, would jeopardize or compromise security plans and procedures in the Commonwealth designed to protect (i) the public or (ii) public or private critical infrastructure. Any sensitive information presented to any committee of the General Assembly shall be discussed in a closed meeting as provided in subdivision A 19 of § 2.2-3711.

E. The Panel shall designate an Emergency Management Awareness Group (the Group) consisting of the Secretary of Public Safety and Homeland Security, the Lieutenant Governor, the Attorney General, the Executive Secretary of the Supreme Court of Virginia, and the Chairmen of the House Committee on Militia, Police and Public Safety and the Senate Committee on General Laws and Technology to facilitate communication between the executive, legislative, and judicial branches of state government. The Group shall convene at the call of the Secretary of Public Safety and Homeland Security during a state of emergency to share critical information concerning such situation and the impact on the Commonwealth and its branches of government. The Secretary of Public Safety and Homeland Security shall (i) advise the Panel whenever the Group meets and (ii) facilitate communication between the Group and the Panel. The Secretary of Public Safety and Homeland Security shall assist, to the extent provided by law, in obtaining access to classified information for the Group when such information is necessary to enable the Group to perform its duties.

F. Members of the Panel shall serve without compensation but shall be reimbursed for all reasonable and necessary expenses incurred in the discharge of their duties as provided in § 2.2-2825.

G. Staff support for the Panel and funding for the costs of expenses of the members shall be provided by the Secretary of Public Safety and Homeland Security.

H. The Secretary shall facilitate cabinet-level coordination among the various agencies of state government related to emergency preparedness and shall facilitate private sector preparedness and communication.

## CHAPTER 823

*An Act to amend and reenact §§ 63.2-1503 and 63.2-1506 of the Code of Virginia, relating to child abuse or neglect; sex offenders; investigations; reports to local attorney for the Commonwealth.*

[H 511]

Approved April 18, 2018

### **Be it enacted by the General Assembly of Virginia:**

#### **1. That §§ 63.2-1503 and 63.2-1506 of the Code of Virginia are amended and reenacted as follows:**

##### **§ 63.2-1503. Local departments to establish child-protective services; duties.**

A. Each local department shall establish child-protective services under a departmental coordinator within such department or with one or more adjacent local departments that shall be staffed with qualified personnel pursuant to regulations adopted by the Board. The local department shall be the public agency responsible for receiving and responding to complaints and reports, except that (i) in cases where the reports or complaints are to be made to the court and the judge determines that no local department within a reasonable geographic distance can impartially respond to the report, the court shall assign the report to the court services unit for evaluation; and (ii) in cases where an employee at a private or state-operated hospital, institution or other facility, or an employee of a school board is suspected of abusing or neglecting a child in such hospital, institution or other facility, or public school, the local department shall request the Department and the relevant private or state-operated hospital, institution or other facility, or school board to assist in conducting a joint investigation in accordance with regulations adopted by the Board, in consultation with the Departments of Education, Health, Medical Assistance Services, Behavioral Health and Developmental Services, Juvenile Justice and Corrections.

B. The local department shall ensure, through its own personnel or through cooperative arrangements with other local agencies, the capability of receiving reports or complaints and responding to them promptly on a 24-hours-a-day, seven-days-per-week basis.

C. The local department shall widely publicize a telephone number for receiving complaints and reports.

D. The local department shall notify the local attorney for the Commonwealth and the local law-enforcement agency of all complaints of suspected child abuse or neglect involving (i) any death of a child; (ii) any injury or threatened injury to the child in which a felony or Class 1 misdemeanor is also suspected; (iii) any sexual abuse, suspected sexual abuse or other sexual offense involving a child, including but not limited to the use or display of the child in sexually explicit visual material, as defined in § 18.2-374.1; (iv) any abduction of a child; (v) any felony or Class 1 misdemeanor drug offense involving a child; or (vi) contributing to the delinquency of a minor in violation of § 18.2-371, immediately, but in no case more than two hours of receipt of the complaint, and shall provide the attorney for the Commonwealth and the local law-enforcement agency with records and information of the local department, including records related to any complaints of abuse or neglect involving the victim or the alleged perpetrator, related to the investigation of the complaint. *The local department shall notify the local attorney for the Commonwealth of all complaints of suspected child abuse or neglect involving the child's being left alone in the same dwelling with a person to whom the child is not related by blood or marriage and who has been convicted of an offense against a minor for which registration is required as a violent sexual offender pursuant to § 9.1-902, immediately, but in no case more than two hours of receipt of the complaint, and shall provide the attorney for the Commonwealth with records and information of the local department that would help determine whether a violation of post-release conditions, probation, parole, or court order has occurred due to the nonrelative sexual offender's contact with the child.* The local department shall not allow reports of the death of the victim from other local agencies to substitute for direct reports to the attorney for the Commonwealth and the local law-enforcement agency. The local department shall develop, when practicable, memoranda of understanding for responding to reports of child abuse and neglect with local law enforcement and the attorney for the Commonwealth.

In each case in which the local department notifies the local law-enforcement agency of a complaint pursuant to this subsection, the local department shall, within two business days of delivery of the notification, complete a written report, on a form provided by the Board for such purpose, which shall include (a) the name of the representative of the local department providing notice required by this subsection; (b) the name of the local law-enforcement officer who received such notice; (c) the date and time that notification was made; (d) the identity of the victim; (e) the identity of the person alleged to have abused or neglected the child, if known; (f) the clause or clauses in this subsection that describe the reasons for the notification; and (g) the signatures, which may be electronic signatures, of the representatives of the local department making the notification and the local law-enforcement officer receiving the notification. Such report shall be included in the record of the investigation and may be submitted either in writing or electronically.

E. When abuse or neglect is suspected in any case involving the death of a child, the local department shall report the case immediately to the regional medical examiner and the local law-enforcement agency.

F. The local department shall use reasonable diligence to locate (i) any child for whom a report of suspected abuse or neglect has been received and is under investigation, receiving family assessment, or for whom a founded determination of abuse and neglect has been made and a child-protective services case opened and (ii) persons who are the subject of a report that is under investigation or receiving family assessment, if the whereabouts of the child or such persons are unknown to the local department.

G. When an abused or neglected child and the persons who are the subject of an open child-protective services case have relocated out of the jurisdiction of the local department, the local department shall notify the child-protective services agency in the jurisdiction to which such persons have relocated, whether inside or outside of the Commonwealth, and forward to such agency relevant portions of the case record. The receiving local department shall arrange protective and rehabilitative services as required by this section.

H. When a child for whom a report of suspected abuse or neglect has been received and is under investigation or receiving family assessment and the child and the child's parents or other persons responsible for the child's care who are the subject of the report that is under investigation or family assessment have relocated out of the jurisdiction of the local department, the local department shall notify the child-protective services agency in the jurisdiction to which the child and such persons have relocated, whether inside or outside of the Commonwealth, and complete such investigation or family assessment by requesting such agency's assistance in completing the investigation or family assessment. The local department that completes the investigation or family assessment shall forward to the receiving agency relevant portions of the case record in order for the receiving agency to arrange protective and rehabilitative services as required by this section.

I. Upon receipt of a report of child abuse or neglect, the local department shall determine the validity of such report and shall make a determination to conduct an investigation pursuant to § 63.2-1505 or, if designated as a child-protective services differential response agency by the Department according to § 63.2-1504, a family assessment pursuant to § 63.2-1506.

J. The local department shall foster, when practicable, the creation, maintenance and coordination of hospital and community-based multidisciplinary teams that shall include where possible, but not be limited to, members of the medical, mental health, social work, nursing, education, legal and law-enforcement professions. Such teams shall assist the local departments in identifying abused and neglected children; coordinating medical, social, and legal services for the children and their families; developing innovative programs for detection and prevention of child abuse; promoting community concern and action in the area of child abuse and neglect; and disseminating information to the general public with respect to the problem of child abuse and neglect and the facilities and prevention and treatment methods available to combat child abuse and neglect. These teams may be the family assessment and planning teams established pursuant to § 2.2-5207.

Multidisciplinary teams may develop agreements regarding the exchange of information among the parties for the purposes of the investigation and disposition of complaints of child abuse and neglect, delivery of services and child protection. Any information exchanged in accordance with the agreement shall not be considered to be a violation of the provisions of § 63.2-102, 63.2-104, or 63.2-105.

The local department shall also coordinate its efforts in the provision of these services for abused and neglected children with the judge and staff of the court.

K. The local department may develop multidisciplinary teams to provide consultation to the local department during the investigation of selected cases involving child abuse or neglect, and to make recommendations regarding the prosecution of such cases. These teams may include, but are not limited to, members of the medical, mental health, legal and law-enforcement professions, including the attorney for the Commonwealth or his designee; a local child-protective services representative; and the guardian ad litem or other court-appointed advocate for the child. Any information exchanged for the purpose of such consultation shall not be considered a violation of § 63.2-102, 63.2-104, or 63.2-105.

L. The local department shall report annually on its activities concerning abused and neglected children to the court and to the Child-Protective Services Unit in the Department on forms provided by the Department.

M. Statements, or any evidence derived therefrom, made to local department child-protective services personnel, or to any person performing the duties of such personnel, by any person accused of the abuse, injury, neglect or death of a child after the arrest of such person, shall not be used in evidence in the case-in-chief against such person in the criminal proceeding on the question of guilt or innocence over the objection of the accused, unless the statement was made after such person was fully advised (i) of his right to remain silent, (ii) that anything he says may be used against him in a court of law, (iii) that he has a right to the presence of an attorney during any interviews, and (iv) that if he cannot afford an attorney, one will be appointed for him prior to any questioning.

N. Notwithstanding any other provision of law, the local department, in accordance with Board regulations, shall transmit information regarding reports, complaints, family assessments, and investigations involving children of active duty members of the United States Armed Forces or members of their household to family advocacy representatives of the United States Armed Forces.

O. The local department shall notify the custodial parent and make reasonable efforts to notify the noncustodial parent as those terms are defined in § 63.2-1900 of a report of suspected abuse or neglect of a child who is the subject of an investigation or is receiving family assessment, in those cases in which such custodial or noncustodial parent is not the subject of the investigation.

P. The local department shall notify the Superintendent of Public Instruction when an individual holding a license issued by the Board of Education is the subject of a founded complaint of child abuse or neglect and shall transmit identifying information regarding such individual if the local department knows the person holds a license issued by the Board of Education and after all rights to any appeal provided by § 63.2-1526 have been exhausted. Any information exchanged for the purpose of this subsection shall not be considered a violation of § 63.2-102, 63.2-104, or 63.2-105.

**§ 63.2-1506. Family assessments by local departments.**

A. A family assessment requires the collection of information necessary to determine:

1. The immediate safety needs of the child;
2. The protective and rehabilitative services needs of the child and family that will deter abuse or neglect;
3. Risk of future harm to the child;
4. Whether the mother of a child who was exposed in utero to a controlled substance sought substance abuse counseling or treatment prior to the child's birth; and
5. Alternative plans for the child's safety if protective and rehabilitative services are indicated and the family is unable or unwilling to participate in services.

B. When a local department has been designated as a child-protective services differential response system participant by the Department pursuant to § 63.2-1504 and responds to the report or complaint by conducting a family assessment, the local department shall:

1. Conduct an immediate family assessment and, if the report or complaint was based upon one of the factors specified in subsection B of § 63.2-1509, the local department may file a petition pursuant to § 16.1-241.3;
2. Immediately contact the subject of the report and the family of the child alleged to have been abused or neglected and give each a written and an oral explanation of the family assessment procedure. The family assessment shall be in writing and shall be completed in accordance with Board regulation;
3. Complete the family assessment within 45 days and transmit a report to such effect to the Department and to the person who is the subject of the family assessment. However, upon written justification by the local department, the family assessment may be extended, not to exceed a total of 60 days;
4. Consult with the family to arrange for necessary protective and rehabilitative services to be provided to the child and his family. Families have the option of declining the services offered as a result of the family assessment. If the family declines the services, the case shall be closed unless the local department determines that sufficient cause exists to redetermine the case as one that needs to be investigated. In no instance shall a case be redetermined as an investigation solely because the family declines services;
5. Petition the court for services deemed necessary;

6. Make no disposition of founded or unfounded for reports in which a family assessment is completed. Reports in which a family assessment is completed shall not be entered into the central registry contained in § 63.2-1515; and

7. Commence an immediate investigation, if at any time during the completion of the family assessment, the local department determines that an investigation is required.

C. When a local department has been designated as a child-protective services differential response agency by the Department, the local department may investigate any report of child abuse or neglect, but the following valid reports of child abuse or neglect shall be investigated: (i) sexual abuse, (ii) child fatality, (iii) abuse or neglect resulting in serious injury as defined in § 18.2-371.1, (iv) *cases involving a child's being left alone in the same dwelling with a person to whom the child is not related by blood or marriage and who has been convicted of an offense against a minor for which registration is required as a violent sexual offender pursuant to § 9.1-902*, (v) child has been taken into the custody of the local department, or ~~(v)~~ (vi) cases involving a caretaker at a state-licensed child day center, religiously exempt child day center, licensed, registered or approved family day home, private or public school, hospital or any institution. If a report or complaint is based upon one of the factors specified in subsection B of § 63.2-1509, the local department shall (a) conduct a family assessment, unless an investigation is required pursuant to this subsection or other provision of law or is necessary to protect the safety of the child, and (b) develop a plan of safe care in accordance with federal law, regardless of whether the local department makes a finding of abuse or neglect.

**CHAPTER 824**

*An Act to amend and reenact § 54.1-403 of the Code of Virginia, relating to the Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects; membership.*

[H 523]

Approved April 18, 2018

**Be it enacted by the General Assembly of Virginia:**

**1. That § 54.1-403 of the Code of Virginia is amended and reenacted as follows:**

**§ 54.1-403. Board members and officers; quorum.**

The Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects shall be composed of ~~thirteen~~ 15 members as follows: three architects, three professional engineers, three land surveyors, two landscape architects, and two certified interior designers, ~~and two nonlegislative citizen members. Each interior designer appointment to the Board may be made from nominations submitted by the Council of Certified Virginia Interior Designers, who shall nominate three persons for each interior designer vacancy. In no case shall the Governor be bound to make any appointment from the nominees.~~

*Except for the nonlegislative citizen members appointed in accordance with § 54.1-107*, Board members shall have actively practiced or taught their professions for at least ~~ten~~ 10 years prior to their appointments. The terms of Board members shall be four years.

The Board shall elect a president and vice-president from its membership.

~~Eight~~ *Nine* Board members, consisting of two engineers, two architects, two land surveyors, one landscape architect ~~and~~, one interior designer *and one nonlegislative citizen member*, shall constitute a quorum.

**CHAPTER 825**

*An Act to amend and reenact § 2.2-1156 of the Code of Virginia, relating to the Department of General Services; lease of surplus property.*

[H 543]

Approved April 18, 2018

**Be it enacted by the General Assembly of Virginia:**

**1. That § 2.2-1156 of the Code of Virginia is amended and reenacted as follows:**

**§ 2.2-1156. Sale or lease of surplus property and excess building space.**

The Department shall identify real property assets that are surplus to the current and reasonably anticipated future needs of the Commonwealth and may dispose of surplus assets as provided in this section, except when a department, agency or institution notifies the Department of a need for property which has been declared surplus, and the Department finds that stated need to be valid and best satisfied by the use of the property.

A. After it determines the property to be surplus to the needs of the Commonwealth and that such property should be sold, the Department shall request the written opinion of the Secretary of Natural Resources as to whether the property is a significant component of the Commonwealth's natural or historic resources, and if so how those resources should be protected in the sale of the property. The Secretary of Natural Resources shall provide this review within 15 business days of receipt of full information from the Department. Within 120 days of receipt of the Secretary's review, the Department shall, with the prior written approval of the Governor, proceed to sell the property.

B. The sale shall be by public auction, or sealed bids, or by marketing through one or more real estate brokers licensed by the Commonwealth. Notice of the date, time and place of sale, if by public auction or sealed bids shall be given by advertisement in at least two newspapers published and having general circulation in the Commonwealth, at least one of which shall have general circulation in the county or city in which the property to be sold is located. At least thirty days shall elapse between publication of the notice and the auction or the date on which sealed bids will be opened.

C. In instances where the appraised value of property proposed to be sold is determined to be a nominal amount or an amount insufficient to warrant statewide advertisement, but in no event in excess of \$250,000, the notice of sale may be placed in only one newspaper having general circulation in the county or city in which the property to be sold is located.

D. The Department may reject any and all bids or offers when, in the opinion of the Department, the price is inadequate in relation to the value of the property, the proposed terms are unacceptable, or if a need has been found for the property.

E. In lieu of the sale of any such property, or in the event the Department determines there is space within a building owned by the Commonwealth or any space leased by the Commonwealth in excess of current and reasonably anticipated needs, the Department may, with the approval of the Governor, lease or sublease such property or space to any responsible person, firm or corporation on such terms as shall be approved by the Governor; provided, however *that* the authority herein to sublease space leased by the Commonwealth shall be subject to the terms of the original lease. *The Department may with the approval of the Governor permit charitable organizations exempt from taxation under § 501(c)(3) of the Internal Revenue Code that provide addiction recovery services to lease or sublease such property or space at cost and on such terms as shall be approved by the Governor, provided such use is deemed appropriate.*

The Department shall post reports from the Commonwealth's statewide electronic procurement system, known as eVA, on the Department's website. The report shall include, at a minimum, current leasing opportunities and sales of surplus real property posted on the eVA's Virginia Business Opportunities website. Such reports shall also be made available by electronic subscription. The provisions of this section requiring disposition of property through the medium of sealed bids, public auction, or marketing through licensed real estate brokers shall not apply to any lease thereof, although such procedures may be followed in the discretion of the Department.

F. The deed, lease, or sublease conveying the property or excess space shall be executed in the name of the Commonwealth and shall be in a form approved by the Attorney General. Notwithstanding any law to the contrary and notwithstanding how title to the property was acquired, the deed or lease may be executed on behalf of the Commonwealth by the Director of the Department or his designee, and such action shall not create a cloud on the title to the property. The terms of the sale, lease, or sublease shall be subject to the written approval of the Governor.

G. An exception to sale by sealed bids, public auction, or listing the property with a licensed real estate broker may be granted by the Governor if the property is landlocked and inaccessible from a public road or highway. In such cases, the Department shall notify all adjacent landowners of the Commonwealth's desire to dispose of the property. After the notice has been given, the Department may begin negotiations for the sale of the property with each interested adjacent landowner. The Department, with the approval of the Governor, may accept any offer which it deems to be fair and adequate consideration for the property. In all cases, the offer shall be the best offer made by any adjacent landowner. The terms of all negotiations shall be public information.

H. Subject to any law to the contrary, 50 percent of the proceeds from all sales or leases, or from the conveyance of any interest in property under the provisions of this article, above the costs of the transaction, which costs shall include fees or commissions, if any, negotiated with and paid to auctioneers or real estate brokers, shall be paid into the State Park Acquisition and Development Fund, so long as the sales or leases pertain to general fund agencies or the property involved was originally acquired through the general fund, except as provided in Chapter 180 of the Acts of Assembly of 1966. The remaining 50 percent of proceeds involving general fund sales or leases, less a pro rata share of any costs of the transactions, shall be deposited in the general fund of the state treasury. The Department of Planning and Budget shall develop guidelines which allow, with the approval of the Governor, any portion of the deposit in the general fund to be credited to the agency, department or institution having control of the property at the time it was determined surplus to the Commonwealth's needs. Any amounts so credited to an agency, department or institution may be used, upon appropriation, to supplement maintenance reserve funds or capital project appropriations, or for the acquisition, construction or improvement of real property or facilities. Net proceeds from sales or leases of special fund agency properties or property acquired through a gift for a specific purpose shall be retained by the agency or used in accordance with the original terms of the gift. Notwithstanding the foregoing, income from leases or subleases above the cost of the transaction shall first be applied to rent under the original lease and to the cost of maintenance and operation of the property. The remaining funds shall be distributed as provided herein.

I. When the Department deems it to be in the best interests of the Commonwealth, it may, with the approval of the Governor, authorize the department, institution or agency in possession or control of the property to dispose of surplus property in accordance with the procedures set forth in this section.

## CHAPTER 826

*An Act to amend and reenact § 58.1-2402, as it is currently effective, of the Code of Virginia, relating to motor vehicle sales and use tax.*

[H 680]

Approved April 18, 2018

**Be it enacted by the General Assembly of Virginia:****1. That § 58.1-2402, as it is currently effective, of the Code of Virginia is amended and reenacted as follows:****§ 58.1-2402. (Contingent expiration date) Levy.**

A. There is hereby levied, in addition to all other taxes and fees of every kind now imposed by law, a tax upon the sale or use of motor vehicles in Virginia, other than a sale to or use by a person for rental as an established business or part of an established business or incidental or germane to such business.

The amount of the tax to be collected shall be determined by the Commissioner by the application of the following rates against the gross sales price:

1. Three percent through midnight on June 30, 2013, four percent (4.0%) beginning July 1, 2013, through midnight on June 30, 2014, four and five-hundredths of a percent (4.05%) beginning July 1, 2014, through midnight on June 30, 2015, four and one tenth of a percent (4.1%) beginning July 1, 2015, through midnight on June 30, 2016, and four and fifteen-hundredths (4.15%) of a percent beginning on and after July 1, 2016, of the sale price of each motor vehicle sold in Virginia. If such motor vehicle is a manufactured home as defined in § 36-85.3, the tax shall be three percent of the sale price of each such manufactured home sold in the Commonwealth; if such vehicle is a mobile office as defined in § 58.1-2401, the tax shall be two percent of the sale price of each mobile office sold in the Commonwealth; if such vehicle has a gross vehicle weight rating or gross combination weight rating of 26,001 pounds or more and is neither (i) a manufactured home as defined in § 36-85.3, (ii) a mobile office as defined in § 58.1-2401, (iii) a trailer or semitrailer as severally defined in § 46.2-100 that is not designed or used to carry property, nor (iv) a vehicle registered under § 46.2-700, the tax shall be zero percent of the sale price of each such vehicle sold in the Commonwealth.

2. Three percent through midnight on June 30, 2013, four percent (4.0%) beginning July 1, 2013, through midnight on June 30, 2014, four and five-hundredths of a percent (4.05%) beginning July 1, 2014, through midnight on June 30, 2015, four and one tenth of a percent (4.1%) beginning July 1, 2015, through midnight on June 30, 2016, and four and fifteen-hundredths (4.15%) of a percent beginning on and after July 1, 2016, of the sale price of each motor vehicle, not sold in Virginia but used or stored for use in the Commonwealth; or three percent of the sale price of each manufactured home as defined in § 36-85.3, or two percent of the sale price of each mobile office as defined in § 58.1-2401, not sold in Virginia but used or stored for use in this Commonwealth. If such vehicle has a gross vehicle weight rating or gross combination weight rating of 26,001 pounds or more and is neither (i) a manufactured home as defined in § 36-85.3, (ii) a mobile office as defined in § 58.1-2401, (iii) a trailer or semitrailer as severally defined in § 46.2-100 that is not designed or used to carry property, nor (iv) a vehicle registered under § 46.2-700, the tax shall be zero percent of the sale price of each such vehicle not sold in the Commonwealth but used or stored for use in the Commonwealth. When any motor vehicle or manufactured home not sold in the Commonwealth is first used or stored for use in Virginia six months or more after its acquisition, the tax shall be based on its current market value.

3. The minimum tax levied on the sale of any motor vehicle in the Commonwealth that is subject to taxation at a rate exceeding zero percent shall be \$75, except as provided by those exemptions defined in § 58.1-2403; *however, for a trailer, as defined in § 46.2-100, with a registered gross weight of 2,000 pounds or less, the minimum tax shall be \$35.*

4 through 7. [Repealed.]

B. A transaction taxed under subdivision A 1 shall not also be taxed under subdivision A 2, nor shall the same transaction be taxed more than once under either subdivision.

C. Any motor vehicle, trailer or semitrailer exempt from this tax under subdivision 1 or 2 of § 58.1-2403 shall be subject to the tax, based on the current market value when such vehicle is no longer owned or used by the United States government or any governmental agency, or the Commonwealth of Virginia or any political subdivision thereof, unless such vehicle is then rented, in which case the tax imposed by § 58.1-1736 shall apply, subject to the exemptions provided in § 58.1-1737. Further, any motor vehicle, trailer or semitrailer exempt from the tax imposed by this chapter under subdivision 11 of § 58.1-2403 or §§ 46.2-663 through 46.2-674 shall be subject to the tax, based on the current market value, when such vehicle is subsequently licensed to operate on the highways of the Commonwealth.

D. Any person who with intent to evade or to aid another person to evade the tax provided for herein, falsely states the selling price of a vehicle on a bill of sale, assignment of title, application for title, or any other document or paper submitted to the Commissioner pursuant to any provisions of this title or Title 46.2, shall be guilty of a Class 3 misdemeanor.

E. Effective January 1, 1997, any amount designated as a "processing fee" and any amount charged by a dealer for processing a transaction, which is required to be included on a buyer's order pursuant to subdivision A 10 of § 46.2-1530, shall be subject to the tax.

**2. That the provisions of the first enactment of this act shall not become effective unless reenacted by the 2019 Session of the General Assembly.**

3. That the Commissioner of the Virginia Department of Motor Vehicles, in consultation with the Virginia Department of Transportation and any applicable stakeholder groups, shall review the impact of implementing an alternative to the minimum sales and use tax required by Chapter 766 of the Acts of Assembly of 2013 for trailers, as provided for in this act, including the impact on Commonwealth transportation funds. The Commissioner shall complete his work and shall submit to the Governor and the General Assembly an executive summary and a report of his findings and recommendations for publication as a House or Senate document no later than December 1, 2018. The executive summary and report shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

#### CHAPTER 827

*An Act to amend and reenact § 2.2-1514, as it is currently effective and as it may become effective, of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 18 of Title 2.2 an article numbered 4.1, consisting of sections numbered 2.2-1831.1 through 2.2-1831.5, relating to establishment of Revenue Reserve Fund.*

[H 763]

Approved April 18, 2018

**Be it enacted by the General Assembly of Virginia:**

1. That § 2.2-1514, as it is currently effective and as it may become effective, of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Chapter 18 of Title 2.2 an article numbered 4.1, consisting of sections numbered 2.2-1831.1 through 2.2-1831.5, as follows:

**§ 2.2-1514. (Contingent expiration date) Commitment of general fund for nonrecurring expenditures.**

A. As used in this section:

"The Budget Bill" means "The Budget Bill" submitted pursuant to § 2.2-1509, including any amendments to a general appropriation act pursuant to such section.

"Nonrecurring expenditures" means the acquisition or construction of capital outlay projects as defined in § 2.2-1518, the acquisition or construction of capital improvements, the acquisition of land, the acquisition of equipment, or other expenditures of a one-time nature as specified in the general appropriation act.

B. At the end of each fiscal year, the Comptroller shall ~~assign~~ *commit* within his annual report pursuant to § 2.2-813 as follows: 67 percent of the remaining amount of the general fund balance that is not otherwise restricted, committed, or assigned for other usage within the general fund shall be ~~assigned~~ *committed* by the Comptroller for deposit into the Transportation Trust Fund established pursuant to § 33.2-1524 or a subfund thereof, and the remaining amount shall be ~~assigned~~ *committed* for nonrecurring expenditures. No such ~~assignment~~ *commitment* shall be made unless the full amounts required for other restrictions, commitments, or assignments including but not limited to (i) the Revenue Stabilization Fund deposit pursuant to § 2.2-1829, (ii) the Virginia Water Quality Improvement Fund deposit pursuant to § 10.1-2128, but excluding any deposits provided under the Virginia Natural Resources Commitment Fund established under § 10.1-2128.1, (iii) capital outlay reappropriations pursuant to the general appropriation act, (iv)(a) operating expense reappropriations pursuant to the general appropriation act, and (b) reappropriations of unexpended appropriations to certain public institutions of higher education pursuant to § 23.1-1002, (v) pro rata rebate payments to certain public institutions of higher education pursuant to § 23.1-1002, (vi) the unappropriated balance anticipated in the general appropriation act for the end of such fiscal year, ~~and~~ (vii) interest payments on deposits of certain public institutions of higher education pursuant to § 23.1-1002, ~~and~~ (viii) the Revenue Reserve Fund deposit pursuant to § 2.2-1831.2 are set aside. The Comptroller shall set aside amounts required for clauses (iv) (b), (v), and (vii) beginning with the initial fiscal year as determined under § 23.1-1002 and for all fiscal years thereafter.

C. The Governor shall include in "The Budget Bill" pursuant to § 2.2-1509 recommended appropriations from the general fund or recommended amendments to general fund appropriations in the general appropriation act in effect at that time an amount for deposit into the Transportation Trust Fund or a subfund thereof, and an amount for nonrecurring expenditures equal to the amounts ~~assigned~~ *committed* by the Comptroller for such purposes pursuant to the provisions of subsection B. Such deposit to the Transportation Trust Fund or a subfund thereof shall not preclude the appropriation of additional amounts from the general fund for transportation purposes.

**§ 2.2-1514. (Contingent effective date) Commitment of general fund for nonrecurring expenditures.**

A. As used in this section:

"The Budget Bill" means "The Budget Bill" submitted pursuant to § 2.2-1509, including any amendments to a general appropriation act pursuant to such section.

"Nonrecurring expenditures" means the acquisition or construction of capital outlay projects as defined in § 2.2-1518, the acquisition or construction of capital improvements, the acquisition of land, the acquisition of equipment, or other expenditures of a one-time nature as specified in the general appropriation act.

B. At the end of each fiscal year, the Comptroller shall ~~assign~~ *commit* within his annual report pursuant to § 2.2-813 as follows: 67 percent of the remaining amount of the general fund balance that is not otherwise restricted, committed, or assigned for other usage within the general fund shall be ~~assigned~~ *committed* by the Comptroller for deposit into the

Transportation Trust Fund established pursuant to § 33.2-1524 or a subfund thereof, and the remaining amount shall be ~~assigned~~ *committed* for nonrecurring expenditures. No such ~~assignment~~ *commitment* shall be made unless the full amounts required for other restrictions, commitments, or assignments including but not limited to (i) the Revenue Stabilization Fund deposit pursuant to § 2.2-1829, (ii) the Virginia Water Quality Improvement Fund deposit pursuant to § 10.1-2128, but excluding any deposits provided under the Virginia Natural Resources Commitment Fund established under § 10.1-2128.1, (iii) capital outlay reappropriations pursuant to the general appropriation act, (iv) (a) operating expense reappropriations pursuant to the general appropriation act, and (b) reappropriations of unexpended appropriations to certain public institutions of higher education pursuant to § 23.1-1002, (v) pro rata rebate payments to certain public institutions of higher education pursuant to § 23.1-1002, (vi) the unappropriated balance anticipated in the general appropriation act for the end of such fiscal year, ~~and~~ (vii) interest payments on deposits of certain public institutions of higher education pursuant to § 23.1-1002, *and (viii) the Revenue Reserve Fund deposit pursuant to § 2.2-1831.2* are set aside. The Comptroller shall set aside amounts required for clauses (iv) (b), (v), and (vii) beginning with the initial fiscal year as determined under § 23.1-1002 and for all fiscal years thereafter.

C. The Governor shall include in "The Budget Bill" pursuant to § 2.2-1509 recommended appropriations from the general fund or recommended amendments to general fund appropriations in the general appropriation act in effect at that time an amount for deposit into the Transportation Trust Fund or a subfund thereof, and an amount for nonrecurring expenditures equal to the amount ~~assigned~~ *committed* by the Comptroller for such purpose pursuant to the provisions of subsection B. Such deposit to the Transportation Trust Fund or a subfund thereof shall not preclude the appropriation of additional amounts from the general fund for transportation purposes.

*Article 4.1.*

*Revenue Reserve Fund.*

**§ 2.2-1831.1. Definitions.**

*As used in this article, unless the context requires a different meaning:*

*"Budget Bill" means the Budget Bill submitted pursuant to § 2.2-1509, including any amendments to a general appropriation act pursuant to such section.*

*"Fund" means the Revenue Reserve Fund.*

**§ 2.2-1831.2. Creation of Revenue Reserve Fund.**

*There is hereby created in the state treasury a special nonreverting fund to be known as the Revenue Reserve Fund, referred to in this article as "the Fund." The Fund shall be established on the books of the Comptroller. All funds appropriated for such purpose and any gifts, donations, grants, bequests, and other funds received on its behalf shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used to offset, in whole or in part, certain anticipated shortfalls in revenues when appropriations based on previous forecasts exceed expected revenues in subsequent forecasts as provided in § 2.2-1831.4.*

**§ 2.2-1831.3. Commitment of funds for Revenue Reserve Fund.**

*A. On or before November 1 of each year, the Auditor of Public Accounts shall report to the General Assembly the total general fund revenues collected in the most recently ended fiscal year. The Auditor of Public Accounts shall, at the same time, provide his report on the amount that could be paid into the Fund and the amount by which the amount in the Fund is less than the maximum amount permitted.*

*B. Whenever there is a fiscal year in which general fund revenues do not result in a mandatory deposit to the Revenue Stabilization Fund required by Article X, Section 8 of the Constitution of Virginia, the Comptroller shall, at the end of the fiscal year, commit within his annual report pursuant to § 2.2-813 the amount of the general fund revenue in excess of the official forecast for that prior fiscal year, less any deposit to the Virginia Water Quality Improvement Fund pursuant to subsection A of § 10.1-2128, for deposit into the Fund. Such amount committed for deposit into the Fund shall not exceed one percent of the total general fund revenues for the prior fiscal year. In no event shall the total amount in the Fund at any time exceed two percent of the total general fund revenues for the prior fiscal year.*

*C. The Governor shall include in "The Budget Bill" pursuant to § 2.2-1509 recommended appropriations from the general fund or recommended amendments to general fund appropriations in the general appropriation act in effect at that time an amount for deposit into the Fund at least equal to the amounts committed by the Comptroller and confirmed by the Auditor of Public Accounts for such purposes pursuant to the provisions of subsection B. A schedule of deposits may be provided in the appropriation act.*

*D. The State Comptroller shall draw such warrants as appropriated, and the State Treasurer shall deposit such warrants into the Fund. No withdrawal shall be made from the Fund except in accordance with § 2.2-1831.4.*

*E. For the purposes of the Comptroller's preliminary and final annual reports as required by § 2.2-813, all balances remaining in the Fund on June 30 of each fiscal year shall be considered to be a portion of the fund balance of the general fund of the state treasury. However, if any amounts accrue, such as through interest or dividends, to the credit of the Fund in excess of the limit set forth in this subsection as calculated by the Auditor of Public Accounts, any excess shall be paid into the general fund.*

**§ 2.2-1831.4. Decline in forecasted revenues.**

*In the event that a revised general fund forecast presented to the General Assembly reflects a decline when compared with total general fund revenues appropriated, and the decrease is two percent or less of general fund resources collected in the most recently ended fiscal year, the General Assembly may appropriate an amount for transfer from the Fund, not to exceed 50 percent of the amount in the Fund, to the general fund to stabilize the revenues of the Commonwealth.*

*When the General Assembly is not in session, after review of the May general fund revenue collections and certification to the General Assembly that actions to curtail spending will not be sufficient to avoid a cash deficit, the Governor may withdraw amounts appropriated to the Fund to avoid such cash deficit.*

**§ 2.2-1831.5. Sources or components of general fund revenues.**

*Any revised general fund revenue forecast presented to the General Assembly for purposes of this article shall consist of the same revenue sources or components as those on which the total general fund revenues appropriated are based.*

**CHAPTER 828**

*An Act to amend and reenact §§ 2.2-229, 15.2-2223, 33.2-201, 33.2-214, 33.2-223, 33.2-232, and 33.2-357 of the Code of Virginia, relating to transportation processes in the Commonwealth; responsibilities of transportation entities; funding.*

[H 765]

Approved April 18, 2018

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 2.2-229, 15.2-2223, 33.2-201, 33.2-214, 33.2-223, 33.2-232, and 33.2-357 of the Code of Virginia are amended and reenacted as follows:**

**§ 2.2-229. Office of Intermodal Planning and Investment of the Secretary of Transportation.**

A. There is hereby established the Office of Intermodal Planning and Investment of the Secretary of Transportation (the Office), consisting of a director, appointed by the Secretary of Transportation, and such additional transportation professionals as the Secretary of Transportation shall determine. It shall be the duty of the Office to support and advise the Secretary in his role as chairman of the Commonwealth Transportation Board.

B. The goals of the Office shall be:

1. To promote transparency and accountability of the programming of transportation funds, including the development of the Six-Year Improvement Program pursuant to § 33.2-214 and the statewide prioritization process pursuant to § 33.2-214.1;
2. To ensure that the Commonwealth has a multimodal transportation system that promotes economic development and all transportation modes, intermodal connectivity, environmental quality, accessibility for people and freight, and transportation safety;
3. To encourage the use of innovation and best practices to improve the efficiency of the Commonwealth's surface transportation network and to enhance the efficacy of strategies to improve such efficiency; and
4. To promote the coordination between transportation investments and land use planning.

C. The responsibilities of the Office shall be:

1. To oversee and coordinate with the Department of Transportation and the Department of Rail and Public Transportation the development of, *for the Commonwealth Transportation Board's approval*, the Six-Year Improvement Program pursuant to § 33.2-214 for the Commonwealth Transportation Board;
2. To implement the statewide prioritization process developed by the Commonwealth Transportation Board pursuant to § 33.2-214.1 ~~in coordination with the Department of Transportation and the Department of Rail and Public Transportation;~~
3. To develop, for the Commonwealth Transportation Board's approval, the Statewide Transportation Plan pursuant to § 33.2-353;
4. To develop measures and targets related to the performance of the Commonwealth's surface transportation network for the Commonwealth Transportation Board's approval ~~and report annually on progress made to achieve such targets in coordination with the Department of Transportation and the Department of Rail and Public Transportation and to develop in coordination with applicable regional organizations quantifiable and achievable goals pursuant to § 33.2-353, including any performance measurement required by Title 23 or 49 of the United States Code and any measures adopted by the Board pursuant to § 33.2-353;~~
5. To undertake, identify, coordinate, and oversee studies of potential highway, transit, rail, and other improvements or strategies, to help address needs identified in the Statewide Transportation Plan pursuant to § 33.2-353;
6. To assist the Commonwealth Transportation Board in the development of a comprehensive, multimodal transportation policy, which may be developed as part of the Statewide Transportation Plan pursuant to § 33.2-353; ~~and~~
7. To provide technical assistance to local governments and regional entities, including assistance to establish and promote urban development areas pursuant to § 15.2-2223.1-;

8. To oversee and coordinate with the Department of Transportation and the Department of Rail and Public Transportation the development of, for the Commonwealth Transportation Board's approval, the annual budget and the six-year financial plan for the Commonwealth Transportation Fund; and

9. To oversee, subject to approval of the Commonwealth Transportation Board, the Virginia Transportation Infrastructure Bank established pursuant to § 33.2-1502 and the Toll Facilities Revolving Account established pursuant to § 33.2-1529.

D. In carrying out its responsibilities pursuant to subsection C, the Office shall coordinate with the Department of Transportation and the Department of Rail and Public Transportation, as appropriate, and coordinate with the Department of Transportation on all road, bridge, and tunnel projects and with the Department of Rail and Public Transportation on all rail and transit projects.

**§ 15.2-2223. Comprehensive plan to be prepared and adopted; scope and purpose.**

A. The local planning commission shall prepare and recommend a comprehensive plan for the physical development of the territory within its jurisdiction and every governing body shall adopt a comprehensive plan for the territory under its jurisdiction.

In the preparation of a comprehensive plan, the commission shall make careful and comprehensive surveys and studies of the existing conditions and trends of growth, and of the probable future requirements of its territory and inhabitants. The comprehensive plan shall be made with the purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the territory which will, in accordance with present and probable future needs and resources, best promote the health, safety, morals, order, convenience, prosperity and general welfare of the inhabitants, including the elderly and persons with disabilities.

The comprehensive plan shall be general in nature, in that it shall designate the general or approximate location, character, and extent of each feature, including any road improvement and any transportation improvement, shown on the plan and shall indicate where existing lands or facilities are proposed to be extended, widened, removed, relocated, vacated, narrowed, abandoned, or changed in use as the case may be.

B. 1. As part of the comprehensive plan, each locality shall develop a transportation plan that designates a system of transportation infrastructure needs and recommendations that include the designation of new and expanded transportation facilities and that support the planned development of the territory covered by the plan and shall include, as appropriate, but not be limited to, roadways, bicycle accommodations, pedestrian accommodations, railways, bridges, waterways, airports, ports, and public transportation facilities. The plan shall recognize and differentiate among a hierarchy of roads such as expressways, arterials, and collectors. In developing the plan, the locality shall take into consideration how to align transportation infrastructure and facilities with affordable, accessible housing and community services that are located within the territory in order to facilitate community integration of the elderly and persons with disabilities. The Virginia Department of Transportation shall, upon request, provide localities with technical assistance in preparing such transportation plan.

2. The transportation plan shall include a map that shall show road and transportation improvements, including the cost estimates of such road and transportation improvements from the Virginia Department of Transportation, taking into account the current and future needs of residents in the locality while considering the current and future needs of the planning district within which the locality is situated.

3. The transportation plan, and any amendment thereto pursuant to § 15.2-2229, shall be consistent with the Commonwealth Transportation Board's Statewide Transportation Plan developed pursuant to § 33.2-353, the Six-Year Improvement Program adopted pursuant to subsection B of § 33.2-214, and the location of routes to be followed by roads comprising systems of state highways pursuant to subsection A of § 33.2-208. The locality shall consult with the Virginia Department of Transportation to assure such consistency is achieved. The transportation plan need reflect only those changes in the annual update of the Six-Year Improvement Program that are deemed to be significant new, expanded, or relocated roadways.

4. Prior to the adoption of the transportation plan or any amendment to the transportation plan, the locality shall submit such plan or amendment to the Department for review and comment. The Department shall conduct its review and provide written comments to the locality on the consistency of the transportation plan or any amendment to the provisions of subdivision 1. The Department shall provide such written comments to the locality within 90 days of receipt of the plan or amendment, or such other shorter period of time as may be otherwise agreed upon by the Department and the locality.

5. The locality shall submit a copy of the adopted transportation plan or any amendment to the transportation plan to the Department for informational purposes. If the Department determines that the transportation plan or amendment is not consistent with the provisions of subdivision 1, the Department shall notify the Commonwealth Transportation Board so that the Board may take appropriate action in accordance with subsection E F of § 33.2-214.

6. Each locality's amendments or updates to its transportation plan as required by subdivisions 2 through 5 shall be made on or before its ongoing scheduled date for updating its transportation plan.

C. The comprehensive plan, with the accompanying maps, plats, charts, and descriptive matter, shall show the locality's long-range recommendations for the general development of the territory covered by the plan. It may include, but need not be limited to:

1. The designation of areas for various types of public and private development and use, such as different kinds of residential, including age-restricted, housing; business; industrial; agricultural; mineral resources; conservation; active and passive recreation; public service; flood plain and drainage; and other areas;

2. The designation of a system of community service facilities such as parks, sports playing fields, forests, schools, playgrounds, public buildings and institutions, hospitals, nursing homes, assisted living facilities, community centers, waterworks, sewage disposal or waste disposal areas, and the like;

3. The designation of historical areas and areas for urban renewal or other treatment;

4. The designation of areas for the implementation of reasonable ground water protection measures;

5. A capital improvements program, a subdivision ordinance, a zoning ordinance and zoning district maps, mineral resource district maps and agricultural and forestal district maps, where applicable;

6. The location of existing or proposed recycling centers;

7. The location of military bases, military installations, and military airports and their adjacent safety areas; and

8. The designation of corridors or routes for electric transmission lines of 150 kilovolts or more.

D. The comprehensive plan shall include the designation of areas and implementation of measures for the construction, rehabilitation and maintenance of affordable housing, which is sufficient to meet the current and future needs of residents of all levels of income in the locality while considering the current and future needs of the planning district within which the locality is situated.

**§ 33.2-201. Appointment requirements; statewide interest.**

Of the members appointed to the Board, one member shall be a resident of the territory now included in the Bristol highway construction district, one in the Salem highway construction district, one in the Lynchburg highway construction district, one in the Staunton highway construction district, one in the Culpeper highway construction district, one in the Fredericksburg highway construction district, one in the Richmond highway construction district, one in the Hampton Roads highway construction district, and one in the Northern Virginia highway construction district. The remaining five members shall be appointed from the Commonwealth at large, provided that at least two reside in ~~metropolitan statistical areas~~ *urbanized areas with populations greater than 200,000* and are designated as urban at-large members and at least two reside outside ~~metropolitan statistical areas~~ *urbanized areas with populations greater than 200,000* and are designated as rural at-large members. The at-large members shall be appointed to represent rural and urban transportation needs and to be mindful of the concerns of seaports and seaport users, airports and airport users, railways and railway users, and mass transit and mass transit users. Each appointed member of the Board shall be primarily mindful of the best interest of the Commonwealth at large instead of the interests of the highway construction district from which chosen or of the transportation interest represented.

*No member of a governing body of a locality shall be eligible, during the term of office for which he was elected or appointed, to serve as an appointed member of the Board.*

**§ 33.2-214. Transportation; Six-Year Improvement Program.**

A. The Board shall have the power and duty to monitor and, where necessary, approve actions taken by the Department of Rail and Public Transportation pursuant to Article 5 (§ 33.2-281 et seq.) in order to ensure the efficient and economical development of public transportation, the enhancement of rail transportation, and the coordination of such rail and public transportation plans with highway programs.

B. The Board shall have the power and duty to coordinate the planning for financing of transportation needs, including needs for highways, railways, seaports, airports, and public transportation and set aside funds as provided in § 33.2-1524. To allocate funds for these needs pursuant to §§ 33.2-358 and 58.1-638, the Board shall adopt a Six-Year Improvement Program of anticipated projects and programs by July 1 of each year. This program shall be based on the most recent official Transportation Trust Fund revenue forecast and shall be consistent with a debt management policy adopted by the Board in consultation with the Debt Capacity Advisory Committee and the Department of the Treasury.

C. The Board shall have the power and duty to enter into contracts with local districts, commissions, agencies, or other entities created for transportation purposes.

D. The Board shall have the power and duty to promote increasing private investment in the Commonwealth's transportation infrastructure, including acquisition of causeways, bridges, tunnels, highways, and other transportation facilities.

*E. The Board shall only include a project or program wholly or partially funded with funds from the State of Good Repair Program pursuant to § 33.2-369, the High Priority Projects Program pursuant to § 33.2-370, or the Highway Construction District Grant Programs pursuant to § 33.2-371 in the Six-Year Improvement Program if the allocation of funds from those programs and other funding committed to such project or program within the six-year horizon of the Six-Year Improvement Program is sufficient to complete the project or program.*

F. The Board shall have the power and duty to integrate land use with transportation planning and programming, consistent with the efficient and economical use of public funds. If the Board determines that a local transportation plan described in § 15.2-2223 or any amendment as described in § 15.2-2229 or a metropolitan regional long-range transportation plan or regional Transportation Improvement Program as described in § 33.2-3201 is not consistent with the Board's Statewide Transportation Plan developed pursuant to § 33.2-353, the Six-Year Improvement Program adopted pursuant to subsection B, and the location of routes to be followed by roads comprising systems of state highways pursuant to subsection A of § 33.2-208, the Board shall notify the locality of such inconsistency and request that the applicable plan

or program be amended accordingly. If, after a reasonable time, the Board determines that there is a refusal to amend the plan or program, then the Board may reallocate funds that were allocated to the nonconforming project as permitted by state or federal law. However, the Board shall not reallocate any funds allocated pursuant to § 33.2-319 or 33.2-366, based on a determination of inconsistency with the Board's Statewide Transportation Plan or the Six-Year Improvement Program nor shall the Board reallocate any funds, allocated pursuant to subsection C or D of § 33.2-358, from any projects on highways controlled by any county that has withdrawn, or elects to withdraw, from the secondary system of state highways based on a determination of inconsistency with the Board's Statewide Transportation Plan or the Six-Year Improvement Program. If a locality or metropolitan planning organization requests the termination of a project, and the Department does not agree to the termination, or if a locality or metropolitan planning organization does not advance a project to the next phase of construction when requested by the Board and the Department has expended state or federal funds, the locality or the localities within the metropolitan planning organization may be required to reimburse the Department for all funds expended on the project. If, after design approval by the Chief Engineer of the Department, a locality or metropolitan planning organization requests alterations to a project that, in the aggregate, exceeds 10 percent of the total project costs, the locality or the localities within the metropolitan planning organization may be required to reimburse the Department for the additional project costs above the original estimates for making such alterations.

**§ 33.2-223. General powers of Commissioner of Highways.**

Except such powers as are conferred by law upon the Board *and the Office of Intermodal Planning and Investment of the Secretary of Transportation*, the Commissioner of Highways shall have the power to do all acts necessary or convenient for constructing, improving, maintaining, and preserving the efficient operation of the highways embraced in the systems of state highways and to further the interests of the Commonwealth in the areas of public transportation, railways, seaports, and airports. And as executive head of the Department, the Commissioner of Highways is specifically charged with the duty of executing all orders and decisions of the Board and may, subject to the provisions of this chapter, require that all appointees and employees perform their duties under this chapter.

In addition, the Commissioner of Highways, in order to maximize efficiency, shall take such steps as may be appropriate to outsource or privatize any of the Department's functions that might reasonably be provided by the private sector. Procuring equipment and labor to ensure that adequate resources will be available to address emergency and weather-related events as they may arise, including snow and ice removal services, shall be considered an emergency under subsection F of § 2.2-4303, and the Commissioner of Highways shall have the authority to establish and utilize such procedures as he deems necessary and most efficient to obtain and ensure the availability of such services to protect the safety and security of the traveling public.

**§ 33.2-232. Annual reports by Commissioner of Highways and the Office of Intermodal Planning and Investment.**

*A. The Secretary of Transportation shall ensure that the reports required under subsections B and C are provided in writing to the Governor, the General Assembly, and the Commonwealth Transportation Board by the dates specified.*

*B. The Commissioner of Highways shall ~~annually report in writing to the Governor, the General Assembly, the Joint Legislative Audit and Review Commission, and the Board provide to each recipient specified in subsection A, no later than November 30 1 of each even-numbered year. The Commissioner shall make such report available on the Department's website. The~~ a report, the content of such report which shall be specified by the Board and shall contain, at a minimum:*

- 1. ~~The condition of existing transportation assets; using asset management methodology pursuant to § 33.2-352;~~*
- 2. ~~The methodology used to determine maintenance needs, including an explanation of the transparent methodology used for the allocation of funds from the Highway Maintenance and Operating Fund pursuant to subsection A of § 33.2-352;~~*
- 3. ~~The allocations to the reconstruction and rehabilitation of functionally obsolete or structurally deficient bridges and to the reconstruction of pavements determined to have a combined condition index of less than 60 and beginning with the November 2020 report, the~~ 2. *The methodology used to determine allocations approved by the Board for the allocation of ~~construction~~ funds for state of good repair purposes as defined in § 33.2-369 and, if necessary, an explanation and rationale for any waiver of the cap provided for in subsection B of § 33.2-369;**
- 4. ~~The performance targets and outcomes for (i) the current two-year period starting July 1 of even-numbered years and (ii) the following two-year period starting July 1 of the next even-numbered year. The targets and outcomes shall state what is expected to be achieved, based on funding identified for maintenance and state of good repair purposes, over each two-year period~~*

*3. ~~The expenditures from the Highway Maintenance and Operating Program for the past fiscal year by asset class or activity and by construction district as well as the planned expenditure for the current fiscal year;~~*

*4. ~~A description of transportation systems management and operations in the Commonwealth and the operating condition of primary and secondary state highways, including location and average duration of incidents;~~*

*5. ~~A listing of prioritized pavement and bridge needs based on the priority ranking system developed by the Board pursuant to § 33.2-369 and a description of the priority ranking system;~~*

*6. ~~The Department's (i) strategies for improving safety and security and (ii) strategies and activities~~ *A description of actions taken to improve highway operations within the Commonwealth, including the use of funds in the Innovation and Technology Transportation Fund established pursuant to § 33.2-1531 and improved incident management; and**

*7. ~~A review of the Department's collaboration with the private sector in delivering services;~~*

~~8. Traffic modeling results for all federally funded projects requiring a multi-alternative National Environmental Policy Act analysis;~~

*C. The Office of Intermodal Planning and Investment of the Secretary of Transportation shall provide to each recipient specified in subsection A, no later than November 1 of each odd-numbered year, a report, the content of which shall be specified by the Board and shall contain, at a minimum:*

~~9. 1. A list of transportation projects approved or modified during the prior fiscal year (i) in each transportation district, including whether each such project was evaluated pursuant to § 33.2-214.1; including project costs; and (ii) in each transportation district not subject to § 33.2-214.1 and the program from which each such project received funding; and~~

~~10. A listing, by transportation district for the prior fiscal year, of the total number of lane miles of all primary and secondary roads that (i) have been resurfaced with asphalt or sealant and (ii) based on records of the Department at the close of the fiscal year, reflect a rating of "poor" or "very poor."~~

*2. The results of the most recent project evaluations pursuant to § 33.2-214.1, including a comparison of (i) projects selected for funding with projects not selected for funding, (ii) funding allocated by district and by mode of transportation, and (iii) the size of projects selected for funding;*

*3. The current performance of the Commonwealth's surface transportation system, the targets for future performance, and the progress toward such targets based on the measures developed pursuant to § 2.2-229;*

*4. The status of the Virginia Transportation Infrastructure Bank, including the balance in the Bank, funding commitments made over the prior fiscal year, and performance of the current loan portfolio;*

*5. The status of the Toll Facilities Revolving Account, including the balance in the account, project commitments from the account, repayment schedules, and the performance of the current loan portfolio; and*

*6. Progress made toward achieving the performance targets established by the Commonwealth Transportation Board.*

*D. The purpose of the reports required pursuant to this section is to ensure transparency and accountability in the use of transportation funds. Reports required by this section shall be made available to the public on the website of the Commonwealth Transportation Board.*

**§ 33.2-357. Revenue-sharing funds for systems in certain localities.**

A. From revenues made available by the General Assembly and appropriated for the improvement, construction, reconstruction, or maintenance of the systems of state highways, the Board may make an equivalent matching allocation to any locality for designations by the governing body of up to ~~\$10~~ \$5 million for use by the locality to improve, construct, maintain, or reconstruct the highway systems within such locality with up to ~~\$5~~ \$2.5 million for use by the locality to maintain the highway systems within such locality. After adopting a resolution supporting the action, the governing body of the locality may request revenue-sharing funds to improve, construct, reconstruct, or maintain a highway system located in another locality or between two or more localities or to bring subdivision streets, used as such prior to the date specified in § 33.2-335, up to standards sufficient to qualify them for inclusion in the primary or secondary state highway system. All requests for funding shall be accompanied by a prioritized listing of specified projects.

B. In allocating funds under this section, the Board shall give priority to projects as follows: first, to projects that have previously received an allocation of funds pursuant to this section; second, to projects that (i) meet a transportation need identified in the Statewide Transportation Plan pursuant to § 33.2-353 or (ii) accelerate a project in a locality's capital plan; and third, to projects that address pavement resurfacing and bridge rehabilitation projects where the maintenance needs analysis determines that the infrastructure does not meet the Department's maintenance performance targets.

C. The Department shall contract with the locality for the implementation of the project. Such contract may cover either a single project or may provide for the locality's implementation of several projects. The locality shall undertake implementation of the particular project by obtaining the necessary permits from the Department in order to ensure that the improvement is consistent with the Department's standards for such improvements. At the request of the locality, the Department may provide the locality with engineering, right-of-way acquisition, construction, or maintenance services for a project with its own forces. The locality shall provide payment to the Department for any such services. If administered by the Department, such contract shall also require that the governing body of the locality pay to the Department within 30 days the local revenue-sharing funds upon written notice by the Department of its intent to proceed. Any project having funds allocated under this program shall be initiated in such a fashion that at least a portion of such funds have been expended within one year of allocation. Any revenue-sharing funds for projects not initiated after two subsequent fiscal years of allocation may be reallocated at the discretion of the Board.

D. Total Commonwealth funds allocated by the Board under this section shall be ~~no less than \$15 million and no more than \$200 million~~ not exceed the greater of \$100 million or seven percent of funds available for distribution pursuant to subsection D of § 33.2-358 prior to the distribution of funds pursuant to this section, whichever is greater, in each fiscal year, subject to appropriation for such purpose. For any fiscal year in which less than the full program allocation has been allocated by the Board to specific governing bodies, those localities requesting the maximum allocation under subsection A may be allowed an additional allocation at the discretion of the Board.

E. The funds allocated by the Board under this section shall be distributed and administered in accordance with the revenue-sharing program guidelines established by the Board.

## CHAPTER 829

*An Act to amend and reenact §§ 2.2-115, 2.2-2235.1, 2.2-2237.3, 2.2-2239.1, 2.2-2239.2, and 2.2-3711 of the Code of Virginia, relating to the Virginia Economic Development Partnership Authority.*

[H 770]

Approved April 18, 2018

**Be it enacted by the General Assembly of Virginia:****1. That §§ 2.2-115, 2.2-2235.1, 2.2-2237.3, 2.2-2239.1, 2.2-2239.2, and 2.2-3711 of the Code of Virginia are amended and reenacted as follows:****§ 2.2-115. Commonwealth's Development Opportunity Fund.**

A. As used in this section, unless the context requires otherwise:

"New job" means employment of an indefinite duration, created as the direct result of the private investment, for which the firm pays the wages and standard fringe benefits for its employee, requiring a minimum of either (i) 35 hours of the employee's time a week for the entire normal year of the firm's operations, which "normal year" must consist of at least 48 weeks or (ii) 1,680 hours per year.

Seasonal or temporary positions, positions created when a job function is shifted from an existing location in the Commonwealth to the location of the economic development project, positions with suppliers, and multiplier or spin-off jobs shall not qualify as new jobs. The term "new job" shall include positions with contractors provided that all requirements included within the definition of the term are met.

"Prevailing average wage" means that amount determined by the Virginia Employment Commission to be the average wage paid workers in the city or county of the Commonwealth where the economic development project is located. The prevailing average wage shall be determined without regard to any fringe benefits.

"Private investment" means the private investment required under this section.

B. There is created the Commonwealth's Development Opportunity Fund (the Fund) to be used by the Governor to attract economic development prospects and secure the expansion of existing industry in the Commonwealth. The Fund shall consist of any funds appropriated to it by the general appropriation act and revenue from any other source, public or private. The Fund shall be established on the books of the Comptroller, and any funds remaining in the Fund at the end of a biennium shall not revert to the general fund but shall remain in the Fund. Interest earned on the Fund shall be credited to the Fund. The Governor shall report to the Chairmen of the House Committees on Appropriations and Finance and the Senate Committee on Finance as funds are awarded in accordance with this section.

C. Funds shall be awarded from the Fund by the Governor as grants or loans to political subdivisions. The criteria for making such grants or loans shall include (i) job creation, (ii) private capital investment, and (iii) anticipated additional state tax revenue expected to accrue to the state and affected localities as a result of the capital investment and jobs created. Loans shall be approved by the Governor and made in accordance with guidelines established by the Virginia Economic Development Partnership and approved by the Comptroller. Loans shall be interest-free unless otherwise determined by the Governor and shall be repaid to the Fund. The Governor may establish the interest rate to be charged; otherwise, any interest charged shall be at market rates as determined by the State Treasurer and shall be indicative of the duration of the loan. The Virginia Economic Development Partnership shall be responsible for monitoring repayment of such loans and reporting the receivables to the Comptroller as required.

Beginning with the five fiscal years from fiscal year 2006-2007 through fiscal year 2010-2011, and for every five fiscal years' period thereafter, in general, no less than one-third of the moneys appropriated to the Fund in every such five-year period shall be awarded to counties and cities having an annual average unemployment rate that is greater than the final statewide average unemployment rate for the calendar year that immediately precedes the calendar year of the award. However, if such one-third requirement will not be met because economic development prospects in such counties and cities are unable to fulfill the applicable minimum private investment and new jobs requirements set forth in this section, then any funds remaining in the Fund at the end of the five-year period that would have otherwise been awarded to such counties and cities shall be made available for awards in the next five fiscal years' period.

D. Funds may be used for public and private utility extension or capacity development on and off site; public and private installation, extension, or capacity development of high-speed or broadband Internet access, whether on or off site; road, rail, or other transportation access costs beyond the funding capability of existing programs; site acquisition; grading, drainage, paving, and any other activity required to prepare a site for construction; construction or build-out of publicly or privately owned buildings; training; or grants or loans to an industrial development authority, housing and redevelopment authority, or other political subdivision for purposes directly relating to any of the foregoing. However, in no case shall funds from the Fund be used, directly or indirectly, to pay or guarantee the payment for any rental, lease, license, or other contractual right to the use of any property.

It shall be the policy of the Commonwealth that moneys in the Fund shall not be used for any economic development project in which a business relocates or expands its operations in one or more Virginia localities and simultaneously closes its operations or substantially reduces the number of its employees in another Virginia locality, unless the procedures set forth in § 30-310 are followed. The Secretary of Commerce and Trade shall enforce this policy and for any exception

thereto shall, pursuant to § 30-310, submit such projects to the MEI Project Approval Commission established pursuant to § 30-309.

E. 1. a. Except as provided in this subdivision, no grant or loan shall be awarded from the Fund unless the project involves a minimum private investment of \$5 million and creates at least 50 new jobs for which the average wage, excluding fringe benefits, is no less than the prevailing average wage. For projects, including but not limited to projects involving emerging technologies, for which the average wage of the new jobs created, excluding fringe benefits, is at least twice the prevailing average wage for that locality or region, the Governor shall have the discretion to require no less than one-half the number of new jobs as set forth for that locality in this subdivision.

b. Notwithstanding the provisions of subdivision a, a grant or loan may be awarded from the Fund if the project involves a minimum private investment of \$100 million and creates at least 25 new jobs for which the average wage, excluding fringe benefits, is no less than the prevailing average wage.

2. Notwithstanding the provisions of subdivision 1 a, in localities (i) with an annual unemployment rate for the most recent calendar year for which such data is available that is greater than the final statewide average unemployment rate for that calendar year or (ii) with a poverty rate for the most recent calendar year for which such data is available that exceeds the statewide average poverty rate for that year, a grant or loan may be awarded from the Fund pursuant to subdivision 1 a if the project involves a minimum private investment of \$2.5 million and creates at least 25 new jobs for which the average wage, excluding fringe benefits, is no less than 85 percent of the prevailing average wage.

3. Notwithstanding the provisions of subdivisions 1 a and 2, in localities (i) with an annual unemployment rate for the most recent calendar year for which such data is available that is greater than the final statewide average unemployment rate for that calendar year and (ii) with a poverty rate for the most recent calendar year for which such data is available that exceeds the statewide average poverty rate for that year, a grant or loan may be awarded from the Fund pursuant to such subdivisions if the project involves a minimum private investment of \$1.5 million and creates at least 15 new jobs for which the average wage, excluding fringe benefits, is no less than 85 percent of the prevailing average wage.

4. For projects that are eligible under subdivision 2 or 3, the average wage of the new jobs, excluding fringe benefits, shall be no less than 85 percent of the prevailing average wage. In addition, for projects in such localities, the Governor may award a grant or loan for a project paying less than 85 percent of the prevailing average wage but still providing customary employee benefits, only after the Secretary of Commerce and Trade has made a written finding that the economic circumstances in the area are sufficiently distressed (i.e., high unemployment or underemployment and negative economic forecasts) that assistance to the locality to attract the project is nonetheless justified. However, the minimum private investment and number of new jobs required to be created as set forth in this subsection shall still be a condition of eligibility for an award from the Fund. Such written finding shall promptly be provided to the chairs of the Senate Committee on Finance and the House Committee on Appropriations.

F. 1. The Virginia Economic Development Partnership shall assist the Governor in developing objective guidelines and criteria that shall be used in awarding grants or making loans from the Fund. The guidelines may require that as a condition of receiving any grant or loan incentive that is based on employment goals, a recipient company must provide copies of employer quarterly payroll reports that have been provided to the Virginia Employment Commission to verify the employment status of any position included in the employment goal. The guidelines may include a requirement for the affected locality or localities to provide matching funds which may be cash or in-kind, at the discretion of the Governor. The guidelines and criteria shall include provisions for geographic diversity and a cap on the amount of funds to be provided to any individual project. At the discretion of the Governor, this cap may be waived for qualifying projects of regional or statewide interest. In developing the guidelines and criteria, the Virginia Economic Development Partnership shall use the measure for Fiscal Stress published by the Commission on Local Government of the Department of Housing and Community Development for the locality in which the project is located or will be located as one method of determining the amount of assistance a locality shall receive from the Fund.

2. a. Notwithstanding any provision in this section or in the guidelines, each political subdivision that receives a grant or loan from the Fund shall enter into a contract with *the Commonwealth, through the Virginia Economic Development Partnership Authority as its agent, and each business beneficiary of funds from the Fund*. A person or entity shall be a business beneficiary of funds from the Fund if grant or loan moneys awarded from the Fund by the Governor are paid to a political subdivision and (i) subsequently distributed by the political subdivision to the person or entity or (ii) used by the political subdivision for the benefit of the person or entity but never distributed to the person or entity.

b. The contract between the political subdivision, *the Commonwealth*, and the business beneficiary shall provide in detail (i) the fair market value of all funds that the Commonwealth has committed to provide, (ii) the fair market value of all matching funds (or in-kind match) that the political subdivision has agreed to provide, (iii) how funds committed by the Commonwealth (including but not limited to funds from the Fund committed by the Governor) and funds that the political subdivision has agreed to provide are to be spent, (iv) the minimum private investment to be made and the number of new jobs to be created agreed to by the business beneficiary, (v) the average wage (excluding fringe benefits) agreed to be paid in the new jobs, (vi) the prevailing average wage, and (vii) the formula, means, or processes agreed to be used for measuring compliance with the minimum private investment and new jobs requirements, including consideration of any layoffs instituted by the business beneficiary over the course of the period covered by the contract.

The contract shall state the date by which the agreed upon private investment and new job requirements shall be met by the business beneficiary of funds from the Fund and may provide for the political subdivision *and the Commonwealth* to

grant up to a 15-month extension of such date if deemed appropriate by the political subdivision *and the Commonwealth* subsequent to the execution of the contract. Any extension of such date granted by the political subdivision shall be in writing and promptly delivered to the business beneficiary, and the political subdivision shall simultaneously provide a copy of the extension to the Virginia Economic Development Partnership.

The contract shall provide that if the private investment and new job contractual requirements are not met by the expiration of the date stipulated in the contract, including any extension granted by the political subdivision *and the Commonwealth*, the business beneficiary shall be liable to the political subdivision *and the Commonwealth* for repayment of a portion of the funds provided *by the political subdivision* under the contract *and liable to the Commonwealth for repayment of a portion of the funds provided from the Commonwealth's Development Opportunity Fund*. The contract shall include a formula for purposes of determining the portion of such funds to be repaid. The formula shall, in part, be based upon the fair market value of all funds that have been provided by the Commonwealth and the political subdivision and the extent to which the business beneficiary has met the private investment and new job contractual requirements. ~~Any~~ All such funds repaid to the political subdivision *or the Commonwealth* that relate to the award from the Commonwealth's Development Opportunity Fund shall promptly be ~~paid over by the political subdivision to the Commonwealth by payment~~ remitted to the State Treasurer. Upon receipt by the State Treasurer of such payment, the Comptroller shall deposit such repaid funds into the Commonwealth's Development Opportunity Fund.

c. The contract shall be amended to reflect changes in the funds committed by the Commonwealth or agreed to be provided by the political subdivision.

d. Notwithstanding any provision in this section or in the guidelines, whenever layoffs instituted by a business beneficiary over the course of the period covered by a contract cause the net total number of the new jobs created to be fewer than the number agreed to, then the business beneficiary shall return the portion of any funds received pursuant to the repayment formula established by the contract.

3. Notwithstanding any provision in this section or in the guidelines, prior to executing any such contract with a business beneficiary, the political subdivision shall provide a copy of the proposed contract to the Attorney General. The Attorney General shall review the proposed contract (i) for enforceability as to its provisions and (ii) to ensure that it is in appropriate legal form. The Attorney General shall provide any written suggestions to the political subdivision within seven days of his receipt of the copy of the contract. The Attorney General's suggestions shall be limited to the enforceability of the contract's provisions and the legal form of the contract.

4. Notwithstanding any provision in this section or in the guidelines, a political subdivision shall not expend, distribute, pledge, use as security, or otherwise use any award from the Fund unless and until such contract as described herein is executed with the business beneficiary.

G. Within the 30 days immediately following June 30 and December 30 of each year, the Governor shall provide a report to the Chairmen of the House Committees on Appropriations and Finance and the Senate Committee on Finance which shall include, but is not limited to, the following information regarding grants and loans awarded from the Fund during the immediately preceding six-month period for economic development projects: the name of the company that is the business beneficiary of the grant or loan and the type of business in which it engages; the location (county, city, or town) of the project; the amount of the grant or loan committed from the Fund and the amount of all other funds committed by the Commonwealth from other sources and the purpose for which such grants, loans, or other funds will be used; the amount of all moneys or funds agreed to be provided by political subdivisions and the purposes for which they will be used; the number of new jobs agreed to be created by the business beneficiary; the amount of investment in the project agreed to be made by the business beneficiary; the timetable for the completion of the project and new jobs created; the prevailing average wage; and the average wage (excluding fringe benefits) agreed to be paid in the new jobs.

H. The Governor shall provide grants and commitments from the Fund in an amount not to exceed the dollar amount contained in the Fund. If the Governor commits funds for years beyond the fiscal years covered under the existing appropriation act, the State Treasurer shall set aside and reserve the funds the Governor has committed, and the funds shall remain in the Fund for those future fiscal years. No grant or loan shall be payable in the years beyond the existing appropriation act unless the funds are currently available in the Fund.

I. On a quarterly basis, the Virginia Economic Development Partnership shall notify the Governor, his campaign committee, and his political action committee of awards from the Fund made in the prior quarter. Within 18 months of the date of each award from the Fund, the Governor, his campaign committee, and his political action committee shall submit to the Virginia Conflict of Interest and Ethics Advisory Council established in § 30-355 a report listing any contribution, gift, or other item with a value greater than \$100 provided by the business beneficiary of such award to the Governor, his campaign committee, or his political action committee, respectively, during (i) the period in which the business beneficiary's application for such award was pending and (ii) the one-year period immediately after any such award was made.

**§ 2.2-2235.1. Board of directors; members and officers; Chief Executive Officer.**

A. The Authority shall be governed by a board of directors (the Board) consisting of the Secretary of Commerce and Trade, the Secretary of Finance, the Chairman of the Virginia Growth and Opportunity Board, the Executive Director of the Virginia Port Authority, and the Staff Directors of the House Committee on Appropriations and the Senate Committee on Finance, serving as ex officio, voting members, and 11 *voting* members to be appointed as follows:

1. Seven nonlegislative citizen members appointed by the Governor; and
2. Four nonlegislative citizen members appointed by the Joint Rules Committee.

B. 1. Each of the nonlegislative citizen members appointed by the Governor and the Joint Rules Committee shall possess expertise in at least one of the following areas: marketing; international commerce; finance or grant administration; state, regional, or local economic development; measuring the effectiveness of incentive programs; law; information technology; transportation; workforce development; manufacturing; biotechnology; cybersecurity; defense; energy; or any other industry identified in the comprehensive economic development policy developed pursuant to § 2.2-205.

2. Each of the nine regions defined by the Virginia Growth and Opportunity Board pursuant to subdivision A 1 of § 2.2-2486 shall be represented by at least one member of the Board. In determining such geographical representation, ex officio members of the Board may be considered to represent the region in which they serve in their official capacity.

C. After the initial staggering of terms, members shall serve terms of four years, except that ex officio members of the Board shall serve terms coincident with their terms of office. No member shall be eligible to serve more than two terms; however, after the expiration of the term of a member appointed to serve three years or less, two additional terms may be served if appointed thereto. Any appointment to fill a vacancy shall be for the unexpired term. A person appointed to fill a vacancy may be appointed to serve two additional terms. Nonlegislative citizen members of the Board shall be citizens of the Commonwealth.

D. Members of the Board shall receive such compensation for the performance of their duties as provided in § 2.2-2813. All members shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. Funding for the costs of compensation and expenses of the members shall be provided by the Authority.

E. The Board shall be deemed a supervisory board within the meaning of § 2.2-2100.

F. The Board shall elect a chairman from the nonlegislative citizen members of the Board, and the Secretary of Commerce and Trade shall serve as vice-chairman. The Board shall also elect a secretary and a treasurer, who need not be members of the Board, and may also elect other subordinate officers, who need not be members of the Board. The Chairman and the Vice-chairman, with approval by the Board, shall create an executive committee of the Board. The Board may also form advisory committees, which may include representatives who are not members of the Board, to undertake more extensive study and discussion of the issues before the Board.

G. A majority of the members shall constitute a quorum for the transaction of the Authority's business, and no vacancy in the membership shall impair the right of a quorum to exercise the rights and perform all duties of the Authority. The meetings of the Board shall be held at least quarterly or at the call of the chairman.

H. The Board shall appoint the chief executive officer of the Authority, who shall not be a member of the Board, whose title shall be President and Chief Executive Officer and may be referred to as the President or as the Chief Executive Officer and who shall serve at the pleasure of the Board and carry out such powers and duties conferred upon him by the Board.

#### § 2.2-2237.3. Division of Incentives.

A. Within the Authority shall be created a Division of Incentives that shall be responsible for reviewing, vetting, tracking, and coordinating economic development incentives administered by or through the Authority or economic development incentives offered by the Commonwealth or a locality in conjunction with Authority-administered incentives, including those listed in § 2.2-206.2.

B. No project that includes an offer of economic development incentives by the Commonwealth, including grants or loans from the Commonwealth's Development Opportunity Fund, shall be approved by the Governor until (i) the Division of Incentives has undertaken appropriate due diligence regarding the proposed project and the Secretary of Commerce and Trade has certified that the proposed incentives to be offered are appropriate based on the investment and job creation anticipated to be generated by the project and (ii) when required by § 30-310, the MEI Project Approval Commission has reviewed the proposed incentives.

C. Any contract or memorandum of understanding for the award of economic development incentives by the Commonwealth shall set forth the investment and job creation requirements for the payment of the incentive and shall include a stipulation that the business beneficiary of the incentives shall be liable for the repayment of all or a portion of the incentives *to the Commonwealth* if the business beneficiary fails to make the required investments or create the required number of jobs. *For purposes of this section, an incentive awarded by the Commonwealth shall include an incentive awarded from a fund operated by the Commonwealth, including the Commonwealth's Development Opportunity Fund.* If it is determined that a business beneficiary is liable for the repayment of all or a portion of an economic development incentive awarded by the ~~Board Commonwealth~~, the Board may ~~direct refer the matter to the Office of the Attorney General to enforce the provisions of the contract or memorandum of understanding regarding the repayment pursuant to § 2.2-518.~~ *Prior to the referral to the Office of the Attorney General, the Board shall direct any political subdivision that is a party to the relevant contract or memorandum of understanding to assign its rights to the Commonwealth arising under such contract or memorandum of understanding in which the business beneficiary is liable to repay all or a portion of an economic development incentive awarded by the Commonwealth. In any such matter referred to the Office of the Attorney General, a business beneficiary liable to repay all or a portion of an economic development incentive awarded by the Commonwealth shall also be liable to pay interest, administrative charges, attorney fees, and other applicable fees.*

D. Notwithstanding any other provision of law, approval of the Board shall be required to grant an extension for an approved project to meet the investment and job creation requirements set forth in the contract or memorandum of understanding. Notwithstanding any other provision of law, approval of both the Board and the MEI Project Approval Commission shall be required to grant any additional extensions.

E. The Division of Incentives shall provide semiannual updates to the Board of the status and progress of investment and job creation requirements for all projects for which economic development incentives have been awarded, until such time as the investment and job creation requirements are met or the incentives are repaid to the Commonwealth. Updates shall be provided more frequently upon the request of the Board, or if deemed necessary by the Division of Incentives.

F. The Board shall establish a subcommittee, consisting of ex officio members of the Board authorized pursuant to § 60.2-114 and federal law to receive and review employment information received from the Virginia Employment Commission, in order to assist the Division of Incentives with the verification of employment and wage claims of those businesses that have received incentive awards. Such information shall be confidential and shall not be (i) redisclosed to other members of the Board or to the public in accordance with the provisions of subdivision C 2 of § 60.2-114 or (ii) subject to disclosure under the Virginia Freedom of Information Act (§ 2.2-3700 et seq.).

*G. For purposes of this section, the award of economic development incentives by the Commonwealth shall include an award of funds from the Commonwealth's Development Opportunity Fund, regardless of whether the contract or memorandum of understanding for the disbursement of funds is with the Commonwealth or a political subdivision thereof and the business beneficiary.*

**§ 2.2-2239.1. Advisory Committee on Business Development and Marketing.**

A. The Board shall establish ~~a~~ *an Advisory Committee on Business Development and Marketing* (the Committee) consisting of ~~nine~~ 10 nonlegislative citizen members representing local or regional economic development entities from each of the regions designated by the Virginia Growth and Opportunity Board in accordance with § 2.2-2486 as follows:

1. Four nonlegislative citizen members, at least one of whom shall be from Northern Virginia, one of whom shall be from Hampton Roads, and one of whom shall be from Richmond, to be appointed by the Governor and approved by the General Assembly; ~~and~~

2. Five nonlegislative citizen members appointed by the Joint Rules Committee; *and*

3. *One nonlegislative citizen member of the Board appointed by the Chairman of the Board.*

B. After the initial staggering of terms, nonlegislative citizen members shall be appointed for a term of four years. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. Vacancies shall be filled in the same manner as the original appointments. All members may be reappointed. Members appointed to the Committee shall serve without compensation but shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. ~~Staffing of Administrative and staff support for the Committee shall be provided by the Authority upon approval of the Chairman of the Board or the Chief Executive Officer.~~ The Committee shall elect a chairman and vice-chairman from among its membership. A majority of the members shall constitute a quorum.

C. The Committee shall advise the Board on all matters relating to business development and marketing and shall make ~~such~~ recommendations ~~as it may deem desirable~~ upon request of the Board.

**§ 2.2-2239.2. Advisory Committee on International Trade.**

A. The Board shall establish ~~a~~ *an Advisory Committee on International Trade* (the Committee) consisting of the Secretary of Agriculture and Forestry, serving as an ex officio member with voting privileges and whose term is coincident with his term of office, and ~~eight~~ nine nonlegislative citizen members as follows:

1. One member who is a member of the Board of Commissioners of the Virginia Port Authority and two nonlegislative citizen members possessing experience or expertise in international trade or trade promotion appointed by the Governor and approved by the General Assembly; ~~and~~

2. Five nonlegislative citizen members possessing experience or expertise in international trade or trade promotion appointed by the Joint Rules Committee; *and*

3. *One nonlegislative citizen member of the Board appointed by the Chairman of the Board.*

The Virginia Manufacturing Association shall submit to the Governor and the Joint Rules Committee a list of 12 recommendations for appointments to the Committee. One of the Governor's appointments pursuant to subdivision 1 shall be made from such list, and two of the Joint Rules Committee's appointments pursuant to subdivision 2 shall be made from such list.

B. After the initial staggering of terms, nonlegislative citizen members shall be appointed for a term of four years. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. Vacancies shall be filled in the same manner as the original appointments. All members may be reappointed. Members appointed to the Committee shall serve without compensation but shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. ~~Staffing of Administrative and staff support for the Committee shall be provided by the Authority upon approval of the Chairman of the Board or the Chief Executive Officer.~~ The Committee shall elect a chairman and vice-chairman from among its membership. A majority of the members shall constitute a quorum.

C. The Committee shall advise the Board on all matters relating to international trade and trade promotion and shall make ~~such~~ recommendations ~~as it may deem desirable~~ upon request of the Board.

**§ 2.2-3711. Closed meetings authorized for certain limited purposes.**

A. Public bodies may hold closed meetings only for the following purposes:

1. Discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or

employees of any public body; and evaluation of performance of departments or schools of public institutions of higher education where such evaluation will necessarily involve discussion of the performance of specific individuals. Any teacher shall be permitted to be present during a closed meeting in which there is a discussion or consideration of a disciplinary matter that involves the teacher and some student and the student involved in the matter is present, provided the teacher makes a written request to be present to the presiding officer of the appropriate board. Nothing in this subdivision, however, shall be construed to authorize a closed meeting by a local governing body or an elected school board to discuss compensation matters that affect the membership of such body or board collectively.

2. Discussion or consideration of admission or disciplinary matters or any other matters that would involve the disclosure of information contained in a scholastic record concerning any student of any public institution of higher education in the Commonwealth or any state school system. However, any such student, legal counsel and, if the student is a minor, the student's parents or legal guardians shall be permitted to be present during the taking of testimony or presentation of evidence at a closed meeting, if such student, parents, or guardians so request in writing and such request is submitted to the presiding officer of the appropriate board.

3. Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.

4. The protection of the privacy of individuals in personal matters not related to public business.

5. Discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community.

6. Discussion or consideration of the investment of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of the governmental unit would be adversely affected.

7. Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body. For the purposes of this subdivision, "probable litigation" means litigation that has been specifically threatened or on which the public body or its legal counsel has a reasonable basis to believe will be commenced by or against a known party. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter.

8. Consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter.

9. Discussion or consideration by governing boards of public institutions of higher education of matters relating to gifts, bequests and fund-raising activities, and of grants and contracts for services or work to be performed by such institution. However, the terms and conditions of any such gifts, bequests, grants, and contracts made by a foreign government, a foreign legal entity, or a foreign person and accepted by a public institution of higher education in the Commonwealth shall be subject to public disclosure upon written request to the appropriate board of visitors. For the purpose of this subdivision, (i) "foreign government" means any government other than the United States government or the government of a state or a political subdivision thereof, (ii) "foreign legal entity" means any legal entity (a) created under the laws of the United States or of any state thereof if a majority of the ownership of the stock of such legal entity is owned by foreign governments or foreign persons or if a majority of the membership of any such entity is composed of foreign persons or foreign legal entities or (b) created under the laws of a foreign government, and (iii) "foreign person" means any individual who is not a citizen or national of the United States or a trust territory or protectorate thereof.

10. Discussion or consideration by the boards of trustees of the Virginia Museum of Fine Arts, the Virginia Museum of Natural History, the Jamestown-Yorktown Foundation, and The Science Museum of Virginia of matters relating to specific gifts, bequests, and grants from private sources.

11. Discussion or consideration of honorary degrees or special awards.

12. Discussion or consideration of tests, examinations, or other information used, administered, or prepared by a public body and subject to the exclusion in subdivision 4 of § 2.2-3705.1.

13. Discussion, consideration, or review by the appropriate House or Senate committees of possible disciplinary action against a member arising out of the possible inadequacy of the disclosure statement filed by the member, provided the member may request in writing that the committee meeting not be conducted in a closed meeting.

14. Discussion of strategy with respect to the negotiation of a hazardous waste siting agreement or to consider the terms, conditions, and provisions of a hazardous waste siting agreement if the governing body in open meeting finds that an open meeting will have an adverse effect upon the negotiating position of the governing body or the establishment of the terms, conditions and provisions of the siting agreement, or both. All discussions with the applicant or its representatives may be conducted in a closed meeting.

15. Discussion by the Governor and any economic advisory board reviewing forecasts of economic activity and estimating general and nongeneral fund revenues.

16. Discussion or consideration of medical and mental health records subject to the exclusion in subdivision 1 of § 2.2-3705.5.

17. Deliberations of the Virginia Lottery Board in a licensing appeal action conducted pursuant to subsection D of § 58.1-4007 regarding the denial or revocation of a license of a lottery sales agent; and discussion, consideration or review of Virginia Lottery matters related to proprietary lottery game information and studies or investigations excluded from disclosure under subdivision 6 of § 2.2-3705.3 and subdivision 11 of § 2.2-3705.7.

18. Those portions of meetings in which the Board of Corrections discusses or discloses the identity of, or information tending to identify, any prisoner who (i) provides information about crimes or criminal activities, (ii) renders assistance in preventing the escape of another prisoner or in the apprehension of an escaped prisoner, or (iii) voluntarily or at the instance of a prison official renders other extraordinary services, the disclosure of which is likely to jeopardize the prisoner's life or safety.

19. Discussion of plans to protect public safety as it relates to terrorist activity or specific cybersecurity threats or vulnerabilities and briefings by staff members, legal counsel, or law-enforcement or emergency service officials concerning actions taken to respond to such matters or a related threat to public safety; discussion of information subject to the exclusion in subdivision 2 or 14 of § 2.2-3705.2, where discussion in an open meeting would jeopardize the safety of any person or the security of any facility, building, structure, information technology system, or software program; or discussion of reports or plans related to the security of any governmental facility, building or structure, or the safety of persons using such facility, building or structure.

20. Discussion by the Board of the Virginia Retirement System, acting pursuant to § 51.1-124.30, or of any local retirement system, acting pursuant to § 51.1-803, or by a local finance board or board of trustees of a trust established by one or more local public bodies to invest funds for postemployment benefits other than pensions, acting pursuant to Article 8 (§ 15.2-1544 et seq.) of Chapter 15 of Title 15.2, or by the board of visitors of the University of Virginia, acting pursuant to § 23.1-2210, or by the Board of the Virginia College Savings Plan, acting pursuant to § 23.1-706, regarding the acquisition, holding or disposition of a security or other ownership interest in an entity, where such security or ownership interest is not traded on a governmentally regulated securities exchange, to the extent that such discussion (i) concerns confidential analyses prepared for the board of visitors of the University of Virginia, prepared by the retirement system, or a local finance board or board of trustees, or the Virginia College Savings Plan or provided to the retirement system, a local finance board or board of trustees, or the Virginia College Savings Plan under a promise of confidentiality, of the future value of such ownership interest or the future financial performance of the entity, and (ii) would have an adverse effect on the value of the investment to be acquired, held, or disposed of by the retirement system, a local finance board or board of trustees, the board of visitors of the University of Virginia, or the Virginia College Savings Plan. Nothing in this subdivision shall be construed to prevent the disclosure of information relating to the identity of any investment held, the amount invested or the present value of such investment.

21. Those portions of meetings in which individual child death cases are discussed by the State Child Fatality Review team established pursuant to § 32.1-283.1, those portions of meetings in which individual child death cases are discussed by a regional or local child fatality review team established pursuant to § 32.1-283.2, those portions of meetings in which individual death cases are discussed by family violence fatality review teams established pursuant to § 32.1-283.3, those portions of meetings in which individual adult death cases are discussed by the state Adult Fatality Review Team established pursuant to § 32.1-283.5, and those portions of meetings in which individual adult death cases are discussed by a local or regional adult fatality review team established pursuant to § 32.1-283.6.

22. Those portions of meetings of the board of visitors of the University of Virginia or the Eastern Virginia Medical School Board of Visitors, as the case may be, and those portions of meetings of any persons to whom management responsibilities for the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, have been delegated, in which there is discussed proprietary, business-related information pertaining to the operations of the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, including business development or marketing strategies and activities with existing or future joint venturers, partners, or other parties with whom the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, has formed, or forms, any arrangement for the delivery of health care, if disclosure of such information would adversely affect the competitive position of the Medical Center or Eastern Virginia Medical School, as the case may be.

23. Discussion or consideration by the Virginia Commonwealth University Health System Authority or the board of visitors of Virginia Commonwealth University of any of the following: the acquisition or disposition by the Authority of real property, equipment, or technology software or hardware and related goods or services, where disclosure would adversely affect the bargaining position or negotiating strategy of the Authority; matters relating to gifts or bequests to, and fund-raising activities of, the Authority; grants and contracts for services or work to be performed by the Authority; marketing or operational strategies plans of the Authority where disclosure of such strategies or plans would adversely affect the competitive position of the Authority; and members of the Authority's medical and teaching staffs and qualifications for appointments thereto.

24. Those portions of the meetings of the Health Practitioners' Monitoring Program Committee within the Department of Health Professions to the extent such discussions identify any practitioner who may be, or who actually is, impaired pursuant to Chapter 25.1 (§ 54.1-2515 et seq.) of Title 54.1.

25. Meetings or portions of meetings of the Board of the Virginia College Savings Plan wherein personal information, as defined in § 2.2-3801, which has been provided to the Board or its employees by or on behalf of individuals who have

requested information about, applied for, or entered into prepaid tuition contracts or savings trust account agreements pursuant to Chapter 7 (§ 23.1-700 et seq.) of Title 23.1 is discussed.

26. Discussion or consideration, by the Wireless Carrier E-911 Cost Recovery Subcommittee created pursuant to § 56-484.15, of trade secrets, as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.), submitted by CMRS providers as defined in § 56-484.12, related to the provision of wireless E-911 service.

27. Those portions of disciplinary proceedings by any regulatory board within the Department of Professional and Occupational Regulation, Department of Health Professions, or the Board of Accountancy conducted pursuant to § 2.2-4019 or 2.2-4020 during which the board deliberates to reach a decision or meetings of health regulatory boards or conference committees of such boards to consider settlement proposals in pending disciplinary actions or modifications to previously issued board orders as requested by either of the parties.

28. Discussion or consideration of information subject to the exclusion in subdivision 11 of § 2.2-3705.6 by a responsible public entity or an affected locality or public entity, as those terms are defined in § 33.2-1800, or any independent review panel appointed to review information and advise the responsible public entity concerning such records.

29. Discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body.

30. Discussion or consideration of grant or loan application information subject to the exclusion in subdivision 17 of § 2.2-3705.6 by (i) the Commonwealth Health Research Board or (ii) the Innovation and Entrepreneurship Investment Authority or the Research and Technology Investment Advisory Committee appointed to advise the Innovation and Entrepreneurship Investment Authority.

31. Discussion or consideration by the Commitment Review Committee of information subject to the exclusion in subdivision 5 of § 2.2-3705.2 relating to individuals subject to commitment as sexually violent predators under Chapter 9 (§ 37.2-900 et seq.) of Title 37.2.

32. Discussion or consideration of confidential proprietary information and trade secrets developed and held by a local public body providing certain telecommunication services or cable television services and subject to the exclusion in subdivision 18 of § 2.2-3705.6. However, the exemption provided by this subdivision shall not apply to any authority created pursuant to the BVU Authority Act (§ 15.2-7200 et seq.).

33. Discussion or consideration by a local authority created in accordance with the Virginia Wireless Service Authorities Act (§ 15.2-5431.1 et seq.) of confidential proprietary information and trade secrets subject to the exclusion in subdivision 19 of § 2.2-3705.6.

34. Discussion or consideration by the State Board of Elections or local electoral boards of voting security matters made confidential pursuant to § 24.2-625.1.

35. Discussion or consideration by the Forensic Science Board or the Scientific Advisory Committee created pursuant to Article 2 (§ 9.1-1109 et seq.) of Chapter 11 of Title 9.1 of criminal investigative files subject to the exclusion in subdivision A 2 a of § 2.2-3706.

36. Discussion or consideration by the Brown v. Board of Education Scholarship Committee of information or confidential matters subject to the exclusion in subdivision 3 of § 2.2-3705.4, and meetings of the Committee to deliberate concerning the annual maximum scholarship award, review and consider scholarship applications and requests for scholarship award renewal, and cancel, rescind, or recover scholarship awards.

37. Discussion or consideration by the Virginia Port Authority of information subject to the exclusion in subdivision 1 of § 2.2-3705.6 related to certain proprietary information gathered by or for the Virginia Port Authority.

38. Discussion or consideration by the Board of Trustees of the Virginia Retirement System acting pursuant to § 51.1-124.30, by the Investment Advisory Committee appointed pursuant to § 51.1-124.26, by any local retirement system, acting pursuant to § 51.1-803, by the Board of the Virginia College Savings Plan acting pursuant to § 23.1-706, or by the Virginia College Savings Plan's Investment Advisory Committee appointed pursuant to § 23.1-702 of information subject to the exclusion in subdivision 24 of § 2.2-3705.7.

39. Discussion or consideration of information subject to the exclusion in subdivision 3 of § 2.2-3705.6 related to economic development.

40. Discussion or consideration by the Board of Education of information relating to the denial, suspension, or revocation of teacher licenses subject to the exclusion in subdivision 11 of § 2.2-3705.3.

41. Those portions of meetings of the Virginia Military Advisory Council or any commission created by executive order for the purpose of studying and making recommendations regarding preventing closure or realignment of federal military and national security installations and facilities located in Virginia and relocation of such facilities to Virginia, or a local or regional military affairs organization appointed by a local governing body, during which there is discussion of information subject to the exclusion in subdivision 8 of § 2.2-3705.2.

42. Discussion or consideration by the Board of Trustees of the Veterans Services Foundation of information subject to the exclusion in subdivision 28 of § 2.2-3705.7 related to personally identifiable information of donors.

43. Discussion or consideration by the Virginia Tobacco Region Revitalization Commission of information subject to the exclusion in subdivision 23 of § 2.2-3705.6 related to certain information contained in grant applications.

44. Discussion or consideration by the board of directors of the Commercial Space Flight Authority of information subject to the exclusion in subdivision 24 of § 2.2-3705.6 related to rate structures or charges for the use of projects of, the

sale of products of, or services rendered by the Authority and certain proprietary information of a private entity provided to the Authority.

45. Discussion or consideration of personal and proprietary information related to the resource management plan program and subject to the exclusion in (i) subdivision 25 of § 2.2-3705.6 or (ii) subsection E of § 10.1-104.7. This exclusion shall not apply to the discussion or consideration of records that contain information that has been certified for release by the person who is the subject of the information or transformed into a statistical or aggregate form that does not allow identification of the person who supplied, or is the subject of, the information.

46. Discussion or consideration by the Board of Directors of the Virginia Alcoholic Beverage Control Authority of information subject to the exclusion in subdivision 1 of § 2.2-3705.3 related to investigations of applicants for licenses and permits and of licensees and permittees.

47. Discussion or consideration of grant or loan application records subject to the exclusion in subdivision 28 of § 2.2-3705.6 related to the submission of an application for an award from the Virginia Research Investment Fund pursuant to Article 8 (§ 23.1-3130 et seq.) of Chapter 31 of Title 23.1 or interviews of parties to an application by a reviewing entity pursuant to subsection D of § 23.1-3133 or by the Virginia Research Investment Committee.

48. Discussion or development of grant proposals by a regional council established pursuant to Article 26 (§ 2.2-2484 et seq.) of Chapter 24 to be submitted for consideration to the Virginia Growth and Opportunity Board.

49. Discussion or consideration of (i) individual sexual assault cases by a sexual assault team established pursuant to § 15.2-1627.4 or (ii) individual child abuse or neglect cases or sex offenses involving a child by a child abuse team established pursuant to § 15.2-1627.5.

50. Discussion or consideration by the Board of the Virginia Economic Development Partnership Authority, *the Joint Legislative Audit and Review Commission*, or any ~~subcommittee~~ *subcommittees* thereof, of the portions of the strategic plan, marketing plan, or operational plan exempt from disclosure pursuant to subdivision 33 of § 2.2-3705.7.

51. Those portions of meetings of the subcommittee of the Board of the Virginia Economic Development Partnership Authority established pursuant to subsection F of § 2.2-2237.3 to review and discuss information received from the Virginia Employment Commission pursuant to subdivision C 2 of § 60.2-114.

B. No resolution, ordinance, rule, contract, regulation or motion adopted, passed or agreed to in a closed meeting shall become effective unless the public body, following the meeting, reconvenes in open meeting and takes a vote of the membership on such resolution, ordinance, rule, contract, regulation, or motion that shall have its substance reasonably identified in the open meeting.

C. Public officers improperly selected due to the failure of the public body to comply with the other provisions of this section shall be de facto officers and, as such, their official actions are valid until they obtain notice of the legal defect in their election.

D. Nothing in this section shall be construed to prevent the holding of conferences between two or more public bodies, or their representatives, but these conferences shall be subject to the same procedures for holding closed meetings as are applicable to any other public body.

E. This section shall not be construed to (i) require the disclosure of any contract between the Department of Health Professions and an impaired practitioner entered into pursuant to Chapter 25.1 (§ 54.1-2515 et seq.) of Title 54.1 or (ii) require the board of directors of any authority created pursuant to the Industrial Development and Revenue Bond Act (§ 15.2-4900 et seq.), or any public body empowered to issue industrial revenue bonds by general or special law, to identify a business or industry to which subdivision A 5 applies. However, such business or industry shall be identified as a matter of public record at least 30 days prior to the actual date of the board's authorization of the sale or issuance of such bonds.

**2. That the provisions of this act amending subsection C of § 2.2-2237.3 of the Code of Virginia regarding the assignment of rights of a political subdivision in certain situations shall apply to all contracts and memorandums of understanding for the award of economic development incentives by the Commonwealth, including those that were executed prior to the codification of this act.**

**3. That an emergency exists and this act is in force from its passage.**

## CHAPTER 830

*An Act to amend and reenact § 32.1-163 of the Code of Virginia, relating to onsite sewage systems; maintenance.*

[H 887]

Approved April 18, 2018

**Be it enacted by the General Assembly of Virginia:**

**1. That § 32.1-163 of the Code of Virginia is amended and reenacted as follows:**

**§ 32.1-163. Definitions.**

As used in this article, unless the context clearly requires a different meaning:

"Alternative discharging sewage system" means any device or system which results in a point source discharge of treated sewage for which the Board may issue a permit authorizing construction and operation when such system is regulated by the State Water Control Board pursuant to a general Virginia Pollutant Discharge Elimination System permit issued for an individual single family dwelling with flows less than or equal to 1,000 gallons per day.

"Alternative onsite sewage system" or "alternative onsite system" means a treatment works that is not a conventional onsite sewage system and does not result in a point source discharge.

"Betterment loan" means a loan to be provided by private lenders either directly or through a state agency, authority or instrumentality or a locality or local or regional authority serving as a conduit lender, to repair, replace, or upgrade an onsite sewage system or an alternative discharging sewage system for the purpose of reducing threats to public health and ground and surface waters, which loan is secured by a lien with a priority equivalent to the priority of a lien securing an assessment for local improvements under § 15.2-2411.

"Conduit lender" means a state agency, authority or instrumentality or a locality, local or regional authority or an instrumentality thereof serving as a conduit lender of betterment loans.

"Conventional onsite sewage system" means a treatment works consisting of one or more septic tanks with gravity, pumped, or siphoned conveyance to a gravity distributed subsurface drainfield.

"Licensed onsite soil evaluator" means a person who is licensed under Chapter 23 (§ 54.1-2300 et seq.) of Title 54.1 as an onsite soil evaluator. A licensed onsite soil evaluator is authorized to evaluate soils and soil properties in relationship to the effects of these properties on the use and management of these soils as the locations for onsite sewage systems.

"Maintenance" means, *unless otherwise provided in local ordinance*, (i) performing adjustments to equipment and controls ~~and~~ or (ii) in-kind replacement of normal wear and tear parts *that do not require a construction permit for adjustment or replacement of the component* such as light bulbs, fuses, filters, pumps, motors, sewer lines, conveyance lines, distribution boxes, header lines, or other like components. "Maintenance" includes pumping the tanks or cleaning the building sewer on a periodic basis. ~~Maintenance~~ *Notwithstanding any local ordinance, "maintenance" shall* does not include replacement of tanks, drainfield piping, ~~distribution boxes~~ subsurface drainfields, or work requiring a construction permit and installer. *Unless otherwise prohibited by local ordinance, a conventional onsite sewage system installer or an alternative onsite sewage system installer may perform maintenance work limited to in-kind replacement of light bulbs, fuses, filters, pumps, sewer lines, conveyance lines, distribution boxes, and header lines.*

"Operate" means the act of making a decision on one's own volition (i) to place into or take out of service a unit process or unit processes or (ii) to make or cause adjustments in the operation of a unit process at a treatment works.

"Operation" means the biological, chemical, and mechanical processes of transforming sewage or wastewater to compounds or elements and water that no longer possess an adverse environmental or health impact.

"Operator" means any individual employed or contracted by any owner, who is licensed or certified under Chapter 23 (§ 54.1-2300 et seq.) of Title 54.1 as being qualified to operate, monitor, and maintain an alternative onsite sewage system.

"Owner" means the Commonwealth or any of its political subdivisions, including sanitary districts, sanitation district commissions and authorities, any individual, any group of individuals acting individually or as a group, or any public or private institution, corporation, company, partnership, firm or association which owns or proposes to own a sewerage system or treatment works.

"Regulations" means the Sewage Handling and Disposal Regulations, heretofore or hereafter enacted or adopted by the State Board of Health.

"Review Board" means the State Sewage Handling and Disposal Appeals Review Board.

"Sewage" means water-carried and non-water-carried human excrement, kitchen, laundry, shower, bath or lavatory wastes, separately or together with such underground, surface, storm and other water and liquid industrial wastes as may be present from residences, buildings, vehicles, industrial establishments or other places.

"Sewerage system" means pipelines or conduits, pumping stations and force mains and all other construction, devices and appliances appurtenant thereto, used for the collection and conveyance of sewage to a treatment works or point of ultimate disposal.

"Subsurface drainfield" means a system installed within the soil and designed to accommodate treated sewage from a treatment works.

"Transportation" means the vehicular conveyance of sewage.

"Treatment works" means any device or system used in the storage, treatment, disposal or reclamation of sewage or combinations of sewage and industrial wastes, including but not limited to pumping, power and other equipment and appurtenances, septic tanks, and any works, including land, that are or will be (i) an integral part of the treatment process or (ii) used for ultimate disposal of residues or effluents resulting from such treatment.

## CHAPTER 831

*An Act to direct the Department of Health to take steps to eliminate evaluation and design services for onsite sewage systems and private wells provided by the Department.*

[H 888]

Approved April 18, 2018

### **Be it enacted by the General Assembly of Virginia:**

**1. § 1.** *The Department of Health (Department) shall take steps to eliminate evaluation and design services provided by the Department for onsite sewage systems and private wells. In taking such steps, the Department shall:*

1. Beginning July 1, 2018, accept private evaluations and designs for private wells, in compliance with the State Board of Health Regulations for construction of private wells, designed and certified by a certified master water well system provider pursuant to § 54.1-1129.1 of the Code of Virginia;

2. Beginning July 1, 2018, cease providing onsite sewage system evaluations and design services that are not associated with a building permit or the repair of a failing sewage system. Hardship exceptions shall not apply to these services;

3. Beginning July 1, 2018, cease providing new construction evaluation and design services for an application that is not for a principal place of residence. Hardship exceptions shall not apply to these services;

4. By July 1, 2019, establish guidelines to maintain the Department as a provider of last resort for a property owner who demonstrates a specific hardship in obtaining private sector evaluation and design services associated with a building permit or the repair of a failing sewage system that is for a principal place of residence. In developing such guidelines, the Department shall solicit and consider input from stakeholders. The Department's guidelines shall include considerations for hardships based on (i) the availability of properly licensed service providers working within a locality or region, (ii) the disciplinary history of private sector providers, and (iii) the cost of private sector services. The Department shall post its proposed guidelines on a website maintained by the Department by November 1, 2018;

5. Beginning July 1, 2019, require an applicant for an onsite sewage system or private well construction permit who desires the Department to provide evaluation and design services associated with a building permit or the repair of a failing sewage system that is for a principal place of residence to petition the Department to provide such evaluation and design services; and

6. Beginning July 1, 2019, (i) require means testing of applicants who petition the Department for evaluation and design services for onsite sewage systems and private wells and who are unable to demonstrate a hardship and (ii) provide evaluation and design services only to such applicants whose household income does not exceed 400 percent of the federal poverty guidelines established by the U.S. Department of Health and Human Services. The Department shall reduce such income threshold to 300 percent beginning July 1, 2020, 200 percent beginning July 1, 2021, and 100 percent beginning July 1, 2022. Beginning July 1, 2023, the Department shall provide design and evaluation services only to an applicant who demonstrates a hardship in accordance with guidelines developed by the Department.

§ 2. The Department shall coordinate with the Department of Professional and Occupational Regulation to establish any necessary agreements or procedures to ensure that potential violations of laws or regulations regarding onsite sewage system and private well evaluation and design are referred to the appropriate agency or board for review.

## CHAPTER 832

*An Act to amend and reenact §§ 23.1-203, 23.1-905.1, 23.1-907, 23.1-908, 23.1-2904, 23.1-3136, and 23.1-3137 of the Code of Virginia and to repeal the second and third enactments of Chapter 521 of the Acts of Assembly of 2017, relating to the Virginia Community College System.*

[H 919]

Approved April 18, 2018

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 23.1-203, 23.1-905.1, 23.1-907, 23.1-908, 23.1-2904, 23.1-3136, and 23.1-3137 of the Code of Virginia are amended as follows:**

**§ 23.1-203. Duties of Council.**

The Council shall:

1. Develop a statewide strategic plan that (i) reflects the goals set forth in subsection A of § 23.1-1002 or (ii) once adopted, reflects the goals and objectives developed pursuant to subdivision B 5 of § 23.1-309 for higher education in the Commonwealth, identifies a coordinated approach to such state and regional goals, and emphasizes the future needs for higher education in the Commonwealth at both the undergraduate and the graduate levels and the mission, programs, facilities, and location of each of the existing institutions of higher education, each public institution's six-year plan, and such other matters as the Council deems appropriate. The Council shall revise such plan at least once every six years and shall submit such recommendations as are necessary for the implementation of the plan to the Governor and the General Assembly.

2. Review and approve or disapprove any proposed change in the statement of mission of any public institution of higher education and define the mission of all newly created public institutions of higher education. The Council shall report such approvals, disapprovals, and definitions to the Governor and the General Assembly at least once every six years. No such actions shall become effective until 30 days after adjournment of the session of the General Assembly next following the filing of such a report. Nothing in this subdivision shall be construed to authorize the Council to modify any mission statement adopted by the General Assembly or empower the Council to affect, either directly or indirectly, the selection of faculty or the standards and criteria for admission of any public institution of higher education, whether relating to academic standards, residence, or other criteria. Faculty selection and student admission policies shall remain a function of the individual public institutions of higher education.

3. Study any proposed escalation of any public institution of higher education to a degree-granting level higher than that level to which it is presently restricted and submit a report and recommendation to the Governor and the General Assembly relating to the proposal. The study shall include the need for and benefits or detriments to be derived from the escalation. No such institution shall implement any such proposed escalation until the Council's report and recommendation have been submitted to the General Assembly and the General Assembly approves the institution's proposal.

4. Review and approve or disapprove all enrollment projections proposed by each public institution of higher education. The Council's projections shall be organized numerically by level of enrollment and shall be used solely for budgetary, fiscal, and strategic planning purposes. The Council shall develop estimates of the number of degrees to be awarded by each public institution of higher education and include those estimates in its reports of enrollment projections. The student admissions policies for such institutions and their specific programs shall remain the sole responsibility of the individual governing boards but all baccalaureate public institutions of higher education shall adopt dual admissions policies with comprehensive community colleges as required by § 23.1-907.

5. Review and approve or disapprove all new undergraduate or graduate academic programs that any public institution of higher education proposes.

6. Review and require the discontinuance of any undergraduate or graduate academic program that is presently offered by any public institution of higher education when the Council determines that such academic program is (i) nonproductive in terms of the number of degrees granted, the number of students served by the program, the program's effectiveness, and budgetary considerations or (ii) supported by state funds and unnecessarily duplicative of academic programs offered at other public institutions of higher education. The Council shall make a report to the Governor and the General Assembly with respect to the discontinuance of any such academic program. No such discontinuance shall become effective until 30 days after the adjournment of the session of the General Assembly next following the filing of such report.

7. Review and approve or disapprove the establishment of any department, school, college, branch, division, or extension of any public institution of higher education that such institution proposes to establish, whether located on or off the main campus of such institution. If any organizational change is determined by the Council to be proposed solely for the purpose of internal management and the institution's curricular offerings remain constant, the Council shall approve the proposed change. Nothing in this subdivision shall be construed to authorize the Council to disapprove the establishment of any such department, school, college, branch, division, or extension established by the General Assembly.

8. Review the proposed closure of any academic program in a high demand or critical shortage area, as defined by the Council, by any public institution of higher education and assist in the development of an orderly closure plan, when needed.

9. Develop a uniform, comprehensive data information system designed to gather all information necessary to the performance of the Council's duties. The system shall include information on admissions, enrollment, self-identified students with documented disabilities, personnel, programs, financing, space inventory, facilities, and such other areas as the Council deems appropriate. When consistent with the Government Data Collection and Dissemination Practices Act (§ 2.2-3800 et seq.), the Virginia Unemployment Compensation Act (§ 60.2-100 et seq.), and applicable federal law, the Council, acting solely or in partnership with the Virginia Department of Education or the Virginia Employment Commission, may contract with private entities to create de-identified student records in which all personally identifiable information has been removed for the purpose of assessing the performance of institutions and specific programs relative to the workforce needs of the Commonwealth.

10. In cooperation with public institutions of higher education, develop guidelines for the assessment of student achievement. Each such institution shall use an approved program that complies with the guidelines of the Council and is consistent with the institution's mission and educational objectives in the development of such assessment. The Council shall report each institution's assessment of student achievement in the revisions to the Commonwealth's statewide strategic plan for higher education.

11. In cooperation with the appropriate state financial and accounting officials, develop and establish uniform standards and systems of accounting, recordkeeping, and statistical reporting for public institutions of higher education.

12. Review biennially and approve or disapprove all changes in the inventory of educational and general space that any public institution of higher education proposes and report such approvals and disapprovals to the Governor and the General Assembly. No such change shall become effective until 30 days after the adjournment of the session of the General Assembly next following the filing of such report.

13. Visit and study the operations of each public institution of higher education at such times as the Council deems appropriate and conduct such other studies in the field of higher education as the Council deems appropriate or as may be requested by the Governor or the General Assembly.

14. Provide advisory services to each accredited nonprofit private institution of higher education whose primary purpose is to provide collegiate or graduate education and not to provide religious training or theological education on academic, administrative, financial, and space utilization matters. The Council may review and advise on joint activities, including contracts for services between public institutions of higher education and such private institutions of higher education or between such private institutions of higher education and any agency or political subdivision of the Commonwealth.

15. Adopt such policies and regulations as the Council deems necessary to implement its duties established by state law. Each public institution of higher education shall comply with such policies and regulations.

16. Issue guidelines consistent with the provisions of the federal Family Educational Rights and Privacy Act (20 U.S.C. § 1232g), requiring public institutions of higher education to release a student's academic and disciplinary record to a student's parent.

17. Require each institution of higher education formed, chartered, or established in the Commonwealth after July 1, 1980, to ensure the preservation of student transcripts in the event of institutional closure or revocation of approval to operate in the Commonwealth. An institution may ensure the preservation of student transcripts by binding agreement with another institution of higher education with which it is not corporately connected or in such other way as the Council may authorize by regulation. In the event that an institution closes or has its approval to operate in the Commonwealth revoked, the Council, through its director, may take such action as is necessary to secure and preserve the student transcripts until such time as an appropriate institution accepts all or some of the transcripts. Nothing in this subdivision shall be deemed to interfere with the right of a student to his own transcripts or authorize disclosure of student records except as may otherwise be authorized by law.

18. Require the development and submission of articulation, dual admissions, and guaranteed admissions agreements between associate-degree-granting and baccalaureate public institutions of higher education.

19. Provide periodic updates of base adequacy funding guidelines adopted by the Joint Subcommittee Studying Higher Education Funding Policies for each public institution of higher education.

20. ~~In consultation with each public institution of higher education, develop~~ *Develop, pursuant to the provisions of § 23.1-907, guidelines for articulation, dual admissions, and guaranteed admissions agreements, including guidelines related to a one-year uniform certificate of general studies program Uniform Certificate of General Studies Program and a one-semester Passport Program to be offered at each comprehensive community college. Such program shall ensure that a comprehensive community college student who completes the one-year certificate program is eligible to transfer all credits earned in academic subject coursework to a baccalaureate public institution of higher education upon acceptance to such baccalaureate institution. The guidelines developed pursuant to this subdivision shall be developed in consultation with all public institutions of higher education in the Commonwealth, the Department of Education, and the Virginia Association of School Superintendents and shall ensure standardization, quality, and transparency in the implementation of the programs and agreements. At the discretion of the Council, private institutions of higher education eligible for tuition assistance grants may also be consulted.*

21. Cooperate with the Board of Education in matters of interest to both public elementary and secondary schools and public institutions of higher education, particularly in connection with coordination of the college admission requirements, coordination of teacher training programs with the public school programs, and the Board of Education's Six-Year Educational Technology Plan for Virginia. The Council shall encourage public institutions of higher education to design programs that include the skills necessary for the successful implementation of such Plan.

22. Advise and provide technical assistance to the Brown v. Board of Education Scholarship Committee in the implementation and administration of the Brown v. Board of Education Scholarship Program pursuant to Chapter 34.1 (§ 30-231.01 et seq.) of Title 30.

23. Insofar as possible, seek the cooperation and utilize the facilities of existing state departments, institutions, and agencies in carrying out its duties.

24. Serve as the coordinating council for public institutions of higher education.

25. Serve as the planning and coordinating agency for all postsecondary educational programs for all health professions and occupations and make recommendations, including those relating to financing, for providing adequate and coordinated educational programs to produce an appropriate supply of properly trained personnel. The Council may conduct such studies as it deems appropriate in furtherance of the requirements of this subdivision. All state departments and agencies shall cooperate with the Council in the execution of its responsibilities under this subdivision.

26. Carry out such duties as the Governor may assign to it in response to agency designations requested by the federal government.

27. Insofar as practicable, preserve the individuality, traditions, and sense of responsibility of each public institution of higher education in carrying out its duties.

28. Insofar as practicable, seek the assistance and advice of each public institution of higher education in fulfilling its duties and responsibilities.

29. Develop the Commonwealth Research and Technology Strategic Roadmap pursuant to the provisions of § 23.1-3134 to be submitted to the Virginia Research Investment Committee for approval, and otherwise assist the Virginia Research Investment Committee with the administration of the Virginia Research Investment Fund consistent with the provisions of Article 8 (§ 23.1-3130 et seq.) of Chapter 31.

30. Administer the Virginia Longitudinal Data System as a multiagency partnership for the purposes of developing educational, health, social service, and employment outcome data; improving the efficacy of state services; and aiding decision making.

**§ 23.1-905.1. Course credit; dual enrollment courses.**

A. The Council, in consultation with each public institution of higher education, shall establish a policy for granting undergraduate ~~general education~~ course credit to any entering student who has successfully completed a dual enrollment course. The policy shall:

1. Outline the conditions necessary for each public institution of higher education to grant ~~general education~~ course credit for the successful completion of a dual enrollment course;

2. Identify ~~the whether each dual enrollment course offered in the Commonwealth is transferrable to a public institution of higher education as (i) a Uniform Certificate of General Studies Program or Passport Program course credit, (ii) a general education elective course credit, or (iii) a course credit meeting other academic requirements of each a public institution of higher education that the student satisfies by successfully completing a dual enrollment course, or if such course is not likely to transfer for course credit. The policy shall also require that each school division and comprehensive community college offering a dual enrollment course clearly specify such transfer information on any website, literature, or other materials describing or advertising the course; and~~

3. Require each public institution of higher education offering a dual enrollment course to identify the equivalent non-dual enrollment course;

4. Ensure; ~~to the extent possible;~~ that the grant of ~~general education~~ course credit is consistent across each public institution of higher education and each such dual enrollment course; and

5. Require that the following information be made available on the online portal maintained by the System pursuant to subsection C of § 23.1-908: (i) a description of each dual enrollment course offered in the Commonwealth; (ii) the specific academic, career, or technical programs in the System that will accept the course credit and which specific comprehensive community colleges offer such programs; and (iii) if available, the pathway maps in which the dual enrollment course is included.

B. The Council and each public institution of higher education shall make the policy available to the public on their websites. The Council shall also forward the policy to the System for inclusion in the online portal maintained by the System pursuant to § 23.1-908.

C. The Council shall annually report to the House Committee on Education and the Senate Committee on Education and Health on the implementation of the course credit policy by each public institution of higher education.

**§ 23.1-907. Articulation, dual admissions, and guaranteed admissions agreements; admission of certain comprehensive community college graduates.**

A. The board of visitors of each baccalaureate public institution of higher education shall develop, consistent with Council guidelines and the institution's six-year plan as set forth in § 23.1-306, articulation, dual admissions, and guaranteed admissions agreements with each associate-degree-granting public institution of higher education.

B. ~~The Council and each public institution of higher education~~ System, in cooperation with the Council and each public institution of higher education, and consistent with the guidelines developed pursuant to subdivision 20 of § 23.1-203, shall develop establish a passport credit program, including any necessary guidelines for such program. In developing the program, the Council and each public institution of higher education shall establish competencies and standards for each passport credit course. Any course that does not meet or exceed the standards developed under the program shall not be deemed a passport credit course. Such passport credit program shall require that it is the responsibility of the course provider to ensure that a passport credit course meets the standards of the program one-semester Passport Program and a one-year Uniform Certificate of General Studies Program. The Passport Program shall consist of 15 course credit hours and shall be a component of the 30-credit-hour Uniform Certificate of General Studies Program. Each passport credit Uniform Certificate of General Studies Program and Passport Program course shall be transferrable and shall satisfy a lower division general education requirement at any public institution of higher education. The Uniform Certificate of General Studies Program and Passport Program shall be available at each comprehensive community college and through the Online Virginia Network.

C. ~~The Council and each public institution of higher education shall develop a one-year uniform certificate of general studies program as set forth in subdivision 20 of § 23.1-203. All credits earned in academic subject coursework by students attending an associate-degree-granting public institution of higher education who complete the one-year uniform certificate of general studies program are transferrable to a baccalaureate public institution of higher education in accordance with Council guidelines. The Council shall establish procedures under which a baccalaureate public institution of higher education may seek a waiver from the Council from accepting the transfer of a Uniform Certificate of General Studies Program or Passport Program course to satisfy the requirements for the completion of a specific pathway or degree. A waiver shall not be granted allowing a baccalaureate public institution to (i) generally reject the transfer of all coursework that is a part of the Uniform Certificate of General Studies Program or Passport Program or (ii) generally reject the transfer of a course from the Uniform Certificate of General Studies Program or Passport Program for all pathway maps and degrees. An application for a waiver shall identify with particularity the course for which the institution is seeking a waiver and the particular pathway or degree to which the waiver would apply. The application shall provide justification for the waiver and shall designate alternative courses offered through the System that may be completed by a student in order to complete a transferable, 30-credit-hour Uniform Certificate or 15-credit-hour Passport. The Council shall adopt guidelines regarding the criteria to be used to review and issue decisions regarding waiver requests. Such waiver requests shall only be granted if the baccalaureate public institution of higher education provides evidence that the specified pathway or degree requires a specialized, lower division course not available through the System. Once approved, notice of a waiver granted by the Council shall be included in the online portal established pursuant to § 23.1-908.~~

D. The Council shall develop guidelines for associate-degree-granting and baccalaureate public institutions of higher education to use in mapping pathways for the completion of credits in particular programs of study, including the courses

recommended to be taken in a dual enrollment, comprehensive community college, and baccalaureate public institution setting in order to pursue a specific degree or career. Such guidelines shall define the elements of a pathway map and identify the pathway maps to be developed. Initial guidelines adopted for mapping such pathways shall establish a multiyear schedule for the development and implementation of pathway maps for all fields of study.

E. Each baccalaureate public institution of higher education, in cooperation and consultation with the System, shall develop pathway maps consistent with the guidelines established pursuant to subsection D. Such pathway maps shall clearly set forth the courses that a student at a comprehensive community college is encouraged to complete prior to transferring to the baccalaureate institution. The goal of the career education pathway maps shall be to assist students in achieving optimal efficiencies in the time and cost of completing a degree program. Such program map shall also clearly identify the courses, if any, for which the baccalaureate institution has received a waiver from transfer pursuant to subsection C.

F. The Council shall prepare ~~an~~ a comprehensive annual report on the ~~pertinent aspects of the pipeline effectiveness of~~ students transferring from comprehensive community colleges to baccalaureate public institutions of higher education, including a review of the effectiveness of the use of pathway maps in achieving efficiencies and cost savings in the completion of a degree program. The report shall include the following elements: completion rates, average time to degree, credit accumulation, post-transfer student academic performance, and comparative efficiency. The Council shall adopt guidelines for data submission from public institutions of higher education necessary for such report, and all institutions shall report such data in accordance with the guidelines. The report shall be made publicly available on the Council website and on the online portal maintained pursuant to § 23.1-908.

E. ~~The Council, consistent with its responsibility to facilitate the development of articulation, dual admissions, and guaranteed admissions agreements set forth in §§ 23.1-203 and 23.1-908, shall develop guidelines for such agreements.~~

F. G. Each comprehensive community college shall develop agreements for postsecondary degree attainment with the public high schools in the school divisions that such comprehensive community college serves specifying the options for students to complete an associate degree or a one-year Uniform Certificate of General Studies, the Passport Program, or the Uniform Certificate of General Studies Program concurrent with a high school diploma. Such agreements shall specify the credit available for dual enrollment courses and Advanced Placement courses with qualifying exam scores of three or higher.

H. The provisions of this section shall not apply to any public institution of higher education established pursuant to Chapter 25 (§ 23.1-2500 et seq.).

#### § 23.1-908. State Transfer Tool.

A. The Council shall develop, in cooperation with the System and each public institution of higher education, a State Transfer Tool that designates each general education course, in addition to the courses that comprise the Uniform Certificate of General Studies Program and the Passport Program, that is offered in an associate degree program at an associate-degree-granting public institution of higher education and transferable for course credit to a baccalaureate public institution of higher education. In developing the State Transfer Tool, the Council shall also seek the participation of private institutions of higher education.

B. The Council shall develop guidelines to govern the development and implementation of articulation, dual admissions, and guaranteed admissions agreements between associate-degree-granting public institutions of higher education and baccalaureate public institutions of higher education. Dual admissions agreements shall set forth (i) the obligations of each student accepted to such a program, including grade point average requirements, acceptable associate degree majors, and completion timetables, and (ii) the extent to which each student accepted to such a program may access the privileges of enrollment at both institutions while he is enrolled at either institution. Such agreements are subject to the admissions requirements of the baccalaureate public institutions of higher education.

C. ~~The Council shall develop and make available to the public information identifying all passport credit courses and other general education courses offered at associate-degree-granting public institutions of higher education and designating those that are transferable for course credit at baccalaureate public institutions of higher education and baccalaureate private institutions of higher education.~~ Each baccalaureate public institution of higher education shall update its transfer agreements immediately following any program modifications and shall send a copy of its updated agreement and any other transfer-related documents and resources to the System. The Council shall also send to the System a copy of any transfer-related guidelines and resources that it possesses. The System shall maintain an online portal that allows access to all such agreements, documents, and resources. The online portal shall also include (i) documents and resources related to course equivalency, (ii) pathway maps established pursuant to subsection E of § 23.1-907, (iii) the transfer tool established pursuant to subsection A, (iv) information regarding dual enrollment courses as described in § 23.1-905.1, and (v) any other information required to be included by law or deemed relevant by the System. The online portal shall be available to the public on the websites of the Council, the System, each public institution of higher education, and each school division offering a dual enrollment course.

#### § 23.1-2904. State Board; duties.

In addition to the duties of governing boards of public institutions of higher education set forth in Chapter 13 (§ 23.1-1300 et seq.), the State Board shall:

1. Be the state agency with primary responsibility for coordinating workforce training at the postsecondary through the associate degree level, exclusive of the career and technical education programs provided through and administered by the

public school system. This responsibility shall not preclude other agencies from also providing such services as appropriate, but these activities shall be coordinated with the comprehensive community colleges;

2. Report on actions that comprehensive community colleges have taken to meet the requirements of § 23.1-2906 in its annual report to the General Assembly on workforce development activities required by the general appropriation act;

3. Prepare and administer a plan providing standards and policies for the establishment, development, and administration of comprehensive community colleges under its authority. It shall determine the need for comprehensive community colleges and develop a statewide plan for their location and a time schedule for their establishment. In the development of such plan, a principal objective is to provide and maintain a system of comprehensive community colleges, as that term is defined in § 23.1-100 to make appropriate educational opportunities and programs available throughout the Commonwealth. In providing these offerings, the State Board shall recognize the need for excellence in all curricula and shall endeavor to establish and maintain standards appropriate to the various purposes the respective programs are designed to serve;

4. Establish policies providing for the creation of a local community college board for each comprehensive community college established under this chapter and the procedures and regulations under which such local boards shall operate. These boards shall assist in ascertaining educational needs and enlisting community involvement and support and shall perform such other duties as may be prescribed by the State Board;

5. Adhere to the policies of the Council for the coordination of higher education as required by law; and

6. Develop a mental health referral policy directing comprehensive community colleges to designate at least one individual at each college to serve as a point of contact with an emergency services system clinician at a local community services board, or another qualified mental health services provider, for the purposes of facilitating screening and referral of students who may have emergency or urgent mental health needs and of assisting the college in carrying out the duties specified by §§ 23.1-802 and 23.1-805. Each comprehensive community college may establish relationships with community services boards or other mental health providers for referral and treatment of persons with less serious mental health needs.

7. *Develop and implement, in coordination with the Virginia Department of Education and the Virginia Association of School Superintendents, a plan to maintain the same standards regarding quality and consistency for dual enrollment courses offered by local school divisions pursuant to § 23.1-907 as are required for all courses taught in the System. Such standards shall also subject dual enrollment courses to the same level of evaluation and review as all other courses.*

8. *Prepare and administer a plan to standardize the courses offered, and the quality and content of such courses, offered across all comprehensive community colleges, as well as to standardize the application and registration process at all comprehensive community colleges. Such plan shall allow for a comprehensive community college to provide additional courses, beyond the standard class content offered across the System, that meet specific regional interests and needs. Regional courses shall be subject to the standards of quality applied to all courses offered in the System.*

9. *Develop and implement accountability measures to periodically, but in no case less than every three years, review the performance of each comprehensive community college to ensure that all standards established by the Board are being met, with a goal of ensuring a consistent quality of education and opportunity across the System. If it is found that such standards are not being met at a particular institution, the Board shall develop a plan for corrective action specific to the issues presented at that institution.*

#### § 23.1-3136. Board of Trustees.

A. The Authority shall be governed by a Board of Trustees (the Board) that has a total membership of ~~45~~ 17 members that shall consist of four members of the House of Delegates to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates; three members of the Senate to be appointed by the Senate Committee on Rules; three nonlegislative citizen members to be appointed by the Governor; one nonlegislative citizen member to be appointed by the board of visitors of George Mason University; one nonlegislative citizen member to be appointed by the board of visitors of Old Dominion University; *one nonlegislative citizen member to be appointed by the State Board;* and ~~three~~ four members who shall serve ex officio with voting privileges, consisting of the President of George Mason University or his designee, the President of Old Dominion University or his designee, *the Chancellor of the Virginia Community College System or his designee,* and the Director of the Council. Nonlegislative citizen members of the Authority shall be citizens of the Commonwealth.

B. Legislative and ex officio members of the Board shall serve terms coincident with their terms of office.

C. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. Vacancies shall be filled in the same manner as the original appointments. All members may be reappointed.

D. After the initial staggering of terms, nonlegislative citizen members shall be appointed for a term of four years.

E. No House member shall serve more than four consecutive two-year terms, no Senate member shall serve more than two consecutive four-year terms, and no nonlegislative citizen member shall serve more than two consecutive four-year terms. The remainder of any term to which a member is appointed to fill a vacancy shall not constitute a term in determining the member's eligibility for reappointment.

F. The Board shall elect a chairman and vice-chairman from among its membership. A majority of the members shall constitute a quorum. The meetings of the Board shall be held at the call of the chairman or whenever the majority of the members so request.

G. Legislative members of the Board shall receive such compensation as provided in § 30-19.12, and nonlegislative citizen members shall receive such compensation for the performance of their duties as provided in § 2.2-2813. All members shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. Funding for the costs of compensation and expenses of the members shall be provided by the Authority.

H. George Mason University ~~and~~, Old Dominion University, *and the System* shall provide staff support to the Authority and the Board. All agencies of the Commonwealth shall provide assistance to the Board, upon request.

**§ 23.1-3137. Duties of the Authority.**

The Authority shall:

1. Expand access to affordable higher education in the Commonwealth by establishing the Online Virginia Network (the Network) for the purpose of coordinating the online delivery of courses that facilitate the completion of degrees at George Mason University ~~and~~, Old Dominion University, *and comprehensive community colleges*;

2. Encourage each public institution of higher education and each consortium of public institutions of higher education that offers online courses, online degree programs, or online credential programs to offer any such course, degree program, or credential program through the Network;

3. Oversee a process of approval for public institutions of higher education and consortia of such institutions to participate in the Network, with such funds as are appropriated for such purpose and made available to it;

4. Serve as a resource for residents of the Commonwealth and disseminate information regarding the opportunities for online learning offered by institutions and consortia that participate in the Network;

5. Coordinate the maintenance of an online portal through which potential students may examine and enroll seamlessly in Network offerings;

6. Collaborate with institutions and consortia that participate in the Network to ensure that the needs of enrolled students are met before, during, and after enrollment through online student support systems;

7. To the extent practicable, ensure that courses and degree programs offered through the Network (i) are accredited by an accrediting agency recognized by the U.S. Department of Education or authorized by the Council, as applicable; (ii) expand access to underserved populations based on income, race, geography, and age; (iii) are responsive to the employment demands of the Commonwealth; (iv) employ learning and delivery technologies, which may include competency-based and experiential learning, in an efficient and cost-effective manner to promote flexibility for each student to pursue online courses and programs at his own pace and in his own location throughout the year; (v) minimize student expenses and reduce time-to-degree or time-to-credential; and (vi) are offered in collaboration with existing public and private providers of online courses;

8. Promote the refinement and implementation of articulation agreements to ensure that credits earned through the Network are transferable to each other public institution of higher education and contribute to on-time degree completion at each such institution;

9. Assist in developing processes to help institutions and consortia that participate in the Network to expand their online offerings;

10. *Ensure that the Passport Program and the Uniform Certificate of General Studies Program, established pursuant to § 23.1-907, be made available through the Network;*

11. Develop specific goals for meeting the demand in the Commonwealth for affordable and accessible higher education through online learning;

~~12.~~ 12. Review and report annually to the Governor and the General Assembly on the cost structure of funds allocated to the establishment, maintenance, and expansion of the Network. In addition, the Authority shall examine ways to reduce the cost of online education and develop a budget that incorporates estimated expected tuition revenue from online students and its use in supporting the Network and assumes that any financial aid will come from existing financial aid programs; and

~~13.~~ 13. Accept, administer, and account for any state, federal, or private moneys that it may receive. Any moneys, including interest thereon, that have not been expended by the Authority by the end of each fiscal year shall not revert to the general fund but shall remain in the accounts of the Authority.

**2. That the State Board for Community Colleges shall develop an initial plan for the standardization of courses offered at all comprehensive community colleges, including a timeline for completion of the standardization and the identification of any resources or funding needed to implement the standardization, and report such plan to the State Council of Higher Education for Virginia and the Chairmen of the House Committee on Education, the House Committee on Appropriations, the Senate Committee on Education and Health, and the Senate Committee on Finance no later than September 1, 2018. The Virginia Community College System shall establish the one-semester Passport Program and one-year Uniform Certificate of General Studies Program as required by this act by July 1, 2020, and each associate-degree-granting public institution shall offer such programs by the 2020-2021 academic year.**

**3. That Richard Bland College shall offer a Uniform Certificate of General Studies Program and Passport Program by the 2020-2021 academic year in accordance with the guidelines developed by the State Council of Higher Education for Virginia pursuant to subdivision 20 of § 23.1-203 of the Code of Virginia, as amended by this act. Baccalaureate public institutions of higher education shall be required to accept the transfer of such credits offered**

by Richard Bland College in the same manner as if such courses were offered at a comprehensive community college, as required by this act.

4. That the second and third enactments of Chapter 521 of the Acts of Assembly of 2017 are repealed.

**CHAPTER 833**

*An Act to permit school boards to employ certain individuals.*

[H 1000]

Approved April 18, 2018

**Be it enacted by the General Assembly of Virginia:**

1. § 1. Notwithstanding the provisions of subsection A of § 22.1-296.1 of the Code of Virginia and consistent with the discretion granted to a school board pursuant to § 22.1-307 of the Code of Virginia to retain an employee who is convicted of an offense subsequent to the employee's hiring, a school board may employ an individual who, at the time of the individual's hiring, has been convicted of a felony, provided that such individual (i) was employed in good standing by a school board on or before December 17, 2015; (ii) has been granted a simple pardon for such offense by the Governor or other appropriate authority; and (iii) has had his civil rights restored by the Governor or other appropriate authority. However, a school board may employ, until July 1, 2020, such an individual who does not satisfy the conditions set forth in clauses (ii) and (iii), provided that such individual has been continuously employed by the school board from December 17, 2015, through July 1, 2018.

**CHAPTER 834**

*An Act to amend and reenact § 27-6.2 of the Code of Virginia, relating to fire protection; applicant preemployment information with fire departments.*

[H 1163]

Approved April 18, 2018

**Be it enacted by the General Assembly of Virginia:**

1. That § 27-6.2 of the Code of Virginia is amended and reenacted as follows:

**§ 27-6.2. Applicant preemployment information with fire departments.**

Applicants for employment with ~~the Arlington County Fire Department~~ *the fire department, of any locality* having a local ordinance adopted in accordance with § 19.2-389, ~~shall~~ *may* be required to submit to fingerprinting and to provide personal descriptive information to be forwarded along with the applicant's fingerprints through the Central Criminal Records Exchange and the Federal Bureau of Investigation for the purpose of obtaining criminal history record information regarding such applicant; however, such applicants shall, if required by local ordinance, pay the cost of the fingerprinting or criminal records check or both.

The Central Criminal Records Exchange, upon receipt of an applicant's record or notification that no record exists, shall make a report to the fire chief or his designee, who must belong to a governmental entity. In determining whether a criminal conviction directly relates to a position, the locality shall consider the following criteria: (i) the nature and seriousness of the crime; (ii) the relationship of the crime to the work to be performed in the position applied for; (iii) the extent to which the position applied for might offer an opportunity to engage in further criminal activity of the same type as that in which the person had been involved; (iv) the relationship of the crime to the ability, capacity or fitness required to perform the duties and discharge the responsibilities of the position being sought; (v) the extent and nature of the person's past criminal activity; (vi) the age of the person at the time of the commission of the crime; (vii) the amount of time that has elapsed since the person's last involvement in the commission of a crime; (viii) the conduct and work activity of the person prior to and following the criminal activity; and (ix) evidence of the person's rehabilitation or rehabilitative effort while incarcerated or following release.

If an applicant is denied employment because of information appearing in his criminal history record, the locality shall provide a copy of the information obtained from the Central Criminal Records Exchange to the applicant. The information shall not be disseminated except as provided for in this section.

**CHAPTER 835**

*An Act to amend and reenact § 15.2-2316.3 of the Code of Virginia and to amend the Code of Virginia by adding sections numbered 15.2-2316.4:1, 15.2-2316.4:2, and 15.2-2316.4:3, relating to zoning for wireless communications infrastructure.*

[H 1258]

Approved April 18, 2018

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-2316.3 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding sections numbered 15.2-2316.4:1, 15.2-2316.4:2, and 15.2-2316.4:3 as follows:

**§ 15.2-2316.3. Definitions.**

As used in this article, unless the context requires a different meaning:

*"Administrative review-eligible project"* means a project that provides for:

1. The installation or construction of a new structure that is not more than 50 feet above ground level, provided that the structure with attached wireless facilities is (i) not more than 10 feet above the tallest existing utility pole located within 500 feet of the new structure within the same public right-of-way or within the existing line of utility poles; (ii) not located within the boundaries of a local, state, or federal historic district; (iii) not located inside the jurisdictional boundaries of a locality having expended a total amount equal to or greater than 35 percent of its general fund operating revenue, as shown in the most recent comprehensive annual financial report, on undergrounding projects since 1980; and (iv) designed to support small cell facilities; or

2. The co-location on any existing structure of a wireless facility that is not a small cell facility.

"Antenna" means communications equipment that transmits or receives electromagnetic radio signals used in the provision of any type of wireless communications services.

"Base station" means a station that includes a structure that currently supports or houses an antenna, transceiver, coaxial cables, power cables, or other associated equipment at a specific site that is authorized to communicate with mobile stations, generally consisting of radio transceivers, antennas, coaxial cables, power supplies, and other associated electronics.

"Co-locate" means to install, mount, maintain, modify, operate, or replace a wireless facility on, under, within, or adjacent to a base station, building, existing structure, utility pole, or wireless support structure. "Co-location" has a corresponding meaning.

"Department" means the Department of Transportation.

"Existing structure" means any structure that is installed or approved for installation at the time a wireless services provider or wireless infrastructure provider provides notice to a locality or the Department of an agreement with the owner of the structure to co-locate equipment on that structure. "Existing structure" includes any structure that is currently supporting, designed to support, or capable of supporting the attachment of wireless facilities, including towers, buildings, utility poles, light poles, flag poles, signs, and water towers.

"Micro-wireless facility" means a small cell facility that is not larger in dimension than 24 inches in length, 15 inches in width, and 12 inches in height and that has an exterior antenna, if any, not longer than 11 inches.

*"New structure"* means a wireless support structure that has not been installed or constructed, or approved for installation or construction, at the time a wireless services provider or wireless infrastructure provider applies to a locality for any required zoning approval.

*"Project"* means (i) the installation or construction by a wireless services provider or wireless infrastructure provider of a new structure or (ii) the co-location on any existing structure of a wireless facility that is not a small cell facility. "Project" does not include the installation of a small cell facility by a wireless services provider or wireless infrastructure provider on an existing structure to which the provisions of § 15.2-2316.4 apply.

"Small cell facility" means a wireless facility that meets both of the following qualifications: (i) each antenna is located inside an enclosure of no more than six cubic feet in volume, or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than six cubic feet and (ii) all other wireless equipment associated with the facility has a cumulative volume of no more than 28 cubic feet, or such higher limit as is established by the Federal Communications Commission. The following types of associated equipment are not included in the calculation of equipment volume: electric meter, concealment, telecommunications demarcation boxes, back-up power systems, grounding equipment, power transfer switches, cut-off switches, and vertical cable runs for the connection of power and other services.

*"Standard process project"* means any project other than an administrative review-eligible project.

"Utility pole" means a structure owned, operated, or owned and operated by a public utility, local government, or the Commonwealth that is designed specifically for and used to carry lines, cables, or wires for communications, cable television, or electricity.

"Water tower" means a water storage tank, or a standpipe or an elevated tank situated on a support structure, originally constructed for use as a reservoir or facility to store or deliver water.

"Wireless facility" means equipment at a fixed location that enables wireless communications between user equipment and a communications network, including (i) equipment associated with wireless services, such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services, such as microwave backhaul, and (ii) radio transceivers, antennas, coaxial, or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration.

"Wireless infrastructure provider" means any person that builds or installs transmission equipment, wireless facilities, or wireless support structures, but that is not a wireless services provider.

"Wireless services" means (i) "personal wireless services" as defined in 47 U.S.C. § 332(c)(7)(C)(i); (ii) "personal wireless service facilities" as defined in 47 U.S.C. § 332(c)(7)(C)(ii), including commercial mobile services as defined in

47 U.S.C. § 332(d), provided to personal mobile communication devices through wireless facilities; and (iii) any other fixed or mobile wireless service, using licensed or unlicensed spectrum, provided using wireless facilities.

"Wireless services provider" means a provider of wireless services.

"Wireless support structure" means a freestanding structure, such as a monopole, tower, either guyed or self-supporting, or suitable existing structure or alternative structure designed to support or capable of supporting wireless facilities. "Wireless support structure" does not include any telephone or electrical utility pole or any tower used for the distribution or transmission of electrical service.

**§ 15.2-2316.4:1. Zoning; other wireless facilities and wireless support structures.**

*A. A locality shall not require that a special exception, special use permit, or variance be obtained for the installation or construction of an administrative review-eligible project but may require administrative review for the issuance of any zoning permit, or an acknowledgement that zoning approval is not required, for such a project.*

*B. A locality may charge a reasonable fee for each application submitted under subsection A or for any zoning approval required for a standard process project. The fee shall not include direct payment or reimbursement of third-party fees charged on a contingency basis or a result-based arrangement. Upon request, a locality shall provide the applicant with the cost basis for the fee. A locality shall not charge market-based or value-based fees for the processing of an application. If the application is for:*

*1. An administrative review-eligible project, the fee shall not exceed \$500; and*

*2. A standard process project, the fee shall not exceed the actual direct costs to process the application, including permits and inspection.*

*C. The processing of any application submitted under subsection A or for any zoning approval required for a standard process project shall be subject to the following:*

*1. Within 10 business days after receiving an incomplete application, the locality shall notify the applicant that the application is incomplete. The notice shall specify any additional information required to complete the application. The notice shall be sent by electronic mail to the applicant's email address provided in the application. If the locality fails to provide such notice within such 10-day period, the application shall be deemed complete.*

*2. Except as provided in subdivision 3, a locality shall approve or disapprove a complete application:*

*a. For a new structure within the lesser of 150 days of receipt of the completed application or the period required by federal law for such approval or disapproval; or*

*b. For the co-location of any wireless facility that is not a small cell facility within the lesser of 90 days of receipt of the completed application or the period required by federal law for such approval or disapproval, unless the application constitutes an eligible facilities request as defined in 47 U.S.C. § 1455(a).*

*3. Any period specified in subdivision 2 for a locality to approve or disapprove an application may be extended by mutual agreement between the applicant and the locality.*

*D. A complete application for a project shall be deemed approved if the locality fails to approve or disapprove the application within the applicable period specified in subdivision C 2 or any agreed extension thereof pursuant to subdivision C 3.*

*E. If a locality disapproves an application submitted under subsection A or for any zoning approval required for a standard process project:*

*1. The locality shall provide the applicant with a written statement of the reasons for such disapproval; and*

*2. If the locality is aware of any modifications to the project as described in the application that if made would permit the locality to approve the proposed project, the locality shall identify them in the written statement provided under subdivision 1. The locality's subsequent disapproval of an application for a project that incorporates the modifications identified in such a statement may be used by the applicant as evidence that the locality's subsequent disapproval was arbitrary or capricious in any appeal of the locality's action.*

*F. A locality's action on disapproval of an application submitted under subsection A or for any zoning approval required for a standard process project shall:*

*1. Not unreasonably discriminate between the applicant and other wireless services providers, wireless infrastructure providers, providers of telecommunications services, and other providers of functionally equivalent services; and*

*2. Be supported by substantial record evidence contained in a written record publicly released within 30 days following the disapproval.*

*G. An applicant adversely affected by the disapproval of an application submitted under subsection A or for any zoning approval required for a standard process project may file an appeal pursuant to subsection F of § 15.2-2285, or to § 15.2-2314 if the requested zoning approval involves a variance, within 30 days following delivery to the applicant or notice to the applicant of the record described in subdivision F 2.*

**§ 15.2-2316.4:2. Application reviews.**

*A. In its receiving, consideration, and processing of a complete application submitted under subsection A of § 15.2-2316.4:1 or for any zoning approval required for a standard process project, a locality shall not:*

*1. Disapprove an application on the basis of:*

*a. The applicant's business decision with respect to its designed service, customer demand for service, or quality of its service to or from a particular site;*

*b. The applicant's specific need for the project, including the applicant's desire to provide additional wireless coverage or capacity; or*

*c. The wireless facility technology selected by the applicant for use at the project;*

*2. Require an applicant to provide proprietary, confidential, or other business information to justify the need for the project, including propagation maps and telecommunications traffic studies, or information reviewed by a federal agency as part of the approval process for the same structure and wireless facility, provided that a locality may require an applicant to provide a copy of any approval granted by a federal agency, including conditions imposed by that agency;*

*3. Require the removal of existing wireless support structures or wireless facilities, wherever located, as a condition for approval of an application. A locality may adopt reasonable rules with respect to the removal of abandoned wireless support structures or wireless facilities;*

*4. Impose surety requirements, including bonds, escrow deposits, letters of credit, or any other types of financial surety, to ensure that abandoned or unused wireless facilities can be removed, unless the locality imposes similar requirements on other permits for other types of similar commercial development. Any such instrument shall not exceed a reasonable estimate of the direct cost of the removal of the wireless facilities;*

*5. Discriminate or create a preference on the basis of the ownership, including ownership by the locality, of any property, structure, base station, or wireless support structure, when promulgating rules or procedures for siting wireless facilities or for evaluating applications;*

*6. Impose any unreasonable requirements or obligations regarding the presentation or appearance of a project, including unreasonable requirements relating to (i) the kinds of materials used or (ii) the arranging, screening, or landscaping of wireless facilities or wireless structures;*

*7. Impose any requirement that an applicant purchase, subscribe to, use, or employ facilities, networks, or services owned, provided, or operated by a locality, in whole or in part, or by any entity in which a locality has a competitive, economic, financial, governance, or other interest;*

*8. Condition or require the approval of an application solely on the basis of the applicant's agreement to allow any wireless facilities provided or operated, in whole or in part, by a locality or by any other entity, to be placed at or co-located with the applicant's project;*

*9. Impose a setback or fall zone requirement for a project that is larger than a setback or fall zone area that is imposed on other types of similar structures of a similar size, including utility poles;*

*10. Limit the duration of the approval of an application, except a locality may require that construction of the approved project shall commence within two years of final approval and be diligently pursued to completion; or*

*11. Require an applicant to perform services unrelated to the project described in the application, including restoration work on any surface not disturbed by the applicant's project.*

*B. Nothing in this article shall prohibit a locality from disapproving an application submitted under subsection A of § 15.2-2316.4:1 or for any zoning approval required for a standard process project:*

*1. On the basis of the fact that the proposed height of any wireless support structure, wireless facility, or wireless support structure with attached wireless facilities exceeds 50 feet above ground level, provided that the locality follows a local ordinance or regulation that does not unreasonably discriminate between the applicant and other wireless services providers, wireless infrastructure providers, providers of telecommunications services, and other providers of functionally equivalent services; or*

*2. That proposes to locate a new structure, or to co-locate a wireless facility, in an area where all cable and public utility facilities are required to be placed underground by a date certain or encouraged to be undergrounded as part of a transportation improvement project or rezoning proceeding as set forth in objectives contained in a comprehensive plan, if:*

*a. The undergrounding requirement or comprehensive plan objective existed at least three months prior to the submission of the application;*

*b. The locality allows the co-location of wireless facilities on existing utility poles, government-owned structures with the government's consent, existing wireless support structures, or a building within that area;*

*c. The locality allows the replacement of existing utility poles and wireless support structures with poles or support structures of the same size or smaller within that area; and*

*d. The disapproval of the application does not unreasonably discriminate between the applicant and other wireless services providers, wireless infrastructure providers, providers of telecommunications services, and other providers of functionally equivalent services.*

*C. Nothing in this article shall prohibit an applicant from voluntarily submitting, and the locality from accepting, any conditions that otherwise address potential visual or aesthetic effects resulting from the placement of a new structure or facility.*

*D. Nothing in this article shall prohibit a locality from disapproving an application submitted under a standard process project on the basis of the availability of existing wireless support structures within a reasonable distance that could be used for co-location at reasonable terms and conditions without imposing technical limitations on the applicant.*

**§ 15.2-2316.4:3. Additional provisions.**

*A. A locality shall not require zoning approval for (i) routine maintenance or (ii) the replacement of wireless facilities or wireless support structures within a six-foot perimeter with wireless facilities or wireless support structures that are*

*substantially similar or the same size or smaller. However, a locality may require a permit to work within the right-of-way for the activities described in clause (i) or (ii), if applicable.*

*B. Nothing in this article shall prohibit a locality from limiting the number of new structures or the number of wireless facilities that can be installed in a specific location.*

**2. That any publicly-owned or privately-owned wireless service provider operating within the Commonwealth or serving residents of the Commonwealth shall, by January 1, 2019, and annually thereafter until January 1, 2025, provide to the Department of Housing and Community Development a report detailing by county, city, and town enhanced service capacity in previously served areas and expansion of service in previously unserved geographic areas that are provided access to wireless services. Notwithstanding any other provision of law, the Department shall maintain the confidentiality of company-specific data but may publicly release aggregate data.**

**3. That the Secretariats of Commerce and Trade and Public Safety and Homeland Security shall convene a group of stakeholders, to include representatives from the Department of Housing and Community Development, the Virginia Economic Development Partnership, the Virginia Tobacco Region Revitalization Commission, and the Department of Emergency Management, industry representatives, and representatives of affected communities, to develop a plan for expanding access to wireless services in unserved and underserved areas of the Commonwealth. The plan shall be completed by December 15, 2018. The plan shall include the following components: a definition of unserved and underserved areas, identification of barriers to access to wireless services in such areas, a proposed expedited review process for such areas, identification of ways to encourage industry to locate in such areas, and consideration of a lower fee for such an expedited review process.**

### CHAPTER 836

*An Act to amend the Code of Virginia by adding a section numbered 29.1-528.2, relating to local tree stand ordinance; disabled hunter exempt.*

[H 1328]

Approved April 18, 2018

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding a section numbered 29.1-528.2 as follows:**

**§ 29.1-528.2. Local tree stand ordinance; disabled hunter exempt.**

*While hunting during any established open hunting season and in accordance with other laws and regulations, a hunter shall be exempt from any local ordinance requiring hunting from an elevated platform or tree stand if he (i) possesses a valid hunting license and is permanently disabled, as defined in § 58.1-3217 and as attested to by a licensed physician on a form provided by the Department and carried on the hunter's person while hunting, or (ii) holds a lifetime disabled or disabled veterans license under § 29.1-302, 29.1-302.02, or 29.1-302.03 or subsection C of § 29.1-302.1.*

*The exemption provided by this section shall apply only to a hunter whose permanent disability, as attested to by a licensed physician pursuant to the provisions of this section or as accepted by the Director pursuant to the provisions of subsection C of § 29.1-302.1, is based on a physical impairment or deformity.*

### CHAPTER 837

*An Act to amend the Code of Virginia by adding in Chapter 15.1 of Title 56 a section numbered 56-484.32, relating to wireless support structures; public rights-of-way use fees.*

[H 1427]

Approved April 18, 2018

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding in Chapter 15.1 of Title 56 a section numbered 56-484.32 as follows:**

**§ 56-484.32. Wireless support structure public rights-of-way use fee.**

*A. Notwithstanding any other provisions of law, there is hereby established an annual wireless support structure public rights-of-way use fee to replace any and all fees of general application, except for permit processing, zoning, subdivision, site plan, and comprehensive plan fees of general application, otherwise chargeable to wireless services providers and wireless infrastructure providers in connection with a permit for occupation and use of the public rights-of-way under the jurisdiction of the Department for the construction of new wireless support structures.*

*B. The amount of the annual wireless support structure public rights-of-way use fee shall be:*

- 1. \$1,000 for any wireless support structure at or below 50 feet in height;*
- 2. \$3,000 for any wireless support structure above 50 feet and at or below 120 feet in height;*
- 3. \$5,000 for any wireless support structure above 120 feet in height; and*
- 4. \$1 per square foot for any other equipment, shelter, or associated facilities constructed on the ground.*

*The fee amount specified in this subsection shall be adjusted every five years, as of January 1 of that year, in an amount equal to the annual increases for that five-year period in the United States Average Consumer Price Index for all items, all urban consumers (CPI-U), as published by the Bureau of Labor Statistics of the U.S. Department of Labor, rounded to the nearest whole dollar.*

*C. No later than June 30 of each year, the wireless services provider or wireless infrastructure provider shall remit directly to the Department any fees owed pursuant to this section. Such fees shall be deposited in the Highway Maintenance and Operating Fund established pursuant to § 33.2-1530.*

*D. The Department may elect to continue enforcing any agreement, contract, license, easement, or permit allowing the use of the public rights-of-way by a wireless services provider or wireless infrastructure provider existing prior to July 1, 2018, through and until expiration of the current term of the agreement, contract, license, easement, or permit.*

**CHAPTER 838**

*An Act to amend and reenact §§ 58.1-602, as it is currently effective and as it may become effective, 58.1-2401, 58.1-2402, as it is currently effective and as it may become effective, 58.1-2403, and 58.1-2425, as it is currently effective and as it may become effective, of the Code of Virginia, relating to taxation of all-terrain vehicles, mopeds, and off-road motorcycles.*

[H 1441]

Approved April 18, 2018

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 58.1-602, as it is currently effective and as it may become effective, 58.1-2401, 58.1-2402, as it is currently effective and as it may become effective, 58.1-2403, and 58.1-2425, as it is currently effective and as it may become effective, of the Code of Virginia are amended and reenacted as follows:**

**§ 58.1-602. (Contingent expiration date) Definitions.**

As used in this chapter, unless the context clearly shows otherwise, the term or phrase:

"Advertising" means the planning, creating, or placing of advertising in newspapers, magazines, billboards, broadcasting and other media, including, without limitation, the providing of concept, writing, graphic design, mechanical art, photography and production supervision. Any person providing advertising as defined herein shall be deemed to be the user or consumer of all tangible personal property purchased for use in such advertising.

"Amplification, transmission and distribution equipment" means, but is not limited to, production, distribution, and other equipment used to provide Internet-access services, such as computer and communications equipment and software used for storing, processing and retrieving end-user subscribers' requests.

"Business" includes any activity engaged in by any person, or caused to be engaged in by him, with the object of gain, benefit or advantage, either directly or indirectly.

"Cost price" means the actual cost of an item or article of tangible personal property computed in the same manner as the sales price as defined in this section without any deductions therefrom on account of the cost of materials used, labor, or service costs, transportation charges, or any expenses whatsoever.

"Custom program" means a computer program which is specifically designed and developed only for one customer. The combining of two or more prewritten programs does not constitute a custom computer program. A prewritten program that is modified to any degree remains a prewritten program and does not become custom.

"Distribution" means the transfer or delivery of tangible personal property for use, consumption, or storage by the distributee, and the use, consumption, or storage of tangible personal property by a person who has processed, manufactured, refined, or converted such property, but does not include the transfer or delivery of tangible personal property for resale or any use, consumption, or storage otherwise exempt under this chapter.

"Gross proceeds" means the charges made or voluntary contributions received for the lease or rental of tangible personal property or for furnishing services, computed with the same deductions, where applicable, as for sales price as defined in this section over the term of the lease, rental, service, or use, but not less frequently than monthly. "Gross proceeds" does not include finance charges, carrying charges, service charges, or interest from credit extended on the lease or rental of tangible personal property under conditional lease or rental contracts or other conditional contracts providing for the deferred payments of the lease or rental price.

"Gross sales" means the sum total of all retail sales of tangible personal property or services as defined in this chapter, without any deduction, except as provided in this chapter. "Gross sales" shall not include the federal retailers' excise tax or the federal diesel fuel excise tax imposed in § 4091 of the Internal Revenue Code if the excise tax is billed to the purchaser separately from the selling price of the article, or the Virginia retail sales or use tax, or any sales or use tax imposed by any county or city under § 58.1-605 or 58.1-606.

"Import" and "imported" are words applicable to tangible personal property imported into the Commonwealth from other states as well as from foreign countries, and "export" and "exported" are words applicable to tangible personal property exported from the Commonwealth to other states as well as to foreign countries.

"In this Commonwealth" or "in the Commonwealth" means within the limits of the Commonwealth of Virginia and includes all territory within these limits owned by or ceded to the United States of America.

"Integrated process," when used in relation to semiconductor manufacturing, means a process that begins with the research or development of semiconductor products, equipment, or processes, includes the handling and storage of raw materials at a plant site, and continues to the point that the product is packaged for final sale and either shipped or conveyed to a warehouse. Without limiting the foregoing, any semiconductor equipment, fuel, power, energy, supplies, or other tangible personal property shall be deemed used as part of the integrated process if its use contributes, before, during, or after production, to higher product quality, production yields, or process efficiencies. Except as otherwise provided by law, such term shall not mean general maintenance or administration.

"Internet" means collectively, the myriad of computer and telecommunications facilities, which comprise the interconnected world-wide network of computer networks.

"Internet service" means a service that enables users to access proprietary and other content, information electronic mail, and the Internet as part of a package of services sold to end-user subscribers.

"Lease or rental" means the leasing or renting of tangible personal property and the possession or use thereof by the lessee or renter for a consideration, without transfer of the title to such property.

"Manufacturing, processing, refining, or conversion" includes the production line of the plant starting with the handling and storage of raw materials at the plant site and continuing through the last step of production where the product is finished or completed for sale and conveyed to a warehouse at the production site, and also includes equipment and supplies used for production line testing and quality control. The term "manufacturing" shall also include the necessary ancillary activities of newspaper and magazine printing when such activities are performed by the publisher of any newspaper or magazine for sale daily or regularly at average intervals not exceeding three months.

The determination whether any manufacturing, mining, processing, refining or conversion activity is industrial in nature shall be made without regard to plant size, existence or size of finished product inventory, degree of mechanization, amount of capital investment, number of employees or other factors relating principally to the size of the business. Further, "industrial in nature" shall include, but not be limited to, those businesses classified in codes 10 through 14 and 20 through 39 published in the Standard Industrial Classification Manual for 1972 and any supplements issued thereafter.

"Modular building" means, but shall not be limited to, single and multifamily houses, apartment units, commercial buildings, and permanent additions thereof, comprised of one or more sections that are intended to become real property, primarily constructed at a location other than the permanent site, built to comply with the Virginia Industrialized Building Safety Law (§ 36-70 et seq.) as regulated by the Virginia Department of Housing and Community Development, and shipped with most permanent components in place to the site of final assembly. For purposes of this chapter, a modular building shall not include a mobile office as defined in § 58.1-2401 or any manufactured building subject to and certified under the provisions of the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. § 5401 et seq.).

"Modular building manufacturer" means a person or corporation who owns or operates a manufacturing facility and is engaged in the fabrication, construction and assembling of building supplies and materials into modular buildings, as defined in this section, at a location other than at the site where the modular building will be assembled on the permanent foundation and may or may not be engaged in the process of affixing the modules to the foundation at the permanent site.

"Modular building retailer" means any person who purchases or acquires a modular building from a modular building manufacturer, or from another person, for subsequent sale to a customer residing within or outside of the Commonwealth, with or without installation of the modular building to the foundation at the permanent site.

"Motor vehicle" means a "motor vehicle" as defined in § 58.1-2401, taxable under the provisions of the Virginia Motor Vehicles Sales and Use Tax Act (§ 58.1-2400 et seq.) and upon the sale of which all applicable motor vehicle sales and use taxes have been paid. ~~"Motor vehicle" does not include any all-terrain vehicle, moped, or off-road motorcycle all as defined in § 46.2-100. The taxes under this chapter or pursuant to the authority granted under this chapter shall apply to such all-terrain vehicles, mopeds, and off-road motorcycles.~~

"Occasional sale" means a sale of tangible personal property not held or used by a seller in the course of an activity for which he is required to hold a certificate of registration, including the sale or exchange of all or substantially all the assets of any business and the reorganization or liquidation of any business, provided such sale or exchange is not one of a series of sales and exchanges sufficient in number, scope and character to constitute an activity requiring the holding of a certificate of registration.

"Open video system" means an open video system authorized pursuant to 47 U.S.C. § 573 and, for purposes of this chapter only, shall also include Internet service regardless of whether the provider of such service is also a telephone common carrier.

"Person" includes any individual, firm, copartnership, cooperative, nonprofit membership corporation, joint venture, association, corporation, estate, trust, business trust, trustee in bankruptcy, receiver, auctioneer, syndicate, assignee, club, society, or other group or combination acting as a unit, body politic or political subdivision, whether public or private, or quasi-public, and the plural of such term shall mean the same as the singular.

"Prewritten program" means a computer program that is prepared, held or existing for general or repeated sale or lease, including a computer program developed for in-house use and subsequently sold or leased to unrelated third parties.

"Railroad rolling stock" means locomotives, of whatever motive power, autocars, railroad cars of every kind and description, and all other equipment determined by the Tax Commissioner to constitute railroad rolling stock.

"Retail sale" or a "sale at retail" means a sale to any person for any purpose other than for resale in the form of tangible personal property or services taxable under this chapter, and shall include any such transaction as the Tax Commissioner upon investigation finds to be in lieu of a sale. All sales for resale must be made in strict compliance with regulations applicable to this chapter. Any dealer making a sale for resale which is not in strict compliance with such regulations shall be personally liable for payment of the tax.

The terms "retail sale" and a "sale at retail" shall specifically include the following: (i) the sale or charges for any room or rooms, lodgings, or accommodations furnished to transients for less than 90 continuous days by any hotel, motel, inn, tourist camp, tourist cabin, camping grounds, club, or any other place in which rooms, lodging, space, or accommodations are regularly furnished to transients for a consideration; (ii) sales of tangible personal property to persons for resale when because of the operation of the business, or its very nature, or the lack of a place of business in which to display a certificate of registration, or the lack of a place of business in which to keep records, or the lack of adequate records, or because such persons are minors or transients, or because such persons are engaged in essentially service businesses, or for any other reason there is likelihood that the Commonwealth will lose tax funds due to the difficulty of policing such business operations; (iii) the separately stated charge made for automotive refinish repair materials that are permanently applied to or affixed to a motor vehicle during its repair; and (iv) the separately stated charge for equipment available for lease or purchase by a provider of satellite television programming to the customer of such programming. Equipment sold to a provider of satellite television programming for subsequent lease or purchase by the customer of such programming shall be deemed a sale for resale. The Tax Commissioner is authorized to promulgate regulations requiring vendors of or sellers to such persons to collect the tax imposed by this chapter on the cost price of such tangible personal property to such persons and may refuse to issue certificates of registration to such persons. The terms "retail sale" and a "sale at retail" also shall specifically include the separately stated charge made for supplies used during automotive repairs whether or not there is transfer of title or possession of the supplies and whether or not the supplies are attached to the automobile. The purchase of such supplies by an automotive repairer for sale to the customer of such repair services shall be deemed a sale for resale.

The term "transient" shall not include a purchaser of camping memberships, time-shares, condominiums, or other similar contracts or interests that permit the use of, or constitute an interest in, real estate, however created or sold and whether registered with the Commonwealth or not. Further, a purchaser of a right or license which entitles the purchaser to use the amenities and facilities of a specific real estate project on an ongoing basis throughout its term shall not be deemed a transient, provided, however, that the term or time period involved is for seven years or more.

The terms "retail sale" and "sale at retail" shall not include a transfer of title to tangible personal property after its use as tools, tooling, machinery or equipment, including dies, molds, and patterns, if (i) at the time of purchase, the purchaser is obligated, under the terms of a written contract, to make the transfer and (ii) the transfer is made for the same or a greater consideration to the person for whom the purchaser manufactures goods.

"Retailer" means every person engaged in the business of making sales at retail, or for distribution, use, consumption, or storage to be used or consumed in the Commonwealth.

"Sale" means any transfer of title or possession, or both, exchange, barter, lease or rental, conditional or otherwise, in any manner or by any means whatsoever, of tangible personal property and any rendition of a taxable service for a consideration, and includes the fabrication of tangible personal property for consumers who furnish, either directly or indirectly, the materials used in fabrication, and the furnishing, preparing, or serving for a consideration of any tangible personal property consumed on the premises of the person furnishing, preparing, or serving such tangible personal property. A transaction whereby the possession of property is transferred but the seller retains title as security for the payment of the price shall be deemed a sale.

"Sales price" means the total amount for which tangible personal property or services are sold, including any services that are a part of the sale, valued in money, whether paid in money or otherwise, and includes any amount for which credit is given to the purchaser, consumer, or lessee by the dealer, without any deduction therefrom on account of the cost of the property sold, the cost of materials used, labor or service costs, losses or any other expenses whatsoever. "Sales price" shall not include (i) any cash discount allowed and taken; (ii) finance charges, carrying charges, service charges or interest from credit extended on sales of tangible personal property under conditional sale contracts or other conditional contracts providing for deferred payments of the purchase price; (iii) separately stated local property taxes collected; (iv) that portion of the amount paid by the purchaser as a discretionary gratuity added to the price of a meal; or (v) that portion of the amount paid by the purchaser as a mandatory gratuity or service charge added by a restaurant to the price of a meal, but only to the extent that such mandatory gratuity or service charge does not exceed ~~20%~~ 20 percent of the price of the meal. Where used articles are taken in trade, or in a series of trades as a credit or part payment on the sale of new or used articles, the tax levied by this chapter shall be paid on the net difference between the sales price of the new or used articles and the credit for the used articles.

"Semiconductor cleanrooms" means the integrated systems, fixtures, piping, partitions, flooring, lighting, equipment, and all other property used to reduce contamination or to control airflow, temperature, humidity, vibration, or other environmental conditions required for the integrated process of semiconductor manufacturing.

"Semiconductor equipment" means (i) machinery or tools or repair parts or replacements thereof; (ii) the related accessories, components, pedestals, bases, or foundations used in connection with the operation of the equipment, without regard to the proximity to the equipment, the method of attachment, or whether the equipment or accessories are affixed to the realty; (iii) semiconductor wafers and other property or supplies used to install, test, calibrate or recalibrate,

characterize, condition, measure, or maintain the equipment and settings thereof; and (iv) equipment and supplies used for quality control testing of product, materials, equipment, or processes; or the measurement of equipment performance or production parameters regardless of where or when the quality control, testing, or measuring activity takes place, how the activity affects the operation of equipment, or whether the equipment and supplies come into contact with the product.

"Storage" means any keeping or retention of tangible personal property for use, consumption or distribution in the Commonwealth, or for any purpose other than sale at retail in the regular course of business.

"Tangible personal property" means personal property which may be seen, weighed, measured, felt, or touched, or is in any other manner perceptible to the senses. The term "tangible personal property" shall not include stocks, bonds, notes, insurance or other obligations or securities. The term "tangible personal property" shall include (i) telephone calling cards upon their initial sale, which shall be exempt from all other state and local utility taxes, and (ii) manufactured signs.

"Use" means the exercise of any right or power over tangible personal property incident to the ownership thereof, except that it does not include the sale at retail of that property in the regular course of business. The term does not include the exercise of any right or power, including use, distribution, or storage, over any tangible personal property sold to a nonresident donor for delivery outside of the Commonwealth to a nonresident recipient pursuant to an order placed by the donor from outside the Commonwealth via mail or telephone. The term does not include any sale determined to be a gift transaction, subject to tax under § 58.1-604.6.

"Use tax" refers to the tax imposed upon the use, consumption, distribution, and storage as herein defined.

"Used directly," when used in relation to manufacturing, processing, refining, or conversion, refers to those activities which are an integral part of the production of a product, including all steps of an integrated manufacturing or mining process, but not including ancillary activities such as general maintenance or administration. When used in relation to mining, it shall refer to the activities specified above, and in addition, any reclamation activity of the land previously mined by the mining company required by state or federal law.

"Video programmer" means a person or entity that provides video programming to end-user subscribers.

"Video programming" means video and/or information programming provided by or generally considered comparable to programming provided by a cable operator including, but not limited to, Internet service.

**§ 58.1-602. (Contingent effective date) Definitions.**

A. As used in this chapter, unless the context clearly shows otherwise:

"Advertising" means the planning, creating, or placing of advertising in newspapers, magazines, billboards, broadcasting and other media, including, without limitation, the providing of concept, writing, graphic design, mechanical art, photography and production supervision. Any person providing advertising as defined herein shall be deemed to be the user or consumer of all tangible personal property purchased for use in such advertising.

"Amplification, transmission and distribution equipment" means, but is not limited to, production, distribution, and other equipment used to provide Internet-access services, such as computer and communications equipment and software used for storing, processing and retrieving end-user subscribers' requests.

"Business" includes any activity engaged in by any person, or caused to be engaged in by him, with the object of gain, benefit or advantage, either directly or indirectly.

"Cost price" means the actual cost of an item or article of tangible personal property computed in the same manner as the sales price as defined in this section without any deductions therefrom on account of the cost of materials used, labor, or service costs, transportation charges, or any expenses whatsoever.

"Custom program" means a computer program which is specifically designed and developed only for one customer. The combining of two or more prewritten programs does not constitute a custom computer program. A prewritten program that is modified to any degree remains a prewritten program and does not become custom.

"Distribution" means the transfer or delivery of tangible personal property for use, consumption, or storage by the distributee, and the use, consumption, or storage of tangible personal property by a person who has processed, manufactured, refined, or converted such property, but does not include the transfer or delivery of tangible personal property for resale or any use, consumption, or storage otherwise exempt under this chapter.

"Gross proceeds" means the charges made or voluntary contributions received for the lease or rental of tangible personal property or for furnishing services, computed with the same deductions, where applicable, as for sales price as defined in this section over the term of the lease, rental, service, or use, but not less frequently than monthly. "Gross proceeds" does not include finance charges, carrying charges, service charges, or interest from credit extended on the lease or rental of tangible personal property under conditional lease or rental contracts or other conditional contracts providing for the deferred payments of the lease or rental price.

"Gross sales" means the sum total of all retail sales of tangible personal property or services as defined in this chapter, without any deduction, except as provided in this chapter. "Gross sales" shall not include the federal retailers' excise tax or the federal diesel fuel excise tax imposed in § 4091 of the Internal Revenue Code if the excise tax is billed to the purchaser separately from the selling price of the article, or the Virginia retail sales or use tax, or any sales or use tax imposed by any county or city under § 58.1-605 or 58.1-606.

"Import" and "imported" are words applicable to tangible personal property imported into the Commonwealth from other states as well as from foreign countries, and "export" and "exported" are words applicable to tangible personal property exported from the Commonwealth to other states as well as to foreign countries.

"In this Commonwealth" or "in the Commonwealth" means within the limits of the Commonwealth of Virginia and includes all territory within these limits owned by or ceded to the United States of America.

"Integrated process," when used in relation to semiconductor manufacturing, means a process that begins with the research or development of semiconductor products, equipment, or processes, includes the handling and storage of raw materials at a plant site, and continues to the point that the product is packaged for final sale and either shipped or conveyed to a warehouse. Without limiting the foregoing, any semiconductor equipment, fuel, power, energy, supplies, or other tangible personal property shall be deemed used as part of the integrated process if its use contributes, before, during, or after production, to higher product quality, production yields, or process efficiencies. Except as otherwise provided by law, such term shall not mean general maintenance or administration.

"Internet" means collectively, the myriad of computer and telecommunications facilities, which comprise the interconnected world-wide network of computer networks.

"Internet service" means a service that enables users to access proprietary and other content, information electronic mail, and the Internet as part of a package of services sold to end-user subscribers.

"Lease or rental" means the leasing or renting of tangible personal property and the possession or use thereof by the lessee or renter for a consideration, without transfer of the title to such property.

"Manufacturing, processing, refining, or conversion" includes the production line of the plant starting with the handling and storage of raw materials at the plant site and continuing through the last step of production where the product is finished or completed for sale and conveyed to a warehouse at the production site, and also includes equipment and supplies used for production line testing and quality control. The term "manufacturing" shall also include the necessary ancillary activities of newspaper and magazine printing when such activities are performed by the publisher of any newspaper or magazine for sale daily or regularly at average intervals not exceeding three months.

The determination whether any manufacturing, mining, processing, refining or conversion activity is industrial in nature shall be made without regard to plant size, existence or size of finished product inventory, degree of mechanization, amount of capital investment, number of employees or other factors relating principally to the size of the business. Further, "industrial in nature" shall include, but not be limited to, those businesses classified in codes 10 through 14 and 20 through 39 published in the Standard Industrial Classification Manual for 1972 and any supplements issued thereafter.

"Modular building" means, but shall not be limited to, single and multifamily houses, apartment units, commercial buildings, and permanent additions thereof, comprised of one or more sections that are intended to become real property, primarily constructed at a location other than the permanent site, built to comply with the Virginia Industrialized Building Safety Law (§ 36-70 et seq.) as regulated by the Virginia Department of Housing and Community Development, and shipped with most permanent components in place to the site of final assembly. For purposes of this chapter, a modular building shall not include a mobile office as defined in § 58.1-2401 or any manufactured building subject to and certified under the provisions of the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. § 5401 et seq.).

"Modular building manufacturer" means a person or corporation who owns or operates a manufacturing facility and is engaged in the fabrication, construction and assembling of building supplies and materials into modular buildings, as defined in this section, at a location other than at the site where the modular building will be assembled on the permanent foundation and may or may not be engaged in the process of affixing the modules to the foundation at the permanent site.

"Modular building retailer" means any person who purchases or acquires a modular building from a modular building manufacturer, or from another person, for subsequent sale to a customer residing within or outside of the Commonwealth, with or without installation of the modular building to the foundation at the permanent site.

"Motor vehicle" means a "motor vehicle" as defined in § 58.1-2401, taxable under the provisions of the Virginia Motor Vehicles Sales and Use Tax Act (§ 58.1-2400 et seq.) and upon the sale of which all applicable motor vehicle sales and use taxes have been paid. ~~"Motor vehicle" does not include any all-terrain vehicle, moped, or off-road motorcycle all as defined in § 46.2-100. The taxes under this chapter or pursuant to the authority granted under this chapter shall apply to such all-terrain vehicles, mopeds, and off-road motorcycles.~~

"Occasional sale" means a sale of tangible personal property not held or used by a seller in the course of an activity for which he is required to hold a certificate of registration, including the sale or exchange of all or substantially all the assets of any business and the reorganization or liquidation of any business, provided such sale or exchange is not one of a series of sales and exchanges sufficient in number, scope and character to constitute an activity requiring the holding of a certificate of registration.

"Open video system" means an open video system authorized pursuant to 47 U.S.C. § 573 and, for purposes of this chapter only, shall also include Internet service regardless of whether the provider of such service is also a telephone common carrier.

"Person" includes any individual, firm, copartnership, cooperative, nonprofit membership corporation, joint venture, association, corporation, estate, trust, business trust, trustee in bankruptcy, receiver, auctioneer, syndicate, assignee, club, society, or other group or combination acting as a unit, body politic or political subdivision, whether public or private, or quasi-public, and the plural of such term shall mean the same as the singular.

"Prewritten program" means a computer program that is prepared, held or existing for general or repeated sale or lease, including a computer program developed for in-house use and subsequently sold or leased to unrelated third parties.

"Railroad rolling stock" means locomotives, of whatever motive power, autocars, railroad cars of every kind and description, and all other equipment determined by the Tax Commissioner to constitute railroad rolling stock.

"Retail sale" or a "sale at retail" means a sale to any person for any purpose other than for resale in the form of tangible personal property or services taxable under this chapter, and shall include any such transaction as the Tax Commissioner upon investigation finds to be in lieu of a sale. All sales for resale must be made in strict compliance with regulations applicable to this chapter. Any dealer making a sale for resale which is not in strict compliance with such regulations shall be personally liable for payment of the tax.

The terms "retail sale" and a "sale at retail" shall specifically include the following: (i) the sale or charges for any room or rooms, lodgings, or accommodations furnished to transients for less than 90 continuous days by any hotel, motel, inn, tourist camp, tourist cabin, camping grounds, club, or any other place in which rooms, lodging, space, or accommodations are regularly furnished to transients for a consideration; (ii) sales of tangible personal property to persons for resale when because of the operation of the business, or its very nature, or the lack of a place of business in which to display a certificate of registration, or the lack of a place of business in which to keep records, or the lack of adequate records, or because such persons are minors or transients, or because such persons are engaged in essentially service businesses, or for any other reason there is likelihood that the Commonwealth will lose tax funds due to the difficulty of policing such business operations; (iii) the separately stated charge made for automotive refinish repair materials that are permanently applied to or affixed to a motor vehicle during its repair; and (iv) the separately stated charge for equipment available for lease or purchase by a provider of satellite television programming to the customer of such programming. Equipment sold to a provider of satellite television programming for subsequent lease or purchase by the customer of such programming shall be deemed a sale for resale. The Tax Commissioner is authorized to promulgate regulations requiring vendors of or sellers to such persons to collect the tax imposed by this chapter on the cost price of such tangible personal property to such persons and may refuse to issue certificates of registration to such persons. The terms "retail sale" and a "sale at retail" also shall specifically include the separately stated charge made for supplies used during automotive repairs whether or not there is transfer of title or possession of the supplies and whether or not the supplies are attached to the automobile. The purchase of such supplies by an automotive repairer for sale to the customer of such repair services shall be deemed a sale for resale.

The term "transient" shall not include a purchaser of camping memberships, time-shares, condominiums, or other similar contracts or interests that permit the use of, or constitute an interest in, real estate, however created or sold and whether registered with the Commonwealth or not. Further, a purchaser of a right or license which entitles the purchaser to use the amenities and facilities of a specific real estate project on an ongoing basis throughout its term shall not be deemed a transient; provided, however, that the term or time period involved is for seven years or more.

The terms "retail sale" and "sale at retail" shall not include a transfer of title to tangible personal property after its use as tools, tooling, machinery or equipment, including dies, molds, and patterns, if (i) at the time of purchase, the purchaser is obligated, under the terms of a written contract, to make the transfer and (ii) the transfer is made for the same or a greater consideration to the person for whom the purchaser manufactures goods.

"Retailer" means every person engaged in the business of making sales at retail, or for distribution, use, consumption, or storage to be used or consumed in the Commonwealth.

"Sale" means any transfer of title or possession, or both, exchange, barter, lease or rental, conditional or otherwise, in any manner or by any means whatsoever, of tangible personal property and any rendition of a taxable service for a consideration, and includes the fabrication of tangible personal property for consumers who furnish, either directly or indirectly, the materials used in fabrication, and the furnishing, preparing, or serving for a consideration of any tangible personal property consumed on the premises of the person furnishing, preparing, or serving such tangible personal property. A transaction whereby the possession of property is transferred but the seller retains title as security for the payment of the price shall be deemed a sale.

"Sales price" means the total amount for which tangible personal property or services are sold, including any services that are a part of the sale, valued in money, whether paid in money or otherwise, and includes any amount for which credit is given to the purchaser, consumer, or lessee by the dealer, without any deduction therefrom on account of the cost of the property sold, the cost of materials used, labor or service costs, losses or any other expenses whatsoever. "Sales price" shall not include (i) any cash discount allowed and taken; (ii) finance charges, carrying charges, service charges or interest from credit extended on sales of tangible personal property under conditional sale contracts or other conditional contracts providing for deferred payments of the purchase price; (iii) separately stated local property taxes collected; (iv) that portion of the amount paid by the purchaser as a discretionary gratuity added to the price of a meal; or (v) that portion of the amount paid by the purchaser as a mandatory gratuity or service charge added by a restaurant to the price of a meal, but only to the extent that such mandatory gratuity or service charge does not exceed 20 percent of the price of the meal. Where used articles are taken in trade, or in a series of trades as a credit or part payment on the sale of new or used articles, the tax levied by this chapter shall be paid on the net difference between the sales price of the new or used articles and the credit for the used articles.

"Semiconductor cleanrooms" means the integrated systems, fixtures, piping, partitions, flooring, lighting, equipment, and all other property used to reduce contamination or to control airflow, temperature, humidity, vibration, or other environmental conditions required for the integrated process of semiconductor manufacturing.

"Semiconductor equipment" means (i) machinery or tools or repair parts or replacements thereof; (ii) the related accessories, components, pedestals, bases, or foundations used in connection with the operation of the equipment, without

regard to the proximity to the equipment, the method of attachment, or whether the equipment or accessories are affixed to the realty; (iii) semiconductor wafers and other property or supplies used to install, test, calibrate or recalibrate, characterize, condition, measure, or maintain the equipment and settings thereof; and (iv) equipment and supplies used for quality control testing of product, materials, equipment, or processes; or the measurement of equipment performance or production parameters regardless of where or when the quality control, testing, or measuring activity takes place, how the activity affects the operation of equipment, or whether the equipment and supplies come into contact with the product.

"Storage" means any keeping or retention of tangible personal property for use, consumption or distribution in the Commonwealth, or for any purpose other than sale at retail in the regular course of business.

"Tangible personal property" means personal property which may be seen, weighed, measured, felt, or touched, or is in any other manner perceptible to the senses. The term "tangible personal property" shall not include stocks, bonds, notes, insurance or other obligations or securities. The term "tangible personal property" shall include (i) telephone calling cards upon their initial sale, which shall be exempt from all other state and local utility taxes, and (ii) manufactured signs.

"Use" means the exercise of any right or power over tangible personal property incident to the ownership thereof, except that it does not include the sale at retail of that property in the regular course of business. The term does not include the exercise of any right or power, including use, distribution, or storage, over any tangible personal property sold to a nonresident donor for delivery outside of the Commonwealth to a nonresident recipient pursuant to an order placed by the donor from outside the Commonwealth via mail or telephone. The term does not include any sale determined to be a gift transaction, subject to tax under § 58.1-604.6.

"Use tax" refers to the tax imposed upon the use, consumption, distribution, and storage as herein defined.

"Used directly," when used in relation to manufacturing, processing, refining, or conversion, refers to those activities which are an integral part of the production of a product, including all steps of an integrated manufacturing or mining process, but not including ancillary activities such as general maintenance or administration. When used in relation to mining, it shall refer to the activities specified above, and in addition, any reclamation activity of the land previously mined by the mining company required by state or federal law.

"Video programmer" means a person or entity that provides video programming to end-user subscribers.

"Video programming" means video and/or information programming provided by or generally considered comparable to programming provided by a cable operator including, but not limited to, Internet service.

B. Notwithstanding the definitions in subsection A, to the extent that conformity to any remote collection authority legislation enacted by the Congress of the United States shall so require, the words and terms used in this chapter related to the minimum simplification requirements shall have the same meaning as provided in such federal legislation.

#### § 58.1-2401. Definitions.

As used in this chapter, unless the context clearly shows otherwise, the term or phrase:

"Commissioner" shall mean the Commissioner of the Department of Motor Vehicles of the Commonwealth.

"Department" shall mean the Department of Motor Vehicles of this Commonwealth, acting through its duly authorized officers and agents.

"Mobile office" shall mean an industrialized building unit not subject to the federal regulation, which may be constructed on a chassis for the purpose of towing to the point of use and designed to be used with or without a permanent foundation, for commercial use and not for residential use; or two or more such units separately towable, but designed to be joined together at the point of use to form a single commercial structure, and which may be designed for removal to, and installation or erection on other sites.

"Motor vehicle" shall mean every vehicle, except for mobile office as herein defined, which is self-propelled or designed for self-propulsion and every vehicle drawn by or designed to be drawn by a motor vehicle, including *all-terrain vehicles*, manufactured homes, *mopeds*, and *off-road motorcycles* as those terms are defined in § 46.2-100 and every device in, upon and by which any person or property is, or can be, transported or drawn upon a highway, but excepting devices moved by human or animal power, devices used exclusively upon stationary rails or tracks and vehicles, other than manufactured homes, used in this Commonwealth but not required to be licensed by the Commonwealth.

"Sale" shall mean any transfer of ownership or possession, by exchange or barter, conditional or otherwise, in any manner or by any means whatsoever, of a motor vehicle. The term shall also include a transaction whereby possession is transferred but title is retained by the seller as security. The term shall not include a transfer of ownership or possession made to secure payment of an obligation, nor shall it include a refund for, or replacement of, a motor vehicle of equivalent or lesser value pursuant to the Virginia Motor Vehicle Warranty Enforcement Act (§ 59.1-207.9 et seq.). Where the replacement motor vehicle is of greater value than the motor vehicle replaced, only the difference in value shall constitute a sale.

"Sale price" shall mean the total price paid for a motor vehicle and all attachments thereon and accessories thereto, as determined by the Commissioner, exclusive of any federal manufacturers' excise tax, without any allowance or deduction for trade-ins or unpaid liens or encumbrances. However, "sale price" shall not include (i) any manufacturer rebate or manufacturer incentive payment applied to the transaction by the customer or dealer whether as a reduction in the sales price or as payment for the vehicle and (ii) the cost of controls, lifts, automatic transmission, power steering, power brakes or any other equipment installed in or added to a motor vehicle which is required by law or regulation as a condition for operation of a motor vehicle by a handicapped person.

**§ 58.1-2402. (Contingent expiration date) Levy.**

A. There is hereby levied, in addition to all other taxes and fees of every kind now imposed by law, a tax upon the sale or use of motor vehicles in Virginia, other than a sale to or use by a person for rental as an established business or part of an established business or incidental or germane to such business.

The amount of the tax to be collected shall be determined by the Commissioner by the application of the following rates against the gross sales price:

1. Three percent through midnight on June 30, 2013, four percent (~~4.0%~~) beginning July 1, 2013, through midnight on June 30, 2014, ~~four and five hundredths of a 4.05 percent (4.05%)~~ beginning July 1, 2014, through midnight on June 30, 2015, ~~four and one tenth of a 4.1 percent (4.1%)~~ beginning July 1, 2015, through midnight on June 30, 2016, and ~~four and fifteen hundredths (4.15%) of a 4.15 percent~~ beginning on and after July 1, 2016, of the sale price of each motor vehicle sold in Virginia. If such motor vehicle is a manufactured home as defined in § 36-85.3, the tax shall be three percent of the sale price of each such manufactured home sold in the Commonwealth; if such vehicle is a mobile office as defined in § 58.1-2401, the tax shall be two percent of the sale price of each mobile office sold in the Commonwealth; if such vehicle has a gross vehicle weight rating or gross combination weight rating of 26,001 pounds or more and is neither (i) a manufactured home as defined in § 36-85.3, (ii) a mobile office as defined in § 58.1-2401, (iii) a trailer or semitrailer as severally defined in § 46.2-100 that is not designed or used to carry property, nor (iv) a vehicle registered under § 46.2-700, the tax shall be zero percent of the sale price of each such vehicle sold in the Commonwealth; *and if such vehicle is an all-terrain vehicle, moped, or off-road motorcycle, as those terms are defined in § 46.2-100, sold by a Virginia dealer, or sold by anyone other than a Virginia dealer and then used or stored for use in the Commonwealth, (a) in a county or city located in a planning district described in § 58.1-603.1, the tax shall be six percent of the sales price of each such vehicle or (b) in any county or city other than those set forth in clause (a), the tax shall be 5.3 percent of the sales price of each such vehicle.*

2. Three percent through midnight on June 30, 2013, four percent (~~4.0%~~) beginning July 1, 2013, through midnight on June 30, 2014, ~~four and five hundredths of a 4.05 percent (4.05%)~~ beginning July 1, 2014, through midnight on June 30, 2015, ~~four and one tenth of a 4.1 percent (4.1%)~~ beginning July 1, 2015, through midnight on June 30, 2016, and ~~four and fifteen hundredths (4.15%) of a 4.15 percent~~ beginning on and after July 1, 2016, of the sale price of each motor vehicle, not sold in Virginia but used or stored for use in the Commonwealth; or three percent of the sale price of each manufactured home as defined in § 36-85.3, or two percent of the sale price of each mobile office as defined in § 58.1-2401, not sold in Virginia but used or stored for use in this Commonwealth. If such vehicle has a gross vehicle weight rating or gross combination weight rating of 26,001 pounds or more and is neither (i) a manufactured home as defined in § 36-85.3, (ii) a mobile office as defined in § 58.1-2401, (iii) a trailer or semitrailer as severally defined in § 46.2-100 that is not designed or used to carry property, nor (iv) a vehicle registered under § 46.2-700, the tax shall be zero percent of the sale price of each such vehicle not sold in the Commonwealth but used or stored for use in the Commonwealth. *If such vehicle is an all-terrain vehicle, moped, or off-road motorcycle, as those terms are defined in § 46.2-100, not sold in the Commonwealth but used or stored for use in the Commonwealth (a) in a county or city located in a planning district described in § 58.1-603.1, the tax shall be six percent of the sales price of each such vehicle or (b) in any county or city other than those set forth in clause (a), the tax shall be 5.3 percent of the sales price of each such vehicle.* When any motor vehicle or manufactured home not sold in the Commonwealth is first used or stored for use in Virginia six months or more after its acquisition, the tax shall be based on its current market value.

3. The minimum tax levied on the sale of any motor vehicle in the Commonwealth that is subject to taxation at a rate exceeding zero percent shall be \$75, except as provided by those exemptions defined in § 58.1-2403. *This subdivision shall not apply to any all-terrain vehicle, moped, or off-road motorcycle subject to taxation under this chapter.*

~~4 through 7. [Repealed.]~~

B. A transaction taxed under subdivision A 1 shall not also be taxed under subdivision A 2, nor shall the same transaction be taxed more than once under either subdivision.

C. Any motor vehicle, trailer or semitrailer exempt from this tax under subdivision 1 or 2 of § 58.1-2403 shall be subject to the tax, based on the current market value when such vehicle is no longer owned or used by the United States government or any governmental agency, or the Commonwealth of Virginia or any political subdivision thereof, unless such vehicle is then rented, in which case the tax imposed by § 58.1-1736 shall apply, subject to the exemptions provided in § 58.1-1737. Further, any motor vehicle, trailer or semitrailer exempt from the tax imposed by this chapter under subdivision 11 of § 58.1-2403 or §§ 46.2-663 through 46.2-674 shall be subject to the tax, based on the current market value, when such vehicle is subsequently licensed to operate on the highways of the Commonwealth.

D. Any person who with intent to evade or to aid another person to evade the tax provided for herein; falsely states the selling price of a vehicle on a bill of sale, assignment of title, application for title, or any other document or paper submitted to the Commissioner pursuant to any provisions of this title or Title 46.2; shall be guilty of a Class 3 misdemeanor.

E. Effective January 1, 1997, any amount designated as a "processing fee" and any amount charged by a dealer for processing a transaction, which is required to be included on a buyer's order pursuant to subdivision A 10 of § 46.2-1530, shall be subject to the tax.

**§ 58.1-2402. (Contingent effective date) Levy.**

A. There is hereby levied, in addition to all other taxes and fees of every kind now imposed by law, a tax upon the sale or use of motor vehicles in Virginia, other than a sale to or use by a person for rental as an established business or part of an established business or incidental or germane to such business.

The amount of the tax to be collected shall be determined by the Commissioner by the application of the following rates against the gross sales price:

1. Three percent of the sale price of each motor vehicle sold in Virginia. If such motor vehicle is a manufactured home as defined in § 36-85.3, the tax shall be three percent of the sale price of each such manufactured home sold in the Commonwealth; if such vehicle is a mobile office as defined in § 58.1-2401, the tax shall be two percent of the sale price of each mobile office sold in the Commonwealth; if such vehicle has a gross vehicle weight rating or gross combination weight rating of 26,001 pounds or more and is neither (i) a manufactured home as defined in § 36-85.3, (ii) a mobile office as defined in § 58.1-2401, (iii) a trailer or semitrailer as severally defined in § 46.2-100 that is not designed or used to carry property, nor (iv) a vehicle registered under § 46.2-700, the tax shall be zero percent of the sale price of each such vehicle sold in the Commonwealth; *and if such vehicle is an all-terrain vehicle, moped, or off-road motorcycle, as those terms are defined in § 46.2-100, sold by a Virginia dealer, or sold by anyone other than a Virginia dealer and then used or stored for use in the Commonwealth, (a) in a county or city located in a planning district described in § 58.1-603.1, the tax shall be six percent of the sales price of each such vehicle or (b) in any county or city other than those set forth in clause (a), the tax shall be 5.3 percent of the sales price of each such vehicle.*

2. Three percent of the sale price of each motor vehicle, or three percent of the sale price of each manufactured home as defined in § 36-85.3, or two percent of the sale price of each mobile office as defined in § 58.1-2401, not sold in Virginia but used or stored for use in the Commonwealth. If such vehicle has a gross vehicle weight rating or gross combination weight rating of 26,001 pounds or more and is neither (i) a manufactured home as defined in § 36-85.3, (ii) a mobile office as defined in § 58.1-2401, (iii) a trailer or semitrailer as severally defined in § 46.2-100 that is not designed or used to carry property, nor (iv) a vehicle registered under § 46.2-700, the tax shall be zero percent of the sale price of each such vehicle not sold in the Commonwealth but used or stored for use in the Commonwealth. *If such vehicle is an all-terrain vehicle, moped, or off-road motorcycle, as those terms are defined in § 46.2-100, not sold in the Commonwealth but used or stored for use in the Commonwealth (a) in a county or city located in a planning district described in § 58.1-603.1, the tax shall be six percent of the sales price of each such vehicle or (b) in any county or city other than those set forth in clause (a), the tax shall be 5.3 percent of the sales price of each such vehicle.* When any motor vehicle or manufactured home not sold in the Commonwealth is first used or stored for use in Virginia six months or more after its acquisition, the tax shall be based on its current market value.

3. The minimum tax levied on the sale of any motor vehicle in the Commonwealth that is subject to taxation at a rate exceeding zero percent shall be \$35, except as provided by those exemptions defined in § 58.1-2403. *This subdivision shall not apply to any all-terrain vehicle, moped, or off-road motorcycle subject to taxation under this chapter.*

~~4 through 7. [Repealed.]~~

B. A transaction taxed under subdivision A 1 shall not also be taxed under subdivision A 2, nor shall the same transaction be taxed more than once under either subdivision.

C. Any motor vehicle, trailer or semitrailer exempt from this tax under subdivision 1 or 2 of § 58.1-2403 shall be subject to the tax, based on the current market value when such vehicle is no longer owned or used by the United States government or any governmental agency, or the Commonwealth of Virginia or any political subdivision thereof, unless such vehicle is then rented, in which case the tax imposed by § 58.1-1736 shall apply, subject to the exemptions provided in § 58.1-1737. Further, any motor vehicle, trailer or semitrailer exempt from the tax imposed by this chapter under subdivision 11 of § 58.1-2403 or §§ 46.2-663 through 46.2-674 shall be subject to the tax, based on the current market value, when such vehicle is subsequently licensed to operate on the highways of the Commonwealth.

D. Any person who with intent to evade or to aid another person to evade the tax provided for herein, falsely states the selling price of a vehicle on a bill of sale, assignment of title, application for title, or any other document or paper submitted to the Commissioner pursuant to any provisions of this title or Title 46.2, shall be guilty of a Class 3 misdemeanor.

E. Effective January 1, 1997, any amount designated as a "processing fee" and any amount charged by a dealer for processing a transaction, which is required to be included on a buyer's order pursuant to subdivision A 10 of § 46.2-1530, shall be subject to the tax.

**§ 58.1-2403. Exemptions.**

No tax shall be imposed as provided in § 58.1-2402 if the vehicle is:

1. Sold to or used by the United States government or any governmental agency thereof;
2. Sold to or used by the Commonwealth of Virginia or any political subdivision thereof;
3. Registered in the name of a volunteer fire department or volunteer emergency medical services agency not operated for profit;
4. Registered to any member of the Mattaponi, Pamunkey, or Chickahominy Indian tribes or any other recognized Indian tribe of the Commonwealth living on the tribal reservation;
5. Transferred incidental to repossession under a recorded lien and ownership is transferred to the lienholder;
6. A manufactured home permanently attached to real estate and included in the sale of real estate;

7. A gift to the spouse, son, daughter, or parent of the transferor. With the exception of a gift to a spouse, this exemption shall not apply to any unpaid obligation assumed by the transferee incidental to the transfer;

8. Transferred from an individual or partnership to a corporation or limited liability company or from a corporation or limited liability company to an individual or partnership if the transfer is incidental to the formation, organization or dissolution of a corporation or limited liability company in which the individual or partnership holds the majority interest;

9. Transferred from a wholly owned subsidiary to the parent corporation or from the parent corporation to a wholly owned subsidiary;

10. Being registered for the first time in the Commonwealth and the applicant holds a valid, assignable title or registration issued to him by another state or a branch of the United States Armed Forces and (i) has owned the vehicle for longer than 12 months or (ii) has owned the vehicle for less than 12 months and provides evidence of a sales tax paid to another state. However, when a vehicle has been purchased by the applicant within the last 12 months and the applicant is unable to provide evidence of a sales tax paid to another state, the applicant shall pay the Virginia sales tax based on the fair market value of the vehicle at the time of registration in Virginia;

11. a. Titled in a Virginia or non-Virginia motor vehicle dealer's name for resale; or

b. Titled in the name of an automotive manufacturer having its headquarters in Virginia, except for any commercially leased vehicle that is not described under subdivision 3 of § 46.2-602.2. For purposes of this subdivision, "automotive manufacturer" and "headquarters" means the same as such terms are defined in § 46.2-602.2;

12. A motor vehicle having seats for more than seven passengers and sold to an urban or suburban bus line the majority of whose passengers use the buses for traveling a distance of less than 40 miles, one way, on the same day;

13. Purchased in the Commonwealth by a nonresident and a Virginia title is issued for the sole purpose of recording a lien against the vehicle if the vehicle will be registered in a state other than Virginia;

14. A motor vehicle designed for the transportation of 10 or more passengers, purchased by and for the use of a church conducted not for profit;

15. Loaned or leased to a private nonprofit institution of learning, for the sole purpose of use in the instruction of driver's education when such education is a part of such school's curriculum for full-time students;

16. Sold to an insurance company or local government group self-insurance pool, created pursuant to § 15.2-2703, for the sole purpose of disposition when such company or pool has paid the registered owner of such vehicle a total loss claim;

17. Owned and used for personal or official purposes by accredited consular or diplomatic officers of foreign governments, their employees or agents, and members of their families, if such persons are nationals of the state by which they are appointed and are not citizens of the United States;

18. A self-contained mobile computerized axial tomography scanner sold to, rented or used by a nonprofit hospital or a cooperative hospital service organization as described in § 501(e) of the United States Internal Revenue Code;

19. A motor vehicle having seats for more than seven passengers and sold to a restricted common carrier or common carrier of passengers;

20. Beginning July 1, 1989, a self-contained mobile unit designed exclusively for human diagnostic or therapeutic service, sold to, rented to, or used by a nonprofit hospital, or a cooperative hospital service organization as described in § 501(e) of the United States Internal Revenue Code, or a nonprofit corporation as defined in § 501(c)(3) of the Internal Revenue Code, established for research in, diagnosis of, or therapy for human ailments;

21. Transferred, as a gift or through a sale to an organization exempt from taxation under § 501(c)(3) of the Internal Revenue Code, provided the motor vehicle is not titled and tagged for use by such organization;

22. A motor vehicle sold to an organization which is exempt from taxation under § 501(c)(3) of the Internal Revenue Code and which is organized for the primary purpose of distributing food, clothing, medicines, and other necessities of life to, and providing shelter for, needy persons in the United States and throughout the world;

23. Transferred to the trustees of a revocable inter vivos trust, when the individual titleholder of a Virginia titled motor vehicle and the beneficiaries of the trust are the same persons, regardless of whether other beneficiaries of the trust may also be named in the trust instrument, when no consideration has passed between the titleholder and the beneficiaries; and transferred to the original titleholder from the trustees holding title to the motor vehicle;

24. Transferred to trustees of a revocable inter vivos trust, when the owners of the vehicle and the beneficiaries of the trust are the same persons, regardless of whether other beneficiaries may also be named in the trust instrument, or transferred by trustees of such a trust to beneficiaries of the trust following the death of the grantor, when no consideration has passed between the grantor and the beneficiaries in either case;

25. Sold by a vehicle's lessor to its lessee upon the expiration of the term of the vehicle's lease, if the lessee is a natural person and this natural person has paid the tax levied pursuant to this chapter with respect to the vehicle when he leased it from the lessor, and if the lessee presents an original copy of the lease upon request of the Department of Motor Vehicles or other evidence that the sales tax has been paid to the Commonwealth by the lessee purchasing the vehicle;

26. Titled in the name of a deceased person and transferred to the spouse or heir, or under the will, of such deceased person;

27. An all-terrain vehicle, moped, or off-road motorcycle ~~and, as those terms are defined in § 46.2-100: Such all-terrain vehicles, mopeds, or off-road motorcycles shall not be deemed a motor vehicle or other vehicle subject to the tax imposed under this chapter, that is being titled for the first time in the Commonwealth and that the applicant (i) has owned for more~~

than 12 months or (ii) has owned for less than 12 months and provides evidence of tax paid pursuant to Chapter 6 (§ 58.1-600 et seq.);

28. A motor vehicle that is sold to an organization that is exempt from taxation under § 501(c)(3) of the Internal Revenue Code and that is primarily used by the organization to transport to markets for sale produce that is (i) produced by local farmers and (ii) sold by such farmers to the organization; or

29. Transferred from the purchaser of the vehicle back to the seller of the vehicle who (i) accepted the vehicle pursuant to the Virginia Motor Vehicle Warranty Enforcement Act (§ 59.1-207.9 et seq.) or (ii) otherwise agreed to accept the return of the vehicle due to a mechanical defect or failure and refunded to the purchaser the purchase price of the vehicle. Except when the return of the vehicle is pursuant to the Virginia Motor Vehicle Warranty Enforcement Act, the transfer shall occur within 45 days of the date of purchase.

**§ 58.1-2425. (Contingent expiration date) Disposition of revenues.**

A. Funds collected hereunder by the Commissioner shall be forthwith paid into the state treasury. Except as otherwise provided in this section, these funds shall constitute special funds within the Commonwealth Transportation Fund. Any balances remaining in these funds at the end of the year shall be available for use in subsequent years for the purposes set forth in this chapter, and any interest income on such funds shall accrue to these funds. The revenue so derived, after refunds have been deducted, is hereby allocated for the construction, reconstruction and maintenance of highways and the regulation of traffic thereon and for no other purpose. However, (i) all funds collected pursuant to the provisions of this chapter from manufactured homes, as defined in § 46.2-100, shall be distributed to the city, town, or county wherein such manufactured home is to be situated as a dwelling; (ii) effective January 1, 1987, an amount equivalent to the net additional revenues from the sales and use tax on motor vehicles generated by enactments of the 1986 Special Session of the Virginia General Assembly which amended §§ 46.2-694, 46.2-697, 58.1-2401, 58.1-2402, and this section shall be distributed to and paid into the Transportation Trust Fund established pursuant to § 33.2-1524, a special fund within the Commonwealth Transportation Fund, and are hereby appropriated to the Commonwealth Transportation Board for transportation needs; ~~and~~ (iii) the net additional revenues generated by increases in the rates of taxes under subdivisions A 1 and A 2 of § 58.1-2402 and generated by the increase in the minimum tax under subdivision A 3 of § 58.1-2402 pursuant to enactments of a Session of the General Assembly held in 2013 shall be deposited by the Comptroller into the Highway Maintenance and Operating Fund established pursuant to § 33.2-1530; *and (iv) all funds collected pursuant to the provisions of this chapter from all-terrain vehicles, mopeds, and off-road motorcycles, as those terms are defined in § 46.2-100, shall be distributed as follows: (a) an amount equal to a one percent tax shall be distributed in the same manner as the one percent local sales tax pursuant to § 58.1-605, except that this amount collected on sales by anyone other than a Virginia dealer or on sales outside of Virginia shall be distributed to the county or city in which the vehicle is used or stored for use; (b) an amount equal to a 4.3 percent tax shall be distributed in the same manner as the state sales and use tax pursuant to §§ 58.1-638 and 58.1-638.3, except that this amount collected on sales by anyone other than a Virginia dealer or on sales outside of Virginia shall be distributed to the county or city in which the vehicle is used or stored for use; and (c) if the all-terrain vehicle, moped, or off-road motorcycle was purchased from a Virginia dealer, or purchased from anyone other than a Virginia dealer or outside of Virginia and then used or stored for use in a county or city in a planning district described in § 58.1-603.1, an amount equal to a 0.7 percent tax shall be distributed pursuant to § 58.1-603.1, except that this amount collected on sales by anyone other than a Virginia dealer or on sales outside of Virginia shall be distributed to the county or city in which the vehicle is used or stored for use.*

B. As provided in subsection A of § 58.1-638, of the funds becoming part of the Transportation Trust Fund pursuant to clause (ii) of subsection A, an aggregate of 4.2 percent shall be set aside as the Commonwealth Port Fund; an aggregate of 2.4 percent shall be set aside as the Commonwealth Airport Fund; and an aggregate of 14.5 percent in fiscal year 1998-1999 and 14.7 percent in fiscal year 1999-2000 and thereafter shall be set aside as the Commonwealth Mass Transit Fund.

**§ 58.1-2425. (Contingent effective date) Disposition of revenues.**

A. Funds collected hereunder by the Commissioner shall be forthwith paid into the state treasury. Except as otherwise provided in this section, these funds shall constitute special funds within the Commonwealth Transportation Fund. Any balances remaining in these funds at the end of the year shall be available for use in subsequent years for the purposes set forth in this chapter, and any interest income on such funds shall accrue to these funds. The revenue so derived, after refunds have been deducted, is hereby allocated for the construction, reconstruction and maintenance of highways and the regulation of traffic thereon and for no other purpose. However, (i) all funds collected pursuant to the provisions of this chapter from manufactured homes, as defined in § 46.2-100, shall be distributed to the city, town, or county wherein such manufactured home is to be situated as a dwelling; ~~and~~ (ii) effective January 1, 1987, an amount equivalent to the net additional revenues from the sales and use tax on motor vehicles generated by enactments of the 1986 Special Session of the Virginia General Assembly which amended §§ 46.2-694, 46.2-697, 58.1-2401, 58.1-2402 and this section shall be distributed to and paid into the Transportation Trust Fund established pursuant to § 33.2-1524, a special fund within the Commonwealth Transportation Fund, and are hereby appropriated to the Commonwealth Transportation Board for transportation needs; *and (iii) all funds collected pursuant to the provisions of this chapter from all-terrain vehicles, mopeds, and off-road motorcycles, as those terms are defined in § 46.2-100, shall be distributed as follows: (a) an amount equal to a one percent tax shall be distributed in the same manner as the one percent local sales tax pursuant to § 58.1-605, except that this amount collected on sales by anyone other than a Virginia dealer or on sales outside of Virginia shall be distributed to the county or city in which the vehicle is used or stored for use and (b) an amount equal to a four percent tax*

*shall be distributed in the same manner as the state sales and use tax pursuant to § 58.1-638, except that this amount collected on sales by anyone other than a Virginia dealer or on sales outside of Virginia shall be distributed to the county or city in which the vehicle is used or stored for use.*

B. As provided in subsection A of § 58.1-638, of the funds becoming part of the Transportation Trust Fund pursuant to clause (ii) of subsection A of this section, an aggregate of 4.2 percent shall be set aside as the Commonwealth Port Fund; an aggregate of 2.4 percent shall be set aside as the Commonwealth Airport Fund; and an aggregate of 14.5 percent in fiscal year 1998-1999 and 14.7 percent in fiscal year 1999-2000 and thereafter shall be set aside as the Commonwealth Mass Transit Fund.

**2. That the provisions of this act shall become effective October 1, 2018.**

### CHAPTER 839

*An Act to amend and reenact § 15.2-7207 of the Code of Virginia, relating to the BVU Authority.*

[H 1450]

Approved April 18, 2018

**Be it enacted by the General Assembly of Virginia:**

**1. That § 15.2-7207 of the Code of Virginia is amended and reenacted as follows:**

**§ 15.2-7207. Powers generally.**

A. The Authority is hereby granted all powers reasonably necessary or appropriate to carry out the purposes of this chapter in order to provide electric, water, sewer, and telecommunication and related services, including without limitation, cable television internet, and all other services that might be lawfully rendered by use of the Authority's fiber optic system, subject to all applicable limitations and restrictions thereon. Such powers include, without limitation, except as set forth hereafter, the following:

1. To adopt bylaws for the regulation of its affairs and the conduct of its business;
2. To sue and be sued in the Authority's name;
3. To adopt a corporate seal and alter the same at its pleasure;
4. To maintain offices at such places as it may designate;
5. To appoint, employ, or engage such officers, employees, architects, engineers, attorneys, accountants, financial advisors, investment bankers, and other advisors, consultants, and agents as may be necessary or appropriate, and to fix their duties and compensation;
6. To establish personnel rules;
7. To make, assume, and enter into all contracts, leases, and arrangements necessary or incidental to the exercise of its powers, including contracts for the management or operation of all or any part of its facilities;
8. To borrow money, as hereinafter provided, and to borrow money for the purpose of meeting casual deficits in its revenues;
9. To provide electric, water, sewer, and telecommunication and related services, including without limitation, cable television, internet, and all other services that might be lawfully rendered by use of the Authority's fiber optic system as set forth in § 15.2-7208 subject to all applicable restrictions and limitations thereon;
10. To determine fees, rates, and charges for the services and products it provides, subject only to such state or federal regulation as the Tennessee Valley Authority (TVA) or other cognizant state or federal agency may impose by order, rulemaking, contract or otherwise, including, without limitation, electric, water and sewer, and internet and cable television services, including all other services that might be rendered by use of its fiber optic system, furnished by the Authority. MLEC telephone service, including rates, is regulated by the Commission. All rate increases for services other than electric, which are set by the TVA, and telephone, which are set by the Commission and applicable law, shall require a favorable vote at two meetings, one of which must be a regular meeting of the BVU Authority Board;
11. To adopt, amend, and repeal rules and regulations for the use, maintenance, and operation of its facilities and utility services and governing the conduct of persons and organizations using its facilities or obtaining its utility services and to enforce such rules and regulations and all other rules, regulations, ordinances, and statutes relating to its facilities and services, as authorized by the enacting body of such rules, regulations, ordinances, and statutes. The civil penalty for violation of any such rules and regulations shall be set forth in the rules and may be enforced by the Authority by direct action in terminating services and by the imposition of monetary penalties to be billed to the customer. The Authority may request the governing body of each locality in which it does business to impose by ordinance such penal liability for violation of such rules and regulations as such body deems appropriate;
12. Subject to subdivision 20, to apply for and accept gifts or grants of money or gifts, grants or loans of other property or other financial assistance from the United States of America and agencies and instrumentalities thereof, this Commonwealth and political subdivisions, agencies and instrumentalities thereof, or any other person or entity, for or in aid of the construction, acquisition, ownership, operation, maintenance, or repair of its infrastructure or for the payment of principal of any indebtedness of the Authority, interest thereon, or other cost incident thereto, or for the operation of any of its services, or for any other purpose of the Authority, and to this end the Authority shall have the power to render such

services, comply with such conditions, and execute such agreements and legal instruments as may be necessary, convenient or desirable or imposed as a condition to such financial aid;

13. Subject to subdivision 15 and all existing limitations and restrictions thereon, to acquire, establish, construct, enlarge, improve, maintain, equip, operate, and regulate electric, water, sewer, telecommunications, internet and cable television services, including all other services that might be rendered by use of its fiber optic system, and other infrastructure and facilities that are owned or managed by the Authority within the territorial areas in which it operates or provides services;

14. To construct, install, maintain, and operate facilities and infrastructure for managing its utility, consulting and operational management services. The Authority shall have the power and duty to manage and operate the electric, public lighting, water, sewerage, telecommunications, internet and cable television services, including all other services that might be rendered by use of its fiber optic system directly subject to all existing limitations and restrictions thereon, or it may subcontract such functions. The Authority shall construct, maintain, and operate all facilities necessary thereto; shall sell and distribute to the public electric power, light, water, sewer, telecommunications, internet and cable television, and other services as they now exist or may exist in the future subject to all existing limitations and restrictions thereon; and shall collect the rates and charges provided for all such services;

15. To own, purchase, lease, obtain options upon, acquire by gift, grant, or bequest or otherwise acquire any property, real or personal, or any interest therein, and in connection therewith to assume or take subject to any indebtedness secured by such property and dispose of any or all such properties as is deemed appropriate by the Board, *including, notwithstanding the provisions of the Virginia Public Procurement Act (§ 2.2-4300 et seq.), executing, assigning, or transferring, without implementing the provisions of the Virginia Public Procurement Act, any internal contract between the divisions of the Authority that following such execution, assignment, or transfer will be between the Authority and the purchaser of the Authority's assets.* The Authority shall have the power of eminent domain to acquire property and easements as needed for its electric power, light, water, and sewer services within the areas it provides or can provide such services. The power of eminent domain shall not include the power to acquire existing telecommunications, internet or cable facilities, which is expressly prohibited, and the Authority shall not accept or receive any telecommunications, internet or cable facilities from an entity that acquired such facilities by use of eminent domain for the purpose of conveying them to the Authority;

16. To purchase and maintain insurance or provide indemnification on behalf of any person who is or was a director, officer, employee, or agent of the Authority and on behalf of the Authority itself against any liability asserted against it or him or incurred by it or him in any such capacity or arising out of his status as such;

17. To establish and charge such fees as it deems appropriate for attachment to or inclusion in the Authority's infrastructure, including but not limited to its poles, conduits, and co-location sites, subject to all existing limitations and restrictions thereon;

18. To fund economic development projects and, in advance of economic development projects, to enter into contracts, to borrow money and to do all other such acts as will allow it to encourage and support economic development.

Before the Authority expends any funds for an economic development project that is funded in whole or in part by funds allocated by the Board pursuant to a power purchase agreement with the Tennessee Valley Authority, a determination shall be made that the electric system benefit is expected to be commensurate with the expenditure.

Within 30 days of the end of the Authority's fiscal year, the Authority shall publish on its website the details of any incentive awarded to an economic development project;

19. To have police powers on all of the properties of the Authority within the Commonwealth, exercised through appointment of an armed conservator of the peace. The president of the Authority may apply to the circuit court for any locality in which the Authority has property for the appointment of one or more special conservators of the peace under procedures specified by Chapter 2 (§ 19.2-12 et seq.) of Title 19.2 or any successor provisions. Any such special conservator of the peace shall have, within the lands and facilities controlled by the Authority, the powers, functions, duties, responsibilities, and authority of any other armed conservator of the peace. Nothing in this section shall be construed to prevent the conservator of the peace currently serving Bristol Virginia Utilities from continuing as an armed special conservator of the peace for the Authority during the remainder of his term, if not removed for cause; and

20. To build or facilitate the building of, as the first broadband priority of the Authority, wired broadband infrastructure to serve residents in the Authority's lawful service area who are not served by any wired broadband service provider. The president of the Authority shall annually provide the Board with a report detailing (i) the number of requests for broadband services received from residents in unserved areas, (ii) the number of such requests for which the Authority has provided a connection to broadband services, and (iii) the costs of providing such broadband service.

B. The Authority is authorized to (i) operate only in Virginia and Tennessee; (ii) offer broadband services only in Sullivan, Unicoi, and Washington Counties, Tennessee; the City of Bristol, Virginia; and Bland, Buchanan, Dickenson, Russell, Scott, Smyth, Tazewell, Washington, Wise, and Wythe Counties in Virginia, together with any towns located in such counties; and (iii) offer cable television services or other video services only within the electric utility service territory of Bristol Virginia Utilities as it existed on December 31, 2009, in the City of Bristol, Virginia, Scott County, and Washington County, including within the Town of Abingdon. Notwithstanding the geographic limitations of this subsection, the Authority shall have the right to sell any of its non-electric utility services at wholesale to an independent third party in which the Authority has no ownership or management interest and no economic interest apart from the sale of utility

services, to allow such independent third party to distribute and sell the utility services at retail in areas outside of the Authority's geographic limitations.

C. Whenever any grant, loan, or application for such grant or loan includes or refers to funding for broadband deployment, the Authority shall ensure that (i) funds are allocated to the maximum extent possible to projects that expand broadband deployment to areas, residents, or businesses that are unserved by wired broadband; (ii) in any funding of grants for broadband deployment that include areas already served by wired broadband, such areas already served are incidental to and are crossed only for the purpose of reaching an unserved area; and (iii) any broadband network built will be operated on an open-access basis, available to multiple broadband providers, with dark fibers and capacity sufficient for competitive broadband providers to lease the same from the Authority at commercially reasonable rates.

D. The Authority shall not seek to become or establish a wireless service authority under the Virginia Wireless Service Authorities Act (§ 15.2-5431.1 et seq.) or contract for services with such an authority.

E. The Authority shall not solicit or contract with any locality or other entity possessing the power of eminent domain in order to cause such a third party to exercise its power of eminent domain to acquire any easements or other property where the Authority itself lacks such power.

F. The Authority shall not have the power to make charitable donations.

**2. That an emergency exists and this act is in force from its passage.**

#### CHAPTER 840

*An Act to amend and reenact §§ 58.1-602, as it is currently effective and as it may become effective, 58.1-2401, 58.1-2402, as it is currently effective and as it may become effective, 58.1-2403, and 58.1-2425, as it is currently effective and as it may become effective, of the Code of Virginia, relating to taxation of all-terrain vehicles, mopeds, and off-road motorcycles.*

[S 249]

Approved April 18, 2018

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 58.1-602, as it is currently effective and as it may become effective, 58.1-2401, 58.1-2402, as it is currently effective and as it may become effective, 58.1-2403, and 58.1-2425, as it is currently effective and as it may become effective, of the Code of Virginia are amended and reenacted as follows:**

**§ 58.1-602. (Contingent expiration date) Definitions.**

As used in this chapter, unless the context clearly shows otherwise, the term or phrase:

"Advertising" means the planning, creating, or placing of advertising in newspapers, magazines, billboards, broadcasting and other media, including, without limitation, the providing of concept, writing, graphic design, mechanical art, photography and production supervision. Any person providing advertising as defined herein shall be deemed to be the user or consumer of all tangible personal property purchased for use in such advertising.

"Amplification, transmission and distribution equipment" means, but is not limited to, production, distribution, and other equipment used to provide Internet-access services, such as computer and communications equipment and software used for storing, processing and retrieving end-user subscribers' requests.

"Business" includes any activity engaged in by any person, or caused to be engaged in by him, with the object of gain, benefit or advantage, either directly or indirectly.

"Cost price" means the actual cost of an item or article of tangible personal property computed in the same manner as the sales price as defined in this section without any deductions therefrom on account of the cost of materials used, labor, or service costs, transportation charges, or any expenses whatsoever.

"Custom program" means a computer program which is specifically designed and developed only for one customer. The combining of two or more prewritten programs does not constitute a custom computer program. A prewritten program that is modified to any degree remains a prewritten program and does not become custom.

"Distribution" means the transfer or delivery of tangible personal property for use, consumption, or storage by the distributee, and the use, consumption, or storage of tangible personal property by a person who has processed, manufactured, refined, or converted such property, but does not include the transfer or delivery of tangible personal property for resale or any use, consumption, or storage otherwise exempt under this chapter.

"Gross proceeds" means the charges made or voluntary contributions received for the lease or rental of tangible personal property or for furnishing services, computed with the same deductions, where applicable, as for sales price as defined in this section over the term of the lease, rental, service, or use, but not less frequently than monthly. "Gross proceeds" does not include finance charges, carrying charges, service charges, or interest from credit extended on the lease or rental of tangible personal property under conditional lease or rental contracts or other conditional contracts providing for the deferred payments of the lease or rental price.

"Gross sales" means the sum total of all retail sales of tangible personal property or services as defined in this chapter, without any deduction, except as provided in this chapter. "Gross sales" shall not include the federal retailers' excise tax or the federal diesel fuel excise tax imposed in § 4091 of the Internal Revenue Code if the excise tax is billed to the purchaser

separately from the selling price of the article, or the Virginia retail sales or use tax, or any sales or use tax imposed by any county or city under § 58.1-605 or 58.1-606.

"Import" and "imported" are words applicable to tangible personal property imported into the Commonwealth from other states as well as from foreign countries, and "export" and "exported" are words applicable to tangible personal property exported from the Commonwealth to other states as well as to foreign countries.

"In this Commonwealth" or "in the Commonwealth" means within the limits of the Commonwealth of Virginia and includes all territory within these limits owned by or ceded to the United States of America.

"Integrated process," when used in relation to semiconductor manufacturing, means a process that begins with the research or development of semiconductor products, equipment, or processes, includes the handling and storage of raw materials at a plant site, and continues to the point that the product is packaged for final sale and either shipped or conveyed to a warehouse. Without limiting the foregoing, any semiconductor equipment, fuel, power, energy, supplies, or other tangible personal property shall be deemed used as part of the integrated process if its use contributes, before, during, or after production, to higher product quality, production yields, or process efficiencies. Except as otherwise provided by law, such term shall not mean general maintenance or administration.

"Internet" means collectively, the myriad of computer and telecommunications facilities, which comprise the interconnected world-wide network of computer networks.

"Internet service" means a service that enables users to access proprietary and other content, information electronic mail, and the Internet as part of a package of services sold to end-user subscribers.

"Lease or rental" means the leasing or renting of tangible personal property and the possession or use thereof by the lessee or renter for a consideration, without transfer of the title to such property.

"Manufacturing, processing, refining, or conversion" includes the production line of the plant starting with the handling and storage of raw materials at the plant site and continuing through the last step of production where the product is finished or completed for sale and conveyed to a warehouse at the production site, and also includes equipment and supplies used for production line testing and quality control. The term "manufacturing" shall also include the necessary ancillary activities of newspaper and magazine printing when such activities are performed by the publisher of any newspaper or magazine for sale daily or regularly at average intervals not exceeding three months.

The determination whether any manufacturing, mining, processing, refining or conversion activity is industrial in nature shall be made without regard to plant size, existence or size of finished product inventory, degree of mechanization, amount of capital investment, number of employees or other factors relating principally to the size of the business. Further, "industrial in nature" shall include, but not be limited to, those businesses classified in codes 10 through 14 and 20 through 39 published in the Standard Industrial Classification Manual for 1972 and any supplements issued thereafter.

"Modular building" means, but shall not be limited to, single and multifamily houses, apartment units, commercial buildings, and permanent additions thereof, comprised of one or more sections that are intended to become real property, primarily constructed at a location other than the permanent site, built to comply with the Virginia Industrialized Building Safety Law (§ 36-70 et seq.) as regulated by the Virginia Department of Housing and Community Development, and shipped with most permanent components in place to the site of final assembly. For purposes of this chapter, a modular building shall not include a mobile office as defined in § 58.1-2401 or any manufactured building subject to and certified under the provisions of the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. § 5401 et seq.).

"Modular building manufacturer" means a person or corporation who owns or operates a manufacturing facility and is engaged in the fabrication, construction and assembling of building supplies and materials into modular buildings, as defined in this section, at a location other than at the site where the modular building will be assembled on the permanent foundation and may or may not be engaged in the process of affixing the modules to the foundation at the permanent site.

"Modular building retailer" means any person who purchases or acquires a modular building from a modular building manufacturer, or from another person, for subsequent sale to a customer residing within or outside of the Commonwealth, with or without installation of the modular building to the foundation at the permanent site.

"Motor vehicle" means a "motor vehicle" as defined in § 58.1-2401, taxable under the provisions of the Virginia Motor Vehicles Sales and Use Tax Act (§ 58.1-2400 et seq.) and upon the sale of which all applicable motor vehicle sales and use taxes have been paid. ~~"Motor vehicle" does not include any all-terrain vehicle, moped, or off-road motorcycle as defined in § 46.2-100. The taxes under this chapter or pursuant to the authority granted under this chapter shall apply to such all-terrain vehicles, mopeds, and off-road motorcycles.~~

"Occasional sale" means a sale of tangible personal property not held or used by a seller in the course of an activity for which he is required to hold a certificate of registration, including the sale or exchange of all or substantially all the assets of any business and the reorganization or liquidation of any business, provided such sale or exchange is not one of a series of sales and exchanges sufficient in number, scope and character to constitute an activity requiring the holding of a certificate of registration.

"Open video system" means an open video system authorized pursuant to 47 U.S.C. § 573 and, for purposes of this chapter only, shall also include Internet service regardless of whether the provider of such service is also a telephone common carrier.

"Person" includes any individual, firm, copartnership, cooperative, nonprofit membership corporation, joint venture, association, corporation, estate, trust, business trust, trustee in bankruptcy, receiver, auctioneer, syndicate, assignee, club,

society, or other group or combination acting as a unit, body politic or political subdivision, whether public or private, or quasi-public, and the plural of such term shall mean the same as the singular.

"Prewritten program" means a computer program that is prepared, held or existing for general or repeated sale or lease, including a computer program developed for in-house use and subsequently sold or leased to unrelated third parties.

"Railroad rolling stock" means locomotives, of whatever motive power, autocars, railroad cars of every kind and description, and all other equipment determined by the Tax Commissioner to constitute railroad rolling stock.

"Retail sale" or a "sale at retail" means a sale to any person for any purpose other than for resale in the form of tangible personal property or services taxable under this chapter, and shall include any such transaction as the Tax Commissioner upon investigation finds to be in lieu of a sale. All sales for resale must be made in strict compliance with regulations applicable to this chapter. Any dealer making a sale for resale which is not in strict compliance with such regulations shall be personally liable for payment of the tax.

The terms "retail sale" and a "sale at retail" shall specifically include the following: (i) the sale or charges for any room or rooms, lodgings, or accommodations furnished to transients for less than 90 continuous days by any hotel, motel, inn, tourist camp, tourist cabin, camping grounds, club, or any other place in which rooms, lodging, space, or accommodations are regularly furnished to transients for a consideration; (ii) sales of tangible personal property to persons for resale when because of the operation of the business, or its very nature, or the lack of a place of business in which to display a certificate of registration, or the lack of a place of business in which to keep records, or the lack of adequate records, or because such persons are minors or transients, or because such persons are engaged in essentially service businesses, or for any other reason there is likelihood that the Commonwealth will lose tax funds due to the difficulty of policing such business operations; (iii) the separately stated charge made for automotive refinish repair materials that are permanently applied to or affixed to a motor vehicle during its repair; and (iv) the separately stated charge for equipment available for lease or purchase by a provider of satellite television programming to the customer of such programming. Equipment sold to a provider of satellite television programming for subsequent lease or purchase by the customer of such programming shall be deemed a sale for resale. The Tax Commissioner is authorized to promulgate regulations requiring vendors of or sellers to such persons to collect the tax imposed by this chapter on the cost price of such tangible personal property to such persons and may refuse to issue certificates of registration to such persons. The terms "retail sale" and a "sale at retail" also shall specifically include the separately stated charge made for supplies used during automotive repairs whether or not there is transfer of title or possession of the supplies and whether or not the supplies are attached to the automobile. The purchase of such supplies by an automotive repairer for sale to the customer of such repair services shall be deemed a sale for resale.

The term "transient" shall not include a purchaser of camping memberships, time-shares, condominiums, or other similar contracts or interests that permit the use of, or constitute an interest in, real estate, however created or sold and whether registered with the Commonwealth or not. Further, a purchaser of a right or license which entitles the purchaser to use the amenities and facilities of a specific real estate project on an ongoing basis throughout its term shall not be deemed a transient; provided, however, that the term or time period involved is for seven years or more.

The terms "retail sale" and "sale at retail" shall not include a transfer of title to tangible personal property after its use as tools, tooling, machinery or equipment, including dies, molds, and patterns, if (i) at the time of purchase, the purchaser is obligated, under the terms of a written contract, to make the transfer and (ii) the transfer is made for the same or a greater consideration to the person for whom the purchaser manufactures goods.

"Retailer" means every person engaged in the business of making sales at retail, or for distribution, use, consumption, or storage to be used or consumed in the Commonwealth.

"Sale" means any transfer of title or possession, or both, exchange, barter, lease or rental, conditional or otherwise, in any manner or by any means whatsoever, of tangible personal property and any rendition of a taxable service for a consideration, and includes the fabrication of tangible personal property for consumers who furnish, either directly or indirectly, the materials used in fabrication, and the furnishing, preparing, or serving for a consideration of any tangible personal property consumed on the premises of the person furnishing, preparing, or serving such tangible personal property. A transaction whereby the possession of property is transferred but the seller retains title as security for the payment of the price shall be deemed a sale.

"Sales price" means the total amount for which tangible personal property or services are sold, including any services that are a part of the sale, valued in money, whether paid in money or otherwise, and includes any amount for which credit is given to the purchaser, consumer, or lessee by the dealer, without any deduction therefrom on account of the cost of the property sold, the cost of materials used, labor or service costs, losses or any other expenses whatsoever. "Sales price" shall not include (i) any cash discount allowed and taken; (ii) finance charges, carrying charges, service charges or interest from credit extended on sales of tangible personal property under conditional sale contracts or other conditional contracts providing for deferred payments of the purchase price; (iii) separately stated local property taxes collected; (iv) that portion of the amount paid by the purchaser as a discretionary gratuity added to the price of a meal; or (v) that portion of the amount paid by the purchaser as a mandatory gratuity or service charge added by a restaurant to the price of a meal, but only to the extent that such mandatory gratuity or service charge does not exceed 20% 20 percent of the price of the meal. Where used articles are taken in trade, or in a series of trades as a credit or part payment on the sale of new or used articles, the tax levied by this chapter shall be paid on the net difference between the sales price of the new or used articles and the credit for the used articles.

"Semiconductor cleanrooms" means the integrated systems, fixtures, piping, partitions, flooring, lighting, equipment, and all other property used to reduce contamination or to control airflow, temperature, humidity, vibration, or other environmental conditions required for the integrated process of semiconductor manufacturing.

"Semiconductor equipment" means (i) machinery or tools or repair parts or replacements thereof; (ii) the related accessories, components, pedestals, bases, or foundations used in connection with the operation of the equipment, without regard to the proximity to the equipment, the method of attachment, or whether the equipment or accessories are affixed to the realty; (iii) semiconductor wafers and other property or supplies used to install, test, calibrate or recalibrate, characterize, condition, measure, or maintain the equipment and settings thereof; and (iv) equipment and supplies used for quality control testing of product, materials, equipment, or processes; or the measurement of equipment performance or production parameters regardless of where or when the quality control, testing, or measuring activity takes place, how the activity affects the operation of equipment, or whether the equipment and supplies come into contact with the product.

"Storage" means any keeping or retention of tangible personal property for use, consumption or distribution in the Commonwealth, or for any purpose other than sale at retail in the regular course of business.

"Tangible personal property" means personal property which may be seen, weighed, measured, felt, or touched, or is in any other manner perceptible to the senses. The term "tangible personal property" shall not include stocks, bonds, notes, insurance or other obligations or securities. The term "tangible personal property" shall include (i) telephone calling cards upon their initial sale, which shall be exempt from all other state and local utility taxes, and (ii) manufactured signs.

"Use" means the exercise of any right or power over tangible personal property incident to the ownership thereof, except that it does not include the sale at retail of that property in the regular course of business. The term does not include the exercise of any right or power, including use, distribution, or storage, over any tangible personal property sold to a nonresident donor for delivery outside of the Commonwealth to a nonresident recipient pursuant to an order placed by the donor from outside the Commonwealth via mail or telephone. The term does not include any sale determined to be a gift transaction, subject to tax under § 58.1-604.6.

"Use tax" refers to the tax imposed upon the use, consumption, distribution, and storage as herein defined.

"Used directly," when used in relation to manufacturing, processing, refining, or conversion, refers to those activities which are an integral part of the production of a product, including all steps of an integrated manufacturing or mining process, but not including ancillary activities such as general maintenance or administration. When used in relation to mining, it shall refer to the activities specified above, and in addition, any reclamation activity of the land previously mined by the mining company required by state or federal law.

"Video programmer" means a person or entity that provides video programming to end-user subscribers.

"Video programming" means video and/or information programming provided by or generally considered comparable to programming provided by a cable operator including, but not limited to, Internet service.

**§ 58.1-602. (Contingent effective date) Definitions.**

A. As used in this chapter, unless the context clearly shows otherwise:

"Advertising" means the planning, creating, or placing of advertising in newspapers, magazines, billboards, broadcasting and other media, including, without limitation, the providing of concept, writing, graphic design, mechanical art, photography and production supervision. Any person providing advertising as defined herein shall be deemed to be the user or consumer of all tangible personal property purchased for use in such advertising.

"Amplification, transmission and distribution equipment" means, but is not limited to, production, distribution, and other equipment used to provide Internet-access services, such as computer and communications equipment and software used for storing, processing and retrieving end-user subscribers' requests.

"Business" includes any activity engaged in by any person, or caused to be engaged in by him, with the object of gain, benefit or advantage, either directly or indirectly.

"Cost price" means the actual cost of an item or article of tangible personal property computed in the same manner as the sales price as defined in this section without any deductions therefrom on account of the cost of materials used, labor, or service costs, transportation charges, or any expenses whatsoever.

"Custom program" means a computer program which is specifically designed and developed only for one customer. The combining of two or more prewritten programs does not constitute a custom computer program. A prewritten program that is modified to any degree remains a prewritten program and does not become custom.

"Distribution" means the transfer or delivery of tangible personal property for use, consumption, or storage by the distributee, and the use, consumption, or storage of tangible personal property by a person who has processed, manufactured, refined, or converted such property, but does not include the transfer or delivery of tangible personal property for resale or any use, consumption, or storage otherwise exempt under this chapter.

"Gross proceeds" means the charges made or voluntary contributions received for the lease or rental of tangible personal property or for furnishing services, computed with the same deductions, where applicable, as for sales price as defined in this section over the term of the lease, rental, service, or use, but not less frequently than monthly. "Gross proceeds" does not include finance charges, carrying charges, service charges, or interest from credit extended on the lease or rental of tangible personal property under conditional lease or rental contracts or other conditional contracts providing for the deferred payments of the lease or rental price.

"Gross sales" means the sum total of all retail sales of tangible personal property or services as defined in this chapter, without any deduction, except as provided in this chapter. "Gross sales" shall not include the federal retailers' excise tax or

the federal diesel fuel excise tax imposed in § 4091 of the Internal Revenue Code if the excise tax is billed to the purchaser separately from the selling price of the article, or the Virginia retail sales or use tax, or any sales or use tax imposed by any county or city under § 58.1-605 or 58.1-606.

"Import" and "imported" are words applicable to tangible personal property imported into the Commonwealth from other states as well as from foreign countries, and "export" and "exported" are words applicable to tangible personal property exported from the Commonwealth to other states as well as to foreign countries.

"In this Commonwealth" or "in the Commonwealth" means within the limits of the Commonwealth of Virginia and includes all territory within these limits owned by or ceded to the United States of America.

"Integrated process," when used in relation to semiconductor manufacturing, means a process that begins with the research or development of semiconductor products, equipment, or processes, includes the handling and storage of raw materials at a plant site, and continues to the point that the product is packaged for final sale and either shipped or conveyed to a warehouse. Without limiting the foregoing, any semiconductor equipment, fuel, power, energy, supplies, or other tangible personal property shall be deemed used as part of the integrated process if its use contributes, before, during, or after production, to higher product quality, production yields, or process efficiencies. Except as otherwise provided by law, such term shall not mean general maintenance or administration.

"Internet" means collectively, the myriad of computer and telecommunications facilities, which comprise the interconnected world-wide network of computer networks.

"Internet service" means a service that enables users to access proprietary and other content, information electronic mail, and the Internet as part of a package of services sold to end-user subscribers.

"Lease or rental" means the leasing or renting of tangible personal property and the possession or use thereof by the lessee or renter for a consideration, without transfer of the title to such property.

"Manufacturing, processing, refining, or conversion" includes the production line of the plant starting with the handling and storage of raw materials at the plant site and continuing through the last step of production where the product is finished or completed for sale and conveyed to a warehouse at the production site, and also includes equipment and supplies used for production line testing and quality control. The term "manufacturing" shall also include the necessary ancillary activities of newspaper and magazine printing when such activities are performed by the publisher of any newspaper or magazine for sale daily or regularly at average intervals not exceeding three months.

The determination whether any manufacturing, mining, processing, refining or conversion activity is industrial in nature shall be made without regard to plant size, existence or size of finished product inventory, degree of mechanization, amount of capital investment, number of employees or other factors relating principally to the size of the business. Further, "industrial in nature" shall include, but not be limited to, those businesses classified in codes 10 through 14 and 20 through 39 published in the Standard Industrial Classification Manual for 1972 and any supplements issued thereafter.

"Modular building" means, but shall not be limited to, single and multifamily houses, apartment units, commercial buildings, and permanent additions thereof, comprised of one or more sections that are intended to become real property, primarily constructed at a location other than the permanent site, built to comply with the Virginia Industrialized Building Safety Law (§ 36-70 et seq.) as regulated by the Virginia Department of Housing and Community Development, and shipped with most permanent components in place to the site of final assembly. For purposes of this chapter, a modular building shall not include a mobile office as defined in § 58.1-2401 or any manufactured building subject to and certified under the provisions of the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. § 5401 et seq.).

"Modular building manufacturer" means a person or corporation who owns or operates a manufacturing facility and is engaged in the fabrication, construction and assembling of building supplies and materials into modular buildings, as defined in this section, at a location other than at the site where the modular building will be assembled on the permanent foundation and may or may not be engaged in the process of affixing the modules to the foundation at the permanent site.

"Modular building retailer" means any person who purchases or acquires a modular building from a modular building manufacturer, or from another person, for subsequent sale to a customer residing within or outside of the Commonwealth, with or without installation of the modular building to the foundation at the permanent site.

"Motor vehicle" means a "motor vehicle" as defined in § 58.1-2401, taxable under the provisions of the Virginia Motor Vehicles Sales and Use Tax Act (§ 58.1-2400 et seq.) and upon the sale of which all applicable motor vehicle sales and use taxes have been paid. ~~"Motor vehicle" does not include any all-terrain vehicle, moped, or off-road motorcycle all as defined in § 46.2-100. The taxes under this chapter or pursuant to the authority granted under this chapter shall apply to such all-terrain vehicles, mopeds, and off-road motorcycles.~~

"Occasional sale" means a sale of tangible personal property not held or used by a seller in the course of an activity for which he is required to hold a certificate of registration, including the sale or exchange of all or substantially all the assets of any business and the reorganization or liquidation of any business, provided such sale or exchange is not one of a series of sales and exchanges sufficient in number, scope and character to constitute an activity requiring the holding of a certificate of registration.

"Open video system" means an open video system authorized pursuant to 47 U.S.C. § 573 and, for purposes of this chapter only, shall also include Internet service regardless of whether the provider of such service is also a telephone common carrier.

"Person" includes any individual, firm, copartnership, cooperative, nonprofit membership corporation, joint venture, association, corporation, estate, trust, business trust, trustee in bankruptcy, receiver, auctioneer, syndicate, assignee, club, society, or other group or combination acting as a unit, body politic or political subdivision, whether public or private, or quasi-public, and the plural of such term shall mean the same as the singular.

"Prewritten program" means a computer program that is prepared, held or existing for general or repeated sale or lease, including a computer program developed for in-house use and subsequently sold or leased to unrelated third parties.

"Railroad rolling stock" means locomotives, of whatever motive power, autocars, railroad cars of every kind and description, and all other equipment determined by the Tax Commissioner to constitute railroad rolling stock.

"Retail sale" or a "sale at retail" means a sale to any person for any purpose other than for resale in the form of tangible personal property or services taxable under this chapter, and shall include any such transaction as the Tax Commissioner upon investigation finds to be in lieu of a sale. All sales for resale must be made in strict compliance with regulations applicable to this chapter. Any dealer making a sale for resale which is not in strict compliance with such regulations shall be personally liable for payment of the tax.

The terms "retail sale" and a "sale at retail" shall specifically include the following: (i) the sale or charges for any room or rooms, lodgings, or accommodations furnished to transients for less than 90 continuous days by any hotel, motel, inn, tourist camp, tourist cabin, camping grounds, club, or any other place in which rooms, lodging, space, or accommodations are regularly furnished to transients for a consideration; (ii) sales of tangible personal property to persons for resale when because of the operation of the business, or its very nature, or the lack of a place of business in which to display a certificate of registration, or the lack of a place of business in which to keep records, or the lack of adequate records, or because such persons are minors or transients, or because such persons are engaged in essentially service businesses, or for any other reason there is likelihood that the Commonwealth will lose tax funds due to the difficulty of policing such business operations; (iii) the separately stated charge made for automotive refinish repair materials that are permanently applied to or affixed to a motor vehicle during its repair; and (iv) the separately stated charge for equipment available for lease or purchase by a provider of satellite television programming to the customer of such programming. Equipment sold to a provider of satellite television programming for subsequent lease or purchase by the customer of such programming shall be deemed a sale for resale. The Tax Commissioner is authorized to promulgate regulations requiring vendors of or sellers to such persons to collect the tax imposed by this chapter on the cost price of such tangible personal property to such persons and may refuse to issue certificates of registration to such persons. The terms "retail sale" and a "sale at retail" also shall specifically include the separately stated charge made for supplies used during automotive repairs whether or not there is transfer of title or possession of the supplies and whether or not the supplies are attached to the automobile. The purchase of such supplies by an automotive repairer for sale to the customer of such repair services shall be deemed a sale for resale.

The term "transient" shall not include a purchaser of camping memberships, time-shares, condominiums, or other similar contracts or interests that permit the use of, or constitute an interest in, real estate, however created or sold and whether registered with the Commonwealth or not. Further, a purchaser of a right or license which entitles the purchaser to use the amenities and facilities of a specific real estate project on an ongoing basis throughout its term shall not be deemed a transient; provided, however, that the term or time period involved is for seven years or more.

The terms "retail sale" and "sale at retail" shall not include a transfer of title to tangible personal property after its use as tools, tooling, machinery or equipment, including dies, molds, and patterns, if (i) at the time of purchase, the purchaser is obligated, under the terms of a written contract, to make the transfer and (ii) the transfer is made for the same or a greater consideration to the person for whom the purchaser manufactures goods.

"Retailer" means every person engaged in the business of making sales at retail, or for distribution, use, consumption, or storage to be used or consumed in the Commonwealth.

"Sale" means any transfer of title or possession, or both, exchange, barter, lease or rental, conditional or otherwise, in any manner or by any means whatsoever, of tangible personal property and any rendition of a taxable service for a consideration, and includes the fabrication of tangible personal property for consumers who furnish, either directly or indirectly, the materials used in fabrication, and the furnishing, preparing, or serving for a consideration of any tangible personal property consumed on the premises of the person furnishing, preparing, or serving such tangible personal property. A transaction whereby the possession of property is transferred but the seller retains title as security for the payment of the price shall be deemed a sale.

"Sales price" means the total amount for which tangible personal property or services are sold, including any services that are a part of the sale, valued in money, whether paid in money or otherwise, and includes any amount for which credit is given to the purchaser, consumer, or lessee by the dealer, without any deduction therefrom on account of the cost of the property sold, the cost of materials used, labor or service costs, losses or any other expenses whatsoever. "Sales price" shall not include (i) any cash discount allowed and taken; (ii) finance charges, carrying charges, service charges or interest from credit extended on sales of tangible personal property under conditional sale contracts or other conditional contracts providing for deferred payments of the purchase price; (iii) separately stated local property taxes collected; (iv) that portion of the amount paid by the purchaser as a discretionary gratuity added to the price of a meal; or (v) that portion of the amount paid by the purchaser as a mandatory gratuity or service charge added by a restaurant to the price of a meal, but only to the extent that such mandatory gratuity or service charge does not exceed 20 percent of the price of the meal. Where used articles are taken in trade, or in a series of trades as a credit or part payment on the sale of new or used articles, the tax levied

by this chapter shall be paid on the net difference between the sales price of the new or used articles and the credit for the used articles.

"Semiconductor cleanrooms" means the integrated systems, fixtures, piping, partitions, flooring, lighting, equipment, and all other property used to reduce contamination or to control airflow, temperature, humidity, vibration, or other environmental conditions required for the integrated process of semiconductor manufacturing.

"Semiconductor equipment" means (i) machinery or tools or repair parts or replacements thereof; (ii) the related accessories, components, pedestals, bases, or foundations used in connection with the operation of the equipment, without regard to the proximity to the equipment, the method of attachment, or whether the equipment or accessories are affixed to the realty; (iii) semiconductor wafers and other property or supplies used to install, test, calibrate or recalibrate, characterize, condition, measure, or maintain the equipment and settings thereof; and (iv) equipment and supplies used for quality control testing of product, materials, equipment, or processes; or the measurement of equipment performance or production parameters regardless of where or when the quality control, testing, or measuring activity takes place, how the activity affects the operation of equipment, or whether the equipment and supplies come into contact with the product.

"Storage" means any keeping or retention of tangible personal property for use, consumption or distribution in the Commonwealth, or for any purpose other than sale at retail in the regular course of business.

"Tangible personal property" means personal property which may be seen, weighed, measured, felt, or touched, or is in any other manner perceptible to the senses. The term "tangible personal property" shall not include stocks, bonds, notes, insurance or other obligations or securities. The term "tangible personal property" shall include (i) telephone calling cards upon their initial sale, which shall be exempt from all other state and local utility taxes, and (ii) manufactured signs.

"Use" means the exercise of any right or power over tangible personal property incident to the ownership thereof, except that it does not include the sale at retail of that property in the regular course of business. The term does not include the exercise of any right or power, including use, distribution, or storage, over any tangible personal property sold to a nonresident donor for delivery outside of the Commonwealth to a nonresident recipient pursuant to an order placed by the donor from outside the Commonwealth via mail or telephone. The term does not include any sale determined to be a gift transaction, subject to tax under § 58.1-604.6.

"Use tax" refers to the tax imposed upon the use, consumption, distribution, and storage as herein defined.

"Used directly," when used in relation to manufacturing, processing, refining, or conversion, refers to those activities which are an integral part of the production of a product, including all steps of an integrated manufacturing or mining process, but not including ancillary activities such as general maintenance or administration. When used in relation to mining, it shall refer to the activities specified above, and in addition, any reclamation activity of the land previously mined by the mining company required by state or federal law.

"Video programmer" means a person or entity that provides video programming to end-user subscribers.

"Video programming" means video and/or information programming provided by or generally considered comparable to programming provided by a cable operator including, but not limited to, Internet service.

B. Notwithstanding the definitions in subsection A, to the extent that conformity to any remote collection authority legislation enacted by the Congress of the United States shall so require, the words and terms used in this chapter related to the minimum simplification requirements shall have the same meaning as provided in such federal legislation.

#### § 58.1-2401. Definitions.

As used in this chapter, unless the context clearly shows otherwise, the term or phrase:

"Commissioner" shall mean the Commissioner of the Department of Motor Vehicles of the Commonwealth.

"Department" shall mean the Department of Motor Vehicles of this Commonwealth, acting through its duly authorized officers and agents.

"Mobile office" shall mean an industrialized building unit not subject to the federal regulation, which may be constructed on a chassis for the purpose of towing to the point of use and designed to be used with or without a permanent foundation, for commercial use and not for residential use; or two or more such units separately towable, but designed to be joined together at the point of use to form a single commercial structure, and which may be designed for removal to, and installation or erection on other sites.

"Motor vehicle" shall mean every vehicle, except for mobile office as herein defined, which is self-propelled or designed for self-propulsion and every vehicle drawn by or designed to be drawn by a motor vehicle, including *all-terrain vehicles*, manufactured homes, *mopeds*, and *off-road motorcycles as those terms are defined in § 46.2-100* and every device in, upon and by which any person or property is, or can be, transported or drawn upon a highway, but excepting devices moved by human or animal power, devices used exclusively upon stationary rails or tracks and vehicles, other than manufactured homes, used in this Commonwealth but not required to be licensed by the Commonwealth.

"Sale" shall mean any transfer of ownership or possession, by exchange or barter, conditional or otherwise, in any manner or by any means whatsoever, of a motor vehicle. The term shall also include a transaction whereby possession is transferred but title is retained by the seller as security. The term shall not include a transfer of ownership or possession made to secure payment of an obligation, nor shall it include a refund for, or replacement of, a motor vehicle of equivalent or lesser value pursuant to the Virginia Motor Vehicle Warranty Enforcement Act (§ 59.1-207.9 et seq.). Where the replacement motor vehicle is of greater value than the motor vehicle replaced, only the difference in value shall constitute a sale.

"Sale price" shall mean the total price paid for a motor vehicle and all attachments thereon and accessories thereto, as determined by the Commissioner, exclusive of any federal manufacturers' excise tax, without any allowance or deduction

for trade-ins or unpaid liens or encumbrances. However, "sale price" shall not include (i) any manufacturer rebate or manufacturer incentive payment applied to the transaction by the customer or dealer whether as a reduction in the sales price or as payment for the vehicle and (ii) the cost of controls, lifts, automatic transmission, power steering, power brakes or any other equipment installed in or added to a motor vehicle which is required by law or regulation as a condition for operation of a motor vehicle by a handicapped person.

**§ 58.1-2402. (Contingent expiration date) Levy.**

A. There is hereby levied, in addition to all other taxes and fees of every kind now imposed by law, a tax upon the sale or use of motor vehicles in Virginia, other than a sale to or use by a person for rental as an established business or part of an established business or incidental or germane to such business.

The amount of the tax to be collected shall be determined by the Commissioner by the application of the following rates against the gross sales price:

1. Three percent through midnight on June 30, 2013, four percent (~~4.0%~~) beginning July 1, 2013, through midnight on June 30, 2014, ~~four and five hundredths of a 4.05 percent (4.05%)~~ beginning July 1, 2014, through midnight on June 30, 2015, ~~four and one tenth of a 4.1 percent (4.1%)~~ beginning July 1, 2015, through midnight on June 30, 2016, and ~~four and fifteen hundredths (4.15%) of a 4.15 percent~~ beginning on and after July 1, 2016, of the sale price of each motor vehicle sold in Virginia. If such motor vehicle is a manufactured home as defined in § 36-85.3, the tax shall be three percent of the sale price of each such manufactured home sold in the Commonwealth; if such vehicle is a mobile office as defined in § 58.1-2401, the tax shall be two percent of the sale price of each mobile office sold in the Commonwealth; if such vehicle has a gross vehicle weight rating or gross combination weight rating of 26,001 pounds or more and is neither (i) a manufactured home as defined in § 36-85.3, (ii) a mobile office as defined in § 58.1-2401, (iii) a trailer or semitrailer as severally defined in § 46.2-100 that is not designed or used to carry property, nor (iv) a vehicle registered under § 46.2-700, the tax shall be zero percent of the sale price of each such vehicle sold in the Commonwealth; *and if such vehicle is an all-terrain vehicle, moped, or off-road motorcycle, as those terms are defined in § 46.2-100, sold by a Virginia dealer, or sold by anyone other than a Virginia dealer and then used or stored for use in the Commonwealth, (a) in a county or city located in a planning district described in § 58.1-603.1, the tax shall be six percent of the sales price of each such vehicle or (b) in any county or city other than those set forth in clause (a), the tax shall be 5.3 percent of the sales price of each such vehicle.*

2. Three percent through midnight on June 30, 2013, four percent (~~4.0%~~) beginning July 1, 2013, through midnight on June 30, 2014, ~~four and five hundredths of a 4.05 percent (4.05%)~~ beginning July 1, 2014, through midnight on June 30, 2015, ~~four and one tenth of a 4.1 percent (4.1%)~~ beginning July 1, 2015, through midnight on June 30, 2016, and ~~four and fifteen hundredths (4.15%) of a 4.15 percent~~ beginning on and after July 1, 2016, of the sale price of each motor vehicle, not sold in Virginia but used or stored for use in the Commonwealth; or three percent of the sale price of each manufactured home as defined in § 36-85.3, or two percent of the sale price of each mobile office as defined in § 58.1-2401, not sold in Virginia but used or stored for use in this Commonwealth. If such vehicle has a gross vehicle weight rating or gross combination weight rating of 26,001 pounds or more and is neither (i) a manufactured home as defined in § 36-85.3, (ii) a mobile office as defined in § 58.1-2401, (iii) a trailer or semitrailer as severally defined in § 46.2-100 that is not designed or used to carry property, nor (iv) a vehicle registered under § 46.2-700, the tax shall be zero percent of the sale price of each such vehicle not sold in the Commonwealth but used or stored for use in the Commonwealth. *If such vehicle is an all-terrain vehicle, moped, or off-road motorcycle, as those terms are defined in § 46.2-100, not sold in the Commonwealth but used or stored for use in the Commonwealth (a) in a county or city located in a planning district described in § 58.1-603.1, the tax shall be six percent of the sales price of each such vehicle or (b) in any county or city other than those set forth in clause (a), the tax shall be 5.3 percent of the sales price of each such vehicle.* When any motor vehicle or manufactured home not sold in the Commonwealth is first used or stored for use in Virginia six months or more after its acquisition, the tax shall be based on its current market value.

3. The minimum tax levied on the sale of any motor vehicle in the Commonwealth that is subject to taxation at a rate exceeding zero percent shall be \$75, except as provided by those exemptions defined in § 58.1-2403. *This subdivision shall not apply to any all-terrain vehicle, moped, or off-road motorcycle subject to taxation under this chapter.*

~~4 through 7. [Repealed.]~~

B. A transaction taxed under subdivision A 1 shall not also be taxed under subdivision A 2, nor shall the same transaction be taxed more than once under either subdivision.

C. Any motor vehicle, trailer or semitrailer exempt from this tax under subdivision 1 or 2 of § 58.1-2403 shall be subject to the tax, based on the current market value when such vehicle is no longer owned or used by the United States government or any governmental agency, or the Commonwealth of Virginia or any political subdivision thereof, unless such vehicle is then rented, in which case the tax imposed by § 58.1-1736 shall apply, subject to the exemptions provided in § 58.1-1737. Further, any motor vehicle, trailer or semitrailer exempt from the tax imposed by this chapter under subdivision 11 of § 58.1-2403 or §§ 46.2-663 through 46.2-674 shall be subject to the tax, based on the current market value, when such vehicle is subsequently licensed to operate on the highways of the Commonwealth.

D. Any person who with intent to evade or to aid another person to evade the tax provided for herein, falsely states the selling price of a vehicle on a bill of sale, assignment of title, application for title, or any other document or paper submitted to the Commissioner pursuant to any provisions of this title or Title 46.2, shall be guilty of a Class 3 misdemeanor.

E. Effective January 1, 1997, any amount designated as a "processing fee" and any amount charged by a dealer for processing a transaction, which is required to be included on a buyer's order pursuant to subdivision A 10 of § 46.2-1530, shall be subject to the tax.

**§ 58.1-2402. (Contingent effective date) Levy.**

A. There is hereby levied, in addition to all other taxes and fees of every kind now imposed by law, a tax upon the sale or use of motor vehicles in Virginia, other than a sale to or use by a person for rental as an established business or part of an established business or incidental or germane to such business.

The amount of the tax to be collected shall be determined by the Commissioner by the application of the following rates against the gross sales price:

1. Three percent of the sale price of each motor vehicle sold in Virginia. If such motor vehicle is a manufactured home as defined in § 36-85.3, the tax shall be three percent of the sale price of each such manufactured home sold in the Commonwealth; if such vehicle is a mobile office as defined in § 58.1-2401, the tax shall be two percent of the sale price of each mobile office sold in the Commonwealth; if such vehicle has a gross vehicle weight rating or gross combination weight rating of 26,001 pounds or more and is neither (i) a manufactured home as defined in § 36-85.3, (ii) a mobile office as defined in § 58.1-2401, (iii) a trailer or semitrailer as severally defined in § 46.2-100 that is not designed or used to carry property, nor (iv) a vehicle registered under § 46.2-700, the tax shall be zero percent of the sale price of each such vehicle sold in the Commonwealth, *and if such vehicle is an all-terrain vehicle, moped, or off-road motorcycle, as those terms are defined in § 46.2-100, sold by a Virginia dealer; or sold by anyone other than a Virginia dealer and then used or stored for use in the Commonwealth, (a) in a county or city located in a planning district described in § 58.1-603.1, the tax shall be six percent of the sales price of each such vehicle or (b) in any county or city other than those set forth in clause (a), the tax shall be 5.3 percent of the sales price of each such vehicle.*

2. Three percent of the sale price of each motor vehicle, or three percent of the sale price of each manufactured home as defined in § 36-85.3, or two percent of the sale price of each mobile office as defined in § 58.1-2401, not sold in Virginia but used or stored for use in the Commonwealth. If such vehicle has a gross vehicle weight rating or gross combination weight rating of 26,001 pounds or more and is neither (i) a manufactured home as defined in § 36-85.3, (ii) a mobile office as defined in § 58.1-2401, (iii) a trailer or semitrailer as severally defined in § 46.2-100 that is not designed or used to carry property, nor (iv) a vehicle registered under § 46.2-700, the tax shall be zero percent of the sale price of each such vehicle not sold in the Commonwealth but used or stored for use in the Commonwealth. *If such vehicle is an all-terrain vehicle, moped, or off-road motorcycle, as those terms are defined in § 46.2-100, not sold in the Commonwealth but used or stored for use in the Commonwealth (a) in a county or city located in a planning district described in § 58.1-603.1, the tax shall be six percent of the sales price of each such vehicle or (b) in any county or city other than those set forth in clause (a), the tax shall be 5.3 percent of the sales price of each such vehicle.* When any motor vehicle or manufactured home not sold in the Commonwealth is first used or stored for use in Virginia six months or more after its acquisition, the tax shall be based on its current market value.

3. The minimum tax levied on the sale of any motor vehicle in the Commonwealth that is subject to taxation at a rate exceeding zero percent shall be \$35, except as provided by those exemptions defined in § 58.1-2403. *This subdivision shall not apply to any all-terrain vehicle, moped, or off-road motorcycle subject to taxation under this chapter.*

~~4 through 7. [Repealed.]~~

B. A transaction taxed under subdivision A 1 shall not also be taxed under subdivision A 2, nor shall the same transaction be taxed more than once under either subdivision.

C. Any motor vehicle, trailer or semitrailer exempt from this tax under subdivision 1 or 2 of § 58.1-2403 shall be subject to the tax, based on the current market value when such vehicle is no longer owned or used by the United States government or any governmental agency, or the Commonwealth of Virginia or any political subdivision thereof, unless such vehicle is then rented, in which case the tax imposed by § 58.1-1736 shall apply, subject to the exemptions provided in § 58.1-1737. Further, any motor vehicle, trailer or semitrailer exempt from the tax imposed by this chapter under subdivision 11 of § 58.1-2403 or §§ 46.2-663 through 46.2-674 shall be subject to the tax, based on the current market value, when such vehicle is subsequently licensed to operate on the highways of the Commonwealth.

D. Any person who with intent to evade or to aid another person to evade the tax provided for herein; falsely states the selling price of a vehicle on a bill of sale, assignment of title, application for title, or any other document or paper submitted to the Commissioner pursuant to any provisions of this title or Title 46.2; shall be guilty of a Class 3 misdemeanor.

E. Effective January 1, 1997, any amount designated as a "processing fee" and any amount charged by a dealer for processing a transaction, which is required to be included on a buyer's order pursuant to subdivision A 10 of § 46.2-1530, shall be subject to the tax.

**§ 58.1-2403. Exemptions.**

No tax shall be imposed as provided in § 58.1-2402 if the vehicle is:

1. Sold to or used by the United States government or any governmental agency thereof;
2. Sold to or used by the Commonwealth of Virginia or any political subdivision thereof;
3. Registered in the name of a volunteer fire department or volunteer emergency medical services agency not operated for profit;
4. Registered to any member of the Mattaponi, Pamunkey, or Chickahominy Indian tribes or any other recognized Indian tribe of the Commonwealth living on the tribal reservation;

5. Transferred incidental to repossession under a recorded lien and ownership is transferred to the lienholder;
6. A manufactured home permanently attached to real estate and included in the sale of real estate;
7. A gift to the spouse, son, daughter, or parent of the transferor. With the exception of a gift to a spouse, this exemption shall not apply to any unpaid obligation assumed by the transferee incidental to the transfer;
8. Transferred from an individual or partnership to a corporation or limited liability company or from a corporation or limited liability company to an individual or partnership if the transfer is incidental to the formation, organization or dissolution of a corporation or limited liability company in which the individual or partnership holds the majority interest;
9. Transferred from a wholly owned subsidiary to the parent corporation or from the parent corporation to a wholly owned subsidiary;
10. Being registered for the first time in the Commonwealth and the applicant holds a valid, assignable title or registration issued to him by another state or a branch of the United States Armed Forces and (i) has owned the vehicle for longer than 12 months or (ii) has owned the vehicle for less than 12 months and provides evidence of a sales tax paid to another state. However, when a vehicle has been purchased by the applicant within the last 12 months and the applicant is unable to provide evidence of a sales tax paid to another state, the applicant shall pay the Virginia sales tax based on the fair market value of the vehicle at the time of registration in Virginia;
  11. a. Titled in a Virginia or non-Virginia motor vehicle dealer's name for resale; or
  - b. Titled in the name of an automotive manufacturer having its headquarters in Virginia, except for any commercially leased vehicle that is not described under subdivision 3 of § 46.2-602.2. For purposes of this subdivision, "automotive manufacturer" and "headquarters" means the same as such terms are defined in § 46.2-602.2;
12. A motor vehicle having seats for more than seven passengers and sold to an urban or suburban bus line the majority of whose passengers use the buses for traveling a distance of less than 40 miles, one way, on the same day;
13. Purchased in the Commonwealth by a nonresident and a Virginia title is issued for the sole purpose of recording a lien against the vehicle if the vehicle will be registered in a state other than Virginia;
14. A motor vehicle designed for the transportation of 10 or more passengers, purchased by and for the use of a church conducted not for profit;
15. Loaned or leased to a private nonprofit institution of learning, for the sole purpose of use in the instruction of driver's education when such education is a part of such school's curriculum for full-time students;
16. Sold to an insurance company or local government group self-insurance pool, created pursuant to § 15.2-2703, for the sole purpose of disposition when such company or pool has paid the registered owner of such vehicle a total loss claim;
17. Owned and used for personal or official purposes by accredited consular or diplomatic officers of foreign governments, their employees or agents, and members of their families, if such persons are nationals of the state by which they are appointed and are not citizens of the United States;
18. A self-contained mobile computerized axial tomography scanner sold to, rented or used by a nonprofit hospital or a cooperative hospital service organization as described in § 501(e) of the United States Internal Revenue Code;
19. A motor vehicle having seats for more than seven passengers and sold to a restricted common carrier or common carrier of passengers;
20. Beginning July 1, 1989, a self-contained mobile unit designed exclusively for human diagnostic or therapeutic service, sold to, rented to, or used by a nonprofit hospital, or a cooperative hospital service organization as described in § 501(e) of the United States Internal Revenue Code, or a nonprofit corporation as defined in § 501(c)(3) of the Internal Revenue Code, established for research in, diagnosis of, or therapy for human ailments;
21. Transferred, as a gift or through a sale to an organization exempt from taxation under § 501(c)(3) of the Internal Revenue Code, provided the motor vehicle is not titled and tagged for use by such organization;
22. A motor vehicle sold to an organization which is exempt from taxation under § 501(c)(3) of the Internal Revenue Code and which is organized for the primary purpose of distributing food, clothing, medicines, and other necessities of life to, and providing shelter for, needy persons in the United States and throughout the world;
23. Transferred to the trustees of a revocable inter vivos trust, when the individual titleholder of a Virginia titled motor vehicle and the beneficiaries of the trust are the same persons, regardless of whether other beneficiaries of the trust may also be named in the trust instrument, when no consideration has passed between the titleholder and the beneficiaries; and transferred to the original titleholder from the trustees holding title to the motor vehicle;
24. Transferred to trustees of a revocable inter vivos trust, when the owners of the vehicle and the beneficiaries of the trust are the same persons, regardless of whether other beneficiaries may also be named in the trust instrument, or transferred by trustees of such a trust to beneficiaries of the trust following the death of the grantor, when no consideration has passed between the grantor and the beneficiaries in either case;
25. Sold by a vehicle's lessor to its lessee upon the expiration of the term of the vehicle's lease, if the lessee is a natural person and this natural person has paid the tax levied pursuant to this chapter with respect to the vehicle when he leased it from the lessor, and if the lessee presents an original copy of the lease upon request of the Department of Motor Vehicles or other evidence that the sales tax has been paid to the Commonwealth by the lessee purchasing the vehicle;
26. Titled in the name of a deceased person and transferred to the spouse or heir, or under the will, of such deceased person;
27. An all-terrain vehicle, moped, or off-road motorcycle ~~all, as those terms are defined in § 46.2-100. Such all-terrain vehicles, mopeds, or off-road motorcycles shall not be deemed a motor vehicle or other vehicle subject to the tax imposed~~

~~under this chapter, that is being titled for the first time in the Commonwealth and that the applicant (i) has owned for more than 12 months or (ii) has owned for less than 12 months and provides evidence of tax paid pursuant to Chapter 6 (§ 58.1-600 et seq.);~~

28. A motor vehicle that is sold to an organization that is exempt from taxation under § 501(c)(3) of the Internal Revenue Code and that is primarily used by the organization to transport to markets for sale produce that is (i) produced by local farmers and (ii) sold by such farmers to the organization; or

29. Transferred from the purchaser of the vehicle back to the seller of the vehicle who (i) accepted the vehicle pursuant to the Virginia Motor Vehicle Warranty Enforcement Act (§ 59.1-207.9 et seq.) or (ii) otherwise agreed to accept the return of the vehicle due to a mechanical defect or failure and refunded to the purchaser the purchase price of the vehicle. Except when the return of the vehicle is pursuant to the Virginia Motor Vehicle Warranty Enforcement Act, the transfer shall occur within 45 days of the date of purchase.

**§ 58.1-2425. (Contingent expiration date) Disposition of revenues.**

A. Funds collected hereunder by the Commissioner shall be forthwith paid into the state treasury. Except as otherwise provided in this section, these funds shall constitute special funds within the Commonwealth Transportation Fund. Any balances remaining in these funds at the end of the year shall be available for use in subsequent years for the purposes set forth in this chapter, and any interest income on such funds shall accrue to these funds. The revenue so derived, after refunds have been deducted, is hereby allocated for the construction, reconstruction and maintenance of highways and the regulation of traffic thereon and for no other purpose. However, (i) all funds collected pursuant to the provisions of this chapter from manufactured homes, as defined in § 46.2-100, shall be distributed to the city, town, or county wherein such manufactured home is to be situated as a dwelling; (ii) effective January 1, 1987, an amount equivalent to the net additional revenues from the sales and use tax on motor vehicles generated by enactments of the 1986 Special Session of the Virginia General Assembly which amended §§ 46.2-694, 46.2-697, 58.1-2401, 58.1-2402, and this section shall be distributed to and paid into the Transportation Trust Fund established pursuant to § 33.2-1524, a special fund within the Commonwealth Transportation Fund, and are hereby appropriated to the Commonwealth Transportation Board for transportation needs; ~~and~~ (iii) the net additional revenues generated by increases in the rates of taxes under subdivisions A 1 and A 2 of § 58.1-2402 and generated by the increase in the minimum tax under subdivision A 3 of § 58.1-2402 pursuant to enactments of a Session of the General Assembly held in 2013 shall be deposited by the Comptroller into the Highway Maintenance and Operating Fund established pursuant to § 33.2-1530; *and (iv) all funds collected pursuant to the provisions of this chapter from all-terrain vehicles, mopeds, and off-road motorcycles, as those terms are defined in § 46.2-100, shall be distributed as follows: (a) an amount equal to a one percent tax shall be distributed in the same manner as the one percent local sales tax pursuant to § 58.1-605, except that this amount collected on sales by anyone other than a Virginia dealer or on sales outside of Virginia shall be distributed to the county or city in which the vehicle is used or stored for use; (b) an amount equal to a 4.3 percent tax shall be distributed in the same manner as the state sales and use tax pursuant to §§ 58.1-638 and 58.1-638.3, except that this amount collected on sales by anyone other than a Virginia dealer or on sales outside of Virginia shall be distributed to the county or city in which the vehicle is used or stored for use; and (c) if the all-terrain vehicle, moped, or off-road motorcycle was purchased from a Virginia dealer, or purchased from anyone other than a Virginia dealer or outside of Virginia and then used or stored for use in a county or city in a planning district described in § 58.1-603.1, an amount equal to a 0.7 percent tax shall be distributed pursuant to § 58.1-603.1, except that this amount collected on sales by anyone other than a Virginia dealer or on sales outside of Virginia shall be distributed to the county or city in which the vehicle is used or stored for use.*

B. As provided in subsection A of § 58.1-638, of the funds becoming part of the Transportation Trust Fund pursuant to clause (ii) of subsection A, an aggregate of 4.2 percent shall be set aside as the Commonwealth Port Fund; an aggregate of 2.4 percent shall be set aside as the Commonwealth Airport Fund; and an aggregate of 14.5 percent in fiscal year 1998-1999 and 14.7 percent in fiscal year 1999-2000 and thereafter shall be set aside as the Commonwealth Mass Transit Fund.

**§ 58.1-2425. (Contingent effective date) Disposition of revenues.**

A. Funds collected hereunder by the Commissioner shall be forthwith paid into the state treasury. Except as otherwise provided in this section, these funds shall constitute special funds within the Commonwealth Transportation Fund. Any balances remaining in these funds at the end of the year shall be available for use in subsequent years for the purposes set forth in this chapter, and any interest income on such funds shall accrue to these funds. The revenue so derived, after refunds have been deducted, is hereby allocated for the construction, reconstruction and maintenance of highways and the regulation of traffic thereon and for no other purpose. However, (i) all funds collected pursuant to the provisions of this chapter from manufactured homes, as defined in § 46.2-100, shall be distributed to the city, town, or county wherein such manufactured home is to be situated as a dwelling; ~~and~~ (ii) effective January 1, 1987, an amount equivalent to the net additional revenues from the sales and use tax on motor vehicles generated by enactments of the 1986 Special Session of the Virginia General Assembly which amended §§ 46.2-694, 46.2-697, 58.1-2401, 58.1-2402 and this section shall be distributed to and paid into the Transportation Trust Fund established pursuant to § 33.2-1524, a special fund within the Commonwealth Transportation Fund, and are hereby appropriated to the Commonwealth Transportation Board for transportation needs; *and (iii) all funds collected pursuant to the provisions of this chapter from all-terrain vehicles, mopeds, and off-road motorcycles, as those terms are defined in § 46.2-100, shall be distributed as follows: (a) an amount equal to a one percent tax shall be distributed in the same manner as the one percent local sales tax pursuant to § 58.1-605, except that this amount collected on sales by anyone other than a Virginia dealer or on sales outside of Virginia shall be*

*distributed to the county or city in which the vehicle is used or stored for use and (b) an amount equal to a four percent tax shall be distributed in the same manner as the state sales and use tax pursuant to § 58.1-638, except that this amount collected on sales by anyone other than a Virginia dealer or on sales outside of Virginia shall be distributed to the county or city in which the vehicle is used or stored for use.*

B. As provided in subsection A of § 58.1-638, of the funds becoming part of the Transportation Trust Fund pursuant to clause (ii) of subsection A of this section, an aggregate of 4.2 percent shall be set aside as the Commonwealth Port Fund; an aggregate of 2.4 percent shall be set aside as the Commonwealth Airport Fund; and an aggregate of 14.5 percent in fiscal year 1998-1999 and 14.7 percent in fiscal year 1999-2000 and thereafter shall be set aside as the Commonwealth Mass Transit Fund.

**2. That the provisions of this act shall become effective October 1, 2018.**

## CHAPTER 841

*An Act to amend and reenact § 37.2-903 of the Code of Virginia, relating to sexually violent predator; assessment protocol.*

[S 267]

Approved April 18, 2018

**Be it enacted by the General Assembly of Virginia:**

**1. That § 37.2-903 of the Code of Virginia is amended and reenacted as follows:**

**§ 37.2-903. Database of prisoners convicted of sexually violent offenses; maintained by Department of Corrections; notice of pending release to CRC.**

A. The Director shall establish and maintain a database of each prisoner in his custody who is (i) incarcerated for a sexually violent offense or (ii) serving or will serve concurrent or consecutive time for another offense in addition to time for a sexually violent offense. The database shall include the following information regarding each prisoner: (a) the prisoner's criminal record and (b) the prisoner's sentences and scheduled date of release. A prisoner who is serving or will serve concurrent or consecutive time for other offenses in addition to his time for a sexually violent offense shall remain in the database until such time as he is released from the custody or supervision of the Department of Corrections or Virginia Parole Board for all of his charges. Prior to the initial assessment of a prisoner under subsection ~~C~~ B, the Director shall order a national criminal history records check to be conducted on the prisoner.

B. Each month, the Director shall review the database and, *using an evidence-based assessment protocol approved by the Director and the Commissioner, shall identify all such prisoners who are scheduled for release from prison within ~~10~~ 24 months from the date of such review or have been referred to the Director by the Virginia Parole Board under rules adopted by the Board ~~(i) who receive a score of five or more on the Static-99 or a similar score on a comparable, scientifically validated instrument designated by the Commissioner, (ii) who receive a score of four on the Static-99 or a similar score on a comparable, scientifically validated instrument if the sexually violent offense mandating the prisoner's evaluation under this section was a violation of § 18.2-61, 18.2-67.1, 18.2-67.2, or 18.2-67.3 where the victim was under the age of 13, or (iii) whose records reflect such aggravating circumstances that the Director determines the offender appears who appear~~ to meet the definition of a sexually violent predator. The Director may exclude from referral prisoners who are so incapacitated by a permanent and debilitating medical condition or a terminal illness so as to represent no threat to public safety.*

~~C. If the Director and the Commissioner agree that no specific scientifically validated instrument exists to measure the risk assessment of a prisoner, the prisoner may instead be screened by a licensed psychiatrist, licensed clinical psychologist, or a licensed mental health professional certified by the Board of Psychology as a sex offender treatment provider pursuant to § 54.1-3600 for an initial determination of whether or not the prisoner may meet the definition of a sexually violent predator.~~

~~D. The Commissioner shall forward to the Director the records of all defendants who have been charged with a sexually violent offense and found unrestorably incompetent to stand trial, and ordered to be screened pursuant to § 19.2-169.3. The Director, applying the procedure identified in subsection B, shall identify those defendants who shall be referred to the CRC for assessment.~~

~~E. D.~~ Upon the identification of such prisoners and defendants screened pursuant to subsections B, *and C, and ~~D~~*, the Director shall forward their names, their scheduled dates of release, court orders finding the defendants unrestorably incompetent, and copies of their files to the CRC for assessment.

*E. The Commissioner shall report annually by December 1 to the Chairmen of the House Committees on Appropriations and Courts of Justice, the Senate Committees on Courts of Justice and Finance, and the Crime Commission on (i) the assessment protocol approved by the Director and the Commissioner to identify prisoners and defendants who appear to meet the definition of a sexually violent predator pursuant to subsections B and C, including the specific screening instrument adopted and the criteria used to determine whether a prisoner or defendant meets the definition of a sexually violent predator and (ii) the number of prisoners screened pursuant to subsection B and the number of prisoners identified as meeting the definition of a sexually violent predator and referred to the CRC for assessment pursuant to subsection D. Such report shall also include a comparison of the number of defendants identified as appearing to meet the*

*definition of a sexually violent predator and referred to the CRC pursuant to subsection C in the previous year and the five years immediately prior thereto.*

#### CHAPTER 842

*An Act to amend and reenact § 25.1-310 of the Code of Virginia and to amend the Code of Virginia by adding in Article 7 of Chapter 2 of Title 25.1 a section numbered 25.1-247.1 and by adding a section numbered 33.2-1027.1, relating to eminent domain proceedings; payment of funds to attorney for owner.*

[S 278]

Approved April 18, 2018

#### Be it enacted by the General Assembly of Virginia:

**1. That § 25.1-310 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Article 7 of Chapter 2 of Title 25.1 a section numbered 25.1-247.1 and by adding a section numbered 33.2-1027.1 as follows:**

##### **§ 25.1-247.1. Distribution of funds to owner or owner's attorney.**

*Notwithstanding any other provision of this chapter, upon any settlement or final determination resulting in a judgment for the owner, whether funds have been paid into the court or are outstanding, all such funds due and owing shall be payable to the owner or, if the owner consents, to the owner's attorney within 30 days of the settlement or final determination, unless otherwise subject to § 25.1-240, 25.1-241, 25.1-243, or 25.1-250. Nothing in this section shall be construed to alter the priority of liens or any obligation to satisfy or release any outstanding liens on the property or the funds.*

##### **§ 25.1-310. Proceedings for distribution of funds.**

A. Any person shown by a certificate to be entitled to funds deposited with the court or represented by a certificate of deposit may petition the court for the distribution of all or any part of the funds.

B. A copy of such petition shall be served on either (i) the attorney of record for the petitioner, if a condemnation proceeding is pending; or (ii) if such a proceeding is not pending, an officer or agent of the authorized condemnor who is authorized to accept service of process in any court proceeding on behalf of the authorized condemnor.

C. The copy of the petition shall be served with a notice returnable to the court not less than 21 days after such service, to show cause, if the authorized condemnor can, why such amount should not be distributed in accordance with the petition.

D. If the authorized condemnor does not, on or before the return day of the petition, show such cause, and if the record in the proceeding does not disclose any denial or dispute with respect thereto, the court shall enter an order directing the distribution of such amount in accordance with the prayers of the petition. However, in the case of a nonresident petitioner the court may in its discretion require a bond before ordering the distribution.

E. If funds have been deposited with the court pursuant to subdivision A 1 of § 25.1-305, any interest that has accrued on the funds shall be payable to the person or persons entitled to receive such funds.

F. If funds are not then on deposit with the court but are represented by a certificate of deposit pursuant to subdivision A 2 of § 25.1-305, a certified copy of such order shall forthwith be sent to the authorized condemnor by the clerk. The authorized condemnor shall deposit such funds with the court within 30 days of the date of such order.

G. Interest shall be payable on funds represented by a certificate of deposit from the date of filing of the certificate of deposit until the funds are paid into court at the general account's primary liquidity portfolio rate for the month in which the order pursuant to this section is entered. However, interest shall not accrue if an injunction is filed against the authorized condemnor that enjoins the taking of the property described in the certificate.

H. If the authorized condemnor shows such cause, or if the record in the proceeding discloses any denial or dispute as to the persons entitled to such distribution or to any interest or share therein, the court shall direct such proceedings as are provided by § 25.1-241 for the distribution of awards.

*I. All funds due and owing pursuant to this section shall be payable promptly to the owner or, if the owner consents, to the owner's attorney. Nothing in this subsection shall be construed to alter the priority of liens or any obligation to satisfy or release any outstanding liens on the property or the funds.*

##### **§ 33.2-1027.1. Distribution of funds to owner or owner's attorney.**

*Notwithstanding any other provision of this chapter, upon any settlement or final determination resulting in a judgment for the owner, whether funds have been paid into the court or are outstanding, all such funds due and owing shall be payable to the owner or, if the owner consents, to the owner's attorney within 30 days of the settlement or final determination, unless otherwise subject to § 25.1-240, 25.1-241, 25.1-243, or 25.1-250. Nothing in this section shall be construed to alter the priority of liens or any obligation to satisfy or release any outstanding liens on the property or the funds.*

#### CHAPTER 843

*An Act to permit school boards to employ certain individuals.*

[S 343]

Approved April 18, 2018

**Be it enacted by the General Assembly of Virginia:**

1. *§ 1. Notwithstanding the provisions of subsection A of § 22.1-296.1 of the Code of Virginia and consistent with the discretion granted to a school board pursuant to § 22.1-307 of the Code of Virginia to retain an employee who is convicted of an offense subsequent to the employee's hiring, a school board may employ an individual who, at the time of the individual's hiring, has been convicted of a felony, provided that such individual (i) was employed in good standing by a school board on or before December 17, 2015; (ii) has been granted a simple pardon for such offense by the Governor or other appropriate authority; and (iii) has had his civil rights restored by the Governor or other appropriate authority. However, a school board may employ, until July 1, 2020, such an individual who does not satisfy the conditions set forth in clauses (ii) and (iii), provided that such individual has been continuously employed by the school board from December 17, 2015, through July 1, 2018.*

**CHAPTER 844**

*An Act to amend and reenact § 15.2-2316.3 of the Code of Virginia and to amend the Code of Virginia by adding sections numbered 15.2-2316.4:1, 15.2-2316.4:2, and 15.2-2316.4:3, relating to zoning for wireless communications infrastructure.*

[S 405]

Approved April 18, 2018

**Be it enacted by the General Assembly of Virginia:**

**1. That § 15.2-2316.3 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding sections numbered 15.2-2316.4:1, 15.2-2316.4:2, and 15.2-2316.4:3 as follows:**

**§ 15.2-2316.3. Definitions.**

As used in this article, unless the context requires a different meaning:

*"Administrative review-eligible project" means a project that provides for:*

*1. The installation or construction of a new structure that is not more than 50 feet above ground level, provided that the structure with attached wireless facilities is (i) not more than 10 feet above the tallest existing utility pole located within 500 feet of the new structure within the same public right-of-way or within the existing line of utility poles; (ii) not located within the boundaries of a local, state, or federal historic district; (iii) not located inside the jurisdictional boundaries of a locality having expended a total amount equal to or greater than 35 percent of its general fund operating revenue, as shown in the most recent comprehensive annual financial report, on undergrounding projects since 1980; and (iv) designed to support small cell facilities; or*

*2. The co-location on any existing structure of a wireless facility that is not a small cell facility.*

"Antenna" means communications equipment that transmits or receives electromagnetic radio signals used in the provision of any type of wireless communications services.

"Base station" means a station that includes a structure that currently supports or houses an antenna, transceiver, coaxial cables, power cables, or other associated equipment at a specific site that is authorized to communicate with mobile stations, generally consisting of radio transceivers, antennas, coaxial cables, power supplies, and other associated electronics.

"Co-locate" means to install, mount, maintain, modify, operate, or replace a wireless facility on, under, within, or adjacent to a base station, building, existing structure, utility pole, or wireless support structure. "Co-location" has a corresponding meaning.

"Department" means the Department of Transportation.

"Existing structure" means any structure that is installed or approved for installation at the time a wireless services provider or wireless infrastructure provider provides notice to a locality or the Department of an agreement with the owner of the structure to co-locate equipment on that structure. "Existing structure" includes any structure that is currently supporting, designed to support, or capable of supporting the attachment of wireless facilities, including towers, buildings, utility poles, light poles, flag poles, signs, and water towers.

"Micro-wireless facility" means a small cell facility that is not larger in dimension than 24 inches in length, 15 inches in width, and 12 inches in height and that has an exterior antenna, if any, not longer than 11 inches.

*"New structure" means a wireless support structure that has not been installed or constructed, or approved for installation or construction, at the time a wireless services provider or wireless infrastructure provider applies to a locality for any required zoning approval.*

*"Project" means (i) the installation or construction by a wireless services provider or wireless infrastructure provider of a new structure or (ii) the co-location on any existing structure of a wireless facility that is not a small cell facility. "Project" does not include the installation of a small cell facility by a wireless services provider or wireless infrastructure provider on an existing structure to which the provisions of § 15.2-2316.4 apply.*

"Small cell facility" means a wireless facility that meets both of the following qualifications: (i) each antenna is located inside an enclosure of no more than six cubic feet in volume, or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than six cubic feet and (ii) all other wireless equipment associated with the facility has a cumulative volume of no more than 28 cubic feet, or such higher

limit as is established by the Federal Communications Commission. The following types of associated equipment are not included in the calculation of equipment volume: electric meter, concealment, telecommunications demarcation boxes, back-up power systems, grounding equipment, power transfer switches, cut-off switches, and vertical cable runs for the connection of power and other services.

*"Standard process project" means any project other than an administrative review-eligible project.*

*"Utility pole" means a structure owned, operated, or owned and operated by a public utility, local government, or the Commonwealth that is designed specifically for and used to carry lines, cables, or wires for communications, cable television, or electricity.*

*"Water tower" means a water storage tank, or a standpipe or an elevated tank situated on a support structure, originally constructed for use as a reservoir or facility to store or deliver water.*

*"Wireless facility" means equipment at a fixed location that enables wireless communications between user equipment and a communications network, including (i) equipment associated with wireless services, such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services, such as microwave backhaul, and (ii) radio transceivers, antennas, coaxial, or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration.*

*"Wireless infrastructure provider" means any person that builds or installs transmission equipment, wireless facilities, or wireless support structures, but that is not a wireless services provider.*

*"Wireless services" means (i) "personal wireless services" as defined in 47 U.S.C. § 332(c)(7)(C)(i); (ii) "personal wireless service facilities" as defined in 47 U.S.C. § 332(c)(7)(C)(ii), including commercial mobile services as defined in 47 U.S.C. § 332(d), provided to personal mobile communication devices through wireless facilities; and (iii) any other fixed or mobile wireless service, using licensed or unlicensed spectrum, provided using wireless facilities.*

*"Wireless services provider" means a provider of wireless services.*

*"Wireless support structure" means a freestanding structure, such as a monopole, tower, either guyed or self-supporting, or suitable existing structure or alternative structure designed to support or capable of supporting wireless facilities. "Wireless support structure" does not include any telephone or electrical utility pole or any tower used for the distribution or transmission of electrical service.*

**§ 15.2-2316.4:1. Zoning; other wireless facilities and wireless support structures.**

*A. A locality shall not require that a special exception, special use permit, or variance be obtained for the installation or construction of an administrative review-eligible project but may require administrative review for the issuance of any zoning permit, or an acknowledgement that zoning approval is not required, for such a project.*

*B. A locality may charge a reasonable fee for each application submitted under subsection A or for any zoning approval required for a standard process project. The fee shall not include direct payment or reimbursement of third-party fees charged on a contingency basis or a result-based arrangement. Upon request, a locality shall provide the applicant with the cost basis for the fee. A locality shall not charge market-based or value-based fees for the processing of an application. If the application is for:*

*1. An administrative review-eligible project, the fee shall not exceed \$500; and*

*2. A standard process project, the fee shall not exceed the actual direct costs to process the application, including permits and inspection.*

*C. The processing of any application submitted under subsection A or for any zoning approval required for a standard process project shall be subject to the following:*

*1. Within 10 business days after receiving an incomplete application, the locality shall notify the applicant that the application is incomplete. The notice shall specify any additional information required to complete the application. The notice shall be sent by electronic mail to the applicant's email address provided in the application. If the locality fails to provide such notice within such 10-day period, the application shall be deemed complete.*

*2. Except as provided in subdivision 3, a locality shall approve or disapprove a complete application:*

*a. For a new structure within the lesser of 150 days of receipt of the completed application or the period required by federal law for such approval or disapproval; or*

*b. For the co-location of any wireless facility that is not a small cell facility within the lesser of 90 days of receipt of the completed application or the period required by federal law for such approval or disapproval, unless the application constitutes an eligible facilities request as defined in 47 U.S.C. § 1455(a).*

*3. Any period specified in subdivision 2 for a locality to approve or disapprove an application may be extended by mutual agreement between the applicant and the locality.*

*D. A complete application for a project shall be deemed approved if the locality fails to approve or disapprove the application within the applicable period specified in subdivision C 2 or any agreed extension thereof pursuant to subdivision C 3.*

*E. If a locality disapproves an application submitted under subsection A or for any zoning approval required for a standard process project:*

*1. The locality shall provide the applicant with a written statement of the reasons for such disapproval; and*

*2. If the locality is aware of any modifications to the project as described in the application that if made would permit the locality to approve the proposed project, the locality shall identify them in the written statement provided under subdivision 1. The locality's subsequent disapproval of an application for a project that incorporates the modifications*

identified in such a statement may be used by the applicant as evidence that the locality's subsequent disapproval was arbitrary or capricious in any appeal of the locality's action.

F. A locality's action on disapproval of an application submitted under subsection A or for any zoning approval required for a standard process project shall:

1. Not unreasonably discriminate between the applicant and other wireless services providers, wireless infrastructure providers, providers of telecommunications services, and other providers of functionally equivalent services; and
2. Be supported by substantial record evidence contained in a written record publicly released within 30 days following the disapproval.

G. An applicant adversely affected by the disapproval of an application submitted under subsection A or for any zoning approval required for a standard process project may file an appeal pursuant to subsection F of § 15.2-2285, or to § 15.2-2314 if the requested zoning approval involves a variance, within 30 days following delivery to the applicant or notice to the applicant of the record described in subdivision F 2.

**§ 15.2-2316.4:2. Application reviews.**

A. In its receiving, consideration, and processing of a complete application submitted under subsection A of § 15.2-2316.4:1 or for any zoning approval required for a standard process project, a locality shall not:

1. Disapprove an application on the basis of:
    - a. The applicant's business decision with respect to its designed service, customer demand for service, or quality of its service to or from a particular site;
    - b. The applicant's specific need for the project, including the applicant's desire to provide additional wireless coverage or capacity; or
    - c. The wireless facility technology selected by the applicant for use at the project;
  2. Require an applicant to provide proprietary, confidential, or other business information to justify the need for the project, including propagation maps and telecommunications traffic studies, or information reviewed by a federal agency as part of the approval process for the same structure and wireless facility, provided that a locality may require an applicant to provide a copy of any approval granted by a federal agency, including conditions imposed by that agency;
  3. Require the removal of existing wireless support structures or wireless facilities, wherever located, as a condition for approval of an application. A locality may adopt reasonable rules with respect to the removal of abandoned wireless support structures or wireless facilities;
  4. Impose surety requirements, including bonds, escrow deposits, letters of credit, or any other types of financial surety, to ensure that abandoned or unused wireless facilities can be removed, unless the locality imposes similar requirements on other permits for other types of similar commercial development. Any such instrument shall not exceed a reasonable estimate of the direct cost of the removal of the wireless facilities;
  5. Discriminate or create a preference on the basis of the ownership, including ownership by the locality, of any property, structure, base station, or wireless support structure, when promulgating rules or procedures for siting wireless facilities or for evaluating applications;
  6. Impose any unreasonable requirements or obligations regarding the presentation or appearance of a project, including unreasonable requirements relating to (i) the kinds of materials used or (ii) the arranging, screening, or landscaping of wireless facilities or wireless structures;
  7. Impose any requirement that an applicant purchase, subscribe to, use, or employ facilities, networks, or services owned, provided, or operated by a locality, in whole or in part, or by any entity in which a locality has a competitive, economic, financial, governance, or other interest;
  8. Condition or require the approval of an application solely on the basis of the applicant's agreement to allow any wireless facilities provided or operated, in whole or in part, by a locality or by any other entity, to be placed at or co-located with the applicant's project;
  9. Impose a setback or fall zone requirement for a project that is larger than a setback or fall zone area that is imposed on other types of similar structures of a similar size, including utility poles;
  10. Limit the duration of the approval of an application, except a locality may require that construction of the approved project shall commence within two years of final approval and be diligently pursued to completion; or
  11. Require an applicant to perform services unrelated to the project described in the application, including restoration work on any surface not disturbed by the applicant's project.
- B. Nothing in this article shall prohibit a locality from disapproving an application submitted under subsection A of § 15.2-2316.4:1 or for any zoning approval required for a standard process project:
1. On the basis of the fact that the proposed height of any wireless support structure, wireless facility, or wireless support structure with attached wireless facilities exceeds 50 feet above ground level, provided that the locality follows a local ordinance or regulation that does not unreasonably discriminate between the applicant and other wireless services providers, wireless infrastructure providers, providers of telecommunications services, and other providers of functionally equivalent services; or
  2. That proposes to locate a new structure, or to co-locate a wireless facility, in an area where all cable and public utility facilities are required to be placed underground by a date certain or encouraged to be undergrounded as part of a transportation improvement project or rezoning proceeding as set forth in objectives contained in a comprehensive plan, if:

a. The undergrounding requirement or comprehensive plan objective existed at least three months prior to the submission of the application;

b. The locality allows the co-location of wireless facilities on existing utility poles, government-owned structures with the government's consent, existing wireless support structures, or a building within that area;

c. The locality allows the replacement of existing utility poles and wireless support structures with poles or support structures of the same size or smaller within that area; and

d. The disapproval of the application does not unreasonably discriminate between the applicant and other wireless services providers, wireless infrastructure providers, providers of telecommunications services, and other providers of functionally equivalent services.

C. Nothing in this article shall prohibit an applicant from voluntarily submitting, and the locality from accepting, any conditions that otherwise address potential visual or aesthetic effects resulting from the placement of a new structure or facility.

D. Nothing in this article shall prohibit a locality from disapproving an application submitted under a standard process project on the basis of the availability of existing wireless support structures within a reasonable distance that could be used for co-location at reasonable terms and conditions without imposing technical limitations on the applicant.

**§ 15.2-2316.4:3. Additional provisions.**

A. A locality shall not require zoning approval for (i) routine maintenance or (ii) the replacement of wireless facilities or wireless support structures within a six-foot perimeter with wireless facilities or wireless support structures that are substantially similar or the same size or smaller. However, a locality may require a permit to work within the right-of-way for the activities described in clause (i) or (ii), if applicable.

B. Nothing in this article shall prohibit a locality from limiting the number of new structures or the number of wireless facilities that can be installed in a specific location.

**2. That any publicly-owned or privately-owned wireless service provider operating within the Commonwealth or serving residents of the Commonwealth shall, by January 1, 2019, and annually thereafter until January 1, 2025, provide to the Department of Housing and Community Development a report detailing by county, city, and town enhanced service capacity in previously served areas and expansion of service in previously unserved geographic areas that are provided access to wireless services. Notwithstanding any other provision of law, the Department shall maintain the confidentiality of company-specific data but may publicly release aggregate data.**

**3. That the Secretariats of Commerce and Trade and Public Safety and Homeland Security shall convene a group of stakeholders, to include representatives from the Department of Housing and Community Development, the Virginia Economic Development Partnership, the Virginia Tobacco Region Revitalization Commission, and the Department of Emergency Management, industry representatives, and representatives of affected communities, to develop a plan for expanding access to wireless services in unserved and underserved areas of the Commonwealth. The plan shall be completed by December 15, 2018. The plan shall include the following components: a definition of unserved and underserved areas, identification of barriers to access to wireless services in such areas, a proposed expedited review process for such areas, identification of ways to encourage industry to locate in such areas, and consideration of a lower fee for such an expedited review process.**

## CHAPTER 845

*An Act to amend and reenact §§ 23.1-203, 23.1-905.1, 23.1-907, 23.1-908, 23.1-2904, 23.1-3136, and 23.1-3137 of the Code of Virginia and to repeal the second and third enactments of Chapter 521 of the Acts of Assembly of 2017, relating to the Virginia Community College System.*

[S 631]

Approved April 18, 2018

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 23.1-203, 23.1-905.1, 23.1-907, 23.1-908, 23.1-2904, 23.1-3136, and 23.1-3137 of the Code of Virginia are amended as follows:**

**§ 23.1-203. Duties of Council.**

The Council shall:

1. Develop a statewide strategic plan that (i) reflects the goals set forth in subsection A of § 23.1-1002 or (ii) once adopted, reflects the goals and objectives developed pursuant to subdivision B 5 of § 23.1-309 for higher education in the Commonwealth, identifies a coordinated approach to such state and regional goals, and emphasizes the future needs for higher education in the Commonwealth at both the undergraduate and the graduate levels and the mission, programs, facilities, and location of each of the existing institutions of higher education, each public institution's six-year plan, and such other matters as the Council deems appropriate. The Council shall revise such plan at least once every six years and shall submit such recommendations as are necessary for the implementation of the plan to the Governor and the General Assembly.

2. Review and approve or disapprove any proposed change in the statement of mission of any public institution of higher education and define the mission of all newly created public institutions of higher education. The Council shall

report such approvals, disapprovals, and definitions to the Governor and the General Assembly at least once every six years. No such actions shall become effective until 30 days after adjournment of the session of the General Assembly next following the filing of such a report. Nothing in this subdivision shall be construed to authorize the Council to modify any mission statement adopted by the General Assembly or empower the Council to affect, either directly or indirectly, the selection of faculty or the standards and criteria for admission of any public institution of higher education, whether relating to academic standards, residence, or other criteria. Faculty selection and student admission policies shall remain a function of the individual public institutions of higher education.

3. Study any proposed escalation of any public institution of higher education to a degree-granting level higher than that level to which it is presently restricted and submit a report and recommendation to the Governor and the General Assembly relating to the proposal. The study shall include the need for and benefits or detriments to be derived from the escalation. No such institution shall implement any such proposed escalation until the Council's report and recommendation have been submitted to the General Assembly and the General Assembly approves the institution's proposal.

4. Review and approve or disapprove all enrollment projections proposed by each public institution of higher education. The Council's projections shall be organized numerically by level of enrollment and shall be used solely for budgetary, fiscal, and strategic planning purposes. The Council shall develop estimates of the number of degrees to be awarded by each public institution of higher education and include those estimates in its reports of enrollment projections. The student admissions policies for such institutions and their specific programs shall remain the sole responsibility of the individual governing boards but all baccalaureate public institutions of higher education shall adopt dual admissions policies with comprehensive community colleges as required by § 23.1-907.

5. Review and approve or disapprove all new undergraduate or graduate academic programs that any public institution of higher education proposes.

6. Review and require the discontinuance of any undergraduate or graduate academic program that is presently offered by any public institution of higher education when the Council determines that such academic program is (i) nonproductive in terms of the number of degrees granted, the number of students served by the program, the program's effectiveness, and budgetary considerations or (ii) supported by state funds and unnecessarily duplicative of academic programs offered at other public institutions of higher education. The Council shall make a report to the Governor and the General Assembly with respect to the discontinuance of any such academic program. No such discontinuance shall become effective until 30 days after the adjournment of the session of the General Assembly next following the filing of such report.

7. Review and approve or disapprove the establishment of any department, school, college, branch, division, or extension of any public institution of higher education that such institution proposes to establish, whether located on or off the main campus of such institution. If any organizational change is determined by the Council to be proposed solely for the purpose of internal management and the institution's curricular offerings remain constant, the Council shall approve the proposed change. Nothing in this subdivision shall be construed to authorize the Council to disapprove the establishment of any such department, school, college, branch, division, or extension established by the General Assembly.

8. Review the proposed closure of any academic program in a high demand or critical shortage area, as defined by the Council, by any public institution of higher education and assist in the development of an orderly closure plan, when needed.

9. Develop a uniform, comprehensive data information system designed to gather all information necessary to the performance of the Council's duties. The system shall include information on admissions, enrollment, self-identified students with documented disabilities, personnel, programs, financing, space inventory, facilities, and such other areas as the Council deems appropriate. When consistent with the Government Data Collection and Dissemination Practices Act (§ 2.2-3800 et seq.), the Virginia Unemployment Compensation Act (§ 60.2-100 et seq.), and applicable federal law, the Council, acting solely or in partnership with the Virginia Department of Education or the Virginia Employment Commission, may contract with private entities to create de-identified student records in which all personally identifiable information has been removed for the purpose of assessing the performance of institutions and specific programs relative to the workforce needs of the Commonwealth.

10. In cooperation with public institutions of higher education, develop guidelines for the assessment of student achievement. Each such institution shall use an approved program that complies with the guidelines of the Council and is consistent with the institution's mission and educational objectives in the development of such assessment. The Council shall report each institution's assessment of student achievement in the revisions to the Commonwealth's statewide strategic plan for higher education.

11. In cooperation with the appropriate state financial and accounting officials, develop and establish uniform standards and systems of accounting, recordkeeping, and statistical reporting for public institutions of higher education.

12. Review biennially and approve or disapprove all changes in the inventory of educational and general space that any public institution of higher education proposes and report such approvals and disapprovals to the Governor and the General Assembly. No such change shall become effective until 30 days after the adjournment of the session of the General Assembly next following the filing of such report.

13. Visit and study the operations of each public institution of higher education at such times as the Council deems appropriate and conduct such other studies in the field of higher education as the Council deems appropriate or as may be requested by the Governor or the General Assembly.

14. Provide advisory services to each accredited nonprofit private institution of higher education whose primary purpose is to provide collegiate or graduate education and not to provide religious training or theological education on academic, administrative, financial, and space utilization matters. The Council may review and advise on joint activities, including contracts for services between public institutions of higher education and such private institutions of higher education or between such private institutions of higher education and any agency or political subdivision of the Commonwealth.

15. Adopt such policies and regulations as the Council deems necessary to implement its duties established by state law. Each public institution of higher education shall comply with such policies and regulations.

16. Issue guidelines consistent with the provisions of the federal Family Educational Rights and Privacy Act (20 U.S.C. § 1232g), requiring public institutions of higher education to release a student's academic and disciplinary record to a student's parent.

17. Require each institution of higher education formed, chartered, or established in the Commonwealth after July 1, 1980, to ensure the preservation of student transcripts in the event of institutional closure or revocation of approval to operate in the Commonwealth. An institution may ensure the preservation of student transcripts by binding agreement with another institution of higher education with which it is not corporately connected or in such other way as the Council may authorize by regulation. In the event that an institution closes or has its approval to operate in the Commonwealth revoked, the Council, through its director, may take such action as is necessary to secure and preserve the student transcripts until such time as an appropriate institution accepts all or some of the transcripts. Nothing in this subdivision shall be deemed to interfere with the right of a student to his own transcripts or authorize disclosure of student records except as may otherwise be authorized by law.

18. Require the development and submission of articulation, dual admissions, and guaranteed admissions agreements between associate-degree-granting and baccalaureate public institutions of higher education.

19. Provide periodic updates of base adequacy funding guidelines adopted by the Joint Subcommittee Studying Higher Education Funding Policies for each public institution of higher education.

20. ~~In consultation with each public institution of higher education, develop~~ *Develop, pursuant to the provisions of § 23.1-907, guidelines for articulation, dual admissions, and guaranteed admissions agreements, including guidelines related to a one-year uniform certificate of general studies program Uniform Certificate of General Studies Program and a one-semester Passport Program to be offered at each comprehensive community college. Such program shall ensure that a comprehensive community college student who completes the one-year certificate program is eligible to transfer all credits earned in academic subject coursework to a baccalaureate public institution of higher education upon acceptance to such baccalaureate institution. The guidelines developed pursuant to this subdivision shall be developed in consultation with all public institutions of higher education in the Commonwealth, the Department of Education, and the Virginia Association of School Superintendents and shall ensure standardization, quality, and transparency in the implementation of the programs and agreements. At the discretion of the Council, private institutions of higher education eligible for tuition assistance grants may also be consulted.*

21. Cooperate with the Board of Education in matters of interest to both public elementary and secondary schools and public institutions of higher education, particularly in connection with coordination of the college admission requirements, coordination of teacher training programs with the public school programs, and the Board of Education's Six-Year Educational Technology Plan for Virginia. The Council shall encourage public institutions of higher education to design programs that include the skills necessary for the successful implementation of such Plan.

22. Advise and provide technical assistance to the Brown v. Board of Education Scholarship Committee in the implementation and administration of the Brown v. Board of Education Scholarship Program pursuant to Chapter 34.1 (§ 30-231.01 et seq.) of Title 30.

23. Insofar as possible, seek the cooperation and utilize the facilities of existing state departments, institutions, and agencies in carrying out its duties.

24. Serve as the coordinating council for public institutions of higher education.

25. Serve as the planning and coordinating agency for all postsecondary educational programs for all health professions and occupations and make recommendations, including those relating to financing, for providing adequate and coordinated educational programs to produce an appropriate supply of properly trained personnel. The Council may conduct such studies as it deems appropriate in furtherance of the requirements of this subdivision. All state departments and agencies shall cooperate with the Council in the execution of its responsibilities under this subdivision.

26. Carry out such duties as the Governor may assign to it in response to agency designations requested by the federal government.

27. Insofar as practicable, preserve the individuality, traditions, and sense of responsibility of each public institution of higher education in carrying out its duties.

28. Insofar as practicable, seek the assistance and advice of each public institution of higher education in fulfilling its duties and responsibilities.

29. Develop the Commonwealth Research and Technology Strategic Roadmap pursuant to the provisions of § 23.1-3134 to be submitted to the Virginia Research Investment Committee for approval, and otherwise assist the Virginia Research Investment Committee with the administration of the Virginia Research Investment Fund consistent with the provisions of Article 8 (§ 23.1-3130 et seq.) of Chapter 31.

30. Administer the Virginia Longitudinal Data System as a multiagency partnership for the purposes of developing educational, health, social service, and employment outcome data; improving the efficacy of state services; and aiding decision making.

**§ 23.1-905.1. Course credit; dual enrollment courses.**

A. The Council, in consultation with each public institution of higher education, shall establish a policy for granting undergraduate ~~general education~~ course credit to any entering student who has successfully completed a dual enrollment course. The policy shall:

1. Outline the conditions necessary for each public institution of higher education to grant ~~general education~~ course credit for the successful completion of a dual enrollment course;

2. Identify ~~the whether each dual enrollment course offered in the Commonwealth is transferrable to a public institution of higher education as (i) a Uniform Certificate of General Studies Program or Passport Program course credit, (ii) a general education elective course credit, or (iii) a course credit meeting other academic requirements of each a public institution of higher education that the student satisfies by successfully completing a dual enrollment course, or if such course is not likely to transfer for course credit. The policy shall also require that each school division and comprehensive community college offering a dual enrollment course clearly specify such transfer information on any website, literature, or other materials describing or advertising the course; and~~

3. Require each public institution of higher education offering a dual enrollment course to identify the equivalent non-dual enrollment course;

4. Ensure, ~~to the extent possible,~~ that the grant of ~~general education~~ course credit is consistent across each public institution of higher education and each such dual enrollment course; and

5. Require that the following information be made available on the online portal maintained by the System pursuant to subsection C of § 23.1-908: (i) a description of each dual enrollment course offered in the Commonwealth; (ii) the specific academic, career, or technical programs in the System that will accept the course credit and which specific comprehensive community colleges offer such programs; and (iii) if available, the pathway maps in which the dual enrollment course is included.

B. The Council and each public institution of higher education shall make the policy available to the public on their websites. *The Council shall also forward the policy to the System for inclusion in the online portal maintained by the System pursuant to § 23.1-908.*

C. The Council shall annually report to the House Committee on Education and the Senate Committee on Education and Health on the implementation of the course credit policy by each public institution of higher education.

**§ 23.1-907. Articulation, dual admissions, and guaranteed admissions agreements; admission of certain comprehensive community college graduates.**

A. The board of visitors of each baccalaureate public institution of higher education shall develop, consistent with Council guidelines and the institution's six-year plan as set forth in § 23.1-306, articulation, dual admissions, and guaranteed admissions agreements with each associate-degree-granting public institution of higher education.

B. ~~The Council and each public institution of higher education~~ System, in cooperation with the Council and each public institution of higher education, and consistent with the guidelines developed pursuant to subdivision 20 of § 23.1-203, shall ~~develop establish a passport credit program, including any necessary guidelines for such program. In developing the program, the Council and each public institution of higher education shall establish competencies and standards for each passport credit course. Any course that does not meet or exceed the standards developed under the program shall not be deemed a passport credit course. Such passport credit program shall require that it is the responsibility of the course provider to ensure that a passport credit course meets the standards of the program one-semester Passport Program and a one-year Uniform Certificate of General Studies Program. The Passport Program shall consist of 15 course credit hours and shall be a component of the 30-credit-hour Uniform Certificate of General Studies Program. Each passport credit Uniform Certificate of General Studies Program and Passport Program course shall be transferable and shall satisfy a lower division general education requirement at any public institution of higher education. The Uniform Certificate of General Studies Program and Passport Program shall be available at each comprehensive community college and through the Online Virginia Network.~~

C. ~~The Council and each public institution of higher education shall develop a one-year uniform certificate of general studies program as set forth in subdivision 20 of § 23.1-203. All credits earned in academic subject coursework by students attending an associate degree-granting public institution of higher education who complete the one-year uniform certificate of general studies program are transferrable to a baccalaureate public institution of higher education in accordance with Council guidelines. The Council shall establish procedures under which a baccalaureate public institution of higher education may seek a waiver from the Council from accepting the transfer of a Uniform Certificate of General Studies Program or Passport Program course to satisfy the requirements for the completion of a specific pathway or degree. A waiver shall not be granted allowing a baccalaureate public institution to (i) generally reject the transfer of all coursework that is a part of the Uniform Certificate of General Studies Program or Passport Program or (ii) generally reject the transfer of a course from the Uniform Certificate of General Studies Program or Passport Program for all pathway maps and degrees. An application for a waiver shall identify with particularity the course for which the institution is seeking a waiver and the particular pathway or degree to which the waiver would apply. The application shall provide justification for the waiver and shall designate alternative courses offered through the System that may be completed by a student in~~

order to complete a transferable, 30-credit-hour Uniform Certificate or 15-credit-hour Passport. The Council shall adopt guidelines regarding the criteria to be used to review and issue decisions regarding waiver requests. Such waiver requests shall only be granted if the baccalaureate public institution of higher education provides evidence that the specified pathway or degree requires a specialized, lower division course not available through the System. Once approved, notice of a waiver granted by the Council shall be included in the online portal established pursuant to § 23.1-908.

D. The Council shall develop guidelines for associate-degree-granting and baccalaureate public institutions of higher education to use in mapping pathways for the completion of credits in particular programs of study, including the courses recommended to be taken in a dual enrollment, comprehensive community college, and baccalaureate public institution setting in order to pursue a specific degree or career. Such guidelines shall define the elements of a pathway map and identify the pathway maps to be developed. Initial guidelines adopted for mapping such pathways shall establish a multiyear schedule for the development and implementation of pathway maps for all fields of study.

E. Each baccalaureate public institution of higher education, in cooperation and consultation with the System, shall develop pathway maps consistent with the guidelines established pursuant to subsection D. Such pathways maps shall clearly set forth the courses that a student at a comprehensive community college is encouraged to complete prior to transferring to the baccalaureate institution. The goal of the career education pathway maps shall be to assist students in achieving optimal efficiencies in the time and cost of completing a degree program. Such program map shall also clearly identify the courses, if any, for which the baccalaureate institution has received a waiver from transfer pursuant to subsection C.

F. The Council shall prepare an a comprehensive annual report on the pertinent aspects of the pipeline effectiveness of students transferring from comprehensive community colleges to baccalaureate public institutions of higher education, including a review of the effectiveness of the use of pathway maps in achieving efficiencies and cost savings in the completion of a degree program. The report shall include the following elements: completion rates, average time to degree, credit accumulation, post-transfer student academic performance, and comparative efficiency. The Council shall adopt guidelines for data submission from public institutions of higher education necessary for such report, and all institutions shall report such data in accordance with the guidelines. The report shall be made publicly available on the Council website and on the online portal maintained pursuant to § 23.1-908.

~~E. The Council, consistent with its responsibility to facilitate the development of articulation, dual admissions, and guaranteed admissions agreements set forth in §§ 23.1-203 and 23.1-908, shall develop guidelines for such agreements.~~

F. G. Each comprehensive community college shall develop agreements for postsecondary degree attainment with the public high schools in the school divisions that such comprehensive community college serves specifying the options for students to complete an associate degree or a one-year Uniform Certificate of General Studies, the Passport Program, or the Uniform Certificate of General Studies Program concurrent with a high school diploma. Such agreements shall specify the credit available for dual enrollment courses and Advanced Placement courses with qualifying exam scores of three or higher.

H. The provisions of this section shall not apply to any public institution of higher education established pursuant to Chapter 25 (§ 23.1-2500 et seq.).

#### § 23.1-908. State Transfer Tool.

A. The Council shall develop, in cooperation with the System and each public institution of higher education, a State Transfer Tool that designates each general education course, in addition to the courses that comprise the Uniform Certificate of General Studies Program and the Passport Program, that is offered in an associate degree program at an associate-degree-granting public institution of higher education and transferable for course credit to a baccalaureate public institution of higher education. In developing the State Transfer Tool, the Council shall also seek the participation of private institutions of higher education.

B. The Council shall develop guidelines to govern the development and implementation of articulation, dual admissions, and guaranteed admissions agreements between associate-degree-granting public institutions of higher education and baccalaureate public institutions of higher education. Dual admissions agreements shall set forth (i) the obligations of each student accepted to such a program, including grade point average requirements, acceptable associate degree majors, and completion timetables, and (ii) the extent to which each student accepted to such a program may access the privileges of enrollment at both institutions while he is enrolled at either institution. Such agreements are subject to the admissions requirements of the baccalaureate public institutions of higher education.

~~C. The Council shall develop and make available to the public information identifying all passport credit courses and other general education courses offered at associate-degree-granting public institutions of higher education and designating those that are transferable for course credit at baccalaureate public institutions of higher education and baccalaureate private institutions of higher education. Each baccalaureate public institution of higher education shall update its transfer agreements immediately following any program modifications and shall send a copy of its updated agreement and any other transfer-related documents and resources to the System. The Council shall also send to the System a copy of any transfer-related guidelines and resources that it possesses. The System shall maintain an online portal that allows access to all such agreements, documents, and resources. The online portal shall also include (i) documents and resources related to course equivalency, (ii) pathway maps established pursuant to subsection E of § 23.1-907, (iii) the transfer tool established pursuant to subsection A, (iv) information regarding dual enrollment courses as described in § 23.1-905.1, and (v) any other information required to be included by law or deemed relevant by the System. The online portal shall be available to~~

*the public on the websites of the Council, the System, each public institution of higher education, and each school division offering a dual enrollment course.*

**§ 23.1-2904. State Board; duties.**

In addition to the duties of governing boards of public institutions of higher education set forth in Chapter 13 (§ 23.1-1300 et seq.), the State Board shall:

1. Be the state agency with primary responsibility for coordinating workforce training at the postsecondary through the associate degree level, exclusive of the career and technical education programs provided through and administered by the public school system. This responsibility shall not preclude other agencies from also providing such services as appropriate, but these activities shall be coordinated with the comprehensive community colleges;

2. Report on actions that comprehensive community colleges have taken to meet the requirements of § 23.1-2906 in its annual report to the General Assembly on workforce development activities required by the general appropriation act;

3. Prepare and administer a plan providing standards and policies for the establishment, development, and administration of comprehensive community colleges under its authority. It shall determine the need for comprehensive community colleges and develop a statewide plan for their location and a time schedule for their establishment. In the development of such plan, a principal objective is to provide and maintain a system of comprehensive community colleges, as that term is defined in § 23.1-100 to make appropriate educational opportunities and programs available throughout the Commonwealth. In providing these offerings, the State Board shall recognize the need for excellence in all curricula and shall endeavor to establish and maintain standards appropriate to the various purposes the respective programs are designed to serve;

4. Establish policies providing for the creation of a local community college board for each comprehensive community college established under this chapter and the procedures and regulations under which such local boards shall operate. These boards shall assist in ascertaining educational needs and enlisting community involvement and support and shall perform such other duties as may be prescribed by the State Board;

5. Adhere to the policies of the Council for the coordination of higher education as required by law; and

6. Develop a mental health referral policy directing comprehensive community colleges to designate at least one individual at each college to serve as a point of contact with an emergency services system clinician at a local community services board, or another qualified mental health services provider, for the purposes of facilitating screening and referral of students who may have emergency or urgent mental health needs and of assisting the college in carrying out the duties specified by §§ 23.1-802 and 23.1-805. Each comprehensive community college may establish relationships with community services boards or other mental health providers for referral and treatment of persons with less serious mental health needs.

*7. Develop and implement, in coordination with the Virginia Department of Education and the Virginia Association of School Superintendents, a plan to maintain the same standards regarding quality and consistency for dual enrollment courses offered by local school divisions pursuant to § 23.1-907 as are required for all courses taught in the System. Such standards shall also subject dual enrollment courses to the same level of evaluation and review as all other courses.*

*8. Prepare and administer a plan to standardize the courses offered, and the quality and content of such courses, offered across all comprehensive community colleges, as well as to standardize the application and registration process at all comprehensive community colleges. Such plan shall allow for a comprehensive community college to provide additional courses, beyond the standard class content offered across the System, that meet specific regional interests and needs. Regional courses shall be subject to the standards of quality applied to all courses offered in the System.*

*9. Develop and implement accountability measures to periodically, but in no case less than every three years, review the performance of each comprehensive community college to ensure that all standards established by the Board are being met, with a goal of ensuring a consistent quality of education and opportunity across the System. If it is found that such standards are not being met at a particular institution, the Board shall develop a plan for corrective action specific to the issues presented at that institution.*

**§ 23.1-3136. Board of Trustees.**

A. The Authority shall be governed by a Board of Trustees (the Board) that has a total membership of ~~15~~ 17 members that shall consist of four members of the House of Delegates to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates; three members of the Senate to be appointed by the Senate Committee on Rules; three nonlegislative citizen members to be appointed by the Governor; one nonlegislative citizen member to be appointed by the board of visitors of George Mason University; one nonlegislative citizen member to be appointed by the board of visitors of Old Dominion University; *one nonlegislative citizen member to be appointed by the State Board;* and ~~three~~ four members who shall serve ex officio with voting privileges, consisting of the President of George Mason University or his designee, the President of Old Dominion University or his designee, *the Chancellor of the Virginia Community College System or his designee,* and the Director of the Council. Nonlegislative citizen members of the Authority shall be citizens of the Commonwealth.

B. Legislative and ex officio members of the Board shall serve terms coincident with their terms of office.

C. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. Vacancies shall be filled in the same manner as the original appointments. All members may be reappointed.

D. After the initial staggering of terms, nonlegislative citizen members shall be appointed for a term of four years.

E. No House member shall serve more than four consecutive two-year terms, no Senate member shall serve more than two consecutive four-year terms, and no nonlegislative citizen member shall serve more than two consecutive four-year terms. The remainder of any term to which a member is appointed to fill a vacancy shall not constitute a term in determining the member's eligibility for reappointment.

F. The Board shall elect a chairman and vice-chairman from among its membership. A majority of the members shall constitute a quorum. The meetings of the Board shall be held at the call of the chairman or whenever the majority of the members so request.

G. Legislative members of the Board shall receive such compensation as provided in § 30-19.12, and nonlegislative citizen members shall receive such compensation for the performance of their duties as provided in § 2.2-2813. All members shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. Funding for the costs of compensation and expenses of the members shall be provided by the Authority.

H. George Mason University ~~and~~, Old Dominion University, *and the System* shall provide staff support to the Authority and the Board. All agencies of the Commonwealth shall provide assistance to the Board, upon request.

**§ 23.1-3137. Duties of the Authority.**

The Authority shall:

1. Expand access to affordable higher education in the Commonwealth by establishing the Online Virginia Network (the Network) for the purpose of coordinating the online delivery of courses that facilitate the completion of degrees at George Mason University ~~and~~, Old Dominion University, *and comprehensive community colleges*;

2. Encourage each public institution of higher education and each consortium of public institutions of higher education that offers online courses, online degree programs, or online credential programs to offer any such course, degree program, or credential program through the Network;

3. Oversee a process of approval for public institutions of higher education and consortia of such institutions to participate in the Network, with such funds as are appropriated for such purpose and made available to it;

4. Serve as a resource for residents of the Commonwealth and disseminate information regarding the opportunities for online learning offered by institutions and consortia that participate in the Network;

5. Coordinate the maintenance of an online portal through which potential students may examine and enroll seamlessly in Network offerings;

6. Collaborate with institutions and consortia that participate in the Network to ensure that the needs of enrolled students are met before, during, and after enrollment through online student support systems;

7. To the extent practicable, ensure that courses and degree programs offered through the Network (i) are accredited by an accrediting agency recognized by the U.S. Department of Education or authorized by the Council, as applicable; (ii) expand access to underserved populations based on income, race, geography, and age; (iii) are responsive to the employment demands of the Commonwealth; (iv) employ learning and delivery technologies, which may include competency-based and experiential learning, in an efficient and cost-effective manner to promote flexibility for each student to pursue online courses and programs at his own pace and in his own location throughout the year; (v) minimize student expenses and reduce time-to-degree or time-to-credential; and (vi) are offered in collaboration with existing public and private providers of online courses;

8. Promote the refinement and implementation of articulation agreements to ensure that credits earned through the Network are transferable to each other public institution of higher education and contribute to on-time degree completion at each such institution;

9. Assist in developing processes to help institutions and consortia that participate in the Network to expand their online offerings;

10. *Ensure that the Passport Program and the Uniform Certificate of General Studies Program, established pursuant to § 23.1-907, be made available through the Network;*

11. Develop specific goals for meeting the demand in the Commonwealth for affordable and accessible higher education through online learning;

~~12.~~ Review and report annually to the Governor and the General Assembly on the cost structure of funds allocated to the establishment, maintenance, and expansion of the Network. In addition, the Authority shall examine ways to reduce the cost of online education and develop a budget that incorporates estimated expected tuition revenue from online students and its use in supporting the Network and assumes that any financial aid will come from existing financial aid programs; and

~~13.~~ Accept, administer, and account for any state, federal, or private moneys that it may receive. Any moneys, including interest thereon, that have not been expended by the Authority by the end of each fiscal year shall not revert to the general fund but shall remain in the accounts of the Authority.

**2. That the State Board for Community Colleges shall develop an initial plan for the standardization of courses offered at all comprehensive community colleges, including a timeline for completion of the standardization and the identification of any resources or funding needed to implement the standardization, and report such plan to the State Council of Higher Education for Virginia and the Chairmen of the House Committee on Education, the House Committee on Appropriations, the Senate Committee on Education and Health, and the Senate Committee on Finance no later than September 1, 2018. The Virginia Community College System shall establish the one-semester Passport**

Program and one-year Uniform Certificate of General Studies Program as required by this act by July 1, 2020, and each associate-degree-granting public institution shall offer such programs by the 2020-2021 academic year.

3. That Richard Bland College shall offer a Uniform Certificate of General Studies Program and Passport Program by the 2020-2021 academic year in accordance with the guidelines developed by the State Council of Higher Education for Virginia pursuant to subdivision 20 of § 23.1-203 of the Code of Virginia, as amended by this act. Baccalaureate public institutions of higher education shall be required to accept the transfer of such credits offered by Richard Bland College in the same manner as if such courses were offered at a comprehensive community college, as required by this act.

4. That the second and third enactments of Chapter 521 of the Acts of Assembly of 2017 are repealed.

#### CHAPTER 846

*An Act to amend and reenact §§ 16.1-337, 16.1-344, and 18.2-308.1:3 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 16.1-337.1, relating to involuntary mental health treatment; minors; access to firearms.*

[S 669]

Approved April 18, 2018

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 16.1-337, 16.1-344, and 18.2-308.1:3 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 16.1-337.1 as follows:**

**§ 16.1-337. Inpatient treatment of minors; general applicability; disclosure of records.**

A. A minor may be admitted to a mental health facility for inpatient treatment only pursuant to § 16.1-338, 16.1-339, or 16.1-340.1 or in accordance with an order of involuntary commitment entered pursuant to §§ 16.1-341 through 16.1-345. The provisions of Article 12 (§ 16.1-299 et seq.) of Chapter 11 of this title and § 16.1-337.1 relating to the confidentiality of files, papers, and records shall apply to proceedings under this article.

B. Any health care provider, as defined in § 32.1-127.1:03, or other provider rendering services to a minor who is the subject of proceedings under this article, upon request, shall disclose to a magistrate, the juvenile intake officer, the court, the minor's attorney, the minor's guardian ad litem, the qualified evaluator performing the evaluation required under §§ 16.1-338, 16.1-339, and 16.1-342, the community services board or its designee performing the evaluation, preadmission screening, or monitoring duties under this article, or a law-enforcement officer any and all information that is necessary and appropriate to enable each of them to perform his duties under this article. These health care providers and other service providers shall disclose to one another health records and information where necessary to provide care and treatment to the person and to monitor that care and treatment. Health records disclosed to a law-enforcement officer shall be limited to information necessary to protect the officer, the minor, or the public from physical injury or to address the health care needs of the minor. Information disclosed to a law-enforcement officer shall not be used for any other purpose, disclosed to others, or retained.

Any health care provider providing services to a minor who is the subject of proceedings under this article shall make a reasonable attempt to notify the minor's parent of information that is directly relevant to such individual's involvement with the minor's health care, which may include the minor's location and general condition, in accordance with subdivision D 34 of § 32.1-127.1:03, unless the provider has actual knowledge that the parent is currently prohibited by court order from contacting the minor. No health care provider shall be required to notify a person's family member or personal representative pursuant to this section if the health care provider has actual knowledge that such notice has been provided.

Any health care provider disclosing records pursuant to this section shall be immune from civil liability for any harm resulting from the disclosure, including any liability under the federal Health Insurance Portability and Accountability Act (42 U.S.C. § 1320d et seq.), as amended, unless the person or provider disclosing such records intended the harm or acted in bad faith.

C. Any order entered where a minor is the subject of proceedings under this article shall provide for the disclosure of health records pursuant to subsection B. This subsection shall not preclude any other disclosures as required or permitted by law.

**§ 16.1-337.1. Order of involuntary commitment or mandatory outpatient treatment forwarded to Central Criminal Records Exchange; certain voluntary admissions forwarded to Central Criminal Records Exchange; firearm background check.**

A. The order from a commitment hearing issued pursuant to this article for involuntary admission or mandatory outpatient treatment for a minor 14 years of age or older and the certification of any minor 14 years of age or older who has been the subject of a temporary detention order pursuant to § 16.1-340.1 and who, after being advised by the court that he will be prohibited from possessing a firearm pursuant to § 18.2-308.1:3, subsequently agreed to voluntary admission pursuant to § 16.1-338 shall be filed by the court with the clerk of the juvenile and domestic relations district court for the county or city where the hearing took place as soon as practicable but no later than the close of business on the next business day following the completion of the hearing.

*B. Upon receipt of any order from a commitment hearing issued pursuant to this article for involuntary admission of a minor 14 years of age or older to a facility, the clerk of court shall, as soon as practicable but no later than the close of business on the next following business day, certify and forward to the Central Criminal Records Exchange, on a form provided by the Exchange, a copy of the order. Upon receipt of any order from a commitment hearing issued pursuant to this article for mandatory outpatient treatment of a minor 14 years of age or older, the clerk of court shall, prior to the close of that business day, certify and forward to the Central Criminal Records Exchange, on a form provided by the Exchange, a copy of the order.*

*C. The clerk of court shall also, as soon as practicable but no later than the close of business on the next following business day, forward upon receipt to the Central Criminal Records Exchange, on a form provided by the Exchange, certification of any minor 14 years of age or older who has been the subject of a temporary detention order pursuant to § 16.1-340.1 and who, after being advised by the court that he will be prohibited from possessing a firearm pursuant to § 18.2-308.1:3, subsequently agreed to voluntary admission pursuant to § 16.1-338.*

*D. Except as provided in subdivision A 1 of § 19.2-389, the copy of the forms and orders sent to the Central Criminal Records Exchange pursuant to subsection B, and the forms and certifications sent to the Central Criminal Records Exchange regarding voluntary admission pursuant to subsection C, shall be kept confidential in a separate file and used only to determine a person's eligibility to possess, purchase, or transfer a firearm. No medical records shall be forwarded to the Central Criminal Records Exchange with any form, order, or certification required by subsection B or C. The Department of State Police shall forward only a person's eligibility to possess, purchase, or transfer a firearm to the National Instant Criminal Background Check System.*

**§ 16.1-344. Involuntary commitment; hearing.**

A. The court shall summon to the hearing all material witnesses requested by either the minor or the petitioner. All testimony shall be under oath. The rules of evidence shall apply. The petitioner, minor and, with leave of court for good cause shown, any other person shall be given the opportunity to present evidence and cross-examine witnesses. The hearing shall be closed to the public unless the minor and petitioner request that it be open.

B. At the commencement of the hearing involving a minor 14 years of age or older, the court shall inform the minor whose involuntary commitment is being sought of his right to be voluntarily admitted for inpatient treatment as provided for in § 16.1-338 and shall afford the minor an opportunity for voluntary admission, provided that the minor's parent consents to such voluntary admission. *The court shall advise the minor whose involuntary commitment is being sought that if the minor chooses to be voluntarily admitted pursuant to § 16.1-338, such minor will be prohibited from possessing, purchasing, or transporting a firearm pursuant to § 18.2-308.1:3.* In determining whether a minor is capable of consenting to voluntary admission, the court may consider evidence regarding the minor's past compliance or noncompliance with treatment.

C. An employee or a designee of the community services board that arranged for the evaluation of the minor shall attend the hearing in person or, if physical attendance is not practicable, shall participate in the hearing through a two-way electronic video and audio or telephonic communication system as authorized in § 16.1-345.1. If (i) the minor does not reside in the jurisdiction served by the juvenile and domestic relations district court that conducts the hearing and (ii) the minor is being considered for mandatory outpatient treatment pursuant to § 16.1-345.2, an employee or designee of the community services board serving the area where the minor resides shall also attend the hearing in person or, if physical attendance is not practicable, shall participate in the hearing through a two-way electronic video and audio or telephonic communication system as authorized in § 16.1-345.1. The employee or designee of the community services board serving the area where the minor resides may, instead of attending the hearing, make arrangements with the community services board that arranged for the evaluation of the minor to present on its behalf the recommendations for a specific course of treatment and programs for the provision of mandatory outpatient treatment required by subsection C of § 16.1-345.2 and the initial mandatory outpatient treatment plan required by subsection D of § 16.1-345.2. When a community services board attends the hearing on behalf of the community services board serving the area where the minor resides, the attending community services board shall inform the community services board serving the area where the minor resides of the disposition of the matter upon the conclusion of the hearing. In addition, the attending community services board shall transmit the disposition through certified mail, personal delivery, facsimile with return receipt acknowledged, or other electronic means to the community services board serving the area where the minor resides. Any employee or designee of the community services board attending or participating in the hearing shall not be excluded from the hearing pursuant to an order of sequestration of witnesses.

At least 12 hours prior to the hearing, the court shall provide the time and location of the hearing to the community services board that arranged for the evaluation of the minor. If the community services board will be present by telephonic means, the court shall provide the telephone number to the board.

**§ 18.2-308.1:3. Purchase, possession, or transportation of firearm by persons involuntarily admitted or ordered to outpatient treatment; penalty.**

A. It shall be unlawful for any person (i) involuntarily admitted to a facility or ordered to mandatory outpatient treatment pursuant to § 19.2-169.2, (ii) involuntarily admitted to a facility or ordered to mandatory outpatient treatment as the result of a commitment hearing pursuant to Article 5 (§ 37.2-814 et seq.) of Chapter 8 of Title 37.2, ~~or~~ (iii) involuntarily admitted to a facility or ordered to mandatory outpatient treatment as a minor 14 years of age or older as the result of a commitment hearing pursuant to Article 16 (§ 16.1-335 et seq.) of Chapter 11 of Title 16.1, (iv) who was the subject of a temporary detention order pursuant to § 37.2-809 and subsequently agreed to voluntary admission pursuant to § 37.2-805 or

(v) who, as a minor 14 years of age or older, was the subject of a temporary detention order pursuant to § 16.1-340.1 and subsequently agreed to voluntary admission pursuant to § 16.1-338 to purchase, possess, or transport a firearm. A violation of this subsection shall be punishable as a Class 1 misdemeanor.

B. Any person prohibited from purchasing, possessing or transporting firearms under this section may, at any time following his release from involuntary admission to a facility, his release from an order of mandatory outpatient treatment, or his release from voluntary admission pursuant to § 37.2-805 following the issuance of a temporary detention order, petition the general district court in the city or county in which he resides or, if the person is not a resident of the Commonwealth, the general district court of the city or county in which the most recent of the proceedings described in subsection A occurred to restore his right to purchase, possess or transport a firearm. A copy of the petition shall be mailed or delivered to the attorney for the Commonwealth for the jurisdiction where the petition was filed who shall be entitled to respond and represent the interests of the Commonwealth. The court shall conduct a hearing if requested by either party. If the court determines, after receiving and considering evidence concerning the circumstances regarding the disabilities referred to in subsection A and the person's criminal history, treatment record, and reputation as developed through character witness statements, testimony, or other character evidence, that the person will not likely act in a manner dangerous to public safety and that granting the relief would not be contrary to the public interest, the court shall grant the petition. Any person denied relief by the general district court may petition the circuit court for a de novo review of the denial. Upon a grant of relief in any court, the court shall enter a written order granting the petition, in which event the provisions of subsection A do not apply. The clerk of court shall certify and forward forthwith to the Central Criminal Records Exchange, on a form provided by the Exchange, a copy of any such order.

C. As used in this section, "treatment record" shall include copies of health records detailing the petitioner's psychiatric history, which shall include the records pertaining to the commitment or adjudication that is the subject of the request for relief pursuant to this section.

**2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation is \$0 for periods of imprisonment in state adult correctional facilities and cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.**

**3. That an emergency exists and this act is in force from its passage.**

**CHAPTER 847**

*An Act to amend and reenact § 38.2-3125 of the Code of Virginia and to amend the Code of Virginia by adding sections numbered 38.2-3111.1 and 38.2-3122.1, relating to annuity contracts purchased to fund certain retirement benefits; limits on de-risking transactions; limitation on transfers; protection from creditors' claims.*

[S 755]

Approved April 18, 2018

**Be it enacted by the General Assembly of Virginia:**

**1. That § 38.2-3125 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding sections numbered 38.2-3111.1 and 38.2-3122.1 as follows:**

**§ 38.2-3111.1. Annuity contract purchased to fund retirement benefits; transfer subject to Commission approval.**

*A. As used in this section:*

*"Employer" means a person doing business in or operating within the Commonwealth who employs a resident of the Commonwealth to work for wages or a salary or on commission and includes any similar entity acting directly or indirectly in the interest of an employer in relation to an employee. "Employer" does not include the Commonwealth or any of its agencies, institutions, or political subdivisions or any public body.*

*"Pension plan" has the same meaning ascribed to that term in § 3(2) of ERISA.*

*"Retirement annuity contract" means an allocated or unallocated group annuity contract that is issued or issued for delivery by an insurer to an employer or a pension plan, pension plan sponsor, or affiliate of such employer, pension plan, or pension plan sponsor, for the purpose of providing retirement benefits to employees or retirees of the employer under a defined benefit plan and that (i) is issued or issued for delivery in the Commonwealth or (ii) affects retired employees residing in the Commonwealth who are certificate holders or beneficiaries of a contract if the Commission has jurisdiction over the insurer issuing the contract.*

*B. On or after July 1, 2018, no retirement annuity contract shall be transferred to or assumed by another insurer unless:*

*1. The transfer is made to an assuming insurer that has a rating equivalent of A or better from two or more nationally recognized rating agencies; or*

*2. The transfer to the assuming insurer is approved by the Commission, which approval shall not be granted unless the assuming insurer meets all of the requirements of § 38.2-1024.*

*C. If the Commission determines that an insurer has violated this section or any order or regulation adopted hereunder, the Commission, after notice and opportunity to be heard, may impose a penalty in accordance with §§ 38.2-218 and 38.2-219.*

**§ 38.2-3122.1. Annuity contract purchased to fund retirement benefits; protection from creditor's claims.**

A. As used in this section:

"Employer" means a person doing business in or operating within the Commonwealth who employs another to work for wages or a salary or on commission and includes any similar entity acting directly or indirectly in the interest of an employer in relation to an employee. "Employer" does not include the Commonwealth or any of its agencies, institutions, or political subdivisions or any public body.

"ERISA" means the federal Employee Retirement Income Security Act of 1974 (P.L. 93-406, 88 Stat. 829), as amended.

"Pension plan" has the same meaning ascribed to that term in § 3(2) of ERISA.

B. Any interest in or amounts payable to a participant or beneficiary from any allocated or unallocated group annuity contract issued or issued for delivery in the Commonwealth to an employer or a pension plan for the purpose of providing retirement benefits to employees or retirees of the employer under a defined benefit plan, which retirement benefits were protected under ERISA or the Federal Pension Benefit Guaranty Corporation prior to the effective date of the group annuity contract and will not be protected under ERISA or the Federal Pension Benefit Guaranty Corporation on and after the effective date of the group annuity contract, shall be exempt from the claims of all creditors of such participant or beneficiary.

C. The exemption from the claims of creditors provided under subsection B shall not apply to claims arising under a qualified domestic relations order.

D. The exemption from the claims of creditors provided under subsection B shall not apply to any claim by a creditor with respect to an annuity contract that was taken out, made, or assigned in writing for the benefit of the creditor.

E. Notwithstanding the provisions of subsection B and subject to the applicable statute of limitations, the amount of any premiums or other amounts paid for the related annuity contract that were paid with the intent to defraud creditors, with the interest thereon, shall inure to the benefit of the creditors from the proceeds of the policy, contract, or deposit.

F. The exemption provided by this section shall not apply to any protected annuity contract issued or effected during the six months preceding the date that the person claiming the exemption (i) files a voluntary petition in bankruptcy; (ii) becomes the subject of an order for relief or is declared insolvent in any federal or state bankruptcy or insolvency proceeding; or (iii) files a petition or answer seeking for himself any reorganization, arrangement, composition, readjustment, liquidation, dissolution, or similar relief under any statute, law, or regulation.

**§ 38.2-3125. Other rights of beneficiaries and assignees protected.**

Since the purpose of §§ 38.2-3122, 38.2-3122.1, and 38.2-3123 is to confer additional rights, privileges, and benefits upon beneficiaries and assignees of policies, no beneficiary or assignee shall by reason of these sections be divested or deprived of or prohibited from exercising or enjoying any right, privilege, or benefit that he would have or could exercise or enjoy had §§ 38.2-3122, 38.2-3122.1, and 38.2-3123 not been enacted.

**CHAPTER 848**

An Act to amend the Code of Virginia by adding in Chapter 15.1 of Title 56 a section numbered 56-484.32, relating to wireless support structures; public rights-of-way use fees.

[S 823]

Approved April 18, 2018

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding in Chapter 15.1 of Title 56 a section numbered 56-484.32 as follows:**

**§ 56-484.32. Wireless support structure public rights-of-way use fee.**

A. Notwithstanding any other provisions of law, there is hereby established an annual wireless support structure public rights-of-way use fee to replace any and all fees of general application, except for permit processing, zoning, subdivision, site plan, and comprehensive plan fees of general application, otherwise chargeable to wireless services providers and wireless infrastructure providers in connection with a permit for occupation and use of the public rights-of-way under the jurisdiction of the Department for the construction of new wireless support structures.

B. The amount of the annual wireless support structure public rights-of-way use fee shall be:

1. \$1,000 for any wireless support structure at or below 50 feet in height;
2. \$3,000 for any wireless support structure above 50 feet and at or below 120 feet in height;
3. \$5,000 for any wireless support structure above 120 feet in height; and
4. \$1 per square foot for any other equipment, shelter, or associated facilities constructed on the ground.

The fee amount specified in this subsection shall be adjusted every five years, as of January 1 of that year, in an amount equal to the annual increases for that five-year period in the United States Average Consumer Price Index for all items, all urban consumers (CPI-U), as published by the Bureau of Labor Statistics of the U.S. Department of Labor, rounded to the nearest whole dollar.

C. No later than June 30 of each year, the wireless services provider or wireless infrastructure provider shall remit directly to the Department any fees owed pursuant to this section. Such fees shall be deposited in the Highway Maintenance and Operating Fund established pursuant to § 33.2-1530.

*D. The Department may elect to continue enforcing any agreement, contract, license, easement, or permit allowing the use of the public rights-of-way by a wireless services provider or wireless infrastructure provider existing prior to July 1, 2018, through and until expiration of the current term of the agreement, contract, license, easement, or permit.*

### CHAPTER 849

*An Act to amend and reenact § 58.1-3660 of the Code of Virginia, relating to property tax exemption for solar energy equipment and facilities.*

[S 902]

Approved April 18, 2018

**Be it enacted by the General Assembly of Virginia:**

**1. That § 58.1-3660 of the Code of Virginia is amended and reenacted as follows:**

**§ 58.1-3660. Certified pollution control equipment and facilities.**

A. Certified pollution control equipment and facilities, as defined herein, are hereby declared to be a separate class of property and shall constitute a classification for local taxation separate from other such classification of real or personal property and such property. Certified pollution control equipment and facilities shall be exempt from state and local taxation pursuant to Article X, Section 6 (d) of the Constitution of Virginia.

B. As used in this section:

"Certified pollution control equipment and facilities" shall mean any property, including real or personal property, equipment, facilities, or devices, used primarily for the purpose of abating or preventing pollution of the atmosphere or waters of the Commonwealth and which the state certifying authority having jurisdiction with respect to such property has certified to the Department of Taxation as having been constructed, reconstructed, erected, or acquired in conformity with the state program or requirements for abatement or control of water or atmospheric pollution or contamination. Such property shall include, but is not limited to, any equipment used to grind, chip, or mulch trees, tree stumps, underbrush, and other vegetative cover for reuse as mulch, compost, landfill gas, synthetic or natural gas recovered from waste or other fuel, and equipment used in collecting, processing, and distributing, or generating electricity from, landfill gas or synthetic or natural gas recovered from waste, whether or not such property has been certified to the Department of Taxation by a state certifying authority. Such property shall also include solar energy equipment, facilities, or devices owned or operated by a business that collect, generate, transfer, or store thermal or electric energy whether or not such property has been certified to the Department of Taxation by a state certifying authority. For solar photovoltaic (electric energy) systems, this exemption applies only to (i) projects equaling 20 megawatts or less, as measured in alternating current (AC) generation capacity, for which an initial interconnection request form has been filed with an electric utility or a regional transmission organization on or before December 31, 2018; (ii) projects equaling 20 megawatts or less, as measured in alternating current (AC) generation capacity, that serve any of the public institutions of higher education listed in § 23.1-100 or any private college as defined in § 23.1-105; (iii) 80 percent of the assessed value of projects for which an initial interconnection request form has been filed with an electric utility or a regional transmission organization ~~after~~ (a) between January 1, 2015, and June 30, 2018, for projects greater than 20 megawatts or (b) on or after July 1, 2018, for projects greater than 20 megawatts and less than 150 megawatts, as measured in alternating current (AC) generation capacity, ~~for projects and that are first in service on or after January 1, 2017;~~ (iv) projects equaling ~~§ five~~ megawatts or less, as measured in alternating current (AC) generation capacity, for which an initial interconnection request form has been filed with an electric utility or a regional transmission organization on or after January 1, 2019; and (v) 80 percent of the assessed value of all other projects equaling more than ~~§ five~~ megawatts and less than 150 megawatts, as measured in alternating current (AC) generation capacity for which an initial interconnection request form has been filed with an electric utility or a regional transmission organization on or after January 1, 2019. The exemption for solar photovoltaic (electric energy) projects greater than 20 megawatts, as measured in alternating current (AC) generation capacity, shall not apply to projects upon which construction begins after January 1, 2024. Such property shall not include the land on which such equipment or facilities are located.

"State certifying authority" shall mean the State Water Control Board, for water pollution; the State Air Pollution Control Board, for air pollution; the Department of Mines, Minerals and Energy, for solar energy projects and for coal, oil, and gas production, including gas, natural gas, and coalbed methane gas; and the Virginia Waste Management Board, for waste disposal facilities, natural gas recovered from waste facilities, and landfill gas production facilities, and shall include any interstate agency authorized to act in place of a certifying authority of the Commonwealth.

### CHAPTER 850

*An Act to amend and reenact §§ 58.1-638 and 58.1-3823 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 58.1-603.2, relating to state sales and use tax; Historic Triangle.*

[S 942]

Approved April 18, 2018

Be it enacted by the General Assembly of Virginia:

1. That §§ 58.1-638 and 58.1-3823 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 58.1-603.2 as follows:

**§ 58.1-603.2. Additional state sales and use tax in certain counties and cities of historic significance; Historic Triangle Marketing Fund.**

A. For purposes of this section, "Historic Triangle" means all of the City of Williamsburg and the Counties of James City and York.

B. In addition to the sales tax imposed pursuant to §§ 58.1-603 and 58.1-603.1, there is hereby levied and imposed in the Historic Triangle a retail sales tax at the rate of one percent. Such tax shall not be levied upon food purchased for human consumption as defined in § 58.1-611.1. Such tax shall be added to the rate of the state sales tax imposed pursuant to §§ 58.1-603 and 58.1-603.1 in each such county and city and shall be subject to all the provisions of this chapter and the rules and regulations published with respect thereto. No discount under § 58.1-622 shall be allowed for the tax imposed under this section. Such tax shall be administered and collected by the Tax Commissioner in the same manner and subject to the same penalties as provided for the state sales tax under § 58.1-603.

C. In addition to the use tax imposed pursuant to §§ 58.1-604 and 58.1-604.01, there is hereby levied and imposed in the Historic Triangle a retail use tax at the rate of one percent. Such tax shall not be levied upon food purchased for human consumption as defined in § 58.1-611.1. Such tax shall be added to the rate of the state use tax imposed pursuant to §§ 58.1-604 and 58.1-604.01 in each such county and city and shall be subject to all the provisions of this chapter and the rules and regulations published with respect thereto. No discount under § 58.1-622 shall be allowed for the tax imposed under this section. Such tax shall be administered and collected by the Tax Commissioner in the same manner and subject to the same penalties as provided for the state use tax under § 58.1-604.

D. The revenue generated and collected pursuant to the tax authorized under this section, less the applicable portion of any refunds to taxpayers, shall be deposited by the Comptroller as follows:

1. Fifty percent of the revenues shall be deposited into the Historic Triangle Marketing Fund created pursuant to subsection E and used for the purposes set forth therein; and

2. Fifty percent of the revenues shall be deposited into a special fund hereby created on the books of the Comptroller under the name "Collections of Historic Triangle Sales Tax" and distributed to the locality in which the sales or use tax was collected. The revenues received by a locality pursuant to this subsection shall not be used to reduce the amount of other revenues appropriated by such locality to or for use by the Greater Williamsburg Chamber and Tourism Alliance below the amount provided in fiscal year 2018.

E. 1. There is hereby created in the state treasury a special nonreverting fund to be known as the Historic Triangle Marketing Fund, referred to in this section as "the Fund," to be managed and administered by the Tourism Council of the Greater Williamsburg Chamber and Tourism Alliance. The Fund shall be established on the books of the Comptroller. All revenues generated pursuant to this section shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used solely for the purposes of marketing, advertising, and promoting the Historic Triangle area as an overnight tourism destination, with the intent to attract visitors from a sufficient distance so as to require an overnight stay of at least one night, as set forth in this subsection. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the Secretary of Finance.

2. The Tourism Council of the Greater Williamsburg Chamber and Tourism Alliance (the Council) shall consist of members as follows: one member of the James City County Board of Supervisors, one member of the York County Board of Supervisors; one member of the Williamsburg City Council, one representative of the Colonial Williamsburg Foundation, one representative of the Jamestown-Yorktown Foundation, one representative of Busch Gardens Williamsburg, one representative of Historic Jamestowne, one representative of the Williamsburg Hotel and Motel Association, and one representative of the Williamsburg Area Restaurant Association. The Chief Executive Officer of the Virginia Tourism Alliance and the Chief Executive Officer of the Virginia Tourism Corporation shall serve as ex officio, non-voting members of the Council.

3. The Council shall establish the Historic Triangle Office of Marketing and Promotion (the Office) to administer a program of marketing, advertising, and promotion to attract visitors to the Historic Triangle area, as required by this subsection. The Council shall use moneys in the Fund to fund the pay for necessary expenses of the Office and to fund the activities of the Office. The Office shall be overseen by a professional with extensive experience in marketing or advertising and in the tourism industry. The Office shall be responsible for (i) developing and implementing, in consultation with the Council, long-term and short-term strategic plans for advertising and promoting the numerous facilities, venues, and attractions devoted to education, historic preservation, amusement, entertainment, and dining in the Historic Triangle as a cohesive and unified travel destination for local, national, and international travelers; (ii) assisting, upon request, with the coordination of cross-advertising and cross-marketing efforts between various tourism venues and destinations in the Historic Triangle region; (iii) identifying strategies for both increasing the number of overnight visitors to the region and increasing the average length of stay of tourists in the region; and (iv) performing any other function related to the promotion of the Historic Triangle region as may be identified by the Council.

4. *The Council shall report annually on its long-term and short-term strategic plans and the implementation of such plans; marketing efforts; metrics regarding tourism in the Historic Triangle region; use of the funds in the Fund; and any other details relevant to the work of the Council and the Office. Such report shall be delivered no later than December 1 of each year to the managers or chief executive officers of the City of Williamsburg and the Counties of James City and York, and to the Chairmen of the House Committees on Finance and Appropriations and the Senate Committee on Finance.*

**§ 58.1-638. Disposition of state sales and use tax revenue.**

A. The Comptroller shall designate a specific revenue code number for all the state sales and use tax revenue collected under the preceding sections of this chapter.

1. The sales and use tax revenue generated by the one-half percent sales and use tax increase enacted by the 1986 Special Session of the General Assembly shall be paid, in the manner hereinafter provided in this section, to the Transportation Trust Fund as defined in § 33.2-1524. Of the funds paid to the Transportation Trust Fund, an aggregate of 4.2 percent shall be set aside as the Commonwealth Port Fund as provided in this section; an aggregate of 2.4 percent shall be set aside as the Commonwealth Airport Fund as provided in this section; and an aggregate of 14.7 percent shall be set aside as the Commonwealth Mass Transit Fund as provided in this section. The Fund's share of such net revenue shall be computed as an estimate of the net revenue to be received into the state treasury each month, and such estimated payment shall be adjusted for the actual net revenue received in the preceding month. All payments shall be made to the Fund on the last day of each month.

2. There is hereby created in the Department of the Treasury a special nonreverting fund which shall be a part of the Transportation Trust Fund and which shall be known as the Commonwealth Port Fund.

a. The Commonwealth Port Fund shall be established on the books of the Comptroller and the funds remaining in such Fund at the end of a biennium shall not revert to the general fund but shall remain in the Fund. Interest earned on such funds shall remain in the Fund and be credited to it. Funds may be paid to any authority, locality or commission for the purposes hereinafter specified.

b. The amounts allocated pursuant to this section shall be allocated by the Commonwealth Transportation Board to the Board of Commissioners of the Virginia Port Authority to be used to support port capital needs and the preservation of existing capital needs of all ocean, river, or tributary ports within the Commonwealth. Expenditures for such capital needs are restricted to those capital projects specified in subsection B of § 62.1-132.1.

c. Commonwealth Port Fund revenue shall be allocated by the Board of Commissioners to the Virginia Port Authority in order to foster and stimulate the flow of maritime commerce through the ports of Virginia, including but not limited to the ports of Richmond, Hopewell, and Alexandria.

3. There is hereby created in the Department of the Treasury a special nonreverting fund which shall be part of the Transportation Trust Fund and which shall be known as the Commonwealth Airport Fund. The Commonwealth Airport Fund shall be established on the books of the Comptroller and any funds remaining in such Fund at the end of a biennium shall not revert to the general fund but shall remain in the Fund. Interest earned on the funds shall be credited to the Fund. The funds so allocated shall be allocated by the Commonwealth Transportation Board to the Virginia Aviation Board. The funds shall be allocated by the Virginia Aviation Board to any Virginia airport which is owned by the Commonwealth, a governmental subdivision thereof, or a private entity to which the public has access for the purposes enumerated in § 5.1-2.16, or is owned or leased by the Metropolitan Washington Airports Authority (MWAA), as follows:

Any new funds in excess of \$12.1 million which are available for allocation by the Virginia Aviation Board from the Commonwealth Transportation Fund, shall be allocated as follows: 60 percent to MWAA, up to a maximum annual amount of \$2 million, and 40 percent to air carrier airports as provided in subdivision A 3 a. Except for adjustments due to changes in enplaned passengers, no air carrier airport sponsor, excluding MWAA, shall receive less funds identified under subdivision A 3 a than it received in fiscal year 1994-1995.

Of the remaining amount:

a. Forty percent of the funds shall be allocated to air carrier airports, except airports owned or leased by MWAA, based upon the percentage of enplanements for each airport to total enplanements at all air carrier airports, except airports owned or leased by MWAA. No air carrier airport sponsor, however, shall receive less than \$50,000 nor more than \$2 million per year from this provision.

b. Forty percent of the funds shall be allocated by the Aviation Board for air carrier and reliever airports on a discretionary basis, except airports owned or leased by MWAA.

c. Twenty percent of the funds shall be allocated by the Aviation Board for general aviation airports on a discretionary basis.

3a. There is hereby created in the Department of the Treasury a special nonreverting fund that shall be a part of the Transportation Trust Fund and that shall be known as the Commonwealth Space Flight Fund. The Commonwealth Space Flight Fund shall be established on the books of the Comptroller and the funds remaining in such Fund at the end of a biennium shall not revert to the general fund but shall remain in the Fund. Interest earned on such funds shall remain in the Fund and be credited to it.

a. The amounts allocated to the Commonwealth Space Flight Fund pursuant to § 33.2-1526 shall be allocated by the Commonwealth Transportation Board to the Board of Directors of the Virginia Commercial Space Flight Authority to be used to support the capital needs, maintenance, and operating costs of any and all facilities owned and operated by the Virginia Commercial Space Flight Authority.

b. Commonwealth Space Flight Fund revenue shall be allocated by the Board of Directors to the Virginia Commercial Space Flight Authority in order to foster and stimulate the growth of the commercial space flight industry in Virginia.

4. There is hereby created in the Department of the Treasury a special nonreverting fund which shall be a part of the Transportation Trust Fund and which shall be known as the Commonwealth Mass Transit Fund.

a. The Commonwealth Mass Transit Fund shall be established on the books of the Comptroller and any funds remaining in such Fund at the end of the biennium shall not revert to the general fund but shall remain in the Fund. Interest earned on such funds shall be credited to the Fund. If funds in subdivision 4 b (1)(c) or 4 b (2)(d) are allocated to the construction of a new fixed rail project, such project shall be evaluated according to the process established pursuant to subsection B of § 33.2-214.1. Funds may be paid to any local governing body, transportation district commission, or public service corporation for the purposes hereinafter specified.

b. The amounts allocated pursuant to this section shall be used to support the operating, capital, and administrative costs of public transportation at a state share determined by the Commonwealth Transportation Board, and these amounts may be used to support the capital project costs of public transportation and ridesharing equipment, facilities, and associated costs at a state share determined by the Commonwealth Transportation Board. Capital costs may include debt service payments on local or agency transit bonds. In making these determinations, the Commonwealth Transportation Board shall confer with the Director of the Department of Rail and Public Transportation. In development of the Director's recommendation and subsequent allocation of funds by the Commonwealth Transportation Board, the Director of the Department of Rail and Public Transportation and the Commonwealth Transportation Board shall adhere to the following:

(1) For the distribution of revenues from the Commonwealth Mass Transit Fund, of those revenues generated in 2014 and thereafter, the first \$160 million in revenues or the maximum available revenues if less than \$160 million shall be distributed by the Commonwealth Transportation Board as follows:

(a) Funds for special programs, which shall include ridesharing, transportation demand management programs, experimental transit, public transportation promotion, operation studies, and technical assistance, shall not exceed 3 percent of the funds pursuant to this section and may be allocated to any local governing body, planning district commission, transportation district commission, or public transit corporation, or may be used directly by the Department of Rail and Public Transportation for the following purposes and aid of public transportation services:

(i) To finance a program administered by the Department of Rail and Public Transportation designed to promote the use of public transportation and ridesharing throughout Virginia.

(ii) To finance up to 80 percent of the cost of the development and implementation of projects where the purpose of such project is to enhance the provision and use of public transportation services.

(b) At least 72 percent of the funds shall be distributed to each transit property in the same proportion as its operating expenses bear to the total statewide operating expenses and shall be spent for the purposes specified in subdivision 4 b.

(c) Twenty-five percent of the funds shall be allocated and distributed utilizing a tiered approach evaluated by the Transit Service Delivery Advisory Committee along with the Director of the Department of Rail and Public Transportation and established by the Commonwealth Transportation Board for capital purposes based on asset need and anticipated state participation level and revenues. The tier distribution measures may be evaluated by the Transit Service Delivery Advisory Committee along with the Director of the Department of Rail and Public Transportation every three years and, if redefined by the Board, shall be published at least one year in advance of being applied. Funds allocated for debt service payments will be included in the tier that applies to the capital asset that is leveraged.

(d) Transfer of funds from funding categories in subdivisions 4 b (1)(a) and 4 b (1)(c) to 4 b (1)(b) shall be considered by the Commonwealth Transportation Board in times of statewide economic distress or statewide special need.

(2) The Commonwealth Transportation Board shall allocate the remaining revenues after the application of the provisions set forth in subdivision 4 b (1) generated for the Commonwealth Mass Transit Fund for 2014 and succeeding years as follows:

(a) Funds pursuant to this section shall be distributed among operating, capital, and special projects in order to respond to the needs of the transit community.

(b) Of the funds pursuant to this section, at least 72 percent shall be allocated to support operating costs of transit providers and distributed by the Commonwealth Transportation Board based on service delivery factors, based on effectiveness and efficiency, as established by the Commonwealth Transportation Board. These measures and their relative weight shall be evaluated every three years and, if redefined by the Commonwealth Transportation Board, shall be published and made available for public comment at least one year in advance of being applied. In developing the service delivery factors, the Commonwealth Transportation Board shall create for the Department of Rail and Public Transportation a Transit Service Delivery Advisory Committee, consisting of two members appointed by the Virginia Transit Association, one member appointed by the Community Transportation Association of Virginia, one member appointed by the Virginia Municipal League, one member appointed by the Virginia Association of Counties, and three members appointed by the Director of the Department of Rail and Public Transportation, to advise the Department of Rail and Public Transportation in the development of a distribution process for the funds allocated pursuant to this subdivision 4 b (2)(b) and how transit systems can incorporate these metrics in their transit development plans. The Transit Service Delivery Advisory Committee shall elect a Chair. The Department of Rail and Public Transportation shall provide administrative support to the committee. Effective July 1, 2013, the Transit Service Delivery Advisory Committee shall meet at least annually and consult with interested stakeholders and hold at least one public hearing and report its findings to the Director of the Department of Rail

and Public Transportation. Prior to the Commonwealth Transportation Board approving the service delivery factors, the Director of the Department of Rail and Public Transportation along with the Chair of the Transit Service Delivery Advisory Committee shall brief the Senate Committee on Finance, the House Appropriations Committee, and the Senate and House Committees on Transportation on the findings of the Transit Service Delivery Advisory Committee and the Department's recommendation. Before redefining any component of the service delivery factors, the Commonwealth Transportation Board shall consult with the Director of the Department of Rail and Public Transportation, Transit Service Delivery Advisory Committee, and interested stakeholders and provide for a 45-day public comment period. Prior to approval of any amendment to the service delivery measures, the Board shall notify the aforementioned committees of the pending amendment to the service delivery factors and its content.

(c) Funds for special programs, which shall include ridesharing, transportation demand management programs, experimental transit, public transportation promotion, operation studies, and technical assistance, shall not exceed 3 percent of the funds pursuant to this section and may be allocated to any local governing body, planning district commission, transportation district commission, or public transit corporation, or may be used directly by the Department of Rail and Public Transportation for the following purposes and aid of public transportation services:

(i) To finance a program administered by the Department of Rail and Public Transportation designed to promote the use of public transportation and ridesharing throughout Virginia.

(ii) To finance up to 80 percent of the cost of the development and implementation of projects where the purpose of such project is to enhance the provision and use of public transportation services.

(d) Of the funds pursuant to this section, 25 percent shall be allocated and distributed utilizing a tiered approach evaluated by the Transit Service Delivery Advisory Committee along with the Director of Rail and Public Transportation and established by the Commonwealth Transportation Board for capital purposes based on asset need and anticipated state participation level and revenues. The tier distribution measures may be evaluated by the Transit Service Delivery Advisory Committee along with the Director of Rail and Public Transportation every three years and, if redefined by the Board, shall be published at least one year in advance of being applied. Funds allocated for debt service payments shall be included in the tier that applies to the capital asset that is leveraged.

(e) Transfer of funds from funding categories in subdivisions 4 b (2)(c) and 4 b (2)(d) to 4 b (2)(b) shall be considered by the Commonwealth Transportation Board in times of statewide economic distress or statewide special need.

(f) The Department of Rail and Public Transportation may reserve a balance of up to five percent of the Commonwealth Mass Transit Fund revenues under this subsection in order to assure better stability in providing operating and capital funding to transit entities from year to year.

(3) The Commonwealth Mass Transit Fund shall not be allocated without requiring a local match from the recipient.

c. There is hereby created in the Department of the Treasury a special nonreverting fund known as the Commonwealth Transit Capital Fund. The Commonwealth Transit Capital Fund shall be part of the Commonwealth Mass Transit Fund. The Commonwealth Transit Capital Fund subaccount shall be established on the books of the Comptroller and consist of such moneys as are appropriated to it by the General Assembly and of all donations, gifts, bequests, grants, endowments, and other moneys given, bequeathed, granted, or otherwise made available to the Commonwealth Transit Capital Fund. Any funds remaining in the Commonwealth Transit Capital Fund at the end of the biennium shall not revert to the general fund, but shall remain in the Commonwealth Transit Capital Fund. Interest earned on funds within the Commonwealth Transit Capital Fund shall remain in and be credited to the Commonwealth Transit Capital Fund. Proceeds of the Commonwealth Transit Capital Fund may be paid to any political subdivision, another public entity created by an act of the General Assembly, or a private entity as defined in § 33.2-1800 and for purposes as enumerated in subdivision 7 of § 33.2-1701 or expended by the Department of Rail and Public Transportation for the purposes specified in this subdivision. Revenues of the Commonwealth Transit Capital Fund shall be used to support capital expenditures involving the establishment, improvement, or expansion of public transportation services through specific projects approved by the Commonwealth Transportation Board. If revenues of the Commonwealth Transit Capital Fund are allocated to the construction of a new fixed rail project, such project shall be evaluated according to the process established pursuant to subsection B of § 33.2-214.1. The Commonwealth Transit Capital Fund shall not be allocated without requiring a local match from the recipient.

d. The Commonwealth Transportation Board may allocate up to three and one-half percent of the funds set aside for the Commonwealth Mass Transit Fund to support costs of project development, project administration, and project compliance incurred by the Department of Rail and Public Transportation in implementing rail, public transportation, and congestion management grants and programs.

5. Funds for Metro shall be paid by the Northern Virginia Transportation Commission (NVTC) to the Washington Metropolitan Area Transit Authority (WMATA) and be a credit to the Counties of Arlington and Fairfax and the Cities of Alexandria, Falls Church, and Fairfax in the following manner:

a. Local obligations for debt service for WMATA rail transit bonds apportioned to each locality using WMATA's capital formula shall be paid first by NVTC. NVTC shall use 95 percent state aid for these payments.

b. The remaining funds shall be apportioned to reflect WMATA's allocation formulas by using the related WMATA-allocated subsidies and relative shares of local transit subsidies. Capital costs shall include 20 percent of annual local bus capital expenses. Hold harmless protections and obligations for NVTC's jurisdictions agreed to by NVTC on November 5, 1998, shall remain in effect.

Appropriations from the Commonwealth Mass Transit Fund are intended to provide a stable and reliable source of revenue as defined by Public Law 96-184.

6. Notwithstanding any other provision of law, funds allocated to Metro may be disbursed by the Department of Rail and Public Transportation directly to Metro or to any other transportation entity that has an agreement to provide funding to Metro.

B. The sales and use tax revenue generated by a one percent sales and use tax shall be distributed among the counties and cities of the Commonwealth in the manner provided in subsections C and D.

C. The localities' share of the net revenue distributable under this section among the counties and cities shall be apportioned by the Comptroller and distributed among them by warrants of the Comptroller drawn on the Treasurer of Virginia as soon as practicable after the close of each month during which the net revenue was received into the state treasury. The distribution of the localities' share of such net revenue shall be computed with respect to the net revenue received into the state treasury during each month, and such distribution shall be made as soon as practicable after the close of each such month.

D. The net revenue so distributable among the counties and cities shall be apportioned and distributed upon the basis of the latest yearly estimate of the population of cities and counties ages five to 19, provided by the Weldon Cooper Center for Public Service of the University of Virginia. Such population estimate produced by the Weldon Cooper Center for Public Service of the University of Virginia shall account for persons who are domiciled in orphanages or charitable institutions or who are dependents living on any federal military or naval reservation or other federal property within the school division in which the institutions or federal military or naval reservation or other federal property is located. Such population estimate produced by the Weldon Cooper Center for Public Service of the University of Virginia shall account for members of the military services who are under 20 years of age within the school division in which the parents or guardians of such persons legally reside. Such population estimate produced by the Weldon Cooper Center for Public Service of the University of Virginia shall account for individuals receiving services in state hospitals, state training centers, or mental health facilities, persons who are confined in state or federal correctional institutions, or persons who attend the Virginia School for the Deaf and the Blind within the school division in which the parents or guardians of such persons legally reside. Such population estimate produced by the Weldon Cooper Center for Public Service of the University of Virginia shall account for persons who attend institutions of higher education within the school division in which the student's parents or guardians legally reside. To such estimate, the Department of Education shall add the population of students with disabilities, ages two through four and 20 through 21, as provided to the Department of Education by school divisions. The revenue so apportionable and distributable is hereby appropriated to the several counties and cities for maintenance, operation, capital outlays, debt and interest payments, or other expenses incurred in the operation of the public schools, which shall be considered as funds raised from local resources. In any county, however, wherein is situated any incorporated town constituting a school division, the county treasurer shall pay into the town treasury for maintenance, operation, capital outlays, debt and interest payments, or other expenses incurred in the operation of the public schools, the proper proportionate amount received by him in the ratio that the school population of such town bears to the school population of the entire county. If the school population of any city or of any town constituting a school division is increased by the annexation of territory since the last estimate of school population provided by the Weldon Cooper Center for Public Service, such increase shall, for the purposes of this section, be added to the school population of such city or town as shown by the last such estimate and a proper reduction made in the school population of the county or counties from which the annexed territory was acquired.

E. Beginning July 1, 2000, of the remaining sales and use tax revenue, the revenue generated by a two percent sales and use tax, up to an annual amount of \$13 million, collected from the sales of hunting equipment, auxiliary hunting equipment, fishing equipment, auxiliary fishing equipment, wildlife-watching equipment, and auxiliary wildlife-watching equipment in Virginia, as estimated by the most recent U.S. Department of the Interior, Fish and Wildlife Service and U.S. Department of Commerce, Bureau of the Census National Survey of Fishing, Hunting, and Wildlife-Associated Recreation, shall be paid into the Game Protection Fund established under § 29.1-101 and shall be used, in part, to defray the cost of law enforcement. Not later than 30 days after the close of each quarter, the Comptroller shall transfer to the Game Protection Fund the appropriate amount of collections to be dedicated to such Fund. At any time that the balance in the Capital Improvement Fund, established under § 29.1-101.01, is equal to or in excess of \$35 million, any portion of sales and use tax revenues that would have been transferred to the Game Protection Fund, established under § 29.1-101, in excess of the net operating expenses of the Board, after deduction of other amounts which accrue to the Board and are set aside for the Game Protection Fund, shall remain in the general fund until such time as the balance in the Capital Improvement Fund is less than \$35 million.

F. 1. Of the net revenue generated from the one-half percent increase in the rate of the state sales and use tax effective August 1, 2004, pursuant to enactments of the 2004 Special Session I of the General Assembly, the Comptroller shall transfer from the general fund of the state treasury to the Public Education Standards of Quality/Local Real Estate Property Tax Relief Fund established under § 58.1-638.1 an amount equivalent to one-half of the net revenue generated from such one-half percent increase as provided in this subdivision. The transfers to the Public Education Standards of Quality/Local Real Estate Property Tax Relief Fund under this subdivision shall be for one-half of the net revenue generated (and collected in the succeeding month) from such one-half percent increase for the month of August 2004 and for each month thereafter.

2. Beginning July 1, 2013, of the remaining sales and use tax revenue, an amount equal to the revenue generated by a 0.125 percent sales and use tax shall be distributed to the Public Education Standards of Quality/Local Real Estate Property Tax Relief Fund established under § 58.1-638.1, and be used for the state's share of Standards of Quality basic aid payments.

3. For the purposes of the Comptroller making the required transfers under subdivision 1 and 2, the Tax Commissioner shall make a written certification to the Comptroller no later than the twenty-fifth of each month certifying the sales and use tax revenues generated in the preceding month. Within three calendar days of receiving such certification, the Comptroller shall make the required transfers to the Public Education Standards of Quality/Local Real Estate Property Tax Relief Fund.

G. (Contingent expiration date) Beginning July 1, 2013, of the remaining sales and use tax revenue, an amount equal to the following percentages of the revenue generated by a one-half percent sales and use tax, such as that paid to the Transportation Trust Fund as provided in subdivision A 1, shall be paid to the Highway Maintenance and Operating Fund established pursuant to § 33.2-1530:

1. For fiscal year 2014, an amount equal to 10 percent;
2. For fiscal year 2015, an amount equal to 20 percent;
3. For fiscal year 2016, an amount equal to 30 percent; and
4. For fiscal year 2017 and thereafter, an amount equal to 35 percent.

The Highway Maintenance and Operating Fund's share of the net revenue distributable under this subsection shall be computed as an estimate of the net revenue to be received into the state treasury each month, and such estimated payment shall be adjusted for the actual net revenue received in the preceding month. All payments shall be made to the Fund on the last day of each month.

H. (Contingent expiration date) 1. The additional revenue generated by increases in the state sales and use tax from Planning District 8 pursuant to §§ 58.1-603.1, 58.1-604.01, 58.1-604.1, and 58.1-614 shall be deposited by the Comptroller in the fund established under § 33.2-2509.

2. The additional revenue generated by increases in the state sales and use tax from Planning District 23 pursuant to §§ 58.1-603.1, 58.1-604.01, 58.1-604.1, and 58.1-614 shall be deposited by the Comptroller in the fund established under § 33.2-2600.

3. The additional revenue generated by increases in the state sales and use tax in any other Planning District pursuant to §§ 58.1-603.1, 58.1-604.01, 58.1-604.1, and 58.1-614 shall be deposited into special funds that shall be established by appropriate legislation.

4. The net revenues distributable under this subsection shall be computed as an estimate of the net revenue to be received by the state treasury each month, and such estimated payment shall be adjusted for the actual net revenue received in the preceding month. All payments shall be made to the appropriate funds on the last day of each month.

1. *The additional revenue generated by increases in the state sales and use tax from the Historic Triangle pursuant to § 58.1-603.2 shall be deposited by the Comptroller as follows: (i) 50 percent shall be deposited into the Historic Triangle Marketing Fund established pursuant to subsection E of § 58.1-603.2; and (ii) 50 percent shall be deposited in the special fund created pursuant to subdivision D 2 of § 58.1-603.2 and distributed to the localities in which the revenues were collected. The net revenues distributable under this subsection shall be computed as an estimate of the net revenues to be received by the state treasury each month, and such estimated payment shall be adjusted for the actual net revenue received in the preceding month. All payments shall be made to the appropriate funds on the last day of each month.*

J. If errors are made in any distribution, or adjustments are otherwise necessary, the errors shall be corrected and adjustments made in the distribution for the next quarter or for subsequent quarters.

K. The term "net revenue," as used in this section, means the gross revenue received into the general fund or the Transportation Trust Fund of the state treasury under the preceding sections of this chapter, less refunds to taxpayers.

**§ 58.1-3823. Additional transient occupancy tax for certain counties.**

A. In addition to such transient occupancy taxes as are authorized by §§ 58.1-3819 through 58.1-3821, Hanover County, Chesterfield County and Henrico County may impose:

1. An additional transient occupancy tax not to exceed four percent of the amount of the charge for the occupancy of any room or space occupied. The tax imposed hereunder shall not apply to rooms or spaces rented and continuously occupied by the same individual or same group of individuals for 30 or more days. The revenues collected from the additional tax shall be designated and spent for promoting tourism, travel or business that generates tourism or travel in the Richmond metropolitan area; and

2. An additional transient occupancy tax not to exceed two percent of the amount of the charge for the occupancy of any room or space occupied. The tax imposed hereunder shall not apply to rooms or spaces rented and continuously occupied by the same individual or same group of individuals for 30 or more days. The revenues collected from the additional tax shall be designated and spent for expanding the Richmond Centre, a convention and exhibition facility in the City of Richmond.

3. An additional transient occupancy tax not to exceed one percent of the amount of the charge for the occupancy of any room or space occupied. The tax imposed hereunder shall not apply to rooms or spaces rented and continuously occupied by the same individual or group of individuals for 30 or more days. The revenues collected from the additional tax shall be designated and spent for the development and improvement of the Virginia Performing Arts Foundation's facilities in Richmond, for promoting the use of the Richmond Centre and for promoting tourism, travel or business that generates tourism and travel in the Richmond metropolitan area.

B. In addition to such transient occupancy taxes as are authorized by §§ 58.1-3819 through 58.1-3821, any county with the county manager plan of government may impose an additional transient occupancy tax not to exceed two percent of the amount of the charge for the occupancy of any room or space occupied, provided the county's governing body approves the construction of a county conference center. The tax imposed hereunder shall not apply to rooms or spaces rented and continuously occupied by the same individual or same group of individuals for 30 or more days. The revenues collected from the additional tax shall be designated and spent for the design, construction, debt payment, and operation of such conference center.

C. ~~In addition to such transient occupancy taxes as are authorized by §§ 58.1-3819 through 58.1-3821, the Counties of James City and York may impose an additional transient occupancy tax not to exceed \$2 per room per night for the occupancy of any overnight guest room. The revenues collected from the additional tax shall be designated and expended solely for advertising the Historic Triangle area, which includes all of the City of Williamsburg and the Counties of James City and York, as an overnight tourism destination by the members of the Williamsburg Area Destination Marketing Committee of the Greater Williamsburg Chamber and Tourism Alliance. The tax imposed by this subsection shall not apply to travel campground sites or to rooms or spaces rented and continuously occupied by the same individual or same group of individuals for 30 or more days. Of the revenues generated by the tax authorized by this subsection, one-half of the revenues generated from each night of occupancy of an overnight guest room shall be deposited into the Historic Triangle Marketing Fund, created pursuant to subdivision E 1 of § 58.1-603.2, and one-half of the revenues shall be retained by the locality in which the tax is imposed.~~

2. ~~The Williamsburg Area Destination Marketing Committee shall consist of the members as provided herein. The governing bodies of the City of Williamsburg, the County of James City, and the County of York shall each designate one of their members to serve as members of the Williamsburg Area Destination Marketing Committee. These three members of the Committee shall have two votes apiece. In no case shall a person who is a member of the Committee by virtue of the designation of a local governing body be eligible to be selected a member of the Committee pursuant to subdivision a:~~

~~a. Further, one member of the Committee shall be selected by the Board of Directors of the Williamsburg Hotel and Motel Association; one member of the Committee shall be from The Colonial Williamsburg Foundation and shall be selected by the Foundation; one member of the Committee shall be an employee of Busch Gardens Europe/Water Country USA and shall be selected by Busch Gardens Europe/Water Country USA; one member of the Committee shall be from the Jamestown-Yorktown Foundation and shall be selected by the Foundation; one member of the Committee shall be selected by the Executive Committee of the Greater Williamsburg Chamber and Tourism Alliance; and one member of the Committee shall be the President and Chief Executive Officer of the Virginia Tourism Authority who shall serve ex officio. Each of these six members of the Committee shall have one vote apiece. The President of the Greater Williamsburg Chamber and Tourism Alliance shall serve ex officio with nonvoting privileges unless chosen by the Executive Committee of the Greater Williamsburg Chamber and Tourism Alliance to serve as its voting representative. The Executive Director of the Williamsburg Hotel and Motel Association shall serve ex officio with nonvoting privileges unless chosen by the Board of Directors of the Williamsburg Hotel and Motel Association to serve as its voting representative.~~

~~In no case shall more than one person of the same local government, including the governing body of the locality, serve as a member of the Committee at the same time.~~

~~If at any time a person who has been selected to the Committee by other than a local governing body becomes or is (a) a member of the local governing body of the City of Williamsburg, the County of James City, or the County of York, or (b) an employee of one of such local governments, the person shall be ineligible to serve as a member of the Committee while a member of the local governing body or an employee of one of such local governments. In such case, the body that selected the person to serve as a member of the Commission shall promptly select another person to serve as a member of the Committee.~~

3. ~~The Williamsburg Area Destination Marketing Committee shall maintain all authorities granted by this section. The Greater Williamsburg Chamber and Tourism Alliance shall serve as the fiscal agent for the Williamsburg Area Destination Marketing Committee with specific responsibilities to be defined in a contract between such two entities. The contract shall include provisions to reimburse the Greater Williamsburg Chamber and Tourism Alliance for annual audits and any other agreed-upon expenditures. The Williamsburg Area Destination Marketing Committee shall also contract with the Greater Williamsburg Chamber and Tourism Alliance to provide administrative support services as the entities shall mutually agree.~~

4. ~~The provisions in subdivision 2 relating to the composition and voting powers of the Williamsburg Area Destination Marketing Committee shall be a condition of the authority to impose the tax provided herein.~~

~~For purposes of this subsection, "advertising the Historic Triangle area" as an overnight tourism destination means advertising that is intended to attract visitors from a sufficient distance so as to require an overnight stay of at least one night.~~

D. In addition to such transient occupancy taxes as are authorized by §§ 58.1-3819 through 58.1-3822, Bedford County may impose an additional transient occupancy tax not to exceed two percent of the amount of the charge for the occupancy of any room or space occupied. The tax imposed hereunder shall not apply to rooms or spaces rented and continuously occupied by the same individual or same group of individuals for 30 or more days.

The revenues collected from the additional tax shall be designated and spent solely for tourism and travel; marketing of tourism; or initiatives that, as determined after consultation with local tourism industry organizations, including

representatives of lodging properties located in the county, attract travelers to the locality, increase occupancy at lodging properties, and generate tourism revenues in the locality.

E. In addition to such transient occupancy taxes as are authorized by §§ 58.1-3819 through 58.1-3822, Botetourt County may impose an additional transient occupancy tax not to exceed two percent of the amount of the charge for the occupancy of any room or space occupied. The tax imposed hereunder shall not apply to rooms or spaces rented and continuously occupied by the same individual or same group of individuals for 30 or more days.

The revenue generated and collected from the two percent tax rate increase shall be designated and expended solely for advertising the Roanoke metropolitan area as an overnight tourist destination by members of the Roanoke Valley Convention and Visitors Bureau. For purposes of this subsection, "advertising the Roanoke metropolitan area as an overnight tourism destination" means advertising that is intended to attract visitors from a sufficient distance so as to require an overnight stay.

F. The county tax limitations imposed pursuant to § 58.1-3711 shall apply to any tax levied under this section, mutatis mutandis.

**2. That the provisions of this act shall not become effective until 30 days following (i) the repeal by the City of Williamsburg of Ordinance Number 17-09 and Ordinance Number 17-10 and (ii) the amendment by the City of Williamsburg of the ordinance imposing the current \$2 per night transient occupancy tax to distribute the revenues generated by such tax in accordance with the provisions of subsection C of § 58.1-3823 of the Code of Virginia, as amended by this act. The City of Williamsburg shall provide notice to the Department of Taxation within three working days of the repeal of both ordinances.**

**3. That the provisions of this act shall expire on January 1, 2019, if the City of Williamsburg does not repeal the ordinances set forth in the second enactment.**

**4. That if the requirements of the second enactment of this act are met and the provisions of this act become effective, the provisions of this act shall expire on the first day of the month following the adoption of any additional food and beverage tax, admissions tax, or transient occupancy tax by the City of Williamsburg or the Counties of James City or York not in effect on January 1, 2018. The provisions of this enactment shall expire on January 1, 2026.**

**5. That the General Assembly finds that maintaining a robust tourism industry in the Historic Triangle area, the birthplace of not only the Commonwealth but of our nation, is of the utmost economic importance to the Commonwealth as a whole. The travel and tourism industry in the Historic Triangle generated in Fiscal Year 2016 direct employment of 11,945 persons and produced state revenues of \$58.6 million.**

## CHAPTER 851

*An Act to amend and reenact § 15.2-926.3 of the Code of Virginia, to amend the Code of Virginia by adding a section numbered 18.2-121.3 and by adding in Article 8 of Chapter 7 of Title 18.2 a section numbered 18.2-324.2, and to repeal the second enactment of Chapter 451 of the Acts of Assembly of 2016, relating to trespass; unmanned aircraft system; penalty.*

[H 638]

Approved May 18, 2018

**Be it enacted by the General Assembly of Virginia:**

**1. That § 15.2-926.3 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 18.2-121.3 and by adding in Article 8 of Chapter 7 of Title 18.2 a section numbered 18.2-324.2 as follows:**

**§ 15.2-926.3. (Expires July 1, 2019) Local regulation of certain aircraft.**

No ~~locality~~ political subdivision may regulate the use of a privately owned, unmanned aircraft system as defined in § 19.2-60.1 within its boundaries. *Nothing in this section shall permit a person to go or enter upon land owned by a political subdivision solely because he is in possession of an unmanned aircraft system if he would not otherwise be permitted entry upon such land.*

**§ 18.2-121.3. Trespass with an unmanned aircraft system; penalty.**

*A. Any person who knowingly and intentionally causes an unmanned aircraft system to enter the property of another and come within 50 feet of a dwelling house (i) to coerce, intimidate, or harass another person or (ii) after having been given actual notice to desist, for any other reason, is guilty of a Class 1 misdemeanor.*

*B. This section shall not apply to any person who causes an unmanned aircraft system to enter the property as set forth in subsection A if (i) consent is given to the entry by any person with legal authority to consent or by any person who is lawfully present on such property or (ii) such person is authorized by federal regulations to operate an unmanned aircraft system and is operating such system in an otherwise lawful manner and consistent with federal regulations.*

**§ 18.2-324.2. Use of unmanned aircraft system for certain purposes; penalty.**

*A. It is unlawful for any person who is required to register pursuant to § 9.1-901 to use or operate an unmanned aircraft system to knowingly and intentionally (i) follow or contact another person without permission of such person or (ii) capture the images of another person without permission of such person when such images render the person recognizable by his face, likeness, or other distinguishing characteristic.*

*B. It is unlawful for a respondent of a protective order issued pursuant to § 16.1-279.1 or 19.2-152.10 to knowingly and intentionally use or operate an unmanned aircraft system to follow, contact, or capture images of the petitioner of the protective order or any other individual named in the protective order.*

*C. A violation of this section is a Class 1 misdemeanor.*

- 2. That the second enactment of Chapter 451 of the Acts of Assembly of 2016 is repealed.**
- 3. That the Secretary of Commerce and Trade, in consultation with the Virginia Economic Development Partnership, shall study the impact of this act on unmanned aircraft research, innovation, and economic development in Virginia and report to the Governor and General Assembly no later than November 1, 2019.**

## CHAPTER 852

*An Act to amend and reenact § 15.2-926.3 of the Code of Virginia, to amend the Code of Virginia by adding a section numbered 18.2-121.3 and by adding in Article 8 of Chapter 7 of Title 18.2 a section numbered 18.2-324.2, and to repeal the second enactment of Chapter 451 of the Acts of Assembly of 2016, relating to trespass; unmanned aircraft system; penalty.*

[S 526]

Approved May 18, 2018

**Be it enacted by the General Assembly of Virginia:**

- 1. That § 15.2-926.3 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 18.2-121.3 and by adding in Article 8 of Chapter 7 of Title 18.2 a section numbered 18.2-324.2 as follows:**

**§ 15.2-926.3. (Expires July 1, 2019) Local regulation of certain aircraft.**

*No locality political subdivision may regulate the use of a privately owned, unmanned aircraft system as defined in § 19.2-60.1 within its boundaries. Nothing in this section shall permit a person to go or enter upon land owned by a political subdivision solely because he is in possession of an unmanned aircraft system if he would not otherwise be permitted entry upon such land.*

**§ 18.2-121.3. Trespass with an unmanned aircraft system; penalty.**

*A. Any person who knowingly and intentionally causes an unmanned aircraft system to enter the property of another and come within 50 feet of a dwelling house (i) to coerce, intimidate, or harass another person or (ii) after having been given actual notice to desist, for any other reason, is guilty of a Class 1 misdemeanor.*

*B. This section shall not apply to any person who causes an unmanned aircraft system to enter the property as set forth in subsection A if (i) consent is given to the entry by any person with legal authority to consent or by any person who is lawfully present on such property or (ii) such person is authorized by federal regulations to operate an unmanned aircraft system and is operating such system in an otherwise lawful manner and consistent with federal regulations.*

**§ 18.2-324.2. Use of unmanned aircraft system for certain purposes; penalty.**

*A. It is unlawful for any person who is required to register pursuant to § 9.1-901 to use or operate an unmanned aircraft system to knowingly and intentionally (i) follow or contact another person without permission of such person or (ii) capture the images of another person without permission of such person when such images render the person recognizable by his face, likeness, or other distinguishing characteristic.*

*B. It is unlawful for a respondent of a protective order issued pursuant to § 16.1-279.1 or 19.2-152.10 to knowingly and intentionally use or operate an unmanned aircraft system to follow, contact, or capture images of the petitioner of the protective order or any other individual named in the protective order.*

*C. A violation of this section is a Class 1 misdemeanor.*

- 2. That the second enactment of Chapter 451 of the Acts of Assembly of 2016 is repealed.**
- 3. That the Secretary of Commerce and Trade, in consultation with the Virginia Economic Development Partnership, shall study the impact of this act on unmanned aircraft research, innovation, and economic development in Virginia and report to the Governor and General Assembly no later than November 1, 2019.**

## CHAPTER 853

*An Act to amend and reenact § 58.1-439.2 of the Code of Virginia, relating to coalfield employment enhancement tax credit.*

[H 665]

Approved May 18, 2018

**Be it enacted by the General Assembly of Virginia:**

- 1. That § 58.1-439.2 of the Code of Virginia is amended and reenacted as follows:**

**§ 58.1-439.2. Coalfield employment enhancement tax credit.**

*A. For tax years beginning on and after January 1, 1996, but before January 1, 2017, and on and after January 1, 2018, but before January 1, 2023, any person who has an economic interest in coal mined in the Commonwealth shall be allowed*

a credit against the tax imposed by § 58.1-400 and any other tax imposed by the Commonwealth in accordance with the following:

1. For *metallurgical* coal mined by underground methods, the credit amount shall be based on the seam thickness as follows:

Seam Thickness	Credit per Ton
36" and under	\$2.00
Above 36"	\$1.00

The seam thickness shall be based on the weighted average isopach mapping of actual *metallurgical* coal thickness by mine as certified by a professional engineer. Copies of such certification shall be maintained by the person qualifying for the credit under this section for a period of three years after the credit is applied for and received and shall be available for inspection by the Department of Taxation. The Department of Mines, Minerals and Energy is hereby authorized to audit all information upon which the isopach mapping is based.

2. For *metallurgical* coal mined by surface mining methods, a credit in the amount of 40 cents (\$0.40) per ton for coal sold in 1996, and each year thereafter.

B. In addition to the credit allowed in subsection A, for tax years beginning on and after January 1, 1996, *but before January 1, 2023*, any person who is a producer of coalbed methane shall be allowed a credit in the amount of one cent (\$0.01) per million BTUs of coalbed methane produced in the Commonwealth against the tax imposed by § 58.1-400 and any other tax imposed by the Commonwealth on such person.

C. For purposes of this section, economic interest is the same as the economic ownership interest required by § 611 of the Internal Revenue Code which was in effect on December 31, 1977. A party who only receives an arm's length royalty shall not be considered as having an economic interest in coal mined in the Commonwealth.

D. If the credit exceeds the person's state tax liability for the tax year, the excess shall be redeemable by the Tax Commissioner on behalf of the Commonwealth for 90 percent of the face value within 90 days after filing the return; however, for credit earned in tax years beginning on and after January 1, 2002, such excess shall be redeemable by the Tax Commissioner on behalf of the Commonwealth for 85 percent of the face value within 90 days after filing the return. The remaining 10 or 15 percent of the value of the credit being redeemed, as applicable for such tax year, shall be deposited by the Commissioner in a regional economic development fund administered by the ~~Coalfields Virginia Coalfield~~ Virginia Coalfield Economic Development Authority to be used for regional economic diversification in accordance with guidelines developed by the ~~Coalfields Virginia Coalfield~~ Virginia Coalfield Economic Development Authority and the Virginia Economic Development Partnership.

E. No person may utilize more than one of the credits on a given ton of coal described in subsection A. No person may claim a credit pursuant to this section for any ton of coal for which a credit has been claimed under § 58.1-433.1 or 58.1-2626.1. Persons who qualify for the credit may not apply such credit to their tax returns prior to January 1, 1999, and only one year of credits shall be allowed annually beginning in 1999.

F. The amount of credit allowed pursuant to subsection A shall be the amount of credit earned multiplied by the person's employment factor. The person's employment factor shall be the percentage obtained by dividing the total number of coal mining jobs of the person filing the return, including the jobs of the contract operators of such person, as reflected in the annual tonnage reports filed with the Department of Mines, Minerals and Energy for the year in which the credit was earned by the total number of coal mining jobs of such persons or operators as reflected in the annual tonnage reports for the year immediately prior to the year in which the credit was earned. In no case shall the credit claimed exceed that amount set forth in subsection A.

G. The tax credit allowed under this section shall be claimed in the third taxable year following the taxable year in which the credit was earned and allowed.

H. As used in this section, "*metallurgical coal*" means bituminous coal used for the manufacture of iron and steel with calorific value of 14,000 BTUs or greater on a moisture and ash free basis.

**2. That the Department of Taxation shall develop and make publicly available guidelines implementing the provisions of this act. In developing such guidelines, the Department shall not be subject to the provisions of the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia).**

**CHAPTER 854**

*An Act to amend and reenact §§ 33.2-2400, 33.2-2401, 33.2-2509, 58.1-638, 58.1-811, as it is currently effective, 58.1-815.4, as it is currently effective and as it may become effective, 58.1-1741, as it is currently effective, 58.1-2289, as it is currently effective, 58.1-2299.20, as it is currently effective, and 58.1-3221.3 of the Code of Virginia; to amend and reenact § 3 of the second enactment of Chapter 896 of the Acts of Assembly of 2007, as amended by Chapter 830 of the Acts of Assembly of 2011; to amend and reenact the twelfth enactment of Chapter 684 of the Acts of Assembly of 2015; to amend the Code of Virginia by adding a section numbered 33.2-214.3, by adding in Article 5 of Chapter 2 of Title 33.2 a section numbered 33.2-286, by adding a section numbered 33.2-1526.1, by adding in Article 11 of Chapter 19 of Title 33.2 a section numbered 33.2-1936, by adding in Title 33.2 a chapter numbered 31.01, consisting of*

a section numbered 33.2-3100.1, by adding in Title 33.2 a chapter numbered 34, consisting of sections numbered 33.2-3400 through 33.2-3404, by adding in Title 33.2 a chapter numbered 35, consisting of sections numbered 33.2-3500, 33.2-3501, and 33.2-3502, by adding a section numbered 58.1-802.3, and by adding in Chapter 17 of Title 58.1 an article numbered 11, consisting of sections numbered 58.1-1743 and 58.1-1744; to amend the second enactment of Chapter 896 of the Acts of Assembly of 2007, as amended by Chapter 830 of the Acts of Assembly of 2011, by adding sections numbered 3.1 and 3.2; and to repeal § 58.1-802.2 and Article 10 (§ 58.1-1742) of Chapter 17 of Title 58.1 of the Code of Virginia, relating to mass transit in the Commonwealth.

[H 1539]

Approved May 18, 2018

Be it enacted by the General Assembly of Virginia:

1. That §§ 33.2-2400, 33.2-2401, 33.2-2509, 58.1-638, 58.1-811, as it is currently effective, 58.1-815.4, as it is currently effective and as it may become effective, 58.1-1741, as it is currently effective, 58.1-2289, as it is currently effective, 58.1-2299.20, as it is currently effective, and 58.1-3221.3 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 33.2-214.3, by adding in Article 5 of Chapter 2 of Title 33.2 a section numbered 33.2-286, by adding a section numbered 33.2-1526.1, by adding in Article 11 of Chapter 19 of Title 33.2 a section numbered 33.2-1936, by adding in Title 33.2 a chapter numbered 31.01, consisting of a section numbered 33.2-3100.1, by adding in Title 33.2 a chapter numbered 34, consisting of sections numbered 33.2-3400 through 33.2-3404, by adding in Title 33.2 a chapter numbered 35, consisting of sections numbered 33.2-3500, 33.2-3501, and 33.2-3502, by adding a section numbered 58.1-802.3, and by adding in Chapter 17 of Title 58.1 an article numbered 11, consisting of sections numbered 58.1-1743 and 58.1-1744, as follows:

**§ 33.2-214.3. Statewide prioritization for the Commonwealth Mass Transit Fund.**

A. 1. The Board shall develop a prioritization process for the use of funds allocated pursuant to subdivision C 2 of § 33.2-1526.1. Such prioritization process shall be used for the development of the Six-Year Improvement Program adopted annually by the Board pursuant to § 33.2-214. There shall be a separate prioritization process for state of good repair projects and major expansion projects. The prioritization process shall, for state of good repair projects, be based upon transit asset management principles, including federal requirements for Transit Asset Management pursuant to 49 U.S.C. § 5326. The prioritization process shall, for major expansion projects, be based on an objective and quantifiable analysis that considers the following factors relative to the cost of a major expansion project: congestion mitigation, economic development, accessibility, safety, environmental quality, and land use.

2. The Board shall solicit input from localities, metropolitan planning organizations, transit authorities, transportation authorities, and other stakeholders in its development of the prioritization process pursuant to this subsection. Further, the Board shall explicitly consider input provided by an applicable metropolitan planning organization or the Northern Virginia Transportation Authority when developing the prioritization process set forth in subdivision 1 for a metropolitan planning area with a population of over 200,000 individuals.

B. 1. The Board shall create for the Department of Rail and Public Transportation a Transit Service Delivery Advisory Committee, consisting of two members appointed by the Virginia Transit Association, one member appointed by the Community Transportation Association of Virginia, one member appointed by the Virginia Municipal League, one member appointed by the Virginia Association of Counties, and three members appointed by the Director of the Department of Rail and Public Transportation, to advise the Department of Rail and Public Transportation in the development of the process set forth in subdivision 2. The Transit Service Delivery Advisory Committee shall elect a chairman from among its membership. The Department of Rail and Public Transportation shall provide administrative support to the Transit Service Delivery Advisory Committee. The Transit Service Delivery Advisory Committee shall meet at least annually and consult with interested stakeholders and hold at least one public hearing and report its findings to the Director of the Department of Rail and Public Transportation.

2. The Department of Rail and Public Transportation, in conjunction with the Transit Service Delivery Advisory Committee, shall develop a process for the distribution of the funds allocated pursuant to subdivision C 1 of § 33.2-1526.1 and the incorporation by transit systems of the service delivery factors set forth therein into their transit development plans. Prior to the Board approving service delivery factors, the Director of the Department of Rail and Public Transportation and the Chairman of the Transit Service Delivery Advisory Committee shall brief the House Committees on Appropriations and Transportation and the Senate Committees on Finance and Transportation regarding the findings and recommendations of the Transit Service Delivery Advisory Committee and the Department of Rail and Public Transportation. Before redefining any component of the service delivery factors, the Board shall consult with the Director of the Department of Rail and Public Transportation, the Transit Service Delivery Advisory Committee, and interested stakeholders, and shall provide for a 45-day public comment period. The process required to be delivered by this subsection shall be adopted no later than July 1, 2019, and shall apply beginning with the fiscal year 2020-2025 Six-Year Improvement Program.

**§ 33.2-286. Urban transit agency strategic plans.**

A. The Department of Rail and Public Transportation shall develop guidelines, subject to the approval of the Board, for the development of strategic plans for transit agencies that (i) serve an urbanized area with a population of 50,000 or more and (ii) have a bus fleet consisting of at least 20 buses.

*B. As a condition of receiving funds from the Commonwealth Mass Transit Fund, any transit agency that meets the criteria of subsection A shall develop, and update at least once every five years, a strategic plan using the guidelines approved by the Board.*

*C. The guidelines shall require the following:*

- 1. An assessment of state of good repair needs;*
- 2. A review of the performance of fixed-route bus service, including schedules, route design, connectivity, and vehicle sizes;*
- 3. An evaluation of opportunities to improve operating efficiency of the transit network, including reliability of trips and travel speed;*
- 4. An examination and identification of opportunities to share services where multiple transit providers' services overlap; and*
- 5. An examination of opportunities to improve service in underserved areas.*

*D. In addition to developing and updating a strategic plan pursuant to this section, in all planning districts with transit systems collectively serving population areas of not less than 1.5 million nor more than 2 million, such transit systems shall develop a regional transit planning process coordinated by the federally designated Metropolitan Planning Organization. Such planning process shall include the identification and prioritization of projects, the establishment of performance benchmarks that incorporate state and federal requirements, the development and implementation of a regional subsidy allocation model, and the distribution of funds solely designated for transit and rail and that are administered by a regional body authorized by this Code to enter into agreements for the operation and maintenance of transit and rail facilities.*

**§ 33.2-1526.1. Use of the Commonwealth Mass Transit Fund.**

*A. All funds deposited pursuant to §§ 58.1-638, 58.1-638.3, 58.1-815.4, and 58.1-2289 into the Commonwealth Mass Transit Fund (the Fund), established pursuant to subdivision A 4 of § 58.1-638, shall be allocated as set forth in this section.*

*B. The Board may establish policies for the implementation of this section, including the determination of the state share of operating, capital, and administrative costs related to mass transit. For purposes of this section, capital costs may include debt service payments on local or agency transit bonds. Funds may be paid to any local governing body, transportation district commission, or public service corporation for the purposes as set forth in this section. No funds from the Fund shall be allocated without a local match from the recipient.*

*C. Each year the Director of the Department of Rail and Public Transportation shall make recommendations to the Board for the allocation of funds from the Fund. Such recommendations, and the final allocations approved by the Board, shall adhere to the following:*

*1. Thirty-one percent of the funds shall be allocated to support operating costs of transit providers and shall be distributed by the Board on the basis of service delivery factors, based on effectiveness and efficiency as established by the Board. Such measures and their relative weight shall be evaluated every three years and, if redefined by the Board, shall be published and made available for public comment at least one year in advance of being applied. The Washington Metropolitan Area Transit Authority (WMATA) shall not be eligible for an allocation of funds pursuant to this subdivision.*

*2. Twelve and one-half percent of the funds shall be allocated for capital purposes and distributed utilizing the transit capital prioritization process established by the Board pursuant to § 33.2-214.3. The Washington Metropolitan Area Transit Authority shall not be eligible for an allocation of funds pursuant to this subdivision.*

*3. Fifty-three and one-half percent of the funds shall be allocated to the Northern Virginia Transportation Commission for distribution to WMATA for capital purposes and operating assistance, as determined by the Commission.*

*4. Three percent of the funds shall be allocated for special programs, including ridesharing, transportation demand management programs, experimental transit, public transportation promotion, operation studies, and technical assistance, and may be allocated to any local governing body, planning district commission, transportation district commission, or public transit corporation. Remaining funds may also be used directly by the Department of Rail and Public Transportation to (i) finance a program administered by the Department of Rail and Public Transportation designed to promote the use of public transportation and ridesharing throughout the Commonwealth or (ii) finance up to 80 percent of the cost of development and implementation of projects with a purpose of enhancing the provision and use of public transportation services.*

*D. The Board may consider the transfer of funds from subdivisions C 2 and 4 to subdivision C 1 in times of statewide economic distress or statewide special need.*

*E. The Department of Rail and Public Transportation may reserve a balance of up to five percent of the Fund revenues in order to ensure stability in providing operating and capital funding to transit entities from year to year, provided that such balance shall not exceed five percent of revenues in a given biennium.*

*F. The Board may allocate up to 3.5 percent of the funds set aside for the Fund to support costs of project development, project administration, and project compliance incurred by the Department of Rail and Public Transportation in implementing rail, public transportation, and congestion management grants and programs.*

*G. Funds allocated to the Northern Virginia Transportation Commission (NVTC) for WMATA pursuant to subdivision C 3 shall be credited to the Counties of Arlington and Fairfax and the Cities of Alexandria, Fairfax, and Falls Church. Beginning in the fiscal year when service starts on Phase II of the Silver Line, such funds shall also be credited to Loudoun County. Funds allocated pursuant to this subsection shall be credited as follows:*

1. Local obligations for debt service for WMATA rail transit bonds apportioned to each locality using WMATA's capital formula shall be paid first by NVTC, which shall use 95 percent state aid for these payments.

2. The remaining funds shall be apportioned to reflect WMATA's allocation formulas by using the related WMATA-allocated subsidies and relative shares of local transit subsidies. Capital costs shall include 20 percent of annual local bus capital expenses. Local transit subsidies and local capital costs of Loudoun County shall not be included. Hold harmless protections and obligations for NVTC's jurisdictions agreed to by NVTC on November 5, 1998, shall remain in effect.

H. Appropriations from the Fund are intended to provide a stable and reliable source of revenue, as defined by P.L. 96-184.

I. Notwithstanding any other provision of law, funds allocated to WMATA may be disbursed by the Department of Rail and Public Transportation directly to WMATA or to any other transportation entity that has an agreement to provide funding to WMATA.

J. In any year that the total Virginia operating assistance in the approved WMATA budget increases by more than 3 percent from the total operating assistance in the prior year's approved WMATA budget, the Board shall withhold an amount equal to 35 percent of the funds available under subdivision C 3. The following items shall not be included in the calculation of any WMATA budget increase: (i) any service, equipment, or facility that is required by any applicable law, rule, or regulation; (ii) any capital project approved by the WMATA Board before or after the effective date of this provision; and (iii) any payments or obligations of any kind arising from or related to legal disputes or proceedings between or among WMATA and any other person or entity.

**§ 33.2-1936. Transportation districts with unique needs.**

The General Assembly finds that transportation districts that (i) have a population of 1.7 million or more, as shown by the most recent United States Census, (ii) have not less than 1.5 million motor vehicles registered therein, and (iii) have a total transit ridership of not less than 75 million riders per year across all transit systems within the transportation district and in which a rapid heavy rail commuter mass transportation system operating on an exclusive right-of-way and a bus commuter mass transportation system are owned, operated, or controlled by an agency or commission as defined in § 33.2-1901 have unique transportation needs.

**§ 33.2-2400. Northern Virginia Transportation District Fund.**

A. There is hereby created in the Department of the Treasury a special nonreverting fund that shall be a part of the Transportation Trust Fund and that shall be known as the Northern Virginia Transportation District Fund, referred to in this chapter as "the Fund," consisting of transfers pursuant to § 58.1-816 of annual collections of the state recordation taxes attributable to the Cities of Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park and the Counties of Arlington, Fairfax, Loudoun, and Prince William; however, this dedication shall not affect the local recordation taxes under subsection B of § 58.1-802 and § 58.1-814. The Fund shall also include any public rights-of-way use fees appropriated by the General Assembly; any state or local revenues, including any funds distributed pursuant to § 33.2-366, that may be deposited into the Fund pursuant to a contract between a jurisdiction participating in the Northern Virginia Transportation District Program and the Commonwealth Transportation Board; and any other funds as may be appropriated by the General Assembly and designated for the Fund and all interest, dividends, and appreciation that may accrue thereto. Any moneys remaining in the Fund at the end of a biennium shall not revert to the general fund, but shall remain in the Fund, subject to the determination by the Commonwealth Transportation Board that a Category 2, 3, or 4 project may be funded.

B. Allocations from the Fund may be paid (i) to any authority, locality, or commission for the purposes of paying the costs of the Northern Virginia Transportation District Program, which consists of the following: the Fairfax County Parkway, the Route 234 Bypass, Metrorail capital improvements attributable to Fairfax County including Metro parking expansions, Metrorail capital improvements including the Franconia-Springfield Metrorail Station and new rail car purchases, the Route 7 improvements in Loudoun County and Fairfax County, the Route 50/Courthouse Road interchange improvements in Arlington County, the Route 28/Route 625 interchange improvements in Loudoun County, Metrorail capital improvements attributable to the City of Alexandria including the King Street Metrorail Station access, Metrorail capital improvements attributable to Arlington County including Ballston Station improvements, the Route 15 safety improvements in Loudoun County, the Route 28 parallel roads in Loudoun County, the Route 28/Sterling Boulevard interchange in Loudoun County, the Route 1/Route 123 interchange improvements in Prince William County, the Lee Highway improvements in the City of Fairfax, the Route 123 improvements in Fairfax County, the Telegraph Road improvements in Fairfax County, the Route 123 Occoquan River Bridge, Gallows Road in Fairfax County, the Route 1/Route 234 interchange improvements in Prince William County, the Potomac-Rappahannock Transportation Commission bus replacement program, and the Dulles Corridor Enhanced Transit program and (ii) for Category 4 projects as provided in § 2 of the act or acts authorizing the issuance of Bonds for the Northern Virginia Transportation District Program.

C. On or before July 15, 1994, \$19 million shall be transferred to the Fund. Such transfer shall be made by the issuance of a treasury loan at no interest in the amount of \$19 million in the event such an amount is not included for the Fund in the general appropriation act enacted by the 1994 Session of the General Assembly. Such treasury loan shall be repaid from the Commonwealth's portion of the state recordation tax imposed by Chapter 8 (§ 58.1-800 et seq.) of Title 58.1 designated for the Fund by this section and § 58.1-816.

*D. Beginning in fiscal year 2019, \$20 million each year shall be transferred from the Fund to the Washington Metropolitan Area Transit Authority Capital Fund established pursuant to § 33.2-3401.*

**§ 33.2-2401. Northern Virginia Transportation District Program.**

A. The General Assembly declares it to be in the public interest that the economic development needs and economic growth potential of Northern Virginia be addressed by a special transportation program to provide for the costs of providing an adequate, modern, safe, and efficient transportation network in Northern Virginia that shall be known as the Northern Virginia Transportation District Program (the Program), including environmental and engineering studies, rights-of-way acquisition, construction, improvements to all modes of transportation, and financing costs. The Program consists of the projects listed in clause (i) of subsection B of § 33.2-2400.

B. Allocations to the Program from the Fund shall be made annually by the Commonwealth Transportation Board for the creation and enhancement of a safe and efficient transportation system connecting the communities, businesses, places of employment, and residences of the Commonwealth, thereby enhancing the economic development potential, employment opportunities, mobility, and quality of life in the Commonwealth.

C. Except in the event that the Fund is insufficient to pay for the costs of the Program, allocations to the Program shall not diminish or replace allocations made from other sources or diminish allocations to which any district, system, or locality would be entitled under other provisions of this title but shall be supplemental to other allocations to the end that transportation improvements in the Northern Virginia Transportation District may be accelerated and augmented. Allocations under this subsection shall be limited to projects specified in subdivision 12 of § 33.2-1700.

D. The Commonwealth Transportation Board may expend such funds from all sources as may be lawfully available to initiate the Program and to support bonds and other obligations referenced in subsection E *and in subsection D of § 33.2-2400.*

E. The Commonwealth Transportation Board is authorized to receive, dedicate, or use (i) first from revenues received from the Fund; (ii) to the extent required, funds ~~appropriated and allocated, pursuant to the highway allocation formula as provided by law, to the highway construction district in which the project or projects to be financed are located or to the city or county in which the project or projects to be financed are located~~ *available for distribution after providing for subsection B of § 33.2-358;* (iii) to the extent required, legally available revenues of the Transportation Trust Fund; and (iv) such other funds that may be appropriated by the General Assembly for the payment of bonds or other obligations, including interest thereon, issued in furtherance of the Program. No such bond or other obligations shall pledge the full faith and credit of the Commonwealth.

**§ 33.2-2509. Northern Virginia Transportation Authority Fund.**

There is hereby created in the state treasury a special nonreverting fund for Planning District 8 to be known as the Northern Virginia Transportation Authority Fund, referred to in this chapter as "the Fund." The Fund shall be established on the books of the Comptroller. All revenues dedicated to the Fund pursuant to §§ 58.1-638; ~~58.1-802.2, and 58.1-1742~~, any other funds that may be appropriated by the General Assembly, and any funds that may be received for the credit of the Fund from any other source shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund.

The amounts dedicated to the Fund pursuant to §§ 58.1-638; ~~58.1-802.2, and 58.1-1742~~ shall be deposited monthly by the Comptroller into the Fund and thereafter distributed to the Authority as soon as practicable for use in accordance with § 33.2-2510. If the Authority determines that such moneys distributed to it exceed the amount required to meet the current needs and demands to fund transportation projects pursuant to § 33.2-2510, the Authority may invest such excess moneys to the same extent as provided in subsection A of § 33.2-1525 for excess funds in the Transportation Trust Fund.

The amounts deposited into the Fund and the distribution and expenditure of such amounts shall not be used to calculate or reduce the share of federal, state, or local revenues otherwise available to participating jurisdictions. Further, such revenues and moneys shall not be included in any computation of, or formula for, a locality's ability to pay for public education, upon which appropriations of state revenues to local governments for public education are determined.

*CHAPTER 31.01.*

*METRO REFORM COMMISSION.*

**§ 33.2-3100.1. Metro Reform Commission established; membership; duties.**

*A. As used in this chapter, unless the context requires a different meaning:*

*"Commission" means the Metro Reform Commission.*

*"WMATA" means the Washington Metropolitan Area Transit Authority.*

*B. There is hereby created the Metro Reform Commission. The Commission shall consist of four members appointed as follows: two members appointed by the Speaker of the House of Delegates and two members appointed by the Senate Committee on Rules. Members of the Commission may or may not be members of the General Assembly. Members shall be citizens of the Commonwealth, but shall not be required to reside in the area served by WMATA. Members shall serve without compensation, but shall be entitled to be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties pursuant to §§ 2.2-2813 and 2.2-2825.*

*C. The Commission shall advise and make recommendations to the Signatories of the Washington Metropolitan Area Transit Authority Compact of 1966 on reforms to the National Capital Area Interest Arbitration Standards Act.*

## CHAPTER 34.

## WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY CAPITAL FUND.

**§ 33.2-3400. Definitions.**

As used in this chapter:

"Fund" means the Washington Metropolitan Area Transit Authority Capital Fund.

"NVTC" means the Northern Virginia Transportation Commission.

"WMATA" means the Washington Metropolitan Area Transit Authority.

**§ 33.2-3401. Washington Metropolitan Area Transit Authority Capital Fund.**

A. There is hereby created in the state treasury a special nonreverting fund for the benefit of the Northern Virginia Transportation District to be known as the Washington Metropolitan Area Transit Authority Capital Fund. The Fund shall be established on the books of the Comptroller. All revenues dedicated to the Fund pursuant to §§ 33.2-2400, 33.2-3404, 58.1-802.3, 58.1-1741, 58.1-1743, and 58.1-2299.20 shall be paid into the state treasury and credited to the Fund as set forth in subsection B and shall be used for the payment of capital purposes incurred, or to be incurred, by WMATA. Interest on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. The Comptroller shall disburse funds to WMATA on a monthly basis if NVTC has provided the certification required by subsection B of § 33.2-3402.

B. 1. Within the Fund, there shall be established a separate, segregated account into which revenues dedicated to the Fund pursuant to §§ 33.2-2400 and 58.1-1741 shall be deposited (the Restricted Account). Revenues deposited into the Restricted Account shall be available for use by WMATA for capital purposes other than for the payment of, or security for, debt service on bonds or other indebtedness of WMATA.

2. Within the Fund, there shall be established a separate, segregated account into which revenues dedicated to the Fund pursuant to §§ 33.2-3404, 58.1-802.3, 58.1-1743, and 58.1-2299.20 shall be deposited (the Non-Restricted Account). Revenues deposited into the Non-Restricted Account shall be available for use by WMATA for capital purposes, including for the payment of, or security for, debt service on bonds or other indebtedness of WMATA, or for any other WMATA capital purposes.

C. The amounts deposited into the Fund and the distribution and expenditure of such amounts shall not be used to calculate or reduce the share of federal, state, or local revenues otherwise available to participating jurisdictions. Further, such revenues and moneys shall not be included in any computation of, or formula for, a locality's ability to pay for public education, upon which appropriations of state revenues to local governments for public education are determined.

**§ 33.2-3402. NVTC oversight.**

A. In any year that funds are deposited into the Fund, the NVTC shall request certain documents and reports from WMATA to confirm the benefits of the WMATA system to persons living, traveling, commuting, and working in the localities that the NVTC comprises. Such documents and reports shall include:

1. WMATA's annual capital budget;
2. WMATA's annual independent financial audit;
3. WMATA's National Transit Data annual profile; and
4. Single audit reports issued in accordance with the Uniform Administrative Requirements, Cost Principals, and Audit Requirements for Federal Awards (2 C.F.R. Part 200).

B. NVTC shall be responsible for coordinating the delivery of such documents and reports with WMATA. Funding of the Commonwealth to support WMATA pursuant to § 33.2-1526.1 shall be contingent on WMATA providing the documents and reports described in subsection A, and NVTC shall provide annual certification to the Comptroller that such documents and reports have been received.

**§ 33.2-3403. NVTC report.**

By November 1 of each year that funds are deposited into the Fund, NVTC shall report to the Governor and the General Assembly on the performance and condition of WMATA. Such report shall contain, at a minimum, documentation of the following:

1. The safety and reliability of the rapid heavy rail mass transportation system and bus network;
2. The financial performance of WMATA related to the operations of the rapid heavy rail mass transportation system, including farebox recovery, service per rider, and cost per service hour;
3. The financial performance of WMATA related to the operations of the bus mass transportation system, including farebox recovery, service per rider, and cost per service hour;
4. Potential strategies to reduce the growth in such costs and to improve the efficiency of WMATA operations;
5. Use of the funds provided from the Fund to improve the safety and condition of the rapid heavy rail mass transportation system; and
6. Ridership of the rapid heavy rail mass transportation system and the bus mass transportation system.

**§ 33.2-3404. Local transportation support for WMATA.**

A. Each county or city that (i) is located in a transportation district that as of January 1, 2018, meets the criteria established in § 33.2-1936 and (ii) has financial obligations to a transit system that operates a rapid heavy rail mass transit system operating on an exclusive right-of-way that is funded and controlled in part by such transportation district shall annually pay to the Fund an amount as determined by subsection B.

*B. The amount to be paid by each local government pursuant to subsection A shall be determined by multiplying \$27.12 million by a fraction the numerator of which shall be such local government's share of capital funding for WMATA and the denominator of which shall be the total share of capital funding for WMATA for all local governments in the Commonwealth.*

*C. A locality subject to subsection A shall pay the amount determined by subsection B by transferring a portion of the revenues received pursuant to subsection B of § 33.2-2510 to the Fund. However, in any fiscal year in which a locality subject to subsection A has adopted a budget and a corresponding resolution to provide the amount of funds determined pursuant to subsection B from a source other than the revenues received pursuant to subsection B of § 33.2-2510, such locality may provide the funds for that fiscal year from such other source, and shall not be required to transfer funds received pursuant to subdivision B of § 33.2-2510.*

CHAPTER 35.

COMMUTER RAIL OPERATING AND CAPITAL FUND.

**§ 33.2-3500. Commuter Rail Operating and Capital Fund.**

*A. The General Assembly declares it to be in the public interest that developing and continuing commuter rail operations and developing rail infrastructure, rolling stock, and support facilities to support commuter rail service are important elements of a balanced transportation system in the Commonwealth and further declares that retaining, maintaining, improving, and developing commuter rail-related infrastructure improvements and operations are essential to the Commonwealth's continued economic growth, vitality, and competitiveness in national and world markets.*

*B. There is hereby created in the state treasury a special nonreverting fund to be known as the Commuter Rail Operating and Capital Fund, referred to in this section as "the Fund." The Fund shall be established on the books of the Comptroller and shall consist of funds deposited into the Fund pursuant to § 58.1-2299.20 and other funds as may be set forth in a general appropriation act or allocated by the Commonwealth Transportation Board. Such funds shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. The Comptroller shall disburse funds in the Fund monthly to transportation districts established pursuant to Chapter 19 (§ 33.2-1900 et seq.) that on July 1, 2018, jointly operate a commuter rail system. The amount distributed to each transportation district shall be determined by multiplying the total amount of funds available for disbursement by a fraction, the numerator of which shall be such transportation district's share of funding for the commuter rail service jointly operated by the two transportation districts and the denominator of which shall be the total funding provided by both transportation districts for such commuter rail service.*

*C. If the transportation districts described in subsection B determine that such moneys distributed to the districts exceed the amount required to meet the current capital and operating needs of the commuter rail system, they may invest such excess moneys to the same extent as provided in subsection A of § 33.2-1525 for excess funds in the Transportation Trust Fund.*

*D. The amounts deposited into the Fund and the distribution and expenditure of such amounts shall not be used to calculate or reduce the share of federal, state, or local revenues otherwise available to participating jurisdictions. Further, such revenues and moneys shall not be included in any computation of, or formula for, a locality's ability to pay for public education, upon which appropriations of state revenues to local governments for public education are determined. Any amounts deposited pursuant to § 58.1-2299.20 shall be considered local funds when used to make a required match for state or federal transportation grant funds.*

**§ 33.2-3501. Use of revenues in the Fund.**

*A. The transportation districts described in subsection B of § 33.2-3500 shall administer and expend, or commit, funds from the Fund to support the cost of operating commuter rail service; acquiring, leasing, or improving railways or railroad equipment, rolling stock, rights-of-way, or facilities; or assisting other appropriate entities to acquire, lease, or improve railways or railroad equipment, rolling stock, rights-of-way, or facilities for commuter rail transportation purposes whenever such transportation districts have determined that such acquisition, lease, or improvement is for the common good of a region of the Commonwealth or the Commonwealth as a whole. Funds provided in this section may also be used as matching funds for federal grants to support commuter rail projects.*

*B. Capital projects, including tracks and facilities constructed, and property, equipment, and rolling stock purchased, with funds from the Fund pursuant to this section shall be owned, leased, or otherwise subject to the continuing use of the transportation districts described in subsection B of § 33.2-3500 for the useful life of the projects and property, equipment, and rolling stock, as determined by such transportation districts, and shall be made available for use by all commuter rail operations and common carriers using the railway system to which they connect under the trackage rights or operating agreements between the parties. Such transportation districts may transfer ownership of any tracks or property to the Commonwealth. Projects undertaken pursuant to this section shall be limited to those providing benefits to a region of the Commonwealth, the Commonwealth as a whole, or an adjacent jurisdiction served by commuter rail originating in the Commonwealth.*

**§ 33.2-3502. Authority to issue bonds.**

*The transportation districts described in subsection B of § 33.2-3500 may issue bonds and other evidences of debt as may be authorized by this section or other law. The provisions of Article 5 (§ 33.2-1920 et seq.) of Chapter 19 shall apply, mutatis mutandis, to the issuance of such bonds or other debt. The Authority may issue bonds or other debt in such amounts*

*as it deems appropriate. The bonds may be supported by any funds available in the Fund, provided that the total amount of debt service for all outstanding bonds may not exceed 66 percent of the revenues dedicated to the Fund pursuant to § 58.1-2299.20.*

**§ 58.1-638. Disposition of state sales and use tax revenue.**

A. The Comptroller shall designate a specific revenue code number for all the state sales and use tax revenue collected under the preceding sections of this chapter.

1. The sales and use tax revenue generated by the one-half percent sales and use tax increase enacted by the 1986 Special Session of the General Assembly shall be paid, in the manner hereinafter provided in this section, to the Transportation Trust Fund as defined in § 33.2-1524. Of the funds paid to the Transportation Trust Fund, an aggregate of 4.2 percent shall be set aside as the Commonwealth Port Fund as provided in this section; an aggregate of 2.4 percent shall be set aside as the Commonwealth Airport Fund as provided in this section; and an aggregate of 14.7 percent shall be set aside as the Commonwealth Mass Transit Fund as provided in this section. The Fund's share of such net revenue shall be computed as an estimate of the net revenue to be received into the state treasury each month, and such estimated payment shall be adjusted for the actual net revenue received in the preceding month. All payments shall be made to the Fund on the last day of each month.

2. There is hereby created in the Department of the Treasury a special nonreverting fund which shall be a part of the Transportation Trust Fund and which shall be known as the Commonwealth Port Fund.

a. The Commonwealth Port Fund shall be established on the books of the Comptroller and the funds remaining in such Fund at the end of a biennium shall not revert to the general fund but shall remain in the Fund. Interest earned on such funds shall remain in the Fund and be credited to it. Funds may be paid to any authority, locality or commission for the purposes hereinafter specified.

b. The amounts allocated pursuant to this section shall be allocated by the Commonwealth Transportation Board to the Board of Commissioners of the Virginia Port Authority to be used to support port capital needs and the preservation of existing capital needs of all ocean, river, or tributary ports within the Commonwealth. Expenditures for such capital needs are restricted to those capital projects specified in subsection B of § 62.1-132.1.

c. Commonwealth Port Fund revenue shall be allocated by the Board of Commissioners to the Virginia Port Authority in order to foster and stimulate the flow of maritime commerce through the ports of Virginia, including but not limited to the ports of Richmond, Hopewell, and Alexandria.

3. There is hereby created in the Department of the Treasury a special nonreverting fund which shall be part of the Transportation Trust Fund and which shall be known as the Commonwealth Airport Fund. The Commonwealth Airport Fund shall be established on the books of the Comptroller and any funds remaining in such Fund at the end of a biennium shall not revert to the general fund but shall remain in the Fund. Interest earned on the funds shall be credited to the Fund. The funds so allocated shall be allocated by the Commonwealth Transportation Board to the Virginia Aviation Board. The funds shall be allocated by the Virginia Aviation Board to any Virginia airport which is owned by the Commonwealth, a governmental subdivision thereof, or a private entity to which the public has access for the purposes enumerated in § 5.1-2.16, or is owned or leased by the Metropolitan Washington Airports Authority (MWAA), as follows:

Any new funds in excess of \$12.1 million which are available for allocation by the Virginia Aviation Board from the Commonwealth Transportation Fund, shall be allocated as follows: 60 percent to MWAA, up to a maximum annual amount of \$2 million, and 40 percent to air carrier airports as provided in subdivision A 3 a. Except for adjustments due to changes in enplaned passengers, no air carrier airport sponsor, excluding MWAA, shall receive less funds identified under subdivision A 3 a than it received in fiscal year 1994-1995.

Of the remaining amount:

a. Forty percent of the funds shall be allocated to air carrier airports, except airports owned or leased by MWAA, based upon the percentage of enplanements for each airport to total enplanements at all air carrier airports, except airports owned or leased by MWAA. No air carrier airport sponsor, however, shall receive less than \$50,000 nor more than \$2 million per year from this provision.

b. Forty percent of the funds shall be allocated by the Aviation Board for air carrier and reliever airports on a discretionary basis, except airports owned or leased by MWAA.

c. Twenty percent of the funds shall be allocated by the Aviation Board for general aviation airports on a discretionary basis.

3a. There is hereby created in the Department of the Treasury a special nonreverting fund that shall be a part of the Transportation Trust Fund and that shall be known as the Commonwealth Space Flight Fund. The Commonwealth Space Flight Fund shall be established on the books of the Comptroller and the funds remaining in such Fund at the end of a biennium shall not revert to the general fund but shall remain in the Fund. Interest earned on such funds shall remain in the Fund and be credited to it.

a. The amounts allocated to the Commonwealth Space Flight Fund pursuant to § 33.2-1526 shall be allocated by the Commonwealth Transportation Board to the Board of Directors of the Virginia Commercial Space Flight Authority to be used to support the capital needs, maintenance, and operating costs of any and all facilities owned and operated by the Virginia Commercial Space Flight Authority.

b. Commonwealth Space Flight Fund revenue shall be allocated by the Board of Directors to the Virginia Commercial Space Flight Authority in order to foster and stimulate the growth of the commercial space flight industry in Virginia.

4. There is hereby created in the Department of the Treasury a special nonreverting fund which shall be a part of the Transportation Trust Fund and which shall be known as the Commonwealth Mass Transit Fund.

a. The Commonwealth Mass Transit Fund shall be established on the books of the Comptroller and any funds remaining in such Fund at the end of the biennium shall not revert to the general fund but shall remain in the Fund. Interest earned on such funds shall be credited to the Fund. ~~If funds in subdivision 4 b (1)(e) or 4 b (2)(d) are allocated to the construction of a new fixed rail project, such project shall be evaluated according to the process established pursuant to subsection B of § 33.2-214.1. Funds may be paid to any local governing body, transportation district commission, or public service corporation for the purposes hereinafter specified.~~

b. The amounts allocated pursuant to ~~this section § 33.2-1526.1~~ shall be used to support the operating, capital, and administrative costs of public transportation at a state share determined by the Commonwealth Transportation Board, and these amounts may be used to support the capital project costs of public transportation and ridesharing equipment, facilities, and associated costs at a state share determined by the Commonwealth Transportation Board. Capital costs may include debt service payments on local or agency transit bonds. ~~In making these determinations, the Commonwealth Transportation Board shall confer with the Director of the Department of Rail and Public Transportation. In development of the Director's recommendation and subsequent allocation of funds by the Commonwealth Transportation Board, the Director of the Department of Rail and Public Transportation and the Commonwealth Transportation Board shall adhere to the following:~~

(1) For the distribution of revenues from the Commonwealth Mass Transit Fund, of those revenues generated in 2014 and thereafter, the first \$160 million in revenues or the maximum available revenues if less than \$160 million shall be distributed by the Commonwealth Transportation Board as follows:

(a) Funds for special programs, which shall include ridesharing, transportation demand management programs, experimental transit, public transportation promotion, operation studies, and technical assistance, shall not exceed 3 percent of the funds pursuant to this section and may be allocated to any local governing body, planning district commission, transportation district commission, or public transit corporation, or may be used directly by the Department of Rail and Public Transportation for the following purposes and aid of public transportation services:

(i) To finance a program administered by the Department of Rail and Public Transportation designed to promote the use of public transportation and ridesharing throughout Virginia.

(ii) To finance up to 80 percent of the cost of the development and implementation of projects where the purpose of such project is to enhance the provision and use of public transportation services.

(b) At least 72 percent of the funds shall be distributed to each transit property in the same proportion as its operating expenses bear to the total statewide operating expenses and shall be spent for the purposes specified in subdivision 4 b.

(c) Twenty-five percent of the funds shall be allocated and distributed utilizing a tiered approach evaluated by the Transit Service Delivery Advisory Committee along with the Director of the Department of Rail and Public Transportation and established by the Commonwealth Transportation Board for capital purposes based on asset need and anticipated state participation level and revenues. The tier distribution measures may be evaluated by the Transit Service Delivery Advisory Committee along with the Director of the Department of Rail and Public Transportation every three years and, if redefined by the Board, shall be published at least one year in advance of being applied. Funds allocated for debt service payments will be included in the tier that applies to the capital asset that is leveraged.

(d) Transfer of funds from funding categories in subdivisions 4 b (1)(a) and 4 b (1)(c) to 4 b (1)(b) shall be considered by the Commonwealth Transportation Board in times of statewide economic distress or statewide special need.

(2) The Commonwealth Transportation Board shall allocate the remaining revenues after the application of the provisions set forth in subdivision 4 b (1) generated for the Commonwealth Mass Transit Fund for 2014 and succeeding years as follows:

(a) Funds pursuant to this section shall be distributed among operating, capital, and special projects in order to respond to the needs of the transit community.

(b) Of the funds pursuant to this section, at least 72 percent shall be allocated to support operating costs of transit providers and distributed by the Commonwealth Transportation Board based on service delivery factors, based on effectiveness and efficiency, as established by the Commonwealth Transportation Board. These measures and their relative weight shall be evaluated every three years and, if redefined by the Commonwealth Transportation Board, shall be published and made available for public comment at least one year in advance of being applied. In developing the service delivery factors, the Commonwealth Transportation Board shall create for the Department of Rail and Public Transportation a Transit Service Delivery Advisory Committee, consisting of two members appointed by the Virginia Transit Association, one member appointed by the Community Transportation Association of Virginia, one member appointed by the Virginia Municipal League, one member appointed by the Virginia Association of Counties, and three members appointed by the Director of the Department of Rail and Public Transportation, to advise the Department of Rail and Public Transportation in the development of a distribution process for the funds allocated pursuant to this subdivision 4 b (2)(b) and how transit systems can incorporate these metrics in their transit development plans. The Transit Service Delivery Advisory Committee shall elect a Chair. The Department of Rail and Public Transportation shall provide administrative support to the committee. Effective July 1, 2013, the Transit Service Delivery Advisory Committee shall meet at least annually and consult with interested stakeholders and hold at least one public hearing and report its findings to the Director of the Department of Rail and Public Transportation. Prior to the Commonwealth Transportation Board approving the service delivery factors, the Director of the Department of Rail and Public Transportation along with the Chair of the Transit Service Delivery Advisory

Committee shall brief the Senate Committee on Finance, the House Appropriations Committee, and the Senate and House Committees on Transportation on the findings of the Transit Service Delivery Advisory Committee and the Department's recommendation. Before redefining any component of the service delivery factors, the Commonwealth Transportation Board shall consult with the Director of the Department of Rail and Public Transportation, Transit Service Delivery Advisory Committee, and interested stakeholders and provide for a 45-day public comment period. Prior to approval of any amendment to the service delivery measures, the Board shall notify the aforementioned committees of the pending amendment to the service delivery factors and its content.

(e) Funds for special programs, which shall include ridesharing, transportation demand management programs, experimental transit, public transportation promotion, operation studies, and technical assistance, shall not exceed 3 percent of the funds pursuant to this section and may be allocated to any local governing body, planning district commission, transportation district commission, or public transit corporation, or may be used directly by the Department of Rail and Public Transportation for the following purposes and aid of public transportation services:

(i) To finance a program administered by the Department of Rail and Public Transportation designed to promote the use of public transportation and ridesharing throughout Virginia.

(ii) To finance up to 80 percent of the cost of the development and implementation of projects where the purpose of such project is to enhance the provision and use of public transportation services.

(d) Of the funds pursuant to this section, 25 percent shall be allocated and distributed utilizing a tiered approach evaluated by the Transit Service Delivery Advisory Committee along with the Director of Rail and Public Transportation and established by the Commonwealth Transportation Board for capital purposes based on asset need and anticipated state participation level and revenues. The tier distribution measures may be evaluated by the Transit Service Delivery Advisory Committee along with the Director of Rail and Public Transportation every three years and, if redefined by the Board, shall be published at least one year in advance of being applied. Funds allocated for debt service payments shall be included in the tier that applies to the capital asset that is leveraged.

(e) Transfer of funds from funding categories in subdivisions 4 b (2)(e) and 4 b (2)(d) to 4 b (2)(b) shall be considered by the Commonwealth Transportation Board in times of statewide economic distress or statewide special need.

(f) The Department of Rail and Public Transportation may reserve a balance of up to five percent of the Commonwealth Mass Transit Fund revenues under this subsection in order to assure better stability in providing operating and capital funding to transit entities from year to year.

(3) The Commonwealth Mass Transit Fund shall not be allocated without requiring a local match from the recipient.

c. There is hereby created in the Department of the Treasury a special nonreverting fund known as the Commonwealth Transit Capital Fund. The Commonwealth Transit Capital Fund shall be part of the Commonwealth Mass Transit Fund. The Commonwealth Transit Capital Fund subaccount shall be established on the books of the Comptroller and consist of those moneys as are appropriated to it by the General Assembly and of all donations, gifts, bequests, grants, endowments, and other moneys given, bequeathed, granted, or otherwise made available to the Commonwealth Transit Capital Fund. Any funds remaining in the Commonwealth Transit Capital Fund at the end of the biennium shall not revert to the general fund, but shall remain in the Commonwealth Transit Capital Fund. Interest earned on funds within the Commonwealth Transit Capital Fund shall remain in and be credited to the Commonwealth Transit Capital Fund. Proceeds of the Commonwealth Transit Capital Fund may be paid to any political subdivision, another public entity created by an act of the General Assembly, or a private entity as defined in § 33.2-1800 and for purposes as enumerated in subdivision 7 of § 33.2-1701 or expended by the Department of Rail and Public Transportation for the purposes specified in this subdivision. Revenues of the Commonwealth Transit Capital Fund shall be used to support capital expenditures involving the establishment, improvement, or expansion of public transportation services through specific projects approved by the Commonwealth Transportation Board. If revenues of the Commonwealth Transit Capital Fund are allocated to the construction of a new fixed rail project, such project shall be evaluated according to the process established pursuant to subsection B of § 33.2-214.1. The Commonwealth Transit Capital Fund shall not be allocated without requiring a local match from the recipient.

d. The Commonwealth Transportation Board may allocate up to three and one-half percent of the funds set aside for the Commonwealth Mass Transit Fund to support costs of project development, project administration, and project compliance incurred by the Department of Rail and Public Transportation in implementing rail, public transportation, and congestion management grants and programs.

5. Funds for Metro shall be paid by the Northern Virginia Transportation Commission (NVTC) to the Washington Metropolitan Area Transit Authority (WMATA) and be a credit to the Counties of Arlington and Fairfax and the Cities of Alexandria, Falls Church, and Fairfax in the following manner:

a. Local obligations for debt service for WMATA rail transit bonds apportioned to each locality using WMATA's capital formula shall be paid first by NVTC. NVTC shall use 95 percent state aid for these payments.

b. The remaining funds shall be apportioned to reflect WMATA's allocation formulas by using the related WMATA allocated subsidies and relative shares of local transit subsidies. Capital costs shall include 20 percent of annual local bus capital expenses. Hold harmless protections and obligations for NVTC's jurisdictions agreed to by NVTC on November 5, 1998, shall remain in effect.

Appropriations from the Commonwealth Mass Transit Fund are intended to provide a stable and reliable source of revenue as defined by Public Law 96-184.

6. Notwithstanding any other provision of law, funds allocated to Metro may be disbursed by the Department of Rail and Public Transportation directly to Metro or to any other transportation entity that has an agreement to provide funding to Metro.

B. The sales and use tax revenue generated by a one percent sales and use tax shall be distributed among the counties and cities of the Commonwealth in the manner provided in subsections C and D.

C. The localities' share of the net revenue distributable under this section among the counties and cities shall be apportioned by the Comptroller and distributed among them by warrants of the Comptroller drawn on the Treasurer of Virginia as soon as practicable after the close of each month during which the net revenue was received into the state treasury. The distribution of the localities' share of such net revenue shall be computed with respect to the net revenue received into the state treasury during each month, and such distribution shall be made as soon as practicable after the close of each such month.

D. The net revenue so distributable among the counties and cities shall be apportioned and distributed upon the basis of the latest yearly estimate of the population of cities and counties ages five to 19, provided by the Weldon Cooper Center for Public Service of the University of Virginia. Such population estimate produced by the Weldon Cooper Center for Public Service of the University of Virginia shall account for persons who are domiciled in orphanages or charitable institutions or who are dependents living on any federal military or naval reservation or other federal property within the school division in which the institutions or federal military or naval reservation or other federal property is located. Such population estimate produced by the Weldon Cooper Center for Public Service of the University of Virginia shall account for members of the military services who are under 20 years of age within the school division in which the parents or guardians of such persons legally reside. Such population estimate produced by the Weldon Cooper Center for Public Service of the University of Virginia shall account for individuals receiving services in state hospitals, state training centers, or mental health facilities, persons who are confined in state or federal correctional institutions, or persons who attend the Virginia School for the Deaf and the Blind within the school division in which the parents or guardians of such persons legally reside. Such population estimate produced by the Weldon Cooper Center for Public Service of the University of Virginia shall account for persons who attend institutions of higher education within the school division in which the student's parents or guardians legally reside. To such estimate, the Department of Education shall add the population of students with disabilities, ages two through four and 20 through 21, as provided to the Department of Education by school divisions. The revenue so apportionable and distributable is hereby appropriated to the several counties and cities for maintenance, operation, capital outlays, debt and interest payments, or other expenses incurred in the operation of the public schools, which shall be considered as funds raised from local resources. In any county, however, wherein is situated any incorporated town constituting a school division, the county treasurer shall pay into the town treasury for maintenance, operation, capital outlays, debt and interest payments, or other expenses incurred in the operation of the public schools, the proper proportionate amount received by him in the ratio that the school population of such town bears to the school population of the entire county. If the school population of any city or of any town constituting a school division is increased by the annexation of territory since the last estimate of school population provided by the Weldon Cooper Center for Public Service, such increase shall, for the purposes of this section, be added to the school population of such city or town as shown by the last such estimate and a proper reduction made in the school population of the county or counties from which the annexed territory was acquired.

E. Beginning July 1, 2000, of the remaining sales and use tax revenue, the revenue generated by a two percent sales and use tax, up to an annual amount of \$13 million, collected from the sales of hunting equipment, auxiliary hunting equipment, fishing equipment, auxiliary fishing equipment, wildlife-watching equipment, and auxiliary wildlife-watching equipment in Virginia, as estimated by the most recent U.S. Department of the Interior, Fish and Wildlife Service and U.S. Department of Commerce, Bureau of the Census National Survey of Fishing, Hunting, and Wildlife-Associated Recreation, shall be paid into the Game Protection Fund established under § 29.1-101 and shall be used, in part, to defray the cost of law enforcement. Not later than 30 days after the close of each quarter, the Comptroller shall transfer to the Game Protection Fund the appropriate amount of collections to be dedicated to such Fund. At any time that the balance in the Capital Improvement Fund, established under § 29.1-101.01, is equal to or in excess of \$35 million, any portion of sales and use tax revenues that would have been transferred to the Game Protection Fund, established under § 29.1-101, in excess of the net operating expenses of the Board, after deduction of other amounts which accrue to the Board and are set aside for the Game Protection Fund, shall remain in the general fund until such time as the balance in the Capital Improvement Fund is less than \$35 million.

F. 1. Of the net revenue generated from the one-half percent increase in the rate of the state sales and use tax effective August 1, 2004, pursuant to enactments of the 2004 Special Session I of the General Assembly, the Comptroller shall transfer from the general fund of the state treasury to the Public Education Standards of Quality/Local Real Estate Property Tax Relief Fund established under § 58.1-638.1 an amount equivalent to one-half of the net revenue generated from such one-half percent increase as provided in this subdivision. The transfers to the Public Education Standards of Quality/Local Real Estate Property Tax Relief Fund under this subdivision shall be for one-half of the net revenue generated (and collected in the succeeding month) from such one-half percent increase for the month of August 2004 and for each month thereafter.

2. Beginning July 1, 2013, of the remaining sales and use tax revenue, an amount equal to the revenue generated by a 0.125 percent sales and use tax shall be distributed to the Public Education Standards of Quality/Local Real Estate Property Tax Relief Fund established under § 58.1-638.1, and be used for the state's share of Standards of Quality basic aid payments.

3. For the purposes of the Comptroller making the required transfers under subdivision 1 and 2, the Tax Commissioner shall make a written certification to the Comptroller no later than the twenty-fifth of each month certifying the sales and use tax revenues generated in the preceding month. Within three calendar days of receiving such certification, the Comptroller shall make the required transfers to the Public Education Standards of Quality/Local Real Estate Property Tax Relief Fund.

G. (Contingent expiration date) Beginning July 1, 2013, of the remaining sales and use tax revenue, an amount equal to the following percentages of the revenue generated by a one-half percent sales and use tax, such as that paid to the Transportation Trust Fund as provided in subdivision A 1, shall be paid to the Highway Maintenance and Operating Fund established pursuant to § 33.2-1530:

1. For fiscal year 2014, an amount equal to 10 percent;
2. For fiscal year 2015, an amount equal to 20 percent;
3. For fiscal year 2016, an amount equal to 30 percent; and
4. For fiscal year 2017 and thereafter, an amount equal to 35 percent.

The Highway Maintenance and Operating Fund's share of the net revenue distributable under this subsection shall be computed as an estimate of the net revenue to be received into the state treasury each month, and such estimated payment shall be adjusted for the actual net revenue received in the preceding month. All payments shall be made to the Fund on the last day of each month.

H. (Contingent expiration date) 1. The additional revenue generated by increases in the state sales and use tax from Planning District 8 pursuant to §§ 58.1-603.1, 58.1-604.01, 58.1-604.1, and 58.1-614 shall be deposited by the Comptroller in the fund established under § 33.2-2509.

2. The additional revenue generated by increases in the state sales and use tax from Planning District 23 pursuant to §§ 58.1-603.1, 58.1-604.01, 58.1-604.1, and 58.1-614 shall be deposited by the Comptroller in the fund established under § 33.2-2600.

3. The additional revenue generated by increases in the state sales and use tax in any other Planning District pursuant to §§ 58.1-603.1, 58.1-604.01, 58.1-604.1, and 58.1-614 shall be deposited into special funds that shall be established by appropriate legislation.

4. The net revenues distributable under this subsection shall be computed as an estimate of the net revenue to be received by the state treasury each month, and such estimated payment shall be adjusted for the actual net revenue received in the preceding month. All payments shall be made to the appropriate funds on the last day of each month.

I. If errors are made in any distribution, or adjustments are otherwise necessary, the errors shall be corrected and adjustments made in the distribution for the next quarter or for subsequent quarters.

J. The term "net revenue," as used in this section, means the gross revenue received into the general fund or the Transportation Trust Fund of the state treasury under the preceding sections of this chapter, less refunds to taxpayers.

**§ 58.1-802.3. Regional transportation improvement fee.**

*In addition to any other tax or fee imposed under the provisions of this chapter, a fee, delineated as the "regional WMATA capital fee," is hereby imposed on each deed, instrument, or writing by which lands, tenements, or other realty located in any county or city that is a member of the Northern Virginia Transportation Authority is sold and is granted, assigned, transferred, or otherwise conveyed to or vested in the purchaser or any other person, by such purchaser's direction. The rate of the fee, when the consideration or value of the interest, whichever is greater, equals or exceeds \$100, shall be \$0.15 for each \$100 or fraction thereof, exclusive of the value of any lien or encumbrance remaining thereon at the time of the sale, whether such lien is assumed or the realty is sold subject to such lien or encumbrance.*

*The fee imposed by this section shall be paid by the grantor, or any person who signs on behalf of the grantor, of any deed, instrument, or writing subject to the fee imposed by this section.*

*No such deed, instrument, or other writing shall be admitted to record unless certification of the clerk wherein first recorded has been affixed thereto that the fee imposed pursuant to this section has been paid.*

*Fees imposed by this section shall be collected by the clerk of the court. For fees collected in a county or city located in a transportation district established pursuant to Chapter 19 (§ 33.2-1900 et seq.) of Title 33.2 that as of January 1, 2018, meets the criteria established in § 33.2-1936 shall be transferred to the state treasury as soon as practicable and deposited into the fund established in § 33.2-3401. The fees collected in any other county or city in which the fee is imposed shall be retained by the county or city, and shall be used solely for transportation purposes.*

**§ 58.1-811. (Contingent expiration date) Exemptions.**

A. The taxes imposed by §§ 58.1-801 and 58.1-807 shall not apply to any deed conveying real estate or lease of real estate:

1. To an incorporated college or other incorporated institution of learning not conducted for profit, where such real estate is intended to be used for educational purposes and not as a source of revenue or profit;
2. To an incorporated church or religious body or to the trustee or trustees of any church or religious body, or a corporation mentioned in § 57-16.1, where such real estate is intended to be used exclusively for religious purposes, or for the residence of the minister of any such church or religious body;
3. To the United States, the Commonwealth, or to any county, city, town, district, or other political subdivision of the Commonwealth;
4. To the Virginia Division of the United Daughters of the Confederacy;

5. To any nonstock corporation organized exclusively for the purpose of owning or operating a hospital or hospitals not for pecuniary profit;

6. To a corporation upon its organization by persons in control of the corporation in a transaction which qualifies for nonrecognition of gain or loss pursuant to § 351 of the Internal Revenue Code as it exists at the time of the conveyance;

7. From a corporation to its stockholders upon complete or partial liquidation of the corporation in a transaction which qualifies for income tax treatment pursuant to § 331, 332, 333, or 337 of the Internal Revenue Code as it exists at the time of liquidation;

8. To the surviving or new corporation, partnership, limited partnership, business trust, or limited liability company upon a merger or consolidation to which two or more such entities are parties, or in a reorganization within the meaning of § 368(a)(1)(C) and (F) of the Internal Revenue Code as amended;

9. To a subsidiary corporation from its parent corporation, or from a subsidiary corporation to a parent corporation, if the transaction qualifies for nonrecognition of gain or loss under the Internal Revenue Code as amended;

10. To a partnership or limited liability company, when the grantors are entitled to receive not less than 50 percent of the profits and surplus of such partnership or limited liability company, provided that the transfer to a limited liability company is not a precursor to a transfer of control of the assets of the company to avoid recordation taxes;

11. From a partnership or limited liability company, when the grantees are entitled to receive not less than 50 percent of the profits and surplus of such partnership or limited liability company, provided that the transfer from a limited liability company is not subsequent to a transfer of control of the assets of the company to avoid recordation taxes;

12. To trustees of a revocable inter vivos trust, when the grantors in the deed and the beneficiaries of the trust are the same persons, regardless of whether other beneficiaries may also be named in the trust instrument, when no consideration has passed between the grantor and the beneficiaries; and to the original beneficiaries of a trust from the trustees holding title under a deed in trust;

13. When the grantor is the personal representative of a decedent's estate or trustee under a will or inter vivos trust of which the decedent was the settlor, other than a deed of trust conveying property to secure the payment of money or the performance of an obligation, and the sole purpose of such transfer is to comply with a devise or bequest in the decedent's will or to transfer title to one or more beneficiaries after the death of the settlor in accordance with a dispositive provision in the trust instrument;

14. When the grantor is an organization exempt from taxation under § 501(c)(3) of the Internal Revenue Code that is organized and operated primarily to acquire land and purchase materials to erect or rehabilitate low-cost homes on such land, which homes are sold at cost to persons who otherwise would be unable to afford to buy a home through conventional means;

15. When it is a deed of partition, or any combination of deeds simultaneously executed and having the effect of a deed of partition, among joint tenants, tenants in common, or coparceners; or

16. When it is a deed transferring property pursuant to a decree of divorce or of separate maintenance or pursuant to a written instrument incident to such divorce or separation.

B. The taxes imposed by §§ 58.1-803 and 58.1-804 shall not apply to any deed of trust or mortgage:

1. Given by an incorporated college or other incorporated institution of learning not conducted for profit;

2. Given by the trustee or trustees of a church or religious body or given by an incorporated church or religious body, or given by a corporation mentioned in § 57-16.1;

3. Given by any nonstock corporation organized exclusively for the purpose of owning and/or operating a hospital or hospitals not for pecuniary profit;

4. Given by any local governmental entity or political subdivision of the Commonwealth to secure a debt payable to any other local governmental entity or political subdivision;

5. Securing a loan made by an organization described in subdivision A 14;

6. Securing a loan made by a county, city, or town, or an agency of such a locality, to a borrower whose household income does not exceed 80 percent of the area median household income established by the U.S. Department of Housing and Urban Development, for the purpose of erecting or rehabilitating a home for such borrower, including the purchase of land for such home; or

7. Given by any entity organized pursuant to Chapter 9.1 (§ 56-231.15 et seq.) of Title 56.

C. The tax imposed by § 58.1-802 and the fee imposed by ~~§ 58.1-802.2~~ 58.1-802.3 shall not apply to any:

1. Transaction described in subdivisions A 6 through 13, 15, and 16;

2. Instrument or writing given to secure a debt;

3. Deed conveying real estate from an incorporated college or other incorporated institution of learning not conducted for profit;

4. Deed conveying real estate from the United States, the Commonwealth or any county, city, town, district, or other political subdivision thereof;

5. Conveyance of real estate to the Commonwealth or any county, city, town, district, or other political subdivision thereof, if such political unit is required by law to reimburse the parties taxable pursuant to § 58.1-802 or subject to the fee under ~~§ 58.1-802.2~~ 58.1-802.3; or

6. Deed conveying real estate from the trustee or trustees of a church or religious body or from an incorporated church or religious body, or from a corporation mentioned in § 57-16.1.

D. No recordation tax shall be required for the recordation of any deed of gift between a grantor or grantors and a grantee or grantees when no consideration has passed between the parties. Such deed shall state therein that it is a deed of gift.

E. The tax imposed by § 58.1-807 shall not apply to any lease to the United States, the Commonwealth, or any county, city, town, district, or other political subdivision of the Commonwealth.

F. The taxes and fees imposed by §§ 58.1-801, 58.1-802, ~~58.1-802.2~~ 58.1-802.3, 58.1-807, 58.1-808, and 58.1-814 shall not apply to (i) any deed of gift conveying real estate or any interest therein to The Nature Conservancy or (ii) any lease of real property or any interest therein to The Nature Conservancy, where such deed of gift or lease of real estate is intended to be used exclusively for the purpose of preserving wilderness, natural, or open space areas.

G. The words "trustee" or "trustees," as used in subdivisions A 2, B 2, and C 6, include the trustees mentioned in § 57-8 and the ecclesiastical officers mentioned in § 57-16.

H. No recordation tax levied pursuant to this chapter shall be levied on the release of a contractual right, if the release is contained within a single deed that performs more than one function, and at least one of the other functions performed by the deed is subject to the recordation tax.

I. No recordation tax levied pursuant to this chapter shall be levied on a deed, lease, easement, release, or other document recorded in connection with a concession pursuant to the Public-Private Transportation Act of 1995 (§ 33.2-1800 et seq.) or similar federal law.

J. No recordation tax shall be required for the recordation of any transfer on death deed or any revocation of transfer on death deed made pursuant to the Uniform Real Property Transfer on Death Act (§ 64.2-621 et seq.) when no consideration has passed between the parties.

**§ 58.1-815.4. (Contingent expiration dates) Distribution of recordation tax for certain transportation-related purposes.**

Of the state recordation taxes imposed pursuant to §§ 58.1-801 and 58.1-803, the revenues collected each fiscal year from \$0.03 of the total tax imposed under each section shall be deposited by the Comptroller as follows:

~~1. The revenues collected from \$0.02 of the total tax shall be deposited into the Commonwealth Mass Transit Fund pursuant to subdivision A 4 b (1)(b) of § 58.1-638; and~~

~~2. The revenues collected from \$0.01 of the total tax shall be deposited into the Commonwealth Mass Transit Capital Fund established pursuant to subdivision A 4 e of § 58.1-638.~~

**§ 58.1-815.4. (Contingent effective date, and contingent expiration date) Distribution of recordation tax for certain transportation-related purposes.**

Effective July 1, 2008, of the state recordation taxes imposed pursuant to §§ 58.1-801 and 58.1-803, the revenues collected each fiscal year from \$0.03 of the total tax imposed under each section shall be deposited by the Comptroller as follows:

1. The revenues collected from \$0.02 of the total tax shall be deposited into the Commonwealth Mass Transit Fund pursuant to subdivision A 4 b ~~(1)(b)~~ of § 58.1-638; and

2. The revenues collected from \$0.01 of the total tax shall be deposited into the Highway Maintenance and Operating Fund established pursuant to § 33.2-1530.

**§ 58.1-1741. (Contingent expiration date) Disposition of revenues.**

A. After the direct costs of administering this article are recovered by the Department of Taxation, the remaining revenues collected hereunder by the Tax Commissioner shall be forthwith paid into the state treasury. Except as otherwise provided in this section, these funds shall constitute special funds within the Commonwealth Transportation Fund. Any balances remaining in these funds at the end of the year shall be available for use in subsequent years for the purposes set forth in this article, and any interest income on such funds shall accrue to these funds. The revenue so derived, after refunds have been deducted, is hereby allocated for the construction, reconstruction, and maintenance of highways and the regulation of traffic thereon and for no other purpose. However, (i) all funds collected from the additional tax imposed by subdivision A 2 of § 58.1-1736 on the rental of daily rental vehicles shall be distributed quarterly to the county, city, or town wherein such vehicle was delivered to the rentee; (ii) except as provided in clause (iii), an amount equivalent to the net additional revenues from the motor vehicle rental tax generated by enactments of the 1986 Special Session of the Virginia General Assembly which amended §§ 46.2-694, 46.2-697, and by §§ 58.1-1735, 58.1-1736 and this section, shall be distributed to and paid into the Transportation Trust Fund established pursuant to § 33.2-1524, a special fund within the Commonwealth Transportation Fund, and are hereby appropriated to the Commonwealth Transportation Board for transportation needs; (iii) all moneys collected from the tax on the gross proceeds from the rental in Virginia of any motor vehicle pursuant to subdivision A 1 of § 58.1-1736 at the tax rate in effect on December 31, 1986, shall be paid by the Tax Commissioner into the state treasury and two-thirds of which shall be paid into the Rail Enhancement Fund established by § 33.2-1601 and one-third of which shall be deposited into the ~~Transportation Trust Fund established pursuant to § 33.2-1524 and set aside for state of good repair purposes pursuant to § 33.2-369~~ *Washington Metropolitan Area Transit Authority Capital Fund pursuant to § 33.2-3401*; and (iv) all additional revenues resulting from the fee imposed under subdivision A 3 of § 58.1-1736 shall be used to pay the debt service on the bonds issued by the Virginia Public Building Authority for the Statewide Agencies Radio System (STARS) for the Department of State Police pursuant to the authority granted by the 2004 Session of the General Assembly.

B. As provided in subsection A of § 58.1-638, of the funds becoming part of the Transportation Trust Fund pursuant to ~~clause (ii) of subsection~~ *subdivision A 2*, an aggregate of 4.2 percent shall be set aside as the Commonwealth Port Fund; an

aggregate of 2.4 percent shall be set aside as the Commonwealth Airport Fund; and an aggregate of 14.7 percent shall be set aside as the Commonwealth Mass Transit Fund.

*Article 11.*

*Transportation Transient Occupancy Taxes.*

**§ 58.1-1743. Transportation district transient occupancy tax.**

*In addition to all other fees and taxes imposed under law, there is hereby imposed an additional transient occupancy tax at the rate of two percent of the amount of the charge for the occupancy of any room or space occupied in any county or city located in a transportation district established pursuant to Chapter 19 (§ 33.2-1900 et seq.) of Title 33.2 that as of January 1, 2018, meets the criteria established in § 33.2-1936.*

*The tax imposed under this section shall be imposed only for the occupancy of any room or space that is suitable or intended for occupancy by transients for dwelling, lodging, or sleeping purposes.*

*The tax imposed under this section shall be administered by the locality in which the room or space is located in the same manner as it administers the tax authorized by § 58.1-3819 or 58.1-3840, mutatis mutandis, except as herein provided. The revenue generated and collected from the tax shall be deposited by the local treasurer into the state treasury pursuant to § 2.2-806 and transferred by the Comptroller into special funds established by law. In the case of the Northern Virginia Transportation District, the revenue generated and collected therein shall be deposited into the fund established in § 33.2-3401. For additional transportation districts that may become subject to this section, funds shall be established by appropriate legislation.*

**§ 58.1-1744. Local transportation transient occupancy tax.**

*In addition to all other fees and taxes imposed under law, there is hereby imposed an additional transient occupancy tax at the rate of two percent of the amount of the charge for the occupancy of any room or space occupied in any county or city that is a member of the Northern Virginia Transportation Authority that is not described in § 58.1-1743.*

*The tax imposed under this section shall be imposed only for the occupancy of any room or space that is suitable or intended for occupancy by transients for dwelling, lodging, or sleeping purposes.*

*The tax imposed under this section shall be administered by the locality in which the room or space is located in the same manner as it administers the tax authorized by § 58.1-3819 or 58.1-3840, mutatis mutandis, except as herein provided. The revenue generated and collected from the tax shall be deposited by the local treasurer and may be used only for public transportation purposes.*

**§ 58.1-2289. (For contingent expiration, see note) Disposition of tax revenue generally.**

A. Unless otherwise provided in this section, all taxes and fees, including civil penalties, collected by the Commissioner pursuant to this chapter, less a reasonable amount to be allocated for refunds, shall be promptly paid into the state treasury and shall constitute special funds within the Commonwealth Transportation Fund. Any balances remaining in these funds at the end of the year shall be available for use in subsequent years for the purposes set forth in this chapter, and any interest income on such funds shall accrue to these funds.

The Governor is hereby authorized to transfer out of such fund an amount necessary for the inspection of gasoline and motor grease measuring and distributing equipment, and for the inspection and analysis of gasoline for purity.

B. The tax collected on each gallon of aviation fuel sold and delivered or used in this Commonwealth, less refunds, shall be paid into a special fund of the state treasury. Proceeds of this special fund within the Commonwealth Transportation Fund shall be disbursed upon order of the Department of Aviation, on warrants of the Comptroller, to defray the cost of the administration of the laws of this Commonwealth relating to aviation, for the construction, maintenance and improvement of airports and landing fields to which the public now has or which it is proposed shall have access, and for the promotion of aviation in the interest of operators and the public generally.

C. One-half cent of the tax collected on each gallon of fuel on which a refund has been paid for gasoline, gasohol, diesel fuel, blended fuel, or alternative fuel, for fuel consumed in tractors and unlicensed equipment used for agricultural purposes shall be paid into a special fund of the state treasury, known as the Virginia Agricultural Foundation Fund, to be disbursed to make certain refunds and defray the costs of the research and educational phases of the agricultural program, including supplemental salary payments to certain employees at Virginia Polytechnic Institute and State University, the Department of Agriculture and Consumer Services and the Virginia Truck and Ornamentals Research Station, including reasonable expenses of the Virginia Agricultural Council.

D. One and one-half cents of the tax collected on each gallon of fuel used to propel a commercial watercraft upon which a refund has been paid shall be paid to the credit of the Game Protection Fund of the state treasury to be made available to the Board of Game and Inland Fisheries until expended for the purposes provided generally in subsection C of § 29.1-701, including acquisition, construction, improvement and maintenance of public boating access areas on the public waters of this Commonwealth and for other activities and purposes of direct benefit and interest to the boating public and for no other purpose. However, one and one-half cents per gallon on fuel used by commercial fishing, oystering, clamming, and crabbing boats shall be paid to the Department of Transportation to be used for the construction, repair, improvement and maintenance of the public docks of this Commonwealth used by said commercial watercraft. Any expenditures for the acquisition, construction, improvement and maintenance of the public docks shall be made according to a plan developed by the Virginia Marine Resources Commission.

From the tax collected pursuant to the provisions of this chapter from the sales of gasoline used for the propelling of watercraft, after deduction for lawful refunds, there shall be paid into the state treasury for use by the Marine Resources

Commission, the Virginia Soil and Water Conservation Board, the State Water Control Board, and the Commonwealth Transportation Board to (i) improve the public docks as specified in this section, (ii) improve commercial and sports fisheries in Virginia's tidal waters, (iii) make environmental improvements including, without limitation, fisheries management and habitat enhancement in the Chesapeake and its tributaries, and (iv) further the purposes set forth in § 33.2-1510, a sum as established by the General Assembly.

E. Of the remaining revenues deposited into the Commonwealth Transportation Fund pursuant to this chapter less refunds authorized by this chapter: (i) 80 percent shall be deposited into the Highway Maintenance and Operating Fund established pursuant to § 33.2-1530, (ii) 11.3 percent shall be deposited into the Transportation Trust Fund established pursuant to § 33.2-1524, (iii) four percent shall be deposited into the Priority Transportation Fund, (iv) ~~3.7~~ 3.7 percent shall be deposited into the Commonwealth ~~Mass Transit Capital~~ Fund established pursuant to subdivision A 4 e of § 58.1-638, and (v) one percent shall be transferred to a special fund within the Commonwealth Transportation Fund in the state treasury, to be used to meet the necessary expenses of the Department of Motor Vehicles; ~~(vi) 0.35 of one percent shall be deposited into the Commonwealth Mass Transit Fund established pursuant to subdivision A 4 of § 58.1-638 and allocated to subdivision A 4 b (1)(b); and (vii) 0.24 of one percent shall be deposited into the Commonwealth Mass Transit Fund established pursuant to subdivision A 4 of § 58.1-638 and allocated to subdivision A 4 b (1)(a).~~

**§ 58.1-2299.20. (Contingent expiration date) Disposition of tax revenues.**

A. All taxes, interest, and civil penalties paid to the Commissioner pursuant to this chapter for the sale of fuels at wholesale to retail dealers for retail sale in any county or city set forth in *clause (i)* of subdivision A 1 of § 58.1-2295, after subtraction of the direct costs of administration by the Department, shall be deposited *each month* as follows:

1. *One-twelfth of an amount determined by multiplying \$15 million by a fraction, the numerator of which shall be such transportation district's share of funding for the commuter rail service jointly operated by the two transportation districts and the denominator of which shall be the total funding share for such commuter rail service, shall be deposited in the Commuter Rail Operating and Capital Fund established pursuant to § 33.2-3500;*

2. a. *Until June 30, 2019, an amount equal to the increase in taxes, interest, and civil penalties paid to the Commissioner each month, compared with the same month for fiscal year 2018, minus any amounts deposited pursuant to subdivision 1, shall be deposited into the Washington Metropolitan Area Transit Capital Fund established pursuant to § 33.2-3401; and*

b. *Beginning on July 1, 2019, an amount equal to one-twelfth of the increase in taxes, interest, and civil penalties paid to the Commissioner in fiscal year 2019 compared to fiscal year 2018, minus any amounts deposited pursuant to subdivision A 1, shall be deposited in the Washington Metropolitan Area Transit Authority Capital Fund established pursuant to § 33.2-3401; and*

3. *All remaining funds shall be deposited in a special fund entitled the "Special Fund Account of the Transportation District of \_\_\_\_\_." The amounts deposited in the special fund shall be distributed monthly to the applicable transportation district commission of which the county or city is a member to be applied to the operating deficit, capital, and debt service of the mass transit system of such district or, in the case of a transportation district subject to the provisions of subsection C of § 33.2-1915, to be applied to and expended for any transportation purpose of such district. In the case of a jurisdiction which, after July 1, 1989, joins a transportation district which was established on or before January 1, 1986, and is also subject to subsection C of § 33.2-1915, the funds collected from that jurisdiction shall be applied to and expended for any transportation purpose of such jurisdiction. ~~The direct costs of administration shall be credited to the funds appropriated to the Department.~~*

B. All taxes, interest, and civil penalties paid to the Commissioner pursuant to this chapter for the sale of fuels at wholesale to retail dealers for retail sale in any county or city set forth in *clause (ii)* of subdivision A 1 of § 58.1-2295, after subtraction of the direct costs of administration by the Department, shall be deposited *each month* as follows:

1. *One-twelfth of an amount determined by multiplying \$15 million by a fraction, the numerator of which shall be such transportation district's share of funding for the commuter rail service jointly operated by the two transportation districts and the denominator of which shall be the total funding share for such commuter rail service, shall be deposited in the Commuter Rail Operating and Capital Fund established pursuant to § 33.2-3500; and*

2. *All remaining funds shall be deposited in a special fund entitled the "Special Fund Account of the Transportation District of \_\_\_\_\_." The amounts deposited in the special fund shall be distributed monthly to the applicable transportation district commission of which the county or city is a member to be applied to the operating deficit, capital, and debt service of the mass transit system of such district or, in the case of a transportation district subject to the provisions of subsection C of § 33.2-1915, to be applied to and expended for any transportation purpose of such district. In the case of a jurisdiction which, after July 1, 1989, joins a transportation district that was established on or before January 1, 1986, and is also subject to subsection C of § 33.2-1915, the funds collected from that jurisdiction shall be applied to and expended for any transportation purpose of such jurisdiction.*

C. All taxes, interest, and civil penalties paid to the Commissioner pursuant to this chapter for the sale of fuels at wholesale to retail dealers for retail sale in any county or city set forth in subdivision A 2 of § 58.1-2295, after subtraction of the direct costs of administration by the Department, shall be deposited into special funds established by law. In the case of Planning District 23, the revenue generated and collected therein shall be deposited into the fund established in § 33.2-2600. For additional Planning Districts that may become subject to this section, funds shall be established by appropriate legislation.

D. The direct cost of administration of *this section* shall be credited to the funds appropriated to the Department.

**§ 58.1-3221.3. Classification of certain commercial and industrial real property and taxation of such property by certain localities.**

A. Beginning January 1, 2008, and solely for the purposes of imposing the tax authorized pursuant to this section, in the counties and cities that are wholly embraced by the Northern Virginia Transportation Authority and the Hampton Roads metropolitan planning area as of January 1, 2008, pursuant to § 134 of Title 23 of the United States Code, all real property used for or zoned to permit commercial or industrial uses is hereby declared to be a separate class of real property for local taxation. Such classification of real property shall exclude all residential uses and all multifamily residential uses, including but not limited to single family residential units, cooperatives, condominiums, townhouses, apartments, or homes in a subdivision when leased on a unit by unit basis even though these units may be part of a larger building or parcel of real estate containing more than four residential units.

B. In addition to all other taxes and fees permitted by law, (i) the governing body of any locality embraced by the Northern Virginia Transportation Authority may, by ordinance, annually impose on all real property in the locality specially classified in subsection A: an amount of real property tax, in addition to such amount otherwise authorized by law, at a rate not to exceed \$0.125 per \$100 of assessed value as the governing body may, by ordinance, impose upon the annual assessed value of all real property used for or zoned to permit commercial or industrial uses; and (ii) the governing body of any locality wholly embraced by the Hampton Roads metropolitan planning area as of January 1, 2008, pursuant to § 134 of Title 23 of the United States Code may, by ordinance, annually impose on all real property in the locality specially classified in subsection A: an amount of real property tax, in addition to such amount otherwise authorized by law, at a rate not to exceed \$0.10 per \$100 of assessed value as the governing body may, by ordinance, impose upon the annual assessed value of all real property used for or zoned to permit commercial or industrial uses. The authority granted in this subsection shall be subject to the following conditions:

(1) Upon appropriation, all revenues generated from the additional real property tax imposed shall be used to benefit the locality imposing the tax solely for (i) new road construction and associated planning, design, and right-of-way acquisition, including new additions to, expansions, or extensions of existing roads that add new capacity, service, or access, (ii) new public transit construction and associated planning, design, and right-of-way acquisition, including new additions to, expansions, or extensions of existing public transit projects that add new capacity, service, or access, (iii) other capital costs related to new transportation projects that add new capacity, service, or access and the operating costs directly related to the foregoing, ~~or~~ (iv) the issuance costs and debt service on bonds that may be issued to support the capital costs permitted in subdivisions (i), (ii), or (iii), or (v) for a locality subject to § 33.2-3404, any other transportation purposes, provided that the amount used does not exceed the amount such locality is required to transfer pursuant to § 33.2-3404; and

(2) The additional real property tax imposed shall be levied, administered, enforced, and collected in the same manner as set forth in Subtitle III of Title 58.1 for the levy, administration, enforcement, and collection of local taxes. In addition, the local assessor shall separately assess and set forth upon the locality's land book the fair market value of that portion of property that is defined as a separate class of real property for local taxation in accordance with the provisions of this section.

C. Beginning January 1, 2008, in lieu of the authority set forth in subsections A and B above and solely for the purposes of imposing the tax authorized pursuant to this section, in the counties and cities wholly embraced by the Northern Virginia Transportation Authority and the Hampton Roads metropolitan planning area as of January 1, 2008, pursuant to § 134 of Title 23 of the United States Code, all real property used for or zoned to permit commercial or industrial uses is hereby declared to be a separate class of real property for local taxation. Such classification of real property shall exclude all residential uses and all multifamily residential uses, including but not limited to single family residential units, cooperatives, condominiums, townhouses, apartments, or homes in a subdivision when leased on a unit by unit basis even though these units may be part of a larger building or parcel of real estate containing more than four residential units.

D. In addition to all other taxes and fees permitted by law, (i) the governing body of any locality embraced by the Northern Virginia Transportation Authority may, by ordinance, create within its boundaries, one or more special regional transportation tax districts and, thereafter, may, by ordinance, impose upon the real property located in special regional transportation tax districts specially classified in subsection C within such special regional transportation tax districts: an amount of real property tax, in addition to such amounts otherwise authorized by law, at a rate not to exceed \$0.125 per \$100 of assessed value as the governing body may, by ordinance, impose upon the annual assessed value of all real property used for or zoned to permit commercial or industrial uses; and, (ii) the governing body of any locality wholly embraced by the Hampton Roads metropolitan planning area as of January 1, 2008, pursuant to § 134 of Title 23 of the United States Code may, by ordinance, create within its boundaries, one or more special regional transportation tax districts and, thereafter, may, by ordinance, impose upon the real property specially classified in subsection C within such special regional transportation tax districts: an amount of real property tax, in addition to such amounts otherwise authorized by law, at a rate not to exceed \$0.10 per \$100 of assessed value as the governing body may, by ordinance, impose upon the annual assessed value of all real property used for or zoned to permit commercial or industrial uses. The authority granted in this subsection shall be subject to the following conditions:

(1) Notwithstanding any other provisions of law to the contrary, upon appropriation, all revenues generated from the additional real property taxes imposed in accordance with subsection C and this subsection shall be used for transportation purposes that benefit the special regional transportation tax district to which such revenue is attributable and solely for

(i) new road construction and associated planning, design, and right-of-way acquisition, including new additions to, expansions, or extensions of existing roads that add new capacity, service, or access, (ii) new public transit construction and associated planning, design, and right-of-way acquisition, including new additions to, expansions, or extensions of existing public transit projects that add new capacity, service, or access, (iii) other capital costs related to new transportation projects that add new capacity, service, or access and the operating costs directly related to the foregoing, ~~or~~ (iv) the issuance costs and debt service on bonds that may be issued to support the capital costs permitted in subdivisions (i), (ii), or (iii), or (v) for a locality subject to § 33.2-3404, any other transportation purposes, provided that the amount used does not exceed the amount such locality is required to transfer pursuant to § 33.2-3404;

(2) Any local ordinance adopted in accordance with the provisions of subsection C and this subsection shall include the requirement that the additional real property taxes so authorized are to be imposed annually in accordance with applicable law;

(3) Any locality that imposes the additional real property taxes set forth in subsections A and B shall not be permitted to also impose the additional real property taxes set forth in subsection C and this subsection. In addition, any locality electing to impose the additional real property taxes on all real property located in such locality that is specially classified in subsections A and B must do so in the manner prescribed in subsections A and B and not by creation of a special transportation tax district as set forth in subsection C and this subsection. The creation of such special regional transportation tax districts shall not, however, affect the authority of a locality to establish tax districts pursuant to other provisions of law;

(4) The total revenues generated from the additional real property taxes imposed in accordance with subsection C and this subsection shall not be less than 85% of the revenues estimated to be generated when imposing the additional real property taxes in accordance with subsections A and B at the rate of \$0.125 per \$100 of assessed value in any locality embraced by the Northern Virginia Transportation Authority and at the rate of \$0.10 per \$100 of assessed value in any locality wholly embraced by the Hampton Roads metropolitan planning area as of January 1, 2008, pursuant to § 134 of Title 23 of the United States Code; and

(5) The additional real property taxes imposed pursuant to subsection C and this subsection shall be levied, administered, enforced, and collected, in the same manner as set forth in Subtitle III of Title 58.1 for the levy, administration, enforcement, and collection of all local taxes. In addition, the local assessor shall separately assess and set forth upon the locality's land book the fair market value of that portion of property that is defined as separate class of real property for local taxation in accordance with the provisions of this section.

**2. That § 3 of the second enactment of Chapter 896 of the Acts of Assembly of 2007, as amended by Chapter 830 of the Acts of Assembly of 2011, is amended and reenacted as follows:**

§ 3. The net proceeds of the Bonds *authorized by § 2* shall be used exclusively for the purpose of providing funds for paying the costs incurred or to be incurred for construction or funding of transportation projects pursuant to § ~~33.1-23.4-01~~ 33.2-365 of the Code of Virginia, including but not limited to environmental and engineering studies, rights-of-way acquisition, improvements to all modes of transportation, acquisition, construction and related improvements, and any financing costs and other financing expenses. Such costs may include the payment of interest on the Bonds for a period during construction and not exceeding one year after completion of construction of the projects.

**3. That the second enactment of Chapter 896 of the Acts of Assembly of 2007, as amended by Chapter 830 of the Acts of Assembly of 2011, is amended by adding sections numbered 3.1 and 3.2 as follows:**

§ 3.1. *The Commonwealth Transportation Board is hereby further authorized, by and with the consent of the Governor, to issue, pursuant to the provisions of the Transportation Development and Revenue Bond Act (§ 33.2-1700 et seq. of the Code of Virginia), as amended from time to time, revenue obligations of the Commonwealth to be designated "Commonwealth of Virginia Transportation Capital Projects Revenue Bonds, Series ....." at one time in an aggregate principal amount not to exceed an additional \$50 million for a total authorization of \$3.05 billion, plus costs. The issuance of any bonds under this act is subject to the provisions of subsection C of § 33.2-1527 of the Code of Virginia.*

§ 3.2. *The net proceeds of the additional bonds authorized in § 3.1 of this enactment shall be used exclusively for the Commonwealth of Virginia to match federal funds provided for capital projects by the Washington Metropolitan Area Transit Authority.*

**4. That § 58.1-802.2 and Article 10 (§ 58.1-1742) of Chapter 17 of Title 58.1 of the Code of Virginia are repealed.**

**5. That each county or city that is a member of the Potomac Rappahannock Transportation Commission, but not a member of the Northern Virginia Transportation Authority, as of January 1, 2018, shall expend or disburse for the support of public transportation an amount that is at least equal to the average annual amount expended or disbursed for such purposes by the county or city, excluding bond proceeds or debt service payments and federal or state grants, between July 1, 2015, and June 30, 2018.**

**6. That the provisions of this act, except for §§ 33.2-214.3, 33.2-286, and 33.2-1526.1 of the Code of Virginia, as created by this act, and § 58.1-638 of the Code of Virginia, as amended by this act, shall not become effective until 30 days after the District of Columbia and the State of Maryland each enact legislation or take actions to provide dedicated funding for the Washington Metropolitan Area Transit Authority (WMATA). The percentage of funding provided by the Commonwealth for its share of WMATA funding pursuant to this act beginning with the fiscal year that this act becomes effective, and each fiscal year thereafter, shall be proportional to the amount of funding**

provided by the District of Columbia and Maryland relative to their respective share of WMATA funding in that fiscal year.

7. That the Commonwealth Transportation Board shall withhold 20 percent of the funds available pursuant to subdivision C 3 of § 33.2-1526.1 of the Code of Virginia, as created by this act, if (i) any alternate directors participate or take action at an official Washington Metropolitan Area Transit Authority (WMATA) Board meeting or committee meeting as Board directors for a WMATA compact member when both directors appointed by that same WMATA compact member are present at the WMATA Board meeting or committee meeting or (ii) the WMATA Board of Directors has not adopted bylaws that would prohibit such participation by alternate directors.

8. That, beginning July 1, 2019, the Commonwealth Transportation Board (the Board) shall withhold 20 percent of the funds available pursuant to subdivision C 3 of § 33.2-1526.1 of the Code of Virginia, as created by this act, each year unless (i) the Washington Metropolitan Area Transit Authority (WMATA) has adopted a detailed capital improvement program covering the current fiscal year and, at a minimum, the next five fiscal years, and at least one public hearing on such capital improvement program has been held in a locality embraced by the Northern Virginia Transportation Commission, and (ii) WMATA has adopted or updated a strategic plan within the preceding 36 months, and at least one public hearing on such plan or updated plan has been held in a locality embraced by the Northern Virginia Transportation Commission. In order to satisfy the requirements of clause (ii) of this enactment, the first strategic plan adopted to comply with such requirements shall include a plan to align services with demand and to satisfy the other recommendations included in the report submitted pursuant to Item 436 R of Chapter 836 of the Acts of Assembly of 2017.

9. That the Department of Rail and Public Transportation shall develop a prioritization process as required by § 33.2-214.3 of the Code of Virginia, as created by this act, for the Commonwealth Transportation Board's consideration. The Board shall implement the prioritization process required by § 33.2-214.3 of the Code of Virginia, as created by this act, no later than July 1, 2019, and use such process for the development of the Six-Year Improvement Program for fiscal years 2020 through 2025.

10. That the Commonwealth Transportation Board shall (i) adopt the guidelines required by § 33.2-286 of the Code of Virginia, as created by this act, by December 1, 2018, and (ii) develop and adopt a plan for phased implementation of the requirements for submissions of the strategic plans required to be developed over a period of five years. No agency subject to § 33.2-286 of the Code of Virginia, as created by this act, shall be penalized for not submitting a strategic plan pursuant to such section, provided that the agency is in compliance with the phased implementation schedule adopted by the Commonwealth Transportation Board.

11. That notwithstanding the provisions of subdivision C 1 of § 33.2-1526.1 of the Code of Virginia, as created by this act, for fiscal year 2019 the funds allocated to support the operating costs of transit shall be distributed as follows: (i) the first \$54 million of such funds shall be distributed to each transit property in the same proportion as its operating expenses bear to the total statewide operating expenses and shall be spent for purposes deemed to be eligible by the Board and (ii) the remaining amount of such funds shall be allocated to support operating costs of transit providers and shall be distributed by the Board on the basis of service delivery factors, based on effectiveness and efficiency, as established by the Board.

12. That (i) the Washington Metropolitan Area Transit Authority (WMATA) was established pursuant to an interstate compact between Virginia, Maryland, and the District of Columbia to operate a regional mass transit system in the Washington, D.C., metropolitan area; (ii) WMATA is currently the second largest rapid heavy rail mass transportation system and the sixth largest bus mass transportation system in the United States; (iii) Section 16 of the WMATA compact embodies the funding principle that "the payment of the costs shall be borne by the persons using or benefiting from the Authority's facilities and services and any remaining costs shall be equitably shared among the federal, District of Columbia and participating local governments"; (iv) the operation of the rapid heavy rail mass transportation system and the bus mass transportation system by WMATA provides particular and substantial benefit to the persons living, traveling, commuting, and working in those localities embraced by the Northern Virginia Transportation Commission; (v) the benefits to such persons include not only access to the rapid heavy rail mass transportation system and the bus mass transportation system operated by WMATA but also the lessened congestion on roadways and highways as a result of such operations; and (vi) on a typical weekday more than 340,000 trips are taken on WMATA in Virginia. On the basis of these facts, the General Assembly finds that dedicated funding is appropriate and necessary to support the capital needs of WMATA's rapid heavy rail mass transportation system.

13. That Virginia shall seek to appoint members to the Washington Metropolitan Area Transit Authority (WMATA) Board of Directors (i) with experience in transit, transportation, or land use planning; transit, transportation, or other public-sector management; engineering; finance; public safety; homeland security; human resources; or the law and (ii) who are familiar with the WMATA system.

14. That, for projects initiated by the Washington Metropolitan Area Transit Authority on and after July 1, 2018, and located solely within the Commonwealth, bidders, offers, contractors, or subcontractors (i) shall not, as a condition of the contract, be required to enter into or adhere to or prohibited from entering into or adhering to agreements with one or more labor organizations and (ii) shall not otherwise be discriminated against for becoming

or refusing to become or remain signatories or otherwise adhere to agreements with one or more labor organizations.

15. That should any portion of this act be held unconstitutional by a court of competent jurisdiction, the remaining portions shall remain in effect.

16. That should any provision of this act changing the allocation of existing revenues in the Code of Virginia be declared invalid by a court of competent jurisdiction, the amendments to the relevant section of the Code of Virginia made by this act shall expire, and such section shall revert to the language in the Code of Virginia in effect on January 1, 2018.

17. That nothing in this act shall be construed to appropriate or transfer any transportation revenues for nontransportation purposes pursuant to the twenty-second enactment of Chapter 896 of the Acts of Assembly of 2007 or the fourteenth enactment of Chapter 766 of the Acts of Assembly of 2013.

18. That the twelfth enactment of Chapter 684 of the Acts of Assembly of 2015 is amended and reenacted as follows:

12. That the provisions of this act amending §§ 33.2-1530, 58.1-815.4, ~~58.1-1741~~, and 58.1-2289 of the Code of Virginia shall expire if the Commonwealth collects sales and use tax from remote sellers on sales made into the Commonwealth pursuant to legislation enacted by the federal government that grants states that meet minimum simplification requirements specified in such legislation the authority to compel remote retailers to collect sales and use tax on sales made into the respective state.

CHAPTER 855

An Act to amend and reenact § 58.1-439.2 of the Code of Virginia, relating to coalfield employment enhancement tax credit.

[S 378]

Approved May 18, 2018

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-439.2 of the Code of Virginia is amended and reenacted as follows:

§ 58.1-439.2. Coalfield employment enhancement tax credit.

A. For tax years beginning on and after January 1, 1996, but before January 1, 2017, and on and after January 1, 2018, but before January 1, 2023, any person who has an economic interest in coal mined in the Commonwealth shall be allowed a credit against the tax imposed by § 58.1-400 and any other tax imposed by the Commonwealth in accordance with the following:

1. For *metallurgical* coal mined by underground methods, the credit amount shall be based on the seam thickness as follows:

Seam Thickness	Credit per Ton
36" and under	\$2.00
Above 36"	\$1.00

The seam thickness shall be based on the weighted average isopach mapping of actual *metallurgical* coal thickness by mine as certified by a professional engineer. Copies of such certification shall be maintained by the person qualifying for the credit under this section for a period of three years after the credit is applied for and received and shall be available for inspection by the Department of Taxation. The Department of Mines, Minerals and Energy is hereby authorized to audit all information upon which the isopach mapping is based.

2. For *metallurgical* coal mined by surface mining methods, a credit in the amount of 40 cents (\$0.40) per ton for coal sold in 1996, and each year thereafter.

B. In addition to the credit allowed in subsection A, for tax years beginning on and after January 1, 1996, but before January 1, 2023, any person who is a producer of coalbed methane shall be allowed a credit in the amount of one cent (\$0.01) per million BTUs of coalbed methane produced in the Commonwealth against the tax imposed by § 58.1-400 and any other tax imposed by the Commonwealth on such person.

C. For purposes of this section, economic interest is the same as the economic ownership interest required by § 611 of the Internal Revenue Code which was in effect on December 31, 1977. A party who only receives an arm's length royalty shall not be considered as having an economic interest in coal mined in the Commonwealth.

D. If the credit exceeds the person's state tax liability for the tax year, the excess shall be redeemable by the Tax Commissioner on behalf of the Commonwealth for 90 percent of the face value within 90 days after filing the return; however, for credit earned in tax years beginning on and after January 1, 2002, such excess shall be redeemable by the Tax Commissioner on behalf of the Commonwealth for 85 percent of the face value within 90 days after filing the return. The remaining 10 or 15 percent of the value of the credit being redeemed, as applicable for such tax year, shall be deposited by the Commissioner in a regional economic development fund administered by the ~~Coalfields~~ Virginia Coalfield Economic Development Authority to be used for regional economic diversification in accordance with guidelines developed by the ~~Coalfields~~ Virginia Coalfield Economic Development Authority and the Virginia Economic Development Partnership.

E. No person may utilize more than one of the credits on a given ton of coal described in subsection A. No person may claim a credit pursuant to this section for any ton of coal for which a credit has been claimed under § 58.1-433.1 or 58.1-2626.1. Persons who qualify for the credit may not apply such credit to their tax returns prior to January 1, 1999, and only one year of credits shall be allowed annually beginning in 1999.

F. The amount of credit allowed pursuant to subsection A shall be the amount of credit earned multiplied by the person's employment factor. The person's employment factor shall be the percentage obtained by dividing the total number of coal mining jobs of the person filing the return, including the jobs of the contract operators of such person, as reflected in the annual tonnage reports filed with the Department of Mines, Minerals and Energy for the year in which the credit was earned by the total number of coal mining jobs of such persons or operators as reflected in the annual tonnage reports for the year immediately prior to the year in which the credit was earned. In no case shall the credit claimed exceed that amount set forth in subsection A.

G. The tax credit allowed under this section shall be claimed in the third taxable year following the taxable year in which the credit was earned and allowed.

H. As used in this section, "metallurgical coal" means bituminous coal used for the manufacture of iron and steel with calorific value of 14,000 BTUs or greater on a moisture and ash free basis.

**2. That the Department of Taxation shall develop and make publicly available guidelines implementing the provisions of this act. In developing such guidelines, the Department shall not be subject to the provisions of the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia).**

### CHAPTER 856

*An Act to amend and reenact §§ 33.2-2400, 33.2-2401, 33.2-2509, 58.1-638, 58.1-811, as it is currently effective, 58.1-815.4, as it is currently effective and as it may become effective, 58.1-1741, as it is currently effective, 58.1-2289, as it is currently effective, 58.1-2299.20, as it is currently effective, and 58.1-3221.3 of the Code of Virginia; to amend and reenact § 3 of the second enactment of Chapter 896 of the Acts of Assembly of 2007, as amended by Chapter 830 of the Acts of Assembly of 2011; to amend and reenact the twelfth enactment of Chapter 684 of the Acts of Assembly of 2015; to amend the Code of Virginia by adding a section numbered 33.2-214.3, by adding in Article 5 of Chapter 2 of Title 33.2 a section numbered 33.2-286, by adding a section numbered 33.2-1526.1, by adding in Article 11 of Chapter 19 of Title 33.2 a section numbered 33.2-1936, by adding in Title 33.2 a chapter numbered 31.01, consisting of a section numbered 33.2-3100.1, by adding in Title 33.2 a chapter numbered 34, consisting of sections numbered 33.2-3400 through 33.2-3404, by adding in Title 33.2 a chapter numbered 35, consisting of sections numbered 33.2-3500, 33.2-3501, and 33.2-3502, by adding a section numbered 58.1-802.3, and by adding in Chapter 17 of Title 58.1 an article numbered 11, consisting of sections numbered 58.1-1743 and 58.1-1744; to amend the second enactment of Chapter 896 of the Acts of Assembly of 2007, as amended by Chapter 830 of the Acts of Assembly of 2011, by adding sections numbered 3.1 and 3.2; and to repeal § 58.1-802.2 and Article 10 (§ 58.1-1742) of Chapter 17 of Title 58.1 of the Code of Virginia, relating to mass transit in the Commonwealth.*

[S 856]

Approved May 18, 2018

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 33.2-2400, 33.2-2401, 33.2-2509, 58.1-638, 58.1-811, as it is currently effective, 58.1-815.4, as it is currently effective and as it may become effective, 58.1-1741, as it is currently effective, 58.1-2289, as it is currently effective, 58.1-2299.20, as it is currently effective, and 58.1-3221.3 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 33.2-214.3, by adding in Article 5 of Chapter 2 of Title 33.2 a section numbered 33.2-286, by adding a section numbered 33.2-1526.1, by adding in Article 11 of Chapter 19 of Title 33.2 a section numbered 33.2-1936, by adding in Title 33.2 a chapter numbered 31.01, consisting of a section numbered 33.2-3100.1, by adding in Title 33.2 a chapter numbered 34, consisting of sections numbered 33.2-3400 through 33.2-3404, by adding in Title 33.2 a chapter numbered 35, consisting of sections numbered 33.2-3500, 33.2-3501, and 33.2-3502, by adding a section numbered 58.1-802.3, and by adding in Chapter 17 of Title 58.1 an article numbered 11, consisting of sections numbered 58.1-1743 and 58.1-1744, as follows:**

**§ 33.2-214.3. Statewide prioritization for the Commonwealth Mass Transit Fund.**

*A. 1. The Board shall develop a prioritization process for the use of funds allocated pursuant to subdivision C 2 of § 33.2-1526.1. Such prioritization process shall be used for the development of the Six-Year Improvement Program adopted annually by the Board pursuant to § 33.2-214. There shall be a separate prioritization process for state of good repair projects and major expansion projects. The prioritization process shall, for state of good repair projects, be based upon transit asset management principles, including federal requirements for Transit Asset Management pursuant to 49 U.S.C. § 5326. The prioritization process shall, for major expansion projects, be based on an objective and quantifiable analysis that considers the following factors relative to the cost of a major expansion project: congestion mitigation, economic development, accessibility, safety, environmental quality, and land use.*

*2. The Board shall solicit input from localities, metropolitan planning organizations, transit authorities, transportation authorities, and other stakeholders in its development of the prioritization process pursuant to this subsection. Further, the*

Board shall explicitly consider input provided by an applicable metropolitan planning organization or the Northern Virginia Transportation Authority when developing the prioritization process set forth in subdivision 1 for a metropolitan planning area with a population of over 200,000 individuals.

B. 1. The Board shall create for the Department of Rail and Public Transportation a Transit Service Delivery Advisory Committee, consisting of two members appointed by the Virginia Transit Association, one member appointed by the Community Transportation Association of Virginia, one member appointed by the Virginia Municipal League, one member appointed by the Virginia Association of Counties, and three members appointed by the Director of the Department of Rail and Public Transportation, to advise the Department of Rail and Public Transportation in the development of the process set forth in subdivision 2. The Transit Service Delivery Advisory Committee shall elect a chairman from among its membership. The Department of Rail and Public Transportation shall provide administrative support to the Transit Service Delivery Advisory Committee. The Transit Service Delivery Advisory Committee shall meet at least annually and consult with interested stakeholders and hold at least one public hearing and report its findings to the Director of the Department of Rail and Public Transportation.

2. The Department of Rail and Public Transportation, in conjunction with the Transit Service Delivery Advisory Committee, shall develop a process for the distribution of the funds allocated pursuant to subdivision C 1 of § 33.2-1526.1 and the incorporation by transit systems of the service delivery factors set forth therein into their transit development plans. Prior to the Board approving service delivery factors, the Director of the Department of Rail and Public Transportation and the Chairman of the Transit Service Delivery Advisory Committee shall brief the House Committees on Appropriations and Transportation and the Senate Committees on Finance and Transportation regarding the findings and recommendations of the Transit Service Delivery Advisory Committee and the Department of Rail and Public Transportation. Before redefining any component of the service delivery factors, the Board shall consult with the Director of the Department of Rail and Public Transportation, the Transit Service Delivery Advisory Committee, and interested stakeholders, and shall provide for a 45-day public comment period. The process required to be delivered by this subsection shall be adopted no later than July 1, 2019, and shall apply beginning with the fiscal year 2020-2025 Six-Year Improvement Program.

**§ 33.2-286. Urban transit agency strategic plans.**

A. The Department of Rail and Public Transportation shall develop guidelines, subject to the approval of the Board, for the development of strategic plans for transit agencies that (i) serve an urbanized area with a population of 50,000 or more and (ii) have a bus fleet consisting of at least 20 buses.

B. As a condition of receiving funds from the Commonwealth Mass Transit Fund, any transit agency that meets the criteria of subsection A shall develop, and update at least once every five years, a strategic plan using the guidelines approved by the Board.

C. The guidelines shall require the following:

1. An assessment of state of good repair needs;
2. A review of the performance of fixed-route bus service, including schedules, route design, connectivity, and vehicle sizes;
3. An evaluation of opportunities to improve operating efficiency of the transit network, including reliability of trips and travel speed;
4. An examination and identification of opportunities to share services where multiple transit providers' services overlap; and
5. An examination of opportunities to improve service in underserved areas.

D. In addition to developing and updating a strategic plan pursuant to this section, in all planning districts with transit systems collectively serving population areas of not less than 1.5 million nor more than 2 million, such transit systems shall develop a regional transit planning process coordinated by the federally designated Metropolitan Planning Organization. Such planning process shall include the identification and prioritization of projects, the establishment of performance benchmarks that incorporate state and federal requirements, the development and implementation of a regional subsidy allocation model, and the distribution of funds solely designated for transit and rail and that are administered by a regional body authorized by this Code to enter into agreements for the operation and maintenance of transit and rail facilities.

**§ 33.2-1526.1. Use of the Commonwealth Mass Transit Fund.**

A. All funds deposited pursuant to §§ 58.1-638, 58.1-638.3, 58.1-815.4, and 58.1-2289 into the Commonwealth Mass Transit Fund (the Fund), established pursuant to subdivision A 4 of § 58.1-638, shall be allocated as set forth in this section.

B. The Board may establish policies for the implementation of this section, including the determination of the state share of operating, capital, and administrative costs related to mass transit. For purposes of this section, capital costs may include debt service payments on local or agency transit bonds. Funds may be paid to any local governing body, transportation district commission, or public service corporation for the purposes as set forth in this section. No funds from the Fund shall be allocated without a local match from the recipient.

C. Each year the Director of the Department of Rail and Public Transportation shall make recommendations to the Board for the allocation of funds from the Fund. Such recommendations, and the final allocations approved by the Board, shall adhere to the following:

1. Thirty-one percent of the funds shall be allocated to support operating costs of transit providers and shall be distributed by the Board on the basis of service delivery factors, based on effectiveness and efficiency as established by the

*Board. Such measures and their relative weight shall be evaluated every three years and, if redefined by the Board, shall be published and made available for public comment at least one year in advance of being applied. The Washington Metropolitan Area Transit Authority (WMATA) shall not be eligible for an allocation of funds pursuant to this subdivision.*

*2. Twelve and one-half percent of the funds shall be allocated for capital purposes and distributed utilizing the transit capital prioritization process established by the Board pursuant to § 33.2-214.3. The Washington Metropolitan Area Transit Authority shall not be eligible for an allocation of funds pursuant to this subdivision.*

*3. Fifty-three and one-half percent of the funds shall be allocated to the Northern Virginia Transportation Commission for distribution to WMATA for capital purposes and operating assistance, as determined by the Commission.*

*4. Three percent of the funds shall be allocated for special programs, including ridesharing, transportation demand management programs, experimental transit, public transportation promotion, operation studies, and technical assistance, and may be allocated to any local governing body, planning district commission, transportation district commission, or public transit corporation. Remaining funds may also be used directly by the Department of Rail and Public Transportation to (i) finance a program administered by the Department of Rail and Public Transportation designed to promote the use of public transportation and ridesharing throughout the Commonwealth or (ii) finance up to 80 percent of the cost of development and implementation of projects with a purpose of enhancing the provision and use of public transportation services.*

*D. The Board may consider the transfer of funds from subdivisions C 2 and 4 to subdivision C 1 in times of statewide economic distress or statewide special need.*

*E. The Department of Rail and Public Transportation may reserve a balance of up to five percent of the Fund revenues in order to ensure stability in providing operating and capital funding to transit entities from year to year, provided that such balance shall not exceed five percent of revenues in a given biennium.*

*F. The Board may allocate up to 3.5 percent of the funds set aside for the Fund to support costs of project development, project administration, and project compliance incurred by the Department of Rail and Public Transportation in implementing rail, public transportation, and congestion management grants and programs.*

*G. Funds allocated to the Northern Virginia Transportation Commission (NVTC) for WMATA pursuant to subdivision C 3 shall be credited to the Counties of Arlington and Fairfax and the Cities of Alexandria, Fairfax, and Falls Church. Beginning in the fiscal year when service starts on Phase II of the Silver Line, such funds shall also be credited to Loudoun County. Funds allocated pursuant to this subsection shall be credited as follows:*

*1. Local obligations for debt service for WMATA rail transit bonds apportioned to each locality using WMATA's capital formula shall be paid first by NVTC, which shall use 95 percent state aid for these payments.*

*2. The remaining funds shall be apportioned to reflect WMATA's allocation formulas by using the related WMATA-allocated subsidies and relative shares of local transit subsidies. Capital costs shall include 20 percent of annual local bus capital expenses. Local transit subsidies and local capital costs of Loudoun County shall not be included. Hold harmless protections and obligations for NVTC's jurisdictions agreed to by NVTC on November 5, 1998, shall remain in effect.*

*H. Appropriations from the Fund are intended to provide a stable and reliable source of revenue, as defined by P.L. 96-184.*

*I. Notwithstanding any other provision of law, funds allocated to WMATA may be disbursed by the Department of Rail and Public Transportation directly to WMATA or to any other transportation entity that has an agreement to provide funding to WMATA.*

*J. In any year that the total Virginia operating assistance in the approved WMATA budget increases by more than 3 percent from the total operating assistance in the prior year's approved WMATA budget, the Board shall withhold an amount equal to 35 percent of the funds available under subdivision C 3. The following items shall not be included in the calculation of any WMATA budget increase: (i) any service, equipment, or facility that is required by any applicable law, rule, or regulation; (ii) any capital project approved by the WMATA Board before or after the effective date of this provision; and (iii) any payments or obligations of any kind arising from or related to legal disputes or proceedings between or among WMATA and any other person or entity.*

**§ 33.2-1936. Transportation districts with unique needs.**

*The General Assembly finds that transportation districts that (i) have a population of 1.7 million or more, as shown by the most recent United States Census, (ii) have not less than 1.5 million motor vehicles registered therein, and (iii) have a total transit ridership of not less than 75 million riders per year across all transit systems within the transportation district and in which a rapid heavy rail commuter mass transportation system operating on an exclusive right-of-way and a bus commuter mass transportation system are owned, operated, or controlled by an agency or commission as defined in § 33.2-1901 have unique transportation needs.*

**§ 33.2-2400. Northern Virginia Transportation District Fund.**

*A. There is hereby created in the Department of the Treasury a special nonreverting fund that shall be a part of the Transportation Trust Fund and that shall be known as the Northern Virginia Transportation District Fund, referred to in this chapter as "the Fund," consisting of transfers pursuant to § 58.1-816 of annual collections of the state recordation taxes attributable to the Cities of Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park and the Counties of Arlington, Fairfax, Loudoun, and Prince William; however, this dedication shall not affect the local recordation taxes under subsection B of § 58.1-802 and § 58.1-814. The Fund shall also include any public rights-of-way use fees appropriated by*

the General Assembly; any state or local revenues, including any funds distributed pursuant to § 33.2-366, that may be deposited into the Fund pursuant to a contract between a jurisdiction participating in the Northern Virginia Transportation District Program and the Commonwealth Transportation Board; and any other funds as may be appropriated by the General Assembly and designated for the Fund and all interest, dividends, and appreciation that may accrue thereto. Any moneys remaining in the Fund at the end of a biennium shall not revert to the general fund, but shall remain in the Fund, subject to the determination by the Commonwealth Transportation Board that a Category 2, 3, or 4 project may be funded.

B. Allocations from the Fund may be paid (i) to any authority, locality, or commission for the purposes of paying the costs of the Northern Virginia Transportation District Program, which consists of the following: the Fairfax County Parkway, the Route 234 Bypass, Metrorail capital improvements attributable to Fairfax County including Metro parking expansions, Metrorail capital improvements including the Franconia-Springfield Metrorail Station and new rail car purchases, the Route 7 improvements in Loudoun County and Fairfax County, the Route 50/Courthouse Road interchange improvements in Arlington County, the Route 28/Route 625 interchange improvements in Loudoun County, Metrorail capital improvements attributable to the City of Alexandria including the King Street Metrorail Station access, Metrorail capital improvements attributable to Arlington County including Ballston Station improvements, the Route 15 safety improvements in Loudoun County, the Route 28 parallel roads in Loudoun County, the Route 28/Sterling Boulevard interchange in Loudoun County, the Route 1/Route 123 interchange improvements in Prince William County, the Lee Highway improvements in the City of Fairfax, the Route 123 improvements in Fairfax County, the Telegraph Road improvements in Fairfax County, the Route 123 Occoquan River Bridge, Gallows Road in Fairfax County, the Route 1/Route 234 interchange improvements in Prince William County, the Potomac-Rappahannock Transportation Commission bus replacement program, and the Dulles Corridor Enhanced Transit program and (ii) for Category 4 projects as provided in § 2 of the act or acts authorizing the issuance of Bonds for the Northern Virginia Transportation District Program.

C. On or before July 15, 1994, \$19 million shall be transferred to the Fund. Such transfer shall be made by the issuance of a treasury loan at no interest in the amount of \$19 million in the event such an amount is not included for the Fund in the general appropriation act enacted by the 1994 Session of the General Assembly. Such treasury loan shall be repaid from the Commonwealth's portion of the state recordation tax imposed by Chapter 8 (§ 58.1-800 et seq.) of Title 58.1 designated for the Fund by this section and § 58.1-816.

D. *Beginning in fiscal year 2019, \$20 million each year shall be transferred from the Fund to the Washington Metropolitan Area Transit Authority Capital Fund established pursuant to § 33.2-3401.*

**§ 33.2-2401. Northern Virginia Transportation District Program.**

A. The General Assembly declares it to be in the public interest that the economic development needs and economic growth potential of Northern Virginia be addressed by a special transportation program to provide for the costs of providing an adequate, modern, safe, and efficient transportation network in Northern Virginia that shall be known as the Northern Virginia Transportation District Program (the Program), including environmental and engineering studies, rights-of-way acquisition, construction, improvements to all modes of transportation, and financing costs. The Program consists of the projects listed in clause (i) of subsection B of § 33.2-2400.

B. Allocations to the Program from the Fund shall be made annually by the Commonwealth Transportation Board for the creation and enhancement of a safe and efficient transportation system connecting the communities, businesses, places of employment, and residences of the Commonwealth, thereby enhancing the economic development potential, employment opportunities, mobility, and quality of life in the Commonwealth.

C. Except in the event that the Fund is insufficient to pay for the costs of the Program, allocations to the Program shall not diminish or replace allocations made from other sources or diminish allocations to which any district, system, or locality would be entitled under other provisions of this title but shall be supplemental to other allocations to the end that transportation improvements in the Northern Virginia Transportation District may be accelerated and augmented. Allocations under this subsection shall be limited to projects specified in subdivision 12 of § 33.2-1700.

D. The Commonwealth Transportation Board may expend such funds from all sources as may be lawfully available to initiate the Program and to support bonds and other obligations referenced in subsection E *and in subsection D of § 33.2-2400.*

E. The Commonwealth Transportation Board is authorized to receive, dedicate, or use (i) first from revenues received from the Fund; (ii) to the extent required, funds ~~appropriated and allocated, pursuant to the highway allocation formula as provided by law, to the highway construction district in which the project or projects to be financed are located or to the city or county in which the project or projects to be financed are located~~ *available for distribution after providing for subsection B of § 33.2-358;* (iii) to the extent required, legally available revenues of the Transportation Trust Fund; and (iv) such other funds that may be appropriated by the General Assembly for the payment of bonds or other obligations, including interest thereon, issued in furtherance of the Program. No such bond or other obligations shall pledge the full faith and credit of the Commonwealth.

**§ 33.2-2509. Northern Virginia Transportation Authority Fund.**

There is hereby created in the state treasury a special nonreverting fund for Planning District 8 to be known as the Northern Virginia Transportation Authority Fund, referred to in this chapter as "the Fund." The Fund shall be established on the books of the Comptroller. All revenues dedicated to the Fund pursuant to §§ 58.1-638; ~~58.1-802.2; and 58.1-1742~~, any other funds that may be appropriated by the General Assembly, and any funds that may be received for the credit of the

Fund from any other source shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund.

The amounts dedicated to the Fund pursuant to §§ 58.1-638; ~~58.1-802.2~~; and ~~58.1-1742~~ shall be deposited monthly by the Comptroller into the Fund and thereafter distributed to the Authority as soon as practicable for use in accordance with § 33.2-2510. If the Authority determines that such moneys distributed to it exceed the amount required to meet the current needs and demands to fund transportation projects pursuant to § 33.2-2510, the Authority may invest such excess moneys to the same extent as provided in subsection A of § 33.2-1525 for excess funds in the Transportation Trust Fund.

The amounts deposited into the Fund and the distribution and expenditure of such amounts shall not be used to calculate or reduce the share of federal, state, or local revenues otherwise available to participating jurisdictions. Further, such revenues and moneys shall not be included in any computation of, or formula for, a locality's ability to pay for public education, upon which appropriations of state revenues to local governments for public education are determined.

CHAPTER 31.01.

METRO REFORM COMMISSION.

**§ 33.2-3100.1. Metro Reform Commission established; membership; duties.**

A. As used in this chapter, unless the context requires a different meaning:

"Commission" means the Metro Reform Commission.

"WMATA" means the Washington Metropolitan Area Transit Authority.

B. There is hereby created the Metro Reform Commission. The Commission shall consist of four members appointed as follows: two members appointed by the Speaker of the House of Delegates and two members appointed by the Senate Committee on Rules. Members of the Commission may or may not be members of the General Assembly. Members shall be citizens of the Commonwealth, but shall not be required to reside in the area served by WMATA. Members shall serve without compensation, but shall be entitled to be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties pursuant to §§ 2.2-2813 and 2.2-2825.

C. The Commission shall advise and make recommendations to the Signatories of the Washington Metropolitan Area Transit Authority Compact of 1966 on reforms to the National Capital Area Interest Arbitration Standards Act.

CHAPTER 34.

WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY CAPITAL FUND.

**§ 33.2-3400. Definitions.**

As used in this chapter:

"Fund" means the Washington Metropolitan Area Transit Authority Capital Fund.

"NVTC" means the Northern Virginia Transportation Commission.

"WMATA" means the Washington Metropolitan Area Transit Authority.

**§ 33.2-3401. Washington Metropolitan Area Transit Authority Capital Fund.**

A. There is hereby created in the state treasury a special nonreverting fund for the benefit of the Northern Virginia Transportation District to be known as the Washington Metropolitan Area Transit Authority Capital Fund. The Fund shall be established on the books of the Comptroller. All revenues dedicated to the Fund pursuant to §§ 33.2-2400, 33.2-3404, 58.1-802.3, 58.1-1741, 58.1-1743, and 58.1-2299.20 shall be paid into the state treasury and credited to the Fund as set forth in subsection B and shall be used for the payment of capital purposes incurred, or to be incurred, by WMATA. Interest on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. The Comptroller shall disburse funds to WMATA on a monthly basis if NVTC has provided the certification required by subsection B of § 33.2-3402.

B. 1. Within the Fund, there shall be established a separate, segregated account into which revenues dedicated to the Fund pursuant to §§ 33.2-2400 and 58.1-1741 shall be deposited (the Restricted Account). Revenues deposited into the Restricted Account shall be available for use by WMATA for capital purposes other than for the payment of, or security for, debt service on bonds or other indebtedness of WMATA.

2. Within the Fund, there shall be established a separate, segregated account into which revenues dedicated to the Fund pursuant to §§ 33.2-3404, 58.1-802.3, 58.1-1743, and 58.1-2299.20 shall be deposited (the Non-Restricted Account). Revenues deposited into the Non-Restricted Account shall be available for use by WMATA for capital purposes, including for the payment of, or security for, debt service on bonds or other indebtedness of WMATA, or for any other WMATA capital purposes.

C. The amounts deposited into the Fund and the distribution and expenditure of such amounts shall not be used to calculate or reduce the share of federal, state, or local revenues otherwise available to participating jurisdictions. Further, such revenues and moneys shall not be included in any computation of, or formula for, a locality's ability to pay for public education, upon which appropriations of state revenues to local governments for public education are determined.

**§ 33.2-3402. NVTC oversight.**

A. In any year that funds are deposited into the Fund, the NVTC shall request certain documents and reports from WMATA to confirm the benefits of the WMATA system to persons living, traveling, commuting, and working in the localities that the NVTC comprises. Such documents and reports shall include:

1. WMATA's annual capital budget;

2. WMATA's annual independent financial audit;
3. WMATA's National Transit Data annual profile; and
4. Single audit reports issued in accordance with the Uniform Administrative Requirements, Cost Principals, and Audit Requirements for Federal Awards (2 C.F.R. Part 200).

B. NVTC shall be responsible for coordinating the delivery of such documents and reports with WMATA. Funding of the Commonwealth to support WMATA pursuant to § 33.2-1526.1 shall be contingent on WMATA providing the documents and reports described in subsection A, and NVTC shall provide annual certification to the Comptroller that such documents and reports have been received.

**§ 33.2-3403. NVTC report.**

By November 1 of each year that funds are deposited into the Fund, NVTC shall report to the Governor and the General Assembly on the performance and condition of WMATA. Such report shall contain, at a minimum, documentation of the following:

1. The safety and reliability of the rapid heavy rail mass transportation system and bus network;
2. The financial performance of WMATA related to the operations of the rapid heavy rail mass transportation system, including farebox recovery, service per rider, and cost per service hour;
3. The financial performance of WMATA related to the operations of the bus mass transportation system, including farebox recovery, service per rider, and cost per service hour;
4. Potential strategies to reduce the growth in such costs and to improve the efficiency of WMATA operations;
5. Use of the funds provided from the Fund to improve the safety and condition of the rapid heavy rail mass transportation system; and
6. Ridership of the rapid heavy rail mass transportation system and the bus mass transportation system.

**§ 33.2-3404. Local transportation support for WMATA.**

A. Each county or city that (i) is located in a transportation district that as of January 1, 2018, meets the criteria established in § 33.2-1936 and (ii) has financial obligations to a transit system that operates a rapid heavy rail mass transit system operating on an exclusive right-of-way that is funded and controlled in part by such transportation district shall annually pay to the Fund an amount as determined by subsection B.

B. The amount to be paid by each local government pursuant to subsection A shall be determined by multiplying \$27.12 million by a fraction the numerator of which shall be such local government's share of capital funding for WMATA and the denominator of which shall be the total share of capital funding for WMATA for all local governments in the Commonwealth.

C. A locality subject to subsection A shall pay the amount determined by subsection B by transferring a portion of the revenues received pursuant to subsection B of § 33.2-2510 to the Fund. However, in any fiscal year in which a locality subject to subsection A has adopted a budget and a corresponding resolution to provide the amount of funds determined pursuant to subsection B from a source other than the revenues received pursuant to subsection B of § 33.2-2510, such locality may provide the funds for that fiscal year from such other source, and shall not be required to transfer funds received pursuant to subdivision B of § 33.2-2510.

CHAPTER 35.

COMMUTER RAIL OPERATING AND CAPITAL FUND.

**§ 33.2-3500. Commuter Rail Operating and Capital Fund.**

A. The General Assembly declares it to be in the public interest that developing and continuing commuter rail operations and developing rail infrastructure, rolling stock, and support facilities to support commuter rail service are important elements of a balanced transportation system in the Commonwealth and further declares that retaining, maintaining, improving, and developing commuter rail-related infrastructure improvements and operations are essential to the Commonwealth's continued economic growth, vitality, and competitiveness in national and world markets.

B. There is hereby created in the state treasury a special nonreverting fund to be known as the Commuter Rail Operating and Capital Fund, referred to in this section as "the Fund." The Fund shall be established on the books of the Comptroller and shall consist of funds deposited into the Fund pursuant to § 58.1-2299.20 and other funds as may be set forth in a general appropriation act or allocated by the Commonwealth Transportation Board. Such funds shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. The Comptroller shall disburse funds in the Fund monthly to transportation districts established pursuant to Chapter 19 (§ 33.2-1900 et seq.) that on July 1, 2018, jointly operate a commuter rail system. The amount distributed to each transportation district shall be determined by multiplying the total amount of funds available for disbursement by a fraction, the numerator of which shall be such transportation district's share of funding for the commuter rail service jointly operated by the two transportation districts and the denominator of which shall be the total funding provided by both transportation districts for such commuter rail service.

C. If the transportation districts described in subsection B determine that such moneys distributed to the districts exceed the amount required to meet the current capital and operating needs of the commuter rail system, they may invest such excess moneys to the same extent as provided in subsection A of § 33.2-1525 for excess funds in the Transportation Trust Fund.

*D. The amounts deposited into the Fund and the distribution and expenditure of such amounts shall not be used to calculate or reduce the share of federal, state, or local revenues otherwise available to participating jurisdictions. Further, such revenues and moneys shall not be included in any computation of, or formula for, a locality's ability to pay for public education, upon which appropriations of state revenues to local governments for public education are determined. Any amounts deposited pursuant to § 58.1-2299.20 shall be considered local funds when used to make a required match for state or federal transportation grant funds.*

**§ 33.2-3501. Use of revenues in the Fund.**

*A. The transportation districts described in subsection B of § 33.2-3500 shall administer and expend, or commit, funds from the Fund to support the cost of operating commuter rail service; acquiring, leasing, or improving railways or railroad equipment, rolling stock, rights-of-way, or facilities; or assisting other appropriate entities to acquire, lease, or improve railways or railroad equipment, rolling stock, rights-of-way, or facilities for commuter rail transportation purposes whenever such transportation districts have determined that such acquisition, lease, or improvement is for the common good of a region of the Commonwealth or the Commonwealth as a whole. Funds provided in this section may also be used as matching funds for federal grants to support commuter rail projects.*

*B. Capital projects, including tracks and facilities constructed, and property, equipment, and rolling stock purchased, with funds from the Fund pursuant to this section shall be owned, leased, or otherwise subject to the continuing use of the transportation districts described in subsection B of § 33.2-3500 for the useful life of the projects and property, equipment, and rolling stock, as determined by such transportation districts, and shall be made available for use by all commuter rail operations and common carriers using the railway system to which they connect under the trackage rights or operating agreements between the parties. Such transportation districts may transfer ownership of any tracks or property to the Commonwealth. Projects undertaken pursuant to this section shall be limited to those providing benefits to a region of the Commonwealth, the Commonwealth as a whole, or an adjacent jurisdiction served by commuter rail originating in the Commonwealth.*

**§ 33.2-3502. Authority to issue bonds.**

*The transportation districts described in subsection B of § 33.2-3500 may issue bonds and other evidences of debt as may be authorized by this section or other law. The provisions of Article 5 (§ 33.2-1920 et seq.) of Chapter 19 shall apply, mutatis mutandis, to the issuance of such bonds or other debt. The Authority may issue bonds or other debt in such amounts as it deems appropriate. The bonds may be supported by any funds available in the Fund, provided that the total amount of debt service for all outstanding bonds may not exceed 66 percent of the revenues dedicated to the Fund pursuant to § 58.1-2299.20.*

**§ 58.1-638. Disposition of state sales and use tax revenue.**

*A. The Comptroller shall designate a specific revenue code number for all the state sales and use tax revenue collected under the preceding sections of this chapter.*

*1. The sales and use tax revenue generated by the one-half percent sales and use tax increase enacted by the 1986 Special Session of the General Assembly shall be paid, in the manner hereinafter provided in this section, to the Transportation Trust Fund as defined in § 33.2-1524. Of the funds paid to the Transportation Trust Fund, an aggregate of 4.2 percent shall be set aside as the Commonwealth Port Fund as provided in this section; an aggregate of 2.4 percent shall be set aside as the Commonwealth Airport Fund as provided in this section; and an aggregate of 14.7 percent shall be set aside as the Commonwealth Mass Transit Fund as provided in this section. The Fund's share of such net revenue shall be computed as an estimate of the net revenue to be received into the state treasury each month, and such estimated payment shall be adjusted for the actual net revenue received in the preceding month. All payments shall be made to the Fund on the last day of each month.*

*2. There is hereby created in the Department of the Treasury a special nonreverting fund which shall be a part of the Transportation Trust Fund and which shall be known as the Commonwealth Port Fund.*

*a. The Commonwealth Port Fund shall be established on the books of the Comptroller and the funds remaining in such Fund at the end of a biennium shall not revert to the general fund but shall remain in the Fund. Interest earned on such funds shall remain in the Fund and be credited to it. Funds may be paid to any authority, locality or commission for the purposes hereinafter specified.*

*b. The amounts allocated pursuant to this section shall be allocated by the Commonwealth Transportation Board to the Board of Commissioners of the Virginia Port Authority to be used to support port capital needs and the preservation of existing capital needs of all ocean, river, or tributary ports within the Commonwealth. Expenditures for such capital needs are restricted to those capital projects specified in subsection B of § 62.1-132.1.*

*c. Commonwealth Port Fund revenue shall be allocated by the Board of Commissioners to the Virginia Port Authority in order to foster and stimulate the flow of maritime commerce through the ports of Virginia, including but not limited to the ports of Richmond, Hopewell, and Alexandria.*

*3. There is hereby created in the Department of the Treasury a special nonreverting fund which shall be part of the Transportation Trust Fund and which shall be known as the Commonwealth Airport Fund. The Commonwealth Airport Fund shall be established on the books of the Comptroller and any funds remaining in such Fund at the end of a biennium shall not revert to the general fund but shall remain in the Fund. Interest earned on the funds shall be credited to the Fund. The funds so allocated shall be allocated by the Commonwealth Transportation Board to the Virginia Aviation Board. The funds shall be allocated by the Virginia Aviation Board to any Virginia airport which is owned by the Commonwealth, a*

governmental subdivision thereof, or a private entity to which the public has access for the purposes enumerated in § 5.1-2.16, or is owned or leased by the Metropolitan Washington Airports Authority (MWAA), as follows:

Any new funds in excess of \$12.1 million which are available for allocation by the Virginia Aviation Board from the Commonwealth Transportation Fund, shall be allocated as follows: 60 percent to MWAA, up to a maximum annual amount of \$2 million, and 40 percent to air carrier airports as provided in subdivision A 3 a. Except for adjustments due to changes in enplaned passengers, no air carrier airport sponsor, excluding MWAA, shall receive less funds identified under subdivision A 3 a than it received in fiscal year 1994-1995.

Of the remaining amount:

a. Forty percent of the funds shall be allocated to air carrier airports, except airports owned or leased by MWAA, based upon the percentage of enplanements for each airport to total enplanements at all air carrier airports, except airports owned or leased by MWAA. No air carrier airport sponsor, however, shall receive less than \$50,000 nor more than \$2 million per year from this provision.

b. Forty percent of the funds shall be allocated by the Aviation Board for air carrier and reliever airports on a discretionary basis, except airports owned or leased by MWAA.

c. Twenty percent of the funds shall be allocated by the Aviation Board for general aviation airports on a discretionary basis.

3a. There is hereby created in the Department of the Treasury a special nonreverting fund that shall be a part of the Transportation Trust Fund and that shall be known as the Commonwealth Space Flight Fund. The Commonwealth Space Flight Fund shall be established on the books of the Comptroller and the funds remaining in such Fund at the end of a biennium shall not revert to the general fund but shall remain in the Fund. Interest earned on such funds shall remain in the Fund and be credited to it.

a. The amounts allocated to the Commonwealth Space Flight Fund pursuant to § 33.2-1526 shall be allocated by the Commonwealth Transportation Board to the Board of Directors of the Virginia Commercial Space Flight Authority to be used to support the capital needs, maintenance, and operating costs of any and all facilities owned and operated by the Virginia Commercial Space Flight Authority.

b. Commonwealth Space Flight Fund revenue shall be allocated by the Board of Directors to the Virginia Commercial Space Flight Authority in order to foster and stimulate the growth of the commercial space flight industry in Virginia.

4. There is hereby created in the Department of the Treasury a special nonreverting fund which shall be a part of the Transportation Trust Fund and which shall be known as the Commonwealth Mass Transit Fund.

a. The Commonwealth Mass Transit Fund shall be established on the books of the Comptroller and any funds remaining in such Fund at the end of the biennium shall not revert to the general fund but shall remain in the Fund. Interest earned on such funds shall be credited to the Fund. ~~If funds in subdivision 4 b (1)(c) or 4 b (2)(d) are allocated to the construction of a new fixed rail project, such project shall be evaluated according to the process established pursuant to subsection B of § 33.2-214.1. Funds may be paid to any local governing body, transportation district commission, or public service corporation for the purposes hereinafter specified.~~

b. The amounts allocated pursuant to ~~this section~~ § 33.2-1526.1 shall be used to support the operating, capital, and administrative costs of public transportation at a state share determined by the Commonwealth Transportation Board, and these amounts may be used to support the capital project costs of public transportation and ridesharing equipment, facilities, and associated costs at a state share determined by the Commonwealth Transportation Board. Capital costs may include debt service payments on local or agency transit bonds. ~~In making these determinations, the Commonwealth Transportation Board shall confer with the Director of the Department of Rail and Public Transportation. In development of the Director's recommendation and subsequent allocation of funds by the Commonwealth Transportation Board, the Director of the Department of Rail and Public Transportation and the Commonwealth Transportation Board shall adhere to the following:~~

~~(1) For the distribution of revenues from the Commonwealth Mass Transit Fund, of those revenues generated in 2014 and thereafter, the first \$160 million in revenues or the maximum available revenues if less than \$160 million shall be distributed by the Commonwealth Transportation Board as follows:~~

~~(a) Funds for special programs, which shall include ridesharing, transportation demand management programs, experimental transit, public transportation promotion, operation studies, and technical assistance, shall not exceed 3 percent of the funds pursuant to this section and may be allocated to any local governing body, planning district commission, transportation district commission, or public transit corporation, or may be used directly by the Department of Rail and Public Transportation for the following purposes and aid of public transportation services:~~

~~(i) To finance a program administered by the Department of Rail and Public Transportation designed to promote the use of public transportation and ridesharing throughout Virginia.~~

~~(ii) To finance up to 80 percent of the cost of the development and implementation of projects where the purpose of such project is to enhance the provision and use of public transportation services.~~

~~(b) At least 72 percent of the funds shall be distributed to each transit property in the same proportion as its operating expenses bear to the total statewide operating expenses and shall be spent for the purposes specified in subdivision 4 b.~~

~~(c) Twenty-five percent of the funds shall be allocated and distributed utilizing a tiered approach evaluated by the Transit Service Delivery Advisory Committee along with the Director of the Department of Rail and Public Transportation and established by the Commonwealth Transportation Board for capital purposes based on asset need and anticipated state participation level and revenues. The tier distribution measures may be evaluated by the Transit Service Delivery Advisory~~

Committee along with the Director of the Department of Rail and Public Transportation every three years and, if redefined by the Board, shall be published at least one year in advance of being applied. Funds allocated for debt service payments will be included in the tier that applies to the capital asset that is leveraged.

(d) Transfer of funds from funding categories in subdivisions 4 b (1)(a) and 4 b (1)(c) to 4 b (1)(b) shall be considered by the Commonwealth Transportation Board in times of statewide economic distress or statewide special need.

(2) The Commonwealth Transportation Board shall allocate the remaining revenues after the application of the provisions set forth in subdivision 4 b (1) generated for the Commonwealth Mass Transit Fund for 2014 and succeeding years as follows:

(a) Funds pursuant to this section shall be distributed among operating, capital, and special projects in order to respond to the needs of the transit community.

(b) Of the funds pursuant to this section, at least 72 percent shall be allocated to support operating costs of transit providers and distributed by the Commonwealth Transportation Board based on service delivery factors, based on effectiveness and efficiency, as established by the Commonwealth Transportation Board. These measures and their relative weight shall be evaluated every three years and, if redefined by the Commonwealth Transportation Board, shall be published and made available for public comment at least one year in advance of being applied. In developing the service delivery factors, the Commonwealth Transportation Board shall create for the Department of Rail and Public Transportation a Transit Service Delivery Advisory Committee, consisting of two members appointed by the Virginia Transit Association, one member appointed by the Community Transportation Association of Virginia, one member appointed by the Virginia Municipal League, one member appointed by the Virginia Association of Counties, and three members appointed by the Director of the Department of Rail and Public Transportation, to advise the Department of Rail and Public Transportation in the development of a distribution process for the funds allocated pursuant to this subdivision 4 b (2)(b) and how transit systems can incorporate these metrics in their transit development plans. The Transit Service Delivery Advisory Committee shall elect a Chair. The Department of Rail and Public Transportation shall provide administrative support to the committee. Effective July 1, 2013, the Transit Service Delivery Advisory Committee shall meet at least annually and consult with interested stakeholders and hold at least one public hearing and report its findings to the Director of the Department of Rail and Public Transportation. Prior to the Commonwealth Transportation Board approving the service delivery factors, the Director of the Department of Rail and Public Transportation along with the Chair of the Transit Service Delivery Advisory Committee shall brief the Senate Committee on Finance, the House Appropriations Committee, and the Senate and House Committees on Transportation on the findings of the Transit Service Delivery Advisory Committee and the Department's recommendation. Before redefining any component of the service delivery factors, the Commonwealth Transportation Board shall consult with the Director of the Department of Rail and Public Transportation, Transit Service Delivery Advisory Committee, and interested stakeholders and provide for a 45-day public comment period. Prior to approval of any amendment to the service delivery measures, the Board shall notify the aforementioned committees of the pending amendment to the service delivery factors and its content.

(c) Funds for special programs, which shall include ridesharing, transportation demand management programs, experimental transit, public transportation promotion, operation studies, and technical assistance, shall not exceed 3 percent of the funds pursuant to this section and may be allocated to any local governing body, planning district commission, transportation district commission, or public transit corporation, or may be used directly by the Department of Rail and Public Transportation for the following purposes and aid of public transportation services:

(i) To finance a program administered by the Department of Rail and Public Transportation designed to promote the use of public transportation and ridesharing throughout Virginia.

(ii) To finance up to 80 percent of the cost of the development and implementation of projects where the purpose of such project is to enhance the provision and use of public transportation services.

(d) Of the funds pursuant to this section, 25 percent shall be allocated and distributed utilizing a tiered approach evaluated by the Transit Service Delivery Advisory Committee along with the Director of Rail and Public Transportation and established by the Commonwealth Transportation Board for capital purposes based on asset need and anticipated state participation level and revenues. The tier distribution measures may be evaluated by the Transit Service Delivery Advisory Committee along with the Director of Rail and Public Transportation every three years and, if redefined by the Board, shall be published at least one year in advance of being applied. Funds allocated for debt service payments shall be included in the tier that applies to the capital asset that is leveraged.

(e) Transfer of funds from funding categories in subdivisions 4 b (2)(c) and 4 b (2)(d) to 4 b (2)(b) shall be considered by the Commonwealth Transportation Board in times of statewide economic distress or statewide special need.

(f) The Department of Rail and Public Transportation may reserve a balance of up to five percent of the Commonwealth Mass Transit Fund revenues under this subsection in order to assure better stability in providing operating and capital funding to transit entities from year to year.

(3) The Commonwealth Mass Transit Fund shall not be allocated without requiring a local match from the recipient.

c. There is hereby created in the Department of the Treasury a special nonreverting fund known as the Commonwealth Transit Capital Fund. The Commonwealth Transit Capital Fund shall be part of the Commonwealth Mass Transit Fund. The Commonwealth Transit Capital Fund subaccount shall be established on the books of the Comptroller and consist of such moneys as are appropriated to it by the General Assembly and of all donations, gifts, bequests, grants, endowments, and other moneys given, bequeathed, granted, or otherwise made available to the Commonwealth Transit Capital Fund. Any

funds remaining in the Commonwealth Transit Capital Fund at the end of the biennium shall not revert to the general fund, but shall remain in the Commonwealth Transit Capital Fund. Interest earned on funds within the Commonwealth Transit Capital Fund shall remain in and be credited to the Commonwealth Transit Capital Fund. Proceeds of the Commonwealth Transit Capital Fund may be paid to any political subdivision, another public entity created by an act of the General Assembly, or a private entity as defined in § 33.2-1800 and for purposes as enumerated in subdivision 7 of § 33.2-1701 or expended by the Department of Rail and Public Transportation for the purposes specified in this subdivision. Revenues of the Commonwealth Transit Capital Fund shall be used to support capital expenditures involving the establishment, improvement, or expansion of public transportation services through specific projects approved by the Commonwealth Transportation Board. ~~If revenues of the Commonwealth Transit Capital Fund are allocated to the construction of a new fixed rail project, such project shall be evaluated according to the process established pursuant to subsection B of § 33.2-214.1.~~ The Commonwealth Transit Capital Fund shall not be allocated without requiring a local match from the recipient.

~~d. The Commonwealth Transportation Board may allocate up to three and one-half percent of the funds set aside for the Commonwealth Mass Transit Fund to support costs of project development, project administration, and project compliance incurred by the Department of Rail and Public Transportation in implementing rail, public transportation, and congestion management grants and programs.~~

~~5. Funds for Metro shall be paid by the Northern Virginia Transportation Commission (NVTC) to the Washington Metropolitan Area Transit Authority (WMATA) and be a credit to the Counties of Arlington and Fairfax and the Cities of Alexandria, Falls Church, and Fairfax in the following manner:~~

~~a. Local obligations for debt service for WMATA rail transit bonds apportioned to each locality using WMATA's capital formula shall be paid first by NVTC. NVTC shall use 95 percent state aid for these payments.~~

~~b. The remaining funds shall be apportioned to reflect WMATA's allocation formulas by using the related WMATA allocated subsidies and relative shares of local transit subsidies. Capital costs shall include 20 percent of annual local bus capital expenses. Hold harmless protections and obligations for NVTC's jurisdictions agreed to by NVTC on November 5, 1998, shall remain in effect.~~

~~Appropriations from the Commonwealth Mass Transit Fund are intended to provide a stable and reliable source of revenue as defined by Public Law 96-184.~~

~~6. Notwithstanding any other provision of law, funds allocated to Metro may be disbursed by the Department of Rail and Public Transportation directly to Metro or to any other transportation entity that has an agreement to provide funding to Metro.~~

~~B. The sales and use tax revenue generated by a one percent sales and use tax shall be distributed among the counties and cities of the Commonwealth in the manner provided in subsections C and D.~~

~~C. The localities' share of the net revenue distributable under this section among the counties and cities shall be apportioned by the Comptroller and distributed among them by warrants of the Comptroller drawn on the Treasurer of Virginia as soon as practicable after the close of each month during which the net revenue was received into the state treasury. The distribution of the localities' share of such net revenue shall be computed with respect to the net revenue received into the state treasury during each month, and such distribution shall be made as soon as practicable after the close of each such month.~~

~~D. The net revenue so distributable among the counties and cities shall be apportioned and distributed upon the basis of the latest yearly estimate of the population of cities and counties ages five to 19, provided by the Weldon Cooper Center for Public Service of the University of Virginia. Such population estimate produced by the Weldon Cooper Center for Public Service of the University of Virginia shall account for persons who are domiciled in orphanages or charitable institutions or who are dependents living on any federal military or naval reservation or other federal property within the school division in which the institutions or federal military or naval reservation or other federal property is located. Such population estimate produced by the Weldon Cooper Center for Public Service of the University of Virginia shall account for members of the military services who are under 20 years of age within the school division in which the parents or guardians of such persons legally reside. Such population estimate produced by the Weldon Cooper Center for Public Service of the University of Virginia shall account for individuals receiving services in state hospitals, state training centers, or mental health facilities, persons who are confined in state or federal correctional institutions, or persons who attend the Virginia School for the Deaf and the Blind within the school division in which the parents or guardians of such persons legally reside. Such population estimate produced by the Weldon Cooper Center for Public Service of the University of Virginia shall account for persons who attend institutions of higher education within the school division in which the student's parents or guardians legally reside. To such estimate, the Department of Education shall add the population of students with disabilities, ages two through four and 20 through 21, as provided to the Department of Education by school divisions. The revenue so apportionable and distributable is hereby appropriated to the several counties and cities for maintenance, operation, capital outlays, debt and interest payments, or other expenses incurred in the operation of the public schools, which shall be considered as funds raised from local resources. In any county, however, wherein is situated any incorporated town constituting a school division, the county treasurer shall pay into the town treasury for maintenance, operation, capital outlays, debt and interest payments, or other expenses incurred in the operation of the public schools, the proper proportionate amount received by him in the ratio that the school population of such town bears to the school population of the entire county. If the school population of any city or of any town constituting a school division is increased by the~~

annexation of territory since the last estimate of school population provided by the Weldon Cooper Center for Public Service, such increase shall, for the purposes of this section, be added to the school population of such city or town as shown by the last such estimate and a proper reduction made in the school population of the county or counties from which the annexed territory was acquired.

E. Beginning July 1, 2000, of the remaining sales and use tax revenue, the revenue generated by a two percent sales and use tax, up to an annual amount of \$13 million, collected from the sales of hunting equipment, auxiliary hunting equipment, fishing equipment, auxiliary fishing equipment, wildlife-watching equipment, and auxiliary wildlife-watching equipment in Virginia, as estimated by the most recent U.S. Department of the Interior, Fish and Wildlife Service and U.S. Department of Commerce, Bureau of the Census National Survey of Fishing, Hunting, and Wildlife-Associated Recreation, shall be paid into the Game Protection Fund established under § 29.1-101 and shall be used, in part, to defray the cost of law enforcement. Not later than 30 days after the close of each quarter, the Comptroller shall transfer to the Game Protection Fund the appropriate amount of collections to be dedicated to such Fund. At any time that the balance in the Capital Improvement Fund, established under § 29.1-101.01, is equal to or in excess of \$35 million, any portion of sales and use tax revenues that would have been transferred to the Game Protection Fund, established under § 29.1-101, in excess of the net operating expenses of the Board, after deduction of other amounts which accrue to the Board and are set aside for the Game Protection Fund, shall remain in the general fund until such time as the balance in the Capital Improvement Fund is less than \$35 million.

F. 1. Of the net revenue generated from the one-half percent increase in the rate of the state sales and use tax effective August 1, 2004, pursuant to enactments of the 2004 Special Session I of the General Assembly, the Comptroller shall transfer from the general fund of the state treasury to the Public Education Standards of Quality/Local Real Estate Property Tax Relief Fund established under § 58.1-638.1 an amount equivalent to one-half of the net revenue generated from such one-half percent increase as provided in this subdivision. The transfers to the Public Education Standards of Quality/Local Real Estate Property Tax Relief Fund under this subdivision shall be for one-half of the net revenue generated (and collected in the succeeding month) from such one-half percent increase for the month of August 2004 and for each month thereafter.

2. Beginning July 1, 2013, of the remaining sales and use tax revenue, an amount equal to the revenue generated by a 0.125 percent sales and use tax shall be distributed to the Public Education Standards of Quality/Local Real Estate Property Tax Relief Fund established under § 58.1-638.1, and be used for the state's share of Standards of Quality basic aid payments.

3. For the purposes of the Comptroller making the required transfers under subdivision 1 and 2, the Tax Commissioner shall make a written certification to the Comptroller no later than the twenty-fifth of each month certifying the sales and use tax revenues generated in the preceding month. Within three calendar days of receiving such certification, the Comptroller shall make the required transfers to the Public Education Standards of Quality/Local Real Estate Property Tax Relief Fund.

G. (Contingent expiration date) Beginning July 1, 2013, of the remaining sales and use tax revenue, an amount equal to the following percentages of the revenue generated by a one-half percent sales and use tax, such as that paid to the Transportation Trust Fund as provided in subdivision A 1, shall be paid to the Highway Maintenance and Operating Fund established pursuant to § 33.2-1530:

1. For fiscal year 2014, an amount equal to 10 percent;
2. For fiscal year 2015, an amount equal to 20 percent;
3. For fiscal year 2016, an amount equal to 30 percent; and
4. For fiscal year 2017 and thereafter, an amount equal to 35 percent.

The Highway Maintenance and Operating Fund's share of the net revenue distributable under this subsection shall be computed as an estimate of the net revenue to be received into the state treasury each month, and such estimated payment shall be adjusted for the actual net revenue received in the preceding month. All payments shall be made to the Fund on the last day of each month.

H. (Contingent expiration date) 1. The additional revenue generated by increases in the state sales and use tax from Planning District 8 pursuant to §§ 58.1-603.1, 58.1-604.01, 58.1-604.1, and 58.1-614 shall be deposited by the Comptroller in the fund established under § 33.2-2509.

2. The additional revenue generated by increases in the state sales and use tax from Planning District 23 pursuant to §§ 58.1-603.1, 58.1-604.01, 58.1-604.1, and 58.1-614 shall be deposited by the Comptroller in the fund established under § 33.2-2600.

3. The additional revenue generated by increases in the state sales and use tax in any other Planning District pursuant to §§ 58.1-603.1, 58.1-604.01, 58.1-604.1, and 58.1-614 shall be deposited into special funds that shall be established by appropriate legislation.

4. The net revenues distributable under this subsection shall be computed as an estimate of the net revenue to be received by the state treasury each month, and such estimated payment shall be adjusted for the actual net revenue received in the preceding month. All payments shall be made to the appropriate funds on the last day of each month.

I. If errors are made in any distribution, or adjustments are otherwise necessary, the errors shall be corrected and adjustments made in the distribution for the next quarter or for subsequent quarters.

J. The term "net revenue," as used in this section, means the gross revenue received into the general fund or the Transportation Trust Fund of the state treasury under the preceding sections of this chapter, less refunds to taxpayers.

**§ 58.1-802.3. Regional transportation improvement fee.**

*In addition to any other tax or fee imposed under the provisions of this chapter, a fee, delineated as the "regional WMATA capital fee," is hereby imposed on each deed, instrument, or writing by which lands, tenements, or other realty located in any county or city that is a member of the Northern Virginia Transportation Authority is sold and is granted, assigned, transferred, or otherwise conveyed to or vested in the purchaser or any other person, by such purchaser's direction. The rate of the fee, when the consideration or value of the interest, whichever is greater, equals or exceeds \$100, shall be \$0.15 for each \$100 or fraction thereof, exclusive of the value of any lien or encumbrance remaining thereon at the time of the sale, whether such lien is assumed or the realty is sold subject to such lien or encumbrance.*

*The fee imposed by this section shall be paid by the grantor, or any person who signs on behalf of the grantor, of any deed, instrument, or writing subject to the fee imposed by this section.*

*No such deed, instrument, or other writing shall be admitted to record unless certification of the clerk wherein first recorded has been affixed thereto that the fee imposed pursuant to this section has been paid.*

*Fees imposed by this section shall be collected by the clerk of the court. For fees collected in a county or city located in a transportation district established pursuant to Chapter 19 (§ 33.2-1900 et seq.) of Title 33.2 that as of January 1, 2018, meets the criteria established in § 33.2-1936 shall be transferred to the state treasury as soon as practicable and deposited into the fund established in § 33.2-3401. The fees collected in any other county or city in which the fee is imposed shall be retained by the county or city, and shall be used solely for transportation purposes.*

**§ 58.1-811. (Contingent expiration date) Exemptions.**

A. The taxes imposed by §§ 58.1-801 and 58.1-807 shall not apply to any deed conveying real estate or lease of real estate:

1. To an incorporated college or other incorporated institution of learning not conducted for profit, where such real estate is intended to be used for educational purposes and not as a source of revenue or profit;
2. To an incorporated church or religious body or to the trustee or trustees of any church or religious body, or a corporation mentioned in § 57-16.1, where such real estate is intended to be used exclusively for religious purposes, or for the residence of the minister of any such church or religious body;
3. To the United States, the Commonwealth, or to any county, city, town, district, or other political subdivision of the Commonwealth;
4. To the Virginia Division of the United Daughters of the Confederacy;
5. To any nonstock corporation organized exclusively for the purpose of owning or operating a hospital or hospitals not for pecuniary profit;
6. To a corporation upon its organization by persons in control of the corporation in a transaction which qualifies for nonrecognition of gain or loss pursuant to § 351 of the Internal Revenue Code as it exists at the time of the conveyance;
7. From a corporation to its stockholders upon complete or partial liquidation of the corporation in a transaction which qualifies for income tax treatment pursuant to § 331, 332, 333, or 337 of the Internal Revenue Code as it exists at the time of liquidation;
8. To the surviving or new corporation, partnership, limited partnership, business trust, or limited liability company upon a merger or consolidation to which two or more such entities are parties, or in a reorganization within the meaning of § 368(a)(1)(C) and (F) of the Internal Revenue Code as amended;
9. To a subsidiary corporation from its parent corporation, or from a subsidiary corporation to a parent corporation, if the transaction qualifies for nonrecognition of gain or loss under the Internal Revenue Code as amended;
10. To a partnership or limited liability company, when the grantors are entitled to receive not less than 50 percent of the profits and surplus of such partnership or limited liability company, provided that the transfer to a limited liability company is not a precursor to a transfer of control of the assets of the company to avoid recordation taxes;
11. From a partnership or limited liability company, when the grantees are entitled to receive not less than 50 percent of the profits and surplus of such partnership or limited liability company, provided that the transfer from a limited liability company is not subsequent to a transfer of control of the assets of the company to avoid recordation taxes;
12. To trustees of a revocable inter vivos trust, when the grantors in the deed and the beneficiaries of the trust are the same persons, regardless of whether other beneficiaries may also be named in the trust instrument, when no consideration has passed between the grantor and the beneficiaries; and to the original beneficiaries of a trust from the trustees holding title under a deed in trust;
13. When the grantor is the personal representative of a decedent's estate or trustee under a will or inter vivos trust of which the decedent was the settlor, other than a deed of trust conveying property to secure the payment of money or the performance of an obligation, and the sole purpose of such transfer is to comply with a devise or bequest in the decedent's will or to transfer title to one or more beneficiaries after the death of the settlor in accordance with a dispositive provision in the trust instrument;
14. When the grantor is an organization exempt from taxation under § 501(c)(3) of the Internal Revenue Code that is organized and operated primarily to acquire land and purchase materials to erect or rehabilitate low-cost homes on such land, which homes are sold at cost to persons who otherwise would be unable to afford to buy a home through conventional means;
15. When it is a deed of partition, or any combination of deeds simultaneously executed and having the effect of a deed of partition, among joint tenants, tenants in common, or coparceners; or

16. When it is a deed transferring property pursuant to a decree of divorce or of separate maintenance or pursuant to a written instrument incident to such divorce or separation.

B. The taxes imposed by §§ 58.1-803 and 58.1-804 shall not apply to any deed of trust or mortgage:

1. Given by an incorporated college or other incorporated institution of learning not conducted for profit;
2. Given by the trustee or trustees of a church or religious body or given by an incorporated church or religious body, or given by a corporation mentioned in § 57-16.1;
3. Given by any nonstock corporation organized exclusively for the purpose of owning and/or operating a hospital or hospitals not for pecuniary profit;
4. Given by any local governmental entity or political subdivision of the Commonwealth to secure a debt payable to any other local governmental entity or political subdivision;
5. Securing a loan made by an organization described in subdivision A 14;
6. Securing a loan made by a county, city, or town, or an agency of such a locality, to a borrower whose household income does not exceed 80 percent of the area median household income established by the U.S. Department of Housing and Urban Development, for the purpose of erecting or rehabilitating a home for such borrower, including the purchase of land for such home; or
7. Given by any entity organized pursuant to Chapter 9.1 (§ 56-231.15 et seq.) of Title 56.

C. The tax imposed by § 58.1-802 and the fee imposed by § ~~58.1-802.2~~ 58.1-802.3 shall not apply to any:

1. Transaction described in subdivisions A 6 through 13, 15, and 16;
2. Instrument or writing given to secure a debt;
3. Deed conveying real estate from an incorporated college or other incorporated institution of learning not conducted for profit;
4. Deed conveying real estate from the United States, the Commonwealth or any county, city, town, district, or other political subdivision thereof;
5. Conveyance of real estate to the Commonwealth or any county, city, town, district, or other political subdivision thereof, if such political unit is required by law to reimburse the parties taxable pursuant to § 58.1-802 or subject to the fee under § ~~58.1-802.2~~ 58.1-802.3; or
6. Deed conveying real estate from the trustee or trustees of a church or religious body or from an incorporated church or religious body, or from a corporation mentioned in § 57-16.1.

D. No recordation tax shall be required for the recordation of any deed of gift between a grantor or grantors and a grantee or grantees when no consideration has passed between the parties. Such deed shall state therein that it is a deed of gift.

E. The tax imposed by § 58.1-807 shall not apply to any lease to the United States, the Commonwealth, or any county, city, town, district, or other political subdivision of the Commonwealth.

F. The taxes and fees imposed by §§ 58.1-801, 58.1-802, ~~58.1-802.2~~ 58.1-802.3, 58.1-807, 58.1-808, and 58.1-814 shall not apply to (i) any deed of gift conveying real estate or any interest therein to The Nature Conservancy or (ii) any lease of real property or any interest therein to The Nature Conservancy, where such deed of gift or lease of real estate is intended to be used exclusively for the purpose of preserving wilderness, natural, or open space areas.

G. The words "trustee" or "trustees," as used in subdivisions A 2, B 2, and C 6, include the trustees mentioned in § 57-8 and the ecclesiastical officers mentioned in § 57-16.

H. No recordation tax levied pursuant to this chapter shall be levied on the release of a contractual right, if the release is contained within a single deed that performs more than one function, and at least one of the other functions performed by the deed is subject to the recordation tax.

I. No recordation tax levied pursuant to this chapter shall be levied on a deed, lease, easement, release, or other document recorded in connection with a concession pursuant to the Public-Private Transportation Act of 1995 (§ 33.2-1800 et seq.) or similar federal law.

J. No recordation tax shall be required for the recordation of any transfer on death deed or any revocation of transfer on death deed made pursuant to the Uniform Real Property Transfer on Death Act (§ 64.2-621 et seq.) when no consideration has passed between the parties.

**§ 58.1-815.4. (Contingent expiration dates) Distribution of recordation tax for certain transportation-related purposes.**

Of the state recordation taxes imposed pursuant to §§ 58.1-801 and 58.1-803, the revenues collected each fiscal year from \$0.03 of the total tax imposed under each section shall be deposited by the Comptroller as follows:

1. The revenues collected from \$0.02 of the total tax shall be deposited into the Commonwealth Mass Transit Fund pursuant to subdivision A 4 b (1)(b) of § 58.1-638; and
2. The revenues collected from \$0.01 of the total tax shall be deposited into the Commonwealth Mass Transit Capital Fund established pursuant to subdivision A 4 e of § 58.1-638.

**§ 58.1-815.4. (Contingent effective date, and contingent expiration date) Distribution of recordation tax for certain transportation-related purposes.**

Effective July 1, 2008, of the state recordation taxes imposed pursuant to §§ 58.1-801 and 58.1-803, the revenues collected each fiscal year from \$0.03 of the total tax imposed under each section shall be deposited by the Comptroller as follows:

1. The revenues collected from \$0.02 of the total tax shall be deposited into the Commonwealth Mass Transit Fund pursuant to subdivision A 4 b ~~(+)(b)~~ of § 58.1-638; and

2. The revenues collected from \$0.01 of the total tax shall be deposited into the Highway Maintenance and Operating Fund established pursuant to § 33.2-1530.

**§ 58.1-1741. (Contingent expiration date) Disposition of revenues.**

A. After the direct costs of administering this article are recovered by the Department of Taxation, the remaining revenues collected hereunder by the Tax Commissioner shall be forthwith paid into the state treasury. Except as otherwise provided in this section, these funds shall constitute special funds within the Commonwealth Transportation Fund. Any balances remaining in these funds at the end of the year shall be available for use in subsequent years for the purposes set forth in this article, and any interest income on such funds shall accrue to these funds. The revenue so derived, after refunds have been deducted, is hereby allocated for the construction, reconstruction, and maintenance of highways and the regulation of traffic thereon and for no other purpose. However, (i) all funds collected from the additional tax imposed by subdivision A 2 of § 58.1-1736 on the rental of daily rental vehicles shall be distributed quarterly to the county, city, or town wherein such vehicle was delivered to the rentee; (ii) except as provided in clause (iii), an amount equivalent to the net additional revenues from the motor vehicle rental tax generated by enactments of the 1986 Special Session of the Virginia General Assembly which amended §§ 46.2-694, 46.2-697, and by §§ 58.1-1735, 58.1-1736 and this section, shall be distributed to and paid into the Transportation Trust Fund established pursuant to § 33.2-1524, a special fund within the Commonwealth Transportation Fund, and are hereby appropriated to the Commonwealth Transportation Board for transportation needs; (iii) all moneys collected from the tax on the gross proceeds from the rental in Virginia of any motor vehicle pursuant to subdivision A 1 of § 58.1-1736 at the tax rate in effect on December 31, 1986, shall be paid by the Tax Commissioner into the state treasury and two-thirds of which shall be paid into the Rail Enhancement Fund established by § 33.2-1601 and one-third of which shall be deposited into the ~~Transportation Trust Fund established pursuant to § 33.2-1524 and set aside for state of good repair purposes pursuant to § 33.2-369~~ *Washington Metropolitan Area Transit Authority Capital Fund pursuant to § 33.2-3401*; and (iv) all additional revenues resulting from the fee imposed under subdivision A 3 of § 58.1-1736 shall be used to pay the debt service on the bonds issued by the Virginia Public Building Authority for the Statewide Agencies Radio System (STARS) for the Department of State Police pursuant to the authority granted by the 2004 Session of the General Assembly.

B. As provided in subsection A of § 58.1-638, of the funds becoming part of the Transportation Trust Fund pursuant to ~~clause (ii) of subsection~~ *subdivision A 2*, an aggregate of 4.2 percent shall be set aside as the Commonwealth Port Fund; an aggregate of 2.4 percent shall be set aside as the Commonwealth Airport Fund; and an aggregate of 14.7 percent shall be set aside as the Commonwealth Mass Transit Fund.

*Article 11.*

*Transportation Transient Occupancy Taxes.*

**§ 58.1-1743. Transportation district transient occupancy tax.**

*In addition to all other fees and taxes imposed under law, there is hereby imposed an additional transient occupancy tax at the rate of two percent of the amount of the charge for the occupancy of any room or space occupied in any county or city located in a transportation district established pursuant to Chapter 19 (§ 33.2-1900 et seq.) of Title 33.2 that as of January 1, 2018, meets the criteria established in § 33.2-1936.*

*The tax imposed under this section shall be imposed only for the occupancy of any room or space that is suitable or intended for occupancy by transients for dwelling, lodging, or sleeping purposes.*

*The tax imposed under this section shall be administered by the locality in which the room or space is located in the same manner as it administers the tax authorized by § 58.1-3819 or 58.1-3840, mutatis mutandis, except as herein provided. The revenue generated and collected from the tax shall be deposited by the local treasurer into the state treasury pursuant to § 2.2-806 and transferred by the Comptroller into special funds established by law. In the case of the Northern Virginia Transportation District, the revenue generated and collected therein shall be deposited into the fund established in § 33.2-3401. For additional transportation districts that may become subject to this section, funds shall be established by appropriate legislation.*

**§ 58.1-1744. Local transportation transient occupancy tax.**

*In addition to all other fees and taxes imposed under law, there is hereby imposed an additional transient occupancy tax at the rate of two percent of the amount of the charge for the occupancy of any room or space occupied in any county or city that is a member of the Northern Virginia Transportation Authority that is not described in § 58.1-1743.*

*The tax imposed under this section shall be imposed only for the occupancy of any room or space that is suitable or intended for occupancy by transients for dwelling, lodging, or sleeping purposes.*

*The tax imposed under this section shall be administered by the locality in which the room or space is located in the same manner as it administers the tax authorized by § 58.1-3819 or 58.1-3840, mutatis mutandis, except as herein provided. The revenue generated and collected from the tax shall be deposited by the local treasurer and may be used only for public transportation purposes.*

**§ 58.1-2289. (For contingent expiration, see note) Disposition of tax revenue generally.**

A. Unless otherwise provided in this section, all taxes and fees, including civil penalties, collected by the Commissioner pursuant to this chapter, less a reasonable amount to be allocated for refunds, shall be promptly paid into the state treasury and shall constitute special funds within the Commonwealth Transportation Fund. Any balances remaining in

these funds at the end of the year shall be available for use in subsequent years for the purposes set forth in this chapter, and any interest income on such funds shall accrue to these funds.

The Governor is hereby authorized to transfer out of such fund an amount necessary for the inspection of gasoline and motor grease measuring and distributing equipment, and for the inspection and analysis of gasoline for purity.

B. The tax collected on each gallon of aviation fuel sold and delivered or used in this Commonwealth, less refunds, shall be paid into a special fund of the state treasury. Proceeds of this special fund within the Commonwealth Transportation Fund shall be disbursed upon order of the Department of Aviation, on warrants of the Comptroller, to defray the cost of the administration of the laws of this Commonwealth relating to aviation, for the construction, maintenance and improvement of airports and landing fields to which the public now has or which it is proposed shall have access, and for the promotion of aviation in the interest of operators and the public generally.

C. One-half cent of the tax collected on each gallon of fuel on which a refund has been paid for gasoline, gasohol, diesel fuel, blended fuel, or alternative fuel, for fuel consumed in tractors and unlicensed equipment used for agricultural purposes shall be paid into a special fund of the state treasury, known as the Virginia Agricultural Foundation Fund, to be disbursed to make certain refunds and defray the costs of the research and educational phases of the agricultural program, including supplemental salary payments to certain employees at Virginia Polytechnic Institute and State University, the Department of Agriculture and Consumer Services and the Virginia Truck and Ornamentals Research Station, including reasonable expenses of the Virginia Agricultural Council.

D. One and one-half cents of the tax collected on each gallon of fuel used to propel a commercial watercraft upon which a refund has been paid shall be paid to the credit of the Game Protection Fund of the state treasury to be made available to the Board of Game and Inland Fisheries until expended for the purposes provided generally in subsection C of § 29.1-701, including acquisition, construction, improvement and maintenance of public boating access areas on the public waters of this Commonwealth and for other activities and purposes of direct benefit and interest to the boating public and for no other purpose. However, one and one-half cents per gallon on fuel used by commercial fishing, oystering, clamming, and crabbing boats shall be paid to the Department of Transportation to be used for the construction, repair, improvement and maintenance of the public docks of this Commonwealth used by said commercial watercraft. Any expenditures for the acquisition, construction, improvement and maintenance of the public docks shall be made according to a plan developed by the Virginia Marine Resources Commission.

From the tax collected pursuant to the provisions of this chapter from the sales of gasoline used for the propelling of watercraft, after deduction for lawful refunds, there shall be paid into the state treasury for use by the Marine Resources Commission, the Virginia Soil and Water Conservation Board, the State Water Control Board, and the Commonwealth Transportation Board to (i) improve the public docks as specified in this section, (ii) improve commercial and sports fisheries in Virginia's tidal waters, (iii) make environmental improvements including, without limitation, fisheries management and habitat enhancement in the Chesapeake and its tributaries, and (iv) further the purposes set forth in § 33.2-1510, a sum as established by the General Assembly.

E. Of the remaining revenues deposited into the Commonwealth Transportation Fund pursuant to this chapter less refunds authorized by this chapter: (i) 80 percent shall be deposited into the Highway Maintenance and Operating Fund established pursuant to § 33.2-1530, (ii) 11.3 percent shall be deposited into the Transportation Trust Fund established pursuant to § 33.2-1524, (iii) four percent shall be deposited into the Priority Transportation Fund, (iv) ~~3.4~~ 3.7 percent shall be deposited into the Commonwealth Mass Transit Capital Fund established pursuant to subdivision A 4 e of § 58.1-638, and (v) one percent shall be transferred to a special fund within the Commonwealth Transportation Fund in the state treasury, to be used to meet the necessary expenses of the Department of Motor Vehicles; ~~(vi) 0.35 of one percent shall be deposited into the Commonwealth Mass Transit Fund established pursuant to subdivision A 4 of § 58.1-638 and allocated to subdivision A 4 b (1)(b), and (vii) 0.24 of one percent shall be deposited into the Commonwealth Mass Transit Fund established pursuant to subdivision A 4 of § 58.1-638 and allocated to subdivision A 4 b (1)(a).~~

**§ 58.1-2299.20. (Contingent expiration date) Disposition of tax revenues.**

A. All taxes, interest, and civil penalties paid to the Commissioner pursuant to this chapter for the sale of fuels at wholesale to retail dealers for retail sale in any county or city set forth in *clause (i)* of subdivision A 1 of § 58.1-2295, after subtraction of the direct costs of administration by the Department, shall be deposited *each month as follows*:

1. *One-twelfth of an amount determined by multiplying \$15 million by a fraction, the numerator of which shall be such transportation district's share of funding for the commuter rail service jointly operated by the two transportation districts and the denominator of which shall be the total funding share for such commuter rail service, shall be deposited in the Commuter Rail Operating and Capital Fund established pursuant to § 33.2-3500;*

2. a. *Until June 30, 2019, an amount equal to the increase in taxes, interest, and civil penalties paid to the Commissioner each month, compared with the same month for fiscal year 2018, minus any amounts deposited pursuant to subdivision 1, shall be deposited into the Washington Metropolitan Area Transit Capital Fund established pursuant to § 33.2-3401; and*

b. *Beginning on July 1, 2019, an amount equal to one-twelfth of the increase in taxes, interest, and civil penalties paid to the Commissioner in fiscal year 2019 compared to fiscal year 2018, minus any amounts deposited pursuant to subdivision A 1, shall be deposited in the Washington Metropolitan Area Transit Authority Capital Fund established pursuant to § 33.2-3401; and*

3. *All remaining funds shall be deposited in a special fund entitled the "Special Fund Account of the Transportation District of \_\_\_\_\_." The amounts deposited in the special fund shall be distributed monthly to the applicable transportation district commission of which the county or city is a member to be applied to the operating deficit, capital, and debt service of the mass transit system of such district or, in the case of a transportation district subject to the provisions of subsection C of § 33.2-1915, to be applied to and expended for any transportation purpose of such district. In the case of a jurisdiction which, after July 1, 1989, joins a transportation district which was established on or before January 1, 1986, and is also subject to subsection C of § 33.2-1915, the funds collected from that jurisdiction shall be applied to and expended for any transportation purpose of such jurisdiction. ~~The direct costs of administration shall be credited to the funds appropriated to the Department.~~*

B. *All taxes, interest, and civil penalties paid to the Commissioner pursuant to this chapter for the sale of fuels at wholesale to retail dealers for retail sale in any county or city set forth in clause (ii) of subdivision A 1 of § 58.1-2295, after subtraction of the direct costs of administration by the Department, shall be deposited each month as follows:*

1. *One-twelfth of an amount determined by multiplying \$15 million by a fraction, the numerator of which shall be such transportation district's share of funding for the commuter rail service jointly operated by the two transportation districts and the denominator of which shall be the total funding share for such commuter rail service, shall be deposited in the Commuter Rail Operating and Capital Fund established pursuant to § 33.2-3500; and*

2. *All remaining funds shall be deposited in a special fund entitled the "Special Fund Account of the Transportation District of \_\_\_\_\_." The amounts deposited in the special fund shall be distributed monthly to the applicable transportation district commission of which the county or city is a member to be applied to the operating deficit, capital, and debt service of the mass transit system of such district or, in the case of a transportation district subject to the provisions of subsection C of § 33.2-1915, to be applied to and expended for any transportation purpose of such district. In the case of a jurisdiction which, after July 1, 1989, joins a transportation district that was established on or before January 1, 1986, and is also subject to subsection C of § 33.2-1915, the funds collected from that jurisdiction shall be applied to and expended for any transportation purpose of such jurisdiction.*

C. *All taxes, interest, and civil penalties paid to the Commissioner pursuant to this chapter for the sale of fuels at wholesale to retail dealers for retail sale in any county or city set forth in subdivision A 2 of § 58.1-2295, after subtraction of the direct costs of administration by the Department, shall be deposited into special funds established by law. In the case of Planning District 23, the revenue generated and collected therein shall be deposited into the fund established in § 33.2-2600. For additional Planning Districts that may become subject to this section, funds shall be established by appropriate legislation.*

D. *The direct cost of administration of this section shall be credited to the funds appropriated to the Department.*

**§ 58.1-3221.3. Classification of certain commercial and industrial real property and taxation of such property by certain localities.**

A. *Beginning January 1, 2008, and solely for the purposes of imposing the tax authorized pursuant to this section, in the counties and cities that are wholly embraced by the Northern Virginia Transportation Authority and the Hampton Roads metropolitan planning area as of January 1, 2008, pursuant to § 134 of Title 23 of the United States Code, all real property used for or zoned to permit commercial or industrial uses is hereby declared to be a separate class of real property for local taxation. Such classification of real property shall exclude all residential uses and all multifamily residential uses, including but not limited to single family residential units, cooperatives, condominiums, townhouses, apartments, or homes in a subdivision when leased on a unit by unit basis even though these units may be part of a larger building or parcel of real estate containing more than four residential units.*

B. *In addition to all other taxes and fees permitted by law, (i) the governing body of any locality embraced by the Northern Virginia Transportation Authority may, by ordinance, annually impose on all real property in the locality specially classified in subsection A: an amount of real property tax, in addition to such amount otherwise authorized by law, at a rate not to exceed \$0.125 per \$100 of assessed value as the governing body may, by ordinance, impose upon the annual assessed value of all real property used for or zoned to permit commercial or industrial uses; and (ii) the governing body of any locality wholly embraced by the Hampton Roads metropolitan planning area as of January 1, 2008, pursuant to § 134 of Title 23 of the United States Code may, by ordinance, annually impose on all real property in the locality specially classified in subsection A: an amount of real property tax, in addition to such amount otherwise authorized by law, at a rate not to exceed \$0.10 per \$100 of assessed value as the governing body may, by ordinance, impose upon the annual assessed value of all real property used for or zoned to permit commercial or industrial uses. The authority granted in this subsection shall be subject to the following conditions:*

(1) *Upon appropriation, all revenues generated from the additional real property tax imposed shall be used to benefit the locality imposing the tax solely for (i) new road construction and associated planning, design, and right-of-way acquisition, including new additions to, expansions, or extensions of existing roads that add new capacity, service, or access, (ii) new public transit construction and associated planning, design, and right-of-way acquisition, including new additions to, expansions, or extensions of existing public transit projects that add new capacity, service, or access, (iii) other capital costs related to new transportation projects that add new capacity, service, or access and the operating costs directly related to the foregoing, ~~or~~ (iv) the issuance costs and debt service on bonds that may be issued to support the capital costs permitted in subdivisions (i), (ii), or (iii), or (v) for a locality subject to § 33.2-3404, any other transportation purposes, provided that the amount used does not exceed the amount such locality is required to transfer pursuant to § 33.2-3404; and*

(2) The additional real property tax imposed shall be levied, administered, enforced, and collected in the same manner as set forth in Subtitle III of Title 58.1 for the levy, administration, enforcement, and collection of local taxes. In addition, the local assessor shall separately assess and set forth upon the locality's land book the fair market value of that portion of property that is defined as a separate class of real property for local taxation in accordance with the provisions of this section.

C. Beginning January 1, 2008, in lieu of the authority set forth in subsections A and B above and solely for the purposes of imposing the tax authorized pursuant to this section, in the counties and cities wholly embraced by the Northern Virginia Transportation Authority and the Hampton Roads metropolitan planning area as of January 1, 2008, pursuant to § 134 of Title 23 of the United States Code, all real property used for or zoned to permit commercial or industrial uses is hereby declared to be a separate class of real property for local taxation. Such classification of real property shall exclude all residential uses and all multifamily residential uses, including but not limited to single family residential units, cooperatives, condominiums, townhouses, apartments, or homes in a subdivision when leased on a unit by unit basis even though these units may be part of a larger building or parcel of real estate containing more than four residential units.

D. In addition to all other taxes and fees permitted by law, (i) the governing body of any locality embraced by the Northern Virginia Transportation Authority may, by ordinance, create within its boundaries, one or more special regional transportation tax districts and, thereafter, may, by ordinance, impose upon the real property located in special regional transportation tax districts specially classified in subsection C within such special regional transportation tax districts: an amount of real property tax, in addition to such amounts otherwise authorized by law, at a rate not to exceed \$0.125 per \$100 of assessed value as the governing body may, by ordinance, impose upon the annual assessed value of all real property used for or zoned to permit commercial or industrial uses; and, (ii) the governing body of any locality wholly embraced by the Hampton Roads metropolitan planning area as of January 1, 2008, pursuant to § 134 of Title 23 of the United States Code may, by ordinance, create within its boundaries, one or more special regional transportation tax districts and, thereafter, may, by ordinance, impose upon the real property specially classified in subsection C within such special regional transportation tax districts: an amount of real property tax, in addition to such amounts otherwise authorized by law, at a rate not to exceed \$0.10 per \$100 of assessed value as the governing body may, by ordinance, impose upon the annual assessed value of all real property used for or zoned to permit commercial or industrial uses. The authority granted in this subsection shall be subject to the following conditions:

(1) Notwithstanding any other provisions of law to the contrary, upon appropriation, all revenues generated from the additional real property taxes imposed in accordance with subsection C and this subsection shall be used for transportation purposes that benefit the special regional transportation tax district to which such revenue is attributable and solely for (i) new road construction and associated planning, design, and right-of-way acquisition, including new additions to, expansions, or extensions of existing roads that add new capacity, service, or access, (ii) new public transit construction and associated planning, design, and right-of-way acquisition, including new additions to, expansions, or extensions of existing public transit projects that add new capacity, service, or access, (iii) other capital costs related to new transportation projects that add new capacity, service, or access and the operating costs directly related to the foregoing, ~~or~~ (iv) the issuance costs and debt service on bonds that may be issued to support the capital costs permitted in subdivisions (i), (ii), or (iii), *or (v) for a locality subject to § 33.2-3404, any other transportation purposes, provided that the amount used does not exceed the amount such locality is required to transfer pursuant to § 33.2-3404;*

(2) Any local ordinance adopted in accordance with the provisions of subsection C and this subsection shall include the requirement that the additional real property taxes so authorized are to be imposed annually in accordance with applicable law;

(3) Any locality that imposes the additional real property taxes set forth in subsections A and B shall not be permitted to also impose the additional real property taxes set forth in subsection C and this subsection. In addition, any locality electing to impose the additional real property taxes on all real property located in such locality that is specially classified in subsections A and B must do so in the manner prescribed in subsections A and B and not by creation of a special transportation tax district as set forth in subsection C and this subsection. The creation of such special regional transportation tax districts shall not, however, affect the authority of a locality to establish tax districts pursuant to other provisions of law;

(4) The total revenues generated from the additional real property taxes imposed in accordance with subsection C and this subsection shall not be less than 85% of the revenues estimated to be generated when imposing the additional real property taxes in accordance with subsections A and B at the rate of \$0.125 per \$100 of assessed value in any locality embraced by the Northern Virginia Transportation Authority and at the rate of \$0.10 per \$100 of assessed value in any locality wholly embraced by the Hampton Roads metropolitan planning area as of January 1, 2008, pursuant to § 134 of Title 23 of the United States Code; and

(5) The additional real property taxes imposed pursuant to subsection C and this subsection shall be levied, administered, enforced, and collected, in the same manner as set forth in Subtitle III of Title 58.1 for the levy, administration, enforcement, and collection of all local taxes. In addition, the local assessor shall separately assess and set forth upon the locality's land book the fair market value of that portion of property that is defined as separate class of real property for local taxation in accordance with the provisions of this section.

**2. That § 3 of the second enactment of Chapter 896 of the Acts of Assembly of 2007, as amended by Chapter 830 of the Acts of Assembly of 2011, is amended and reenacted as follows:**

§ 3. The net proceeds of the Bonds *authorized by § 2* shall be used exclusively for the purpose of providing funds for paying the costs incurred or to be incurred for construction or funding of transportation projects pursuant to ~~§ 33.1-23.4-01~~ 33.2-365 of the Code of Virginia, including but not limited to environmental and engineering studies, rights-of-way acquisition, improvements to all modes of transportation, acquisition, construction and related improvements, and any financing costs and other financing expenses. Such costs may include the payment of interest on the Bonds for a period during construction and not exceeding one year after completion of construction of the projects.

**3. That the second enactment of Chapter 896 of the Acts of Assembly of 2007, as amended by Chapter 830 of the Acts of Assembly of 2011, is amended by adding sections numbered 3.1 and 3.2 as follows:**

*§ 3.1. The Commonwealth Transportation Board is hereby further authorized, by and with the consent of the Governor, to issue, pursuant to the provisions of the Transportation Development and Revenue Bond Act (§ 33.2-1700 et seq. of the Code of Virginia), as amended from time to time, revenue obligations of the Commonwealth to be designated "Commonwealth of Virginia Transportation Capital Projects Revenue Bonds, Series ....." at one time in an aggregate principal amount not to exceed an additional \$50 million for a total authorization of \$3.05 billion, plus costs. The issuance of any bonds under this act is subject to the provisions of subsection C of § 33.2-1527 of the Code of Virginia.*

*§ 3.2. The net proceeds of the additional bonds authorized in § 3.1 of this enactment shall be used exclusively for the Commonwealth of Virginia to match federal funds provided for capital projects by the Washington Metropolitan Area Transit Authority.*

**4. That § 58.1-802.2 and Article 10 (§ 58.1-1742) of Chapter 17 of Title 58.1 of the Code of Virginia are repealed.**

**5. That each county or city that is a member of the Potomac Rappahannock Transportation Commission, but not a member of the Northern Virginia Transportation Authority, as of January 1, 2018, shall expend or disburse for the support of public transportation an amount that is at least equal to the average annual amount expended or disbursed for such purposes by the county or city, excluding bond proceeds or debt service payments and federal or state grants, between July 1, 2015, and June 30, 2018.**

**6. That the provisions of this act, except for §§ 33.2-214.3, 33.2-286, and 33.2-1526.1 of the Code of Virginia, as created by this act, and § 58.1-638 of the Code of Virginia, as amended by this act, shall not become effective until 30 days after the District of Columbia and the State of Maryland each enact legislation or take actions to provide dedicated funding for the Washington Metropolitan Area Transit Authority (WMATA). The percentage of funding provided by the Commonwealth for its share of WMATA funding pursuant to this act beginning with the fiscal year that this act becomes effective, and each fiscal year thereafter, shall be proportional to the amount of funding provided by the District of Columbia and Maryland relative to their respective share of WMATA funding in that fiscal year.**

**7. That the Commonwealth Transportation Board shall withhold 20 percent of the funds available pursuant to subdivision C 3 of § 33.2-1526.1 of the Code of Virginia, as created by this act, if (i) any alternate directors participate or take action at an official Washington Metropolitan Area Transit Authority (WMATA) Board meeting or committee meeting as Board directors for a WMATA compact member when both directors appointed by that same WMATA compact member are present at the WMATA Board meeting or committee meeting or (ii) the WMATA Board of Directors has not adopted bylaws that would prohibit such participation by alternate directors.**

**8. That, beginning July 1, 2019, the Commonwealth Transportation Board (the Board) shall withhold 20 percent of the funds available pursuant to subdivision C 3 of § 33.2-1526.1 of the Code of Virginia, as created by this act, each year unless (i) the Washington Metropolitan Area Transit Authority (WMATA) has adopted a detailed capital improvement program covering the current fiscal year and, at a minimum, the next five fiscal years, and at least one public hearing on such capital improvement program has been held in a locality embraced by the Northern Virginia Transportation Commission, and (ii) WMATA has adopted or updated a strategic plan within the preceding 36 months, and at least one public hearing on such plan or updated plan has been held in a locality embraced by the Northern Virginia Transportation Commission. In order to satisfy the requirements of clause (ii) of this enactment, the first strategic plan adopted to comply with such requirements shall include a plan to align services with demand and to satisfy the other recommendations included in the report submitted pursuant to Item 436 R of Chapter 836 of the Acts of Assembly of 2017.**

**9. That the Department of Rail and Public Transportation shall develop a prioritization process as required by § 33.2-214.3 of the Code of Virginia, as created by this act, for the Commonwealth Transportation Board's consideration. The Board shall implement the prioritization process required by § 33.2-214.3 of the Code of Virginia, as created by this act, no later than July 1, 2019, and use such process for the development of the Six-Year Improvement Program for fiscal years 2020 through 2025.**

**10. That the Commonwealth Transportation Board shall (i) adopt the guidelines required by § 33.2-286 of the Code of Virginia, as created by this act, by December 1, 2018, and (ii) develop and adopt a plan for phased implementation of the requirements for submissions of the strategic plans required to be developed over a period of five years. No agency subject to § 33.2-286 of the Code of Virginia, as created by this act, shall be penalized for not submitting a strategic plan pursuant to such section, provided that the agency is in compliance with the phased implementation schedule adopted by the Commonwealth Transportation Board.**

**11. That notwithstanding the provisions of subdivision C 1 of § 33.2-1526.1 of the Code of Virginia, as created by this act, for fiscal year 2019 the funds allocated to support the operating costs of transit shall be distributed as follows:**

(i) the first \$54 million of such funds shall be distributed to each transit property in the same proportion as its operating expenses bear to the total statewide operating expenses and shall be spent for purposes deemed to be eligible by the Board and (ii) the remaining amount of such funds shall be allocated to support operating costs of transit providers and shall be distributed by the Board on the basis of service delivery factors, based on effectiveness and efficiency, as established by the Board.

12. That (i) the Washington Metropolitan Area Transit Authority (WMATA) was established pursuant to an interstate compact between Virginia, Maryland, and the District of Columbia to operate a regional mass transit system in the Washington, D.C., metropolitan area; (ii) WMATA is currently the second largest rapid heavy rail mass transportation system and the sixth largest bus mass transportation system in the United States; (iii) Section 16 of the WMATA compact embodies the funding principle that "the payment of the costs shall be borne by the persons using or benefiting from the Authority's facilities and services and any remaining costs shall be equitably shared among the federal, District of Columbia and participating local governments"; (iv) the operation of the rapid heavy rail mass transportation system and the bus mass transportation system by WMATA provides particular and substantial benefit to the persons living, traveling, commuting, and working in those localities embraced by the Northern Virginia Transportation Commission; (v) the benefits to such persons include not only access to the rapid heavy rail mass transportation system and the bus mass transportation system operated by WMATA but also the lessened congestion on roadways and highways as a result of such operations; and (vi) on a typical weekday more than 340,000 trips are taken on WMATA in Virginia. On the basis of these facts, the General Assembly finds that dedicated funding is appropriate and necessary to support the capital needs of WMATA's rapid heavy rail mass transportation system.

13. That Virginia shall seek to appoint members to the Washington Metropolitan Area Transit Authority (WMATA) Board of Directors (i) with experience in transit, transportation, or land use planning; transit, transportation, or other public-sector management; engineering; finance; public safety; homeland security; human resources; or the law and (ii) who are familiar with the WMATA system.

14. That, for projects initiated by the Washington Metropolitan Area Transit Authority on and after July 1, 2018, and located solely within the Commonwealth, bidders, offers, contractors, or subcontractors (i) shall not, as a condition of the contract, be required to enter into or adhere to or prohibited from entering into or adhering to agreements with one or more labor organizations and (ii) shall not otherwise be discriminated against for becoming or refusing to become or remain signatories or otherwise adhere to agreements with one or more labor organizations.

15. That should any portion of this act be held unconstitutional by a court of competent jurisdiction, the remaining portions shall remain in effect.

16. That should any provision of this act changing the allocation of existing revenues in the Code of Virginia be declared invalid by a court of competent jurisdiction, the amendments to the relevant section of the Code of Virginia made by this act shall expire, and such section shall revert to the language in the Code of Virginia in effect on January 1, 2018.

17. That nothing in this act shall be construed to appropriate or transfer any transportation revenues for nontransportation purposes pursuant to the twenty-second enactment of Chapter 896 of the Acts of Assembly of 2007 or the fourteenth enactment of Chapter 766 of the Acts of Assembly of 2013.

18. That the twelfth enactment of Chapter 684 of the Acts of Assembly of 2015 is amended and reenacted as follows:

12. That the provisions of this act amending §§ 33.2-1530, 58.1-815.4, ~~58.1-1741~~, and 58.1-2289 of the Code of Virginia shall expire if the Commonwealth collects sales and use tax from remote sellers on sales made into the Commonwealth pursuant to legislation enacted by the federal government that grants states that meet minimum simplification requirements specified in such legislation the authority to compel remote retailers to collect sales and use tax on sales made into the respective state.

CHAPTER 857

*An Act to amend and reenact § 20-124.2 of the Code of Virginia, relating to joint legal or physical custody.*

[H 1351]

Approved May 18, 2018

**Be it enacted by the General Assembly of Virginia:**

**1. That § 20-124.2 of the Code of Virginia is amended and reenacted as follows:**

**§ 20-124.2. Court-ordered custody and visitation arrangements.**

A. In any case in which custody or visitation of minor children is at issue, whether in a circuit or district court, the court shall provide prompt adjudication, upon due consideration of all the facts, of custody and visitation arrangements, including support and maintenance for the children, prior to other considerations arising in the matter. The court may enter an order pending the suit as provided in § 20-103. The procedures for determining custody and visitation arrangements shall insofar as practical, and consistent with the ends of justice, preserve the dignity and resources of family members. Mediation shall be used as an alternative to litigation where appropriate. When mediation is used in custody and visitation matters, the goals

may include development of a proposal addressing the child's residential schedule and care arrangements, and how disputes between the parents will be handled in the future.

B. In determining custody, the court shall give primary consideration to the best interests of the child. *The court shall consider and may award joint legal, joint physical, or sole custody, and there shall be no presumption in favor of any form of custody.* The court shall assure minor children of frequent and continuing contact with both parents, when appropriate, and encourage parents to share in the responsibilities of rearing their children. As between the parents, there shall be no presumption or inference of law in favor of either. The court shall give due regard to the primacy of the parent-child relationship but may upon a showing by clear and convincing evidence that the best interest of the child would be served thereby award custody or visitation to any other person with a legitimate interest. ~~The court may award joint custody or sole custody.~~

B1. In any case or proceeding involving the custody or visitation of a child, as to a parent, the court may, in its discretion, use the phrase "parenting time" to be synonymous with the term "visitation."

C. The court may order that support be paid for any child of the parties. Upon request of either party, the court may order that such support payments be made to a special needs trust or an ABLÉ savings trust account as defined in § 23.1-700. The court shall also order that support will continue to be paid for any child over the age of 18 who is (i) a full-time high school student, (ii) not self-supporting, and (iii) living in the home of the party seeking or receiving child support until such child reaches the age of 19 or graduates from high school, whichever first occurs. The court may also order that support be paid or continue to be paid for any child over the age of 18 who is (a) severely and permanently mentally or physically disabled, and such disability existed prior to the child reaching the age of 18 or the age of 19 if the child met the requirements of clauses (i), (ii), and (iii); (b) unable to live independently and support himself; and (c) residing in the home of the parent seeking or receiving child support. In addition, the court may confirm a stipulation or agreement of the parties which extends a support obligation beyond when it would otherwise terminate as provided by law. The court shall have no authority to decree support of children payable by the estate of a deceased party. The court may make such further decree as it shall deem expedient concerning support of the minor children, including an order that either party or both parties provide health care coverage or cash medical support, or both.

D. In any case in which custody or visitation of minor children is at issue, whether in a circuit or district court, the court may order an independent mental health or psychological evaluation to assist the court in its determination of the best interests of the child. The court may enter such order as it deems appropriate for the payment of the costs of the evaluation by the parties.

E. The court shall have the continuing authority and jurisdiction to make any additional orders necessary to effectuate and enforce any order entered pursuant to this section or § 20-103 including the authority to punish as contempt of court any willful failure of a party to comply with the provisions of the order. A parent or other person having legal custody of a child may petition the court to enjoin and the court may enter an order to enjoin a parent of the child from filing a petition relating to custody and visitation of that child for any period of time up to 10 years if doing so is in the best interests of the child and such parent has been convicted of an offense under the laws of the Commonwealth or a substantially similar law of another state, the United States, or any foreign jurisdiction which constitutes (i) murder or voluntary manslaughter, or a felony attempt, conspiracy or solicitation to commit any such offense, if the victim of the offense was a child of the parent, a child with whom the parent resided at the time the offense occurred, or the other parent of the child, or (ii) felony assault resulting in serious bodily injury, felony bodily wounding resulting in serious bodily injury, or felony sexual assault, if the victim of the offense was a child of the parent or a child with whom the parent resided at the time of the offense. When such a petition to enjoin the filing of a petition for custody and visitation is filed, the court shall appoint a guardian ad litem for the child pursuant to § 16.1-266.

F. In any custody or visitation case or proceeding wherein an order prohibiting a party from picking the child up from school is entered pursuant to this section or § 20-103, the court shall order a party to such case or proceeding to provide a copy of such custody or visitation order to the school at which the child is enrolled within three business days of such party's receipt of such custody or visitation order.

If a custody determination affects the school enrollment of the child subject to such custody order and prohibits a party from picking the child up from school, the court shall order a party to provide a copy of such custody order to the school at which the child will be enrolled within three business days of such party's receipt of such order. Such order directing a party to provide a copy of such custody or visitation order shall further require such party, upon any subsequent change in the child's school enrollment, to provide a copy of such custody or visitation order to the new school at which the child is subsequently enrolled within three business days of such enrollment.

If the court determines that a party is unable to deliver the custody or visitation order to the school, such party shall provide the court with the name of the principal and address of the school, and the court shall cause the order to be mailed by first class mail to such school principal.

Nothing in this section shall be construed to require any school staff to interpret or enforce the terms of such custody or visitation order.

## CERTIFICATION OF THE ACTS OF ASSEMBLY

## 2018 REGULAR SESSION

I, G. Paul Nardo, Clerk of the House of Delegates and Keeper of the Rolls of the Commonwealth, do hereby certify that the 2018 Regular Session of the General Assembly of the Commonwealth of Virginia, at which the Acts of Assembly herein printed were enacted, convened on Wednesday, January 10, 2018, and adjourned sine die on Saturday, March 10, 2018, and the Reconvened Session, pursuant to Section 6 of Article IV of the Constitution of Virginia, convened on Wednesday, April 18, 2018, and adjourned sine die on Wednesday, April 18, 2018.

G. PAUL NARDO  
*Clerk of the House of Delegates  
and  
Keeper of the Rolls of the Commonwealth*

Note: Except as otherwise provided therein, all Acts of the 2018 Regular Session of the General Assembly, including the Reconvened Session, became effective at the first moment of July 1, 2018.

The Act contained in Chapter 14 was signed by the Governor on February 22, 2018, having been returned to the Governor by the Regular Session, pursuant to Section 6 (b) (iii) of Article V of the Constitution of Virginia.

The Act contained in Chapter 15 was signed by the Governor on February 23, 2018, having been returned to the Governor by the Regular Session, pursuant to Section 6 (b) (iii) of Article V of the Constitution of Virginia.

The Act contained in Chapter 150 was signed by the Governor on March 5, 2018, having been returned to the Governor by the Regular Session, pursuant to Section 6 (b) (iii) of Article V of the Constitution of Virginia.

The Acts contained in Chapters 207 and 208 were signed by the Governor on March 8, 2018, having been returned to the Governor by the Regular Session, pursuant to Section 6 (b) (iii) of Article V of the Constitution of Virginia.

The Acts contained in Chapters 297 and 298 were signed by the Governor on March 10, 2018, having been returned to the Governor by the Regular Session, pursuant to Section 6 (b) (iii) of Article V of the Constitution of Virginia.

The Acts contained in Chapters 812-814 became a chapter of the Acts of Assembly on April 9, 2018, pursuant to Section 1 of Article XII of the Constitution of Virginia and §§ 30-13, 30-14, and 30-19 of the Code of Virginia. These chapters, agreed to by the General Assembly as either a House Joint Resolution or Senate Joint Resolution, are not subject to presentation, review, and action by the Governor pursuant to Section 6 of Article V of the Constitution of Virginia.

The Acts contained in Chapters 815-850 became law without the signature of the Governor on April 18, 2018, pursuant to Section 6 (c) (iii) of Article V of the Constitution of Virginia.

The Acts contained in Chapters 851-857 were signed by the Governor on May 18, 2018, all having been returned to the Governor by the Reconvened Session, pursuant to Section 6 (c) (iii) of Article V of the Constitution of Virginia.

**HOUSE JOINT RESOLUTION NO. 9***Celebrating the life of Joseph C. Smiddy.*

Agreed to by the House of Delegates, January 12, 2018

Agreed to by the Senate, January 18, 2018

WHEREAS, Joseph C. Smiddy, a distinguished resident of Southwest Virginia, who helped countless students achieve their dreams through his leadership as an educator and college administrator, died on May 1, 2017; and

WHEREAS, a native of Jellico, Tennessee, Joseph Smiddy joined many of the other young men of his generation in service to the nation during World War II; he was appointed as an assistant conductor of the 392nd Army Service Forces Band at Fort Lee, then applied for overseas duty and served in the Pacific Theater; and

WHEREAS, after his honorable military service, Joseph Smiddy completed his bachelor's degree at Lincoln Memorial University and continued his education at The College of William and Mary and the University of Tennessee, earning a master's degree from Peabody College of Education and Human Development; and

WHEREAS, Joseph Smiddy was passionate about the importance of lifelong learning, and he began his career in education at Jonesville High School, where he became the principal; he was recruited to become the first biology professor of Clinch Valley College, now the University of Virginia's College at Wise; and

WHEREAS, Joseph Smiddy provided exceptional leadership to Clinch Valley College, serving as dean and as the institution's first chancellor; during his 30-year tenure, he oversaw the admission of Clinch Valley College's first African American student and helped the college grow from a two-year to a four-year institution; and

WHEREAS, a well-known member of the Wise community, Joseph Smiddy was a 50-year member of the Wise Kiwanis Club, and he enjoyed fellowship and worship with the congregation of Wise Baptist Church; and

WHEREAS, affectionately known as Papa Joe, Joseph Smiddy was a consummate storyteller known for his wisdom and wit, and a talented musician who worked to preserve mountain music as a longtime banjo player in the Reedy Creek Bluegrass Band; and

WHEREAS, Joseph Smiddy earned many awards and accolades over the course of his career, including the Kanto Education Award, the Laurel Leaf Award, and several honorary doctorates; the annual Papa Joe Smiddy Mountain Music Festival at Natural Tunnel State Park was also named in his honor; and

WHEREAS, Joseph Smiddy will be fondly remembered and greatly missed by his children, Joe and Elizabeth, and their families; stepchildren, Edwina, Chuck, and Cathy, and their families; and numerous other family members, friends, and colleagues; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Joseph C. Smiddy, a respected leader in higher education and a pillar of the Southwest Virginia community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Joseph C. Smiddy as an expression of the General Assembly's respect for his memory.

**HOUSE JOINT RESOLUTION NO. 10***Celebrating the life of Donald Williams, Sr.*

Agreed to by the House of Delegates, January 12, 2018

Agreed to by the Senate, January 18, 2018

WHEREAS, Donald Williams, Sr., of Pennington Gap, a public servant and a respected member of the Lee County community, who mentored and inspired countless students as an educator and a coach, died on October 9, 2017; and

WHEREAS, a native of Jonesville, Donald "Don" Williams, Sr., graduated from Jonesville High School and earned a bachelor's degree from Milligan College, where he lettered in four sports and was inducted into the Milligan College Athletic Hall of Fame; and

WHEREAS, Don Williams continued his education at Union College, earning a master's degree, then honorably served his country as a member of the United States Army Counter Intelligence Corps at Fort Holabird in Maryland; and

WHEREAS, after his military service, Don Williams pursued a career as an educator with Lee County Public Schools; he helped prepare students for success in higher education and careers at Dryden High School, St. Charles High School, Pennington High School, Coeburn High School, and Lee High School; and

WHEREAS, Don Williams was well-known as an athletics coach in the area, leading basketball, baseball, volleyball, tennis, golf, track, and cross country teams; throughout his 23-year career as a football coach, he earned 17 district championship titles and six regional championship titles; and

WHEREAS, after his well-earned retirement as an educator and coach, Don Williams continued to serve his fellow residents as chair of the Lee County Board of Supervisors and the Lee County School Board; he was also a founding member of the Lee County Soccer Association and the annual Lights in the Park holiday event; and

WHEREAS, Don Williams will be fondly remembered and greatly missed by his loving wife, Patty; sons, Don, Jr., and Kevin, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Donald Williams, Sr., a distinguished educator, coach, and public servant in Lee County; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Donald Williams, Sr., as an expression of the General Assembly's respect for his memory.

#### HOUSE JOINT RESOLUTION NO. 11

*Providing for certain Joint Assemblies, establishing a schedule for the conduct of business coming before the 2018 Regular Session of the General Assembly of Virginia, and providing for legislative continuity between the 2018 and 2019 Regular Sessions of the General Assembly.*

Agreed to by the House of Delegates, January 10, 2018

Agreed to by the Senate, January 10, 2018

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly shall meet in joint session in the Hall of the House of Delegates on Wednesday, January 10, 2018, at such time as specified by the Speaker of the House of Delegates, to receive the Governor of Virginia, and such address as he may desire to make, and that the rules for the government of the House of Delegates and the Senate, when convened in joint session for such purpose, shall be as follows:

Rule I. At the hour fixed for the meeting of the Joint Assembly, the Senators, accompanied by the President and the Clerk of the Senate, shall proceed to the Hall of the House of Delegates and shall be received by the Delegates standing. Appropriate seats shall be assigned to the Senators by the Sergeant at Arms of the House. The Speaker of the House of Delegates shall assign an appropriate seat for the President of the Senate.

Rule II. The Speaker of the House of Delegates shall be President of the Joint Assembly. In case it shall be necessary for the Speaker to vacate the Chair, the President of the Senate shall serve as the presiding officer.

Rule III. The Clerk of the House of Delegates shall be Clerk of the Joint Assembly and shall be assisted by the Clerk of the Senate. The Clerk of the Joint Assembly shall enter the proceedings of the Joint Assembly in the Journal of the House and shall certify a copy of the same to the Clerk of the Senate, who shall enter the same in the Journal of the Senate.

Rule IV. The Sergeant at Arms and Doorkeepers of the House shall act as such for the Joint Assembly.

Rule V. The Rules of the House of Delegates, as far as applicable, shall be the rules of the Joint Assembly.

Rule VI. In calling the roll of the Joint Assembly, the names of the Senators shall be called in alphabetical order, then the names of the Delegates in like order, except that the name of the Speaker of the House of Delegates shall be called last.

Rule VII. If, when the Joint Assembly meets, it shall be ascertained that a majority of each house is not present, the Joint Assembly may take measures to secure the attendance of absentees, or adjourn to a succeeding day, as a majority of those present may determine.

Rule VIII. When the Joint Assembly adjourns, the Senators, accompanied by the President and the Clerk of the Senate, shall return to their chamber, and the business of the House shall be continued in the same order as at the time of the entrance of the Senators; and, be it

RESOLVED FURTHER, That the General Assembly shall meet in joint session in the Hall of the House of Delegates on Saturday, January 13, 2018, at such time as specified by the Speaker of the House of Delegates, to receive distinguished guests, and then proceed to the inaugural platform to witness the administration of the oath of office to the Attorney General-elect and the inauguration of the Lieutenant Governor-elect and the Governor-elect, and that the rules for the government of the House of Delegates and the Senate, when convened in joint session on that day, shall be the same as previously provided for the Joint Assembly; and, be it

RESOLVED FURTHER, That the General Assembly shall meet in joint session in the Hall of the House of Delegates on Monday, January 15, 2018, at such time as specified by the Speaker of the House of Delegates, to receive the Governor of Virginia, and such address as he may desire to make, and that the rules for the government of the House of Delegates and the Senate, when convened in joint session for such purposes, shall be the same as previously provided for the Joint Assembly; and, be it

RESOLVED FURTHER, That notwithstanding any other provision of this resolution and in accordance with the practices of each house, with the exception of commending and memorial joint resolutions, a request to be added as a co-patron shall be received prior to the first vote on the passage of a bill or agreement to a joint resolution or, if the bill or joint resolution is not reported from committee, then prior to the last action on such legislation. A request to be removed as a co-patron shall be received no later than 3:00 p.m., Friday, March 2, 2018; and, be it

RESOLVED FURTHER, That any joint resolution creating or continuing a study shall require a vote of two-thirds of the members voting in each house and any resolution creating or continuing a study shall require a vote of two-thirds of the members voting in the respective house; and, be it

RESOLVED FURTHER, That any member offering for introduction a bill or joint resolution not submitted to the Division of Legislative Services for drafting is encouraged to submit an electronic version no later than 5:00 p.m. on the day the legislation is introduced; and, be it

RESOLVED FURTHER, That for purposes of the procedural deadlines established herein for the 2018 Regular Session of the General Assembly:

"Budget Bill" means the general appropriation bill introduced in each house that authorizes the biennial expenditure of public revenues for the period from July 1, 2016, through June 30, 2018, or July 1, 2018, through June 30, 2020.

"Debt bill" means any bill that authorizes the issuance of debt.

"Legislative day" means the period of time that begins with the call to order by the presiding officer and ends when declared adjourned by the presiding officer. Unless another time is specified, any deadline established in this resolution shall expire at the end of the legislative day.

"Prefiled legislation" means any bill or joint resolution requested from the Division of Legislative Services no later than 5:00 p.m., Monday, December 4, 2017, and prefiled no later than 10:00 a.m., Wednesday, January 10, 2018, or any bill or joint resolution not requested from the Division of Legislative Services and prefiled no later than 10:00 a.m., Wednesday, January 10, 2018.

"Revenue bill" means any bill, except the Budget Bill(s) and debt bills, that increases or decreases the total revenues available for appropriation.

"Unanimous consent" means the affirmation of all the members present in the house of origin. Any legislation intended to be offered for introduction with unanimous consent or with the written request of the Governor shall not require the consent of the house in order for the member to request the Division of Legislative Services to draft such legislation. The Division of Legislative Services shall return such legislation after the original introduction deadline.

"Virginia Retirement System bill" means any bill that amends, adds, repeals, or modifies any provision of any retirement system established in Title 51.1 of the Code of Virginia; and, be it

RESOLVED FINALLY, That the 2018 Regular Session of the General Assembly shall be governed by the following procedural rules, which establish introduction limits and time limitations for elections and for all legislation prefiled and introduced for the 2018 Regular Session except:

- (i) House and Senate resolutions, except for the time limitations established in Rules 18 and 20;
- (ii) Bills and joint resolutions affecting the rules of procedure or the schedule of business of the General Assembly, either of its houses, or any of its committees;
- (iii) Bills and joint resolutions introduced with unanimous consent either to exceed the introduction limits established in Rule 1 or to exceed the time limitations established in Rules 2, 3, 6, and 16;
- (iv) Joint resolutions confirming appointments subject to the confirmation of the General Assembly;
- (v) Joint commending and memorial resolutions, except for the time limitations established in Rules 14 and 16;
- (vi) Bills and joint resolutions regarding elections held by the General Assembly during the 2018 Regular Session; or
- (vii) Bills and joint resolutions requested in writing by the Governor.

Rule 1. After the deadline for filing prefiled legislation established by House Joint Resolution No. 556 (2017), no member of the House of Delegates shall introduce more than a combined total of five bills and joint resolutions and no member of the Senate shall introduce more than a combined total of eight bills and joint resolutions.

Rule 2. No bill or joint resolution creating or continuing a study shall be offered in either house after adjournment of that house on Wednesday, January 10, 2018.

Rule 3. No Virginia Retirement System bill shall be offered in either house after adjournment of that house on Wednesday, January 10, 2018.

Rule 4. Except for bills and joint resolutions required to be requested earlier, requests for the drafting, redrafting, or correction of any bill or joint resolution shall be submitted to and received by the Division of Legislative Services no later than 5:00 p.m., Friday, January 12, 2018.

Rule 5. No later than Monday, January 15, 2018, each house shall begin its consideration of any election to fill any judicial seat in the courts of the Commonwealth, or to fill a seat on any commission or office elected by the General Assembly. In the event that the houses cannot agree on such election before Tuesday, January 16, 2018, such election shall become the subject of a special and continuing joint order in each house, and such special and continuing joint order shall have precedence over all other business of either house, until such time as both houses reach agreement on such election or agree to hold it at another specific time. The Rules of each house, as far as applicable, shall be the rules governing such election.

Rule 6. Except for bills required to be filed earlier, no bill or joint resolution shall be offered in either house after 3:00 p.m., Friday, January 19, 2018.

Rule 7. No later than Thursday, January 25, 2018, the Board of Trustees of the Virginia Retirement System shall submit, in accordance with § 30-19.1:7, impact statements for all Virginia Retirement System bills filed by the first day of session. For any Virginia Retirement System bill filed later than the first day of session, the Board of Trustees shall use due diligence in preparing the impact statement in time for review by the standing committees.

Rule 8. Except for the Budget Bill(s), beginning Wednesday, February 14, 2018, the House of Delegates shall consider only Senate bills, Senate joint resolutions, House bills with Senate amendments, and House joint resolutions with Senate amendments; the Senate shall consider only House bills, House joint resolutions, Senate bills with House amendments, and Senate joint resolutions with House amendments; and each house may consider conference reports and other privileged matters relating thereto to the end that the work of each house may be disposed of by the other.

Rule 9. The committees responsible for the consideration of the Budget Bill(s) in the houses of introduction shall complete their work on such bill(s) no later than midnight, Sunday, February 18, 2018, and any amendments proposed by such committees shall be made available to their respective houses no later than noon, Tuesday, February 20, 2018.

Rule 10. The houses of introduction shall complete their consideration of the Budget Bill(s), except for conference reports and other privileged matters relating thereto, no later than Thursday, February 22, 2018.

Rule 11. The committees responsible for consideration of revenue bills of the other house shall complete their consideration of such bills no later than midnight, Tuesday, February 27, 2018.

Rule 12. No later than midnight, Wednesday, February 28, 2018, each house shall complete consideration of the Budget Bill(s) and all revenue bills of the other house, except for conference reports and other privileged matters relating thereto, and the appointing authority shall appoint the conferees to such bills.

Rule 13. No later than Wednesday, February 28, 2018, each house shall begin its consideration of any election to fill any judicial seat in the courts of the Commonwealth, or to fill a seat on any commission or office elected by the General Assembly. In the event that the houses cannot agree on such election before Thursday, March 1, 2018, such election shall become the subject of a special and continuing joint order in each house, and such special and continuing joint order shall have precedence over all other business of either house, until such time as both houses reach agreement on such election or either house votes to suspend or discharge the order. The Rules of each house, as far as applicable, shall be the rules governing any such election.

Rule 14. Requests for the drafting, redrafting, or correction of any joint commending or memorial resolution shall be submitted to and received by the Division of Legislative Services no later than 5:00 p.m., Thursday, March 1, 2018.

Rule 15. Any conference committee on any revenue bills shall complete its deliberations and make the report of such conference available to the General Assembly as soon as practicable.

Rule 16. No joint commending or memorial resolution shall be offered in either house after 5:00 p.m., Monday, March 5, 2018.

Rule 17. Beginning Tuesday, March 6, 2018, neither house shall receive from any committee any bill or joint resolution acted on by any committee later than midnight, Monday, March 5, 2018.

Rule 18. Requests for the drafting, redrafting, or correction of any single-house commending or memorial resolution shall be submitted to and received by the Division of Legislative Services no later than 5:00 p.m., Tuesday, March 6, 2018.

Rule 19. Any conference committee on the Budget Bill(s) shall complete its deliberations and make the report of such conference available to the General Assembly as soon as practicable. Neither house shall consider such conference report earlier than 48 hours after receipt, unless both houses respectively determine to proceed earlier by a vote of two-thirds of the members voting in each house. No engrossment of the Budget Bill(s) shall be required in either house, and any conference on the Budget Bill(s) shall consider, as the basis of its deliberations, the Budget Bill(s) as recommended by the Governor and introduced in the House and the amendments thereto proposed by each house. A report shall be issued concurrently with the report of the conference committee that identifies the following by item number, narrative description, and dollar amount: (i) any nonstate agency appropriation, (ii) any item in the conference report that was not included in a general appropriation bill as passed by either the House or the Senate, and (iii) any item that represents legislation that failed in either house during the regular or a special session.

Rule 20. No single-house commending or memorial resolution shall be offered in either house after 5:00 p.m., Thursday, March 8, 2018.

Rule 21. Except for joint resolutions affecting the rules of procedure or the schedule of business of the General Assembly, beginning Friday, March 9, 2018, the House shall consider only Senate joint resolutions and House joint resolutions with Senate amendments; the Senate shall consider only House joint resolutions and Senate joint resolutions with House amendments; and each house may consider conference reports or joint resolutions and other privileged matters relating thereto, to the end that the work of each house may be disposed of by the other.

Rule 22. This session of the General Assembly shall adjourn sine die no later than the legislative day of Saturday, March 10, 2018.

Rule 23. Pursuant to Section 6 of Article IV of the Constitution of Virginia, the General Assembly shall reconvene Wednesday, April 18, 2018, for the purpose of considering bills that may have been returned by the Governor with recommendations for their amendment and bills and items of appropriation bills, including the general appropriation act, that may have been returned by the Governor with his objections.

Rule 24. Pursuant to Section 7 of Article IV of the Constitution of Virginia, legislative continuity is hereby provided for between sessions occurring during the terms for which members of the House of Delegates are elected, in conformity with the Rules of the House of Delegates and the Rules of the Senate.

Rule 25. The conduct of the business of any subcommittee of any House committee, any joint subcommittee of House and Senate committees, and any interim study commission created pursuant to a House measure shall be governed by the Rules of the House of Delegates; the conduct of the business of any subcommittee of any Senate committee, any joint subcommittee of Senate and House committees, and any interim study commission created pursuant to a Senate measure shall be governed by the Rules of the Senate. If a House measure and a Senate measure create the same study, the conduct of business of the study shall be governed by the rules of the house of the chairman of the study, or in the case of co-chairmen, the rules of the house as agreed upon by the co-chairmen.

Rule 26. Interim meetings of any standing committee, joint committee, joint subcommittee, legislative commission, or any other interim study subcommittee or study commission shall be held on Monday, Tuesday, or Wednesday during the first and third full weeks of the month, unless otherwise authorized by the Speaker of the House of Delegates or the Chairman of the Senate Committee on Rules, as may be appropriate for the house in which the chairman serves.

Rule 27. Any staff member assigned to work for, and support the efforts of, any committee of the House or Senate, any subcommittee of any such committee, any joint subcommittee of House and Senate committees, or any interim study commission shall work under the direction of the chairman of such committee, subcommittee, joint subcommittee, or interim study commission.

Rule 28. The standing committees of the General Assembly shall complete their consideration of all legislation continued by them from the 2018 Regular Session no later than midnight, Thursday, November 29, 2018.

**HOUSE JOINT RESOLUTION NO. 12**

*Establishing a schedule for the conduct of business for the prefiling period of the 2019 Regular Session of the General Assembly of Virginia.*

Agreed to by the House of Delegates, January 10, 2018  
 Agreed to by the Senate, January 10, 2018

RESOLVED by the House of Delegates, the Senate concurring, That the prefiling period of the 2019 Regular Session of the General Assembly shall be governed by the following rules:

Rule 1. Requests for drafts of any bill or joint resolution to be prefiled shall be submitted to and received by the Division of Legislative Services no later than 5:00 p.m., Monday, December 3, 2018. The Division shall make such drafts available for review no later than midnight, Friday, December 28, 2018.

Rule 2. Requests for the drafting, redrafting, or correction of any bill or joint resolution creating or continuing a study shall be submitted to and received by the Division of Legislative Services no later than 5:00 p.m., Friday, January 4, 2019, in order to be filed on the first day of the 2019 Regular Session.

Rule 3. Requests for redrafts and corrections of any draft prepared for prefiling shall be submitted to and received by the Division of Legislative Services no later than 5:00 p.m., Friday, January 4, 2019. The Division shall make such drafts available no later than noon, Tuesday, January 8, 2019.

Rule 4. Bills and joint resolutions offered for prefiling shall be prefiled in either house no later than 10:00 a.m., Wednesday, January 9, 2019. Any member offering for prefiling a bill or joint resolution not submitted to the Division of Legislative Services for drafting is encouraged to submit an electronic version no later than 5:00 p.m. on the day the legislation is prefiled.

**HOUSE JOINT RESOLUTION NO. 14**

*Celebrating the life of James Alexander Ransone, Jr.*

Agreed to by the House of Delegates, January 12, 2018  
 Agreed to by the Senate, January 18, 2018

WHEREAS, Virginians of every generation have taken to arms to defend their liberties; and  
 WHEREAS, the people of Powhatan hold a particular regard for members of their fellowship who have borne arms in defense of the Commonwealth or the country; and  
 WHEREAS, this fundamental attribute of the faithful heart is evidenced in a memorial to The Powhatan Troop on the Courthouse Green declaring, "To honor valor is mankind's delight"; and  
 WHEREAS, James Alexander Ransone, Jr., was born into this traditional community at Cartersville on July 24, 1928; and  
 WHEREAS, J. A. Ransone, Jr., was deployed to Korea as a corporal in the United States Army, five months after the United Nations (UN), with forces led by the United States, responded to the invasion of northern Korea by the armies of China; and  
 WHEREAS, on November 27, 1950, at the Chosin Reservoir, the 30,000 UN troops whose number included J. A. Ransone, Jr., were surrounded in a surprise attack by 120,000 Chinese troops; and  
 WHEREAS, in subfreezing temperatures, the UN and American troops fought valiantly for 17 days, and of the 3,000 American soldiers with whom J. A. Ransone, Jr., served directly, only 181 survived the initial five-day battle with the Communist forces of China and northern Korea; and  
 WHEREAS, J. A. Ransone, Jr., at age 80, remembered the "killing temperatures and no food," seeing his platoon wiped out by "friendly fire," taking five enemy rounds, running out of ammunition, and being abandoned by two officers, and surviving the crash of his evacuation flight; and  
 WHEREAS, J. A. Ransone, Jr., as later reports of the war recount, fled from an enemy machine-gun nest and, unarmed and alone, made his way onto the frozen expanse of the Chosin Reservoir, where he was rescued by reserve UN forces,

taken to a field hospital, and, with 30 other survivors, airlifted out of the combat zone, only to endure the crash of that airplane, another rescue and a final evacuation to Japan, and, after recuperation, his return to Korea and to combat; and

WHEREAS, J. A. Ransone, Jr., was one of the fabled "Chosin Few" to have survived the battle; and

WHEREAS, after his military service, J. A. Ransone, Jr., returned to Powhatan, where he and his wife of 62 years, Mary Jane (Goodwyn) Ransone, raised a daughter and two sons--each of whom, and a total of four grandchildren, remain in the community of their birth; and

WHEREAS, for the remainder of his life, J. A. Ransone, Jr., remained true to the memory of his comrades-at-arms and their experiences together in the Korean War and served as charter commander of the Powhatan chapter of the Veterans of Foreign Wars and as a life member of the Richmond chapter of the Disabled American Veterans; and

WHEREAS, J. A. Ransone, Jr., was a longtime agent of Peoples Security Life/Monumental Life Insurance Company, owner of Huguenot Insurance Agency, and owner, significantly, of Chosin Restaurant; he served his community as a Master Mason of Powhatan Lodge 295, on the board of directors of Huguenot Academy, and on the Goochland-Powhatan Disability Board; and

WHEREAS, on September 8, 2016, J. A. Ransone, Jr., ended his earthly pilgrimage and was buried in Cartersville Cemetery, verily in the shadow of his ancestral home, following services at Red Lane Baptist Church; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of James Alexander Ransone, Jr., an embodiment of the citizen-soldier whose experiences and exploits will be remembered so long as Virginians remember honor; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of James Alexander Ransone, Jr., as an expression of the General Assembly's gratitude for his military service and respect for his exemplary life.

#### HOUSE JOINT RESOLUTION NO. 16

*Designating March, in 2019 and in each succeeding year, as Bleeding Disorders Awareness Month in Virginia.*

Agreed to by the House of Delegates, February 12, 2018

Agreed to by the Senate, March 5, 2018

WHEREAS, inherited bleeding disorders are exceedingly rare, but without proper treatment have the potential to be devastating to the health of affected individuals; and

WHEREAS, all individuals with inherited bleeding disorders share the inability to form a proper blood clot, which may lead to extended bleeding after injury, surgery, trauma, menstruation, or childbirth; these disorders are associated with significant morbidity and can be fatal if not treated effectively; and

WHEREAS, many individuals with hemophilia, a type of bleeding disorder, became infected with HIV and Hepatitis C in the 1980s due to the contamination of the blood supply and blood products; and

WHEREAS, Virginia has recognized the serious nature of untreated bleeding disorders by mandating the treatment of hemophilia by insurers of the Commonwealth's regulated plans; and

WHEREAS, greater awareness of inherited bleeding disorders will help members of the public understand the scope of inherited bleeding disorders, including not only hemophilia, but also von Willebrand disease; and

WHEREAS, greater public awareness will also increase engagement in the prevention and treatment of inheritable bleeding disorders to ensure that members of the bleeding disorder community do not face these disorders alone, as well as prevent unnecessary procedures and reduce the risk of disability; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly designate March, in 2019 and in each succeeding year, as Bleeding Disorders Awareness Month in Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates transmit a copy of this resolution to the Virginia Board of Health so that members of the board may be apprised of the sense of the General Assembly of Virginia in this matter; and, be it

RESOLVED FINALLY, That the Clerk of the House of Delegates post the designation of this month on the General Assembly's website.

#### HOUSE JOINT RESOLUTION NO. 18

*Commending the Rotary Club of Chesapeake.*

Agreed to by the House of Delegates, January 12, 2018

Agreed to by the Senate, January 18, 2018

WHEREAS, in 2017, the Rotary Club of Chesapeake celebrated 50 years of fellowship and service to its local community; and

WHEREAS, the Rotary Club of Chesapeake, a chapter of the Rotary International service organization, was chartered in 1967 with 25 members; today, it boasts more than 100 members who support philanthropic and community enrichment initiatives; and

WHEREAS, among the Rotary Club of Chesapeake's largest fundraising events is the Chesapeake Wine Festival, an annual, all-volunteer event that has raised over \$1 million for charities such as the Boys and Girls Club, the Chesapeake Care Free Clinic, and the Chesapeake Regional Health Foundation; and

WHEREAS, the Rotary Club of Chesapeake spearheads several other annual events, including a Christmas parade, a volunteer project to paint the homes of the less fortunate, and Coats For Kids, which provides warm winter coats for children in need; and

WHEREAS, in the spirit of its devotion to volunteerism, the Rotary Club of Chesapeake dispenses the First Citizen of Chesapeake Award each year to honor individuals who have made a lasting and positive impact on the local community; and

WHEREAS, the Rotary Club of Chesapeake celebrated its 50th anniversary in June 2017 at Greenbrier Farms, the site of its original meeting; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Rotary Club of Chesapeake on the occasion of its 50th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Rotary Club of Chesapeake as an expression of the General Assembly's admiration for its longstanding service to the residents of Chesapeake.

### HOUSE JOINT RESOLUTION NO. 20

*Celebrating the life of Ferris M. Belman, Sr.*

Agreed to by the House of Delegates, January 12, 2018

Agreed to by the Senate, February 22, 2018

WHEREAS, Ferris M. Belman, Sr., a devoted husband and father, and a respected public servant in Fredericksburg and Stafford County, died on September 3, 2017; and

WHEREAS, a native of Fredericksburg, Ferris Belman graduated from James Monroe High School in 1944 and then served two years in the United States Army during World War II; after returning home, he joined his father's business, Belman's Grocery, and helped it grow to include three stores in Fredericksburg; and

WHEREAS, Ferris Belman began his 33-year local government career in 1968, when he won a seat on the Fredericksburg City Council; he would go on to win three more terms, earning a reputation for being fair-minded and accessible to his constituents; and

WHEREAS, Ferris Belman left Fredericksburg in 1983 and moved to his family farm in Stafford County; that same year, he reentered public service after winning a seat on the Stafford County Board of Supervisors, where he remained until 2001, often serving as chair or vice chair; and

WHEREAS, along with his defense of low taxes and property rights, Ferris Belman was known for his keen ability to predict the need for infrastructure improvements in Stafford County; during his years of service, he was involved in the building of the Lake Mooney Reservoir, the Stafford Regional Airport, the Government Center, and the regional adult and juvenile detention centers; and

WHEREAS, other major accomplishments from Ferris Belman's tenure on the Stafford County Board of Supervisors include attracting the insurance company, GEICO, to provide employment opportunities in Stafford County, acquiring land for the Stafford campus of the University of Mary Washington, and approving Celebrate Virginia; and

WHEREAS, as a member of the Board of Supervisors for nearly two decades, Ferris Belman made a lasting impact on the lives of countless Stafford County residents and was beloved by his colleagues and constituents for his gentlemanly demeanor and ever-present smile; and

WHEREAS, Ferris Belman enjoyed fellowship and worship as a lifelong member of the Fredericksburg United Methodist Church, and he was active in the Fredericksburg Masonic Lodge No. 4; and

WHEREAS, Ferris Belman will be fondly remembered by his wife of 65 years, Edna; his five sons, Ferris, Jr., Robert, David, Rodger, Matthew, and their families; and countless other family members, friends, and members of the Fredericksburg and Stafford County communities; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Ferris M. Belman, Sr., a dedicated public servant in Fredericksburg and Stafford County; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Ferris M. Belman, Sr., as an expression of the General Assembly's respect for his memory.

**HOUSE JOINT RESOLUTION NO. 22**

*Commending the Falls Church Kiwanis Little League.*

Agreed to by the House of Delegates, January 12, 2018

Agreed to by the Senate, January 18, 2018

WHEREAS, the Falls Church Kiwanis Little League, a youth baseball league that has inspired countless young athletes, celebrates its 70th anniversary in 2018; and

WHEREAS, founded in 1948 by the Kiwanis Club, the Falls Church Kiwanis Little League holds the distinction of being the oldest Little League in the Commonwealth; and

WHEREAS, with a mission to develop superior citizens, the Falls Church Kiwanis Little League strives to nurture character, courage, loyalty, physical fitness, and good sportsmanship in its young competitors; and

WHEREAS, each season, the Falls Church Kiwanis Little League includes some 700 players and 60 teams comprised of both boys and girls ages four to 12; and

WHEREAS, in addition, the Falls Church Kiwanis Little League runs a Challenger Division to provide special needs children ages five to 18 with a fun and safe environment to play baseball; and

WHEREAS, in keeping with its dedication to community service, the Falls Church Kiwanis Little League is a nonprofit organization whose coaches, umpires, and officials all volunteer their time to ensure players have proper guidance and a rewarding experience; and

WHEREAS, over its many years of success, the Falls Church Kiwanis Little League has become a fixture of its local community and helped to promote values such as respect, fair play, and good citizenship; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Falls Church Kiwanis Little League for its decades of service to the youth of Falls Church on the occasion of its 70th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Falls Church Kiwanis Little League as an expression of the General Assembly's admiration for its accomplishments and its efforts to mold exceptional athletes and citizens.

**HOUSE JOINT RESOLUTION NO. 23**

*Commemorating the 100th anniversary of the Virginia Workers' Compensation Act.*

Agreed to by the House of Delegates, January 12, 2018

Agreed to by the Senate, March 5, 2018

WHEREAS, the Virginia Workers' Compensation Act was adopted by the General Assembly on March 21, 1918, establishing the Industrial Commission of Virginia to administer a program of medical care, temporary wage replacement, and permanent partial disability and dependency compensation as an exclusive remedy for work-related accidents and fatal accidents; and

WHEREAS, the Virginia Workers' Compensation Act represents a legislative balance between the interests of injured workers, employers, insurers, and other stakeholders in the spirit of the Grand Bargain and has led to the enactment of workers' compensation laws throughout the United States of America; and

WHEREAS, the Virginia Workers' Compensation Act provides prompt medical and ascertainable financial assistance to injured workers and their families, while allowing employers reasonable protections from the uncertainties of the tort law system; and

WHEREAS, the Virginia Workers' Compensation Act has remained a flexible law, amenable to amendments and modifications that reflect the changing needs of employees and employers in the ever shifting landscape of industry; and

WHEREAS, the Virginia Workers' Compensation Commission, formerly the Industrial Commission of Virginia, continues to administer the Workers' Compensation Act through a fair and effective court system for the adjudication and resolution of claims resulting from workplace accidents; and

WHEREAS, the Virginia Workers' Compensation Commission has grown and advanced in its administration of the Act and has been recognized nationally for innovation and leadership in the workers' compensation industry; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commemorate the 100th anniversary of the Virginia Workers' Compensation Act; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Virginia Workers' Compensation Commission as an expression of the General Assembly's appreciation of the Virginia Workers' Compensation Act's importance to the citizens of this Commonwealth and the success of its economy.

**HOUSE JOINT RESOLUTION NO. 26**

*Continuing the Joint Subcommittee on Coastal Flooding. Report.*

Agreed to by the House of Delegates, February 12, 2018

Agreed to by the Senate, March 5, 2018

WHEREAS, House Joint Resolution 50 and Senate Joint Resolution 76 (2012) directed the Virginia Institute of Marine Science (VIMS) to study strategies for adaptation to prevent recurrent flooding in Tidewater and Eastern Shore Virginia localities; and

WHEREAS, the resulting VIMS report, entitled "Recurrent Flooding Study for Tidewater Virginia," published as Senate Document 3 (2013), stated that recurrent flooding impacts all localities in Virginia's coastal zone and is predicted to become worse over reasonable planning horizons (20 to 50 years); and

WHEREAS, VIMS offered several recommendations, including that the Commonwealth, working with its coastal localities, (i) begin comprehensive and coordinated planning efforts; (ii) initiate identification, collection, and analysis of data needed to support effective planning for response efforts; and (iii) take a lead role in addressing recurrent flooding in Virginia for the following reasons: (a) accessing relevant federal resources for planning and mitigation may be enhanced through state mediation, (b) flooding problems are linked to water bodies and therefore often transcend locality boundaries, and (c) prioritizing flood management actions must be based in part on risk; and therefore, the Commonwealth must oversee the necessary studies to determine adaptation strategies as well as implementation of the agreed upon strategies; and

WHEREAS, the Joint Legislative Audit and Review Commission (JLARC) study mandated by House Joint Resolution 132 (2012) and presented on October 15, 2013, entitled "Review of Disaster Preparedness Planning in Virginia," stated, "The state generally has strong disaster response plans, but deficiencies in evacuation and shelter plans may compromise the safety of the Hampton Roads population during a catastrophic disaster"; and

WHEREAS, the JLARC study further noted that if four key assumptions in the state's current evacuation plan do not hold, "timely hurricane evacuations could be compromised," placing citizens at risk after the storm; and

WHEREAS, the Virginia Housing Commission studied this issue through its Housing and the Environment Work Group and found that zoning, building codes, and planning issues will all be affected by recurrent flooding; and

WHEREAS, House Joint Resolution 16 and Senate Joint Resolution 3 (2014) established the Joint Subcommittee to Formulate Recommendations to Address Recurrent Flooding as recommended by the VIMS report; and

WHEREAS, the Joint Subcommittee to Address Recurrent Flooding met four times during the 2014 interim to collect information from federal agencies, state agencies, localities, and stakeholders and to carry out its work; and

WHEREAS, the Joint Subcommittee to Address Recurrent Flooding filed an executive summary with the General Assembly prior to the 2015 Session, which included five initial recommendations to increase public awareness, improve local and state government agency resiliency coordination, and address floodplain management; and

WHEREAS, recommendations made by the Joint Subcommittee to Address Recurrent Flooding during the 2014 interim resulted in six bills passing the General Assembly during the 2015 Session with bipartisan support; and

WHEREAS, the Joint Subcommittee to Address Recurrent Flooding met four times during the 2015 interim to collect information from federal agencies, state agencies, localities, and stakeholders and to carry out its work; and

WHEREAS, recommendations made by the Joint Subcommittee to Address Recurrent Flooding during the 2015 interim are both legislative in nature and require additional coordination between federal agencies, state agencies, and higher education; and

WHEREAS, the members of the full Joint Subcommittee on Recurrent Flooding concurred that the joint subcommittee be continued for two more years with a name change to the Joint Subcommittee on Coastal Flooding to more accurately reflect its mission and to continue the Commonwealth on the path of advancing Virginia as the coastal states' leader in advancing resiliency strategies and most importantly protecting our citizens and our business assets; and

WHEREAS, pursuant to House Joint Resolution 84 and Senate Joint Resolution 58 (2016), the Joint Subcommittee on Coastal Flooding has continued its work during the 2016 and 2017 interims and shall bring forth additional recommendations for the 2018 Session; and

WHEREAS, the members of the joint subcommittee concur that the work of the joint subcommittee be continued for two additional years; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Joint Subcommittee on Coastal Flooding be continued. The joint subcommittee shall have a total membership of 11 members that shall consist of five members of the House of Delegates appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates; three members of the Senate appointed by the Senate Committee on Rules; and three nonlegislative citizen members, one of whom shall be a business leader and one of whom shall be a representative of the environmental community appointed by the Speaker of the House of Delegates, and one of whom shall be a local official representing Virginia's flood-prone communities appointed by the Senate Committee on Rules. Nonlegislative citizen members of the joint subcommittee shall be citizens of the Commonwealth of Virginia. The current members appointed by the Speaker of the House of Delegates shall be subject to reappointment. The current members appointed by the Senate Committee on Rules shall continue to serve until replaced. Vacancies shall be filled by the

original appointing authority. Unless otherwise approved in writing by the chairman of the joint subcommittee and the respective Clerk, nonlegislative citizen members shall only be reimbursed for travel originating and ending within the Commonwealth of Virginia for the purpose of attending meetings. If a companion joint resolution of the other chamber is agreed to, written authorization of both Clerks shall be required. The joint subcommittee shall elect a chairman and vice-chairman from among its membership, who shall be members of the General Assembly.

In conducting its study, the joint subcommittee shall recommend short-term and long-term strategies for minimizing the impact of recurrent flooding and coastal storms.

Administrative staff support shall continue to be provided by the Office of the Clerk of the House of Delegates. Legal, research, policy analysis, and other services as requested by the joint subcommittee shall continue to be provided by the Division of Legislative Services. Technical assistance shall continue to be provided by faculty at Virginia institutions of higher education who have expertise in the subject matter. All agencies of the Commonwealth shall provide assistance to the joint subcommittee for this study, upon request.

The joint subcommittee shall be limited to four meetings for the 2018 interim and four meetings for the 2019 interim, and the direct costs of this study shall not exceed \$18,640 for each year without approval as set out in this resolution. Approval for unbudgeted nonmember-related expenses shall require the written authorization of the chairman of the joint subcommittee and the respective Clerk. If a companion joint resolution of the other chamber is agreed to, written authorization of both Clerks shall be required.

No recommendation of the joint subcommittee shall be adopted if a majority of the House members or a majority of the Senate members appointed to the joint subcommittee (i) vote against the recommendation and (ii) vote for the recommendation to fail notwithstanding the majority vote of the joint subcommittee.

The joint subcommittee shall complete its meetings for the first year by November 30, 2018, and for the second year by November 30, 2019, and the chairman shall submit to the Division of Legislative Automated Systems an executive summary of its findings and recommendations no later than the first day of the next Regular Session of the General Assembly for each year. Each executive summary shall state whether the joint subcommittee intends to submit to the General Assembly and the Governor a report of its findings and recommendations for publication as a House or Senate document. The executive summaries and reports shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

Implementation of this resolution is subject to subsequent approval and certification by the Joint Rules Committee. The Committee may approve or disapprove expenditures for this study, extend or delay the period for the conduct of the study, or authorize additional meetings during the 2018 and 2019 interims.

### HOUSE JOINT RESOLUTION NO. 30

*Designating November 7, in 2018 and in each succeeding year, as Victims of Communism Memorial Day in Virginia.*

Agreed to by the House of Delegates, February 12, 2018

Agreed to by the Senate, March 5, 2018

WHEREAS, 2017 marked 100 years since the Bolshevik Revolution in Russia and the formation of the first communist government under Vladimir Lenin, leading to decades of oppression and violence under communist regimes throughout the world; and

WHEREAS, based on the economic philosophies of Karl Marx, communism has proven incompatible with the ideals of liberty, prosperity, and dignity of human life and has given rise to such infamous totalitarian dictators as Joseph Stalin, Mao Tse-Tung, Ho Ch' Minh, and Pol Pot; and

WHEREAS, communist regimes worldwide have killed more than 100 million people and subjected countless others to exploitation and unspeakable atrocities, with victims representing many different ethnicities, creeds, and backgrounds; and

WHEREAS, through false promises of equality and liberation, communist regimes have systematically robbed their own citizens of the rights of freedom of worship, freedom of speech, and freedom of association through coercion, brutality, and fear; and

WHEREAS, many victims of communism were persecuted as political prisoners for speaking out against these regimes, and others were killed in genocidal state-sponsored purges of undesirable groups; and

WHEREAS, in addition to violating basic human rights, communist regimes have suppressed intellectual freedom, cultural life, and self-determination movements in more than 40 nations; and

WHEREAS, the Victims of Communism Memorial Foundation in Washington, D.C., is a nonprofit organization that provides education about the history and legacy of communism and honors the people who have suffered and died under communist regimes; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly designate November 7, in 2018 and in each succeeding year, as Victims of Communism Memorial Day; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates transmit a copy of this resolution to the Victims of Communism Memorial Foundation so that members of the organization may be apprised of the sense of the General Assembly of Virginia in this matter; and, be it

RESOLVED FINALLY, That the Clerk of the House of Delegates post the designation of this day on the General Assembly's website.

### HOUSE JOINT RESOLUTION NO. 31

*Commemorating the 50th anniversary of the assassination of Dr. Martin Luther King, Jr.*

Agreed to by the House of Delegates, February 12, 2018

Agreed to by the Senate, March 5, 2018

WHEREAS, 50 years ago, on April 4, 1968, a powerful and peaceful voice for freedom was lost when Dr. Martin Luther King, Jr., was assassinated on the balcony of his motel room in Memphis, Tennessee; and

WHEREAS, during his short lifetime, Dr. King used his eloquence, his leadership, his sense of morality, and his belief in the power of peaceful resistance to awaken the nation's conscience and advance the cause of civil rights; and

WHEREAS, as founding member and first president of the Southern Christian Leadership Conference, Dr. King preached a message of nonviolence that became deeply rooted throughout the nation, particularly in Southern communities where he sought to free African Americans from racial oppression and injustice, and shaped the protests and campaigns that brought about new freedoms; and

WHEREAS, during the course of these campaigns, Dr. King was instrumental in Virginia's fight for civil rights, making dozens of trips to the Commonwealth to encourage African American voter registration and involvement in the political process, to protest the closing of public schools and the widespread resistance to desegregation, to guide civil demonstrations against deeply entrenched segregation, and to preach a message of love and nonviolence across the Commonwealth; and

WHEREAS, Dr. King promoted legislative change to encode the civil rights that he worked to advance, contributing to the dismantling of Jim Crow, the desegregation of institutions, and the enactment of the Civil Rights Act of 1964 and the Voting Rights Act of 1965; and

WHEREAS, in response to fierce opposition, threats, surveillance, imprisonment, and violence from those who resisted or feared his message, Dr. King offered peace and unflinching courage in return; and

WHEREAS, through his life's work, Dr. King brought the nation and the world closer to his vision of the "Beloved Community," in which peace, justice, and love prevail over hatred and division; and

WHEREAS, the life of Dr. King was taken when he was 39 years old, his work unfinished, as he sought to improve the lives and working conditions of sanitation workers protesting in Memphis and as he organized the Poor People's Campaign in Washington, D.C., which would give a unified voice to those living in poverty; and

WHEREAS, Dr. King lived the message of love that he preached, believing, "Darkness cannot drive out darkness; only light can do that. Hate cannot drive out hate; only love can do that"; and

WHEREAS, a half-century later, the power of Dr. King's words and actions remains undiminished, their meaning relevant and their direction clear; and

WHEREAS, Dr. King's dream remains to be fully realized, "that one day this Nation will rise up and live out the true meaning of its creed: We hold these truths to be self-evident, that all men are created equal"; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commemorate the 50th anniversary of the assassination of Dr. Martin Luther King, Jr., and encourage the citizens of the Commonwealth to observe this solemn occasion, to recall the legacy of Dr. King, and to heed his call for unity, love, and compassion; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates transmit a copy of this resolution to the Superintendent of Public Instruction, the Chairman and Executive Director of the State Council of Higher Education for Virginia, the Chancellor of the Virginia Community College System, the President of the Southern Christian Leadership Conference Virginia State Unit, the Executive Director of the Virginia State Conference NAACP, and the Chief Executive Officer of the Martin Luther King, Jr. Center for Nonviolent Social Change in Atlanta, Georgia, requesting that they further disseminate copies of this resolution to their respective constituents so that they may be apprised of the sense of the General Assembly of Virginia in this matter.

### HOUSE JOINT RESOLUTION NO. 36

*Commending Galilee Baptist Church.*

Agreed to by the House of Delegates, January 12, 2018

Agreed to by the Senate, January 18, 2018

WHEREAS, for 150 years, Galilee Baptist Church in Branchville has served the Southampton community by providing spiritual leadership, fellowship, and opportunities for worship; and

WHEREAS, Galilee Baptist Church traces its roots to 1867, when a group of Christian believers began holding spiritual gatherings, first in private homes and then in a bush harbor and an old school building; and

WHEREAS, Galilee Baptist Church's first official pastor was the Reverend Hiram Clemons, who served until 1879; under his leadership and that of his successor, Pastor L. Harris, the worshippers erected their first church building on the same plot of land where the modern church now stands; and

WHEREAS, during the tenure of Galilee Baptist Church's next pastor, the Reverend Solomon N. Daughtrey, the church community grew in size with the help of its Deacon Board and Trustee Board; the women of the church also organized a "Sister's Aid Circle," or Missionary Circle, to aid in church activities; and

WHEREAS, in 1932, the original Galilee Baptist Church building burned in a fire, but the church community banded together and ensured it was immediately rebuilt; during the 1940s, the new building was extensively remodeled; and

WHEREAS, Galilee Baptist Church continued to expand under the leadership of Pastor C. P. Madison, who oversaw the beginning of its Youth Church and the training of young deacons; he was followed by a series of leaders, including Pastors Hylton L. James, Robert L. Brown, and Theodore H. Wood; and

WHEREAS, in 1967, Pastor Abraham I. Walton, Sr., took over the Galilee Baptist Church flock; his seven-year tenure saw the revival of Youth Day Services, a major church renovation, and maintenance on the church cemetery; and

WHEREAS, Galilee Baptist Church was next led by Pastor Victor P. Wells and then Pastor William E. Ruffin, who oversaw the initiation of a church annex to facilitate fellowship among members; and

WHEREAS, Galilee Baptist Church's current pastor, Willie Lowell Diggs, took over as church leader in 1988; his 29-year tenure is the longest of any pastor in the church's history and has seen the church grow in size and continue to serve as a force for righteousness in the local community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Galilee Baptist Church for its service to the residents of Southampton County on the occasion of its 150th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Galilee Baptist Church as an expression of the General Assembly's admiration for its long legacy of spiritual leadership and community outreach.

### HOUSE JOINT RESOLUTION NO. 37

*Commemorating the 50th anniversary of Green v. County School Board of New Kent County.*

Agreed to by the House of Delegates, March 6, 2018

Agreed to by the Senate, March 5, 2018

WHEREAS, the historic Supreme Court decision in *Green v. County School Board of New Kent County* was issued 50 years ago on May 27, 1968, forcing schools in Virginia and across the country to desegregate after more than a decade of active resistance; and

WHEREAS, the unanimous Supreme Court decision in the 1954 *Brown v. Board of Education* case had declared segregated schools to be "inherently unequal," overturning the doctrine of "separate but equal" espoused in the 1896 *Plessy v. Ferguson* ruling; and

WHEREAS, the 1955 ruling in *Brown II* ordered that public schools must desegregate "with all deliberate speed"; and

WHEREAS, in defiance of the rulings, Virginia legislators led by United States Senator Harry F. Byrd began a coordinated effort known as Massive Resistance to block desegregation in Virginia's public schools, resulting in continued segregation and in some cases the closure of public schools, denying equal education to Virginia's students and, for many, denying any education at all; and

WHEREAS, New Kent County schools deliberately maintained a policy of segregation for a full decade after such policies were declared unconstitutional, allowing the county's New Kent School to continue to serve only white students, while the George W. Watkins School served only black students; and

WHEREAS, Dr. Calvin Green, chemistry teacher, father to three New Kent County students, and president of the New Kent County National Association for the Advancement of Colored People (NAACP), filed suit against the school board in 1965, seeking to force integration; and

WHEREAS, the New Kent County School Board responded to the case with token compliance, implementing a "freedom of choice" plan that allowed students to petition for permission to switch schools but which effectively maintained racial segregation in the county's schools and placed the burden of desegregating on African American families; and

WHEREAS, *Green v. County School Board of New Kent County* was ultimately heard by the United States Supreme Court in 1968, with NAACP attorneys Samuel Tucker, Jack Greenberg, Henry Marsh III, James Nabrit III, and Oliver Hill preparing and successfully arguing the case; and

WHEREAS, the Supreme Court ruled unanimously that the county's "freedom of choice" plan failed to provide equal protection under the law, as it produced no meaningful change and was not a sufficient step toward desegregation as mandated in *Brown v. Board of Education* and *Brown II*; and

WHEREAS, Justice William Brennan wrote in the Supreme Court's decision that school boards must "come forward with a plan that promises realistically to work, and promises realistically to work now"; and

WHEREAS, in compliance with the Supreme Court's mandate, New Kent County desegregated its two public schools, converting them to integrated elementary and high schools, separated by grade level; and

WHEREAS, Virginia's efforts to desegregate its public schools began in earnest after the *Green v. County School Board of New Kent County* decision; and

WHEREAS, the historic *Green v. County School Board of New Kent County* case marks a victory in the nation's ongoing struggle for equality and a milestone that remains within living memory by which Virginia may mark its progress; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the 50th anniversary of *Green v. County School Board of New Kent County* hereby be commemorated; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates transmit a copy of this resolution to the Superintendent of Public Instruction, the Chairman and Executive Director of the State Council of Higher Education for Virginia, the Chancellor of the Virginia Community College System, and the Executive Director of the Virginia State Conference NAACP, requesting that they further disseminate copies of this resolution to their respective constituents so that they may be apprised of the sense of the General Assembly of Virginia in this matter.

**HOUSE JOINT RESOLUTION NO. 38**

*Designating the Friday after Thanksgiving, in 2018 and in each succeeding year, as I am my brother and sister's keeper Day in Virginia.*

Agreed to by the House of Delegates, February 12, 2018

Agreed to by the Senate, March 5, 2018

WHEREAS, I am my brother and sister's keeper Day is an opportunity for all Virginians, regardless of race, gender, religion, education, political affiliation, or financial status, to come together, celebrate shared ideals, and work toward a brighter future; and

WHEREAS, on this day, Virginians should look beyond personal preferences, biases, and egos to join together in a common cause to rebuild and strengthen personal relationships, neighborhoods, and communities; and

WHEREAS, any amount of community service or contribution, no matter how seemingly insignificant, can have an incredible impact on the life of a person in pain or in need; and

WHEREAS, service can take many forms, such as helping build a home for a less fortunate family, donating to a food bank, donating old clothes, mentoring a child, volunteering at a school or church, visiting senior citizens, or starting a community project; and

WHEREAS, it is also possible to make a difference in the life of a friend, neighbor, or stranger on a more personal level by reminding them that there are people who care and there is always hope, even in the most difficult situations; and

WHEREAS, the Commonwealth is stronger when its citizens stand together, treat each other with kindness and decency, and work to build respect and mutual understanding; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly designate the Friday after Thanksgiving, in 2018 and in each succeeding year, as I am my brother and sister's keeper Day in Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates post the designation of this day on the General Assembly's website.

**HOUSE JOINT RESOLUTION NO. 42**

*Designating October 11, in 2018 and in each succeeding year, as General Casimir Pulaski Day in Virginia.*

Agreed to by the House of Delegates, February 12, 2018

Agreed to by the Senate, March 5, 2018

WHEREAS, Kazimierz Michal Wladyslaw Wiktor Pulaski, or Casimir Pulaski, voluntarily sailed for America in June 1777 to risk his life for the freedom of the people of the United States and is renowned as a hero of the Revolutionary War and as the Father of the American Cavalry; and

WHEREAS, Benjamin Franklin wrote that Casimir Pulaski was "An officer famous throughout Europe for his bravery and conduct in defense of the liberties of his country," having recommended his services to General George Washington as a member of the Continental Army cavalry; and

WHEREAS, upon his arrival in the United States, Casimir Pulaski wrote to George Washington, "I came here, where freedom is being defended, to serve it, and to live or die for it"; and

WHEREAS, at the Battle of Brandywine on September 11, 1777, Casimir Pulaski led a cavalry charge against enemy lines, avoiding a disastrous defeat for the Continental Army as well as saving the life of George Washington; and

WHEREAS, Casimir Pulaski, by an act of the Continental Congress in recognition of his services to the cause of American Independence, was promoted to the rank of brigadier general in the Continental Army cavalry on September 15, 1777; and

WHEREAS, Casimir Pulaski was conferred the title of Commander of the Horse by the Continental Congress and authorized to form a corps of 68 lancers and 200 light infantry, which became known as the Pulaski Cavalry Legion; and

WHEREAS, Casimir Pulaski valiantly made the ultimate sacrifice for the freedom and liberty of the people of the United States on the morning of October 9, 1779, when he was mortally wounded in combat at the Second Battle of Savannah; he was taken aboard the American ship USS *Wasp*, where he died at sea on October 11, 1779; and

WHEREAS, the General Assembly formed Pulaski County on March 30, 1839, in honor of Casimir Pulaski's services on behalf of the Commonwealth; and

WHEREAS, Casimir Pulaski gave aid to the United States and its people in their time of need and is now and forever a symbol of freedom in both the United States and the Republic of Poland; and

WHEREAS, Casimir Pulaski's enduring legacy highlights the strong bond and rich history shared between the Commonwealth and the people of Poland; and

WHEREAS, October 11, 2019, marks the 240th anniversary of Casimir Pulaski's death; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly designate October 11, in 2018 and in each succeeding year, as General Casimir Pulaski Day in Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates transmit a copy of this resolution to Piotr Wilczek, Ambassador of the Republic of Poland to the United States, so that the people of the Republic of Poland may be apprised of the sense of the General Assembly of Virginia in this matter; and, be it

RESOLVED FINALLY, That the Clerk of the House of Delegates post the designation of this day on the General Assembly's website.

#### HOUSE JOINT RESOLUTION NO. 43

*Commending the Asian Pacific American Legal Resource Center.*

Agreed to by the House of Delegates, January 12, 2018

Agreed to by the Senate, January 18, 2018

WHEREAS, in 2018, the Asian Pacific American Legal Resource Center celebrates 20 years of providing legal services and education to low-income Asian immigrants in the Washington, D.C., metropolitan area; and

WHEREAS, established in 1998 as an all-volunteer organization, the Asian Pacific American Legal Resource Center was formed by students from several local law schools and attorneys affiliated with the Asian Pacific American Bar Association and the South Asian Bar Association; and

WHEREAS, the Asian Pacific American Legal Resource Center has grown to become a full-fledged legal services organization with a comprehensive strategy that encompasses legal education, individual representation and counseling, and systemic advocacy; and

WHEREAS, with more than 50 trained and qualified interpreters representing more than 25 languages, the Asian Pacific American Legal Resource Center has worked diligently to break down linguistic and cultural barriers to ensure that Asian Americans have access to government services and the legal system; and

WHEREAS, throughout its history, the Asian Pacific American Legal Resource Center has launched many innovative programs, including the Multilingual Legal Helpline, the Legal Interpreter Project, and the Legal Assistance for Victims of Domestic Violence Project; and

WHEREAS, the Asian Pacific American Legal Resource Center has also launched the Housing and Community Development Project, the Reaching the Dream Project to help undocumented youths, the Legal Assistance for Domestic Workers Project, and the Justice for Filipino Teachers Project to fight human trafficking and contract worker fraud; and

WHEREAS, in addition, the Asian Pacific American Legal Resource Center works with other nonprofit groups in the area to advocate for civil rights, voting rights, and efforts to protect and support individuals with limited English language proficiency; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Asian Pacific American Legal Resource Center for its 20 years of dedicated work to support and empower Asian American communities in Northern Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Asian Pacific American Legal Resource Center as an expression of the General Assembly's admiration for the center's important mission to help immigrants participate fully in American society.

#### HOUSE JOINT RESOLUTION NO. 44

*Commending the Shepherd's Center of Oakton-Vienna.*

Agreed to by the House of Delegates, January 12, 2018

Agreed to by the Senate, January 18, 2018

WHEREAS, in 2017, the Shepherd's Center of Oakton-Vienna celebrated 20 years of helping older Virginians maintain a high quality of life and live independently through education, transportation assistance, and support services; and

WHEREAS, established in 1997, the Shepherd's Center of Oakton-Vienna helps reduce isolation by encouraging seniors to make friends, stay involved in the community, learn new skills, and accept new challenges; the center has grown to serve more than 3,000 seniors in Fairfax County; and

WHEREAS, the Shepherd's Center of Oakton-Vienna partners with local churches, community organizations, businesses, and individuals to provide a full range of meaningful services; the center also grants older Virginians unique opportunities to help their fellow seniors through volunteerism; and

WHEREAS, the Shepherd's Center of Oakton-Vienna has received numerous awards and accolades for its good work, including the 2012 Nonprofit of the Year Award from the Vienna-Tysons Regional Chamber of Commerce; the center has also earned recognition from Volunteer Fairfax, the National Volunteer Caregiving Network, and the Catalogue for Philanthropy: Greater Washington; and

WHEREAS, the Shepherd's Center of Oakton-Vienna strives to ensure that all seniors living in the supported area know about the organization's vital programs and services and that anyone who wishes to participate has the opportunity to do so; and

WHEREAS, Shepherd's Center of Oakton-Vienna has succeeded in its mission thanks to its dedicated staff members and generous volunteers; in 2016, nearly 200 volunteers contributed more than 12,000 hours of service during classes, social events, and more than 1,200 round-trip rides for clients; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Shepherd's Center of Oakton-Vienna, an exceptional organization that has enriched the lives of countless older adults in Northern Virginia, on the occasion of its 20th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Shepherd's Center of Oakton-Vienna as an expression of the General Assembly's admiration for the center's decades of service to the community.

**HOUSE JOINT RESOLUTION NO. 45**

*Commending the Vienna Area National Organization for Women.*

Agreed to by the House of Delegates, January 12, 2018  
 Agreed to by the Senate, January 18, 2018

WHEREAS, for 10 years, the Vienna Area National Organization for Women has worked to support women's rights issues and elevate and empower women in Northern Virginia; and

WHEREAS, originally founded in 2008, the Vienna Area National Organization for Women (NOW) was revitalized in 2012 and now includes dozens of members; and

WHEREAS, Vienna Area NOW is a multi-issue, multi-strategy organization that focuses on several core issues and advocates for a women's rights amendment to the Constitution of the United States; and

WHEREAS, Vienna Area NOW supports women's health and reproductive rights issues and economic equality for women, fights bigotry based on race, sex, and orientation, and works to end violence against women; and

WHEREAS, Vienna Area NOW is part of the National Action Program, a set of action priorities that guides NOW chapters throughout the country and aims to place marginalized women at the forefront of solutions and advocacy; and

WHEREAS, Vienna Area NOW works with other local organizations to fulfill its mission and sponsors Assistance to Young Mothers, a program that helps young mothers achieve independent living; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Vienna Area National Organization for Women for a decade of service to women throughout Northern Virginia, the Commonwealth, and the United States; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Vienna Area National Organization for Women as an expression of the General Assembly's admiration for the organization's many contributions to women's rights.

**HOUSE JOINT RESOLUTION NO. 50**

*Commending the James Madison High School softball team.*

Agreed to by the House of Delegates, January 12, 2018  
 Agreed to by the Senate, January 18, 2018

WHEREAS, the James Madison High School softball team closed out a 14-game winning streak with a victory at the Virginia High School League Group 6A state championship on June 10, 2017; and

WHEREAS, in a rematch of the 2016 state final, the James Madison Warhawks defeated the defending champion, the Osbourn Park Yellow Jackets, by a score of 3-1 after junior Emily Klingaman's two-run walk-off homer in the seventh inning; and

WHEREAS, junior Alex Echazarreta threw a complete game to secure the win and recorded one of the James Madison Warhawks' five hits; freshman Nicole Giery and junior Cat Arase recorded the team's other hits for the day; and

WHEREAS, demonstrating their skills throughout the season, the James Madison Warhawks were undefeated in the state tournament and finished the year with a 28-1 overall record; and

WHEREAS, each member of the James Madison High School softball team contributed to the successful season, and the team benefited from the able leadership of coaches and staff and the support of the entire James Madison High School community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the James Madison High School softball team on winning the 2017 Virginia High School League Group 6A state championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Jim Adkins, head coach of the James Madison High School softball team, as an expression of the General Assembly's admiration for the team's hard work and determination.

### HOUSE JOINT RESOLUTION NO. 51

*Commending Vienna Chiropractic Associates.*

Agreed to by the House of Delegates, January 12, 2018

Agreed to by the Senate, January 18, 2018

WHEREAS, Vienna Chiropractic Associates, a chiropractic practice that has promoted health and well-being in countless patients, celebrates its 35th anniversary in 2018; and

WHEREAS, Vienna Chiropractic Associates was founded in 1983 by Marion Todres-Masarsky, a graduate of the University of Massachusetts Boston and New York Chiropractic College, and Charles Masarsky, a graduate of Cornell University and New York Chiropractic College, who served as a medical specialist in the United States Army Reserve; and

WHEREAS, formed with the goal of keeping patients' best interests in mind, Vienna Chiropractic Associates provides personalized care to people suffering from chronic back pain and other ailments; and

WHEREAS, in order to provide assistance to all people regardless of income, Vienna Chiropractic Associates sets aside select Mondays as "Chiropractic Independence Days" when patients can pay whatever amount they decide for their chiropractic care; and

WHEREAS, along with their years of patient care, Vienna Chiropractic Associates' Marion Todres-Masarsky and Charles Masarsky have also served as college instructors, written a chiropractic textbook, and published a professional newsletter on chiropractic research; and

WHEREAS, over its many years in operation, Vienna Chiropractic Associates has forged strong relationships with patients and made a positive and lasting impact on health care in the local community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Vienna Chiropractic Associates for its dedication to the Vienna community on the occasion of its 35th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Vienna Chiropractic Associates as an expression of the General Assembly's admiration for its accomplishments and best wishes for continued success.

### HOUSE JOINT RESOLUTION NO. 52

*Commending Mountain Kim Martial Arts.*

Agreed to by the House of Delegates, January 12, 2018

Agreed to by the Senate, January 18, 2018

WHEREAS, Mountain Kim Martial Arts, a taekwondo and martial arts school that has instilled discipline and physical fitness in countless students, celebrates its 45th anniversary in 2018; and

WHEREAS, Mountain Kim Martial Arts was founded by Mountain Kim, a Korean taekwondo grandmaster, who won several martial arts tournaments in Asia; after moving to the United States, he started his first taekwondo school in 1973 in the basement of a small building in Falls Church; and

WHEREAS, the success of Mountain Kim Martial Arts' original location helped fuel increased interest in taekwondo and self-defense; in the years since its founding, the business has expanded to include several franchises in Virginia and Maryland; and

WHEREAS, the Mountain Kim Martial Arts schools offer instruction in taekwondo to children and teenagers; classes focus on self-defense skills and physical conditioning, as well as building mental concentration, self-confidence, and respect for others; and

WHEREAS, Mountain Kim Martial Arts provides an after-school program for children which combines time for homework with games and martial arts instruction; each year, the school also hosts a martial arts summer camp; and

WHEREAS, in addition to its classes for children, Mountain Kim Martial Arts offers classes for adults in a variety of martial arts, including taekwondo, judo, and hapkido; and

WHEREAS, over its many years of success, Mountain Kim Martial Arts' dedicated staff and instructors have served as positive role models for their students and encouraged self-respect and healthy life choices; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Mountain Kim Martial Arts, on the occasion of its 45th anniversary, for providing rewarding self-defense instruction to its students; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Mountain Kim Martial Arts as an expression of the General Assembly's admiration for its accomplishments and best wishes for continued success.

**HOUSE JOINT RESOLUTION NO. 53**

*Celebrating the life of Leonard Anthony Schultz.*

Agreed to by the House of Delegates, January 12, 2018

Agreed to by the Senate, January 18, 2018

WHEREAS, Leonard Anthony Schultz, a devoted father and husband, and the beloved football coach at James Madison High School in Vienna, died on June 24, 2017; and

WHEREAS, born in Philadelphia, Leonard "Lenny" Anthony Schultz attended high school in New Jersey before transferring to James Madison High School; he was a standout performer on the football and wrestling teams and was later inducted into the school's athletic hall of fame; and

WHEREAS, after playing football at North Carolina State University and working in the manufacturing business, Lenny Schultz returned home to his alma mater, James Madison High School, in 2004 and began a new career as a special education teacher and assistant football coach; and

WHEREAS, in 2011, Lenny Schultz got his dream job when he was chosen as the James Madison High School Warhawks' head football coach; he was so dedicated to his team that he wore the Warhawks' black and red colors every day; and

WHEREAS, Lenny Schultz built the James Madison Warhawks into a football powerhouse; the team finished with a 9-2 record in 2015 and advanced to the region playoffs and went 11-2 in 2016 and progressed to the region semifinal; and

WHEREAS, along with his impressive results on the gridiron, Lenny Schultz earned the love and respect of his teams for his infectious energy and commitment to his players; during the James Madison Warhawks' season opener in 2017, the team honored Schultz's memory by wearing stickers on their helmets featuring his initials and college football number; and

WHEREAS, off the field, Lenny Schultz loved spending time with his family and fishing on his boat in the Chesapeake Bay; and

WHEREAS, Lenny Schultz will be fondly remembered by his children, Benjamin and Holly; his wife, Charissa, and her daughters, Addisan, Roberta, and Michala; and countless other family members, friends, and members of the James Madison High School community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Leonard Anthony Schultz, a dedicated coach and teacher; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Leonard Anthony Schultz as an expression of the General Assembly's respect for his memory.

**HOUSE JOINT RESOLUTION NO. 55**

*Designating March, in 2018 and in each succeeding year, as Endometriosis Awareness Month in Virginia.*

Agreed to by the House of Delegates, February 12, 2018

Agreed to by the Senate, March 5, 2018

WHEREAS, endometriosis is one of the most common gynecological diseases, affecting at least five million women in the United States and more than 175 million women worldwide; and

WHEREAS, women in their 30s and 40s who have never had children or who have a female relative with the disease are most likely to be affected by endometriosis; many women remain undiagnosed and go without proper treatment; and

WHEREAS, endometriosis occurs when endometrial tissue, tissue similar to the lining of the uterus, releases within the abdominal cavity, often causing significant damage to the reproductive system and other vital organs; and

WHEREAS, endometriosis can be characterized by infertility and digestive problems, and chronic pelvic or intestinal pain, which may lead to depression, tiredness, and irritability, and can place a heavy burden on interpersonal relationships and workplace productivity; and

WHEREAS, in extreme cases, endometriosis can lead to a condition known as frozen pelvis, in which adhesions and scar tissue may cause a woman's internal organs to fuse together; and

WHEREAS, many women who suffer from endometriosis face misdiagnosis, financial burden, emotional distress, adverse side effects of hormonal treatment therapies, and sometimes numerous surgeries; and

WHEREAS, Virginia HOPE works to provide information on endometriosis, offers counseling and support to women suffering from the disease, and hosts walk-a-thons, races, and other events to raise awareness; and

WHEREAS, Endometriosis Awareness Month is an opportunity to garner support for further research of the disease and promote increased education about and mindfulness of the symptoms that affect women with endometriosis; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly designate March, in 2018 and in each succeeding year, as Endometriosis Awareness Month in Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates transmit a copy of this resolution to Virginia HOPE so that members of the organization may be apprised of the sense of the General Assembly of Virginia in this matter; and, be it

RESOLVED FINALLY, That the Clerk of the House of Delegates post the designation of this month on the General Assembly's website.

### HOUSE JOINT RESOLUTION NO. 57

*Commending Philip Alan Broadfoot.*

Agreed to by the House of Delegates, January 12, 2018

Agreed to by the Senate, January 18, 2018

WHEREAS, Philip Alan Broadfoot, a respected leader in the Danville community, retired as chief of the Danville Police Department after decades of service as a law-enforcement officer in Central and Southside Virginia; and

WHEREAS, Philip Broadfoot holds an associate's degree from Blue Ridge Community College and bachelor's and master's degrees from James Madison University; he also attended the FBI National Academy and conducted postgraduate work at the University of Virginia; and

WHEREAS, beginning his career in law enforcement with the Waynesboro Police Department in 1973, Philip Broadfoot served in every division, including as commander of the SWAT team; he rose to the rank of chief in 1990 and provided leadership to dozens of employees and sworn officers for 13 years; and

WHEREAS, in 2003, Philip Broadfoot became chief of the Danville Police Department, where he oversaw more than 200 employees and sworn officers in the Law Enforcement Division, Adult Detention Division, and Juvenile Detention Division; and

WHEREAS, Philip Broadfoot used his collaborative, data-driven leadership style to effectively manage the multi-function police department for 14 years, building strong relationships with his officers, local and state government, and the community as he worked to make Danville a safe place to live, visit, or operate a business; and

WHEREAS, in addition to his law-enforcement service, Philip Broadfoot has been an active and generous community leader, serving on church committees and volunteering his time with civic organizations like the Rotary Club and the Lions Club; and

WHEREAS, throughout his accomplished career, Philip Broadfoot earned numerous awards and accolades, including the Law Enforcement Office of 1981 award from the Exchange Club; he is well-known in the law-enforcement field as an author and presenter on various issues, such as emergency preparedness, community policing, and the use of new technologies in policing; and

WHEREAS, Philip Broadfoot also provided his wisdom and expertise to law-enforcement officers throughout the Commonwealth, the United States, and the world as a member and leader of several peer and professional organizations, including the International Association of Chiefs of Police; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Philip Alan Broadfoot, a dedicated law-enforcement officer, on the occasion of his retirement as chief of the Danville Police Department; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Philip Alan Broadfoot as an expression of the General Assembly's admiration for his decades of service to the residents of Danville and the Commonwealth.

**HOUSE JOINT RESOLUTION NO. 59**

*Designating the Thursday before Memorial Day, in 2019 and in each succeeding year, as Celebrate Transportation Day in Virginia.*

Agreed to by the House of Delegates, February 12, 2018

Agreed to by the Senate, March 5, 2018

WHEREAS, freedom of movement is essential to the American way of life, and Americans travel more than two trillion miles annually for business and pleasure; and

WHEREAS, most Americans rely on personal motor vehicles for travel, making accessible, well-maintained roads and highways a critical part of everyday life; vehicle travel on Virginia's highways increased by 13 percent between 2000 and 2016, and there were nearly six million licensed drivers in the Commonwealth in 2016; and

WHEREAS, ease of transportation is a significant factor for people deciding where to live and raise a family, where to start a business, or where to travel for leisure; enhancing transportation assets boosts the economy in both the short term and the long term by creating jobs, increasing economic competitiveness, and improving quality of life; and

WHEREAS, the history of transportation in the Commonwealth can be traced back to the Jamestown settlement, where the "roade along the River Banke" was used to transport supplies from ships to the Jamestown fort; and

WHEREAS, evidence of a "Greate Road" between Jamestown Island and Glasshouse Point can still be found in the area, and the first recorded bridge built in the Commonwealth was actually a 200-foot-long wharf at Jamestown; and

WHEREAS, enacted in 1632, Virginia's first road law permitted different governing bodies to make decisions about where roads would be located; in the mid-1600s, governing bodies began to work together to standardize the design, construction, and maintenance of roads; and

WHEREAS, in the early 1800s, the first road in Virginia with a paved surface, the Manchester Turnpike, was completed; the road ran from Manchester on the south bank of the James River to the Falling Creek coal mines in Chesterfield County, a distance of about 12 miles; and

WHEREAS, the 19th century saw the construction of several long-distance roads, including the 150-mile Kanawha Turnpike, the 234-mile Staunton and Parkersburg Turnpike, the 237-mile Northwestern Turnpike, and the 175-mile Southwestern Turnpike; and

WHEREAS, during the 19th century, the Commonwealth also made great enhancements to bridges and prioritized the construction of canals and canal roads as a major means of commercial transportation, until the advent of steam locomotives and railroads; and

WHEREAS, the first railways consisted of horse-drawn carts running on wooden or metal tracks; early steam locomotives arrived in Virginia between 1825 and 1830, and by the mid-1830s, several railroads were under construction and the locomotive was on its way to becoming the dominant form of commercial transportation; and

WHEREAS, a kerosene-fueled horseless carriage, demonstrated in Norfolk in 1899, was likely the first automobile driven in the Commonwealth; the use of automobiles grew slowly due to a lack of suitable roads, and it was more than a decade before the number of automobiles in Virginia reached 2,500; and

WHEREAS, in 1910, the first speed limits, 20 miles per hour in open country and eight miles per hour in cities, on curves, and at intersections, were established in the Commonwealth, along with the first licensing and registration requirements; and

WHEREAS, the first concrete road in Virginia, a small stretch in Prince Edward County between Farmville and Hampden-Sydney College, was constructed between September 1913 and January 1914; and

WHEREAS, the first state primary highway system, a network of 4,002 miles of roads, was established in 1918; today the Virginia Department of Transportation operates the third-largest highway system in the United States with 8,111 miles of state primary roads, 48,305 miles of secondary roads, and 333 miles of frontage roads; and

WHEREAS, in 1963, the first interstate highway opened in Virginia, Interstate 81; the Commonwealth now operates more than 1,000 miles of interstate highways connecting major cities with other states; and

WHEREAS, the Commonwealth continues to expand and improve its highways and roadways to reduce travel delays and transportation costs, increase safety and mobility, protect the environment, and stimulate sustained job growth, ensuring that Virginia remains a wonderful place to live, work, and visit; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly designate the Thursday before Memorial Day, in 2019 and in each succeeding year, as Celebrate Transportation Day in Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates transmit a copy of this resolution to the Virginia Department of Transportation so that members of the agency may be apprised of the sense of the General Assembly of Virginia in this matter; and, be it

RESOLVED FINALLY, That the Clerk of the House of Delegates post the designation of this day on the General Assembly's website.

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**HOUSE JOINT RESOLUTION NO. 61***Celebrating the life of Seaman Dakota Kyle Rigsby, USN.*

Agreed to by the House of Delegates, January 12, 2018

Agreed to by the Senate, February 8, 2018

WHEREAS, Seaman Dakota Kyle Rigsby, USN, a patriotic member of the Palmyra community, died on June 17, 2017, in service to the nation as a member of the United States Navy; and

WHEREAS, Dakota Rigsby brought joy to the lives of others through his well-known sense of humor, infectious laugh, and constant smile; he loved his family and friends and strove to make his community a better place; and

WHEREAS, possessed of a servant's heart, Dakota Rigsby joined the Lake Monticello Volunteer Fire and Rescue Squad in January 2014, then enlisted in the United States Navy at the age of 17; and

WHEREAS, Dakota Rigsby completed basic training and "A" School at Naval Station Great Lakes, then was assigned to the USS *Fitzgerald* in Yokosuka, Japan, as a gunner's mate; and

WHEREAS, Dakota Rigsby died tragically while serving aboard the USS *Fitzgerald* after the ship sustained severe damage from a collision; and

WHEREAS, Dakota Rigsby will be fondly remembered and greatly missed by his parents, Lloyd and Shawn; fiancée, Jacqueline L'anglais; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Seaman Dakota Kyle Rigsby, USN; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Seaman Dakota Kyle Rigsby, USN, as an expression of the General Assembly's respect for his memory.

**HOUSE JOINT RESOLUTION NO. 62***Celebrating the life of Sergeant Cameron H. Thomas, USA.*

Agreed to by the House of Delegates, January 12, 2018

Agreed to by the Senate, February 8, 2018

WHEREAS, Sergeant Cameron H. Thomas, USA, a courageous member of the elite 75th Ranger Regiment and a beloved son, brother, and friend, was killed in action on April 27, 2017; and

WHEREAS, born into a military family, Cameron Thomas lived in Colorado, Missouri, Ohio, Virginia, Georgia, and Spain, making many lifelong friends along the way; and

WHEREAS, Cameron Thomas had an adventurous spirit and set lofty goals in all of his pursuits; he joined the United States Army after graduating from Fairmount High School in Kettering, Ohio; and

WHEREAS, Cameron Thomas took advantage of every training opportunity that he could to help achieve his goal of earning the coveted Ranger Tab and, at the age of 19, went on to become one of the youngest ever graduates of the U.S. Army Ranger School; and

WHEREAS, serving as an anti-armor specialist in the 3rd Battalion, D Company, Cameron Thomas was a smart and capable Ranger who spoke Farsi and studied emergency medicine and radio technology; and

WHEREAS, Cameron Thomas made the ultimate sacrifice on April 27, 2017, in the Nangarhar Province of Afghanistan on a successful mission to eliminate the head of ISIS Khorasan, the Afghan branch of the Islamic State of Iraq and Syria; and

WHEREAS, Cameron Thomas was laid to rest at the Culpeper National Cemetery near his parents' home in Rixeyville; he is an exemplar of the bravery and dedication to duty demonstrated by American men and women in uniform throughout the world; and

WHEREAS, Cameron Thomas will be fondly remembered and greatly missed by his parents, Andre and Heather; 11 siblings; and numerous other family members, friends, and fellow soldiers; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Sergeant Cameron H. Thomas, USA; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Sergeant Cameron H. Thomas, USA, as an expression of the General Assembly's respect for his memory.

**HOUSE JOINT RESOLUTION NO. 63***Commending the Madison County High School softball team.*

Agreed to by the House of Delegates, January 12, 2018

Agreed to by the Senate, January 18, 2018

WHEREAS, the Madison County High School softball team won the Virginia High School League Group 2A championship on June 10, 2017, at Radford University, claiming its first state title in over 20 years; and

WHEREAS, the state championship victory was a fitting end to a stellar season for the Madison County High School Mountaineers, who relied on powerful hitting and superb pitching to finish the year with a 26-1 record, winning both the conference and region crowns; and

WHEREAS, in the state final, the Madison County Mountaineers overcame the Richlands High School Blue Tornadoes 4-0, securing the program's first championship since 1995; and

WHEREAS, the Madison County Mountaineers claimed an early advantage in the first inning with a two-run single from power-hitter senior Kara Price; in the second inning, the team added to their lead with an RBI double from leadoff batter Meadow Anderson; and

WHEREAS, sophomore pitcher Logyn Estes put in a dominant performance on the mound to maintain the Madison County Mountaineers' lead, recording seven strikeouts and allowing no walks and just three hits; in the sixth inning, Hannah Johnson sealed the victory with a run-scoring single; and

WHEREAS, the Madison County Mountaineers' victory is made all the more impressive by the team's young roster; of the team's 16 players, 11 are freshmen or sophomores; and

WHEREAS, the Madison County High School softball team's state title win is a testament to the hard work and skill of its student-athletes, the dedication of its coaches and staff, and the support of family, friends, and the entire Madison County High School community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Madison County High School softball team on winning the Virginia High School League Group 2A state championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Jesse Yowell, head coach of the Madison County High School softball team, as an expression of the General Assembly's admiration for the team's accomplishments and best wishes for the future.

**HOUSE JOINT RESOLUTION NO. 64**

*Designating October 15, in 2018 and in each succeeding year, as General Thaddeus Kosciuszko Day in Virginia.*

Agreed to by the House of Delegates, January 26, 2018

Agreed to by the Senate, March 5, 2018

WHEREAS, in June 1776, 30-year-old Polish-Lithuanian military architect and engineer, Andrew Thaddeus Bonaventure Kosciuszko, voluntarily sailed for America to risk his life for the freedom of the people of the United States of America, and he is renowned as a hero of the Revolutionary War for his military leadership and work to support the war effort; and

WHEREAS, during the Revolutionary War, General Kosciuszko personally oversaw the construction of defensive works crucial to the United States' decisive victory at the Battles of Saratoga; and

WHEREAS, General Kosciuszko constructed the defensive positions at West Point, New York, and he is credited with establishing its reputation as a key American fortification along the Hudson River; and

WHEREAS, General Kosciuszko's engineering works, including a string of armories across the former colonies, were recognized by Major General Nathanael Greene as a deciding factor in the outcome of numerous engagements against the British forces in the Southern Theater of the Revolutionary War; and

WHEREAS, General Kosciuszko, by an act of the Continental Congress, in recognition for his services to the cause of American independence, was promoted to the rank of brigadier general in 1783; and

WHEREAS, General Kosciuszko carried the principles of individual liberty and freedom back to Poland, where he supported the Polish Constitution of May 3, 1791, which was modeled after the Constitution of the United States of America; and

WHEREAS, General Kosciuszko demonstrated a firm commitment to universal human rights throughout his life, including the abolition of slavery in America and the liberation of peasant serfs he inherited from his family in Poland; and

WHEREAS, General Kosciuszko stipulated in his will that his American estates were to be sold to buy the freedom of African American slaves and provide for their education; he conferred the responsibility of executing this will upon his personal friend, Thomas Jefferson; and

WHEREAS, General Kosciuszko's record on the field of battle is in keeping with the highest traditions of military service in both the United States and Poland, and his actions reflected favorably upon both nations; and

WHEREAS, General Kosciuszko's enduring legacy highlights the strong bond and rich history shared between the Commonwealth and the people of Poland; and

WHEREAS, General Kosciuszko gave aid to the United States of America and her people in their time of need and is now and forever a symbol of freedom in both the United States and Poland; and

WHEREAS, October 15, 2017, marked the 200th anniversary of General Kosciuszko's death; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly designate October 15, in 2018 and in each succeeding year, as General Thaddeus Kosciuszko Day in Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates transmit a copy of this resolution to Piotr Wilczek, Ambassador of the Republic of Poland to the United States, so that the Republic of Poland may be apprised of the sense of the General Assembly of Virginia in this matter; and, be it

RESOLVED FINALLY, That the Clerk of the House of Delegates post the designation of this day on the General Assembly's website.

### HOUSE JOINT RESOLUTION NO. 65

*Commemorating the life and legacy of Captain Andrew Maples, Jr., USA.*

Agreed to by the House of Delegates, January 12, 2018

Agreed to by the Senate, March 5, 2018

WHEREAS, Captain Andrew Maples, Jr., USA, of Orange County, who was killed in action during World War II, was honored with a historical marker in 2017; and

WHEREAS, Andrew Maples grew up in Orange County and joined many other young men of his generation in service to the nation during World War II; he and five of his brothers followed in the footsteps of their father, a veteran of World War I; and

WHEREAS, after completing the Civilian Pilot Training Program at Hampton Institute in 1941 and graduating from the Advanced Flying School at Tuskegee Army Air Field in Alabama in 1944, Andrew Maples deployed to Italy with the 301st Fighter Squadron as a second lieutenant; and

WHEREAS, Andrew Maples and the other Tuskegee Airmen, a segregated all-black unit of the United States Army Air Corps, earned one of the best fighting records of the war and are recognized as some of the finest pilots of the era; and

WHEREAS, during a bomber escort mission to Hungary on June 26, 1944, Andrew Maples' P-47 Thunderbolt was shot down over the Adriatic Sea; while listed as missing in action, he was promoted to captain and awarded the Air Medal; and

WHEREAS, Andrew Maples was officially declared dead in June 1945 and posthumously awarded the Purple Heart; his name is inscribed on the Tablets of the Missing at the Florence American Cemetery and Memorial and on a memorial in Richmond for airmen who were killed during World War II; and

WHEREAS, in 2017, a historical marker was dedicated in Taylor Park at South Madison Road and West Church Street on land that was once owned by the Maples family and the former site of Andrew Maples' childhood home; and

WHEREAS, the historical marker honors the service and sacrifices of not only Andrew Maples, but all American men and women in uniform throughout the world; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commemorate the life and legacy of Captain Andrew Maples, Jr., USA, on the dedication of a historical marker in his honor in 2017; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Orange Downtown Alliance as an expression of the General Assembly's admiration for the honorable service of Captain Andrew Maples, Jr., USA.

### HOUSE JOINT RESOLUTION NO. 67

*Commemorating the life and legacy of Sergeant Clinton Greaves, USA, Ret.*

Agreed to by the House of Delegates, January 12, 2018

Agreed to by the Senate, March 5, 2018

WHEREAS, Sergeant Clinton Greaves, USA, Ret., a native of Madison County who died in 1906, was honored with a historical marker in 2017 for his distinguished military service to the United States; and

WHEREAS, Clinton Graves was born a slave 10 years before the end of the Civil War; in 1872, as a freedman, he enlisted in the United States Army, where due to a clerical error that went uncorrected up to the time of his death, his name was changed to Clinton Greaves; and

WHEREAS, Clinton Greaves was assigned to the 9th Cavalry Regiment, the fabled Buffalo Soldiers, and deployed to Fort Bayard in what is now New Mexico, where he was tasked with tracking missions during the Apache Wars; and

WHEREAS, on one such mission to recover runaways from a reservation, Clinton Greaves, then a corporal, was ambushed and surrounded by 40 to 50 Apaches; he single-handedly fought off the attackers, giving the other members of his unit time to escape, and ultimately completed his mission; and

WHEREAS, for his courageous and selfless actions, President Rutherford B. Hayes bestowed upon Clinton Greaves the Army Medal of Honor; Clinton Greaves later retired as a sergeant and died in Columbus, Ohio, in 1906; and

WHEREAS, Clinton Greaves' meritorious service had been lost to history until a member of Madison American Legion Post 157 discovered the local connection and worked with local chapters of the NAACP and the Virginia Department of Historical Resources to learn more; and

WHEREAS, with 21 members of the Luray chapter of the Buffalo Soldiers Motorcycle Club in attendance, Madison American Legion Post 157 dedicated a historical marker honoring Clinton Greaves at the Madison County Courthouse; and WHEREAS, the historical marker for Clinton Greaves serves as a reminder of the service and sacrifices of all American men and women in uniform throughout the world; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commemorate the life and legacy of Sergeant Clinton Greaves, USA, Ret., on the dedication of a historical marker in his honor in 2017; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Madison American Legion Post 157 as an expression of the General Assembly's appreciation for the honorable military service of Sergeant Clinton Greaves, USA, Ret.

**HOUSE JOINT RESOLUTION NO. 76**

*Designating the third full week of March, in 2018 and in each succeeding year, as Women Veterans Week in Virginia.*

Agreed to by the House of Delegates, February 12, 2018

Agreed to by the Senate, March 5, 2018

WHEREAS, throughout the history of the United States, during times of peace and of war, women have served honorably in the military, upholding the nation's ideals and protecting freedom through dedication to duty and sacrifice; and

WHEREAS, while women were not formally part of the United States Armed Forces until the inception of the Army Nurse Corps in 1901, they have served in an unofficial capacity dating back to the American Revolution; and

WHEREAS, during the American Revolution, the Mexican-American War, and the Civil War, women disguised themselves as men and served alongside their brothers and husbands on the front lines; off the battlefield, women made vital contributions to the war effort as nurses, couriers, and spies; and

WHEREAS, around 35,000 American women served as nurses and support staff in World War I, and during World War II, some 350,000 women served with the Women's Army Corps, the Navy's Women Accepted for Volunteer Emergency Service, the Marine Corps Women's Reserve, the Coast Guard Women's Reserve, and the Women Airforce Service Pilots; and

WHEREAS, Congress made women a permanent part of the military with the Women's Armed Services Integration Act of 1948, but until 1967, it limited the proportion of women in each branch of the military; and

WHEREAS, women nurses served on ships and in combat zones during the Korean War, and during the Vietnam War, thousands of female military personnel were deployed to Southeast Asia; and

WHEREAS, with the transition to an all-volunteer military in 1973, women experienced a dramatic increase in opportunity in the military, including leadership positions; and

WHEREAS, more than 40,000 women participated in the Gulf War, and since September 11, 2001, over 300,000 women have served in the wars in Afghanistan and Iraq; and

WHEREAS, in 2016, the United States Department of Defense opened all previously closed combat roles to women service members; women patrol war zones, fly combat aircraft, and command ships at sea; and

WHEREAS, today, there are over two million women veterans in the United States; women are the fastest growing segment of the veteran community and make up roughly 10 percent of all American veterans; and

WHEREAS, Virginia is home to more than 100,000 women veterans who have distinguished themselves both on and off the battlefield, and they continue to serve their communities as leaders in both the public and private sectors; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly designate the third full week of March, in 2018 and in each succeeding year, as Women Veterans Week in Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates transmit a copy of this resolution to the Virginia Department of Veterans Services so that members of the agency may be apprised of the sense of the General Assembly of Virginia in this matter; and, be it

RESOLVED FINALLY, That the Clerk of the House of Delegates post the designation of this week on the General Assembly's website.

**HOUSE JOINT RESOLUTION NO. 77**

*Directing the Secretary of Commerce and Trade to request the Center for Innovative Technology to study the feasibility of a statewide dig once policy, including the installation of conduits with bridge and tunnel construction projects. Report.*

Agreed to by the House of Delegates, February 9, 2018

Agreed to by the Senate, March 5, 2018

WHEREAS, dig once policies seek to minimize the amount of excavation required to install infrastructure and facilitate access to rights-of-way for the purpose of expanding affordable access to broadband, especially in unserved or underserved areas of the Commonwealth; and

WHEREAS, such policies may include provisions that require road construction projects to include the installation of oversized or open-access conduits to accommodate improved broadband installation; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Secretary of Commerce and Trade be directed to request the Center for Innovative Technology to study the feasibility of a statewide dig once policy, including the installation of conduits with bridge and tunnel construction projects.

In conducting its study, the Center for Innovative Technology (CIT) shall consult various stakeholders, such as the Virginia Broadband Advisory Council, the Virginia Department of Transportation (VDOT), telecommunication and cable providers, and utility providers. The CIT shall also examine the feasibility of a blanket policy for all nine VDOT districts.

All agencies of the Commonwealth shall provide assistance to the CIT for this study, upon request.

The CIT shall complete its meetings by November 30, 2018, and shall submit to the Governor and the General Assembly an executive summary and a report of its findings and recommendations for publication as a House or Senate document. The executive summary and report shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports no later than the first day of the 2019 Regular Session of the General Assembly and shall be posted on the General Assembly's website.

### HOUSE JOINT RESOLUTION NO. 78

*Celebrating the life of Specialist Douglas J. Green, USA.*

Agreed to by the House of Delegates, January 12, 2018

Agreed to by the Senate, February 8, 2018

WHEREAS, Specialist Douglas J. Green, USA, a patriotic member of the Sterling community and a beloved son, brother, and friend, was killed in action on August 28, 2011; and

WHEREAS, born in Alexandria, Douglas "Doug" J. Green attended Potomac Falls High School in Sterling, where he played football and lacrosse, participated in musical theater productions, and earned admiration for his work ethic; and

WHEREAS, possessed with a desire to be of further service to his community and country, Doug Green enlisted in the United States Army in 2007; after completing his training at Fort Benning in Georgia, he was assigned to Fort Wainwright in Alaska; and

WHEREAS, Doug Green served two tours of duty in support of Operation Iraqi Freedom and Operation Enduring Freedom as a member of the 3rd Battalion, 21st Infantry Regiment, 1st Stryker Brigade Combat Team, 25th Infantry Division; and

WHEREAS, Doug Green made the ultimate sacrifice on August 28, 2011, when his unit was attacked by insurgents in the Kandahar Province of Afghanistan; in recognition of his valorous service, he was posthumously awarded the Bronze Star Medal; and

WHEREAS, the Douglas J. Green Memorial Foundation, a nonprofit organization that provides comfort and support to service members and their families by sending care packages and planning special events, was established by Doug Green's family in his honor; and

WHEREAS, Doug Green is an exemplar of the dedication to duty, bravery, and selflessness demonstrated by American men and women in uniform throughout the world; and

WHEREAS, Doug Green is fondly remembered and greatly missed by his mother, Suni Chabrow; father, Douglas Green; sisters, Kristin and Paige; and numerous other family members, friends, and fellow soldiers; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Specialist Douglas J. Green, USA, a courageous member of the Sterling community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Specialist Douglas J. Green, USA, as an expression of the General Assembly's respect for his memory.

### HOUSE JOINT RESOLUTION NO. 79

*Commending the Langley High School volleyball team.*

Agreed to by the House of Delegates, January 12, 2018

Agreed to by the Senate, January 18, 2018

WHEREAS, the Langley High School volleyball team of McLean won the Virginia High School League Class 6 state championship on November 16, 2017, claiming its second state title; and

WHEREAS, relying on crisp passing, strong blocking, and excellent serving, the Langley High School Saxons came from two sets down to defeat the Frank W. Cox High School Falcons 3-2 at the Siegel Center in Richmond; and

WHEREAS, the win secured the Langley Saxons' second state championship since 2013 and capped off a remarkable 27-3 season that ended with a 15-match winning streak; and

WHEREAS, in the electrifying state final game, the girls of the Langley High School volleyball team found themselves on the verge of defeat after dropping the first two sets to the Frank W. Cox Falcons 19-25 and 23-25; and

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WHEREAS, despite the large deficit, the Langley Saxons regrouped and won the third set 25-21, thanks in part to excellent net play from sisters Allison and Olivia Franke, who combined for 10 kills; and

WHEREAS, led by Northern Region D Player of the Year Elena Shklyar, the Langley High School volleyball team continued their rally in the fourth set, winning 25-18; in the deciding fifth set, a string of blistering jump serves from junior Jackson Friedman saw the Langley Saxons win 15-1 to seal a thrilling championship victory; and

WHEREAS, the Langley High School volleyball team's comeback victory was yet another milestone for head coach Susan Shifflett, who has led the team to eight state playoffs since 1999, more than any other program in Northern Virginia; and

WHEREAS, the Langley High School volleyball team's state title win is a tribute to the dedication of all of its skilled student-athletes, the exceptional guidance of its coaches and staff, and the enthusiastic support of family, fans, and the entire Langley High School community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Langley High School volleyball team for winning the Virginia High School League Class 6 state championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Susan Shifflett, head coach of the Langley High School volleyball team, as an expression of the General Assembly's admiration for the team's fantastic season.

**HOUSE JOINT RESOLUTION NO. 81**

*Designating the third full week of September, in 2018 and in each succeeding year, as Fall Prevention Awareness Week in Virginia.*

Agreed to by the House of Delegates, February 12, 2018

Agreed to by the Senate, March 5, 2018

WHEREAS, falls are the leading cause of unintentional fatal and nonfatal injuries and hospitalizations among Virginians 65 and older; and

WHEREAS, there are more than one million senior citizens living in Virginia, and in 2014, residents of the Commonwealth reported more than 600,000 falls, including 265,000 falls that resulted in injuries; and

WHEREAS, there are many contributing factors to falls, including lack of strength in lower extremities, use of multiple medications, reduced vision, chronic health problems, and unsafe home conditions; and

WHEREAS, falls can result in severe injuries, such as hip fractures or traumatic brain injuries, and the hospital treatment after a serious fall can cost thousands of dollars; and

WHEREAS, fear of falling can significantly affect an individual's independence and quality of life; after a fall, many seniors limit their activity level, which leads to reduced mobility and loss of physical fitness, subsequently increasing the risk of another fall; and

WHEREAS, fall prevention coalitions throughout the United States raise public awareness and engage with health, housing, and transportation industries to promote effective prevention programs; and

WHEREAS, comprehensive clinical assessments, exercise programs to improve balance and health, management of medications, correction of vision, and reduction of home hazards all help to reduce the occurrence and severity of falls; and

WHEREAS, public officials, health care professionals, and all residents of the Commonwealth are encouraged to increase awareness of the dangers of falls, promote multidisciplinary strategies to prevent falls, and take steps to protect those who are at increased risk of falling; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly designate the third full week of September, in 2018 and in each succeeding year, as Fall Prevention Awareness Week in Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates transmit a copy of this resolution to the Northern Virginia Aging Network so that members of the organization may be apprised of the sense of the General Assembly of Virginia in this matter; and, be it

RESOLVED FINALLY, That the Clerk of the House of Delegates post the designation of this week on the General Assembly's website.

**HOUSE JOINT RESOLUTION NO. 86**

*Commemorating the 150th anniversary of the passage of the Fourteenth Amendment to the United States Constitution.*

Agreed to by the House of Delegates, March 6, 2018

Agreed to by the Senate, March 5, 2018

WHEREAS, 150 years have passed since the Fourteenth Amendment to the United States Constitution was ratified on July 9, 1868, granting citizenship to "all persons born or naturalized in the United States" and requiring equal protection under the law for all persons within states' jurisdiction; and

WHEREAS, the first Africans in what would become the United States are recorded to have arrived in 1619 to the Jamestown settlement, where they were enslaved, marking the beginning of nearly 250 years of slavery in the British colonies and in the new nation and expanding the reach of the already existing Atlantic slave trade; and

WHEREAS, in declaring independence from Great Britain, the nation's founders asserted in the United States Declaration of Independence "that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness," and yet despite this founding principle, the institution of slavery and denial of basic human rights continued; and

WHEREAS, the Supreme Court ruled in 1857 in *Dred Scott v. Sandford* that Dred Scott, an African American enslaved man, was not a citizen of the United States and could not sue for his freedom, and that a person of African descent, whether born free or formerly enslaved, could not be a citizen of the United States; and

WHEREAS, this decision and the outcry it provoked were contributing factors in the outbreak of the American Civil War, which from 1861 to 1865 engulfed the nation in violent turmoil; and

WHEREAS, the Thirteenth Amendment to the United States Constitution, ratified on December 6, 1865, formally encoded the abolition of slavery into the nation's founding document; and

WHEREAS, the subsequent adoption of the Fourteenth Amendment forbade states to "deprive any person of life, liberty, or property, without due process of law" or to "deny to any person within its jurisdiction the equal protection of the law," thereby guaranteeing such persons rights that had been denied to them based on their race or previous condition of servitude; and

WHEREAS, the Fourteenth Amendment's equal protection and due process clauses serve as the basis for requiring equal treatment to all by state governments and for barring arbitrary and capricious decisions by state governments; and

WHEREAS, the rights provided by the Fourteenth Amendment, though legally granted, have been repeatedly encroached upon and have been continually fought for and won by those who resist oppression and who work to awaken society to its injustices; and

WHEREAS, the Fourteenth Amendment has served as a basis for landmark Supreme Court decisions, including the 1954 *Brown v. Board of Education* decision in which the doctrine of "separate but equal" was ruled unconstitutional and the desegregation of public schools was mandated, leading to the full racial integration of the Commonwealth's public colleges and universities; and

WHEREAS, the Fourteenth Amendment has served as a basis for the full integration of the sexes in the Commonwealth's public colleges and universities for the benefit of both sexes through Supreme Court decisions including the 1982 *Mississippi University for Women v. Hogan* and 1996 *United States v. Virginia* decisions; and

WHEREAS, the Fourteenth Amendment has served as a basis for landmark Supreme Court decisions, including the 1967 *Loving v. Virginia* decision in which the United States Supreme Court declared that the amendment "requires that the freedom of choice to marry not be restricted by invidious racial discriminations," thereby deeming bans on interracial marriage unconstitutional; and

WHEREAS, the Fourteenth Amendment has served as the basis for requiring states to provide equal voting rights for all citizens through Supreme Court decisions, including the 1962 *Baker v. Carr* and 1964 *Reynolds v. Sims* decisions, thereby enabling Virginians to choose their representatives of choice, including those serving in this House of Delegates and this State Senate; and

WHEREAS, the Fourteenth Amendment marks a significant victory in a centuries-long fight for freedom and continues to lay a foundation for extending fundamental rights to all persons within the United States; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the 150th anniversary of the passage of the Fourteenth Amendment to the United States Constitution hereby be commemorated; and be it

RESOLVED FURTHER, That the Clerk of the House of Delegates transmit a copy of this resolution to the Superintendent of Public Instruction, the Chairman and Executive Director of the State Council of Higher Education for Virginia, the Chancellor of the Virginia Community College System, the Executive Director of the Virginia State Conference NAACP, and the Executive Director of the American Civil Liberties Union of Virginia, requesting that they further disseminate copies of this resolution to their respective constituents so that they may be apprised of the sense of the General Assembly of Virginia in this matter.

### HOUSE JOINT RESOLUTION NO. 90

*Designating April 7, in 2019 and in each succeeding year, as National Beer Day in Virginia.*

Agreed to by the House of Delegates, February 12, 2018

Agreed to by the Senate, March 5, 2018

WHEREAS, beer, a fermented beverage brewed from cereal grains, is one of the world's oldest and most widely consumed drinks, ranking third behind only water and tea; and

WHEREAS, the earliest written accounts of beer can be found in ancient Mesopotamian and Egyptian texts, but the history of beer may date back as far as the early Neolithic period when cereal grains were first farmed; and

WHEREAS, beer can be made from many different grains like barley, rye, and wheat, and variations can be found throughout the world, such as the sorghum and millet beers of Africa and Asia or the corn-based chicha of South America; and

WHEREAS, Germanic and Celtic tribes who brewed beer for personal consumption spread beer throughout Europe, and the first settlers to arrive in America brought with them not only stocks of beer but the equipment to continue brewing it in the new world; and

WHEREAS, in recent years, Virginia has experienced a renaissance in beer brewing; several West Coast-based breweries have opened East Coast locations in the Commonwealth, joining more than 200 local breweries; and

WHEREAS, Virginia breweries draw countless beer-lovers from throughout the country to enjoy great-tasting products or visit the unique Virginia Beer Museum in Front Royal, and Virginia beers have made a splash nationally, winning 13 medals at the 2016 Great American Beer Festival among many other accolades; and

WHEREAS, the nation's two largest brewers have operated in the Commonwealth for nearly five decades, employing over a thousand Virginians; and

WHEREAS, beer distributors ensure fair access in the marketplace to all varieties of malt beverages through locally owned and operated, family-owned, and independently operated businesses that employ thousands of Virginians; and

WHEREAS, locally owned and operated restaurants, convenience stores, and grocers, as well as national retail chains, employ tens of thousands of Virginians and are a vital component to ensuring that consumers have access to beers of all types; and

WHEREAS, National Beer Day was created by Richmond native Justin Smith and Mike Connolly from Liverpool, England, to commemorate the enactment of the Cullen-Harrison Act on April 7, 1933; the act, which legalized alcoholic beverages with an alcohol content of less than 3.2 percent by weight, was one of the first steps toward repealing prohibition in the United States; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly designate April 7, in 2019 and in each succeeding year, as National Beer Day in Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates transmit copies of this resolution to Justin Smith and Mike Connolly so that they may be apprised of the sense of the General Assembly of Virginia in this matter; and, be it

RESOLVED FINALLY, That the Clerk of the House of Delegates post the designation of this day on the General Assembly's website.

**HOUSE JOINT RESOLUTION NO. 95**

*Designating the last full week of June, in 2019 and in each succeeding year, as Pollinator Awareness Week in Virginia.*

Agreed to by the House of Delegates, February 12, 2018

Agreed to by the Senate, March 5, 2018

WHEREAS, one-third of all crop production in the United States is at least partially dependent on pollinators, with honey bees accounting for approximately \$15 billion in contributions to the food economy through natural pollination; and

WHEREAS, in the Commonwealth, apples, pumpkins, cucumbers, squash, and blueberries are dependent on pollinators to fully develop their fruits; other crops, such as soybeans, sunflowers, and peanuts, derive significant benefits from pollinators; and

WHEREAS, native and commercial bee populations are drastically declining due to disease, habitat loss, and the use of pesticides; research also indicates that biodiversity plays an essential role in the health of bee colonies; and

WHEREAS, more than 32 percent of honey bee colonies in the Commonwealth were reported lost during the winter of 2015–2016, when freezing temperatures affected major nectar-producing plants; poor nectar sources continued into the summer of 2016, when high temperatures prevented many plants from producing nectar; and

WHEREAS, many foods and natural remedies that contain honey have become scarcer and costlier due to the loss of bee colonies and other pollinators; in 2016, honey production in the Commonwealth was valued at \$1.1 million, down 12 percent from 2015; and

WHEREAS, bees are important to Virginia not just for honey or medicine, or even as pollinators of crops, but because they are a vital part of the Commonwealth's ecosystem; and

WHEREAS, pollinator gardens can be established to include pollinator-friendly plants, human-made bee colony structures, bee baths, and drip irrigation in order to provide areas where bees can flourish and repopulate; and

WHEREAS, bees need help and protection, as they do not have a voice of their own, and all Virginians are encouraged to learn more about natural pollinators and the important role that they play in agriculture and food production; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly designate the last full week of June, in 2019 and in each succeeding year, as Pollinator Awareness Week in Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates transmit a copy of this resolution to the Virginia Department of Agriculture and Consumer Services so that the agency may be apprised of the sense of the General Assembly of Virginia in this matter; and, be it

RESOLVED FINALLY, That the Clerk of the House of Delegates post the designation of this week on the General Assembly's website.

**HOUSE JOINT RESOLUTION NO. 98**

*Directing the Department of Taxation to study and make recommendations regarding the Commonwealth's appeals process for businesses disputing determinations of the fair market value of real and tangible personal property. Report.*

Agreed to by the House of Delegates, February 9, 2018

Agreed to by the Senate, March 5, 2018

WHEREAS, the Commonwealth's manufacturing sector ranked 37th in the United States for total capital expenditures per manufacturing employee in 2015 according to the U.S. Census Bureau and the Virginia Manufacturing Competitiveness Index; and

WHEREAS, Virginia's economic development strategy has a primary focus on expanding and attracting manufacturing investments in the Commonwealth; and

WHEREAS, the lack of a clear state appeals process for the property assessments costs taxpayers millions of dollars in court costs each year; and

WHEREAS, public and legal disputes over fair market valuations contribute to a negative image of the Commonwealth for economic development purposes; and

WHEREAS, § 58.1-3983.1 of the Code of Virginia already provides for administrative appeals to the Tax Commissioner but does not require him to state the facts and law in support of his determinations, including an analysis of any appraisals or other valuation information presented by the taxpayer and the commissioner of the revenue or other assessing official; and

WHEREAS, subdivision D 5 of § 58.1-3983.1 of the Code of Virginia prohibits the Tax Commissioner from making a determination regarding the valuation or the method of valuation of property subject to any local tax other than a local business tax; and

WHEREAS, it is imperative that there be a review of the Commonwealth's appeals process involving both real and personal property when there is a dispute over fair market value assessments; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Department of Taxation be directed to study and make recommendations regarding the Commonwealth's appeals process for businesses disputing determinations of the fair market value of real and tangible personal property.

In conducting its study, the Department of Taxation shall evaluate the following: the feasibility and merits of the taxpayer determining the value of individual items of property by allocating a total appraised value for all the machinery and tools at a plant, facility, or any part thereof among the individual items of property at such plant, facility, or any part thereof, on the basis of the percentage of original cost that each such item bears to the total original cost and the feasibility and merits of the Commissioner, based on the documents submitted by the taxpayer and the commissioner of the revenue or other assessing official, (i) determining whether the assessor's method for valuing and assessing machinery and tools is likely to estimate fair market value accurately and whether the assessor has taken into account all forms of depreciation, including obsolescence, and other appropriate factors reasonably necessary to determine fair market value; (ii) determining whether the taxpayer has carried his burden to establish that the machinery and tools in question have been assessed at more than fair market value and the fair market value thereof; (iii) stating the facts and law in support of his determinations, including an analysis of any appraisals or other valuation information presented by the taxpayer and the commissioner of the revenue or other assessing official; and (iv) affirming the assessment if the taxpayer has not carried his burden to establish that the property has a fair market value less than the assessed value, or if the taxpayer has carried his burden, directing that the assessment be corrected by the commissioner of the revenue or other assessing official.

Technical assistance shall be provided to the Department of Taxation by the Virginia Economic Development Partnership, and the Office of the Attorney General. All agencies of the Commonwealth shall provide assistance to the Virginia Department of Taxation for this report, upon request. All stakeholders, including but not limited to local government and the manufacturing sector trade associations, are requested to participate in this report.

The Department of Taxation shall complete its meetings by November 1, 2019, and shall submit to the Governor and the General Assembly an executive summary and a report of its findings and recommendations for publication as a House or Senate document. The executive summary and report shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports no later than December 1, 2019, and shall be posted on the General Assembly's website.

**HOUSE JOINT RESOLUTION NO. 103**

*Requesting Christopher Newport University to study the feasibility and merits of a state-run retirement savings plan for Virginia employers and their employees who do not have access to an employer-provided retirement savings plan. Report.*

Agreed to by the House of Delegates, February 9, 2018

Agreed to by the Senate, March 5, 2018

WHEREAS, thirty-four percent of employees have no access to a retirement savings plan sponsored by their employers; and

WHEREAS, as average life expectancies in the United States have risen to 76 years for men and 81 years for women, people need retirement savings to last longer than in the past; and

WHEREAS, the increased costs of medical care, home health care services, and nursing home stays will require greater shares of retirement savings; and

WHEREAS, Maryland and four other states have established state-run retirement savings plans for employees without access to employer-provided plans; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That Christopher Newport University be requested to study the feasibility and merits of a state-run retirement savings plan for Virginia employers and their employees who do not have access to an employer-provided retirement savings plan.

In conducting its study, Christopher Newport University (the University) shall (i) examine the role of employers in providing retirement plans for their employees; (ii) recommend whether such a plan should be administered by an existing state agency or a newly created agency; (iii) consider and recommend funding sources for such a plan; and (iv) solicit input from all stakeholders.

All agencies of the Commonwealth shall provide assistance to the University for this study, upon request. The University may contract with a nonprofit organization to assist it in carrying out this study, as it deems appropriate. If the University is unable to secure funding for this study, it shall not conduct the study but shall report to the General Assembly before proceeding.

The University shall complete its meetings by November 30, 2018, and shall submit to the Governor and the General Assembly an executive summary and a report of its findings and recommendations for publication as a House or Senate document. The executive summary and report shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports no later than the first day of the 2019 Regular Session of the General Assembly and shall be posted on the General Assembly's website.

**HOUSE JOINT RESOLUTION NO. 114**

*Designating September, in 2018 and in each succeeding year, as Drug-free Pain Management Awareness Month in Virginia.*

Agreed to by the House of Delegates, February 12, 2018

Agreed to by the Senate, March 5, 2018

WHEREAS, the overuse and abuse of prescription opioid painkillers has become a national and statewide crisis; and

WHEREAS, drug overdose is the leading cause of accidental death in the United States, with 52,404 lethal drug overdoses in 2015; and

WHEREAS, opioid addiction is driving this epidemic, with 20,101 overdose deaths related to opioid-based prescription pain relievers in 2015; and

WHEREAS, dozens of people continue to die each day from the abuse of prescription opioids like oxycodone, hydrocodone, methadone, and fentanyl, and a majority of heroin users report using prescription opioids prior to heroin; and

WHEREAS, prescription opioids are often recommended for the management of lower back, neck, and musculoskeletal pain; more than 100 million Americans suffer from chronic pain, and 75 to 85 percent of Americans will experience some form of back pain in their lifetime; and

WHEREAS, chiropractic care and other drug-free forms of health care and pain management must play a major role in helping to ease the immense burden of this crisis; and

WHEREAS, chiropractors are trained and educated to effectively address spinal and musculoskeletal conditions with nonsurgical, evidence-based, and drug-free pain management; chiropractic care yields improved clinical outcomes, reduced costs, and high levels of patient satisfaction; and

WHEREAS, the Commonwealth has been hit hard by this epidemic, and the Virginia Department of Health has made it a high priority to combat this health emergency carefully and comprehensively; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly designate September, in 2018 and in each succeeding year, as Drug-free Pain Management Awareness Month in Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates transmit a copy of this resolution to the Unified Virginia Chiropractic Association so that members of the organization may be apprised of the sense of the General Assembly of Virginia in this matter; and, be it

RESOLVED FINALLY, That the Clerk of the House of Delegates post the designation of this month on the General Assembly's website.

### HOUSE JOINT RESOLUTION NO. 118

*Requesting the Department of Social Services to study regulation of independent living communities. Report.*

Agreed to by the House of Delegates, March 10, 2018

Agreed to by the Senate, March 10, 2018

WHEREAS, the provision of residential health care services within independent living communities through third-party providers is becoming more commonplace; and

WHEREAS, such independent living communities, which are not regulated by the Department of Social Services, are sometimes providing services to residents that are substantially similar to the care provided in assisted living facilities, which are regulated by the Department of Social Services and subject to licensure; and

WHEREAS, these differences in oversight may not be recognized by consumers, who are dependent on these services for safety and health; and

WHEREAS, a study by the Department of Social Services regarding potential regulations and oversight may help to ensure that residents of such independent living communities are adequately protected; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Department of Social Services be requested to study regulation of independent living communities.

In conducting its study, the Department of Social Services shall (i) examine the operations of independent living communities and the level of services provided therein, including residential health care services coordinated through third-party providers; (ii) determine whether some or all independent living communities should be regulated by an agency of the Commonwealth and, if so, the extent to which they should be regulated and the agency or agencies that should be charged with such regulatory oversight; (iii) analyze what regulations should apply on the basis of the level of services, such as residential health care services, provided therein, regardless of whether such services are provided through a third party; (iv) determine whether the Commonwealth should establish the Office of the Independent Living Community Ombudsman to receive, record, and respond to complaints submitted by residents and other citizens regarding the operations of independent living communities; and (v) make any other recommendations related to the regulation or licensure of independent living communities that the Department of Social Services deems appropriate.

All agencies of the Commonwealth shall provide assistance to the Department of Social Services for this study, upon request.

The Department of Social Services shall complete its meetings by November 30, 2018, and shall submit to the Governor and the General Assembly an executive summary and a report of its findings and recommendations for publication as a House or Senate document. The executive summary and report shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports no later than the first day of the 2019 Regular Session of the General Assembly and shall be posted on the General Assembly's website.

### HOUSE JOINT RESOLUTION NO. 119

*Celebrating the life of L. Stanley Willis.*

Agreed to by the House of Delegates, January 12, 2018

Agreed to by the Senate, January 18, 2018

WHEREAS, L. Stanley Willis, a highly admired educator who touched the lives of countless young men and women as a professor at the University of Virginia's College at Wise, died on October 24, 2017; and

WHEREAS, after he received a bachelor's degree from Hampden Sydney College, Stanley Willis honorably served his country in the United States Armed Forces and then earned a doctoral degree from the University of Virginia; and

WHEREAS, Stanley Willis briefly taught at Stephen F. Austin State University in Texas, then returned home to the Commonwealth as the chair of the history department at the Clinch Valley College, now known as the University of Virginia's College at Wise; and

WHEREAS, in addition to teaching history, Stanley Willis also served as dean of students and chair of the Faculty Council over the course of his 30-year career with the college; after his well-earned retirement, he continued to serve the college community as the president of the Poor Farm Society; and

WHEREAS, Stanley Willis was both an effective student advisor and an engaging professor who helped students from all backgrounds acquire critical thinking skills and achieve academic excellence; and

WHEREAS, as a final gift to the College at Wise and its students, Stanley Willis bequeathed 40 acres of mixed woodland for use as an environmental laboratory where students and faculty can conduct research or simply enjoy the sights and sounds of the natural world; and

WHEREAS, Stanley Willis will be fondly remembered and greatly missed by his wife, Barbara; daughter, Elizabeth; and numerous other family members, friends, and former students; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of L. Stanley Willis, a consummate educator who made lasting contributions to the University of Virginia's College at Wise; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of L. Stanley Willis as an expression of the General Assembly's respect for his memory.

**HOUSE JOINT RESOLUTION NO. 120**

*Notifying the Governor of organization.*

Agreed to by the House of Delegates, January 10, 2018

Agreed to by the Senate, January 10, 2018

RESOLVED by the House of Delegates, the Senate concurring, That a committee be appointed, composed of six on the part of the House of Delegates and five on the part of the Senate, to notify the Governor that the General Assembly is duly organized and is ready to receive any communication he may desire to make.

**HOUSE JOINT RESOLUTION NO. 127**

*Establishing an inaugural committee.*

Agreed to by the House of Delegates, January 11, 2018

Agreed to by the Senate, January 11, 2018

RESOLVED by the House of Delegates, the Senate concurring, That an inaugural committee be established. The committee shall be composed of 16 members of the Senate, one of whom shall be the President pro tempore of the Senate, and the remainder of whom shall be appointed by the President pro tempore of the Senate, and 26 members of the House of Delegates, one of whom shall be the Speaker of the House of Delegates, and the remainder of whom shall be appointed by the Speaker of the House of Delegates. The committee shall make suitable plans and arrangements for the reception and induction into their respective offices of the Governor-elect, the Lieutenant Governor-elect, and the Attorney General-elect.

**HOUSE JOINT RESOLUTION NO. 128**

*Celebrating the life of John Robert Brady.*

Agreed to by the House of Delegates, January 19, 2018

Agreed to by the Senate, January 25, 2018

WHEREAS, John Robert Brady of Criders, a hardworking farmer, avid outdoorsman, and respected member of the Rockingham County community, died on September 7, 2017; and

WHEREAS, a native of Fulks Run, John Brady learned the value of hard work and responsibility at a young age; he enjoyed a long career with the National Fruit Product Company, Inc., retiring as a maintenance supervisor after 27 years of loyal service; and

WHEREAS, an avid hunter and fisherman, John Brady loved spending time in the mountains; he worked as a sheep farmer and livestock hauler and was also a fixture of the Bergton Community Fair, where he volunteered as a parking supervisor every year; and

WHEREAS, an active community leader, John Brady donated his time and talents to his fellow residents as a 60-year member of the Bergton Ruritan Club, and he could often be found visiting with friends and neighbors at the Criders Store and the Bergton Grocery Store; and

WHEREAS, John Brady also enjoyed fellowship and worship with the community as a devout, lifelong member of Damascus Church of the Brethren in Criders; and

WHEREAS, John Brady will be fondly remembered and greatly missed by his wife of 69 years, Martha; children, Bonnie, Joyce, Wilma, Tina, and Wayne, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of John Robert Brady, a lifelong resident of Rockingham County who made many generous contributions to the community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of John Robert Brady as an expression of the General Assembly's respect for his memory.

### HOUSE JOINT RESOLUTION NO. 131

*Designating April 14, in 2019 and in each succeeding year, as Tamil New Year Day in Virginia.*

Agreed to by the House of Delegates, February 12, 2018  
Agreed to by the Senate, March 5, 2018

WHEREAS, much like January 1 is celebrated as the American New Year, April 14, the first day of the first month of the Tamil calendar, is celebrated each year as Tamil New Year Day; and

WHEREAS, popularly known as Tamil Puthandu or Chithirai Thirunaal, each Tamil New Year Day is the beginning of an auspicious new cycle, marking the commencement of the New Year for Tamils across the United States and throughout the world; and

WHEREAS, there are many highly educated professionals and entrepreneurs in the Indian American community who make significant contributions to economic growth in the Commonwealth, while continuing to observe and celebrate their rich cultural heritage; and

WHEREAS, Tamil New Year Day brings together members of the Indian American community as they celebrate with gatherings, decorations, and special foods; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly designate April 14, in 2019 and in each succeeding year, as Tamil New Year Day in Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates transmit copies of this resolution to the president of Valluvan Tamil Academy and the academy's legal advisor, SRIS Law Group, so that members of the organizations may be apprised of the sense of the General Assembly of Virginia in this matter; and, be it

RESOLVED FINALLY, That the Clerk of the House of Delegates post the designation of this day on the General Assembly's website.

### HOUSE JOINT RESOLUTION NO. 132

*Election of Circuit Court Judges, General District Court Judges, Juvenile and Domestic Relations District Court Judges, a member of the State Corporation Commission, and a member of the Virginia Workers' Compensation Commission.*

Agreed to by the House of Delegates, January 16, 2018  
Agreed to by the Senate, January 16, 2018

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly shall proceed this day To the election of Circuit Court judges for terms of eight years commencing as follows:

One judge for the Second Judicial Circuit, term commencing October 1, 2018.

One judge for the Third Judicial Circuit, term commencing February 1, 2018.

One judge for the Twelfth Judicial Circuit, term commencing May 1, 2018.

One judge for the Thirteenth Judicial Circuit, term commencing April 1, 2018.

One judge for the Nineteenth Judicial Circuit, term commencing April 1, 2018.

One judge for the Nineteenth Judicial Circuit, term commencing February 1, 2018.

One judge for the Twenty-third Judicial Circuit, term commencing November 1, 2018.

One judge for the Twenty-third Judicial Circuit, term commencing July 1, 2018.

One judge for the Twenty-fifth Judicial Circuit, term commencing February 1, 2018.

One judge for the Twenty-ninth Judicial Circuit, term commencing April 1, 2018.

To the election of General District Court judges for terms of six years commencing as follows:

One judge for the First Judicial District, term commencing July 1, 2018.

One judge for the Second Judicial District, term commencing July 1, 2018.

One judge for the Judicial District 2-A, term commencing July 1, 2018.

One judge for the Third Judicial District, term commencing October 1, 2018.

One judge for the Fourth Judicial District, term commencing May 1, 2018.

One judge for the Sixth Judicial District, term commencing July 1, 2018.

One judge for the Twelfth Judicial District, term commencing July 1, 2018.

One judge for the Fourteenth Judicial District, term commencing February 1, 2018.

One judge for the Nineteenth Judicial District, term commencing October 1, 2018.

One judge for the Nineteenth Judicial District, term commencing April 1, 2018.

One judge for the Twentieth Judicial District, term commencing July 1, 2018.

One judge for the Twentieth Judicial District, term commencing July 1, 2018.

One judge for the Twenty-second Judicial District, term commencing April 1, 2018.

One judge for the Twenty-fourth Judicial District, term commencing July 1, 2018.  
 One judge for the Twenty-sixth Judicial District, term commencing April 16, 2018.  
 One judge for the Twenty-seventh Judicial District, term commencing July 1, 2018.  
 One judge for the Twenty-eighth Judicial District, term commencing July 1, 2018.  
 One judge for the Thirty-first Judicial District, term commencing November 1, 2018.  
 To the election of Juvenile and Domestic Relations District Court judges for terms of six years commencing as follows:  
 One judge for the Second Judicial District, term commencing July 1, 2018.  
 One judge for the Seventh Judicial District, term commencing July 1, 2018.  
 One judge for the Ninth Judicial District, term commencing July 1, 2018.  
 One judge for the Ninth Judicial District, term commencing July 1, 2018.  
 One judge for the Eleventh Judicial District, term commencing October 1, 2018.  
 One judge for the Twelfth Judicial District, term commencing July 1, 2018.  
 One judge for the Thirteenth Judicial District, term commencing May 16, 2018.  
 One judge for the Fourteenth Judicial District, term commencing July 1, 2018.  
 One judge for the Fourteenth Judicial District, term commencing July 1, 2018.  
 One judge for the Fourteenth Judicial District, term commencing July 1, 2018.  
 One judge for the Sixteenth Judicial District, term commencing February 1, 2018.  
 One judge for the Sixteenth Judicial District, term commencing July 1, 2018.  
 One judge for the Nineteenth Judicial District, term commencing August 1, 2018.  
 One judge for the Nineteenth Judicial District, term commencing October 1, 2018.  
 One judge for the Twenty-second Judicial District, term commencing February 1, 2018.  
 One judge for the Twenty-second Judicial District, term commencing July 1, 2018.  
 One judge for the Twenty-fourth Judicial District, term commencing July 1, 2018.  
 One judge for the Twenty-seventh Judicial District, term commencing February 1, 2018.  
 One judge for the Twenty-seventh Judicial District, term commencing July 1, 2018.

To the election of a member of the State Corporation Commission for a term of six years commencing on February 1, 2018.

To the election of a member of the Virginia Workers' Compensation Commission for a term of six years commencing on June 1, 2018.

And that in the execution of the joint order nominations shall be made in the order herein named, and that each house shall be notified of said nominations, and when the rolls shall be called for the whole number, the presiding officers of each house shall appoint a committee of three, which together shall constitute the joint committee to count the vote of each house in each case and report the results to their respective houses. The joint order may be suspended by the presiding officer of either house at any time but for no longer than twenty-four hours to receive the report of the joint committee.

### HOUSE JOINT RESOLUTION NO. 134

*Celebrating the life of Nannie Mae Berger Hairston.*

Agreed to by the House of Delegates, January 19, 2018

Agreed to by the Senate, January 25, 2018

WHEREAS, Nannie Mae Berger Hairston, a beloved wife and mother and a community activist who tirelessly promoted civil rights in Montgomery County, died on July 14, 2017; and

WHEREAS, the daughter of a coal miner, Nannie Hairston was born in West Virginia and attended Excelsior High School; in her youth, she learned the value of compassion from her parents, who often housed and fed those in need; and

WHEREAS, after marrying and moving to Christiansburg in 1953, Nannie Hairston devoted herself to serving her local community and fighting for equal rights; she became a prominent member of the Montgomery County-Radford City-Floyd County branch of the NAACP, serving variously as its membership chair and in several other executive positions; and

WHEREAS, a lifelong supporter of women and children, Nannie Hairston worked to expand voter registration as a founding member of the Montgomery County League of Women Voters, advocated for increased employment opportunities for African American women, and opened her home to underprivileged local children; and

WHEREAS, in addition to her civil rights activism, Nannie Hairston was also a passionate supporter of historical preservation in her local community; one influential project involved promoting the restoration of the former building of the Christiansburg Institute, a school opened shortly after the Civil War to educate African Americans in Southwestern Virginia; and

WHEREAS, during her lifetime, Nannie Hairston's tough and tenacious support of equality saw her honored with several awards, including the state conference of the NAACP's Maggie L. Walker Community Service Award and her selection as one of Dominion Energy and the Library of Virginia's Strong Men and Women in Virginia History; and

WHEREAS, in 1991, the Montgomery County-Radford City-Floyd County branch of the NAACP presented Nannie Hairston with the inaugural Nannie B. Hairston Community Service Award, which has been awarded annually ever since; in 2006, she was honored with a bronze bust in the Montgomery County Government Center; and

WHEREAS, predeceased by her husband of 70 years, John, and one daughter, Edwina, Nannie Hairston will be fondly remembered and greatly missed by her daughters, Catherine, Dy-Anne, Colette, and their families, as well as countless other friends, family members, and members of the Montgomery County community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Nannie Mae Berger Hairston, a community organizer who was steadfast in her devotion to the residents of Montgomery County; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Nannie Mae Berger Hairston as an expression of the General Assembly's respect for her memory.

**HOUSE JOINT RESOLUTION NO. 135**

*Designating January 14, in 2018 and in each succeeding year, as Makar Sankranti Day in Virginia.*

Agreed to by the House of Delegates, February 12, 2018

Agreed to by the Senate, March 5, 2018

WHEREAS, Makar Sankranti is one of the main festivals celebrating the importance of the harvest in India; and

WHEREAS, similar to Thanksgiving Day in the United States, Makar Sankranti is a festival of thanksgiving to mother nature, the earth, farm animals, and the sun in the form of Lord Surya for the resources necessary for a bountiful yield of crops; and

WHEREAS, Makar Sankranti is a festival that falls mostly on January 14; it marks the first day of the sun's transit into the Makara (Capricorn); and

WHEREAS, the festivities associated with Makar Sankranti are known by various regional names such as Uttarayan in Gujarat, Lohri in northern India, Makara Sankranti (Pedda Panduga) in Karnataka, Telangana, and Andhra Pradesh, Sukarati in central India, Magh Biju in Assam, and Pongal in Tamil Nadu; and

WHEREAS, the Indian American community makes many important contributions to the economic growth in the Commonwealth, with highly educated professionals and entrepreneurs who work in a variety of fields, open new businesses, and create jobs, all the while continuing to observe and celebrate their rich cultural heritage; and

WHEREAS, Makar Sankranti Day brings together members of the Indian American community as they celebrate with gatherings, decorations, and special foods; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly designate January 14, in 2018 and in each succeeding year, as Makar Sankranti Day in Virginia; and, be it

RESOLVED FINALLY, That the Clerk of the House of Delegates post the designation of this day on the General Assembly's website.

**HOUSE JOINT RESOLUTION NO. 136**

*Commending the Naval Surface Warfare Center, Dahlgren Division.*

Agreed to by the House of Delegates, January 19, 2018

Agreed to by the Senate, February 15, 2018

WHEREAS, for 100 years, the Naval Surface Warfare Center, Dahlgren Division in King George County has worked to make the United States Navy the most technologically advanced sea power in the world, leading to breakthroughs in science, mathematics, and engineering that have benefited the Commonwealth and the nation as a whole; and

WHEREAS, the United States Navy installation now known as Naval Support Facility Dahlgren was established in 1918; the largest tenant command to the facility, Naval Surface Warfare Center (NSWC), Dahlgren Division, has been instrumental in defending American interests at home and abroad by researching, developing, testing, and evaluating new weaponry and weapon systems, from bomb sights to laser weapon systems; and

WHEREAS, NSWC Dahlgren Division is now one of the largest employers of scientists and engineers in Virginia and has introduced systems engineering, mission engineering, and human systems integration to new generations of scientists and engineers; and

WHEREAS, from 1918-1943, NSWC Dahlgren Division proofed large-caliber naval guns, exterior ballistics, aerology, velocity, and range table production; in 1924, NSWC Dahlgren Division launched the first successful remote-controlled, takeoff-to-landing N9 seaplane flight; the Norden bombsight and VT fuze were also developed in Dahlgren during this time; and

WHEREAS, from 1949-1968, the Navy's first significant calculating machine, the Aiken Relay Calculator, was used at NSWC Dahlgren Division, as were the IBM Naval Ordnance Research Calculator and the IBM 7030 Stretch

supercomputer; software for the Global Positioning System, commonly called GPS, was developed at NSWC Dahlgren Division, as was the World Geodetic System; and

WHEREAS, during this era, guns and rockets were tested and programs were simulated or developed at NSWC Dahlgren Division to address new conflicts, including the Polaris missile for submarines, naval fleet ballistic missiles, six degrees of freedom trajectory, and the Hazards of Electromagnetic Radiation to Ordnance program; and

WHEREAS, from 1969-1993, as conflicts continued and technology advanced, NSWC Dahlgren Division's workforce developed more sophisticated weapon systems, including a fire control system for the Trident class of submarine-launched ballistic missiles and the indomitable Aegis Combat System and Aegis Weapon System; and

WHEREAS, since 1994, and especially in the last two decades, asymmetrical warfare has become commonplace, and NSWC Dahlgren Division has again achieved new heights in developing advanced weapon systems, including the Aegis Ballistic Missile Defense, deployed both on United States Navy ships and at land-based sites in other nations; chemical, biological, and radiation measures; an electromagnetic railgun; the Laser Weapon System; the Close-in Weapon System; and the Ship Self-Defense System; and

WHEREAS, NSWC Dahlgren Division is the largest employer in Central Virginia and the Northern Neck with more than 8,000 civilian, military, and contract personnel; the workforce is composed of employees from 14 counties in Virginia and five counties in Maryland, contributing more than \$6.5 billion to local economies annually; and

WHEREAS, the diverse workforce of NSWC Dahlgren Division has forged relationships with the greater community, building new partnerships across academia, industry, commerce, and with the citizens of the surrounding region; and

WHEREAS, for a century, NSWC Dahlgren Division has supported the United States Navy, its fighters, and their families, and provided resources for the fleet and other Department of Defense and joint military forces for critical military operations worldwide; the center holds patents for more than 300 inventions and continues to spearhead some of the most unique scientific innovations in the world; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Naval Surface Warfare Center, Dahlgren Division on the occasion of its 100th anniversary on October 16, 2018; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Naval Surface Warfare Center, Dahlgren Division as an expression of the General Assembly's admiration for its unique contributions to the United States Navy and important role in defending the Commonwealth and the nation.

### HOUSE JOINT RESOLUTION NO. 139

*Celebrating the life of Special Agent Michael T. Walter.*

Agreed to by the House of Delegates, January 26, 2018

Agreed to by the Senate, February 1, 2018

WHEREAS, it is written that "no greater love hath no man than this, that a man lay down his life for his friends"; and

WHEREAS, Virginia State Police Special Agent Michael T. Walter laid down his life for the communities he served when he died on May 27, 2017, of a gunshot wound incurred the day before while endeavoring to preserve law and order in a neighborhood of the City of Richmond; and

WHEREAS, Michael T. Walter graduated from the Virginia State Police Academy as a member of the 98th Basic Session on May 21, 1999, and upon graduation was assigned to Area 48 in the Fairfax Division; and

WHEREAS, in 2005, Trooper Walter transferred to Area 6 in the Richmond Division, and in 2006, he joined the Virginia State Police Academy staff as a Canine Instructor; and

WHEREAS, in 2010, he was promoted to the rank of special agent and assigned to the Drug Enforcement Section of the Bureau of Criminal Investigation's Richmond Field Office; and

WHEREAS, Special Agent Walter worked with local, state, and federal law-enforcement agencies and officers throughout the Richmond Division, gathering criminal intelligence on gang-related activity and investigating illegal drug activity; and

WHEREAS, while working with a Richmond police officer in the City's Mosby Court public housing complex, Special Agent Walter approached two male subjects in a vehicle and, during the course of the consensual encounter and conversation, was shot and killed by one of the male subjects, who then fled the scene on foot; and

WHEREAS, Special Agent Walter was a man of singular virtue and integrity, who demonstrated an unwavering commitment to serving and protecting the people of the Commonwealth through his capacity as one of "Virginia's Finest"; and

WHEREAS, a resident of Powhatan County, Special Agent Walter was known by many within his community for his valiant, selfless labors on behalf of the well-being of the rising generation; and

WHEREAS, preeminent among Special Agent Walter's contributions to Powhatan was his establishment of Blackhawk Gym to enhance the lives, character, and health of local youth; and

WHEREAS, Special Agent Walter proudly served his nation from 1989 to 1994 as a decorated member of the United States Marine Corps; and

WHEREAS, Special Agent Walter spent his own youth in New Jersey and began his law-enforcement career as a police officer with the Virginia Division of Capitol Police; and

WHEREAS, Special Agent Walter will be fondly remembered and forever missed by his wife, Jaime; their children, Austin, Mason, and Addison; his parents, Robert and Lorraine Walter; his brother, Matthew Walter; and numerous other family members, friends, and public safety colleagues throughout the Commonwealth and the entire country; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of a courageous and revered public safety professional, Special Agent Michael T. Walter; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Special Agent Michael T. Walter as an expression of the General Assembly's respect for his memory, sympathy with his family's bereavement, and gratitude for his many years of selfless service to the citizenry of the Commonwealth.

**HOUSE JOINT RESOLUTION NO. 140**

*Commending Laura Hogan.*

Agreed to by the House of Delegates, January 26, 2018

Agreed to by the Senate, February 1, 2018

WHEREAS, Laura Hogan, a dedicated community member and parent at Seaford Elementary School, was named the York County School Division's Volunteer of the Month for September 2017; and

WHEREAS, the mother of two children, Erinn and Cait, Laura Hogan began her involvement with Seaford Elementary School as a member of the Parent-Teacher Association (PTA); she was later elected president of the PTA board and held many other leadership positions; and

WHEREAS, as chair of the PTA fundraising committee, Laura Hogan planned and implemented a "walk-a-thon" fundraiser that collected over \$27,000 for the Seaford Elementary School PTA; and

WHEREAS, along with her work with the PTA, Laura Hogan volunteers as a helper in the Seaford Elementary School library and has implemented new programs at the school, including school supply kits to assist parents and a used shoe collection for the needy; and

WHEREAS, Laura Hogan was presented with the Volunteer of the Month award at the York County School Board meeting on September 25, 2017; and

WHEREAS, Laura Hogan's volunteer efforts have greatly benefited the students and families of Seaford Elementary School and stand as a superb example of community service and good citizenship; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Laura Hogan on winning the York County School Division's Volunteer of the Month award for September 2017; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Laura Hogan as an expression of the General Assembly's admiration for her dedication and service to local schools.

**HOUSE JOINT RESOLUTION NO. 142**

*Designating the third Sunday of September, in 2018 and in each succeeding year, as Recovery Sunday in Virginia.*

Agreed to by the House of Delegates, February 12, 2018

Agreed to by the Senate, March 5, 2018

WHEREAS, in January 2017, the Middle Peninsula Opioid Addiction Task Force, a diverse group of health care professionals, law-enforcement officers, public officials, and religious leaders, met to address the heroin and opioid addiction crisis affecting the entire Commonwealth; and

WHEREAS, after months of meetings, the Middle Peninsula Opioid Addiction Task Force identified a crucial need for faith communities to play a larger role in educating the public about the dangers of opioid addiction and options for treatment and recovery; and

WHEREAS, the Recovery Sunday organization was created to support church leaders as they seek to give a theological voice to addiction and recovery by dedicating certain Sundays to the discussion of these important issues; and

WHEREAS, the Recovery Sunday organization offers free sermon outlines, small group and Sunday school lesson plans, responsive readings, music, and artwork to help churches organize a meaningful and engaging event; and

WHEREAS, Recovery Sundays provide a unique opportunity for a congregation to pray for those struggling with addiction, learn about the causes of this disease, build partnerships with local recovery organizations, provide support for members of the community in need, or start a recovery ministry; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly designate the third Sunday of September, in 2018 and in each succeeding year, as Recovery Sunday in Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates transmit a copy of this resolution to Recovery Sunday so that members of the organization may be apprised of the sense of the General Assembly of Virginia in this matter; and, be it

RESOLVED FINALLY, That the Clerk of the House of Delegates post the designation of this day on the General Assembly's website.

### HOUSE JOINT RESOLUTION NO. 143

*Commending Colonial Beach Elementary School.*

Agreed to by the House of Delegates, January 26, 2018

Agreed to by the Senate, February 1, 2018

WHEREAS, Colonial Beach Elementary School in Westmoreland County reopened at its new, state-of-the-art location in August 2017 and held its first classes on September 5, 2017; and

WHEREAS, in 2014, a devastating fire severely damaged Colonial Beach Elementary School; the building, which had previously served as the local high school and from which thousands of students had graduated, held many special memories for the community; and

WHEREAS, in addition to the structural damage, the fire destroyed a significant amount of Colonial Beach Public Schools equipment, furniture, and supplies, resulting in the displacement of nearly 300 students; and

WHEREAS, for the remainder of the 2013-2014 school year, students attended classes in Oak Grove Baptist Church, then moved to modular units on the high school campus in 2014; the teachers and staff of Colonial Beach Elementary School ably adapted to a difficult situation and persevered through difficulties to ensure that the students continued to receive a quality education and reached full accreditation; and

WHEREAS, community organizations, churches, local businesses, and former students of Colonial Beach Elementary School made many generous contributions to the relocation and rebuilding effort through school supply drives, benefits, and donations; and

WHEREAS, during construction of the new Colonial Beach Elementary School, Colonial Beach Public Schools utilized group purchasing and placed the new building on town-owned land to achieve high cost savings while still providing a cutting-edge facility for all students from pre-kindergarten through grade seven; and

WHEREAS, the new 50,000-square-foot building contains 19 home rooms, seven resource rooms, four reading rooms, an art room, a music room, a library, two playgrounds, and a gymnasium and cafeteria with an acoustic wall that can be raised or lowered in minutes; classrooms are equipped with LED lights and smart projectors to provide students with the best possible learning experience; and

WHEREAS, the new Colonial Beach Elementary School also features an enhanced sprinkler system and generator to reduce the risk of fire and an on-site kitchen with the latest industrial food preparation equipment, allowing the school to more easily provide free breakfast and lunches, as well as an afterschool dinner program; and

WHEREAS, the faculty and staff of Colonial Beach Elementary School and local officials demonstrated an inspirational commitment to the project, the community, and most importantly, the children's future; school officials made prudent use of funds by developing a clear vision and setting, as well as achieving goals in tough times to ensure that students received the best possible educational experience; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Colonial Beach Elementary School for its service to the youth of Colonial Beach on the occasion of its reopening in 2017; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Colonial Beach Elementary School as an expression of the General Assembly's admiration for its important place in the Colonial Beach community.

### HOUSE JOINT RESOLUTION NO. 144

*Designating February 13, 2018, as Sorensen Day in Virginia, in celebration of the 25th anniversary of the founding of the Sorensen Institute for Political Leadership at the University of Virginia.*

Agreed to by the House of Delegates, February 12, 2018

Agreed to by the Senate, March 5, 2018

WHEREAS, the Sorensen Institute for Political Leadership at the University of Virginia was established by a group of public-spirited citizens in 1993 to improve political leadership and strengthen the quality of governance at all levels in Virginia; and

WHEREAS, the Sorensen Institute prepares Virginia's emerging leaders for public service as candidates for office, government officials, and active citizens in the affairs of their communities, the Commonwealth, and the nation through educational programs designed around public policy, ethics, and practical politics; and

WHEREAS, the Sorensen Institute's Political Leaders Program, Emerging Leaders Program, Candidate Training Program, College Leaders Program, and High School Leaders Program can now claim some 2,200 alumni, including Governor Ralph S. Northam, current and former members of the General Assembly on both sides of the aisle, public servants at the local and federal level, and many community leaders; and

WHEREAS, the alumni of the Sorensen Institute provide an example of ethical and respectful behavior that respects differences of opinion and seeks cooperation amid the policy battles and political campaigns that define our public life; and

WHEREAS, Sorensen alumni build bonds of friendship across ideological lines and from one end of the Commonwealth to the other, which serve to strengthen the legislative and policy process and improve the tone of our debates and campaigns; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly designate February 13, 2018, as Sorensen Day in Virginia, in celebration of the 25th anniversary of the founding of the Sorensen Institute for Political Leadership at the University of Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates transmit a copy of this resolution to the Sorensen Institute for Political Leadership at the University of Virginia as an expression of the General Assembly's admiration for the continuing contributions of the institute's distinguished alumni to public life in the Commonwealth; and, be it

RESOLVED FINALLY, That the Clerk of the House of Delegates post the designation of this day on the General Assembly's website.

**HOUSE JOINT RESOLUTION NO. 145**

*Commending Ray's Auto Body.*

Agreed to by the House of Delegates, January 26, 2018

Agreed to by the Senate, February 1, 2018

WHEREAS, in 2018, Ray's Auto Body of Vienna will celebrate its 55th anniversary of providing outstanding car repair and customer service to the local community; and

WHEREAS, Ray's Auto Body was founded in 1963 by Ray Arndt, a veteran auto mechanic who prized fairness to his customers and led his employees with the motto "do it right or do it over"; and

WHEREAS, starting in a small, three-bay building, Ray's Auto Body grew steadily over the years thanks to repeat business from loyal customers; in 2000, it moved to its current shop; and

WHEREAS, following Ray Arndt's death in 2012, his wife, Joyce Arndt, took over as owner and operator of Ray's Auto Body; and

WHEREAS, in addition to providing first-rate collision repair services, Ray's Auto Body is a strong supporter of its local community; since 1963, the business has been a sponsor of Vienna Little League baseball; and

WHEREAS, Ray's Auto Body is also a member of the Washington Metropolitan Auto Body Association and the Vienna Business Association, and supports the charity Northern Virginia Sheltie Rescue; and

WHEREAS, during its many years in operation, Ray's Auto Body has become a Vienna institution known for its friendly staff, personalized service, and expert repair work; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Ray's Auto Body on its years of service to the residents of Vienna on the occasion of its 55th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Ray's Auto Body as an expression of the General Assembly's admiration for its achievements and best wishes for continued success in the future.

**HOUSE JOINT RESOLUTION NO. 146**

*Commending County Transmissions, Inc.*

Agreed to by the House of Delegates, January 26, 2018

Agreed to by the Senate, February 1, 2018

WHEREAS, County Transmissions, Inc., a family-owned and -operated auto repair business that has served countless loyal customers in the Vienna community, celebrates its 45th anniversary in 2018; and

WHEREAS, County Transmissions, Inc., was founded in 1973 by Robert E. Stocks; in 2006, longtime employee Hampton Childs took over as president and continued the company's commitment to excellence; and

WHEREAS, with a mission to provide fast, first-rate technical service to customers in Virginia, Washington, D.C., and Maryland, County Transmissions, Inc., conducts repairs on automatic and standard transmissions, differentials, clutches, wheel bearings, drive shafts, and many other automobile components; and

WHEREAS, as a devoted member of the local business community, County Transmissions, Inc., is active in the Better Business Bureau, the Vienna Business Association, and the Northern Virginia Chamber of Commerce; and

WHEREAS, over its many years in operation, County Transmissions, Inc., has forged strong relationships with its customers and provided superior auto care to the local community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend County Transmissions, Inc., for its decades of high-quality service to the residents of Vienna and the surrounding region; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to County Transmissions, Inc., as an expression of the General Assembly's admiration for its achievements and best wishes for continued success.

**HOUSE JOINT RESOLUTION NO. 147**

*Commending Billy Weber Tire.*

Agreed to by the House of Delegates, January 26, 2018  
 Agreed to by the Senate, February 1, 2018

WHEREAS, in 2018, Billy Weber Tire will celebrate 35 years of providing exceptional auto repair and maintenance services to the residents of Vienna; and

WHEREAS, founded in 1983, Billy Weber Tire is a family-owned and -operated shop specializing in tire sales and service, wheel repair, alignments, suspensions, axles, and a variety of other automotive services, including belts, hoses, batteries, starters, alternators, and brakes; and

WHEREAS, Billy Weber Tire's staff brings a wealth of experience to bear on each vehicle they service and make use of state-of-the-art technology to ensure that problems are quickly diagnosed and repaired; and

WHEREAS, along with a commitment to fast and reliable repair, Billy Weber Tire operates with a mission to maintain honesty, integrity, and fairness in all of its dealings with customers; and

WHEREAS, over its many years in business, Billy Weber Tire has forged strong relationships with the residents of Vienna and has become a respected fixture of its local community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Billy Weber Tire for its years of providing high-quality auto repair and service to the residents of Vienna; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Billy Weber Tire as an expression of the General Assembly's admiration for its achievements and best wishes for continued success.

**HOUSE JOINT RESOLUTION NO. 148**

*Celebrating the life of David Clark Dowling.*

Agreed to by the House of Delegates, January 26, 2018  
 Agreed to by the Senate, February 1, 2018

WHEREAS, David Clark Dowling, a 26-year resident of Williamsburg, passed away on October 30, 2017, after a courageous battle with multiple myeloma; and

WHEREAS, a native of Watertown, New York, David Dowling attended Hartwick College in Oneonta, New York, before earning his master's degree from Michigan State University; and

WHEREAS, David Dowling married his best friend and the love of his life, Dana, in 1992; and

WHEREAS, David Dowling's career with the Commonwealth spanned more than 25 years, including time as a fisheries biologist at the Department of Game and Inland Fisheries; and

WHEREAS, David Dowling dedicated almost two decades of his life to the Department of Conservation and Recreation; and

WHEREAS, David Dowling served in many leadership roles at the Department of Conservation and Recreation, most recently as the Deputy Director of Soil and Water Conservation and Dam Safety and Floodplain Management; and

WHEREAS, David Dowling was devoted to the conservation and protection of the natural resources of the Commonwealth, and he was greatly respected by everyone who knew him; and

WHEREAS, David Dowling will be fondly remembered and greatly missed by his devoted wife, Dana; his loving daughter, Holly Grace; his sister, Sue; and his nieces; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of David Clark Dowling, a respected conservationist dedicated to the protection of the Commonwealth's land and water; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of David Clark Dowling as an expression of the General Assembly's respect for his memory.

**HOUSE JOINT RESOLUTION NO. 149**

*Commending the Lord Fairfax Charity Ride.*

Agreed to by the House of Delegates, January 12, 2018  
 Agreed to by the Senate, February 8, 2018

WHEREAS, in 2017, Fairfax County celebrated its 275th anniversary as a county, and it was joined in that celebration by the City of Fairfax, both of which were within the Northern Neck Proprietary (all the land between the Potomac and Rappahannock rivers and the Fairfax Stone in West Virginia, a total of approximately 5,280,000 acres) that was the original Fairfax land grant; and

WHEREAS, as an extension of the celebratory year, Lord Fairfax has committed to be the patron of a fundraising event for four charities in Fairfax—The Lamb Center, the Fairfax County Sheriff's Office Project Lifesaver, the Fairfax Mason Research Fund, and the Bethlehem Baptist Church Community Support Program; and

WHEREAS, Lord Fairfax has previously been the champion, organizer, and leader for a motorcycle charity fundraiser in Russia from Vladivostok to St. Petersburg, a distance of approximately 7,500 miles; and

WHEREAS, on September 22, 2018, the Lord Fairfax Charity Ride will begin in the City of Fairfax and proceed around the boundary of the original land grant for several days; and

WHEREAS, the Fairfax Chapter of the Harley Owners Group is very experienced in organizing charity rides and is doing so for the Lord Fairfax Charity Ride; and

WHEREAS, the Lord Fairfax Charity Ride is supported by Fairfax County, the City of Fairfax, the Fairfax County Economic Development Authority, Visit Fairfax, and the entire Fairfax business community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Lord Fairfax Charity Ride, a unique initiative that will benefit many residents of the Commonwealth through the charitable contributions; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare copies of this resolution for presentation to Lord Fairfax and the Lord Fairfax Charity Ride leadership as an expression of the General Assembly's admiration for their leadership of this initiative and appreciation for the collaborative effort among jurisdictions and the business community.

#### HOUSE JOINT RESOLUTION NO. 150

*Commending the Community Foundation for Northern Virginia.*

Agreed to by the House of Delegates, February 2, 2018

Agreed to by the Senate, February 8, 2018

WHEREAS, in 2018, the Oakton-based Community Foundation for Northern Virginia will celebrate its 40th anniversary of generously supporting nonprofit groups and philanthropic efforts to benefit the region; and

WHEREAS, the Community Foundation for Northern Virginia was created in 1978 with the goal of helping those in need and promoting prosperity in the Counties of Fairfax, Loudoun, Arlington, and Prince William and the Cities of Alexandria, Falls Church, Fairfax, Manassas, and Manassas Park; and

WHEREAS, through charitable endowments, donor advised funds, permanent funds, and giving circles, the Community Foundation for Northern Virginia awards grants in support of causes ranging from poverty relief and education to mental health, the environment, and the arts; and

WHEREAS, in addition to its philanthropic programs, the Community Foundation for Northern Virginia conducts research on social and economic issues in Northern Virginia and holds meetings where community members can voice their opinions concerning challenges facing the region; and

WHEREAS, in 2017, the Community Foundation for Northern Virginia enjoyed a record-breaking year in which it awarded more than \$4.7 million in grants and scholarships and took in \$13 million in new gifts; and

WHEREAS, recent beneficiaries of grants and support from the Community Foundation for Northern Virginia include the All Ages Read Together literacy program, the Arlington Retirement Housing Corporation, the Chesapeake Conservancy, and the SHINE for Girls program; and

WHEREAS, to celebrate its 40th anniversary, the Community Foundation for Northern Virginia launched the Permanent Fund for Northern Virginia, a community endowment that will be used to support local residents in need; and

WHEREAS, through its generous philanthropic endeavors, the Community Foundation for Northern Virginia has advanced the social, educational, and economic interests of the region and increased the quality of life for countless Northern Virginia residents; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Community Foundation for Northern Virginia on 40 years of supporting charitable works that benefit the region; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Community Foundation for Northern Virginia as an expression of the General Assembly's admiration for its diligent work and generous philanthropy on behalf of the residents of Northern Virginia.

**HOUSE JOINT RESOLUTION NO. 151**

*Commending the 1987 Washington Redskins replacement players.*

Agreed to by the House of Delegates, January 26, 2018  
 Agreed to by the Senate, March 2, 2018

WHEREAS, during the 1987 National Football League season, which ultimately ended with a Washington Redskins victory in Super Bowl XXII, a players' strike resulted in the cancellation of one week of games and three weeks of games played that were fielded by replacement players; and

WHEREAS, the Washington Redskins held a 1-1 record after the second week of play, when the National Football League Players Association began a 24-day strike; the National Football League (NFL) continued to hold games as usual, beginning with week four, but with only a small percentage of its professional players on the field; and

WHEREAS, while some NFL coaches refused to participate or prepare for the replacement games, Washington Redskins head coach Joe Gibbs made every effort to both win games and build unity among the team; the Washington Redskins were the only team in the NFL with no players crossing the picket line during the strike; and

WHEREAS, the Washington Redskins began planning for a potential strike in the summer of 1987 and kept tabs on many of the last players to be cut from other teams, allowing Washington to build a small core of players with some recent professional experience; and

WHEREAS, the other Washington Redskins replacement players came from all walks of life, from former college players to a high school teacher, and all had varying levels of experience with the game; braving ridicule from fans, media, and some professional players, the replacements bonded over their unique situation and love of football; and

WHEREAS, in the first replacement game, the Washington Redskins struggled against the St. Louis Cardinals until quarterback Ed Rubbert threw an 88-yard pass to Anthony Allen, a record for longest completion of the 1987 season; the team went on to win 28-21, and Anthony Allen finished the day with seven catches for 225 yards, a franchise record; and

WHEREAS, the Washington Redskins then faced their division rivals, the Super Bowl champion New York Giants, who were barely able to field a complete team during the strike, and won a decisive 38-12 victory; and

WHEREAS, when the strike officially ended on Thursday, October 15, 1987, a majority of professional players missed the deadline to be eligible for play the following weekend; the Washington Redskins prepared for their final replacement game, a Monday Night Football matchup with the Dallas Cowboys which would decide control of the NFC East, with a mix of professional and replacement players; and

WHEREAS, in one of the biggest upsets of NFL history, the Washington Redskins dominated the Dallas Cowboys, who fielded six of their starters, including two future Pro Football Hall of Fame inductees; after Ed Rubbert was injured, Tony Robinson came in at quarterback, going 11 of 18 for 152 yards to give the team a 20-17 win; and

WHEREAS, with a perfect 3-0 record during the replacement weeks, the Washington Redskins finished the season 11-4 and faced the Denver Broncos in Super Bowl XXII; Washington's Doug Williams, the first African American quarterback to start in a Super Bowl, threw four touchdown passes in less than 12 minutes in a 42-10 rout; and

WHEREAS, the 1987 Washington Redskins replacement players helped pave the way for the championship victory, while a small number of replacement players earned a regular spot on the team, most returned to their families and communities; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the 1987 Washington Redskins replacement players for their critical role in the team's Super Bowl-winning season; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the 1987 Washington Redskins replacement players as an expression of the General Assembly's admiration for their determination, hard work, and incredible achievements.

**HOUSE JOINT RESOLUTION NO. 152**

*Commending Nischelle Buffalow.*

Agreed to by the House of Delegates, January 26, 2018  
 Agreed to by the Senate, February 1, 2018

WHEREAS, Nischelle Buffalow of Chesapeake was honored as the 2017 Woman of the Year by the Women's Division of the Hampton Roads Chamber of Commerce Chesapeake; and

WHEREAS, over the last eight years, Nischelle Buffalow has helped feed hundreds of Chesapeake residents in need with her annual Thanksgiving community dinner; as the founder of the nonprofit organization, Buffalow Family and Friends Community Days, she has spearheaded numerous charitable initiatives, including food and clothing drives and back-to-school health care programs for children; and

WHEREAS, a native of the Chesapeake area, Nischelle Buffalow attended Indian River High School and studied accounting at Norfolk State University; she began her yearly Thanksgiving dinner for the less fortunate in 2010, when she learned that soup kitchens and churches typically did not serve meals on Thanksgiving; and

WHEREAS, after rallying the support of her family and friends, Nischelle Buffalow served around 30 people at her first Thanksgiving dinner; the event has grown each year since then, attracting 100 people in 2011 and around 400 in 2016; and

WHEREAS, as her Thanksgiving dinner has increased in popularity, Nischelle Buffalow has added new programs to further benefit the community; she started offering free donated clothing to diners, and in 2014, she added Thanksgiving meal deliveries for the elderly; and

WHEREAS, in preparation for each Thanksgiving dinner, Nischelle Buffalow, her family, and her hardworking volunteers spend several days gathering food and preparing meals; while donations cover some of the costs, the Buffalow family still spends as much as \$1,000 of their own money on the dinner each year; and

WHEREAS, in 2015, Nischelle Buffalow expanded her philanthropic efforts by founding the Buffalow Family and Friends Community Days organization; the group's activities include a summer meals program for children, a back-to-school fair with immunizations and dental and health screenings, and the Warm and Fuzzy Program, which distributes blankets, winter clothing, and food baskets to needy children; and

WHEREAS, Nischelle Buffalow will be honored at the Women's Division of the Hampton Roads Chamber of Commerce Chesapeake's annual Woman of the Year banquet on February 10, 2018, at the Chesapeake Conference Center; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Nischelle Buffalow for being named the 2017 Woman of the Year by the Women's Division of the Hampton Roads Chamber of Commerce Chesapeake; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Nischelle Buffalow as an expression of the General Assembly's admiration for her many accomplishments and efforts to make Chesapeake one of the Commonwealth's outstanding communities.

**HOUSE JOINT RESOLUTION NO. 154**

*Commending Annette S. Perkins.*

Agreed to by the House of Delegates, January 26, 2018

Agreed to by the Senate, February 1, 2018

WHEREAS, Annette S. Perkins, a respected lifelong educator and a diligent public servant, retired as a member of the Montgomery County Board of Supervisors after nearly 20 years of service; and

WHEREAS, a former teacher and administrator in Montgomery County Public Schools, Annette Perkins joined the Montgomery County Board of Supervisors as the representative of District A in 1998; she served as chair in 2008, 2009, and 2010, and vice chair in 2003 and 2004; and

WHEREAS, Annette S. Perkins served on the Montgomery Regional Economic Development Commission, the Fairview District Home Board, the New River Valley Metropolitan Planning Organization, the Pepper's Ferry Regional Wastewater Treatment Authority, the New River Valley Regional Commission, the Public Service Authority, the Road Viewers Board, the Social Services Board, the Utilities Committee, the Finance Committee, and the Virginia Tech/Montgomery Regional Airport Authority; and

WHEREAS, during her tenure on the Board of Supervisors, Annette Perkins oversaw numerous capital projects, including a new courthouse and public safety building, Price's Fork Elementary School, Eastern Montgomery Elementary School, Auburn Middle School, Auburn High School, Blacksburg High School, Blacksburg Middle School, Christiansburg Middle School, Meadowbrook Public Library, and the Animal Care and Adoption Center; and

WHEREAS, Annette Perkins was instrumental in having a 9.25-acre portion of undeveloped property located adjacent to Nellies Cave Park donated to the Town of Blacksburg for a public park known as the Meadow; and

WHEREAS, Annette Perkins has been an active participant in the Virginia Association of Counties and served on a number of committees in the organization, including the Conference Planning Committee, the Resolutions Committee, the Transportation Steering Committee, and the Education Steering Committee, and she represented Region 10 on the Board of Directors; and

WHEREAS, over the course of her many years of service, Annette Perkins worked to promote the best interests of Montgomery County, and she earned the admiration and high regard of her fellow public servants; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Annette S. Perkins on the occasion of her retirement from the Montgomery County Board of Supervisors; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Annette S. Perkins as an expression of the General Assembly's admiration for her outstanding service and dedication to the residents of Montgomery County.

**HOUSE JOINT RESOLUTION NO. 155**

*Commending Ron Rordam.*

Agreed to by the House of Delegates, January 26, 2018  
 Agreed to by the Senate, February 1, 2018

WHEREAS, Ron Rordam, a loyal public servant and a passionate community advocate, retired as the Mayor of the Town of Blacksburg in December 2017 after more than a decade of leadership; and

WHEREAS, a native of New Orleans, Ron Rordam gained an interest in civic life at a young age and earned a bachelor's degree from the University of New Orleans, where he studied history; he came to the Commonwealth in the 1970s to earn a master's degree from Virginia Polytechnic Institute and State University (Virginia Tech); and

WHEREAS, after completing his education, Ron Rordam pursued a career in insurance in Salem, then returned to Blacksburg in 1984 and ran his own health insurance firm in the area for many years; and

WHEREAS, Ron Rordam joined the Blacksburg Planning Commission in 1992, then ran for and was elected to the Blacksburg Town Council in 1996; and

WHEREAS, desirous to be of further service to his fellow Blacksburg residents, Ron Rordam ran for mayor and took office in 2006; he ably led the town through great periods of growth and change, while striving to maintain its unique rural charm; and

WHEREAS, Ron Rordam supported the creation of the Moss Arts Center, helped make North Main Street more pedestrian friendly, and oversaw the revitalization of College Avenue, the center of cultural life in Blacksburg, which is home to shops, restaurants, and the historic Lyric Theatre; and

WHEREAS, an organized and hardworking leader, Ron Rordam helped ensure that the Town Council ran efficiently and effectively, and he was a trusted mentor and friend to many people in local government and throughout the region; and

WHEREAS, Ron Rordam cultivated strong personal relationships with the leadership of Virginia Tech and Montgomery County, ensuring open communication and focused collaboration toward shared goals; and

WHEREAS, Ron Rordam served Blacksburg with the utmost integrity and dedication, leaving a legacy of good governance and careful planning to his successors; in his well-earned retirement, he plans to spend more time with his family as well as seek new opportunities to continue serving the community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Ron Rordam on the occasion of his retirement as Mayor of the Town of Blacksburg; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Ron Rordam as an expression of the General Assembly's admiration for his years of exceptional service to the residents of the Town of Blacksburg and the Commonwealth.

**HOUSE JOINT RESOLUTION NO. 156**

*Celebrating the life of Master Sergeant George Allen Bannar, Jr., USA.*

Agreed to by the House of Delegates, January 26, 2018  
 Agreed to by the Senate, February 1, 2018

WHEREAS, Master Sergeant George Allen Bannar, Jr., USA, an elite member of the special operations community who was proud to serve his country and his community, was killed in action in Afghanistan on August 20, 2013; and

WHEREAS, George Bannar grew up in Orange County and graduated from Orange County High School, where he was a member of the Reserve Officers' Training Corps; he enlisted in the United States Army as a medical specialist in October 1996; and

WHEREAS, initially assigned to the 3rd Battalion, 505th Parachute Infantry Regiment, 82nd Airborne Division, George Bannar volunteered for Special Forces Assessment and Selection and began training in 2001; and

WHEREAS, after graduating as a medical sergeant in 2003, George Bannar joined the 1st Battalion, 3rd Special Forces Group and completed four deployments to Afghanistan; and

WHEREAS, from 2008 to 2012, George Bannar was reassigned to the 1st Special Warfare Training Group (Airborne) in Yuma, Arizona, where he served as an instructor at the Military Free-Fall School; and

WHEREAS, George Bannar made the ultimate sacrifice on August 20, 2013, when his unit was attacked in the Wardak Province of Afghanistan; he was on his fifth tour of duty with the 3rd Special Forces Group; and

WHEREAS, George Bannar loved his family and friends deeply and brought joy to others with his big heart and shining smile; he will be fondly remembered and greatly missed by his wife, Michelle; his mother, Sheila Long; his father, George Bannar, Sr.; and numerous other family members, friends, and fellow service members; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Master Sergeant George Allen Bannar, Jr., USA, a patriotic member of the Orange County community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Master Sergeant George Allen Bannar, Jr., USA, as an expression of the General Assembly's respect for his memory.

### HOUSE JOINT RESOLUTION NO. 157

*Commending the Hanover County Historical Society.*

Agreed to by the House of Delegates, February 2, 2018

Agreed to by the Senate, February 15, 2018

WHEREAS, on April 2, 1967, a group of interested citizens of Hanover County formed an organization with a plan to promote and preserve the history and heritage of Hanover County; and

WHEREAS, over the course of its 50-year history, the Hanover County Historical Society has made significant contributions to cultural life in the county, the Commonwealth, and the United States through its research, publication of reference books, distribution of periodic historical bulletins to its membership, and development of educational programs; and

WHEREAS, since its inception, the Hanover County Historical Society has expanded its collection and developed digital resource tools to make the material available to the public; and

WHEREAS, the Hanover County Historical Society has developed a sophisticated website to disseminate information about Hanover County history to anyone in the world; and

WHEREAS, the Hanover County Historical Society has published 12 well-researched reference books about Hanover County history and acquired several important titles; and

WHEREAS, the Hanover County Historical Society collaborates with Preservation Virginia, the Hanover County Black Heritage Society, the National Park Service, the Historic Polegreen Church Foundation, the Hanover Tavern, the Ashland Museum, and the Parsons' Cause Foundation, among other historic organizations, to present educational programs and events to the public; and

WHEREAS, on the second Tuesday of each month, the Hanover County Historical Society holds open houses in the historic Hanover Courthouse and Old Jail, providing docents and tours at no cost to the public; and

WHEREAS, the Hanover County Historical Society created the annual Patrick Henry Leadership Award in 2010 and has since recognized more than 15 individuals and organizations for leadership in preservation, historical interpretation, and education; and

WHEREAS, the Hanover County Historical Society continues to acquire and archive relevant artifacts, books, and documents as well as ensure residents and visitors have access to the vibrant history of Hanover County through shows, exhibits, and educational programs; and

WHEREAS, the Hanover County Historical Society formally commemorated its 50th anniversary at its annual Christmas dinner meeting on December 5, 2017; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Hanover County Historical Society for its work to preserve the history and heritage of the Commonwealth on the occasion of its 50th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Hanover County Historical Society as an expression of the General Assembly's admiration for the society's contributions to the community.

### HOUSE JOINT RESOLUTION NO. 158

*Commending Frank M. Beamer.*

Agreed to by the House of Delegates, February 2, 2018

Agreed to by the Senate, February 8, 2018

WHEREAS, Frank M. Beamer, the legendary former head coach of the Virginia Polytechnic Institute and State University football team, was selected for the College Football Hall of Fame as a member of the Class of 2018; and

WHEREAS, since 1951, the College Football Hall of Fame has honored the best of the best in the sport; a first-ballot inductee, Frank Beamer is one of 13 players and coaches in the Class of 2018; and

WHEREAS, Frank Beamer began his Virginia Polytechnic Institute and State University (Virginia Tech) football career as a player; starting at cornerback for three seasons, he helped the team make two Liberty Bowl appearances in 1966 and 1968; and

WHEREAS, in 1969, while he was earning a master's degree from Radford University, Frank Beamer worked as an assistant coach for the Radford High School football team; he served as an assistant coach and defensive coordinator at the college level before becoming head football coach at Murray State University; and

WHEREAS, in 1987, Frank Beamer became the first Virginia Tech alumnus to coach the Virginia Tech football team since the 1940s; over the course of his 29-season career, he led the Virginia Tech Hokies to four Atlantic Coast Conference (ACC) titles, 23 bowl game appearances, two major bowl game victories, and a national championship game appearance; and

WHEREAS, Frank Beamer pioneered an aggressive style of special teams play that became known as "Beamer Ball"; during the 1990s, the Virginia Tech Hokies blocked 66 kicks, more than any team in the country; and

WHEREAS, the Virginia Tech Hokies and Frank Beamer made history in 1999 and 2000, posting the winningest seasons in school history with the team's first 11-0 regular season record, back-to-back 11-1 overall records, and a trip to the national championship; and

WHEREAS, Frank Beamer oversaw the Virginia Tech Hokies' transition from an independent team to the Big East in 1991 and the ACC in 2004; in the team's first season in the ACC, Frank Beamer was named ACC Coach of the Year for leading a young team to an ACC title and a Bowl Championship Series game, and the team earned the 2004 Fall Sportsmanship award; and

WHEREAS, in 2008, Frank Beamer recorded one of his finest efforts as a head coach, leading one of the youngest teams in his career through one of his toughest schedules to claim an ACC title and a win in the Orange Bowl; and

WHEREAS, Frank Beamer was a trusted mentor and a devoted leader both on and off the field; he encouraged many of his players to complete their degrees and inspired them to become active members of their communities and better citizens of the Commonwealth; and

WHEREAS, Frank Beamer finished his career as the winningest active coach in the National Collegiate Athletics Association Football Bowl Subdivision with 280 career wins and as one of the most respected and admired leaders in the sport, as named by his fellow coaches; and

WHEREAS, Frank Beamer was previously inducted into the Virginia Tech Sports Hall of Fame, and he has earned many other awards and accolades, including eight national coach of the year awards in 1999 and the Coach of the Decade award from the Big East in 2000; and

WHEREAS, Frank Beamer and the Class of 2018 will be officially inducted into the College Football Hall of Fame on December 4, 2018, at the National Football Foundation Annual Awards Dinner in New York City; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Frank M. Beamer on his induction into the College Football Hall of Fame in the Class of 2018; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Frank M. Beamer as an expression of the General Assembly's admiration for his incredible achievements as a mentor and coach.

**HOUSE JOINT RESOLUTION NO. 159**

*Celebrating the life of Gary Lee Eaton.*

Agreed to by the House of Delegates, February 2, 2018

Agreed to by the Senate, February 8, 2018

WHEREAS, Gary Lee Eaton, a patriotic veteran, dedicated public servant, and active community leader in Rich Creek, died on July 14, 2017; and

WHEREAS, a lifelong resident of Rich Creek, Gary Eaton studied machine technology at Virginia Western Community College; and

WHEREAS, Gary Eaton honorably served his country as a member of the United States Army during the Vietnam War, earning the Army Commendation Medal; and

WHEREAS, desirous to be of further service to the community, Gary Eaton ran for and was elected to the Rich Creek Town Council; he served as Mayor of Rich Creek from 1990 to 2003 and was reelected as mayor in 2009; and

WHEREAS, Gary Eaton also offered his leadership to the community as chair of the Giles County Board of Supervisors and as a member of the Giles County Public Service Authority Board of Directors, Carilion Giles Community Hospital Board of Directors, and the New River Valley Planning District Commission; and

WHEREAS, Gary Eaton was active with the American Legion, Lions Club, Veterans of Foreign Wars, and the Freemasons, and he enjoyed fellowship and worship with the congregation of Glen Lyn Church of Christ; and

WHEREAS, predeceased by his first wife, Drea, Gary Eaton will be greatly missed and fondly remembered by his loving wife of 11 years, Marsha; daughters, Dina and Denise, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Gary Lee Eaton, a respected veteran, public servant, and leader in Giles County; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Gary Lee Eaton as an expression of the General Assembly's respect for his memory.

**HOUSE JOINT RESOLUTION NO. 160***Commending Leadership Fairfax.*

Agreed to by the House of Delegates, February 2, 2018

Agreed to by the Senate, February 8, 2018

WHEREAS, Leadership Fairfax, a leadership development program that encourages professional growth and commitment to community service in its graduates, celebrated its 30th anniversary in 2017; and

WHEREAS, established in 1987 by the Fairfax County Chamber of Commerce, Leadership Fairfax is a nonprofit organization that nurtures both emerging and established leaders through programs which feature professional coaching, study groups, community service, and interaction with decision makers in both the public and private sectors; and

WHEREAS, Leadership Fairfax's flagship program is the Leadership Fairfax Institute, which is designed for mid-level to senior-level leaders from all walks of life; each year, the Institute selects 45 to 50 applicants for participation in an immersive, 10-month course that includes training on the issues and opportunities facing Fairfax County; and

WHEREAS, Leadership Fairfax also runs the Emerging Leaders Institute, a separate program for high-potential professionals who are looking to hone their leadership skills; the 10-month program accepts 35 to 40 participants each year and features professional coaching, community service team projects, and training in everything from conflict resolution to project management and giving presentations; and

WHEREAS, in addition to its institutes, Leadership Fairfax hosts a Lifetime Leaders Program for retirees interested in using their experience and expertise to engage with their community as volunteers and civic leaders; and

WHEREAS, since 1997, Leadership Fairfax has hosted the annual Northern Virginia Leadership Awards, which honor outstanding community service and civic work by local individuals, businesses, and nonprofit organizations; and

WHEREAS, during its long and distinguished history, Leadership Fairfax has inspired scores of individuals to become agents of positive change in Fairfax County; its programs have graduated over 1,800 alumni who have collectively logged more than 300,000 hours of community service; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Leadership Fairfax on 30 years of forging strong leaders and active citizens in Fairfax County; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Leadership Fairfax as an expression of the General Assembly's admiration for its valuable contributions to civic engagement and best wishes for continued success.

**HOUSE JOINT RESOLUTION NO. 161***Celebrating the life of the Honorable Faye Delores Watford Mitchell.*

Agreed to by the House of Delegates, February 2, 2018

Agreed to by the Senate, February 8, 2018

WHEREAS, the Honorable Faye Delores Watford Mitchell, a dedicated public servant who made history as the first African American elected to a constitutional office in the City of Chesapeake when she became clerk of the Chesapeake Circuit Court, died on May 24, 2017; and

WHEREAS, a native of Ahoskie, North Carolina, Faye Mitchell received a bachelor's degree from North Carolina Central University; she began her career in court administration in 1995 after more than 20 years as a technology professional in both the public and private sectors; and

WHEREAS, Faye Mitchell joined the Chesapeake Circuit Court of the 1st Judicial Circuit of Virginia as manager of the civil and criminal divisions and was later appointed as clerk of the Chesapeake Juvenile and Domestic Relations District Court of the 1st Judicial District of Virginia, becoming the first African American to hold that position; and

WHEREAS, in 2003, Faye Mitchell ran for and was elected as clerk of the Chesapeake Circuit Court, where she ably served the residents of Chesapeake until the time of her passing; she enhanced the office through her background in the computer field, adopting innovative technology to ensure the efficient and effective operation of the court; and

WHEREAS, as clerk of the Chesapeake Circuit Court, Faye Mitchell was responsible for management of land records, probate and estate planning, and court records; she touched the lives of many local residents and was a valued mentor and friend to her fellow court employees; and

WHEREAS, a woman who was guided by her faith, Faye Mitchell enjoyed fellowship and worship with other members of the community at First Baptist Church South Hill; she was deeply involved with civic organizations, including the Rotary Club of Chesapeake, where she worked with the Paint Your Heart Out team to clean, paint, and repair homes in the area; and

WHEREAS, Faye Mitchell earned many awards and accolades for her good work, including the 2009 Marian P. Whitehurst Women in Leadership Award and the 2012 Woman of the Year Award from the Women's Division Hampton Roads Chamber of Commerce Chesapeake; and

WHEREAS, Faye Mitchell will be fondly remembered and greatly missed by her loving husband of 37 years, Bud; her children, Brian and Nikki, and their families; and numerous other family members, friends, and colleagues; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of the Honorable Faye Delores Watford Mitchell, clerk of the Chesapeake Circuit Court and a highly respected member of the Chesapeake community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of the Honorable Faye Delores Watford Mitchell as an expression of the General Assembly's respect for her memory.

**HOUSE JOINT RESOLUTION NO. 162**

*Celebrating the life of Mary Louise Esherick.*

Agreed to by the House of Delegates, February 2, 2018

Agreed to by the Senate, February 8, 2018

WHEREAS, Mary Louise Esherick, a loving wife and mother and a respected Arlington resident, died on May 18, 2017; and

WHEREAS, born in 1926 in Asheville, North Carolina, Mary "Lou" Louise Esherick forged a successful career as a secretary at the United States Department of Justice; there she met her future husband, Charles Robert Esherick; and

WHEREAS, Mary Lou Esherick enjoyed many years of happy marriage to her husband, Charles, and together the couple raised five children; and

WHEREAS, affectionately called "Sweetie" by her children, Mary Lou Esherick had an infectious smile and was known for her charming personality and willingness to speak her mind; and

WHEREAS, Mary Lou Esherick was happiest when spending time with her family or engaging in lively conversation; an avid tennis player, she continued playing the game regularly into her eighties; and

WHEREAS, predeceased by her husband, Charles, and son, Douglas, Mary Lou Esherick will be fondly remembered and greatly missed by her children, Craig, Mark, Blake, and Tracey, and their families, as well as countless other family members, friends, and Arlington residents; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Mary Louise Esherick, a devoted wife and mother and resident of Arlington; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Mary Louise Esherick as an expression of the General Assembly's respect for her memory.

**HOUSE JOINT RESOLUTION NO. 163**

*Commending the Virginia Capitol Police.*

Agreed to by the House of Delegates, February 2, 2018

Agreed to by the Senate, February 8, 2018

WHEREAS, the Virginia Capitol Police originated at the first permanent English settlement in Jamestown; and

WHEREAS, in 1618, the Guard, consisting of 10 men, was formed to protect the Governor and was expanded in 1663 to also protect the Council and the Colonial Assembly; and

WHEREAS, the Guard remained an integral part of the executive and legislative processes when the Capitol was moved to Williamsburg in 1699 and when the Capitol was subsequently relocated in 1780 to its current home in Richmond; and

WHEREAS, the Public Guard was established by the General Assembly in 1801 to protect public property in Richmond, giving way in 1869 to the Virginia Capitol Police, as it is currently known; and

WHEREAS, today the Virginia Capitol Police is a multifaceted, progressive agency with varied responsibilities, including the maintenance and 24-hour security of the buildings and grounds of the Capitol and other designated state office buildings and properties in the Richmond area; and

WHEREAS, the Virginia Capitol Police is also responsible for the investigation of crimes occurring on these sites, patrolling and manning these properties, enforcing traffic and criminal laws, answering complaints, responding to alarms, promoting community relations and crime prevention, and providing nontraditional police services to state agencies, state employees, and elected officials; and

WHEREAS, the Virginia Capitol Police provides numerous services to legislative, executive, and judicial branch agencies in Richmond; keeps the public peace during rallies, demonstrations, civil disturbances, and riots; and has concurrent jurisdiction with law-enforcement officers in Richmond and contiguous counties in cases involving the theft or misappropriation of the personal property of any member or employee of the General Assembly; and

WHEREAS, the Virginia Capitol Police provides security to the Governor, the Governor's family, the Lieutenant Governor, the Attorney General, the Supreme Court justices, the Court of Appeals judges, and the members of the General Assembly; and

WHEREAS, immediately following the terrorist attacks on September 11, 2001, the Virginia Capitol Police put into action a plan that provided measured, responsible, and reasonable protection for the Commonwealth's seat of government; and

WHEREAS, in 2010, the Virginia Capitol Police became one of less than 20 percent of the eligible law-enforcement agencies in the Commonwealth to earn accreditation from the Virginia Law Enforcement Professional Standards Commission, a distinguished status that the Virginia Capitol Police continues to maintain; and

WHEREAS, since the creation of the Virginia Capitol Police, its men and women have served with honor, pride, and distinction under extraordinary chiefs of police who have led the force during safe and perilous times; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Virginia Capitol Police on the occasion of the agency's 400th anniversary of providing progressive law enforcement to the Commonwealth; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Colonel Anthony S. Pike, chief of the Virginia Capitol Police, as an expression of the General Assembly's admiration for the exceptional service of all Virginia Capitol Police officers, chiefs, and support personnel who have served the Commonwealth over the centuries.

### HOUSE JOINT RESOLUTION NO. 164

*Commending Bay Aging.*

Agreed to by the House of Delegates, February 2, 2018

Agreed to by the Senate, February 8, 2018

WHEREAS, for 40 years, Urbanna-based Bay Aging has provided and brought continuous improvement to an array of services needed by older adults and people with disabilities; and

WHEREAS, Bay Aging was founded on June 26, 1978, in response to a pressing need for supportive services for frail older citizens in the Northern Neck and Middle Peninsula; and

WHEREAS, Bay Aging has developed a unique and successful model of service delivery and advocacy for rural Virginia; and

WHEREAS, Bay Aging's vision has enabled it to offer numerous solutions for older adults, people with disabilities, and their caregivers, including Meals on Wheels delivery, care coordination, care transitions intervention, adult day care, assistive devices, caregiver support, personal assistance, volunteer opportunities, environmental support, in-home care, public transportation, mobility management for people with disabilities, housing development and rehabilitation, weatherization, indoor plumbing, and other housing support services; and

WHEREAS, during its 40-year history, Bay Aging's contributions have generated invaluable support from the government, businesses, the community, and volunteers and have led to partnerships that deliver services to older adults, people with disabilities, their caregivers, and others in the Northern Neck, Middle Peninsula, and beyond; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Bay Aging on the occasion of its 40th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Bay Aging as an expression of the General Assembly's respect and admiration for the organization's work and commitment to older adults, people with disabilities, caregivers, and other citizens of the Commonwealth of Virginia.

### HOUSE JOINT RESOLUTION NO. 166

*Celebrating the life of Joseph C. Stiles, Jr.*

Agreed to by the House of Delegates, February 2, 2018

Agreed to by the Senate, February 8, 2018

WHEREAS, Joseph C. Stiles, Jr., a veteran who served in World War II and an entrepreneur who made many contributions to the Ashland community, died on September 22, 2017; and

WHEREAS, Joseph Stiles graduated from St. Christopher's School in Richmond and continued his education at Randolph-Macon College; and

WHEREAS, desirous to be of service to the nation, Joseph Stiles joined many of the other young men of his generation as a member of the United States Army Air Corps during World War II; and

WHEREAS, a cunning aviator, Joseph Stiles flew more than 90 missions in the venerable P-47 Thunderbolt, including missions during the D-Day invasion of Normandy, France; he was awarded the Distinguished Flying Cross for his heroism and extraordinary achievements; and

WHEREAS, after the war, Joseph Stiles returned home to the Commonwealth and served the Ashland community as owner of Luck Motor Company until his well-earned retirement in 2014; and

WHEREAS, Joseph Stiles was also a member of the Randolph-Macon College Board of Trustees and volunteered his time and leadership with the Ashland Kiwanis Club; and

WHEREAS, predeceased by his first wife, Elizabeth, Joseph Stiles will be fondly remembered and greatly missed by his wife, Hilah; children, Joseph III, James, and Edward, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Joseph C. Stiles, Jr., a respected veteran and a hardworking member of the Ashland community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Joseph C. Stiles, Jr., as an expression of the General Assembly's respect for his memory.

#### HOUSE JOINT RESOLUTION NO. 167

*Commending the Hopewell High School football team.*

Agreed to by the House of Delegates, February 2, 2018

Agreed to by the Senate, February 8, 2018

WHEREAS, the Hopewell High School football team won the Virginia High School League Class 3 state championship on December 10, 2017, securing the program's fifth state title; and

WHEREAS, the state championship win capped off an impressive season for the Hopewell High School Blue Devils, who relied on a punishing defense and an excellent running and passing game to finish with an overall record of 11-4; and

WHEREAS, in a title game played at The College of William and Mary, the Hopewell Blue Devils defeated Lynchburg's Heritage Pioneers 20-14 to claim their first championship since 2003; and

WHEREAS, the Hopewell Blue Devils burst out of the gate in the championship game with a rushing touchdown from tailback Ronnie Walker; as the first half ticked away, the team added two more touchdowns in a matter of seconds, including a 51-yard touchdown pass from Greg Cuffey to Sean Allen and a 45-yard interception return for a touchdown from senior Reizon Murphy; and

WHEREAS, the Hopewell Blue Devils ended the first half of the title game with a commanding 20-0 lead, but in the second half they were forced to withstand a rushing onslaught from the Heritage Pioneers, who scored twice to make it 20-14; and

WHEREAS, despite the Heritage Pioneers' rally, the Hopewell Blue Devils clinched the victory in the fourth quarter thanks to stout defensive play from Daryan Blowe, Deandre Thomas, and Kaiveon Cox; Reizon Murphy ended the game with a of total 14 tackles and two interceptions; and

WHEREAS, Hopewell's head coach, Ricky Irby, was named the Region 3A Coach of the Year, Reizon Murphy was named Region 3A Defensive Player of the Year, and Greg Cuffey was named Region 3A Offensive Player of the Year with more than 2,000 passing yards in the season; the team also had a thousand-yard rusher in Ronnie Walker and a thousand-yard receiver in Sean Woods-Allen; and

WHEREAS, the Hopewell High School football team's championship victory is a testament to the skill and dedication of its student-athletes, the exceptional guidance of its coaches and staff, and the enthusiastic support of family members, friends, and the entire Hopewell High School community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Hopewell High School football team on winning the 2017 Virginia High School League Class 3 state championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Ricky Irby, head coach of the Hopewell High School football team, as an expression of the General Assembly's admiration for the team's remarkable season and best wishes for future success.

#### HOUSE JOINT RESOLUTION NO. 168

*Commending the Honorable Richard D. Brown.*

Agreed to by the House of Delegates, February 2, 2018

Agreed to by the Senate, February 8, 2018

WHEREAS, the Honorable Richard D. Brown, a native of Arlington, earned his bachelor's degree in economics from The College of William and Mary and a master's degree in commerce from the University of Richmond; and

WHEREAS, in 1971, Richard "Ric" D. Brown began his public service career as an economist for the Division of State Planning and Community Affairs, where he served as staff to numerous legislative and executive study commissions, including the Revenue Resources and Economic Study Commission, the National and Dulles Airports Acquisition Study Commission, and Governor Linwood Holton's Task Force on Financing the Standards of Quality in Public Education; and

WHEREAS, while serving as staff to former Governor Holton's Task Force, Ric Brown was instrumental in the development and adoption of the well-known "Composite Index of Local Ability-to-Pay," a formula for determining the state and local shares of cost for funding public education that has stood the test of time and has been in use for more than 45 years; and

WHEREAS, in 1976, Ric Brown transferred to the newly created Department of Planning and Budget as a policy analyst dealing with education matters; he later transferred to the research section, where he focused his attention on special studies relating to state and local issues as well as taxation; and

WHEREAS, in 1986, Ric Brown was promoted to budget manager for the Department of Planning and Budget Commerce and Resources Section; in this capacity, he coordinated the development of the Governor's budget recommendations to the General Assembly for the Commonwealth's Economic Development and Natural Resources agencies; and

WHEREAS, in 1990, Ric Brown was promoted to the position of Deputy Director for Budgeting, where he was responsible for both internal and external budget development and execution procedures, as well as for the development and publication of the Governor's Budget Bill and Budget Document; and

WHEREAS, Ric Brown was appointed as director of the Department of Planning and Budget in 2002; and

WHEREAS, Ric Brown was appointed as Secretary of Finance in 2008, just as the United States and Virginia economies began the worst economic downturn since the Great Depression, and he served in this capacity for three successive Governors; and

WHEREAS, among his many accomplishments, Ric Brown has received the Gloria Timmer Award for exceptional achievements and career accomplishments from the National Association of State Budget Officers in 2002 and the Lifetime Public Achievement Award from the L. Douglas Wilder School of Government and Public Affairs of Virginia Commonwealth University for excellence in Virginia Government in 2005; and

WHEREAS, Ric Brown's knowledge of state and local government finances, combined with his creative approach to problem solving, was instrumental in addressing the sharp decline in state general fund revenues that resulted in two successive years of negative general fund revenue growth, while maintaining core services and the Virginia Triple A bond rating; and

WHEREAS, Ric Brown's commitment to public service extends well beyond his state service to community service; he is a three-time past president of the Board of Directors of what is now the Greater Richmond ARC and has served on the board's Executive Committee; and

WHEREAS, Ric Brown is a true example of a public servant, teacher, and mentor to many, and his legacy is the mentoring and development of many of the Commonwealth's current and past leaders, including agency heads and cabinet secretaries; his work has improved the Commonwealth and will have a lasting impact for generations to come; and

WHEREAS, Ric Brown's tradition of growing Virginia leaders will continue through a program he envisioned, the Virginia Management Fellows Program, established to recruit the Commonwealth's future leaders; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Honorable Richard D. Brown on the occasion of his retirement after 47 years of public service to the Commonwealth; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Honorable Richard D. Brown as an expression of the General Assembly's admiration for his many contributions to the Commonwealth and best wishes for a happy retirement.

### HOUSE JOINT RESOLUTION NO. 169

*Commending David A. Nice.*

Agreed to by the House of Delegates, February 2, 2018

Agreed to by the Senate, February 8, 2018

WHEREAS, David A. Nice, a dedicated first responder who served as chief of the James City-Bruton Volunteer Fire Department in Toano, retired in 2017 after 44 years of service to the community; and

WHEREAS, a respected business leader on the Virginia Peninsula, David Nice serves as owner and president of David A. Nice Builders, Inc., a commercial construction firm, and Nicewood Enterprises, Inc., a custom display fixture and millwork shop; and

WHEREAS, David Nice began his service with the James City-Bruton Volunteer Fire Department in 1973; in addition to aiding countless families, individuals, and businesses as an emergency first responder, he also served as a leader and mentor for his fellow firefighters; and

WHEREAS, in 2001, David Nice's dedication and wide-ranging experience saw him named chief of the James City-Bruton Volunteer Fire Department; in that role, he oversaw more than 100 firefighters and protected lives and property across a large swath of northwestern James City County; and

WHEREAS, under David Nice's able leadership, the James City-Bruton Volunteer Fire Department met new standards of excellence in training and certifications; another key accomplishment of his tenure came in 2016, when the department moved into a new \$7.2 million, 21,000-square-foot fire station; and

WHEREAS, throughout his long and distinguished career, David Nice was steadfast in his commitment to protecting the residents of Toano and James City County; his leadership, integrity, and devotion to duty make him an exemplary role model for his fellow firefighters; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend David A. Nice on his years of service as a first responder on the occasion of his retirement as chief of the James City-Bruton Volunteer Fire Department; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to David A. Nice as an expression of the General Assembly's admiration for his long and meritorious service to the community.

**HOUSE JOINT RESOLUTION NO. 170**

*Commending Bobby and Kandy Farino.*

Agreed to by the House of Delegates, February 2, 2018

Agreed to by the Senate, February 8, 2018

WHEREAS, for three years, Bobby and Kandy Farino have worked with local partners throughout the Williamsburg area to provide hot meals to law-enforcement officers who sacrifice time with their families during the holidays to protect and serve the community; and

WHEREAS, in 2015, with their grown children all either out of the country or spending time with in-laws, Bobby and Kandy Farino decided to share their holiday spirit with members of the James City County Police Department by delivering a hot meal on Christmas Day; and

WHEREAS, Bobby and Kandy Farino discussed the idea with members of their church congregation, fellow real estate professionals, businesses, restaurants, neighbors, and friends, all of whom responded with warm enthusiasm and pledged to help; and

WHEREAS, Bobby and Kandy Farino received so many donations that they were able to provide enough food for four days, from breakfast and traditional holiday fare to pizza and barbecue; and

WHEREAS, Bobby and Kandy Farino inspired an outpouring of support that has allowed them to serve the Williamsburg Police Department, the York-Poquoson Sheriff's Office, and the Virginia State Police, in addition to the James City County Police Department; and

WHEREAS, Bobby and Kandy Farino have expanded the program to include a "Date Night," where local restaurants offer a two-for-one special for law-enforcement officers and free childcare is provided at Williamsburg Indoor Sports Complex; the couple is planning a picnic for law-enforcement officers and their families for the summer of 2018; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Bobby and Kandy Farino for providing hot meals and fellowship to law-enforcement officers who work during the holidays; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Bobby and Kandy Farino as an expression of the General Assembly's admiration for their generous work to support those who serve and protect the residents of the Commonwealth.

**HOUSE JOINT RESOLUTION NO. 171**

*Commending Byron M. Adkins, Sr.*

Agreed to by the House of Delegates, February 2, 2018

Agreed to by the Senate, February 8, 2018

WHEREAS, Byron M. Adkins, Sr., a lifelong resident of Charles City County, was appointed director of Charles City County Department of Social Services on December 27, 1977, as the first and only African American male to hold a director's position in the agency; and

WHEREAS, Byron Adkins has been actively involved in local and state affairs since 1967 and a member and leader of many civic organizations, including the NAACP, Civic League, Extension Leadership Council, Peninsula Trust Bank Community Board, Colonial Community Criminal Justice Board, Central Virginia Health Services, No Greater Love, Cross Gap Ministries, and St. John Baptist Church; and

WHEREAS, Byron Adkins graduated from Virginia Union University and Virginia Commonwealth University School of Social Work and completed leadership and management courses at Virginia Polytechnic Institute and State University as well as the University of Virginia; and

WHEREAS, Byron Adkins has a lifelong professional commitment to social work, families, children, and adults, having worked for several years as a field instructor with Virginia Commonwealth University School of Social Work and as a

member of the Virginia League of Social Services Executives; he was involved with the Virginia Department of Social Services' efforts to revitalize Community Action Agencies, instrumental in their implementation of the Comprehensive Services Act for At-Risk Youth and Families, and helped establish the local Community Policy and Management Team and Family Assessment Planning Team; and

WHEREAS, Byron Adkins gave back to the community as a youth baseball and basketball coach, and, for many years, he instructed a martial arts and self-defense class at no charge to students; and

WHEREAS, as director of the Charles City County Department of Social Services, he initiated the Brown Bag Program, which has been a valuable resource to the senior citizens of Charles City County for more than a decade and was recognized by the Central Virginia Food Bank/FeedMore as a Model Rural Agency Partner, Model Agency Partner-Elderly, and Outstanding Model Program; the program was also recognized with an Acts of Caring Award by the National Association of Counties, which acknowledges top volunteer programs in the country; and

WHEREAS, Byron Adkins provided administrative and financial guidance as the Charles City County Department of Social Services implemented an electronic case management system, while maintaining effective customer service and meeting established performance standards; he helped maintain community support for ancillary programs such as special welfare projects and Angel Tree; and

WHEREAS, during his tenure, Byron Adkins worked with more than 35 board members and celebrated the retirements of nine other staff members; he retired as the most senior director of a local social services department in the Commonwealth; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Byron M. Adkins, Sr., on the occasion of his retirement as director of Charles City County Department of Social Services; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Byron M. Adkins, Sr. as an expression of the General Assembly's admiration for his myriad contributions to Charles City County and the Commonwealth.

#### HOUSE JOINT RESOLUTION NO. 172

*Commending Jeremy Beck.*

Agreed to by the House of Delegates, February 2, 2018

Agreed to by the Senate, February 8, 2018

WHEREAS, Jeremy Beck, a physical education teacher at Stuart W. Weller Elementary School in Ashburn, helped save the life of a fellow teacher who had gone into cardiac arrest on August 31, 2017; and

WHEREAS, during a conference with parents on Back to School Night, for which Jeremy Beck was present, a first-year kindergarten teacher suddenly went into cardiac arrest and collapsed; parents called 911 and raced from the room to find assistance; and

WHEREAS, Jeremy Beck and Megan Poole, a parent and nurse, quickly assessed the situation and began to perform cardiopulmonary resuscitation on the teacher, while another staff member retrieved a defibrillator to restart the teacher's heart; and

WHEREAS, the American Heart Association estimates that only four percent of cardiac arrest patients survive, but that number increases significantly if cardiopulmonary resuscitation is administered promptly; Jeremy Beck and Megan Poole's decisive actions almost certainly saved the life of the teacher, who was later taken to the hospital, and she has since made a full recovery and returned to teaching her class; and

WHEREAS, in recognition of their heroic acts, Jeremy Beck and Megan Poole received the American Heart Association Heartsaver Hero Award at a special ceremony on November 14, 2017; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Jeremy Beck for his lifesaving actions at Stuart W. Weller Elementary School in August 2017; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Jeremy Beck as an expression of the General Assembly's admiration for his quick thinking and fortitude in a crisis situation.

#### HOUSE JOINT RESOLUTION NO. 173

*Commending Melanie Kelly.*

Agreed to by the House of Delegates, February 2, 2018

Agreed to by the Senate, February 8, 2018

WHEREAS, for the last six years, Ashburn resident Melanie Kelly has been the organizer of Share a Little Thanks, a program that has provided hundreds of Thanksgiving dinners to families in need in Loudoun County; and

WHEREAS, Melanie Kelly first developed Share a Little Thanks in 2012 while organizing a backpack drive at her local elementary school; after learning how many of the school's students came from families that would be without a meal on Thanksgiving, she rallied the support of friends and gathered enough food to donate around 50 dinners; and

WHEREAS, since 2012, Melanie Kelly and her volunteers have expanded the Share a Little Thanks program; supporters donated nearly 150 meals in 2016, and in 2017 they gave 220 meals that fed 1,154 people; each meal donated to Share a Little Thanks is a complete Thanksgiving dinner that includes a turkey, vegetables, and dessert treats; the dinners are boxed up and sent to local schools, where those in need can pick them up anonymously; and

WHEREAS, to help grow Share a Little Thanks, Melanie Kelly has drawn on the support of her local community; partners now include the staff of a Harris Teeter grocery store, local students and sports teams, and members of the Girl Scouts and Boy Scouts, who collect food donations for the dinners; and

WHEREAS, Melanie Kelly's work with Share a Little Thanks has brightened the holiday season for hundreds of families in Loudoun County, and stands as a superb example of community service and good citizenship; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Melanie Kelly for aiding the residents of Loudoun County as the creator of the Share a Little Thanks program; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Melanie Kelly as an expression of the General Assembly's admiration for her remarkable accomplishments and best wishes for continued success.

**HOUSE JOINT RESOLUTION NO. 174**

*Commending Matthew Tobia.*

Agreed to by the House of Delegates, February 2, 2018

Agreed to by the Senate, February 8, 2018

WHEREAS, Matthew Tobia, a devoted member of the Loudoun County Department of Fire, Rescue, and Emergency Management, earned the prestigious Chief Fire Officer certification from the Commission on Professional Credentialing in 2017; and

WHEREAS, a 28-year veteran of emergency services, Matthew Tobia earned his bachelor's degree from the University of Maryland, Baltimore County and attended the National Fire Academy's Executive Fire Officer program; and

WHEREAS, since 2014, Matthew Tobia has served as an assistant chief with the Loudoun County Department of Fire, Rescue, and Emergency Management; he previously worked as a firefighter, paramedic, battalion chief, and public information officer with Anne Arundel County Fire Department in Baltimore, Maryland; and

WHEREAS, to receive his Chief Fire Officer certification, Matthew Tobia underwent a rigorous application process that included a peer-reviewed assessment of his education, experience, technical competencies, professional development, and community involvement; and

WHEREAS, by earning his credentials, Matthew Tobia joins a select group of just 1,200 certified Chief Fire Officers worldwide; and

WHEREAS, in addition to his service with Loudoun County, Matthew Tobia has also held adjunct teaching positions with the Pennsylvania State Fire Academy and Harrisburg Area Community College, served as a chair with the International Association of Fire Chiefs, and acted as a contributing columnist and editor for *FireRescue* magazine; and

WHEREAS, Matthew Tobia has demonstrated a commitment to community service by serving in leadership positions with the National Fallen Firefighters Foundation, the Mid-Atlantic Burn Camp, and the American Trauma Society's Maryland division; and

WHEREAS, Matthew Tobia's dedication to professional excellence and protecting the safety of the citizens of Loudoun County has won him the abiding respect of both his fellow first responders and the people he serves; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Matthew Tobia on earning certification as a Chief Fire Officer; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Matthew Tobia as an expression of the General Assembly's admiration for his impressive professional achievements and distinguished service to the residents of Loudoun County.

**HOUSE JOINT RESOLUTION NO. 175**

*Commending Megan Poole.*

Agreed to by the House of Delegates, February 2, 2018

Agreed to by the Senate, February 8, 2018

WHEREAS, Megan Poole, a nurse and a parent of a student at Steuart W. Weller Elementary School in Ashburn, helped save the life of a teacher who had gone into cardiac arrest on August 31, 2017; and

WHEREAS, during a conference with parents on Back to School Night, for which Megan Poole was present, a first-year kindergarten teacher suddenly went into cardiac arrest and collapsed; parents called 911 and raced from the room to find assistance; and

WHEREAS, Megan Poole and Jeremy Beck, a physical education teacher at the school, quickly assessed the situation and began to perform cardiopulmonary resuscitation on the teacher, while another staff member retrieved a defibrillator to restart the teacher's heart; and

WHEREAS, the American Heart Association estimates that only four percent of cardiac arrest patients survive, but that number increases significantly if cardiopulmonary resuscitation is administered promptly; Megan Poole and Jeremy Beck's decisive actions almost certainly saved the life of the teacher, who was later taken to the hospital, and she has since made a full recovery and returned to teaching her class; and

WHEREAS, in recognition of their heroic acts, Megan Poole and Jeremy Beck received the American Heart Association Heartsaver Hero Award at a special ceremony on November 14, 2017; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Megan Poole for her lifesaving actions at Steuart W. Weller Elementary School in August 2017; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Megan Poole as an expression of the General Assembly's admiration for her quick thinking and fortitude in a crisis situation.

### HOUSE JOINT RESOLUTION NO. 176

*Celebrating the life of Captain Howard Todd Kauderer, USN, Ret.*

Agreed to by the House of Delegates, February 2, 2018

Agreed to by the Senate, February 8, 2018

WHEREAS, Captain Howard Todd Kauderer, USN, Ret., a patriotic veteran who pursued a long, successful career with The Johns Hopkins University Applied Physics Laboratory in Maryland, died on July 10, 2017; and

WHEREAS, Todd Kauderer earned bachelor's and master's degrees from Northwestern University, a second master's degree from the Washington, D.C., campus of the University of Southern California, and a doctorate from the University of Southern California in Los Angeles; and

WHEREAS, Todd Kauderer proudly served his country as a member of the United States Navy for 30 years, then joined The Johns Hopkins University Applied Physics Laboratory in 1991 as a principal warfare analyst and collaborative analysis leader; and

WHEREAS, the United States Navy is one of the primary, longtime sponsors of the Applied Physics Laboratory, making Todd Kauderer's military experience invaluable as he oversaw the design and development of new technologies to benefit both the United States Armed Forces and members of the public; and

WHEREAS, over the course of his 26-year career with the laboratory, Todd Kauderer worked in the areas of policy strategy, policy planning, and force structure and risk assessment; most recently he served as project manager for collaborative analysis and gaming in the National Security Analysis Mission Area; and

WHEREAS, Todd Kauderer earned the admiration of his coworkers for his expertise in critical systems and processes; his work to provide open source information was valued both within the laboratory and by external organizations; and

WHEREAS, Todd Kauderer will be fondly remembered and greatly missed by his beloved wife, their three children, his parents, and numerous other family members, friends, and colleagues; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Captain Howard Todd Kauderer, USN, Ret., a veteran and respected scientist; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Captain Howard Todd Kauderer, USN, Ret., as an expression of the General Assembly's respect for his memory.

### HOUSE JOINT RESOLUTION NO. 177

*Celebrating the life of Trooper-Pilot Berke M.M. Bates.*

Agreed to by the House of Delegates, February 2, 2018

Agreed to by the Senate, February 8, 2018

WHEREAS, Trooper-Pilot Berke M.M. Bates of Quinton, a dedicated law-enforcement officer with the Virginia State Police and a beloved husband, father, son, and brother, died in the line of duty on August 12, 2017; and

WHEREAS, born and raised in Manassas, Berke Bates graduated from Brentsville High School in Nokesville; he later attended the University of Tennessee, where he played hockey; and

WHEREAS, after beginning his law-enforcement career with the Florida Highway Patrol, Berke Bates returned home to the Commonwealth and graduated with the 107th Basic Session of the Virginia State Police Academy in August 2004; and

WHEREAS, for three years, Berke Bates served on the Virginia State Police Executive Protection Unit, where he was entrusted with safeguarding the lives of Governor Terence R. McAuliffe and his family; and

WHEREAS, an amateur fixed-wing pilot, Berke Bates fulfilled his dream to become a law-enforcement aviator when he joined the Virginia State Police Aviation Unit in 2017; and

WHEREAS, Berke Bates made the ultimate sacrifice near Charlottesville while providing helicopter support to officers on the ground; and

WHEREAS, Berke Bates served the Commonwealth with integrity, and his sacrifice is a reminder of the dangers bravely faced by law-enforcement officers and first responders throughout the United States every day; and

WHEREAS, Berke Bates will be fondly remembered and greatly missed by his wife, Amanda; their two children; his parents, Kathleen and Robert; his brother, Craig; and numerous other family members, friends, and fellow law-enforcement officers; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Trooper-Pilot Berke M.M. Bates, a respected Virginia State Police aviator; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Trooper-Pilot Berke M.M. Bates as an expression of the General Assembly's respect for his memory.

**HOUSE JOINT RESOLUTION NO. 178**

*Designating May, in 2018 and in each succeeding year, as Electrical Safety Month in Virginia.*

Agreed to by the House of Delegates, February 12, 2018

Agreed to by the Senate, March 5, 2018

WHEREAS, the most recent statistics from the National Fire Protection Association show that 45,000 home electrical fires occur annually, causing 420 deaths and more than 1,300 injuries across the nation; and

WHEREAS, property damage from home fires due to electrical failure or malfunction costs more than \$1.4 billion nationally each year; and

WHEREAS, according to the latest data, 154 workplace deaths and 106 non-workplace-related deaths were caused by electrical failure or malfunction in the nation, which were 15 percent and 18 percent increases, respectively, from 2015 to 2016; and

WHEREAS, citizens are advised and often required to protect their homes and families with proven fire prevention safety technologies, such as ground fault circuit interrupters, arc fault circuit interrupters, and tamper-resistant receptacles, and they are urged to install, test, and maintain properly an adequate number of smoke alarms; and

WHEREAS, all Virginians are encouraged to establish and practice electrical safety habits in the home, school, and workplace to reduce the number of electric-related fires, injuries, and deaths; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly designate May, in 2018 and in each succeeding year, as Electrical Safety Month in Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates transmit a copy of this resolution to the National Fire Protection Association so that members of the organization may be apprised of the sense of the General Assembly of Virginia in this matter; and, be it

RESOLVED FINALLY, That the Clerk of the House of Delegates post the designation of this month on the General Assembly's website.

**HOUSE JOINT RESOLUTION NO. 179**

*Commending the Virginia Space Flight Academy.*

Agreed to by the House of Delegates, February 2, 2018

Agreed to by the Senate, February 15, 2018

WHEREAS, the Virginia Space Flight Academy, a nonprofit organization on Wallops Island, has provided unique educational opportunities to students for 20 years; and

WHEREAS, Virginia's Eastern Shore is an aerospace hub that supports the diverse missions of the National Aeronautics and Space Administration (NASA), the United States Navy, the National Oceanic and Atmospheric Administration, and Virginia Space and the Mid-Atlantic Regional Spaceport; in 1997, the Eastern Shore Regional Partnership formed a Space Flight Academy Task Force to initiate a residential space camp pilot project to showcase and leverage the region's aerospace expertise; and

WHEREAS, the space camp evolved into the Virginia Space Flight Academy in 1998; the academy started as a pilot program in collaboration with NASA, the United States Navy, Old Dominion University, and the Virginia Commercial Space Flight Authority; and

WHEREAS, the Virginia Space Flight Academy expanded quickly and has grown to offer a variety of summer camp programs over the years to inspire and grow the next generation of scientists and engineers; and

WHEREAS, the Virginia Space Flight Academy and its partners have motivated thousands of students to pursue science, technology, engineering, and math career fields through multiple weeklong summer camp experiences and "brain-stretching fun" over the past 20 years; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Virginia Space Flight Academy on the occasion of its 20th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Virginia Space Flight Academy as an expression of the General Assembly's admiration for its contributions to inspiring the next generation of scientists and engineers.

#### HOUSE JOINT RESOLUTION NO. 180

*Commending Bishop Kim W. Brown.*

Agreed to by the House of Delegates, February 2, 2018

Agreed to by the Senate, February 8, 2018

WHEREAS, Bishop Kim W. Brown, pastor of Mount Lebanon Missionary Baptist Church, was named the 2017 First Citizen of Chesapeake for his spiritual leadership and commitment to community service; and

WHEREAS, the First Citizen of Chesapeake award is presented annually by the Rotary Club of Chesapeake to recognize local leaders who have made exceptional contributions to the community and exemplify the organization's motto "Service Above Self"; and

WHEREAS, after earning a bachelor's degree from Norfolk State University and master's and doctoral degrees from the Samuel D. Proctor School of Theology of Virginia Union University, Kim Brown joined Mount Lebanon Missionary Baptist Church in 1990, at a time when the congregation was only about 75 people; and

WHEREAS, a visionary with a creative approach to ministry, Kim Brown helped the Mount Lebanon Missionary Baptist Church community grow to more than 13,000 members, with branch churches in Newport News and Elizabeth City and Charlotte, North Carolina; and

WHEREAS, Kim Brown has built close relationships with his fellow clergy, local leaders, and members of the community; he has served on the Chesapeake Hospital Authority for more than a decade, including a term as chair in 2008; and

WHEREAS, Kim Brown has received numerous other awards and accolades, including recognition from the L.D. Britt, M.D., Scholarship Fund, Elizabeth City State University, and the Urban League of Hampton Roads; and

WHEREAS, Kim Brown enjoys the love and support of his wife, Valerie, and their children, James and Kimberly; he and his wife founded K. W. Brown International Ministries, Inc., furthering their commitment to fruitful, life-changing ministry; and

WHEREAS, Kim Brown was presented with the prestigious First Citizen of Chesapeake award at a banquet on September 21, 2017, at the Chesapeake Conference Center; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Bishop Kim W. Brown on being named as the 2017 First Citizen of Chesapeake; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Bishop Kim W. Brown as an expression of the General Assembly's admiration for his leadership to the residents of Chesapeake.

#### HOUSE JOINT RESOLUTION NO. 181

*Commending Kenneth Mason Easley, Jr.*

Agreed to by the House of Delegates, February 2, 2018

Agreed to by the Senate, February 8, 2018

WHEREAS, Kenneth Mason Easley, Jr., a Chesapeake native and a former strong safety on the Seattle Seahawks in the National Football League, was elected to the Pro Football Hall of Fame in 2017; and

WHEREAS, Kenneth "Kenny" Mason Easley, Jr., graduated from Oscar F. Smith High School in Chesapeake, where he played quarterback on the football team and became the first player in Virginia history to both rush and pass for 1,000 yards or more in a single season; and

WHEREAS, Kenny Easley attended the University of California, Los Angeles (UCLA), where he became the first player in what was then the Pacific-10 Conference to earn all-conference honors four times; the university retired his number 5 jersey, and he was inducted into the UCLA Athletic Hall of Fame in 1991; and

WHEREAS, selected by the Seattle Seahawks as the fourth overall pick in the 1981 National Football League (NFL) Draft, Kenny Easley made an immediate impact for the team, earning the Defensive Rookie of the Year award; and

WHEREAS, known as "The Enforcer" for his toughness, physicality, and raw athleticism, Kenny Easley was named the 1984 NFL Defensive Player of the Year, was named as a First Team All-Pro for four consecutive years, and was named to five Pro Bowl teams and the NFL All-Decade Team of the 1980s; and

WHEREAS, Kenny Easley finished his NFL career in 1988 with eight sacks and 32 interceptions for 538 yards and three touchdowns; he is one of only four players in the Pro Football Hall of Fame to have played his entire career in Seattle; and

WHEREAS, after his retirement from professional football, Kenny Easley returned to the Commonwealth and served the Norfolk community as a real estate agent; he also co-owned the Norfolk Nighthawks, who played in the Arena Football 2 league for four seasons; and

WHEREAS, Kenny Easley was elected to the Pro Football Hall of Fame as a senior nominee, a player who finished his career more than 25 years ago; his induction ceremony took place in August 2017 in Canton, Ohio; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Kenneth Mason Easley, Jr., on the occasion of his induction into the Pro Football Hall of Fame with the Class of 2017; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Kenneth Mason Easley, Jr., as an expression of the General Assembly's admiration for his exceptional athletic achievements.

### HOUSE JOINT RESOLUTION NO. 182

*Celebrating the life of Buckner Gamby, Jr.*

Agreed to by the House of Delegates, February 2, 2018

Agreed to by the Senate, February 8, 2018

WHEREAS, Buckner Gamby, Jr., a beloved father and husband and a virtuoso pianist and composer who was professor emeritus of music at Virginia State University, died on August 18, 2017; and

WHEREAS, Buckner Gamby was born in Cleveland, Ohio, and showed great talent for music as a child; when he was 11, he and his family moved to Boston, where he enrolled in the New England Conservatory of Music and graduated from Boston Latin School; and

WHEREAS, after serving in the United States Army in Alaska, Buckner Gamby returned to the New England Conservatory of Music, where he earned his bachelor's and master's degrees as well as the prestigious Artist Diploma; and

WHEREAS, a Fulbright Scholar and Frank Huntington Beebe fellow, Buckner Gamby studied abroad in Vienna, Austria, and performed piano concerts in Germany, Austria, and Switzerland; and

WHEREAS, Buckner Gamby began his teaching career at Southern University in Louisiana; between 1962 and 1992, he served as associate professor of music at Virginia State University; and

WHEREAS, in addition to his long career in music education, Buckner Gamby played concerts and recitals around the globe in places such as China, South Africa, Europe, and Indonesia; as a pianist, he performed with the Boston Pops Orchestra; and

WHEREAS, a man of strong faith, Buckner Gamby devoted himself to church and choir music throughout his life; he served as minister of music at Petersburg's First Baptist Church for over 40 years and was the founding director of its male chorus, and he also lent his musical and directing talents to Zion Baptist Church, the J.B. Brown Memorial Choir, and the Community Choir of the Bethany Baptist Association; and

WHEREAS, in 1992, Buckner Gamby co-founded the Petersburg Boys Choir; he later led the group during performances before governors and other dignitaries in Virginia, Maryland, and North Carolina; and

WHEREAS, following his retirement from Virginia State University in 1992, Buckner Gamby continued to serve the university as an accompanist with its concert choir; from 1999 until 2016, he taught piano and directed the concert choir at the Appomattox Regional Governor's School; and

WHEREAS, Buckner Gamby was active in many professional societies and organizations, including the American Guild of Organists, the American College of Musicians, and the Center for Black Music Research; in 2001, he was honored with the Outstanding Alumni Award from the New England Conservatory of Music; and

WHEREAS, during his long and distinguished career, Buckner Gamby touched the lives of countless students and used his musical genius to bring joy to audiences around the world; and

WHEREAS, predeceased by his wife, Ruby, Buckner Gamby will be fondly remembered and dearly missed by his son, Alvin, and his family, and many other family members, friends, former students, and members of the Petersburg community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Buckner Gamby, Jr., a dedicated teacher and performer who enriched the lives of others with his musical talent; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Buckner Gamby, Jr., as an expression of the General Assembly's respect for his memory.

**HOUSE JOINT RESOLUTION NO. 183***Celebrating the life of Nellie Jane Hinderman McLeod.*

Agreed to by the House of Delegates, February 2, 2018

Agreed to by the Senate, February 8, 2018

WHEREAS, Nellie Jane Hinderman McLeod, a beloved wife and mother who was a trailblazing Civil Rights campaigner and was instrumental in the integration of Chesterfield County Public Schools, died on October 29, 2017; and

WHEREAS, born in Beeville, Texas, in 1926, Nellie McLeod moved to Virginia after her marriage to husband William McLeod; the couple later settled in Hopewell and Ettrick, where she worked as a hair stylist; and

WHEREAS, a fearless campaigner for Civil Rights, Nellie McLeod spent much of the 1960s leading voter registration drives and championing equal treatment for African Americans in the justice system; she also spearheaded movements for the release of wrongly incarcerated black prisoners and the rehiring of black workers unfairly let go from their jobs; and

WHEREAS, in 1961, having become fed up with the inferior supplies and facilities at segregated schools in Ettrick, Nellie McLeod attempted to enroll her daughters at the all-white Ettrick Elementary School; when her request was denied, she led a small group of African American parents in filing a lawsuit against the Chesterfield County School Board; and

WHEREAS, ignoring threats and other intimidation, Nellie McLeod persevered with her lawsuit until November 1962, when a court order finally resulted in the integration of public schools in Chesterfield County; and

WHEREAS, during her long career as a community organizer, Nellie McLeod led countless meetings and protests and met with renowned Civil Rights figures such as Wyatt Tee Walker and the Reverend Dr. Martin Luther King, Jr.; and

WHEREAS, Nellie McLeod was a longtime Democratic Party supporter who represented the state as a delegate at numerous national conventions; and

WHEREAS, in recognition of her courage and leadership, Nellie McLeod received awards from the NAACP and the Southern Christian Leadership Conference; and

WHEREAS, outside of her pioneering career as an activist, Nellie McLeod was a talented gardener and cook who regularly volunteered at Central State Hospital in Petersburg; and

WHEREAS, Nellie McLeod will be fondly remembered and greatly missed by her husband, William; children, Harold, Priscilla, Charles, Sheila, Yolanda, and Kimberli, and their families; and countless other family members, friends, and supporters; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Nellie Jane Hinderman McLeod, a brave and influential activist who promoted education equality in Chesterfield County; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Nellie Jane Hinderman McLeod as an expression of the General Assembly's respect for her memory.

**HOUSE JOINT RESOLUTION NO. 184***Commending idiopathic pulmonary fibrosis researchers and clinicians in Virginia.*

Agreed to by the House of Delegates, February 2, 2018

Agreed to by the Senate, February 8, 2018

WHEREAS, idiopathic pulmonary fibrosis is a debilitating and generally fatal disease marked by progressive scarring of the lungs, causing an irreversible loss of the lung tissue's ability to transport oxygen; and

WHEREAS, idiopathic pulmonary fibrosis is the most common form of interstitial lung disease; the disease progresses quickly, often causing disability or death within three to five years; and

WHEREAS, there is no proven cause of idiopathic pulmonary fibrosis, and it is often misdiagnosed or underdiagnosed; and

WHEREAS, idiopathic pulmonary fibrosis is five times more common than cystic fibrosis and Lou Gehrig's disease, but the disease remains virtually unknown and receives a fraction of the research funding; and

WHEREAS, more than 132,000 United States citizens have idiopathic pulmonary fibrosis and more than 50,000 new cases are diagnosed each year; and

WHEREAS, approximately 40,000 people die each year due to idiopathic pulmonary fibrosis, which is as many as those who die each year of breast cancer in the United States; and

WHEREAS, between 3,000 and 4,000 Virginians suffer from idiopathic pulmonary fibrosis; and

WHEREAS, the Commonwealth has become a leader in research and treatment of idiopathic pulmonary fibrosis, with hundreds of lung transplants performed in Virginia hospitals over the last 10 years; and

WHEREAS, there is a critical need to increase research, awareness, and early detection of idiopathic pulmonary fibrosis, and ensure that treatment options for the disease are readily available for those who need them; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend idiopathic pulmonary fibrosis researchers and clinicians in Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Virginia Board of Health as an expression of the General Assembly's admiration for the vital contributions of idiopathic pulmonary fibrosis researchers and clinicians to the health and wellness of thousands of Virginians.

### HOUSE JOINT RESOLUTION NO. 185

*Commending the Westfield High School football team.*

Agreed to by the House of Delegates, February 2, 2018

Agreed to by the Senate, February 8, 2018

WHEREAS, the Westfield High School football team of Chantilly won the Virginia High School League Class 6 state championship on December 10, 2017, at Hampton University's Armstrong Stadium, claiming its third straight state title; and

WHEREAS, armed with a first-rate running and passing game and one of the toughest defenses in the Commonwealth, the Westfield High School Bulldogs finished the year with an unblemished 15-0 record, extending their multi-season winning streak to 26 games in a row; and

WHEREAS, in the teams' third straight meeting in the state final, the Westfield Bulldogs triumphed over the Oscar Smith High School Tigers 28-21 to secure the championship; and

WHEREAS, the Oscar Smith Tigers scored early to take a 7-0 lead, but the Westfield Bulldogs struck back with two touchdown passes from sophomore quarterback Noah Kim to pull ahead 14-7 by the half; and

WHEREAS, the Westfield Bulldogs extended their lead to 20-7 early in the third quarter thanks to a fantastic 44-yard touchdown sprint from junior tailback Eugene Asante, who finished the game with 109 rushing yards; and

WHEREAS, the Westfield Bulldogs then gave up two touchdowns to trail 20-21, but they regained their advantage late in the third quarter with a spectacular 89-yard touchdown pass from Noah Kim to Gavin Kiley; and

WHEREAS, in a wild fourth quarter, the Westfield Bulldogs' defense intercepted the Oscar Smith Tigers twice to maintain the Bulldogs' lead and seal the championship victory; and

WHEREAS, the Westfield High School football team's third straight championship win is a testament to the skill and dedication of its hardworking student-athletes, the excellent guidance of its coaches and staff, and the passionate support of family members, fans, and the entire Westfield High School community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Westfield High School football team on winning the Virginia High School League Class 6 state championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Kyle Simmons, head coach of the Westfield High School football team, as an expression of the General Assembly's admiration for the team's remarkable undefeated season.

### HOUSE JOINT RESOLUTION NO. 186

*Celebrating the life of the Honorable Albert Woodfin Patrick III.*

Agreed to by the House of Delegates, February 2, 2018

Agreed to by the Senate, February 8, 2018

WHEREAS, the Honorable Albert Woodfin Patrick III, a lifelong resident of Hampton who served the community as an attorney, a judge, and an active volunteer for youth sports and civic organizations, died on October 9, 2017; and

WHEREAS, Albert "Pat" Woodfin Patrick III attended Hampton Public Schools and earned bachelor's and law degrees from the University of Virginia; he practiced law in Hampton from 1976 to 1996, when he was appointed as a judge of the Hampton General District Court of the 8th Judicial District of Virginia; and

WHEREAS, Pat Patrick presided over the court with great fairness and wisdom for more than 20 years and worked to treat everyone he encountered with dignity and respect; he inspired countless attorneys and judges through his integrity, dedication, and good nature; and

WHEREAS, a champion for education, Pat Patrick offered his wise leadership to the Hampton School Board for 10 years, including seven years as chair; he also served as president of the Virginia School Boards Association and was a member of the National School Boards Association Board of Directors; and

WHEREAS, Pat Patrick was most passionate about youth athletics; in addition to serving as chair of the Hampton YMCA, he refereed high school basketball games, including six state championships, over the course of more than 20 years; and

WHEREAS, Pat Patrick volunteered a great deal of time with the Hampton Wythe Little League as a coach, umpire, announcer, and concessions worker; he watched all five of his children play in the league and served as an assistant coach to the head coach, his wife, who won two straight league championships; and

WHEREAS, Pat Patrick will be fondly remembered and greatly missed by his wife, Jerri; children, Woody, Jason, Molly, Chance, and Dallas, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of the Honorable Albert Woodfin Patrick III, a distinguished attorney and judge and an active community leader; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of the Honorable Albert Woodfin Patrick III as an expression of the General Assembly's respect for his memory.

### HOUSE JOINT RESOLUTION NO. 187

*Commending the University of Mary Washington men's soccer team.*

Agreed to by the House of Delegates, February 2, 2018

Agreed to by the Senate, February 8, 2018

WHEREAS, the University of Mary Washington men's soccer team won the National Collegiate Athletic Association Capital Athletic Conference championship on November 4, 2017, in Newport News, securing a record ninth conference title; and

WHEREAS, the conference championship win came on the heels of a terrific season for the University of Mary Washington Eagles, who relied on fluid passing, excellent counter-attacking and set pieces, and a stingy defense to finish the year with a 15-5-1 record; and

WHEREAS, in the conference championship game, the third-seeded Mary Washington Eagles defeated the top-seeded Christopher Newport University Captains 3-1 to claim their first title since 2001; and

WHEREAS, the Mary Washington Eagles started strong in the conference final, scoring just two minutes into the game after senior Colin Travis headed in a free kick from junior Ryan Van Maanen; and

WHEREAS, the Mary Washington Eagles maintained their 1-0 advantage into halftime thanks to a diving stop from senior goalkeeper Matt Spencer, who ended the game with seven saves; they then doubled their lead to 2-0 after junior midfielder Keanu Korkor assisted Ryan Van Maanen for a 58th minute goal; and

WHEREAS, the Mary Washington Eagles allowed a set piece goal in the 70th minute to cut their lead to 2-1, but they went on to seal the victory in the 81st minute when a play from sophomore Idrissa Barrie caused the Christopher Newport Captains to knock the ball into their own goal; and

WHEREAS, by winning the conference final, the Mary Washington Eagles advanced to the National Collegiate Athletic Association Division III national tournament; and

WHEREAS, the Mary Washington University men's soccer team's conference title is a testament to the skill and dedication of its student-athletes, the excellent guidance of its coaches and staff, and the enthusiastic support of family, friends, and the entire Mary Washington University community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the University of Mary Washington men's soccer team on winning the 2017 National Collegiate Athletic Association Capital Athletic Conference championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Jason Kilby, head coach of the University of Mary Washington men's soccer team, as an expression of the General Assembly's admiration for the team's fantastic season.

### HOUSE JOINT RESOLUTION NO. 188

*Commending Michelle Cottrell-Williams.*

Agreed to by the House, February 9, 2018

Agreed to by the Senate, February 14, 2018

WHEREAS, Michelle Cottrell-Williams, a social studies teacher at Wakefield High School in Arlington County Public Schools who motivates and inspires countless students, was named the 2018 Virginia Teacher of the Year; and

WHEREAS, Michelle Cottrell-Williams earned a bachelor's degree in history from Utah State University and a master's degree in education from The George Washington University; and

WHEREAS, Michelle Cottrell-Williams is a dedicated teacher-leader who has assumed a wide range of roles at Wakefield High School to support and elevate the teaching profession; and

WHEREAS, among her many school activities, Michelle Cottrell-Williams has served as an instructional lead teacher, a member of the Project LEAD team, a member of the Wakefield High School Internal Modifications Committee for Design and Construction, a Blackboard Course Mentor for Secondary T-Scale New Hires, and chair of the Social Studies Department; and

WHEREAS, Michelle Cottrell-Williams has reached out beyond her school by assuming other division and statewide roles, including as a Virginia Department of Education Standards of Learning Trainer for Regions 4 and 5, a planner and organizer for the "We Are All Arlington!" daytime student event, and a speaker at various events; and

WHEREAS, Michelle Cottrell-Williams received the Virginia Teacher of the Year award at a special ceremony in Richmond on September 18, 2017, and she represented the Commonwealth as a nominee for the 2018 National Teacher of the Year award; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Michelle Cottrell-Williams on being named the 2018 Virginia Teacher of the Year; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Michelle Cottrell-Williams as an expression of the General Assembly's admiration for her commitment to serving, teaching, and inspiring the students of Arlington and the Commonwealth.  
ments and best wishes for the future.

**HOUSE JOINT RESOLUTION NO. 189**

*Commending the Fairfax County Water Authority.*

Agreed to by the House of Delegates, February 2, 2018  
Agreed to by the Senate, February 15, 2018

WHEREAS, the Fairfax County Water Authority was chartered in 1957 by the Virginia State Corporation Commission as a public, nonprofit water utility for the purpose of acquiring, constructing, operating, and maintaining an integrated water system for supplying and distributing water inside and outside of Fairfax County; and

WHEREAS, Fairfax Water is the Commonwealth's largest water utility and one of the 25 largest water utilities in the country; and

WHEREAS, Fairfax Water serves one out of every five Virginians who obtain their water from public utilities; and

WHEREAS, nearly two million people in the Northern Virginia Counties of Fairfax, Loudoun, and Prince William; the Cities of Alexandria, Fairfax, and Falls Church; and the communities of Herndon, Dulles, Vienna, and Fort Belvoir depend on Fairfax Water for superior drinking water; and

WHEREAS, Fairfax Water owns and operates two of the largest water treatment facilities in Virginia, with an average daily water production of 163 million gallons and a combined maximum capacity of 376 million gallons per day; and

WHEREAS, Fairfax Water draws water from the Potomac River and Occoquan Reservoir, which is fed by the Occoquan River, and operates a water distribution system that includes 3,971 miles of water mains, 28,827 fire hydrants, and 97,683 valves; and

WHEREAS, Fairfax Water is an active member of the Section for Cooperative Water Supply Operations on the Potomac of the Interstate Commission on the Potomac River Basin, which serves to protect and enhance the waters and related resources of the Potomac River basin through science, regional cooperation, and education; and

WHEREAS, Fairfax Water recently finalized a long-term plan with Vulcan Materials Company to transform a rock quarry in Lorton into a 17-billion-gallon reservoir to accommodate the region's water supply and storage needs through 2085; and

WHEREAS, Fairfax Water provides its customers with reliable, affordable, and abundant drinking water; and

WHEREAS, Fairfax Water celebrated its 60th anniversary on September 27, 2017, at the Frederick P. Griffith, Jr., Water Treatment Plant in Lorton; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Fairfax County Water Authority on the occasion of its 60th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Philip W. Allin, chair of the Fairfax County Water Authority, as an expression of the General Assembly's admiration for the authority's success and its commitment to providing for the water supply and storage needs for Northern Virginia through 2085.

**HOUSE JOINT RESOLUTION NO. 190**

*Commending T. Tyronne and Felicia Champion.*

Agreed to by the House of Delegates, February 9, 2018  
Agreed to by the Senate, February 15, 2018

WHEREAS, in 1997, T. Tyronne and Felicia Champion began to pastor True Deliverance Church of God Ministries with one member, and they have helped the congregation grow to more than 200 members and conducted generous outreach over the last 20 years; and

WHEREAS, T. Tyronne and Felicia Champion founded the Clara's Faith House Food Pantry, which has provided food for more than 35,000 members of the community, many of them children, since 2001; and

WHEREAS, in 2003, T. Tyronne and Felicia Champion constructed the Victory Transitional Housing Shelter, a one-year housing program that has served over 1,500 clients by providing shelter, counseling, transportation, and other opportunities; and

WHEREAS, T. Tyronne and Felicia Champion created the nonprofit Community Touch, Inc., which opened Noah's Ark Outreach and Thrift Store in 2004; the store has provided furniture and clothing to more than 20,000 people; and

WHEREAS, T. Tyronne and Felicia Champion built a playground for homeless residences and coordinated and facilitated state-funded Rapid Rehousing & Homelessness Prevention programs from 2008 to 2016; they successfully provided intensive case management and financial mentoring for homeless families for more than a decade; and

WHEREAS, T. Tyronne and Felicia Champion renovated the True Deliverance Church of God with new pews, carpeting, and an advanced audio system, while helping build other churches and outreach ministries; and

WHEREAS, T. Tyronne and Felicia Champion expanded the Noah's Ark Thrift Store to Bealeton in 2009 and to Marshall in 2013, and they built a 1,500 square foot storage facility to store items for Community Touch; and

WHEREAS, T. Tyronne and Felicia Champion created women's and men's ministries for True Deliverance Church of God members, as well as other ministry groups; and

WHEREAS, serving members of the community both young and old, T. Tyronne and Felicia Champion built a playground for a future daycare facility and began nursing home and hospital ministries; and

WHEREAS, T. Tyronne and Felicia Champion have provided boxed food for national and international mission trips; and

WHEREAS, T. Tyronne and Felicia Champion have facilitated grant writing and fundraising workshops for other churches and nonprofit organizations to further strengthen the community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend T. Tyronne and Felicia Champion for 20 years of service and spiritual leadership at True Deliverance Church of God Ministries; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to T. Tyronne and Felicia Champion as an expression of the General Assembly's admiration for their decades of contributions to the community.

#### HOUSE JOINT RESOLUTION NO. 191

*Commending Lee Wilson Palmer.*

Agreed to by the House of Delegates, February 9, 2018

Agreed to by the Senate, February 15, 2018

WHEREAS, Lee Wilson Palmer of New Alexandria, a distinguished veteran and a highly admired restaurateur who has made many contributions to the Northern Virginia community, celebrated his 100th birthday in 2017; and

WHEREAS, born on December 24, 1917, Lee Palmer grew up in Wytheville and married his childhood friend, Mary Page Trinkle, in 1940; the couple have two grown children, Jim and Elizabeth, as well as six grandchildren and two great-grandchildren; and

WHEREAS, Lee Palmer honorably served the nation as a member of the United States Army from 1944 to 1946 and saw some of the fiercest action of the war, participating in the Battle of Anzio, the Liberation of Rome, and the Battle of the Bulge; he witnessed the horrors of the Nazi regime firsthand when he helped liberate the Dachau concentration camp; and

WHEREAS, after his honorable military service, Lee Palmer returned home to the Commonwealth and found work on the night shift at the Penn-Daw Motor Hotel and became manager of the Penn-Daw dining room in 1947; and

WHEREAS, at the time, the Penn-Daw restaurant was a favorite meeting place of Alexandria's business leaders and government officials, and Lee Palmer served many high-profile guests, including baseball star Joe DiMaggio and former first lady Edith Wilson; and

WHEREAS, during the Civil Rights Movement, Lee Palmer made the Penn-Daw restaurant a pioneer of integration as one of the first restaurants in the area to have black waiters and white waitresses working side by side, earning the admiration of his staff and the community; and

WHEREAS, in 1968, Lee Palmer became manager of the Old Club Restaurant, a local institution with historical connections to George Washington; he became owner in 1976 and helped the club thrive for another decade with his characteristic work ethic and charm; and

WHEREAS, Lee Palmer finished his career in the restaurant business with the Dixie Pig, a neighborhood favorite on Route 1 with a devoted following; he served as an assistant manager and was responsible for menus and ordering food; and

WHEREAS, Lee Palmer is also a 35-year member and past president of the Kiwanis Club of Mount Vernon, and he still supports his fellow club members as chaplain; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Lee Wilson Palmer on the occasion of his 100th birthday; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Lee Wilson Palmer as an expression of the General Assembly's admiration for his contributions to the community and best wishes.

**HOUSE JOINT RESOLUTION NO. 192***Celebrating the life of Martha Jeraldine Morris Tata.*

Agreed to by the House of Delegates, February 5, 2018

Agreed to by the Senate, February 8, 2018

WHEREAS, Martha Jeraldine Morris Tata of Stanardsville, a devoted educator who inspired countless students to become lifelong learners and a beloved wife, mother, and friend who brought joy to everyone she met, died on November 26, 2017; and

WHEREAS, a native of Greene County, Jeraldine Morris Tata learned the value of hard work and responsibility at a young age while working in her family's mercantile store, E.B. Morris and Sons; and

WHEREAS, Jeraldine Morris Tata graduated from William Monroe High School, attended Mary Washington College, and earned a bachelor's degree from Madison College and a master's degree from Virginia Polytechnic Institute and State University; and

WHEREAS, Jeraldine Morris Tata enjoyed a long and fulfilling career as a teacher and guidance counselor at schools throughout Virginia; she served students at Crozet High School in Crozet, Albemarle High School in Albemarle County; Granby High School, Norview High School, and Maury High School in Norfolk; and Kempsville High School and Independence Middle School in Virginia Beach; and

WHEREAS, throughout her career in education, Jeraldine Morris Tata demonstrated a natural ability to recognize other people's strengths, helping thousands of students prepare for success in higher education and their careers as well as giving them the tools to become responsible citizens of the Commonwealth; in 1980, she helped a Kempsville High School class earn more than \$1 million in scholarships for the first time in the school's history; and

WHEREAS, Jeraldine Morris Tata met her husband, the Honorable Robert "Bob" Tata, while teaching at Albemarle High School and proudly supported him during his career as a high school athletics coach and used her grace and stylish charm as the backbone and organizer of his campaigns to help him win 15 elections to the Virginia House of Delegates; and

WHEREAS, after teaching and counseling for 40 years, Jeraldine Morris Tata was asked to run for the Virginia Beach School Board, where she enthusiastically served the school system, strived to improve school conditions, and was an advocate for teachers, custodians, bus drivers, and all staff and faculty members; and

WHEREAS, after her well-earned retirement as a teacher and counselor, Jeraldine Morris Tata returned to her beloved Greene County and built a home, Pioneer Haven, Morris-Tata Farm, on her family's farm, where she lived with the support of her daughter, Kendall; she placed the land under a conservation easement to help protect the Commonwealth's valuable natural resources; and

WHEREAS, Jeraldine Morris Tata was selected as one of the Portraits of Greene County and her picture was published in Glen McClure's book with a write-up honoring her for preserving Greene County's agricultural heritage; and

WHEREAS, Jeraldine Morris Tata was selected as one of the inaugural Grand Dames of Greene County for her lifelong commitment, passion for, and contributions to her adored home county; and

WHEREAS, Jeraldine Morris Tata continued to serve the community by supporting the business department and art programs at William Monroe High School; she was happiest when sharing stories with and caring for family and friends or entertaining visitors and students at Pioneer Haven; and

WHEREAS, a devout Christian who was guided by her deep and abiding faith, Jeraldine Morris Tata enjoyed fellowship and worship with the congregation of Grace Episcopal Church in Stanardsville, where she pioneered the beginning of stained glass windows being dedicated in memory of loved ones; and

WHEREAS, Jeraldine Morris Tata appreciated everything beautiful and took pride in who she was and how she presented herself, making our lives and world better for having been touched by her gracious presence; and

WHEREAS, Jeraldine Morris Tata will be fondly remembered and greatly missed by her husband of 62 years, Bob; her children, Robert, Anthony, and Kendall, and their families; and numerous other family members, friends, and former students; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Martha Jeraldine Morris Tata, a passionate educator and a vibrant member of the Stanardsville community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Martha Jeraldine Morris Tata as an expression of the General Assembly's respect for her memory.

**HOUSE JOINT RESOLUTION NO. 193***Commending Joanne Leslie Webster.*

Agreed to by the House of Delegates, February 9, 2018

Agreed to by the Senate, February 15, 2018

WHEREAS, Joanne Leslie Webster has served the Virginia Council for Private Education since 1998 as an independent contractor, accreditation manager, vice president, and executive director; and

WHEREAS, Joanne "Josie" Leslie Webster's visionary management and leadership has elevated the Virginia Council for Private Education (VCPE) and significantly improved the quality of private education in the Commonwealth; and

WHEREAS, Josie Webster's attention to detail and tireless focus on quality and accountability has resulted in great improvements to the system of accreditation for member schools and associations; and

WHEREAS, Josie Webster has advanced the role of private education in the Commonwealth through her advocacy and personal relationships with legislators, their staff, and the Virginia Department of Education; and

WHEREAS, Josie Webster's dedicated involvement and understanding of early childhood education issues has advanced policies and accreditation standards of Virginia's private schools; and

WHEREAS, private education in Virginia has reached a significant level of credibility as a result of Josie Webster's advocacy, her knowledgeable voice, and her professionalism; and

WHEREAS, Josie Webster has worked successfully with the diverse VCPE Board of Directors to achieve consistency of direction and clarity of purpose; and

WHEREAS, Josie Webster has served the VCPE with great integrity and dedication, making personal sacrifices to achieve remarkable results for private education in Virginia; and

WHEREAS, Josie Webster leaves VCPE with a strong and professional reputation among member schools, member associations, the Council for American Private Education, the Virginia Department of Education, and other state officials; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Joanne Leslie Webster on the occasion of her retirement as executive director of the Virginia Council for Private Education; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Joanne Leslie Webster as an expression of the General Assembly's admiration for her distinguished service and exceptional leadership.

**HOUSE JOINT RESOLUTION NO. 194**

*Commending Helen Sorto Zurita.*

Agreed to by the House of Delegates, February 9, 2018

Agreed to by the Senate, February 15, 2018

WHEREAS, Helen Sorto Zurita, a Manassas resident and community advocate, has spent more than 12 months advocating on behalf of the residents of the East End Mobile Home Park; and

WHEREAS, Helen Sorto Zurita assisted the residents of the East End Mobile Home Park in filing a tenant's assertion case to combat unsuitable living conditions and a pending eviction from their homes; and

WHEREAS, Helen Sorto Zurita spent many hours on the property of the mobile home park, communicating with residents, providing Spanish translation services, and participating in collecting necessary paperwork from the residents; and

WHEREAS, Helen Sorto Zurita partnered with individuals in the community, attorneys, other community advocates, and nonprofit organizations, including Catholics for Housing and Save Our Homes Alliance, to form a strategy to help the residents of the mobile home park remain in their homes; and

WHEREAS, Helen Sorto Zurita advocated on behalf of the East End Mobile Home Park residents before meetings of the Manassas City Council and in the media; and

WHEREAS, Helen Sorto Zurita played a significant role in arranging for Catholics for Housing to purchase the mobile home park property, to bring the property into code, and to make upgrades that allow the residents to remain in their homes and improve their living conditions; and

WHEREAS, Helen Sorto Zurita has shown bravery, integrity, transparency, and compassion in assisting the residents of the East End Mobile Home Park; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Helen Sorto Zurita for her advocacy on behalf of the residents of East End Mobile Home Park; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Helen Sorto Zurita as an expression of the General Assembly's admiration and respect for her passionate pursuit of justice.

**HOUSE JOINT RESOLUTION NO. 195**

*Commending Joyce Entremont.*

Agreed to by the House of Delegates, February 9, 2018

Agreed to by the Senate, February 15, 2018

WHEREAS, Joyce Entremont is a resident of Prince William County and a longtime volunteer for nonprofit Streetlight Community Outreach Ministries in Woodbridge; and

WHEREAS, Joyce Entremont has spent significant time, effort, and resources to serve as a mentor and volunteer for the homeless and chronically homeless in Prince William County; and

WHEREAS, Joyce Entremont has assisted with obtaining and delivering supplies to individuals living in homeless camps, and she has provided transportation for work and for medical care to homeless individuals; and

WHEREAS, Joyce Entremont has shown deliberate care and attention in assisting homeless individuals dealing with health crises, disabilities, substance abuse issues, and mental health challenges; and

WHEREAS, Joyce Entremont has worked tirelessly to secure funding for the advancement of HOPE Center, a facility to be built in Prince William County to provide long-term supportive housing and wraparound services to the county's homeless; and

WHEREAS, Joyce Entremont has demonstrated a tireless commitment to helping the community's homeless population, working in partnership with Streetlight Community Outreach Ministries to provide better opportunities for those in need; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Joyce Entremont, a hardworking volunteer and a committed advocate for Prince William County's homeless; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Joyce Entremont as an expression of the General Assembly's admiration and respect for her tireless service to the least fortunate among Virginia's residents.

#### HOUSE JOINT RESOLUTION NO. 196

*Commending R. Dan Hix.*

Agreed to by the House of Delegates, February 9, 2018

Agreed to by the Senate, February 15, 2018

WHEREAS, R. Dan Hix, the recently retired director of finance policy for the State Council of Higher Education for Virginia, is the longest-serving employee in the council's history, with more than 38 years of service to the Commonwealth; and

WHEREAS, R. Dan Hix provided outstanding service to the council throughout his tenure and strong leadership to its finance policy section since 2004; and

WHEREAS, R. Dan Hix forged strong relationships with and unwavering responsiveness to the administrations of 10 governors and the members of 39 sessions of the General Assembly; and

WHEREAS, R. Dan Hix brought unparalleled excellence and integrity to his work on behalf of the council, developing innovative statewide finance policies and ably managing its system-wide budgetary functions; and

WHEREAS, R. Dan Hix earned the respect of council members, executive and legislative staffers, institutional finance officers, and his agency colleagues for his vision, compassion, steadfast work ethic, and experience; and

WHEREAS, R. Dan Hix worked tirelessly for almost four decades to bring together constituencies from across the Commonwealth to promote and improve higher education; and

WHEREAS, R. Dan Hix left an indelible legacy, not only at his agency, but for all of Virginia higher education, for generations to come; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend R. Dan Hix for his exceptional service to the Commonwealth at the State Council of Higher Education for Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to R. Dan Hix as an expression of the General Assembly's admiration for his dedication and service.

#### HOUSE JOINT RESOLUTION NO. 197

*Celebrating the life of Ernest A. Winslow, Sr.*

Agreed to by the House of Delegates, February 9, 2018

Agreed to by the Senate, February 15, 2018

WHEREAS, Ernest A. Winslow, Sr., a respected community leader who made many contributions to the residents of Hampton Roads, died on December 20, 2017; and

WHEREAS, Ernest A. "Aleck" Winslow, Sr., pursued a long and fulfilling career with Newport News Shipbuilding and retired as a master shipbuilder; and

WHEREAS, Aleck Winslow served the Commonwealth as a member of the Virginia National Guard, completing his honorable service as a sergeant first class; and

WHEREAS, desirous to be of further service, Aleck Winslow joined the Chuckatuck Volunteer Fire Department and ably safeguarded the lives and property of the residents of Suffolk; and

WHEREAS, as a charter member and chaplain of the department, Aleck Winslow built strong ties with his fellow firefighters and proudly considered them to be a second family; and

WHEREAS, Aleck Winslow also brought joy to others through music as a member of the Prime Time Singers; and

WHEREAS, Aleck Winslow will be fondly remembered and greatly missed by his wife of nearly 58 years, Helen; his sons, Ernest and Darryl, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Ernest A. Winslow, Sr.; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Ernest A. Winslow, Sr., as an expression of the General Assembly's respect for his memory.

#### HOUSE JOINT RESOLUTION NO. 198

*Celebrating the life of James Edwin Turner, Jr.*

Agreed to by the House of Delegates, February 9, 2018

Agreed to by the Senate, February 15, 2018

WHEREAS, James Edwin Turner, Jr., a beloved father and husband, respected business leader in the naval shipbuilding industry, and an enthusiastic supporter of Virginia Polytechnic Institute and State University, died on December 27, 2017; and

WHEREAS, a native of Isle of Wight County, James "Jim" Edwin Turner, Jr., earned a bachelor's degree from Virginia Polytechnic Institute and State University (Virginia Tech), where he played football and was part of the Corps of Cadets and the honor societies Tau Beta Pi and Phi Kappa Phi; and

WHEREAS, following his graduation in 1956, Jim Turner began a long career with Newport News Shipbuilding, where he served as a design engineer, operations supervisor, superintendent, and manager of manufacturing; and

WHEREAS, after a stint at Westinghouse, Jim Turner joined General Dynamics Electric Boat, the primary builder of United States Navy submarines; his superior leadership and engineering savvy later saw him selected as Electric Boat's president in 1993; and

WHEREAS, in 1997, Jim Turner was elected president and chief operating officer of General Dynamics Corporation; he remained in the position until his retirement in 2000; and

WHEREAS, Jim Turner was selected as a member of the National Academy of Engineering in 1998, and in 1999, he was presented with the Fleet Admiral Chester W. Nimitz Award from the Navy League of the United States in recognition of his contributions to American maritime strength; and

WHEREAS, in addition to his long and distinguished professional career, Jim Turner was a passionate Virginia Tech supporter who served on the university's Board of Visitors from 1994 to 2002, including five years as its rector between 1997 and 2002; and

WHEREAS, Jim Turner served on the Academy of Engineering Excellence, the Virginia Tech Foundation Board of Directors, and the College of Engineering's Committee of 100, in addition to being a charter member of Virginia Tech's President's Circle of donors; and

WHEREAS, in honor of his service to Virginia Tech, Jim Turner received the University Distinguished Achievement Award in 1994, the Alumni Distinguished Service Award in 2003, and the William H. Ruffner Medal in 2004; and

WHEREAS, a staunch supporter of his local community, Jim Turner was active in the North Suffolk Rotary Club and the North Suffolk Social Club; he enjoyed fellowship and worship at Benns United Methodist Church in Smithfield, where he was a lifelong member; and

WHEREAS, Jim Turner will be fondly remembered and greatly missed by his wife of 63 years, Elizabeth; his sons, James III and Steven, and their families; and countless other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of James Edwin Turner, Jr., a dedicated engineering professional and an influential leader at Virginia Tech; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of James Edwin Turner, Jr., as an expression of the General Assembly's respect for his memory.

#### HOUSE JOINT RESOLUTION NO. 199

*Commending Jennifer Hoysa.*

Agreed to by the House of Delegates, February 9, 2018

Agreed to by the Senate, February 15, 2018

WHEREAS, Jennifer Hoysa, a dedicated public servant who has helped safeguard natural resources in Fauquier County as district manager of the John Marshall Soil and Water Conservation District, retired in 2017 as the longest-tenured employee in the organization's history; and

WHEREAS, a native of Fauquier County, Jennifer Hoysa joined the John Marshall Soil and Water Conservation District in 1984 as district clerk; she was later promoted to district manager, the position she held for the rest of her career; and

WHEREAS, Jennifer Hoysa played a key part in the John Marshall Soil and Water Conservation District's mission to assist and educate landowners in managing their natural resources; during her tenure, she oversaw the allocation of over \$8 million in Virginia Agricultural Cost-Share funds and promoted conservation efforts that allowed for the protection of over 345 miles of stream bank; and

WHEREAS, a wise steward of the District's finances, Jennifer Hoysa increased fiscal stability and bolstered the local economy by making a special effort to use local vendors; a system she established to retain materials for audits is now utilized by other districts across the Commonwealth; and

WHEREAS, Jennifer Hoysa also oversaw numerous events for the District, including planning its 50th anniversary celebration, assisting with fundraising events and an annual auction, and coordinating a series of dinners to honor landowners for conservation achievements; during visits by conservation officials from Russia and China, she organized farm tours to showcase the best management practices; and

WHEREAS, a skilled and diligent leader, Jennifer Hoysa served as a mentor to other managers and administrative personnel, conducted countless training sessions, and spearheaded an initiative to create a career ladder and professional development for District employees; and

WHEREAS, Jennifer Hoysa's other accomplishments with the John Marshall Soil and Water Conservation District include helping implement Virginia Agricultural Cost-Share best practices, aiding in the establishment of protocols for grants, and leading the development of a strategic plan to advance the District's programs; and

WHEREAS, during Jennifer Hoysa's 33-year tenure, the John Marshall Soil and Water Conservation District was named a Goodyear Honor District four times and won the national Goodyear Grand Award in 1986 and 1994; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Jennifer Hoysa for her dedication to conservation efforts and her years of exemplary service to the citizens of Fauquier County; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Jennifer Hoysa as an expression of the General Assembly's admiration for her distinguished career and best wishes for a well-deserved retirement.

**HOUSE JOINT RESOLUTION NO. 200**

*Commending Mary Lou Trimble.*

Agreed to by the House of Delegates, February 9, 2018

Agreed to by the Senate, February 15, 2018

WHEREAS, Mary Lou Trimble, a talented educator and public servant who led conservation efforts as director of the John Marshall Soil and Water Conservation District, retired in 2017 after a long and distinguished career; and

WHEREAS, born in Waynesboro, Mary Lou Trimble developed an early love for the rural landscape while growing up on a beef and grain farm in Augusta County; she later earned an associate degree from Peace College in North Carolina and a bachelor's degree in education from Madison College; and

WHEREAS, Mary Lou Trimble enjoyed a successful career as a teacher at schools in Fauquier County; prior to her retirement in 1991, she received the John Marshall Soil and Water Conservation District's 1988 Conservation Teacher of the Year Award and the Fauquier County Excellence in Education Committee's 1989 Outstanding Teacher Award; and

WHEREAS, both during and after her teaching career, Mary Lou Trimble was steadfast in her commitment to educating young people about the importance of conservation and natural resources; among other achievements, she worked with the Piedmont Environmental Council to create the Fauquier County Natural History Camp for children; and

WHEREAS, in 1989, Mary Lou Trimble began serving as associate director of the John Marshall Soil and Water Conservation District, where she spearheaded education initiatives and organized field days; in 2002, she took over as the District's first-ever female director; and

WHEREAS, under Mary Lou Trimble's able leadership, the John Marshall Soil and Water Conservation District achieved great success in its mission to assist and educate landowners in managing their natural resources; it issued over \$4 million to local farmers, created over 1,350 acres of riparian buffer, and protected more than 793,000 linear feet of stream bank; and

WHEREAS, Mary Lou Trimble brought her wide-ranging talents to the John Marshall Soil and Water Conservation District's education, personnel, finance, and publicity committees; between 2004 and 2012, she served as chairperson for the John Marshall Soil and Water Conservation District; and

WHEREAS, in addition to her conservation work, Mary Lou Trimble has been president of both the Fauquier Retired Teachers Association and the Virginia Retired Teachers Association; she enjoys fellowship and worship at Warrenton Presbyterian Church, where she has served as a deacon, elder, and past president of the women's group; and

WHEREAS, throughout her illustrious career, Mary Lou Trimble has maintained the highest standards of excellence and personal integrity; her commitment to education and protecting natural resources has benefited citizens in Fauquier County and across the Commonwealth; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Mary Lou Trimble for her many years of excellent public service on the occasion of her retirement from the John Marshall Soil and Water Conservation District; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Mary Lou Trimble as an expression of the General Assembly's admiration for her many accomplishments and best wishes for a well-deserved retirement.

### HOUSE JOINT RESOLUTION NO. 201

*Commending Bradley Kilby.*

Agreed to by the House of Delegates, February 9, 2018

Agreed to by the Senate, February 15, 2018

WHEREAS, on October 21, 2017, stock car racer Bradley Kilby of Fauquier County won the INEX Bandolero championship at Dominion Raceway in Spotsylvania County; and

WHEREAS, the championship victory capped off a remarkable season for Bradley Kilby, who regularly dominated the opposition, winning 10 out of 15 INEX Bandolero races; and

WHEREAS, a student at Taylor Middle School in Warrenton, Bradley Kilby has been involved in auto racing since age seven, when he first began racing go-karts in West Virginia; and

WHEREAS, after he and his father purchased a Bandolero stock car, Bradley Kilby secured sponsorship from local businesses and began competing in INEX Bandolero races across Virginia; and

WHEREAS, Bandolero cars are miniature stock cars typically used in 15 to 20 lap youth races; the cars are equipped with roll cages for safety and can reach speeds of up to 70 miles per hour; 2017 marked Bradley Kilby's last year in a Bandolero car; starting in 2018, he will compete against adults in a full-sized, 355-horsepower stock car; and

WHEREAS, a truly gifted racing driver, Bradley Kilby approaches the end of his Bandolero car career with an outstanding record and an undoubtedly bright future; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Bradley Kilby on winning the 2017 INEX Bandolero championship at Dominion Raceway; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Bradley Kilby as an expression of the General Assembly's admiration for his spectacular achievements.

### HOUSE JOINT RESOLUTION NO. 202

*Celebrating the life of Marion Lee Stuart Cochran.*

Agreed to by the House of Delegates, February 9, 2018

Agreed to by the Senate, February 15, 2018

WHEREAS, Marion Lee Stuart Cochran, a beloved wife and mother and a celebrated philanthropist who generously supported arts and cultural institutions in Staunton, died on December 19, 2017; and

WHEREAS, an Abingdon native, Lee Cochran attended Chatham Hall boarding school and earned a bachelor's degree from Hollins University in 1946; in 1948, she married George M. Cochran, a lawyer who later served as a Virginia state Delegate and Senator and then as a Virginia Supreme Court justice; and

WHEREAS, together with her husband, Lee Cochran spent much of her life as a philanthropist and ambassador for the Staunton community; among many other projects, she was instrumental in the creation of the Frontier Culture Museum of Virginia and also the American Shakespeare Center and Blackfrairs Playhouse; and

WHEREAS, Lee Cochran was also closely involved with the Woodrow Wilson Presidential Library, the Sears Hill Bridge revitalization, and numerous historical preservation efforts; and

WHEREAS, Lee Cochran served on boards of directors across the Commonwealth, including the Jamestown-Yorktown Foundation, Monticello's Thomas Jefferson Foundation, the Committee on Refurbishing the Executive Mansion, the University of Virginia Board of Visitors, and the University of Virginia Foundation Board of Directors; and

WHEREAS, a proud Stauntonian, Lee Cochran also served her hometown on the Planters Bank & Trust Company of Virginia's Board of Directors, the Thornrose Cemetery Board of Directors, the Woodrow Wilson Birthplace Foundation Board of Trustees, and the American Frontier Culture Foundation's Board of Directors; and

WHEREAS, a former president of the Garden Club of Virginia, Lee Cochran was also a member and past president of the Augusta Garden Club and served on the Garden Club of America's Board of Directors; in 1980, she received the Garden Club of Virginia's Massie Medal; and

WHEREAS, Lee Cochran's many other honors include a 1985 Hollins Medal from Hollins University, the American Shakespeare Center's 2004 Robin Goodfellow Award, and Mary Baldwin University's 2011 Algernon Sydney Sullivan Award; in 1995, she and her husband were named Outstanding Virginians by the General Assembly; and

WHEREAS, Lee Cochran's service projects and charitable endeavors made an indelible mark on Staunton and won her the respect and admiration of her community; and

WHEREAS, predeceased by her husband of 62 years, George, and her son, G. Moffett, Lee Cochran will be fondly remembered and dearly missed by her son, Stuart, and his family, as well as countless other family members, friends, and Staunton residents; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Marion Lee Stuart Cochran, a dedicated philanthropist who tirelessly served the Staunton community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Marion Lee Stuart Cochran as an expression of the General Assembly's respect for her memory.

**HOUSE JOINT RESOLUTION NO. 203**

*Commending the Braddock Road Youth Club Travel Soccer 99 Elite Academy team.*

Agreed to by the House of Delegates, February 9, 2018

Agreed to by the Senate, February 15, 2018

WHEREAS, the Braddock Road Youth Club Travel Soccer 99 Elite Academy team won the 18U Boys US Youth Soccer national championship on July 30, 2017; and

WHEREAS, the US Youth Soccer national championship is the premier youth soccer event in the nation, with the top 88 youth soccer teams showcasing their skills; the Braddock Road Youth Club (BRYC) 99 Elite Academy team faced many talented competitors throughout the tournament and defeated a team from Maryland in the semi-finals to advance to the national championship game; and

WHEREAS, in the championship final, the BRYC 99 Elite Academy team defeated a team from California 4-1, with Vinicius Almeida finding the back of the net twice early in the game; Julien Reininger and Kahlil Dover added goals in the 66th minute and the 90th minute; and

WHEREAS, the BRYC 99 Elite Academy backline—Alexander Barakat, Adam Laundree, Jack Rawlins, Ryan Teuschl, and Jared Valdes—only conceded five goals throughout the US Youth Soccer national championship series; and

WHEREAS, Vinicius Almeida won the 18U Boys 2017 Golden Ball Award and was named to the 2017 national championship Best 11, along with Ryan Moore; goalkeeper Alexander Barakat won the 18U Boys 2017 Golden Glove Award; and

WHEREAS, earlier in the season, the BRYC 99 Elite Academy won the 2016 - 2017 Virginia Youth Soccer Association 18U state championship and represented the Commonwealth at the US Youth Soccer Region 1 championships; and

WHEREAS, the successful season is a testament to the hard work of all the athletes on the BRYC 99 Elite Academy team, the leadership and guidance of coaches and staff, and the enthusiastic support of family members, friends, and fans; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Braddock Road Youth Club Travel Soccer 99 Elite Academy team on winning the 18U Boys US Youth Soccer national championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Brian Welsh, head coach of the Braddock Road Youth Club Travel Soccer 99 Elite Academy team, as an expression of the General Assembly's admiration for the team's achievements and best wishes for the future.

**HOUSE JOINT RESOLUTION NO. 204**

*Commending C.T. Woody, Jr.*

Agreed to by the House of Delegates, February 9, 2018

Agreed to by the Senate, February 15, 2018

WHEREAS, C.T. Woody, Jr., a dedicated law-enforcement professional and an innovative leader, served and protected the residents of Richmond for more than a decade as sheriff; and

WHEREAS, with more than 48 years of experience in law enforcement, C.T. Woody began his career with the Richmond Police Department as a patrol officer in the Southside in 1968; he went on to serve as a narcotics detective and an undercover officer and with the K-9 unit and the SWAT team; and

WHEREAS, at the Richmond Police Department, C.T. Woody led the Community Intelligence Team, which built strong relationships with local residents to help solve crimes and keep the community safe; and

WHEREAS, C.T. Woody first took office as sheriff in January 2006; he provided able leadership and guidance to the more than 450 sworn officers and staff members of the Richmond City Sheriff's Office, which is one of the largest sheriff's offices in the Commonwealth; and

WHEREAS, by emphasizing the use of cutting-edge training and techniques and setting clear goals, C.T. Woody enhanced the capabilities of the Richmond City Sheriff's Office, while promoting employee development and building trust and mutual respect with local residents; and

WHEREAS, C.T. Woody worked with the Richmond City Council and the mayor's office to establish the Richmond City Justice Center, a state-of-the-art prison facility, in 2014; he then partnered with community and faith leaders to create educational and recovery programs to help inmates rejoin society; and

WHEREAS, C.T. Woody oversaw the creation of inmate vocational training programs, made possible by the Richmond Technical Center, and a chaplaincy program, supported by more than 100 volunteer chaplains from many different faiths; his strong community ties also resulted in tens of thousands of dollars of donations in books, stamps, clothing, and personal items; and

WHEREAS, C.T. Woody's Recovering from Everyday Addictive Lifestyle program at the Richmond City Justice Center earned national acclaim as an innovative way to reduce recidivism and help inmates transition back into society; and

WHEREAS, C.T. Woody has also been appointed to the Governor's Urban Policy Taskforce and the governing board of the Virginia Prisoner and Juvenile Re-Entry Council, and he has inspired and mentored countless aspiring and young law-enforcement officers as an instructor; and

WHEREAS, C.T. Woody has earned numerous awards and accolades for his outstanding work, including the Community Service Award from the Richmond City Council and the Salute to Excellence - Meritorious Police Duty and Lifetime Achievement awards from the Richmond Police Department; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend C.T. Woody, Jr., for his three terms of service to the residents of Richmond as sheriff; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to C.T. Woody, Jr., as an expression of the General Assembly's admiration for his exceptional leadership and contributions to all members of the Richmond community.

**HOUSE JOINT RESOLUTION NO. 205**

*Commending Mount Calvary Baptist Church.*

Agreed to by the House of Delegates, February 9, 2018

Agreed to by the Senate, February 15, 2018

WHEREAS, the historic Mount Calvary Baptist Church has provided spiritual leadership, generous outreach, and opportunities for joyful worship in the Baptist tradition to the Orange County community for more than 125 years; and

WHEREAS, Mount Calvary Baptist Church is one of the oldest African American congregations in Orange County, and the sanctuary, completed in 1892, is a well-preserved example of a church built during the Jim Crow era; and

WHEREAS, in recognition of its important place in the history of the region, Mount Calvary Baptist Church was added to the National Register of Historic Places in 2016; and

WHEREAS, Mount Calvary Baptist Church has benefited from the wise leadership of 15 pastors, including the current pastor, the Reverend Willie David Crenshaw, Jr., who has served the congregation for more than a decade; and

WHEREAS, Mount Calvary Baptist Church offers a wide range of ministries, including Women of Purpose, Men of Faith, and missionary programs, as well as youth, young adult, and singles ministries, among many others; and

WHEREAS, throughout its long history, Mount Calvary Baptist Church has maintained its commitment to teach the Bible, live by the words of Jesus Christ, inspire members of the congregation to achieve their fullest potential, and enhance the lives of all community members; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Mount Calvary Baptist Church for more than 125 years of service to the community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Reverend Willie David Crenshaw, Jr., pastor of Mount Calvary Baptist Church, as an expression of the General Assembly's admiration for the church's unique history and many contributions to the residents of Orange County.

**HOUSE JOINT RESOLUTION NO. 206**

*Commending Brian D. Duncan.*

Agreed to by the House of Delegates, February 9, 2018

Agreed to by the Senate, February 15, 2018

WHEREAS, Brian D. Duncan, who has served and advocated for the aging and disability communities for more than 30 years, retires as executive director of the Rappahannock-Rapidan Community Services Board in February 2018; and

WHEREAS, Brian D. Duncan holds degrees from Radford University, and he began his human services career in 1984 as the director of Community Support Services for the Crossroads Community Services Board in Farmville, with an emphasis on developing community, residential, and other supportive services in Planning District 14; and

WHEREAS, Brian D. Duncan joined the Rappahannock-Rapidan Community Services Board in 1993 as the executive director; during his tenure, the agency experienced a significant expansion of services; he helped the agency grow from an annual budget of less than \$9 million and fewer than 150 employees to a budget of more than \$25 million and 350 employees; and

WHEREAS, under Brian D. Duncan's leadership the Rappahannock-Rapidan Community Services Board began operating several innovative programs, including a substance abuse detoxification program at the Boxwood Residential Treatment Center, same-day access to outpatient services, permanent supportive housing, and a collaborative mobility management program; and

WHEREAS, Brian D. Duncan has excelled at developing and improving program facilities, including several residential group homes, a state-of-the-art day health and rehabilitation center for individuals with developmental disabilities, a \$1 million capital campaign to renovate the Culpeper Senior Center, and the construction of a new facility for Boxwood, a substance abuse residential treatment center; and

WHEREAS, Brian D. Duncan has provided leadership as board member and treasurer for Aging Together, Inc., chair of the Community Services Board Executive Directors Forum in Health Planning Region I, chair of the Healthy Culpeper Board, and member of the Piedmont United Way Board; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Brian D. Duncan for his decades of work as an advocate for aging and disability services on the occasion of his retirement as executive director of the Rappahannock-Rapidan Community Services Board; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Brian D. Duncan as an expression of the General Assembly's admiration for his legacy of service to the Rappahannock-Rapidan region and the Commonwealth.

**HOUSE JOINT RESOLUTION NO. 207**

*Commending the Museum of Culpeper History.*

Agreed to by the House of Delegates, February 9, 2018

Agreed to by the Senate, February 15, 2018

WHEREAS, in 2017, the Museum of Culpeper History celebrated 40 years of entertaining and educating visitors with exhibits, artifacts, and memorabilia about the history of the surrounding community; and

WHEREAS, originally called the Culpeper Cavalry Museum, the Museum of Culpeper History was founded in 1977; in 2000, it broadened its scope to include all people, places, and events that have shaped Culpeper's history; and

WHEREAS, the Museum of Culpeper History traces Culpeper's rich history from the time of the dinosaurs to the modern era; in addition to showcasing its permanent collection, the museum changes its exhibit cases several times a year to shine a light on new aspects of local history; and

WHEREAS, the Museum of Culpeper History's many artifacts include 215-million-year-old dinosaur tracks, stone tools and arrowheads from the Manahoac Native American tribe, Civil War weapons, a scale model of Culpeper County, and numerous maps, illustrations, and letters dating back to the colonial era; and

WHEREAS, after moving to a new location at a historic train depot in 2014, the Museum of Culpeper History added a special Kidz Discovery Zone for children; along with a variety of hands-on activities, the gallery features puppets, dinosaurs, puzzles, books, and games; and

WHEREAS, the Museum of Culpeper History attracts an average of some 12,000 visitors each year and has welcomed guests from all 50 states as well as 36 countries around the globe; and

WHEREAS, during its four decades in operation, the Museum of Culpeper History has delighted its visitors and promoted history, education, and preservation in Culpeper; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Museum of Culpeper History for its years of service to the local community on the occasion of its 40th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Museum of Culpeper History as an expression of the General Assembly's admiration for its many achievements and best wishes for the future.

**HOUSE JOINT RESOLUTION NO. 208**

*Commending the Highland Springs High School football team.*

Agreed to by the House of Delegates, February 9, 2018

Agreed to by the Senate, February 15, 2018

WHEREAS, the Highland Springs High School football team of Henrico County won the Virginia High School League Class 5A state championship game on December 10, 2017, at Hampton University, securing its third straight state title; and

WHEREAS, the Highland Springs High School Springers' three-peat in the state championship marked the end to a superb season in which the team went 14-1 and regularly rolled over its opponents with a potent defense and a high-powered running and passing game; and

WHEREAS, in the state final game, the Highland Springs Springers defeated the Tuscarora High School Huskies 40-27 to win the championship; and

WHEREAS, the Highland Springs Springers stormed out of the gate in the title game, scoring on their first drive with a 32-yard touchdown pass from quarterback D'Vonte Waller to receiver Billy Kemp; and

WHEREAS, the Highland Springs Springers pressed their advantage during the first half, recording two more touchdown passes on top of rushing scores from Dre'Shaun Taylor and Rayquan Smith; by the end of the second quarter, they held a commanding 33-6 lead; and

WHEREAS, while the Tuscarora Huskies rallied to score 21 points in the second half, the Highland Springs Springers kept their composure; after Rayquan Smith extended their lead with a 47-yard rushing touchdown in the third quarter, the Springers held on to claim the championship; and

WHEREAS, in winning the title, the Highland Springs Springers extended their three-year record to a remarkable 42-3 and became one of only eight schools in Virginia High School League history to triumph in three straight state championship games; and

WHEREAS, the Highland Springs High School football team's state title win is a testament to the skill and dedication of its talented student-athletes, the excellent guidance of its coaches and staff, and the enthusiastic support of family members, friends, and the entire Highland Springs High School community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Highland Springs High School football team on winning the 2017 Virginia High School League Class 5A state championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Loren Johnson, head coach of the Highland Springs High School football team, as an expression of the General Assembly's admiration for the team's spectacular season and best wishes for continued success.

#### HOUSE JOINT RESOLUTION NO. 209

*Celebrating the life of James Howell Hardy III.*

Agreed to by the House of Delegates, February 9, 2018

Agreed to by the Senate, February 15, 2018

WHEREAS, James Howell Hardy III, a respected first responder who spent over 20 years as chief of the Bluefield Virginia Fire Department, died on December 31, 2017; and

WHEREAS, born in Bluefield, West Virginia, James "Jim" Howell Hardy III began his service to Bluefield, Virginia, at age 15, when he joined the Bluefield Virginia Fire Department as a volunteer; and

WHEREAS, Jim Hardy held a variety of positions during his more than 65-year tenure with the Bluefield Virginia Fire Department, including assistant chief; he was appointed fire chief on August 1, 1994, and remained in the role for the rest of his life; and

WHEREAS, a natural leader known for his skill at training new firefighters, Jim Hardy oversaw a team of approximately 20 volunteer firefighters who provided emergency response services to the community 24 hours a day, seven days a week; and

WHEREAS, among many other accomplishments during his time as fire chief, Jim Hardy managed the design and construction of the Bluefield Virginia Fire Department's new fire station and oversaw the introduction of the first ladder tower fire truck in Bluefield's history; and

WHEREAS, a longtime employee of Rockwell Industries, Jim Hardy also served on the Tazewell County Emergency Services Committee; and

WHEREAS, Jim Hardy's exemplary devotion to the safety of the citizens of Bluefield won him the abiding respect, admiration, and affection of the people he so ably served; and

WHEREAS, Jim Hardy will be fondly remembered and dearly missed by many family members, friends, fellow firefighters, and Bluefield residents; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of James Howell Hardy III, a dedicated citizen who served the Bluefield community as its fire chief; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of James Howell Hardy III as an expression of the General Assembly's respect for his memory.

**HOUSE JOINT RESOLUTION NO. 210**

*Commending the Wellmore Coal Company Mine Rescue Red Team.*

Agreed to by the House of Delegates, February 9, 2018

Agreed to by the Senate, February 15, 2018

WHEREAS, the Wellmore Coal Company Mine Rescue Red Team took first place overall at the National Mine Rescue Contest in September 2017; and

WHEREAS, located in Big Rock, the Wellmore Coal Company is a subsidiary of Metinvest United Coal Company, which is ranked among the leading producers of metallurgical coal in the United States; and

WHEREAS, the 2017 National Mine Rescue Contest took place in Beaver, West Virginia, and was cohosted by the Mine Safety and Health Administration and the Holmes Mine Rescue Association; the Wellmore Coal Company Mine Rescue Red Team faced worthy competitors from more than 60 teams from around the country; and

WHEREAS, the annual National Mine Rescue Contest is designed to test the skills and knowledge of mine rescue professionals and includes a variety of events, such as the timed assembly of equipment, first aid demonstrations, and the planning and execution of specific mine rescue operations; each member of the Wellmore Coal Company Mine Rescue Red Team—Will Altizer, Jonathan Berger, Bill Carroll, Sean Kassay, Terry McClanahan, Shannon Moore, Caleb Schoeff, Bill Slone, Chris Turner, Todd Ward, and Ethan Wibel—contributed to the victory; and

WHEREAS, the Wellmore Coal Company Mine Rescue Red Team's national recognition clearly demonstrates the company's commitment to minimizing health hazards and enhancing the safety of its mines; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Wellmore Coal Company Mine Rescue Red Team on winning the 2017 National Mine Rescue Contest; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Wellmore Coal Company Mine Rescue Red Team as an expression of the General Assembly's admiration for the team's achievements.

**HOUSE JOINT RESOLUTION NO. 211**

*Commending the Virginia Alliance of Boys & Girls Clubs.*

Agreed to by the House of Delegates, February 6, 2018

Agreed to by the Senate, February 15, 2018

WHEREAS, the Virginia Alliance of Boys & Girls Clubs supports more than 100 Boys & Girls Clubs throughout the Commonwealth as they work to promote positive youth development; and

WHEREAS, Boys & Girls Clubs in Virginia serve more than 75,000 school-aged youths in 50 counties, cities, and towns in Virginia; their goal is to enable all young people, especially those who need them most, to reach their full potential as productive, responsible, and caring citizens; and

WHEREAS, through strong, proven development programs, leaders in the Boys & Girls Clubs stress character and leadership development, education and career advancement, and health and life skills; they encourage an appreciation for the arts and provide programs in sports, fitness, and recreation; and

WHEREAS, the Boys & Girls Clubs' programs promote a better self-image and improved education, social, emotional, and cultural awareness while encouraging community involvement, strong moral values, and enhanced life management skills; and

WHEREAS, through the years, Boys & Girls Clubs have inspired young people to aspire to the highest level of personal development and to become good citizens who are involved in their communities; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Virginia Alliance of Boys & Girls Clubs for the outstanding services Boys & Girls Clubs provide to young people and their families; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Virginia Alliance of Boys & Girls Clubs as an expression of the General Assembly's admiration for the important work of all Boys & Girls Clubs in the Commonwealth.

**HOUSE JOINT RESOLUTION NO. 212**

*Commending Thomas Nelson Community College.*

Agreed to by the House of Delegates, February 8, 2018

Agreed to by the Senate, February 15, 2018

WHEREAS, Thomas Nelson Community College, founded in 1967, was the first community college in the Virginia Peninsula and Tidewater regions; and

WHEREAS, the 50th anniversary of Thomas Nelson Community College is an opportunity to recognize the institution's contributions to the vitality of the region and the Commonwealth; and

WHEREAS, since opening its doors for classes in the fall of 1968 with an enrollment of more than 1,000 students, Thomas Nelson Community College has remained true to its mission of providing high quality collegiate and workforce education to citizens of the Virginia Peninsula for 50 years; and

WHEREAS, Thomas Nelson Community College helps students achieve their academic goals and objectives through excellent, effective, and responsive program options and services; and

WHEREAS, Thomas Nelson Community College has developed partnerships that support economic development and global understanding; and

WHEREAS, Thomas Nelson Community College recognizes and celebrates diversity in the community and believes that educational opportunities should be accessible to all individuals who can benefit from the college's programs and services; and

WHEREAS, students choose Thomas Nelson Community College because of its talented, caring, and committed faculty and staff; and

WHEREAS, Thomas Nelson Community College partners with area businesses and industries, including NASA Langley Research Center and Newport News Shipbuilding, to prepare a workforce that meets the needs of the Virginia Peninsula's employers; and

WHEREAS, three-quarters of all Thomas Nelson Community College students remain in Hampton Roads and contribute to the economy through the value they bring to employers; and

WHEREAS, Thomas Nelson Community College has made significant contributions to the prosperity of the Virginia Peninsula and is deeply committed to improving the lives of its students and all members of the community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Thomas Nelson Community College on the occasion of its 50th anniversary as "The Peninsula's Community College"; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to John T. Dever, president of Thomas Nelson Community College, as an expression of the General Assembly's admiration for the institution's commitment to higher education and longtime service to the citizens of the Commonwealth.

**HOUSE JOINT RESOLUTION NO. 213**

*Commending the Princess Anne Courthouse Volunteer Fire and Rescue Squad.*

Agreed to by the House of Delegates, February 9, 2018

Agreed to by the Senate, February 15, 2018

WHEREAS, the Princess Anne Courthouse Volunteer Fire and Rescue Squad, a first responder unit whose members have given generously of their time in service to the residents of Virginia Beach, celebrated its 70th anniversary in 2017; and

WHEREAS, the Princess Anne Courthouse Volunteer Fire and Rescue Squad was formed in early 1947 by 12 local citizens who recognized the need for a first responder unit in their community; later that same year, the unit was officially chartered by the State Corporation Commission; and

WHEREAS, resources were scarce during the Princess Anne Courthouse Volunteer Fire and Rescue Squad's early days, but a local named Frank Kellam helped rally the community to raise \$5,000 for a used fire engine, which was stored in an old barn; in 1950, the squad purchased a used Cadillac station wagon for use as its first ambulance; and

WHEREAS, the Princess Anne Courthouse Volunteer Fire and Rescue Squad continued to expand during the 1950s and 1960s, acquiring additional equipment and a bigger fire engine; in 1968, the City of Virginia Beach built Station 5, where the unit is still housed today; and

WHEREAS, in 1999, having recognized an increased need for first responder service in parts of Virginia Beach, the Princess Anne Courthouse Volunteer Fire and Rescue Squad opened a second location, Station 21, in the Red Mill and Strawbridge area; and

WHEREAS, from its humble early roots, the Princess Anne Courthouse Volunteer Fire and Rescue Squad has grown into a two-station unit comprised of 90 devoted volunteers who operate four Advanced Life Support ambulances and one special events cart; in 2017, the unit recorded over 40,000 volunteer hours while serving a primary response area of roughly 100 square miles; and

WHEREAS, providing life-saving support 24 hours a day, the Princess Anne Courthouse Volunteer Fire and Rescue Squad's dedicated and well-trained volunteers are pillars of their local community who selflessly give of their time in service to others; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Princess Anne Courthouse Volunteer Fire and Rescue Squad on the occasion of its 70th anniversary for providing vital emergency response services to the residents of Virginia Beach; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Princess Anne Courthouse Volunteer Fire and Rescue Squad as an expression of the General Assembly's admiration for its exceptional efforts in aiding its local community.

### HOUSE JOINT RESOLUTION NO. 214

*Celebrating the life of Colonel Wesley Lee Fox, USMC, Ret.*

Agreed to by the House of Delegates, February 9, 2018

Agreed to by the Senate, February 15, 2018

WHEREAS, Colonel Wesley Lee Fox, USMC, Ret., of Blacksburg, a decorated war hero who served the nation in the Korean and Vietnam conflicts, died on November 24, 2017; and

WHEREAS, Wesley Lee Fox was born on September 30, 1931, in Herndon to John Wesley and Desola Lee Fox as the eldest of 10 children; he attended Warren County High School in Front Royal, then enlisted in the United States Marine Corps prior to his 19th birthday, during the beginning of the Korean War; and

WHEREAS, Wesley Lee Fox completed recruit training at the Marine Corps Recruit Depot, Parris Island, South Carolina, before serving as a rifleman with Company I, 3rd Battalion, 5th Marines; and

WHEREAS, Wesley Lee Fox was wounded in action in Korea and sent to the National Naval Medical Center in Bethesda, Maryland, and was awarded the Bronze Star Medal with Combat "V"; he was sent back to Korea after the war was over as a platoon sergeant with Company G, 3rd Battalion, 5th Marines; and

WHEREAS, when he returned home from Korea, Wesley Lee Fox was assigned to duty as a drill instructor from 1955 to 1957 and as a recruiter from 1957 to 1960, before being promoted to first sergeant and, shortly thereafter, being commissioned as a Marine second lieutenant; and

WHEREAS, in September 1967, Wesley Lee Fox began service in the Vietnam War for 13 months as an executive officer of a South Vietnamese Marine Battalion before being reassigned in November 1968 as the company commander of Company A, 1st Battalion, 9th Marines until May 1969; and

WHEREAS, on February 22, 1969, during Operation Dewey Canyon in Quang Tri Province, Wesley Lee Fox was wounded twice; and

WHEREAS, as a first lieutenant, Wesley Lee Fox's company was attacked by a large enemy force, and he personally neutralized one enemy emplacement and directed his company to destroy the enemy; and

WHEREAS, after his company's executive officer was mortally wounded, Wesley Lee Fox continued to direct the company's actions, ordering air strikes and coordinating the advance until the enemy retreated; and

WHEREAS, as the only officer left in his company still capable of resisting the enemy, Wesley Lee Fox was wounded again in the final assault, but refused medical attention while he reorganized his troops and prepared the wounded for evacuation; for his heroic actions, President Richard M. Nixon presented Wesley Lee Fox with the Medal of Honor on March 2, 1971; and

WHEREAS, after retiring from the Marine Corps as a full colonel in September 1993 at the mandatory retirement age of 62, Wesley Lee Fox had held every enlisted rank except sergeant major and every officer rank except general; and

WHEREAS, Wesley Lee Fox continued to wear the uniform for eight more years as deputy commandant of cadets for the Virginia Tech Corps of Cadets, during which time he spoke of his experiences to numerous students and other audiences; he wrote *Marine Rifleman: Forty-Three Years in the Corps*, a book that detailed his military experiences, and he was featured on the 2003 PBS program *American Valor*; and

WHEREAS, Wesley Lee Fox's military decorations and awards included the Medal of Honor, Legion of Merit with Gold Star, Bronze Star Medal with Combat "V," Purple Heart with three Gold Stars, Meritorious Service Medal, Joint Service Commendation Medal, Navy and Marine Corps Commendation Medal with Combat "V" and Gold Star, Combat Action Ribbon with one Gold Star, Navy Presidential Unit Citation, Army Presidential Unit Citation, Navy Unit Commendation, Navy Meritorious Unit Commendation with four Bronze Stars, Marine Corps Good Conduct Medal with four Bronze Stars, the Diver Insignia, the Navy and Marine Corps Parachutist Insignia, and the Republic of Vietnam Parachutist Badge; and

WHEREAS, Wesley Lee Fox also earned the National Defense Service Medal with two Bronze Stars, Korean Service Medal with three Bronze Stars, Vietnam Service Medal with one Silver Star and one Bronze Star, Navy Sea Service Deployment Ribbon, Navy Arctic Service Ribbon, Republic of Vietnam Gallantry Cross with two Silver Stars, Vietnam Staff Service Medal, Republic of Korea Presidential Unit Citation, Republic of Vietnam Meritorious Unit Citation (Gallantry Cross) with Palm and Frame, Republic of Vietnam Meritorious Unit Citation (Civil Actions) with Palm and Frame, United Nations Korea Medal, Republic of Vietnam Campaign Medal with 1960-Device, Republic of Korea War Service Medal, Marine Corps Rifle Expert Badge, and Marine Corps Pistol Expert Badge; and

WHEREAS, Wesley Lee Fox will be fondly remembered and greatly missed by his wife, Dotti, their three daughters, and numerous other family members, friends, and fellow Marines; he was buried at Arlington National Cemetery with full military honors; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Colonel Wesley Lee Fox, USMC, Ret.; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Colonel Wesley Lee Fox, USMC, Ret., as an expression of the General Assembly's respect for his memory.

### HOUSE JOINT RESOLUTION NO. 215

*Commending Bristol Baseball, Inc.*

Agreed to by the House of Delegates, February 9, 2018

Agreed to by the Senate, February 15, 2018

WHEREAS, Bristol Baseball, Inc., which operates the Bristol Pirates, an affiliate team of Major League Baseball, celebrates 50 consecutive years of professional baseball in Bristol in 2019; and

WHEREAS, professional baseball was first played in Bristol in 1911, and since 1969, Bristol has been home to the team now known as the Bristol Pirates, an affiliate of the Pittsburgh Pirates, playing in the rookie-class Appalachian League of Professional Baseball; and

WHEREAS, over the course of the team's history, the Bristol Pirates have also been affiliated with the Detroit Tigers and the Chicago White Sox; several members of the team have gone on to become Major League Baseball All-Stars, and one former member, Alan Trammell, was named Most Valuable Player of the 1984 World Series; and

WHEREAS, the Bristol Pirates play at DeVault Memorial Stadium, which seats 2,000 fans and continues to meet the high standards of a professional baseball facility thanks to Bristol Baseball, Inc.; and

WHEREAS, a nonprofit organization, Bristol Baseball, Inc., has no full-time staff and relies on an all-volunteer board of directors and a volunteer general manager to support the Bristol Pirates and ensure that the citizens of Bristol continue to enjoy the benefits of professional baseball; and

WHEREAS, Bristol Baseball, Inc., and the Bristol Pirates have succeeded with the generous support of many local businesses, corporate sponsors, and advertisers, as well as a longstanding, enthusiastic fan base; and

WHEREAS, professional baseball has enhanced the lives of Bristol residents by providing a family-friendly entertainment opportunity and giving local student-athletes the chance to observe a high level of play as they consider their own careers in professional sports; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Bristol Baseball, Inc., for bringing professional baseball to the residents of Bristol for 50 years; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Bristol Baseball, Inc., as an expression of the General Assembly's admiration for the organization's unique contributions to the Bristol community.

### HOUSE JOINT RESOLUTION NO. 216

*Commending Leadership Washington County.*

Agreed to by the House of Delegates, February 9, 2018

Agreed to by the Senate, February 15, 2018

WHEREAS, Leadership Washington County, an Abingdon-based program that works to nurture strong community leaders, will celebrate its 25th anniversary during its 2017-2018 session; and

WHEREAS, sponsored by the Washington County Chamber of Commerce, Leadership Washington County was launched in 1993 to help aspiring leaders enhance their dedication to service, establish a networking system, and learn about the social, economic, and political institutions in their community; and

WHEREAS, as part of Leadership Washington County, groups of no more than 20 individuals attend a series of 18 sessions that take place from September through April; during each session, these individuals meet with local leaders in business, government, media, and education to discuss the challenges facing their community; and

WHEREAS, participants in Leadership Washington County complete a small group project and attend at least one meeting of their school board or town council; they also travel to Richmond during the session of the Virginia General Assembly to meet with elected officials; and

WHEREAS, graduates from the 2016-2017 session of Leadership Washington County included professionals from the public sector and from the banking, real estate, health care, and manufacturing fields; and

WHEREAS, over the last quarter century, Leadership Washington County has informed and inspired scores of developing leaders, many of whom have gone on to be forces for positive change in their community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Leadership Washington County on the occasion of its 25th anniversary for its efforts to motivate emerging leaders and encourage involvement in civic affairs; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Leadership Washington County as an expression of the General Assembly's admiration for its remarkable achievements and best wishes for future success.

**HOUSE JOINT RESOLUTION NO. 217**

*Commending Chapters Bookshop.*

Agreed to by the House of Delegates, February 9, 2018

Agreed to by the Senate, February 15, 2018

WHEREAS, Chapters Bookshop, an independent bookstore and gift shop in downtown Galax, was selected as a winner in the 2017 Children's Book Week Contest; and

WHEREAS, established in 1919, Children's Book Week is an annual literacy initiative and celebration of children's books conducted by the nonprofit organizations Every Child a Reader and the Children's Book Council; as part of the 2017 Children's Book Week held May 1-7, over 700 schools, libraries, and bookstores, including Chapters Bookshop, were invited to enter a display contest based on the theme "One World, Many Stories"; and

WHEREAS, for its entry in the contest, Chapters Bookshop created a window display designed to look like a child's bedroom; along with a collection of books, it featured several literature-themed decorations, including a block tower, a bean stalk, and a castle in the clouds; and

WHEREAS, on August 16, 2017, Chapters Bookshop was one of 15 entrants nationwide selected as winners in the Children's Book Week Contest; as a reward, the shop received copies of 28 Children's and Teen Choice Book Award winners to donate to a charity of its choice; and

WHEREAS, Chapters Bookshop donated the prize to the Rooftop of Virginia Community Action Program, a nonprofit organization that serves low-income residents in Galax and the surrounding region; some of the books were given to foster children, while others were distributed through Project READ, a program designed to educate parents about the importance of early literacy; and

WHEREAS, Chapters Bookshop's other Children's Book Week activities included a story time reading for children, free online access to books, and a prize drawing; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Chapters Bookshop on earning a 2017 Children's Book Week Contest award; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Chapters Bookshop as an expression of the General Assembly's admiration for its support of early literacy and its many efforts to promote the joys of reading.

**HOUSE JOINT RESOLUTION NO. 218**

*Commending Henderson Motorsports.*

Agreed to by the House of Delegates, February 9, 2018

Agreed to by the Senate, February 15, 2018

WHEREAS, Henderson Motorsports, an auto racing team based in Abingdon, claimed a spectacular victory in the NASCAR Camping World Truck Series race held at Talladega Superspeedway in Alabama on October 14, 2017; and

WHEREAS, operated by veteran owner Charlie Henderson, Henderson Motorsports is one of the oldest teams in NASCAR and has run races in the sport's top divisions since the early 1980s; unlike many NASCAR teams, the small outfit has just two full-time employees; and

WHEREAS, in the Fred's 250 Powered by Coca-Cola race of the NASCAR Camping World Truck Series, Henderson Motorsports delivered one of the 2017 season's biggest upsets by besting 30 other teams to secure its first NASCAR win since 1989; and

WHEREAS, with driver Parker Kligerman behind the wheel, Henderson Motorsports' number 75 Food Country USA Toyota charged through the field during the 95-lap race, claiming the lead with just one lap remaining and then taking the checkered flag in overtime; and

WHEREAS, the victory had special meaning for the Henderson Motorsports team, whose truck carried a decal honoring Peggy Miller, crew chief Chris Carrier's recently deceased mother-in-law; and

WHEREAS, Henderson Motorsports' win at Talladega was the highlight of a strong season that saw the team secure one victory, one top-five finish, and five top-10 finishes in just nine races; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Henderson Motorsports on winning the 2017 NASCAR Camping World Truck Series race at Talladega Superspeedway; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Henderson Motorsports as an expression of the General Assembly's admiration for its remarkable accomplishments and best wishes for continued success.

**HOUSE JOINT RESOLUTION NO. 219**

*Commending the Fort Hunt Little League Senior All Stars.*

Agreed to by the House of Delegates, February 9, 2018

Agreed to by the Senate, February 15, 2018

WHEREAS, the Fort Hunt Little League Senior All Stars of Alexandria won the Virginia Little League state championship on July 11, 2017, in Pound; and

WHEREAS, the Fort Hunt Little League Senior All Stars' state championship win came on the heels of a stellar season that also included a victory in the Virginia District 9 Little League tournament; and

WHEREAS, relying on top-notch pitching, solid batting, and exceptional field play, the Fort Hunt Little League Senior All Stars continued to dominate at the state tournament, scoring 72 runs and allowing just 26 runs; and

WHEREAS, after recording wins against Caroline County, Norfolk, Phoebus, and Central Chesterfield, the Fort Hunt Little League Senior All Stars rallied from behind to defeat Bristol 9-4 and secure the state championship; and

WHEREAS, the Fort Hunt Little League Senior All Stars' championship is only made more impressive by the team's roster, which was assembled from a pool of just 23 eligible players; and

WHEREAS, as a result of their state championship, the Fort Hunt Little League Senior All Stars were invited to compete in the Southeast Regional Tournament staged in Safety Harbor, Florida, from July 22-26, 2017; and

WHEREAS, the Fort Hunt Little League Senior All Stars' state championship is a tribute to the skill and dedication of its young athletes, the strong leadership of its coaches, and the passionate support of family members, friends, and the entire Alexandria community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Fort Hunt Little League Senior All Stars on winning the 2017 Virginia Little League state championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Fort Hunt Little League Senior All Stars as an expression of the General Assembly's admiration for the team's accomplishments and best wishes for continued success.

**HOUSE JOINT RESOLUTION NO. 220**

*Celebrating the life of Sidney Belt Harvey III.*

Agreed to by the House of Delegates, February 9, 2018

Agreed to by the Senate, February 15, 2018

WHEREAS, Sidney Belt Harvey III, a beloved husband and father, devoted educator, and respected member of the Elk Creek community, died on July 26, 2017; and

WHEREAS, born and raised in Elk Creek, Sidney Harvey graduated from Elk Creek High School and then served in the United States Air Force as a military radio operator during the Korean War; and

WHEREAS, after leaving the military, Sidney Harvey attended Virginia Tech and graduated with a bachelor's degree in education in 1956; during the next 20 years, he returned to the school twice to earn a graduate degree in education and a doctoral degree in school administration; and

WHEREAS, after earning his first degree, Sidney Harvey followed a lifelong dream and became a schoolteacher; during his distinguished 41-year career in education, he also served as a principal and coach as well as the general supervisor, director of instruction, and division superintendent of Grayson County Public Schools; and

WHEREAS, in addition to his dedication to the public schools, Sidney Harvey gave generously of his time in service to his community; he established an annual fishing olympics for special needs students, served on the board of directors for Wytheville Community College, and was an Elk Creek Rescue Squad Auxiliary and a 32nd degree Mason; and

WHEREAS, Sidney Harvey was happiest when spending time with his family and enjoying fellowship and worship at Lebanon United Methodist Church; he was also an enthusiastic Virginia Tech fan who kept a large collection of memorabilia related to the school's history; and

WHEREAS, Sidney Harvey will be fondly remembered and dearly missed by his wife of 61 years, Shirley; his son, David, and his family; and countless friends and members of the Elk Creek community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Sidney Belt Harvey III, a committed educator with a passion for lifelong learning; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Sidney Belt Harvey III as an expression of the General Assembly's respect for his memory.

**HOUSE JOINT RESOLUTION NO. 221**

*Celebrating the life of Amanda Ernestine Jackson Rush.*

Agreed to by the House of Delegates, February 9, 2018  
 Agreed to by the Senate, February 15, 2018

WHEREAS, Amanda Ernestine Jackson Rush, an entrepreneur and a vibrant member of the Abingdon community, died on November 29, 2017; and

WHEREAS, born in Bristol, Tennessee, Amanda Rush was the daughter of the late Admiral Dewey Jackson and Maymie Goodson Jackson; and

WHEREAS, Amanda Rush was a former employee of the Big Jack Overall Company, Gray Hosiery, and Monroe Calculating Machine Company, where she was a longtime associate until 1969; and

WHEREAS, Amanda Rush and her husband, George, later served the community as owners and operators of the Rush Shoe Shop in Abingdon and Rush Farm in Bristol; she finished her career with K-VA-T Food Stores, Inc., in Abingdon; and

WHEREAS, a loving daughter, sister, aunt, wife, mother, and friend, Amanda Rush never hesitated to open her home to someone in need of a delicious home-cooked meal or a place to stay, and she inspired others through her generous example; and

WHEREAS, predeceased by her beloved husband of 58 years, George, Amanda Rush will be fondly remembered and greatly missed by her daughter, Pamela; her son-in-law, Tommy; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Amanda Ernestine Jackson Rush; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Amanda Ernestine Jackson Rush as an expression of the General Assembly's respect for her memory.

**HOUSE JOINT RESOLUTION NO. 222**

*Celebrating the life of Bruce Edison Bentley, Sr.*

Agreed to by the House of Delegates, February 9, 2018  
 Agreed to by the Senate, February 15, 2018

WHEREAS, Bruce Edison Bentley, Sr., a former civil servant and a respected member of the Southwest Virginia community, died on August 22, 2017; and

WHEREAS, a native of Appalachia in Wise County, Bruce Bentley earned a bachelor's degree in chemistry from Emory & Henry College, then served his country as a member of the United States Navy; and

WHEREAS, after his honorable military service, Bruce Bentley worked as the supervisor of a chemistry lab; he later retired as manufacturing manager of Unisys Corporation's printed circuit facility; and

WHEREAS, Bruce Bentley worked to enhance the quality of life of the residents of Washington County as county administrator, ably carrying out his duties from 1990 to 1995; and

WHEREAS, Bruce Bentley enjoyed fellowship and worship with the congregation of Pleasant View United Methodist Church; and

WHEREAS, Bruce Bentley will be fondly remembered and greatly missed by his loving wife of 61 years, Sally; his children, Bruce, Jr., and Jo, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Bruce Edison Bentley, Sr.; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Bruce Edison Bentley, Sr., as an expression of the General Assembly's respect for his memory.

**HOUSE JOINT RESOLUTION NO. 223**

*Celebrating the life of Michael Evan Watkins.*

Agreed to by the House of Delegates, February 9, 2018  
 Agreed to by the Senate, February 15, 2018

WHEREAS, Michael Evan Watkins, a beloved son, brother, and friend in Bristol, Tennessee, died on July 23, 2017; and

WHEREAS, Michael Watkins graduated with the Class of 2016 from Virginia High School in Bristol, where he was a valued teammate on the baseball and football teams and was well liked by both teachers and students; and

WHEREAS, Michael Watkins enjoyed fellowship and worship with the community as a member of Beaverview Baptist Church as a child and was later an active member of the youth program at Highlands Fellowship Church; and

WHEREAS, Michael Watkins had a zest for life and particularly enjoyed fishing and golfing; he touched many lives in the community through his cheerful personality and bright smile; and

WHEREAS, Michael Watkins will be fondly remembered and greatly missed by his parents, Henry and Karen; brother, Josh; grandparents, Henry, Gail, Clyde, and Linda; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Michael Evan Watkins, a beloved member of the Bristol community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Michael Evan Watkins as an expression of the General Assembly's respect for his memory.

#### HOUSE JOINT RESOLUTION NO. 224

*Commending Richard Rose.*

Agreed to by the House of Delegates, February 9, 2018

Agreed to by the Senate, February 15, 2018

WHEREAS, for 25 years, Richard Rose has delighted audiences and won nationwide recognition while serving as producing artistic director at Barter Theatre in Abingdon; and

WHEREAS, a native of Lena, Wisconsin, Richard "Rick" Rose earned a bachelor's degree from St. Norbert College and a master of fine arts degree from the University of California, Davis; he then did post-graduate work at New York University; and

WHEREAS, in 1992, Rick Rose relocated to Abingdon and took over as producing artistic director of the town's historic Barter Theatre; founded in 1933 during the Great Depression, Barter Theatre takes its name from its early practice of allowing farmers to trade produce for tickets and was designated the State Theatre of Virginia in 1946; and

WHEREAS, under Rick Rose's bold leadership, Barter Theatre has experienced tremendous growth; its attendance has quadrupled, it has introduced new cultural and educational programs, and it has forged close connections with the community; and

WHEREAS, a prolific stage director and writer, Rick Rose has overseen a diverse program at the Barter Theatre which includes productions of comedies, musicals, and dramas; he has won acclaim for his original adaptations of works such as *It's a Wonderful Life*, *A Christmas Carol*, and *Frankenstein*; and

WHEREAS, Rick Rose's leadership and vision have helped make Barter Theatre one of the most innovative and successful repertory theaters in the nation; it currently produces shows year-round on two stages and draws over 160,000 visitors annually; and

WHEREAS, Rick Rose has brought his talents to a number of state and regional boards, including the tourism committee of the Virginia Chamber of Commerce; and

WHEREAS, in 2012, Rick Rose was presented with the Abingdon Town Council's Arthur Campbell Community Service Award in recognition of his long and influential career in the arts; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Richard Rose on 25 years of distinguished service to Barter Theatre and the Abingdon community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Richard Rose as an expression of the General Assembly's admiration for his commitment to maintaining the vitality of the arts in the Commonwealth.

#### HOUSE JOINT RESOLUTION NO. 225

*Commending the Children's Advocacy Center of Highlands Community Services.*

Agreed to by the House of Delegates, February 9, 2018

Agreed to by the Senate, February 15, 2018

WHEREAS, the Children's Advocacy Center of Highlands Community Services, a Washington County organization that provides vital support for child victims of sexual and physical abuse, marked its 20th anniversary in 2017; and

WHEREAS, chartered in 1997 through the efforts of a community task force, the Children's Advocacy Center of Highlands Community Services (CAC) is a nonprofit group that works closely with law enforcement, prosecutors, medical and mental health professionals, and social workers to serve the residents of Washington County and the City of Bristol; and

WHEREAS, as an advocate for child victims of abuse and trauma, the CAC conducts trauma assessments, offers court preparation services and education for children and their families, and provides a safe place for victims to be interviewed; and

WHEREAS, in addition, the CAC provides specialized treatment and counseling programs for children who have endured physical or sexual abuse or neglect; and

WHEREAS, designed to provide a nonthreatening environment for child victims, the CAC is located in a 150-year-old restored Victorian home and sits on 4.5 acres of open space that includes a gazebo and a playground; and

WHEREAS, since 2014, the CAC has had a dedicated facility dog named Nomad; bred and trained by the group Canine Companions for Independence, the Labrador-Golden Retriever mix is used to keep children at ease during interviews and treatment sessions and sometimes even accompanies them into court; and

WHEREAS, in 2015, the CAC merged with Highlands Community Services, a nonprofit organization that specializes in mental health, substance abuse treatment, assistance for people with disabilities, and other services; and

WHEREAS, over its two decades in operation, the CAC has served as an invaluable resource for children and families while also helping to remove predators from the community; each year, the organization opens hundreds of cases of alleged abuse or neglect; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Children's Advocacy Center of Highlands Community Services for 20 years of providing indispensable guidance and support to the residents of Washington County and the City of Bristol; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Children's Advocacy Center of Highlands Community Services as an expression of the General Assembly's admiration for its tireless efforts to safeguard the welfare of children.

**HOUSE JOINT RESOLUTION NO. 226**

*Commending Barter Theatre.*

Agreed to by the House of Delegates, February 9, 2018  
 Agreed to by the Senate, February 15, 2018

WHEREAS, in 2018, Barter Theatre, a beloved professional theater in Abingdon, celebrates 85 years of contributions to cultural life in Washington County and the Commonwealth; and

WHEREAS, Barter Theatre traces its roots to 1933, when actor and Abingdon native Robert Porterfield returned to his hometown and organized a small theater company; with the United States mired in the Great Depression, he proposed an innovative payment system in which poor farmers could trade vegetables, dairy products, and livestock in exchange for tickets to shows; and

WHEREAS, Barter Theatre staged its first production on June 10, 1933, and its "Ham for Hamlet" concept soon proved to be a runaway success; in 1946, the Virginia General Assembly designated Barter Theatre as the State Theatre of Virginia; and

WHEREAS, renowned as one of the most storied repertory theaters in the United States, Barter Theatre features a resident company of talented professional actors who perform a year-round selection of comedies, musicals, mysteries, dramas, and other works; and

WHEREAS, each year, Barter Theatre draws over 160,000 visitors to its two stages; in honor of its early roots, it also organizes one performance a year where donations for a local food bank can be traded for admission; and

WHEREAS, many famous performers have graced Barter Theatre's stages, including Gregory Peck, Patricia Neal, Ernest Borgnine, Frances Fisher, and Wayne Knight; and

WHEREAS, in addition to its stage productions, Barter Theatre maintains close ties to the Abingdon community by hosting school field trips, workshops for businesses, a youth academy for students, and an annual young playwrights festival; and

WHEREAS, over its illustrious history, Barter Theatre has delighted audiences and won national recognition for its outstanding live theater productions; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Barter Theatre on its contributions to the arts on the occasion of its 85th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Barter Theatre as an expression of the General Assembly's admiration for its rich history and legacy.

**HOUSE JOINT RESOLUTION NO. 227**

*Commending the Virginia Association of Governmental Purchasing.*

Agreed to by the House of Delegates, February 9, 2018  
 Agreed to by the Senate, February 15, 2018

WHEREAS, the Virginia Association of Governmental Purchasing, a statewide, nonprofit, and nonpartisan association of procurement practitioners, celebrates its 60th anniversary in 2018; and

WHEREAS, the largest procurement association in the Commonwealth, the Virginia Association of Governmental Purchasing (VAGP) was established to promote the Virginia Public Procurement Act as well as to improve and assist public purchasers through legislative advocacy, research, education, and other services; and

WHEREAS, VAGP held its first organizational meeting at the Jefferson Hotel in Richmond in 1957, and it became a chapter of the National Institute of Governmental Purchasing (NIGP) in 1958; and

WHEREAS, the following year, however, NIGP eliminated all of its chapters, and VAGP would not rejoin the national organization until 20 years later in 1978; and

WHEREAS, for 40 years, VAGP and NIGP have had a productive relationship, and five distinguished Virginia chapter members—J. W. Huffman, G. Lloyd Nunnally, T. Gordon Sandridge, Curtis L. Walsh, and Larry N. Wellman—have served as national presidents; and

WHEREAS, representing more than 1,100 procurement professionals, VAGP membership includes employees working in state, city, and local governments; educational institutions; and special authorities in the Commonwealth; and

WHEREAS, VAGP's many goals include promoting professionalism, providing education and information, recommending legislative improvements as well as uniform purchasing laws and standards, and fostering networking and the exchange of ideas; and

WHEREAS, since 1985, VAGP has partnered with John Tyler Community College to provide continuing education credits to seminar participants; and

WHEREAS, for 60 years, VAGP has helped its members increase their effectiveness in the field of procurement to better serve the citizens of the Commonwealth; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Virginia Association of Governmental Purchasing on the occasion of its 60th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Virginia Association of Governmental Purchasing as an expression of the General Assembly's gratitude to the organization and its members for their hard work, dedication, and outstanding public service.

**HOUSE JOINT RESOLUTION NO. 228**

*Commending Charles W. Hall.*

Agreed to by the House of Delegates, February 16, 2018

Agreed to by the Senate, February 22, 2018

WHEREAS, for over a decade, Charles W. Hall has provided invaluable advocacy and service to the residents of Fairfax County; and

WHEREAS, a graduate of Stanford University, Charles "Charlie" W. Hall has lived in Fairfax County since 1985, when he joined *The Washington Post* as an editor and reporter; and

WHEREAS, Charlie Hall has also worked as manager of presidential communications at the American Bar Association and as a deputy director for the Justice at Stake Campaign; he currently serves as a public affairs specialist for the Administrative Office of the United States Courts; and

WHEREAS, Charlie Hall has given generously of his time and talents in service to a number of community organizations, including serving as president of the Blake Manor Homeowners Association and as a member on the board of directors for the Fairfax County Federation of Citizens Associations; while serving as chair of the Providence District Council between 2006 and 2008, he helped lead a crucial reorganization effort; and

WHEREAS, a dedicated citizen, Charlie Hall was a founding member of Fairfax Citizens for Responsible Growth, also known as FairGrowth, and the Greater Tysons Citizens Association; between 2004 and 2010, he spearheaded an integrated advocacy campaign that helped guide urbanization policies in Fairfax County; and

WHEREAS, Charlie Hall has written extensively on county planning and the transit challenges facing Fairfax County and has been successful in building citizen coalitions and encouraging community involvement in local government; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Charles W. Hall on his years of exemplary service to citizen organizations in Fairfax County; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Charles W. Hall as an expression of the General Assembly's admiration for his impressive accomplishments and dedication to the community.

**HOUSE JOINT RESOLUTION NO. 229**

*Celebrating the life of Frederick L. Hawk.*

Agreed to by the House of Delegates, February 16, 2018

Agreed to by the Senate, February 22, 2018

WHEREAS, Frederick L. Hawk, an inspirational advocate for people with disabilities and a friend to many in the Fairfax County community, died on December 7, 2017; and

WHEREAS, Frederick "Fred" L. Hawk was born to the late Frederick Hume Hawk and Phyllis Carpenter Hawk in Washington, D.C.; he lost his sight shortly after birth and later attended the Virginia School for the Deaf, Blind, and Multi-Disabled in Hampton; and

WHEREAS, Fred Hawk enjoyed a long and fulfilling career as a corporate receptionist at ServiceSource, a nonprofit organization in Fairfax County that offers a wide range of services and programs to people with disabilities, their families, and their caregivers; and

WHEREAS, throughout his 37-year career, Fred Hawk played a crucial role at ServiceSource, building strong relationships and representing the organization as one of the first people to interact with clients; and

WHEREAS, Fred Hawk was a passionate advocate for people with disabilities and spoke before the United States Congress and throughout the Commonwealth on their behalf; and

WHEREAS, Fred Hawk will be fondly remembered and greatly missed by his sister, Helen, and her family, and numerous other family members, friends, and colleagues; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Frederick L. Hawk; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Frederick L. Hawk as an expression of the General Assembly's respect for his memory.

**HOUSE JOINT RESOLUTION NO. 230**

*Commending the XXIII Olympic Winter Games.*

Agreed to by the House of Delegates, February 9, 2018

Agreed to by the Senate, February 22, 2018

WHEREAS, the XXIII Olympic Winter Games will showcase the world's most talented winter athletes in PyeongChang, Gangwon Province, Republic of Korea from February 9 to 25, 2018; and

WHEREAS, the 2018 Winter Olympics features nearly 3,000 athletes from 92 nations competing in 102 events in 15 disciplines, such as skiing, snowboard, skating, bobsleigh, skeleton, curling, ice hockey, and luge; more than 240 athletes will represent the United States, including four competitors from the Commonwealth of Virginia; and

WHEREAS, in the 2018 Winter Olympics, Hakeem Abdul-Saboor from Powhatan will represent the Commonwealth in bobsleigh; Maame Biney, a junior world champion from Reston, will compete in short track speed skating; Ashley Caldwell, a freestyle skier from Ashburn and a three-time Olympian, will compete in the aerials event; and Garrett Roe, a professional ice hockey player from Vienna who currently plays with EV Zug in the Swiss National League, was named to the United States men's ice hockey team; and

WHEREAS, the 2018 Winter Olympics will be the first Winter Olympics held in the Republic of Korea and the country's second Olympic Games, as they hosted the Games of the XXIV Olympiad in the summer of 1988; the event is an opportunity to promote the unique history and culture of the Republic of Korea on the world stage; and

WHEREAS, the opening ceremonies of the 2018 Winter Olympics will take place on February 9, 2018, with four residents of the Commonwealth of Virginia proudly marching with Team USA; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the XXIII Olympic Winter Games taking place in PyeongChang in February 2018; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the representatives of the XXIII Olympic Winter Games as an expression of the General Assembly's admiration for the skill and talent of all the competitors and best wishes to the members of Team USA from the Commonwealth of Virginia.

**HOUSE JOINT RESOLUTION NO. 231**

*Commending the U19 Girls Vienna Youth Soccer Phoenix '99.*

Agreed to by the House of Delegates, February 16, 2018

Agreed to by the Senate, February 22, 2018

WHEREAS, the U19 Girls Vienna Youth Soccer Phoenix '99 won the Virginia Youth Soccer Association State Cup in November 2017, earning its second state title in three years; and

WHEREAS, the U19 Girls Vienna Youth Soccer Phoenix '99 secured the 2-1 state win after a dramatic comeback against Herndon United, who scored in the 16th minute to take an early lead; and

WHEREAS, the U19 Girls Vienna Youth Soccer Phoenix '99 struggled to find momentum until Abby Fusca found an opening on the right side of the field and crossed the ball in to Rachel Jackson to level the score at 1-1 before the half; and

WHEREAS, Vienna goalkeeper Christina Larow made several critical saves early in the tense second half, and Whitney Wiley scored the game winner off of another cross from Abby Fusca in the 76th minute; the U19 Girls Vienna Youth Soccer Phoenix '99 kept up the pressure in the final minutes and relied on its strong defense to close out the game; and

WHEREAS, as the state champions, the U19 Girls Vienna Youth Soccer Phoenix '99 represented the Commonwealth in the 2017 National Premier Leagues championship and reached the final as the first Vienna team to compete for a national title at this tournament; and

WHEREAS, the state championship victory is a testament to the talent and hard work of all the athletes on the U19 Girls Vienna Youth Soccer Phoenix '99, the leadership and guidance of the team's coaches and staff, and the enthusiastic support of family, friends, and fans in the Vienna community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the U19 Girls Vienna Youth Soccer Phoenix '99 on winning the Virginia Youth Soccer Association State Cup; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the U19 Girls Vienna Youth Soccer Phoenix '99 as an expression of the General Assembly's admiration for the team's achievements and best wishes for the future.

#### HOUSE JOINT RESOLUTION NO. 232

##### *Commending Ayuda.*

Agreed to by the House of Delegates, February 16, 2018

Agreed to by the Senate, February 22, 2018

WHEREAS, for 45 years, the nonprofit organization Ayuda has worked to improve the lives of low-income immigrants in the Northern Virginia and Washington, D.C., regions by providing legal aid, social workers and case management, and interpreter services; and

WHEREAS, with a name meaning "help" in Spanish, Ayuda was founded in 1973 with a mission to protect the legal rights of immigrants and provide them with aid to overcome obstacles and succeed in the United States; and

WHEREAS, today, Ayuda has 36 full-time, bilingual attorneys and social workers and works with more than 150 interpreters who are fluent in over 40 languages; the organization operates out of two offices, one in Washington, D.C., and one in Falls Church; and

WHEREAS, Ayuda provides a wide range of assistance to immigrants, including legal consultations, help with completing and filing forms, family law services, and representation at asylum interviews and in immigration courts; and

WHEREAS, in addition, Ayuda works to provide shelter, food, clothing, health care, group and individual therapy, and case management to vulnerable immigrant children as well as immigrant victims of human trafficking, domestic violence, and sexual assault; and

WHEREAS, the hardworking staff, attorneys, social workers, and interpreters at Ayuda are committed to advocating for and providing resources to immigrants and their families; since its founding, the organization has assisted immigrants in over 100,000 cases; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Ayuda on the occasion of its 45th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Ayuda as an expression of the General Assembly's admiration for its years of service to low-income immigrants.

#### HOUSE JOINT RESOLUTION NO. 233

##### *Commending Neighborhood Health.*

Agreed to by the House of Delegates, February 16, 2018

Agreed to by the Senate, February 22, 2018

WHEREAS, Neighborhood Health, a community health center in Northern Virginia that has provided health care to thousands of patients regardless of their ability to pay, celebrated its 20th anniversary in 2017; and

WHEREAS, Neighborhood Health traces its roots to the Arlandria Health Center for Women and Children, a small, Alexandria-based clinic that was opened in 1993 to help serve low-income families; when the clinic's grant funding ended in 1997, a community coalition launched the nonprofit organization Alexandria Neighborhood Health Services, Inc., which was later renamed Neighborhood Health; and

WHEREAS, during its early years, Neighborhood Health grew steadily and added additional programs each year; in 2004, it was named a Federally Qualified Health Center, a designation given to organizations that treat all patients regardless of their ethnic background, insurance status, or ability to pay; and

WHEREAS, today, Neighborhood Health has several locations in Alexandria and across Arlington and Fairfax Counties and takes care of roughly 18,000 people each year; half of the patients do not have health insurance, while the rest come from low-income families and other underserved populations; and

WHEREAS, Neighborhood Health provides primary medical care for adults and children, including chronic disease management, women's health, urgent care, preventative care such as cancer screenings and vaccines, HIV care, laboratory services, and case management; and

WHEREAS, Neighborhood Health also provides patients with dental and mental health care, both of which are often unavailable to low-income families; the organization operates the WOW Bus, a mobile dentistry unit that provides oral health care to students at local elementary schools; and

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WHEREAS, over its two decades in operation, Neighborhood Health has remained committed to the idea that all people deserve access to quality health care; its talented doctors, nurses, and staff members have improved the quality of life for countless residents of Northern Virginia; and

WHEREAS, in 2014, the Health Resources and Services Administration recognized Neighborhood Health as a National Quality Leader, a designation given to 57 out of approximately 1,400 centers nationwide for quality outcomes; and

WHEREAS, to celebrate its 20 years of service to the local community, Neighborhood Health held an anniversary gala at the Hilton Alexandria Mark Center on December 7, 2017; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Neighborhood Health on the occasion of its 20th anniversary for offering exceptional medical care to patients in the City of Alexandria, Arlington County, and Fairfax County; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Neighborhood Health as an expression of the General Assembly's admiration for its contributions to public health in Northern Virginia and best wishes for continued success.

**HOUSE JOINT RESOLUTION NO. 234**

*Commending the Northern Virginia Regional Commission.*

Agreed to by the House of Delegates, February 16, 2018

Agreed to by the Senate, February 22, 2018

WHEREAS, the Northern Virginia Regional Commission, a planning district in Northern Virginia that has brought together local governments to capitalize on opportunities and meet challenges, celebrated its 70th anniversary in 2017; and

WHEREAS, formed in 1947, the Northern Virginia Regional Commission (NVRC) is a political subdivision within the Commonwealth that facilitates coordination among its member local governments in Northern Virginia; and

WHEREAS, the NVRC has 13 member local governments, including the Counties of Arlington, Fairfax, Loudoun, and Prince William; the Cities of Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park; and the Towns of Dumfries, Herndon, Leesburg, and Vienna; and

WHEREAS, comprised of one or more elected officials from each jurisdiction, the NVRC provides information, performs professional and technical services for its members, and advocates for the 2.4 million residents of Northern Virginia; and

WHEREAS, the NVRC's programs and studies have covered a wide range of issues relating to human services, transportation, workforce development, land use, taxation, water quality, and law enforcement; and

WHEREAS, the NVRC provides a wealth of services to Northern Virginia, including facilitating medical care for nearly 3,000 low-income persons with HIV/AIDS, compiling lists of homeless shelters and winter shelters, and arranging training seminars on everything from hazardous waste disposal to bike and pedestrian safety; and

WHEREAS, as a leader in environmental sustainability in Northern Virginia, the NVRC has promoted programs related to shoreline stabilization, watershed management, Chesapeake Bay conservation, green infrastructure, and solar energy; and

WHEREAS, other NVRC initiatives include promoting tourism to Northern Virginia, working with the private and public sectors on issues related to cyber security and workforce development, and conducting studies and implementing programs to alleviate traffic congestion in the region; and

WHEREAS, throughout its history, the NVRC has been a force for positive change that has brought community leaders together and has improved the quality of life of the residents of Northern Virginia; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Northern Virginia Regional Commission on its service to the region on the occasion of its 70th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Northern Virginia Regional Commission as an expression of the General Assembly's admiration for its many accomplishments and best wishes for continued success.

**HOUSE JOINT RESOLUTION NO. 235**

*Commending Beth Laine.*

Agreed to by the House of Delegates, March 6, 2018

Agreed to by the Senate, March 5, 2018

WHEREAS, Beth Laine, an art teacher at William Monroe High School in Stanardsville, has worked with enthusiasm to educate high school students and promote the arts in the school and community; and

WHEREAS, Beth Laine is a proud graduate of Virginia Polytechnic Institute and State University with a degree in art, specializing in graphic design; and

WHEREAS, during Beth Laine's 10-year tenure at William Monroe High School, she created the Greene County Arts Festival, which has grown from humble beginnings to a county-wide event featuring not only students of the arts, but also local professional artists and garnering an attendance of more than 7,000 people in 2016 and 2017; and

WHEREAS, Beth Laine's students have been recognized as winners of numerous art contests sponsored by a wide range of organizations, from Shenandoah National Park to the Shelter for Domestic Violence; one student won a \$5,000 scholarship from The Veterans of Foreign Wars for her piece related to veterans; and

WHEREAS, Beth Laine teaches students in every medium, exposing them to all facets of artistic opportunity to enrich their creative experience; and

WHEREAS, Beth Laine was voted Educator of the Year for Greene County Public Schools in 2015 for her exceptional teaching, leadership skills, and positive influence on the lives of her students; and

WHEREAS, in 2017, for National Portfolio Day, Beth Laine's Advanced Placement art students received three 4s and seven 5s, with a perfect score being 5; and

WHEREAS, Beth Laine's art students have been asked to display their works at the prestigious Woodberry Forest Show, Shenandoah National Park, Greene County Arts Festival, Greene County Art Crawl, the Charlottesville Airport, and the office of the Honorable Robert B. Bell at the State Capitol, for the world to see and be affected by; and

WHEREAS, on January 1, 2015, Beth Laine was selected from a pool of hundreds of nominees as one of the *Daily Progress* "Distinguished Dozen" for making a difference in the lives of others; this prestigious honor sets her in a class of her own and brings honor to the Greene County community; and

WHEREAS, Beth Laine's cutting-edge approach to finding the newest art techniques and materials as well as to engaging in further study to give students unique opportunities is a tireless contribution to the welfare of young people; and

WHEREAS, Beth Laine has shown great vision and much patience teaching her students and has upheld the Virginia Standards of Learning, displaying leadership and skillfully sharing her expertise and talents; and

WHEREAS, Beth Laine's love for the arts, her students, and the community have greatly impacted Greene County and the Commonwealth; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Beth Laine for her exemplary work to enrich the lives of young people as an educator; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Beth Laine as an expression of the General Assembly's admiration for her selfless contributions to William Monroe High School, Greene County, and the Commonwealth.

### HOUSE JOINT RESOLUTION NO. 236

*Commending Mary-Margaret Cash.*

Agreed to by the House of Delegates, February 16, 2018

Agreed to by the Senate, February 22, 2018

WHEREAS, for over 15 years, Mary-Margaret Cash provided invaluable service to the Commonwealth as assistant commissioner of the Virginia Department for Aging and Rehabilitative Services; and

WHEREAS, a graduate of Lynchburg College, Mary-Margaret Cash began her tenure as assistant commissioner of the Virginia Department for Aging and Rehabilitative Services in June 2002 and remained in the role until September 30, 2017; and

WHEREAS, during her career with the Virginia Department for Aging and Rehabilitative Services, Mary-Margaret Cash served as director of the Community Based Services Division and was dogged in her efforts to increase the employment, independence, and inclusion of individuals with severe disabilities; and

WHEREAS, Mary-Margaret Cash brought her extensive experience to a number of leadership roles, including service on the Virginia Board for People with Disabilities, the President's Committee on Employment for People with Disabilities, and the Statewide Independent Living Council; and

WHEREAS, Mary-Margaret Cash also served as secretary for the National Association of Governors' Committees on People with Disabilities, coordinator for the Virginia ADA Education Coalition, and Virginia's liaison to the National Association of Councils on Developmental Disabilities; in addition, she acted as a consultant to a Washington-based public affairs firm; and

WHEREAS, throughout her career, Mary-Margaret Cash has been steadfast in her commitment to aiding disabled Virginians through public policy initiatives, outreach efforts, and the expansion of services; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Mary-Margaret Cash on her years of service to the Virginia Department for Aging and Rehabilitative Services and her tireless efforts to enhance the lives of individuals with disabilities; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Mary-Margaret Cash as an expression of the General Assembly's admiration for her impressive career accomplishments and best wishes for the future.

**HOUSE JOINT RESOLUTION NO. 237**

*Commending the Loudoun County Chamber of Commerce.*

Agreed to by the House of Delegates, February 16, 2018

Agreed to by the Senate, February 22, 2018

WHEREAS, the Loudoun County Chamber of Commerce was established on December 18, 1968, formalizing a long tradition of business associations in Loudoun County; and

WHEREAS, from humble beginnings, the Loudoun County Chamber of Commerce has grown to become the largest chamber of commerce in Northern Virginia, with more than 1,250 members forming the premier network of business and community leaders in one of the nation's most economically vibrant and fastest-growing counties; and

WHEREAS, the Loudoun County Chamber of Commerce membership represents businesses, nonprofit organizations, and public-sector partners of every size and industry in Loudoun County; and

WHEREAS, the Loudoun County Chamber of Commerce is an active promoter of Loudoun County as a world-class destination for commercial investment and tourism; and

WHEREAS, the Loudoun County Chamber of Commerce produces more than 100 programs and events that provide local businesses and their employees with marketing exposure, professional development, and valuable networking opportunities to connect with their peers and engage with political and community leaders; and

WHEREAS, the Loudoun County Chamber of Commerce offers local business leaders exclusive opportunities to shape the vital legislative and public policy issues impacting Loudoun County's economy and quality of life; and

WHEREAS, the Loudoun County Chamber of Commerce is a dynamic organization filled with talented entrepreneurs and visionary leaders who are dedicated to making Loudoun County the nation's finest place to live, work, and grow a business; and

WHEREAS, Northern Virginia's top businesses are Loudoun County Chamber of Commerce members because the chamber provides them with the resources, connections, and leadership they need to succeed in a competitive environment; and

WHEREAS, the Loudoun County Chamber of Commerce commemorated the historic milestone of its 50th anniversary at its annual meeting on January 26, 2018; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Loudoun County Chamber of Commerce on the occasion of its 50th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Loudoun County Chamber of Commerce as an expression of the General Assembly's admiration for its contributions to Northern Virginia and the Commonwealth.

**HOUSE JOINT RESOLUTION NO. 238**

*Commending the Westfield High School field hockey team.*

Agreed to by the House of Delegates, February 16, 2018

Agreed to by the Senate, February 22, 2018

WHEREAS, the Westfield High School field hockey team of Chantilly won the Virginia High School League Class 6 state final on November 11, 2017, claiming its second state title; and

WHEREAS, the Westfield High School Bulldogs' championship win was the culmination of an undefeated 24-0 season, the first in the program's history; and

WHEREAS, in a tightly contested final, the Westfield High School field hockey team defeated the First Colonial High School Patriots 2-1; and

WHEREAS, senior midfielder Mackenzie Karl opened the scoring for the Westfield High School Bulldogs in the first half with a strike off a penalty corner; the team then surrendered a point before senior defender Delaney Golian put away the championship-winning shot off a rebound early in the second half; and

WHEREAS, throughout their sparkling season, the Westfield High School field hockey team played with energy and precision; senior Mackenzie Karl scored in every game, and the defense, led by senior goalkeeper Payton Moore, allowed just seven goals all season; and

WHEREAS, the Westfield High School field hockey team's state title win is a tribute to the skill and hard work of its players, the leadership and commitment of its coaches and staff, and the spirited support of fans, family members, and the entire Westfield High School community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Westfield High School field hockey team on winning the 2017 Virginia High School League Class 6 state championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Starr Karl, coach of the Westfield High School field hockey team, as an expression of the General Assembly's admiration for the team's impressive accomplishments.

**HOUSE JOINT RESOLUTION NO. 239**

*Commending the Monacan High School girls' basketball team.*

Agreed to by the House of Delegates, February 16, 2018

Agreed to by the Senate, February 22, 2018

WHEREAS, the Monacan High School girls' basketball team of Chesterfield County secured its third straight state title, winning the Virginia High School League Group 4A championship game on March 10, 2017, at the Siegel Center in Richmond; and

WHEREAS, the victory in the state championship game was the final chapter in a remarkable season for the Monacan High School Chiefs, who regularly dominated opponents and finished the year with an unblemished 30-0 record for the first time in the program's history; and

WHEREAS, in the thrilling state final, the Monacan Chiefs defeated the King's Fork High School Bulldogs 60-59 to claim the championship; and

WHEREAS, the Monacan High School girls' basketball team held a four-point lead at halftime, but later trailed by 11 points before mounting a fourth quarter comeback; after a frantic final two minutes that included five lead changes, the Monacan Chiefs scored the winning basket with just 15 seconds left in the game; and

WHEREAS, guard Megan Walker led the Monacan Chiefs with 35 points and 11 rebounds in the state final; the standout senior was also selected as the 2016-2017 Gatorade National Girls Basketball Player of the Year; and

WHEREAS, the championship victory clinched the Monacan Chiefs' third straight state title; over the last three seasons, the team has an outstanding 83-5 record; and

WHEREAS, the Monacan High School girls' basketball team's undefeated season is a testament to the talent and dedication of all its student-athletes, the guidance of its coaches and staff, and the enthusiastic support of friends, family, and the entire Monacan High School community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Monacan High School girls' basketball team on winning the Virginia High School League Group 4A state championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Larry Starr, head coach of the Monacan High School girls' basketball team, as an expression of the General Assembly's admiration for the team's exceptional achievements.

**HOUSE JOINT RESOLUTION NO. 240**

*Commending the Historic 1917 Courthouse in Chesterfield County.*

Agreed to by the House of Delegates, February 16, 2018

Agreed to by the Senate, February 22, 2018

WHEREAS, the cornerstone for the Historic 1917 Courthouse in Chesterfield County was laid on October 26, 1917, and the county celebrated the 100th anniversary of this occasion in 2017; and

WHEREAS, the 1917 Courthouse is a point of pride in the Chesterfield community, and the county strives to preserve this important historical site for future generations; and

WHEREAS, the 1917 Courthouse is a Chesterfield County Historic Landmark and a Virginia Historic Landmark, and it is listed on the National Register of Historic Places; and

WHEREAS, the 1917 Courthouse sits on the same site where the first colonial courthouse, built in 1749, was once located; and

WHEREAS, in 1916, plans were made to demolish the 1749 courthouse and replace it with a larger and more modern one; this decision was met with opposition from some residents, and resulted in the first preservation struggle in Chesterfield County, which was ended when the Board of Supervisors elected to construct the new building, the 1917 Courthouse, which was opened after only eight months of construction; and

WHEREAS, the 1917 Courthouse is an excellent example of the Colonial Revival style of architecture, with four prominent Roman Doric columns and portico, crowned with an octagonal belfry, and an interior courtroom that boasts the original woodwork; and

WHEREAS, for many years, the cupola of the 1917 Courthouse contained a bell from the 1749 courthouse, which is the oldest historical artifact in Chesterfield County and is three years older than the Liberty Bell; as part of that centennial commemoration, Chesterfield County's 1917/1918 Centennial Committee replaced the 1749 bell with a restored 1860 bell;

the 1749 bell was cleaned, stabilized, and placed on permanent display in the Chesterfield County Museum to preserve it for the future, and so that Chesterfield County residents can remember when it was rung when court was in session; and

WHEREAS, the cornerstone of the 1917 Courthouse was inscribed with the names of the Board of Supervisors at that time, and was laid by members of the Masons on October 26, 1917; and

WHEREAS, as part of the ceremony on October 26, 1917, a county fair was held; there were speeches by politicians, and 100 men who had been drafted for World War I were camped on the courthouse green; and

WHEREAS, Chesterfield County's 1917/1918 Centennial Committee also planned a special event for October 26, 2017, to commemorate the day that the cornerstone of the 1917 Courthouse was laid; the 1860 replacement courthouse bell was unveiled and rung, the 1749 bell was on display in the Chesterfield County Museum, a new interpretive sign was unveiled, and a reenactment of the first case in the courthouse was performed; and

WHEREAS, the Chesterfield County Historic 1917 Courthouse, the 1917/1918 Centennial Committee, and Fort Lee collaborated to celebrate this commemorative year since Fort Lee also celebrated its 100th anniversary; and

WHEREAS, Chesterfield County residents should feel pride that the 1917 Courthouse represents a revered, important, and well-preserved historic building that is part of other preserved buildings on the courthouse green, including the 1828 Clerk's Office, the 1889 Clerk's Office, and the 1892 Old Jail; and

WHEREAS, renovations to the 1917 Courthouse were completed and the building was rededicated in 2014; it continues to be used to hear cases by the Chesterfield County Courts; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Historic 1917 Courthouse in Chesterfield County on the occasion of its 100th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Chesterfield Historical Society of Virginia as an expression of the General Assembly's admiration for the history and heritage of Chesterfield County.

**HOUSE JOINT RESOLUTION NO. 241**

*Commending Clarene Helen Vickery.*

Agreed to by the House of Delegates, February 16, 2018

Agreed to by the Senate, February 22, 2018

WHEREAS, Clarene Helen Vickery, a leading citizen of Vienna, Fairfax County, and the Commonwealth who, for the past 67 years, has been an active citizen as an early childhood educator, businesswoman, church leader, mother, grandmother, and great-grandmother, will celebrate her 100th birthday on May 22, 2018; and

WHEREAS, a member of the Greatest Generation, Clarene Helen Vickery was born on a farm near Collins, Mississippi, and worked for the National Youth Administration during the Great Depression; during World War II, she supported her husband, Lieutenant Colonel Raymond E. Vickery, Sr., on the home front, mothering their young sons as he fought in tanks at the D-Day invasion of Normandy, the Battle of the Bulge, and against the Nazis in other battles; and

WHEREAS, Clarene Helen Vickery worked her way through college and became one of the leading early childhood educators in the Commonwealth, founding the Parkwood School 62 years ago and serving as its director ever since; more than 10,000 students have attended her school; and

WHEREAS, Clarene Helen Vickery has been recognized with a Lifetime Achievement Award from the Virginia Association for Early Childhood Education and a Certificate of Recognition from the Fairfax County Health Department for her more than six decades of support for the health and well-being of children; and

WHEREAS, Clarene Helen Vickery has been a successful businesswoman, receiving the Business Person of the Year award from the Greater Vienna Chamber of Commerce, and an active member of the Vienna business community, serving as the grand marshal of the Vienna Halloween Parade and in many other capacities; and

WHEREAS, guided by her faith in all her good works, Clarene Helen Vickery was a founding member of Providence Baptist Church in McLean and has been a member of the Vienna Baptist Church for 60 years, serving as a Sunday school director; and

WHEREAS, Clarene Helen Vickery is a dedicated mother, grandmother, and great-grandmother who, with her husband "Vick," raised four sons, the Honorable Raymond E. Vickery, Jr.—who served as a member of the Virginia House of Delegates from 1974 to 1980, during which time his father served as a legislative aide—Dr. Donald Michael Vickery, professor Kenneth P. Vickery, and screenwriter Steven L. Vickery; she has seven grandchildren and four great-grandchildren; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Clarene Helen Vickery for her 62 years of service to the students of the Parkwood School on the occasion of her 100th birthday in 2018; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Clarene Helen Vickery as an expression of the General Assembly's admiration for her many years of service to her family, the community, the Commonwealth, and the nation.

**HOUSE JOINT RESOLUTION NO. 242***Celebrating the life of Edna Ware Taylor.*

Agreed to by the House of Delegates, February 16, 2018

Agreed to by the Senate, February 22, 2018

WHEREAS, Edna Ware Taylor, a woman of deep and abiding faith and a hardworking member of the Roanoke community who made many contributions to young people, died on January 16, 2018; and

WHEREAS, a native of Manning, South Carolina, Edna Taylor worked to support her four children while teaching them to be responsible members of the community, to respect themselves and others, and to strive for success in all their endeavors; and

WHEREAS, Edna Taylor later moved to Greensboro, North Carolina, where she cared for several homeless children in the area and founded the first Head Start program at Hayes-Taylor Memorial YMCA and served as director of its Kiddie Kollege preschool program from 1970 to 1980; and

WHEREAS, Edna Taylor also served young people as a troop leader in the Girl Scouts of the United States of America, president and member of several parent-teacher associations, and president of the James B. Dudley High School Booster Club; and

WHEREAS, guided by her strong faith throughout her life, Edna Taylor enjoyed fellowship and worship with the congregations of St. James Baptist Church in Greensboro and Sweet Union Baptist Church in Roanoke; and

WHEREAS, Edna Taylor will be fondly remembered and greatly missed by her children, Karen, Denise, Onzlee, and Anthony, and their families, and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Edna Ware Taylor, a vibrant member of the Roanoke community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Edna Ware Taylor as an expression of the General Assembly's respect for her memory.

**HOUSE JOINT RESOLUTION NO. 243***Commending Air India.*

Agreed to by the House of Delegates, February 16, 2018

Agreed to by the Senate, February 22, 2018

WHEREAS, Air India began offering nonstop service from Indira Gandhi International Airport in New Delhi to Dulles International Airport in 2017; and

WHEREAS, Air India's inaugural flight to Dulles International Airport touched down on July 7, 2017, and was greeted with a gate-side Indian prayer ceremony, a ribbon cutting, and a special luncheon for dignitaries; and

WHEREAS, Dulles International Airport is the fifth location in the United States to offer direct service to India via the airline; Air India will operate three nonstop, round-trip flights from the airport every week; and

WHEREAS, in 2015, more than 122,000 people visited the National Capital region from India, and that number is expected to increase, especially thanks to Air India's flights to Dulles; and

WHEREAS, Air India's direct service is expected to bring an additional 30,000 tourists and business travelers to the Washington, D.C., metropolitan region, which will have an estimated economic impact of \$30 million; and

WHEREAS, Air India will receive tourism assistance from the Virginia Tourism Corporation, Capital Region USA, and Destination DC to maximize travel on this new, convenient route; and

WHEREAS, Virginia is home to a large Indian American population, and Air India's direct flights to Dulles will continue to strengthen the Commonwealth's significant relationship with India; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Air India on the occasion of its inaugural nonstop flight from Indira Gandhi International Airport in New Delhi to Dulles International Airport; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Air India as an expression of the General Assembly's admiration for the airline's efforts to make the Commonwealth and the National Capital region welcoming to international travelers.

**HOUSE JOINT RESOLUTION NO. 244***Commending the Potomac Falls High School girls' lacrosse team.*

Agreed to by the House of Delegates, February 16, 2018

Agreed to by the Senate, February 22, 2018

WHEREAS, the Potomac Falls High School girls' lacrosse team won the Virginia High School League Class 5A state championship on June 10, 2017, in Fairfax; and

WHEREAS, in a repeat of the previous year's state final, the Potomac Falls High School Panthers faced off against the George C. Marshall High School Statesmen; and

WHEREAS, following a tense, seesaw matchup, the Potomac Falls Panthers triumphed over the George Marshall Statesmen 12-9 to secure their second straight state championship; and

WHEREAS, the Potomac Falls Panthers struck first in the state championship with a goal from senior Kelsey Curl, but the George Marshall Statesmen answered almost immediately; and

WHEREAS, the back-and-forth scoring continued during the first half, and despite strong offensive play from the Potomac Falls Panthers and goals from Kat Wood and Tori Birks, the two teams were tied at the break; and

WHEREAS, the George Marshall Statesmen took the lead in the second half, but the Potomac Falls Panthers bounced back thanks to scores from Kelsey Curl, Karis Roberts, and Tori Birks, as well as multiple saves from sophomore goalie Grace Hyde; and

WHEREAS, after taking a three-goal lead with three minutes left in the game, the Potomac Falls Panthers held on to clinch a well-deserved state championship victory; and

WHEREAS, in recognition of his team's back-to-back state titles, Potomac Falls Panthers head coach Jim Birks was named the Class 5A All-State Coach of the Year; in addition, senior Tori Birks was named the All-State Player of the Year, players Kelsey Curl, Molly DeCarli, and Karis Roberts were selected for the All-State first team, and Madelyn DeCarli was named to the All-State second team; and

WHEREAS, the Potomac Falls High School girls' lacrosse team's state championship victory is a tribute to the dedication of all its talented student-athletes, the excellent guidance of its coaches and staff, and the passionate support of family members, friends, and the entire Potomac Falls High School community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Potomac Falls High School girls' lacrosse team on winning the 2017 Virginia High School League Class 5A state championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Jim Birks, head coach of the Potomac Falls High School girls' lacrosse team, as an expression of the General Assembly's admiration for the team's stellar season.

### HOUSE JOINT RESOLUTION NO. 245

*Celebrating the life of Barbara S. Klotz.*

Agreed to by the House of Delegates, February 16, 2018

Agreed to by the Senate, February 22, 2018

WHEREAS, Barbara S. Klotz, director of Legislative Services for the Virginia Department of Motor Vehicles, died on November 11, 2017; and

WHEREAS, Barbara S. Klotz was born in Richmond and was the daughter of Ray and Lib Klotz; and

WHEREAS, Barbara S. Klotz graduated from Virginia Polytechnic Institute and State University and dedicated her career to public service in the Commonwealth for 43 years, including 31 years with the Virginia Department of Motor Vehicles; and

WHEREAS, Barbara S. Klotz will be fondly remembered as a tireless and faithful public servant for the people of the Commonwealth; and

WHEREAS, a woman of immense generosity and grace, Barbara S. Klotz was deeply devoted to caring for all living beings; and

WHEREAS, Barbara S. Klotz consistently supported charitable organizations by participating in the Commonwealth of Virginia Campaign, and she generously made and donated an abundant supply of her delicious baked goods to raise money for charitable causes throughout the years; and

WHEREAS, Barbara S. Klotz enjoyed preparing and delivering meals for those who were ill or in need; and

WHEREAS, Barbara S. Klotz was well-known for her care of her beloved rottweilers and other canine breeds, training and showing them in competition; having competed throughout the East Coast, she was particularly revered for her skill at superior canine training; and

WHEREAS, Barbara S. Klotz will be greatly missed by her brothers, Richard, William, and Raymond, Jr., and their wives, as well as nine nieces and nephews, and many other friends and colleagues; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Barbara S. Klotz; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Barbara S. Klotz as an expression of the General Assembly's respect for her memory.

**HOUSE JOINT RESOLUTION NO. 246**

*Commending Blacksburg High School.*

Agreed to by the House of Delegates, February 16, 2018

Agreed to by the Senate, February 22, 2018

WHEREAS, during the 2017-2018 school year, Blacksburg High School is celebrating the fifth anniversary of its new academic building by hosting a special "Year of the Artist" for its students; and

WHEREAS, originally founded in 1952, Blacksburg High School serves more than 1,000 students in Montgomery County; its new school facility opened its doors in the fall of 2013; and

WHEREAS, in recognition of the fifth anniversary of its new building, Blacksburg High School declared the 2017-2018 school year the "Year of the Artist" and is staging several events and exhibitions to shine a light on its students' artistic achievements; and

WHEREAS, Blacksburg High School's "Year of the Artist" will showcase performance and visual arts as well as academic, literary, scientific, and athletic artistic expression; and

WHEREAS, from December 13-20, 2017, Blacksburg High School teamed up with the Moss Arts Center at Virginia Polytechnic Institute and State University to host a student art show; and

WHEREAS, as part of the event, the Moss Arts Center displayed artworks by Blacksburg High School students in three of its galleries as well as an exhibition corridor; and

WHEREAS, Blacksburg High School students provided an eclectic collection of artworks for the exhibition, including paintings, sculptures, a robotic car, and a painted Volkswagen Beetle; and

WHEREAS, in addition, Blacksburg High School's band, chorus, and theater groups staged performances in the Moss Arts Center's Anne and Ellen Fife Theatre; their program featured renditions of "Sleigh Ride" and composer David Maslanka's "Illumination"; and

WHEREAS, through its "Year of the Artist" celebration, Blacksburg High School has fostered the talent and creative expression of its students and allowed them to showcase their work in a state-of-the-art gallery space; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Blacksburg High School on the fifth anniversary of its new building and its "Year of the Artist" celebration; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Brian Kitts, principal of Blacksburg High School, as an expression of the General Assembly's admiration for the school's commitment to excellence and nurturing the creativity of its students.

**HOUSE JOINT RESOLUTION NO. 247**

*Commending James A. Davis.*

Agreed to by the House of Delegates, February 16, 2018

Agreed to by the Senate, March 1, 2018

WHEREAS, on June 30, 2017, James A. Davis retired as Pulaski County sheriff following a distinguished 43-year career in law enforcement; and

WHEREAS, a Pulaski County native, James "Jim" A. Davis attended Pulaski High School and New River Community College; he then earned a bachelor's degree from Bluefield College; and

WHEREAS, Jim Davis began his law-enforcement career in 1974 at the age of 19, when he was recruited to serve as a dispatcher with the Pulaski County Sheriff's Office; he was promoted to patrol deputy a year later and went on to hold various positions within the department; and

WHEREAS, following his first period of service with the Pulaski County Sheriff's Office, Jim Davis served as an investigator for a state agency and as a special agent for the Virginia State Police; and

WHEREAS, in 1997, Jim Davis returned to the Pulaski County Sheriff's Office as a major; he became Pulaski County sheriff a year later after winning a special election and then went on to win five more elections during his 20-year tenure in office; and

WHEREAS, among many other accomplishments during his tenure, Jim Davis oversaw numerous successful criminal investigations, promoted strong working relationships between his deputies and Pulaski County residents, and oversaw the Pulaski County Sheriff's Office's move into a larger and more modern headquarters; and

WHEREAS, during his distinguished career with the Pulaski County Sheriff's Office, Jim Davis earned the trust and respect of his community and served as a mentor and role model for countless fellow law-enforcement officers; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend James A. Davis for his exemplary service to the Commonwealth on the occasion of his retirement as Sheriff of Pulaski County; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to James A. Davis as an expression of the General Assembly's admiration for his long and meritorious career in law enforcement.

**HOUSE JOINT RESOLUTION NO. 248**

*Commending the Loudoun County Sheriff's Office.*

Agreed to by the House of Delegates, February 16, 2018

Agreed to by the Senate, February 22, 2018

WHEREAS, in November 2017, deputies from the Loudoun County Sheriff's Office raised over \$13,500 for cancer research through a partnership with the non-profit organization No-Shave November; and

WHEREAS, launched in 2009, No-Shave November is a charitable initiative that supports cancer prevention, research, and treatment by challenging men to grow their facial hair during the month of November and then donate the money they typically spend on shaving to cancer research; to date, No-Shave November has raised over \$3.5 million to combat cancer with the help of organizations like the Loudoun County Sheriff's Office; the 2017 event benefited the Prevent Cancer Foundation, Fight Colorectal Cancer, and St. Jude Children's Research Hospital; and

WHEREAS, with the approval of Sheriff Mike Chapman, deputies at the Loudoun County Sheriff's Office partnered with No-Shave November and each donated \$25 to participate in the challenge; and

WHEREAS, over 175 Loudoun County Sheriff's Office deputies joined with other law-enforcement agencies from across the nation in No-Shave November; along with raising money for cancer research, they used the challenge to educate residents about cancer prevention; and

WHEREAS, female deputies at the Loudoun County Sheriff's Office participated by making donations and wearing ribbons in their hair to show their support; Loudoun County residents were also encouraged to join the challenge and raise money; and

WHEREAS, after surpassing its original funding goal of \$2,500 in just 24 hours, the Loudoun County Sheriff's Office eventually raised over \$13,500 and became one of No-Shave November's top fundraisers among law-enforcement agencies; and

WHEREAS, through its partnership with No-Shave November, the Loudoun County Sheriff's Office provided funding for a worthy cause and helped raise awareness in the ongoing fight against cancer; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Loudoun County Sheriff's Office on raising over \$13,500 for cancer research and treatment; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Loudoun County Sheriff's Office as an expression of the General Assembly's admiration for its commitment to helping others and supporting charitable causes.

**HOUSE JOINT RESOLUTION NO. 249**

*Commending the Briar Woods High School cheerleading team.*

Agreed to by the House of Delegates, February 16, 2018

Agreed to by the Senate, February 22, 2018

WHEREAS, the Briar Woods High School cheerleading team of Ashburn won the Virginia High School League Class 5A state competition cheer championship on November 4, 2017, claiming its second state title in three years and its sixth state championship overall; and

WHEREAS, the Briar Woods High School Falcons' state title capped off a fantastic year that saw the team capture the Region 5A title on October 28, 2017; and

WHEREAS, in the eight-team state championship staged at the Siegel Center in Richmond, the Briar Woods Falcons performed a challenging routine of stunts, pyramids, and tumbling that required great endurance and pinpoint execution; and

WHEREAS, the Briar Woods Falcons nailed their difficult routine to earn a score of 264 points, besting several talented teams and defeating the runner-up Tuscarora High School Huskies by 12.5 points; and

WHEREAS, the Briar Woods Falcons' championship was their sixth state cheerleading title overall; the team previously won four straight state championships between 2009 and 2012; and

WHEREAS, the Briar Woods High School cheerleading team's victory is a testament to the hard work and dedication of its talented student-athletes, the excellent guidance of its coaches and staff, and the passionate support of friends, family members, and the entire Briar Woods High School community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Briar Woods High School cheerleading team on winning the 2017 Virginia High School League Class 5A state competition cheer championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Lucia Curry, head coach of the Briar Woods High School cheerleading team, as an expression of the General Assembly's admiration for the team's spectacular season.

**HOUSE JOINT RESOLUTION NO. 250**

*Celebrating the life of Louise Fletcher King Eastham.*

Agreed to by the House of Delegates, February 16, 2018  
 Agreed to by the Senate, February 22, 2018

WHEREAS, Louise Fletcher King Eastham, a beloved mother and a dedicated member of the Rappahannock County community who gave generously of her time in service to others, died on November 28, 2017; and

WHEREAS, born in Alexandria, Louise Eastham moved to Rappahannock County as a girl and eventually settled with her parents at Ben Venue, a historic mid-19th century family homestead; and

WHEREAS, after eloping with her husband, Thomas Lindsay Eastham, in 1952, Louise Eastham earned her teaching degree from Madison College in Harrisonburg, where she was named May Queen her senior year; and

WHEREAS, Louise Eastham taught first and second grade in Front Royal for several years; after starting a family, she devoted herself full-time to raising her children and running the family cattle farm with her husband; and

WHEREAS, a devoted resident of Rappahannock County, Louise Eastham was active in numerous organizations, including the Daughters of the American Revolution, the Valley Garden Club, and the Bridge Club; and

WHEREAS, a woman of strong faith, Louise Eastham was a longtime parishioner at Trinity Episcopal Church in Washington, where she was a dedicated volunteer who helped organize the annual house tour; and

WHEREAS, an avid traveler, Louise Eastham was happiest when spending time with family or visiting Colonial Williamsburg with her grandchildren; and

WHEREAS, predeceased by her husband, Thomas, and daughter, Stuart, Louise Eastham will be fondly remembered and greatly missed by her children, Fletcher and Lindsay, and their families, as well as countless other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Louise Fletcher King Eastham, a devoted citizen who tirelessly served the Rappahannock County community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Louise Fletcher King Eastham as an expression of the General Assembly's respect for her memory.

**HOUSE JOINT RESOLUTION NO. 251**

*Celebrating the life of Senta Amon Raizen.*

Agreed to by the House of Delegates, February 16, 2018  
 Agreed to by the Senate, February 22, 2018

WHEREAS, Senta Amon Raizen, a well-known educator and a respected leader in the Arlington community, died on December 23, 2017; and

WHEREAS, a native of Austria, Senta Raizen witnessed the annexation of the country by the Nazis in 1938 and escaped to the United States with the help of the American Friends Service Committee; and

WHEREAS, recognized nationally and internationally for her contributions to science education, Senta Raizen touched the lives of countless students throughout the Commonwealth, the United States, and the world; and

WHEREAS, in 1988, Senta Raizen founded the National Center for Improving Science Education, where, for more than 20 years, she led initiatives to promote science literacy among students and help prepare teachers to present science education effectively; and

WHEREAS, Senta Raizen's beloved husband, Al, died on December 31, 2017; she will be fondly remembered and greatly missed by her children, Helen, Michael, and Daniel, and their families, and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Senta Amon Raizen; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Senta Amon Raizen as an expression of the General Assembly's respect for her memory.

**HOUSE JOINT RESOLUTION NO. 252**

*Commending Wayne H. Nickum.*

Agreed to by the House of Delegates, February 16, 2018  
 Agreed to by the Senate, February 22, 2018

WHEREAS, Wayne H. Nickum, a dedicated public servant and a passionate community leader, has served the Town of Clifton and its residents for more than four decades, including 10 years as mayor; and

WHEREAS, in the early 1970s, Wayne Nickum moved to Clifton, where he and his wife, Donna, raised their two sons, Charlie and David; he quickly became involved in local civic life, joining the Clifton Town Council in 1974; and

WHEREAS, desirous to be of further service, Wayne Nickum ran for and was elected mayor, holding office from 1982 to 1992; he returned to the Clifton Town Council from 1992 to 2004 and again from 2006 to the present; and

WHEREAS, during his tenure as mayor, Wayne Nickum helped the Clifton community preserve its unique heritage and maintain its rural charms, an impressive feat given the town's proximity to the bustle of Washington, D.C.; and

WHEREAS, Wayne Nickum oversaw the acquisition of the old town hall building for use as an office and museum for local historical artifacts and helped establish the Clifton Betterment Association, a nonprofit town improvement fund; and

WHEREAS, among his proudest accomplishments, Wayne Nickum helped secure a place for the Clifton Historic District on the Virginia Landmarks Register and the National Register of Historic Places; and

WHEREAS, in addition to his focus on historic preservation, Wayne Nickum also made government more efficient by adopting new technology, leading efforts to digitize town records and reformat town ordinances; and

WHEREAS, Wayne Nickum's years of tireless service have earned him the respect and admiration of all his fellow Clifton residents, and in 2003, he received the first-ever Town of Clifton Community Service Award for Lifetime Achievement; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Wayne H. Nickum for his exceptional leadership to the Town of Clifton; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Wayne H. Nickum as an expression of the General Assembly's admiration for his contributions to the Clifton community and the Commonwealth.

**HOUSE JOINT RESOLUTION NO. 253**

*Celebrating the life of Robert Lee Stephens, Jr.*

Agreed to by the House of Delegates, February 16, 2018  
 Agreed to by the Senate, February 22, 2018

WHEREAS, Robert Lee Stephens, Jr., a devoted husband and father, accomplished attorney, and active member of the Irvington community, died on August 11, 2017; and

WHEREAS, born in Richmond, Lee Stephens grew up in Irvington and attended Chesapeake Academy and the Woodberry Forest School; he then earned a bachelor's degree from the University of Virginia, where he was a member of the St. Anthony Hall fraternity; and

WHEREAS, following his graduation, Lee Stephens served in the United States Navy as an officer aboard the destroyer USS *Scott*; he later returned to school and earned a juris doctor degree from The College of William and Mary; and

WHEREAS, Lee Stephens began his legal career at the Richmond law firm Williams Mullen while serving in the United States Naval Reserve; in 1990, he returned to his beloved hometown of Irvington to serve as president and general counsel of the Tides Inn, a resort founded by his grandparents; and

WHEREAS, after his family sold the Tides Inn in 2001, Lee Stephens practiced law and represented clients before the Virginia General Assembly with the firm Spotts Fain before opening his own practice in downtown Irvington and establishing himself as a respected specialist in conservation easements; and

WHEREAS, in addition to his successful law career, Lee Stephens volunteered his time and talents as a board member with several organizations, including the Foundation for Historic Christ Church, the Library of Virginia Foundation, the North American Land Trust, the Northern Neck Insurance Company, the Steamboat Era Museum, and Virginia Forever; and

WHEREAS, Lee Stephens was active in the Northern Neck Land Conservancy, the Resort Hotel Association, the Virginia Bar Association, and the Virginia Society of Association Executives; a lifelong supporter of Irvington, he also served as master of ceremonies at the town's Fourth of July parade; and

WHEREAS, remembered for his integrity, charisma, positive outlook, and infectious smile, Lee Stephens will be greatly missed by his wife of 37 years, Jarrett; his sons, Robert III and James, and their families; his parents, Bob Lee and Suzy; and numerous other family members, friends, and Irvington residents; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Robert Lee Stephens, Jr., a respected business leader and pillar of the Irvington community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Robert Lee Stephens, Jr., as an expression of the General Assembly's respect for his memory.

#### HOUSE JOINT RESOLUTION NO. 254

*Commending the March for Life.*

Agreed to by the House of Delegates, February 16, 2018

Agreed to by the Senate, February 22, 2018

WHEREAS, the March for Life, an annual rally to protest the practice of abortion, promote the value of human life, and advocate on behalf of unborn children, held its 45th march in 2018; and

WHEREAS, established in October 1973, the first March for Life was organized by the late Nellie Gray, a pro-life activist, as a response to the landmark ruling in Roe v. Wade, which legalized abortion in the United States; and

WHEREAS, held in January each year, the March for Life has grown from a small demonstration to the largest pro-life event in the world, with thousands of attendees meeting at the National Mall and marching to the United States Supreme Court Building; and

WHEREAS, the March for Life strives to create a world where every human life is valued and protected and raises awareness of the effects of legalized abortion on the lives of women and unborn children; and

WHEREAS, the March for Life provides an opportunity for pro-life groups to unite around a common message of the importance of every human life and work to communicate that message to government officials and members of the public in a peaceful, powerful way; and

WHEREAS, the March for Life draws pro-life activists and leaders from many walks of life, and many pro-life events are held in conjunction with the rally, such as candlelight vigils, prayer services, and conferences; in 2010, the nonprofit organization Americans United for Life created an online virtual march for people unable to travel to Washington, D.C.; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the March for Life on the occasion of its 45th anniversary in 2018; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the March for Life as an expression of the General Assembly's admiration for its life-affirming mission.

#### HOUSE JOINT RESOLUTION NO. 255

*Commending the Free Clinic of Culpeper.*

Agreed to by the House of Delegates, February 16, 2018

Agreed to by the Senate, February 22, 2018

WHEREAS, in 2017, the Free Clinic of Culpeper celebrated 25 years of providing high-quality, patient-centered medical care to citizens who do not have health insurance or the ability to pay; and

WHEREAS, founded in November 1992, the Free Clinic of Culpeper serves Culpeper residents ages 18 to 65 who have incomes below 200 percent of the federal poverty level; and

WHEREAS, operated by the nonprofit Culpeper Wellness Foundation, the Free Clinic of Culpeper provides a wide range of health services, including treatment for acute illnesses and preventative maintenance for chronic conditions such as diabetes and hypertension; and

WHEREAS, each year, the Free Clinic of Culpeper serves several hundred patients and dispenses over 8,500 prescriptions valued at \$1.4 million through its licensed, on-site pharmacy; and

WHEREAS, the Free Clinic of Culpeper has a six-person staff that includes a director, a physician's assistant, a nurse, a referrals coordinator, a patient care coordinator, and an administrative coordinator; it also relies on roughly 40 dedicated volunteers, at least 15 of whom are medical providers; and

WHEREAS, partially funded by Culpeper County and the National Association of Free and Charitable Clinics, the Free Clinic of Culpeper also raises money through its annual Oyster Fest, which features food and entertainment as well as a silent auction and raffle; and

WHEREAS, since its founding, the Free Clinic of Culpeper has been steadfast in its commitment to providing vital health services for those in need; its talented staff and volunteers have improved quality of life for countless residents of Culpeper; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Free Clinic of Culpeper for its invaluable service to the community on the occasion of its 25th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Free Clinic of Culpeper as an expression of the General Assembly's admiration for its many contributions to public health in Culpeper.

**HOUSE JOINT RESOLUTION NO. 256**

*Celebrating the life of Martha Alice Wright.*

Agreed to by the House of Delegates, February 16, 2018  
 Agreed to by the Senate, February 22, 2018

WHEREAS, Martha Alice Wright, a respected Culpeper resident who gave generously of her time and talents in service to the community, died on October 12, 2017; and

WHEREAS, born in 1923, Martha Wright attended Culpeper Training School, Norfolk State University, and Cortez Peters Business School and was a retired debit manager with Atlantic Life Insurance Company; and

WHEREAS, a woman of strong and abiding faith, Martha Wright joined Antioch Baptist Church at age 10 and remained an active member for the rest of her life, serving with the youth choir and as a Sunday school teacher; and

WHEREAS, Martha Wright's other contributions to Antioch Baptist Church included serving as first chair of the Usher and Christian Education Boards and as a first bulletin clerk and past financial clerk; and

WHEREAS, Martha Wright was a dedicated member of the Culpeper community who spent 45 years as a member of the Culpeper Hospital Auxiliary; she was also a life member and past president of the Culpeper NAACP and a charter member and past worthy matron of Piedmont Chapter No. 234 of the Grand Chapter Order of the Eastern Star of Virginia, Prince Hall Affiliation; and

WHEREAS, as an active member of the Grand United Order of Odd Fellows for over 70 years, Martha Wright served as a chapter member and secretary of Juvenile Society No. 2191, a past most noble governor of Household of Ruth No. 1556, a past chair of Sub-District No. 1, and a past chair of auditors of Area 2; and

WHEREAS, predeceased by her siblings, Franklin, Chapman, Mary, Charles, Nellie, and William, Martha Wright will be fondly remembered and greatly missed by many family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Martha Alice Wright, an active citizen who served the residents of Culpeper; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Martha Alice Wright as an expression of the General Assembly's respect for her memory.

**HOUSE JOINT RESOLUTION NO. 257**

*Commending the Heart of Appalachia Tourism Authority.*

Agreed to by the House of Delegates, February 16, 2018  
 Agreed to by the Senate, February 22, 2018

WHEREAS, in 2018, the Heart of Appalachia Tourism Authority celebrates 25 years of promoting the unique culture of Southwest Virginia and its many opportunities for relaxation and recreation; and

WHEREAS, founded in 1993, the Heart of Appalachia Tourism Authority, also known as the Virginia Coalfield Regional Tourism Authority, provides tourism and marketing development to the Counties of Buchanan, Dickenson, Lee, Russell, Scott, Tazewell, and Wise and the City of Norton; and

WHEREAS, the Heart of Appalachia Tourism Authority represents 750 businesses and tourism assets and works diligently to increase visitation to the region; and

WHEREAS, in 2013, the Heart of Appalachia Tourism Authority established the state-certified Heart of Appalachia Visitor Center in St. Paul, and, in 2015, the organization launched a new website to better promote regional communities, attractions, lodging, restaurants, and events; and

WHEREAS, the Heart of Appalachia Tourism Authority has distributed more than 75,000 copies of the *Heart of Appalachia Adventure Guide* and worked with Spearhead Trails to develop a brochure representing the trail system in the region; and

WHEREAS, the Heart of Appalachia Tourism Authority also launched the Fish to Your Heart's Content campaign to showcase the region's many opportunities for fishing and the Appalachian Backroads campaign to encourage drivers to discover and enjoy the region's scenic vistas; and

WHEREAS, the Heart of Appalachia Tourism Authority partnered with the Clinch River Valley Initiative to create the *Tastes of the Clinch* map, a guide to 50 local eateries along Virginia's Hidden River; and

WHEREAS, the Heart of Appalachia Tourism Authority supports local artists and musicians, such as Kaitlyn Baker, a singer-songwriter from Pound, who wrote, performed, and filmed a music video for her song "Heart of Appalachia," which has been used in radio, television, and social media marketing to promote the region; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Heart of Appalachia Tourism Authority on the occasion of its 25th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Heart of Appalachia Tourism Authority as an expression of the General Assembly's admiration for the organization's many contributions to the region and work to increase tourism in the Commonwealth.

**HOUSE JOINT RESOLUTION NO. 258***Commending the Virginia Association of Free and Charitable Clinics, Inc.*

Agreed to by the House of Delegates, February 23, 2018

Agreed to by the Senate, March 1, 2018

WHEREAS, the Virginia Association of Free and Charitable Clinics, Inc., a nonprofit organization that supports and advocates for free and charitable local health care facilities, is celebrating its 25th anniversary in 2018; and

WHEREAS, since 1993, the Virginia Association of Free and Charitable Clinics has connected a system of 60 nonprofit medical, dental, behavioral health, and pharmaceutical clinics across the Commonwealth for the purpose of providing high quality care each year to almost 70,000 low-income, uninsured patients; and

WHEREAS, the Virginia Association of Free and Charitable Clinics provides advocacy, education, technical assistance, leadership development, and other support services to free and charitable clinics so they are able to concentrate their efforts on improving and saving patients' lives; and

WHEREAS, clinics are part of the fabric of the health care safety net in many communities, especially in rural areas, as they serve patients with chronic and often life-threatening illnesses, such as COPD, hypertension, and diabetes; and

WHEREAS, clinics provide a medical home where patients receive compassionate care; and

WHEREAS, 12,500 volunteer doctors, nurses, dentists, pharmacists, mental health providers, and other professionals share their time and talent to treat patients who would not otherwise receive care; and

WHEREAS, clinics provide more than \$182 million of care annually; and

WHEREAS, free and charitable clinics provide tremendous savings to employers, taxpayers, hospitals, and government assistance programs; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Virginia Association of Free and Charitable Clinics, Inc., for its 25 years of service supporting member clinics in their unselfish, compassionate, and generous mission to care for patients in their communities throughout the Commonwealth; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Virginia Association of Free and Charitable Clinics, Inc., as an expression of the General Assembly's admiration and appreciation for its important mission to provide health care to low-income, uninsured patients in the Commonwealth.

**HOUSE JOINT RESOLUTION NO. 259***Commending the J. Michael Lunsford Middle School Lego Lions.*

Agreed to by the House of Delegates, March 2, 2018

Agreed to by the Senate, March 6, 2018

WHEREAS, J. Michael Lunsford Middle School Lego Lions is a robotics team from Chantilly that secured a patent for a lifesaving device they developed as part of an educational competition; and

WHEREAS, in 2013, the Lego Lions participated in a challenge hosted by FIRST LEGO League (FLL), a program that supports science and technology education for young people; along with a robotics component, the competition required teams to complete a research project on the theme of disaster preparedness; and

WHEREAS, the Lego Lions team was comprised of seventh grade students Rohan Arora, Rahul Busayavalasa, Prasan Chari, Caroline Maloney, Grace Maloney, Satya Paruchuri, Connor Patterson, and Samantha Steadman; and

WHEREAS, for their FLL research project, the Lego Lions developed a more practical and less cumbersome life jacket with the goal of saving lives during flash floods and other natural disasters; and

WHEREAS, the Lego Lions created the "Floodie," a life jacket that resembles a hooded sweatshirt in appearance; the jacket self-inflates when submerged in water for more than three seconds and includes a provision pouch stocked with a flashlight, foil blanket, GPS beacon, and enough food and water to allow the user to survive while awaiting rescue; and

WHEREAS, the Lego Lions presented the Floodie prototype at FLL tournaments and were honored with the Research Award at the FLL state championship tournament at James Madison University; and

WHEREAS, along with showcasing the Floodie at FLL competitions, the Lego Lions also submitted their design to the United States Patent and Trademark Office; with the help of the law firm Oblon, which took on their case pro bono, the students secured a patent on their invention in November 2016; and

WHEREAS, the members of the Lego Lions demonstrated creativity, determination, and skill in creating the Floodie and have undoubtedly bright futures ahead of them; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the J. Michael Lunsford Middle School Lego Lions on patenting their Floodie life jacket; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the J. Michael Lunsford Middle School Lego Lions as an expression of the General Assembly's admiration for their impressive accomplishments and best wishes for the future.

**HOUSE JOINT RESOLUTION NO. 260**

*Commending Broad Run High School.*

Agreed to by the House of Delegates, February 16, 2018  
 Agreed to by the Senate, February 22, 2018

WHEREAS, Broad Run High School, an exemplary public secondary school in Ashburn, was ranked by the publication *U.S. News & World Report* as one of the best high schools in the United States in 2017; and

WHEREAS, *U.S. News & World Report* analyzed data from over 22,000 high schools across the United States and named 6,041 schools as gold, silver, or bronze medalists; as a silver medalist, Broad Run High School was ranked 20th in Virginia and 671st in the nation; and

WHEREAS, to earn this prestigious honor, Broad Run High School met or exceeded a series of rigorous criteria that included overall academic performance and subject proficiency, academic performance by economically disadvantaged students, graduation rates, and student participation in advanced placement classes; and

WHEREAS, Broad Run High School recorded an 86 percent student proficiency in mathematics and a 95 percent proficiency in English, outperforming both district and state averages; and

WHEREAS, in addition, Broad Run High School demonstrated a 63 percent student participation in advanced placement classes; and

WHEREAS, Broad Run High School's designation as a top school in the United States is a tribute to the hard work of its students, the leadership and dedication of its administration, faculty, and staff, and the strong partnerships between the school and the Loudoun County community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Broad Run High School on being ranked as one of the best high schools in the nation in 2017 by *U.S. News & World Report*; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Dave Spage, principal of Broad Run High School, as an expression of the General Assembly's admiration for the school's commitment to preparing its students for future success.

**HOUSE JOINT RESOLUTION NO. 261**

*Commending Loudoun County Public Schools.*

Agreed to by the House of Delegates, February 16, 2018  
 Agreed to by the Senate, February 22, 2018

WHEREAS, back-to-back in years 2016 and 2017, Loudoun County Public Schools was named to the 7th and 8th Annual AP District Honor Rolls by the College Board, a nonprofit organization responsible for administering the Advanced Placement (AP) program, which allows high school students to take college-level courses and examinations; and

WHEREAS, the College Board publishes its annual AP District Honor Roll to recognize exemplary achievement in the AP program; Loudoun County Public Schools previously received the distinction on the 1st Annual AP District Honor Roll; and

WHEREAS, Loudoun County Public Schools was one of five school districts in the Commonwealth to earn placement on the 7th Annual AP District Honor Roll, and was one of two districts selected for the 8th Annual Honor Roll; and

WHEREAS, to make the AP District Honor Roll, Loudoun County Public Schools had to increase student participation in AP courses by four percent, increase AP course participation by underrepresented students, and increase or maintain the percentage of students who achieved or surpassed a score of 3 on at least one AP examination; and

WHEREAS, between the 2014-2015 and the 2015-2016 academic years, Loudoun County Public Schools successfully increased the number of AP tests taken by students by over seven percent; during that same period, the district's percentage of students earning scores of 3 or higher on AP examinations increased from 67 percent to 69 percent; and

WHEREAS, Loudoun County Public Schools' back-to-back appearances on the AP District Honor Roll are a testament to the hard work and dedication of its students, faculty, staff, and administrators; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Loudoun County Public Schools on earning recognition on the 7th and 8th Annual AP District Honor Rolls; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Eric Williams, superintendent of Loudoun County Public Schools, as an expression of the General Assembly's admiration for the district's commitment to academic excellence.

**HOUSE JOINT RESOLUTION NO. 262**

*Commending Park View High School.*

Agreed to by the House of Delegates, February 16, 2018  
 Agreed to by the Senate, February 22, 2018

WHEREAS, in 2017, the students, faculty, and staff of Park View High School worked together to build a high-tech learning tool, the augmented reality sandbox; and

WHEREAS, two Park View High School teachers, Allan Edwards and Tom Wellington, discovered the augmented reality sandbox, which consists of a 3D camera that maps the terrain of a sandbox and translates it into a 2D topographical map which can be projected onto a screen or smart board; it is a useful tool for teaching geography and the way geographic formations have affected historical events; and

WHEREAS, the teachers also discovered open-source plans and code, posted online by a University of California-Davis student, which allowed them to create the augmented reality sandbox; they worked with the Loudoun Education Foundation to achieve a classroom grant for Park View High School to build its own augmented reality sandbox; and

WHEREAS, the project required cross-curricular collaboration among the students of Park View High School, with the leadership and guidance of science teacher Pete Randall, engineering drawing teacher Kurt O'Connor, manufacturing teacher Greg Mitchell, technology resource teacher Steve Norman, and principal Kirk Dolson; and

WHEREAS, students from the Park View High School Advanced Placement computer science class worked with engineers from Rockwell Collins to build the device's computer, while other students planned the sandbox using a 3D modeling program; and

WHEREAS, Park View High School manufacturing students constructed the sandbox, ensuring that the device could easily fit through classroom doors and the elevator; used a laser engraver to create a plaque with sponsor names; and painted the device in the school colors of red, white, and blue; and

WHEREAS, a systems integration team combined all of the components and installed the software, optimizing the device to ensure that it was easy for Park View High School teachers to use and that the camera would not need to be recalibrated when the device was moved; and

WHEREAS, the students, faculty, and staff of Park View High School unveiled the augmented reality sandbox at a special event on May 23, 2017, and they were invited to share the results of the project with other Loudoun County Public Schools and at the Inspire Loudoun conference on June 14, 2017; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Park View High School on the completion of its augmented reality sandbox; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Park View High School as an expression of the General Assembly's admiration for the hard work of the school's students, faculty, and administration in building a unique learning tool.

### HOUSE JOINT RESOLUTION NO. 263

*Commending the Rock Ridge High School boys' tennis team.*

Agreed to by the House of Delegates, February 16, 2018

Agreed to by the Senate, February 22, 2018

WHEREAS, the Rock Ridge High School boys' tennis team of Ashburn won the Virginia High School League Class 4A state championship on June 10, 2017, securing the program's first state title; and

WHEREAS, the state championship win marked the end of a sparkling season for the Rock Ridge High School Phoenix, who finished the year with an unblemished 23-0 record; and

WHEREAS, in the state final in Salem, the Rock Ridge Phoenix defeated the John Handley High School Judges 5-2 to clinch the title; the Phoenix had previously beaten the Judges in the 4A West Region championship; and

WHEREAS, the Rock Ridge Phoenix claimed an early advantage in the state championship matchup, going up 4-2 in singles play with victories from Everett Chou, Shawn Keswani, Ethan McFerren, and Arjit Sarkar; and

WHEREAS, the Rock Ridge Phoenix went on to complete their championship victory after besting the John Handley Judges in the doubles round; and

WHEREAS, the tennis championship was the first state athletics title of any kind for Rock Ridge High School, which only opened in 2014; and

WHEREAS, the Rock Ridge High School boys' tennis team's state championship victory is a testament to the skill and dedication of all its student-athletes, the excellent guidance of its coaches and staff, and the enthusiastic support of family, friends, and the entire Rock Ridge High School community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Rock Ridge High School boys' tennis team on winning the 2017 Virginia High School League Class 4A state championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Chris Schamus, head coach of the Rock Ridge High School boys' tennis team, as an expression of the General Assembly's admiration for the team's spectacular undefeated season and best wishes for continued success.

**HOUSE JOINT RESOLUTION NO. 264**

*Commending Fred Matthews.*

Agreed to by the House of Delegates, February 16, 2018  
 Agreed to by the Senate, February 22, 2018

WHEREAS, Fred Matthews, a dedicated first responder who served for 31 years as president of the Parksley Volunteer Fire Company, Inc., retired in 2017 following a distinguished career; and

WHEREAS, Fred Matthews, known as "Freddie" to many of his friends and colleagues, began his service with the Parksley Volunteer Fire Company in 1970 as a junior member; he later held a variety of positions with the company, including chief engineer, assistant engineer, assistant chief, and vice president; and

WHEREAS, in December 1986, Fred Matthews's extensive experience saw him elected president of the Parksley Volunteer Fire Company; in that role, he helped oversee a department that provides lifesaving services to residents of Accomack and Northampton Counties 24 hours a day, seven days a week; and

WHEREAS, in addition to his long tenure with the Parksley Volunteer Fire Company, Fred Matthews has also served as chairman of the Accomack County Fire and Rescue Commission, president and vice president of the Accomack-Northampton Firemen's Association, and president, first vice president, and second vice president of the Delmarva Volunteer Firemen's Association; and

WHEREAS, a devoted resident of the Eastern Shore, Fred Matthews also served as an officer with the Parksley Police Department between 1983 and 1989 and was director of public works and zoning administrator for the Town of Parksley between 2001 and 2017; and

WHEREAS, Fred Matthews's integrity and dedication to the safety of his community have won him the abiding respect, admiration, and affection of the people he has so ably served; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Fred Matthews for his contributions to public safety on the occasion of his retirement as president of the Parksley Volunteer Fire Company, Inc.; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Fred Matthews as an expression of the General Assembly's admiration for his long and meritorious service to the community.

**HOUSE JOINT RESOLUTION NO. 265**

*Commending the Danville Good News Jail & Prison Ministry.*

Agreed to by the House of Delegates, February 16, 2018  
 Agreed to by the Senate, February 22, 2018

WHEREAS, for 40 years, the Danville Good News Jail & Prison Ministry has provided spiritual guidance and support to the inmates and staff of Danville City Jail; and

WHEREAS, Good News Jail & Prison Ministry is an international nonprofit organization that supports Christian chaplains as they serve the inmates and staff of correctional facilities; and

WHEREAS, Good News Jail & Prison Ministry has placed chaplains in more than 100 facilities in the United States and in more than 20 countries worldwide; the Danville Good News Jail & Prison Ministry was established at the invitation of the Danville Sheriff's Office in 1978; and

WHEREAS, the Reverend Ray Macy, a successful businessman and a former volunteer at the Arlington County Jail, relocated to Danville to become the first minister of the Danville Good News Jail & Prison Ministry; and

WHEREAS, Reverend Macy expanded the ministry throughout Danville and Pittsylvania County, serving inmates and staff at W. W. Moore, Jr., Juvenile Detention Home, Pittsylvania County Jail, Chatham Correctional Unit 15, and Danville City Prison Farm, now Danville Adult Detention Center; and

WHEREAS, by the time of his well-earned retirement, Reverend Macy had helped place chaplains in correctional facilities in Bristol, Virginia Beach, Martinsville, and Henry County; he also served as a regional director and assistant director of chaplains for Good News Jail & Prison Ministry at the national level; and

WHEREAS, the Reverend David Abernathy became a chaplain for Good News Jail & Prison Ministry in 1989 and became the area's senior chaplain after Reverend Macy's retirement; and

WHEREAS, Reverend Abernathy brought a wealth of business and ministerial experience to the position and serves as a mentor and team leader for chaplains in Abingdon, Bristol, Charlottesville, and Martinsville; and

WHEREAS, the Danville Good News Jail & Prison Ministry continued to expand when Kelly Herndon was hired as the program's first administrative assistant in 2005; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Danville Good News Jail & Prison Ministry on the occasion of its 40th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Danville Good News Jail & Prison Ministry as an expression of the General Assembly's admiration for the organization's work to meet the spiritual needs of inmates and staff at Danville City Jail.

**HOUSE JOINT RESOLUTION NO. 266**

*Commending Union Hall Elementary School.*

Agreed to by the House of Delegates, February 16, 2018  
 Agreed to by the Senate, February 22, 2018

WHEREAS, Union Hall Elementary School in Pittsylvania County received the prestigious National Blue Ribbon School award in 2017; and

WHEREAS, the National Blue Ribbon Schools Program was created by the U.S. Department of Education to recognize schools, such as the Union Hall Elementary School, with high levels of student achievement or that have made significant strides toward closing the achievement gap; and

WHEREAS, Union Hall Elementary School was one of seven schools in the Commonwealth to receive the award; the designation is a testament to the hard work of the school's students, faculty, and staff; and

WHEREAS, to be named as a National Blue Ribbon School, a school must demonstrate high performance on state assessments, and Union Hall Elementary School consistently shows high marks in English, math, and science; and

WHEREAS, earlier in 2017, Union Hall Elementary School also received the Board of Education Excellence Award through the Virginia Index of Performance program for its high achievements; and

WHEREAS, Union Hall Elementary School and the other National Blue Ribbon Schools were honored at an awards ceremony in November 2017 in Washington, D.C.; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Union Hall Elementary School for being named as a 2017 Blue Ribbon School; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Union Hall Elementary School as an expression of the General Assembly's admiration for the school's commitment to educational excellence.

**HOUSE JOINT RESOLUTION NO. 267**

*Commending Robert Mills, Jr.*

Agreed to by the House of Delegates, February 16, 2018  
 Agreed to by the Senate, February 22, 2018

WHEREAS, Robert Mills, Jr., a first-generation farmer in Pittsylvania County, won the 2017 Swisher Sweets/Sunbelt Expo Southeastern Farmer of the Year award for his innovative methods and leadership in the farming profession; and

WHEREAS, first presented in 1990, the Swisher Sweets/Sunbelt Expo Southeastern Farmer of the Year award recognizes excellence in the agriculture industry; Robert Mills was selected from 10 finalists, and he is only the third overall winner from the Commonwealth; and

WHEREAS, a native of Danville, Robert Mills was inspired to become a farmer at a young age and began growing his first garden at age 13; he went to work for a nearby commercial farm before buying his own farm in 1998; and

WHEREAS, Robert Mills began farming full-time in 2001, and by 2017 Briar View Farm in Callands had grown to more than 2,200 acres with a diversified tobacco operation, a herd of several hundred beef cattle, and thousands of pullet chickens; he also grows winter wheat, pearl millet, and hay; and

WHEREAS, calling upon his expertise as a conservation specialist, Robert Mills has prioritized environmentally sustainable farming practices, including the use of cover crops, field borders, grassed waterways, terraces, and stream crossings; and

WHEREAS, a well-known leader in farming in the Commonwealth, Robert Mills is a member of the Virginia Polytechnic Institute and State University Board of Visitors, the Virginia Farm Bureau Federation Board of Directors, and the Virginia Tobacco Region Revitalization Commission, and the president of the Virginia Board of Agriculture and Consumer Services; he was named the 2017 Virginia Farmer of the Year by the Virginia Cooperative Extension; and

WHEREAS, Robert Mills has succeeded in his endeavors with the love and support of his family and friends, including his wife, Cynthia; their two sons, Logan and Holden; and his parents; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Robert Mills, Jr., on winning the 2017 Swisher Sweets/Sunbelt Expo Southeastern Farmer of the Year award; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Robert Mills, Jr., for his impressive achievements and best wishes for the future.

**HOUSE JOINT RESOLUTION NO. 268**

*Commending Patricia and Chris Haskins.*

Agreed to by the House of Delegates, February 16, 2018  
Agreed to by the Senate, February 22, 2018

WHEREAS, Patricia and Chris Haskins of Chatham were named as the runners-up for the American Farm Bureau Federation Young Farmers & Ranchers Achievement Award in January 2017; and

WHEREAS, the Young Farmers & Ranchers Achievement Award recognizes young farmers for their success in production agriculture and their leadership both in the farming profession and in their communities; Patricia and Chris Haskins were selected from among the top farmers in the nation; and

WHEREAS, Patricia Haskins is a former chair of the Pittsylvania County Farm Bureau Women's Committee and is a veterinarian who works at a local small animal clinic and with cattle on the farm; Chris Haskins is a fourth-generation farmer who manages a cow-calf operation and grows burley, flue-cured, and experimental biofuel tobacco; and

WHEREAS, Patricia and Chris Haskins are members of the Virginia Farm Bureau Federation Young Farmers Committee and the Pittsylvania County Farm Bureau Young Farmers Committee; and

WHEREAS, as runners-up for the Young Farmers & Ranchers Achievement Award, Patricia and Chris Haskins received a \$3,000 prize, a Case IH tractor, and equipment from Stihl, Inc.; and

WHEREAS, Patricia and Chris Haskins ably represented the professionalism, knowledge, and work ethic of all Virginia farmers on the national stage; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Patricia and Chris Haskins on being named as runners-up for the American Farm Bureau Federation Young Farmers & Ranchers Achievement Award; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Patricia and Chris Haskins as an expression of the General Assembly's admiration for their achievements and best wishes for the future.

**HOUSE JOINT RESOLUTION NO. 269**

*Commending Dr. Jessica M. Jones.*

Agreed to by the House of Delegates, February 16, 2018  
Agreed to by the Senate, February 22, 2018

WHEREAS, Dr. Jessica M. Jones finished as national runner-up in the American Farm Bureau Federation Young Farmers & Ranchers Discussion Meet in January 2017; and

WHEREAS, an agriculture teacher and Future Farmers of America advisor at Tunstall High School in Dry Fork, Jessica Jones took first place at the Virginia Farm Bureau Federation Young Farmers Discussion Meet at the organization's annual convention to advance to the national level; and

WHEREAS, the Discussion Meet event simulates a committee meeting on a specific topic, with judges scoring contestants on discussion skills, understanding of agricultural issues, and ability to build a consensus; after advancing to the national competition in Phoenix, Arizona, Jessica Jones and the other participants were asked to draft a national immigration policy as the topic of the final round of the Discussion Meet; and

WHEREAS, Jessica Jones described her ideal policy as reliable, feasible, and flexible, highlighting the importance of the foreign-born labor force to farms in the United States; and

WHEREAS, as a finalist, Jessica Jones received a \$3,000 prize, a Case IH tractor, and equipment from Stihl, Inc.; and

WHEREAS, Jessica Jones ably represented the professionalism, knowledge, and work ethic of all Virginia farmers on the national stage; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Dr. Jessica M. Jones on finishing as national runner-up in the American Farm Bureau Federation Young Farmers & Ranchers Discussion Meet; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Dr. Jessica M. Jones as an expression of the General Assembly's admiration for her achievements and best wishes for the future.

**HOUSE JOINT RESOLUTION NO. 270**

*Commending Westover Christian Academy.*

Agreed to by the House of Delegates, February 16, 2018  
Agreed to by the Senate, February 22, 2018

WHEREAS, Westover Christian Academy, a private Christian school in Danville that has nurtured the academic excellence and spiritual vitality of all its students, celebrated its 40th anniversary in 2017; and

WHEREAS, originally known as Southall Christian School, Westover Christian Academy was founded in 1977 with 25 kindergarten through fourth-grade students; the school added one new grade annually over the next eight years, and in 1986, it graduated its first senior class of six students; and

WHEREAS, Westover Christian Academy increased its commitment to early childhood education in the early 1990s with the addition of K-4 and K-3 preschool classes; since 2014, it has also offered a K-2 preschool class; and

WHEREAS, in 1994, Westover Christian Academy moved into a new building adjoining Westover Baptist Church that featured 18 classrooms, two science labs, a computer lab, a gym, and a cafeteria; in 1998, it added an additional 20,000 square feet of space, including a band room, a new library, and a dozen new classrooms; and

WHEREAS, fully accredited by the Association of Christian Schools International since 2002, Westover Christian Academy now has a student population of over 400 and has hosted students from China, Japan, and Korea as part of an international exchange program; and

WHEREAS, with a mission to provide a learning environment with a strong Christian foundation, Westover Christian Academy encourages its students to grow and develop academically, spiritually, socially, and physically; and

WHEREAS, in addition to its regular academic programs, Westover Christian Academy also operates an Enrichment Center that allows students to receive personalized instruction or advanced education classes; and

WHEREAS, in recognition of its four decades in operation, Westover Christian Academy held a celebration dinner and hosted a fundraiser for a "Feed the Need" mission project to send 10,000 meals to children in need in Haiti; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Westover Christian Academy for its contributions to excellence in private education on the occasion of its 40th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Westover Christian Academy as an expression of the General Assembly's admiration for its dedication to its students and the community.

### HOUSE JOINT RESOLUTION NO. 271

*Celebrating the life of Worth Harris Carter, Jr.*

Agreed to by the House of Delegates, February 16, 2018

Agreed to by the Senate, February 22, 2018

WHEREAS, Worth Harris Carter, Jr., of Rocky Mount, a brilliant businessman who created a network of community banks throughout the Commonwealth and made many valuable contributions as a banker, leader, and philanthropist, died on April 7, 2017; and

WHEREAS, a native of Richmond, Worth Carter graduated from Hermitage High School, earned a bachelor's degree from the University of Richmond, and attended the University of Virginia School of Law; and

WHEREAS, Worth Carter began his career in finance with the Federal Reserve Bank of Richmond as a bank examiner, ensuring that banks in Virginia, West Virginia, Maryland, North Carolina, and South Carolina carried out operations ethically and lawfully; and

WHEREAS, from 1964 to 1973, Worth Carter served as vice president and comptroller of Piedmont Trust Bank in Martinsville, then opened his own bank, First National Bank of Rocky Mount, in 1974; and

WHEREAS, Worth Carter opened nine additional community banks in Danville, Martinsville, Floyd, South Boston, Lynchburg, Galax, Fredericksburg, Staunton, and Roanoke, all of which merged in 2006 to form Carter Bank & Trust; and

WHEREAS, Worth Carter's first bank consisted of one office and eight employees with \$1.2 million in capital and total assets; by 2017, he had grown Carter Bank & Trust to a network of 123 offices in Virginia and North Carolina with almost 1,000 employees, \$434 million in capital, and approximately \$4.5 billion in total assets; and

WHEREAS, Worth Carter founded four subsidiary organizations, served on the Martinsville City School Board, and offered his wise leadership to Averett University, Ferrum College, Mary Baldwin College, and the University of Richmond; and

WHEREAS, Worth Carter received many awards and accolades during his career, including the Heck Ford Award from the Martinsville-Henry County Chamber of Commerce for his work to promote economic growth in the region, the 2010 Technology Innovator of the Year award from *Bank Technology News* for developing a core software platform for his banks, and an honorary doctorate in business from Liberty University in 2012; and

WHEREAS, Worth Carter enjoyed fellowship and worship with the community as a member of First Baptist Church in Martinsville, where he served as a Sunday school teacher; and

WHEREAS, predeceased by his wife of 42 years, Katherine, Worth Carter will be fondly remembered and greatly missed by his children, Worth III, Katherine, and Ernest, and their families, and numerous other family members, friends, and colleagues; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Worth Harris Carter, Jr., a pillar of the Martinsville community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Worth Harris Carter, Jr., as an expression of the General Assembly's respect for his memory.

**HOUSE JOINT RESOLUTION NO. 272**

*Celebrating the life of Edmond Boxley Fitzgerald III.*

Agreed to by the House of Delegates, February 16, 2018

Agreed to by the Senate, February 22, 2018

WHEREAS, Edmond Boxley Fitzgerald III, a beloved husband, father, grandfather, great-grandfather, respected business leader, and dedicated community member who served in numerous civic positions in Pittsylvania County and Gretna, died on May 19, 2017; and

WHEREAS, Edmond Fitzgerald was a Pittsylvania County native who graduated from Gretna High School as his class valedictorian; after volunteering for the United States Army on his 17th birthday, he went on to serve in Europe during World War II; and

WHEREAS, following his military service, Edmond Fitzgerald earned a bachelor's degree from The College of William and Mary, where he was elected to the Phi Beta Kappa honor society; and

WHEREAS, in 1950, Edmond Fitzgerald joined Peoples Mutual Telephone Co., his family's independent telephone business; during a 50-year career, he worked alongside his father, son, daughter, and son-in-law and helped the company grow from one small exchange serving 400 telephones to over 7,000 customers; and

WHEREAS, a respected authority in his field, Edmond Fitzgerald was a board member of the Virginia Independent Telephone Association for 28 years and served as its president in 1971; he also served on various committees of the United States Independent Telephone Association; and

WHEREAS, in addition to his successful business career, Edmond Fitzgerald was a dedicated member of the local community who served on the Pittsylvania County School Board for several years, including stints as its chairman and vice chairman; he was also a member and former vice chairman of the board of Danville Community College; and

WHEREAS, in his hometown of Gretna, Edmond Fitzgerald served on the town council, was a longtime vice mayor, and served as acting mayor for six months; and

WHEREAS, Edmond Fitzgerald brought his experience to the board of directors of the Peoples Bank of Gretna, the Gretna Chamber of Commerce, and the Community Foundation of the Dan River Region, and served as chairman of the Ramsey Memorial Medical Center for 49 years; and

WHEREAS, in 1984, Edmond Fitzgerald was named the Gretna Chamber of Commerce's outstanding citizen of the year; an avid conservationist, he was also honored as the 1988 regional tree farmer of the year; and

WHEREAS, Edmond Fitzgerald was a 32nd Degree Mason and a 60-year member of Anderson Lodge 258 A.F. and A.M.; and

WHEREAS, a man of strong faith, Edmond Fitzgerald was a longtime member of First Baptist Church of Gretna, where he served on the board of deacons, taught Sunday school, and sang in the choir; he held leadership positions with the Staunton River Baptist Association, the Virginia Baptist Mission Board, and the Virginia Baptist Homes Board; and

WHEREAS, Edmond Fitzgerald will be fondly remembered and dearly missed by his wife, Emily; his children, Ann and Ed, and their families; and many other family members, friends, and members of the Pittsylvania County community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Edmond Boxley Fitzgerald III, a talented business and civic leader who provided exemplary service to the residents of Pittsylvania County; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Edmond Boxley Fitzgerald III as an expression of the General Assembly's respect for his memory.

**HOUSE JOINT RESOLUTION NO. 274**

*Commending Vanessa R. Crawford.*

Agreed to by the House of Delegates, February 15, 2018

Agreed to by the Senate, February 22, 2018

WHEREAS, Vanessa R. Crawford, who has served and protected the residents of Petersburg as sheriff for more than a decade, was elected as president of the Virginia Sheriffs' Association in September 2017; and

WHEREAS, a proud native of Petersburg, Vanessa Crawford previously served with the Department of Corrections for nearly 29 years, working her way up the ranks to become the first female superintendent to run an all-male correctional facility; and

WHEREAS, desirous to be of further service to the community, Vanessa Crawford ran for and was elected as sheriff of Petersburg in 2005; she was the first woman sheriff in the city's history and was the only African American woman serving as a sheriff in the nation until January 2017; and

WHEREAS, during her tenure as sheriff, Vanessa Crawford has ably and effectively managed the Petersburg Sheriff's Office, supervising more than 100 deputies and staff members; she has increased public safety, while building relationships based on trust and mutual respect between law enforcement and members of the public; and

WHEREAS, Vanessa Crawford and her staff have raised the visibility of the Petersburg Sheriff's Office in the community through the implementation of innovative programs designed to meet the needs of all Petersburg residents, including the TRIAD program, which aims to reduce the fear of crime and victimization among senior citizens, and gun safety and distracted driving programs for students; and

WHEREAS, to help reduce recidivism through public awareness and involvement, Vanessa Crawford organizes an annual re-entry program for ex-offenders, a multi-agency effort that provides services to ex-offenders and encourages them to pursue productive options and opportunities; and

WHEREAS, responsible for the administration of the Petersburg City Jail and Jail Annex, Vanessa Crawford achieved certification as a certified jail manager through the Jail Manager Certification Commission, and she is the only sheriff in the Commonwealth to become a United States Department of Justice certified auditor for the Prison Rape Elimination Act; and

WHEREAS, deeply respected by her peers in law enforcement, Vanessa Crawford was unanimously elected by the 123 sheriffs in the Commonwealth to serve as president of the Virginia Sheriffs' Institute in 2010 and unanimously elected to serve on the Virginia Sheriffs' Association Board of Directors in 2012; and

WHEREAS, during her one-year term as president of the Virginia Sheriffs' Association, Vanessa Crawford will represent and advocate for sheriffs, sheriff's deputies, and sheriff's office personnel, as well as work to enhance the criminal justice system in the Commonwealth; and

WHEREAS, Vanessa Crawford also serves the community as a member and leader of numerous local and state service organizations, and she enjoys fellowship and worship with the congregation of Good Shepherd Baptist Church, where she is a member of the Trustee Ministry; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Vanessa R. Crawford on being elected as president of the Virginia Sheriffs' Association in 2017; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Vanessa R. Crawford as an expression of the General Assembly's admiration for her exceptional leadership in law enforcement and her commitment to serving the residents of Petersburg and the Commonwealth.

### HOUSE JOINT RESOLUTION NO. 275

*Commending Frances Carter Ragland.*

Agreed to by the House of Delegates, February 23, 2018

Agreed to by the Senate, March 1, 2018

WHEREAS, to rise to public service within one's native community, and to serve therein for decades, is a distinction achieved by the very few; and

WHEREAS, Frances Carter Ragland, a native of Goochland County and a graduate of Goochland High School, has retired after 30 years of outstanding service to the citizens of Goochland County, first as Assistant Voter Registrar, a post in which she was employed in 1985, and finally as Voter Registrar for the county, the post to which she was appointed on March 1, 1992; and

WHEREAS, during her tenure, Frances Carter Ragland supervised seven Presidential primaries, seven Presidential elections, seven Gubernatorial elections, 14 Virginia House of Delegates elections, and countless elections for County Supervisor, Clerk of the Court, Sheriff, Treasurer, Commissioner of the Revenue, School Board, political party primaries, and also special elections for vacancies in local elective offices; and

WHEREAS, Frances Carter Ragland supervised, too, the only audit of optical scan ballot tallies ever approved by the Virginia State Board of Elections, and the result of the audit of hand-counted ballots proved her machine-balloting results to be 100 percent accurate; and

WHEREAS, Frances Carter Ragland earned widespread respect from General Registrars from throughout the Commonwealth, from her employees, and from, too, the State Department of Elections for rigid adherence to the rule of law established by the Code of Virginia, despite any and all relaxed interpretations or suggested "alternate" procedures; and

WHEREAS, Frances Carter Ragland earned, too, the high regard of local political parties' leaders and candidates for her devotion to the letter and also the spirit of all aspects of election law; and

WHEREAS, Frances Carter Ragland directed the creation and organization of the first Central Absentee Precinct in 2003, oversaw the transition from mechanical-lever voting machines to touchscreen direct-recording electronic voting machines and then to optical scan paper ballot voting, and secured and implemented electronic poll books for every precinct in the county, thus greatly increasing the efficiency of elections and reducing the time voters needed to spend in line waiting to cast their ballots; and

WHEREAS, Frances Carter Ragland also participated in and orchestrated three decennial redistricting processes for the county's five magisterial districts, and the now current 10 polling precincts; and

WHEREAS, Frances Carter Ragland—in the words of Goochland Electoral Board officials—"created, encouraged, and sustained a culture of civic virtue that continues to inspire Goochland voters to achieve the highest percentage turnout of active voters among all jurisdictions in the Commonwealth"; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That Frances Carter Ragland be thanked and praised for her outstanding contributions to the integrity of electoral politics in her native Goochland County and therefore in the whole of the Commonwealth; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Frances Carter Ragland as she enters upon a richly deserved retirement from more than three decades of service to the fortunate citizens of Goochland County.

**HOUSE JOINT RESOLUTION NO. 276**

*Commending the Virginia Children's Book Festival.*

Agreed to by the House of Delegates, February 23, 2018

Agreed to by the Senate, March 1, 2018

WHEREAS, the Virginia Children's Book Festival, an annual event that has encouraged numerous children to develop a love of books and reading, will host its fifth festival from October 17-19, 2018, on the campus of Longwood University; and

WHEREAS, the Virginia Children's Book Festival was originally conceived in 2011 with the goal of making early literacy and reading for pleasure a central value for all families in the Commonwealth, particularly those from underserved populations in rural Southside Virginia; and

WHEREAS, the Virginia Children's Book Festival held its inaugural event in 2014 at Longwood University, hosting 700 children as well as popular authors and illustrators; since then, the festival has grown each year and developed an innovative and immersive programming model; and

WHEREAS, the Virginia Children's Book Festival works to reach a diverse population of children and families by offering all its events free of charge; in addition, it encourages school field trips to the festival and uses graphic novels, illustrations, and even video games as tools to help nurture young people's interest in reading; and

WHEREAS, in recent years, the Virginia Children's Book Festival has drawn some 8,000 young visitors each year; its guest authors and illustrators have included Judy Blume, Marc Brown, and many other winners of honors such as the National Book Award for Young People's Literature, the Newbery Medal, the Caldecott Medal, and the Coretta Scott King Award; and

WHEREAS, to further its mission to promote childhood reading, the Virginia Children's Book Festival has partnered with schools, universities, libraries, foster programs, museums, and literacy organizations; it has also worked to reach children housed in juvenile detention centers; and

WHEREAS, in addition to its annual festival at Longwood University, the Virginia Children's Book Festival runs a variety of other literacy and culture programs, including family-centered weekend events and book distributions; it also works with teachers and families to track the reading progress of students who attend the festival; and

WHEREAS, during its first five years, the Virginia Children's Book Festival has already begun to facilitate generational changes in literacy by helping thousands of young people build a strong foundation for future success and empowerment; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Virginia Children's Book Festival for its commitment to literacy on the occasion of its fifth annual festival; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Virginia Children's Book Festival as an expression of the General Assembly's admiration for the group's commitment to fostering and mentoring lifelong readers.

**HOUSE JOINT RESOLUTION NO. 277**

*Commending Machel J. Eppes.*

Agreed to by the House of Delegates, February 23, 2018

Agreed to by the Senate, March 1, 2018

WHEREAS, Machel J. Eppes, a trailblazing public official who became the first African American court clerk in Prince Edward County, retires as clerk of the Prince Edward Circuit Court on April 1, 2018; and

WHEREAS, after graduating from Central High School in Lunenburg County, Machel Eppes completed a clerical studies course at Southside Virginia Community College and worked at Citizens Bank & Trust Company from 1983 to 1988; and

WHEREAS, in 1988, Mabelle Eppes was hired as deputy clerk of the Prince Edward Circuit Court, then served as chief deputy clerk of the Lunenburg Circuit Court; and

WHEREAS, desirous to be of further service to the Commonwealth, Mabelle Eppes ran for and was elected as clerk of the Prince Edward Circuit Court on April 18, 2005, and she was certified as a circuit court clerk by the University of Virginia Weldon Cooper Center for Public Service in 2006; and

WHEREAS, Mabelle Eppes ably served the members of the community as clerk by providing public online access to case information and land records, and she increased efficiency in the office by overseeing the conversion of paper records to electronic files; and

WHEREAS, Mabelle Eppes served Prince Edward County with the utmost integrity and dedication, earning the respect and admiration of her colleagues, to whom she leaves a legacy of excellence; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Mabelle J. Eppes on the occasion of her retirement as clerk of the Prince Edward Circuit Court; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Mabelle J. Eppes as an expression of the General Assembly's admiration for her service and best wishes for a happy retirement.

### HOUSE JOINT RESOLUTION NO. 278

*Celebrating the life of Andrew Thomas Luna.*

Agreed to by the House of Delegates, February 23, 2018

Agreed to by the Senate, March 1, 2018

WHEREAS, Andrew Thomas Luna, a longtime resident of Chesterfield County and a dedicated civil servant who was respected for his work ethic and willingness to help others, died on December 16, 2017; and

WHEREAS, born in Rahway, New Jersey, Andrew Luna relocated to the Commonwealth in his youth; he graduated from Lloyd C. Bird High School and earned a bachelor's degree from Virginia Commonwealth University; and

WHEREAS, Andrew Luna worked as a molecular biologist for the Division of Consolidated Laboratory Services at the Virginia Department of General Services, contributing to many important studies over the course of his 14-year career; and

WHEREAS, in addition to effectively managing laboratory supplies and inventory, Andrew Luna worked to streamline processes, created innovative methodologies, and sought out cost savings for the Division of Consolidated Laboratory Services; he also played a pivotal role in the organization's transition to electronic recordkeeping; and

WHEREAS, an adventurous outdoorsman, Andrew Luna enjoyed rock climbing, hiking, and kayaking and often channeled his creativity into beautiful stained glass crafts and drawings as well as delicious meals for friends and family; and

WHEREAS, in all aspects of his life, Andrew Luna demonstrated determination and perseverance and treated every obstacle as an opportunity to enhance his mind and spirit; and

WHEREAS, predeceased by his mother, Linda, Andrew Luna will be fondly remembered and greatly missed by his father, Gerald; his brothers, Timothy and Matthew, and their families; and numerous other family members, friends, and colleagues; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Andrew Thomas Luna, an admired member of the Chesterfield County community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Andrew Thomas Luna as an expression of the General Assembly's respect for his memory.

### HOUSE JOINT RESOLUTION NO. 279

*Celebrating the life of the Honorable Lacey E. Putney.*

Agreed to by the House of Delegates, February 23, 2018

Agreed to by the Senate, March 1, 2018

WHEREAS, the Honorable Lacey E. Putney, who retired as the longest-serving member of the General Assembly and one of the longest-serving state legislators in the United States, and who left an indelible mark on the Commonwealth while representing the residents of the 19th District for 50 years, died on August 26, 2017; and

WHEREAS, a native of Big Island in Bedford County, Lacey Putney graduated from M.E. Marcuse High School and was recruited by Washington and Lee University to play baseball; after earning his bachelor's degree, he honorably served the nation as a member of the United States Air Force from 1950 to 1954, then returned to his alma mater and earned a law degree; and

WHEREAS, Lacey Putney started his own law practice in Bedford, where he was joined by his brother, Macon, and secretary and later legislative assistant, Betty Lou Layne, and provided expert legal guidance to members of the community for more than 55 years; and

WHEREAS, desirous to be of further service to the Commonwealth, Lacey Putney ran for and was elected to the Virginia House of Delegates in 1961; he ably represented the residents of the Cities of Bedford and Covington and all or part of the Counties of Alleghany, Bedford, and Botetourt; and

WHEREAS, Delegate Putney joined the Virginia House of Delegates when the population of the Commonwealth was half of what it is today, the General Assembly met every two years for 60 days, and members had no offices or computers and waited in line to use phone booths on the first floor of the Capitol; and

WHEREAS, Delegate Putney witnessed many changes to state government throughout his distinguished career and introduced or supported numerous important legislative initiatives to benefit the citizens of the Commonwealth; and

WHEREAS, Delegate Putney patroned legislation to create the Virginia Tuition Assistance Grant Program, encouraged the use of a six-year capital outlay planning process to help maintain the Commonwealth's coveted Triple A credit rating, and known as the guardian of the Virginia Retirement System, he championed pension reform in the 1990s; and

WHEREAS, Delegate Putney offered valuable insights as a member of the Rules and the Privileges and Elections Committees; as Speaker of the House from June 2002 to January 2003, he provided firm and steady leadership to the Virginia House of Delegates; and

WHEREAS, as founder, former chair, and member of the Joint Legislative Audit and Review Commission, Delegate Putney worked to ensure that state government operated in the most efficient and effective manner possible for the taxpayers of Virginia; and

WHEREAS, a seasoned legislator, Delegate Putney was a powerful voice for fiscal conservatism and responsible stewardship of the Commonwealth's financial resources as chair of the House Appropriations Committee; he worked tirelessly with fellow legislators to guide Virginia through tough economic times and make difficult decisions regarding the best use of state funds; and

WHEREAS, committed to the growth and prosperity of his district, Delegate Putney worked with local and state government officials and business leaders to bring businesses and jobs to his constituency, notably through the expansion of Barr Laboratories in Bedford County; and

WHEREAS, Delegate Putney had a deep appreciation for his district's many contributions to the Commonwealth and nation; he served as a trusted advocate for the National D-Day Memorial in Bedford and supported numerous cultural and historic preservation efforts; and

WHEREAS, Delegate Putney also served his community and profession in numerous capacities over the years, including as a trustee of the Patrick Henry Boys & Girls Plantation, former director of the Bedford Area Chamber of Commerce, former president of the Bedford Bar Association, and member of the Masons, the Scottish Rite, and the American Legion; and

WHEREAS, Delegate Putney garnered numerous awards and accolades over the course of his distinguished career, including twice being named Legislator of the Year by the Virginia Governmental Employees Association and receiving a Distinguished Service Award from the Virginia Military Institute, the Distinguished Alumni Award from Washington and Lee University, and the Thomas B. Murphy Longevity of Service Award for 45 Years of Distinguished Service in the Virginia General Assembly from the Southern Legislative Conference; and

WHEREAS, Delegate Putney was honored to be a member of the oldest continuous lawmaking body in the New World, and he worked to preserve the integrity and collegiality of that noble body throughout his illustrious career, earning himself a clear place in the annals of Virginia history; and

WHEREAS, predeceased by his first wife, Elizabeth, Lacey Putney will be fondly remembered and greatly missed by his wife, Carmela, and her children, Carlye and Tommy; his children, Susan and Lacey, Jr., and their families; and numerous other family members, friends, and colleagues on both sides of the aisle; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of the Honorable Lacey E. Putney, a model legislator who demonstrated unwavering commitment to his constituents and all residents of the Commonwealth; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of the Honorable Lacey E. Putney as an expression of the General Assembly's respect for his memory.

### HOUSE JOINT RESOLUTION NO. 280

*Commending the National Coalition of 100 Black Women, Inc., Prince William County Chapter.*

Agreed to by the House of Delegates, February 23, 2018

Agreed to by the Senate, March 1, 2018

WHEREAS, since its founding in 2012, the National Coalition of 100 Black Women, Inc., Prince William County Chapter has been committed to improving the lives of women, girls, and their families in the community; and

WHEREAS, the National Coalition of 100 Black Women (NCBW) Prince William County Chapter is a nonprofit volunteer organization for women; the group addresses common issues in local communities and families, advocates for gender and racial equality, and strives to enhance career opportunities through networking and educational programs; and

WHEREAS, the mission of the NCBW Prince William County Chapter is to advocate on behalf of women of color in the areas of leadership development, health, education, and economic and political empowerment; and

WHEREAS, the NCBW Prince William County Chapter proudly partners with the Potomac Health Foundation, Sentara Northern Virginia Medical Center, and over 35 other partners to increase access to primary health care and help to reduce incidences of triple-negative breast cancer, prostate cancer, colorectal cancer, and diabetes; and

WHEREAS, over the last four years, the NCBW Prince William County Chapter has written grants and received funds in the amount of \$375,000, including \$35,000 in donations from partners, and dedicated those funds toward improving the health of the residents of Prince William and Stafford Counties; and

WHEREAS, the NCBW Prince William County Chapter operates a diabetes awareness program designed to educate African American women and men about pre-diabetes, diabetes types 1 and 2, and diabetes prevention, early diagnosis, screening, and intervention; and

WHEREAS, to help implement its diabetes awareness program, NCBW Prince William County Chapter has partnered with 13 churches: First Mount Zion Baptist Church, Mount Zion Baptist Church, Star Bethlehem Missionary Baptist Church, Neabsco Baptist Church, Dale City Christian Church Cathedral of Praise, Little Union Baptist Church, Mount Olive Baptist Church, Greater New Life Christian Fellowship Church, Christ New Birth Ministries, United Faith Christian Ministry, The Life Church, Ebenezer Baptist Church, and Touch Hearts Christian Center; and

WHEREAS, the NCBW Prince William County Chapter has presented awards and accolades to many community partners who support its health initiatives; and

WHEREAS, the NCBW Prince William County Chapter's devotion to public health was summarized by Bishop Leonard B. Lacey, pastor of United Faith Christian Ministry, who stated on September 14, 2017: "Among our philanthropists are leaders who are gifted in motivating and persuading people to change their minds and choose a better way of life. If the lack of knowledge brings death, certainly the abundance of wisdom, medical knowledge and truth can save lives"; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the National Coalition of 100 Black Women, Inc., Prince William County Chapter for its exceptional contributions to the community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the National Coalition of 100 Black Women, Inc., Prince William County Chapter as an expression of the General Assembly's admiration for the group's dedication to serving women, girls, and families in Prince William and Stafford Counties and best wishes for the future.

### HOUSE JOINT RESOLUTION NO. 281

*Commending the Virginia Poverty Law Center.*

Agreed to by the House of Delegates, February 23, 2018

Agreed to by the Senate, March 1, 2018

WHEREAS, the Virginia Poverty Law Center, a statewide nonprofit organization located in Richmond that has worked tirelessly to provide leadership, support, training, education, and advocacy for the Commonwealth's low-income residents, celebrates its 40th anniversary in 2018; and

WHEREAS, originally known as the Virginia State Legal Aid Society Support Center, the Virginia Poverty Law Center (VPLC) was founded in 1978 with the goal of advocating for legal justice for Virginians in need; and

WHEREAS, as a leading resource on information and issues related to poverty law, the VPLC provides training to the legal aid community, private attorneys, and other advocates for low-income residents; it also assists individuals and legal aid programs with legislative and administrative proposals that affect the poor; and

WHEREAS, the VPLC has spearheaded a number of initiatives during its history, including 1978's Food Law Project, which sought to address a lack of adequate food and nutrition for Virginians in need; and

WHEREAS, the VPLC has advocated on behalf of nursing home patients, youth in foster care, and domestic violence victims, and has supported improvements and increases to the Temporary Assistance for Needy Families program, increased access to health care for low-income people, robust landlord and tenant laws, and restrictions on predatory lending practices; and

WHEREAS, among many other programs, the VPLC has established Virginia Hunger Solutions, which helps feed and improve nutrition for the needy; "Enroll Virginia!," which aids low-income residents with access to affordable health care; and the Affordable Clean Energy program, which strives to raise awareness of the burden that high utility bills place on the poor; and

WHEREAS, in addition, the VPLC has created a Predatory Loan Help Hotline to assist victims of predatory lending practices and a Statewide Senior Legal Helpline to provide legal advice to Virginians age 60 and older; and

WHEREAS, the VPLC has also raised awareness of underrepresented and underserved groups with initiatives such as 2008's "Voices for Change," an art competition for youth living in foster care, and a photography project entitled "Through Different Eyes: The Faces of Poverty in Virginia"; and

WHEREAS, since its founding four decades ago, the VPLC's talented attorneys and staff have worked tirelessly to increase assistance, opportunities, and justice for low-income Virginians; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Virginia Poverty Law Center on the occasion of its 40th anniversary and for providing valuable aid to the residents of the Commonwealth; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Virginia Poverty Law Center as an expression of the General Assembly's admiration for its ongoing efforts in support of the less fortunate.

### HOUSE JOINT RESOLUTION NO. 282

*Commending Joe Samuel Frank.*

Agreed to by the House of Delegates, February 23, 2018

Agreed to by the Senate, March 1, 2018

WHEREAS, Joe Samuel Frank will conclude his tenure as the founding president of the Newport News Police Foundation on February 20, 2018, after 10 years of service to law-enforcement officers in Newport News; and

WHEREAS, Joe Frank recognized that law-enforcement officers play an important role in safeguarding the rights and freedoms guaranteed by the United States Constitution and in protecting the lives and property of the citizens of the Commonwealth; and

WHEREAS, a former Mayor of Newport News, Joe Frank knew that law-enforcement agencies' budget constraints often leave little room for valuable community outreach programs to build stronger relationships between the community and the police department, investment in cutting-edge technology, or morale events such as officers' graduations or promotions; and

WHEREAS, Joe Frank worked to establish the Newport News Police Foundation to enhance the quality of life of all Newport News residents and increase public safety by enabling the Newport News Police Department to better serve the community and help the city successfully achieve those objectives; and

WHEREAS, guided by Joe Frank's visionary leadership, the Newport News Police Foundation raises, manages, invests, and distributes financial resources by funding, assisting, or undertaking programs and activities designed to support, enhance, and strengthen the services, organization, performance, competence, and professionalism of the Newport News Police Department and its officers and staff members; and

WHEREAS, during Joe Frank's tenure as president, the Newport News Police Foundation worked to raise more than \$2 million in funds and equipment donations, allowing law-enforcement officers to focus on making Newport News a safer place to live, work, play, and raise a family; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Joe Samuel Frank for his service to the City of Newport News, the Newport News Police Foundation, the Newport News Police Department, and the Commonwealth; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Joe Samuel Frank as an expression of the General Assembly's admiration for his contributions to law-enforcement officers and the community.

### HOUSE JOINT RESOLUTION NO. 283

*Celebrating the life of Hendrik W. Tieleman.*

Agreed to by the House of Delegates, February 23, 2018

Agreed to by the Senate, March 1, 2018

WHEREAS, Hendrik W. Tieleman, a respected educator who made many contributions to Virginia Polytechnic Institute and State University and the Riner community, died on January 12, 2018; and

WHEREAS, born in the Netherlands in 1933, Hendrik "Henry" W. Tieleman and his family endured great hardship during the Nazi occupation of the country in World War II; and

WHEREAS, after the war, Henry Tieleman worked on a tulip farm and discovered a passion for agriculture; he decided to pursue a career in farming and attended an agriculture school in the Netherlands, before immigrating to Canada in the 1950s; and

WHEREAS, Henry Tieleman worked in farming and construction, attended the Ontario Agricultural College, and graduated from the University of Toronto as a professional engineer; he later earned a master's degree from the University of Iowa and a doctorate from Colorado State University; and

WHEREAS, in 1968, Henry Tieleman joined the faculty of Virginia Polytechnic Institute and State University (Virginia Tech) as an assistant professor of engineering science and mechanics; in addition to teaching, he conducted valuable research on wind behavior that was funded by the National Aeronautics and Space Administration and the National Institute of Standards and Technology; and

WHEREAS, after 30 years of contributions to Virginia Tech, Henry Tieleman was named professor emeritus; he continued to support students by writing a textbook and assisting with research activities; and

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WHEREAS, a man of many talents, Henry Tieleman enjoyed woodworking, home remodeling, sailing, stamp collecting, and gardening, among other pursuits; he developed a keen interest in civic life that led to the creation of Democracy Prevails in 2004; and

WHEREAS, Henry Tieleman's greatest joy in life was his family, and he will be fondly remembered and greatly missed by his wife, Fran; children, Anne and Michael, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Hendrik W. Tieleman, a devoted educator and a highly admired member of the Riner community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Hendrik W. Tieleman as an expression of the General Assembly's respect for his memory.

**HOUSE JOINT RESOLUTION NO. 284**

*Celebrating the life of Kenneth R. Shafer.*

Agreed to by the House of Delegates, February 23, 2018

Agreed to by the Senate, March 1, 2018

WHEREAS, Kenneth R. Shafer, who was a leader, a mentor, and a dedicated advocate for people living with multiple sclerosis, died on December 6, 2017; and

WHEREAS, driven by his generous spirit to help others in need, Kenneth Shafer became a public school teacher and accepted his first teaching assignment with Detroit Public Schools shortly after the 1967 riots; he inspired his young students to be independent thinkers and to develop a lifelong love of reading; and

WHEREAS, after 34 years, Kenneth Shafer retired from Utica Community Schools, where he taught English and was a passionate debate and forensics coach; he moved with his wife, Judy, to Smith Mountain Lake and became an active member of the local community; and

WHEREAS, Kenneth Shafer, who lived with multiple sclerosis (MS), was an avid volunteer and fundraiser for the National Multiple Sclerosis Society, participating in Walk MS in Virginia, West Virginia, Michigan, and North Carolina; and

WHEREAS, Kenneth Shafer was a passionate MS activist, traveling often to Washington, D.C., and Richmond to support the adoption of both state and federal legislation to help people with MS live their best lives; he stalwartly led the Virginia Government Relations Advisory Committee for the National Multiple Sclerosis Society; and

WHEREAS, Kenneth Shafer proudly and steadfastly led an MS self-help group, where he could meet and give encouragement to other people living with the disease; and

WHEREAS, Kenneth Shafer's wisdom, commitment, care, and compassion were contagious and will be fondly remembered by all who loved him, including his wife, Judy; his children, Bradley and Kathryn; his grandchildren; and numerous other family members and friends; and

WHEREAS, in a final selfless act, Kenneth Shafer donated his brain to a research lab, so that he can continue fighting to find a cure for MS; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Kenneth R. Shafer, a respected resident of the Commonwealth; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Kenneth R. Shafer as an expression of the General Assembly's respect for his memory.

**HOUSE JOINT RESOLUTION NO. 286**

*Celebrating the life of Anna Bess Leavens.*

Agreed to by the House of Delegates, February 23, 2018

Agreed to by the Senate, March 1, 2018

WHEREAS, Anna Bess Leavens, a devoted wife and mother and an active member of the McLean community, died on December 17, 2017; and

WHEREAS, Anna Leavens was born to the late Charles and Leone Ereckson Brock in Muskogee, Oklahoma; and

WHEREAS, Anna Leavens grew up in Edinburg, Texas, then relocated to McLean, where she lived for more than 66 years; and

WHEREAS, Anna Leavens always put her family first and was very active in her children's education; she served on multiple parent-teacher associations and helped organize countless fundraisers for The Langley School in McLean; and

WHEREAS, predeceased by her husband, Donald, Anna Leavens will be fondly remembered and greatly missed by her children, Deborah, Donald, and Wendy, and their families, and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Anna Bess Leavens, a vibrant member of the McLean community who cared deeply for her family; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Anna Bess Leavens as an expression of the General Assembly's respect for her memory.

#### HOUSE JOINT RESOLUTION NO. 287

*Celebrating the life of Gary David Burgess.*

Agreed to by the House of Delegates, February 23, 2018

Agreed to by the Senate, March 1, 2018

WHEREAS, Gary David Burgess, a Vietnam veteran, first responder, entrepreneur, and respected member of the Southwest Virginia community, died on July 30, 2015; and

WHEREAS, born in Christian, West Virginia, Gary Burgess graduated from J.J. Kelly High School in Wise, then served the nation as a member of the United States Air Force during the Vietnam War; and

WHEREAS, Gary Burgess was assigned to Sheppard Air Force Base in Texas, where he served as a technical instructor and a cable splicing instructor; in 1968, he deployed to Pleiku, Vietnam, for one year; and

WHEREAS, after his honorable military service, Gary Burgess graduated from Mountain Empire Community College and worked for The Chesapeake and Potomac Telephone Company for more than three decades, retiring as a buildings supervisor in 1996; and

WHEREAS, possessed of an entrepreneurial spirit, Gary Burgess was the founder and former president of Innovative Graphics & Design, Inc., a commercial printing business in Norton; and

WHEREAS, Gary Burgess helped ensure the well-being of community members as a life member of the Wise Rescue Squad, Inc., serving on the board of directors as well as an emergency medical technician instructor and an American Red Cross instructor; and

WHEREAS, Gary Burgess was active with the Freemasons, the Shriners, and the Scottish Rite, and he was a lifetime member of Disabled American Veterans; and

WHEREAS, Gary Burgess will be fondly remembered and greatly missed by his wife of 46 years, Linda; children, David and Kelly, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Gary David Burgess; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Gary David Burgess as an expression of the General Assembly's respect for his memory.

#### HOUSE JOINT RESOLUTION NO. 288

*Celebrating the life of Ida Bonicelli Trigiani.*

Agreed to by the House of Delegates, February 23, 2018

Agreed to by the Senate, March 1, 2018

WHEREAS, Ida Bonicelli Trigiani of Big Stone Gap, a librarian with a strong commitment to lifelong learning and a devout Catholic who was inspired by her faith to serve others throughout her life, died on August 9, 2017; and

WHEREAS, a native of Chisholm, Minnesota, Ida Trigiani was the child of Italian immigrants and always remained close with family members in Italy; she grew up on the Iron Range of Minnesota and earned a bachelor's degree from the College of St. Catherine; and

WHEREAS, after completing her education, Ida Trigiani joined the University of Notre Dame as a librarian; she helped create the institution's architecture library and served on the advisory committee for the design of the Theodore Hesburgh Library; and

WHEREAS, Ida Trigiani was later recognized for her role in helping the Notre Dame School of Architecture achieve accreditation and for her work as the school's first librarian; and

WHEREAS, in the 1960s, Ida Trigiani relocated to Big Stone Gap with her husband, Anthony, and their young family; she quickly became active in the community and shared her passion for arts and music with others as a member of the committee that brought the Community Concert Series to Wise County; and

WHEREAS, a woman of deep and abiding faith, Ida Trigiani enjoyed fellowship and worship with members of the community, and she taught catechism at Sacred Heart Catholic Church in Big Stone Gap and Saint Anthony Catholic Church in Norton; and

WHEREAS, Ida Trigiani was a life member, former officer, and certified state judge of the Dogwood Garden Club, and she received the Distinguished Service Award from the National Garden Clubs; in 2015, she was inducted into the Mountain Empire Community College Hall of Fame; and

WHEREAS, predeceased by her husband, Anthony, Ida Trigiani will be fondly remembered and greatly missed by her children, Mary, Lucia Anna, Adriana, Antonia, Michael, Carlo, and Francesca, and their families, and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Ida Bonicelli Trigiani; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Ida Bonicelli Trigiani as an expression of the General Assembly's respect for her memory.

#### HOUSE JOINT RESOLUTION NO. 289

*Celebrating the life of Pauline Anderson Hagy.*

Agreed to by the House of Delegates, February 23, 2018

Agreed to by the Senate, March 1, 2018

WHEREAS, Pauline Anderson Hagy, a beloved mother, respected Norton resident, and dedicated educator with a passion for lifelong learning, died on October 6, 2017; and

WHEREAS, a native of Lee County, Pauline Hagy grew up on a dairy farm and was raised with four generations of family in her household; and

WHEREAS, Pauline Hagy graduated from Pennington High School and received a bachelor's degree from Lincoln Memorial University in Tennessee; in 1964, she earned a library science certification from The College of William and Mary; and

WHEREAS, after beginning her career teaching Spanish and typing in St. Charles, Pauline Hagy moved to Norton, where she taught third grade at Norton Elementary School until her retirement in 1986; and

WHEREAS, a dedicated member of her community, Pauline Hagy was active in the Norton Community Hospital Auxiliary for many years, including a two-year stint as its president, and was a member of the Norton Garden Club and the Norton Literary Club; and

WHEREAS, Pauline Hagy was a member of the Lincoln Memorial University Alumni Association and the American Association of University Women; she was also a member of the Lovelady Chapter of the National Society of the Daughters of the American Revolution and an associate of the Boone Trail Chapter; and

WHEREAS, Pauline Hagy enjoyed fellowship and worship at Norton Christian Church, where she was a former Sunday school teacher and church trustee; and

WHEREAS, Pauline Hagy will be fondly remembered and dearly missed by her children, Paul and Margaret, and their families, as well as countless other family members, friends, and Norton residents; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Pauline Anderson Hagy, a committed teacher and an active member of the Norton community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Pauline Anderson Hagy as an expression of the General Assembly's respect for her memory.

#### HOUSE JOINT RESOLUTION NO. 290

*Commending Otis Gene Lawson.*

Agreed to by the House of Delegates, February 23, 2018

Agreed to by the Senate, March 1, 2018

WHEREAS, Otis Gene Lawson, a distinguished veteran, a devoted volunteer, and a lifelong resident of Scott County, has made many contributions to the community; and

WHEREAS, born on January 16, 1937, to James Ezra Lawson and Ollie Hill Lawson, the seventh son of the seventh son, Otis Lawson was the first and only child of nine to graduate high school, finishing third in his graduating class at Dungannon High School in 1956; and

WHEREAS, after graduating high school, Otis Lawson proudly served his country in the 47th Infantry Division of the United States Army with five years and three months of service in Korea and Germany, and training at Fort Jackson in South Carolina, Fort Ord in California, and Fort Lewis in Washington; and

WHEREAS, after his honorable service to his country, Otis Lawson was a loyal employee of Tennessee's Eastman Kodak Company for nearly three decades, never missing a day of work or arriving late during his entire tenure with the company from 1966 to 1994; after his well-earned retirement from Eastman Kodak, he worked at Gate City Funeral Home for nine years, retiring in January 2015; and

WHEREAS, over nearly two decades of volunteerism, Otis Lawson has given nearly 10,000 hours of volunteer service to his fellow veterans, serving as assistant chaplain for the local American Legion Honor Guard; and

WHEREAS, Otis Lawson has made lasting contributions to the community through leadership and involvement in civic and service organizations, including a decade as president of the Clinch River Health Services Board, where he played an instrumental role in bringing Clinch River Health Services to Dungannon; and

WHEREAS, Otis Lawson was also a member of the Fort Blackmore Ruritan Club for 12 years, the Scott County Planning Commission for eight years, the Rural Area Development Association for eight years, the Fort Blackmore PTA for 12 years, and the Twin Springs High School Band and Athletic Booster Clubs for nine years; and

WHEREAS, Otis Lawson is a devoted family man who has been lovingly married to Mima Jean Sanders Lawson for 53 years; the couple have four children, Gregory Allen, Anthony Dwayne, Tammy Denise, and Melinda Ann, and are the proud grandparents of seven grandchildren; and

WHEREAS, Otis Lawson's contributions as a volunteer, leader, veteran, father, husband, and brother have earned him the admiration of the community, including recognition as the Alumni of the Year for Dungannon High School in 2017; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Otis Gene Lawson, a respected veteran and community leader in Scott County; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Otis Gene Lawson as an expression of the General Assembly's admiration for his lifetime of service to Scott County and the Commonwealth.

**HOUSE JOINT RESOLUTION NO. 291**

*Commending William C. Shelton.*

Agreed to by the House of Delegates, February 23, 2018

Agreed to by the Senate, March 1, 2018

WHEREAS, William C. Shelton was director of the Department of Housing and Community Development for 20 years, having been appointed by Governor James S. Gilmore III; reappointed by Governors Mark R. Warner, Timothy M. Kaine, Robert F. McDonnell, and Terrence R. McAuliffe; and confirmed by the General Assembly; and

WHEREAS, William Shelton was responsible for the management and policy oversight of the Department, which provides community development and housing program support, and provided faithful service with distinction to the Department and Commonwealth for those 20 years as director; and

WHEREAS, William Shelton served the Commonwealth in various capacities for 40 years in total, and during that time, he received many awards and accolades, including the Lifetime Achievement Award for Excellence in Virginia Government bestowed by the L. Douglas Wilder School of Government and Public Affairs at Virginia Commonwealth University; and

WHEREAS, William Shelton's commitment to the best interests of the people, businesses, and localities in the Commonwealth, coupled with his knowledge and experience, made him an asset to the Department; and

WHEREAS, William Shelton respectfully considered the views of others, and he took a special interest in the concerns of rural localities through his duties as the Governor's appointed representative to the Appalachian Regional Commission and as an ex-officio member of the Southwest Virginia Cultural Heritage Foundation Board, making him an invaluable participant in community conversations and adding value to his leadership of the Department; and

WHEREAS, William Shelton's understanding, commitment, and integrity have earned him the respect and admiration of state and local officials, members of planning district commissions, and others associated with the Department throughout Virginia; and

WHEREAS, William Shelton's wit, good humor, and humility added immeasurably to the pleasure and satisfaction that others derived from their service to the Department; and

WHEREAS, William Shelton provided 40 years of superior service to the Commonwealth, bringing positive results to communities and citizens, and his legacy of service will be felt for generations yet to come; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend William C. Shelton, an honorable and faithful public servant, for his many contributions to the Department of Housing and Community Development; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to William C. Shelton as an expression of the General Assembly's admiration for his enduring commitment and extraordinary service to the Commonwealth and best wishes on his future endeavors.

**HOUSE JOINT RESOLUTION NO. 292**

*Celebrating the life of Lindsay Butte West.*

Agreed to by the House of Delegates, February 23, 2018

Agreed to by the Senate, March 1, 2018

WHEREAS, Lindsay Butte West, a beloved mother and respected Blacksburg resident who gave exemplary service to the community as a member of the Montgomery County Board of Supervisors, died on February 2, 2018; and

WHEREAS, born in Puerto Rico, Lindsay West moved frequently during her childhood, living in Venezuela, Oklahoma, Washington, and New York; in 1956, she earned a bachelor's degree from Radcliffe College in Massachusetts; and

WHEREAS, Lindsay West married her husband, David, in 1958; the couple settled in Blacksburg four years later and moved into a restored 1840 farmhouse; and

WHEREAS, a natural leader with a passion for civil rights and environmental issues, Lindsay West was active in civic affairs in Blacksburg and was elected to the Montgomery County Board of Supervisors in 1976 as its first female member; and

WHEREAS, Lindsay West served on the Montgomery County Board of Supervisors for 12 years, including stints as vice chair and chair, and worked tirelessly to improve town-county relationships; and

WHEREAS, during her tenure on the Montgomery County Board of Supervisors, Lindsay West brought her experience and leadership to the Montgomery County Social Services Board, the New River Community Action Board, and the Montgomery County Public Service Authority; and

WHEREAS, in addition, Lindsay West served on the state Local Government Advisory Council and the Local Government Advisory Committee of the Governor's Commission of Transportation; and

WHEREAS, after leaving the Montgomery County Board of Supervisors in 1987, Lindsay West continued to serve the community by working with New River Community Action and by helping form the Community Foundation of the New River Valley; and

WHEREAS, Lindsay West chaired the Democratic Committee in Montgomery County and served on the Virginia State Board of Behavioral Health and Developmental Services during the administrations of Governor Mark R. Warner and Governor Timothy M. Kaine; and

WHEREAS, a Blacksburg resident for 56 years, Lindsay West contributed to the restoration of the town's downtown area by overseeing the renovation of the Lyric Theatre, recruiting donors, and serving as the Lyric Council's first chairperson; and

WHEREAS, in recognition of Lindsay West's lifetime of service, the Montgomery County-Radford City-Floyd County Branch of the NAACP presented her with its annual Nannie B. Hairston Community Service Award in 2011; and

WHEREAS, predeceased by her husband, David, and son, Peter, Lindsay West will be fondly remembered and dearly missed by her children, Roger and Susan, and their families, as well as numerous other family members, friends, and Blacksburg residents; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Lindsay Butte West, a dedicated Blacksburg resident who gave outstanding service to the community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Lindsay Butte West as an expression of the General Assembly's respect for her memory.

### HOUSE JOINT RESOLUTION NO. 293

*Commending the Valentine First Freedom Center.*

Agreed to by the House of Delegates, February 23, 2018

Agreed to by the Senate, March 1, 2018

WHEREAS, in 2018, the Valentine First Freedom Center in Richmond celebrates its 34th anniversary of promoting and advancing the fundamental rights of freedom of religion and freedom of conscience; and

WHEREAS, the history of Virginia is inextricably linked with the establishment of these basic human rights; the first document espousing these beliefs, the Virginia Statute for Religious Freedom, was originally drafted by Thomas Jefferson in 1777 and was the forerunner of the First Amendment of the United States Constitution, which ensured freedom of religion for all Americans; and

WHEREAS, the First Freedom Center was established in 1984 in anticipation of the bicentennial of the Virginia General Assembly's adoption of the statute in 1786; the landmark vote occurred in a building in Richmond where the legislature had temporary quarters; and

WHEREAS, today, the First Freedom Center educates people about the significance and meaning of the rights that allow nations and their citizens to enjoy freedom of religion and freedom of conscience without interference; and

WHEREAS, in the early part of the 21st century, the trustees of the First Freedom Center purchased the site where the Virginia Statute for Religious Freedom was enacted more than two centuries ago; their goal was to establish an educational center to promote understanding and respect for these rights; and

WHEREAS, during the last decade, the First Freedom Center has been developed in phases; it opened in 2006 in renovated buildings with offices, exhibits, a classroom, and a meeting space; and

WHEREAS, the second phase of the First Freedom Center was completed in 2015 and is now under the management of The Valentine Museum; the site features enhanced exhibits and programs that study the progress made toward establishing freedom of religion and freedom of conscience around the world; and

WHEREAS, since 1995, the First Freedom Center has also honored champions of religious liberty with its prestigious First Freedom Awards; past recipients of the awards have included British Prime Minister Tony Blair and Czech Republic President Vaclav Havel; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Valentine First Freedom Center on more than three decades of promoting rights that Virginians have enjoyed for over two centuries—freedom of religion and freedom of conscience; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Valentine First Freedom Center as an expression of the General Assembly's admiration for its commitment to promoting education about religious liberty.

**HOUSE JOINT RESOLUTION NO. 294**

*Celebrating the life of Elizabeth Lee Harward Jolly.*

Agreed to by the House of Delegates, February 23, 2018

Agreed to by the Senate, March 1, 2018

WHEREAS, Elizabeth Lee Harward Jolly, a beloved mother, respected Richmond resident, and dedicated educator and public servant, died on July 12, 2017; and

WHEREAS, born in Cookeville, Tennessee, Elizabeth "Betty" Lee Harward Jolly studied English at Tennessee Technological University, where she was a member of Kappa Delta Pi and Sigma Delta Tau; and

WHEREAS, Betty Jolly began her career as a high school teacher and later worked in higher education as government liaison director for three Virginia universities; she was also an appointee in the administrations of two governors; and

WHEREAS, Betty Jolly brought her talent and experience to board positions with James Madison University, the Department of Medical Assistance Services, and the Garden Club of Virginia; and

WHEREAS, an avid reader and a talented writer, Betty Jolly was an active citizen who participated in government and civic affairs throughout her life; and

WHEREAS, predeceased by her husband, Lewis, Betty Jolly will be fondly remembered and greatly missed by her daughters, Margaret and Anne, and their families, as well as numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Elizabeth Lee Harward Jolly, a diligent public servant who gave outstanding service to the residents of the Commonwealth; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Elizabeth Lee Harward Jolly as an expression of the General Assembly's respect for her memory.

**HOUSE JOINT RESOLUTION NO. 295**

*Commending the New Dominion Women's Club.*

Agreed to by the House of Delegates, February 23, 2018

Agreed to by the Senate, March 1, 2018

WHEREAS, the New Dominion Women's Club, a McLean-based civic organization with a long history of community involvement, volunteer service, and fellowship, celebrates its 50th anniversary in 2018; and

WHEREAS, the New Dominion Women's Club was founded in 1968 by eight civic-minded women; in 1991, the club joined the Virginia chapter of the General Federation of Women's Clubs, an international organization devoted to community improvement through volunteer service; and

WHEREAS, today, the 40 members of the New Dominion Women's Club support arts, conservation, education, and other causes in McLean through special fundraising events such as the Arts Night Out, the Spring Fling Fashion Show, and Cocktails for a Crowd; and

WHEREAS, each year, the New Dominion Women's Club chooses at least four nonprofit organizations to serve as beneficiaries of its fundraisers; in 2016-2017, the group raised more than \$20,000 for the McLean Project for the Arts, Share of McLean, Friends of Historic Pleasant Grove, and the Safe Community Coalition; and

WHEREAS, the New Dominion Women's Club also conducts service projects and outreach with Share of McLean, Reading Is Fundamental in partnership with the Falls Church-McLean Children's Center, the Dolley Madison Library book donation project, the McLean Project for the Arts' annual MPAartfest children's art walk, and the Adopt-a-Highway program; and

WHEREAS, in past years, the New Dominion Women's Club has also organized an annual craft night at Langley Residential Support Services, a Thanksgiving meal at the teen shelter Second Story, and monthly Meals on Wheels deliveries; and

WHEREAS, the New Dominion Women's Club's dedication to community improvement has seen the organization honored as the 2013 Volunteers of the Year and the 2004 Outstanding Nonprofit Organization of the Year by the Greater McLean Chamber of Commerce; and

WHEREAS, as part of its 50th anniversary celebration, the New Dominion Women's Club has set a goal of raising \$5,000 to benefit the McLean Community Center; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the New Dominion Women's Club on its many years of service to the residents of McLean on the occasion of its 50th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the New Dominion Women's Club as an expression of the General Assembly's admiration for its long commitment to supporting charitable causes in the community.

**HOUSE JOINT RESOLUTION NO. 296**

*Commending the Greater Reston Chamber of Commerce.*

Agreed to by the House of Delegates, February 23, 2018

Agreed to by the Senate, March 1, 2018

WHEREAS, the Greater Reston Chamber of Commerce was founded in 1982 to enhance the prosperity of the Reston region by providing a supportive environment for businesses and the community to grow; and

WHEREAS, Reston and the Dulles Technology Corridor together comprise the fourth-largest business center in the United States and are the home to several prominent American and foreign-owned companies, many of whom are members of the Greater Reston Chamber of Commerce which provide numerous jobs to the region; Reston has earned renown as one of the most successful planned communities in the world, featuring unique neighborhoods, along with shopping and entertainment destinations; and

WHEREAS, the Greater Reston Chamber of Commerce has grown steadily over the years, expanding the services and opportunities it provides to its members, and it has proven to be a highly effective advocate for business; and

WHEREAS, the Greater Reston Chamber of Commerce has more than 600 members, from solo entrepreneurs to Fortune 500 companies, and takes pride in cultivating these relationships to facilitate business growth and entrepreneurship; and

WHEREAS, the Greater Reston Chamber of Commerce provides a wide range of quality programs for every business professional, including niche special interests such as government contractors, young professionals, health care professionals, and professionals in the nonprofit and hospitality sectors; and

WHEREAS, since it was established in 2000 as a 501(c)3 subsidiary of the Greater Reston Chamber of Commerce, the INCspire Education Foundation has mentored and graduated more than 70 firms that have in turn created more than 500 jobs in the region, attracted more than \$50 million in investments, and secured more than 80,000 square feet of commercial space in Northern Virginia; and

WHEREAS, the Greater Reston Chamber of Commerce is a leading member of the Northern Virginia Chamber Partnership, established in 2009, which advocates for the regional legislative interests of member companies and organizations; and

WHEREAS, in addition to its outstanding work on behalf of local businesses, the Greater Reston Chamber of Commerce has been a dedicated community partner by donating expertise, funds, and hundreds of volunteer hours to local nonprofits; and

WHEREAS, some of the Greater Reston Chamber of Commerce's many contributions to nonprofits include partnering with Cornerstones to raise more than \$4 million and recognize businesses that go above and beyond to support the broader community; and

WHEREAS, the Greater Reston Chamber of Commerce was the first organization in Northern Virginia to establish Ethics Day, which gives members of the business community an opportunity to meet with future business leaders from the South Lakes High School senior class, help them find their career paths, and provide guidance on how to make moral and ethical decisions; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Greater Reston Chamber of Commerce on the occasion of its 35th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Greater Reston Chamber of Commerce as an expression of the General Assembly's admiration for the organization's many years of support for local businesses and charitable organizations.

**HOUSE JOINT RESOLUTION NO. 298**

*Commending Stonehouse Elementary School.*

Agreed to by the House of Delegates, February 23, 2018

Agreed to by the Senate, March 1, 2018

WHEREAS, Stonehouse Elementary School in Williamsburg was recognized as a 2017 National Blue Ribbon School by the United States Department of Education; and

WHEREAS, the National Blue Ribbon Schools Program honors public and private schools from across the nation that have demonstrated academic excellence or made major improvements to student achievement; Stonehouse Elementary School was one of only seven schools in the Commonwealth to receive the designation; and

WHEREAS, the Blue Ribbon Schools awards affirm the hard work by students, teachers, families, and communities to foster environments like that of Stonehouse Elementary School where learners can reach their full academic potential; and

WHEREAS, opened in 2000, Stonehouse Elementary School is part of the Williamsburg-James City County Public Schools and includes approximately 730 students in kindergarten through fifth grade; and

WHEREAS, Stonehouse Elementary School's talented educators rely on best practices in the classroom to address each student's individual needs and learning styles; in addition, the school operates rotating learning centers to nurture students' interest in media, art, technology, physical education, and the performing arts; and

WHEREAS, dedicated to creating a safe and supportive learning environment that promotes high academic and social achievement, Stonehouse Elementary School encourages its students to develop the STARS values of safety, tolerance, positive attitude, respect, and striving for excellence; and

WHEREAS, Stonehouse Elementary School develops strong family engagement through its active parent-teacher association, which organizes after-school programs and special events; in addition, the school runs a Watch DOGS (Dads of Great Students) program to support classroom learning; and

WHEREAS, Stonehouse Elementary School's selection as a Blue Ribbon School is a tribute to the outstanding work of its students and the exemplary leadership and dedication of its administrators, teachers, and staff; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Stonehouse Elementary School on being selected as a 2017 National Blue Ribbon School by the United States Department of Education; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Melissa White, principal of Stonehouse Elementary School, as an expression of the General Assembly's admiration for the school's commitment to giving its students a strong foundation for lifelong learning.

**HOUSE JOINT RESOLUTION NO. 299**

*Commending the James City-Bruton Volunteer Fire Department.*

Agreed to by the House of Delegates, February 23, 2018

Agreed to by the Senate, March 1, 2018

WHEREAS, the James City-Bruton Volunteer Fire Department, a first-responder unit in Toano whose members have provided outstanding service to the residents of James City County, celebrates its 70th anniversary in 2018; and

WHEREAS, the James City-Bruton Volunteer Fire Department was founded in early 1948 to serve as the first fire department in James City County; that March, a group of 68 community members came forward as the company's first volunteers; and

WHEREAS, originally headquartered in a garage and other makeshift facilities, the James City-Bruton Volunteer Fire Department built its first station in 1951 before moving into a larger station in the late 1960s; and

WHEREAS, in 2016, the James City-Bruton Volunteer Fire Department moved into its current headquarters, a state-of-the-art \$6.5 million station featuring improved training facilities and living quarters; and

WHEREAS, today, the James City-Bruton Volunteer Fire Department includes full-time employees as well as roughly 80 volunteers who operate two fire engines, a rescue squad truck, a ladder truck, a tanker, two brush trucks, and two boats; and

WHEREAS, the James City-Bruton Volunteer Fire Department's dedicated volunteers are comprised of community members who undergo thorough training in fire safety and emergency medicine; many former volunteers have gone on to become professional firefighters in communities across the Commonwealth; and

WHEREAS, serving the community 24 hours a day, the members of the James City-Bruton Volunteer Fire Department protect lives and property across a 70-square-mile swath of the Virginia Peninsula; and

WHEREAS, in addition to its lifesaving services, the James City-Bruton Volunteer Fire Department is an active member of the community, hosting a farmer's market and a fish fry as well as town meetings and events; and

WHEREAS, throughout the company's distinguished history, the members of the James City-Bruton Volunteer Fire Department have displayed the utmost professionalism in their mission to keep the residents of James City County safe; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the James City-Bruton Volunteer Fire Department on the occasion of its 70th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the James City-Bruton Fire Department as an expression of the General Assembly's admiration for its long and meritorious service to James City County.

**HOUSE JOINT RESOLUTION NO. 300**

*Commending the James Madison High School band.*

Agreed to by the House of Delegates, February 23, 2018

Agreed to by the Senate, March 1, 2018

WHEREAS, the James Madison High School band, an exceptional public secondary school band in Vienna, was selected as a 2017 National Winner of the National Band Association's prestigious Programs of Excellence Blue Ribbon Award; and

WHEREAS, the Blue Ribbon Award is the National Band Association's highest honor and is designed to recognize high school band programs that promote excellence and high achievement in all areas over a continuous period of years, as has the James Madison High School band; and

WHEREAS, the James Madison High School band was one of only four programs nationwide to win the Blue Ribbon Award; it became eligible for the honor after receiving the Southern Division Blue Ribbon Award in October 2017; and

WHEREAS, prior to receiving the Blue Ribbon Award, the James Madison High School band completed a rigorous application process that included submitting live performance recordings from concerts or festivals from at least two school years, a list of honors and accolades received in the last four years, four entire concert band programs from the last three years, and rating forms and adjudicator sheets from festivals for the last three years; and

WHEREAS, the James Madison High School band was also required to provide a comprehensive list of all works performed over the last two years, a report on the number of its students who were accepted to regional and state honor bands, a report on solo and ensemble participants with ratings for the past three years, and an estimate of the number of its graduates who continue to perform after high school; and

WHEREAS, under the direction of Michael Hackbarth, the talented student-musicians of the James Madison High School band continue to delight audiences and serve as outstanding role models for school music programs across the Commonwealth; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the James Madison High School band on its selection as a 2017 National Winner of the National Band Association's Programs of Excellence Blue Ribbon Award; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Michael Hackbarth, director of the James Madison High School band, as an expression of the General Assembly's admiration for the program's outstanding accomplishments and best wishes for continued success.

**HOUSE JOINT RESOLUTION NO. 301**

*Commending Patsy Gifford Napier.*

Agreed to by the House of Delegates, February 23, 2018

Agreed to by the Senate, March 1, 2018

WHEREAS, Patsy Gifford Napier, a trailblazer for women in the transportation industry, has served the Commonwealth in various capacities for more than 50 years; and

WHEREAS, Patsy Napier began working for the Virginia Department of Transportation (VDOT) after graduating from high school in 1968; over the course of her long and successful career, she witnessed incredible growth and change in the Commonwealth and in the transportation industry; and

WHEREAS, Patsy Napier started her career in the Preliminary Engineering Section of the VDOT Location and Design Division at a time when there were only four women employees on her entire floor; and

WHEREAS, Patsy Napier oversaw major corridor studies that shaped Virginia's transportation network, including the I-73 Corridor Study and the Coalfields Expressway Corridor Study; she actively encouraged public participation through innovative and effective outreach strategies, ensuring that all voices were heard; and

WHEREAS, Patsy Napier worked her way up through the ranks of VDOT to become the program manager in charge of location studies and public involvement in the Location and Design Division; she earned the admiration and respect of her peers and employees for her attention to detail, work ethic, and visionary leadership; and

WHEREAS, after 37 years of loyal service, Patsy Napier retired from VDOT to pursue new opportunities in the private sector as a transportation consultant; and

WHEREAS, in 2006, Patsy Napier organized a group of women to establish the Central Virginia Chapter of the Women's Transportation Seminar (WTS), an international organization that promotes the professional advancement of women in the transportation field; and

WHEREAS, for more than a decade, Patsy Napier has helped the Central Virginia Chapter of the WTS grow and create new career opportunities for women in the Commonwealth, and she has inspired an entire generation of women leaders; and

WHEREAS, in 2012, the Central Virginia Chapter of the WTS recognized Patsy Napier with its Woman of the Year Award and created the Patsy G. Napier Future Transportation Leader Scholarship in her honor; and

WHEREAS, Patsy Napier resides in Hanover County with her husband, Bob, a fellow VDOT retiree with more than 40 years of experience; the couple has one daughter and one grandson; and

WHEREAS, Patsy Napier currently serves Hanover County residents by advising the Board of Supervisors on transportation issues as the Cold Harbor District representative on the Roads Committee; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Patsy Gifford Napier for her 50 years of service to the Commonwealth in the transportation sector; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Patsy Gifford Napier as an expression of the General Assembly's admiration for her exceptional contributions to the Commonwealth and to her fellow women transportation professionals.

**HOUSE JOINT RESOLUTION NO. 302**

*Celebrating the life of Heather Danielle Heyer.*

Agreed to by the House of Delegates, March 2, 2018

Agreed to by the Senate, March 6, 2018

WHEREAS, Heather Danielle Heyer, a vibrant member of the Charlottesville community and a passionate civil rights activist who dedicated her life to fighting inequality and injustice, died on August 12, 2017; and

WHEREAS, a native of Charlottesville, Heather Heyer grew up in Ruckersville; her commitment to fairness began at a young age, when she often stood up for other children who were being bullied at school; and

WHEREAS, Heather Heyer graduated from William Monroe High School and continued her education at Piedmont Virginia Community College; she later found her calling as a paralegal for the Miller Law Group; and

WHEREAS, dependable, hardworking, and knowledgeable, Heather Heyer took every opportunity to learn more about her profession and was certified as a notary public; in her five years with the firm, she rarely missed a day of work; and

WHEREAS, as a member of the bankruptcy department of the Miller Law Group, Heather Heyer treated her clients with the utmost care and respect and worked to help them gain peace of mind in difficult times; and

WHEREAS, Heather Heyer's commitment to excellent customer service was unparalleled, and her sparkling personality and infectious smile brightened the office for her coworkers every day; and

WHEREAS, Heather Heyer loved her job and coworkers deeply, but she was most passionate about fighting inequality, bigotry, and injustice in all forms; she was always willing to speak her mind and make her voice heard, and she inspired others by never backing down on issues of right and wrong; and

WHEREAS, the Heather Heyer Foundation, a nonprofit organization that provides scholarships to students pursuing a law or paralegal degree or a bachelor's degree in education or social work, was founded in Heather Heyer's honor to carry on her legacy; and

WHEREAS, Heather Heyer will be fondly remembered and greatly missed by her mother, Susan; father, Mark; stepfather, Kim; brother, Nicholas; grandparents, Barbara, Elwood, Donald, and Eunice; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Heather Danielle Heyer, a champion for social justice and civil rights; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Heather Danielle Heyer as an expression of the General Assembly's respect for her memory.

**HOUSE JOINT RESOLUTION NO. 303**

*Celebrating the life of Frances Elizabeth Gibson Loose.*

Agreed to by the House of Delegates, March 2, 2018

Agreed to by the Senate, March 6, 2018

WHEREAS, Frances Elizabeth Gibson Loose, a devoted mother and respected businesswoman who owned Tuel Jewelers in Charlottesville for over 40 years, died on January 5, 2018; and

WHEREAS, born in Ivy, Frances Loose attended Meriwether Lewis High School, where she played basketball and pitched for the softball team; she then studied bookkeeping at Jefferson Business School and later earned certificates from the Jewelers of America and the Gemological Institute of America; and

WHEREAS, Frances Loose began her career running the candy counter of a McCrory's five-and-dime store before working in sales and fashion merchandising for Diana Shops; and

WHEREAS, in 1953, Frances Loose was hired as the bookkeeper at Tuel Jewelers, a jewelry sales and repair business in Charlottesville; she later purchased the store in 1975 and became one of the first female business owners in the city's downtown; and

WHEREAS, Frances Loose spent the rest of her life operating Tuel Jewelers, eventually working alongside her two daughters as well as her grandsons; she became a beloved figure on Charlottesville's Downtown Mall, where many customers and fellow business owners called her "Mom"; and

WHEREAS, along with running her successful jewelry business, Frances Loose was a proud Charlottesville resident who was active in numerous organizations and events, including Beta Sigma Phi, Credit Women International, the Charlottesville Dogwood Festival, the Charlottesville Regional Chamber of Commerce, the Downtown Business Association of Charlottesville, and the American Legion Auxiliary; and

WHEREAS, in 2009, Frances Loose received the Small Business Person of the Year award from the Charlottesville Regional Chamber of Commerce; and

WHEREAS, a woman of strong faith, Frances Loose served as an altar guild directress at St. John the Baptist Episcopal Church in Ivy and later as an altar guild, St. Margaret's Guild, and National Episcopal Church Women member and Sunday school teacher at Grace Episcopal Church in Keswick; and

WHEREAS, predeceased by her husband of 56 years, Hermann, Frances Loose will be fondly remembered and greatly missed by her daughters, Mary and Frieda, and their families, as well as numerous other family members, friends, and Charlottesville residents; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Frances Elizabeth Gibson Loose, a business leader and active member of the Charlottesville community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Frances Elizabeth Gibson Loose as an expression of the General Assembly's respect for her memory.

#### HOUSE JOINT RESOLUTION NO. 304

*Celebrating the life of W. Randolph Nichols.*

Agreed to by the House of Delegates, February 23, 2018

Agreed to by the Senate, March 1, 2018

WHEREAS, W. Randolph Nichols, a devoted educator and an accomplished school administrator in Chesapeake, died on June 26, 2017; and

WHEREAS, a native of Ahoskie, North Carolina, Randolph Nichols earned bachelor's and master's degrees from the University of North Carolina at Chapel Hill and a doctorate from the University of Virginia; and

WHEREAS, Randolph Nichols joined the faculty of Great Bridge High School in 1959 as a teacher and track coach; he enjoyed a long and distinguished career with Chesapeake Public Schools, formerly Norfolk County Public Schools; and

WHEREAS, in 1966, Randolph Nichols became the director of research, guidance, and testing for Chesapeake Public Schools; he continued to rise through the ranks, becoming assistant superintendent and deputy superintendent; and

WHEREAS, in 1995, Randolph Nichols was named superintendent of Chesapeake Public Schools and went on to become the longest-serving superintendent in South Hampton Roads with his 15-year tenure; and

WHEREAS, a passionate lifelong learner, Randolph Nichols worked tirelessly to prepare his students for higher education, careers, and responsible citizenship; he was an innovative leader who guided the growing school system through periods of great change by making use of new technology and techniques; and

WHEREAS, among his many accomplishments, Randolph Nichols implemented a citywide school improvement planning initiative and a nationally recognized program to examine the efficiency and effectiveness of programs and services; he oversaw the construction of 18 new schools, two support facilities, and 35 school renovations, increasing school safety and improving educational standards for all children; and

WHEREAS, Randolph Nichols also served as an adjunct professor at three universities and was deeply involved with local civic organizations, board committees, and commissions, focusing on ways to serve the youth of the Chesapeake community; and

WHEREAS, throughout his 51-year career in education, Randolph Nichols received many awards and accolades, including the 2003 Virginia Superintendent of the Year award and the 1999 Child Advocacy Award from the Comprehensive Health Investment Project; in 2001, the W. Randolph Nichols Scholarship Foundation was established to benefit deserving high school graduates in the area; and

WHEREAS, Randolph Nichols will be fondly remembered and greatly missed by his wife, Virginia; children, Lori and Todd, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of W. Randolph Nichols; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of W. Randolph Nichols as an expression of the General Assembly's respect for his memory.

**HOUSE JOINT RESOLUTION NO. 305**

*Commending the Reverend Michael Hirsch.*

Agreed to by the House of Delegates, February 23, 2018  
 Agreed to by the Senate, March 1, 2018

WHEREAS, for over 30 years, the Reverend Michael Hirsch has provided spiritual leadership and generous outreach to the residents of the Fredericksburg area; and

WHEREAS, a Massachusetts native, Reverend Hirsch endured a troubled upbringing in the suburbs of Boston and became a Christian after reading a Gideon Bible while incarcerated; and

WHEREAS, Reverend Hirsch began his preaching career as an itinerant evangelist and founder of Guiding Light Ministry; he also served as intake director for New Life for Youth, a Christ-centered residential rehabilitation center in Richmond; and

WHEREAS, since 1986, Reverend Hirsch has served as senior pastor of Calvary Christian Church in Fredericksburg; during that time, he and his wife Susan have led the congregation in four different locations; and

WHEREAS, Reverend Hirsch has overseen several outreach efforts during his tenure with Calvary Christian Church, including the establishment of a state-licensed school for children with disabilities; and

WHEREAS, a dedicated preacher and evangelist, Reverend Hirsch has made overseas mission trips to nations around the globe, including India, Russia, Colombia, and Ukraine; and

WHEREAS, in addition to his service with Calvary Christian Church, Reverend Hirsch is the co-founder and past presiding director of the Fredericksburg Rappahannock Evangelical Alliance and has served on the boards of Calvary Pentecostal Fellowship International, Gospel for Nations, Inc., and Mt. Zion Fellowship, Inc.; and

WHEREAS, Reverend Hirsch is a former Virginia Colonial District coordinator for the National Day of Prayer and served as chairman of the Virginia Watchmen Council as part of the Family Research Council's Watchmen on the Wall; and

WHEREAS, in addition, Reverend Hirsch is a former chairman of the Fredericksburg Republican Committee and served on the interim executive committee of the Fredericksburg branch of the NAACP; and

WHEREAS, Reverend Hirsch maintains a close connection to the Gideons and has served as a witness at Virginia Gideons camps and as a testimonial speaker at the Virginia Gideons' state convention; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Reverend Michael Hirsch on his dedication to spiritual leadership and global outreach as pastor of Calvary Christian Church; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Reverend Michael Hirsch as an expression of the General Assembly's admiration for his service to his congregation and the community.

**HOUSE JOINT RESOLUTION NO. 306**

*Commending the Honorable William J. Howell.*

Agreed to by the House of Delegates, February 23, 2018  
 Agreed to by the Senate, February 26, 2018

WHEREAS, the Honorable William J. Howell, a consummate public servant and a true Virginia gentleman who represented the residents of parts of Stafford County and Fredericksburg in the Virginia House of Delegates for three decades, including 15 years as Speaker of the House, retired from public office in 2017; and

WHEREAS, William "Bill" J. Howell grew up in Alexandria and attended Fairfax County Public Schools; he earned a bachelor's degree from the University of Richmond and a law degree from the University of Virginia, where he met his wife of 51 years and greatest supporter, Cecilia Stump Howell, with whom he has two sons, William Fayette and Leland Jackson, and seven grandchildren; and

WHEREAS, Bill Howell began his professional career in wills and estate law and offered his leadership and expertise to several financial institutions; he established and ran the trust department of the National Bank of Fredericksburg from 1977 to 1990, when he established his own law practice in a log cabin in Falmouth; and

WHEREAS, desirous to be of further service to the community and the Commonwealth, Bill Howell ran for and was elected to the Virginia House of Delegates in 1987 and went on to win 14 additional terms, representing parts of Stafford County and Fredericksburg in the 28th District; and

WHEREAS, Bill Howell introduced and supported numerous pieces of legislation to strengthen the Commonwealth and enhance the lives of all Virginians; he offered his legal expertise to the House Committee for Courts of Justice for many years, becoming co-chair in 2000 and chair in 2002; and

WHEREAS, in 2003, Bill Howell was elected as Speaker of the House, ultimately becoming the third longest-serving Speaker; during his 15-year tenure in the office, he built a legacy of pragmatism, dignity, and fairness, earning the respect

and admiration of his fellow legislators for his ability to diffuse tense disagreements with his quick wit and his strict adherence to rules and procedures for members of both parties; and

WHEREAS, among his proudest accomplishments, Bill Howell carried four major pieces of transportation legislation, including the bipartisan transportation funding and reform bill in 2013 and legislation that created Virginia's process for prioritizing transportation funding, the first such process in the nation; and

WHEREAS, Bill Howell also carried legislation to reform the Virginia Retirement System, reducing unfunded liabilities by \$9 billion, and established a major commission in 2016 to study additional pension reform; and

WHEREAS, seeking to safeguard the Commonwealth's valuable natural resources, Bill Howell sponsored the land preservation tax credit and land conservation fund, and as a result, more than 800,000 acres of land, valued at more than \$3.7 billion, were preserved by individuals and private organizations; and

WHEREAS, during his time as Speaker of the House, Bill Howell received national recognition as chair of the American Legislative Exchange Council and the State Legislative Leaders Foundation National Speakers Conference; he earned many state and local awards and accolades, including the renaming in his honor of the library that is now the William J. Howell Branch in Stafford; and

WHEREAS, having served the Commonwealth with the utmost integrity, dedication, and distinction, Bill Howell received the prestigious 2018 Outstanding Virginian Award, presented by the Outstanding Virginian Committee in partnership with the University of Virginia Frank Batten School of Leadership and Public Policy to recognize leaders who have made an indelible mark on the Commonwealth; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Honorable William J. Howell on his selection as the Outstanding Virginian for 2018; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Honorable William J. Howell as an expression of the General Assembly's profound gratitude and extraordinary respect for the Gentleman from Stafford and admiration for his exemplary service to God, his family, the General Assembly, and the Commonwealth of Virginia.

#### HOUSE JOINT RESOLUTION NO. 307

*Commending the Pinewood Lake Homeowner's Association.*

Agreed to by the House of Delegates, February 23, 2018

Agreed to by the Senate, March 1, 2018

WHEREAS, for 50 years, the Pinewood Lake Homeowner's Association has served as a valuable governing body and community resource for residents of the Pinewood Lake neighborhood in Alexandria; and

WHEREAS, the Pinewood Lake Homeowner's Association began in tandem with the Pinewood Lake community, holding its first board of directors meeting on April 2, 1968; and

WHEREAS, today, the Pinewood Lake Homeowner's Association holds an annual meeting every December as well as monthly board and committee meetings; among other duties, the association sets rules and regulations for the neighborhood and hears cases regarding community disputes; and

WHEREAS, the Pinewood Lake Homeowner's Association also provides general maintenance and upkeep of shared spaces in the Pinewood Lake community, including its pool, lake, and streets and footpaths; and

WHEREAS, in addition, the Pinewood Lake Homeowner's Association organizes neighborhood security services, a community cinema, and special events and gatherings; and

WHEREAS, to ensure that residents are kept up to date on local news, the Pinewood Lake Homeowner's Association publishes a monthly newsletter called *The Needle*; and

WHEREAS, throughout its history, the Pinewood Lake Homeowner's Association has succeeded in its mission to sustain a high quality of life in the Pinewood Lake neighborhood and keep its residents informed of important issues and events; and

WHEREAS, to mark its 50th anniversary, the Pinewood Lake Homeowner's Association is planning a community celebration that will take place on June 2, 2018; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Pinewood Lake Homeowner's Association on the occasion of its 50th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Pinewood Lake Homeowner's Association as an expression of the General Assembly's admiration for its dedication to its community and best wishes for continued success.

#### HOUSE JOINT RESOLUTION NO. 308

*Commending Earl Flanagan.*

Agreed to by the House of Delegates, February 23, 2018

Agreed to by the Senate, March 1, 2018

WHEREAS, Earl Flanagan, a dedicated public servant who has spent 12 years as Fairfax County's Mount Vernon District Planning Commissioner, will retire in 2018 following a distinguished career; and

WHEREAS, Earl Flanagan received a bachelor's degree in architectural engineering from the University of Illinois and also attended Georgetown University's School of Foreign Service and earned a graduate degree in social psychology and political science; and

WHEREAS, during World War II, Earl Flanagan served as a non-commissioned officer in the United States Army in Europe, earning the Army Commendation Medal for an advance landing in France; he later served as a psychological warfare officer and airbase commandant in the United States Air Force during the Korean War; and

WHEREAS, Earl Flanagan began his career as an architect and eventually started his own firm in Illinois; in 1968, he joined the Chicago Regional Office of Housing and Urban Development as an expert on state and local building regulations; and

WHEREAS, in 1974, Earl Flanagan became a principal architect and advisor on building codes and codes administration for the United States Department of Housing and Urban Development (HUD); he later served as a HUD advisor to the governments of Japan, China, Lebanon, and Mexico, as well as many institutes and organizations; and

WHEREAS, during his time with HUD, Earl Flanagan received the Certificate of Merit, the Department's highest award; he also helped establish and served as the first president of the Office of Affordable Housing; and

WHEREAS, Earl Flanagan was appointed Fairfax County's Mount Vernon District Planning Commissioner in 2006; during his 12-year tenure with the District, he won the respect of his colleagues for his diligence and in-depth knowledge of planning and land use issues; and

WHEREAS, Earl Flanagan has held many leadership roles in Fairfax County, including serving as president of the Riverside Estates Civic Association, president of the Mount Vernon Council of Citizens' Associations, and board director of the Fairfax County Federation of Citizens Associations; he has also been a member of numerous other government task forces, boards, and committees; and

WHEREAS, Earl Flanagan's professional honors include being named Lord Fairfax of the Mount Vernon District for 1999 and Mount Vernon District Citizen of the Year in 2000; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Earl Flanagan on his exemplary service to the residents of Fairfax County on the occasion of his retirement as Mount Vernon District Planning Commissioner; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Earl Flanagan as an expression of the General Assembly's admiration for his many career accomplishments and best wishes for a well-deserved retirement.

### HOUSE JOINT RESOLUTION NO. 309

*Celebrating the life of Lieutenant H. Jay Cullen III.*

Agreed to by the House of Delegates, February 23, 2018

Agreed to by the Senate, March 1, 2018

WHEREAS, Lieutenant H. Jay Cullen III, an experienced helicopter pilot and the commander of the Virginia State Police Aviation Unit, died in the line of duty on August 12, 2017; and

WHEREAS, a native of New York, Jay Cullen graduated from Germantown High School in Tennessee in 1987, then earned a bachelor's degree from Embry-Riddle Aeronautical University and worked as a flight instructor in Front Royal and Winchester; and

WHEREAS, desirous to be of service to the Commonwealth, Jay Cullen joined the Virginia State Police, graduating with the 90th Basic Session in 1994; he was first assigned to the Fairfax Division Area 9 Office, then joined the Aviation Unit in 1999; and

WHEREAS, between 1999 and 2017, Jay Cullen served at Virginia State Police aviation bases in Manassas, Lynchburg, and Chesterfield County; and

WHEREAS, during that time, Jay Cullen graduated from the National Criminal Justice Command College at the University of Virginia and served as a pilot for Governor Terence R. McAuliffe; and

WHEREAS, in February 2017, Jay Cullen achieved the rank of lieutenant and was named commander of the Virginia State Police Aviation Unit; and

WHEREAS, Jay Cullen made the ultimate sacrifice near Charlottesville while providing helicopter support to officers on the ground; and

WHEREAS, Jay Cullen served the Commonwealth with integrity, and his sacrifice is a reminder of the dangers bravely faced by law-enforcement officers and first responders throughout the United States every day; and

WHEREAS, in recognition of his exceptional leadership of and contributions to the Virginia State Police Aviation Unit, the Chesterfield Aviation Base was renamed the Lieutenant H. Jay Cullen Hangar in his honor; and

WHEREAS, Jay Cullen will be fondly remembered and greatly missed by his wife, Karen; their two sons; and numerous other family members, friends, and fellow law-enforcement officers; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Lieutenant H. Jay Cullen III, a respected Virginia State Police aviator; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Lieutenant H. Jay Cullen III as an expression of the General Assembly's respect for his memory.

**HOUSE JOINT RESOLUTION NO. 310**

*Commending Laszlo Berkowits.*

Agreed to by the House of Delegates, February 23, 2018

Agreed to by the Senate, March 1, 2018

WHEREAS, Laszlo Berkowits, a Holocaust survivor and respected rabbi who has made many contributions to the Northern Virginia community, celebrates his 90th birthday in 2018; and

WHEREAS, born in Hungary on February 9, 1928, Laszlo Berkowits endured great hardship during World War II, when he was imprisoned by the Nazis at the concentration camps of Auschwitz, Braunschweig, and Wobbelin from 1944 to 1945; and

WHEREAS, after the war, Laszlo Berkowits studied in Sweden, then came to the United States, where he graduated from the University of Cincinnati and earned a Bachelor of Hebrew Letters, Master of Hebrew Letters, and Doctor of Divinity degrees from Hebrew Union College; and

WHEREAS, Laszlo Berkowits was ordained in 1963 and became the founding rabbi of Temple Rodef Shalom in Falls Church; he served the congregation for 35 years, retiring as senior rabbi in 1998, when he was named rabbi emeritus; and

WHEREAS, Laszlo Berkowits served as a board member of the American Jewish Committee's Washington, D.C., chapter and is a former executive board member of the Central Conference of American Rabbis, as well as a former president of the organization's Mid-Atlantic Region; in addition to his leadership in Jewish organizations, he has fostered interfaith cooperation in McLean; and

WHEREAS, Laszlo Berkowits also strengthened the community by supporting civic organizations and humanitarian causes, including as a member of the Virginia Advisory Committee to the U.S. Commission on Civil Rights and the Virginia Human Rights Council; and

WHEREAS, for many years, Laszlo Berkowits served as a guest lecturer at American University and what is now the National Intelligence University, and he raised awareness about the horrors of the Holocaust as a speaker at public schools throughout Northern Virginia; and

WHEREAS, in 2008, Laszlo Berkowits published *The Boy Who Lost His Birthday: A Memoir of Loss, Survival, and Triumph*, the uplifting story of his life's journey; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Laszlo Berkowits on the occasion of his 90th birthday; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Laszlo Berkowits as an expression of the General Assembly's admiration for his legacy of service as a spiritual and community leader.

**HOUSE JOINT RESOLUTION NO. 311**

*Commending the Westover Hills Neighborhood Association.*

Agreed to by the House of Delegates, February 23, 2018

Agreed to by the Senate, March 1, 2018

WHEREAS, the Westover Hills Neighborhood Association was founded in January 1978 and is celebrating its 40th anniversary of serving as the governing body for nearly 1,000 homes in Westover Hills; and

WHEREAS, the Westover Hills Neighborhood Association works to preserve, protect, and improve the quality of life in Westover Hills, a thriving community established in southwest Richmond in 1924; and

WHEREAS, the Westover Hills Neighborhood Association offers a forum for residents to share new ideas and provides a unified voice for residents when communicating concerns and requests to city officials; and

WHEREAS, by supporting constructive community activities, the Westover Hills Neighborhood Association stimulates the individual and collective growth of its residents and increases public safety and general welfare in the area; with its cozy, tree-lined streets and vibrant spirit, the Westover Hills neighborhood is one of the Richmond area's most sought-after places to make a home; the neighborhood features a wide array of different architectural styles and many beautiful lawns and gardens; and

WHEREAS, a testament to the success of the Westover Hills Neighborhood Association and the stature of the neighborhood, five Westover Hills homes were selected to take part in the Garden Club of Virginia's prestigious Historic Garden Week in April 2017; and

WHEREAS, the illustrious house tour, which showcases over 250 of the most beautiful private residences, churches, museums, and historic sites around the Commonwealth each year, coincided with the Westover Hills Neighborhood Association's biannual Twilight Tour; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Westover Hills Neighborhood Association on the occasion of its 40th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Westover Hills Neighborhood Association as an expression of the General Assembly's admiration for its work to serve and promote Westover Hills.

**HOUSE JOINT RESOLUTION NO. 312**

*Commending the Podium Foundation.*

Agreed to by the House of Delegates, February 23, 2018

Agreed to by the Senate, March 1, 2018

WHEREAS, the Podium Foundation, a nonprofit organization that has helped numerous Richmond students hone their writing skills and find outlets for literary expression, celebrates its tenth anniversary in 2018; and

WHEREAS, started in 2008 by Lindy Bumgarner and David Robbins, the Podium Foundation was originally launched to address a lack of extracurricular writing and creative programs for students in the Richmond Public Schools; and

WHEREAS, the Podium Foundation began with just a few dozen students in four high schools; today, it serves 300 young people a year at middle schools, high schools, and community centers across the metro Richmond area; and

WHEREAS, dedicated to helping young people find their creative voices, the Podium Foundation operates after-school workshops for children ages 10 to 14; these include Project Write Now!, which provides creative writing assignments and communication skills development, and the Weekly Word, which explores methods of journalism and broadcasting; and

WHEREAS, for high school-age learners, the Podium Foundation runs the Creative Expression Collective, an extracurricular writing program that features weekly communication and writing workshops focused on poetry, prose, and college preparation; and

WHEREAS, in each of its writing workshops, the Podium Foundation provides opportunities for participants to showcase their work, including performances, readings, and a literary journal; and

WHEREAS, in addition, the Podium Foundation runs the Writer's Leadership Conference, a multi-day program in which teen writers can engage in professional development and networking with professionals across multiple fields; and

WHEREAS, the Podium Foundation also operates a Writing Mentorship Project that allows high school upperclassmen and recent graduates to develop their professional skills by working alongside staff to create and facilitate writing workshops for summer middle school programs; and

WHEREAS, for its role in improving student writing skills and providing increased access to youth programs, the Podium Foundation has been honored by the Richmond School Board and the Richmond City Council and achieved national recognition for outstanding nonprofit collaboration; and

WHEREAS, through its many programs and workshops, the Podium Foundation has helped scores of young people to embrace their creativity, grow their communication confidence, and build a strong foundation for future success; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Podium Foundation for its years of service to the Richmond community on the occasion of its 10th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Podium Foundation as an expression of the General Assembly's admiration for its commitment to providing rewarding writing and literary programs for young people.

**HOUSE JOINT RESOLUTION NO. 313**

*Commending the Richmond Symphony.*

Agreed to by the House of Delegates, February 23, 2018

Agreed to by the Senate, March 1, 2018

WHEREAS, the Richmond Symphony, one of the nation's most acclaimed regional orchestras, was formed in 1957 and is celebrating its 60th anniversary during the 2017-2018 Season; and

WHEREAS, in its inaugural season, the Richmond Symphony performed only three concerts in Richmond; in 2017, the orchestra presented performances and educational programs every week, extending throughout the Greater Richmond Region, and toured across the Commonwealth from its downtown home in the historic Carpenter Theatre; and

WHEREAS, the Richmond Symphony has fostered deep and vitally important partnerships with the public school systems of the Greater Richmond Region and beyond, with the shared goal of ensuring equal access to and opportunities for music education as part of a well-rounded education for every Virginian child; and

WHEREAS, the Richmond Symphony is recognized nationally as an innovative and artistically excellent orchestra, winning grants and awards for its performances and educational and community engagement programs, and it is making every effort to bring its music to diverse audiences of all ages; and

WHEREAS, the Richmond Symphony's award-winning Big Tent initiative has afforded an extraordinary opportunity to work with other cities and counties to bring people together through the power of live music by presenting festivals and concerts in parks and public spaces for the enjoyment of citizens, young and old, throughout the Commonwealth, thereby increasing public access to the arts; and

WHEREAS, art, music, and cultural experiences greatly enhance the quality of life for all residents of the Commonwealth; in its 60-year history, the Richmond Symphony has been supported by the National Endowment for the Arts and the Virginia Commission for the Arts; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Richmond Symphony, a cultural asset for the entire Commonwealth, on the occasion of its 60th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Richmond Symphony as an expression of the General Assembly's admiration for the orchestra's achievements and work to unite people through the power of music.

#### HOUSE JOINT RESOLUTION NO. 314

*Commending the recipients of the 2018 Virginia Outstanding Faculty Awards.*

Agreed to by the House of Delegates, February 23, 2018

Agreed to by the Senate, March 1, 2018

WHEREAS, the Commonwealth offers one of the most respected and acclaimed systems of higher education in the United States due to the quality of each of its public and private colleges and universities; and

WHEREAS, Virginia colleges and universities educate more than 550,000 students annually, representing all demographics, all regions of the Commonwealth, and all corners of the nation and the world; and

WHEREAS, Virginia higher education advances learning, research, and public service to enhance the civic and financial health of the Commonwealth and the well-being of all its people, transforming the lives of Virginians, their communities, and the Commonwealth; and

WHEREAS, Virginia higher education's success would not be possible without the dedicated, hardworking faculty at each of the Commonwealth's superb colleges and universities; and

WHEREAS, Virginia faculty contribute in innumerable ways to the intellectual and personal growth and development of their students, which contributes greatly to the educational, economic, cultural, and civic vitality of the Commonwealth; and

WHEREAS, the Virginia Outstanding Faculty Awards program, now in its 32nd year, is presented by the State Council of Higher Education for Virginia and Dominion Energy and continues to recognize the finest among the Commonwealth's faculty for their superior abilities and accomplishments in teaching, research, service, and knowledge integration; and

WHEREAS, the 2018 Virginia Outstanding Faculty Award recipients—Supriyo Bandyopadhyay, Frederic Bemak, Deborah Bronk, Helen Crompton, Steven Emmanuel, Mark Gabriele, Elizabeth Caldwell Hirschman, Jennifer Martin, Thomas Moran, Carol Parish, Patricia Parker, and Jaime Elizabeth Settle—are remarkable educators, productive scholars, and tremendous ambassadors for their academic disciplines, campuses, communities, and the entire Commonwealth; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the recipients of the 2018 Virginia Outstanding Faculty Awards for their professorial excellence and unparalleled achievements; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare copies of this resolution for presentation to the recipients of the 2018 Virginia Outstanding Faculty Awards as an expression of the General Assembly's respect for the recipients' commitment to their profession and their outstanding contributions to the lives of Virginians and the Commonwealth as a whole.

#### HOUSE JOINT RESOLUTION NO. 315

*Commending the Virginia State University football team.*

Agreed to by the House of Delegates, February 23, 2018

Agreed to by the Senate, March 1, 2018

WHEREAS, the Virginia State University football team won the Central Intercollegiate Athletic Association championship on November 11, 2017, in Salem; and

WHEREAS, the championship win capped off a historic season for the Virginia State University Trojans, who routinely dominated their opponents and finished the year with an unblemished 10-0 record for the first time in the school's history; and

WHEREAS, in a thrilling conference title game, the Virginia State Trojans defeated the Fayetteville State University Broncos 42-19; and

WHEREAS, the Virginia State Trojans charged out of the gate in the championship game, taking an early lead with a rushing touchdown from senior running back Trenton Cannon; quarterback Cordelral Cook then added to the advantage with a pair of touchdown passes to Zachary Parker and Joshua Harris, giving the Trojans a 21-0 lead by the end of the first half; and

WHEREAS, the Virginia State Trojans gave up two touchdowns in the second half, but the team went on to secure victory with a touchdown from Cordelral Cook and two spectacular rushing touchdowns of 73 yards and 79 yards from Trenton Cannon, who ended the game with 186 yards and three scores; and

WHEREAS, the Virginia State Trojans' defense was led by Brandon Lynch, who recorded twelve tackles; he also combined with teammates Cullen Marshall, Keonte Connelly, and Deion Harris for four sacks; and

WHEREAS, Virginia State Trojans coach Reggie Barlow finished the season as the Central Intercollegiate Athletic Association (CIAA) coach of the year; in addition, senior Trenton Cannon set new school records for single-season and career rushing yards; and

WHEREAS, by winning the CIAA championship, the Virginia State Trojans advanced to compete in the National Collegiate Athletic Association Division II playoffs; and

WHEREAS, the Virginia State University football team's conference title is a tribute to the hard work and dedication of all its talented athletes, the excellent guidance of its coaches and staff, and the enthusiastic support of family members, friends, and the entire Virginia State University community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Virginia State University football team on winning the 2017 Central Intercollegiate Athletic Association championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Reggie Barlow, head coach of the Virginia State University football team, as an expression of the General Assembly's admiration for the team's outstanding season.

**HOUSE JOINT RESOLUTION NO. 316**

*Commending the Virginia State University men's indoor track and field team.*

Agreed to by the House of Delegates, February 23, 2018

Agreed to by the Senate, March 1, 2018

WHEREAS, the Virginia State University men's indoor track and field team were co-winners of the Central Intercollegiate Athletic Association's Indoor Track and Field Championship held February 11-12, 2018, in Winston-Salem, North Carolina; and

WHEREAS, the Virginia State University Trojans displayed outstanding skill and stamina during the finals and made numerous visits to the awards platform; they finished the 12-team competition with a total score of 175.5 and were named co-champions with Saint Augustine's University; and

WHEREAS, the Virginia State Trojans made an excellent showing in the championship's track events; the quartet of Tyron Evans, Nickolas Stackfield, Tyreece Huff, and Charles Salley claimed first place in the distance medley relay with a time of 10:56:12, and Huff finished second in the mile run; and

WHEREAS, the Virginia State Trojans' other strong track performers included Allen Blair, who posted two second place finishes in the 60-meter and 200-meter races; Jahvante Marcelle, who claimed third place in the 60-meter hurdles; and the team of Steven Murdock, Allen Blair, Milton Coleman-Sledge, and Decarai Clark, who finished third in the 4x400 relay; and

WHEREAS, the Virginia State Trojans were also dominant in the championship's field events; Dajawn Williams secured first place in the pole vault with a vault of 10 feet, 11.75 inches, while teammates Jahvante Marcelle, Jacob Beville, and Osafo Fordyce rounded out the top four places; and

WHEREAS, the Virginia State Trojans' other first place field event finishes came courtesy of Allen Blair, who leapt 24 feet, one inch to win the long jump, and Brandon Slade, who took first in the shot put with a distance of 48 feet, six inches; and

WHEREAS, Jahvante Marcelle and Dajawn Williams earned second and third place respectively in the heptathlon for the Virginia State Trojans, and Williams and Andre Jackson shared third place in the high jump; and

WHEREAS, the championship win was the Virginia State Trojans' first indoor track and field title since 1981; in addition, team member Dajawn Williams was named the 2018 championship MVP; and

WHEREAS, the Virginia State Trojans' championship victory is a tribute to the skill and dedication of all its talented student-athletes, the excellent guidance of coaches and staff, and the passionate support of family members, friends, and the entire Virginia State University community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Virginia State University men's indoor track and field team on being named co-winners of the 2018 Central Intercollegiate Athletic Association Indoor Track and Field Championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Wilbert Johnson, head coach of the Virginia State University men's indoor track and field team, as an expression of the General Assembly's admiration for the team's remarkable season and best wishes for continued success.

**HOUSE JOINT RESOLUTION NO. 317**

*Commending the Southeastern Virginia Health System.*

Agreed to by the House of Delegates, February 23, 2018  
 Agreed to by the Senate, March 1, 2018

WHEREAS, for 40 years, the nonprofit Southeastern Virginia Health System has provided accessible, high-quality health care services to the residents of Hampton Roads; and

WHEREAS, Southeastern Virginia Health System (SEVHS) traces its origins to 1977, when Whittaker Memorial Hospital in Newport News launched a community effort to expand affordable health care services in the city's East End; and

WHEREAS, with the aid of concerned citizens, a group known as the East End Health Services Delivery Project formed and secured federal funding to open a community health center; later known as the Peninsula Institute for Community Health, the organization was renamed Southeastern Virginia Health System in 2013; and

WHEREAS, SEVHS now includes 11 community health care centers operating in Newport News, Hampton, Chesapeake, Suffolk, Virginia Beach, Matthews County, and Franklin; each year, it provides health care services to over 25,000 patients; and

WHEREAS, SEVHS's wide range of health services includes family practice, internal medicine, pediatrics, obstetrics, gynecology, and dental care; and

WHEREAS, along with wellness and education programs to promote healthy lifestyles, SEVHS offers chronic disease management, behavioral health counseling, immunizations, on-site laboratory testing, and HIV/AIDS case management; and

WHEREAS, SEVHS is committed to serving all patients regardless of their insurance status or ability to pay; it operates a health care program for the homeless and provides free prescription medications to disadvantaged patients; and

WHEREAS, over its four decades in operation, SEVHS has remained committed to the idea that all people deserve access to first-rate health care; its talented doctors, nurses, and staff members have improved the quality of life for thousands of patients; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Southeastern Virginia Health System on the occasion of its 40th anniversary for providing exceptional medical care to the residents of Hampton Roads; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Southeastern Virginia Health System as an expression of the General Assembly's admiration for its dedication to public health and best wishes for continued success.

**HOUSE JOINT RESOLUTION NO. 318**

*Commending the Newport News Green Foundation.*

Agreed to by the House of Delegates, February 23, 2018  
 Agreed to by the Senate, March 1, 2018

WHEREAS, the Newport News Green Foundation, a nonprofit organization dedicated to preserving, transforming, and promoting green spaces in Newport News, celebrates its 20th anniversary in 2018; and

WHEREAS, the Newport News Green Foundation was established in 1998 by the Newport News City Council in response to concerns that urban development had erased too much of the city's green space; the foundation became an independent nonprofit organization five months later; and

WHEREAS, in April 2001, the Newport News Green Foundation acquired its first property in Newport News on Jefferson Avenue; since then, it has bought over 20 other properties covering some 26 acres of the city; and

WHEREAS, by preserving land as green space, the Newport News Green Foundation helps make Newport News more aesthetically pleasing while also creating wildlife habitats, reducing air and noise pollution, and protecting waterways; and

WHEREAS, the Newport News Green Foundation works to educate the public about the importance of living a green and sustainable lifestyle; to encourage community participation in its preservation efforts, it operates programs to aid neighborhoods in creating green entranceways and to assist schools in developing green spaces on their campuses; and

WHEREAS, along with protecting green spaces, the Newport News Green Foundation plans to create a series of signature green gateways in Newport News that will provide a welcoming visual cue for residents and visitors when they cross into the city; and

WHEREAS, in addition, the Newport News Green Foundation has added benches, a walking trail, and a pond and fountain to its Chatham Trail property to make it a recreational destination for the surrounding community; and

WHEREAS, each year, the Newport News Green Foundation hosts a fundraiser called Party at the Pond; the event is also used to present its annual Green Awards, which recognize businesses and other establishments in Newport News that have planted and maintained landscaping or preserved local greenery; and

WHEREAS, since its founding, the Newport News Green Foundation has preserved large swaths of green space that have enhanced the beauty of Newport News and increased the quality of life for its residents; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Newport News Green Foundation for its years of valuable service to the community on the occasion of its 20th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Newport News Green Foundation as an expression of the General Assembly's admiration for its dedication to creating a more vibrant and beautiful Newport News.

**HOUSE JOINT RESOLUTION NO. 319**

*Commending New Hope Baptist Church.*

Agreed to by the House of Delegates, February 23, 2018

Agreed to by the Senate, March 1, 2018

WHEREAS, in 2017, New Hope Baptist Church in Hampton celebrated its 50th anniversary of providing spiritual leadership, fellowship, and opportunities for worship to the community; and

WHEREAS, New Hope Baptist Church traces its origins to 1967, when a group of worshippers from New Emmanuel Baptist Church in Newport News resolved to establish a new faith community; and

WHEREAS, during its early days, New Hope Baptist Church had 50 members and met in a North Avenue storefront; the congregation later held services at Carver High School and the Taborian Hall before moving into its first church building in April 1969; and

WHEREAS, the Reverend C.B. Potts served as New Hope Baptist Church's first pastor; following his resignation in 1969, the church was briefly led by the Reverend W.W. Butler; and

WHEREAS, in 1970, the Reverend G.I. Melton became pastor of New Hope Baptist Church; under his able leadership, the church added 100 new worshippers, made numerous improvements to its physical space, and created several new choirs as well as a Deaconess Ministry, Ushers' Ministry, Missionary Circle, Children's Church Ministry, and Transportation Ministry; and

WHEREAS, the Reverend Ivan Harris became leader of the New Hope Baptist Church family in 1982; during his tenure, the church created an evangelism team and established its Annual Gospel Festival; and

WHEREAS, the Reverend Virgil J. Newkirk joined New Hope Baptist Church as pastor in 1989; he was then succeeded in 1995 by the church's current pastor, the Reverend Christopher C. Carter; and

WHEREAS, Reverend Carter's tenure at New Hope Baptist Church has seen the addition of numerous new ministries, including the Women's Fellowship, Men's Fellowship, Seniors' Ministry, and New Members classes; and

WHEREAS, in 2004, New Hope Baptist Church voted to construct a new church building to meet the needs of its growing congregation; the first services in the new space on Big Bethel Road were held in June 2006; and

WHEREAS, throughout its history, New Hope Baptist Church has spread the gospel to countless people and been a force for good in the community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend New Hope Baptist Church for its service to the residents of Hampton on the occasion of its 50th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to New Hope Baptist Church as an expression of the General Assembly's admiration for the church's impressive legacy of fellowship and spiritual guidance.

**HOUSE JOINT RESOLUTION NO. 320**

*Commending People to People.*

Agreed to by the House of Delegates, February 23, 2018

Agreed to by the Senate, March 1, 2018

WHEREAS, People to People, a nonprofit organization committed to promoting positive race relations, diversity, and improved quality of life for the residents of Newport News, celebrated its 25th anniversary in 2017; and

WHEREAS, People to People was formed by a group of civic leaders on September 24, 1992, in response to a series of race-related controversies in Newport News; one of the organization's primary missions is to create a greater understanding of racial issues by facilitating public forums where community members can openly discuss the city's problems and needs; and

WHEREAS, committed to the belief that communication is a key part of building healthy communities, People to People hosts public meetings and monthly executive committee sessions designed to monitor issues that might become flashpoints of racial misunderstanding; and

WHEREAS, People to People's public forums have featured many prominent figures in American race relations and diversity and routinely draw crowds of several hundred citizens; and

WHEREAS, People to People has worked closely with the youth of Newport News through annual race relations summits and training seminars; it has also sponsored events for teens in partnership with the National Conference for Community and Justice of the Piedmont Triad, Inc., and created programs for the Newport News Children's Festival of Friends; and

WHEREAS, in addition to race relations and diversity, People to People has worked to provide community responses and constructive solutions to a variety of other issues, including poverty, education, housing, road construction, crime, and gang violence; and

WHEREAS, since its founding, People to People has served as a resource for open and honest discussions that have facilitated better understanding and cooperation in the Newport News community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend People to People on its years of service to the residents of Newport News on the occasion of its 25th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to People to People as an expression of the General Assembly's admiration for its commitment to diversity, inclusion, and strong community partnerships.

### HOUSE JOINT RESOLUTION NO. 321

*Celebrating the life of the Honorable Edwin H. Ragsdale.*

Agreed to by the House of Delegates, February 23, 2018

Agreed to by the Senate, March 1, 2018

WHEREAS, the Honorable Edwin H. Ragsdale, a dedicated public servant, community leader, and former member of the Virginia House of Delegates, died on September 13, 2017; and

WHEREAS, born in DeWitt in Dinwiddie County, Edwin "Buddy" H. Ragsdale attended Varina High School and Richmond Business College; he served his country as a member of the United States Army and safeguarded the Henrico County community as a law-enforcement officer; and

WHEREAS, Buddy Ragsdale enjoyed a successful career as a real estate developer with Ragsdale Realty Company, and he was a former chair of the Richmond Regional Planning District Commission; and

WHEREAS, working to enhance the quality of life of his fellow residents, Buddy Ragsdale served on the Henrico County Board of Supervisors for multiple terms and was elected chair; he played an instrumental role in bringing the first public library to Henrico County; and

WHEREAS, desirous to be of further service to the Commonwealth, Buddy Ragsdale ran for and was elected to the Virginia House of Delegates in 1971; he represented the residents of Henrico County in the 34th District for two terms and later represented the residents of New Kent County and parts of Hanover County and King William County in the 97th District; and

WHEREAS, during his time as a state legislator, Buddy Ragsdale introduced and supported numerous important pieces of legislation to strengthen the Commonwealth and improve the lives of all Virginians; and

WHEREAS, Buddy Ragsdale generously volunteered his time and wise leadership with Ruritan National and promoted fellowship, goodwill, and community service throughout the nation as the organization's national president in 1966; he was also a member of the Thomas N. Davis Masonic Lodge No. 0351 for nearly 65 years; and

WHEREAS, Buddy Ragsdale will be fondly remembered and greatly missed by his devoted wife of 66 years, Juanita; his children, Lynette and Duane, and their families; and numerous other family members, friends, and colleagues on both sides of the aisle; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of the Honorable Edwin H. Ragsdale, a consummate public servant and a respected member of the Richmond community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of the Honorable Edwin H. Ragsdale as an expression of the General Assembly's respect for his memory.

### HOUSE JOINT RESOLUTION NO. 322

*Celebrating the life of Ryland Yancey Bailey, Sr.*

Agreed to by the House of Delegates, February 23, 2018

Agreed to by the Senate, March 1, 2018

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WHEREAS, Ryland Yancey Bailey, Sr., of Richmond, a patriotic veteran who made many valuable contributions to the Commonwealth, died on June 15, 2017; and

WHEREAS, a native of Charlotte County, Ryland Bailey was born to the late Walter Vest Bailey and Mary Wilson Bailey; and

WHEREAS, Ryland Bailey joined many of the other young men of his generation in service to the nation during World War II as a member of the United States Marine Corps; during the Korean War, he continued to serve the nation with the United States Air Force, rising to the rank of major; and

WHEREAS, after his honorable military service, Ryland Bailey returned home and served the Commonwealth as an employee of the Virginia State Corporation Commission; and

WHEREAS, throughout his life, Ryland Bailey was passionate about supporting his fellow veterans and was active with the Military Order of the World Wars and the Military Officers Association of America; and

WHEREAS, Ryland Bailey volunteered at the Virginia War Memorial for 17 years, sharing his wisdom and life experiences at student seminars and teacher institutes; and

WHEREAS, Ryland Bailey enjoyed fellowship and worship with the Richmond community as a member of Centenary United Methodist Church; and

WHEREAS, Ryland Bailey will be fondly remembered and greatly missed by his wife, Pencye; children, Ryland, Jr., Thomas, and Lynette, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Ryland Yancey Bailey, Sr., a respected member of the Richmond community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Ryland Yancey Bailey, Sr., as an expression of the General Assembly's respect for his memory.

**HOUSE JOINT RESOLUTION NO. 323**

*Celebrating the life of Fattah A. Muhammad, Sr.*

Agreed to by the House of Delegates, February 23, 2018

Agreed to by the Senate, March 1, 2018

WHEREAS, Fattah A. Muhammad, Sr., a hardworking activist who raised awareness of gang violence and established the outreach organization Rescue Aid Community Everywhere to strengthen the Richmond community, died on January 26, 2018; and

WHEREAS, a native of Charles City County, Fattah Muhammad worked for CSX Transportation until his well-earned retirement; and

WHEREAS, in 1980, Fattah Muhammad sought to increase public safety and foster a strong community spirit through grassroots activism, when he began marching in North Side and East End Richmond neighborhoods to raise awareness of gang violence; and

WHEREAS, Fattah Muhammad began to work with other activists and concerned residents and founded Rescue Aid Community Everywhere (RACE) in 1982; and

WHEREAS, under Fattah Muhammad's leadership, RACE helped build relationships of trust and mutual respect between local residents and law-enforcement officers and encouraged countless young people to make good life choices and stay away from gangs; and

WHEREAS, the Richmond City Council recognized Fattah Muhammad for his work and positive impact on the lives of young people, particularly in the Blackwell, Oak Grove, Hull Street, and Jefferson Davis areas; and

WHEREAS, predeceased by one son, Yusef, Fattah Muhammad will be fondly remembered and greatly missed by his wife, Barbara, his children and their families, and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Fattah A. Muhammad, Sr., a passionate community activist in Richmond; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Fattah A. Muhammad, Sr., as an expression of the General Assembly's respect for his memory.

**HOUSE JOINT RESOLUTION NO. 324**

*Celebrating the life of Charles Richard Napier.*

Agreed to by the House of Delegates, February 23, 2018

Agreed to by the Senate, March 1, 2018

WHEREAS, Charles Richard Napier, a beloved husband and respected Richmond business leader who oversaw numerous home building projects as president of Napier Signature Homes, died on January 19, 2018; and

WHEREAS, a Richmond native, Charles Richard "Rich" Napier graduated from Huguenot High School and then earned a bachelor's degree from the University of Richmond, where he was an active member of Sigma Alpha Epsilon fraternity and the recipient of its Merit Key Award; and

WHEREAS, after earning his real estate and broker's licenses, Rich Napier went to work at his father's real estate firm, Napier Realtors ERA; he later served as president of the firm from 1983 to 1989; and

WHEREAS, in 1989, Rich Napier co-founded Napier Signature Homes, a custom home design and construction business; as the company's president, he forged lasting relationships with customers and built numerous one-of-a-kind luxury homes across the Richmond area; and

WHEREAS, in addition to his work with Napier Signature Homes, Rich Napier was a longtime advocate for the real estate and home building industries, serving as president of the Richmond Association of Realtors in 1987, president of the Home Building Association of Richmond in 2002, and president of the Home Builders Association of Virginia in 2007; and

WHEREAS, an active member of the community, Rich Napier was a former president of the Powhatan Rotary Club and the nonprofit group Backpacks of Love; he was also a director and fundraising chair for the South Richmond and Chesterfield YMCA and a charter supporter of the Elizabeth Randolph Lewis Powhatan YMCA; and

WHEREAS, Rich Napier's dedication to the homebuilding industry saw him honored with numerous awards, including the Ernest E. Mayo Award from the Home Building Association of Richmond and the 2012 Builder of the Year award from the Home Builders Association of Virginia; in 2013, he was inducted into the Home Builders Association of Virginia's Hall of Fame; and

WHEREAS, in his free time, Rich Napier was happiest when boating, traveling, or entertaining family and friends at his farm in Powhatan County; and

WHEREAS, Rich Napier will be fondly remembered and dearly missed by his wife of 28 years, Judy, as well as numerous family members and close friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Charles Richard Napier, a talented real estate professional and an active member of the Richmond and Powhatan communities; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Charles Richard Napier as an expression of the General Assembly's respect for his memory.

### HOUSE JOINT RESOLUTION NO. 326

*Commending Charles D. Wagner.*

Agreed to by the House of Delegates, February 23, 2018

Agreed to by the Senate, March 1, 2018

WHEREAS, Charles D. Wagner, a dedicated public servant and community leader, has served the residents of Franklin County for nearly five decades, including 20 years on the Franklin County Board of Supervisors; and

WHEREAS, Charles Wagner previously served the community as a member of the Rocky Mount Police Department and a deputy with the Franklin County Sheriff's Office; and

WHEREAS, desirous to be of further service, Charles Wagner ran for and was elected to the Franklin County Board of Supervisors; he represented the Rocky Mount District from January 1, 1998, to December 31, 2017; and

WHEREAS, for 20 years, Charles Wagner worked to guide and sustain responsible growth and economic development in Franklin County; he oversaw the completion of new library branches, a new elementary school, the Summit View Business Park, the Career and Technical Center, and a new fire and emergency medical services station at Glade Hill; and

WHEREAS, Charles Wagner supported the Rocky Mount Veterans' Memorial Park and was a founding member of Western Virginia Regional Jail; and

WHEREAS, Charles Wagner has also held leadership roles on the Franklin County Social Services Board, the Piedmont Community Services Board, and the Roanoke Valley-Alleghany Regional Commission Board; and

WHEREAS, a generous volunteer, Charles Wagner has offered his time and leadership to Habitat for Humanity and has worked on 15 houses as a building contractor; and

WHEREAS, Charles Wagner has served Franklin County with the utmost dedication and distinction; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Charles D. Wagner for his two decades of service on the Franklin County Board of Supervisors; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Charles D. Wagner as an expression of the General Assembly's admiration for his many contributions to the Franklin County community.

**HOUSE JOINT RESOLUTION NO. 327**

*Commending Manchester High School's Lancer Theatre Company.*

Agreed to by the House of Delegates, March 2, 2018  
 Agreed to by the Senate, March 6, 2018

WHEREAS, Manchester High School's Lancer Theatre Company of Midlothian was a finalist in the secondary one-act play festival at the Virginia Theatre Association's Annual Conference in October 2017; and

WHEREAS, the secondary one-act play festival is the largest event at the conference, which was held in Norfolk, and Manchester High School's Lancer Theatre Company competed against talented teams from more than 50 high schools; and

WHEREAS, Manchester High School's Lancer Theatre Company performed *Gidion's Knot* by Johnna Adams, a powerful piece that follows a conversation between a teacher and a mother who recently lost her child to suicide; and

WHEREAS, Manchester High School's Kaitlyn Cottingham and Kendall Hardin both earned all-star cast awards for their performances of the mother, Coryn, and the teacher, Heather; the company finished as one of six finalists in the competition; and

WHEREAS, the one-act play was directed by Cary Nothnagel, a longtime teacher with over 15 years of experience, whose hard work and dedication to students has helped Manchester High School's Lancer Theatre Company become very successful; and

WHEREAS, in addition, Jackson Lockhart, a crew member for the Lancer Theatre Company and a talented playwright, placed third in the competition for his original one-act play *Never Came Back*; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Manchester High School's Lancer Theatre Company for its performance at the 2017 Virginia Theatre Association's Annual Conference; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Manchester High School's Lancer Theatre Company as an expression of the General Assembly's admiration for the company's achievements and best wishes for the future.

**HOUSE JOINT RESOLUTION NO. 328**

*Commending Timothy L. Taylor.*

Agreed to by the House of Delegates, March 2, 2018  
 Agreed to by the Senate, March 6, 2018

WHEREAS, Richlands town manager Timothy L. Taylor marked the end of 15 years of distinguished service as president of the Blue Ridge Power Agency Board of Directors on June 30, 2017; and

WHEREAS, Timothy "Tim" L. Taylor provided exemplary leadership for members of the Blue Ridge Power Agency (the Agency), a nonprofit cooperative made up of consumer-owned electric utilities, including the Cities of Danville, Martinsville, Radford, and Salem, the Towns of Bedford and Richlands, the Virginia Tech Electric Service, and the Central Virginia Electric Cooperative, all of which serve more than 250,000 residents of the Commonwealth; and

WHEREAS, during his term of office, Tim Taylor led the Agency to meet its stated goal: "through the power of numbers/size, collective resolve, economies of scale and cooperative joint action, to pursue those activities which will ensure the most reliable and lowest cost wholesale electric power supplies possible for its members today and in the future"; and

WHEREAS, the Town of Richlands has been a member of the Agency and Tim Taylor has served as a board member since its inception in 1988, and he will continue to serve as a board member after completing his term as president; and

WHEREAS, Tim Taylor is a family man and a devout Christian, who is very active in his church and community, as well as a devoted husband, father, and grandfather; and

WHEREAS, Tim Taylor is a man of "seven hats," leading the Town of Richlands and, in many cases, doing the work necessary for the Town to efficiently and effectively function and serve its citizens, including administration, public relations, field supervision, accounting, planning/design, human resources, and community involvement; and

WHEREAS, even with all the demands on his time and his many responsibilities, Tim Taylor devoted a significant amount of time and energy to his leadership role with the Agency; and

WHEREAS, during his tenure as board president, Tim Taylor provided the leadership under which the Agency achieved significant accomplishments, such as replacing long-term power supply contracts that at termination left the Agency members in a volatile and unpredictable electric power market with the stability of a portfolio of consumer-owned diverse generation assets and multiple market contracts of varying term lengths; and

WHEREAS, Tim Taylor oversaw collaboration with other consumer-owned utilities and organizations within the Commonwealth, as well as throughout the region and the nation, to protect Agency members' interests in regulatory and legislative venues at the state and federal levels; and

WHEREAS, Tim Taylor set a collegial atmosphere within the Agency that fostered open, productive networking and discussion among members that has benefited members and helped the Agency achieve its goals; and

WHEREAS, during his 15-year tenure, Tim Taylor brought measurable benefits to the more than 250,000 residents served by the Blue Ridge Power Agency and its member systems; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Timothy L. Taylor for his 15 years of dedicated service and leadership as president of the Blue Ridge Power Agency Board of Directors; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Timothy L. Taylor as an expression of the General Assembly's admiration for his leadership and dedication, as exemplified by the effectiveness and the achievements of the Blue Ridge Power Agency.

### HOUSE JOINT RESOLUTION NO. 329

*Commending Timothy Coyne.*

Agreed to by the House of Delegates, March 2, 2018

Agreed to by the Senate, March 6, 2018

WHEREAS, Timothy Coyne, a public defender who strives to ensure that everyone receives the best possible representation in the legal system, has made innumerable contributions to the Winchester community; and

WHEREAS, after earning a law degree from the University of Richmond, Timothy "Tim" Coyne began practicing law in Winchester in 1991; he served as a member of the Winchester City Council from 2000 to 2008 and became chief public defender for the city in 2004; and

WHEREAS, also representing clients in the Counties of Clarke, Frederick, Page, Shenandoah, and Warren, Tim Coyne upholds the integrity of the criminal justice system by ensuring that all clients receive a robust defense, regardless of their ability to pay; and

WHEREAS, having witnessed the damage that drug addiction can cause in a person's life, Tim Coyne collaborated with local partners to establish the Northern Shenandoah Valley Substance Abuse Coalition; and

WHEREAS, as vice chair of the coalition, Tim Coyne works diligently to identify and develop innovative methods to support individuals struggling with addiction, such as a drug treatment court, which enables drug addicts and alcoholics to receive counseling and therapy rather than being incarcerated; and

WHEREAS, Tim Coyne was recognized by *Virginia Lawyers Weekly* as the 2016 Leader of the Year for his diligent work to support the community and enhance the justice system of the Commonwealth; he was selected from a ballot of 30 distinguished nominees, including defense attorneys, prosecutors, and a judge; and

WHEREAS, in January 2018, Tim Coyne also received the prestigious Citizen of the Year award from the Top of Virginia Regional Chamber as part of its annual Greater Good Awards ceremony; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Timothy Coyne for his exceptional work as a public defender; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Timothy Coyne as an expression of the General Assembly's admiration for his tireless contributions to the residents of Winchester and surrounding communities.

### HOUSE JOINT RESOLUTION NO. 330

*Commending the Brent Berry Food Drive.*

Agreed to by the House of Delegates, February 23, 2018

Agreed to by the Senate, March 1, 2018

WHEREAS, the Brent Berry Food Drive, a food collection program in Harrisonburg that has provided meals to thousands of needy families, celebrates its 10th anniversary in March 2018; and

WHEREAS, launched in 2009, the Brent Berry Food Drive is an annual charitable initiative organized by the members of the Berry family, which includes James "Bucky" Berry, his wife, Pamela, and their 19-year-old son, Brent; and

WHEREAS, the Brent Berry Food Drive's mission to help others was inspired by the childhood of Bucky Berry, who grew up in an impoverished family that relied on the aid of charitable organizations and food pantries; to date, the Berry family and their dedicated volunteers have helped feed some 32,000 families; and

WHEREAS, each year, the Brent Berry Food Drive collects thousands of food items and baby and hygiene products to benefit the Harrisonburg Salvation Army's food pantry; working rain or shine, the members of the Berry family hand out lists of suggested items to shoppers at supermarkets and then receive the donations when the customers leave the store; and

WHEREAS, the Brent Berry Food Drive receives assistance from students at James Madison University as well as local businesses and members of the Harrisonburg Fire Department, the Harrisonburg Police Department, and the Rockingham County Sheriff's Office; and

WHEREAS, during twice-yearly collections at supermarkets, the Brent Berry Food Drive routinely receives over \$10,000 worth of food donations in only a few days; in October 2017, the Berry family also organized an emergency food drive after the Salvation Army's food pantry began running low; and

WHEREAS, during its decade in operation, the Brent Berry Food Drive has marshaled the generosity of the Harrisonburg community and helped improve the lives of numerous families in need; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Brent Berry Food Drive for its volunteers' valuable service to the community on the occasion of its 10th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Berry family, the organizers of the Brent Berry Food Drive, as an expression of the General Assembly's admiration for their tireless efforts to help feed Harrisonburg residents in need.

### HOUSE JOINT RESOLUTION NO. 331

*Celebrating the life of Thomas Carr Baker.*

Agreed to by the House of Delegates, March 2, 2018

Agreed to by the Senate, March 6, 2018

WHEREAS, Thomas Carr Baker, who helped brighten the lives of children with cancer as a founder of Camp Fantastic in Winchester, died on January 12, 2018; and

WHEREAS, a native of Winchester, Thomas "Tom" Carr Baker attended Handley High School, where he was elected class president, and later earned a bachelor's degree from Virginia Polytechnic Institute and State University; and

WHEREAS, Tom Baker pursued a career with Westinghouse and conducted electrical work on the submarine USS *Ethan Allen*; he returned to Winchester in 1963 and worked at his father's electrical contracting business, Baker & Anderson; and

WHEREAS, Tom Baker later worked in real estate development and as a residential home builder, then established a successful warehouse and storage unit business, which he sold upon his well-earned retirement in 1996; and

WHEREAS, after Tom Baker and his wife, Sheila, lost their oldest daughter to cancer, the couple sought out ways to help other children and families through difficult times; inspired by a summer camp for children with cancer in New York, they worked with officials from the National Institutes of Health and the Northern Virginia 4-H Educational and Conference Center in Front Royal to establish Camp Fantastic in 1983; and

WHEREAS, Camp Fantastic, a fun-filled, weeklong program of camping and outdoor activities, gives children struggling with cancer an opportunity to enjoy things that other children take for granted in a supportive, caring environment; with the leadership of Tom and Sheila Baker, the program has grown to serve more than 100 children each summer, with some former campers now serving as counselors; and

WHEREAS, Tom and Sheila Baker donated their first home and three acres of land for the creation of the Youth Development Center to better serve young people in Winchester and founded the nonprofit organization Special Love to support Camp Fantastic; and

WHEREAS, Tom Baker was a longtime member and past president of the Rotary Club of Winchester, and he received many awards and accolades, including recognition as one of the Washingtonians of the Year by *Washingtonian* magazine; and

WHEREAS, predeceased by his daughter, Julie, Tom Baker will be fondly remembered and greatly missed by his wife of 56 years, Sheila; children, Mark and Katie, and their families; and numerous other family members, friends, and Camp Fantastic attendees; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Thomas Carr Baker; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Thomas Carr Baker as an expression of the General Assembly's respect for his memory.

### HOUSE JOINT RESOLUTION NO. 332

*Celebrating the life of LaVonne Parker Ellis.*

Agreed to by the House of Delegates, March 2, 2018

Agreed to by the Senate, March 6, 2018

WHEREAS, LaVonne Parker Ellis, a beloved mother, distinguished educator, and respected Chesapeake resident who was a former member of the Commonwealth's State Board for Community Colleges, died on February 8, 2018; and

WHEREAS, born in Rich Square, North Carolina, LaVonne Ellis attended public schools in Northampton County, North Carolina, and then earned a bachelor's degree from Hampton Institute in 1964 and a master's degree from Old Dominion University in 1970; and

WHEREAS, a talented and compassionate educator, LaVonne Ellis began her career teaching business courses at I.C. Norcom High School and Cradock High School in Portsmouth; and

WHEREAS, in 1974, LaVonne Ellis joined the faculty of Tidewater Community College; during her 27-year tenure, she taught thousands of students, chaired the Student Development Committee, and held numerous leadership and club advisory positions; and

WHEREAS, LaVonne Ellis retired from teaching in 2001 and embarked on a new career as an independent insurance agent, selling policies for various providers; and

WHEREAS, in 2004, LaVonne Ellis was appointed to the first of two four-year terms on the Tidewater Community College Board; she eventually served as board chair, vice chair, and as a member of the Advocacy and Advancement Committee and the Resource Development Committee; and

WHEREAS, beginning in 2012, LaVonne Ellis served a four-year appointment on the State Board for Community Colleges, acting as Tidewater Community College's state board liaison; and

WHEREAS, along with her service to higher education, LaVonne Ellis was involved with the Tidewater Depression Glass Club, the National Hampton Alumni Association, the National Association of Parliamentarians, and the Tidewater Funeral Directors Association; and

WHEREAS, LaVonne Ellis was active in civic and government affairs and was a longtime supporter of the Republican Party of Chesapeake and the Republican Party of Virginia; and

WHEREAS, LaVonne Ellis enjoyed fellowship and worship at First Baptist Church in Norfolk, where she sang in the choir, worked on the Scholarship Ministry, chaired the Scholarship Luncheon, and served on the board of Shepherd's Village at Park Avenue assisted living facility; and

WHEREAS, throughout her long and distinguished career, LaVonne Ellis touched the lives of numerous students and made valuable contributions to the development of the Commonwealth's community college system; in recognition of her outstanding service, Tidewater Community College established the LaVonne P. Ellis Scholarship, which is given annually to a Chesapeake high school student in her honor; and

WHEREAS, predeceased by her husband, Holland, LaVonne Ellis will be fondly remembered and greatly missed by her son, Hollis, as well as numerous other family members, friends, and former colleagues; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of LaVonne Parker Ellis, a dedicated teacher who helped advance higher education in the Commonwealth; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of LaVonne Parker Ellis as an expression of the General Assembly's respect for her memory.

### HOUSE JOINT RESOLUTION NO. 333

#### *Commending Bridget Loft.*

Agreed to by the House of Delegates, March 2, 2018

Agreed to by the Senate, March 6, 2018

WHEREAS, Bridget Loft, the head administrator of Swanson Middle School, was named the 2017 Arlington Public Schools Principal of the Year; and

WHEREAS, an experienced educator, Bridget Loft has worked in public schools in Virginia and Florida for more than 22 years, including five years as principal of Swanson Middle School; and

WHEREAS, Bridget Loft is a passionate lifelong learner who works to meet the academic, emotional, and social needs of her students as they prepare for further education and success as responsible citizens of the Commonwealth; and

WHEREAS, a respected leader, Bridget Loft strives to build a culture of excellence at Swanson Middle School, and her student-centered approach gives faculty and staff the opportunity to engage directly with students; and

WHEREAS, Bridget Loft works to build strong, personal relationships with her students, and she is always ready to provide a friendly smile or a helpful word of encouragement; and

WHEREAS, Bridget Loft holds bachelor's and master's degrees from the University of Virginia as well as a master's degree from George Mason University; she previously taught high school social studies, then became assistant principal of Swanson Middle School and then Wakefield High School before returning to Swanson Middle School as principal; and

WHEREAS, the Arlington School Board presented the Principal of the Year award to Bridget Loft at a special ceremony at Washington-Lee High School on May 16, 2017; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Bridget Loft on receiving the 2017 Arlington Public Schools Principal of the Year award; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Bridget Loft as an expression of the General Assembly's admiration for her commitment to serving and supporting young people in Arlington.

**HOUSE JOINT RESOLUTION NO. 334**

*Commending Dynamic Aviation.*

Agreed to by the House of Delegates, March 2, 2018  
 Agreed to by the Senate, March 6, 2018

WHEREAS, Dynamic Aviation, a Bridgewater-based company that has provided expert service and innovative aviation solutions for government and commercial customers around the globe, celebrated its 50th anniversary in 2017; and

WHEREAS, Dynamic Aviation traces its roots to 1967, when twin brothers Karl and Ken Stoltzfus established a business called K&K Aircraft, which built systems trainers for aviation mechanic training schools and operated a fleet of Beechcraft BE-18s and Douglas DC-3s; and

WHEREAS, in 1974, K&K Aircraft acquired Bridgewater Air Park in Rockingham County; over the next several years, it expanded its range of aircraft modification services in aerial application and other niche markets; and

WHEREAS, after purchasing 124 surplus Beechcraft King Air aircraft from the United States Army in 1996, K&K Aircraft changed its name to Dynamic Aviation and began focusing on aircraft leasing and modification for clients from the public and private sectors; and

WHEREAS, today, Dynamic Aviation's wide range of aviation services includes intelligence surveillance reconnaissance, airborne data acquisition, aerial application, sterile insect technique, fire management, and oil spill response provided to federal, state, and local agencies, nonprofit research organizations, and private businesses; and

WHEREAS, Dynamic Aviation is among the world's largest providers of specialized aircraft solutions; it employs over 500 aviation professionals, owns a fleet of 140 aircraft, and has operational experience in over 80 countries; and

WHEREAS, on September 16, 2017, Dynamic Aviation celebrated 50 years in operation by hosting a community celebration featuring children's activities, aircraft displays and flights, and music; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Dynamic Aviation on its long history of success on the occasion of its 50th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Dynamic Aviation as an expression of the General Assembly's admiration for the company's many contributions to excellence in the aviation industry.

**HOUSE JOINT RESOLUTION NO. 335**

*Commending Nancy Renfro.*

Agreed to by the House of Delegates, March 2, 2018  
 Agreed to by the Senate, March 6, 2018

WHEREAS, Nancy Renfro, an educator with a passion for civic engagement, retired as the president of the Organized Women Voters of Arlington in 2016; and

WHEREAS, founded in 1923 as a nonpartisan organization for all women voters in the county, Organized Women Voters of Arlington was possibly the only voting group focused solely on local issues in the nation at the time; Nancy Renfro became president of the Organized Women Voters of Arlington in June 1993 and helped the organization carry out its mission to collect and distribute information about important civic issues and empower women in the community for 23 years; and

WHEREAS, an enthusiastic lifelong learner, Nancy Renfro enjoyed a long and fulfilling career as an educator and prepared countless students to achieve greatness in higher education and their careers as a secondary school principal for 20 years; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Nancy Renfro on the occasion of her retirement as president of the Organized Women Voters of Arlington; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Nancy Renfro as an expression of the General Assembly's admiration for her contributions to the Arlington community.

**HOUSE JOINT RESOLUTION NO. 336**

*Commending Jennifer Toussaint.*

Agreed to by the House of Delegates, March 2, 2018  
 Agreed to by the Senate, March 6, 2018

WHEREAS, Jennifer Toussaint, the talented animal control chief of the Animal Welfare League of Arlington, was named the Virginia Animal Control Association's Dr. Kent Roberts Animal Control Officer of the Year on October 19, 2017; and

WHEREAS, Jennifer Toussaint began her career with the Animal Welfare League of Arlington in 2012 as a deputy animal control officer; since 2016, she has served as the League's animal control chief, overseeing a dedicated team of officers and a dispatcher who serve more than 230,000 Arlington County residents 24 hours a day, 365 days a year; and

WHEREAS, as animal control chief, Jennifer Toussaint has a variety of duties, including rescuing domestic animals and wildlife from unsafe situations, catching escaped animals, and enforcing laws concerning exotic pets; and

WHEREAS, in addition, Jennifer Toussaint and her deputies are responsible for aiding Arlington residents who suffer bites from pets or wildlife; in each case, she and her officers ensure public safety by quarantining the animals and confirming their rabies vaccination status; and

WHEREAS, Jennifer Toussaint oversees the preparation of cases for the Virginia Commonwealth's Attorney under the dangerous dog code; since taking over as animal control chief, she has personally overseen dozens of dangerous dog cases and helped secure several criminal convictions; and

WHEREAS, with a passion for animal welfare and safety, Jennifer Toussaint has spearheaded new community outreach efforts for the Animal Welfare League of Arlington through social media posts, local events, and public education courses; and

WHEREAS, Jennifer Toussaint's other accomplishments include partnering with The Humane Society of the United States' Wild Neighbors Program to organize training seminars for animal control officers, helping to draft an ordinance prohibiting exotic wildlife ownership, and presenting on wildlife issues at the 2017 Animal Care Expo; and

WHEREAS, during the Virginia Animal Control Association's annual conference in Virginia Beach, Jennifer Toussaint was named the Dr. Kent Roberts Animal Control Officer of the Year, an honor given to an individual who has performed outstanding service in the field of animal control; and

WHEREAS, throughout her tenure as animal control chief, Jennifer Toussaint has been committed to protecting animals while ensuring public safety and has served the residents of Arlington County with honesty, skill, and personal integrity; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Jennifer Toussaint on being named the Virginia Animal Control Association's Dr. Kent Roberts Animal Control Officer of the Year; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Jennifer Toussaint as an expression of the General Assembly's admiration for her exemplary service to the Arlington County community.

### HOUSE JOINT RESOLUTION NO. 337

*Celebrating the life of Cherie Toll Bottum.*

Agreed to by the House of Delegates, March 2, 2018

Agreed to by the Senate, March 6, 2018

WHEREAS, Cherie Toll Bottum, a writer and editor who was featured in national publications and a beloved member of the Arlington community, died on April 9, 2017; and

WHEREAS, a native of Marshfield, Wisconsin, Cherie Bottum grew up in Attica, Indiana; and

WHEREAS, Cherie Bottum attended Ohio Wesleyan University, earned a bachelor's degree from the University of Wisconsin-Madison, and received a master's degree from the Ohio State University; and

WHEREAS, as a longtime instructor at Encore Learning, a nonprofit organization that offers noncredit college-level courses, clubs, and special events for adults over the age of 50, Cherie Bottum helped seniors pursue new opportunities and experience the joys of writing; and

WHEREAS, Cherie Bottum served as the editor of Heldref Publications, which at one time published more than 50 scholarly journals and magazines on a variety of topics; she was also a freelance writer who appeared in national magazines and *The Washington Post* Opinions page; and

WHEREAS, predeceased by her husband of 50 years, John, Cherie Bottum will be fondly remembered and greatly missed by her children, Angela, Marjorie, Stephen, and Charles; grandson, Thomas; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Cherie Toll Bottum; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Cherie Toll Bottum as an expression of the General Assembly's respect for her memory.

**HOUSE JOINT RESOLUTION NO. 338**

*Celebrating the life of Nicole Katherine Orttung.*

Agreed to by the House of Delegates, March 2, 2018

Agreed to by the Senate, March 6, 2018

WHEREAS, Nicole Katherine Orttung, a young journalist who was passionate about civic life and inspired others through her patriotism and optimism, died on November 22, 2016; and

WHEREAS, born in Prague, Czech Republic, Nicole Orttung moved to New York with her family at a young age, then came to the Commonwealth when she was in third grade; she graduated from Yorktown High School in Arlington and was working toward a bachelor's degree from Columbia University; and

WHEREAS, while in school, Nicole Orttung developed a keen interest in government and social justice, and she wrote for the *Columbia Daily Spectator* on a number of issues, including renters' rights, gentrification, and the state of New York City schools, where she was a volunteer; and

WHEREAS, during the summer of 2012, Nicole Orttung worked on the campaign for President Barack Obama, relishing the opportunity to share her enthusiasm for civics with others through door-to-door canvassing, phone banking, and other activities; and

WHEREAS, Nicole Orttung also interned at the Woodrow Wilson International Center for Scholars, where she wrote for the online edition of *The Wilson Quarterly*, and she contributed nearly 100 articles to *The Christian Science Monitor*; and

WHEREAS, possessed of a servant's heart and a strong sense of idealism, Nicole Orttung encouraged others to work together to make the community and the nation a better place; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Nicole Katherine Orttung; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Nicole Katherine Orttung as an expression of the General Assembly's respect for her memory.

**HOUSE JOINT RESOLUTION NO. 339**

*Celebrating the life of James Russell Shea.*

Agreed to by the House of Delegates, March 2, 2018

Agreed to by the Senate, March 6, 2018

WHEREAS, James Russell Shea, a beloved husband and father and a respected Arlington resident and public servant who worked tirelessly to promote nuclear nonproliferation, died on April 4, 2017; and

WHEREAS, born in Brooklyn, New York, James "Jim" Russell Shea attended Regis High School before earning his bachelor's degree from Villanova University and a master's degree in physics from Columbia University; and

WHEREAS, after serving his country in the United States Navy, Jim Shea brought his wide-ranging talents to the Central Intelligence Agency and the Arms Control and Disarmament Agency, a federal agency tasked with enhancing national security by negotiating and promoting nuclear nonproliferation; and

WHEREAS, among his many other achievements in nuclear arms control, Jim Shea helped negotiate the 1974 Treaty on the Limitation of Underground Nuclear Weapon Tests between the United States and the Soviet Union; and

WHEREAS, for the last 23 years of his career, Jim Shea served as director of the Office of International Programs for the Nuclear Regulatory Commission (NRC); in that role, he worked diligently to counsel the NRC on global issues and forged close relationships with international nuclear organizations; and

WHEREAS, outside of his long and distinguished federal government career, Jim Shea was an active member of his community who worked with the Arlington Board of Equalization of Real Estate Assessment and the Arlington Partnership for Affordable Housing; and

WHEREAS, during his retirement, Jim Shea enjoyed music, spending time with family, and exploring his Irish and Newfoundland heritage through genealogical research; and

WHEREAS, Jim Shea will be fondly remembered and dearly missed by his wife of 55 years, Phyllis; his children, Phyllis, James, John, and Andrew, and their families; and many other family members, friends, former colleagues, and members of the Arlington community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of James Russell Shea, a talented public servant who devoted his career to ensuring public safety through nuclear arms control and regulation; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of James Russell Shea as an expression of the General Assembly's respect for his memory.

**HOUSE JOINT RESOLUTION NO. 340***Celebrating the life of Jo-Ann Dotson Holland.*

Agreed to by the House of Delegates, March 2, 2018

Agreed to by the Senate, March 6, 2018

WHEREAS, Jo-Ann Dotson Holland, a beloved wife and mother and a dedicated Arlington resident who gave generously of her time in service to the community, died on July 25, 2017; and

WHEREAS, born in Richmond, Jo-Ann Holland graduated from Varina High School in 1958 and attended The College of William and Mary, where she was a member of the Delta Delta Delta sorority and graduated in 1962; in 1964, she earned a master's degree in journalism from Pennsylvania State University; and

WHEREAS, after moving to the Washington, D.C., area, Jo-Ann Holland forged a successful career that included jobs at the *Washington Star* newspaper and the Central Intelligence Agency; and

WHEREAS, in August of 1966, Jo-Ann Holland met her future husband, the Honorable Edward M. Holland; the couple were married four months later on December 3, 1966; and

WHEREAS, a loving parent, Jo-Ann Holland became a full-time mother in 1969 following the birth of her first child and eventually reared five sons; during her husband's service in the Senate of Virginia, she skillfully managed the family's busy household in Arlington; and

WHEREAS, in addition to raising a large family, Jo-Ann Holland gave back to the community as a longtime volunteer at the Arlington Free Clinic; she was also active in several other charitable organizations as well as local elections and her sons' schools; and

WHEREAS, Jo-Ann Holland will be fondly remembered and dearly missed by her husband of 50 years, Edward; her sons, David, Taylor, Lee, Ted, and Paul, and their families; and numerous other family members, friends, and Arlington residents; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Jo-Ann Dotson Holland, a generous and respected member of the Arlington community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Jo-Ann Dotson Holland as an expression of the General Assembly's respect for her memory.

**HOUSE JOINT RESOLUTION NO. 341***Celebrating the life of Thomas R. Wolanin.*

Agreed to by the House of Delegates, March 2, 2018

Agreed to by the Senate, March 6, 2018

WHEREAS, Thomas R. Wolanin of Arlington, a champion for higher education who made many contributions to the Commonwealth and the United States as a professor and a civil servant, died on April 2, 2017; and

WHEREAS, a native of Detroit, Michigan, Thomas Wolanin graduated from Osborn High School and earned a scholarship to attend Oberlin College in Ohio, graduating *magna cum laude* with highest honors; he then received two fellowships to attend Harvard University, where he earned a doctorate; and

WHEREAS, Thomas Wolanin enjoyed a long and fulfilling career as a professor at Oberlin College, the University of Wisconsin-Madison, The George Washington University, and the Warsaw School of Social and Economic Studies; he served as an administrator at New York University and was a guest lecturer at more than 20 institutions; and

WHEREAS, Thomas Wolanin also worked as a congressional aide for 17 years, and as a first generation college student, he took a special interest in programs to help families pursue higher education; he played a crucial staff role in reauthorizations of the Higher Education Act in 1972, 1976, 1980, 1986, and 1992 and was the architect of several federal grant and loan programs for students; and

WHEREAS, in 1993, Thomas Wolanin was appointed by President William J. Clinton as the Deputy Assistant Secretary for Legislation and Congressional Affairs in the Department of Education and served in that position for three years; and

WHEREAS, an accomplished world traveler, Thomas Wolanin visited 42 countries in his life, including Malta, Mozambique, Georgia, Cuba, and Kyrgyzstan, for both business and pleasure; he made eight trips to Poland, maintaining a special connection to the homeland of his grandparents; and

WHEREAS, Thomas Wolanin finished his career as a consultant with the Institute for Higher Education Policy; throughout his career, he published four books, eight monographs, and more than 60 articles and reviews on American government, higher education, and the history of Poland; and

WHEREAS, Thomas Wolanin will be fondly remembered and greatly missed by his wife, Donna Christian; his children, Peter and Andrew, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Thomas R. Wolanin, a respected educator, higher education consultant, and civil servant; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Thomas R. Wolanin as an expression of the General Assembly's respect for his memory.

**HOUSE JOINT RESOLUTION NO. 342**

*Celebrating the life of Martha Ann Miller.*

Agreed to by the House of Delegates, March 2, 2018

Agreed to by the Senate, March 6, 2018

WHEREAS, Martha Ann Miller, a passionate educator in Arlington who inspired countless students and was proud to have taught at one of the first desegregated public schools in the Commonwealth, died on August 16, 2017, at the age of 106; and

WHEREAS, a native of Evansville, Indiana, Martha Ann Miller grew up on her family's farm and learned the value of hard work and responsibility at a young age; her skill as a baker earned her a first prize award at the Indiana State Fair and a full scholarship to Purdue University; and

WHEREAS, Martha Ann Miller relocated to Arlington in 1937 and quickly became an advocate for better public schools; she was successful in helping to make the Arlington County School Board one of the first elected school boards in the Commonwealth; and

WHEREAS, an enthusiastic lifelong learner, Martha Ann Miller taught math at Stratford Junior High School in Arlington for 21 years, inspiring students to achieve academic excellence and become responsible citizens of the Commonwealth; and

WHEREAS, after the landmark ruling in *Brown v. Board of Education*, Stratford Junior High School became the first public secondary school in Virginia to integrate in 1959, when the school enrolled four black students, two of whom joined Martha Ann Miller's seventh-grade class; and

WHEREAS, Martha Ann Miller was a longtime member of the American Association of University Women, and she enjoyed fellowship and worship with the community as a member of Clarendon United Methodist Church for 73 years; and

WHEREAS, in addition to playing an important role in the Civil Rights movement, Martha Ann Miller witnessed many seminal events of the 20th century, from two World Wars to the rise of a host of modern technological conveniences; in 2012, she published her autobiography *The First Century: And Not Ready for the Rocking Chair Yet*; and

WHEREAS, predeceased by her husband of 42 years, Malcolm, and two children, William and Winifred, Martha Ann Miller will be fondly remembered and greatly missed by her children, Malcolm and Meg, and their families, and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Martha Ann Miller; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Martha Ann Miller as an expression of the General Assembly's respect for her memory.

**HOUSE JOINT RESOLUTION NO. 343**

*Celebrating the life of Christine Richmond Cottey.*

Agreed to by the House of Delegates, March 2, 2018

Agreed to by the Senate, March 6, 2018

WHEREAS, Christine Richmond Cottey, a devoted wife and mother and a respected veterinarian with a passion for animal care, died on December 14, 2017; and

WHEREAS, born in Harrisonburg in 1970, Christine Cottey developed a love of animals at a young age and later attended Virginia Polytechnic Institute and State University, where she earned a bachelor's degree and a doctoral degree in veterinary medicine; and

WHEREAS, a talented veterinarian, Christine Cottey worked at animal hospitals across the Commonwealth and was most recently the veterinary director at the Animal Welfare League of Arlington; as the League's first shelter veterinarian and surgery specialist, she helped it achieve new standards of excellence in animal medical care; and

WHEREAS, in 2014, Christine Cottey won the Metropolitan Washington Council of Governments Animal Services Committee's Veterinarian Award in recognition of her commitment to animal welfare; and

WHEREAS, outside of her 21-year career in veterinary medicine, Christine Cottey was an excellent cook who enjoyed swimming and spending time with her family; an avid runner, she competed in several endurance races, including the Marine Corps Marathon; and

WHEREAS, a woman of strong faith, Christine Cottey enjoyed fellowship and worship at Alexandria Presbyterian Church, where she was active in several ministries; and

WHEREAS, Christine Cottey will be fondly remembered and greatly missed by her husband, Tal; son, Peyton; father, Art Richmond; mother and stepfather, Diane and Jim Dennison; and countless other family members, friends, and residents of Arlington County; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Christine Richmond Cottey, a skilled veterinarian who devoted her career to helping animals; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Christine Richmond Cottey as an expression of the General Assembly's respect for her memory.

**HOUSE JOINT RESOLUTION NO. 344**

*Commending the Fort Defiance High School Envirothon team.*

Agreed to by the House of Delegates, March 2, 2018

Agreed to by the Senate, March 6, 2018

WHEREAS, the Fort Defiance High School Envirothon team won the Virginia Envirothon state championship held May 21-22, 2017, at Virginia State University; and

WHEREAS, Envirothon is a team-based academic competition that gives students an opportunity to learn from natural resource professionals; as part of the competition, students are tested in a variety of categories and must give an oral presentation on a solution to a real world environmental challenge; and

WHEREAS, sixteen teams from across the Commonwealth participated in the 2017 Envirothon, which focused on the issue of "Agricultural Soil and Water Conservation Stewardship"; and

WHEREAS, the Fort Defiance High School Envirothon team—consisting of student conservationists Michael Reefer, Claudette "C.J." Johnson, Jacob Lam, Louisa Esteban, and Dillon Rusmiser—finished first in soils, second in wildlife, second in presentation, and third in forestry to claim the overall title; and

WHEREAS, the victory was Fort Defiance High School's tenth Envirothon state title since it began participating in the competition in 2001; the school also has one North American title; and

WHEREAS, by clinching the 2017 Virginia state title, the Fort Defiance High School Envirothon team progressed to compete against teams from across the United States, Canada, and China in the National Conservation Foundation Envirothon held July 23-29 in Maryland; and

WHEREAS, the championship victory is a testament to the hard work and dedication of each member of the Fort Defiance High School Envirothon team, the excellent guidance of coaches Brent Hull and Eric Stogdale, and the enthusiastic support of the entire Fort Defiance High School community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Fort Defiance High School Envirothon team on winning the 2017 Virginia Envirothon state championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Fort Defiance High School Envirothon team as an expression of the General Assembly's admiration for the team's outstanding accomplishments and dedication to studying environmental science and conservation.

**HOUSE JOINT RESOLUTION NO. 345**

*Commending the Department of General Services.*

Agreed to by the House of Delegates, March 2, 2018

Agreed to by the Senate, March 6, 2018

WHEREAS, in the fall of 2001, the Department of General Services launched the first fully electronic, online procurement system of any state government, known as eVA; and

WHEREAS, because of the leadership of the Department of General Services and the support of five governors and the Virginia General Assembly, eVA has become an enterprise-wide system used by more than 11,000 purchasing professionals in 245 state agencies, institutions of higher education, authorities, and other public bodies; and

WHEREAS, the Department of General Services eVA program is used at no cost for a range of procurement functions by 900 local public bodies, including school systems, authorities, airports, and county, city, and town governments; and

WHEREAS, the combined purchasing power of state and local organizations using the Department of General Services eVA program results in savings of \$30 million per year, totaling over \$450 million since the program began; and

WHEREAS, the Department of General Services eVA program has opened the doors to state and local purchasing to more than 91,000 businesses, with 85,000 receiving purchase orders, including 18,600 small, women, and minority vendors; and

WHEREAS, the Department of General Services eVA program facilitates this competition for state and local business by providing all of its tools to a business for no charge, with the business paying only a small fee when it is successful in receiving a purchase order; and

WHEREAS, the Department of General Services eVA program provides the public, taxpayers, and policymakers a transparent view of state spending; and

WHEREAS, the Department of General Services and its eVA program have continued to make the Commonwealth a national leader in online procurement by introducing innovative functionality and maintaining a continuous commitment to improvement; Virginia was the first state to implement a mobile application that allows state buyers and vendors to conduct and respond to procurements; and

WHEREAS, Virginia again led the way in 2016 by introducing a new function as part of the Department of General Services eVA program, called B2B Connect, which allows businesses—especially small businesses—to connect and collaborate with others in order to pursue state contracting opportunities; and

WHEREAS, the Department of General Services has won 11 consecutive National Achievement in Procurement Awards for eVA, and eVA was recognized in 2016 by *Governing* magazine as "The Way to Do e-Procurement"; and

WHEREAS, in 2017, the National Association of State Procurement Officials (NASPO) created the Cronin Heritage Award to recognize the history of excellence that the Cronin Awards represent; and

WHEREAS, when asked to select the past Cronin Gold Award winner they felt embodied the most innovative procurement initiative in the past decade, the membership of NASPO selected Virginia's eVA Mobile apps; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Department of General Services for receiving the inaugural Cronin Heritage Award from the National Association of State Procurement Officials; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the director of the Department of General Services as an expression of the General Assembly's admiration for the agency's innovative contributions to thousands of Virginia businesses and the Commonwealth as a whole.

**HOUSE JOINT RESOLUTION NO. 346**

*Commending Acacia Lodge No. 16.*

Agreed to by the House of Delegates, March 2, 2018

Agreed to by the Senate, March 6, 2018

WHEREAS, Acacia Lodge No. 16, a chapter of the Ancient Free and Accepted Masons that has provided valuable service to the Clifton community, celebrates its 140th anniversary in 2018; and

WHEREAS, Acacia Lodge No. 16 traces its earliest roots to 1875, when members of Manasseh Lodge No. 182 in Manassas petitioned the Grand Lodge of Virginia for dispensation to start a new lodge for members who lived near Clifton Station; and

WHEREAS, Acacia Lodge No. 16 received its charter in January 1878; its members originally met in Makely's Store House at the corner of Main and Chapel Roads in Clifton; and

WHEREAS, in 1903, Acacia Lodge No. 16 purchased a building for use as its first Lodge; the building was later moved to its current location in 1920; and

WHEREAS, Acacia Lodge No. 16 has long played an active role in the Clifton community; its Lodge was the first building in the town to have electricity and has been the scene of numerous local meetings, including a 1942 gathering that resulted in the formation of Clifton's first volunteer fire department; and

WHEREAS, with the motto "the Greatest Little Lodge in the Commonwealth of Virginia," Acacia Lodge No. 16 has also participated in Clifton's Labor Day car show as well as its annual Clifton Day festival; and

WHEREAS, Acacia Lodge No. 16 has been invited to lay the cornerstone at several local buildings in Clifton such as Oak Grove Methodist Church, Clifton Baptist Church, and Clifton School; and

WHEREAS, during its long and distinguished history, Acacia Lodge No. 16 has supported numerous civic organizations and made an indelible mark on the Clifton community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Acacia Lodge No. 16 on the occasion of its 140th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Acacia Lodge No. 16 as an expression of the General Assembly's admiration for the Lodge's commitment to the Clifton community and best wishes for continued success.

**HOUSE JOINT RESOLUTION NO. 347**

*Commending the Freedom High School gymnastics team.*

Agreed to by the House of Delegates, March 2, 2018

Agreed to by the Senate, March 6, 2018

WHEREAS, the Freedom High School gymnastics team of Loudoun County claimed its second state title in three years, winning the Virginia High School League Group 5A state championship on February 16, 2018; and

WHEREAS, the Freedom High School Eagles finished with 144.900 points in the team competition, defeating the reigning champions, the Stafford Senior High School Indians, by less than a point; and

WHEREAS, senior Sydney Wrighte, sophomore Bre Roeder, and freshman Riley Waldrop were standouts in the team competition, and all nine members of the team turned in exceptional performances to lead the Freedom Eagles to victory; and

WHEREAS, in the individual competition, Sydney Wrighte, the All-Met Gymnast of the Year, was the runner-up in the all-around, leading the Freedom Eagles with a first-place finish in the floor exercise and second-place finishes in the uneven bars and vault events; and

WHEREAS, the Freedom Eagles' state championship victory is a testament to the skill and dedication of the student-athletes, the leadership and guidance of coaches and staff, and the passionate support of the entire Freedom High School community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Freedom High School gymnastics team on winning the Virginia High School League Group 5A state championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Laura Wrighte, head coach of the Freedom High School gymnastics team, as an expression of the General Assembly's admiration for the team's achievements and best wishes for the future.

**HOUSE JOINT RESOLUTION NO. 348**

*Celebrating the life of Nabra Hassanen.*

Agreed to by the House of Delegates, March 2, 2018

Agreed to by the Senate, March 6, 2018

WHEREAS, Nabra Hassanen, a beloved member of the Reston community, died on June 18, 2017; and

WHEREAS, a 17-year-old rising junior at South Lakes High School in Reston, Nabra Hassanen was a diligent student who was well-liked by her peers; and

WHEREAS, Nabra Hassanen was a beacon of hope and positivity in her community and was known by many for her kind spirit and bright, ever-present smile; and

WHEREAS, Nabra Hassanen enjoyed fellowship and worship at the All Dulles Area Muslim Society Center, and more than 5,000 members of the community, including Muslims, Christians, and Jews from many local faith communities, joined together in solidarity at her funeral service; and

WHEREAS, Nabra Hassanen will be fondly remembered and greatly missed by her parents, her three younger sisters, and numerous other family members, friends, and Reston community residents; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Nabra Hassanen; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Nabra Hassanen as an expression of the General Assembly's respect for her memory.

**HOUSE JOINT RESOLUTION NO. 349**

*Commending First Baptist Church Jefferson Park.*

Agreed to by the House of Delegates, March 2, 2018

Agreed to by the Senate, March 6, 2018

WHEREAS, in 2018, First Baptist Church Jefferson Park in Newport News will celebrate 100 years of providing spiritual leadership, fellowship, and opportunities for worship; and

WHEREAS, First Baptist Church Jefferson Park traces its roots to World War I, when residents of Mulberry Island near Newport News were forced to leave their homes during construction of the Fort Eustis military base; and

WHEREAS, after settling in the Jefferson Park area of Newport News, a group of islanders came together in 1918 and began holding worship services in a crude wooden building; in 1925, First Baptist Church Jefferson Park constructed a larger building to meet the needs of its growing congregation; and

WHEREAS, First Baptist Church Jefferson Park relied on the leadership of a number of influential figures during its early days, including Deacon William Wooten, the Reverend Zechariah White, the Reverend M. Massenburg, the Reverend J.O. Atkinson, and the Reverend F.A. Rylander; and

WHEREAS, the spiritual community at First Baptist Church Jefferson Park continued to grow and prosper in the 1940s and 1950s under the leadership of the Reverend Mack Samuel, who oversaw an addition to the church building, and the Reverend O.D. Henry; and

WHEREAS, in 1956, the Reverend W. Bernard Schiele joined First Baptist Church Jefferson Park as pastor; he remained the church's leader for 41 years and guided it through the construction of its current church building in 1967 and the construction of its Education Building in 1981; and

WHEREAS, since 1999, the Reverend Reginald C. Woodhouse has served as pastor of First Baptist Church Jefferson Park; under his able leadership, the church has launched numerous support ministries such as a tutorial program, a new members class, a mass choir, a youth Bible study, a praise dance group, and a singles ministry; and

WHEREAS, in addition, Reverend Woodhouse has helped lead community outreach efforts, including working with the group Southeastern Correctional Ministries to offer worship and discipleship opportunities for incarcerated people; and

WHEREAS, during a century in operation, First Baptist Church Jefferson Park has enriched the lives of its congregants and forged strong bonds with the community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend First Baptist Church Jefferson Park on its service to the residents of Newport News on the occasion of its 100th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to First Baptist Church Jefferson Park as an expression of the General Assembly's admiration for its impressive legacy of spiritual guidance and community outreach.

**HOUSE JOINT RESOLUTION NO. 350**

*Commending FACETS.*

Agreed to by the House of Delegates, March 2, 2018

Agreed to by the Senate, March 6, 2018

WHEREAS, FACETS, a nonprofit organization that has worked to end the cycle of poverty by providing meals, shelter, and educational, life skills, and career counseling programs to individuals and families in need in Fairfax County, celebrates its 30th anniversary in 2018; and

WHEREAS, FACETS traces its roots to 1988, when founder Linda D. Wimpey began working with local churches to provide hot meals to homeless families in Fairfax; since then, it has grown into a full-service organization offering programs to increase quality of life and opportunity for those in need; and

WHEREAS, FACETS leverages volunteer and in-kind contributions, working in partnership with many faith communities to meet shelter and hunger needs in the community; in 2017, the organization logged more than 50,000 volunteer hours and over \$500,000 of in-kind donations; and

WHEREAS, throughout its history, FACETS has sought to leverage and expand its limited resources to meet the growing needs of the community in an efficient and effective manner; and

WHEREAS, in 2015, FACETS significantly expanded its services to meet increasing needs throughout the community and created the Next Steps Family Program, which provides homelessness prevention services and an 18-unit shelter for families experiencing homelessness along the Route 1 corridor in Fairfax County; and

WHEREAS, in 2016, FACETS continued to expand its supportive housing units program by adding 10 single-bedroom units, two group homes, and two multi-family units, which meant increasing the staff by 67 percent and the budget by 50 percent; and

WHEREAS, with the help of its volunteers and partners, FACETS continues to provide hot meals to some 25,000 people each year; the meal program is used to conduct outreach to the homeless community and identify individuals or families who may need additional services, including medical care; and

WHEREAS, FACETS operates a client resource center that dispenses supplies and offers comprehensive case management to people who are homeless or at risk of becoming homeless; the organization also connects with individuals and families living on the streets and works to help them move into more stable transitional or permanent housing; and

WHEREAS, between November and April each winter, FACETS operates a hypothermia prevention and response program at 31 church locations in Fairfax County; the program ensures that homeless people get food and a safe place to sleep during the coldest months of the year; and

WHEREAS, FACETS also runs education and community development programs at four affordable housing communities in Fairfax County; along with financial literacy and career development services for adults, the programs offer academic assistance as well as college and career planning for children; and

WHEREAS, FACETS has received numerous honors for its work in preventing and ending homelessness, including the Friends of Housing and Community Development Award from the Fairfax County Department of Housing and Community Development, the Team Excellence Award from Fairfax County, and the High-Performing Nonprofit award from the Taproot Foundation; and

WHEREAS, through its wide range of programs and services and partnerships with other nonprofit groups, businesses, faith communities, government bodies, and foundations, FACETS has reduced the effects of homelessness in Fairfax County and worked to break the cycle of poverty; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend FACETS on 30 years of providing life-sustaining services and support to the residents of Fairfax County; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to FACETS as an expression of the General Assembly's admiration for its tireless work to end homelessness.

**HOUSE JOINT RESOLUTION NO. 351***Commending First Baptist Church Denbigh.*

Agreed to by the House of Delegates, March 2, 2018

Agreed to by the Senate, March 6, 2018

WHEREAS, in 2017, First Baptist Church Denbigh in Newport News celebrated its 155th anniversary of providing spiritual fellowship and generous outreach to the local community; and

WHEREAS, First Baptist Church Denbigh's long history dates to 1862, when a group of black worshippers began meeting in a church building that had been abandoned by the white community due to the Civil War; and

WHEREAS, after their building was reclaimed by its previous occupants at the end of the Civil War, the congregation of First Baptist Church Denbigh constructed a new structure; church membership later increased to some 450 people in the late 1860s during the tenure of the Reverend T.G. Wright; and

WHEREAS, First Baptist Church Denbigh continued to flourish during the first half of the 20th century, when it was led by a number of influential pastors, including the Reverend Robert H. Nazareth, the Reverend T.C. Williams, the Reverend A.A. Hudgins, the Reverend Isaac Daniel, the Reverend J.D. Atkins, and the Reverend Joseph H. Brown; and

WHEREAS, First Baptist Church Denbigh moved into a newer and more modern building in 1972; when the structure was later destroyed by fire in 1986, the congregation banded together and continued meeting in private homes and at an elementary school until the completion of its current building in 1988; and

WHEREAS, First Baptist Church Denbigh's current pastor, the Reverend Ivan T. Harris, began serving in 1988; under his diligent leadership, the church has introduced numerous new ministries, including the Brotherhood, the Baptist Young Women, Acteen, Girls in Action, and youth missionaries; and

WHEREAS, First Baptist Church Denbigh has operated several outreach projects to feed and clothe the homeless and the less fortunate; the church also conducts a ministry for prisoners and offers transitional housing for women looking to further their education; and

WHEREAS, in addition to its service to the local community, First Baptist Church Denbigh has provided extensive aid to a small community in the country of Benin as part of its African village adoption project; since 2005, the congregation has furnished the villagers with books and vehicles and helped finance construction of a well, a medical facility, a school, and a church building; and

WHEREAS, throughout its long history, First Baptist Church Denbigh has spread the gospel to countless people and been a force for good in the community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend First Baptist Church Denbigh on its service to the residents of Newport News on the occasion of its 155th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to First Baptist Church Denbigh as an expression of the General Assembly's admiration for its longstanding commitment to providing spiritual guidance and helping those in need.

**HOUSE JOINT RESOLUTION NO. 352***Commending Jay Fisette.*

Agreed to by the House of Delegates, March 2, 2018

Agreed to by the Senate, March 6, 2018

WHEREAS, after five full terms on the Arlington County Board, Jay Fisette, a passionate advocate for all residents of Arlington who worked diligently to strengthen and enhance the community, did not seek reelection in 2017; and

WHEREAS, Jay Fisette earned a bachelor's degree in political science from Bucknell University and a master's degree in public and international affairs from the University of Pittsburgh, and he has been a member of the Arlington community since 1983; and

WHEREAS, elected to the Arlington County Board in 1998, Jay Fisette was the Commonwealth's first openly gay elected official; his advocacy for inclusiveness and the LGBTQ community helped Arlington earn high ratings from the Human Rights Campaign annually, including recognition as an "All-Star" city in 2017; and

WHEREAS, Jay Fisette helped foster a welcoming atmosphere in Arlington County in which diversity and people's differences are valued and embraced as sources of strength and resilience; and

WHEREAS, during his chairmanship of the Arlington County Board, Jay Fisette oversaw Arlington's response to the September 11, 2001, terrorist attack on the Pentagon; he continued efforts to ensure the safety of Arlington's citizenry as a member of the Regional Emergency Preparedness Council; and

WHEREAS, Jay Fisette's leadership priorities on the Arlington County Board include the expansion of public transportation options, specifically focused on pedestrian safety, transit enhancements including a strong commitment to Metro, and a leadership role in the creation of the regional Capital Bikeshare program; and

WHEREAS, Jay Fisette's efforts to promote smart growth, sustainability, and long-term planning have helped preserve housing affordability and garnered Arlington County multiple recent accolades, including the Best In My Backyard award at the 2014 Governor's Housing Conference and the Best Housing Development award for Arlington Mill Residences; and

WHEREAS, Jay Fisette has impacted communities across Virginia through his collaborative work in regional and statewide bodies, including leadership roles with the Metropolitan Washington Council of Governments, Transportation Planning Board, Northern Virginia Transportation Commission, Virginia Municipal League, and Virginia Housing Development Authority; and

WHEREAS, Jay Fisette's passion for environmentalism and sustainability were key to the creation and adoption of the landmark Arlington Community Energy Plan in 2013; this detailed long-term plan was a three-year collaborative initiative that will promote sustainability in Arlington through 2050; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Jay Fisette for his visionary leadership of the Arlington County Board; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Jay Fisette as an expression of the General Assembly's admiration for his exemplary service to the Arlington community and the Commonwealth.

**HOUSE JOINT RESOLUTION NO. 353**

*Celebrating the life of Murray K. Carton.*

Agreed to by the House of Delegates, March 2, 2018  
 Agreed to by the Senate, March 6, 2018

WHEREAS, Murray K. Carton, a beloved father, respected business owner, and dedicated volunteer at the Virginia Holocaust Museum in Richmond, died on January 3, 2018; and

WHEREAS, a Richmond resident, Murray Carton spent over 30 years as the owner of a parking lot located on the corner of First and Grace Streets in the city's downtown; and

WHEREAS, following his retirement in 1998, Murray Carton followed the advice of a friend and began volunteering at the newly opened Virginia Holocaust Museum (VHM); and

WHEREAS, during the VHM's early days, Murray Carton gave generously of his time by answering phones and scheduling and leading tours; he eventually became the museum's trusted receptionist; and

WHEREAS, utterly devoted to preserving the history of the Holocaust, Murray Carton worked at the VHM every day of the week for over a decade, often staying from morning until night; and

WHEREAS, beginning in 1999, Murray Carton played a key role in the VHM's Penny Campaign, a project to collect pennies to memorialize each of the victims of the Holocaust; as part of his involvement, he personally counted some five million pennies; and

WHEREAS, over the course of his service to the VHM, Murray Carton logged roughly 40,000 volunteer hours; in 2005, he was honored with an award for having the most volunteer hours in the Commonwealth; and

WHEREAS, in addition to his commitment to the VHM, Murray Carton was a man of strong Jewish faith who was a longtime member of Temple Beth-El in Richmond; and

WHEREAS, predeceased by his wife, Mildred, Murray Carton will be fondly remembered and greatly missed by his children, Esther and Manny, and their families; his stepchildren, Izzy, Debbie, Terry, Patty, and Mark; and many other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Murray K. Carton, a committed volunteer who aided the Virginia Holocaust Museum for many years; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Murray K. Carton as an expression of the General Assembly's respect for his memory.

**HOUSE JOINT RESOLUTION NO. 354**

*Commending the McLean High School band.*

Agreed to by the House of Delegates, March 2, 2018  
 Agreed to by the Senate, March 6, 2018

WHEREAS, the McLean High School band of Fairfax County was awarded the 2017 Sudler Flag of Honor, the most prestigious award for high school concert bands in the United States; and

WHEREAS, presented by the John Philip Sousa Foundation, the Sudler Flag of Honor is reserved for bands, such as the McLean High School band, that have demonstrated sustained excellence in concert activities over a period of several years; and

WHEREAS, fewer than 100 high schools have earned the Sudler Flag of Honor since its creation in 1983; the McLean High School band is now one of the few school bands to have won it twice, having previously received the award in 2000; and

WHEREAS, under the leadership of director of bands Chris Weise and associate director of bands Deidra Denson, the McLean High School band has built on a proud tradition of musical excellence and has consistently delighted audiences; and

WHEREAS, with their hard work, discipline, and impressive talent, the musicians of the McLean High School band serve as outstanding role models for school music programs across the Commonwealth; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the McLean High School band on receiving the 2017 Sudler Flag of Honor from the John Philip Sousa Foundation; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Chris Weise, director of the McLean High School band, as an expression of the General Assembly's admiration for the program's remarkable accomplishments and best wishes for continued success.

**HOUSE JOINT RESOLUTION NO. 355**

*Commending the McLean High School boys' tennis team.*

Agreed to by the House of Delegates, March 2, 2018

Agreed to by the Senate, March 6, 2018

WHEREAS, the McLean High School boys' tennis team of Fairfax County won the Virginia High School League Group 6A state championship on June 10, 2017, securing the first state title in the program's history; and

WHEREAS, the championship victory capped off a remarkable season for the McLean High School Highlanders, who finished the year with an unblemished 19-0 record and had all six of their starters selected for the all-conference first team; and

WHEREAS, in the thrilling state final at George Mason University, the McLean Highlanders rallied from behind to defeat the Oakton High School Cougars 5-4; and

WHEREAS, the McLean Highlanders started off slowly in the championship, winning only two singles matches courtesy of No. 1 Ben Keyser and No. 2 Matthew Tran; at the end of singles play, they trailed the Oakton Cougars 4-2; and

WHEREAS, the McLean Highlanders began their remarkable comeback in doubles play, picking up wins from their No. 3 pairing of Jason Wang and Andrew Lacaden and their No. 2 pairing of Jing Waid and Andrew Donelson; and

WHEREAS, with the overall score tied at 4-4, the McLean Highlanders' No. 1 doubles pairing of Ben Keyser and Matthew Tran took to the court for the decisive final match; after losing the first set, the duo battled from behind to win 2-1 and seal the championship; and

WHEREAS, the team's tennis championship was a breakthrough for the McLean Highlanders, who became the first boys' sports team in McLean High School history to win a state title; in addition, Ben Keyser and Matthew Tran secured the state doubles title; and

WHEREAS, the McLean Highlanders' maiden championship win is a testament to the hard work and dedication of all its talented student-athletes, the exemplary guidance of coaches and staff, and the enthusiastic support of family members, friends, and the entire McLean High School community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the McLean High School boys' tennis team on winning the Virginia High School League Group 6A state championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Aavo Tomkov, head coach of the McLean High School boys' tennis team, as an expression of the General Assembly's admiration for the team's outstanding undefeated season and best wishes for continued success.

**HOUSE JOINT RESOLUTION NO. 356**

*Commending the McLean High School Highlander marching band.*

Agreed to by the House of Delegates, March 2, 2018

Agreed to by the Senate, March 6, 2018

WHEREAS, the McLean High School Highlander marching band won the USBands Virginia State Championship staged on October 21, 2017, in Virginia Beach; and

WHEREAS, USBands is the largest sanctioning body for scholastic music competitions in the United States; its 2017 Virginia State Championship featured 16 high school bands from across the Commonwealth including the McLean High School Highlanders; and

WHEREAS, performing a program entitled "Not All Heroes Wear Capes," the McLean High School Highlander marching band combined precision drills and movement with expert musicianship to finish first place overall at the state championship; and

WHEREAS, the McLean High School Highlander marching band also won awards for best music, best general effect, and best visual; and

WHEREAS, the victory marked the second straight USBands Virginia State Championship win for the McLean High School Highlander marching band, which consists of nearly 200 talented musicians and color guard members; and

WHEREAS, the McLean High School Highlander marching band's state championship win is a testament to the skill and dedication of all its student-performers, the exemplary leadership of its directors, and the enthusiastic support of families, friends, and the entire McLean High School community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the McLean High School Highlander marching band on winning the 2017 USBands Virginia State Championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Chris Weise, director of the McLean High School Highlander marching band, as an expression of the General Assembly's admiration for the band's spectacular accomplishments.

### HOUSE JOINT RESOLUTION NO. 357

*Commending The Highlander.*

Agreed to by the House of Delegates, March 2, 2018

Agreed to by the Senate, March 6, 2018

WHEREAS, *The Highlander*, the student-run newsmagazine of McLean High School, had a banner year in 2017, winning both the Pacemaker award from the National Scholastic Press Association and a Gold Crown from the Columbia Scholastic Press Association; and

WHEREAS, the National Scholastic Press Association's (NSPA) Pacemaker award and the Columbia Scholastic Press Association's (CSPA) Gold Crown are two of the premier honors for school print newspapers, magazines, and yearbooks; publications are judged on their overall excellence in design, photography, concept, coverage, and writing; *The Highlander* was one of 26 Pacemaker award winners and one of 63 Gold Crown winners nationwide, and it was the only high school publication from the Commonwealth to receive either honor; and

WHEREAS, in addition, *The Highlander* received fourth place in two categories of the NSPA's Story of the Year contest—in the feature story category for the article "Beyond Gender" and in the diversity series category for the article "Finding Refuge"; and

WHEREAS, released seven times per school year, *The Highlander* is a high-quality newsmagazine that includes coverage of school and community events as well as feature articles, opinion pieces, and profiles; over the years, the publication has become known for its witty writers, strong reporters, and outstanding photographers, designers, and editors; and

WHEREAS, staff members from *The Highlander* received the Pacemaker award at the Journalism Education Association/NSPA National High School Journalism Convention held November 16-19, 2017, in Dallas, Texas; they accepted their Gold Crown during the CSPA Scholastic Convention held at Columbia University on March 17, 2017; and

WHEREAS, *The Highlander's* award-winning year is a testament to the skill and dedication of all its staff members, the excellent guidance of its faculty advisor, and the enthusiastic support of family members, friends, and the entire McLean High School community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend *The Highlander* on receiving the 2017 Pacemaker and Gold Crown awards; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to *The Highlander* as an expression of the General Assembly's admiration for the publication's outstanding accomplishments and best wishes for continued success.

### HOUSE JOINT RESOLUTION NO. 358

*Commending the Reston Community Orchestra.*

Agreed to by the House of Delegates, March 2, 2018

Agreed to by the Senate, March 6, 2018

WHEREAS, the Reston Community Orchestra, a volunteer orchestra that has educated and delighted audiences with its musical performances, celebrates its 30th anniversary during its 2017-2018 season; and

WHEREAS, the Reston Community Orchestra traces its roots to the late 1980s, when cellist Joellyn Kinzer proposed that a small group of local musicians form an orchestra to serve the Reston community; today, the orchestra features over 50 musicians of string, horn, woodwind, and percussion instruments; and

WHEREAS, Dingwall Fleary, a choral director, teacher, pianist, harpsichordist, organist, and chamber musician, has served as the Reston Community Orchestra's musical director and conductor since 1996; and

WHEREAS, under Dingwall Fleary's leadership, the Reston Community Orchestra has grown and evolved; it now offers five concerts each year, including an annual performance of works and spirituals inspired by the life of the Reverend Dr. Martin Luther King, Jr.; and

WHEREAS, the Reston Community Orchestra's performance repertoire has spanned the entire spectrum of orchestral music, including baroque, classical, romantic, and contemporary compositions; its 2017-2018 concert series features music by composers such as Gershwin, Haydn, and Tchaikovsky; and

WHEREAS, a grassroots organization that prides itself on serving the community, the Reston Community Orchestra does not charge admission fees for its regular concerts, and is fully funded by grants, donations, and member contributions; and

WHEREAS, the Reston Community Orchestra is a member of the Arts Council of Fairfax County, the Arts Alliance of Reston, and the American Society of Composers, Authors, and Publishers; and

WHEREAS, over the years, the talented volunteer musicians of the Reston Community Orchestra have entertained numerous audiences and helped promote art, culture, and music education in the Reston community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Reston Community Orchestra for its years of service to the Reston community on the occasion of its 30th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Reston Community Orchestra as an expression of the General Assembly's admiration for its impressive musical accomplishments and best wishes for continued success.

### HOUSE JOINT RESOLUTION NO. 359

*Commending the Longfellow Middle School Rubik's Cube team.*

Agreed to by the House of Delegates, March 2, 2018

Agreed to by the Senate, March 6, 2018

WHEREAS, the nationally ranked Longfellow Middle School Rubik's Cube team of Falls Church solved 25 puzzles in 96 seconds at the DC Metro Rubik's Cube Challenge; and

WHEREAS, during the competition, Longfellow Middle School Rubik's Cube team members Michael Fatemi and Justin Choi solved puzzles in 12.6 seconds and 15.1 seconds respectively; and

WHEREAS, Longfellow Middle School Rubik's Cube team member Michael Fatemi, who is ranked as the top middle-school competitor in the nation, has solved a Rubik's Cube in as fast as 4.59 seconds; Justin Choi, who is ranked second in the nation, has a top time of 7.7 seconds; and

WHEREAS, the members of the Longfellow Middle School Rubik's Cube team encourage each other to achieve new heights by fostering a spirit of friendly competition among the team; and

WHEREAS, this encouragement paid off when the Longfellow Middle School Rubik's Cube team was ranked first in the nation for grades six through eight; and

WHEREAS, the Longfellow Middle School Rubik's Cube team's success is a testament to the dedication and skill of each of the competitors, the guidance of coaches and staff, and the enthusiastic support of classmates, family, friends, and the entire Longfellow Middle School community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Longfellow Middle School Rubik's Cube team for its impressive performance at the DC Metro Rubik's Cube Challenge; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Longfellow Middle School Rubik's Cube team as an expression of the General Assembly's admiration for the team's achievements and best wishes for the future.

### HOUSE JOINT RESOLUTION NO. 360

*Commending the Longfellow Middle School Science Olympiad team.*

Agreed to by the House of Delegates, March 2, 2018

Agreed to by the Senate, March 6, 2018

WHEREAS, the Longfellow Middle School Science Olympiad team won the first place award at the Virginia Science Olympiad in 2017; and

WHEREAS, Science Olympiad offers students the opportunity to improve their understanding of science, technology, engineering, and mathematics and to work together in teams to learn new skills; the students from Longfellow Middle School won several invitational tournaments on their way to the state final; and

WHEREAS, the Longfellow Middle School Science Olympiad team faced worthy competitors from throughout the Commonwealth at the state competition, which was held at the University of Virginia, and won by an impressive 51-point margin; and

WHEREAS, as state champion, the Longfellow Middle School Science Olympiad team represented the Commonwealth in the National Science Olympiad tournament held at Wright State University in Ohio in May 2017; and

WHEREAS, the Longfellow Middle School Science Olympiad team's success is a testament to the hard work and commitment of the students, the leadership and guidance of coaches and staff, and the passionate support of friends, family, classmates, and the entire Longfellow Middle School community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Longfellow Middle School Science Olympiad team on taking first place at the 2017 Virginia Science Olympiad; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Longfellow Middle School Science Olympiad team as an expression of the General Assembly's admiration for the team's achievements and best wishes for the future.

**HOUSE JOINT RESOLUTION NO. 361**

*Celebrating the life of the Honorable William T. Stone, Sr.*

Agreed to by the House of Delegates, March 2, 2018

Agreed to by the Senate, March 6, 2018

WHEREAS, the Honorable William T. Stone, Sr., a highly admired attorney and a former judge of the 9th Judicial District of Virginia, who touched the lives of countless families in the Williamsburg area as a funeral home director, died on January 18, 2018; and

WHEREAS, born in Washington, D.C., William Stone graduated from Bruton Heights School in Williamsburg and learned the value of community service at a young age while working at his family's business, Whiting's Funeral Home, the oldest, active African American-owned business in Williamsburg; and

WHEREAS, William Stone earned a bachelor's degree from Central State College in Ohio, then served the nation as a military policeman in the United States Army; he trained as an embalmer during his time in the military and later attended the New England Institute of Anatomy, Sanitary Science, and Embalming in Massachusetts; and

WHEREAS, William Stone worked as a member of the United States Secret Service, the Supreme Court Police, and the Veteran's Administration, then earned a law degree from The American University in 1962; and

WHEREAS, William Stone opened Stone & Associates in 1964 and later moved the practice to Williamsburg, becoming the first African American attorney to open a firm and practice law in the city; Stone & Associates was also the first integrated law firm in the city; and

WHEREAS, in 1968, William Stone was appointed as a judge of the Williamsburg/James City County General District Court of the 9th Judicial District of Virginia; he was the first African American judge in Williamsburg and thought to be the first in the Commonwealth; and

WHEREAS, William Stone earned the respect and admiration of his peers in the legal profession for his work ethic and cordial demeanor; he served as a trusted mentor and friend to countless African American attorneys and judges; and

WHEREAS, after his well-earned retirement as a judge and attorney, William Stone continued to serve the community at Whiting's Funeral Home, providing professional, compassionate care to families in their time of need and ensuring that everyone received a dignified burial regardless of a family's ability to pay; and

WHEREAS, William Stone traveled extensively and worked with international businesses and organizations to enhance the lives of people in other countries while enriching local culture in Williamsburg; and

WHEREAS, William Stone offered his leadership and expertise to many professional and peer organizations, and he was a founding member of the Zeta Mu Mu Chapter of Omega Psi Phi Fraternity and a member of the Improved, Benevolent, Protective Order of the Elks of the World, Old Capital Lodge No. 629; and

WHEREAS, William Stone will be fondly remembered and greatly missed by his loving wife, Sara; his children, Tommy, Jackie, Michael, and Christopher, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of the Honorable William T. Stone, Sr., a trailblazing attorney, judge, and business owner in Williamsburg; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of the Honorable William T. Stone, Sr., as an expression of the General Assembly's respect for his memory.

**HOUSE JOINT RESOLUTION NO. 362**

*Commending the Dunn Loring Volunteer Fire and Rescue Department.*

Agreed to by the House of Delegates, March 2, 2018

Agreed to by the Senate, March 6, 2018

WHEREAS, the Dunn Loring Volunteer Fire and Rescue Department, a first responder unit in Fairfax County whose members have provided outstanding service to the community, celebrated its 75th anniversary in 2017; and

WHEREAS, the Dunn Loring Volunteer Fire and Rescue Department traces its origins to 1942, when a group of 16 concerned citizens met at the home of local resident Merle Clifford to discuss the formation of a fire company; Clifford later served as the department's first chief, and his service station, Clifford's Garage, was used as a makeshift headquarters; and

WHEREAS, due to a lack of resources, the Dunn Loring Volunteer Fire and Rescue Department was initially an auxiliary unit of the nearby Vienna Volunteer Fire Department; it became its own department in 1947; and

WHEREAS, in 1968, the Dunn Loring Volunteer Fire and Rescue Department moved into its current station; the building later underwent an extensive renovation in 1989 as the department added staff to meet the needs of its growing community; and

WHEREAS, today, the Dunn Loring Volunteer Fire and Rescue Department has grown into a vital community organization that includes seven full-time Fairfax County staff and 87 members who operate two fire engines, two ambulances, and a truck; and

WHEREAS, the Dunn Loring Volunteer Fire and Rescue Department's volunteer emergency medical technicians and firefighters come from all walks of life and include students, accountants, nurses, and executives; and

WHEREAS, between July 2016 and June 2017, the Dunn Loring Volunteer Fire and Rescue Department responded to over 5,000 calls, 70 percent of which were medical calls; and

WHEREAS, along with hosting bingo games to raise funds, the Dunn Loring Volunteer Fire and Rescue Department connects with the community through open houses, Girl Scout and Boy Scout programs, door-to-door safety education programs, and other activities; and

WHEREAS, providing life-saving support 24 hours a day, the dedicated and well-trained members of the Dunn Loring Volunteer Fire and Rescue Department are pillars of their local community who regularly put themselves in harm's way in service to others; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Dunn Loring Volunteer Fire and Rescue Department on the occasion of its 75th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Dunn Loring Volunteer Fire and Rescue Department as an expression of the General Assembly's admiration for its long and meritorious service to the Dunn Loring community.

**HOUSE JOINT RESOLUTION NO. 363**

*Commending the James Madison High School girls' swim and dive team.*

Agreed to by the House of Delegates, March 2, 2018

Agreed to by the Senate, March 6, 2018

WHEREAS, the James Madison High School girls' swim and dive team won the Virginia High School League Group 6A state championship in February 2018; and

WHEREAS, the defending state champions, the James Madison High School Warhawks dominated the regional tournament to advance to the state final at George Mason University; and

WHEREAS, in the state tournament, the James Madison Warhawks were missing one diver and faced a disqualification in the 400-yard freestyle relay, as well as stiff competition from the Yorktown High School Patriots; and

WHEREAS, the James Madison Warhawks kept their focus and overcame adversity to finish with a score of 217.5, 10.5 points ahead of the runner-up Yorktown Patriots; and

WHEREAS, the James Madison Warhawks' victorious season is a testament to the skill and determination of all the student-athletes, the leadership and guidance of coaches and staff, and the passionate support of the James Madison High School community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the James Madison High School girls' swim and dive team on winning its second-consecutive state title at the Virginia High School League Group 6A state championship in 2018; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Andrew Foss, head coach of the James Madison High School girls' swim and dive team, as an expression of the General Assembly's admiration for the team's achievements and best wishes for the future.

**HOUSE JOINT RESOLUTION NO. 364**

*Celebrating the life of Wanda Bowyer Morehead.*

Agreed to by the House of Delegates, March 2, 2018

Agreed to by the Senate, March 6, 2018

WHEREAS, Wanda Bowyer Morehead of McCoy, a respected leader in the field of emergency medicine, died on February 6, 2018; and

WHEREAS, Wanda Morehead graduated *cum laude* from James Madison University in 1993, earning a bachelor's degree in chemistry along with a minor in biology; she also attended Virginia Polytechnic Institute and State University for graduate studies in chemistry; and

WHEREAS, Wanda Morehead was employed by the United States Postal Service in McCoy as a postmaster leave replacement, by the American Red Cross as a health and safety instructor, and by the Pulaski Community Hospital as a cardiopulmonary resuscitation (CPR) instructor; and

WHEREAS, Wanda Morehead was also employed by Hubbell Lighting as its plant nurse and administered several OSHA programs, also serving on the Safety Committee and performing safety inspections and general first aid; and

WHEREAS, in 1984, Wanda Morehead joined the Longshop McCoy Volunteer Fire and First Aid Crew, where she served in many of the offices in the crew, including treasurer and training officer and as the first female captain of the crew; she was also the first member of the crew to achieve the status of paramedic; and

WHEREAS, Wanda Morehead became a part of the Virginia Association of Volunteer Rescue Squads (VAVRS), serving as the District 7 vice president and at the state level as chair of the Finance Committee, Membership Committee, and Personnel Committee; and

WHEREAS, Wanda Morehead also served the VAVRS as treasurer and secretary and was elected vice president from 1997 to 1999; she was elected as the first female president of the VAVRS and served in that office from 1999 to 2001, and she was awarded life membership in the VAVRS by a vote of her peers in 2001; and

WHEREAS, Wanda Morehead was a CPR instructor for the American Heart Association and the American Red Cross, a Basic Trauma Life Support Instructor, and a Nationally Registered Paramedic; she also received the Volunteer of the Year Award from the local Red Cross; and

WHEREAS, Wanda Morehead worked with the Boy Scouts of America as a CPR and first aid instructor, and she taught courses for the first aid and emergency preparedness merit badges; and

WHEREAS, predeceased by her husband, Lloyd, Wanda Morehead will be fondly remembered and greatly missed by her son, Keith, and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Wanda Bowyer Morehead, a dedicated servant to the McCoy community and a leader in the field of emergency medical services; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Wanda Bowyer Morehead as an expression of the General Assembly's respect for her contributions to the Commonwealth and her memory.

### HOUSE JOINT RESOLUTION NO. 365

*Commending Michaela Joyce.*

Agreed to by the House of Delegates, March 2, 2018

Agreed to by the Senate, March 6, 2018

WHEREAS, Michaela Joyce, a talented young fencer from Sterling, recorded a top 10 finish in the Junior Women's Epee event held at the January North American Cup on January 5, 2018; and

WHEREAS, a student at Nysmith School for the Gifted in Herndon, 13-year-old Michaela Joyce practices fencing at the Loudoun International Fencing Club in Ashburn, where she is coached by Ilya Lobanekov and Amy Orlando; and

WHEREAS, in the Junior Women's Epee event at the January North American Cup in Virginia Beach, Michaela Joyce faced off against a strong field of 127 opponents ages 13 to 19; despite being one of the youngest competitors, she won several matches to clinch a 10th place finish overall; and

WHEREAS, just a few weeks before her strong performance at the January North American Cup, Michaela Joyce bested a field of 48 other competitors to win the gold medal in the Division 1A Women's Epee category at the Fairfax Challenge Regional Open Circuit tournament in Baltimore, Maryland; and

WHEREAS, as a result of her strong performances, Michaela Joyce is now ranked sixth in the nation for women's epee fencers ages 14 and under; she was also selected to represent the United States at a cadet fencing event in Poland; and

WHEREAS, Michaela Joyce's exemplary skill and dedication as a fencer stand as a shining example to her fellow young athletes across the Commonwealth; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Michaela Joyce on her strong performance in the Junior Women's Epee event at the 2018 January North American Cup; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Michaela Joyce as an expression of the General Assembly's admiration for her remarkable athletic accomplishments and best wishes for continued success.

**HOUSE JOINT RESOLUTION NO. 366***Commending the Falls Church-McLean Children's Center.*

Agreed to by the House of Delegates, March 2, 2018

Agreed to by the Senate, March 6, 2018

WHEREAS, the Falls Church-McLean Children's Center, a nonprofit child care center that has provided valuable early childhood education services regardless of families' economic resources, celebrates its 50th anniversary in 2018; and

WHEREAS, the Falls Church-McLean Children's Center traces its origins to 1967, when a group of over 20 faith groups met to discuss the formation of a safe, nurturing, and affordable child care facility for working families; and

WHEREAS, on October 10, 1968, the Falls Church-McLean Children's Center opened with an enrollment of 15 children in the basement of Chesterbrook Presbyterian Church in Falls Church; and

WHEREAS, the Falls Church-McLean Children's Center grew in the years that followed, and in 2003 it moved into a dedicated wing of Lemon Road Elementary School in Falls Church; and

WHEREAS, today, the Falls Church-McLean Children's Center is accredited by the National Association for the Education of Young Children and provides comprehensive, high-quality care for over 70 kids age two to six; and

WHEREAS, the Falls Church-McLean Children's Center has a dedicated and well-trained staff of teachers and offers numerous special programs, including dental, hearing, and vision screenings and assistance and consultations for children with developmental delays; and

WHEREAS, in addition, the Falls Church-McLean Children's Center has an on-site garden to provide kids with healthy snacks and organizes three to four field trips per month to sites around the Washington, D.C., metropolitan area; and

WHEREAS, using a tuition assistance system and aid from local governments, community donations, and private businesses, the Falls Church-McLean Children's Center makes care available to children of low-income and moderate-income working families; and

WHEREAS, the Falls Church-McLean Children's Center has won numerous honors and awards for its exceptional care, including a 2016 Nonprofit of the Year Award from the Greater McLean Chamber of Commerce and a 2008 award for Outstanding Service to Young Children from the Northern Virginia Association for the Education of Young Children; in addition, the Catalogue for Philanthropy chose the Center as one of the best small charities in Greater Washington in 2004, 2008, 2012, and 2016; and

WHEREAS, over the last five decades, the Falls Church-McLean Children's Center has provided a vital service for working families and aided in the social and educational development of numerous young children; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Falls Church-McLean Children's Center on 50 years of outstanding service to the community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Falls Church-McLean Children's Center as an expression of the General Assembly's admiration for its commitment to providing exceptional child care.

**HOUSE JOINT RESOLUTION NO. 367***Commending Angela B. Wilson.*

Agreed to by the House of Delegates, March 2, 2018

Agreed to by the Senate, March 6, 2018

WHEREAS, Angela B. Wilson, a passionate educator and school administrator who has touched the lives of countless young people over the course of her 36-year career, will retire as superintendent of Greenville County Public Schools; and

WHEREAS, Angela Wilson holds a bachelor's degree and a doctoral degree from Virginia Commonwealth University and a master's degree from Virginia State University; she began her career in education as a teacher at E.W. Wyatt Junior High School in 1981 and worked at several other schools in Emporia until 1992, when she joined Greenville County Public Schools; and

WHEREAS, Angela Wilson served as an assistant superintendent of Amelia County Public Schools from 1997 to 2000, then returned to Greenville County Public Schools as assistant superintendent; and

WHEREAS, Angela Wilson became the first African American superintendent of Greenville County Public Schools in 2014; she has overseen the effective operation of the school system, established and maintained strong relationships with administrators, teachers, students, and the School Board, and provided clear and decisive leadership to ensure that students receive the best possible education; and

WHEREAS, Angela Wilson has served the community in many other capacities, including in leadership roles with the Mecklenburg Electric Cooperative, the Girl Scouts of the Commonwealth of Virginia, the Emporia Boys and Girls Club, and the Greenville Memorial Hospital Foundation, among others; she also serves as an adjunct faculty member at the Virginia Union University School of Education; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Angela B. Wilson on the occasion of her retirement as superintendent of Greenville County Public Schools; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Angela B. Wilson as an expression of the General Assembly's admiration for her contributions to the field of education and service to students in Greenville County.

**HOUSE JOINT RESOLUTION NO. 368**

*Celebrating the life of the Honorable Kermit Lee Racey, Sr.*

Agreed to by the House of Delegates, March 2, 2018

Agreed to by the Senate, March 6, 2018

WHEREAS, the Honorable Kermit Lee Racey, Sr., a decorated veteran, respected attorney in Woodstock, and former judge of the Shenandoah County General District Court, died on May 13, 2017; and

WHEREAS, a native of Woodstock, Kermit Racey learned the value of hard work and responsibility at a young age; he sold wild fruit and nuts to help support his family and later worked as a shoe shiner while attending Woodstock High School, where he lettered in basketball and football; and

WHEREAS, prior to graduation, Kermit Racey enlisted in the United States Army and volunteered for the paratroopers, joining many of the other young men of his generation in service to the nation during World War II; and

WHEREAS, Kermit Racey served with the 507th Parachute Infantry Regiment and the 505th Parachute Infantry Regiment and saw action throughout the European Theater of the war during the Battle of the Ruhr, the Battle of the Bulge, and Operation Varsity, the last large-scale airborne operation of the war; he earned a Bronze Star Medal for single-handedly destroying an enemy tank at great personal risk; and

WHEREAS, Kermit Racey served as part of the Berlin occupation forces, then returned home to march with the 82nd Airborne Division in the Victory Day parade in New York City; he completed his education on the GI Bill, graduating *cum laude* from Washington and Lee University and later earning a law degree; and

WHEREAS, Kermit Racey received a reserve commission as an officer in the United States Air Force Judge Advocate General's Corps and was the commanding officer of an Air Force Reserve unit in Shenandoah County for many years; and

WHEREAS, Kermit Racey was well known in the Shenandoah County community as an experienced attorney who helped many people through pro bono work; he also served as a Commonwealth's Attorney from 1964 to 1968 and was appointed as a judge of the Shenandoah County General District Court of the 26th Judicial District of Virginia, where he presided with great fairness and wisdom from 1970 to 1980; and

WHEREAS, having inspired his son to follow in his footsteps as an attorney, Kermit Racey returned to private practice at Racey & Racey, where he served for 33 years, until his well-earned retirement in 2012; and

WHEREAS, Kermit Racey also supported the community as a member of the Rotary Club of Woodstock and president of the Shenandoah County Chamber of Commerce; he enjoyed fellowship and worship with the congregation of Woodstock Christian Church; and

WHEREAS, predeceased by his beloved wife, Madge, and one daughter, Carrie Ann, Kermit Racey will be fondly remembered and greatly missed by his children, Kermit II, Lance, Marlene, and Robyn, and their families, and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of the Honorable Kermit Lee Racey, Sr., a veteran, attorney, and judge, who made countless contributions to the Woodstock community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of the Honorable Kermit Lee Racey, Sr., as an expression of the General Assembly's respect for his memory.

**HOUSE JOINT RESOLUTION NO. 369**

*Celebrating the life of Orrin Luce French, Sr.*

Agreed to by the House of Delegates, March 2, 2018

Agreed to by the Senate, March 6, 2018

WHEREAS, Orrin Luce French, Sr., an attorney, businessman, and farmer, who made many contributions to the Woodstock community, died on April 22, 2016; and

WHEREAS, a lifelong resident of Woodstock, Orrin French attended Shenandoah County Public Schools and studied at Massanutten Military Academy, before earning a bachelor's degree and law degree from the University of Virginia; and

WHEREAS, in the 1950s, Orrin French honorably served his country as a member of the United States Army, then went into business with one of his brothers as co-owner of French Brothers Dairy; he also engaged in other real estate, business, and farming pursuits with his brothers; and

WHEREAS, Orrin French later opened a law office on Lawyers Row, where he practiced for more than 30 years with his partner and friend, Kevin Black; he was an active member of the Virginia State Bar for nearly 60 years; and

WHEREAS, later in his legal career, Orrin French served as a substitute judge for the Shenandoah Juvenile and Domestic Relations District Court and the Shenandoah General District Court; and

WHEREAS, Orrin French also supported the community by participating in many civic and service organizations, including as chair of the Shenandoah County Electoral Board, director of the Shenandoah County Fair Association, board member of First Union National Bank, and a member of the Shenandoah County Republican Committee; and

WHEREAS, Orrin French enjoyed fellowship and worship with the community as a devout, lifelong member of Woodstock United Methodist Church; and

WHEREAS, Orrin French will be fondly remembered and greatly missed by his wife, Joyce; his children, Valerie and Orrin, Jr., and their families; and numerous other family members, friends, and colleagues; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Orrin Luce French, Sr., a respected attorney, businessman, and farmer in Woodstock; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Orrin Luce French, Sr., as an expression of the General Assembly's respect for his memory.

**HOUSE JOINT RESOLUTION NO. 370**

*Celebrating the life of Winfred William Orttts.*

Agreed to by the House of Delegates, March 2, 2018

Agreed to by the Senate, March 6, 2018

WHEREAS, Winfred William Orttts, a devoted husband and father, active Shenandoah County resident, and respected business leader who ran Orttts Electric for over 35 years, died on November 16, 2017; and

WHEREAS, born in Woodstock, Winfred William "Bill" Orttts began his career as an employee of Shenandoah Telecommunications Company; after starting a successful side business as an electrician, he formed his own company, Orttts Electric, in 1967; and

WHEREAS, under Bill Orttts' able leadership, Orttts Electric forged strong relationships with its customers and eventually expanded its services to include plumbing and air conditioning as well as electrical work; and

WHEREAS, Bill Orttts retired in 2002 and passed control of Orttts Electric to his son; today, the company employs 20 people; and

WHEREAS, in addition to his success in business, Bill Orttts was an active citizen who served on the Shenandoah County Board of Supervisors from 1984 to 1995 and as a board member with the Shenandoah County Fair Association; and

WHEREAS, a man of strong faith who attended Woodstock Christian Church, Bill Orttts was also a charter member of Woodstock Moose Lodge No. 575 and a member of the National Rifle Association; and

WHEREAS, Bill Orttts will be fondly remembered and dearly missed by his wife of 60 years, Kitty; his son, Charles, and his family; and many other family members, friends, and Shenandoah County residents; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Winfred William Orttts, a civic and business leader who gave exemplary service to the Shenandoah County community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Winfred William Orttts as an expression of the General Assembly's respect for his memory.

**HOUSE JOINT RESOLUTION NO. 371**

*Celebrating the life of Jacob Haun, Jr., M.D.*

Agreed to by the House of Delegates, March 2, 2018

Agreed to by the Senate, March 6, 2018

WHEREAS, on September 22, 2017, Shenandoah County lost a strong, forward-thinking leader and founding board member of the Shenandoah Community Foundation with the death of Jacob Haun, Jr., M.D.; and

WHEREAS, Dr. Haun was a native of Shenandoah County, served on the Shenandoah Community Foundation's board for 18 years until the time of his death, and was a tireless ambassador and generous donor to the organization; and

WHEREAS, Dr. Haun was committed to the Shenandoah County community and the Shenandoah Community Foundation's ideals of connecting people who care with causes that matter; and

WHEREAS, Dr. Haun had previously served his country for four years in the United States Navy; and

WHEREAS, during Dr. Haun's practice of medicine, he improved the lives of thousands of patients; and

WHEREAS, Dr. Haun applied his remarkable energy, intellect, and talents to numerous community and civic organizations and projects, including the Shenandoah Community Foundation, the Woodstock Rotary Club, the Shenandoah County Electoral Board, the Shenandoah County Fire Department, and the Unitarian Universalist Church; and

WHEREAS, Dr. Haun's full, interesting, and wholehearted life inspired others, and his legacy will benefit the citizens of Shenandoah County far into the future; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Jacob Haun, Jr., M.D., a highly admired medical professional and community leader in Shenandoah County; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Jacob Haun, Jr., M.D., as an expression of the General Assembly's respect for his memory.

**HOUSE JOINT RESOLUTION NO. 372**

*Celebrating the life of the Honorable Joshua L. Robinson.*

Agreed to by the House of Delegates, March 2, 2018

Agreed to by the Senate, March 6, 2018

WHEREAS, the Honorable Joshua L. Robinson, a lifelong resident of Luray and a former chief judge of the 26th Judicial Circuit of Virginia, died on April 3, 2017; and

WHEREAS, a native of Luray, Joshua Robinson was born to a family of Lithuanian immigrants and graduated from Luray High School as valedictorian; he continued his education at the University of Virginia, where he received a bachelor's degree and served in the United States Naval Reserve; and

WHEREAS, during World War II, Joshua Robinson served the nation as a lieutenant in the United States Navy in the Pacific Theater of the war; after his honorable military service, he earned a law degree from the University of Virginia, where he was named to the Order of the Coif and the editorial board of the *Virginia Law Review*; and

WHEREAS, Joshua Robinson opened a law firm on Court Street in Luray in 1949 and served the community in private practice until 1972, when he was appointed as a circuit court judge and then chief judge of the 26th Judicial Circuit of Virginia; and

WHEREAS, serving the Counties of Clarke, Frederick, Page, Rockingham, Shenandoah, and Warren and the Cities of Harrisonburg and Winchester, Joshua Robinson presided over the court with fairness, compassion, and wisdom until his well-earned retirement in 1992; and

WHEREAS, as a judge, Joshua Robinson served the Commonwealth and the community with the utmost integrity and dedication, and he earned the respect and admiration of his peers for his keen intellect and commitment to learning; he served young people as a trial practice instructor at the University of Virginia and as chair of the Judicial Conference of Virginia's Committee on Sentencing; and

WHEREAS, Joshua Robinson also volunteered his time and wise leadership to the community as president of the Rotary Club of Luray, commander of American Legion Post 22 in Luray, and president of the Massanutten Mental Health Association of Harrisonburg; and

WHEREAS, a man of deep and abiding faith, Joshua Robinson was a longtime member of Beth El Congregation in Harrisonburg, where he had served as president and on its Board of Trustees; and

WHEREAS, a devoted family man, Joshua Robinson will be fondly remembered and greatly missed by his wife of more than 70 years, Estelle; his children, Carol and Eliot, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of the Honorable Joshua L. Robinson, a former chief judge of the 26th Judicial Circuit of Virginia who made many contributions to the community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of the Honorable Joshua L. Robinson as an expression of the General Assembly's respect for his memory.

**HOUSE JOINT RESOLUTION NO. 373**

*Celebrating the life of Roy Lee Cardin, Sr.*

Agreed to by the House of Delegates, March 2, 2018

Agreed to by the Senate, March 6, 2018

WHEREAS, Roy Lee Cardin, Sr., of Shenandoah, who touched the lives of countless young people as a trusted mentor and devoted athletics coach, died on April 15, 2017; and

WHEREAS, Roy Cardin enjoyed a 34-year career with James Madison University, retiring in 2010 as a landscape manager in the facilities management department; and

WHEREAS, Roy Cardin also supported young people as an assistant softball coach and volunteer at Page County High School; and

WHEREAS, Roy Cardin volunteered with the Shenandoah Recreation League for 30 years and served as president and as a board member of the organization; his passion for the game of softball was evident in his willingness to help train players from opposing teams, and he could often be found at local batting cages on the weekends; and

WHEREAS, in 2015, Roy Cardin established and coached the Firestorm 10U travel softball team, of which his granddaughter was a member; he was beloved by his players and was well-known for his special barbecue chicken that he prepared for the opening day of the season; and

WHEREAS, predeceased by two children, Roy, Jr., and Tina, Roy Cardin will be fondly remembered and greatly missed by his wife of 40 years, Kathy; his children, Amy, Tabitha, and Brian, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Roy Lee Cardin, Sr., a respected youth athletics coach who dedicated his life to serving and supporting others; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Roy Lee Cardin, Sr., as an expression of the General Assembly's respect for his memory.

**HOUSE JOINT RESOLUTION NO. 374**

*Celebrating the life of Vivian Comer Gaynor.*

Agreed to by the House of Delegates, March 2, 2018

Agreed to by the Senate, March 6, 2018

WHEREAS, Vivian Comer Gaynor, a diligent public servant and active Shenandoah resident who was the town's longtime treasurer and clerk, died on March 13, 2017; and

WHEREAS, a Shenandoah native, Vivian Gaynor began her tenure with the town in the 1940s, when she took the reins as treasurer and clerk; and

WHEREAS, Vivian Gaynor went on to hold the positions of Shenandoah treasurer and clerk for 31 years, serving as a close associate of the mayor and winning the respect of her colleagues for her boundless energy and dedication to the community; and

WHEREAS, along with her devotion to her work, Vivian Gaynor was a woman of strong faith and values who attended First Christian Church in Shenandoah, where she served as an elder, sang in the choir, taught Sunday school, and was a member of the Women's Fellowship; and

WHEREAS, Vivian Gaynor was a member of Food for Friends, a program that delivers meals to people unable to leave their homes, and was active in the Edith Rebekah Lodge and the Order of the Eastern Star; and

WHEREAS, known for her skill at making arts and crafts, Vivian Gaynor was also a member of the Shenandoah Crafters Club; and

WHEREAS, predeceased by her husband of 44 years, Pat, Vivian Gaynor will be fondly remembered and dearly missed by numerous family members, friends, and Shenandoah residents; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Vivian Comer Gaynor, a lifelong Shenandoah resident who gave exemplary service to the community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Vivian Comer Gaynor as an expression of the General Assembly's respect for her memory.

**HOUSE JOINT RESOLUTION NO. 375**

*Celebrating the life of Shelby Manuel McCoy.*

Agreed to by the House of Delegates, March 2, 2018

Agreed to by the Senate, March 6, 2018

WHEREAS, Shelby Manuel McCoy, a committed public servant and respected Shenandoah resident who served as the town's treasurer for 20 years, died on March 17, 2017; and

WHEREAS, born in Page County, Shelby McCoy attended Shenandoah High School; on June 22, 1963, she married her husband, William Raymond McCoy III; and

WHEREAS, Shelby McCoy began her tenure as treasurer with the Town of Shenandoah in the late 1970s; she remained in the role until her retirement in 1998, earning the admiration of her colleagues for her work ethic and dedication to the community; and

WHEREAS, along with her devotion to her work, Shelby McCoy was a woman of strong faith who enjoyed fellowship and worship at Christ United Methodist Church, where she served on several committees; and

WHEREAS, Shelby McCoy was also active in the Shenandoah High School Alumni Association and served as its secretary for many years; and

WHEREAS, Shelby McCoy was dedicated to her family and was happiest when going on trips or spending time with her children and grandchildren; and

WHEREAS, predeceased by her husband of 45 years, William, Shelby McCoy will be fondly remembered and dearly missed by her children, Kelly and Matthew, and their families, as well as numerous other family members, friends, and Shenandoah residents; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Shelby Manuel McCoy, an active Shenandoah resident who gave outstanding service to the community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Shelby Manuel McCoy as an expression of the General Assembly's respect for her memory.

**HOUSE JOINT RESOLUTION NO. 376**

*Celebrating the life of Bernard Lee Stokes.*

Agreed to by the House of Delegates, March 2, 2018

Agreed to by the Senate, March 6, 2018

WHEREAS, Bernard Lee Stokes, a beloved father, respected business leader, and dedicated Front Royal resident who served for several years on the Warren County Board of Supervisors, died on January 27, 2018; and

WHEREAS, born and raised in Warren County, Bernard "Bernie" Lee Stokes attended Bridgewater College and the University of Richmond, where he earned a degree in business; he then served for two years in the United States Army; and

WHEREAS, a gifted entrepreneur, Bernie Stokes spent his career opening and operating retail stores across the Shenandoah Valley region; his last store, Stokes Mart, remained in operation for approximately 40 years before he sold it in 2014; and

WHEREAS, in addition to his successful career in business, Bernie Stokes was a proud Front Royal resident who served for 16 years on the Front Royal Town Council, including two terms as vice mayor, and for 12 years on the Warren County Board of Supervisors; and

WHEREAS, Bernie Stokes was a member of numerous local clubs and organizations in Front Royal, including the Moose, the Elks, and American Legion Giles B. Cook Post 53; he was also active in the Front Royal Rotary Club, which presented him with the Paul Harris Fellow recognition; and

WHEREAS, in 2006, the Town of Front Royal and the Front Royal-Warren County Chamber of Commerce presented Bernie Stokes with the Key to Front Royal in recognition of his many years of service and dedication to the community; and

WHEREAS, predeceased by his wife of 49 years, Sarah, Bernie Stokes will be fondly remembered and dearly missed by his children, Andrew, Jean, Melisa, Anita, and Alicia, and their families, as well as numerous other family members, friends, and Front Royal residents; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Bernard Lee Stokes, a lifelong Front Royal resident who gave outstanding service to the community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Bernard Lee Stokes as an expression of the General Assembly's respect for his memory.

**HOUSE JOINT RESOLUTION NO. 377**

*Celebrating the life of Howard Franklin Simpson.*

Agreed to by the House of Delegates, March 2, 2018

Agreed to by the Senate, March 6, 2018

WHEREAS, Howard Franklin Simpson, a former law-enforcement officer and a hardworking public servant who dedicated his life to supporting the residents of Prince Edward County, died on February 13, 2018; and

WHEREAS, a native of Rice and a lifelong resident of Prince Edward County, Howard Simpson began his service to his beloved home county as a junior deputy in the Prince Edward County Sheriff's Office; he was appointed as sheriff from August 1974 to November 1975; and

WHEREAS, Howard Simpson then pursued a career as an insurance agent with the Home Beneficial Life Insurance Company and the American General Life Insurance Company; and

WHEREAS, desirous to be of further service to the community, Howard Simpson ran for and was elected to the Prince Edward County Board of Supervisors; he represented the Farmville District from January 1992 until the time of his passing, including terms as vice chair from 1998 to 2013 and chair from 2014 to 2016; and

WHEREAS, Howard Simpson also served on the Prince Edward County Social Services Board for 16 years, including as vice chair from 1994 to 1998 and chair from 1999 to 2002 and 2010 to 2017, and he represented the Prince Edward County Board of Supervisors on many regional and state boards and committees; and

WHEREAS, Howard Simpson will be fondly remembered and greatly missed by his wife of 42 years, Joan; his children, Billy, Darryl, Frankie, Donna, and Kim, and their families; and numerous other family members, friends, and colleagues; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Howard Franklin Simpson, a consummate public servant who made many contributions to the Prince Edward County community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Howard Franklin Simpson as an expression of the General Assembly's respect for his memory.

### HOUSE JOINT RESOLUTION NO. 378

*Commending the Colloquium on Violence and Religion.*

Agreed to by the House of Delegates, March 2, 2018

Agreed to by the Senate, March 6, 2018

WHEREAS, the Colloquium on Violence and Religion, composed of men and women of goodwill from around the world, offers communities and nations a way to withdraw from rivalries as the necessary first step toward the possibility of peace; and

WHEREAS, the Colloquium on Violence and Religion draws its inspiration from the life and work of René Girard (1926-2015), who taught variously at Duke University, Bryn Mawr College, Johns Hopkins University, and Stanford University and for the breadth, depth, and majesty of his scholarly writings was elected to the famed Académie française in 2005; and

WHEREAS, drawing on a close reading of texts both ancient and modern, Girard demonstrated that human beings are characterized most of all by desire; that desire is mimetic, that is, that individuals desire either the possessions, prestige, or personalities of others; that mimesis ensues in rivalry; that rivalry is contagious, infecting entire communities; and that primordial human communities, to avoid an escalation of violence to the point of mutual extinction, turned on a spontaneously selected scapegoat to expel their passions; and

WHEREAS, René Girard drew on a vast range of scholarly evidence in every major discipline, including literary criticism, critical theory, anthropology, theology, psychology, mythology, sociology, economics, cultural studies, and philosophy, to demonstrate that the result of scapegoating an innocent victim was peace between previously warring peoples; and

WHEREAS, this peace was experienced as a mystery so profound that it was ascribed to superhuman agencies, thus giving rise to the divinization of the victim of the scapegoating action; and

WHEREAS, thus arose myths that concealed the unanimous violence of the mob, extolled persecutors, and insisted on the guilt of the exterminated victims, and thus arose, also, both the gods of mythology and, from sacrificial victims preened for execution, the cultural basis of monarchy; and

WHEREAS, the "scapegoat mechanism," by which René Girard traced this common thread in ancient and modern texts and histories alike, having proven efficacious in saving violent combatants from mutual destruction, was repeated in subsequent crises of contagious desire, giving rise to the rituals that characterize all prehistoric human cultures; and

WHEREAS, the false religion or "transcendence" of "sacred" violence against the scapegoat became the foundation of human culture and human institutions alike; and

WHEREAS, though myths concealed the catastrophic unanimous violence of warring mobs behind the saga of victims deemed to have been guilty, in time, first through the Hebrew prophets in their witness of Joseph, of Job, and of The Suffering Servant, and ultimately in the Passion of Jesus of Nazareth ("Father, forgive them, they know not what they do..."), the innocence of the victims, hence the "founding murder" on which human culture and institutions rest, was disclosed; and

WHEREAS, the disclosure of the innocence of the victims has given rise worldwide to the realization that scapegoating is by definition an injustice; and

WHEREAS, the way to achieve peace requires nothing less than the refusal to perpetuate rivalries, or to mimic through "tit-for-tat" the violence of others that threatens a community with a contagion of animosity; and

WHEREAS, registering the experience of conversion from mimetic rivalry is, in the judgment of René Girard, the central inspiration of the great texts of all human cultures, notably in the modern works of Shakespeare, Cervantes, Stendhal, Dostoevsky, and Proust; and

WHEREAS, the Colloquium on Violence and Religion pursues such theses in writings and conferences in an attempt to identify the groundless rivalries that entrap unwitting human communities in cycles of violence and to reveal the possibility of a substantive conversion from violent imitation to a way of peace; and

WHEREAS, the Colloquium on Violence and Religion, founded in 1990, has held its annual meetings in Spain, Australia, Germany, Japan, Italy, the United Kingdom, the Netherlands, and Canada; and

WHEREAS, the 2018 annual meeting of the Colloquium on Violence and Religion will be held just across the Potomac River from Virginia in the District of Columbia at The Catholic University of America in July; and

WHEREAS, Virginians of goodwill may be expected to be participants in the 2018 annual meeting of the Colloquium on Violence and Religion; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Colloquium on Violence and Religion for preserving the memory and work of René Girard as his intellectual and spiritual heirs in the pursuit of peace; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Stephen McKenna, Ph.D., chair of the Department of Media & Communications of The Catholic University of America, wishing him and his associates every advance on the way to scholarly contributions to the way of peace as he hosts the 2018 Annual Meeting of the Colloquium on Violence and Religion.

### HOUSE JOINT RESOLUTION NO. 379

*Commending the Battlefield High School wrestling team.*

Agreed to by the House of Delegates, March 2, 2018

Agreed to by the Senate, March 6, 2018

WHEREAS, the Battlefield High School wrestling team of Prince William County won the Virginia High School League Class 6A championship on February 17, 2018, at Oscar F. Smith High School in Chesapeake; and

WHEREAS, it was the first state title for the Battlefield High School Bobcats, who have established themselves in wrestling's top-tier in recent years; the team previously finished third in the state championship in 2017 and second in 2016; and

WHEREAS, with a superb group performance, the Battlefield Bobcats finished the title meet with a team score of 202, well ahead of the second-place Robinson Secondary School Rams, who ended the day with 116.5 points; and

WHEREAS, along with the team championship, the Battlefield Bobcats' top grapplers also secured four individual state crowns; River Curtis won his fourth straight state title with a victory in the 138-pound weight class, Brandon Wittenberg won his third straight state title in the 120-pound class, Zac Feight won his second straight state title in the 152-pound class, and Ron Miller claimed his first state title in the 160-pound class; and

WHEREAS, the Battlefield Bobcats' other overall state finishers were Beau Curtis, who took third in the 126-pound weight class; Zack Albertson, who captured third in the 285-pound class; Alex Ward, who finished fourth in the 182-pound class; Jackson Burns, who finished fifth in the 132-pound class; and Shane Curtis, who finished fifth in the 170-pound class; and

WHEREAS, the Battlefield High School wrestling team's state title is a tribute to the hard work of each of its talented student-athletes, the leadership of its coaches and staff, and the energetic support of the entire Battlefield High School community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Battlefield High School wrestling team on winning the 2018 Virginia High School League Class 6A championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Brian Shaffer, head coach of the Battlefield High School wrestling team, as an expression of the General Assembly's admiration for the team's stellar season and best wishes for the future.

### HOUSE JOINT RESOLUTION NO. 380

*Commending David T. Gies.*

Agreed to by the House of Delegates, March 2, 2018

Agreed to by the Senate, March 6, 2018

WHEREAS, David T. Gies, the Commonwealth Professor of Spanish at the University of Virginia who has enriched cultural life at the institution as a professor of Spanish and an expert on Spanish literature and contemporary Spanish film, retires in May 2018; and

WHEREAS, David Gies holds a bachelor's degree from Pennsylvania State University and master's and doctoral degrees from the University of Pittsburgh; and

WHEREAS, a longtime professor at the University of Virginia, David Gies received the university's Outstanding Teaching Award in 1992 and the prestigious Thomas Jefferson Award in 2000; he is a former chair of the Faculty Senate and the former chair of the Department of Spanish, Italian, and Portuguese; and

WHEREAS, David Gies was the first dean when the University of Virginia became the academic sponsor of the Semester at Sea program in 2007 and was dean on two subsequent voyages in 2010 and 2014; he has also lectured at universities throughout the United States, Canada, England, Italy, Germany, France, Argentina, and Spain; and

WHEREAS, David Gies has published 15 books and critical editions of Spanish literature and authored hundreds of articles and book reviews; he edits *Dieciocho*, a scholarly journal dedicated to the study of the Hispanic Enlightenment in the 18th century, and he created the Spanish cinema website Cine Con Clase; and

WHEREAS, David Gies has received grants from the Guggenheim Foundation, the National Endowment for the Humanities, the American Philosophical Society, and the Spanish Ministry of Culture; he served as president of the Asociaci—n Internacional de Hispanists from 2013 to 2016, when he was elected Presidente de Honor; and

WHEREAS, David Gies has received many awards and accolades for his contributions to academia and for his work to promote Spanish language and culture; in 2007, he was knighted by Juan Carlos I of Spain as a member of the Order of Isabella the Catholic; and

WHEREAS, throughout his 39-year career at the University of Virginia and 49 years overall in academia, David Gies has helped countless students expand their knowledge of other languages and cultures and become better citizens of the Commonwealth and the world; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend David T. Gies on the occasion of his retirement as Commonwealth Professor of Spanish at the University of Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to David T. Gies as an expression of the General Assembly's admiration for his commitment to academic excellence and his work to provide unique educational opportunities to students.

### HOUSE JOINT RESOLUTION NO. 381

*Commending Teresa A. Sullivan.*

Agreed to by the House of Delegates, March 2, 2018

Agreed to by the Senate, March 6, 2018

WHEREAS, Teresa A. Sullivan, who came to the University of Virginia in 2010 as the University's eighth and first female president and the George M. Kaufman Presidential Professor of Sociology, will retire as president of the University of Virginia in July 2018; and

WHEREAS, Teresa Sullivan, an outstanding scholar and administrator, has ably led the University of Virginia, guiding the University to grow and adapt to complex changes in the dynamic field of higher education, both in Virginia and beyond; and

WHEREAS, having graduated from St. Joseph's High School in Jackson, Mississippi, and having earned a bachelor's degree with high honor from Michigan State University's James Madison College and master's and doctoral degrees in sociology from the University of Chicago, Teresa Sullivan previously served as a faculty member and as an executive vice chancellor for academic affairs at the University of Texas and as the provost and executive vice president for academic affairs at the University of Michigan; and

WHEREAS, Teresa Sullivan has achieved a national reputation and recognition for her work in social demography, especially labor force and ethnic groups, and the sociology of cultural institutions and was awarded an honorary doctor of laws degree from Michigan State University; and

WHEREAS, Teresa Sullivan, working closely with her experienced and highly effective leadership team, has addressed many serious challenges facing higher education, including cost containment, affordability, student debt reduction, faculty compensation, and the emergence of online education; and

WHEREAS, Teresa Sullivan worked with thousands of alumni, parents, students, faculty, and staff to develop and implement the Cornerstone Plan, a comprehensive strategic plan to guide the University of Virginia into the future; and

WHEREAS, through President Sullivan's vision and leadership, the University now has ongoing efforts, at both the unit and pan-University levels, to reduce costs, improve processes, and enhance efficiency, while protecting the quality of the academic enterprise; and

WHEREAS, Teresa Sullivan oversaw changes to academic advising methods and the creation of the Meriwether Lewis Institute for Citizen Leadership; and

WHEREAS, under her leadership and commitment to expand the University of Virginia's research enterprise to address critical health and social challenges, Teresa Sullivan has encouraged professors to implement new technologies, enhanced the ability of students and faculty to protect their intellectual property through the Licensing & Ventures Group, and established four pan-University institutes that span traditional disciplines and demand multifaceted solutions; and

WHEREAS, Teresa Sullivan led the successful completion of a \$3 billion capital campaign in 2013; prioritized the recruitment and retention of world-class faculty members, the preservation of the University's historic Grounds, and the provision of scholarships for low-income students; and developed a new financial model to ensure transparency and stability; and

WHEREAS, Teresa Sullivan is the author or coauthor of six books and has written or edited numerous articles, reviews, and other scholarly works; her most recent research is focused on labor force demography and methods to measure productivity in higher education; and

WHEREAS, Teresa Sullivan led preparations for the University of Virginia's bicentennial celebration, which began in October 2017; established the President's Commission on Slavery and the University to study the institution's historical relationship with slavery; and in February 2018 announced the formation of the President's Commission on the University in the Age of Segregation; and

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## ACTS OF ASSEMBLY

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WHEREAS, Teresa Sullivan, through her work to strengthen relationships with members of both the executive and legislative branches of the government of the Commonwealth of Virginia, and through her tireless efforts on numerous boards, study groups, and commissions, has demonstrated the University's commitment to the health and prosperity of the Commonwealth; and

WHEREAS, Teresa Sullivan has been a leader in higher education in Virginia and across the nation and leaves a legacy of excellence to faculty, staff, and her successor as president; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Teresa A. Sullivan for her exemplary leadership as president of the University of Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Teresa A. Sullivan as an expression of the General Assembly's admiration and gratitude for her commitment to academic excellence and exceptional leadership of the University of Virginia and her many valuable contributions to the Commonwealth of Virginia.

**HOUSE JOINT RESOLUTION NO. 382**

*Commending Reuse and Replay.*

Agreed to by the House of Delegates, March 2, 2018

Agreed to by the Senate, March 6, 2018

WHEREAS, since 2016, the Arlington charitable program Reuse and Replay has collected and donated thousands of pieces of sports equipment to people in need in the Commonwealth and around the world; and

WHEREAS, Reuse and Replay was organized in August 2016 by Yorktown High School student Mia Lee, who founded it as a school club and solicited the help of friends and classmates to collect new and gently-used sports equipment; the program has since expanded to other schools in Arlington County; and

WHEREAS, since its founding, Reuse and Replay has evolved into a nonprofit organization and collected and distributed over 2,000 sports items, including soccer balls and cleats; hockey sticks and pads; tennis balls and racquets; golf clubs and bags; baseball bats, helmets, gloves, and balls; footballs; and basketballs; and

WHEREAS, in 2017, Reuse and Replay received donations from numerous individuals and organizations and held special collection drives during the Arlington Soccer Association's ASIST tournament and Yorktown High School's Back-to-School Night; it also partnered with other charitable groups such as Leveling the Playing Field and Wheels to Africa; and

WHEREAS, Reuse and Replay has distributed sports equipment to a variety of local organizations that aid underserved youths, including Maya Angelou Public Charter School, the Mount Olivet Ministry, schools in Anacostia, the Fort Dupont Ice Arena, Community Family Life Services, the Washington Nationals Youth Baseball Academy, and The First Tee of Greater Washington, D.C.; and

WHEREAS, in addition, Reuse and Replay has sent baseball uniforms to the Dominican Republic and soccer balls and cleats to Africa; in July 2017, two members of the group traveled to Tanzania to help distribute sports equipment, school supplies, and other items; and

WHEREAS, the dedicated volunteers of Reuse and Replay have worked tirelessly to increase access to athletic equipment for those in need and serve as excellent role models for their fellow students across the Commonwealth; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Reuse and Replay on its valuable community service and global outreach; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Reuse and Replay as an expression of the General Assembly's admiration for the group's efforts to make sports equipment available to people in Arlington County and around the world.

**HOUSE JOINT RESOLUTION NO. 383**

*Commending Justin Young.*

Agreed to by the House of Delegates, March 2, 2018

Agreed to by the Senate, March 6, 2018

WHEREAS, Justin Young, a talented student at McLean High School in Fairfax County, won the Junior Varsity National History Bee held April 21-23, 2017, in Arlington; and

WHEREAS, the National History Bee is a buzzer-based quiz competition that tests students' knowledge of all aspects of world history; the Junior Varsity category at the 2017 championships included 203 students from across the nation; and

WHEREAS, after progressing through the early rounds and reaching a six-student finals match in the Junior Varsity National History Bee, Justin Young achieved the game-winning goal of 50 points before any of his competitors; and

WHEREAS, Justin Young also recorded an impressive fifth-place finish in the Junior Varsity National History Bowl team event; and

WHEREAS, by winning the 2017 Junior Varsity National History Bee, Justin Young qualified for the International History Olympiad that will be staged from July 14-22, 2018, in Berlin, Germany; and

WHEREAS, a self-motivated student who lists World War II and the Cold War as his favorite history topics, Justin Young has brought credit to himself, his school, and the Fairfax County community with his championship victory; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Justin Young on winning the 2017 Junior Varsity National History Bee; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Justin Young as an expression of the General Assembly's admiration for his impressive scholastic accomplishments and best wishes for continued success.

#### HOUSE JOINT RESOLUTION NO. 384

*Commending Melanie Pincus.*

Agreed to by the House of Delegates, March 2, 2018

Agreed to by the Senate, March 6, 2018

WHEREAS, in 2017, McLean High School senior Melanie Pincus was named the Virginia Student Journalist of the Year by the Virginia Association of Journalism Teachers and Advisers (VAJTA) for her outstanding work with the school newsmagazine, *The Highlander*; and

WHEREAS, Melanie Pincus was part of McLean High School's journalism department throughout high school and served as an editor-in-chief of *The Highlander* during her junior and senior years; and

WHEREAS, in addition to overseeing 45 student journalists at *The Highlander*, Melanie Pincus was a National Merit finalist, co-head of the McLean High School debate team, and a summer intern at *The Connection Newspapers*; and

WHEREAS, a talented and tenacious student reporter, Melanie Pincus covered a wide range of topics in her articles for *The Highlander*, from an account of a local protest to a profile of a ballet dancer; and

WHEREAS, in 2017, Melanie Pincus won fourth place in the National Scholastic Press Association's Feature Story of the Year category for co-writing "Beyond Gender," an article about gender identity that was published in *The Highlander*; and

WHEREAS, Melanie Pincus also worked with her fellow editors at *The Highlander* to create a presentation about media literacy that was presented at Longfellow Middle School in Fairfax County to teach students strategies for identifying reliable news sources; and

WHEREAS, in presenting Melanie Pincus with the Virginia Student Journalist of the Year award, the judges from the VAJTA noted her skill at making complex topics compelling for her readers as well as her dedication to her craft and leadership in the newsroom; and

WHEREAS, by winning the VAJTA Virginia Student Journalist of the Year award, Melanie Pincus represented Virginia in a national student journalism contest sponsored by the Journalism Education Association; and

WHEREAS, shortly after her high school graduation in 2017, Melanie Pincus received an Extraordinary Teen Award from *Arlington Magazine*; she has since begun her college education at Brown University, where she writes for *The Brown Daily Herald*; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Melanie Pincus on being named the 2017 Virginia Student Journalist of the Year by the Virginia Association of Journalism Teachers and Advisers; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Melanie Pincus as an expression of the General Assembly's admiration for her remarkable accomplishments and best wishes for continued success.

#### HOUSE JOINT RESOLUTION NO. 385

*Commending Hampton Roads Pride.*

Agreed to by the House of Delegates, March 2, 2018

Agreed to by the Senate, March 6, 2018

WHEREAS, for 30 years, Hampton Roads Pride has worked to support the members of the lesbian, gay, bisexual, and transgender community and to promote the inclusion, dignity, and equality of all people; and

WHEREAS, Hampton Roads Pride traces its roots to the founding of Our Own Community Press in the 1970s, and the organization officially began to hold summer pride festivals in 1988; and

WHEREAS, Hampton Roads Pride festivals have been a testament to the spirit and resiliency of the lesbian, gay, bisexual, and transgender (LGBT) community, giving members of the local community and visitors from throughout the Commonwealth an opportunity to socialize and share ideas in a supportive environment; and

WHEREAS, in 2011, Hampton Roads Pride experienced a renaissance when it began holding festivals in Town Point Park, an eight-acre park located in the heart of Downtown Norfolk, increasing visibility and awareness of the organization; and

WHEREAS, Hampton Roads Pride festivals now attract nationally acclaimed speakers and entertainers, and it is the only pride organization to host a boat parade; and

WHEREAS, from its humble beginnings, Hampton Roads Pride has grown to offer year-round education, advocacy, and outreach programming, and it has awarded more than \$52,000 in scholarships; and

WHEREAS, throughout its history, Hampton Roads Pride has provided a place to nurture and celebrate local LGBT organizations, institutions, and culture, while promoting the vibrant Hampton Roads community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Hampton Roads Pride on the occasion of its 30th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Hampton Roads Pride as an expression of the General Assembly's admiration for the organization's mission to promote inclusion and equality and build strong community partnerships.

**HOUSE JOINT RESOLUTION NO. 386**

*Commending Andy Sigle.*

Agreed to by the House of Delegates, March 2, 2018

Agreed to by the Senate, March 6, 2018

WHEREAS, Andy Sigle, a dedicated volunteer who has aided the community through leadership in numerous school and charitable organizations, was honored by the Greater Reston Chamber of Commerce and Cornerstones, Inc., with a prestigious 2018 Best of Reston Award; and

WHEREAS, the Best of Reston awards honor individuals, organizations, and companies that have demonstrated an extraordinary commitment to helping others and improving the lives of people throughout the greater Reston area, as has Andy Sigle; and

WHEREAS, a former senior executive in the telecommunications industry, Andy Sigle has brought his leadership skills to the Reston Association, where he served as a member and vice president of the board of directors; during his tenure with the organization, he gave over 3,000 hours of volunteer service, established new savings policies for community upkeep and maintenance, and served on the Reston Master Plan Update Task Force; and

WHEREAS, from 2015 to 2017, Andy Sigle served two terms as president of South Lakes High School's Parent Teacher Student Association (PTSA); in that capacity, he instituted new initiatives to celebrate diversity and promote cultural awareness, advocated for the allocation of mini-grants to school faculty, and helped launch the Pantry at South Lakes High School, a food pantry that supports underprivileged students and their families; and

WHEREAS, Andy Sigle has also served on the Reston Transportation Network Advisory Group and on the boards of the Washington West Film Festival and the Reston Historic Trust and Museum; since 2014, he has been active with the Southgate Community Center and has served as chair of its advisory council; and

WHEREAS, a tireless community volunteer, Andy Sigle serves as a financial mentor to clients at Cornerstones, Inc., and has given generously of his time in service to Friends of Reston, The Reston Chorale, and Vale United Methodist Church; and

WHEREAS, with his dedication, vision, and boundless energy, Andy Sigle has inspired others to give back to the community and has spearheaded service efforts that have touched the lives of countless Reston residents; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Andy Sigle for his tireless leadership and participation in volunteer work and on his well-deserved honor as a 2018 Best of Reston Award recipient; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Andy Sigle as an expression of the General Assembly's admiration for his enduring commitment to making Reston a special place to live, work, and play.

**HOUSE JOINT RESOLUTION NO. 387**

*Commending Leslie Kane.*

Agreed to by the House of Delegates, March 2, 2018

Agreed to by the Senate, March 6, 2018

WHEREAS, Leslie Kane, a dedicated volunteer who has given generously of her time and talents in service to women and families in the community, was honored by the Greater Reston Chamber of Commerce and Cornerstones, Inc., with a prestigious 2018 Best of Reston Award; and

WHEREAS, the Best of Reston awards honor individuals, organizations, and companies that have demonstrated an extraordinary commitment to helping others and improving the lives of people throughout the greater Reston area, as has Leslie Kane; and

WHEREAS, a Reston resident since age two, Leslie Kane is known for treating her fellow community members like family and has worked tirelessly to assist those in need, bring joy to people's lives, and raise funds for worthy causes; and

WHEREAS, Leslie Kane left a job in the corporate world over two decades ago to start her own business as a Mary Kay consultant; since then, she has routinely used her cosmetics skills to provide free makeovers and pampering to seniors in nursing homes and women in domestic violence shelters such as Artemis House; and

WHEREAS, a longtime participant in the Adopt-a-Mom program, Leslie Kane donates gift packages and beauty products for mothers in shelters during Christmas and Mother's Day; and

WHEREAS, as a volunteer, Leslie Kane has served or helped raise funds for numerous charitable organizations in Reston, including Gabriel Homes, Inc., Friendly Instant Sympathetic Help (FISH), Shelter House, and Cornerstones, Inc.; she also frequently brings food to local homeless shelters; and

WHEREAS, Leslie Kane is active in the Greater Reston Chamber of Commerce and has taught religious education classes at St. Thomas à Becket Catholic Church for over a decade; and

WHEREAS, Leslie Kane's initiative, compassion, and generous outreach efforts have brightened the lives of countless people and helped create a stronger and healthier Reston community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Leslie Kane for her efforts to support individuals and families in need and on her well-deserved honor as a 2018 Best of Reston Award recipient; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Leslie Kane as an expression of the General Assembly's admiration for her enduring commitment to making Reston a special place to live, work, and play.

### HOUSE JOINT RESOLUTION NO. 388

*Commending Marybeth Haneline.*

Agreed to by the House of Delegates, March 2, 2018

Agreed to by the Senate, March 6, 2018

WHEREAS, Marybeth Haneline, a dedicated volunteer and passionate supporter of the maker community, was honored by the Greater Reston Chamber of Commerce and Cornerstones, Inc., with a prestigious 2018 Best of Reston Award; and

WHEREAS, the Best of Reston awards honor individuals, organizations, and companies that have demonstrated an extraordinary commitment to helping others and improving the lives of people throughout the greater Reston area, such as Marybeth Haneline; and

WHEREAS, as president of Nova Labs, a Reston-based makerspace, Marybeth Haneline has worked tirelessly with business representatives, technical leaders, and students to promote the STEM fields of science, technology, engineering, and mathematics in the local community; and

WHEREAS, promoting the artisan spirit of maker culture, Marybeth Haneline has overseen tremendous growth at the all-volunteer Nova Labs, which has helped scores of young people learn how to use robots, drones, laser cutters, 3D printers, and other devices; and

WHEREAS, a staunch advocate of developing leaders and increasing inclusion in the STEM fields, Marybeth Haneline has spearheaded several diversity initiatives at Nova Labs, including a Girl Scout Maker Day and summer programs to teach computer programming to underprivileged youths; and

WHEREAS, during Marybeth Haneline's tenure, Nova Labs has also produced the annual NoVa Maker Faire and helped host the Launch 100 Pitch Event, the 72-hour Tikkun Olam Makers Global Makeathon, the FIRST Global Challenge, and the FIRST LEGO League; and

WHEREAS, in addition to her work with Nova Labs, Marybeth Haneline runs youth programs at the Reston Community Center and has given generously of her time in service to numerous organizations, including the Girl Scouts, the MOMS Club of Reston, the Meadowlark Botanical Gardens, the Embry Rucker Community Shelter, the Friends of the Reston Regional Library, and Herndon-Reston FISH, Inc.; and

WHEREAS, throughout her tenure at Nova Labs, Marybeth Haneline has demonstrated a passion for helping young people learn and grow in their love of making things; her leadership has helped build a more equitable and innovative community for future Restonians; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Marybeth Haneline for her efforts to support and strengthen the maker community and on her well-deserved honor as a 2018 Best of Reston Award recipient; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Marybeth Haneline as an expression of the General Assembly's admiration for her enduring commitment to making Reston a special place to live, work, and play.

**HOUSE JOINT RESOLUTION NO. 389**

*Commending the Pantry at South Lakes High School.*

Agreed to by the House of Delegates, March 2, 2018  
 Agreed to by the Senate, March 6, 2018

WHEREAS, the Pantry at South Lakes High School, a food pantry that serves numerous students and their families, was honored by the Greater Reston Chamber of Commerce and Cornerstones, Inc., with a prestigious 2018 Best of Reston Award; and

WHEREAS, the Best of Reston awards honor individuals, organizations, and companies that have demonstrated an extraordinary commitment to helping others and improving the lives of people throughout the greater Reston area; and

WHEREAS, operated in partnership with Cornerstones, Inc., and Opportunity Neighborhood Reston (RestON), the Pantry at South Lakes High School is an on-campus store where students in need can discreetly acquire free non-perishable foods, fresh vegetables, and personal hygiene items; and

WHEREAS, the South Lakes High School Parent Teacher Student Association (PTSA) opened the Pantry in March 2017 to help South Lakes' underprivileged students, many of whom do not have access to nutritional meals after they leave school on nights and weekends; and

WHEREAS, the Pantry at South Lakes High School allows students to anonymously fill out a shopping list during the school day; their food is then packed by volunteers and made available for pickup on Friday afternoons; and

WHEREAS, since its opening, the Pantry at South Lakes High School has become a vital resource for students and their families and has distributed over 20,000 items; demand for services was so high that organizers elected to keep the facility open during the summer; and

WHEREAS, a true community initiative, the Pantry at South Lakes High School is staffed by parents and local volunteers and is stocked by special education students from South Lakes High School's Work Awareness and Transition program; and

WHEREAS, the Pantry at South Lakes High School has received monetary support and food donations from community members and private businesses as well as churches, clubs, and sports teams; and

WHEREAS, the Pantry at South Lakes High School is a valuable resource for students and families and serves as a shining example of Reston residents' volunteer spirit and desire to create a healthy and harmonious community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Pantry at South Lakes High School for its efforts to help families in need and on its well-deserved honor as a 2018 Best of Reston Award recipient; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Pantry at South Lakes High School as an expression of the General Assembly's admiration for the project's contributions to making Reston a special place to live, work, and play.

**HOUSE JOINT RESOLUTION NO. 390**

*Commending Maame Biney.*

Agreed to by the House of Delegates, March 2, 2018  
 Agreed to by the Senate, March 6, 2018

WHEREAS, Maame Biney of Reston proudly represented the Commonwealth and the United States at the XXIII Olympic Winter Games in PyeongChang, Republic of Korea in February 2018; and

WHEREAS, a bronze medalist at the 2016-2017 Short Track Junior World Championships, Maame Biney posted a personal best time and won the 500-meter short track event at the U.S. Olympic Team Trials in December 2017 to qualify for Team USA; and

WHEREAS, Maame Biney made history as the first African American woman and only the second African American skater to qualify for an Olympic speed skating team in the United States; and

WHEREAS, in the 2018 Winter Olympics, Maame Biney competed in the 1,500-meter short track speed skating event and the 500-meter short track speed skating event, advancing to the quarterfinals; and

WHEREAS, throughout her career in speed skating, Maame Biney has enjoyed the passionate support of her family, friends, and coaches and the members of the Reston community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Maame Biney on representing the Commonwealth and the United States in speed skating at the XXIII Olympic Winter Games; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Maame Biney as an expression of the General Assembly's admiration for her achievements as a member of Team USA.

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**HOUSE JOINT RESOLUTION NO. 391***Commending Patrick C. Kinlaw.*

Agreed to by the House of Delegates, February 28, 2018

Agreed to by the Senate, March 6, 2018

WHEREAS, Patrick C. Kinlaw, a respected leader in the Henrico education community, is retiring on June 30, 2018, as superintendent of Henrico County Public Schools after decades of service as an educator in North Carolina and Virginia; and

WHEREAS, Patrick Kinlaw received his bachelor's degree from East Carolina University, a master's degree in education administration from East Carolina University, and a doctorate in educational leadership from the University of Virginia; and

WHEREAS, dedicating time early in his career at Longwood University and East Carolina University, Patrick Kinlaw spent 12 years with Wake County Public Schools in North Carolina in a variety of roles; and

WHEREAS, in 1997, Patrick Kinlaw began his career with Henrico County Public Schools as the director of staff development; in 2004, he became the assistant superintendent for administrative services; and in 2010, he was named deputy superintendent, acquiring additional responsibilities, including policy, elementary education, leadership development, and special projects; and

WHEREAS, in 2014, Patrick Kinlaw was unanimously chosen by the school board as superintendent of Henrico County Public Schools, the sixth largest public school division in Virginia, where he oversaw more than 6,000 employees, with 72 schools and program centers serving more than 50,000 students; and

WHEREAS, under Patrick Kinlaw's leadership, Henrico County Public Schools began to frame the school division's work around the four cornerstones of student safety, academic progress, closing gaps, and relationships; in 2017, the number of fully state-accredited schools in Henrico County rose to 54 out of 67 elementary, middle, and high schools—the highest number of fully accredited schools in five years; and

WHEREAS, in 2017, Henrico County Public Schools also received a national honor for remaking its Code of Student Conduct and related student support systems; it was one of five large school systems in the United States recognized by the National School Boards Association with a first-place Magna Award "for taking bold and innovative steps to improve the lives of students and their communities"; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Patrick C. Kinlaw on the occasion of his retirement as superintendent of Henrico County Public Schools; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Patrick C. Kinlaw as an expression of the General Assembly's admiration for his service to Henrico County, particularly to its students and their families.

**HOUSE JOINT RESOLUTION NO. 392***Commending the Reverend Ivan T. Harris.*

Agreed to by the House of Delegates, March 2, 2018

Agreed to by the Senate, March 6, 2018

WHEREAS, in 2018, the Reverend Ivan T. Harris celebrates 30 years of providing spiritual guidance as pastor of First Baptist Church Denbigh in Newport News; and

WHEREAS, a graduate of Hampton University, Reverend Harris earned his bachelor of theology and doctor of divinity degrees from United Christian College in Goldsboro, North Carolina; he completed additional studies at Trinity College of the Bible and Theological Seminary in Indiana and received a certificate in leadership from Regent University; and

WHEREAS, as the longest serving pastor in First Baptist Church Denbigh's 155-year history, Reverend Harris has touched the lives of countless individuals through his inspiring words, commitment to community service, and focus on international ministry; and

WHEREAS, Reverend Harris began his service at First Baptist Church Denbigh in 1988 and assumed the full-time pastorate in 1991; under his leadership, the church has grown to include a congregation of some 2,500 members, four choirs, and over 50 committees and organizational ministries; and

WHEREAS, Reverend Harris has won the admiration and respect of his community for his commitment to service; as pastor at First Baptist Church Denbigh, he has overseen numerous charitable initiatives in Newport News such as a summer meals program for needy children and a church outreach center that includes a food pantry, clothes closet, and transitional housing for women; and

WHEREAS, Reverend Harris has also conducted outreach on a global scale through First Baptist Church Denbigh's adoption of a village in the African nation of Benin; since 2005, he has visited the village several times and overseen the donation of a water well, motorcycles, books, a Christian school, and medical and worship facilities; and

WHEREAS, a talented musician, Reverend Harris has released two albums of harmonica music entitled "Jesus Saves" and "He Delivered Me"; and

WHEREAS, Reverend Harris is the director of the Boys to Men Mentorship Program and a past president of the Peninsula Pastors' Council; he has served on the boards of Bon Secours Mary Immaculate Hospital and the Community Free Clinic of Newport News; and

WHEREAS, Reverend Harris has received numerous honors for his spiritual and community leadership, including the 2002 Hampton University Presidential Citizenship Award; in 2003, the Mayor of Newport News declared April 3 "Ivan T. Harris Day"; and

WHEREAS, during his distinguished career at First Baptist Church Denbigh, Reverend Harris has relied on his strong faith to triumph over adversity and has led his congregation in continued growth in membership, fellowship, and service; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Reverend Ivan T. Harris on the occasion of his 30th anniversary as pastor of First Baptist Church Denbigh; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Reverend Ivan T. Harris as an expression of the General Assembly's admiration for his devotion to community service and global outreach.

**HOUSE JOINT RESOLUTION NO. 393**

*Celebrating the life of Loretta H. Tate.*

Agreed to by the House of Delegates, March 2, 2018

Agreed to by the Senate, March 6, 2018

WHEREAS, Loretta H. Tate, a deeply respected civic and community leader in Virginia Beach who touched countless lives through her grace and kindness, died on April 20, 2017; and

WHEREAS, a native of Princess Anne County, Loretta Tate attended Oceana High School, where she was class salutatorian and remained active in the school alumni association, and later graduated from Mary Washington College; and

WHEREAS, Loretta Tate began her volunteer work for the Republican Party of Virginia Beach in 1969; she worked on and managed election campaigns at the local, state, and national levels and managed the Honorable John W. Warner's Norfolk office for 20 years; and

WHEREAS, an inspirational leader for women in civic life, Loretta Tate served as a board member of the Virginia Beach Republican Women's Club, as president of the Princess Anne Republican Women's Club, as first vice president of the Virginia Federation of Republican Women, and as a leader of the Beach Suburban Republican Women's Club; and

WHEREAS, Loretta Tate served the Republican Party of Virginia Beach for a number of years, to which she applied her vast institutional knowledge of local and state affairs; she was named chair emeritus after three terms as party chair; and

WHEREAS, Loretta Tate strengthened the community as president of the Virginia Beach General Hospital Medical Auxiliary and chair of the Department of Rehabilitative Services Advisory Board; after her well-earned retirement, she dedicated herself more fully to volunteer work, especially at Eastern Shore Chapel; and

WHEREAS, predeceased by her husband, Randolph, and one son, Benjamin, Loretta Tate will be fondly remembered and greatly missed by her children, Ann and Lon, and their families, and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Loretta H. Tate; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Loretta H. Tate as an expression of the General Assembly's respect for her memory.

**HOUSE JOINT RESOLUTION NO. 394**

*Celebrating the life of Annie Belle Daniels.*

Agreed to by the House of Delegates, March 2, 2018

Agreed to by the Senate, March 6, 2018

WHEREAS, Annie Belle Daniels, a champion for voting rights who left an indelible mark on the Newport News community both as a businesswoman and an activist, died on April 27, 2017, at the age of 100; and

WHEREAS, a native of Alabama, Annie Daniels attended cosmetology school in Virginia, then opened her own salon and later founded the Madam Daniels School of Beauty Culture; she inspired countless young women as they pursued their own careers and was affectionately known to many as "Madam Daniels"; and

WHEREAS, Annie Daniels supported the community through fashion shows and other fundraisers to benefit the local Boys and Girls Clubs and Newport News General Hospital, and her delicious meals and coveted holiday fruitcakes were well-known throughout the area; and

WHEREAS, from a young age, Annie Daniels was passionate about democracy and was deeply involved in civic life; at a time when poll taxes were still legal, she sold cups of soup in her shop and donated the proceeds to community members who couldn't afford the tax but still wished to vote; and

WHEREAS, Annie Daniels was an active member and recruiter for the NAACP, and she volunteered at polling places in the Magruder Precinct well into her 80s; her wise counsel was sought after by local and state government officials, as well as other community leaders; and

WHEREAS, in recognition of her legacy of contributions to Civil Rights and social justice in Newport News, Annie Daniels received many awards and accolades throughout her life, including a historical marker near her cosmetology school; she was also honored as one of the African American Trailblazers in Virginia History by the Library of Virginia; and

WHEREAS, Annie Daniels will be fondly remembered and greatly missed by her son, Gerald, and his family and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Annie Belle Daniels, a highly respected Civil Rights activist and community leader in Newport News; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Annie Belle Daniels as an expression of the General Assembly's respect for her memory.

### HOUSE JOINT RESOLUTION NO. 395

*Celebrating the life of Tom Cain.*

Agreed to by the House of Delegates, March 2, 2018

Agreed to by the Senate, March 6, 2018

WHEREAS, Tom Cain, an accomplished community developer who made many lasting contributions to the residents of Roanoke, died on June 29, 2017; and

WHEREAS, a native of Elkins, West Virginia, Tom Cain received a bachelor's degree from West Virginia University, then taught reading and English as a second language in the Marshall Islands with the Peace Corps; and

WHEREAS, after completing his Peace Corps service, Tom Cain earned a master's degree from the University of Tennessee, before working as a grants officer for the National Endowment for the Arts and establishing a program in England to adapt and re-use medieval churches; and

WHEREAS, Tom Cain returned to the United States and worked in the architecture field until he discovered his life's work as a community developer; he launched the Tucker Community Foundation, which now provides almost \$1 million in grants to eight counties in two states; and

WHEREAS, when Tom Cain relocated to Roanoke, he became a guiding presence on many local boards and civic organizations, promoting cultural health, environmental stewardship, and a high-quality education for all; and

WHEREAS, Tom Cain served as the economic development chair of the Roanoke Chapter of the Southern Christian Leadership Conference and the local NAACP; he was also a member of the advisory board of the Northwest Neighborhood Environmental Organization; and

WHEREAS, a man of decency, intellect, and vision, Tom Cain garnered admiration for his collaborative leadership style, and his legacy lives on in the many projects he planned in Roanoke, including the George Washington Carver Environmental Education Center; and

WHEREAS, Tom Cain will be fondly remembered and greatly missed by his sister, Mary, and numerous other family members, friends, and colleagues; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Tom Cain, a pillar of the Roanoke community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Tom Cain as an expression of the General Assembly's respect for his memory.

### HOUSE JOINT RESOLUTION NO. 396

*Celebrating the life of Benjamin O. Moore, Jr.*

Agreed to by the House of Delegates, March 2, 2018

Agreed to by the Senate, March 6, 2018

WHEREAS, Benjamin O. Moore, Jr., a beloved husband and father and a dedicated high school basketball coach who touched the lives of countless young people in Newport News, died on December 9, 2017; and

WHEREAS, born and raised in Queens, New York, Benjamin "Ben" O. Moore attended Livingstone College in North Carolina and graduated with a bachelor's degree in health and physical education; he got his start in high school basketball as an assistant coach at Denbigh High School in Newport News; and

WHEREAS, in 1986, Ben Moore took the helm as head coach of the varsity basketball team at Warwick High School; he remained at the school for 24 seasons, forging strong bonds with his players and recording over 260 victories; and

WHEREAS, after leaving Warwick High School in 2011, Ben Moore spent several years as an assistant at Virginia Wesleyan University; during the last four years of his life, he served as head coach of the varsity basketball team at Menchville High School; and

WHEREAS, in addition to providing leadership on the basketball court, Ben Moore served as a positive role model for his players, many of whom turned to him for assistance and advice in times of need; and

WHEREAS, Ben Moore was the founder and co-director of a fall basketball league at the Boo Williams Sportsplex in Hampton; he was also an assistant, coach, or director at numerous basketball camps across the Commonwealth; and

WHEREAS, devoted to his faith, Ben Moore was a longtime member of First Baptist Church Morrison in Newport News, where he was an associate minister; and

WHEREAS, throughout his distinguished career, Ben Moore served as a coach, teacher, mentor, and friend to his students and helped numerous players reach their full potential both as basketball players and as young men; and

WHEREAS, Ben Moore will be fondly remembered and greatly missed by his wife, Sharon; his children, Candace and Chris, and their families; and many other family members, friends, former students, and Newport News residents; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Benjamin O. Moore, Jr., a talented basketball coach who provided valuable guidance and life lessons to students in Newport News; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Benjamin O. Moore, Jr., as an expression of the General Assembly's respect for his memory.

**HOUSE JOINT RESOLUTION NO. 397**

*Commending An Achievable Dream.*

Agreed to by the House of Delegates, March 2, 2018

Agreed to by the Senate, March 6, 2018

WHEREAS, An Achievable Dream, a Newport News-based nonprofit organization that has touched the lives of thousands of students through its enhanced learning programs, celebrated its 25th anniversary in 2017; and

WHEREAS, An Achievable Dream traces its roots to 1992, when Newport News businessman Walter Segaloff created a summer and after-school tennis and tutoring program; during its first year, the organization served 95 rising fourth graders from economically disadvantaged backgrounds; and

WHEREAS, since its founding, An Achievable Dream has grown into a nationally-recognized program that serves nearly 2,000 at-risk students through specialized public school academies at a middle and high school in Newport News and three elementary schools in Newport News, Virginia Beach, and Henrico County; and

WHEREAS, An Achievable Dream's K-12 students, known as "Dreamers," participate in a unique curriculum that includes intensive academic study as well as instruction in life skills such as ethics, etiquette, conflict resolution, and personal finance; and

WHEREAS, An Achievable Dream's students also receive tutoring, mentoring, and job skills training, and they are required to participate in tennis instruction, cultural events, and community service projects; and

WHEREAS, students at An Achievable Dream's four academies pass the Standards of Learning tests at a rate that equals or exceeds that of top students across the Commonwealth; in addition, the high school program has recorded a 100 percent on-time graduation rate, with 90 percent of students attending college or trade school and the other 10 percent entering the work force or joining the military; and

WHEREAS, in 2017, graduating seniors from the An Achievable Dream Middle and High School in Newport News were awarded in total over \$2 million in college scholarships and were accepted to 140 different universities; and

WHEREAS, through its innovative and student-focused curriculum, An Achievable Dream has enhanced the education of thousands of young people and helped prepare them for future success; and

WHEREAS, to celebrate its 25th anniversary, An Achievable Dream hosted its annual Tennis Ball gala and fundraiser at the Hampton Roads Convention Center on November 18, 2017; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend An Achievable Dream on 25 years of providing increased academic opportunities for students across the Commonwealth; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to An Achievable Dream as an expression of the General Assembly's admiration for its many contributions to excellence in public school education.

**HOUSE JOINT RESOLUTION NO. 398***Commending The College of William and Mary.*

Agreed to by the House of Delegates, March 2, 2018

Agreed to by the Senate, March 6, 2018

WHEREAS, in 1918, The College of William and Mary admitted its first women students, heralding a new era of academic opportunities and diverse career paths for women throughout the Commonwealth; and

WHEREAS, a trailblazing group of 24 women enrolled at The College of William and Mary with its first coeducational class, and 100 years later, more than half of the student body is female; and

WHEREAS, the first women students at The College of William and Mary paved the way for the institution's first minority students; the first Asian American woman was admitted in the 1930s and the first African American students, three women, were admitted in 1967; and

WHEREAS, in the fall of 2018, The College of William and Mary will begin a year-long celebration to commemorate the contributions of generations of women students and explore ways to better serve all students in the future; and

WHEREAS, the celebration will feature a women's leadership summit, bringing together alumnae, students, faculty, and special guests of The College of William and Mary for panels, workshops, and other opportunities for networking and mentorship; and

WHEREAS, The College of William and Mary identified several key initiatives to recognize the achievements of current women students and alumnae, including a speaker series and a multimedia exhibition showcasing prominent women students; alumnae throughout the United States will have the opportunity to join in the celebration through a new endowment that will fund regional engagement efforts; and

WHEREAS, The College of William and Mary will also fund a research project for students exploring issues involving gender in education, and faculty members from multiple disciplines will collaborate to create new courses or add gender components to existing courses; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend The College of William and Mary on the occasion of the 100th anniversary of coeducation at the institution; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to The College of William and Mary as an expression of the General Assembly's admiration for the many accomplishments of the institution's women students and alumnae.

**HOUSE JOINT RESOLUTION NO. 399***Commending the Historic Triangle Covenant.*

Agreed to by the House of Delegates, March 2, 2018

Agreed to by the Senate, March 6, 2018

WHEREAS, the Historic Triangle Covenant, an agreement between community leaders and law-enforcement officers to build strong ties based on mutual respect and to enhance the quality of life of all residents of the region, was signed in May 2017; and

WHEREAS, the Historic Triangle Covenant was developed by the Reverend Corwin Hammond, pastor of Chickahominy Baptist Church in Toano, with input from Brad Rinehimer, chief of the James City County Police Department; and

WHEREAS, more than 200 people, including representatives from the James City County Police Department, the York-Poquoson Sheriff's Office, the Williamsburg Police Department, The College of William and Mary, the Colonial Williamsburg Foundation, the York-James City County-Williamsburg NAACP, Real People Educating Others, Black Lives Matter, and the Village Initiative, Inc., gathered at the Williamsburg Regional Library to sign the Historic Triangle Covenant; and

WHEREAS, the Historic Triangle Covenant provides a framework for a multi-phase endeavor to develop open, honest lines of communication between the police, community groups, and local residents and to promote peace, understanding, and dignity; and

WHEREAS, as part of the Historic Triangle Covenant, area law-enforcement departments have pledged to recognize and address implicit biases as part of a holistic approach to community policing and have prioritized new training programs to ensure that officers have the verbal and emotional skills to defuse tense situations in a nonviolent manner; and

WHEREAS, in keeping with the Historic Triangle Covenant, community groups plan to organize additional local meetings, work together to build a support network for families, and educate young people on how to make better life decisions and interact with the police; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Historic Triangle Covenant, a unique agreement between law enforcement and community members; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Reverend Corwin Hammond as an expression of the General Assembly's admiration for the importance of communication and trust between law-enforcement officers and the citizens of the Commonwealth.

**HOUSE JOINT RESOLUTION NO. 400**

*Commending Newport News Public Schools.*

Agreed to by the House of Delegates, March 2, 2018

Agreed to by the Senate, March 6, 2018

WHEREAS, twenty-one schools in Newport News Public Schools achieved full accreditation for the 2017-2018 academic year, including all high schools in the system; and

WHEREAS, all fully accredited schools must meet or exceed benchmarks for achievement in English, mathematics, science, and history, with high schools also required to meet a graduation and completion index; and

WHEREAS, among the 21 schools in Newport News that received full accreditation were An Achievable Dream Middle and High School, Denbigh High School, Heritage High School, Menchville High School, Warwick High School, Woodside High School, and Booker T. Washington Middle School; and

WHEREAS, An Achievable Dream Academy, David A. Dutrow Elementary School, Deer Park Elementary School, General Stanford Elementary School, Hilton Elementary School, Kiln Creek Elementary School, Oliver C. Greenwood Elementary School, R. O. Nelson Elementary School, Richard T. Yates Elementary School, Richneck Elementary School, Riverside Elementary School, and T. Ryland Sanford Elementary School, also received full accreditation; and

WHEREAS, notably, Willis A. Jenkins Elementary School received full accreditation after being denied for two years; four other schools in the system received partial accreditation, with students district-wide recording gains on several Standards of Learning tests during the 2016-2017 academic year; and

WHEREAS, the accreditation of 21 schools is a reflection of the hard work of all the students, faculty, and staff of Newport News Public Schools; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Newport News Public Schools for achieving full accreditation at 21 schools for the 2017-2018 academic year; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Newport News Public Schools as an expression of the General Assembly's admiration for the school system's commitment to giving students in Newport News a world-class education.

**HOUSE JOINT RESOLUTION NO. 401**

*Commending Ashby C. Kilgore.*

Agreed to by the House of Delegates, March 2, 2018

Agreed to by the Senate, March 6, 2018

WHEREAS, in 2018, Ashby C. Kilgore will retire after 10 years of outstanding service as the superintendent of Newport News Public Schools and 45 total years in public education; and

WHEREAS, a native of Hampton, Ashby Kilgore received her bachelor's and master's degrees from Old Dominion University and earned her doctorate in educational administration and policy studies from The George Washington University; and

WHEREAS, Ashby Kilgore began her distinguished career in education as a high school teacher in Hampton; she later served as an assistant principal and principal at several schools before taking the reins as Woodside High School's principal in 1996; and

WHEREAS, in 2003, Ashby Kilgore took her wide-ranging talents to the Newport News Public Schools administration, where she served as assistant superintendent of instruction; following stints as deputy superintendent and interim superintendent, she took over as superintendent in May 2007; and

WHEREAS, as Newport News Public Schools' longest-tenured superintendent, Ashby Kilgore brought excellent vision and leadership to her role, spearheading numerous initiatives to encourage student education, development, and classroom performance; and

WHEREAS, among Ashby Kilgore's most notable achievements is a dropout prevention program that increased the Newport News Public Schools' graduation rate from 72.9 percent in 2008 to 93.4 percent in 2017; during that same time, dropout rates were reduced from 12 percent to 2.3 percent; and

WHEREAS, Ashby Kilgore was also responsible for launching several groundbreaking new programs such as the Summer Program for Arts, Recreation, and Knowledge (SPARK), which provides summertime enrichment activities, meals, and instruction for some 7,000 K-12 students; the Career Pathways initiative, which helps students explore career options and secure internships; and the Early College and Early Career programs, which allow high school students to get a head start on their college credits and career goals; and

WHEREAS, other key accomplishments of Ashby Kilgore's tenure as superintendent include implementing new Science, Technology, Engineering and Mathematics (STEM) initiatives in the school system and expanding career and technical education options; and

WHEREAS, in 2011, Ashby Kilgore's commitment to student excellence saw her named the Virginia Region II Superintendent of the Year; her many other honors include the 2016 Urban League of Hampton Roads Dr. Martin Luther King, Jr., Community Leader Award in Education, and a 2012 recognition as an Old Dominion University Darden College of Education Fellow; and

WHEREAS, Ashby Kilgore has served as superintendent with great skill, integrity, and compassion; under her able leadership, Newport News Public Schools has made exceptional progress and earned wide acclaim; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Ashby C. Kilgore on her distinguished career in education and her 10 years of service as Newport News Public Schools superintendent; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Ashby C. Kilgore as an expression of the General Assembly's admiration for her many career accomplishments and best wishes for a well-deserved retirement.

**HOUSE JOINT RESOLUTION NO. 402**

*Celebrating the life of Lieutenant Colonel Walter Joseph Potock, USAF, Ret.*

Agreed to by the House of Delegates, March 2, 2018

Agreed to by the Senate, March 6, 2018

WHEREAS, Lieutenant Colonel Walter Joseph Potock, USAF, Ret., a longtime resident of the City of Fairfax and a decorated veteran, died on August 21, 2017; and

WHEREAS, a native of Hubbard, Ohio, Walter "Walt" Joseph Potock learned the value of hard work and responsibility at a young age while growing up on his family's farm; he worked for a railroad company before joining the United States Air Force in 1954; and

WHEREAS, Walt Potock was stationed in Japan and assigned to the Air Rescue Service, participating in numerous water rescue operations involving mariners and downed airmen; he was later assigned to Otis Air Force Base and flew radar patrol missions over the Atlantic Ocean; and

WHEREAS, in the 1960s, Walt Potock was stationed in Germany, then was deployed to Vietnam as a forward air controller, flying dangerous, low-altitude reconnaissance and target identification missions; for one such mission, he received the Silver Star Medal for his gallantry in support of friendly troops on the ground; and

WHEREAS, Walt Potock returned home to the United States and served at Patrick Air Force Base in Florida and Andrews Air Force Base in Maryland before his well-earned retirement from the military; and

WHEREAS, Walt Potock was an active member of the Fairfax community as a youth athletics coach, a member of American Legion Post 177, and a volunteer with the City of Fairfax Police Department; and

WHEREAS, a proud patriot, Walt Potock served on the Fairfax Independence Day Celebration Committee for many years and helped organize the Fourth of July parade, as well as other special events; and

WHEREAS, Walt Potock will be fondly remembered and greatly missed by his wife, Charlie; his sons, Steve and John, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Lieutenant Colonel Walter Joseph Potock, USAF, Ret., a respected veteran and community leader in Fairfax; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Lieutenant Colonel Walter Joseph Potock, USAF, Ret., as an expression of the General Assembly's respect for his memory and thankfulness for his presence among us.

**HOUSE JOINT RESOLUTION NO. 403**

*Celebrating the life of John J. Harold.*

Agreed to by the House of Delegates, March 2, 2018

Agreed to by the Senate, March 6, 2018

WHEREAS, John J. Harold, a respected psychologist who was a compassionate advocate for children in Fairfax County, died on June 20, 2017; and

WHEREAS, as a child, John Harold spent several years in Japan while his father served as a member of the Judge Advocate General's Corps during the Occupation after World War II; and

WHEREAS, John Harold returned to his home state of New York to attend school and later graduated from Manhattan College, earned a master's degree from Bowling Green State University in Ohio, and pursued advanced graduate studies in clinical psychology at Virginia Commonwealth University; and

WHEREAS, John Harold began his long and fulfilling career as a child psychologist with Virginia Commonwealth University and later served with the Fairfax-Falls Church Community Services Board; he specialized in helping victims of sexual abuse and played a critical role in the establishment of a program to centralize investigations of child sexual abuse and support services for survivors of abuse; and

WHEREAS, after his well-earned retirement as a psychologist, John Harold developed a keen interest in civic life and worked as the voter registrar for the City of Fairfax and was later a member of the City of Fairfax Electoral Board; and

WHEREAS, John Harold offered his wisdom and leadership to the community as the first male member of the City of Fairfax Commission for Women and a member of the Fairfax Medical Reserve Corps, the Fairfax 2020 Commission, and the advisory committee to the Fairfax Juvenile and Domestic Relations District Court, of which he served as chair; and

WHEREAS, John Harold will be fondly remembered and greatly missed by his wife, Penny; his sons, John, Jr., and Brendan, and their families; and numerous other family members, friends, and colleagues; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of John J. Harold, a child psychologist and admired member of the Fairfax community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of John J. Harold as an expression of the General Assembly's respect for his memory and thankfulness for his presence among us.

#### HOUSE JOINT RESOLUTION NO. 404

*Commending the Virginia State Beekeepers Association.*

Agreed to by the House of Delegates, March 2, 2018

Agreed to by the Senate, March 6, 2018

WHEREAS, in 2018, the Virginia State Beekeepers Association will celebrate 100 years of promoting and advancing beekeeping in the Commonwealth; and

WHEREAS, founded in 1918, the Virginia State Beekeepers Association (VSBA) is comprised of individual members and over 40 affiliated local organizations that are committed to preserving the art and science of beekeeping, sharing best practices, and educating the public about the agricultural importance of honey bees; and

WHEREAS, honey bees first arrived in the Commonwealth in 1622 as cargo for the Jamestown Colony and were an important asset for pollination, honey production, and beeswax production for both candles and medicinal use; the VSBA works to raise awareness that honey bees still play a vital role in food cultivation; in the Commonwealth, insects pollinate more than 100 different crops with an annual value of tens of millions of dollars; and

WHEREAS, with a mission to promote the value of beekeeping, the VSBA hosts regular meetings, conferences, and special events in which members can attend presentations and trade information about ways to effectively and sustainably maintain beehives; and

WHEREAS, in the interest of combating a nationwide decline in beekeeping, the VSBA works tirelessly to raise awareness of the plight of honey bee colonies and encourage Virginians to take up beekeeping as an environmentally friendly hobby; and

WHEREAS, in addition, the VSBA operates a certification program that allows participants to progress through apprentice, journeyman, and master beekeeper levels by taking written tests and completing community service related to beekeeping; and

WHEREAS, throughout its history, the VSBA has been steadfast in its commitment to conserving the honey bee population and has served as an essential resource for beekeepers across the Commonwealth; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Virginia State Beekeepers Association on its service to the residents of the Commonwealth on the occasion of its 100th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Virginia State Beekeepers Association as an expression of the General Assembly's admiration for its efforts to promote beekeeping and raise awareness about the agricultural importance of honey bees.

#### HOUSE JOINT RESOLUTION NO. 405

*Commending Diane L. Zahm.*

Agreed to by the House of Delegates, March 2, 2018

Agreed to by the Senate, March 6, 2018

WHEREAS, Diane L. Zahm, an associate professor and program co-chair in the College of Architecture and Urban Studies at Virginia Polytechnic Institute and State University, has been inducted into the College of Fellows of the American Institute of Certified Planners for her outstanding achievements in planning for many towns and rural communities in Southwest Virginia; and

WHEREAS, Diane Zahm has served aspiring urban and community planners for more than 20 years, guiding more than 500 students as an academic advisor and giving them the tools to achieve professional success through real-life planning projects and instituting rigorous professional standards for coursework; and

WHEREAS, Diane Zahm has helped communities in Southwest Virginia that do not have dedicated planning staff prepare new or updated comprehensive plans, build-out analyses, form-based codes, and pattern books, receiving local and state accolades for her professional and pro bono work; and

WHEREAS, Diane Zahm and her students have served towns and rural communities in Southwest Virginia by using innovative technology, such as 3-D models to visualize new development in historic areas and developing a QR code-based online tour of a historic area; and

WHEREAS, Diane Zahm was at the forefront of crime prevention through environmental design, and she has provided training and technical assistance on the subject to more than 75 agencies, organizations, and communities; two of her publications are considered standards on the subject, and she is a sought-after lecturer and keynote speaker; and

WHEREAS, Diane Zahm is a university representative on the Virginia Chapter Board of Directors of the American Institute of Certified Planners and since 2013 she has been a member of the task force responsible for updating the institute's comprehensive exam; and

WHEREAS, due to these accomplishments and contributions to the planning profession, Diane Zahm was recognized by her peers and the American Planning Association with the organization's highest honor, induction into the College of Fellows of the American Institute of Certified Planners; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Diane L. Zahm on being named as a member of the College of Fellows of the American Institute of Certified Planners; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Diane L. Zahm as an expression of the General Assembly's admiration for her exemplary accomplishments in community planning and contributions to Southwest Virginia.

#### HOUSE JOINT RESOLUTION NO. 406

*Commending Ashley Vollrath.*

Agreed to by the House of Delegates, March 2, 2018

Agreed to by the Senate, March 6, 2018

WHEREAS, Ashley Vollrath, a multimedia journalism student at Virginia Polytechnic Institute and State University, was crowned Miss Virginia USA 2018 before a cheering crowd at the Tidewater Community College Roper Performing Arts Center in Norfolk on October 22, 2017; and

WHEREAS, during her time at Virginia Polytechnic Institute and State University (Virginia Tech), Ashley Vollrath has held seven internship positions, including at Comcast SportsNet in Boston, Massachusetts, covering her favorite baseball team, the Boston Red Sox; and

WHEREAS, a passionate sports fan, Ashley Vollrath is the assistant sports director for Virginia Tech Television, and she covers the Women's National Basketball Association and Virginia Tech basketball for Swish Appeal on SB Nation; she also works as a Washington Redskins Cheerleading Ambassador at FedEx Field; and

WHEREAS, Ashley Vollrath is a generous and hardworking volunteer who has donated her time and leadership to numerous charitable causes, including the Hokie Hearts Lending Helping Hands, which provided Christmas gifts for at-risk children; and

WHEREAS, Ashley Vollrath recently walked the runway at New York Fashion Week, and she will represent the Commonwealth at the nationally televised 2018 Miss USA pageant; and

WHEREAS, possessing an incomparable combination of intelligence, beauty, and dedication, Ashley Vollrath is an exceptional ambassador for the Commonwealth and a fine role model for other young women; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Ashley Vollrath on her selection as Miss Virginia USA 2018; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Ashley Vollrath as an expression of the General Assembly's congratulations and admiration for her many accomplishments.

**HOUSE JOINT RESOLUTION NO. 407**

*Commending the Burke Volunteer Fire and Rescue Department.*

Agreed to by the House of Delegates, March 2, 2018  
 Agreed to by the Senate, March 6, 2018

WHEREAS, the Burke Volunteer Fire and Rescue Department, a first responder unit in Fairfax County whose members have provided brave and diligent service to the community, celebrates its 70th anniversary in 2018; and

WHEREAS, the Burke Volunteer Fire and Rescue Department traces its earliest origins to 1947, when a group of locals recognized the need for a fire company in their community; the department was officially incorporated on January 29, 1948; and

WHEREAS, the Burke Volunteer Fire and Rescue Department's first piece of firefighting equipment was a 1932 Ford truck nicknamed "Old Red"; the department constructed its first fire station in 1948 and later moved into a larger station in 1963; and

WHEREAS, as the population of Fairfax County grew during the second half of the 20th century, the Burke Volunteer Fire and Rescue Department evolved to meet the increased demand, adding additional fire engines and ambulances as well as full-time, paid firefighters; and

WHEREAS, in 2001, the Burke Volunteer Fire and Rescue Department moved into a larger and more modern fire station and meeting hall complex; and

WHEREAS, the Burke Volunteer Fire and Rescue Department now includes roughly 100 staff members and volunteers who operate two fire engines, three ambulances, and a brush truck and answer several thousand emergency calls each year; and

WHEREAS, in recent years, the dedicated volunteers of the Burke Volunteer Fire and Rescue Department have recorded over 30,000 hours of annual service; and

WHEREAS, providing life-saving support 24 hours a day, the Burke Volunteer Fire and Rescue Department's staff and volunteers are pillars of their local community who regularly put themselves in harm's way in service to others; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Burke Volunteer Fire and Rescue Department on 70 years of providing vital emergency response services to the residents of Fairfax County; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Burke Volunteer Fire and Rescue Department as an expression of the General Assembly's admiration for its dedication to the community.

**HOUSE JOINT RESOLUTION NO. 408**

*Commending the Appomattox County High School wrestling team.*

Agreed to by the House of Delegates, March 2, 2018  
 Agreed to by the Senate, March 6, 2018

WHEREAS, the Appomattox County High School wrestling team captured the Virginia High School League Region 2C championship on February 10, 2018, at James River High School; and

WHEREAS, the Appomattox County High School Raiders turned in an outstanding team performance and finished the title meet with a total of 158.5 points, 10.5 points more than the runner-up Dan River High School Wildcats; and

WHEREAS, the Appomattox County Raiders trailed the Dan River Wildcats by 4.5 points heading into the final round, but rallied from behind after Raiders grapplers Trey Martin, Josh Baldwin, and Pierce Bryant swept their matches against the Wildcats; and

WHEREAS, along with the team title, the Appomattox County Raiders ended the day with four individual regional champions: Trey Martin in the 113-pound weight class, Pierce Bryant in the 138-pound class, Everette Phelps in the 152-pound class, and Aaron Mayes in the 182-pound class; and

WHEREAS, the Appomattox County Raiders' other place winners included second-place finishers QuaDarius Baker, Cameron Jackson, and Tyler Moore; third-place finishers Josh Baldwin and Austin Robertson; and fourth-place finisher Treyvon Brown; and

WHEREAS, Appomattox County Raiders wrestlers Isaiah Horsley, Chris Wilkerson, and Keyshawn Baker also turned in gritty performances and contributed valuable points to the team title; and

WHEREAS, the Appomattox County Raiders' victory in the team competition marked the first regional wrestling championship in school history; in addition, coach Matt Wallin was named the Region 2C coach of the year; and

WHEREAS, following their strong performances in the regional championship, nine Appomattox County Raiders wrestlers qualified for the state tournament held February 16-17, 2018, at the Salem Civic Center; and

WHEREAS, the Appomattox County High School wrestling team's regional title is a testament to the hard work and dedication of its student-athletes, the excellent guidance of its coaches and staff, and the enthusiastic support of family members, friends, and the entire Appomattox County High School community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Appomattox County High School wrestling team on winning the 2018 Virginia High School League Region 2C championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Matt Wallin, head coach of the Appomattox County High School wrestling team, as an expression of the General Assembly's admiration for the team's spectacular season and best wishes for continued success.

**HOUSE JOINT RESOLUTION NO. 409**

*Commending Mary Mellon.*

Agreed to by the House of Delegates, March 2, 2018

Agreed to by the Senate, March 6, 2018

WHEREAS, Mary Mellon, a retired educator in Arlington County, has generously supported the Arlington Free Clinic in its mission to provide high-quality, comprehensive health and dental care to members of the community in need; and

WHEREAS, a native of Pennsylvania, Mary Mellon was the child of two immigrants, both of whom died due to medical complications while she was young; and

WHEREAS, Mary Mellon relocated to the Commonwealth in the 1960s, and worked as a special educator in Arlington Public Schools for 30 years; she was inspired by Arlington County's engaged residents, vibrant spirit, and strong sense of community; and

WHEREAS, after her well-earned retirement as a teacher, Mary Mellon began supporting the Arlington Free Clinic as a pharmacy volunteer and a donor; she witnessed the creation of the clinic's dental program, which has provided hundreds of appointments to the clinic's patients; and

WHEREAS, understanding the importance of good oral health, Mary Mellon honored the memory of her parents, particularly her father, who died from an untreated tooth infection, when she pledged a donation of more than \$250,000 to support the Arlington Free Clinic's dental program; and

WHEREAS, Mary Mellon's generous donation will help the Arlington Free Clinic grow and sustain its dental program for years to come; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Mary Mellon for her work to make dental care accessible for all members of the Arlington community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Mary Mellon as an expression of the General Assembly's admiration for her contributions to the health and wellness of her fellow Arlington residents.

**HOUSE JOINT RESOLUTION NO. 410**

*Commending the Leadership Center for Excellence.*

Agreed to by the House of Delegates, March 2, 2018

Agreed to by the Senate, March 6, 2018

WHEREAS, the Leadership Center for Excellence, an Arlington-based nonprofit that has encouraged professional development and inspired numerous leaders to become agents of positive change in the community, celebrates its 20th anniversary in 2018; and

WHEREAS, founded in 1998, the Leadership Center for Excellence provides community-based training, workshops, and networking opportunities for established and emerging leaders across Arlington and the Washington, D.C., metropolitan area; and

WHEREAS, the Leadership Center for Excellence's marquee program is Leadership Arlington, which is designed for established leaders in the public, private, and nonprofit sectors; each year, the program selects roughly 50 participants for an immersive, nine-month course that includes professional development, community service opportunities, and discussions of the issues facing the region; and

WHEREAS, the Leadership Center for Excellence also operates a Young Professionals Program to develop the skills and capacities of high-potential leaders, as well as a summer Youth Program to enhance the leadership skills of rising high school juniors and seniors; and

WHEREAS, in addition to its leadership development programs, the Leadership Center for Excellence provides customized consulting, forums, board development, and one-on-one professional coaching for a wide range of organizations; and

WHEREAS, since 2016, the Leadership Center for Excellence has also run the organization Volunteer Arlington, which partners with a variety of local entities to promote volunteerism and civic engagement; and

WHEREAS, the Leadership Center for Excellence has won numerous awards for its work, including the 2015 Chair's Award from the Arlington Chamber of Commerce, the 2014 National Capital Business Ethics Award from the National Capital chapter of the Society of Financial Service Professionals, the 2011 Prize for Innovation and Impact from the Arlington Community Foundation, and the 2004 James B. Hunter Award from the Arlington Human Rights Commission for promoting human rights and diversity in Arlington County; and

WHEREAS, over the last two decades, the Leadership Center for Excellence has enlightened and inspired over 1,600 local leaders and has provided valuable service to the residents of Arlington and the surrounding region; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Leadership Center for Excellence on 20 years of developing strong, service-minded leaders in the Arlington community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Leadership Center for Excellence as an expression of the General Assembly's admiration for its outstanding achievements and best wishes for continued success.

### HOUSE JOINT RESOLUTION NO. 411

*Commending Matthew D. Shank.*

Agreed to by the House of Delegates, March 2, 2018

Agreed to by the Senate, March 6, 2018

WHEREAS, Matthew D. Shank, a respected scholar and administrator with a distinguished career in higher education, will conclude a seven-year tenure as president of Marymount University in 2018; and

WHEREAS, Matthew Shank received a bachelor's degree from the University of Wyoming and then earned a master's degree and a Ph.D. in psychology from the University of Missouri-St. Louis; before beginning his academic career, he worked as a manager with the marketing research company Maritz; and

WHEREAS, a talented scholar, Matthew Shank held faculty appointments at Northern Kentucky University, Southern Illinois University, the University of Mississippi, and Vanderbilt University; between 2008 and 2011, he served as dean of the School of Business Administration at the University of Dayton; and

WHEREAS, in 2011, Matthew Shank was selected as the sixth president of Marymount University; under his leadership, the university launched a \$40 million capital campaign, developed a new vision for the future, and implemented a strategic plan known as "Building the Institution of Choice"; and

WHEREAS, along with enhancing Marymount University's student diversity and retention rates, Matthew Shank led the introduction of new academic programs such as a doctoral program in cybersecurity, an undergraduate program in biochemistry, and a graduate certificate in association management; and

WHEREAS, Matthew Shank also oversaw Marymount University's physical expansion, including the renovation of its academic, residential, and athletic facilities, as well as its chapel; in 2017, the university opened the Ballston Center, a mixed-use academic and business space; and

WHEREAS, an active member of the Arlington community, Matthew Shank is a community advisor to the Arlington Free Clinic and Arlington Public Schools and has served on the boards of the Greater Washington Board of Trade, the Northern Virginia Technology Council, the Arlington Community Foundation, the Catholic Business Network of Northern Virginia, American University in the Emirates, the World Affairs Council, Bishop O'Connell High School, Dominican Retreat, and the Leadership Center for Excellence; and

WHEREAS, Matthew Shank has also brought his experience to the boards of the Consortium of Universities of the Washington Metropolitan Area, the Virginia Foundation for Independent Colleges, and the Washington Research Library Consortium; and

WHEREAS, an experienced consultant in the marketing research, strategic planning, and marketing strategy fields, Matthew Shank has published numerous articles and is the author of the book *Sports Marketing: A Strategic Perspective*; and

WHEREAS, in 2012, Matthew Shank received the Global Education Leadership Award from the World Affairs Council-Washington, D.C., in recognition of his efforts to empower students to succeed in an interconnected world; and

WHEREAS, throughout his career in higher education, Matthew Shank has touched the lives of countless students and won the admiration of his colleagues for his dedication, leadership, and vision; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Matthew D. Shank on his years of exemplary service to the students, staff, and faculty of Marymount University; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Matthew D. Shank as an expression of the General Assembly's admiration for his many contributions to higher education and best wishes for the future.

**HOUSE JOINT RESOLUTION NO. 412**

*Celebrating the life of Thelma Kouzes.*

Agreed to by the House of Delegates, March 2, 2018  
Agreed to by the Senate, March 6, 2018

WHEREAS, Thelma Kouzes, a devoted wife and mother and a respected Fairfax resident who hosted 174 international students in her home between 1960 and 2004, died on August 23, 2017, at the age of 100; and

WHEREAS, the daughter of Danish immigrants, Thelma Kouzes was born in 1917 in Audubon, Iowa; in 1938, she relocated to Washington, D.C., where she worked in the administration of President Franklin D. Roosevelt; and

WHEREAS, a staunch supporter of the civil rights movement, Thelma Kouzes advocated for the desegregation of schools in Northern Virginia and marched in the Reverend Dr. Martin Luther King, Jr.'s 1963 March on Washington for Jobs and Freedom; and

WHEREAS, in 1960, Thelma Kouzes began volunteering as a host with the American Field Service (AFS), an international youth exchange organization; she eventually worked with the group for over 40 years and opened her home to 174 international students from 34 different countries; and

WHEREAS, Thelma Kouzes forged close relationships with her international students and continued to keep in touch with many of them until her death; in addition to her hosting duties, she also helped place an additional 400 international students with American families; and

WHEREAS, Thelma Kouzes was active in a number of organizations and charities, including the United Nations Children's Fund, the United Nations Association, the Virginia Extension Homemakers Association, and the American Cancer Society; and

WHEREAS, in 1988, Thelma Kouzes's dedication to helping others saw her honored as the 53rd National Mother of the Year by the organization American Mothers; and

WHEREAS, predeceased by her husband, Thomas, Thelma Kouzes will be fondly remembered and dearly missed by her sons, Jim and Dick, and their families, and countless other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Thelma Kouzes, a beloved Fairfax resident who opened her home to students from around the globe; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Thelma Kouzes as an expression of the General Assembly's respect for her memory.

**HOUSE JOINT RESOLUTION NO. 413**

*Celebrating the life of Dorothy Carter Gill.*

Agreed to by the House of Delegates, March 2, 2018  
Agreed to by the Senate, March 6, 2018

WHEREAS, Dorothy Carter Gill, a respected mental health professional who served and supported first responders and an active member of the Reston and Arlington communities, died on February 11, 2018; and

WHEREAS, Dorothy Gill grew up near Philadelphia, Pennsylvania, and achieved academic success at the University of Pennsylvania, Pennsylvania State University, Temple University, and Virginia Commonwealth University; and

WHEREAS, a pioneer in the field of mental health, Dorothy Gill was a published author on a variety of topics, including mental health recognition, trauma-related conditions, and specialized employee assistance programs for public safety officers; and

WHEREAS, Dorothy Gill worked for Arlington County for more than 40 years, and she served as a counselor for police departments, fire departments, and emergency medical units throughout the Washington metropolitan area; and

WHEREAS, Dorothy Gill's employee assistance program for first responders after the attack on the Pentagon on September 11, 2001, earned her national acclaim, and her comprehensive service model, used inside the site perimeter, was recognized as one of the most well-executed programs in the wake of the attack; and

WHEREAS, Dorothy Gill held leadership positions in local and national organizations, including the National Institute of Mental Health, the Substance Abuse and Mental Health Services Administration, and the National Memorial Institute for the Prevention of Terrorism; and

WHEREAS, in later life, Dorothy Gill became a passionate athlete, who represented the United States in the 1999 Triathlon World Championships in the 55 to 59 age group; and

WHEREAS, Dorothy Gill will be fondly remembered and greatly missed by her sons, Ethan and Brendan, and their families, and numerous other family members, friends, and colleagues; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Dorothy Carter Gill, a mental health professional who helped first responders better serve their communities; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Dorothy Carter Gill as an expression of the General Assembly's respect for her memory.

**HOUSE JOINT RESOLUTION NO. 414**

*Celebrating the life of William H. Bozman.*

Agreed to by the House of Delegates, March 2, 2018

Agreed to by the Senate, March 6, 2018

WHEREAS, William H. Bozman, a longtime resident of Arlington County who dedicated his life to serving others as a federal government employee and a volunteer, died on November 30, 2017; and

WHEREAS, joining many of the other young men of his generation, William Bozman enlisted in the United States Army Air Corps and served the nation during World War II; and

WHEREAS, after his honorable military service, William Bozman graduated *cum laude* from Harvard University; he then worked from 1948 to 1961 for the Bureau of the Budget, the precursor to the Office of Management and Budget; and

WHEREAS, in 1964, William Bozman joined the Community Action Program, part of the Office of Economic Opportunity, as director of field operations, then became deputy director of the organization in 1967; he later offered his wisdom to the Urban Institute, before finishing his career with the United States Railway Association in 1982; and

WHEREAS, William Bozman also volunteered his time and leadership as president of the board of the Alliance for Housing Solutions, which promotes affordable housing in Arlington, and he was active with the United Way, the American Red Cross, and other organizations; and

WHEREAS, William Bozman enjoyed fellowship and worship with the Arlington community as a member of the Rock Spring United Church of Christ; and

WHEREAS, predeceased by his wife, Ellen, William Bozman will be fondly remembered and greatly missed by his children, Martha, William, and Bruce, and their families, and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of William H. Bozman, a dedicated civil servant and a passionate advocate for members of the community in need; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of William H. Bozman as an expression of the General Assembly's respect for his memory.

**HOUSE JOINT RESOLUTION NO. 415**

*Celebrating the life of Mildred Leigh Shiver.*

Agreed to by the House of Delegates, March 2, 2018

Agreed to by the Senate, March 6, 2018

WHEREAS, Mildred Leigh Shiver, a devoted wife and mother and a respected educator with a passion for lifelong learning, passed away in her Alexandria home on August 1, 2017, at the age of 94; and

WHEREAS, born in South Boston, Mildred Shiver received her bachelor's degree from North Carolina Agricultural and Technical State University in 1949; she later earned a master's degree in education from The American University; and

WHEREAS, during her 34-year career as an elementary school teacher, Mildred Shiver worked in both segregated and integrated schools in Winchester, Manassas, Prince William County, and Alexandria; she found great joy in teaching, and was known to write "autograph your work with excellence!" on each student paper she graded; and

WHEREAS, while working at Douglas MacArthur Elementary School, Mildred Shiver taught Steven M. Ford, the son of Vice President Gerald R. Ford; she was among the last public school teachers to instruct the child of a sitting United States vice president; and

WHEREAS, in addition to her career as a public educator, Mildred Shiver gave generously of her time in service to the community; she acted as a Fairfax County elections officer from 1976 to 2012, served as a charter member of Black Women United for Action, and was a member of Top Ladies of Distinction, Inc., and Alpha Kappa Alpha, the nation's oldest African American sorority; and

WHEREAS, predeceased by her husband of 58 years, Jube, and her daughter, Jacqueline, Mildred Shiver will be fondly remembered and greatly missed by her son, Jube, Jr., his family, and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Mildred Leigh Shiver, a committed teacher and respected member of the Alexandria community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Mildred Leigh Shiver as an expression of the General Assembly's respect for her memory.

**HOUSE JOINT RESOLUTION NO. 416***Celebrating the life of Deputy Curtis Allen Bartlett.*

Agreed to by the House of Delegates, March 2, 2018

Agreed to by the Senate, March 6, 2018

WHEREAS, Deputy Curtis Allen Bartlett, a distinguished law-enforcement officer with a passion for serving and protecting the members of the Carroll County community, died in the line of duty on March 9, 2017; and

WHEREAS, Curtis Bartlett graduated from Galax High School and honorably served his country as a member of the United States Army and as a security officer at the United States Embassy in Baghdad, Iraq; and

WHEREAS, beginning in 2013, Curtis Bartlett joined the Carroll County Sheriff's Department as an unpaid auxiliary officer to maintain his law-enforcement certifications between deployments to Iraq, demonstrating unparalleled commitment to the community; and

WHEREAS, Curtis Bartlett also served with a police department in North Carolina before accepting a full-time position with the Carroll County Sheriff's Department in January 2017; and

WHEREAS, initially assigned as a school resource officer, Curtis Bartlett was stationed at Hillsville Elementary School and worked shifts at each of the county's elementary schools; he was well-known for his ability to engage and connect with the students in his care; and

WHEREAS, Curtis Bartlett motivated his fellow deputies and members of the community to work toward healthier lifestyles as a CrossFit trainer and was also a skilled private pilot; and

WHEREAS, drawing on his experience as a military working dog handler, Curtis Bartlett had planned to train his dog, Tyco, as a bomb-sniffing dog for the Carroll County Sheriff's Department and had already used his own money to pay for certification courses; and

WHEREAS, Curtis Bartlett made the ultimate sacrifice while en route to assist other officers with an ongoing pursuit of a speeding vehicle; he was the first Carroll County law-enforcement officer to die in the line of duty since 1974 and only the third in the county's history; and

WHEREAS, admired for his positivity, work ethic, and enthusiasm for helping others, Curtis Bartlett served the Carroll County community with the utmost integrity, professionalism, and dedication; and

WHEREAS, Curtis Bartlett will be fondly remembered and greatly missed by his parents, Sam and Linda; his four siblings; and numerous other family members, friends, and fellow law-enforcement officers; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Deputy Curtis Allen Bartlett; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Deputy Curtis Allen Bartlett as an expression of the General Assembly's respect for his memory.

**HOUSE JOINT RESOLUTION NO. 417***Celebrating the life of Sarah Danielle Sanders.*

Agreed to by the House of Delegates, March 2, 2018

Agreed to by the Senate, March 6, 2018

WHEREAS, Sarah Danielle Sanders, a loving daughter and sister, active Abingdon resident, and beloved teacher at John S. Battle High School, died on February 8, 2018; and

WHEREAS, Sarah Sanders grew up in Southwest Virginia and attended Rural Retreat High School; she later earned a bachelor's degree and a master's degree in history from Emory & Henry College; and

WHEREAS, a gifted educator known for her compassion for her students and her quirky sense of humor, Sarah Sanders served on the faculty of John S. Battle High School in Bristol for 14 years; along with teaching American and world history, she chaired the social studies department for four years; and

WHEREAS, Sarah Sanders coached the debate team at John S. Battle High School, served as chair of the social committee, and assisted with the school's yearly musical; she also served as a summer school teacher in Washington County; and

WHEREAS, in her spare time, Sarah Sanders indulged her love of history by participating in local Civil War reenactments and working with Tombstone Trackers, a group that locates unmarked graves; and

WHEREAS, Sarah Sanders was a member of the Historical Society of Washington County, Virginia, as well as the Daughters of the American Revolution; a woman of strong faith, she was active in her local church community; and

WHEREAS, a loyal and devoted friend, Sarah Sanders was a passionate Duke University fan and a lifelong animal lover who cared for two pet cats, Kizzie and Joey; and

WHEREAS, Sarah Sanders will be fondly remembered and dearly missed by her parents, Fielden and Susan; her sister, Ashley, and her family; and countless other family members, close friends, and Abingdon residents; now, therefore, be it

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RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Sarah Danielle Sanders, a dedicated teacher who touched the lives of numerous students; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Sarah Danielle Sanders as an expression of the General Assembly's respect for her memory.

**HOUSE JOINT RESOLUTION NO. 418**

*Commending Sydney Wrighte.*

Agreed to by the House of Delegates, March 2, 2018

Agreed to by the Senate, March 6, 2018

WHEREAS, Sydney Wrighte finished second in the individual all-around and helped lead the Freedom High School gymnastics team to its second state title in three years at the Virginia High School League Group 5A state championship in February 2018; and

WHEREAS, on the first day of the state tournament, held at Heritage High School in Leesburg, Sydney Wrighte tied for first place in the floor exercise, finished second on the vault and uneven bars, and came in sixth on the balance beam; and

WHEREAS, Sydney Wrighte finished as runner-up in the individual all-around with 38.925 points, less than a point behind the first-place finisher; and

WHEREAS, on the second day of the competition, Sydney Wrighte helped the Freedom High School Eagles secure the team victory, leading the Freedom Eagles with a 38.4 all-around total; and

WHEREAS, the reigning two-time All-Met Gymnast of the Year, Sydney Wrighte trains at Hill's Gymnastics in Gaithersburg, Maryland, and participates in both high school and advanced club gymnastics competitions; and

WHEREAS, a senior at Freedom High School, Sydney Wrighte plans to further her academic and gymnastics careers at Auburn University; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Sydney Wrighte for her performance at the Virginia High School League Group 5A state championship in 2018; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Sydney Wrighte as an expression of the General Assembly's admiration for her dedication, hard work, and skill.

**HOUSE JOINT RESOLUTION NO. 419**

*Commending William Clyde Elliott.*

Agreed to by the House of Delegates, March 2, 2018

Agreed to by the Senate, March 6, 2018

WHEREAS, on April 10, 1988, William Clyde Elliot earned his first career short track win at Bristol Motor Speedway, leading to a six-win season that culminated with a championship victory in the 1988 Winston Cup Series; and

WHEREAS, a native of Dawsonville, Georgia, William "Bill" Clyde Elliott began racing with a family-run team in the National Association for Stock Car Auto Racing (NASCAR) Winston Cup Series in 1976 and went on to become one of the most beloved drivers in the league, winning the NASCAR Most Popular Driver Award for a record of 16 times; and

WHEREAS, Bill Elliott's best season began at Bristol Motor Speedway, then known as Bristol International Raceway, in 1988, when he won the Valleydale Meats 500; in lap 493 of the thrilling race, another driver who was attempting to pass caused Bill Elliot to wreck, nearly taking him out of contention; and

WHEREAS, with one of the greatest performances in the history of Bristol Motor Speedway, Bill Elliot recovered from the wreck, regained the lead in lap 498, and controlled the track for the final three laps, winning by two car lengths; and

WHEREAS, Bill Elliot still holds records for the fastest qualifying speed at Daytona International Speedway and the fastest qualifying speed in NASCAR history, which he set at Talladega Superspeedway; and

WHEREAS, Bill Elliot was inducted into the Motorsports Hall of Fame of America in 2007 and into the NASCAR Hall of Fame in 2015; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend William Clyde Elliot on the occasion of the 30th anniversary of his first career short track win in 1988; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to William Clyde Elliott as an expression of the General Assembly's admiration for his achievements.

**HOUSE JOINT RESOLUTION NO. 420**

*Commending the Patrick Henry High School boys' track and field team.*

Agreed to by the House of Delegates, March 2, 2018

Agreed to by the Senate, March 6, 2018

WHEREAS, the Patrick Henry High School boys' track and field team of Glade Spring won the Virginia High School League Class 1 and 2 indoor state championship in February 2018; and

WHEREAS, building on a previous win in the outdoor state championship, the Patrick Henry High School Rebels scored 80 points in the indoor tournament, topping the runner-up Auburn High School Eagles by eight points; and

WHEREAS, Patrick Henry High School's Connor Buchanan took first place in the 55-meter dash with a time of 6.64 seconds and won the triple jump event; and

WHEREAS, the Patrick Henry team of Connor Buchanan, Jackson Cruise, Brady Stiltner, and Austin Faris won the 4x200-meter relay with a time of 1:34.73 and Connor Buchanan, Jackson Cruise, Brady Stiltner, and Gavin Grossman won the 4x400-meter relay with a time of 3:37.38; and

WHEREAS, Josh Hall, Kain Kiser, and McKinley Kestner also contributed to the Patrick Henry Rebels' victorious performance at the state championship, which was held at the Cregger Center at Roanoke College; and

WHEREAS, the victory is a testament to the skill and hard work of all of the student-athletes, the leadership and guidance of the coaches and staff, and the enthusiastic support of the entire Patrick Henry High School community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Patrick Henry High School boys' track and field team on winning the Virginia High School League Class 1 and 2 indoor state championship in 2018; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Patrick Henry High School boys' track and field team as an expression of the General Assembly's admiration for the team's achievements and best wishes for the future.

#### HOUSE JOINT RESOLUTION NO. 421

*Commending R.B. Clark.*

Agreed to by the House of Delegates, March 7, 2018

Agreed to by the Senate, March 9, 2018

WHEREAS, R.B. Clark, a lifelong public servant who has made many contributions to the residents of Charlotte County, will retire as county administrator on June 30, 2018; and

WHEREAS, R.B. Clark holds bachelor's degrees from East Carolina University and a master's degree from the University of Virginia; he began his 44 years of service to Charlotte County as an employee of Charlotte County Public Schools, serving as principal of J. Murray Jeffress Elementary School; and

WHEREAS, R.B. Clark became the first county administrator of Charlotte County in 1981 and ably supervised a wide array of county operations for the next 37 years, becoming the second longest-serving county administrator in the Commonwealth; and

WHEREAS, supporting the community in many other ways, R.B. Clark sits on the Board of Directors of the Virginia's Heartland Regional Industrial Facility Authority, the Bank of Charlotte County, and Virginia's Growth Alliance; and

WHEREAS, R.B. Clark has served Charlotte County with the utmost integrity, dedication, and distinction, and he leaves a legacy of excellence to his successor as county administrator; and

WHEREAS, after his well-earned retirement, R.B. Clark plans to spend more time with his beloved family, including his five children and 15 grandchildren, and seek new opportunities to serve the community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend R.B. Clark on the occasion of his retirement as county administrator of Charlotte County; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to R.B. Clark as an expression of the General Assembly's admiration for his lifetime of service to Charlotte County and the Commonwealth.

#### HOUSE JOINT RESOLUTION NO. 422

*Commending the Wildlife Foundation of Virginia.*

Agreed to by the House of Delegates, March 7, 2018

Agreed to by the Senate, March 9, 2018

WHEREAS, for 20 years, the Wildlife Foundation of Virginia has helped sustain the Commonwealth's proud heritage of hunting, fishing, and other outdoor sports, while protecting and preserving thousands of acres of land for public use; and

WHEREAS, established as a nonprofit organization in 1997 to address diminishing access to public land for sportsmen and sportswomen in the Commonwealth, the Wildlife Foundation of Virginia works with state agencies and other organizations to acquire spaces for outdoor recreation; and

WHEREAS, the Wildlife Foundation of Virginia has conserved nearly 13,000 acres of land in the Counties of Accomack, Albemarle, Amelia, Botetourt, Charles City, Fluvanna, Gloucester, Madison, New Kent, Pittsylvania, and Rockbridge; and

WHEREAS, in 2012, the Wildlife Foundation of Virginia entered into a partnership with the Virginia Department of Game and Inland Fisheries (DGIF) that resulted in the Virginia Wildlife Grant Program, which has provided more than \$169,000 in grants to youths across the Commonwealth; and

WHEREAS, the Wildlife Foundation of Virginia and DGIF have also collaborated to support the National Archery in the Schools Program and the Old Dominion One Shot Turkey Hunt, an annual, statewide hunt to celebrate the success of wild turkey repopulation efforts in the Commonwealth; and

WHEREAS, in 2015, the Wildlife Foundation of Virginia was awarded a \$4 million grant from the National Fish and Wildlife Foundation to support coastal resiliency projects in Chesapeake and Virginia Beach after Hurricane Sandy; the projects reestablished hydrology and forested wetland ecology in the Cavalier Wildlife Management Area and helped address shoreline erosion in the Back Bay estuary; and

WHEREAS, the Wildlife Foundation of Virginia hosts many of its outreach events for youths and veterans at Fulfillment Farms in Albemarle County, a 1,910-acre no-fee recreational space with opportunities for hunting, fishing, hiking, and bird watching; the foundation has constructed 12 wheelchair-accessible ground blinds for use by wounded veterans and maintains a "veterans and kids first" policy; and

WHEREAS, the Wildlife Foundation of Virginia has fulfilled its mission with the leadership and hard work of its all-volunteer Board of Directors; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Wildlife Foundation of Virginia on the occasion of its 20th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Jim McVey, chair of the Board of Directors of the Wildlife Foundation of Virginia, as an expression of the General Assembly's admiration for the foundation's work to promote outdoor sports and preserve the valuable natural resources of the Commonwealth.

**HOUSE JOINT RESOLUTION NO. 423**

*Commending the American's Creed.*

Agreed to by the House of Delegates, March 7, 2018

Agreed to by the Senate, March 9, 2018

WHEREAS, in 2018, the Commonwealth Chapter, National Society Daughters of the American Revolution will commemorate the 100th anniversary of the American's Creed, a summary of the proudest civic traditions of the United States, freedom, justice, equality, and dignity for all; and

WHEREAS, in the midst of World War I, the New York State Commissioner of Education established a nationwide contest for the writing of a national creed; the winning piece, the American's Creed, was one of more than 3,000 entries; and

WHEREAS, the author of the American's Creed, William Tyler Page, was a descendant of John Page, who settled in Williamsburg in 1650; Carter Braxton, a signatory to the Declaration of Independence; and President John Tyler; and

WHEREAS, the American's Creed uses language from the Declaration of Independence, the Preamble to the United States Constitution, President Abraham Lincoln's Gettysburg Address, and Daniel Webster's famous speech in the United States Senate in 1830; and

WHEREAS, the Commonwealth Chapter, National Society Daughters of the American Revolution, the largest chapter in Virginia with more than 330 members, recites the American's Creed at the beginning of each of its monthly meetings and will commemorate the creed's 100th anniversary at its April 2018 meeting; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the American's Creed, an expression of the finest civic traditions of the United States; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Commonwealth Chapter, National Society Daughters of the American Revolution as an expression of the General Assembly's appreciation for the historical importance of the American's Creed.

**HOUSE JOINT RESOLUTION NO. 424**

*Commending the Eppington Plantation.*

Agreed to by the House of Delegates, March 7, 2018

Agreed to by the Senate, March 9, 2018

WHEREAS, the historic Eppington house was constructed circa 1768 by Francis Eppes VI, brother-in-law to Thomas Jefferson, and the plantation comprised nearly 4,000 acres along the Appomattox River; and

WHEREAS, the Eppington house was deeded as a generous gift to Chesterfield County in 1989 by the Cherry (or Hinds) family along with 43 acres for historic preservation; easement to the property was recorded in 1995 and the Eppington Foundation was created in 1997; and

WHEREAS, a cooperative partnership exists between Chesterfield County Parks and Recreation and the Eppington Foundation, Inc., to manage the site, to protect the property, and to promote public education about the significance of the site and the approximately 400 acres of adjacent land holdings; and

WHEREAS, Eppington Plantation has been designated as a Chesterfield County landmark and was listed on the National Register of Historic Places and the Virginia Landmarks Register in 1969; and

WHEREAS, Eppington is recognized as a remarkable example of 18th century Georgian architecture, and features a three-bay, two-and-a-half-story central block design with a hipped roof, dormers, and flanking one-story wings; and

WHEREAS, architectural and paint analysis studies were conducted by the Colonial Williamsburg Foundation in 1995, and archaeological site surveys and shovel test pits were conducted in 1993; a ground-penetrating radar survey was conducted in 2013; and

WHEREAS, the Eppington house is so well preserved that it still looks very much as it did 250 years ago, and the property serves as an important symbol and an educational tool for telling the history of Chesterfield County and the nation; and

WHEREAS, the inaugural Eppington Heritage Day was held in 1998 and Chesterfield County Parks and Recreation has held public education events at this site every year since; the Eppington Foundation, Inc., commemorated its 20th anniversary in 2017; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Eppington Plantation on the occasion of its 250th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare copies of this resolution for presentation to the Eppington Foundation, Inc., and the Chesterfield County Department of Parks and Recreation as an expression of the General Assembly's admiration for the Eppington Plantation's unique architectural design and its historical and educational significance to Chesterfield County.

**HOUSE JOINT RESOLUTION NO. 425**

*Commending Townes Funeral Home.*

Agreed to by the House of Delegates, March 7, 2018

Agreed to by the Senate, March 9, 2018

WHEREAS, for 125 years, Townes Funeral Home in Danville has provided thoughtful, caring, and compassionate service to families during times of loss; and

WHEREAS, Townes Funeral Home traces its origins to 1892, when Danville resident Frederick William "Will" Townes, Sr., founded the firm F.W. Townes, Funeral Director on Main Street; the business he started later went by several names before becoming Townes Funeral Home in 1976; and

WHEREAS, Townes Funeral Home grew steadily during the early 20th century as it earned a reputation for professionalism and trustworthiness; Will Townes' son Frederick William "Fred" Townes, Jr., later joined the company in 1915 and then became its principal officer in 1935; and

WHEREAS, in 1950, Fred Townes' son Frederick William "Bill" Townes III joined Townes Funeral Home, becoming the third generation of the Townes family to work at the company; and

WHEREAS, Danville resident David Fuquay joined Townes Funeral Home in 1969; he became president of the firm in 1998 and has been its sole owner since 2002; and

WHEREAS, throughout its history, Townes Funeral Home has maintained close ties to the Danville community; Fred and Bill Townes both served on the Danville City Council and were active in the local Chamber of Commerce, among many other organizations; and

WHEREAS, during its many years in operation, Townes Funeral Home has won the abiding respect of the Danville community for its wide range of services, attentive and caring staff, and dedication to honoring the wishes of family members and the deceased; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Townes Funeral Home on the occasion of its 125th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Townes Funeral Home as an expression of the General Assembly's admiration for its long legacy of service to the residents of Danville.

**HOUSE JOINT RESOLUTION NO. 426**

*Commending Sammy McCormick.*

Agreed to by the House of Delegates, March 7, 2018

Agreed to by the Senate, March 9, 2018

WHEREAS, Sammy McCormick, a respected educator and active Pittsylvania County resident who served as head coach of the Dan River High School baseball team for 25 years, retired in 2017 following a distinguished career; and

WHEREAS, a native of the Dan River region, Sammy McCormick attended Dan River High School, where he lettered in football, basketball, and baseball; he then attended Elon University before earning a teaching certification from North Carolina Agricultural and Technical State University; and

WHEREAS, Sammy McCormick began his education career at Sutherlin Academy in Danville before joining Dan River High School in 1977; he remained there for the next 33 years, serving as a health and physical education teacher, driver's education instructor, and physical science teacher; and

WHEREAS, beginning in the early 1990s, Sammy McCormick served as head coach of Dan River High School's varsity baseball team; during his 25-year tenure, he led the team to multiple state and regional tournament appearances; and

WHEREAS, one of the highlights of Sammy McCormick's coaching career came in 1998, when he led the Dan River High School baseball team to a state championship and was selected as the Virginia High School League Group 2A coach of the year; and

WHEREAS, Sammy McCormick stepped down as head coach of the Dan River High School baseball team in January 2017, but stayed on as an assistant as the team claimed the Virginia High School League Group 2A state championship; and

WHEREAS, along with his duties at Dan River High School, Sammy McCormick helped create the Dan River youth football team and was a charter member of Pittsylvania County Youth Baseball; he also started youth T-ball and minor league baseball programs and volunteered his time as a youth football coach; and

WHEREAS, throughout his career in high school baseball, Sammy McCormick has worked tirelessly to nurture his players both as athletes and as people; his dedication to his teams is a credit to his school and his community; and

WHEREAS, on July 29, 2017, Sammy McCormick was honored with a retirement celebration at the Family Life Center at Ringgold Baptist Church, where he is a longtime member; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Sammy McCormick on his many years of success as the head coach of the Dan River High School baseball team; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Sammy McCormick as an expression of the General Assembly's admiration for his career accomplishments and best wishes for a well-deserved retirement.

**HOUSE JOINT RESOLUTION NO. 427**

*Commending John B. Gilstrap.*

Agreed to by the House of Delegates, March 7, 2018

Agreed to by the Senate, March 9, 2018

WHEREAS, John B. Gilstrap, a respected public servant who has provided sound advice and leadership as Mayor of Danville for two years, will retire at the end of his term on June 30, 2018; and

WHEREAS, a graduate of Clemson University and a veteran of the United States Army, John Gilstrap began his service to the City of Danville in 1972 as assistant director of Parks, Recreation, and Tourism; he later became the department's director and served admirably in the role for 30 years; and

WHEREAS, John Gilstrap has also served as director of community engagement for the Institute for Advanced Learning and Research and as interim director for Big Brothers Big Sisters of the Danville Area; and

WHEREAS, John Gilstrap was elected to his first term on the Danville City Council in 2010 and was reelected four years later; in 2016, the Council selected him for a two-year term as mayor; and

WHEREAS, during his tenure as Mayor of Danville, John Gilstrap has won the respect of his colleagues and constituents for his sound judgment, integrity, and dedication to the community; among other accomplishments, he has fostered a strong working relationship with the school board; and

WHEREAS, John Gilstrap served on the boards of numerous organizations during his 50-year career in public service, including the Community Improvement Council, the Danville Area Association for the Arts and Humanities, Haven of the Dan River Region, the Womack Foundation, and the West Piedmont Planning District Commission; and

WHEREAS, John Gilstrap has also worked with Head Start, the Danville Riverview Rotary Club, the March of Dimes, and the Coalition for a Safe Danville, among many other organizations; he was twice elected president of the Virginia Recreation and Park Society and was the recipient of its highest recognition, the Fellows Award; and

WHEREAS, in his well-deserved retirement, John Gilstrap plans to spend time with family, including his three grandchildren; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend John B. Gilstrap on his years of outstanding service to the Danville community on the occasion of his retirement as mayor; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to John B. Gilstrap as an expression of the General Assembly's admiration for his dedication to making Danville a desirable place to live and work.

**HOUSE JOINT RESOLUTION NO. 428**

*Commending Elizabeth Spainhour.*

Agreed to by the House of Delegates, March 7, 2018

Agreed to by the Senate, March 9, 2018

WHEREAS, Elizabeth Spainhour, an active Danville resident who has given generously of her time and talents in service to the community, was presented with the Kiwanis Club of Danville's 2017 Citizenship Award; and

WHEREAS, Elizabeth "Libby" Spainhour is the 85th person to receive the Citizenship Award, an honor presented annually by the local Kiwanis Club to an outstanding recipient who has made unselfish contributions to the welfare of the community and its citizens; and

WHEREAS, a dedicated supporter of the arts and humanities, Libby Spainhour has contributed to cultural life in Danville as a former member and chairman of the board of the Danville Museum of Fine Arts and History, past president of the Children's Theatre of Danville, and founder of the Friends of the George Washington High School Symphony; and

WHEREAS, in addition, Libby Spainhour has been chair and co-chair of the Garden Club of Virginia's Historic Garden Week in Danville and a member and past president of the board of the Danville Science Center; and

WHEREAS, along with volunteering with arts and cultural organizations, Libby Spainhour has made exemplary contributions to education; she served as a 12-year member of the Danville School Board, including five years as its chairman from 1995 to 2000, and has served as chairman of the boards of Danville Community College and the Danville Community College Educational Foundation; and

WHEREAS, a tireless advocate for the community, Libby Spainhour also serves on the advisory board for the Danville, Virginia Community Development Entity and has volunteered for over 20 years at the local hospital; and

WHEREAS, Libby Spainhour's volunteer efforts have made an indelible impact on civic life in Danville and stand as a shining example of community service and good citizenship; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Elizabeth Spainhour on receiving the 2017 Citizenship Award from the Kiwanis Club of Danville; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Elizabeth Spainhour as an expression of the General Assembly's congratulations and admiration for her distinguished service to the residents of Danville.

**HOUSE JOINT RESOLUTION NO. 429**

*Commending Roman Eagle Rehabilitation and Health Care Center.*

Agreed to by the House of Delegates, March 7, 2018

Agreed to by the Senate, March 9, 2018

WHEREAS, Roman Eagle Rehabilitation and Health Care Center, a leader in long-term nursing and rehabilitative care for seniors, has served the Danville and Pittsylvania County communities by providing exceptional health services for 100 years; and

WHEREAS, Roman Eagle Rehabilitation and Health Care Center traces its roots to 1918, when the Anti-Tuberculosis League of Danville was chartered and the Danville community took the lead in the fight against tuberculosis with the foundation of the Hilltop Sanatorium; and

WHEREAS, Hilltop Sanatorium was supported by the Danville Kiwanis Club until the 1920s, when medical advances lessened the need for long-term care of tuberculosis patients; the facility was later converted to Hilltop Nursing Home in 1956; and

WHEREAS, to better serve the growing community, Roman Eagle Masonic Lodge No. 122 and the Richardson Foundation helped Hilltop Nursing Home construct a new facility, which became known as Roman Eagle Memorial Home in the 1960s; the name was officially changed to Roman Eagle Rehabilitation and Health Care Center in 2013 to better reflect its comprehensive services; and

WHEREAS, Roman Eagle Rehabilitation and Health Care Center is nationally accredited and now provides 24-hour nursing care, innovative therapeutic and rehabilitative services, and in-facility health care services at the lowest possible cost for residents; and

WHEREAS, over the years, Roman Eagle Rehabilitation and Health Care Center has undergone four expansions to reach its current capacity of 312 beds in a beautiful, comfortable home-like environment; and

WHEREAS, Roman Eagle Rehabilitation and Health Care Center has received numerous awards and accolades, including recognition as one of the Best Nursing Homes in Virginia from *U.S. News and World Report* in 2015 and the Virginia Health Care Association's D.A. Woody Brown Community Involvement Award in 2017; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Roman Eagle Rehabilitation and Health Care Center on the occasion of its 100th anniversary in 2018; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Roman Eagle Rehabilitation and Health Care Center as an expression of the General Assembly's admiration for the center's storied history and legacy of contributions to the Danville and Pittsylvania County communities.

### HOUSE JOINT RESOLUTION NO. 430

*Commending Master Gunnery Sergeant Carroll Braxton, USMC, Ret.*

Agreed to by the House of Delegates, March 7, 2018

Agreed to by the Senate, March 9, 2018

WHEREAS, Master Gunnery Sergeant Carroll Braxton, USMC, Ret., served the United States honorably during World War II as a member of the historic Montford Point Marines; and

WHEREAS, Carroll Braxton grew up in Manassas and, from a young age, he cultivated a profound respect for the members of the United States Marine Corps at nearby Quantico; and

WHEREAS, Carroll Braxton and several high school classmates proudly volunteered for military service after President Franklin D. Roosevelt prohibited racial discrimination in employment for the United States Armed Forces; and

WHEREAS, Carroll Braxton was assigned to a segregated base on Montford Point near Camp Lejeune in North Carolina; he and his fellow recruits were determined to serve their country and overcame great hardship and discrimination during training; and

WHEREAS, Carroll Braxton was assigned to the all-African American 51st Defense Battalion, then returned to Montford Point as a drill instructor; he deployed overseas in 1945, serving in Saipan, Okinawa, and Hawaii; and

WHEREAS, Carroll Braxton joined the United States Marine Reserves and served on active duty during the Korean War at Camp Lejeune; and

WHEREAS, after the Korean War, Carroll Braxton returned to Manassas, where he raised his family with his wife, Celestine, and worked as a procurement analyst at Cameron Station; he retired from the Marines in 1979, after 33 years of distinguished military service; and

WHEREAS, in 2012, President Barack H. Obama awarded the Congressional Gold Medal to all Montford Point Marines, recognizing the unique contributions of Marines like Carroll Braxton between 1942 and 1949; and

WHEREAS, in 2015, Carroll Braxton was honored at a special ceremony held by the Defense Security Service to celebrate the groundbreaking for the Montford Point Marines Memorial at the Lejeune Memorial Gardens in North Carolina; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Master Gunnery Sergeant Carroll Braxton, USMC, Ret., for his trailblazing service in the United States Marine Corps; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Master Gunnery Sergeant Carroll Braxton, USMC, Ret., as an expression of the General Assembly's admiration for his service to the Commonwealth and the United States.

### HOUSE JOINT RESOLUTION NO. 431

*Commending the W.T. Woodson High School boys' basketball team.*

Agreed to by the House of Delegates, March 7, 2018

Agreed to by the Senate, March 9, 2018

WHEREAS, the W.T. Woodson High School boys' basketball team of Fairfax County won the Virginia High School League Group 6A championship on March 11, 2017, securing the program's first state title; and

WHEREAS, in their maiden appearance in the state championship game, the W.T. Woodson High School Cavaliers relied on crisp passing, a robust defense, and clinical shooting to defeat the C.D. Hylton High School Bulldogs 55-50 and finish the season with a 26-6 record; and

WHEREAS, the title win was a breakthrough for the W.T. Woodson High School boys' basketball team, which had advanced to the state semifinal game four times in the previous five years; and

WHEREAS, the two teams traded the lead several times during the hard-fought game, but the W.T. Woodson Cavaliers triumphed in overtime thanks in part to clutch free throw shooting from senior guard Jason Aigner, who hit 11 of 11 from the foul line and finished the game with 26 points; and

WHEREAS, the W.T. Woodson High School boys' basketball team's championship victory is a tribute to the talent and tenacity of all the athletes, the excellent guidance of the coaches and staff, and the enthusiastic support of family members, fellow students, and the entire W.T. Woodson High School community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the W.T. Woodson High School boys' basketball team hereby be commended for winning the 2017 Virginia High School League Group 6A championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Doug Craig, head coach of the W.T. Woodson High School boys' basketball team, as an expression of the General Assembly's admiration for the team's remarkable season.

### HOUSE JOINT RESOLUTION NO. 432

*Celebrating the life of the Reverend Robert J. Barber, Jr.*

Agreed to by the House of Delegates, March 7, 2018

Agreed to by the Senate, March 9, 2018

WHEREAS, the Reverend Robert J. Barber, Jr., a beloved husband and father who provided spiritual guidance to countless people as a church pastor and host of the long-running religious broadcast *Tabernacle Time*, died on February 10, 2018; and

WHEREAS, born in Reidsville, North Carolina, Reverend Barber was the son of the Reverend Robert J. Barber, Sr., a Baptist preacher who started the *Tabernacle Time* radio broadcast in 1932; and

WHEREAS, after completing his studies at Bible Baptist Seminary in Fort Worth Texas, Reverend Barber began his ministry in Everman, Texas, before founding Worth Baptist Church in 1954 in Fort Worth; and

WHEREAS, in 1961, Reverend Barber moved to Danville and assumed the pastorate of Baptist Tabernacle, his late father's church; under his leadership, the church experienced dramatic growth and moved into a new building; and

WHEREAS, along with ministering to numerous Danville residents, Reverend Barber followed in his father's footsteps by becoming the host of *Tabernacle Time*, the nation's longest running daily religious radio broadcast; and

WHEREAS, known as "Brother Bob" to the members of his church congregations and legions of radio listeners, Reverend Barber hosted *Tabernacle Time* for over 50 years and used the program to spread the gospel and convey a message of hope and positivity; and

WHEREAS, Reverend Barber retired from full-time duties at Baptist Tabernacle in 1986; he later served as pastor at Spring Garden Community Church and at Shiloh Baptist Church in Milton, North Carolina; and

WHEREAS, a powerful preacher known for his sharp wit and insightful sermons, Reverend Barber enjoyed a long and effective ministry and touched the lives of numerous people; and

WHEREAS, in his spare time, Reverend Barber enjoyed watching baseball, following current events, fishing, and spending time on the beach; and

WHEREAS, predeceased by his son, Robert, and daughter, Jan, Reverend Barber will be fondly remembered and greatly missed by his wife of 73 years, Justine; his daughters, Sharon and Susie, and their families; and many other family members, friends, and former congregants; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of the Reverend Robert J. Barber, Jr., a dedicated pastor who inspired scores of people with his sermons and radio broadcasts; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of the Reverend Robert J. Barber, Jr., as an expression of the General Assembly's respect for his memory.

### HOUSE JOINT RESOLUTION NO. 433

*Celebrating the life of Laurie Shelton Moran.*

Agreed to by the House of Delegates, March 7, 2018

Agreed to by the Senate, March 9, 2018

WHEREAS, Laurie Shelton Moran, a devoted wife and mother and a beloved community leader in Danville and Pittsylvania County, died on June 13, 2017; and

WHEREAS, born in Danville, Laurie Moran was a graduate of Lynchburg College; during her professional career, she served as a communications manager for the Goodyear Tire and Rubber Company, a newspaper editor, and a consultant for Pittsylvania County Schools' strategic plan; and

WHEREAS, a natural leader who cared deeply for her fellow community members, Laurie Moran was instrumental in the creation of the combined Danville Pittsylvania County Chamber of Commerce and served as its president from 2002 until her death; and

WHEREAS, Laurie Moran furthered economic prosperity in the community through membership and leadership positions with the Virginia Association of Chamber of Commerce Executives, the West Piedmont Workforce Investment Board, the National Association of Workforce Boards, the Dan River Region Collaborative's participation in the National Fund for Workforce Solutions, and ACT's National Workforce Solutions Advisory Board; and

WHEREAS, throughout her life, Laurie Moran was an enthusiastic ambassador for Danville and Pittsylvania County who gave generously of her time in service to the community; she was a member and past president of the Danville

Riverview Rotary Club and also served on the Danville Regional Foundation Board of Directors and as board chair of Smart Beginnings Danville Pittsylvania, the United Way of Danville-Pittsylvania County, and the Launch Place; and

WHEREAS, Laurie Moran also served on the Board of Trustees of Danville Regional Medical Center, the Council for Rural Virginia, the Workforce Advisory Board of Danville Community College, the advisory committee of the Barkhouser Free Enterprise Center at Danville Community College, and the advisory committee for National College; and

WHEREAS, Laurie Moran received numerous honors and accolades, including a 2016 Distinguished Alumni Award from Lynchburg College and a 2005 Executive of the Year award from the Virginia Association of Chamber of Commerce Executives; and

WHEREAS, a woman of strong faith, Laurie Moran was a longtime member of First Baptist Church of Gretna, where she served as a deacon, mission team chair, finance team chair, pianist, bell choir member, Sunday school teacher, and clerk; and

WHEREAS, predeceased by her son, Bryant, Laurie Moran will be fondly remembered and dearly missed by her husband, Bruce; her sons, Jeffrey and Austin, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Laurie Shelton Moran, a dedicated leader who worked tirelessly to better the Danville and Pittsylvania County communities; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Laurie Shelton Moran as an expression of the General Assembly's respect for her memory.

**HOUSE JOINT RESOLUTION NO. 434**

*Celebrating the life of Apostle Willie Davis, Jr.*

Agreed to by the House of Delegates, March 7, 2018

Agreed to by the Senate, March 9, 2018

WHEREAS, Apostle Willie Davis, Jr., a beloved husband and father, active Henry County resident, and respected church leader who offered spiritual guidance to countless people, died on December 31, 2017; and

WHEREAS, born in Pittsburgh, Pennsylvania, Apostle Davis was taken in by minister Archie Brown and his wife, Mildred, as an infant and raised in a religious household in Bassett; and

WHEREAS, Apostle Davis kept a strong commitment to education during his career, eventually earning a bachelor's degree in theology, master's degrees in theology and Christian counseling, and several divinity doctorates; and

WHEREAS, Apostle Davis began his ministry in the 1970s and later served as an assistant pastor at the Waterway Temple Church in Bassett and as lead pastor at churches in Collinsville, Martinsville, Floyd, Danville, and the Carolinas; he served in the Church of Our Lord Jesus Christ for 23 years and in the United Way of the Cross Church of Christ for 21 years; and

WHEREAS, in 2005, Apostle Davis founded the Refuge Fundamental Church in Danville, where he served as pastor until his death; he also served as a lead founder, Presiding Prelate, and Chief Apostle of the District Fellowship of Independent Churches; and

WHEREAS, a man of deep conviction, Apostle Davis inspired numerous congregants as pastor of Refuge Fundamental Church and gave back to the community by founding a food pantry and ministries that donated clothing, school supplies, and Christmas gifts to families in need; and

WHEREAS, in addition to his pastoring duties, Apostle Davis was an active member of the community who served as Dan River District Governor for Ruritan and as a past president of North Carolina Theological University's Danville site; he was also a frequent election volunteer in Henry County and served as vice chair of the Henry County Republican Committee; and

WHEREAS, Apostle Davis will be fondly remembered and greatly missed by his wife, Mary; his children, Ginger, Michael, and Jonathan, and their families; and numerous other family members, friends, and church members; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Apostle Willie Davis, Jr., a dedicated spiritual counselor and community leader; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Apostle Willie Davis, Jr., as an expression of the General Assembly's respect for his memory.

**HOUSE JOINT RESOLUTION NO. 435**

*Celebrating the life of Ronald E. Carrier.*

Agreed to by the House of Delegates, March 7, 2018

Agreed to by the Senate, March 9, 2018

WHEREAS, Ronald E. Carrier, a bold visionary who touched countless lives as he helped James Madison University become one of the Commonwealth's most renowned institutions of higher education, died on September 18, 2017; and

WHEREAS, a native of Bluff City, Tennessee, Ronald "Ron" E. Carrier came from humble roots and learned the value of hard work and responsibility at a young age on his family's farm; he was active in high school sports and later credited one of his coaches with inspiring him to pursue higher education; and

WHEREAS, Ron Carrier earned a bachelor's degree from East Tennessee State University, where he was named class president and met the love of his life, the former Edith Marie Johnson; after graduation, the couple married and moved to Illinois, where he completed master's and doctoral degrees at the University of Illinois; and

WHEREAS, Ron Carrier began his career in education in 1960 as an associate professor of economics at the University of Mississippi; in 1963, he joined Memphis State University, where he served as a professor, director of research programs, provost, and vice president for academic affairs; and

WHEREAS, in 1971, Ron Carrier was named as president of what was then known as Madison College; despite being the youngest college president in the United States at the time, his transformative leadership helped the college successfully adapt to coeducational learning; and

WHEREAS, among his many accomplishments, Ron Carrier changed the name of the college to James Madison University in 1977 and oversaw significant increases in enrollment, the incorporation of a Division I athletics program, and the addition of 40 new programs, five new colleges, and a graduate school; and

WHEREAS, Ron Carrier took an active role in campus life, from helping to interview for entry-level positions and personally landscaping campus grounds to securing funds for more than 37 expansion and new construction projects during his tenure, including the Edith J. Carrier Arboretum and Botanical Gardens; and

WHEREAS, treating all of his faculty and staff equally, Ron Carrier inspired others to reach new heights of leadership through his folksy charm; he built strong, personal relationships with his students, many of whom affectionately knew him as "Uncle Ron"; and

WHEREAS, Ron Carrier placed a high emphasis on technology and worked to give his students every advantage for the future, founding the College of Integrated Science and Technology; he also served as the president of the Commonwealth's Center for Innovative Technology from 1986 to 1987; and

WHEREAS, during his 46-year tenure, Ron Carrier guided James Madison University from a small college with 4,000 students, 500 employees, and a budget of \$9 million to become a world-class institution with more than 13,000 students, more than 1,700 employees, and an annual budget of \$168 million; and

WHEREAS, after his retirement as president, Ron Carrier continued to serve James Madison University as chancellor from 1998 to 2002, when he was named president emeritus; he also offered his leadership and wisdom to the Logistics Management Institute, the Romanian-American University, Fortune 500 companies, and other civic and service organizations; and

WHEREAS, Ron Carrier received many awards and accolades for his lifetime of service, including multiple honorary doctorates, and James Madison University's Carrier Library was renamed in he and his wife's honor in 1984; and

WHEREAS, predeceased by a son, Michael, Ron Carrier will be fondly remembered and greatly missed by his wife, Edith; daughters, Linda and Jennine, and their families; and numerous other family members, friends, colleagues, and former students; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Ronald E. Carrier, a titan of higher education who left behind a legacy of excellence to the James Madison University community and the entire Commonwealth; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Ronald E. Carrier as an expression of the General Assembly's respect for his memory.

#### HOUSE JOINT RESOLUTION NO. 436

*Celebrating the life of Thomas Preston McNamara.*

Agreed to by the House of Delegates, March 7, 2018

Agreed to by the Senate, March 9, 2018

WHEREAS, Thomas Preston McNamara of Manassas, who made many contributions to the Clifton community as an entrepreneur and public servant, died on January 27, 2018; and

WHEREAS, born in Washington, D.C., Thomas "Tom" Preston McNamara grew up in Silver Spring, Maryland, where he graduated from Northwood High School; he later earned a bachelor's degree from the University of Maryland; and

WHEREAS, Tom McNamara enjoyed a long career with J.C. Penney department stores, working in Maryland, Pennsylvania, and the Washington metropolitan area; and

WHEREAS, in 1986, Tom McNamara relocated to Clifton, where he served members of the community as the owner of the Clifton General Store and the Main Street Pub; he was also very active in civic life and was elected to the Clifton Town Council; and

WHEREAS, Tom McNamara will be fondly remembered and greatly missed by his children, Sean, James, Kevin, and Kathryn, and their families, and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Thomas Preston McNamara, a respected member of the Clifton and Manassas communities; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Thomas Preston McNamara as an expression of the General Assembly's respect for his memory.

#### HOUSE JOINT RESOLUTION NO. 437

*Celebrating the life of Herman J. Chaney.*

Agreed to by the House of Delegates, March 7, 2018

Agreed to by the Senate, March 9, 2018

WHEREAS, Herman J. Chaney, a beloved husband, respected veteran, and active Franklin County resident, died on February 8, 2018; and

WHEREAS, born in Eastwood, Kentucky, Herman Chaney served in the United States Army from 1967 to 1974; he began his service at Fort Benning, Georgia, and was later deployed to South Korea and Vietnam before being stationed at Fort Sheridan, Illinois, and Fort Meade, Maryland; and

WHEREAS, during his military service, Herman Chaney was awarded the Good Conduct Medal, the Army Commendation Medal, and the Vietnam Service Medal; and

WHEREAS, after leaving the army, Herman Chaney settled in Indiana where he worked for both the Franklin County Sheriff's Department and the Brookville Police Department; and

WHEREAS, in 1983, Herman Chaney moved to the Hampton Roads area and embarked on a 22-year career at Naval Weapons Station Yorktown; following his retirement, he settled in Boones Mill in Franklin County; and

WHEREAS, Herman Chaney was a leader in American Legion Post 6 and Veterans of Foreign Wars (VFW) Post 10840, Obie D. Minter Memorial Post; he served as a services officer and chaplain with the American Legion and as a post commander and past 5th District commander and senior vice commander with the VFW; and

WHEREAS, among other community accomplishments, Herman Chaney was instrumental in bringing The Moving Wall Vietnam War Memorial to the Franklin County Recreation Park; and

WHEREAS, Herman Chaney received several accolades for his work with veterans' organizations, including the Legionnaire of the Year award from American Legion Post 6 and the Veteran of the Year award from VFW Post 10840; in 2017, he received the Rocky Mount Rotary Club's Patriot Award; and

WHEREAS, a member of Isaacs Lodge No. 29 of the Masons, Herman Chaney was a man of faith who served on several committees at Boones Mill Baptist Church; and

WHEREAS, Herman Chaney will be fondly remembered and dearly missed by his wife, Rose, as well as numerous other family members, friends, and Franklin County residents; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Herman J. Chaney, a dedicated citizen who gave generously of his time in service to the community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Herman J. Chaney as an expression of the General Assembly's respect for his memory.

#### HOUSE JOINT RESOLUTION NO. 438

*Celebrating the life of Wilbert M. Beasley, Jr.*

Agreed to by the House of Delegates, March 7, 2018

Agreed to by the Senate, March 9, 2018

WHEREAS, Wilbert M. Beasley, Jr., a dedicated member of the Southside Virginia Emergency Crew who made many contributions to his profession and the community, died on January 13, 2018; and

WHEREAS, Wilbert "Butch" M. Beasley, Jr., was employed by Builders Supply Company of Petersburg for 27 years, where he was store manager and an outside salesman; he stayed with the firm until they closed their doors; and

WHEREAS, Butch Beasley served and safeguarded the members of his community as a 35-year member of the Southside Virginia Emergency Crew (SVEC); he was voted into the Southside Virginia Junior Emergency Crew on November 1, 1981, and then onto the senior squad on August 16, 1982; and

WHEREAS, Butch Beasley served as the operations officer a number of times between 1987 and 2000, served as the crew captain in 1992, and also held all other offices while serving on active duty until 2003; and

WHEREAS, Butch Beasley served as a member and captain of SVEC's Light Duty Rescue Truck competition team from 1985 to 2003, winning multiple first-place trophies in vehicle extrication competitions and also in Virginia Association of Volunteer Rescue Squad (VAVRS) District 3 competitions; and

WHEREAS, from 1985 to 2003, Butch Beasley served as a mentor and instructor for new members for basic life support, vehicle extrication, and emergency vehicle operation courses; and

WHEREAS, Butch Beasley was awarded life membership in SVEC in 1997 and in VAVRS District 3 in 2011; from 2012 until the time of his passing, he served as the life membership chair of District 3; he also served as the alternate district vice president; and

WHEREAS, when Butch Beasley turned 30, he was diagnosed with limb-girdle muscular dystrophy and became an advocate for the Muscular Dystrophy Association and for all of those who are handicapped, while continuing his duties as the SVEC representative to the VAVRS Board of Governors; and

WHEREAS, Butch Beasley will be fondly remembered and greatly missed by his wife of 29 years, Nancy; his children, Jourdan, Cara, and Ryan; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Wilbert M. Beasley, Jr., a dedicated member of the Southside Virginia Emergency Crew who made many contributions to the community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Wilbert M. Beasley, Jr., as an expression of the General Assembly's respect for his memory.

### HOUSE JOINT RESOLUTION NO. 439

*Celebrating the life of Morris Gilmore Stephenson.*

Agreed to by the House of Delegates, March 7, 2018

Agreed to by the Senate, March 9, 2018

WHEREAS, Morris Gilmore Stephenson, a beloved husband and father and a respected journalist who chronicled the people and events of Franklin County for more than half a century, died on October 19, 2017; and

WHEREAS, born in Marion, Morris Stephenson graduated from Marion High School, where he was a standout basketball player, and then attended Lees-McRae College in Banner Elk, North Carolina; and

WHEREAS, Morris Stephenson began his career as a newsman in 1956 when he went to work at his hometown paper, *The Smyth County News*; he later worked at *The Salem Times Register*, *The Virginian-Leader*, *The Carroll News*, *The Franklin News-Post*, and the *Franklin County Times*, often serving as a co-owner or managing editor as well as a reporter; and

WHEREAS, known for his smooth writing style and talent for finding interesting stories, Morris Stephenson penned news, features, and sports coverage during his journalism career; one of his favorite topics was Franklin County's moonshine industry, a subject he later revisited in his 2011 book: *A Night of Makin' Likker and Other Stories from the Moonshine Capital of the World*; and

WHEREAS, in 1982, Morris Stephenson left the newspaper business and spent nearly two decades working in marketing and public relations for the stock car industry at Franklin County Speedway, Natural Bridge Speedway, Log Cabin Raceway, Pulaski County Speedway, and Lonesome Pine Raceway; he also co-authored a book about racing titled *From Dust To Glory*; and

WHEREAS, after leaving the racing industry in 1999, Morris Stephenson returned to work as a photographer and journalist for *The Franklin News-Post*; he remained at the paper for the rest of his life and wrote a popular weekly column called "Down the River"; and

WHEREAS, Morris Stephenson was a member of the Franklin County Recreation Commission and a former athletics coach at Boones Mill Elementary School; an avid paddler who enjoyed exploring the rivers of Franklin County in his canoe, he was instrumental in reviving the canoeing event, the Pigg River Ramble, and in forming Creek Freaks Paddling Club; and

WHEREAS, Morris Stephenson received numerous honors during his career, including the 2005 Marshall L. Flora Award from the Franklin County Chamber of Commerce; in 2015, the Retail Merchants Association selected him to serve as grand marshal of the Franklin County Christmas Parade; and

WHEREAS, throughout his distinguished career, Morris Stephenson won the respect of his readers and colleagues for his insight, integrity, and commitment to community journalism; and

WHEREAS, Morris Stephenson will be fondly remembered and dearly missed by his children, Mike, Kurt, and Kathy Stephenson, and Kimberly Bentley, and their families; his stepdaughters, Debra Huff, Polly Peters, Teresa Patterson, and Peggy Brown, and their families; his siblings, Sandra Archer and Stafford Stephenson; and many other family members, friends throughout the region, and Franklin County residents; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Morris Gilmore Stephenson, a talented journalist and a pillar of the Franklin County community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Morris Gilmore Stephenson as an expression of the General Assembly's respect for his memory.

**HOUSE JOINT RESOLUTION NO. 440**

*Celebrating the life of Clarence L. Sessoms.*

Agreed to by the House of Delegates, March 7, 2018  
 Agreed to by the Senate, March 9, 2018

WHEREAS, Clarence L. Sessoms, a respected educator and civil servant and a beloved husband and father in Norfolk, died on May 28, 2017; and

WHEREAS, a native of Ahoskie, North Carolina, Clarence Sessoms grew up in Norfolk and was an active member of the Hampton Roads community throughout his life; and

WHEREAS, Clarence Sessoms inspired many students as a teacher and administrator in Norfolk Public Schools, was a recreation supervisor for the Virginia Department of Corrections, and served as a student-teacher coordinator at Elizabeth City State University; and

WHEREAS, Clarence Sessoms was also a member of Omega Psi Phi Fraternity and offered his leadership and wisdom to several other civic and service organizations; and

WHEREAS, Clarence Sessoms enjoyed fellowship and worship with the community as an active member of First Calvary Baptist Church, where he served as a deacon; and

WHEREAS, predeceased by a son, Chris, Clarence Sessoms will be fondly remembered and greatly missed by his loving wife, Geraldine; his children, Glenn and Daun, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Clarence L. Sessoms; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Clarence L. Sessoms as an expression of the General Assembly's respect for his memory.

**HOUSE JOINT RESOLUTION NO. 441**

*Commending Christopher Howard Long.*

Agreed to by the House of Delegates, March 7, 2018  
 Agreed to by the Senate, March 9, 2018

WHEREAS, Christopher Howard Long, a defensive end on the Philadelphia Eagles, received the 2018 Byron "Whizzer" White Community MVP award for donating his entire salary during the 2017 National Football League season to charitable causes; and

WHEREAS, the Byron "Whizzer" White Community MVP award is the highest honor presented by the National Football League (NFL) Players Association to recognize players who have had a positive impact on their team's city or communities throughout the nation; as the recipient of the award, Christopher "Chris" Howard Long received a \$100,000 charitable contribution for the Chris Long Foundation; and

WHEREAS, Chris Long has strong roots in Virginia, having attended St. Anne's-Belfield School in Charlottesville and played football at the University of Virginia, where he was named team captain and became the first active player to have his jersey number retired; and

WHEREAS, Chris Long was drafted by the St. Louis Rams as the second overall pick in the 2008 NFL Draft and followed in his father Howie Long's footsteps as a professional football player; he played with the Rams until 2015, helped the New England Patriots win Super Bowl LI in 2016, and joined the Philadelphia Eagles in 2017; and

WHEREAS, during the 2017 season, which ended with the Eagles' victory in Super Bowl LII, Chris Long donated his first six game checks toward funding a scholarship program at St. Anne's-Belfield School to benefit the Boys & Girls Clubs of Central Virginia; and

WHEREAS, hoping to do more to promote educational equality for underserved students, Chris Long donated his remaining 10 game checks to students in Philadelphia, Boston, and St. Louis and established the Pledge 10 for Tomorrow campaign to encourage individuals and businesses to make similar donations, ultimately raising more than \$1.3 million; and

WHEREAS, Chris Long has supported many other charitable causes through the Chris Long Foundation, including the Waterboys program, which has helped provide clean water to more than 120,000 people in Tanzania by raising more than \$1.7 million and building more than 32 clean water wells; the Waterboys program also gives NFL players and military combat veterans the opportunity to continue their commitment to service and bettering communities by climbing Mount Kilimanjaro and raising funds to build sustainable water wells; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Christopher Howard Long on receiving the 2018 Byron "Whizzer" White Community MVP award; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Christopher Howard Long as an expression of the General Assembly's admiration for his incredible generosity and work to support students throughout the Commonwealth and the world.

**HOUSE JOINT RESOLUTION NO. 442***Commending the Lloyd F. Moss Free Clinic.*

Agreed to by the House of Delegates, March 7, 2018

Agreed to by the Senate, March 9, 2018

WHEREAS, the Lloyd F. Moss Free Clinic, a nonprofit organization that provides comprehensive health care free of charge to the low-income and uninsured residents of Fredericksburg, celebrates its 25th anniversary in 2018; and

WHEREAS, the Moss Free Clinic was established in 1993 and is named for one of its founders, the physician and community leader Dr. Lloyd F. Moss, Sr.; the clinic initially ran on a limited schedule in a wing of the old Mary Washington Hospital, but it now operates five days a week in a dedicated, state-of-the-art facility; and

WHEREAS, the Moss Free Clinic serves residents of the City of Fredericksburg and the Counties of Caroline, King George, Spotsylvania, and Stafford who lack health insurance and live in households with an income of less than 200 percent of the federal poverty guidelines; and

WHEREAS, operated by the Fredericksburg Area Regional Health Council, Inc., the Moss Free Clinic provides high-quality primary and specialty care, women's health care, dental care, mental health services, nutrition education, physical therapy, and chronic disease management; and

WHEREAS, patients of the Moss Free Clinic also have access to free diagnostics and specialized procedures such as chemotherapy and surgery through Mary Washington Healthcare, Spotsylvania Regional Medical Center, and other community partners; and

WHEREAS, each year, the Moss Free Clinic serves roughly 2,000 patients and fills nearly 50,000 prescriptions at its licensed, on-site pharmacy; and

WHEREAS, along with a core of full-time paid staff, the Moss Free Clinic relies on a group of several hundred physicians, dentists, and community members who selflessly volunteer their time to provide health care to those in need; and

WHEREAS, the Moss Free Clinic receives no federal funding and relies on fundraisers and contributions from individuals, organizations, and businesses to fulfill its mission; in 2015, the clinic provided over \$30 million in health care while operating on a \$2.1 million budget; and

WHEREAS, since its founding, the Moss Free Clinic has been steadfast in its commitment to providing vital health services in an atmosphere of dignity and respect; its talented staff and volunteers have improved quality of life for countless residents of the Fredericksburg region; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Lloyd F. Moss Free Clinic on its years of service to the community on the occasion of its 25th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Lloyd F. Moss Free Clinic as an expression of the General Assembly's admiration for its contributions to public health in Fredericksburg.

**HOUSE JOINT RESOLUTION NO. 443***Commending Lucy Cordell Wells.*

Agreed to by the House of Delegates, March 7, 2018

Agreed to by the Senate, March 9, 2018

WHEREAS, Lucy Cordell Wells, a respected community leader and a tireless advocate for equality and social change, has made many valuable contributions to the residents of Henrico County and the Commonwealth; and

WHEREAS, a native of Goochland County, Lucy Wells attended Goochland Public Schools and was an active member of Ebenezer Baptist Church from a young age; she continued her education at Virginia Polytechnic Institute and State University and completed many professional training sessions offered through churches and organizations; and

WHEREAS, a hardworking entrepreneur, Lucy Wells operated a day care center for 22 years, and she is the owner of an antique shop; she has also served the community as the chair of the Henrico County Dr. Martin Luther King, Jr. Commemoration Association, promoting Dr. King's legacy of courage, compassion, humility, and peace; and

WHEREAS, Lucy Wells was the first female president of the Henrico County Branch of the NAACP; she organized the first Queen Rally, later called the NAACP Freedom Fund Banquet, and she organized the first Henrico County NAACP Youth Chapter; and

WHEREAS, a faithful and active member of Quiocassin Baptist Church, Lucy Wells has also worked to strengthen and enhance the community as a member of the Henrico County Supervisors Committee, member of the Social Services Board for Henrico County, past president of the American Business Women's Association Virginia Randolph Chapter, member of the Henrico County Democratic Committee, member of the Virginia Museum of Fine Arts, and member of the Urban League of Greater Richmond, among many other organizations; and

WHEREAS, Lucy Wells has received many awards and accolades for her love of helping and supporting others, including the American Business Women's Association Business Associate of the Year and Quioccasin Baptist Church's Commission on Evangelism Award; and

WHEREAS, Lucy Wells has succeeded in her mission to serve the community with the love and support of her devoted husband, Clifford, and their six children; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Lucy Cordell Wells for her many contributions to Henrico County; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Lucy Cordell Wells as an expression of the General Assembly's admiration for her lifetime of leadership and service to the residents of Henrico County and the Commonwealth.

**HOUSE JOINT RESOLUTION NO. 444**

*Commending the Virginia Commission for the Arts.*

Agreed to by the House of Delegates, March 7, 2018

Agreed to by the Senate, March 9, 2018

WHEREAS, the arts enrich the natural character, individual spirit, and quality of life of the citizens of the Commonwealth and have become an integral part of Virginia's education, history, culture, and economy; and

WHEREAS, in 2018, the Virginia Commission for the Arts is celebrating 50 years of supporting arts and culture for all Virginians; and

WHEREAS, the Commonwealth's educational priorities demand a well-rounded education for every Virginian child, including access to arts learning as well as arts and cultural experiences; and

WHEREAS, nonprofit arts organizations represent an important asset in the Commonwealth's economic development; in 2017, Virginia was home to more than 17,000 arts-related businesses that employed more than 68,500 people and bolstered the Commonwealth's tourism and travel industries; and

WHEREAS, public investment in the arts at the state level sends a strong message to the private sector and creates leverage for arts organizations to obtain federal and local government funding and significant private support; and

WHEREAS, through its grant process, the Virginia Commission for the Arts provides essential operating support for nonprofit arts organizations and educational activities that reached 1.6 million Virginia children last year, and enabled more than 5.8 million people to attend over 38,000 arts events made possible through funding provided by the Commission; and

WHEREAS, in the mid-1980s, Virginia leaders in government, business, and the arts embraced a public funding goal of one dollar per capita to be allocated for support of the Virginia Commission for the Arts; and

WHEREAS, by the 1989-1990 fiscal year, state and federal funding of the Virginia Commission for the Arts had exceeded \$5.5 million and Virginia was within a few hundred thousand dollars of reaching the dollar-per-capita goal; and

WHEREAS, the Commission Studying Creative Solutions for Funding for the Arts in the Commonwealth determined that appropriating one dollar per capita for the Virginia Commission for the Arts is a realistic goal that will confirm the Commonwealth's long-term commitment to supporting the arts while providing a funding incentive for private contributors; and

WHEREAS, over the last two decades, the impact of economic recessions coupled with changes in the spending priorities of successive administrations has resulted in substantial and disproportionate cuts to the Virginia Commission for the Arts that plummeted Virginia's support to 30 cents per person; and

WHEREAS, even though some of the funding for the Virginia Commission for the Arts has been restored in some years through increases proposed by the General Assembly, Virginia still ranks 10th from the bottom of all states in its support of the arts; and

WHEREAS, the national average among states is now more than one dollar per capita, while Virginia provides just 43 cents per person; the Commonwealth is committed to meeting its goal to appropriate one dollar per capita for the support of the Virginia Commission for the Arts as resources permit in the coming years; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Virginia Commission for the Arts on the occasion of its 50th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare copies of this resolution for presentation to the Virginia Commission for the Arts and the president of Virginians for the Arts as an expression of the General Assembly's appreciation for the vital importance of state support for the arts.

**HOUSE JOINT RESOLUTION NO. 445**

*Commending 1st Stage Tysons Theatre.*

Agreed to by the House of Delegates, March 7, 2018

Agreed to by the Senate, March 9, 2018

WHEREAS, for 10 years, 1st Stage Tysons Theatre has enriched cultural life in Fairfax County; and

WHEREAS, entire communities and regions benefit greatly and in many ways from exposure to and participation in vibrant arts, theatrical, and cultural scenes; communities are especially well-served by the educational benefits offered by theatres, such as 1st Stage Tysons Theatre, and related arts; the Commonwealth of Virginia is committed to supporting artistic excellence and encouraging growth in artistic quality for the benefit of all Virginians; and

WHEREAS, in 2008, a group of educators, artists, and actors came together under the leadership of Mark Krikstan, founding artistic director of 1st Stage Tysons Theatre, to create an organization that would bridge educational and professional theatre; and

WHEREAS, in just 10 years, 1st Stage Tysons Theatre has grown from a grassroots collective of local artists to an award-winning institution with national recognition; and

WHEREAS, through the continued determination and dedicated efforts of artistic director Alex Levy and a growing community of patrons, supporters, and volunteers, 1st Stage Tysons Theatre brings vibrant, compelling, and relevant work to Northern Virginia; and

WHEREAS, 1st Stage Tysons Theatre features world-class professional performances that are accessible and affordable and that generate myriad opportunities for the cultural enrichment and education of the community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend 1st Stage Tysons Theatre on the occasion of its 10th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Alex Levy, artistic director of 1st Stage Tysons Theatre, as an expression of the General Assembly's admiration for the organization's contributions to the residents of Fairfax County.

**HOUSE JOINT RESOLUTION NO. 446**

*Commending The Governor's School for the Arts.*

Agreed to by the House of Delegates, March 6, 2018

Agreed to by the Senate, March 7, 2018

WHEREAS, The Governor's School for the Arts, a regional program for arts education in Norfolk that was established in 1987, has nurtured creativity and inspired artistic vision in the students of Hampton Roads for three decades; and

WHEREAS, The Governor's School for the Arts serves public high school students in eight cities in South Hampton Roads and has exemplified regional cooperation throughout its 30-year history; and

WHEREAS, The Governor's School for the Arts provides excellence in arts education and has expanded to include programs in dance, acting, film, technical theatre, classical and jazz music, opera, musical theatre, and visual arts; and

WHEREAS, each department at The Governor's School for the Arts is uniquely equipped to meet the needs of each art form, with a focus on a conservatory style of instruction and a variety of arts experiences in traditional and non-traditional environments; and

WHEREAS, The Governor's School for the Arts has established a foundation that promotes and maintains community partnerships, and the school encourages students to find ways to use their talents to serve their communities; and

WHEREAS, The Governor's School for the Arts has facilitated millions of dollars in scholarship opportunities for its students; and

WHEREAS, The Governor's School for the Arts provides entertainment and enhances local cultural life by offering regular performances and exhibitions by each department, giving students the opportunity to gain experience in a professional setting while building passion for the arts in the region; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend The Governor's School for the Arts on the occasion of its 30th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to The Governor's School for the Arts as an expression of the General Assembly's admiration for its legacy of contributions to arts education in the Commonwealth.

**HOUSE JOINT RESOLUTION NO. 447**

*Commending Almaz Abebe.*

Agreed to by the House of Delegates, March 7, 2018

Agreed to by the Senate, March 9, 2018

WHEREAS, Almaz Abebe, a dedicated school crossing guard in Arlington County, was named one of Virginia's Most Outstanding Crossing Guards in February 2018; and

WHEREAS, the Virginia's Most Outstanding Crossing Guards awards are presented by the Virginia Department of Transportation's Safe Routes to School program; Almaz Abebe was one of only six recipients of the prestigious award; and

WHEREAS, Almaz Abebe has been with the crossing guard unit of the Arlington County Police Department since February 2015, working in rain, snow, and sunshine to ensure that children have a safe route to walk and bike to and from school; and

WHEREAS, stationed on South Carlin Springs Road near Kenmore Middle School, Almaz Abebe demonstrates practiced control of the buses, cars, pedestrians, and cyclists in her intersection; she also works at a second crossing near Patrick Henry Elementary School; and

WHEREAS, Almaz Abebe sets the tone for each student's day with her bright smile, and she places a high emphasis on teaching students about the importance of pedestrian safety; and

WHEREAS, Almaz Abebe received the award as part of Crossing Guard Appreciation Week, an annual celebration to recognize crossing guards for the integral role they play in children's education and safety; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Almaz Abebe on being named as one of Virginia's Most Outstanding Crossing Guards; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Almaz Abebe as an expression of the General Assembly's admiration for her commitment to serving and safeguarding the youths of Arlington County.

**HOUSE JOINT RESOLUTION NO. 448**

*Celebrating the life of James Edward Thomas.*

Agreed to by the House of Delegates, March 7, 2018

Agreed to by the Senate, March 9, 2018

WHEREAS, James Edward Thomas, a beloved husband and father, distinguished United States Army officer, and respected Arlington resident, died on August 23, 2017; and

WHEREAS, James "Jim" Edward Thomas was born in Newton, Kansas, and moved to Herlong, California, as a child; he attended Herlong High School and then graduated from San Jose State College in 1959; and

WHEREAS, on July 2, 1959, Jim Thomas was commissioned as a second lieutenant in the United States Army; starting out as an artillery officer, he forged a successful 27-year career before retiring as a lieutenant colonel; and

WHEREAS, during his army career, Jim Thomas served in Korea, Italy, Vietnam, Germany, and Fort Sheridan, Illinois, as well as at the Pentagon in Arlington, Virginia; he received numerous awards for his exemplary service, including the Army Commendation Medal, the Bronze Star with oak leaf cluster, and the Legion of Merit with oak leaf cluster; and

WHEREAS, after leaving the Army in the 1980s, Jim Thomas brought his wide-ranging talents and leadership skills to management roles with Automation Research Systems and User Technology Associates, two contractors to the federal government; and

WHEREAS, Jim Thomas retired from the private sector in 1997 and settled in Arlington five years later; he was an active member of the Kiwanis Club of Arlington, serving as both its newsletter editor and as a longtime mentor and advisor to the Key Club at Washington-Lee High School; and

WHEREAS, in honor of his enthusiastic service and support of the Kiwanis Club of Arlington, Jim Thomas was recognized as its Kiwanian of the Year in 2007 and was awarded a George F. Hixson Fellowship; and

WHEREAS, known for his ever-present smile, love of good stories, and zest for life, Jim Thomas was happiest when spending time with his grandchildren, cooking, reading, or engaging in lively conversation with friends; and

WHEREAS, Jim Thomas will be fondly remembered and dearly missed by his wife of 48 years, Vicki; his sons, John and David, and their families; and countless other family members, friends, and Arlington residents; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of James Edward Thomas, an esteemed veteran and dedicated member of the Arlington community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of James Edward Thomas as an expression of the General Assembly's respect for his memory.

**HOUSE JOINT RESOLUTION NO. 449**

*Celebrating the life of Father Gerard Creedon.*

Agreed to by the House of Delegates, March 7, 2018

Agreed to by the Senate, March 9, 2018

WHEREAS, Father Gerard Creedon, a dedicated and respected priest who offered spiritual guidance to countless people in Northern Virginia, died on November 16, 2017; and

WHEREAS, a native of County Cork, Ireland, Father Creedon was the fourth of 14 children born to his parents, John and Margaret; he attended seminary at All Hallows College in Dublin and was ordained a priest for the Diocese of Richmond in 1968; and

WHEREAS, Father Creedon held a bachelor's degree from University College in Dublin, a master's degree in theology from Washington Theological Union, and a master's degree in social work from the Catholic University of America in Washington, D.C.; and

WHEREAS, Father Creedon began his church service in 1968 as parochial vicar of Blessed Sacrament Catholic Church in Alexandria; he later served as parochial vicar at St. Luke Catholic Church in McLean and St. Agnes Catholic Church in Arlington as well as a pastor at Good Shepherd Catholic Church in Alexandria; and

WHEREAS, between 1981 and 1988, Father Creedon served as the director of diocesan Catholic Charities; in 1991, he relocated to Báñica, Dominican Republic, where he worked as founding pastor of the diocesan mission and spearheaded several influential social projects, including the opening of a pharmacy and funeral home and the establishment of an ambulance program; and

WHEREAS, Father Creedon spent 15 years as pastor of St. Charles Borromeo Catholic Church in Arlington and from 2010 until his death he was pastor of Holy Family Catholic Church in Dale City; and

WHEREAS, a tireless advocate for immigrants and the poor, Father Creedon served the church and the community as diocesan director of Catholic Relief Services, diocesan director of the Catholic Campaign for Human Development, and as a leader of the Virginia Interfaith Center for Public Policy, Social Action Linking Together (SALT), and Virginians Organized for Interfaith Community Engagement (VOICE); and

WHEREAS, Father Creedon served on the Virginia Catholic Conference's Respect Life, Health, and Social Concerns Policy Committee for over a decade; he was also the founder of Catholics for Housing and Gabriel Homes for people with disabilities and developed the diocesan Peace and Justice Commission, which works to increase understanding of Catholic social teachings; and

WHEREAS, among other honors, Father Creedon was the recipient of the First Home Alliance's Alliance Leadership Award, the Ignatian Volunteer Corps' Della Strada Award, and the Alliance for Housing Solutions' Ellen Bozman Affordable Housing Award; and

WHEREAS, a talented musician who sang and played violin and mandolin, Father Creedon was also an accomplished writer and artist whose poetry was published in *Poetry Ireland Review*; and

WHEREAS, during his many years of service, Father Creedon's compassion, kindness, and spiritual leadership earned him the admiration and respect of both his parishioners and fellow clergy; and

WHEREAS, predeceased by his brothers, Michael, Cornelius, and Richard, Father Creedon will be fondly remembered and dearly missed by his brothers and sisters, Therese, Nora Mary, Oliver, Bernard, Thomas, Joseph, Dominic, William J., Miriam, and Margaret, their families, and his sister-in-law, Lorna, as well as countless other friends, parishioners, and members of both the Arlington and Dale City communities; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Father Gerard Creedon, a beloved priest who dedicated his life to ministering to others and serving the less fortunate; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Father Gerard Creedon as an expression of the General Assembly's respect for his memory.

#### HOUSE JOINT RESOLUTION NO. 450

*Commending the Virginia Bankers Association.*

Agreed to by the House of Delegates, March 7, 2018

Agreed to by the Senate, March 9, 2018

WHEREAS, for 125 years, the Virginia Bankers Association has supported the economic growth and prosperity of the Commonwealth by promoting a stable banking system; and

WHEREAS, through the initiative and persistence of private citizens, Virginia's first bank was established in Alexandria by Act of the General Assembly on November 23, 1792, and Virginia's bankers met on October 11, 1893, to organize the Virginia Bankers Association; and

WHEREAS, the Virginia Bankers Association was established in the middle of a depression to combine the interests of banks for harmonious action and give assurance that interests dependent upon banking were in safe hands and the deposits of the people were safe; and

WHEREAS, the Virginia Bankers Association continues to serve as the unified voice for the Commonwealth's banking industry, providing solutions to aid in resolving differences, unifying efforts, and accomplishing objectives otherwise not achievable; and

WHEREAS, the Virginia Bankers Association represents all Virginia state and commercial banks, from the smallest to the largest, and promotes the issues and activities that are of utmost importance to maintaining and strengthening a vibrant banking industry and economy in the Commonwealth; and

WHEREAS, the Virginia Bankers Association, through the coordination and active engagement of its member bankers, continually advocates to protect the values, standards, and policies around which the banking industry was built; and

WHEREAS, the Virginia Bankers Association annually educates and trains hundreds of Virginia bankers at all stages of their careers through a multitude of high-quality and timely seminars, workshops, and conferences to promote lifelong learning, development, and networking among bank associates; and

WHEREAS, the Virginia Bankers Association assists its members by offering products and services banks need in order to be successful in serving their customers; and

WHEREAS, the Virginia Bankers Association recognizes and actively supports the banking industry's leading role in the areas of economic education and financial literacy for Virginia students through the VBA Education Foundation and its programs, such as the VBA Bank Day Scholarship Program, which has distributed \$111,000 in college scholarships since 2012; and

WHEREAS, while working to better the industry as a whole, the Virginia Bankers Association also cares about the well-being of its members and their communities by offering its members health, welfare, and retirement benefits, coverages, and rates not available otherwise; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Virginia Bankers Association on the occasion of its 125th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Virginia Bankers Association as an expression of the General Assembly's admiration for its legacy of invaluable service to the Commonwealth and its citizens.

**HOUSE JOINT RESOLUTION NO. 451**

*Commending the Truro community.*

Agreed to by the House of Delegates, March 7, 2018

Agreed to by the Senate, March 9, 2018

WHEREAS, the Truro community traces its roots to 1967, when Fairfax County approved Miller and Smith's environmentally conscious development proposal to preserve the mature forest and natural topology of the headwaters of Turkey Run by encompassing its flood plain in 35 acres of parkland and by constructing a variety of home designs that could settle into the terrain; and

WHEREAS, encompassing adjacent newly constructed homes, the Truro Homes Association was incorporated on May 15, 1968, and has achieved many successes in supporting and providing a unified voice for the 377 residents of the beautiful Truro community to make it a wonderful place to live and raise a family; and

WHEREAS, through the Truro Homes Association, countless volunteers have preserved and enhanced its parkland and trails network; supported swimming, diving, tennis, Scouting, and other youth activities; and fostered robust use of its clubhouse to unify the community; and

WHEREAS, the Truro neighborhood blends mid-century modern architecture with its natural wooded setting, featuring award-winning home designs whose intrinsic value has been enhanced through the Truro Homes Association's architectural guidelines and which have contributed to the neighborhood's unique relaxing atmosphere within bustling Northern Virginia; and

WHEREAS, the results of such dedication and love of community have led to Truro being named as one of the best neighborhoods in the Washington metropolitan area; and

WHEREAS, Truro residents have honored the heritage of the neighborhood's namesake, the colonial Truro Parish of the Anglican Church, which predates Fairfax County, through their countless contributions to the region as leaders in business, government, education, professional advancement, and philanthropic endeavors; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Truro community on the occasion of its 50th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Truro Homes Association as an expression of the General Assembly's admiration for the many contributions of the Truro community to Fairfax County and the Commonwealth.

**HOUSE JOINT RESOLUTION NO. 452**

*Commending Curtis R. Millner, Sr.*

Agreed to by the House of Delegates, March 7, 2018

Agreed to by the Senate, March 9, 2018

WHEREAS, on December 31, 2017, Curtis R. Millner, Sr., retired as a member of the Henry County School Board after many years of distinguished contributions to the young people of Henry County; and

WHEREAS, a graduate of Patrick Henry Community College and Columbia College in Missouri, Curtis Millner also served his country for 23 years as a member of the United States Army and was a Junior Reserve Officers' Training Corps instructor in Henry County Public Schools; and

WHEREAS, Curtis Millner represented the Iriswood District for 16 years, including terms as vice chair from 2015 to 2016 and as chair from 2004 to 2007 and in 2017; and

WHEREAS, Curtis Millner has demonstrated a strong commitment to excellence in meeting the educational needs of all the citizens in Henry County; he provided leadership in confronting challenges with determination and perseverance while maintaining a focus on educational excellence; and

WHEREAS, during Curtis Millner's tenure on the Henry County School Board, the school system has experienced significant advancements in academic achievement and school accreditation, while also making strides to close the achievement gap; and

WHEREAS, Curtis Millner has actively supported all facets of the school program, including equitable curriculum offerings, the implementation of a state-of-the-art technology program, the improvement of school facilities and construction of Meadow View Elementary School, and the availability of extensive co-curricular and extracurricular programs for the students of Henry County; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Curtis R. Millner, Sr., for his legacy of service to young people on the occasion of his retirement from the Henry County School Board; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Curtis R. Millner, Sr., as an expression of the General Assembly's admiration for his contributions to Henry County.

**HOUSE JOINT RESOLUTION NO. 453**

*Commending Chatham Furniture Company.*

Agreed to by the House of Delegates, March 7, 2018

Agreed to by the Senate, March 9, 2018

WHEREAS, Chatham Furniture Company, a family-owned and -operated furniture store that has served countless loyal customers in Pittsylvania County, celebrates its 125th anniversary in 2018; and

WHEREAS, one of the oldest businesses in its community, Chatham Furniture Company was established in 1893; during its early days, it served as both a furniture operation and a funeral home; and

WHEREAS, today, Chatham Furniture Company is owned by husband and wife J.W. and Linda Thomasson, who are both former teachers in the Pittsylvania County Schools; the couple has been associated with the store since 1974 and are the seventh owners in its long history; and

WHEREAS, Chatham Furniture Company sells a variety of high-quality furniture, including mattresses, bedroom sets, chairs, recliners, sofas, kitchen tables, and other items; and

WHEREAS, an ardent supporter of its community, Chatham Furniture Company has served as a sponsor of the Chatham 5k run and the Climax Sorghum Festival and has lent support to the Chatham First organization and fundraisers by local fire departments; and

WHEREAS, in addition to serving the community as owners of Chatham Furniture Company, J.W. and Linda Thomasson are supporters of the American Heart Association, the USO, the American Cancer Society, the Wounded Warrior Project, and Alzheimer's research; they are also passionate supporters of Virginia Polytechnic Institute and State University and are the parents of four alumni; and

WHEREAS, during its many years in operation, Chatham Furniture Company has become a local institution known for its friendly staff and personalized customer service; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Chatham Furniture Company for its long service to the community on the occasion of its 125th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Chatham Furniture Company as an expression of the General Assembly's admiration for its impressive accomplishments and best wishes for continued success.

**HOUSE JOINT RESOLUTION NO. 454**

*Commending Jack Holmes.*

Agreed to by the House of Delegates, March 7, 2018

Agreed to by the Senate, March 9, 2018

WHEREAS, Jack Holmes, a respected business leader and owner of J.A. Holmes Mechanical Contractor, LLC, in Chatham, has provided outstanding service to the residents of the Commonwealth for nearly 50 years; and

WHEREAS, a state-licensed master plumber, electrician, and mechanical worker, Jack Holmes originally worked in Roanoke, where he owned his own company for nearly 30 years; and

WHEREAS, after selling his Roanoke business, Jack Holmes relocated to Chatham and started a new company, J.A. Holmes Mechanical Contractor, LLC; his considerable industry experience soon earned him legions of loyal customers; and

WHEREAS, today, Jack Holmes and J.A. Holmes Mechanical Contractor, LLC, continue to provide superb plumbing, electrical, and heating and air conditioning services in Chatham and Pittsylvania County; the company also installs backup generators; and

WHEREAS, Jack Holmes' technicians at J.A. Holmes Mechanical Contractor, LLC, are all highly trained professionals who are bonded, licensed, and insured; the company's excellent customer service has earned it a top rating from the Better Business Bureau; and

WHEREAS, under Jack Holmes' leadership, J.A. Holmes Mechanical Contractor, LLC, has taken an active role in the Chatham community; it has supported the Chatham Youth League, Chatham High School sports teams, the SPCA, the Pittsylvania County Sheriff's Office, the Danville Sheriff's Office, and local livestock shows; and

WHEREAS, throughout his distinguished career in business, Jack Holmes has forged strong relationships with his customers and provided superior contracting work to the community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Jack Holmes on his many years of success as the owner of J.A. Holmes Mechanical Contractor, LLC; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Jack Holmes as an expression of the General Assembly's admiration for his impressive career achievements and best wishes for continued success.

**HOUSE JOINT RESOLUTION NO. 455**

*Commending Jeffrey C. Greenfield.*

Agreed to by the House of Delegates, March 7, 2018

Agreed to by the Senate, March 9, 2018

WHEREAS, Jeffrey C. Greenfield, a business owner and dedicated public servant who supported responsible growth and community development as a longtime member of the City of Fairfax Council, retires from public office in June 2018; and

WHEREAS, a graduate of Fairfax High School who holds bachelor's and master's degrees from George Mason University, Jeffrey "Jeff" C. Greenfield has strong ties to the Fairfax community and lives in Windy Hill, with his wife, Lisa; and

WHEREAS, desirous to be of service to the community, Jeff Greenfield ran for and was elected to the City of Fairfax Council and has represented the residents of the City for 12 terms; and

WHEREAS, Jeff Greenfield has offered his leadership and expertise to a number of boards and commissions, including the Northern Virginia Transportation Commission, the Northern Virginia Transportation Authority, Fairfax Joint Local Emergency Planning Committee, and the Metropolitan Washington Council of Governments Board of Directors; and

WHEREAS, Jeff Greenfield was the vice chair of the Fairfax 2020 Commission, the Parks and Recreation Advisory Board, and the Task Force for a More Livable City of Fairfax; and

WHEREAS, Jeff Greenfield has served the residents of the City of Fairfax with the utmost integrity, dedication, and distinction; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Jeffrey C. Greenfield on the occasion of his retirement from the City of Fairfax Council; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Jeffrey C. Greenfield as an expression of the General Assembly's admiration for his years of service to the City of Fairfax.

**HOUSE JOINT RESOLUTION NO. 456**

*Celebrating the life of the Honorable Harry Robert Purkey.*

Agreed to by the House of Delegates, March 7, 2018

Agreed to by the Senate, March 9, 2018

WHEREAS, the Honorable Harry Robert Purkey, a dedicated and respected public servant who represented the residents of Virginia Beach in the Virginia House of Delegates for nearly three decades, died on February 16, 2018; and

WHEREAS, a native of Parsons, West Virginia, Harry Robert "Bob" Purkey relocated to Norfolk with his family and graduated from Maury High School, where he met his future wife, Sonja Firing Purkey, who attended rival Granby High School; he worked to support himself through college, graduating from what is now Old Dominion University; and

WHEREAS, in the 1960s, Bob Purkey worked at Continental Grain Company, then accepted a job with Merrill Lynch, Pierce, Fenner & Beane, where he worked for more than five decades until his well-earned retirement in 2015; and

WHEREAS, desirous to be of further service to the community and the Commonwealth, Bob Purkey ran for and was elected to the Virginia House of Delegates in 1985; he represented the residents of the 82nd District with honor and

distinction until 2014, introducing and supporting many important pieces of legislation to strengthen the Commonwealth and benefit all Virginians; and

WHEREAS, Bob Purkey, a true southern gentleman, brought a level of congeniality and camaraderie to the General Assembly, beginning his service as a member of the "Beach Boys" and ending as one of the most senior and respected members of the legislature; and

WHEREAS, during his tenure as a state legislator, Bob Purkey relished the opportunity to meet the residents of his district and ensure that their voices were heard in the state capital; he offered his insights to several committees and, in recognition of his tremendous financial acumen, was appointed chair of the House Committee on Finance; and

WHEREAS, Bob Purkey supported the community in many other ways, volunteering his time and leadership to numerous organizations, including local Republican and student groups, Beach House, the Food Bank of Southeastern Virginia, and the Republican Party of Virginia Beach, as well as the Tidewater Automobile Association, the Virginia Aquarium, and the Jamestown-Yorktown Foundation; he was also a passionate youth and recreational athletics coach in both football and basketball, and was an admired role model for countless young people; and

WHEREAS, predeceased by his wife, Sonja, Bob Purkey will be fondly remembered and greatly missed by his children, Harry, Jr., Charlotte, and Greg, and their families, including his granddaughters, Kristina and Charlotte, and numerous other family members, friends, and colleagues on both sides of the aisle; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of the Honorable Harry Robert Purkey, who served the Commonwealth with the utmost integrity, dedication, and distinction; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of the Honorable Harry Robert Purkey as an expression of the General Assembly's respect for his memory.

#### HOUSE JOINT RESOLUTION NO. 457

*Commending Virginia Pappas.*

Agreed to by the House of Delegates, March 7, 2018

Agreed to by the Senate, March 9, 2018

WHEREAS, Virginia Pappas has given 40 years of outstanding service to the Reston-based Society of Nuclear Medicine and Molecular Imaging and has served in several key roles, including as chief executive officer; and

WHEREAS, Virginia Pappas earned a degree in business management from George Mason University; she is also a certified association executive from the American Society of Association Executives; and

WHEREAS, since the late 1970s, Virginia Pappas has worked at the Society of Nuclear Medicine and Molecular Imaging (SNMMI), a nonprofit scientific and professional organization that works to improve human health by promoting the science, technology, and practical application of nuclear medicine and molecular imaging; and

WHEREAS, Virginia Pappas currently serves as SNMMI's chief executive officer; in that role, she provides leadership to all the organization's departments as well as the Clinical Trials Network and outreach program; and

WHEREAS, before becoming chief executive officer, Virginia Pappas served as SNMMI's deputy executive director and held numerous other director positions within the organization; and

WHEREAS, in addition to her duties at SNMMI, Virginia Pappas has also brought her wide-ranging experience and expertise to the Scientific Program Committee of the American Association for Medical Society Executives and the Development Committee of the American Society of Association Executives; and

WHEREAS, throughout her distinguished career, Virginia Pappas has worked tirelessly to execute SNMMI's mission and has won the respect of her colleagues for her dedication, integrity, and intelligence; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Virginia Pappas on her 40 years of service to the Society of Nuclear Medicine and Molecular Imaging; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Virginia Pappas as an expression of the General Assembly's admiration for her impressive career accomplishments and best wishes for continued success.

#### HOUSE JOINT RESOLUTION NO. 458

*Celebrating the life of the Honorable Harry Burns Blevins, Sr.*

Agreed to by the House of Delegates, March 7, 2018

Agreed to by the Senate, March 9, 2018

WHEREAS, the Honorable Harry Burns Blevins, Sr., a highly admired statesman and a respected leader in the Chesapeake community, died on February 19, 2018; and

WHEREAS, a native of Elk Park, North Carolina, Harry Blevins relocated to Elizabeth City with his family and went on to serve the youth of the community for more than 20 years as a teacher, coach, and principal at Great Bridge High School; he was a trusted mentor to countless students, giving them the tools to become responsible citizens of the Commonwealth; and

WHEREAS, desirous to be of further service to the community and the Commonwealth, Harry Blevins ran for and was elected to the Virginia House of Delegates in 1997; he represented the residents of Chesapeake in the 78th District until 2001, when he was elected to the Senate of Virginia; and

WHEREAS, from 2001 to 2013, Harry Blevins represented the residents of parts of the Cities of Chesapeake, Franklin, Portsmouth, Suffolk, and Virginia Beach and the Counties of Isle of Wight and Southampton in the 14th District; and

WHEREAS, during his time as a state lawmaker, Harry Blevins introduced and supported numerous important pieces of legislation to enhance the lives of all Virginians and offered his wisdom and leadership to several committees and commissions; and

WHEREAS, a champion for education, Harry Blevins' years of experience as a teacher, coach, and high school principal made him a valuable resource on issues impacting Virginia schools, and he was an active member of the General Assembly's Commission on Youth from 2004 to 2013, serving as chair in 2005 and 2006 and vice chair in 2011 and 2013; and

WHEREAS, Harry Blevins treated everyone he met with dignity and civility, and he fostered bipartisan cooperation and mutual respect among his fellow legislators for the good of the Commonwealth; and

WHEREAS, a dedicated public servant, Harry Blevins earned numerous awards and accolades for his lifetime of service, including the 1987 First Citizen of Chesapeake award from the Rotary Club of Chesapeake; and

WHEREAS, Harry Blevins was well respected and known by all as a man of great character, honor, and integrity; he was the epitome of a gentleman, statesman, public servant, devoted family man, and friend; and

WHEREAS, Harry Blevins will be fondly remembered and greatly missed by his wife of 64 years, Margie; his children, Harry, Jr., Marsha, Daniel, and Linda, and their families; and numerous other family members, friends, and colleagues on both sides of the aisle; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of the Honorable Harry Burns Blevins, Sr., a dedicated public servant and a true Southern gentleman; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of the Honorable Harry Burns Blevins, Sr., as an expression of the General Assembly's respect for his memory.

#### HOUSE JOINT RESOLUTION NO. 459

*Commending Eleanor D. Schmidt.*

Agreed to by the House of Delegates, March 7, 2018

Agreed to by the Senate, March 9, 2018

WHEREAS, Eleanor D. Schmidt, a dedicated public servant, retires as a member of the City of Fairfax Council in June 2018; and

WHEREAS, a resident of the City of Fairfax since 1969, Eleanor "Ellie" D. Schmidt holds a bachelor's degree from the University of Missouri and attended the Virginia Bankers School of Bank Management; and

WHEREAS, a successful banking executive, Ellie Schmidt was desirous to be of further service to the community and ran for election to the City of Fairfax Council; she has served for four terms, beginning in 2010; and

WHEREAS, Ellie Schmidt has served on the Board of Directors of Historic Fairfax City, Inc., as chair of the Independence Day Celebration Committee, and in various positions as a member of the Industrial Development Authority, the City of Fairfax 2020 Commission, the Festival of Lights and Carols Committee, and the Chocolate Lovers Festival Committee; and

WHEREAS, Ellie Schmidt has also represented the City of Fairfax on regional and state boards and commissions, including the Virginia Municipal League Finance Committee; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Eleanor D. Schmidt on the occasion of her retirement from the City of Fairfax Council in 2018; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Eleanor D. Schmidt as an expression of the General Assembly's admiration for her years of service to the City of Fairfax.

#### HOUSE JOINT RESOLUTION NO. 460

*Commending the Grundy Senior High School wrestling team.*

Agreed to by the House of Delegates, March 7, 2018

Agreed to by the Senate, March 8, 2018

WHEREAS, Grundy Senior High School wrestling team claimed its 21st state title, winning the Virginia High School League Class 1 state championship at the Salem Civic Center in February 2018; and

WHEREAS, the Grundy Senior High School wrestling team defeated the second-place team from Rural Retreat High School by an astounding 95 points; and

WHEREAS, all 12 members of the Grundy Senior High School wrestling team finished in the top five of their events, with Kaleb Horn, Brandon Owens, Gabe Fiser, Peyton McComas, Derick Endicott, and Mike McCowan all winning in their weight classes; and

WHEREAS, Grundy Senior High School's Jacob McNutt won in the 138-pound weight class to finish his high school career with his fourth state title, becoming the third four-time champion in school history; and

WHEREAS, the Grundy Senior High School wrestling team's victorious season is a testament to the skill and hard work of all the student-athletes, the leadership and guidance of the coaches and staff, and the enthusiastic support of the entire Grundy community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Grundy Senior High School wrestling team on winning the Virginia High School League Class 1 state championship in 2018; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Travis Fiser, head coach of the Grundy Senior High School wrestling team, as an expression of the General Assembly's admiration for its incredible achievements.

**HOUSE JOINT RESOLUTION NO. 461**

*Commending the Lake Braddock Secondary School band.*

Agreed to by the House of Delegates, March 7, 2018

Agreed to by the Senate, March 9, 2018

WHEREAS, in both 2017 and 2018, the Lake Braddock Secondary School band of Fairfax County was awarded the Sudler Flag of Honor, the most prestigious award for high school concert bands in the United States; and

WHEREAS, presented by the John Philip Sousa Foundation, the Sudler Flag of Honor is reserved for bands, such as the Lake Braddock band, that have demonstrated sustained excellence in concert activities over a period of several years; and

WHEREAS, fewer than 100 high schools have earned the Sudler Flag of Honor since its creation in 1983; the Lake Braddock band is now one of the few school bands to have won it multiple times, having previously received the award in 1995; and

WHEREAS, under the leadership of director Michael C. Luley, the Lake Braddock band has built on a proud tradition of musical excellence and consistently delighted audiences; and

WHEREAS, in 2018, the Lake Braddock band was designated as a Virginia Honor Band for its 37th consecutive year; its many other recognitions include the 2016-2017 Programs of Excellence National Blue Ribbon Award from the National Band Association; and

WHEREAS, with their hard work, discipline, and impressive talent, the musicians of the Lake Braddock band serve as outstanding role models for school music programs across the Commonwealth; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Lake Braddock Secondary School band on receiving the Sudler Flag of Honor from the John Philip Sousa Foundation in 2017 and 2018; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Michael C. Luley, director of the Lake Braddock Secondary School band, as an expression of the General Assembly's admiration for the band's remarkable accomplishments and best wishes for continued success.

**HOUSE JOINT RESOLUTION NO. 463**

*Commending Yodie Swain.*

Agreed to by the House of Delegates, March 7, 2018

Agreed to by the Senate, March 9, 2018

WHEREAS, Yodie Swain, a renowned hairstylist and a Roanoke institution, has served the community for more than 20 years from his salon on Williamson Road, Diva's House of Hair; and

WHEREAS, Yodie "Cleveland" Swain helped style his mother's and sisters' hair as a child and later enrolled in the Potomac Academy of Hair Design in Falls Church; he finished his certification and received his license through Virginia Hair Academy; and

WHEREAS, after training with some of the area's finest hairstylists, Cleveland Swain established Diva's House of Hair at Lamplighter Mall, where he has offered personalized cuts, coloring, and styling for two decades; and

WHEREAS, with his charismatic personality and attentive service, Cleveland Swain has built a loyal customer base, which even spans four generations of one family, by helping women feel beautiful, comfortable, and confident; and

WHEREAS, Cleveland Swain has served the community by offering his services to funeral homes, working with Goodwill Industries on a program to help local women find jobs, and conducting hair care classes for white parents of adopted African American and biracial children; and

WHEREAS, Diva's House of Hair is a well-known meeting place that has fostered a strong sense of community in northwest Roanoke, thanks in large part to Cleveland Swain's commitment to service and philanthropy; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Yodie Swain for his 20 years in business at Diva's House of Hair; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Yodie Swain as an expression of the General Assembly's admiration for his countless contributions to the Roanoke community.

**HOUSE JOINT RESOLUTION NO. 464**

*Commending St. John's Episcopal Church*

Agreed to by the House of Delegates, March 7, 2018

Agreed to by the Senate, March 9, 2018

WHEREAS, for more than 125 years, St. John's Episcopal Church has provided generous outreach to members of the community in need and opportunities for joyful worship at its historic church at the corner of Jefferson Street and Elm Avenue; and

WHEREAS, St. John's Episcopal Church traces its roots to 1850 at a time when Roanoke was still known as the village of Big Lick; when the population of the region soared after the arrival of the railroad, the growing congregation built a new 600-seat sanctuary in 1892; and

WHEREAS, St. John's Episcopal Church has grown to become the largest parish in the Diocese of Southwestern Virginia, and the vibrant and ever-growing congregation has been a force for good in the community; and

WHEREAS, St. John's Episcopal Church hosts the Total Action for Progress Head Start and Community programs, both of which support low-income, at-risk young people; and

WHEREAS, St. John's Episcopal Church has partnered with many other nonprofit organizations, including Family Promise of Greater Roanoke, Temporary Relief of Unexpected Emergencies, and Kimoyo, a partnership with Kingdom Life Ministries to serve communities in Ghana; and

WHEREAS, St. John's Episcopal Church was listed on the National Register of Historic Places in 1991, and the church underwent extensive renovations in 2009 to ensure that the history and heritage of the church community is preserved for future generations; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend St. John's Episcopal Church on the occasion of the 125th anniversary of the construction of its historic church; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to St. John's Episcopal Church as an expression of the General Assembly's admiration for the church's long history and legacy of spiritual leadership and outreach in the Roanoke community.

**HOUSE JOINT RESOLUTION NO. 465**

*Commending Virginia Prosthetics and Orthotics.*

Agreed to by the House of Delegates, March 7, 2018

Agreed to by the Senate, March 9, 2018

WHEREAS, Virginia Prosthetics and Orthotics in Roanoke has provided high-quality, compassionate care to thousands of patients for more than 50 years; and

WHEREAS, Virginia Prosthetics and Orthotics was founded in 1966 by Fred Murko, who saw a growing need in the community for a provider of prosthetics and orthotics that balanced personal service with the latest technological advancements in the field; and

WHEREAS, Virginia Prosthetics and Orthotics has grown to become the largest of such providers in the Commonwealth and has served more than 50,000 patients across 14 locations in Southwest Virginia; and

WHEREAS, the board-certified professionals at Virginia Prosthetics and Orthotics are highly skilled and possess the knowledge and training to support amputees and other patients, as well as their families; and

WHEREAS, throughout its history, Virginia Prosthetics and Orthotics has demonstrated a firm commitment to community service, philanthropic endeavors, and professional and technological advancements in the field of prosthetics and orthotics; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Virginia Prosthetics and Orthotics on the occasion of its 50th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Virginia Prosthetics and Orthotics as an expression of the General Assembly's admiration for its contributions to the health and wellness of patients throughout Southwest Virginia.

#### HOUSE JOINT RESOLUTION NO. 466

*Commending Center in the Square.*

Agreed to by the House of Delegates, March 7, 2018

Agreed to by the Senate, March 9, 2018

WHEREAS, Center in the Square, an arts and cultural district in downtown Roanoke, has enhanced the quality of life and strengthened the economy of the community for 35 years; and

WHEREAS, Center in the Square traces its roots to the late 1970s, when a local business league launched a comprehensive project to revitalize downtown Roanoke called Design '79; and

WHEREAS, in 1982, five arts and science organizations—the Science Museum, the Mill Mountain Theatre, the Roanoke Valley History Museum, the Arts Council of the Blue Ridge, and the Roanoke Museum of Fine Arts (now the Art Museum of Western Virginia)—moved into Center in the Square; and

WHEREAS, Center in the Square officially opened on December 9, 1983, with 40,000 visitors in its first weekend; in its 35-year history, Center in the Square has added shops, restaurants, offices, and other activities and destinations; and

WHEREAS, Center in the Square is owned and operated by the Western Virginia Foundation for the Arts and Sciences, a nonprofit organization that provides support to resident organizations and businesses with the generous support of corporate and individual donors; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Center in the Square on the occasion of its 35th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Western Virginia Foundation for the Arts and Sciences as an expression of the General Assembly's admiration for Center in the Square's contributions to the cultural spirit and economic vitality of downtown Roanoke.

#### HOUSE JOINT RESOLUTION NO. 467

*Commending Jefferson College of Health Sciences.*

Agreed to by the House of Delegates, March 7, 2018

Agreed to by the Senate, March 9, 2018

WHEREAS, for more than 35 years, Jefferson College of Health Sciences has served the Southwest Virginia community by providing an exceptional education to aspiring medical professionals; and

WHEREAS, Jefferson College of Health Sciences traces its roots to the 1910s when the Jefferson Hospital School of Nursing was founded; to better meet the needs of the growing community, the school merged with the Lewis-Gale School of Nursing to form the Community Hospital of Roanoke Valley School of Nursing; and

WHEREAS, in 1982, the Community Hospital of Roanoke Valley College of Health Sciences was established as the first hospital-based college in Virginia; it was one of the first health sciences colleges to earn accreditation from the Commission for Higher Education and later achieved accreditation from the Southern Association of Colleges and Schools Commission on Colleges; and

WHEREAS, the Community Hospital of Roanoke Valley College of Health Sciences was renamed as Jefferson College of Health Sciences in 2003, in recognition of its historical connection to Jefferson Hospital and the Jefferson Hospital School of Nursing; and

WHEREAS, with approximately 70 full-time faculty members, Jefferson College of Health Sciences enrolls more than 1,000 students and offers 25 associate, bachelor's, and master's degree programs, as well as certificate and professional and continuing education programs; and

WHEREAS, one of the few private health colleges in the southern United States, Jefferson College of Health Sciences offers valuable clinical opportunities, extensive distance learning options, and volunteer opportunities; and

WHEREAS, Jefferson College of Health Sciences maintains excellent licensure pass rates in professional programs and high student satisfaction ratings for its affordability and commitment to academic excellence; and

WHEREAS, contributing to the economic vitality of the region, Jefferson College of Health Sciences has attracted record numbers of students from 35 states and territories, including students from as far away as Alaska and Hawaii; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Jefferson College of Health Sciences on the occasion of its 35th anniversary as a degree-granting institution; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Jefferson College of Health Sciences as an expression of the General Assembly's admiration for its contributions to medical education.

**HOUSE JOINT RESOLUTION NO. 468**

*Commending Child Health Investment Partnership of Roanoke Valley.*

Agreed to by the House of Delegates, March 7, 2018

Agreed to by the Senate, March 9, 2018

WHEREAS, for 30 years, Child Health Investment Partnership of Roanoke Valley has worked to enhance the lives of local children and families by providing comprehensive health care services and community resources; and

WHEREAS, Child Health Investment Partnership (CHIP) of Roanoke Valley conducts more than 400 home visits each month and offers family planning, mental health, transportation, and case management services; and

WHEREAS, CHIP of Roanoke Valley utilizes an interdisciplinary approach with evidence-based practices that are offered with dignity and respect in regard to different cultures, beliefs, and parenting styles; and

WHEREAS, CHIP of Roanoke Valley believes that interventions are most effective when they begin early in life; the organization ensures that mothers receive adequate prenatal care, promotes strong families, and supports children during developmental milestones; and

WHEREAS, CHIP of Roanoke Valley collaborates with many local organizations to provide a wide range of services, including local food banks and the LEAP Mobile Market, which promote healthy eating habits by bringing families fresh produce, and New Horizons Healthcare and the Bradley Free Clinic, which offer doctor visits and dental care; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Child Health Investment Partnership of Roanoke Valley on the occasion of its 30th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Child Health Investment Partnership of Roanoke Valley as an expression of the General Assembly's admiration for the organization's noble mission to ensure that every child has equal access to health care.

**HOUSE JOINT RESOLUTION NO. 469**

*Commending Community High School.*

Agreed to by the House of Delegates, March 7, 2018

Agreed to by the Senate, March 9, 2018

WHEREAS, for more than 15 years, Community High School, a private, college preparatory high school in Roanoke, has given students the tools to achieve success in higher education; and

WHEREAS, Community High School was established in 2002 by a group of parents seeking to create an innovative and responsive high school environment for their children, with assistance from kindergarten through 12th grade teachers and professors from Hollins University, Washington and Lee University, and Virginia Polytechnic Institute and State University; and

WHEREAS, the mission of Community High School is to fully prepare students for the rigors of a liberal arts education and give them the foundation for a fulfilling adulthood by fostering creative and independent thinking; and

WHEREAS, Community High School has molded students from diverse backgrounds and levels of ability into scientifically and culturally literate, globally conscious, and locally engaged citizens with a passion for lifelong learning; and

WHEREAS, students at Community High School are treated as individuals who are active in their own education and responsible for their own success; the school rewards students for curiosity and initiative and parents, siblings, neighbors, and friends are invited to engage in the learning process; and

WHEREAS, Community High School partners with local colleges and universities and cultural and civic organizations to provide unique programs that enhance cultural life for the entire Roanoke community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Community High School on the occasion of its 15th anniversary in 2017; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Community High School as an expression of the General Assembly's admiration for the school's mission to provide unique academic opportunities to the youth of Roanoke.

**HOUSE JOINT RESOLUTION NO. 470**

*Commending the Reverend Kirk Ballin.*

Agreed to by the House of Delegates, March 7, 2018

Agreed to by the Senate, March 9, 2018

WHEREAS, the Reverend Kirk Ballin was born in Colorado Springs, Colorado, and has resided throughout the United States and Switzerland; he earned a bachelor's degree from Colorado College, a master's degree in cultural anthropology from the University of Virginia, and a master of divinity from Harvard Divinity School; and

WHEREAS, Reverend Ballin has served as an ordained minister with fellowship in the Unitarian Universalist Association for many years and has been called by its congregations in Meadville, Pennsylvania (1984-1987), Roanoke (1987-1999), and Lynchburg (1999-2003); and

WHEREAS, Reverend Ballin has also served as trauma unit chaplain with the Carilion Health System, executive director of the National Conference for Community and Justice, and program coordinator of AgrAbility Virginia, a joint USDA-funded project of Virginia Tech and Easter Seals UCP North Carolina & Virginia, serving farmers and ranchers with disabilities in the Commonwealth; and

WHEREAS, Reverend Ballin has been a distinguished, faithful leader of the community, defending the inherent worth and dignity of every person, fighting for justice in human relations, encouraging the free and responsible search for truth, and respecting the interdependent web of existence of which we are all a part; and

WHEREAS, on November 12, 2017, Reverend Ballin was honored by the Unitarian Universalist Church of Roanoke as its first minister emeritus by a vote of the congregation recognizing his enduring and faithful service and embracing his continuing ministry to the life of the congregation; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Reverend Kirk Ballin, the first minister emeritus of the Unitarian Universalist Church of Roanoke, for his many contributions to the Roanoke community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Reverend Kirk Ballin as an expression of the General Assembly's admiration for the spiritual leadership he provides the residents of Roanoke.

**HOUSE JOINT RESOLUTION NO. 471**

*Commending Allison Stocks.*

Agreed to by the House of Delegates, March 7, 2018

Agreed to by the Senate, March 9, 2018

WHEREAS, since 2016, Arlington resident and Yorktown High School student Allison Stocks has run Home Is Where the Art Is, a nonprofit organization dedicated to providing original artwork to people transitioning from homelessness into permanent housing; and

WHEREAS, Allison Stocks was inspired to create Home Is Where the Art Is at age 13, when she saw a news article and accompanying photograph about a formerly homeless family moving into an apartment; noticing that the walls of the family's home were bare, she began working with local organizations to provide framed art to people preparing to move out of homeless shelters and into stable housing; and

WHEREAS, since its inception, Allison Stocks' nonprofit organization has collected hundreds of original artworks as well as matts and framing materials, and has donated pieces of art to over 50 people in the Washington area and one person in North Carolina; and

WHEREAS, Allison Stocks receives artwork donations from a variety of sources, including CentroNia School, Washington-Lee High School, and the Arlington Artists Alliance; she then works with the shelters New Hope Housing, Doorways for Women and Families, and Shelter House to ensure the paintings reach people making the transition into permanent housing; and

WHEREAS, Home Is Where the Art Is has an online gallery of available artwork that shelter caseworkers can show their residents; once a person chooses a piece, Allison Stocks and her family will frame and deliver it; and

WHEREAS, by providing original artwork without charge, Allison Stocks has brightened the lives of numerous formerly homeless individuals and helped ease their transition into new homes; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Allison Stocks for her service to the community as the creator of the Home Is Where the Art Is organization; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Allison Stocks as an expression of the General Assembly's admiration for her remarkable accomplishments and best wishes for continued success.

**HOUSE JOINT RESOLUTION NO. 472**

*Commending Wheels to Africa.*

Agreed to by the House of Delegates, March 7, 2018  
 Agreed to by the Senate, March 9, 2018

WHEREAS, for over a decade, the Arlington-based nonprofit organization Wheels to Africa has worked to collect bicycles for needy communities in Africa and around the globe; and

WHEREAS, Wheels to Africa traces its origins to 2005, when an 11-year-old Arlington County resident named Winston Duncan visited South Africa and noticed that many people there had to endure long walks to acquire basic necessities; upon returning to the United States, he worked with his mother, Dixie, to set up an organization that would collect used bicycles and send them abroad; and

WHEREAS, since its founding in 2005, Wheels to Africa has won national recognition, hosted numerous bike collection drives, and donated over 7,000 bicycles; during one event, the organization brought together 104 volunteers and collected over 1,000 bicycles in the span of a day; and

WHEREAS, along with African nations such as Tanzania, Nigeria, and Kenya, Wheels to Africa has also donated bicycles to communities in Haiti and Honduras and to individuals in Northern Virginia; and

WHEREAS, Wheels to Africa hosts regular bike collections at locations in Northern Virginia and in Maryland; the organization also takes part in special events, such as an annual Bands for Bikes benefit concert in McLean; and

WHEREAS, in addition to collecting bicycles for those in need, Wheels to Africa serves as an educational and volunteer platform for developing youth leaders and has hosted several youth in Tanzania; and

WHEREAS, the bicycles donated by Wheels to Africa have improved the lives of people around the world by helping students get to school, allowing aid workers to deliver medicine and supplies, and assisting farmers in reaching markets more quickly; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Wheels to Africa on its outstanding efforts to donate bicycles to communities in need around the globe; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Wheels to Africa as an expression of the General Assembly's admiration for the organization's generous efforts to improve quality of life and expand access to transportation for the less fortunate.

**HOUSE JOINT RESOLUTION NO. 473**

*Celebrating the life of Julien H. Meyer, Jr., M.D.*

Agreed to by the House of Delegates, March 7, 2018  
 Agreed to by the Senate, March 9, 2018

WHEREAS, Julien H. Meyer, Jr., M.D., a beloved husband and father and a respected physician and educator who served the residents of Roanoke for over 40 years, died on June 17, 2017; and

WHEREAS, the son of a physician, Julien Meyer was born in Roanoke and attended Mercersburg Academy in Pennsylvania; he then earned a bachelor's degree from the University of North Carolina at Chapel Hill and a medical degree from the Medical College of Virginia in Richmond; and

WHEREAS, Julien Meyer completed his internship and residency in obstetrics and gynecology at the Johns Hopkins Hospital in Baltimore; in 1974, he returned to Roanoke and joined Physicians to Women, a medical practice started by his father; and

WHEREAS, a talented and compassionate doctor, Julien Meyer continued practicing at Physicians to Women until his death, caring for countless patients and bringing many babies into the world; and

WHEREAS, between 1987 and 1991, Julien Meyer served as chairman of the Department of Obstetrics and Gynecology at Carilion Roanoke Community Hospital; he was also a past president of the South Atlantic Association of Obstetricians and Gynecologists; and

WHEREAS, in addition to maintaining his own practice, Julien Meyer taught and mentored numerous students and supported research initiatives at the Virginia Tech Carilion School of Medicine and Research Institute; and

WHEREAS, an active member of the Roanoke community, Julien Meyer served on the board of the Foundation for Roanoke Valley and was the longtime medical director of Planned Parenthood; and

WHEREAS, in 2016, the Carilion Clinic presented Julien Meyer with the Robert L.A. Keeley Healing Arts Award in recognition of his long and distinguished service to the Roanoke Valley medical community; and

WHEREAS, outside of his medical career, Julien Meyer was an avid fly fisherman who traveled the world to fish and go on safari with his wife, Lynn; and

WHEREAS, Julien Meyer will be fondly remembered and dearly missed by his wife of 28 years, Lynn; his sons, Julien III and Jeff, and their families; and many other family members, friends, and Roanoke residents; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Julien H. Meyer, Jr., M.D., a devoted physician who cared for thousands of patients in the Roanoke Valley; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Julien H. Meyer, Jr., M.D., as an expression of the General Assembly's respect for his memory.

#### HOUSE JOINT RESOLUTION NO. 474

*Celebrating the life of Bessie S. Mattox.*

Agreed to by the House of Delegates, March 7, 2018

Agreed to by the Senate, March 9, 2018

WHEREAS, Bessie S. Mattox of Stanleytown, a respected educator and school administrator who served the students of Henry County for more than four decades, died on March 18, 2017; and

WHEREAS, a native of Martinsville, Bessie "Betsy" S. Mattox graduated from John D. Bassett High School and Wake Forest University; and

WHEREAS, Betsy Mattox began her 41-year career in education as a teacher at John Redd Smith Elementary School and went on to become co-principal of the Samuel H. Hairston School and Fieldale Primary School and principal of Axton Middle School; and

WHEREAS, Betsy Mattox served Henry County Public Schools as a curriculum supervisor, director of instruction, and assistant superintendent of instruction before her well-earned retirement; she was also elected to the Henry County School Board, representing the Reed Creek District, for three terms; and

WHEREAS, Betsy Mattox inspired countless students to achieve academic greatness and helped them become better citizens of the Commonwealth; she was highly esteemed by her colleagues and respected for her honesty and integrity; and

WHEREAS, Betsy Mattox served the community as a longtime supporter of the Martinsville-Henry County SPCA, and The Betsy and Cloy Mattox Medical Support Endowment Fund, named in her honor, will ensure that the organization is able to provide the highest quality medical care to animals for years to come; and

WHEREAS, predeceased by her husband, Cloy, Betsy Mattox will be fondly remembered and greatly missed by numerous family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Bessie S. Mattox; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Bessie S. Mattox as an expression of the General Assembly's respect for her memory.

#### HOUSE JOINT RESOLUTION NO. 475

*Celebrating the life of Irving Comer.*

Agreed to by the House of Delegates, March 7, 2018

Agreed to by the Senate, March 9, 2018

WHEREAS, Irving Comer, a beloved father and respected law-enforcement professional who broke down barriers as the first African American to be sworn in as a police officer in the Arlington County Police Department, died on November 23, 2017; and

WHEREAS, a Richmond native, Irving Comer attended Armstrong High School, where he was student council president and salutatorian of his graduating class; he received a full scholarship to Virginia State University and later earned a bachelor's degree from The American University and a master's degree from Southern Illinois University; and

WHEREAS, Irving Comer served his country as a member of the United States Marine Corps from 1963 to 1967, obtaining the rank of sergeant; and

WHEREAS, in 1967, Irving Comer joined the Arlington County Police Department as a communications specialist; he quickly impressed the department leaders with his talent and dedication, and, after just three months on the job, he was asked to become a sworn officer; and

WHEREAS, after receiving assurances that he would serve the entire community and not just minority neighborhoods, Irving Comer agreed to join the Arlington County Police Department and was sworn in as its first black officer in December 1967; and

WHEREAS, Irving Comer went on to serve as an Arlington County police officer for 24 years, serving as a school resource officer at Thomas Jefferson Junior High School, a youth resource detective, and a recruiter for the Northern Virginia Police Minority Recruitment Office; and

WHEREAS, among many other accomplishments as a police officer, Irving Comer established an innovative Juvenile Delinquency Prevention Program, created Arlington County's first ride-along program, and served as an instructor at the Northern Virginia Criminal Justice Training Academy; and

WHEREAS, in 1983, Irving Comer was one of seven black police officers who successfully filed a lawsuit with the Equal Employment Opportunity Commission revealing a longstanding policy of discrimination against African Americans in the Arlington County Police Department; as a result, the department agreed to increase promotions for minorities and women; and

WHEREAS, Irving Comer retired from the Arlington County Police Department in May 1992; he later served as a part-time professor at Germanna Community College and Northern Virginia Community College; and

WHEREAS, through his distinguished service as a police officer, Irving Comer left a legacy of respect for equality and justice and helped pave the way for future minority law-enforcement personnel; and

WHEREAS, Irving Comer will be fondly remembered and greatly missed by his daughters, Pamela and Angela, and their families; his mother, Mary; and numerous other family members, close friends, and Arlington County residents; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Irving Comer, a trailblazing member of the Arlington County Police Department who selflessly served the community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Irving Comer as an expression of the General Assembly's respect for his memory.

**HOUSE JOINT RESOLUTION NO. 476**

*Celebrating the life of Patrick William McDonough.*

Agreed to by the House of Delegates, March 7, 2018

Agreed to by the Senate, March 9, 2018

WHEREAS, Patrick William McDonough, a beloved husband and father, distinguished veteran and public servant, and active McLean resident, died on February 5, 2018; and

WHEREAS, a native of Massachusetts, Patrick McDonough attended high school at Keith Academy in Lowell and then earned a bachelor's degree and a law degree from Boston College; he later received a master of laws degree from Georgetown University Law Center; and

WHEREAS, Patrick McDonough served his country in the United States Marine Corps, retiring as a colonel; during his tenure in the Marines, he was awarded the Legion of Merit for his outstanding professional achievements and contributions to the Marine Corps Law of War Program; and

WHEREAS, an accomplished leader and public servant, Patrick McDonough worked for the Internal Revenue Service in Washington, D.C., for over 40 years; prior to his retirement in 2017, he served as director of practice and executive director of the Joint Board for the Enrollment of Actuaries; and

WHEREAS, Patrick McDonough was a proud McLean resident who volunteered for many years with the McLean Little League as a team manager, coach, umpire, and board member; in 2017, he was added to the McLean Little League Honor Roll in recognition of his years of service; and

WHEREAS, in his spare time, Patrick McDonough enjoyed spending time with friends and family, collecting Marine Corps and Navy militaria, and attending militaria shows; and

WHEREAS, Patrick McDonough will be fondly remembered and greatly missed by his wife of 37 years, Mary Ellen; his children, Allison, Megan, and Brendan, and their families; and numerous other family members, friends, and McLean residents; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Patrick William McDonough, a talented public servant who gave generously of his time in service to the community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Patrick William McDonough as an expression of the General Assembly's respect for his memory.

**HOUSE JOINT RESOLUTION NO. 477**

*Celebrating the life of David Samuel Carter, Jr.*

Agreed to by the House of Delegates, March 7, 2018

Agreed to by the Senate, March 9, 2018

WHEREAS, David Samuel Carter, Jr., a longtime employee of Virginia State University who made many contributions to young people in the Richmond community as a leader in the Boy Scouts of America, died on July 30, 2017; and

WHEREAS, a native of Hartford, Connecticut, David Carter received a scholarship to attend Avon Old Farms, a prestigious boarding school; he then attended the Morse School of Business; and

WHEREAS, David Carter pursued a career with Connecticut General Life Insurance Company, where he specialized in actuarial science and reinsurance; and

WHEREAS, David Carter later worked at Signet Bank in Richmond, then dedicated 20 years to Virginia State University in the Office of Institutional Advancement, where he helped the institution increase its philanthropic capacity; and

WHEREAS, an avid Scout in his youth, David Carter continued to foster youth development as a den leader and Scoutmaster for Boy Scouts of America Troop 443, and he was selected to become a member of the Order of the Arrow, Scouting's prestigious national honor society; and

WHEREAS, a man of humility, integrity, and kindness, David Carter never hesitated to help a friend or neighbor in need and was always willing to provide his guidance and wisdom to others; and

WHEREAS, David Carter will be fondly remembered and greatly missed by his wife, Nadine; his children, Kaitlyn and David III; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of David Samuel Carter, Jr., who made countless contributions to the Richmond community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of David Samuel Carter, Jr., as an expression of the General Assembly's respect for his memory.

### HOUSE JOINT RESOLUTION NO. 478

*Celebrating the life of George W. Thompson, Jr.*

Agreed to by the House of Delegates, March 7, 2018

Agreed to by the Senate, March 9, 2018

WHEREAS, George W. Thompson, Jr., a master tailor and a respected spiritual leader in Richmond, died on January 1, 2018; and

WHEREAS, George Thompson attended Maggie L. Walker High School but enlisted in the United States Navy prior to his graduation, serving the nation from 1945 to 1949; after his military service, he returned to Richmond to complete his education and pursued a career as a tailor; and

WHEREAS, well-known as a skillful master draftsman of custom-made shirts, George Thompson worked at Creery Custom Shirt Makers for more than 35 years; during that time, he was the only draftsman on the East Coast who drafted patterns by hand and cut shirts with a knife; and

WHEREAS, in addition to creating fine shirts for many Richmond businessmen, attorneys, and state officials, George Thompson served a number of high-profile clients, including President Harry S. Truman; and

WHEREAS, a man of deep and abiding faith, George Thompson taught Sunday school, served on various church committees, and was a joyful member of the Sydnor Singers, before he followed in his father's footsteps as a deacon; and

WHEREAS, George Thompson was ordained to diaconate of 31st Street Baptist Church in Richmond in 1963; he and his father, George W. Thompson, Sr., became the only father and son team to serve together in the church's history; and

WHEREAS, George Thompson was devoted to the congregation, serving as chair of the Deacons Ministry and superintendent of the church school for more than 35 years; he was a former president of the Church School Forum of Richmond and Vicinity, which supports church schools throughout the region; and

WHEREAS, committed to fostering leadership development and good citizenship among the young people of the community, George Thompson was instrumental in reviving and supporting Boy Scouts of America Troop 414, and he received national recognition for his work with the Scouts; and

WHEREAS, predeceased by one son, George, George Thompson will be fondly remembered and greatly missed by his wife of 60 years, Mary; his children, Jonathan, Marchell, Myra, and Stephanie, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of George W. Thompson, Jr.; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of George W. Thompson, Jr., as an expression of the General Assembly's respect for his memory.

### HOUSE JOINT RESOLUTION NO. 479

*Celebrating the life of the Reverend Alexander Lincoln James III.*

Agreed to by the House of Delegates, March 7, 2018

Agreed to by the Senate, March 9, 2018

WHEREAS, the Reverend Alexander Lincoln James III, a wise and respected spiritual leader in Richmond, died on July 30, 2017; and

WHEREAS, Alexander James was born to the Reverend Dr. A. Lincoln James, Jr., and Mary P. James in 1974; he attended Richmond Public Schools, graduating from Huguenot High School, where he was a member of the football team; and

WHEREAS, Alexander James continued his education at Hampton University and the Virginia Union University School of Theology; and

WHEREAS, Alexander James followed in his father's footsteps as a minister and was licensed at Trinity Baptist Church; he conducted his ministry outside of the church, serving as a counselor to friends, youth, and anyone in need; and

WHEREAS, Alexander James was an enthusiastic student of spirituality, science, and history, and he relished opportunities to expand his knowledge with new points of view; and

WHEREAS, Alexander James will be fondly remembered and greatly missed by his wife, Amey; his daughters, Amia and Alexa; his parents; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of the Reverend Alexander Lincoln James III; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of the Reverend Alexander Lincoln James III as an expression of the General Assembly's respect for his memory.

**HOUSE JOINT RESOLUTION NO. 480**

*Celebrating the life of James Champ III.*

Agreed to by the House of Delegates, March 7, 2018

Agreed to by the Senate, March 9, 2018

WHEREAS, James Champ III, a community leader who offered mentorship, guidance, and wise spiritual counseling to countless members of the Richmond community, died on September 24, 2017; and

WHEREAS, a native of Warren County, North Carolina, James Champ graduated from John F. Kennedy High School and attended Howard University, where he majored in business management; and

WHEREAS, James Champ pursued a long career in finance and insurance; he became president of Coordinated Insurance Services and was designated as a Life Underwriter Training Council Fellow by the National Association of Insurance and Financial Advisors; and

WHEREAS, as the "First Man" of Faith Community Baptist Church, James Champ served on the trustee and men of faith ministries and was a member of the Pastor's Administrative Advisory Council; he took a special interest in programs to help teens and young adults make responsible, healthy life choices; and

WHEREAS, James Champ was an executive board and general board member of the Baptist General Convention of Virginia; he served as president of the men's ministry, focusing on prison reform and helping inmates readjust to society, and was committed to youth leadership development; and

WHEREAS, James Champ also strengthened the community as a founding member of the Richmond Jazz Society and a member of Phi Beta Sigma Fraternity, and he encouraged others to become active in civic life; and

WHEREAS, James Champ will be fondly remembered and greatly missed by his loving wife, Patricia; his daughter, Pamela, and her family; his father, James; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of James Champ III; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of James Champ III as an expression of the General Assembly's respect for his memory.

**HOUSE JOINT RESOLUTION NO. 481**

*Celebrating the life of Robert Austin.*

Agreed to by the House of Delegates, March 7, 2018

Agreed to by the Senate, March 9, 2018

WHEREAS, Robert Austin, a successful entrepreneur and an admired community leader in Richmond, died on January 7, 2018; and

WHEREAS, a native of Henrico County, Robert "Jake" Austin grew up in Bungalow City and attended Fair Oaks Elementary School until the third grade; and

WHEREAS, Jake Austin honorably served his country as a member of the 25th Infantry Regiment of the United States Army, then returned to the Commonwealth and found work as an exterminator; and

WHEREAS, Jake Austin served members of the community by fixing televisions and helping build houses; he built his family's own home on First Avenue in Bungalow City; and

WHEREAS, possessed of an entrepreneurial spirit, Jake Austin established Austin's Grocery in Bungalow City; the store was a popular meeting place for both adults and teenagers and helped foster a strong sense of community among African American residents; and

WHEREAS, as the only African American-owned business in Bungalow City, Austin's Grocery was subject to frequent attacks, and after the original store closed, Jake Austin relocated to Church Hill in Richmond, where he opened a second Austin's Grocery store and continued to serve the community; and

WHEREAS, predeceased by his first wife, Bessie, Jake Austin will be fondly remembered and greatly missed by his wife, Maude; children, Evelyn, Deborah, Gloria, Kimberly, and Robert, Jr., and their families; stepdaughter, Pamela, and her family; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Robert Austin, an entrepreneur and respected member of the Richmond community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Robert Austin as an expression of the General Assembly's respect for his memory.

**HOUSE JOINT RESOLUTION NO. 482**

*Celebrating the life of Philip Madison Griffin.*

Agreed to by the House of Delegates, March 7, 2018

Agreed to by the Senate, March 9, 2018

WHEREAS, Philip Madison Griffin, a beloved member of the Richmond community who inspired others through his courage and grace, died on November 17, 2017; and

WHEREAS, Philip Griffin attended Richmond Public Schools, where he was well-liked by both teachers and his fellow students and received many awards and accolades; he graduated from the Richmond Career Education and Employment Academy on June 8, 2017; and

WHEREAS, Philip Griffin was a devoted fan of the Virginia Tech Hokies and he participated in bowling, basketball, tennis, and track and field through the Special Olympics; he played baseball and basketball with the Jacob's Chance Buddy Ball program; and

WHEREAS, Philip Griffin enjoyed fellowship and worship with the congregation of Fifth Baptist Church, where he was active in the Children's Church and the Nursery Ministry; he was also an active member of the Midlothian Chapter of Jack and Jill of America, Inc.; and

WHEREAS, Philip Griffin brought joy to everyone he met through his bright smile and infectious laughter, and he inspired family, friends, and members of the community through his bravery; and

WHEREAS, Philip Griffin will be fondly remembered and greatly missed by his parents, Indy and Barry; siblings, Barry, Jr., and Alliyah; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Philip Madison Griffin; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Philip Madison Griffin as an expression of the General Assembly's respect for his memory.

**HOUSE JOINT RESOLUTION NO. 483**

*Celebrating the life of Dr. Wanda S. Mitchell.*

Agreed to by the House of Delegates, March 7, 2018

Agreed to by the Senate, March 9, 2018

WHEREAS, Dr. Wanda S. Mitchell, a devoted educator and respected community leader in Richmond, passed away on July 31, 2017; and

WHEREAS, a native of Allendale, South Carolina, Wanda Mitchell worked in higher education for more than 30 years, finishing her career as an affiliate professor in the Department of Counseling and Special Education at Virginia Commonwealth University; and

WHEREAS, Wanda Mitchell gave years of dedicated service to various specialized organizations, including serving on the Board of Directors of the National Association of Diversity Officers in Higher Education, on the Association of Public and Land-grant Universities' Commission on Access, Diversity and Excellence, and as faculty for the Higher Education Resources Services Leadership Institute; and

WHEREAS, Wanda Mitchell volunteered with many church and civic organizations and served on community boards; she was a member of the Virginia Center for Inclusive Communities, Side by Side, Leadership Metro Richmond, and Delta Sigma Theta Sorority, Inc.; and

WHEREAS, in 2001, Wanda Mitchell graduated from the Grace E. Harris Leadership Institute for Women in Higher Education and Faith-Based Organizations, and she received several other awards and professional accolades; and

WHEREAS, in 2002, Wanda Mitchell served as a faculty member at the University of New Hampshire, holding the title of chief diversity officer; and

WHEREAS, Wanda Mitchell served as the founding vice president for inclusive excellence and served as the founding chief diversity officer at Virginia Commonwealth University from 2012 to 2015; and

WHEREAS, Wanda Mitchell is survived by her father, John E. Tilley; her two sisters, Bunita Tilley and Lisa D. Tilley; her brother Dennis R. Patterson; and a large and loving family; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Dr. Wanda S. Mitchell; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Dr. Wanda S. Mitchell as an expression of the General Assembly's respect for her memory.

**HOUSE JOINT RESOLUTION NO. 484**

*Celebrating the life of Vivian Conway Mason.*

Agreed to by the House of Delegates, March 7, 2018

Agreed to by the Senate, March 9, 2018

WHEREAS, Vivian Conway Mason, a passionate educator and a beloved wife, mother, and friend in the Richmond community, died on June 8, 2017; and

WHEREAS, a lifelong resident of Richmond, Vivian Mason grew up in the historic Jackson Ward neighborhood and graduated from Maggie L. Walker High School; she earned a bachelor's degree from Virginia Commonwealth University (VCU) and conducted graduate studies at VCU, Hampton University, and Virginia Union University; and

WHEREAS, specializing in early childhood education and special education, Vivian Mason taught in Richmond Public Schools for 40 years, giving countless students a strong foundation for lifelong learning and inspiring them to become active citizens of the Commonwealth; and

WHEREAS, respected among her peers, Vivian Mason was a leader in the Richmond Education Association and served as a delegate to the Virginia Education Association and the National Education Association; and

WHEREAS, Vivian Mason was a staunch advocate for children, and she brought joy to others through her vibrant personality, sharp wit, and commitment to service; and

WHEREAS, Vivian Mason will be fondly remembered and greatly missed by her devoted husband of 55 years, Eugene; her children, Yvette and Eugene, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Vivian Conway Mason; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Vivian Conway Mason as an expression of the General Assembly's respect for her memory.

**HOUSE JOINT RESOLUTION NO. 485**

*Celebrating the life of Rosalene Inez Bullock.*

Agreed to by the House of Delegates, March 7, 2018

Agreed to by the Senate, March 9, 2018

WHEREAS, Rosalene Inez Bullock, an active member of the Richmond community who dedicated herself to the service of others, died on March 13, 2017; and

WHEREAS, a native of North Carolina, Rosalene Bullock moved to the Commonwealth with her family and attended Richmond Public Schools, graduating from John F. Kennedy High School in 1972; and

WHEREAS, Rosalene Bullock continued her education at J. Sargeant Reynolds Community College, then spent many years offering her time and wise leadership to civic and service organizations in Richmond; and

WHEREAS, Rosalene Bullock worked to enhance the quality of life of her fellow Richmond residents as president of the Central Virginia Legal Aid Society Client Council, the East End Advisory Council, and the Richmond Community Action Program (RCAP) Joint Advisory Council; she also served RCAP as secretary of its Board of Directors; and

WHEREAS, in addition, Rosalene Bullock served on the boards of the Virginia Poverty Law Center and the Central Virginia Legal Aid Society and was a member of the Richmond branch of the NAACP; and

WHEREAS, Rosalene Bullock had a keen interest in civic life and was a member of the Richmond City Democratic Committee and the Richmond Crusade for Voters, and she worked closely with the Honorable Henry L. Marsh III and the Honorable Delores L. McQuinn; and

WHEREAS, Rosalene Bullock will be fondly remembered and greatly missed by her sons, Roderyck and Ivory, and their families, and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Rosalene Inez Bullock; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Rosalene Inez Bullock as an expression of the General Assembly's respect for her memory.

**HOUSE JOINT RESOLUTION NO. 486**

*Celebrating the life of William G. Somerville.*

Agreed to by the House of Delegates, March 7, 2018  
 Agreed to by the Senate, March 9, 2018

WHEREAS, William G. Somerville, an active member of the Mount Vernon community and a beloved husband and father, died on January 11, 2018; and

WHEREAS, a native of County Meath, Ireland, William "Willie" G. Somerville immigrated to the United States in 1988; and

WHEREAS, an avid sports fan, Willie Somerville supported countless young athletes in the community and relished every opportunity to cheer for his sons, Henry and Liam; and

WHEREAS, Willie Somerville's family plans to establish a foundation in his honor that will provide support to young athletes seeking to play competitive soccer at a higher level; and

WHEREAS, Willie Somerville will be fondly remembered and greatly missed by his wife, Ann Marie; his sons, Henry and Liam; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of William G. Somerville; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of William G. Somerville as an expression of the General Assembly's respect for his memory.

**HOUSE JOINT RESOLUTION NO. 487**

*Commending Eileen Curtis.*

Agreed to by the House of Delegates, March 7, 2018  
 Agreed to by the Senate, March 9, 2018

WHEREAS, Eileen Curtis, a respected leader who served as president and chief executive officer of the Dulles Regional Chamber of Commerce for 23 years, retired in July 2017 following a distinguished career; and

WHEREAS, a New Jersey native, Eileen Curtis earned a master's degree from The Catholic University of America in Washington, D.C.; during her early career, she served as director of music and cultural affairs at WGMS Radio in Rockville, Maryland; and

WHEREAS, in 1994, Eileen Curtis took the reins as president and chief executive officer of the Dulles Regional Chamber of Commerce; during her 23-year tenure with the organization, it has grown into one of the largest chambers of commerce in the Washington, D.C., area; and

WHEREAS, an enthusiastic and visionary leader, Eileen Curtis tirelessly marshalled the resources of the Dulles Regional Chamber of Commerce to benefit the business community of Northern Virginia; among other initiatives, she emphasized diversity, guided the Chamber in addressing 21st century issues related to science and biotechnology, and launched Innovate, an annual one-day conference welcoming the economic opportunities of change; and

WHEREAS, Eileen Curtis also forged partnerships with six local high schools to help prepare the workforce of tomorrow and was instrumental in persuading the board of the Dulles Regional Chamber of Commerce to embrace a platform of immigration reform; and

WHEREAS, Eileen Curtis has received numerous honors and accolades during her career, including the Woman of the Year award from the Herndon Business and Professional Women's Club, the Chamber Executive of the Year Award from the Virginia Association of Chamber of Commerce Executives, and the Peabody Award for Broadcast Journalism; and

WHEREAS, along with continuing to serve as a consultant to the Dulles Regional Chamber of Commerce, Eileen Curtis plans to spend her retirement traveling, volunteering, and writing books; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Eileen Curtis for her 23-year stewardship of the Dulles Regional Chamber of Commerce on the occasion of her retirement; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Eileen Curtis as an expression of the General Assembly's admiration for her outstanding service to the business community.

**HOUSE JOINT RESOLUTION NO. 488**

*Commending Gordon Stokes.*

Agreed to by the House of Delegates, March 7, 2018  
 Agreed to by the Senate, March 9, 2018

WHEREAS, Gordon Stokes, a dedicated leader and educator who serves as principal at Rachel Carson Middle School, was named the 2017 Outstanding New Principal by Fairfax County Public Schools; and

WHEREAS, Gordon Stokes earned a master's degree in history from the University of Virginia; he later received a National Board certification in social studies in 2005; and

WHEREAS, Gordon Stokes began his career in education at Rachel Carson Middle School, where he spent nine years as a history teacher; he then served as a LEAD Fairfax administrative intern at Francis Scott Key Middle School before becoming an assistant principal at Luther Jackson Middle School and South County Middle School; and

WHEREAS, in July 2015, Gordon Stokes began serving as principal of Rachel Carson Middle School; during his tenure, he has articulated a compelling vision for the school's future and earned a reputation as an innovative and collaborative leader; and

WHEREAS, as principal at Rachel Carson Middle School, Gordon Stokes has carefully observed classes and reached out to students by hosting group lunches; he also oversaw the school's move to a block schedule to allow more time for students to learn 21st century skills; and

WHEREAS, Gordon Stokes selected "Crossing Over: Proud Traditions, Bright Future" as the theme for his first year at Rachel Carson Middle School; he also made the novel *The Crossover* required reading for all students and staff and arranged to have its author, Kwame Alexander, speak at the school; and

WHEREAS, Gordon Stokes was one of five finalists for the 2017 Outstanding New Principal award; he was announced as the winner at the annual Fairfax County Public Schools Honors Event held on June 7, 2017; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Gordon Stokes on being named the 2017 Outstanding New Principal by Fairfax County Public Schools; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Gordon Stokes as an expression of the General Assembly's admiration for his spectacular achievements and best wishes for continued success.

**HOUSE JOINT RESOLUTION NO. 489**

*Commending Richard Campbell.*

Agreed to by the House of Delegates, March 7, 2018

Agreed to by the Senate, March 9, 2018

WHEREAS, Richard Campbell, a dedicated law-enforcement officer, has ably served the residents of the City of Falls Church for more than 35 years; and

WHEREAS, Richard Campbell began his law-enforcement career in Falls Church in 1982, served with the Federal Bureau of Investigation, then returned to the Falls Church Police Department, where he rose through the ranks to become the deputy chief of police in 2015; he has also become the most tenured police officer in the city; and

WHEREAS, Richard Campbell has served and protected his fellow Falls Church residents with distinction as a detective, supervisor of patrol units, and commander of the Operations and Services Divisions; he has served as a trusted mentor to countless young officers and helped ensure the integrity of the department through his commitment to excellence; and

WHEREAS, Richard Campbell has offered his leadership and expertise to the city's Employee Retirement Board, and he has served the city in many capacities with his training as a certified polygraph examiner; and

WHEREAS, Richard Campbell has earned many awards and accolades throughout his 30-year career, including the 1999 Police Officer of the Year Award; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Richard Campbell for his 35 years of service to the City of Falls Church as a law-enforcement officer; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Richard Campbell as an expression of the General Assembly's admiration for his contributions to the Falls Church community.

**HOUSE JOINT RESOLUTION NO. 490**

*Commending Jonathan Brown.*

Agreed to by the House of Delegates, March 7, 2018

Agreed to by the Senate, March 9, 2018

WHEREAS, Jonathan Brown, an experienced maintenance worker, has ably served the residents of the City of Falls Church for more than 30 years; and

WHEREAS, Jonathan Brown began his career with Falls Church as a custodian for the Department of Parks and Recreation, where he was responsible for the maintenance of the Falls Church Community Center and assisted with preparation for special events; and

WHEREAS, Jonathan Brown assisted with the maintenance of the city's water and sewer systems before transferring to the Falls Church Department of Public Works, where he is responsible for street maintenance; and

WHEREAS, promoted to senior maintenance worker in 2012, Jonathan Brown makes repairs to roadways, sidewalks, and curbs and gutters; in addition, he assists with leaf collections and is one of the city's most capable snow plow operators; and

WHEREAS, through his loyalty and hard work, Jonathan Brown has made Falls Church a safer place to live, operate a business, and start a family; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Jonathan Brown for his 30 years of service to the City of Falls Church as a maintenance worker; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Jonathan Brown as an expression of the General Assembly's admiration for his contributions to the Falls Church community.

**HOUSE JOINT RESOLUTION NO. 491**

*Commending Janet Haines.*

Agreed to by the House of Delegates, March 7, 2018

Agreed to by the Senate, March 9, 2018

WHEREAS, Janet Haines, a skilled and dedicated crossing guard in Falls Church, was honored for 50 years of service to the community in 2017; and

WHEREAS, on the job in rain, snow, and scorching heat, 92-year-old Janet Haines has become a fixture on the corner of West Broad and North Spring streets in Falls Church, where she ensures the safety of students at nearby St. James Catholic School by directing passing cars, trucks, and buses; and

WHEREAS, a former stay-at-home mother, Janet Haines was hired as a crossing guard with the Falls Church Police Department in March 1967; during her five decades of service, she has rarely missed a day of work while protecting several generations of students; and

WHEREAS, known for her cheerful personality and infectious smile, Janet Haines goes above and beyond in her duties as a crossing guard, even cleaning up litter and debris on her corner; and

WHEREAS, in recognition of Janet Haines' 50 years of diligent service, St. James Catholic School put up a banner noting her work anniversary and held a surprise assembly where she was honored with gifts, letters of thanks, and a special song performed by all 455 members of the school; and

WHEREAS, Janet Haines also received a service award from the Falls Church Police Department, where she is the longest tenured employee; and

WHEREAS, Janet Haines' devotion to the safety of children and pedestrians in Falls Church has won her the abiding respect, admiration, and affection of the people she has so ably served; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Janet Haines on 50 years of protecting the community as a school crossing guard; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Janet Haines as an expression of the General Assembly's admiration for her long and distinguished service to Falls Church.

**HOUSE JOINT RESOLUTION NO. 492**

*Commending Alan Freed.*

Agreed to by the House of Delegates, March 7, 2018

Agreed to by the Senate, March 9, 2018

WHEREAS, Alan Freed, a distinguished law-enforcement officer, has ably served the residents of the City of Falls Church for more than 30 years; and

WHEREAS, Alan Freed joined the Falls Church Police Department as a private in 1987, and he rose through the ranks to become a corporal in 2012; and

WHEREAS, for much of his career, Alan Freed worked in the Operations Division as a patrol officer and a K-9 handler; in addition to serving and protecting the residents of Falls Church, he and his police dog Rudy represented the city regionally and nationally in United States Police Canine Association certification trials; and

WHEREAS, Alan Freed also serves as a field training officer, was the department's main contact for the Falls Church Towing Enforcement Program, and performed compliance inspections on city taxi drivers; and

WHEREAS, Alan Freed is passionate about drunk driving awareness enforcement, having received the Awards for Excellence in Community Service and Public Safety from Mothers Against Drunk Driving and the Virginia Alcohol Safety Action Program multiple times for his exceptional arrest record of people driving while intoxicated; and

WHEREAS, Alan Freed has received many other awards and accolades throughout his 30-year career, including the 1988 Police Officer of the Year Award and the Valor Award from the Virginia Association of Chiefs of Police in 2013; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Alan Freed for his 30 years of service to the City of Falls Church as a law-enforcement officer; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Alan Freed as an expression of the General Assembly's admiration for his contributions to the Falls Church community.

**HOUSE JOINT RESOLUTION NO. 493**

*Commending Chris Lumsden.*

Agreed to by the House of Delegates, March 7, 2018

Agreed to by the Senate, March 9, 2018

WHEREAS, Chris Lumsden, a respected hospital administrator who has made many contributions to the residents of Halifax County, retires as president of Sentara Halifax Regional Hospital on March 31, 2018, after 30 years of exceptional leadership; and

WHEREAS, a native of Roanoke, Chris Lumsden holds degrees from Bridgewater College and The George Washington University; he worked as an assistant administrator at Danville Regional Medical Center before he was hired as chief operating officer of Halifax-South Boston Community Hospital at the age of 27; and

WHEREAS, two years later, in 1988, Chris Lumsden was promoted to chief executive officer of Halifax-South Boston Community Hospital and helped the hospital grow from an acute care center with only 450 employees, to become a comprehensive health care system, which joined Sentara Healthcare in 2013 to become Sentara Halifax Regional Hospital; and

WHEREAS, under Chris Lumsden's leadership, Sentara Halifax Regional Hospital has become the largest employer in Halifax County, and one of the largest in the region, with more than 1,000 employees serving patients with a 173-bed hospital, two nursing facilities, a hospice program, and a network of about 65 physicians; and

WHEREAS, Chris Lumsden oversaw the addition of 16 new medical and surgical specialties, directed several multi-million dollar renovations, expansions, and technology upgrades, and increased employee productivity and financial performance, while maintaining high overall employee and patient satisfaction scores; and

WHEREAS, a licensed Nursing Home Administrator and a Fellow of the American College of Healthcare Executives, Chris Lumsden is deeply respected by his peers in hospital administration, serving as a former chair of the Virginia Hospital and Healthcare Association Board of Directors; and

WHEREAS, Chris Lumsden has supported the Southside Virginia community in many other ways, taking a particular interest in education and economic development; he supported an initiative to provide computers to Halifax County Public Schools, served as a founding chair of the Southern Virginia Higher Education Center and the Halifax Education Foundation, and is a past chair of the Virginia Economic Development Partnership; and

WHEREAS, Chris Lumsden has received numerous awards and accolades for his personal and professional achievements, including the Virginia Hospital and Healthcare Association's Distinguished Service Award, and, in 2017, Sentara Halifax Regional Hospital was named as one of the Top 100 Rural & Community Hospitals by iVantage; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Chris Lumsden for 30 years of leadership to the Southside Virginia medical community on the occasion of his retirement as president of Sentara Halifax Regional Hospital; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Chris Lumsden as an expression of the General Assembly's admiration for his legacy of service to the residents of Halifax County.

**HOUSE JOINT RESOLUTION NO. 494**

*Commending The Community Foundation.*

Agreed to by the House of Delegates, March 7, 2018

Agreed to by the Senate, March 9, 2018

WHEREAS, The Community Foundation, a nonprofit organization that manages and distributes charitable giving in the Fredericksburg region, celebrated its 20th anniversary in 2017; and

WHEREAS, formed in 1997, The Community Foundation connects with donors, nonprofit organizations, businesses, government, community groups, individuals, and leaders to serve the current and future needs of people throughout the Counties of Stafford, Spotsylvania, King George, and Caroline and the City of Fredericksburg; and

WHEREAS, The Community Foundation partners with generous donors to create or invest in named charitable funds within the organization; it also operates an unrestricted Community Fund to preserve and grow the vibrancy of the Rappahannock River region; and

WHEREAS, The Community Foundation has delivered over \$8.8 million in grants throughout its history and currently stewards 143 different funds and over \$22 million in charitable assets; and

WHEREAS, The Community Foundation runs several special initiatives, including a Women and Girls Fund and a Youth in Philanthropy leadership program that teaches local high school students to analyze and award impactful grants to area nonprofits; and

WHEREAS, in addition, The Community Foundation makes \$140,000 or more in scholarship funds available to area high school seniors each year; and

WHEREAS, to mark its 20th year in operation, The Community Foundation awarded four "visionary grants" of \$20,000 each to Friends of the Rappahannock, Germanna Community College, the Lloyd F. Moss Free Clinic, and the Arts and Cultural Council of the Rappahannock; and

WHEREAS, through its philanthropic programs, The Community Foundation has marshaled the generosity of the Rappahannock River region and made a powerful and positive impact on the community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend The Community Foundation on the occasion of its 20th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to The Community Foundation as an expression of the General Assembly's admiration for its dedication to charitable giving and its long-term investment in the growth of the Rappahannock River region.

#### HOUSE JOINT RESOLUTION NO. 495

*Commending the Fredericksburg Area Builders Association.*

Agreed to by the House of Delegates, March 7, 2018

Agreed to by the Senate, March 9, 2018

WHEREAS, the Fredericksburg Area Builders Association, a trade association that has provided advocacy, educational opportunities, and information sharing for the Fredericksburg area building industry, celebrates its 50th anniversary in 2018; and

WHEREAS, founded in 1968, the Fredericksburg Area Builders Association (FABA) represents thousands of business owners and individuals whose livelihoods are tied to the building and building-related industries; the organization is affiliated with the National Association of Home Builders and the Home Builders Association of Virginia; and

WHEREAS, FABA works to maintain a favorable climate for the growth and development of the building industry in the City of Fredericksburg, the surrounding Counties of Spotsylvania, Stafford, King George, Caroline, and Orange, and the areas of Quantico, Dahlgren, and Northern Virginia; and

WHEREAS, FABA constantly monitors upcoming legislation on the local, state, and national levels and advocates on behalf of its members; it also meets on a regular basis with local building officials as well as planning and zoning staff to stay current on code changes, agendas, and department updates; and

WHEREAS, in addition, FABA works to provide educational opportunities for its members, including training seminars, information sessions, OSHA training, and contract law seminars; and

WHEREAS, FABA facilitates networking and fellowship among its members through lunch clubs, social events, holiday parties, family events, and an annual Parade of Homes; and

WHEREAS, throughout its long and distinguished history, FABA has been steadfast in its commitment to aiding its members while promoting high professional standards and advancing the goal of making home ownership possible for all individuals and families in the Fredericksburg area; and

WHEREAS, FABA celebrated its 50th anniversary with a dinner and awards ceremony on January 20, 2018, at the University of Mary Washington; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Fredericksburg Area Builders Association on its years of service to the Fredericksburg area's building community on the occasion of its 50th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Fredericksburg Area Builders Association as an expression of the General Assembly's admiration for its impressive accomplishments and dedication to serving the needs of its members and its community.

**HOUSE JOINT RESOLUTION NO. 496**

*Commending the Fredericksburg Area Museum.*

Agreed to by the House of Delegates, March 7, 2018  
Agreed to by the Senate, March 9, 2018

WHEREAS, the Fredericksburg Area Museum, which works diligently to collect, research, interpret, teach, and preserve the history and heritage of the Fredericksburg community, celebrates its 30th anniversary in 2018; and

WHEREAS, after the historic Fredericksburg Town Hall was vacated in 1982, the city resolved to lease and restore the building for use as a local museum, and the Fredericksburg Area Museum and Cultural Center was first opened in 1988; and

WHEREAS, the Fredericksburg Area Museum and Cultural Center served the community for many years, until a reorganization in 2015; the museum reopened in 2017 as the Fredericksburg Area Museum with a revitalized mission and vision; and

WHEREAS, the Fredericksburg Area Museum maintains a collection of more than 3,000 historical objects in permanent and rotating exhibits and strives to present the region's history in ways that resonate with and inspire the diverse, growing Fredericksburg community; and

WHEREAS, the Fredericksburg Area Museum has also renewed its focus on education, providing online and classroom resources for students and teachers, as well as valuable adult and community programming at the museum and partner institutions; and

WHEREAS, the Fredericksburg Area Museum is a vital cultural hub and an integral component of the economy of downtown Fredericksburg, drawing visitors from across the Commonwealth and the United States, including more than 15,000 visitors in 2017 alone; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Fredericksburg Area Museum for its service to the community on the occasion of its 30th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Fredericksburg Area Museum as an expression of the General Assembly's admiration for the museum's work to preserve the history of the Commonwealth and the cultural spirit of Fredericksburg.

**HOUSE JOINT RESOLUTION NO. 497**

*Commending the Central Rappahannock Regional Library.*

Agreed to by the House of Delegates, March 7, 2018  
Agreed to by the Senate, March 9, 2018

WHEREAS, in 2017, the Central Rappahannock Regional Library in Fredericksburg earned its fourth-consecutive 4-Star Library rating from *Library Journal*; and

WHEREAS, tracing its roots to the opening of the Wallace Library in Fredericksburg in 1910, the Central Rappahannock Regional Library was established in 1969 as a model to demonstrate the benefits of a regional public library system and has served the community since that time; and

WHEREAS, today, Central Rappahannock Regional Library offers a wide array of books, magazines, and other publications, digital resources, and services and programs for children, teenagers, and adults at its branch locations throughout the region; and

WHEREAS, out of more than 7,000 qualifying libraries in the United States, only 259 received a star rating from *Library Journal* in 2017; Central Rappahannock Regional Library was one of only three libraries in the Commonwealth to achieve the high honor of any star rating; and

WHEREAS, *Library Journal* bases its ratings on physical materials circulation, electronic circulation, branch visits, program attendance, and public computer usage, with Central Rappahannock Regional Library meeting all criteria; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Central Rappahannock Regional Library on receiving the prestigious 4-Star Library rating from *Library Journal* in 2017; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Central Rappahannock Regional Library as an expression of the General Assembly's admiration for its work to promote reading and learning throughout the community.

**HOUSE JOINT RESOLUTION NO. 498**

*Commending Growing Kids Therapy Center.*

Agreed to by the House of Delegates, March 7, 2018  
Agreed to by the Senate, March 9, 2018

WHEREAS, Growing Kids Therapy Center in Herndon uses innovative methods to help non-speaking, minimally speaking, and unreliably speaking individuals improve their motor skills and ability to communicate; and

WHEREAS, Growing Kids Therapy Center was founded by Elizabeth Vosseller, who previously worked at the Children's National Medical Center in Washington, D.C., where she specialized in autism; she also taught more than 20 undergraduate and graduate-level hearing and speech sciences courses at The George Washington University; and

WHEREAS, Elizabeth Vosseller developed a passion for clinical training through field supervision of teachers and speech-language pathologists during their graduate studies; she established Growing Kids Therapy Center to serve clients and their families full time; and

WHEREAS, in 2013, Elizabeth Vosseller began using augmentative and alternative communication techniques—methods to supplement or replace speech for those with impairments; and

WHEREAS, with Elizabeth Vosseller's Spelling to Communicate method, clients of Growing Kids Therapy Center utilize their cognitive and language skills to overcome speech difficulties by pointing to letters on a board to communicate; and

WHEREAS, Growing Kids Therapy Center hosts interns from various service fields and established the Accessing Community Through Spelling professional development program to develop a network of trained practitioners prepared to serve all types of clients; and

WHEREAS, in 2017, the Herndon Town Council recognized April as National Autism Acceptance Month with a proclamation that had been written by the students of Growing Kids Therapy Center; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Growing Kids Therapy Center for its work to help individuals develop motor skills and their ability to communicate; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Elizabeth Vosseller, founder of the Growing Kids Therapy Center, as an expression of the General Assembly's admiration for its service to the Herndon community.

#### HOUSE JOINT RESOLUTION NO. 499

*Commending Douglas Graney.*

Agreed to by the House of Delegates, March 7, 2018

Agreed to by the Senate, March 9, 2018

WHEREAS, Douglas Graney, a teacher at Herndon High School who has inspired countless students to become active citizens and leaders in their communities through his innovative teaching methods and support for internship opportunities, published an account of his distinguished career, *American Teacher: Adventures in the Classroom and Our Nation's Capital*, in 2018; and

WHEREAS, a National Board Certified Teacher with more than 30 years of experience, Douglas Graney worked at schools in Connecticut and New York before joining Fairfax County Public Schools in 1992; and

WHEREAS, during his time at Herndon High School, Douglas Graney has placed a special emphasis on making his classes interesting, meaningful, and relevant to students, often designing his lesson plans around field trips, guest speakers, rallies, dignitary visits, and special events; and

WHEREAS, Douglas Graney has worked to make a positive impact in his students' lives by imparting to them an appreciation for the importance of civic responsibility, respect for all viewpoints, and critical thinking skills; and

WHEREAS, in 1994, Douglas Graney created the largest-ever intern placement program on Capitol Hill, and his students were well-prepared to commence their internships with the inquisitiveness, confidence, and knowledge to provide valuable support to the nation's leaders; and

WHEREAS, many of Douglas Graney's students have gone on to achieve success as civil servants or respectful, thoughtful leaders in their fields; and

WHEREAS, Douglas Graney has earned numerous awards and accolades for his work, including recognition from the Virginia Education Association, the National Education Association Foundation, and many other organizations; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Douglas Graney on the publication of his autobiographical book *American Teacher: Adventures in the Classroom and Our Nation's Capital*; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Douglas Graney as an expression of the General Assembly's admiration for his work to provide unique educational opportunities for his students and his commitment to helping them become engaged citizens of the Commonwealth and the United States.

**HOUSE JOINT RESOLUTION NO. 500**

*Commending Barbara Sorenson.*

Agreed to by the House of Delegates, March 7, 2018

Agreed to by the Senate, March 9, 2018

WHEREAS, Barbara Sorenson, a respected educator and community volunteer who served as president of the Herndon afterschool program Vecinos Unidos, retired in 2016 following a distinguished career; and

WHEREAS, Vecinos Unidos is a nonprofit program originally started in 1997 to address the academic needs of Hispanic students in the Herndon community; it later expanded its offerings to include afterschool homework assistance, mentoring, and enrichment activities for all students in need in grades one through six; a former educator, Barbara Sorenson began volunteering with Vecinos Unidos in the early 2000s and later took the reins as the organization's president; and

WHEREAS, under Barbara Sorenson's able leadership, Vecinos Unidos evolved and thrived, aiding over 1,000 students through programs that help build skills in reading, mathematics, and technology; and

WHEREAS, one of Barbara Sorenson's biggest accomplishments as president of Vecinos Unidos was the addition of a summer program at the Herndon Resource Center that allows students to continue to receive educational assistance outside of the school year; and

WHEREAS, a tireless champion of education, Barbara Sorenson won the respect of her colleagues and her community for her efforts with Vecinos Unidos and helped numerous young people unlock their potential as learners; and

WHEREAS, on April 19, 2017, Barbara Sorenson was honored with a retirement reception that included the Vecinos Unidos board of directors, 30 volunteers, and two former student participants; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Barbara Sorenson on her 15 years of service to the youth of Herndon as a volunteer with and leader of Vecinos Unidos; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Barbara Sorenson as an expression of the General Assembly's admiration for her dedication to the community and best wishes for a well-deserved retirement.

**HOUSE JOINT RESOLUTION NO. 501**

*Celebrating the life of Donald S. Beyer, Sr.*

Agreed to by the House of Delegates, March 7, 2018

Agreed to by the Senate, March 9, 2018

WHEREAS, Donald S. Beyer, Sr., a patriotic veteran, beloved patriarch of a large family, and longtime resident of Falls Church who served his fellow residents as an automotive dealer, died on December 23, 2017; and

WHEREAS, a native of McLean, Donald "Don" S. Beyer, Sr., grew up on Spring Hill Farm and developed a passion for cars at a young age; he built his first car with parts from a local junkyard at the age of 12 and later raced in what would eventually become the National Association of Stock Car Auto Racing; and

WHEREAS, Don Beyer graduated from Western High School and the United States Military Academy at West Point and served his country as a member of the United States Army during the Korean War; he held several postings as a military policeman, including at Fort Leavenworth, the Pentagon, and Enewetak Atoll, where the United States conducted nuclear testing; and

WHEREAS, Don Beyer could often be found in his garage, fixing cars for friends and neighbors, and he served the community as the general manager of a Chrysler-Plymouth dealership until 1973, when he founded Don Beyer Volvo in Falls Church; and

WHEREAS, Don Beyer and his family helped grow the business into the Don Beyer Automotive Group, a network of nine dealerships in the area that employs more than 350 people and sold more than 5,000 cars in 2017; and

WHEREAS, Don Beyer knew many of his customers by name and was a trusted mentor to his employees; his children and grandchildren continue to serve the Falls Church community and the Commonwealth through the family business and in many other capacities, demonstrating the same commitment to integrity and generosity; and

WHEREAS, predeceased by his wife of 51 years, Nancy, and one daughter, Kathy, Don Beyer will be fondly remembered and greatly missed by his five children, Don, Jr., Sherry, Weetie, Sandy, and Mike, and their families; his companion of seven years, Betty Knight; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Donald S. Beyer, Sr., a pillar of the Falls Church community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Donald S. Beyer, Sr., as an expression of the General Assembly's respect for his memory.

**HOUSE JOINT RESOLUTION NO. 502***Celebrating the life of Henry Louis Myers.*

Agreed to by the House of Delegates, March 7, 2018

Agreed to by the Senate, March 9, 2018

WHEREAS, Henry Louis Myers, a dedicated firefighter, a respected member of the Halifax County community, and the last remaining veteran in Halifax County who participated in the D-Day invasion of Normandy, France, during World War II, died on October 26, 2017; and

WHEREAS, a member of F Company, 29th Infantry Division, of the Virginia National Guard, Henry Louis "Pete" Myers was part of the first wave of troops to land on Omaha Beach on June 6, 1944; courageously facing intense fire, he dressed his own wounds after he was struck by enemy artillery and was stranded on the beach for two days until he was found by Allied medics; and

WHEREAS, after his honorable military service, Pete Myers returned to Halifax County and ran his family's general store in the Liberty community; he helped organize the Liberty Volunteer Fire Department in 1957 and was active with the department until 1984; and

WHEREAS, in 1978, Pete Myers joined the Halifax Volunteer Fire Department; he held numerous leadership positions, was the department's main truck operator for many years, and continued to respond to calls for service until the age of 75; and

WHEREAS, one of the longest-serving members of the Halifax Volunteer Fire Department, Pete Myers was honored by the department in 2016 for his nearly 60 years of work to safeguard the lives and property of his fellow Halifax County residents; and

WHEREAS, Pete Myers was deeply dedicated to serving and supporting his fellow veterans as longtime commander of the Halifax Veterans of Foreign Wars Post 8243 and as a member of American Legion Post 8 in South Boston; for many years, he laid the wreath at the D-Day ceremony at the National Guard Armory in South Boston; and

WHEREAS, Pete Myers will be fondly remembered and greatly missed by his wife, Frances; his sons, Danny and Steve, and their families; and numerous other family members, friends, and fellow veterans; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Henry Louis Myers, a true member of the Greatest Generation; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Henry Louis Myers as an expression of the General Assembly's respect for his memory.

**HOUSE JOINT RESOLUTION NO. 503***Celebrating the life of Chief Warrant Officer Edwin Linek, USN, Ret.*

Agreed to by the House of Delegates, March 7, 2018

Agreed to by the Senate, March 9, 2018

WHEREAS, Chief Warrant Officer Edwin Linek, USN, Ret., a beloved father, distinguished veteran, and active member of the Sterling community, died on January 13, 2018; and

WHEREAS, a native of Taunton, Massachusetts, Edwin "Ed" Linek graduated from Taunton High School and attended the University of Seattle; in 1947, he joined the United States Navy as a radio operator; and

WHEREAS, Ed Linek had a distinguished military career, serving in the Korean War from July 1950 to August 1951 and then joining the reserves a year later as a communications technician; he later retired from the United States Navy Reserve after 40 years with the rank of Chief Warrant Officer 4; and

WHEREAS, after joining the Navy Reserve in 1952, Ed Linek embarked on a career with Western Union Telegraph Company in Seattle, Washington; his work later took him and his family around the United States to California, Tennessee, Texas, New Jersey, New York, and Virginia; and

WHEREAS, always an active citizen, Ed Linek was an avid basketball player and served as a Scoutmaster with the Boy Scouts of America and a Little League baseball coach; and

WHEREAS, in 1976, Ed Linek and his wife settled in Sterling, where he became a member of numerous community organizations, including American Legion Post 150, the Veterans of Foreign Wars, the Knights of Columbus, the Elks, the Sterling Ruritan Club, and the Sterling Foundation; and

WHEREAS, a big-hearted man who loved children, Ed Linek also frequently dressed as a clown or Santa Claus for parades and community events; and

WHEREAS, Ed Linek's generous community service efforts earned him an Outstanding Volunteer Award from Loudoun Volunteer Services and a Knight of the Year award from the Knights of Columbus; and

WHEREAS, predeceased by his wife, Alice, and daughter, Ann Marie, Ed Linek will be fondly remembered and greatly missed by his four sons, Ernest, John, Thomas, and Mark, and their families, as well as numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Chief Warrant Officer Edwin Linek, USN, Ret., an active citizen who gave generously of his time in service to the residents of Sterling; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Chief Warrant Officer Edwin Linek, USN, Ret., as an expression of the General Assembly's respect for his memory.

**HOUSE JOINT RESOLUTION NO. 504**

*Celebrating the life of Scott Spillane Fricker.*

Agreed to by the House of Delegates, March 7, 2018

Agreed to by the Senate, March 9, 2018

WHEREAS, Scott Spillane Fricker, a hardworking civil servant who made many contributions to the Reston community, died on December 22, 2017; and

WHEREAS, Scott Fricker was born to John and Sandy Fricker in Heidelberg, Germany, while his father was serving in the military; and

WHEREAS, Scott Fricker was raised in the Washington metropolitan area and later earned a bachelor's degree from the University of Richmond; and

WHEREAS, Scott Fricker continued his education by earning a master's degree from the University of California, Santa Barbara, and a doctorate in survey research from the University of Maryland; and

WHEREAS, Scott Fricker pursued a career with the United States Bureau of Labor Statistics, where he worked as a senior research psychologist, helping to provide essential statistical data to businesses, members of the public, and local, state, and federal government agencies; and

WHEREAS, Scott Fricker earned the respect of his coworkers and was well-liked in his community for his generosity and friendly personality; his greatest joy in life was caring for his family; and

WHEREAS, Scott Fricker died on the same day as his wife, Buckley; he will be fondly remembered and greatly missed by his son, Elliot; his stepchildren, Kelly and Amelia; his parents, John and Sandy Fricker, and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Scott Spillane Fricker, an admired member of the Reston community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Scott Spillane Fricker as an expression of the General Assembly's respect for his memory.

**HOUSE JOINT RESOLUTION NO. 505**

*Celebrating the life of Buckley Anne Kuhn Fricker.*

Agreed to by the House of Delegates, March 7, 2018

Agreed to by the Senate, March 9, 2018

WHEREAS, Buckley Anne Kuhn Fricker, a respected attorney and a compassionate advocate for older residents of Reston, died on December 22, 2017; and

WHEREAS, Buckley Fricker grew up in McLean and attended The Potomac School and The Madeira School; she earned a bachelor's degree from the University of Colorado and a law degree from the University of Denver; and

WHEREAS, specializing in elder law and estate planning, Buckley Fricker founded Buckley's for Seniors, an organization that helps elderly and disabled residents continue living in their own homes and remain active members of the community; and

WHEREAS, Buckley Fricker touched the lives of countless local residents and was well known in the senior care field for her compassion, expertise, and commitment to service; and

WHEREAS, a devoted wife, mother, and friend, Buckley Fricker was a beacon of goodness in the community and always went the extra mile to help anyone in need; and

WHEREAS, Buckley Fricker died on the same day as her husband, Scott; she will be fondly remembered and greatly missed by her children, Elliot, Kelly, and Amelia; her parents, Janet and Ira; her brother, Reed; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Buckley Anne Kuhn Fricker, a beloved member of the Reston community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Buckley Anne Kuhn Fricker as an expression of the General Assembly's respect for her memory.

**HOUSE JOINT RESOLUTION NO. 506**

*Commending the Virginia Highlands Small Business Development Center.*

Agreed to by the House of Delegates, March 7, 2018  
 Agreed to by the Senate, March 9, 2018

WHEREAS, for 25 years, the Virginia Highlands Small Business Development Center has strengthened the Southwest Virginia economy by giving small business owners the tools, techniques, and support to achieve success; and

WHEREAS, established in 1993, the Virginia Highlands Small Business Development Center is one of 29 such centers in the Commonwealth, providing a wide array of technical assistance and education to existing small businesses and aspiring entrepreneurs; and

WHEREAS, the Virginia Highlands Small Business Development Center offers business plan development, manufacturing assistance, financial packages, and procurement contracts, as well as specialized assistance for veteran-owned businesses, regulatory compliance, international trade, online sales, and market research; and

WHEREAS, in 2017, the Virginia Highlands Small Business Development Center served more than 100 businesses in the City of Bristol and the Counties of Smyth and Washington, with services evenly divided between new and existing businesses; and

WHEREAS, the Virginia Highlands Small Business Development Center hosted several events throughout 2017, including conferences on cybersecurity and women in business, that attracted 350 attendees; and

WHEREAS, the many businesses that have received counseling, training, and services from the Virginia Highlands Small Business Development Center have in turn fostered local and regional economic growth through job creation and retention; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Virginia Highlands Small Business Development Center on the occasion of its 25th anniversary on April 1, 2018; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Virginia Highlands Small Business Development Center as an expression of the General Assembly's admiration for the center's work to support growth and economic development in Southwest Virginia.

**HOUSE JOINT RESOLUTION NO. 507**

*Commending Natalie D. Robb.*

Agreed to by the House of Delegates, March 7, 2018  
 Agreed to by the Senate, March 9, 2018

WHEREAS, Natalie D. Robb, a respected first responder who gave valuable service to the community as a captain with the Fairfax County Fire and Rescue Department, retired in 2018 following a distinguished career; and

WHEREAS, Natalie Robb joined the Fairfax County Fire and Rescue Department in 1990 as a firefighter paramedic; she served in that role for 16 years, aiding countless individuals, families, and businesses in her local community and earning the respect and admiration of her colleagues; and

WHEREAS, in 2006, Natalie Robb earned a promotion to captain in the Fairfax County Fire and Rescue Department; she most recently served as B-shift captain at Station 4 in Herndon; and

WHEREAS, during Natalie Robb's last day on duty on February 20, 2018, the Fairfax County Fire and Rescue Department presented her with a plaque in honor of her 28 years of diligent service; and

WHEREAS, throughout her career, Natalie Robb was steadfast in her commitment to protecting the residents of Fairfax County; her strength, bravery, and devotion make her an exemplary role model for her fellow firefighters; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Natalie D. Robb on her 28 years of outstanding service to the Fairfax County community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Natalie D. Robb as an expression of the General Assembly's admiration for her impressive career accomplishments and best wishes for a well-deserved retirement.

**HOUSE JOINT RESOLUTION NO. 508**

*Commending the Letter Carriers' Stamp Out Hunger Food Drive.*

Agreed to by the House of Delegates, March 7, 2018  
 Agreed to by the Senate, March 9, 2018

WHEREAS, since 1991, the Letter Carriers' Stamp Out Hunger Food Drive has collected more than 1.6 billion pounds of food for individuals and families facing hunger; and

WHEREAS, letter carriers are integral members of every community, and the Letter Carriers' Stamp Out Hunger Food Drive is rooted in a 125-year-old tradition of generous volunteer service by the National Association of Letter Carriers; and

WHEREAS, the first Letter Carriers' Stamp Out Hunger Food Drive was held in 1991, and by 1993, the drive had become a nationwide effort with more than 220 participating branches of the National Association of Letter Carriers raising 11 million pounds of food in just one day; and

WHEREAS, in 2017 alone, letter carriers and other volunteers working for the Letter Carriers' Stamp Out Hunger Food Drive in Virginia collected approximately 1.3 million pounds of food, which was donated to local food banks across the Commonwealth; and

WHEREAS, individuals, service organizations, churches, and businesses have been inspired by the Letter Carriers' Stamp Out Hunger Food Drive to make their own contributions at local, regional, and national levels; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Letter Carriers' Stamp Out Hunger Food Drive; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Paula Schenemann as an expression of the General Assembly's admiration for the success of the Letter Carriers' Stamp Out Hunger Food Drive in alleviating hunger throughout the Commonwealth.

**HOUSE JOINT RESOLUTION NO. 509**

*Commending the Alexandria Harmonizers.*

Agreed to by the House of Delegates, March 7, 2018

Agreed to by the Senate, March 9, 2018

WHEREAS, the Alexandria Harmonizers, one of the premiere men's a cappella choruses in the nation, celebrate their 70th anniversary in 2018; and

WHEREAS, the Alexandria Harmonizers have been based in Alexandria since their founding in 1948; the nonprofit organization specializes in four-part harmony, one of a cappella's most challenging forms; and

WHEREAS, the Alexandria Harmonizers regularly perform with 80-100 men on stage and have won four International Championship gold medals and numerous other competitive awards; and

WHEREAS, the Alexandria Harmonizers have performed at the White House, the United States Supreme Court, the United States Capitol, the Kennedy Center, and Carnegie Hall; and

WHEREAS, the Alexandria Harmonizers regularly contribute to the local Alexandria and Northern Virginia communities through free public performances, participation in community music events, free singing valentines, and performances at senior centers and retirement homes; the group also runs a youth harmony festival to introduce local high school students to the joys of a cappella singing; and

WHEREAS, the Alexandria Harmonizers have served as international ambassadors by performing in Normandy, France, at ceremonies to commemorate the 70th anniversary of the D-Day invasion, and by performing in other nations such as Germany and China; and

WHEREAS, through their commitment to artistic quality, the Alexandria Harmonizers continue to fulfill their mission of "entertaining, educating, and enriching lives through excellence in a cappella harmony" and bring great credit to the Commonwealth; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Alexandria Harmonizers on the occasion of their 70th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Alexandria Harmonizers as an expression of the General Assembly's admiration for the group's outstanding vocal harmony and service to the Commonwealth and to the world.

**HOUSE JOINT RESOLUTION NO. 510**

*Commending Susan Ungerer.*

Agreed to by the House of Delegates, March 7, 2018

Agreed to by the Senate, March 9, 2018

WHEREAS, Susan Ungerer, a respected educator and the founder and president of the nonprofit organization Kids R First, was selected as the Rotary Club of Herndon's Citizen of the Year for 2018; and

WHEREAS, Susan Ungerer previously served as a Fairfax County elementary school teacher for several years; during her time in the classroom, she noticed that many of her economically disadvantaged students did not have the required school supplies to help them learn; and

WHEREAS, in 1998, Susan Ungerer created the nonprofit organization Kids R First with the goal of helping kids in need acquire school supplies; she began by storing donated supplies in her garage and forming partnerships with schools in Herndon, Reston, and the surrounding area; and

WHEREAS, during its first year in operation, Susan Ungerer's nonprofit organization distributed school supplies free of charge to 150 children in the Fairfax County area; today, the organization helps some 30,000 students each year; and

WHEREAS, over its 20-year history, Kids R First has donated 2.5 million custom-ordered school supply items to 250,000 students; Susan Ungerer has also organized nearly 6,500 mini-scholarships for high school students and ensured that 99 percent of all money donated to her organization goes directly to kids in need; and

WHEREAS, through her work with Kids R First, Susan Ungerer has shown a selfless dedication to improving education in Fairfax County and has touched the lives of numerous deserving students; and

WHEREAS, Susan Ungerer received her Citizen of the Year Award during the Rotary Club of Herndon's 52nd Annual Recognition Banquet on March 7, 2018; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Susan Ungerer on being named the 2018 Citizen of the Year by the Rotary Club of Herndon; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Susan Ungerer as an expression of the General Assembly's admiration for her tireless efforts to benefit the children of Fairfax County.

### HOUSE JOINT RESOLUTION NO. 511

*Commending Bringing Resources to Aid Women's Shelters.*

Agreed to by the House of Delegates, March 7, 2018

Agreed to by the Senate, March 9, 2018

WHEREAS, Bringing Resources to Aid Women's Shelters, a community-based nonprofit organization in Fairfax County, provides menstrual supplies, underwear, and bras to less-fortunate women and girls and advocates for menstrual equity; and

WHEREAS, Bringing Resources to Aid Women's Shelters (BRAWS) was founded by Holly Seibold in 2015 after she learned how difficult it can be for less-fortunate women and girls in the community to afford menstrual supplies; and

WHEREAS, a fierce advocate for women's rights with a diverse background in education and nonprofit work, Holly Seibold is also the owner of M2 Academy, which offers educational consulting, after-school programs, and summer camps; she established BRAWS in her home with a group of friends and has helped the organization thrive through her exceptional leadership; and

WHEREAS, BRAWS has donated thousands of packages of bras, underwear, and menstrual supplies to more than 30 local shelters from distribution centers in Fairfax County, Loudoun County, Washington, D.C., and Maryland; and

WHEREAS, in addition to working with homeless shelters, BRAWS has advocated for the sufficient availability of menstrual supplies in Virginia's prisons and supports women who are in transitional housing after being released from prison; and

WHEREAS, BRAWS works to ensure that menstrual supplies are available and accessible in schools, allowing girls to focus on their studies without fear of embarrassing or potentially traumatic situations; and

WHEREAS, BRAWS collaborates with legislators, educators, and other leaders throughout the Commonwealth and the United States to raise awareness of the menstrual equity movement and promote tax exemptions for menstrual supplies; the organization has advocated for menstrual equity at the state and federal levels; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Bringing Resources to Aid Women's Shelters for its work to support women and girls in Fairfax County and throughout the region; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Holly Seibold, founder and executive director of Bringing Resources to Aid Women's Shelters, as an expression of the General Assembly's admiration for the organization's compassionate mission and many accomplishments.

### HOUSE JOINT RESOLUTION NO. 512

*Commending Nancy Ruth Sherwood.*

Agreed to by the House of Delegates, March 7, 2018

Agreed to by the Senate, March 9, 2018

WHEREAS, for more than 35 years, Nancy Ruth Sherwood of Fairfax County has helped new and expecting mothers in the Commonwealth and around the world learn about breastfeeding as a La Leche League Leader; and

WHEREAS, La Leche League International was founded in 1956 by a group of mothers hoping to provide breastfeeding help and support to interested women; a mother of five children, Nancy Sherwood became a La Leche League Leader in 1979 and a lactation consultant in 1993; and

WHEREAS, Nancy Sherwood has led hundreds of free, monthly La Leche League meetings, answered thousands of phone calls, and hosted a weekly breastfeeding cafe for the Reston and Herndon communities; and

WHEREAS, Nancy Sherwood has used social media, especially Facebook, to reach thousands of families with her informative, compassionate, and humorous posts, and she has inspired and sponsored other women to become La Leche League Leaders; and

WHEREAS, thousands of women have benefited from Nancy Sherwood's expertise and support, and she has fostered a sense of community by building strong relationships with mothers, their children, and their partners; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Nancy Ruth Sherwood for her work with new and expecting mothers as a La Leche League Leader; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Nancy Ruth Sherwood as an expression of the General Assembly's admiration for her commitment to serving mothers and babies in the Commonwealth and throughout the world.

**HOUSE JOINT RESOLUTION NO. 513**

*Commending Training Futures.*

Agreed to by the House of Delegates, March 7, 2018

Agreed to by the Senate, March 9, 2018

WHEREAS, for over 20 years, the Training Futures program has provided valuable job skills instruction to help adults from all walks of life find rewarding professional careers; and

WHEREAS, founded in 1996, Training Futures is a flagship program of the Northern Virginia Family Service, a nonprofit organization that provides resources to individuals and families to help them achieve sustained financial and social independence; and

WHEREAS, Training Futures is an intensive 25-week course for underemployed and unemployed adults; as part of the program, trainees work in a simulated office environment and learn how to function successfully in American corporate culture; and

WHEREAS, the Training Futures program includes instruction in computer skills, records management, office administration, business and professional communication, organizational skills, resume and interview preparation, and career research and job search techniques; and

WHEREAS, participants in Training Futures are expected to arrive on time, dress in professional attire, and complete office assignments; throughout the course, they receive performance reviews to track their progress; and

WHEREAS, Training Futures trainees also have access to job matching services and can complete short internships with participating businesses; and

WHEREAS, since its founding, Training Futures has trained some 2,200 people from diverse backgrounds and with varying levels of experience; within six months of completing the program, 72 percent of graduates secure full-time employment in an office environment; and

WHEREAS, through its comprehensive program, Training Futures has helped numerous adults develop the skills, experience, and confidence to find lasting and rewarding professional careers; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Training Futures on its more than 20 years of success in workforce development; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Training Futures as an expression of the General Assembly's admiration for the program's ongoing commitment to helping job seekers reach their full career potential.

**HOUSE JOINT RESOLUTION NO. 514**

*Commending Madeleine LeBeau.*

Agreed to by the House of Delegates, March 7, 2018

Agreed to by the Senate, March 9, 2018

WHEREAS, Madeleine LeBeau, an esteemed resident of Chantilly and a student at Chantilly High School, has earned national accolades for her exemplary volunteer service, receiving the 2018 Prudential Spirit of Community Award; and

WHEREAS, this prestigious award, presented by Prudential Financial in partnership with the National Association of Secondary School Principals, honors young volunteers across America like Madeleine LeBeau, who have demonstrated an extraordinary commitment to serving their community; and

WHEREAS, Madeleine LeBeau earned this award by creating and leading iWitnessed-iRemembered, an educational program that provides teenagers opportunities to learn about World War II directly from people who lived through it, while also coordinating service activities to benefit veterans and current members of the United States Armed Forces; and

WHEREAS, the success of the Commonwealth, the strength of its communities, and the overall vitality of American society depend, in great measure, upon the dedication of young people like Madeleine LeBeau who use their considerable talents and resources to serve others; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Madeleine LeBeau, recipient of the 2018 Prudential Spirit of Community Award, for her outstanding record of volunteer service, peer leadership, and community involvement; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Madeleine LeBeau as an expression of the General Assembly's admiration for her achievements and best wishes for the future.

**HOUSE JOINT RESOLUTION NO. 515**

*Commending Thompson Insurance Services.*

Agreed to by the House of Delegates, March 7, 2018

Agreed to by the Senate, March 9, 2018

WHEREAS, Thompson Insurance Services, a Chatham-based independent insurance agency that has provided exemplary service to the residents of Pittsylvania County and the surrounding region, celebrates its 75th anniversary in 2018; and

WHEREAS, Thompson Insurance Services was founded in 1943 by Tom Clark and John Law; in its early days, it was called Clark-Law Insurance and was based out of a building on North Main Street in Chatham; and

WHEREAS, in 1972, Clark-Law Insurance was sold to Francis F. Thompson; he later sold the company to Robert B. Thompson, who renamed it Thompson Insurance Services and then moved it into its current location on South Main Street in 1985; and

WHEREAS, today, Thompson Insurance Services serves the City of Danville as well as numerous small towns and communities in Pittsylvania County; and

WHEREAS, as an independent insurance agency, Thompson Insurance Services has access to a wide variety of insurance products and offers coverage for individuals, businesses, homeowners, automobiles, and farms; and

WHEREAS, the agency principals of Thompson Insurance Services are active in the local community and have worked with the Lions Club, the Boy Scouts of America, the Jaycees, the Masons, the Little League, the Animal Welfare League, the Master Gardener program, and numerous other organizations and churches; and

WHEREAS, over its many years in operation, Thompson Insurance Services has become a Pittsylvania County institution known for its agents' honesty, integrity, and commitment to customer service; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Thompson Insurance Services on its dedication to the Pittsylvania County community on the occasion of its 75th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Thompson Insurance Services as an expression of the General Assembly's admiration for its accomplishments and best wishes for continued success.

**HOUSE JOINT RESOLUTION NO. 516**

*Commending Helen Burch Hess.*

Agreed to by the House of Delegates, March 7, 2018

Agreed to by the Senate, March 9, 2018

WHEREAS, Helen Burch Hess, a former educator who has served the General Assembly for 18 years, retires as page coordinator in 2018; and

WHEREAS, a native of Richmond, Helen Hess is a graduate of John Marshall High School and holds a degree from Trevecca Nazarene University in Nashville; and

WHEREAS, Helen Hess enjoyed a long and fulfilling career in education, serving and inspiring students at Varina High School in Henrico County, Oak Grove Elementary School in Roanoke County, Colonial Heights Junior High School, and Falling Creek Middle School in Chesterfield County; and

WHEREAS, with her 31 years of experience as an educator, Helen Hess was well-equipped to help young people develop leadership skills while learning about state government in the General Assembly's page program; and

WHEREAS, Helen Hess became assistant master of pages in 2001 and has served as page coordinator since 2003; she has been a trusted mentor and guardian for numerous pages during her nearly two decades of service; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Helen Burch Hess on the occasion of her retirement as page coordinator; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Helen Burch Hess as an expression of the General Assembly's admiration for her commitment to helping young people achieve success both as an educator and through her unique role in state government.

**HOUSE JOINT RESOLUTION NO. 517**

*Commending Wakefield High School.*

Agreed to by the House of Delegates, March 7, 2018  
 Agreed to by the Senate, March 9, 2018

WHEREAS, in 2018, Wakefield High School celebrates 65 years of educating the young people of Arlington County; and  
 WHEREAS, Wakefield High School first opened its doors in 1953 and now has an enrollment of over 2,000 students; in 2013, the school moved into a new state-of-the-art building; and

WHEREAS, a vibrant academic community, Wakefield High School builds strong students and confident critical thinkers by stressing the five pillars of rigor, relationships, resiliency, responsibility, and results; and

WHEREAS, Wakefield High School prides itself on preparing its students for success in higher education; 92 percent of graduates go on to college, and in 2017, students earned over \$7 million in college scholarships and grant money; and

WHEREAS, one of Wakefield High School's signature programs is the Ninth Grade Foundation for Academic Excellence, which organizes freshman students into academic teams and provides them with personalized instruction and other support to aid their transition into high school; and

WHEREAS, Wakefield High School also operates the Spanish Immersion Program, which offers in-depth instruction in Spanish language and literature; the school has been designated as an International Spanish Academy by the Spanish Ministry of Education and was the Embassy of Spain's 2015 School of the Year; and

WHEREAS, Wakefield High School runs an Advanced Placement (AP) Network and an AP Summer Bridge program to help students prepare for AP courses; in 2017, the College Board awarded the school the prestigious Capstone Diploma; and

WHEREAS, in addition, Wakefield High School operates the Cohort and United Minority Girls programs to ensure that minority students have support and assistance in the college and scholarship application process; and

WHEREAS, as part of its graduation requirements, Wakefield High School challenges each of its seniors to complete an independent project related to their academic or career interests; and

WHEREAS, Wakefield High School has forged strong community partnerships with organizations such as the Urban Alliance and the Signature Theatre; it also benefits from its Wakefield Education Foundation, an organization of alumni that has given over \$2.25 million in scholarships for students; and

WHEREAS, in 2009 and 2011, President Barack H. Obama visited Wakefield High School to congratulate the school on its many successes and deliver messages about the importance of education; and

WHEREAS, the diligent faculty, staff, and administration of Wakefield High School work constantly to improve all aspects of the learning experience and prepare their students for future success; and

WHEREAS, Wakefield High School has an incredibly diverse student body, with students whose families hail from over 90 countries and speak over 40 languages, representing the rich tapestry that is the Arlington community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Wakefield High School on its long tradition of academic excellence on the occasion of its 65th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Christian Willmore, principal of Wakefield High School, as an expression of the General Assembly's admiration for the school's ongoing commitment to its students and the community.

**HOUSE JOINT RESOLUTION NO. 518**

*Commending Encore Stage & Studio.*

Agreed to by the House of Delegates, March 7, 2018  
 Agreed to by the Senate, March 9, 2018

WHEREAS, for more than 50 years, Encore Stage & Studio in Arlington has promoted a lifelong love of the performing arts by providing outstanding theatre productions by kids, for kids; and

WHEREAS, founded in 1967 as The Children's Theatre of Arlington, Encore Stage & Studio was supported entirely by generous volunteers until 2010, when it hired its first professional staff members; and

WHEREAS, Encore Stage & Studio has produced more than 213 high-quality, age-appropriate shows in its history, giving young people the opportunity to engage with the performing arts at all levels, including as performers, crew members, and members of the audience; and

WHEREAS, Encore Stage & Studio has helped young people in the community develop their teamwork and leadership skills, creativity, literacy, problem-solving abilities, and self-confidence; more than 8,500 students have served as cast and crew members, and more than 375,000 people have attended their performances; and

WHEREAS, Encore Stage & Studio offers an ever-expanding curriculum of educational classes, workshops, and summer programs, which has benefited more than 20,000 students; and

WHEREAS, Encore Stage & Studio has earned many awards and accolades for its productions and outreach over the years; most recently, in 2017, it received the Best Children's Theatre award from *Northern Virginia Magazine*, Best

Enrichment Programs award from *Arlington Magazine*, Twink Lynch Award for Organizational Achievement from the American Association of Community Theatre, and National Volunteer of the Year award from Allstate; and

WHEREAS, Encore Stage & Studio kicked off its 50th anniversary season with a trip to Broadway in New York City and will host special events throughout the season, including a Birthday Bash on April 28, 2018, and a Community Celebration in June 2018; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Encore Stage & Studio on the occasion of its 50th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Encore Stage & Studio as an expression of the General Assembly's admiration for its important contributions to cultural life in Arlington.

### HOUSE JOINT RESOLUTION NO. 519

*Commending Claremont Immersion Elementary School.*

Agreed to by the House of Delegates, March 7, 2018

Agreed to by the Senate, March 9, 2018

WHEREAS, Claremont Immersion Elementary School, now in its 15th year, has enriched the lives of many students in the Arlington community by providing the benefits of learning in two languages; and

WHEREAS, established in 2003 as the second elementary immersion school in Arlington County, Claremont Immersion Elementary School opened with 350 students, and as of 2018, the student body has more than doubled to 740 students; and

WHEREAS, Claremont Immersion Elementary School utilizes a two-way dual-immersion method to teach students a second language through everyday interactions and curricular content delivered in accordance with the standards of Arlington Public Schools; and

WHEREAS, students at Claremont Immersion Elementary School spend half of their day in a Spanish-language classroom, learning math, science, reading, writing, and music or art and the other half of the day in an English-language classroom, learning social studies, physical education, reading, writing, and music or art; and

WHEREAS, the faculty and staff of Claremont Immersion Elementary School work diligently to give students the tools to become good citizens of the Commonwealth and the world by fostering respect for other cultures as well as laying the foundation for a lifelong love of learning; and

WHEREAS, the students of Claremont Immersion Elementary School are active participants in the community and have won the Marine Corps Marathon Healthy School Award and the Get Active! Get Fit! Award for six consecutive years since 2012; and

WHEREAS, Claremont Immersion Elementary School has been recognized by the Ministry of Education of Spain as an International Spanish Academy for its strong commitment to promoting the Spanish language; it was also named as the 2011 School of the Year by the Education Office of the Embassy of Spain in Washington, D.C.; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Claremont Immersion Elementary School on the occasion of its 15th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Claremont Immersion Elementary School as an expression of the General Assembly's admiration for the school's success in providing unique educational opportunities to students in Arlington County.

### HOUSE JOINT RESOLUTION NO. 520

*Commending Arlingtonians for a Clean Environment.*

Agreed to by the House of Delegates, March 7, 2018

Agreed to by the Senate, March 9, 2018

WHEREAS, Arlingtonians for a Clean Environment, a nonprofit organization committed to protecting and improving air, water, and open spaces in the Arlington community and surrounding region, celebrates its 40th anniversary in 2018; and

WHEREAS, originally developed by the Arlington County Department of Public Works, Arlingtonians for a Clean Environment (ACE) was founded in 1978 as part of Keep America Beautiful, a national campaign to reduce litter and pollution; and

WHEREAS, over the years, ACE has expanded its focus to include a broader environmental mission aimed at promoting stewardship of natural resources and connecting the public with practical solutions to achieve a more sustainable lifestyle; and

WHEREAS, since 2011, ACE has operated the Energy Masters program, which trains volunteers in energy efficiency and water conservation techniques such as sealing air leaks on windows, doors, and ducts and installing energy-efficient light bulbs and water-saving shower heads and faucets; participants then use their new knowledge to complete 30 annual hours of community service; and

WHEREAS, in order to educate children about conservation, ACE offers free environmental presentations and extended day programs for Arlington schools; in 2017, the organization engaged over 3,500 local students in hands-on programs related to recycling, watersheds, habitat, energy, and other sustainability topics; and

WHEREAS, ACE also operates a Tree Canopy Fund that provides grants for individuals and community groups to plant and maintain trees on private property; since 2009, over 1,500 trees have been planted as part of the program; and

WHEREAS, ACE's other programs include litter collection and public park cleanup initiatives, rebates for residents who invest in energy-efficient appliances, a solar co-op, and a rain barrel program; and

WHEREAS, to help further its mission of promoting a sustainable community, ACE relies on a collection of dedicated volunteers as well as partnerships with private businesses, government agencies, and local nonprofits; and

WHEREAS, ACE has received numerous accolades for its work in Arlington, including recognition as one of the best small charities by the Catalogue for Philanthropy: Greater Washington and the Virginia Environmental Stewardship award; in addition, the Energy Masters program was recognized by both the Virginia Governor's Housing Conference and the Virginia Energy Efficiency Council; and

WHEREAS, throughout its history, ACE has improved air quality, enhanced wildlife habitats, mitigated the effects of carbon emissions, reduced pollution in the Chesapeake Bay, and helped create a more beautiful and environmentally sustainable Arlington; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Arlingtonians for a Clean Environment on its years of valuable service to the community on the occasion of its 40th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Arlingtonians for a Clean Environment as an expression of the General Assembly's admiration for the organization's dedication to creating a cleaner and more sustainable Arlington.

**HOUSE JOINT RESOLUTION NO. 521**

*Commending the Arlington Food Assistance Center.*

Agreed to by the House of Delegates, March 7, 2018

Agreed to by the Senate, March 9, 2018

WHEREAS, for 30 years, the Arlington Food Assistance Center has worked diligently to address food insecurity and alleviate hunger in Arlington County; and

WHEREAS, founded in 1988, the Arlington Food Assistance Center began when a small group of concerned citizens pooled their resources to establish an organization to alleviate hunger; and

WHEREAS, the Arlington Food Assistance Center initially served 59 families from the basement of Clarendon Baptist Church and was soon joined by other local congregations, all of whom operated food pantries serving small groups of families; and

WHEREAS, the Arlington Food Assistance Center has grown to become the largest food bank in Arlington County, serving 2,376 families every week from 18 sites, and it is the only organization solely dedicated to alleviating hunger in Arlington County, where more than 31,500 people identify as food insecure; and

WHEREAS, the Arlington Food Assistance Center fulfills its mission with the help of more than 2,000 generous volunteers, providing more than 40,000 hours of service; and

WHEREAS, in 2017, the Arlington Food Assistance Center helped lower the incidence of hunger in the community by distributing more than 4.6 million pounds of fresh vegetables and fruit, meat, eggs, milk, bread, rice, beans, cereal, oatmeal, and other groceries; and

WHEREAS, by providing nutritious, supplemental groceries at no cost to families, the Arlington Food Assistance Center has helped vulnerable families devote their financial resources to housing, utilities, or other basic needs; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Arlington Food Assistance Center on the occasion of its 30th anniversary in 2018; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Arlington Food Assistance Center as an expression of the General Assembly's admiration for the organization's commitment to helping those in need and alleviating hunger.

**HOUSE JOINT RESOLUTION NO. 522**

*Commending the Denbigh Lions Club.*

Agreed to by the House of Delegates, March 7, 2018

Agreed to by the Senate, March 9, 2018

WHEREAS, the Denbigh Lions Club, a generous humanitarian service organization in Newport News, celebrated the 100th anniversary of Lions International in 2017; and

WHEREAS, the Denbigh Lions Club has strengthened the community and enhanced the lives of local children and families for many years; and

WHEREAS, like many Lions Clubs, the Denbigh Lions Club works to fight blindness by providing vision screenings, supporting hospitals and clinics, and raising awareness of eye diseases; and

WHEREAS, the Denbigh Lions Club supports local students through scholarships, recreational programs, and mentorship and provides valuable assistance to senior and disabled members of the community; and

WHEREAS, as one of more than 46,000 clubs in 200 countries, the Denbigh Lions Club supports international initiatives, such as the SightFirst Program and the Leo Program; and

WHEREAS, the members of the Denbigh Lions Club give freely of their time and talents to sponsor Denbigh Day, a community celebration on the third Saturday of September to celebrate the neighborhood's past, present, and future; and

WHEREAS, Lion Doyle Eckert has served as chair of many Denbigh Lions Club committees, president and secretary of the Denbigh Lions Club, and, for the past 11 years, as Denbigh Day Parade chair; and

WHEREAS, the members of the Denbigh Lions Club are respected leaders in the community who have made a difference in countless lives; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Denbigh Lions Club for its exceptional service to the residents of Newport News on the occasion of the 100th anniversary of Lions International; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Denbigh Lions Club as an expression of the General Assembly's admiration for its legacy of contributions to the community.

**HOUSE JOINT RESOLUTION NO. 523**

*Commending Wesley Grove United Church of Christ.*

Agreed to by the House of Delegates, March 7, 2018

Agreed to by the Senate, March 9, 2018

WHEREAS, for more than 130 years, Wesley Grove United Church of Christ has provided spiritual guidance and opportunities for fellowship and joyful worship to the Newport News community; and

WHEREAS, originally known as Wesley Grove Christian Church, Wesley Grove United Church of Christ was organized by the Reverend J.H. Edlow in 1887; the congregation held services at various locations in Newport News, until 1892, when its first permanent sanctuary was built at the corner of 19th Street and Ivy Avenue; and

WHEREAS, the Reverend James M. Parson became pastor of Wesley Grove in 1893 and led the growing congregation to build a larger house of worship; he was succeeded by the Reverend Smith A. Howell, who grew the congregation from 19 members to more than 1,000 members over the course of his 30-year tenure; and

WHEREAS, with the help and hard work of church officers and members, Reverend Howell oversaw the completion of a new sanctuary on 19th Street; after his resignation in 1929, deacons and church officers ensured that services continued at Wesley Grove until the Reverend J.B. Jones became pastor in 1931; and

WHEREAS, Reverend Jones helped the Wesley Grove United Church of Christ continue to grow and was followed by the Reverend Thomas J. Moore, who oversaw repairs to the sanctuary and the construction of a fellowship hall; and

WHEREAS, the year of 1957 was historic for Wesley Grove as the Congregational Christian Church and the Evangelical Church and Reformed Church merged to form the United Church of Christ; the Reverend Z.P. Jenkins served the church as pastor from the late 1950s to 1970 and led the church to its beautiful current location at the corner of 23rd Street and Roanoke Avenue; and

WHEREAS, the Reverend Vernon Harris served as interim pastor of Wesley Grove until Reverend Jenkins returned in 1974, leading the church until his death in 1975; the Reverend G. Wesley Raney III, the grandson of a founding member, was installed as pastor in 1976 and established many new ministries and programs; and

WHEREAS, after the Reverend Isaac L. McDonald became pastor of Wesley Grove in 1986, he continued to expand the church's ministries and established an annual program to reward students for hard work and good grades; and

WHEREAS, the Reverend Prince Raney Rivers, another descendent of a founding member with strong family ties to the church, became pastor of Wesley Grove in 2003 and served until the Reverend Dr. Alexander Jamison, Sr., became pastor in 2007; and

WHEREAS, the current pastor of Wesley Grove, the Reverend Antonio Newsome, was installed in November 2013 and has ably led the community in spiritual growth; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Wesley Grove United Church of Christ on the occasion of its 130th anniversary in 2017; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Wesley Grove United Church of Christ as an expression of the General Assembly's admiration for the church's long legacy of contributions to the Newport News community.

**HOUSE JOINT RESOLUTION NO. 524**

*Commending An Achievable Dream Middle and High School.*

Agreed to by the House of Delegates, March 7, 2018  
 Agreed to by the Senate, March 9, 2018

WHEREAS, for over a decade, An Achievable Dream Middle and High School in Newport News has helped nurture and educate numerous young people through its specialized curriculum and enhanced learning programs; and

WHEREAS, opened in 2007, An Achievable Dream Middle and High School is one of four schools in the Commonwealth overseen by An Achievable Dream, a nonprofit organization devoted to expanding educational opportunities for socioeconomically disadvantaged students; and

WHEREAS, through a unique partnership between Newport News Public Schools, the City of Newport News, and the local business community, An Achievable Dream Middle and High School offers a specialized curriculum that challenges students to raise their expectations of themselves and build self-esteem; and

WHEREAS, An Achievable Dream Middle and High School has an extended school day to allow its 6th- through 12th-grade students greater opportunity to excel academically; the school also hosts a four-week intersession in the summer for learners to receive additional tutoring or participate in enrichment programs; and

WHEREAS, An Achievable Dream Middle and High School places a strong emphasis on character education and works to develop its students into successful adults through guest lectures, cultural experiences, and a focus on character development themes such as integrity, honesty, and self-discipline; and

WHEREAS, through its partnerships with private businesses, An Achievable Dream Middle and High School operates the "What It Takes" Program, which allows students to receive training in work ethic, attitude, teamwork, problem solving, public speaking, and other skills designed to help them succeed as members of the workforce; and

WHEREAS, all 6th- through 8th-grade students at An Achievable Dream Middle and High School are required to take tennis instruction to help them learn discipline and fairness; in addition, every student must take part in a club and participate in a community service project; and

WHEREAS, An Achievable Dream Middle and High School is fully accredited and has a 100 percent on-time graduation rate; the school's 2017 graduating seniors completed 595 honors courses and were awarded roughly \$2 million in scholarship funds; and

WHEREAS, the diligent faculty, staff, and administration of An Achievable Dream Middle and High School work constantly to improve the student learning experience and empower all who walk through the school's doors; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend An Achievable Dream Middle and High School for its tradition of academic excellence on the occasion of its 10th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Marilyn Sinclair-White, principal of An Achievable Dream Middle and High School, as an expression of the General Assembly's admiration for the school's ongoing commitment to its students and the community.

**HOUSE JOINT RESOLUTION NO. 525**

*Commending Refuge Nation Church.*

Agreed to by the House of Delegates, March 7, 2018  
 Agreed to by the Senate, March 9, 2018

WHEREAS, for 10 years, Refuge Nation Church, under the leadership of Pastor Joe Baker, has touched countless lives in Newport News by meeting the spiritual needs of the community in a joyful, supportive environment; and

WHEREAS, Refuge Nation Church provides a unique, welcoming environment in a casual atmosphere for people to grow stronger in their faith and receive Biblical teachings that incorporate real-life experiences; and

WHEREAS, Joe Baker established Refuge Nation Church after more than 20 years at Messiah Center in Hampton, where he served as youth pastor and started a thriving youth group; and

WHEREAS, since the formation of Refuge Nation Church, Joe Baker has been recognized as one of the most influential spiritual leaders in Hampton Roads by *Blessed Magazine*, and he is pursuing a master's degree in theology from the North Carolina College of Theology; and

WHEREAS, with his ability to easily relate to diverse groups of people, Joe Baker has overseen the creation of many valuable ministries at Refuge Nation Church, including men's and women's ministries, where men and women of all ages can grow in spirit, and a marriage ministry that supports strong, healthy families; and

WHEREAS, Refuge Nation Church places a high emphasis on supporting youths and developing their potential through its Kingdom Kids program, where children can learn about God in fun, exciting ways, and the Y.E.L.L. Youth Group for teenagers; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Refuge Nation Church for its years of service to the Newport News community on the occasion of its 10th anniversary in 2018; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Joe Baker, senior pastor of Refuge Nation Church, as an expression of the General Assembly's admiration.

**HOUSE JOINT RESOLUTION NO. 526**

*Commending Heritage High School.*

Agreed to by the House of Delegates, March 7, 2018

Agreed to by the Senate, March 9, 2018

WHEREAS, Heritage High School in Newport News had a banner 2016-2017 school year, winning several athletic championships as well as awards for excellence in technology, science, and robotics; and

WHEREAS, as the home of a Governor's STEM Academy, Heritage High School received several honors related to science, technology, engineering, and mathematics, including a Virginia STAR Best Practice Award for a program that refurbishes surplus computer hardware to donate to students and families in need; and

WHEREAS, the 2017 school year also saw Heritage High School's Governor's STEM Academy win a "Programs That Work" award from the Virginia Mathematics and Science Coalition; the accolade recognized STEMulating Minds Summer Enrichment, a three-week summer program that helps rising ninth-graders hone their STEM skills through interactive activities; and

WHEREAS, in May 2017, Heritage High School was one of seven schools in the Commonwealth recognized by Governor Terence R. McAuliffe as a winner of the NSA Day of Cyber challenge, an online program that allowed students to explore the skills and tools used by National Security Agency cyber professionals; and

WHEREAS, in addition, Heritage High School was selected as a finalist in NASA's Cubes in Space program, won first place in Newport News Shipbuilding's annual Egg Drop Engineering Competition, and captured titles in two FIRST Robotics Competition events; and

WHEREAS, Heritage High School also had an excellent year of competition in Virginia High School League sports, including a Conference 18 championship for the girls' basketball team; and

WHEREAS, in boys' outdoor track and field, Heritage High School athletes Qhiyal Townes and Tim Payne had stellar individual seasons; Townes won the 4A East region and the 4A state championship in the 100-meter dash, while Payne secured the 4A state title in the 110-meter hurdles as well as the 110-meter hurdles national championship at the Amateur Athletic Union's 2017 Junior Olympic Games; and

WHEREAS, Heritage High School's stellar accomplishments during the 2016-2017 school year are a testament to the hard work and dedication of all its students, faculty members, staff, and administrators; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Heritage High School on its award-winning 2016-2017 school year; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Shameka N. Gerald, principal of Heritage High School, as an expression of the General Assembly's admiration for the school's ongoing commitment to excellence and best wishes for continued success.

**HOUSE JOINT RESOLUTION NO. 527**

*Commending the Jefferson Forest High School boys' swim team.*

Agreed to by the House of Delegates, March 7, 2018

Agreed to by the Senate, March 9, 2018

WHEREAS, the Jefferson Forest High School boys' swim team of Bedford County won the Virginia High School League Class 4A state championship on February 17, 2018, securing its second straight state title; and

WHEREAS, the Jefferson Forest High School Cavaliers turned in a strong team performance at the state championship meet and ended the day with 233 points, nine points ahead of second-place Monacan High School; and

WHEREAS, the Jefferson Forest Cavaliers brought 14 swimmers to the state meet and won the 200-yard medley relay with a team comprised of Matthew Davidson, Sutton Schonfelder, Connor Sauls, and Brian Grimmett; and

WHEREAS, the Jefferson Forest Cavaliers also won the 400-yard freestyle relay with a team comprised of Matthew Davidson, Connor Sauls, Brendan Murray, and Brian Grimmett; and

WHEREAS, in addition, the Jefferson Forest Cavaliers showed outstanding overall quality by recording points-scoring finishes in several individual events; high finishers included Matthew Davidson, who clinched second in the 100-yard freestyle and third in the 100-yard backstroke; and Connor Sauls, who posted a fourth-place finish in the 200-yard individual medley and a fifth-place finish in the 100-yard butterfly; and

WHEREAS, prior to capturing a second straight state championship, the Jefferson Forest Cavaliers also won the Seminole District and Region 4A swimming crowns; and

WHEREAS, the Jefferson Forest High School boys' swim team's state championship is a testament to the skill and determination of all its student-athletes, the excellent guidance of its coaches and staff, and the energetic support of family members, friends, and the entire Jefferson Forest High School community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Jefferson Forest High School boys' swim team on winning the 2018 Virginia High School League Class 4A state championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Marty Ponder, head coach of the Jefferson Forest High School boys' swim team, as an expression of the General Assembly's admiration for the team's spectacular season and best wishes for continued success.

#### HOUSE JOINT RESOLUTION NO. 528

*Commending Brook Byrd.*

Agreed to by the House of Delegates, March 7, 2018

Agreed to by the Senate, March 9, 2018

WHEREAS, Brook Byrd, a talented and dedicated 2017 graduate of Christopher Newport University, won numerous accolades during her undergraduate career, including a Fulbright Scholarship; and

WHEREAS, a native of Indianapolis, Indiana, Brook Byrd moved to the Commonwealth in her youth and attended Warhill High School in Williamsburg, where she excelled as a member of the tennis and swim teams; and

WHEREAS, in 2013, Brook Byrd enrolled at Christopher Newport University; along with competing as a member of the Captains' tennis team, she majored in applied physics and minored in leadership studies; and

WHEREAS, an active student at Christopher Newport University, Brook Byrd participated in the President's Leadership Program, interned at Jefferson Lab in Newport News, and was selected for a Research Experience for Undergraduates internship at Harvard University; and

WHEREAS, in 2016, Brook Byrd became the first student in the history of Christopher Newport University to receive the Barry M. Goldwater Scholarship, one of the nation's most prestigious honors for undergraduate students studying science and engineering; and

WHEREAS, during Christopher Newport University's commencement ceremony on May 13, 2017, Brook Byrd was one of three recipients of the Kilch Academic Achievement Award, which recognizes the graduates with the highest grade point averages; and

WHEREAS, at the conclusion of her undergraduate career, Brook Byrd was one of two Christopher Newport University students to receive a Fulbright Scholarship; she will attend the University of Liverpool to work with the Institute of Translational Medicine and earn a master of philosophy degree in radiotherapy; and

WHEREAS, a self-motivated young woman who hopes to help others through her research, Brook Byrd has brought credit to herself, her university, and the Commonwealth with her superb academic accomplishments; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Brook Byrd on her many academic achievements as an undergraduate student at Christopher Newport University; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Brook Byrd as an expression of the General Assembly's admiration for her dedication to academic excellence and best wishes for continued success.

#### HOUSE JOINT RESOLUTION NO. 529

*Commending Chris Evans.*

Agreed to by the House of Delegates, March 7, 2018

Agreed to by the Senate, March 9, 2018

WHEREAS, in 2017, author and researcher Chris Evans published a children's book about Christianity and the history of Virginia and the Jamestown Colony; and

WHEREAS, a Chesapeake resident, Chris Evans has been active in conservative public policy and social issues for 35 years; she homeschooled her two children and previously worked to promote history events at StoneBridge School; and

WHEREAS, for the last 25 years, Chris Evans has enthusiastically researched Christian history, with a particular emphasis on the providential history of America and the Virginia Colony; and

WHEREAS, in 2017, Chris Evans published *Odyssey of Faith: The Colony of Virginia, Jamestown, and You*; the book is intended for use in schools, home schools, churches, and history camps, and includes a coloring book as well as a "Did You Know?" section featuring little-known facts; and

WHEREAS, Chris Evans' collaborators on *Odyssey of Faith: The Colony of Virginia, Jamestown, and You* included Max Lyons and Margie Lyons as well as illustrator James Evans; and

WHEREAS, in addition to her work as an author, Chris Evans often leads tour groups on visits to the Jamestown Colony and other historical sites; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Chris Evans on the 2017 publication of her book, *Odyssey of Faith: The Colony of Virginia, Jamestown, and You*; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Chris Evans as an expression of the General Assembly's admiration for her impressive accomplishments and best wishes for continued success.

### HOUSE JOINT RESOLUTION NO. 530

*Commending Henricus Colledge (1619)*®.

Agreed to by the House of Delegates, March 7, 2018

Agreed to by the Senate, March 9, 2018

WHEREAS, in 2017, Henricus Colledge (1619)® celebrated the 25th anniversary of the revival of "America's 1st College" for the purposes of American Heritage continuing education and research; and

WHEREAS, in 1619, the historic first meeting of the Virginia General Assembly convened in the wooden church on Jamestowne Island and established America's first college, stating "Send men to erect the Colledge," at a 10,000-acre riverfront campus site near the Citie of Henricus; and

WHEREAS, the original Henricus Colledge was based on Marischal College in Aberdeen, Scotland, with its alumnus the Reverend Patrick Copland as its first rector, and with input from officials at Cambridge University; the college drew inspiration from the teachings of Martin Luther, John Calvin, John Knox, Thomas Cranmer, Edward Coke, Saint Augustine, and Prince Henry, the eldest son of James I and the namesake of the Citie of Henricus, with special impetus from the late Pocahontas; and

WHEREAS, the progress of Henricus Colledge was hindered by the Powhatan uprising in 1622, the Quo Warranto seizure of the Virginia Company by James I in 1624, and the English Civil War; after 74 years, the college took root in 1693 and was renamed The College of William and Mary, with a campus in the Middle Plantation (now Williamsburg) and another Marischal College alumnus, the Reverend James Blair, as rector; and

WHEREAS, after 373 years since the original foudning of Henricus Colledge, Steven C. Smith, a historical interpreter on Jamestowne Island, was inspired by its Virginia Bar Common Law plaque and interactions with visitors from foreign lands, to revive the ancient teaching ministry of Henricus Colledge as Henricus Colledge (1619)®, America's 1st College-Revived; and

WHEREAS, Henricus Colledge (1619)® was adapted for continuing education and research focused on the acquisition and preservation of primary-source documentation of the principles, practices, and precedents of the 18-year-long Virginia Company in the purposeful development of the constitutional republic of the United States; and

WHEREAS, the grand opening of the revived Henricus Colledge (1619)® occurred on March 28, 1992, at the Williamsburg Regional Library; the event opened with readings of Psalm 107: 23-24 in reference to England's Maritime, Missionary Mandate; comments were offered by Pauline Mitchell, vice chair of the 1611 Henricus Foundation, and the keynote speech was given by Dr. David Gyertson, president of Regent University, whose doctoral studies included the original Henricus Colledge; and

WHEREAS, the Research Division of Henricus Colledge (1619)® has developed an extensive primary-source reference library, which includes the Virginia Company Records; and

WHEREAS, the Continuing Education Division of Henricus Colledge (1619)® has offered teaching talks, history site walks, a James River Cruising Classroom, and an award-winning Lineage of Liberty exhibit; the Colledge, in 2006, hosted the International 400th Anniversary of American Civilization, at the 1611 Citie of Henricus, and in 2007, hosted the 401st Anniversary of America, in the Chapel at William and Mary, and hosts the annual programs at the 1607 Newport Fall Line cross; and

WHEREAS, history legislation consultations with Henricus Colledge (1619)® have resulted in the Virginia Historic Documents Act, which requires that public schools teach the 1606, 1609, and 1612 Virginia Charters, as well as five state-level commending resolutions and four by local governmental units; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Henricus Colledge (1619)® on the occasion of the 25th anniversary of its revival; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Steven C. Smith, Chancellor, Henricus Colledge (1619)® as an expression of the General Assembly's admiration for its unique contributions to the preservation of the history and heritage of the Commonwealth.

**HOUSE JOINT RESOLUTION NO. 531**

*Commending the Thomas Jefferson Planning District Commission and its localities.*

Agreed to by the House of Delegates, March 7, 2018

Agreed to by the Senate, March 9, 2018

WHEREAS, the Thomas Jefferson Planning District Commission (TJPDC) region is an innovative area where many strategies are being implemented to help deploy broadband, which has been deemed an essential infrastructure by each of the local governments in the region; and

WHEREAS, the Commission's region is composed of the Counties of Albemarle, Fluvanna, Greene, Louisa, and Nelson and the City of Charlottesville; and

WHEREAS, the TJPDC has supported local and regional broadband efforts and initiatives for a number of years, to include working with a private provider to seek broadband infrastructure funding through the 2009 American Recovery and Reinvestment Act; and

WHEREAS, the TJPDC has endorsed broadband grant applications and provided grant administration support for localities in the region; and

WHEREAS, the TJPDC presented regional perspectives and local initiatives on broadband to the Governor's Broadband Advisory Council in 2016; and

WHEREAS, the TJPDC localities have been very proactive the past several years in accelerating their efforts, both on their own and in partnership with the private sector, to bring or expand high speed internet to their communities; and

WHEREAS, Albemarle County adopted a community-based, telecommunication strategic plan, established a broadband authority, and working with private providers, has received two Virginia Telecommunication Initiative grants to extend last-mile broadband service to unserved areas of the county; and

WHEREAS, Fluvanna County established a Broadband Access Taskforce last year to identify broadband infrastructure status and underserved areas and is currently seeking private sector partners for establishing high speed internet service; and

WHEREAS, Greene County has a working broadband committee, has surveyed county residents and is working with the Center for Innovative Technology to facilitate broadband expansion throughout the county; and

WHEREAS, Louisa County received a Department of Housing and Community Development (DHCD) broadband planning grant, has a four-year-old broadband authority, and recently approved a contract to spend over \$600,000 in local funds for six wireless towers and two co-locations to extend high-speed internet service across the county; and

WHEREAS, Nelson County also received several DHCD broadband grants, has a long-standing broadband authority that has built a 39-mile, middle-mile network that is beginning to serve customers, and has four towers for extending wireless service to more remote areas of the county; and

WHEREAS, in the City of Charlottesville, the downtown area has been extensively wired to support residents and business, and the City continues to explore public/private opportunities to develop its broadband infrastructure to ensure communication paths needed for businesses to be successful; and

WHEREAS, the TJPDC most recently convened a meeting of local officials with the Central Virginia Electric Cooperative (CVEC) to discuss CVEC's plans to build 4,500 miles of fiber optic cable within five years to make broadband internet service available to 36,000 homes and businesses across parts of 14 counties; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Thomas Jefferson Planning District Commission and the six localities making up the region for their numerous, ongoing efforts to bring broadband internet to their residents; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Thomas Jefferson Planning District Commission as an expression of the General Assembly's appreciation of its valuable regional efforts and support of its localities.

**HOUSE JOINT RESOLUTION NO. 532**

*Commending Olive Branch Baptist Church.*

Agreed to by the House of Delegates, March 7, 2018

Agreed to by the Senate, March 9, 2018

WHEREAS, for 150 years, Olive Branch Baptist Church in Dinwiddie has provided spiritual leadership, generous outreach, and opportunities for joyful worship in the Baptist tradition; and

WHEREAS, in 1868, the founders of Olive Branch Baptist Church met under an olive tree to plan the new faith community; the first services were held under a bush arbor until the congregation was able to build a small house of worship, and baptisms were held in nearby Gravelly Run Creek; and

WHEREAS, as the congregation grew, the members of Olive Branch Baptist Church built a multipurpose, one-room church, which became the sanctuary area of the church after numerous expansions and renovations; and

WHEREAS, over the years, Olive Branch Baptist Church grew in spirit and in membership, reaching 1,000 congregants, and developed educational programs, a volunteer choir, and praise and evangelical teams; and

WHEREAS, in 2003, the Reverend Kevin M. Northam was elected as pastor; under his leadership, Olive Branch Baptist Church expanded its athletic program, reorganized Bible study groups and other educational programs, updated the church's website and member database, and adopted a school in Petersburg; and

WHEREAS, Reverend Northam also developed a revised mission statement for Olive Branch Baptist Church, installed several associate ministers, and reinstated the church in the United Churches of Dinwiddie; and

WHEREAS, Reverend Northam organized two fundraising programs to support the construction of a new church building, and on August 10, 2014, Olive Branch Baptist Church held its first services at its current location; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Olive Branch Baptist Church on the occasion of its 150th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Reverend Kevin M. Northam, pastor of Olive Branch Baptist Church, as an expression of the General Assembly's admiration for the church's long history and legacy of service to the community.

### HOUSE JOINT RESOLUTION NO. 533

*Commending Lenah Clements.*

Agreed to by the House of Delegates, March 7, 2018

Agreed to by the Senate, March 9, 2018

WHEREAS, Lenah Clements, a talented basketball player from Emporia, was named the 2017 Female Athlete of the Year for Greenville County High School; and

WHEREAS, Lenah Clements first developed a love for basketball while watching local recreational league games as a child; she now plays for both the Greenville County High School girls' varsity team and an Amateur Athletic Union travel team; and

WHEREAS, Lenah Clements was named the most valuable player for the Greenville County High School girls' basketball team and was selected for the All-District first team, the All-Region first team, and the All-State second team; and

WHEREAS, Lenah Clements scored 1,000 career points for the Greenville County High School basketball team by her junior year; in addition to her success in basketball, she played on Greenville County High School's varsity softball team for two years; and

WHEREAS, a dedicated student, Lenah Clements maintains a 3.6 grade point average and takes dual enrollment classes at a community college; she is also active in Fountain Grove Baptist Church and has volunteered at summer basketball camps for children; and

WHEREAS, Lenah Clements hopes to play basketball at a Division I college while studying to become a lawyer; and

WHEREAS, Lenah Clements' talent and determination as a basketball player make her a shining example to her fellow student-athletes across the Commonwealth; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Lenah Clements on being named the 2017 Female Athlete of the Year for Greenville County High School; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Lenah Clements as an expression of the General Assembly's admiration for her outstanding accomplishments and best wishes for continued success.

### HOUSE JOINT RESOLUTION NO. 534

*Commending the Loudoun Valley High School boys' cross-country team.*

Agreed to by the House of Delegates, March 7, 2018

Agreed to by the Senate, March 9, 2018

WHEREAS, the Loudoun Valley High School boys' cross-country team had a phenomenal 2017 season, securing the Virginia High School League Class 4A state title and the Nike Cross Nationals championship; and

WHEREAS, at the Virginia High School League Class 4A state finals on November 10, 2017, the Loudoun Valley High School Vikings made history by securing their third straight state championship with a perfect score of 15; and

WHEREAS, to earn their record-breaking score, runners from the Loudoun Valley Vikings skillfully navigated the 5K course at Great Meadow in The Plains and finished in positions one through five; junior Sam Affolder won the race with a time of 15 minutes, 20 seconds, and he was followed by teammates Peter Morris, Colton Bogucki, Jacob Hunter, and Connor Wells; and

WHEREAS, during the Nike Cross Nationals held on December 2, 2017, at Glendoveer Golf Course in Portland, Oregon, the Loudoun Valley Vikings turned in another superb team performance to secure their first national championship; and

WHEREAS, out of 200 racers in the national high school championship, the Loudoun Valley Vikings posted several strong finishes; Peter Morris took 12th place, Sam Affolder finished 23rd, Colton Bogucki finished 37th, Jacob Hunter finished 43rd, Connor Wells finished 95th, Chase Dawson finished 108th, and Kevin Carlson finished 113th; and

WHEREAS, the Loudoun Valley Vikings' team points total of 89 was the lowest boys' points total in the history of the Nike Cross Nationals; and

WHEREAS, the Loudoun Valley Vikings ended the 2017 season with an undefeated record; by winning the Nike Cross Nationals, they also became the first boys' cross-country team from the Southeast region to capture a national title; and

WHEREAS, the Loudoun Valley High School boys' cross-country team's state and national title wins are a tribute to the hard work and dedication of all its talented student-athletes, the excellent guidance of coaches and staff, and the enthusiastic support of family members, friends, and the entire Loudoun Valley High School community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Loudoun Valley High School boys' cross-country team on winning the 2017 Virginia High School League Class 4A state title and the Nike Cross Nationals championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Marc and Joan Hunter, head coaches of the Loudoun Valley High School boys' cross-country team, as an expression of the General Assembly's admiration for the team's record-breaking season.

### HOUSE JOINT RESOLUTION NO. 535

*Commending C.W. Thomas.*

Agreed to by the House of Delegates, March 7, 2018

Agreed to by the Senate, March 9, 2018

WHEREAS, C.W. Thomas, a respected leader and emergency dispatcher who served as director of the Franklin County Emergency Communications Center, retired on January 31, 2018, following a distinguished career; and

WHEREAS, C.W. Thomas studied political science at Virginia Western Community College and church ministries at Liberty University; he began his career as an emergency dispatcher for Franklin County in 1978; and

WHEREAS, during his four decades as a dispatcher, C.W. Thomas watched emergency response technology evolve from pens and paper to typewriters and state-of-the-art computer systems; and

WHEREAS, in 2010, C.W. Thomas was promoted to supervisor at the Franklin County Emergency Center; he later served as a manager before becoming the director of the communications center; and

WHEREAS, known for his cool head and strong leadership, C.W. Thomas took thousands of calls during his career with Franklin County and brought police, emergency medical services, and firefighters to the aid of countless people in need; and

WHEREAS, in addition to his work as an emergency dispatcher, C.W. Thomas is also an ordained minister and Sunday school teacher and holds a master's degree in religious education from Liberty University Baptist Theological Seminary; and

WHEREAS, in his retirement, C.W. Thomas plans to travel and spend time with family; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend C.W. Thomas on his 40 years of exemplary service as an emergency dispatcher in Franklin County; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to C.W. Thomas as an expression of the General Assembly's admiration for his impressive career accomplishments and best wishes for a well-deserved retirement.

### HOUSE JOINT RESOLUTION NO. 536

*Commending Ringgold Volunteer Fire and Rescue.*

Agreed to by the House of Delegates, March 7, 2018

Agreed to by the Senate, March 9, 2018

WHEREAS, Ringgold Volunteer Fire and Rescue, a first responder unit whose members have given generously of their time in service to the residents of Pittsylvania County, celebrates its 60th anniversary in 2018; and

WHEREAS, originally called the Ringgold Fire Department, the unit was organized on April 30, 1958, by members of the Ringgold Jaycees and the Ringgold Grange; and

WHEREAS, A. Calvin Neal served as the first chief of the Ringgold Fire Department; during its early days, the unit housed its truck at the Lakewood Truck Stop on Highway 58; and

WHEREAS, in 2002, the Ringgold Fire Department started ambulance service and was renamed Ringgold Volunteer Fire and Rescue; and

WHEREAS, for the last 28 years, Mike Neal has served as chief of Ringgold Volunteer Fire and Rescue; and

WHEREAS, Ringgold Volunteer Fire and Rescue currently has 63 dedicated volunteers who serve an area that is home to three schools, five large industries, and over 11,000 people; in 2017, the unit responded to more than 1,000 emergency calls; and

WHEREAS, throughout the squad's distinguished history, the members of Ringgold Volunteer Fire and Rescue have displayed the utmost professionalism in their mission to keep the residents of Ringgold and Pittsylvania County safe; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Ringgold Volunteer Fire and Rescue on the occasion of its 60th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Ringgold Volunteer Fire and Rescue as an expression of the General Assembly's admiration for its long and meritorious service to the community.

**HOUSE JOINT RESOLUTION NO. 537**

*Commending the Galileo Magnet High School Academic Competition for Excellence team.*

Agreed to by the House of Delegates, March 7, 2018

Agreed to by the Senate, March 9, 2018

WHEREAS, the Galileo Magnet High School Academic Competition for Excellence team won the Virginia High School League Class 1A Scholastic Bowl state championship on February 24, 2018, at The College of William and Mary; and

WHEREAS, the Galileo Magnet High School Academic Competition for Excellence (ACE) team is composed of 18 members who practice together for two to three hours each week; the 2018 state championship was the first in the school's history; and

WHEREAS, a total of 10 members of the Galileo Magnet High School ACE team traveled to the state championship and five participated in the competition; the three-round tournament included questions in fields ranging from math and science to engineering, art, literature, sports, and current events; and

WHEREAS, the Galileo Magnet High School ACE team had three wins and no losses in the state tournament and finished ahead of Honaker High School, Riverheads High School, and George Wythe High School; and

WHEREAS, the five members of the Galileo Magnet High School ACE competition team were Henry Stevens, Kush Patel, Layne Larson, Kiki McLaughlin, and Jenita Theodore; and

WHEREAS, the Galileo Magnet High School ACE team's state championship victory is a testament to the hard work and intelligence of all its dedicated team members, the leadership and guidance of its coaches, and the enthusiastic support of the entire Galileo Magnet High School community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Galileo Magnet High School Academic Competition for Excellence team on winning the 2018 Virginia High School League Class 1A Scholastic Bowl state championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Jared Smith, head coach of the Galileo Magnet High School Academic Competition for Excellence team, as an expression of the General Assembly's admiration for the team's spectacular accomplishments.

**HOUSE JOINT RESOLUTION NO. 538**

*Commending the Patrick Henry College moot court team.*

Agreed to by the House of Delegates, March 7, 2018

Agreed to by the Senate, March 9, 2018

WHEREAS, the Patrick Henry College moot court team won its 11th intercollegiate moot court national championship at the American Moot Court Association national tournament staged January 18-20, 2018, in Dallas, Texas; and

WHEREAS, the American Moot Court Association is the only national organization dedicated to intercollegiate moot court competition; 427 different teams competed in qualifying tournaments during the 2017-2018 season; continuing a proud tradition of excellence, the Patrick Henry College moot court team's victory was the school's 11th national title, the most in American Moot Court Association history; and

WHEREAS, Patrick Henry College moot court team members Caleb Engle and Christopher Baldacci claimed first place in the tournament, while Shane Roberts and Clare Downing placed third; in addition to winning the championship, Christopher Baldacci joined with Thomas Siu to finish second in the national brief writing contest; and

WHEREAS, the Patrick Henry College moot court team captured four of the top ten speaker awards at the national tournament; Christopher Baldacci won first place, while Cooper Millhouse, Kyle Ziemnick, and Clare Downing finished 6th, 9th, and 10th, respectively; and

WHEREAS, the Patrick Henry College moot court team owes its ongoing success to the dedication and hard work of all its team members, the leadership of coaches and faculty, and the enthusiastic support of the Patrick Henry College community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Patrick Henry College moot court team on winning the American Moot Court Association national tournament in January 2018; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Frank Guliuzza, Ph.D., coach of the Patrick Henry College moot court team, as an expression of the General Assembly's admiration for the team's continuing legacy of impressive performances in moot court competition.

### HOUSE JOINT RESOLUTION NO. 539

*Commending the Northwestern Regional Juvenile Detention Center:*

Agreed to by the House of Delegates, March 7, 2018

Agreed to by the Senate, March 9, 2018

WHEREAS, for over 20 years, the Northwestern Regional Juvenile Detention Center in Winchester has provided a safe, secure, and rehabilitative environment for at-risk youth; and

WHEREAS, opened in 1997, the Northwestern Regional Juvenile Detention Center (NRJDC) is a 32-bed secure detention center that serves the City of Winchester and the Counties of Clarke, Frederick, Page, Shenandoah, and Warren; and

WHEREAS, while detained at the NRJDC, children and adolescents are enrolled in Fort Collier Academy, an on-campus school that includes six Frederick County special education school teachers as well as GED, music therapy, and physical education programs; and

WHEREAS, the NRJDC's education program is emphasized with all residents in an effort to encourage interest in school and keep those currently enrolled in school from falling behind while in detention; and

WHEREAS, along with serving as teaching assistants during the day shift, the detention specialists at the NRJDC facilitate evening group activities focused on issues such as self-esteem, anger management, values, and team building; and

WHEREAS, the NRJDC operates a Post Dispositional Program that strives to teach residents how to make positive changes in regard to their education, family, personal life, and community; participants in the program receive an individual service plan and have access to mental health counseling and substance abuse treatment; and

WHEREAS, each year, the staff at the NRJDC also run a summer program for residents that includes cultural diversity and health and fitness instruction as well as arts and crafts, games, reading assignments, and guest speakers; and

WHEREAS, throughout its history, the dedicated staff of the NRJDC have worked constantly to improve the facility's programs and make a positive and lasting impact on the lives of local youth; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Northwestern Regional Juvenile Detention Center on its service to the community on the occasion of its 20th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Northwestern Regional Juvenile Detention Center as an expression of the General Assembly's admiration for its tireless efforts to improve the lives of young people.

### HOUSE JOINT RESOLUTION NO. 540

*Commending Karen Russell.*

Agreed to by the House of Delegates, March 7, 2018

Agreed to by the Senate, March 9, 2018

WHEREAS, Karen Russell, a talented Loudoun County resident who diligently served the nonprofit organization Every Citizen Has Opportunities for 40 years, retired in December 2016 following a distinguished career; and

WHEREAS, a Lovettsville native, Karen Russell joined Every Citizen Has Opportunities (ECHO) in 1977, shortly after its founding; the nonprofit organization works to empower individuals with disabilities to achieve their optimal level of personal, social, and economic success through skill-building and job-placement programs; and

WHEREAS, Karen Russell began her service with ECHO as a secretary, bookkeeper, and transportation manager; she later served as the organization's marketing manager until her retirement; and

WHEREAS, a strong believer in the dignity and value of all individuals, Karen Russell worked closely with prospective employers as ECHO's marketing manager and was responsible for finding jobs for dozens of people with disabilities; and

WHEREAS, through her tireless advocacy efforts, Karen Russell helped assemble a strong and diverse labor force of people with physical and developmental disabilities and forged partnerships with many government and commercial customers; and

WHEREAS, on March 1, 2017, Karen Russell was honored at a retirement reception attended by ECHO coworkers, clients, board members, and volunteers; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Karen Russell on 40 years of valuable service to Every Citizen Has Opportunities and the Loudoun County community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Karen Russell as an expression of the General Assembly's admiration for her impressive career accomplishments and best wishes for a well-deserved retirement.

**HOUSE JOINT RESOLUTION NO. 541**

*Commending W. Keith Brower, Jr.*

Agreed to by the House of Delegates, March 7, 2018

Agreed to by the Senate, March 9, 2018

WHEREAS, W. Keith Brower, Jr., a respected first responder who serves as chief of the Loudoun County Combined Fire and Rescue System, will retire in 2018 following a distinguished career; and

WHEREAS, a Loudoun County native, Keith Brower began his 44-year public safety career in 1973 as a volunteer and was later hired as a career firefighter and emergency medical technician in Fairfax County in 1978; and

WHEREAS, in 1984, Keith Brower was hired by Loudoun County as a fire training officer; he later served as chief fire marshal for the county before being appointed chief in 2010; and

WHEREAS, as fire chief, Keith Brower oversaw the Loudoun County Combined Fire and Rescue System's 2014 transition from 17 separate organizations into one of the largest combined fire and rescue systems in the nation; he now oversees more than 600 career employees and 800 operational and administrative volunteers; and

WHEREAS, a knowledgeable and dedicated leader, Keith Brower is responsible for all aspects of operational procedure for the Loudoun County Combined Fire and Rescue System and oversees a budget of \$83 million; and

WHEREAS, among other programs, Keith Brower has led fire prevention and safety initiatives in Loudoun County, including assisting in the development and implementation of the Statewide Fire Prevention Code; in 2014, he collaborated with the Rotary Club of Ashburn and author Cindy Chambers to create a children's book about fire safety; and

WHEREAS, Keith Brower has spearheaded efforts to ensure that career fire department employees receive proper benefits and assistance and has fought to change the Code of Virginia to afford mental health services to volunteers who suffer trauma in the line of duty; and

WHEREAS, in February 2018, Keith Brower was presented with the Governor's Fire Service Award for Career Fire Chief of the Year at the Virginia Fire Rescue Conference in Virginia Beach; and

WHEREAS, Keith Brower's exemplary devotion to the safety of the citizens of Loudoun County has won him the abiding respect, admiration, and affection of the people he has so ably served; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend W. Keith Brower, Jr., on the occasion of his retirement; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to W. Keith Brower, Jr., as an expression of the General Assembly's admiration for his long and meritorious service to the residents of Loudoun County.

**HOUSE JOINT RESOLUTION NO. 542**

*Commending Sam Adamo.*

Agreed to by the House of Delegates, March 7, 2018

Agreed to by the Senate, March 9, 2018

WHEREAS, Sam Adamo, a respected leader who worked as the director of planning and legislative services at Loudoun County Public Schools for 20 years, retired in 2017 following a distinguished career; and

WHEREAS, a graduate of the University of New Mexico, Sam Adamo began his career in education in New Mexico in the planning department of Albuquerque Public Schools, where he helped oversee a division with nearly 100,000 students; and

WHEREAS, in 1997, Sam Adamo relocated to the Commonwealth and began serving as the director of planning and legislative services for Loudoun County Public Schools; in that role, he was tasked with predicting enrollment numbers for one of the fastest growing counties in the nation; and

WHEREAS, as planning director, Sam Adamo fine-tuned a complex formula that looks at birth rates, housing unit approvals, economic growth, and other factors to forecast annual enrollment in the Loudoun County Public Schools; and

WHEREAS, Sam Adamo's efforts have allowed Loudoun County Public Schools to accurately predict its future student enrollment and expand its facilities to meet student needs; in 2016-2017, his team's calculations were only 15 students off the actual county enrollment of 78,665; and

WHEREAS, in addition to predicting student enrollment, Sam Adamo was also responsible for overseeing attendance boundary changes for the Loudoun County Public Schools; during his tenure, he helped draw attendance lines for 50 different schools; and

WHEREAS, throughout his career, Sam Adamo worked tirelessly to support the Loudoun County Public Schools and earned the respect of his colleagues for his talent, dedication, and leadership; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Sam Adamo on his 20 years of exemplary service to the Loudoun County community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Sam Adamo as an expression of the General Assembly's admiration for his impressive career accomplishments and best wishes for a well-deserved retirement.

### HOUSE JOINT RESOLUTION NO. 543

*Commending the Peninsula Elder Abuse Forensic Center.*

Agreed to by the House of Delegates, March 7, 2018

Agreed to by the Senate, March 9, 2018

WHEREAS, the Peninsula Elder Abuse Forensic Center, an innovative, collaborative initiative to identify and investigate cases of abuse, neglect, or exploitation of older residents of the Virginia Peninsula, opened on November 1, 2017; and

WHEREAS, the population of the Virginia Peninsula is rapidly aging, with more than 16 percent of the residents of Williamsburg over the age of 65; in 2016, the Adult Protective Services Division of the Virginia Department of Social Services received more than 23,000 reports of elder abuse, including almost 500 reports in the Williamsburg area; and

WHEREAS, financial exploitation and fraud are the most common forms of elder abuse, costing older and vulnerable Virginians more than \$28.2 million in 2015; as many instances of elder abuse are not reported, some estimates place the figure closer to \$1 billion; and

WHEREAS, in addition to financial exploitation, elder abuse can take the form of physical or psychological trauma, and the multidisciplinary team of experts at the Peninsula Elder Abuse Forensic Center is equipped with the training and techniques to assess reports of elder abuse and provide victims with the compassion and care they need; and

WHEREAS, the Peninsula Elder Abuse Forensic Center works with experts from the Adult Protective Services Division and law-enforcement officers, Commonwealth's Attorneys, victim-witness advocates, mental health agencies, domestic violence centers, The Center for Sexual Assault Survivors, Peninsula Agency on Aging, geriatric services, neuropsychologists, and forensic nursing and forensic accounting professionals to prepare for every form of abuse; and

WHEREAS, developed by York-Poquoson Social Services and the Riverside Health System, the Peninsula Elder Abuse Forensic Center will investigate elder abuse in the Counties of Gloucester, Isle of Wight, James City, and York, and the Cities of Hampton, Newport News, Poquoson, and Williamsburg; and

WHEREAS, as a branch of the Riverside Center for Excellence in Aging and Lifelong Health, the Peninsula Elder Abuse Forensic Center will accept case referrals from team members from each participating locality and meet twice-monthly at Riverside Regional Medical Center; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Peninsula Elder Abuse Forensic Center for its work to investigate concerns about elder abuse on the Virginia Peninsula; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Peninsula Elder Abuse Forensic Center as an expression of the General Assembly's admiration for the center's important mission to support and safeguard older Virginians.

### HOUSE JOINT RESOLUTION NO. 544

*Commending Lena Wyche-Clark.*

Agreed to by the House of Delegates, March 7, 2018

Agreed to by the Senate, March 9, 2018

WHEREAS, Lena Wyche-Clark, a beloved member of the Hampton community, will celebrate her 100th birthday on April 2, 2018; and

WHEREAS, born in 1918 to Jesse and Virginia Parham-Wyche, Lena Wyche-Clark grew up in Drewryville and Capron and learned the value of hard work and responsibility at a young age on her family's farm; and

WHEREAS, the ninth of 12 children, Lena Wyche-Clark was the first of her family to receive a formal education, attending one-room schools for African Americans; and

WHEREAS, in 1948, Lena Wyche-Clark moved to New York City, where she lived for the next 44 years and worked as a housekeeper and caterer; while working as a caterer, she served food to Lyndon B. Johnson and Richard M. Nixon, two of the 18 United States Presidents to serve the nation in her lifetime; and

WHEREAS, Lena Wyche-Clark began to cultivate her deep and abiding faith at a young age, and she enjoyed fellowship and worship with many communities in New York and Virginia; she focused on church leadership and performing missionary work after her well-earned retirement in 1992; and

WHEREAS, in 1996, Lena Wyche-Clark relocated to Hampton, where she is currently the eldest resident of Sinclair Commons and is highly admired for her wisdom and grace; and

WHEREAS, Lena Wyche-Clark is the proud matriarch of a large family, including her five children, Jean Marie, Delores, Fred, Jr., Russell, and Carolyn, and their families, as well as more than 50 nieces and nephews; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Lena Wyche-Clark on the occasion of her 100th birthday; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Lena Wyche-Clark as an expression of the General Assembly's admiration for her long life well-lived and best wishes.

**HOUSE JOINT RESOLUTION NO. 545**

*Commending the Williamsburg Winery.*

Agreed to by the House of Delegates, March 7, 2018

Agreed to by the Senate, March 9, 2018

WHEREAS, in 2017, the Williamsburg Winery won James City County's prestigious Captain John Smith Award for business excellence; and

WHEREAS, presented annually by the James City County Board of Supervisors and Economic Development Authority, the Captain John Smith Award honors individuals or businesses, such as the Williamsburg Winery, for exemplary contributions to the local business community; and

WHEREAS, the Williamsburg Winery was founded by Patrick Duffeler, a Belgian-born marketing executive who spent much of his career in Europe; after purchasing the 300-acre Wessex Hundred farm in southern Williamsburg, he and his wife Peggy began producing wine on the property in 1985; and

WHEREAS, since its opening over 30 years ago, the Williamsburg Winery has grown into one of the largest wineries in the Commonwealth; its vineyard now covers 40 acres and produces an estimated 65,000 cases of wine per year; and

WHEREAS, in addition to its vineyard, the Williamsburg Winery boasts two restaurants, a large garden, and a boutique hotel called Wedmore Place; in 2017, it added an additional 9,000 square feet of event space; and

WHEREAS, as one of two-dozen "green wineries" in the Commonwealth, the Williamsburg Winery is committed to environmentally friendly practices, including water and energy efficiency, minimal use of pesticides, and recycling and reducing waste; and

WHEREAS, an active member of its community, the Williamsburg Winery routinely hosts charity events for nonprofit organizations such as Meals on Wheels and Dream Catchers at the Cori Sikich Therapeutic Riding Center; and

WHEREAS, the Williamsburg Winery received its Captain John Smith Award at the 24th annual Celebration of Business event held on November 2, 2017, at the Jamestown Settlement's Rotunda and Great Hall; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Williamsburg Winery on winning the 2017 Captain John Smith Award; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Williamsburg Winery as an expression of the General Assembly's admiration for its spectacular achievements in business.

**HOUSE JOINT RESOLUTION NO. 546**

*Commending Kevin Harrison.*

Agreed to by the House of Delegates, March 7, 2018

Agreed to by the Senate, March 9, 2018

WHEREAS, Kevin Harrison of Poquoson, a Chick-fil-A franchise owner with locations in Newport News and Yorktown, has mentored and inspired many young leaders in the community through an immersive internship program; and

WHEREAS, Kevin Harrison began working at Chick-fil-A in 1983 as a high school student and opened his first franchise in Patrick Henry Mall in 1989 at the age of 23; and

WHEREAS, now operating two stores, on Victory Boulevard in Yorktown and Jefferson Avenue in Newport News, Kevin Harrison relishes the opportunity to lead and support dozens of workers, many of whom are teenagers in their first job; and

WHEREAS, in an effort to help young employees develop their leadership skills, Kevin Harrison established a three-year paid internship program that requires a bachelor's degree and serves eight to 10 interns at a time; and

WHEREAS, interns in Kevin Harrison's program learn every aspect of the business, from sweeping floors, preparing meals, serving customers, and managing a shift to accounting, marketing, training, and human resources positions; and

WHEREAS, in addition to regular duties at one of Kevin Harrison's Chick-fil-A locations, interns attend sessions on leadership development and business principles and participate in team-building exercises, such as a hike on Old Rag Mountain in Shenandoah National Park or a Chick-fil-A leadership conference; and

WHEREAS, Kevin Harrison works to strengthen the community as a member of the board for An Achievable Dream Middle and High School, and he promotes health and wellness through his franchises by supporting running races and the Students Run the Streets running group; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Kevin Harrison for his work to help young people fulfill their potential as leaders through an immersive internship program; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Kevin Harrison as an expression of the General Assembly's admiration for his work to inspire the future leaders of the Commonwealth.

**HOUSE JOINT RESOLUTION NO. 547**

*Commending Ken Felix.*

Agreed to by the House of Delegates, March 7, 2018

Agreed to by the Senate, March 9, 2018

WHEREAS, Ken Felix, who led The College of William and Mary ice hockey team to new heights, retires as the team's head coach at the end of the 2017-2018 season, after more than a decade with the program; and

WHEREAS, a native of Hampton, Ken Felix has worked at Newport News Shipbuilding for almost 38 years and currently serves as a production management analyst; he has generously volunteered his time and coaching skills to The College of William and Mary ice hockey team in a position that involves many late-night practices and travel on the weekends; and

WHEREAS, a lifetime fan of ice hockey Ken Felix began his coaching career with his son's youth league, following him up through different age groups for 10 years before joining The College of William and Mary Tribe as an assistant hockey coach in the 2006-2007 season; and

WHEREAS, Ken Felix was named head coach of The College of William and Mary ice hockey team for the 2007-2008 season, becoming only the second head coach in the team's 30-year history; and

WHEREAS, under the leadership of Ken Felix, The College of William and Mary Tribe won the Blue Ridge Hockey Conference (BRHC) championship for the first time in the 2010-2011 season; and

WHEREAS, The College of William and Mary Tribe placed first in the Atlantic Northeast Division of the BRHC during the 2011-2012 season, for which Ken Felix was named the Coach of the Year by the BRHC in 2012; and

WHEREAS, during Ken Felix's tenure as head coach, The College of William and Mary ice hockey team has supported the university by increasing alumni engagement with the help of the team's booster club, the Royal Blueliner Society; the team also participates in the One Tribe One Day alumni giving initiative and hosts various alumni events, including an annual alumni dinner, an alumni game during homecoming weekend, and an annual Player Awards and Hall of Fame Induction Ceremony; and

WHEREAS, Ken Felix encourages his players to achieve greatness both on and off the ice; since 2007, 32 members of The College of William and Mary ice hockey team have received Academic All-American Honors from the American Collegiate Hockey Association, and members of the team have raised money for Avalon, a shelter that works to break the cycle of abuse in the Greater Williamsburg area; and

WHEREAS, Ken Felix's wife, Becky, has been named as "honorary coach" for her dedicated support of the team, and their son, Corey, has followed in his father's footsteps as an assistant coach of the team; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Ken Felix on the occasion of his retirement as head coach of The College of William and Mary ice hockey team; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Ken Felix as an expression of the General Assembly's admiration for his outstanding leadership and exceptional achievements as a coach.

**HOUSE JOINT RESOLUTION NO. 548**

*Commending The College of William and Mary.*

Agreed to by the House of Delegates, March 7, 2018

Agreed to by the Senate, March 9, 2018

WHEREAS, in 1693, King William III and Queen Mary II of England granted a royal charter creating The College of William and Mary in Williamsburg; and

WHEREAS, The College of William and Mary was the second college established in North America and is the second-oldest institution of higher education in the United States; and

WHEREAS, The College of William and Mary became the first and only American college to receive a coat of arms from the College of Heralds in 1694; and

WHEREAS, the nation's most prestigious academic honor society, Phi Beta Kappa, was founded by students at The College of William and Mary in 1776; and

WHEREAS, The College of William and Mary was the first college in America to institute an honor system, which was adopted in 1779; and

WHEREAS, The College of William and Mary was the first college in America to have a modern school of languages and a school of municipal and constitutional law, both of which were established in 1779 as well; and

WHEREAS, George Washington, who received his only academic credentials from The College of William and Mary, served as chancellor of the College in 1788; and

WHEREAS, by an act of the General Assembly in 1906, The College of William and Mary became a state institution; and

WHEREAS, in 1919, The College of William and Mary began to offer extension courses in the Cities of Richmond and Norfolk, which eventually led to the establishment of Virginia Commonwealth University and Old Dominion University, respectively; and

WHEREAS, known as the Alma Mater of the Nation, The College of William and Mary has produced, among others, such distinguished alumni as United States Presidents Thomas Jefferson, James Monroe, and John Tyler; United States Supreme Court Chief Justice John Marshall; and former Governor Mills E. Godwin, Jr., as well as leaders in a wide variety of professions; and

WHEREAS, The College of William and Mary today functions as a leading public research university with a strong foundation in the liberal arts, offering exceptional programs in business, education, law, marine science, and the arts, among many others; and

WHEREAS, The College of William and Mary has been ably led by W. Taylor Reveley III since 2008, and he leaves a legacy of excellence to President-Elect Katherine A. Rowe, who will become the College's 28th president and the first woman president in its history on July 1, 2018; and

WHEREAS, The College of William and Mary commemorated its 325th anniversary on February 9, 2018, at its annual Charter Day Ceremony with Governor Ralph S. Northam serving as the keynote speaker; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend The College of William and Mary for its outstanding contributions to the Commonwealth, the United States, and the world on the occasion of its 325th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the President of The College of William and Mary as an expression of the General Assembly's admiration for the College's unique and historic successes as an institution of higher learning and its unparalleled tradition of academic excellence.

**HOUSE JOINT RESOLUTION NO. 549**

*Celebrating the life of Fred Thomas Wright.*

Agreed to by the House of Delegates, March 7, 2018

Agreed to by the Senate, March 9, 2018

WHEREAS, Fred Thomas Wright, a respected Purcellville resident who was the beloved custodial manager at Loudoun Valley High School, died on April 24, 2017; and

WHEREAS, born in Purcellville, Fred "Freddie" Thomas Wright began working for Loudoun County Public Schools in 1977; he went on to spend 40 years as the custodial manager at Loudoun Valley High School; and

WHEREAS, known for his cheerful personality and dedication to Loudoun Valley High School's students, Freddie Wright was responsible for maintaining a safe, clean, and orderly environment in the school's cafeteria; and

WHEREAS, Freddie Wright routinely inquired about student club meetings, faculty events, and community programs and then worked tirelessly to meet the groups' needs; and

WHEREAS, often the first employee to arrive at Loudoun Valley High School and the last to leave, Freddie Wright earned the admiration of the school's students, faculty, and staff; and

WHEREAS, out of respect for Freddie Wright's 40 years of distinguished service, the Loudoun County School Board unanimously approved a request from school administrators and students to rename the Loudoun Valley High School cafeteria in his honor; and

WHEREAS, Freddie Wright will be fondly remembered and dearly missed by his siblings, Roy, George, Thelma, Nancy, and Barbara, and their families, as well as numerous other family members, friends, and members of the Loudoun Valley High School community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Fred Thomas Wright, a diligent custodial manager who gave 40 years of outstanding service to Loudoun Valley High School; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Fred Thomas Wright as an expression of the General Assembly's respect for his memory.

**HOUSE JOINT RESOLUTION NO. 550**

*Celebrating the life of James F. Brownell.*

Agreed to by the House of Delegates, March 7, 2018

Agreed to by the Senate, March 9, 2018

WHEREAS, James F. Brownell, a beloved father, respected farmer, and community leader who served for 24 years on the Loudoun County Board of Supervisors, died on November 19, 2017; and

WHEREAS, born in Washington, D.C., in 1917, James "Jim" F. Brownell graduated from Central High School and then earned a master's degree in animal husbandry from the University of Maryland; and

WHEREAS, after being commissioned a lieutenant in the United States Army, Jim Brownell served in Italy during World War II and then returned home and married his high school sweetheart, Zora "Mac" McCall; and

WHEREAS, a dairy farmer by trade, Jim Brownell began his career in Maryland before moving to Loudoun County in the late 1950s and purchasing the 700-acre Whitehall Farm near Bluemont; and

WHEREAS, Jim Brownell was a dedicated community member who was active in agricultural and civic affairs; from 1968 to 1992, he served on the Loudoun County Board of Supervisors; and

WHEREAS, during his 24-year tenure on the Loudoun County Board of Supervisors, Jim Brownell worked tirelessly to reduce spending and protect farmers; he also co-chaired Loudoun County's effort to ratify the revised state constitution and established the county's sanitary landfill; and

WHEREAS, throughout his career in local government, Jim Brownell earned the abiding respect of his constituents and fellow supervisors for his honesty, integrity, and aversion to partisanship; and

WHEREAS, predeceased by his wife, Mac, and his children, Jimmy, Bruce, and Susan, Jim Brownell will be fondly remembered and greatly missed by his sons, Mark and Scott, and their families, as well as numerous other family members, close friends, and Loudoun County residents; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of James F. Brownell, a distinguished citizen who provided outstanding service to the Loudoun County community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of James F. Brownell as an expression of the General Assembly's respect for his memory.

**HOUSE JOINT RESOLUTION NO. 551**

*Celebrating the life of Albert M. Nicodemus, Jr.*

Agreed to by the House of Delegates, March 7, 2018

Agreed to by the Senate, March 9, 2018

WHEREAS, Albert M. Nicodemus, Jr., of Berryville, a respected law-enforcement officer who brought joy to family, friends, and community members through music, died on July 13, 2017; and

WHEREAS, a native of Boyce, Albert "Nick" M. Nicodemus, Jr., attended Marvin Chapel United Methodist Church and graduated from Clarke County High School; and

WHEREAS, Nick Nicodemus served his country as a member of the United States Army from 1957 to 1959, then returned to the Commonwealth and worked as a farmer until 1967, when he became a deputy in the Clarke County Sheriff's Office; and

WHEREAS, in 1971, Nick Nicodemus was elected Sheriff of Clarke County, and he served and protected his fellow residents for 16 years, until his well-earned retirement in 1987; and

WHEREAS, Nick Nicodemus was a talented singer and harmonica player who performed at senior centers and nursing homes with the group The Singing Friends; he also expressed his faith by singing with the Men for Christ, and during his law-enforcement career, he earned the nickname "the singing sheriff"; and

WHEREAS, Nick Nicodemus will be fondly remembered and greatly missed by his wife, Betty; his son, Lynn, and his family; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Albert M. Nicodemus, Jr.; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Albert M. Nicodemus, Jr., as an expression of the General Assembly's respect for his memory.

**HOUSE JOINT RESOLUTION NO. 552**

*Celebrating the life of the Reverend William Franklin Graham, Jr.*

Agreed to by the House of Delegates, March 7, 2018

Agreed to by the Senate, March 9, 2018

WHEREAS, the Reverend William Franklin Graham, Jr., a renowned Christian evangelist who touched the lives of millions and transformed religious life in the United States, becoming known as "America's pastor," and who served as a trusted spiritual advisor to generations of leaders, died on February 21, 2018; and

WHEREAS, a native of Charlotte, North Carolina, William "Billy" Franklin Graham, Jr., grew up on his family's dairy farm during the Great Depression, gaining a lifelong appreciation for the importance of hard work, family, and community; and

WHEREAS, raised in a devout household, Billy Graham developed his personal connection to Jesus Christ at the age of 16 after meeting the traveling Baptist evangelist Mordecai Ham and was ordained to the ministry by the Southern Baptist Convention in 1939; and

WHEREAS, Billy Graham attended Florida Bible Institute and served as a pastor at several churches in Illinois while studying at Wheaton College, where he met his future wife, Ruth; and

WHEREAS, Billy Graham was driven to share his passionate faith with others; he began preaching on the radio and became the first full-time evangelist for Youth for Christ, a missionary organization founded to serve young people and World War II veterans; and

WHEREAS, Billy Graham's work with Youth for Christ led to a series of interdenominational campaigns, called crusades, in cities throughout the United States and eventually the world; his first crusade in Grand Rapids, Michigan, in 1947 attracted an audience of 6,000, some of whom were invited to come forward and seek one-on-one counsel; and

WHEREAS, Billy Graham's Los Angeles crusade in 1949, 12-week London crusade in 1954, and 16-week crusade in 1957 gained him international recognition, and he ultimately held more than 400 crusades and summits in more than 185 countries and territories, bringing his message behind the Iron Curtain of the Soviet Union and to North Korea during the Kim Il Sung regime; and

WHEREAS, a media pioneer, Billy Graham's sermons were translated into 48 languages, inspiring tens of thousands of evangelists to carry the message of Jesus Christ worldwide, and he reached hundreds of millions of people around the globe through radio, television, film, books, and the Internet; he delivered his final address, My Hope America, via television on his 95th birthday in 2013; and

WHEREAS, Billy Graham was a champion for integration and was a personal friend of the Reverend Dr. Martin Luther King, Jr., supporting the Civil Rights movement by inspiring peace, respect, and togetherness through spirituality; he also fought apartheid in South Africa by refusing to hold a crusade there until meetings were integrated; and

WHEREAS, Billy Graham was a trusted counselor to world leaders, including all United States Presidents beginning with Harry S. Truman; he was admired for his ability to reach leaders on a personal level and strengthen their resolve to serve their communities and the nation; and

WHEREAS, Billy Graham was a voice of hope and guidance in times of national trauma, speaking after the Oklahoma City bombing; at the National Cathedral in Washington, D.C., after the attacks of September 11, 2001; and in the aftermath of Hurricane Katrina; and

WHEREAS, Billy Graham received the Congressional Gold Medal, the highest civilian honor of the United States, and he was listed by Gallup as one of the Ten Most Admired Men a record 61 times; and

WHEREAS, Billy Graham's memory lives on in the Billy Graham Evangelistic Association, which he founded in 1950, a nonprofit organization that directs national and international ministries, including festivals, educational opportunities, and inspirational media; and

WHEREAS, predeceased by his wife, Ruth, Billy Graham will be fondly remembered and deeply missed by his children, Virginia, Anne, Ruth, William III, and Nelson, and their families, including 19 grandchildren and many great-grandchildren, and numerous other family members, friends, and people throughout the world whose lives he touched through ministry; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of the Reverend William Franklin Graham, Jr., a man of integrity and devotion, who supported individuals and strengthened communities through the power of faith; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of the Reverend William Franklin Graham, Jr., as an expression of the General Assembly's respect for his memory.

**HOUSE JOINT RESOLUTION NO. 553**

*Celebrating the life of Darnell Johnson.*

Agreed to by the House of Delegates, March 7, 2018  
 Agreed to by the Senate, March 9, 2018

WHEREAS, Darnell Johnson, an active member of the Chesapeake community and a respected educator with a commitment to lifelong learning, died on November 9, 2017; and

WHEREAS, born in Henderson, North Carolina, Darnell Johnson attended Elizabeth City State University, where he earned his undergraduate degree in mathematics and was captain of the football team and president of the student government association; he then earned a graduate degree from the University of Kentucky in 1977, a certificate from Old Dominion University in 1986, and a doctorate from The George Washington University in 2000; and

WHEREAS, a dedicated educator, Darnell Johnson spent 30 years in the Portsmouth Public Schools, first as a mathematics teacher and assistant principal and later as a community school liaison and principal at the New Directions Center and Churchland Middle School; and

WHEREAS, after retiring from the Portsmouth Public Schools in 2004, Darnell Johnson embarked on a second career in higher education; he served as Hampton University's assistant dean of education and then returned to his alma mater Elizabeth City State University, where he served as an endowed professor and chair of the mathematics department; and

WHEREAS, Darnell Johnson taught at Elizabeth City State University for over a decade and was one of its most popular and successful professors; following his retirement in 2015, he remained active with the university by assisting with pre-college outreach; and

WHEREAS, outside of his distinguished teaching career, Darnell Johnson gave back to his community by serving as an officer with the New Chesapeake Men for Progress and the New Chesapeake Men for Progress Educational Foundation, Inc., as well as by serving as chaplain at the Portsmouth City Jail; and

WHEREAS, Darnell Johnson was happiest when spending time with family, supporting Elizabeth City State University, and watching his favorite football team, the Dallas Cowboys; a man of strong faith, he enjoyed fellowship and worship at Third Baptist Church in Portsmouth; and

WHEREAS, Darnell Johnson will be fondly remembered and dearly missed by his wife, Stephanie; his daughter, Dawn, and her family; and countless other family members, friends, and Chesapeake residents; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Darnell Johnson, a devoted educator who gave generously of his time in service to his community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Darnell Johnson as an expression of the General Assembly's respect for his memory.

**HOUSE JOINT RESOLUTION NO. 554**

*Commending HealthWorks.*

Agreed to by the House of Delegates, March 7, 2018  
 Agreed to by the Senate, March 9, 2018

WHEREAS, HealthWorks, Northern Virginia's most comprehensive family practice, which provides care to all patients, regardless of ability to pay, has served the community from its Herndon location for more than five years; and

WHEREAS, HealthWorks, formerly known as the Loudoun Community Health Center, is a federally qualified health center that has served Northern Virginia residents for more than a decade; in 2012, the organization merged with the Jeanie Schmidt Free Clinic to open a Herndon office; and

WHEREAS, the merger with HealthWorks allowed the Jeanie Schmidt Free Clinic, which served approximately 2,000 low-income patients in 2011 to expand to a new location with additional exam rooms and treatment capabilities, significantly increasing its ability to care for the community; and

WHEREAS, from its Herndon office and other locations in Northern Virginia, HealthWorks provides medical, dental, and behavioral health services to anyone, regardless of age, ability to pay, or insurance; and

WHEREAS, HealthWorks also offers nutrition counseling, health assessments, and laboratory services; the organization has greatly enhanced the quality of life for numerous low-income Herndon residents in its five-year history; and

WHEREAS, HealthWorks has fulfilled its noble mission with the help and hard work of its staff and the generosity of numerous community partners; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend HealthWorks on the occasion of its fifth anniversary of serving the Herndon community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Board of Directors of HealthWorks as an expression of the General Assembly's admiration for its years of providing health services to Northern Virginia residents in need.

**HOUSE JOINT RESOLUTION NO. 555**

*Commending Greater King's Chapel.*

Agreed to by the House of Delegates, March 7, 2018

Agreed to by the Senate, March 9, 2018

WHEREAS, for 70 years, Greater King's Chapel in Abingdon has provided spiritual guidance, fellowship, and opportunities for worship to the residents of Abingdon; and

WHEREAS, Greater King's Chapel was founded in 1948 by Pastor Verlie Haynes, who had been called to minister to the residents of Abingdon; prior to the construction of the church's current sanctuary, services took place in the homes of various congregants; and

WHEREAS, Pastor Haynes served as spiritual leader of Greater King's Chapel from its founding until her death in May 1995; she was then succeeded by Pastor Verna Fullen, who led the church until her death in April 2010; and

WHEREAS, in December 2011, Elder Timothy M. Starkey was installed as pastor of Greater King's Chapel; under his leadership, the church has continued its dedication to worship, witnessing, and ministry to the residents of Abingdon; and

WHEREAS, throughout its history, Greater King's Chapel has enriched the lives of its congregants and served as a force for righteousness in the community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Greater King's Chapel for its service to the residents of Abingdon on the occasion of its 70th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Greater King's Chapel as an expression of the General Assembly's admiration for its impressive legacy of spiritual leadership in the Abingdon community.

**HOUSE JOINT RESOLUTION NO. 556**

*Commending Donald E. Wiggins.*

Agreed to by the House of Delegates, March 7, 2018

Agreed to by the Senate, March 9, 2018

WHEREAS, during 12 years on the York County Board of Supervisors, Donald E. Wiggins worked tirelessly for the betterment of the community and earned the abiding respect of his colleagues and constituents; and

WHEREAS, Donald "Don" E. Wiggins served with distinction on the York County Board of Supervisors from 2000 to 2004 and then again from 2008 to 2016; during his tenure, he was elected as both the vice chairman and chairman of the board and also served as president of the York County Business Association, which was instrumental in establishing the Lackey Free Clinic in Yorktown; and

WHEREAS, while serving on the York County Board of Supervisors, Don Wiggins helped build the community walkway for Seaford Baptist Church, where he is a lifelong member; he also spearheaded construction of Seaford Elementary School's first gymnasium; and

WHEREAS, Don Wiggins' other accomplishments on the York County Board of Supervisors included helping the Seaford Fire Department acquire its first ambulance, assisting in the design of the Yorktown waterfront and public docks, adding new sewer lines for York County residents, and establishing the York County Stormwater Advisory Board and fixing a drainage issue in the Edgehill neighborhood of Yorktown; and

WHEREAS, in addition to serving on the York County Board of Supervisors, Don Wiggins was also owner of the Virginia Truss, Inc., which was once recognized as one of the fastest growing small businesses in the Commonwealth; and

WHEREAS, Don Wiggins demonstrated fiscal responsibility as a York County Supervisor, and advanced conservative values locally and throughout the Commonwealth; and

WHEREAS, under Don Wiggins' leadership, York County was recognized as an outstanding place to live and raise a family; in 2015, the County was rated as the 5th happiest county in the United States; and

WHEREAS, Don Wiggins has continually placed his county and fellow residents before himself, and has dedicated countless hours to community projects and to ensuring that York County citizens enjoy a high quality of life; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Donald E. Wiggins on his exemplary service to the community as a 12-year member of the York County Board of Supervisors; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Donald E. Wiggins as an expression of the General Assembly's admiration for his dedication to the residents of York County.

**HOUSE JOINT RESOLUTION NO. 557***Commending Delta Beta Sigma Chapter.*

Agreed to by the House of Delegates, March 7, 2018

Agreed to by the Senate, March 9, 2018

WHEREAS, in May 2018, Delta Beta Sigma, the Norfolk Alumnae Chapter of Sigma Gamma Rho Sorority, Inc., will celebrate 50 years of providing student scholarships and rendering service to the Hampton Roads community; and

WHEREAS, Delta Beta Sigma Chapter was organized in Norfolk on May 18, 1968; throughout its history, the group has promoted sisterhood among its members while working to foster public service, leadership, and educational opportunities for young people; and

WHEREAS, shortly after its founding, Delta Beta Sigma Chapter received a generous donation from prominent Virginia businesswoman Rosa Alexander; the donation helped the group establish its Rosa Alexander Human Development Scholarship Fund, which has provided scholarships to numerous deserving students; and

WHEREAS, in March 2007, Delta Beta Sigma Chapter continued its tradition of giving by starting the Ruth W. Diggs/Annabel Scarborough, Sigma Gamma Rho Sorority, Inc. Endowment Fund at Norfolk State University; the fund is used to provide financial assistance to members of the university's Gamma Nu Undergraduate Chapter; and

WHEREAS, Delta Beta Sigma Chapter has spearheaded several community service initiatives in the Hampton Roads Region, including working with the Adopt-a-Street program to care for Brambleton Avenue in Norfolk; and

WHEREAS, since 2014, Delta Beta Sigma Chapter and members of the South Hampton Roads Pan-Hellenic Council have partnered with the American Cancer Society on an initiative to encourage 80 percent of American adults over age 50 to get colorectal cancer screenings; to date, the chapter has distributed over 1,000 pieces of literature regarding the screenings in housing developments and community centers in Norfolk; and

WHEREAS, in 2015, Delta Beta Sigma Chapter's dedication to service saw it selected as a finalist for *Coastal Virginia Magazine's* Giving Back Awards; and

WHEREAS, through its scholarships and service programs, Delta Beta Sigma Chapter has lived up to its slogan of "Greater Service, Greater Progress" and won the respect and admiration of the community; and

WHEREAS, Delta Beta Sigma Chapter will celebrate its 50th anniversary with a reception at the Crowne Plaza Hotel in Virginia Beach on May 19, 2018; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Delta Beta Sigma Chapter for its long service to the residents of Hampton Roads on the occasion of its 50th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Delta Beta Sigma Chapter as an expression of the General Assembly's admiration for its legacy of generosity and service and best wishes for its continued success.

**HOUSE JOINT RESOLUTION NO. 558***Commending David Bruce Patterson.*

Agreed to by the House of Delegates, March 7, 2018

Agreed to by the Senate, March 9, 2018

WHEREAS, on October 1, 2017, David Bruce Patterson retired after 39 years of distinguished service as Rockbridge County Circuit Court Clerk; and

WHEREAS, a native of Lexington, Bruce Patterson attended Rockbridge High School and then earned his bachelor's degree from Virginia Tech and his master's degree from Virginia Commonwealth University; during his early career, he worked as an auditor and assistant branch manager at First National Bank of Lexington; and

WHEREAS, Bruce Patterson began his nearly four decades of service to Rockbridge County in 1978, when he was elected County Circuit Court Clerk; his diligence and personal integrity later saw him reelected to the post five times; and

WHEREAS, throughout his career, Bruce Patterson was a dedicated member of the Virginia Court Clerks' Association, serving as its secretary-treasurer from 1987 to 1989, vice president from 1990 to 1991, and president from 1991 to 1992; and

WHEREAS, Bruce Patterson has brought his talents to a number of boards and community organizations, including serving as the director of the Bank of Botetourt, the director of the Rockbridge Area Housing Association, a board member of the Brownsburg Community Water Association, and a member of the Judicial Systems Advisory Committee of the Supreme Court of Virginia; and

WHEREAS, Bruce Patterson is also a past president of the Brownsburg Ruritan Club, a past zone and district governor of the Natural Bridge District Ruritan Clubs, and a past president of the Rockbridge chapter of the American Heart Association; and

WHEREAS, the proud father of three sons, Will, Chris, and Scott, Bruce Patterson is an active member of New Providence Presbyterian Church, where he serves as an elder; and

WHEREAS, during his illustrious career, Bruce Patterson has served the residents of Rockbridge County and Lexington with great skill and devotion, earning him the enduring respect of his colleagues and his community; and

WHEREAS, in honor of Bruce Patterson's retirement, the Rockbridge County Board of Supervisors renamed the Record Room of the Circuit Court Clerk's Office the "D. Bruce Patterson Record Room"; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend David Bruce Patterson for 39 years of honorable service as Rockbridge County Circuit Court Clerk; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to David Bruce Patterson as an expression of the General Assembly's respect for his impressive accomplishments and best wishes for a well-deserved retirement.

**HOUSE JOINT RESOLUTION NO. 559**

*Commending Garry Friend.*

Agreed to by the House of Delegates, March 7, 2018

Agreed to by the Senate, March 9, 2018

WHEREAS, Garry Friend, a respected citizen and dedicated community volunteer who served as Amherst County treasurer for five years, retired in 2017 following a distinguished career; and

WHEREAS, Garry Friend was elected Amherst County treasurer in 2011; prior to beginning his public service, he spent nearly 40 years in the banking industry; and

WHEREAS, as Amherst County treasurer, Garry Friend brought the office into the 21st century by instituting new practices to improve organization, accountability, and collections; and

WHEREAS, Garry Friend also hired a deputy to increase productivity and used technology to improve the checks and balances of the treasurer's office and enhance the customer experience; and

WHEREAS, in addition to his service as Amherst County treasurer, Garry Friend is a dedicated community member who helped found Neighbors Helping Neighbors, a nonprofit organization that works to feed local individuals and families in need; and

WHEREAS, in 2017, Garry Friend received the Treasurers' Association of Virginia's Community Service Award for his ongoing efforts to combat hunger in Amherst County; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Garry Friend on his outstanding service to the community on the occasion of his retirement as Amherst County treasurer; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Garry Friend as an expression of the General Assembly's admiration for his impressive career accomplishments and best wishes for the future.

**HOUSE JOINT RESOLUTION NO. 560**

*Commending the Amherst Fire Department.*

Agreed to by the House of Delegates, March 7, 2018

Agreed to by the Senate, March 9, 2018

WHEREAS, the Amherst Fire Department, a dedicated first responder unit whose members have provided outstanding service to the community, celebrated its 100th anniversary in 2017; and

WHEREAS, the Amherst Fire Department traces its roots to 1917, when a fire swept through the Town of Amherst and destroyed several prominent commercial buildings; in the hope of combating future disasters, a group of concerned citizens formed the community's first volunteer fire company; and

WHEREAS, the Amherst Fire Department began its service using a horse-drawn chemical engine that used a mixture of sulfuric acid and soda to propel water; the department purchased a motorized fire truck in the early 1920s and then built its first station between 1926 and 1927; and

WHEREAS, the Amherst Fire Department moved into its second fire station during World War II; in 1963, the department relocated to its current headquarters on Second Street in Amherst; and

WHEREAS, today, the well-trained members of the Amherst Fire Department utilize seven trucks, including two engines, one engine tanker, and an aerial ladder, and protect lives and property in Amherst 24 hours a day, seven days a week; and

WHEREAS, on August 19, 2017, the Amherst Fire Department held a 100th anniversary celebration attended by some 2,000 community members; the event also recognized the family of Tim Pigg, the only firefighter to die in the line of duty in the department's history; and

WHEREAS, the dedicated members of the Amherst Fire Department are pillars of their community who have displayed the utmost professionalism in their ongoing mission to keep the residents of Amherst safe; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Amherst Fire Department on the occasion of its 100th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Amherst Fire Department as an expression of the General Assembly's admiration for its long and meritorious service to the Amherst community.

**HOUSE JOINT RESOLUTION NO. 561**

*Commending Battlefield High School's Bobcats Evaluating and Servicing Technology Club.*

Agreed to by the House of Delegates, March 7, 2018

Agreed to by the Senate, March 9, 2018

WHEREAS, Battlefield High School's Bobcats Evaluating and Servicing Technology Club has supported individuals, schools, and organizations in Prince William County and throughout the region by refurbishing and donating computers; and

WHEREAS, Battlefield High School's Bobcats Evaluating and Servicing Technology (BEST) Club works with the Virginia Student Training and Refurbishment Program to put their skills and knowledge to good use by serving others; and

WHEREAS, the members of Battlefield High School's BEST Club prepare donated computers by cleaning them, working on imaging tasks, testing modules, and putting together packages of cables and other equipment; and

WHEREAS, Battlefield High School's BEST Club, an all-volunteer effort, has refurbished and donated more than 1,500 computers, enhancing the educational experience at 19 schools in Prince William County; and

WHEREAS, led by Gainesville residents Tom Metts and Stephanie Evers, Battlefield High School's BEST Club gives students a unique opportunity to help fellow members of the community who do not have access to a computer; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Battlefield High School's Bobcats Evaluating and Servicing Technology Club for its work to strengthen the Prince William County community by ensuring that students and other residents have access to computers; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Battlefield High School's Bobcats Evaluating and Servicing Technology Club as an expression of the General Assembly's admiration for the club's hard work and generosity.

**HOUSE JOINT RESOLUTION NO. 562**

*Commending the Virginia Student Training and Refurbishment Program.*

Agreed to by the House of Delegates, March 7, 2018

Agreed to by the Senate, March 9, 2018

WHEREAS, the Virginia Student Training and Refurbishment (STAR) Program helps provide computers and computer skills to students and families in need in Prince William County and throughout the Commonwealth; and

WHEREAS, founded by Aneesh Chopra, the former chief technology officer of Virginia and the first chief technology officer of the United States, the Virginia STAR Program accepts donations of computers and refurbishes them for families that do not have a computer at home; and

WHEREAS, administered through Prince William County Public Schools and its SPARK Education Foundation, the Virginia STAR Program serves 70 schools in more than 44 school districts across the Commonwealth and has donated more than 14,000 computers; and

WHEREAS, in addition to refurbishing and donating computers, the Virginia STAR Program gives students the technological knowledge and training to succeed in the information age and allows their parents to participate in the learning process; recipients also have the opportunity to learn computer skills from Prince William County technology students; and

WHEREAS, the Virginia STAR Program can be offered as part of science, technology, engineering, and mathematics curricula or as an after-school program; students can also earn industry certifications through the program; and

WHEREAS, the Virginia STAR Program has fulfilled its mission with the hard work of its student participants and the support of government agencies and corporate partners such as Micron Technology and Lockheed Martin; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Virginia Student Training and Refurbishment Program for its work to provide computers and computer skills to students and families; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Chuck Drake, coordinator of the Virginia Student Training and Refurbishment Program, as an expression of the General Assembly's admiration for the program's noble mission to ensure that students have the tools they need to achieve academic success.

**HOUSE JOINT RESOLUTION NO. 563**

*Commending Dan Ryan, Sr.*

Agreed to by the House of Delegates, March 7, 2018  
 Agreed to by the Senate, March 9, 2018

WHEREAS, Dan Ryan, Sr., a respected business leader who has provided high-quality clothing and outstanding customer service to the Virginia Beach community as the owner of the store Dan Ryan's for Men, retired in 2018 following a distinguished career; and

WHEREAS, a graduate of Norview High School in Norfolk, Dan Ryan developed an interest in the men's clothing industry at a young age while serving as an advertising model for local retail businesses; and

WHEREAS, after high school, Dan Ryan joined the sales force at a local clothing retailer called The Hub and soon became the youngest manager in the company's history; he then worked as a district manager and men's clothing buyer for the store Edgerton and Lee; and

WHEREAS, following a brief stint selling vacuum cleaners, Dan Ryan resolved to launch his own clothing store; with the help of family members and a loan from local business leaders, he opened Dan Ryan's for Men on May 13, 1976; and

WHEREAS, under Dan Ryan's capable leadership, Dan Ryan's for Men has grown from a humble menswear store into a cornerstone of the Virginia Beach retail community known for its honest sales policies and expert customer service; and

WHEREAS, Dan Ryan's for Men sells tailored clothing, casual clothing, shoes, accessories, and custom clothing; in 2011, the store was recognized on *The Virginian-Pilot's* prestigious "Best Of" list; and

WHEREAS, a proud Virginia Beach resident, Dan Ryan has served on the boards of several local organizations, including the Virginia Aquarium and Marine Science Center, Townes Bank, Crime Solvers, the Navy League, and the Children's Health Foundation of the Children's Hospital of the King's Daughters; and

WHEREAS, Dan Ryan was chosen to serve as King Neptune during Virginia Beach's 2003 Neptune Festival; in May 2017, he was recognized as the Virginia Beach Jaycees' First Citizen in honor of his lifetime of community service; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Dan Ryan, Sr., on his many years of exceptional service to the business community and the residents of Virginia Beach; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Dan Ryan, Sr., as an expression of the General Assembly's admiration for his spectacular career accomplishments and best wishes for a well-deserved retirement.

**HOUSE JOINT RESOLUTION NO. 564**

*Commending Yolanda Coffey Boatwright.*

Agreed to by the House of Delegates, March 7, 2018  
 Agreed to by the Senate, March 9, 2018

WHEREAS, Yolanda Coffey Boatwright retired as treasurer of the City of Buena Vista on June 30, 2017, after more than three decades of service to the city; and

WHEREAS, Yolanda "Landy" Coffey Boatwright joined the Buena Vista Treasurer's Office as a part-time employee in 1983 and was promoted to full-time deputy treasurer in 1987; and

WHEREAS, desirous to be of further service to the community, Landy Boatwright ran for and was elected as treasurer in 1993; taking office on January 1, 1994, she served the City of Buena Vista with the utmost integrity and dedication for 23 years; and

WHEREAS, highly respected in her field, Landy Boatwright is a Certified Governmental Treasurer and a member of the Treasurers' Association of Virginia; and

WHEREAS, Landy Boatwright has served the community as a member of the Rockbridge Regional Fair Board, the local American Legion Auxiliary, and the Buena Vista Junior Woman's Club; she enjoys fellowship and worship with the congregation of Stone Church of the Brethren; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Yolanda Coffey Boatwright on the occasion of her retirement as treasurer of the City of Buena Vista in 2017; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Yolanda Coffey Boatwright as an expression of the General Assembly's admiration for her diligent service to the Buena Vista community and the Commonwealth.

**HOUSE JOINT RESOLUTION NO. 565**

*Commending Stuart Wallace Connock.*

Agreed to by the House of Delegates, March 7, 2018  
 Agreed to by the Senate, March 9, 2018

WHEREAS, Stuart Wallace Connock, a distinguished veteran and a respected longtime state employee, has dedicated his life to the service of others; and

WHEREAS, a native of Charlottesville, Stuart Connock was born on August 12, 1925; he joined many of the other young men of his generation as a member of the United States Navy during World War II; and

WHEREAS, Stuart Connock served in the Pacific Theater of the war aboard the USS *Bunker Hill* in the flag unit of Admiral Marc Mitscher, who spearheaded carrier operations deep into enemy territory; and

WHEREAS, Stuart Connock was in Tokyo Bay during the signing of the peace treaty with Japan, and he later celebrated Navy Day in New York City aboard the USS *Enterprise*, the only ship to have fought through the entire war and remained afloat; and

WHEREAS, after his honorable military service, Stuart Connock returned to the Commonwealth and earned a bachelor's degree from the University of Virginia; a proud alumnus of the university, he has been inducted into the Raven Society, Beta Gamma Sigma, and Beta Alpha Phi; and

WHEREAS, Stuart Connock began his service to the Commonwealth with the General Assembly as a journal clerk under House Speaker Blackie Moore, occasionally serving the Senate of Virginia as well; and

WHEREAS, beginning in 1960, Stuart Connock also worked for the Virginia Department of Taxation and was appointed by Governor Mills E. Godwin, Jr., as Virginia's first Director of Sales and Use Tax, working across the Commonwealth to facilitate understanding and compliance with the new form of taxation; and

WHEREAS, Stuart Connock was appointed as Tax Commissioner by Governor A. Linwood Holton, Jr., in 1973; he changed his focus to financial policy under Governor John N. Dalton, serving as Director of Planning and Budget and Secretary of Administration and Finance; and

WHEREAS, Stuart Connock was named Secretary of Finance by Governor Charles S. Robb in 1984, and he continued to serve in that position under Governor Gerald L. Baliles; and

WHEREAS, Stuart Connock also served as president of the National Tax Association in 1988 and throughout his career was appointed to numerous boards, committees, and commissions, including as a member of the Jamestown-Yorktown Foundation's Board of Trustees and chair of the foundation's Steering Committee in 2007; and

WHEREAS, Stuart Connock's leadership played an integral role in the growth and national recognition of the Jamestown-Yorktown Foundation, an educational institution that fosters an understanding and awareness of the early history, settlement, and development of the United States through the convergence of Virginia Indian, European, and African cultures and their enduring legacies through its two living history museums, the Jamestown Settlement and the American Revolution Museum at Yorktown; and

WHEREAS, after his well-earned retirement from state government, Stuart Connock became Executive Assistant to the President for State Governmental Relations at the University of Virginia; in 2007, he earned the Marvin D. "Swede" Johnson Award from the Council for the Advancement and Support of Education; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Stuart Wallace Connock for his decades of service to the citizens of Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Stuart Wallace Connock as an expression of the General Assembly's admiration for his lifetime of contributions to the Commonwealth.

**HOUSE JOINT RESOLUTION NO. 566**

*Commending Nancy Howell Agee.*

Agreed to by the House of Delegates, March 7, 2018  
 Agreed to by the Senate, March 9, 2018

WHEREAS, on January 1, 2018, Nancy Howell Agee, chief executive officer of the Carilion Clinic in Roanoke, began her term as board chair of the American Hospital Association, a professional association that promotes high-quality care in hospitals and health care systems throughout the nation; and

WHEREAS, Nancy Agee began her career in health care as a nurse in the 1970s and rose through the ranks of what is now the Carilion Clinic, holding several management roles, including chief operating officer and executive vice president from 2001 to 2011; and

WHEREAS, in July 2011, Nancy Agee became chief executive officer of the Carilion Clinic, which serves approximately one million patients at 200 sites, including seven hospitals; Carilion Clinic is the largest private employer in western Virginia, and it has thrived under her leadership; and

WHEREAS, during Nancy Agee's tenure as chief executive officer, the Carilion Clinic has expanded and pursued new initiatives to better serve the community; she is highly admired for her work ethic, servant leadership, and efforts to build strong relationships with both colleagues and patients; and

WHEREAS, Nancy Agee has helped lead many initiatives, including the establishment of the Virginia Tech Carilion School of Medicine and Research Institute, one of the most successful public-private partnerships ever formed within the Commonwealth, and one that is helping transform the regional economy of the Roanoke and New River Valleys and the entire state; and

WHEREAS, Nancy Agee is past chair of the Virginia Hospital and Healthcare Association, and she has also served on the boards of many regional and statewide organizations, including GO Virginia, the Virginia Business Higher Education Council, the Virginia Foundation for Independent Colleges, and the Virginia Tech Foundation; and

WHEREAS, Nancy Agee currently serves as chair of the Virginia Business Council and in 2017, she was named by *Virginia Business* as the Virginia Business Person of the Year; and

WHEREAS, Nancy Agee was named one of the Top 100 Most Influential People in Healthcare by *Modern Healthcare* and one of the Top 25 Women in Healthcare in 2017; and

WHEREAS, as board chair of the American Hospital Association, Nancy Agee will lead a multilayered approach to promoting and supporting access to high-quality, affordable health care throughout the Commonwealth and the United States; and

WHEREAS, Nancy Agee is the first woman from Virginia to lead the American Hospital Association as board chair and only the second health system chief executive officer from the Commonwealth to hold the position; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Nancy Howell Agee on her selection as board chair of the American Hospital Association; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Nancy Howell Agee as an expression of the General Assembly's admiration for her commitment to advancing the health care field and ensuring that all people have access to the care they need.

#### HOUSE JOINT RESOLUTION NO. 567

*Celebrating the life of Frank Crandall.*

Agreed to by the House of Delegates, March 7, 2018

Agreed to by the Senate, March 9, 2018

WHEREAS, Frank Crandall, an active member of the McLean community who worked tirelessly to preserve the area's parks and green spaces, died on February 13, 2018; and

WHEREAS, a native of Los Angeles, California, Frank Crandall studied engineering and marine biology at the University of California, Berkeley, and pursued a career in space sciences and medical information systems; and

WHEREAS, Frank Crandall relocated to Fairfax County in 1976 after accepting a position with the American Red Cross, and he continued to serve the community in many unique ways after his retirement; and

WHEREAS, in 1990, Frank Crandall developed a research position in biology at the Smithsonian Institution's National Museum of Natural History, and in 1999 he began serving on the Fairfax County Environmental Quality Advisory Council; and

WHEREAS, Frank Crandall also served on the Chesapeake Bay Preservation Ordinance Review Committee and the Fairfax County Erosion and Sedimentation Review Board, and as a former chair of the McLean Citizens Association's Environment, Parks, and Recreation Committee; and

WHEREAS, a 39-year resident of McLean, Frank Crandall possessed an encyclopedic knowledge of the community and its history, and he was a trusted mentor for generations of local leaders and volunteers; and

WHEREAS, Frank Crandall received many awards and accolades for his diligent advocacy, including the Environmental Stewardship Award from the Greater McLean Chamber of Commerce in 2016; and

WHEREAS, predeceased by his wife of nearly 60 years, Joyce, Frank Crandall will be fondly remembered and greatly missed by his children, Richard and Kathryn, and their families, and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Frank Crandall, a passionate advocate for the environment; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Frank Crandall as an expression of the General Assembly's respect for his memory.

**HOUSE JOINT RESOLUTION NO. 568**

*Celebrating the life of Dorothy Ann McClelland.*

Agreed to by the House of Delegates, March 7, 2018

Agreed to by the Senate, March 9, 2018

WHEREAS, Dorothy Ann McClelland, a beloved mother, talented cook, and respected resident of the historic Tauxemont neighborhood of Alexandria, died on January 11, 2018, at the age of 97; and

WHEREAS, born in New Haven, Connecticut, Dorothy "Doty Ann" McClelland attended Pembroke College in Brown University, graduating in 1941 with a degree in English; during her college years, she met her future husband, Bill McClelland; and

WHEREAS, Doty Ann McClelland married during World War II and then moved to San Antonio, Texas, where she honed her skills as an expert baker and chef; she later took a job with General Foods answering cooking questions and other mail queries for a Betty Crocker-themed radio show; and

WHEREAS, Doty Ann McClelland moved to Alexandria in the 1950s and eventually settled in the Tauxemont neighborhood, where she and her husband raised two children; she became an active member of the community and helped initiate an annual Christmas Eve caroling and cookie party that continues to this day; and

WHEREAS, a woman of strong faith, Doty Ann McClelland was an active member of Mount Vernon Unitarian Church, where she volunteered in a variety of roles, including as a member of the kitchen crew; she became known throughout the community for her delicious desserts and provided cakes for numerous weddings; and

WHEREAS, Doty Ann McClelland later put her volunteering efforts on hold and embarked on a 20-year career as a librarian at Fort Hunt High School and West Potomac High School; after retiring, she resumed her community service work with Mount Vernon Unitarian Church and other organizations; and

WHEREAS, a woman of indomitable spirit, Doty Ann McClelland remained in her own home and continued volunteering well into old age, including serving as a church receptionist; and

WHEREAS, Doty Ann McClelland will be fondly remembered and dearly missed by her children, Katherine and Richard, as well as numerous other family members, friends, and members of the Tauxemont community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Dorothy Ann McClelland, an active Alexandria resident who gave generously of her time in service to the community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Dorothy Ann McClelland as an expression of the General Assembly's respect for her memory.

**HOUSE JOINT RESOLUTION NO. 569**

*Celebrating the life of Elyette Jean-Marie Ninette Brochot Conein.*

Agreed to by the House of Delegates, March 7, 2018

Agreed to by the Senate, March 9, 2018

WHEREAS, Elyette Jean-Marie Ninette Brochot Conein, a beloved resident of McLean who was well-known throughout the community for her zest for life, died on February 11, 2018; and

WHEREAS, a native of Vietnam, Elyette Conein cultivated an infectious sense of optimism at an early age, and she touched countless lives through her compassionate spirit, energetic personality, and bright smile; and

WHEREAS, in her youth, Elyette Conein trained to become a professional aquatic athlete and ultimately traveled to Europe, where she worked as a performer in a seaside hotel in Monaco, entertaining guests with beautiful platform dives; and

WHEREAS, Elyette Conein met her late husband, Lucien E. Conein, in the 1950s and then settled with him in McLean, where she pursued a successful career as a real estate professional with Long and Foster; she was renowned for her social gatherings and charmed a wide array of distinguished guests with her grace and elegance; and

WHEREAS, Elyette Conein was best known in the community for her generosity and unfailing kindness, opening her home to anyone in need; and

WHEREAS, Elyette Conein will be fondly remembered and greatly missed by her children, Laurent, Philippe, and Caroline, and their families; her partner of nearly 15 years, Patrick Smaldore; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Elyette Jean-Marie Ninette Brochot Conein; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Elyette Jean-Marie Ninette Brochot Conein as an expression of the General Assembly's respect for her memory.

**HOUSE JOINT RESOLUTION NO. 570**

*Commending James E. Gahres.*

Agreed to by the House of Delegates, March 7, 2018  
 Agreed to by the Senate, March 9, 2018

WHEREAS, James E. Gahres, a respected city planner and economic developer with more than three decades of experience, has been inducted into the College of Fellows of the American Institute of Certified Planners for his outstanding achievements in planning and revitalization; and

WHEREAS, James Gahres has helped sustain economic development in two of the fastest growing communities in the nation, Loudoun County and Prince William County, and led efforts to revitalize the historic downtowns of Alexandria, Falls Church, Charlottesville, and Leesburg with thriving mixed-use districts; and

WHEREAS, in particular, James Gahres played a pivotal role in the revitalization of Route 1 in Prince William County and Mount Vernon Avenue in Alexandria, transforming Northern Virginia's "main streets" into sustainable, vibrant communities; and

WHEREAS, an expert in both comprehensive and strategic planning, James Gahres uses innovative tools and programs, detailed fiscal analyses, and public/private partnerships to create unique plans for each community, which have had far-reaching impacts on job creation and economic vitality; and

WHEREAS, James Gahres places a high emphasis on inclusionary planning practices, gathering input from developers, businesses, local residents, and government to ensure that all voices are heard and that plans meet the needs of the community; and

WHEREAS, James Gahres is one of only 54 professionals who are dual-certified as a planner by the American Planning Association and as an economic developer by the International Economic Development Council, and he was an early member of the Virginia chapters of both organizations; and

WHEREAS, due to these accomplishments and contributions to the planning profession, James Gahres was recognized by his peers and the American Planning Association with the organization's highest honor, induction into the College of Fellows of the American Institute of Certified Planners; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend James E. Gahres on being named as a member of the College of Fellows of the American Institute of Certified Planners; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to James E. Gahres as an expression of the General Assembly's admiration for his exemplary accomplishments in planning and economic development in Northern Virginia.

**HOUSE JOINT RESOLUTION NO. 571**

*Commending Carlos Del Toro.*

Agreed to by the House of Delegates, March 7, 2018  
 Agreed to by the Senate, March 9, 2018

WHEREAS, Carlos Del Toro, a respected veteran and a successful entrepreneur, was elected as president of the White House Fellows Foundation and Association, a prestigious leadership development program that gives outstanding young men and women opportunities to work at the highest levels of government; and

WHEREAS, founded in 1964 by President Lyndon B. Johnson, the White House Fellows program allows selected individuals to serve senior White House staff members, cabinet-level secretaries, and other high-ranking government officials and participate in educational programs; Carlos Del Toro served as a fellow from 1998 to 1999, assigned to the Deputy Director of the Office of Management and Budget; and

WHEREAS, in 2004, after a 27-year career in the United States Navy, Carlos Del Toro founded SBG Technology Solutions, which has become one of the premier small government contractors in the country, providing advanced, innovative, cost-effective technology solutions to a wide array of clients in both the public and private sectors; and

WHEREAS, Carlos Del Toro's business acumen will serve him well as president of the White House Fellows Foundation and Association, where he is responsible for recruiting talented candidates and maintaining the program's legacy of leadership and contributions to the public good; and

WHEREAS, Carlos Del Toro will also serve on the President's Commission on White House Fellows and work to foster strong relationships between current fellows, alumni, commissioners, and other stakeholders; and

WHEREAS, Carlos Del Toro has also served as a member of the United States Chamber of Commerce Council on Small Business and the Board of Visitors of the University of Mary Washington, and he has earned many awards and accolades for his achievements; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Carlos Del Toro on his election as president of the White House Fellows Foundation and Association; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Carlos Del Toro as an expression of the General Assembly's admiration for his unique role in leadership development and public service.

**HOUSE JOINT RESOLUTION NO. 572**

*Commending South County Little League.*

Agreed to by the House of Delegates, March 7, 2018

Agreed to by the Senate, March 9, 2018

WHEREAS, South County Little League, a youth baseball organization that has inspired countless young athletes, celebrates its 50th anniversary in 2018; and

WHEREAS, based in Lorton, South County Little League serves over 300 families in the surrounding region with youth baseball and softball teams for boys and girls ages four through 16; and

WHEREAS, with a mission to mold superior citizens, South County Little League strives to instill the ideals of good sportsmanship, honesty, loyalty, courage, and respect for authority in all its young competitors; and

WHEREAS, over its 50-year history, South County Little League has featured 8,000 players and 400 coaches; in addition, some 350 sponsors have invested in the success of the league and its participants; and

WHEREAS, in keeping with its dedication to community service, South County Little League is a nonprofit organization whose coaches, umpires, and officials all volunteer their time to ensure players have proper guidance and a rewarding experience; and

WHEREAS, over its many years of success, South County Little League has become a fixture of its local community and helped to foster the physical, mental, and social development of all its young participants; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend South County Little League on the occasion of its 50th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to South County Little League as an expression of the General Assembly's admiration for the league's commitment to producing exceptional athletes and citizens.

**HOUSE JOINT RESOLUTION NO. 573**

*Commending Patricia Hurley.*

Agreed to by the House of Delegates, March 7, 2018

Agreed to by the Senate, March 9, 2018

WHEREAS, for over six years, Patricia Hurley has provided outstanding service to students, parents, and the community as transportation director for Manassas Park City Schools; and

WHEREAS, Patricia Hurley has served as transportation director for Manassas Park City Schools since August 2011; in that role, she manages the daily transportation of more than 3,300 students to and from school and to all special events; and

WHEREAS, an invaluable asset to Manassas Park City Schools, Patricia Hurley ensures that bus routes are as convenient as possible and that all bus drivers are well-trained to give students a safe ride and to make them feel welcome as they begin their school day; and

WHEREAS, Patricia Hurley is a highly dedicated employee who goes above and beyond to serve students, including driving buses herself to ensure that routes run smoothly; and

WHEREAS, among many other accomplishments as transportation director, Patricia Hurley has played an integral role in student achievement by working with school officials to develop personalized bus schedules to adapt to the needs of at-risk students; her efforts have contributed to an increased graduation rate in Manassas Park City Schools; and

WHEREAS, throughout her career in public education, Patricia Hurley has earned the respect of her colleagues while working tirelessly to ensure that all of Manassas Park City Schools' students are transported in a safe, efficient, and welcoming environment; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Patricia Hurley on her superb service to the community as transportation director for Manassas Park City Schools; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Patricia Hurley as an expression of the General Assembly's admiration for her impressive career accomplishments and best wishes for continued success.

**HOUSE JOINT RESOLUTION NO. 574**

*Commending Anne Shaw.*

Agreed to by the House of Delegates, March 7, 2018  
 Agreed to by the Senate, March 9, 2018

WHEREAS, as director of nurses at Manassas Park City Schools, Anne Shaw has worked tirelessly to provide for the health and well-being of students and their families; and

WHEREAS, along with treating illnesses and injuries and providing public health information, Anne Shaw and her dedicated team of nurses have instituted specialized programs aimed at making a difference in the lives of students in Manassas Park City Schools; and

WHEREAS, for three years, Anne Shaw has coordinated the Manassas Park Family Market, a monthly event at Manassas Park High School that allows families in need to receive food, clothing, seasonal items, health screenings, and resource information free of charge; a collaboration with Capital Area Food Bank and other local organizations and nonprofits, the Manassas Park Family Market serves all families in the community with no requirement to provide proof of need; and

WHEREAS, in addition to her work with the Manassas Park Family Market, Anne Shaw has coordinated with George Mason University's nursing program to provide a free clinic for Manassas Park families; and

WHEREAS, Anne Shaw's generous community service efforts have impacted the lives of numerous Manassas Park City Schools families and helped ensure that students are healthy and ready to receive the outstanding instruction that teachers provide them each day; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Anne Shaw on her exemplary service as director of nurses at Manassas Park City Schools; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Anne Shaw as an expression of the General Assembly's admiration for her ongoing commitment to the well-being of students in the Manassas Park community.

**HOUSE JOINT RESOLUTION NO. 575**

*Election of Circuit Court Judges, General District Court Judges, and Juvenile and Domestic Relations District Court Judges.*

Agreed to by the House of Delegates, March 9, 2018  
 Agreed to by the Senate, March 9, 2018

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly shall proceed this day

To the election of Circuit Court judges for terms of eight years commencing as follows:

- One judge for the First Judicial Circuit, term commencing July 1, 2018.
- One judge for the Eighth Judicial Circuit, term commencing July 1, 2018.
- One judge for the Sixteenth Judicial Circuit, term commencing July 1, 2018.
- One judge for the Twenty-ninth Judicial Circuit, term commencing July 1, 2018.
- One judge for the Thirty-first Judicial Circuit, term commencing April 1, 2018.

To the election of General District Court judges for terms of six years commencing as follows:

- One judge for the Fifth Judicial District, term commencing July 1, 2018.
- One judge for the Eighth Judicial District, term commencing July 1, 2018.
- One judge for the Sixteenth Judicial District, term commencing July 1, 2018.
- One judge for the Twenty-seventh Judicial District, term commencing July 1, 2018.
- One judge for the Thirtieth Judicial District, term commencing July 1, 2018.

To the election of Juvenile and Domestic Relations District Court judges for terms of six years commencing as follows:

- One judge for the First Judicial District, term commencing July 1, 2018.
- One judge for the Third Judicial District, term commencing July 1, 2018.
- One judge for the Fourth Judicial District, term commencing July 1, 2018.
- One judge for the Nineteenth Judicial District, term commencing July 1, 2018.
- One judge for the Nineteenth Judicial District, term commencing July 1, 2018.
- One judge for the Twenty-fourth Judicial District, term commencing July 1, 2018.
- One judge for the Twenty-eighth Judicial District, term commencing July 1, 2018.
- One judge for the Thirtieth Judicial District, term commencing July 1, 2018.

And that in the execution of the joint order nominations shall be made in the order herein named, and that each house shall be notified of said nominations, and when the rolls shall be called for the whole number, the presiding officers of each house shall appoint a committee of three, which together shall constitute the joint committee to count the vote of each house

in each case and report the results to their respective houses. The joint order may be suspended by the presiding officer of either house at any time but for no longer than twenty-four hours to receive the report of the joint committee.

**HOUSE RESOLUTION NO. 2**

*Celebrating the life of Nathan Watts.*

Agreed to by the House of Delegates, January 12, 2018

WHEREAS, Nathan Watts, a hardworking marketing professional, devoted youth athletics coach, and respected member of the Hampton community, died on June 28, 2017; and

WHEREAS, a passionate sports fan, Nathan Watts attended Hampton High School, where he played basketball and baseball; and

WHEREAS, known for his charismatic personality and infectious smile, Nathan Watts enjoyed a successful career in advertising and marketing, including a long tenure with Clear Channel Radio Group in Norfolk; and

WHEREAS, in 2004, Nathan Watts launched N-Sight Marketing and Management, a Hampton-based marketing, media placement, and promotional services company; and

WHEREAS, as chief executive officer of N-Sight Marketing and Management, Nathan Watts worked closely with southeast Virginia radio stations and was also involved in promoting local events such as the Hampton Bay Days festival; and

WHEREAS, a passionate sports fan, Nathan Watts gave his time generously as a mentor and coach, working variously with the Boo Williams basketball program, the Hampton Wythe Little League, Hampton Parks and Recreation, and the Aberdeen Athletic Association; and

WHEREAS, Nathan Watts was happiest in lively conversation with friends, meeting new people, or watching his favorite football team, the Pittsburgh Steelers; and

WHEREAS, Nathan Watts will be dearly missed and fondly remembered by his wife of 28 years, Tracye; his children, Taylor and Nathan II; his mother, Ellen; and countless other family, friends, and members of the Hampton community; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Nathan Watts, a valued member of the Hampton community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Nathan Watts as an expression of the House of Delegates' respect for his memory.

**HOUSE RESOLUTION NO. 3**

*Commending the Lord Botetourt High School volleyball team.*

Agreed to by the House of Delegates, January 12, 2018

WHEREAS, the Lord Botetourt High School volleyball team of Daleville won the 2017 Virginia High School League Class 3 state championship on November 18, 2017, at the Siegel Center in Richmond, securing its first state title; and

WHEREAS, the victory in the state final cemented an unblemished 31-0 season for the Lord Botetourt High School Cavaliers, who regularly dominated their opposition and only dropped four sets all year; and

WHEREAS, in the championship game, the Lord Botetourt Cavaliers cruised to victory over the Warren County High School Wildcats 25-14, 25-12, and 25-17; in claiming the state title, the Lord Botetourt Cavaliers snapped the Warren County Wildcats' own 17-game winning streak; and

WHEREAS, the Lord Botetourt High School volleyball team relied on excellent ball movement and commanding net play in the state final; sophomore Miette Veldman and junior Brooklyn Shelton both racked up 11 kills, senior Lara Veldman recorded 10 kills, and sophomore Jordyn Kepler dished out 43 assists; and

WHEREAS, the Lord Botetourt Cavaliers also benefited from a stingy defense; in the state final, Lara Veldman notched 14 digs and Kenleigh Gunter recorded 13; and

WHEREAS, the Lord Botetourt Cavaliers' undefeated season is made all the more impressive by its young roster, which features only one senior; and

WHEREAS, the Lord Botetourt High School volleyball team's state championship victory is a testament to the talent and dedication of its student-athletes, the excellent guidance of its coaches, and the passionate support of family members, friends, and the entire Lord Botetourt High School community; now, therefore, be it

RESOLVED by the House of Delegates, That the Lord Botetourt High School volleyball team hereby be commended on winning the 2017 Virginia High School League Class 3 state championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Julie Conner, head coach of the Lord Botetourt High School volleyball team, as an expression of the House of Delegates' admiration for the team's undefeated season and best wishes for continued success.

**HOUSE RESOLUTION NO. 6**

*Celebrating the life of Mary Ann Hovis.*

Agreed to by the House of Delegates, January 12, 2018

WHEREAS, Mary Ann Hovis of Fairfax County, an accomplished information technology professional and a dedicated community leader who worked to increase civic engagement among women, died on August 26, 2017; and

WHEREAS, a native of Smyth County, Mary Ann Hovis earned a bachelor's degree from what is now Radford University and conducted graduate studies at the University of Tennessee; she remained a loyal alumna of Radford University throughout her life, serving on the Board of Visitors for more than 12 years, including three terms as rector; and

WHEREAS, an active supporter of academics, athletics, and the arts at Radford University, Mary Ann Hovis served on the Radford University Foundation Board of Directors and as president of the institution's National Alumni Association; she received the institution's Lifetime Achievement Award for her legacy of generous leadership; and

WHEREAS, Mary Ann Hovis began a long career in information technology as a systems engineer with NCR Federal Systems and became the company's first woman sales representative; she went on to hold leadership positions with Northern Telecom Limited, Pyramid Technology Corporation, ConTel Federal Systems, and GTE Federal Networks; and

WHEREAS, after more than 30 years in the technology field, Mary Ann Hovis retired as vice president of Suss Consulting, Inc., where she specialized in information technology marketing and strategic planning; she was also the first woman to serve as president of the National Capital Chapter of the Independent Telecommunications Pioneer Association; and

WHEREAS, Mary Ann Hovis was passionate about civic engagement and served as chair of the Fairfax County Democratic Committee and as vice chair of the Democratic State Central Committee and Virginia's 10th Congressional District Democratic Committee; and

WHEREAS, Mary Ann Hovis inspired women to run for elected office as a member of Emerge Virginia, and she mentored and supported candidates for local government as chair of the Pat Jennings Project, which was named in honor of her late father, the Honorable W. Pat Jennings; and

WHEREAS, Mary Ann Hovis will be fondly remembered and greatly missed by her husband, Bob, and numerous other family members, friends, and colleagues; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Mary Ann Hovis, a highly admired community leader and a successful information technology professional; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Mary Ann Hovis as an expression of the House of Delegates' respect for her memory.

**HOUSE RESOLUTION NO. 7**

*Commending the Western Branch High School baseball team.*

Agreed to by the House of Delegates, January 12, 2018

WHEREAS, the Western Branch High School baseball team of Chesapeake clinched its third state title, winning the Virginia High School League Group 6A state championship on June 10, 2017, at Robinson Secondary School in Fairfax; and

WHEREAS, the Western Branch High School Bruins capped off an impressive 18-7 season by rallying to defeat the Frank W. Cox High School Falcons 6-4 in the final, securing the Bruins' second state championship in four years; and

WHEREAS, over the course of the season, the Western Branch High School baseball team benefited from exceptional pitching and hitting, as well as its players' relentless determination; the victory in the final marked the third postseason game in which the team came from behind to win; and

WHEREAS, in a title game contested by two teams from Hampton Roads, the Western Branch Bruins trailed 4-1 before mounting a thrilling five-run comeback in the sixth inning with a double from Ethan Alexander and RBIs from Phillip Gottlieb, Trent Jones, Connor Rhem, and Conner Butler; and

WHEREAS, the success of the Western Branch High School baseball team is a tribute to the talent and dedication of its outstanding student-athletes, the excellent guidance of its coaches and staff, and the passionate support of parents, friends, and the entire Western Branch High School community; now, therefore, be it

RESOLVED by the House of Delegates, That the Western Branch High School baseball team hereby be commended on winning the 2017 Virginia High School League Group 6A state championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Roland Wright, head coach of the Western Branch High School baseball team, as an expression of the House of Delegates' admiration for the team's achievements.

**HOUSE RESOLUTION NO. 8***Commending Emerson Puzey.*

Agreed to by the House of Delegates, January 12, 2018

WHEREAS, Emerson Puzey, a talented softball player at Nansemond-Suffolk Academy, won the Virginia Independent Schools Athletic Association 2017 Division II State Player of the Year award; and

WHEREAS, a junior pitcher, Emerson Puzey enjoyed a standout season with the Nansemond-Suffolk Academy softball team, leading the team to an excellent 22-3 record and the Tidewater Conference of Independent Schools regular season and tournament titles; and

WHEREAS, as a pitcher, Emerson Puzey finished with an 11-2 record, 84 strikeouts, and a superb 1.91 ERA; she was equally dominant at the plate, recording a .549 batting average with 41 RBIs, five doubles, six triples, and three home runs; and

WHEREAS, in addition to becoming the first-ever Nansemond-Suffolk Academy softball player to win the Division II State Player of the Year award, Emerson Puzey earned several other accolades for her fantastic season, including the Tidewater Conference of Independent Schools Player of the Year award and selection to the All-State and All-Tidewater Conference of Independent Schools teams; and

WHEREAS, Emerson Puzey's coaches have praised her positive attitude and noted that she always gives her all for the team, no matter what role she is given; and

WHEREAS, Emerson Puzey's skill and determination on the field stand as a shining example to her fellow student-athletes across the Commonwealth; now, therefore, be it

RESOLVED by the House of Delegates, That Emerson Puzey hereby be commended for winning the Virginia Independent Schools Athletic Association 2017 Division II State Player of the Year award; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Emerson Puzey as an expression of the House of Delegates' admiration for her remarkable athletic accomplishments.

**HOUSE RESOLUTION NO. 9***Commending Martina D. Campbell.*

Agreed to by the House of Delegates, January 12, 2018

WHEREAS, Martina D. Campbell, a dedicated first responder who broke down barriers as the first female firefighter in the Suffolk Department of Fire and Rescue, retired in 2017; and

WHEREAS, Martina Campbell grew up in New York and first developed her passion for helping others as a young girl, when she watched a crew of firefighters respond to a damaging blaze at her family home; and

WHEREAS, Martina Campbell moved to Suffolk at age 15 and graduated from John Yeates High School in 1981; after working at Smithfield Packing, she joined the Suffolk Department of Fire and Rescue in 1986, earning the distinction of being the first female firefighter in the city's history; and

WHEREAS, Martina Campbell served in the Suffolk Department of Fire and Rescue for 31 years, aiding countless individuals, families, and businesses in her local community and earning the respect and admiration of her colleagues; and

WHEREAS, since her well-earned retirement from firefighting, Martina Campbell has pursued a new passion by enrolling in Stratford University to study culinary arts, baking, and pastries; and

WHEREAS, throughout her trailblazing career, Martina Campbell was steadfast in her commitment to protect the residents of Suffolk; her strength, bravery, and devotion to duty make her an exemplary role model for her fellow firefighters; now, therefore, be it

RESOLVED by the House of Delegates, That Martina D. Campbell hereby be commended for her long service to Suffolk and for helping to pave the way for other women to serve their community as first responders; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Martina D. Campbell as an expression of the House of Delegates' admiration for her extraordinary accomplishments and best wishes for continued success in the future.

**HOUSE RESOLUTION NO. 10***Commending the Virginia Gentlemen Foundation.*

Agreed to by the House of Delegates, January 12, 2018

WHEREAS, the Virginia Gentlemen Foundation, a Virginia Beach-based nonprofit organization that has given generously to the community by funding medical research for ALS and developing, funding, and building first-class amenities for wounded veterans, children with disabilities, and Gold Star families, celebrated its 10th anniversary in 2017; and

WHEREAS, the Virginia Gentlemen Foundation was established in 2007 by a group of young men who were determined to enhance the lives of the residents of Virginia Beach and citizens throughout the Commonwealth by helping families affected by disabilities; and

WHEREAS, when a member's brother, Josh Thompson, was diagnosed with ALS, also called Lou Gehrig's disease, shortly after the group's founding, the Virginia Gentlemen Foundation made fighting the disease a key part of its mission; to date, the group has raised millions of dollars for ALS research and patient care services; and

WHEREAS, since 2008, the Virginia Gentlemen Foundation has organized the annual JT Walk and Beach Party to benefit ALS research and community projects; other yearly fundraisers include golf tournaments and the Superfest Oysterbowl; and

WHEREAS, along with its ALS fundraisers, the Virginia Gentlemen Foundation has spearheaded community projects such as JT's Grommet Island Park in Virginia Beach, the nation's first handicap-accessible oceanfront playground; and the Grombulance, a mobile neonatal-pediatric intensive care unit that was donated to Children's Hospital of the King's Daughters in Norfolk; and

WHEREAS, the Virginia Gentlemen Foundation has also awarded research grants to numerous institutions including Johns Hopkins Medicine, Duke University, Cedars-Sinai, Emory University, Eastern Virginia Medical School, and the University of Michigan; and

WHEREAS, in 2018, the Virginia Gentlemen Foundation will open JT's Camp Grom, a \$16 million, 70-acre adventure camp in Virginia Beach that will serve as a first-class retreat for wounded veterans, children with disabilities, and Gold Star families; and

WHEREAS, the Virginia Gentlemen Foundation's charitable activities have raised funding and awareness for countless people affected by disease and stand as a superb example of good citizenship; now, therefore, be it

RESOLVED by the House of Delegates, That the Virginia Gentlemen Foundation hereby be commended for its commitment to helping others and serving Virginia Beach and the Commonwealth on the occasion of its 10th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Virginia Gentlemen Foundation as an expression of the House of Delegates' admiration for the group's achievements and best wishes for continued success.

#### HOUSE RESOLUTION NO. 11

*Celebrating the life of Willie Melvin Smith, Jr.*

Agreed to by the House of Delegates, January 12, 2018

WHEREAS, Willie Melvin Smith, Jr., a beloved father and husband and dedicated first responder who aided his community as the longest-serving member of the Nansemond-Suffolk Volunteer Rescue Squad, died on May 1, 2017; and

WHEREAS, a Suffolk resident and United States Army veteran, Melvin Smith spent his entire career as a loyal employee of the Ford Motor Company, working at various dealerships as an outside sales representative for parts; and

WHEREAS, Melvin Smith joined the Nansemond-Suffolk Volunteer Rescue Squad just three months after it was chartered in 1960; his 56-year tenure with the unit, including over 20 years as its president, earned him the distinction of being the longest-serving volunteer in its history; and

WHEREAS, as one of the first Advanced Life Support providers in the Commonwealth, Melvin Smith was a highly valued and respected member of the Nansemond-Suffolk Volunteer Rescue Squad; fellow volunteers knew him as a man who eagerly recruited new rescue squad members and thrived on helping others and saving lives; and

WHEREAS, Melvin Smith's devotion to public safety was evident in his personal life; a rescue squad ambulance was almost permanently parked in the driveway of his home, and he often provided medical care to sick or injured neighbors; and

WHEREAS, outside of his career and his service with the rescue squad, Melvin Smith enjoyed spending time with his family and taking photographs; and

WHEREAS, in honor of Melvin Smith's 56 years as a first responder and member of the Nansemond-Suffolk Volunteer Rescue Squad, more than 25 fire and rescue units from Suffolk, Chesapeake, Isle of Wight, Carrollton, Windsor, Chuckatuck, Courtland, and Smithfield took part in his funeral procession; and

WHEREAS, Melvin Smith will be fondly remembered by his wife, Leola; daughters, Arlene and Lisa, and their families; and countless other family members, friends, and members of the Suffolk community; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Willie Melvin Smith, Jr., a diligent first responder who gave generously of his time in service to the Suffolk community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Willie Melvin Smith, Jr., as an expression of the House of Delegates' respect for his memory.

**HOUSE RESOLUTION NO. 12**

*Commending the GFWC Junto Women's Club.*

Agreed to by the House of Delegates, January 12, 2018

WHEREAS, the GFWC Junto Women's Club, a Suffolk-based civic organization that has devoted itself to philanthropic efforts in the local community, celebrated its 90th anniversary in 2017; and

WHEREAS, the GFWC Junto Women's Club is a branch of the General Federation of Women's Clubs, an international organization that promotes community enrichment through volunteer service; and

WHEREAS, chartered in 1927, the GFWC Junto Women's Club was started by 12 Suffolk women who had previously formed a book club in efforts to introduce a library to their local community; the group met in a small cabin owned by the father of Governor Mills E. Godwin, Jr., and it adopted the name "Junto" to honor Benjamin Franklin's 1727 intellectual organization of the same name; and

WHEREAS, today, the GFWC Junto Women's Club includes 55 members who are actively involved in bettering the Suffolk community; one of the group's biggest accomplishments came in 1983, when it helped found the Chuckatuck Library, which was later staffed by many of its volunteers; and

WHEREAS, through an annual flea market and other fundraising efforts, the GFWC Junto Women's Club lends support to local fire departments and scouting groups as well as organizations such as Meals on Wheels, the Genieve Shelter, and the Suffolk Center for Cultural Arts; each year, its members award \$1,000 scholarships to two Suffolk high school students; and

WHEREAS, through their generous charitable endeavors, the members of the GFWC Junto Women's Club have improved the quality of life of countless members of their local community; now, therefore, be it

RESOLVED by the House of Delegates, That the GFWC Junto Women's Club hereby be commended for its valuable volunteer service to the residents of Suffolk on the occasion of its 90th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the GFWC Junto Women's Club as an expression of the House of Delegates' admiration for its long legacy of community enrichment and best wishes for continued success.

**HOUSE RESOLUTION NO. 13**

*Celebrating the life of Sidney E. Sankey, Jr.*

Agreed to by the House of Delegates, January 12, 2018

WHEREAS, Sidney E. Sankey, Jr., of Suffolk, a chemist and an accomplished world traveler, died on September 9, 2017; and

WHEREAS, born in Amarillo, Texas, Sidney E. "Gene" Sankey grew up in Texas, Oklahoma, and California; and

WHEREAS, after graduating from Purdue University, Gene Sankey began a long career in the chemical industry, which took him all over the country before he settled in Suffolk; and

WHEREAS, Gene Sankey was an avid outdoorsman who enjoyed hiking and backpacking in the mountains, birdwatching, and gardening; and

WHEREAS, Gene Sankey was well-traveled throughout his life; he and his wife visited many countries around the world; and

WHEREAS, Gene Sankey will be fondly remembered and greatly missed by his wife of 66 years, Gail; children, Sue and Alan, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Sidney E. Sankey, Jr., an admired member of the Suffolk community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Sidney E. Sankey, Jr., as an expression of the House of Delegates' respect for his memory.

**HOUSE RESOLUTION NO. 15**

*Authorizing the painting of a portrait of former Speaker of the House of Delegates William J. Howell and allocating funding therefor.*

Agreed to by the House of Delegates, January 24, 2018

RESOLVED by the House of Delegates, That the painting of a portrait of former Speaker of the House of Delegates William J. Howell, such portrait to hang in the Chamber of the House of Delegates in the Capitol of Virginia, hereby be authorized; and, be it

RESOLVED FURTHER, That there hereby be allocated from the general appropriation to the House of Delegates a sum sufficient to cover the cost of such portrait; and, be it

RESOLVED FINALLY, That the Speaker of the House of Delegates appoint a committee composed of three members of the House of Delegates and the Clerk of the House of Delegates to select an artist who shall render the portrait and to exercise general supervision of the project until the portrait has been hung in the Chamber of the House of Delegates in the Capitol of Virginia.

### HOUSE RESOLUTION NO. 16

*Commending the VA Showcase.*

Agreed to by the House of Delegates, January 12, 2018

WHEREAS, the VA Showcase held its inaugural youth track and field meet in January 2017, drawing high school athletes from throughout the Commonwealth, the United States, and Jamaica; and

WHEREAS, the VA Showcase, held at Liberty University's new, state-of-the-art track and field facility, featured more than 3,000 athletes of various skill levels and was the only meet in the nation to include international competition; and

WHEREAS, with more than 100 Virginia teams and 80 visiting teams, the VA Showcase boasted multiple first-place finishers from other events, national champions and record holders, and Olympians, competing in both invitational and regular events; and

WHEREAS, the VA Showcase offered a wide array of track and field events, including races, relays, hurdles, pole vault, triple jump, long jump, and shot put; and

WHEREAS, the VA Showcase was a boon to the Lynchburg area, with more than 1,000 rooms purchased for the three-day event; and

WHEREAS, the VA Showcase allowed athletes from the Commonwealth to highlight their skills and abilities on a home track while garnering national attention; now, therefore, be it

RESOLVED by the House of Delegates, That the VA Showcase hereby be commended on the occasion of its inaugural youth track and field meet in 2017; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the VA Showcase as an expression of the House of Delegates' admiration for the exceptional achievements of all the participants and best wishes on future events.

### HOUSE RESOLUTION NO. 17

*Establishing the Rules of the House of Delegates for the 2018-2019 Sessions of the General Assembly of Virginia.*

Agreed to by the House of Delegates, January 10, 2018

RESOLVED by the House of Delegates, That the House of Delegates shall be governed by the following Rules:

#### **I. Organization.**

##### **Elections.**

Rule 1. At the elections in the House, the voting shall be by use of the electronic voting system or, if it is inoperable, viva voce by response to the call of names, and the vote shall be recorded in the Journal. Except in the case of block voting, only one person shall be chosen at a time. If, on the first voting, no one receives a majority, the person having the smallest number of votes shall not be voted for on the next voting and so on until someone shall receive a majority of the whole vote. If the election is by joint vote of the two houses, messages shall be exchanged for each voting announcing the names of persons in nomination. A committee of three from each house shall compare the votes and ascertain and report the result.

At the election for any judgeship to the Supreme Court of Virginia, the Court of Appeals of Virginia, Circuit Courts, and Courts Not of Record, no nominee shall be offered to the House unless that nominee has been interviewed by the House Courts of Justice Committee and subsequently certified as qualified for election. If more than one nominee is offered for any judgeship, a member may cast a vote for only one nominee.

##### **The Speaker.**

Rule 2. The House of Delegates shall choose its own Speaker from among the members of the House. The Speaker shall be elected in even-numbered years for a term of two years. The nominations for Speaker shall be viva voce without debate and no second shall be required to place a name in nomination. Once nominations are closed, the election of the Speaker shall be a matter of privilege and shall be conducted immediately and shall not be debated. The voting for Speaker shall be by use of the electronic voting system or, if it is inoperable, viva voce by response to the call of names, and the vote shall be recorded in the Journal. Each member shall vote for only one nominee for Speaker in each round of voting. If, on the first voting, no one receives a majority, the person having the smallest number of votes shall not be voted for on the next voting and so on until someone shall receive a majority of the whole vote. Once elected, the Speaker shall not be removed from his office during his term except with the concurrence of two-thirds of the elected membership of the House.

The Speaker may appoint to the Chair any member who shall exercise its functions for the time. However, no member, by virtue of such appointment, shall preside for a longer time than three consecutive days. During such appointment the Speaker may participate in the debates.

If the Speaker is absent and has named no one to act in his stead, the duties shall be performed by the chairman of one of the standing committees taking precedence in the order in which the committees are named in Rule 16.

In the event of a vacancy that occurs during a Regular or Special Session, the House shall elect a successor within seven days of notice of the vacancy. The person receiving a majority of the votes of the members present and voting shall be deemed to be elected Speaker.

In the event of a vacancy that occurs during the Interim, the Privileges and Elections Committee shall convene at a meeting to be called by the chairman or, in his absence, the vice chairman or a majority of the membership of the committee to elect a Speaker to serve during the vacancy and until a successor is elected by the House at its next session. At least three working days' notice of the time, place, and purpose of the meeting shall be given to all members of the committee. The person receiving a majority of the votes of the members of the committee present and voting shall be deemed to be elected Speaker. Pursuant to the provisions of this Rule, the Speaker shall serve and perform all the duties of the position until a successor is elected by the House at its next session.

Rule 3. The Speaker shall take the Chair every day precisely at the hour to which the House shall have adjourned on the preceding legislative day. He shall immediately call the House to order. After divine services are performed, he shall direct that the Pledge of Allegiance to the flag of the United States of America be recited, and he shall direct that the roll of members be taken, pursuant to Rule 32, and the names of those members present entered upon the Journal. A quorum being present, he shall proceed with the business of the day. The Speaker shall have the power to supervise and correct the Journal. The Speaker, having examined the Journal of the proceedings of the last day's sitting and approved the same, shall announce to the House his approval of the Journal. The Speaker's approval of the Journal shall be deemed to be agreed to subject to a vote on agreeing to the Speaker's approval on the demand of any member, which vote, if decided in the affirmative, shall not be subject to a motion to reconsider. It shall be in order to offer one motion that the Journal be read only if the Speaker's approval of the Journal is not agreed to, and such motion shall be determined without debate and shall not be subject to a motion to reconsider. Upon the last day of the session, the Journal for that day being examined and found correct shall be signed by the Speaker and the Clerk. The said Journals, when so signed, shall be the authentic record of the proceedings of the House.

Rule 4. The Speaker shall have a general direction of the House Chamber with power, in case of disturbance or disorderly conduct in such part thereof as may be appropriated to spectators, to have the same cleared. Representatives of news media, wishing to report the proceedings of the House, may be admitted by the Speaker, who shall assign them to such places in the House Chamber as shall not interfere with the convenience of the members.

In the event of a disaster, natural or otherwise, or other emergency circumstance, the Speaker may convene the House in a location other than the Hall of the House of Delegates.

Rule 5. All enrolled bills and joint resolutions proposing amendments to the Constitution shall be signed by the Speaker and all writs and warrants issued by order of the House shall be under his hand and seal, attested by the Clerk.

#### **The Clerk.**

Rule 6. A Clerk shall be elected by the House in even-numbered years and shall be deemed to continue in office until another is chosen. In the event of a vacancy, the Speaker may appoint an acting Clerk until a successor is elected by the House or, if the House is not in session, by the Committee on Rules at a meeting to be called by the chairman or, in his absence, the vice chairman, or a majority of the membership of the committee. At least three working days notice of the time, place, and purpose of the meeting shall be given to all members of said committee, and the person receiving a majority of the votes of the members of said committee present and voting shall be deemed to be elected to fill said vacancy.

Rule 6(a). The Clerk shall have authority, with the approval of the Speaker, to employ personnel necessary to accomplish the work of the House subject to such terms and conditions as shall be deemed appropriate by the Speaker; such personnel may be removed by the Clerk with the approval of the Speaker. The Clerk shall be charged with the clerical business of the House and its committees.

Pages shall be appointed annually by the Speaker and shall be thirteen or fourteen years old at the time of their initial appointment. They shall be ineligible for reappointment after serving for two years. The Clerk shall be responsible for the administration of the Page program.

Rule 6(b). The Clerk shall be charged with the duty of assigning each member to a seat in the House Chamber and office space. No seat or office space assigned to and occupied by a member who is reelected shall be changed without such member's consent.

Rule 7. The Clerk shall perform all the duties of his office under the direction of the Speaker. He shall keep a journal of the proceedings of the House, have the same in proper form to be signed as provided by Rule 3, and submit it daily to the Speaker in time to be examined before the next assembling of the House. He shall keep at the Clerk's table, during the sittings of the House, a calendar or docket so arranged as to show the condition and progress of the business of the House. He shall provide to each member before the assembling of the House each day, a printed calendar of pending bills and a list of all bills offered on the preceding day, under Rule 37, with the names of the patrons, titles of the bills, and the committees to which the same have been referred. After amendments have been agreed to by the House, he shall see that they are handled only by the clerks of the standing committees, if referred or rereferred; clerks at the desk; or the clerks charged with the duty of engrossing bills until such amendments have been duly engrossed and verified.

Rule 8. The Clerk shall keep accounts of the compensation of the members, officials and employees of the House, and shall from time to time certify the same to the Comptroller. He shall provide the stationery required for the business of the

House and for the official use of the members. He also shall provide postage for the official use of the members within the limitations established by the Rules Committee.

Rule 9. The Clerk shall provide to the members, when required, vouchers for mileage and expenses; certify such for payment as provided by law; and pay over to those entitled the money due upon such vouchers.

He shall keep detailed accounts of all transactions pursuant to Rules 8 and 9, which shall be open to inspection at all times.

**Sergeant at Arms.**

Rule 10. A Sergeant at Arms and doorkeepers shall be appointed by the Speaker. The Clerk shall be responsible for the administration and duties of these positions.

Rule 11. The Sergeant at Arms shall, with the doorkeepers, attend upon the House during its sitting, and execute its commands, together with all such process, issued by its authority, as shall be directed to him by the Speaker and the Clerk.

Rule 12. The Sergeant at Arms shall, under the direction of the Speaker and the Clerk, have charge of the supervision of the Hall and prevent any interruption of the business of the House by disorder within or without. He shall distribute among the members all papers printed for their use and give such attendance upon them during the sittings of the House as will promote their comfort and facilitate the business of the House.

Immediately prior to the convening of every session, he shall clear the floor of the House of all persons other than those specified under Rule 83 who are authorized to be there during each session.

Rule 13. The Sergeant at Arms shall attend to receiving and dispatching all messages in the House Chamber intended for or sent by members and make such arrangement as to promote the convenience of the members. He shall attend to the display of the Mace during sessions of the House and direct all persons not entitled to privileges on the floor of the House to the gallery.

**Oaths of Office.**

Rule 14. The oaths which the officers of the House are required by law to take shall be administered and certified by a person authorized to administer oaths and shall be filed with the Clerk of the House.

**Committees.**

Rule 15. All committee members shall be appointed by the Speaker. The Speaker shall designate the chairman and vice chairman of each committee provided that no member shall be chairman of more than one committee, unless a chairman of a standing committee is serving as Speaker pursuant to Rule 2, and no member shall be vice chairman of more than one committee, as designated in Rule 16. If the chairman and vice chairman are absent or excused by the House, one of the members shall act as the chairman, taking precedence in the order named by the Speaker. The Speaker shall serve as chairman of the Committee on Rules.

Rule 16. There shall be appointed standing committees, to be named and to consist of up to the number of members indicated below:

1.	Privileges and Elections	22 members
2.	Courts of Justice	22 members
3.	Education	22 members
4.	General Laws	22 members
5.	Transportation	22 members
6.	Finance	22 members
7.	Appropriations	24 members
8.	Counties, Cities and Towns	22 members
9.	Commerce and Labor	22 members
10.	Health, Welfare and Institutions	22 members
11.	Agriculture, Chesapeake and Natural Resources	22 members
12.	Militia, Police and Public Safety	22 members
13.	Science and Technology	22 members
14.	Rules	16 members and the Speaker

The Speaker shall designate seven members of the House Rules Committee to meet with members of the Senate to constitute the Joint Rules Committee.

Rule 16(a). Membership on all standing committees and subcommittees shall be contingent upon membership or nonmembership in the majority party caucus. The apportionment of members shall be according to the same ratio of members in the House of Delegates who are members or nonmembers of the majority party caucus. If such ratio would represent a fractional number of the committee or subcommittee membership assigned to the majority party caucus, then the number of majority party caucus members shall be the next highest whole number of committee or subcommittee members. For the purposes of this rule only, members who do not caucus with the majority party caucus or the largest minority party caucus shall be deemed part of the majority party caucus.

Notwithstanding any other provision of law, the Speaker of the House may appoint two more House members to any legislative commission, joint subcommittee of House and Senate committees, or any interim study committee than are appointed by the Senate.

Rule 16(b). The Speaker shall strive to appoint from each congressional district at least one member who represents that congressional district on all standing committees with the exception of Rules.

Rule 17. A majority shall constitute a quorum for committees. Each committee shall meet pursuant to a regular meeting schedule as approved by the Speaker. In addition to a committee's regular scheduled meeting(s), a committee chairman may call additional meetings. It shall be the duty of a committee to meet on call of a majority of the committee's members if the chairman is absent or declines to call a meeting. However, additional committee meetings may not be scheduled that are in conflict with another committee's regularly scheduled meeting time. No committee shall meet while the House is in session without special leave granted by the Speaker.

Rule 17(a). The chairman of any standing committee may appoint subcommittees provided any such subcommittee shall consist of no fewer than five members, a majority of whom shall constitute a quorum for the conduct of business.

Rule 17(b). The chairman of any standing committee may appoint ad hoc subcommittees of less than five members to consider no more than one bill or resolution, a majority of whom shall constitute a quorum to conduct business.

Rule 17(c). With the exception of Fridays, on days when the House is in session between the hours of 8:30 a.m. and 4:00 p.m., no subcommittee of a standing committee except for the Appropriations or Rules Committees, shall meet opposite a standing committee unless the parent committee foregoes meeting at its designated time to allow its subcommittees to meet. Subcommittees of standing committees may meet after the House has adjourned for the day on Fridays and weekends upon call of the chairman to consider any such matter as may have been referred to them.

Rule 18. The several standing committees shall consider matters specially referred to them and, whenever practicable, suggest such legislation as may be germane to the duties of the committee. The chairman shall have discretion to determine when, and if, legislation shall be heard before the committee. The chairman, at his discretion, may refer legislation for consideration to a subcommittee. If referred to a subcommittee, the legislation shall be considered by the subcommittee. If the subcommittee does not recommend such legislation by a majority vote, the chairman need not consider the legislation in the full committee. It shall be the duty of each committee to inquire into the condition and administration of the laws relating to the subjects which it has in its charge; to investigate the conduct and look to the responsibility of all public officers and agents concerned; and to suggest such measures as will correct abuses, protect the public interests, and promote the public welfare.

Any committee of the House may, at its discretion, confer with a committee of the Senate having under consideration the same subject. No select committee shall be appointed to consider any subject falling properly within the province of a standing committee.

Rules 18(a). When a question is before the committee, no motion shall be received unless specially provided for, except to adjourn, lay upon the table, pass by indefinitely, postpone for a specified time or purpose, refer or rerefer, amend or incorporate, strike from the docket, or report; which several motions shall have precedence in the order in which they are arranged and each such motion shall be required to be seconded.

The Committee on Rules may, on a vote of a majority of the members appointed plus one, send a bill, joint resolution, or resolution to the floor on a motion that "the bill, joint resolution, or resolution be reported to the floor by the committee without specific recommendation." This motion is a special motion and can only be made in the Committee on Rules.

When a question has been decided, it may be reconsidered on the motion of any member who voted with the prevailing side provided it be made on the same day or if such motion has not been communicated to the House, such motion may be made no later than the adjournment of the next regularly scheduled meeting of the full committee, except for those measures continues pursuant to Rule 22.

Rule 18(b). Committees shall in all cases report by bill or resolution, with or without amendment or amendments, in such form that, if passed or agreed to, it will carry into effect their recommendations; but no papers returned therewith shall be printed unless the committee shall so recommend. Every bill shall be printed, as provided in Rule 37. Bills may be considered in executive session, but final vote thereon shall be in open session.

Rule 18(c). A recorded vote of members of a committee or subcommittee shall be taken and the name and number of those voting for, against, or abstaining shall be taken upon each measure using an electronic voting system, unless inoperable, in which case the Clerk will record the vote by response to the call of names arranged and called in the order named except that the Chair shall be called last. Such recorded vote shall be reported with the bill or resolution and ordered printed on the Calendar on any matter reported from committee and sent to the floor, including those measures reported and referred.

A recorded vote of members shall not be required on a motion to adjourn, a motion to refer or rerefer administratively, or a motion to pass by for the day or postpone for a specified time or purpose, except upon the call of the chairman or the desire of one-fifth of the members present.

Rule 18 (d). Reports of the committees may be handed to the Clerk at any time and may be disposed of in the morning hour. If, in the judgment of the Speaker, any report of a committee requires immediate action he may bring it to the attention of the House at any time.

Rule 18(e). No member shall be excluded from any meeting of a committee, subcommittee, joint subcommittee, or interim study committee except as hereinafter provided for the maintenance of order. If an electronic meeting is authorized by the chairman, no member shall be excluded from participating by electronic communication means, and members participating by electronic communication means shall not be counted in attendance for purposes of a quorum. The

chairman of the committee shall maintain order and decorum, and the business of the committee shall be conducted at all times in accordance with the Rules of the House.

Rule 19. The chairman or, in his absence, the vice chairman, or the majority of the membership of the committee, may call meetings of the committee to study, call hearings, and consider any bill or resolution, or to consider such other matters as may be germane to the duties of the committee.

Rule 20. The chairman of any standing committee is authorized to seek and obtain the services of citizens of the Commonwealth whose function will be to participate with such committees or subcommittees thereof in reviewing legislation or in performing any referred study or study initiated by the committee or its chairman.

Citizens so appointed to serve may receive a daily compensation as provided in the Appropriation Act and reimbursement for their actual expenses incurred in the performance of services for the committee. For this purpose and for such other expenses as may be occasioned by the conduct of any committee study, payments shall be made from the general appropriations to the House of Delegates.

Persons who are asked by a committee chairman to appear before a committee or subcommittee to offer expert testimony may receive reimbursement for their actual and reasonable expenses if approved by the chairman and the Speaker.

Rule 21. The conduct of the business of any subcommittee of any House committee, any joint subcommittee of House and Senate committees, and any interim study committee created by a House measure shall be governed in accordance with the Rules of the House. If a House measure and a Senate measure create the same study, the conduct of business of the study shall be governed by the rules of the house of the chairman of the study, or in the case of co-chairmen, the rules of the house as agreed upon by the co-chairmen.

Rule 22. Any bill or resolution introduced in an even-numbered year and not reported to the House of Delegates by the committee to which it has been referred, may be continued on the agenda of the committee for hearings and committee action during the interim between regular sessions and not otherwise. The committee shall report, prior to the adjournment sine die of the House of Delegates, such bills or resolutions as shall be continued and the Clerk of the House of Delegates shall enter upon the Journal the fact that such bill or resolution has been continued. Any bill or resolution that has been continued and subsequently reported from a committee shall be placed upon the Calendar of the House of Delegates.

The House of Delegates, upon consideration of any bill or resolution on the Calendar, may rerefer the bill to the committee reporting the same and direct the committee to continue the bill or resolution until the following odd-numbered year regular session and hold such hearings and render such further consideration of the bill or resolution as the committee may deem proper.

(The provisions of any rule relating to legislative continuity between sessions shall be subject to the provisions of Article IV, Section 7 of the Constitution of Virginia.)

#### **Standards of Conduct.**

Rule 23. There shall be a subcommittee on Standards of Conduct of the Rules Committee consisting of four members, two of whom shall be members of the majority caucus and two of whom shall be nonmembers of the majority caucus, appointed by the chairman, which may review annually members' statements of economic interests and consider any request by a member for an advisory opinion with respect to the general propriety of any current or proposed conduct of such member.

Rule 24. The Privileges and Elections Committee shall receive and investigate any charges or complaints brought against any member of the House of Delegates in the performance of his duties or the discharge of his responsibilities and recommend to the House such action as it may deem appropriate to establish and enforce standards of conduct for members.

#### **Committee of the Whole.**

Rule 25. When the House shall go into the Committee of the Whole, the Speaker may vacate the Chair and appoint a member to preside in Committee; the other officers shall attend, and the Rules of the House shall be observed and enforced in Committee, as far as applicable, except that the previous question shall not be ordered.

Rule 26. If the Committee of the Whole arise before the consideration of the subject referred is concluded, the same shall be reported back and have its place in order as unfinished business of the House. When it shall be again reached in order, unless it be otherwise disposed of, the House, after making such orders as it may deem proper in relation to the business before the Committee, shall stand again resolved into the Committee of the Whole, and so on until the business therein be disposed of.

Rule 27. Nothing shall be in order in the Committee of the Whole except such matters as may be specially referred to it by the House.

Rule 28. Whenever the Committee of the Whole shall find itself without a quorum, the chairman shall cause the roll to be called and thereupon the Committee shall rise, and the chairman shall report the fact and the names of the absentees, which shall be entered upon the Journal of the House.

Rule 29. The motion to go into Committee of the Whole, and the motion to discharge the Committee, shall not be debated.

## **II. Attendance and Adjournment.**

#### **Attendance.**

Rule 30. No member shall absent himself from the service of the House unless he has leave granted by the Speaker or is sick or otherwise unable to attend and such leave shall be entered upon the Journal.

Rule 31. Any ten members or more including the Speaker, if there is one, and he is present, shall be authorized to compel the attendance of absent members by a call of the House.

Rule 32. The roll of the House shall be taken by the use of the electronic voting system or, if it is inoperable, by viva voce by response to the call of names arranged and called in alphabetical order except that the Speaker shall be called last.

Rule 33. The electronic voting system may be used for a call of the House; however, if it is inoperable, the call of the House shall be by viva voce, the names of the members shall be first called over by the Clerk, and the absentees noted; after which the names of the absentees shall be again called over. The doors shall then be shut and those for whom no excuse or insufficient excuses are made may, by order of those present, if ten in number, be taken into custody as they appear or may be sent for and taken into custody, wherever to be found, by the Sergeant at Arms or the doorkeepers, or by special messengers to be appointed for that purpose.

Rule 34. When a member shall be discharged from custody and admitted to his seat the House shall determine whether such discharge shall be with or without payment of fees and expenses.

#### **Adjournment.**

Rule 35. Any member or members may adjourn from day to day. A motion to adjourn and a motion to fix the time for which the House will adjourn shall always be in order and be decided without debate.

### **III. Introduction of Business.**

#### **Messages, Reports, and Communications.**

Rule 36. Messages from the Governor and reports and communications from any other public officer or agent may be received at any time. If, in the judgment of the Speaker, they require immediate action, they may be brought at once to the attention of the House. Otherwise, they shall lie upon the Speaker's table and be disposed of in the morning hour. The same rule shall be observed with regard to messages from the Senate.

#### **Introducing Legislation.**

Rule 37. Members having bills or resolutions to present may, at any time pursuant to agreed upon deadlines, electronically file (e-file) such legislation via the Bill Drafting System or manually file such legislation with the Clerk, endorsed by one or more members with their names. Any bill or joint resolution introduced in the House may show as "Senate Patrons" the signatures or electronic signatures of members of the Senate. Any bill, joint resolution, or resolution manually filed prior to the commencement of the session in which it is to be considered may have the names of co-patrons signed to the measure by the chief patron, provided that each such co-patron expressly authorized the chief patron to sign for such co-patron and the chief patron plainly marks such signatures on the original copy of the measure as being signed by the chief patron. Any bill, joint resolution, or resolution e-filed prior to the commencement of the session in which it is to be considered may have the names of co-patrons added electronically via the Bill Drafting System.

No member may introduce more than 15 bills during the Regular Session of an odd-numbered year.

No bill expressly amending an existing law shall be offered by any member unless or until the e-filed or manually filed copy has been prepared so as to indicate deletions and additions. The form for deletions and additions shall set forth the material deleted with lines through such material and by underscoring the words added, before they are received in the Senate or House of Delegates. The stricken material and underscorings or italics in the printed bills, enrolled bills, and printed Acts shall not be considered evidence of all amendments to any bill or existing statute but merely as an aid for quick reference to amended portions. Nothing herein contained shall be construed as requiring the use of stricken material or underscoring where new words are substituted for existing words and the new words or the omission of words do not change the sense or meaning of the act.

The Clerk shall, under the direction of the Speaker, refer all such legislation to the proper committee and enter the fact, with the names of the members presenting them, upon the Journal. Such bills shall be printed, unless otherwise ordered by the House, and numbered in the order in which they are filed with the Clerk.

The Speaker shall review all legislation introduced in the House or communicated to the House for its action to determine if such legislation is in conflict with Article IV, Section 12 of the Constitution of Virginia. If such legislation is determined to be in conflict, the Speaker may withhold committee referral of the legislation.

The designation of "House Bill," "House Joint Resolution," or "House Resolution" shall not be changed after a bill or resolution is introduced in the House. Nor shall the designation of "Senate Bill" or "Senate Joint Resolution" be changed or amended after the bill or resolution is received by the House. In addition, no bill or resolution introduced for a purpose other than to direct or request a study shall be amended for the purpose of directing or requesting a study unless authorized by unanimous consent of the members of the House.

Rule 38. No bill, joint resolution, or resolution calling for information from the Governor or other public officer or agent shall be introduced, considered, or acted upon otherwise than is provided by Rule 37 and shall not be acted upon until it shall have been examined and reported upon by a committee.

Rule 39. Any other resolution or motion upon which a member may desire the judgment of the House, or any action other than a reference to a standing committee, may be presented to the House in the morning hour after the business on the Speaker's table is disposed of. A recorded vote shall be required on a resolution authorizing a study or an expenditure of funds. To obtain immediate consideration of any resolution other than a procedural or a memorial or commending resolution, without reference to a standing committee, the vote of two-thirds of the members elected, as required by Rule 81, shall be a recorded vote.

Rule 39(a). All memorial or commending joint resolutions or resolutions shall conform to the procedure set forth by the Clerk of the House and shall not be referred under Rule 37, unless so ordered by the Speaker or by majority vote of the House on motion of a member, but shall be placed on the Calendar.

#### IV. Order of Business.

##### The Morning Hour.

Rule 40. After the approval and signing of the Journal, a time, to be called the morning hour, shall be devoted to the dispatch of business upon the Speaker's table and to motions and resolutions presented under Rule 39. The business on the Speaker's table shall be disposed of in such order as the Speaker deems best, except as may be herein otherwise provided, or as the House may at any time order by a majority vote of the members elected. The morning hour shall be limited to no more than 60 minutes unless otherwise ordered by the Speaker or a majority vote of the members elected.

The order of business for the morning hour as pronounced by the Speaker shall be as follows, unless otherwise directed by the Speaker:

- announcements and communications by the Clerk; introduction of guests by members; motions to adjourn in the honor of and/or honor and memory of; motions to take up out of order certain memorial or commending resolutions; motions to dispense with constitutional readings of certain legislation; motions for reconsideration; and announcements by the Speaker of leaves of absence per House practice;

- announcement by the Clerk of member requests to move legislation from any Uncontested Calendar to Regular Calendar per House practice; [any relevant legislation not announced may still be moved when considered under the regular order of business pursuant to Rule 49];

- announcement by Clerk relating to a list of legislation to go By for the Day subsequent to agreement of the motion by the Majority Leader for such legislation to go By for the Day and any additional motions from members for legislation to go By for the Day; [any relevant legislation may still be subject to a motion to go By for the Day or any other applicable motion when considered under the regular order of business pursuant to Rule 49];

- recognition of members for points of personal privilege; however, the Speaker may order a time limitation on members' points of personal privilege or the House may order a time limit on members' points of personal privilege by a vote of a majority of the members elected; and

- the Speaker may proceed with or return to any Morning Hour sub category if requested by a member or shall return if ordered by a majority vote of the members elected.

Pursuant to Rule 49, the Calendar shall be called at the expiration of the Morning Hour unless otherwise directed by a previously agreed to special order or joint order, or when ordered by the House by a majority vote of the members elected and such motion shall be in order at any time during the Morning Hour.

Rule 41. The annual message of the Governor shall be laid before the House as soon as it is received. It shall be printed for the use of the House and be considered by the several standing committees without any special order therefor.

Rule 42. All other messages from the Governor may be referred by the Speaker to the proper committees. The same rule shall be observed as to reports and communications from other public officers.

Rule 43. Bills and resolutions originating in the Senate and not requiring immediate action shall be read or printed on the Calendar by title the first time when received and referred to their appropriate committees, unless the House directs otherwise.

Rule 44. All bills reported from committee, pursuant to Rule 18(c), shall be transferred to the Calendar and the reading or printing on the Calendar of the titles as reported shall constitute the first reading or printing of the House bills and the second reading or printing of the Senate bills as required by the Constitution.

Rule 45. All other reports from committees shall be considered and disposed of in the order in which the Speaker presents them, unless the House directs otherwise.

Rule 46. A member presenting a resolution under Rule 39 shall be allowed five minutes in which to explain his wishes in relation to it, after which the question on referring to a standing committee shall be taken without debate.

Rule 47. Printing recommended by committees under Rule 18(b) shall be ordered by the Speaker, unless the House directs otherwise.

Rule 48. Once the morning hour expires, the House shall proceed to the business of the House as defined in Rule 49; however, the Speaker shall be permitted, without objection, to return to the morning hour for the purpose of recognizing any distinguished visitor or other individual defined in Rule 83 that may be present and seated on the floor or in the gallery.

##### The Calendar.

Rule 49. At the expiration of the morning hour, the House shall proceed to consider bills, joint resolutions, and resolutions on the Calendar or any Supplemental Calendar which shall be arranged in the following order:

1. Senate bills on third reading.
2. House bills on third reading.
3. House bills on second reading.
4. House bills and joint resolutions returned from Senate with amendments.
5. Resolutions.
6. Memorial and commending resolutions.
7. House bills returned by Governor without approval.
8. House bills returned by Governor with recommendations.

9. Senate bills returned by Governor without approval.
10. Senate bills returned by Governor with recommendations.
11. House bills and resolutions in conference.
12. Senate bills and resolutions in conference.
13. Unfinished business – House and Senate bills and joint resolutions.
14. Senate bills on second reading.
15. House bills on first reading.
16. Resolutions reported.
17. Senate bills and joint resolutions referred.
18. Bills referred.
19. Resolutions referred.
20. Resolutions presented.

The House may direct that bills and resolutions of either house be divided between the designations "Uncontested Calendar" and "Regular Calendar" and be considered in such order. When such a division is directed for bills and resolutions on the Calendar, the Uncontested Calendar shall not include any bill or resolution (i) which received a dissenting vote or an abstention in committee, (ii) to which objection is made by any member, or (iii) if any non-technical floor amendment or any floor amendment in the nature of a substitute is offered. Any bill or resolution shall be removed from the Uncontested Calendar and placed on the Regular Calendar at the request of any member rising from his seat for that purpose and stating the request for such legislation to be moved. Once legislation is moved to the Regular Calendar there it shall remain.

A Pro Forma Calendar prepared for a pro forma session of the House shall only contain new legislation reported from committee.

Supplemental Calendars may be prepared for consideration while the House remains in Session for the day and shall be considered when called by the Speaker. Any Supplemental Calendar and the measures contained therein shall be considered in the same manner as measures on the Calendar.

Rule 50. It shall be the duty of the Clerk to see that the printing and engrossing, when ordered, shall be done in such time that the bills and resolutions may be acted on according to their priorities on the Calendar.

Rule 51. If any bill or resolution shall not be ready for consideration when it is reached on the Calendar category it shall be passed by temporarily and be allowed to retain its position on the Calendar. When the Calendar category has been called through, it may be called again in order to dispose of any business that may then be ready; otherwise it shall be passed by for the day. Upon completion of the business on the Calendar, the business of the morning hour shall be resumed.

Rule 52. The regular order of business herein established shall not be changed, nor shall any special order be made, except by vote of two-thirds of the members present. However, a majority may postpone the Calendar not exceeding one day at a time, or postpone for a specified time or purpose any subject coming up in order without changing its place, or agree to a joint order with the Senate, or postpone or discharge any special order.

#### **V. Conduct of Business.**

##### **Order and Decorum.**

Rule 53. The Speaker shall preserve order and decorum, may speak to points of order in preference to other members, rising from his seat for that purpose, and shall decide questions of order without debate, subject to an appeal to the House. If the decision relates to a question of decorum or propriety of conduct, it shall not be debatable; if it relates to the priority of business or the relevancy or applicability of propositions, the appeal may be debated, but no member shall speak on it more than once except by leave of the House.

Rule 54. When a member rises to speak he shall respectfully address, "Mr. Speaker," standing in his place; he shall confine himself strictly to the question before the House, and when he has finished he shall sit down.

Rule 55. When two or more members request to speak or rise at the same time the Speaker shall name the person to speak.

Rule 56. Every motion or proposition shall be reduced to writing, if desired by the Speaker or any member, and shall be delivered at the Clerk's table to be there read; and the question shall be stated by the Chair before the same shall be debated. When the reading of any paper in possession of the House, not being the precise matter upon which the House is acting, is called for, and objection is made by any member, the question shall be determined by a vote of the House without debate. Any motion or proposition may be withdrawn by the mover at any time before a decision, amendment, or other action of the body upon it, except a motion to reconsider which shall not be withdrawn without leave of the House.

Rule 57. No member shall in debate use any language or gesture calculated to wound, offend, or insult another member.

Rule 58. If any member, in speaking, transgress the Rules of the House, the Speaker shall, or any member may, call him to order; in which case the member called to order shall immediately take his seat unless permitted to explain. If there be no appeal, the decision of the Chair shall be final. If the decision be in favor of the member called to order, he shall be at liberty to proceed; otherwise, he shall not proceed, except by leave of the House. For frequent or repeated violations of order, especially if persisted in after the admonition of the Speaker, a member shall be liable to the censure of the House.

Rule 59. If any member be called to order by another member for words spoken, the words excepted to shall be immediately taken down in writing in order that the Speaker and House may be better able to judge the matter.

Rule 60. No member shall, while the House is sitting, interrupt or hinder its business by standing up, leaving his place, moving about the Hall, engaging in conversation, expressing approval or disapproval of any of the proceedings, or by any other conduct tending to disorder and confusion.

Rule 61. No member shall speak more than once on any question until all others have spoken who desire to do so, nor more than twice, without the consent of a majority of the members present.

**Ascertaining the Question.**

Rule 62. If the question for decision includes several distinct propositions any member may have the same divided, but a motion to strike out and insert shall not be so divided; nor shall a motion to strike out, being lost, preclude either amendment or a motion to strike out and insert. In filling blanks, the question shall be put first upon the largest sum and the longest time or the broadest question.

Rule 62(a). No motion or proposition, or subject different from that under consideration, shall be admitted under color of amendment.

Rule 62(b). The Speaker shall determine all questions of germaneness relevant to any legislation under consideration by the House including House legislation and any amendments thereto communicated by the Senate or the Governor to the House for its action.

Rule 63. When a question is before the House, no motion shall be received unless specially provided for, except to adjourn, lay upon the table, pass by indefinitely, postpone for a specified time or purpose, refer or rerefer, amend, or strike from the Calendar, which several motions shall have precedence in the order in which they are arranged.

Rule 64. Upon the motion to pass by indefinitely, the mover shall be allowed two minutes to state the reason for his motion, and one member opposed to the motion shall be allowed a like time to object. The motion to lay upon the table, for the previous question, and for the pending question shall not be debated; nor shall debate be allowed on a motion to take up a subject from the table or to reconsider any question which was not debated. When a question not debatable is before the House all incidental questions arising after it is stated to the House shall be decided and settled, whether on appeal or otherwise, without debate; and the same rule shall apply to incidental questions rising after any question is put to the House.

**Pending and Previous Questions.**

Rule 65. Pending a debate, any member who obtains the floor for the purpose only, and submits no other motion or remark, may move for the "previous question" or the "pending question," and in either case the motion shall be forthwith put to the House. Two-thirds of the members present shall be required to order the main question; however, a majority may require an immediate vote upon the pending question, whatever it may be.

Rule 66. The previous question shall be in this form: "Shall the main question now be put?" If carried, its effect shall be to put an end to all debate and bring the House to a direct vote upon a motion to refer or rerefer, if pending; then upon amendments reported by a committee, if any; then upon pending amendments; and then upon the main question. If upon the motion for the previous question, the main question be not ordered, debate may continue as if the motion had not been made.

**Taking the Vote.**

Rule 67. The Speaker shall rise to put a question, but may state it sitting. Questions shall be distinctly put in substantially the following forms, viz.: "As many as agree that, etc. (as the question may be), say 'Aye,' " and "Those opposed say 'No.' " If the Speaker doubts or a division is called for, the House shall divide with those in the affirmative of the question rising first from their seats and afterwards those in the negative, or by a show of hands in the affirmative and then in the negative. If required, the Speaker shall cause the result to be ascertained by a count.

Rule 68. The yeas and nays on any question may be called for at any time before proceeding to another question or proposition but, being refused, they shall not be again demanded on the same question. Any member shall have a right to vote at any time before the decision is announced by the Chair.

Rule 69. Upon a division of the House on any question, a member who is present and fails to vote shall on the demand of any member be counted on the negative of the question and when the yeas and nays are taken shall, in addition, be entered on the Journal as present and not voting. However, no member who has an immediate and personal interest in the result of the question shall either vote or be counted upon it.

**Reconsideration.**

Rule 70. When a question has been decided, it may be reconsidered on the motion of any member who voted with the prevailing side, provided it be made on the same day or within the next two days of actual session, as long as such action has not been communicated to the Senate or the Governor. The motion may be entered as a matter of privilege and shall take precedence of everything except special orders and other questions of privilege and be disposed of in the morning hour or with the Calendar, as the case may be. All motions to reconsider shall be decided by a majority of the votes of the members present.

**Bills and Amendments.**

Rule 71. Every bill shall be read or printed on the Calendar by title on three different calendar days in the House previous to its being passed, and it shall be distinctly announced or set out at each reading or printing on the Calendar, whether it is the first, second, or third time. A bill may be referred or rereferred at any time before its passage.

Rule 72. The first reading or printing on the Calendar of the House bill shall be for information merely and, notwithstanding a motion to refer or rerefer to a committee or a motion to strike, it shall go to second reading or printing on the Calendar without a question. The second reading or printing on the Calendar of a Senate bill shall be for information

merely and, notwithstanding a motion to refer or rerefer to a committee or a motion to strike, it shall go to third reading or printing on the Calendar without a question.

Rule 73. Upon the second reading or printing on the Calendar of a House bill it shall be open to amendment or to referral or rereferral or to any of the motions provided for in Rule 63, and the final question shall be "Whether it shall be engrossed and read or printed on the Calendar a third time?" Upon the third reading or printing on the Calendar of a Senate bill it shall be open to amendment or to referral or rereferral or to any of the motions provided in Rule 63.

The Speaker may direct by notice to the House, or the House may determine by a majority vote, that there shall be a deadline for the submission of any proposed floor amendment or floor amendment in the nature of a substitute (floor substitute) to the House version of the Budget Bill(s). The deadline for submission of any floor amendment or floor substitute shall be 24 hours prior to the commencement of the Special Order set for the consideration of the Budget Bill(s). Any floor amendment or floor substitute offered after the deadline for submission may be considered if (i) it is an amendment that has been approved by the Committee on Appropriations or (ii) it is offered as a technical amendment or clarifying amendment to a previously submitted floor amendment or floor substitute and is germane to the purpose of the original floor amendment or floor substitute.

Rule 74. A House bill ordered to be engrossed shall not have its third reading or printing on the Calendar until the engrossment is actually and properly done. However, in the case of a Senate bill, the engrossment shall only apply to such amendments as may have been made in the House.

Rule 75. A House bill on its third reading shall not be open for debate; however, any member may be recognized to speak to the legislation or offer motions. No amendment to a House bill shall be received upon its third reading or printing on the Calendar by way of rider or otherwise, and no amendment involving an additional appropriation shall be added to the general appropriation bill, and no amendment to increase any tax shall be added to any tax measure, unless either such amendment be to carry into effect an existing law or unless it received the vote required to pass the bill itself. A Senate amendment to a House bill to be concurred in, a Governor's recommendation to be agreed to, or a conference report to be adopted, must receive the same recorded vote as required to pass the bill itself.

Rule 75(a). If the Senate refuses to concur in the amendments of the House and so communicates such action to the House, the House may vote to recede from its amendments and subsequently pass the legislation in the form originally passed by the Senate or insist on its amendments and request a committee of conference with the Senate. Conversely, the House in considering Senate amendments to House legislation shall wait for communication by the Senate that they have voted to insist on their amendments and request a committee of conference whereby the House may agree to the request for a committee of conference.

Rule 75(b). Upon an affirmative vote to form a committee of conference, the Speaker shall appoint the House membership to the committee. A majority of the members of each house on the committee of conference shall agree to the committee of conference report prior to its submission and consideration by the House. If a committee of conference is unable to reach agreement and reports such action to the House, the Speaker may appoint new conferees or, upon the motion of a member and an affirmative vote of the House, a new set of conferees shall be appointed. In addition, if a committee of conference report is considered and rejected, the House may agree by a majority vote of the members present to request an additional committee of conference.

Rule 75(c). Any conference committee on the Budget Bill shall complete its deliberations and make the report of such conference available to the House as soon as practicable. The House shall consider such conference report no earlier than 48 hours after receipt, unless the House determines to proceed earlier by a vote of two-thirds of the members voting. The conference report shall clearly state the funding of any nonstate agencies, any item that was not included in the Budget Bill as passed by either house, and any provisions from legislation that failed during that session.

Rule 76. On the third reading or printing on the Calendar of a bill, the question shall be, "Shall the bill pass?"

Rule 77. The title of a bill and all amendments offered shall be entered upon the Journal, except that amendments in the nature of substitutes may be printed separately and only the titles thereof entered upon the Journal.

#### **Withdrawals of Exhibits.**

Rule 78. Original papers, filed as exhibits with any bill or resolution, may be withdrawn by the patron or he may leave attested copies, for which he shall pay the Clerk at the rate provided by law for other copies made by him.

#### **Messages.**

Rule 79. It shall be the duty of the Clerk, without any special order therefor, to communicate to the Senate any action of the House upon business coming from the Senate or upon matters requiring the concurrence of that body; however, no such communication shall be made in relation to any action of the House while it remains open for consideration.

#### **Manual and Rules.**

Rule 80. The rules of parliamentary practice comprised in Jefferson's Manual shall govern the House in all cases to which they are applicable and in which they are not inconsistent with the Rules of the House and such joint rules as are or may from time to time be established by the two houses of the General Assembly.

Rule 81. The Rules of the House shall be adopted in even-numbered years by a majority vote of members elected and shall remain in effect for two years coinciding with the terms of members. The Rules may be suspended by a vote of two-thirds of the members elected to be ascertained by an actual division of the House except as prohibited by the Constitution; provided that a motion to discharge a committee from the consideration of a bill shall require a majority of those voting, which shall include two-fifths of the members elected to the House, the vote thereon to be taken by yeas and

nays and recorded in the Journal; and provided further, that a motion to dispense with the printing and reading of a bill, or its printing on the Calendar, or either, shall not be entertained, except as provided by the Constitution.

A proposition to change a rule of the House shall be submitted in writing and forthwith printed. In its printed form it shall lie upon the Speaker's table for five days and be read by the House during the morning hour of each day during that time. At the expiration of five days it shall be ready for consideration and may be adopted or rejected by a majority vote of the members elected; provided that as to all resolutions or bills which involve an appropriation or expenditure of money by the Commonwealth, or which may create a charge upon the treasury, the rule of the House shall not be changed or suspended save by a vote of two-thirds of the members present to be ascertained by an actual division of the House.

Upon a motion to suspend a rule of the House the mover shall be allowed two minutes to state the reasons for his motion, and one member opposed to the motion shall be allowed a like time to object.

**Hall of the House of Delegates.**

Rule 82. The Hall of the House of Delegates shall be used for no other purpose than the sessions of the House and for meetings of the committees and members of the legislature on public affairs except by vote of the House or the Rules Committee or with the approval of the Speaker during the interim or when the House is not convened at any time during a session of the General Assembly.

Rule 83. Only members of the General Assembly, former members, members of the Congress of the United States, State officers, judges, officers and employees of the General Assembly, and such other persons as the Speaker may designate shall be permitted on the floor of the House during the session; however, the privileges granted hereunder shall not be exercised by any person having business for compensation before the House or any committee thereof and the officers of this body shall enforce this rule under the direction of the Speaker.

**Capitol and General Assembly Building.**

Rule 84. The areas of the Capitol and the Pocahontas Building ("General Assembly Building") assigned to the House of Delegates, members of the House of Delegates, their legislative support staff, the clerical staff of the House of Delegates, the Office of the Clerk of the House of Delegates, the facilities and space for those charged with the maintenance, repair, and security of such building, and such space designated for the news media shall not be utilized or occupied as office space by any other person or persons, except by vote of the House or the Rules Committee.

**HOUSE RESOLUTION NO. 18**

*Salaries, contingent and incidental expenses.*

Agreed to by the House of Delegates, January 10, 2018

RESOLVED by the House of Delegates, That the Comptroller is directed to issue his warrants on the Treasurer, payable from the contingent fund of the House to accomplish the work of the House of Delegates during the 2018 Regular Session of the General Assembly. Necessary payments to cover salaries of temporary employees, as well as contingent and incidental expenses, will be certified by the Clerk or his designee.

**HOUSE RESOLUTION NO. 19**

*Commending the Salem High School football team.*

Agreed to by the House of Delegates, January 19, 2018

WHEREAS, the Salem High School football team won the Virginia High School League Class 4A state championship on December 10, 2017, at The College of William and Mary, claiming its third straight state title and the ninth state title in the program's history; and

WHEREAS, the Salem High School Spartans' three-peat in the title game came on the heels of an extraordinary season in which they went 13-2 and routinely dominated opponents with a stout defense and a clinical offense that averaged over 40 points per contest; and

WHEREAS, the Salem Spartans' running and passing game continued to fire on all cylinders in the state championship game as they defeated the previously unbeaten Louisa County Lions 43-22; and

WHEREAS, in a state final that was delayed 24 hours by snow, the Salem Spartans charged out of the gate, recording 21 first quarter points; quarterback Jack Gladden found receiver Joe Quinn for the first touchdown, safety Nick Wade returned an interception 45 yards for the second, and fullback Tae Hale scored the third off a two-yard run; and

WHEREAS, the Salem Spartans scored another touchdown in the third quarter with a 12-yard pass from Jack Gladden to Joe Quinn, but the Louisa Lions then bounced back, scoring 16 unanswered points and narrowing the Spartans' lead to 28-22; and

WHEREAS, in a tense fourth quarter, the Salem Spartans made a crucial fourth down stop in their own half before running back De'Angelo Ramsey broke free for an impressive 79-yard touchdown sprint; Tae Hall then sealed the victory with a 31-yard touchdown run with just 2:13 left in the game; and

WHEREAS, by winning their third straight state title, the Salem Spartans solidified their reputation as a high school football powerhouse; over the last four seasons, the team has an astonishing 54-4 record; and

WHEREAS, four Salem Spartans players were named to the Virginia High School League Class 4A first team, and head coach Stephen Magenbauer was named Class 4A football coach of the year; and

WHEREAS, the Salem High School football team's championship victory is a testament to the skill and dedication of its student-athletes, the exceptional guidance of its coaches and staff, and the enthusiastic support of family members, friends, and the entire Salem High School community; now, therefore, be it

RESOLVED by the House of Delegates, That the Salem High School football team hereby be commended on winning the Virginia High School League Class 4A state title; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Stephen Magenbauer, head coach of the Salem High School football team, as an expression of the House of Delegates' admiration for the team's spectacular season.

### HOUSE RESOLUTION NO. 20

*Nominating persons to be elected to circuit court judgeships.*

Agreed to by the House of Delegates, January 16, 2018

RESOLVED by the House of Delegates, That the following persons are hereby nominated to be elected to the respective circuit court judgeships as follows:

The Honorable Stephen C. Mahan, of Virginia Beach, as a judge of the Second Judicial Circuit for a term of eight years commencing October 1, 2018.

The Honorable Kenneth R. Melvin, of Portsmouth, as a judge of the Third Judicial Circuit for a term of eight years commencing February 1, 2018.

The Honorable Frederick G. Rockwell, III, of Chesterfield, as a judge of the Twelfth Judicial Circuit for a term of eight years commencing May 1, 2018.

The Honorable Beverly W. Snukals, of Richmond, as a judge of the Thirteenth Judicial Circuit for a term of eight years commencing April 1, 2018.

The Honorable Michael F. Devine, of Fairfax County, as a judge of the Nineteenth Judicial Circuit for a term of eight years commencing April 1, 2018.

The Honorable Brett A. Kassabian, of Fairfax County, as a judge of the Nineteenth Judicial Circuit for a term of eight years commencing February 1, 2018.

The Honorable William D. Broadhurst, of Roanoke County, as a judge of the Twenty-third Judicial Circuit for a term of eight years commencing November 1, 2018.

The Honorable Charles N. Dorsey, of Salem, as a judge of the Twenty-third Judicial Circuit for a term of eight years commencing July 1, 2018.

Joel R. Branscom, Esquire, of Botetourt, as a judge of the Twenty-fifth Judicial Circuit for a term of eight years commencing February 1, 2018.

The Honorable Michael Lee Moore, of Russell, as a judge of the Twenty-ninth Judicial Circuit for a term of eight years commencing April 1, 2018.

### HOUSE RESOLUTION NO. 21

*Nominating persons to be elected to general district court judgeships.*

Agreed to by the House of Delegates, January 16, 2018

RESOLVED by the House of Delegates, That the following persons are hereby nominated to be elected to the respective general district court judgeships as follows:

The Honorable Michael R. Katchmark, of Chesapeake, as a judge of the First Judicial District for a term of six years commencing July 1, 2018.

The Honorable Daniel R. Lahne, of Virginia Beach, as a judge of the Second Judicial District for a term of six years commencing July 1, 2018.

The Honorable Gordon S. Vincent, of Accomack, as a judge of the Judicial District 2-A for a term of six years commencing July 1, 2018.

The Honorable Roxie O. Holder, of Portsmouth, as a judge of the Third Judicial District for a term of six years commencing October 1, 2018.

The Honorable S. Clark Daugherty, of Norfolk, as a judge of the Fourth Judicial District for a term of six years commencing May 1, 2018.

The Honorable Bruce A. Clark, Jr., of Hopewell, as a judge of the Sixth Judicial District for a term of six years commencing July 1, 2018.

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The Honorable Thomas L. Vaughn, of Colonial Heights, as a judge of the Twelfth Judicial District for a term of six years commencing July 1, 2018.

The Honorable L. Neil Steverson, of Henrico, as a judge of the Fourteenth Judicial District for a term of six years commencing February 1, 2018.

The Honorable Lisa A. Mayne, of Fairfax County, as a judge of the Nineteenth Judicial District for a term of six years commencing October 1, 2018.

The Honorable Mark C. Simmons, of Fairfax County, as a judge of the Nineteenth Judicial District for a term of six years commencing April 1, 2018.

The Honorable J. Frank Buttery, Jr., of Loudoun, as a judge of the Twentieth Judicial District for a term of six years commencing July 1, 2018.

The Honorable Deborah C. Welsh, of Loudoun, as a judge of the Twentieth Judicial District for a term of six years commencing July 1, 2018.

The Honorable George A. Jones, Jr., of Pittsylvania, as a judge of the Twenty-second Judicial District for a term of six years commencing April 1, 2018.

The Honorable Sam D. Eggleston, III, of Nelson, as a judge of the Twenty-fourth Judicial District for a term of six years commencing July 1, 2018.

The Honorable W. Dale Houff, of Page, as a judge of the Twenty-sixth Judicial District for a term of six years commencing April 16, 2018.

The Honorable J. D. Bolt, of Galax, as a judge of the Twenty-seventh Judicial District for a term of six years commencing July 1, 2018.

The Honorable V. Blake McKinney, of Washington, as a judge of the Twenty-eighth Judicial District for a term of six years commencing July 1, 2018.

The Honorable William E. Jarvis, of Prince William, as a judge of the Thirty-first Judicial District for a term of six years commencing November 1, 2018.

**HOUSE RESOLUTION NO. 22**

*Nominating persons to be elected to juvenile and domestic relations district court judgeships.*

Agreed to by the House of Delegates, January 16, 2018

RESOLVED by the House of Delegates, That the following persons are hereby nominated to be elected to the respective juvenile and domestic relations district court judgeships as follows:

The Honorable Tanya Bullock, of Virginia Beach, as a judge of the Second Judicial District for a term of six years commencing July 1, 2018.

The Honorable Barry G. Logsdon, of Newport News, as a judge of the Seventh Judicial District for a term of six years commencing July 1, 2018.

The Honorable Wade A. Bowie, of York, as a judge of the Ninth Judicial District for a term of six years commencing July 1, 2018.

The Honorable Cressondra B. Conyers, of James City County, as a judge of the Ninth Judicial District for a term of six years commencing July 1, 2018.

The Honorable Valentine W. Southall, Jr., of Amelia, as a judge of the Eleventh Judicial District for a term of six years commencing October 1, 2018.

The Honorable J. David Rigler, of Chesterfield, as a judge of the Twelfth Judicial District for a term of six years commencing July 1, 2018.

The Honorable Ashley K. Tunner, of Richmond, as a judge of the Thirteenth Judicial District for a term of six years commencing May 16, 2018.

The Honorable Margaret W. Deglau, of Henrico, as a judge of the Fourteenth Judicial District for a term of six years commencing July 1, 2018.

The Honorable Rondelle D. Herman, of Henrico, as a judge of the Fourteenth Judicial District for a term of six years commencing July 1, 2018.

The Honorable Randall G. Johnson, Jr., of Henrico, as a judge of the Fourteenth Judicial District for a term of six years commencing July 1, 2018.

The Honorable Ronald L. Morris, of Greene, as a judge of the Sixteenth Judicial District for a term of six years commencing February 1, 2018.

The Honorable Frank W. Somerville, of Orange, as a judge of the Sixteenth Judicial District for a term of six years commencing July 1, 2018.

The Honorable Gayl Branum Carr, of Fairfax, as a judge of the Nineteenth Judicial District for a term of six years commencing August 1, 2018.

The Honorable Glenn L. Clayton, II, of Fairfax County, as a judge of the Nineteenth Judicial District for a term of six years commencing October 1, 2018.

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The Honorable Sarah A. Rice, of Franklin, as a judge of the Twenty-second Judicial District for a term of six years commencing February 1, 2018.

The Honorable Brian H. Turpin, of Pittsylvania, as a judge of the Twenty-second Judicial District for a term of six years commencing July 1, 2018.

The Honorable H. Cary Payne, of Bedford, as a judge of the Twenty-fourth Judicial District for a term of six years commencing July 1, 2018.

The Honorable H. Lee Chitwood, of Pulaski, as a judge of the Twenty-seventh Judicial District for a term of six years commencing February 1, 2018.

The Honorable Monica D. Cox, of Galax, as a judge of the Twenty-seventh Judicial District for a term of six years commencing July 1, 2018.

**HOUSE RESOLUTION NO. 23**

*Nominating a person to be elected as a member of the State Corporation Commission.*

Agreed to by the House of Delegates, January 16, 2018

RESOLVED by the House of Delegates, That the following person is hereby nominated to be elected as a member of the State Corporation Commission as follows:

The Honorable Judith Williams Jagdmann, of Henrico County, as a member of the State Corporation Commission for a term of six years commencing February 1, 2018.

**HOUSE RESOLUTION NO. 24**

*Nominating a person to be elected to the Virginia Workers' Compensation Commission.*

Agreed to by the House of Delegates, January 16, 2018

RESOLVED by the House of Delegates, That the following person is hereby nominated to be elected to the Virginia Workers' Compensation Commission as follows:

The Honorable Wesley G. Marshall, of the City of Richmond, as a member of the Virginia Workers' Compensation Commission for a term of six years commencing June 1, 2018.

**HOUSE RESOLUTION NO. 25**

*Celebrating the life of Andrew B. Damiani.*

Agreed to by the House of Delegates, January 19, 2018

WHEREAS, Andrew B. Damiani, a passionate supporter of the Suffolk community who served ably on its city council and as its mayor, died on August 5, 2017; and

WHEREAS, Andrew "Andy" B. Damiani was born in Richmond and attended Thomas Jefferson High School; a talented string bass and horn player, he moved to New York as a teenager and studied music at the prestigious Juilliard School; and

WHEREAS, Andy Damiani served in the United States Army during World War II, performing in a military band and seeing action in France; after the war ended, he remained abroad and toured Europe for several years as a professional musician in various bands and ensembles; and

WHEREAS, in 1958, Andy Damiani returned to the United States and settled in Suffolk, the city that would remain close to his heart for the rest of his life; he soon found success in business, first as a laundromat owner and later as a real estate investor; and

WHEREAS, Andy Damiani entered public service in 1970, when he began a 22-year tenure as a member of the Suffolk City Council; between 1982 and 1986, he served as the Mayor of Suffolk; and

WHEREAS, both as mayor and as a private citizen, Andy Damiani tirelessly advocated for urban development and entrepreneurial investment in Suffolk; his fondness for Suffolk's historic center was so pronounced that locals nicknamed him "Mr. Downtown"; and

WHEREAS, Andy Damiani showed his devotion to his community through leadership in numerous civic organizations, including over 30 years as a board member for the Salvation Army of Suffolk; in early 2017, the organization honored him as a life member of its advisory board; and

WHEREAS, while Andy Damiani retired from public service in the 1990s, he remained active in Suffolk affairs; he hosted a Suffolk television program, opened an art gallery that showcased local artists, and compiled an archive of materials on the city's history while collaborating on a 2016 book about his life; and

WHEREAS, those who knew Andy Damiani will remember him for his fascinating stories, infectious smile, trademark suit and cane, and most of all for his all-encompassing love for his adopted hometown of Suffolk; and

WHEREAS, predeceased by his wife of 49 years, Mary, Andy Damiani will be fondly remembered and great missed by his brother, Anthony, and countless other family members, friends, and Suffolk residents; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Andrew B. Damiani, a respected public servant and enthusiastic supporter of the Suffolk community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Andrew B. Damiani as an expression of the House of Delegates' respect for his memory.

### HOUSE RESOLUTION NO. 26

*Commending St. Paul's Episcopal Church.*

Agreed to by the House of Delegates, January 19, 2018

WHEREAS, St. Paul's Episcopal Church, a Suffolk-based church that has provided spiritual leadership, worship, and fellowship to countless parishioners, celebrated its 375th anniversary in 2017; and

WHEREAS, St. Paul's Episcopal Church traces its roots to 1642—134 years before the founding of the United States—when the Virginia General Assembly split Nansemond County into three separate Anglican church parishes; since then, the church has inhabited five different buildings in the Suffolk area; and

WHEREAS, St. Paul's Episcopal Church's first building, known as the "Brick Church," was constructed circa 1643 on a bluff overlooking the Nansemond River; over a century later in 1753, the congregation moved to a new building in downtown Suffolk; and

WHEREAS, following the American Revolution, St. Paul's Episcopal Church fell into disrepair and was torn down; between 1802 and 1846, parishioners worshipped at Suffolk's Union Chapel; and

WHEREAS, in 1846, St. Paul's Episcopal Church moved to its fourth location in downtown Suffolk; it remained there until 1895, when the growing congregation moved to its current neo-Gothic building; and

WHEREAS, under its current rector, the Reverend Dr. Keith Emerson, St. Paul's Episcopal Church continues to build on its long legacy of service and outreach to the Suffolk community; in addition to holding two services each Sunday, the church hosts several study groups and is home to a food pantry used to feed those in need; and

WHEREAS, to celebrate its 375th anniversary, St. Paul's Episcopal Church held a formal celebration on June 4, 2017, and parishioners also went on a pilgrimage that included prayers, readings, and fellowship at each of the five building sites from the church's history; now, therefore, be it

RESOLVED by the House of Delegates, That St. Paul's Episcopal Church hereby be commended for its service to the residents of Suffolk on the occasion of its 375th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to St. Paul's Episcopal Church as an expression of the House of Delegates' admiration for its long history of spiritual leadership.

### HOUSE RESOLUTION NO. 27

*Commending Robert Curtis Baltimore.*

Agreed to by the House of Delegates, January 26, 2018

WHEREAS, it was Thomas Edison who well remarked that "Genius is one percent inspiration and ninety-nine percent perspiration"; and

WHEREAS, Robert "Bob" Baltimore of Powhatan has demonstrated the aptness of Thomas Edison's adage by persevering for a half-century in the coaching of young athletes in Powhatan County, emphatically in the sport of the national pastime of baseball; and

WHEREAS, in 50 years as coach of the Powhatan High School baseball team, from 1967 through 2017, Coach Baltimore and his devoted players have registered 663 wins, two state championships, 15 district champions, six regional championships, and two regional runner-up awards; and

WHEREAS, Coach Baltimore also guided the Powhatan High School basketball team for two seasons, from 1967 through 1969, and was head coach of the Powhatan Indians football team for 13 years, from 1971 through 1983; and

WHEREAS, under Coach Baltimore, the Powhatan Indians football team were runners-up for the state championship in 1974, and won the state title in football in 1996 under Head Coach Jimmy Woodson, with Coach Baltimore a wholly engaged assistant coach; and

WHEREAS, in recognition of his remarkable successes even in his early years, Coach Baltimore was named Head Coach of the East Virginia All-Star team of 1975 by the Virginia High School League Coaches Association; and

WHEREAS, Bob Baltimore also served his school and community as athletic director of the Indians' sports programs, and has coached in the Virginia Commonwealth Games for many years across the decades; and

WHEREAS, in gratitude for his exemplary service, the community of Powhatan in 1997 named the school's baseball diamond in his honor as "Baltimore Field"; and

WHEREAS, though born in Powhatan, Bob Baltimore was reared in nearby Chesterfield and graduated from Midlothian High School in the Class of 1962; and

WHEREAS, after graduating from Randolph-Macon College in 1967, Bob Baltimore began his long career on the faculty of Powhatan High School as a teacher of sociology and social studies, a labor he undertook for the following 30 years; and

WHEREAS, Bob Baltimore served as chairman of the Powhatan High School Social Studies Department and as interim assistant principal, and was Powhatan County's Teacher of the Year in 1988-1989; and

WHEREAS, in recognition of his devotion to his discipline, Powhatan High School annually presents the Robert C. Baltimore Social Studies Award to the outstanding senior student in the field; and

WHEREAS, though long retired from the teaching profession, Bob Baltimore remains a fixture on the field and in the stands for virtually every major sporting competition of his beloved Powhatan High School Indians athletes; now, therefore, be it

RESOLVED by the House of Delegates, That Powhatan County's revered Robert Curtis Baltimore hereby be commended for his endurance and accomplishments as an educator and coach; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare copies of this resolution for presentation to Robert Curtis Baltimore and to the Powhatan High School Athletics Department as an expression of the House of Delegates' admiration for his singular devotion and accomplishments.

**HOUSE RESOLUTION NO. 28**

*Amending and readopting Rules 16 and 40 of the Rules of the House of Delegates, relating to committee membership and the Morning Hour.*

Agreed to by the House of Delegates, January 29, 2018

RESOLVED by the House of Delegates, That Rules 16 and 40 are amended and readopted as follows:

**I. Organization.**

**Committees.**

Rule 16. There shall be appointed standing committees, to be named and to consist of up to the number of members indicated below:

- |     |   |                            |
|-----|---|----------------------------|
| 1.  | Privileges and Elections                      | 22 members                 |
| 2.  | Courts of Justice                             | 22 members                 |
| 3.  | Education                                     | 22 members                 |
| 4.  | General Laws                                  | 22 members                 |
| 5.  | Transportation                                | 22 members                 |
| 6.  | Finance                                       | 22 members                 |
| 7.  | Appropriations                                | 24 members                 |
| 8.  | Counties, Cities and Towns                    | 22 members                 |
| 9.  | Commerce and Labor                            | 22 members                 |
| 10. | Health, Welfare and Institutions              | 22 members                 |
| 11. | Agriculture, Chesapeake and Natural Resources | 22 members                 |
| 12. | Militia, Police and Public Safety             | 22 members                 |
| 13. | Science and Technology                        | 22 members                 |
| 14. | Rules   | 16 members and the Speaker |

The Speaker shall designate ~~seven~~ eight members of the House Rules Committee to meet with members of the Senate to constitute the Joint Rules Committee.

**IV. Order of Business.**

**The Morning Hour.**

Rule 40. After the approval and signing of the Journal, a time, to be called the morning hour, shall be devoted to the dispatch of business upon the Speaker's table and to motions and resolutions presented under Rule 39. The business on the Speaker's table shall be disposed of in such order as the Speaker deems best, except as may be herein otherwise provided, or as the House may at any time order by a majority vote of the members elected. The morning hour shall be limited to no more than 60 minutes unless otherwise ordered by the Speaker or a majority vote of the members elected.

The order of business for the morning hour as pronounced by the Speaker shall be as follows, unless otherwise directed by the Speaker:

· announcements and communications by the Clerk; *announcements by members*; introduction of guests by members; motions to adjourn in the honor of and/or honor and memory of; motions to take up out of order certain memorial or commending resolutions; motions to dispense with constitutional readings of certain legislation; motions for reconsideration; and announcements by the Speaker of leaves of absence per House practice;

· announcement by the Clerk of member requests to move legislation from any Uncontested Calendar to Regular Calendar per House practice; [any relevant legislation not announced may still be moved when considered under the regular order of business pursuant to Rule 49];

· announcement by Clerk relating to a list of legislation to go By for the Day subsequent to agreement of the motion by the Majority Leader for such legislation to go By for the Day and any additional motions from members for legislation to go By for the Day; [any relevant legislation may still be subject to a motion to go By for the Day or any other applicable motion when considered under the regular order of business pursuant to Rule 49];

· recognition of members for points of personal privilege; however, the Speaker may order a time limitation on members' points of personal privilege or the House may order a time limit on members' points of personal privilege by a vote of a majority of the members elected; and

· the Speaker may proceed with or return to any Morning Hour sub category if requested by a member or shall return if ordered by a majority vote of the members elected.

Pursuant to Rule 49, the Calendar shall be called at the expiration of the Morning Hour unless otherwise directed by a previously agreed to special order or joint order, or when ordered by the House by a majority vote of the members elected and such motion shall be in order at any time during the Morning Hour.

### HOUSE RESOLUTION NO. 30

*Commemorating the life and legacy of Russell Amos Kirk.*

Agreed to by the House of Delegates, January 26, 2018

WHEREAS, though *to change* has become the mantra that accompanies the recent domination of individual and social life by the engines of economy and technology, *to conserve* a traditional social order was the summons of Russell Amos Kirk; and

WHEREAS, as the United States emerged from the Second World War as a dynamo of economic and material expansion, literary critic Lionel Trilling could declare, in 1950, "Liberalism is not only the dominant but even the sole intellectual tradition" of the American people; and

WHEREAS, Russell Kirk challenged the assertion of Liberalism's hegemony by publishing, in 1952, a work, *The Conservative Mind*, that would transform for generations to come the political discourse of the nation; and

WHEREAS, to Russell Kirk, the conservative tradition first enunciated in the modern era by Edmund Burke, and sustained by generations of American statesmen—including the redoubtable John Randolph of Virginia—holds that the reformist zeal of Liberalism "thinks of politics as a revolutionary instrument for transforming society and even transforming human nature . . . but men cannot improve a society by setting fire to it"; and

WHEREAS, Russell Kirk drew upon the wisdom of the past to posit, too, that "[t]he twentieth-century conservative is concerned, first of all, for the regeneration of the spirit and character—with the perennial problem of the inner order of the soul, the restoration of the ethical understanding, and the religious sanction upon which any life worth living is founded. This is conservatism at its highest"; and

WHEREAS, Russell Kirk was born in Plymouth, Michigan, in 1918, earned a bachelor's degree from Michigan State University and a master's degree—with his study of John Randolph—from Duke University, served in the United States Army in World War II, and returned to his studies to become the first and only American to be awarded the degree of Doctor of Letters by St. Andrews University in Scotland; and

WHEREAS, Russell Kirk expanded upon his central theses in a distinguished series of works that included *The Roots of American Order*, *The American Cause*, *The Political Principles of Robert A. Taft* (with James McClellan), and *The Politics of Prudence*; and

WHEREAS, Russell Kirk wrote, too, masterful ghost and horror stories, such as *Watchers at the Strait Gate*, and magisterial literary criticism, for example, *Eliot and His Age: T. S. Eliot's Moral Imagination in the Twentieth Century*, and countless newspaper columns and essays in leading journals on both sides of the Atlantic; and

WHEREAS, for these and many other of his accomplishments, Russell Kirk was presented with the Presidential Citizens Medal by President Ronald Reagan in 1989; and

WHEREAS, Russell Kirk lived most of his adult life in his ancestral home, Piety Hill, in tiny and remote Mecosta, Michigan, where he and his wife, Annette Kirk née Courtemanche, raised four daughters and where, still today, Annette Kirk welcomes students and scholars from across the world to individual study or seminars sponsored by the Russell Kirk Center for Cultural Renewal; and

WHEREAS, Russell Kirk, who died on April 29, 1994, established himself as a wise and virtuous man whose exemplary life and scholarly works are an enduring legacy of the American people, be they liberal or conservative; now, therefore, be it

RESOLVED, That the House of Delegates hereby commemorate the life and legacy of Russell Amos Kirk on the occasion of the 100th anniversary of his birth; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Annette Kirk and to Dan McCarthy, editor-at-large of *The American Conservative*, who will be guest speaker at a forum to be held in Richmond on March 1, 2018, by Virginian admirers of the late, great Russell Kirk.

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ACTS OF ASSEMBLY

[VA.,

HOUSE RESOLUTION NO. 32

*Commending Jackson Owen Combs.*

Agreed to by the House of Delegates, January 26, 2018

WHEREAS, Jackson Owen Combs, an Emporia resident and dedicated member of the Boy Scouts of America, attained the distinguished rank of Eagle Scout in 2017; and

WHEREAS, Jackson Combs first entered Scouting at age five, when he joined Cub Scout Pack 209 in Emporia; in 2011, at age 10, he joined Boy Scout Troop 232 in Purdy; and

WHEREAS, during his many years as a Scout, Jackson Combs has participated in numerous hiking, camping, and canoeing trips and earned 34 merit badges in everything from shotgun shooting to fingerprinting; and

WHEREAS, as an active leader of Boy Scout Troop 232, Jackson Combs earned the World Conservation Award and was elected to the Order of the Arrow, the national honor society of the Boy Scouts; and

WHEREAS, for his Eagle Scout project, Jackson Combs constructed and installed six wood duck nesting boxes along the Meherrin River, creating a safe place for female wood ducks to lay their eggs; he personally presented the project to the Emporia City Council at a meeting on November 15, 2016; and

WHEREAS, a generous volunteer in his local community, Jackson Combs is active in Main Street United Methodist Church as a lay reader and has participated in mission trips to Georgia and Tennessee; as a student at Brunswick Academy, he has served as a Student Council Organization representative and won all-conference recognition as a baseball and football player; and

WHEREAS, through his commitment to volunteerism and conservation, Jackson Combs has exemplified the ideals of the Boy Scouts of America and provided valuable service to his community; now, therefore, be it

RESOLVED by the House of Delegates, That Jackson Owen Combs hereby be commended on reaching the prestigious rank of Eagle Scout in the Boy Scouts of America; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Jackson Owen Combs as an expression of the House of Delegates' admiration for his accomplishments and best wishes for the future.

HOUSE RESOLUTION NO. 33

*Celebrating the life of Judith Lynn Colbert Casey.*

Agreed to by the House of Delegates, January 26, 2018

WHEREAS, Judith Lynn Colbert Casey, a vibrant member of the Williamsburg community and a beloved wife, mother, and friend, died on July 21, 2017; and

WHEREAS, a native of Newport News, Judith "Judy" Lynn Colbert Casey graduated from Homer L. Ferguson High School, where she was a model student and a talented gymnast; and

WHEREAS, Judy Casey married the love of her life, Art, and the couple were generous leaders in the community, giving freely of their time and never hesitating to offer a hand to a friend or neighbor in need; and

WHEREAS, Judy Casey's greatest joy in her life was her family; she relished the opportunity to watch her children start families of their own and inspired them to be good parents with her own example as a loving mother; and

WHEREAS, with an unparalleled zest for life, Judy Casey brought happiness to everyone she met through her vivacious personality, deep faith, and unflinching grace; and

WHEREAS, Judy Casey will be fondly remembered and greatly missed by her husband, Art; children, Shawn, Cadell, Tracy, and Stacy, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Judith Lynn Colbert Casey, a beloved member of the Williamsburg community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Judith Lynn Colbert Casey as an expression of the House of Delegates' respect for her memory.

HOUSE RESOLUTION NO. 34

*Celebrating the life of the Reverend Gregory S. Ryan.*

Agreed to by the House of Delegates, February 2, 2018

WHEREAS, the Reverend Gregory S. Ryan, a dedicated and respected pastor who provided spiritual leadership at Suffolk's Oakland Christian United Church of Christ, died on May 31, 2017; and

WHEREAS, born in Denver, Colorado, Reverend Ryan began his career as a Catholic priest in Florida, but left the priesthood in 1996 after falling in love with his wife, Theresa; after joining a United Church of Christ in Tampa, Florida, in 2009, he answered the call to become a minister once again; and

WHEREAS, in 2013, Reverend Ryan moved to Suffolk and took over as head pastor at Oakland Christian United Church of Christ, quickly winning over the congregation with his kindness, warmth, and engaging personality; as a music lover, he took care to ensure the church's music program was lively and uplifting; and

WHEREAS, as pastor at Oakland Christian United Church of Christ, Reverend Ryan placed special emphasis on community engagement and public service programs such as the Suffolk Night Stay Program, which encourages churches to house and feed the homeless overnight during the winter, and the Fourth Friday dinner club, which allows congregants to enjoy a meal with members of the community; and

WHEREAS, during his tenure with Oakland Christian United Church of Christ, Reverend Ryan touched many lives with his calm, caring demeanor; through his efforts to help others, he embodied the United Church of Christ's creed of "whoever you are and wherever you are on life's journey, you are welcome here"; and

WHEREAS, when not working with his church family, Reverend Ryan was happiest while playing golf or running; he often participated in running clubs, and competed in two marathons as well as several half marathons; and

WHEREAS, Reverend Ryan will be fondly remembered and dearly missed by his wife of 19 years, Theresa; stepdaughters, Justine and Kate; and countless other family members, friends, and Suffolk residents; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of the Reverend Gregory S. Ryan, a devoted spiritual counselor and community leader; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of the Reverend Gregory S. Ryan as an expression of the House of Delegates' respect for his memory.

#### HOUSE RESOLUTION NO. 35

##### *Commending Glebe Episcopal Church.*

Agreed to by the House of Delegates, February 2, 2018

WHEREAS, in 2017, Glebe Episcopal Church, a National Register of Historic Places site in Suffolk, celebrated its 375th anniversary of providing spiritual leadership and generous outreach to the local community; and

WHEREAS, the history of Glebe Episcopal Church dates to 1642, when the Suffolk region was divided into three Anglican Church parishes; the following year, the congregation erected its first wood-frame church building near the old King's Highway Bridge; and

WHEREAS, after its original building fell into disrepair, the church constructed a replacement building in 1738 at a new site and thus became known as Bennett's Creek Church; it was later renamed Glebe Episcopal Church after the glebe lands and farms that were once used to support parish priests; and

WHEREAS, while it has been altered and remodeled since its original construction, Glebe Episcopal Church's 1738 structure still stands today and is among the oldest church buildings in the nation; and

WHEREAS, a notable chapter in Glebe Episcopal Church's history unfolded in 1775, when it played a role in the early days of the American Revolution; church member and colonial patriot William Cowper interrupted a pro-British sermon by a rector named John Agnew and forced him to leave his post; the incident made headlines across the colonies and served as an early indication of the unrest that led to war; and

WHEREAS, Glebe Episcopal Church continued to grow and provide fellowship and worship during the 1800s; through the efforts of the Reverend Jacob Keeling, it kept possession of its glebe lands even after the disestablishment of the Anglican Church in the United States; and

WHEREAS, in 1973, Glebe Episcopal Church's original 1738 building was added to the National Register of Historic Places; one year later, Governor Mills E. Godwin dedicated a commemorative plaque honoring the church's role in the American Revolution; and

WHEREAS, Glebe Episcopal Church renewed its longstanding commitment to community outreach in 2003, when it constructed a new parish hall used by local scouting groups and organizations supporting those in need; and

WHEREAS, to celebrate its 375th anniversary, Glebe Episcopal Church held a special service featuring 17th century clothing, music, and sermons, including readings from the 1559 Book of Common Prayer; now, therefore, be it

RESOLVED by the House of Delegates, That Glebe Episcopal Church hereby be commended for its years of ministry and service to the residents of Suffolk on the occasion of its 375th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Glebe Episcopal Church as an expression of the House of Delegates' admiration for its many contributions to spiritual life in the Commonwealth.

**HOUSE RESOLUTION NO. 36**

*Celebrating the life of Captain John G. Colgan, USN, Ret.*

Agreed to by the House of Delegates, February 2, 2018

WHEREAS, Captain John G. Colgan, USN, Ret., a beloved husband and father and a respected resident of Virginia Beach who forged an accomplished career as a naval aviator, died on October 12, 2017; and

WHEREAS, John "Jack" G. Colgan was born in 1929 in Philadelphia, Pennsylvania, and was a graduate of Saint Joseph's University; and

WHEREAS, a 33-year veteran of the United States Navy, Jack Colgan was a talented pilot who logged over 5,000 flight hours and 750 aircraft carrier landings while serving in fighter squadrons in the Mediterranean, the Atlantic, and the Pacific on board the USS *Princeton*, USS *Boxer*, USS *Ranger*, USS *Kitty Hawk*, and USS *Forrestal*; and

WHEREAS, during his long and distinguished Navy career, Jack Colgan brought his leadership skills to posts around the globe; he served during the Vietnam War, held staff appointments at military and civilian schools, and acted as commanding officer of the Naval Air Reserve unit in Norfolk and of the Navy fighter squadron VF-43; and

WHEREAS, Jack Colgan also served as special assistant to the chief of naval personnel for POW/MIA affairs at the Pentagon; during his final deployment, he acted as a Navy attaché at the United States Embassy in Ottawa, Canada; and

WHEREAS, Jack Colgan received numerous honors for his service to his country, including the Defense Superior Service Medal, the Meritorious Service Medal, the Air Medal, a Department of Defense Joint Commendation, and two Navy Commendations; and

WHEREAS, after his retirement from the Navy, Jack Colgan worked in the commercial space industry and as a member of a consulting firm; he settled in Virginia Beach, where he was active in civic and community affairs and armed forces organizations, including the Military Officers Association of America and the Association of Naval Aviation; and

WHEREAS, known for his warm personality and rich sense of humor, Jack Colgan loved sports and was a lifelong fan of the Philadelphia Eagles football team; and

WHEREAS, predeceased by his first wife, Faustina, and sons, John and Michael, Jack Colgan will be fondly remembered by his wife, Catherine; his son, James; his stepdaughters, Sara, Martha, and Rebecca, and their families; and countless other family members, colleagues, and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Captain John G. Colgan, USN, Ret., a dedicated veteran who selflessly served his country and the Virginia Beach community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Captain John G. Colgan, USN, Ret., as an expression of the House of Delegates' respect for his memory.

**HOUSE RESOLUTION NO. 37**

*Celebrating the life of Lieutenant General Samuel Vaughan Wilson, USA, Ret.*

Agreed to by the House of Delegates, February 2, 2018

WHEREAS, Lieutenant General Samuel Vaughan Wilson, USA, Ret., a patriotic veteran of World War II who dedicated his life to serving and safeguarding the citizens of the United States through his visionary leadership in the intelligence, military, and special operations communities, died on June 10, 2017; and

WHEREAS, a native of Rice, Samuel "Sam" Vaughan Wilson learned the value of hard work and responsibility on his family's tobacco farm; desirous to be of service to the Commonwealth and the nation, he lied about his age and enlisted in the Virginia National Guard at 16 years old; and

WHEREAS, Sam Wilson became a second lieutenant at the age of 18 and served as an instructor at Fort Benning, Georgia, where he taught guerrilla warfare and counter-insurgency tactics; in 1943, he was one of the first recruits to join the Office of Strategic Services, the wartime precursor to the Central Intelligence Agency; and

WHEREAS, Sam Wilson volunteered for the 5307th Composite Unit (Provisional), the famous Merrill's Marauders, who carried out missions deep behind enemy lines in the China-Burma-India Theater of World War II; and

WHEREAS, after the war, Sam Wilson studied languages and worked as a liaison and courier in Soviet bloc countries before joining the Central Intelligence Agency; during this period, he continued his work on insurgency and counter-insurgency doctrine and played a key staff support role during the Cuban Missile Crisis in 1962; and

WHEREAS, Sam Wilson went on to command the 6th Special Forces Group, was assistant division commander for operations of the 82nd Airborne, and was the first United States Defense Attaché assigned to the embassy in Moscow; and

WHEREAS, in the 1970s, Sam Wilson served as Deputy to the Director of Central Intelligence for the Intelligence Community and as Director of the Defense Intelligence Agency, guiding the agency through significant world events; and

WHEREAS, in 1977, Sam Wilson retired from the United States Army and returned to his family home in Rice; he continued to serve the nation long after his retirement, co-authoring the legislation that established United States Special Operations Command and revolutionized the special operations community; and

WHEREAS, after his return to civilian life, Sam Wilson joined the faculty of Hampden-Sydney College as a professor; he later became president of the college for eight years, founding the Wilson Center for Leadership and inspiring countless students during his distinguished tenure; and

WHEREAS, in later life, Sam Wilson shared his calming presence and wise counsel with corporations, civic organizations, heads of the Central Intelligence Agency, military officials, and United States Presidents, using his wealth of knowledge to quietly help others achieve their fullest potential as leaders while strengthening the Commonwealth and the United States in the process; and

WHEREAS, Sam Wilson's military decorations included the Distinguished Service Cross, the Silver Star, the Legion of Merit, and the Bronze Star, among others; he received many other civilian awards and accolades, including multiple honorary doctorates; and

WHEREAS, in 1992, the Virginia Cultural Laureate Foundation named Sam Wilson the Cultural Laureate for Public Service to honor his lifetime of contributions as a soldier, diplomat, leader, and scholar; and

WHEREAS, predeceased by his first wife, Brenda, Sam Wilson will be fondly remembered and greatly missed by his wife, Virginia; his children, Samuel, Jr., Jackson, David, William, Susan, and Frances, and their families; and numerous other family members, friends, and fellow service members; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Lieutenant General Samuel Vaughan Wilson, USA, Ret., a true member of the Greatest Generation and one of the forefathers of the American special operations community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Lieutenant General Samuel Vaughan Wilson, USA, Ret., as an expression of the House of Delegates' respect for his memory.

### HOUSE RESOLUTION NO. 38

*Commending the Virginia Autism Project.*

Agreed to by the House of Delegates, February 2, 2018

WHEREAS, Mark Llobell, a real estate professional in Virginia Beach, has led efforts to support families of children with autism through his work with the Virginia Autism Project and other state and national organizations such as Autism Speaks; and

WHEREAS, after his two-year-old grandson was diagnosed with autism, a developmental disorder that impairs social and communication skills, Mark Llobell founded the Virginia Autism Project to raise awareness of the disorder and support other families struggling to find and afford treatment; and

WHEREAS, Mark Llobell advocated for legislation to require that insurance plans cover treatment for children with autism, including applied behavior analysis and other forms of therapy to help affected children speak, learn, and interact with others; and

WHEREAS, after such legislation was passed in 2011, Mark Llobell and the Virginia Autism Project continued to work with state officials to implement the law and help ensure the efficient and effective delivery of services; treatments are usually individualized and intensive, requiring a large commitment of time and resources for both parents and professionals; and

WHEREAS, Mark Llobell worked with other autism organizations in the Commonwealth and the United States, such as Autism Speaks, to share information, support research, and conduct outreach activities; and

WHEREAS, Mark Llobell created the Tidewater Autism Summits, which have been held annually in Virginia Beach for the past nine years; the summits have become the largest gathering of autism service providers and families with autism in the Commonwealth, if not the entire Mid-Atlantic region, and are held cost-free for all vendors and families; year one attendance was 10 vendors and 35 families, and this year more than 1,000 people from across Virginia participated and gained valuable services for their loved ones with autism; and

WHEREAS, in 2015, Mark Llobell worked with the Autism Speaks National Capital Area chapter to host events that attracted 50 Hampton Roads business leaders, health care professionals, and community activists and in excess of 75 attendees from the Richmond area; these events raised awareness of how autism can affect everyday life and the workplace as the number of adults with Autism grows; now, therefore, be it

RESOLVED by the House of Delegates, That the Virginia Autism Project hereby be commended for its compassionate work to support families of children with autism; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Mark Llobell of the Virginia Autism Project as an expression of the House of Delegates' admiration for the organization's service to the residents of Hampton Roads and the Commonwealth.

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ACTS OF ASSEMBLY

[VA.,

HOUSE RESOLUTION NO. 39

*Commending the graduating class of Skyline Regional Criminal Justice Academy Jail Officer Basic 1.*

Agreed to by the House of Delegates, February 2, 2018

WHEREAS, in November 2017, eight deputies from the Loudoun County Sheriff's Office graduated from the first session of the Jail Officer Basic course at Skyline Regional Criminal Justice Academy; and

WHEREAS, Skyline Regional Criminal Justice Academy provides comprehensive training to new and veteran law-enforcement officers, correctional officers, and emergency communications officers in the Shenandoah Valley; and

WHEREAS, guided by the principles of commitment, integrity, progress, consistency, and professionalism, Skyline Regional Criminal Justice Academy works to make a difference in the public safety profession by developing ethical and knowledgeable leaders; and

WHEREAS, the graduating class of Jail Officer Basic 1 was comprised of Desiree Cabrera Fret, Amber Kennedy, Najibul Khondhaker, Paul Kim, Justin Humphries, Julius Mashonganyika, Gloria Turin, and Evan Vocature; Evan Vocature received three awards, one each for top overall achievement, top skills achievement, and top academic achievement, while Desiree Cabrera Fret received the top physical fitness award; and

WHEREAS, the graduating class of Skyline Regional Criminal Justice Academy Jail Officer Basic 1 continued its studies with a four-week in-house training program at the Loudoun County Adult Detention Center; now, therefore, be it

RESOLVED by the House of Delegates, That the graduating class of Skyline Regional Criminal Justice Academy Jail Officer Basic 1 hereby be commended; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare copies of this resolution for presentation to Skyline Regional Criminal Justice Academy and the Loudoun County Sheriff's Office as an expression of the House of Delegates' admiration for the students' achievements and best wishes for the future.

HOUSE RESOLUTION NO. 40

*Commending the Stone Bridge High School volleyball team.*

Agreed to by the House of Delegates, February 2, 2018

WHEREAS, the Stone Bridge High School volleyball team, of Ashburn, won the Virginia High School League Potomac District championship on November 2, 2017; and

WHEREAS, entering the title match on a 24-game winning streak, the Stone Bridge High School Bulldogs relied on fluid passing, strong blocking, and excellent serving to battle their way to a 3-2 victory over the Tuscarora High School Huskies; and

WHEREAS, in the tightly contested district championship match, the Stone Bridge Bulldogs dropped the first set 19-25 and then trailed early in the second before regrouping to win 25-10 with blistering serves from junior Mary Kate DeVido; and

WHEREAS, the Stone Bridge Bulldogs continued their rally in the third set, winning 25-20 with superb net play from senior Katey Muskett and junior Noelle Foster; and

WHEREAS, the Stone Bridge Bulldogs lost the fourth set 17-25, but despite having only played two five-set matches all season, the team showed remarkable endurance; trailing by one late in the decisive fifth set, they reeled off three straight points to win 15-13 to claim the district championship; and

WHEREAS, the Stone Bridge Bulldogs' Potomac District championship win was just one of many highlights in a stellar season that saw the team finish with a 26-2 overall record; players Katey Muskett, Noelle Foster, and Peyton Yamagata were named to the Class 5 All-State volleyball team, and coach Jill Raschiatore was honored as the Potomac District coach of the year; and

WHEREAS, the Stone Bridge High School volleyball team's district championship is a testament to the hard work and dedication of its talented student-athletes, the excellent guidance of its coaches and staff, and the enthusiastic support of family members, friends, and the entire Stone Bridge High School community; now, therefore, be it

RESOLVED by the House of Delegates, That the Stone Bridge High School volleyball team hereby be commended on winning the 2017 Virginia High School League Potomac District championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Jill Raschiatore, head coach of the Stone Bridge High School volleyball team, as an expression of the House of Delegates' admiration for the team's impressive achievements and best wishes for continued success.

**HOUSE RESOLUTION NO. 41**

*Commending the Salvation Army of Loudoun County.*

Agreed to by the House of Delegates, February 2, 2018

WHEREAS, in December of 2017, the Salvation Army of Loudoun County collected and distributed 1,500 Christmas gifts for children as part of its annual Angel Tree program; and

WHEREAS, founded in 1973 as a corps of the Salvation Army, an international charitable group, the Salvation Army of Loudoun County provides disaster relief and year-round emergency assistance with food, clothing, rent, and utilities for those in need; and

WHEREAS, since 1999, the Salvation Army of Loudoun County has operated its annual Angel Tree program to ensure that no child goes without gifts during the holidays; as part of the program, donors chose tags from Angel Trees which were set up in shopping centers and at businesses across Northern Virginia; they then bought clothing or toys for the child they selected based on the age and gender listed on the tag; and

WHEREAS, once the gifts were collected from donors, volunteers from the Salvation Army of Loudoun County gathered at the National Conference Center, where they sorted and bagged the presents in preparation for distribution; during the latter half of December, several hundred pre-registered families came to the National Conference Center to pick up presents, which included clothing, bicycles, scooters, and other toys; and

WHEREAS, working in conjunction with Toys for Tots, as well as several local businesses, families, and individuals, the Salvation Army of Loudoun County served a total of over 1,500 children over the course of its 2017 Angel Tree program; and

WHEREAS, the Salvation Army of Loudoun County's gift program brightened the holiday season for numerous children and families and stands as a superb example of community members taking care of their neighbors; now, therefore, be it

RESOLVED by the House of Delegates, That the Salvation Army of Loudoun County hereby be commended for distributing gifts to children in need as part of its 2017 Angel Tree program; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Salvation Army of Loudoun County as an expression of the House of Delegates' admiration for its many charitable contributions to the community and best wishes for continued success.

**HOUSE RESOLUTION NO. 42**

*Commending Sporting Virginia Futsal Club.*

Agreed to by the House of Delegates, February 2, 2018

WHEREAS, Sporting Virginia Futsal Club, a Leesburg-based soccer organization, won the 2008 girls division at the 3v3 Live Soccer National Championships played on November 25-26, 2017, in Nashville, Tennessee; and

WHEREAS, as the only year-round South American-style futsal club on the East Coast, Sporting Virginia Futsal Club features both indoor and outdoor teams that compete in small-sided soccer formats such as three versus three, four versus four, and five versus five; and

WHEREAS, at the 2017 3v3 Live Soccer National Championships, Sporting Virginia Futsal Club's 2008 division girls team was comprised of players Riley Nicholson, Sadie Peterson, Lily Stevens, and Olivia Mason; and

WHEREAS, relying on excellent passing, clinical shooting, and strong defense, the girls from Sporting Virginia Futsal Club cruised through the group stage of the national championships by defeating teams from Ohio, Tennessee, and Alabama; and

WHEREAS, Sporting Virginia Futsal Club continued to be dominant in the bracket stage, beating the Crossfire Soccer Club of Texas 8-2 and the NEO Soccer Academy of Ohio 11-1; in the title game, they defeated the Hat Trick Hotties of Illinois 3-2 to claim the national championship; and

WHEREAS, in securing the national title, the girls of Sporting Virginia Futsal Club recorded an undefeated 6-0 record and outscored their opponents by a phenomenal 53-8; and

WHEREAS, Sporting Virginia Futsal Club's national title is a tribute to the skill and dedication of its young athletes, the excellent guidance of its coaches, and the enthusiastic support of family and friends; now, therefore, be it

RESOLVED by the House of Delegates, That Sporting Virginia Futsal Club hereby be commended on winning the 2008 girls division at the 2017 3v3 Live Soccer National Championships; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Sporting Virginia Futsal Club as an expression of the House of Delegates' admiration for its team's remarkable accomplishments and best wishes for continued success.

**HOUSE RESOLUTION NO. 43**

*Commending Denise Corbo.*

Agreed to by the House of Delegates, February 2, 2018

WHEREAS, Denise Corbo, a passionate educator with Loudoun County Public Schools, has worked to give all students in the Commonwealth a strong foundation for lifelong learning through her nonprofit organization, StoryBook Treasures; and

WHEREAS, a veteran educator with nearly three decades of experience, Denise Corbo has witnessed the importance of early literacy firsthand as a teacher in the gifted programs at Horizon Elementary School and Stuart W. Weller Elementary School; and

WHEREAS, after becoming aware that children who read at home have a significant advantage in the classroom, and that children below the poverty line are much less likely to have quality reading materials at home, Denise Corbo was determined to find a way to bridge the literacy gap; and

WHEREAS, Denise Corbo took a part-time job to fund her own nonprofit organization, StoryBook Treasures, which now provides books and other materials to students in need and offers on-site professional development programs for teachers, as well as continuous consulting and technical support; and

WHEREAS, StoryBook Treasures helps students build their own personal libraries to share with their families, fosters strong connections with the stories, and lays the foundation for a lifelong love of reading and learning; and

WHEREAS, Denise Corbo launched the first StoryBook Treasures pilot program in 2013 with 100 students at Sugarland Elementary School in Sterling; by 2017, the organization had grown to serve 24 schools in six states and had provided more than 15,000 books to 3,000 students; and

WHEREAS, all donations to StoryBook Treasures go toward the purchase of supplies and the cost of training; Denise Corbo and other volunteers hold events to pack shipments for recipient schools, which include lesson plans and a bag for each student with books and plush animals, small toys, or keepsakes that are associated with each story; and

WHEREAS, StoryBook Treasures has succeeded in its mission thanks to the countless hours of hard work by its volunteers and many generous donations from local individuals, families, and businesses, as well as national foundations and organizations; now, therefore, be it

RESOLVED by the House of Delegates, That Denise Corbo hereby be commended for her work to instill a passion for reading and learning in students through StoryBook Treasures; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Denise Corbo as an expression of the House of Delegates' admiration for her unique contributions to students and best wishes for the future.

**HOUSE RESOLUTION NO. 44**

*Celebrating the life of Mayer A. Sarfan.*

Agreed to by the House of Delegates, February 2, 2018

WHEREAS, Mayer A. Sarfan, a respected attorney, a generous community leader, and a proud lifelong resident of Newport News, died on October 21, 2017; and

WHEREAS, while attending Newport News High School, Mayer Sarfan worked at Newport News Shipbuilding, gaining an appreciation for the value of hard work and dedication during his formative years; and

WHEREAS, Mayer Sarfan earned bachelor's and law degrees from the University of Virginia, then served the nation as a member of the United States Army Criminal Investigation Command; and

WHEREAS, Mayer Sarfan returned to Newport News as a founding partner at Sarfan & Nachman and worked as an attorney and a land developer in the area for more than 50 years; and

WHEREAS, Mayer Sarfan played a crucial role in the establishment of the preschool program at the United Jewish Community of the Virginia Peninsula; he was also a major fundraiser for the resettlement of the Soviet Jewry and a lifetime supporter of Rodef Sholom Temple; and

WHEREAS, in addition to serving as the first president of Mercury 64 Kiwanis Club and as a 33rd degree Mason with Bremond Lodge 241 AF & AM, Mayer Sarfan generously supported several museums and charitable organizations on the Virginia Peninsula; and

WHEREAS, Mayer Sarfan offered his wise leadership to Christopher Newport University and was a Scout Master for two Boy Scouts of America troops, having earned the coveted rank of Eagle Scout in his youth; and

WHEREAS, Mayer Sarfan's beloved wife of 62 years, Dorene, died on December 22, 2017; he will be fondly remembered and greatly missed by his sons, Gary, William, Lonny, Randall, and Edward, and their families, and numerous other family members, friends, and colleagues; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Mayer A. Sarfan, a pillar of the Newport News community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Mayer A. Sarfan as an expression of the House of Delegates' respect for his memory.

**HOUSE RESOLUTION NO. 45**

*Celebrating the life of Dorene Zilber Sarfan.*

Agreed to by the House of Delegates, February 2, 2018

WHEREAS, Dorene Zilber Sarfan, a beloved, lifelong resident of Newport News who made many generous contributions to the community, died on December 22, 2017; and

WHEREAS, Dorene Sarfan graduated from Newport News High School and attended Mary Washington College; and

WHEREAS, Dorene Sarfan served the community as a real estate agent for many years, helping her fellow residents find the perfect place to make a home; she then worked as an office manager for the family law firm, Sarfan & Nachman, for 40 years; and

WHEREAS, a passionate, lifelong learner, Dorene Sarfan was instrumental in the establishment of a preschool program at the United Jewish Community of the Virginia Peninsula; and

WHEREAS, Dorene Sarfan was a lifetime member of Rodef Sholom Temple and was active in its Sisterhood and Hadassah; she was also a generous supporter of museums and charitable organizations in the Virginia Peninsula; and

WHEREAS, predeceased by her first husband, Irvin E. Nachman, who was killed during the Korean War, and by her husband of 62 years, Mayer Sarfan, Dorene Sarfan will be fondly remembered and greatly missed by her sons, Gary, William, Lonny, Randall, and Edward, and their families, and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Dorene Zilber Sarfan, a vibrant member of the Newport News community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Dorene Zilber Sarfan as an expression of the House of Delegates' respect for her memory.

**HOUSE RESOLUTION NO. 46**

*Celebrating the life of Robert Lee Dodd, Jr.*

Agreed to by the House of Delegates, February 2, 2018

WHEREAS, Robert Lee Dodd, Jr., a beloved husband and father and a respected resident of Hanover County who worked as a farmer for over 60 years, died on March 20, 2017; and

WHEREAS, born in 1930, Robert "Robby" Lee Dodd, Jr., owned Dodd's Acres Farm, a family farm in Hanover County known for its variety of delicious produce; and

WHEREAS, Robby Dodd was among the most prominent farmers of Central Virginia's famed Hanover tomatoes; he and his wife, Jane, sold red and yellow tomatoes to local residents, in addition to grocery stores and markets along the East Coast; and

WHEREAS, Robby Dodd was associated with the annual Hanover Tomato Festival for over 25 years; each year, his farm supplied the festival with hundreds of boxes of locally grown tomatoes; and

WHEREAS, Robby Dodd took great pleasure in his work and treasured the time he spent with the workers at Dodd's Acres Farm, who often numbered over 40 during peak season; and

WHEREAS, fond of saying "you got to love what you are doin'," Robby Dodd worked as a farmer for over 60 years and frequently insisted that he had no intentions of retiring; even at the age of 86, he still oversaw his tomato crop and worked at his Mechanicsville packing house; and

WHEREAS, Robby Dodd will be fondly remembered and greatly missed by his wife of 64 years, Jane; children, Joe, Charles, Robin, and Steve, and their families; and countless other family members, friends, and members of the Hanover County community; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Robert Lee Dodd, Jr., a skilled and dedicated farmer who helped make Hanover-grown tomatoes famous; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Robert Lee Dodd, Jr., as an expression of the House of Delegates' respect for his memory.

**HOUSE RESOLUTION NO. 47***Commending the Hidden Valley High School app team.*

Agreed to by the House of Delegates, February 2, 2018

WHEREAS, a team of students from Hidden Valley High School in Roanoke was chosen as the Sixth Congressional District of Virginia's winner in the 2017 Congressional App Challenge; and

WHEREAS, established in 2014, the Congressional App Challenge is an annual contest that encourages young people to learn how to code by developing a software application of their choice; one winner is then selected from each of the participating congressional districts across the nation; the Hidden Valley High School app team consisted of talented students David Arnold, Shreyas Gullapalli, Mengyun "Mavis" Lee, and Yifei Zhao; their team advisor was Phifer Herrala; and

WHEREAS, for their entry in the Congressional App Challenge, the Hidden Valley app team created Quizbowl Scoresheet, an app that easily and accurately keeps track of scores for trivia competitions; the team got the idea for their application after observing scoring errors and delays during a Quizbowl tournament; and

WHEREAS, the Hidden Valley High School app team learned of their Congressional App Challenge victory on December 7, 2017, when United States Representative Bob Goodlatte personally notified them over Skype; and

WHEREAS, the Hidden Valley High School app team is one of only 190 Congressional App Challenge winners out of more than 4,100 participants nationwide; and

WHEREAS, for their victory in the challenge, the Hidden Valley High School app team will have their application featured in the United States Capitol Building and on the United States House of Representatives website; and

WHEREAS, in addition, the Hidden Valley High School app team will be invited to the HouseOfCode reception that will take place in April 2018 in Washington, D.C.; and

WHEREAS, the members of the Hidden Valley High School app team demonstrated creativity, determination, and skill in creating their app and have undoubtedly bright futures ahead of them; now, therefore, be it

RESOLVED by the House of Delegates, That the Hidden Valley High School app team hereby be commended on their selection as the Sixth Congressional District of Virginia's winner in the 2017 Congressional App Challenge; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Hidden Valley High School app team as an expression of the House of Delegates' admiration for their impressive achievements and best wishes for the future.

**HOUSE RESOLUTION NO. 48***Commending Mike Bryant.*

Agreed to by the House of Delegates, February 2, 2018

WHEREAS, Mike Bryant, a dedicated and respected educator who touched the lives of countless students in Roanoke City, Botetourt County, and Salem City schools, retired on June 30, 2017, after a long and distinguished career; and

WHEREAS, a Roanoke native, Mike Bryant attended William Byrd High School and then earned a political science degree from Virginia Polytechnic Institute and State University in 1971; and

WHEREAS, Mike Bryant's education career began in the fall of 1971, when he landed his first job as a social studies teacher at William Ruffner Junior High School in the Roanoke City School District; and

WHEREAS, between 1971 and 1980, Mike Bryant taught at William Ruffner Junior High School and at the nearby William Fleming High School; he coached wrestling, football, and track at Fleming and served as a guidance counselor and as an assistant principal; and

WHEREAS, in 1980, Mike Bryant brought his leadership skills to a new role as principal at Lord Botetourt High School; he remained there until 1986, when he took the reins as principal at Salem High School; and

WHEREAS, after a year at Salem High School, Mike Bryant joined the administration of the Salem City Schools; he remained with the division for the rest of his career and spent 30 years as its assistant superintendent; and

WHEREAS, in addition to providing positive guidance to students and mentoring teachers, Mike Bryant also brought considerable expertise in school construction to his role as assistant superintendent; during his tenure with the Salem City Schools, he helped update all six of the division's schools and oversaw \$45 million in school construction projects; and

WHEREAS, throughout his career in education, Mike Bryant brought a commitment to excellence to every position he held; his diligence, skill, and personal integrity made him a role model for students as well as fellow teachers and administrators; now, therefore, be it

RESOLVED by the House of Delegates, That Mike Bryant hereby be commended on his many years of exemplary service to the Roanoke City, Botetourt County, and Salem City schools; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Mike Bryant as an expression of the House of Delegates' admiration for his impressive career accomplishments and best wishes for a well-deserved retirement.

**HOUSE RESOLUTION NO. 49**

*Celebrating the life of Sergeant Willie Rowe, USA.*

Agreed to by the House of Delegates, February 2, 2018

WHEREAS, Sergeant Willie Rowe, USA, who died as a prisoner of war in North Korea on January 20, 1951, was laid to rest with full military honors at Arlington National Cemetery in 2017; and

WHEREAS, in 1950, a 22-year-old Willie Rowe left his home in Hampton to serve the nation as a member of the United States Army, and he deployed to Korea with L Company, 3rd Battalion, 9th Infantry Regiment, 2nd Infantry Division; and

WHEREAS, Sergeant Rowe's unit was ordered to advance on the Chongchon River in preparation for an operation to push North Korean forces back to the Yala River; he was last seen on the night of November 25, 1950, when enemy forces launched a series of relentless attacks that continued until morning; and

WHEREAS, after the war, a group of American soldiers who had been held at the Pukchin-Tarigol Camp Cluster reported that Sergeant Rowe had died in captivity; and

WHEREAS, it took several decades of hard work and dedication by skilled diplomats, military personnel, medical professionals, and family members to identify and bring Sergeant Rowe's earthly remains home for burial; and

WHEREAS, Sergeant Rowe's family made tremendous sacrifices and endured great distress in the 67 years they waited before he was brought home; and

WHEREAS, Sergeant Rowe's service is a solemn reminder of the perils faced by the thousands of American men and women in uniform who willingly go into harm's way in defense of the United States; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Sergeant Willie Rowe, USA, who made the ultimate sacrifice during the Korean War; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Sergeant Willie Rowe, USA, as an expression of the House of Delegates' respect for his memory.

**HOUSE RESOLUTION NO. 50**

*Commending Second Lieutenant Drew Borinstein, USMC.*

Agreed to by the House, February 9, 2018

WHEREAS, Second Lieutenant Drew Borinstein, USMC, an inspirational young leader, was named valedictorian of the Virginia Military Institute Class of 2017; and

WHEREAS, a native of rural Shelbyville, Indiana, Drew Borinstein learned the value of hard work and responsibility at a young age and enrolled at Virginia Military Institute to pursue his goal of serving the nation in the United States Armed Forces; and

WHEREAS, a model student, Drew Borinstein was a math major who served on the Honor Court and was the commander of Echo Company in his fourth year; after completing the United States Marine Corps Officer Candidate School, he became one of 147 students in his class of 320 to accept military commissions; and

WHEREAS, while at Virginia Military Institute, Drew Borinstein overcame great personal adversity after the tragic deaths of his father, mother, brother, and sister; and

WHEREAS, finding strength in his faith and dedication to duty, Drew Borinstein completed his academic work with honors and inspired others, including his fellow cadets and his surviving brother, Beau, through his resolve; and

WHEREAS, Drew Borinstein was elected as valedictorian by his classmates; during his speech at graduation, he lauded his fellow cadets as pillars of stability in an uncertain world, who have the unique opportunity to use the discipline and integrity learned at Virginia Military Institute to make their communities a better place; and

WHEREAS, Drew Borinstein urged his classmates not to allow their graduation from Virginia Military Institute to be the culminating event of their lives and instead to focus on setting lofty goals and striving for excellence in all of their endeavors; now, therefore, be it

RESOLVED by the House of Delegates, That Second Lieutenant Drew Borinstein, USMC, hereby be commended on being named valedictorian of the Virginia Military Institute Class of 2017; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Second Lieutenant Drew Borinstein, USMC, as an expression of the House of Delegates' admiration for his perseverance.

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ACTS OF ASSEMBLY

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HOUSE RESOLUTION NO. 51

*Commending the Virginia Czech & Slovak Folklife Festival.*

Agreed to by the House, February 9, 2018

WHEREAS, for five years, the Virginia Czech & Slovak Folklife Festival has promoted the history and heritage of Czech and Slovak families and demonstrated the important contributions of immigrant communities in the Commonwealth; and

WHEREAS, the Virginia Czech & Slovak Folklife Festival was established in 2013 after the Virginia Czech/Slovak Heritage Society received a grant from the Virginia Foundation for the Humanities to host an event and document the traditions of local Czech and Slovak families; and

WHEREAS, between the 1880s and 1920s, hundreds of Czech and Slovak families relocated to the Commonwealth; the Virginia Czech/Slovak Heritage Society chose Prince George County as the location of the Virginia Czech & Slovak Folklife Festival due to the area's high concentration of immigrant families dating back to the turn of the century; and

WHEREAS, the Virginia Czech & Slovak Folklife Festival is a free, family-friendly outdoor event featuring authentic Eastern European food, crafts, exhibitions, as well as music and polka dancing; and

WHEREAS, attendees of the Virginia Czech & Slovak Folklife Festival are encouraged to bring family photos, letters, and documents to be scanned and preserved for future generations; and

WHEREAS, the Virginia Czech & Slovak Folklife Festival is a celebration of the immigrants and their families who helped shape cultural life in Central Virginia, while also contributing to the community in a wide variety of trades and professions; now, therefore, be it

RESOLVED by the House of Delegates, That the Virginia Czech & Slovak Folklife Festival hereby be commended on the occasion of its fifth anniversary in 2018; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Virginia Czech & Slovak Folklife Festival as an expression of the House of Delegates' admiration for the important contributions of Czech and Slovak immigrants to Virginia and the United States.

HOUSE RESOLUTION NO. 52

*Commending Andrew Brown.*

Agreed to by the House, February 9, 2018

WHEREAS, Andrew Brown was named the 2013-2014 Gatorade National Football Player of the Year during his senior year at Oscar F. Smith High School in Chesapeake; and

WHEREAS, the Gatorade National Football Player of the Year award is presented each year to honor the achievements of exemplary student-athletes both on and off the field; Andrew Brown was selected out of more than one million candidates nationwide; and

WHEREAS, a six-foot, four-inch, 290-pound defensive tackle, Andrew Brown was a commanding presence on the gridiron during his career with the Oscar F. Smith High School football team and was twice honored as a High School All-American; and

WHEREAS, during his senior year, Andrew Brown led the Oscar F. Smith High School Tigers to a 14-1 record and a runner-up finish in the Virginia High School League Division 6A state championship game; heading into the title game, Brown had 93 tackles, 18 sacks, and eight forced fumbles on the season; and

WHEREAS, Andrew Brown's Gatorade National Football Player of the Year award not only honored his exploits on the field but also his off-field accomplishments, which include earning a 3.64 grade point average and volunteering at youth football camps; and

WHEREAS, Andrew Brown went on to earn a bachelor's degree in American Studies from the University of Virginia, where he played as a defensive tackle and defensive end on the Cavaliers football team; he recorded 90 tackles and 10 sacks for the team; and

WHEREAS, the son of Andrew Brown and Sonia Carter, Andrew Brown is an extraordinary athlete whose hard work and accomplishments stand as a shining example to student-athletes across the Commonwealth; now, therefore, be it

RESOLVED by the House of Delegates, That Andrew Brown hereby be commended for being named the 2013-2014 Gatorade National Football Player of the Year; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Andrew Brown as an expression of the House of Delegates' admiration for his stellar achievements.

**HOUSE RESOLUTION NO. 53**

*Commending Charles L. Shumate.*

Agreed to by the House, February 9, 2018

WHEREAS, Charles L. Shumate, a respected legal professional with more than 50 years of experience who has made countless contributions to the residents of Stafford County and the Commonwealth, will retire as Stafford County Attorney on March 1, 2018; and

WHEREAS, a lifelong resident of the Commonwealth, Charles Shumate grew up in Vienna and graduated from the Virginia Military Institute; he earned his law degree from the American University, where he graduated in the top four percent of his class, then served his country as a member of the United States Army, earning a Bronze Star Medal for his meritorious actions during the Vietnam War; and

WHEREAS, Charles Shumate was admitted to the Virginia State Bar in 1967 and practiced law in Northern Virginia, focusing on land use, real estate, commercial and business transactions, and local government law; he tried numerous complex cases on real estate, commercial, and construction issues; and

WHEREAS, Charles Shumate played a pivotal role in many development projects that have shaped the community and strengthened the local economy, including University Center in Loudoun County and McNair Farms in Fairfax County, and he represented many national corporations as they sought to establish or expand a presence in Northern Virginia; and

WHEREAS, in addition to private practice, Charles Shumate practiced law with several well-known and respected law firms; he was a managing partner of Shumate, Kraftson & Sparrow, P.C., in Reston and Walsh, Colucci, Stackhouse, Emrich & Lubeley, P.C., in Leesburg; and

WHEREAS, Charles Shumate was retained as Special Counsel and Deputy City Attorney for the City of Fairfax, handling all types of government litigation and municipal representation, including service to several boards and commissions; and

WHEREAS, Charles Shumate also served as Commissioner in Chancery for the Fairfax County Circuit Court for 15 years and was vice-chair of the committee that investigated and prosecuted grievances and ethical complaints against attorneys in Northern Virginia for three years; and

WHEREAS, Charles Shumate was appointed as the Stafford County Attorney in 2010 and has ably represented the county for more than seven years, bringing about the successful resolution of many outstanding legal matters; and

WHEREAS, during his tenure, Charles Shumate helped guide the Stafford County Board of Supervisors through redistricting in 2011 and provided invaluable support and legal advice during the deliberation and adoption of the Stafford County Comprehensive Plan 2016-2036; and

WHEREAS, serving with dedication and distinction, Charles Shumate cultivated a culture of leadership and integrity at the Stafford County Attorney's office and leaves a legacy of excellence for his successor and all of Stafford County; now, therefore, be it

RESOLVED by the House of Delegates, That Charles L. Shumate hereby be commended on the occasion of his retirement as Stafford County Attorney; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Charles L. Shumate as an expression of the House of Delegates' admiration for his legacy of exceptional service to the Stafford County community and the Commonwealth.

**HOUSE RESOLUTION NO. 54**

*Celebrating the life of Bishop Clarence Vernie Russell, Sr.*

Agreed to by the House, February 9, 2018

WHEREAS, Bishop Clarence Vernie Russell, Sr., a devoted husband and father who provided spiritual leadership to generations of worshippers at Union Baptist Missionary Church in Suffolk, died on July 8, 2017; and

WHEREAS, born in 1933 in Princess Anne County, Bishop Russell attended Princess Anne County Training School and received his bachelor's degree from Norfolk State University; after serving in the United States Army, he worked as an equal opportunity employment officer before answering the call to become a preacher and earning his divinity degree; and

WHEREAS, Bishop Russell's first post as a pastor was at his home church, New Light Full Gospel Baptist Church; he then took over as leader of Suffolk's Union Baptist Missionary Church, where he served for more than five decades; and

WHEREAS, under Bishop Russell's capable leadership, Union Baptist Missionary Church evolved and grew as a spiritual community; he oversaw the introduction of the church's missionary society, junior usher board, and youth assembly and spearheaded efforts to work with local charities to fight homelessness and hunger; and

WHEREAS, between 2008 and 2010, Bishop Russell also guided the Union Baptist Missionary Church family through a move to a newer, larger building on Nansemond Parkway; and

WHEREAS, known for his heartfelt and captivating sermons, Bishop Russell was a service-oriented member of the community who often visited the sick and elderly, distributed food to the needy, and encouraged his church members to pursue their education; and

WHEREAS, when Bishop Russell retired after over 50 years of nurturing and guiding the members of the Union Baptist Missionary Church, his son, Bishop Clarence Vernie Russell, Jr., took his place as the congregation's pastor; and

WHEREAS, predeceased by his first wife, Leonia, Bishop Russell will be fondly remembered and greatly missed by his wife, Gladys; his children, Clarence Jr., Forrest, Leonia, Naomi, Torrence, Maurice, David, Julia, and Angela, and their families; and countless other family members, friends, congregants, and members of the Suffolk community; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Bishop Clarence Vernie Russell, Sr., a dedicated spiritual counselor and community leader; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Bishop Clarence Vernie Russell, Sr., as an expression of the House of Delegates' respect for his memory.

**HOUSE RESOLUTION NO. 55**

*Celebrating the life of James W. Smith III.*

Agreed to by the House, February 9, 2018

WHEREAS, James W. Smith III, a beloved husband and father and a respected member of the Ashland community, died on October 28, 2017; and

WHEREAS, James "Jim" W. Smith III was born in Ashland in 1947 and attended Virginia Tech; during the Vietnam War, he served in the United States Army Reserve; and

WHEREAS, in 1984, Jim Smith cofounded Hanover Controls and Supply Corporation, an automation systems and industrial controls distributor based in Ashland; he continued to work at the company as co-owner for over 30 years; and

WHEREAS, in addition to his years of success in business, Jim Smith brought his leadership skills to a number of community organizations; he was a member and past president of the Ashland Jaycees, the Kiwanis Club of Ashland, and the Hanover Association of Businesses, and he was active in the Hanover Club; and

WHEREAS, a talented performer with a lifelong love of music, Jim Smith participated in the annual Ashland Musical Variety Show as a member of the groups the Hometown Boys and the Hanover Heartthrobs; he also played mandolin and sang with several bluegrass bands, including the group Short Haul; and

WHEREAS, Jim Smith enjoyed fellowship and worship at St. Peter's United Methodist Church, and he was happiest when spending time with his family or enjoying days out on the river in Edwardsville; and

WHEREAS, Jim Smith will be fondly remembered and greatly missed by his wife, Ruth; his children, Courtney, Travis, and Andrew, and their families; and countless other family members, friends, and residents of Ashland; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of James W. Smith III, a respected business leader and dedicated member of the Ashland community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of James W. Smith III as an expression of the House of Delegates' respect for his memory.

**HOUSE RESOLUTION NO. 56**

*Commending VersAbility Resources.*

Agreed to by the House of Delegates, February 8, 2018

WHEREAS, in 2018, VersAbility Resources celebrates 65 years of admirable service to people with developmental and other disabilities in Virginia; and

WHEREAS, a nonprofit organization founded in Hampton in 1953 as the Peninsula ARC and later known as The Arc of the Virginia Peninsula, VersAbility Resources has remained steadfastly dedicated to its mission of supporting people with disabilities as they lead productive and fulfilling lives; and

WHEREAS, VersAbility Resources currently serves 1,600 people annually in early childhood, day support, community living, and four employment programs in Hampton Roads, the Middle Peninsula, the Northern Neck, and beyond; and

WHEREAS, VersAbility Resources now employs over 800 people with an annual budget of \$44 million; it is a trusted and valued service provider, in addition to being a major business and employer in the Commonwealth, across the country, and as far away as Guam; and

WHEREAS, VersAbility Resources provides early intervention services to more than 870 infants and toddlers with disabilities in Virginia every year; and

WHEREAS, VersAbility Resources owns and operates 10 homes in Hampton, Newport News, and Yorktown, where 47 people with significant disabilities live and receive the highest standards of care; and

WHEREAS, VersAbility Resources delivers day support services to more than 120 Virginians with disabilities, helping them learn, grow, and remain engaged in community activities; and

WHEREAS, for six and a half decades, VersAbility Resources has cultivated diverse employment programs for people with disabilities that provide them with the dignity of work and an array of options to preserve employment choice; and

WHEREAS, VersAbility Resources is a dynamic, innovative industry leader, committed to developing programs that meet the changing needs of individuals with developmental disabilities and their families; now, therefore, be it

RESOLVED by the House of Delegates, That VersAbility Resources, an asset to the disability community and the entire Commonwealth, hereby be commended on the occasion of its 65th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Kasia Grzelkowski, president and chief executive officer of VersAbility Resources, as an expression of the House of Delegates' sincere appreciation for VersAbility's steadfast efforts to improve the lives of citizens with disabilities.

**HOUSE RESOLUTION NO. 57**

*Commending the staff of the Indian River Community Center.*

Agreed to by the House, February 9, 2018

WHEREAS, in 2017, the highly trained staff of the Indian River Community Center saved the life of a man who had gone into cardiac arrest at the center; and

WHEREAS, on October 4, 2017, an Indian River resident went into cardiac arrest and collapsed while playing pickleball at the Indian River Community Center; and

WHEREAS, Michelle Ellison, a recreational specialist, quickly took command of the situation and began to perform cardiopulmonary resuscitation on the man while other Indian River Community Center staff called 911; and

WHEREAS, Ada Harris, another staff member of the Indian River Community Center, retrieved a portable defibrillator, which was used to revive the man; and

WHEREAS, the prompt care by the staff of the Indian River Community Center lessened the chance of complications and ensured that the man was able to make a full recovery after first responders transported him to the Chesapeake Regional Medical Center for treatment; and

WHEREAS, the survival rate for people suffering from cardiac arrest outside of a hospital setting is approximately 12 percent in Chesapeake, double the national average, thanks to innovative programs and technologies, as well as responsible citizens like Indian River Community Center staff members Michelle Ellison and Ada Harris; now, therefore, be it

RESOLVED by the House of Delegates, That the staff of the Indian River Community Center hereby be commended for their heroic efforts to stabilize a man who had gone into cardiac arrest in October 2017; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the staff of the Indian River Community Center as an expression of the House of Delegates' admiration for their quick thinking and decisive actions.

**HOUSE RESOLUTION NO. 58**

*Commending William H. Milligan, Jr.*

Agreed to by the House, February 9, 2018

WHEREAS, William H. Milligan, Jr., a passionate educator and devoted mentor who broke down barriers for his fellow African American architectural professionals, has served the Hampton Roads community for nearly 60 years; and

WHEREAS, a lifelong citizen of the Commonwealth, William "Bill" H. Milligan, Jr., was born in Norfolk and attended Norfolk Public Schools, graduating from Booker T. Washington High School; he later earned a bachelor's degree from the Hampton Institute before serving his country in the United States Army; and

WHEREAS, after his honorable military service, Bill Milligan began his long and fulfilling career as an architect, educator, mentor, and philanthropist when he joined what is now known as The Livas Group, Inc., the only African American-owned architectural firm in the area at the time and one of the oldest active African American-owned businesses on the East Coast; and

WHEREAS, from 1960 to 1964, Bill Milligan was the only employee of the Norfolk office of The Livas Group, handling all work and acquisitions of new business at a time when the firm could only serve members of the African American community; and

WHEREAS, Bill Milligan also served as a substitute art teacher at I. C. Norcom High School in Portsmouth, where he inspired countless students to study art and architecture and provided them with unique learning and career opportunities through The Livas Group; and

WHEREAS, in the 1970s, Bill Milligan helped The Livas Group expand to incorporate interior design and landscape architecture and planning; in addition to work with residences, churches, funeral homes, as well as housing and commercial

buildings, the firm has completed projects at several historically black colleges and universities and the award-winning restoration of the Crispus Attucks Cultural Center in Norfolk; and

WHEREAS, Bill Milligan has been involved with the Norfolk Alumni Chapter (NAC) of Kappa Alpha Psi Fraternity since 1963 and has held several key leadership positions and attended all national conventions; and

WHEREAS, Bill Milligan has donated generously to many programs and organizations supporting young people and students in Hampton Roads, including the NAC-Save Our Youth Foundation, Inc., which presented him with a Life Time Achievement award at its First Annual Clarence F. Nelson, Jr. Black History Month Achievement and Scholarship Program event in 2018; and

WHEREAS, a proud family man, Bill Milligan enjoys the love and support of his wife of 52 years, Ada, and their two children and their families; he is a faithful member of St. John's African Methodist Episcopal Church, where he serves as trustee emeritus; now, therefore, be it

RESOLVED by the House of Delegates, That William H. Milligan, Jr., hereby be commended for his legacy of service to students, architects, and all members of the Hampton Roads community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to William H. Milligan, Jr., as an expression of the House of Delegates' admiration for his achievements and contributions to the residents of Hampton Roads.

**HOUSE RESOLUTION NO. 59**

*Celebrating the life of Martha Howard Patten.*

Agreed to by the House, February 9, 2018

WHEREAS, Martha Howard Patten, a vibrant member of the Newport News and Williamsburg communities who brought joy to others with her zest for life, died on October 12, 2017; and

WHEREAS, a native of Scarsdale, New York, Martha "Marty" Howard Patten graduated from The Knox School in New York and attended Mary Baldwin College; she met her husband, Donald, while he was a law student at the University of Virginia, and the couple settled in Newport News, where they lived for 30 years; and

WHEREAS, Marty Patten enjoyed fellowship and worship with the community as a longtime member of Hidenwood Presbyterian Church in Newport News, where she served as a deacon; she was active with the Junior League of Hampton Roads and could often be found with a Bible study group at Huntington Garden Club, where she served for two years as club president; and

WHEREAS, after relocating to Williamsburg in 2002, Marty Patten became a charter member of the Salvation Army Women's Auxiliary of Williamsburg; she offered her wise leadership to the organization as a board member and helped organize the annual Teddy Bear Tea to support children in the community; and

WHEREAS, Marty Patten was passionate about gardening, art, and history, and she helped bring the early days of the nation to life as a docent at Colonial Williamsburg; and

WHEREAS, Marty Patten's greatest joy in life was her family, and she relished spending time with her children and grandchildren; she will be fondly remembered and greatly missed by her beloved husband of 49 years, Donald; her children, Brooks and Brad, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Martha Howard Patten, a beloved member of the Newport News and Williamsburg communities; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Martha Howard Patten as an expression of the House of Delegates' respect for her memory.

**HOUSE RESOLUTION NO. 60**

*Commending Judy F. Wiggins.*

Agreed to by the House, February 9, 2018

WHEREAS, Judy F. Wiggins, who has ably served the City of Poquoson for 37 years, retired as assistant city manager and city clerk in 2017; and

WHEREAS, Judy Wiggins was hired by the City of Poquoson as a city clerk in 1980 and brought with her 15 years of experience as a secretary, a clerk, and a stenographer; she became assistant to the city manager in 1984 and served in dual roles for most of her career; and

WHEREAS, beginning in 1996, Judy Wiggins served as assistant city manager and city clerk, and she was named as acting city manager twice in 1996 and 2009; and

WHEREAS, respected among her peers, Judy Wiggins is a member of the Virginia Municipal Clerks Association and the Virginia Association of Government Archives and Records Administrators, and she has served as a longtime board member of York Poquoson Social Services, including a term as chair in 1996; and

WHEREAS, Judy Wiggins has received clerk certifications from Old Dominion University, the University of Michigan, and Christopher Newport College; she was only the fourth Certified Municipal Clerk in Virginia to earn the Master Municipal Clerk designation from the International Institute of Municipal Clerks; and

WHEREAS, Judy Wiggins has received many awards and accolades for her work in local government, including the Municipal Clerk of the Year award from the Virginia Municipal Clerks Association in 1995 and the Freemasons' Community Builders Award in 2012; now, therefore, be it

RESOLVED by the House of Delegates, That Judy F. Wiggins hereby be commended on the occasion of her retirement as assistant city manager and city clerk of the City of Poquoson; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Judy F. Wiggins as an expression of the House of Delegates' admiration for her decades of contributions to the Poquoson community.

### HOUSE RESOLUTION NO. 61

*Commending Eggleston Services.*

Agreed to by the House of Delegates, February 16, 2018

WHEREAS, for over 60 years, Eggleston Services in Hampton Roads has provided valuable service to the community by creating education, training, and work opportunities for people with disabilities; and

WHEREAS, Eggleston Services' early roots date back to the 1950s, when a group of local parents looked to develop rewarding daytime activities for their adult children with intellectual disabilities and cerebral palsy; in 1955, they formed the nonprofit Tidewater Vocational Center to provide subcontract work for local businesses; and

WHEREAS, during its first 20 years in operation, the Tidewater Vocational Center expanded its operation to include people with both intellectual and physical disabilities; participants took part in a wide range of training programs, including gardening, printing, food services, and laundry services; and

WHEREAS, in the 1970s, Tidewater Vocational Center was renamed Eggleston Services in honor of Louise Eggleston, a volunteer and local philanthropist who donated a building to the organization; and

WHEREAS, today, Eggleston Services serves hundreds of individuals through 33 programs and 22 locations across the Tidewater Region; and

WHEREAS, Eggleston Services' employment programs allow people with disabilities to work in a variety of fields, including laundry service, mail service, food service, digital document conversion, document shredding, custodial maintenance, embroidery, retail greenhouses, and landscaping; and

WHEREAS, since the early 2000s, Eggleston Services has operated a vehicle donation program and automotive center partially staffed by people with disabilities; and

WHEREAS, Eggleston Services' clients include private businesses as well as government organizations and armed services entities such as Langley Air Force Base, Portsmouth Naval Hospital, and the United States Army Corps of Engineers; and

WHEREAS, along with its employment programs, Eggleston Services also offers residential services for people with disabilities, day support programs, programs for seniors, and skills training for people disabled by traumatic brain injuries; and

WHEREAS, during its long and successful history, Eggleston Services has fostered empowerment, independence, and personal growth in its employment program participants and improved the quality of life of countless Virginians with disabilities; now, therefore, be it

RESOLVED by the House of Delegates, That Eggleston Services hereby be commended for its many years of exemplary service to the Commonwealth and its commitment to valuing the abilities of all people; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Eggleston Services as an expression of the House of Delegates' admiration for its role in transforming the lives of Virginians with disabilities.

### HOUSE RESOLUTION NO. 62

*Commending the Virginia Beach Emergency Response System: Emergency Communications, Fire, EMS, and Police departments.*

Agreed to by the House of Delegates, February 15, 2018

WHEREAS, the Virginia Beach Emergency Response System: Emergency Communications, Fire, EMS, and Police departments has ably responded to the nationwide opioid crisis, working tirelessly to ensure the health and safety of Virginia Beach residents by promoting drug prevention and treatment programs and providing direct assistance to people suffering from a drug overdose; and

WHEREAS, the Virginia Department of Health has declared that high rates of opioid addiction and overdoses constitute a public health emergency in the Commonwealth; each day, on average, more than two dozen Virginians are treated for a drug overdose, three of whom die, with more Virginians now dying from drug overdoses than automobile accidents; and

WHEREAS, among cities, Virginia Beach ranks second in the Commonwealth for opioid-related fatalities, with one fatality due to a drug overdose every five days; in 2017 alone, the Virginia Beach 911 center received more than 500 requests for assistance related to people suffering from a drug overdose, and members of the Virginia Beach Emergency Response System listed drug overdose as an initial impression at a scene more than 1,838 times; and

WHEREAS, members of the Virginia Beach Emergency Response System, including law-enforcement officers, firefighters, and emergency medical units, all carry naloxone, which can be rapidly administered to counteract the effects of opioids in a patient's system; Virginia Beach first responders administered naloxone 274 times in 2017, more than one administration every two days; and

WHEREAS, timely intervention is critical, and even in cases where members of the Virginia Beach Emergency Response System have administered treatment to or resuscitated a person suffering from an overdose, the effects of long-term opioid use may cause severe damage to internal organs and body systems, leading to premature death at a later time; and

WHEREAS, the Virginia Beach Emergency Response System participates in "REVIVE!," which is the Opioid Overdose and Naloxone Education program in the Commonwealth, which served more than 250 people between April 2016 and October 2017; more than 110 people have also found help through the "Opioid Prevention, Treatment & Recovery Program," which provides direct intervention and wraparound support; and

WHEREAS, the Commonwealth ranks sixth in the nation with regard to public safety officers encountering fentanyl, a powerful, rapid-onset opioid that can be absorbed through the skin; the members of the Virginia Beach Emergency Response System have partnered with state and federal officials to ensure that all personnel have the training to identify a scene where fentanyl is present and to utilize personal protective equipment and proper protocols when working with patients in dangerous conditions; and

WHEREAS, drug overdoses are now the leading cause of death among Americans under the age of 50, and the Virginia Beach Emergency Response System is doing its part to address the nationwide opioid crisis at the local level; now, therefore, be it

RESOLVED by the House of Delegates, That the Virginia Beach Emergency Response System: Emergency Communications, Fire, EMS, and Police departments hereby be commended for its work to support families and individuals affected by the opioid crisis in Virginia Beach; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Virginia Beach Emergency Response System: Emergency Communications, Fire, EMS, and Police departments as an expression of the House of Delegates' admiration for the departments' commitment to the health and safety of all members of the Virginia Beach community.

### HOUSE RESOLUTION NO. 63

*Celebrating the life of Elton Jefferson Wade, Sr.*

Agreed to by the House of Delegates, February 16, 2018

WHEREAS, Elton Jefferson Wade, Sr., a Mechanicsville resident and a dedicated public servant who enhanced the lives of community members as the Cold Harbor District representative on the Hanover County Board of Supervisors, died on December 24, 2017; and

WHEREAS, Elton Wade graduated from John Marshall High School in 1950 and then went to work for the Reynolds Metals Company and American Machine and Foundry; for 52 years, he also ensured the safety of students in Hanover County as a bus driver and traffic guard; and

WHEREAS, desirous to be of further service, Elton Wade ran for and was elected to the Hanover County Board of Supervisors in 1991; he ably represented the residents of the Cold Harbor District for more than two decades, until his well-earned retirement in 2015; and

WHEREAS, Elton Wade served on the Parks and Recreation Advisory Committee and proudly oversaw the opening of Pole Green Elementary School and Pole Green Park in eastern Hanover County; and

WHEREAS, a life member of the Black Creek Volunteer Fire Department, Elton Wade safeguarded the lives and property of his fellow Hanover County residents for many years, and one of his proudest accomplishments was the construction of a new fire station for the department; and

WHEREAS, Elton Wade's work ethic, selflessness, and experience as a first responder served him well throughout his career in local government; during storms, earthquakes, and other emergency situations, he personally ensured that the residents in his district were safe and secure; and

WHEREAS, Elton Wade was a trusted mentor and friend to his peers in local government, and he served Hanover County with the utmost integrity, dedication, and distinction; and

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WHEREAS, predeceased by his first wife, Jacqueline, Elton Wade will be fondly remembered and greatly missed by his wife of 12 years, Gay; his children, Stephannie, Jeff, and Sandra, and their families; his 23 foster children and their families; and numerous other family members, friends, and colleagues; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Elton Jefferson Wade, Sr., a consummate public servant who touched countless lives in Hanover County; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Elton Jefferson Wade, Sr., as an expression of the House of Delegates' respect for his memory.

**HOUSE RESOLUTION NO. 64**

*Commending Broad Run High School DECA.*

Agreed to by the House of Delegates, February 16, 2018

WHEREAS, Broad Run High School DECA, an association of marketing students in Ashburn, helped bring joy to military families with young children by making and donating stuffed animals in December 2017; and

WHEREAS, DECA is an international student organization that prepares young leaders for careers in entrepreneurship, marketing, management, finance, hospitality, and tourism and places a high emphasis on professional responsibility and community service; Broad Run DECA has a long history of community outreach in the area; and

WHEREAS, the stuffed animal drive was led by Lauren Board, Hodan Mohamed, and Kiyam Parvaresh, the community service project directors for Broad Run DECA and the presidents of the Broad Run Chick-fil-A Leader Academy, a national high school leadership organization; and

WHEREAS, thirty-two Broad Run High School students donated \$50 each and made 100 stuffed bears at Build-A-Bear Workshop; the bears were donated to Sterling Operation Homefront for use in its "Star Spangled Baby Shower" event in June; and

WHEREAS, Operation Homefront is a nonprofit organization that has provided baby supplies to more than 14,000 new and expecting military moms across the nation; Broad Run High School students have previously supported Sterling Operation Homefront by conducting a donation drive and making diaper cakes as well as gift baskets for a baby shower event; now, therefore, be it

RESOLVED by the House of Delegates, That Broad Run High School DECA hereby be commended for its work to support military families; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Broad Run High School DECA as an expression of the House of Delegates' admiration for the students' generosity and commitment to community service.

**HOUSE RESOLUTION NO. 65**

*Commending Iridium Communications.*

Agreed to by the House of Delegates, February 16, 2018

WHEREAS, Iridium Communications of McLean continued its important work to upgrade its network of commercial low-earth orbit satellites with the successful launch of the SpaceX Iridium-4 NEXT Mission on December 22, 2017; and

WHEREAS, founded in 2001, Iridium Communications operates a constellation of satellites used for worldwide voice and data communication via handheld satellite phones and other devices; the unique satellite network covers the entire planet, including its oceans and poles; and

WHEREAS, the Iridium-4 NEXT Mission was launched from Vandenberg Air Force Base in California and delivered the fourth group of 10 satellites aboard the SpaceX Falcon 9 rocket; in total, SpaceX will deliver 75 of Iridium Communications' planned 81 satellites; and

WHEREAS, the Iridium NEXT satellite network will support innovative new programs and services like the Aireon real-time aircraft tracking and surveillance system and the company's next generation communication platform, Certus; and

WHEREAS, Certus will enable faster speeds and higher throughputs for Iridium Communications' vast network of partners, including users in aviation, the maritime industry, government, and the private sector; now, therefore, be it

RESOLVED by the House of Delegates, That Iridium Communications hereby be commended on the successful launch of the SpaceX Iridium-4 NEXT Mission in 2017; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Iridium Communications as an expression of the House of Delegates' admiration for the company's contributions to the Commonwealth and its users throughout the world.

**HOUSE RESOLUTION NO. 66**

*Celebrating the life of Connie Marie Felt Cowardin.*

Agreed to by the House of Delegates, February 16, 2018

WHEREAS, Connie Marie Felt Cowardin, an accomplished educator and school administrator who mentored and inspired countless students in Hampton Roads, died on October 16, 2017; and

WHEREAS, a native of Illinois, Connie Cowardin attended Rochelle Township High School, then came to the Commonwealth to earn a bachelor's degree from Christopher Newport University and a master's degree from The College of William and Mary; and

WHEREAS, Connie Cowardin broke barriers as the first female ticket agent for Frontier Airlines in Albuquerque, New Mexico, then began her career in education in the 1970s as a kindergarten teacher; and

WHEREAS, Connie Cowardin taught middle school in Newport News Public Schools before becoming assistant principal of Magruder Elementary School in 1986; and

WHEREAS, in 1987, Connie Cowardin was named as the first laywoman principal of Peninsula Catholic High School; she served the school for many years and led the campaign that resulted in the school's expansion to a new facility on Harpersville Road, where enrollment doubled; and

WHEREAS, Connie Cowardin later served as principal of Trinity Lutheran School and taught fourth-grade classes and was appointed academic dean at Saint Andrew's Episcopal School; she finished her career as an educational adviser and a board member of the Peninsula School for Autism; and

WHEREAS, Connie Cowardin will be fondly remembered and greatly missed by her husband, William; her children, Kerstin and Derek, and their families; and numerous other family members, friends, and former students; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Connie Marie Felt Cowardin, a lifelong educator who made many contributions to the Hampton Roads community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Connie Marie Felt Cowardin as an expression of the House of Delegates' respect for her memory.

**HOUSE RESOLUTION NO. 67**

*Celebrating the life of Virginia Howard Farrar.*

Agreed to by the House of Delegates, February 16, 2018

WHEREAS, Virginia Howard Farrar, a beloved wife and a respected business owner, civic leader, and conservationist who gave generously of her time in service to the Warrenton community, died on December 30, 2017; and

WHEREAS, born in Washington, D.C., Virginia "Gina" Howard Farrar graduated from the Warrenton Branch of the Calvert School and St. Catherine's School in Richmond and then attended Garland Junior College in Boston before studying interior design in Washington, D.C., and at the University of Florence in Italy; and

WHEREAS, Gina Farrar began her career as an interior designer in New Orleans before returning to Warrenton and operating the women's clothing store, The Main Thing, with Josine Hitchcock between 1972 and 1982; in 1986, she opened Farrar's, a men's clothing store in Warrenton; and

WHEREAS, as a business leader, Gina Farrar was a longtime cheerleader for Old Town Warrenton; in 1988, she co-founded the Partnership for Warrenton, which sought to revitalize the town's commercial district; and

WHEREAS, Gina Farrar was a founding member of the Warrenton Planning Commission and the Piedmont Environmental Council, and worked tirelessly during her lifetime to promote conservation awareness, the preservation of open spaces, and other community projects; and

WHEREAS, in 1983, Gina Farrar partnered with the Warrenton Garden Club and the Piedmont Environmental Council to create a nature camp for children at her farm in Orlean; each year, some two dozen children attended the two-week camp to learn about the importance of conservation and the natural world; and

WHEREAS, Gina Farrar received numerous awards and honors for her community service and conservation efforts, including the Garden Club of Virginia's 2012 de Lacy Gray Conservation Medal, the John Marshall Soil and Water Conservation District's 2010-2011 Edwin F. Gulick Conservation Educator Award, and the Garden Club of America's 1999 Elizabeth Abernathy Hull Award; and

WHEREAS, Gina Farrar will be fondly remembered and dearly missed by her husband of 39 years, James, as well as countless other family members, friends, and Warrenton residents; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Virginia Howard Farrar, a dedicated conservation educator and supporter of the Warrenton community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Virginia Howard Farrar as an expression of the House of Delegates' respect for her memory.

**HOUSE RESOLUTION NO. 68**

*Celebrating the life of Abraham Alfred Raizen.*

Agreed to by the House of Delegates, February 16, 2018

WHEREAS, Abraham Alfred Raizen, a respected financial professional and an active leader in the Arlington community, died on December 31, 2017, at the age of 100; and

WHEREAS, a native of New York City, Abraham Alfred "Al" Raizen graduated from DeWitt Clinton High School and furthered his education at Columbia University, where he was elected to the Phi Beta Kappa Society; and

WHEREAS, Al Raizen began his long career in government with the Bureau of Labor Statistics from 1939 to 1941, when he was drafted and joined many of the other young men of his generation in service to the nation during World War II; and

WHEREAS, after his honorable military service, Al Raizen joined the Securities and Exchange Commission, serving as an assistant division director, section chief, and financial analyst in the areas of investment company and public utility holding company regulation; and

WHEREAS, in 1964, Al Raizen became a financial advisor with the International Bank for Reconstruction and Development, where he was responsible for the policies and standards for financial evaluation of the bank's projects; after his well-earned retirement in 1984, he continued to share his wealth of financial knowledge as a private consultant; and

WHEREAS, Al Raizen worked to strengthen and enhance the Arlington community as a member of many civic and service organizations, including parent-teacher associations and veterans groups; he served on the Citizen's Committee for School Improvement, which helped give the public a voice on the Arlington School Board; and

WHEREAS, Al Raizen was also a former board member and chair of Group Health Association, a member-owned health cooperative that was acquired by Kaiser Permanente; he worked diligently to improve member services and guided the association through periods of great growth and change; and

WHEREAS, predeceased by his devoted wife, Senta, Al Raizen will be fondly remembered and greatly missed by their children, Helen, Michael, and Daniel, and their families, and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Abraham Alfred Raizen; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Abraham Alfred Raizen as an expression of the House of Delegates' respect for his memory.

**HOUSE RESOLUTION NO. 69**

*Commending the Louisa Little League 9-11 All-Stars baseball team.*

Agreed to by the House of Delegates, February 16, 2018

WHEREAS, the Louisa Little League All-Stars baseball team won the age 9-11 Little League state championship on July 18, 2017, in Luray, securing the first state title in the program's history; and

WHEREAS, the Louisa Little League All-Stars' championship win came on the heels of a stellar end to the regular season that saw the team win 14 out of its last 15 games; and

WHEREAS, relying on exceptional pitching and hitting and excellent team play, the Louisa Little League All-Stars won the District 14 tournament in dominant fashion, scoring 80 runs and allowing just 10; and

WHEREAS, in the state tournament, the Louisa Little League All-Stars recorded wins against Spotsylvania and Reston Herndon before defeating Central Loudoun 4-1 to clinch their first state championship; and

WHEREAS, as a result of their state championship, the Louisa Little League All-Stars qualified to compete in the annual Tournament of State Champions held in Greenville, North Carolina, in July and August 2017; and

WHEREAS, the Louisa Little League All-Stars' state championship is a tribute to the skill and dedication of its young athletes, the strong leadership of its coaches, and the passionate support of family members, friends, and the entire Louisa County community; now, therefore, be it

RESOLVED by the House of Delegates, That the Louisa Little League 9-11 All-Stars baseball team hereby be commended on winning the 2017 age 9-11 Little League state championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Louisa Little League 9-11 All-Stars baseball team as an expression of the House of Delegates' admiration for the team's spectacular season.

**HOUSE RESOLUTION NO. 70**

*Commending the Louisa County High School football team.*

Agreed to by the House of Delegates, February 16, 2018

WHEREAS, the Louisa County High School football team of Mineral won the Virginia High School League Class 4A state semifinal on December 2, 2017, advancing to its first state championship game in over a decade; and

WHEREAS, relying on a stingy defense and a high-powered running and passing game, the Louisa County High School Lions ended the year with a stellar 14-1 record and had an average margin of victory of over 27 points; prior to the state semifinal, the team clinched both the district and region titles; and

WHEREAS, in the state semifinal contest, the Louisa County Lions defeated the Lafayette High School Rams 20-13 to reach the championship game; and

WHEREAS, the Louisa County Lions dominated the first half of the state semifinal and secured a 17-0 lead; quarterback Malik Bell threw a 26-yard touchdown pass to Caleb Turner, kicker Thomas Henley nailed a 27-yard field goal, and running back Raquan Jones charged his way to a three-yard rushing touchdown; and

WHEREAS, the Lafayette Rams rallied to score 13 points in the third quarter, but their comeback was halted by the Louisa County Lions' stout defense; the Lions' Devin Jackson-McGhee and Brandon Smith each recorded two sacks in the game, and Smith racked up a team-high 11 tackles; Malik Bell, who also played defense, sealed the victory by making an interception with less than two minutes left in the game; and

WHEREAS, the Louisa County Lions' state semifinal win was particularly meaningful for retiring head coach Mark Fischer, who achieved victory in his final home game after 12 years with the team; he was later named the district coach of the year; and

WHEREAS, nine Louisa County Lions players made the 2017 all-district squad, and defensive lineman Tony Thurston and linebacker Brandon Smith were named to the All-USA Virginia team by the website *USA TODAY* High School Sports; and

WHEREAS, the Louisa County High School football team's state semifinal win is a tribute to the skill and dedication of its talented student-athletes, the excellent guidance of its coaches and staff, and the enthusiastic support of family members, fans, and the entire Louisa County High School community; now, therefore, be it

RESOLVED by the House of Delegates, That the Louisa County High School football team hereby be commended on winning the Virginia High School League Class 4A state semifinal; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Mark Fischer, head coach of the Louisa County High School football team, as an expression of the House of Delegates' admiration for the team's spectacular season.

**HOUSE RESOLUTION NO. 71**

*Commending the Appomattox County High School football team.*

Agreed to by the House of Delegates, February 16, 2018

WHEREAS, the Appomattox County High School football team won the Virginia High School League Class 2A state championship on December 10, 2017, claiming its third straight state title; and

WHEREAS, the Appomattox County High School Raiders' championship three-peat capped off a memorable season in which the team finished 14-1 and often overwhelmed opponents with a rapid-fire offense and a commanding defense; and

WHEREAS, in the title game played at Salem City Stadium, the Appomattox County Raiders triumphed over the Robert E. Lee High School Leemen 38-34 to secure the state championship; and

WHEREAS, the Robert E. Lee Leemen scored first in the tense, seesaw state final, but the Appomattox County Raiders soon equalized with a 48-yard touchdown pass from quarterback Javon Scruggs to receiver De'Von Graves; and

WHEREAS, the Appomattox County Raiders showed remarkable grit and determination by repeatedly coming from behind in the title game; a 10-yard rushing touchdown from Javon Scruggs tied the game at 17-17 in the third quarter, and Collen Shaw later caught a 23-yard touchdown pass to even the score at 24-24; and

WHEREAS, the Appomattox County Raiders took their first lead of the game in the fourth quarter, when Javon Scruggs scored a 3-yard touchdown to make it 31-27; the team then fell behind by three points, only to rally one last time with a 6-yard touchdown pass from Scruggs to Devin Dews with less than two minutes left in the game; and

WHEREAS, as the seconds ticked away, the Appomattox County Raiders' defense made a crucial stand to deny the Robert E. Lee Leemen a first down, sealing the state championship; and

WHEREAS, along with the Appomattox County Raiders' third straight state title, head coach Doug Smith won the Class 2A football coach of the year award; quarterback Javon Scruggs, who also plays as a safety, was named defensive player of the year; and

WHEREAS, the Appomattox County High School football team's state championship win is a tribute to the skill and dedication of its student-athletes, the excellent guidance of coaches and staff, and the enthusiastic support of family members, friends, and the entire Appomattox County High School community; now, therefore, be it

RESOLVED by the House of Delegates, That the Appomattox County High School football team hereby be commended on winning the Virginia High School League Class 2A state championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Doug Smith, head coach of the Appomattox County High School football team, as an expression of the House of Delegates' admiration for the team's remarkable season.

**HOUSE RESOLUTION NO. 72**

*Commending the Appomattox County High School golf team.*

Agreed to by the House of Delegates, February 16, 2018

WHEREAS, the Appomattox County High School golf team won the Virginia High School League Class 2A state championship on October 10, 2017, at Heritage Oaks Golf Course in Harrisonburg, securing its second state title in four years; and

WHEREAS, the Appomattox County High School Raiders' golfers handled the course's fast greens and difficult pin placements with great skill and finished with a two-day tournament team score of 626 strokes, 14 shots ahead of second-place Poquoson High School; and

WHEREAS, the Appomattox County Raiders were led by senior Ryan Sayre, who shot a four-over-par 74 during the first round and a two-over-par 72 during the second round to notch a 36-hole score of 146; next in line was senior standout Jillian Drinkard, who posted scores of 76 and 73 for a two-day score of 149; and

WHEREAS, other key performers for the Appomattox County Raiders included junior Hunter Franklin, who recorded a two-day score of 165; senior Samuel O'Brien, who shot a two-day score of 171; and junior Dillon Banton, who shot a two-day score of 173; and

WHEREAS, Ryan Sayre's 36-hole score of 146 earned him third place in the tournament as well as All-State honors, while Jillian Drinkard finished eighth in the tournament and ended the season as region player of the year; and

WHEREAS, the Appomattox County High School golf team's state title win is a testament to the talent and dedication of its players, the leadership of its coaches and staff, and the passionate support of friends, family members, and the entire Appomattox County High School community; now, therefore, be it

RESOLVED by the House of Delegates, That the Appomattox County High School golf team hereby be commended on winning the Virginia High School League Class 2A state championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Doug Marshall, head coach of the Appomattox County High School golf team, as an expression of the House of Delegates' admiration for the team's spectacular season.

**HOUSE RESOLUTION NO. 73**

*Commending Eastern Montgomery High School.*

Agreed to by the House of Delegates, February 16, 2018

WHEREAS, Eastern Montgomery High School in Elliston has helped enrich the lives of its students with academic, athletic, and social opportunities through its new, comprehensive After School Tutoring Program; and

WHEREAS, in 2016, a core group of teachers at Eastern Montgomery High School discussed ways how the school could better meet the needs of students and partnered with the Boys & Girls Club of Southwest Virginia to implement the first After School Tutoring Program during the 2016-2017 school year; and

WHEREAS, Eastern Montgomery High School hosts the After School Tutoring Program on Tuesdays, Wednesdays, and Thursdays in the school's Media Center, with breakout sessions in the gym, kitchen, and other locations; food is provided and students are free to leave at any time or can take a bus home; and

WHEREAS, Eastern Montgomery High School teachers offer one-on-one tutoring sessions while the Boys & Girls Club of Southwest Virginia coordinates enrichment activities, field trips, college and career counseling, and speakers; and

WHEREAS, the Eastern Montgomery High School After School Tutoring Program gives teachers an opportunity to connect with students on a personal level in a relaxed environment and to tailor lessons to students' individual needs, giving each student the best possible foundation for lifelong learning; and

WHEREAS, Eastern Montgomery High School students have enjoyed the After School Tutoring Program, which gives them constructive ways to use their time, expand their education, develop valuable life skills, and socialize with friends in a safe, supportive environment; and

WHEREAS, Eastern Montgomery High School has built on the initial success of the After School Tutoring Program and has continued to offer the program in the 2017-2018 academic year; now, therefore, be it

RESOLVED by the House of Delegates, That Eastern Montgomery High School hereby be commended for its innovative After School Tutoring Program; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Eastern Montgomery High School as an expression of the House of Delegates' admiration for the school's unique contributions to young people in Montgomery County.

**HOUSE RESOLUTION NO. 75**

*Celebrating the life of Pearl Speller White.*

Agreed to by the House of Delegates, February 16, 2018

WHEREAS, Pearl Speller White, a beloved mother and an active citizen who gave generously of her time in service to the residents of Norfolk, died on January 13, 2018; and

WHEREAS, born in Norfolk, Pearl "Pam" Speller White graduated from Booker T. Washington High School and Tidewater Community College; she later forged a successful career working for the federal government; and

WHEREAS, following her retirement, Pam White became an entrepreneur, a world traveler, and an activist; she devoted herself to numerous community and civic causes in the Norfolk area, including serving as president of the Olde Huntersville Civic League from 2009 to 2013 and as a board member for the Optima Health Southside Advisory Council; and

WHEREAS, along with volunteering her time as an ombudsman for Senior Services of Southeastern Virginia, Pam White also served as a community advocate and volunteer with Norfolk Public Schools and the Education Association of Norfolk; and

WHEREAS, as a member of the Norfolk City Democratic Committee, Pam White assisted with voter registration efforts, the restoration of voting rights, and early voting for seniors; and

WHEREAS, Pam White was a former member of the NAACP and was active in the Berkley Historical Society and the Valleret Ladies Club; she attended the Norfolk Police Department's Citizens Police Academy and was a 2011 graduate of the Project Inclusion Board Governance Leadership Development Program; and

WHEREAS, predeceased by her son, Michael, Pam White will be fondly remembered and greatly missed by her two daughters, Karen and Katrina, and their families; her adopted sons, Keith and Phillip; and many other family members, friends, and members of the Norfolk community; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Pearl Speller White, a dedicated citizen who served the residents of Norfolk; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Pearl Speller White as an expression of the House of Delegates' respect for her memory.

**HOUSE RESOLUTION NO. 76**

*Commending Grant Franklin Hasty.*

Agreed to by the House of Delegates, February 16, 2018

WHEREAS, Grant Franklin Hasty, a Carrsville resident and dedicated member of the Boy Scouts of America, attained the distinguished rank of Eagle Scout in 2017; and

WHEREAS, during his many years as a Scout, Grant Hasty has participated in numerous hiking and camping excursions and earned more than 50 merit badges in a wide range of subjects, including wilderness survival, soil and water conservation, personal fitness, and first aid; and

WHEREAS, as a leader in Troop 37 in Carrsville, Grant Hasty has aided his fellow Scouts by serving as a merit badge instructor in fishing, fly fishing, and fire safety; he has also served as a patrol leader and quartermaster; and

WHEREAS, for his Eagle Scout service project, Grant Hasty raised \$1,886 and used it to complete a thorough renovation of the Carrsville Community Center; along with cleaning and painting all the interior walls and cabinets, he replaced its kitchen countertops with professionally installed plastic laminate; and

WHEREAS, Grant Hasty also added a large kitchen mat to the Carrsville Community Center and improved its fire safety measures by purchasing four new smoke detectors and two fire extinguishers; and

WHEREAS, Grant Hasty is an honor roll and principal's list student at Windsor High School, where he is a member of the Art Club and the National Beta Club; and

WHEREAS, a devoted member of his community, Grant Hasty is a junior fireman with the Carrsville Volunteer Fire Department and has completed community service projects as a member of the Community Hunt Club; and

WHEREAS, Grant Hasty is active in Colosse Baptist Church and has generously given of his time as a volunteer at the Mount Carmel Christian Church food bank; and

WHEREAS, through his commitment to leadership and volunteerism, Grant Hasty has exemplified the ideals of the Boy Scouts of America and provided valuable service to his community; now, therefore, be it

RESOLVED by the House of Delegates, That Grant Franklin Hasty hereby be commended on reaching the rank of Eagle Scout in the Boy Scouts of America; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Grant Franklin Hasty as an expression of the House of Delegates' admiration for his impressive accomplishments and best wishes for the future.

### HOUSE RESOLUTION NO. 77

*Commending Cameron Headtke.*

Agreed to by the House of Delegates, February 23, 2018

WHEREAS, Cameron Headtke, a student at Hayfield Secondary School and a dedicated member of the Boy Scouts of America's Troop 859 in Springfield, attained the distinguished rank of Eagle Scout in 2017; and

WHEREAS, an Eagle Scout is the Boy Scouts of America's highest and most select rank; among other requirements, prospective Eagle Scouts, such as Cameron Headtke, must earn a minimum of 21 merit badges and complete a community service project; and

WHEREAS, Cameron Headtke met and exceeded the requirements for the Eagle Scout rank, achieving 35 merit badges in everything from cooking to personal fitness; and

WHEREAS, as a leader in his troop, Cameron Headtke was also honored with the Boy Scouts of America's Lifeguard Award, Mile Swim Award, and World Conservation Award; and

WHEREAS, for his Eagle Scout service project, Cameron Headtke stained and sealed a deck at the Agape House youth center at Sydenstricker United Methodist Church in Springfield; and

WHEREAS, with the help of his fellow Scouts, Cameron Headtke also established a border along the Agape House parking area and moved a fence to increase access to the church dumpster; and

WHEREAS, Cameron Headtke's efforts and those of his fellow Scouts have led to a safer deck free of splinters and cracks; all told, the Scouts completed 119 hours of community service on the project; and

WHEREAS, Cameron Headtke exemplifies the Boy Scouts of America's ideals and carried out a valuable service to the community through his Eagle Scout project; now, therefore, be it

RESOLVED by the House of Delegates, That Cameron Headtke hereby be commended for attaining the rank of Eagle Scout in the Boy Scouts of America; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Cameron Headtke as an expression of the House of Delegates' admiration for his impressive achievements and best wishes for the future.

### HOUSE RESOLUTION NO. 78

*Commending the Honorable Bonnie C. Davis.*

Agreed to by the House of Delegates, February 23, 2018

WHEREAS, the Honorable Bonnie C. Davis retired as a judge of the Chesterfield Juvenile and Domestic Relations District Court of the 12th Judicial District of Virginia on September 20, 2016; and

WHEREAS, a native of Ettrick, Bonnie Davis holds a bachelor's degree from Longwood University and a law degree from the University of Richmond; she inspired students as an educator at Salem Church Middle School for six years before changing careers to practice law; and

WHEREAS, from 1983 to 1993, Bonnie Davis was a passionate advocate for children and families who had suffered from domestic abuse and served as an Assistant Commonwealth's Attorney; and

WHEREAS, Bonnie Davis was appointed as a judge of the Chesterfield Juvenile and Domestic Relations District Court of the 12th Judicial District of Virginia in 1993, becoming the first female judge in Chesterfield County; and

WHEREAS, during her 23-year tenure as a judge, Bonnie Davis presided over the court with great fairness and wisdom; she oversaw the construction of the current Chesterfield Juvenile and Domestic Relations District Court building, which is considered a model for other courthouses in the Commonwealth; and

WHEREAS, Bonnie Davis has offered her leadership and expertise to numerous task forces, professional organizations, and committees at local, state, and federal levels, including the Virginia State Bar and the Association of District Court Judges of Virginia; and

WHEREAS, after her well-earned retirement, Bonnie Davis plans to seek new opportunities to enhance the Chesterfield County community; now, therefore, be it

RESOLVED by the House of Delegates, That the Honorable Bonnie C. Davis hereby be commended on the occasion of her retirement as a judge of the Chesterfield Juvenile and Domestic Relations District Court; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Honorable Bonnie C. Davis as an expression of the House of Delegates' admiration for her service to children and families in Chesterfield County.

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HOUSE RESOLUTION NO. 80

*Celebrating the life of Charles Bradley Arnett, Jr.*

Agreed to by the House of Delegates, February 23, 2018

WHEREAS, Charles Bradley Arnett, Jr., a beloved husband, father, and grandfather, a distinguished military veteran, and an active member of the Mechanicsville community, died on June 17, 2017; and

WHEREAS, Charles Bradley "C.B." Arnett, Jr., was born in 1935 in Charleston, West Virginia, and graduated from West Virginia University; and

WHEREAS, C.B. Arnett joined the United States Navy in 1956 and later became a Douglas A-4 Skyhawk pilot stationed at Naval Air Station Oceana in Virginia Beach; during his navy career, he made over 200 aircraft carrier landings as a pilot and oversaw many more as an aircraft carrier Landing Safety Officer; and

WHEREAS, after retiring from the Navy as a lieutenant commander, C.B. Arnett flew Boeing 707s as a commercial pilot with Pan American World Airways before spending 20 years in the real estate business; and

WHEREAS, following his retirement in 2000, C.B. Arnett and his wife relocated to Mechanicsville; once in Central Virginia, he served for five years as a page master at the Virginia General Assembly and as a doorman for several years thereafter; and

WHEREAS, an active member of the American Legion Post 175, C.B. Arnett also served for several years as an assistant coach with the Oak Knoll Middle School girls' tennis team; in his last year with the team, he helped guide it to an undefeated season; and

WHEREAS, C.B. Arnett will be fondly remembered and dearly missed by his wife of 56 years, Pat; his children, Vicki and Brad, and their families; and countless other family members, friends, and residents of both Virginia Beach and Mechanicsville; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Charles Bradley Arnett, Jr., an esteemed veteran and respected community member; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Charles Bradley Arnett, Jr., as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 81

*Commending Robert C. Wilcox.*

Agreed to by the House of Delegates, February 23, 2018

WHEREAS, Robert C. Wilcox, a dedicated and respected law-enforcement professional who served the Fauquier County Sheriff's Office as a lieutenant colonel, retired on January 5, 2018, following a distinguished career; and

WHEREAS, a New Baltimore native, Robert Wilcox graduated from Fauquier High School in 1982; he began his career in law enforcement in 1983, when he joined the Fauquier County Sheriff's Office as a dispatcher; and

WHEREAS, Robert Wilcox's diligence and calmness under pressure saw him rise quickly through the ranks at the Fauquier County Sheriff's Office; he was promoted to jailer in 1984 and later became a detective at the age of just 22; and

WHEREAS, a talented investigator, Robert Wilcox handled many challenging cases during his career and eventually worked under five different sheriffs; in June 2009, he was promoted to major of operations and placed in charge of the Patrol Division, Criminal Investigations Division, Communications Division, and the school resource officers; and

WHEREAS, on January 1, 2016, Robert Wilcox was promoted to lieutenant colonel with the Fauquier County Sheriff's Office and became the agency's chief deputy, a role he held until his retirement; and

WHEREAS, Robert Wilcox participated in numerous leadership training and educational courses with the Fauquier County Sheriff's Office and brought his wide-ranging experience to duties in vice and narcotics, street crimes, major crimes, and internal affairs; he was also a founding member of the Sheriff's Office Emergency Response Team; and

WHEREAS, during his 34-year career with the Fauquier County Sheriff's Office, Robert Wilcox maintained the highest standards of professionalism and integrity, winning the admiration of both his fellow law-enforcement personnel and the residents he served; and

WHEREAS, in his well-deserved retirement, Robert Wilcox plans to spend time with his wife and two daughters and enjoy hunting, fishing, and kayaking; now, therefore, be it

RESOLVED by the House of Delegates, That Robert C. Wilcox hereby be commended for his valuable service to the community on the occasion of his retirement as a lieutenant colonel with the Fauquier County Sheriff's Office; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Robert C. Wilcox as an expression of the House of Delegates' admiration for his long commitment to serving and protecting the residents of Fauquier County.

**HOUSE RESOLUTION NO. 82***Celebrating the life of Sol Waite Rawls, Jr.*

Agreed to by the House of Delegates, February 23, 2018

WHEREAS, Sol Waite Rawls, Jr., a beloved father and a respected business leader who gave generously of his time and talents in service to the City of Franklin and the Commonwealth, died on January 28, 2018; and

WHEREAS, born in 1919 in Franklin, Sol Rawls earned a chemistry degree from the Virginia Military Institute in 1940 and then served in the United States Army during World War II, rising to the rank of major and winning the Army Commendation Medal; and

WHEREAS, following his military service, Sol Rawls forged a successful career at his father's business, S.W. Rawls, Inc., an oil distributor that included service stations as well as Franklin's first automobile dealership; he became the company's president in 1964 and held that position until 1994; and

WHEREAS, a lifelong supporter of the Franklin community, Sol Rawls worked tirelessly to improve the quality of life and economic development in the city, including serving as founder and president of the Franklin-Southampton Area Chamber of Commerce and Southampton Memorial Hospital; and

WHEREAS, Sol Rawls also held leadership or board positions with the Camp Foundation, Raiford Memorial Hospital, the Franklin-Southampton Alliance, the Old Dominion Area Boy Scouts of America, Franklin Southampton Charities, the Southeast Virginia 4-H Educational Center, and the Virginia Horse Center Foundation; and

WHEREAS, after Hurricane Floyd brought devastating flooding to Franklin in 1999, Sol Rawls played a leading role in establishing the Franklin Flood Fund, which raised over \$4 million in aid for local businesses and residents; and

WHEREAS, a proud Virginia Military Institute graduate, Sol Rawls served as president of the Institute's alumni foundation and as a longtime member and president of its Board of Visitors; and

WHEREAS, Sol Rawls also served as chairman of the State Council of Higher Education for Virginia from 1964 to 1966 and as vice president of the Eastern Virginia Medical School Foundation from 1970 to 1980; and

WHEREAS, Sol Rawls received numerous honors and recognitions for his dedication to his hometown, including the 1966 First Citizen of Franklin award and the 1998 Business Person of the Year award from the Franklin-Southampton Area Chamber of Commerce; and

WHEREAS, in 2000, Sol Rawls was presented with the Virginia Military Institute's New Market Medal, the Institute's highest honor; he was also the recipient of its 1990 Distinguished Service Award; and

WHEREAS, Sol Rawls will be fondly remembered and dearly missed by his children, Ann, Betsy, Patricia, and Sol III, and their families, as well as numerous other family members, friends, and Franklin residents; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Sol Waite Rawls, Jr., a dedicated citizen who provided outstanding service to the Franklin community and the Commonwealth; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Sol Waite Rawls, Jr., as an expression of the House of Delegates' respect for his memory.

**HOUSE RESOLUTION NO. 83***Commending Tracey Krupski, M.D.*

Agreed to by the House of Delegates, February 23, 2018

WHEREAS, Tracey Krupski, M.D., an outstanding medical professional who ably upholds the Hippocratic Oath, has touched many lives through her work in the Urology Department of the University of Virginia Medical Center; and

WHEREAS, Dr. Krupski holds a degree from Virginia Commonwealth University and completed her residency at the University of Virginia, as well as a three-year fellowship at the University of California, Los Angeles, where she obtained a Master of Public Health with a focus on health services research; and

WHEREAS, Dr. Krupski is trained in the oncologic principles surrounding radical cystectomy and performs the procedure using a robotic-assisted technique; her clinical practice extends to the treatment of bladder cancer, kidney cancer, prostate cancer, testicular cancer, and many other conditions; and

WHEREAS, in 2005, Dr. Krupski became an American Foundation for Urologic Disease Health Policy Scholar, adding to her expertise in health-related quality of life research; and

WHEREAS, in 2017, Dr. Krupski's quick and decisive actions played an integral role in saving the life of the Honorable Terry L. Austin by eliminating his bladder cancer; her selfless and attentive service went above and beyond the normal requirements of surgical procedures; now, therefore, be it

RESOLVED by the House of Delegates, That Tracey Krupski, M.D., hereby be commended for her exceptional work at the University of Virginia Medical Center; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Tracey Krupski, M.D., as an expression of the House of Delegates' gratitude and admiration for her commitment to and care for her patients.

**HOUSE RESOLUTION NO. 84***Celebrating the life of Harry Taft Rutherford, Jr.*

Agreed to by the House of Delegates, February 23, 2018

WHEREAS, Harry Taft Rutherford, Jr., a successful entrepreneur who worked to enhance the quality of life of residents living in Russell County and Southwest Virginia by volunteering his wise leadership with many civic and service organizations, died on January 17, 2018; and

WHEREAS, a native of Richlands, Harry Rutherford was affectionately known to family and friends as "Budge"; he graduated from Honaker High School and earned a bachelor's degree from Roanoke College; and

WHEREAS, Harry Rutherford served the community as the owner and operator of Modern Chevrolet for more than two decades; he was well-respected in the automobile industry, served on an advisory board to the commissioner of the Virginia Department of Motor Vehicles, and held numerous leadership positions in the Virginia Automobile Dealers Association, including president; and

WHEREAS, desirous to be of further service to the community, Harry Rutherford accepted an appointment to the Industrial Development Authority of Russell County in 1979; over the course of his 36-year tenure with the organization, he served as vice chair and chair and worked on numerous important projects; and

WHEREAS, Harry Rutherford worked to attract national corporations, such as AT&T Wireless, Wal-Mart, and Northrop Grumman, to Russell County, as well as to develop local infrastructure, such as a new E911 Call Center, broadband Internet, and new county offices in the Russell County Government Center; and

WHEREAS, Harry Rutherford began a career in advertising in 1982 and established his own firm, Spitball, Inc.; he was later named the 2016-2017 Marketing Ambassador of the Virginia Coalfield Economic Development Authority; and

WHEREAS, Harry Rutherford also worked to improve the community as president of Peoples Bank, Inc., in Honaker and the Honaker Lions Club, which named him Lion of the Year in 1990 and 2015; he had been active with the Honaker Redbud Festival Committee since 1981 and was a dedicated member of the Honaker High School Band Boosters, as well as a longtime Freemason; and

WHEREAS, a man of deep and abiding faith, Harry Rutherford was a charter member of Fellowship Baptist Church, where he served as treasurer; and

WHEREAS, predeceased by one daughter, Michelle, Harry Rutherford will be fondly remembered and greatly missed by his loving wife of 50 years, Yvonne; daughter, Marla, and her family; and numerous other family members, friends, and community members; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Harry Taft Rutherford, Jr., a pillar of the Russell County community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Harry Taft Rutherford, Jr., as an expression of the House of Delegates' respect for his memory.

**HOUSE RESOLUTION NO. 85***Commending Adrian K. Lund, Ph.D.*

Agreed to by the House of Delegates, February 23, 2018

WHEREAS, Adrian K. Lund, Ph.D., a leader in the highway safety research field for the past 36 years, retired on January 15, 2018, as president of the Insurance Institute for Highway Safety and the Highway Loss Data Institute; and

WHEREAS, headquartered in Arlington, the Insurance Institute for Highway Safety and the Highway Loss Data Institute are independent, nonprofit scientific and educational organizations that share the mission of reducing the losses—deaths, injuries, and property damage—from motor vehicle crashes on the roads of Virginia and the entire nation; and

WHEREAS, Dr. Lund received a bachelor's degree from North Carolina State University and a doctorate from the State University of New York at Buffalo; and

WHEREAS, Dr. Lund moved to Virginia in 1981 to join the Institutes as a behavioral scientist, becoming senior vice president for research in 1993, chief operating officer in 2001, and president in 2006; and

WHEREAS, throughout his career, Dr. Lund has conducted and guided a wide variety of scientific research to identify and develop countermeasures that reduce the deaths, injuries, and property damage from motor vehicle crashes; and

WHEREAS, under his leadership as president, Dr. Lund guided the development and use of crash test programs to educate consumers about the vehicles that provide the best overall performance in a crash; and

WHEREAS, Dr. Lund expanded the Insurance Institute for Highway Safety's evaluation programs to include roof strength, driver-side and passenger-side small overlap front protection, child booster seats, LATCH systems, and trailer underride guards; and

WHEREAS, Dr. Lund launched the first consumer evaluations of crash avoidance technologies, including front crash prevention and headlights, and positioned the Institute to evaluate automated vehicle technologies through a state-of-the-art expansion of the Vehicle Research Center in Ruckersville; and

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WHEREAS, Dr. Lund expanded the research of the Highway Loss Data Institute, which produced groundbreaking work on the effectiveness of crash avoidance technologies; and

WHEREAS, under Dr. Lund's guidance, the work of the Insurance Institute for Highway Safety and the Highway Loss Data Institute has saved countless lives and prevented countless injuries on the roads of Virginia and the nation; now, therefore, be it

RESOLVED by the House of Delegates, That Adrian K. Lund, Ph.D., hereby be commended for his distinguished career in highway safety on the occasion of his retirement as president of the Insurance Institute for Highway Safety and the Highway Loss Data Institute in 2018; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Adrian K. Lund, Ph.D., as an expression of the House of Delegates' admiration for his commitment to the safety and well-being of the drivers, passengers, pedestrians, motorcyclists, and bicyclists on the Commonwealth's roads.

**HOUSE RESOLUTION NO. 87**

*Commending the Caroline County Agricultural Fair.*

Agreed to by the House of Delegates, February 23, 2018

WHEREAS, for 100 years, the Caroline County Agricultural Fair has preserved the agricultural history and heritage of Caroline County and promoted local farms and agricultural businesses; and

WHEREAS, the first ever county fair in Caroline County, then known as the Caroline County Agricultural and School Fair, was held in Bowling Green in November 1918 and focused on livestock, poultry, and potato growing; the fair was organized by R.F. Holbertson with assistance from Cora B. Kay and B.P. Noland; and

WHEREAS, the Caroline County Agricultural Fair continued annually until 1934, when local teachers expressed concern that preparation for the event took too much time away from children's studies; and

WHEREAS, the Caroline County Agricultural Fair was held again in 1941 at Caroline High School in Bowling Green, then revived after World War II and held at Caroline High School from 1945 to 1949; and

WHEREAS, from 1959 to 1961, the West Caroline Ruritan Club worked with 4-H and Future Farmers of America clubs to hold the Caroline County Agricultural Fair at local high schools; in 1962, the fair moved to a new location in Ruther Glen and was sponsored by the West Caroline Ruritan Club until 1969; and

WHEREAS, the Madison Ruritan Club hosted the Caroline County Agricultural Fair at Caroline Recreation Park in 1997 and at Caroline Middle School in subsequent years; and

WHEREAS, in 2002, representatives from Madison Ruritan Club and Caroline County officials formed the Fair Committee and incorporated the Caroline County Agricultural Fair Association as a nonprofit organization, to ensure that this beloved local tradition would be held consistently for years to come; and

WHEREAS, the Caroline County Agricultural Fair was held at The Virginia Bazaar in Ladysmith until 2009, when the fair moved to its current location on the Tate's Family Farm in Ruther Glen thanks to the generosity of Ann H. Tate; 2018 marks the fair's 10th season at the 40-acre site on County Fair Lane, which now includes 10 permanent structures; and

WHEREAS, the 2018 Caroline County Agricultural Fair features livestock and poultry shows, an antique tractor and farm tools exhibit, and many other exciting exhibits, vendors, games, and events; now, therefore, be it

RESOLVED by the House of Delegates, That the Caroline County Agricultural Fair hereby be commended on the occasion of its 100th anniversary in 2018; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Caroline County Agricultural Fair as an expression of the House of Delegates' admiration for the event's unique contributions to cultural life in Caroline County.

**HOUSE RESOLUTION NO. 88**

*Commending Mt. Carmel Baptist Church.*

Agreed to by the House of Delegates, February 23, 2018

WHEREAS, for 150 years, Mt. Carmel Baptist Church has provided spiritual leadership, generous outreach, and opportunities for worship to the residents of Doswell; and

WHEREAS, Mt. Carmel Baptist Church traces its roots to May 1868, when a group of former slaves freed by the Emancipation Proclamation began meeting in a brush harbor near the North Anna River; the majority of the congregation had previously attended Carmel Baptist Church in Caroline County; and

WHEREAS, Mt. Carmel Baptist Church's first preacher was the Reverend William Brown; the congregation secured its present plot of land in 1876 and constructed its first church building the following year; and

WHEREAS, Mt. Carmel Baptist Church continued to attract new members during the late 19th century; in 1907, it constructed a larger building to meet the needs of its growing congregation; and

WHEREAS, Mt. Carmel Baptist Church's building was destroyed by a fire in 1954, but the congregation banded together and moved into its current structure just two years later; and

WHEREAS, in 1995, Mt. Carmel Baptist Church underwent a renovation that included the addition of a larger choir stand and a multipurpose room; the church parking lot was paved in 2006; and

WHEREAS, Mt. Carmel Baptist Church has earned a reputation as the "Mother Church of Ministers" for having numerous members who went on to become prominent pastors; and

WHEREAS, Mt. Carmel Baptist Church has been led by several respected pastors over the years, including the Reverend Stephens, the Reverend Rickman, the Reverend P. H. West, the Reverend Waverly E. Taylor, Jr., the Reverend Gordon Pleasants, the Reverend Walter L. Smith, the Reverend Dr. Edward E. Shambrey, Jr., and the Reverend Herman Trueheart; and

WHEREAS, the current pastor of Mt. Carmel Baptist Church is the Reverend William Cordell Archer, who joined the church in January 2010; and

WHEREAS, throughout its long and distinguished history, Mt. Carmel Baptist Church has enriched the lives of its congregants and forged strong bonds with the community; now, therefore, be it

RESOLVED by the House of Delegates, That Mt. Carmel Baptist Church hereby be commended on its service to the residents of Doswell on the occasion of its 150th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Mt. Carmel Baptist Church as an expression of the House of Delegates' admiration for its impressive legacy of spiritual leadership in the Doswell community.

**HOUSE RESOLUTION NO. 89**

*Commending Lindsay K. Mottley.*

Agreed to by the House of Delegates, February 23, 2018

WHEREAS, Lindsay K. Mottley, a respected leader and educator in Chesterfield County, received the 2017 Administrator of the Year Award from the Virginia Association of School Librarians in recognition of her support for literacy as principal of Bettie Weaver Elementary School; and

WHEREAS, the Virginia Association of School Librarians (VAASL) presents its Administrator of the Year Award annually to recognize state or division superintendents or school principals, such as Lindsay Mottley, who have demonstrated outstanding support for the development of exemplary library programs and made sustained contributions that advance the role of libraries in the improvement of education; and

WHEREAS, a Richmond native, Lindsay Mottley attended Henrico County Public Schools and then received a bachelor's degree and a master's degree from Longwood University; she later earned a post-master's certificate in educational leadership from Virginia Commonwealth University; and

WHEREAS, Lindsay Mottley began her education career in Hanover County as a special education teacher at Liberty Middle School and Cool Spring Elementary School; she then served as an assistant principal at Mechanicsville Elementary School and Henry Clay Elementary School before becoming principal at Bettie Weaver Elementary School; and

WHEREAS, a talented and passionate administrator known as a champion of big ideas, Lindsay Mottley worked to instill a love of reading in her students at Bettie Weaver Elementary School by promoting project-based learning initiatives and providing strong support to the school librarian and reading specialist in their collaborations with classroom teachers; and

WHEREAS, among other projects, Lindsay Mottley worked with Bettie Weaver Elementary School's librarian to create a "Wonder Area" and "Makerspace" in the school library and helped find funding and resources to outfit it with materials; and

WHEREAS, Lindsay Mottley was presented with her Administrator of the Year Award during the VAASL Awards Banquet held on November 3, 2017; she received a plaque as well as an honorary life membership in the VAASL; now, therefore, be it

RESOLVED by the House of Delegates, That Lindsay K. Mottley hereby be commended on winning the 2017 Administrator of the Year Award from the Virginia Association of School Librarians; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Lindsay K. Mottley as an expression of the House of Delegates' admiration for her tireless support for early literacy and her efforts to promote the joys of reading.

**HOUSE RESOLUTION NO. 90**

*Commending Evelyn Ivey.*

Agreed to by the House of Delegates, February 23, 2018

WHEREAS, Evelyn Ivey, a 14-year-old resident of Chesterfield County and freshman of James River High School, helped increase awareness of anxiety and depression among young people and raised thousands of dollars for the Cameron K. Gallagher Foundation; and

WHEREAS, Evelyn Ivey, then an eighth-grade student at Robious Middle School, offered to shave her head after meeting her fundraising goal; she was inspired by her brother, who participated in a similar campaign to raise awareness of childhood cancer; and

WHEREAS, Evelyn Ivey's fundraiser benefited the Cameron K. Gallagher Foundation, which works to cultivate awareness and understanding of anxiety and depression, especially in teenagers, by creating and delivering educational programs for youths and providing helpful tools; the foundation honors the memory of Cameron Gallagher, a teenage community member who suffered from anxiety and depression and tragically died after finishing a half-marathon on March 16, 2014; and

WHEREAS, Evelyn Ivey's goal of \$13.1 thousand was a direct reference to the 13.1 kilometer distance of a half-marathon; her generous campaign helped reduce the stigma associated with mental illness and provided a voice for teenagers living with mental illness, many of whom do not seek treatment because of stigma; and

WHEREAS, Evelyn Ivey exceeded her goal with the help of friends, family, classmates, and members of the Chesterfield County community, and she did indeed shave her head; now, therefore, be it

RESOLVED by the House of Delegates, That Evelyn Ivey hereby be commended for raising more than \$13,410 to support the Cameron K. Gallagher Foundation; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Evelyn Ivey as an expression of the House of Delegates' admiration for her work to raise awareness of depression and anxiety among teenagers.

### HOUSE RESOLUTION NO. 91

*Commending Victoria H. Diggs.*

Agreed to by the House of Delegates, February 23, 2018

WHEREAS, Victoria H. Diggs retired on April 1, 2017, after 29 years of very dedicated, loyal, and exemplary performance serving the City of Poquoson and its citizens; and

WHEREAS, Victoria "Vicki" H. Diggs began her employment with the City of Poquoson in August in the late 1980s as a general clerk in the Treasurer's Office; and

WHEREAS, Vicki Diggs transferred to the City Manager's Office as executive secretary and was later reclassified as assistant to the city manager, assisting with his day-to-day activities, maintaining his business calendar, and responding on his behalf to requests from staff and local, state, and federal officials; and

WHEREAS, Vicki Diggs also served as the mayor's secretary and performed many professional duties on his behalf, including communicating with local, state, and federal officials, scheduling appointments and maintaining his city calendar, responding to invitations and inquiries on his behalf, and many other duties; and

WHEREAS, among her most notable achievements in service to the residents of Poquoson, Vicki Diggs was designated as a master municipal clerk and served as deputy city clerk from 1988 to 2017, clerk to the Planning Commission from 1988 to 2017, clerk to the Board of Zoning Appeals from 1988 to 2005, and clerk to the Economic Development Authority from 2008 to 2013; she also served as a board member of Colonial Behavioral Health from 2007 to 2010; now, therefore, be it

RESOLVED by the House of Delegates, That Victoria H. Diggs hereby be commended on the occasion of her retirement from the City of Poquoson in 2017; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Victoria H. Diggs as an expression of the House of Delegates' admiration for her many years of service to the residents of Poquoson and best wishes for a happy retirement.

### HOUSE RESOLUTION NO. 92

*Celebrating the life of Thomas Allen Applewhite, Jr.*

Agreed to by the House of Delegates, February 23, 2018

WHEREAS, Thomas Allen Applewhite, Jr., a beloved husband and father who touched the lives of numerous students during a distinguished career in Chesterfield and Richmond public schools, died on January 11, 2018; and

WHEREAS, a Richmond native, Thomas Applewhite graduated from Thomas Jefferson High School in 1948 and then enrolled at Randolph-Macon College; during the Korean War, he put his studies on hold to serve his country as a member of the United States Army stationed in Japan; and

WHEREAS, following his military service, Thomas Applewhite returned to Randolph-Macon College and earned a bachelor's degree; he later continued his studies at The College of William and Mary, receiving a master's degree in 1961; and

WHEREAS, a talented educator, Thomas Applewhite forged a successful 35-year career with the Chesterfield and Richmond public school systems; during that time, he served as assistant principal at Manchester High School, principal at Thompson Middle School, and as a social studies teacher at Providence Middle School; and

WHEREAS, following his retirement, Thomas Applewhite continued to satisfy his love of American history by serving as a volunteer tour guide and reenactor at St. John's Church in Richmond; and

WHEREAS, a man of strong faith, Thomas Applewhite enjoyed fellowship and worship at Crestwood Presbyterian Church, where he served as a deacon and youth group leader; and

WHEREAS, in his spare time, Thomas Applewhite was happiest when quail and dove hunting with his English setters, boating, or plowing his vegetable garden with his tractor; and

WHEREAS, predeceased by his wife of 50 years, Lynette, Thomas Applewhite will be fondly remembered and dearly missed by his sons, Thomas and Hunter, and their families, as well as numerous other family members, friends, and Richmond residents; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Thomas Allen Applewhite, Jr., a dedicated school teacher and administrator and respected Richmond resident; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Thomas Allen Applewhite, Jr., as an expression of the House of Delegates' respect for his memory.

**HOUSE RESOLUTION NO. 93**

*Celebrating the life of the Honorable Barry G. Logsdon.*

Agreed to by the House of Delegates, February 23, 2018

WHEREAS, the Honorable Barry G. Logsdon, a compassionate chief judge of the Newport News Juvenile and Domestic Relations District Court who made many contributions to children and young adults throughout his life, died on January 28, 2018; and

WHEREAS, Barry Logsdon graduated from Green Run High School in Virginia Beach, received a bachelor's degree from The College of William and Mary, and earned a law degree from Regent University; and

WHEREAS, after completing his education, Barry Logsdon practiced law in Norfolk and Newport News, specializing in cases involving children; he served as a guardian ad litem and advocated for the best interests of many children in the legal process; and

WHEREAS, in 2006, Barry Logsdon was appointed to the Newport News General District Court of the 7th Judicial District of Virginia; later that year, he transferred to the Newport News Juvenile and Domestic Relations District Court, where he became chief judge and presided with great fairness and wisdom until the time of his passing; and

WHEREAS, Barry Logsdon relished the opportunity to help young members of the community put their lives back on track through the city's drug court program, which allowed them to avoid drug convictions by participating in voluntary monitoring and counseling; and

WHEREAS, Barry Logsdon was a trusted mentor and friend to his fellow attorneys and peers in the court, and he inspired many young people to make a difference in the community by pursuing careers in the legal profession, including former participants in the drug court program; and

WHEREAS, throughout his career, Barry Logsdon developed innovative initiatives to help young people; he led an effort to have cosmetic surgeons remove street gang tattoos at no cost and found ways to keep child-abuse victims separate from their abusers in court waiting rooms; and

WHEREAS, Barry Logsdon served Newport News and the Commonwealth with the utmost integrity, dedication, and distinction, all the while demonstrating a genuine, heartfelt care for the youth of the community; and

WHEREAS, Barry Logsdon will be fondly remembered and greatly missed by his wife, Kimberly; his daughter, Rachel, and her family; his parents, Sonia and Glyndon; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of the Honorable Barry G. Logsdon, a compassionate judge of the Newport News Juvenile and Domestic Relations District Court; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of the Honorable Barry G. Logsdon as an expression of the House of Delegates' respect for his memory.

**HOUSE RESOLUTION NO. 94**

*Celebrating the life of Raymond B. Bottom, Jr.*

Agreed to by the House of Delegates, February 23, 2018

WHEREAS, Raymond B. Bottom, Jr., a beloved father, active Virginia Peninsula resident, and respected business leader who served as chairman of the media company the Daily Press, Inc., died on February 7, 2018; and

WHEREAS, a Hampton native, Raymond Bottom attended Hampton High School and then earned a bachelor's degree in physics from Hampden-Sydney College in 1951 and a bachelor's degree in finance from the University of Virginia in 1958; and

WHEREAS, after completing his education, Raymond Bottom enlisted as a first lieutenant in the United States Air Force and flew missions around the globe as an electronic countermeasures officer on B-36 bombers; and

WHEREAS, Raymond Bottom later served in the Air Force Reserve for 26 years before retiring with the rank of colonel; during his time in the reserve, he was awarded the Meritorious Service Medal and the Presidential Unit Citation; and

WHEREAS, at the end of his active duty Air Force service, Raymond Bottom went to work for his family's newspaper and media business, the Daily Press, Inc.; he spent his early career working at the radio subsidiary WGH, where he spearheaded the creation of the nationally recognized classical radio station WGH-FM; and

WHEREAS, a natural leader and talented businessman, Raymond Bottom was instrumental in obtaining the cable television franchises in Newport News and Danville and forming Hampton Roads Cablevision and Danville Cablevision; he later served as president of both companies and led them to great success in the 1980s; and

WHEREAS, following his mother's retirement, Raymond Bottom became chairman of the board of the Daily Press, Inc., and continued to lead the company until it was sold in the late 1980s; he then formed the television company Centennial Communications, which he sold in 1997; and

WHEREAS, in addition to his success in business, Raymond Bottom served on the boards of the Virginia Air and Space Center, the USO of Hampton Roads and Central Virginia, the Rouse-Bottom Foundation, the Virginia Association of Broadcasters, the Hampton Coliseum Advisory Committee, and the Peninsula Rotary Club; and

WHEREAS, a proud Hampden-Sydney College graduate, Raymond Bottom served on the institution's board of trustees from 1973 to 2006 and as trustee emeritus until 2017; he also served on the advisory board of the Wilson Center for Leadership for six years and established scholarships that put over 100 young men through college; and

WHEREAS, in recognition of his service to Hampden-Sydney College, Raymond Bottom was named an Alumni Leadership Team Ambassador and a member of the Peter Johnson and Patrick Henry Societies; he also received the Algernon Sydney Sullivan Award and the Patrick Henry Award; and

WHEREAS, Raymond Bottom was an accomplished pilot and nurtured a lifelong love of airplanes; in addition to owning several antique aircraft, he attended the annual EAA AirVenture Oshkosh for 47 years and served as president of the EAA Vintage Aircraft Association, Chapter 3 and as editor of its newsletter; and

WHEREAS, Raymond Bottom will be fondly remembered and dearly missed by his son, J. Scott, and his family, as well as numerous other family members and close friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Raymond B. Bottom, Jr., an accomplished business leader who gave outstanding service to the residents of the Virginia Peninsula; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Raymond B. Bottom, Jr., as an expression of the House of Delegates' respect for his memory.

#### HOUSE RESOLUTION NO. 95

*Commending Debra Ann Smith.*

Agreed to by the House of Delegates, March 2, 2018

WHEREAS, Debra Ann Smith, a generous member of the Hampton Roads community, has served and supported the Chesapeake 4-H club for more than five years, touching the lives of countless young people; and

WHEREAS, a native of Alabama, Debra "Deb" Ann Smith was an active member of local 4-H and Future Farmers of America programs in her youth; and

WHEREAS, after honorably serving her country as a mechanic in the United States Navy, Deb Smith worked as a barn manager and a horse caretaker, as well as a horse show organizer; she was later the owner and manager of a restaurant and worked at Lowe's Home Improvement and Big Lots stores; and

WHEREAS, Deb Smith began working for Tractor Supply Company stores in the Commonwealth in 2007, becoming the manager of the store on Centerville Turnpike South in Chesapeake in 2012; the next year, she became involved with Tractor Supply Company's Paper Clover Campaign, a national in-store fundraiser that benefits 4-H clubs; and

WHEREAS, since 2013, Deb Smith and the Chesapeake Tractor Supply Company location have raised more than \$40,000 during Paper Clover Campaigns, winning the event at district, regional, and national levels; during the 2017 fall campaign, her store brought in more than 5,400 clovers; and

WHEREAS, Deb Smith is a proud sponsor of the Chesapeake 4-H Livestock Club Banner Group, a group of businesses that support the local livestock show by covering event costs and purchasing market animals; and

WHEREAS, through her dedication to and passionate support of 4-H, Deb Smith has had a positive influence on young people in the Chesapeake community, inspiring many to continue to pursue their interest in agriculture; now, therefore, be it

RESOLVED by the House of Delegates, That Debra Ann Smith hereby be commended for her service to 4-H programs through the Paper Clover Campaign and many other contributions to the community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Debra Ann Smith as an expression of the House of Delegates' admiration for her work to support and inspire young farmers in Chesapeake.

**HOUSE RESOLUTION NO. 96***Celebrating the life of Everett Hope Jordan, Jr.*

Agreed to by the House of Delegates, March 2, 2018

WHEREAS, Everett Hope Jordan, Jr., a beloved husband and father, highly experienced shipbuilder, and respected educator who served as director of The Apprentice School in Newport News, died on February 4, 2018; and

WHEREAS, a Poquoson native, Everett Jordan attended Poquoson High School before graduating from The Apprentice School in 1977; he then went to work for Huntington Ingalls Industries, the company that owns Newport News Shipbuilding; and

WHEREAS, a master shipbuilder who spent over four decades in the industry, Everett Jordan began his career with Newport News Shipbuilding as an apprentice shipfitter and later worked as a supervisor, general foreman, superintendent, and trade director of shipfitters, welders, and dimensional control; and

WHEREAS, during his steady rise in the shipbuilding industry, Everett Jordan continued his education at night by earning a bachelor's degree from Saint Leo University and a master's degree from The George Washington University; and

WHEREAS, in 2010, Everett Jordan was appointed director of his alma mater, The Apprentice School; one of the most significant developments of his tenure came in 2013, when he oversaw the school's move into a new 90,000-square-foot facility; and

WHEREAS, under Everett Jordan's diligent leadership, The Apprentice School added new academic and degree programs, initiated the Frontline FAST program to fast-track students to supervisory positions, and increased its partnerships with institutions of higher learning such as Old Dominion University and The College of William and Mary; and

WHEREAS, the recipient of the Shipbuilding President's Model of Excellence Award for leadership, Everett Jordan was a graduate of the Leadership Institute of the Virginia Peninsula and served as the architect of Newport News Shipbuilding's Hourly Leadership Development Program; and

WHEREAS, Everett Jordan served as a liaison to the Virginia Community College System, an executive lead to Habitat for Humanity, and a board member of Thomas Nelson Community College and the Peninsula Council for Workforce Development; and

WHEREAS, during his long and distinguished career, Everett Jordan touched the lives of countless students and earned the admiration and respect of his colleagues for his honesty, personal integrity, and leadership; and

WHEREAS, a proud father and grandfather, Everett Jordan was happiest when spending time with his family, watching sports, and fishing on the Chesapeake Bay; and

WHEREAS, Everett Jordan will be fondly remembered and dearly missed by his wife of over 40 years, Cynthia; his sons, Jeremy and Joshua, and their families; and numerous other friends, family members, and Newport News residents; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Everett Hope Jordan, Jr., a talented leader and educator who provided exemplary service to the shipbuilding industry and The Apprentice School; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Everett Hope Jordan, Jr., as an expression of the House of Delegates' respect for his memory.

**HOUSE RESOLUTION NO. 97***Commending Dwayne Yancey.*

Agreed to by the House of Delegates, March 2, 2018

WHEREAS, Dwayne Yancey, a talented and respected journalist who has worked with *The Roanoke Times* for over 30 years, was selected as a 2018 inductee into the Virginia Communications Hall of Fame; and

WHEREAS, overseen by Virginia Commonwealth University's Robertson School of Media and Culture, the Virginia Communications Hall of Fame recognizes journalists and other communications specialists for outstanding careers in media; Dwayne Yancey is one of seven inductees for 2018; and

WHEREAS, Dwayne Yancey attended James Madison University and graduated in 1979 with a bachelor's degree in political science; and

WHEREAS, in 1982, Dwayne Yancey joined the staff of *The Roanoke Times*; he later served as a political reporter and assistant managing editor with the paper before being named editorial page editor in 2015; and

WHEREAS, known for his insightful and witty writing style, Dwayne Yancey has won widespread praise for his editorial work with *The Roanoke Times*; in 2017, he received an honorable mention for the prestigious Carmage Walls Commentary Prize; and

WHEREAS, in addition to his work with *The Roanoke Times*, Dwayne Yancey is the author of a 1988 book about former Governor L. Douglas Wilder entitled *When Hell Froze Over*; he is also an accomplished playwright whose work has been performed by schools and theater organizations around the globe; and

WHEREAS, throughout his long and illustrious career, Dwayne Yancey has maintained the highest standards of journalistic integrity and has entertained and informed countless readers; now, therefore, be it

RESOLVED by the House of Delegates, That Dwayne Yancey hereby be commended on his 2018 induction into the Virginia Communications Hall of Fame; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Dwayne Yancey as an expression of the House of Delegates' admiration for his commitment to providing outstanding journalism to the residents of the Commonwealth.

**HOUSE RESOLUTION NO. 98**

*Celebrating the life of Ruth E. Jones.*

Agreed to by the House of Delegates, February 23, 2018

WHEREAS, Ruth E. Jones, a woman of deep and abiding faith and an active resident of Richmond, died on February 14, 2018; and

WHEREAS, a native of Henrico County, Ruth Jones graduated from Virginia Randolph Community High School and continued her education at the University of Richmond through Philip Morris management development programs; and

WHEREAS, Ruth Jones pursued a long career with Philip Morris, becoming the first African American woman to serve as a manufacturing supervisor at the company's Richmond plant; she retired in 1987 after 26 years of loyal service; and

WHEREAS, Ruth Jones enjoyed fellowship and worship with the community as a longtime member of Cedar Street Baptist Church of God, where she served as co-chair of the deaconess ministry, a Sunday school teacher, and a former royal usher; and

WHEREAS, Ruth Jones was also a member of the church's Baptist Training Union, which helps people become better Christians and leaders in the community; and

WHEREAS, Ruth Jones will be fondly remembered and greatly missed by her devoted husband of 70 years, Joseph; her children, Iris and Joseph, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Ruth E. Jones, a devout Richmond resident who made many contributions to the community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Ruth E. Jones as an expression of the House of Delegates' respect for her memory.

**HOUSE RESOLUTION NO. 99**

*Celebrating the life of Theresa Jordan Berkeley.*

Agreed to by the House of Delegates, February 23, 2018

WHEREAS, Theresa Jordan Berkeley, an educator, civil servant, and a beloved member of the Richmond community, died on February 16, 2018; and

WHEREAS, a native of Richmond, Theresa Berkeley attended the city's public schools and graduated from John F. Kennedy High School; and

WHEREAS, Theresa Berkeley continued her education at J. Sergeant Reynolds Community College, Virginia Commonwealth University, and Virginia Union University, ultimately earning a bachelor's degree from Old Dominion University; and

WHEREAS, Theresa Berkeley worked at Philip Morris and served the Commonwealth as an employee of the Department of Social Services, Henrico County Public Schools, and the Department of Taxation; and

WHEREAS, after her retirement, Theresa Berkeley continued to serve the community as a substitute teacher at Martin Luther King, Jr. Middle School; and

WHEREAS, Theresa Berkeley brought joy to everyone she met through her ever-present smile and unflinching optimism; and

WHEREAS, a woman of deep and abiding faith throughout her life, Theresa Berkeley enjoyed fellowship and worship with the community at Cedar Street Baptist Church of God and Rising Mount Zion Baptist Church; and

WHEREAS, Theresa Berkeley will be fondly remembered and greatly missed by her husband, Ronald; her loving children, Teron and Rontisha; her mother, Adell; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Theresa Jordan Berkeley, a vibrant member of the Richmond community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Theresa Jordan Berkeley as an expression of the House of Delegates' respect for her memory.

**HOUSE RESOLUTION NO. 100**

*Commending the 70th anniversary of the founding of the State of Israel.*

Agreed to by the House of Delegates, March 2, 2018

WHEREAS, 2018 marks the 70th anniversary of the founding of the modern Jewish State of Israel, which was officially declared an independent nation on May 14, 1948; and

WHEREAS, the people of Israel proclaimed the establishment of the sovereign and independent State of Israel, and the United States government established full diplomatic relations after Israel's first election in 1949; and

WHEREAS, for over 2,000 years, Jews living in other parts of the world have maintained a profound spiritual and emotional connection to the Land of Israel, and there has been continuous Jewish presence in the land comprising the modern State of Israel; and

WHEREAS, the establishment of the modern State of Israel as a homeland for the Jewish people followed the destruction of much of European Jewry during the Holocaust; and

WHEREAS, Israel has much to commemorate and celebrate, most notably the fact that it has established, in its 70 years of existence, the most successful and politically stable democracy in a Middle East that continues to experience great turmoil; and

WHEREAS, the people of Israel enjoy a dynamic society with a unique and vital economic, political, cultural, and intellectual life and strive for peace with security and dignity for themselves and their neighbors; and

WHEREAS, Israel has developed some of the world's leading universities; and

WHEREAS, Israel has developed an advanced, entrepreneurial economy, is among the world's leaders of the high-tech industry, and is at the forefront of research and development in the fields of renewable energy sources and medicine; and

WHEREAS, Israel regularly sends humanitarian aid, search and rescue teams, mobile hospitals, and other emergency supplies to help victims of disasters around the world; and

WHEREAS, the Virginia-Israel Advisory Board, created by the General Assembly in 1996 and composed of members representing business, education, the arts, government, and the Jewish Community Federations serving Virginia, advises the Governor on "ways to improve economic and cultural links between the Commonwealth and the State of Israel, with a focus on the areas of commerce and trade, art and education, and general government"; and

WHEREAS, from 2000 to 2017, the Virginia-Israel Advisory Board has strengthened ties between the Commonwealth and the State of Israel by creating 2,179 new jobs, which have generated more than \$74.9 million in state tax revenues; and

WHEREAS, more than a dozen members of the General Assembly and Governors have participated in political and economic missions, strengthening ties with the State of Israel; and

WHEREAS, sister-city relationships have been established between the Greater Washington, Richmond, and Tidewater Jewish Community Federations and several Israeli cities, and the bonds of friendship between the Commonwealth and Israel remain strong; and

WHEREAS, with the 70th observance culminating in May 2018, Israel will celebrate its anniversary with events marking the birth and development of the state, the struggle to find peace and security, and its hopes for the future; now, therefore, be it

RESOLVED by the House of Delegates, That the people of Israel hereby be commended and congratulated for their remarkable achievements on the occasion of Israel's 70th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Israeli Ambassador Ron Dermer as an expression of the House of Delegates' continued admiration for Israel's many accomplishments and best wishes for a peaceful and prosperous future.

**HOUSE RESOLUTION NO. 101**

*Commending the Powhatan Christmas Mother program.*

Agreed to by the House of Delegates, March 2, 2018

WHEREAS, the practice of sacrificial giving arises naturally from the message of the Nativity; and

WHEREAS, the people of Powhatan County—most especially the women of Powhatan County—have responded in an exemplary manner to the summons to share the blessings of life at Christmas; and

WHEREAS, in 1967, Sadie Johnson, then director of the county's Department of Public Welfare, suggested to Helen (Mrs. Leslie) Mason that people in need would benefit from a community-wide "Christmas Mother" program during the holiday season; and

WHEREAS, thus was established the Christmas Mother program in Powhatan, which with the 2017 Christmas season marked a half-century of voluntary labors, involving hundreds of county citizens, to bring sustenance, gifts, and joy to those in need; and

WHEREAS, Christmas Mothers of Powhatan, across the 50 years since its founding in 1967, have included Helen Mason, Kate Dobbins, Cora "Shep" Ashworth, Addie Weisiger, Deanna Coffey Lipscomb, Florence King,

Elise Yount, Mary Ellen Hall, Hilda Lent, Shirley Bradbury, Frances Sharp, Edna McFall, Paulette McWaters, Lillie Walthall (thrice), Linda Perry, Kitty Bloxton, Dot Nichols (twice), Mirianna Hobson, Margaret Mills, Rachel and Carlton Elam, Novella and Sam Hatcher, Margaret and Omar Ball, Marie Brown, Marie and Bob Hertzler, Anna Boelt, Janie and Elwood Clements, Nancy L. Barden, Elizabeth R. Lewis, Janice S. Worsham, Jean Walton, Audrey Missimer, Sandy Shelton, Frances Morris, Dorothy Baily, Karen Norsworthy, Ginny Broughton, Mary Frances Adair, Connie Moslow, Nancy Alexander, Mary Midget Harrison, Vernell Straughter, Gail Timberlake, Kay and Tommy Mann, Frances and George Crutchfield, Carol and Bob Baltimore, Nancy Ayers, Pinckey Sowers, Fran Carleton, Gayle Walter, Teresa Whitaker, and, in 2017, Josephine Goodman; and

WHEREAS, the goal of the Powhatan Christmas Mother program is "to provide gifts and food to families in need, especially children and the elderly," and the organization "consists of volunteers who are committed to making this possible"; and

WHEREAS, it is the objective of every Christmas Mother "to try to ensure that no family in our community goes without food, no child is without toys and clothing, and no elderly person is forgotten as we celebrate the Christmas season"; and

WHEREAS, the Christmas Mothers of Powhatan in the faithful pursuit of their objectives have contributed meaningfully to the community-wide experience of the spirit of Christmas for a half-century; and

WHEREAS, the initiative, goodwill, and effectiveness of the Christmas Mother program are alike typical of the finest traditions of the citizens of Powhatan; now, therefore, be it

RESOLVED by the House of Delegates, That the Powhatan Christmas Mother program hereby be commended for 50 years of devoted and inspiring service to its community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare copies of this resolution for presentation to Josephine Goodman, Powhatan's Christmas Mother of 2017, and to the program's officers for placement in a site of their choosing.

#### HOUSE RESOLUTION NO. 102

*Commending the Christiansburg High School wrestling team.*

Agreed to by the House of Delegates, March 2, 2018

WHEREAS, the Christiansburg High School wrestling team of Montgomery County won the Virginia High School League Class 3A state championship on February 17, 2018, at Churchland High School; and

WHEREAS, the victory sealed the 17th straight state title for the Christiansburg High School Blue Demons, who extended their reign as one of the Commonwealth's premier high school sports dynasties; and

WHEREAS, the grapplers of the Christiansburg Blue Demons turned in spectacular performances at the championship, registering a team score of 258 points—over 100 points more than the runner-up Warren County High School Wildcats; and

WHEREAS, along with their 17th state championship, the Christiansburg Blue Demons also had seven wrestlers capture individual titles; Brandon Crowder triumphed in the 106-pound weight class, Garrett Kuchan won at 113 pounds, Marshall Keller won at 138 pounds, Xander Whitehurst won at 145 pounds, Nick Giantonio won at 170 pounds, Erik Eva won at 182pounds, and Ty Kwak won at 195 pounds; and

WHEREAS, the Christiansburg Blue Demons' other strong performers were Nathan Warden, who posted a second-place finish in the 152-pound weight class; Andy Smith, who finished second in the 220-pound weight class; and Andrew Morgan, who finished fourth in the 126-pound weight class; and

WHEREAS, the Christiansburg High School wrestling team's 17th straight state title is a testament to the hard work and skill of all its student-athletes, the excellent guidance of coaches and staff, and the energetic support of family, friends, and the entire Christiansburg High School community; now, therefore, be it

RESOLVED by the House of Delegates, That the Christiansburg High School wrestling team hereby be commended on winning the 2018 Virginia High School League Class 3A state championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Cliff Warden, head coach of the Christiansburg High School wrestling team, as an expression of the House of Delegates' admiration for the team's outstanding season.

#### HOUSE RESOLUTION NO. 103

*Commending Paul T. Frantz, M.D.*

Agreed to by the House of Delegates, March 2, 2018

WHEREAS, Paul T. Frantz, M.D., a cardiothoracic surgeon, has saved countless lives through his innovative pre-hospital cardiac care programs and commitment to cutting-edge research and procedures at the Carilion Clinic in Roanoke; and

WHEREAS, Dr. Frantz earned his medical degree from Georgetown University and completed general surgery and thoracic surgery residencies at the University of North Carolina (UNC) at Chapel Hill; he has held faculty appointments at UNC, the University of Virginia, and the Virginia Tech Carilion School of Medicine and Research Institute; and

WHEREAS, in 1982, Dr. Frantz was appointed as founding director of the Cardiac Surgery Program at what is now the Carilion Clinic; he later became the medical director for Cardiac Services at the clinic; and

WHEREAS, Dr. Frantz plays an integral role in the medical community of Southwest Virginia, which has some of the highest instances of heart disease in the Commonwealth; under his leadership, the Carilion Clinic has grown into the premier cardiac treatment center in the region; and

WHEREAS, Dr. Frantz established the Heart Alert program, which helps medical professionals in the pre-hospital setting identify patients suffering from heart attacks, allowing them to receive proper lifesaving treatment more quickly; he expanded the program from the Carilion Clinic to first responders and other regional referral hospitals throughout Southwest Virginia and West Virginia; and

WHEREAS, Dr. Frantz also pioneered the Carilion Clinic's Therapeutic Hypothermia program for post-cardiac arrest patients, as well as the clinic's use of innovative technology to treat heart failure, such as the left ventricular assist device; and

WHEREAS, Dr. Frantz has placed a high emphasis on research and outreach to the community and other hospitals; the Carilion Clinic developed HeartNet of the Virginias, an educational program that hosts an annual conference and offers consultation services; now, therefore, be it

RESOLVED by the House of Delegates, That Paul T. Frantz, M.D., hereby be commended for his work to advance the field of cardiac care at the Carilion Clinic in Roanoke; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Paul T. Frantz, M.D., as an expression of the House of Delegates' admiration for his contributions to the health and wellness of the residents of Southwest Virginia.

**HOUSE RESOLUTION NO. 104**

*Commending the Virginia Association of Defense Attorneys.*

Agreed to by the House of Delegates, March 2, 2018

WHEREAS, the Virginia Association of Defense Attorneys, a professional organization that has served as a valuable source of educational opportunities, information sharing, and fellowship for attorneys in the Commonwealth, celebrates its 50th anniversary in 2018; and

WHEREAS, the Virginia Association of Defense Attorneys (VADA) was founded on September 11, 1968, and held its first organizational meeting later that same year; today, the organization includes more than 700 members whose litigation is focused primarily on the defense of civil actions; and

WHEREAS, one of the VADA's central missions is to act as an advocate for members of the defense bar; along with working to create a level playing field between plaintiffs and defendants in the justice system, the organization actively tracks issues that affect the legal defense community and occasionally files amicus briefs with the Supreme Court of Virginia; and

WHEREAS, among many other educational resources, the VADA runs a "Young Lawyers Boot Camp" for new attorneys and hosts rotating workshops on trial tactics, deposition, and mediation; these include information sessions as well as mock trials where lawyers receive critiques and advice from senior attorneys; and

WHEREAS, the VADA maintains several substantive law sections whose members exchange ideas and information; it also hosts in-person and telephone seminars on a wide range of topics, including trial ethics; and

WHEREAS, along with an annual meeting each October, the VADA holds informal regional meetings throughout the year where members can gather to network and share information about recent legal developments in their area and across the Commonwealth; and

WHEREAS, the VADA's primary publication for its members is the *Journal of Civil Litigation*, which is released four times a year and includes scholarly articles as well as summaries of trial court decisions; and

WHEREAS, since 1994, the VADA has awarded its Virginia Association of Defense Attorneys' Award for Excellence in Civil Litigation each year to an attorney who has maintained exemplary ethics and conduct while producing high quality work; beginning in 2016, the organization also joined the Virginia Trial Lawyers Association (VTLA) in jointly awarding the VADA-VTLA Civility and Professionalism Award; and

WHEREAS, throughout its long and distinguished history, the VADA has been steadfast in its mission to aid Virginia attorneys and promote fairness, ethical practices, and integrity in civil justice; and

WHEREAS, the VADA will celebrate its 50th anniversary at its next annual meeting, which will take place October 10-12, 2018, in Williamsburg; now, therefore, be it

RESOLVED by the House of Delegates, That the Virginia Association of Defense Attorneys hereby be commended on its years of service to the Commonwealth's legal defense community on the occasion of its 50th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Virginia Association of Defense Attorneys as an expression of the House of Delegates' admiration for its impressive accomplishments and dedication to providing opportunities for education and fellowship for its members.

**HOUSE RESOLUTION NO. 105***Celebrating the life of Grace Victoria Edmondson Harris.*

Agreed to by the House of Delegates, March 2, 2018

WHEREAS, Grace Victoria Edmondson Harris, a compassionate social worker and a respected leader at Virginia Commonwealth University, died on February 12, 2018; and

WHEREAS, Grace Harris grew up in Halifax County and began developing her passion for lifelong learning at a young age; she graduated from Hampton Institute with highest honors in 1954; and

WHEREAS, Grace Harris applied to the Richmond Professional Institute during the beginning of massive resistance to school integration in the Commonwealth; denied entry, she instead attended Boston University, where she studied alongside the Reverend Dr. Martin Luther King, Jr.; and

WHEREAS, in 1959, Grace Harris reapplied to the Richmond Professional Institute, now known as Virginia Commonwealth University, to complete her master's degree and was accepted; she was later hired as one of the first African American professors at the university; and

WHEREAS, Grace Harris earned a second master's degree and a doctorate from the University of Virginia in the 1970s, but spent much of her career at Virginia Commonwealth University, where she served as dean of social work, two-time acting president, and the first African American woman provost at the university; and

WHEREAS, Grace Harris earned the admiration of her colleagues for her visionary, decisive leadership and her commitment to ensuring that all voices and viewpoints were heard; in recognition of her exceptional contributions to the university, the Grace E. Harris Leadership Institute was named in her honor; and

WHEREAS, Grace Harris will be fondly remembered and greatly missed by her husband, James; her children, Gayle and James, Jr., and their families; her grandson, Jullian; her siblings, Williams, Marian, and Mamye; and numerous other family members, friends, and colleagues; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Grace Victoria Edmondson Harris, a leader in higher education and social work; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Grace Victoria Edmondson Harris as an expression of the House of Delegates' respect for her memory.

**HOUSE RESOLUTION NO. 106***Celebrating the life of L. Hope Lally.*

Agreed to by the House of Delegates, March 2, 2018

WHEREAS, L. Hope Lally, a beloved daughter, sister, and friend who touched the lives of countless patients during a distinguished career as a nurse in Virginia, died on December 7, 2017; and

WHEREAS, L. Hope Lally was born on October 27, 1956, and was a resident of Charlottesville for more than 40 years; she graduated from Lane High School in 1974 and then worked at the University of Virginia Hospital as the unit secretary while saving money to pursue higher education; and

WHEREAS, a lifelong learner, L. Hope Lally earned a bachelor of science degree in mechanical engineering from Old Dominion University, then worked as a well-respected supervisor at Hill Phoenix, Inc., and, later, General Electric; and

WHEREAS, a dedicated servant to the common good, L. Hope Lally returned to school to pursue her passion for helping people; she earned her bachelor of science in nursing from the University of Virginia and then earned her master's degree and was nationally certified as an acute care nurse practitioner in 2011; and

WHEREAS, a gifted and accomplished nurse practitioner, L. Hope Lally was a model preceptor and clinician in the Medical Intensive Care Unit at the University of Virginia Hospital; and

WHEREAS, in 2012, L. Hope Lally joined the abdominal transplant team as the weekend nurse practitioner at the University of Virginia Hospital, where she earned admiration as a deeply trusted and valued coworker and a fierce and faithful advocate for patients and their families; and

WHEREAS, a woman of many passions, L. Hope Lally was intensely spiritual, loved music, enjoyed gardening and travel, and dedicated years to raising, training, and loving golden retrievers; and

WHEREAS, in her spare time, L. Hope Lally was happiest when finding peace and spiritual nourishment from the ocean, expressing her wonderful sense of humor, and spending time with her golden retriever and the people she loved; and

WHEREAS, L. Hope Lally will be fondly remembered and dearly missed by her sister, Margaret Stuart Lally, her close friends, and many associates all over the Commonwealth; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of L. Hope Lally, a quiet, strong, kind, caring, and generous nurse and engineer, a lifelong learner with a brilliant mind and a great sense of humor, and a respected resident of the Commonwealth; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of L. Hope Lally as an expression of the House of Delegates' respect for her memory.

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ACTS OF ASSEMBLY

[VA.,

HOUSE RESOLUTION NO. 107

*Celebrating the life of Catherine deSales Corbett Jennings.*

Agreed to by the House of Delegates, March 2, 2018

WHEREAS, Catherine deSales Corbett Jennings of Midlothian, a veteran of World War II and an active member of the community, died on October 19, 2017, at the age of 100; and

WHEREAS, born in 1917 in Brooklyn, New York, Catherine Jennings was the daughter of the late John Francis and Margarette Petersen Corbett; and

WHEREAS, Catherine Jennings joined many of the other members of her generation in service to the nation during World War II, proudly serving as one of the first United States Navy WAVES (Women Accepted for Volunteer Emergency Service); and

WHEREAS, Catherine Jennings was assigned to the Bureau of Naval Personnel in Washington, D.C., and then assigned to the USS *New Jersey*, becoming one of the first women assigned to a battleship; she finished her Navy career at the Third Naval District Office in New York City; and

WHEREAS, after the war, Catherine Jennings and her husband, a fellow member of the United States Navy, relocated to Norfolk, where they lived for more than 50 years; she worked as a kindergarten teacher, sold Avon products, and delivered nutritious food to seniors with Meals on Wheels; and

WHEREAS, a devoted wife, mother, and grandmother, Catherine Jennings' greatest joy in life was her family, and she was affectionately known by her beloved grandchildren as "Grammy"; and

WHEREAS, predeceased by her husband of 62 years, Emmett, Catherine Jennings will be fondly remembered and greatly missed by her sons, Emmett, Charles, Mark, and David, and their families, and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Catherine deSales Corbett Jennings; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Catherine deSales Corbett Jennings as an expression of the House of Delegates' respect for her memory.

HOUSE RESOLUTION NO. 108

*Celebrating the life of Alexander William Allen.*

Agreed to by the House of Delegates, March 2, 2018

WHEREAS, Alexander William Allen of Richmond, a decorated veteran and a talented artist, died on December 22, 2017; and

WHEREAS, a lifelong resident of Richmond, Alexander "Alex" William Allen grew up in the Highland Park neighborhood and graduated from John Marshall High School; and

WHEREAS, Alex Allen joined many of the other young men of his generation in service to the nation during World War II as a member of the United States Army Air Corps; stationed in Wendling, England, he completed more than 30 missions as a crew member of a B-24 Liberator heavy bomber; and

WHEREAS, after his honorable military service, Alex Allen returned home and began a long and successful career as a commercial artist; he worked for Ted Turner's advertising company as a graphic artist and with several other firms before retiring from the A.H. Robins Company in 1980; and

WHEREAS, Alex Allen also wrote and illustrated a weekly column for the *Richmond Times-Dispatch* titled "Old Dominion Oddities," which highlighted unique and obscure anecdotes from Virginia history; and

WHEREAS, in later life, Alex Allen continued to create beautiful watercolor paintings and ink and pencil drawings; and

WHEREAS, predeceased by his wife of 59 years, Wanda, Alex Allen will be fondly remembered and greatly missed by his son, Brian, and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Alexander William Allen, a veteran, an accomplished artist, and a highly admired member of the Richmond community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Alexander William Allen as an expression of the House of Delegates' respect for his memory.

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## ACTS OF ASSEMBLY

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## HOUSE RESOLUTION NO. 109

*Commending Cody Keen.*

Agreed to by the House of Delegates, March 2, 2018

WHEREAS, Cody Keen, a talented and dedicated law-enforcement professional who serves with the Salem Police Department, was named the 2017 Salem Police Officer of the Year; and

WHEREAS, a native of Richlands, Cody Keen earned a bachelor's degree in criminal justice and intercultural studies from Evangel University in Springfield, Missouri; he joined the Salem Police Department in May 2016; and

WHEREAS, despite being a relative newcomer to the Salem Police Department, 25-year-old Cody Keen has already won the respect of his fellow officers for his intelligence, integrity, and passion for helping others; and

WHEREAS, Cody Keen's quick thinking was on display in July 2017, when, driving while off-duty, he encountered a car filled with smoke; Keen approached the vehicle, and upon noticing a woman trapped inside, he used a car jack to break open a window and rescue her; she was later connected to an earlier DUI accident and placed under arrest; and

WHEREAS, in another incident on October 31, 2017, Cody Keen responded to an alarm call at a pharmacy in Salem; after driving to the rear of the store, he confronted and then helped apprehend a man who had stolen a large amount of prescription drugs; and

WHEREAS, Cody Keen was selected as the Salem Police Officer of the Year following a vote by his fellow officers; Salem Police Chief Mike Crawley called Keen a deserving choice for the award and described him as a positive influence and exemplary representative of the department; and

WHEREAS, Cody Keen will be formally honored as the Salem Police Officer of the Year at the Salem-Roanoke County Chamber of Commerce's annual dinner and gala on March 23, 2018; now, therefore, be it

RESOLVED by the House of Delegates, That Cody Keen hereby be commended on being selected as the 2017 Salem Police Officer of the Year; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Cody Keen as an expression of the House of Delegates' admiration for his commitment to serving and protecting the residents of Salem.

## HOUSE RESOLUTION NO. 110

*Commending Virginia Belle Honeycutt Meador.*

Agreed to by the House of Delegates, March 2, 2018

WHEREAS, Virginia Belle Honeycutt Meador, a consummate public servant, retired as the longest-serving member of the Wise County Board of Supervisors in 2017; and

WHEREAS, Virginia Honeycutt was born to Dr. Grover Cleveland Honeycutt and Nancy Palmer Honeycutt on March 30, 1924; she graduated from Randolph-Macon Women's College, now Randolph College, in Lynchburg and worked as an educator; and

WHEREAS, Virginia Honeycutt met and married Harry Wallace Meador, Jr., and the couple proudly raised two children, Harry Wallace Meador III and Nancy Christina Meador; and

WHEREAS, Virginia Meador was elected to the Wise County Board of Supervisors and served her first four-year term from 1980 until 1984; she was later reelected and served from 1988 until 2017, a total of 34 years on the Wise County Board of Supervisors, more than any other elected member; and

WHEREAS, Virginia Meador served several terms as vice chair and was appointed to and served on numerous boards as a representative of the Wise County Board of Supervisors; and

WHEREAS, Virginia Meador's greatest contribution was her passion for and demand that the Wise County Board of Supervisors respect and follow the agreed upon rules for organization; she built trust between citizens and local government by maintaining consistency and transparency; and

WHEREAS, throughout her time on the Wise County Board of Supervisors, Virginia Meador was an avid supporter of education and funding for the local schools and teachers; her contributions helped build a strong community spirit in Wise County and she leaves a legacy of excellence to her colleagues and successor on the board; now, therefore, be it

RESOLVED by the House of Delegates, That Virginia Belle Honeycutt Meador hereby be commended on the occasion of her retirement from the Wise County Board of Supervisors; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Virginia Belle Honeycutt Meador as an expression of the House of Delegates' admiration for her exceptional service to the residents of Wise County.

**HOUSE RESOLUTION NO. 111**

*Celebrating the life of the Honorable Earle C. Mobley.*

Agreed to by the House of Delegates, March 2, 2018

WHEREAS, the Honorable Earle C. Mobley, a judge of the Portsmouth Juvenile and Domestic Relations District Court and a man of deep and abiding faith who devoted his life to serving others, died on October 22, 2017; and

WHEREAS, Earle Mobley graduated from Portsmouth Catholic High School, where he was a fierce competitor on the baseball and basketball teams; he continued playing baseball at Virginia Wesleyan University, where he earned a bachelor's degree; and

WHEREAS, after receiving a law degree from Regent University, Earle Mobley worked as a defense attorney in private practice before serving as an assistant Commonwealth's Attorney; and

WHEREAS, Earle Mobley was elected as Portsmouth Commonwealth's Attorney in 2001; he served the city with dedication and distinction, prioritizing public integrity investigations and murder cases; and

WHEREAS, in 2014, Earle Mobley was appointed as a judge of the Portsmouth Juvenile and Domestic Relations District Court of the 3rd Judicial District of Virginia, where he presided with great fairness and wisdom; and

WHEREAS, well known for his humility and compassion and guided by his deeply held convictions and an unshakable sense of right and wrong, Earle Mobley touched countless lives in Portsmouth and throughout the Commonwealth; and

WHEREAS, predeceased by a daughter, Rebekah, Earle Mobley will be fondly remembered and greatly missed by his wife, Barbara; his children, Hannah, Emma, John, and Kenny, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of the Honorable Earle C. Mobley, a respected judge of the Portsmouth Juvenile and Domestic Relations District Court and a highly admired member of the Portsmouth community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of the Honorable Earle C. Mobley as an expression of the House of Delegates' respect for his memory.

**HOUSE RESOLUTION NO. 112**

*Commending CGI Southwest Virginia Technology Center of Excellence.*

Agreed to by the House of Delegates, March 2, 2018

WHEREAS, CGI Technologies and Solutions, Inc., opened its first United States Onshore IT Services Delivery Center, commonly referred to as the Southwest Virginia Technology Center of Excellence, in Lebanon in January 2006, and the center celebrated its 10th anniversary in 2016; and

WHEREAS, with its United States headquarters located in Fairfax County, CGI Technologies and Solutions, Inc., is one of the largest independent information technology and business process services firms in the world; and

WHEREAS, the Southwest Virginia Technology Center of Excellence was made possible with the support of the Virginia Governor's office, the Russell County Industrial Development Authority, the Town of Lebanon, and partnerships with Virginia universities and community colleges; and

WHEREAS, the Southwest Virginia Technology Center of Excellence now employs more than 400 professionals; and

WHEREAS, CGI selected Lebanon, a town of 3,200 people located in Russell County, for the Southwest Virginia Technology Center of Excellence based on the area's quality of life, geographic proximity to a large market for information technology services, strong business incentives from the Commonwealth, collaboration with business-friendly state and local governments, and strong partnerships with academic institutions; and

WHEREAS, the location of the Southwest Virginia Technology Center of Excellence allows many local graduates to remain in the area to pursue a career in information technology, and has allowed many others to return to Southwest Virginia and still pursue a career in technology; and

WHEREAS, the Southwest Virginia Technology Center of Excellence provides world-class information technology systems development, maintenance, and integration services to federal, state, and local governments, as well as telecom, financial services, insurance, retail, and manufacturing firms; and

WHEREAS, the Southwest Virginia Technology Center of Excellence hosts custom-tailored training programs delivered by local educational partners and draws skilled local talent from a feeder system of more than 30 colleges and universities, a strong recruiting network, and regionally sponsored programs; and

WHEREAS, as an active corporate citizen, the Southwest Virginia Technology Center of Excellence provides financial contributions and volunteer support to such causes as the Russell County Veterans Memorial Park, Soldiers' Angels, STEM (science, technology, engineering, and mathematics) programs, and The Leukemia & Lymphoma Society's Team in Training; and

WHEREAS, the Southwest Virginia Technology Center of Excellence demonstrates that public-private partnerships, when properly structured, can create and sustain well-paying jobs in rural areas of the Commonwealth; now, therefore, be it

RESOLVED by the House of Delegates, That the CGI Southwest Virginia Technology Center of Excellence hereby be commended on the occasion of its 10th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the employees of the CGI Southwest Virginia Technology Center of Excellence as an expression of the House of Delegates' admiration for their diligent work, commitment to the Commonwealth, and contributions to the local economy of Southwest Virginia.

**HOUSE RESOLUTION NO. 113**

*Commending Mountain Movers.*

Agreed to by the House of Delegates, March 2, 2018

WHEREAS, Mountain Movers in Russell County works to raise awareness of the need for foster families in the county and to provide resources to allow local families to care for foster children; and

WHEREAS, in 2017, with only 12 local foster families available and more than 65 children in the foster care system, Russell County partnered with the Virginia Department of Social Services to create Mountain Movers; and

WHEREAS, Mountain Movers collaborates with churches and other service organizations to encourage people to become foster parents by providing knowledge and resources; increasing the number of local foster families ensures that children in need of foster care can remain in their home county, continue attending their same school, and stay close to their friends; and

WHEREAS, a faith-based forum that strives to build a network of all churches in Russell County and throughout the region, Mountain Movers has helped extended family members of children become foster parents and reached many new potential foster families; and

WHEREAS, Mountain Movers has also worked to coordinate and provide shelter and support to people in need after natural disasters such as storms and floods; and

WHEREAS, Mountain Movers brings people together to improve the community socially, economically, and spiritually and has helped secure a stronger future for Russell County; now, therefore, be it

RESOLVED by the House of Delegates, That Mountain Movers hereby be commended for its work to support foster families and keep foster children close in their home county; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Mountain Movers as an expression of the House of Delegates' admiration for the organization's work to strengthen the Russell County community by advocating for children and families.

**HOUSE RESOLUTION NO. 114**

*Commending the Eastern View High School wrestling team.*

Agreed to by the House of Delegates, March 2, 2018

WHEREAS, the Eastern View High School wrestling team of Culpeper won the Virginia High School League Class 4A state championship on February 17, 2018, at Churchland High School in Portsmouth; and

WHEREAS, the talented grapplers of the Eastern View High School Cyclones turned in fantastic performances during the championship and finished with a final team score of 189.5 points, 16.5 points ahead of second-place Fauquier County High School; and

WHEREAS, along with the team championship, the Eastern View Cyclones captured a pair of individual state titles courtesy of junior Zach Brown, who won the 195-pound weight class, and sophomore Dillon Werth, who won the 113-pound weight class; and

WHEREAS, the Eastern View Cyclones' other strong individual performers included seniors Travis Gorham and John Shaffer, who posted second-place finishes in their weight classes; sophomore B.J. Taylor, who finished third; and junior Austin Kolikas and sophomore Blake Sheads, who both finished fourth; and

WHEREAS, the championship victory sealed the first state athletics title of any kind for Eastern View High School, which opened in 2008; the wrestling team also won the Class 4A East Region crown in February 2018; and

WHEREAS, the Eastern View High School wrestling team's state title win is a tribute to the hard work and dedication of all its talented athletes, the excellent guidance of its coaches and staff, and the passionate support of family, friends, and the entire Eastern View High School community; now, therefore, be it

RESOLVED by the House of Delegates, That the Eastern View High School wrestling team hereby be commended on winning the 2018 Virginia High School League Class 4A state championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Eric Brown, head coach of the Eastern View High School wrestling team, as an expression of the House of Delegates' admiration for the team's spectacular season.

**HOUSE RESOLUTION NO. 115**

*Commending the Prince William County Historic Preservation Division.*

Agreed to by the House of Delegates, March 5, 2018

WHEREAS, the Prince William County Historic Preservation Division won a Top Ten Endangered Artifact award from the Virginia Association of Museums for its set of 1902 poll books, which illustrate the history of voter disenfranchisement in the area; and

WHEREAS, the Top Ten Endangered Artifact awards allowed museums across the Commonwealth to nominate rare artifacts that are integral to the history of the Commonwealth or a particular community's heritage; the Prince William County Historic Preservation Division's poll books were selected as a winner by an independent panel of preservationists and conservators; and

WHEREAS, in 1901 and 1902 a Constitutional Convention set several new requirements for voters, resulting in nearly 88,000 fewer voters in 1905 than there had been in the previous election; the Prince William County Historic Preservation Division's poll books demonstrate how devastating these requirements were to the African American electorate in Virginia; and

WHEREAS, the Prince William County Historic Preservation Division's poll books represent the history of state-sponsored voter disenfranchisement of African Americans and the poor through segregation, poll taxes, and literacy tests; and

WHEREAS, as the winner of the prestigious award, the Prince William County Historic Preservation Division received a cash prize to help restore the poll books and place them on public display so that future generations may continue to learn from them; now, therefore, be it

RESOLVED by the House of Delegates, That the Prince William County Historic Preservation Division hereby be commended on winning a Top Ten Endangered Artifact award; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Prince William County Historic Preservation Division as an expression of the House of Delegates' admiration for the organization's role in preserving and publicly displaying key historic artifacts of the Commonwealth.

**HOUSE RESOLUTION NO. 116**

*Commending the American Council of Engineering Companies of Virginia.*

Agreed to by the House of Delegates, March 2, 2018

WHEREAS, for more than 50 years, the American Council of Engineering Companies of Virginia has worked to support independent consulting engineers and to protect public welfare by maintaining ethical, professional standards for consulting engineers; and

WHEREAS, established in 1967 and officially incorporated on December 7, 1968, the American Council of Engineering Companies of Virginia was originally known as the Consulting Engineers Council of Virginia; and

WHEREAS, the American Council of Engineering Companies of Virginia helps engineers use their scientific and technical knowledge and skills in creative, innovative ways to fulfill society's needs; and

WHEREAS, the American Council of Engineering Companies of Virginia promotes cooperation and mutual understanding among engineers as they strive to address major technological challenges, from rebuilding towns devastated by natural disaster, cleaning up the environment, and ensuring access to safe, clean, and efficient sources of energy, to designing information systems that will propel the nation into the future; and

WHEREAS, the American Council of Engineering Companies of Virginia contributes to the professional and economic welfare of the engineering field by encouraging Virginia's students to realize the practical power of their knowledge and pursue careers in engineering; and

WHEREAS, over the course of its 50-year history, the American Council of Engineering Companies of Virginia has enabled engineers to use their knowledge and skills to meet the challenges of the 21st century; and

WHEREAS, the American Council of Engineering Companies of Virginia and engineers throughout the Commonwealth will be participating in special events and raising awareness of the important work of engineers during Engineering Week from February 18 to February 24, 2018; now, therefore, be it

RESOLVED by the House of Delegates, That the American Council of Engineering Companies of Virginia hereby be commended on the occasion of Engineering Week 2018 and its 50th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the American Council of Engineering Companies of Virginia as an expression of the House of Delegates' admiration for the organization's contributions to the Commonwealth.

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## ACTS OF ASSEMBLY

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**HOUSE RESOLUTION NO. 117***Commending Janae Blakeney.*

Agreed to by the House of Delegates, March 2, 2018

WHEREAS, Janae Blakeney, a talented track and field athlete at Salem High School, won state titles in the long jump at the 2017 Virginia High School League Group 4A outdoor state championship as well as at the 2018 Group 4A indoor state championship; and

WHEREAS, during the outdoor state championship held on June 3, 2017, Janae Blakeney recorded a personal best leap of 18 feet, 2.25 inches, to beat out 16 other competitors and seal the title; and

WHEREAS, along with her success in the long jump at the outdoor state championship, Janae Blakeney finished seventh in the 100-meter event with a time of 12.82 seconds and fifth in the 200-meter event with a time of 25.77 seconds; and

WHEREAS, Janae Blakeney's standout 2017 season saw her named to the All-Timesland long jump first team by *The Roanoke Times*; and

WHEREAS, Janae Blakeney continued to excel during the indoor track and field state championship staged on February 23, 2018, securing the long jump title with a leap of 17 feet, 8.5 inches; and

WHEREAS, in addition to her indoor long jump championship, Janae Blakeney also finished second in the 55-meter event with a time of 7.30 seconds and second in the 300-meter event with a time of 41.27 seconds; and

WHEREAS, Janae Blakeney's talent and determination as a track and field competitor make her a shining example to her fellow student-athletes across the Commonwealth; now, therefore, be it

RESOLVED by the House of Delegates, That Janae Blakeney hereby be commended for winning the outdoor and indoor Virginia High School League Group 4A state long jump titles; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Janae Blakeney as an expression of the House of Delegates' admiration for her spectacular achievements and best wishes for continued success.

**HOUSE RESOLUTION NO. 118***Celebrating the life of David Leroy Lowe.*

Agreed to by the House of Delegates, March 2, 2018

WHEREAS, David Leroy Lowe, a beloved father and husband, and a respected resident of Abingdon who gave generously of his time as a volunteer first responder, died on August 26, 2017; and

WHEREAS, the son of Robert and Virginia Lowe, Leroy Lowe was born and raised in Abingdon and spent 35 years as a dedicated employee of the Xerox Corporation; following his retirement, he worked for Hungate Business Services; and

WHEREAS, for over 30 years, Leroy Lowe served as a volunteer firefighter and engineer with the Abingdon Fire Department, aiding countless individuals, families, and businesses in his community; in 2014, his devotion to helping others saw him honored with the unit's Firefighter of the Year award; and

WHEREAS, outside of his career and volunteer service with the fire department, Leroy Lowe spent over 15 years as a volunteer with the Abingdon Midget Football League; a man of strong faith, he enjoyed fellowship and worship at Abingdon Bible Church for 31 years; and

WHEREAS, Leroy Lowe's long record as a volunteer firefighter and first responder stands as a superb example of good citizenship, selflessness, and community service; and

WHEREAS, Leroy Lowe will be fondly remembered and dearly missed by his wife of 48 years, Kathy; children, David, Amy, and Ashley, and their families; and countless other family members, friends, and residents of the Abingdon community; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of David Leroy Lowe, a dedicated citizen who served the Abingdon community as a volunteer firefighter; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of David Leroy Lowe as an expression of the House of Delegates' respect for his memory.

**HOUSE RESOLUTION NO. 120***Celebrating the life of Bradford Huffman.*

Agreed to by the House of Delegates, March 2, 2018

WHEREAS, Bradford Huffman, a beloved son and brother who served the residents of the Commonwealth as an attorney, died on January 27, 2018; and

WHEREAS, born in 1987 in Newport News, Bradford "Ryan" Huffman earned a bachelor's degree in political science from Ball State University, where he received the Senior Award in Legal Studies; and

WHEREAS, in 2012, Ryan Huffman graduated from the T.C. Williams School of Law at the University of Richmond; he passed the Virginia Bar Examination the following summer on his first attempt; and

WHEREAS, a talented attorney, Ryan Huffman began his career working at his family firm, Huffman & Huffman, before opening his own personal injury practice in Arlington; and

WHEREAS, in 2016, Ryan Huffman relocated to Indianapolis, where he served as a project manager at Environmental Assurance Company, Inc.; and

WHEREAS, known for his humorous, caring, and loving personality, Ryan Huffman was passionate about music and sports; and

WHEREAS, Ryan Huffman will be fondly remembered and dearly missed by his parents, Bradford and Carmen; his brothers, Eric, Matthew, and Josh; his stepfather, Jeff; his stepmother, Andrea; and many other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Bradford Huffman, a respected citizen who gave valuable service to the community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Bradford Huffman as an expression of the House of Delegates' respect for his memory.

**HOUSE RESOLUTION NO. 121**

*Commending the Colonial Heights Optimists baseball team.*

Agreed to by the House of Delegates, March 7, 2018

WHEREAS, the Colonial Heights Optimists baseball team won the Boys Invitational Baseball Tournament held July 27-August 5, 2017, at Shepherd Stadium in Colonial Heights; and

WHEREAS, hosted by the Optimist Club of Colonial Heights, the Boys Invitational Baseball Tournament (BIB) is an annual single elimination competition staged for baseball teams comprised of children ages 11 and 12; the 2017 event was the 60th in the tournament's history and included 14 teams from across the Commonwealth; and

WHEREAS, relying on superb pitching and fielding and powerful hitting, the Colonial Heights Optimists battled through a bracket of talented teams in the BIB Tournament; in the title game, they rallied from behind to defeat the defending champion Williamsburg Revolution 8-7; and

WHEREAS, the Williamsburg Revolution struck first in the tense championship game, taking a 2-0 lead with a first inning home run; in the second inning, the Colonial Heights Optimists leveled the score at 2-2 with a pair of well-placed hits from players Zack Miller and Daniel McKinney; and

WHEREAS, after the teams traded the lead several times, the Williamsburg Revolution batted in two runs in the bottom of the fifth inning to claim a 7-5 advantage; Colonial Heights then inched within striking distance after an RBI fly ball from Gray Ellenburg made the score 7-6; and

WHEREAS, with a man on base in the sixth and final inning, pitcher Will Ciburke stepped up to the plate for the Colonial Heights Optimists and belted a two-run home run to give his team a crucial 8-7 lead; the Optimists' defense proceeded to dispatch three Williamsburg Revolution batters to seal the championship; and

WHEREAS, the victory in the final game marked the Colonial Heights Optimists' first BIB Tournament championship in 17 years; in addition, team manager Hunter Mitchell won the Roland Fontaine best coach award; and

WHEREAS, the Colonial Heights Optimists' championship is a testament to the skill and dedication of its young athletes, the able leadership of its coaches, and the enthusiastic support of family members, friends, and the Colonial Heights community; now, therefore, be it

RESOLVED by the House of Delegates, That the Colonial Heights Optimists baseball team hereby be commended on winning the 2017 Boys Invitational Baseball Tournament; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Colonial Heights Optimists baseball team as an expression of the House of Delegates' admiration for its spectacular accomplishments and best wishes for continued success.

**HOUSE RESOLUTION NO. 122**

*Commending Thierry G. Dupuis.*

Agreed to by the House of Delegates, March 7, 2018

WHEREAS, on September 1, 2017, Thierry G. Dupuis retired as chief of the Chesterfield County Police Department following a distinguished 40-year career in law enforcement; and

WHEREAS, a graduate of Fork Union Military Academy, Thierry Dupuis earned an associate's degree from John Tyler Community College, a bachelor's degree from Virginia Commonwealth University, and a master's degree from Averett College; and

WHEREAS, Thierry Dupuis began his career in 1977 as a deputy with the Richmond Sheriff's Office; he then worked briefly with the Virginia Commonwealth University Police Department before joining the Chesterfield County Police Department in 1979; and

WHEREAS, during his 38-year career with the Chesterfield County Police Department, Thierry Dupuis worked his way up from patrol officer to sergeant, lieutenant, captain, major, and lieutenant colonel; when he was named Chesterfield's seventh chief of police in 2007, he became its first chief to have held every rank within the department; and

WHEREAS, under Thierry Dupuis' able leadership, the Chesterfield County Police Department forged strong bonds with the local community, won accreditation from the Commission on Accreditation for Law Enforcement Agencies, and implemented a new crisis intervention training program to prepare officers for assisting people suffering from mental health issues; and

WHEREAS, throughout his career, Thierry Dupuis demonstrated his commitment to excellence by continuing his training and graduating from the Administrative Officers Management Program at North Carolina State University, the Drug Unit Commanders Academy at the Drug Enforcement Administration, the Professional Executive Leadership School at the University of Richmond, and the LEAD (Leading, Educating and Development) program at the University of Virginia's Weldon Cooper Center for Public Service; and

WHEREAS, along with serving as an adjunct professor at Virginia Commonwealth University, Thierry Dupuis also sat on several boards, including the board of Substance Abuse Free Environment, Inc. (SAFE), the John Tyler Alcohol Safety Action Program (ASAP) Policy Board, and the Chesterfield and Colonial Heights Community Criminal Justice Board; and

WHEREAS, during his distinguished tenure with Chesterfield County, Thierry Dupuis earned the trust and respect of his community and served as a mentor and role model for countless fellow officers; and

WHEREAS, in his well-deserved retirement, Thierry Dupuis plans to spend time with family and enjoy golf and fly fishing; now, therefore, be it

RESOLVED by the House of Delegates, That Thierry G. Dupuis hereby be commended on the occasion of his retirement as chief of the Chesterfield County Police Department; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Thierry G. Dupuis as an expression of the House of Delegates' admiration for his tireless efforts to serve and protect the residents of Chesterfield County.

### HOUSE RESOLUTION NO. 123

*Celebrating the life of Diane Drury Hyatt.*

Agreed to by the House of Delegates, March 7, 2018

WHEREAS, Diane Drury Hyatt, a beloved wife and mother and a respected public servant who served the residents of Roanoke County as a financial and administrative leader, died on March 5, 2017; and

WHEREAS, born in California, Diane Hyatt moved to Roanoke as a teenager and attended Andrew Lewis High School before earning a bachelor's degree from Roanoke College; after becoming a certified public accountant in 1977, she worked at a Roanoke accounting firm; and

WHEREAS, Diane Hyatt began her 30-year public service career in 1982, when she started working as the assistant superintendent of fiscal management for Roanoke County; and

WHEREAS, Diane Hyatt's poise, collaborative leadership style, and financial expertise saw her move steadily through the ranks of Roanoke County government; she became director of finance in 1986 and was named chief finance officer in 2001; from 2009 until her retirement in 2012, she served as Roanoke County's assistant county administrator; and

WHEREAS, as a local leader, Diane Hyatt oversaw numerous construction and development projects in Roanoke County; she was involved with the creation of the Spring Hollow Reservoir, the Green Ridge Recreation Center, and the North County Fire and Rescue Station, and she also served as project manager and assisted in the design process for the South County Library; and

WHEREAS, Diane Hyatt brought her far-reaching experience to regional boards and commissions, such as the Roanoke Valley Resource Authority, the Western Virginia Regional Jail Authority, the Western Virginia Water Authority, and the South Peak Community Development Authority; and

WHEREAS, colleagues remember Diane Hyatt as a quiet leader whose self-assured, easygoing demeanor made her a joy to work with; and

WHEREAS, outside of work, Diane Hyatt was at her happiest when reading a good book, traveling the world with her family, or attending First United Methodist Church in Salem; and

WHEREAS, Diane Hyatt will be fondly remembered and greatly missed by her husband of 43 years, James, who affectionately called her "Ace"; sons, Michael and James, and their families; and countless other family members, close friends, and colleagues; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Diane Drury Hyatt, a distinguished public servant who made an indelible mark on the Roanoke County community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Diane Drury Hyatt as an expression of the House of Delegates' respect for her memory.

**HOUSE RESOLUTION NO. 124**

*Celebrating the life of Grace Justice Keen.*

Agreed to by the House of Delegates, March 7, 2018

WHEREAS, Grace Justice Keen of Smithfield, a retired real estate professional who enhanced the quality of life in Isle of Wight County by leading beautification efforts, died on February 7, 2018; and

WHEREAS, a native of Mecklenburg County, Grace Keen relocated to Isle of Wight County, where she lived for more than 50 years and worked as a real estate broker; and

WHEREAS, a visionary community developer and an active volunteer, Grace Keen inspired her fellow residents to help make Isle of Wight a better place; she played a pivotal role in the establishment of the Isle of Wight Citizens Association and served as its president for almost 40 years; and

WHEREAS, as chair of the Isle of Wight County Beautification Committee, Grace Keen helped plant crepe myrtle trees throughout the community, and she was also well-known for her work with the Isle of Wight Commission on Aging; and

WHEREAS, Grace Keen earned many awards and accolades for her generous community service, including an Arbor Day Foundation Award and the Grace Keen Distinguished Community Service Award, presented by the Isle of Wight-Smithfield-Windsor Chamber of Commerce and the Isle of Wight County Department of Economic Development; and

WHEREAS, predeceased by her husband of 71 years, Carroll, Grace Keen will be fondly remembered and greatly missed by her children, Carroll, Jr., Brenda, Carolyn, and Ruth, and their families, and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Grace Justice Keen, who made many contributions to the residents of Isle of Wight County; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Grace Justice Keen as an expression of the House of Delegates' respect for her memory.

**HOUSE RESOLUTION NO. 125**

*Commending Bob Brown.*

Agreed to by the House of Delegates, March 7, 2018

WHEREAS, in February 2018, Bob Brown, senior photographer for the *Richmond Times-Dispatch*, was inducted into the Virginia Capitol Correspondents Association Hall of Fame for his 50 years of excellence in photojournalism; and

WHEREAS, after working in television for 10 years, Bob Brown joined the *Richmond Times-Dispatch* in 1968 to pursue his passion for photography; he has produced beautiful, thought-provoking photos for local sports, weather events, and other stories, and he has covered state government since 1970; and

WHEREAS, over the course of his 50-year career, Bob Brown has been a witness to history, as well as changes in the field of photojournalism, transitioning from black and white to color film and eventually digital photography; and

WHEREAS, Bob Brown's talent for capturing complex stories in a single moment in time is evident in all of his pieces, and in addition to his work at the State Capitol, he has traveled throughout Virginia, highlighting unique people and places in the Commonwealth for the Back Roads series of books; and

WHEREAS, Bob Brown has earned many awards and accolades for his photography, including in 2014, when he became the first photojournalist to win the George Mason Award from the Society of Professional Journalists, Virginia Pro Chapter; and

WHEREAS, Bob Brown was inducted into the Virginia Capitol Correspondents Association Hall of Fame at the organization's annual post-crossover dinner; he was the fifth journalist affiliated with Richmond newspapers to receive the prestigious honor; now, therefore, be it

RESOLVED by the House of Delegates, That Bob Brown hereby be commended on his selection as a member of the Virginia Capitol Correspondents Association Hall of Fame in 2018; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Bob Brown as an expression of the House of Delegates' admiration for his decades of contributions to photojournalism.

**HOUSE RESOLUTION NO. 126**

*Commending Preston Battle IV.*

Agreed to by the House of Delegates, March 7, 2018

WHEREAS, Preston Battle IV, an Emporia resident and dedicated member of the Boy Scouts of America, has earned the distinguished rank of Eagle Scout; and

WHEREAS, Preston Battle first entered Scouting at age five as a member of the Cub Scouts and later joined Boy Scout Troop 232 in Purdy; and

WHEREAS, Preston Battle has met and exceeded the requirements for the Eagle rank, achieving merit badges in a wide range of subjects, including emergency preparedness, shooting, soil and water conservation, traffic safety, and photography; and

WHEREAS, for his Eagle Scout project, Preston Battle enlisted the help of community volunteers and fellow Scouts from Troop 232 to construct bricked landscaping boxes for Oak Grove Baptist Church in Emporia; and

WHEREAS, a talented student, Preston Battle is a senior at Greensville County High School with dual enrollment credit classes at Southside Virginia Community College; he is a member of the varsity baseball team and has received several academic honors, including the Superintendent's Award; and

WHEREAS, Preston Battle is also an Emporia Fire Department cadet, a member of the Emporia Jaycees, and a dedicated employee at an appliance and hardware store; and

WHEREAS, Preston Battle has received early decision acceptance to Virginia Polytechnic Institute and State University, where he intends to study wildlife management and conservation; and

WHEREAS, through his commitment to volunteerism and conservation, Preston Battle has exemplified the ideals of the Boy Scouts of America and provided valuable service to his community; now, therefore, be it

RESOLVED by the House of Delegates, That Preston Battle IV hereby be commended for attaining the rank of Eagle Scout in the Boy Scouts of America; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Preston Battle IV as an expression of the House of Delegates' admiration for his diligent service and contributions to the community.

**HOUSE RESOLUTION NO. 127**

*Commending Stafford Junction, Inc.*

Agreed to by the House of Delegates, March 7, 2018

WHEREAS, for 15 years, Stafford Junction, Inc., has supported at-risk youths and their families in Stafford County by providing comprehensive programs focused on education, nutrition, and healthy living; and

WHEREAS, founded in 2003, Stafford Junction is a faith-based nonprofit organization that strengthens the community by empowering and improving the lives of children in low-income areas; and

WHEREAS, Stafford Junction serves children through six major programs, including the Brain Builders afterschool tutoring program, the Helping Us Grow Stronger (HUGS) preschool program, and a Life Skills Workshop; and

WHEREAS, Stafford Junction offers a Summer Junction camp and a Badges for Baseball camp to provide opportunities for recreation and mentorship, as well as the Healthy Living Pays program to teach children about good nutrition and physical fitness; and

WHEREAS, Stafford Junction strives to build strong relationships in the community and has partnered with residents, churches, businesses, and service organizations to change lives through faith and action; and

WHEREAS, Stafford Junction has fulfilled its noble mission with the help and hard work of numerous volunteers and many generous donations of money and supplies from individuals, businesses, and other organizations; now, therefore, be it

RESOLVED by the House of Delegates, That Stafford Junction, Inc., hereby be commended on the occasion of its 15th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Stafford Junction, Inc., as an expression of the House of Delegates' admiration for its mission to help children in Stafford County reach their fullest potential.

**HOUSE RESOLUTION NO. 128**

*Commending the Colgan High School theatre program.*

Agreed to by the House of Delegates, March 7, 2018

WHEREAS, the Colgan High School theatre program helped preserve the history of school integration in Prince William County through its production of *The Courageous Four*; and

WHEREAS, the story of the Courageous Four, when teachers Fannie W. Fitzgerald, Zella Brown, Maxine Coleman, and Mary G. Porter were transferred to all-white elementary schools, represents one of the most successful and non-violent school integrations in the nation; the students and faculty in the Colgan High School theatre program based their production on the Courageous Four to ensure that the lesser-known story was preserved for future generations; and

WHEREAS, to prepare for the production, 150 Colgan High School students researched the story and attended a full-day class at the Creative and Performing Arts Center to learn about the Civil Rights movement and listen to interviews with family members of the Courageous Four; and

WHEREAS, the Colgan High School theatre program held its performances of *The Courageous Four*, along with another piece, *Freedom Riders*, on February 15-17, 2018; now, therefore, be it

RESOLVED by the House of Delegates, That the Colgan High School theatre program hereby be commended for its work to preserve the history and heritage of the Commonwealth with its production of *The Courageous Four*; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Colgan High School theatre program as an expression of the House of Delegates' admiration for the hard work and dedication of the program's students, faculty, and staff.

**HOUSE RESOLUTION NO. 129**

*Commending Abbesi Akhamie.*

Agreed to by the House of Delegates, March 7, 2018

WHEREAS, Abbesi Akhamie of Woodbridge, a talented film writer and director, received a Visual Arts Fellowship from the Virginia Museum of Fine Arts for 2018-2019; and

WHEREAS, the Virginia Museum of Fine Arts Fellowship Program has been a major source of funding for the visual arts and art history in the Commonwealth for 75 years; Abbesi Akhamie was one of 27 artists selected for the prestigious fellowship in 2018; and

WHEREAS, Abbesi Akhamie holds degrees from George Mason University and the Tisch School of the Arts at New York University; and

WHEREAS, a native of Heidelberg, Germany, Abbesi Akhamie was inspired by her Nigerian heritage to focus her art on Africa and the African diaspora; and

WHEREAS, in 2016, Abbesi Akhamie produced two short films, *Samedi Cinema* and *Tween*, both of which received national and international acclaim; in 2017, she directed the short film *Still Water Runs Deep*, which premiered at the Toronto International Film Festival; and

WHEREAS, Abbesi Akhamie is currently working on two feature-length scripts and a fiction narrative, as well as another short film, *A Lost Flock*, which she wrote and directed; now, therefore, be it

RESOLVED by the House of Delegates, That Abbesi Akhamie hereby be commended on receiving a Visual Arts Fellowship from the Virginia Museum of Fine Arts for 2018-2019; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Abbesi Akhamie as an expression of the House of Delegates' admiration for her artistic achievements.

**HOUSE RESOLUTION NO. 130**

*Commending the Woodbridge Potomac Communities Civic Association.*

Agreed to by the House of Delegates, March 7, 2018

WHEREAS, for 10 years, the Woodbridge Potomac Communities Civic Association has worked to strengthen the community by providing a unified voice for local residents; and

WHEREAS, established in October 2008 with the support of Woodbridge District Supervisor Frank J. Principi, the Woodbridge Potomac Communities Civic Association is a nonpartisan organization that works closely with local government to provide citizen input on a wide variety of topics; and

WHEREAS, the Woodbridge Potomac Communities Civic Association studies many issues that affect the community, including land use, transportation, development, education, and the environment; and

WHEREAS, the membership of the Woodbridge Potomac Communities Civic Association ranges from people who have lived in the community for more than 30 years to new residents, as well as local businesses, nonprofit organizations, and property owners; and

WHEREAS, the members of the Woodbridge Potomac Communities Civic Association take a hands-on approach to community improvement, participating in planning meetings, river clean-ups, and other local initiatives; and

WHEREAS, the Woodbridge Potomac Communities Civic Association has fulfilled its mission with the leadership of its Board of Directors and the active participation of its members; now, therefore, be it

RESOLVED by the House of Delegates, That the Woodbridge Potomac Communities Civic Association hereby be commended on the occasion of its 10th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Woodbridge Potomac Communities Civic Association as an expression of the House of Delegates' admiration for its contributions to the residents of Prince William County.

**HOUSE RESOLUTION NO. 131**

*Commending the Honorable Robert H. Brink.*

Agreed to by the House of Delegates, March 7, 2018

WHEREAS, the Honorable Robert H. Brink, a loyal public servant and a respected professional with experience in all levels of government, has dedicated his life to serving the residents of the Commonwealth; and

WHEREAS, Robert "Bob" H. Brink worked to enhance the Arlington County community as an activist and civic servant for many years, then served the nation as counsel to two congressional committees and as a member of the United States Department of Justice; and

WHEREAS, desirous to be of further service to the Commonwealth, Bob Brink ran for and was elected to the Virginia House of Delegates and represented the residents of the 48th District from 1998 until 2014; and

WHEREAS, throughout his time in office, Bob Brink worked to enact numerous important pieces of legislation, including efforts to increase funding for teachers of blind students, ensuring that blind and low-vision students in the Commonwealth receive a high-quality education; and

WHEREAS, Bob Brink played a crucial role in the financial stewardship of the Commonwealth on the Committee on Appropriations, where he proudly supported the formation of Virginia's Children's Health Insurance Plan; and

WHEREAS, in addition to being named as the head of the Arlington delegation, Bob Brink became the 13th most-senior member of the Virginia House of Delegates and offered his leadership and wisdom as the ranking Democrat on the Committee on Privileges and Elections and as a member of the Committee on Transportation; and

WHEREAS, Bob Brink earned numerous awards and accolades for his good work, including recognition from the National Federation of the Blind of Virginia and conservation groups; and

WHEREAS, Bob Brink helped inspire a passion for public service in a generation of future leaders by heading the Virginia YMCA Model General Assembly program board; and

WHEREAS, in 2014, Bob Brink was appointed by Governor Terence R. McAuliffe as Deputy Commissioner for Aging Services at the Department for Aging and Rehabilitative Services, where he worked with Area Agencies on Aging to help older Virginians live independently while maintaining their health, dignity, and security; and

WHEREAS, Bob Brink continued to serve the McAuliffe administration in various capacities for three and a half years, completing his tenure as the Governor's senior legislative advisor; and

WHEREAS, having served the citizens of Virginia with integrity for more than two decades as a public servant, Bob Brink will seek new opportunities to serve the Commonwealth and his community; now, therefore, be it

RESOLVED by the House of Delegates, That the Honorable Robert H. Brink hereby be commended for his more than 20 years of public service to the Commonwealth; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Honorable Robert H. Brink as an expression of the House of Delegates' admiration for his leadership and exceptional achievements.

**HOUSE RESOLUTION NO. 132**

*Commending Ashley Caldwell.*

Agreed to by the House of Delegates, March 7, 2018

WHEREAS, Ashley Caldwell, a talented freestyle skier and a native of Ashburn, represented the United States at the XXIII Olympic Winter Games in PyeongChang, Republic of Korea, in February 2018; and

WHEREAS, Ashley Caldwell grew up in Northern Virginia, where she originally trained as a gymnast; she was inspired to take up skiing after watching the 2006 Winter Olympics in Turin, Italy; and

WHEREAS, a three-time Olympian, Ashley Caldwell competed at the 2010 Winter Olympics in Vancouver, Canada, and the 2014 Winter Olympics in Sochi, Russia; and

WHEREAS, respected for her high-difficulty jumps, Ashley Caldwell is the only woman skier who routinely attempts triple back flips; and

WHEREAS, prior to the 2018 Winter Olympics, Ashley Caldwell won the aerials event at the 2017 FIS Freestyle Ski and Snowboarding World Championships and became the first woman to successfully land a quadruple twisting triple back flip; and

WHEREAS, Ashley Caldwell competed in the aerials event at the 2018 Winter Olympics; now, therefore, be it

RESOLVED by the House of Delegates, That Ashley Caldwell hereby be commended on representing the United States and the Commonwealth in freestyle skiing at the XXIII Olympic Winter Games in 2018; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Ashley Caldwell as an expression of the House of Delegates' admiration for her achievements as a member of Team USA.

**HOUSE RESOLUTION NO. 133**

*Commending Brian Ratliff.*

Agreed to by the House of Delegates, March 7, 2018

WHEREAS, Brian Ratliff, a respected leader and educator who serves as superintendent of Washington County Public Schools, was honored as the 2018-2019 Region 7 School Superintendent of the Year by the Virginia Association of School Superintendents; and

WHEREAS, the Superintendent of the Year award is presented annually to honor outstanding achievement in public school administration; Brian Ratliff was the winner for Region 7, which includes 19 different school divisions in Southwest Virginia; and

WHEREAS, a native of Russell County, Brian Ratliff attended Liberty University and earned a Ph.D. in education from the University of Virginia; he began his education career at Heritage High School in Lynchburg, where he served for five years as a guidance counselor and a basketball and tennis coach; and

WHEREAS, Brian Ratliff joined Amherst County Public Schools in the 1990s and later served as a principal, a human resources director, and an assistant superintendent before spending five years as superintendent; and

WHEREAS, since July 2013, Brian Ratliff has been superintendent of Washington County Public Schools; in that role, he oversees over 7,000 students and 1,200 employees at 16 schools; and

WHEREAS, during his tenure as superintendent of Washington County Public Schools, Brian Ratliff has placed special emphasis on student learning and leadership and has become known for his dedication, integrity, and talent for building successful working relationships; and

WHEREAS, in addition to his work as a school superintendent, Brian Ratliff is a respected writer and public speaker who has taught internationally and served as a graduate adjunct professor and consultant; he also currently serves as president of the board of directors of the Virginia Association of School Superintendents; and

WHEREAS, Brian Ratliff has received numerous honors and accolades, including a 2009 Excellence in Educational Leadership Award from the University of Virginia; and

WHEREAS, Brian Ratliff will be formally recognized as the Region 7 School Superintendent of the Year during a ceremony in May 2018; now, therefore, be it

RESOLVED by the House of Delegates, That Brian Ratliff hereby be commended on being named the 2018-2019 Region 7 School Superintendent of the Year by the Virginia Association of School Superintendents; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Brian Ratliff as an expression of the House of Delegates' admiration for his dedication to the students, faculty, and staff of Washington County Public Schools.

**HOUSE RESOLUTION NO. 134**

*Celebrating the life of Edwin C. Luther III.*

Agreed to by the House of Delegates, March 7, 2018

WHEREAS, Edwin C. Luther III, a respected member of the Richmond community who promoted responsible economic growth in the Commonwealth as a longtime member of the Virginia Chamber of Commerce, died on February 7, 2018; and

WHEREAS, Edwin "Win" C. Luther III was born in Vivian, West Virginia, to the late Roland and Sarah Luther; and

WHEREAS, Win Luther was a graduate of Virginia Episcopal School and The College of William and Mary, and he served his country as a first lieutenant in the United States Army during the Vietnam War; and

WHEREAS, after his honorable military service, Win Luther relocated to Richmond to pursue a career in business; he served as a member of the Virginia Chamber of Commerce for many years, including as chief executive officer from 1981 to 1992; and

WHEREAS, Win Luther enjoyed fellowship and worship with the Richmond community as an active member of St. Stephen's Episcopal Church; and

WHEREAS, Win Luther will be fondly remembered and greatly missed by his wife, Roslyn; his children, Neil, Edie, and Mary Katheryn; and many other family members, friends, and members of the Richmond community; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Edwin C. Luther III, who made many contributions to the Commonwealth; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Edwin C. Luther III as an expression of the House of Delegates' respect for his memory.

**HOUSE RESOLUTION NO. 135**

*Commending Deborah L. Vest.*

Agreed to by the House of Delegates, March 7, 2018

WHEREAS, Deborah L. Vest, a talented and diligent public servant who served the City of Poquoson for 36 years, retired on January 1, 2018, following a distinguished career; and

WHEREAS, Deborah Vest began her employment with the City of Poquoson in August 1981 as an executive secretary in the City Manager's Office; and

WHEREAS, beginning in April 1987, Deborah Vest was promoted to the position of Planning Assistant in the Planning Department, which began her professional growth within the organization; and

WHEREAS, in 2000, Deborah Vest took on the responsibility of Planning/Zoning Administrator; upon the death of the Director of Planning in 2004, she assumed all of his responsibilities as well as the supervision of both the Engineering and Inspections personnel; and

WHEREAS, from 2006 to 2010, Deborah Vest served as Coordinator of Community Development for Poquoson; in 2010, she was reclassified and promoted to the position of Director of Community Development; and

WHEREAS, during her employment with Poquoson, Deborah Vest had several notable accomplishments, including completing the Virginia Certified Planning Commissioner Program, earning a certificate of training for Wetlands Identification/Delineation, and serving as staff representative to the Planning Commission, Board of Zoning Appeals, and Wetlands Board; and

WHEREAS, Deborah Vest also served as chair of Poquoson's Development Planning Review Committee and is a 2011 graduate of LEAD Peninsula; and

WHEREAS, Deborah Vest's devotion to the City of Poquoson has won her the abiding respect and admiration of colleagues, contractors, developers, and the residents she has so ably served; now, therefore, be it

RESOLVED by the House of Delegates, That Deborah L. Vest hereby be commended on her years of outstanding service to the Poquoson community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Deborah L. Vest as an expression of the House of Delegates' admiration for her impressive career accomplishments and best wishes for a well-deserved retirement.

**HOUSE RESOLUTION NO. 136**

*Celebrating the life of Laurie Genise Snead Westbrook.*

Agreed to by the House of Delegates, March 7, 2018

WHEREAS, Laurie Genise Snead Westbrook, a civil servant who worked for the Commonwealth for more than a decade, a beloved daughter, wife, and mother, and a lifelong resident of Charles City County, died on February 19, 2018; and

WHEREAS, Laurie Westbrook grew up in Charles City County and began developing her deep and abiding faith at a young age as a member of Parrish Hill Baptist Church; and

WHEREAS, Laurie Westbrook earned a bachelor's degree from St. Paul's College in Lawrenceville and a master's degree from Virginia State University; and

WHEREAS, Laurie Westbrook worked for the United States and the Commonwealth for 12 years at the Federal Correctional Institute in Petersburg and the Virginia Department for Aging and Rehabilitative Services in Richmond; and

WHEREAS, a dedicated volunteer, Laurie Westbrook supported Charles City County Public Schools during back-to-school season and test prep sessions, and she was an active member of the Delta Sigma Theta Sorority; and

WHEREAS, since 2010, Laurie Westbrook enjoyed fellowship and worship with the Richmond community at Speaking Spirit Ministries, bringing joy to her fellow members of the congregation; and

WHEREAS, Laurie Westbrook will be fondly remembered and greatly missed by her beloved husband, Keith; her son, Schuyler; her mother, Florence; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Laurie Genise Snead Westbrook, a respected civil servant and a beloved member of the Charles City County community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Laurie Genise Snead Westbrook as an expression of the House of Delegates' respect for her memory.

### HOUSE RESOLUTION NO. 137

*Commending Dr. William R. Harvey.*

Agreed to by the House of Delegates, March 7, 2018

WHEREAS, Dr. William R. Harvey has served with distinction for 40 years as the 12th President of Hampton University, creating a monumental legacy as one of the longest-sitting presidents of a college or university in the country; and

WHEREAS, Dr. Harvey has set high standards for student achievement and unwaveringly guided Hampton University as the Standard of Excellence; and

WHEREAS, Dr. Harvey initiated 92 new degree programs, including seven new doctoral programs; increased enrollment from 2,700 students to a high of more than 6,300 students; and established the Atmospheric Science Center, which launches weather satellites and currently has four in orbit, the latest of which was a \$140 million launch from Vandenberg Air Force Base in California; and

WHEREAS, Dr. Harvey helped Hampton University earn national recognition perennially from *The Wall Street Journal*, *U.S. News & World Report*, *The Princeton Review*, and *HBCU Digest* as one of the top universities in the country, the top university in the Hampton Roads Region, and a top historically black college/university; and

WHEREAS, Dr. Harvey has increased Hampton University's endowment from \$29 million to over \$280 million as well as balanced the university's budget for 40 years; and

WHEREAS, under Dr. Harvey's leadership, Hampton University has secured hundreds of millions of dollars in funding for capital projects, completed major renovations of campus buildings, and completed 28 new buildings and facilities; and

WHEREAS, Dr. Harvey's vision of leaving this world better than he found it led him to invest \$225 million to establish the Hampton University Proton Therapy Institute, the world's largest proton therapy cancer treatment center, which is easing human misery and saving lives; and

WHEREAS, during Dr. Harvey's presidency, the Hampton University Pirates athletic programs have been recognized for excellence on and off the field for academic performance, victories and championships in the Mid-Eastern Athletic Conference and the Central Intercollegiate Athletic Association, and National Collegiate Athletic Association tournament appearances; and

WHEREAS, seventeen former Hampton University administrators who served under Dr. Harvey's leadership have become college and university presidents or executives in other organizations; and

WHEREAS, in addition to his duties as president of Hampton University, Dr. Harvey is 100 percent owner of a Pepsi Bottling Company in Houghton, Michigan, has been appointed by seven United States Presidents to serve on national boards, and has served on 19 corporate and nonprofit boards; and

WHEREAS, Dr. Harvey has received numerous awards and recognitions, including the Thurgood Marshall Educational Leadership Award; the Attorney Charles Hamilton Houston Perseverance in Higher Education Leadership and Economic Development Award; the *Daily Press* Citizen of the Year Award; the PepsiCo Harvey C. Russell Award; the Virginia Peninsula Chamber of Commerce Distinguished Citizen Award; the Harvard Chapter of Phi Delta Kappa Distinguished Service Award; and the American Biographical Institute Man of the Year Award; and

WHEREAS, Dr. Harvey has been awarded 11 honorary doctorates from institutions of higher education, including Howard University, Tuskegee University, Talladega College, and Salisbury State University, and he was granted a Key to the City by Berkeley, California; San Antonio, Texas; Tuskegee, Alabama; and Birmingham, Alabama; and

WHEREAS, Dr. Harvey holds degrees from Harvard University, Virginia State University, and Talladega College; now, therefore, be it

RESOLVED by the House of Delegates, That Dr. William R. Harvey hereby be commended for his 40 years of visionary leadership as president of Hampton University; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Dr. William R. Harvey as an expression of the House of Delegates' admiration for his commitment to academic excellence and service to the Hampton community.

### HOUSE RESOLUTION NO. 138

*Commending Hampton University.*

Agreed to by the House of Delegates, March 7, 2018

WHEREAS, Hampton University has set high standards for student achievement and unwavering excellence for 150 years; and

WHEREAS, Hampton University began with the vision of Brevet Brigadier General Samuel Chapman Armstrong, son of missionaries and a hero in the Battle of Gettysburg, who was sent by the Freedmen's Bureau to educate thousands of ex-slaves who had gathered behind Union lines in Virginia; and

WHEREAS, General Armstrong founded Hampton Normal and Agricultural School and poured his heart and soul into molding productive citizens in post-war Virginia for 25 years, until his death; and

WHEREAS, General Armstrong built what is now Hampton University upon the tenets of education and character, with a particular emphasis on the latter; his boundless energy and commitment to serving and educating newly freed slaves laid a strong foundation for a world-class university; and

WHEREAS, Hampton University's American Indian Educational Opportunities Program educated more than 1,300 Native Americans from 65 different tribes over 55 years, emphasizing dignity, manual and academic training, and living a life of service; and

WHEREAS, eleven United States Presidents have associated with Hampton University, including William Howard Taft, who served as chair of the Board of Trustees while President and while Chief Justice of the United States Supreme Court; and

WHEREAS, Hampton University counts among its alumni Booker T. Washington; Olympic track and field star Francena McCorory; mother of the Reverend Dr. Martin Luther King, Jr., Alberta Williams King; comedienne Wanda Sykes; and Dr. Christine Darden, a former mathematician at the National Aeronautics and Space Administration (NASA) who was featured in the book *Hidden Figures*; and

WHEREAS, Hampton University is the only historically black college/university (HBCU) to have 100 percent control of a NASA satellite mission, with a total of four satellites in orbit; and

WHEREAS, Hampton University founded the nation's largest free-standing proton therapy treatment center, the Hampton University Proton Therapy Institute, which is easing human misery and saving lives; and

WHEREAS, the Hampton University Pirates athletic programs have been recognized for excellence on and off the field, for academic performance as well as victories and championships in the Mid-Eastern Athletic Conference and the Central Intercollegiate Athletic Association, and National Collegiate Athletic Association tournament appearances; and

WHEREAS, Hampton University has earned consistent annual national recognition from *The Wall Street Journal*, *U.S. News & World Report*, *The Princeton Review*, and the *HBCU Digest* as one of the top universities in the country, the top university in the Hampton Roads Region, and a top HBCU; now, therefore, be it

RESOLVED by the House of Delegates, That Hampton University hereby be commended on the occasion of its 150th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Hampton University as an expression of the House of Delegates' admiration for the institution's storied history and contributions to higher education in the Commonwealth.

### HOUSE RESOLUTION NO. 139

*Celebrating the life of Agnes Epes McMurran Johnson.*

Agreed to by the House of Delegates, March 7, 2018

WHEREAS, Agnes Epes McMurran Johnson, a beloved mother and grandmother, respected Newport News resident, and talented artist, died on February 14, 2018; and

WHEREAS, born in Newport News, Agnes Johnson attended Newport News Public Schools and Hollins College; she earned a bachelor's degree from the University of North Carolina at Chapel Hill and a master's degree in library science from Drexel University; and

WHEREAS, after marrying Samuel Cletus "Red" Johnson in 1949, Agnes Johnson assisted him with his business and participated with their son in the Boy Scouts of America, Little League baseball, and church basketball leagues; and

WHEREAS, an accomplished artist, Agnes Johnson taught art classes in her home to children and adults and started the Peninsula Arts Association, now the Peninsula Fine Arts Center; her expertly crafted portraits hang in Christopher Newport University, the James River Country Club, courtrooms, banks, and many private homes; and

WHEREAS, a passionate University of North Carolina at Chapel Hill basketball fan who also had a special seat at Christopher Newport University football and basketball games, Agnes Johnson was happiest when giving parties for friends and family or spending time working in her formal garden; and

WHEREAS, predeceased by her husband of over 40 years, Red, Agnes Johnson will be fondly remembered and dearly missed by her son, Rick, and his family, as well as numerous other family members and close friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Agnes Epes McMurran Johnson, an active and distinguished member of the Newport News community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Agnes Epes McMurran Johnson as an expression of the House of Delegates' respect for her memory.

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## ACTS OF ASSEMBLY

[VA.,

## HOUSE RESOLUTION NO. 140

*Commending the Abingdon High School golf team.*

Agreed to by the House of Delegates, March 7, 2018

WHEREAS, the Abingdon High School golf team won the Virginia High School League Group 3A state championship on October 11, 2017, securing the program's third state title overall and its second state title in three years; and

WHEREAS, the two-day tournament was held at Glenrochie Country Club, an 18-hole course in Abingdon that has been the site of all three of the Abingdon High School Falcons' state championships; and

WHEREAS, the Abingdon High School Falcons' golfers navigated the course's fast greens and tricky pin placements with poise and finished with a total team score of 645 over 36 holes, 13 strokes ahead of the runner-up Rockbridge County High School Wildcats; and

WHEREAS, the Abingdon High School golf team was led by junior Connor Creasy, who fired off a two-under 70 and a spectacular four-under 68 to claim the individual state title, beating out players from 20 other schools; and

WHEREAS, other standout performers for the Abingdon High School Falcons included junior Bryce Addison, who notched a two-day score of 153; senior Titus Dowell, who shot a two-day 178; and junior George Green, who finished with a two-day 181; and

WHEREAS, the Abingdon High School golf team was cheered on by a host of former players, coaches, and local fans, who braved an early morning rain to watch the team clinch the state title; and

WHEREAS, the Abingdon High School Falcons' state championship win is a testament to the dedication of its talented student athletes, the excellent guidance of its coaches, and the support of family, friends, and the entire Abingdon High School community; now, therefore, be it

RESOLVED by the House of Delegates, That the Abingdon High School golf team hereby be commended on winning the Virginia High School League Group 3A state championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Jason Delp, head coach of the Abingdon High School golf team, as an expression of the House of Delegates' admiration for his team's impressive accomplishments.

## HOUSE RESOLUTION NO. 141

*Celebrating the life of Robert Gilbert Bagley.*

Agreed to by the House of Delegates, March 7, 2018

WHEREAS, Robert Gilbert Bagley, a distinguished citizen of Chesapeake who served his fellow residents as the longtime fire chief, a member of the Chesapeake City Council, and a generous philanthropist, died on November 4, 2017; and

WHEREAS, a native of South Norfolk, Robert "Buddy" Gilbert Bagley was the youngest of 21 children born to the late James and Corrine Bagley; and

WHEREAS, Buddy Bagley honorably served his country as a member of the United States Army 3rd Infantry Regiment, the oldest active-duty infantry unit in the Army; he was assigned to the elite Honor Guard Company, which serves as an escort to the President of the United States; and

WHEREAS, Buddy Bagley safeguarded the lives and property of his fellow residents as a firefighter with the Chesapeake Fire Department for more than 35 years, including 16 years as fire chief; and

WHEREAS, during his tenure as fire chief, Buddy Bagley worked to ensure that the Chesapeake Fire Department had the training, techniques, and tools to best serve the community; he was the city's longest-serving chief at the time of his retirement in 1986; and

WHEREAS, desirous to be of further service to the community, Buddy Bagley ran for and was elected to the Chesapeake City Council, then pursued a career in banking with People's Bank of Chesapeake and the Bank of Hampton Roads; and

WHEREAS, after his retirement from banking, Buddy Bagley continued to support the community as a philanthropist, raising money for various charitable causes through his association with South Norfolk Masonic Lodge No. 339 and the Khedive Shriners; and

WHEREAS, Buddy Bagley was also the chair of the Chesapeake Public Schools Educational Foundation and president of the Chesapeake Sports Club, which provides scholarships to student-athletes in public and private schools in Chesapeake; and

WHEREAS, Buddy Bagley played a pivotal role in the inaugural Chesapeake Jubilee in 1983, and he planned and coordinated the event's highly anticipated fireworks display for many years; he later encouraged local businesses to support a permanent stage for the Chesapeake Jubilee, that was renamed Buddy G. Bagley Stage in his honor; and

WHEREAS, Buddy Bagley will be fondly remembered and greatly missed by his devoted wife of 60 years, Peggy; his daughter, Page, and her family; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Robert Gilbert Bagley, a pillar of the Chesapeake community; and, be it

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ACTS OF ASSEMBLY

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RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Robert Gilbert Bagley as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 142

*Commending Mount Pleasant Baptist Church.*

Agreed to by the House of Delegates, March 7, 2018

WHEREAS, Mount Pleasant Baptist Church began as a mission sponsored by Immanuel Baptist Church and Colonial Heights Baptist Church; and

WHEREAS, what was originally known as Mount Pleasant Baptist Mission held its first meeting on October 15, 1964, and the first regular worship service on July 11, 1965; it was constituted as a self-governing church on July 14, 1968, and became known as Mount Pleasant Baptist Church; and

WHEREAS, Mount Pleasant Baptist Church held a groundbreaking ceremony for a permanent building on October 16, 1966, and it was ready for occupancy in 1967; several subsequent building campaigns took place throughout the years, including the completion of the present sanctuary in 1998; and

WHEREAS, Mount Pleasant Baptist Church is a member of the Southern Baptist Convention, the Southern Baptist Conservatives of Virginia, and the Petersburg Baptist Association, and it works in partnership with the International Mission Board and the North American Mission Board; and

WHEREAS, Mount Pleasant Baptist Church has shared the gospel throughout the Colonial Heights community, the Commonwealth, and the United States, as well as with people on the distant continents of the world; and

WHEREAS, the Reverend Julian O. Yuille (1967-2000), the Reverend Dr. Jeff Ginn (2000-2008), the Reverend Curtis Barnes (2009-2014), and the Reverend Dr. Joey Anthony (2015-present) have each filled the pulpit as lead pastor at Mount Pleasant Baptist Church; and

WHEREAS, the congregation of Mount Pleasant Baptist Church fulfills its mission to "Meet people where they are and point them to Jesus"; now, therefore, be it

RESOLVED by the House of Delegates, That Mount Pleasant Baptist Church hereby be commended on the occasion of its 50th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Reverend Dr. Joey Anthony, lead pastor of Mount Pleasant Baptist Church, as an expression of the House of Delegates' admiration for the church's long legacy of spiritual leadership and generous outreach.

HOUSE RESOLUTION NO. 143

*Commending the Faith Christian School girls' basketball team.*

Agreed to by the House of Delegates, March 7, 2018

WHEREAS, the Faith Christian School girls' basketball team of Roanoke won the Virginia Association of Christian Athletics state championship on February 24, 2018; and

WHEREAS, rallying behind the team motto "In Shape We Dominate," the Faith Christian School Warriors played with a pressure defense and high-tempo offense throughout the year and finished the season with a superb 21-4 record; and

WHEREAS, in the Virginia Association of Christian Athletics state final, the Faith Christian Warriors defeated the defending champion Stuart Hall School Dragons 57-51 to clinch the title; and

WHEREAS, sophomore Catherine Kagey led the Faith Christian Warriors with 22 points in the championship game; Sydney Carmouche added 12 points and Megan Kagey, Sarah Mayerchak, and Kateleigh Wampler each scored seven points; and

WHEREAS, the Faith Christian Warriors continued their stellar play in the first round of the Virginia Independent Schools Athletic Association Division III state championship tournament on February 27, 2018; despite trailing by five points in the fourth quarter, the Warriors came from behind to defeat Christ Chapel Academy 57-51 and advance to the quarterfinals; and

WHEREAS, Faith Christian School's title-winning 2018 season is a testament to the hard work of all its talented student-athletes, the excellent guidance of its coaches and staff, and the enthusiastic support of the entire Faith Christian School community; now, therefore, be it

RESOLVED by the House of Delegates, That the Faith Christian School girls' basketball team hereby be commended for winning the 2018 Virginia Association of Christian Athletics state championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Eric Walker, head coach of the Faith Christian School girls' basketball team, as an expression of the House of Delegates' admiration for the team's spectacular season.

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ACTS OF ASSEMBLY

[VA.,

**HOUSE RESOLUTION NO. 144**

*Commending Jakob Kennedy.*

Agreed to by the House of Delegates, March 7, 2018

WHEREAS, Jakob Kennedy, a talented wrestler at Prince George High School, won the Virginia High School League Class 5A state championship on February 17, 2018; and

WHEREAS, an intelligent and technically gifted grappler, Jakob Kennedy had a superb senior year for the Prince George High School Royals, posting a 29-3 record in regular season wrestling before capturing the Region 5B championship; and

WHEREAS, in the Virginia High School League Class 5A state tournament, Jakob Kennedy wrestled at 160 pounds and battled his way through the early stages before defeating Daniel Peacher of Nansemond River High School 11-7 to secure the championship; and

WHEREAS, Jakob Kennedy's title was the first state wrestling championship of any kind in the history of Prince George High School; and

WHEREAS, after high school, Jakob Kennedy plans to attend the Virginia Military Institute, where he will compete on the wrestling team; his ultimate goal is to become a United States Navy SEAL; and

WHEREAS, through his hard work, dedication, and stellar results on the wrestling mat, Jakob Kennedy has brought credit to himself, his school, and his community; now, therefore, be it

RESOLVED by the House of Delegates, That Jakob Kennedy hereby be commended on winning the 2018 Virginia High School League Class 5A 160-pound state wrestling championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Jakob Kennedy as an expression of the House of Delegates' admiration for his spectacular accomplishments and best wishes for continued success.

**HOUSE RESOLUTION NO. 145**

*Commending Brown's African Methodist Episcopal Church.*

Agreed to by the House of Delegates, March 7, 2018

WHEREAS, for 150 years, Brown's African Methodist Episcopal Church has provided spiritual leadership, generous outreach, and opportunities for uplifting worship to the residents of Isle of Wight County; and

WHEREAS, founded in 1868, Brown's African Methodist Episcopal Church suffered the destruction by fire of its original building, along with many heirlooms and church records; and

WHEREAS, the congregation of Brown's African Methodist Episcopal Church found strength in their faith and persevered through difficult times, holding services in a local Elk's Lodge for many years, until a new church building was completed in 1964; and

WHEREAS, Brown's African Methodist Episcopal Church has enjoyed a loyal congregation throughout its history, and there are currently between 75 and 100 active members; former members have gone on to become leaders in all walks of life, always carrying with them the spirit of fellowship learned at their home church; and

WHEREAS, Brown's African Methodist Episcopal Church serves Isle of Wight County residents in many ways, such as operating a food pantry and funding scholarships for college tuition and textbooks for students; and

WHEREAS, Brown's African Methodist Episcopal Church commemorated its 150th anniversary with a banquet and a special service in February 2018; now, therefore, be it

RESOLVED by the House of Delegates, That Brown's African Methodist Episcopal Church hereby be commended on the occasion of its 150th anniversary in 2018; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Brown's African Methodist Episcopal Church as an expression of the House of Delegates' admiration for the church's long history of contributions to the Isle of Wight community.

**HOUSE RESOLUTION NO. 146**

*Celebrating the life of L.M. Gerald.*

Agreed to by the House of Delegates, March 7, 2018

WHEREAS, L.M. Gerald, an exceptional horseman who served as head coach of the Hollins University riding team, died on April 22, 2016; and

WHEREAS, a native of Louisiana, L.M. "Sandy" Gerald graduated from Louisiana State University and spent his early career as a laboratory scientist in Northern Virginia; after taking up horseback riding in his 20s, he developed a thorough understanding of horses and show jumping; and

WHEREAS, Sandy Gerald began his riding career as a trainer before opening his own equestrian school in Aldie, Virginia; he later served as coach of the equestrian teams at Southern Virginia University and Washington and Lee University; and

WHEREAS, in 2000, Sandy Gerald became head coach of the riding team at Hollins University; he remained in the position until his death, training countless young riders and winning the Old Dominion Athletic Conference coach of the year award on seven different occasions; and

WHEREAS, Sandy Gerald was active in equestrian organizations across the Commonwealth; at the time of his death, he was president of the Intercollegiate Horse Show Association Zone 4, Region 2, and he previously served as president of the Virginia Horse Show Association and the Southwest Virginia Hunter/Jumper Association; and

WHEREAS, Sandy Gerald's wide-ranging skills also saw him serve as hunter/jumper manager of the Roanoke Valley Horse Show and as an "R" judge, course designer, and horse show manager for the United States Equestrian Foundation; and

WHEREAS, Sandy Gerald was the two-time Virginia Horse Show Association Horseman of the Year and a past winner of the organization's Susan H. Hagan Memorial Trophy and Andrew M. Montgomery Award; he was inducted into the halls of fame of the Virginia Horse Show Association, the Roanoke Valley Horse Show, and the Southwest Virginia Hunter/Jumper Association; and

WHEREAS, known for his quiet, gentlemanly demeanor, Sandy Gerald had a love of reading and enjoyed attending ballets and operas; and

WHEREAS, Sandy Gerald will be fondly remembered and dearly missed by his family, friends, and countless members of the Hollins University community; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of L.M. Gerald, an accomplished equestrian and respected coach of the Hollins University riding team; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of L.M. Gerald as an expression of the House of Delegates' respect for his memory.

#### HOUSE RESOLUTION NO. 147

*Celebrating the life of Douglas Corneil Sumblin.*

Agreed to by the House of Delegates, March 7, 2018

WHEREAS, Douglas Corneil Sumblin, a trailblazing restaurateur and a man of deep and abiding faith, who brought joy to others through his love of song and his delicious soul food, died on February 9, 2018; and

WHEREAS, a native of Franklin, Douglas Sumblin graduated from Franklin High School, continued his education at Virginia Union University, and earned a travel agent certification from Old Dominion University and a hotel management certification from a training school in Maryland; and

WHEREAS, Douglas Sumblin developed his passion for entrepreneurship at a young age while working at local businesses in Franklin, began his career in the hotel industry at a Holiday Inn in Suffolk, and later became a general manager or assistant manager of several hotels in Virginia and Georgia; and

WHEREAS, Douglas Sumblin's true passion was for cooking; he founded Catering by Douglas while in Georgia and worked as a corporate trainer for Cracker Barrel Old Country Stores throughout the country; and

WHEREAS, in 2012, Douglas Sumblin fulfilled his lifelong dream to open a restaurant in his hometown, Mr. D's Southern Kitchen and Catering; when the restaurant relocated in 2014, he became the first African American business owner on Main Street in historic Downtown Franklin; and

WHEREAS, Mr. D's Southern Kitchen and Catering was well-known for its lovingly prepared meals and excellent customer service; Douglas Sumblin also strengthened the community by offering meals to the homeless at no charge and by delivering meals to sick or shut-in residents; and

WHEREAS, Douglas Sumblin's generous actions were guided by his strong faith, and he was an active member and leader of several congregations in Virginia and Georgia throughout his life; after returning home to Franklin, he was especially active in music ministries and outreach to members of the community in need; and

WHEREAS, Douglas Sumblin will be fondly remembered and greatly missed by numerous family members and friends and the entire Franklin community; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Douglas Corneil Sumblin; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Douglas Corneil Sumblin as an expression of the House of Delegates' respect for his memory.

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## ACTS OF ASSEMBLY

[VA.,

## HOUSE RESOLUTION NO. 148

*Commending the Virginia Aeronautical Historical Society.*

Agreed to by the House of Delegates, March 8, 2018

WHEREAS, the Virginia Aeronautical Historical Society was formed in 1978 to preserve Virginia's aviation and aerospace history and is celebrating its 40th anniversary in 2018; Virginia's contribution to America's aviation and aerospace supremacy is unparalleled in the history of the nation, dating to the balloon club at The College of William and Mary in the 1790s and its subsequent balloon launch to the 21st century spaceport at Wallop's Island, from where rockets regularly launch on resupply missions to the International Space Station; and

WHEREAS, the countless significant historic and current aviation and aerospace accomplishments over the centuries in Virginia and by Virginians are chronicled, researched, taught, published, made known, and kept alive by the Virginia Aeronautical Historical Society for the benefit of all Virginians and Americans; and

WHEREAS, the Virginia Aeronautical Historical Society is the sole organization dedicated to this history, which adds to the Commonwealth's distinction as the most historic state in the nation; and

WHEREAS, the Virginia Aeronautical Historical Society is comprised of dedicated volunteers from all across the Commonwealth; and

WHEREAS, the Virginia Aeronautical Historical Society founded the Virginia Aviation Museum and brought to it for the education and benefit of all Virginians rare and priceless planes and artifacts relating to Virginia history and beyond, including the recovery of one of only 20 remaining SR-71 Blackbirds (the world's fastest plane) from Edwards Air Force Base, all of which it later donated to the Commonwealth; and

WHEREAS, the Virginia Aeronautical Historical Society is a partner in the establishment of a new aviation museum at Shannon Airport that continues to celebrate Virginia's aeronautical legacy and future by contributing volunteers, technical advice, and monetary support; and

WHEREAS, for 40 years the Virginia Aeronautical Historical Society has successfully accomplished its mission to inspire and capture the public's interest and imagination in all aspects of aviation and aerospace through study, education, research, interpretation, dissemination, display and preservation of artifacts, and ongoing scholarship pertaining to Virginia's preeminent aviation and aerospace heritage; and

WHEREAS, the Virginia Aeronautical Historical Society demonstrates its commitment to its mission by maintaining the Virginia Aviation Hall of Fame, which honors past and present Virginians who have made significant contributions to Virginia and American aviation and aerospace history; and

WHEREAS, the Virginia Aeronautical Historical Society (VAHS) promulgates scholarship through its *Virginia Eagles* quarterly magazine, its special events and its online presence, the Reed I. West Living History Video Project, the VAHS History Makers Speakers Series, and the VAHS Archives, an ever-growing collection of records and images for research; the society is also the primary source for generating aviation and aerospace-related Virginia Historical Highway Markers; and

WHEREAS, the Virginia Aeronautical Historical Society works to enhance future generations of Virginia excellence in aviation and aerospace through the Captain Earl Worley Aeronautical Education Scholarship to students in the fields of science, technology, engineering, and mathematics and by working with educators, educational institutions, and industry leaders; and

WHEREAS, the Virginia Aeronautical Historical Society is respected nationally as a leading state aviation and aerospace historical society for its commitment to the majestic endeavor of flight; and

WHEREAS, the Virginia Aeronautical Historical Society has, for 40 years, contributed to the cultural and educational enhancement of the Commonwealth of Virginia; now, therefore, be it

RESOLVED by the House of Delegates, That the Virginia Aeronautical Historical Society hereby be commended on the occasion of its 40th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Virginia Aeronautical Historical Society as an expression of the House of Delegates' appreciation for the organization's many contributions to the Commonwealth.

## HOUSE RESOLUTION NO. 149

*Commending HCA Virginia Health System.*

Agreed to by the House of Delegates, March 8, 2018

WHEREAS, for 50 years, the hospitals and medical professionals of HCA Virginia Health System have provided exceptional care to patients throughout the Commonwealth; and

WHEREAS, Hospital Corporation of America (HCA) was founded in 1968 in Nashville, Tennessee, by physicians with a commitment to providing superior health care with warmth and compassion for patients, colleagues, and communities; HCA Virginia Health System also traces its roots to 1968, when HCA purchased Johnston-Willis Hospital in Richmond; and

WHEREAS, HCA has grown into a national health care organization that includes 177 hospitals, 119 surgery centers, and more than 240,000 employees, 80,000 nurses, and 37,000 active physicians across 20 states; the organization delivered more than 27.1 million patient experiences and \$2.8 billion in uncompensated care in 2016; HCA Virginia Health System is part of the organization's Capital Division; and

WHEREAS, HCA Virginia Health System has grown to include Johnson-Willis Hospital, Chippenham Hospital, Henrico Doctors' Hospital, John Randolph Medical Center, Parham Doctors' Hospital, Retreat Doctors' Hospital, Spotsylvania Regional Medical Center, Reston Hospital Center, StoneSprings Hospital Center, Dominion Hospital, LewisGale Medical Center, LewisGale Hospital Alleghany, LewisGale Hospital Montgomery, LewisGale Hospital Pulaski, and 29 outpatient centers; and

WHEREAS, HCA Virginia Health System is the fifth-largest employer in the Commonwealth, with more than 15,500 employees, generating an economic impact that is greater than \$3.4 billion annually; and

WHEREAS, HCA Virginia Health System generated \$82.3 million in state and local taxes and invested \$131.5 million in capital in the Commonwealth in 2016; and

WHEREAS, HCA Virginia Health System delivered 1.9 million patient experiences in 2016, including 515,839 emergency room visits and the joy of bringing 12,315 babies into the world; and

WHEREAS, HCA Virginia Health System helped the Commonwealth's most vulnerable residents by delivering \$251.6 million in uncompensated care at cost in 2016; and

WHEREAS, HCA Virginia Health System excels in patient care across the spectrum of patient care specialties, including emergency and trauma care, cancer treatment, and behavioral health, cardiology, and orthopaedic care, as well as women's health services; and

WHEREAS, HCA Virginia Health System's quality scores routinely exceed national and state averages in key measures of performance; now, therefore, be it

RESOLVED by the House of Delegates, That HCA Virginia Health System hereby be commended on the occasion of its 50th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to HCA Virginia Health System as an expression of the House of Delegates' admiration for the compassionate care delivered by its hard-working employees at facilities across the Commonwealth.

### HOUSE RESOLUTION NO. 150

*Celebrating the life of Howard Mark Holmes.*

Agreed to by the House of Delegates, March 8, 2018

WHEREAS, Howard Mark Holmes, a beloved husband, father, and grandfather, and a respected spiritual leader who touched the lives of numerous people as pastor of Providence Bible Church in Culpeper, died on February 20, 2018; and

WHEREAS, a native of Williamsport, Pennsylvania, Howard "Howie" Mark Holmes became a Christian during his high school years and then attended Lancaster Bible College in Pennsylvania, graduating in 1985; while in college, he met and married his wife, Deborah; and

WHEREAS, after his graduation, Howie Holmes led Lancaster Bible College's Forerunner Camp Team ministry in the northeastern United States; he then became a teacher of Bible and advanced science courses at Fredericksburg Christian School; and

WHEREAS, Howie Holmes began his church career in the 1990s as a minister at the Korean Presbyterian Church of Fredericksburg; he later served as associate pastor of Stevensburg Baptist Church; and

WHEREAS, in February 2009, Howie Holmes became pastor of Providence Bible Church in Culpeper; during his nine-year tenure, he inspired his congregation with his insightful sermons and his dedication to the community; and

WHEREAS, with a passion for helping others, Howie Holmes led or participated in numerous mission trips during his lifetime traveling to Guam, Micronesia, Guatemala, Romania, Hungary, and Haiti; and

WHEREAS, during more than 25 years in Christian ministry, Howie Holmes built a remarkable career of service and won the admiration of his congregants and his community for his leadership, wisdom, and generosity of spirit; and

WHEREAS, Howie Holmes will be fondly remembered and dearly missed by his wife of 34 years, Deborah; his children, Emily, Abigail, and Nathaniel, and their families; and numerous other family members, close friends, and Culpeper residents; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Howard Mark Holmes, a dedicated pastor who provided spiritual leadership to the Culpeper community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Howard Mark Holmes as an expression of the House of Delegates' respect for his memory.

**HOUSE RESOLUTION NO. 151**

*Celebrating the life of the Honorable James H. Harvell III.*

Agreed to by the House of Delegates, March 8, 2018

WHEREAS, the Honorable James H. Harvell III, a retired judge of the Newport News General District Court who made countless contributions to the community on and off the bench, died on October 8, 2017; and

WHEREAS, a lifelong resident of Newport News, James Harvell graduated from Warwick High School; he received a bachelor's degree from Washington and Lee University and a law degree from the University of Virginia; and

WHEREAS, James Harvell served his country as a member of the United States Army Reserve for six years, including six months of active duty; after his honorable military service, he entered private practice in Newport News; and

WHEREAS, in 1972, James Harvell was appointed as a judge of the Newport News General District Court of the 7th Judicial District of Virginia, where he presided with great fairness and wisdom for more than 30 years; as a traffic court judge, he was many local residents' only interaction with the legal system, and he made a point to treat everyone he encountered with dignity and respect; and

WHEREAS, during his time on the bench, James Harvell earned the admiration of attorneys and law-enforcement officers for his work ethic and attention to detail; in addition to managing his heavy case load, he proactively learned about technology like radar guns and red-light cameras, and he possessed an encyclopedic knowledge of the city's intersections and traffic signs; and

WHEREAS, James Harvell was passionate about helping people struggling with alcohol abuse; he was a founding member of Peninsula Alcohol Safety Action Program and served on the board of directors of the Serenity House, a treatment and rehabilitation center; and

WHEREAS, after his well-earned retirement in 2004, James Harvell continued to serve as a substitute judge and offered his leadership to Christopher Newport University as a board member and president of the Lifelong Learning Society; and

WHEREAS, James Harvell enjoyed fellowship and worship with the community as a devout member of St. Stephen's Episcopal Church, where he served on the vestry and taught Sunday school; and

WHEREAS, a man of great integrity, James Harvell served the residents of Newport News and the Commonwealth with the utmost dedication and distinction; and

WHEREAS, James Harvell will be fondly remembered and greatly missed by his wife of 58 years, Barbara; daughter, Laura, and her family, including his four beloved grandchildren, Christian, Frank, Ann Marie, and Emily; and numerous other family members, friends, and colleagues; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of the Honorable James H. Harvell III, a former judge and a highly admired member of the Newport News community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of the Honorable James H. Harvell III as an expression of the House of Delegates' respect for his memory.

**HOUSE RESOLUTION NO. 152**

*Commending Phyllis Mather.*

Agreed to by the House of Delegates, March 8, 2018

WHEREAS, for two years, Phyllis Mather, a generous resident of Newport News, has provided delicious home-cooked meals to law-enforcement officers working on Christmas Day; and

WHEREAS, Phyllis Mather was inspired to support the men and women serving and protecting the community after her son joined the Newport News Police Department; and

WHEREAS, relying on donations from other members of the community and the help and hard work of volunteers, Phyllis Mather cooks delicious holiday fare that is delivered from Saint Augustine's Episcopal Church to police precincts throughout the City of Newport News; and

WHEREAS, Phyllis Mather's actions have brought joy to the men and women of the Newport News Police Department, who sacrifice time with their families for the good of the community; and

WHEREAS, in the future, Phyllis Mather plans to also deliver meals to the Newport News Sheriff's Office and other public safety units and first responder units in the area; now, therefore, be it

RESOLVED by the House of Delegates, That Phyllis Mather hereby be commended for her work to support the hardworking law-enforcement officers of Newport News at Christmas; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Phyllis Mather as an expression of the House of Delegates' admiration for her leadership and generosity.

**HOUSE RESOLUTION NO. 153**

*Commending Adelle Settle.*

Agreed to by the House of Delegates, March 8, 2018

WHEREAS, Adelle Settle, a federal attorney and a mother in Gainesville, established the Settle the Debt campaign to collect donations in support of Prince William County families with unpaid school meal debts; and

WHEREAS, in 2017, after Prince William County Public Schools accrued more than \$300,000 in unpaid school lunch debt by providing lunches regardless of each student's ability to pay, Adelle Settle rallied community members to raise more than \$40,000 to support local families; and

WHEREAS, Adelle Settle's Settle the Debt campaign prevented families' bills from being sent to collections agencies and helped limit instances of lunch-shaming, when children are denied meals due to unpaid debts; and

WHEREAS, Adelle Settle continues to find new ways to support the Prince William County community and ensure that all children have equal access to the nutritious meals they need to learn and grow; and

WHEREAS, through her selfless commitment to civic engagement and unconditional kindness, Adelle Settle has helped hundreds of children and their families in Prince William County; now, therefore, be it

RESOLVED by the House of Delegates, That Adelle Settle hereby be commended for her Settle the Debt campaign and ongoing efforts to help students in Prince William County; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Adelle Settle as an expression of the House of Delegates' admiration for her generosity and leadership.

**HOUSE RESOLUTION NO. 154**

*Commending H. Phillip Smith.*

Agreed to by the House of Delegates, March 8, 2018

WHEREAS, H. Phillip Smith, a respected member of the Danville Utility Commission and a dedicated public servant, has provided outstanding service to the City of Danville and Danville Utilities consumers; and

WHEREAS, Phillip Smith received his education from the University of Richmond and Rutgers University; and

WHEREAS, Phillip Smith was appointed to the Danville Utility Commission from 1999 to 2006 and again from 2008 to 2017 and played a vital role in a number of projects that created greater efficiency and reliability for Danville Utilities; and

WHEREAS, the members of the Danville Utility Commission appointed Phillip Smith as vice chair from 2009 to 2014 and as chair from 2014 to 2017; and

WHEREAS, Phillip Smith's tenure included the development and construction of the Danville fiber network, which was the first municipal open access, open services network in the United States and which serves both commercial and residential customers; and

WHEREAS, Phillip Smith's tenure included the implementation of Advanced Metering Infrastructure, which allows for consumption information to be transmitted wirelessly, improving meter reading accuracy and meter services; and

WHEREAS, Phillip Smith's tenure included the renovation of the Danville Utilities Engineering Building and the Danville Utilities Operations Center, which created greater organizational efficiency; and

WHEREAS, Phillip Smith's tenure included the Water Main Replacement Project and the Gas Main Replacement Project, which created greater sustainability and reliability for customers throughout the city; and

WHEREAS, Phillip Smith's tenure included the construction of an Electric Third Delivery Point, which increased reliability in electric service and allowed for additional industrial capacity to advance new economic development growth; and

WHEREAS, Phillip Smith has served the City of Danville Utilities customers with great devotion, experience, and skill and has supported public policies that have helped improve the quality of life of all of the citizens of Danville and the region; now, therefore, be it

RESOLVED by the House of Delegates, That H. Phillip Smith hereby be commended for his extraordinary dedication and public service; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to H. Phillip Smith as an expression of the House of Delegates' admiration for his commitment to the well-being of the people of the City of Danville and the Commonwealth.

**HOUSE RESOLUTION NO. 155**

*Commending Middleburg Community Charter School.*

Agreed to by the House of Delegates, March 8, 2018

WHEREAS, Middleburg Community Charter School created an award-winning video to raise awareness of bullying and how students can make a difference; and

WHEREAS, the students, faculty, and staff of Middleburg Community Charter School worked together to produce the video, which includes students' testimonials and ideas on how to change their community for the better; and

WHEREAS, Middleburg Community Charter School partnered with the Middleburg Police Department, the Middleburg Volunteer Fire Department, and the Creative Dance Center; and

WHEREAS, Middleburg Community Charter School's video, which encourages students to respect themselves, respect others, and respect property, won national recognition through the BullyBust campaign; and

WHEREAS, Middleburg Community Charter School's video was selected out of worthy entries from schools across the nation, and as national winners, students received a visit from a cast member of the musical *Wicked*; now, therefore, be it

RESOLVED by the House of Delegates, That Middleburg Community Charter School hereby be commended for its inspirational work to address bullying; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Middleburg Community Charter School as an expression of the House of Delegates' admiration for the school's commitment to developing the future leaders of the Commonwealth.

**HOUSE RESOLUTION NO. 156**

*Commending Alexia Glancey.*

Agreed to by the House of Delegates, March 8, 2018

WHEREAS, Alexia Glancey, a young member of the Leesburg community, led a project to provide comfort and support to people in need; and

WHEREAS, while shopping with her mother, Alexia Glancey was inspired to donate small toiletry items to less-fortunate members of the community; and

WHEREAS, after working hard to earn additional allowance from her parents, Alexia Glancey purchased enough hygiene products to fill 12 individual bags and included inspirational notes in each; and

WHEREAS, other members of the Leesburg community, including Alexia Glancey's classmates, friends, and neighbors, followed her example and donated enough products to fill 263 bags; and

WHEREAS, Alexia Glancey's unconditional generosity is a reminder of how easy it is to make a difference in a person's life through simple acts of kindness; now, therefore, be it

RESOLVED by the House of Delegates, That Alexia Glancey hereby be commended for her work to help the less-fortunate residents of Leesburg; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Alexia Glancey as an expression of the House of Delegates' admiration for her achievements in service to the community.

**HOUSE RESOLUTION NO. 157**

*Commending Marissa Sumathipala.*

Agreed to by the House of Delegates, March 8, 2018

WHEREAS, Marissa Sumathipala, a senior at Broad Run High School in Ashburn, was named as a 2018 Regeneron Science Talent Search Finalist; and

WHEREAS, Marissa Sumathipala received this prestigious honor for her work to develop a new therapeutic treatment for cardiovascular disease that leads to a 100 percent survival improvement; cardiovascular disease is one of the leading causes of death and affects more than 400 million people worldwide; and

WHEREAS, Marissa Sumathipala's innovative treatment restores diseased hearts, reduces arrhythmia, improves contractility, and revives damaged heart muscles; and

WHEREAS, Marissa Sumathipala also founded and led Loudoun County's first International Genetically Engineered Machines Team, for which she received international recognition, and she is a two-time grand prize winner of the Virginia State Science and Engineering Fair; and

WHEREAS, young innovators like Marissa Sumathipala allow the Commonwealth to face the challenges of the future head-on; now, therefore, be it

RESOLVED by the House of Delegates, That Marissa Sumathipala hereby be commended on her selection as a 2018 Regeneron Science Talent Search Finalist; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Marissa Sumathipala as an expression of the House of Delegates' admiration for her achievements and best wishes for the future.

**HOUSE RESOLUTION NO. 158**

*Celebrating the life of Stanley Caulkins.*

Agreed to by the House of Delegates, March 8, 2018

WHEREAS, Stanley Caulkins, a public servant, successful entrepreneur, and longtime member of the Leesburg community, died on January 12, 2018; and

WHEREAS, a graduate of Leesburg High School, Stanley Caulkins joined many of the other young men of his generation in service to the nation during World War II as a radioman and a gunner on a B-17 Flying Fortress heavy bomber; and

WHEREAS, Stanley Caulkins cofounded Caulkins Jewelers with his brother, Roger, and was a crucial part of the Leesburg retail community for 61 years; and

WHEREAS, Stanley Caulkins also offered his wise leadership to his fellow Leesburg residents as a member of the Leesburg Town Council, becoming known as "Mr. Leesburg" or "the Lion of Leesburg" for his legacy of contributions; and

WHEREAS, Stanley Caulkins was a founding member of the Leesburg Airport Commission in 1962 and helped establish the Leesburg Executive Airport, where a terminal is named in his honor; and

WHEREAS, Stanley Caulkins will be fondly remembered and greatly missed by numerous family members and friends and the entire Leesburg community; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Stanley Caulkins; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Stanley Caulkins as an expression of the House of Delegates' respect for his memory.

**HOUSE RESOLUTION NO. 159**

*Commending the Briar Woods High School baseball team.*

Agreed to by the House of Delegates, March 8, 2018

WHEREAS, the Briar Woods High School baseball team claimed the program's first state title, winning the Virginia High School League Group 5A state championship in 2017; and

WHEREAS, the Briar Woods High School Falcons defeated the Halifax High School Comets by a score of 5-4 in a dramatic game that lasted 14 innings; and

WHEREAS, the Briar Woods Falcons came back from a 4-2 deficit to tie the game in the seventh inning; it took another seven innings for the team to break the deadlock, with Jake Rayfield scoring the game-winner off of a single up the middle from Sean Clark; and

WHEREAS, Michael Ludwig, Jake Kleifges, and Wilson Ayers of the Briar Woods Falcons were selected as first-team All-State players by the Virginia High School League and the Virginia High School Coaches Association; and

WHEREAS, finishing the season with a 20-7 record, the Briar Woods Falcons also won the program's first regional title on the way to the state final; and

WHEREAS, the Briar Woods Falcons' thrilling season is a testament to the skill and hard work of all the student-athletes, the leadership and guidance of coaches and staff, and the enthusiastic support of the entire Briar Woods High School community; now, therefore, be it

RESOLVED by the House of Delegates, That the Briar Woods High School baseball team hereby be commended on winning the Virginia High School League Group 5A state championship in 2017; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Briar Woods High School baseball team as an expression of the House of Delegates' admiration for the team's achievements and best wishes for the future.

**HOUSE RESOLUTION NO. 160**

*Commending the Honorable David G. Brickley.*

Agreed to by the House of Delegates, March 8, 2018

WHEREAS, the Honorable David G. Brickley, a devoted, upstanding, and exemplary citizen, has proven to be an invaluable asset to the community and the Commonwealth; and

WHEREAS, David Brickley served in the United States Air Force, with a tour of duty in Vietnam where he received the Bronze Star Medal, then served in the Air Force Reserve; and

WHEREAS, desirous to be of further service to the Commonwealth, David Brickley ran for and was elected to the Virginia House of Delegates and represented the residents of District 20, and then District 51, from 1976 through 1998; and

WHEREAS, during his time as a state lawmaker, David Brickley sponsored legislation for and was cofounder and chairman of the Virginia Railway Express commuter rail system; and

WHEREAS, David Brickley also authored legislation creating Leesylvania State Park; and from 1998 to 2002, he served as director of the Virginia Department of Conservation and Recreation; and

WHEREAS, under David Brickley's leadership, the Virginia Department of Conservation and Recreation was awarded the national gold medal award for the "best managed state park system in America"; and

WHEREAS, David Brickley serves as the president and chief executive officer of the September 11th National Memorial Trail Alliance, which works to connect three September 11, 2001, national monuments through on-road and off-road trails; and

WHEREAS, David Brickley has succeeded with many respectable positions, and he has demonstrated unparalleled reverence and determination for preserving the environment; now, therefore, be it

RESOLVED by the House of Delegates, That the Honorable David G. Brickley hereby be commended for his ongoing service to the Commonwealth; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Honorable David G. Brickley as an expression of the House of Delegates' admiration for his decades of contributions to Virginians.

### HOUSE RESOLUTION NO. 161

*Commending the C.D. Hylton High School cheer team.*

Agreed to by the House of Delegates, March 8, 2018

WHEREAS, the C.D. Hylton High School cheer team of Woodbridge secured a state title, winning the 2017 Virginia High School League Group 6A state championship on November 4, 2017, at the Siegel Center in Richmond; and

WHEREAS, the C.D. Hylton High School cheer team members—Asha Archie, Nia Adams, Lanija Barbour, Naomi Cross, Jaden Deristel, Janel Gaskins, Stephen Goytia, Lauren Green, Julia Guevara, Alayah Martin, Asiyah Martin, Kyrarah Miller, Paris Norris, Kyanna Powell, Chloe Pressley, McKyah Roberts, and DeAnna Wright—had a remarkable undefeated season, winning in all six of their competitions; and

WHEREAS, the C.D. Hylton High School cheer team also placed first in the All-County championship, the Cardinal District championship, and the Occoquan Regional Championship; and

WHEREAS, under the guidance of head coach Shawnice Wright, assistant coach Fatima Poole, and choreographer Sheldon Bullock, and with the dedication of its hardworking, exemplary student-athletes, the C.D. Hylton High School cheer team brought distinction and pride to its county and its school; now, therefore, be it

RESOLVED by the House of Delegates, That the C.D. Hylton High School cheer team hereby be commended on winning the 2017 Virginia High School League Group 6A state championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the C.D. Hylton High School cheer team as an expression of the House of Delegates' admiration and respect for the team's accomplishments.

### HOUSE RESOLUTION NO. 162

*Commemorating the life and legacy of Presley N. O'Bannon.*

Agreed to by the House of Delegates, March 8, 2018

WHEREAS, Presley N. O'Bannon resigned from the United States Marine Corps on March 6, 1807, following a famed term of service in the military; and

WHEREAS, born in 1776, in Fauquier County, Presley O'Bannon joined the United States Marine Corps on January 18, 1801; he was promoted to first lieutenant on October 15, 1802; and

WHEREAS, during the First Barbary War in 1805, Presley O'Bannon, in collaboration with United States Navy forces, led a famed attack at the Battle of Derna that ended in victory for the United States and was the inspiration for the lyrics "to the shores of Tripoli" in the Marines' Hymn; and

WHEREAS, for his valorous actions, Presley O'Bannon was honored by Hamet Karamanli with a jeweled Mameluke sword; and

WHEREAS, the Commonwealth of Virginia also presented Presley O'Bannon with a jeweled sword modeled after the Mameluke sword; and

WHEREAS, Presley O'Bannon went on to have a long career as a public servant in Kentucky; now, therefore, be it

RESOLVED by the House of Delegates, That the life and legacy of Presley N. O'Bannon hereby be commemorated on the occasion of the 210th anniversary of his retirement as a first lieutenant in the United States Marine Corps in 2017; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare copies of this resolution for presentation to Marine Corps Base Quantico and The Basic School in Quantico as an expression of the House of Delegates' admiration for Presley N. O'Bannon's exemplary service to the United States.

**HOUSE RESOLUTION NO. 163**

*Commending Dennis Jensen.*

Agreed to by the House of Delegates, March 8, 2018

WHEREAS, Dennis Jensen, a sergeant with the Prince William County Police Department, received the Prince William County Health Communities Healthy Youth Council's Local Hero Award for his work in leading the department's Police Explorer Program; and

WHEREAS, Dennis Jensen's Police Explorer Program gives youth from age 14 to 16 the opportunity to learn about law, police procedures, police patrol techniques, and organizational skills; and

WHEREAS, Dennis Jensen was a patrol officer in the Operations and Criminal Investigations divisions and has served part-time in the Public Information Office, as a Special Investigations-Gang Officer, and with Crisis Negotiation; and

WHEREAS, Dennis Jensen currently serves in the Operations Division-Central District; and

WHEREAS, Dennis Jensen received the Local Hero Award in 2016, and he received a Community Partner in Education award in 2017; now, therefore, be it

RESOLVED by the House of Delegates, That Dennis Jensen, a respected member of the Prince William County Police Department, hereby be commended for his work to serve and protect the community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Dennis Jensen as an expression of the House of Delegates' admiration for his many achievements, including receiving the Prince William County Health Communities Healthy Youth Council's Local Hero Award.

**HOUSE RESOLUTION NO. 164**

*Commending Jarad L. Phelps.*

Agreed to by the House of Delegates, March 8, 2018

WHEREAS, Jarad L. Phelps of Prince William County, a well-respected assistant police chief, has received the 2017 Human Rights Award for his work in initiating the "Stay True to Blue" academy course, used to give police cadets real-life exposure to community issues and promote police and community collaboration; and

WHEREAS, a native of Prince William County with 21 years of law enforcement experience, Jarad Phelps began his career with the Prince William County Police Department in 1996 as a patrol officer and was recently promoted from captain to the rank of major; and

WHEREAS, Jarad Phelps has served as a member and supervisor of the bike team, an instructor at the Prince William County Criminal Justice Academy, a member of the SWAT team, a member of the department's Incident Management Team, and a member of the National Capital Region Incident Management Team; and

WHEREAS, Jarad Phelps has also served as a patrol supervisor, the deputy district commander for the Western District Station, commander of the Property Crimes Bureau and Special Victims and Youth Services Bureau in the Criminal Investigations Division, and a deputy commander in the Special Operations Bureau; and

WHEREAS, Jarad Phelps holds a master's degree in public administration from George Mason University and a bachelor's degree in political science with a minor in criminal justice from James Madison University; and

WHEREAS, Jarad Phelps is also a graduate of the FBI National Academy, the University of Virginia's Weldon Cooper Center for Public Service, and the Virginia Police Chiefs Foundation's Professional Executive Leadership School; now, therefore, be it

RESOLVED by the House of Delegates, That Jarad L. Phelps, a well-respected and long-serving assistant police chief, hereby be commended for his service to Prince William County; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Jarad L. Phelps as an expression of the House of Delegates' admiration for his many achievements, including the 2017 Human Rights Award.

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ACTS OF ASSEMBLY

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HOUSE RESOLUTION NO. 165

*Commending Bill VanAntwerp.*

Agreed to by the House of Delegates, March 8, 2018

WHEREAS, on January 27, 2018, the Dale City Civic Association awarded Bill VanAntwerp, a respected law-enforcement officer in Prince William County, with its Police Officer of the Year award for his work to serve and protect the Dale City community in 2017; and

WHEREAS, after two chain convenience stores were robbed at gunpoint in November 2017, Bill VanAntwerp anticipated that the suspect might attempt to rob another store in the chain; and

WHEREAS, Bill VanAntwerp responded to a store in Dale City, observed the suspect, and tracked him with his K9 Anubis; and

WHEREAS, Bill VanAntwerp's actions resulted in the suspect's arrest and the recovery of items from the two previous robberies; now, therefore, be it

RESOLVED by the House of Delegates, That Bill VanAntwerp hereby be commended for his work to serve and protect the Dale City community on the occasion of his selection as Police Officer of the Year; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Bill VanAntwerp as an expression of the House of Delegates' admiration for his achievements in service to the residents of Prince William County.

HOUSE RESOLUTION NO. 166

*Commending Roger Talley.*

Agreed to by the House of Delegates, March 8, 2018

WHEREAS, Roger Talley of the Prince William County Police Department, has been named Outstanding Crossing Guard for 2016-2017 by the Virginia Department of Transportation's Safe Routes to School Program; and

WHEREAS, Roger Talley retired from Arlington County after 35 years of service in different areas of work, all pertaining to helping his community and bettering the quality of life for the people within his community; and

WHEREAS, Roger Talley has been a crossing guard for Prince William County for more than 15 years, and the safety of students has always been his top priority; and

WHEREAS, Roger Talley received 39 nominations for the award, with a majority of those coming from students; and

WHEREAS, Roger Talley greets, encourages, and entertains students and other pedestrians every day, making a large positive impact through his brief daily contacts; and

WHEREAS, Roger Talley is often referred to as being the best crossing guard that any school in the county could have; now, therefore, be it

RESOLVED by the House of Delegates, That Roger Talley hereby be commended on being named as an Outstanding Crossing Guard by the Virginia Department of Transportation's Safe Routes to School Program; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Roger Talley as an expression of the House of Delegates' admiration for his commitment to serving and safeguarding the students of Prince William County.

HOUSE RESOLUTION NO. 167

*Commending Robert Clubb.*

Agreed to by the House of Delegates, March 8, 2018

WHEREAS, Robert Clubb, a sheriff's deputy with the Prince William County Sheriff's Office, has proven to be an invaluable asset to the community; and

WHEREAS, Robert Clubb is dedicated to the advancement of the Prince William County Sheriff's Office by building strong relationships based on trust and mutual respect with members of the public through community services programs; and

WHEREAS, working with Project ChildSafe and the Virginia Cooperative Extension, Robert Clubb coordinates the "Safe at Home, Safe Alone" gun safety program for fourth-grade students in Prince William County and the Cities of Manassas and Manassas Park; and

WHEREAS, Robert Clubb engages with students by fostering an interactive learning environment, and he strives to have a positive impact on the life of each child he meets; now, therefore, be it

RESOLVED by the House of Delegates, That Robert Clubb hereby be commended for his community outreach efforts with the Prince William County Sheriff's Office; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Robert Clubb as an expression of the House of Delegates' admiration for his work to protect and serve the members of the Prince William County community.

**HOUSE RESOLUTION NO. 168**

*Commending Glendell Hill.*

Agreed to by the House of Delegates, March 8, 2018

WHEREAS, Glendell Hill, the Sheriff of Prince William County, an honorable, respectable law-enforcement officer, who has dedicated more than four decades of his life to serving and protecting the community, has retired; and

WHEREAS, Glendell Hill joined the United States Army and served and defended the nation until he received an honorable discharge in June of 1969; and

WHEREAS, upon his discharge, Glendell Hill became the first African American to join the Manassas City Police Department, while continuing his education and pursuing a criminal justice degree; and

WHEREAS, from 1993 to 2003, Glendell Hill was named superintendent of the Prince William- Manassas Regional Adult Detention Center; and

WHEREAS, in November of 2003, Glendell Hill was elected Sheriff of Prince William County; and

WHEREAS, Glendell Hill has achieved success in many respectable positions, received many awards, and offered his leadership to many organizations within the criminal justice system to "provide the service and representation that citizens deserve and expect"; now, therefore, be it

RESOLVED by the House of Delegates, That Glendell Hill hereby be commended on the occasion of his retirement as Sheriff of Prince William County; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Glendell Hill as an expression of the House of Delegates' admiration for his more than 40 years of service to the community.

**HOUSE RESOLUTION NO. 169**

*Commending Eleanor Sigrest.*

Agreed to by the House of Delegates, March 8, 2018

WHEREAS, in 2016, Eleanor Sigrest was awarded the grand prize for her entry in Broadcom MASTERS, a prestigious middle school science, technology, mathematics, and engineering competition; and

WHEREAS, inspired by the SpaceX Falcon 9 rocket explosion, Eleanor Sigrest experimented with cold gas rocket nozzles by 3-D printing models to determine the optimal angle for a rocket nozzle; and

WHEREAS, Eleanor Sigrest also designed and programmed a system to detect and record data on the force, pressure, and temperature of various gases through the nozzles; and

WHEREAS, Eleanor Sigrest, then an eighth-grade student at Benton Middle School, received a trophy and the Samueli Foundation prize of \$25,000; and

WHEREAS, Eleanor Sigrest was selected as the winner of the 2016 Broadcom MASTERS competition out of 30 finalists and a total of 2,343 students who completed the application; now, therefore, be it

RESOLVED by the House of Delegates, That Eleanor Sigrest hereby be commended on winning the grand prize in the Broadcom MASTERS competition; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Eleanor Sigrest as an expression of the House of Delegates' admiration for her achievements.

**HOUSE RESOLUTION NO. 170**

*Commending Sonnie P. Penn Elementary School.*

Agreed to by the House of Delegates, March 8, 2018

WHEREAS, Sonnie P. Penn Elementary School, a public school in Prince William County, has promoted academic excellence, a positive and safe school climate, and supportive relationships among its students, staff, and the community for 20 years; and

WHEREAS, Penn Elementary School, located on Queen Chapel Road, was named for Sonnie P. Penn, who inspired large numbers of students to achieve greatness and served as a tremendous role model; he is remembered as not only an educator of 20 years, but an active leader in the community who inspired children in phenomenal ways; and

WHEREAS, Penn Elementary School opened with approximately 500 students in its first year; by the 2016-2017 academic year, it had grown to serve 875 pre-kindergarten through fifth-grade students, with more than 90 faculty and staff members; and

WHEREAS, the population of Penn Elementary School is diverse and nearly mirrors that of Prince William County, with the student body being 29 percent English Language Learners, 27 percent Hispanic, 25 percent African American, 28 percent white, and 12 percent Asian; and

WHEREAS, to maintain Penn Elementary School's facility and provide additional space for its growing student body, additional classrooms and a wing were added in 2012-2013; the seven new classrooms and improved office space helped the school meet the needs of the community; and

WHEREAS, Penn Elementary School is a past and current recipient of the School of Excellence award, the highest distinction awarded by the Prince William County School Board, and it continues to grow as an academic leader; and

WHEREAS, Penn Elementary School has a history of community support through partnerships with local businesses; the school promotes parent involvement through its Parent-Teacher Organization, Career Days, Multicultural nights, English language acquisition and Parents as Educational Partners classes, and the American Heart Association Jump Rope for Heart event; and

WHEREAS, Penn Elementary School uses the Positive Behavior Intervention Support and Responsive Classroom model, a nationally recognized approach that fosters a strong sense of community, creates a safe environment in which students learn and grow, and sets high expectations for teacher and student behavior; and

WHEREAS, Penn Elementary School also embraces professional development for its faculty, implements best practices for English Language Learners, and supports cultural competency and the integration of technology in the classroom; and

WHEREAS, Penn Elementary School offers many student leadership and extracurricular opportunities, including robotics, safety patrols, strings, chorus, Girl Smarts, and after-school enrichment to promote academic and behavioral success; now, therefore, be it

RESOLVED by the House of Delegates, That Sonnie P. Penn Elementary School hereby be commended on the occasion of its 20th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Sonnie P. Penn Elementary School as an expression of the House of Delegates' admiration for the school's contributions to the community and dedication to giving students a strong foundation for lifelong learning.

**HOUSE RESOLUTION NO. 171**

*Celebrating the life of Paul Robert Booth.*

Agreed to by the House of Delegates, March 8, 2018

WHEREAS, Paul Robert Booth, a revered and beloved leader of the American Federation of State, County and Municipal Employees, many members of which are Virginia residents, died on January 17, 2018; and

WHEREAS, Paul Booth was born on June 7, 1943, in Washington, D.C., and attended Swarthmore College in Pennsylvania; and

WHEREAS, Paul Booth was a founder and leader of the Students for a Democratic Society, which opposed the Vietnam War and promoted public service work as an alternative to the draft; and

WHEREAS, Paul Booth was a passionate and effective organizer for civil rights, anti-poverty efforts, and university reform; and

WHEREAS, Paul Booth joined the labor movement in 1966 as research director for the United Packinghouse Workers of America and then became organizing director and executive assistant to Gerald McEntee, the president of the American Federation of State, County and Municipal Employees (AFSCME); and

WHEREAS, Paul Booth continued to serve as a leader of AFSCME until 2017, and according to president Lee Saunders, he was "an organizer's organizer, a man of great generosity and integrity, a friend and mentor to so many people in AFSCME, the labor movement and the progressive community"; and

WHEREAS, Paul Booth was dedicated to his beloved family, and he will be fondly remembered and greatly missed by his wife, Heather, a prominent progressive leader; his sons, Dan and Gene, and their families; and numerous other family members, friends, and colleagues; and

WHEREAS, many people in the labor union and progressive movements in Virginia and elsewhere viewed Paul Booth with great affection, respect, and admiration, charmed by his warmth and wit and inspired by his powerful intellect and dedication to dignity and fairness for working people; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Paul Robert Booth; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Paul Robert Booth as an expression of the House of Delegates' respect for his memory.

**HOUSE RESOLUTION NO. 172**

*Celebrating the life of Calvin L. Johnson.*

Agreed to by the House of Delegates, March 8, 2018

WHEREAS, Calvin L. Johnson of Dumfries, a well-respected and dedicated law-enforcement officer and the chief of the Dumfries Police Department, died on December 17, 2017; and

WHEREAS, a lifelong Prince William County resident, Calvin Johnson was an All-State football player at Gar-Field High School before going on to play at Delaware State University; and

WHEREAS, Calvin Johnson took a job with the Dumfries Police Department in 1983 and served as a police officer, police captain, acting police chief, and eventually police chief, a position he maintained for 15 years until his retirement in 2010; and

WHEREAS, the Dumfries Town Council recently honored Calvin Johnson for his service and dedication to the community by naming its new police department building the "Calvin L. Johnson Police Facility"; and

WHEREAS, the proclamation honoring Calvin Johnson reads, "In serving the town of Dumfries, he was committed to the department's continued and efficient operation, for the enforcement of rules and regulations, developing policies and initiatives that would shape the future growth of the town"; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Calvin L. Johnson, a well-respected and long-serving police chief; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Calvin L. Johnson as an expression of the House of Delegates' respect for his memory.

**HOUSE RESOLUTION NO. 173**

*Celebrating the life of Kermit Marshall Cook.*

Agreed to by the House of Delegates, March 8, 2018

WHEREAS, Kermit Marshall Cook, a beloved husband and father and a respected attorney who expertly advanced the development of health care law in Virginia, died on April 14, 2017; and

WHEREAS, a Farmville native, Marshall Cook attended Prince Edward Academy and earned a bachelor's degree and a law degree from the University of Richmond, graduating Phi Beta Kappa and as a Williams Law Scholar; and

WHEREAS, prior to starting his own private law practice, Marshall Cook was a partner at the law firm of Hirschler Fleischer and served as general counsel to the Medical Society of Virginia, the Virginia Academy of Family Physicians, and the Virginia Chiropractic Association; and

WHEREAS, from 1990 to 1993, Marshall Cook served the Commonwealth as deputy attorney general, during which time he led the Commonwealth's efforts to pass legislation that has subsequently allowed free health care clinics to flourish both in the Commonwealth and nationally; and

WHEREAS, Marshall Cook's legal accomplishments made an indelible mark on health care law in the Commonwealth and won him the respect and admiration of the Virginia State Bar; and

WHEREAS, a devout Christian, Marshall Cook served as a deacon at Second Baptist Church in Richmond; and

WHEREAS, Marshall Cook will be fondly remembered and dearly missed by his devoted wife of 42 years, Sallie Hart Stone Cook; his three beloved daughters, Sarah, Elizabeth, and Susan; his five beloved grandchildren; and countless other family members, friends, colleagues, and Virginia citizens; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Kermit Marshall Cook, a respected attorney who tirelessly served the citizens of the Commonwealth; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Kermit Marshall Cook as an expression of the House of Delegates' respect for his memory.

**HOUSE RESOLUTION NO. 174**

*Celebrating the life of John Miller Payne.*

Agreed to by the House of Delegates, March 8, 2018

WHEREAS, John Miller Payne of Norfolk, a respected attorney, a true gentleman, and an avid outdoorsman who imparted his love of nature to numerous family members and friends, died in February 2018; and

WHEREAS, John Payne earned three degrees from the University of Virginia, where he made many lifelong friends and served as Grand Banana of the Eli Bananas; and

WHEREAS, John Payne pursued a career in the legal profession and worked for a private law firm before joining the Naval Legal Service Office in Norfolk as a supervisory claims attorney, the first civilian attorney to hold the position; and

WHEREAS, John Payne retired from the Naval Legal Service Office after 31 years, which gave him more time to enjoy the great outdoors in his beloved Highland County through fishing, camping, hiking, and bird-watching trips; and

WHEREAS, a renowned storyteller who was always ready for an adventure, John Payne led family members and friends on everything from midnight walks through the rain to long hikes through the mountains of Highland County in search of the elusive Ruffed Grouse; and

WHEREAS, John Payne will be fondly remembered and greatly missed by his wife, Mollie; his children, William, Archer, and George, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of John Miller Payne, a beloved husband and father in Norfolk; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of John Miller Payne as an expression of the House of Delegates' respect for his memory.

### HOUSE RESOLUTION NO. 175

*Commending Calvary Baptist Church.*

Agreed to by the House of Delegates, March 8, 2018

WHEREAS, for 100 years, Calvary Baptist Church has provided spiritual leadership, generous outreach, and opportunities for joyful worship in the Baptist tradition to the members of the Danville community; and

WHEREAS, Calvary Baptist Church was established after a group of six people from Schoolfield Baptist Church and other local churches began meeting in Bradley's Store just south of Danville; the group officially organized their own church, Lookover Baptist Church, on September 1, 1918; and

WHEREAS, within one year, Lookover Baptist Church relocated to a house in Newtown (now Edgewood) and became Newton Baptist Church; after its first building was completed in the 1920s, the church was renamed as Calvary Baptist Church in 1927; and

WHEREAS, in the 1940s, Calvary Baptist Church purchased land on what is now Edgewood Drive in Danville to expand and better meet the needs of the growing congregation; the church continued to grow in membership for the next several decades and added strong Sunday school, Training Union, and Women's Missionary Union ministries; and

WHEREAS, since the 1960s, Calvary Baptist Church has placed a high emphasis on discipleship training and mission work; two members of the congregation, Tom and Mary Small, pioneered Southern Baptist missions in Zambia, and the church continues to make many contributions to communities in Zambia and throughout the world; and

WHEREAS, Calvary Baptist Church has adapted to serve the changing Edgewood community over the years, maintaining its strong commitment to ministry and adding after-school programs to support and inspire young people; in 2001, the church completed a two-story multipurpose building that is used for community events; now, therefore, be it

RESOLVED by the House of Delegates, That Calvary Baptist Church hereby be commended on the occasion of its 100th anniversary in September 2018; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Calvary Baptist Church as an expression of the House of Delegates' admiration for the church's long history and legacy of contributions to the residents of Danville.

### HOUSE RESOLUTION NO. 176

*Commending the Eastside High School one-act play team.*

Agreed to by the House of Delegates, March 8, 2018

WHEREAS, the Eastside High School one-act play team of Coeburn claimed its fourth consecutive state title at the Virginia High School League Group 1A State Theatre Festival in December 2017; and

WHEREAS, the Eastside High School one-act play team performed *The Spirit of Life* by David F. Eliet and Yaffa Eliach, a moving piece that presents the experiences of a group of Hasidic Jews during the Holocaust; and

WHEREAS, Eastside High School's Kailey Kyle, Sarah Burke, and Elizabeth Mann won three of the four Outstanding Actor awards in Group 1A for their incredible performances; and

WHEREAS, the victory is a testament to the focus and talents of the student actors and crew, the leadership of coaches and faculty advisors, and the enthusiastic support of the entire Eastside High School community; now, therefore, be it

RESOLVED by the House of Delegates, That the Eastside High School one-act play team hereby be commended on winning the Virginia High School League Group 1A State Theatre Festival in 2017; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Shane Burke, director of the Eastside High School one-act play team, as an expression of the House of Delegates' admiration for the team's exceptional achievements and commitment to the performing arts.

2018]

## ACTS OF ASSEMBLY

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## HOUSE RESOLUTION NO. 177

*Commending Allyson Courtney Hart.*

Agreed to by the House of Delegates, March 8, 2018

WHEREAS, Allyson Courtney Hart was crowned Ms. Wheelchair Virginia 2017-2018 at the Ms. Wheelchair Virginia pageant held on March 25, 2017, at Wilson Workforce and Rehabilitation Center in Fishersville; the mission of the Ms. Wheelchair Virginia pageant is to raise awareness of the abilities and needs of the disability community through education and advocacy in order to influence attitudinal, architectural, and social change for all Virginians; and

WHEREAS, Allyson Hart has been using a wheelchair since her early childhood, when she was diagnosed with spastic quadriplegia hypertension; she became interested in the Ms. Wheelchair Virginia pageant several years ago and participated for the first time in 2017; and

WHEREAS, a tenacious young woman who lives independently and trains regularly at the YMCA, Allyson Hart won the Ms. Wheelchair Virginia pageant while competing with the motto "Independence Overcomes Disability"; and

WHEREAS, as Ms. Wheelchair Virginia, Allyson Hart has promoted a platform that encourages people with disabilities to become active members of the community and pursue their goals and dreams regardless of personal challenges; and

WHEREAS, from August 14-20, 2017, Allyson Hart served as the Commonwealth's representative at the Ms. Wheelchair America national competition in Erie, Pennsylvania; along with multiple judging sessions, the event included a leadership institute and mentoring events; and

WHEREAS, when not fulfilling her duties as Ms. Wheelchair Virginia, Allyson Hart attends Virginia Western Community College and serves as a volunteer at Fellowship Community Church; and

WHEREAS, an inspiring and talented woman, Allyson Hart represents her community and the Commonwealth with grace, enthusiasm, and dedication; now, therefore, be it

RESOLVED by the House of Delegates, That Allyson Courtney Hart hereby be commended on her selection as Ms. Wheelchair Virginia 2017-2018; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Allyson Courtney Hart as an expression of the House of Delegates' congratulations and respect for her work on behalf of people with disabilities.

## HOUSE RESOLUTION NO. 178

*Celebrating the life of George Francis Maida.*

Agreed to by the House of Delegates, March 8, 2018

WHEREAS, George Francis Maida of Henrico County, a talented musician and radio host who introduced unique musical genres to a loyal following in the Richmond area, died on December 23, 2017; and

WHEREAS, George Maida relocated to Richmond from Queens, New York, and worked for Hohner, Inc., a musical instrument manufacturer; he got his start in the radio business after he met an announcer for WRFK while working as a contract painter; and

WHEREAS, George Maida worked for WRFK and later WCVE, a public radio station serving Richmond and Petersburg, for more than 30 years; his most popular show, *The Electric Croude*, premiered in 1985; and

WHEREAS, named for a Celtic instrument and featuring Anglo-Celtic music, *The Electric Croude* was known for its signature background sound, a cricket, and including unique historical facts about musicians and their instruments; George Maida later expanded the show's repertoire with folk, progressive, and alternative rock music; and

WHEREAS, George Maida also hosted *Classical Evenings*, a weeknight show featuring classical music, and he was a songwriter and guitar player who performed with the band The Electric Croude; and

WHEREAS, George Maida will be fondly remembered and greatly missed by numerous family members, friends, and colleagues; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of George Francis Maida, who made many contributions to the Richmond community as a musician and radio host; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of George Francis Maida as an expression of the House of Delegates' respect for his memory.

**HOUSE RESOLUTION NO. 179**

*Celebrating the life of Robert C. King, Sr.*

Agreed to by the House of Delegates, March 8, 2018

WHEREAS, Robert C. King, Sr., who served the Richmond community as an automobile dealer and an active member of Rotary International, died on September 3, 2017; and

WHEREAS, a native of Richmond, Robert "Bob" C. King, Sr., began to cultivate his love of cars at a young age while working at his father's Ford dealership; and

WHEREAS, after graduating from Thomas Jefferson High School, Bob King joined many of the other young men of his generation in service to the nation during World War II as a member of the United States Navy Air Corps; and

WHEREAS, Bob King studied at Duke University and the University of Virginia, then returned to Richmond Ford as a salesman in 1947; he went on to become president in 1963 and served as chair and chief executive officer from 1974 until 2003; and

WHEREAS, Bob King then served as chair of Moore Cadillac and Subaru of Richmond until the time of his passing; over the course of his nearly 76-year career, he gained an encyclopedic knowledge of the Richmond automobile business and was greatly admired by his peers in the industry, serving as a past president of the West Richmond Businessmen's Association and director of AAA of Virginia; and

WHEREAS, Bob King also offered his leadership and wisdom to numerous civic and service organizations, particularly the Rotary Club of Richmond, where he relished the opportunity to work with other businessmen, doctors, lawyers, and other people from all walks of life to give back to the community; and

WHEREAS, over the course of his 67-year membership in the Rotary Club of Richmond, Bob King achieved a world record with 3,511 consecutive weeks of perfect attendance; he was an honorary member of a club in Texas and attended Rotary meetings as far away as Helsinki, Finland; and

WHEREAS, predeceased by two children, Cabell and Roxane, Bob King will be fondly remembered and greatly missed by his wife, Dana; his children, Robert, Jr., Kirk, Clay, Bruce, and Melissa, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Robert C. King, Sr., a respected businessman in the Richmond community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Robert C. King, Sr., as an expression of the House of Delegates' respect for his memory.

**HOUSE RESOLUTION NO. 180**

*Celebrating the life of Jenny Osborne Wilkins.*

Agreed to by the House of Delegates, March 8, 2018

WHEREAS, Jenny Osborne Wilkins, the welcoming face of the Halifax County Fair for more than 60 years, died on February 26, 2018; and

WHEREAS, a native of Halifax County, Jenny Wilkins assisted her husband, Buck, in organizing the beloved local tradition, the Halifax County Fair, every October, becoming known in the area as "the Fair Lady"; and

WHEREAS, Jenny Wilkins also helped her husband manage his architecture company and South Boston Speedway, and after his death in 2004, she managed the Halifax County Fair until 2007; and

WHEREAS, Jenny Wilkins provided her wise leadership to the Virginia Association of Fairs as the organization's vice president, and she was named as Fair Person of the Year in 2008; and

WHEREAS, Jenny Wilkins helped preserve the history and heritage of the Commonwealth as a proud member of the Berryman Green Chapter of the Virginia Daughters of the American Revolution; and

WHEREAS, a woman of deep and abiding faith, Jenny Wilkins was an active member of First Presbyterian Church, where she served as a deacon and a church elder; and

WHEREAS, predeceased by her husband, Buck, Jenny Wilkins will be fondly remembered and greatly missed by her children, Paige, Sue, and Edward, and their families, and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Jenny Osborne Wilkins, a pillar of the South Boston and Halifax County communities; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Jenny Osborne Wilkins as an expression of the House of Delegates' respect for her memory.

**HOUSE RESOLUTION NO. 181**

*Commending Boy Scouts of America Troop 31.*

Agreed to by the House of Delegates, March 8, 2018

WHEREAS, for 100 years, Boy Scouts of America Troop 31 has served and supported the members of the Fort Monroe and Hampton Roads communities, while providing local boys and young men with opportunities for leadership development; and

WHEREAS, originally chartered as Boy Scouts of America (BSA) Troop 1 in 1918, BSA Troop 31 is one of the oldest continuously chartered troops in the Colonial Virginia Council; and

WHEREAS, in the mid-1920s, BSA Troop 1 was reorganized as Troop 11, Troop 21, and Troop 31 to better serve the growing community; and

WHEREAS, the Chapel of the Centurion, located inside Fort Monroe in Hampton, graciously served as BSA Troop 31's chartering organization; and

WHEREAS, BSA Troop 31 works to honor the Boy Scout oath by building character, fostering good citizenship, and developing the mental, moral, and physical fitness of all members; and

WHEREAS, in addition to learning valuable skills through a full program of outdoor activities, the members of BSA Troop 31 also provide generous outreach and community service throughout the area; now, therefore, be it

RESOLVED by the House of Delegates, That Boy Scouts of America Troop 31 hereby be commended on the occasion of its 100th anniversary in 2018; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Boy Scouts of America Troop 31 as an expression of the House of Delegates' admiration for the troop's decades of contributions to Fort Monroe and Hampton Roads.

**HOUSE RESOLUTION NO. 182**

*Commending the National Federation of Independent Business.*

Agreed to by the House of Delegates, March 9, 2018

WHEREAS, the National Federation of Independent Business, a professional organization that has served as a valuable source of educational opportunities, information sharing, and advocacy for small businesses in the Commonwealth, celebrates its 75th anniversary in 2018; and

WHEREAS, small and independent businesses are the backbone of the economy and create a vast array of goods, services, and jobs throughout the Commonwealth and across America; the laws of the United States (15 U.S.C. § 631) recognize that encouraging and developing the capacity of small business, as does the National Federation of Independent Business, is essential to the free market competition upon which the economic well-being and security of the nation depend; and

WHEREAS, on May 20, 1943, the National Federation of Small Business was created to represent the interests of thousands of small businesses, and on April 4, 1949, the National Federation of Independent Business (NFIB) succeeded the National Federation of Small Business and carried on its important work; and

WHEREAS, throughout its long and distinguished history, the NFIB has expanded to represent hundreds of thousands of small and independent businesses, including many in the Commonwealth, and has steadfastly advanced their ability to own, operate, and grow their businesses; and

WHEREAS, the NFIB ensures that the federal government of the United States and all 50 state governments hear the voice of small business as they formulate public policies; and

WHEREAS, the small and independent businesses and the people of Virginia have benefited from the work of the NFIB for three-quarters of a century; and

WHEREAS, the NFIB will celebrate its 75th anniversary at its next annual summit, which will take place June 18-20, 2018, in Washington, D.C.; now, therefore, be it

RESOLVED by the House of Delegates, That the National Federation of Independent Business hereby be commended on its years of service to the Commonwealth's small business community on the occasion of its 75th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the National Federation of Independent Business as an expression of the House of Delegates' admiration for its impressive accomplishments and dedication to providing advocacy and representation for its members.

**HOUSE RESOLUTION NO. 183**

*Commending Embark Richmond Highway.*

Agreed to by the House of Delegates, March 9, 2018

WHEREAS, in 2014, the Virginia Department of Rail and Public Transportation released the Route 1 Multimodal Alternatives Analysis, which recommended bus rapid transit and Metrorail extension in the Route 1 corridor, and Embark Richmond Highway's purpose is to update the comprehensive plan to prepare for the changes outlined in the analysis; and

WHEREAS, Fairfax County established Embark Richmond Highway in 2015 as an initiative focused on creating a multimodal future in the Route 1 corridor where residents, workers, and visitors can walk, bike, or drive to the places they want to go; and

WHEREAS, Embark Richmond Highway was a collaboration between the Fairfax County Department of Transportation, Fairfax County Department of Planning and Zoning, Virginia Department of Transportation, federal agencies, and the Embark Richmond Highway Citizen Advisory Group; and

WHEREAS, the 13-member Embark Richmond Highway Citizen Advisory Group met 24 times between 2015 and 2017, and it hosted six community meetings throughout the Route 1 corridor to invite questions and recommendations from community members; and

WHEREAS, the Fairfax County Planning Commission endorsed the recommendations from Embark Richmond Highway on February 22, 2018; and

WHEREAS, Embark Richmond Highway's recommendations include the following changes to the comprehensive plan: the inclusion of bus rapid transit from Huntington Metro to the Woodbridge Virginia Railway Express Station, primarily in a dedicated lane down the median of Route 1; widening the highway to three lanes in each direction from the I-495 interchange to the Occoquan River; space for bike lanes and continuous sidewalks on both sides of the highway; and extending Metro's Yellow Line to Beacon Hill and Hybla Valley; and

WHEREAS, Embark Richmond Highway's plan calls for six community business centers with high-density, mixed-use development surrounding bus rapid transit stations; these "CBCs" will feature tall buildings that taper into the surrounding neighborhoods, street grids to provide interparcel access without traveling on Route 1, underground utilities, and abundant green spaces and the means to incorporate 80,000 new residents and hundreds of new businesses to the corridor; and

WHEREAS, Embark Richmond Highway's plan highlights the region's historical and ecological legacy; developers will daylight stream valleys to improve the environment and emphasize unique local assets, such as Historic Route 1 and other historic districts; and

WHEREAS, the Fairfax County Board of Supervisors endorsed the recommendations of Embark Richmond Highway on March 20, 2018; now, therefore, be it

RESOLVED by the House of Delegates, That the Fairfax County Department of Transportation, Fairfax County Department of Planning and Zoning, and the members of the Embark Richmond Highway Citizen Advisory Group hereby be commended on the completion of the Embark Richmond Highway planning process; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Embark Richmond Highway program as an expression of the House of Delegates' admiration for the program's work to enhance the Richmond Highway corridor.

**HOUSE RESOLUTION NO. 184**

*Commending 90 for 90.*

Agreed to by the House of Delegates, March 9, 2018

WHEREAS, in 1956, Dr. William Ferguson Reid cofounded one of the most formidable political organizations in Virginia, the Richmond Crusade for Voters; and

WHEREAS, the Richmond Crusade for Voters was formed in part as a result of Dr. Reid's efforts to support and work with those struggling against injustices and to provide opportunities for those people to register more voters and achieve more African American representation in elected offices; and

WHEREAS, today, each person in the campaign is honoring Dr. Reid by committing to registering new voters for the next election; through the 90 for 90 initiative, each person in the campaign will work to register 90 new voters in each of Virginia's precincts; and

WHEREAS, if all volunteers and candidates worked together to register 90 new voters in each of the Commonwealth's precincts, their efforts would result in a quarter million new voters for the Old Dominion; and

WHEREAS, 90 for 90 will provide many Virginians with the opportunity to become new voters and to be seen, heard, and represented in elected official positions; now, therefore, be it

RESOLVED by the House of Delegates, That 90 for 90 hereby be commended for its work to provide new opportunities for civic engagement in Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Virginians participating in and contributing to the success of 90 for 90 as an expression of the House of Delegates' admiration for their accomplishments.

**HOUSE RESOLUTION NO. 185**

*Commending Mike Meadows.*

Agreed to by the House of Delegates, March 9, 2018

WHEREAS, in February 2018, the Dale City Civic Association named Mike Meadows as High School Teacher of the Year for his work in 2017 to serve and inspire students in the Dale City community; and

WHEREAS, a proud alumnus of Gar-Field High School, Mike Meadows is a dedicated special educator, who strives to instill a passion for lifelong learning in all students; and

WHEREAS, Mike Meadows also serves as the varsity baseball coach and most recently led the baseball team to its most successful season in the school's history; and

WHEREAS, Mike Meadows ensures that students feel responsible to the community by having them read at other schools or having them volunteer at an assisted living facility during the holiday season; and

WHEREAS, Mike Meadows helped six seniors attend college and play basketball at the collegiate level; now, therefore, be it

RESOLVED by the House of Delegates, That Mike Meadows hereby be commended for his outstanding work in educating and shaping the minds of the youth in Dale City and on his selection as High School Teacher of the Year; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Mike Meadows as an expression of the House of Delegates' admiration for his achievements and service to young people in the community.

**HOUSE RESOLUTION NO. 186**

*Commending Damon Broiles.*

Agreed to by the House of Delegates, March 9, 2018

WHEREAS, in February 2018, the Dale City Civic Association named Damon Broiles as Middle School Teacher of the Year for his work in 2017 to serve and inspire students in the Dale City community; and

WHEREAS, Damon Broiles has worked in Beville Middle School since the spring of 2010 as a long-term substitute and has since become the math support teacher; and

WHEREAS, Damon Broiles is on the school leadership team and is a mentor for new teachers; and

WHEREAS, Damon Broiles also runs the Beville Star program which recognizes teachers on a weekly basis; now, therefore, be it

RESOLVED by the House of Delegates, That Damon Broiles hereby be commended for his outstanding work in educating and shaping the minds of the youths of Dale City and on his selection as Middle School Teacher of the Year; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Damon Broiles as an expression of the House of Delegates' admiration for his achievements and service to young people in the community.

**HOUSE RESOLUTION NO. 187**

*Commending Amanda Brown.*

Agreed to by the House of Delegates, March 9, 2018

WHEREAS, in February 2018, the Dale City Civic Association named Amanda Brown as Elementary School Teacher of the Year for her work in 2017 to serve and inspire students in the Dale City community; and

WHEREAS, Amanda Brown is the lead teacher of the fourth grade team at Bel Air Elementary School and a mentor to teachers and students from other classrooms; and

WHEREAS, Amanda Brown's thoughtful and interactive bulletin boards discuss a wide range of issues; and

WHEREAS, Amanda Brown's school spirit is known to all and is evident in everything she does, from her participation in pep rallies to her efforts to share the joys of reading with her students; and

WHEREAS, Amanda Brown is active in a multitude of clubs, including the Bel Air United running club, book club, Crazy 8's math club, and the robotics team; now, therefore, be it

RESOLVED by the House of Delegates, That Amanda Brown hereby be commended for her work in educating and shaping the minds of the youths of Dale City and on her selection as Elementary School Teacher of the Year; and, be it

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RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Amanda Brown as an expression of the House of Delegates' admiration for her achievements and service to young people in the community.

HOUSE RESOLUTION NO. 188

Commending Ryan Tolley.

Agreed to by the House of Delegates, March 9, 2018

WHEREAS, in February 2018, the Dale City Civic Association named Ryan Tolley, a technician II with the Prince William County Department of Fire and Rescue, as Career EMT Provider of the Year for his work in 2017 to safeguard the members of the Dale City community; and

WHEREAS, Ryan Tolley has been assigned and has faithfully served Station 20 for the past decade, responding to thousands of calls; and

WHEREAS, Ryan Tolley always provides the highest level of patient care and is responsible for training new advanced life support providers to perform their duties in the field; and

WHEREAS, Ryan Tolley teaches EMS classes at the Public Safety Training Academy and was accepted into the field training officers program; now, therefore, be it

RESOLVED by the House of Delegates, That Ryan Tolley hereby be commended for his ongoing work to keep the Dale City community safe and on his selection as Career EMT Provider of the Year; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Ryan Tolley as an expression of the House of Delegates' admiration for his achievements and service to the community.

HOUSE RESOLUTION NO. 189

Commending Neil Shoults.

Agreed to by the House of Delegates, March 9, 2018

WHEREAS, in February 2018, the Dale City Civic Association named Neil Shoults, a technician II with the Prince William County Department of Fire and Rescue, as Firefighter of the Year for his work in 2017 to safeguard the members of the Dale City community; and

WHEREAS, Neil Shoults has served Dale City Volunteer Fire Department Station 518 for over a year and made several contributions to the station; and

WHEREAS, Neil Shoults helped update street maps to improve response time and assisted in running the dispatch system to keep firefighters up to date with what is happening in Prince William County; and

WHEREAS, Neil Shoults is a basic life support instructor and aided the entire second battalion in becoming recertified in only three weeks; now, therefore, be it

RESOLVED by the House of Delegates, That Neil Shoults hereby be commended for his ongoing work to keep the Dale City community safe and on his selection as Firefighter of the Year; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Neil Shoults as an expression of the House of Delegates' admiration for his achievements and service to the community.

HOUSE RESOLUTION NO. 190

Commending Asley Amezcuita.

Agreed to by the House of Delegates, March 9, 2018

WHEREAS, in February 2018, the Dale City Civic Association named Asley Amezcuita, a technician I with the Prince William County Department of Fire and Rescue, as Firefighter of the Year for his work in 2017 to safeguard the members of the Dale City community; and

WHEREAS, Asley Amezcuita is a dedicated member of the department who arrives early to ensure that Station 10 is tidy, supplies are ordered, and his gear is ready for the day; and

WHEREAS, Asley Amezcuita is in charge of the station's fire inspection program, which improves the fire safety of local businesses; and

WHEREAS, Asley Amezcuita is the official department translator and has been called upon multiple times to help translate vital information in medical emergencies; now, therefore, be it

RESOLVED by the House of Delegates, That Asley Amezcuita hereby be commended for his ongoing work to keep the Dale City community safe and on his selection as Firefighter of the Year; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Asley Amezquita as an expression of the House of Delegates' admiration for his achievements and service to the community.

**HOUSE RESOLUTION NO. 191**

*Commending Donovan Stewart.*

Agreed to by the House of Delegates, March 9, 2018

WHEREAS, in February 2018, the Dale City Civic Association named Donovan Stewart, a technician with the Dale City Volunteer Fire Department, as Firefighter of the Year for his work in 2017 to safeguard the members of the Dale City community; and

WHEREAS, Donovan Stewart is crew officer for Engine Company 13 and logs over 2,000 hours a year volunteering for the department; and

WHEREAS, Donovan Stewart actively trains new recruits, is a member of the department's special operations division, and is currently training to become a tower driver; now, therefore, be it

RESOLVED by the House of Delegates, That Donovan Stewart hereby be commended for his ongoing work to keep the Dale City community safe and on his selection as Firefighter of the Year; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Donovan Stewart as an expression of the House of Delegates' admiration for his achievements and service to the community.

**HOUSE RESOLUTION NO. 192**

*Commending Zachary Dixon.*

Agreed to by the House of Delegates, March 9, 2018

WHEREAS, in February 2018, the Dale City Civic Association named Zachary Dixon, a technician with the Dale City Volunteer Fire Department, as EMS Provider of the Year for his work in 2017 to safeguard the members of the Dale City community; and

WHEREAS, Zachary Dixon is very active in training new EMS recruits and drivers, who answer more than a thousand calls for service each year; and

WHEREAS, Zachary Dixon is assigned to Battalion 4 at Fire Station 13 and has begun the process of becoming an operational medical director endorsement trainer, which would allow him to train EMS providers; and

WHEREAS, Zachary Dixon logs over 1,500 hours each year volunteering for the department while completing his advanced life support training; now, therefore, be it

RESOLVED by the House of Delegates, That Zachary Dixon hereby be commended for his ongoing work to keep the Dale City community safe and on his selection as EMS Provider of the Year; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Zachary Dixon as an expression of the House of Delegates' admiration for his achievements and service to the community.

**HOUSE RESOLUTION NO. 193**

*Commending Denyse Carroll.*

Agreed to by the House of Delegates, March 9, 2018

WHEREAS, in March 2018, *Prince William Living* named Denyse Carroll as one of its Most Influential Women of 2018; and

WHEREAS, Denyse Carroll is the K-12 STEM CTE Education Coordinator for the Prince William County Public Schools Education Foundation; and

WHEREAS, Denyse Carroll is notable for her numerous contributions to STEM and robotics programs in Prince William County Public Schools; and

WHEREAS, Denyse Carroll has gone above and beyond in service to Prince William County Public Schools by establishing at least one robotics program in every school; and

WHEREAS, Denyse Carroll is getting children excited about STEM through hands-on learning experiences with robotics and computer software; now, therefore, be it

RESOLVED by the House of Delegates, That Denyse Carroll hereby be commended for her ongoing work to educate and broaden the horizons of students throughout Prince William County; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Denyse Carroll as an expression of the House of Delegates' admiration for her achievements.

#### HOUSE RESOLUTION NO. 194

*Commending Joshua Jensen.*

Agreed to by the House of Delegates, March 9, 2018

WHEREAS, in February 2018, the Dale City Civic Association named Joshua Jensen, a captain with the Dale City Volunteer Fire Department, as Officer of the Year for his work in 2017 to safeguard members of the Dale City community; and

WHEREAS, Joshua Jensen rose through the ranks from recruit to become a firefighter, engine company driver, engine company incident officer, engine company sergeant, and his current position as engine company and battalion captain of Battalion 3 at Fire Station 10; and

WHEREAS, Joshua Jensen diligently ensures that the crews are running daily, are well trained, and are returning home after every shift; and

WHEREAS, Joshua Jensen is willing to go above and beyond to take care of other staffing needs within the department; now, therefore, be it

RESOLVED by the House of Delegates, That Joshua Jensen hereby be commended for his ongoing work to keep the Dale City community safe and on his selection as Officer of the Year; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Joshua Jensen as an expression of the House of Delegates' admiration for his service to the community.

#### HOUSE RESOLUTION NO. 195

*Commending Bradford Burgeson.*

Agreed to by the House of Delegates, March 9, 2018

WHEREAS, in February 2018, the Dale City Civic Association named Bradford Burgeson as Cadet of the Year for his work in 2017 to safeguard the members of the community with the Dale City Volunteer Fire Department; and

WHEREAS, the Dale City Volunteer Fire Department has a cadet program for people between the ages of 16 and 18, such as Bradford Burgeson, who want to help the community by providing fire and emergency medical services; and

WHEREAS, the Dale City Volunteer Fire Department looks forward to enhancing the department with individuals who are as adept and bright as Bradford Burgeson; and

WHEREAS, Bradford Burgeson has admirably found a way to balance school, home life, and his work for the fire department as a teenager; now, therefore, be it

RESOLVED by the House of Delegates, That Bradford Burgeson hereby be commended for his ongoing work to make the Dale City community safer on the occasion of his selection as Cadet of the Year; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Bradford Burgeson as an expression of the House of Delegates' admiration for his achievements and service to the community.

#### HOUSE RESOLUTION NO. 196

*Commending the Radford University men's basketball team.*

Agreed to by the House of Delegates, March 9, 2018

WHEREAS, the Radford University men's basketball team won the National Collegiate Athletic Association Big South Conference Championship on March 4, 2018, securing the third tournament title in the program's history; and

WHEREAS, relying on superb passing and shooting and one of the conference's stingiest defenses, the Radford University Highlanders finished second in the Big South Conference during the regular season; and

WHEREAS, after besting Longwood University and Winthrop University in the early rounds of the Big South tournament, the Radford Highlanders defeated the Liberty University Flames 55-52 to capture the championship; and

WHEREAS, the Radford Highlanders continued their excellent defensive play in the conference final and held a five-point lead at halftime, but the score was tied at 52-52 when the Highlanders called a timeout with just 13 seconds left in the game; and

WHEREAS, as the final seconds ticked away, Radford Highlanders freshman guard Carlik Jones made a move at the top of the key and then swished a three-point basket as the buzzer sounded to seal the victory; and

WHEREAS, Carlik Jones led the Radford Highlanders with 13 points, followed by Travis Fields, Jr., with 12 points and Ed Polite, Jr., with 11 points; Devonnte Holland scored 11 points in addition to recording a game-high seven rebounds; and

WHEREAS, along with the tournament championship, Radford Highlanders coach Mike Smith was named the Big South Conference Coach of the Year and Carlik Jones was named Freshman of the Year; Ed Polite, Jr., was named to the Big South Conference first team; and

WHEREAS, by winning the Big South Conference Championship, the Radford Highlanders booked a place in the National Collegiate Athletic Association championship tournament for the first time since 2009; and

WHEREAS, the Radford University men's basketball team's conference title is a testament to the hard work and dedication of all its talented student-athletes, the excellent guidance of its coaches and staff, and the enthusiastic support of the entire Radford University community; now, therefore, be it

RESOLVED by the House of Delegates, That the Radford University men's basketball team hereby be commended for winning the 2018 National Collegiate Athletic Association Big South Conference Championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Mike Jones, head coach of the Radford University men's basketball team, as an expression of the House of Delegates' admiration for the team's spectacular season and best wishes for continued success.

### HOUSE RESOLUTION NO. 197

*Commending the Radford High School boys' basketball team.*

Agreed to by the House of Delegates, March 9, 2018

WHEREAS, the Radford High School boys' basketball team had a superb year, going undefeated in regular season play and winning the Virginia High School League Region 2C championship on February 24, 2018; and

WHEREAS, having won back-to-back Virginia High School League (VHSL) Class 1A state championships, the Radford High School Bobcats moved up to Class 2A for the 2018 season; and

WHEREAS, the Radford Bobcats immediately made their mark in VHSL Class 2A, posting an undefeated record in the regular season and routinely dominating opponents with an aggressive defense and a high-powered shooting and passing game; and

WHEREAS, in the VHSL Region 2C final, the Radford Bobcats defeated the Martinsville High School Bulldogs 60-46 to seal the championship; and

WHEREAS, the Radford Bobcats continued their fantastic team play in the region championship, recording 23 first quarter points and then maintaining a comfortable advantage for the rest of the game; and

WHEREAS, junior Quinton Morton-Robertson led the Radford Bobcats with a game-high 30 points; Kam Edwards added 14 points and Cam Cormany finished with eight points; and

WHEREAS, Radford High School's Region 2C title is only made more impressive by the team's young roster, which includes no seniors; and

WHEREAS, following their outstanding season, the Radford Bobcats advanced to the quarterfinals of the VHSL Class 2A state tournament; and

WHEREAS, the Radford High School boys' basketball team's region title is a tribute to the hard work of all its talented student-athletes, the excellent guidance of its coaches and staff, and the energetic support of the entire Radford High School community; now, therefore, be it

RESOLVED by the House of Delegates, That the Radford High School boys' basketball team hereby be commended on winning the Virginia High School League Region 2C championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Rick Cormany, head coach of the Radford High School boys' basketball team, as an expression of the House of Delegates' admiration for the team's stellar season.

### HOUSE RESOLUTION NO. 198

*Commending Brenda J. Johnson.*

Agreed to by the House of Delegates, March 9, 2018

WHEREAS, Brenda J. Johnson, a distinguished citizen and respected leader, has given generously of her time and talents in service to the South Norfolk community; and

WHEREAS, a native of South Norfolk, Brenda Johnson attended Oscar F. Smith High School and Hicks Beauty Academy and is retired from a career with Revlon, Inc., cosmetics company; and

WHEREAS, a dedicated and active member of the community, Brenda Johnson serves as commissioner of the South Norfolk Revitalization Commission, a member and past president of the South Norfolk Civic League, and a member of the Women's Division of the Hampton Roads Chamber of Commerce Chesapeake; and

WHEREAS, Brenda Johnson is also active in the Boys and Girls Club and is the longtime director and chair of the Chesapeake 4th of July Parade, which takes place in South Norfolk and typically features between 75 and 100 units; and

WHEREAS, deeply committed to education, Brenda Johnson sits on the board of Oscar F. Smith High School and serves as president of the Oscar F. Smith Middle School parent-teacher-student association; and

WHEREAS, between 2004 and 2012, Brenda Johnson served as an elected school board member for Chesapeake Public Schools; during her tenure, she was a key advocate for the construction of a new Oscar F. Smith Middle School; and

WHEREAS, Brenda Johnson has received numerous awards for her community service, including the Martin Luther King Woman of Service Leadership Award, the Woman of the Year Award from the Women's Division of the Hampton Roads Chamber of Commerce Chesapeake, the Community Builders Award from the South Norfolk Masonic Lodge No. 339, and the Chesapeake Woman of Achievement Award; and

WHEREAS, Brenda Johnson's volunteer efforts have made an indelible impact on civic life in South Norfolk and stand as a shining example of community service and good citizenship; now, therefore, be it

RESOLVED by the House of Delegates, That Brenda J. Johnson hereby be commended on her many years of distinguished service to the South Norfolk community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Brenda J. Johnson as an expression of the House of Delegates' admiration for her impressive accomplishments and best wishes for continued success.

### HOUSE RESOLUTION NO. 199

*Celebrating the life of the Reverend James W. McNeil.*

Agreed to by the House of Delegates, March 9, 2018

WHEREAS, the Reverend James W. McNeil, a beloved husband, faithful member of New Mt. Zion Church of God Holiness, and a respected community leader who touched the lives of countless residents of South Norfolk, died on February 4, 2018; and

WHEREAS, born in 1920 in Parkton, North Carolina, Reverend McNeil worked as a minister in his youth and later settled in South Norfolk, where he was employed at Naval Station Norfolk; for many years, he also ran his own transportation company, McNeil's Bus Service; and

WHEREAS, a quiet and humble leader who cared deeply for the residents of South Norfolk, Reverend McNeil served as president of the Southside Civic League for more than 40 years and was instrumental in numerous community initiatives related to affordable housing, voting rights, public utilities, and parks and recreation; and

WHEREAS, among other accomplishments, Reverend McNeil helped persuade the City of Chesapeake to make significant improvements to Cascade Boulevard Park, which was later renamed James W. McNeil Park in his honor in 2013; and

WHEREAS, Reverend McNeil also served the community as a board member for the Bank of Hampton Roads and as treasurer of the STOP Organization; and

WHEREAS, a man of deep and abiding faith, Reverend McNeil was a member of New Mt. Zion Church of God Holiness in Norfolk for over six decades and served its congregation as a minister, mass choir member, Sunday school teacher, food bank coordinator, finance committee member, and trustee; and

WHEREAS, through his wisdom, leadership, and tenacity, Reverend McNeil improved quality of life for numerous residents of South Norfolk and won the respect and admiration of the community; and

WHEREAS, predeceased by his first wife, Lizzie Mae, Reverend McNeil will be fondly remembered and dearly missed by his wife of three years, Yvonne, as well as many other family members, close friends, and South Norfolk residents; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of the Reverend James W. McNeil, a committed spiritual and civic leader who tirelessly served the South Norfolk community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of the Reverend James W. McNeil as an expression of the House of Delegates' respect for his memory.

### HOUSE RESOLUTION NO. 200

*Celebrating the life of Patrick James Rutzinski.*

Agreed to by the House of Delegates, March 9, 2018

WHEREAS, Patrick James Rutzinski, a dedicated civil servant and an active leader in the Radford community, died on February 26, 2018; and

WHEREAS, a native of Milwaukee, Wisconsin, Patrick "Pat" James Rutzinski was born to the late Norbert and Josephine Rutzinski; and

WHEREAS, Pat Rutzinski served the nation with the utmost integrity and dedication for 33 years as a special agent with the Federal Bureau of Investigation; and

WHEREAS, Pat Rutzinski supported his fellow law-enforcement officers as a member of New River Valley Fraternal Order of Police Lodge 21 and a member of the FBI Foundation of Retirees; and

WHEREAS, Pat Rutzinski worked to enhance the community as a past president of the Radford High School Athletic Boosters and a volunteer for Habitat for Humanity, Radford Elf Shelf Christmas Gifting for underprivileged children, and the Radford Clothing Bank; and

WHEREAS, Pat Rutzinski was a sandlot football and basketball coach for the Radford Department of Parks and Recreation and served as a judge for Special Olympics events; and

WHEREAS, a devout Catholic, Pat Rutzinski enjoyed fellowship and worship with the community as an active member of St. Jude's Catholic Church; and

WHEREAS, Pat Rutzinski will be fondly remembered and greatly missed by his devoted wife of 52 years, Judith; his children, Camille, Jodie, Paul, and Peter, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Patrick James Rutzinski, a respected member of the Radford community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Patrick James Rutzinski as an expression of the House of Delegates' respect for his memory.

**HOUSE RESOLUTION NO. 201**

*Commending Rachel Chapel Freewill Baptist Church.*

Agreed to by the House of Delegates, March 9, 2018

WHEREAS, for 100 years, Rachel Chapel Freewill Baptist Church has extended Christian fellowship, generous outreach, and opportunities for joyful worship to the Coeburn community; and

WHEREAS, Rachel Chapel Freewill Baptist Church was first organized as Rachel Chapel Church on June 17, 1917, by E. A. Reedy, W. J. Keith, and W. R. Bise with six charter members; and

WHEREAS, in the late 1940s, with the original church in need of repairs, Maxie Dotson Keith was inspired to support the congregation by holding fundraisers for a new building; her successful efforts resulted in a beautiful building that served the community for many years; to better support the growing congregation, Rachel Chapel Freewill Baptist Church moved again to its current location in 1984; and

WHEREAS, Rachel Chapel Freewill Baptist Church has many active ministries, including Sunday school, Bible study, and a women's auxiliary; now, therefore, be it

RESOLVED by the House of Delegates, That Rachel Chapel Freewill Baptist Church hereby be commended on the occasion of its 100th anniversary in 2017; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Willie Stanley, pastor of Rachel Chapel Freewill Baptist Church, as an expression of the House of Delegates' admiration for the church's history and long legacy of service to the Coeburn community.

**HOUSE RESOLUTION NO. 202**

*Commending CSE, Inc.*

Agreed to by the House of Delegates, March 9, 2018

WHEREAS, CSE, Inc., a Madison Heights-based company that has served as a leader in specialty contracting projects throughout the Commonwealth and the United States, celebrates its 50th anniversary in 2018; and

WHEREAS, CSE, Inc., was originally founded under the name Commercial Steel Erection Company by Danny Ray Moon in March 1968; the company was incorporated two years later; and

WHEREAS, the first large project for CSE, Inc., was the steel erection for the new Thomas Road Baptist Church Sanctuary in Lynchburg, which broke ground in February 1969 and was completed by a crew of three; since then, the company has completed over 50,000 projects and employed over 10,000 people; and

WHEREAS, CSE, Inc., has continually expanded and updated its operations, facilities, and equipment to meet the demands of its growing workforce and the ever-changing needs of its clients; and

WHEREAS, CSE, Inc., provides a diverse range of services, including steel and precast concrete erection, industrial maintenance, piping, engineered deconstruction, and crane and engineered rigging service; the company maintains one of the largest crane and specialty rigging fleets in the Commonwealth; and

WHEREAS, CSE, Inc., has been recognized as one of the top 15 steel erection contractors in the United States by the publication *Engineering News-Record*; and

WHEREAS, CSE, Inc., is a two-time winner of the Steel Erectors Association of America's project of the year, winning its first award for the Dulles Airport hangar recovery and engineered deconstruction and its second award for the Liberty University School of Music; and

WHEREAS, CSE, Inc., is an industry leader in workplace safety and has won multiple awards from the Specialized Carrier and Rigging Association as well as the American Institute of Steel Construction; and

WHEREAS, CSE, Inc., has established satellite offices at locations across the Commonwealth, including Charlottesville, Ashland, Roanoke, and Covington; and

WHEREAS, CSE, Inc., has partnered with corporations, institutions, manufacturers, and municipalities across Virginia to complete projects that add to the economic prosperity of individuals, communities, and the Commonwealth; and

WHEREAS, over its next half century, CSE, Inc., will continue to champion the pillars upon which Danny Ray Moon founded the company: safety, quality, integrity, and experience; now, therefore, be it

RESOLVED by the House of Delegates, That CSE, Inc., hereby be commended on the occasion of its 50th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to CSE, Inc., as an expression of the House of Delegates' admiration for its outstanding commitment to quality and safety and best wishes for continued success.

**HOUSE RESOLUTION NO. 203**

*Celebrating the life of Suzanne Davis Miller.*

Agreed to by the House of Delegates, March 9, 2018

WHEREAS, Suzanne Davis Miller, a beloved wife and mother who made many contributions to the Manassas community, died on June 28, 2017; and

WHEREAS, a native of Richmond, Suzanne Miller earned a bachelor's degree in business administration from Virginia Commonwealth University; and

WHEREAS, Suzanne Miller brought joy to everyone she met through her kindness, bright smile, and warm spirit; and

WHEREAS, Suzanne Miller enjoyed fellowship and worship with the congregation of Grace United Methodist Church, where she served members of the community as a telecare minister; and

WHEREAS, Suzanne Miller always put her family first, and she will be fondly remembered and greatly missed by her husband, the Honorable Jackson H. Miller, Sr.; her sons, Jackson, Jr., and Nathaniel; her mother, Janet Davis; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Suzanne Davis Miller, a vibrant member of the Manassas community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Suzanne Davis Miller as an expression of the House of Delegates' respect for her memory.

**HOUSE RESOLUTION NO. 204**

*Celebrating the life of Lieutenant Colonel Charles Burrel Copas, USAF, Ret.*

Agreed to by the House of Delegates, March 9, 2018

WHEREAS, Lieutenant Colonel Charles Burrel Copas, USAF, Ret., a distinguished veteran and a respected resident of Fairfax County who made many contributions to the community, died on October 23, 2017; and

WHEREAS, born in 1927 at Fort Benning, Georgia, Charles Copas joined many of the other young men of his generation in service to the nation during World War II as a member of the United States Army; and

WHEREAS, after the war, Charles Copas served as a member of the United States Army Reserve and earned a bachelor's degree from Auburn University and later a master's degree from San Francisco State University; and

WHEREAS, Charles Copas was commissioned as a 2nd Lieutenant in the United States Air Force in 1951 and served as an intelligence officer stationed in Washington, D.C., Europe, North Africa, the Middle East, and Southeast Asia; and

WHEREAS, after his retirement from military service in 1975, Charles Copas worked as a management and marketing consultant for several firms in Washington, D.C., and New England; he was a talented linguist who mastered several languages throughout his military and civilian careers; and

WHEREAS, beginning in 1997, Charles Copas volunteered as an instructor for a Fairfax County English for Speakers of Other Languages program, for which he was named the 2004 Volunteer of the Year by the Virginia Adult and Community Education Program; and

WHEREAS, predeceased by his beloved wife, Jacqueline, Charles Copas will be fondly remembered and greatly missed by his children, Charles and Suzanne, and their families, and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Lieutenant Colonel Charles Burrel Copas, USAF, Ret., a respected veteran and a generous volunteer in Fairfax County; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Lieutenant Colonel Charles Burrel Copas, USAF, Ret., as an expression of the House of Delegates' respect for his memory.

**HOUSE RESOLUTION NO. 205***Commending Rolling Valley Elementary School.*

Agreed to by the House of Delegates, March 9, 2018

WHEREAS, for 50 years, Rolling Valley Elementary School in Springfield has provided a positive, supportive, and safe environment for students to learn and grow; and

WHEREAS, Rolling Valley Elementary School aims to provide a holistic education to its culturally diverse student body through general education, special education, and English for Speakers of Other Languages programs; and

WHEREAS, the dedicated faculty of Rolling Valley Elementary School adhere to best practices and strategies to support student-centered learning, and the school places a high emphasis on professional development for its teachers and administrators; and

WHEREAS, Rolling Valley Elementary School is equipped with cutting-edge technology, including Smartboards in every classroom to provide an interactive, engaging learning experience; and

WHEREAS, Rolling Valley Elementary School is known for creating an inclusive environment for students with disabilities through its intellectual disabilities center and by hosting Special Olympics events; and

WHEREAS, outside of the classroom, Rolling Valley Elementary School students have access to a wide array of extracurricular activities, including athletics, band, chorus, and other clubs; and

WHEREAS, Rolling Valley Elementary School students have consistently won the West Springfield Pyramid Challenge, a running race between local elementary schools that helps alleviate hunger in the region by raising donations for Food for Others; and

WHEREAS, for eight years, Rolling Valley Elementary School has offered a wellness fair to support members of the community; and

WHEREAS, the Rolling Valley Elementary School PTA takes an active role in children's education, sponsoring after-school and before-school programs such as FLEX and Mad Science, as well as fun activities like an annual haunted house at Halloween; now, therefore, be it

RESOLVED by the House of Delegates, That Rolling Valley Elementary School hereby be commended on the occasion of its 50th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Rolling Valley Elementary School as an expression of the House of Delegates' admiration for the school's long legacy of service to students in Fairfax County.

**HOUSE RESOLUTION NO. 206***Commending Rabbi Amy R. Perlin.*

Agreed to by the House of Delegates, March 9, 2018

WHEREAS, Rabbi Amy R. Perlin, a respected community leader and spiritual advisor who has touched the lives of numerous people, will retire on July 1, 2018, after 32 years as senior rabbi of Temple B'nai Shalom in Fairfax Station; and

WHEREAS, Rabbi Perlin earned a bachelor's degree from Princeton University and a master's degree in Hebrew literature from the Hebrew Union College-Jewish Institute of Religion in New York; she was ordained in 1982 and later received a doctor of divinity degree from Hebrew Union College in 2007; and

WHEREAS, after moving to Fairfax Station in 1986, Rabbi Perlin worked with local families to open Temple B'nai Shalom; she was the first woman rabbi in the United States to start her own congregation; and

WHEREAS, under Rabbi Perlin's capable leadership, Temple B'nai Shalom has grown into a diverse and values-driven community of 500 families; the temple has the highest post-Bar Mitzvah retention rate of any congregation in America and has produced several rabbis; and

WHEREAS, a dedicated teacher and advisor, Rabbi Perlin leads Temple B'nai Shalom's Bar and Bat Mitzvah programs and provides pre-marital, marital, grief, child rearing, and illness counseling to members of her congregation; she has also led numerous trips to Israel; and

WHEREAS, Rabbi Perlin is a staunch supporter of the Reform movement and the Israel Religious Action Center and serves as a governor of the Hebrew Union College-Jewish Institute of Religion and as the president of the Perlin Family Foundation; and

WHEREAS, in 2012, Rabbi Perlin received Jewish Women International's Women to Watch award; she was also named as one of "America's Most Inspiring Rabbis" for 2013 by the news magazine *The Forward*; and

WHEREAS, a devoted wife, mother, and grandmother, Rabbi Perlin has a passion for reading, cooking, and home design and is an avid world traveler; and

WHEREAS, following her retirement, Rabbi Perlin will become Rabbi Emerita of Temple B'nai Shalom; the congregation has also established the Temple B'nai Shalom Rabbi Amy R. Perlin and Gary L. Perlin Endowment to commemorate her invaluable contributions and leadership; now, therefore, be it

RESOLVED by the House of Delegates, That Rabbi Amy R. Perlin hereby be commended on her many years of outstanding service to the members of Temple B'nai Shalom and the Fairfax Station community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Rabbi Amy R. Perlin as an expression of the House of Delegates' admiration for her impressive career accomplishments and best wishes for a well-deserved retirement.

**HOUSE RESOLUTION NO. 207**

*Nominating persons to be elected to circuit court judgeships.*

Agreed to by the House of Delegates, March 9, 2018

RESOLVED by the House of Delegates, That the following persons are hereby nominated to be elected to the respective circuit court judgeships as follows:

The Honorable Rufus A. Banks, Jr., of Chesapeake, as a judge of the First Judicial Circuit for a term of eight years commencing July 1, 2018.

Michael A. Gatén, Esquire, of Hampton, as a judge of the Eighth Judicial Circuit for a term of eight years commencing July 1, 2018.

The Honorable Dale B. Durrer, of Culpeper, as a judge of the Sixteenth Judicial Circuit for a term of eight years commencing July 1, 2018.

Brian K. Patton, Esquire, of Russell, as a judge of the Twenty-ninth Judicial Circuit for a term of eight years commencing July 1, 2018.

James A. Willett, Esquire, of Prince William, as a judge of the Thirty-first Judicial Circuit for a term of eight years commencing April 1, 2018.

**HOUSE RESOLUTION NO. 208**

*Nominating persons to be elected to general district court judgeships.*

Agreed to by the House of Delegates, March 9, 2018

RESOLVED by the House of Delegates, That the following persons are hereby nominated to be elected to the respective general district court judgeships as follows:

Matthew A. Glassman, Esquire, of Chesapeake, as a judge of the Fifth Judicial District for a term of six years commencing July 1, 2018.

Selena Stellute Glenn, Esquire, of Hampton, as a judge of the Eighth Judicial District for a term of six years commencing July 1, 2018.

Theresa W. Carter, Esquire, of Orange, as a judge of the Sixteenth Judicial District for a term of six years commencing July 1, 2018.

Gerald E. Mabe, II, Esquire, of Wythe, as a judge of the Twenty-seventh Judicial District for a term of six years commencing July 1, 2018.

The Honorable Ronald K. Elkins, of Wise, as a judge of the Thirtieth Judicial District for a term of six years commencing July 1, 2018.

**HOUSE RESOLUTION NO. 209**

*Nominating persons to be elected to juvenile and domestic relations district court judgeships.*

Agreed to by the House of Delegates, March 9, 2018

RESOLVED by the House of Delegates, That the following persons are hereby nominated to be elected to the respective juvenile and domestic relations district court judgeships as follows:

David J. Whitted, Esquire, of Chesapeake, as a judge of the First Judicial District for a term of six years commencing July 1, 2018.

Diane P. Griffin, Esquire, of Portsmouth, as a judge of the Third Judicial District for a term of six years commencing July 1, 2018.

Robert M. Smith, III, Esquire, of Norfolk, as a judge of the Fourth Judicial District for a term of six years commencing July 1, 2018.

Maha-Rebekah R. Abejuela, Esquire, of Fairfax, as a judge of the Nineteenth Judicial District for a term of six years commencing July 1, 2018.

John A. Kassabian, Esquire, of Fairfax County, as a judge of the Nineteenth Judicial District for a term of six years commencing July 1, 2018.

Brooke-Taylor Willse Gaddy, Esquire, of Campbell, as a judge of the Twenty-fourth Judicial District for a term of six years commencing July 1, 2018.

Richard S. Buddington, Jr., Esquire, of Washington, as a judge of the Twenty-eighth Judicial District for a term of six years commencing July 1, 2018.

Marcus F. McClung, Esquire, of Scott, as a judge of the Thirtieth Judicial District for a term of six years commencing July 1, 2018.

**HOUSE RESOLUTION NO. 210**

*Commending the Dale City Civic Association.*

Agreed to by the House of Delegates, March 10, 2018

WHEREAS, in 2018, the Dale City Civic Association celebrates the 50th anniversary of its founding, as well as five decades of providing outstanding civic engagement services to a growing suburban community; and

WHEREAS, the Dale City Civic Association was incorporated in the Commonwealth in 1968; and

WHEREAS, as Dale City expanded and grew westward, so did the Dale City Civic Association, which has grown to represent Ashdale, Birchdale, Cloverdale, Darbydale, Evansdale, Forestdale, Glendale, Hillendale, Kerrydale, Lindendale, Mapledale, Nottingdale, Princedale, Queensdale, Ridgedale, Silverdale, and Trentdale; and

WHEREAS, the membership of the Dale City Civic Association is led by approximately nine dedicated officers and trustees who value maintaining a tightly knit community; and

WHEREAS, the Dale City Civic Association honors outstanding members of its community by hosting an annual awards and recognition banquet; and

WHEREAS, the Dale City Civic Association helps to uphold longstanding traditions and is a sponsor of the annual Dale City Independence Day Parade; and

WHEREAS, members of the Dale City Civic Association make numerous sacrifices to support the operations of the association and achieve success with the love and support of their families; now, therefore, be it

RESOLVED by the House of Delegates, That the Dale City Civic Association hereby be commended for the decades of outstanding civic engagement it has provided to the residents of Prince William County on the occasion of the association's 50th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to James Hicks, president of the Dale City Civic Association, as an expression of the House of Delegates' admiration for the association's 50-year commitment to advancing the Dale City community.

**SENATE JOINT RESOLUTION NO. 10**

*Commending Tidewater Community College.*

Agreed to by the Senate, January 11, 2018

Agreed to by the House of Delegates, January 19, 2018

WHEREAS, Tidewater Community College, the largest provider of higher education and workforce solutions in Hampton Roads, which serves the cities of Chesapeake, Norfolk, Portsmouth, Virginia Beach, and portions of Suffolk, is observing its 50th anniversary during the 2018-2019 academic year; and

WHEREAS, Tidewater Community College was established in 1968 at the confluence of the James and Nansemond Rivers in Suffolk on the site of the former Frederick College when the Beazley Foundation, on behalf of Fred W. Beazley, generously gifted to the Commonwealth more than 700 acres of property, buildings, and \$1 million for the purpose of establishing a community college in the Tidewater region; and

WHEREAS, since those humble beginnings, Tidewater Community College has grown to encompass four campuses and seven regional academic centers, becoming the second largest public provider of undergraduate education in Virginia; and

WHEREAS, Tidewater Community College's regional accreditation was reaffirmed in 2017 by the Southern Association of Colleges and Schools Commission on Colleges; and

WHEREAS, Tidewater Community College has awarded degrees and certificates to about 80,000 individuals, and many Tidewater Community College alumni live and work in Hampton Roads, contributing to the local economy in fields associated with their areas of study; and

WHEREAS, diversity and inclusion are central to Tidewater Community College's recruitment, hiring, electronic technology, and instructional policies and practices; and

WHEREAS, Tidewater Community College enrolls the greatest number of African American undergraduates in Virginia and is ranked 10th nationally for the number of associate degrees awarded to African American students; and

WHEREAS, three out of five Tidewater Community College graduates have no student debt, thanks to the college's affordable tuition, scholarships, and financial aid; and

WHEREAS, Tidewater Community College was the first regionally accredited institution of higher learning to offer an entire degree program, the Associate of Science in Business, using open educational resources, which eliminated the need for students to purchase textbooks; and

WHEREAS, Tidewater Community College students have saved more than a million dollars thanks to the college's innovative no-textbook-cost degrees and courses; and

WHEREAS, Tidewater Community College awarded more than 80 workforce credentials under the Workforce Credential Grant Program between August 1, 2016, and June 30, 2017; and

WHEREAS, Tidewater Community College's Center for Workforce Solutions has served more than 1,500 companies and individuals over the past 18 years; and

WHEREAS, the maritime and ship repair industries in Hampton Roads rely on Tidewater Community College to equip their current and future employees with industry-relevant skills and knowledge; and

WHEREAS, Tidewater Community College is recognized by Virginia's Congressional delegation as uniquely qualified to become a Domestic Maritime Center of Excellence, which, as outlined under the National Defense Authorization Act of 2018, would advance the capabilities of community and technical colleges to help secure the talent pipeline for the domestic maritime industry; and

WHEREAS, Tidewater Community College's programs, faculty, and alumni serve the workforce needs of major Hampton Roads industries, including health care, advanced manufacturing, construction, hospitality, and culinary arts; and

WHEREAS, nearly two-thirds of Tidewater Community College graduates transfer to four-year colleges and universities, most of them in Virginia, thanks to General Articulation Agreements with the Virginia Community College System and program-specific articulation agreements; and

WHEREAS, Tidewater Community College serves more military-related students than any college in Virginia, with one-third of its enrollment made up of active-duty military, veterans, spouses, and dependents; it is consistently ranked "Best for Vets" by *Military Times* and "Military Friendly"; and

WHEREAS, Tidewater Community College is dually certified as a Virginia Values Veterans (V3) Employer and Educator; and

WHEREAS, Tidewater Community College continues to increase the number of high school students who are attaining college credits and industry-relevant credentials through dual-enrollment programs, giving them a head start on their college careers; and

WHEREAS, Tidewater Community College is among the few community colleges in the nation to provide on-campus child care, recognizing that lack of child care is a major barrier to college completion; and

WHEREAS, Tidewater Community College demonstrates its commitment to protecting the environment with LEED-certified buildings and recognition of the Chesapeake Campus as a Certified Audubon Cooperative Sanctuary; and

WHEREAS, Tidewater Community College lives up to its promise, "From Here, Go Anywhere," providing students with the skills and knowledge they need to succeed in college and in careers; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Tidewater Community College on the occasion of its 50th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Edna V. Bahren-Kolovani, president of Tidewater Community College, as an expression of the General Assembly's admiration for the college's commitment to higher education and longtime service to the citizens of the Commonwealth.

### SENATE JOINT RESOLUTION NO. 17

*Commending the Honorable Gerald Bruce Lee.*

Agreed to by the Senate, January 11, 2018

Agreed to by the House of Delegates, January 19, 2018

WHEREAS, the Honorable Gerald Bruce Lee, a respected judge who presided over numerous high-profile cases and worked to increase diversity in the legal profession, retired from the United States District Court for the Eastern District of Virginia on September 30, 2017; and

WHEREAS, a native of Washington, D.C., Gerald Bruce Lee learned the value of hard work and responsibility at a young age; he found a job as a street sweeper through the nonprofit organization Youth Pride, Inc., and began attending college courses while he was still in high school as part of the Pride American University Project; and

WHEREAS, Gerald Bruce Lee earned a bachelor's degree and a law degree from American University and later served as an adjunct professor at the university; he began his legal career as a trial lawyer, representing individuals and businesses in civil and criminal cases at both the state and federal level; and

WHEREAS, Gerald Bruce Lee offered his expertise to several law firms and was a partner at Cohen, Dunn & Sinclair, P.C.; he made countless contributions to the legal profession, holding leadership roles in the Virginia State Bar, American Bar Association, George Mason American Inn of Court, the Northern Virginia Black Attorneys Association, and Federal Judges Association; and

WHEREAS, in 1992, Gerald Bruce Lee was appointed as a judge of the Fairfax Circuit Court of the Nineteenth Judicial Circuit of Virginia; he earned admiration for his management of complex trials and commitment to using innovative technology in the courthouse, both during and outside of trial proceedings; and

WHEREAS, on September 28, 1998, Gerald Bruce Lee was confirmed as a judge of the United States District Court for the Eastern District of Virginia, where he presided with great fairness and wisdom for 19 years; and

WHEREAS, in 1990, Gerald Bruce Lee was appointed by the Governor to serve as a Virginia Director on the Board of the Washington Metropolitan Airports Authority and helped guide modernization and expansion of Washington Dulles International Airport and Ronald Reagan Washington National Airport; and

WHEREAS, throughout his career, Gerald Bruce Lee worked to mentor and inspire young people through the Kamp Kappa Street Law Program of Kappa Alpha Psi Fraternity and the Share the Wealth Judicial Clerkship Program and Judicial Resources and JTB Summer Judicial Internship Diversity Project of Just the Beginning, both of which aim to train and empower young people and to encourage minorities to pursue a career in the legal profession; and

WHEREAS, after his well-earned retirement as a judge, Gerald Bruce Lee plans to spend more time with his wife, children, and grandchildren and seek new opportunities to serve the community; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Honorable Gerald Bruce Lee, who has served the Commonwealth with integrity and distinction, on the occasion of his retirement as a judge of the United States District Court for the Eastern District of Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Honorable Gerald Bruce Lee as an expression of the General Assembly's admiration for his dedicated service to Fairfax County, the Commonwealth, and the United States.

### SENATE JOINT RESOLUTION NO. 18

*Celebrating the life of Nathan Watts.*

Agreed to by the Senate, January 11, 2018

Agreed to by the House of Delegates, January 19, 2018

WHEREAS, Nathan Watts, a hardworking marketing professional, devoted youth athletics coach, and respected member of the Hampton community, died on June 28, 2017; and

WHEREAS, born in Hampton, Nathan Watts attended Hampton High School, where he played basketball and baseball; and

WHEREAS, known for his charismatic personality and infectious smile, Nathan Watts enjoyed a successful career in advertising and marketing, including a long tenure with Clear Channel Radio Group in Norfolk; and

WHEREAS, in 2004, Nathan Watts launched N-Sight Marketing and Management, a Hampton-based marketing, media placement, and promotional services company; and

WHEREAS, as chief executive officer of N-Sight Marketing and Management, Nathan Watts worked closely with Southeast Virginia radio stations and was also involved in promoting local events such as the Hampton Bay Days festival; and

WHEREAS, a passionate sports fan, Nathan Watts gave generously of his time as a mentor and coach, working variously with the Boo Williams basketball program, the Hampton Wythe Little League, Hampton Parks and Recreation, and the Aberdeen Athletic Association; and

WHEREAS, Nathan Watts was happiest in lively conversation with friends, meeting new people, or watching his favorite football team, the Pittsburgh Steelers; and

WHEREAS, Nathan Watts will be dearly missed and fondly remembered by his wife of 28 years, Tracye; his children, Taylor and Nathan II; his mother, Ellen; and countless other family, friends, and members of the Hampton community; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Nathan Watts, a valued member of the Hampton community; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Nathan Watts as an expression of the General Assembly's respect for his memory.

### SENATE JOINT RESOLUTION NO. 19

*Continuing the Joint Subcommittee on Coastal Flooding. Report.*

Agreed to by the Senate, February 13, 2018

Agreed to by the House of Delegates, March 6, 2018

WHEREAS, House Joint Resolution 50 and Senate Joint Resolution 76 (2012) directed the Virginia Institute of Marine Science (VIMS) to study strategies for adaptation to prevent recurrent flooding in Tidewater and Eastern Shore Virginia localities; and

WHEREAS, the resulting VIMS report, entitled "Recurrent Flooding Study for Tidewater Virginia," published as Senate Document 3 (2013), stated that recurrent flooding impacts all localities in Virginia's coastal zone and is predicted to become worse over reasonable planning horizons (20 to 50 years); and

WHEREAS, VIMS offered several recommendations, including that the Commonwealth, working with its coastal localities, (i) begin comprehensive and coordinated planning efforts; (ii) initiate identification, collection, and analysis of data needed to support effective planning for response efforts; and (iii) take a lead role in addressing recurrent flooding in Virginia for the following reasons: (a) accessing relevant federal resources for planning and mitigation may be enhanced through state mediation, (b) flooding problems are linked to water bodies and therefore often transcend locality boundaries, and (c) prioritizing flood management actions must be based in part on risk; and therefore, the Commonwealth must oversee the necessary studies to determine adaptation strategies as well as implementation of the agreed-upon strategies; and

WHEREAS, the Joint Legislative Audit and Review Commission (JLARC) study mandated by House Joint Resolution 132 (2012) and presented on October 15, 2013, entitled "Review of Disaster Preparedness Planning in Virginia," stated, "The state generally has strong disaster response plans, but deficiencies in evacuation and shelter plans may compromise the safety of the Hampton Roads population during a catastrophic disaster"; and

WHEREAS, the JLARC study further noted that if four key assumptions in the state's current evacuation plan do not hold, "timely hurricane evacuations could be compromised," placing citizens at risk after the storm; and

WHEREAS, the Virginia Housing Commission studied this issue through its Housing and the Environment Work Group and found that zoning, building codes, and planning issues will all be affected by recurrent flooding; and

WHEREAS, House Joint Resolution 16 and Senate Joint Resolution 3 (2014) established the Joint Subcommittee to Formulate Recommendations to Address Recurrent Flooding as recommended by the VIMS report; and

WHEREAS, the Joint Subcommittee to Address Recurrent Flooding met four times during the 2014 interim to collect information from federal agencies, state agencies, localities, and stakeholders and to carry out its work; and

WHEREAS, the Joint Subcommittee to Address Recurrent Flooding filed an executive summary with the General Assembly prior to the 2015 Session, which included five initial recommendations to increase public awareness, improve local and state government agency resiliency coordination, and address floodplain management; and

WHEREAS, recommendations made by the Joint Subcommittee to Address Recurrent Flooding during the 2014 interim resulted in six bills passing the General Assembly during the 2015 Session with bipartisan support; and

WHEREAS, the Joint Subcommittee to Address Recurrent Flooding met four times during the 2015 interim to collect information from federal agencies, state agencies, localities, and stakeholders and to carry out its work; and

WHEREAS, recommendations made by the Joint Subcommittee to Address Recurrent Flooding during the 2015 interim are both legislative in nature and require additional coordination between federal agencies, state agencies, and higher education; and

WHEREAS, the members of the full Joint Subcommittee on Recurrent Flooding concurred that the joint subcommittee be continued for two more years with a name change to the Joint Subcommittee on Coastal Flooding to more accurately reflect its mission and to continue the Commonwealth on the path of advancing Virginia as the coastal states' leader in advancing resiliency strategies and most importantly protecting our citizens and our business assets; and

WHEREAS, pursuant to House Joint Resolution 84 and Senate Joint Resolution 58 (2016), the Joint Subcommittee on Coastal Flooding has continued its work during the 2016 and 2017 interims and shall bring forth additional recommendations for the 2018 Session; and

WHEREAS, the members of the joint subcommittee concur that the work of the joint subcommittee be continued for two additional years; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the Joint Subcommittee on Coastal Flooding be continued. The joint subcommittee shall have a total membership of 11 members that shall consist of five members of the House of Delegates appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates; three members of the Senate appointed by the Senate Committee on Rules; and three nonlegislative citizen members, one of whom shall be a business leader and one of whom shall be a representative of the environmental community appointed by the Speaker of the House of Delegates, and one of whom shall be a local official representing Virginia's flood-prone communities appointed by the Senate Committee on Rules. Nonlegislative citizen members of the joint subcommittee shall be citizens of the Commonwealth of Virginia. The current members appointed by the Speaker of the House of Delegates shall be subject to reappointment. The current members appointed by the Senate Committee on Rules shall continue to serve until replaced. Vacancies shall be filled by the original appointing authority. Unless otherwise approved in writing by the chairman of the joint subcommittee and the respective Clerk, nonlegislative citizen members shall only be reimbursed for travel originating and ending within the Commonwealth of Virginia for the purpose of attending meetings. If a companion joint resolution of the other chamber is agreed to, written authorization of both Clerks shall be required. The joint subcommittee shall elect a chairman and vice-chairman from among its membership, who shall be members of the General Assembly.

In conducting its study, the joint subcommittee shall recommend short-term and long-term strategies for minimizing the impact of recurrent flooding and coastal storms.

Administrative staff support shall continue to be provided by the Office of the Clerk of the House of Delegates. Legal, research, policy analysis, and other services as requested by the joint subcommittee shall continue to be provided by the Division of Legislative Services. Technical assistance shall continue to be provided by faculty at Virginia institutions of

higher education who have expertise in the subject matter. All agencies of the Commonwealth shall provide assistance to the joint subcommittee for this study, upon request.

The joint subcommittee shall be limited to four meetings for the 2018 interim and four meetings for the 2019 interim, and the direct costs of this study shall not exceed \$18,640 for each year without approval as set out in this resolution. Approval for unbudgeted nonmember-related expenses shall require the written authorization of the chairman of the joint subcommittee and the respective Clerk. If a companion joint resolution of the other chamber is agreed to, written authorization of both Clerks shall be required.

No recommendation of the joint subcommittee shall be adopted if a majority of the House members or a majority of the Senate members appointed to the joint subcommittee (i) vote against the recommendation and (ii) vote for the recommendation to fail notwithstanding the majority vote of the joint subcommittee.

The joint subcommittee shall complete its meetings for the first year by November 30, 2018, and for the second year by November 30, 2019, and the chairman shall submit to the Division of Legislative Automated Systems an executive summary of its findings and recommendations no later than the first day of the next Regular Session of the General Assembly for each year. Each executive summary shall state whether the joint subcommittee intends to submit to the General Assembly and the Governor a report of its findings and recommendations for publication as a House or Senate document. The executive summaries and reports shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

Implementation of this resolution is subject to subsequent approval and certification by the Joint Rules Committee. The Committee may approve or disapprove expenditures for this study, extend or delay the period for the conduct of the study, or authorize additional meetings during the 2018 and 2019 interims.

#### SENATE JOINT RESOLUTION NO. 20

*Commemorating the 150th anniversary of the passage of the Fourteenth Amendment to the United States Constitution.*

Agreed to by the Senate, March 7, 2018

Agreed to by the House of Delegates, March 6, 2018

WHEREAS, 150 years have passed since the Fourteenth Amendment to the United States Constitution was ratified on July 9, 1868, granting citizenship to "all persons born or naturalized in the United States" and requiring equal protection under the law for all persons within states' jurisdiction; and

WHEREAS, the first Africans in what would become the United States are recorded to have arrived in 1619 to the Jamestown settlement, where they were enslaved, marking the beginning of nearly 250 years of slavery in the British colonies and in the new nation and expanding the reach of the already existing Atlantic slave trade; and

WHEREAS, in declaring independence from Great Britain, the nation's founders asserted in the United States Declaration of Independence "that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness," and yet despite this founding principle, the institution of slavery and denial of basic human rights continued; and

WHEREAS, the Supreme Court ruled in 1857 in *Dred Scott v. Sandford* that Dred Scott, an African American enslaved man, was not a citizen of the United States and could not sue for his freedom, and that a person of African descent, whether born free or formerly enslaved, could not be a citizen of the United States; and

WHEREAS, this decision and the outcry it provoked were contributing factors in the outbreak of the American Civil War, which from 1861 to 1865 engulfed the nation in violent turmoil; and

WHEREAS, the Thirteenth Amendment to the United States Constitution, ratified on December 6, 1865, formally encoded the abolition of slavery into the nation's founding document; and

WHEREAS, the subsequent adoption of the Fourteenth Amendment forbade states to "deprive any person of life, liberty, or property, without due process of law" or to "deny to any person within its jurisdiction the equal protection of the law," thereby guaranteeing such persons rights that had been denied to them based on their race or previous condition of servitude; and

WHEREAS, the Fourteenth Amendment's equal protection and due process clauses serve as the basis for requiring equal treatment to all by state governments and for barring arbitrary and capricious decisions by state governments; and

WHEREAS, the rights provided by the Fourteenth Amendment, though legally granted, have been repeatedly encroached upon and have been continually fought for and won by those who resist oppression and who work to awaken society to its injustices; and

WHEREAS, the Fourteenth Amendment has served as a basis for landmark Supreme Court decisions, including the 1954 *Brown v. Board of Education* decision in which the doctrine of "separate but equal" was ruled unconstitutional and the desegregation of public schools was mandated, leading to the full racial integration of the Commonwealth's public colleges and universities; and

WHEREAS, the Fourteenth Amendment has served as a basis for the full integration of the sexes in the Commonwealth's public colleges and universities for the benefit of both sexes through Supreme Court decisions including the 1982 *Mississippi University for Women v. Hogan* and 1996 *United States v. Virginia* decisions; and

WHEREAS, the Fourteenth Amendment has served as a basis for landmark Supreme Court decisions, including the 1967 *Loving v. Virginia* decision in which the United States Supreme Court declared that the amendment "requires that the freedom of choice to marry not be restricted by invidious racial discriminations," thereby deeming bans on interracial marriage unconstitutional; and

WHEREAS, the Fourteenth Amendment has served as the basis for requiring states to provide equal voting rights for all citizens through Supreme Court decisions, including the 1962 *Baker v. Carr* and 1964 *Reynolds v. Sims* decisions, thereby enabling Virginians to choose their representatives of choice, including those serving in this House of Delegates and State Senate; and

WHEREAS, the Fourteenth Amendment marks a significant victory in a centuries-long fight for freedom and continues to lay a foundation for extending fundamental rights to all persons within the United States; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the 150th anniversary of the passage of the Fourteenth Amendment to the United States Constitution hereby be commemorated; and be it

RESOLVED FURTHER, That the Clerk of the Senate transmit a copy of this resolution to the Superintendent of Public Instruction, the Chairman and Executive Director of the State Council of Higher Education for Virginia, the Chancellor of the Virginia Community College System, the Executive Director of the Virginia State Conference NAACP, and the Executive Director of the American Civil Liberties Union of Virginia, requesting that they further disseminate copies of this resolution to their respective constituents so that they may be apprised of the sense of the General Assembly of Virginia in this matter.

### SENATE JOINT RESOLUTION NO. 22

*Celebrating the life of Ulmo Shannon Randle, Jr.*

Agreed to by the Senate, January 11, 2018

Agreed to by the House of Delegates, January 19, 2018

WHEREAS, Ulmo Shannon Randle, Jr., a respected professional athlete, longtime college football coach, and beloved sports radio personality, died on May 23, 2017; and

WHEREAS, a native of Washington, D.C., Ulmo "Sonny" Randle graduated from Fork Union Military Academy and received a bachelor's degree from the University of Virginia, where he played as a wide receiver on the football team; and

WHEREAS, during the 1958 season, after the University of Virginia switched to a pass-heavy offense, Sonny Randle finished second in the National Collegiate Athletic Association with 47 receptions and was named as an Honorable-Mention All-American; and

WHEREAS, during the 1958 National Football League (NFL) Draft, Sonny Randle was selected by the Chicago Cardinals (later St. Louis Cardinals), with whom he played for nine seasons; he was later a member of the San Francisco 49ers, the Dallas Cowboys, and the Washington Redskins; and

WHEREAS, Sonny Randle recorded almost 6,000 career receiving yards and scored 65 receiving touchdowns, the most of any NFL player in the 1960s; he was selected to the Pro Bowl in 1960, 1961, 1962, and 1965; and

WHEREAS, Sonny Randle also founded the Sonny Randle Football Camp at Fork Union Military Academy, which gave participants the chance to hone their skills with some of the NFL's top players; and

WHEREAS, after retiring from professional football, Sonny Randle became the head football coach at East Carolina University and led the team to a conference championship in 1973; he later became the head coach of the University of Virginia, Massanutten Military Academy, and Marshall University football teams; and

WHEREAS, among his many accolades, Sonny Randle was inducted into the Virginia Sports Hall of Fame in 1991, the Fork Union Military Academy Sports Hall of Fame in 1996, and the East Carolina University Hall of Fame in 2009; and

WHEREAS, in the 1980s, Sonny Randle began participating in radio and television broadcasts of Atlantic Coast Conference college football games as a color commentator, and he founded S-R Sports, a syndicated talk radio network featuring the "Sonny Randle Sports Minute"; and

WHEREAS, Sonny Randle's sports segments played on several radio stations in the Commonwealth, including WKDW in Staunton, and he became well known for his inimitable signature sign-off, "So long, everybody"; and

WHEREAS, Sonny Randle will be fondly remembered and greatly missed by his wife, Gail; children, David, Sandra, Bethany, and Evan, and their families; the mother of his children, Judy; step-children, Kristina and Clinton; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Ulmo Shannon Randle, Jr., a professional athlete, college coach, and sports radio personality; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Ulmo Shannon Randle, Jr., as an expression of the General Assembly's respect for his memory.

**SENATE JOINT RESOLUTION NO. 23***Celebrating the life of Arvil Buford Welcher.*

Agreed to by the Senate, January 11, 2018

Agreed to by the House of Delegates, January 19, 2018

WHEREAS, Arvil Buford Welcher of Craigsville, a veteran and public servant who dedicated his life to the people of Augusta County, died on May 19, 2017; and

WHEREAS, a native of the Fordwick community, Arvil "A. B." Welcher was born to James Buford and Mary (Thompson) Welcher in 1919; and

WHEREAS, a member of the Greatest Generation, A. B. Welcher joined many other young men in service to the nation during World War II; he served honorably as a member of the United States Navy and later joined Craigsville Veterans of Foreign Wars Post 9480; and

WHEREAS, A. B. Welcher was a loyal employee of Baltimore & Ohio Railroad for 30 years, including 10 years as an electrician and 20 years as a crane operator; and

WHEREAS, driven to enhance the quality of life of his fellow Craigsville residents, A. B. Welcher served on the Craigsville Town Council for many years, including one term as mayor and five terms as vice mayor; and

WHEREAS, guided by his faith, A. B. Welcher enjoyed fellowship and worship with the congregation of St. Paul's United Methodist Church of Craigsville; and

WHEREAS, predeceased by his wife, Beatrice, and daughter Linda, Arvil Welcher will be fondly remembered and greatly missed by his children, Ronald and Wanda, and their families and by numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Arvil Buford Welcher, a veteran, public servant, and highly respected member of the Augusta County community; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Arvil Buford Welcher as an expression of the General Assembly's respect for his memory.

**SENATE JOINT RESOLUTION NO. 24***Commending the Virginia Dual Language Educators Network.*

Agreed to by the Senate, January 11, 2018

Agreed to by the House of Delegates, January 19, 2018

WHEREAS, the Virginia Dual Language Educators Network is working with nine school systems throughout the Commonwealth to support multilingual programs and ensure that students receive the fullest possible education; and

WHEREAS, founded in 2016, the Virginia Dual Language Educators Network facilitates communication between dual language teachers, school administrators, university professors, public officials, and educational resource providers; and

WHEREAS, the Virginia Dual Language Educators Network collaborates with the Albemarle, Alexandria, Arlington, Fairfax, Harrisonburg, Manassas, Newport News, Virginia Beach, and Winchester public school systems; dual language programs in these schools have proven popular with parents and effective in closing the achievement gap for English learners; and

WHEREAS, dual language programs integrate native English speakers and language-minority students for academic instruction, creating an additive bilingual learning environment in which high academic achievement is promoted along with cross-cultural awareness; and

WHEREAS, international issues and events frequently affect the daily lives of the citizens of the Commonwealth, and economic competitiveness is enhanced when citizens are conversant in both English and at least one other language; and

WHEREAS, dual language education will help the future leaders of Virginia capitalize on the Commonwealth's cultural richness and growing diversity to strengthen its place in a global economy; and

WHEREAS, the Virginia Dual Language Educators Network has ably met the challenges of growing and sustaining dual language programs and strives to make the Commonwealth a national model for dual language learning; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Virginia Dual Language Educators Network for its work to ensure that students throughout the Commonwealth can enjoy the benefits of learning another language; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Jeremy J. Aldrich, president of the Virginia Dual Language Educators Network, as an expression of the General Assembly's admiration for the organization's commitment to innovative education.

**SENATE JOINT RESOLUTION NO. 36**

*Designating the third full week of March, in 2018 and in each succeeding year, as Women Veterans Week in Virginia.*

Agreed to by the Senate, March 7, 2018

Agreed to by the House of Delegates, March 6, 2018

WHEREAS, throughout the history of the United States, during times of peace and of war, women have served honorably in the military, upholding the nation's ideals and protecting freedom through dedication to duty and sacrifice; and

WHEREAS, while women were not formally part of the United States Armed Forces until the inception of the Army Nurse Corps in 1901, they have served in an unofficial capacity dating back to the American Revolution; and

WHEREAS, during the American Revolution, the Mexican-American War, and the Civil War, women disguised themselves as men and served alongside their brothers and husbands on the front lines; off the battlefield, women made vital contributions to the war effort as nurses, couriers, and spies; and

WHEREAS, around 35,000 American women served as nurses and support staff in World War I, and during World War II, some 350,000 women served with the Women's Army Corps, the Navy's Women Accepted for Volunteer Emergency Service, the Marine Corps Women's Reserve, the Coast Guard Women's Reserve, and the Women Airforce Service Pilots; and

WHEREAS, Congress made women a permanent part of the military with the Women's Armed Services Integration Act of 1948, but until 1967, it limited the proportion of women in each branch of the military; and

WHEREAS, women nurses served on ships and in combat zones during the Korean War, and during the Vietnam War, thousands of female military personnel were deployed to Southeast Asia; and

WHEREAS, with the transition to an all-volunteer military in 1973, women experienced a dramatic increase in opportunity in the military, including leadership positions; and

WHEREAS, more than 40,000 women participated in the Gulf War, and since September 11, 2001, over 300,000 women have served in the wars in Afghanistan and Iraq; and

WHEREAS, in 2016, the United States Department of Defense opened all previously closed combat roles to women service members; women patrol war zones, fly combat aircraft, and command ships at sea; and

WHEREAS, today, there are over two million women veterans in the United States; women are the fastest growing segment of the veteran community and make up roughly 10 percent of all American veterans; and

WHEREAS, Virginia is home to more than 100,000 women veterans who have distinguished themselves both on and off the battlefield, and they continue to serve their communities as leaders in both the public and private sectors; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly designate the third full week of March, in 2018 and in each succeeding year, as Women Veterans Week in Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the Senate transmit a copy of this resolution to the Virginia Department of Veterans Services so that members of the agency may be apprised of the sense of the General Assembly of Virginia in this matter; and, be it

RESOLVED FINALLY, That the Clerk of the Senate post the designation of this week on the General Assembly's website.

**SENATE JOINT RESOLUTION NO. 37**

*Celebrating the life of L. Stanley Willis.*

Agreed to by the Senate, January 18, 2018

Agreed to by the House of Delegates, January 26, 2018

WHEREAS, L. Stanley Willis, a highly admired educator who touched the lives of countless young men and women as a professor at the University of Virginia's College at Wise, died on October 24, 2017; and

WHEREAS, after he received a bachelor's degree from Hampden-Sydney College, Stanley Willis honorably served his country in the United States Armed Forces, then earned a doctoral degree from the University of Virginia; and

WHEREAS, Stanley Willis briefly taught at Stephen F. Austin State University in Texas, then returned home to the Commonwealth as the chair of the history department at Clinch Valley College, now known as University of Virginia's College at Wise; and

WHEREAS, in addition to teaching history, Stanley Willis also served as dean of students and chair of the Faculty Council over the course of his 30-year career with the college; after his well-earned retirement, he continued to serve the college community as the president of the Poor Farm Society; and

WHEREAS, Stanley Willis was both an effective student advisor and an engaging professor who helped students from all backgrounds acquire critical thinking skills and achieve academic excellence; and

WHEREAS, as a final gift to the College at Wise and its students, Stanley Willis bequeathed 40 acres of mixed woodland for use as an environmental laboratory where students and faculty can conduct research or simply enjoy the sights and sounds of the natural world; and

WHEREAS, Stanley Willis will be fondly remembered and greatly missed by his wife, Barbara; daughter, Elizabeth; and numerous other family members, friends, and former students; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of L. Stanley Willis, a consummate educator who made lasting contributions to the University of Virginia's College at Wise; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of L. Stanley Willis as an expression of the General Assembly's respect for his memory.

**SENATE JOINT RESOLUTION NO. 38**

*Commemorating the 50th anniversary of the assassination of Dr. Martin Luther King, Jr.*

Agreed to by the Senate, February 13, 2018

Agreed to by the House of Delegates, March 6, 2018

WHEREAS, 50 years ago, on April 4, 1968, a powerful and peaceful voice for freedom was lost when Dr. Martin Luther King, Jr., was assassinated on the balcony of his motel room in Memphis, Tennessee; and

WHEREAS, during his short lifetime, Dr. King used his eloquence, his leadership, his sense of morality, and his belief in the power of peaceful resistance to awaken the nation's conscience and advance the cause of civil rights; and

WHEREAS, as founding member and first president of the Southern Christian Leadership Conference, Dr. King preached a message of nonviolence that became deeply rooted throughout the nation, particularly in Southern communities where he sought to free African Americans from racial oppression and injustice and shaped the protests and campaigns that brought about new freedoms; and

WHEREAS, during the course of these campaigns, Dr. King was instrumental in Virginia's fight for civil rights, making dozens of trips to the Commonwealth to encourage African American voter registration and involvement in the political process, to protest the closing of public schools and the widespread resistance to desegregation, to guide civil demonstrations against deeply entrenched segregation, and to preach a message of love and nonviolence across the Commonwealth; and

WHEREAS, Dr. King promoted legislative change to encode the civil rights that he worked to advance, contributing to the dismantling of Jim Crow, the desegregation of institutions, and the enactment of the Civil Rights Act of 1964 and the Voting Rights Act of 1965; and

WHEREAS, in response to fierce opposition, threats, surveillance, imprisonment, and violence from those who resisted or feared his message, Dr. King offered peace and unflinching courage in return; and

WHEREAS, through his life's work, Dr. King brought the nation and the world closer to his vision of the "Beloved Community," in which peace, justice, and love prevail over hatred and division; and

WHEREAS, the life of Dr. King was taken when he was 39 years old, his work unfinished, as he sought to improve the lives and working conditions of sanitation workers protesting in Memphis and as he organized the Poor People's Campaign in Washington, D.C., which would give a unified voice to those living in poverty; and

WHEREAS, Dr. King lived the message of love that he preached, believing, "Darkness cannot drive out darkness; only light can do that. Hate cannot drive out hate; only love can do that"; and

WHEREAS, a half-century later, the power of Dr. King's words and actions remains undiminished, their meaning relevant and their direction clear; and

WHEREAS, Dr. King's dream remains to be fully realized, "that one day this Nation will rise up and live out the true meaning of its creed: We hold these truths to be self-evident, that all men are created equal"; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commemorate the 50th anniversary of the assassination of Dr. Martin Luther King, Jr., and encourage the citizens of the Commonwealth to observe this solemn occasion, to recall the legacy of Dr. King, and to heed his call for unity, love, and compassion; and, be it

RESOLVED FURTHER, That the Clerk of the Senate transmit a copy of this resolution to the Superintendent of Public Instruction, the Chairman and Executive Director of the State Council of Higher Education for Virginia, the Chancellor of the Virginia Community College System, the President of the Southern Christian Leadership Conference Virginia State Unit, the Executive Director of the Virginia State Conference NAACP, and the Chief Executive Officer of the Martin Luther King, Jr. Center for Nonviolent Social Change in Atlanta, Georgia, requesting that they further disseminate copies of this resolution to their respective constituents so that they may be apprised of the sense of the General Assembly of Virginia in this matter.

## SENATE JOINT RESOLUTION NO. 43

*Confirming appointments by the Governor of certain persons communicated June 1, 2017.*

Agreed to by the Senate, February 7, 2018  
Agreed to by the House of Delegates, February 6, 2018

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly confirm the following appointments of certain persons made by Governor Terry McAuliffe and communicated to the General Assembly June 1, 2017.

## AGRICULTURE AND FORESTRY

## Egg Board

**Kenneth S. Risser**, 908 Shore Drive, **Hartfield**, Virginia 23071, Member, appointed April 13, 2017, to serve at the pleasure of the Governor beginning February 1, 2017, to succeed Lance Minear.

## AUTHORITIES

## Board of the Virginia Coalfield Economic Development Authority

**Margaret A. Asbury**, 7316 Abb's Valley Road, **Boissovain**, Virginia 24606, Member, appointed May 12, 2017, for a term of four years beginning July 1, 2016, and ending June 30, 2020, to succeed Dean M. Hymes.

**Rebecca C. Coleman**, 2507 Wadlow Gap Highway, **Gate City**, Virginia 24251, Member, appointed May 12, 2017, for a term of four years beginning July 1, 2016, and ending June 30, 2020, to succeed Ross C. Jenkins.

## Hampton Roads Sanitation District Commission

**Maurice P. Lynch**, 1705 Patriots Colony Drive, **Williamsburg**, Virginia 23188, Member, appointed May 25, 2017, for a term of four years beginning June 8, 2017, and ending June 7, 2021, to succeed himself.

**Elizabeth A. Taraski**, 1512 Sleepy Lake Parkway, **Suffolk**, Virginia 23433, Member, appointed May 25, 2017, for a term of four years beginning June 8, 2017, and ending June 7, 2021, to succeed Arthur Bredermeyer.

## Virginia Recreational Facilities Authority Board of Directors

**Dwight W. McDowell III**, Post Office Box 14530, **Norfolk**, Virginia 23518, Member, appointed February 27, 2017, to serve an unexpired term beginning July 1, 2015, and ending June 30, 2020, to succeed Mark S. Lawrence.

## Virginia Tourism Authority Board of Directors

**Anette M. Johnson**, 1321 North Bay Shore Drive, **Virginia Beach**, Virginia 23451, Member, appointed March 1, 2017, to serve an unexpired term beginning March 30, 2016, and ending June 30, 2018, to succeed Brian Roeder.

**Eleanor Mills Wehner**, 9228 Chatham Road, **Machipongo**, Virginia 23405, Member, appointed March 1, 2017, to serve an unexpired term beginning March 24, 2016, and ending June 30, 2019, to succeed James B. Ricketts.

## COMMERCE AND TRADE

## Board for Contractors

**Vance T. Ayres**, 7226 Persimmon Lane, **King George**, Virginia 22485, Member, appointed February 23, 2017, for a term of four years beginning July 1, 2016, and ending June 30, 2020, to succeed himself.

**Sheila Bynum-Coleman**, 9330 Salix Grove Terrace, **Chesterfield**, Virginia 23832, Member, appointed February 23, 2017, for a term of four years beginning July 1, 2016, and ending June 30, 2020, to succeed Goutam Chowdhuri.

**Gene E. Magruder**, 602 River Road, **Newport News**, Virginia 23601, Member, appointed February 23, 2017, for a term of four years beginning July 1, 2016, and ending June 30, 2020, to succeed himself.

**James David Oliver**, 145 Springbuck Lane, **Christiansburg**, Virginia 24073, Member, appointed February 23, 2017, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed himself.

**E. C. Pace III**, 2555 Woodcliff Road Southeast, **Roanoke**, Virginia 24014, Member, appointed February 23, 2017, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed himself.

**Deborah L. Tomlin**, 102 Red Fox Road, **Colonial Heights**, Virginia 23834, Member, appointed April 13, 2017, for a term of four years beginning July 1, 2016, and ending June 30, 2020, to succeed Troy Smith, Jr.

## Fair Housing Board

**Candice L. Bennett**, 9621 Masey McQuire Court, **Lorton**, Virginia 22079, Member, appointed March 16, 2017, to serve an unexpired term beginning July 1, 2015, and ending June 30, 2019, to succeed Jim Ginnell.

## Virginia-Asian Advisory Board

**Mona H. Siddiqui**, 14550 Kenmont Drive, **Midlothian**, Virginia 23113, Member, appointed May 11, 2017, to serve an unexpired term beginning January 9, 2017, and ending June 30, 2017, to succeed Jason M. Chung.

## Virginia Board of Workforce Development

**Ray C. Bagley**, 1024 Drumcastle Lane, **Chesapeake**, Virginia 23435, Member, appointed February 24, 2017, to serve an unexpired term beginning January 1, 2017, and ending June 30, 2017, to succeed William Bell.

## Virginia Economic Development Partnership Authority Board of Directors

**Carrie Hileman Chenery**, 508 West Beverley Street, **Staunton**, Virginia 24401, Member, appointed May 19, 2017, for a term of three years beginning May 19, 2017, and ending June 30, 2020, to fill a new seat.

**Heather Engel**, 614 Haystack Landing Road, **Newport News**, Virginia 23602, Member, appointed May 19, 2017, for a term of three years beginning May 19, 2017, and ending June 30, 2020, to fill a new seat.

**Gregory B. Fairchild**, 106 Robinson Woods, **Charlottesville**, Virginia 22903, Member, appointed May 19, 2017, for a term of one year beginning May 19, 2017, and ending June 30, 2018, to fill a new seat.

**Vincent J. Mastracco, Jr.**, 840B Ocean Front Avenue, **Virginia Beach**, Virginia 23451, Member, appointed May 24, 2017, for a term of one year beginning May 24, 2017, and ending June 30, 2018, to fill a new seat.

**Dan M. Pleasant**, 161 Stratford Place, **Danville**, Virginia 24541, Member, appointed May 23, 2017, for a term of one year beginning May 23, 2017, and ending June 30, 2018, to fill a new seat.

**Xavier R. Richardson**, 8121 Lee Jackson Circle, **Spotsylvania**, Virginia 22553, Member, appointed May 19, 2017, for a term of one year beginning May 19, 2017, and ending June 30, 2018, to fill a new seat.

**Carlos Tapias**, 8265 River Course Drive, **Radford**, Virginia 24141, Member, appointed May 19, 2017, for a term of one year beginning May 19, 2017, and ending June 30, 2018, to fill a new seat.

#### **Virginia Manufactured Housing Board**

**Sean D. Hicks**, 4500 Leonard Parkway, **Richmond**, Virginia 23221, Member, appointed April 13, 2017, to serve an unexpired term beginning April 1, 2016, and ending March 31, 2020, to succeed Jim Carver.

#### **COMPACTS**

##### **Breaks Interstate Park Commission**

**Curtis R. Mullins, Jr.**, 1643 Edgewater Drive, **Grundy**, Virginia 24614, Member, appointed May 11, 2017, for a term of four years beginning February 24, 2017, and ending February 23, 2021, to succeed Terry Lee Hall.

##### **Citizens Advisory Committee to the Chesapeake Executive Council**

**William C. Dickinson**, 805 Quaker Lane, **Alexandria**, Virginia 22302, Member, appointed March 1, 2017, for a term of four years beginning January 1, 2017, and ending December 31, 2020, to succeed Gregory Evans.

**Dale A. Gardner**, 4410 Donnelley Drive, **Bridgewater**, Virginia 22812, Member, appointed March 2, 2017, for a term of four years beginning January 1, 2017, and ending December 31, 2020, to succeed himself.

**Kendall Elaine Tyree**, 1503 Derek Lane, **Henrico**, Virginia 23229, Member, appointed March 1, 2017, for a term of four years beginning January 1, 2017, and ending December 31, 2020, to succeed Robert Wayland.

#### **EDUCATION**

##### **Board of Education**

**Kim E. Adkins**, 1010 Sheraton Court, **Martinsville**, Virginia 24112, Member, appointed April 7, 2017, to serve an unexpired term beginning January 30, 2016, and ending January 29, 2020, to succeed Darlene Edwards.

**Anne Holton**, 1515 Confederate Avenue, **Richmond**, Virginia 23227, Member, appointed February 17, 2017, for a term of four years beginning January 30, 2017, and ending January 29, 2021, to succeed Joan Wodiska.

**Jamelle S. Wilson**, 28 Westhampton Way, **Richmond**, Virginia 23173, Member, appointed February 17, 2017, for a term of four years beginning January 30, 2017, and ending January 29, 2021, to succeed Oktay Baysal.

##### **Board of Regents of Gunston Hall**

**Josephine Plummer Jones Allen (Mrs. John Robert Allen)**, 225 Baldwin Road, Apartment 12, **Seneca, South Carolina** 29678, Member, appointed February 17, 2017, for a term of five years beginning October 26, 2016, and ending October 25, 2021, to succeed Helen Taylor.

**Homoiselle Fay Sadler Bujosa**, 135 Glynn Way Drive, **Houston, Texas** 77056, Member, appointed February 17, 2017, for a term of five years beginning October 26, 2016, and ending October 25, 2021, to succeed Elaine Blaylock.

**Helen-Bragg Cleary (Mrs. Richard S. Cleary)**, 10 Woodhill Road, **Louisville, Kentucky** 40207, Member, appointed February 17, 2017, for a term of five years beginning October 26, 2016, and ending October 25, 2021, to succeed herself.

**Stephanie Duke Hockensmith (Mrs. David Hockensmith)**, Post Office Box 90, **Morgan, Vermont** 05853, Member, appointed February 17, 2017, for a term of five years beginning October 26, 2016, and ending October 25, 2021, to succeed Priscilla Grayson.

**Karen Lynne Koontz Parker (Mrs. James L. Parker)**, 9860 Deer Ridge Drive, **Cedar Rapids, Iowa** 52411, Member, appointed February 17, 2017, for a term of five years beginning October 26, 2016, and ending October 25, 2021, to succeed Julie Ann Linn.

**Mary Penelope Payne**, 1742 Swann Street Northwest, **Washington, District of Columbia** 20009, Member, appointed February 17, 2017, for a term of five years beginning October 26, 2016, and ending October 25, 2021, to succeed Linda Mattingly.

**Agnes Ann Fitzhugh Oglesby Rea (Mrs. Edgar Matthew Rea III)**, 1208 Henry Clay Avenue, **New Orleans, Louisiana** 70118, Member, appointed February 17, 2017, for a term of five years beginning October 26, 2016, and ending October 25, 2021, to succeed Martha Flanders.

**Caro St. John Thomas Williams (Mrs. Graham Berkeley Williams)**, 1930 Holly Street, **Denver, Colorado** 80220, Member, appointed February 17, 2017, for a term of five years beginning October 26, 2016, and ending October 25, 2021, to succeed Jean McGinnis.

##### **Board of Trustees of the Virginia Museum of Fine Arts**

**Lynette L. Allston**, 25274 Barhams Hill Road, **Drewryville**, Virginia 23844, Member, appointed March 17, 2017, for a term of five years beginning July 1, 2016, and ending June 30, 2021, to succeed Shantaram Talegaonkar.

**Ankit N. Desai**, 1725 19th Street Northwest, **Washington, District of Columbia** 20009, Member, appointed March 17, 2017, for a term of five years beginning July 1, 2016, and ending June 30, 2021, to succeed Charles Seilheimer.

**Anne Noland Edwards**, 521 South Fairfax Street, **Alexandria**, Virginia 22314, Member, appointed March 17, 2017, for a term of five years beginning July 1, 2016, and ending June 30, 2021, to succeed Claude Perkins.

**Martha M. Glasser**, 1304 Mockingbird Place, **Virginia Beach**, Virginia 23451, Member, appointed April 14, 2017, to serve an unexpired term beginning December 11, 2016, and ending June 30, 2019, to succeed Louise Cochrane.

**Jil Womack Harris**, 6315 Three Chopt Road, **Richmond**, Virginia 23226, Member, appointed March 17, 2017, for a term of five years beginning July 1, 2016, and ending June 30, 2021, to succeed herself.

**Steven A. Markel**, 119 Tempsford Lane, **Richmond**, Virginia 23226, Member, appointed March 17, 2017, for a term of five years beginning July 1, 2016, and ending June 30, 2021, to succeed himself.

**Thomas W. Papa**, 1202 Loch Lomond Court, **Richmond**, Virginia 23221, Member, appointed March 17, 2017, for a term of five years beginning July 1, 2016, and ending June 30, 2021, to succeed Marlene Malek.

**Rupa Tak**, 445 Rivergate Drive, **Richmond**, Virginia 23238, Member, appointed March 17, 2017, for a term of five years beginning July 1, 2016, and ending June 30, 2021, to succeed Michael Connors.

#### **Board of Visitors for Gunston Hall**

**Edmund Graber**, 10537 School Street, **Fairfax**, Virginia 22030, Member, appointed February 17, 2017, for a term of one year beginning October 1, 2016, and ending September 30, 2017, to succeed David Mercer.

**Eileen Cassidy Rivera**, 205 Clifford Avenue, **Alexandria**, Virginia 22305, Member, appointed February 17, 2017, for a term of one year beginning October 1, 2016, and ending September 30, 2017, to succeed herself.

**Timothy J. Sargeant**, 8803 Cross Chase Circle, **Fairfax Station**, Virginia 22039, Member, appointed February 17, 2017, for a term of one year beginning October 1, 2016, and ending September 30, 2017, to succeed himself.

#### **The Library Board**

**Shelley Viola Murphy**, 36 Colonial Road, **Palmyra**, Virginia 22963, Member, appointed March 17, 2017, for a term of five years beginning July 1, 2016, and ending June 30, 2021, to succeed Pat Evans.

#### **Virginia Water Resources Research Center Statewide Advisory Board**

**Brian D. Richter**, 5834 Saint George Avenue, **Crozet**, Virginia 22932, Member, appointed February 10, 2017, to serve at the pleasure of the Governor beginning February 10, 2017, to succeed Joe Lerch.

#### **HEALTH AND HUMAN RESOURCES**

##### **Advisory Board on Athletic Training**

**Trilizsa Trent**, 3903 Sunny Brook Court, **Woodbridge**, Virginia 22192, Member, appointed March 24, 2017, to serve an unexpired term beginning July 1, 2015, and ending June 30, 2019, to succeed Tammy Babbs.

##### **Board for the Blind and Vision Impaired**

**Debra P. Helms**, 2614 Wilshire Avenue, Southwest, **Roanoke**, Virginia 24015, Member, appointed February 17, 2017, to serve an unexpired term beginning July 1, 2015, and ending June 30, 2019, to succeed Linda Broady-Myers.

**Kenneth W. Jessup**, 624 Sea Oats Way, **Virginia Beach**, Virginia 23451, Member, appointed February 17, 2017, for a term of four years beginning July 1, 2016, and ending June 30, 2020, to succeed Deborah Prost.

**Lynn Lesko**, 100 Signature Way, Number 827, **Hampton**, Virginia 23666, Member, appointed February 17, 2017, for a term of four years beginning July 1, 2016, and ending June 30, 2020, to succeed herself.

##### **Board of Medical Assistance Services**

**Patricia T. Cook**, 402 Virginia Street, **Ashland**, Virginia 23005, Member, appointed April 7, 2017, for a term of four years beginning March 8, 2017, and ending March 7, 2021, to succeed Marcia Yeskoo.

**Vilma T. Seymour**, 7305 Sandy Lane, **Mechanicsville**, Virginia 23111, Member, appointed April 7, 2017, for a term of four years beginning March 8, 2017, and ending March 7, 2021, to succeed Maria Jankowski.

**Kannan Srinivasan**, 20765 Bank Way, **Potomac Falls**, Virginia 20165, Member, appointed April 7, 2017, for a term of four years beginning March 8, 2017, and ending March 7, 2021, to succeed Mirza Baig.

##### **Board of Nursing**

**Alice Bazemore Clark**, 10306 Lewistown Road, **Ashland**, Virginia 23005, Member, appointed March 3, 2017, for a term four years beginning July 1, 2016, and ending June 30, 2020, to succeed Joana C. Garcia.

##### **Commonwealth Health Research Board**

**Julia A. Spicer**, 2101 R Street Northwest, **Washington, District of Columbia** 20008, Member, appointed April 14, 2017, for a term of five years beginning April 2, 2017, and ending April 1, 2022, to succeed herself.

##### **Radiation Advisory Board**

**Allen R. Goode**, 1694 Monet Hill, **Charlottesville**, Virginia 22911, Member, appointed April 14, 2017, to serve at the pleasure of the Governor beginning April 14, 2017, to succeed James Thornton.

**Laura Strawn**, 31114 Harbor Lane, **Painter**, Virginia 23420, Member, appointed April 14, 2017, to serve at the pleasure of the Governor beginning April 14, 2017, to succeed Frances Porter.

##### **State Rehabilitation Council**

**Garrett Brumfield**, 301 First Street Southwest, Number 304, **Roanoke**, Virginia 24011, Member, appointed February 17, 2017, for a term of three years beginning October 1, 2016, and ending September 30, 2019, to succeed Charles Benagh.

**Daniel Irwin**, 11142 Great Meadows Drive, **Mechanicsville**, Virginia 23116, Member, appointed March 3, 2017, to serve an unexpired term beginning January 17, 2017, and ending September 30, 2017, to succeed Samantha Marsh Hollins.

**State Rehabilitation Council for the Blind and Vision Impaired**

**Larysa M. Kautz**, 7019 Polins Court, **Alexandria**, Virginia 22306, Member, appointed March 17, 2017, to serve an unexpired term beginning January 1, 2017, and ending September 30, 2018, to succeed Judith O. Swystun.

**INDEPENDENT**

**Chesapeake Bay Bridge and Tunnel Commission**

**Stephen Johnsen**, 36 Ames Street, **Onancock**, Virginia 23417, Member, appointed May 15, 2017, for a term of four years beginning May 15, 2017, and ending May 14, 2021, to succeed Deborah M. Christie.

**Thomas West Meehan, Sr.**, 36 Langhorne Circle, **Newport News**, Virginia 23606, Member, appointed May 19, 2017, for a term of four years beginning May 15, 2017, and ending May 14, 2021, to succeed himself.

**Virginia Retirement System Board of Trustees**

**O'Kelley E. McWilliams III**, 10800 Bryant Place, **Oakton**, Virginia 22124, Member, appointed May 12, 2017, for a term of five years beginning March 1, 2017, and ending February 28, 2022, to succeed Robert Greene.

**Mitchell L. Nason**, 2885 Warrenton Road, **Fredericksburg**, Virginia 22406, Chair, appointed May 12, 2017, for a term of one year beginning May 5, 2017, and ending February 28, 2018, to succeed Robert Greene.

**LEGISLATIVE**

**Brown v. Board of Education Scholarship Committee**

**Robert L. Hamlin**, 324 High Rock Road, **Rice**, Virginia 23966, Member, appointed March 31, 2017, for a term of two years beginning July 1, 2015, and ending June 30, 2017, to succeed himself.

**Marcella Vishon Luck**, 11290 Arbor Creek, Apartment 1025, **Richmond**, Virginia 23235, Member, appointed March 31, 2017, to serve an unexpired term beginning July 1, 2015, and ending June 30, 2017, to succeed Irene Logan.

**Karen Eley Sanders**, 1679 Saint Andrews Circle, **Blacksburg**, Virginia 24060, Member, appointed March 31, 2017, for a term of two years beginning July 1, 2015, and ending June 30, 2017, to succeed herself.

**Virginia Housing Commission**

**Laura D. Lafayette**, 6043 Corwin Drive, **Glen Allen**, Virginia 23059, Member, appointed March 22, 2017, for a term of four years beginning July 1, 2016, and ending June 30, 2020, to succeed herself.

**Lawrence H. Pearson, Jr.**, 2605 Fendall Avenue, **Richmond**, Virginia 23222, Member, appointed March 22, 2017, for a term of four years beginning July 1, 2016, and ending June 30, 2020, to succeed T. K. Somanath.

**NATURAL RESOURCES**

**Board of Historic Resources**

**Erin Ashwell**, 3062 Carolina Avenue Southwest, **Roanoke**, Virginia 24014, Member, appointed April 25, 2017, to serve an unexpired term beginning February 28, 2017, and ending June 30, 2017, to succeed Drew A. Gruber.

**PUBLIC SAFETY AND HOMELAND SECURITY**

**Virginia Fire Services Board**

**James M. Stokely**, 9107 Ewell Street, **Manassas**, Virginia 20110, Member, appointed April 14, 2017, to serve an unexpired term beginning July 1, 2016, and ending June 30, 2020, to succeed Dawn E. Brown.

**TRANSPORTATION**

**Aerospace Advisory Council**

**Kurt D. Eberly**, 326 North Oakland Street, **Arlington**, Virginia 22203, Member, appointed May 16, 2017, to serve an unexpired term beginning August 2, 2016, and ending June 30, 2018, to succeed Dan Tani.

**SENATE JOINT RESOLUTION NO. 44**

*Confirming appointments by the Governor of certain persons communicated August 1, 2017.*

Agreed to by the Senate, January 29, 2018

Agreed to by the House of Delegates, February 6, 2018

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly confirm the following appointments of certain persons made by Governor Terry McAuliffe and communicated to the General Assembly August 1, 2017.

**ADMINISTRATION**

**Council on Women**

**Amy Ellen Bridge**, 6406 Monument Avenue, **Richmond**, Virginia 23226, Member, appointed June 23, 2017, for a term of three years beginning July 1, 2017, and ending June 30, 2020, to succeed Allison Lawrence Jones.

**Caryn Foster Durham**, 11307 Pendleton Place, **North Chesterfield**, Virginia 23236, Member, appointed June 23, 2017, for a term of three years beginning July 1, 2017, and ending June 30, 2020, to succeed Meredith Johnson Harbach.

**Carol Rick Gibbons**, 4301 Welby Drive, **Midlothian**, Virginia 23113, Member, appointed June 23, 2017, for a term of three years beginning July 1, 2017, and ending June 30, 2020, to succeed herself.

**Ashley Reynolds Marshall**, 4101 Chesterton Street, Southwest, **Roanoke**, Virginia 24018, Member, appointed June 23, 2017, for a term of three years beginning July 1, 2017, and ending June 30, 2020, to succeed Rita G. Surratt.

**Devin Pugh-Thomas**, 415 West Princess Anne Road, **Norfolk**, Virginia 23517, Member, appointed June 23, 2017, for a term of three years beginning July 1, 2017, and ending June 30, 2020, to succeed herself.

**Susan Johnston Rowland**, 1234 Edgewood Avenue, **Chesapeake**, Virginia 23324, Member, appointed June 23, 2017, for a term of three years beginning July 1, 2017, and ending June 30, 2020, to succeed herself.

**Katherine Noller Tyson**, 328 South Gaskins Road, **Henrico**, Virginia 23238, Member, appointed June 23, 2017, for a term of three years beginning July 1, 2017, and ending June 30, 2020, to succeed Sally Mullikin.

#### AGRICULTURE AND FORESTRY

##### Board of Agriculture and Consumer Services

**Donald H. Horsley**, 3169 Land of Promise Road, **Virginia Beach**, Virginia 23457, Member, appointed July 18, 2017, for a term of four years beginning March 1, 2017, and ending June 30, 2021, to succeed Steve Sturgis.

**James S. Huffard III**, 165 Huffard Lane, **Crockett**, Virginia 24323, Member, appointed July 18, 2017, for a term of four years beginning March 1, 2017, and ending June 30, 2021, to succeed himself.

**L. Wayne Kirby**, 765 Claysville Road, **Powhatan**, Virginia 23139, Member, appointed July 20, 2017, for a term of four years beginning March 1, 2017, and ending June 30, 2021, to succeed himself.

**John R. Marker**, 3035 Cedar Creek Grade, **Winchester**, Virginia 22602, Member, appointed July 20, 2017, for a term of four years beginning March 1, 2017, and ending June 30, 2021, to succeed himself.

**Richard S. Sellers**, 9501 Mellett Court, **Burke**, Virginia 22015, Member, appointed July 19, 2017, for a term of four years beginning March 1, 2017, and ending June 30, 2021, to succeed himself.

**Clifton A. Slade**, 1111 Mount Ray Drive, **Surry**, Virginia 23883, Member, appointed July 19, 2017, for a term of four years beginning March 1, 2017, and ending June 30, 2021, to succeed himself.

##### Board of Forestry

**John W. Burke III**, 12602 Woodford Road, **Woodford**, Virginia 22580, Member, appointed June 14, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed himself.

**Franklin B. Myers**, 5046 Christanna Highway, **Gasburg**, Virginia 23857, Member, appointed June 14, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed himself.

**David William Smith**, 625 Woodland Drive, **Blacksburg**, Virginia 24060, Member, appointed June 14, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed himself.

**E. Glen Worrell, Jr.**, 1993 Spring Hill Road, **Staunton**, Virginia 24401, Member, appointed June 14, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed himself.

##### Virginia Horse Industry Board

**Susan L. Fanelli**, 198 Lakeland Road, **Stafford**, Virginia 22556, Member, appointed July 17, 2017, to serve an unexpired term beginning June 16, 2017, and ending June 19, 2018, to succeed David R. Lands.

**Janie L. Shrader**, 17490 James Madison Highway, Post Office Box 1600, **Gordonsville**, Virginia 22942, Member, appointed July 17, 2017, for a term of three years beginning June 20, 2017, and ending June 19, 2020, to succeed William David Lamb.

#### COMMERCE AND TRADE

##### Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects

**Charles F. Dunlap**, 401 Lynnhaven Drive, **Winchester**, Virginia 22602, Member, appointed July 10, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed himself.

**James L. Kelly**, 106 Old Cart Road, **Williamsburg**, Virginia 23188, Member, appointed July 10, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed himself.

**Mary E. Price**, 1120 Graydon Avenue, **Norfolk**, Virginia 23507, Member, appointed June 15, 2017, to serve an unexpired term beginning April 26, 2017, and ending June 30, 2019, to succeed R. Corey Clayborne.

**Christine F. Snetter**, 11110 Royal Lane, **Providence Forge**, Virginia 23140, Member, appointed July 10, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed herself.

##### Board for Professional Soil Scientists, Wetland Professionals, and Geologists

**Robin L. Bedenbaugh**, 11812 Marigold Court, **Midlothian**, Virginia 23114, Member, appointed July 18, 2017, for a term of four years beginning July 1, 2016, and ending June 30, 2020, to succeed himself.

**Bennette D. Burks**, 1605 Hanover Avenue, **Richmond**, Virginia 23220, Member, appointed July 18, 2017, for a term of four years beginning July 1, 2016, and ending June 30, 2020, to succeed himself.

**Douglas A. DeBerry**, 3005 Stoney Creek Drive, **Williamsburg**, Virginia 23185, Member, appointed July 17, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed himself.

**Larry J. Giannasi**, 6279 Doe Trail, **Mechanicsville**, Virginia 23116, Member, appointed July 18, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed himself.

**R. Drew Thomas**, 7236 Winnipeg Court, **Gainesville**, Virginia 20155, Member, appointed July 17, 2017, for a term of four years beginning July 1, 2016, and ending June 30, 2020, to succeed himself.

**Board for Waterworks and Wastewater Works Operators and  
Onsite Sewage System Professionals**

**Thomas W. Fore**, 2541 Richmond Highway, **Gladstone**, Virginia 24553, Member, appointed July 10, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed himself.

**Board of Accountancy**

**William R. Brown**, 4137 Virginia Rail Drive, **Providence Forge**, Virginia 23140, Member, appointed June 19, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed James M. Holland.

**Board of Housing and Community Development**

**Abigail C. Johnson**, 138 Jordans Journey, **Williamsburg**, Virginia 23185, Member, appointed July 18, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed C. Roger McLellon.

**Real Estate Board**

**Lee Odems**, 4349 Windermere View Place, **Woodbridge**, Virginia 22192, Member, appointed July 13, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed himself.

**Virginia-Asian Advisory Board**

**Hassan M. Ahmad**, 20620 Sutherlin Place, **Sterling**, Virginia 20165, Member, appointed July 20, 2017, for a term of two years beginning July 1, 2017, and ending June 30, 2019, to succeed Binh Nguyen.

**Julia K. Chun**, 1367 Northwyck Court, **McLean**, Virginia 22102, Member, appointed July 20, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed Chandrashekar Challa.

**Anthony T. Gitalado**, 261 Purple Martin Lane, **Suffolk**, Virginia 23435, Member, appointed July 20, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed Dilip Sarkar.

**Atiqua Hashem**, 12301 Collinstone Place, **Glen Allen**, Virginia 23059, Member, appointed July 21, 2017, for a term of three years beginning July 1, 2017, and ending June 30, 2020, to succeed Natalie Nguyen.

**Razi Hashmi**, 4413 George Mason Boulevard, **Fairfax**, Virginia 22030, Member, appointed July 25, 2017, for a term of three years beginning July 1, 2017, and ending June 30, 2020, to succeed Sandoval Hundal.

**James M. Heo**, 2001 Columbia Pike, Apartment 303, **Arlington**, Virginia 22204, Member, appointed July 25, 2017, for a term of three years beginning July 1, 2017, and ending June 30, 2019, to succeed Hudaidah Ahmed.

**Eric C. Lin**, 8232 MacAndrew Court, **Chesterfield**, Virginia 23838, Member, appointed July 20, 2017, for a term of three years beginning July 1, 2017, and ending June 30, 2020, to succeed himself.

**Victoria Mirandah**, 11600 Aprilbud Drive, **Richmond**, Virginia 23233, Member, appointed July 20, 2017, for a term of two years beginning July 1, 2017, and ending June 30, 2019, to succeed herself.

**Komal Mohindra**, 7309 Idylbrook Court, **Falls Church**, Virginia 22043, Member, appointed July 27, 2017, for a term of three years beginning July 1, 2017, and ending June 30, 2020, to succeed herself.

**Rumy J. Mohta**, 6008 Watch Harbour Road, **Midlothian**, Virginia 23112, Member, appointed July 25, 2017, for a term of two years beginning July 1, 2017, and ending June 30, 2019, to succeed himself.

**Patrick A. Mulloy**, 304 West Masonic View Avenue, **Alexandria**, Virginia 22301, Member, appointed July 20, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed himself.

**May Nivar**, 13206 Railey Hill Drive, **Midlothian**, Virginia 23114, Member, appointed July 25, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed Kirtesh Patel.

**Osman Parvaiz**, 6500 Gadsby Trace Court, **Glen Allen**, Virginia 23059, Member, appointed July 20, 2017, for a term of three years beginning July 1, 2017, and ending June 30, 2020, to succeed Imran Akram.

**Ssunny Shah**, 5848 Old Locke Court, **Roanoke**, Virginia 24018, Member, appointed July 21, 2017, for a term of three years beginning July 1, 2017, and ending June 30, 2020, to succeed Francis Stevens.

**Mona H. Siddiqui**, 14550 Kenmont Drive, **Midlothian**, Virginia 23113, Member, appointed July 20, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed herself.

**John R. Smith**, 11705 Kimbolton Place, **Glen Allen**, Virginia 23059, Member, appointed July 20, 2017, for a term of two years beginning July 1, 2017, and ending June 30, 2019, to succeed himself.

**Leonard C. Tengco**, 1728 Legare Lane, **Virginia Beach**, Virginia 23464, Member, appointed July 20, 2017, for a term of two years beginning July 1, 2017, and ending June 30, 2019, to succeed himself.

**Alice L. Tong**, 629 Tivoli Passage, **Alexandria**, Virginia 22314, Member, appointed July 20, 2017, for a term of three years beginning July 1, 2017, and ending June 30, 2020, to succeed herself.

**Virginia Board for Asbestos, Lead, and Home Inspectors**

**Sandra Baynes**, 117 Greengable Way, **Chesapeake**, Virginia 23322, Member, appointed July 10, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed herself.

**Chadwick R. Bowman**, 1027 Shade Tree Drive, **Forest**, Virginia 24551, Member, appointed July 13, 2017, to serve an unexpired term beginning July 1, 2016, and ending June 30, 2020, to succeed Phillip Fincher.

**John E. Cranor III**, 12330 Point Landing Court, **Midlothian**, Virginia 23112, Member, appointed July 13, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed Reginald E. Marston III.

**Frederick Molter IV**, 2719 Quisenberry Street, **Midlothian**, Virginia 23112, Member, appointed July 10, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed himself.

**Peter D. Palmer**, 210 Walnut Hills Road, **Staunton**, Virginia 24401, Member, appointed July 10, 2017, for a term of four years beginning July 1, 2016, and ending June 30, 2020, to succeed himself.

**David P. Rushton**, 761 Harmony Orchard Road, **Front Royal**, Virginia 22630, Member, appointed July 10, 2017, to serve an unexpired term beginning July 1, 2016, and ending June 30, 2020, to succeed Brian Koepf.

**Virginia Economic Development Partnership Committee  
on Business Development and Marketing**

**Elizabeth S. Doughty**, 4328 Fox Croft Circle, **Roanoke**, Virginia 24018, Member, appointed June 6, 2017, for a term of three years beginning June 6, 2017, and ending June 30, 2020, to fill a new seat.

**Jane C. Ferrara**, 1902 Hanover Avenue, **Richmond**, Virginia 23220, Member, appointed June 7, 2017, for a term of two years beginning June 7, 2017, and ending June 30, 2019, to fill a new seat.

**Leonard L. Sledge**, 6 Cure Circle, **Hampton**, Virginia 23666, Member, appointed June 6, 2017, for a term of two years beginning June 6, 2017, and ending June 30, 2019, to fill a new seat.

**Christina M. Winn**, 2800 John Marshall Drive, **Arlington**, Virginia 22207, Member, appointed June 7, 2017, for a term of one year beginning June 7, 2017, and ending June 30, 2018, to fill a new seat.

**Virginia Economic Development Partnership Committee on International Trade**

**Stuart S. Malawer**, 541 Springvale Road, **Great Falls**, Virginia 22066, Member, appointed June 8, 2017, for a term of two years beginning June 8, 2017, and ending June 30, 2019, to fill a new seat.

**John N. Pullen**, 7 Hillaire Lane, **Richmond**, Virginia 23229, Member, appointed June 7, 2017, for a term of four years beginning June 7, 2017, and ending June 30, 2021, to fill a new seat.

**James Xu**, 315 Ryefield Road, **Richmond**, Virginia 23238, Member, appointed June 8, 2017, for a term of three years beginning June 8, 2017, and ending June 30, 2020, to fill a new seat.

**Virginia-Israel Advisory Board**

**Irving Blank**, 1804 Staples Mill Road, **Richmond**, Virginia 23230, Member, appointed July 14, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed himself.

**Aviva Shapiro Frye**, 130 Shadow Hill Lane, **Bristol**, Virginia 24201, Member, appointed July 14, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed herself.

**Steven A. Valdez**, 2200 12th Court North, **Arlington**, Virginia 22201, Member, appointed July 14, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed himself.

**Virginia Offshore Wind Development Authority**

**Joan M. Bondareff**, 102 Princess Street, **Alexandria**, Virginia 22314, Member, appointed July 17, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed herself.

**Robert R. Matthias**, 610 Fort Raleigh Drive, **Virginia Beach**, Virginia 23451, Member, appointed July 18, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed himself.

**Arthur W. Moye, Jr.**, 5312 Rosaer Place, **Virginia Beach**, Virginia 23464, Member, appointed July 17, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed himself.

**Virginia Racing Commission**

**Stuart C. Siegel**, 800 Old Locke Lane, **Richmond**, Virginia 23226, Member, appointed July 12, 2017, for a term of five years beginning January 1, 2017, and ending December 31, 2021, to succeed Carol G. Dawson.

**Virginia Resources Authority Board of Directors**

**Jennifer M. Bowles**, 1670 Roundabout Road, **Martinsville**, Virginia 24112, Member, appointed July 10, 2017, to serve an unexpired term beginning February 8, 2017, and ending June 30, 2020, to succeed William G. O'Brien.

**Barbara M. Donnellan**, 8251 Sylvan Way, **Clifton**, Virginia 20124, Member, appointed July 10, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed herself.

**Thomas L. Hasty III**, 1320 Baffly Loop, **Chesapeake**, Virginia 23320, Chair, appointed July 10, 2017, to serve at the pleasure of the Governor beginning July 10, 2017, to succeed William G. O'Brien.

**Virginia Small Business Financing Authority Board of Directors**

**Neil Amin**, 635 Walsing Drive, **Richmond**, Virginia 23229, Member, appointed June 16, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed himself.

**Corey Holeman**, 11686 Chanceford Drive, **Woodbridge**, Virginia 22192, Member, appointed June 16, 2017, to serve an unexpired term beginning June 15, 2017, and ending June 30, 2018, to succeed Nicholas T. Jordan.

**Michael Joyce**, 1248 Rothesay Circle, **Richmond**, Virginia 23221, Member, appointed July 17, 2017, to serve an unexpired term beginning July 12, 2017, and ending June 30, 2019, to succeed Bradley W. Julianti.

**COMPACT**

**Potomac River Fisheries Commission**

**G. Wayne France**, 398 Bowen Lane, **Warsaw**, Virginia 22572, Member, appointed July 10, 2017, to serve at the pleasure of the Governor beginning July 1, 2017, to succeed Lynn Haynie Kellum.

**Kennedy Edward Neill III**, 117 Kenneth Drive, **Seaford**, Virginia 23696, Member, appointed June 29, 2017, to serve at the pleasure of the Governor beginning July 1, 2017, to succeed A. J. Erskine.

**EDUCATION**

**Board of Trustees of the Frontier Culture Museum of Virginia**

**Eric Bond**, 399 Yorkshire Avenue, **Waynesboro**, Virginia 22980, Member, appointed July 21, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed John K. Ijem.

**Pamela Fox**, 240 Kable Street, **Staunton**, Virginia 24401, Member, appointed July 21, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed herself.

**William L. Hausrath**, 369 Walnut Avenue, **Waynesboro**, Virginia 22980, Member, appointed July 21, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed Norman C. Smiley.

**William F. Sibert**, 5 Trace Drive, **Staunton**, Virginia 24401, Member, appointed July 21, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed himself.

#### **Board of Trustees of the Roanoke Higher Education Authority**

**Elda Stanco Downey**, 375 Allison Avenue, Southwest, **Roanoke**, Virginia 24016, Member, appointed July 18, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed Dane C. McBride.

**Lorraine S. Lange**, 1510 Longview Road, Southwest, **Roanoke**, Virginia 24018, Member, appointed July 18, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed herself.

#### **Board of Trustees of the Science Museum of Virginia**

**Missy Neff**, 219 East Broad Street, Apartment 223, **Richmond**, Virginia 23219, Member, appointed June 30, 2017, for a term of five years beginning July 1, 2017, and ending June 30, 2022, to succeed Robert T. Taylor.

**Denise Lowe Walters**, 2301 Snowcrest Court, **Henrico**, Virginia 23233, Member, appointed June 30, 2017, for a term of five years beginning July 1, 2017, and ending June 30, 2022, to succeed Richard Solana.

#### **Christopher Newport University Board of Visitors**

**W. Bruce Jennings**, 11021 Merion Lane, **Fairfax**, Virginia 22030, Member, appointed June 2, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed himself.

**Judy F. Wason**, 4616 Castleside Circle, **Williamsburg**, Virginia 23188, Member, appointed June 2, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed Preston White.

**Junius H. Williams, Jr.**, 21 Shamrock Drive, **Portsmouth**, Virginia 23701, Member, appointed June 2, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed S. Anderson Hughes.

#### **The College of William and Mary Board of Visitors**

**Mirza Baig**, 649 Deerfield Farm Court, **Great Falls**, Virginia 22066, Member, appointed June 2, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed Lynn R. Dillon.

**Barbara L. Johnson**, 5701 Governors Pond Circle, **Alexandria**, Virginia 22310, Member, appointed June 2, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed John Thomas.

**J. E. Lincoln Saunders**, 5033 Devonshire Road, **Richmond**, Virginia 23225, Member, appointed June 2, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed DeRonda Miniard Short.

**H. Thomas Watkins III**, 1221 Gulf Shore Boulevard North, Apartment 303, **Naples, Florida** 34102, Member, appointed June 2, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed himself.

#### **George Mason University Board of Visitors**

**Horace L. Blackman**, 3331 Pensa Drive, **Falls Church**, Virginia 22041, Member, appointed June 2, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed John Jacquemin.

**Anjan Chimaladinne**, 25312 Fairbanks Place, **Chantilly**, Virginia 20152, Member, appointed June 2, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed Kelly MacNamara Corley.

**Thomas M. Davis III**, 2213 Arynness Drive, **Vienna**, Virginia 22181, Member, appointed June 2, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed himself.

**Nancy Gibson Prowitt**, 3749 North Tazewell Street, **Arlington**, Virginia 22207, Member, appointed June 2, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed Anne C. Gruner.

#### **The Library Board**

**Robert Chambliss "Cham" Light, Jr.**, 1505 Linden Avenue, **Lynchburg**, Virginia 24503, Member, appointed July 7, 2017, for a term of five years beginning July 1, 2017, and ending June 30, 2022, to succeed himself.

**Mark Miller**, 40511 O'Connors Circle, **Leesburg**, Virginia 20175, Member, appointed July 7, 2017, for a term of five years beginning July 1, 2017, and ending June 30, 2022, to succeed Su Yong Min.

#### **Longwood University Board of Visitors**

**Eric Hansen**, 129 Marguerite Drive, **Lynchburg**, Virginia 24502, Member, appointed June 2, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed himself.

**Colleen Margiloff**, 63 Island Drive, **Rye, New York** 10580, Member, appointed June 2, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed herself.

**Nadine Marsh-Carter**, 3211 Q Street, **Richmond**, Virginia 23223, Member, appointed June 2, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed Stephen Mobley.

**Ricshawn Adkins Roane**, 10605 Runaway Lane, **Great Falls**, Virginia 22066, Member, appointed June 2, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed Robert Sheldon Wertz.

#### **Norfolk State University Board of Visitors**

**Corynne S. Arnett**, 4104 Bromley Lane, **Richmond**, Virginia 23219, Member, appointed June 2, 2017, to serve an unexpired term beginning May 6, 2017, and ending June 30, 2018, to succeed Tom Chewning.

**Byron L. Cherry, Sr.**, 5405 Bantry Court, **Woodbridge**, Virginia 22193, Member, appointed June 2, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed himself.

**Rodney O. Powell**, 121 Walbridge Road, **West Hartford, Connecticut** 06119, Member, appointed June 2, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed Beth Murphy.

**Melvin T. Stith**, 6217 Steinway Drive, **Jamesville, New York** 13078, Member, appointed June 2, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed himself.

**Old Dominion University Board of Visitors**

**Jerri Fuller Dickseski**, 404 Midlothian Square, **Hampton, Virginia** 23669, Member, appointed June 2, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed Mary Maniscalco-Theberge.

**Pamela C. Kirk**, 5267 River Club Drive, **Suffolk, Virginia** 23435, Member, appointed July 18, 2017, to serve an unexpired term beginning July 8, 2017, and ending June 30, 2018, to succeed Fred J. Whyte.

**Ross A. Mugler**, 11 Oakville Road, **Hampton, Virginia** 23669, Member, appointed June 2, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed himself.

**Maurice D. Slaughter**, 1306 Prestwick Court, **Chesapeake, Virginia** 23320, Member, appointed June 2, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed Richard Cheng.

**Radford University Board of Visitors**

**Gregory A. Burton**, 4504 Washington Avenue, **Charleston, West Virginia** 25304, Member, appointed June 2, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed A. J. Robinson.

**James R. Kibler, Jr.**, 544 South Independence Boulevard, **Virginia Beach, Virginia** 23452, Member, appointed June 2, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed Callie M. Dalton.

**Karyn Moran**, 12032 Old Buckingham Road, **Midlothian, Virginia** 23113, Member, appointed June 2, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed Christopher Wade.

**Southern Regional Education Board**

**Glenda R. Scales**, 2212 Birch Leaf Lane, **Blacksburg, Virginia** 24060, Member, appointed July 28, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed herself.

**State Board for Community Colleges**

**Yohannes Abraham**, 611 East Custis Avenue, **Alexandria, Virginia** 22309, Member, appointed June 2, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed Benita Thompson-Byas.

**Darren Conner**, 365 Sailors Creek Road, **Callands, Virginia** 24530, Member, appointed June 2, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed himself.

**Ed Dalrymple, Jr.**, 6217 Bills Road, **Mineral, Virginia** 23117, Member, appointed June 2, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed James Cuthbertson.

**Peggy A. Layne**, 1464 Five Hill Trail, **Virginia Beach, Virginia** 23452, Member, appointed June 2, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed Idalia Fernandez.

**State Council of Higher Education for Virginia**

**Rosa S. Atkins**, 933 Bing Lane, **Charlottesville, Virginia** 22903, Member, appointed June 2, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed Pamela R. Moran.

**Heywood Fralin**, 2744 Jefferson Street, Southeast, **Roanoke, Virginia** 24014, Member, appointed June 2, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed himself.

**Carlyle Ramsey**, 1020 Alton Post Office Road, **Alton, Virginia** 24520, Member, appointed June 2, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed himself.

**University of Mary Washington Board of Visitors**

**Devon Williams Cushman**, 5305 Toddsbury Road, **Richmond, Virginia** 23226, Member, appointed June 2, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed Lisa D. Taylor.

**Patricia McGinnis**, 4827 V Street, Northwest, **Washington, District of Columbia** 20007, Member, appointed June 2, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed Kenneth Joseph Lopez.

**University of Virginia and Affiliated Schools Board of Visitors**

**Robert M. Blue**, 7501 Riverside Drive, **Richmond, Virginia** 23225, Member, appointed June 2, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed Frank Genovese.

**John A. Griffin**, 660 Madison Avenue, 20th Floor, **New York, New York** 10065, Member, appointed June 2, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed himself.

**Robert D. Hardie**, 2115 Dogwood Lane, **Charlottesville, Virginia** 22901, Member, appointed June 2, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed William H. Goodwin.

**Maurice Jones**, 320 College Place, **Norfolk, Virginia** 23510, Member, appointed June 2, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed Kevin J. Fay.

**Virginia Commonwealth University Board of Visitors**

**Todd P. Haymore**, 504 Kilmarnock Drive, **Henrico, Virginia** 23229, Member, effective January 13, 2018, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed Steve Worley.

**Edward L. McCoy**, 11317 Sadler Glen Lane, **Glen Allen, Virginia** 23060, Member, appointed June 2, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed John Snow.

**Tyrone Nelson**, 1448 Village Field Drive, **Henrico, Virginia** 23231, Member, appointed June 2, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed himself.

**G. Richard Wagoner, Jr.**, 1155 Quarton Road, **Birmingham, Michigan** 48009, Member, appointed June 2, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed himself.

**Virginia Military Institute Board of Visitors**

**John William Boland**, 818 Arlington Circle, **Richmond, Virginia** 23229, Member, appointed June 2, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed himself.

**Hugh M. Fain III**, 3 Robin Road, **Richmond, Virginia** 23226, Member, appointed June 2, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed John Jumper.

**Thomas Watjen**, 24 Dockside Lane, Private Mailbox 19, **Key Largo, Florida** 33037, Member, appointed June 2, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed Kimber Latsha.

**Frances C. Wilson**, 1777 Champion Circle, **Virginia Beach, Virginia** 23456, Member, appointed June 2, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed herself.

**Virginia Polytechnic Institute and State University Board of Visitors**

**Anna Healy James**, 5107 Waterford Place, **Suffolk, Virginia** 23435, Member, appointed June 2, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed James Chapman.

**Letitia A. Long**, 3224 North Abingdon Street, **Arlington, Virginia** 22207, Member, appointed June 2, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed John Thomas Ryan.

**Virginia State University Board of Visitors**

**Gregory Whirley, Sr.**, 10708 Gadwell Court, **Chesterfield, Virginia** 23838, Member, appointed June 2, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed Frederick S. Humphries.

**Huron F. Winstead**, 101 North 5th Street, Suite 1003, **Richmond, Virginia** 23219, Member, appointed June 2, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed himself.

**HEALTH AND HUMAN RESOURCES**

**Advisory Board on Behavior Analysis**

**Christina D. Evanko**, 6106 Havenview Drive, **Mechanicsville, Virginia** 23111, Member, appointed June 16, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed Keri Bethune.

**Advisory Board on Genetic Counseling**

**Marilyn Jerome Foust**, 7822 Swinks Mill Court, **McLean, Virginia** 22102, Member, appointed June 23, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed herself.

**Assistive Technology Loan Fund Authority Board of Directors**

**Michael J. Costanzo**, 43564 Blacksmith Square, **Ashburn, Virginia** 20147, Member, appointed July 14, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed himself.

**Joyce Viscomi**, 1852 Park Road, **Harrisonburg, Virginia** 22802, Member, appointed July 14, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed herself.

**Behavioral Health and Developmental Services Board**

**Moira C. Mazzi**, 1005 Collingwood Road, **Alexandria, Virginia** 22308, Member, appointed June 9, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed Greta Doering.

**Sandra Price-Stroble**, 1363 Sparrow Court, **Harrisonburg, Virginia** 22802, Member, appointed June 9, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed herself.

**Board of Audiology and Speech-Language Pathology**

**Kyttra L. Burge**, 13186 Amblewood Drive, **Manassas, Virginia** 20112, Member, appointed June 9, 2017, to serve an unexpired term beginning July 1, 2015, and ending June 30, 2019, to succeed Ronald Spencer.

**Board of Counseling**

**Barry J. Alvarez**, 6855 Grande Lane, **Falls Church, Virginia** 22043, Member, appointed June 23, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed Cinda Caiella.

**Kevin Doyle**, 1216 Raintree Drive, **Charlottesville, Virginia** 22901, Member, appointed June 23, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed himself.

**Jane Engelken**, 8600 Larkhaven Terrace, **Fairfax Station, Virginia** 22039, Member, appointed June 23, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed herself.

**Natalie F. Harris**, 611 Jessica Circle, **Newport News, Virginia** 23666, Member, appointed June 23, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed Charles Gressard.

**Maria S. Stransky**, 405 West 34th Street, **Richmond, Virginia** 23225, Member, appointed June 23, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed Sandra Malawer.

**Tiffinee Yancey**, 3404 Dumpling Court, **Suffolk, Virginia** 23435, Member, appointed June 23, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed Phyllis Pugh.

**Board of Dentistry**

**Sandra J. Catchings**, 100 McPheeters Road, **Staunton, Virginia** 24401, Member, appointed June 30, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed Bruce S. Wyman.

**Jamiah K. Dawson**, 1353 Lake Drive, **Newport News, Virginia** 23602, Member, appointed June 30, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed Adel Rizkalla.

**Board of Nursing**

**Margaret Joan Friedenber**g, 10 North Plum Street, **Richmond**, Virginia 23220, Member, appointed July 28, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed Jeanne Ellis Holmes.

**Michelle D. Hereford**, 11516 Sethwarner Drive, **Glen Allen**, Virginia 23059, Member, appointed July 28, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed Kelly S. McDonough.

**Louise E. Hershkowitz**, 2020 Turtle Pond Drive, **Reston**, Virginia 20191, Member, appointed July 28, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed herself.

**Ethlyn McQueen-Gibson**, 206 Villa Way, **Yorktown**, Virginia 23693, Member, appointed July 28, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed Guia Caliwagan.

**Jennifer M. Phelps**, 20 Jesup Way, Apartment 303, **Lynchburg**, Virginia 24502, Member, appointed July 28, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed herself.

**Board of Optometry**

**Steven A. Linas**, 36 East Square Lane, **Richmond**, Virginia 23238, Member, appointed June 23, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed himself.

**Board of Pharmacy**

**Ryan Logan**, 3424 Meyer Woods Lane, **Fairfax**, Virginia 22033, Member, appointed July 7, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed himself.

**Board of Physical Therapy**

**Elizabeth Locke**, 203 Echo Ridge Court, **Newport News**, Virginia 23603, Member, appointed June 23, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed Melissa Wolff Burke.

**Mira Mariano**, 1110 Bedford Avenue, **Norfolk**, Virginia 23508, Member, appointed June 23, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed Dixie Hurd Bowman.

**Susan Szasz Palmer**, 2620 Stuart Avenue, Unit 2E, **Richmond**, Virginia 23220, Member, appointed June 23, 2017, to serve an unexpired term beginning July 1, 2016, and ending June 30, 2020, to succeed Steven Lam.

**Board of Psychology**

**Herbert L. Stewart**, 2958 Mechum Banks Drive, **Charlottesville**, Virginia 22901, Member, appointed July 7, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed himself.

**Board of Social Services**

**Danny TK Avula**, 1002 North 36th Street, **Richmond**, Virginia 23223, Member, appointed July 28, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed himself.

**William B. "Buckey" Boone**, 19300 Tulip Tree Lane, **Meadowview**, Virginia 24361, Member, appointed July 28, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed Willie Greene.

**Andrew L. Heck**, 7800 Shady Banks Terrace, **Chesterfield**, Virginia 23832, Member, appointed July 28, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed Darrell Jordan.

**Board of Veterinary Medicine**

**Bayard A. Rucker**, 27 Dye Drive, **Lebanon**, Virginia 24266, Member, appointed July 14, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed himself.

**Commonwealth Neurotrauma Initiative Advisory Board**

**Scott Dickens**, 9 North Sheppard Street, **Richmond**, Virginia 23221, Member, appointed July 7, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed himself.

**David Reid**, 349 Quarry Road, **Charlottesville**, Virginia 22902, Member, appointed July 7, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed himself.

**Patrik Sandas**, 1551 Dairy Road, **Charlottesville**, Virginia 22903, Member, appointed July 7, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed himself.

**State Board of Health**

**Gary P. Critzer**, 125 Pheasant Run, **Waynesboro**, Virginia 22980, Member, appointed July 21, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed Bruce Edwards.

**Thomas Lynn East**, 2406 Olde Salem Drive, **Salem**, Virginia 24153, Member, appointed July 21, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed himself.

**Elizabeth Ruffin Harrison**, 319 Maple Avenue, **Richmond**, Virginia 23226, Member, appointed July 21, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed Bradley Beall.

**Anna C. Jeng**, 1147 Surrey Crescent, **Norfolk**, Virginia 23508, Member, appointed July 21, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed Megan Getter.

**Patricia Anne Kinser**, 2414 Wedgewood Avenue, **Richmond**, Virginia 23228, Member, appointed July 21, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed Theresa Ann Brosche.

**State Executive Council for Children's Services**

**Frank W. Somerville**, 135 West Cameron Street, **Culpeper**, Virginia 22701, Member, appointed June 23, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed himself.

**Virginia Health Workforce Development Authority Board of Directors**

**Ralph Clark III**, 12305 Pleasant Lake Terrace, **Henrico**, Virginia 23233, Member, appointed July 21, 2017, for a term of two years beginning July 1, 2017, and ending June 30, 2019, to succeed himself.

**Ronnie N. Graham**, 11229 Fox Meadow Drive, **Henrico**, Virginia 23233, Member, appointed July 21, 2017, for a term of two years beginning July 1, 2017, and ending June 30, 2019, to succeed himself.

**Lori Rutherford**, 2328 Wycliffe Avenue Southwest, **Roanoke**, Virginia 24014, Member, appointed July 21, 2017, for a term of two years beginning July 1, 2017, and ending June 30, 2019, to succeed herself.

#### INDEPENDENT

##### Virginia College Savings Plan Board

**Martha M. Mugler**, 11 Oakville Road, **Hampton**, Virginia 23669, Member, appointed June 20, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed William S. Jasien.

##### Virginia Commonwealth University Health System Authority Board of Directors

**Arline D. Bohannon**, 14700 Chesdin Shores Place, **Chesterfield**, Virginia 23838, Member, appointed June 16, 2017, for a term of three years beginning July 1, 2017, and ending June 30, 2020, to succeed herself.

**George P. Emerson**, 1900 Channel View Terrace, **Chester**, Virginia 23836, Member, appointed June 16, 2017, for term of three years beginning July 1, 2017, and ending June 30, 2020, to succeed himself.

**Gopinath Jadhav**, 9005 Spring Brook Court, **Richmond**, Virginia 23229, Member, appointed June 16, 2017, for a term of three years beginning July 1, 2017, and ending June 30, 2020, to succeed himself.

#### LEGISLATIVE

##### Brown v. Board of Education Scholarship Committee

**Joan Johns Cobbs**, 6533 Darlington Heights Road, **Farmville**, Virginia 23901, Member, appointed June 9, 2017, for a term of two years beginning July 1, 2017, and ending June 30, 2019, to succeed herself.

**Robert Leroy Hamlin**, 324 High Rock Road, **Rice**, Virginia 23966, Member, appointed June 9, 2017, for a term of two years beginning July 1, 2017, and ending June 30, 2019, to succeed himself.

**M. Vishon Luck**, 11290 Arbor Creek, Apartment 1025, **Richmond**, Virginia 23235, Member, appointed June 9, 2017, for a term of two years beginning July 1, 2017, and ending June 30, 2019, to succeed himself.

**Karen Eley Sanders**, 1679 Saint Andrews Circle, **Blacksburg**, Virginia 24060, Member, appointed June 9, 2017, for a term of two years beginning July 1, 2017, and ending June 30, 2019, to succeed herself.

**Joy Cabarrus Speakes**, 285 Goose Creek Road, **Cullen**, Virginia 23934, Member, appointed June 9, 2017, for a term of two years beginning July 1, 2017, and ending June 30, 2019, to succeed herself.

##### Virginia Conflict of Interest and Ethics Advisory Council

**Bernard L. Henderson, Jr.**, 10416 Huntsmoor Drive, **Richmond**, Virginia 23233, Member, appointed June 19, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed himself.

#### NATURAL RESOURCES

##### Board of Game and Inland Fisheries

**R. Brian Ball**, 3807 Sulgrave Road, **Richmond**, Virginia 23221, Member, appointed June 21, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed Bill Bolling.

**Ryan J. Brown**, Post Office Box 361, 15488 West River Road, **Fork Union**, Virginia 23055, Member, appointed June 21, 2017, to serve an unexpired term beginning July 1, 2016, and ending June 30, 2020, to succeed David Bernhardt.

**Mamie A. Parker**, 45788 Shagbark Terrace, **Sterling**, Virginia 20166, Member, appointed June 21, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed Charles H. Cunningham.

**Brian Vincent**, 804 High Street, **Farmville**, Virginia 23901, Member, appointed June 21, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed Leon Turner.

##### Board of Historic Resources

**Erin Ashwell**, 3062 Carolina Avenue Southwest, **Roanoke**, Virginia 24014, Member, appointed July 10, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed herself.

##### State Air Pollution Control Board

**Roy A. Hoagland**, 14507 Sailview Court, **Midlothian**, Virginia 23112, Member, appointed July 18, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed Ann F. Kirwin.

**Richard D. Langford**, 1106 Horseshoe Lane, **Blacksburg**, Virginia 24060, Member, appointed July 18, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed himself.

##### Virginia Land Conservation Foundation Board of Trustees

**Jay C. Ford**, Post Office Box 225, **Belle Haven**, Virginia 23306, Member, appointed June 19, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed himself.

**Albert C. Pollard, Jr.**, 48 Steamboat Road, **Irrington**, Virginia 22480, Member, appointed June 19, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed himself.

##### Virginia Marine Resources Commission

**Christina Everett**, 7469 Gleneagles Road, **Norfolk**, Virginia 23505, Member, appointed June 26, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed A. J. Erskine.

**Heather T. Lusk**, Post Office Box 125, **Quinby**, Virginia 23423, Member, appointed June 15, 2017, to serve an unexpired term beginning May 18, 2017, and ending June 30, 2020, to succeed Lynn Haynie Kellum.

**Kennedy Edward Neill III**, 117 Kenneth Drive, **Seaford**, Virginia 23696, Member, appointed June 26, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed himself.

## PUBLIC SAFETY AND HOMELAND SECURITY

## Board of Juvenile Justice

**Tyren C. Frazier**, 15001 Badestowe Drive, **Chesterfield**, Virginia 23832, Member, appointed June 30, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed himself.

**David R. Hines**, Post Office Box 40, **Hanover**, Virginia 23069, Member, appointed June 30, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed himself.

**Scott Kizner**, 111 Bluestone Hills Drive, **Harrisonburg**, Virginia 22801, Member, appointed June 30, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed Heidi Abbott.

**Robyn D. McDougle**, 7044 Tall Cedar Lane, **Mechanicsville**, Virginia 23111, Member, appointed June 30, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed herself.

**Quwanisha Hines Roman**, 165 Alan Drive, Apartment 6, **Newport News**, Virginia 23602, Member, appointed June 30, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed Karen Cooper-Collins.

**Robert Vilchez**, 6300 Stevenson Avenue, Unit 212, **Alexandria**, Virginia 22304, Member, appointed June 30, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed Helivi Holland.

## Criminal Justice Services Board

**Mary W. Biggs**, 701 Hutcheson Drive, **Blacksburg**, Virginia 24060, Member, appointed July 21, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed Gilbert Smith.

**Craig L. Branch**, 7112 West Road, **Chesterfield**, Virginia 23832, Member, appointed July 21, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to fill a new seat.

**Rosario Carrera**, 141 Evans Street, **Manassas Park**, Virginia 20111, Member, appointed July 21, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to fill a new seat.

**James A. Cervera**, 2509 Princess Anne Road, **Virginia Beach**, Virginia 23456, Member, appointed July 21, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed Scott Williams.

**Tonya D. Chapman**, 1140 London Boulevard, Apartment 2412, **Portsmouth**, Virginia 23704, Member, appointed July 21, 2017, to serve an unexpired term beginning July 1, 2017, and ending June 30, 2018, to succeed Kevin Pittman.

**Tonya D. Chapman**, 1140 London Boulevard, Apartment 2412, **Portsmouth**, Virginia 23704, Chair, appointed July 21, 2017, for a term of two years beginning July 1, 2017, and ending June 30, 2019, to succeed Michael Doucette.

**Vanessa Reese Crawford**, 8 Courthouse Avenue, **Petersburg**, Virginia 23803, Member, appointed July 21, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed herself.

**Carolyn W. Dull**, 116 West Beverly Street, **Staunton**, Virginia 24401, Member, appointed July 21, 2017, to serve an unexpired term beginning July 1, 2017, and ending June 30, 2018, to succeed Michelle Mosby.

**Francine L. Horne**, 3733 Birdwood Road, **Richmond**, Virginia 23234, Member, appointed July 21, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed Debbie Smith.

**Mary Bennett Malveaux**, 109 North 8th Street, **Richmond**, Virginia 23219, Member, appointed July 21, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed herself.

**Bryan L. Porter**, 520 King Street Suite, Suite 301, **Alexandria**, Virginia 22314, Member, appointed July 21, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed Michael Doucette.

**Anthony W. Roper**, 100 North Church Street, **Berryville**, Virginia 22611, Member, appointed July 21, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed himself.

**James E. Williams**, 116 West Beverley Street, **Staunton**, Virginia 24401, Member, appointed July 21, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed himself.

## Forensic Science Board

**Maggie A. DeBoard**, 397 Herndon Parkway, **Herndon**, Virginia 20170, Member, appointed July 21, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed Tony Lippa.

**David R. Lett**, 1317 Wilderness Drive, **Henrico**, Virginia 23231, Member, appointed July 21, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed David Long.

**Colette McEachin**, 304 North Wilkinson Road, **Richmond**, Virginia 23227, Member, appointed July 21, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed herself.

## State Board of Corrections

**William T. Dean, Jr.**, 2509 Princess Anne Road, **Virginia Beach**, Virginia 23456, Member, appointed July 21, 2017, to serve an unexpired term beginning July 1, 2016, and ending June 30, 2020, to succeed Colin P. O'Dawe.

**Vernie W. Francis, Jr.**, Post Office Box 362, **Courtland**, Virginia 23837, Member, appointed July 21, 2017, to serve an unexpired term beginning July 1, 2016, and ending June 30, 2020, to succeed Carl R. Peed.

**Olivia J. Garland**, 1510 Camberley Drive, **Manakin Sabot**, Virginia 23103, Member, appointed July 21, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed Ann Gardner.

**Charles E. Jett**, 321 Colebrook Road, **Fredericksburg**, Virginia 22405, Member, appointed July 21, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed Anthony Paige.

**Heather S. Masters**, 9506 Indianfield Drive, **Mechanicsville**, Virginia 23116, Member, appointed July 21, 2017, to serve an unexpired term beginning July 1, 2017, and ending June 30, 2018, to succeed Yvonne Bibbs.

**Kevin L. Sykes**, 1000 Armour Court, **Richmond**, Virginia 23223, Member, appointed July 21, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed himself.

**TECHNOLOGY**

**Identity Management Standards Advisory Council**

**Lana S. Shelley**, 714 Waterfront Drive, **Colonial Heights**, Virginia 23834, Member, appointed July 10, 2017, to serve an unexpired term beginning May 25, 2017, and ending June 30, 2019, to succeed David W. Burhop.

**Information Technology Advisory Council**

**Elizabeth L. El-Nattar**, 1811 MacArthur Drive, **McLean**, Virginia 22101, Member, appointed June 14, 2017, to serve an unexpired term beginning June 7, 2017, and ending June 30, 2018, to succeed Anjan Chimaladinne.

**TRANSPORTATION**

**Virginia Aviation Board**

**Marie Therese Dominguez**, 3515-A South Stafford Street, **Arlington**, Virginia 22206, Member, appointed July 17, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed William Coburn.

**J. Jack Kennedy, Jr.**, Post Office Box 3444, **Wise**, Virginia 24293, Member, appointed July 17, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed Charles M. Quillen.

**Virginia Commercial Space Flight Authority Board of Directors**

**Marke "Hoot" Gibson**, 6079 Deer Ridge Trail, **Springfield**, Virginia 22150, Member, appointed June 19, 2017, for a term of four years beginning July 1, 2017, and ending on June 30, 2021, to succeed Jack Kennedy.

**Bittle W. Porterfield III**, 2831 Wilton Road, Southwest, **Roanoke**, Virginia 24014, Member, appointed June 19, 2017, for a term of four years beginning July 1, 2017, and ending on June 30, 2021, to succeed himself.

**VETERANS AND DEFENSE AFFAIRS**

**Board of Veterans Services**

**Victor S. Angry**, 13316 Nassau Drive, **Woodbridge**, Virginia 22193, Member, appointed July 11, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed Lawrence M. Beyer.

**Carl B. Bedell**, 1200 North Herndon Street, Apartment 605, **Arlington**, Virginia 22201, Member, appointed July 10, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed Thad A. Jones.

**M. Lyla Kohistany**, 3789 Shannons Green Way, **Alexandria**, Virginia 22309, Member, appointed July 10, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed Sandra D. Love.

**Efrain "Frank" Reyes, Jr.**, 304 Braehead Drive, **Fredericksburg**, Virginia 22401, Member, appointed July 10, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed Johnny G. Johnson.

**Joint Leadership Council of Veterans Service Organizations**

**Karen D. Jeffries**, 12895 Livia Drive, **Catharpin**, Virginia 20143, Member, appointed July 17, 2017, for a term of three years beginning July 1, 2017, and ending June 30, 2020, to fill a new seat.

**Virginia War Memorial Board**

**April C. Cheek-Messier**, 1456 Meadors Mill Road, **Bedford**, Virginia 24523, Member, appointed July 19, 2017, for a term of three years beginning July 1, 2017, and ending June 30, 2020, to succeed herself.

**Karen M. Halverson**, 2719 Woodlawn Trail, **Alexandria**, Virginia 22306, Member, appointed July 17, 2017, for a term of three years beginning July 1, 2017, and ending June 30, 2020, to succeed Angelo Joseph Punaro.

**Bernard L. Henderson, Jr.**, 10416 Huntsmoor Drive, **Richmond**, Virginia 23233, Member, appointed July 17, 2017, for a term of three years beginning July 1, 2017, and ending June 30, 2020, to succeed himself.

**Keith W. McIntosh**, 4300 Saratoga Road, **Richmond**, Virginia 23235, Member, appointed July 17, 2017, for a term of three years beginning July 1, 2017, and ending June 30, 2020, to succeed Bert W. Holmes, Jr.

**SENATE JOINT RESOLUTION NO. 45**

*Confirming appointments by the Governor of certain persons communicated October 1, 2017.*

Agreed to by the Senate, January 29, 2018

Agreed to by the House of Delegates, February 6, 2018

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly confirm the following appointments of certain persons made by Governor Terry McAuliffe and communicated to the General Assembly October 1, 2017.

**AGENCY HEAD**

**Carlos L. Hopkins**, 1111 East Broad Street, **Richmond**, Virginia 23219, Secretary of Veterans and Defense Affairs, effective September 1, 2017, to serve at the pleasure of the Governor, to succeed John C. Harvey, Jr.

**AGRICULTURE AND FORESTRY**

**Beef Industry Council**

**Frank H. Maxey, Jr.**, 1221 Climax Road, **Chatham**, Virginia 24531, Member, appointed September 12, 2017, for a term of four years beginning January 1, 2016, and ending December 31, 2019, to succeed George Lewis Jones.

**Craig H. Miller**, 5510 Rawley Pike, **Harrisonburg**, Virginia 22801, Member, appointed September 12, 2017, for a term of four years beginning January 1, 2016, and ending December 31, 2019, to succeed Rick Mathews.

**Charles A. Potter III**, 3673 Big Hill Road, **Lexington**, Virginia 24450, Member, appointed September 12, 2017, for a term of four years beginning January 1, 2016, and ending December 31, 2019, to succeed Marnie P. Caldwell.

#### AUTHORITIES

##### Fort Monroe Authority Board of Trustees

**Maureen Elgersman Lee**, 9800 Cross Branch Drive, **Toano**, Virginia 23168, Member, appointed September 22, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed Kim Maloney.

**John Reynolds**, 5059 Brook View Road, **Crozet**, Virginia 22932, Member, appointed September 22, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed William Harvey.

##### Virginia Biotechnology Research Partnership Authority Board of Directors

**Kenneth Ampy**, 14307 Clemons Drive, **Midlothian**, Virginia 23114, Member, appointed August 11, 2017, for a term of three years beginning July 1, 2017, and ending June 30, 2020, to succeed himself.

**Eric S. Edwards**, 6431 Burnt Mills Lane, **Moseley**, Virginia 23120, Member, appointed August 11, 2017, for a term of three years beginning July 1, 2017, and ending June 30, 2020, to succeed himself.

##### Virginia Nuclear Energy Consortium Authority Board of Directors

**Regina Carter**, 204 Earls Court, **Lynchburg**, Virginia 24503, Member, appointed September 26, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed herself.

**Colleen A. Deegan**, 10913 Wickshire Way, **North Bethesda, Maryland** 20852, Member, appointed September 26, 2017, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed herself.

**Tom Owen DePonty**, 930 M Street Northwest, Apartment 801, **Washington, District of Columbia** 20001, Member, appointed September 26, 2017, to serve an unexpired term beginning December 13, 2016, and ending June 30, 2019, to succeed Mary Alice Hayward.

**Richard L. Diddams**, 1069 Davis Mill Lane, **Bedford**, Virginia 24523, Member, appointed September 26, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed Maureen Matsen.

**Eugene S. Grecheck**, 13802 Beechwood Point Road, **Midlothian**, Virginia 23112, Member, appointed September 25, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed Donald Hoffman.

**Andrew Hutton**, 400 Rock Creek Court, **Yorktown**, Virginia 23693, Member, appointed September 26, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed Ganapati Myneni.

**Michael Lempke**, 6126 Florence Lane, **Alexandria**, Virginia 22310, Member, appointed September 26, 2017, to serve an unexpired term beginning May 10, 2017, and ending June 30, 2019, to succeed Matthew J. Mulherin.

##### Virginia Port Authority Board of Commissioners

**Alan Diamonstein**, 29 Indigo Dam Road, **Newport News**, Virginia 23606, Member, appointed August 11, 2017, for a term of five years beginning July 1, 2017, and ending June 30, 2022, to succeed himself.

**Val S. McWhorter**, 406 Surrey Lane, Southeast, **Vienna**, Virginia 22180, Member, appointed August 11, 2017, for a term of five years beginning July 1, 2017, and ending June 30, 2022, to succeed himself.

**John G. Milliken**, 1818 South Arlington Ridge Road, **Arlington**, Virginia 22202, Member, appointed August 11, 2017, for a term of five years beginning July 1, 2017, and ending June 30, 2022, to succeed himself.

**Louisa M. Strayhorn**, 4544 Columbus Street, Number 1205, **Virginia Beach**, Virginia 23462, Member, appointed August 11, 2017, for a term of five years beginning July 1, 2017, and ending June 30, 2022, to succeed Gary McCollum.

##### Virginia Solar Energy Development and Energy Storage Authority

**William D. Carmack**, 550 Court Street, **Abingdon**, Virginia 24210, Member, appointed September 12, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed himself.

**William T. Gathright**, 828 Monroe Street, **Herndon**, Virginia 20170, Member, appointed September 12, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to fill a new seat.

**Colleen A. Lueken**, 420 Gibbon Street, **Alexandria**, Virginia 22314, Member, appointed September 12, 2017, for a term of three years beginning July 1, 2017, and ending June 30, 2020, to fill a new seat.

#### COMMERCE AND TRADE

##### Board for Professional and Occupational Regulation

**Chika Anyadike**, 520 North 21st Street, **Richmond**, Virginia 23223, Member, appointed September 1, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed Matthew Benka.

**Hugh Scott Johnson, Jr.**, 8294 Swope Court, **Springfield**, Virginia 22153, Member, appointed September 1, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed himself.

**Ryan F. O'Toole**, 2711 East Clay Street, **Richmond**, Virginia 23223, Member, appointed September 12, 2017, to serve an unexpired term beginning September 8, 2017, and ending June 30, 2018, to succeed James Head.

##### Common Interest Community Board

**Maureen A. Baker**, 104 Pine Shores Lane, **Huddleston**, Virginia 24104, Member, appointed September 13, 2017, for a term of four years beginning July 1, 2016, and ending June 30, 2020, to succeed Thomas Mazzei.

**Mary Elizabeth Johnson**, 14281 Bakerwood Place, **Haymarket**, Virginia 20169, Member, appointed September 13, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed herself.

**Eugenia Lockett Reese**, 15 James Falls Drive, **Richmond**, Virginia 23221, Member, appointed September 13, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed Kristie Ann Helmick.

**Katherine Waddell**, 8130 Greystone Circle East, **Henrico**, Virginia 23229, Member, appointed September 13, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed herself.

**Fair Housing Board**

**Dean A. Lynch**, 10633 Honey Tree Road, **Richmond**, Virginia 23235, Member, appointed September 1, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed Rosemary Wilson.

**Larry B. Murphy**, 4106 Rockridge Place, **Chester**, Virginia 23831, Member, appointed September 1, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed himself.

**Abigail D. Spanberger**, 5536 Barnsley Terrace, **Glen Allen**, Virginia 23059, Member, appointed September 1, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed Erica Woods-Warrior.

**Southwest Virginia Cultural Heritage Foundation Board of Trustees**

**Kevin Byrd**, 3463 Indian Meadow Drive, **Blacksburg**, Virginia 24060, Member, appointed September 29, 2017, to serve an unexpired term beginning July 1, 2015, and ending June 30, 2019, to succeed James Baldwin.

**Dean Chiapetto**, 315 Black Forest Road Southeast, Post Office Box 534, **Floyd**, Virginia 24091, Member, appointed September 29, 2017, to serve an unexpired term beginning July 1, 2015, and ending June 30, 2019, to succeed Emily O'Quinn.

**Lou Ann Jessee-Wallace**, 2752 Warren Drive, **St. Paul**, Virginia 24283, Member, appointed September 29, 2017, to serve an unexpired term beginning July 1, 2015, and ending June 30, 2019, to succeed Lucius Ellsworth.

**Catherine L. Lowe**, Post Office Box 1165, **Abingdon**, Virginia 24212, Member, appointed September 29, 2017, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed herself.

**Duane Miller**, 115 Cold Spring Drive, **Appalachia**, Virginia 24216, Member, appointed September 29, 2017, to serve an unexpired term beginning July 1, 2015, and ending June 30, 2019, to succeed Glen Skinner.

**Amanda Parris**, 714 Snake Creek Road, **Hillsville**, Virginia 24343, Member, appointed September 29, 2017, to serve an unexpired term beginning July 1, 2015, and ending June 30, 2019, to succeed Charles McConnell.

**Robyn Raines**, 15254 4H Center Lane, **Abingdon**, Virginia 24210, Member, appointed September 29, 2017, to serve an unexpired term beginning July 1, 2015, and ending June 30, 2019, to succeed Nicole Price.

**Ellen Reynolds**, 1934 Matney Flats Road, Post Office Box 419, **Wytheville**, Virginia 24382, Member, appointed September 29, 2017, to serve an unexpired term beginning July 1, 2015, and ending June 30, 2019, to succeed Betsy White.

**David Rotenizer**, Post Office Box 1067, **Rocky Mount**, Virginia 24151, Member, appointed September 29, 2017, to serve an unexpired term beginning July 1, 2015, and ending June 30, 2019, to succeed Diana Blackburn.

**William Smith**, 800 Whippoorwill Road, **Wytheville**, Virginia 24382, Member, appointed September 29, 2017, to serve an unexpired term beginning July 1, 2015, and ending June 30, 2019, to succeed Nathaniel Bishop.

**Virginia Growth and Opportunity Board**

**Jennifer Boykin**, 4101 Washington Avenue, **Newport News**, Virginia 23607, Member, appointed September 15, 2017, to serve an unexpired term beginning May 10, 2017, and ending June 30, 2018, to succeed Matthew J. Mulherin.

**Doug Juanarena**, 1936 High Ridge Drive, **Blacksburg**, Virginia 24060, Member, appointed September 15, 2017, to serve an unexpired term beginning March 25, 2017, and ending June 30, 2019, to succeed Charles W. Moorman.

**Bruce Smith**, 1640 Spring House Trail, **Virginia Beach**, Virginia 23455, Member, appointed September 15, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed himself.

**Todd A. Stottlemeyer**, 3200 Sarah Joan Court, **Oakton**, Virginia 22124, Member, appointed September 15, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed himself.

**COMPACT**

**Local Government Advisory Committee to the Chesapeake Bay Executive Council**

**Jasmine E. Gore**, 302 South Mesa Drive, **Hopewell**, Virginia 23860, Member, appointed September 1, 2017, to serve at the pleasure of the Governor beginning July 15, 2017, to succeed Lawrence Land.

**Charles "Chip" Jones**, Post Office Box 174, **Montross**, Virginia 22520, Member, appointed September 1, 2017, to serve at the pleasure of the Governor beginning June 19, 2016, to succeed Ernest Lehmann.

**EDUCATION**

**Board of Education**

**Tamara K. Wallace**, 100 Slate Creek Drive, **Christiansburg**, Virginia 24073, Member, appointed September 29, 2017, to serve an unexpired term beginning October 1, 2017, and ending June 30, 2019, to succeed Billy K. Cannaday.

**Board of Trustees of the A.L. Philpott Manufacturing Extension Partnership  
(dba GENEDGE)**

**Tamea L. Franco**, 3115 Winterberry Square, **Roanoke**, Virginia 24018, Member, appointed September 29, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed herself.

**Richard J. Gagliano**, 622 Ragged Mountain Drive, **Charlottesville**, Virginia 22903, Member, appointed September 29, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed James Atkinson.

**Marilyn Hanover**, 285 Silver Tee Drive, **Penhook**, Virginia 24137, Member, appointed September 29, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed herself.

**Jeffrey S. Jaycox**, 1504 Oak Hill Court, **Virginia Beach**, Virginia 23454, Member, appointed September 29, 2017, to serve an unexpired term beginning February 23, 2017, and ending June 30, 2020, to succeed Anna Yarashus.

**Wayne P. Stilwell**, 10322 Bosna Court, **Manassas**, Virginia 20110, Member, appointed September 29, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed himself.

**Board of Trustees of the Virginia Museum of Fine Arts**

**Janet T. Geldzahler**, 3071 Old Church Road, **Mechanicsville**, Virginia 23111, Member, appointed September 8, 2017, to serve an unexpired term beginning July 1, 2017, and ending June 30, 2020, to succeed H. Eugene Lockhart.

**David R. Goode**, 7301 Woodway Lane, **Norfolk**, Virginia 23505, Member, appointed September 8, 2017, for a term of five years beginning July 1, 2017, and ending June 30, 2022, to succeed Susan Goode.

**Satya Rangarajan**, 5013 Park Meadows Way, **Glen Allen**, Virginia 23059, Member, appointed September 8, 2017, for a term of five years beginning July 1, 2017, and ending June 30, 2022, to succeed himself.

**Pamela J. Royal**, 1314 Loch Lomond Lane, **Richmond**, Virginia 23221, Member, appointed September 8, 2017, to serve an unexpired term beginning March 30, 2017, and ending June 30, 2018, to succeed James McGlothlin.

**Jamestown-Yorktown Foundation Board of Trustees**

**Stephen R. Adkins**, 7240 Adkins Road, **Charles City**, Virginia 23030, Member, appointed September 8, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed himself.

**A.E. Dick Howard**, 627 Park Street, **Charlottesville**, Virginia 22902, Member, appointed September 8, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed John Hager.

**Cassandra L. Newby-Alexander**, 4116 Lakeview Drive, **Chesapeake**, Virginia 23323, Member, appointed September 8, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed J. Peter Clements.

**Southern Virginia Higher Education Center Board of Trustees**

**Gerald Crain Burnett, Jr.**, 304 Monroe Street, **South Boston**, Virginia 24592, Member, appointed September 29, 2017, for a term of four years beginning July 1, 2016, and ending June 30, 2020, to fill a new seat.

**Paul C. Nichols**, 109 Sir Peyton Drive, **Clarksville**, Virginia 23927, Member, appointed September 29, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to fill a new seat.

**Dennis Witt**, 1152 Golf Course Road, **Halifax**, Virginia 24558, Member, appointed September 29, 2017, to serve an unexpired term beginning September 7, 2017, and ending June 30, 2019, to succeed William W. Bennett.

**Virginia Research Investment Committee**

**Doug Juanarena**, 1936 High Ridge Drive, **Blacksburg**, Virginia 24060, Member, appointed September 15, 2017, to serve an unexpired term beginning March 25, 2017, and ending June 30, 2019, to succeed Charles W. Moorman.

**FINANCE**

**Virginia Public Building Authority Board of Directors**

**Suzanne S. Long**, 202 Canterbury Road, **Richmond**, Virginia 23221, Chair, appointed August 30, 2017, for a term of two years beginning July 1, 2017, and ending June 30, 2019, to succeed John A. Mahone.

**Sarah Bane Williams**, 8904 Tolman Road, **Richmond**, Virginia 23229, Member, appointed September 1, 2017, for a term of five years beginning July 1, 2017, and ending June 30, 2022, to succeed herself.

**HEALTH AND HUMAN RESOURCES**

**Advisory Board of Occupational Therapy**

**Karen L. Lebo**, 212 Roseneath Road, **Richmond**, Virginia 23221, Member, appointed August 4, 2017, for a term of four years beginning July 1, 2016, and ending June 30, 2020, to succeed herself.

**Kathryn B. Skibek**, 15361 Wits End Drive, **Woodbridge**, Virginia 22193, Member, appointed August 4, 2017, for a term of four years beginning July 1, 2016, and ending June 30, 2020, to succeed herself.

**Advisory Board on Midwifery**

**Kim Pekin**, 17232 Pickwick Drive, **Purcellville**, Virginia 20132, Member, appointed August 4, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed herself.

**Advisory Board on Service and Volunteerism**

**Elizabeth B. Childress**, 30 South Davis Avenue, Apartment 1, **Richmond**, Virginia 23220, Member, appointed August 11, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed herself.

**Mark Fero**, 7228 Watkins Court, **Ruther Glen**, Virginia 22546, Member, appointed August 11, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed himself.

**Ashley W. Hall**, 5033 Devonshire Road, **Richmond**, Virginia 23225, Member, appointed August 11, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed herself.

**Gina L. Lewis**, 37 Charlton Drive, **Hampton**, Virginia 23666, Member, appointed August 11, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed Karen Stanley.

**Seema Sethi**, 2729 Merrilee Drive, Apartment 525, **Fairfax**, Virginia 22031, Member, appointed August 11, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed herself.

**Leslie Van Horn**, 1905 Grand Bay Drive, **Virginia Beach**, Virginia 23456, Member, appointed August 11, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed herself.

**Advisory Council on PANDAS/PANS**

**(Pediatric Autoimmune Neuropsychiatric Disorders Associated with**

**Streptococcal Infections and Pediatric Acute-onset Neuropsychiatric Syndrome)**

**Teresa L. Champion**, 8100 Backlash Court, **Springfield**, Virginia 22153, Member, appointed August 4, 2017, for a term of two years beginning July 1, 2017, and ending June 30, 2019, to fill a new seat.

**Jessica Gavin**, 7624 Hampton Green Drive, **Chesterfield**, Virginia 23832, Member, appointed August 4, 2017, for a term of two years beginning, July 1, 2017, and ending June 30, 2019, to fill a new seat.

**David J. Jaffe**, 13416 Whispering Wood Drive, **Henrico**, Virginia 23233, Member, appointed August 4, 2017, for a term of two years beginning, July 1, 2017, and ending June 30, 2019, to fill a new seat.

**Stefanie M. Levensalor**, 1026 Hanover Avenue, **Norfolk**, Virginia 23508, Member, appointed August 4, 2017, for a term of two years beginning, July 1, 2017, and ending June 30, 2019, to fill a new seat.

**Stacey Link**, 16300 Midnight Xing, **Moseley**, Virginia 23120, Member, appointed August 4, 2017, for a term of two years beginning, July 1, 2017, and ending June 30, 2019, to fill a new seat.

**Melissa B. Nelson**, 600 Levering Lane, **Richmond**, Virginia 23226, Member, appointed August 4, 2017, for a term of two years beginning, July 1, 2017, and ending June 30, 2019, to fill a new seat.

**Aradhana Bela Sood**, 3606 Littlecroft Place, **Midlothian**, Virginia 23113, Member, appointed August 4, 2017, for a term of two years beginning, July 1, 2017, and ending June 30, 2019, to fill a new seat.

**Susan E. Swedo**, 1025 Bellview Place, **McLean**, Virginia 22102, Member, appointed August 4, 2017, for a term of two years beginning, July 1, 2017, and ending June 30, 2019, to fill a new seat.

**Wei Zhao**, 12012 Club Ridge Drive, **Chester**, Virginia 23836, Member, appointed August 4, 2017, for a term of two years beginning, July 1, 2017, and ending June 30, 2019, to fill a new seat.

#### **Alzheimer's Disease and Related Disorders Commission**

**Khurram H. Khan**, 2378 Branleigh Park Court, **Reston**, Virginia 20191, Member, appointed September 8, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed Janet Honeycutt.

**Lory L. Phillippo**, 5100 Monument Avenue, Unit 1102, **Richmond**, Virginia 23230, Member, appointed September 8, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed herself.

#### **Board of Medicine**

**Lori D. Conklin**, 1120 Olympia Drive, **Charlottesville**, Virginia 22911, Member, appointed September 1, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed herself.

**N. Ray Tuck, Jr.**, 708 Draper Road, **Blacksburg**, Virginia 24060, Member, appointed September 1, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed himself.

**Martha S. Wingfield**, Post Office Box 1088, **Ashland**, Virginia 23005, Member, appointed September 29, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed Deborah DeMoss Fonseca.

#### **Board of Nursing**

**Laura F. Cei**, 935 Kent Road, Apartment Two, **Richmond**, Virginia 23221, Member, appointed September 1, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed William Traynham.

#### **Board of Social Work**

**John M. Salay**, 13800 Sunrise Bluff Road, **Richmond**, Virginia 23112, Member, appointed September 1, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed himself.

#### **Commonwealth Council on Aging**

**Davis Creef**, 1828 West Grace Street, Unit One, **Richmond**, Virginia 23220, Member, appointed September 8, 2017, to serve an unexpired term beginning July 1, 2016, and ending June 30, 2018, to succeed Sandra Williamson-Ashe.

**Joni C. Goldwasser**, 5009 Britaney Road, **Roanoke**, Virginia 24012, Member, appointed September 8, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed herself.

**Andrew B. Hamilton**, 2818 Egan Road, **Big Stone Gap**, Virginia 24219, Member, appointed September 8, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed Mitchell Davis.

**Tresserlyn L. Jones**, 2 Creekstone Drive, **Newport News**, Virginia 23602, Member, appointed September 8, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed Valerie Price.

**Kathryn B. Reid**, 301 Parkwood Place, **Charlottesville**, Virginia 22901, Member, appointed September 8, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed herself.

#### **Family and Children's Trust Fund Board of Trustees**

**Beverly T. Crowder**, 1507 Penick Avenue, **South Boston**, Virginia 24592, Member, appointed September 22, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed Nadine Marsh-Carter.

**Allison Lawrence Jones**, Post Office Box 9554, **Richmond**, Virginia 23228, Member, appointed September 22, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed Pamela Kennedy.

**Tarina D. Keene**, 11 Fort Williams Parkway, **Alexandria**, Virginia 22304, Member, appointed September 22, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed Robin C. Foreman.

**John E. Oliver**, 9555 29th Bay Street, **Norfolk**, Virginia 23518, Member, appointed September 22, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed himself.

**Mary Russo Riley**, 816 Dolph Circle, **Chesapeake**, Virginia 23322, Member, appointed September 22, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed herself.

#### **State Emergency Medical Services Advisory Board**

**Samuel T. Bartle**, 2340 Burroughs Street, **Richmond**, Virginia 23235, Member, appointed August 25, 2017, for a term of three years beginning July 1, 2017, and ending June 30, 2020, to succeed himself.

**Dreama Chandler**, Post Office Box 728, **Rural Retreat**, Virginia 24368, Member, appointed August 25, 2017, for a term of three years beginning July 1, 2017, and ending June 30, 2020, to succeed herself.

**Jason D. Ferguson**, 183 Cambridge Drive, **Daleville**, Virginia 24083, Member, appointed August 25, 2017, for a term of three years beginning July 1, 2017, and ending June 30, 2020, to succeed himself.

**R. Jason Ferguson**, 164 Camden Drive, **Madison Heights**, Virginia 24572, Member, appointed August 25, 2017, for a term of three years beginning July 1, 2017, and ending June 30, 2020, to succeed Marilyn McLeod.

**Julia A. Marsden**, 9322 Jackson Street, **Burke**, Virginia 22015, Member, appointed August 25, 2017, for a term of three years beginning July 1, 2017, and ending June 30, 2020, to succeed herself.

**Christopher L. Parker**, 1116 Lakeview Drive, **Lynchburg**, Virginia 24502, Member, appointed August 25, 2017, for a term of three years beginning July 1, 2017, and ending June 30, 2020, to succeed himself.

**Jethro H. Piland III**, 2009 Cricket Creek Court, **Mechanicsville**, Virginia 23111, Member, appointed August 25, 2017, for a term of three years beginning July 1, 2017, and ending June 30, 2020, to succeed Harold David Hoback.

**Valerie Quick**, 5780 Fieldcrest Drive, **Scottsville**, Virginia 24590, Member, appointed August 25, 2017, for a term of three years beginning July 1, 2017, and ending June 30, 2020, to succeed Stephen Elliott.

**Charlotte Tyson**, 565 Frontier Way, **Fincastle**, Virginia 24090, Member, appointed August 25, 2017, for a term of three years beginning July 1, 2017, and ending June 30, 2020, to succeed Anita Perry.

#### **Substance Abuse Services Council**

**Madeline M. Berry**, 3900 Hazelnut Branch Road, **Midlothian**, Virginia 23112, Member, appointed September 22, 2017, for a term of three years beginning July 1, 2017, and ending June 30, 2020, to succeed Diane Williams Barbour.

**Brian L. Heatt**, 315 School Street, Suite 3, **Tazewell**, Virginia 24651, Member, appointed September 22, 2017, for a term of three years beginning July 1, 2017, and ending June 30, 2020, to succeed himself.

**Mary Gresham McMasters**, 1482 Mt. Torrey Road, **Lyndhurst**, Virginia 22952, Chair, appointed September 22, 2017, for a term of two years beginning July 1, 2017, and ending June 30, 2019, to succeed Sandra S. O'Dell.

**Mary Gresham McMasters**, 1482 Mt. Torrey Road, **Lyndhurst**, Virginia 22952, Member, appointed September 22, 2017, for a term of three years beginning July 1, 2017, and ending June 30, 2020, to succeed herself.

**Susan C. Morrow**, 53 Georgetown Green, **Charlottesville**, Virginia 22901, Member, appointed September 22, 2017, to serve an unexpired term beginning July 1, 2016, and ending June 30, 2019, to succeed Patricia Shaw.

**Sandra Sutphin O'Dell**, Post Office Box 278, **Rose Hill**, Virginia 24281, Member, appointed September 22, 2017, for a term of three years beginning July 1, 2017, and ending June 30, 2020, to succeed herself.

**Marjorie Yates**, 2000 Mecklenburg Street, **Richmond**, Virginia 23223, Member, appointed September 22, 2017, for a term of three years beginning July 1, 2017, and ending June 30, 2020, to succeed herself.

#### **Virginia Board for People with Disabilities**

**Dennis M. Findley**, 1045 Clover Drive, **McLean**, Virginia 22101, Member, appointed August 18, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed Charles Meacham.

**Felicia L. Hamilton**, 5862 Linden Creek Court, **Centreville**, Virginia 20120, Member, appointed August 18, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed herself.

**Jocelyn A. Kilgore**, 6712 Percethony Court, **Alexandria**, Virginia 22315, Member, appointed August 18, 2017, to serve an unexpired term beginning July 1, 2017, and ending June 30, 2018, to succeed Michael Carrasco.

**Christopher Nace**, 4380 King Street, Apartment 911, **Alexandria**, Virginia 22302, Member, appointed August 18, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed Stephen Joseph.

**Matthew A. Shapiro**, 10731 Brookley Road, **Glen Allen**, Virginia 23060, Member, appointed August 18, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed himself.

**Frederique Vincent**, 6475 Old Bust Head Road, **Broad Run**, Virginia 20137, Member, appointed August 18, 2017, to serve an unexpired term beginning July 1, 2017, and ending June 30, 2018, to succeed Carina Elgin.

**Angela Y. West**, 200 Lucy Lane, Apartment 110, **Chesapeake**, Virginia 23320, Member, appointed August 18, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed herself.

### **LEGISLATIVE**

#### **Small Business Commission**

**Zakaria Al-Barzinji**, 8181 Carnegie Hall Court, Apartment 204, **Vienna**, Virginia 22180, Member, appointed August 10, 2017, to serve an unexpired term beginning July 13, 2017, and ending June 30, 2018, to succeed Betty Jolly.

**Deborah Baum**, 120 Locust Grove Road, Northeast, **Check**, Virginia 24072, Member, appointed August 10, 2017, for a term of two years beginning July 1, 2017, and ending June 30, 2019, to succeed herself.

**Albert Steven "Charlie" Diradour**, 2206 Monument Avenue, **Richmond**, Virginia 23220, Member, appointed August 10, 2017, for a term of two years beginning July 1, 2017, and ending June 30, 2019, to succeed himself.

**Leopoldo Martinez**, 1290 Balls Hill Road, **McLean**, Virginia 22101, Member, appointed August 10, 2017, for a term of two years beginning July 1, 2017, and ending June 30, 2019, to succeed Sunny Shah.

### **NATURAL RESOURCES**

#### **Litter Control and Recycling Fund Advisory Board**

**Larry Buckner, Jr.**, 10604 Anita Drive, **Lorton**, Virginia 22079, Member, appointed August 2, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed himself.

**Nicholas J. Surace**, 12001 Market Street, Apartment 350, **Reston**, Virginia 20190, Member, appointed August 2, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed Susan Michelle Cowling.

**State Water Control Board**

**Timothy G. Hayes**, 975 Pea Ridge Road, **Bruington**, Virginia 23023, Member, appointed August 11, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed Thomas Branin.

**Lou Ann Jessee-Wallace**, 2752 Warren Drive, **Saint Paul**, Virginia 24283, Member, appointed August 11, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed herself.

**PUBLIC SAFETY AND HOMELAND SECURITY****Advisory Committee on Juvenile Justice and Prevention**

**Nancy E. Campos**, 901 McDonough Street, Apartment 332, **Richmond**, Virginia 23224, Member, appointed September 22, 2017, to serve an unexpired term beginning July 1, 2014, and ending June 30, 2018, to succeed Lindsay Fisher.

**Lorenzo R. Collins, Sr.**, 1816 Magnolia Ridge Drive, **Glen Allen**, Virginia 23059, Member, appointed September 22, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed himself.

**John Dougherty**, 1211 West 42nd Street, **Richmond**, Virginia 23225, Member, appointed September 22, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed himself.

**Keith E. Farmer**, 550 Blue Ridge Drive, **Blue Ridge**, Virginia 24064, Member, appointed September 22, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed himself.

**Leah Ganssle**, 1628 Monument Avenue, Apartment 1, **Richmond**, Virginia 23220, Member, appointed September 22, 2017, to serve an unexpired term beginning September 11, 2015, and ending June 30, 2018, to succeed Sarah Lewis.

**Joseph L. Gong**, 1815 Goode Road, **Goode**, Virginia 24556, Member, appointed September 22, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed Quwanisha Hines.

**Anthony L. Jackson**, 327 North 24th Street, **Richmond**, Virginia 23223, Member, appointed September 22, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed Craig Branch.

**Alyssa N. Jones**, 1506 Blue Wing Lane, **Suffolk**, Virginia 23434, Member, appointed September 22, 2017, to serve an unexpired term beginning July 1, 2017, and ending June 30, 2018, to succeed Melvin Johnson.

**Samuel A. Perez**, 9559 Coggs Bill Drive, Apartment 104, **Manassas**, Virginia 20110, Member, appointed September 22, 2017, to serve an unexpired term beginning November 6, 2015, and ending June 30, 2019, to succeed Elizabeth Panilaitis.

**Toni M. Randall**, 9659 Springfield Woods Court, **Glen Allen**, Virginia 23060, Member, appointed September 22, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed Diana Harris Wheeler.

**Elaine Williams**, 1110 Peck Road, **Richmond**, Virginia 23235, Member, appointed September 22, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed Anne Tucker Obenshain.

**Scientific Advisory Committee**

**Kathleen Corrado**, 5843 Independence Drive, **Jamesville, New York** 13078, Member, appointed September 8, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed Jo Given.

**Robin Cotton**, 4615 Chestnut Street, **Bethesda, Maryland** 20814, Member, appointed September 8, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed herself.

**Travis Spinder**, 2679 Palmer Street, **Missoula, Montana** 59808, Member, appointed September 8, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed himself.

**Virginia Parole Board**

**Jean Wooden Cunningham**, 6205 Glendale Woods Drive, **Richmond**, Virginia 23231, Vice Chairman, appointed September 8, 2017, to serve at the pleasure of the Governor beginning September 8, 2017, to succeed Algie Howell.

**Joni L. Ivey**, Post Office Box 251, **Newport News**, Virginia 23607, Member, appointed September 8, 2017, to serve at the pleasure of the Governor beginning September 8, 2017, to succeed Jean Wooden Cunningham.

**TECHNOLOGY****Innovation and Entrepreneurship Investment Authority Board of Directors**

**Jonathan M. Aberman**, 1614 Brookside Road, **McLean**, Virginia 22101, Member, appointed August 1, 2017, for a term of two years beginning July 1, 2017, and ending June 30, 2019, to succeed himself.

**Ángel Cabrera**, 4400 University Drive, **Fairfax**, Virginia 22030, Member, appointed August 1, 2017, for a term of two years beginning July 1, 2017, and ending June 30, 2019, to succeed Michael Rao.

**Bernard A. Mustafa**, 21412 Glebe View Drive, **Ashburn**, Virginia 20148, Member, appointed August 1, 2017, for a term of two years beginning July 1, 2017, and ending June 30, 2019, to succeed himself.

**VETERANS AND DEFENSE AFFAIRS****Board of Veterans Services**

**Julie K. Waters**, 1533 Candlewick Court, **McLean**, Virginia 22101, Member, appointed September 1, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed Laurie Neff.

## SENATE JOINT RESOLUTION NO. 46

*Confirming appointments by the Governor of certain persons communicated December 1, 2017.*

Agreed to by the Senate, January 29, 2018  
Agreed to by the House of Delegates, February 6, 2018

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly confirm the following appointments of certain persons made by Governor Terry McAuliffe and communicated to the General Assembly December 1, 2017.

## AGENCY HEAD

**Linda Jackson**, 700 North 5th Street, **Richmond**, Virginia 23219, Director of the Department of Forensic Science, appointed October 26, 2017, for a term of six years beginning December 26, 2017, and ending December 25, 2023, to succeed herself.

## ADMINISTRATION

## Council on Women

**Margie Del Castillo**, 8523 Radford Avenue, **Alexandria**, Virginia 22309, Member, appointed November 17, 2017, to serve an unexpired term beginning May 2, 2017, and ending June 30, 2018, to succeed Suzanne Jackson.

## AGRICULTURE AND FORESTRY

## Horse Industry Board

**John T. Wise**, 262 Hebron Road, **Staunton**, Virginia 24401, Member, appointed October 31, 2017, for a term of three years beginning June 20, 2016, and ending June 19, 2019, to succeed Harold Cantrell McKenzie.

## Marine Products Board

**Glen Wayne France**, 398 Bowen Lane, **Warsaw**, Virginia 22572, Member, appointed November 16, 2017, for a term of three years beginning July 1, 2016, and ending June 30, 2019, to succeed himself.

**Ann A. Gullivan**, 5456 Bayford Road, **Franktown**, Virginia 23354, Member, appointed November 14, 2017, for a term of three years beginning July 1, 2017, and ending June 30, 2020, to succeed herself.

**John Anthony Hall**, 56 Bridge Creek Drive, **Reedville**, Virginia 22539, Member, appointed November 15, 2017, for a term of three years beginning July 1, 2016, and ending June 30, 2019, to succeed William Purcell.

**Hannah Kellum**, 812 Maon Road, **Farnham**, Virginia 22460, Member, appointed November 14, 2017, for a term of three years beginning July 1, 2016, and ending June 30, 2019, to succeed herself.

**Michael J. Oesterling**, 5664 Dogwood Forest Drive, **Gloucester**, Virginia 23061, Member, appointed November 15, 2017, for a term of three years beginning July 1, 2017, and ending June 30, 2020, to succeed Kelly Lewis Minor.

**Michael H. Schwarz**, 1525 East Ocean View, **Norfolk**, Virginia 23503, Member, appointed November 14, 2017, for a term of three years beginning July 1, 2016, and ending June 30, 2019, to succeed Daniel Kaufman.

**Brian W. Terry**, 14384 Shields Bridge Road, **Belle Haven**, Virginia 23306, Member, appointed November 15, 2017, for a term of three years beginning July 1, 2016, and ending June 30, 2019, to succeed Heather Lusk.

## Milk Commission

**James Kerr**, 11140 Mattoax Lane, **Amelia**, Virginia 23002, Member, appointed October 10, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed Kenneth Koerner Smith.

## Peanut Board

**Wayne Barnes**, 19315 Courthouse Road, **Dinwiddie**, Virginia 23841, Member, appointed November 6, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed himself.

**Ernest Louis Blount**, 5336 Rolfé Highway, **Elberon**, Virginia 23846, Member, appointed November 6, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed himself.

**Michael J. Marks**, 22833 Popes Station Road, **Capron**, Virginia 23829, Member, appointed November 8, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed himself.

## Virginia Soybean Board

**Harrison A. Moody**, 10876 Zilles Road, **Blackstone**, Virginia 23824, Member, appointed November 14, 2017, for a term of three years beginning October 1, 2017, and ending September 30, 2020, to succeed himself.

**Robert W. White, Jr.**, 3004 Seaboard Road, **Virginia Beach**, Virginia 23456, Member, appointed November 14, 2017, for a term of three years beginning October 1, 2017, and ending September 30, 2020, to succeed himself.

**John Colin Whittington**, 13601 Genito Road, **Amelia**, Virginia 23002, Member, appointed November 14, 2017, for a term of three years beginning October 1, 2017, and ending September 30, 2020, to succeed himself.

## Virginia Wine Board

**Mitzi Batterson**, 4738 Denali Drive, **Glen Allen**, Virginia 23060, Member, appointed October 2, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed herself.

**Leonard Thompson**, 1122 Roses Mill Road, **Amherst**, Virginia 24521, Member, appointed October 2, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed himself.

**COMMERCE AND TRADE****Auctioneers Board**

**Ashla C. Hill Roseboro**, 2549 Eastbourne Drive, **Woodbridge**, Virginia 22191, Member, appointed October 25, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed Michael Stephen Phillips.

**Douglas B. Sinclair**, 2620 Old Gun Road, West, **Midlothian**, Virginia 23113, Member, appointed October 25, 2017, for a term of four years beginning July 1, 2016, and ending June 30, 2020, to succeed Larry J. Linkous.

**Linda W. Terry**, 225 Gun Club Road, **Richmond**, Virginia 23221, Member, appointed October 25, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed herself.

**Coal Surface Mining Reclamation Fund Advisory Board**

**Gavin M. Bledsoe**, 1736 Spring Ridge Road, **Big Stone Gap**, Virginia 24219, Member, appointed November 15, 2017, for a term of five years beginning July 1, 2017, and ending June 30, 2022, to succeed himself.

**Safety and Health Codes Board**

**Anna E. Jolly**, 1610 Confederate Avenue, **Richmond**, Virginia 23227, Member, appointed October 4, 2017, for a term of four years beginning July 1, 2016, and ending June 30, 2020, to succeed herself.

**Courtney M. Malveaux**, 2013 Old Prescott Court, **Richmond**, Virginia 23238, Member, appointed October 3, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed himself.

**Kenneth W. Richardson II**, 1188 Shadow Ridge Drive, **Forest**, Virginia 24551, Member, appointed October 3, 2017, for a term of four years beginning July 1, 2016, and ending June 30, 2020, to succeed himself.

**Milagro Rodriguez**, 3323 Nevius Street, **Falls Church**, Virginia 22041, Member, appointed October 4, 2017, for a term of four years beginning July 1, 2016, and ending June 30, 2020, to succeed herself.

**Tobacco Region Revitalization Commission**

**Ed Blevins**, 22301 Tartan Drive, **Abingdon**, Virginia 24210, Member, appointed November 3, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed Ronnie Montgomery.

**Gretchen Blair Clark**, 3812 West Gretna Road, **Gretna**, Virginia 24557, Member, appointed November 3, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed Donald Merricks.

**Alexis Ehrhardt**, 163 Hawthorne Drive, **Danville**, Virginia 24541, Member, appointed November 3, 2017, to serve an unexpired term beginning March 6, 2017, and ending June 30, 2018, to succeed Melissa Neff.

**Julie D. Hensley**, 6128 Yuma Road, **Gate City**, Virginia 24251, Member, appointed November 3, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed John Cannon.

**Sandy J. Ratliff**, 23539 Sydney Drive, **Abingdon**, Virginia 24211, Member, appointed November 3, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed Cathy Lowe.

**Walter H. "Buddy" Shelton, Jr.**, 1058 Andrew Road, **Gretna**, Virginia 24557, Member, appointed November 3, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed John Holland.

**Virginia Racing Commission**

**Daniel G. Van Clief**, 1200 Inglecress Drive, **Charlottesville**, Virginia 22901, Member, appointed October 24, 2017, for a term of five years beginning January 1, 2018, and ending December 31, 2022, to succeed himself.

**COMPACTS****Virginia Council for the Interstate Compact for Juveniles**

**Cindy Capriles**, 1909 West Cary Street, Apt. A, **Richmond**, Virginia 23220, Member, appointed November 17, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed Joyce Walsh.

**Laurel Marks**, 9212 Venetian Way, **Henrico**, Virginia 23229, Member, appointed November 17, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed herself.

**Virginia Council on the Interstate Compact on Educational Opportunity for Military Children**

**Joey Frantzen**, 740 Leyte Circle, **Virginia Beach**, Virginia 23451, Member, appointed October 20, 2017, to serve at the pleasure of the Governor beginning September 1, 2017, to succeed John C. Harvey, Jr.

**Washington Metrorail Safety Commission Interstate Compact**

**John Gregory Hull**, 27 Marina Point Road, **Reedville**, Virginia 22539, Member, appointed October 27, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to fill a new seat.

**Mark V. Rosenker**, 1626 Great Falls Street, **McLean**, Virginia 22101, Member, appointed October 27, 2017, for a term of two years beginning July 1, 2017, and ending June 30, 2019, to fill a new seat.

**EDUCATION****Board of Visitors for Gunston Hall**

**Edmund Graber**, 10537 School Street, **Fairfax**, Virginia 22030, Member, appointed October 20, 2017, for a term of one year beginning October 1, 2017, and ending September 30, 2018, to succeed himself.

**Eileen Cassidy Rivera**, 205 Clifford Avenue, **Alexandria**, Virginia 22305, Member, appointed October 20, 2017, for a term of one year beginning October 1, 2017, and ending September 30, 2018, to succeed herself.

**Timothy J. Sargeant**, 8803 Cross Chase Circle, **Fairfax Station**, Virginia 22039, Member, appointed October 20, 2017, for a term of one year beginning October 1, 2017, and ending September 30, 2018, to succeed himself.

**Southwest Virginia Higher Education Center Board of Trustees**

**Maria Colobro**, 840 Heritage Drive, **Hiltons**, Virginia 24258, Member, appointed October 13, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed Lindy White.

**Joshua Ely**, 254 Black Walnut Trail, **Jonesville**, Virginia 24263, Member, appointed October 13, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed Saul Hernandez.

**Virginia School for the Deaf and Blind Board of Visitors**

**Michael P. Asip**, 3673 Old Buckingham Road, **Powhatan**, Virginia 23139, Member, appointed October 27, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed himself.

**Daphne Cox**, 127 Wexford Street, **Staunton**, Virginia 24401, Member, appointed October 27, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed Alice Frick.

**HEALTH AND HUMAN RESOURCES****Advisory Board on Massage Therapy**

**Jermaine Mincey**, 4709 Montgomery Street, **Annandale**, Virginia 22003, Member, appointed November 3, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed himself.

**Advisory Board on Physician Assistants**

**Tracey Dunn**, 1318 Old Log Trail, **North Chesterfield**, Virginia 23235, Member, appointed November 3, 2017, to serve an unexpired term beginning January 20, 2017, and ending June 30, 2018, to succeed Eileen Davis.

**Frazier W. Frantz**, 601 Children's Lane, **Norfolk**, Virginia 23507, Member, appointed November 3, 2017, to serve an unexpired term beginning May 5, 2017, and ending June 30, 2018, to succeed James Potter.

**Assistive Technology Loan Fund Authority Board of Directors**

**AnnMarie P. Wakely**, 823 East Main Street, Apartment 114, **Richmond**, Virginia 23219, Member, appointed October 20, 2017, to serve an unexpired term beginning July 1, 2016, and ending June 30, 2020, to succeed Keri Hughes.

**Board of Funeral Directors and Embalmers**

**Louis R. Jones**, 1008 Witch Point Trail, **Virginia Beach**, Virginia 23455, Member, appointed October 6, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed himself.

**Board of Long-Term Care Administrators**

**Shervonne Banks**, 27 Miles Cary Mews, **Hampton**, Virginia 23669, Member, appointed November 9, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed herself.

**Derrick Kelly Kendall**, 8019 Hampton Station Court, **Chesterfield**, Virginia 23832, Member, appointed November 9, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed himself.

**Marjorie Pantone**, Post Office Box 5587, **Virginia Beach**, Virginia 23471, Member, appointed November 9, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed herself.

**Board of Medicine**

**James L. Jenkins, Jr.**, 7102 Port Lane, **Mechanicsville**, Virginia 23111, Member, appointed November 3, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed Jasmine Gore.

**Jacob W. Miller, Jr.**, 2505 Windy Road, **Virginia Beach**, Virginia 23455, Member, appointed November 3, 2017, to serve an unexpired term beginning July 1, 2016, and ending June 30, 2020, to succeed Wayne Reynolds.

**Board of Nursing**

**Grace Thapa**, 6105 Jenlar Drive, **Centreville**, Virginia 20121, Member, appointed November 3, 2017, to serve an unexpired term beginning October 11, 2017, and ending June 30, 2019, to succeed Rebecca D. Poston.

**Public Guardian and Conservator Advisory Board**

**Paul G. Izzo**, 100 Shockoe Slip, **Richmond**, Virginia 23219, Member, appointed October 6, 2017, for a term of three years beginning July 1, 2017, and ending June 30, 2020, to succeed himself.

**Monica L. Karavanic**, 127 Southland Court, **Danville**, Virginia 24541, Member, appointed October 6, 2017, to serve an unexpired term beginning July 1, 2016, and ending June 30, 2019, to succeed James Paul Talbert.

**State Board of Health**

**Katherine B. Waddell**, 3902 Sulgrave Road, **Richmond**, Virginia 23221, Member, appointed November 17, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed Henry N. Kuhlman.

**State Rehabilitation Council**

**Sandra A. Cook**, 1946 Walton Street, **Petersburg**, Virginia 23805, Member, appointed October 27, 2017, to serve an unexpired term beginning October 1, 2017, and ending September 30, 2018, to succeed Petrina Thomas.

**Daniel Irwin**, 11142 Great Meadows Drive, **Mechanicsville**, Virginia 23116, Member, appointed October 27, 2017, for a term of three years beginning October 1, 2017, and ending September 30, 2020, to succeed himself.

**Deloris Johnson**, 1445 Devon Lane, Apartment G, **Harrisonburg**, Virginia 22801, Member, appointed October 27, 2017, for a term of three years beginning October 1, 2017, and ending September 30, 2020, to succeed herself.

**Angela Leonard**, 404 Longwood Lane, **Blue Ridge**, Virginia 24064, Member, appointed October 27, 2017, for a term of three years beginning October 1, 2017, and ending September 30, 2020, to succeed Tonya Fowler.

**Holly Love**, 14204 Fox Knoll Drive, **South Chesterfield**, Virginia 23834, Member, appointed October 27, 2017, to serve an unexpired term beginning June 13, 2017, and ending September 30, 2018, to succeed Robbin Blankenship.

**Bruce D. Phipps**, Post Office Box 6159, **Roanoke**, Virginia 24017, Member, appointed October 27, 2017, for a term of three years beginning October 1, 2017, and ending September 30, 2020, to succeed himself.

**Jennifer Witteborg**, 16132 Sheads Mountain Road, **Rixeyville**, Virginia 22737, Member, appointed October 27, 2017, for a term of three years beginning October 1, 2017, and ending September 30, 2020, to succeed Sally J. Thompson.

**Virginia Board for People with Disabilities**

**Jarl K. Jackson**, 113 North Crenshaw Avenue, **Richmond**, Virginia 23221, Member, appointed October 6, 2017, to serve an unexpired term beginning September 12, 2017, and ending June 30, 2019, to succeed Korinda Rusinyak.

**Maya Simmons**, 2156 South Main Street, **Rocky Mount**, Virginia 24151, Member, appointed October 6, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed Rose Williams.

**Alexus Smith**, 6084 River Road, **South Boston**, Virginia 24592, Member, appointed October 6, 2017, to serve an unexpired term beginning July 1, 2017, and ending June 30, 2019, to succeed Marisa Laios.

**Virginia Foundation for Healthy Youth**

**Karin Talbert Addison**, 2710 West Brigstock Road, **Midlothian**, Virginia 23113, Member, appointed November 9, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed January Britt.

**Madelyn R. Cahill**, 701 East Franklin Street, **Richmond**, Virginia 23219, Member, appointed November 9, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed Jimmy Jankowski.

**Anne Reagan Hardy**, 701 East Franklin Street, **Richmond**, Virginia 23219, Member, appointed November 9, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed Laura E. Beamer.

**William B. Moskowitz**, 9502 Branway Court, **Richmond**, Virginia 23229, Member, appointed November 9, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed Kristina Powell.

**Ghulam D. Qureshi**, 100 South Mooreland Road, **Richmond**, Virginia 23229, Member, appointed November 17, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed India Sisler.

**Virginia Interagency Coordinating Council**

**Catherine C. Childers**, 1608 Winslow Drive, **Blacksburg**, Virginia 24060, Member, appointed October 20, 2017, for a term of three years beginning October 1, 2017, and ending September 30, 2020, to fill a new seat.

**Wyonnice V. Harsley**, 9101 Stone Garden Drive, **Lorton**, Virginia 22079, Member, appointed October 20, 2017, for a term of three years beginning October 1, 2017, and ending September 30, 2020, to succeed herself.

**Kristen Roorbach Jamison**, 2720 Meriwether Drive, **Charlottesville**, Virginia 22901, Member, appointed October 20, 2017, for a term of three years beginning October 1, 2017, and ending September 30, 2020, to succeed herself.

**Elizabeth John**, 2307 Meridian Street, **Falls Church**, Virginia 22046, Member, appointed October 20, 2017, for a term of three years beginning October 1, 2017, and ending September 30, 2020, to fill a new seat.

**Jean Odachowski**, 1107 Cherokee Trail, **Martinsville**, Virginia 24112, Member, appointed October 20, 2017, for a term of three years beginning October 1, 2017, and ending September 30, 2020, to succeed herself.

**Courtney E. Pugh**, 1305 Turner Street, **Salem**, Virginia 24153, Member, appointed October 20, 2017, for a term of three years beginning October 1, 2017, and ending September 30, 2020, to succeed Kerry Lee White.

**Joy Spencer**, 115 Booth Road, **Newport News**, Virginia 23606, Member, appointed October 20, 2017, for a term of three years beginning October 1, 2017, and ending September 30, 2020, to succeed herself.

**Jaylene Trueblood**, 301 Etheridge Road, **Chesapeake**, Virginia 23322, Member, appointed October 20, 2017, for a term of three years beginning October 1, 2017, and ending September 30, 2020, to succeed Angie Leonard.

**Kelly Walsh-Hill**, 7444 Ashley Drive, **Warrenton**, Virginia 20187, Member, appointed October 20, 2017, for a term of three years beginning October 1, 2017, and ending September 30, 2020, to succeed herself.

**Katie H. Webb**, 7400 Wild Sienna Terrace, **Moseley**, Virginia 23120, Member, appointed October 20, 2017, for a term of three years beginning October 1, 2017, and ending September 30, 2020, to fill a new seat.

**Lynn Dameron Wolfe**, 602 Parchment Boulevard, **Williamsburg**, Virginia 23185, Member, appointed October 20, 2017, for a term of three years beginning October 1, 2017, and ending September 30, 2020, to succeed herself.

**Sandra P. Woodward**, 1250 Sunset Lane, **Waynesboro**, Virginia 22980, Member, appointed October 20, 2017, for a term of three years beginning October 1, 2017, and ending September 30, 2020, to succeed herself.

**INDEPENDENT**

**Virginia Birth-Related Neurological Injury Compensation Program Board of Directors**

**Kevin V. Logan**, 13811 Village Mill Drive, **Midlothian**, Virginia 23114, Member, appointed October 20, 2017, for a term of three years beginning July 1, 2017, and ending June 30, 2020, to succeed Vicki Harris.

**Dawn R. McCoy**, 5536 Charter Oak Drive, **Chesterfield**, Virginia 23832, Member, appointed, October 20, 2017, for a term of three years beginning July 1, 2017, and ending June 30, 2020, to succeed Lydia Byrd.

**Jonathan M. Petty**, 1233 Rothesay Circle, **Richmond**, Virginia 23221, Member, appointed October 20, 2017, for a term of three years beginning July 1, 2017, and ending June 30, 2020, to succeed Neal Schulwolf.

**Ronald M. Ramus**, 4016 Huntsteed Way, **Richmond**, Virginia 23233, Member, appointed October 20, 2017, to serve an unexpired term beginning July 1, 2016, and ending June 30, 2019, to succeed John Seeds.

**Rhonda L. Russell**, 2 Fulcher Court, **Hampton**, Virginia 23666, Member, appointed October 20, 2017, for a term of three years beginning July 1, 2017, and ending June 30, 2020, to succeed herself.

**LEGISLATIVE**

**Commissioners for the Promotion of Uniformity of Legislation**

**Mary P. Devine**, 704 Big Woods Place, **Manakin Sabot**, Virginia 23103, Member, appointed October 6, 2017, for a term of four years beginning October 1, 2016, and ending September 30, 2020, to succeed herself.

**Thomas A. Edmonds**, 9401 Michelle Place, **Richmond**, Virginia 23229, Member, appointed October 6, 2017, for a term of four years beginning October 1, 2016, and ending September 30, 2020, to succeed himself.

**Manufacturing Development Commission**

**Dawit Haile**, 13612 Hickory Glen Road, **Chester**, Virginia 23831, Member, appointed November 9, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed himself.

**Task Force Commemorating the Centennial Anniversary of Women's Right to Vote**

**Margaret L. Vanderhye**, 801 Ridge Drive, **McLean**, Virginia 22101, Member, appointed November 3, 2017, for a term beginning July 1, 2017, and ending January 1, 2021, to fill a new seat.

**Virginia Coal and Energy Commission**

**Rick Hendrix, Jr.**, 1111 19th Street North, Number 2801, **Arlington**, Virginia 22209, Member, appointed October 17, 2017, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed Jodi Gidley.

**NATURAL RESOURCES**

**Board of Conservation and Recreation**

**Kathleen Maybury**, 2312 Highland Avenue, **Charlottesville**, Virginia 22903, Member, appointed October 10, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed Linwood Cobb.

**Harvey B. Morgan**, 28 Dormer Oakes Drive, **Saluda**, Virginia 23149, Member, appointed October 10, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed himself.

**Esther M. Nizer**, 17283 Nizer Lane, **Elkton**, Virginia 22827, Member, appointed October 10, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed Michael P. Reynold.

**Cave Board**

**Anthony Bessette**, 2515 East Broad Street, Unit 7, **Richmond**, Virginia 23223, Member, appointed November 3, 2017, to serve an unexpired term beginning July 1, 2014, and ending June 30, 2018, to succeed Michele Baird.

**John Haynes**, 2037 Brownstone Lane, **Charlottesville**, Virginia 22901, Member, appointed November 3, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed himself.

**Marian McConnell**, 46 Palmer Trail, **Troutville**, Virginia 24175, Member, appointed November 3, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed herself.

**Mount Vernon Board of Visitors**

**Carlos Del Toro**, 1000 North Payne Street, **Alexandria**, Virginia 22314, Member, appointed November 3, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed Glen Bolger.

**Mark A. Herzog**, 10218 Maremont Circle, **Henrico**, Virginia 23238, Member, appointed November 3, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed himself.

**Thomas Lehner**, 8810 Stockton Parkway, **Alexandria**, Virginia 22308, Member, appointed November 3, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed Paul Harris.

**Virginia Outdoors Foundation Board of Trustees**

**Eleanor Brown**, 8 Cedar Point Drive, **Hampton**, Virginia 23669, Chair, appointed November 9, 2017, for a term of two years beginning July 1, 2017, and ending June 30, 2019, to succeed Stephanie Ridder.

**Elizabeth Obenshain**, 2010 Prices Fork Road, **Blacksburg**, Virginia 24060, Member, appointed November 9, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed herself.

**Stephanie Ridder**, 1490 North Poes Road, **Flint Hill**, Virginia 22627, Member, appointed November 9, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed herself.

**Brent Thompson**, 49 Sampy Lane, **Huntly**, Virginia 22640, Member, appointed November 9, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed himself.

**Virginia Soil and Water Conservation Board**

**Mario Albritton**, 4616 Marlwood Way, **Virginia Beach**, Virginia 23462, Member, appointed October 17, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed C. Frank Brickhouse, Jr.

**Charles A. Arnason**, 895 Cellar Creek Road, **Blackstone**, Virginia 23824, Member, appointed October 13, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed Daphne Jamison.

**Adam D. Wilson**, 346 Woodlands Court, **Lebanon**, Virginia 24266, Member, appointed October 13, 2017, to serve an unexpired term beginning July 15, 2017, and ending June 30, 2018, to succeed Jerry Ingle.

**TECHNOLOGY**

**Broadband Advisory Council**

**James Carr**, 311 Daniels Street, Northwest, **Leesburg**, Virginia 20176, Member, appointed November 9, 2017, for a term of two years beginning July 1, 2017, and ending June 30, 2019, to succeed himself.

**Raphael LaMura**, 1111 East Main Street, Suite 802, **Richmond**, Virginia 23219, Member, appointed November 9, 2017, for a term of two years beginning July 1, 2017, and ending June 30, 2019, to succeed himself.

**Duront Walton, Jr.**, 3126 West Cary Street, Number 413, **Richmond**, Virginia 23221, Member, appointed November 9, 2017, for a term of two years beginning July 1, 2017, and ending June 30, 2019, to succeed himself.

**Rosemary Wilson**, 921 Atlantic Avenue, Unit 502, **Virginia Beach**, Virginia 23451, Member, appointed November 9, 2017, for a term of two years beginning July 1, 2017, and ending June 30, 2019, to succeed Jane Dittmar.

**Information Technology Advisory Council**

**Bobby Keener, Jr.**, 12 South Sheppard Street, **Richmond**, Virginia 23221, Member, appointed October 10, 2017, to serve an unexpired term beginning September 12, 2017, and ending June 30, 2018, to succeed Kent Dickey.

**TRANSPORTATION****Commonwealth Transportation Board**

**Stephen A. Johnsen**, 36 Ames Street, **Onancock**, Virginia 23417, Member, appointed November 17, 2017, to serve an unexpired term beginning November 17, 2017, and ending June 30, 2018, to succeed Court G. Rosen.

**E. Scott Kasprowicz**, 22639 Foxcroft Road, **Middleburg**, Virginia 20117, Member, appointed November 17, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed himself.

**John Malbon**, 1402 Carolyn Drive, **Virginia Beach**, Virginia 23451, Member, appointed November 17, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed himself.

**Court G. Rosen**, 3062 Lockridge Road, **Roanoke**, Virginia 24014, Member, appointed November 17, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed William H. Fralin.

**SENATE JOINT RESOLUTION NO. 47**

*Designating the third full week of September, in 2018 and in each succeeding year, as Fall Prevention Awareness Week in Virginia.*

Agreed to by the Senate, February 13, 2018

Agreed to by the House of Delegates, March 6, 2018

WHEREAS, falls are the leading cause of unintentional fatal and nonfatal injuries and hospitalizations among Virginians 65 and older; and

WHEREAS, there are more than one million senior citizens living in Virginia, and in 2014, residents of the Commonwealth reported more than 600,000 falls, including 265,000 falls that resulted in injuries; and

WHEREAS, there are many contributing factors to falls, including lack of strength in lower extremities, use of multiple medications, reduced vision, chronic health problems, and unsafe home conditions; and

WHEREAS, falls can result in severe injuries, such as hip fractures or traumatic brain injuries, and the hospital treatment after a serious fall can cost thousands of dollars; and

WHEREAS, fear of falling can significantly affect an individual's independence and quality of life; after a fall, many seniors limit their activity level, which leads to reduced mobility and loss of physical fitness, subsequently increasing the risk of another fall; and

WHEREAS, fall prevention coalitions throughout the United States raise public awareness and engage with health, housing, and transportation industries to promote effective prevention programs; and

WHEREAS, comprehensive clinical assessments, exercise programs to improve balance and health, management of medications, correction of vision, and reduction of home hazards all help to reduce the occurrence and severity of falls; and

WHEREAS, public officials, health care professionals, and all residents of the Commonwealth are encouraged to increase awareness of the dangers of falls, promote multidisciplinary strategies to prevent falls, and take steps to protect those who are at increased risk of falling; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly designate the third full week of September, in 2018 and in each succeeding year, as Fall Prevention Awareness Week in Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the Senate transmit a copy of this resolution to the Northern Virginia Aging Network so that members of the organization may be apprised of the sense of the General Assembly of Virginia in this matter; and, be it

RESOLVED FINALLY, That the Clerk of the Senate post the designation of this week on the General Assembly's website.

**SENATE JOINT RESOLUTION NO. 60**

*Commending Virginia public school bus drivers.*

Agreed to by the Senate, February 1, 2018

Agreed to by the House of Delegates, February 9, 2018

WHEREAS, Virginia public school bus drivers make essential contributions to the Commonwealth's outstanding public education system by ensuring that students arrive at school safely and punctually; and

WHEREAS, during the 2015-2016 academic year, more than 850,000 students were transported to and from school on more than 15,500 buses every day; Virginia public school bus drivers traveled more than 131 million miles during the year; and

WHEREAS, Virginia public school bus drivers are highly trained and demonstrate the ability to drive safely and responsibly, regardless of weather or road conditions; they are also prepared to offer life-saving leadership in the event of an emergency; and

WHEREAS, working long and sometimes difficult shifts, Virginia public school bus drivers reliably deliver their charges to places of learning and back to their homes in darkness and daylight and in rain, snow, or wind; and

WHEREAS, Virginia public school bus drivers willingly accept a great deal of responsibility and perform their duties in a courteous and professional manner; acting as mediators, listeners, and mentors, they have the opportunity to make a difference in the lives of young people by exhibiting patience and kindness in all interactions; and

WHEREAS, the Commonwealth has an excellent record of public school transportation safety, thanks in large part to its bus drivers, and the Virginia Department of Education continues to improve and enhance safety measures and update specifications on public school buses; and

WHEREAS, many people rely on buses to provide a safe and effective way for their children to get to school; Virginia public school bus drivers are deserving of the immense trust placed in them by parents, teachers, and school administrators; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Virginia public school bus drivers for their work to ensure the safety and well-being of the youth of the Commonwealth; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Virginia Department of Education as an expression of the General Assembly's admiration of Virginia public school bus drivers' many contributions to the Commonwealth's world-class education system.

**SENATE JOINT RESOLUTION NO. 61**

*Celebrating the life of Dennis Patrick Mullins.*

Agreed to by the Senate, February 1, 2018

Agreed to by the House of Delegates, February 9, 2018

WHEREAS, Dennis Patrick Mullins of Louisa County, an accomplished equine insurance broker and an influential former chair of the Republican Party of Virginia, died on May 28, 2017; and

WHEREAS, a native of West Virginia, Dennis "Pat" Mullins earned a bachelor's degree from Columbia University and a law degree from the George Washington University; and

WHEREAS, Pat Mullins enjoyed a long career as one of the top equine insurance brokers in the United States, achieving the Chartered Property Casualty Underwriter designation; in the 1980s, he co-founded Best Insurance Company in Annandale and later founded Mullins and Associates; and

WHEREAS, Mullins and Associates was eventually acquired by the Rhulen Agency, and Pat Mullins finished his career with the Markel Corporation after it had acquired the equine division of the Rhulen Agency; and

WHEREAS, Pat Mullins was active in civic life in the Commonwealth for many years, volunteering his time and wise leadership with several local organizations; in 1990, he was elected chair of the Fairfax County Republican Committee and helped the Republican Party win a majority on the Fairfax County Board of Supervisors in 1991; and

WHEREAS, after relocating to Louisa County, Pat Mullins served as chair of the Louisa County Republican Committee from 2008 to 2009, when he was elected as chair of the Republican Party of Virginia; and

WHEREAS, a natural leader, Pat Mullins helped grow and support the Republican Party during his tenure as chair; he was a trusted mentor and friend to candidates and sitting public servants throughout the Commonwealth until his retirement in 2015; and

WHEREAS, predeceased by his wife, Jackie, Pat Mullins will be fondly remembered and greatly missed by his children, Cathy, Steve, Mike, and Debbie, and their families, and numerous other family members, friends, and colleagues; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Dennis Patrick Mullins, a successful equine insurance broker and a former chair of the Republican Party of Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Dennis Patrick Mullins as an expression of the General Assembly's respect for his memory.

**SENATE JOINT RESOLUTION NO. 63**

*Designating October 15, in 2018 and in each succeeding year, as General Thaddeus Kosciuszko Day in Virginia.*

Agreed to by the Senate, February 13, 2018

Agreed to by the House of Delegates, March 6, 2018

WHEREAS, in June 1776, 30-year-old Polish-Lithuanian military architect and engineer Andrew Thaddeus Bonaventure Kosciuszko voluntarily sailed for America to risk his life for the freedom of the people of the United States of America, and he is renowned as a hero of the Revolutionary War for his military leadership and work to support the war effort; and

WHEREAS, during the Revolutionary War, General Kosciuszko personally oversaw the construction of defensive works crucial to the United States' decisive victory at the Battles of Saratoga; and

WHEREAS, General Kosciuszko constructed the defensive positions at West Point, New York, and he is credited with establishing its reputation as a key American fortification along the Hudson River; and

WHEREAS, General Kosciuszko's engineering works, including a string of armories across the former colonies, were recognized by Major General Nathanael Greene as a deciding factor in the outcome of numerous engagements against the British forces in the southern theater of the Revolutionary War; and

WHEREAS, General Kosciuszko, by an act of the Continental Congress, in recognition for his services to the cause of American independence, was promoted to the rank of brigadier general in 1783; and

WHEREAS, General Kosciuszko carried the principles of individual liberty and freedom back to Poland, where he supported the Polish Constitution of May 3, 1791, which was modeled after the Constitution of the United States of America; and

WHEREAS, General Kosciuszko demonstrated a firm commitment to universal human rights throughout his life, including the abolition of slavery in America and the liberation of peasant serfs he inherited from his family in Poland; and

WHEREAS, General Kosciuszko stipulated in his will that his American estates were to be sold to buy the freedom of African American slaves and provide for their education; he conferred the responsibility of executing this will upon his personal friend, Thomas Jefferson; and

WHEREAS, General Kosciuszko's record on the field of battle is in keeping with the highest traditions of military service in both the United States and Poland, and his actions reflected favorably upon both nations; and

WHEREAS, General Kosciuszko's enduring legacy highlights the strong bond and rich history shared between the Commonwealth and the people of Poland; and

WHEREAS, General Kosciuszko gave aid to the United States of America and her people in their time of need and is now and forever a symbol of freedom in both the United States and Poland; and

WHEREAS, October 15, 2017, marked the 200th anniversary of General Kosciuszko's death; now, therefore, be it RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly designate October 15, in 2018 and in each succeeding year, as General Thaddeus Kosciuszko Day in Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the Senate transmit a copy of this resolution to Piotr Wilczek, Ambassador of the Republic of Poland to the United States, so that the Republic of Poland may be apprised of the sense of the General Assembly of Virginia in this matter; and, be it

RESOLVED FINALLY, That the Clerk of the Senate post the designation of this day on the General Assembly's website.

#### SENATE JOINT RESOLUTION NO. 64

*Celebrating the life of Command Sergeant Major Jeffrey Scott Voelkel, USA.*

Agreed to by the Senate, February 1, 2018

Agreed to by the House of Delegates, February 9, 2018

WHEREAS, Command Sergeant Major Jeffrey Scott Voelkel, USA, a decorated combat engineer with more than three decades of military experience and a respected member of the Frederick County community, died on July 21, 2017; and

WHEREAS, a native of Washington, D.C., Jeffrey "Jeff" Voelkel graduated from Brentsville District High School in Prince William County and attended Clinch Valley College and Northern Virginia Community College; and

WHEREAS, desirous to be of service to the nation, Jeff Voelkel enlisted in the United States Army Corps of Engineers in the late 1980s; he was assigned to the 317th Engineer Battalion in Germany, where his exceptional leadership abilities quickly became apparent; and

WHEREAS, Jeff Voelkel went on to join the Virginia Army National Guard and became a squad leader in the 229th Brigade Engineer Battalion; he was selected to attend the Sapper Leader Course at Fort Leonard Wood, where he maintained the highest points average in the class, finishing as the honor graduate; and

WHEREAS, when B Company of the 229th Brigade Engineer Battalion was selected to deploy to Bosnia in 1998, Jeff Voelkel served as the noncommissioned officer in charge of the Warrenton Readiness Center and was rated as the top squad leader in the battalion; and

WHEREAS, after the attacks on September 11, 2001, Jeff Voelkel deployed to Washington, D.C., to provide security in support of Operation Noble Eagle; he later deployed to Iraq, where he reorganized a combat engineer platoon into a security forces squad that conducted area security operations, recovery operations, and civil military engagement missions in support of Operation Iraqi Freedom; and

WHEREAS, Jeff Voelkel was then selected to help prepare soldiers for deployments to Iraq and Afghanistan at Fort Dix in New Jersey; he was responsible for area security and base defense lanes, ensuring the safety of countless service members, civilian employees, and contractors; and

WHEREAS, in addition to training 8,000 mobilizing soldiers and mentoring 90 platoon sergeants and platoon leaders, Jeff Voelkel continued to fulfill his commitments to the Virginia Army National Guard; in 2011, he redeployed to Iraq in support of Operation New Dawn; and

WHEREAS, throughout his military career, Jeff Voelkel was a trusted mentor to his fellow engineers and helped many soldiers in crisis stay focused and motivated through tough times prior to deployments or during the transition back to civilian life; and

WHEREAS, on December 1, 2015, Jeff Voelkel was appointed as the first command sergeant major of the 229th Brigade Engineer Battalion in Fredericksburg, setting high standards for all future command sergeant majors; and

WHEREAS, in recognition of his 30 years of service to the combat engineer community as a leader and trainer, Jeff Voelkel received the Bronze Order of the de Fleury Medal from the Army Engineer Association in 2015; and

WHEREAS, Jeff Voelkel earned several other awards and accolades for his unparalleled leadership and tireless service, including the Legion of Merit, two Bronze Star Medals, and multiple Army Commendation Medals and Army Achievement Medals; and

WHEREAS, Jeff Voelkel will be fondly remembered and greatly missed by his beloved wife of 24 years, LaTasha; children, Jazmyne, Andrew, and Trevor; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Command Sergeant Major Jeffrey Scott Voelkel, USA, who made countless contributions to the Commonwealth and the United States; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Command Sergeant Major Jeffrey Scott Voelkel, USA, as an expression of the General Assembly's respect for his memory.

**SENATE JOINT RESOLUTION NO. 66**

*Commending the W.T. Woodson High School boys' basketball team.*

Agreed to by the Senate, January 18, 2018  
 Agreed to by the House of Delegates, January 26, 2018

WHEREAS, the W.T. Woodson High School boys' basketball team of Fairfax County won the Virginia High School League Group 6A championship on March 11, 2017, securing the program's first state title; and

WHEREAS, in their maiden appearance in the state championship game, the W.T. Woodson High School Cavaliers relied on crisp passing, a robust defense, and clinical shooting to defeat the C.D. Hylton High School Bulldogs 55-50 and finish the season with a 26-6 record; and

WHEREAS, the title win was a breakthrough for the W.T. Woodson High School boys' basketball team, which had advanced to the state semifinal game four times in the previous five years; and

WHEREAS, the two teams traded the lead several times during the hard-fought game, but the W.T. Woodson High School Cavaliers triumphed in overtime thanks in part to clutch free throw shooting from senior guard Jason Aigner, who hit 11 of 11 from the foul line and finished the game with 26 points; and

WHEREAS, the W.T. Woodson High School boys' basketball team's championship victory is a tribute to the talent and tenacity of all the athletes, the excellent guidance of the coaches and staff, and the enthusiastic support of family members, fellow students, and the entire W.T. Woodson High School community; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the W.T. Woodson High School boys' basketball team on winning the 2017 Virginia High School League Group 6A championship; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Doug Craig, head coach of the W.T. Woodson High School boys' basketball team, as an expression of the General Assembly's admiration for the team's remarkable season.

**SENATE JOINT RESOLUTION NO. 67**

*Commending the Westfield High School field hockey team.*

Agreed to by the Senate, January 18, 2018  
 Agreed to by the House of Delegates, January 26, 2018

WHEREAS, the Westfield High School field hockey team of Chantilly won the Virginia High School League Class 6 state final on November 11, 2017, claiming its second state title; and

WHEREAS, the Westfield High School Bulldogs' championship win was the culmination of an undefeated 24-0 season, the first in the program's history; and

WHEREAS, in a tightly contested final, the Westfield High School field hockey team defeated the First Colonial High School Patriots 2-1; and

WHEREAS, senior midfielder Mackenzie Karl opened the scoring for the Westfield High School Bulldogs in the first half with a strike off a penalty corner; the team then surrendered a point before senior defender Delaney Golian put away the championship-winning shot off a rebound early in the second half; and

WHEREAS, throughout their sparkling season, the Westfield High School field hockey team played with energy and precision; senior Mackenzie Karl scored in every game, and the defense, led by senior goalkeeper Payton Moore, allowed just seven goals all season; and

WHEREAS, the Westfield High School field hockey team's state title win is a tribute to the skill and hard work of its players, the leadership and commitment of its coaches and staff, and the spirited support of fans, family members, and the entire Westfield High School community; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Westfield High School field hockey team on winning the 2017 Virginia High School League Class 6 state championship; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Starr Karl, coach of the Westfield High School field hockey team, as an expression of the General Assembly's admiration for the team's impressive accomplishments.

### SENATE JOINT RESOLUTION NO. 70

*Celebrating the life of Donald Williams, Sr.*

Agreed to by the Senate, January 25, 2018

Agreed to by the House of Delegates, February 2, 2018

WHEREAS, Donald Williams, Sr., of Pennington Gap, a public servant and a respected member of the Lee County community who mentored and inspired countless students as an educator and a coach, died on October 9, 2017; and

WHEREAS, a native of Jonesville, Donald "Don" Williams graduated from Jonesville High School and earned a bachelor's degree from Milligan College, where he lettered in four sports and was inducted into the Milligan College Athletic Hall of Fame; and

WHEREAS, Don Williams continued his education at Union College, earning a master's degree, then honorably served his country as a member of the United States Army Counter Intelligence Corps at Fort Holabird in Maryland; and

WHEREAS, after his military service, Don Williams pursued a career as an educator with Lee County Public Schools; he helped prepare students for success in higher education and careers at Dryden High School, St. Charles High School, Pennington High School, Coeburn High School, and Lee High School; and

WHEREAS, Don Williams was well-known as an athletics coach in the area, leading basketball, baseball, volleyball, tennis, golf, track, and cross-country teams; throughout his 23-year career as a football coach, he earned 17 district championship titles and six regional championship titles; and

WHEREAS, after his well-earned retirement as an educator and coach, Don Williams continued to serve his fellow residents as chair of the Lee County Board of Supervisors and the Lee County School Board; he was also a founding member of the Lee County Soccer Association and the annual Lights in the Park holiday event; and

WHEREAS, Don Williams will be fondly remembered and greatly missed by his loving wife, Patty; sons, Don, Jr., and Kevin, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Donald Williams, Sr., a distinguished educator, coach, and public servant in Lee County; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Donald Williams, Sr., as an expression of the General Assembly's respect for his memory.

### SENATE JOINT RESOLUTION NO. 71

*Confirming appointments by the Governor of certain persons communicated January 4, 2018.*

Agreed to by the Senate, February 7, 2018

Agreed to by the House of Delegates, February 6, 2018

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly confirm the following appointments of certain persons made by Governor Terry McAuliffe and communicated to the General Assembly January 4, 2018.

#### AGENCY HEAD

**Russ Baxter**, 1111 East Broad Street, **Richmond**, Virginia 23219, Secretary of Natural Resources, effective January 1, 2018, to serve at the pleasure of the Governor, to succeed Molly Joseph Ward.

## ADMINISTRATION

**Citizen's Advisory Council on Furnishing and Interpreting the Executive Mansion**

**Kathleen S. Kilpatrick**, 2052 Cardwell Road, **Crozier**, Virginia 23039, Member, appointed December 15, 2017, for a term of five years beginning April 1, 2016, and ending March 31, 2021, to succeed Lucy Channing.

**James Schuyler**, 10319 Cherokee Road, **Richmond**, Virginia 23235, Member, appointed December 15, 2017, for a term of five years beginning April 1, 2016, and ending March 31, 2021, to succeed Rose Chen.

## AGRICULTURE AND FORESTRY

**Aquaculture Advisory Board**

**John E. Hofmeyer, Jr.**, 22431 Pinewood Road, **Williamsburg**, Virginia 23185, Member, appointed December 4, 2017, for a term of three years beginning July 1, 2016, and ending June 30, 2019, to succeed himself.

**Kimberly Huskey**, 105 Woodhaven Drive, **Yorktown**, Virginia 23692, Member, appointed December 4, 2017, for a term of three years beginning July 1, 2016, and ending June 30, 2019, to succeed Roger Mann.

**Heather T. Lusk**, Post Office Box 125, **Quinby**, Virginia 23423, Member, appointed December 4, 2017, for a term of three years beginning July 1, 2017, and ending June 30, 2020, to succeed herself.

**Anthony Marchetti**, 41 Cedar Circle, **Irrington**, Virginia 22480, Member, appointed December 4, 2017, for a term of three years beginning July 1, 2017, and ending June 30, 2020, to succeed himself.

**Michael H. Schwarz**, 1525 East Ocean View Avenue, **Norfolk**, Virginia 23503, Member, appointed December 4, 2017, for a term of three years beginning July 1, 2016, and ending June 30, 2019, to succeed A.J. Erskine.

**Corn Board**

**Virginia P. Barnes**, 232 Morattico Church Road, **Kilmarnock**, Virginia 22482, Member, appointed November 28, 2017, for a term of three years beginning July 1, 2016, and ending June 30, 2019, to succeed herself.

**Michael Heath Bray**, 25 Hampstead Avenue, **Urbanna**, Virginia 23175, Member, appointed November 28, 2017, for a term of three years beginning July 1, 2015, and ending June 30, 2018, to succeed himself.

**David Coleman**, 8022 South Amelia Avenue, **Amelia**, Virginia 23002, Member, appointed November 28, 2017, for a term of three years beginning July 1, 2016, and ending June 30, 2019, to succeed himself.

**William C. Crossman III**, Post Office Box 220, **Mount Holly**, Virginia 22524, Member, appointed November 28, 2017, for a term of three years beginning July 1, 2016, and ending June 30, 2019, to succeed himself.

**Lloyd Hayden Eicher**, 116 Rappahannock Beach Drive, **Tappahannock**, Virginia 22560, Member, appointed November 28, 2017, for a term of three years beginning July 1, 2016, and ending June 30, 2019, to succeed himself.

**Garland Henry Goodrich**, 1116 Goodrich Fork Road, **Wakefield**, Virginia 23888, Member, appointed November 28, 2017, for a term of three years beginning July 1, 2017, and ending June 30, 2020, to succeed himself.

**Wallick Harding**, 20681 Jackson Lane, **Jetersville**, Virginia 23083, Member, appointed November 28, 2017, for a term of three years beginning July 1, 2016, and ending June 30, 2019, to succeed himself.

**Edward Phillip Hickman III**, 36289 Justice Road, **Horntown**, Virginia 23395, Member, appointed November 28, 2017, for a term of three years beginning July 1, 2017, and ending June 30, 2020, to succeed himself.

**Wesley Steven Marshall**, 557 Burkettown Road, **Weyers Cave**, Virginia 24486, Member, appointed November 28, 2017, for a term of three years beginning July 1, 2017, and ending June 30, 2020, to succeed himself.

**Chuck McGhee**, 4456 River Road, **Mechanicsville**, Virginia 23116, Member, appointed November 28, 2017, for a term of three years beginning July 1, 2015, and ending June 30, 2018, to succeed himself.

**Cotton Board**

**Jon Lynn Black**, 5440 Roxbury Road, **Charles City**, Virginia 23030, Member, appointed December 14, 2017, for a term of three years beginning September 26, 2017, and ending September 25, 2020, to succeed himself.

**Philip Edwards III**, 14220 Carroll Bridge Road, **Smithfield**, Virginia 23430, Member, appointed December 14, 2017, for a term of three years beginning September 26, 2015, and ending September 25, 2018, to succeed Thomas Steele Byrum.

**Marvin Lewis Everett III**, 19762 Popes Station Road, **Capron**, Virginia 23829, Member, appointed December 14, 2017, for a term of three years beginning September 26, 2016, and ending September 25, 2019, to succeed Michael E. Grizzard.

**James S. Ferguson, Sr.**, 1570 Brink Road, **Emporia**, Virginia 23847, Member, appointed December 14, 2017, for a term of three years beginning September 26, 2015, and ending September 25, 2018, to succeed Joey Doyle.

**Clifford S. Fox, Sr.**, 18005 Old Belfield Road, **Capron**, Virginia 23829, Member, appointed December 14, 2017, for a term of three years beginning September 26, 2017, and ending September 25, 2020, to succeed David L. Long.

**Christopher T. Parker**, Post Office Box 910, **Wakefield**, Virginia 23888, Member, appointed December 14, 2017, for a term of three years beginning September 26, 2017, and ending September 25, 2020, to succeed Lee. R. Everett.

**Paul W. Rogers III**, 34535 Warriquee Road, **Wakefield**, Virginia 23888, Member, appointed December 14, 2017, for a term of three years beginning September 26, 2016, and ending September 25, 2019, to succeed himself.

**Monte K. Walden**, 6001 Holy Neck Road, **Suffolk**, Virginia 23437, Member, appointed December 14, 2017, for a term of three years beginning September 26, 2015, and ending September 25, 2018, to succeed Shelly Butler-Barlow.

**Milk Commission**

**Carolyn Y. Carlson**, 513 North Frederick Street, **Arlington**, Virginia 22203, Member, appointed November 21, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed Robb Watters.

**Sheep Industry Board**

**Clinton Bell**, 1987 Cove Road, **Tazewell**, Virginia 24651, Member, appointed November 22, 2017, for a term of four years beginning March 9, 2016, and ending March 8, 2020, to succeed Cecil King.

**Amanda B. Fletcher**, 16405 Mountain Spring Road, **Abingdon**, Virginia 24210, Member, appointed November 22, 2017, for a term of four years beginning March 9, 2016, and ending March 8, 2020, to succeed Donald Lee Wright.

**Daniel G. Hadacek**, 24 Eubank Road, **Mount Solon**, Virginia 22843, Member, appointed November 22, 2017, for a term of four years beginning March 9, 2016, and ending March 8, 2020, to succeed Kevin Wagner.

**James E. Hilleary**, 6091 Lawlers Road, **Marshall**, Virginia 20115, Member, appointed November 22, 2017, for a term of four years beginning March 9, 2016, and ending March 8, 2020, to succeed William Baker.

**Peter F. Martens III**, 10357 Waggys Creek Road, **Dayton**, Virginia 22821, Member, appointed November 22, 2017, for a term of four years beginning March 9, 2016, and ending March 8, 2020, to succeed Cecil King.

**Matthew I. Miller**, 370 Greek Miller Road, **Crockett**, Virginia 24323, Member, appointed November 22, 2017, for a term of four years beginning March 9, 2016, and ending March 8, 2020, to succeed himself.

**Sue Platts**, 17552 Kibler Road, **Culpeper**, Virginia 22701, Member, appointed November 22, 2017, for a term of four years beginning March 9, 2016, and ending March 8, 2020, to succeed herself.

**Rosalea R. Potter**, 3673 Big Hill Road, **Lexington**, Virginia 24450, Member, appointed November 22, 2017, for a term of four years beginning March 9, 2017, and ending March 8, 2021, to succeed herself.

**John Lawson Roberts, Jr.**, 7000 Military Road, **Amelia**, Virginia 23002, Member, appointed November 22, 2017, for a term of four years beginning March 9, 2017, and ending March 8, 2021, to succeed himself.

**Carroll McCheyne Swartzel**, 399 Indian Ridge Road, **Greenville**, Virginia 24440, Member, appointed November 22, 2017, for a term of four years beginning March 9, 2016, and ending March 8, 2020, to succeed David Shiflett.

**J. Alvin Thomas, Jr.**, 1112 Thomas Road, **Dillwyn**, Virginia 23936, Member, appointed November 22, 2017, for a term of four years beginning March 9, 2016, and ending March 8, 2020, to succeed himself.

**Larry Weeks**, 430 Baynes Road, **Waynesboro**, Virginia 22980, Member, appointed November 22, 2017, for a term of four years beginning March 9, 2017, and ending March 8, 2021, to succeed himself.

**Soybean Board**

**Susan A. Watkins**, 16002 Namozine Road, **Sutherland**, Virginia 23885, Member, appointed November 16, 2017, for a term of three years beginning October 1, 2017, and ending September 30, 2020, to succeed herself.

**Tobacco Board**

**John W. Bledsoe**, 440 Tweedside Lane, **Blackstone**, Virginia 23824, Member, appointed December 4, 2017, for a term of four years beginning July 1, 2016, and ending June 30, 2020, to succeed himself.

**Douglas S. Crowder**, 1065 Crowder Trail, **Halifax**, Virginia 24558, Member, appointed December 4, 2017, for a term of four years beginning July 1, 2016, and ending June 30, 2020, to succeed Donnie L. Anderson.

**Richard T. Hite, Jr.**, 9331 South Hill Road, **Kenbridge**, Virginia 23944, Member, appointed December 4, 2017, for a term of four years beginning July 1, 2016, and ending June 30, 2020, to succeed himself.

**Glenn P. Hudson**, 1000 Dockery Road, **South Hill**, Virginia 23970, Member, appointed December 4, 2017, for a term of four years beginning July 1, 2016, and ending June 30, 2020, to succeed himself.

**Darrell E. Jackson**, 443 Mount Vernon Road, **Axton**, Virginia 24054, Member, appointed December 4, 2017, for a term of four years beginning July 1, 2016, and ending June 30, 2020, to succeed C. David Mitchell.

**Joanne J. Jones**, 2870 Mud Street, **Concord**, Virginia 24538, Member, appointed December 4, 2017, for a term of four years beginning July 1, 2016, and ending June 30, 2020, to succeed Hugh T. Rogers.

**Donald L. Moore**, 595 Strawberry Road, **Chatham**, Virginia 24531, Member, appointed December 4, 2017, for a term of four years beginning July 1, 2016, and ending June 30, 2020, to succeed himself.

**Hugh T. Rogers**, 5112 Lennie Road, **McKenney**, Virginia 23872, Member, appointed December 4, 2017, for a term of four years beginning July 1, 2016, and ending June 30, 2020, to succeed Robert Spiers.

**Cecil E. Shell**, 8617 Longview Drive, **Kenbridge**, Virginia 23944, Member, appointed December 4, 2017, for a term of four years beginning July 1, 2016, and ending June 30, 2020, to succeed himself.

**Wine Board**

**Doug Fabboli**, 15669 Limestone School Road, **Leesburg**, Virginia 20176, Member, appointed October 4, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed himself.

**AUTHORITIES****Fort Monroe Authority Board of Trustees**

**Edward Ayers**, 1770 Dudley Mountain Road, **Charlottesville**, Virginia 22903, Member, appointed December 8, 2017, for a term of two years beginning July 1, 2017, and ending June 30, 2019, to fill a new seat.

**Virginia Solar Energy Development and Energy Storage Authority**

**Benjamin Hayes Framme**, 4622 Grove Avenue, **Richmond**, Virginia 23226, Member, appointed November 21, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed Dawone Robinson.

## COMMERCE AND TRADE

## Apprenticeship Council

**Keisha L. Pexton**, 811 Thames Drive, **Hampton**, Virginia 23666, Member, appointed December 19, 2017, for a term of three years beginning June 21, 2017, and ending June 20, 2020, to succeed Daniel Lee Brockman.

**Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects**

**Vickie Anglin**, 10090 Tummel Falls Drive, **Bristow**, Virginia 20136, Member, appointed November 22, 2017, to serve an unexpired term beginning August 12, 2017, and ending June 30, 2021, to succeed Charles Dunlap.

**Ann P. Stokes**, 7314 Barberry Lane, **Norfolk**, Virginia 23505, Member, appointed November 21, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed Andrew Mark Scherzer.

**Board for Barbers and Cosmetology**

**Margaret B. LaPierre**, 4214 Fenwick Street, **Richmond**, Virginia 23222, Member, appointed December 6, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed herself.

**Josie R. Mace**, 5729 Swanson Road, **Richmond**, Virginia 23225, Member, appointed December 6, 2017, for a term of four years beginning July 1, 2016, and ending June 30, 2020, to succeed Marie Quinn.

**Anne R. McCaffrey**, 4503 Newport Drive, **Richmond**, Virginia 23227, Member, appointed December 6, 2017, for a term of four years beginning July 1, 2016, and ending June 30, 2020, to succeed herself.

**Matthew D. Roberts**, 5411 Seminary Avenue, **Richmond**, Virginia 23227, Member, appointed December 6, 2017, for a term of four years beginning July 1, 2016, and ending June 30, 2020, to succeed Norma Dorey.

**Board for Hearing Aid Specialists and Opticians**

**Alidad Arabshahi**, 1334 Balls Hill Road, **McLean**, Virginia 22101, Member, appointed December 15, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed Frederick Lassen.

**David Lambert**, 3109 Noble Avenue, **Richmond**, Virginia 23222, Member, appointed December 15, 2017, for a term of four years beginning July 1, 2016, and ending June 30, 2020, to succeed Bonnie Sue Mayhew.

**June Rogers**, 1701 Inez Lane, **Chesapeake**, Virginia 23321, Member, appointed December 15, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed herself.

**Board of Coal Mining Examiners**

**Douglas E. Deel**, 1356 Crow Pass Road, **Breaks**, Virginia 24607, Member, appointed December 15, 2017, for a term of four years beginning July 1, 2016, and ending June 30, 2020, to succeed himself.

**Phillip W. Hale**, 281 Clean Street, **North Tazewell**, Virginia 24630, Member, appointed December 15, 2017, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed himself.

**Bennie B. Johnson, Jr.**, Post Office Box 1351, **Lebanon**, Virginia 24266, Member, appointed December 15, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed himself.

**Larance Middleton**, 902 Second Avenue East, **Big Stone Gap**, Virginia 24219, Member, appointed December 15, 2017, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Ricky O'Quinn.

**Latino Advisory Board**

**Victoria M. Cartagena**, 700 Chickahominy Loop, Apartment 208, **Carrollton**, Virginia 23314, Member, appointed November 21, 2017, to serve an unexpired term beginning June 14, 2017, and ending October 14, 2019, to succeed Juan Santacoloma.

**Karina Kline-Gabel**, 613 Locust Hill Drive, **Harrisonburg**, Virginia 22801, Member, appointed November 22, 2017, to serve an unexpired term beginning December 28, 2016, and ending October 14, 2019, to succeed Keisha Graziadei-Shup.

**Ana K. Solorio**, 3900 Stuart Avenue, Apartment 1, **Richmond**, Virginia 23221, Member, appointed November 22, 2017, to serve an unexpired term beginning October 13, 2016, and ending June 30, 2018, to succeed Gonzalo J. Aida.

**State Building Code Technical Review Board**

**Richard Witt**, 10706 Haverford Lane, **Richmond**, Virginia 23236, Member, appointed December 8, 2017, to serve at the pleasure of the Governor, to succeed J. Robert Allen.

**Tobacco Region Revitalization Commission**

**Joel Cunningham, Jr.**, 1137 Burns Trail, **Halifax**, Virginia 24558, Member, appointed November 3, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed A. Dale Moore.

**Virginia Board of Workforce Development**

**Ray C. Bagley**, 1024 Drumcastle Lane, **Chesapeake**, Virginia 23435, Member, appointed December 22, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed himself.

**Doris Crouse-Mays**, 1846 Lovers Lane, **Vinton**, Virginia 24179, Member, appointed December 22, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed herself.

**Patricia Funegra**, 2000 North Adams Street, Apartment 630, **Arlington**, Virginia 22201, Member, appointed December 22, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to fill a new seat.

**Daniel Gomez**, 2300 Ninth Street South, **Arlington**, Virginia 22204, Member, appointed December 22, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to fill a new seat.

**D. Michael Hymes**, Post Office Box 7, **Tazewell**, Virginia 24651, Member, appointed December 22, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to fill a new seat.

**Melissa McDevitt Julianti**, 203 Wakefield Road, **Richmond**, Virginia 23221, Member, appointed December 22, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to fill a new seat.

**Nathaniel Marshall**, 3611 Fort Avenue, **Lynchburg**, Virginia 24501, Member, appointed December 22, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed himself.

**Anne Jolly Schlusser**, 105 Banbury Road, **Richmond**, Virginia 23221, Member, appointed December 22, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to fill a new seat.

#### **Virginia Gas and Oil Board**

**Bradley Clay Lambert**, 1752 Buffalo Creek, **Nora**, Virginia 24272, Member, appointed December 14, 2017, for a term of six years beginning July 1, 2016, and ending June 30, 2022, to succeed himself.

**Donnie W. Rife**, 113 Beulah Lane, East Main Street, **Clintwood**, Virginia 24228, Member, appointed December 14, 2017, for a term of six years beginning July 1, 2016, and ending June 30, 2022, to succeed himself.

#### **COMPACTS**

##### **Interstate Commission on the Potomac River Basin**

**Paul A. Holland**, 2000 North Upton Street, **Alexandria**, Virginia 22207, Member, appointed December 21, 2017, for a term of four years beginning March 1, 2017, and ending February 28, 2021, to succeed Brock Bierman.

##### **Ohio River Valley Water Sanitation Commission**

**Lou Ann Wallace**, 2752 Warren Drive, **Saint Paul**, Virginia 24283, Member, appointed December 19, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed herself.

#### **DESIGNATED**

##### **Southeastern Public Service Authority**

**David Arnold**, 117 Market Street, **Suffolk**, Virginia 23434, Member, appointed December 12, 2017, for a term of four years beginning January 1, 2018, and ending December 31, 2021, to succeed himself.

**Dale E. Baugh**, 116 Commodore Lane, **Smithfield**, Virginia 23430, Member, appointed December 12, 2017, for a term of four years beginning January 1, 2018, and ending December 31, 2021, to succeed Roy Chesson.

**Mark H. Hodges III**, 26290 Tyler Circle, **Courtland**, Virginia 23837, Member, appointed December 12, 2017, for a term of four years beginning January 1, 2018, and ending December 31, 2021, to succeed himself.

**John Keifer**, 1923 Paddock Road, **Norfolk**, Virginia 23518, Member, appointed December 12, 2017, for a term of four years beginning January 1, 2018, and ending December 31, 2021, to succeed himself.

**John T. Maxwell**, 321 Vanette Drive, **Chesapeake**, Virginia 23322, Member, appointed December 12, 2017, for a term of four years beginning January 1, 2018, and ending December 31, 2021, to succeed Marley Woodall.

**Clarence William McCoy**, 3408 Canterbury Drive, **Portsmouth**, Virginia 23703, Member, appointed December 12, 2017, for a term of four years beginning January 1, 2018, and ending December 31, 2021, to succeed himself.

**Sheryl Raulston**, 136 Wynnwood Drive, **Franklin**, Virginia 23851, Member, appointed December 12, 2017, for a term of four years beginning January 1, 2018, and ending December 31, 2021, to succeed Everett Williams.

**William Sorrentino, Jr.**, 917 Marshall Circle, **Virginia Beach**, Virginia 23454, Member, appointed December 12, 2017, for a term of four years beginning January 1, 2018, and ending December 31, 2021, to succeed himself.

#### **EDUCATION**

##### **Board of Regents of Gunston Hall**

**Harriet Torrey Matheson Cooke (Mrs. John P. Cooke)**, 290 Old Branchville Road, **Ridgefield, Connecticut** 06877, Member, appointed December 15, 2017, for a term of five years beginning October 26, 2017, and ending October 25, 2022, to succeed herself.

**Elizabeth Kingston (Mrs. John H. Kingston)**, 207 Fiddlers Bend, **Savannah, Georgia** 31406, Member, appointed December 15, 2017, for a term of five years beginning October 26, 2017, and ending October 25, 2022, to succeed herself.

**Brantley B. Knowles (Mrs. Peter I.C. Knowles II)**, 1230 Rothesay Circle, **Richmond**, Virginia 23221, Member, appointed December 15, 2017, for a term of five years beginning October 26, 2017, and ending October 25, 2022, to succeed herself.

**Susan Bowers Robertson (Mrs. Henry B. Robertson)**, 610 Britons Bridge Road, **West Chester, Pennsylvania** 19382, Member, appointed December 15, 2017, for a term of five years beginning October 26, 2017, and ending October 25, 2022, to succeed Allison E. Brokaw.

**Carol Flynn Rush**, 325 Powderhorn Road **Fort Washington, Pennsylvania** 19034, Member, appointed December 15, 2017, for a term of five years beginning October 26, 2017, and ending October 25, 2022, to succeed Kristin Smith Cahn von Seelen.

##### **Longwood University Board of Visitors**

**Polly Raible**, 1308 Johanna Bay Court, **Midlothian**, Virginia 23114, Member, appointed December 1, 2017, to serve an unexpired term beginning October 23, 2017, and ending June 30, 2020, to succeed Nettie Simon-Owens.

##### **Radford University Board of Visitors**

**Lisa Throckmorton**, 8030 Crianza Place, Apartment 345, **Vienna**, Virginia 22182, Member, appointed December 1, 2017, to serve an unexpired term beginning August 26, 2017, and ending June 30, 2019, to succeed Mary Ann Hovis.

**State Council of Higher Education for Virginia**

**Victoria Harker**, 1127 Rector Lane, **McLean**, Virginia 22102, Member, appointed December 22, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed Gil Minor.

**HEALTH AND HUMAN RESOURCES****Advisory Board of Occupational Therapy**

**Raziuddin Ali**, 14107 Charter Landing Court, **Midlothian**, Virginia 23114, Member, appointed December 15, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed Eugenio Monasterio.

**Board of Health Professions**

**Lisette P. Carbajal**, 3221 Griffin Avenue, **Richmond**, Virginia 23222, Member, appointed December 15, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed Robert Catron.

**Mark Johnson**, 36876 Leith Lane, **Middleburg**, Virginia 20177, Member, appointed December 15, 2017, for a term of two years beginning July 1, 2017, and ending June 30, 2019, to succeed himself.

**Derrick Kendall**, 15023 Crown Point Road, **Moseley**, Virginia 23120, Member, appointed December 15, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed himself.

**Herbert. L. Stewart**, 2958 Mechum Banks Drive, **Charlottesville**, Virginia 22901, Member, appointed December 15, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed himself.

**State Rehabilitation Council for the Blind and Vision Impaired**

**Jeanne Armentrout**, 8310 Cardington Drive, **Roanoke**, Virginia 24019, Member, appointed December 1, 2017, for a term of three years beginning October 1, 2017, and ending September 30, 2020, to succeed herself.

**Wanda Council**, 841 Wilderness Way, **Newport News**, Virginia 23608, Member, appointed December 1, 2017, for a term of three years beginning October 1, 2017, and ending September 30, 2020, to succeed herself.

**Justin Graves**, 51 Cannon Ridge Drive, **Fredericksburg**, Virginia 22405, Member, appointed December 1, 2017, for a term of three years beginning October 1, 2017, and ending September 30, 2020, to succeed himself.

**Kenneth W. Jessup**, 624 Sea Oats Way, **Virginia Beach**, Virginia 23451, Member, appointed December 1, 2017, for a term of three years beginning October 1, 2017, and ending September 30, 2020, to succeed himself.

**Jenny K. McKenzie**, 2715 Fairfield Drive, **Roanoke**, Virginia 24012, Member, appointed December 1, 2017, for a term of three years beginning October 1, 2017, and ending September 30, 2020, to succeed Rebecca Bridges.

**Jill A. Nerby**, 2104 Arlington Boulevard, Number 15, **Charlottesville**, Virginia 22903, Member, appointed December 1, 2017, for a term of three years beginning October 1, 2017, and ending September 30, 2020, to succeed herself.

**Megan O'Toole**, 16505 Mountain Road, **Montpelier**, Virginia 23192, Member, appointed December 1, 2017, for a term of three years beginning October 1, 2017, and ending September 30, 2020, to succeed Jonathan Crisp.

**Statewide Independent Living Council**

**Steve Grammer**, 4902 Grandin Road Southwest, **Roanoke**, Virginia 24018, Member, appointed December 22, 2017, to serve an unexpired term beginning May 26, 2017, and ending September 30, 2018, to succeed Catherine I. Kennedy.

**Christopher O. Grandle**, 931 Churchmans Mill Road, **Stuarts Draft**, Virginia 24477, Member, appointed December 22, 2017, for a term of three years beginning October 1, 2017, and ending September 30, 2020, to succeed himself.

**Kenneth W. Jessup**, 624 Sea Oats Way, **Virginia Beach**, Virginia 23451, Member, appointed December 22, 2017, for a term of three years beginning October 1, 2017, and ending September 30, 2020, to succeed Chris Terrell.

**Keith A. Kessler**, 12037 Rixeyville Road, **Culpeper**, Virginia 22701, Member, appointed December 22, 2017, for a term of three years beginning October 1, 2017, and ending September 30, 2020, to succeed Petrina Thomas.

**Karen Michalski-Karney**, 1754 Redwood Road, **Glade Hill**, Virginia 24092, Member, appointed December 22, 2017, to serve an unexpired term beginning October 1, 2016, and ending September 30, 2019, to succeed Kathryn Merritt.

**Karen Bartle Walker**, 17175 Tulip Poplar Road, **Beaverdam**, Virginia 23015, Member, appointed December 22, 2017, for a term of three years beginning October 1, 2017, and ending September 30, 2020, to succeed herself.

**Virginia Interagency Coordinating Council**

**Jennifer M. MacRae**, 406 Breeze Way, **Hinton**, Virginia 22831, Member, appointed December 1, 2017, for a term of three years beginning October 1, 2017, and ending September 30, 2020, to succeed Catherine Cook.

**JUDICIAL****Virginia Criminal Sentencing Commission**

**Timothy S. Coyne**, 440 Miller Street, **Winchester**, Virginia 22601, Member, appointed December 22, 2017, for a term of four years beginning January 1, 2017, and ending December 31, 2020, to succeed H.F. Haymore.

**Kyanna Perkins**, 400 North 9th Street, Suite 213, **Richmond**, Virginia 23219, Member, appointed December 22, 2017, for a term of four years beginning January 1, 2018, and ending December 31, 2021, to succeed herself.

**LEGISLATIVE****Capitol Square Preservation Council**

**Annie Kasper**, 212 Culpeper Road, **Richmond**, Virginia 23229, Member, appointed December 15, 2017, for a term of three years beginning July 1, 2017, and ending June 30, 2020, to succeed herself.

**State Water Commission**

**Lamont Curtis**, 358 Wood Duck Lane, **Newport News**, Virginia 23602, Member, appointed December 8, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed himself.

**Victor Vilchiz**, 7711 Old Beach Road, **Chesterfield**, Virginia 23838, Member, appointed December 8, 2017, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed Richard Street.

#### NATURAL RESOURCES

##### Alexandria Historical Restoration and Preservation Committee

**Cindy M. Stevens**, 424 North Alfred Street, **Alexandria**, Virginia 22314, Member, appointed December 8, 2017, to serve an unexpired term beginning July 14, 2017, and ending June 30, 2018, to succeed Christopher Yianilos.

##### Virginia Museum of Natural History Board of Trustees

**Thomas R. Benzing**, 1045 Old White Bridge Road, **Waynesboro**, Virginia 22980, Member, appointed December 13, 2017, for a term of five years beginning July 1, 2017, and ending June 30, 2022, to succeed himself.

**Michael S. Phillips**, 1101 Haxall Point, Unit 208, **Richmond**, Virginia 23219, Member, appointed December 13, 2017, for a term of five years beginning July 1, 2017, and ending June 30, 2022, to succeed Mary Voigt.

**Nathan T. Sanford**, 107 Woodlawn Avenue, **Blue Ridge**, Virginia 24064, Member, appointed December 13, 2017, for a term of five years beginning July 1, 2017, and ending June 30, 2022, to succeed Rayburn Gene Smith.

**Melany R. Stowe**, 285 Winthrop Road, **Ridgeway**, Virginia 24148, Member, appointed December 13, 2017, to serve an unexpired term beginning August 20, 2017, and ending June 30, 2020, to succeed Tiffany E. Haworth.

#### TECHNOLOGY

##### Virginia Geographic Information Network Advisory Board

**Khushboo Bhatia**, 14336 Chalfont Drive, **Haymarket**, Virginia 20169, Member, appointed December 22, 2017, for a term of five years beginning July 1, 2016, and ending June 30, 2021, to succeed Christopher Knights.

**Clyde Cristman**, 9170 Willis Church Road, **Henrico**, Virginia 23231, Member, appointed December 22, 2017, for a term of five years beginning July 1, 2015, and ending June 30, 2020, to succeed himself.

**Hua Liu**, 1701 Ladysmith Mews, **Virginia Beach**, Virginia 23455, Member, appointed December 22, 2017, for a term of five years beginning July 1, 2017, and ending June 30, 2022, to succeed himself.

**Doug Richmond**, 54 Legend Drive, **Fredericksburg**, Virginia 24406, Member, appointed December 22, 2017, for a term of five years beginning July 1, 2017, and ending June 30, 2022, to succeed himself.

**Nina E. Roop**, 6682 Village Green Drive, **Roanoke**, Virginia 24019, Member, appointed December 22, 2017, for a term of five years beginning July 1, 2016, and ending June 30, 2021, to succeed herself.

**John Watkins**, 19045 Founders Knoll Terrace, **Midlothian**, Virginia 23113, Member, appointed December 22, 2017, for a term of five years beginning July 1, 2017, and ending June 30, 2022, to succeed John Palatiello.

#### SENATE JOINT RESOLUTION NO. 72

*Commending the Honorable Helen Leiner.*

Agreed to by the Senate, January 25, 2018

Agreed to by the House of Delegates, February 2, 2018

WHEREAS, the Honorable Helen Leiner retires as a judge of the Fairfax County Juvenile and Domestic Relations District Court in 2018 after decades of work to support young people and families in Northern Virginia; and

WHEREAS, Helen Leiner earned her law degree from George Mason University, where she served as editor of the *George Mason University Law Review*; she clerked for judges in Fairfax County before entering private practice in the areas of family, juvenile, and criminal law; and

WHEREAS, a partner in several firms, Helen Leiner represented adults and minors accused of crimes and in matters involving protective orders, abuse, and neglect; she also served as a commissioner in chancery and acted as a guardian for children in court proceedings; and

WHEREAS, highly admired by her peers in the legal profession, Helen Leiner served on the Board of Governors of the Virginia State Bar Criminal Law Section, was a past president of the Virginia Association of Criminal Defense Lawyers, and served as a board member of the National Association of Criminal Defense Lawyers; and

WHEREAS, in 2007, Helen Leiner was appointed as a judge of the Fairfax County Juvenile and Domestic Relations District Court of the 19th Judicial District of Virginia, where she has presided with great fairness and wisdom for more than a decade; and

WHEREAS, while serving as a judge, Helen Leiner presented lectures on family law, was a member of the Virginia Supreme Court District Forms Committee, and was a judicial liaison to court interpreters; and

WHEREAS, a woman of great integrity, Helen Leiner has served Fairfax County and the Commonwealth with the utmost dedication and distinction; and

WHEREAS, after her well-earned retirement, Helen Leiner plans to spend more time with her children, all of whom were inspired by her example to join the legal profession, and her grandchildren; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Honorable Helen Leiner on the occasion of her retirement as a judge of the Fairfax County Juvenile and Domestic Relations District Court; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Honorable Helen Leiner as an expression of the General Assembly's admiration for her contributions to Fairfax County and the Commonwealth.

### SENATE JOINT RESOLUTION NO. 75

*Establishing a joint subcommittee to study the current ethics laws of the Commonwealth. Report.*

Agreed to by the Senate, March 7, 2018

Agreed to by the House of Delegates, March 6, 2018

WHEREAS, our system of representative government works best when its citizens maintain the highest trust in their public officers and employees at the state and local levels of government and in the executive and legislative branches; and

WHEREAS, the citizens of the Commonwealth are entitled to the assurance that the judgment of public officers and employees will not be compromised or affected by inappropriate conflicts; and

WHEREAS, after events prompted debate on the adequacy of Virginia's current ethics laws, the 2015 Session of the General Assembly adopted major legislation to reform the General Assembly Conflicts of Interests Act, the State and Local Government Conflict of Interests Act, and laws related to lobbying; and

WHEREAS, during the 2016 and 2017 Sessions, the General Assembly modified the ethics laws to strengthen, improve, and clarify provisions relating to the coverage of gifts, disclosure statements of state and local officials, and registrations by lobbyists; and

WHEREAS, although a variety of issues have been addressed by the ethics laws, further review of the laws' effectiveness and efficiency in regard to disclosure and compliance activities is warranted; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That a joint subcommittee be established to study the current ethics laws of the Commonwealth. The joint subcommittee shall have a total membership of eight members that shall consist of six legislative members and two nonlegislative citizen members. Members shall be appointed as follows: two members of the Senate to be appointed by the Senate Committee on Rules, four members of the House of Delegates to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates, one nonlegislative citizen member to be appointed by the Senate Committee on Rules, and one nonlegislative citizen member to be appointed by the Speaker of the House of Delegates. Nonlegislative citizen members shall be citizens of the Commonwealth of Virginia. Unless otherwise approved in writing by the chairman of the joint subcommittee and the respective Clerk of the house of the chairman, nonlegislative citizen members shall only be reimbursed for travel originating and ending within the Commonwealth of Virginia for the purpose of attending meetings. The joint subcommittee shall elect a chairman and vice-chairman from among its membership, who shall be members of the General Assembly.

In conducting its study, the joint subcommittee shall study the General Assembly Conflicts of Interests Act, particularly the disclosure requirements for members of the General Assembly, and shall examine the reporting requirements for lobbyists. In its review, the study shall examine the effectiveness and efficiency of the disclosure laws in promoting public trust and confidence in the service of public officials. The joint subcommittee shall identify those portions of the ethics laws that should be repealed, substantially amended, rewritten for clarity, or retained in their present form.

Administrative staff support shall be provided jointly by the Office of the Clerk of the Senate and the Office of the Clerk of the House of Delegates. Legal, research, policy analysis, and other services as requested by the joint subcommittee shall be provided by the Division of Legislative Services and the Virginia Conflict of Interest and Ethics Advisory Council. All agencies of the Commonwealth shall provide assistance to the joint subcommittee for this study, upon request.

The joint subcommittee shall be limited to four meetings for the 2018 interim and four meetings for the 2019 interim, and the direct costs of this study shall not exceed \$13,680 for each year without approval as set out in this resolution. Approval for unbudgeted nonmember-related expenses shall require the written authorization of the chairman of the joint subcommittee and the respective Clerk of the house of the chairman.

No recommendation of the joint subcommittee shall be adopted if a majority of the Senate members or a majority of the House members appointed to the joint subcommittee (i) vote against the recommendation and (ii) vote for the recommendation to fail notwithstanding the majority vote of the joint subcommittee.

The joint subcommittee shall complete its meetings for the first year by November 30, 2018, and for the second year by November 30, 2019, and the chairman shall submit to the Division of Legislative Automated Systems an executive summary of its findings and recommendations no later than the first day of the next Regular Session of the General Assembly for each year. Each executive summary shall state whether the joint subcommittee intends to submit to the General Assembly and the Governor a report of its findings and recommendations for publication as a House or Senate document. The executive summaries and reports shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

Implementation of this resolution is subject to subsequent approval and certification by the Joint Rules Committee. The Committee may approve or disapprove expenditures for this study, extend or delay the period for the conduct of the study, or authorize additional meetings during the 2018 or 2019 interim.

### SENATE JOINT RESOLUTION NO. 77

*Confirming appointments by the Governor of certain persons communicated January 12, 2018.*

Agreed to by the Senate, January 29, 2018

Agreed to by the House of Delegates, February 6, 2018

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly confirm the following appointments of certain persons made by Governor Terry McAuliffe and communicated to the General Assembly January 12, 2018.

#### ADMINISTRATION

##### **Citizen's Advisory Council on Furnishing and Interpreting the Executive Mansion**

**Robert H. Brink**, 4201 Lee Highway, Apartment 601, **Arlington**, Virginia 22207, Member, appointed January 12, 2018, to serve an unexpired term beginning April 1, 2016, and ending March 31, 2021, to succeed Sue Ellen Rocovich.

#### AGRICULTURE AND FORESTRY

##### **Charitable Gaming Board**

**Daniel Minton**, 5649 Burnage Court, **Chesterfield**, Virginia 23832, Member, appointed January 5, 2018, to serve an unexpired term beginning August 25, 2017, and ending June 30, 2019, to succeed Humberto I. Caroundel.

**Robert Sussan**, 105 Brass Kettle Court, **Winchester**, Virginia 22601, Member, appointed January 5, 2018, to serve a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed himself.

##### **Small Grains Board**

**Dave Black**, 5500 Salem Run Road, **Charles City**, Virginia 23030, Member, appointed December 21, 2017, for a term of three years beginning September 1, 2015, and ending August 31, 2018, to succeed himself.

**Floyd Childress III**, 1220 Round Meadow Drive, **Christiansburg**, Virginia 24073, Member, appointed December 21, 2017, for a term of three years beginning September 1, 2017, and ending August 31, 2020, to succeed himself.

**Delores Darden**, 16249 Bowling Green Road, **Smithfield**, Virginia 23430, Member, appointed December 21, 2017, for a term of three years beginning September 1, 2015, and ending August 31, 2018, to succeed herself.

**Ellen Davis**, 7610 Davis Pond Road, **West Point**, Virginia 23181, Member, appointed December 21, 2017, for a term of three years beginning September 1, 2016, and ending August 31, 2019, to succeed herself.

**Michael Downing**, 662 Bleak House Farm Lane, **Lottsburg**, Virginia 22511, Member, appointed December 21, 2017, for a term of three years beginning September 1, 2015, and ending August 31, 2018, to succeed William Deitz.

**Lynn P. Gayle**, 26561 Mount Nebo Road, **Onancock**, Virginia 23417, Member, appointed December 21, 2017, for a term of three years beginning September 1, 2015, and ending August 31, 2018, to succeed himself.

**James H. Hundley III**, 1024 Cloverfield Lane, **Champlain**, Virginia 22438, Member, appointed December 21, 2017, for a term of three years beginning September 1, 2016, and ending August 31, 2019, to succeed himself.

**Raymond Keating**, 339 Dorwin Drive, **Norfolk**, Virginia 23502, Member, appointed December 21, 2017, for a term of three years beginning September 1, 2017, and ending August 31, 2020, to succeed himself.

**Michael Mayes**, 9192 Fort Dushane Road, **Petersburg**, Virginia 23805, Member, appointed December 21, 2017, for a term of three years beginning September 1, 2016, and ending August 31, 2019, to succeed himself.

**Candice Wilson**, 2920 Chelsea Road, **West Point**, Virginia 23181, Member, appointed December 21, 2017, for a term of three years beginning September 1, 2015, and ending August 31, 2018, to succeed Donald Mennel.

#### Virginia Agricultural Council

**George G. Grattan III**, 8907 Alendale Road, **Henrico**, Virginia 23229, Member, appointed January 8, 2018, to serve at the pleasure of the Governor beginning August 4, 2017, to succeed John Raymond Hall.

**Tia L. Walbridge**, 17170 Brookdale Lane, **Round Hill**, Virginia 20141, Member, appointed January 8, 2018, to serve at the pleasure of the Governor beginning July 2, 2014, to succeed Sarah Gorman.

#### AUTHORITIES

##### **Fort Monroe Authority Board of Trustees**

**Rex M. Ellis**, 4329 Landfall Drive, **Williamsburg**, Virginia 23185, Member, appointed January 12, 2018, for term of five years beginning July 1, 2017, and ending June 30, 2022, to fill a new seat.

#### COMMERCE AND TRADE

##### **Board for Contractors**

**Wiley V. Johnson III**, 241 Berg Drive, **Madison Heights**, Virginia 24572, Member, appointed January 10, 2018, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to fill a new seat.

**Jason C. Trenary**, 814 Payne Road, **Winchester**, Virginia 22603, Member, appointed January 10, 2018, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed himself.

**Board for Hearing Aid Specialists and Opticians**

**Lakshminarayanan Krishnan**, 12607 Franklin Farm Road, **Oak Hill**, Virginia 20171, Member, appointed January 9, 2018, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed Olivia Kearney.

**Cemetery Board**

**Michael H. Doherty**, 4010 University Drive, Suite 102, **Fairfax**, Virginia 22032, Member, appointed January 9, 2018, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed himself.

**Marx Eisenman, Jr.**, 8901 Norwick Circle, **Richmond**, Virginia 23229, Member, appointed January 9, 2018, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed Padriac Buckley.

**Judy S. Lyttle**, 3893 Colonial Trail East, **Surry**, Virginia 23883, Member, appointed January 9, 2018, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed Donald L. Hart, Jr.

**Virginia Housing Development Authority Commissioners**

**William C. Shelton**, 8511 Heathermist Court, **Chesterfield**, Virginia 23838, Member, appointed January 4, 2018, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed Sarah Stedfast.

**COMPACTS****Live Horseracing Compact Committee**

**David Lermond, Jr.**, 6724 Thicket Place, **Sandston**, Virginia 23150, Member, appointed January 3, 2018, for a term of four years beginning July 1, 2016, and ending June 30, 2020, to succeed Stan Trout.

**Roanoke River Basin Bi-State Commission**

**Gerald V. Lovelace**, Post Office Box 491, **Halifax**, Virginia 24558, Member, appointed January 5, 2018, for a term of two years beginning July 1, 2017, and ending June 30, 2019, to succeed himself.

**EDUCATION****Board of Trustees of the A. L. Philpott Manufacturing Extension Partnership  
(dba GENEDGE)**

**John E. Mead**, 52 Anthony Ford Road, **Penhook**, Virginia 24137, Member, appointed January 12, 2018, to serve an unexpired term beginning July 1, 2016, and ending June 30, 2020.

**Jamestown-Yorktown Foundation Board of Trustees**

**Daun Sessoms Hester**, 946 Marietta Avenue, **Norfolk**, Virginia 23513, Member, appointed January 5, 2018, to serve an unexpired term beginning May 19, 2017, and ending June 30, 2020, to succeed H. Benson Dendy III.

**Norfolk State University Board of Visitors**

**Joan G. Wilmer**, Post Office Box 212, **Hanover, Maryland** 21076, Member, appointed January 5, 2018, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed Melvin Stith.

**Old Dominion University Board of Visitors**

**Robert Corn**, 8741 Center Road, **Springfield**, Virginia 22152, Member, appointed January 5, 2018, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed Bob Tata.

**Robert Tata**, 609 Cavalier Drive, **Virginia Beach**, Virginia 23451, Member, appointed January 5, 2018, to serve an unexpired term beginning July 1, 2015, and ending June 30, 2019, to succeed Frank Reidy.

**State Board for Community Colleges**

**Molly J. Ward**, 801 Park Place, **Hampton**, Virginia 23669, Member, appointed January 12, 2018, to serve an unexpired term beginning September 5, 2017, and ending June 30, 2018, to succeed Thomas Brewster.

**State Historical Records Advisory Board**

**Gerald Gaidmore II**, 9927 Swallow Ridge, **Toano**, Virginia 23168, Member, appointed January 5, 2018, for a term of three years beginning November 1, 2017, and ending October 31, 2020, to succeed himself.

**Adam F. Goers**, 442 M Street Northwest, Apartment 3, **Washington, District of Columbia** 20001, Member, appointed January 5, 2018, for a term of three years beginning November 1, 2017, and ending October 31, 2020, to succeed Michele Lee Silverman.

**Katherine Egner Gruber**, 117 Sharps Road, **Williamsburg**, Virginia 23188, Member, appointed January 5, 2018, for a term of three years beginning November 1, 2017, and ending October 31, 2020, to succeed herself.

**Cydney A. Neville**, 3681 Tavern Way, **Triangle**, Virginia 22172, Member, appointed January 5, 2018, for a term of three years beginning November 1, 2017, and ending October 31, 2020, to succeed herself.

**Megan Rhyne**, 14 Foxcroft Road, **Williamsburg**, Virginia 23188, Member, appointed January 5, 2018, for a term of three years beginning November 1, 2017, and ending October 31, 2020, to succeed herself.

**Eric Steigleder**, 306 North 26th Street, Apartment 220, **Richmond**, Virginia 23223, Member, appointed January 5, 2018, for a term of three years beginning November 1, 2017, and ending October 31, 2020, to succeed Ervin Jordan.

**HEALTH AND HUMAN RESOURCES****Board for the Blind and Vision Impaired**

**Mazen M. Basrawi**, 1045 North Utah Street, **Arlington**, Virginia 22201, Member, appointed January 12, 2018, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed Robert Dendy.

**Leo Kim**, 562 North Saint Asaph Street, **Alexandria**, Virginia 22314, Member, appointed January 12, 2018, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed R. Marc Johnson.

**Board of Health Professions**

**Maribel E. Ramos**, 60 South Van Doren Street, Unit 510, **Alexandria**, Virginia 22304, Member, appointed January 12, 2018, to serve an unexpired term beginning December 21, 2017, and ending June 30, 2020, to succeed Marvin Figueroa.

**Substance Abuse Services Council**

**James C. May, Jr.**, 8617 Waxford Road, **Richmond**, Virginia 23235, Member, appointed January 12, 2018, to serve an unexpired term beginning July 1, 2016, and ending June 30, 2019, to succeed James Tobin.

**INDEPENDENT****Task Force to Assist in Identification of the History of Formerly Enslaved African Americans in Virginia**

**Audrey Davis**, 3001 Veazey Terrace Northwest, Van Ness North, Apartment 416, **Washington, District of Columbia** 20008, Member, appointed January 5, 2018, for a term of two years beginning July 1, 2017, and ending June 30, 2019, to fill a new seat.

**Paula Gentius**, 2516 Sailboat Place, **Midlothian**, Virginia 23112, Member, appointed January 5, 2018, for a term of two years beginning July 1, 2017, and ending June 30, 2019, to fill a new seat.

**Cainan Townsend**, 200 Holman Street, **Farmville**, Virginia 23901, Member, appointed January 5, 2018, for a term of two years beginning July 1, 2017, and ending June 30, 2019, to fill a new seat.

**Corey D. B. Walker**, 3501 Brook Road, **Richmond**, Virginia 23227, Member, appointed January 5, 2018, for a term of two years beginning July 1, 2017, and ending June 30, 2019, to fill a new seat.

**PUBLIC SAFETY AND HOMELAND SECURITY****Virginia Fire Services Board**

**Walter T. Bailey**, 809 Tola Road, **Phenix**, Virginia 23959, Member, appointed January 12, 2018, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed himself.

**Stephanie L. Koren**, 590 Windway Lane, **Mineral**, Virginia 23117, Member, appointed January 12, 2018, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed Joseph Hale.

**Ernest H. Little**, 10162 Woodbury Drive, **Manassas**, Virginia 20109, Member, appointed January 12, 2018, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed James Dawson.

**Bettie Reeves-Nobles**, 23315 Brookwood Circle, **Carrollton**, Virginia 23314, Member, appointed January 12, 2018, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed herself.

**TRANSPORTATION****Motor Vehicle Dealer Board**

**Randall O. Harris**, 12005 Rockaway Court, **Spotsylvania**, Virginia 22553, Member, appointed January 5, 2018, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed Jacques Moore.

**SENATE JOINT RESOLUTION NO. 78**

*Celebrating the life of Gerald Thomas Halpin.*

Agreed to by the Senate, January 25, 2018

Agreed to by the House of Delegates, February 2, 2018

WHEREAS, Gerald Thomas Halpin of Jackson, Wyoming, an accomplished real estate professional and an admired community leader who left his mark on Northern Virginia through his visionary development of Tysons Corner, died on August 14, 2017; and

WHEREAS, Gerald Halpin learned the value of hard work and responsibility at a young age; as a child of the Great Depression, he helped to support his family by selling apples, cherries, and currants from their backyard in Scranton, Pennsylvania; and

WHEREAS, working as a glass blower and plastics manufacturer, Gerald Halpin paid his own way through night classes at the University of Scranton, then joined many of the other young men of his generation in service to the nation during World War II; and

WHEREAS, Gerald Halpin learned carpentry and other trade skills as a member of the United States Naval Construction Battalions during the war, before attending Syracuse University on the GI Bill while supporting himself by painting houses; and

WHEREAS, Gerald Halpin married Helen Richter, and the couple relocated to the Commonwealth, where he attended Georgetown University and worked as a credit investigator and a carpenter; and

WHEREAS, after a chance meeting with the president of Atlantic Research Corporation, Gerald Halpin was hired to oversee the company's business operations; he helped the company expand into Fairfax County, where it built its first headquarters in 1958; and

WHEREAS, in 1960, Gerald Halpin founded Commonwealth Capital, which developed Landmark Center in Alexandria; he later established West Group, acquiring 125 acres of farmland near Tysons Corner to build West Gate, which housed 20 companies by 1970; and

WHEREAS, at one time, West Group owned and operated more than 500 acres of office space at West Gate and West Park, most of which was leased to government agencies and private businesses; in 1976, West Gate was valued at \$16.6 million, making it the third most valuable commercial parcel in the country; and

WHEREAS, in the 1990s, Gerald Halpin re-envisioned Tysons Corner as a dense, varied commercial and residential area akin to Manhattan; he replaced the existing West Group properties with taller, denser buildings and advocated for the extension of the Washington D.C., Metro to Tysons Corner; and

WHEREAS, through his leadership and foresight, Gerald Halpin helped to make Tysons Corner the thriving community that it is today; and

WHEREAS, over the course of his 50-year career, Gerald Halpin completed more than 100 real estate projects, developing more than 14 million square feet of office space and thousands of apartments; and

WHEREAS, Gerald Halpin was also a founder and active member of the 123 Club, which helped fund George Mason University, and he served as the first finance chair of the Wolf Trap Foundation; he earned many awards and accolades for his work, including recognition from the Fairfax County Chamber of Commerce; and

WHEREAS, in his later life, Gerald Halpin was a passionate advocate for the environment, serving as chair of the Grand Teton National Park Foundation Board of Directors and as director of the National Fish and Wildlife Foundation; and

WHEREAS, Gerald Halpin will be fondly remembered and greatly missed by his wife, Helen; children, Peter, Michael, and Christina, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Gerald Thomas Halpin, a respected real estate developer and community leader who made invaluable contributions to Northern Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Gerald Thomas Halpin as an expression of the General Assembly's respect for his memory.

**SENATE JOINT RESOLUTION NO. 79**

*Commending the Liberty University School of Aeronautics.*

Agreed to by the Senate, January 25, 2018

Agreed to by the House of Delegates, February 2, 2018

WHEREAS, the Liberty University School of Aeronautics won the prestigious Loening Trophy at the National Intercollegiate Flying Association's national competition in May 2017, becoming the first Virginia institution to receive the award since 1933; and

WHEREAS, the National Intercollegiate Flying Association's Safety and Flight Evaluation Conference (SAFECON) is a competition staged each year between flight teams and aviation students from institutions of higher learning across the nation; teams are tested on aviation skills such as pre-flight inspections, simulator flights, navigation, flight planning, and precision landing; and

WHEREAS, at the 2017 SAFECON in Columbus, Ohio, the Liberty University School of Aeronautics' team claimed the Loening Trophy, an award that recognizes the best all-around college aviation program in the nation on the basis of flight skills, community involvement, academics, safety, professionalism, and other factors; and

WHEREAS, first introduced in 1929, the Loening Trophy was originally conceived by Grover Loening, an aeronautical engineer for the Wright brothers; past judges for the award have included aviation legends such as Charles Lindbergh and Amelia Earhart; and

WHEREAS, in addition to the Loening Trophy, the Liberty University School of Aeronautics Flight Team finished 12th overall in the SAFECON points competition and won the American Airlines Safety Award for the second year in a row; in qualifying for the national competition, it won the Region X Championship for its 12th year running; and

WHEREAS, founded in 2002, the Liberty University School of Aeronautics has 1,200 students engaged in degree programs centered on pilot training, unmanned aerial systems, aircraft maintenance, flight attendant, and aviation administration; in its short history, it has quickly become one of the top aeronautical schools in the region; and

WHEREAS, in winning the Loening Trophy and its other honors, the flight team members from the Liberty University School of Aeronautics demonstrated the skill, dedication, and teamwork necessary for future success in the aviation industry; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Liberty University School of Aeronautics on winning the 2017 Loening Trophy at the National Intercollegiate Flying Association's Safety and Flight Evaluation Conference; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Liberty University School of Aeronautics as an expression of the General Assembly's admiration for its impressive accomplishments.

## SENATE JOINT RESOLUTION NO. 81

*Commemorating the 50th anniversary of Green v. County School Board of New Kent County.*

Agreed to by the Senate, February 13, 2018  
Agreed to by the House of Delegates, March 6, 2018

WHEREAS, the historic Supreme Court decision in *Green v. County School Board of New Kent County* was issued 50 years ago on May 27, 1968, forcing schools in Virginia and across the country to desegregate after more than a decade of active resistance; and

WHEREAS, the unanimous Supreme Court decision in the 1954 *Brown v. Board of Education* case had declared segregated schools to be "inherently unequal," overturning the doctrine of "separate but equal" espoused in the 1896 *Plessy v. Ferguson* ruling; and

WHEREAS, the 1955 ruling in *Brown II* ordered that public schools must desegregate "with all deliberate speed"; and

WHEREAS, in defiance of the rulings, Virginia legislators led by United States Senator Harry F. Byrd began a coordinated effort known as Massive Resistance to block desegregation in Virginia's public schools, resulting in continued segregation and in some cases the closure of public schools, denying equal education to Virginia's students and, for many, denying any education at all; and

WHEREAS, New Kent County schools deliberately maintained a policy of segregation for a full decade after such policies were declared unconstitutional, allowing the county's New Kent School to continue to serve only white students, while the George W. Watkins school served only black students; and

WHEREAS, Dr. Calvin Green, chemistry teacher, father to three New Kent County students, and president of the New Kent County National Association for the Advancement of Colored People (NAACP), filed suit against the school board in 1965, seeking to force integration; and

WHEREAS, the New Kent County School Board responded to the case with token compliance, implementing a "freedom of choice" plan that allowed students to petition for permission to switch schools but which effectively maintained racial segregation in the county's schools and placed the burden of desegregating on African American families; and

WHEREAS, *Green v. County School Board of New Kent County* was ultimately heard by the U.S. Supreme Court in 1968, with NAACP attorneys Samuel Tucker, Jack Greenberg, Henry Marsh III, James Nabrit III, and Oliver Hill preparing and successfully arguing the case; and

WHEREAS, the Supreme Court ruled unanimously that the county's "freedom of choice" plan failed to provide equal protection under the law, as it produced no meaningful change and was not a sufficient step toward desegregation as mandated in *Brown v. Board of Education* and *Brown II*; and

WHEREAS, Justice William Brennan wrote in the Supreme Court's decision that school boards must "come forward with a plan that promises realistically to work, and promises realistically to work now"; and

WHEREAS, in compliance with the Supreme Court's mandate, New Kent County desegregated its two public schools, converting them to integrated elementary and high schools, separated by grade level; and

WHEREAS, Virginia's efforts to desegregate its public schools began in earnest after the *Green v. County School Board of New Kent County* decision; and

WHEREAS, the historic *Green v. County School Board of New Kent County* case marks a victory in the nation's ongoing struggle for equality and a milestone that remains within living memory by which Virginia may mark its progress; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the 50th anniversary of *Green v. County School Board of New Kent County* hereby be commemorated; and, be it

RESOLVED FURTHER, That the Clerk of the Senate transmit a copy of this resolution to the Superintendent of Public Instruction, the Chairman and Executive Director of the State Council of Higher Education for Virginia, the Chancellor of the Virginia Community College System, and the Executive Director of the Virginia State Conference NAACP, requesting that they further disseminate copies of this resolution to their respective constituents so that they may be apprised of the sense of the General Assembly of Virginia in this matter.

## SENATE JOINT RESOLUTION NO. 82

*Commending William J. Vakos.*

Agreed to by the Senate, February 1, 2018  
Agreed to by the House of Delegates, February 9, 2018

WHEREAS, William J. Vakos, a decorated veteran and an accomplished developer who has strengthened the Spotsylvania County community, received the 2017 Governor Spotswood Award; and

WHEREAS, the Governor Spotswood Award is presented annually to a resident of Spotsylvania County who has enhanced the community through words, actions, or deeds and demonstrated integrity, courage, honor, personal discipline, and etiquette; and

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[VA.,

WHEREAS, William Vakos served his country as a member of the United States Marine Corps during the Vietnam War, earning the Silver Star, Bronze Star, and numerous other awards and decorations for his leadership; and

WHEREAS, after his honorable military service, William Vakos pursued a career as a developer in Spotsylvania County; driven by his appreciation for historical architecture, he has led efforts to preserve, renovate, and reuse many local landmarks; and

WHEREAS, William Vakos' vision and hard work have helped Spotsylvania County grow and prosper while maintaining strong ties to its history and heritage; his influence can be seen in the Historic Spotsylvania Courthouse area and in many retail and residential developments; and

WHEREAS, in addition to supporting several local charities, William Vakos has provided the venues and financing for the annual Spotsylvania Stars and Stripes Spectacular, Civil War reenactments, a Civil War Kids Camp, and a living nativity; and

WHEREAS, William Vakos was presented with the Governor Spotswood Award at a special ceremony at the Spotsylvania Stars and Stripes Spectacular on July 1, 2017; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend William J. Vakos on receiving the 2017 Governor Spotswood Award; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to William J. Vakos as an expression of the General Assembly's admiration for his exceptional contributions to the Spotsylvania County community and the Commonwealth.

**SENATE JOINT RESOLUTION NO. 83**

*Commending the George Mason University Alumni Association.*

Agreed to by the Senate, January 25, 2018  
 Agreed to by the House of Delegates, January 26, 2018

WHEREAS, 2018 marks the 50th anniversary of the George Mason University Alumni Association, a worldwide network of former students working together to support each other and their alma mater; and

WHEREAS, the first baccalaureate class of George Mason University graduated in 1968, and alumni of the class of 1968 are also celebrating their golden reunion in 2018; and

WHEREAS, in 50 years, George Mason University alumni have grown from 52 graduates to more than 185,000 alumni; and

WHEREAS, the members of the George Mason University Alumni Association work to strengthen the George Mason community by providing fellowship and support to all alumni and engaging with current and former students through inclusive programs and services; and

WHEREAS, George Mason University alumni are enhancing communities throughout the Commonwealth; and

WHEREAS, there are more than 117,000 George Mason University alumni in the Commonwealth, including more than 105,000 in Northern Virginia, more than 3,000 in Richmond, more than 2,900 in Hampton Roads, and more than 700 in the Blacksburg and Roanoke region; and

WHEREAS, George Mason University alumni are making an impact in every industry and field in the Commonwealth, including business, government, law, education, recreation, tourism, health, engineering, social services, and more; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the George Mason University Alumni Association on the occasion of its 50th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the George Mason University Alumni Association as an expression of the General Assembly's admiration for the many contributions of George Mason University alumni to the Commonwealth, the United States, and the world.

**SENATE JOINT RESOLUTION NO. 84**

*Celebrating the life of Buckner Gamby, Jr.*

Agreed to by the Senate, February 8, 2018  
 Agreed to by the House of Delegates, February 16, 2018

WHEREAS, Buckner Gamby, Jr., a beloved father and husband and a virtuoso pianist and composer who was professor emeritus of music at Virginia State University, died on August 18, 2017; and

WHEREAS, Buckner Gamby was born in Cleveland, Ohio, and showed great talent for music as a child; when he was 11, he and his family moved to Boston, where he enrolled in the New England Conservatory of Music and graduated from Boston Latin School; and

WHEREAS, after serving in the United States Army in Alaska, Buckner Gamby returned to the New England Conservatory of Music, where he earned his bachelor's and master's degrees as well as the prestigious Artist Diploma; and

WHEREAS, a Fulbright Scholar and Frank Huntington Beebe fellow, Buckner Gamby studied abroad in Vienna, Austria, and performed piano concerts in Germany, Austria, and Switzerland; and

WHEREAS, Buckner Gamby began his teaching career at Southern University in Louisiana; between 1962 and 1992, he served as associate professor of music at Virginia State University; and

WHEREAS, in addition to his long career in music education, Buckner Gamby played concerts and recitals around the globe, including in China, South Africa, Europe, and Indonesia; as a pianist, he performed with the Boston Pops Orchestra; and

WHEREAS, a man of strong faith, Buckner Gamby devoted himself to church and choir music throughout his life; he served as minister of music at Petersburg's First Baptist Church for over 40 years and was founding director of its male chorus, and he also lent his musical and directing talents to Zion Baptist Church, the J.B. Brown Memorial Choir, and the Community Choir of the Bethany Baptist Association; and

WHEREAS, in 1992, Buckner Gamby co-founded the Petersburg Boys Choir; he later led the group during performances before governors and other dignitaries in Virginia, Maryland, and North Carolina; and

WHEREAS, following his retirement from Virginia State University in 1992, Buckner Gamby continued to serve the university as an accompanist with its concert choir; from 1999 until 2016, he taught piano and directed the concert choir at the Appomattox Regional Governor's School; and

WHEREAS, Buckner Gamby was active in many professional societies and organizations, including the American Guild of Organists, the American College of Musicians, and the Center for Black Music Research; in 2001, he was honored with the Outstanding Alumni Award from the New England Conservatory of Music; and

WHEREAS, during his long and distinguished career, Buckner Gamby touched the lives of countless students and used his musical genius to bring joy to audiences around the world; and

WHEREAS, predeceased by his wife, Ruby, Buckner Gamby will be fondly remembered and dearly missed by his son, Alvin, and his family, and many other family members, friends, former students, and members of the Petersburg community; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Buckner Gamby, Jr., a dedicated teacher and performer who enriched the lives of others with his musical talent; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Buckner Gamby, Jr., as an expression of the General Assembly's respect for his memory.

**SENATE JOINT RESOLUTION NO. 85**

*Reconstituting the Virginia Women's Monument Commission and coordinating the dedication of the Virginia Women's Monument.*

Agreed to by the Senate, March 7, 2018

Agreed to by the House of Delegates, March 6, 2018

WHEREAS, Senate Joint Resolution No. 11 (2010) established a commemorative commission to honor the contributions of the women of Virginia with a monument on the grounds of Capitol Square, now known as the Virginia Women's Monument Commission, and Senate Joint Resolution No. 76 (2014) increased the membership of the Commission; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the membership of the Virginia Women's Monument Commission be reconstituted. The Commission shall consist of 20 members as follows: the Governor of Virginia or his designee; the Chair of the Senate Committee on Rules; one member of the Senate appointed by the Senate Committee on Rules; the Speaker of the House of Delegates or his designee; one member of the House of Delegates at large appointed by the Speaker of the House of Delegates; the Clerk of the Senate; the Clerk of the House of Delegates; eight nonlegislative citizen members of whom three members shall be appointed by the Governor, two shall be appointed by the Senate Committee on Rules, and three shall be appointed by the Speaker of the House of Delegates; and the Secretary of Administration or her designee, the immediate past Secretary of Administration, the Librarian of Virginia or her designee, the Executive Director of the Virginia Capitol Foundation/Chief Administrative Officer of the Capitol Square Preservation Council, and the Architectural Historian of the Capitol Square Preservation Council, all of whom shall serve ex officio with voting privileges. The Chair may designate up to three emeritus members to serve with nonvoting privileges and may provide for their participation accordingly; and, be it

RESOLVED FURTHER, That the dedication of the Virginia Women's Monument shall be coordinated by the Clerk of the Senate, the Clerk of the House of Delegates, and the Secretary of Administration or her designee; and, be it

RESOLVED FINALLY, That the Governor or his designee shall serve as Chair with voting privileges.

**SENATE JOINT RESOLUTION NO. 86**

*Commending the Louisa Community Animal Response Team.*

Agreed to by the Senate, February 8, 2018  
 Agreed to by the House of Delegates, February 16, 2018

WHEREAS, in July of 2017, members of the Louisa Community Animal Response Team traveled to Wisconsin, where they generously volunteered as caretakers for a large collection of dogs and horses seized in an animal cruelty investigation; and

WHEREAS, formed in 2013, the Louisa Community Animal Response Team (CART) is an all-volunteer organization devoted to providing humane shelter and management for animals, especially in the aftermath of natural disasters and other emergencies; and

WHEREAS, the Louisa CART is managed under the Louisa County Department of Emergency Management and has earned recognition as a State Animal Response Team (SART); and

WHEREAS, in July of 2017, Louisa CART members Donnie Embrey, Rhonda Embrey, Eric Glenn, and Lindsey Devenney answered a call from the American Society for the Prevention of Cruelty to Animals (ASPCA) for emergency volunteers in Wisconsin; and

WHEREAS, the Louisa CART's activities included cleaning cages and stalls and socializing nearly 50 horses and dogs that had been rescued from deplorable living conditions on a farm in Crandon, Wisconsin; and

WHEREAS, by volunteering in Wisconsin, the Louisa CART became the first ever CART to deploy outside the Commonwealth to assist another agency; and

WHEREAS, the Louisa CART's service in Wisconsin earned it the gratitude of the ASPCA, as well as the support and admiration of countless Louisa residents; and

WHEREAS, since returning from Wisconsin, the Louisa CART has continued to serve the community; in November of 2017, its volunteers seized and cared for 525 neglected horses, sheep, goats, emus, chickens, turkeys, cats, and other animals that were rescued in one of the largest animal hoarding cases in Virginia history; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Louisa Community Animal Response Team for traveling to Wisconsin to assist in emergency animal care efforts, and for its ongoing commitment to caring for animals in the Louisa community; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Louisa Community Animal Rescue Team as an expression of the General Assembly's admiration for its exemplary animal sheltering and management efforts and best wishes for continued success.

**SENATE JOINT RESOLUTION NO. 87**

*Commending Skydive Orange.*

Agreed to by the Senate, February 8, 2018  
 Agreed to by the House of Delegates, February 16, 2018

WHEREAS, Skydive Orange, a parachuting facility in Orange County that has provided a safe and exciting experience for thousands of people, celebrated its 40th anniversary in 2017; and

WHEREAS, founded in 1977, Skydive Orange offers a variety of adrenaline-fueled parachuting activities, including solo and tandem skydiving, high-altitude skydiving, and wingsuit training; each year, its drop zone plays host to over 30,000 parachute jumps; and

WHEREAS, Skydive Orange is based out of a large hangar at the Orange County Airport and conducts its jumps using a de Havilland Twin Otter aircraft that can hold up to 22 parachutists at a time; and

WHEREAS, for most jumps, Skydive Orange's customers leap from an altitude of 13,500 feet, or 2.5 miles, allowing for roughly 60 seconds of freefall time; and

WHEREAS, valuing safety above all else, Skydive Orange is responsible for spearheading and developing the Integrated Student Program, a training method that is recognized by the United States Parachute Association as the national standard for skydiving instruction; and

WHEREAS, along with its expert training regimen, Skydive Orange also uses state-of-the-art equipment and parachutes maintained and packed by FAA-certified riggers; its staff includes highly experienced parachutists who have collectively made tens of thousands of jumps; and

WHEREAS, Skydive Orange has helped develop numerous champion parachutists who have represented the sport at major events; its team of exhibition skydivers routinely entertains the surrounding community with free demonstration jumps at school and charity events; and

WHEREAS, during its 40 years in business, Skydive Orange has grown from a small group of thrill-seeking enthusiasts into the largest parachuting operation in Northern Virginia and one of the biggest tourist draws in Orange County; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Skydive Orange on its 40th year in operation; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Skydive Orange as an expression of the General Assembly's admiration for its impressive achievements and best wishes for continued success.

### SENATE JOINT RESOLUTION NO. 88

*Celebrating the life of Ferris M. Belman, Sr.*

Agreed to by the Senate, February 8, 2018  
Agreed to by the House of Delegates, February 16, 2018

WHEREAS, Ferris M. Belman, Sr., a devoted husband and father, and a respected public servant in Fredericksburg and Stafford County, died on September 3, 2017; and

WHEREAS, a native of Fredericksburg, Ferris Belman graduated from James Monroe High School in 1944 and then served two years in the United States Army during World War II; after returning home, he joined his father's business, Belman's Grocery, and helped grow it to include three stores in Fredericksburg; and

WHEREAS, Ferris Belman began his 33-year local government career in 1968, when he won a seat on the Fredericksburg City Council; he would go on to win three more terms, earning a reputation for being fair-minded and accessible to his constituents; and

WHEREAS, Ferris Belman left Fredericksburg in 1983 and moved to his family farm in Stafford County; that same year, he reentered public service after winning a seat on the Stafford County Board of Supervisors, where he remained until 2001, often serving as chair or vice chair; and

WHEREAS, along with his defense of low taxes and property rights, Ferris Belman was known for his keen ability to predict the need for new infrastructure improvements in Stafford County; during his years of service, he was involved in the building of the Lake Mooney Reservoir, the Stafford Regional Airport, the Government Center, and the regional adult and juvenile detention centers; and

WHEREAS, other major accomplishments from Ferris Belman's tenure on the Stafford County Board of Supervisors include attracting the insurance company GEICO to provide employment opportunities in Stafford County, acquiring land for the Stafford campus of the University of Mary Washington, and approving Celebrate Virginia; and

WHEREAS, as a member of the Board of Supervisors for nearly two decades, Ferris Belman made a lasting impact on the lives of countless Stafford County residents and was beloved by his colleagues and constituents for his gentlemanly demeanor and ever-present smile; and

WHEREAS, Ferris Belman enjoyed fellowship and worship as a lifelong member of Fredericksburg United Methodist Church, and he was also active in the Fredericksburg Masonic Lodge No. 4; and

WHEREAS, Ferris Belman will be fondly remembered by his wife of 65 years, Edna; his five sons, Ferris, Jr., Robert, David, Rodger, Matthew, and their families; and countless other family members, friends, and members of the Fredericksburg and Stafford County communities; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Ferris M. Belman, Sr., a dedicated public servant in Fredericksburg and Stafford County; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Ferris M. Belman, Sr., as an expression of the General Assembly's respect for his memory.

### SENATE JOINT RESOLUTION NO. 89

*Commending C.O. Balderson.*

Agreed to by the Senate, February 8, 2018  
Agreed to by the House of Delegates, February 16, 2018

WHEREAS, C.O. Balderson, the sheriff of Westmoreland County, served two terms as president of the Virginia Sheriffs' Institute from 2015 to 2016 and 2016 to 2017; and

WHEREAS, during C.O. Balderson's tenure the Virginia Sheriffs' Institute fulfilled its commitment to conduct training for new sheriffs; and

WHEREAS, C.O. Balderson has demonstrated his leadership abilities by carrying out the Virginia Sheriffs' Institute's mission to promote educational activities for sheriffs and deputies; and

WHEREAS, C.O. Balderson also carried out the Virginia Sheriffs' Institute's mission to educate the public and to do any and all things to promote the enforcement of law and order and the suppression of crime; and

WHEREAS, C.O. Balderson volunteered his time to serve in this leadership role in addition to his regular duties as sheriff of Westmoreland County; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend C.O. Balderson for his exceptional service as president of the Virginia Sheriffs' Institute; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to C.O. Balderson as an expression of the General Assembly's admiration for his many contributions to Westmoreland County, the Commonwealth, and the law enforcement profession.

#### SENATE JOINT RESOLUTION NO. 90

*Commending the 10 River Basin Grand Winners of the Clean Water Farm Award.*

Agreed to by the Senate, February 8, 2018  
Agreed to by the House of Delegates, February 16, 2018

WHEREAS, the Department of Conservation and Recreation and the Soil and Water Conservation Districts provide farmers throughout the Commonwealth with education, technical assistance, and incentive programs to encourage nutrient reduction and water quality improvement; and

WHEREAS, the General Assembly passed legislation in 1998 to establish the Clean Water Farm Award Program, which is administered by the Department of Conservation and Recreation; and

WHEREAS, the Clean Water Farm Award Program furthers the Commonwealth's water quality goals by recognizing farmers actively engaged in implementing important conservation practices that control nutrients, sediment, and other agricultural nonpoint source pollutants; and

WHEREAS, the Soil and Water Conservation Districts selected local farms across the Commonwealth for recognition in 2017 as winners of the Clean Water Farm Award; and

WHEREAS, ten of those farms were selected and announced at the December 2017 meeting of the Virginia Association of Soil and Water Conservation Districts by the Department of Conservation and Recreation to represent the Commonwealth's 10 major river basins and to recognize the exemplary efforts of such farms in implementing best management practices; and

WHEREAS, those 10 winners are:

Matthew Heldreth, Heldreth Farms, Wythe County, for the Big Sandy-Upper Tennessee River Basin;

Robert and Mark Spiers, Spiers Farm LLC and Double Branch LLC, Dinwiddie County, for the Chowan River Basin;

Lynn and Sands Gayle, Mount Nebo Farms LLC, Accomack County, for the Coastal Basin;

Hugh S. Jones, Richlands Dairy Farm Inc., Nottoway County, for the James River Basin;

George and Julie Hudson, Greenway Dairy Inc., Pulaski County, for the New River Basin;

Thomas C. Latham, Greenville Farm and Family Campground Inc., Prince William County, for the Potomac River Basin;

Daron L. Culbertson, Willingham Farm, Fauquier County, for the Rappahannock River Basin;

Timmy, Devone, Kevin, and Davey Ferrell, Ferrell Family Farms, Charlotte County, for the Roanoke River Basin;

Kate Mahanes and Jim Fleming, Indigo Hills Ranch LLC, Augusta County, for the Shenandoah River Basin; and

Joseph R. Brame III, Jordan Farm (Orange) LLC, Orange County, for the York River Basin; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend and congratulate the 10 River Basin Grand Winners of the Clean Water Farm Award; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare copies of this resolution for presentation to the 10 River Basin Grand Winners of the Clean Water Farm Award as an expression of the General Assembly's admiration for their commitment to conserving the Commonwealth's natural resources and their outstanding conservation achievements.

#### SENATE JOINT RESOLUTION NO. 91

*Commending Ted McInteer.*

Agreed to by the Senate, February 8, 2018  
Agreed to by the House of Delegates, February 16, 2018

WHEREAS, Ted McInteer, an exceptional law enforcement officer and the longest serving member of the Prince William County Police Department, retired as a captain on April 1, 2017; and

WHEREAS, Ted McInteer holds a bachelor's degree from the University of Richmond and served the community as a teacher at Osbourn High School before joining the new Prince William County Police Department in 1971; and

WHEREAS, Ted McInteer joined the Prince William County Police Department at a time when Prince William County was mostly rural; he witnessed great advances in training, techniques, and technology as the department worked to keep pace with the growing community; and

WHEREAS, displaying courage and fortitude under pressure, Ted McInteer was a member of the department's SWAT team from 1976 to 1987 and served as a team leader and team commander; he rose through the ranks of the department to become a captain on January 1, 1997; and

WHEREAS, over the course of his nearly 50-year law enforcement career, Ted McInter worked in the patrol, special operations, public safety communications, and criminal investigations divisions, gaining a wealth of institutional knowledge; and

WHEREAS, committed to professional excellence, Ted McInter graduated from the Professional Executive Leadership School at the University of Richmond, the Senior Management Institute for Police at Boston University, and the Southern Police Institute Administrative Officers Course; and

WHEREAS, Ted McInter is an exemplar of the integrity and dedication to duty demonstrated by law enforcement officers throughout the Commonwealth; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Ted McInter on the occasion of his retirement as a captain in the Prince William County Police Department; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Ted McInter as an expression of the General Assembly's admiration for his decades of contributions to the Prince William County community.

### SENATE JOINT RESOLUTION NO. 92

*Celebrating the life of Fred J. Whyte.*

Agreed to by the Senate, February 8, 2018

Agreed to by the House of Delegates, February 16, 2018

WHEREAS, Fred J. Whyte, a respected and influential business leader who spent over two decades as president of the Virginia Beach-based equipment manufacturer STIHL, Inc., died on July 7, 2017; and

WHEREAS, born in Vancouver, British Columbia, Fred Whyte earned his bachelor's degree from Seattle University and his master's degree from the University of Iowa; in 1971, he took a role as a regional manager at STIHL American, the same company where his father had worked; and

WHEREAS, Fred Whyte's business acumen, personal integrity, and strong leadership skills saw him move rapidly through the ranks at STIHL; he was named product manager in 1975 and national sales manager in 1979, and in the early 1980s, he expanded the company's operations by opening STIHL, Ltd., a Canadian subsidiary; and

WHEREAS, after achieving great success in Canada, Fred Whyte returned to Virginia Beach in 1992 and took over as president of STIHL, Inc.; he remained in the role for 23 years until his retirement in 2015; and

WHEREAS, with Fred Whyte at the helm, STIHL, Inc., expanded from several dozen employees to over 2,000 people working in a two-million-square-foot facility, and its Virginia Beach location began exporting products to nearly 100 countries around the globe; for seven straight years, its line of gasoline-powered handheld outdoor power equipment was the best-selling brand in North America; and

WHEREAS, Fred Whyte introduced many new innovations to STIHL, Inc., such as robotic and automation technology, and he oversaw the development of a laboratory used by Dream It Do It Virginia, a career resource that teaches individuals about jobs in manufacturing and technology; and

WHEREAS, as president of STIHL, Inc., Fred Whyte was respected not only for his steady hand and ability to reach consensus with colleagues, but also for his personal management style, which included making regular visits to the company's shop floor and learning employees' favorite sports teams; and

WHEREAS, along with his 44-year career at STIHL, Inc., Fred Whyte also brought his talents to a number of manufacturing boards and organizations, including serving as chair of the board of directors for the Outdoor Power Equipment Institute and as a president of the Portable Power Equipment Manufacturers Association; and

WHEREAS, Fred Whyte gave back to his community by serving as rector of the Old Dominion University Board of Visitors and as a member of the board of directors for the Children's Hospital of the King's Daughters Children's Health Foundation; an animal lover, he was also a strong supporter of the SPCA; and

WHEREAS, during his long and distinguished career, Fred Whyte received numerous professional awards; in 2015, the Virginia Manufacturing Association presented him with the Frank Armstrong III Service Award to honor his contributions to manufacturing; and

WHEREAS, Fred Whyte was happiest when watching sports, reading, swimming, or spending time with his family and his dogs; in keeping with his Scottish heritage, he was also an accomplished bagpiper who played in bands in the United States and Canada; and

WHEREAS, Fred Whyte will be fondly remembered and dearly missed by his wife, Karen; children, Jean and John, and their families; and countless other family members, friends, and colleagues; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Fred J. Whyte, a dedicated business leader and pillar of the Virginia manufacturing industry; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Fred J. Whyte as an expression of the General Assembly's respect for his memory.

**SENATE JOINT RESOLUTION NO. 93**

*Celebrating the life of Captain Walter S. Pullar III, USN, Ret.*

Agreed to by the Senate, February 8, 2018  
 Agreed to by the House of Delegates, February 16, 2018

WHEREAS, Captain Walter S. Pullar III, USN, Ret., a decorated Navy SEAL and a devoted husband, father, son, and friend in the Virginia Beach community, died on June 10, 2017; and

WHEREAS, a native of Beaufort, South Carolina, Walter "Walt" Pullar graduated from Duke University in 1979, then answered the call to serve the nation as a member of the United States Navy and its elite SEAL teams; and

WHEREAS, Walt Pullar was a standout in his Basic Underwater Demolition/SEAL training class; throughout his career, he was passionately committed to Naval Special Warfare and a valued member of the special operations community; and

WHEREAS, as commanding officer of SEAL Delivery Vehicle Team ONE, Special Boat Squadron TWO, and Naval Special Warfare Group THREE, Walt Pullar earned respect and admiration for his exceptional work ethic and comprehensive leadership style; and

WHEREAS, Walt Pullar worked to enhance Naval Special Warfare's surface and subsurface capabilities; his ability to bring creative, effective solutions to any problem served him well during Operation Iraqi Freedom, when he helped plan and successfully execute a five-target operation in the opening days of the conflict; and

WHEREAS, in recognition of his meritorious service to the United States and his legacy of contributions to the special operations community, Walt Pullar received many awards and commendations, including the Bronze Star Medal; and

WHEREAS, an attentive husband and an adoring father, Walt Pullar loved spending time with his family most of all and relished opportunities to take skiing trips or attend sports games; he was also a trusted friend who went to any length to help a teammate in need; and

WHEREAS, Walt Pullar will be fondly remembered and greatly missed by his wife, Susan; children, Walter IV and Anna; father, Walter, Jr.; and numerous other family members, friends, and fellow veterans; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Captain Walter S. Pullar III, USN, Ret., a Navy SEAL and a highly admired member of the Virginia Beach community; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Captain Walter S. Pullar III, USN, Ret., as an expression of the General Assembly's respect for his memory.

**SENATE JOINT RESOLUTION NO. 94**

*Commending Doug and Sally Coiner.*

Agreed to by the Senate, February 8, 2018  
 Agreed to by the House of Delegates, February 16, 2018

WHEREAS, Doug and Sally Coiner of Loudoun County courageously volunteered their skills and leadership to assist with hurricane relief efforts in Texas and Florida in 2017; and

WHEREAS, in the aftermath of Hurricane Harvey, which caused untold amounts of damage in Houston, Texas, Doug and Sally Coiner left their home in Paeonian Springs and used their own money and supplies to provide relief in any way they could; and

WHEREAS, Doug and Sally Coiner joined many other volunteers in what became known as the Cajun Navy, a group of private boat owners that willingly went into harm's way to provide aid to their fellow Americans; and

WHEREAS, arriving in Texas, Doug and Sally Coiner discovered that many hospitals were unreachable due to flooding or were too overcrowded to accept non-critical patients; the couple worked with police to conduct boat rescues until they found a local church that was being used as a shelter; and

WHEREAS, Doug and Sally Coiner provided medical aid at the church for more than 48 hours straight, using their skills to treat minor injuries and effectively triage victims in need of additional care; other nearby shelters began sending patients to the church, and at one time, more than 75 people were seeking treatment from the couple; and

WHEREAS, the couple briefly returned home to the Commonwealth, but Sally Coiner, a trained emergency medical technician, left immediately for Florida to respond to Hurricane Irma; bringing supplies and donations from Loudoun County residents, she helped numerous people in Bonita Springs, one of the areas hit hardest by the storm; and

WHEREAS, Sally Coiner then traveled to Puerto Rico with the Warfighter Disaster Response Team, a self-sufficient group of combat veterans and first responders that helps communities recover after a natural disaster; and

WHEREAS, answering the call to service without hesitation, Doug and Sally Coiner saved lives and brought comfort to their fellow Americans in a time of crisis; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Doug and Sally Coiner for their heroic work to assist hurricane victims in Texas and Florida; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Doug and Sally Coiner as an expression of the General Assembly's admiration for their selfless, lifesaving actions.

#### SENATE JOINT RESOLUTION NO. 95

*Commending the American Heritage Girls.*

Agreed to by the Senate, February 8, 2018  
Agreed to by the House of Delegates, February 16, 2018

WHEREAS, for over 20 years, the American Heritage Girls scouting program has nurtured the spiritual fortitude, character development, community service, and devotion to family and country of thousands of young women across the Commonwealth; and

WHEREAS, the American Heritage Girls started in 1995, when Ohio mother Patti Garibay looked to develop a Christianity-centered exploration and development program for girls; and

WHEREAS, starting with just one group of fourth and fifth graders in Cincinnati, the American Heritage Girls have grown to include over 40,000 young women serving in more than 1,000 troops in every state, including several dozen troops in the Commonwealth; and

WHEREAS, dedicated to "building women of integrity through service to God, family, community, and country," the American Heritage Girls host a variety of activities for young women such as outdoor experiences, badge programs, service projects, and field trips; and

WHEREAS, as they grow, participants in the American Heritage Girls progress through five levels, including Pathfinder, Tenderheart, Explorer, Pioneer, and Patriot; at each level, they can acquire skill badges in everything from cake decorating and creative writing to emergency preparedness and archery; and

WHEREAS, the American Heritage Girls' Virginia-based troops are among the most active in the nation and are led by dedicated volunteers such as Rebecca Stone, who serves as a regional representative and hometown mentor for several troops in the Commonwealth; and

WHEREAS, during more than two decades in operation, the American Heritage Girls program has provided valuable service to communities across the nation and encouraged the development of confidence, personal well-being, and life skills of all its participants; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the American Heritage Girls for their longstanding commitment to developing the spiritual and moral character of young women in Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Rebecca Stone, regional representative for the American Heritage Girls, as an expression of the General Assembly's admiration for the organization's service to the community and best wishes for continued success.

#### SENATE JOINT RESOLUTION NO. 96

*Commending the Viking Division.*

Agreed to by the Senate, February 8, 2018  
Agreed to by the House of Delegates, February 16, 2018

WHEREAS, the Viking Division, a Purcellville-based division of the United States Naval Sea Cadet Corps, was named the top unit in the nation in 2017; and

WHEREAS, the United States Naval Sea Cadet Corps is a national youth program that promotes interest and skill in naval disciplines; officially established in 1962, the organization includes some 10,000 cadets who train from age 13 through the completion of high school; and

WHEREAS, founded in 2015, the Viking Division is comprised of 52 cadets and is sponsored by the National Capital Council of the Navy League of the United States; each year, its members participate in drills and regular training sessions involving everything from military ropes courses to instruction in naval operations and SCUBA diving; and

WHEREAS, in 2017, the Viking Division underwent an annual inspection that evaluated cadet conduct, training, recruiting ability, enrollment, attendance, and other factors; and

WHEREAS, following their official review, the Viking Division was awarded the prestigious John J. Bergen Trophy, which honors the outstanding Naval Sea Cadet Corps unit in the nation; in winning the award, the unit beat out 394 other divisions; and

WHEREAS, as a result of their top unit designation, the Viking Division was invited to attend the United States Navy SEAL East Coast reunion near Virginia Beach; during the reunion, cadets observed operations, completed a naval obstacle course, and met with SEAL veterans; and

WHEREAS, the Viking Division's top rating is a tribute to the hard work and dedication of its cadets and the able leadership of its staff, many of whom are law enforcement personnel or veterans of the armed forces; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Viking Division on being designated the top United States Naval Sea Cadet Corps unit in the nation; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Viking Division as an expression of the General Assembly's admiration for the unit's impressive accomplishments and best wishes for continued success.

**SENATE JOINT RESOLUTION NO. 97**

*Commending J.D. Diggs.*

Agreed to by the Senate, February 8, 2018  
 Agreed to by the House of Delegates, February 16, 2018

WHEREAS, J.D. Diggs, a dedicated leader who has protected his community as the sheriff of York County and the City of Poquoson, celebrated his 40th anniversary as a sworn law enforcement officer in 2017; and

WHEREAS, born and raised in Poquoson, J.D. "Danny" Diggs began his career in 1976 at the age of 19, working as a dispatcher for the Poquoson Police Department; the following year, he was sworn into the York County Sheriff's Office as a deputy sheriff; and

WHEREAS, Danny Diggs' leadership skills saw him rise steadily through the ranks as a law enforcement officer; he served as a uniform patrol officer and investigator with York County before joining the Gloucester County Sheriff's Office, where he attained the rank of major; and

WHEREAS, in 1999, Danny Diggs was elected sheriff of York County and Poquoson; in the years since, he has won re-election four times and earned the respect of his deputies and colleagues for his integrity and devotion to duty; and

WHEREAS, during Danny Diggs' tenure as sheriff, the York-Poquoson Sheriff's Office achieved its first accreditation from the Virginia Law Enforcement Professional Standards Commission and was reaccredited another three times; he also instituted new technology for use by sheriffs' deputies and oversaw a push to use social media to communicate with the public; and

WHEREAS, Danny Diggs has brought his wide-ranging experience to a variety of organizations; he currently sits on the CJIS/Technology and Legislative Affairs committees of the National Sheriffs' Association, and previously served as president of the Virginia Sheriffs' Association; in 2010, former Governor Bob McDonnell appointed him to the Commonwealth's Wireless E-911 Services Board; and

WHEREAS, Danny Diggs holds a political science degree and is a graduate of the FBI National Academy; he is a member of the FBI National Academy Associates and the International Association of Chiefs of Police, as well as an endowment member of the National Rifle Association; and

WHEREAS, in addition to his professional service, Danny Diggs sits on the board of the Boys and Girls Club of York County and is active in the York-Poquoson Red Cross, the York County Chamber of Commerce, and the Kiwanis Club of Grafton; and

WHEREAS, Danny Diggs' exemplary devotion to the safety of the citizens of York County and Poquoson has won him the abiding respect, admiration, and affection of the people he has so ably served; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend J.D. Diggs on 40 years of distinguished service as a law enforcement officer; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to J.D. Diggs as an expression of the General Assembly's admiration for his long and meritorious service to York County and Poquoson.

**SENATE JOINT RESOLUTION NO. 98**

*Commending Frank M. Beamer.*

Agreed to by the Senate, February 8, 2018  
 Agreed to by the House of Delegates, February 16, 2018

WHEREAS, Frank M. Beamer, the legendary former head coach of the Virginia Polytechnic Institute and State University football team, was selected for the College Football Hall of Fame as a member of the Class of 2018; and

WHEREAS, since 1951, the College Football Hall of Fame has honored the best of the best in the sport; a first-ballot inductee, Frank Beamer is one of 13 players and coaches in the Class of 2018; and

WHEREAS, Frank Beamer began his Virginia Polytechnic Institute and State University (Virginia Tech) football career as a player; starting at cornerback for three seasons, he helped the team make two Liberty Bowl appearances in 1966 and 1968; and

WHEREAS, in 1969, while he was earning a master's degree from Radford University, Frank Beamer worked as an assistant coach for the Radford High School football team; he served as an assistant coach and defensive coordinator at the college level before becoming head football coach at Murray State University; and

WHEREAS, in 1987, Frank Beamer became the first Virginia Tech alumnus to coach the Virginia Tech football team since the 1940s; over the course of his 29-season career, he led the Virginia Tech Hokies to four Atlantic Coast Conference (ACC) titles, 23 bowl game appearances, two major bowl game victories, and a national championship game appearance; and

WHEREAS, Frank Beamer pioneered an aggressive style of special teams play that became known as "Beamer Ball," during the 1990s, the Virginia Tech Hokies blocked 66 kicks, more than any team in the country; and

WHEREAS, the Virginia Tech Hokies and Frank Beamer made history in 1999 and 2000, posting the winningest seasons in school history with the team's first 11-0 regular season record, back-to-back 11-1 overall records, and a trip to the national championship; and

WHEREAS, Frank Beamer oversaw the Virginia Tech Hokies' transition from an independent team to the Big East in 1991 and the ACC in 2004; in the team's first season in the ACC, Frank Beamer was named ACC Coach of the Year for leading a young team to an ACC title and a Bowl Championship Series game, and the team earned the 2004 Fall Sportsmanship award; and

WHEREAS, in 2008, Frank Beamer recorded one of his finest efforts as a head coach, leading one of the youngest teams in his career through one of his toughest schedules to claim an ACC title and a win in the Orange Bowl; and

WHEREAS, Frank Beamer was a trusted mentor and a devoted leader both on and off the field; he encouraged many of his players to complete their degrees and inspired them to become active members of their communities and better citizens of the Commonwealth; and

WHEREAS, Frank Beamer finished his career as the winningest active coach in the National Collegiate Athletics Association Football Bowl Subdivision with 280 career wins, as well as one of the most respected and admired leaders in the sport, as named by his fellow coaches; and

WHEREAS, Frank Beamer was previously inducted into the Virginia Tech Sports Hall of Fame, and he earned many other awards and accolades, including eight national Coach of the Year awards in 1999 and the Coach of the Decade award from the Big East in 2000; and

WHEREAS, Frank Beamer and the Class of 2018 will be officially inducted into the College Football Hall of Fame on December 4, 2018, at the National Football Foundation Annual Awards Dinner in New York City; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Frank M. Beamer on his induction into the College Football Hall of Fame in the Class of 2018; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Frank M. Beamer as an expression of the General Assembly's admiration for his incredible achievements as a mentor and coach.

### SENATE JOINT RESOLUTION NO. 99

*Confirming appointments by the Governor of certain persons communicated January 22, 2018.*

Agreed to by the Senate, February 12, 2018  
Agreed to by the House of Delegates, March 8, 2018

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly confirm the following appointments of Secretaries, Chief of Staff, and advisor to the Governor made by Governor Ralph Northam and communicated to the General Assembly January 22, 2018.

**Daniel Carey** of **Lynchburg**, Virginia 24503, Secretary of Health and Human Resources, to serve at the pleasure of the Governor beginning January 13, 2018, to succeed William A. Hazel, Jr.

**Keyanna Conner** of **Henrico**, Virginia 23228, Secretary of Administration, to serve at the pleasure of the Governor beginning January 13, 2018, to succeed Nancy Rodrigues.

**Megan Healy** of **Richmond**, Virginia 23221, Chief Workforce Development Advisor to the Governor, to serve at the pleasure of the Governor beginning January 13, 2018, to fill a new seat.

**Carlos Hopkins** of **Henrico**, Virginia 23228, Secretary of Veterans and Defense Affairs, to serve at the pleasure of the Governor beginning January 13, 2018, to succeed himself.

**Aubrey L. Layne, Jr.** of **Virginia Beach**, Virginia 23452, Secretary of Finance, to serve at the pleasure of the Governor beginning January 13, 2018, to succeed Richard Daryl Brown.

**Esther Lee** of **McLean**, Virginia 22101, Secretary of Commerce and Trade, to serve at the pleasure of the Governor beginning January 13, 2018, to succeed Todd Patterson Haymore.

**Clark Mercer** of **Ashland**, Virginia 23005, Chief of Staff to the Honorable Ralph S. Northam, to serve at the pleasure of the Governor beginning January 13, 2018, to succeed Paul J. Reagan.

**Brian J. Moran** of **Midlothian**, Virginia 23113, Secretary of Public Safety and Homeland Security, to serve at the pleasure of the Governor beginning January 13, 2018, to succeed himself.

**Atif Qarni** of **Manassas**, Virginia 20111, Secretary of Education, to serve at the pleasure of the Governor beginning January 13, 2018, to succeed Dietra Trent.

**Bettina Ring** of **Charlottesville**, Virginia 22947, Secretary of Agriculture and Forestry, to serve at the pleasure of the Governor beginning January 13, 2018, to succeed Basil Gooden.

**Matthew Strickler** of **Cape Charles**, Virginia 23310, Secretary of Natural Resources, to serve at the pleasure of the Governor beginning January 13, 2018, to succeed Russ Baxter.

**Kelly Thomasson** of **Ashland**, Virginia 23005, Secretary of the Commonwealth, for a term of four years beginning January 22, 2018, and ending January 21, 2022, to succeed herself.

**Shannon Valentine** of **Lynchburg**, Virginia 24503, Secretary of Transportation, to serve at the pleasure of the Governor beginning January 13, 2018, to succeed Aubrey L. Layne, Jr.

### SENATE JOINT RESOLUTION NO. 100

*Confirming appointments by the Governor of certain persons communicated January 22, 2018.*

Agreed to by the Senate, February 12, 2018

Agreed to by the House of Delegates, March 8, 2018

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly confirm the following appointments of certain persons made by Governor Ralph Northam and communicated to the General Assembly January 22, 2018.

#### AGENCY HEADS

**Adrienne Bennett** of **Virginia Beach**, Virginia 23454, Chairman, Virginia Parole Board, to serve at the pleasure of the Governor beginning January 13, 2018, to succeed herself.

**Andrew K. Block, Jr.**, of **Charlottesville**, Virginia 22903, Director, Department of Juvenile Justice, to serve at the pleasure of the Governor beginning January 13, 2018, to succeed himself.

**Stephen C. Brich** of **Virginia Beach**, Virginia 23451, Commissioner, Department of Transportation, to serve at the pleasure of the Governor beginning January 13, 2018, to succeed Charles Kilpatrick.

**David E. Brown** of **Charlottesville**, Virginia 22903, Director, Department of Health Professions, to serve at the pleasure of the Governor beginning January 13, 2018, to succeed himself.

**Harold W. Clarke** of **Richmond**, Virginia 23225, Director, Department of Corrections, to serve at the pleasure of the Governor beginning January 13, 2018, to succeed himself.

**Clyde E. Cristman** of **Richmond**, Virginia 23231, Director, Department of Conservation and Recreation, to serve at the pleasure of the Governor beginning January 13, 2018, to succeed himself.

**Joseph F. Damico** of **Richmond**, Virginia 23120, Director, Department of General Services, to serve at the pleasure of the Governor beginning January 13, 2018, to succeed Christopher Beschler.

**Carlton Ray Davenport** of **Glen Allen**, Virginia 23059, Commissioner, Department of Labor and Industry, to serve at the pleasure of the Governor beginning January 13, 2018, to succeed himself.

**Rob Farrell** of **Keswick**, Virginia 22947, State Forester, Department of Forestry, to serve at the pleasure of the Governor beginning January 13, 2018, to succeed Bettina Ring.

**Evan M. Feinman** of **Richmond**, Virginia 23220, Executive Director, Tobacco Region Revitalization Commission, to serve at the pleasure of the Governor beginning January 13, 2018, to succeed himself.

**Mark K. Flynn** of **Quinton**, Virginia 23141, Director, Department of Aviation, to serve at the pleasure of the Governor beginning January 13, 2018, to succeed Randall Burdette.

**Manju S. Ganeriwala** of **Richmond**, Virginia 23238, State Treasurer, Department of the Treasury, to serve at the pleasure of the Governor beginning January 13, 2018, to succeed herself.

**Kevin Hall** of **Alexandria**, Virginia 22302, Director, Virginia Lottery, to serve at the pleasure of the Governor beginning January 13, 2018, to succeed Paula Otto.

**Stephanie L. Hamlett** of **Richmond**, Virginia 23226, Executive Director, Virginia Resources Authority, to serve at the pleasure of the Governor beginning January 13, 2018, to succeed Jean F. Bass (acting).

**Kathryn A. Hayfield** of **Richmond**, Virginia 23226, Director, Department for Aging and Rehabilitative Services, to serve at the pleasure of the Governor beginning January 13, 2018, to succeed James Rothrock.

**Ellen Marie Hess** of **Richmond**, Virginia 23235, Commissioner, Virginia Employment Commission, to serve at the pleasure of the Governor beginning January 13, 2018, to succeed herself.

**Travis Hill** of **Midlothian**, Virginia 23113, Chief Executive Officer, Virginia Alcoholic Beverage Control Authority, to serve at the pleasure of the Governor beginning January 13, 2018, to succeed himself.

**Richard D. Holcomb** of **Henrico**, Virginia 23233, Commissioner, Department of Motor Vehicles, to serve at the pleasure of the Governor beginning January 13, 2018, to succeed himself.

**Erik C. Johnston** of **North Chesterfield**, Virginia 23237, Director, Department of Housing and Community Development, to serve at the pleasure of the Governor beginning January 13, 2018, to succeed William Shelton.

**Jennifer Lee** of **Arlington**, Virginia 22202, Director, Department of Medical Assistance Services, to serve at the pleasure of the Governor beginning January 13, 2018, to succeed Cindi Jones.

**Marissa J. Levine** of **Richmond**, Virginia 23219, Commissioner, Department of Health, to serve at the pleasure of the Governor beginning January 13, 2018, to succeed herself.

**Rita D. McClenny** of **Richmond**, Virginia 23219, Executive Director, Virginia Tourism Corporation, to serve at the pleasure of the Governor beginning January 13, 2018, to succeed herself.

**Jennifer L. Mitchell** of **Richmond**, Virginia 23221, Director, Department of Rail and Public Transit, to serve at the pleasure of the Governor beginning January 13, 2018, to succeed herself.

**Michael T. Reilly** of **Arlington**, Virginia 22207, Executive Director, Department of Fire Programs, to serve at the pleasure of the Governor beginning January 13, 2018, to succeed Brook Pittinger (acting).

**Gary T. Settle** of **North Chesterfield**, Virginia 23235, Superintendent, Virginia State Police, to serve at the pleasure of the Governor beginning January 13, 2018, to succeed Steven Flaherty.

**S. Duke Storen** of **Fredericksburg**, Virginia 22407, Director, Department of Social Services, to serve at the pleasure of the Governor beginning January 13, 2018, to succeed Margaret Schultze.

**Shannon Dion Taylor** of **Richmond**, Virginia 23225, Director, Department of Criminal Justice Services, to serve at the pleasure of the Governor beginning January 13, 2018, to succeed Fran Ecker.

**David A. Von Moll** of **Richmond**, Virginia 23235, State Comptroller, Department of Accounts, to serve at the pleasure of the Governor beginning January 13, 2018, to succeed himself.

**Tracey Jeter Wiley** of **Richmond**, Virginia 23059, Director, Department of Small Business and Supplier Diversity, to serve at the pleasure of the Governor beginning January 13, 2018, to succeed herself.

**Timothy P. Williams** of **Mechanicsville**, Virginia 23116, Adjutant General, Department of Military Affairs, to serve at the pleasure of the Governor beginning January 13, 2018, to succeed himself.

#### AUTHORITY

##### Board of Directors of the Virginia Alcoholic Beverage Control Authority

**Jeffrey L. Painter** of **Richmond**, Virginia 23225, Chair, to serve at the pleasure of the Governor beginning January 13, 2018, to fill a new seat.

**Mark E. Rubin** of **Richmond**, Virginia 23227, Member, to serve at the pleasure of the Governor beginning January 13, 2018, to fill a new seat.

#### PUBLIC SAFETY AND HOMELAND SECURITY

##### Alcoholic Beverage Control Board

**Maria J.K. Everett** of **Henrico**, Virginia 23229, Chair, to serve at the pleasure of the Governor beginning January 13, 2018, to succeed Jeffrey L. Painter.

**Beth G. Hungate-Noland** of **Richmond**, Virginia 23223, Commissioner, to serve at the pleasure of the Governor beginning January 13, 2018, to succeed Henry L. Marsh III.

#### SENATE JOINT RESOLUTION NO. 101

*Celebrating the life of Joseph Henry Wood, Sr.*

Agreed to by the Senate, February 8, 2018

Agreed to by the House of Delegates, February 16, 2018

WHEREAS, Joseph Henry Wood, Sr., a beloved father and husband, respected veteran, and enthusiastic supporter of the Clifton Forge community, died on August 18, 2017; and

WHEREAS, a native of the scenic Alleghany Highlands, Joseph "Joe" Wood attended Clifton Forge High School and Hampden-Sydney College; and

WHEREAS, a veteran of the United States Army, Joe Wood served with Special Forces Intelligence in Panama as a young man before returning to Clifton Forge and teaching Spanish at Clifton Forge High School; and

WHEREAS, Joe Wood later served as president of Wood Chevrolet, his family business, and then worked as an insurance agent until his retirement; and

WHEREAS, a lifelong booster of his hometown of Clifton Forge, Joe Wood helped strengthen the community as a member of the Clifton Forge City Council; he was a member and leader of many civic and service organizations, including Kiwanis and the Jaycees, and enjoyed fellowship and worship at Clifton Forge Presbyterian Church; and

WHEREAS, Joe Wood was a proud supporter of the Hampden-Sydney College Alumni Association and noted shortly before his death that he had never missed an alumni weekend; he was also an active member of the Clifton Forge High School Alumni and helped run its annual golf tournament; and

WHEREAS, devoted to his family, Joe Wood loved backyard cookouts after rounds of golf with his sons; and

WHEREAS, preceded in death by his wife of 49 years, Katherine, and his brother Tom, Joe Wood will be greatly missed and fondly remembered by his children, Joseph, Jr., George, David, and Susan; seven grandchildren and great-grandchildren; and many other family members, friends, and colleagues; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Joseph Henry Wood, Sr., a dedicated member of the Clifton Forge community; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Joseph Henry Wood, Sr., as an expression of the General Assembly's respect for his memory.

**SENATE JOINT RESOLUTION NO. 102***Celebrating the life of William Stephen Hodges.*

Agreed to by the Senate, February 8, 2018

Agreed to by the House of Delegates, February 16, 2018

WHEREAS, William Stephen Hodges, a loyal public servant who made many contributions to the Allegheny Highlands, died on December 4, 2017; and

WHEREAS, a native of Minden, West Virginia, William "Bill" Hodges relocated to the Commonwealth to pursue a career as an educator; he served as principal of two elementary schools and retired from Allegheny County Public Schools as director of instruction and personnel; and

WHEREAS, Bill Hodges continued to support the students of Allegheny County as School Board chair, and he was also a board member of the Jackson River Preservation Association, playing a crucial role in the establishment of the Jackson River Scenic Trail; and

WHEREAS, desirous to be of further service to his fellow residents, Bill Hodges ran for and was elected to the Allegheny County Board of Supervisors, representing the Falling Spring District, and ably led the board as chair; and

WHEREAS, Bill Hodges was also a member of Covington Lodge No. 171 A.F. & A.M., and the Clifton Forge Shrine Club; he enjoyed fellowship and worship with the community as a member of Emory United Methodist Church; and

WHEREAS, Bill Hodges will be fondly remembered and greatly missed by his wife of 60 years, Dana; sons, William and Stephen, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of William Stephen Hodges; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of William Stephen Hodges as an expression of the General Assembly's respect for his memory.

**SENATE JOINT RESOLUTION NO. 103***Commending the Honorable Craig D. Johnston.*

Agreed to by the Senate, February 8, 2018

Agreed to by the House of Delegates, February 16, 2018

WHEREAS, the Honorable Craig D. Johnston, a former chief judge of both the Prince William General District Court and the Prince William Circuit Court, will retire as a judge after more than a decade on the bench; and

WHEREAS, Craig Johnston received a bachelor's degree from Dickinson College, then served the nation as an infantry officer during the Vietnam War; after his honorable military service, he earned a law degree from the University of Virginia; and

WHEREAS, Craig Johnston practiced law in Manassas for 30 years, garnering the respect of both community members and his peers in the legal field; he was a board member and past president of the Prince William County Bar Association and represented Prince William County on the Virginia State Bar Council for two terms; and

WHEREAS, Craig Johnston authored the first volume of the Thomson Reuters Virginia Practice series "Trial Handbook for Virginia Lawyers," which provides insights on practice, procedure, and rules of evidence in the Commonwealth; and

WHEREAS, in 2004, Craig Johnston was appointed as a judge of the Prince William General District Court of the Thirty-first Judicial District of Virginia and served the members of the community with integrity, dedication, and distinction; and

WHEREAS, Craig Johnston was then appointed to the Prince William Circuit Court of the Thirty-first Judicial Circuit of Virginia in 2009; he presided over the courts with fairness and wisdom and was selected to serve as chief judge of both; and

WHEREAS, after his well-earned retirement, Craig Johnston plans to spend more time with his wife of 48 years, Joyce, and their children and grandchildren; he will continue to serve the community as a substitute judge and a mediator; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Honorable Craig D. Johnston on the occasion of his retirement as a judge of the Prince William Circuit Court; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Honorable Craig D. Johnston as an expression of the General Assembly's admiration for his outstanding service to Prince William County and the Commonwealth.

**SENATE JOINT RESOLUTION NO. 104***Celebrating the life of the Reverend Dr. Wyatt Tee Walker.*

Agreed to by the Senate, February 8, 2018  
 Agreed to by the House of Delegates, February 14, 2018

WHEREAS, the Reverend Dr. Wyatt Tee Walker, pastor, scholar, lifelong advocate for justice, and national leader in the Civil Rights Movement, died on January 23, 2018; and

WHEREAS, Wyatt Tee Walker, a graduate of Virginia Union University, served as pastor of Gillfield Baptist Church in Petersburg in the early years of the Civil Rights Movement, during which time he served concurrently as pastor of Mount Level Baptist Church in Dinwiddie, was president of the Petersburg branch of the National Association for the Advancement of Colored People (NAACP), was state director of the Congress of Racial Equality, founded and led the Petersburg Improvement Association, and served as director of the board of the Southern Christian Leadership Conference; and

WHEREAS, in resistance to the social injustices that he encountered throughout his life, Wyatt Tee Walker endured 17 arrests, the first of which occurred when he tried to borrow a book during a demonstration at the segregated Petersburg Public Library; and

WHEREAS, in his efforts to peacefully attain civil rights for African Americans in the South, Wyatt Tee Walker formed a friendship and partnership with Dr. Martin Luther King, Jr., and served as his chief of staff; and

WHEREAS, at the invitation of Dr. Martin Luther King, Jr., Wyatt Tee Walker moved to Atlanta with his wife, Theresa, and children to become the first full-time executive director of the Southern Christian Leadership Conference, which, under his leadership, grew into an organization of national prominence, with the power to effect widespread and lasting change in the struggle for civil rights in the United States; and

WHEREAS, historic campaigns that won support for the Civil Rights Movement in the 1960s and brought national recognition to the efforts of Dr. Martin Luther King, Jr., were organized and supported by Wyatt Tee Walker, including the first phase of the Birmingham campaign, on which subsequent nonviolent demonstrations were modeled, and the March on Washington in 1963; and

WHEREAS, Wyatt Tee Walker's efforts contributed to the desegregation of the South and to the major victories for civil rights encoded in the Civil Rights Act of 1964 and the Voting Rights Act of 1965; and

WHEREAS, having made great progress in gaining civil rights, Wyatt Tee Walker did not lessen his efforts, but took on a new role as pastor at Canaan Baptist Church of Christ in Harlem where he served for 37 years, during which time he advocated for affordable housing and equality in education and continued to fight for civil rights not only in the United States, but worldwide; and

WHEREAS, Wyatt Tee Walker will be memorialized on the Virginia Dr. Martin Luther King, Jr. Memorial Commission's Emancipation Proclamation and Freedom Monument in Richmond, dedicated to the contributions of African American Virginians in the centuries-long fight for freedom in the United States; and

WHEREAS, the life and work of Wyatt Tee Walker have brought Virginia and the nation closer to the dream of peace and justice embodied in the Civil Rights Movement; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of the Reverend Dr. Wyatt Tee Walker; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of the Reverend Dr. Wyatt Tee Walker, the Director of the Virginia State Conference NAACP, and the President of the Southern Christian Leadership Conference Virginia State Unit as an expression of the Senate's respect for Dr. Walker's memory and gratefulness for the progress that he brought about through his life's work.

**SENATE JOINT RESOLUTION NO. 105***Celebrating the life of the Reverend Dr. Curtis West Harris.*

Agreed to by the Senate, February 8, 2018  
 Agreed to by the House of Delegates, February 16, 2018

WHEREAS, the Reverend Dr. Curtis West Harris, a respected religious leader, a dedicated public servant, and a champion for Civil Rights who made many contributions to the Hopewell community, died on December 10, 2017; and

WHEREAS, a native of Dendron, Curtis Harris grew up in Hopewell, where he attended public schools; he furthered his education at Virginia Union University, then pursued a career with Allied Chemical Corporation; and

WHEREAS, Curtis Harris learned the value of compassion and service to others at a young age, and he was guided by his mother's selfless example to answer the call to ministry; he was ordained in 1959 and served as the pastor of First Baptist Church Bermuda Hundred in Chester for 10 years; and

WHEREAS, Curtis Harris later served as pastor of Gilfield Baptist Church in Ivor for 33 years; he retired as pastor of Union Baptist Church in Hopewell, and he was named pastor emeritus after providing close to a half-century of wise spiritual leadership; and

WHEREAS, Curtis Harris began a long association with the Civil Rights movement when he was elected as president of the Hopewell chapter of the NAACP; he attended the March on Washington for Jobs and Freedom and participated in the Selma to Montgomery marches to secure voting rights for African Americans, as well as sit-ins and other peaceful protests; and

WHEREAS, in the 1960s, Curtis Harris also developed an interest in government, and he went on to be elected as the second African American member of the Hopewell City Council; he was sworn in as the city's first African American mayor in 1998 and retired from public office in 2012, after 26 years of exceptional service; and

WHEREAS, Curtis Harris also volunteered his time and wise leadership to many civic and service organizations, including the Hopewell Ministerial Association, the Hopewell Improvement Association, the Southern Christian Leadership Conference, and the Virginia Advisory Committee to the U.S. Commission on Civil Rights; and

WHEREAS, predeceased by his loving wife of 65 years, Ruth, Curtis Harris will be fondly remembered and greatly missed by his children, Curtis, Jr., Kenneth, Michael, Joanne, Karen, and Michelle, and their families and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of the Reverend Dr. Curtis West Harris, a religious leader who devoted his life to the community and the cause of equal rights; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of the Reverend Dr. Curtis West Harris as an expression of the General Assembly's respect for his memory.

**SENATE JOINT RESOLUTION NO. 106**

*Commending the Hopewell High School football team.*

Agreed to by the Senate, February 8, 2018

Agreed to by the House of Delegates, February 16, 2018

WHEREAS, the Hopewell High School football team won the Virginia High School League Class 3 state championship on December 10, 2017, securing the program's fifth state title; and

WHEREAS, the state championship win capped off an impressive season for the Hopewell High School Blue Devils, who relied on a punishing defense and an excellent running and passing game to finish with an overall record of 11–4; and

WHEREAS, in a title game played at The College of William and Mary, the Hopewell Blue Devils defeated Lynchburg's Heritage Pioneers 20–14 to claim their first championship since 2003; and

WHEREAS, the Hopewell Blue Devils burst out of the gate in the championship game with a rushing touchdown from tailback Ronnie Walker; as the first half ticked away, the team added two more touchdowns in a matter of seconds, including a 51-yard touchdown pass from Greg Cuffey to Sean Allen and a 45-yard interception return for a touchdown from senior Reizon Murphy; and

WHEREAS, the Hopewell Blue Devils ended the first half of the title game with a commanding 20–0 lead, but in the second half they were forced to withstand a rushing onslaught from the Heritage Pioneers, who scored twice to make it 20–14; and

WHEREAS, despite the Heritage Pioneers' rally, the Hopewell Blue Devils clinched the victory in the fourth quarter thanks to stout defensive play from Daryan Blowe, Deandre Thomas, and Kaiveon Cox; Reizon Murphy ended the game with 14 total tackles and two interceptions; and

WHEREAS, Hopewell's head coach, Ricky Irby, was named the Region 3A Coach of the Year, Reizon Murphy was named Region 3A Defensive Player of the Year, and Greg Cuffey was named Region 3A Offensive Player of the Year with more than 2,000 passing yards in the season; the team also had a thousand-yard rusher in Ronnie Walker and a thousand-yard receiver in Sean Woods-Allen; and

WHEREAS, the Hopewell High School football team's championship victory is a testament to the skill and dedication of its student-athletes, the exceptional guidance of its coaches and staff, and the enthusiastic support of family members, friends, and the entire Hopewell High School community; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Hopewell High School football team on winning the 2017 Virginia High School League Class 3 state championship; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Ricky Irby, head coach of the Hopewell High School football team, as an expression of the General Assembly's admiration for the team's remarkable season and best wishes for future success.

**SENATE JOINT RESOLUTION NO. 107**

*Celebrating the life of Nellie Jane Hinderman McLeod.*

Agreed to by the Senate, February 8, 2018

Agreed to by the House of Delegates, February 16, 2018

WHEREAS, Nellie Jane Hinderman McLeod, a beloved wife and mother and a trailblazing Civil Rights campaigner who was instrumental in the integration of Chesterfield County Public Schools, died on October 29, 2017; and

WHEREAS, born in Beeville, Texas, in 1926, Nellie McLeod moved to Virginia following her marriage to husband William McLeod; the couple later settled in Hopewell and Ettrick, where she worked as a hair stylist; and

WHEREAS, a fearless campaigner for Civil Rights, Nellie McLeod spent much of the 1960s leading voter registration drives and championing equal treatment for African Americans in the justice system; she also spearheaded movements for the release of wrongly incarcerated black prisoners and the rehiring of black workers unfairly let go from their jobs; and

WHEREAS, in 1961, having become fed up with the inferior supplies and facilities at segregated schools in Ettrick, Nellie McLeod attempted to enroll her daughters at the all-white Ettrick Elementary School; when her request was denied, she led a small group of African American parents in filing a lawsuit against the Chesterfield County School Board; and

WHEREAS, ignoring threats and other intimidation, Nellie McLeod persevered with her lawsuit until November 1962, when a court order finally resulted in the integration of public schools in Chesterfield County; and

WHEREAS, during her long career as a community organizer, Nellie McLeod led countless meetings and protests and met with renowned Civil Rights figures such as Wyatt Tee Walker and the Reverend Martin Luther King, Jr.; and

WHEREAS, Nellie McLeod was also a longtime Democratic Party supporter who represented the state as a delegate at numerous national conventions; and

WHEREAS, in recognition of her courage and leadership, Nellie McLeod received awards from the NAACP and the Southern Christian Leadership Conference; and

WHEREAS, outside of her pioneering career as an activist, Nellie McLeod was a talented gardener and cook who regularly volunteered at Central State Hospital in Petersburg; and

WHEREAS, Nellie McLeod will be fondly remembered and greatly missed by her husband, William; children, Harold, Priscilla, Charles, Sheila, Yolanda, and Kimberli, and their families; and countless other family members, friends, and supporters; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Nellie Jane Hinderman McLeod, a brave and influential activist who promoted education equality in Chesterfield County; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Nellie Jane Hinderman McLeod as an expression of the General Assembly's respect for her memory.

### SENATE JOINT RESOLUTION NO. 108

*Celebrating the life of Macon Foscue Brock, Jr.*

Agreed to by the Senate, February 8, 2018

Agreed to by the House of Delegates, February 16, 2018

WHEREAS, Macon Foscue Brock, Jr., a devoted husband and father and a respected business leader and philanthropist who cofounded the Dollar Tree chain of variety stores, died on December 9, 2017; and

WHEREAS, a native of Norfolk, Macon Brock graduated from Randolph-Macon College in 1964; he then served his country as a United States Marine Corps captain in Vietnam and as a Naval Intelligence officer; and

WHEREAS, following his military service, Macon Brock began working at his father-in-law's retail store in Norfolk; along with his brother-in-law, he helped grow the business into the successful 136-store chain K&K Toys, Inc.; and

WHEREAS, in 1986, Macon Brock broke new ground in the retail industry when he cofounded a collection of five discount stores under the name Only \$1.00; later known as Dollar Tree, the company has since grown into a retail powerhouse with 13,600 stores in 48 states and Canada; and

WHEREAS, Macon Brock served as Dollar Tree's first president and chief executive officer and later served as chairman of its board from 2001 to 2017, overseeing its expansion into a Fortune 500 company; and

WHEREAS, known for his ability to spot lucrative deals, Macon Brock regularly traveled the world to seek out new products for Dollar Tree's shelves; in 2017, he published a book about the store's monumental rise called *One Buck at a Time*; and

WHEREAS, a leading philanthropist, Macon Brock gave generously to many institutions of higher learning, including Randolph-Macon College, Old Dominion University, Longwood University, and Virginia Wesleyan University, where he established the Center for Religious Freedom; and

WHEREAS, Macon Brock's many other charitable initiatives included bringing the College Access Program to Virginia Beach, creating the M. Foscue Brock Institute for Community and Global Health at Eastern Virginia Medical School, supporting several campaigns at the Chrysler Museum of Art in Norfolk, and funding the Chesapeake Bay Foundation's Brock Environmental Center; and

WHEREAS, Macon Brock's leadership skills and expertise saw him serve as chairman of the board of Randolph-Macon College, director of the Hampton Roads Community Foundation, and co-chairman of the Leadership Academy for Norfolk Public Schools; and

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WHEREAS, Macon Brock was also a trustee of the Chrysler Museum of Art, the Virginia Aquarium, the Mariners' Museum of Newport News, and the Virginia Foundation for Independent Colleges; and

WHEREAS, in 2009, Macon Brock was named the First Citizen of Virginia Beach by the Virginia Beach Jaycees; along with his wife, he also received the Darden Award for Regional Leadership from the Civic Leadership Institute and the Philanthropists of the Year award from the Association of Fundraising Professionals; and

WHEREAS, Macon Brock will be fondly remembered and dearly missed by his wife of 53 years, Joan; children, Kathryn, Christy, and Macon III, and their families; and many other family members, friends, and former colleagues; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Macon Foscue Brock, Jr., a pioneering businessman and a generous supporter of philanthropic initiatives in Virginia Beach and across the Commonwealth; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Macon Foscue Brock, Jr., as an expression of the General Assembly's respect for his memory.

**SENATE JOINT RESOLUTION NO. 109**

*Commending the Virginia Commission for the Arts.*

Agreed to by the Senate, February 8, 2018

Agreed to by the House of Delegates, February 16, 2018

WHEREAS, the arts enrich the natural character, individual spirit, and quality of life of the citizens of the Commonwealth and have become an integral part of Virginia's education, history, culture, and economy; and

WHEREAS, in 2018, the Virginia Commission for the Arts is celebrating 50 years of supporting arts and culture for all Virginians; and

WHEREAS, the Commonwealth's educational priorities demand a well-rounded education for every Virginia child, including access to arts learning and arts and cultural experiences; and

WHEREAS, nonprofit arts organizations represent an important asset in the Commonwealth's economic development; in 2017, Virginia was home to more than 17,000 arts-related businesses that employed more than 68,500 people and bolstered the Commonwealth's tourism and travel industries; and

WHEREAS, public investment in the arts at the state level sends a strong message to the private sector and creates leverage for arts organizations to obtain federal and local government funding and significant private support; and

WHEREAS, through its grant process, the Virginia Commission for the Arts provides essential operating support for nonprofit arts organizations and educational activities that reached 1.6 million Virginia children last year, and enabled more than 5.8 million people to attend over 38,000 arts events made possible through funding provided by the Commission; and

WHEREAS, in the mid-1980s, Virginia leaders in government, business, and the arts embraced a public funding goal of one dollar per capita to be allocated for support of the Virginia Commission for the Arts; and

WHEREAS, by the 1989-1990 fiscal year, state and federal funding of the Virginia Commission for the Arts had exceeded \$5.5 million and Virginia was within a few hundred thousand dollars of reaching the dollar-per-capita goal; and

WHEREAS, the Commission Studying Creative Solutions for Funding for the Arts in the Commonwealth determined that appropriating one dollar per capita for the Commission Studying Creative Solutions for Funding for the Arts is a realistic goal that will confirm the Commonwealth's long-term commitment to supporting the arts while providing a funding incentive for private contributors; and

WHEREAS, over the last two decades, the impact of economic recessions coupled with changes in the spending priorities of successive administrations has resulted in substantial and disproportionate cuts to the Virginia Commission for the Arts that plummeted Virginia's support to 30 cents per person; and

WHEREAS, even though some of the funding for the Virginia Commission for the Arts has been restored in some years through increases proposed by the General Assembly, Virginia still ranks 10th from the bottom of all states in its support of the arts; and

WHEREAS, the national average among states is now more than one dollar per capita, while Virginia provides just 43 cents per person; the Commonwealth is committed to meeting its goal to appropriate one dollar per capita for the support of the Virginia Commission for the Arts as resources permit in the coming years; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Virginia Commission for the Arts on the occasion of its 50th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare copies of this resolution for presentation to the Virginia Commission for the Arts and the president of Virginians for the Arts as an expression of the General Assembly's appreciation for the vital importance of state support for the arts.

**SENATE JOINT RESOLUTION NO. 110***Commending the Loudoun County Chamber of Commerce.*

Agreed to by the Senate, February 8, 2018  
 Agreed to by the House of Delegates, February 12, 2018

WHEREAS, the Loudoun County Chamber of Commerce was established on December 18, 1968, formalizing a long tradition of business associations in Loudoun County; and

WHEREAS, from humble beginnings, the Loudoun County Chamber of Commerce has grown to become the largest chamber of commerce in Northern Virginia, with more than 1,250 members forming the premier network of business and community leaders in one of the nation's most economically vibrant and fastest-growing counties; and

WHEREAS, the Loudoun County Chamber of Commerce membership represents businesses, nonprofit organizations, and public sector partners of every size and industry in Loudoun County; and

WHEREAS, the Loudoun County Chamber of Commerce is an active promoter of Loudoun County as a world-class destination for commercial investment and tourism; and

WHEREAS, the Loudoun County Chamber of Commerce produces more than 100 programs and events that provide local businesses and their employees with marketing exposure, professional development, and valuable networking opportunities to connect with their peers and engage with political and community leaders; and

WHEREAS, the Loudoun County Chamber of Commerce offers local business leaders exclusive opportunities to shape the vital legislative and public policy issues impacting Loudoun County's economy and quality of life; and

WHEREAS, the Loudoun County Chamber of Commerce is a dynamic organization filled with talented entrepreneurs and visionary leaders who are dedicated to making Loudoun County the nation's finest place to live, work, and grow a business; and

WHEREAS, Northern Virginia's top businesses are Loudoun County Chamber of Commerce members because the chamber provides them with the resources, connections, and leadership they need to succeed in a competitive environment; and

WHEREAS, the Loudoun County Chamber of Commerce commemorated the historic milestone of its 50th anniversary at its annual meeting on January 26, 2018; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Loudoun County Chamber of Commerce on the occasion of its 50th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Loudoun County Chamber of Commerce as an expression of the General Assembly's admiration for its contributions to Northern Virginia and the Commonwealth.

**SENATE JOINT RESOLUTION NO. 111***Commending Bernard J. Caton.*

Agreed to by the Senate, February 8, 2018  
 Agreed to by the House of Delegates, February 16, 2018

WHEREAS, Bernard J. Caton, a respected professional who helped organize the Virginia Department of Environmental Quality, retired as the longest-serving legislative director of the City of Alexandria in 2017, after a distinguished 40-year career in local and state government; and

WHEREAS, Bernard "Bernie" Caton holds degrees from Webster University in Missouri and the University of Virginia; he began his career as a research associate with the Virginia Division of Legislative Services, providing staff support to five committees; and

WHEREAS, from 1984 to 1990, Bernie Caton was the deputy director for the State Water Control Board; he organized the agency's policy office and managed Chesapeake Bay clean-up efforts; and

WHEREAS, in 1990, Bernie Caton was appointed by Governor Lawrence Douglas Wilder to serve as deputy secretary of natural resources; he led the Commonwealth's initiative to implement the 1990 federal Clean Air Act amendments and helped create the Virginia Department of Environmental Quality; and

WHEREAS, as deputy director of the Virginia Department of Environmental Quality from 1993 to 1994, Bernie Caton oversaw the consolidation of several state agencies and boards and helped develop authorizing legislation for the new single entity; and

WHEREAS, Bernie Caton then served as a consultant for the Environmental Protection Agency before joining the City of Alexandria as legislative director in 1995; in that capacity, he worked closely with the mayor and the city council to advance major local and regional policies, including transportation policies; and

WHEREAS, Bernie Caton helped guide the city through great periods of growth and change throughout his tenure as legislative director, and he was crucial in the aftermath of the September 11, 2001, attacks, working in Richmond and Washington, D.C., on key post-incident initiatives such as the reopening of Ronald Reagan Washington National Airport; and

WHEREAS, throughout his career, Bernie Caton has been a trusted mentor to countless young employees and a valuable resource to all of his colleagues as both an expert parliamentarian and a Virginia historian; and

WHEREAS, after his well-earned retirement, Bernie Caton plans to spend more time with his wife, Kathy, and their daughter Rebecca and her family, as well as to seek new opportunities to continue serving the community; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Bernard J. Caton on the occasion of his retirement as legislative director of the City of Alexandria; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Bernard J. Caton as an expression of the General Assembly's admiration for his legacy of contributions to the Commonwealth.

### SENATE JOINT RESOLUTION NO. 112

*Commending R. Dan Hix.*

Agreed to by the Senate, February 8, 2018

Agreed to by the House of Delegates, February 16, 2018

WHEREAS, R. Dan Hix, the recently retired director of finance policy for the State Council of Higher Education for Virginia, is the longest-serving employee in the council's history, with more than 38 years of service to the Commonwealth; and

WHEREAS, R. Dan Hix provided outstanding service to the council throughout his tenure and strong leadership to its finance policy section since 2004; and

WHEREAS, R. Dan Hix forged strong relationships with and unwavering responsiveness to the administrations of 10 governors and the members of 39 sessions of the General Assembly; and

WHEREAS, R. Dan Hix brought unparalleled excellence and integrity to his work on behalf of the council, developing innovative statewide finance policies and ably managing its system-wide budgetary functions; and

WHEREAS, R. Dan Hix earned the respect of council members, executive and legislative staffers, institutional finance officers, and his agency colleagues for his vision, compassion, steadfast work ethic and experience; and

WHEREAS, R. Dan Hix worked tirelessly for almost four decades to bring together constituencies from across the Commonwealth to promote and improve higher education; and

WHEREAS, R. Dan Hix left an indelible legacy, not only at his agency, but on all of Virginia higher education, for generations to come; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend R. Dan Hix for his exceptional service to the Commonwealth at the State Council of Higher Education for Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to R. Dan Hix as an expression of the General Assembly's admiration for his dedication and service.

### SENATE JOINT RESOLUTION NO. 113

*Commending the Thomas C. Sorensen Institute for Political Leadership.*

Agreed to by the Senate, February 8, 2018

Agreed to by the House of Delegates, February 16, 2018

WHEREAS, the Thomas C. Sorensen Institute for Political Leadership at the University of Virginia was established by a group of public-spirited citizens in 1993 to improve political leadership and strengthen the quality of governance at all levels of the Commonwealth; and

WHEREAS, through educational programs designed around public policy, ethics, and practical politics, the Sorensen Institute prepares Virginia's emerging leaders for public service as candidates for office, government officials, and active citizens in the affairs of their communities, the Commonwealth, and the nation; and

WHEREAS, the Sorensen Institute's Political Leaders Program, Emerging Leaders Program, Candidate Training Program, College Leaders Program, and High School Leaders Program can now claim some 2,200 alumni, including Governor Ralph Northam, current and former members of the General Assembly on both sides of the aisle, public servants at the local and federal levels, and many local community leaders; and

WHEREAS, the alumni of the Sorensen Institute provide an example of ethical and respectful behavior that respects differences of opinion and seeks cooperation amid the policy battles and political campaigns that define public life; and

WHEREAS, Sorensen Institute alumni build bonds of friendship across ideological lines and from one end of the Commonwealth to the other; these bonds serve to strengthen the legislative and policymaking process, improve the tone of debates and campaigns, and increase civility in government; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Thomas C. Sorensen Institute for Political Leadership on the occasion of its 25th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Thomas C. Sorensen Institute for Political Leadership as an expression of the General Assembly's admiration for the continuing contributions of the institute's distinguished alumni to public life in the Commonwealth.

#### SENATE JOINT RESOLUTION NO. 114

*Commending Michelle Cottrell-Williams.*

Agreed to by the Senate, February 8, 2018  
Agreed to by the House of Delegates, February 15, 2018

WHEREAS, Michelle Cottrell-Williams, a social studies teacher at Wakefield High School in Arlington County Public Schools who motivates and inspires countless students, was named the 2018 Virginia Teacher of the Year; and

WHEREAS, Michelle Cottrell-Williams earned a bachelor's degree with a major in history from Utah State University and a Master of Education degree from The George Washington University; and

WHEREAS, Michelle Cottrell-Williams is a dedicated teacher-leader who has assumed a wide range of roles at Wakefield High School to support and elevate the teaching profession; and

WHEREAS, among her many school activities, Michelle Cottrell-Williams has served as an instructional lead teacher, a member of the Project LEAD team, a member of the Wakefield High School Internal Modifications Committee for Design and Construction, a Blackboard Course Mentor for Secondary T-Scale New Hires, and chair of the Social Studies Department; and

WHEREAS, Michelle Cottrell-Williams has reached out beyond her school by assuming other division and statewide roles, including as a Virginia Department of Education Standards of Learning Trainer for Regions 4 and 5, a planner and organizer for the We Are All Arlington! Daytime Student Event, and a speaker at various events; and

WHEREAS, Michelle Cottrell-Williams received the Virginia Teacher of the Year award at a special ceremony in Richmond on September 18, 2017, and she represented the Commonwealth as a nominee for the 2018 National Teacher of the Year award; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Michelle Cottrell-Williams on being named the 2018 Virginia Teacher of the Year; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Michelle Cottrell-Williams as an expression of the General Assembly's admiration for her commitment to serving, teaching, and inspiring the students of Arlington and the Commonwealth.

#### SENATE JOINT RESOLUTION NO. 115

*Celebrating the life of Annie Belle Daniels.*

Agreed to by the Senate, February 8, 2018  
Agreed to by the House of Delegates, February 16, 2018

WHEREAS, Annie Belle Daniels, a champion for voting rights who left an indelible mark on the Newport News community both as a businesswoman and an activist, died on April 27, 2017, at the age of 100; and

WHEREAS, a native of Alabama, Annie Daniels attended cosmetology school in Virginia, then opened her own salon and later founded the Madam Daniels School of Beauty Culture; she inspired countless young women as they pursued their own careers and was affectionately known to many as "Madam Daniels"; and

WHEREAS, Annie Daniels supported the community through fashion shows and other fundraisers to benefit the local Boys and Girls Clubs and Newport News General Hospital, and her delicious meals and coveted holiday fruitcakes were well known throughout the area; and

WHEREAS, from a young age, Annie Daniels was passionate about democracy and was deeply involved in civic life; at a time when poll taxes were still legal, she sold cups of soup in her shop and donated the proceeds to community members who could not afford the tax but still wished to vote; and

WHEREAS, Annie Daniels was an active member and recruiter for the NAACP, and she volunteered at polling places in the Magruder Precinct well into her 80s; her wise counsel was sought after by local and state government officials, as well as other community leaders; and

WHEREAS, in recognition of her legacy of contributions to Civil Rights and social justice in Newport News, Annie Daniels received many awards and accolades throughout her life, including a historical marker near her cosmetology school; she was also honored as one of the African American Trailblazers in Virginia History by the Library of Virginia; and

WHEREAS, Annie Daniels will be fondly remembered and greatly missed by her son, Gerald, and his family and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Annie Belle Daniels, a highly respected Civil Rights activist and community leader in Newport News; and, be it

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RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Annie Belle Daniels as an expression of the General Assembly's respect for her memory.

**SENATE JOINT RESOLUTION NO. 116**

*Celebrating the life of the Honorable Albert Woodfin Patrick III.*

Agreed to by the Senate, February 8, 2018  
 Agreed to by the House of Delegates, February 16, 2018

WHEREAS, the Honorable Albert Woodfin Patrick III, a lifelong resident of Hampton who served the community as an attorney, a judge, and an active volunteer for youth sports and civic organizations, died on October 9, 2017; and

WHEREAS, Albert "Pat" Patrick attended Hampton Public Schools and earned bachelor's and law degrees from the University of Virginia; he practiced law in Hampton from 1976 to 1996, when he was appointed judge of the Hampton General District Court of the Eighth Judicial District of Virginia; and

WHEREAS, Pat Patrick presided over the court with great fairness and wisdom for more than 20 years and worked to treat everyone he encountered with dignity and respect; he inspired countless attorneys and judges through his integrity, dedication, and good nature; and

WHEREAS, a champion for education, Pat Patrick offered his wise leadership to the Hampton School Board for 10 years, including seven years as chair; he also served as president of the Virginia School Boards Association and was a member of the National School Boards Association Board of Directors; and

WHEREAS, Pat Patrick was most passionate about youth athletics; in addition to serving as chair of the Hampton YMCA, he refereed high school basketball games, including six state championships, over the course of more than 20 years; and

WHEREAS, Pat Patrick volunteered a great deal of time with the Hampton Wythe Little League as a coach, umpire, announcer, and concessions worker; he watched all five of his children play in the league and served as an assistant coach to the head coach, his wife, who won two straight league championships; and

WHEREAS, Pat Patrick will be fondly remembered and greatly missed by his wife, Jerri; children, Woody, Jason, Molly, Chance, and Dallas, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of the Honorable Albert Woodfin Patrick III, a distinguished attorney and judge and an active community leader; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of the Honorable Albert Woodfin Patrick III as an expression of the General Assembly's respect for his memory.

**SENATE JOINT RESOLUTION NO. 117**

*Celebrating the life of Gayle P. Emerson.*

Agreed to by the Senate, February 15, 2018  
 Agreed to by the House of Delegates, February 23, 2018

WHEREAS, Gayle P. Emerson, a passionate educator, vibrant member of the Luray community, and devoted wife, mother, and grandmother, died on August 17, 2017; and

WHEREAS, a native of Richmond, Gayle Emerson moved to The Plains with her family at a young age when her father became rector of the Episcopal Church's Whittle Parish, which included The Plains, Marshall and Delaplane, and she later graduated from Marshall High School; and

WHEREAS, Gayle Emerson furthered her education at Mary Washington College, then married her husband, Keith, in 1953 and settled in Luray, where they raised their family; and

WHEREAS, Gayle Emerson followed in her mother's footsteps as an educator and inspired young students as an elementary school teacher; she remained active in school-related organizations and events after the birth of her own children; and

WHEREAS, Gayle Emerson worked to enhance community life with the Women's Auxiliary of the local Veterans of Foreign Wars post and as a charter member of the Town and Country Supper Club, and she was a longtime volunteer at the Page Memorial Hospital gift shop and Page One gift shop; and

WHEREAS, Gayle Emerson was also a talented seamstress who made drapes, slipcovers, and clothing for family members and friends, and she and her husband became accomplished world travelers after his retirement in 1986; and

WHEREAS, Gayle Emerson enjoyed fellowship and worship with the congregation of Luray United Methodist Church; and

WHEREAS, predeceased by her husband, Keith, Gayle Emerson will be fondly remembered and greatly missed by her sons, Lawrence and Philip, and their families, and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Gayle P. Emerson; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Gayle P. Emerson as an expression of the General Assembly's respect for her memory.

#### SENATE JOINT RESOLUTION NO. 118

*Celebrating the life of Keith H. Emerson.*

Agreed to by the Senate, February 15, 2018  
Agreed to by the House of Delegates, February 23, 2018

WHEREAS, Keith H. Emerson, a patriotic veteran, a longtime employee of the National Park Service, and a devoted husband, father, and grandfather, died on February 7, 2017; and

WHEREAS, a native of Luray, Keith Emerson built strong connections with the Blue Ridge Mountains from a young age and learned the value of hard work from his father, who owned trail horses and operated the stables at the Skyland Resort; and

WHEREAS, joining many of the other young men of his generation, Keith Emerson served the nation as a member of the Third United States Army under General George S. Patton during World War II; and

WHEREAS, after his honorable military service, Keith Emerson returned home and graduated from Luray High School, then began a long and fulfilling career with Shenandoah National Park, where he retired as the foreman for buildings and utilities maintenance after 39 years; and

WHEREAS, Keith Emerson also safeguarded the lives and property of his fellow Luray residents as a volunteer firefighter and was a former commander of Veterans of Foreign Wars Post 621; he was a proud patriot who raised the American flag over his home every day; and

WHEREAS, Keith Emerson was an avid reader who particularly enjoyed military history, and he and his wife became accomplished world travelers after his well-earned retirement in 1986; and

WHEREAS, Keith Emerson enjoyed fellowship and worship with the congregation of Luray United Methodist Church; and

WHEREAS, Keith Emerson's wife, Gayle, died on August 17, 2017; he will be fondly remembered and greatly missed by their sons, Lawrence and Philip, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Keith H. Emerson; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Keith H. Emerson as an expression of the General Assembly's respect for his memory.

#### SENATE JOINT RESOLUTION NO. 119

*Celebrating the life of Robert Gilbert Bagley.*

Agreed to by the Senate, February 15, 2018  
Agreed to by the House of Delegates, February 23, 2018

WHEREAS, Robert Gilbert Bagley, a distinguished citizen of Chesapeake who served his fellow residents as the longtime fire chief, a member of the Chesapeake City Council, and a generous philanthropist, died on November 4, 2017; and

WHEREAS, a native of South Norfolk, Robert "Buddy" Bagley was the youngest of 21 children born to the late James and Corrine Bagley; and

WHEREAS, Buddy Bagley honorably served his country as a member of the United States Army 3rd Infantry Regiment, the oldest active-duty infantry unit in the Army; he was assigned to the elite Honor Guard Company, which serves as an escort to the President of the United States; and

WHEREAS, Buddy Bagley safeguarded the lives and property of his fellow residents as a firefighter with the Chesapeake Fire Department for more than 35 years, including 16 years as fire chief; and

WHEREAS, during his tenure as fire chief, Buddy Bagley worked to ensure that the Chesapeake Fire Department had the training, techniques, and tools to best serve the community; he was the city's longest-serving chief at the time of his retirement in 1986; and

WHEREAS, desirous to be of further service to the community, Buddy Bagley ran for and was elected to the Chesapeake City Council, then pursued a career in banking with People's Bank of Chesapeake and the Bank of Hampton Roads; and

WHEREAS, after his retirement from banking, Buddy Bagley continued to support the community as a philanthropist, raising money for various charitable causes through his association with South Norfolk Masonic Lodge No. 339 and the Khedive Shriners; and

WHEREAS, Buddy Bagley was also the chair of the Chesapeake Public Schools Educational Foundation and president of the Chesapeake Sports Club, which provides scholarships to student-athletes in public and private schools in Chesapeake; and

WHEREAS, Buddy Bagley played a pivotal role in the inaugural Chesapeake Jubilee in 1983, and he planned and coordinated the event's highly anticipated fireworks display for many years; he later encouraged local businesses to support a permanent stage for the Chesapeake Jubilee, that was renamed Buddy G. Bagley Stage in his honor; and

WHEREAS, Buddy Bagley will be fondly remembered and greatly missed by his devoted wife of 60 years, Peggy; his daughter, Page, and her family; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Robert Gilbert Bagley, a pillar of the Chesapeake community; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Robert Gilbert Bagley as an expression of the General Assembly's respect for his memory.

**SENATE JOINT RESOLUTION NO. 120**

*Commending the Virginia Alliance of Boys & Girls Clubs.*

Agreed to by the Senate, February 6, 2018  
 Agreed to by the House of Delegates, February 9, 2018

WHEREAS, the Virginia Alliance of Boys & Girls Clubs supports more than 100 Boys & Girls Clubs throughout the Commonwealth as they work to promote positive youth development; and

WHEREAS, Boys & Girls Clubs in Virginia serve more than 75,000 school-aged youths in 50 counties, cities, and towns in Virginia; their goal is to enable all young people, especially those who need them most, to reach their full potential as productive, responsible, and caring citizens; and

WHEREAS, through strong, proven development programs, leaders in the Boys & Girls Clubs stress character and leadership development, education and career advancement, and health and life skills; they encourage an appreciation for the arts and provide programs in sports, fitness, and recreation; and

WHEREAS, the Boys & Girls Clubs' programs promote a better self-image and improved education, social, emotional, and cultural awareness while encouraging community involvement, strong moral values, and enhanced life management skills; and

WHEREAS, through the years, Boys & Girls Clubs have inspired young people to aspire to the highest level of personal development and to become good citizens who are involved in their communities; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Virginia Alliance of Boys & Girls Clubs for the outstanding services Boys & Girls Clubs provide to young people and their families; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Virginia Alliance of Boys & Girls Clubs as an expression of the General Assembly's admiration for the important work of all Boys & Girls Clubs in the Commonwealth.

**SENATE JOINT RESOLUTION NO. 121**

*Celebrating the life of Mary Ann Hovis.*

Agreed to by the Senate, February 15, 2018  
 Agreed to by the House of Delegates, February 23, 2018

WHEREAS, Mary Ann Hovis of Fairfax County, an accomplished information technology professional and a dedicated community leader who worked to increase civic engagement among women, died on August 26, 2017; and

WHEREAS, a native of Smyth County, Mary Ann Hovis earned a bachelor's degree from what is now Radford University and conducted graduate studies at the University of Tennessee; she remained a loyal alumna of Radford University throughout her life, serving on the Board of Visitors for more than 12 years, including three terms as rector; and

WHEREAS, an active supporter of academics, athletics, and the arts at Radford University, Mary Ann Hovis also served on the Radford University Foundation Board of Directors and as president of the institution's National Alumni Association; she received the institution's Lifetime Achievement Award for her legacy of generous leadership; and

WHEREAS, Mary Ann Hovis began a long career in information technology as a systems engineer with NCR Federal Systems and became the company's first woman sales representative; she went on to hold leadership positions with Northern Telecom Limited, Pyramid Technology Corporation, ConTel Federal Systems, and GTE Federal Networks; and

WHEREAS, after more than 30 years in the technology field, she retired as vice president of Suss Consulting, Inc., where she specialized in information technology marketing and strategic planning; she was also the first woman to serve as president of the National Capital Chapter of the Independent Telecommunications Pioneer Association; and

WHEREAS, Mary Ann Hovis was passionate about civic engagement and served as chair of the Fairfax County Democratic Committee and as vice chair of the Democratic State Central Committee and Virginia's 10th Congressional District Democratic Committee; and

WHEREAS, Mary Ann Hovis inspired women to run for elected office as a member of Emerge Virginia, and she mentored and supported candidates for local government office as chair of the Pat Jennings Project, which was named in honor of her late father, the Honorable W. Pat Jennings; and

WHEREAS, Mary Ann Hovis will be fondly remembered and greatly missed by her husband, Bob, and numerous other family members, friends, and colleagues; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Mary Ann Hovis, a highly admired community leader and a successful information technology professional; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Mary Ann Hovis as an expression of the General Assembly's respect for her memory.

**SENATE JOINT RESOLUTION NO. 122**

*Celebrating the life of Marion Lee Stuart Cochran.*

Agreed to by the Senate, February 15, 2018  
 Agreed to by the House of Delegates, February 23, 2018

WHEREAS, Marion Lee Stuart Cochran, a beloved wife and mother and a celebrated philanthropist who generously supported arts and cultural institutions in Staunton, died on December 19, 2017; and

WHEREAS, an Abingdon native, Lee Cochran attended Chatham Hall boarding school and earned a bachelor's degree from Hollins University in 1946; in 1948, she married George M. Cochran, a lawyer who later served as a Virginia state Delegate and Senator and then as a Virginia Supreme Court justice; and

WHEREAS, together with her husband, Lee Cochran spent much of her life as a philanthropist and ambassador for the Staunton community; among many other projects, she was instrumental in the creation of the Frontier Culture Museum of Virginia and also the American Shakespeare Center and Blackfriars Playhouse; and

WHEREAS, Lee Cochran was also closely involved with the Woodrow Wilson Presidential Library, the Sears Hill Bridge revitalization, and numerous historical preservation efforts; and

WHEREAS, Lee Cochran served on boards of directors across the Commonwealth, including the Jamestown-Yorktown Foundation, Monticello's Thomas Jefferson Foundation, the Committee on Refurbishing the Executive Mansion, the University of Virginia Board of Visitors, and the University of Virginia Foundation Board of Directors; and

WHEREAS, a proud Stauntonian, Lee Cochran also served her hometown on the Planters Bank & Trust Company of Virginia's Board of Directors, the Thornrose Cemetery Board of Directors, the Woodrow Wilson Birthplace Foundation Board of Trustees, and the American Frontier Culture Foundation's Board of Directors; and

WHEREAS, a former president of the Garden Club of Virginia, Lee Cochran was also a member and past president of the Augusta Garden Club and served on the Garden Club of America's Board of Directors; in 1980, she received the Garden Club of Virginia's Massie Medal; and

WHEREAS, Lee Cochran's many other honors include a 1985 Hollins Medal from Hollins University, the American Shakespeare Center's 2004 Robin Goodfellow Award, and Mary Baldwin University's 2011 Algernon Sydney Sullivan Award; in 1995, she and her husband were named Outstanding Virginians by the General Assembly; and

WHEREAS, Lee Cochran's service projects and charitable endeavors made an indelible mark on Staunton and won her the respect and admiration of her community; and

WHEREAS, predeceased by her husband of 62 years, George, and her son, G. Moffett, Lee Cochran will be fondly remembered and dearly missed by her son, Stuart, and his family, as well as countless other family members, friends, and Staunton residents; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Marion Lee Stuart Cochran, a dedicated philanthropist who tirelessly served the Staunton community; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Marion Lee Stuart Cochran as an expression of the General Assembly's respect for her memory.

**SENATE JOINT RESOLUTION NO. 123**

*Commending Paula Irene Otto.*

Agreed to by the Senate, February 15, 2018  
 Agreed to by the House of Delegates, February 23, 2018

WHEREAS, Paula Irene Otto first joined the Virginia Lottery in 1987, before the first ticket was sold, serving as its first director of public information until 1997, when she left to teach communications to students at Virginia Commonwealth University; and

WHEREAS, Paula Otto was appointed executive director of the Virginia Lottery by Governor Timothy Kaine on January 25, 2008, and served in that capacity for 10 years, under three governors, until January 12, 2018; and

WHEREAS, under Paula Otto's leadership, the Virginia Lottery generated more than \$5 billion in profits for K-12 education in the Commonwealth, while growing sales through a combination of popular and innovative games, new technology, promotions, partnerships, customer service, and business techniques; and

WHEREAS, Paula Otto continually supported responsible play messaging and grew to become a national leader in responsible gaming and awareness of problem gambling and gambling addiction; and

WHEREAS, using her vision as "Chief Gamer" of the Virginia Lottery, Paula Otto emphasized fun and integrity along with the "We're Game" brand, always striving to keep games entertaining for players while ensuring that every game and drawing followed strict rules for security, randomness, and transparency; and

WHEREAS, through creative programs like Super Teacher, which awarded 80 educators more than \$320,000 in cash prizes and school supplies, and Thank a Teacher, a Public Relations Society of America (PRSA) Silver Anvil winner, Paula Otto increased awareness among Virginians that lottery profits benefit K-12 public education; and

WHEREAS, Paula Otto created a workplace environment filled with fun and comradery, resulting in the Virginia Lottery being named a "Top Workplace" by the *Richmond Times-Dispatch* in 2015; and

WHEREAS, Paula Otto was recognized as one of the most respected leaders in the national lottery industry when she was inducted into the Lottery Industry Hall of Fame in 2017; and

WHEREAS, in 2014 Paula Otto was honored by the Richmond chapter of the PRSA with the Thomas Jefferson Award for Excellence in Public Relations, the group's highest honor; and

WHEREAS, throughout Paula Otto's 30-year career as a journalist, educator, public relations professional, and Virginia Lottery employee, she was known for her optimism, friendliness, professionalism, integrity, and sense of humor; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Paula Irene Otto for her outstanding service as executive director of the Virginia Lottery; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Paula Irene Otto as an expression of the General Assembly's admiration for her contributions to the Commonwealth.

#### SENATE JOINT RESOLUTION NO. 124

*Commending Simone Askew.*

Agreed to by the Senate, February 15, 2018

Agreed to by the House of Delegates, February 23, 2018

WHEREAS, in 2017, Simone Askew of Fairfax made history when she became the first African American woman to serve as first captain of the Corps of Cadets at the United States Military Academy at West Point; and

WHEREAS, born in Bethesda, Maryland, Simone Askew moved to Fairfax in her youth and attended Fairfax High School; she first developed an interest in military service as a young girl, when she watched military cadets march in formation during an Army-Navy football game; and

WHEREAS, while at Fairfax High School, Simone Askew rowed crew, ran track, played basketball, and captained the volleyball team; she also started the school's Black Student Union, served as student body president, and spent summers volunteering at orphanages in the Dominican Republic; and

WHEREAS, in 2014, Simone Askew began attending the United States Military Academy at West Point, where she rowed crew and studied international history; and

WHEREAS, at the beginning of her fourth year in August 2017, Simone Askew was selected to serve as West Point's first captain, the highest position in the cadet chain of command; in that role, she leads the 4,400-member Corps of Cadets, sets a class agenda, and acts as a liaison between cadets and the academy's administration; and

WHEREAS, Simone Askew is only the fifth woman to serve as first captain and the first African American woman; she was among 15 finalists for the role chosen from a pool of 180 candidates; and

WHEREAS, on December 9, 2017, Simone Askew fulfilled a lifelong dream when she led the Corps of Cadets in a ceremonial "March On" before the Army-Navy football game at Lincoln Financial Field in Philadelphia; and

WHEREAS, Simone Askew is also an EXCEL Scholar, a graduate of the Army's Air Assault School, a member of the Phi Alpha Theta Honorary National History Society, and the recipient of the Black Engineer of the Year Award for Military Leadership; and

WHEREAS, following her graduation in the spring of 2018, Simone Askew will attend the University of Oxford as a Rhodes Scholar; she will then begin her service in the United States Army Corps of Engineers; and

WHEREAS, Simone Askew's remarkable accomplishments exemplify the United States Military Academy's values of duty, honor, and country, and have helped pave the way for other African American women to serve as cadet leaders; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Simone Askew on her historic selection as the first African American woman to serve as first captain of the United States Military Academy's Corps of Cadets; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Simone Askew as an expression of the General Assembly's admiration for her impressive accomplishments as a cadet leader and scholar.

**SENATE JOINT RESOLUTION NO. 125**

*Commending the Westfield High School football team.*

Agreed to by the Senate, February 15, 2018  
 Agreed to by the House of Delegates, February 23, 2018

WHEREAS, the Westfield High School football team of Chantilly won the Virginia High School League Class 6 state championship on December 10, 2017, at Hampton University's Armstrong Stadium, claiming its third straight state title; and

WHEREAS, armed with a first-rate running and passing game and one of the toughest defenses in the Commonwealth, the Westfield High School Bulldogs finished the year with an unblemished 15–0 record, extending their multi-season winning streak to 26 games in a row; and

WHEREAS, in the teams' third straight meeting in the state final, the Westfield Bulldogs triumphed over the Oscar Smith High School Tigers 28–21 to secure the championship; and

WHEREAS, the Oscar Smith Tigers scored early to take a 7–0 lead, but the Westfield Bulldogs struck back with two touchdown passes from sophomore quarterback Noah Kim to pull ahead 14–7 by the half; and

WHEREAS, the Westfield Bulldogs extended their lead to 20–7 early in the third quarter thanks to a fantastic 44-yard touchdown sprint from junior tailback Eugene Asante, who finished the game with 109 rushing yards; and

WHEREAS, the Westfield Bulldogs then gave up two touchdowns to trail 20–21, but they regained their advantage late in the third quarter with a spectacular 89-yard touchdown pass from Noah Kim to Gavin Kiley; and

WHEREAS, in a wild fourth quarter, the Westfield Bulldogs' defense intercepted the Oscar Smith Tigers twice to maintain the Bulldogs' lead and seal the championship victory; and

WHEREAS, the Westfield High School football team's third straight championship win is a testament to the skill and dedication of its hardworking student-athletes, the excellent guidance of its coaches and staff, and the passionate support of family members, fans, and the entire Westfield High School community; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Westfield High School football team on winning the Virginia High School League Class 6 state championship; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Kyle Simmons, head coach of the Westfield High School football team, as an expression of the General Assembly's admiration for the team's remarkable undefeated season.

**SENATE JOINT RESOLUTION NO. 126**

*Commending Thomas Nelson Community College.*

Agreed to by the Senate, February 8, 2018  
 Agreed to by the House of Delegates, February 16, 2018

WHEREAS, Thomas Nelson Community College, founded in 1967, was the first community college in the Virginia Peninsula and Tidewater regions; and

WHEREAS, the 50th anniversary of Thomas Nelson Community College is an opportunity to recognize the institution's contributions to the vitality of the region and the Commonwealth; and

WHEREAS, since opening its doors for classes in the fall of 1968 with an enrollment of more than 1,000 students, Thomas Nelson Community College has remained true to its mission of providing high quality collegiate and workforce education to citizens of the Virginia Peninsula for 50 years; and

WHEREAS, Thomas Nelson Community College helps students achieve their academic goals and objectives through excellent, effective, and responsive program options and services; and

WHEREAS, Thomas Nelson Community College has developed partnerships that support economic development and global understanding; and

WHEREAS, Thomas Nelson Community College recognizes and celebrates diversity in the community and believes that educational opportunities should be accessible to all individuals who can benefit from the College's programs and services; and

WHEREAS, students choose Thomas Nelson Community College because of its talented, caring, and committed faculty and staff; and

WHEREAS, Thomas Nelson Community College partners with area businesses and industries, including NASA Langley Research Center and Newport News Shipbuilding, to prepare a workforce that meets the needs of the Virginia Peninsula's employers; and

WHEREAS, three-quarters of all Thomas Nelson Community College students remain in Hampton Roads and contribute to the economy through the value they bring to employers; and

WHEREAS, Thomas Nelson Community College has made significant contributions to the prosperity of the Virginia Peninsula and is deeply committed to improving the lives of its students and all members of the community; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Thomas Nelson Community College on the occasion of its 50th anniversary as "The Peninsula's Community College"; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to John T. Dever, president of Thomas Nelson Community College, as an expression of the General Assembly's admiration for the institution's commitment to higher education and longtime service to the citizens of the Commonwealth.

**SENATE JOINT RESOLUTION NO. 127**

*Commending the Heart of Appalachia Tourism Authority.*

Agreed to by the Senate, February 15, 2018  
 Agreed to by the House of Delegates, February 23, 2018

WHEREAS, in 2018, the Heart of Appalachia Tourism Authority celebrates 25 years of promoting the unique culture of Southwest Virginia and its many opportunities for relaxation and recreation; and

WHEREAS, founded in 1993, the Heart of Appalachia Tourism Authority, also known as the Virginia Coalfield Regional Tourism Authority, provides tourism and marketing development to the Counties of Buchanan, Dickenson, Lee, Russell, Scott, Tazewell, and Wise and the City of Norton; and

WHEREAS, the Heart of Appalachia Tourism Authority represents 750 businesses and tourism assets and works diligently to increase visitation to the region; and

WHEREAS, in 2013, the Heart of Appalachia Tourism Authority established the state-certified Heart of Appalachia Visitor Center in St. Paul and, in 2015, the organization launched a new website to better promote regional communities, attractions, lodging, restaurants, and events; and

WHEREAS, the Heart of Appalachia Tourism Authority has distributed more than 75,000 copies of the *Heart of Appalachia Adventure Guide* and worked with Spearhead Trails to develop a brochure representing the trail system in the region; and

WHEREAS, the Heart of Appalachia Tourism Authority also launched the Fish to Your Heart's Content campaign to showcase the region's many opportunities for fishing and the Appalachian Backroads campaign to encourage drivers to discover and enjoy the region's scenic vistas; and

WHEREAS, the Heart of Appalachia Tourism Authority partnered with the Clinch River Valley Initiative to create the Taste of Clinch map, a guide to 50 local eateries along Virginia's Hidden River; and

WHEREAS, the Heart of Appalachia Tourism Authority supports local artists and musicians, such as Kaitlyn Baker, a singer-songwriter from Pound, who wrote, performed, and filmed a music video for her song "Heart of Appalachia," which has been used in radio, television, and social media marketing to promote the region; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Heart of Appalachia Tourism Authority on the occasion of its 25th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Heart of Appalachia Tourism Authority as an expression of the General Assembly's admiration for the organization's many contributions to the region and work to increase tourism to the Commonwealth.

**SENATE JOINT RESOLUTION NO. 128**

*Commending the Wellmore Coal Company Mine Rescue Red Team.*

Agreed to by the Senate, February 15, 2018  
 Agreed to by the House of Delegates, February 23, 2018

WHEREAS, the Wellmore Coal Company Mine Rescue Red Team took first place overall at the National Mine Rescue Contest in September 2017; and

WHEREAS, located in Big Rock, the Wellmore Coal Company is a subsidiary of Metinvest United Coal Company, which is ranked among the leading producers of metallurgical coal in the United States; and

WHEREAS, the 2017 National Mine Rescue Contest took place in Beaver, West Virginia, and was cohosted by the Mine Safety and Health Administration and the Holmes Mine Rescue Association; the Wellmore Coal Company Mine Rescue Red Team faced worthy competitors from more than 60 teams from around the country; and

WHEREAS, the annual National Mine Rescue Contest is designed to test the skills and knowledge of mine rescue professionals and includes a variety of events, such as the timed assembly of equipment, first aid demonstrations, and the planning and execution of specific mine rescue operations; and

WHEREAS, each member of the Wellmore Coal Company Mine Rescue Red Team—Will Altizer, Jonathan Berger, Bill Carroll, Sean Kassay, Terry McClanahan, Shannon Moore, Caleb Schoeff, Bill Slone, Chris Turner, Todd Ward, and Ethan Wibel—all contributed to the victory; and

WHEREAS, the Wellmore Coal Company Mine Rescue Red Team's national recognition clearly demonstrates the Company's commitment to minimizing health hazards and enhancing the safety of its mines; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Wellmore Coal Company Mine Rescue Red Team on winning the 2017 National Mine Rescue Contest; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Wellmore Coal Company Mine Rescue Red Team as an expression of the General Assembly's admiration for the team's achievements.

#### SENATE JOINT RESOLUTION NO. 129

*Celebrating the life of Harry Taft Rutherford, Jr.*

Agreed to by the Senate, February 15, 2018

Agreed to by the House of Delegates, February 23, 2018

WHEREAS, Harry Taft Rutherford, Jr., a successful entrepreneur who worked to enhance the quality of life for residents living in Russell County and Southwest Virginia by volunteering his wise leadership with many civic and service organizations, died on January 17, 2018; and

WHEREAS, a native of Richlands, Harry Rutherford was affectionately known to family and friends as "Budge;" he graduated from Honaker High School and earned a bachelor's degree from Roanoke College; and

WHEREAS, Harry Rutherford served the community as the owner and operator of Modern Chevrolet for more than two decades; he was well respected in the automobile industry, served on an advisory board to the commissioner of the Virginia Department of Motor Vehicles, and held numerous leadership positions in the Virginia Automobile Dealers Association, including president; and

WHEREAS, desirous to be of further service to the community, Harry Rutherford accepted an appointment to the Industrial Development Authority of Russell County in 1979; over the course of his 36-year tenure with the organization, he served as vice chair and chair and worked on numerous important projects; and

WHEREAS, Harry Rutherford worked to attract national corporations, such as AT&T Wireless, Wal-Mart, and Northrop Grumman, to Russell County, as well as develop local infrastructure, such as a new E911 Call Center, broadband Internet, and new county offices in the Russell County Government Center; and

WHEREAS, Harry Rutherford began a career in advertising in 1982 and established his own firm, Spitball, Inc.; he was later named the 2016–2017 Marketing Ambassador of the Virginia Coalfield Economic Development Authority; and

WHEREAS, Harry Rutherford also worked to improve the community as president of Peoples Bank, Inc., in Honaker and the Honaker Lions Club, which named him Lion of the Year in 1990 and 2015; he had been active with the Honaker Redbud Festival Committee since 1981 and was a dedicated member of the Honaker High School Band Boosters, as well as a longtime Freemason; and

WHEREAS, a man of deep and abiding faith, Harry Rutherford was a charter member of Fellowship Baptist Church, where he served as treasurer; and

WHEREAS, predeceased by one daughter, Michelle, Harry Rutherford will be fondly remembered and greatly missed by his loving wife of 50 years, Yvonne; daughter, Marla, and her family; and numerous other family members, friends, and community members; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Harry Taft Rutherford, Jr., a pillar of the Russell County community; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Harry Taft Rutherford, Jr., as an expression of the General Assembly's respect for his memory.

#### SENATE JOINT RESOLUTION NO. 130

*Celebrating the life of William Leslie Mariner.*

Agreed to by the Senate, February 15, 2018

Agreed to by the House of Delegates, February 23, 2018

WHEREAS, William Leslie Mariner, a beloved father and husband and a dedicated first responder who was the longtime fire chief of the Greenbackville Volunteer Fire Department, died on August 6, 2017; and

WHEREAS, born in Pocomoke City, Maryland, William "Bill" Mariner attended Pocomoke High School; following his graduation in 1959, he joined the Maryland Army National Guard; and

WHEREAS, after moving to Greenbackville in 1963, Bill Mariner joined the Greenbackville Volunteer Fire Department; he eventually served with the department for 54 years, including a record 19 years as fire chief during the 1970s, 1980s, and 1990s; and

WHEREAS, Bill Mariner revolutionized the Greenbackville Volunteer Fire Department during his years as fire chief; he became the department's first certified emergency medical technician in 1978, and he was instrumental in acquiring new equipment and forming a volunteer rescue squad; and

WHEREAS, a firm believer in the importance of proper training, Bill Mariner served for many years as an adjunct instructor for the Virginia Department of Fire Programs and played a key role in designing and securing funding for a regional fire training center on the Eastern Shore; and

WHEREAS, along with serving as the Greenbackville Volunteer Fire Department's president from 1996 to 1998, Bill Mariner also served as a fire medic with the Accomack County Department of Public Safety between 1994 and 2004; and

WHEREAS, Bill Mariner was a hall of fame member of the DelMarVa Volunteer Firemen's Association and the Firemen's Historical Society of DelMarVa and served on the Eastern Shore of Virginia 9-1-1 Commission for nearly 20 years; and

WHEREAS, along with his lifelong commitment to fire service, Bill Mariner held numerous other jobs, including raising chickens, working as a lieutenant with NASA's Wallops Flight Facility Fire Department, and acting as a sales representative for the Potomac Fire Equipment Company; and

WHEREAS, Bill Mariner was a member of the Accomack Masonic Lodge, the Shriners, and the Atlantic District Ruritan Club; an enthusiastic fisherman, he was also active in the Eastern Shore of Virginia Anglers Club; and

WHEREAS, during his long and distinguished career, Bill Mariner's resolute leadership, devotion to duty, and wide-ranging experience won him the abiding respect and admiration of the people he so ably served; and

WHEREAS, Bill Mariner will be fondly remembered by his wife of 54 years, Sharon; daughters, Carla and Leanne, and their families; and countless other family members, friends, and colleagues; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of William Leslie Mariner, a skilled first responder who tirelessly served the residents of Greenbackville and other communities on the Eastern Shore; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of William Leslie Mariner as an expression of the General Assembly's respect for his memory.

### SENATE JOINT RESOLUTION NO. 131

*Celebrating the life of Martha Jeraldine Morris Tata.*

Agreed to by the Senate, February 15, 2018

Agreed to by the House of Delegates, February 23, 2018

WHEREAS, Martha Jeraldine Morris Tata of Stanardsville, a devoted educator who inspired countless students to become lifelong learners and a beloved wife, mother, and friend who brought joy to everyone she met, died on November 26, 2017; and

WHEREAS, a native of Greene County, Jeraldine Morris Tata learned the value of hard work and responsibility at a young age while working in her family's mercantile store, E.B. Morris and Sons; and

WHEREAS, Jeraldine Morris Tata graduated from William Monroe High School, attended Mary Washington College, and earned a bachelor's degree from Madison College and a master's degree from Virginia Polytechnic Institute and State University; and

WHEREAS, Jeraldine Morris Tata enjoyed a long and fulfilling career as a teacher and guidance counselor at schools throughout Virginia; she served students at Crozet High School in Crozet, Albemarle High School in Albemarle County; Granby High School, Norview High School, and Maury High School in Norfolk; and Kempsville High School and Independence Middle School in Virginia Beach; and

WHEREAS, throughout her career in education, Jeraldine Morris Tata demonstrated a natural ability to recognize other people's strengths, helping thousands of students prepare for success in higher education and their careers as well as giving them the tools to become responsible citizens of the Commonwealth; in 1980, she helped a Kempsville High School class earn more than \$1 million in scholarships for the first time in the school's history; and

WHEREAS, Jeraldine Morris Tata met her husband, the Honorable Robert "Bob" Tata, while teaching at Albemarle High School and proudly supported him during his career as a high school athletics coach and used her grace and stylish charm as the backbone and organizer of his campaigns to help him win 15 elections to the House of Delegates; and

WHEREAS, after teaching and counseling for 40 years, Jeraldine Morris Tata was asked to run for the Virginia Beach School Board, where she enthusiastically served the school system, strived to improve school conditions, and was an advocate for teachers, custodians, bus drivers, and all staff and faculty members; and

WHEREAS, after her well-earned retirement as a teacher and counselor, Jeraldine Morris Tata returned to her beloved Greene County and built a home, Pioneer Haven, Morris-Tata Farm, on her family's farm, where she lived with the support

of her daughter, Kendall; she placed the land under a conservation easement to help protect the Commonwealth's valuable natural resources; and

WHEREAS, Jeraldine Morris Tata was selected as one of the Portraits of Greene County and her picture was published in Glen McClure's book with a write-up honoring her for preserving Greene County's agricultural heritage; and

WHEREAS, Jeraldine Morris Tata was selected as one of the inaugural Grand Dames of Greene County for her lifelong commitment, passion for, and contributions to her adored home county; and

WHEREAS, Jeraldine Morris Tata continued to serve the community by supporting the business department and art programs at William Monroe High School; she was happiest when sharing stories with and caring for family and friends or entertaining visitors and students at Pioneer Haven; and

WHEREAS, a devout Christian who was guided by her deep and abiding faith, Jeraldine Morris Tata enjoyed fellowship and worship with the congregation of Grace Episcopal Church in Stanardsville, where she pioneered the beginning of stained glass windows being dedicated in memory of loved ones; and

WHEREAS, Jeraldine Morris Tata appreciated everything beautiful and took pride in who she was and how she presented herself, making our lives and world better for having been touched by her gracious presence; and

WHEREAS, Jeraldine Morris Tata will be fondly remembered and greatly missed by her husband of 62 years, Bob; her children, Robert, Anthony, and Kendall, and their families; and numerous other family members, friends, and former students; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Martha Jeraldine Morris Tata, a passionate educator and a vibrant member of the Stanardsville community; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Martha Jeraldine Morris Tata as an expression of the General Assembly's respect for her memory.

**SENATE JOINT RESOLUTION NO. 132**

*Commending Cecili Weber.*

Agreed to by the Senate, February 15, 2018  
 Agreed to by the House of Delegates, February 20, 2018

WHEREAS, Cecili Weber of Roanoke, a recent graduate of Hollins University, was crowned Miss Virginia 2017 before a cheering crowd at the Berglund Center on June 24, 2017; and

WHEREAS, a native of Ironton, Ohio, Cecili Weber is an experienced pageant competitor who was previously named the Miss Ohio Outstanding Teen in 2010; and

WHEREAS, Cecili Weber came to the Commonwealth to attend Hollins University, where she received the Hollins Scholar Award, was named to the university's Dean's List, and earned a bachelor's degree in communications studies; she plans to pursue a career in public relations with a fashion or beauty brand; and

WHEREAS, competing as Miss Arlington, Cecili Weber performed a contemporary jazz dance routine to Donna Summer's *Last Dance*, and she placed first in the swimsuit and evening wear categories; and

WHEREAS, during the competition, Cecili Weber promoted her platform, "Born Leaders," which encourages young people to be leaders in their schools and communities and empower themselves and others to make smart life choices; and

WHEREAS, Cecili Weber partnered with the Virginia Department of Alcoholic Beverage Control to share age-appropriate information with elementary school students on how to make healthy choices, how to say no to drugs and alcohol, and how to inspire others to do the same; and

WHEREAS, as Miss Virginia 2017, Cecili Weber advanced to the 2018 Miss America pageant in Atlantic City, New Jersey, where she placed in the top 10; and

WHEREAS, possessing an extraordinary combination of beauty, intelligence, talent, and dedication to service, Cecili Weber has ably represented the Commonwealth during her reign as Miss Virginia; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Cecili Weber on her selection as Miss Virginia 2017; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Cecili Weber as an expression of the General Assembly's congratulations and admiration for her achievements.

**SENATE JOINT RESOLUTION NO. 133**

*Confirming the appointment by the Governor of a certain person communicated February 2, 2018.*

Agreed to by the Senate, February 26, 2018  
 Agreed to by the House of Delegates, March 8, 2018

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly confirm the following appointment of a certain person made by Governor Ralph Northam and communicated to the General Assembly February 2, 2018.

**AGENCY HEAD**

**Christopher E. Piper** of **Henrico**, Virginia 23229, Commissioner, Department of Elections, effective February 10, 2018, to serve at the pleasure of the Governor, to succeed Edgardo Cortes.

**SENATE JOINT RESOLUTION NO. 134**

*Celebrating the life of James Carlton Hudson.*

Agreed to by the Senate, February 15, 2018  
 Agreed to by the House of Delegates, February 23, 2018

WHEREAS, James Carlton Hudson, a founding member of the Colonial Beach Volunteer Rescue Squad and an icon of the Virginia rescue squad movement for over 60 years, died on November 7, 2017; and

WHEREAS, Carlton Hudson honorably served his country in the United States Army National Guard during the Korean War and later retired from Norman Oil Company; and

WHEREAS, Carlton Hudson served the community of Colonial Beach and surrounding areas for over 60 years, including 56 years as an active member of the Colonial Beach Volunteer Rescue Squad (CBVRS); and

WHEREAS, Carlton Hudson began answering medical calls even before there was a rescue squad after he and several others borrowed a pickup truck to transport a neighbor who had fallen from a roof and sustained a broken leg; and

WHEREAS, Carlton Hudson began his official membership in CBVRS after completing the basic first aid course and attaining certification as an emergency medical technician; he was known for assisting in the delivery of 12 babies while transporting their mothers to the nearest hospital; and

WHEREAS, Carlton Hudson served as Captain of CBVRS for 10 years and held every office in the organization for at least three years, with the exception of treasurer and chaplain; and

WHEREAS, as a longtime member of the CBVRS building committee, Carlton Hudson was involved with construction of the squad's original station and its many renovations as well as construction of its current station; and

WHEREAS, Carlton Hudson was instrumental in developing innovative fundraising activities for CBVRS and was also involved with the purchase of every equipment unit between 1952 and 2011, including two station wagons, the first advanced life support unit, four rescue boats, and two crash trucks; and

WHEREAS, in addition to his distinguished service with CBVRS, Carlton Hudson used his wide-ranging experience to assist in the organization of several other rescue squads in Westmoreland, Lancaster, Montross, and Mountain View; and

WHEREAS, Carlton Hudson also found a calling to serve the Virginia Association of Volunteer Rescue Squads (VAVRS) as the District 8 vice president, a member of the District 10 nominating committee, and as the VAVRS sergeant-of-arms; and

WHEREAS, Carlton Hudson was awarded life membership in the VAVRS in 1997 and was inducted into its Hall of Fame in 2013; he was also awarded life membership in District 10; and

WHEREAS, Carlton Hudson will be fondly remembered and greatly missed by his family, friends, and his peers in the emergency medical services arena; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of James Carlton Hudson, a dedicated first responder who gave many years of exemplary service to the Colonial Beach community; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the extended family of James Carlton Hudson, the Colonial Beach Volunteer Rescue Squad, as an expression of the General Assembly's respect for his memory.

**SENATE JOINT RESOLUTION NO. 135**

*Celebrating the life of H. Clay Gravely IV.*

Agreed to by the Senate, February 15, 2018  
 Agreed to by the House of Delegates, February 23, 2018

WHEREAS, H. Clay Gravely IV, a devoted husband and father, talented legal professional, and distinguished public servant who served as the Commonwealth's Attorney for the City of Martinsville, died on December 21, 2017; and

WHEREAS, a Martinsville native, Clay Gravely attended Carlisle School and Holland Christian High School in Michigan and then graduated from Phillips Academy in Massachusetts; and

WHEREAS, Clay Gravely received a bachelor's degree from the University of Virginia and earned a law degree from the T.C. Williams School of Law at the University of Richmond; while in law school, he was a member and chief justice of the Honor Council and served for two years as a senior staff member of the *University of Richmond Law Review*; and

WHEREAS, a dedicated attorney, Clay Gravely had a successful legal career that included managing his own law practice in Martinsville and serving as an Assistant Commonwealth's Attorney, an associate of the Daniel, Medley & Kirby, P.C. law firm, a litigation associate at Hirschler Fleischer, P.C., and a law clerk for Judge Jackson L. Kiser of the United States District Court from the Western District of Virginia; and

WHEREAS, in addition, Clay Gravely worked at the Republican National Committee headquarters in Washington, D.C., and served as an assistant campaign manager for a Michigan congressional candidate; and

WHEREAS, in 2013, Clay Gravely was elected as Commonwealth's Attorney for the City of Martinsville; he was reelected to the position in 2017 and earned the respect of his peers for his intelligence and integrity; and

WHEREAS, outside of his legal duties, Clay Gravely was a proud Martinsville resident who was active in the Kiwanis Club of Martinsville, the Boys & Girls Club of the Blue Ridge, the Virginia Museum of Natural History, and the Dan River Basin Association; and

WHEREAS, Clay Gravely was happiest when fly fishing on the Smith River or spending time with his family; he enjoyed fellowship and worship at First United Methodist Church in Martinsville; and

WHEREAS, Clay Gravely will be fondly remembered and dearly missed by his wife, Jennifer; his sons, Quinn and Brooks; his mother, Crystal; and many other family members, friends, and Martinsville residents; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of H. Clay Gravely IV, a committed legal professional who provided exemplary service to the Martinsville community; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of H. Clay Gravely IV as an expression of the General Assembly's respect for his memory.

### SENATE JOINT RESOLUTION NO. 136

*Commending the recipients of the 2018 Virginia Outstanding Faculty Awards.*

Agreed to by the Senate, February 22, 2018

Agreed to by the House of Delegates, March 2, 2018

WHEREAS, the Commonwealth offers one of the most respected and acclaimed systems of higher education in the United States due to the quality of each of its public and private colleges and universities; and

WHEREAS, Virginia colleges and universities educate more than 550,000 students annually, representing all demographics, all regions of the Commonwealth, and all corners of the nation and the world; and

WHEREAS, Virginia higher education advances learning, research, and public service to enhance the civic and financial health of the Commonwealth and the well-being of all its people, transforming the lives of Virginians, their communities, and the Commonwealth; and

WHEREAS, Virginia higher education's success would not be possible without the dedicated, hard-working faculty at each of the Commonwealth's superb colleges and universities; and

WHEREAS, Virginia faculty contribute in innumerable ways to the intellectual and personal growth and development of their students, which contributes greatly to the educational, economic, cultural, and civic vitality of the Commonwealth; and

WHEREAS, the Virginia Outstanding Faculty Awards program, now in its 32nd year, is presented by the State Council of Higher Education for Virginia and Dominion Energy and continues to recognize the finest among the Commonwealth's faculty for their superior abilities and accomplishments in teaching, research, service, and knowledge integration; and

WHEREAS, the 2018 Virginia Outstanding Faculty Award recipients—Supriyo Bandyopadhyay, Frederic Bemak, Deborah Bronk, Helen Crompton, Steven Emmanuel, Mark Gabriele, Elizabeth Caldwell Hirschman, Jennifer Martin, Thomas Moran, Carol Parish, Patricia Parker, and Jaime Elizabeth Settle—are remarkable educators, productive scholars, and tremendous ambassadors for their academic disciplines, campuses, communities, and the entire Commonwealth; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the recipients of the 2018 Virginia Outstanding Faculty Awards for their professorial excellence and unparalleled achievements; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare copies of this resolution for presentation to the recipients of the 2018 Virginia Outstanding Faculty Awards as an expression of the General Assembly's respect for the recipients' commitment to their profession and their outstanding contributions to the lives of Virginians and the Commonwealth as a whole.

### SENATE JOINT RESOLUTION NO. 137

*Commending the Heart of Virginia Healthcare Cooperative.*

Agreed to by the Senate, March 1, 2018

Agreed to by the House of Delegates, March 7, 2018

WHEREAS, heart disease represents the second leading cause of death in Virginia; it also causes serious illness, disability, and lower quality of life for many Virginians; and

WHEREAS, heart disease leads to substantial financial costs for Virginia families, businesses, communities, and public agencies; and

WHEREAS, primary care providers are on the front lines of delivering vital services to help Virginians prevent and manage heart disease; more than 60 percent of primary care in the Commonwealth is provided by small and medium sized practices; and

WHEREAS, these types of practices are facing increasing challenges in adapting to the complex healthcare needs of the Commonwealth; support and guidance have been difficult to obtain, resulting in gaps in care and physician burnout; and

WHEREAS, the Heart of Virginia Healthcare Cooperative was awarded a \$10 million grant as one of seven grantees nationally in the Agency for Healthcare Research and Quality's three-year EvidenceNOW initiative, which is dedicated to using the latest evidence to improve heart health in the primary care setting; and

WHEREAS, Heart of Virginia Healthcare is a physician-directed initiative led by faculty at the Virginia Commonwealth University School of Medicine in partnership with Eastern Virginia Medical School, the University of Virginia School of Medicine, and the Virginia Tech Carilion School of Medicine and Research Institute; and

WHEREAS, Heart of Virginia Healthcare is also supported by the Virginia Center for Health Innovation, George Mason University, Community Health Solutions, Health Quality Innovators, and the National Academy for State Health Policy, with each providing program management, practice coaching, and evaluation expertise, as applicable; and

WHEREAS, more than 200 Virginia practices representing health systems, federally qualified health centers, clinically integrated networks, and private practices have joined the Heart of Virginia Healthcare Cooperative to improve the health of their patients; and

WHEREAS, Heart of Virginia Healthcare is the largest primary care initiative undertaken in Virginia, working with more than 1,000 clinicians who collectively have 50,000 patient visits every week; and

WHEREAS, the goal of Heart of Virginia Healthcare is to ensure that primary care practices have the evidence they need to help patients adopt the "ABCS" of cardiovascular disease prevention: Aspirin in high-risk individuals, Blood pressure control, Cholesterol management, and Smoking cessation; and

WHEREAS, primary care practices enrolled in Heart of Virginia Healthcare have utilized research and information from EvidenceNOW: Advancing Heart Health in Primary Care to help transform health care delivery by building critical infrastructure to help improve the heart health of their patients by applying the latest medical research and tools; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Heart of Virginia Healthcare Cooperative for its primary care practices' outstanding service and dedication to providing exceptional care to their patients and the citizens of the Commonwealth; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Heart of Virginia Healthcare Cooperative as an expression of the General Assembly's admiration for its participants' dedication to providing evidence-based care for Virginians.

### SENATE JOINT RESOLUTION NO. 138

*Celebrating the life of James Grover Eichelberger.*

Agreed to by the Senate, February 22, 2018

Agreed to by the House of Delegates, March 2, 2018

WHEREAS, James Grover Eichelberger, the serving mayor of the Town of Parksley, who was a passionate advocate for the town and its residents, died on October 10, 2017; and

WHEREAS, a native of Newport News, James "Jimmy" Eichelberger honorably served his country as a member of the United States Navy; and

WHEREAS, Jimmy Eichelberger enjoyed a long career with Perdue Farms, Inc., where he retired as an environmental manager; and

WHEREAS, Jimmy Eichelberger had previously served as town manager of Exmore in Northampton County and was a member of the Parksley Town Council before becoming mayor in 2008; and

WHEREAS, among his many accomplishments as mayor, Jimmy Eichelberger oversaw the revitalization of downtown Parksley and worked to bring a Department of Motor Vehicles office and the Eastern Shore Public Library to the town; and

WHEREAS, Jimmy Eichelberger was also active with the Freemasons, Scottish Rite, Shriners, and American Legion, and he helped preserve the history and heritage of the region as a member of the Eastern Shore Railway Museum Board of Directors; and

WHEREAS, predeceased by a son, James, Jr., Jimmy Eichelberger will be fondly remembered and greatly missed by his loving wife of 54 years, Karon; daughters, Margery and Lara, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of James Grover Eichelberger, a dedicated public servant in Accomack County; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of James Grover Eichelberger as an expression of the General Assembly's respect for his memory.

### SENATE JOINT RESOLUTION NO. 139

*Celebrating the life of Meriwether Lee Payne.*

Agreed to by the Senate, February 22, 2018

Agreed to by the House of Delegates, March 2, 2018

WHEREAS, Meriwether Lee Payne, a beloved husband and father, accomplished business leader, and devoted conservationist who worked to preserve the natural beauty of the Tidewater region, died on March 18, 2017; and

WHEREAS, a Norfolk native, Lee Payne earned a bachelor's degree from the University of Virginia and a master's degree from the University of Pennsylvania before serving as an officer in the United States Navy; and

WHEREAS, a talented banking professional, Lee Payne spent his early career in New York before returning to Norfolk in 1951; over the next 30 years, he successfully managed Seaboard Citizens National Bank as it evolved and grew into a major entity of SunTrust Bank; and

WHEREAS, along with his successful banking career, Lee Payne served as a member and rector of Old Dominion University's Board of Visitors from 1978 to 1985; in addition to spearheading the development of the university's Blackwater Ecological Preserve, he also assisted in the planning of the Jefferson Lab nuclear accelerator facility in Newport News and helped grow the university's field hockey program into a national contender; and

WHEREAS, as a longtime supporter of land conservation and education, Lee Payne gave generously of his time and talents to the Chesapeake Bay Bridge and Tunnel Commission, the Lincoln-Lane Foundation, Norfolk Academy, and the Nature Conservancy; and

WHEREAS, Lee Payne was also active in the Literary Fellowship, the Port and Poetry Society, and the Folly Creek Corporation of Cedar Island; and

WHEREAS, remembered for his sharp wit and gentlemanly demeanor, Lee Payne was happiest when spending time with family and enjoying outdoor activities; and

WHEREAS, Lee Payne will be fondly remembered and dearly missed by his wife, Eunice; children, Meriwether, John, and Ruth, and their families; and many other family members, friends, and Norfolk residents; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Meriwether Lee Payne, a respected business leader and conservationist; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Meriwether Lee Payne as an expression of the General Assembly's respect for his memory.

### SENATE JOINT RESOLUTION NO. 140

*Celebrating the life of Charles Edward Reed.*

Agreed to by the Senate, February 22, 2018

Agreed to by the House of Delegates, March 2, 2018

WHEREAS, Charles Edward Reed of Westmoreland County, a hardworking entrepreneur and the beloved patriarch of a large family, died on November 24, 2017; and

WHEREAS, Charles Reed attended Westmoreland County Public Schools and earned a degree in barbering from Virginia State College; and

WHEREAS, Charles Reed served the community from his barbershop, then worked as a contract painter with Charles E. Reed & Sons for 20 years; his commitment to the importance of discipline and good communication also served him well as a supervisor at Scovill Manufacturing; and

WHEREAS, a man of deep and abiding faith, Charles Reed enjoyed fellowship and worship with the community as a longtime member of Siloam Baptist Church; he served as a trustee for 51 years and was active in Sunday School Ministry; he was also a devoted member of the Senior Choir, where he shared his love of gospel music with the entire congregation; and

WHEREAS, Charles Reed's greatest joy in his life was his family, and he was proud to watch his progeny succeed in all their endeavors and build their own legacies in the community; and

WHEREAS, Charles Reed will be fondly remembered and greatly missed by his devoted wife of 58 years, Helen; his sons, Michael, Gernard, and Cory, and their families, including eight grandchildren and nine great-grandchildren; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Charles Edward Reed, an admired member of the Westmoreland County community; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Charles Edward Reed as an expression of the General Assembly's respect for his memory.

### SENATE JOINT RESOLUTION NO. 141

*Commending the Loudoun County School Board.*

Agreed to by the Senate, February 22, 2018  
Agreed to by the House of Delegates, March 2, 2018

WHEREAS, in 2017, the Loudoun County School Board fully and effectively implemented new requirements to employ reading specialists trained in the identification of and appropriate interventions and teaching techniques for students with dyslexia; and

WHEREAS, the Loudoun County School Board had previously provided for the employment of reading specialists in elementary schools and specialists for students with learning disabilities, but not for a professional trained specifically to help dyslexic students; and

WHEREAS, dyslexia is a learning disorder characterized by difficulties with word recognition, spelling, and reading comprehension that affects as many as one in 10 children in the United States; the disorder can be difficult to identify, and the Loudoun County School Board has now implemented methods to ensure that students receive assistance at an early age; and

WHEREAS, after the passage of dyslexia specialist legislation during the 2017 Session of the General Assembly, the Loudoun County School Board enthusiastically took steps to hire such a specialist and help students with dyslexia develop the foundational skill of reading through specialized instruction, accommodations, and assistive technology supports; and

WHEREAS, in addition to hiring dyslexia specialists, who act as a resource for other reading specialists and teachers, the Loudoun County School Board and Loudoun County Public Schools have established a training system to help all faculty and administrators better serve students with dyslexia; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Loudoun County School Board for ensuring that Loudoun County Public Schools are equipped to serve and support students with dyslexia; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Loudoun County School Board as an expression of the General Assembly's admiration for its work to provide all Loudoun County students with the best possible education.

### SENATE JOINT RESOLUTION NO. 142

*Commending Tony R. Torres.*

Agreed to by the Senate, February 15, 2018  
Agreed to by the House of Delegates, February 16, 2018

WHEREAS, Tony R. Torres, an exemplary law-enforcement officer who served the Chesapeake community for nearly three decades, retires as a major with the Chesapeake Police Department in March 2018; and

WHEREAS, Tony Torres holds a Bachelor's Degree in Criminology from Saint Leo University and a Master's Degree in Public Administration from Old Dominion University; and

WHEREAS, Tony Torres began his career in law enforcement on September 11, 1989, and graduated from the Chesapeake Police Academy in January 1990; he served as a patrol officer until he was promoted to sergeant in 1995; and

WHEREAS, Tony Torres continued to rise through the ranks of the Chesapeake Police Department, becoming a major in 2008; and

WHEREAS, during his 28-year career with the Chesapeake Police Department, Tony Torres served as a field training officer, a Department of Criminal Justice certified general instructor, the supervisor of criminal investigations managing violent crimes and homicides, a public information officer, and a member of the SWAT team; and

WHEREAS, Tony Torres has received many awards and accolades, including letters of commendation from the Chesapeake Fire Department, the Chesapeake Sheriff's Office, Chesapeake Public Schools, the Norfolk Police Department, the Drug Enforcement Administration, and members of the public; and

WHEREAS, in addition to receiving the Chesapeake Police Department's Meritorious Police Service Award, Tony Torres was a two-time recipient of the department's Drug Enforcement Incentive Award and a six-time recipient of the City of Chesapeake's Star Performer Award; and

WHEREAS, serving with integrity and dedication, Tony Torres earned the respect and admiration of his supervisors and colleagues at the Chesapeake Police Department as he worked to enforce the law and safeguard the lives and property of Chesapeake residents; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Tony R. Torres on the occasion of his retirement as a major with the Chesapeake Police Department; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Tony R. Torres as an expression of the General Assembly's admiration for his many years of service to the Chesapeake community.

### SENATE JOINT RESOLUTION NO. 143

*Commending James S. Utterback.*

Agreed to by the Senate, February 22, 2018  
Agreed to by the House of Delegates, March 2, 2018

WHEREAS, James S. Utterback, a talented administrator who has spent nearly 20 years with the Virginia Department of Transportation, was selected to serve as project director of the Hampton Roads Bridge-Tunnel Expansion Project in January 2018; and

WHEREAS, James "Jim" Utterback earned a bachelor's degree in mechanical engineering from Virginia Military Institute and a master's degree in business from Webster University in Missouri; he served his country in the United States Air Force for nearly 10 years and later retired from the Air Force Reserve as a lieutenant colonel; and

WHEREAS, beginning in 1995, Jim Utterback worked as a program manager at the company ITT Defense and Electronics; in 1999, he joined the Virginia Department of Transportation (VDOT) and went on to serve as an engineer in its Management Services, Location and Design, and Innovative Project Delivery divisions; and

WHEREAS, after leading VDOT's Charlottesville Residency from 2005 to 2006, Jim Utterback served as a project manager in VDOT's Scheduling and Contracts Division; he then spent five years as administrator of VDOT's Culpeper District, where he oversaw nearly 500 employees; and

WHEREAS, Jim Utterback took the reins as administrator of VDOT's Hampton Roads District in 2013; along with leading over 800 state employees, he guided the District through a \$1.2 billion construction program that included the I-64 High Rise Bridge as well as several other highway widening, resurfacing, and ramp improvement projects; and

WHEREAS, in January 2018, Jim Utterback was tapped to serve as project director of VDOT's Hampton Roads Bridge-Tunnel Expansion Project; in that role, he will oversee a \$3.3 billion plan to build a new bridge-tunnel and widen I-64 in both Hampton and Norfolk; and

WHEREAS, a visionary leader who has earned the respect of his colleagues, Jim Utterback is a superb choice to lead the Hampton Roads Bridge-Tunnel Expansion Project, which will be the largest transportation project in Virginia history; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend James S. Utterback on his selection as project director of the Hampton Roads Bridge-Tunnel Expansion Project; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to James S. Utterback as an expression of the General Assembly's admiration for his exemplary service to the Commonwealth and best wishes for a successful project.

### SENATE JOINT RESOLUTION NO. 144

*Commending the Arlington Street People's Assistance Network.*

Agreed to by the Senate, February 22, 2018  
Agreed to by the House of Delegates, March 2, 2018

WHEREAS, for 25 years, the nonprofit Arlington Street People's Assistance Network has worked to end homelessness in Arlington County by providing meals, housing, medical care, and other services to individuals in need; and

WHEREAS, the Arlington Street People's Assistance Network (A-SPAN) traces its roots to the late 1980s, when two women began preparing and distributing meals for the homeless two nights a week; after learning of the various challenges faced by those on the streets, the founders started a grassroots organization to serve the homeless community; and

WHEREAS, today, A-SPAN has grown into an industry-leading organization that has over 30 staff members and a dedicated network of volunteers who provide outreach and support to Arlington County's most vulnerable residents; and

WHEREAS, as a member of Arlington's 10-Year Plan to End Homelessness and a partner in the Continuum of Care, A-SPAN works to place the chronically homeless in permanent housing and provide them with case management support and financial literacy training; through its Homelessness Prevention and Rapid Rehousing Programs, the organization also strives to keep those at risk of homelessness from ending up on the street; and

WHEREAS, A-SPAN's outreach and housing initiatives have helped contribute to an over 60 percent drop in homelessness in Arlington since 2013; in total, the organization has assisted 236 homeless individuals, families, and veterans in acquiring supportive housing; and

WHEREAS, other vital A-SPAN programs include a winter shelter, a day program and drop-in center, a nursing service, job training and internships, and a street services outreach team that gives clothing, blankets, medical kits, and other items to the homeless; each year, the organization distributes some 32,000 meals through its different services; and

WHEREAS, since 2015, A-SPAN has operated the Homeless Services Center (HSC), a state-of-the-art facility that houses all of its services, including a year-round shelter and the Medical Respite Program, which provides 1,300 free medical visits annually; and

WHEREAS, A-SPAN has received many awards and honors for its work, including the 2015 Board Leadership Award from the Center for Nonprofit Advancement, the Leadership Legacy Nonprofit Award from Leadership Arlington, the Nonprofit of the Year award from the Arlington Chamber of Commerce, and multiple James B. Hunter Human Rights Awards from the Arlington Human Rights Commission; and

WHEREAS, through the hard work and dedication of its staff and volunteers, A-SPAN has fostered meaningful, respectful relationships with Arlington's homeless community and provided life-sustaining services and new opportunities for numerous individuals and families; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Arlington Street People's Assistance Network for its service to the Arlington County community on the occasion of its 25th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Arlington Street People's Assistance Network as an expression of the General Assembly's admiration for its tireless work to end homelessness.

**SENATE JOINT RESOLUTION NO. 145**

*Commending the Honorable James C. Dimitri.*

Agreed to by the Senate, February 22, 2018  
 Agreed to by the House of Delegates, March 2, 2018

WHEREAS, the Honorable James C. Dimitri, an admired and respected commissioner of the Virginia State Corporation Commission, retired on February 28, 2018; and

WHEREAS, James Dimitri was born on July 21, 1950, in Somerville, New Jersey, and raised in Charleston, South Carolina; he earned a bachelor's degree in economics from the University of Virginia and received a law degree from the Boston University School of Law; and

WHEREAS, after being admitted to the bar, James Dimitri first appeared before the State Corporation Commission in 1980 as an attorney representing low-income clients; and

WHEREAS, James Dimitri represented the interests of all Virginia consumers as an attorney with the Division of Consumer Counsel in the Office of Attorney General from 1983 to 1987; and

WHEREAS, James Dimitri continued working on utility matters before the Commission for 20 years; he was in private practice in Richmond from 1987 to 1994, representing both large users of utility services as well as entities regulated by the Commission; and

WHEREAS, from 1994 to 2000 James Dimitri served as senior counsel and then general counsel at the Commission, providing legal representation to the Commission and its divisions, then returned to private practice from 2000 to 2008, specializing in administrative and regulatory law; and

WHEREAS, James Dimitri was appointed as a commissioner by Governor Timothy M. Kaine and took the oath of office on September 3, 2008; he was elected by the 2009 General Assembly to complete an unexpired term, then was reelected to a second term in 2014; and

WHEREAS, inasmuch as the structure of the State Corporation Commission is unique, organized under Article IX of the Constitution of Virginia as a separate department of state government with delegated administrative, legislative, and judicial powers, James Dimitri's vast legal experience, his profound wisdom, and his unquestioned integrity have well served the interests of the citizens of Virginia; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Honorable James C. Dimitri for his judicial acumen and his long and exemplary career of public service; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Honorable James C. Dimitri as an expression of the General Assembly's gratitude for his outstanding service with the Virginia State Corporation Commission and best wishes for a long and happy retirement.

**SENATE JOINT RESOLUTION NO. 146**

*Commending George H. Hettrick.*

Agreed to by the Senate, February 22, 2018  
 Agreed to by the House of Delegates, March 2, 2018

WHEREAS, George H. Hettrick, a respected legal professional with more than 30 years of experience, has announced his retirement as of March 31, 2018, thus bringing to an end his long and exemplary career as an attorney at Hunton & Williams and as a national leader in promoting pro bono services in the legal profession; and

WHEREAS, George Hettrick earned his bachelor's degree from Cornell University in 1962 and his J.D. from Harvard Law School in 1965; and

WHEREAS, a veteran of the United States Army, George Hettrick worked as a special counsel to the Governor of Virginia before joining the law firm of Hunton & Williams, where he forged a successful practice in corporate and finance law; and

WHEREAS, since 1989, George Hettrick has served as the chair of Hunton & Williams' pro bono committee; under his diligent leadership, the firm has achieved 100 percent attorney participation in pro bono projects and opened pro bono offices in Richmond and Charlottesville; and

WHEREAS, George Hettrick's many pro bono efforts have included assisting veterans of the wars in Iraq and Afghanistan, overseeing three international child abduction cases, overturning a wrongful conviction in a murder case, and aiding low-income residents in a variety of legal matters; and

WHEREAS, along with serving as managing partner of Hunton & Williams' pro bono offices, George Hettrick has helped create Firms in Service, a group of law firms and legal departments that meets bimonthly to collaborate on pro bono issues; and

WHEREAS, a member of the Virginia Access to Justice Commission and the advisory board of the Greater Richmond Bar Foundation, George Hettrick also works on the treatment team at the federal drug court in Richmond and serves as a board member emeritus of Lawyers Helping Lawyers, a group that assists attorneys with drug and alcohol addiction; and

WHEREAS, George Hettrick's tireless support of pro bono legal efforts has earned him many awards and recognitions, including the 2015 Lewis F. Powell Jr. Pro Bono Award from the Virginia State Bar and a 2009 Lifetime Achievement Award from *The American Lawyer* magazine; and

WHEREAS, in 2015, the Greater Richmond Bar Foundation created the George H. Hettrick Leadership Award in George Hettrick's honor; the award recognizes lawyers who have demonstrated an exceptional commitment to aiding underrepresented groups; and

WHEREAS, in 2017, George Hettrick was one of 26 people named a Person of the Year honoree by the *Richmond Times-Dispatch*; the award recognized his many influential contributions to pro bono efforts in the Richmond legal community; and

WHEREAS, throughout his distinguished career, George Hettrick has brought his talent and experience to the aid of countless people in need and has consistently been a force for positive change in the community; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend George H. Hettrick for his many years of distinguished pro bono service on the occasion of his retirement from Hunton & Williams; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to George H. Hettrick, as an expression of the General Assembly's admiration for his dedication to aiding the residents of the Commonwealth.

#### SENATE JOINT RESOLUTION NO. 147

*Commending the Honorable James C. Cacheris.*

Agreed to by the Senate, February 22, 2018  
Agreed to by the House of Delegates, March 2, 2018

WHEREAS, the Honorable James C. Cacheris, an accomplished judge who presided over numerous high-profile cases over the course of his 46-year career on the bench, retired from the United States District Court for the Eastern District of Virginia in 2017; and

WHEREAS, a native of Pittsburgh, Pennsylvania, James Cacheris learned the value of hard work and responsibility from his father, a Greek immigrant who supported his family as a waiter and a restaurant owner; and

WHEREAS, James Cacheris grew up in Maryland and Washington, D.C., where he graduated from Western High School; he earned a bachelor's degree from the University of Pennsylvania, then served his country as a member of the United States Army before earning his law degree from the George Washington University; and

WHEREAS, James Cacheris began his legal career as an assistant corporate counsel in Washington, D.C., then opened a private practice and served clients in Washington, D.C., and the Commonwealth for more than a decade; and

WHEREAS, in 1971, James Cacheris was appointed as a judge of the Fairfax Circuit Court of the Nineteenth Judicial Circuit of Virginia; he was the first Republican circuit court judge in Northern Virginia since Reconstruction; and

WHEREAS, James Cacheris presided over the Fairfax Circuit Court with great fairness and wisdom until 1981, when he was appointed as a judge of the United States District Court for the Eastern District of Virginia; and

WHEREAS, James Cacheris was well known for his punctuality, unshakeable demeanor, and attention to detail; several of his rulings were upheld in the Supreme Court of the United States, including *Dickerson v. United States*, which maintained the requirement that Miranda warnings must be read to criminal suspects; and

WHEREAS, James Cacheris has also been admired for his humility, shunning the spotlight despite his involvement in many other high-profile cases, including *United States v. Jacobson*, *United States v. Russell*, *Williams v. Taylor*, and

*United States v. Nicholson*, which centered around the highest ranking Central Intelligence Agency officer to be convicted of espionage; and

WHEREAS, respected by his peers, James Cacheris was named chief judge of the United States District Court for the Eastern District of Virginia and served in that capacity from 1991 to 1997; for much of his later career, James Cacheris served as a senior justice; and

WHEREAS, a man of unfailing integrity, James Cacheris has served the Commonwealth with the utmost dedication and distinction, and he plans to seek new opportunities to serve the community after his well-earned retirement; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Honorable James C. Cacheris on the occasion of his retirement as a judge of the United States District Court for the Eastern District of Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Honorable James C. Cacheris, as an expression of the General Assembly's admiration for his many contributions to Northern Virginia and the United States.

**SENATE JOINT RESOLUTION NO. 148**

*Commending Fort Hunt Little League.*

Agreed to by the Senate, February 22, 2018  
 Agreed to by the House of Delegates, March 2, 2018

WHEREAS, Fort Hunt Little League enjoyed an outstanding 2017 baseball season that included four District 9 championships and two Virginia Little League state championships; and

WHEREAS, founded in Alexandria in 1956, Fort Hunt Little League comprises 10 baseball divisions for players ages four to 18; and

WHEREAS, Fort Hunt Little League focuses on developing mental and physical discipline in its players by showing them that sports can be an early rung on the achievement ladder of life; the league enjoys a high degree of community involvement, including one volunteer for every three children; and

WHEREAS, 2017 was the most successful season in Fort Hunt Little League's history; the league's 10s, Majors, Intermediate, and Seniors teams each won the Virginia Little League District 9 tournament, and the Majors and Seniors teams both clinched the Virginia state championship; and

WHEREAS, the Fort Hunt Little League Majors team dominated the state tournament, notching a team batting average of .518 and outscoring opponents by a margin of 94–12; in the title game on July 26, 2017, the team battled to a 5–4 win over the Atlee Little League Majors to secure the state championship; and

WHEREAS, the Fort Hunt Little League Seniors team, which was assembled from a pool of just 23 eligible players, benefited from exceptional pitching and fielding in the state tournament; the team rallied from behind in its final game to defeat the Bristol Little League Seniors 9–4 on July 11, 2017, clinching the state championship; and

WHEREAS, the success of Fort Hunt Little League is a testament to its talented young athletes, the guidance of its dedicated coaches, and the support of family members, friends, and the entire Alexandria community; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Fort Hunt Little League on its teams' outstanding 2017 baseball season, including four District 9 championships and two state championships; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Fort Hunt Little League as an expression of the General Assembly's admiration for the teams' achievements and best wishes for the future.

**SENATE JOINT RESOLUTION NO. 149**

*Commending Riverside Elementary School.*

Agreed to by the Senate, February 22, 2018  
 Agreed to by the House of Delegates, March 2, 2018

WHEREAS, in 2018, Riverside Elementary School will celebrate 50 years of educating and nurturing the children of Mount Vernon; and

WHEREAS, built in 1968 on land once owned by George Washington, Riverside Elementary School serves a rich and diverse school community within the Fairfax County Public Schools district; and

WHEREAS, with a mission to promote high academic and social achievement, Riverside Elementary School seeks to meet the needs of its more than 800 learners through meaningful instruction and strong communication and collaboration with parents; and

WHEREAS, Riverside Elementary School's dedicated and highly qualified teachers employ a balanced instructional approach that hones critical and creative thinking skills and makes use of individual, small group, and team teaching strategies; and

WHEREAS, in addition, the staff and administration at Riverside Elementary School strive to model and nurture the values of respect, responsibility, caring, cooperation, honesty, perseverance, resiliency, and community in all students; and

WHEREAS, Riverside Elementary School operates a number of special programs in early literacy, character education, and academic enrichment and remediation; its active parent-teacher association works to provide students with after-school activities and special family events; and

WHEREAS, committed to fostering the positive efforts and attitudes of its students, Riverside Elementary School also offers a wide selection of leadership opportunities for learners, including a student council association, an after-school student leadership academy, men's and women's leadership lunches, and buddy programs that allow older students to mentor their younger classmates; and

WHEREAS, the students, faculty, and staff at Riverside Elementary School take pride in the school's rich history and work diligently to meet the needs of the student population and to empower all who walk through the school's doors; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Riverside Elementary School on the occasion of its 50th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Paul Basdekis, principal of Riverside Elementary School, as an expression of the General Assembly's admiration for the school's commitment to its students and the surrounding community.

#### SENATE JOINT RESOLUTION NO. 150

*Commending John F. Pattie Sr. Elementary School.*

Agreed to by the Senate, February 22, 2018

Agreed to by the House of Delegates, March 2, 2018

WHEREAS, for 40 years, John F. Pattie Sr. Elementary School in Dumfries has promoted academic excellence, a positive and safe school environment, and supportive relationships among its students, faculty, and staff; and

WHEREAS, founded in 1978, Pattie Elementary School is part of Prince William County Public Schools and serves the communities of Brittany, Forest Park, Grayson Village, Keswick Forest, Lake Crest, Montclair, and Stockbridge; and

WHEREAS, unlike many schools, Pattie Elementary School consists of two separate buildings; grades two through five are housed in the main building, while kindergarten through first grade are housed in what was formerly the building of Washington-Reid Elementary; and

WHEREAS, Pattie Elementary School has an instructional staff of 41 teachers who serve over 700 students; and

WHEREAS, Pattie Elementary School's students are each assigned to one of four elements: earth, air, fire, or water; they can earn points for their element group through positive behavior and achievement; and

WHEREAS, with a mission to promote high academic and social achievement, Pattie Elementary School seeks to meet the needs of its learners through meaningful instruction and strong communication and collaboration with parents; and

WHEREAS, Pattie Elementary School has an in-house START/SIGNET gifted program as well as an ESOL program and special education services; and

WHEREAS, Pattie Elementary School's extracurricular activities have included a chorus, a robotics program, and an enrichment matters program; an active parent-teacher cooperative helps coordinate fundraising efforts for after-school programs and special events; and

WHEREAS, Pattie Elementary School's main building is currently being enlarged; when the addition is completed in 2018, the entire school will move under one roof; and

WHEREAS, in 2017, Prince William County Public Schools recognized Pattie Elementary School as a School of Excellence for the tenth time in its history; and

WHEREAS, the diligent faculty, staff, and administration of Pattie Elementary School work constantly to improve all aspects of the learning experience and nurture academic achievement, self-esteem, respect, and responsibility in their students; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend John F. Pattie Sr. Elementary School on the occasion of its 40th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to R.J. Lucciotti, principal of John F. Pattie Sr. Elementary School, as an expression of the General Assembly's admiration for its commitment to providing students with a strong foundation for lifelong learning.

**SENATE JOINT RESOLUTION NO. 151***Commending the Appomattox County High School football team.*

Agreed to by the Senate, February 22, 2018  
 Agreed to by the House of Delegates, March 2, 2018

WHEREAS, the Appomattox County High School football team won the Virginia High School League Class 2A state championship on December 10, 2017, claiming its third straight state title; and

WHEREAS, the Appomattox County High School Raiders' championship three-peat capped off a memorable season in which the team finished 14–1 and often overwhelmed opponents with a rapid-fire offense and a commanding defense; and

WHEREAS, in the title game played at Salem City Stadium, the Appomattox County Raiders triumphed over the Robert E. Lee High School Leemen 38–34 to secure the state championship; and

WHEREAS, the Robert E. Lee Leemen scored first in the tense, seesaw state final, but the Appomattox County Raiders soon equalized with a 48-yard touchdown pass from quarterback Javon Scruggs to receiver De'Von Graves; and

WHEREAS, the Appomattox County Raiders showed remarkable grit and determination by repeatedly coming from behind in the title game; a 10-yard rushing touchdown from Javon Scruggs tied the game at 17–17 in the third quarter, and Collen Shaw later caught a 23-yard touchdown pass to even the score at 24–24; and

WHEREAS, the Appomattox County Raiders took their first lead of the game in the fourth quarter, when Javon Scruggs scored a 3-yard touchdown to make it 31–27; the team then fell behind by three points, only to rally one last time with a 6-yard touchdown pass from Javon Scruggs to Devin Dews with less than two minutes left in the game; and

WHEREAS, as the seconds ticked away, the Appomattox County Raiders' defense made a crucial stand to deny the Robert E. Lee Leemen a first down, sealing the state championship; and

WHEREAS, along with the Appomattox County Raiders' third straight state title, head coach Doug Smith won the Class 2A football coach of the year award; quarterback Javon Scruggs, who also plays as a safety, was named defensive player of the year; and

WHEREAS, the Appomattox County High School football team's state championship win is a tribute to the skill and dedication of its student-athletes, the excellent guidance of coaches and staff, and the enthusiastic support of family members, friends, and the entire Appomattox County High School community; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the Appomattox County High School football team hereby be commended on winning the Virginia High School League Class 2A state championship; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Doug Smith, head coach of the Appomattox County High School football team, as an expression of the General Assembly's admiration for the team's remarkable season.

**SENATE JOINT RESOLUTION NO. 152***Commending Jimmie Straley.*

Agreed to by the Senate, February 22, 2018  
 Agreed to by the House of Delegates, March 2, 2018

WHEREAS, Jimmie Straley, a Louisa County resident who has generously given of his time in service to youth baseball in the Commonwealth, was awarded the distinguished Little League International Meritorious Service Award in 2018; and

WHEREAS, a dedicated volunteer, Jimmie Straley has worked for decades to ensure that youth baseball players have a rewarding and enjoyable experience in Little League; and

WHEREAS, Jimmie Straley served as a Little League coach for 10 years and as a Louisa Little League official for four years; and

WHEREAS, for the last 25 years, Jimmie Straley has brought his experience and leadership skills to a role as administrator of Virginia Little League District 14, which includes the counties of Louisa, Fluvanna, Orange, Albemarle, Nelson, Culpeper, Rappahannock, Madison, Greene, and parts of Augusta County; and

WHEREAS, in addition, Jimmie Straley has also held the position of state coordinator for Virginia Little League for the past nine years; and

WHEREAS, as part of the Little League International Congress on January 22, 2018, Jimmie Straley and eight other volunteers received the Little League International Meritorious Service Award in recognition of their dedication and passion for the Little League program; and

WHEREAS, Jimmie Straley received the Meritorious Service Award for his work with Little League's Southeast Region, which includes Virginia, North Carolina, South Carolina, West Virginia, Georgia, Tennessee, Florida, and Alabama; and

WHEREAS, throughout his long association with Little League, Jimmie Straley has given countless hours of valuable volunteer service and has had a positive impact on the lives of numerous young athletes in the Commonwealth; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That Jimmie Straley hereby be commended on receiving the Little League International Meritorious Service Award in 2018; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Jimmie Straley as an expression of the General Assembly's admiration for his tireless support for youth baseball in the Commonwealth.

### SENATE JOINT RESOLUTION NO. 153

*Commending David Scott Morris.*

Agreed to by the Senate, February 22, 2018  
Agreed to by the House of Delegates, March 2, 2018

WHEREAS, David Scott Morris, a respected educator who serves as director of student activities at Fluvanna County High School in Palmyra, was a recipient of the 2017 Distinguished Service Award from the National Interscholastic Athletic Administrators Association; and

WHEREAS, the Distinguished Service Award is presented annually to recognize National Interscholastic Athletic Administrators Association (NIAAA) members for their length of service, special accomplishments, and contributions to interscholastic athletics at the local, state, and national levels; Scott Morris was one of 11 individuals to receive the honor in 2017; and

WHEREAS, a 1990 graduate of Radford University, Scott Morris earned a master's degree from Longwood University; he began his education career as a teacher at schools in Madison and Charlottesville, where he coached baseball, softball, basketball, and football; and

WHEREAS, Scott Morris joined the faculty of Fluvanna County High School 18 years ago as a teacher in the social studies department; since 2004, he has served as the school's director of student activities; and

WHEREAS, during Scott Morris's tenure as activities director, Fluvanna County High School has added seven new varsity athletics programs in boys' and girls' swimming, lacrosse, and soccer, as well as boys' wrestling; and

WHEREAS, in addition, Scott Morris helped open the facilities of Fluvanna County High School's new building, created a new Student-Athlete Handbook and Coaches Handbook, and oversaw the school's 26 different athletics programs; and

WHEREAS, along with his dedicated service to Fluvanna County High School, Scott Morris is an active member of the Virginia Interscholastic Athletic Administrators Association (VIAAA) and served as its president in 2014–2015; he also served as co-chair of its strategic plan and chair of its state conference and professional development committee; and

WHEREAS, Scott Morris is also active in the NIAAA, serving as a member of its National Faculty as well as a Virginia state delegate; and

WHEREAS, Scott Morris received the NIAAA State Award of Merit in 2015; in April 2017, he was named the VIAAA 3A/4A Athletic Director of the Year; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend David Scott Morris on being named as a 2017 recipient of the Distinguished Service Award by the National Interscholastic Athletic Administrators Association; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to David Scott Morris as an expression of the General Assembly's admiration for his dedication to the students of Fluvanna County High School.

### SENATE JOINT RESOLUTION NO. 154

*Celebrating the life of the Honorable Lacey E. Putney.*

Agreed to by the Senate, March 1, 2018  
Agreed to by the House of Delegates, March 7, 2018

WHEREAS, the Honorable Lacey E. Putney, who retired as the longest-serving member of the General Assembly and one of the longest-serving state legislators in the United States, and who left an indelible mark on the Commonwealth while representing the residents of the 19th District for 50 years, died on August 26, 2017; and

WHEREAS, a native of Big Island in Bedford County, Lacey Putney graduated from M.E. Marcuse High School and was recruited by Washington and Lee University to play baseball; after earning his bachelor's degree, he honorably served the nation as a member of the United States Air Force from 1950 to 1954, then returned to his alma mater and earned a law degree; and

WHEREAS, Lacey Putney started his own law practice in Bedford, where he was joined by his brother, Macon, and his secretary and later legislative assistant, Betty Lou Layne, and provided expert legal guidance to members of the community for more than 55 years; and

WHEREAS, desirous to be of further service to the Commonwealth, Lacey Putney ran for and was elected to the Virginia House of Delegates in 1961 and ably represented the residents of the cities of Bedford and Covington and all or part of the counties of Alleghany, Bedford, and Botetourt; and

WHEREAS, Delegate Putney joined the Virginia House of Delegates when the population of the Commonwealth was half of what it is today, the General Assembly met every two years for 60 days, and members had no offices or computers and waited in line to use phone booths on the first floor of the Capitol; and

WHEREAS, Delegate Putney witnessed many changes to state government throughout his distinguished career and introduced or supported numerous important legislative initiatives to benefit the citizens of the Commonwealth; and

WHEREAS, Delegate Putney patroned legislation to create the Virginia Tuition Assistance Grant Program, encouraged the use of a six-year capital outlay planning process to help maintain the Commonwealth's coveted Triple A credit rating and, known as the guardian of the Virginia Retirement System, championed pension reform in the 1990s; and

WHEREAS, Delegate Putney offered valuable insights as a member of the Rules and Privileges and Elections Committees, and as Speaker of the House from June 2002 to January 2003, he provided firm and steady leadership to the House of Delegates; and

WHEREAS, as founder, former chair, and member of the Joint Legislative Audit and Review Commission, Delegate Putney worked to ensure that state government operated in the most efficient and effective manner possible for the taxpayers of Virginia; and

WHEREAS, a seasoned legislator, Delegate Putney was a powerful voice for fiscal conservatism and responsible stewardship of the Commonwealth's financial resources as chair of the House Appropriations Committee; he worked tirelessly with fellow legislators to guide Virginia through tough economic times and make difficult decisions regarding the best use of state funds; and

WHEREAS, committed to the growth and prosperity of his district, Delegate Putney worked with local and state government officials and business leaders to bring businesses and jobs to his constituency, notably through the expansion of Barr Laboratories in Bedford County; and

WHEREAS, Delegate Putney had a deep appreciation for his district's many contributions to the Commonwealth and nation, serving as a trusted advocate for the National D-Day Memorial in Bedford and supporting numerous cultural and historical preservation efforts; and

WHEREAS, Delegate Putney also served his community and profession in numerous capacities over the years, including as a trustee of the Patrick Henry Boys & Girls Plantation, former director of the Bedford Area Chamber of Commerce, former president of the Bedford Bar Association, and member of the Masons, Scottish Rite, and American Legion; and

WHEREAS, Delegate Putney garnered numerous awards and accolades over the course of his distinguished career, including twice being named Legislator of the Year by the Virginia Governmental Employees Association and receiving a Distinguished Service Award from Virginia Military Institute, the Distinguished Alumni Award from Washington and Lee University, and the Thomas B. Murphy Longevity of Service Award for 45 years of distinguished service in the Virginia General Assembly from the Southern Legislative Conference; and

WHEREAS, Delegate Putney was honored to be a member of the oldest continuous lawmaking body in the New World, and he worked to preserve the integrity and collegiality of that noble body throughout his illustrious career, earning himself a clear place in the annals of Virginia history; and

WHEREAS, predeceased by his first wife, Elizabeth, Lacey Putney will be fondly remembered and greatly missed by his wife, Carmela; his children, Susan and Lacey, Jr., and their families; and numerous other family members, friends, and colleagues on both sides of the aisle; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of the Honorable Lacey E. Putney, a model legislator who demonstrated unwavering commitment to his constituents and all residents of the Commonwealth; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of the Honorable Lacey E. Putney, as an expression of the General Assembly's respect for his memory.

#### SENATE JOINT RESOLUTION NO. 155

*Commending the Appomattox County High School golf team.*

Agreed to by the Senate, February 22, 2018  
Agreed to by the House of Delegates, March 2, 2018

WHEREAS, the Appomattox County High School golf team won the Virginia High School League Class 2A state championship on October 10, 2017, at Heritage Oaks Golf Course in Harrisonburg, securing its second state title in four years; and

WHEREAS, the Appomattox County High School Raiders' golfers handled the course's fast greens and difficult pin placements with great skill and finished with a two-day tournament team score of 626 strokes, 14 shots ahead of second-place Poquoson High School; and

WHEREAS, the Appomattox County Raiders were led by senior Ryan Sayre, who shot a four-over par 74 during the first round and a two-over par 72 during the second round to notch a 36-hole score of 146; next in line was senior standout Jillian Drinkard, who posted scores of 76 and 73 for a two-day score of 149; and

WHEREAS, other key performers for the Appomattox County Raiders included junior Hunter Franklin, who recorded a two-day score of 165; senior Samuel O'Brien, who shot a two-day score of 171; and junior Dillon Banton, who shot a two-day score of 173; and

WHEREAS, Ryan Sayre's 36-hole score of 146 earned him third place in the tournament as well as all-state honors, while Jillian Drinkard finished eighth in the tournament and ended the season as region player of the year; and

WHEREAS, the Appomattox County High School golf team's state title win is a testament to the talent and dedication of its players, the leadership of its coaches and staff, and the passionate support of friends, family members, and the entire Appomattox County High School community; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the Appomattox County High School golf team hereby be commended on winning the Virginia High School League Class 2A state championship; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Doug Marshall, head coach of the Appomattox County High School golf team, as an expression of the General Assembly's admiration for the team's spectacular season.

### SENATE JOINT RESOLUTION NO. 156

*Celebrating the life of Ruth Ann Rogers Wise Kellam.*

Agreed to by the Senate, February 22, 2018

Agreed to by the House of Delegates, March 2, 2018

WHEREAS, Ruth Ann Rogers Wise Kellam, a beloved wife and mother, dedicated educator, and influential community leader who helped bring economic development and home ownership to numerous residents of the Eastern Shore, died on July 20, 2017; and

WHEREAS, Ruth Wise Kellam, known to most people as Ruth Wise, was born in the Eastern Shore community of Willis Wharf and graduated as valedictorian of the Northampton County High School class of 1960; and

WHEREAS, Ruth Wise earned a bachelor's degree from Virginia State University in 1964 and then taught French at Peabody High School in Petersburg; she later received a master's degree from Old Dominion University; and

WHEREAS, in 1980, Ruth Wise joined the faculty at Eastern Shore Community College in Melfa; as part of her teaching duties, she regularly traveled the Eastern Shore in a motorhome to teach literacy skills to low-income residents and prepare students for their GED tests; and

WHEREAS, after teaching for nearly two decades, Ruth Wise left Eastern Shore Community College to become executive director at New Road Community Development Group of Exmore, an organization originally founded to secure indoor plumbing and sewer services for homes in the low-income African American enclave of New Road; and

WHEREAS, under Ruth Wise's able leadership, the New Road Community Development Group set its sights on increasing opportunities for home ownership in New Road; after forming strategic partnerships and securing millions of dollars in grants, the group bought land and houses from absentee landlords, upgraded dozens of substandard houses, and made it possible for 60 people to become homeowners for the first time; and

WHEREAS, known throughout her community for her colorful African clothing and booming voice, Ruth Wise also served on the Northampton County School Board, was a founding board member of the Citizens for a Better Eastern Shore and the Northampton Housing Trust, and helped launch the Virginia Eastern Shore Economic Empowerment and Housing Corporation; and

WHEREAS, Ruth Wise received numerous honors for her community development efforts, including a 2001 Ford Foundation Leadership for a Changing World award, a Fannie Mae Foundation Maxwell Award, and a best practices award from the United States Department of Housing and Urban Development; and

WHEREAS, a woman of strong and abiding faith, Ruth Wise was a lifelong member of Mt. Calvary Baptist Church, where she worked as a hostess and mistress of ceremonies and helped organize programs on African American history; and

WHEREAS, Ruth Wise will be fondly remembered and greatly missed by her husband, Larry Kellam; her children, Ava, Marcus, Malachi, and Iysha, and their families; her stepchildren, Rodney, Laversa, and Larry; and many other family members, friends, and Eastern Shore residents; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Ruth Ann Rogers Wise Kellam, a talented educator and activist who worked tirelessly in support of the residents of the Eastern Shore; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Ruth Ann Rogers Wise Kellam as an expression of the General Assembly's respect for her memory.

**SENATE JOINT RESOLUTION NO. 157**

*Commending Fred Matthews.*

Agreed to by the Senate, February 22, 2018  
 Agreed to by the House of Delegates, March 2, 2018

WHEREAS, Fred Matthews, a dedicated first responder who served for 31 years as president of the Parksley Volunteer Fire Company, Inc., retired in 2017 following a distinguished career; and

WHEREAS, Fred Matthews, known as "Freddie" to many of his friends and colleagues, began his service with the Parksley Volunteer Fire Company in 1970 as a junior member; he later held a variety of positions with the company, including chief engineer, assistant engineer, assistant chief, and vice president; and

WHEREAS, in December 1986, Fred Matthews's extensive experience saw him elected president of the Parksley Volunteer Fire Company; in that role, he helped oversee a department that provides lifesaving services to residents of Accomack and Northampton counties, 24 hours a day, seven days a week; and

WHEREAS, in addition to his long tenure with the Parksley Volunteer Fire Company, Fred Matthews has also served as chairman of the Accomack County Fire and Rescue Commission, president and vice president of the Accomack-Northampton Firemen's Association, and president, first vice president, and second vice president of the Delmarva Volunteer Firemen's Association; and

WHEREAS, a devoted resident of the Eastern Shore, Fred Matthews also served as an officer with the Parksley Police Department between 1983 and 1989, and was director of public works and zoning administrator for the Town of Parksley between 2001 and 2017; and

WHEREAS, Fred Matthews's integrity and dedication to the safety of his community have won him the abiding respect, admiration, and affection of the people he so ably served; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Fred Matthews for his contributions to public safety on the occasion of his retirement as president of the Parksley Volunteer Fire Company, Inc.; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Fred Matthews as an expression of the General Assembly's admiration for his long and meritorious service to the community.

**SENATE JOINT RESOLUTION NO. 158**

*Celebrating the life of LaVonne Parker Ellis.*

Agreed to by the Senate, February 22, 2018  
 Agreed to by the House of Delegates, March 2, 2018

WHEREAS, LaVonne Parker Ellis, a beloved mother, distinguished educator, and respected Chesapeake resident who was a former member of the Commonwealth's State Board for Community Colleges, died on February 8, 2018; and

WHEREAS, born in Rich Square, North Carolina, LaVonne Ellis attended public schools in Northampton County, North Carolina, and then earned a bachelor's degree from Hampton Institute in 1964 and a master's degree from Old Dominion University in 1970; and

WHEREAS, a talented and compassionate educator, LaVonne Ellis began her career teaching business courses at I.C. Norcom High School and Cradock High School in Portsmouth; and

WHEREAS, in 1974, LaVonne Ellis joined the faculty of Tidewater Community College; during her 27-year tenure, she taught thousands of students, chaired the Student Development Committee, and held numerous leadership and club advisory positions; and

WHEREAS, LaVonne Ellis retired from teaching in 2001 and embarked on a new career as an independent insurance agent, selling policies for various providers; and

WHEREAS, in 2004, LaVonne Ellis was appointed to the first of two four-year terms on the Tidewater Community College Board; she eventually served as board chair, vice chair, and as a member of the Advocacy and Advancement Committee and the Resource Development Committee; and

WHEREAS, beginning in 2012, LaVonne Ellis served a four-year appointment on the State Board for Community Colleges, acting as Tidewater Community College's state board liaison; and

WHEREAS, along with her service to higher education, LaVonne Ellis was involved with the Tidewater Depression Glass Club, the National Hampton Alumni Association, the National Association of Parliamentarians, and the Tidewater Funeral Directors Association; and

WHEREAS, LaVonne Ellis was also active in civic and government affairs and was a longtime supporter of the Republican Party of Chesapeake and the Republican Party of Virginia; and

WHEREAS, LaVonne Ellis enjoyed fellowship and worship at First Baptist Church in Norfolk, where she sang in the choir, worked on the Scholarship Ministry, chaired the Scholarship Luncheon, and served on the board of Shepherd's Village at Park Avenue assisted living facility; and

WHEREAS, throughout her long and distinguished career, LaVonne Ellis touched the lives of numerous students and made valuable contributions to the development of the Commonwealth's community college system; in recognition of her outstanding service, Tidewater Community College established the LaVonne P. Ellis Scholarship, which is given annually to a Chesapeake high school student in her honor; and

WHEREAS, predeceased by her husband, Holland, LaVonne Ellis will be fondly remembered and greatly missed by her son, Hollis, as well as numerous other family members, friends, and former colleagues; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of LaVonne Parker Ellis, a dedicated teacher who helped advance higher education in the Commonwealth; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of LaVonne Parker Ellis as an expression of the General Assembly's respect for her memory.

**SENATE JOINT RESOLUTION NO. 159**

*Commending Ray Reynolds.*

Agreed to by the Senate, February 22, 2018

Agreed to by the House of Delegates, March 2, 2018

WHEREAS, for 15 years, Ray Reynolds has raised thousands of dollars in scholarships for Henry County students and paid tribute to the memory of the Short family through the Jennifer Short Memorial Scholarship Ride; and

WHEREAS, Ray Reynolds established the Jennifer Short Memorial Scholarship Ride to raise awareness of the 2002 murder of Michael, Mary, and Jennifer Short in hopes that their killer would one day be brought to justice; and

WHEREAS, the Jennifer Short Memorial Scholarship Ride runs from Fieldale to the Jennifer Renee Short Bridge on Grogan Road in Stoneville and back; Ray Reynolds developed the idea for the ride after his own emotional visit to the memorial bridge; and

WHEREAS, nearly 200 motorcycles and several vintage cars participated in the 15th Jennifer Short Memorial Scholarship Ride in 2017, and the event enjoys a great deal of support from community members and law-enforcement officers; and

WHEREAS, under Ray Reynolds' leadership, the Jennifer Short Memorial Scholarship Ride has awarded more than 42 scholarships, totaling more than \$40,000, and played a critical role in helping local high school students pursue higher education; and

WHEREAS, possessed of a servant's heart, Ray Reynolds has organized or supported several other charitable events, including Big Bird's Toy Run, Victory Junction, and the Cpl. Jonathan Bowling Memorial Motorcycle Ride; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Ray Reynolds for 15 years of work in organizing the Jennifer Short Memorial Scholarship Ride; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Ray Reynolds as an expression of the General Assembly's admiration for his generosity and care for the members of the community.

**SENATE JOINT RESOLUTION NO. 160**

*Commending the Shepherd Higher Education Consortium on Poverty.*

Agreed to by the Senate, March 1, 2018

Agreed to by the House of Delegates, March 7, 2018

WHEREAS, for 20 years, the Shepherd Higher Education Consortium on Poverty has prepared students to address the problem of poverty as future professionals and citizens by expanding and improving opportunities to study the meaning, causes, and consequences of poverty in a wide range of disciplines; and

WHEREAS, Washington and Lee University, through the leadership of Professor Harlan R. Beckley, President John W. Elrod, and Thomas R. Shepherd, Class of 1952, and his spouse the Reverend Nancy Shepherd, established the Shepherd Program for the study of poverty in 1997; and

WHEREAS, Washington and Lee University, Berea College, and Spelman College formed the Shepherd Alliance in 1998 to introduce new educational opportunities in poverty studies, including summer internships for students to serve the least well off members of society and to learn from organizations that provide community support; and

WHEREAS, through the support of private donors, federal grants, and nearly 20 foundations, including the Corella & Bertram F. Bonner Foundation and the Charles A. Frueauff Foundation, the Shepherd Alliance grew to become the Shepherd Higher Education Consortium on Poverty in 2012, and continues to support poverty studies programs at 25 colleges and universities; and

WHEREAS, the Shepherd Higher Education Consortium on Poverty, under the leadership of Harlan R. Beckley, its visionary founding executive director, has mentored more than 1,000 summer interns from over 35 schools in partnership with over 150 community agencies in 25 states during the past 20 years; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Shepherd Higher Education Consortium on Poverty for 20 years of outstanding leadership in alleviating poverty through higher education; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Harlan R. Beckley, founding executive director of the Shepherd Higher Education Consortium on Poverty, as an expression of the General Assembly's admiration for the consortium's many contributions to the Commonwealth and best wishes for future success.

### SENATE JOINT RESOLUTION NO. 161

*Celebrating the life of the Most Reverend Francis X. DiLorenzo.*

Agreed to by the Senate, March 1, 2018

Agreed to by the House of Delegates, March 7, 2018

WHEREAS, the Most Reverend Francis X. DiLorenzo, who strengthened the Roman Catholic Diocese of Richmond through his leadership as bishop for more than a decade, died on August 17, 2017; and

WHEREAS, a native of Philadelphia, Bishop DiLorenzo attended St. Thomas More High School and St. Charles Borromeo Seminary; he was ordained to the Archdiocese of Philadelphia in 1968 and served as pastor until 1971, when he was sent to Rome to continue his theological studies at the Academia Alfonsiana and the Pontifical University of St. Thomas Aquinas; and

WHEREAS, Bishop DiLorenzo continued to serve as a priest and a Catholic educator in Pennsylvania, as well as a member of the Papal Household under Pope John Paul II, until he was ordained to the episcopacy in 1988 and was appointed as an auxiliary bishop in Scranton, Pennsylvania; and

WHEREAS, in 1994, Bishop DiLorenzo was installed as bishop of the Diocese of Honolulu, and he was later nominated by Pope John Paul II as a participant in the 1998 Special Assembly of the Synod of Bishops for Asia, where he encouraged cooperation between bishops in Asia and the United States to better serve immigrant communities; and

WHEREAS, Bishop DiLorenzo was installed as the bishop of Richmond on May 24, 2004, and became well known in the community for his humility, concern for the less fortunate, and emphasis on religious education; and

WHEREAS, under Bishop DiLorenzo's leadership, enrollment in the seminary more than doubled, and he ordained 18 priests; in 2014, he launched a capital campaign that raised more than \$105 million to support parishes and clergy in Richmond; and

WHEREAS, Bishop DiLorenzo formed the McMahon Parater Foundation, which supported Richmond Catholic schools by providing scholarships and financial assistance, as well as professional development for teachers; he also founded the Lay Ecclesial Ministry Institute to help parish leaders educate children and adults; and

WHEREAS, Bishop DiLorenzo also cofounded the Virginia Catholic Conference, which advocated on behalf of the Diocese of Richmond and the Diocese of Arlington and invited priests from Africa and Asia to preach in the Commonwealth; and

WHEREAS, Bishop DiLorenzo will be fondly remembered and greatly missed by his sister, Anita; brother, Paul; and numerous other family members, friends, and Catholics in the communities he served; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of the Most Reverend Francis X. DiLorenzo, a respected spiritual leader in Richmond; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of the Most Reverend Francis X. DiLorenzo as an expression of the General Assembly's respect for his memory.

### SENATE JOINT RESOLUTION NO. 162

*Commending the Virginia Association of Free and Charitable Clinics, Inc.*

Agreed to by the Senate, March 6, 2018

Agreed to by the House of Delegates, March 7, 2018

WHEREAS, the Virginia Association of Free and Charitable Clinics, Inc., a nonprofit organization that supports and advocates for free and charitable local health care facilities, is celebrating its 25th anniversary in 2018; and

WHEREAS, since 1993, the Virginia Association of Free and Charitable Clinics has connected a system of 60 nonprofit medical, dental, behavioral health, and pharmaceutical clinics across the Commonwealth for the purpose of providing high quality care each year to almost 70,000 low-income, uninsured patients; and

WHEREAS, the Virginia Association of Free and Charitable Clinics provides advocacy, education, technical assistance, leadership development, and other support services to free and charitable clinics so that they are able to concentrate their efforts on improving and saving patients' lives; and

WHEREAS, clinics are part of the fabric of the health care safety net in many communities, especially in rural areas, as they serve patients with chronic and often life-threatening illnesses, such as COPD, hypertension, and diabetes; and

WHEREAS, clinics provide a medical home where patients receive compassionate care; and

WHEREAS, 12,500 volunteer doctors, nurses, dentists, pharmacists, mental health providers, and other professionals share their time and talent to treat patients who would not otherwise receive care; and

WHEREAS, clinics provide more than \$182 million of care annually; and

WHEREAS, free and charitable clinics provide tremendous savings to employers, taxpayers, hospitals, and government assistance programs; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Virginia Association of Free and Charitable Clinics, Inc., for its 25 years of service supporting member clinics in their unselfish, compassionate, and generous mission to care for patients in their communities throughout the Commonwealth; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Virginia Association of Free and Charitable Clinics, Inc., as an expression of the General Assembly's admiration and appreciation for its important mission to provide health care to low-income, uninsured patients in the Commonwealth.

**SENATE JOINT RESOLUTION NO. 163**

*Celebrating the life of Corine Brown Bennett.*

Agreed to by the Senate, March 1, 2018

Agreed to by the House of Delegates, March 7, 2018

WHEREAS, Corine Brown Bennett, a vibrant member of the Richmond community who dedicated her life to the service of others as a deaconess at Sixth Baptist Church, died on January 14, 2018, at the age of 100; and

WHEREAS, a longtime Richmond resident, Corine Bennett made her career as a domestic worker, professional silk finisher, and a receptionist for Richmond Community Action Program; and

WHEREAS, an enthusiastic volunteer and a natural leader, Corine Bennett made many contributions to local service organizations and was especially active in the senior living community; and

WHEREAS, guided by her faith, Corine Bennett was a devout member of Sixth Baptist Church for more than 75 years, serving as a deaconess and offering her leadership to several ministries; and

WHEREAS, Corine Bennett took part in Ladies Bible Class, Ladies Board One Ushers Ministry, and the United Sisterhood; she also organized the Randolph Place Bible Fellowship for more than 30 years and served as Mother of Converts for more than 16 years; and

WHEREAS, predeceased by her husband, Ernest, and two sons, Warner and Nathaniel, Corine Bennett will be fondly remembered and greatly missed by her daughters, Frances and Ernestine; 11 grandchildren; 14 great-grandchildren; eight great-great-grandchildren; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Corine Brown Bennett; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Corine Brown Bennett as an expression of the General Assembly's respect for her memory.

**SENATE JOINT RESOLUTION NO. 164**

*Commending St. Michael the Archangel Catholic Church.*

Agreed to by the Senate, March 1, 2018

Agreed to by the House of Delegates, March 7, 2018

WHEREAS, for 25 years, St. Michael the Archangel Catholic Church has provided spiritual leadership, generous outreach, and opportunities for worship to the residents of Glen Allen and the Richmond metropolitan area; and

WHEREAS, St. Michael the Archangel Catholic Church traces its origins to 1991, when Bishop Walter Sullivan appointed Father John Leonard to lead in the formation of a new faith community to meet the needs of the growing West End of Richmond; the church held its inaugural Mass in May 1992 with Father Leonard as its first pastor; and

WHEREAS, in 1996, St. Michael the Archangel Catholic Church's parish building opened; before then, the congregation met at Good Shepherd United Methodist Church, Short Pump Middle School, and Bennett Funeral Homes; and

WHEREAS, in 2002, St. Michael the Archangel Catholic Church enlarged its facilities to include a larger worship space, an educational wing, a daily liturgy chapel, a blessed sacrament chapel, and a sacristy; and

WHEREAS, following Father John Leonard's retirement in 2004, Monsignor Robert Perkins became pastor at St. Michael the Archangel Catholic Church; he was later succeeded in 2006 by the church's current pastor, Father Dan Brady; and

WHEREAS, St. Michael the Archangel Catholic Church conducts generous outreach in the Richmond area through a prison ministry, a homeless ministry, a jobs assistance ministry, and partnerships with charitable organizations such as Meals on Wheels, CARITAS, and the Richmond Entrepreneur's Assistance Program; and

WHEREAS, St. Michael the Archangel Catholic Church aids low-income residents in Appalachia through a twinning ministry with four Catholic churches in Western Virginia; the church also operates a twinning ministry in Haiti that includes annual pilgrimage trips to conduct service projects; and

WHEREAS, as part of its 25th anniversary celebrations in 2017, St. Michael the Archangel Catholic Church held a variety of special events, including concerts, liturgies, an international festival, a gala, and a golf tournament; and

WHEREAS, over the last quarter century, St. Michael the Archangel Catholic Church has provided valuable outreach and service to the community and has grown from a congregation of a few hundred families to over 3,000 families; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend St. Michael the Archangel Catholic Church on the occasion of its 25th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to St. Michael the Archangel Catholic Church as an expression of the General Assembly's admiration for its long legacy of spiritual leadership and community service.

### SENATE JOINT RESOLUTION NO. 165

*Commending Verna Mildred Mills Hurtt.*

Agreed to by the Senate, March 1, 2018

Agreed to by the House of Delegates, March 7, 2018

WHEREAS, Verna Mildred Mills Hurtt, a respected citizen and longtime member of the Hanover County community, will celebrate her 100th birthday on March 26, 2018; and

WHEREAS, born in 1918 in Baltimore, Maryland, Verna Hurtt was raised in Charlottesville and then attended Rockville High School in Hanover County, where she excelled academically; and

WHEREAS, after graduating from high school in 1937, Verna Hurtt moved to Washington, D.C., and worked as a waitress; she then returned to Charlottesville, where she met her future husband, United States Army soldier Jesse L. Hurtt; and

WHEREAS, Verna and Jesse Hurtt were married in Charlottesville on August 23, 1943; their daughter, Barbara Jean, was born one year later on their anniversary; and

WHEREAS, following World War II, Verna Hurtt and her family settled in Hanover County, where she had several jobs, including working for her family's general store, a men's suit factory, and a medical supply business; she then transitioned into a career as a caregiver, which she continued well into her 80s; and

WHEREAS, a superb cook, Verna Hurtt enjoyed making meals for others and taught her daughter numerous recipes for comfort foods such as macaroni and cheese with tomatoes and chicken and dumplings; and

WHEREAS, in addition to having a love of travel, Verna Hurtt has always enjoyed playing cards and games with friends and family and remains an avid bingo player to this day; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Verna Mildred Mills Hurtt on the occasion of her 100th birthday; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Verna Mildred Mills Hurtt as an expression of the General Assembly's admiration for her many accomplishments and best wishes for a festive birthday celebration.

### SENATE JOINT RESOLUTION NO. 166

*Commending Clarence M. Dunnville, Jr.*

Agreed to by the Senate, March 1, 2018

Agreed to by the House of Delegates, March 7, 2018

WHEREAS, Clarence M. Dunnville, Jr., was honored at the Virginia Law Foundation's 2017 Fellows Dinner for his trailblazing career as an attorney and a champion for Civil Rights and equality; and

WHEREAS, Clarence Dunnville was an early member of the Civil Rights movement, participating in sit-ins as a student at Morgan State University in the 1950s; he was inspired to pursue a legal career and graduated from Saint John's University School of Law in 1957; and

WHEREAS, in 1963, Clarence Dunnville participated in the March on Washington for Jobs and Freedom, and in 1967, he traveled with the Lawyers' Committee for Civil Rights Under Law as a volunteer attorney to Mississippi, where he fought legal efforts to preserve segregation in the state; and

WHEREAS, Clarence Dunnville was the first African American attorney hired by the Internal Revenue Service, then was appointed as an Assistant United States Attorney for the Southern District of New York; and

WHEREAS, Clarence Dunnville was also the first African American lawyer hired by AT&T, and ably served the company in the United States and throughout the world for 25 years; in 1991, he came to Richmond to join the law firm of his close friend and Civil Rights icon Oliver W. Hill, and he continues to practice law in the city, including extensive pro bono work; and

WHEREAS, over the course of his 50-year legal career, Clarence Dunnville has lectured on a wide variety of topics, authored numerous articles on social justice and legal reform, and has mentored and inspired countless other young lawyers; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Clarence M. Dunnville, Jr., for his exceptional achievements as an attorney and a Civil Rights advocate; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Clarence M. Dunnville, Jr., as an expression of the General Assembly's admiration for his contributions to the Richmond community and the Commonwealth.

### SENATE JOINT RESOLUTION NO. 167

*Commending Guy Kinman.*

Agreed to by the Senate, March 1, 2018

Agreed to by the House of Delegates, March 7, 2018

WHEREAS, Guy Kinman, a passionate advocate for equal rights for gay, lesbian, bisexual, and transgender people throughout Richmond and the Commonwealth, celebrated his 100th birthday in 2017; and

WHEREAS, born on December 23, 1917, Guy Kinman's family roots were in Indiana, where he graduated from Wabash College; unsure of his career path, he was inspired by his mother to attend seminary school and become a minister; and

WHEREAS, Guy Kinman preached at Presbyterian churches in Illinois and Minnesota, before following in his father's footsteps as a member of the United States Air Force, serving as a chaplain during the Korean War; and

WHEREAS, after his honorable military service, Guy Kinman also left the ministry and settled in Richmond as a salesman and employment counselor; he was married for 10 years before he acknowledged that he was gay and made it his life's mission to help and support other members of the gay community; and

WHEREAS, in 1985, Guy Kinman was elected as president of the Richmond Virginia Gay Alliance, which later became the Richmond Virginia Gay and Lesbian Alliance, and was proud to serve as the public face of the organization, without the fear of retribution from an employer or ostracism by friends and family that many younger members of the gay and lesbian communities struggled with at the time; and

WHEREAS, inspired by similar but unsuccessful efforts in Lynchburg and Roanoke, Guy Kinman and the Richmond Virginia Gay and Lesbian Alliance raised money to place billboards throughout the city with simple, personal messages designed to fight discrimination and raise awareness of the gay and lesbian communities; and

WHEREAS, in recognition of Guy Kinman's groundbreaking work, the Virginia Historical Society and the Gay Community Center of Richmond (now Diversity Richmond) created the Guy Kinman Research Award to promote historical scholarship on LGBTQ issues; and

WHEREAS, in recent years, Guy Kinman still enjoys attending events and writing letters to the editor on the fight for equal rights; he serves as a wise elder among members of Richmond's LGBTQ community, maintaining a wealth of institutional knowledge about the movement's early days; and

WHEREAS, Guy Kinman inspired members of the LGBTQ community to find confidence in themselves and live their lives openly and honestly, while fighting stereotypes and creating friends and allies through trust and mutual respect; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Guy Kinman on the occasion of his 100th birthday; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Guy Kinman as an expression of the General Assembly's admiration for his legacy of service to the gay, lesbian, bisexual, and transgender community in Richmond.

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**SENATE JOINT RESOLUTION NO. 168**

*Commending Gladys West.*

Agreed to by the Senate, February 26, 2018  
 Agreed to by the House of Delegates, February 27, 2018

WHEREAS, Gladys West, a pioneering mathematician and King George County resident, forged a historic 42-year career at Naval Support Facility Dahlgren and made valuable contributions to the development of the Global Positioning System; and

WHEREAS, born in Dinwiddie County, Gladys West graduated at the top of her high school class and secured a scholarship to Virginia State University, where she received a bachelor's degree in mathematics; after teaching school in Sussex County for two years, she continued her studies and earned a master's degree; and

WHEREAS, in 1956, Gladys West's mathematical talents secured her a position at Naval Support Facility Dahlgren, then known as the Naval Proving Ground; she was only the second African American woman hired at the facility and was one of just four black employees; and

WHEREAS, Gladys West worked at Naval Support Facility Dahlgren for 42 years, climbing the ranks of the organization while serving as a programmer for large-scale computers and a project manager for data processing systems used in the analysis of satellite data; during the 1950s and 1960s, her calculations and mathematical work contributed to the development of the modern Global Positioning System (GPS); and

WHEREAS, along with making major technological breakthroughs at Naval Support Facility Dahlgren, Gladys West also met Ira West, her husband of over 60 years; and

WHEREAS, throughout her career at Naval Support Facility Dahlgren, Gladys West earned the trust and respect of her colleagues for her analytical skill and her ability to accurately calculate complex mathematical figures; among other projects, she worked on Seasat, the first satellite designed for remote sensing of the oceans with synthetic aperture radar; and

WHEREAS, Gladys West retired from Naval Support Facility Dahlgren in 1998; she has since earned a Ph.D. from Virginia Polytechnic Institute and State University and begun writing her memoirs; and

WHEREAS, in a 2017 message commemorating Black History Month, the commanding officer of Naval Surface Warfare Center Dahlgren Division hailed Gladys West for her integral role in developing GPS and noted that her mathematical work had made a significant impact on the world; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Gladys West for her trailblazing career in mathematics and vital contributions to modern technology; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Gladys West as an expression of the General Assembly's admiration for her remarkable accomplishments and best wishes for continued success.

**SENATE JOINT RESOLUTION NO. 169**

*Celebrating the life of Kenneth Atwell Staples, Sr.*

Agreed to by the Senate, March 1, 2018  
 Agreed to by the House of Delegates, March 7, 2018

WHEREAS, Kenneth Atwell Staples, Sr., a beloved father and husband, and a respected Charlottesville resident and barber shop owner who gave generously of his time in service to the local community, died on November 18, 2017; and

WHEREAS, born and raised in Charlottesville, Kenneth "Ken" Staples graduated from Lane High School and worked at the C&O Railroad before serving in the United States Army during the Korean War; and

WHEREAS, in 1956, Ken Staples began cutting hair alongside his father, Albert Staples, at the family's Staples Barber Shop in downtown Charlottesville; the pair ran the shop together for nearly 40 years before Albert Staples' retirement; and

WHEREAS, during his many decades as a barber, Ken Staples' easygoing and gregarious personality won him legions of friends and loyal customers; by the time he retired to care for his wife, he was known as a Charlottesville icon; and

WHEREAS, in addition to his work at Staples Barber Shop, Ken Staples was also a passionate supporter of his community; he was active in the Charlottesville Host Lions Club, the Jaycees, the Monticello Guards, and the Charlottesville Dogwood Festival, and served on the Virginia Board for Barbers and Cosmetology; and

WHEREAS, in 1965, Ken Staples was one of several local volunteers who were instrumental in creating Charlottesville's Dogwood Vietnam Memorial, one of the first civil monuments in the nation designed to honor those who served and died in the Vietnam War; and

WHEREAS, outside of his barber shop, Ken Staples had a lifelong interest in trains and railroads and was a natural performer who often sang, acted, or emceed at local events; and

WHEREAS, predeceased by his wife, Barbara, and daughter, Leslie, Ken Staples will be fondly remembered and dearly missed by his children, Beth and Chip, and their families, as well as countless other family members, friends, and Charlottesville residents; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Kenneth Atwell Staples, Sr., a talented barber and devoted advocate of the Charlottesville community; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Kenneth Atwell Staples, Sr., as an expression of the General Assembly's respect for his memory.

**SENATE JOINT RESOLUTION NO. 170**

*Celebrating the life of Walter Steven Davis, Sr.*

Agreed to by the Senate, March 1, 2018

Agreed to by the House of Delegates, March 7, 2018

WHEREAS, Walter Steven Davis, Sr., passed away suddenly on February 11, 2018, after a devoted life centered around community service to his native Giles County; and

WHEREAS, Walter "Steve" Davis retired from the Virginia Department of Health on January 1, 2015, as the regional health emergency coordinator; he had previously served as the emergency planner for the Virginia Department of Health in the New River Health District from October 2002 to June 24, 2004; and

WHEREAS, Steve Davis was a retired fire chief and safety engineer for the Celanese Corporation's Celco Plant in the Town of Narrows and cofounded the regional hazardous materials team; and

WHEREAS, Steve Davis joined the Giles Life Saving Crew in May 1964 at the age of 15 and remained active in the organization throughout his life, serving the citizens of Giles County as the Life Saving Crew president, vice president, and rescue captain for more than 27 years; and

WHEREAS, Steve Davis obtained the Basic First Aid certification and also instructor's certification and, with others, taught the basic class to his squad and other local rescue squads in Giles County; and

WHEREAS, in 1974, Steve Davis became one of the first EMT-A's in Virginia, and in 1979, he became certified as one of the first paramedics as a member of the first class taught in the Commonwealth, a certification he maintained until his passing; and

WHEREAS, Steve Davis was honored by the Giles County Life Saving Crew, which named him as a life member of the organization; and

WHEREAS, Steve Davis became involved with the Virginia Association of Volunteer Rescue Squads (VAVRS), serving as District 7 vice president, district training officer, chief rescue officer, course coordinator, instructor trainer, and chair of the Life Membership Committee; and

WHEREAS, Steve Davis held instructor certifications in vertical rescue, cave rescue, search and rescue, and other courses taught by the VAVRS; and

WHEREAS, Steve Davis was inducted into the Virginia Life Saving and Rescue Hall of Fame in recognition of his many accomplishments and years of service to his community and to the citizens of the Commonwealth; and

WHEREAS, education was a very important part of Steve Davis's life; he graduated from Virginia Polytechnic Institute and State University with a degree in biology and earned degrees from Bluefield College and the University of Western Kentucky and a bachelor's degree in fire protection and safety engineering from the University of Cincinnati; and

WHEREAS, Steve Davis will be fondly remembered and greatly missed by numerous family members and friends and his peers in the emergency medical services arena for his service and dedication to the community; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Walter Steven Davis, Sr., a dedicated servant to the residents of Giles County and a respected leader in the Commonwealth in the field of emergency medicine; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Walter Steven Davis, Sr., as an expression of the General Assembly's respect for his memory and his contributions to the community.

**SENATE JOINT RESOLUTION NO. 171**

*Celebrating the life of William Mervin Lechler.*

Agreed to by the Senate, March 1, 2018

Agreed to by the House of Delegates, March 7, 2018

WHEREAS, William Mervin Lechler, a loving father and husband, respected business leader in Chesapeake, and active citizen who gave generously of his time in service to civic organizations, died on July 31, 2017; and

WHEREAS, a native of Pennsylvania, William "Bill" Lechler attended Pennsylvania State University, where he played on the football team, and then served his country in the United States Army; and

WHEREAS, Bill Lechler's personal integrity and bold leadership saw him forge a long and distinguished career in the power transmission industry; from 1991 until his retirement in 1998, he served as president of Sumitomo Machinery Corporation, a Japanese machinery manufacturer in Chesapeake; and

WHEREAS, Bill Lechler brought his wide-ranging talents to several boards, including the Board of Visitors of Old Dominion University, the Hampton Roads Economic Development Alliance, the Hampton Roads Chamber of Commerce, and the Virginia Chamber of Commerce; and

WHEREAS, Bill Lechler also served as finance committee chair for the Virginia Veterans Services Foundation Board of Trustees and was an active member of the Japan-Virginia Society and the Freemasons; and

WHEREAS, in recognition of his long service to the Commonwealth, Bill Lechler received the prestigious Patrick Henry Award from Governor Jim Gilmore in 2001; and

WHEREAS, an avid outdoorsman, Bill Lechler was happiest when hunting, fishing, horseback riding, and boating or spending time traveling with family and friends; and

WHEREAS, predeceased by his first wife, Jane, Bill Lechler will be fondly remembered by his wife, Nancy; his children, Lore, John, and Laura, and their families; and countless other family members, friends, and former colleagues; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of William Mervin Lechler, a business and civic leader who provided exemplary service to the Commonwealth; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of William Mervin Lechler as an expression of the General Assembly's respect for his memory.

#### SENATE JOINT RESOLUTION NO. 172

*Commending Lynne Doughtie.*

Agreed to by the Senate, March 1, 2018

Agreed to by the House of Delegates, March 7, 2018

WHEREAS, Lynne Doughtie, a Powhatan County resident and a respected accounting and consulting leader who serves as chairman and chief executive officer of the firm KPMG LLP, was named to *Fortune* magazine's "Most Powerful Women" list in 2017; and

WHEREAS, a native of Powhatan, Lynne Doughtie, the daughter of Kenneth and Charlotte Martin, graduated from Gill School in Chesterfield County; in her youth, she developed an interest in accounting while helping her mother balance the books for Shenandoah Refuse, the family's trash pickup company; and

WHEREAS, in 1985, Lynne Doughtie graduated from Virginia Tech with a bachelor's degree in accounting; that same year, she began working in Richmond as an auditor with the accounting and professional services firm KPMG; and

WHEREAS, Lynne Doughtie married her husband, Ben, also a Virginia Tech graduate, in 1986; they have two children, Schuyler Doughtie and Evie Doughtie, also Virginia Tech graduates; and

WHEREAS, in 2015, Lynne Doughtie's accounting acumen and leadership skills saw her named KPMG's United States chairman and chief executive officer; by taking the helm of the company and its over 30,000 employees, she became the first female chairman of one of the "Big Four" accounting firms; and

WHEREAS, under Lynne Doughtie's leadership, KPMG's fortunes have continued to trend upward; the company's revenues approximated \$9 billion in fiscal 2017; and

WHEREAS, in 2017, Lynne Doughtie was named to *Fortune* magazine's "Most Powerful Women" list for the third consecutive year; her appearance on the 50-person list places her in the top tier of business leaders and executives in the United States; and

WHEREAS, Lynne Doughtie's other honors include being named to *Consulting* magazine's "Top 25 Consultants" and "Top Women Leaders in Consulting"; she is also a past president of the advisory board for Virginia Tech's Pamplin College of Business and serves as a board member for the lung cancer research and education nonprofit the LUNGeVity Foundation; and

WHEREAS, Lynne Doughtie is on the board of NAF, a nonprofit organization that works to ensure high school students are college, career, and future ready; she is a lifelong member of Bethel Baptist Church in Midlothian and supports its ministry, Charlotte Food Pantry, named for her mother, Charlotte Martin; and

WHEREAS, a longtime advocate for women in the workplace, Lynne Doughtie plays a key role in KPMG's Women's Leadership Summit, a program focused on preparing women for upper management positions; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Lynne Doughtie on being named to *Fortune's* "Most Powerful Women" list; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Lynne Doughtie as an expression of the General Assembly's admiration for her impressive achievements and best wishes for continued success.

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## SENATE JOINT RESOLUTION NO. 173

*Commending the Honorable Richard D. Brown.*

Agreed to by the Senate, March 1, 2018

Agreed to by the House of Delegates, March 7, 2018

WHEREAS, the Honorable Richard D. Brown, a native of Arlington, earned his bachelor's degree in economics from The College of William and Mary and a master's degree in commerce from the University of Richmond; and

WHEREAS, in 1971, Richard "Ric" Brown began his public service career as an economist for the Division of State Planning and Community Affairs, where he served as staff to numerous legislative and executive study commissions, including the Revenue Resources and Economic Study Commission, the National and Dulles Airports Acquisition Study Commission, and Governor Linwood Holton's Task Force on Financing the Standards of Quality in Public Education; and

WHEREAS, while serving as staff to former Governor Holton's Task Force, Ric Brown was instrumental in the development and adoption of the well-known "Composite Index of Local Ability-to-Pay," a formula for determining the state and local shares of cost for funding public education that has stood the test of time and has been in use for more than 45 years; and

WHEREAS, in 1976, Ric Brown transferred to the newly created Department of Planning and Budget as a policy analyst dealing with education matters; he later transferred to the research section, where he focused his attention on special studies relating to state and local issues and taxation; and

WHEREAS, in 1986, Ric Brown was promoted to budget manager for the Department of Planning and Budget Commerce and Resources Section; in this capacity, he coordinated the development of the Governor's budget recommendations to the General Assembly for the Economic Development and Natural Resources agencies; and

WHEREAS, in 1990, Ric Brown was promoted to the position of Deputy Director for Budgeting, where he was responsible for both internal and external budget development and execution procedures, as well as the development and publication of the Governor's Budget Bill and Budget Document; and

WHEREAS, Ric Brown was appointed as director of the Department of Planning and Budget in 2002; and

WHEREAS, Ric Brown was appointed as Secretary of Finance in 2008, just as the United States and Virginia economies began the worst economic downturn since the Great Depression, and he served in this capacity for three successive Governors; and

WHEREAS, among his many accomplishments, Ric Brown has received the Gloria Timmer Award for exceptional achievements and career accomplishments from the National Association of State Budget Officers in 2002 and the Lifetime Public Achievement Award from the L. Douglas Wilder School of Government and Public Affairs of Virginia Commonwealth University for excellence in Virginia Government in 2005; and

WHEREAS, Ric Brown's knowledge of state and local government finances, combined with his creative approach to problem solving, was instrumental in addressing the sharp decline in state general fund revenues that resulted in two successive years of negative general fund revenue growth, while maintaining core services and the Virginia Triple A bond rating; and

WHEREAS, Ric Brown's commitment to public service extends well beyond his state service to community service; he is a three-time past president of the Board of Directors of what is now the Greater Richmond ARC and has served on the board's Executive Committee; and

WHEREAS, Ric Brown is a true example of a public servant, teacher, and mentor to many, and his legacy is the mentoring and development of many of the Commonwealth's current and past leaders, including agency heads and cabinet secretaries; his work improved the Commonwealth and will have a lasting impact for generations to come; and

WHEREAS, Ric Brown's tradition of growing Virginia leaders will continue through a program he envisioned, the Virginia Management Fellows Program, established to recruit the Commonwealth's future leaders; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Honorable Richard D. Brown on the occasion of his retirement after 47 years of public service to the Commonwealth; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Honorable Richard D. Brown as an expression of the General Assembly's admiration for his many contributions to the Commonwealth and best wishes for a happy retirement.

## SENATE JOINT RESOLUTION NO. 174

*Commending the Honorable William J. Howell.*

Agreed to by the Senate, February 23, 2018

Agreed to by the House of Delegates, February 23, 2018

WHEREAS, the Honorable William J. Howell, a consummate public servant and a true Virginia gentleman who represented the residents of parts of Stafford County and Fredericksburg in the Virginia House of Delegates for three decades, including 15 years as Speaker of the House, retired from public office in 2017; and

WHEREAS, William "Bill" J. Howell grew up in Alexandria and attended Fairfax County Public Schools; he earned a bachelor's degree from the University of Richmond and a law degree from the University of Virginia, where he met his wife of 51 years and greatest supporter, Cecilia Stump Howell, with whom he has two sons, William Fayette and Leland Jackson, and seven grandchildren; and

WHEREAS, Bill Howell began his professional career in wills and estate law and offered his leadership and expertise to several financial institutions; he established and ran the trust department of the National Bank of Fredericksburg from 1977 to 1990, when he established his own law practice in a log cabin in Falmouth; and

WHEREAS, desirous to be of further service to the community and the Commonwealth, Bill Howell ran for and was elected to the Virginia House of Delegates in 1987 and went on to win 14 additional terms, representing parts of Stafford County and Fredericksburg in the 28th District; and

WHEREAS, Bill Howell introduced and supported numerous pieces of legislation to strengthen the Commonwealth and enhance the lives of all Virginians; he offered his legal expertise to the House Committee for Courts of Justice for many years, becoming co-chair in 2000 and chair in 2002; and

WHEREAS, in 2003, Bill Howell was elected as Speaker of the House, ultimately becoming the third longest-serving Speaker; during his 15-year tenure in the office, he built a legacy of pragmatism, dignity, and fairness, earning the respect and admiration of his fellow legislators for his ability to diffuse tense disagreements with his quick wit and his strict adherence to rules and procedures for members of both parties; and

WHEREAS, among his proudest accomplishments, Bill Howell carried four major pieces of transportation legislation, including the bipartisan transportation funding and reform bill in 2013 and legislation that created Virginia's process for prioritizing transportation funding, the first such process in the nation; and

WHEREAS, Bill Howell also carried legislation to reform the Virginia Retirement System, reducing unfunded liabilities by \$9 billion, and established a major commission in 2016 to study additional pension reform; and

WHEREAS, seeking to safeguard the Commonwealth's valuable natural resources, Bill Howell sponsored the land preservation tax credit and land conservation fund, and as a result, more than 800,000 acres of land, valued at more than \$3.7 billion, were preserved by individuals and private organizations; and

WHEREAS, during his time as Speaker of the House, Bill Howell received national recognition as chair of the American Legislative Exchange Council and the State Legislative Leaders Foundation National Speakers Conference; he earned many state and local awards and accolades, including the renaming in his honor of the library that is now the William J. Howell Branch in Stafford; and

WHEREAS, having served the Commonwealth with the utmost integrity, dedication, and distinction, Bill Howell received the prestigious 2018 Outstanding Virginian Award, presented by the Outstanding Virginian Committee in partnership with the University of Virginia Frank Batten School of Leadership and Public Policy to recognize leaders who have made an indelible mark on the Commonwealth; now, therefore, be it

RESOLVED by the Senate, House of Delegates concurring, That the General Assembly hereby commend the Honorable William J. Howell on his selection as the Outstanding Virginian for 2018; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Honorable William J. Howell as an expression of the General Assembly's profound gratitude and extraordinary respect for the Gentleman from Stafford and admiration for his exemplary service to God, his family, the General Assembly, and the Commonwealth of Virginia.

### SENATE JOINT RESOLUTION NO. 175

*Commending W. Taylor Reveley III.*

Agreed to by the Senate, February 27, 2018  
Agreed to by the House of Delegates, March 2, 2018

WHEREAS, after more than a decade of exceptional service to The College of William and Mary, W. Taylor Reveley III retires as president on June 30, 2018, the same year the historic institution celebrates its 325th anniversary; and

WHEREAS, Taylor Reveley holds a bachelor's degree from Princeton University and a law degree from the University of Virginia; after completing his education he served as a clerk to Supreme Court Justice William J. Brennan, Jr., and went on to become a respected expert in administrative law and constitutional law, particularly on the separation of war powers between the executive and legislative branches; and

WHEREAS, prior to joining The College of William and Mary, Taylor Reveley practiced law at Hunton & Williams in Richmond, including nine years as a managing partner; he specialized in energy matters, with a focus on commercial nuclear power; and

WHEREAS, Taylor Reveley became the 20th dean of William and Mary Law School in 1998 and served students in that capacity for 10 years, until he was named interim president of The College of William and Mary on February 12, 2008; he was officially appointed as the institution's 27th president on September 5, 2008; and

WHEREAS, Taylor Reveley immediately developed a new strategic plan for The College of William and Mary, emphasizing the institution's stature as a "Public Ivy" and its unique academic position as a research university with a strong history as a liberal arts college; and

WHEREAS, Taylor Reveley led efforts to convey the institution's heritage as the Alma Mater of the Nation by promoting the accomplishments of alumni James Monroe and George Washington, who received his only academic credentials, a surveyor's license, from The College of William and Mary; and

WHEREAS, Taylor Reveley oversaw a renewal of the general education portion of the undergraduate curriculum, bringing The College of William and Mary back to the forefront of liberal arts education, while also strengthening international affairs, engineering, data science, and public policy curricula; and

WHEREAS, under Taylor Reveley's leadership, The College of William and Mary significantly increased efficiency and revenues; he launched an ambitious capital campaign with a goal of \$1 billion, which by December 2017 had raised more than \$740 million, including nearly \$240 million for scholarships, ensuring that the institution will have a strong financial foundation for years to come; and

WHEREAS, Taylor Reveley helped expand the beautiful, historic campus of The College of William and Mary, increasing the institution's ability to support scientific research, the arts, and professional schools, as well as provide new residence halls for students; and

WHEREAS, during his decade as president, Taylor Reveley built strong relationships with faculty, staff, and students and worked to address concerns promptly, fostering an atmosphere of trust, civility, and community on campus; and

WHEREAS, supporting the community in many other ways, Taylor Reveley has offered his wisdom and leadership to Princeton University, Union Theological Seminary, St. Christopher's School, the Andrew W. Mellon Foundation, JSTOR, the Carnegie Endowment for International Peace, the Virginia Museum of Fine Arts, the Virginia Historical Society, the Virginia Foundation for the Humanities, the Richmond Symphony, and the Presbyterian Foundation; and

WHEREAS, throughout his tenure as president of The College of William and Mary, Taylor Reveley has enjoyed the love and support of his wife, Helen, and their four grown children, Taylor, Everett, Nelson, and Helen, and their families; and

WHEREAS, Taylor Reveley followed in the footsteps of his father, a former Hampden-Sydney College president, as a college administrator; and his own son, Taylor, was appointed as president of Longwood University in 2013, carrying on a proud family tradition; and

WHEREAS, Taylor Reveley has helped The College of William and Mary embrace its rich history and long legacy of academic excellence, while taking bold steps to lead the institution into the future; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend W. Taylor Reveley III on the occasion of his retirement in 2018 as president of The College of William and Mary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to W. Taylor Reveley III as an expression of the General Assembly's admiration for his outstanding leadership of The College of William and Mary and his contributions to higher education in the Commonwealth.

#### SENATE JOINT RESOLUTION NO. 176

*Commending Terry Redican.*

Agreed to by the Senate, March 1, 2018

Agreed to by the House of Delegates, March 7, 2018

WHEREAS, Terry Redican, a volunteer youth athletics coach and a respected professional in the field of education, was honored by the Greater Reston Chamber of Commerce and Cornerstones, Inc., with a prestigious 2018 Best of Reston Award; and

WHEREAS, the Best of Reston Awards honor individuals, organizations, and companies that have demonstrated an extraordinary commitment to helping others and improving the lives of people throughout the Greater Reston area; and

WHEREAS, a native of Philadelphia, Pennsylvania, and a graduate of James Madison University, Terry Redican settled in Reston in the 1990s; he has offered his leadership and expertise to several information technology infrastructure companies, and currently serves as vice president of the Advanced Placement (AP) program for the College Board; and

WHEREAS, more than 2.8 million students participate in the AP program, with more than five million exams in 38 individual courses administered at thousands of high schools across the nation; Terry Redican is responsible for the end-to-end operation of the program, and his diligent work has helped countless students achieve academic greatness; and

WHEREAS, Terry Redican has been a devoted volunteer in the Reston community as a youth athletics coach and director since 2005; affectionately known as Coach T, he has imparted to his athletes an understanding of the importance of teamwork, communication, dedication, and sportsmanship; and

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WHEREAS, Terry Redican has volunteered with the Reston YMCA as a basketball coach from 2005 to 2008 and the Reston Soccer Club as a girls' house league and travel team coach from 2007 to 2013; he has also coached in the Fairfax County Flag Football League; and

WHEREAS, most notably, Terry Redican has been active with the Reston Youth Basketball League since 2007, serving as its commissioner since 2011; he has also served the Reston Swim Team Association since 2013, becoming league president in 2016; and

WHEREAS, a proud parent of five children, Terry Redican has inspired many other parents to donate their time as volunteers in youth athletics and other organizations, and many of his former athletes have grown up to become responsible, more engaged members of the community thanks to his leadership; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Terry Redican for his work to motivate and inspire young people and on his well-deserved honor as a 2018 Best of Reston Award recipient; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Terry Redican as an expression of the General Assembly's admiration for his enduring commitment to making Reston a special place to live, work, and play.

**SENATE JOINT RESOLUTION NO. 177**

*Commending the Northwest Federal Credit Union Foundation.*

Agreed to by the Senate, March 1, 2018

Agreed to by the House of Delegates, March 7, 2018

WHEREAS, the Northwest Federal Credit Union Foundation, a nonprofit organization that administers the philanthropic activities of Northwest Federal Credit Union, was honored by the Greater Reston Chamber of Commerce and Cornerstones, Inc., with a prestigious 2018 Best of Reston Award; and

WHEREAS, the Best of Reston awards honor individuals, organizations, and companies that have demonstrated an extraordinary commitment to helping others and improving the lives of people throughout the Greater Reston area; and

WHEREAS, for more than a decade, the Northwest Federal Credit Union Foundation has helped young people achieve their academic goals through a scholarship program that has awarded more than \$1 million in college scholarships to more than 250 students; and

WHEREAS, the Northwest Federal Credit Union Foundation helps build financial literacy among high school students through its Reality Store budgeting simulation and leads discussions on good decision making during Ethics Day at South Lakes High School; the organization has also dedicated more than 2,200 hours to mentorship of elementary school students; and

WHEREAS, the Northwest Federal Credit Union Foundation has helped deliver more than 2,500 meals through Meals on Wheels and supports individuals transitioning from Embry Rucker Community Shelter to independent living by teaching them about budgeting and other life skills; and

WHEREAS, the Northwest Federal Credit Union Foundation hosts an annual Night of Magic at Inova Children's Hospital, which offers fun activities and fellowship for children with serious illnesses, and it has made donations to the Inova Cares Clinic for Children; and

WHEREAS, the Northwest Federal Credit Union Foundation has received numerous awards and accolades from the Virginia Credit Union League, Fairfax County Public Schools, and many other organizations for its social responsibility and good corporate citizenship; and

WHEREAS, fostering a strong sense of community, the Northwest Federal Credit Union Foundation collaborates with individuals, corporate partners, and other organizations to fulfill its mission to support young people, veterans, and vulnerable Reston residents; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Northwest Federal Credit Union Foundation for its contributions to the members of the Reston community and on its well-deserved honor as a 2018 Best of Reston Award recipient; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Northwest Federal Credit Union Foundation as an expression of the General Assembly's admiration for the organization's enduring commitment to making Reston a special place to live, work, and play.

**SENATE JOINT RESOLUTION NO. 178**

*Commending FACETS.*

Agreed to by the Senate, March 1, 2018

Agreed to by the House of Delegates, March 7, 2018

WHEREAS, FACETS, a nonprofit organization that has worked to end the cycle of poverty by providing meals, shelter, and educational, life skills, and career counseling programs to individuals and families in need in Fairfax County, celebrates its 30th anniversary in 2018; and

WHEREAS, FACETS traces its roots to 1988, when founder Linda D. Wimpey began working with local churches to provide hot meals to homeless families in Fairfax; since then, it has grown into a full-service organization offering programs to increase quality of life and opportunity for those in need; and

WHEREAS, FACETS leverages volunteer and in-kind contributions, working in partnership with many faith communities to meet shelter and hunger needs in the community; in 2017, the organization logged more than 50,000 volunteer hours and over \$500,000 of in-kind donations; and

WHEREAS, throughout its history, FACETS has sought to leverage and expand its limited resources to meet the growing needs of the community in an efficient and effective manner; and

WHEREAS, in 2015, FACETS significantly expanded its services to meet increasing needs throughout the community and created the Next Steps Family Program, which provides homelessness prevention services and an 18-unit shelter for families experiencing homelessness along the Route 1 corridor in Fairfax County; and

WHEREAS, in 2016, FACETS continued to expand its supportive housing units program by adding 10 single-bedroom units, two group homes, and two multi-family units, which meant increasing the staff by 67 percent and the budget by 50 percent; and

WHEREAS, with the help of its volunteers and partners, FACETS continues to provide hot meals to some 25,000 people each year; the meal program is used to conduct outreach to the homeless community and identify individuals or families who may need additional services, including medical care; and

WHEREAS, FACETS operates a client resource center that dispenses supplies and offers comprehensive case management to people who are homeless or at risk of becoming homeless; the organization also connects with individuals and families living on the streets and works to help them move into more stable transitional or permanent housing; and

WHEREAS, between November and April each winter, FACETS operates a hypothermia prevention and response program at 31 church locations in Fairfax County; the program ensures that homeless people get food and a safe place to sleep during the coldest months of the year; and

WHEREAS, FACETS also runs education and community development programs at four affordable housing communities in Fairfax County; along with financial literacy and career development services for adults, the programs offer academic assistance and college and career planning for children; and

WHEREAS, FACETS has received numerous honors for its work in preventing and ending homelessness, including the Friends of Housing and Community Development Award from the Fairfax County Department of Housing and Community Development, the Team Excellence Award from Fairfax County, and the High-Performing Nonprofit award from the Taproot Foundation; and

WHEREAS, through its wide range of programs, services, and partnerships with other nonprofit groups, businesses, faith communities, government bodies, and foundations, FACETS has reduced the effects of homelessness in Fairfax County and worked to break the cycle of poverty; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend FACETS on 30 years of providing life-sustaining services and support to the residents of Fairfax County; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to FACETS as an expression of the General Assembly's admiration for its tireless work to end homelessness.

#### SENATE JOINT RESOLUTION NO. 179

*Commending CNA.*

Agreed to by the Senate, March 1, 2018

Agreed to by the House of Delegates, March 7, 2018

WHEREAS, CNA, an Arlington-based nonprofit organization that has provided valuable operations research and analysis to the United States Armed Forces and other public sector entities, celebrated its 75th anniversary in 2017; and

WHEREAS, an independent, nonprofit organization, CNA operates the Center for Naval Analyses, which serves the United States Navy and Marine Corps, as well as the Institute for Public Research, which provides expert analysis and solutions to select federal agencies; and

WHEREAS, CNA traces its roots to 1942, when the United States Navy assembled a team of civilian scientists to develop new mathematical strategies for locating and destroying German U-boats in the Atlantic; and

WHEREAS, led by renowned physics professor Philip Morse, the unit of academics accompanied American ships at sea and used their quantitative and analytical expertise to significantly increase the Navy's U-boat kill rate; and

WHEREAS, from its origins in World War II, CNA has evolved into a far-reaching organization that employs 600 scientists, analysts, and professional staff who conduct analysis and on-site research on everything from operations and logistics to weapons systems and cyber warfare; and

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WHEREAS, CNA's scientific advisors have accompanied United States troops into the field during every war and military operation since World War II; other personnel serve as on-site resources at military bases and the Pentagon; and

WHEREAS, among many other accomplishments, CNA developed the analytical foundations for ending the military draft, researched changes to Soviet naval strategy during the Cold War, and documented the success rate of Tomahawk cruise missiles during Operation Desert Storm; and

WHEREAS, in addition to its crucial advisory work with the armed forces, CNA has analyzed key issues for a variety of federal organizations, including the Federal Aviation Administration, the Department of Justice, the Department of Homeland Security, and the United States Congress; and

WHEREAS, CNA has also provided field analytical support to the federal government during natural disasters such as the 2010 earthquake in Haiti, the 2011 earthquake and tsunami in Japan, and Hurricanes Katrina, Rita, Sandy, Harvey, and Irma; and

WHEREAS, throughout its history, CNA has remained committed to objectivity and has consistently produced reliable, actionable solutions to problems of national importance; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend CNA on 75 years of distinguished service to the Commonwealth and the United States; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to CNA as an expression of the General Assembly's admiration for its valuable contributions to national security and public safety.

**SENATE JOINT RESOLUTION NO. 180**

*Commending CGI Southwest Virginia Technology Center of Excellence.*

Agreed to by the Senate, March 1, 2018

Agreed to by the House of Delegates, March 7, 2018

WHEREAS, CGI Technologies and Solutions, Inc., opened its first United States Onshore IT Services Delivery Center, commonly referred to as the CGI Southwest Virginia Technology Center of Excellence, in Lebanon, in January 2006, and the center celebrated its 10th anniversary in 2016; and

WHEREAS, with its United States headquarters located in Fairfax County, CGI Technologies and Solutions, Inc., is one of the largest independent information technology and business process services firms in the world; and

WHEREAS, the Southwest Virginia Technology Center of Excellence was made possible with the support of the Virginia Governor's office, Russell County Industrial Development Authority, Town of Lebanon, and partnerships with Virginia universities and community colleges; and

WHEREAS, the Southwest Virginia Technology Center of Excellence now employs more than 400 professionals; and

WHEREAS, CGI selected Lebanon, a town of 3,200 people located in Russell County, based on the area's quality of life, geographic proximity to a large market for information technology services, strong business incentives from the Commonwealth, collaboration with business-friendly state and local governments, and strong partnerships with academic institutions; and

WHEREAS, the location of the Southwest Virginia Technology Center of Excellence allows many local graduates to remain in the area to pursue a career in information technology, and has allowed many others to return to Southwest Virginia and still pursue a career in technology; and

WHEREAS, the Southwest Virginia Technology Center of Excellence provides world-class information technology systems development, maintenance, and integration services to federal, state, and local governments, as well as telecom, financial services, insurance, retail, and manufacturing firms; and

WHEREAS, the Southwest Virginia Technology Center of Excellence hosts customized training programs delivered by local educational partners and draws skilled local talent from a feeder system of more than 30 colleges and universities, a strong recruiting network, and regionally sponsored programs; and

WHEREAS, as an active corporate citizen, the Southwest Virginia Technology Center of Excellence provides financial contributions and volunteer support to such causes as the Russell County Veterans Memorial Park, Soldiers' Angels, STEM (science, technology, engineering, and mathematics) programs, and the Leukemia and Lymphoma Society's Team in Training; and

WHEREAS, the Southwest Virginia Technology Center of Excellence demonstrates that public-private partnerships, when properly structured, can create and sustain well-paying jobs in rural areas of the Commonwealth; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the CGI Southwest Virginia Technology Center of Excellence on the occasion of its 10th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the employees of the CGI Southwest Virginia Technology Center of Excellence as an expression of the General Assembly's admiration for their diligent work, commitment to the Commonwealth, and contributions to the local economy of Southwest Virginia.

**SENATE JOINT RESOLUTION NO. 181**

*Commending Mountain Movers.*

Agreed to by the Senate, March 1, 2018

Agreed to by the House of Delegates, March 7, 2018

WHEREAS, Mountain Movers in Russell County works to raise awareness of the need for foster families in the county and to provide resources to allow local families to care for foster children; and

WHEREAS, in 2017, with only 12 local foster families available and more than 65 children in the foster care system, Russell County partnered with the Virginia Department of Social Services to create Mountain Movers; and

WHEREAS, Mountain Movers collaborates with churches and other service organizations to encourage people to become foster parents by providing knowledge and resources; increasing the number of local foster families ensures that children in need of foster care can remain in their home county, continue attending the same school, and stay close to friends; and

WHEREAS, a faith-based forum that strives to build a network of all churches in Russell County and throughout the region, Mountain Movers has helped extended family members of children become foster parents and reached many new potential foster families; and

WHEREAS, Mountain Movers has also worked to coordinate and provide shelter and support to people in need after natural disasters such as storms and floods; and

WHEREAS, Mountain Movers brings people together to improve the community socially, economically, and spiritually and has helped secure a stronger future for Russell County; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Mountain Movers for its work to support foster families and keep foster children close in their home county; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Mountain Movers as an expression of the General Assembly's admiration for the organization's work to strengthen the Russell County community by advocating for children and families.

**SENATE JOINT RESOLUTION NO. 182**

*Celebrating the life of James Howell Hardy III.*

Agreed to by the Senate, March 1, 2018

Agreed to by the House of Delegates, March 7, 2018

WHEREAS, James Howell Hardy III, a respected first responder who spent over 20 years as chief of the Bluefield Virginia Fire Department, died on December 31, 2017; and

WHEREAS, born in Bluefield, West Virginia, James "Jim" Hardy began his service to Bluefield, Virginia, at age 15, when he joined the Bluefield Virginia Fire Department as a volunteer; and

WHEREAS, Jim Hardy held a variety of positions during his more than 65-year tenure with the Bluefield Virginia Fire Department, including assistant chief; he was appointed fire chief on August 1, 1994, and remained in the role for the rest of his life; and

WHEREAS, a natural leader known for his skill at training new firefighters, Jim Hardy oversaw a team of approximately 20 volunteer firefighters who provided emergency response services to the community 24 hours a day, seven days a week; and

WHEREAS, among many other accomplishments during his time as fire chief, Jim Hardy managed the design and construction of the Bluefield Virginia Fire Department's new fire station and oversaw the introduction of the first ladder tower fire truck in Bluefield's history; and

WHEREAS, a longtime employee of Rockwell Industries, Jim Hardy also served on the Tazewell County Emergency Services Committee; and

WHEREAS, Jim Hardy's exemplary devotion to the safety of the citizens of Bluefield won him the abiding respect, admiration, and affection of the people he so ably served; and

WHEREAS, Jim Hardy will be fondly remembered and dearly missed by many family members, friends, fellow firefighters, and Bluefield residents; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of James Howell Hardy III, a dedicated citizen who served the Bluefield community as its fire chief; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of James Howell Hardy III as an expression of the General Assembly's respect for his memory.

**SENATE JOINT RESOLUTION NO. 183**

*Commending Timothy L. Taylor.*

Agreed to by the Senate, March 1, 2018  
 Agreed to by the House of Delegates, March 7, 2018

WHEREAS, Richlands Town Manager Timothy L. Taylor marked the end of 15 years of distinguished service as president of the Blue Ridge Power Agency Board of Directors on June 30, 2017; and

WHEREAS, Timothy "Tim" Taylor provided exemplary leadership for members of the Blue Ridge Power Agency (the Agency), a nonprofit cooperative made up of consumer-owned electric utilities, including the Cities of Danville, Martinsville, Radford, and Salem, the Towns of Bedford and Richlands, the Virginia Tech Electric Service, and the Central Virginia Electric Cooperative, all of which serve more than 250,000 residents of the Commonwealth; and

WHEREAS, during his term of office, Tim Taylor led the Agency to meet its stated goal: "through the power of numbers/size, collective resolve, economies of scale and cooperative joint action, to pursue those activities which will ensure the most reliable and lowest cost wholesale electric power supplies possible for its members today and in the future"; and

WHEREAS, the Town of Richlands has been a member of the Agency and Tim Taylor has served as a board member since its inception in 1988, and he will continue to serve as a board member after completing his term as president; and

WHEREAS, Tim Taylor is a family man and a devout Christian, who is very active in his church and community, as well as a devoted husband, father, and grandfather; and

WHEREAS, Tim Taylor is a man of "seven hats," leading the Town of Richlands and, in many cases, doing the work necessary for the Town to efficiently and effectively function and serve its citizens, including administration, public relations, field supervision, accounting, planning/design, human resources, and community involvement; and

WHEREAS, even with all the demands on his time and his many responsibilities, Tim Taylor devoted a significant amount of time and energy to his leadership role with the Agency; and

WHEREAS, during his tenure as board president, Tim Taylor provided the leadership under which the Agency achieved significant accomplishments, such as replacing long-term power supply contracts that at termination left the Agency members in a volatile and unpredictable electric power market with the stability of a portfolio of consumer-owned diverse generation assets and multiple market contracts of varying term lengths; and

WHEREAS, Tim Taylor oversaw collaboration with other consumer-owned utilities and organizations within the Commonwealth, as well as throughout the region and nation, to protect Agency members' interests in regulatory and legislative venues at the state and federal levels; and

WHEREAS, Tim Taylor set a collegial atmosphere within the Agency that fostered open, productive networking and discussion among members that has benefited members and helped the Agency achieve its goals; and

WHEREAS, during his 15-year tenure, Tim Taylor brought measurable benefits to the more than 250,000 residents served by the Blue Ridge Power Agency and its member systems; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Timothy L. Taylor for his 15 years of dedicated service and leadership as president of the Blue Ridge Power Agency Board of Directors; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Timothy L. Taylor as an expression of the General Assembly's admiration for his leadership and dedication, as exemplified by the effectiveness and achievements of the Blue Ridge Power Agency.

**SENATE JOINT RESOLUTION NO. 184**

*Commending Evelyn Ann Slone.*

Agreed to by the Senate, March 1, 2018  
 Agreed to by the House of Delegates, March 7, 2018

WHEREAS, Evelyn Ann Slone has been inducted into the College of Fellows of the American Institute of Certified Planners for her outstanding achievements in rural and urban planning for more than 50 communities throughout the Commonwealth; and

WHEREAS, with more than 35 years of planning experience in both the public and private sectors, Evelyn Slone helped shape the growth and development of Virginia communities ranging from the Coalfields Region to the Eastern Shore; and

WHEREAS, as a local government planner, planning director, and planning consultant, Evelyn Slone utilized innovative methods and significant citizen input to develop 10 comprehensive plans, two of which were recognized by the American Planning Association (APA) and its Virginia chapter; and

WHEREAS, while working at Hill Studio in Roanoke, Evelyn Slone directed revitalization plans for more than 15 small towns, tailoring each plan to take advantage of each community's unique assets and history, for which she received another five awards for excellence from the Virginia APA; and

WHEREAS, Evelyn Slone has been a champion for local historic districts and traditional neighborhoods, and she has crafted architectural and community design guidelines for communities throughout Virginia, North Carolina, and South Carolina; and

WHEREAS, among her most notable achievements, Evelyn Slone developed two signature comprehensive plans for the City of Roanoke, helping the city earn recognition from the National Civic League as the only seven-time winner of the All-America City Award; she also facilitated historic preservation in Roanoke as a cofounder of the Roanoke Valley Preservation Foundation; and

WHEREAS, due to these accomplishments and contributions to the planning profession, Evelyn Slone was recognized by her peers and the APA with the organization's highest honor, induction into the College of Fellows of the American Institute of Certified Planners; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Evelyn Ann Slone on being named a member of the College of Fellows of the American Institute of Certified Planners; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Evelyn Ann Slone as an expression of the General Assembly's admiration for her accomplishments in the planning field and contributions to the Commonwealth.

### SENATE JOINT RESOLUTION NO. 185

*Celebrating the life of the Reverend Eddie Lee Perry, Sr.*

Agreed to by the Senate, March 1, 2018

Agreed to by the House of Delegates, March 7, 2018

WHEREAS, the Reverend Eddie Lee Perry, Sr., a beloved husband and father, dedicated public servant, and former pastor at St. John Baptist Church in Charles City, died on September 14, 2017; and

WHEREAS, a native of Cleveland, Ohio, Reverend Perry was a 21-year veteran of the United States Army who retired with the rank of major in 1979; while in the service, he earned a bachelor's degree from The Ohio State University; and

WHEREAS, after leaving the military, Reverend Perry worked with the Newport News Redevelopment and Housing Authority; in 1981, he moved to the Virginia Department of Social Services, where he served as director of human resources management until his retirement in 1994; and

WHEREAS, in addition to the demands of his full-time career as a state employee, Reverend Perry answered the call to minister to others as a preacher; after earning his divinity degree from Virginia Union University, he became pastor at St. John Baptist Church in Charles City in 1985; and

WHEREAS, during his 15 years as the pastor of the St. John Baptist Church, Reverend Perry made a number of significant improvements, including strengthening the Board of Deacons, adding new worship services, and affiliating the church with the American Baptist Churches of the South; and

WHEREAS, known for his intelligence and compassion, Reverend Perry also provided valuable service to the community as a youth mentor, Girl Scout troop founder, and president of the Charles City Branch of the NAACP; and

WHEREAS, Reverend Perry will be fondly remembered and greatly missed by his wife of 56 years, Annie; children, Eddie Jr., Patricia, Monica, and Curtis, and their families; and many other family members, friends, and Charles City residents; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of the Reverend Eddie Lee Perry, Sr., a respected spiritual and community leader in Charles City; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of the Reverend Eddie Lee Perry, Sr., as an expression of the General Assembly's respect for his memory.

### SENATE JOINT RESOLUTION NO. 186

*Celebrating the life of Richard E. Olivieri, Sr.*

Agreed to by the Senate, March 1, 2018

Agreed to by the House of Delegates, March 7, 2018

WHEREAS, Richard E. Olivieri, Sr., a beloved husband, father, and a respected business leader who developed numerous building projects in Virginia Beach, died on December 16, 2017; and

WHEREAS, a native of the Jamaica neighborhood in Queens, New York, Richard Olivieri attended La Salle Military Academy and graduated from Manhattan College; and

WHEREAS, after moving to Virginia Beach in the 1960s, Richard Olivieri found great success as a partner at Pembroke Commercial Realty, a full-service real estate firm; and

WHEREAS, working over half a century in real estate, Richard Olivieri brought his business acumen and leadership skills to the construction of thousands of homes and businesses in the Hampton Roads area; among many other projects, he developed Pembroke Mall, the Aragona Village, Pembroke Manor, and Timberlake neighborhoods; and

WHEREAS, Richard Olivieri was a longtime board member of the Tidewater Builders Association and a founding member of the Virginia Beach Central Business District; among other honors, he was a member of the Tidewater Builders Association's Housing Hall of Fame and the winner of the Home Builders Association of Virginia's 1992 Home Builder of the Year award; and

WHEREAS, Richard Olivieri was deeply committed to his community and supported many civic organizations as well as the United Way and Children's Hospital of the King's Daughters; a man of strong faith, he enjoyed fellowship and worship at Star of the Sea Catholic Church; and

WHEREAS, an avid golfer, Richard Olivieri was a member of the Cavalier Golf and Yacht Club and a founding member of the Bayville Golf Club; and

WHEREAS, Richard Olivieri will be fondly remembered and dearly missed by his wife of 54 years, Maureen; his children, Richard, Chris, John, Michael, and Rosemary, and their families; and countless other family members, friends, and members of the Virginia Beach community; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Richard E. Olivieri, Sr., a business leader and pillar of the Virginia Beach community; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Richard E. Olivieri, Sr., as an expression of the General Assembly's respect for his memory.

**SENATE JOINT RESOLUTION NO. 187**

*Celebrating the life of William Henry Muehleib.*

Agreed to by the Senate, March 1, 2018

Agreed to by the House of Delegates, March 7, 2018

WHEREAS, William Henry Muehleib, a survivor of the attack on Pearl Harbor, a successful entrepreneur, and a highly admired member of the Virginia Beach community, died on June 15, 2017; and

WHEREAS, a native of Allentown, Pennsylvania, William "Bill" Muehleib joined many of the other young men of his generation in service to the nation during World War II; and

WHEREAS, enlisting in the United States Army Air Corps prior to the war, Bill Muehleib was training as an aircraft mechanic at Hickam Field in Hawaii when Japanese forces attacked the adjacent Pearl Harbor naval base on December 7, 1941; and

WHEREAS, in the early stages of the attack, Bill Muehleib awoke to the sounds of incoming enemy fighters, and he and his unit bravely returned fire with personal weapons until they were able to reach anti-aircraft stations; and

WHEREAS, for the remainder of his service during World War II, Bill Muehleib conducted aircraft maintenance and served with the 481st Night Fighter Operational Training Group in California; he returned to active duty with the United States Air Force during the Korean War; and

WHEREAS, after his honorable military service, Bill Muehleib pursued a successful career in sales; in 1971, he founded Federal Sales Service, which fulfilled government contracts for computer equipment and other technology; and

WHEREAS, Bill Muehleib helped preserve the memory of his fellow World War II veterans by sharing his wartime experiences as a speaker at schools, civic organizations, and other events; he held many leadership roles in the Pearl Harbor Survivors Association and was the last national president of the organization before it disbanded in 2011; and

WHEREAS, Bill Muehleib will be fondly remembered and greatly missed by his wife, Jo; children, Jeffrey, Richard, Patricia, and Robin, and their families; and numerous other family members, friends, and fellow veterans; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of William Henry Muehleib, a patriotic veteran, hardworking entrepreneur, and a respected member of the Virginia Beach community; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of William Henry Muehleib as an expression of the General Assembly's respect for his memory.

**SENATE JOINT RESOLUTION NO. 188**

*Commending SOS International LLC.*

Agreed to by the Senate, March 1, 2018

Agreed to by the House of Delegates, March 7, 2018

WHEREAS, SOS International LLC, a government contractor that has served the defense, intelligence, and law-enforcement communities for more than 25 years, was honored by the Greater Reston Chamber of Commerce and Cornerstones, Inc., with a prestigious 2018 Best of Reston Award; and

WHEREAS, the Best of Reston Awards honor individuals, organizations, and companies that have demonstrated an extraordinary commitment to helping others and improving the lives of people throughout the Greater Reston area; and

WHEREAS, founded in 1989 by Sosi Setian to provide analytical, foreign language, and cultural advisory services to law-enforcement agencies, SOS International LLC (SOSi) has grown to become a government services integrator and solutions provider, now working primarily in the defense and intelligence sectors; and

WHEREAS, respected for its flexibility and willingness to accept any challenge, SOSi has delivered intelligence, technology, and project management solutions to government and private sector clients in more than 30 countries worldwide and throughout all 50 states and United States territories; and

WHEREAS, a family-owned company, SOSi places a high emphasis on the importance of good corporate citizenship and giving back to those in need, investing more than \$300,000 in corporate, civic, and professional organizations and community partnerships; and

WHEREAS, SOSi recently launched a Social Committee to oversee outreach events, campaigns, and partnerships and help employees adhere to the company's corporate values of excellence, integrity, and determination; and

WHEREAS, employees of SOSi hold leadership positions in many nonprofit and service organizations and actively engage with volunteer activities, including efforts to support veterans and their families; in 2017, SOSi began supporting Dog Tag Inc., which offers entrepreneurial education and real-world business training to disabled veterans, military spouses, and caregivers; and

WHEREAS, building on its history in language services, SOSi staff fight cultural isolation by offering translation services for Cornerstones' clients, including in Fairfax County where 39.2 percent of people speak a language other than English at home; and

WHEREAS, SOSi employees have also collaborated with the Greater Reston Chamber of Commerce to serve as mentors at South Lakes High School on Ethics Day and planned other events throughout the year as part of the chamber's Community Outreach Committee; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend SOS International LLC on its well-deserved honor as a 2018 Best of Reston Award recipient; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Julian M. Setian, chief executive officer of SOS International LLC, as an expression of the General Assembly's admiration for the company's enduring commitment to making Reston a special place to live, work, and play.

**SENATE JOINT RESOLUTION NO. 189**

*Celebrating the life of the Honorable Harry Burns Blevins, Sr.*

Agreed to by the Senate, March 1, 2018

Agreed to by the House of Delegates, March 7, 2018

WHEREAS, the Honorable Harry Burns Blevins, Sr., a highly admired statesman and a respected leader in the Chesapeake community, died on February 19, 2018; and

WHEREAS, a native of Elk Park, North Carolina, Harry Blevins relocated to Elizabeth City with his family and went on to serve the youth of the community for more than 20 years as a teacher, coach, and principal at Great Bridge High School; he was a trusted mentor to countless students, giving them the tools to become responsible citizens of the Commonwealth; and

WHEREAS, desirous to be of further service to the community and the Commonwealth, Harry Blevins ran for and was elected to the House of Delegates in 1997; he represented the residents of Chesapeake in the 78th District until 2001, when he was elected to the Senate of Virginia; and

WHEREAS, from 2001 to 2013, Harry Blevins represented the residents of parts of the Cities of Chesapeake, Franklin, Portsmouth, Suffolk, and Virginia Beach and the Counties of Isle of Wight and Southampton in the 14th District; and

WHEREAS, during his time as a state lawmaker, Harry Blevins introduced and supported numerous important pieces of legislation to enhance the lives of all Virginians and offered his wisdom and leadership to several committees and commissions; and

WHEREAS, Harry Blevins treated everyone he met with dignity and civility, and he fostered bipartisan cooperation and mutual respect among his fellow legislators for the good of the Commonwealth; and

WHEREAS, Harry Blevins earned numerous awards and accolades for his lifetime of service, including the 1987 First Citizen of Chesapeake award from the Rotary Club of Chesapeake; and

WHEREAS, Harry Blevins will be fondly remembered and greatly missed by his wife of 64 years, Margie; his children, Harry, Jr., Marsha, Daniel, and Linda, and their families; and numerous other family members, friends, and colleagues on both sides of the aisle; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of the Honorable Harry Burns Blevins, Sr., a dedicated public servant and a true Southern gentleman; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of the Honorable Harry Burns Blevins, Sr., as an expression of the General Assembly's respect for his memory.

**SENATE JOINT RESOLUTION NO. 190**

*Commending Justin Verlander.*

Agreed to by the Senate, March 1, 2018  
 Agreed to by the House of Delegates, March 7, 2018

WHEREAS, Justin Verlander, a Virginia native, Goochland High School graduate, former Old Dominion University pitcher, and current Major League Baseball standout, won the 2017 World Series Championship with the Houston Astros; and

WHEREAS, Justin Verlander, the 2017 American League Championship Series MVP, was traded to the Houston Astros from the Detroit Tigers and went 5–1 with a 2.21 ERA for the Astros in the playoffs; and

WHEREAS, Justin Verlander has pitched two no-hitters and is a six-time Major League Baseball (MLB) All-Star, 2011 American League MVP, 2011 American League Cy Young Award winner, 2006 American League Rookie of the Year, and four-time American League strikeout leader; through the 2017 season, his 188 career wins are tied for the third most among active pitchers; and

WHEREAS, with 427 strikeouts, Justin Verlander holds all-time records at Old Dominion University (ODU), in the Colonial Athletic Association (CAA), and in Virginia history; the three-time All-CAA selection was an American Baseball Coaches Association Freshman All-American and Collegiate Baseball Honorable Mention All-American, and he was the second overall selection in the 2004 MLB Draft, the highest selection of any ODU player in school history; and

WHEREAS, Justin Verlander was inducted into the Old Dominion University Sports Hall of Fame in 2012, and his number 35 jersey was retired in 2010; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That Justin Verlander hereby be commended on winning the 2017 World Series Championship with the Houston Astros; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Justin Verlander as an expression of the General Assembly's admiration for his achievements.

**SENATE JOINT RESOLUTION NO. 191**

*Confirming appointments by the Governor of certain persons communicated February 23, 2018.*

Agreed to by the Senate, March 5, 2018  
 Agreed to by the House of Delegates, March 8, 2018

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly confirm the following appointments of certain persons made by Governor Ralph Northam and communicated to the General Assembly February 23, 2018.

**AGENCY HEADS**

**Steven G. Bowman** of **Smithfield**, Virginia 23430, Commissioner of the Virginia Marine Resources Commission, effective March 19, 2018, to serve at the pleasure of the Governor, to succeed John Bull.

**Craig M. Burns** of **Richmond**, Virginia 23230, State Tax Commissioner of the Department of Taxation, effective February 13, 2018, to serve at the pleasure of the Governor, to succeed himself.

**Raymond E. Hopkins** of **Henrico**, Virginia 23227, Commissioner of the Department for the Blind and Vision Impaired, effective February 20, 2018, to serve at the pleasure of the Governor, to succeed himself.

**Marty Kilgore** of **Glen Allen**, Virginia 23059, Executive Director of the Virginia Foundation for Healthy Youth, effective February 9, 2018, to serve at the pleasure of the Governor, to succeed herself.

**Julie V. Langan** of **Richmond**, Virginia 23221, Director of the Department of Historic Resources, effective February 22, 2018, to serve at the pleasure of the Governor, to succeed herself.

**Eric Raff** of **Henrico**, Virginia 23255, Director of the Department for the Deaf and Hard-of-Hearing, effective February 25, 2018, to serve at the pleasure of the Governor, to succeed Ronald Lanier.

**Jeffrey D. Stern** of **Glen Allen**, Virginia 23060, State Coordinator of the Department of Emergency Management, effective February 19, 2018, to serve at the pleasure of the Governor, to succeed himself.

**Daniel S. Timberlake** of **Mechanicsville**, Virginia 23116, Director of the Department of Planning and Budget, effective February 13, 2018, to serve at the pleasure of the Governor, to succeed himself.

**John Warren** of **Glen Allen**, Virginia 23059, Director of the Department of Mines, Minerals and Energy, effective February 20, 2018, to serve at the pleasure of the Governor, to succeed himself.

**Crafton O. Wilkes** of **Chester**, Virginia 23831, Administrator of the Milk Commission, effective January 30, 2018, to serve at the pleasure of the Governor, to succeed himself.

**AGRICULTURE AND FORESTRY**

**Virginia Agricultural Council**

**Justin M. Minor** of **Gainesville**, Virginia 20155, Member, appointed January 18, 2018, to serve at the pleasure of the Governor beginning August 25, 2017, to succeed Jeffrey Raymond White.

2018]

## ACTS OF ASSEMBLY

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## SENATE JOINT RESOLUTION NO. 192

*Commending the Honorable Burke F. McCahill.*

Agreed to by the Senate, March 1, 2018  
 Agreed to by the House of Delegates, March 7, 2018

WHEREAS, the Honorable Burke F. McCahill retired as a judge of the Loudoun Circuit Court of the Twentieth Judicial Circuit of Virginia on January 1, 2017; and

WHEREAS, Burke McCahill holds a bachelor's degree from The College of William and Mary and a law degree from the T.C. Williams School of Law at the University of Richmond; and

WHEREAS, Burke McCahill was admitted to the Virginia State Bar in 1976 and worked as an attorney in private practice in Leesburg for many years; he also served as chair of the Family Law Section of the Virginia State Bar and was a member of the George Mason American Inn of Court; and

WHEREAS, Burke McCahill served as a judge of the Loudoun Juvenile and Domestic Relations District Court of the Twentieth Judicial District of Virginia from 1998 to 2000, when he was appointed as a judge of the Loudoun Circuit Court of the Twentieth Judicial Circuit of Virginia; and

WHEREAS, Burke McCahill presided with great fairness and wisdom for nearly two decades, becoming the most senior circuit court judge in Loudoun County; he was named chief judge of the Loudoun Circuit Court from 2006 to 2007 and again from 2013 to 2015; and

WHEREAS, a man of great integrity, Burke McCahill served Loudoun County and the Commonwealth with the utmost dedication and distinction; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Honorable Burke F. McCahill on the occasion of his retirement, in 2017, as a judge of the Loudoun Circuit Court of the Twentieth Judicial Circuit of Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Honorable Burke F. McCahill as an expression of the General Assembly's admiration for his service to Loudoun County and the Commonwealth.

## SENATE JOINT RESOLUTION NO. 193

*Commending George D. Greenia.*

Agreed to by the Senate, March 6, 2018  
 Agreed to by the House of Delegates, March 7, 2018

WHEREAS, George D. Greenia, a renowned scholar and professor at The College of William and Mary, retired in 2016 following a distinguished 34-year career; and

WHEREAS, a native of Detroit, George Greenia studied at a Franciscan seminary in Wisconsin as a young man, but left after five years to pursue a career as a professor; after graduating from Marquette University, he earned his doctoral degree from the University of Michigan, Ann Arbor; and

WHEREAS, in 1982, George Greenia joined the faculty of The College of William and Mary as a professor of languages and literature; he later spent 10 years as director of the school's Medieval and Renaissance Studies program, and in 2011, he founded its Institute for Pilgrimage Studies; and

WHEREAS, a talented and dedicated scholar, George Greenia has written numerous books and articles on the literature and cultural history of medieval Spain; he served as an editor of the medieval language journal *La corónica*, editor-in-chief of *American Pilgrim* magazine, and associate editor of the journal *Hispania*; and

WHEREAS, a teacher first and foremost, George Greenia was devoted to crafting informative and thought-provoking courses and research opportunities for his students; during the summer, he often led field excursions to the Camino de Santiago, a famed pilgrimage route in Spain; and

WHEREAS, a tireless advocate of LGBT students at The College of William and Mary, George Greenia spent many years as the faculty facilitator of the Gay Student Support Group; in 2006, the William and Mary Gay and Lesbian Alumni/ae Association presented him with the Founders' Cup for Outstanding Lifetime Service to the Gay and Lesbian members of The College of William and Mary Community; and

WHEREAS, in 2007, George Greenia's promotion of Spanish history and culture saw him knighted by order of King Carlos I of Spain and awarded the Order of Isabella the Catholic, one of Spain's highest honors; and

WHEREAS, George Greenia's many other recognitions include a lifetime achievement award from the group American Pilgrims on the Camino and the William & Mary Diversity Leadership Award from the Office of Diversity and Equal Opportunity; a longtime supporter of the Phi Beta Kappa Society, he is the recipient of its President's Award and Judith F. Krug Medal; and

WHEREAS, since his retirement, George Greenia has continued to pursue knowledge by working on research projects and teaching and taking classes at the Christopher Wren Association for Lifelong Learning; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend George D. Greenia on his illustrious career as a professor at The College of William and Mary and his excellent service to his students; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to George D. Greenia as an expression of the General Assembly's admiration for his career accomplishments and best wishes for a well-deserved retirement.

**SENATE JOINT RESOLUTION NO. 194**

*Celebrating the life of the Honorable William T. Stone, Sr.*

Agreed to by the Senate, March 6, 2018  
 Agreed to by the House of Delegates, March 7, 2018

WHEREAS, the Honorable William T. Stone, Sr., a highly admired attorney and a former judge of the Ninth Judicial District of Virginia, who touched the lives of countless families in the Williamsburg area as a funeral home director, died on January 18, 2018; and

WHEREAS, born in Washington, D.C., William Stone graduated from Bruton Heights School in Williamsburg and learned the value of community service at a young age while working at his family's business, Whiting's Funeral Home, the oldest, active African American-owned business in Williamsburg; and

WHEREAS, William Stone earned a bachelor's degree from Central State College in Ohio, then served the nation as a military policeman in the United States Army; he trained as an embalmer during his time in the military and later attended the New England Institute of Anatomy, Sanitary Science, and Embalming in Massachusetts; and

WHEREAS, William Stone worked as a member of the United States Secret Service, the Supreme Court Police, and the Veteran's Administration, then earned a law degree from The American University in 1962; and

WHEREAS, William Stone opened Stone & Associates in 1964 and later moved the practice to Williamsburg, becoming the first African American attorney to open a firm and practice law in the city; Stone & Associates was also the first integrated law firm in the city; and

WHEREAS, in 1968, William Stone was appointed as a judge of the Williamsburg/James City County General District Court of the Ninth Judicial District of Virginia; he was the first African American judge in Williamsburg and thought to be the first in the Commonwealth; and

WHEREAS, William Stone earned the respect and admiration of his peers in the legal profession for his work ethic and cordial demeanor; he served as a trusted mentor and friend to countless African American attorneys and judges; and

WHEREAS, after his well-earned retirement as a judge and attorney, William Stone continued to serve the community at Whiting's Funeral Home, providing professional, compassionate care to families in their time of need and ensuring that everyone received a dignified burial regardless of a family's ability to pay; and

WHEREAS, William Stone traveled extensively and worked with international businesses and organizations to enhance the lives of people in other countries while enriching local culture in Williamsburg; and

WHEREAS, William Stone offered his leadership and expertise to many professional and peer organizations, and he was a founding member of the Zeta Mu Mu Chapter of Omega Psi Phi Fraternity and a member of the Improved, Benevolent, Protective Order of the Elks of the World, Old Capital Lodge No. 629; and

WHEREAS, William Stone will be fondly remembered and greatly missed by his loving wife, Sara; his children, Tommy, Jackie, Michael, and Christopher, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of the Honorable William T. Stone, Sr., a trailblazing attorney, judge, and business owner in Williamsburg; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of the Honorable William T. Stone, Sr., as an expression of the General Assembly's respect for his memory.

**SENATE JOINT RESOLUTION NO. 195**

*Commending Hilton Village.*

Agreed to by the Senate, March 6, 2018  
 Agreed to by the House of Delegates, March 7, 2018

WHEREAS, Hilton Village, a planned community in Newport News that was the nation's first federal war housing project, celebrates its 100th anniversary in 2018; and

WHEREAS, Hilton Village traces its roots to World War I, when an influx of shipbuilders and other wartime workers sparked a severe housing shortage in Newport News; in response, Newport News Shipbuilding secured federal funding for construction of a new housing project on a tract of land along the James River; and

WHEREAS, named for a 19th century homestead that had occupied the site, Hilton Village had a planning team that included Newport News Shipbuilding president Homer L. Ferguson, town planner Henry Vincent Hubbard, engineer Francis H. Bulot, and architects Joseph D. Leland III and Francis Y. Joannes; and

WHEREAS, Hilton Village opened in July 1918 and eventually included 500 English cottage-style homes designed for wartime workers and their families; the community was the first of some 100 government housing projects completed during World War I; and

WHEREAS, unlike many planned communities, Hilton Village included lots that varied in size and several different home layouts; the village also featured a central commercial district and streetcar as well as plots for a church, library, firehouse, and school; and

WHEREAS, after World War I ended, the federal government declared Hilton Village surplus property and sold it to Henry E. Huntington, chairman of Newport News Shipbuilding; he began selling its houses on the private market, transitioning the wartime community into a residential neighborhood; and

WHEREAS, today, Hilton Village remains a thriving community of residential homes and locally-owned businesses and has maintained much of the integrity of its original English cottage-style architecture; and

WHEREAS, in recognition of its status as the federal government's first planned wartime community, Hilton Village was added to the National Register of Historic Places in 1969; and

WHEREAS, to mark its centennial, Hilton Village is holding a series of special events and historical lectures that will culminate with the Hilton Centennial Grand Celebration on July 7, 2018; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Hilton Village on the occasion of its 100th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Hilton Village as an expression of the General Assembly's admiration for its rich history and legacy.

#### SENATE JOINT RESOLUTION NO. 196

*Commending The College of William and Mary.*

Agreed to by the Senate, March 6, 2018

Agreed to by the House of Delegates, March 7, 2018

WHEREAS, the 2018–2019 academic year marks the 100th anniversary of the admission of the first women students at The College of William and Mary, which in 1918 became the first public institution of higher education in Virginia to transition to coeducational learning; and

WHEREAS, since 1918, The College of William and Mary has enrolled more than 55,000 women students in all of its schools and departments; and

WHEREAS, thousands of William and Mary alumnae have gone on to live productive and interesting lives, becoming leaders in their communities, volunteer organizations, and professions; and

WHEREAS, William and Mary alumnae have increasingly become leaders within the institution through their volunteerism, mentorship of students, philanthropy, and engagement, and by leading lives that exemplify the liberal arts tradition; and

WHEREAS, due in large part to the influence of women students on campus over the past century, William and Mary has become a vastly more inclusive institution and hired women faculty members and administrators of international significance; and

WHEREAS, generations of women—students, parents, faculty, administrators, staff, deans, coaches, and others—have inalterably transformed The College of William and Mary into an institution that values and celebrates the achievements and contributions of women; and

WHEREAS, The College of William and Mary enjoys international renown in the arts and sciences, marine science, education, law, and business and has sent accomplished women into the world in all of those fields; and

WHEREAS, The College of William and Mary will undertake a yearlong commemoration, celebration, and exploration of the ways that alumnae and current women students have shaped the institution and inspired and empowered future women students; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend The College of William and Mary on the occasion of the 100th anniversary of the admission of the institution's first women students; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to The College of William and Mary as an expression of the General Assembly's admiration for the many accomplishments of the institution's women students and alumnae.

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[VA.,

**SENATE JOINT RESOLUTION NO. 197**

*Celebrating the life of Thaddeus Wilbur Tate, Jr.*

Agreed to by the Senate, March 6, 2018  
 Agreed to by the House of Delegates, March 7, 2018

WHEREAS, Thaddeus Wilbur Tate, Jr., a respected scholar and emeritus professor of history at The College of William and Mary, died on April 8, 2017; and

WHEREAS, Thaddeus "Thad" Tate was born in Winston-Salem, North Carolina, and briefly attended the University of North Carolina at Chapel Hill before serving as a United States Navy cryptographer during World War II; after the war, he returned to Chapel Hill and earned his bachelor's and master's degrees; and

WHEREAS, a talented scholar of history, particularly the American colonial period, Thad Tate began his career working for the National Parks Service at Colonial National Historical Park at Yorktown; he then worked at Independence National Historical Park in Philadelphia and at Colonial Williamsburg, where he served as a research associate and assistant director of research; and

WHEREAS, after earning his doctorate from Brown University in 1960, Thad Tate began a nearly 30-year career as a history professor at The College of William and Mary; in 1972, he took over as director of the school's Institute of Early American History and Culture; and

WHEREAS, along with teaching classes and publishing articles and books on early American history, Thad Tate also spent over a decade as book review editor and editor of the journal *The William and Mary Quarterly*; and

WHEREAS, an active member of The College of William and Mary faculty, Thad Tate held many positions during his tenure at the school; in 1989, he chaired the Tercentenary Committee assembled to mark the school's 300th anniversary; and

WHEREAS, after leaving his teaching position in 1989, Thad Tate served for three years as the founding director of the Commonwealth Center for the Study of American Culture at The College of William and Mary; and

WHEREAS, during his long and distinguished career, Thad Tate held fellowships from the American Council of Learned Societies and the National Endowment for the Humanities; in 2011, The College of William and Mary presented him with an honorary doctorate in recognition of his service; and

WHEREAS, outside of his scholarly work, Thad Tate was an avid hiker and outdoorsman who had a lifelong love of trains and railroads; and

WHEREAS, Thad Tate will be fondly remembered and dearly missed by his stepmother, Lib, and many other family members, friends, and colleagues; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Thaddeus Wilbur Tate, Jr., a dedicated professor who helped bring history to life for countless students; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Thaddeus Wilbur Tate, Jr., as an expression of the General Assembly's respect for his memory.

**SENATE JOINT RESOLUTION NO. 198**

*Celebrating the life of Ludwell Harrison Johnson III.*

Agreed to by the Senate, March 6, 2018  
 Agreed to by the House of Delegates, March 7, 2018

WHEREAS, Ludwell Harrison Johnson III, a beloved husband and father and a respected professor emeritus of history at The College of William and Mary, died on June 5, 2017; and

WHEREAS, born in Charleston, West Virginia, Ludwell Johnson grew up in Richmond and served in the United States Navy as a young man; after his discharge from the Navy, he earned his bachelor's and doctoral degrees from Johns Hopkins University; and

WHEREAS, in 1955, Ludwell Johnson joined the department of history at The College of William and Mary; he remained in the department for over 40 years until his retirement, serving as its chair for several terms; and

WHEREAS, a brilliant scholar, Ludwell Johnson won wide acclaim for his writings on the 19th century United States, particularly the Civil War era; during his career, he published two books and numerous scholarly articles and reviews; and

WHEREAS, along with his formidable reputation as a researcher, Ludwell Johnson was also a dedicated teacher known for his fascinating course lectures and fondness for lively intellectual debate; he cared deeply for his students and was devoted to health and safety on campus, once leading an effort to encourage college administrators to remove asbestos from campus buildings; and

WHEREAS, a longtime supporter of the Phi Beta Kappa academic honor society, Ludwell Johnson continued to serve the group in retirement by acting as the steward and historian of The College of William and Mary chapter, as well as one of its chief fundraisers for scholarships; and

WHEREAS, Ludwell Johnson received numerous academic honors during his career, including the Thomas Ashley Graves, Jr. Award for Sustained Excellence in Teaching and the Thomas Jefferson Award, The College of William and Mary's highest honor for leadership and service; and

WHEREAS, Ludwell Johnson will be fondly remembered and dearly missed by his wife of 60 years, Pamela; daughter, Abigail, and her family; and countless other family members, friends, and members of the Williamsburg community; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Ludwell Harrison Johnson III, a distinguished university professor with a commitment to lifelong learning; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Ludwell Harrison Johnson III as an expression of the General Assembly's respect for his memory.

**SENATE JOINT RESOLUTION NO. 199**

*Celebrating the life of Louise Ann Hutchinson.*

Agreed to by the Senate, March 6, 2018

Agreed to by the House of Delegates, March 7, 2018

WHEREAS, Louise Ann Hutchinson, a Williamsburg resident who broke down barriers as an adventurous news reporter with the *Chicago Tribune*, died on March 29, 2017; and

WHEREAS, born and raised in Chicago, Louise Hutchinson attended Schurz High School and then studied at Blackburn College in Illinois before earning a bachelor's degree from the University of Iowa; and

WHEREAS, Louise Hutchinson began her journalism career at radio stations in Illinois and Washington, D.C.; after a stint at a weekly newspaper in northwest Chicago, she joined the *Chicago Tribune* as a reporter in 1952; and

WHEREAS, Louise Hutchinson initially covered the neighborhood news beat for the *Chicago Tribune*, but her exceptional interviewing and reporting skills soon saw her promoted to more high-profile stories; she wrote about Jacqueline Kennedy in the wake of President John F. Kennedy's assassination, covered eight national political conventions, and followed President Richard Nixon on his 1972 trip to Moscow; and

WHEREAS, during an era when women reporters were often confined to light news and local coverage, Louise Hutchinson sought out stories that took her on adventures around the globe; for a 1967 report, she dove to the bottom of the ocean in a United States Navy submersible; in 1971, she traveled to Antarctica to cover its scientific research community, and while there, became the first woman in history to spend a night at the South Pole; and

WHEREAS, Louise Hutchinson received numerous awards and professional honors during her reporting career, including the *Chicago Tribune's* Edward Scott Beck Award, an Associated Press award, and an honorary doctorate from Blackburn College; between 1970 and 1971, she was president of the Women's National Press Club, which renamed itself the Washington Press Club during her tenure; and

WHEREAS, Louise Hutchinson spent 22 years as a *Chicago Tribune* reporter before leaving the paper in 1973; she then worked as a public information officer for the Department of Justice's Civil Rights Division and as press secretary to U.S. Congressman Robert McClory; and

WHEREAS, in her later career, Louise Hutchinson worked for a variety of nonprofit foundations; between 1985 and 1991, she served as director of public information for the National Association of Children's Hospitals in Alexandria; and

WHEREAS, after settling in Williamsburg in 1993, Louise Hutchinson remained active in several civic organizations, including the League of Women Voters; and

WHEREAS, Louise Hutchinson will be fondly remembered and greatly missed by numerous family members, friends, and former colleagues; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Louise Ann Hutchinson, a talented and pioneering journalist; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Louise Ann Hutchinson as an expression of the General Assembly's respect for her memory.

**SENATE JOINT RESOLUTION NO. 200**

*Commending Fort Eustis.*

Agreed to by the Senate, March 6, 2018

Agreed to by the House of Delegates, March 7, 2018

WHEREAS, for 100 years, Fort Eustis has been an essential post for the United States Armed Forces, ensuring that members of the United States Army are trained to provide transportation, aviation, and logistics support necessary to fight and win the nation's wars; and

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[VA.,

WHEREAS, in March 1918, the United States began the construction of Camp Eustis on land that is now the City of Newport News, Virginia, which served as a coastal artillery and trench motor training base for more than 20,000 members of the United States Armed Forces preparing to fight during World War I; and

WHEREAS, on January 10, 1923, War Department General Order Number 1 changed Camp Eustis to Fort Eustis, a permanent military installation; and

WHEREAS, in 1930, the United States Army created the Mechanized Force consisting of a headquarters company, the Army's only active armored car troop, a company of infantry tanks, a machine-gun company, a self-propelled artillery battery, an engineer company, an ordnance company, and detachments of signal, chemical warfare, and quartermaster troops at Fort Eustis; and

WHEREAS, in January 1941, due to the high tensions in Europe, Fort Eustis became a Coast Artillery Replacement Center and trained more than 20,000 troops in anti-aircraft artillery; and

WHEREAS, on January 10, 1946, Fort Eustis became home to the Transportation Corps, which was responsible for troop and equipment transportation and played a critical role in opening and maintaining ports of embarkation and debarkation; training for the corps was consolidated as the Transportation School at Fort Eustis in 1946; and

WHEREAS, on December 10, 1954, Felker Heliport opened at Fort Eustis as the Department of Defense's first airfield dedicated solely to helicopters, and on July 1, 1966, the Headquarters and Headquarters Company, 7th Transportation Brigade was activated at Fort Eustis; and

WHEREAS, on April 12, 1983, Army Aviation was established as a basic branch, and shortly thereafter, the United States Army Transportation and Aviation Logistics School, now the 128th Aviation Brigade, was created at Fort Eustis; and

WHEREAS, on January 29, 2010, pursuant to the 2005 Base Closure and Realignment Commission Report, as approved by the United States President and Congress, Langley Air Force Base in Hampton and Fort Eustis in Newport News merged administrative functions to become Joint Base Langley-Eustis and relocated the United States Army Training and Doctrine Command from Fort Monroe to Fort Eustis; and

WHEREAS, Fort Eustis has been an essential economic contributor to the Virginia Peninsula, offering job opportunities to civilians and serving as home to thousands of active-duty military personnel, families, and retired service members; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Fort Eustis for its contributions to the United States Armed Forces on the occasion of its 100th anniversary on March 19, 2018; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Fort Eustis as an expression of the General Assembly's admiration for its remarkable history and its important role in defending the Commonwealth and the nation.

**SENATE JOINT RESOLUTION NO. 201**

*Commending Jeffrey C. Greenfield.*

Agreed to by the Senate, March 6, 2018

Agreed to by the House of Delegates, March 7, 2018

WHEREAS, Jeffrey C. Greenfield, a business owner and dedicated public servant who supported responsible growth and community development as a longtime member of the Fairfax City Council, retires from public office in June 2018; and

WHEREAS, a graduate of Fairfax High School who holds bachelor's and master's degrees from George Mason University, Jeffrey Greenfield has strong ties to the Fairfax community and lives in Windy Hill, with his wife, Lisa; and

WHEREAS, desirous to be of service to the community, Jeffrey Greenfield ran for and was elected to the Fairfax City Council and has represented the residents of the city for 12 terms; and

WHEREAS, Jeffrey Greenfield has offered his leadership and expertise to a number of boards and commissions, including the Northern Virginia Transportation Commission, the Northern Virginia Transportation Authority, the Fairfax Joint Local Emergency Planning Committee, and the Metropolitan Washington Council of Governments Board of Directors; and

WHEREAS, Jeffrey Greenfield was also the vice chair of the Fairfax 2020 Commission, the Park and Recreation Advisory Board, and the Task Force for a More Livable City of Fairfax; and

WHEREAS, Jeffrey Greenfield has served the residents of Fairfax with the utmost integrity, dedication, and distinction; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Jeffrey C. Greenfield on the occasion of his retirement from the Fairfax City Council; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Jeffrey C. Greenfield as an expression of the General Assembly's admiration for his years of service to the City of Fairfax.

**SENATE JOINT RESOLUTION NO. 202***Celebrating the life of the Reverend Frederick Risdon Miles Carter.*

Agreed to by the Senate, March 6, 2018

Agreed to by the House of Delegates, March 7, 2018

WHEREAS, the Reverend Frederick Risdon Miles Carter, a funeral director, pastor, and community activist who dedicated his life to serving others and strengthening the Newport News community, died on May 1, 2017; and

WHEREAS, a native of Gloucester County, Frederick Carter earned a bachelor's degree from Temple University and graduated second in his class at the American Academy McAllister Institute of Funeral Service; and

WHEREAS, Frederick Carter returned to the Commonwealth to run his family's funeral home in the 1960s and later opened Carter Funeral Home, Denbigh Chapel, the modern facility that still serves the community to this day; and

WHEREAS, Frederick Carter treated families with grace and dignity in their time of need, and he made sure that everyone received a proper burial, regardless of their family's ability to pay; and

WHEREAS, Frederick Carter also served the community as the first African American deputy sheriff in the Gloucester County Sheriff's Office and as the pastor of Shepherdsville Baptist Church; and

WHEREAS, Frederick Carter was a member of the Christopher Newport Board of Visitors and a former chair of both the Newport News Planning Commission and the Virginia Board of Funeral Directors and Embalmers; he was appointed to the Peninsula Airport Commission, having gained a love of flying after he received pilot lessons for his 50th birthday; and

WHEREAS, a highly admired community leader, Frederick Carter was a cofounder of the Thursday Morning Breakfast Group, a group of local residents that met weekly to discuss local, national, and global events and established a scholarship fund for high school students; and

WHEREAS, Frederick Carter will be fondly remembered and greatly missed by his beloved wife of 53 years, Elizabeth; children, Dianne and James, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of the Reverend Frederick Risdon Miles Carter, a pillar of the Newport News community; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of the Reverend Frederick Risdon Miles Carter as an expression of the General Assembly's respect for his memory.

**SENATE JOINT RESOLUTION NO. 203***Celebrating the life of Grace Victoria Edmondson Harris.*

Agreed to by the Senate, March 6, 2018

Agreed to by the House of Delegates, March 7, 2018

WHEREAS, Grace Victoria Edmondson Harris, a compassionate social worker and a respected leader at Virginia Commonwealth University, died on February 12, 2018; and

WHEREAS, Grace Harris grew up in Halifax County and began developing her passion for lifelong learning at a young age; she graduated from Hampton Institute with highest honors in 1954; and

WHEREAS, Grace Harris applied to the Richmond Professional Institute during the beginning of massive resistance to school integration in the Commonwealth; denied entry, she instead attended Boston University, where she studied alongside the Reverend Martin Luther King, Jr.; and

WHEREAS, in 1959, Grace Harris reapplied to the Richmond Professional Institute, now known as Virginia Commonwealth University, to complete her master's degree and was accepted; she was later hired as one of the first African American professors at the University; and

WHEREAS, Grace Harris earned a second master's degree and a doctorate from the University of Virginia in the 1970s, but spent much of her career at Virginia Commonwealth University, where she served as dean of social work, two-time acting president, and the first African American woman provost at the university; and

WHEREAS, Grace Harris earned the admiration of her colleagues for her visionary, decisive leadership and her commitment to ensuring that all voices and viewpoints were heard; in recognition of her exceptional contributions to the University, the Grace E. Harris Leadership Institute was named in her honor; and

WHEREAS, Grace Harris will be fondly remembered and greatly missed by her husband, James; her children, Gayle and James, Jr., and their families; grandson, Jullian; her siblings, William, Marian, and Mamy; and numerous other family members, friends, and colleagues; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Grace Victoria Edmondson Harris, a leader in higher education and social work; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Grace Victoria Edmondson Harris as an expression of the General Assembly's respect for her memory.

**SENATE JOINT RESOLUTION NO. 204**

*Celebrating the life of James Henry Bowman.*

Agreed to by the Senate, March 6, 2018

Agreed to by the House of Delegates, March 7, 2018

WHEREAS, James Henry Bowman, a lifelong resident of Charles City County who served and safeguarded his fellow residents as sheriff for more than a decade, died on April 8, 2017; and

WHEREAS, James "Jimmie" Bowman graduated from Ruthville High School and joined many of the other young men of his generation in service to the nation during World War II as a member of the United States Army; and

WHEREAS, after his honorable military service, Jimmie Bowman attended Virginia State College and then went to work as a lead mechanic at Fort Eustis in Yorktown, where he served the nation for 27 more years; and

WHEREAS, desirous to be of further service to the community, Jimmie Bowman pursued a career in law enforcement as a deputy sheriff with the Charles City County Sheriff's Office; and

WHEREAS, Jimmie Bowman was elected sheriff in 1984 and worked diligently to enforce the laws and serve and protect the people of Charles City County; he was deeply respected by his peers and was elected as the first African American president of the Virginia Sheriffs' Association; and

WHEREAS, working to enhance the community in many other ways, Jimmie Bowman was also a former chair of the Charles City County School Board, a member of the Charles City County Civic League and the local NAACP, and a member of Elam Baptist Church, where he enjoyed fellowship and worship with the community and where he served on the Deacon Board for more than 50 years; and

WHEREAS, Jimmie Bowman will be fondly remembered and greatly missed by his children, Jackie, Gary, and Larry, and their families, and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of James Henry Bowman, who made countless contributions to the residents of Charles City County; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of James Henry Bowman as an expression of the General Assembly's respect for his memory.

**SENATE JOINT RESOLUTION NO. 205**

*Commending Juliette S. Hamilton.*

Agreed to by the Senate, March 6, 2018

Agreed to by the House of Delegates, March 7, 2018

WHEREAS, Juliette S. Hamilton, a vibrant member of the Richmond community and the beloved matriarch of a large family, celebrates her 100th birthday in 2018; and

WHEREAS, born on March 25, 1918, to the late Mr. and Mrs. Ernest Stephens, Juliette Hamilton was one of three children and grew up in the Washington Park neighborhood; she was a witness to the seminal events of the 20th century, from the Great Depression and World War II to the Civil Rights movement and the rise of modern technology; and

WHEREAS, Juliette Hamilton graduated from Armstrong High School in 1936 and has remained active with her alma mater by helping to plan class reunions for many years; she continued her education at Virginia Union University and what is now Virginia State University, then enrolled in a licensed practical nurse program, graduating in the top five of her class; and

WHEREAS, Juliette Hamilton pursued careers as a nurse's aide at Richmond Memorial Hospital, a crossing guard for Richmond Public Schools, and a nurse at the Medical College of Virginia; after her well-earned retirement, she committed herself more fully to civic involvement and volunteering; and

WHEREAS, Juliette Hamilton is active in the Washington Park Civic Association, AARP, and TRIAD, and she enjoys fellowship and worship with the congregation of Second Baptist Church, where she served as a trusted member of the finance committee; and

WHEREAS, for more than 20 years, Juliette Hamilton brightened the lives of friends, family, and neighbors by hosting a three-course Christmas feast in her home, and she is an accomplished traveler who encourages others to see the world; and

WHEREAS, Juliette Hamilton and her husband, Alcus E. Hamilton, Sr., raised two children, Alcus E. Hamilton, Jr., and Carmen H. Bell, who raised families of their own, including eight grandchildren and many more great-grandchildren and great-great-grandchildren; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Juliette S. Hamilton on the occasion of her 100th birthday; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Juliette S. Hamilton as an expression of the General Assembly's admiration for her contributions to the Richmond community.

**SENATE JOINT RESOLUTION NO. 206***Celebrating the life of Mattie Jefferson Shepperd Trower.*

Agreed to by the Senate, March 6, 2018  
 Agreed to by the House of Delegates, March 7, 2018

WHEREAS, Mattie Jefferson Shepperd Trower, a woman who was guided by her faith to serve and support the Charles City County community, died on November 28, 2017; and

WHEREAS, Mattie Trower attended Charles City County Public Schools and graduated from Ruthville High School; and

WHEREAS, Mattie Trower cultivated her deep faith at a young age and joined Mt. Zion Baptist Church in 1952, serving as church clerk for 25 years; and

WHEREAS, a devout and active member of the Mt. Zion Baptist Church community, Mattie Trower served as president of the senior choir and the deaconess ministry, secretary of the Christian education ministry, and member of the Mt. Zion Gospel Chorus and the Star of the East Baptist Association, as well as church treasurer; and

WHEREAS, a life member of the local NAACP, Mattie Trower was also the secretary of the Ruthville High School Alumni Association, the Charles City County Civic League, the Charles City County Committee on Aging, the Electoral Board of Charles City County, and the Philodendron Club of Carver Gardens; and

WHEREAS, Mattie Trower possessed a keen interest in civic life and was an influential community organizer during the late 1960s, and her advocacy and leadership increased civic participation and strong citizenship among women and African Americans; her work was critical in the election of Iona W. Adkins, the first African American woman elected as a circuit court clerk in the United States; and

WHEREAS, Mattie Trower helped establish and was a major contributor to a community enrichment foundation that will serve generations of local residents; and

WHEREAS, predeceased by her first husband, John, and her second husband, Sandy, Mattie Trower will be fondly remembered and greatly missed by her siblings, her stepchildren, and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Mattie Jefferson Shepperd Trower; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Mattie Jefferson Shepperd Trower as an expression of the General Assembly's respect for her memory.

**SENATE JOINT RESOLUTION NO. 207***Commending the Virginia Department of Veterans Services Benefits section.*

Agreed to by the Senate, March 6, 2018  
 Agreed to by the House of Delegates, March 7, 2018

WHEREAS, in 2015, the Virginia Department of Veterans Services Benefits section won the Governor's Technology Award in the IT as Efficiency Driver – Government to Government category for the BeneVets Automated Claim Application; and

WHEREAS, Virginia's prestigious Governor's Technology Awards program recognizes public sector information technology projects that improve government service delivery and efficiency; and

WHEREAS, the BeneVets Automated Claim Application allows the agency to develop and submit veterans' claims to the U.S. Department of Veterans Affairs entirely through electronic processes; and

WHEREAS, the Application eliminates extensive paper usage, significantly reduces postage and supply cost, and, most importantly, decreases the time it takes for a veteran's claim to move through the state and federal process; and

WHEREAS, since 2014, the Virginia Department of Veterans Services Benefits section has greatly enhanced and increased its ability to serve veterans in the Commonwealth; and

WHEREAS, the Virginia Department of Veterans Services Benefits section works to provide veterans with timely and ethical education and assistance in obtaining the federal benefits earned through their service and sacrifice to the nation; and

WHEREAS, the Virginia Department of Veterans Services Benefits section traces its history to the War Claims Bureau in the 1920s; the Virginia Department of Veterans Services was formed in 2003 to consolidate veterans' benefits, health care, and cemeteries under one agency; and

WHEREAS, in 2014, the Virginia Department of Veterans Services Benefits section adopted a comprehensive strategy to address underfunding, inefficient processes, and low morale and to ultimately provide better service to the Commonwealth's veterans; and

WHEREAS, the Virginia Department of Veterans Services Benefits section now comprises an operations office, a training office, and a Center of Excellence, which are all focused on transparency, accountability, veteran feedback, and community engagement; and

WHEREAS, the Virginia Department of Veterans Services Benefits section established a quality assurance team, appeals team, legal liaison, and state liaison and utilized the BeneVets Automated Claim Application system and an award-winning electronic filing system to increase accuracy and accountability; and

WHEREAS, the Virginia Department of Veterans Services Benefits section implemented new training programs and standards to give employees the tools for success, and it hired outreach coordinators to build strong relationships with the community; and

WHEREAS, the Virginia Department of Veterans Services opened several new Benefits offices and renovated or relocated others throughout the Commonwealth to add modern furnishings and equipment; and

WHEREAS, since 2014, Virginia Department of Veterans Services Benefits section offices assisted more than 550,000 veterans and filed more than 100,000 compensation and pension claims worth more than \$8 billion; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Virginia Department of Veterans Services Benefits section for winning the 2015 Governor's Technology Award in the IT as Efficiency Driver – Government to Government category for the BeneVets Automated Claim Application; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Virginia Department of Veterans Services as an expression of the General Assembly's admiration for the work and achievements of the Virginia Department of Veterans Services Benefits section to enhance the quality of life of veterans in the Commonwealth.

**SENATE JOINT RESOLUTION NO. 208**

*Commending Darnell Dozier.*

Agreed to by the Senate, March 6, 2018

Agreed to by the House of Delegates, March 7, 2018

WHEREAS, Darnell Dozier, the talented and respected head coach of the Princess Anne High School girls' basketball team in Virginia Beach, recorded a remarkable 600th career victory on February 13, 2018; and

WHEREAS, a Suffolk native and a 13-year veteran of the United States Army, Darnell Dozier began his athletics career as an assistant basketball coach in New Jersey; he then became an assistant for the Princess Anne High School girls' basketball team before taking the reins as head coach in 1995; and

WHEREAS, during his tenure with the Princess Anne Cavaliers, Darnell Dozier has turned the team into a high school basketball powerhouse known as perennial title contenders; in 23 seasons, he has led the program to a record eight state championships; and

WHEREAS, on February 13, 2018, Darnell Dozier notched his 600th career victory as the Princess Anne Cavaliers defeated the Green Run High School Stallions 92–23; following the win, his career record with the team was an astonishing 600–53; and

WHEREAS, Darnell Dozier's 600th career win places him in third place all-time in the list of the Virginia High School League's (VHSL) winningest girls' basketball coaches; and

WHEREAS, a staunch disciplinarian and motivator who served as a drill sergeant during his military career, Darnell Dozier is known for his teams' excellent physical conditioning and high-powered defensive play; during the 2016–2017 season, his team routinely dominated their opponents on their way to winning their fourth straight VHSL Group 5A state title; and

WHEREAS, along with eight state championships, Darnell Dozier has also garnered 20 district or conference titles and has led his teams to the state tournament on 13 occasions, including in each of the last nine years; and

WHEREAS, throughout his distinguished career, Darnell Dozier has worked tirelessly to nurture his players as athletes and as people; his dedication to his teams has brought credit to his school and community; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Darnell Dozier on his many accomplishments as a high school basketball coach on the occasion of his 600th career victory; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Darnell Dozier as an expression of the General Assembly's admiration for his stellar achievements and best wishes for continued success.

**SENATE JOINT RESOLUTION NO. 209**

*Commending Karen Darnell Wagner.*

Agreed to by the Senate, March 6, 2018

Agreed to by the House of Delegates, March 7, 2018

WHEREAS, Karen Darnell Wagner of Woodstock has ably served the Commonwealth for more than 35 years, making tremendous strides to improve the area emergency medical services system; and

WHEREAS, Karen Wagner was raised in Fairfax County, where she learned the benefits of community service from her father, who was a fire chief; she later moved to Strasburg and then to Woodstock, where she worked as a site supervisor at Valley Health, Valley Medical Transport, and raised one son and five grandchildren with her husband, Jim; and

WHEREAS, Karen Wagner participates annually in the Relay for Life in Shenandoah County as a survivor of non-Hodgkin's lymphoma; and

WHEREAS, since 1982, when Karen Wagner first joined the Woodstock Rescue Squad (WRS), she has served in leadership positions including vice president, secretary, training lieutenant, by-laws committee member, and infectious disease officer; she was honored by the squad as a life member in 1992; and

WHEREAS, Karen Wagner also served in local government as chair of the Shenandoah County Emergency Services Task Force and secretary of the Shenandoah County Fire and Rescue Association EMS Safety Committee, among many other roles; and

WHEREAS, Karen Wagner has also been immensely active in the Virginia Association of Volunteer Rescue Squads (VAVRS), serving as president, vice president, secretary, and editor of the *Lifeline* quarterly magazine; she has also held numerous District IV offices, including district vice president and Rescue College chair, as well as staff instructor, EMT instructor, EVOC instructor, a VAVRS instructor trainer, infectious disease instructor, and an American Heart Association instructor; and

WHEREAS, Karen Wagner was honored by the membership of the VAVRS in September 2003, when she was elected a life member of the organization, and she has been nominated to the Virginia Lifesaving and Rescue Hall of Fame for her activities and years of service; and

WHEREAS, Karen Wagner served on the Emergency Medical Services Advisory Board for eight years and as its chair for four years; she currently serves as the chair of the Financial Assistance Review Committee; and

WHEREAS, Karen Wagner has received many awards and accolades, including the WRS President's Award (three times), Outstanding Service Award from Lord Fairfax EMS Council, VAVRS Outstanding Service Award, and Governor's Award for Excellence in EMS; and

WHEREAS, Karen Wagner has been the primary trainer for the VAVRS Infectious Disease programs since its beginning in 2013; of 49 classes on the subject statewide, she taught 42 of them, as well as all 45 of the Designated Officer Courses, which enrolled 520 students; and

WHEREAS, Karen Wagner has clearly demonstrated her desire to improve the emergency medical services system, her community, and the Commonwealth for more than three decades; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Karen Darnell Wagner for her more than 35 years of service to the residents of Woodstock and the Commonwealth; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Karen Darnell Wagner as an expression of the General Assembly's admiration for her leadership and exceptional achievements in the field of emergency medicine.

### SENATE JOINT RESOLUTION NO. 210

*Celebrating the life of Suzanne Davis Miller.*

Agreed to by the Senate, March 6, 2018

Agreed to by the House of Delegates, March 7, 2018

WHEREAS, Suzanne Davis Miller, a beloved wife and mother who made many contributions to the Manassas community, died on June 28, 2017; and

WHEREAS, a native of Richmond, Suzanne Miller earned a bachelor's degree in business administration from Virginia Commonwealth University; and

WHEREAS, Suzanne Miller brought joy to everyone she met through her kindness, bright smile, and warm spirit; and

WHEREAS, Suzanne Miller enjoyed fellowship and worship with the congregation of Grace United Methodist Church, where she served members of the community as a telecare minister; and

WHEREAS, Suzanne Miller always put her family first, and she will be fondly remembered and greatly missed by her husband, the Honorable Jackson H. Miller, Sr.; her sons, Jackson, Jr., and Nathaniel; her mother, Janet Davis; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Suzanne Davis Miller, a vibrant member of the Manassas community; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Suzanne Davis Miller as an expression of the General Assembly's respect for her memory.

**SENATE JOINT RESOLUTION NO. 211**

*Commending Diane L. Zahm.*

Agreed to by the Senate, March 6, 2018  
 Agreed to by the House of Delegates, March 7, 2018

WHEREAS, Diane L. Zahm, an associate professor and program co-chair in the College of Architecture and Urban Studies at Virginia Polytechnic Institute and State University, has been inducted into the College of Fellows of the American Institute of Certified Planners for her outstanding achievements in planning for many towns and rural communities in Southwest Virginia; and

WHEREAS, Diane Zahm has served aspiring urban and community planners for more than 20 years, guiding more than 500 students as an academic advisor and giving them the tools to achieve professional success through real-life planning projects and instituting rigorous professional standards for coursework; and

WHEREAS, Diane Zahm has helped communities in Southwest Virginia that do not have dedicated planning staff prepare new or updated comprehensive plans, build-out analyses, form-based codes, and pattern books, receiving local and state accolades for her professional and pro bono work; and

WHEREAS, Diane Zahm and her students have served towns and rural communities in Southwest Virginia by using innovative technology, such as 3-D models to visualize new development in historic areas and developing a QR code-based online tour of a historic area; and

WHEREAS, Diane Zahm was at the forefront of crime prevention through environmental design, and she has provided training and technical assistance on the subject to more than 75 agencies, organizations, and communities; two of her publications are considered standards on the subject, and she is a sought-after lecturer and keynote speaker; and

WHEREAS, Diane Zahm is a university representative on the Virginia Chapter Board of Directors of the American Institute of Certified Planners and since 2013 she has been a member of the task force responsible for updating the institute's comprehensive exam; and

WHEREAS, due to these accomplishments and contributions to the planning profession, Diane Zahm was recognized by her peers and the American Planning Association with the organization's highest honor, induction into the College of Fellows of the American Institute of Certified Planners; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Diane L. Zahm on being named as a member of the College of Fellows of the American Institute of Certified Planners; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Diane L. Zahm as an expression of the General Assembly's admiration for her exemplary accomplishments in community planning and contributions to Southwest Virginia.

**SENATE JOINT RESOLUTION NO. 212**

*Commending Carlisle School.*

Agreed to by the Senate, March 6, 2018  
 Agreed to by the House of Delegates, March 7, 2018

WHEREAS, Carlisle School opened in 1968 as a privately operated alternative for education and is celebrating its 50th anniversary during the 2018–2019 school year; and

WHEREAS, Carlisle School immediately welcomed students from the Martinsville and Henry County areas and also from Danville and Pittsylvania County, Patrick County, and Rockingham County, North Carolina; and

WHEREAS, the superb faculty members of Carlisle School provide exemplary educational opportunities to their students in a safe and nurturing environment; and

WHEREAS, Carlisle School has always provided significant financial assistance to almost half of its students, ensuring that students from all economic backgrounds are able to attend; and

WHEREAS, Carlisle School does not discriminate on the basis of race, creed, or beliefs, and celebrates the diversity of its student body; and

WHEREAS, Carlisle School has developed a significant international student program, welcoming students from dozens of nations to attend and graduate, and promoting a mutually beneficial cultural exchange; and

WHEREAS, more than 1,000 students have graduated from Carlisle School, all of whom have attended a college or university and gone on to achieve significant personal and professional successes; and

WHEREAS, Carlisle School has consistently pursued excellence in the performing and material arts; and

WHEREAS, Carlisle School has achieved numerous successes in athletics, winning state and regional championships in soccer, field hockey, basketball, golf, and tennis; and

WHEREAS, Carlisle School is an essential component in the economic development of Southside Virginia, being an asset necessary to the recruitment of new business opportunities and contributing millions of dollars to the regional economy; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Carlisle School on the occasion of its 50th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Carlisle School as an expression of the General Assembly's admiration for the school's five decades of achievements and best wishes for continued success.

### SENATE JOINT RESOLUTION NO. 213

*Commending Michael F. Kuhns.*

Agreed to by the Senate, March 6, 2018

Agreed to by the House of Delegates, March 7, 2018

WHEREAS, Michael F. Kuhns will retire as president and chief executive officer of the Virginia Peninsula Chamber of Commerce on April 1, 2018, after seven years of exemplary service and leadership; and

WHEREAS, Michael "Mike" Kuhns earned a bachelor's degree from Marquette University and served his country as a captain in the United States Army; and

WHEREAS, a former employee of the Illinois-based economic development organization, the Heartland Partnership, Mike Kuhns also served as a former president and chief executive officer of the Greater Idaho Falls Chamber of Commerce and has worked as an organizational consultant to chambers of commerce across the Commonwealth; and

WHEREAS, Mike Kuhns settled in Newport News in 2003 and was later named president and chief executive officer of the Virginia Peninsula Chamber of Commerce in 2010; and

WHEREAS, under Mike Kuhns' able leadership, the Virginia Peninsula Chamber of Commerce rebranded itself, worked to bolster its visibility in the region by increasing its number of annual events, and engaged with governors, legislators, military commanders, and other prominent leaders; and

WHEREAS, a talented fiscal administrator, Mike Kuhns resolved the Virginia Peninsula Chamber of Commerce's debts and established positive cash balances, equity, and six months of operating reserves; and

WHEREAS, Mike Kuhns' other accomplishments include restructuring the Virginia Peninsula Chamber of Commerce's Military Affairs Council, establishing an Annual Partnership Program, starting the Virginia Peninsula Chamber Foundation to support nonprofits and local government initiatives, and creating the Peninsula Economic Resource Team, which brings together economic development directors from across the region; and

WHEREAS, in addition to his leadership with the Virginia Peninsula Chamber of Commerce, Mike Kuhns serves as vice chair of the Thomas Nelson Community College Board, co-chair of the Eustis Civic Leaders Association, vice president of legislative affairs for the Langley Civic Leaders Association, and chairman of Friends of the Newport News Fire Department; and

WHEREAS, throughout his tenure with the Virginia Peninsula Chamber of Commerce, Mike Kuhns has worked tirelessly to find solutions to business-related community issues and has won the respect of his colleagues for his dedication, judgment, and excellent communication skills; and

WHEREAS, in his well-deserved retirement, Mike Kuhns plans to travel, enjoy visits with family members, and devote more time to community service; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Michael F. Kuhns on his outstanding service to the community on the occasion of his retirement as chief executive officer and president of the Virginia Peninsula Chamber of Commerce; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Michael F. Kuhns as an expression of the General Assembly's admiration for his impressive career accomplishments and best wishes for the future.

### SENATE JOINT RESOLUTION NO. 214

*Commending the Lymphatic Education and Research Network.*

Agreed to by the Senate, March 6, 2018

Agreed to by the House of Delegates, March 7, 2018

WHEREAS, for 20 years, the Lymphatic Education and Research Network, an international nonprofit organization, has worked to create a world free of lymphatic diseases and lymphedema through education, advocacy, and research; and

WHEREAS, the Lymphatic Education and Research Network was established as the Lymphatic Research Foundation in 1998 by Wendy Chaite, after her daughter was born with lymphatic disease and lymphedema; and

WHEREAS, the Lymphatic Education and Research Network received support from the National Institutes of Health in 2002 and has grown to include chapters throughout the United States and the world, including the Washington, D.C./Virginia chapter; and

WHEREAS, the Lymphatic Education and Research Network has succeeded in raising awareness of lymphatic disease and lymphedema, which occurs when lymphatic fluid does not develop properly or is unable to drain properly, leading to swelling, pain, and impaired mobility; and

WHEREAS, up to 10 million Americans may be affected by lymphatic diseases or lymphedema, and the true number is difficult to determine, as cases are often unreported or misdiagnosed; the diseases can be hereditary and up to 30 percent of women who survive breast cancer may be affected; and

WHEREAS, the Lymphatic Education and Research Network has established grants, awards programs, post-doctoral fellowships, and symposiums, and helped publish *Lymphatic Research and Biology*, the first peer-review lymphatic disease journal of its kind; the organization's efforts have raised more than \$20 million in private, public, and in-kind donations for research; and

WHEREAS, through its international patient registry and biorepository, the Lymphatic Education and Research Network accelerates the prevention, treatment, and cure of these diseases; the organization brings together patients and medical professionals to discuss unmet needs and enhance care in the future; and

WHEREAS, on March 6, 2018, the Lymphatic Education and Research Network commemorated World Lymphedema Day, encouraging people throughout the world to learn more about these diseases and support patients and families as they cope with the financial, physical, and emotional burden of lymphatic disease and lymphedema; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Lymphatic Education and Research Network on the occasion of its 20th anniversary in 2018; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Lindsay Bennett, chair of the Washington, D.C./Virginia chapter of the Lymphatic Education and Research Network, as an expression of the General Assembly's admiration for the organization's noble mission and two decades of service to people with lymphatic diseases and lymphedema.

#### SENATE JOINT RESOLUTION NO. 215

*Commending the Virginia Automobile Dealers Association.*

Agreed to by the Senate, March 6, 2018

Agreed to by the House of Delegates, March 7, 2018

WHEREAS, the Virginia Automobile Dealers Association, a business organization that represents franchised new car and truck dealers across the Commonwealth, celebrates its 75th anniversary in 2018; and

WHEREAS, formed in 1943, the Virginia Automobile Dealers Association (VADA) was originally known as the Automotive Trade Association of Virginia before adopting its current name in 1974; and

WHEREAS, the over 600 new car and truck dealer members at the time of VADA's founding included seven members of the Virginia House of Delegates and one member of the Senate of Virginia, with that Senator serving on the VADA Board of Directors; and

WHEREAS, founded during a year in which there were no new car or truck sales due to World War II, VADA was formed for the purposes of advocating for the automobile dealer industry and serving the insurance needs of its members; and

WHEREAS, VADA has grown as an organization and now includes several subsidiaries, including the Virginia Automobile Dealers Services Corporation, the VADA Education Foundation, the Virginia Auto and Truck Dealers Political Action Committee, and the VADA Group Self Insurance Association, which provides workers' compensation insurance to dealers; and

WHEREAS, during its 75 years in operation, VADA has been led by four presidents: John Raine, Charlie McFee, Ron Nowland, and current president Don Hall; and

WHEREAS, Don Hall has served as VADA president since 1996, reporting to a 30-member Board of Directors and leading a staff of more than 34 people; and

WHEREAS, VADA recognizes the value of the generations of its members who have served on its Board of Directors, including a past chairman who was the third generation of his family to lead the association and two current Board members who represent the fourth generation of their families to serve on the Board of Directors; and

WHEREAS, an active and dedicated representative of the industry, VADA is a leader in cooperative programming for its dealer members; and

WHEREAS, recognizing the need to develop the talents of the next generation to enter the auto industry, VADA is a nationwide leader in the Automotive Youth Education Systems program, which trains high school students in automotive technology and repair; the program has enrolled more than 3,000 students in Virginia high schools since it began in 2000; and

WHEREAS, VADA also runs the Greater Richmond New Car Dealers Association and has overseen its annual auto show for more than 25 years, spearheading the efforts of dealers in the Richmond area to contribute to organizations in the community such as the Children's Hospital of Richmond at VCU, FeedMore, and Richmond Fisher House; and

WHEREAS, VADA is committed to innovation rooted in tradition and supports the development and implementation of new technologies that enhance safety, provides transportation alternatives such as electric and fuel cell vehicles, and improves the consumer buying experience; and

WHEREAS, VADA takes great pride in its history, yet recognizes the importance of looking to the future; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Virginia Automobile Dealers Association on the occasion of its 75th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Virginia Automobile Dealers Association as an expression of the General Assembly's admiration for its dedication to its members and its support for a robust and innovative automobile industry in the Commonwealth.

**SENATE JOINT RESOLUTION NO. 216**

*Celebrating the life of Roland R. Kessler.*

Agreed to by the Senate, March 6, 2018  
 Agreed to by the House of Delegates, March 7, 2018

WHEREAS, Roland R. Kessler, a patriotic veteran, respected meteorologist, and inspirational member of the Midlothian community who supported countless people living with Parkinson's disease, died on February 14, 2018; and

WHEREAS, a native of Fort Wayne, Indiana, Roland "Ron" Kessler learned the value of hard work and responsibility while growing up on his family's farm; he later moved with his family to Ohio, where he married his high school sweetheart, Rose, and graduated from Western Reserve University magna cum laude; and

WHEREAS, Ron Kessler continued his education at Trinity College in Connecticut, where he earned a master's degree, and served the nation as a member of the United States Air Force and the Air National Guard as a meteorologist; he earned numerous awards and accolades for his meritorious service and retired as a colonel; and

WHEREAS, Ron Kessler also pursued fulfilling careers as a television weatherman and a researcher and developer of solar, wind, and geothermal energy programs for the United States Department of Energy; and

WHEREAS, Ron Kessler was a generous volunteer who donated his time as a reading tutor for adults and a member of Big Brothers Big Sisters of America and Hands Across the Lake, an organization that works to protect the Swift Creek Reservoir; and

WHEREAS, in 1988, Ron Kessler was diagnosed with Parkinson's disease, and for 30 years he worked tirelessly to advance the search for a cure by participating in studies at the National Institutes of Health; and

WHEREAS, Ron Kessler was an active member of Parkinson's disease support groups at Hunter Holmes McGuire VA Medical Center and the Davis Phinney Foundation and created free exercise videos for people living with the disease; he was a founding member of the Richmond Parkinson's Dance Project, a modified ballroom dance class for people with Parkinson's disease and their families; and

WHEREAS, a scholar, painter, writer, musician, and sportsman, Ron Kessler lived his life to the fullest and inspired others by traveling the world and experiencing thrilling adventures, such as skydiving and white-water rafting, all while living with Parkinson's disease; and

WHEREAS, Ron Kessler will be fondly remembered and greatly missed by his beloved wife of 65 years, Rose; his children, Rande, Robin, and Rhea, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Roland R. Kessler; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Roland R. Kessler as an expression of the General Assembly's respect for his memory.

**SENATE JOINT RESOLUTION NO. 217**

*Celebrating the life of Eugene L. Crump, Jr.*

Agreed to by the Senate, March 6, 2018  
 Agreed to by the House of Delegates, March 7, 2018

WHEREAS, Eugene L. Crump, Jr., a respected member of the Richmond community who made many contributions to the Commonwealth, died on December 1, 2017; and

WHEREAS, a native of Lynchburg, Eugene "Bill" Crump graduated from E.C. Glass High School, attended Mars Hill College in North Carolina, and earned a bachelor's degree from the University of Richmond; he remained an active alumnus of the University of Richmond and served on the board of its distinguished Frederic W. Boatwright Society; and

WHEREAS, Bill Crump worked for the Virginia Department of Highways and served in the Virginia National Guard before joining the Richmond Chamber of Commerce in 1966 as research director; and

WHEREAS, in the 1970s, Bill Crump was hired by the Virginia Electric and Power Company, now Dominion Energy, to represent its interests at the state capitol and did so until his well-earned retirement in 2000; and

WHEREAS, Bill Crump never met a stranger, and his quick wit, charisma, and attention to detail served him well throughout his career in state government; and

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WHEREAS, Bill Crump also served the Richmond community as president of the Fan District Association from 1972 to 1973 and led efforts to create the Fan District's residential parking permit system; and

WHEREAS, Bill Crump will be fondly remembered and greatly missed by his children, Lindsay and Josh, and their families; his longtime companion, Fran Armstrong; and numerous other family members, friends, and colleagues; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Eugene L. Crump, Jr.; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Eugene L. Crump, Jr., as an expression of the General Assembly's respect for his memory.

**SENATE JOINT RESOLUTION NO. 218**

*Celebrating the life of the Honorable Harry Robert Purkey.*

Agreed to by the Senate, March 8, 2018

Agreed to by the House of Delegates, March 9, 2018

WHEREAS, the Honorable Harry Robert Purkey, a dedicated and respected public servant who represented the residents of Virginia Beach in the House of Delegates for nearly three decades, died on February 16, 2018; and

WHEREAS, a native of Parsons, West Virginia, Robert "Bob" Purkey relocated to Norfolk with his family and graduated from Maury High School, where he met his future wife, Sonja Firing Purkey, who attended rival Granby High School; he worked to support himself through college, graduating from what is now Old Dominion University; and

WHEREAS, in the 1960s, Bob Purkey worked at Continental Grain Company, then accepted a job with Merrill Lynch, Pierce, Fenner & Beane, where he worked for more than five decades until his well-earned retirement in 2015; and

WHEREAS, desirous to be of further service to the community and the Commonwealth, Bob Purkey ran for and was elected to the House of Delegates in 1985; he represented the residents of the 82nd District with honor and distinction until 2014, introducing and supporting many important pieces of legislation to strengthen the Commonwealth and benefit all Virginians; and

WHEREAS, Bob Purkey, a true southern gentleman, brought a level of congeniality and camaraderie to the General Assembly, beginning his service as a member of the "Beach Boys" and ending as one of the most senior and respected members of the legislature; and

WHEREAS, during his tenure as a state legislator, Bob Purkey relished the opportunity to meet the residents of his district and ensure that their voices were heard in the state capital; he offered his insights to several committees and, in recognition of his tremendous financial acumen, was appointed chair of the House Committee on Finance; and

WHEREAS, Bob Purkey supported the community in many other ways, volunteering his time and leadership to numerous organizations, including local Republican and student groups, Beach House, the Food Bank of Southeastern Virginia, and the Republican Party of Virginia Beach, as well as the Tidewater Automobile Association, Virginia Aquarium, and the Jamestown-Yorktown Foundation; he was also a passionate youth and recreational athletics coach in both football and basketball, and was an admired role model for countless young people; and

WHEREAS, predeceased by his wife, Sonja, Bob Purkey will be fondly remembered and greatly missed by his children, Harry, Jr., Charlotte, and Greg, and their families, including his granddaughters, Kristina and Charlotte; and numerous other family members, friends, and colleagues on both sides of the aisle; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of the Honorable Harry Robert "Bob" Purkey, who served the Commonwealth with the utmost integrity, dedication, and distinction; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of the Honorable Harry Robert Purkey as an expression of the General Assembly's respect for his memory.

**SENATE JOINT RESOLUTION NO. 219**

*Commending the Patrick Henry High School girls' swim team.*

Agreed to by the Senate, March 7, 2018

Agreed to by the House of Delegates, March 8, 2018

WHEREAS, the Patrick Henry High School girls' swim team of Roanoke won the Virginia High School League Class 5A state championship on February 16, 2018, at George Mason University; and

WHEREAS, it was the third-consecutive state title for the Patrick Henry High School girls' swim team, which turned in a superb team performance and finished with 299 points, over 40 points more than second-place Douglas S. Freeman High School; and

WHEREAS, the Patrick Henry Patriots dominated in the three relay events at the state championship meet; swimmers Cabell Whitlow, Ella Higgins, Whitney Hamilton, and Shelby Stanley won the 200-yard medley relay; Caroline Kulp,

Kemper John, Cabell Whitlow, and Brook Knisely won the 200-yard freestyle relay; and Caroline Kulp, Shelby Stanley, Brook Knisely, and Whittney Hamilton won the 400-yard freestyle relay; and

WHEREAS, the Patrick Henry Patriots also captured three state individual titles; junior Caroline Kulp won the 200-yard and 500-yard freestyle events for the third year in a row, and senior Cabell Whitlow won the 200-yard individual medley; and

WHEREAS, other strong individual performers for the Patrick Henry Patriots included Whittney Hamilton, who finished second in the 50-yard freestyle; Shelby Stanley, who finished third in the 200-yard individual medley; and Kienzle Hilovsky, who finished third in the diving competition; and

WHEREAS, the Patrick Henry High School girls' swim team's state title win is a testament to the hard work and dedication of all its talented student-athletes, the excellent guidance of coaches and staff, and the energetic support of the entire Patrick Henry High School community; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Patrick Henry High School girls' swim team on winning the 2018 Virginia High School League Class 5A state championship; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Erik Largen, head coach of the Patrick Henry High School girls' swim team, as an expression of the General Assembly's admiration for the team's spectacular season.

**SENATE JOINT RESOLUTION NO. 220**

*Commending William A. Hudgins.*

Agreed to by the Senate, March 7, 2018

Agreed to by the House of Delegates, March 8, 2018

WHEREAS, William A. Hudgins, of Holiday Chevrolet Cadillac in Williamsburg, is the 2018 *Time* magazine Quality Automobile Dealer of the Year nominee for Virginia; and

WHEREAS, William "Art" Hudgins, whose career in the auto industry has spanned more than 45 years, got his start at his family's auto dealership when he was 12 years old, where he learned the business from the ground up; and

WHEREAS, Art Hudgins, who became the second generation of his family to run Holiday Chevrolet Cadillac, followed in the footsteps of his father, who was affectionately known as "Big John"; and

WHEREAS, an active and dedicated member of his community, Art Hudgins has supported a wide array of industry and community causes for many years; and

WHEREAS, Art Hudgins has been a leader in his community, supporting local fire and rescue squads by supplying training dummies and sponsoring numerous organizations such as the Vettes-4-Vets car event fundraiser for veterans groups, Williamsburg Revolution youth baseball team, YMCA Bright Beginnings program providing new clothes and school supplies to needy children, and Grove Christian Outreach food drives; and

WHEREAS, a member of the Williamsburg Lions Club since 1994, Art Hudgins received the Good Samaritan Fellowship award in 2005 from the Lions Charity Foundation of District 24-D in recognition of his outstanding service to the community and his fundraising efforts; and

WHEREAS, Art Hudgins also serves on the Board of Directors of Towne Bank in Williamsburg; and

WHEREAS, an active and dedicated member of his industry, Art Hudgins has served his customers and his community with a generous spirit and has been an example to dealers in his community and around the Commonwealth; and

WHEREAS, Art Hudgins was appointed to serve as a member of the Virginia Motor Vehicle Dealer Board; and

WHEREAS, Art Hudgins has served his industry as an active member of the Virginia Automobile Dealers Association, including service as a member of the Board of Directors; he served as chair of the association in 2008, leading all of his fellow franchise dealers as their top elected officer; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend William A. Hudgins on his selection as the 2018 *Time* magazine Quality Automobile Dealer of the Year nominee for Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to William A. Hudgins as an expression of the General Assembly's congratulations and best wishes.

**SENATE JOINT RESOLUTION NO. 221**

*Commending Channing A. Pfeiffer.*

Agreed to by the Senate, March 7, 2018

Agreed to by the House of Delegates, March 8, 2018

WHEREAS, Channing A. Pfeiffer, a highly respected member of the Tidewater community, will retire as the chief executive officer of the Tidewater Builders Association after decades of innovative leadership; and

WHEREAS, Channing Pfeiffer holds a bachelor's degree from Randolph-Macon College and a master's degree from the University of Virginia; he worked for the Virginia Department of Corrections as a teacher at a reform school for boys and

went on to become the youngest high school principal in the Commonwealth before he changed careers and joined the housing industry in 1978; and

WHEREAS, Channing Pfeiffer served the National Association of Home Builders (NAHB) as national coordinator for the Home Builders Institute and vice president of the multifamily housing division until 1981, when he joined the Tidewater Builders Association (TBA); and

WHEREAS, during his tenure as chief executive officer of the TBA, Channing Pfeiffer increased non-dues revenue; he established a 10-year home warranty program and workers' compensation and general liability insurance companies, firsts for a local builders association; and

WHEREAS, Channing Pfeiffer also oversaw the creation of a publishing company that produced magazines for multiple state and local associations and a show division that operates several successful TBA shows, including the nationally recognized Homearama, which has attracted more than 100,000 visitors over a two-week period annually; and

WHEREAS, drawing on his background as an educator, Channing Pfeiffer also placed a high emphasis on the importance of training and founded what is now known as the Building Trades Academy to train disadvantaged members of the community in basic construction skills; the academy has helped more than 4,000 people find employment; and

WHEREAS, in 2014, Channing Pfeiffer received the NAHB's prestigious Seldon Hale Lifetime Achievement Award, the organization's highest honor to recognize one exceptional leader of a local builders association; he was the first Virginian to receive this honor; and

WHEREAS, Channing Pfeiffer has also worked to enhance the community as a board member of the American Cancer Society, the Tidewater Boy Scout Council, and the Virginia Beach YMCA, as well as through his activities as a Rotary Club member and United Way campaign manager; and

WHEREAS, after his well-earned retirement, Channing Pfeiffer plans to travel, spend more time with his family, and seek new opportunities to continue serving the community; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Channing A. Pfeiffer on the occasion of his retirement as chief executive officer of the Tidewater Builders Association; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Channing A. Pfeiffer as an expression of the General Assembly's admiration for his leadership in the homebuilding industry and many contributions to the Tidewater region.

**SENATE JOINT RESOLUTION NO. 222**

*Commending Cheryl Thompson-Stacy.*

Agreed to by the Senate, March 7, 2018

Agreed to by the House of Delegates, March 8, 2018

WHEREAS, Cheryl Thompson-Stacy, an experienced administrator and a visionary leader who helped Lord Fairfax Community College grow and touched the lives of thousands of students, retired as president of the college on February 1, 2018; and

WHEREAS, prior to joining Lord Fairfax Community College, Cheryl Thompson-Stacy started her career as director of student services at Kent State University at Geauga in Ohio, then became the first female president of Eastern Shore Community College in Melfa; she also held leadership positions at community colleges in Biloxi, Mississippi; Cleveland, Ohio; and Steubenville, Ohio; and

WHEREAS, Cheryl Thompson-Stacy joined Lord Fairfax Community College in January 2009; during her tenure as president, the college added a fourth campus in Vint Hill and saw its full-time enrollment increase from 6,500 students to 9,400 students; and

WHEREAS, under Cheryl Thompson-Stacy's leadership, Lord Fairfax Community College added several new degree and certification programs and expanded its medical programs, including the addition of a state-of-the-art dental clinic, which has provided more than \$300,000 worth of dental care to members of the community at no cost; and

WHEREAS, Cheryl Thompson-Stacy oversaw advances to the college's information technology courses and the creation of a cybersecurity program; in 2015, Lord Fairfax Community College became the first community college in Virginia designated as a Center for Academic Excellence in Cyber Defense by the National Security Agency and the Department of Homeland Security; and

WHEREAS, Cheryl Thompson-Stacy built strong relationships with students and fostered a supportive work environment for faculty and staff; during her presidency, Lord Fairfax Community College earned high student satisfaction ratings and was named as one of the best colleges to work for by *The Chronicle of Higher Education*; and

WHEREAS, after her well-earned retirement from Lord Fairfax Community College, Cheryl Thompson-Stacy plans to seek new opportunities to advance the field of higher education; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Cheryl Thompson-Stacy for her years of leadership of Lord Fairfax Community College on the occasion of her retirement as president; and, be it

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RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Cheryl Thompson-Stacy as an expression of the General Assembly's admiration for her commitment to excellence in higher education and service to the Commonwealth.

**SENATE JOINT RESOLUTION NO. 223**

*Commending Donald Hays Hopson.*

Agreed to by the Senate, March 7, 2018

Agreed to by the House of Delegates, March 8, 2018

WHEREAS, Donald Hays Hopson, a proud veteran of the United States Marine Corps and a respected veterinarian, has served the residents of the Shenandoah Valley and Commonwealth for many years; and

WHEREAS, a native of Rankin County, Mississippi, Donald "Don" Hopson grew up on his family's farm, gaining a lifelong appreciation for the value of hard work and responsibility; while attending high school, he helped support his family by driving one of the school buses; and

WHEREAS, in 1967, Don Hopson enlisted in the United States Marine Corps and reported to Marine Corps Recruit Depot Parris Island in South Carolina for training; he served in combat in Vietnam for 13 months, earning two Purple Heart medals; and

WHEREAS, after his service during the Vietnam War, Don Hopson was detailed as a Marine Security Guard and worked on plain-clothes protective details for the United States Department of State for one year; and

WHEREAS, Don Hopson completed his military service as a Marine Security Guard at the United States Embassy in Oslo, Norway, then returned to the United States to continue his education at Prince George's Community College in Maryland; and

WHEREAS, Don Hopson later enrolled at the University of Maryland and finished his degree in veterinary medicine at the University of Georgia; in 1979, he settled in the Commonwealth, where he and his wife raised their four children; and

WHEREAS, Don Hopson practiced as a large animal veterinarian from 1979 to 2006; emphasizing good customer service, he relished the opportunity to care for animals and help local farmers; and

WHEREAS, for more than a decade, Don Hopson has served the Shenandoah Valley community as a Virginia Regional State Veterinarian for the Division of Animal and Food Industry Services in the Office of Veterinary Services; and

WHEREAS, Don Hopson has also supported the community as a member of the West Rockingham Ruritan Club since 1982, holding multiple leadership positions, including vice president and president; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Donald Hays Hopson, a veterinarian and a patriotic member of the Shenandoah Valley community; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Donald Hays Hopson as an expression of the General Assembly's admiration for his legacy of community service.

**SENATE JOINT RESOLUTION NO. 224**

*Celebrating the life of Mary Speake Humelsine.*

Agreed to by the Senate, March 9, 2018

Agreed to by the House of Delegates, March 10, 2018

WHEREAS, Mary Speake Humelsine, who became known as the First Lady of Williamsburg for her lifetime of contributions to Colonial Williamsburg and the community, died on January 30, 2018; and

WHEREAS, a native of Luray, Mary Humelsine graduated from Luray High School and earned a bachelor's degree from the University of Maryland, where she was a member of Kappa Delta sorority; and

WHEREAS, Mary Humelsine worked as an educator and a high school girls' basketball coach in Mount Rainier, Maryland, giving countless students the tools and motivation to achieve success in higher education and careers; and

WHEREAS, Mary Humelsine married her husband, Carlisle, in 1941; after World War II, the couple lived in Chevy Chase, then settled in Williamsburg, where he served as executive vice president, president, and board chair of Colonial Williamsburg; and

WHEREAS, a model of charm, grace, and Virginia hospitality, Mary Humelsine welcomed hundreds of national and international dignitaries and leaders, including several United States Presidents, Elizabeth II of England, and many other heads of state during official visits to Colonial Williamsburg; she treated every guest to her home with the same prestige she afforded to celebrities and world leaders; and

WHEREAS, Mary Humelsine supported the community as a leader in the Williamsburg Community Foundation, helping the organization grow in membership and philanthropic capability, and was co-chair of the committee that planned the city's 300th anniversary; and

WHEREAS, Mary Humelsine was also a member of the Williamsburg Garden Club and a charter member of the Raleigh Tavern Society, and she enjoyed fellowship and worship with the congregation of Bruton Parish Church; and

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WHEREAS, Mary Humelsine was a passionate sports fan and had been a supporter of the Washington Redskins from the early years of the franchise; she was also an avid fan of the Maryland Terrapins and the William and Mary Tribe, earning The College of William and Mary's Prentis Award for her contributions to the university; and

WHEREAS, a true citizen of the world, Mary Humelsine was an adventurous traveler who had visited all seven continents, including a trip to Antarctica at the age of 80, and she hosted several foreign exchange students, with whom she remained in contact throughout her life; and

WHEREAS, predeceased by her husband, Carlisle, Mary Humelsine will be fondly remembered and greatly missed by her daughters, Mary and Barbara, and their families, and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Mary Speake Humelsine, a pillar of the Williamsburg community; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Mary Speake Humelsine as an expression of the General Assembly's respect for her memory.

**SENATE JOINT RESOLUTION NO. 225**

*Celebrating the life of Captain John G. Colgan, USN, Ret.*

Agreed to by the Senate, March 7, 2018

Agreed to by the House of Delegates, March 8, 2018

WHEREAS, Captain John G. Colgan, USN, Ret., a beloved husband and father and a respected resident of Virginia Beach who forged an accomplished career as a naval aviator, died on October 12, 2017; and

WHEREAS, John "Jack" Colgan was born in 1929 in Philadelphia, Pennsylvania, and was a graduate of Saint Joseph's University; and

WHEREAS, a 33-year veteran of the United States Navy, Jack Colgan was a talented pilot who logged over 5,000 flight hours and 750 aircraft carrier landings while serving in fighter squadrons in the Mediterranean, the Atlantic, and the Pacific on board the USS *Princeton*, USS *Boxer*, USS *Ranger*, USS *Kitty Hawk*, and USS *Forrestal*; and

WHEREAS, during his long and distinguished Navy career, Jack Colgan brought his leadership skills to posts around the globe; he served during the Vietnam War, held staff appointments at military and civilian schools, and acted as commanding officer of the Naval Air Reserve unit in Norfolk and of the Navy fighter squadron VF-43; and

WHEREAS, Jack Colgan also served as special assistant to the chief of naval personnel for POW/MIA affairs at the Pentagon; during his final deployment, he acted as a Navy attaché at the United States embassy in Ottawa, Canada; and

WHEREAS, Jack Colgan received numerous honors for his service to his country, including the Defense Superior Service Medal, the Meritorious Service Medal, the Air Medal, a Department of Defense Joint Commendation, and two Navy Commendations; and

WHEREAS, after his retirement from the Navy, Jack Colgan worked in the commercial space industry and as a member of a consulting firm; he settled in Virginia Beach, where he was active in civic and community affairs and armed forces organizations, including the Military Officers Association of America and the Association of Naval Aviation; and

WHEREAS, known for his warm personality and rich sense of humor, Jack Colgan loved sports and was a lifelong fan of the Philadelphia Eagles football team; and

WHEREAS, predeceased by his first wife, Faustina, and sons, John and Michael, Jack Colgan will be fondly remembered by his wife, Catherine; his son, James, and stepdaughters, Sara, Martha, and Rebecca, and their families; and countless other family members, colleagues, and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Captain John G. Colgan, USN, Ret., a dedicated veteran who selflessly served his country and the Virginia Beach community; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Captain John G. Colgan, USN, Ret., as an expression of the General Assembly's respect for his memory.

**SENATE JOINT RESOLUTION NO. 226**

*Celebrating the life of Jean Aldrich Snidow.*

Agreed to by the Senate, March 7, 2018

Agreed to by the House of Delegates, March 8, 2018

WHEREAS, Jean Aldrich Snidow, a vibrant member of the Hardy community who served and supported the members of the United States Armed Forces throughout her life, died on May 10, 2017; and

WHEREAS, during the Vietnam War, Jean Snidow supported service members as a stewardess and a purser on more than 50 flights to Vietnam; and

WHEREAS, Jean Snidow learned the value of hard work and responsibility at a young age, and she was a proud patriot, who always carried out her civic duty to vote and encouraged others to be active in civic life; and

WHEREAS, as a strong believer in individual liberty, Jean Snidow was active in the Franklin County Republican Party, Smith Mountain Lake Republican Women, and several successful political campaigns; and

WHEREAS, Jean Snidow was both a licensed pilot and a lifelong boater; she became the youngest United States Coast Guard Auxiliary boating instructor in the Coast Guard District 13; and

WHEREAS, Jean Snidow will be fondly remembered and greatly missed by her husband of 47 years, John; children, Christian and Ayanna, and their families; her mother, Jessie; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Jean Aldrich Snidow; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Jean Aldrich Snidow as an expression of the General Assembly's respect for her memory.

**SENATE JOINT RESOLUTION NO. 227**

*Celebrating the life of Walter C. White.*

Agreed to by the Senate, March 7, 2018

Agreed to by the House of Delegates, March 8, 2018

WHEREAS, Walter C. White, a lifelong resident of Wythe County and the longtime chair of the Wythe County School Board, died on May 9, 2017; and

WHEREAS, Walter White was born on September 27, 1928, and attended Wythe County Public Schools before embarking on a 35-year career with Kroger, where he worked at stores across Southwest Virginia; and

WHEREAS, Walter White represented the eastern end of Wythe County on the school board for 33 years, including 14 years as chair, and worked with five school superintendents during that time; and

WHEREAS, during his lengthy tenure on the board, Walter White worked with the county's Board of Supervisors and members of the community to lead the renovation and construction of modern school facilities; and

WHEREAS, Walter White was known for his willingness to engage with school administrators, teachers, parents, students, and members of the community to ensure the successful operation of the county's school system; and

WHEREAS, in addition to his service as an elected official, Walter White served Wythe County in several other capacities, including as a member of the Wythe County Community Hospital Board and on the Wytheville-Wythe-Bland Chamber of Commerce, where he led the effort to create a farmer's market in downtown Wytheville; and

WHEREAS, Walter White was a devout Christian and a longtime member of Fort Chiswell United Methodist Church, where he served as chair of the administrative board and the building committee; he helped lead an expansion of the church in 2010 and helped organize additional church activities, such as the church's annual chicken barbecue; and

WHEREAS, Walter White is fondly remembered and greatly missed by his wife of 68 years, Daisy; daughters, Jan, Joy, and Judy, and their families; and many other family, church, and community members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Walter C. White, a dedicated public servant and a respected member of the Wythe County community; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Walter C. White as an expression of the General Assembly's respect for his memory.

**SENATE JOINT RESOLUTION NO. 228**

*Commending HCA Virginia Health System.*

Agreed to by the Senate, March 7, 2018

Agreed to by the House of Delegates, March 8, 2018

WHEREAS, for 50 years, the hospitals and medical professionals of HCA Virginia Health System have provided exceptional care to patients throughout the Commonwealth; and

WHEREAS, Hospital Corporation of America (HCA) was founded in 1968 in Nashville, Tennessee, by physicians with a commitment to providing superior health care with warmth and compassion for patients, colleagues, and communities; HCA Virginia Health System also traces its roots to 1968, when HCA purchased Johnston-Willis Hospital in Richmond; and

WHEREAS, HCA has grown into a national health care organization that includes 177 hospitals, 119 surgery centers, and more than 240,000 employees, 80,000 nurses, and 37,000 active physicians across 20 states; the organization delivered more than 27.1 million patient experiences and \$2.8 billion in uncompensated care in 2016; HCA Virginia Health System is part of the organization's Capital Division; and

WHEREAS, HCA Virginia Health System has grown to include Johnston-Willis Hospital, Chippenham Hospital, Henrico Doctors' Hospital, John Randolph Medical Center, Parham Doctors' Hospital, Retreat Doctors' Hospital, Spotsylvania Regional Medical Center, Reston Hospital Center, StoneSprings Hospital Center, Dominion Hospital,

LewisGale Medical Center, LewisGale Hospital Alleghany, LewisGale Hospital Montgomery, LewisGale Hospital Pulaski, and 29 outpatient centers; and

WHEREAS, HCA Virginia Health System is the fifth-largest employer in the Commonwealth, with more than 115,500 employees, generating an economic impact that is greater than \$3.4 billion annually; and

WHEREAS, HCA Virginia Health System generated \$82.3 million in state and local taxes and invested \$131.5 million in capital in the Commonwealth in 2016; and

WHEREAS, HCA Virginia Health System delivered 1.9 million patient experiences in 2016, including 515,839 emergency room visits and the joy of providing medical services for 12,315 of the youngest Virginians; and

WHEREAS, HCA Virginia Health System helped the Commonwealth's most vulnerable residents by delivering \$251.6 million in uncompensated care at cost in 2016; and

WHEREAS, HCA Virginia Health System excels in patient care across the spectrum of patient care specialties, including emergency and trauma care, cancer treatment, and behavioral health, cardiology, and orthopaedic care, as well as women's health services; and

WHEREAS, HCA Virginia Health System's quality scores routinely exceed national and state averages in key measures of performance; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend HCA Virginia Health System on the occasion of its 50th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to HCA Virginia Health System as an expression of the General Assembly's admiration for the compassionate care delivered by its hard-working employees at facilities across the Commonwealth.

**SENATE JOINT RESOLUTION NO. 229**

*Commending W. Keith Brower, Jr.*

Agreed to by the Senate, March 7, 2018  
 Agreed to by the House of Delegates, March 8, 2018

WHEREAS, W. Keith Brower, Jr., a respected first responder who serves as chief of the Loudoun County Combined Fire and Rescue System, will retire in 2018 following a distinguished career; and

WHEREAS, a Loudoun County native, Keith Brower began his 44-year public safety career in 1973 as a volunteer and was later hired as a career firefighter and emergency medical technician in Fairfax County in 1978; and

WHEREAS, in 1984, Keith Brower was hired by Loudoun County as a fire training officer; he later served as chief fire marshal for the county before being appointed chief in 2010; and

WHEREAS, as fire chief, Keith Brower oversaw the Loudoun County Combined Fire and Rescue System's 2014 transition from 17 separate organizations into one of the largest combined fire and rescue systems in the nation; he now oversees more than 600 career employees and 800 operational and administrative volunteers; and

WHEREAS, a knowledgeable and dedicated leader, Keith Brower is responsible for all aspects of operational procedure for the Loudoun County Combined Fire and Rescue System and oversees a budget of \$83 million; and

WHEREAS, among other programs, Keith Brower has led fire prevention and safety initiatives in Loudoun County, including assisting in the development and implementation of the Statewide Fire Prevention Code; in 2014, he collaborated with the Rotary Club of Ashburn and author Cindy Chambers to create a children's book about fire safety; and

WHEREAS, Keith Brower has also spearheaded efforts to ensure that career fire department employees receive proper benefits and assistance and has fought to change the Code of Virginia to afford mental health services to volunteers who suffer trauma in the line of duty; and

WHEREAS, in February 2018, Keith Brower was presented with the Governor's Fire Service Award for Career Fire Chief of the Year at the Virginia Fire Rescue Conference in Virginia Beach; and

WHEREAS, Keith Brower's exemplary devotion to the safety of the citizens of Loudoun County has won him the abiding respect, admiration, and affection of the people he has so ably served; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend W. Keith Brower, Jr., on the occasion of his retirement; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to W. Keith Brower, Jr., as an expression of the General Assembly's admiration for his long and meritorious service to the residents of Loudoun County.

**SENATE JOINT RESOLUTION NO. 230**

*Commending Chuck Wyant.*

Agreed to by the Senate, March 7, 2018  
 Agreed to by the House of Delegates, March 8, 2018

WHEREAS, Chuck Wyant, a dedicated law-enforcement officer who has served the Commonwealth for more than 40 years, retired as a captain in the Loudoun County Sheriff's Office in 2018; and

WHEREAS, Chuck Wyant worked for the National Park Service for 11 years before joining the Loudoun County Sheriff's Office in July 1987; he started as a correctional deputy at the Loudoun Adult Detention Center; and

WHEREAS, Chuck Wyant moved to the court security section in 1999, began overseeing the civil enforcement section in 2001, and was promoted to second lieutenant in 2003; and

WHEREAS, Chuck Wyant was promoted to captain in 2004 and has served as administration captain, operations captain, and captain of the court security and civil enforcement sections; and

WHEREAS, a trusted leader, Chuck Wyant oversaw the Loudoun County Sheriff's Office's move from the old jail on Church Street to its current facility on Sycolin Road; and

WHEREAS, Chuck Wyant also established the Loudoun County Sheriff's Office Underwater Search and Recovery Team and was certified as an underwater criminal investigator; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Chuck Wyant on the occasion of his retirement from the Loudoun County Sheriff's Office; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Chuck Wyant as an expression of the General Assembly's admiration for his decades of work to protect and serve the members of the Loudoun County community.

**SENATE JOINT RESOLUTION NO. 231**

*Commending the Hopewell High School girls' basketball team.*

Agreed to by the Senate, March 7, 2018

Agreed to by the House of Delegates, March 8, 2018

WHEREAS, the Hopewell High School girls' basketball team won the Virginia High School League Region 3A championship on February 23, 2018, securing its second straight region title; and

WHEREAS, the region championship came on the heels of a fantastic season for the Hopewell High School Blue Devils, who routinely dominated their opponents on their way to recording a 22-1 record; and

WHEREAS, in the region title game, the Hopewell Blue Devils continued their superb team play and defeated the Tabb High School Tigers 59-36; and

WHEREAS, the Hopewell Blue Devils claimed an early advantage in the region championship thanks to a flurry of baskets from Messiah Hunter and Tyjana Simmons and excellent rebounding from Alena Pelham and Imani Edmonds; at halftime, the Blue Devils had a 30-21 lead; and

WHEREAS, in the second half, the Hopewell Blue Devils continued to rack up points and put the Tabb Tigers under relentless defensive pressure; the Blue Devils ultimately added more than 20 points to their lead in the fourth quarter; and

WHEREAS, freshman Messiah Hunter ended the game as the Hopewell Blue Devils' top scorer with 21 points; other standout players included Tyjana Simmons with 13 points and Imani Edmonds with 11 points; and

WHEREAS, the Hopewell Blue Devils have advanced to the Virginia High School League state tournament, where they will face William Monroe High School in the first round; and

WHEREAS, the Hopewell High School girls' basketball team's region championship victory is a tribute to the skill and determination of all of its student-athletes, the excellent guidance of coaches and staff, and the enthusiastic support of the entire Hopewell High School community; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Hopewell High School girls' basketball team on winning the 2018 Virginia High School League Region 3A championship; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Jackie Edmonds, head coach of the Hopewell High School girls' basketball team, as an expression of the General Assembly's admiration for the team's outstanding season and best wishes for continued success.

**SENATE JOINT RESOLUTION NO. 232**

*Commending FeedMore's Meals on Wheels program.*

Agreed to by the Senate, March 7, 2018

Agreed to by the House of Delegates, March 8, 2018

WHEREAS, in 2017, FeedMore, Central Virginia's core hunger-relief organization, celebrated 50 years of work to improve the quality of life of seniors and homebound neighbors in FeedMore's Meals on Wheels program; and

WHEREAS, FeedMore traces its roots to the formation of Meals on Wheels Serving Central Virginia in 1967, which in 2005, joined with the Central Virginia Food Bank to build the Bayard Community Kitchen to prepare and distribute healthy meals to neighbors in need; and

WHEREAS, Meals on Wheels Serving Central Virginia and the Central Virginia Food Bank merged in 2008 to create FeedMore, and the organization has grown to serve more than 200,000 children, families, and senior citizens who face hunger in 34 communities across Central Virginia; and

WHEREAS, FeedMore provides healthy supper meals and snacks to nearly 4,000 children each day through its Kids Cafe program and distributes more than 2,000 BackPacks each weekend full of nutritious, easy to prepare meals to more than 1,800 students; and

WHEREAS, FeedMore also distributes close to 920,000 meals to more than 4,000 individuals in underserved communities through its Mobile Pantry and delivers more than 344,700 diet-specific meals to homebound individuals through Meals on Wheels; and

WHEREAS, in addition to its own programs, FeedMore has distributed more than 22.9 million meals through a network of nearly 300 partner agencies; and

WHEREAS, with the hard work and generosity of countless volunteers and corporate partners, FeedMore has helped reduce hunger, given children a good nutritional foundation to learn and grow, helped families that are struggling to make ends meet focus on other needs, and allowed senior citizens to maintain their independence; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend FeedMore's Meals on Wheels program for more than 50 years of service to the residents of Central Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to FeedMore as an expression of the General Assembly's admiration for the organization's noble mission to stop hunger by supporting food-insecure individuals and families.

**SENATE JOINT RESOLUTION NO. 233**

*Commending Bill Blackburn.*

Agreed to by the Senate, March 7, 2018

Agreed to by the House of Delegates, March 8, 2018

WHEREAS, Bill Blackburn, an active Alexandria community member and restaurateur, was named the 2017 Business Leader of the Year by the Alexandria Chamber of Commerce; and

WHEREAS, a native of St. Louis, Missouri, Bill Blackburn graduated from the George Washington University in 2000 with a degree in business administration and quickly became involved in the Alexandria restaurant business; and

WHEREAS, since 2001, Bill Blackburn has been a member of the Del Ray-based Home Grown Restaurant Group, which employs over 100 people; and

WHEREAS, as managing partner with the Home Grown Restaurant Group, Bill Blackburn oversees the restaurants, Pork Barrel BBQ, Holy Cow, the Sushi Bar, and Sweet Fire Donna's; another restaurant, Whiskey Oyster, will soon be opened in Alexandria's Carlyle neighborhood; and

WHEREAS, in addition to his work with the Home Grown Restaurant Group, Bill Blackburn is a former two-term president of the Del Ray Business Association and currently serves as a board member of the Alexandria Small Business Development Center; and

WHEREAS, a dedicated community member, Bill Blackburn serves on the board of directors for the Advocates for Alexandria Aquatics and has helped organize numerous local events, including the annual Turkey Trot, the Del Ray Halloween Parade, and Art on the Avenue, which draws over 20,000 people to the City of Alexandria; and

WHEREAS, Bill Blackburn's other philanthropic endeavors include the "Holy Cow Burger Fund," which donates 25 cents from every burger sold at Holy Cow restaurant to charity; to date, the fund has contributed almost \$100,000 to over 150 nonprofit organizations that support education, assistance for the homeless, animal welfare, and arts and culture; and

WHEREAS, by following the guiding mantra "do what you say you're going to do," Bill Blackburn has provided valuable service to Alexandria and won the abiding respect of community members and colleagues; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Bill Blackburn for being named the 2017 Business Leader of the Year by the Alexandria Chamber of Commerce; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Bill Blackburn as an expression of the General Assembly's admiration for his impressive business accomplishments and ongoing commitment to the Alexandria community.

**SENATE JOINT RESOLUTION NO. 234**

*Commending Community Lodgings.*

Agreed to by the Senate, March 7, 2018

Agreed to by the House of Delegates, March 8, 2018

WHEREAS, Community Lodgings, a nonprofit organization that has provided assistance and advocacy for numerous at-risk families in the Alexandria community, celebrated its 30th anniversary in 2017; and

WHEREAS, Community Lodgings was founded in 1987 by eight Episcopal churches; since then, it has helped families move from homelessness and instability to independence and self-sufficiency through programs that provide transitional housing, affordable housing, and youth education; and

WHEREAS, Community Lodgings provides affordable housing to 38 disadvantaged families at below market rent and transitional housing for six homeless families; clients are also given a variety of case management and support services to facilitate residential stability, increased skills or income, and greater self-determination; and

WHEREAS, Community Lodgings uses a holistic approach to overcoming homelessness that includes quality afterschool care to help children succeed socially and academically; along with providing nutritious meals, the organization's dedicated volunteers give each child in the program an average of 350 hours of academic support and mentoring each year; and

WHEREAS, in addition, Community Lodgings partners with different city organizations and nonprofits to provide workshops for students on topics such as nutrition, writing, conflict resolution, and boundary-setting; and

WHEREAS, through its educational programs, Community Lodgings looks to improve outcomes for Alexandria families at risk of homelessness, gang involvement, substance abuse, and emotional, physical, and sexual abuse; and

WHEREAS, Community Lodgings has received numerous recognitions for its work, including being called "one of the best small charities in the Greater Washington region" by the *Catalogue for Philanthropy*; and

WHEREAS, through its community programs and the tireless efforts of its volunteers, Community Lodgings has improved the quality of life for numerous Alexandria residents and made progress toward its goal of creating a world where all families have access to housing, education, and the resources to achieve and sustain independence and productivity; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Community Lodgings for its service to the community on the occasion of its 30th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Community Lodgings as an expression of the General Assembly's admiration for its impressive accomplishments and best wishes for continued success.

**SENATE JOINT RESOLUTION NO. 235**

*Commending the International Brotherhood of Electrical Workers Local 26.*

Agreed to by the Senate, March 7, 2018

Agreed to by the House of Delegates, March 8, 2018

WHEREAS, for more than 125 years, the International Brotherhood of Electrical Workers Local 26 has supported electrical workers in Virginia, Washington, D.C., and Maryland; and

WHEREAS, the International Brotherhood of Electrical Workers (IBEW) Local 26 received its charter in 1892, at a time when there were still dirt roads and cow pastures in the nation's capital; and

WHEREAS, by 1894, members of IBEW Local 26 had installed the first electric lights in Washington, D.C., and later worked diligently to make electrical power more accessible as demand grew; and

WHEREAS, World War II spurred significant new development in Washington, D.C., and members of IBEW Local 26 participated in the construction of the Pentagon, the 34-acre headquarters of the United States Department of Defense; and

WHEREAS, after the war, IBEW Local 26 helped construct the many homes, shopping malls, businesses, and schools that developed in the region's growing suburbs; and

WHEREAS, in the 1960s, members of IBEW Local 26 hung the magnificent chandeliers of the John F. Kennedy Center for the Performing Arts, which was said to be the largest all-electric building in the world at the time, and in the 1970s, members of IBEW Local 26 were integral to the construction of the Washington Metro; and

WHEREAS, in 2006, IBEW Local 26 moved to a new headquarters in Maryland with more than 30,000 square feet of training space equipped with cutting-edge technology to ensure that all electricians, from apprentices to journeymen, receive the best possible training; and

WHEREAS, IBEW Local 26 also operates an 18,000 square foot training facility in Manassas and a satellite office in Roanoke with an additional training center; access to high-quality training has ensured that members of IBEW Local 26 receive better wages and benefits than ever before; and

WHEREAS, throughout its history, IBEW Local 26 has demonstrated a strong commitment to improving work conditions, pay, and security for its hardworking electricians; its members play a positive and stabilizing role in the industry, while offering exceptional service to clients and members of the community; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the International Brotherhood of Electrical Workers Local 26 on the occasion of its 125th anniversary in 2017; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the International Brotherhood of Electrical Workers Local 26 as an expression of the General Assembly's admiration for the organization's commitment to quality craftsmanship and advocacy on behalf of electrical workers.

**SENATE JOINT RESOLUTION NO. 236**

*Commending the Reverend Howard-John Wesley.*

Agreed to by the Senate, March 7, 2018

Agreed to by the House of Delegates, March 8, 2018

WHEREAS, on September 30, 2018, the Reverend Howard-John Wesley will celebrate 10 years of providing spiritual leadership to the congregation of Alfred Street Baptist Church in Alexandria; and

WHEREAS, a native of the South Side of Chicago, Reverend Wesley earned a bachelor's degree from Duke University in biomedical engineering and electrical engineering; and

WHEREAS, after being called to the ministry, Reverend Wesley attended Boston University School of Theology and Northern Baptist Seminary, where he received a doctorate of ministry in preaching; he is currently part of the inaugural cohort in the Ph.D. program in African American Preaching and Sacred Rhetoric at Christian Theological Seminary; and

WHEREAS, since 2008, Reverend Wesley has served as senior pastor at Alfred Street Baptist Church in Alexandria; he is only the eighth senior pastor in the church's 215-year history; and

WHEREAS, under Reverend Wesley's leadership, Alfred Street Baptist Church has grown from 2,500 members to over 7,000 members; the church holds four weekend services and serves the community through 83 active ministries; and

WHEREAS, Reverend Wesley addresses the most challenging social issues of our time head-on in his sermons, three of which are archived in the faith-based collection of the National Museum of African American History and Culture in Washington, D.C.; and

WHEREAS, Reverend Wesley was a favorite preacher of President Barack Obama and First Lady Michelle Obama, who attended several Easter Sunday services at Alfred Street Baptist Church; and

WHEREAS, Reverend Wesley reaches millions of listeners through videos and a radio broadcast called *Faith Forward*; he has twice been selected by the online magazine *The Root* as one of the top 100 most influential African Americans in the nation; and

WHEREAS, widely respected for his spiritual wisdom and experience, Reverend Wesley serves as an adjunct professor at Hartford Seminary, Boston University, and Virginia Theological Seminary; and

WHEREAS, Reverend Wesley also serves on the boards of Virginia Union University, the John Leland Center for Theological Studies, Duke Divinity School, and the Lott Carey Baptist Foreign Missionary Convention; and

WHEREAS, in 2016, Reverend Wesley received the Chairman's Award for his work in social justice at the 47th Annual NAACP Image Awards; and

WHEREAS, throughout his distinguished career, Reverend Wesley has touched countless lives and led his congregation in continued growth in fellowship and service; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Reverend Howard-John Wesley on the occasion of his 10th anniversary as pastor of Alfred Street Baptist Church; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Reverend Howard-John Wesley as an expression of the General Assembly's admiration for his spiritual leadership and service to the Alexandria community and the Commonwealth.

**SENATE JOINT RESOLUTION NO. 237**

*Celebrating the life of Lionel Reginald Hope.*

Agreed to by the Senate, March 7, 2018

Agreed to by the House of Delegates, March 8, 2018

WHEREAS, Lionel Reginald Hope, a beloved husband and father, talented community leader, and former Alexandria City Council member who served as Alexandria's first African American vice mayor, died on November 13, 2017; and

WHEREAS, born in Hampton, Lionel Hope attended Phenix High School and excelled at sports, serving as captain of the basketball team and leading the football team to two state championships as its quarterback; and

WHEREAS, after high school, Lionel Hope entered the United States Navy and served his country during World War II; he then attended Hampton University and earned a bachelor's degree in business administration; and

WHEREAS, in 1963, Lionel Hope married Emma Littlejohn; the couple later moved to Alexandria, where he became president of the Alexandria Neighborhood Citizens Improvement Association, an urban renewal organization; and

WHEREAS, Lionel Hope was elected to the Alexandria City Council in 1982 and served until 1992; during his tenure, he advocated for public education, fought to decrease crime, and worked to create more affordable housing in the city as the chair of the Community Development Block Grant Board; and

WHEREAS, on November 13, 1991, Lionel Hope made history when he was elected as the City of Alexandria's first African American vice mayor; and

WHEREAS, Lionel Hope's additional involvement with the City of Alexandria included service with the Alexandria Economic Opportunity Commission, the Alexandria Hospital, the Alexandria Industrial Authority, the Budget Ad Hoc Committee, Hopkins House, Mica Housing Incorporated, and the Potomac Yard Small Area Planners; and

WHEREAS, Lionel Hope was a lifetime member of the NAACP and a member of the American Legion; throughout his career, he received outstanding service awards from the Alexandria Chamber of Commerce, the Alexandria Society for the Preservation of Black Heritage, and many other organizations; and

WHEREAS, Lionel Hope will be fondly remembered and dearly missed by his wife of 54 years, Emma; his children, Lionel Jr., Matheline, Debbie, and Joseph, and their families; and numerous other family members, close friends, and Alexandria residents; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Lionel Reginald Hope, a respected leader who gave exemplary service to the Alexandria community; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Lionel Reginald Hope as an expression of the General Assembly's respect for his memory.

**SENATE JOINT RESOLUTION NO. 238**

*Celebrating the life of Donald S. Beyer, Sr.*

Agreed to by the Senate, March 7, 2018

Agreed to by the House of Delegates, March 8, 2018

WHEREAS, Donald S. Beyer, Sr., a patriotic veteran, beloved patriarch of a large family, and a longtime resident of Falls Church who served his fellow residents as an automotive dealer, died on December 23, 2017; and

WHEREAS, a native of McLean, Donald "Don" Beyer grew up on Spring Hill Farm and developed a passion for cars at a young age; he built his first car with parts from a local junkyard at the age of 12 and later raced in what would eventually become the National Association of Stock Car Auto Racing; and

WHEREAS, Don Beyer graduated from Western High School and the United States Military Academy at West Point and served his country as a member of the United States Army during the Korean War; he held several postings as a military policeman, including at Fort Leavenworth, the Pentagon, and Enewetak Atoll, where the United States conducted nuclear testing; and

WHEREAS, Don Beyer could often be found in his garage, fixing cars for friends and neighbors, and he served the community as the general manager of a Chrysler-Plymouth dealership until 1973, when he founded Don Beyer Volvo in Falls Church; and

WHEREAS, Don Beyer and his family helped grow the business into the Don Beyer Automotive Group, a network of nine dealerships in the area that employs more than 350 people and in 2017, sold more than 5,000 cars; and

WHEREAS, Don Beyer knew many of his customers by name and was a trusted mentor to his employees; his children and grandchildren continue to serve the Falls Church community and the Commonwealth through the family business and in many other capacities, demonstrating the same commitment to integrity and generosity; and

WHEREAS, predeceased by his wife of 51 years, Nancy, and a daughter, Kathy, Don Beyer will be fondly remembered and greatly missed by his five children, Don, Jr., Sherry, Weetie, Sandy, and Mike, and their families; his companion of seven years, Betty Knight; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Donald S. Beyer, Sr., a pillar of the Falls Church community; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Donald S. Beyer, Sr., as an expression of the General Assembly's respect for his memory.

**SENATE JOINT RESOLUTION NO. 239**

*Celebrating the life of the Honorable Donald Kent.*

Agreed to by the Senate, March 7, 2018

Agreed to by the House of Delegates, March 8, 2018

WHEREAS, the Honorable Donald Kent, a former chief judge of the Alexandria Circuit Court and a respected member of the Alexandria community, died on January 19, 2018; and

WHEREAS, a native of Danville, Donald Kent earned his bachelor's degree from the University of Richmond and graduated from its T.C. Williams School of Law; and

WHEREAS, Donald Kent served his country as a member of the United States Army, then practiced law in Alexandria as a partner in the firm Thomas, Kent, Haddock & Sewell; and

WHEREAS, in 1974, Donald Kent was appointed as judge of the Alexandria Circuit Court of the Eighteenth Judicial Circuit of Virginia; he presided over the court with great fairness and wisdom for more than two decades, serving as chief judge from 1984 to 1996; and

WHEREAS, after his retirement from the bench, Donald Kent served as counsel to the Virginia Judicial Inquiry and Review Commission, then joined the McCammon Group in 2000 and worked as a mediator until 2017; and

WHEREAS, Donald Kent was a Fellow of the Virginia Law Foundation and a member of the Boyd-Graves Conference, and he offered his expertise to two commissions organized by the Virginia Supreme Court, the Commission on the Prevention of Family Violence, and the Commission on the Future of Virginia's Judicial System; and

WHEREAS, among his many awards and accolades, Donald Kent received the Harry L. Carrico Professionalism Award from the Virginia State Bar and the Distinguished Law Alumni Award from the University of Richmond; and

WHEREAS, Donald Kent served the Commonwealth with the utmost integrity, dedication, and distinction; and

WHEREAS, Donald Kent will be fondly remembered and greatly missed by his beloved wife of 57 years, Linda; his children, Donald, Jr., and Lisa, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of the Honorable Donald Kent, a former judge of the Alexandria Circuit Court; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of the Honorable Donald Kent as an expression of the General Assembly's respect for his memory.

#### SENATE JOINT RESOLUTION NO. 240

*Commending Embark Richmond Highway.*

Agreed to by the Senate, March 7, 2018

Agreed to by the House of Delegates, March 8, 2018

WHEREAS, in 2014, the Virginia Department of Rail and Public Transportation released the Route 1 Multimodal Alternatives Analysis, which recommended bus rapid transit and Metrorail extension in the Route 1 corridor, and Embark Richmond Highway's purpose is to update the comprehensive plan to prepare for the changes outlined in the analysis; and

WHEREAS, Fairfax County established Embark Richmond Highway in 2015 as an initiative focused on creating a multimodal future in the Route 1 corridor where residents, workers, and visitors can walk, bike, or drive to the places they want to go; and

WHEREAS, Embark Richmond Highway was a collaboration among the Fairfax County Department of Transportation, Fairfax County Department of Planning and Zoning, Virginia Department of Transportation, federal agencies, and the Embark Richmond Highway Citizen Advisory Group; and

WHEREAS, the 13-member Embark Richmond Highway Citizen Advisory Group met 24 times between 2015 and 2017, and it hosted six community meetings throughout the Route 1 corridor to invite questions and recommendations from community members; and

WHEREAS, the Fairfax County Planning Commission endorsed the recommendations from Embark Richmond Highway on February 22, 2018; and

WHEREAS, Embark Richmond Highway's recommendations include the following changes to the comprehensive plan: the inclusion of bus rapid transit from Huntington Metro to the Woodbridge Virginia Railway Express Station, primarily in a dedicated lane down the median of Route 1; widening the highway to three lanes in each direction from the I-495 interchange to the Occoquan River; space for bike lanes and continuous sidewalks on both sides of the highway; and extending Metro's Yellow Line to Beacon Hill and Hybla Valley; and

WHEREAS, Embark Richmond Highway's plan also calls for six community business centers (CBCs) with high-density, mixed-use development surrounding bus rapid transit stations; these CBCs will feature tall buildings that taper into the surrounding neighborhoods, street grids to provide interparcel access without traveling on Route 1, underground utilities, abundant green spaces, and the means to incorporate 80,000 new residents and hundreds of new businesses to the corridor; and

WHEREAS, Embark Richmond Highway's plan highlights the region's historical and ecological legacy; developers will daylight stream valleys to improve the environment and emphasize unique local assets, such as Historic Route 1 and other historic districts; and

WHEREAS, the Fairfax County Board of Supervisors endorsed the recommendations of Embark Richmond Highway on March 20, 2018; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Fairfax County Department of Transportation, Fairfax County Department of Planning and Zoning, and the members of the Embark Richmond Highway Citizen Advisory Group on the completion of the Embark Richmond Highway planning process; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Embark Richmond Highway program as an expression of the General Assembly's admiration for the program's work to enhance the Richmond Highway corridor.

**SENATE JOINT RESOLUTION NO. 241**

*Commending William E. Blalock.*

Agreed to by the Senate, March 7, 2018  
 Agreed to by the House of Delegates, March 8, 2018

WHEREAS, William E. Blalock, a respected leader who served as a member of the Mecklenburg County Board of Supervisors for nearly 50 years, retired on November 6, 2017, following a distinguished career in local government; and

WHEREAS, a dairy farmer from Baskerville, William E. "Bill" Blalock was first elected to the Mecklenburg County Board of Supervisors in 1968 and served until 1972; he then rejoined the Board in 1976 and served continuously until his retirement; and

WHEREAS, with 46 total years of service, Bill Blalock was recognized as the longest tenured county supervisor in the Commonwealth by the Virginia Association of Counties; and

WHEREAS, during his half-century on the Mecklenburg County Board of Supervisors, Bill Blalock helped guide the County's growth and evolution and became known for his outspokenness and loyalty to his constituents; and

WHEREAS, Bill Blalock also established a reputation as a staunch fiscal conservative; one of his favorite questions to those making funding requests to the Board of Supervisors was, "Is this something you need or is it something you just want?"; and

WHEREAS, in a statement announcing his retirement, Bill Blalock praised the dedication of his fellow Board of Supervisors members and stated that it had been an honor to serve the residents of Mecklenburg County for over four decades; and

WHEREAS, Bill Blalock leaves a legacy of devotion to the community, cooperation with his fellow elected officials, and wise leadership to future members of the Board of Supervisors and residents of Mecklenburg County; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend William E. Blalock for his many years of outstanding service to the Mecklenburg County Board of Supervisors on the occasion of his retirement; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to William E. Blalock as an expression of the General Assembly's admiration for his dedication to the residents of Mecklenburg County and best wishes for a well-deserved retirement.

**SENATE JOINT RESOLUTION NO. 242**

*Commending Eleanor D. Schmidt.*

Agreed to by the Senate, March 7, 2018  
 Agreed to by the House of Delegates, March 8, 2018

WHEREAS, Eleanor D. Schmidt, a dedicated public servant, retires as a member of the City of Fairfax Council in June 2018; and

WHEREAS, a resident of the City of Fairfax since 1969, Eleanor "Ellie" Schmidt holds a bachelor's degree from the University of Missouri and attended the Virginia Bankers School of Bank Management; and

WHEREAS, a successful banking executive, Ellie Schmidt was desirous to be of further service to the community and ran for election to the City of Fairfax Council; she has served for four terms, beginning in 2010; and

WHEREAS, Ellie Schmidt has served on the Board of Directors of Historic Fairfax City, Inc., as chair of the Independence Day Celebration Committee, and in various positions as a member of the Industrial Development Authority, the City of Fairfax 2020 Commission, the Festival of Lights and Carols Committee, and the Chocolate Lovers Festival Committee; and

WHEREAS, Ellie Schmidt has also represented the City of Fairfax on regional and state boards and commissions, including the Virginia Municipal League Finance Committee; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Eleanor D. Schmidt on the occasion of her retirement from the City of Fairfax Council in 2018; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Eleanor D. Schmidt as an expression of the General Assembly's admiration for her years of service to the City of Fairfax.

**SENATE JOINT RESOLUTION NO. 243**

*Commending the Mount Vernon Voice.*

Agreed to by the Senate, March 7, 2018  
 Agreed to by the House of Delegates, March 8, 2018

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## ACTS OF ASSEMBLY

[VA.,

WHEREAS, the *Mount Vernon Voice*, a respected local newspaper covering current events in the Mount Vernon and Lee communities, ended its circulation in February 2018 after over 16 years of service to the residents of southeastern Fairfax County; and

WHEREAS, the *Mount Vernon Voice* was launched in 2002 to fill the need for a hometown paper in Mount Vernon and the surrounding area; Marlene Miller and Steve Hunt, two Mount Vernon locals, served as the paper's co-publishers and its primary contributors; and

WHEREAS, a true local newspaper, the *Mount Vernon Voice* was a trusted news source known for its in-depth coverage of events in the Mount Vernon area; the publication also frequently gave back to the community through sponsorship of local events and participation in fundraisers for charitable causes; and

WHEREAS, in addition to reporting on government, crime, and cultural events, the *Mount Vernon Voice* routinely published editorials that pushed for positive change in the community; among other accomplishments, the publication helped fight for Inova Mount Vernon Hospital to remain a full service hospital; and

WHEREAS, the *Mount Vernon Voice* was a reliable presence at local events, banquets, fundraisers, announcements, graduations, and important moments and published thousands of editorials by local elected officials, citizens, and others, keeping residents up-to-date with important events in the community; and

WHEREAS, the *Mount Vernon Voice* won several awards from the Virginia Press Association, including first place prizes in investigative reporting, editorial writing, and headline writing; and

WHEREAS, the *Mount Vernon Voice* also received awards from the Mount Vernon-Lee Chamber of Commerce and the American Red Cross and was a nominee for Alexandria Small Business of the Year; and

WHEREAS, throughout its history, the *Mount Vernon Voice* maintained the highest standards of journalistic accuracy and integrity while diligently chronicling the people, places, and events that shaped its local community; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the *Mount Vernon Voice* for over 16 years of providing outstanding community journalism to the residents of Mount Vernon and Lee; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Marlene Miller and Steve Hunt, publishers of the *Mount Vernon Voice*, as an expression of the General Assembly's admiration for the newspaper's exemplary service to the community.

**SENATE JOINT RESOLUTION NO. 244**

*Commending Beverly T. Fitzpatrick, Jr.*

Agreed to by the Senate, March 7, 2018

Agreed to by the House of Delegates, March 8, 2018

WHEREAS, Beverly T. "Bev" Fitzpatrick, Jr., retired from the Virginia Museum of Transportation in 2017 following an eleven-year term as the museum's Executive Director; and

WHEREAS, upon entering the position of Executive Director, Mr. Fitzpatrick quickly demonstrated leadership by successfully restoring the museum to a position of financial stability; and

WHEREAS, as a result of Mr. Fitzpatrick's transformative leadership, the museum's annual operations budget grew from three hundred thousand dollars to more than one million dollars, and the museum added nine additional full-time staff positions; and

WHEREAS, during Mr. Fitzpatrick's tenure, the Virginia Museum of Transportation significantly expanded the audience for its exhibits, increasing annual attendance from twelve thousand to approximately fifty thousand visitors; and

WHEREAS, Mr. Fitzpatrick oversaw the one million-dollar restoration of the Norfolk & Western 611, completed in 2015, which represented a triumphant moment for the Virginia Museum of Transportation and has provided an opportunity for thousands of rail enthusiasts to experience classic steam locomotive travel; and

WHEREAS, Mr. Fitzpatrick has demonstrated an unmatched commitment to preserving the history of transportation in the Commonwealth for more than five decades, beginning with a term on the board of the Roanoke Transportation Museum during his teenage years; and

WHEREAS, completion of Mr. Fitzpatrick's successful tenure at the Virginia Museum of Transportation represents the culmination of a long career in public service, including service as Vice-Mayor and a member of Roanoke City Council and service with Blue Ridge Public Television; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Beverly T. Fitzpatrick, Jr., on his retirement from the Virginia Museum of Transportation; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Beverly T. Fitzpatrick, Jr., as an expression of the General Assembly's admiration and gratitude for his exemplary service to the Roanoke Valley and the Commonwealth of Virginia.

**SENATE JOINT RESOLUTION NO. 245***Celebrating the life of Captain Paul F. Hollandsworth, Jr., USN, Ret.*

Agreed to by the Senate, March 8, 2018  
 Agreed to by the House of Delegates, March 9, 2018

WHEREAS, Captain Paul F. Hollandsworth, Jr., USN, Ret., a decorated naval aviator who served and supported his fellow veterans and made many contributions to the Virginia Beach community, died on July 27, 2017; and

WHEREAS, Paul Hollandsworth joined the United States Navy in 1954 and went on to serve two tours in combat during the Vietnam War, piloting the A-4 Skyhawk with VA-76; and

WHEREAS, from 1965 to 1966, Paul Hollandsworth served on the USS *Enterprise* and completed 146 missions, and in 1967, he served on the USS *Bon Homme Richard*, completing 116 missions; and

WHEREAS, Paul Hollandsworth then served as commanding officer of VA-65 at Naval Air Station Oceana in Virginia Beach and VX-5 at Naval Air Weapons Station China Lake in California; and

WHEREAS, over the course of his 32-year career, Paul Hollandsworth logged more than 719 fixed-wing carrier landings and 6,618 flight hours in the A-4 Skyhawk, A-6 Intruder, A-7 Corsair, and F-18 Hornet; he earned the Silver Star Medal, three Distinguished Flying Crosses, five Air Medals, and three Navy Commendation Medals with the Combat V; and

WHEREAS, after his military service, Paul Hollandsworth supported his fellow veterans as a member of the Golden Eagles and the Association of Naval Aviation and as president of the Hampton Roads Chapter of the Military Officers Association of America; and

WHEREAS, Paul Hollandsworth was also an active volunteer at the Republican Party of Virginia Beach and, as coordinator of the Ride to Polls program, he recruited volunteer drivers to help ensure that members of the community were able to cast their vote on election days; and

WHEREAS, affectionately known as "Holly," Paul Hollandsworth will be fondly remembered and greatly missed by his beloved wife, Shirley; his children, Tracy and Eric, and their families; and numerous other family members, friends, and fellow veterans; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Captain Paul F. Hollandsworth, Jr., USN, Ret., a distinguished veteran and a patriotic member of the Virginia Beach community; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Captain Paul F. Hollandsworth, Jr., USN, Ret., as an expression of the General Assembly's respect for his memory.

**SENATE JOINT RESOLUTION NO. 249***Celebrating the life of Neilson Jay November.*

Agreed to by the Senate, March 9, 2018  
 Agreed to by the House of Delegates, March 10, 2018

WHEREAS, Neilson Jay November, a prolific philanthropist whose generous support for education, theatre, aviation, Jewish causes, and other organizations helped shape the Richmond community, died on March 2, 2018; and

WHEREAS, a native of New York City, Neilson "Neil" November moved with his family to Richmond, where his father operated Friedman-Marks Clothing Co., a men's clothing manufacturer, and his mother gained renown as a painter and an advocate for the fine arts; and

WHEREAS, growing up on Monument Avenue, Neil November developed a passion for aviation at a young age by building and flying model airplanes; one of his first jobs was washing planes at nearby Hermitage Airport and he earned his pilot's license at the age of 16; and

WHEREAS, Neil November joined many of the other young men of his generation in service to the nation during World War II as an officer in the United States Navy; after his honorable military service, he returned to the Commonwealth to complete his education at Washington and Lee University, where he met his future wife, Sara Belle; and

WHEREAS, in 1968, Neil November sold Friedman-Marks Clothing Co., and used the proceeds to answer his true calling as a philanthropist, fundraiser, and community developer; he was a partner in two real estate development companies and held leadership positions in more than 18 civic, service, and religious organizations; and

WHEREAS, Neil November was a champion for arts and culture, especially the performing arts, making significant contributions to the Barksdale Theatre, the first nonprofit professional performing arts organization in Central Virginia, and the Empire Theatre, now known as the Sara Belle and Neil November Theatre; at least seven theatres in the Richmond area bear the November name; and

WHEREAS, a member of Congregation Beth Ahabah, Neil November was also a passionate supporter of the Jewish diaspora in the Commonwealth and throughout the world; he served as a former president of the Richmond Jewish Community Center, where he orchestrated the Israeli Showcase, a weeklong community exhibition; and

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## ACTS OF ASSEMBLY

[VA.,

WHEREAS, as chair of the Virginia Israel Commission under Governor Gerald Baliles, Neil November promoted cultural, educational, and economic development opportunities between Israel and the Commonwealth; he also helped establish the Virginia Holocaust Museum, receiving its first award for extraordinary service, which now bears his name; and

WHEREAS, inspired by his lifelong love of the majesty of flight, Neil November helped establish the Virginia Aviation Museum, served as a member of the Virginia Aviation Board and chair of the Virginia Aeronautical Historical Society, and was inducted into the Virginia Aviation Hall of Fame; he played an integral role in helping Byrd Airport expand and grow into Richmond International Airport; and

WHEREAS, Neil November helped create the Virginia Industrial Interport Association, the first environmentally protected industrial park in the eastern United States, and guided the development of Lewis Ginter Botanical Garden; and

WHEREAS, among his many other projects, Neil November supported the Sara D. November Education Center at The Valentine in honor of his mother, the planetarium and science theatre at the Science Museum of Virginia, and a professorship in psychiatry at the Virginia Commonwealth University School of Medicine to help primary care physicians understand depression; and

WHEREAS, predeceased by two sons, Neil November will be fondly remembered and greatly missed by his wife, Sara Belle; his two grandchildren; and numerous other family members, friends, and colleagues; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Neilson Jay November, a pillar of the Richmond community; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Neilson Jay November as an expression of the General Assembly's respect for his memory.

**SENATE RESOLUTION NO. 1**

*Celebrating the life of the Honorable Faye Delores Watford Mitchell.*

Agreed to by the Senate, January 11, 2018

WHEREAS, the Honorable Faye Delores Watford Mitchell, a dedicated public servant who made history as the first African American to be elected to a constitutional office in the City of Chesapeake when she became Clerk of the Chesapeake Circuit Court, died on May 24, 2017; and

WHEREAS, a native of Ahoskie, North Carolina, Faye Mitchell received a bachelor's degree from North Carolina Central University; she began her career in court administration in 1995 after more than 20 years as a technology professional in both the public and private sectors; and

WHEREAS, Faye Mitchell joined the Chesapeake Circuit Court of the 1st Judicial Circuit of Virginia as manager of the civil and criminal divisions and was later appointed as Clerk of the Chesapeake Juvenile and Domestic Relations District Court of the 1st Judicial District of Virginia, becoming the first African American to hold that position; and

WHEREAS, in 2003, Faye Mitchell ran for and was elected as Clerk of the Chesapeake Circuit Court, where she ably served the residents of Chesapeake until the time of her passing; she enhanced the office through her background in the computer field, adopting innovative technology to ensure the efficient and effective operation of the court; and

WHEREAS, as Clerk of the Chesapeake Circuit Court, Faye Mitchell was responsible for management of land records, probate and estate planning, and court records; she touched the lives of many local residents and was a valued mentor and friend to her fellow court employees; and

WHEREAS, a woman who was guided by her faith, Faye Mitchell enjoyed fellowship and worship with the other members of the community at First Baptist Church South Hill; she was deeply involved with civic organizations, including the Rotary Club of Chesapeake, where she worked with the Paint Your Heart Out team to clean, paint, and repair homes in the area; and

WHEREAS, Faye Mitchell earned many awards and accolades for her good work, including the 2009 Marian P. Whitehurst Women in Leadership Award and the 2012 Woman of the Year Award from the Hampton Roads Chamber of Commerce; and

WHEREAS, Faye Mitchell will be fondly remembered and greatly missed by her loving husband of 37 years, Bud; children, Brian and Nikki, and their families; and numerous other family members, friends, and colleagues; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of the Honorable Faye Delores Watford Mitchell, Clerk of the Chesapeake Circuit Court and a highly respected member of the Chesapeake community; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of the Honorable Faye Delores Watford Mitchell as an expression of the Senate of Virginia's respect for her memory.

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## SENATE RESOLUTION NO. 2

*Celebrating the life of Wilson M. Goode.*

Agreed to by the Senate, January 11, 2018

WHEREAS, Wilson M. Goode, a beloved husband and father and an accomplished business and civic leader in the Chesapeake community, died on October 23, 2017; and

WHEREAS, born in Severn, North Carolina, Wilson Goode earned a bachelor's degree from Elizabeth City State University and a master's degree from Hampton University; a man of strong faith, he also attended Holy Light College of Bible in Portsmouth; and

WHEREAS, in a professional career that spanned over five decades, Wilson Goode brought his talents to a wealth of different fields including education, engineering, real estate development, and community advocacy; from 1984 until his retirement, he served as chief executive officer of Goode Construction, Inc., based in Chesapeake; and

WHEREAS, a natural leader who was often sought out for his wide-ranging expertise, Wilson Goode served on numerous boards and commissions; between 2003 and 2013, he sat on the board of directors for Virginia International Terminals, the Commonwealth's port operating company; and

WHEREAS, Wilson Goode will be fondly remembered and greatly missed by his wife, Evelyn; his daughter, Denise, and her family; and many other family members, friends, and members of the Chesapeake community; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Wilson M. Goode, a respected business and community leader in Chesapeake; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Wilson M. Goode as an expression of the Senate of Virginia's respect for his memory.

## SENATE RESOLUTION NO. 5

*Celebrating the life of the Honorable Patricia Keyser Smith Ticer.*

Agreed to by the Senate, January 10, 2018

WHEREAS, the Honorable Patricia Keyser Smith Ticer, a dedicated public servant who broke barriers as the first woman mayor of Alexandria and represented the residents of the 30th District in the Senate of Virginia, died on August 7, 2017; and

WHEREAS, born Patricia Keyser Smith in Washington, D.C., on January 6, 1935, Patricia "Patsy" Ticer grew up in Alexandria; she graduated from George Washington High School in 1951 and earned a bachelor's degree in political science from Sweet Briar College in 1955; and

WHEREAS, Patsy Ticer enjoyed a career as a real estate agent and served the community through civic groups, parent-teacher associations, and local charitable organizations, including Alexandria Hospital; she also helped form the Alexandria Commission for the Arts; and

WHEREAS, in 1956, Patsy Ticer married Alexandria City Council member Jack Ticer, who later urged her to run for the Alexandria City Council; and

WHEREAS, Patsy Ticer began her service as a public official when she was elected to the Alexandria City Council in 1982 for the first of three terms, in which she made early childhood development, education, and affordable housing her priorities; and

WHEREAS, Patsy Ticer was selected by her colleagues to serve as vice mayor in 1984, and she chaired the Northern Virginia Planning District Commission from 1985 to 1987; and

WHEREAS, upon succeeding the Honorable James P. Moran, Jr., following his election to the United States House of Representatives in 1990, Patsy Ticer became Alexandria's first woman mayor; and

WHEREAS, Patsy Ticer's service to Alexandria included sponsoring the first extensive revision of the Alexandria Master Plan in 1992, establishing an Alexandria Office of Early Childhood Programs, creating Alexandria's Early Childhood Development Commission, and, at the state level, serving as vice chair of the Governor's Council on Child Day Care and Early Childhood Programs; and

WHEREAS, Patsy Ticer chaired the Board of Directors of the Metropolitan Washington Council of Governments in 1994 and was awarded the Elizabeth and David Scull Metropolitan Public Service Award, the organization's highest honor, in 1996; and

WHEREAS, Patsy Ticer served as chair of the Northern Virginia Transportation Commission as well as chair of the National Capital Region Transportation Planning Board; and

WHEREAS, Patsy Ticer served two terms as Alexandria's chair of the United Way Campaign and president of the National Association of Regional Councils of United Way; and

WHEREAS, desirous to be of further service to the Commonwealth, Patsy Ticer ran for and was elected to the Senate of Virginia in 1995; she introduced and supported many important pieces of legislation to benefit all Virginians; and

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ACTS OF ASSEMBLY

[VA.,

WHEREAS, as Chair of the Senate Committee on Agriculture, Conservation and Natural Resources, Senator Ticer's priorities included improving the health of the Chesapeake Bay watershed, conserving open space and trees, and supporting the Virginia Land Conservation Foundation which she served as a trustee; and

WHEREAS, among Senator Ticer's proudest legislative accomplishments were the passage of laws requiring newborns to be tested for congenital adrenal hyperplasia, a developmental disorder that can result in the death of the newborn; medium-chain acyl-CoA dehydrogenase deficiency, another birth disorder that can be crippling or fatal if not caught immediately; as well as a law requiring hearing tests for all newborns; and

WHEREAS, after 16 years of service in the Senate of Virginia, Patsy Ticer did not seek reelection in 2011; she remained active in civic affairs, working with the Northern Virginia Conservation Trust to preserve the historic pre-revolutionary Murray-Dick-Fawcett House, one of Alexandria's earliest residences; and

WHEREAS, Patsy Ticer's career in public service was characterized by passionate advocacy for the health, education, and welfare of children, the protection of animals, and the preservation of Virginia's natural beauty; and

WHEREAS, as a trailblazing exemplar for women in local and state government, Patsy Ticer was renowned for her steadfast support of the rights of women and girls; she actively encouraged women to seek leadership roles in public life, and her legacy will endure through the many women she inspired to serve their communities; and

WHEREAS, Patsy Ticer was regarded as a consensus builder both on the Alexandria City Council and in the Senate of Virginia; "Power," she once said, "is being able to get things done without having to raise your voice"; and

WHEREAS, preceded in death by her husband of 51 years, Jack, Patsy Ticer is fondly remembered and greatly missed by four children, Margaret Janowsky of Alexandria, John Ticer, Jr., of Vienna, Catherine Ticer of San Jose, California, and Virginia Baechler of Alexandria, and five grandchildren; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of the Honorable Patricia Keyser Smith Ticer, the first woman mayor of Alexandria, former state senator, and respected public servant; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of the Honorable Patricia Keyser Smith Ticer as an expression of the Senate of Virginia's respect for her memory.

**SENATE RESOLUTION NO. 6**

*Celebrating the life of Frances Virginia Matthews Clarke.*

Agreed to by the Senate, January 18, 2018

WHEREAS, Frances Virginia Matthews Clarke, a beloved wife and mother, devoted educator, and highly admired member of the Brunswick County community, died in September 2017; and

WHEREAS, born in Brunswick County in 1923, Frances Clarke graduated from Lawrenceville High School and Madison College, where she was a member of the sorority Sigma Sigma Sigma; and

WHEREAS, after completing college, Frances Clarke left for San Antonio, Texas, with her eldest brother; while there, she married 2nd Lieutenant Garland Lewis Clarke; and

WHEREAS, at the end of World War II, Frances Clarke returned to Brunswick County, where she taught sixth and seventh grade mathematics; her husband helped lead his family retail business, Clarke's Department Store; and

WHEREAS, along with her work as an educator, Frances Clarke was a dedicated member of the Brunswick County community; she enjoyed fellowship and worship at Lawrenceville Baptist Church and was active in the Brunswick Garden Club, the Women's Club, and several other civic organizations; and

WHEREAS, Frances Clarke treasured her family and often used her home as a holiday gathering place and informal bed and breakfast for visiting relatives; she was also an avid gardener and bridge player who enjoyed reading, knitting, traveling, and bird-watching; and

WHEREAS, predeceased by her husband, Garland Lewis Clarke, Frances Clarke will be fondly remembered and greatly missed by her three daughters, Susan Schaar, Sandra Hart, and Lynn Rucker, and their families, and many other family members, friends, and members of the Brunswick County community; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Frances Virginia Matthews Clarke, a respected educator and resident of Brunswick County; and, be it

RESOLVED FURTHER, That the Chief Deputy Clerk of the Senate prepare a copy of this resolution for presentation to the family of Frances Virginia Matthews Clarke as an expression of the Senate of Virginia's respect for her memory.

**SENATE RESOLUTION NO. 7**

*2018 Operating Resolution.*

Agreed to by the Senate, January 10, 2018

RESOLVED by the Senate of Virginia, That the Comptroller is directed to issue his warrants on the Treasurer, payable from the contingent fund of the Senate to accomplish the work of the Senate of Virginia as reported by the Clerk of the Senate to the Senate Committee on Rules during the 2018 Session. Necessary payments to cover salaries of temporary

employees and the Pages, per diem for legislative assistants who establish a temporary residence, per diem for Pages and certain employees designated by the Clerk and reported to the Chair of the Senate Committee on Rules, as well as other contingent and incidental expenses, will be certified by the Clerk of the Senate or her designee. Per diem for orientation will be paid as approved by the Clerk.

### SENATE RESOLUTION NO. 9

*Celebrating the life of Joseph C. Smiddy.*

Agreed to by the Senate, January 18, 2018

WHEREAS, Joseph C. Smiddy, a distinguished resident of Southwest Virginia, who helped countless students achieve their dreams through his leadership as an educator and college administrator, died on May 1, 2017; and

WHEREAS, a native of Jellico, Tennessee, Joseph Smiddy joined many of the other young men of his generation in service to the nation during World War II; he was appointed as an assistant conductor of the 392nd Army Service Forces Band at Fort Lee, then applied for overseas duty and served in the Pacific theater; and

WHEREAS, after his honorable military service, Joseph Smiddy completed his bachelor's degree at Lincoln Memorial University and continued his education at The College of William and Mary and the University of Tennessee, earning a master's degree from Peabody College of Education and Human Development; and

WHEREAS, Joseph Smiddy was passionate about the importance of lifelong learning, and he began his career in education at Jonesville High School, where he became principal; he was recruited to become the first biology professor of Clinch Valley College, now University of Virginia's College at Wise; and

WHEREAS, Joseph Smiddy provided exceptional leadership to Clinch Valley College, serving as dean and as the institution's first chancellor; during his 30-year tenure, he oversaw the admission of Clinch Valley College's first African American student and helped the college grow from a two-year to a four-year institution; and

WHEREAS, a well-known member of the Wise community, Joseph Smiddy was a 50-year member of the Wise Kiwanis Club, and he enjoyed fellowship and worship with the congregation of Wise Baptist Church; and

WHEREAS, affectionately known as Papa Joe, Joseph Smiddy was a consummate storyteller known for his wisdom and wit and a talented musician who worked to preserve mountain music as a longtime banjo player in the Reedy Creek Bluegrass Band; and

WHEREAS, Joseph Smiddy earned many awards and accolades over the course of his career, including the Kanto Education Award, the Laurel Leaf Award, and several honorary doctorates; the annual Papa Joe Smiddy Mountain Music Festival at Natural Tunnel State Park was also named in his honor; and

WHEREAS, Joseph Smiddy will be fondly remembered and greatly missed by his children, Joe and Elizabeth, and their families; stepchildren, Edwina, Chuck, and Cathy, and their families; and numerous other family members, friends, and colleagues; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Joseph C. Smiddy, a respected leader in higher education and a pillar of the Southwest Virginia community; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Joseph C. Smiddy as an expression of the Senate of Virginia's respect for his memory.

### SENATE RESOLUTION NO. 10

*Commending the Manassas Symphony Orchestra.*

Agreed to by the Senate, January 18, 2018

WHEREAS, the Manassas Symphony Orchestra, a community orchestra that has entertained and educated countless audience members with its musical performances, celebrates its 25th anniversary in 2017; and

WHEREAS, originally called the NOVA-Manassas Community Orchestra, the Manassas Symphony Orchestra was established by Gail Kettlewell, provost of Northern Virginia Community College, and began performing in 1992; and

WHEREAS, an all-volunteer ensemble, the Manassas Symphony Orchestra consists of serious adult musicians, advanced student musicians in high school, and guest musicians who perform concerts at the Hylton Performing Arts Center in Manassas; and

WHEREAS, James Villani, a conductor, clarinetist, and adjunct assistant professor at Northern Virginia Community College, has served as the Manassas Symphony Orchestra's music director since 2004; and

WHEREAS, under James Villani's leadership, the Manassas Symphony Orchestra has reached new artistic heights; in 2015, it won the American Prize for Orchestral Performance, Community Division, an award that recognizes the best orchestras in the United States; and

WHEREAS, each season, the Manassas Symphony Orchestra stages five performances, including a holiday-themed family concert; its talented musicians have presented difficult works by composers such as Beethoven, Tchaikovsky, Vivaldi, and Mozart; and

WHEREAS, over the years, the volunteer musicians of the Manassas Symphony Orchestra have delighted audiences and helped promote art, culture, and music education in the Manassas community; and

WHEREAS, in anticipation of its 25th anniversary, the Manassas Symphony Orchestra developed a special program for its 2017-2018 season that revisits some of its most beloved pieces and features soloists from past concerts; now, therefore, be it

RESOLVED by the Senate of Virginia, That the Manassas Symphony Orchestra hereby be commended for its years of service to the Manassas community on the occasion of its 25th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to James Villani, music director of the Manassas Symphony Orchestra, as an expression of the Senate of Virginia's admiration for the ensemble's achievements and best wishes for continued success.

**SENATE RESOLUTION NO. 11**

*Nominating persons to be elected to circuit court judgeships.*

Agreed to by the Senate, January 16, 2018

RESOLVED by the Senate of Virginia, That the following persons are hereby nominated to be elected to the respective circuit court judgeships as follows:

The Honorable Stephen C. Mahan, of Virginia Beach, as a judge of the Second Judicial Circuit for a term of eight years commencing October 1, 2018.

The Honorable Kenneth R. Melvin, of Portsmouth, as a judge of the Third Judicial Circuit for a term of eight years commencing February 1, 2018.

The Honorable Frederick G. Rockwell, III, of Chesterfield, as a judge of the Twelfth Judicial Circuit for a term of eight years commencing May 1, 2018.

The Honorable Beverly W. Snukals, of Richmond, as a judge of the Thirteenth Judicial Circuit for a term of eight years commencing April 1, 2018.

The Honorable Michael F. Devine, of Fairfax County, as a judge of the Nineteenth Judicial Circuit for a term of eight years commencing April 1, 2018.

The Honorable Brett A. Kassabian, of Fairfax County, as a judge of the Nineteenth Judicial Circuit for a term of eight years commencing February 1, 2018.

The Honorable William D. Broadhurst, of Roanoke County, as a judge of the Twenty-third Judicial Circuit for a term of eight years commencing November 1, 2018.

The Honorable Charles N. Dorsey, of Salem, as a judge of the Twenty-third Judicial Circuit for a term of eight years commencing July 1, 2018.

Joel R. Branscom, Esquire, of Botetourt, as a judge of the Twenty-fifth Judicial Circuit for a term of eight years commencing February 1, 2018.

The Honorable Michael Lee Moore, of Russell, as a judge of the Twenty-ninth Judicial Circuit for a term of eight years commencing April 1, 2018.

**SENATE RESOLUTION NO. 12**

*Nominating persons to be elected to general district court judgeships.*

Agreed to by the Senate, January 16, 2018

RESOLVED by the Senate of Virginia, That the following persons are hereby nominated to be elected to the respective general district court judgeships as follows:

The Honorable Michael R. Katchmark, of Chesapeake, as a judge of the First Judicial District for a term of six years commencing July 1, 2018.

The Honorable Daniel R. Lahne, of Virginia Beach, as a judge of the Second Judicial District for a term of six years commencing July 1, 2018.

The Honorable Gordon S. Vincent, of Accomack, as a judge of the Judicial District 2-A for a term of six years commencing July 1, 2018.

The Honorable Roxie O. Holder, of Portsmouth, as a judge of the Third Judicial District for a term of six years commencing October 1, 2018.

The Honorable S. Clark Daugherty, of Norfolk, as a judge of the Fourth Judicial District for a term of six years commencing May 1, 2018.

The Honorable Bruce A. Clark, Jr., of Hopewell, as a judge of the Sixth Judicial District for a term of six years commencing July 1, 2018.

The Honorable Thomas L. Vaughn, of Colonial Heights, as a judge of the Twelfth Judicial District for a term of six years commencing July 1, 2018.

The Honorable L. Neil Steverson, of Henrico, as a judge of the Fourteenth Judicial District for a term of six years commencing February 1, 2018.

The Honorable Lisa A. Mayne, of Fairfax County, as a judge of the Nineteenth Judicial District for a term of six years commencing October 1, 2018.

The Honorable Mark C. Simmons, of Fairfax County, as a judge of the Nineteenth Judicial District for a term of six years commencing April 1, 2018.

The Honorable J. Frank Buttery, Jr., of Loudoun, as a judge of the Twentieth Judicial District for a term of six years commencing July 1, 2018.

The Honorable Deborah C. Welsh, of Loudoun, as a judge of the Twentieth Judicial District for a term of six years commencing July 1, 2018.

The Honorable George A. Jones, Jr., of Pittsylvania, as a judge of the Twenty-second Judicial District for a term of six years commencing April 1, 2018.

The Honorable Sam D. Eggleston, III, of Nelson, as a judge of the Twenty-fourth Judicial District for a term of six years commencing July 1, 2018.

The Honorable W. Dale Houff, of Page, as a judge of the Twenty-sixth Judicial District for a term of six years commencing April 16, 2018.

The Honorable J. D. Bolt, of Galax, as a judge of the Twenty-seventh Judicial District for a term of six years commencing July 1, 2018.

The Honorable V. Blake McKinney, of Washington, as a judge of the Twenty-eighth Judicial District for a term of six years commencing July 1, 2018.

The Honorable William E. Jarvis, of Prince William, as a judge of the Thirty-first Judicial District for a term of six years commencing November 1, 2018.

### SENATE RESOLUTION NO. 13

*Nominating persons to be elected to juvenile and domestic relations district court judgeships.*

Agreed to by the Senate, January 16, 2018

RESOLVED by the Senate of Virginia, That the following persons are hereby nominated to be elected to the respective juvenile and domestic relations district court judgeships as follows:

The Honorable Tanya Bullock, of Virginia Beach, as a judge of the Second Judicial District for a term of six years commencing July 1, 2018.

The Honorable Barry G. Logsdon, of Newport News, as a judge of the Seventh Judicial District for a term of six years commencing July 1, 2018.

The Honorable Wade A. Bowie, of York, as a judge of the Ninth Judicial District for a term of six years commencing July 1, 2018.

The Honorable Cressondra B. Conyers, of James City County, as a judge of the Ninth Judicial District for a term of six years commencing July 1, 2018.

The Honorable Valentine W. Southall, Jr., of Amelia, as a judge of the Eleventh Judicial District for a term of six years commencing October 1, 2018.

The Honorable J. David Rigler, of Chesterfield, as a judge of the Twelfth Judicial District for a term of six years commencing July 1, 2018.

The Honorable Ashley K. Tunner, of Richmond, as a judge of the Thirteenth Judicial District for a term of six years commencing May 16, 2018.

The Honorable Margaret W. Deglau, of Henrico, as a judge of the Fourteenth Judicial District for a term of six years commencing July 1, 2018.

The Honorable Rondelle D. Herman, of Henrico, as a judge of the Fourteenth Judicial District for a term of six years commencing July 1, 2018.

The Honorable Randall G. Johnson, Jr., of Henrico, as a judge of the Fourteenth Judicial District for a term of six years commencing July 1, 2018.

The Honorable Ronald L. Morris, of Greene, as a judge of the Sixteenth Judicial District for a term of six years commencing February 1, 2018.

The Honorable Frank W. Somerville, of Orange, as a judge of the Sixteenth Judicial District for a term of six years commencing July 1, 2018.

The Honorable Gayl Branum Carr, of Fairfax, as a judge of the Nineteenth Judicial District for a term of six years commencing August 1, 2018.

The Honorable Glenn L. Clayton, II, of Fairfax County, as a judge of the Nineteenth Judicial District for a term of six years commencing October 1, 2018.

The Honorable Sarah A. Rice, of Franklin, as a judge of the Twenty-second Judicial District for a term of six years commencing February 1, 2018.

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ACTS OF ASSEMBLY

[VA.,

The Honorable Brian H. Turpin, of Pittsylvania, as a judge of the Twenty-second Judicial District for a term of six years commencing July 1, 2018.

The Honorable H. Cary Payne, of Bedford, as a judge of the Twenty-fourth Judicial District for a term of six years commencing July 1, 2018.

The Honorable H. Lee Chitwood, of Pulaski, as a judge of the Twenty-seventh Judicial District for a term of six years commencing February 1, 2018.

The Honorable Monica D. Cox, of Galax, as a judge of the Twenty-seventh Judicial District for a term of six years commencing July 1, 2018.

**SENATE RESOLUTION NO. 14**

*Nominating a person to be elected as a member of the State Corporation Commission.*

Agreed to by the Senate, January 16, 2018

RESOLVED by the Senate of Virginia, That the following person is hereby nominated to be elected as a member of the State Corporation Commission as follows:

The Honorable Judith Williams Jagdmann, of Henrico County, as a member of the State Corporation Commission for a term of six years commencing February 1, 2018.

**SENATE RESOLUTION NO. 15**

*Nominating a person to be elected to the Virginia Workers' Compensation Commission.*

Agreed to by the Senate, January 16, 2018

RESOLVED by the Senate of Virginia, That the following person is hereby nominated to be elected to the Virginia Workers' Compensation Commission as follows:

The Honorable Wesley G. Marshall, of the City of Richmond, as a member of the Virginia Workers' Compensation Commission for a term of six years commencing June 1, 2018.

**SENATE RESOLUTION NO. 16**

*Commending the Virginia Czech & Slovak Folklife Festival.*

Agreed to by the Senate, February 1, 2018

WHEREAS, for five years, the Virginia Czech & Slovak Folklife Festival has promoted the history and heritage of Czech and Slovak families and demonstrated the important contributions of immigrant communities in the Commonwealth; and

WHEREAS, the Virginia Czech & Slovak Folklife Festival was established in 2013 after the Virginia Czech/Slovak Heritage Society received a grant from the Virginia Foundation for the Humanities to host an event and document the traditions of local Czech and Slovak families; and

WHEREAS, between the 1880s and 1920s, hundreds of Czech and Slovak families relocated to the Commonwealth; the Virginia Czech/Slovak Heritage Society chose Prince George County as the location of the Virginia Czech & Slovak Folklife Festival due to the area's high concentration of immigrant families dating back to the turn of the century; and

WHEREAS, the Virginia Czech & Slovak Folklife Festival is a free, family-friendly outdoor event featuring authentic Eastern European food, crafts, exhibitions, and music and polka dancing; and

WHEREAS, attendees of the Virginia Czech & Slovak Folklife Festival are encouraged to bring family photos, letters, and documents to be scanned and preserved for future generations; and

WHEREAS, the Virginia Czech & Slovak Folklife Festival is a celebration of the immigrants and their families who helped shape cultural life in Central Virginia, while also contributing to the community in a wide variety of trades and professions; now, therefore, be it

RESOLVED by the Senate of Virginia, That the Virginia Czech & Slovak Folklife Festival hereby be commended on the occasion of its fifth anniversary in 2018; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Virginia Czech & Slovak Folklife Festival as an expression of the Senate of Virginia's admiration for the important contributions of Czech and Slovak immigrants to Virginia and the United States.

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## ACTS OF ASSEMBLY

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**SENATE RESOLUTION NO. 17***Celebrating the life of the Honorable Earle C. Mobley.*

Agreed to by the Senate, February 1, 2018

WHEREAS, the Honorable Earle C. Mobley, a judge of the Portsmouth Juvenile and Domestic Relations District Court and a man of deep and abiding faith who devoted his life to serving others, died on October 22, 2017; and

WHEREAS, Earle Mobley graduated from Portsmouth Catholic High School, where he was a fierce competitor on the baseball and basketball teams; he continued playing baseball at Virginia Wesleyan University, where he earned a bachelor's degree; and

WHEREAS, after receiving a law degree from Regent University, Earle Mobley worked as a defense attorney in private practice before serving as an Assistant Commonwealth's Attorney; and

WHEREAS, Earle Mobley was elected as Portsmouth Commonwealth's Attorney in 2001; he served the city with dedication and distinction, prioritizing public integrity investigations and murder cases; and

WHEREAS, in 2014, Earle Mobley was appointed as a judge of the Portsmouth Juvenile and Domestic Relations District Court of the Third Judicial District of Virginia, where he presided with great fairness and wisdom; and

WHEREAS, well known for his humility and compassion and guided by his deeply held convictions and an unshakable sense of right and wrong, Earle Mobley touched countless lives in Portsmouth and throughout the Commonwealth; and

WHEREAS, predeceased by a daughter, Rebekah, Earle Mobley will be fondly remembered and greatly missed by his wife, Barbara; his children, Hannah, Emma, John, and Kenny, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of the Honorable Earle C. Mobley, a respected judge of the Portsmouth Juvenile and Domestic Relations District Court and a highly admired member of the Portsmouth community; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of the Honorable Earle C. Mobley as an expression of the Senate of Virginia's respect for his memory.

**SENATE RESOLUTION NO. 18***Commending Bishop Curtis Eugene Edmonds, Sr.*

Agreed to by the Senate, February 8, 2018

WHEREAS, Bishop Curtis Eugene Edmonds, Sr., a respected church leader who has provided spiritual guidance to countless people at St. Mark Missionary Baptist Church in Portsmouth, celebrated his 25th pastoral anniversary in 2017; and

WHEREAS, a Portsmouth native, Bishop Edmonds attended I.C. Norcom High School and served his country in the United States Air Force, completing a tour of duty in Vietnam; following his honorable discharge from the Air Force, he worked at the Norfolk Naval Shipyard while earning his academic degrees; and

WHEREAS, Bishop Edmonds earned a bachelor's degree from Norfolk State University, a master's degree from Virginia Union University School of Theology, and a doctor of ministry degree from United Theological Seminary in Dayton, Ohio; and

WHEREAS, since 1992, Bishop Edmonds has served as pastor of St. Mark Missionary Baptist Church in Portsmouth; under his able leadership, St. Mark has created dozens of new ministries, grown from 350 to 2,400 members, and moved to a state-of-the-art, 52,200 square-foot church facility; and

WHEREAS, Bishop Edmonds' dedication, spiritual wisdom, and kind, gentle demeanor have earned him the love and respect of both his congregation and the Portsmouth community; in 2007, St. Mark consecrated him as the first bishop in the church's 115-year history; and

WHEREAS, Bishop Edmonds is a past president of the Tidewater Metro Baptist Ministers' Conference and has been involved with a variety of religious organizations, including the Sharon Missionary Baptist Association, the Baptist General Convention, the Lott Carey Foundation, the Hampton Ministers' Conference, the National Baptist Convention, and the Congress of Christian Education; and

WHEREAS, a member of the Portsmouth City Council from 2010 to 2016, Bishop Edmonds has also been spiritual advisor to the Portsmouth NAACP and a member of the transition team for Governor Mark Warner; and

WHEREAS, Bishop Edmonds' numerous awards and honors include being named the 2002 Man of the Year for the Mercer Foundation and a 2003 Implement the King Dream Honoree; and

WHEREAS, Bishop Edmonds is married to his high school sweetheart, Evelyn, and is the father of two sons, Curtis, Jr., and Kelton; now, therefore, be it

RESOLVED by the Senate of Virginia, That Bishop Curtis Eugene Edmonds, Sr., hereby be commended for his 25 years of exceptional service to St. Mark Missionary Baptist Church and the residents of Portsmouth; and, be it

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## ACTS OF ASSEMBLY

[VA.,

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Bishop Curtis Eugene Edmonds, Sr., as an expression of the Senate of Virginia's admiration for his many achievements and best wishes for the future.

**SENATE RESOLUTION NO. 19**

*Celebrating the life of Darnell Johnson.*

Agreed to by the Senate, February 8, 2018

WHEREAS, Darnell Johnson, an active member of the Chesapeake community and a respected educator with a commitment to lifelong learning, died on November 9, 2017; and

WHEREAS, born in Henderson, North Carolina, Darnell Johnson attended Elizabeth City State University, where he earned his undergraduate degree in mathematics and was captain of the football team and president of the student government association; he then earned a graduate degree from the University of Kentucky in 1977, a certificate from Old Dominion University in 1986, and a doctorate from George Washington University in 2000; and

WHEREAS, a dedicated educator, Darnell Johnson spent 30 years in the Portsmouth Public Schools, first as a mathematics teacher and assistant principal and later as a community school liaison and principal at the New Directions Center and Churchland Middle School; and

WHEREAS, after retiring from the Portsmouth Public Schools in 2004, Darnell Johnson embarked on a second career in higher education; he served as Hampton University's assistant dean of education and then returned to his alma mater at Elizabeth City State University, where he served as an endowed professor and chair of the mathematics department; and

WHEREAS, Darnell Johnson taught at Elizabeth City State University for over a decade and was one of its most popular and successful professors; following his retirement in 2015, he remained active with the university by assisting with pre-college outreach; and

WHEREAS, outside of his distinguished teaching career, Darnell Johnson gave back to his community by working with New Men for Progress, an education nonprofit, and by serving as chaplain at the Portsmouth City Jail; and

WHEREAS, Darnell Johnson was happiest when spending time with family, supporting Elizabeth City State University, and watching his favorite football team, the Dallas Cowboys; a man of strong faith, he enjoyed fellowship and worship at Third Baptist Church in Portsmouth; and

WHEREAS, Darnell Johnson will be fondly remembered and dearly missed by his wife, Stephanie; daughter, Dawn, and her family; and countless other family members, friends, and Chesapeake residents; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Darnell Johnson, a devoted educator who gave generously of his time in service to his community; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Darnell Johnson as an expression of the Senate of Virginia's respect for his memory.

**SENATE RESOLUTION NO. 20**

*Commending Thierry G. Dupuis.*

Agreed to by the Senate, February 15, 2018

WHEREAS, on September 1, 2017, Thierry G. Dupuis retired as chief of the Chesterfield County Police Department following a distinguished 40-year career in law enforcement; and

WHEREAS, a graduate of Fork Union Military Academy, Thierry Dupuis earned an associate's degree from John Tyler Community College, a bachelor's degree from Virginia Commonwealth University, and a master's degree from Averett College; and

WHEREAS, Thierry Dupuis began his career in 1977 as a deputy with the Richmond Sheriff's Office; he then worked briefly with the Virginia Commonwealth University Police Department before joining the Chesterfield County Police Department in 1979; and

WHEREAS, during his 38-year career with the Chesterfield County Police Department, Thierry Dupuis worked his way up from patrol officer to sergeant, lieutenant, captain, major, and lieutenant colonel; when he was named Chesterfield's seventh chief of police in 2007, he became its first chief to have held every rank within the department; and

WHEREAS, under Thierry Dupuis' able leadership, the Chesterfield County Police Department forged strong bonds with the local community, won accreditation from the Commission on Accreditation for Law Enforcement Agencies, and implemented a new crisis intervention training program to prepare officers for assisting people suffering from mental health issues; and

WHEREAS, throughout his career, Thierry Dupuis demonstrated his commitment to excellence by continuing his training and graduating from the Administrative Officers Management Program at North Carolina State University, the Drug Unit Commanders Academy at the Drug Enforcement Administration, the Professional Executive Leadership School

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at the University of Richmond, and the LEAD program at the University of Virginia's Weldon Cooper Center for Public Service; and

WHEREAS, along with serving as an adjunct professor at Virginia Commonwealth University, Thierry Dupuis also sat on several boards, including the board of Substance Abuse Free Environment, Inc. (SAFE), the John Tyler Alcohol Safety Action Program (ASAP) Policy Board, and the Chesterfield and Colonial Heights Community Criminal Justice Board; and

WHEREAS, during his distinguished tenure with Chesterfield County, Thierry Dupuis earned the trust and respect of his community and served as a mentor and role model for countless fellow officers; and

WHEREAS, in his well-deserved retirement, Thierry Dupuis plans to spend time with family and enjoy golf and fly fishing; now, therefore, be it

RESOLVED by the Senate of Virginia, That Thierry G. Dupuis hereby be commended on the occasion of his retirement as chief of the Chesterfield County Police Department; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Thierry G. Dupuis as an expression of the Senate of Virginia's admiration for his tireless efforts to serve and protect the residents of Chesterfield County.

**SENATE RESOLUTION NO. 21**

*Celebrating the life of Sidney Belt Harvey III.*

Agreed to by the Senate, February 8, 2018

WHEREAS, Sidney Belt Harvey III, a beloved husband and father, devoted educator, and respected member of the Elk Creek community, died on July 26, 2017; and

WHEREAS, born and raised in Elk Creek, Sidney Harvey graduated from Elk Creek High School and then served in the United States Air Force as a military radio operator during the Korean War; and

WHEREAS, after leaving the military, Sidney Harvey attended Virginia Tech and graduated with a bachelor's degree in education in 1956; during the next 20 years, he returned to the school twice to earn a graduate degree in education and a doctoral degree in school administration; and

WHEREAS, after earning his first degree, Sidney Harvey followed a lifelong dream and became a schoolteacher; during his distinguished 41-year career in education, he also served as a principal and coach and as the general supervisor, director of instruction, and division superintendent of Grayson County Public Schools; and

WHEREAS, in addition to his dedication to the public schools, Sidney Harvey gave generously of his time in service to his community; he established an annual fishing olympics for special needs students, served on the board of directors for Wytheville Community College, and was a member of Elk Creek Rescue Squad Auxiliary and a 32nd degree Mason; and

WHEREAS, Sidney Harvey was happiest when spending time with his family and enjoying fellowship and worship at Lebanon United Methodist Church; he was also an enthusiastic Virginia Tech fan who kept a large collection of memorabilia related to the school's history; and

WHEREAS, Sidney Harvey will be fondly remembered and dearly missed by his wife of 61 years, Shirley; son, David, and his family; and countless friends and members of the Elk Creek community; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Sidney Belt Harvey III, a committed educator with a passion for lifelong learning; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Sidney Belt Harvey III as an expression of the Senate of Virginia's respect for his memory.

**SENATE RESOLUTION NO. 22**

*Celebrating the life of Lieutenant H. Jay Cullen III.*

Agreed to by the Senate, February 9, 2018

WHEREAS, Lieutenant H. Jay Cullen III, an experienced helicopter pilot and the commander of the Virginia State Police Aviation Unit, died in the line of duty on August 12, 2017; and

WHEREAS, a native of New York, Jay Cullen graduated from Germantown High School in Tennessee in 1987, then earned a bachelor's degree from Embry-Riddle Aeronautical University and worked as a flight instructor in Front Royal and Winchester; and

WHEREAS, desirous to be of service to the Commonwealth, Jay Cullen joined the Virginia State Police, graduating with the 90th Basic Session in 1994; he was first assigned to the Fairfax Division Area 9 Office, then joined the Aviation Unit in 1999; and

WHEREAS, between 1999 and 2017, Jay Cullen served at Virginia State Police aviation bases in Manassas, Lynchburg, and Chesterfield County; and

WHEREAS, during that time, Jay Cullen also graduated from the National Criminal Justice Command College at the University of Virginia and served as a pilot for Governor Terence R. McAuliffe; and

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[VA.,

WHEREAS, in February 2017, Jay Cullen achieved the rank of lieutenant and was named commander of the Virginia State Police Aviation Unit; and

WHEREAS, Jay Cullen made the ultimate sacrifice near Charlottesville while providing helicopter support to officers on the ground; and

WHEREAS, Jay Cullen served the Commonwealth with integrity, and his sacrifice is a reminder of the dangers bravely faced by law enforcement officers and first responders throughout the United States every day; and

WHEREAS, in recognition of his exceptional leadership of and contributions to the Virginia State Police Aviation Unit, the Chesterfield Aviation Base was renamed as the Lieutenant H. Jay Cullen Hanger in his honor; and

WHEREAS, Jay Cullen will be fondly remembered and greatly missed by his wife, Karen; their two sons; and numerous other family members, friends, and fellow law enforcement officers; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Lieutenant H. Jay Cullen III, a respected Virginia State Police aviator; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Lieutenant H. Jay Cullen III as an expression of the Senate of Virginia's respect for his memory.

**SENATE RESOLUTION NO. 23**

*Celebrating the life of Father Gerard Creedon.*

Agreed to by the Senate, February 8, 2018

WHEREAS, Father Gerard Creedon, a dedicated and respected priest who offered spiritual guidance to countless people in Northern Virginia, died on November 16, 2017; and

WHEREAS, a native of County Cork, Ireland, Father Creedon was the fourth of 14 children born to his parents, John and Margaret; he attended seminary at All Hallows College in Dublin and was ordained a priest for the Diocese of Richmond in 1968; and

WHEREAS, Father Creedon held a bachelor's degree from University College in Dublin, a master's degree in theology from Washington Theological Union, and a master's degree in social work from the Catholic University of America in Washington, D.C.; and

WHEREAS, Father Creedon began his church service in 1968 as parochial vicar of Blessed Sacrament Catholic Church in Alexandria; he later served as parochial vicar at St. Luke Catholic Church in McLean and St. Agnes Catholic Church in Arlington and as a pastor at Good Shepherd Catholic Church in Alexandria; and

WHEREAS, between 1981 and 1988, Father Creedon served as the director of diocesan Catholic Charities; in 1991, he relocated to Bánica, Dominican Republic, where he worked as founding pastor of the diocesan mission and spearheaded several influential social projects, including the opening of a pharmacy and funeral home and the establishment of an ambulance program; and

WHEREAS, Father Creedon spent 15 years as pastor of St. Charles Borromeo Catholic Church in Arlington and from 2010 until his death he was pastor of Holy Family Catholic Church in Dale City; and

WHEREAS, a tireless advocate for immigrants and the poor, Father Creedon served the church and the community as diocesan director of Catholic Relief Services, diocesan director of the Catholic Campaign for Human Development, and as a leader of the Virginia Interfaith Center for Public Policy, Social Action Linking Together (SALT), and Virginians Organized for Interfaith Community Engagement (VOICE); and

WHEREAS, Father Creedon served on the Virginia Catholic Conference's Respect Life, Health and Social Concerns Policy Committee for over a decade; he was also the founder of Catholics for Housing and Gabriel Homes for people with disabilities and developed the diocesan Peace and Justice Commission, which works to increase understanding of Catholic social teachings; and

WHEREAS, among other honors, Father Creedon was the recipient of the First Home Alliance's Alliance Leadership Award, the Ignatian Volunteer Corps's Della Strada Award, and the Alliance for Housing Solutions' Ellen Bozman Affordable Housing Award; and

WHEREAS, a talented musician who sang and played violin and mandolin, Father Creedon was also an accomplished writer and artist whose poetry was published in *Poetry Ireland Review*; and

WHEREAS, during his many years of service, Father Creedon's compassion, kindness, and spiritual leadership earned him the admiration and respect of both his parishioners and fellow clergy; and

WHEREAS, predeceased by his brothers, Michael, Cornelius, and Richard, Father Creedon will be fondly remembered and dearly missed by his brothers and sisters, Therese, Nora Mary, Oliver, Bernard, Thomas, Joseph, Dominic, William J., Miriam, and Margaret, their families, and his sister-in-law, Lorna, as well as countless other friends, parishioners, and members of both the Arlington and Dale City communities; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Father Gerard Creedon, a beloved priest who dedicated his life to ministering to others and serving the less fortunate; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Father Gerard Creedon as an expression of the Senate of Virginia's respect for his memory.

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## ACTS OF ASSEMBLY

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## SENATE RESOLUTION NO. 24

*Commending Sonnie P. Penn Elementary School.*

Agreed to by the Senate, February 8, 2018

WHEREAS, Sonnie P. Penn Elementary School, a public school in Prince William County, has promoted academic excellence, a positive and safe school climate, and supportive relationships among its students, staff, and the community for 20 years; and

WHEREAS, Penn Elementary School, located on Queen Chapel Road, was named for Sonnie P. Penn, who inspired large numbers of students to achieve greatness and served as a tremendous role model; he is remembered as not only an educator of 20 years, but an active leader in the community who inspired children in phenomenal ways; and

WHEREAS, Penn Elementary School opened with approximately 500 students in its first year; by the 2016-2017 academic year, it had grown to serve 875 pre-kindergarten through fifth-grade students, with more than 90 faculty and staff members; and

WHEREAS, the population of Penn Elementary School is diverse and nearly mirrors that of Prince William County, with the student body being 29 percent English Language Learners, 27 percent Hispanic, 25 percent African American, 28 percent White, and 12 percent Asian; and

WHEREAS, to maintain Penn Elementary School's facility and provide additional space for its growing student body, additional classrooms and a wing were added in 2012-2013; the seven new classrooms and improved office space helped the school meet the needs of the community; and

WHEREAS, Penn Elementary School is a past and current recipient of the School of Excellence award, the highest distinction awarded by the Prince William County School Board, and it continues to grow as an academic leader; and

WHEREAS, Penn Elementary School has a history of community support through partnerships with local businesses; the school promotes parent involvement through its Parent-Teacher Organization, Career Days, Multicultural Nights, English language acquisition and Parents as Educational Partners classes, and the American Heart Association Jump Rope for Heart event; and

WHEREAS, Penn Elementary School uses the Positive Behavior Intervention Support and Responsive Classroom model, a nationally recognized approach that fosters a strong sense of community, creates a safe environment in which students learn and grow, and sets high expectations for teacher and student behavior; and

WHEREAS, Penn Elementary School also embraces professional development for its faculty, implements best practices for English Language Learners, and supports cultural competency and the integration of technology in the classroom; and

WHEREAS, Penn Elementary School offers many student leadership and extracurricular opportunities, including robotics, safety patrols, strings, chorus, Girl Smarts, and after-school enrichment to promote academic and behavioral success; now, therefore, be it

RESOLVED by the Senate of Virginia, That Sonnie P. Penn Elementary School hereby be commended on the occasion of its 20th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Sonnie P. Penn Elementary School as an expression of the Senate of Virginia's admiration for the school's contributions to the community and dedication to giving students a strong foundation for lifelong learning.

## SENATE RESOLUTION NO. 25

*Commending the Reverend Elbert T. Knight.*

Agreed to by the Senate, February 15, 2018

WHEREAS, in September of 2016, the Reverend Elbert T. Knight celebrated 35 years of providing spiritual leadership as pastor of Mt. Carmel Baptist Church in Portsmouth; and

WHEREAS, Reverend Knight began his Mt. Carmel Baptist Church pastoral career in September of 1981, having previously served as pastor at Mt. Bethel Baptist Church in Virginia Beach; and

WHEREAS, since joining Mt. Carmel Baptist Church, Reverend Knight has won the love and respect of his congregants for his kindness, conviction, and dedication; under his able leadership, the church has grown from around two dozen people to several hundred; and

WHEREAS, Reverend Knight has also overseen the church's physical growth, including the addition of 100 paved parking spaces with lighting, the purchase of nine parcels of land, the renovation and enlargement of the sanctuary and choir loft, and the addition of a new administrative wing that includes a fellowship hall, conference room, and offices; and

WHEREAS, during Reverend Knight's long and distinguished tenure, Mt. Carmel Baptist Church has expanded its spiritual mission and its community involvement through several new ministries, including the Mission and Benevolence Ministry, the Evangelism Ministry, and the Alfreda Knight Golden Age Ministry; and

WHEREAS, since 1998, Mt. Carmel Baptist Church has also hosted a drug treatment program that serves some 65 people a week and is used by courts and officials across the Tidewater region; and

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[VA.,

WHEREAS, through his spiritual leadership, Reverend Knight has touched the lives of countless people and become a valued community leader in Portsmouth; now, therefore, be it

RESOLVED by the Senate of Virginia, That the Reverend Elbert T. Knight hereby be commended on his 35 years of exemplary service to Mt. Carmel Baptist Church and the residents of Portsmouth; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Reverend Elbert T. Knight as an expression of the Senate of Virginia's admiration for his achievements and best wishes for future success.

**SENATE RESOLUTION NO. 26**

*Commending VersAbility Resources.*

Agreed to by the Senate, February 15, 2018

WHEREAS, in 2018, VersAbility Resources celebrates 65 years of admirable service to people with developmental and other disabilities in Virginia; and

WHEREAS, a nonprofit organization founded in Hampton in 1953 as the Peninsula ARC and later known as The Arc of the Virginia Peninsula, VersAbility Resources has remained steadfastly dedicated to its mission of supporting people with disabilities as they lead productive and fulfilling lives; and

WHEREAS, VersAbility Resources currently serves 1,600 people annually in early childhood, day support, community living, and four employment programs in Hampton Roads, the Middle Peninsula, the Northern Neck, and beyond; and

WHEREAS, VersAbility Resources now employs over 800 people with an annual budget of \$44 million; it is both a trusted and valued service provider and a major business and employer in the Commonwealth, across the country, and as far away as Guam; and

WHEREAS, VersAbility Resources provides early intervention services to more than 870 infants and toddlers with disabilities in Virginia every year; and

WHEREAS, VersAbility Resources owns and operates 10 homes in Hampton, Newport News, and Yorktown, where 47 people with significant disabilities live and receive the highest standards of care; and

WHEREAS, VersAbility Resources delivers day support services to more than 120 Virginians with disabilities, helping them learn, grow, and remain engaged in community activities; and

WHEREAS, for six and a half decades, VersAbility Resources has cultivated diverse employment programs for people with disabilities that provide them with the dignity of work and an array of options to preserve employment choice; and

WHEREAS, VersAbility Resources is a dynamic, innovative industry leader, committed to developing programs that meet the changing needs of individuals with developmental disabilities and their families; now, therefore, be it

RESOLVED by the Senate of Virginia, That VersAbility Resources, an asset to the disability community and the entire Commonwealth, hereby be commended on the occasion of its 65th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Kasia Grzelkowski, president and chief executive officer of VersAbility Resources, as an expression of the Senate of Virginia's sincere appreciation for VersAbility's steadfast efforts to improve the lives of citizens with disabilities.

**SENATE RESOLUTION NO. 27**

*Commending the National Counseling Group.*

Agreed to by the Senate, February 15, 2018

WHEREAS, for 25 years, the National Counseling Group has provided a wide range of mental health services and treatments to meet the needs of individuals and families across the Commonwealth; and

WHEREAS, the National Counseling Group (NCG) first opened its doors in 1993 with a single location in Annandale; today, the company has locations across Virginia and has served over 40,000 people; and

WHEREAS, NCG's outpatient mental health services include psychological evaluations, threat risk assessments, counseling, and medication management; the company also provides substance abuse counseling, behavioral therapy, and other treatments for people struggling with addiction; and

WHEREAS, to assist in emergencies, NCG provides 24-hour rapid-response services to safely stabilize, assess, and counsel individuals undergoing mental health crises; and

WHEREAS, as the largest provider of community-based behavioral health services in the Commonwealth, NCG offers in-home mental health support, skills training, and parent coaching for adults as well as in-school interventions and specialized therapeutic day treatment for children and young adults; and

WHEREAS, through its Embrace Treatment Foster Care division, NCG provides foster placement services and helps train and certify foster parents to care for children and adolescents with emotional, behavioral, and social issues or medical needs; and

WHEREAS, committed to innovation and excellence in mental health care, NCG operates the ncgCARE Institute, which provides training and seminars, quality assurance research, and a think tank dedicated to developing new programs and services; and

WHEREAS, during its many years of success, NCG has established itself as a leader in mental health care and substance abuse services and has provided life-changing treatment to numerous Virginians; now, therefore, be it

RESOLVED by the Senate of Virginia, That the National Counseling Group hereby be commended for its years of service to the residents of the Commonwealth on the occasion of its 25th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the National Counseling Group as an expression of the Senate of Virginia's admiration for its many contributions to public health and best wishes for continued success.

### SENATE RESOLUTION NO. 28

*Commending the Virginia Capitol Police.*

Agreed to by the Senate, February 15, 2018

WHEREAS, the Virginia Capitol Police originated at the first permanent English settlement in Jamestown; and

WHEREAS, in 1618, the Guard, consisting of 10 men, was formed to protect the Governor and was expanded in 1663 to also protect the Council and the Colonial Assembly; and

WHEREAS, the Guard remained an integral part of the executive and legislative processes when the Capitol was moved to Williamsburg in 1699 and when the Capitol was subsequently relocated in 1780 to its current home in Richmond; and

WHEREAS, the Public Guard was established by the General Assembly in 1801 to protect public property in Richmond, giving way in 1869 to the Virginia Capitol Police, as it is currently known; and

WHEREAS, the Virginia Capitol Police today is a multifaceted, progressive agency with varied responsibilities, including the maintenance and 24-hour security of the buildings and grounds of the Capitol and other designated state office buildings and properties in the Richmond area; and

WHEREAS, the Virginia Capitol Police is also responsible for the investigation of crimes occurring on these sites, patrolling and manning these properties, enforcing traffic and criminal laws, answering complaints, responding to alarms, promoting community relations and crime prevention, and providing nontraditional police services to state agencies, state employees, and elected officials; and

WHEREAS, the Virginia Capitol Police provides numerous services to legislative, executive, and judicial branch agencies in Richmond; keeps the public peace during rallies, demonstrations, civil disturbances, and riots; has concurrent jurisdiction with law-enforcement officers in Richmond and contiguous counties in cases involving the theft or misappropriation of the personal property of any member or employee of the General Assembly; and

WHEREAS, the Virginia Capitol Police provides security to the Governor, members of the Governor's family, Lieutenant Governor, Attorney General, Supreme Court justices, Court of Appeals judges, and members of the General Assembly; and

WHEREAS, immediately following the terrorist attacks on September 11, 2001, the Virginia Capitol Police put into action a plan that provided measured, responsible, and reasonable protection for the Commonwealth's seat of government; and

WHEREAS, in 2010, the Virginia Capitol Police became one of less than 20 percent of the eligible law-enforcement agencies in the Commonwealth to earn accreditation from the Virginia Law Enforcement Professional Standards Commission, a distinguished status that the Virginia Capitol Police continues to maintain; and

WHEREAS, since the creation of the Virginia Capitol Police, its men and women have served with honor, pride, and distinction under extraordinary chiefs of police who have led the force during safe and perilous times; now, therefore, be it

RESOLVED by the Senate of Virginia, That the Virginia Capitol Police hereby be commended on the occasion of the agency's 400th anniversary of providing progressive law enforcement to the Commonwealth; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Colonel Anthony S. Pike, chief of the Virginia Capitol Police, as an expression of the Senate of Virginia's admiration for the exceptional service of all Virginia Capitol Police officers, chiefs, and support personnel who have served the Commonwealth over the centuries.

### SENATE RESOLUTION NO. 29

*Commending the Hanover High School girls' tennis team.*

Agreed to by the Senate, February 15, 2018

WHEREAS, the Hanover High School girls' tennis team won the Virginia High School League Group 4A state championship on June 10, 2017, at Roanoke College; and

WHEREAS, the Hanover High School Hawks' state championship win was the pinnacle of a record-breaking season that saw the team go undefeated while also claiming the conference and region crowns; and

1960

ACTS OF ASSEMBLY

[VA.,

WHEREAS, in the state final, the Hanover Hawks defeated the Sherando High School Warriors 5–1 to win the first team tennis championship in the school's history; and

WHEREAS, the Hanover Hawks took an early lead in the state championship, going up 4–1 after singles play with victories from Stephanie Broussard, Madison Moore, Mattie Moon, and Brooke Kazelskis; and

WHEREAS, the Hanover Hawks went on to clinch the team title in doubles play after Stephanie Broussard and Madison Moore defeated the Sherando Warriors' doubles pair 6–0, 6–0; and

WHEREAS, the team championship win came as vindication for the Hanover Hawks, who had lost in the state final in the two previous years; and

WHEREAS, the team title also completed a trifecta of 2017 state championships for the Hanover Hawks; Stephanie Broussard won the state singles title against an opponent from Eastern View High School, and with teammate Madison Moore won the doubles title over Midlothian High School; and

WHEREAS, the Hanover High School girls' tennis team's state championship win is a testament to the skill and dedication of all its talented athletes, the strong leadership of coaches and staff, and the enthusiastic support of family, friends, and the entire Hanover High School community; now, therefore, be it

RESOLVED by the Senate of Virginia, That the Hanover High School girls' tennis team hereby be commended on winning the Virginia High School League Group 4A state championship; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Lindsey Wyeth Hein, head coach of the Hanover High School girls' tennis team, as an expression of the Senate of Virginia's admiration for the team's spectacular season.

**SENATE RESOLUTION NO. 30**

*Commending Mulberry Baptist Church.*

Agreed to by the Senate, February 15, 2018

WHEREAS, in 2018, Mulberry Baptist Church in Farnham celebrates 150 years of providing spiritual leadership, generous community outreach, and opportunities for joyful worship in the Baptist tradition; and

WHEREAS, Mulberry Baptist Church was founded in 1868, when African American members of the predominantly white Jerusalem Baptist Church in Emmerton split from the church and began holding their own services under a brush arbor of mulberry trees; and

WHEREAS, the first sanctuary for Mulberry Baptist Church was built on land donated by David Veney, who also served as the first official pastor; in 1953, the church community began work on its second building, which still stands at the present location in 2018; and

WHEREAS, Mulberry Baptist Church also preserves the history of the community and its families through its 150-year-old cemetery that spans three acres; and

WHEREAS, Mulberry Baptist Church has benefited from the wise leadership of 12 pastors over the course of its existence—David Veney, Lucius Harrod, John Wilkerson, Jacob Robinson, J.W. Tynes, L.D. Thomas, P.C. Young, W.H. Edwards, J.E. Toliver, Lewis Jackson, Karen Register-Veney, and Gernard E. Reed; and

WHEREAS, Mulberry Baptist Church places a high emphasis on Christian education and embraces the diversity of the community; the congregation also has a long legacy of producing talented singers and has hosted music festivals; and

WHEREAS, with a current membership of approximately 275 people, many former members have established clubs as far away as New York City to continue to foster the fellowship and sense of community found at Mulberry Baptist Church; and

WHEREAS, members of the Mulberry Baptist Church congregation have gone on to achieve success as craftsmen, entrepreneurs, civil servants, doctors, ministers, educators, and professionals in many other fields; now, therefore, be it

RESOLVED by the Senate of Virginia, That Mulberry Baptist Church hereby be commended on the occasion of its 150th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Reverend Gernard E. Reed, pastor of Mulberry Baptist Church, as an expression of the Senate of Virginia's admiration for the church's unique history and contributions to the community.

**SENATE RESOLUTION NO. 31**

*Celebrating the life of Barbara S. Klotz.*

Agreed to by the Senate, February 16, 2018

WHEREAS, Barbara S. Klotz, Director of Legislative Services for the Virginia Department of Motor Vehicles, died on November 11, 2017; and

WHEREAS, Barbara S. Klotz was born in Richmond and was the daughter of Ray and Lib Klotz; and

WHEREAS, Barbara S. Klotz graduated from Virginia Polytechnic Institute and State University and dedicated her career to public service in the Commonwealth for 43 years, including 31 years with the Virginia Department of Motor Vehicles; and

WHEREAS, Barbara S. Klotz will be fondly remembered as a tireless and faithful public servant for the people of the Commonwealth; and

WHEREAS, a woman of immense generosity and grace, Barbara S. Klotz was deeply devoted to caring for all living beings; and

WHEREAS, Barbara S. Klotz consistently supported charitable organizations by participating in the Commonwealth of Virginia Campaign, and she generously made and donated an abundant supply of her delicious baked goods to raise money for charitable causes throughout the years; and

WHEREAS, Barbara S. Klotz enjoyed preparing and delivering meals for those who were ill or in need; and

WHEREAS, Barbara S. Klotz was well known for her care of her beloved Rottweilers and other canine breeds, training and showing them in competition; having competed throughout the East Coast, she was particularly revered for her skill at superior canine training; and

WHEREAS, Barbara S. Klotz will be greatly missed by her brothers, Richard, William, and Raymond, Jr., and their wives, as well as nine nieces and nephews, and many other friends and colleagues; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Barbara S. Klotz; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Barbara S. Klotz, as an expression of the Senate of Virginia's respect for her memory.

### SENATE RESOLUTION NO. 32

*Commending Mark Lee Fischer.*

Agreed to by the Senate, February 15, 2018

WHEREAS, Mark Lee Fischer has dedicated 12 years of his life to being a significant and positive influence on young people as the head football coach for Louisa County High School; and

WHEREAS, Mark Lee Fischer has recorded 96 wins, including five Jefferson District titles, as head coach for the Louisa County High School football team; and

WHEREAS, Mark Lee Fischer led the Louisa County High School Lions to their two most successful seasons in history, finishing as the Virginia High School League Group (VHSL) AA Region II champions and state runners-up in 2006 and the state runners-up for VHSL Class 4 in 2017; and

WHEREAS, Mark Lee Fischer was named Virginia Coach of the Year by the Associated Press in 2006 and was voted as Jefferson District Coach of the Year six times by his peers in 2004, 2005, 2006, 2009, 2010, and 2017; and

WHEREAS, Mark Lee Fischer's belief in hard work, discipline, and dedication is the foundation of the positive qualities he instilled in his players and fellow members of the Louisa County community; and

WHEREAS, Mark Lee Fischer has spent more than 20 years as an educator and coach for Richmond Public Schools, Horry County Schools, and Louisa County Public Schools; and

WHEREAS, Mark Lee Fischer and his wife, Pam, have faithfully spent countless hours educating and mentoring students at Louisa County High School and Louisa County Middle School; and

WHEREAS, Mark Lee Fischer has created a legacy of compassion and toughness in his two children, Mackenzie and Troy; and

WHEREAS, throughout every challenge, both on and off the field, Mark Lee Fischer has remained steadfast in his decision to "Run through it"; now, therefore, be it

RESOLVED by the Senate of Virginia, That Mark Lee Fischer hereby be commended on the occasion of his retirement as head coach of the Louisa County High School football team; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Mark Lee Fischer as an expression of the Senate of Virginia's admiration for his work to support and inspire young people in Louisa County and the Commonwealth.

### SENATE RESOLUTION NO. 33

*Commending the Louisa County High School football team.*

Agreed to by the Senate, February 15, 2018

WHEREAS, the Louisa County High School football team of Mineral won the Virginia High School League Class 4A state semifinal on December 2, 2017, advancing to its first state championship game in over a decade; and

WHEREAS, relying on a stingy defense and a high-powered running and passing game, the Louisa County High School Lions ended the year with a stellar 14–1 record and had an average margin of victory of over 27 points; prior to the state semifinal, the team clinched both the district and region titles; and

1962

ACTS OF ASSEMBLY

[VA.,

WHEREAS, in the state semifinal contest, the Louisa County Lions defeated the Lafayette High School Rams 20–13 to reach the championship game; and

WHEREAS, the Louisa County Lions dominated the first half of the state semifinal and secured a 17–0 lead; quarterback Malik Bell threw a 26-yard touchdown pass to Caleb Turner, kicker Thomas Henley nailed a 27-yard field goal, and running back Raquan Jones charged his way to a three-yard rushing touchdown; and

WHEREAS, the Lafayette Rams rallied to score 13 points in the third quarter, but their comeback was halted by the Louisa County Lions' stout defense; the Lions' Devin Jackson-McGhee and Brandon Smith each recorded two sacks in the game, and Smith racked up a team high 11 tackles; Malik Bell, who also played defense, sealed the victory by making an interception with less than two minutes left in the game; and

WHEREAS, the Louisa County Lions' state semifinal win was particularly meaningful for retiring head coach Mark Lee Fischer, who achieved victory in his final home game after 12 years with the team; he was later named the district coach of the year; and

WHEREAS, nine Louisa County Lions players made the 2017 all-district squad, and defensive lineman Tony Thurston and linebacker Brandon Smith were named to the All-USA Virginia team by the website *USA Today* High School Sports; and

WHEREAS, the Louisa County High School football team's state semifinal win is a tribute to the skill and dedication of its talented student-athletes, the excellent guidance of its coaches and staff, and the enthusiastic support of family members, fans, and the entire Louisa County High School community; now, therefore, be it

RESOLVED by the Senate of Virginia, That the Louisa County High School football team hereby be commended on winning the Virginia High School League Class 4A state semifinal; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Mark Lee Fischer, head coach of the Louisa County High School football team, as an expression of the Senate of Virginia's admiration for the team's spectacular season.

**SENATE RESOLUTION NO. 34**

*Celebrating the life of Elton Jefferson Wade, Sr.*

Agreed to by the Senate, February 22, 2018

WHEREAS, Elton Jefferson Wade, Sr., a Mechanicsville resident and a dedicated public servant who enhanced the lives of community members as the Cold Harbor District representative on the Hanover County Board of Supervisors, died on December 24, 2017; and

WHEREAS, Elton Wade graduated from John Marshall High School in 1950 and went to work for the Reynolds Metals Company and American Machine and Foundry; for 52 years, he also ensured the safety of students in Hanover County as a bus driver and traffic guard; and

WHEREAS, desirous to be of further service, Elton Wade ran for and was elected to the Hanover County Board of Supervisors in 1991; he ably represented the residents of the Cold Harbor District for more than two decades, until his well-earned retirement in 2015; and

WHEREAS, Elton Wade served on the Parks and Recreation Advisory Committee and proudly oversaw the opening of Pole Green Elementary School and Pole Green Park in eastern Hanover County; and

WHEREAS, a life member of the Black Creek Volunteer Fire Department, Elton Wade safeguarded the lives and property of his fellow Hanover County residents for many years, and one of his proudest accomplishments was the construction of a new fire station for the department; and

WHEREAS, Elton Wade's work ethic, selflessness, and experience as a first responder served him well throughout his career in local government; during storms, earthquakes, and other emergency situations, he personally ensured that the residents in his district were safe and secure; and

WHEREAS, Elton Wade was a trusted mentor and friend to his peers in local government, and he served Hanover County with the utmost integrity, dedication, and distinction; and

WHEREAS, predeceased by his first wife, Jacqueline, Elton Wade will be fondly remembered and greatly missed by his wife of 12 years, Gay; his children, Stephannie, Jeff, and Sandra, and their families; his 23 foster children and their families; and numerous other family members, friends, and colleagues; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Elton Jefferson Wade, Sr., a consummate public servant who touched countless lives in Hanover County; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Elton Jefferson Wade, Sr., as an expression of the Senate of Virginia's respect for his memory.

**SENATE RESOLUTION NO. 35**

*Celebrating the life of Deputy Curtis Allen Bartlett.*

Agreed to by the Senate, February 22, 2018

WHEREAS, Deputy Curtis Allen Bartlett, a distinguished law-enforcement officer with a passion for serving and protecting the members of the Carroll County community, died in the line of duty on March 9, 2017; and

WHEREAS, Curtis Bartlett graduated from Galax High School and honorably served his country as a member of the United States Army and as a security officer at the United States Embassy in Baghdad, Iraq; and

WHEREAS, beginning in 2013, Curtis Bartlett joined the Carroll County Sheriff's Department as an unpaid auxiliary officer to maintain his law-enforcement certifications between deployments to Iraq, demonstrating unparalleled commitment to the community; and

WHEREAS, Curtis Bartlett also served with a police department in North Carolina before accepting a full-time position with the Carroll County Sheriff's Department in January 2017; and

WHEREAS, initially assigned as a school resource officer, Curtis Bartlett was stationed at Hillsville Elementary School and worked shifts at each of the county's elementary schools; he was well known for his ability to engage and connect with the students in his care; and

WHEREAS, Curtis Bartlett motivated his fellow deputies and members of the community to work toward healthier lifestyles as a CrossFit trainer and was also a skilled private pilot; and

WHEREAS, drawing on his experience as a military working dog handler, Curtis Bartlett had planned to train his dog, Tyco, as a bomb-sniffing dog for the Carroll County Sheriff's Department and had already used his own money to pay for certification courses; and

WHEREAS, Curtis Bartlett made the ultimate sacrifice while en route to assist other officers with an ongoing pursuit of a speeding vehicle; he was the first Carroll County law-enforcement officer to die in the line of duty since 1974 and only the third in the county's history; and

WHEREAS, admired for his positivity, work ethic, and enthusiasm for helping others, Curtis Bartlett served the Carroll County community with the utmost integrity, professionalism, and dedication; and

WHEREAS, Curtis Bartlett will be fondly remembered and greatly missed by his parents, Sam and Linda; his four siblings; and numerous other family members, friends, and fellow law-enforcement officers; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Deputy Curtis Allen Bartlett; and, be it RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Deputy Curtis Allen Bartlett as an expression of the Senate of Virginia's respect for his memory.

**SENATE RESOLUTION NO. 36**

*Commending Bel Air Elementary School.*

Agreed to by the Senate, February 22, 2018

WHEREAS, in 2018, Bel Air Elementary School in Prince William County celebrates 50 years of educating and nurturing the children of Woodbridge; and

WHEREAS, named for a plantation that once occupied the area, Bel Air Elementary School opened its doors in November 1968 after its construction on 15 acres of land donated by real estate developer C.D. Hylton; and

WHEREAS, Bel Air Elementary School includes over 80 faculty and staff who serve 420 preschool through fifth grade students; the diverse student body is 53 percent Spanish speakers and 41 percent English speakers and also includes children who speak Arabic, Cambodian, Mandarin Chinese, Farsi, Krio, Lao, Nepali, Pashto, Thai, Twi, Urdu, and Vietnamese; and

WHEREAS, committed to academic excellence, Bel Air Elementary School makes use of Positive Behavioral Interventions and Supports techniques and the Responsive Classroom model, which set high standards for learners while also fostering a schoolwide sense of community and safety; and

WHEREAS, Bel Air Elementary School encourages professional development in its dedicated faculty members and emphasizes best practices for English Language Learners as well as cultural competency, inclusive practices, and the integration of technology in the classroom; and

WHEREAS, Bel Air Elementary School maintains close ties to parents through its Parent Teacher Association, career days, and multicultural nights; the school also hosts English language acquisition and Parents as Educational Partners classes; and

WHEREAS, in 2007, Bel Air Elementary School underwent a full renovation that included construction of an eight-room addition; in 2009, the school added an activities room; and

WHEREAS, students at Bel Air Elementary School can participate in numerous extracurricular activities, including strings, chorus, robotics club, photography club, book club, music and drama club, Math 24 club, safety patrol, Green Team, student council, and after-school enrichment programs; and

1964

ACTS OF ASSEMBLY

[VA.,

WHEREAS, Bel Air Elementary School actively supports the American Heart Association, the American Cancer Society and Relay For Life, the Autism Society of America Northern Virginia Chapter, and Pennies for Panthers, which supports Bel Air families in need; and

WHEREAS, in 11 out of the 14 previous years, Bel Air Elementary School has received the School of Excellence award, the highest school distinction awarded by the Prince William County School Board; and

WHEREAS, through its innovative and student-focused curriculum, Bel Air Elementary School has enhanced the education of numerous children and helped prepare them for future success; now, therefore, be it

RESOLVED by the Senate of Virginia, That Bel Air Elementary School hereby be commended on the occasion of its 50th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Antoinette J. McDonald, principal of Bel Air Elementary School, as an expression of the Senate of Virginia's admiration for the school's commitment to its students and the surrounding community.

**SENATE RESOLUTION NO. 37**

*Celebrating the life of John Samuel Sims.*

Agreed to by the Senate, February 22, 2018

WHEREAS, John Samuel Sims, a loving husband and father, dedicated public servant, and respected member of the Louisa County community, died on January 24, 2018; and

WHEREAS, a Louisa County native, John Sims forged a successful 35-year career with the Commonwealth in the data processing field, last serving as a director of telecommunications; and

WHEREAS, from 1982 to 1990, John Sims also represented the Mineral District on the Louisa County Planning Commission; for the last five years of his tenure, he served as chairman; and

WHEREAS, following his retirement in 1997 from his career with the Commonwealth, John Sims joined his wife's antique and craft business, The Pine Cabinet, where he enjoyed assisting customers and meeting new people; and

WHEREAS, John Sims was a lifelong member of Gilboa Christian Church in Cuckoo and served for many years as its chairman of the board and as an elder and trustee; and

WHEREAS, known for his gentlemanly demeanor, John Sims was happiest when spending time with his family and enjoying his home, Woodfield; and

WHEREAS, John Sims will be fondly remembered and dearly missed by his wife of 60 years, Beverly; his sons, John Jr. and William, and their families; and many other family members and friends; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of John Samuel Sims, an active citizen who provided valuable service to the residents of Louisa County; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of John Samuel Sims as an expression of the Senate of Virginia's respect for his memory.

**SENATE RESOLUTION NO. 38**

*Celebrating the life of Ronald E. Carrier.*

Agreed to by the Senate, February 22, 2018

WHEREAS, Ronald E. Carrier, a bold visionary who touched countless lives as he helped James Madison University become one of the Commonwealth's most renowned institutions of higher education, died on September 18, 2017; and

WHEREAS, a native of Bluff City, Tennessee, Ronald "Ron" Carrier came from humble roots and learned the value of hard work and responsibility at a young age on his family's farm; he was active in high school sports and later credited one of his coaches with inspiring him to pursue higher education; and

WHEREAS, Ron Carrier earned a bachelor's degree from East Tennessee State University, where he was named class president and met the love of his life, the former Edith Marie Johnson; after graduation, the couple married and moved to Illinois, where he completed master's and doctoral degrees at the University of Illinois; and

WHEREAS, Ron Carrier began his career in education in 1960 as an associate professor of economics at the University of Mississippi; in 1963, he joined Memphis State University, where he served as a professor, director of research programs, provost, and vice president for academic affairs; and

WHEREAS, in 1971, Ron Carrier was named president of what was then known as Madison College; despite being the youngest college president in the United States at the time, his transformative leadership helped the college successfully adapt to coeducational learning; and

WHEREAS, among his many accomplishments, Ron Carrier changed the name of the college to James Madison University in 1977 and oversaw significant increases in enrollment, the incorporation of a Division I athletics program, and the addition of 40 new programs, five new colleges, and a graduate school; and

2018]

## ACTS OF ASSEMBLY

1965

WHEREAS, Ron Carrier took an active role in campus life, from helping interview entry-level positions and personally landscaping campus grounds to securing funds for more than 37 expansion and new construction projects during his tenure, including the Edith J. Carrier Arboretum and Botanical Gardens; and

WHEREAS, treating all of his faculty and staff equally, Ron Carrier inspired others to reach new heights of leadership through his folksy charm; he built strong, personal relationships with his students, many of whom affectionately knew him as "Uncle Ron"; and

WHEREAS, Ron Carrier placed a high emphasis on technology and worked to give his students every advantage for the future, founding the College of Integrated Science and Technology; he also served as president of the Commonwealth's Center for Innovative Technology from 1986 to 1987; and

WHEREAS, during his 46-year tenure, Ron Carrier guided James Madison University from a small college with 4,000 students, 500 employees, and a budget of \$9 million to become a world-class institution with more than 13,000 students, more than 1,700 employees, and an annual budget of \$168 million; and

WHEREAS, after his retirement as president, Ron Carrier continued to serve James Madison University as chancellor from 1998 to 2002, when he was named president emeritus; he also offered his leadership and wisdom to the Logistics Management Institute, the Romanian-American University, Fortune 500 companies, and other civic and service organizations; and

WHEREAS, Ron Carrier received many awards and accolades for his lifetime of service, including multiple honorary doctorates, and James Madison University's Carrier Library was renamed in his and his wife's honor in 1984; and

WHEREAS, predeceased by a son, Michael, Ron Carrier will be fondly remembered and greatly missed by his wife, Edith; daughters, Linda and Jennine, and their families; and numerous other family members, friends, colleagues, and former students; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Ronald E. Carrier, a titan of higher education who left behind a legacy of excellence to the James Madison University community and the entire Commonwealth; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Ronald E. Carrier as an expression of the Senate of Virginia's respect for his memory.

**SENATE RESOLUTION NO. 39***Commending Ron Belay.*

Agreed to by the Senate, February 22, 2018

WHEREAS, Ron Belay has served the Commonwealth with dedication and distinction in the field of criminal justice for five decades; and

WHEREAS, after graduating from Virginia Polytechnic Institute and State University, Ron Belay began his career in criminal justice as a juvenile probation officer in Christiansburg in 1968; he later worked for the Division of Youth Services under the now obsolete Department of Welfare and Institutions; and

WHEREAS, over the course of his 50-year career, Ron Belay saw the name of his agency change from the Division of Youth Services to the Division of Youth and Family Services in 1990 and the Department of Juvenile Justice in 1996; and

WHEREAS, Ron Belay has served as a probation officer, probation supervisor, and chief probation officer, and he is the director of the Twenty-ninth District Court Service Unit, handling cases in the counties of Bland, Buchanan, Dickenson, Giles, Russell, and Tazewell; and

WHEREAS, Ron Belay has served on several boards and task forces, including the State and Local Advisory Team and the board of New River Valley Detention Home; he also played a pivotal role in the creation of a group home for girls in Lebanon; and

WHEREAS, for the entirety of his career, Ron Belay has been an active member of what is now the Virginia Juvenile Justice Association, serving in many capacities at district and state levels, including 30 continuous years in leadership roles; he served as state president for eight years, state treasurer for two years, district chair for two years, and district treasurer for 20 years; and

WHEREAS, in recognition of Ron Belay's incredible contributions to the Virginia Juvenile Justice Association, the organization presented him with its Meritorious Award in the Area of Administration in 1989 and honored him as a lifetime member in 2017; and

WHEREAS, Ron Belay also works as a ski instructor in West Virginia and Colorado; in all his endeavors, he enjoys the love and support of his wife, two grown sons, two stepsons, two grandsons, and two step-grandchildren; now, therefore, be it

RESOLVED by the Senate of Virginia, That Ron Belay hereby be commended for his outstanding contributions to Virginia's criminal justice system; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Ron Belay as an expression of the Senate of Virginia's admiration for his more than 50 years of service to the Commonwealth.

1966

ACTS OF ASSEMBLY

[VA.,

SENATE RESOLUTION NO. 40

*Commending Donna Whitley-Smith.*

Agreed to by the Senate, February 22, 2018

WHEREAS, Donna Whitley-Smith, an experienced and respected educator who has touched the lives of countless students, will retire as superintendent of Page County Public Schools on June 30, 2018; and

WHEREAS, a native of Fairfax County, Donna Whitley-Smith earned a bachelor's degree from Madison College in 1975 and a master's degree from the University of Southern Mississippi in 1991; and

WHEREAS, Donna Whitley-Smith began her career in education in 1975 as a teacher at Grove Hill Elementary School, where she taught fourth through seventh grade; and

WHEREAS, in 1990, Donna Whitley-Smith was appointed assistant principal at Luray Elementary School; she became the school's principal the following year and continued to serve in that role until 2004, when she became Page County Public Schools' assistant superintendent for instruction; and

WHEREAS, Donna Whitley-Smith became acting superintendent of Page County Public Schools in August 2014, and her tenure as superintendent began the following month; and

WHEREAS, under Donna Whitley-Smith's diligent leadership, Page County Public Schools has established strong lines of communication, set new standards for teaching excellence, and recorded one of the highest graduation rates in the Commonwealth; and

WHEREAS, outside of her commitment to education, Donna Whitley-Smith is a lifelong animal lover who has been active in the Page County SPCA and the organizations Page Paws and Cat's Cradle; and

WHEREAS, during her more than 40-year career in education, Donna Whitley-Smith has maintained the highest standards of leadership and personal integrity and has served as a role model for her students and her fellow teachers and administrative personnel; now, therefore, be it

RESOLVED by the Senate of Virginia, That Donna Whitley-Smith hereby be commended on her distinguished career in education on the occasion of her retirement as superintendent of Page County Public Schools; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Donna Whitley-Smith as an expression of the Senate of Virginia's admiration for her years of service and best wishes for a well-deserved retirement.

SENATE RESOLUTION NO. 41

*Celebrating the life of James Michael Eastham, Sr.*

Agreed to by the Senate, February 22, 2018

WHEREAS, James Michael Eastham, Sr., a beloved husband and father, respected business leader, and enthusiastic supporter of the Front Royal community, died on November 17, 2017; and

WHEREAS, born and raised in Front Royal, James "Jim" Eastham attended Woodberry Forest School and graduated from Washington and Lee University and the Virginia Bankers School of Bank Management at the University of Virginia; and

WHEREAS, along with forging a successful 35-year career in banking and financial management, Jim Eastham was a tireless advocate for his hometown of Front Royal, serving as mayor for two terms from 2004 to 2008, as president of the Front Royal Rotary Club, and as chairman of the Front Royal-Warren County Chamber of Commerce; and

WHEREAS, Jim Eastham also brought his leadership talents to the Front Royal Planning Commission, the Warren Memorial Hospital Foundation, the Front Royal-Warren County Economic Development Authority, the Chamber of Commerce Foundation, and the Warren County Educational Endowment; and

WHEREAS, along with serving as an authority on the history of Front Royal, Jim Eastham was also a passionate supporter of beautification efforts in the town; among many other projects, he participated in the design of the town gazebo and the establishment of Eastham Park, which was created from land donated by his family; and

WHEREAS, Jim Eastham won numerous honors and recognitions during his lifetime, including the Blue Ridge Arts Council's 2005 Arts Citizen of the Year award and the Front Royal-Warren County Chamber of Commerce's 2008 Citizen of the Year award; in 2017, he was presented with the Robert E. "Bob" Miller Community Service Award by the Rotary Club of Front Royal for his wide-ranging contributions to his hometown; and

WHEREAS, outside of his career and community service, Jim Eastham had a lifelong interest in the arts and enjoyed fellowship and worship at Calvary Episcopal Church of Front Royal, where he served on numerous committees and sang in the choir; and

WHEREAS, Jim Eastham will be fondly remembered and greatly missed by his wife of 38 years, Denise; his children, Laura and James, and their families; and countless other family members, friends, and Front Royal residents; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of James Michael Eastham, Sr., a dedicated and influential member of the Front Royal community; and, be it

2018]

## ACTS OF ASSEMBLY

1967

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of James Michael Eastham, Sr., as an expression of the Senate of Virginia's respect for his memory.

**SENATE RESOLUTION NO. 42**

*Commending David McKee.*

Agreed to by the Senate, March 1, 2018

WHEREAS, David McKee, a dedicated educator who has served as director of Virginia Polytechnic Institute and State University's band for over 30 years, will retire in 2018 following a distinguished career in music; and

WHEREAS, a native of Indiana, David "Dave" McKee earned a bachelor's degree in music education from the Shenandoah Conservatory at Shenandoah University; he then spent several years as director of the bands at Westmoreland High School in Tennessee and Park View High School in Virginia; and

WHEREAS, in 1986, Dave McKee earned a master's degree in music education from Virginia Polytechnic Institute and State University; that same year, he joined Virginia Tech's faculty and became director of its band, the Marching Virginians; and

WHEREAS, during his 32 years as director of the Marching Virginians, Dave McKee has led the band through numerous performances at nationally televised Virginia Tech football games as well as appearances at professional football games, NASCAR races, parades, and other special events; and

WHEREAS, during his tenure with the band, Dave McKee has helped strengthen the Marching Virginians Alumni Association; in 2015, he oversaw the opening of the Marching Virginians Center, a new rehearsal space that includes a practice field, storage building, and pavilion; and

WHEREAS, in addition to overseeing the Marching Virginians, Dave McKee directs Virginia Tech's Symphony Band; in 2013, he conducted the school's symphonic wind ensemble at the storied New York City concert venue, Carnegie Hall; and

WHEREAS, over the course of his career at Virginia Tech, Dave McKee has also directed the University Campus Band and the Metro Pep Band; and

WHEREAS, a talented percussionist and teacher, Dave McKee frequently serves as a guest musician, conductor, clinician, and competition juror at music events around the nation; and

WHEREAS, Dave McKee was one of the premier Virginia rock and roll drummers, playing throughout the Commonwealth with the band Cacapon; and

WHEREAS, Dave McKee is a member of the Atlantic Coast Conference Band Directors Association and the Virginia Music Educators Association; his many awards include a 2005 Certificate of Teaching Excellence from Virginia Tech's College of Liberal Arts and Human Sciences; and

WHEREAS, throughout his notable tenure at Virginia Tech, Dave McKee has maintained the highest standards of excellence and won the respect of both students and colleagues for his leadership, dedication, and musical skill; now, therefore, be it

RESOLVED by the Senate of Virginia, That David McKee hereby be commended on his many years of exemplary service as senior instructor of music and band director at Virginia Polytechnic Institute and State University; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to David McKee as an expression of the Senate of Virginia's admiration for his impressive career accomplishments and best wishes for a well-deserved retirement.

**SENATE RESOLUTION NO. 43**

*Celebrating the life of Fred Melvin Reekes.*

Agreed to by the Senate, March 1, 2018

WHEREAS, Fred Melvin Reekes, a beloved educator, coach, and mentor who touched countless lives in the Brunswick County community, died on May 7, 2017; and

WHEREAS, a graduate of Brunswick County Public Schools, Fred "Freddie" Reekes returned to his home school system to help give students the same strong foundation for lifelong learning that he received as a youth; and

WHEREAS, as coach of the Brunswick High School boys' and girls' basketball teams, Freddie Reekes led the Bulldogs to more than 300 wins and helped develop future professional players; an inspirational leader, he motivated his athletes to work hard both on and off the court; and

WHEREAS, Freddie Reekes was also a trusted friend to his fellow teachers, enabling his peers to achieve personal and professional success and lifting the spirits of everyone he met; and

WHEREAS, in addition to his work in Brunswick Public Schools, Freddie Reekes served and inspired young men and women at Southside Virginia Community College; and

WHEREAS, a devoted family man, Freddie Reekes will be fondly remembered and greatly missed by his wife, Peggy; his daughters, Monica, Melissa, and Melanie, and their families, as well as numerous other family members and friends; he

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was a loved and devoted "Papa" to his cherished grandchildren Caleb, Colton, Cameron, Cullen, and Elizabeth; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Fred Melvin Reekes, a respected educator and an accomplished coach who inspired countless young people in Brunswick County; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Fred Melvin Reekes as an expression of the Senate of Virginia's respect for his memory.

**SENATE RESOLUTION NO. 44**

*Celebrating the life of Patricia Ann Nicholson Perkinson.*

Agreed to by the Senate, March 1, 2018

WHEREAS, Patricia Ann Nicholson Perkinson, devoted to her family and a beloved volunteer and member of the Brunswick County community, died on May 2, 2017; and

WHEREAS, a native of Triplet, Patricia Perkinson was born to the late William Howard and Ruby J. Nicholson and maintained strong ties to her family's roots in Georgia; and

WHEREAS, Patricia Perkinson attended Brunswick High School and continued her education at the Johnston-Willis Hospital School of Nursing, then worked at Johnston-Willis Hospital upon her graduation; and

WHEREAS, a generous volunteer, Patricia Perkinson donated her time and talents to Brunswick Academy and the Auxiliary at Community Memorial Hospital; she was also an active member of the Brunswick Garden Club; and

WHEREAS, Patricia Perkinson also helped preserve the Commonwealth's wetlands and upland wildlife habitats as a member of the nonprofit organization Ducks Unlimited, making many lifelong friendships; and

WHEREAS, Patricia Perkinson's greatest joy in life was her family, especially her cherished grandchildren, Nathan, Gavin, and Laura, who affectionately knew her as "Ma Pat" and with whom she shared many happy memories, especially at her beloved home on Lake Gaston; and

WHEREAS, predeceased by her husband of 52 years, Charles, Patricia Perkinson will be fondly remembered and greatly missed by her daughters, Tara, Tori, and Tricia, and their families, and numerous other family members and friends; and

WHEREAS, Patricia Perkinson enjoyed watching the sessions of the Senate of Virginia with her husband, Perk, every day, it is especially appropriate that; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Patricia Ann Nicholson Perkinson, who made many contributions to the Brunswick County community; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Patricia Ann Nicholson Perkinson as an expression of the Senate of Virginia's respect for her memory.

**SENATE RESOLUTION NO. 45**

*Celebrating the life of the Honorable Charles Alwyn Perkinson, Jr.*

Agreed to by the Senate, March 1, 2018

WHEREAS, the Honorable Charles Alwyn Perkinson, Jr., former chief judge of the Sixth Judicial District Juvenile and Domestic Relations District Court, died on August 22, 2016; and

WHEREAS, born in Richmond to the late Charles Alwyn and Virginia White Perkinson, Charles Perkinson grew up in Brunswick County, where he gained a lifelong appreciation for the treasures of small-town life; and

WHEREAS, after attending Washington and Lee University, Charles Perkinson earned his juris doctor degree from the University of Richmond's T.C. Williams School of Law; and

WHEREAS, Charles Perkinson was appointed as a judge of the Juvenile and Domestic Relations District Court of the Sixth Judicial District of Virginia, serving the Counties of Brunswick, Greensville, Prince George, Surry, and Sussex, and the Cities of Emporia and Hopewell; he presided over the court with great fairness and wisdom for many years, becoming chief judge; and

WHEREAS, Charles Perkinson served the Commonwealth with the utmost integrity, dedication, and distinction during his time on the bench; and

WHEREAS, Charles Perkinson also helped preserve the Commonwealth's wetlands and upland wildlife habitats as a member of the nonprofit organization Ducks Unlimited; he served the organization at the state and national levels, making many lifelong friendships; and

WHEREAS, Charles Perkinson's greatest joy in life was his family, especially his cherished grandchildren, Nathan, Gavin, and Laura, who affectionately knew him as "Pa Perk" and with whom he shared many happy memories, especially at his beloved home on Lake Gaston; and

WHEREAS, Charles Perkinson's wife of 52 years, Patricia, died on May 2, 2017; he will be fondly remembered and greatly missed by his daughters, Tara, Tori, and Tricia, and their families, and numerous other family members and friends; and

WHEREAS, Charles Perkinson enjoyed watching the sessions of the Senate of Virginia with his wife, Pat, every day, it is especially appropriate that; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of the Honorable Charles Alwyn Perkinson, Jr., a respected judge and active member of the Brunswick County community; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of the Honorable Charles Alwyn Perkinson, Jr., as an expression of the Senate of Virginia's respect for his memory.

#### SENATE RESOLUTION NO. 46

*Commending Charlotte A. Mary.*

Agreed to by the Senate, March 1, 2018

WHEREAS, Charlotte A. Mary, senior assistant clerk–fiscal and human resources of the Senate of Virginia, retires on August 1, 2018, after 30 years of service to the Commonwealth, including 22 years of outstanding service to the Senate of Virginia; and

WHEREAS, born and raised in South Hills, near Pittsburgh, Pennsylvania, Charlotte Mary relocated to Richmond in 1988 and worked for the Joint Legislative Audit & Review Commission as an office manager until 1996, when she joined the staff of the Senate of Virginia; and

WHEREAS, Charlotte Mary served as a senior fiscal accountant from 1996 to 1998, a benefits administrator from 1998 to 2000, and a fiscal officer from 2000 to 2011, when she was promoted to senior assistant clerk–fiscal and human resources; and

WHEREAS, among her many accomplishments while working with the Senate of Virginia, Charlotte Mary oversaw the conversion of employee service records into the Virginia Retirement System's VNAV and served on the steering committee for the integration of the Cardinal Payroll system; and

WHEREAS, Charlotte Mary assisted with an overhaul of the Employee Service Award program and the development of the Member Compensation database, the Automated Employee Leave system, and the Agency Reimbursement database; and

WHEREAS, Charlotte Mary also served on the Commonwealth of Virginia Campaign Advisory Council from 2002 to 2009, and she was the first person to receive the Virginia Human Resources Generalist certification from the Department of Human Resource Management in 2005; and

WHEREAS, Charlotte Mary received many awards and accolades for her exceptional service, including recognition from the Commonwealth Management Institute, Virginia Executive Institute, and the National Conference of State Legislatures Legislative Staff Management Institute; and

WHEREAS, Charlotte Mary interacted directly with many of her fellow Senate of Virginia employees in her role as a benefits specialist and retirement counselor, earning respect, admiration, and trust for her hard work, attention to detail, and honesty; and

WHEREAS, after her well-earned retirement, Charlotte Mary plans to spend more time with her husband, Joseph, and seek new opportunities to serve the community, especially through volunteer service with Operation Shoebox and the Honor Flight Network to support military service members and the SHINE program to assist seniors with health insurance issues; now, therefore, be it

RESOLVED by the Senate of Virginia, That Charlotte A. Mary hereby be commended for her three decades of public service and dedication to the Commonwealth on the occasion of her retirement from the Senate of Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Charlotte A. Mary as an expression of the Senate of Virginia's admiration for her contributions to the Commonwealth and best wishes for a happy retirement.

#### SENATE RESOLUTION NO. 47

*Commending the Manchester Middle School basketball team.*

Agreed to by the Senate, March 1, 2018

WHEREAS, the Manchester Middle School basketball team became the Chesterfield County Public Schools middle school basketball champions in 2017-2018; and

WHEREAS, the Manchester Middle School basketball team finished its championship season with a perfect 13-0 record; and

WHEREAS, demonstrating consistency throughout the season, the Manchester Middle School basketball team had an average 20-point lead per game; and

WHEREAS, the Manchester Middle School basketball team was coached by Michael Fei and Chris Meyer and guided by faculty, staff, and school administrators, under the leadership of principal Sarah Fraher; and

WHEREAS, the team's successful season is a testament to the skill and hard work of all 15 of the student-athletes and the enthusiastic support of the entire Manchester Middle School community; now, therefore, be it

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RESOLVED by the Senate of Virginia, That the Manchester Middle School basketball team hereby be commended on winning the Chesterfield County Public Schools basketball tournament; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Manchester Middle School basketball team as an expression of the Senate of Virginia's admiration for the team's achievements and best wishes for the future.

**SENATE RESOLUTION NO. 48**

*Commending Dr. Katherine G. Johnson.*

Agreed to by the Senate, March 6, 2018

WHEREAS, Dr. Katherine G. Johnson of Hampton, a distinguished mathematician with the National Aeronautics and Space Administration who was an integral member of the nation's space program for more than 30 years, from Project Mercury to the modern shuttle program, celebrates her 100th birthday in 2018; and

WHEREAS, born in White Sulphur Springs, West Virginia, in 1918, Dr. Katherine Johnson was a first-generation college student whose parents rented a house near West Virginia State University so she could complete her degree; exceptionally skilled in mathematics, she graduated from college summa cum laude at the age of 18; and

WHEREAS, after relocating to Newport News in 1952, Dr. Katherine Johnson found employment at the National Aeronautics and Space Administration (NASA) Langley Research Center at a time when African American women were typically assigned to all-black computer pools; and

WHEREAS, within weeks of her arrival, Dr. Katherine Johnson was asked to assist in the Spacecraft Dynamics Branch of the Flight Dynamics and Control Division, and her expertise would become crucial to every major American space program in the 20th century; and

WHEREAS, Dr. Katherine Johnson calculated the trajectory for the first manned spaceflight by an American in 1961, verified the first flight calculation made by a computer for the first orbit of the earth by an American, and worked on *Apollo 11's* trajectory to the moon in 1969; she later worked on additional shuttle and satellite programs; and

WHEREAS, an inspirational leader, Dr. Katherine Johnson has encouraged young men and women throughout the United States to pursue careers in science, technology, and mathematics; she has earned numerous other awards and accolades for her service to the Commonwealth, the nation, and the field of space exploration; and

WHEREAS, throughout the course of her career, Dr. Katherine Johnson has received the NASA Lunar Orbiter Achievement Award, the NASA Apollo Team Group Achievement Award, three NASA Special Achievement Awards, an honorary Doctorate of Laws from the State University of New York, and honorary Doctor of Science degrees from Capitol College and Old Dominion University, and she was honored by the National Technical Association as Mathematician of the Year in 1997; and

WHEREAS, on November 24, 2015, Dr. Katherine Johnson was presented with the Presidential Medal of Freedom, the nation's highest civilian honor, which recognizes individuals who have made meritorious contributions to the security or national interests of the United States, by President Barack H. Obama at a special ceremony at the White House; and

WHEREAS, Dr. Katherine Johnson's trailblazing contributions to science and mathematics were immortalized in the award-winning motion picture *Hidden Figures*, released on December 25, 2016, and she received two additional honorary Doctor of Science degrees from West Virginia University and West Virginia State University in 2016; in addition, the Katherine G. Johnson Computational Research Facility at NASA's Langley Research Center in Hampton was dedicated in her honor in 2017; and

WHEREAS, Dr. Katherine Johnson is also a Diamond Member of Alpha Kappa Alpha Sorority, with more than 75 years of service to the organization; now, therefore, be it

RESOLVED by the Senate of Virginia, That Dr. Katherine G. Johnson hereby be commended for her contributions to the American space program on the occasion of her 100th birthday; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Dr. Katherine G. Johnson as an expression of the Senate of Virginia's admiration for her achievements in service to the nation.

**SENATE RESOLUTION NO. 49**

*Commending Adrian K. Lund, Ph.D.*

Agreed to by the Senate, March 6, 2018

WHEREAS, Adrian K. Lund, Ph.D., a leader in the highway safety research field for the past 36 years, retired on January 15, 2018, as president of the Insurance Institute for Highway Safety and the Highway Loss Data Institute; and

WHEREAS, headquartered in Arlington, the Insurance Institute for Highway Safety and the Highway Loss Data Institute are independent, nonprofit scientific and educational organizations that share the mission of reducing the losses—deaths, injuries, and property damage—from motor vehicle crashes on the roads of Virginia and the entire nation; and

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WHEREAS, Dr. Lund received a bachelor's degree from North Carolina State University and a doctorate from the State University of New York at Buffalo; and

WHEREAS, Dr. Lund moved to Virginia in 1981 to join the Institutes as a behavioral scientist, becoming senior vice president for research in 1993, chief operating officer in 2001, and president in 2006; and

WHEREAS, throughout his career, Dr. Lund has conducted and guided a wide variety of scientific research to identify and develop countermeasures that reduce the deaths, injuries, and property damage from motor vehicle crashes; and

WHEREAS, under his leadership as president, Dr. Lund guided the development and use of crash test programs to educate consumers about the vehicles that provide the best overall performance in a crash; and

WHEREAS, Dr. Lund expanded the Insurance Institute for Highway Safety's evaluation programs to include roof strength, driver-side and passenger-side small overlap front protection, child booster seats, LATCH systems, and trailer underride guards; and

WHEREAS, Dr. Lund launched the first consumer evaluations of crash avoidance technologies, including front crash prevention and headlights, and positioned the Institute to evaluate automated vehicle technologies through a state-of-the-art expansion of the Vehicle Research Center in Ruckersville; and

WHEREAS, Dr. Lund expanded the research of the Highway Loss Data Institute, which produced groundbreaking work on the effectiveness of crash avoidance technologies; and

WHEREAS, under Dr. Lund's guidance, the work of the Insurance Institute for Highway Safety and the Highway Loss Data Institute has saved countless lives and prevented countless injuries on the roads of Virginia and the nation; now, therefore, be it

RESOLVED by the Senate of Virginia, That Adrian K. Lund, Ph.D., hereby be commended for his distinguished career in highway safety on the occasion of his retirement in 2018 as president of the Insurance Institute for Highway Safety and the Highway Loss Data Institute; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Adrian K. Lund, Ph.D., as an expression of the Senate of Virginia's admiration for his commitment to the safety and well-being of the drivers, passengers, pedestrians, motorcyclists, and bicyclists on the Commonwealth's roads.

**SENATE RESOLUTION NO. 50**

*Celebrating the life of Philip W. Ross.*

Agreed to by the Senate, March 6, 2018

WHEREAS, Philip W. Ross, a respected computer and technology professional and a champion for mental health in the Manassas community, died on February 14, 2018; and

WHEREAS, Philip "Phil" Ross grew up in the Howard Park neighborhood of Baltimore, Maryland, and graduated from the University of Maryland; and

WHEREAS, for 25 years, Phil Ross worked on large-scale computer and communications systems in both the public and private sectors; he offered his expertise to clients throughout the world, including the Department of Defense, National Aeronautics and Space Administration, Sperry Univac, and the Indonesian Ministry of Finance; and

WHEREAS, Phil Ross then planned and developed internet-enabled electronic commerce and banking systems, as well as large-scale data centers, until his well-earned retirement in 2001, when his focus turned to mental health advocacy; and

WHEREAS, Phil Ross worked with the National Alliance on Mental Illness (NAMI) to coordinate local, statewide, and national mental health treatment and education programs and cofounded a NAMI chapter in Prince William County; and

WHEREAS, in addition to holding leadership positions in NAMI Virginia, NAMI Northern Virginia, and NAMI Prince William, Phil Ross worked with mental health support groups and organizations through an ad hoc regional recovery workshop to provide grants to support local businesses focused on mental health; and

WHEREAS, Phil Ross also offered his time and leadership to the Board of Directors of Trillium Drop-In Center in Woodbridge, a jail diversion program, and a mental health stakeholders group; and

WHEREAS, Phil Ross will be fondly remembered and greatly missed by his beloved wife, Evelyn; children, Angie and Jim, and their families; and numerous other family members, friends, and colleagues; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Philip W. Ross, who touched countless lives through his work to promote and support mental health treatment; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Philip W. Ross as an expression of the Senate of Virginia's respect for his memory.

**SENATE RESOLUTION NO. 51**

*Commending the Virginia Association of Independent Specialized Education Facilities.*

Agreed to by the Senate, March 7, 2018

WHEREAS, the Virginia Association of Independent Specialized Education Facilities is an association of private Virginia providers of specialized education and services for children and youth with special needs and their families; and

WHEREAS, the Virginia Association of Independent Specialized Education Facilities (VAISEF) was chartered in 1973 for the purpose of developing and maintaining an effective collaborative relationship with public sector educational and human service agencies; and

WHEREAS, VAISEF has since established a mission to enhance the capabilities of its members to provide quality specialized education and services, by offering an accreditation process and providing information, training, and networking opportunities, and to increase opportunities for members to provide services, by advocating for a full continuum of services, advocating for an increased role of the private sector, and networking with state and local agencies; and

WHEREAS, VAISEF is now composed of more than 80 facilities, which, to be eligible, must be licensed by the Virginia Department of Education and engaged full time in the education and treatment of children and youth with special needs; and

WHEREAS, eligible VAISEF facilities must provide experiences that will enable the individual to develop physical, intellectual, social, and emotional capabilities to their fullest potential; to learn and live in a positive environment that is conducive to personal dignity and growth; and to continue the development of the knowledge, skills, and attitudes that will enhance participation in society; and

WHEREAS, VAISEF member facilities annually serve over 4,000 students with disabilities and their families, ensuring that they receive a quality education that meets their individual learning needs; and

WHEREAS, during the past 45 years, VAISEF, through its rigorous set of standards established to provide a framework for accreditation through a peer review process approved by the Virginia Council for Private Education and recognized by the Virginia State Board of Education, has supported its members in continuing to provide innovative and high-quality educational services to Virginia's children, youth, and adults with special needs; now, therefore, be it

RESOLVED by the Senate, That the Virginia Association of Independent Specialized Education Facilities hereby be commended on the occasion of the 45th anniversary of its founding; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Virginia Association of Independent Specialized Education Facilities as an expression of the Senate of Virginia's appreciation for its 45 years of service to Virginia's youth and their families.

**SENATE RESOLUTION NO. 52**

*Commending the Garden Club of Virginia.*

Agreed to by the Senate, March 7, 2018

WHEREAS, 2018 marks the 85th anniversary of the Garden Club of Virginia's Historic Garden Week, which has occurred every year since 1929 except for a period during World War II, making it one of the oldest volunteer tourism projects in the Commonwealth; and

WHEREAS, the mission of the Garden Club of Virginia is to restore historic gardens and landscapes, conserve Virginia's natural resources, inspire a love of gardening, and provide education for its members and the general public; and

WHEREAS, during the Garden Club of Virginia's Historic Garden Week, 29 tours occur over eight consecutive days, featuring 131 private homes and gardens and dozens of historic properties for a total of 181 sites across the Commonwealth; this popular statewide event will take place April 21–28, 2018, and attract over 26,000 visitors to Virginia, many of whom travel from all over the world; and

WHEREAS, Garden Club of Virginia's Historic Garden Week represents one of the largest ongoing volunteer efforts in the Commonwealth and is a coordinated effort among 47 local garden clubs and more than 3,300 volunteers; and

WHEREAS, the entire proceeds of the Garden Club of Virginia's Historic Garden Week are used for the restoration and preservation of Virginia's historic public gardens, including Monticello, Montpelier, Mount Vernon, and the grounds of the Executive Mansion, to name just a few of the nearly 48 active restoration projects across the Commonwealth; and

WHEREAS, the economic impact of the Garden Club of Virginia through Historic Garden Week over the last 45 years is more than \$425 million; and

WHEREAS, the 85th anniversary of the Garden Club of Virginia's Historic Garden Week has already received significant media exposure, as the event will be featured in publications such as *Garden & Gun*, *Virginia Living*, *Horticulture*, and *Flower*; now, therefore, be it

RESOLVED by the Senate of Virginia, That the Garden Club of Virginia hereby be commended on the occasion of the 85th anniversary of its Historic Garden Week; and, be it

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RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Garden Club of Virginia as an expression of the Senate of Virginia's admiration for the organization's important work to preserve the history and heritage of the Commonwealth.

**SENATE RESOLUTION NO. 53**

*Commending Hampton University.*

Agreed to by the Senate, March 7, 2018

WHEREAS, Hampton University has set high standards for student achievement and unwavering excellence for 150 years; and

WHEREAS, Hampton University began with the vision of Brevet Brigadier General Samuel Chapman Armstrong, son of missionaries and a hero in the Battle of Gettysburg, who was sent by the Freedmen's Bureau to educate thousands of ex-slaves who had gathered behind Union lines in Virginia; and

WHEREAS, General Armstrong founded Hampton Normal and Agricultural School and poured his heart and soul into molding productive citizens in post-war Virginia for 25 years, until his death; and

WHEREAS, General Armstrong built what is now Hampton University upon the tenets of education and character, with a particular emphasis on the latter; his boundless energy and commitment to serving and educating newly freed slaves laid a strong foundation for a world-class university; and

WHEREAS, Hampton University's American Indian Educational Opportunities Program educated more than 1,300 Native Americans from 65 different tribes over 55 years, emphasizing dignity, manual and academic training, and living a life of service; and

WHEREAS, 11 United States Presidents have associated with Hampton University, including William Howard Taft, who served as chair of the Board of Trustees while president and while Chief Justice of the United States Supreme Court; and

WHEREAS, Hampton University counts among its alumni Booker T. Washington; Olympic track and field star Francena McCorory; mother of Martin Luther King, Jr., Alberta Williams King; comedienne Wanda Sykes; and Dr. Christine Darden, a former mathematician at the National Aeronautics and Space Administration (NASA) who was featured in the book *Hidden Figures*; and

WHEREAS, Hampton University is the only historically black college/university (HBCU) to have 100 percent control of a NASA satellite mission, with a total of four satellites in orbit; and

WHEREAS, Hampton University founded the nation's largest free-standing proton therapy treatment center, the Hampton University Proton Therapy Institute, which is easing human misery and saving lives; and

WHEREAS, the Hampton University Pirates athletic programs have been recognized for excellence on and off the field, for academic performance as well as victories and championships in the Mid-Eastern Athletic Conference and the Central Intercollegiate Athletic Association, and National Collegiate Athletics Association tournament appearances; and

WHEREAS, Hampton University has earned consistent annual national recognition from the *Wall Street Journal*, *U.S. News & World Report*, *The Princeton Review*, and the *HBCU Digest* as one of the top universities in the country, the top university in the Hampton Roads region, and a top HBCU; now, therefore, be it

RESOLVED by the Senate of Virginia, That Hampton University hereby be commended on the occasion of its 150th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Hampton University as an expression of the Senate of Virginia's admiration for the institution's storied history and contributions to higher education in the Commonwealth.

**SENATE RESOLUTION NO. 54**

*Commending Dr. William R. Harvey.*

Agreed to by the Senate, March 7, 2018

WHEREAS, Dr. William R. Harvey has served with distinction for 40 years as the 12th President of Hampton University, creating a monumental legacy as one of the longest-sitting presidents of a college or university in the country; and

WHEREAS, Dr. Harvey has set high standards for student achievement and unwaveringly guided Hampton University as THE Standard of Excellence; and

WHEREAS, Dr. Harvey initiated 92 new degree programs, including seven new doctoral programs; increased enrollment from 2,700 students to a high of more than 6,300 students; and established the Atmospheric Science Center, which launches weather satellites and currently has four in orbit, the latest of which was a \$140 million launch from Vandenberg Air Force Base in California; and

WHEREAS, Dr. Harvey helped Hampton University earn national recognition perennially from the *Wall Street Journal*, *U.S. News & World Report*, *The Princeton Review*, and *HBCU Digest* as one of the top universities in the country, the top university in the Hampton Roads region, and a top historically black college/university; and

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WHEREAS, Dr. Harvey has increased Hampton University's endowment from \$29 million to over \$280 million dollars as well as balanced the university's budget for 40 years; and

WHEREAS, under Dr. Harvey's leadership, Hampton University has secured hundreds of millions of dollars in funding for capital projects, completed major renovations of campus buildings, and completed 28 new buildings and facilities; and

WHEREAS, Dr. Harvey's vision of leaving this world better than he found it led him to invest \$225 million to establish the Hampton University Proton Therapy Institute, the world's largest proton therapy cancer treatment center, which is easing human misery and saving lives; and

WHEREAS, during Dr. Harvey's presidency, the Hampton University Pirates athletic programs have been recognized for excellence on and off the field for academic performance, victories and championships in the Mid-Eastern Athletic Conference and the Central Intercollegiate Athletic Association, and National Collegiate Athletic Association tournament appearances; and

WHEREAS, 17 former Hampton University administrators who served under Dr. Harvey's leadership have become college and university presidents or executives in other organizations; and

WHEREAS, in addition to his duties as president of Hampton University, Dr. Harvey is 100 percent owner of a Pepsi Bottling Company in Houghton, Michigan, has been appointed by seven United States presidents to serve on national boards, and has served on 19 corporate and nonprofit boards; and

WHEREAS, Dr. Harvey has received numerous awards and recognitions, including the Thurgood Marshall Educational Leadership Award; the Attorney Charles Hamilton Houston Perseverance in Higher Education Leadership and Economic Development Award; *the Daily Press* Citizen of the Year Award; the PepsiCo Harvey C. Russell Award; the Virginia Peninsula Chamber of Commerce Distinguished Citizen Award; the Harvard Chapter of Phi Delta Kappa Distinguished Service Award; and the American Biographical Institute Man of the Year Award; and

WHEREAS, Dr. Harvey has been awarded 11 honorary doctorates from institutions of higher education, including Howard University, Tuskegee University, Talladega College, and Salisbury State University, and he was granted a Key to the City by Berkeley, California; San Antonio, Texas; Tuskegee, Alabama; and Birmingham, Alabama; and

WHEREAS, Dr. Harvey holds degrees from Harvard University, Virginia State University, and Talladega College; now, therefore, be it

RESOLVED by the Senate of Virginia, That Dr. William R. Harvey hereby be commended for his 40 years of visionary leadership as president of Hampton University; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Dr. William R. Harvey as an expression of the Senate of Virginia's admiration for his commitment to academic excellence and service to the Hampton community.

**SENATE RESOLUTION NO. 55**

*Commending the Salem High School football team.*

Agreed to by the Senate, March 7, 2018

WHEREAS, the Salem High School football team won the Virginia High School League Class 4A state championship on December 10, 2017, at The College of William and Mary, claiming its third straight state title and the ninth state title in the program's history; and

WHEREAS, the Salem High School Spartans' three-peat in the title game came on the heels of an extraordinary season in which they went 13–2 and routinely dominated opponents with a stout defense and a clinical offense that averaged over 40 points per contest; and

WHEREAS, the Salem Spartans' running and passing game continued to fire on all cylinders in the state championship game as they defeated the previously unbeaten Louisa County Lions 43–22; and

WHEREAS, in a state final that was delayed 24 hours by snow, the Salem Spartans charged out of the gate, recording 21 first quarter points; quarterback Jack Gladden found receiver Joe Quinn for the first touchdown, safety Nick Wade returned an interception 45 yards for the second, and fullback Tae Hale scored the third off a two-yard run; and

WHEREAS, the Salem Spartans scored another touchdown in the third quarter with a 12-yard pass from Jack Gladden to Joe Quinn, but the Louisa Lions then bounced back, scoring 16 unanswered points and narrowing the Spartans' lead to 28–22; and

WHEREAS, in a tense fourth quarter, the Salem Spartans made a crucial fourth down stop in their own half before running back De'Angelo Ramsey broke free for an impressive 79-yard touchdown sprint; Tae Hall then sealed the victory with a 31-yard touchdown run with just 2:13 left in the game; and

WHEREAS, by winning their third straight state title, the Salem Spartans solidified their reputation as a high school football powerhouse; over the last four seasons, the team has an astonishing 54–4 record; and

WHEREAS, four Salem Spartans players were named to the Virginia High School League Class 4 first team, and head coach Stephen Magenbauer was named Class 4 football coach of the year; and

WHEREAS, the Salem High School football team's championship victory is a testament to the skill and dedication of its student-athletes, the exceptional guidance of its coaches and staff, and the enthusiastic support of family members, friends, and the entire Salem High School community; now, therefore, be it

RESOLVED by the Senate of Virginia, That the Salem High School football team hereby be commended on winning the Virginia High School League Class 4A state title; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Stephen Magenbauer, head coach of the Salem High School football team, as an expression of the Senate of Virginia's admiration for the team's spectacular season.

**SENATE RESOLUTION NO. 56**

*Commending Brett R. Isserow.*

Agreed to by the Senate, March 7, 2018

WHEREAS, Brett R. Isserow, the longtime rabbi of Beth El Hebrew Congregation, has served and strengthened the Northern Virginia community through his work with interfaith organizations and community outreach efforts; and

WHEREAS, a native of Johannesburg, South Africa, Brett Isserow was an accountant by trade before he moved to the United States and answered his call to the rabbinate in 1987 at Hebrew Union College; he spent 11 years as an associate rabbi in Atlanta, Georgia, then settled in Alexandria; and

WHEREAS, over the course of his 16-year tenure as rabbi of Beth El Hebrew Congregation in Alexandria, Brett Isserow has offered spiritual guidance to countless community members and helped many congregants explore their Jewish heritage; and

WHEREAS, Brett Isserow has worked to build respect and understanding among different denominations, expanding opportunities for interfaith dialogue and maintaining relationships with clergy members throughout the region; and

WHEREAS, well known in the Jewish community, Brett Isserow is president of the Mid-Atlantic Region of the Central Conference of American Rabbis, vice president of the Washington Board of Rabbis, and a board member of the Jewish Community Center of Northern Virginia; he hosts interfaith trips to Israel and is active in Alexandria's annual Holocaust memorial observance; and

WHEREAS, Brett Isserow teaches on a variety of subjects, and he earned an innovation grant for his Quest for Spirituality course; he was also a founding member of Virginians Organized for Interfaith Community Engagement, which provides education and advocacy on local and state issues; and

WHEREAS, as the only community clergy member on the Inova Alexandria Hospital Ethics Committee, Brett Isserow provides an essential perspective on medical ethics issues; and

WHEREAS, Brett Isserow enjoys the love and support of his wife, Jinny, and their children, Anna and Jesse, as he continues to better the lives of his fellow Alexandria residents; now, therefore, be it

RESOLVED by the Senate of Virginia, That Brett R. Isserow, the longtime rabbi of Beth El Hebrew Congregation, hereby be commended upon his retirement for his years of service to the residents of Alexandria and Northern Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Brett R. Isserow as an expression of the Senate of Virginia's admiration for his spiritual leadership, generosity, and dedication to the community.

**SENATE RESOLUTION NO. 57**

*Commending R.B. Clark.*

Agreed to by the Senate, March 7, 2018

WHEREAS, R.B. Clark, a lifelong public servant who has made many contributions to the residents of Charlotte County, will retire as county administrator on June 30, 2018; and

WHEREAS, R.B. Clark holds bachelor's degrees from East Carolina University and a master's degree from the University of Virginia; he began his 44 years of service to Charlotte County as an employee of Charlotte County Public Schools, serving as principal of J. Murray Jeffress Elementary School; and

WHEREAS, R.B. Clark became the first county administrator of Charlotte County in 1981 and ably supervised a wide array of county operations for the next 37 years, becoming the second longest-serving county administrator in the Commonwealth; and

WHEREAS, supporting the community in many other ways, R.B. Clark sits on the board of directors of the Virginia's Heartland Regional Industrial Facility Authority, the Bank of Charlotte County Board of Directors, and Virginia's Growth Alliance Board of Directors; and

WHEREAS, R.B. Clark has served Charlotte County with the utmost integrity, dedication, and distinction, and he leaves a legacy of excellence to his successor as county administrator; and

WHEREAS, after his well-earned retirement, R.B. Clark plans to spend more time with his beloved family, including his five children and 15 grandchildren, and seek new opportunities to serve the community; now, therefore, be it

RESOLVED by the Senate of Virginia, That R.B. Clark hereby be commended on the occasion of his retirement as county administrator of Charlotte County; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to R.B. Clark as an expression of the Senate of Virginia's admiration for his lifetime of service to Charlotte County and the Commonwealth.

**SENATE RESOLUTION NO. 58**

*Commending the American Council of Engineering Companies of Virginia.*

Agreed to by the Senate, March 7, 2018

WHEREAS, for more than 50 years, the American Council of Engineering Companies of Virginia has worked to support independent consulting engineers and to protect public welfare by maintaining ethical, professional standards for consulting engineers; and

WHEREAS, established in 1967 and officially incorporated on December 7, 1968, the American Council of Engineering Companies of Virginia was originally known as the Consulting Engineers Council of Virginia; and

WHEREAS, the American Council of Engineering Companies of Virginia helps engineers use their scientific and technical knowledge and skills in creative, innovative ways to fulfill society's needs; and

WHEREAS, the American Council of Engineering Companies of Virginia promotes cooperation and mutual understanding among engineers as they strive to address major technological challenges, from rebuilding towns devastated by natural disaster, cleaning up the environment, and ensuring access to safe, clean, and efficient sources of energy, to designing information systems that will propel the nation into the future; and

WHEREAS, the American Council of Engineering Companies of Virginia contributes to the professional and economic welfare of the engineering field by encouraging Virginia's students to realize the practical power of their knowledge and pursue careers in engineering; and

WHEREAS, over the course of its 50-year history, the American Council of Engineering Companies of Virginia has enabled engineers to use their knowledge and skills to meet the challenges of the 21st century; and

WHEREAS, the American Council of Engineering Companies of Virginia and engineers throughout the Commonwealth participated in special events and raising awareness of the important work of engineers during Engineering Week from February 18 to February 24, 2018; now, therefore, be it

RESOLVED by the Senate of Virginia, That the American Council of Engineering Companies of Virginia hereby be commended on the occasion of Engineering Week 2018 and its 50th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the American Council of Engineering Companies of Virginia as an expression of the Senate of Virginia's admiration for the organization's contributions to the Commonwealth.

**SENATE RESOLUTION NO. 59**

*Commending Richard E. Hickman, Jr.*

Agreed to by the Senate, March 8, 2018

WHEREAS, Richard E. Hickman, Jr., Deputy Staff Director for the Virginia Senate Finance Committee, retired on October 1, 2017, after 41 years of dedicated service to the General Assembly, including 38 years to the Senate Finance Committee; and

WHEREAS, Dick Hickman is a graduate of the University of Virginia and the Maxwell School of Citizenship and Public Affairs of Syracuse University; and

WHEREAS, Dick Hickman worked for the Virginia Joint Legislative Audit and Review Commission from 1974 to 1977 and was Director for Programs for the American Society for Public Administration in Washington, D.C., from 1977 to 1979; and

WHEREAS, Dick Hickman joined the Virginia Senate Finance Committee staff on October 1, 1979, as the committee's first legislative analyst; he assisted the director in creating an environment that to this day still encourages professional, nonpartisan, objective staff work in support of the committee's mission to oversee the state budget; and

WHEREAS, Dick Hickman provided staff support for the Subcommittee on Public Safety and for the Subcommittee on General Government for budget review for the Legislative and Judicial Departments and Executive Offices; and

WHEREAS, Dick Hickman also provided staff support for the Subcommittee on Health and Human Resources from the 1980 through 1990 Sessions of the General Assembly, and he was promoted to Deputy Staff Director on December 1, 1988; and

WHEREAS, Dick Hickman coordinated the logistics for the annual Virginia Senate Finance Committee retreats, for the joint Senate Finance and House Appropriations Committee regional public hearings on the Governor's proposed budgets,

and for the committee's regional trips to Northern Virginia, Hampton Roads, the Shenandoah Valley, Southside, and Western Virginia; and

WHEREAS, Dick Hickman developed long-term, effective working relationships with the key elected and appointed officials in Virginia in the legislative, judicial, and executive branches of state government, in local governments, and outside of government, in order to provide timely, complete, and reliable information to the committee, and to express professional judgments and make recommendations as necessary for the committee to meet its responsibilities; and

WHEREAS, Dick Hickman assisted the committee in encouraging development of adult and juvenile correctional organizations that maintain security as the highest priority, balanced sentencing policies with available resources, promoted efficiently operated facilities and programs, and achieved desired balanced between incarceration, community supervision, and treatment, in order to reduce the rate of recidivism and protect public safety; and

WHEREAS, Dick Hickman assisted the committee in providing appropriate levels of fiscal support and oversight for all of the other agencies within the criminal justice system, including state and local police, law-enforcement training academies, correctional education, emergency services, military and veterans affairs, the state court system, public defenders and Commonwealth's attorneys, and related local government and nongovernmental organizations; and

WHEREAS, Dick Hickman participated in the initial development of the offender forecasting process during the 1980s and the work of the joint subcommittee in the early 1990s that developed the process for preparing corrections fiscal impact statements for proposed sentencing legislation; he also coordinated the review of the Governor's proposed parole abolition initiative in 1994; and

WHEREAS, Dick Hickman coordinated the restructuring of Medicaid reimbursement systems in the 1981 and 1982 Sessions, and the Joint Subcommittee on Health Care for all Virginians during the 1980s, culminating in successful efforts in 1990 to authorize an indigent care trust fund for the uninsured and low-cost health insurance as well as a new commission to review mandated benefits; and

WHEREAS, Dick Hickman coordinated the subcommittee's efforts to address cross-cutting issues concerning treatment of the mentally ill within the criminal justice system, resulting in increased attention to this problem; and

WHEREAS, Dick Hickman's achievements were recognized by the National Association of Legislative Fiscal Officers when he received the Staff Achievement Award in 2007; and

WHEREAS, Dick Hickman has begun enjoying his well-deserved retirement by spending more time with his wife, Rebecca, his three children, and his four grandchildren, as well as enjoying his many hobbies, which include hiking, playing the guitar, and studying Virginia, United States, and world history; and

WHEREAS, Dick Hickman has already begun an encore, teaching the next generation of public servants in Virginia Commonwealth University's Virginia Capital Semester program; now, therefore, be it

RESOLVED by the Senate of Virginia, That Richard E. Hickman, Jr., hereby be commended for his more than four decades of service to the General Assembly on the occasion of his retirement as Deputy Staff Director for the Senate Finance Committee in 2017; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Richard E. Hickman, Jr., as an expression of the Senate of Virginia's admiration for his service to the Commonwealth.

#### SENATE RESOLUTION NO. 60

*Commending the Union High School football team.*

Agreed to by the Senate, March 8, 2018

WHEREAS, after an undefeated regular season, the Union High School football team of Big Stone Gap reached the semifinals of the Virginia High School League Class 2 state tournament in 2017; and

WHEREAS, the Union High School Bears finished the regular season with a perfect 10–0 record, then went on to win the district and regional titles; and

WHEREAS, the Union High School Bears defeated the Graham High School G-Men 37–0 to advance to the semifinal game, where they faced Appomattox County High School; and

WHEREAS, with the Union High School Bears' record of 13–1 in 2017, Travis Turner now has a 68–20 record as head coach, a 77 percent win rate over the course of his seven-season tenure; and

WHEREAS, the Union High School Bears' spectacular season is a tribute to the hard work and dedication of all the student-athletes, the leadership and guidance of coaches and staff, and the enthusiastic support of the entire Union High School community; now, therefore, be it

RESOLVED by the Senate of Virginia, That the Union High School football team hereby be commended for reaching the semifinals of the Virginia High School League Class 2 state tournament; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Travis Turner, head coach of the Union High School football team, as an expression of the Senate of Virginia's admiration for the team's achievements.

1978

ACTS OF ASSEMBLY

[VA.,

SENATE RESOLUTION NO. 61

*Celebrating the life of Louis Edwin Graziano.*

Agreed to by the Senate, March 9, 2018

WHEREAS, Louis Edwin Graziano, a devoted husband, father, and grandfather, and a respected business leader and Richmond resident, died on February 25, 2018; and

WHEREAS, a native of Highland Falls, New York, Louis "Ed" Graziano became known for his larger than life personality at a young age and later attended Cortland State Teachers College; during his time there, he met his future wife Kathy Coleman and proposed to her on their second date; and

WHEREAS, after working as a teacher, Ed Graziano forged a successful career in the world of corporate insurance, including 36 years with the brokerage firm Johnson & Higgins; he later opened his own consulting business before retiring in 2015; and

WHEREAS, Ed Graziano reveled in spending time with his wife, children, and nine grandchildren; for over 30 years, he ensured that his family gathered each Sunday night to share dinner and play backyard sports and games; and

WHEREAS, Ed Graziano had many passions, including reading, music, golf, skeet shooting, card games, and watching baseball; an avid traveler, he made numerous trips abroad and hosted a beach week for his family each year; and

WHEREAS, known for his intellect, wit, charm, and humor, Ed Graziano was fiercely loyal to those he loved and lived each day to its fullest; and

WHEREAS, Ed Graziano will be fondly remembered and dearly missed by his wife of nearly 55 years, Kathy; his children, John, Tommy, David, and Lucia, and their families; and numerous other family members and close friends; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Louis Edwin Graziano, a distinguished business leader and beloved Richmond resident; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Louis Edwin Graziano as an expression of the Senate of Virginia's respect for his memory.

SENATE RESOLUTION NO. 62

*Commending the Virginia Aeronautical Historical Society.*

Agreed to by the Senate, March 8, 2018

WHEREAS, the Virginia Aeronautical Historical Society was formed in 1978 to preserve Virginia's aviation and aerospace history and is celebrating its 40th anniversary in 2018; and

WHEREAS, Virginia's contribution to America's aviation and aerospace supremacy is unparalleled in the history of the nation, dating to the balloon club at The College of William and Mary in the 1790s and its subsequent balloon launch to the 21st century spaceport at Wallop's Island, from where rockets regularly launch on resupply missions to the International Space Station; and

WHEREAS, the countless significant historic and current aviation and aerospace accomplishments over the centuries in Virginia and by Virginians are chronicled, researched, taught, published, made known and kept alive by the Virginia Aeronautical Historical Society (VAHS) for the benefit of all Virginians and Americans; and

WHEREAS, the Virginia Aeronautical Historical Society is the sole organization dedicated to this history, which adds to the Commonwealth's distinction as the most historic state in the nation; and

WHEREAS, the Virginia Aeronautical Historical Society is comprised of dedicated volunteers from all across the Commonwealth; and

WHEREAS, the Virginia Aeronautical Historical Society founded the Virginia Aviation Museum and brought to it, for the education and benefit of all Virginians, rare and priceless planes and artifacts relating to Virginia history and beyond, including the recovery of one of only 20 remaining SR-71 Blackbirds (the world's fastest plane) from Edwards Air Force Base, all of which it later donated to the Commonwealth; and

WHEREAS, the Virginia Aeronautical Historical Society is a partner in the establishment of a new aviation museum at Shannon Airport that continues to celebrate Virginia's aeronautical legacy and future by contributing volunteers, technical advice, and monetary support; and

WHEREAS, the Virginia Aeronautical Historical Society for 40 years has successfully accomplished its mission to inspire and capture the public's interest and imagination in all aspects of aviation and aerospace through study, education, research, interpretation, dissemination, display and preservation of artifacts, and ongoing scholarships pertaining to Virginia's preeminent aviation and aerospace heritage; and

WHEREAS, the Virginia Aeronautical Historical Society demonstrates its commitment to its mission by maintaining the Virginia Aviation Hall of Fame, which honors past and present Virginians who have made significant contributions to Virginia and to American aviation and aerospace history; and

WHEREAS, the Virginia Aeronautical Historical Society promulgates scholarship through its *Virginia Eagles* quarterly magazine, its special events and its online presence, the Reed I. West Living History Video Project, the VAHS History Makers Speakers Series, and the VAHS Archives, an ever-growing collection of records and images for research; the society is also the primary source for generating aviation and aerospace-related Virginia Historical Highway Markers; and

WHEREAS, the Virginia Aeronautical Historical Society also works to enhance future generations of Virginia excellence in aviation and aerospace through the Captain Earl Worley Aeronautical Education Scholarship to students in the fields of science, technology, engineering, and mathematics and by working with educators, educational institutions, and industry leaders; and

WHEREAS, the Virginia Aeronautical Historical Society is respected nationally as a leading state aviation and aerospace historical society for its commitment to the majestic endeavor of flight; and

WHEREAS, the Virginia Aeronautical Historical Society has, for 40 years, contributed to the cultural and educational enhancement of the Commonwealth of Virginia; now, therefore, be it

RESOLVED by the Senate of Virginia, That the Virginia Aeronautical Historical Society hereby be commended on the occasion of its 40th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Virginia Aeronautical Historical Society as an expression of the Senate of Virginia's appreciation for the organization's many contributions to the Commonwealth.

### SENATE RESOLUTION NO. 63

*Celebrating the life of John D. Miller, Jr.*

Agreed to by the Senate, March 9, 2018

WHEREAS, John D. Miller, Jr., a dedicated public servant who made many contributions to the residents of Middlesex County during his 23 years as a member of the Board of Supervisors, died on February 19, 2018; and

WHEREAS, a native of Middlesex County, John "Jack" Miller can trace his family lineage in the county back to 1680; he attended Middlesex High School and graduated from Rappahannock Community College; and

WHEREAS, Jack Miller served his country as a member of the United States Coast Guard and was employed at the West Point paper mill for many years, until his well-earned retirement in 2000; and

WHEREAS, Jack Miller first served his fellow Middlesex County residents on the Middlesex County School Board from 1987 to 1991, including a term as chair; he also served on the Virginia School Boards Association; and

WHEREAS, Jack Miller was elected to the Middlesex County Board of Supervisors in 1995 and represented the residents of the Saluda District and the Harmony Village District over the course of his distinguished career; and

WHEREAS, Jack Miller became the first politician in United States history to be elected to office with an artificial heart and to serve while waiting for a heart transplant; and

WHEREAS, Jack Miller was selected to serve as chair or vice chair multiple times during his tenure, and he oversaw the planning and construction of Middlesex Elementary School, the extensive renovation of Middlesex High School, the renovation of the Middlesex County Courthouse, and the establishment of enhanced 911 and radio systems for emergency workers; and

WHEREAS, as a member of the Virginia Association of Counties Board of Directors, Jack Miller was instrumental in developing the association's strategic plan, enhancing its educational programs, and establishing the Virginia Investment Pool; he was elected president of the organization in 2012; and

WHEREAS, Jack Miller also demonstrated his commitment to civic participation and leadership as a member of numerous community boards and committees, including the Middle Peninsula Community Criminal Justice Board, Disability Services Board, Middle Peninsula-Northern Neck Community Services Board, Bay Consortium Workforce Investment Board, Middle Peninsula Planning District Commission, Middlesex Planning Commission, Middlesex Public Library Board, Airport Committee, and Bicentennial Committee, which produced a book on the history of Middlesex County; and

WHEREAS, Jack Miller fostered cooperation and mutual respect among local leaders for the good of all residents, serving Middlesex County and the Commonwealth with the utmost integrity, dedication, and distinction; and

WHEREAS, Jack Miller will be fondly remembered and greatly missed by his wife of 50 years, Mary Lou; his daughters, Connie and Chris, and their families; and numerous family members and friends; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of John D. Miller, Jr., a respected public servant in Middlesex County; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of John D. Miller, Jr., as an expression of the Senate of Virginia's respect for his memory.

1980

## ACTS OF ASSEMBLY

[VA.,

## SENATE RESOLUTION NO. 64

*Celebrating the life of the Reverend William Franklin Graham, Jr.*

Agreed to by the Senate, March 9, 2018

WHEREAS, the Reverend William Franklin Graham, Jr., a renowned Christian evangelist who touched the lives of millions and transformed religious life in the United States, becoming known as "America's pastor," and who served as a trusted spiritual advisor to generations of leaders, died on February 21, 2018; and

WHEREAS, a native of Charlotte, North Carolina, William "Billy" Graham grew up on his family's dairy farm during the Great Depression, gaining a lifelong appreciation for the importance of hard work, family, and community; and

WHEREAS, raised in a devout household, Billy Graham developed his personal connection to Jesus Christ at the age of 16 after meeting the traveling Baptist evangelist Mordecai Ham and was ordained to the ministry by the Southern Baptist Convention in 1939; and

WHEREAS, Billy Graham attended Florida Bible Institute and served as a pastor at several churches in Illinois while studying at Wheaton College, where he met his future wife, Ruth; and

WHEREAS, Billy Graham was driven to share his passionate faith with others; he began preaching on the radio and became the first full-time evangelist for Youth for Christ, a missionary organization founded to serve young people and World War II veterans; and

WHEREAS, Billy Graham's work with Youth for Christ led to a series of interdenominational campaigns, called crusades, in cities throughout the United States and eventually the world; his first crusade in Grand Rapids, Michigan, in 1947 attracted an audience of 6,000, some of whom came forward to seek one-on-one counsel; and

WHEREAS, Billy Graham's Los Angeles crusade in 1949, 12-week London crusade in 1954, and 16-week crusade in 1957 gained him international recognition, and he ultimately held more than 400 crusades and summits in more than 185 countries and territories, bringing the Gospel of Jesus Christ behind the Iron Curtain of the Soviet Union; and

WHEREAS, a media pioneer, Billy Graham's sermons were translated into 48 languages, inspiring tens of thousands of evangelists to carry the message of Jesus Christ worldwide, and he reached hundreds of millions of people around the globe through radio, television, film, books, and the Internet; he delivered his final address, My Hope America, via television on his 95th birthday in 2013; and

WHEREAS, Billy Graham was a champion for integration and was a personal friend of Dr. Martin Luther King, Jr., supporting the Civil Rights movement by inspiring peace, respect, and togetherness through spirituality; and

WHEREAS, Billy Graham was a trusted counselor to world leaders, including all United States presidents beginning with Harry S. Truman; he was admired for his ability to reach leaders on a personal level and strengthen their resolve to serve their communities and the nation; and

WHEREAS, Billy Graham was a voice of hope and guidance in times of national trauma, speaking after the Oklahoma City bombing; at the National Cathedral in Washington, D.C., after the attacks of September 11, 2001; and in the aftermath of Hurricane Katrina; and

WHEREAS, Billy Graham received the Congressional Gold Medal, the highest civilian honor of the United States, and he was listed by Gallup as one of the Ten Most Admired Men a record 61 times; and

WHEREAS, Billy Graham's memory lives on in the Billy Graham Evangelistic Association, which he founded in 1950, a nonprofit organization that directs national and international ministries, including festivals, educational opportunities, and inspirational media; and

WHEREAS, predeceased by his wife, Ruth, Billy Graham will be fondly remembered and deeply missed by his children, Virginia, Anne, Ruth, William III, and Nelson, and their families, including 19 grandchildren and many great-grandchildren; and numerous other family members, friends, and people throughout the world whose lives he touched through ministry; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of the Reverend William Franklin Graham, Jr., a man of integrity and devotion, who supported individuals and strengthened communities through the power of faith; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of the Reverend William Franklin Graham, Jr., as an expression of the Senate of Virginia's respect for his memory.

## SENATE RESOLUTION NO. 65

*Commending Gary Creed.*

Agreed to by the Senate, March 9, 2018

WHEREAS, Gary Creed, a diligent public servant and community leader who served for 15 years as a member of the Montgomery County Board of Supervisors, retired in 2017 following a distinguished career; and

WHEREAS, a former employee at Shelor Motor Mile in Christiansburg, Gary Creed served on the Montgomery County Board of Supervisors from 2002 until 2017; and

WHEREAS, along with serving as the Montgomery County Board of Supervisors' vice chair, Gary Creed was also a member of the Parks and Recreation Commission, the Public Service Authority, the Road Viewers Board, the School Liaison, the Transportation Safety Commission, and the Montgomery Regional Solid Waste Authority; and

WHEREAS, Gary Creed worked tirelessly for his constituents during his tenure on the Montgomery County Board of Supervisors; among other accomplishments, he helped spearhead improvements to school facilities in Montgomery County, the construction of a new station for the Elliston Volunteer Fire Department, and the creation of a library and a community center; and

WHEREAS, throughout his career in local government, Gary Creed earned the respect and admiration of his colleagues and constituents for his dedication, vision, and leadership; now, therefore, be it

RESOLVED by the Senate of Virginia, That Gary Creed hereby be commended on his many years of outstanding service to the residents of Montgomery County; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Gary Creed as an expression of the Senate of Virginia's admiration for his impressive career accomplishments and best wishes for a well-deserved retirement.

**SENATE RESOLUTION NO. 66**

*Commending Curry Martin.*

Agreed to by the Senate, March 9, 2018

WHEREAS, Curry Martin, an active Huddleston resident and respected civic leader, provided five years of exemplary service to the community as a member of the Bedford County Board of Supervisors; and

WHEREAS, Curry Martin served on the Bedford County Board of Supervisors from 2013 through 2017; he is also a local business leader who is chief executive officer of Glenwood Oil and Automotive in Huddleston; and

WHEREAS, along with working tirelessly for his constituents as a member of the Bedford County Board of Supervisors, Curry Martin has given generously to the community as a private citizen; in 2017, he waived several months of rent fees at a building he owns in Huddleston to help bring a health and wellness clinic to the area; and

WHEREAS, since 2015, Curry Martin has also volunteered 30 acres of his property for use by the Bedford County Fair, an annual event that generates some \$750,000 for the surrounding community; and

WHEREAS, through his philanthropic projects and his service on the Bedford County Board of Supervisors, Curry Martin has improved quality of life for numerous community members and won the admiration of colleagues and constituents; now, therefore, be it

RESOLVED by the Senate of Virginia, That Curry Martin hereby be commended on his many years of exemplary public service to the residents of Bedford County; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Curry Martin as an expression of the Senate of Virginia's admiration for his dedication to the Bedford County community.

**SENATE RESOLUTION NO. 67**

*Commending Cody Keen.*

Agreed to by the Senate, March 9, 2018

WHEREAS, Cody Keen, a talented and dedicated law-enforcement professional who serves with the Salem Police Department, was named the 2017 Salem Police Officer of the Year; and

WHEREAS, a native of Richlands, Cody Keen earned a bachelor's degree in criminal justice and intercultural studies from Evangel University in Springfield, Missouri; he joined the Salem Police Department in May 2016; and

WHEREAS, despite being a relative newcomer to the Salem Police Department, 25 year-old Cody Keen has already won the respect of his fellow officers for his intelligence, integrity, and passion for helping others; and

WHEREAS, Cody Keen's quick thinking was on display in July 2017, when, driving while off-duty, he encountered a car filled with smoke; Keen approached the vehicle, and upon noticing a woman trapped inside, he used a car jack to break open a window and rescue her; she was later connected to an earlier DUI accident and placed under arrest; and

WHEREAS, in another incident on October 31, 2017, Cody Keen responded to an alarm call at a pharmacy in Salem; after driving to the rear of the store, he confronted and then helped apprehend a man who had stolen a large amount of prescription drugs; and

WHEREAS, Cody Keen was selected as the Salem Police Officer of the Year following a vote by his fellow officers; Salem Police Chief Mike Crawley called Keen a deserving choice for the award and described him as a positive influence and exemplary representative of the department; now, therefore, be it

RESOLVED by the Senate of Virginia, That Cody Keen hereby be commended on being selected as the 2017 Salem Police Officer of the Year; and, be it

1982

ACTS OF ASSEMBLY

[VA.,

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Cody Keen as an expression of the Senate of Virginia's admiration for his commitment to serving and protecting the residents of Salem.

**SENATE RESOLUTION NO. 68**

*Commending Janae Blakeney.*

Agreed to by the Senate, March 9, 2018

WHEREAS, Janae Blakeney, a talented track and field athlete at Salem High School, won state titles in the long jump at the 2017 Virginia High School League Group 4A outdoor state championships as well as at the 2018 Group 4A indoor state championships; and

WHEREAS, during the outdoor state championships held June 3, 2017, Janae Blakeney recorded a personal best leap of 18 feet, 2.25 inches, to beat out 16 other competitors and seal the title; and

WHEREAS, along with her success in the long jump at the outdoor state championships, Janae Blakeney finished seventh in the 100 meters event with a time of 12.82 seconds and fifth in the 200 meters with a time of 25.77 seconds; and

WHEREAS, Janae Blakeney's standout 2017 season saw her named to the All-Timesland long jump first team by the *Roanoke Times*; and

WHEREAS, Janae Blakeney continued to excel during the indoor track and field state championships staged on February 23, 2018, securing the long jump title with a leap of 17 feet, 8.5 inches; and

WHEREAS, in addition to her indoor long jump championship, Janae Blakeney also finished second in the 55 meters with a time of 7.30 seconds and second in the 300 meters with a time of 41.27 seconds; and

WHEREAS, Janae Blakeney's talent and determination as a track and field competitor make her a shining example to her fellow student-athletes across the Commonwealth; now, therefore, be it

RESOLVED by the Senate of Virginia, That Janae Blakeney hereby be commended for winning the outdoor and indoor Virginia High School League Group 4A state long jump titles; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Janae Blakeney as an expression of the Senate of Virginia's admiration for her spectacular achievements and best wishes for continued success.

**SENATE RESOLUTION NO. 69**

*Celebrating the life of Sol Waite Rawls, Jr.*

Agreed to by the Senate, March 9, 2018

WHEREAS, Sol Waite Rawls, Jr., a beloved father and a respected business leader who gave generously of his time and talents in service to the City of Franklin and the Commonwealth, died on January 28, 2018; and

WHEREAS, born in 1919 in Franklin, Sol Rawls earned a chemistry degree from Virginia Military Institute in 1940 and then served in the United States Army during World War II, rising to the rank of major and winning the Army Commendation Medal; and

WHEREAS, following his military service, Sol Rawls forged a successful career at his father's business, S.W. Rawls, Inc., an oil distributor that included service stations as well as Franklin's first automobile dealership; he became the company's president in 1964 and held that position until 1994; and

WHEREAS, a lifelong supporter of the Franklin community, Sol Rawls worked tirelessly to improve the quality of life and economic development in the city, including serving as founder and president of the Franklin-Southampton Area Chamber of Commerce and Southampton Memorial Hospital; and

WHEREAS, Sol Rawls also held leadership or board positions with the Camp Foundation, Raiford Memorial Hospital, the Franklin-Southampton Alliance, the Old Dominion Area Boy Scouts of America, Franklin Southampton Charities, the Southeast Virginia 4-H Educational Center, and the Virginia Horse Center Foundation; and

WHEREAS, after Hurricane Floyd brought devastating flooding to Franklin in 1999, Sol Rawls played a leading role in establishing the Franklin Flood Fund, which raised over \$4 million in aid for local businesses and residents; and

WHEREAS, a proud Virginia Military Institute graduate, Sol Rawls served as president of the Institute's alumni foundation and as a longtime member and president of its Board of Visitors; and

WHEREAS, Sol Rawls also served as chairman of the State Council of Higher Education for Virginia from 1964 to 1966 and as vice president of the Eastern Virginia Medical School Foundation from 1970 to 1980; and

WHEREAS, Sol Rawls received numerous honors and recognitions for his dedication to his hometown, including the 1966 First Citizen of Franklin award and the 1998 Business Person of the Year award from the Franklin-Southampton Area Chamber of Commerce; and

WHEREAS, in 2000, Sol Rawls was presented with Virginia Military Institute's New Market Medal, the Institute's highest honor; he was also the recipient of its 1990 Distinguished Service Award; and

WHEREAS, Sol Rawls will be fondly remembered and dearly missed by his children, Ann, Betsy, Patricia, and Sol III, and their families, as well as numerous other family members, friends, and Franklin residents; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Sol Waite Rawls, Jr., a dedicated citizen who provided outstanding service to the Franklin community and the Commonwealth; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Sol Waite Rawls, Jr., as an expression of the Senate of Virginia's respect for his memory.

**SENATE RESOLUTION NO. 70**

*Celebrating the life of Kermit Marshall Cook.*

Agreed to by the Senate, March 9, 2018

WHEREAS, Kermit Marshall Cook, a beloved husband and father and a respected attorney who expertly advanced the development of health care law in Virginia, died on April 14, 2017; and

WHEREAS, a Farmville native, Marshall Cook attended Prince Edward Academy and earned a bachelor's degree and a law degree from the University of Richmond, graduating Phi Beta Kappa and as a Williams Law Scholar; and

WHEREAS, prior to starting his own private law practice, Marshall Cook was a partner at the law firm of Hirschler Fleischer and served as general counsel to the Medical Society of Virginia, the Virginia Academy of Family Physicians, and the Virginia Chiropractic Association; and

WHEREAS, from 1990 to 1993, Marshall Cook served the Commonwealth as deputy attorney general, during which time he led the Commonwealth's efforts to pass legislation that has subsequently allowed free health care clinics to flourish both in the Commonwealth and nationally; and

WHEREAS, Marshall Cook's legal accomplishments made an indelible mark on health care law in the Commonwealth and won him the respect and admiration of the Virginia State Bar; and

WHEREAS, a devout Christian, Marshall Cook served as a deacon at Second Baptist Church in Richmond; and

WHEREAS, Marshall Cook will be fondly remembered and dearly missed by his devoted wife of 42 years, Sallie Hart Stone Cook; his three beloved daughters, Sarah, Elizabeth, and Susan; his five beloved grandchildren; and countless other family members, friends, colleagues, and Virginia citizens; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Kermit Marshall Cook, a respected attorney who tirelessly served the citizens of the Commonwealth; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Kermit Marshall Cook as an expression of the Senate of Virginia's respect for his memory.

**SENATE RESOLUTION NO. 71**

*Commending James Puckett.*

Agreed to by the Senate, March 9, 2018

WHEREAS, James Puckett, a respected educator and community leader who served on the Campbell County Board of Supervisors for 20 years, retired in 2018 following a distinguished career; and

WHEREAS, James "J.D." Puckett was born and raised in Campbell County and attended William Campbell High School; he then earned a bachelor's degree and a master's degree from Virginia Polytechnic Institute and State University; and

WHEREAS, a dedicated and talented educator, J.D. Puckett taught at William Campbell High School from 1966 to 1997; in addition, he taught for two years in Mecklenburg County; and

WHEREAS, in 1998, J.D. Puckett was elected to his first term on the Campbell County Board of Supervisors; he was later reelected four more times, serving on the board for 20 years; and

WHEREAS, a tireless champion for the Brookneal Election District and the Town of Brookneal, J.D. Puckett brought a wealth of experience and local knowledge to his tenure on the Campbell County Board of Supervisors; and

WHEREAS, among many other accomplishments in local government, J.D. Puckett founded and organized the Campbell County Heritage Festival, which is now in its ninth year, and spearheaded the development of the Community Park located beside William Campbell High School; and

WHEREAS, during his tenure on the Campbell County Board of Supervisors, J.D. Puckett served as chairman three times, served on nearly all of the county's committees, including the Public Safety Committee and the Public Works Committee, and served on the Campbell County Utilities and Services Authority and the Brookneal-Campbell County Airport Authority; and

WHEREAS, J.D. Puckett was honored with a retirement reception at Glendale Manor in Brookneal on January 7, 2018; now, therefore, be it

RESOLVED by the Senate of Virginia, That James Puckett hereby be commended on his exemplary service to the residents of Campbell County on the occasion of his retirement; and, be it

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RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to James Puckett as an expression of the Senate of Virginia's admiration for his impressive career accomplishments and best wishes for the future.

**SENATE RESOLUTION NO. 72**

*Commending William A. Robertson.*

Agreed to by the Senate, March 9, 2018

WHEREAS, William A. Robertson, a distinguished veteran and retired law-enforcement professional, has provided over a decade of civic leadership as a member of the Prince George County Board of Supervisors and the Virginia Association of Counties; and

WHEREAS, William "Bill" Robertson served his country for eight years as a member of the United States Marine Corps; he later forged a 38-year career in law enforcement, serving with the Prince George County Police Department, the Virginia State Capitol Police, and the City of Richmond Police Department; and

WHEREAS, Bill Robertson was first elected to the Prince George County Board of Supervisors in 2003 and served with distinction for 15 years, including several years as chairman; he represented Prince George County on the Virginia's Gateway Region economic development board for over a decade; and

WHEREAS, Bill Robertson previously served as president-elect of the Virginia Association of Counties (VACo); he has also served on VACo's Finance Committee and was chairman of its Administration of Government Steering Committee for 2006 and 2007 and chairman of the Compensation and Retirement Steering Committee for 2011, 2012, and 2013; and

WHEREAS, during his long career in public service, Bill Robertson has brought his wide-ranging experience to leadership roles with the Virginia Association of Chiefs of Police/Virginia Sheriffs' Association Highway Transportation Committee, the Virginia Special Olympics Law Enforcement Torch Run, the City of Richmond's Personnel Board, and the Richmond Police Benevolent Association; and

WHEREAS, Bill Robertson has served on promotional boards for the Baltimore Police Department, the Philadelphia Police Department, and the Norfolk, Hopewell, and Colonial Heights Police Departments; and

WHEREAS, Bill Robertson has also volunteered his time as a member of the planning committees for the Richmond Marathon, the Harvest Festival Parade, and March of Dimes Walk America, and has helped coordinate many presidential and vice presidential visits to the Richmond metropolitan area; and

WHEREAS, an active and dedicated citizen, Bill Robertson has served on the boards of numerous civic organizations, including the American Red Cross, the Travelers Aid Society, and the Richmond Community Hospital Citizen Advisory Board; and

WHEREAS, throughout his career in public service, Bill Robertson has won the respect of colleagues and constituents for his dedication, integrity, and leadership; now, therefore, be it

RESOLVED by the Senate of Virginia, That William A. Robertson hereby be commended on his long and meritorious service to the residents of Prince George County and the Commonwealth; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to William A. Robertson as an expression of the Senate of Virginia's admiration for his dedication to public service and best wishes for continued success.

**SENATE RESOLUTION NO. 73**

*Commending Haleigh Hamlin.*

Agreed to by the Senate, March 9, 2018

WHEREAS, Haleigh Hamlin, a talented sophomore student-athlete at Floyd County High School, won the long jump competition at the Virginia High School League Class 2A indoor track and field state championship held on February 22, 2018; and

WHEREAS, Haleigh Hamlin faced off against 18 of the Commonwealth's top track and field athletes in the long jump competition, which was held at Roanoke College's Cregger Center; and

WHEREAS, relying on superior strength and agility, Haleigh Hamlin executed a leap of 16 feet in the state finals, besting the second-place finisher by a quarter inch and tying her own school record for Floyd County High School; and

WHEREAS, Haleigh Hamlin's state long jump championship was Floyd County High School's seventh individual track and field title in the last five years; the school's girls' team went on to finish 11th overall in the indoor track and field state championship meet; and

WHEREAS, Haleigh Hamlin also competed in the 55-meter dash at the 2018 state meet, finishing with a time of 7.8 seconds; she previously finished third in the long jump, third in the 55-meter dash, and fifth in the 300-meter race at the 2018 Region 2C championships; and

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WHEREAS, a hardworking and dedicated competitor, Haleigh Hamlin has brought credit to herself, her school, and her community with her superb athletic accomplishments; now, therefore, be it

RESOLVED by the Senate of Virginia, That Floyd County High School's Haleigh Hamlin hereby be commended on winning the 2018 Virginia High School League Class 2A long jump state championship; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Haleigh Hamlin as an expression of the Senate of Virginia's admiration for her outstanding athletic achievements and best wishes for continued success.

**SENATE RESOLUTION NO. 74**

*Commending Debbi Miller.*

Agreed to by the Senate, March 9, 2018

WHEREAS, Debbi Miller, a talented and poised member of the Fairfax community, was crowned Ms. Senior USA 2017–2018 at the Ms. Senior USA pageant held May 17–23, 2017, at the Tropicana hotel and casino in Las Vegas, Nevada; and

WHEREAS, founded in 2015, the Ms. Senior USA pageant celebrates the accomplishments, elegance, and inner beauty of women over the age of 60 who have experienced life's joys and sorrows and emerged triumphant; and

WHEREAS, as the Founding Queen representing Virginia, Debbi Miller excelled in each of the rounds at Ms. Senior USA, which included a personal interview, evening gown competition, talent show, and statement of each contestant's philosophy of life; and

WHEREAS, a Fairfax resident since 1992, Debbi Miller has lived in 10 states and six foreign countries over the course of her life; and

WHEREAS, Debbi Miller earned a bachelor's degree in vocal performance from Birmingham-Southern College and a master's degree in music from the University of Texas at Austin; she was a Presidential Scholar and a National Merit Scholar; and

WHEREAS, a gifted singer, Debbi Miller has performed 16 leading opera roles around the globe and completed one professional recording entitled *Songs for My Father*; she is also an accomplished violinist and has conducted the pit orchestra for two musicals; and

WHEREAS, Debbi Miller is a devoted community member who has volunteered with numerous organizations in the Fairfax region, including the Associates of the American Foreign Service Worldwide, the Kings Park West Community Association, Fairfax County Public Schools, R.S.V.P. of Northern Virginia, and the Fairfax Little League; and

WHEREAS, Debbi Miller received a Best of Braddock award in recognition of her public service and was also honored with the prestigious Lesley Dorman Award from the Associates of the American Foreign Service Worldwide; and

WHEREAS, as Ms. Senior USA 2017–2018, Debbi Miller has traveled widely and made appearances on behalf of seniors in California, Florida, New York, Washington, Nevada, and at multiple locations in Northern Virginia; and

WHEREAS, a woman of superior talent, intelligence, grace, and dedication, Debbi Miller has provided exemplary service to the community and will be an outstanding representative of the Commonwealth as Ms. Senior USA; now, therefore, be it

RESOLVED by the Senate of Virginia, That Debbi Miller hereby be commended on being crowned Ms. Senior USA for 2017–2018; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Debbi Miller as an expression of the Senate of Virginia's admiration for her spectacular achievements and best wishes for continued success.

**SENATE RESOLUTION NO. 75**

*Commending the Child Protection Partnership.*

Agreed to by the Senate, March 9, 2018

WHEREAS, the Child Protection Partnership, a nonprofit organization that has worked tirelessly to eliminate child abuse and neglect in the Greater Prince William area, will hold its 15th Annual Luncheon in 2018; and

WHEREAS, the Child Protection Partnership traces its roots to the late 1990s, when a group of concerned citizens in Prince William County formed a community organization to combat child abuse; today, the multi-jurisdictional network includes private citizens as well as representatives from Prince William County and the Cities of Manassas and Manassas Park; and

WHEREAS, with a mission to heighten awareness of child abuse and inform the community about appropriate child care and supervision, the Child Protection Partnership runs workshops and education and advocacy efforts in the Greater Prince William area; and

WHEREAS, the Child Protection Partnership collaborates with numerous government entities, nonprofit organizations, and other community partners; and

WHEREAS, the Child Protection Partnership is involved in several child safety initiatives, including the Kids in Cars Campaign, which educates parents about the dangers of leaving children alone in cars; the Safe Sleep Campaign, which raises awareness of Sudden Infant Death Syndrome; and Darkness to Light, which works to empower adults to prevent child abuse; and

WHEREAS, in addition, the Child Protection Partnership provides training for child care workers and professionals on issues of abuse and neglect and offers a Demystifying Child Protective Services presentation to teach community members to recognize signs that a child is at risk of harm; and

WHEREAS, each year, the Child Protection Partnership holds an annual fall conference that includes guest speakers and presentations on topics related to child abuse prevention; and

WHEREAS, the Child Protection Partnership also hosts an annual luncheon where it recognizes members of the community for outstanding work in protecting children; the 14th Annual Luncheon held on April 27, 2017, honored 25 individuals, including law-enforcement personnel, nonprofit staff, school counselors, health care workers, and volunteers; and

WHEREAS, during its nearly two decades in operation, the Child Protection Partnership has served as a valuable network for concerned citizens to exchange ideas, raise awareness of child abuse and neglect, and promote child welfare; now, therefore, be it

RESOLVED by the Senate of Virginia, That the Child Protection Partnership hereby be commended for its dedication to serving the residents of Prince William County on the occasion of its 15th Annual Luncheon; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Child Protection Partnership as an expression of the Senate of Virginia's admiration for its tireless efforts to end child abuse.

**SENATE RESOLUTION NO. 76**

*Celebrating the life of Timothy Scott Edwards.*

Agreed to by the Senate, March 10, 2018

WHEREAS, Timothy Scott Edwards, a beloved husband and son and an admired member of the Henrico County community, died on April 4, 2017; and

WHEREAS, a native of Walla Walla, Washington, Timothy "Tim" Edwards relocated to the Commonwealth with his family and grew up in Roanoke; he earned a bachelor's degree in sociology from the University of Richmond in 1986; and

WHEREAS, Tim Edwards returned to his alma mater in 1987 as a staff member at the University of Richmond's William Taylor Muse Law Library; and

WHEREAS, Tim Edwards began his career in the circulation department and later served as the library associate for collection management; it was while working at the library that he met his soulmate and future wife, Ginny; and

WHEREAS, an avid sports fan, Tim Edwards was especially passionate about the great American pastime of baseball; he tracked statistics for the University of Richmond Spiders for many years, often traveling with the team, and occasionally filled in as a game announcer; and

WHEREAS, Tim Edwards was an accomplished traveler who enjoyed visiting state capitals and taking in the scenic majesty of the American West; in recent years, he frequently returned to his home town to cheer for the Whitman College men's and women's basketball teams; and

WHEREAS, Tim Edwards will be fondly remembered and greatly missed by his wife of 24 years, Ginny; his parents, Tom and Shelby; and numerous other family members, friends, and colleagues; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Timothy Scott Edwards; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Timothy Scott Edwards as an expression of the Senate of Virginia's respect for his memory.

**SENATE RESOLUTION NO. 77**

*Nominating persons to be elected to circuit court judgeships.*

Agreed to by the Senate, March 9, 2018

RESOLVED by the Senate of Virginia, That the following persons are hereby nominated to be elected to the respective circuit court judgeships as follows:

The Honorable Rufus A. Banks, Jr., of Chesapeake, as a judge of the First Judicial Circuit for a term of eight years commencing July 1, 2018.

Michael A. Gatén, Esquire, of Hampton, as a judge of the Eighth Judicial Circuit for a term of eight years commencing July 1, 2018.

The Honorable Dale B. Durrer, of Culpeper, as a judge of the Sixteenth Judicial Circuit for a term of eight years commencing July 1, 2018.

Brian K. Patton, Esquire, of Russell, as a judge of the Twenty-ninth Judicial Circuit for a term of eight years commencing July 1, 2018.

James A. Willett, Esquire, of Prince William, as a judge of the Thirty-first Judicial Circuit for a term of eight years commencing April 1, 2018.

**SENATE RESOLUTION NO. 78**

*Nominating persons to be elected to general district court judgeships.*

Agreed to by the Senate, March 9, 2018

RESOLVED by the Senate of Virginia, That the following persons are hereby nominated to be elected to the respective general district court judgeships as follows:

Matthew A. Glassman, Esquire, of Chesapeake, as a judge of the Fifth Judicial District for a term of six years commencing July 1, 2018.

Selena Stellute Glenn, Esquire, of Hampton, as a judge of the Eighth Judicial District for a term of six years commencing July 1, 2018.

Theresa W. Carter, Esquire, of Orange, as a judge of the Sixteenth Judicial District for a term of six years commencing July 1, 2018.

Gerald E. Mabe, II, Esquire, of Wythe, as a judge of the Twenty-seventh Judicial District for a term of six years commencing July 1, 2018.

The Honorable Ronald K. Elkins, of Wise, as a judge of the Thirtieth Judicial District for a term of six years commencing July 1, 2018.

**SENATE RESOLUTION NO. 79**

*Nominating persons to be elected to juvenile and domestic relations district court judgeships.*

Agreed to by the Senate, March 9, 2018

RESOLVED by the Senate of Virginia, That the following persons are hereby nominated to be elected to the respective juvenile and domestic relations district court judgeships as follows:

Erin L. Evans-Bedois, Esquire, of Chesapeake, as a judge of the First Judicial District for a term of six years commencing July 1, 2018.

Diane P. Griffin, Esquire, of Portsmouth, as a judge of the Third Judicial District for a term of six years commencing July 1, 2018.

Robert M. Smith, III, Esquire, of Norfolk, as a judge of the Fourth Judicial District for a term of six years commencing July 1, 2018.

Maha-Rebekah R. Abejuela, Esquire, of Fairfax, as a judge of the Nineteenth Judicial District for a term of six years commencing July 1, 2018.

Jonathan D. Frieden, Esquire, of Fairfax, as a judge of the Nineteenth Judicial District for a term of six years commencing July 1, 2018.

Brooke-Taylor Willse Gaddy, Esquire, of Campbell, as a judge of the Twenty-fourth Judicial District for a term of six years commencing July 1, 2018.

Richard S. Buddington, Jr., Esquire, of Washington, as a judge of the Twenty-eighth Judicial District for a term of six years commencing July 1, 2018.

Marcus F. McClung, Esquire, of Scott, as a judge of the Thirtieth Judicial District for a term of six years commencing July 1, 2018.

**SENATE RESOLUTION NO. 80**

*Nominating a person to be elected to a juvenile and domestic relations district court judgeship.*

Agreed to by the Senate, March 9, 2018

RESOLVED by the Senate of Virginia, That the following person is hereby nominated to be elected to the juvenile and domestic relations district court judgeship as follows:

David J. Whitted, Esquire, of Chesapeake, as a judge of the First Judicial District for a term of six years commencing July 1, 2018.

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SENATE RESOLUTION NO. 81

*Commending the Wakefield High School boys' basketball team.*

Agreed to by the Senate, March 10, 2018

WHEREAS, the Wakefield High School boys' basketball team of Arlington County won the Virginia High School League Region 5C North championship on February 23, 2018, the 10th regional victory in the program's history; and

WHEREAS, making their seventh-straight regional tournament appearance, the Wakefield High School Warriors defeated the Edison High School Eagles in the regional final by a score of 64–62; and

WHEREAS, the Wakefield Warriors then advanced through the state tournament to their first state final since 1961, and completed their 2017–2018 season as state runner-up after a valiant effort and a close finish; and

WHEREAS, the Wakefield Warriors' successful season was brought into action through the hard work and talent of all the players: James Clark ('18), A'Mari Cooper ('18), Mahmoud Eltaher ('18), Jaylon Fall ('18), Lukas Hatcher ('18), Jared Watkins ('19), Aaron Queen ('20), Jonathan Parker ('18), Ben Horsford ('18), Dell Robertson ('19), Mekhi Short ('19), Tem Ugtakbayar ('18), Chris Warner ('19), Brody Karton ('19), Gabe Tham ('19), Rob Starkey ('19), and Xavier Evans ('20); and

WHEREAS, Wakefield High School forward A'Mari Cooper was honored as the 5C District Player of the Year and Defensive Player of the Year, as well as the 5C Region Player of the Year; and

WHEREAS, Wakefield High School's Ben Horsford was named to the All-District First Team, All-District Defensive First Team, and All-Region First Team; Chris Warner was named to the All-District First Team and the All-Region Second Team; Gabe Tham was named to the All-District Second Team; and Lukas Hatcher received an honorable mention; and

WHEREAS, the Wakefield Warriors were ably led and supported by varsity head coach Tony Bentley, who was named 5C District Coach of the Year and 5C Region Coach of the Year; assistant varsity coaches Horace Willis and Tre' Ford; junior varsity coach Dwayne Rumber; freshman coach Kenny James; and team managers Devin Finlay and Allison Ferrell; and

WHEREAS, the successful season is a testament to the skill and hard work of all of the student-athletes, the leadership and guidance of coaches and staff, and the enthusiastic support of the entire Wakefield High School community; now, therefore, be it

RESOLVED by the Senate of Virginia, That the Wakefield High School boys' basketball team hereby be commended on winning the Virginia High School League Region 5C North championship in 2018; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Tony Bentley, varsity head coach of the Wakefield High School boys' basketball team, as an expression of the Senate of Virginia's admiration for the team's accomplishments and best wishes for the future.

2018]

ACTS OF ASSEMBLY

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SUMMARY OF 2018 REGULAR SESSION LEGISLATION

TOTAL INTRODUCED LEGISLATION .....	3722
House Bills .....	1610
Senate Bills .....	996
House Joint Resolutions .....	576
Senate Joint Resolutions .....	249
House Resolutions .....	210
Senate Resolutions .....	81
TOTAL LEGISLATION PASSED AND/OR AGREED TO .....	1833
House Bills .....	507
Senate Bills .....	367
House Joint Resolutions .....	484
Senate Joint Resolutions .....	197
House Resolutions .....	200
Senate Resolutions .....	78
TOTAL BILLS ENACTED INTO LAW .....	854
House Bills .....	496
Senate Bills .....	358
House Joint Resolutions .....	1
Senate Joint Resolutions .....	2
TOTAL CHAPTERS .....	857
BILLS VETOED BY GOVERNOR .....	20
House Bills .....	11
Senate Bills .....	9

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[VA.,

HOUSE BILLS APPROVED SHOWING CHAPTERS AND PAGE NUMBERS

HOUSE			HOUSE			HOUSE			HOUSE		
HB	Chapter	Page									
1	806	1272	179	25	59	347	387	653	532	689	1037
2	745	1137	183	283	488	358	427	696	533	240	414
3	787	1226	188	492	771	359	93	185	538	344	607
22	309	547	190	341	606	360	428	696	543	825	1303
26	212	360	192	817	1288	364	144	263	544	388	654
28	460	724	202	61	137	365	821	1291	545	6	5
35	36	73	206	217	365	369	26	61	548	319	561
45	383	652	211	424	691	371	777	1212	552	450	714
48	268	463	212	483	755	373	343	607	554	435	703
50	384	652	214	501	785	376	822	1299	555	219	368
52	367	626	215	711	1101	377	114	225	558	261	449
53	16	15	220	720	1109	378	32	70	563	64	144
55	339	605	222	802	1260	384	429	697	564	151	270
60	310	547	226	368	628	387	300	529	569	370	634
61	111	222	227	9	7	389	5	3	574	269	465
62	213	361	228	252	445	396	256	447	577	115	226
63	214	361	231	385	652	397	595	920	581	400	664
71	421	689	233	396	661	398	462	727	589	515	810
73	340	605	234	561	879	399	138	251	590	436	704
77	164	285	235	125	233	418	94 E	186	591	437	704
80	747	1141	236	425	695	422	63	142	592	401	664
81	136	250	237	218	366	431	315	554	594	805	1270
82	249	444	238	253	445	433	257	447	609	41	81
83	815	1287	239	113	224	437	369	631	613	18	17
84	481	752	241	4	3	438	513	809	614	451	717
97	461	725	260	397	661	439	39	78	627	27	61
101	750	1157	262	38	75	442	139	255	632	485	762
114	112	223	267	311	549	443	716	1106	635	116 E	226
117	250	444	274	312	549	451	258	448	637	320	562
119	23	59	278	688	1037	453	430	698	638	851	1383
123	395	659	283	313	552	454	752	1158	640	691	1060
124	24	59	284	818	1289	459	284	488	662	738	1130
125	12	12	286	819	1290	481	259	448	663	371	634
128	522	815	287	737	1130	482	524	816	665	853	1384
129	500	783	289	254	445	483	724	1111	669	438	705
134	423	691	291	10 E	9	484	316	555	671	321	562
135	143	262	292	281	483	486	494	772	674	33	71
139	703	1072	297	820	1290	488	317	559	680	826	1305
145	215	363	301	165	286	489	431	698	683	42	86
146	216	364	303	398	662	494	399	662	684	345	608
150	3	1	304	299	527	495	40	78	686	439	705
151	792	1232	311	255	446	501	95	186	690	692	1062
153	639	969	313	239	413	505	432	701	698	270	466
154	15 E	14	316	314	553	507	484	756	708	402	664
155	816	1288	322	62	138	508	495	773	709	726	1118
161	643	976	326	17	15	509	318	560	727	52	107
162	124	232	329	512	807	511	823	1300	729	403	665
164	37	74	335	137	250	520	96	187	732	43	87
165	786	1225	339	386	653	523	824	1303	737	440	707
166	523	815	340	342	607	527	433	702	743	126	233
167	482	752	344	751	1157	528	497	776	746	44	87
170	251	445	345	722	1111	530	525	816	751	117	227
175	1 E	1	346	426	695	531	260	449	752	45 E	89

Note: E signifies emergency status

HOUSE BILLS APPROVED SHOWING CHAPTERS AND PAGE NUMBERS

HOUSE			HOUSE			HOUSE			HOUSE		
HB	Chapter	Page									
753	46	91	862	223	386	1026	182	314	1206	552	860
754	301	530	864	60	133	1027	264	455	1208	266	461
755	34	72	865	272	469	1031	226	394	1212	59	133
756	322	563	866	273	469	1035	183	315	1219	104	197
760	463	728	867	99	190	1036	448	714	1221	775	1201
761	7	7	871	504	795	1044	488	769	1227	50	103
762	502	785	873	146	265	1047	408	675	1238	551	860
763	827	1306	875	100	191	1054	790	1228	1240	330	582
765	828	1308	877	780	1214	1055	727	1120	1241	793	1235
766	285 E	489	878	241	414	1061	184	315	1246	577	900
767	778	1213	879	453 E	718	1068	119	229	1249	543	850
768	798	1249	883	444	709	1069	286	492	1251	246 E	434
770	829 E	1313	886	791	1230	1071	101	192	1258	835	1330
775	323	564	887	830	1321	1085	390	655	1260	71	155
776	13	13	888	831	1322	1087	672	1023	1265	282	488
778	271	466	894	29	66	1088	454	719	1266	51	105
779	65	145	897	487	768	1091	153	271	1275	470	736
780	127	236	901	505	797	1092	120	229	1276	553	862
788	150	268	902	68	147	1093	326	566	1277	597	923
789	262	454	905	31	68	1095	327	567	1285	640	972
790	404	666	906	54	113	1096	449	714	1293	227	398
793	776	1202	907	55	114	1114	170	296	1297	697	1066
796	757	1162	908	56	122	1124	455	721	1301	578	901
797	66	146	909	48	94	1125	749	1150	1303	373	643
798	807	1273	911	704	1073	1130	274	474	1307	154	272
799	441	707	915	69	147	1132	409	676	1308	155	279
800	324	564	916	243	431	1138	489	769	1310	128	238
803	717	1108	919	832	1323	1142	575	898	1323	555	862
810	389	655	922	446	712	1148	728	1121	1328	836	1334
812	67	146	923	70	151	1151	507	803	1333	769	1185
813	452	718	925	152	270	1152	192	341	1342	156	282
820	166	294	955	263	455	1154	508	804	1343	698	1067
821	442	708	976	302	531	1156	391	656	1349	411	679
823	325	564	986	694	1063	1157	695	1065	1351	857	1423
824	758	1164	987	147	266	1158	207	355	1354	72	156
826	405	668	988	49	100	1159	121	229	1355	20	19
828	28	62	990	804	1270	1160	576	899	1360	22	40
829	486	765	991	528	820	1163	834	1330	1361	21	21
830	443	708	992	529	821	1164	410	677	1362	531	822
836	11	12	993	506	798	1166	328	570	1366	105	197
840	47	92	995	447	713	1170	275	479	1367	228	399
842	97 E	188	996	407	675	1173	102	194	1368	471	741
844	197	344	999	759	1165	1174	562	880	1370	516	810
846	53	109	1000	833	1330	1177	245	434	1372	346	608
847	526	817	1003	596	922	1178	509	804	1375	171	296
850	19	18	1005	168	295	1179	498	782	1377	247	436
852	211	360	1006	225	389	1181	199	345	1378	374	644
853	118	228	1007	8 E	7	1183	542	849	1379	729	1122
854	98	189	1010	638	967	1193	768	1184	1382	556	870
855	220	370	1017	244	432	1194	372	637	1383	375	645
856	145	265	1022	30	67	1197	276	479	1388	532	822
857	221	372	1023	530	821	1198	103	194	1390	730	1123
859	222	385	1024	35	73	1205	265	460	1393	557	871

Note: E signifies emergency status

HOUSE BILLS APPROVED SHOWING CHAPTERS AND PAGE NUMBERS

HOUSE			HOUSE		
HB	Chapter	Page	HB	Chapter	Page
1395	348	609	1551	744	1136
1399	331	585	1552	710	1101
1404	559	877	1553	287	492
1412	456	722	1554	231 E	404
1413	122	230	1555	232	406
1415	705	1077	1556	185	317
1418	761	1165	1559	267	462
1419	785	1225	1560	547	853
1426	58	129	1564	158	283
1427	837	1334	1571	607	939
1428	413 E	680	1583	766	1182
1430	201	348	1599	548	854
1437	414	681	1600	491	770
1439	248 E	443	1602	334	586
1441	838	1335	1604	392	656
1442	603	937	1605	608	940
1450	839 E	1346	1607	416	682
1451	415	681	1608	609	941
1452	545	852	1609	811	1281
1453	644	978	<b>HJR</b>	<b>Chapter</b>	<b>Page</b>
1454	731	1125	6	812	1285
1460	560	878			
1464	763	1168			
1467	332 E	585			
1468	57	125			
1475	510	805			
1479	534	843			
1482	546	852			
1485	753	1158			
1486	706	1079			
1491	349	610			
1495	604	937			
1499	333	586			
1500	472	741			
1505	579	904			
1506	229	400			
1511	238	413			
1520	172	299			
1521	605	938			
1522	350	611			
1523	352	612			
1524	718	1109			
1525	606	939			
1527	277	480			
1530	517	811			
1532	490	770			
1533	645	979			
1534	598	925			
1535	157	283			
1537	599	925			
1539	854	1385			
1546	732	1125			
1550	764	1169			

Note: E signifies emergency status

SENATE BILLS APPROVED SHOWING CHAPTERS AND PAGE NUMBERS

SENATE			SENATE			SENATE			SENATE		
SB	Chapter	Page									
14	474	744	197	233	406	330	567 E	884	474	675	1025
16	303	532	198	434	702	332	362	624	475	84	174
20	445	711	210	478	749	340	610	942	477	85	176
28	771	1194	211	420	687	343	843	1360	478	653	996
35	493	772	213	357	617	344	511	806	485	623	954
36	535	843	218	615	946	346	649	985	486	734	1126
47	549	857	219	616	948	347	459	723	487	624	954
51	457	722	222	565	881	349	748	1143	489	527	818
52	73	157	226	772	1195	353	739	1130	490	676 E	1026
57	417	685	227	754	1159	356	650	987	492	363	624
61	173	300	228	291	494	359	619	951	496	364	625
69	611	943	229	586	914	361	80	164	501	365	626
71	475	745	230	14 E	13	363	235 E	410	503	289	493
72	354	615	232	358 E	618	368	588	914	504	554	862
73	612	944	234	719	1109	371	721	1110	506	789	1228
76	518	811	238	587	914	374	469	733	508	654	997
78	476 E	745	244	130	240	375	620	952	511	280	482
84	355	616	246	131	240	376	621	953	512	756	1161
89	564	880	247	690	1049	378	855	1404	513	533	833
92	74	158	248	305	537	379	539	846	514	86	176
95	480	750	249	840	1348	382	167	295	515	161	284
101	519	812	253	359	621	383	176	307	524	134	246
103	746	1139	256	75	158	386	540	847	525	135	247
105	765	1175	258	466	732	387	132	245	526	852	1384
108	800	1252	260	76	159	388	306	541	528	87	180
109	148	267	264	538	846	389	696	1065	529	88	181
120	210	359	265	723	1111	391	81	165	531	625	955
121	278	481	267	841	1359	392	568	887	532	123	231
124	520	812	268	292	494	394	755	1160	535	479	749
125	290	493	269	194	343	396	177	308	536	788	1226
126	521	813	271	360	622	399	600	928	538	582	905
127	174	306	273	784	1225	405	844	1361	539	810	1276
128	356	617	278	842	1360	406	581	905	540	583	906
129	550	858	279	77	160	407	541	848	542	205	352
130	464	729	286	78	161	410	651	987	543	188	319
137	418	686	287	195	343	411	202	349	544	376	646
143	186	318	291	361	623	413	242	423	545	783	1223
149	799	1252	294	646	980	418	673	1023	546	89	181
150	536	844	295	140	257	420	699	1067	547	626	955
152	465	731	298	467	732	422	204	350	550	329	576
153	537	845	304	279	481	426	652	988	555	569	888
154	613	944	305	468	733	428	82 E	171	556	693	1063
163	614	945	306	234	408	429	496	775	557	203	350
170	585	911	307	617	949	430	236	410	560	377	647
171	477	747	309	208	356	443	133	245	562	725	1115
174	169	295	310	566	884	446	159	283	564	584	908
176	304	537	314	618	950	448	499	783	565	544	851
177	641	972	315	458	722	449	563	880	566	178	309
179	175	306	319	79	163	450	622	953	567	677	1026
180	129	240	320	647	982	451	335	592	568	589	915
183	209	357	325	648	982	457	83	172	569	767	1183
184	193	341	328	733	1126	466	160	284	571	678	1027
186	419	687	329	187	318	470	674	1024	573	347	609

Note: E signifies emergency status

SENATE BILLS APPROVED SHOWING CHAPTERS AND PAGE NUMBERS

SENATE			SENATE			SENATE		
SB	Chapter	Page	SB	Chapter	Page	SB	Chapter	Page
575	288	493	741	630	959	902	849	1375
576	627	955	747	593	918	905	351	612
580	679	1027	750	664	1004	906	237 E	411
585	628	958	754	684	1035	908	295	500
586	655	997	755	847	1373	912	669	1015
587	740	1131	758	224	388	918	381	651
588	179	310	760	200	347	920	573	895
589	700	1068	762	572	895	921	92	185
594	336	593	769	665	1004	922	795	1237
601	412	679	772	503	790	924	687	1036
605	514	810	775	594	919	925	353	614
609	656	998	780	206	354	930	742	1134
614	701	1070	783	180	313	931	714	1105
615	707	1098	792	631	959	932	715	1105
622	796	1245	796	781	1217	933	602	936
631	845	1364	807	632	960	939	709	1099
632	106	198	809	702	1070	941	163	285
633	601	934	812	803	1267	942	850	1375
636	770	1190	813	666	1008	943	382	651
637	590	915	815	633	960	946	307	541
643	629	959	818	293	499	947	635	962
647	657	998	819	735	1129	950	636	962
651	680	1030	821	473	743	953	393	657
652	681	1030	823	848	1374	959	773	1196
657	741	1131	829	338	601	960	142	261
658	591	915	831	378	648	961	394	657
663	682	1031	832	379	648	966	296	501
664	592	916	833	667	1009	971	743	1135
669	846 E	1371	840	712	1103	974	308	546
670	658	999	841	713	1104	979	230	402
672	782	1218	846	736	1129	981	191	322
673	570	891	847	366	626	982	110	204
677	659	1000	851	762	1167	983	779	1214
679	90	182	853	668	1012	984	637	966
680	660	1001	854	685	1036	989	574	898
682	189	320	856	856	1405	991	760	1165
684	661	1001	858	141	258	993	670	1017
688	149	267	859	558	874	994	671	1018
693	642	976	866	2 E	1	995	794	1235
695	337	594	867	198	345	996	774	1197
698	297 E	525	868	109	202			
699	298 E	526	871	91	182	<b>SJR</b>	<b>Chapter</b>	<b>Page</b>
701	162	284	873	294	499	21	813	1285
702	107	199	875	686 E	1036	76	814	1287
703	196	344	882	380	649			
716	662	1001	883	801	1252			
717	708	1099	884	406	671			
722	663	1002	885	580	904			
725	571	895	887	181	313			
726	809 E	1275	888	634	960			
728	190	321	896	797	1247			
735	108	200	899	808	1274			
739	683	1034	900	422	690			

Note: E signifies emergency status

2018]

## ACTS OF ASSEMBLY

1995

## BILLS VETOED BY THE GOVERNOR

(Communications from the Governor, relating to the bills that were vetoed, may be found in the Journals of the House of Delegates and the Senate for the 2018 Regular Session.)

The following vetoed bills were returned unsigned by Governor Ralph S. Northam:

**HOUSE BILLS**

- HB 110 Franchisees; clarifies status thereof and its employees as employees of the franchisor, application of title. Chief Patron: Head
- HB 158 House of Delegates and Senate district boundaries; General Assembly authorized to make technical adjustments to legislative districts subsequent to decennial redistricting. Chief Patron: Cole
- HB 375 Local government; prohibits certain practices that would require contractors to provide certain compensation or benefits. Chief Patron: Davis
- HB 1144 Voter registration; persons assisting with completion or collection of completed voter registration applications, certain identifying information required, shall not apply to any state or local government employee who assists with completion of application. Chief Patron: Wilt
- HB 1167 Jury commissioners; lists of unqualified persons provided to general registrars. Chief Patron: LaRock
- HB 1204 Real property tax; special and separate assessment of open space in certain counties. Chief Patron: Hugo
- HB 1257 Sanctuary policies; no locality shall adopt any ordinance, etc., that restricts enforcement of federal immigration laws. Chief Patron: Cline
- HB 1270 Regional Greenhouse Gas Initiative; prohibition on participation by Commonwealth. Chief Patron: Poindexter
- HB 1568 Small Business and Supplier Diversity, Department of; powers and duties of Department, small business development programs, repeals existing provisions for certain programs and funds. Chief Patron: Landes
- HB 1595 Vested rights; owner of real property who has an occupancy permit prior to January 1, 2018, shall not be required to retrofit existing landscape cover materials, owner shall not be prohibited from continuing to use materials at such property, definition of landscape cover materials. Chief Patron: Wilt
- HB 1598 Congressional and state legislative districts; standards and criteria provisions shall apply to districts drawn following 2020 United States Census and thereafter. Chief Patron: Jones, S.C.

**SENATE BILLS**

- SB 106 Congressional and state legislative districts; standards and criteria provisions shall apply to districts drawn following 2020 United States Census and thereafter. Chief Patron: Suetterlein
- SB 521 Registered voters and persons voting; Department of Elections shall utilize data regarding registration and list of persons voting through list comparisons and data-matching exchanges with other states, etc., reports when exceeding age eligible population and number of registered voters. Chief Patron: Obenshain
- SB 834 Voter registration list maintenance; voters identified as registered in multiple states. Chief Patron: Chafin
- SB 844 Health insurance; individual coverage, short-term policies, short-term plan sold or offered for sale in the Commonwealth shall include disclaimer statement. Chief Patron: Dunnivant
- SB 926 Special counsel; contingency fees for those employed by a state agency. Chief Patron: Obenshain

**1996**

**ACTS OF ASSEMBLY**

**[VA.,**

- SB 934 Benefits consortium; formation by a sponsoring association, association includes any wholly owned subsidiary. Chief Patron: Dunnivant
  
- SB 935 Group health benefit plans; removes definition and references to bona fide associations, definition of sponsoring association. Chief Patron: Dunnivant
  
- SB 964 Health insurance; catastrophic health plans, Commissioner of Insurance shall prepare and submit an application to federal Centers for Medicare & Medicaid Services (CMS) for a State Innovation Waiver, waiving eligibility restrictions for individuals eligible for plans. Chief Patron: Sturtevant
  
- SB 972 Vested rights; owner of real property who has an occupancy permit prior to January 1, 2018, shall not be required to retrofit existing landscape cover materials, owner shall not be prohibited from continuing to use materials at such property, definition of landscape cover materials. Chief Patron: Obenshain

2018]

ACTS OF ASSEMBLY

1997

THE SENATE  
2018 REGULAR SESSION

District Number	Name	County and/or City Represented
39	Barker, George L. (D)	Counties of Fairfax (part) and Prince William (part); City of Alexandria (part)
13	Black, Richard H. (R)	Counties of Loudoun (part) and Prince William (part)
40	Carrico, Charles W., Sr. (R)	Counties of Grayson, Lee, Scott, Smyth (part), Washington, Wise (part), and Wythe (part); City of Bristol
38	Chafin, A. Benton, Jr. (R)	Counties of Bland, Buchanan, Dickenson, Montgomery (part), Pulaski, Russell, Smyth (part), Tazewell, and Wise (part); Cities of Norton and Radford
11	Chase, Amanda F. (R)	Counties of Amelia and Chesterfield (part); City of Colonial Heights
14	Cosgrove, John A., Jr. (R)	Counties of Isle of Wight (part) and Southampton (part); Cities of Chesapeake (part), Franklin (part), Portsmouth (part), Suffolk (part), and Virginia Beach (part)
16	Dance, Rosalyn R. (D)	Counties of Chesterfield (part), Dinwiddie (part), and Prince George (part); Cities of Hopewell, Petersburg, and Richmond (part)
25	Deeds, R. Creigh (D)	Counties of Albemarle (part), Alleghany, Bath, Highland, Nelson, and Rockbridge; Cities of Buena Vista, Charlottesville, Covington, and Lexington
8	DeSteph, William R., Jr. (R)	City of Virginia Beach (part)
12	Dunnivant, Siobhan S. (R)	Counties of Hanover (part) and Henrico (part)
30	Ebbin, Adam P. (D)	Counties of Arlington (part) and Fairfax (part); City of Alexandria (part)
21	Edwards, John S. (D)	Counties of Giles, Montgomery (part), and Roanoke (part); City of Roanoke
31	Favola, Barbara A. (D)	Counties of Arlington (part), Fairfax (part), and Loudoun (part)
24	Hanger, Emmett W., Jr. (R)	Counties of Augusta, Culpeper (part), Greene, Madison, and Rockingham (part); Cities of Staunton and Waynesboro
32	Howell, Janet D. (D)	Counties of Arlington (part) and Fairfax (part)
6	Lewis, Lynwood W., Jr. (D)	Counties of Accomack, Mathews, and Northampton; Cities of Norfolk (part) and Virginia Beach (part)
2	Locke, Mamie E. (D)	County of York (part); Cities of Hampton (part), Newport News (part), and Portsmouth (part)
18	Lucas, L. Louise (D)	Counties of Brunswick (part), Greenville, Isle of Wight (part), Southampton (part), Surry (part), and Sussex; Cities of Chesapeake (part), Emporia, Franklin (part), Portsmouth (part), and Suffolk (part)

1998

ACTS OF ASSEMBLY

[VA.,

THE SENATE  
2018 REGULAR SESSION

District Number	Name	County and/or City Represented
37	Marsden, David W. (D)	County of Fairfax (part)
1	Mason, T. Montgomery (D)	Counties of James City (part) and York (part); Cities of Hampton (part), Newport News (part), Suffolk (part), and Williamsburg
9	McClellan, Jennifer L. (D)	Counties of Charles City, Hanover (part), and Henrico (part); City of Richmond (part)
4	McDougle, Ryan T. (R)	Counties of Caroline, Essex, Hanover (part), King George (part), Lancaster, Middlesex, Northumberland, Richmond, Spotsylvania (part), and Westmoreland (part)
29	McPike, Jeremy S. (D)	County of Prince William (part); Cities of Manassas and Manassas Park
23	Newman, Stephen D. (R)	Counties of Bedford (part), Botetourt, Campbell (part), Craig, and Roanoke (part); City of Lynchburg (part)
3	Norment, Thomas K., Jr. (R)	Counties of Gloucester, Isle of Wight (part), James City (part), King and Queen, King William, New Kent, Surry (part), and York (part); Cities of Hampton (part), Poquoson, and Suffolk (part)
26	Obenshain, Mark D. (R)	Counties of Page, Rappahannock, Rockingham (part), Shenandoah, and Warren; City of Harrisonburg
22	Peake, Mark J. (R)	Counties of Amherst, Appomattox, Buckingham, Cumberland, Fluvanna, Goochland, Louisa (part), and Prince Edward; City of Lynchburg (part)
34	Petersen, J. Chapman (D)	County of Fairfax (part); City of Fairfax
17	Reeves, Bryce E. (R)	Counties of Albemarle (part), Culpeper (part), Louisa (part), Orange, and Spotsylvania (part); City of Fredericksburg
15	Ruff, Frank M., Jr. (R)	Counties of Brunswick (part), Campbell (part), Charlotte, Dinwiddie (part), Halifax (part), Lunenburg, Mecklenburg, Nottoway, Pittsylvania (part), and Prince George (part); City of Danville (part)
35	Saslaw, Richard L. (D)	County of Fairfax (part); Cities of Alexandria (part) and Falls Church
5	Spruill, Lionell, Sr. (D)	Cities of Chesapeake (part) and Norfolk (part)
20	Stanley, William M., Jr. (R)	Counties of Carroll (part), Franklin (part), Halifax (part), Henry, Patrick, and Pittsylvania (part); Cities of Danville (part), Galax, and Martinsville
28	Stuart, Richard H. (R)	Counties of King George (part), Prince William (part), Spotsylvania (part), Stafford (part), and Westmoreland (part)
10	Sturtevant, Glen H., Jr. (R)	Counties of Chesterfield (part) and Powhatan; City of Richmond (part)

2018]

ACTS OF ASSEMBLY

1999

THE SENATE  
2018 REGULAR SESSION

District Number	Name	County and/or City Represented
19	Suetterlein, David R. (R)	Counties of Bedford (part), Carroll (part), Floyd, Franklin (part), Montgomery (part), Roanoke (part), and Wythe (part); City of Salem
36	Surovell, Scott A. (D)	Counties of Fairfax (part), Prince William (part), and Stafford (part)
27	Vogel, Jill Holtzman (R)	Counties of Clarke, Culpeper (part), Fauquier, Frederick, Loudoun (part), and Stafford (part); City of Winchester
7	Wagner, Frank W. (R)	Cities of Norfolk (part) and Virginia Beach (part)
33	Wexton, Jennifer T. (D)	Counties of Fairfax (part) and Loudoun (part)

**THE HOUSE OF DELEGATES  
2018 REGULAR SESSION**

District Number	Name	County and/or City Represented
68	Adams, Dawn M. (D)	Counties of Chesterfield (part) and Henrico (part); City of Richmond (part)
16	Adams, Leslie R. (R)	Counties of Henry (part) and Pittsylvania (part); City of Martinsville
63	Aird, Lashrecse D. (D)	Counties of Chesterfield (part), Dinwiddie (part), and Prince George (part); Cities of Hopewell (part) and Petersburg
19	Austin, Terry L. (R)	Counties of Alleghany, Bedford (part), and Botetourt (part); City of Covington
51	Ayala, Hala S. (D)	County of Prince William (part)
74	Bagby, Lamont (D)	Counties of Charles City and Henrico (part); City of Richmond (part)
87	Bell, John J. (D)	Counties of Loudoun (part) and Prince William (part)
20	Bell, Richard P. (R)	Counties of Augusta (part), Highland, and Nelson (part); Cities of Staunton and Waynesboro
58	Bell, Robert B. (R)	Counties of Albemarle (part), Fluvanna (part), Greene, and Rockingham (part)
100	Bloxom, Robert S., Jr. (R)	Counties of Accomack and Northampton; Cities of Norfolk (part) and Virginia Beach (part)
71	Bourne, Jeffrey M. (D)	County of Henrico (part); City of Richmond (part)
86	Boysko, Jennifer B. (D)	Counties of Fairfax (part) and Loudoun (part)
64	Brewer, Emily M. (R)	Counties of Isle of Wight (part), Prince George (part), Southampton (part), Surry (part), and Sussex (part); Cities of Franklin (part) and Suffolk (part)
37	Bulova, David L. (D)	County of Fairfax (part); City of Fairfax
22	Byron, Kathy J. (R)	Counties of Bedford (part), Campbell (part), and Franklin (part); City of Lynchburg (part)
6	Campbell, Jeffrey L. (R)	Counties of Carroll, Smyth (part), and Wythe
69	Carr, Betsy B. (D)	County of Chesterfield (part); City of Richmond (part)
2	Carroll Foy, Jennifer D. (D)	Counties of Prince William (part) and Stafford (part)
50	Carter, Lee J. (D)	County of Prince William (part); City of Manassas
24	Cline, Benjamin L. (R)	Counties of Amherst (part), Augusta (part), Bath, and Rockbridge; Cities of Buena Vista and Lexington
88	Cole, Mark L. (R)	Counties of Fauquier (part), Spotsylvania (part), and Stafford (part); City of Fredericksburg (part)
29	Collins, Christopher E. (R)	Counties of Frederick (part) and Warren (part); City of Winchester

2018]

ACTS OF ASSEMBLY

2001

THE HOUSE OF DELEGATES  
2018 REGULAR SESSION

District Number	Name	County and/or City Represented
21	Convirs-Fowler, Kelly K. (D)	Cities of Chesapeake (part) and Virginia Beach (part)
66	Cox, M. Kirkland (R)	County of Chesterfield (part); City of Colonial Heights
84	Davis, Glenn R., Jr. (R)	City of Virginia Beach (part)
67	Delaney, Karrie K. (D)	Counties of Fairfax (part) and Loudoun (part)
60	Edmunds, James E., II (R)	Counties of Campbell (part), Charlotte, Halifax, and Prince Edward
59	Fariss, C. Matthew (R)	Counties of Albemarle (part), Appomattox, Buckingham, Campbell (part), and Nelson (part)
41	Filler-Corn, Eileen (D)	County of Fairfax (part)
55	Fowler, Hyland F., Jr. (R)	Counties of Caroline (part), Hanover (part), and Spotsylvania (part)
30	Freitas, Nicholas J. (R)	Counties of Culpeper (part), Madison, and Orange
23	Garrett, T. Scott (R)	Counties of Amherst (part) and Bedford (part); City of Lynchburg (part)
15	Gilbert, C. Todd (R)	Counties of Page, Rockingham (part), Shenandoah, and Warren (part)
10	Gooditis, Gwendolyn W. (D)	Counties of Clarke (part), Frederick (part), and Loudoun (part)
31	Guzman, Elizabeth R. (D)	Counties of Fauquier (part) and Prince William (part)
8	Habeeb, Gregory D. (R)	Counties of Craig, Montgomery (part), and Roanoke (part); City of Salem
77	Hayes, C.E. Cliff, Jr. (D)	Cities of Chesapeake (part) and Suffolk (part)
17	Head, Christopher T. (R)	Counties of Botetourt (part) and Roanoke (part); City of Roanoke (part)
91	Helsel, Gordon C., Jr. (R)	County of York (part); Cities of Hampton (part) and Poquoson
79	Heretick, Stephen E. (D)	Cities of Norfolk (part) and Portsmouth (part)
46	Herring, Charniele L. (D)	City of Alexandria (part)
98	Hodges, M. Keith (R)	Counties of Essex, Gloucester, King and Queen, King William (part), Mathews, and Middlesex
47	Hope, Patrick A. (D)	County of Arlington (part)
40	Hugo, Timothy D. (R)	Counties of Fairfax (part) and Prince William (part)
12	Hurst, Chris L. (D)	Counties of Giles, Montgomery (part), and Pulaski (part); City of Radford
62	Ingram, Riley E. (R)	Counties of Chesterfield (part), Henrico (part), and Prince George (part); City of Hopewell (part)

2002

ACTS OF ASSEMBLY

[VA.,

THE HOUSE OF DELEGATES  
2018 REGULAR SESSION

District Number	Name	County and/or City Represented
80	James, Matthew (D)	Cities of Chesapeake (part), Norfolk (part), Portsmouth (part), and Suffolk (part)
89	Jones, Jerrauld C. (D)	City of Norfolk (part)
76	Jones, S. Chris (R)	Cities of Chesapeake (part) and Suffolk (part)
35	Keam, Mark L. (D)	County of Fairfax (part)
1	Kilgore, Terry G. (R)	Counties of Lee, Scott, and Wise (part); City of Norton
81	Knight, Barry D. (R)	Cities of Chesapeake (part) and Virginia Beach (part)
38	Kory, Kaye (D)	County of Fairfax (part)
44	Krizek, Paul E. (D)	County of Fairfax (part)
25	Landes, R. Steven (R)	Counties of Albemarle (part), Augusta (part), and Rockingham (part)
33	LaRock, David A. (R)	Counties of Clarke (part), Frederick (part), and Loudoun (part)
78	Leftwich, James A., Jr. (R)	City of Chesapeake (part)
45	Levine, Mark H. (D)	Counties of Arlington (part) and Fairfax (part); City of Alexandria (part)
90	Lindsey, Joseph C. (D)	Cities of Norfolk (part) and Virginia Beach (part)
49	Lopez, Alfonso H. (D)	Counties of Arlington (part) and Fairfax (part)
14	Marshall, Daniel W., III (R)	Counties of Henry (part) and Pittsylvania (part); City of Danville
56	McGuire, John J., III (R)	Counties of Goochland (part), Henrico (part), Louisa, and Spotsylvania (part)
70	McQuinn, Delores L. (D)	Counties of Chesterfield (part) and Henrico (part); City of Richmond (part)
82	Miyares, Jason S. (R)	City of Virginia Beach (part)
3	Morefield, James W. (R)	Counties of Bland, Buchanan, Russell (part), and Tazewell
93	Mullin, Michael P. (D)	Counties of James City (part) and York (part); Cities of Newport News (part) and Williamsburg
34	Murphy, Kathleen J. (D)	Counties of Fairfax (part) and Loudoun (part)
5	O'Quinn, Israel D. (R)	Counties of Grayson, Smyth (part), and Washington (part); Cities of Bristol and Galax
54	Orrock, Robert D., Sr. (R)	Counties of Caroline (part) and Spotsylvania (part)
97	Peace, Christopher K. (R)	Counties of Hanover (part), King William (part), and New Kent

2018]

ACTS OF ASSEMBLY

2003

THE HOUSE OF DELEGATES  
2018 REGULAR SESSION

District Number	Name	County and/or City Represented
4	Pillion, Todd E. (R)	Counties of Dickenson, Russell (part), Washington (part), and Wise (part)
36	Plum, Kenneth R. (D)	County of Fairfax (part)
96	Pogge, Brenda L. (R)	Counties of James City (part) and York (part)
9	Poindexter, Charles D. (R)	Counties of Franklin (part), Henry (part), and Patrick
95	Price, Marcia S. (D)	Cities of Hampton (part) and Newport News (part)
99	Ransone, Margaret B. (R)	Counties of Caroline (part), King George, Lancaster, Northumberland, Richmond, and Westmoreland
11	Rasoul, Sam (D)	City of Roanoke (part)
32	Reid, David A. (D)	County of Loudoun (part)
27	Robinson, Roxann L. (R)	County of Chesterfield (part)
73	Rodman, Debra H. (D)	County of Henrico (part)
13	Roem, Danica A. (D)	County of Prince William (part); City of Manassas Park
7	Rush, L. Nick (R)	Counties of Floyd, Montgomery (part), and Pulaski (part)
43	Sickles, Mark D. (D)	County of Fairfax (part)
53	Simon, Marcus B. (D)	County of Fairfax (part); City of Falls Church
83	Stolle, Christopher P. (R)	Cities of Norfolk (part) and Virginia Beach (part)
48	Sullivan, Richard C., Jr. (D)	Counties of Arlington (part) and Fairfax (part)
28	Thomas, Robert M., Jr. (R)	County of Stafford (part); City of Fredericksburg (part)
52	Torian, Luke E. (D)	County of Prince William (part)
57	Toscano, David J. (D)	County of Albemarle (part); City of Charlottesville
42	Tran, Kathy KL (D)	County of Fairfax (part)
85	Turpin, Cheryl B. (D)	City of Virginia Beach (part)
75	Tyler, Roslyn C. (D)	Counties of Brunswick, Dinwiddie (part), Greensville, Isle of Wight (part), Lunenburg (part), Southampton (part), Surry (part), and Sussex (part); Cities of Emporia and Franklin (part)
72	VanValkenburg, Schuyler T. (D)	County of Henrico (part)
92	Ward, Jeion A. (D)	City of Hampton (part)
65	Ware, R. Lee, Jr. (R)	Counties of Chesterfield (part), Fluvanna (part), Goochland (part), and Powhatan
39	Watts, Vivian E. (D)	County of Fairfax (part)

2004

ACTS OF ASSEMBLY

[VA.,

THE HOUSE OF DELEGATES  
2018 REGULAR SESSION

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District Number	Name	County and/or City Represented
18	Webert, Michael J. (R)	Counties of Culpeper (part), Fauquier (part), Rappahannock, and Warren (part)
26	Wilt, Tony O. (R)	County of Rockingham (part); City of Harrisonburg
61	Wright, Thomas C., Jr. (R)	Counties of Amelia, Cumberland, Lunenburg (part), Mecklenburg, and Nottoway
94	Yancey, David E. (R)	City of Newport News (part)

**SENATORS AND DELEGATES BY COUNTIES  
2018 REGULAR SESSION**

COUNTIES	SENATORS	DELEGATES
Accomack.....	Lynwood W. Lewis, Jr. (D) .....	Robert S. Bloxom, Jr. (R)
Albemarle.....	R. Creigh Deeds (D)..... Bryce E. Reeves (R)	Robert B. Bell (R) C. Matthew Fariss (R) R. Steven Landes (R) David J. Toscano (D)
Alleghany.....	R. Creigh Deeds (D).....	Terry L. Austin (R)
Amelia.....	Amanda F. Chase (R) .....	Thomas C. Wright, Jr. (R)
Amherst.....	Mark J. Peake (R).....	Benjamin L. Cline (R) T. Scott Garrett (R)
Appomattox.....	Mark J. Peake (R).....	C. Matthew Fariss (R)
Arlington.....	Adam P. Ebbin (D)..... Barbara A. Favola (D) Janet D. Howell (D)	Patrick A. Hope (D) Mark H. Levine (D) Alfonso H. Lopez (D) Richard C. Sullivan, Jr. (D)
Augusta.....	Emmett W. Hanger, Jr. (R) .....	Richard P. Bell (R) Benjamin L. Cline (R) R. Steven Landes (R)
Bath.....	R. Creigh Deeds (D).....	Benjamin L. Cline (R)
Bedford.....	Stephen D. Newman (R) .....	Terry L. Austin (R)
	David R. Suetterlein (R)	Kathy J. Byron (R) T. Scott Garrett (R)
Bland.....	A. Benton Chafin, Jr. (R) .....	James W. Morefield (R)
Botetourt.....	Stephen D. Newman (R) .....	Terry L. Austin (R) Christopher T. Head (R)
Brunswick.....	L. Louise Lucas (D) .....	Roslyn C. Tyler (D)
	Frank M. Ruff, Jr. (R)	
Buchanan.....	A. Benton Chafin, Jr. (R) .....	James W. Morefield (R)
Buckingham.....	Mark J. Peake (R).....	C. Matthew Fariss (R)
Campbell.....	Stephen D. Newman (R) .....	Kathy J. Byron (R)
	Frank M. Ruff, Jr. (R)	James E. Edmunds, II (R) C. Matthew Fariss (R)
Caroline.....	Ryan T. McDougale (R).....	Hyland F. Fowler, Jr. (R) Robert D. Orrock, Sr. (R) Margaret B. Ransone (R)
Carroll.....	William M. Stanley, Jr. (R).....	Jeffrey L. Campbell (R)
	David R. Suetterlein (R)	
Charles City.....	Jennifer L. McClellan (D).....	Lamont Bagby (D)
Charlotte.....	Frank M. Ruff, Jr. (R).....	James E. Edmunds, II (R)
Chesterfield.....	Amanda F. Chase (R) .....	Dawn M. Adams (D)
	Rosalyn R. Dance (D)	Leslie R. Aird (D)
	Glen H. Sturtevant, Jr. (R)	Betsy B. Carr (D) M. Kirkland Cox (R) Riley E. Ingram (R) Delores L. McQuinn (D) Roxann L. Robinson (R) R. Lee Ware, Jr. (R)
Clarke.....	Jill Holtzman Vogel (R).....	Gwendolyn W. Gooditis (D) David A. LaRock (R)
Craig.....	Stephen D. Newman (R) .....	Gregory D. Habeeb (R)
Culpeper.....	Emmett W. Hanger, Jr. (R) .....	Nicholas J. Freitas (R)
	Bryce E. Reeves (R)	Michael J. Webert (R)
	Jill Holtzman Vogel (R)	
Cumberland.....	Mark J. Peake (R).....	Thomas C. Wright, Jr. (R)
Dickenson.....	A. Benton Chafin, Jr. (R) .....	Todd E. Pillion (R)

**SENATORS AND DELEGATES BY COUNTIES  
2018 REGULAR SESSION**

COUNTIES	SENATORS	DELEGATES
Dinwiddie.....	Rosalyn R. Dance (D) ..... Frank M. Ruff, Jr. (R)	Lashreese D. Aird (D) Roslyn C. Tyler (D)
Essex .....	Ryan T. McDougle (R).....	M. Keith Hodges (R)
Fairfax .....	George L. Barker (D) ..... Adam P. Ebbin (D) Barbara A. Favola (D) Janet D. Howell (D) David W. Marsden (D) J. Chapman Petersen (D) Richard L. Saslaw (D) Scott A. Surovell (D) Jennifer T. Wexton (D)	Jennifer B. Boysko (D) David L. Bulova (D) Karrie K. Delaney (D) Eileen Filler-Corn (D) Timothy D. Hugo (R) Mark L. Keam (D) Kaye Kory (D) Paul E. Krizek (D) Mark H. Levine (D) Alfonso H. Lopez (D) Kathleen J. Murphy (D) Kenneth R. Plum (D) Mark D. Sickles (D) Marcus B. Simon (D) Richard C. Sullivan (D) Kathy KL Tran (D) Vivian E. Watts (D)
Fauquier .....	Jill Holtzman Vogel (R).....	Mark L. Cole (R) Elizabeth R. Guzman (D) Michael J. Webert (R)
Floyd .....	David R. Suetterlein (R).....	L. Nick Rush (R)
Fluvanna.....	Mark J. Peake (R).....	Robert B. Bell (R) R. Lee Ware, Jr. (R)
Franklin .....	William M. Stanley, Jr. (R)..... David R. Suetterlein (R)	Kathy J. Byron (R) Charles D. Poindexter (R)
Frederick .....	Jill Holtzman Vogel (R).....	Christopher E. Collins (R) Gwendolyn W. Gooditis (D) David A. LaRock (R)
Giles .....	John S. Edwards (D) .....	Chris L. Hurst (D)
Gloucester .....	Thomas K. Norment, Jr. (R).....	M. Keith Hodges (R)
Goochland .....	Mark J. Peake (R).....	John J. McGuire, III (R) R. Lee Ware, Jr. (R)
Grayson .....	Charles W. Carrico, Sr. (R).....	Israel D. O'Quinn (R)
Greene .....	Emmett W. Hanger, Jr. (R) .....	Robert B. Bell (R)
Greensville .....	L. Louise Lucas (D) .....	Roslyn C. Tyler (D)
Halifax.....	Frank M. Ruff, Jr. (R)..... William M. Stanley, Jr. (R)	James E. Edmunds, II (R)
Hanover.....	Siobhan S. Dunnavant (R)..... Jennifer L. McClellan (D) Ryan T. McDougle (R)	Hyland F. Fowler, Jr. (R) Christopher K. Peace (R)
Henrico.....	Siobhan S. Dunnavant (R)..... Jennifer L. McClellan (D)	Dawn M. Adams (D) Lamont Bagby (D) Jeffrey M. Bourne (D) Riley E. Ingram (R) John J. McGuire, III (R) Delores L. McQuinn (D) Debra H. Rodman (D) Schuyler T. VanValkenburg (D)
Henry.....	William M. Stanley, Jr. (R).....	Leslie R. Adams (R) Daniel W. Marshall, III (R) Charles D. Poindexter (R)
Highland.....	R. Creigh Deeds (D).....	Richard P. Bell (R)

2018]

ACTS OF ASSEMBLY

2007

SENATORS AND DELEGATES BY COUNTIES  
2018 REGULAR SESSION

COUNTIES	SENATORS	DELEGATES
Isle of Wight.....	John A. Cosgrove, Jr. (R) ..... L. Louise Lucas (D) Thomas K. Norment, Jr. (R)	Emily M. Brewer (R) Roslyn C. Tyler (D)
James City .....	T. Montgomery Mason (D) ..... Thomas K. Norment, Jr. (R)	Michael P. Mullin (D) Brenda L. Pogge (R)
King and Queen .....	Thomas K. Norment, Jr. (R).....	M. Keith Hodges (R)
King George.....	Ryan T. McDougle (R)..... Richard H. Stuart (R)	Margaret B. Ransone (R)
King William.....	Thomas K. Norment, Jr. (R).....	M. Keith Hodges (R) Christopher K. Peace (R)
Lancaster .....	Ryan T. McDougle (R).....	Margaret B. Ransone (R)
Lee.....	Charles W. Carrico, Sr. (R).....	Terry G. Kilgore (R)
Loudoun .....	Richard H. Black (R)..... Barbara A. Favola (D) Jill Holtzman Vogel (R) Jennifer T. Wexton (D)	John J. Bell (R) Jennifer B. Boysko (D) Karrie K. Delaney (D) Gwendolyn W. Gooditis (D) David A. LaRock (R) Kathleen J. Murphy (D) David A. Reid (D)
Louisa.....	Mark J. Peake (R)..... Bryce E. Reeves (R)	John J. McGuire, III (R)
Lunenburg .....	Frank M. Ruff, Jr. (R).....	Roslyn C. Tyler (D) Thomas C. Wright, Jr. (R)
Madison.....	Emmett W. Hanger, Jr. (R) .....	Nicholas J. Freitas (R)
Mathews .....	Lynwood W. Lewis, Jr. (D) .....	M. Keith Hodges (R)
Mecklenburg .....	Frank M. Ruff, Jr. (R).....	Thomas C. Wright, Jr. (R)
Middlesex.....	Ryan T. McDougle (R).....	M. Keith Hodges (R)
Montgomery.....	A. Benton Chafin, Jr. (R) .....	Gregory D. Habeeb (R)
	John S. Edwards (D) David R. Suetterlein (R)	Chris L. Hurst (D) L. Nick Rush (R)
Nelson .....	R. Creigh Deeds (D).....	Richard P. Bell (R) C. Matthew Fariss (R)
New Kent .....	Thomas K. Norment, Jr. (R).....	Christopher K. Peace (R)
Northampton .....	Lynwood W. Lewis, Jr. (D) .....	Robert S. Bloxom, Jr. (R)
Northumberland .....	Ryan T. McDougle (R).....	Margaret B. Ransone (R)
Nottoway.....	Frank M. Ruff, Jr. (R).....	Thomas C. Wright, Jr. (R)
Orange.....	Bryce E. Reeves (R).....	Nicholas J. Freitas (R)
Page.....	Mark D. Obenshain (R).....	C. Todd Gilbert (R)
Patrick .....	William M. Stanley, Jr. (R).....	Charles D. Poindexter (R)
Pittsylvania.....	Frank M. Ruff, Jr. (R)..... William M. Stanley, Jr. (R)	Leslie R. Adams (R) Daniel W. Marshall, III (R)
Powhatan .....	Glen H. Sturtevant, Jr. (R).....	R. Lee Ware, Jr. (R)
Prince Edward.....	Mark J. Peake (R).....	James E. Edmunds, II (R)
Prince George.....	Rosalyn R. Dance (D) .....	Lashreese D. Aird (D)
	Frank M. Ruff, Jr. (R)	Emily M. Brewer (R) Riley E. Ingram (R)
Prince William.....	George L. Barker (D) .....	Hala S. Ayala (D)
	Richard H. Black (R) Jeremy S. McPike (D) Richard H. Stuart (R) Scott A. Surovell (D)	John J. Bell (D) Jennifer D. Carroll Foy (D) Lee J. Carter (D) Elizabeth R. Guzman (D) Timothy D. Hugo (R) Danica A. Roem (D) Luke E. Torian (D)

2008

ACTS OF ASSEMBLY

[VA.,

SENATORS AND DELEGATES BY COUNTIES  
2018 REGULAR SESSION

COUNTIES	SENATORS	DELEGATES
Pulaski.....	A. Benton Chafin, Jr. (R) .....	Chris L. Hurst (D) L. Nick Rush (R)
Rappahannock.....	Mark D. Obenshain (R).....	Michael J. Webert (R)
Richmond.....	Ryan T. McDougale (R).....	Margaret B. Ransone (R)
Roanoke .....	John S. Edwards (D) .....	Gregory D. Habeeb (R)
	Stephen D. Newman (R)	Christopher T. Head (R)
	David R. Suetterlein (R)	
Rockbridge.....	R. Creigh Deeds (D).....	Benjamin L. Cline (R)
Rockingham .....	Emmett W. Hanger, Jr. (R) .....	Robert B. Bell (R)
	Mark D. Obenshain (R)	C. Todd Gilbert (R)
		R. Steven Landes (R)
		Tony O. Wilt (R)
Russell.....	A. Benton Chafin, Jr. (R) .....	James W. Morefield (R) Todd E. Pillion (R)
Scott .....	Charles W. Carrico, Sr. (R).....	Terry G. Kilgore (R)
Shenandoah .....	Mark D. Obenshain (R).....	C. Todd Gilbert (R)
Smyth .....	Charles W. Carrico, Sr. (R).....	Jeffrey L. Campbell (R)
	A. Benton Chafin, Jr. (R)	Israel D. O'Quinn (R)
Southampton .....	John A. Cosgrove, Jr. (R) .....	Emily M. Brewer (R)
	L. Louise Lucas (D)	Roslyn C. Tyler (D)
Spotsylvania.....	Ryan T. McDougale (R).....	Mark L. Cole (R)
	Bryce E. Reeves (R)	Hyland F. Fowler, Jr. (R)
	Richard H. Stuart (R)	John J. McGuire, III (R)
		Robert D. Orrock, Sr. (R)
Stafford.....	Richard H. Stuart (R) .....	Jennifer D. Carroll Foy (D)
	Scott A. Surovell (D)	Mark L. Cole (R)
	Jill Holtzman Vogel (R)	Robert M. Thomas, Jr. (R)
Surry.....	L. Louise Lucas (D) .....	Emily M. Brewer (R)
	Thomas K. Norment, Jr. (R)	Roslyn C. Tyler (D)
Sussex.....	L. Louise Lucas (D) .....	Emily M. Brewer (R)
		Roslyn C. Tyler (D)
Tazewell .....	A. Benton Chafin, Jr. (R) .....	James W. Morefield (R)
Warren.....	Mark D. Obenshain (R).....	Christopher E. Collins (R)
		C. Todd Gilbert (R)
		Michael J. Webert (R)
Washington.....	Charles W. Carrico, Sr. (R).....	Israel D. O'Quinn (R) Todd E. Pillion (R)
Westmoreland.....	Ryan T. McDougale (R).....	Margaret B. Ransone (R)
	Richard H. Stuart (R)	
Wise.....	Charles W. Carrico, Sr. (R).....	Terry G. Kilgore (R)
	A. Benton Chafin, Jr. (R)	Todd E. Pillion (R)
Wythe .....	Charles W. Carrico, Sr. (R).....	Jeffrey L. Campbell (R)
	David R. Suetterlein (R)	
York.....	Mamie E. Locke (D) .....	Gordon C. Helsel, Jr. (R)
	T. Montgomery Mason (D)	Michael P. Mullin (D)
	Thomas K. Norment, Jr. (R)	Brenda L. Pogge (R)

**SENATORS AND DELEGATES BY CITIES  
2018 REGULAR SESSION**

CITIES	SENATORS	DELEGATES
Alexandria .....	George L. Barker (D) .....	Charniele L. Herring (D)
	Adam P. Ebbin (D)	Mark H. Levine (D)
	Richard L. Saslaw (D)	
Bristol .....	Charles W. Carrico, Sr. (R).....	Israel D. O'Quinn (R)
Buena Vista .....	R. Creigh Deeds (D).....	Benjamin L. Cline (R)
Charlottesville .....	R. Creigh Deeds (D).....	David J. Toscano (D)
Chesapeake.....	John A. Cosgrove, Jr. (R) .....	Kelly K. Convors-Fowler (D)
	L. Louise Lucas (D)	C.E. Cliff Hayes, Jr. (D)
	Lionell Spruill, Sr. (D)	Matthew James (D)
		S. Chris Jones (R)
		Barry D. Knight (R)
		James A. Leftwich, Jr. (R)
Colonial Heights .....	Amanda F. Chase (R) .....	M. Kirkland Cox (R)
Covington.....	R. Creigh Deeds (D).....	Terry L. Austin (R)
Danville.....	Frank M. Ruff, Jr. (R).....	Daniel W. Marshall, III (R)
	William M. Stanley, Jr. (R)	
Emporia .....	L. Louise Lucas (D) .....	Roslyn C. Tyler (D)
Fairfax .....	J. Chapman Petersen (D).....	David L. Bulova (D)
Falls Church .....	Richard L. Saslaw (D).....	Marcus D. Simon (D)
Franklin .....	John A. Cosgrove, Jr. (R) .....	Emily M. Brewer (R)
	L. Louise Lucas (D)	Roslyn C. Tyler (D)
Fredericksburg.....	Bryce E. Reeves (R).....	Mark L. Cole (R)
		Robert M. Thomas, Jr. (R)
Galax .....	William M. Stanley, Jr. (R).....	Israel D. O'Quinn (R)
Hampton .....	Mamie E. Locke (D) .....	Gordon C. Helsel, Jr. (R)
	T. Montgomery Mason (D)	Marcia S. Price (D)
	Thomas K. Norment, Jr. (R)	Jeion A. Ward (D)
Harrisonburg .....	Mark D. Obenshain (R).....	Tony O. Wilt (R)
Hopewell .....	Rosalyn R. Dance (D) .....	Lashrecse D. Aird (D)
		Riley E. Ingram (R)
Lexington .....	R. Creigh Deeds (D).....	Benjamin L. Cline (R)
Lynchburg .....	Stephen D. Newman (R) .....	Kathy J. Byron (R)
	Mark J. Peake (R)	T. Scott Garrett (R)
Manassas .....	Jeremy S. McPike (D) .....	Lee J. Carter (D)
Manassas Park.....	Jeremy S. McPike (D).....	Danica A. Roem (D)
Martinsville .....	William M. Stanley, Jr. (R).....	Leslie R. Adams (R)
Newport News.....	Mamie E. Locke (D) .....	Michael P. Mullin (D)
	T. Montgomery Mason (D)	Marcia S. Price (D)
		David E. Yancey (R)
Norfolk .....	Lynwood W. Lewis, Jr. (D) .....	Robert S. Bloxom, Jr. (R)
	Lionell Spruill, Sr. (D)	Stephen E. Heretick (D)
	Frank W. Wagner (R)	Matthew James (D)
		Jerrauld C. Jones (D)
		Joseph C. Lindsey (D)
		Christopher P. Stolle (R)
Norton .....	A. Benton Chafin, Jr. (R) .....	Terry G. Kilgore (R)
Petersburg.....	Rosalyn R. Dance (D) .....	Lashrecse D. Aird (D)
Poquoson.....	Thomas K. Norment, Jr. (R).....	Gordon C. Helsel, Jr. (R)
Portsmouth .....	John A. Cosgrove, Jr. (R) .....	Stephen E. Heretick (D)
	Mamie E. Locke (D)	Matthew James (D)
	L. Louise Lucas (D)	
Radford.....	A. Benton Chafin, Jr. (R) .....	Chris L. Hurst (D)

2010

ACTS OF ASSEMBLY

[VA.,

SENATORS AND DELEGATES BY CITIES  
2018 REGULAR SESSION

CITIES	SENATORS	DELEGATES
Richmond.....	Rosalyn R. Dance (D) ..... Jennifer L. McClellan (D) ..... Glen H. Sturtevant, Jr. (R) .....	Dawn M. Adams (D) ..... Lamont Bagby (D) ..... Jeffrey M. Bourne (D) ..... Betsy B. Carr (D) ..... Delores L. McQuinn (D) ..... Christopher T. Head (R) ..... Sam Rasoul (D) .....
Roanoke .....	John S. Edwards (D) .....	Gregory D. Habeeb (R) ..... Richard P. Bell (R) .....
Salem.....	David R. Suetterlein (R).....	Richard P. Bell (R) .....
Staunton .....	Emmett W. Hanger, Jr. (R) .....	Emily M. Brewer (R) ..... C.E. Cliff Hayes, Jr. (D) ..... Matthew James (D) ..... S. Chris Jones (R) .....
Suffolk.....	John A. Cosgrove, Jr. (R) ..... L. Louise Lucas (D) ..... T. Montgomery Mason (D) ..... Thomas K. Norment, Jr. (R) .....	Robert S. Bloxom, Jr. (R) ..... Kelly K. Convirs-Fowler (D) ..... Glenn R. Davis, Jr. (R) ..... Barry D. Knight (R) ..... Joseph C. Lindsey (D) ..... Jason S. Miyares (R) ..... Christopher P. Stolle (R) ..... Cheryl B. Turpin (D) .....
Virginia Beach.....	John A. Cosgrove, Jr. (R) ..... William R. DeSteph (R) ..... Lynwood W. Lewis, Jr. (D) ..... Frank W. Wagner (R) .....	Richard P. Bell (R) ..... Michael P. Mullin (D) ..... Christopher E. Collins (R) .....
Waynesboro.....	Emmett W. Hanger, Jr. (R) .....	
Williamsburg.....	T. Montgomery Mason (D) .....	
Winchester.....	Jill Holtzman Vogel (R) .....	

COUNTIES AND CITIES--LAND AREA AND POPULATION

United States Census of 2010 (December 21, 2010)

COUNTIES	Land Area in Square Miles	Population	COUNTIES	Land Area in Square Miles	Population
Accomack .....	449	33,164	Pittsylvania	969	63,506
Albemarle .....	721	98,970	Powhatan	260	28,046
Alleghany .....	445	16,250	Prince Edward	350	23,368
Amelia .....	355	12,690	Prince George	265	35,725
Amherst .....	474	32,353	Prince William	336	402,002
Appomattox .....	334	14,973	Pulaski	320	34,872
Arlington .....	26	207,627	Rappahannock	266	7,371
Augusta .....	967	73,750	Richmond	191	9,254
Bath .....	529	4,731	Roanoke	251	92,376
Bedford .....	753	68,676	Rockbridge	598	22,307
Bland .....	358	6,824	Rockingham	849	76,314
Botetourt .....	541	33,148	Russell	474	28,897
Brunswick .....	566	17,434	Scott	536	23,177
Buchanan .....	503	24,098	Shenandoah	509	41,993
Buckingham .....	580	17,146	Smyth	451	32,208
Campbell .....	504	54,842	Southampton	599	18,570
Caroline .....	528	28,545	Spotsylvania	401	122,397
Carroll .....	475	30,042	Stafford	269	128,961
Charles City .....	183	7,256	Surry	279	7,058
Charlotte .....	475	12,586	Sussex	490	12,087
Chesterfield .....	423	316,236	Tazewell	519	45,078
Clarke .....	176	14,034	Warren	213	37,575
Craig .....	330	5,190	Washington	561	54,876
Culpeper .....	379	46,689	Westmoreland	229	17,454
Cumberland .....	297	10,052	Wise	403	41,452
Dickenson .....	331	15,903	Wythe	462	29,235
Dinwiddie .....	504	28,001	York	105	65,464
Essex .....	257	11,151			
Fairfax .....	391	1,081,726	<b>CITIES</b>		
Fauquier .....	647	65,203	Alexandria	15	139,966
Floyd .....	380	15,279	Bedford*	7	6,222
Fluvanna .....	286	25,691	Bristol	13	17,835
Franklin .....	690	56,159	Buena Vista	7	6,650
Frederick .....	414	78,305	Charlottesville	10	43,475
Giles .....	356	17,286	Chesapeake	341	222,209
Gloucester .....	218	36,858	Colonial Heights	8	17,411
Goochland .....	282	21,717	Covington	5	5,161
Grayson .....	442	15,533	Danville	43	43,055
Greene .....	156	18,403	Emporia	7	5,927
Greensville .....	295	12,243	Fairfax	6	22,565
Halifax .....	818	36,241	Falls Church	2	12,332
Hanover .....	469	99,863	Franklin	8	8,582
Henrico .....	234	306,935	Fredericksburg	10	24,281
Henry .....	382	54,151	Galax	8	7,042
Highland .....	415	2,321	Hampton	51	137,436
Isle of Wight .....	316	35,270	Harrisonburg	17	48,914
James City .....	142	67,009	Hopewell	10	22,591
King and Queen .....	315	6,945	Lexington	2	7,042
King George .....	180	23,584	Lynchburg	49	75,568
King William .....	274	15,935	Manassas	10	37,821
Lancaster .....	133	11,391	Manassas Park	3	14,273
Lee .....	436	25,587	Martinsville	11	13,821
Loudoun .....	516	312,311	Newport News	69	180,719
Louisa .....	496	33,153	Norfolk	54	242,803
Lunenburg .....	432	12,914	Norton	7	3,958
Madison .....	321	13,308	Petersburg	23	32,420
Mathews .....	86	8,978	Poquoson	15	12,150
Mecklenburg .....	625	32,727	Portsmouth	34	95,535
Middlesex .....	130	10,959	Radford	10	16,408
Montgomery .....	387	94,392	Richmond	60	204,214
Nelson .....	471	15,020	Roanoke	43	97,032
New Kent .....	210	18,429	Salem	14	24,802
Northampton .....	212	12,389	Staunton	20	23,746
Northumberland .....	191	12,330	Suffolk	400	84,585
Nottoway .....	314	15,853	Virginia Beach	249	437,994
Orange .....	341	33,481	Waynesboro	15	21,006
Page .....	311	24,042	Williamsburg	9	14,068
Patrick .....	483	18,490	Winchester	9	26,203

Population of Virginia, 2010 Census, 8,001,024.

\*The City of Bedford became part of the Town of Bedford pursuant to Chapters 565 and 628 of the 2013 Acts of Assembly.

2012

ACTS OF ASSEMBLY

[VA.,

COUNTIES AND CITIES--RANKED BY POPULATION

United States Census of 2010 (December 21, 2010)

<u>Population</u>	<u>County</u>	<u>Population</u>	<u>County</u>	<u>Population</u>	<u>County</u>
2,321	Highland	17,286	Giles	36,241	Halifax
4,731	Bath	17,434	Brunswick	36,858	Gloucester
5,190	Craig	17,454	Westmoreland	37,575	Warren
6,824	Bland	18,403	Greene	41,452	Wise
6,945	King and Queen	18,429	New Kent	41,993	Shenandoah
7,058	Surry	18,490	Patrick	45,078	Tazewell
7,256	Charles City	18,570	Southampton	46,689	Culpeper
7,373	Rappahannock	21,717	Goochland	54,151	Henry
8,978	Mathews	22,307	Rockbridge	54,842	Campbell
9,254	Richmond	23,177	Scott	54,876	Washington
10,052	Cumberland	23,368	Prince Edward	56,159	Franklin
10,959	Middlesex	23,584	King George	63,506	Pittsylvania
11,151	Essex	24,042	Page	65,203	Fauquier
11,391	Lancaster	24,098	Buchanan	65,464	York
12,087	Sussex	25,587	Lee	67,009	James City
12,243	Greensville	25,691	Fluvanna	68,676	Bedford
12,330	Northumberland	28,001	Dinwiddie	73,750	Augusta
12,389	Northampton	28,046	Powhatan	76,314	Rockingham
12,586	Charlotte	28,545	Caroline	78,305	Frederick
12,690	Amelia	28,897	Russell	92,376	Roanoke
12,914	Lunenburg	29,235	Wythe	94,392	Montgomery
13,308	Madison	30,042	Carroll	98,970	Albemarle
14,034	Clarke	32,208	Smyth	99,863	Hanover
14,973	Appomattox	32,353	Amherst	122,397	Spotsylvania
15,020	Nelson	32,727	Mecklenburg	128,961	Stafford
15,279	Floyd	33,148	Botetourt	207,627	Arlington
15,533	Grayson	33,153	Louisa	306,935	Henrico
15,853	Nottoway	33,164	Accomack	312,311	Loudoun
15,903	Dickenson	33,481	Orange	316,236	Chesterfield
15,935	King William	34,872	Pulaski	402,002	Prince William
16,250	Alleghany	35,270	Isle of Wight	1,081,726	Fairfax
17,146	Buckingham	35,725	Prince George		

<u>Population</u>	<u>Cities</u>	<u>Population</u>	<u>Cities</u>	<u>Population</u>	<u>Cities</u>
3,958	Norton	16,408	Radford	43,475	Charlottesville
5,927	Emporia	17,411	Colonial Heights	48,914	Harrisonburg
5,961	Covington	17,835	Bristol	75,568	Lynchburg
6,222	Bedford*	21,006	Waynesboro	84,585	Suffolk
6,650	Buena Vista	22,565	Fairfax	95,535	Portsmouth
7,042	Galax	22,591	Hopewell	97,032	Roanoke
7,042	Lexington	23,746	Staunton	137,436	Hampton
8,582	Franklin	24,286	Fredericksburg	139,966	Alexandria
12,150	Poquoson	24,802	Salem	180,719	Newport News
12,332	Falls Church	26,203	Winchester	204,214	Richmond
13,821	Martinsville	32,420	Petersburg	222,209	Chesapeake
14,068	Williamsburg	37,821	Manassas	242,803	Norfolk
14,273	Manassas Park	43,055	Danville	437,994	Virginia Beach

\*The City of Bedford became part of the Town of Bedford pursuant to Chapters 565 and 628 of the 2013 Acts of Assembly.

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Patron—Bulova . . . . .	HB	422	63	142
Patron—McDougle . . . . .	SB	306	234	408

**Food and drink sanitary requirements;** a dog may be allowed within a designated area inside or on premises of a distillery, winery, farm winery, brewery, or farm brewery, except in any area used for manufacture of food products. (Patron—Bell, John J.) . . . . .

HB	286	819	1290
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**BEHAVIORAL HEALTH AND DEVELOPMENTAL SERVICES**

**Barrier crimes;** adult substance abuse and mental health treatment providers, background checks required. (Patron—Mason) . . . . .

SB	555	569	888
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**Behavioral Health and Developmental Services, State Board of;** amends definition of "licensed mental health professional." (Patron—Barker) . . . . .

SB	762	572	895
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**Competency and sanity evaluations;** evaluations to be conducted on an outpatient basis at a mental health facility or in jail unless an outpatient evaluation has been conducted and outpatient evaluator opines that a hospital-based evaluation is needed to reliably reach an opinion or unless defendant is in custody of the Commissioner of Behavioral Health and Developmental Services. (Patron—Hope) . . . . .

HB	52	367	626
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**Emergency custody orders;** in addition to eight-hour period of detention if individual is detained in a state facility, state facility, etc., may, for an additional four hours, continue to attempt to identify facility willing to provide temporary detention. (Patron—Deeds) . . . . .

SB	673	570	891
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**Health instruction;** instruction to incorporate standards that recognize multiple dimensions of health by including mental health and relationship of physical and mental health so as to enhance student understanding.

Patron—Bell, Robert B. . . . .	HB	1604	392	656
Patron—Deeds . . . . .	SB	953	393	657

**Hospitals;** emergency department to establish protocols to ensure security personnel receive training appropriate to populations served which may include training based on a trauma-informed approach in identifying and safely addressing situations involving patients or other persons who pose a risk of harm to themselves or others due to mental illness or substance abuse. (Patron—Boysko) . . . . .

HB	1088	454	719
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**Involuntary mental health treatment;** minor choosing voluntary treatment prohibited access to firearms. (Patron—Deeds) . . . . .

SB	669	846	1371
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**License plates, special;** issuance for supporters of stopping gun violence bearing legend STOP GUN VIOLENCE, funds from annual fee shall be paid annually to Behavioral Health and Developmental Services Fund, other fees imposed to be paid to Commissioner of DMV and paid by him into the state treasury, etc., sunset provisions. (Patron—Simon) . . . . .

HB	287	737	1130
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<b>Mental health awareness;</b> training for firefighters and emergency medical services personnel. Patron—Helsel .....	HB	1412	456	722
Patron—Deeds .....	SB	670	658	999
<b>Mental health professional, qualified;</b> broadens definition to include employees and independent contractors of Department of Corrections. Patron—Tyler .....	HB	1375	171	296
Patron—Barker .....	SB	812	803	1267
<b>Mental health treatment;</b> admission regulations, toxicology results. (Patron—Stolle) .	HB	886	791	1230
<b>Opioids;</b> location of clinics for treatment of addiction in Henrico County, City of Newport News, or City of Richmond, conditions of initial licensure when facility is located within one-half mile of a public or private licensed day care center or public or private K-12 school, etc. (Patron—McQuinn) .....	HB	155	816	1288
<b>Opioids;</b> location of clinics for treatment of addiction in Henrico County or City of Richmond, conditions of initial licensure when facility is located within one-half mile of a public or private licensed day care center or public or private K-12 school, etc. (Patron—Dunnivant) .....	SB	329	187	318
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<b>Prescription drug donation program;</b> program regulated by Board of Pharmacy shall accept eligible unused drugs from individuals, including those residing in nursing homes, assisted living facilities, or intermediate care established for individuals with intellectual disability, etc. (Patron—Obenshain) .....	SB	544	376	646
<b>Sexually violent predators;</b> Director of Board of Corrections shall review database using an evidence-based assessment protocol, identifying prisoners and defendants who appear to meet definition of a predator. (Patron—Howell) .....	SB	267	841	1359
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<b>CARTON, MURRAY K.</b>			
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<b>Cash, Mary-Margaret</b> ; commending. (Patron—Pogge) . . . . .	HJR 236		1511
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<b>Celebrate Transportation Day</b> ; designating as Thursday before Memorial Day in 2019, and each succeeding year thereafter. (Patron—Head) . . . . .	HJR 59		1444
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<b>Protective orders;</b> cases of family abuse, granting petitioner exclusive use and possession of a cellular telephone number or other electronic device. (Patron—Miyares) . . . . .	HB 262	38	75
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<b>Historical African American cemeteries;</b> owners and localities receiving funds, owners of cemeteries shall reasonably cooperate with a qualified organization, etc. (Patron—McQuinn) . . . . .	HB 284	818	1289
<b>Historical African American cemeteries and graves;</b> adds African-American Burial Ground for the Enslaved at Belmont in Loudoun County to list. (Patron—Wexton) . .	SB 163	614	945
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<b>Revolutionary War cemeteries and graves;</b> Director of Department of Historic Resources shall disburse funds to Virginia Society of the Sons of the American Revolution (VASSAR) for maintenance of no more than 6,000 additional Revolutionary War graves set forth on a list submitted annually. (Patron—Stanley) . .	SB 177	641	972
<b>Revolutionary War cemeteries and graves;</b> Director shall disburse appropriated sums to Virginia Society of the Sons of the American Revolution (VASSAR) for maintenance of no more than 4,050 graves set forth on a list submitted annually. (Patron—Habeeb) . . . . .	HB 153	639	969
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<b>CGI SOUTHWEST VIRGINIA TECHNOLOGY CENTER OF EXCELLENCE</b>			
<b>CGI Southwest Virginia Technology Center of Excellence;</b> commemorating its 10th anniversary in 2016. Patron—Pillion . . . . .	HR 112		1754
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<b>Champ, James, III;</b> recording sorrow upon death. (Patron—McQuinn) . . . . .	HJR 480		1642
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<b>Champion, T. Tyronne and Felicia;</b> commending. (Patron—Cole) . . . . .	HJR 190		1486
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<b>Chaney, Herman J.;</b> recording sorrow upon death. (Patron—Poindexter) . . . . .	HJR 437		1620
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<b>Chapters Bookshop;</b> commending. (Patron—O’Quinn) . . . . .	HJR 217		1502
<b>CHARITABLE, CIVIC AND VOLUNTEER INSTITUTIONS, AND ORGANIZATIONS</b>			
<b>Charitable solicitations;</b> registration statement shall contain amount of funds expended during preceding fiscal year to pay for administrative expenses of charitable organization, etc. (Patron—Krizek) . . . . .	HB 48	268	463
<b>General Services, Department of;</b> Department may with approval of Governor permit charitable organizations exempt from taxation that provide addiction recovery services to lease or sublease surplus property, etc. (Patron—Freitas) . . . . .	HB 543	825	1303
<b>Real property tax;</b> exemption for single member limited liability company whose sole member is a nonprofit organization. (Patron—Webert) . . . . .	HB 894	29	66
<b>CHARLOTTESVILLE, CITY OF</b>			
<b>Historical African American cemeteries;</b> adds Daughters of Zion Cemetery in Charlottesville to list. (Patron—Toscano) . . . . .	HB 360	428	696
<b>CHARTERS</b>			
<b>Amherst, Town of;</b> amending charter, alters election of members of town council. Patron—Cline . . . . .	HB 1240	330	582
Patron—Peake . . . . .	SB 871	91	182
<b>Blacksburg, Town of;</b> amending charter, clarifies changes to language pertaining to voting on a proposed ordinance. (Patron—Hurst) . . . . .	HB 488	317	559

**CHARTERS - Continued**

<b>Bristol, City of;</b> amending charter, dissolves economic development committee. (Patron—O'Quinn) . . . . .	HB	637	320	562
<b>Broadway, Town of;</b> amending charter, amends to reflect recent change to November municipal elections and changes mayor's term from two years to four years. Patron—Wilt . . . . .	HB	1399	331	585
Patron—Obenshain . . . . .	SB	546	89	181
<b>Buchanan, Town of;</b> amending charter, staggers elections of town's four council members. (Patron—Austin) . . . . .	HB	123	395	659
<b>Chesapeake, City of;</b> amending charter, director of audit services shall be known as City Auditor. Patron—Leftwich . . . . .	HB	756	322	563
Patron—Cosgrove . . . . .	SB	127	174	306
<b>Crewe, Town of;</b> amending charter, removes provision placing police force of town under control of mayor. (Patron—Wright) . . . . .	HB	267	311	549
<b>Front Royal, Town of;</b> amending charter, extensive updates to outdated provisions and references. Patron—Collins . . . . .	HB	1166	328	570
Patron—Obenshain . . . . .	SB	550	329	576
<b>Jonesville, Town of;</b> amending charter, lengthens terms of mayor and councilmen. (Patron—Kilgore) . . . . .	HB	1428	413	680
<b>Middleburg, Town of;</b> amending charter, town council may levy a tax on business personal property. Patron—Gooditis . . . . .	HB	1437	414	681
Patron—Vogel . . . . .	SB	594	336	593
<b>Norfolk, City of;</b> amending charter, appointment of officers, record of ordinances, etc. Patron—Jones, J.C. . . . .	HB	316	314	553
Patron—Lewis . . . . .	SB	256	75	158
<b>Richmond, City of;</b> amending charter, creates office of the inspector general. Patron—McQuinn . . . . .	HB	283	313	552
Patron—McClellan . . . . .	SB	356	650	987
<b>Richmond, City of;</b> amending charter, equal educational opportunities, school infrastructure. (Patron—Sturtevant) . . . . .	SB	750	664	1004

**CHATHAM FURNITURE COMPANY**

<b>Chatham Furniture Company;</b> commemorating its 125th anniversary. (Patron—Adams, L.R.) . . . . .	HJR	453		1629
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**CHESAPEAKE BAY**

<b>Chesapeake Bay public water access authorities;</b> regional dredging. (Patron—Hodges) . . . . .	HB	1095	327	567
<b>Chesapeake Bay Restoration Fund;</b> created, Advisory Committee shall develop goals and guidelines for use of Fund. (Patron—DeSteph) . . . . .	SB	585	628	958
<b>Land development;</b> locality within Chesapeake Bay watershed authorized to adopt an ordinance providing for replacement of trees, site plan for any subdivision or development includes a minimum 10 percent tree canopy on site of any cemetery. (Patron—Hodges) . . . . .	HB	494	399	662
<b>Middle Peninsula Chesapeake Bay Public Access Authority;</b> duties. (Patron—Hodges) . . . . .	HB	1093	326	566

**CHESAPEAKE, CITY OF**

<b>Chesapeake, City of;</b> amending charter, director of audit services shall be known as City Auditor. Patron—Leftwich . . . . .	HB	756	322	563
Patron—Cosgrove . . . . .	SB	127	174	306
<b>Fentress Naval Auxiliary Landing Field;</b> member of the House of Delegates and member of the Senate of Virginia representing the area in which the Field is located in Chesapeake, Virginia, shall be notified of any local appropriation made to acquire property rights surrounding the Landing Field. (Patron—Cosgrove) . . . . .	SB	137	418	686
<b>Izaak Walton League of America, Norfolk Chapter of;</b> certain property located in City of Chesapeake exempt from taxation. (Patron—Cosgrove) . . . . .	SB	485	623	954
<b>Subdivision ordinance;</b> Cities of Chesapeake and Portsmouth added to those localities that may require payment by a subdivider or developer of land of a pro rata share of cost of road improvements. (Patron—Cosgrove) . . . . .	SB	129	550	858

**CHESTERFIELD COUNTY**

**Historic 1917 Courthouse in Chesterfield County;** commemorating its 100th anniversary. (Patron—Robinson) . . . . . HJR 240 1513

**CHILD ABUSE OR NEGLECT**

**Child abuse and neglect;** founded reports regarding former school employees.  
Patron—Bulova . . . . . HB 150 3 1  
Patron—Favola . . . . . SB 184 193 341

**Child abuse and neglect;** notice of founded reports to Superintendent of Public Instruction, rights of individual holding a license issued by Board of Education.  
Patron—Keam . . . . . HB 389 5 3  
Patron—Favola . . . . . SB 183 209 357

**Child abuse and neglect;** venue may lie where alleged abuse or neglect occurred, etc. (Patron—Campbell) . . . . . HB 326 17 15

**Child abuse or neglect;** civil proceedings, testimony of children. (Patron—Surovell) . . . . . SB 89 564 880

**Child abuse or neglect;** local department shall notify local Commonwealth attorney of all complaints involving child's being left alone in same dwelling with person to whom child is not related by blood or marriage and who has been convicted of offense against a minor for which registration is required as a violent sexual offender, etc. (Patron—Bell, Robert B.) . . . . . HB 511 823 1300

**CHILD CARE**

**Child care licensure;** forfeiture of eligibility for religious exemption. (Patron—Freitas) HB 545 6 5

**Child care providers;** criminal history background check, sunset and contingency.  
Patron—Orrock . . . . . HB 873 146 265  
Patron—Wexton . . . . . SB 121 278 481

**CHILD CUSTODY**

**Joint legal, joint physical, or sole child custody;** court shall consider and may award, and there shall be no presumption in favor of any form of custody. (Patron—Davis) . . . . . HB 1351 857 1423

**CHILD HEALTH INVESTMENT PARTNERSHIP OF ROANOKE VALLEY**

**Child Health Investment Partnership of Roanoke Valley;** commemorating its 30th anniversary. (Patron—Rasoul) . . . . . HJR 468 1636

**CHILD PROTECTION PARTNERSHIP**

**Child Protection Partnership;** commending. (Patron—McPike) . . . . . SR 75 1985

**CHILD SUPPORT**

**Child and spousal support;** access to case files by judge, court officials, and clerk or deputy clerk, any person, agency, etc., having legitimate interest in files or work of court, by order of the court, may inspect case files. (Patron—Habeeb) . . . . . HB 613 18 17

**Child support;** calculation of obligation, multiple custody arrangements.  
Patron—Leftwich . . . . . HB 1361 21 21  
Patron—Sturtevant . . . . . SB 981 191 322

**Child support;** guidelines for determination of obligation, guidelines worksheet shall be placed in court's or Department's file, and provided to appropriate parties.  
Patron—Leftwich . . . . . HB 1360 22 40  
Patron—Sturtevant . . . . . SB 982 110 204

**CHILDREN**

**Adoption;** lowers amount of time a child must have continuously resided with or been under the physical custody of prospective close relative adoptive parent. (Patron—Brewer) . . . . . HB 241 4 3

**Child abuse and neglect;** venue may lie where alleged abuse or neglect occurred, etc. (Patron—Campbell) . . . . . HB 326 17 15

**Child abuse or neglect;** civil proceedings, testimony of children. (Patron—Surovell) . . . . . SB 89 564 880

**Child day programs;** exempts from licensure any program that is offered by a local school division, staffed by local school division employees, and attended by children who are at least four years of age and are enrolled in public school or a preschool program within such school division.  
Patron—Toscano . . . . . HB 1017 244 432  
Patron—Deeds . . . . . SB 682 189 320

**Child day programs at public or private school facilities;** prohibits Board of Social Services from adopting regulations governing programs that require inspection or approval of the building, etc. (Patron—Bagby) . . . . . HB 836 11 12

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<b>Children's residential facilities, certain;</b> facilities operated or conducted under auspices of a religious institution established in 1978 and located in Atkins, Virginia, licensure, sunset provision. (Patron—Carrico) . . . . .	SB 506	789	1228
<b>Guardian ad litem appointed to represent a child;</b> compensation, adjustment by the court. (Patron—Collins) . . . . .	HB 278	688	1037
<b>Home instruction of children;</b> requirements, education options. (Patron—Pogge) . . . .	HB 1370	516	810
<b>Public schools;</b> aligns provisions regarding when a homeless child or youth is deemed to reside in a school division with federal McKinney-Vento Homeless Assistance Act. (Patron—Mason) . . . . .	SB 961	394	657
<b>Public schools;</b> prohibits military children who are attending school for free from being charged upon child's relocation pursuant to parent's orders to relocate to a new duty station or to be deployed. (Patron—Locke) . . . . .	SB 775	594	919
<b>CHILDREN'S ADVOCACY CENTER OF HIGHLANDS COMMUNITY SERVICES</b>			
<b>Children's Advocacy Center of Highlands Community Services;</b> commemorating its 20th anniversary. (Patron—O'Quinn) . . . . .	HJR 225		1505
<b>CHRISTIANSBURG HIGH SCHOOL</b>			
<b>Christiansburg High School wrestling team;</b> commending. (Patron—Habeeb) . . . . .	HR 102		1749
<b>CHRISTIANSBURG, TOWN OF</b>			
<b>New River Valley Emergency Communications Regional Authority;</b> annual contribution, Board shall have full authority to develop and adopt a formula for allocating to participating political subdivisions responsibility to pay for annual budget.			
Patron—Rush . . . . .	HB 1500	472	741
Patron—Edwards . . . . .	SB 821	473	743
<b>CHRISTOPHER NEWPORT UNIVERSITY</b>			
<b>State-run retirement savings plan;</b> Christopher Newport University to study feasibility and merits of a plan for Virginia employers and their employees who do not have access to an employer-provided retirement savings plan. (Patron—Torian) . .	HJR 103		1454
<b>CIRCUIT COURTS</b>			
<b>Adoption;</b> circuit court to accept a petition filed by child's foster parent and to order a thorough investigation. (Patron—Carroll Foy) . . . . .	HB 418	94	186
<b>Adoption;</b> national criminal history background check on stepparent, circuit court shall consider results conducted on prospective adoptive parents, sunset provision. (Patron—Stolle) . . . . .	HB 227	9	7
<b>Court records;</b> recording by microphotographic or electronic process, submission of trial court record to appellate court in electronic form, repealing an obsolete section that required circuit court clerks to keep a log of documents submitted for recordation, etc. (Patron—Miyares) . . . . .	HB 166	523	815
<b>Electronic case papers;</b> transmission between district and circuit courts, clerk in appellate court may also request that any paper trial records be forwarded to such clerk.			
Patron—Habeeb . . . . .	HB 378	32	70
Patron—Obenshain . . . . .	SB 524	134	246
<b>Foreign subpoenas;</b> issuance by circuit court clerk of court. (Patron—Adams, L.R.) . .	HB 1023	530	821
<b>Judges;</b> election in circuit court, general district court, and juvenile and domestic relations district court. (Patron—Adams) . . . . .	HJR 575		1691
<b>Judges;</b> election in circuit court, general district court, juvenile and domestic relations district court, member of State Corporation Commission, and member of Virginia Workers' Compensation Commission. (Patron—Adams, L.R.) . . . . .	HJR 132		1457
<b>Judges;</b> nominations for election to circuit court.			
Patron—Adams, L.R. . . . .	HR 20		1708
Patron—Adams . . . . .	HR 207		1798
Patron—Obenshain . . . . .	SR 11		1950
Patron—Obenshain . . . . .	SR 77		1986
<b>Judges;</b> retired from circuit court, Court of Appeals, and Supreme Court justices under recall, qualification by Committees for Courts of Justice, justice or judge shall have all powers, duties, and privileges attendant on position for which he is recalled to serve. (Patron—Stuart) . . . . .	SB 939	709	1099
<b>Qualification of fiduciary without security;</b> when there are no assets or the asset or amount coming into possession of personal representative, etc., does not exceed			

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<b>CIRCUIT COURTS - Continued</b>			
\$25,000, circuit court may allow representative, etc., to qualify by giving bond without surety. (Patron—Wilt) . . . . .	HB 1142	575	898
<b>Real property tax;</b> increases term of boards of equalization, if term expires and taxpayer has an appeal, circuit court may reappoint board to hear and act on such appeal. (Patron—Orrock) . . . . .	HB 1495	604	937
<b>Search warrants;</b> return to jurisdiction where executed, copy of return shall also be delivered to clerk of circuit court of locality where warrant was issued. (Patron—Ingram) . . . . .	HB 1164	410	677
<b>Social Services, Commissioner of;</b> upon receipt of orders from clerk of circuit court and adoption files from child-placing agency or local board, Commissioner or his designee may direct storage and preservation of such records. (Patron—Collins) . . . .	HB 291	10	9
<b>CIVIL REMEDIES AND PROCEDURE</b>			
<b>Background checks;</b> Department of State Police shall recommend, etc., options to expedite process of performing checks, report. (Patron—Chase) . . . . .	SB 716	662	1001
<b>Child care providers;</b> criminal history background check, sunset and contingency.			
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<b>Civil immunity;</b> programs for probationers, nonprofit corporation employees or officials acting as approved worksite supervisors. (Patron—Campbell) . . . . .	HB 1454	731	1125
<b>Court order;</b> motion or petition for rule to show cause for violation, civil action in a court of record. (Patron—Miyares) . . . . .	HB 128	522	815
<b>Criminal history record information;</b> laws precluding dissemination of a person's information do not preclude dissemination made pursuant to the rules of court for obtaining discovery or for review by the court. (Patron—Gilbert) . . . . .	HB 988	49	100
<b>Domestic limited liability company;</b> extends to companies rules for service of process on a domestic corporation. (Patron—Black) . . . . .	SB 71	475	745
<b>Epinephrine;</b> persons rendering emergency care exempt from liability, possession and administration at outdoor educational programs. (Patron—Torian) . . . . .	HB 1377	247	436
<b>Felony conviction;</b> compensation for wrongful incarceration, transition assistance grants for wrongfully incarcerated persons. (Patron—Guzman) . . . . .	HB 976	302	531
<b>Foreign subpoenas;</b> issuance by circuit court clerk of court. (Patron—Adams, L.R.) . .	HB 1023	530	821
<b>Jury service;</b> court to defer to a later term of court if such person is enrolled as a full-time student. (Patron—Bell, Robert B.) . . . . .	HB 481	259	448
<b>Medicare, Medicaid, and CHIP;</b> duty of in-network providers to submit claims. (Patron—Obenshain) . . . . .	SB 536	788	1226
<b>Orders of publication to enforce tax lien;</b> limited-value property. (Patron—Lucas) . .	SB 108	800	1252
<b>Personal injury claim;</b> disclosure of insurance policy limits. (Patron—Obenshain) . .	SB 535	479	749
<b>Pro se minors;</b> signing of pleading, motion, or other paper by next friend, either or both parents of such minor may sign on behalf of such minor as his next friend. (Patron—Cline) . . . . .	HB 1212	59	133
<b>Proceeds of a sale, a partition suit, or condemnation proceeding;</b> persons under a disability, etc., upon request of legally appointed and qualified fiduciary or guardian ad litem of person, court may order such funds be distributed to a special needs trust. (Patron—Ware) . . . . .	HB 162	124	232
<b>Sentence reduction;</b> after entry of final judgment order, provided substantial assistance to prosecution.			
Patron—Collins . . . . .	HB 188	492	771
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<b>Service of process;</b> county attorney to be served when actions against county officers, etc. (Patron—Petersen) . . . . .	SB 14	474	744
<b>Service of process;</b> investigator employed by an attorney for the Commonwealth and Indigent Defense Commission. (Patron—Mullin) . . . . .	HB 1511	238	413
<b>Unlawful detainer;</b> execution of writ of possession. (Patron—Peace) . . . . .	HB 856	145	265
<b>Unlawful detainer, summons for;</b> foreclosure sale of a single-family residential dwelling unit. (Patron—Simon) . . . . .	HB 311	255	446
<b>Virginia Fraud Against Taxpayers Act;</b> raises civil penalties in Act, adjustment to rate of inflation. (Patron—Edwards) . . . . .	SB 487	624	954

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**Wrongful incarceration for a felony conviction;** compensation for certain intentional acts, relief, Danial J Williams, Joseph Jesse Dick, Jr., Eric Cameron Wilson, and Derek Elliot Tice.

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**Wrongful incarceration for a felony conviction;** compensation for certain intentional acts, relief, Danial J Williams, Joseph Jesse Dick, Jr., Eric Cameron Wilson, and Derek Elliot Tice.

Patron—Jones, S.C. ....	HB	762	502	785
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**CLAREMONT IMMERSION ELEMENTARY SCHOOL**

**Claremont Immersion Elementary School;** commemorating its 15th anniversary. (Patron—Lopez) .....

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**CLARK, R.B.**

**Clark, R.B.;** commending.

Patron—Edmunds .....	HJR	421		1611
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**CLARKE COUNTY**

**Camp 7;** disposition of a portion of certain real property located within Clarke County. (Patron—Vogel) .....

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**CLARKE, FRANCES VIRGINIA MATTHEWS**

**Clarke, Frances Virginia Matthews;** recording sorrow upon death. (Patron—Lucas) . SR 6 1948

**CLEMENTS, LENA H**

**Clements, Lenah;** commending. (Patron—Tyler) ..... HJR 533 1669

**CLERK OF THE SENATE OF VIRGINIA**

**Ethics laws, current;** joint subcommittee to be established to study. (Patron—Norment) SJR 75 1844

**Sexual harassment training;** legislative branch employee shall once every two calendar years complete a training course.

Patron—Robinson .....	HB	371	777	1212
Patron—Sturtevant .....	SB	796	781	1217

**Virginia Women's Monument;** Clerk of Senate, Clerk of Virginia House of Delegates, and Secretary of Administration or her designee to coordinate dedication of Monument, reconstituting Virginia Women's Monument Commission. (Patron—McDougle) .....

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**CLERK OF THE VIRGINIA HOUSE OF DELEGATES**

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**CLERKS OF COURTS**

**Court records;** recording by microphotographic or electronic process, submission of trial court record to appellate court in electronic form, repealing an obsolete section that required circuit court clerks to keep a log of documents submitted for recordation, etc. (Patron—Miyares) .....

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**Foreign subpoenas;** issuance by circuit court clerk of court. (Patron—Adams, L.R.) .. HB 1023 530 821

**Nonconfidential court records;** clerk of court or Executive Secretary of the Supreme Court shall make records available to public upon request, reports of aggregated, nonconfidential case data shall not include name, date of birth, etc.

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**Retention of case records;** clerk of a district court allowed to destroy papers, etc., in civil and criminal cases if documents have been microfilmed or converted to an electronic format. (Patron—Lindsey) .....

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<b>Claremont Immersion Elementary School;</b> commemorating its 15th anniversary. (Patron—Lopez) . . . . .	HJR 519	1661
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<b>CNA;</b> commemorating its 75th anniversary. (Patron—Favola) . . . . .	SJR 179	1907
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<b>Colgan High School theatre program;</b> commending. (Patron—Carroll Foy) . . . . .	HR 128	1762
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<b>Community Foundation for Northern Virginia;</b> commemorating its 40th anniversary. (Patron—Keam) . . . . .	HJR 150	1465
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<b>Community Lodgings;</b> commemorating its 30th anniversary. (Patron—Ebbin) . . . . .	SJR 234	1938
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<b>Curtis, Eileen;</b> commending. (Patron—Boysko) . . . . .	HJR 487	1645
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Patron—Delaney .....	HJR	237	1512
Patron—Wexton .....	SJR	110	1867
<b>Loudoun County Public Schools; commending. (Patron—Bell, John J.) .....</b>	HJR	261	1524
<b>Loudoun County School Board; commending. (Patron—Black) .....</b>	SJR	141	1884
<b>Loudoun County Sheriff's Office; commending. (Patron—Reid) .....</b>	HJR	248	1518
<b>Loudoun Valley High School boys' cross-country team; commending.</b>			
(Patron—LaRock) .....	HJR	534	1669
<b>Louisa Community Animal Response Team; commending. (Patron—Reeves) .....</b>	SJR	86	1852
<b>Louisa County High School football team; commending.</b>			
Patron—McGuire .....	HR	70	1734
Patron—Peake .....	SR	33	1961
<b>Louisa Little League 9-11 All-Stars baseball team; commending. (Patron—McGuire)</b>	HR	69	1733
<b>Lumsden, Chris; commending. (Patron—Edmunds) .....</b>	HJR	493	1648
<b>Lund, Adrian K.; commending.</b>			
Patron—Murphy .....	HR	85	1740
Patron—Favola .....	SR	49	1970
<b>Lymphatic Education and Research Network; commemorating its 20th anniversary.</b>			
(Patron—Favola) .....	SJR	214	1927
<b>Madison County High School softball team; commending. (Patron—Freitas) .....</b>	HJR	63	1445
<b>Manassas Symphony Orchestra; commemorating its 25th anniversary.</b>			
(Patron—McPike) .....	SR	10	1949
<b>Manchester High School's Lancer Theatre Company; commending.</b>			
(Patron—Robinson) .....	HJR	327	1560
<b>Manchester Middle School basketball team; commending. (Patron—Chase) .....</b>	SR	47	1969
<b>March for Life; commemorating its 45th anniversary. (Patron—Freitas) .....</b>	HJR	254	1521
<b>Martin, Curry; commending. (Patron—Suetterlein) .....</b>	SR	66	1981
<b>Mary, Charlotte A.; commending. (Patron—McDougle) .....</b>	SR	46	1969
<b>Mather, Phyllis; commending. (Patron—Mullin) .....</b>	HR	152	1774
<b>Matthews, Fred; commending.</b>			
Patron—Bloxom .....	HJR	264	1526
Patron—Lewis .....	SJR	157	1894
<b>McCahill, Burke F.; commending. (Patron—Wexton) .....</b>	SJR	192	1915
<b>McCormick, Sammy; commending. (Patron—Marshall) .....</b>	HJR	426	1613
<b>McInteer, Ted; commending. (Patron—Reeves) .....</b>	SJR	91	1854
<b>McKee, David; commending. (Patron—Cosgrove) .....</b>	SR	42	1967
<b>McLean High School band; commending. (Patron—Sullivan) .....</b>	HJR	354	1574
<b>McLean High School boys' tennis team; commending. (Patron—Sullivan) .....</b>	HJR	355	1575
<b>McLean High School Highlander marching band; commending. (Patron—Sullivan) .....</b>	HJR	356	1575
<b>Meador, Virginia Belle Honeycutt; commending. (Patron—Kilgore) .....</b>	HR	110	1753
<b>Meadows, Mike; commending. (Patron—Guzman) .....</b>	HR	185	1789
<b>Mellon, Mary; commending. (Patron—Hope) .....</b>	HJR	409	1605
<b>Middleburg Community Charter School; commending. (Patron—Gooditis) .....</b>	HR	155	1776
<b>Miller, Debbi; commending. (Patron—Petersen) .....</b>	SR	74	1985
<b>Milligan, William H., Jr.; commending. (Patron—Hayes) .....</b>	HR	58	1727
<b>Millner, Curtis R., Sr.; commending. (Patron—Marshall) .....</b>	HJR	452	1628
<b>Mills, Robert, Jr.; commending. (Patron—Adams, L.R.) .....</b>	HJR	267	1527
<b>Monacan High School girls' basketball team; commending. (Patron—Robinson) .....</b>	HJR	239	1513
<b>Morris, David Scott; commending. (Patron—Peake) .....</b>	SJR	153	1891
<b>Mottley, Lindsay K.; commending. (Patron—Adams, D.M.) .....</b>	HR	89	1742
<b>Mount Calvary Baptist Church; commending. (Patron—Freitas) .....</b>	HJR	205	1495
<b>Mount Pleasant Baptist Church; commemorating its 50th anniversary. (Patron—Cox)</b>	HR	142	1769
<b>Mount Vernon Voice; commending. (Patron—Surovell) .....</b>	SJR	243	1943
<b>Mountain Kim Martial Arts; commemorating its 45th anniversary. (Patron—Keam) ..</b>	HJR	52	1441
<b>Mountain Movers; commending.</b>			
Patron—Pillion .....	HR	113	1755
Patron—Chafin .....	SJR	181	1909
<b>Mt. Carmel Baptist Church; commemorating its 150th anniversary. (Patron—Fowler)</b>	HR	88	1741

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<b>Mulberry Baptist Church; commemorating its 150th anniversary.</b> (Patron—McDougle) .....	SR 30	1960
<b>Museum of Culpeper History; commemorating its 40th anniversary.</b> (Patron—Freitas)	HJR 207	1496
<b>Napier, Patsy Gifford; commending.</b> (Patron—Watts) .....	HJR 301	1545
<b>National Coalition of 100 Black Women, Inc., Prince William County Chapter;</b> commending. (Patron—Torian) .....	HJR 280	1534
<b>National Counseling Group; commemorating its 25th anniversary.</b> (Patron—Marsden)	SR 27	1958
<b>National Federation of Independent Business; commemorating its 75th anniversary.</b> (Patron—Wilt) .....	HR 182	1787
<b>Naval Surface Warfare Center, Dahlgren Division; commemorating its 100th</b> anniversary. (Patron—Ransone) .....	HJR 136	1459
<b>Neighborhood Health; commemorating its 20th anniversary.</b> (Patron—Krizek) .....	HJR 233	1509
<b>New Dominion Women's Club; commemorating its 50th anniversary.</b> (Patron—Murphy) .....	HJR 295	1542
<b>New Hope Baptist Church; commemorating its 50th anniversary.</b> (Patron—Price) ...	HJR 319	1556
<b>Newport News Green Foundation; commemorating its 20th anniversary.</b> (Patron—Price) .....	HJR 318	1555
<b>Newport News Public Schools; commending.</b> (Patron—Mullin) .....	HJR 400	1600
<b>Nice, David A.; commending.</b> (Patron—Pogge) .....	HJR 169	1475
<b>Nickum, Wayne H.; commending.</b> (Patron—Hugo) .....	HJR 252	1520
<b>1987 Washington Redskins replacement players; commending.</b> (Patron—Miyares) .	HJR 151	1466
<b>90 for 90; commending.</b> (Patron—Guzman) .....	HR 184	1788
<b>Northern Virginia Regional Commission; commemorating its 70th anniversary.</b> (Patron—Keam) .....	HJR 234	1510
<b>Northwest Federal Credit Union Foundation; commending.</b> (Patron—Howell) .....	SJR 177	1906
<b>Northwestern Regional Juvenile Detention Center; commemorating its 20th</b> anniversary. (Patron—LaRock) .....	HJR 539	1672
<b>Olive Branch Baptist Church; commemorating its 150th anniversary.</b> (Patron—Tyler)	HJR 532	1668
<b>Otto, Paula Irene; commending.</b> (Patron—Favola) .....	SJR 123	1873
<b>Palmer, Lee Wilson; commending.</b> (Patron—Krizek) .....	HJR 191	1487
<b>Pantry at South Lakes High School; commending.</b> (Patron—Plum) .....	HJR 389	1594
<b>Pappas, Virginia; commending.</b> (Patron—Plum) .....	HJR 457	1631
<b>Park View High School; commending.</b> (Patron—Bell, John J.) .....	HJR 262	1524
<b>Patrick Henry College moot court team; commending.</b> (Patron—LaRock) .....	HJR 538	1671
<b>Patrick Henry High School boys' track and field team; commending.</b> (Patron—O'Quinn) .....	HJR 420	1610
<b>Patrick Henry High School girls' swim team; commending.</b> (Patron—Edwards) ...	SJR 219	1930
<b>Patterson, David Bruce; commending.</b> (Patron—Cline) .....	HJR 558	1682
<b>Peninsula Elder Abuse Forensic Center; commending.</b> (Patron—Mullin) .....	HJR 543	1674
<b>People to People; commemorating its 25th anniversary.</b> (Patron—Price) .....	HJR 320	1556
<b>Perkins, Annette S.; commending.</b> (Patron—Hurst) .....	HJR 154	1467
<b>Perlin, Amy R.; commending.</b> (Patron—Tran) .....	HR 206	1797
<b>Pfeiffer, Channing A.; commending.</b> (Patron—DeSteph) .....	SJR 221	1931
<b>Phelps, Jarad L.; commending.</b> (Patron—Guzman) .....	HR 164	1779
<b>Pincus, Melanie; commending.</b> (Patron—Sullivan) .....	HJR 384	1591
<b>Pinewood Lake Homeowner's Association; commemorating its 50th anniversary.</b> (Patron—Krizek) .....	HJR 307	1549
<b>Podium Foundation; commemorating its 10th anniversary.</b> (Patron—Carr) .....	HJR 312	1552
<b>Poole, Megan; commending.</b> (Patron—Reid) .....	HJR 175	1478
<b>Potomac Falls High School girls' lacrosse team; commending.</b> (Patron—Bell, John J.)	HJR 244	1515
<b>Powhatan Christmas Mother program; commending.</b> (Patron—Ware) .....	HR 101	1748
<b>Prince William County Historic Preservation Division; commending.</b> (Patron—Roem) .....	HR 115	1756
<b>Princess Anne Courthouse Volunteer Fire and Rescue Squad; commemorating its</b> 70th anniversary. (Patron—Knight) .....	HJR 213	1499
<b>Puckett, James; commending.</b> (Patron—Ruff) .....	SR 71	1983
<b>Puzey, Emerson; commending.</b> (Patron—Jones, S.C.) .....	HR 8	1694

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<b>Redican, Terry;</b> commending. (Patron—Howell) .....	SJR 176	1905
<b>Refuge Nation Church;</b> commemorating its 10th anniversary. (Patron—Price) .....	HJR 525	1664
<b>Renfro, Nancy;</b> commending. (Patron—Hope) .....	HJR 335	1564
<b>Reston Community Orchestra;</b> commemorating its 30th anniversary. (Patron—Plum) .....	HJR 358	1576
<b>Reuse and Replay;</b> commending. (Patron—Sullivan) .....	HJR 382	1590
<b>Reveley, W. Taylor, III;</b> commending. (Patron—Normont) .....	SJR 175	1904
<b>Reynolds, Ray;</b> commending. (Patron—Stanley) .....	SJR 159	1895
<b>Richmond Symphony;</b> commemorating its 60th anniversary. (Patron—Carr) .....	HJR 313	1552
<b>Ringgold Volunteer Fire and Rescue;</b> commemorating its 60th anniversary. (Patron—Marshall) .....	HJR 536	1670
<b>Riverside Elementary School;</b> commemorating its 50th anniversary. (Patron—Surovell) .....	SJR 149	1888
<b>Robb, Natalie D.;</b> commending. (Patron—Boysko) .....	HJR 507	1655
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<b>Roman Eagle Rehabilitation and Health Care Center;</b> commemorating its 100th anniversary. (Patron—Marshall) .....	HJR 429	1615
<b>Rordam, Ron;</b> commending. (Patron—Hurst) .....	HJR 155	1468
<b>Rose, Richard;</b> commending. (Patron—O'Quinn) .....	HJR 224	1505
<b>Rotary Club of Chesapeake;</b> commemorating its 50th anniversary. (Patron—Hayes) .	HJR 18	1431
<b>Russell, Karen;</b> commending. (Patron—LaRock) .....	HJR 540	1672
<b>Ryan, Dan, Sr.;</b> commending. (Patron—Davis) .....	HJR 563	1685
<b>Salem High School football team;</b> commending. Patron—Habeb .....	HR 19	1707
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<b>Salvation Army of Loudoun County;</b> commending. (Patron—Reid) .....	HR 41	1719
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<b>Shank, Matthew D.;</b> commending. (Patron—Hope) .....	HJR 411	1606
<b>Shaw, Anne;</b> commending. (Patron—Roem) .....	HJR 574	1691
<b>Shelton, William C.;</b> commending. (Patron—Kilgore) .....	HJR 291	1540
<b>Shepherd Higher Education Consortium on Poverty;</b> commending. (Patron—Deeds) .....	SJR 160	1895
<b>Shepherd's Center of Oakton-Vienna;</b> commemorating its 20th anniversary. (Patron—Keam) .....	HJR 44	1439
<b>Sherwood, Nancy Ruth;</b> commending. (Patron—Boysko) .....	HJR 512	1657
<b>Shoultz, Neil;</b> commending. (Patron—Guzman) .....	HR 189	1790
<b>Shumate, Charles L.;</b> commending. (Patron—Thomas) .....	HR 53	1725
<b>Sigle, Andy;</b> commending. (Patron—Plum) .....	HJR 386	1592
<b>Sigrest, Eleanor;</b> commending. (Patron—Guzman) .....	HR 169	1781
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<b>Skyline Regional Criminal Justice Academy Jail Officer Basic 1 graduating class;</b> commending. (Patron—Reid) .....	HR 39	1718
<b>Slone, Evelyn Ann;</b> commending. (Patron—Edwards) .....	SJR 184	1910
<b>Smith, Debra Ann;</b> commending. (Patron—Leftwich) .....	HR 95	1745
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<b>Sorenson, Barbara;</b> commending. (Patron—Boysko) .....	HJR	500	1652
<b>SOS International LLC;</b> commending. (Patron—Howell) .....	SJR	188	1912
<b>South County Little League;</b> commemorating its 50th anniversary. (Patron—Tran) ..	HJR	572	1690
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<b>St. John's Episcopal Church;</b> commemorating its 125th anniversary. (Patron—Rasoul)	HJR	464	1634
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<b>Straley, Jimmie;</b> commending. (Patron—Peake) .....	SJR	152	1890
<b>Sullivan, Teresa A.;</b> commending. (Patron—Toscano) .....	HJR	381	1589
<b>Sumathipala, Marissa;</b> commending. (Patron—Gooditis) .....	HR	157	1776
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<b>Thomas, C.W.;</b> commending. (Patron—Poindexter) .....	HJR	535	1670
<b>Thomas Jefferson Planning District Commission;</b> commending Commission and its localities. (Patron—Toscano) .....	HJR	531	1668
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<b>Tobia, Matthew;</b> commending. (Patron—Reid) .....	HJR	174	1478
<b>Tolley, Ryan;</b> commending. (Patron—Guzman) .....	HR	188	1790
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<b>Ungerer, Susan;</b> commending. (Patron—Boysko) . . . . .	HJR 510		1656
<b>U19 Girls Vienna Youth Soccer Phoenix '99;</b> commending. (Patron—Keam) . . . . .	HJR 231		1508
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<b>Union High School football team;</b> commending. (Patron—Carrico) . . . . .	SR 60		1977
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<b>Virginia Automobile Dealers Association;</b> commemorating its 75th anniversary. (Patron—Cosgrove) . . . . .	SJR 215		1928
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<b>Virginia Student Training and Refurbishment Program</b> ; commending. (Patron—Roem)	HJR 562	1684
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<b>Optometry;</b> scope of practice, TPA-certified optometrist shall provide written evidence to Board that he has completed a didactic and clinical training course. (Patron—Suetterlein) .....	SB 511	280	482
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<b>Service and Volunteerism, Advisory Board on;</b> membership terms, provisions of this act shall not be construed to affect existing appointments, repeals sunset provision. (Patron—VanValkenburg) . . . . .	HB	1124	455	721
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<b>Sexually violent predators;</b> Director of Board of Corrections shall review database using an evidence-based assessment protocol, identifying prisoners and defendants who appear to meet definition of a predator. (Patron—Howell) . . . . .	SB	267	841	1359
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<b>Taxpayers;</b> Department of Taxation and Virginia Employment Commission shall consider feasibility of permitting taxpayers to submit tax reports and payments electronically for both using a single sign-on. (Patron—Freitas) . . . . .	HB	538	344	607
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<b>Workers’ Compensation Commission;</b> commissioners of Commission, for purposes of constituting a quorum, shall include any deputy commissioner or retired commissioner who is appointed or recalled. (Patron—Kilgore) . . . . .	HB 117	250	444
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<b>Mental health awareness;</b> training for firefighters and emergency medical services personnel. Patron—Helsel . . . . .	HB 1412	456	722
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**Child abuse or neglect;** local department shall notify local Commonwealth attorney of all complaints involving child's being left alone in same dwelling with person to whom child is not related by blood or marriage and who has been convicted of offense against a minor for which registration is required as a violent sexual offender, etc. (Patron—Bell, Robert B.) . . . . . HB 511 823 1300

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**Dual enrollment courses;** State Board for Community Colleges, et al., shall develop and implement a plan to achieve and maintain same standards regarding quality, consistency, and level of evaluation and review for courses offered by local school divisions, etc. (Patron—Landes) . . . . . HB 3 787 1226

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**Virginia Community College System;** changes to ensure a standard quality of education at all comprehensive community colleges, etc., dual enrollment courses, repeals provisions relating to passport credit program, general education courses list, etc., report.

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**Community Foundation for Northern Virginia;** commemorating its 40th anniversary. (Patron—Keam) . . . . . HJR 150 1465

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**Veterinarians;** compounding of drugs, quantity that may be dispensed to owner of companion animal. (Patron—Orrock) . . . . . HB 875 100 191

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**Alcoholic beverage control;** records of retail licensees may be stored off site, provided records are readily retrievable and available for electronic inspection by the Board or its special agents at the licensed premises. (Patron—Robinson) . . . . . HB 1379 729 1122

**Auditor of Public Accounts;** identifier information of each full-time state employee's position maintained on an online database. (Patron—Dunnavant) . . . . . SB 633 601 934

**Campaign Finance Disclosure Act of 2006;** electronic filing requirement for candidates for statewide office and for General Assembly and for local or constitutional office in certain localities. (Patron—Suetterlein) . . . . . SB 264 538 846

**COMPUTER SERVICES AND USES - Continued**

<b>Court records;</b> recording by microphotographic or electronic process, submission of trial court record to appellate court in electronic form, repealing an obsolete section that required circuit court clerks to keep a log of documents submitted for recordation, etc. (Patron—Miyares) . . . . .	HB	166	523	815
<b>Death certificates;</b> in cases in which a death occurs under care of a hospice provider, the medical certification shall be completed by the decedent's health care provider or physician licensed in another state who was in charge of patient's care for illness or condition that resulted in death, filed electronically with State Registrar of Vital Records using the Electronic Death Registration System. Patron—Wilt . . . . .	HB	1158	207	355
Patron—Cosgrove . . . . .	SB	309	208	356
<b>Electronic case papers;</b> transmission between district and circuit courts, clerk in appellate court may also request that any paper trial records be forwarded to such clerk. Patron—Habeeb . . . . .	HB	378	32	70
Patron—Obenshain . . . . .	SB	524	134	246
<b>Electronic visitation;</b> authorizes Director of the Department of Corrections to prescribe reasonable rules regarding systems and collection of fees for use of such systems. (Patron—Hope) . . . . .	HB	797	66	146
<b>Enhanced Public Safety Telephone Services Act;</b> establishes requirements regarding implementation of next generation 9-1-1 (NG9-1-1) service, repeals provisions regarding notices that providers of Voice over Internet protocol service are required to give to subscribers, etc. Patron—Leftwich . . . . .	HB	1388	532	822
Patron—Suetterlein . . . . .	SB	513	533	833
<b>Family life education;</b> curriculum may incorporate age-appropriate elements of evidence-based programs on dangers and repercussions of using electronic means or social media, etc., includes sexual harassment using electronic means. (Patron—McClellan) . . . . .	SB	101	519	812
<b>Motor Vehicles, Department of;</b> electronic services to provide simple, fast, etc., titling and registration of vehicles. (Patron—McClellan) . . . . .	SB	291	361	623
<b>Personal property tax;</b> computer equipment and peripherals used in data centers, valued by means of a percentage or percentages of original cost, or by such other method as may reasonably be expected to determine actual fair market value. Patron—Bagby . . . . .	HB	828	28	62
Patron—Dunnavant . . . . .	SB	268	292	494
<b>Retention of case records;</b> clerk of a district court allowed to destroy papers, etc., in civil and criminal cases if documents have been microfilmed or converted to an electronic format. (Patron—Lindsey) . . . . .	HB	1310	128	238
<b>Sexually violent predators;</b> Director of Board of Corrections shall review database using an evidence-based assessment protocol, identifying prisoners and defendants who appear to meet definition of a predator. (Patron—Howell) . . . . .	SB	267	841	1359
<b>State Corporation Commission;</b> extends date to January 1, 2020, after which the Commission is required to limit users who will be able to submit data and documents on behalf of a business entity. (Patron—Kilgore) . . . . .	HB	238	253	445
<b>Taxpayers;</b> Department of Taxation and Virginia Employment Commission shall consider feasibility of permitting taxpayers to submit tax reports and payments electronically for both using a single sign-on. (Patron—Freitas) . . . . .	HB	538	344	607
<b>Telework Promotion and Broadband Assistance, Office of, and Broadband Advisory Council;</b> expiration, extends sunset date to July 1, 2019. Patron—Byron . . . . .	HB	999	759	1165
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<b>Virginia Freedom of Information Act;</b> clarifies definition of electronic communication. (Patron—Robinson) . . . . .	HB	906	54	113
<b>Virginia Freedom of Information Act;</b> meetings held by electronic communication means, removes requirement that remote locations from which members of a public body participate in meetings through electronic communication means be open to the public. (Patron—Robinson) . . . . .	HB	908	56	122
<b>Virginia Freedom of Information Act;</b> meetings held by electronic communication means, repeals certain provisions relating to electronic meetings, participation in meetings due to personal matters, etc. (Patron—Robinson) . . . . .	HB	907	55	114

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<b>Land development;</b> locality within Chesapeake Bay watershed authorized to adopt an ordinance providing for replacement of trees, site plan for any subdivision or development includes a minimum 10 percent tree canopy on site of any cemetery. (Patron—Hodges) . . . . .	HB	494	399	662
<b>Land preservation tax credits;</b> transfer to a designated beneficiary. (Patron—Fariss) . . . . .	HB	1460	560	878
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<b>Revolutionary War cemeteries and graves;</b> Director of Department of Historic Resources shall disburse funds to Virginia Society of the Sons of the American Revolution (VASSAR) for maintenance of no more than 6,000 additional Revolutionary War graves set forth on a list submitted annually. (Patron—Stanley) . . . . .	SB	177	641	972
<b>Revolutionary War cemeteries and graves;</b> Director shall disburse appropriated sums to Virginia Society of the Sons of the American Revolution (VASSAR) for maintenance of no more than 4,050 graves set forth on a list submitted annually. (Patron—Habeeb) . . . . .	HB	153	639	969
<b>Scenic river designations;</b> consolidates provisions of Scenic Rivers Act relating to prohibitions on construction of dams, exceptions. (Patron—Orrock) . . . . .	HB	866	273	469
<b>Virginia Public Procurement Act;</b> cooperative procurement, installation of artificial turf and track surfaces, stream restoration or stormwater management practices. Patron—Hodges . . . . .	HB	574	269	465
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<b>Yorktown Victory Center;</b> renamed the American Revolution Museum at Yorktown. (Patron—Ware) . . . . .	HB	335	137	250

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<b>Conservators of the peace, special;</b> replaces powers that may be provided in power of appointment, etc., qualifications, conservators employed on July 1, 2018, by Shenandoah Regional Airport Commission or Richmond Metropolitan Transportation Authority may continue to use word "police" on any badge, etc. (Patron—Fowler) . . . . .	HB	151	792	1232
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<b>Constitutional amendment;</b> General Assembly may authorize a county, city, or town to partially exempt any real estate subject to recurring flooding upon which flooding abatement, mitigation, etc., have been undertaken (second reference), Chapter 773, 2017 Acts (first reference). (Patron—Lewis) . . . . .	SJR	21	813	1285
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**Virginia Freedom of Information Act;** meetings held by electronic communication means, removes requirement that remote locations from which members of a public body participate in meetings through electronic communication means be open to the public. (Patron—Robinson) . . . . . HB 908 56 122

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**Contractors, Board for;** prerequisites to obtaining a building permit, elimination of affidavit requirement for written statements.  
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**Prescription drugs;** a prescriber may authorize a registered nurse or licensed practical nurse to approve additional refills of a prescribed drug for no more than 90 consecutive days, provided that the drug is classified as a Schedule VI drug, etc. (Patron—DeSteph) . . . . . SB 882 380 649

**Prescription Monitoring Program;** adds controlled substances included in Schedule V and naloxone to list of covered substances.

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**Prescription Monitoring Program;** veterinarians who dispense covered substances to report certain information about animal and owner of animal to Program, course of treatment to last seven days or less. (Patron—Stanley) . . . . . SB 226 772 1195

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**Electronic visitation;** authorizes Director of the Department of Corrections to prescribe reasonable rules regarding systems and collection of fees for use of such systems. (Patron—Hope) .....

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**Temporary detention orders;** authorizes deputy sheriffs and jail officers employed by a local correctional facility to execute orders issued for inmates of the facility. (Patron—Rush) .....

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**Correctional Officer Procedural Guarantee Act;** created, Department of Corrections shall determine time limit for response to allegations made against an officer, informal counseling not prohibited.

Patron—Tyler .....	HB	1418	761	1165
Patron—Marsden .....	SB	851	762	1167

**Criminal Justice Services, Department of;** definition of law-enforcement officer includes members of investigation units designated by State Inspector General, employee with internal investigations authority designated by Department of Corrections or Department of Juvenile Justice, etc., investigations of allegations of criminal behavior that affect operations of state or nonstate agency.

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**Electronic visitation;** authorizes Director of the Department of Corrections to prescribe reasonable rules regarding systems and collection of fees for use of such systems. (Patron—Hope) .....

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**Feminine hygiene products;** State Board of Corrections shall adopt and implement a policy and procedure to ensure provision of products at no cost to female prisoners or inmates. (Patron—Kory) .....

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**Sexually violent predators;** Director of Board of Corrections shall review database using an evidence-based assessment protocol, identifying prisoners and defendants who appear to meet definition of a predator. (Patron—Howell) .....

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<b>Chesapeake Bay public water access authorities;</b> regional dredging. (Patron—Hodges) . . . . .	HB 1095	327	567
<b>Child abuse or neglect;</b> local department shall notify local Commonwealth attorney of all complaints involving child's being left alone in same dwelling with person to whom child is not related by blood or marriage and who has been convicted of offense against a minor for which registration is required as a violent sexual offender, etc. (Patron—Bell, Robert B.) . . . . .	HB 511	823	1300
<b>Child labor;</b> removes requirement that participation by certain minors in certain fire company activities requires local government authorization. (Patron—Deeds) . . . . .	SB 887	181	313
<b>Children's residential facilities, certain;</b> facilities operated or conducted under auspices of a religious institution established in 1978 and located in Atkins, Virginia, licensure, sunset provision. (Patron—Carrico) . . . . .	SB 506	789	1228
<b>Comprehensive plan, locality's;</b> plan shall consider strategies to provide broadband infrastructure that is sufficient to meet current and future needs of residents and			

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<b>COUNTIES, CITIES, AND TOWNS - Continued</b>			
businesses, local planning commissions may consult with and receive technical assistance from the Center for Innovative Technology. (Patron–Boysko) . . . . .	HB 640	691	1060
<b>Comprehensive plans;</b> locality shall show in their plan locality's long-range recommendations for groundwater and surface water availability, quality, and sustainability. (Patron–Stuart) . . . . .	SB 211	420	687
<b>Conflict of Interests Act, State and Local Government;</b> adds member of Board of Directors of Virginia Alcoholic Beverage Control Authority and members of Board of Virginia College Savings Plan to list of independent government entities whose members are required to file a disclosure statement. (Patron–Gilbert) . . . . .	HB 991	528	820
<b>Conflict of Interests Act, State and Local Government;</b> any school district allowed to invoke current exemption from prohibition against hiring, under certain circumstances, school district employee who is related to a member of school board. Patron–Wright . . . . .	HB 212	483	755
Patron–Black . . . . .	SB 124	520	812
<b>Conflict of Interests Act, State and Local Government;</b> filing of financial disclosure statements for individuals serving in or seeking multiple positions or offices, etc. (Patron–Gilbert) . . . . .	HB 992	529	821
<b>Conflict of Interests Act, State and Local Government;</b> prohibited conduct relating to contracts, exceptions, officer or immediate family member of an officer of Marine Resources Commission. (Patron–Lewis) . . . . .	SB 930	742	1134
<b>Constitutional amendment;</b> General Assembly may authorize a county, city, or town to partially exempt any real estate subject to recurring flooding upon which flooding abatement, mitigation, etc., have been undertaken (second reference), Chapter 773, 2017 Acts (first reference). (Patron–Lewis) . . . . .	SJR 21	813	1285
<b>Constitutional amendment;</b> referendum at election to approve or reject an amendment to allow General Assembly to authorize governing bodies of counties, cities, and towns to provide for a partial exemption from local real property taxation of improved real estate subject to recurrent flooding upon which flooding abatement, mitigation, or resiliency efforts have been undertaken (submitting to qualified voters). (Patron–Lewis) . . . . .	SB 219	616	948
<b>Cooperative agreement;</b> reimbursement of costs necessary to examine, review, and supervise, Commissioner shall determine activities needed to actively supervise cooperative agreement and may incur only those expenses necessary for such supervision as determined in his sole discretion, etc. (Patron–Kilgore) . . . . .	HB 663	371	634
<b>County courthouse;</b> provisions regarding removal shall not apply to removal or relocation of any county courthouse, whether located on county or city property, that is entirely surrounded by a city. (Patron–Bell, Robert B.) . . . . .	HB 1546	732	1125
<b>County manager plan of government;</b> in Arlington County, the county may have an elected school board notwithstanding default method of school board appointment. (Patron–Hope) . . . . .	HB 231	385	652
<b>Courthouses;</b> expansion to contiguous land within same county or city shall not trigger a referendum requirement. (Patron–Hanger) . . . . .	SB 538	582	905
<b>Criminal cases;</b> courts of a locality have concurrent jurisdiction with courts of any other adjoining locality over criminal offenses committed in or upon the premises, etc., owned or occupied by such locality, repeals an existing statute that provides such concurrent jurisdiction for certain enumerated localities, also deletes references to corporation courts, and several obsolete provisions involving courts not of record. (Patron–Habeeb) . . . . .	HB 77	164	285
<b>Delegate Lacey E. Putney Memorial Highway;</b> designating a portion of U.S. Route 221 between corporate limits of Town of Bedford and corporate limits of City of Lynchburg. Patron–Byron . . . . .	HB 1007	8	7
Patron–Newman . . . . .	SB 363	235	410
<b>Dredging projects;</b> specifies that projects are development projects eligible for tax increment financing, clarifies definition of "development project area." (Patron–Hodges) . . . . .	HB 1092	120	229
<b>Drug overdose fatality review teams, local or regional;</b> localities to establish. (Patron–Lewis) . . . . .	SB 399	600	928
<b>Economic growth-sharing;</b> review of agreements, annual report from each locality that is recipient of funds to include use of funds by localities, etc. (Patron–Landes) .	HB 1148	728	1121

	BILL OR CHAP. RES. NO.	PAGE NO.	PAGE NO.
<b>COUNTIES, CITIES, AND TOWNS - Continued</b>			
<b>Elections;</b> county or city may retain officers of election as independent contractors. (Patron-Reeves) .....	SB 474	675	1025
<b>Elections;</b> precincts not to be changed between certain dates. Patron-Jones, S.C. ....	HB 767	778	1213
Patron-Obenshain .....	SB 983	779	1214
<b>Electric vehicle charging stations;</b> authorizes any locality or public institution of higher education, or Department of Conservation and Recreation, to locate and operate a retail fee-based electric vehicle charging station on property such entity owns or leases. Patron-Bulova .....	HB 922	446	712
Patron-McClellan .....	SB 908	295	500
<b>Emergency Management, Virginia Department of;</b> local sheltering data. (Patron-Jones, J.C.) .....	HB 1367	228	399
<b>Emergency services;</b> certain counties may by ordinance and after holding a public hearing, levy a fee to fund. (Patron-Deeds) .....	SB 680	660	1001
<b>Enterprise Zone Grant Program;</b> designation of enterprise zone, amendments to the size of a zone. (Patron-Marshall) .....	HB 431	315	554
<b>Ethics laws, current;</b> joint subcommittee to be established to study. (Patron-Norment) .....	SJR 75		1844
<b>Expedited land use permit process;</b> Department of Transportation shall develop and submit for approval, process shall be designed to apply only when proposed use of right-of-way does not make substantial changes to such right-of-way, etc., report. (Patron-Freitas) .....	HB 901	505	797
<b>Fentress Naval Auxiliary Landing Field;</b> member of the House of Delegates and member of the Senate of Virginia representing the area in which the Field is located in Chesapeake, Virginia, shall be notified of any local appropriation made to acquire property rights surrounding the Landing Field. (Patron-Cosgrove) .....	SB 137	418	686
<b>Fire protection;</b> applicant preemployment information with a fire department in any locality. (Patron-Ingram) .....	HB 1163	834	1330
<b>Forfeited assets;</b> state or local agency that receives net proceeds of asset from Department of Criminal Justice Services, etc., criminal charges brought against owner of forfeited asset, information included in annual report. Patron-Peake .....	SB 813	666	1008
<b>General registrar;</b> all county and city offices open five days a week. (Patron-Chafin) .....	SB 379	539	846
<b>General registrars;</b> residency requirement, exemption for counties or cities with a population of 25,000 or less. Patron-Simon .....	HB 690	692	1062
Patron-Mason .....	SB 556	693	1063
<b>Goochland County;</b> Board of Supervisors of County may appoint five members to Board of Directors of Goochland County Economic Development Authority. (Patron-Ware) .....	HB 60	310	547
<b>Ground water management;</b> developer of a subdivision located in a designated area for which developer obtains plat approval on or after July 1, 2018, to apply for a technical evaluation, etc. (Patron-Bulova) .....	HB 358	427	696
<b>Hampton, City of;</b> volunteer property maintenance and zoning inspectors. (Patron-Price) .....	HB 1183	542	849
<b>Hampton Roads Area refuse collection and disposal system authority;</b> board term. (Patron-Brewer) .....	HB 1560	547	853
<b>Highways, certain;</b> increases to 60 miles per hour maximum speed limit on State Route 3 between corporate limits of Town of Warsaw and unincorporated area of Emmerton. (Patron-Ransone) .....	HB 684	345	608
<b>Historical African American cemeteries;</b> owners and localities receiving funds, owners of cemeteries shall reasonably cooperate with a qualified organization, etc. (Patron-McQuinn) .....	HB 284	818	1289
<b>Historical African American cemeteries and graves;</b> adds African-American Burial Ground for the Enslaved at Belmont in Loudoun County to list. (Patron-Wexton) ..	SB 163	614	945
<b>Hospital licenses, certain;</b> license issued to an acute care hospital located in Patrick County that was valid on September 1, 2017, and remained valid on December 31, 2017, despite the closure of such hospital, shall continue to remain valid until December 31, 2018. Patron-Poindexter .....	HB 175	1	1
Patron-Stanley .....	SB 866	2	1

**COUNTIES, CITIES, AND TOWNS - Continued**

<b>Housing;</b> installation and maintenance of smoke and carbon monoxide alarms in rental property, smoke alarms shall be permitted to be either battery operated or AC powered.				
Patron—Carr	HB	609	41	81
Patron—Barker	SB	391	81	165
<b>Hydroelectric plant;</b> Counties of Buchanan, Dickenson, Lee, Russell, Scott, Tazewell, and Wise and City of Norton shall enter into a revenue sharing agreement, host locality's revenue shall be distributed to other localities on basis of certain formula.				
Patron—Pillion	HB	1555	232	406
Patron—Chafin	SB	780	206	354
<b>Income tax, corporate and state;</b> modification for certain companies, grants for certain corporations, apportionment, report.				
Patron—Morefield	HB	222	802	1260
Patron—Stanley	SB	883	801	1252
<b>Juvenile;</b> dissemination of information to State Health Commissioner, etc., for purpose of screening any emergency medical services agency applicants and to chief law-enforcement officer of a locality or his designee, etc.				
Patron—Bell, John J.	HB	135	143	262
Patron—Black	SB	109	148	267
<b>Land bank entities;</b> acquisition of real property. (Patron—Carr)				
Patron—Carr	HB	592	401	664
<b>Land development;</b> locality within Chesapeake Bay watershed authorized to adopt an ordinance providing for replacement of trees, site plan for any subdivision or development includes a minimum 10 percent tree canopy on site of any cemetery. (Patron—Hodges)				
Patron—Hodges	HB	494	399	662
<b>Libraries, local and regional;</b> Caroline County added to list of localities that are not required to establish a library board.				
Patron—Fowler	HB	62	213	361
Patron—McDougle	SB	396	177	308
<b>Little Island Coast Guard Station;</b> Department of Conservation and Recreation authorized to convey all of its right, title, and interest in a parcel in Virginia Beach within Little Island Park. (Patron—Knight)				
Patron—Knight	HB	821	442	708
<b>Local government;</b> authority to require abatement of criminal blight on real property, clarifies definition of criminal blight to include repeated acts of malicious discharge of a firearm within a building or dwelling that would constitute a criminal act.				
Patron—Carr	HB	594	805	1270
Patron—Dance	SB	451	335	592
<b>Local planning commissions;</b> proposed plats. (Patron—Reeves)				
Patron—Reeves	SB	993	670	1017
<b>Local tourism board, etc.;</b> member of a governing body of a locality authorized to be elected or appointed to board. (Patron—Deeds)				
Patron—Deeds	SB	677	659	1000
<b>Local transportation plan;</b> Northern Virginia Transportation Authority, commercial and industrial real property tax revenue, and secondary system road construction program allocation, undergrounding utilities. (Patron—Surovell)				
Patron—Surovell	SB	622	796	1245
<b>Loudoun County;</b> agreements for treasurer to collect and enforce real and personal property taxes on behalf of certain towns.				
Patron—LaRock	HB	340	342	607
Patron—Black	SB	92	74	158
<b>Middle Peninsula Chesapeake Bay Public Access Authority;</b> duties. (Patron—Hodges)				
Patron—Hodges	HB	1093	326	566
<b>MS4 industrial and high-risk programs;</b> authorizes any locality that owns or operates a municipal separate storm sewer system to adopt and administer an industrial and high-risk runoff program for industrial and commercial facilities. (Patron—Bulova)				
Patron—Bulova	HB	925	152	270
<b>Natural Tunnel Parkway;</b> authorizes Department of Conservation and Recreation to accept certain real property in Scott County. (Patron—Kilgore)				
Patron—Kilgore	HB	669	438	705
<b>New River Valley Emergency Communications Regional Authority;</b> annual contribution, Board shall have full authority to develop and adopt a formula for allocating to participating political subdivisions responsibility to pay for annual budget.				
Patron—Rush	HB	1500	472	741
Patron—Edwards	SB	821	473	743

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<b>COUNTIES, CITIES, AND TOWNS - Continued</b>					
<b>Norfolk, City of;</b> eliminates cap on salaries of appointed members of school board.					
Patron—Heretick .....	HB	779	65	145	
Patron—Spruill .....	SB	361	80	164	
<b>Off-road recreational vehicles;</b> increases highway speed limit wherein local government is embraced by the Southwest Regional Recreation Authority. (Patron—Carrico) .....					
	SB	496	364	625	
<b>Onsite sewage systems;</b> unless otherwise provided in local ordinance, adjustment or replacement of sewer lines, etc., is considered maintenance of system and thus does not require a permit, notwithstanding any local ordinance, "maintenance" does not include replacement of tanks, etc. (Patron—Orrock) .....					
	HB	887	830	1321	
<b>Opioids;</b> location of clinics for treatment of addiction in Henrico County, City of Newport News, or City of Richmond, conditions of initial licensure when facility is located within one-half mile of a public or private licensed day care center or public or private K-12 school, etc. (Patron—McQuinn) .....					
	HB	155	816	1288	
<b>Opioids;</b> location of clinics for treatment of addiction in Henrico County or City of Richmond, conditions of initial licensure when facility is located within one-half mile of a public or private licensed day care center or public or private K-12 school, etc. (Patron—Dunnavant) .....					
	SB	329	187	318	
<b>Outdoor amphitheater or concert venue;</b> locality, by ordinance, may designate reasonable no-smoking areas, penalty. (Patron—Edwards) .....					
	SB	149	799	1252	
<b>Parks, local;</b> locality may establish, conduct, and regulate a system of boating, canoeing, kayaking, or tubing activities on waterways, liability of locality or park authority for site of trails or waterways.					
Patron—Morefield .....	HB	220	720	1109	
Patron—Chafin .....	SB	371	721	1110	
<b>Pet shops;</b> local government may, by ordinance, require any shop offering for sale dogs procured from outside of the Commonwealth to furnish a cash bond, etc. (Patron—Orrock) .....					
	HB	865	272	469	
<b>Powhatan and Smyth Counties;</b> added to list of counties that may require connection to their water and sewer systems by owners of certain property. (Patron—Ware) . . . .					
	HB	22	309	547	
<b>Real estate taxes;</b> clarifies when amount of taxes deferred pursuant to a local ordinance become due. (Patron—Howell) .....					
	SB	228	291	494	
<b>Real property tax;</b> authorizes Bedford County to conduct a general reassessment every five or six years instead of every four years. (Patron—Austin) .....					
	HB	124	24	59	
<b>Reformulated gasoline program;</b> exemption for sale of conventional gasoline within portion of City of Hopewell that is located west of Interstate 295. (Patron—Ingram) .					
	HB	1521	605	938	
<b>Regional industrial facility authority;</b> amends enabling statute for creation of an authority. (Patron—James) .....					
	HB	1452	545	852	
<b>Scenic river designations;</b> consolidates provisions of Scenic Rivers Act relating to prohibitions on construction of dams, exceptions. (Patron—Orrock) .....					
	HB	866	273	469	
<b>Secondary highways;</b> Albemarle County added to list of counties that may, by ordinance, regulate parking.					
Patron—Landes .....	HB	776	13	13	
Patron—Deeds .....	SB	679	90	182	
<b>Secrecy of tax information;</b> authorizes local officials to disclose information to non-governmental entities, shall not disclose information unless obtains written acknowledgment from entity that confidentiality and nondisclosure obligations of and penalties apply. (Patron—Hodges) .....					
	HB	495	40	78	
<b>Service districts;</b> adds general government facilities to types of facilities that may be constructed pursuant to power granted to districts. (Patron—Cole) .....					
	HB	161	643	976	
<b>Service of process;</b> county attorney to be served when actions against county officers, etc. (Patron—Petersen) .....					
	SB	14	474	744	
<b>Service of process;</b> investigator employed by an attorney for the Commonwealth and Indigent Defense Commission. (Patron—Mullin) .....					
	HB	1511	238	413	
<b>Short-term rentals;</b> local ordinances concerning regulation of rentals in Cities of Lexington and Virginia Beach, rentals located in Sandbridge Special Service District. (Patron—Knight) .....					
	HB	824	758	1164	

**COUNTIES, CITIES, AND TOWNS - Continued**

<b>Snow and ice;</b> Albemarle County may provide by ordinance reasonable criteria and requirements for removal from public sidewalks by owner or person in charge of property.				
Patron—Landes .....	HB	775	323	564
Patron—Deeds .....	SB	684	661	1001
<b>Solar facilities;</b> property owner may install a facility on roof of a dwelling or other building to serve electricity or thermal needs of that dwelling or building, etc., provided installation is in compliance with provisions pertaining to any local historic, architectural preservation, or corridor protection district, regulation of ground-mounted solar facilities in provisions of a zoning ordinance.				
Patron—Hodges .....	HB	508	495	773
Patron—Stanley .....	SB	429	496	775
<b>Solar facilities;</b> subject to provisions requiring facility to be substantially in accord with locality's comprehensive plan, locality may allow for a substantial accord review for facilities to be advertised and approved in a public hearing process, etc.				
Patron—Hodges .....	HB	509	318	560
Patron—Stanley .....	SB	179	175	306
<b>Spotsylvania and Orange, Counties of;</b> voluntary boundary agreement, attachment of GIS map to petitions.				
Patron—Freitas .....	HB	548	319	561
Patron—Reeves .....	SB	477	85	176
<b>Subdivision ordinance;</b> Cities of Chesapeake and Portsmouth added to those localities that may require payment by a subdivider or developer of land of a pro rata share of cost of road improvements. (Patron—Cosgrove) .....	SB	129	550	858
<b>Tourism Development Authority;</b> reorganizes Authority by increasing board membership and creates tourism advisory committees.				
Patron—Kilgore .....	HB	671	321	562
Patron—Chafin .....	SB	383	176	307
<b>Transient occupancy tax;</b> sunset provision for Arlington County's authority to impose. (Patron—Howell) .....	SB	69	611	943
<b>Trespass;</b> any person who knowingly and intentionally causes an unmanned aircraft system to enter property of another and come within 50 feet of a dwelling house to coerce, etc., another person is guilty of a Class 1 misdemeanor, report, repeals sunset provision on local regulation of privately owned systems.				
Patron—Collins .....	HB	638	851	1383
Patron—Obenshain .....	SB	526	852	1384
<b>Trespass towing;</b> exempts Planning District 16 (George Washington Regional Commission) from any requirement by a towing advisory board for written authorization, in addition to a written contract, in the event that a vehicle is being removed from private property, etc.				
Patron—Fowler .....	HB	1349	411	679
Patron—Vogel .....	SB	601	412	679
<b>Uniform Statewide Building Code;</b> administration and enforcement, agreements for assistance between localities. (Patron—Peace) .....	HB	859	222	385
<b>Unmanned aircraft;</b> authorizes a state or local government department, etc., having jurisdiction over criminal law-enforcement or regulatory violations to utilize system without a search warrant. (Patron—Black) .....	SB	186	419	687
<b>U.S. Route 501;</b> increases maximum speed limit between Town of South Boston and North Carolina state line. (Patron—Edmunds) .....	HB	55	339	605
<b>Virginia Coalfields Expressway Authority;</b> powers and duties, grants. (Patron—Pillion) .....	HB	1154	508	804
<b>Virginia Freedom of Information Act;</b> disclosure of law-enforcement and criminal records. (Patron—Robinson) .....	HB	909	48	94
<b>Virginia Property Owners' Association Act;</b> applicable to any development established prior to enactment of former Subdivided Land Sales Act, located in a county with an urban county executive form of government, etc. (Patron—Kory) ...	HB	1533	645	979
<b>Virginia Resources Authority;</b> includes within definition of term "project" any dredging program or project undertaken to benefit economic and community development goals of a local government but doesn't include any program or project undertaken for or by the Authority. (Patron—Hodges) .....	HB	1091	153	271

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**COUNTIES, CITIES, AND TOWNS - Continued**

**Watercraft, personal;** any locality in Hampton Roads may, by ordinance, prohibit operation on public lake smaller than 50 acres. (Patron—Stolle) . . . . . HB 346 426 695

**William Preston Memorial Highway;** designating a portion of U.S. Route 220 in Botetourt County between Town of Fincastle and intersection of State Route 675. (Patron—Austin) . . . . . HB 1571 607 939

**Wireless communications infrastructure;** establishes parameters regarding applications for zoning approvals for certain wireless support structures, upon request, locality shall provide applicant with cost basis for fee, application reviews, report, development of plan for expanding access to wireless services in unserved and underserved areas.  
Patron—Kilgore . . . . . HB 1258 835 1330  
Patron—McDougle . . . . . SB 405 844 1361

**Zoning;** failure to remove or abate a zoning violation during any succeeding 10-day period shall constitute a separate misdemeanor offense for each 10-day period punishable by a fine of not more than \$2,000. (Patron—Bell, John J.) . . . . . HB 709 726 1118

**Zoning;** request for modification to property or improvements on behalf of a person with a disability, variance from board of zoning appeals. (Patron—Hope) . . . . . HB 796 757 1162

**COUNTY TRANSMISSIONS, INC.**

**County Transmissions, Inc.;** commending. (Patron—Keam) . . . . . HJR 146 1463

**COURT OF APPEALS OF VIRGINIA**

**Judges;** retired from circuit court, Court of Appeals, and Supreme Court justices under recall, qualification by Committees for Courts of Justice, justice or judge shall have all powers, duties, and privileges attendant on position for which he is recalled to serve. (Patron—Stuart) . . . . . SB 939 709 1099

**COURTHOUSES AND COURTROOMS**

**County courthouse;** provisions regarding removal shall not apply to removal or relocation of any county courthouse, whether located on county or city property, that is entirely surrounded by a city. (Patron—Bell, Robert B.) . . . . . HB 1546 732 1125

**Courthouses;** expansion to contiguous land within same county or city shall not trigger a referendum requirement. (Patron—Hanger) . . . . . SB 538 582 905

**COURTS NOT OF RECORD**

**Abduction;** added to list of offenses that are reported to school division superintendents by juvenile intake officer, etc. (Patron—Collins) . . . . . HB 292 281 483

**Adoption;** circuit court to accept a petition filed by child's foster parent and to order a thorough investigation. (Patron—Carroll Foy) . . . . . HB 418 94 186

**Child abuse and neglect;** venue may lie where alleged abuse or neglect occurred, etc. (Patron—Campbell) . . . . . HB 326 17 15

**Child and spousal support;** access to case files by judge, court officials, and clerk or deputy clerk, any person, agency, etc., having legitimate interest in files or work of court, by order of the court, may inspect case files. (Patron—Habeeb) . . . . . HB 613 18 17

**Criminal cases;** courts of a locality have concurrent jurisdiction with courts of any other adjoining locality over criminal offenses committed in or upon the premises, etc., owned or occupied by such locality, repeals an existing statute that provides such concurrent jurisdiction for certain enumerated localities, also deletes references to corporation courts, and several obsolete provisions involving courts not of record. (Patron—Habeeb) . . . . . HB 77 164 285

**Electronic case papers;** transmission between district and circuit courts, clerk in appellate court may also request that any paper trial records be forwarded to such clerk.  
Patron—Habeeb . . . . . HB 378 32 70  
Patron—Obenshain . . . . . SB 524 134 246

**Emergency custody orders;** in addition to eight-hour period of detention if individual is detained in a state facility, state facility, etc., may, for an additional four hours, continue to attempt to identify facility willing to provide temporary detention. (Patron—Deeds) . . . . . SB 673 570 891

**Guardian ad litem appointed to represent a child;** compensation, adjustment by the court. (Patron—Collins) . . . . . HB 278 688 1037

**Independent living arrangement;** definition means placement of a child at least 16 years of age or between ages of 18 and 21 who was committed to Department of Juvenile Justice immediately prior to placement by Department. (Patron—James) . . . . . HB 528 497 776

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**COURTS NOT OF RECORD - Continued**

**Informal truancy plans;** intake officer may defer filing complaint for 90 days and proceed developing a plan provided that juvenile has not been previously proceeded against or adjudicated in need of supervision on more than two occasions for failure to comply with compulsory school attendance, etc. (Patron–Ward) . . . . . HB 274 312 549

**Involuntary commitment of a juvenile;** hearing may proceed if court determines that copies of petition and notice of hearing have been served on at least one parent, etc. (Patron–Barker) . . . . . SB 392 568 887

**Involuntary mental health treatment;** minor choosing voluntary treatment prohibited access to firearms. (Patron–Deeds) . . . . . SB 669 846 1371

**Judges;** central registry records check, statement of economic interests. (Patron–Adams, L.R.) . . . . . HB 1301 578 901

**Judges;** election in circuit court, general district court, and juvenile and domestic relations district court. (Patron–Adams) . . . . . HJR 575 1691

**Judges;** election in circuit court, general district court, juvenile and domestic relations district court, member of State Corporation Commission, and member of Virginia Workers' Compensation Commission. (Patron–Adams, L.R.) . . . . . HJR 132 1457

**Judges;** maximum number in each judicial district and circuit.  
Patron–Leftwich . . . . . HB 743 126 233  
Patron–Obenshain . . . . . SB 525 135 247

**Judges;** nominations for election to general district court.  
Patron–Adams, L.R. . . . . HR 21 1708  
Patron–Adams . . . . . HR 208 1798  
Patron–Obenshain . . . . . SR 12 1950  
Patron–Obenshain . . . . . SR 78 1987

**Judges;** nominations for election to juvenile and domestic relations district court.  
Patron–Adams, L.R. . . . . HR 22 1709  
Patron–Adams . . . . . HR 209 1798  
Patron–Obenshain . . . . . SR 13 1951  
Patron–Obenshain . . . . . SR 79 1987  
Patron–Obenshain . . . . . SR 80 1987

**Juvenile offenders;** when a juvenile and domestic relations district court obtains jurisdiction in case of any child, such jurisdiction includes authority to suspend, etc., disposition of any juvenile adjudication, provisions are declaratory of existing law. (Patron–Surovell) . . . . . SB 609 656 998

**Juveniles;** places of confinement, if transferred to or confined to adult-detention facility, such facility must be approved by State Board of Corrections.  
Patron–Hayes . . . . . HB 35 36 73  
Patron–Spruill . . . . . SB 52 73 157

**Minors;** alternative facility of temporary detention. (Patron–Hope) . . . . . HB 1355 20 19

**Nonconfidential court records;** clerk of court or Executive Secretary of the Supreme Court shall make records available to public upon request, reports of aggregated, nonconfidential case data shall not include name, date of birth, etc.  
Patron–Habeeb . . . . . HB 780 127 236  
Patron–Obenshain . . . . . SB 564 584 908

**Parental rights;** at an annual foster care review hearing, the court shall inquire of guardian ad litem or local board of social services whether child has expressed a preference that possibility of restoring parental rights of his parent or parents be investigated, filing of a petition for restoration of parental rights. (Patron–Reid) . . . . . HB 1219 104 197

**Proceeds of a sale, a partition suit, or condemnation proceeding;** persons under a disability, etc., upon request of legally appointed and qualified fiduciary or guardian ad litem of person, court may order such funds be distributed to a special needs trust. (Patron–Ware) . . . . . HB 162 124 232

**Protective orders;** cases of family abuse, granting petitioner exclusive use and possession of a cellular telephone number or other electronic device. (Patron–Miyares) . . . . . HB 262 38 75

**Retention of case records;** clerk of a district court allowed to destroy papers, etc., in civil and criminal cases if documents have been microfilmed or converted to an electronic format. (Patron–Lindsey) . . . . . HB 1310 128 238

**Victims of domestic violence;** clerk of court shall make available to petitioner information that is published by Department of Criminal Justice Services for victims or petitioners in protective order cases. (Patron–Wexton) . . . . . SB 426 652 988

**COURTS OF RECORD**

**Acceptability of electronic medium;** record of criminal proceedings to appellate court.  
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**Adoption;** national criminal history background check on stepparent, circuit court shall consider results conducted on prospective adoptive parents, sunset provision. (Patron—Stolle) . . . . . HB 227 9 7

**Attorney fees;** repeals provision that allows only fee of one attorney to be taxed by court. (Patron—Adams, L.R.) . . . . . HB 1024 35 73

**Court order;** motion or petition for rule to show cause for violation, civil action in a court of record. (Patron—Miyares) . . . . . HB 128 522 815

**Court records;** recording by microphotographic or electronic process, submission of trial court record to appellate court in electronic form, repealing an obsolete section that required circuit court clerks to keep a log of documents submitted for recordation, etc. (Patron—Miyares) . . . . . HB 166 523 815

**Court reporters or court reporting services provider;** prohibited actions, exception, civil penalties. (Patron—Obenshain) . . . . . SB 545 783 1223

**Criminal cases;** courts of a locality have concurrent jurisdiction with courts of any other adjoining locality over criminal offenses committed in or upon the premises, etc., owned or occupied by such locality, repeals an existing statute that provides such concurrent jurisdiction for certain enumerated localities, also deletes references to corporation courts, and several obsolete provisions involving courts not of record. (Patron—Habeeb) . . . . . HB 77 164 285

**Discretionary sentencing guidelines;** judicial performance evaluation program, report. (Patron—Herring) . . . . . HB 1055 727 1120

**Electronic case papers;** transmission between district and circuit courts, clerk in appellate court may also request that any paper trial records be forwarded to such clerk.  
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 Patron—Obenshain . . . . . SB 524 134 246

**Foreign subpoenas;** issuance by circuit court clerk of court. (Patron—Adams, L.R.) . . . . . HB 1023 530 821

**Judges;** central registry records check, statement of economic interests. (Patron—Adams, L.R.) . . . . . HB 1301 578 901

**Judges;** election in circuit court, general district court, and juvenile and domestic relations district court. (Patron—Adams) . . . . . HJR 575 1691

**Judges;** election in circuit court, general district court, juvenile and domestic relations district court, member of State Corporation Commission, and member of Virginia Workers' Compensation Commission. (Patron—Adams, L.R.) . . . . . HJR 132 1457

**Judges;** maximum number in each judicial district and circuit.  
 Patron—Leftwich . . . . . HB 743 126 233  
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**Judges;** nominations for election to circuit court.  
 Patron—Adams, L.R. . . . . HR 20 1708  
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 Patron—Obenshain . . . . . SR 11 1950  
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**Judges;** retired from circuit court, Court of Appeals, and Supreme Court justices under recall, qualification by Committees for Courts of Justice, justice or judge shall have all powers, duties, and privileges attendant on position for which he is recalled to serve. (Patron—Stuart) . . . . . SB 939 709 1099

**Nonconfidential court records;** clerk of court or Executive Secretary of the Supreme Court shall make records available to public upon request, reports of aggregated, nonconfidential case data shall not include name, date of birth, etc.  
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**Qualification of fiduciary without security;** when there are no assets or the asset or amount coming into possession of personal representative, etc., does not exceed \$25,000, circuit court may allow representative, etc., to qualify by giving bond without surety. (Patron—Wilt) . . . . . HB 1142 575 898

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<b>Social Services, Commissioner of;</b> upon receipt of orders from clerk of circuit court and adoption files from child-placing agency or local board, Commissioner or his designee may direct storage and preservation of such records. (Patron—Collins) . . . .	HB 291	10	9
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<b>Creedon, Gerard;</b> recording sorrow upon death.			
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<b>Abduction;</b> added to list of offenses that are reported to school division superintendents by juvenile intake officer, etc. (Patron—Collins) . . . . .	HB 292	281	483
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**Background checks**; Department of State Police shall recommend, etc., options to expedite process of performing checks, report. (Patron—Chase) . . . . . SB 716 662 1001

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**Criminal Justice Services, Department of**; definition of law-enforcement officer includes members of investigation units designated by State Inspector General, employee with internal investigations authority designated by Department of Corrections or Department of Juvenile Justice, etc., investigations of allegations of criminal behavior that affect operations of state or nonstate agency.  
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**Forfeited assets**; state or local agency that receives net proceeds of asset from Department of Criminal Justice Services, etc., criminal charges brought against owner of forfeited asset, information included in annual report.  
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**Victims of domestic violence**; clerk of court shall make available to petitioner information that is published by Department of Criminal Justice Services for victims or petitioners in protective order cases. (Patron—Wexton) . . . . . SB 426 652 988

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**Abduction**; added to list of offenses that are reported to school division superintendents by juvenile intake officer, etc. (Patron—Collins) . . . . . HB 292 281 483

**Admission to bail**; human trafficking, prostitution, etc., added to list of crimes for which there is a rebuttable presumption. (Patron—Mullin) . . . . . HB 1260 71 155

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**Arrests**; law-enforcement agency required to make a report for trespassing or disorderly conduct to Central Criminal Records Exchange and that such report be accompanied by fingerprints and photograph of person.  
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**Child day programs**; exemptions from licensure, removes certain programs from list, upon receipt of a complaint, the Commissioner shall inspect child day programs that are exempt from licensure, report. (Patron—Hanger) . . . . . SB 539 810 1276

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**Court fines and costs**; community work in lieu of payment. (Patron—Mullin) . . . . . HB 202 61 137

**Criminal cases**; courts of a locality have concurrent jurisdiction with courts of any other adjoining locality over criminal offenses committed in or upon the premises,

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etc., owned or occupied by such locality, repeals an existing statute that provides such concurrent jurisdiction for certain enumerated localities, also deletes references to corporation courts, and several obsolete provisions involving courts not of record. (Patron—Habeeb) . . . . . HB 77 164 285

**Criminal history record information;** laws precluding dissemination of a person's information do not preclude dissemination made pursuant to the rules of court for obtaining discovery or for review by the court. (Patron—Gilbert) . . . . . HB 988 49 100

**Criminal Injuries Compensation Fund;** restitution owed to victims, Virginia Workers' Compensation Commission's powers and duties are to identify and locate victims of crime for whom restitution owed has been deposited into the Criminal Injuries Compensation Fund, victim's contact information shall be confidential and the clerk shall not disclose to any person, report.  
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**Criminal Justice Services, Department of;** definition of law-enforcement officer includes members of investigation units designated by State Inspector General, employee with internal investigations authority designated by Department of Corrections or Department of Juvenile Justice, etc., investigations of allegations of criminal behavior that affect operations of state or nonstate agency.  
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**Grand larceny;** increases to \$500 or more threshold amount of money taken or value of goods, etc., same amount for classification of certain property crimes.  
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**Protective orders;** cases of family abuse, granting petitioner exclusive use and possession of a cellular telephone number or other electronic device. (Patron—Miyares) . . . . . HB 262 38 75

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<b>Davis, Bonnie C.; commending. (Patron—Cox) . . . . .</b>	HR	78	1737
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<b>Davis, Walter Steven, Sr.; recording sorrow upon death. (Patron—Edwards) . . . . .</b>	SJR	170	1901
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**DAVIS, WILLIE, JR.**

<b>Davis, Willie, Jr.; recording sorrow upon death. (Patron—Marshall) . . . . .</b>	HJR	434	1618
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**DAY-CARE CENTERS AND PROGRAMS**

<b>Opioids; location of clinics for treatment of addiction in Henrico County, City of Newport News, or City of Richmond, conditions of initial licensure when facility is located within one-half mile of a public or private licensed day care center or public or private K-12 school, etc. (Patron—McQuinn) . . . . .</b>	HB	155	816 1288
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<b>Opioids; location of clinics for treatment of addiction in Henrico County or City of Richmond, conditions of initial licensure when facility is located within one-half mile of a public or private licensed day care center or public or private K-12 school, etc. (Patron—Dunnivant) . . . . .</b>	SB	329	187 318
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**DEAD HUMAN BODIES**

<b>Disposition of unclaimed dead body; final orders of transportation and disposition. (Patron—McDougle) . . . . .</b>	SB	959	773 1196
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**DEATHS**

<b>Allen, Alexander William; recording sorrow upon death. (Patron—Adams, D.M.) . . . . .</b>	HR	108	1752
<b>Applegate, Thomas Allen, Jr.; recording sorrow upon death. (Patron—Adams, D.M.) . . . . .</b>	HR	92	1743
<b>Arnett, Charles Bradley, Jr.; recording sorrow upon death. (Patron—Peace) . . . . .</b>	HR	80	1738
<b>Austin, Robert; recording sorrow upon death. (Patron—McQuinn) . . . . .</b>	HJR	481	1642

**DEATHS - Continued**

<b>Bagley, Robert Gilbert; recording sorrow upon death.</b>			
Patron—Hayes .....	HR	141	1768
Patron—Cosgrove .....	SJR	119	1871
<b>Bailey, Ryland Yancey, Sr.; recording sorrow upon death. (Patron—Carr) .....</b>	HJR	322	1557
<b>Baker, Thomas Carr; recording sorrow upon death. (Patron—Collins) .....</b>	HJR	331	1562
<b>Bannar, George Allen, Jr.; recording sorrow upon death. (Patron—Freitas) .....</b>	HJR	156	1468
<b>Barber, Robert J., Jr.; recording sorrow upon death. (Patron—Marshall) .....</b>	HJR	432	1617
<b>Bartlett, Curtis Allen; recording sorrow upon death.</b>			
Patron—Campbell .....	HJR	416	1609
Patron—Carrico .....	SR	35	1963
<b>Bates, Berke M.M.; recording sorrow upon death. (Patron—Peace) .....</b>	HJR	177	1479
<b>Beasley, Wilbert M., Jr.; recording sorrow upon death. (Patron—Aird) .....</b>	HJR	438	1620
<b>Belman, Ferris M., Sr.; recording sorrow upon death.</b>			
Patron—Thomas .....	HJR	20	1432
Patron—Stuart .....	SJR	88	1853
<b>Bennett, Corine Brown; recording sorrow upon death. (Patron—McClellan) .....</b>	SJR	163	1897
<b>Bentley, Bruce Edison, Sr.; recording sorrow upon death. (Patron—O'Quinn) .....</b>	HJR	222	1504
<b>Berkeley, Theresa Jordan; recording sorrow upon death. (Patron—McQuinn) .....</b>	HR	99	1747
<b>Beyer, Donald S., Sr.; recording sorrow upon death.</b>			
Patron—Simon .....	HJR	501	1652
Patron—Ebbin .....	SJR	238	1941
<b>Blevins, Harry Burns, Sr.; recording sorrow upon death.</b>			
Patron—Leftwich .....	HJR	458	1631
Patron—Cosgrove .....	SJR	189	1913
<b>Booth, Paul Robert; recording sorrow upon death. (Patron—Guzman) .....</b>	HR	171	1782
<b>Bottom, Raymond B., Jr.; recording sorrow upon death. (Patron—Yancey) .....</b>	HR	94	1744
<b>Bottum, Cherie Toll; recording sorrow upon death. (Patron—Hope) .....</b>	HJR	337	1565
<b>Bowman, James Henry; recording sorrow upon death. (Patron—McClellan) .....</b>	SJR	204	1922
<b>Bozman, William H.; recording sorrow upon death. (Patron—Hope) .....</b>	HJR	414	1608
<b>Brady, John Robert; recording sorrow upon death. (Patron—Wilt) .....</b>	HJR	128	1456
<b>Brock, Macon Foscue, Jr.; recording sorrow upon death. (Patron—Cosgrove) .....</b>	SJR	108	1865
<b>Brownell, James F.; recording sorrow upon death. (Patron—LaRock) .....</b>	HJR	550	1678
<b>Bullock, Rosalene Inez; recording sorrow upon death. (Patron—McQuinn) .....</b>	HJR	485	1644
<b>Burgess, Gary David; recording sorrow upon death. (Patron—Kilgore) .....</b>	HJR	287	1538
<b>Cain, Tom; recording sorrow upon death. (Patron—Rasoul) .....</b>	HJR	395	1597
<b>Cardin, Roy Lee, Sr.; recording sorrow upon death. (Patron—Gilbert) .....</b>	HJR	373	1584
<b>Carrier, Ronald E.; recording sorrow upon death.</b>			
Patron—Wilt .....	HJR	435	1618
Patron—Obenshain .....	SR	38	1964
<b>Carter, David Samuel, Jr.; recording sorrow upon death. (Patron—McQuinn) .....</b>	HJR	477	1640
<b>Carter, Frederick Risdon Miles; recording sorrow upon death. (Patron—Mason) .....</b>	SJR	202	1921
<b>Carter, Worth Harris, Jr.; recording sorrow upon death. (Patron—Adams, L.R.) .....</b>	HJR	271	1529
<b>Carton, Murray K.; recording sorrow upon death. (Patron—Carr) .....</b>	HJR	353	1574
<b>Casey, Judith Lynn Colbert; recording sorrow upon death. (Patron—Yancey) .....</b>	HR	33	1714
<b>Caulkins, Stanley; recording sorrow upon death. (Patron—Gooditis) .....</b>	HR	158	1777
<b>Champ, James, III; recording sorrow upon death. (Patron—McQuinn) .....</b>	HJR	480	1642
<b>Chaney, Herman J.; recording sorrow upon death. (Patron—Poindexter) .....</b>	HJR	437	1620
<b>Clarke, Frances Virginia Matthews; recording sorrow upon death. (Patron—Lucas) ..</b>	SR	6	1948
<b>Cochran, Marion Lee Stuart; recording sorrow upon death.</b>			
Patron—Bell, Richard P. ....	HJR	202	1493
Patron—Hanger .....	SJR	122	1873
<b>Colgan, John G.; recording sorrow upon death.</b>			
Patron—Miyares .....	HR	36	1716
Patron—DeSteph .....	SJR	225	1934
<b>Comer, Irving; recording sorrow upon death. (Patron—Sullivan) .....</b>	HJR	475	1639
<b>Conein, Elyette Jean-Marie Ninette Brochot; recording sorrow upon death.</b>			
(Patron—Murphy) .....	HJR	569	1688

**DEATHS - Continued**

<b>Cook, Kermit Marshall;</b> recording sorrow upon death.			
Patron—Garrett	HR	173	1783
Patron—Dunnavant	SR	70	1983
<b>Copas, Charles Burrel;</b> recording sorrow upon death. (Patron—Tran)	HR	204	1796
<b>Cotney, Christine Richmond;</b> recording sorrow upon death. (Patron—Hope)	HJR	343	1568
<b>Cowardin, Connie Marie Felt;</b> recording sorrow upon death. (Patron—Yancey)	HR	66	1732
<b>Crandall, Frank;</b> recording sorrow upon death. (Patron—Murphy)	HJR	567	1687
<b>Creedon, Gerard;</b> recording sorrow upon death.			
Patron—Hope	HJR	449	1626
Patron—McPike	SR	23	1956
<b>Crump, Eugene L., Jr.;</b> recording sorrow upon death. (Patron—Deeds)	SJR	217	1929
<b>Cullen, H. Jay, III;</b> recording sorrow upon death.			
Patron—Robinson	HJR	309	1550
Patron—Chase	SR	22	1955
<b>Damiani, Andrew B.;</b> recording sorrow upon death. (Patron—Jones, S.C.)	HR	25	1710
<b>Daniels, Annie Belle;</b> recording sorrow upon death.			
Patron—Price	HJR	394	1596
Patron—Locke	SJR	115	1869
<b>Davis, Walter Steven, Sr.;</b> recording sorrow upon death. (Patron—Edwards)	SJR	170	1901
<b>Davis, Willie, Jr.;</b> recording sorrow upon death. (Patron—Marshall)	HJR	434	1618
<b>DiLorenzo, Francis X.;</b> recording sorrow upon death. (Patron—Dunnavant)	SJR	161	1896
<b>Dodd, Robert Lee, Jr.;</b> recording sorrow upon death. (Patron—Peace)	HR	46	1721
<b>Dowling, David Clark;</b> recording sorrow upon death. (Patron—Bulova)	HJR	148	1464
<b>Eastham, James Michael, Sr.;</b> recording sorrow upon death. (Patron—Obenshain)	SR	41	1966
<b>Eastham, Louise Fletcher King;</b> recording sorrow upon death. (Patron—Webert)	HJR	250	1519
<b>Eaton, Gary Lee;</b> recording sorrow upon death. (Patron—Hurst)	HJR	159	1470
<b>Edwards, Timothy Scott;</b> recording sorrow upon death. (Patron—McDougle)	SR	76	1986
<b>Eichelberger, James Grover;</b> recording sorrow upon death. (Patron—Lewis)	SJR	138	1882
<b>Ellis, LaVonne Parker;</b> recording sorrow upon death.			
Patron—Leftwich	HJR	332	1562
Patron—Cosgrove	SJR	158	1894
<b>Emerson, Gayle P.;</b> recording sorrow upon death. (Patron—Norment)	SJR	117	1870
<b>Emerson, Keith H.;</b> recording sorrow upon death. (Patron—Norment)	SJR	118	1871
<b>Esherick, Mary Louise;</b> recording sorrow upon death. (Patron—Hope)	HJR	162	1472
<b>Farrar, Virginia Howard;</b> recording sorrow upon death. (Patron—Webert)	HR	67	1732
<b>Fitzgerald, Edmond Boxley, III;</b> recording sorrow upon death. (Patron—Adams, L.R.)	HJR	272	1530
<b>Fox, Wesley Lee;</b> recording sorrow upon death. (Patron—Rush)	HJR	214	1500
<b>French, Orrin Luce, Sr.;</b> recording sorrow upon death. (Patron—Gilbert)	HJR	369	1582
<b>Fricker, Buckley Anne Kuhn;</b> recording sorrow upon death. (Patron—Plum)	HJR	505	1654
<b>Fricker, Scott Spillane;</b> recording sorrow upon death. (Patron—Plum)	HJR	504	1654
<b>Gamby, Buckner, Jr.;</b> recording sorrow upon death.			
Patron—Aird	HJR	182	1482
Patron—Dance	SJR	84	1850
<b>Gaynor, Vivian Comer;</b> recording sorrow upon death. (Patron—Gilbert)	HJR	374	1585
<b>Gerald, L.M.;</b> recording sorrow upon death. (Patron—Head)	HR	146	1770
<b>Gill, Dorothy Carter;</b> recording sorrow upon death. (Patron—Hope)	HJR	413	1607
<b>Goode, Wilson M.;</b> recording sorrow upon death. (Patron—Lucas)	SR	2	1947
<b>Graham, William Franklin, Jr.;</b> recording sorrow upon death.			
Patron—Pogge	HJR	552	1679
Patron—Suetterlein	SR	64	1980
<b>Gravelly, H. Clay, IV;</b> recording sorrow upon death. (Patron—Stanley)	SJR	135	1880
<b>Graziano, Louis Edwin;</b> recording sorrow upon death. (Patron—Stanley)	SR	61	1978
<b>Greaves, Clinton;</b> commemorating his life and legacy. (Patron—Freitas)	HJR	67	1447
<b>Green, Douglas J.;</b> recording sorrow upon death. (Patron—Murphy)	HJR	78	1449
<b>Griffin, Philip Madison;</b> recording sorrow upon death. (Patron—McQuinn)	HJR	482	1643
<b>Hagy, Pauline Anderson;</b> recording sorrow upon death. (Patron—Kilgore)	HJR	289	1539
<b>Hairston, Nannie Mae Berger;</b> recording sorrow upon death. (Patron—Hurst)	HJR	134	1458
<b>Halpin, Gerald Thomas;</b> recording sorrow upon death. (Patron—Saslaw)	SJR	78	1847

**DEATHS - Continued**

<b>Hardy, James Howell, III;</b> recording sorrow upon death.			
Patron—Morefield	HJR	209	1497
Patron—Chafin	SJR	182	1909
<b>Harold, John J.;</b> recording sorrow upon death. (Patron—Bulova)	HJR	403	1601
<b>Harris, Curtis West;</b> recording sorrow upon death. (Patron—Dance)	SJR	105	1863
<b>Harris, Grace Victoria Edmondson;</b> recording sorrow upon death.			
Patron—Bourne	HR	105	1751
Patron—McClellan	SJR	203	1921
<b>Harvell, James H., III;</b> recording sorrow upon death. (Patron—Mullin)	HR	151	1774
<b>Harvey, Sidney Belt, III;</b> recording sorrow upon death.			
Patron—O'Quinn	HJR	220	1503
Patron—Carrico	SR	21	1955
<b>Hassanen, Nabra;</b> recording sorrow upon death. (Patron—Bell, John J.)	HJR	348	1571
<b>Hau, Jacob, Jr.;</b> recording sorrow upon death. (Patron—Gilbert)	HJR	371	1583
<b>Hawk, Frederick L.;</b> recording sorrow upon death. (Patron—Keam)	HJR	229	1507
<b>Heyer, Heather Danielle;</b> recording sorrow upon death. (Patron—Toscano)	HJR	302	1546
<b>Hodges, William Stephen;</b> recording sorrow upon death. (Patron—Deeds)	SJR	102	1862
<b>Holland, Jo-Ann Dotson;</b> recording sorrow upon death. (Patron—Hope)	HJR	340	1567
<b>Hollandsworth, Paul F., Jr.;</b> recording sorrow upon death. (Patron—DeSteph)	SJR	245	1945
<b>Holmes, Howard Mark;</b> recording sorrow upon death. (Patron—Freitas)	HR	150	1773
<b>Hope, Lionel Reginald;</b> recording sorrow upon death. (Patron—Ebbin)	SJR	237	1940
<b>Hovis, Mary Ann;</b> recording sorrow upon death.			
Patron—Murphy	HR	6	1693
Patron—Howell	SJR	121	1872
<b>Hudson, James Carlton;</b> recording sorrow upon death. (Patron—Stuart)	SJR	134	1880
<b>Huffman, Bradford;</b> recording sorrow upon death. (Patron—Yancey)	HR	120	1757
<b>Humelsine, Mary Speake;</b> recording sorrow upon death. (Patron—Norment)	SJR	224	1933
<b>Hutchinson, Louise Ann;</b> recording sorrow upon death. (Patron—Mason)	SJR	199	1919
<b>Hyatt, Diane Drury;</b> recording sorrow upon death. (Patron—Head)	HR	123	1759
<b>James, Alexander Lincoln, III;</b> recording sorrow upon death. (Patron—McQuinn)	HJR	479	1641
<b>Jennings, Catherine deSales Corbett;</b> recording sorrow upon death.			
(Patron—Adams, D.M.)	HR	107	1752
<b>Johnson, Agnes Epes McMurrin;</b> recording sorrow upon death. (Patron—Yancey)	HR	139	1767
<b>Johnson, Calvin L.;</b> recording sorrow upon death. (Patron—Guzman)	HR	172	1783
<b>Johnson, Darnell;</b> recording sorrow upon death.			
Patron—Hayes	HJR	553	1680
Patron—Lucas	SR	19	1954
<b>Johnson, Ludwell Harrison, III;</b> recording sorrow upon death. (Patron—Mason)	SJR	198	1918
<b>Jolly, Elizabeth Lee Harward;</b> recording sorrow upon death. (Patron—Carr)	HJR	294	1542
<b>Jones, Ruth E.;</b> recording sorrow upon death. (Patron—McQuinn)	HR	98	1747
<b>Jordan, Everett Hope, Jr.;</b> recording sorrow upon death. (Patron—Helsel)	HR	96	1746
<b>Kauderer, Howard Todd;</b> recording sorrow upon death. (Patron—Reid)	HJR	176	1479
<b>Keen, Grace Justice;</b> recording sorrow upon death. (Patron—Brewer)	HR	124	1760
<b>Kellam, Ruth Ann Rogers Wise;</b> recording sorrow upon death. (Patron—Lewis)	SJR	156	1893
<b>Kent, Donald;</b> recording sorrow upon death. (Patron—Ebbin)	SJR	239	1941
<b>Kessler, Roland R.;</b> recording sorrow upon death. (Patron—Sturtevant)	SJR	216	1929
<b>King, Robert C., Sr.;</b> recording sorrow upon death. (Patron—Adams)	HR	179	1786
<b>Kirk, Russell Amos;</b> commemorating his life and legacy on the occasion of his 100th birthday. (Patron—Ware)	HR	30	1713
<b>Klotz, Barbara S.;</b> recording sorrow upon death.			
Patron—Peace	HJR	245	1516
Patron—McDougle	SR	31	1960
<b>Kouzes, Thelma;</b> recording sorrow upon death. (Patron—Filler-Corn)	HJR	412	1607
<b>Lally, L. Hope;</b> recording sorrow upon death. (Patron—Adams, D.M.)	HR	106	1751
<b>Leavens, Anna Bess;</b> recording sorrow upon death. (Patron—Hope)	HJR	286	1537
<b>Lechler, William Mervin;</b> recording sorrow upon death. (Patron—DeSteph)	SJR	171	1901
<b>Linek, Edwin;</b> recording sorrow upon death. (Patron—Boysko)	HJR	503	1653
<b>Logsdon, Barry G.;</b> recording sorrow upon death. (Patron—Yancey)	HR	93	1744
<b>Loose, Frances Elizabeth Gibson;</b> recording sorrow upon death. (Patron—Toscano)	HJR	303	1546

**DEATHS - Continued**

<b>Lowe, David Leroy</b> ; recording sorrow upon death. (Patron—Pillion) . . . . .	HR	118	1757
<b>Luna, Andrew Thomas</b> ; recording sorrow upon death. (Patron—Ingram) . . . . .	HJR	278	1533
<b>Luther, Edwin C., III</b> ; recording sorrow upon death. (Patron—Rodman) . . . . .	HR	134	1764
<b>Maida, George Francis</b> ; recording sorrow upon death. (Patron—Rodman) . . . . .	HR	178	1785
<b>Maples, Andrew, Jr.</b> ; commemorating his life and legacy. (Patron—Freitas) . . . . .	HJR	65	1447
<b>Mariner, William Leslie</b> ; recording sorrow upon death. (Patron—Lewis) . . . . .	SJR	130	1877
<b>Mason, Vivian Conway</b> ; recording sorrow upon death. (Patron—McQuinn) . . . . .	HJR	484	1644
<b>Mattox, Bessie S.</b> ; recording sorrow upon death. (Patron—Adams, L.R.) . . . . .	HJR	474	1639
<b>McClelland, Dorothy Ann</b> ; recording sorrow upon death. (Patron—Krizek) . . . . .	HJR	568	1688
<b>McCoy, Shelby Manuel</b> ; recording sorrow upon death. (Patron—Gilbert) . . . . .	HJR	375	1585
<b>McDonough, Patrick William</b> ; recording sorrow upon death. (Patron—Sullivan) . . . .	HJR	476	1640
<b>McLeod, Nellie Jane Hinderman</b> ; recording sorrow upon death.			
Patron—Aird . . . . .	HJR	183	1483
Patron—Dance . . . . .	SJR	107	1864
<b>McNamara, Thomas Preston</b> ; recording sorrow upon death. (Patron—Hugo) . . . . .	HJR	436	1619
<b>McNeil, James W.</b> ; recording sorrow upon death. (Patron—Hayes) . . . . .	HR	199	1794
<b>Meyer, Julien H., Jr.</b> ; recording sorrow upon death. (Patron—Rasoul) . . . . .	HJR	473	1638
<b>Miller, John D., Jr.</b> ; recording sorrow upon death. (Patron—McDougle) . . . . .	SR	63	1979
<b>Miller, Martha Ann</b> ; recording sorrow upon death. (Patron—Hope) . . . . .	HJR	342	1568
<b>Miller, Suzanne Davis</b> ; recording sorrow upon death.			
Patron—Hugo . . . . .	HR	203	1796
Patron—Reeves . . . . .	SJR	210	1925
<b>Mitchell, Faye Delores Watford</b> ; recording sorrow upon death.			
Patron—Hayes . . . . .	HJR	161	1471
Patron—Spruill . . . . .	SR	1	1946
<b>Mitchell, Wanda S.</b> ; recording sorrow upon death. (Patron—McQuinn) . . . . .	HJR	483	1643
<b>Mobley, Earle C.</b> ; recording sorrow upon death.			
Patron—Heretick . . . . .	HR	111	1754
Patron—Lucas . . . . .	SR	17	1953
<b>Moore, Benjamin O., Jr.</b> ; recording sorrow upon death. (Patron—Mullin) . . . . .	HJR	396	1597
<b>Moran, Laurie Shelton</b> ; recording sorrow upon death. (Patron—Marshall) . . . . .	HJR	433	1617
<b>Morehead, Wanda Bowyer</b> ; recording sorrow upon death. (Patron—Hurst) . . . . .	HJR	364	1579
<b>Muehleib, William Henry</b> ; recording sorrow upon death. (Patron—DeSteph) . . . . .	SJR	187	1912
<b>Muhammad, Fattah A., Sr.</b> ; recording sorrow upon death. (Patron—Carr) . . . . .	HJR	323	1558
<b>Mullins, Dennis Patrick</b> ; recording sorrow upon death. (Patron—Cosgrove) . . . . .	SJR	61	1834
<b>Myers, Henry Louis</b> ; recording sorrow upon death. (Patron—Edmunds) . . . . .	HJR	502	1653
<b>Napier, Charles Richard</b> ; recording sorrow upon death. (Patron—Carr) . . . . .	HJR	324	1558
<b>Nichols, W. Randolph</b> ; recording sorrow upon death. (Patron—Leftwich) . . . . .	HJR	304	1547
<b>Nicodemus, Albert M., Jr.</b> ; recording sorrow upon death. (Patron—LaRock) . . . . .	HJR	551	1678
<b>November, Neilson Jay</b> ; recording sorrow upon death. (Patron—McClellan) . . . . .	SJR	249	1945
<b>O'Bannon, Presley N.</b> ; commemorating his life and legacy and the occasion of the 210th anniversary of his retirement from United States Marine Corps. (Patron—Guzman) . . . . .	HR	162	1778
<b>Olivieri, Richard E., Sr.</b> ; recording sorrow upon death. (Patron—DeSteph) . . . . .	SJR	186	1911
<b>Ortts, Winfred William</b> ; recording sorrow upon death. (Patron—Gilbert) . . . . .	HJR	370	1583
<b>Orttung, Nicole Katherine</b> ; recording sorrow upon death. (Patron—Hope) . . . . .	HJR	338	1566
<b>Patrick, Albert Woodfin, III</b> ; recording sorrow upon death.			
Patron—Ward . . . . .	HJR	186	1484
Patron—Locke . . . . .	SJR	116	1870
<b>Patten, Martha Howard</b> ; recording sorrow upon death. (Patron—Yancey) . . . . .	HR	59	1728
<b>Payne, John Miller</b> ; recording sorrow upon death. (Patron—Fowler) . . . . .	HR	174	1783
<b>Payne, Meriwether Lee</b> ; recording sorrow upon death. (Patron—Lewis) . . . . .	SJR	139	1883
<b>Perkinson, Charles Alwyn, Jr.</b> ; recording sorrow upon death. (Patron—Ruff) . . . . .	SR	45	1968
<b>Perkinson, Patricia Ann Nicholson</b> ; recording sorrow upon death. (Patron—Ruff) . . .	SR	44	1968
<b>Perry, Eddie Lee, Sr.</b> ; recording sorrow upon death. (Patron—McClellan) . . . . .	SJR	185	1911
<b>Potock, Walter Joseph</b> ; recording sorrow upon death. (Patron—Bulova) . . . . .	HJR	402	1601
<b>Pullar, Walter S., III</b> ; recording sorrow upon death. (Patron—DeSteph) . . . . .	SJR	93	1856

**DEATHS - Continued**

<b>Purkey, Harry Robert;</b> recording sorrow upon death.			
Patron—Miyares .....	HJR	456	1630
Patron—DeSteph .....	SJR	218	1930
<b>Putney, Lacey E.;</b> recording sorrow upon death.			
Patron—Austin .....	HJR	279	1533
Patron—Newman .....	SJR	154	1891
<b>Racey, Kermit Lee, Sr.;</b> recording sorrow upon death. (Patron—Gilbert) .....	HJR	368	1582
<b>Ragsdale, Edwin H.;</b> recording sorrow upon death. (Patron—Fowler) .....	HJR	321	1557
<b>Raizen, Abraham Alfred;</b> recording sorrow upon death. (Patron—Sullivan) .....	HR	68	1733
<b>Raizen, Senta Amon;</b> recording sorrow upon death. (Patron—Sullivan) .....	HJR	251	1519
<b>Randle, Ulmo Shannon, Jr.;</b> recording sorrow upon death. (Patron—Hanger) .....	SJR	22	1804
<b>Ransone, James Alexander, Jr.;</b> recording sorrow upon death. (Patron—Ware) .....	HJR	14	1430
<b>Rawls, Sol Waite, Jr.;</b> recording sorrow upon death.			
Patron—Brewer .....	HR	82	1739
Patron—Deeds .....	SR	69	1982
<b>Reed, Charles Edward;</b> recording sorrow upon death. (Patron—Stuart) .....	SJR	140	1883
<b>Reekes, Fred Melvin;</b> recording sorrow upon death. (Patron—Lucas) .....	SR	43	1967
<b>Rigsby, Dakota Kyle;</b> recording sorrow upon death. (Patron—Freitas) .....	HJR	61	1445
<b>Robinson, Joshua L.;</b> recording sorrow upon death. (Patron—Gilbert) .....	HJR	372	1584
<b>Ross, Philip W.;</b> recording sorrow upon death. (Patron—McPike) .....	SR	50	1971
<b>Rowe, Willie;</b> recording sorrow upon death. (Patron—Ward) .....	HR	49	1723
<b>Rush, Amanda Ernestine Jackson;</b> recording sorrow upon death. (Patron—O'Quinn) .	HJR	221	1504
<b>Russell, Clarence Vernie, Sr.;</b> recording sorrow upon death. (Patron—Jones, S.C.) ...	HR	54	1725
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<b>Contractors, Board for;</b> exemption from licensure any person who is performing work directly under supervision of a licensed contractor and is a student in good standing and enrolled in a public or private institution of higher education, etc. (Patron—DeSteph)	SB	569	767	1183
<b>County manager plan of government;</b> in Arlington County, the county may have an elected school board notwithstanding default method of school board appointment. (Patron—Hope)	HB	231	385	652
<b>Diploma seals;</b> Board of Education shall establish criteria for awarding a seal for science, technology, engineering, and mathematics (STEM) for approved diplomas. (Patron—Miyares)	HB	167	482	752
<b>Division superintendents;</b> upon request, a school board shall be granted up to an additional 180 days within which to appoint. (Patron—Krizek)	HB	81	136	250
<b>Driver education programs;</b> parent/student driver education component shall be administered as part of classroom portion of driver education curriculum, in Northern Virginia, the parent/student driver education component shall be administered in-person, outside Northern Virginia, the component may be administered either in-person or online. (Patron—Cosgrove)	SB	126	521	813
<b>Education, Department of, and local school boards;</b> adoption of policies that prohibit any local school board or individual who is an employee, etc., from assisting an employee, etc., in obtaining a new job if such local school board or individual knows or has probable cause to believe that person engaged in sexual misconduct regarding a minor or student.				
Patron—Bulova	HB	438	513	809
Patron—Ebbin	SB	605	514	810
<b>Election day page program;</b> local electoral board, or its general registrar, may conduct a program for high school students in one or more polling places. (Patron—Ebbin)	SB	589	700	1068
<b>Epinephrine;</b> persons rendering emergency care exempt from liability, possession and administration at outdoor educational programs. (Patron—Torian)	HB	1377	247	436
<b>Family life education;</b> curriculum may incorporate age-appropriate elements of evidence-based programs on dangers and repercussions of using electronic means or social media, etc., includes sexual harassment using electronic means. (Patron—McClellan)	SB	101	519	812
<b>Family life education;</b> curriculum offered in any elementary, middle, or high school shall incorporate age-appropriate elements of effective and evidence-based programs on importance of personal privacy and personal boundaries. (Patron—Filler-Corn)	HB	45	383	652
<b>Graduation requirements;</b> Board of Education to permit local school divisions to waive requirement for students to receive 140 clock hours of instruction after student has completed course curriculum and relevant Standards of Learning end-of-course assessment, etc. (Patron—McPike)	SB	664	592	916
<b>Health education program;</b> program required for each public elementary and secondary school student may include an age-appropriate program of instruction on safe use of and risks of abuse of prescription drugs, Board of Education may consider curriculum adopted by School Board of City of Virginia Beach regarding drugs and opioid crisis. (Patron—Herring)	HB	1532	490	770
<b>Health instruction;</b> instruction to incorporate standards that recognize multiple dimensions of health by including mental health and relationship of physical and mental health so as to enhance student understanding.				
Patron—Bell, Robert B.	HB	1604	392	656
Patron—Deeds	SB	953	393	657
<b>High school equivalency programs;</b> extends eligibility to individuals who are at least 16 years of age. (Patron—O'Quinn)	HB	803	717	1108

**EDUCATION - Continued**

<b>High school graduation requirements;</b> Board of Education to permit students to exceed full course load in order to participate in courses offered by higher educational institutions, etc. (Patron—Yancey) . . . . .	HB	329	512	807
<b>High school graduation requirements;</b> substitution of computer coding credit for any foreign language course credit, English language learner who earned a sufficient score on an Advanced Placement or International Baccalaureate foreign language examination or a SAT II Subject Test in a foreign language to substitute credit. (Patron—Carroll Foy) . . . . .	HB	443	716	1106
<b>High School to Work Partnerships;</b> establishment, exemptions.				
Patron—Freitas . . . . .	HB	544	388	654
Patron—Suetterlein . . . . .	SB	960	142	261
<b>Higher educational institutions, public;</b> loans to students, collection of past due payments. (Patron—Yancey) . . . . .	HB	165	786	1225
<b>Home instruction of children;</b> requirements, education options. (Patron—Pogge) . . . .	HB	1370	516	810
<b>Informal truancy plans;</b> intake officer may defer filing complaint for 90 days and proceed developing a plan provided that juvenile has not been previously proceeded against or adjudicated in need of supervision on more than two occasions for failure to comply with compulsory school attendance, etc. (Patron—Ward) . . . . .	HB	274	312	549
<b>Jury service;</b> court to defer to a later term of court if such person is enrolled as a full-time student. (Patron—Bell, Robert B.) . . . . .	HB	481	259	448
<b>Literary Fund;</b> application for loans by regional and joint schools. (Patron—Wagner) .	SB	658	591	915
<b>Norfolk, City of;</b> eliminates cap on salaries of appointed members of school board.				
Patron—Heretick . . . . .	HB	779	65	145
Patron—Spruill . . . . .	SB	361	80	164
<b>Nurse practitioners;</b> eliminates requirement for a practice agreement with a patient care team physician for practitioners who are licensed by Boards of Medicine and Nursing, practitioner to whom a license is issued by endorsement, completion of equivalent of at least five years of full-time clinical experience, report. (Patron—Robinson) . . . . .	HB	793	776	1202
<b>Opioids;</b> location of clinics for treatment of addiction in Henrico County, City of Newport News, or City of Richmond, conditions of initial licensure when facility is located within one-half mile of a public or private licensed day care center or public or private K-12 school, etc. (Patron—McQuinn) . . . . .	HB	155	816	1288
<b>Opioids;</b> location of clinics for treatment of addiction in Henrico County or City of Richmond, conditions of initial licensure when facility is located within one-half mile of a public or private licensed day care center or public or private K-12 school, etc. (Patron—Dunnavant) . . . . .	SB	329	187	318
<b>Polysomnographic technology;</b> students or trainees, licensure. (Patron—Peace) . . . .	HB	854	98	189
<b>Private preschool programs;</b> modifies licensure exemption requirements for certified programs operated by a private school that is accredited by an organization recognized by Board of Education.				
Patron—Orrock . . . . .	HB	867	99	190
Patron—Chase . . . . .	SB	702	107	199
<b>Professional and occupational regulation;</b> authority to suspend or revoke licenses, certificates, etc., default or delinquency of education loan or scholarship, repeals provision relating to suspension of license, etc. (Patron—VanValkenburg) . . . . .	HB	1114	170	296
<b>Professional and occupational regulation;</b> Board of Accountancy and regulatory boards within the Department of Professional and Occupational Regulation, et al., shall not be authorized to suspend or revoke licenses, certificates, etc., default or delinquency in payment of an education loan or scholarship, repeals provision relating to suspension of license, etc. (Patron—Ebbin) . . . . .	SB	918	381	651
<b>Public school divisions;</b> State Corporation Commission to conduct pilot program for schools that generate electricity at levels that exceed the school's consumption, report. (Patron—Sullivan) . . . . .	HB	1451	415	681
<b>Public schools;</b> aligns provisions regarding when a homeless child or youth is deemed to reside in a school division with federal McKinney-Vento Homeless Assistance Act. (Patron—Mason) . . . . .	SB	961	394	657
<b>Public schools;</b> enrollment for students residing on a military installation or in military housing. (Patron—Yancey) . . . . .	HB	1085	390	655

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<b>Public schools;</b> local school boards to provide a minimum of 680 hours of instructional time to students in elementary, etc., unstructured recreational time not to exceed 15 percent of teaching hours, etc. Patron—Delaney .....	HB	1419	785	1225
Patron—Petersen .....	SB	273	784	1225
<b>Public schools;</b> prohibits military children who are attending school for free from being charged upon child's relocation pursuant to parent's orders to relocate to a new duty station or to be deployed. (Patron—Locke) .....	SB	775	594	919
<b>Public schools;</b> prohibits students in preschool through grade three from being suspended for more than three days or expelled unless offense involves physical harm or credible threat of physical harm to others, etc. (Patron—Stanley) .....	SB	170	585	911
<b>Scholastic records;</b> directory information, no school shall disclose student's address, telephone listing, etc., unless parent or eligible student has affirmatively consented in writing to such disclosure. (Patron—Wilt) .....	HB	1	806	1272
<b>School board;</b> board shall adopt policies prohibiting abusive work environment, etc. (Patron—Torian) .....	HB	1044	488	769
<b>School boards;</b> discretion granted to board to retain an employee who is convicted of an offense subsequent to employee's hiring, etc., provided that such individual has been granted a simple pardon for such offense by Governor, etc., exception. Patron—Gilbert .....	HB	1000	833	1330
Patron—Peake .....	SB	343	843	1360
<b>School boards;</b> work-based learning experiences for students, notification to students and parents of availability of internships, certification programs, etc. (Patron—Keam)	HB	399	138	251
<b>School bus operators;</b> applicants not currently possessing a commercial driver's license, regulations shall require a minimum of 24 hours of classroom training and six hours of behind-the-wheel training on a school bus, etc. Patron—O'Quinn .....	HB	810	389	655
Patron—Hanger .....	SB	557	203	350
<b>School bus personnel;</b> Board of Education shall establish a training program on autism spectrum disorders, each school board employee who assists in transportation of these students shall participate in program. (Patron—Hanger) .....	SB	229	586	914
<b>School meal policies;</b> each local school board required to adopt policies that prohibit school board employees from requiring students who cannot pay for a meal, etc., to do chores or other work to pay for meals or wear a wristband or hand stamp. Patron—Hope .....	HB	50	384	652
Patron—Favola .....	SB	840	712	1103
<b>Standards of Quality;</b> instructional programs and positions, dual language teachers. (Patron—Mullin) .....	HB	507	484	756
<b>Student discipline;</b> pupil may be suspended from attendance at school for 11 to 45 days, a long-term suspension may extend beyond a 45-school-day period but shall not exceed 364 calendar days if involves serious bodily injury, etc. (Patron—Bourne)	HB	1600	491	770
<b>Students;</b> collection of demographic data, no student or his parent shall be required to disclose information related to student's race or ethnicity, exception. (Patron—DeSteph) .....	SB	238	587	914
<b>Teacher licensure;</b> Board of Education, in its regulations providing for licensure by reciprocity, shall permit applicants to submit third-party employment verification forms. (Patron—Krizek) .....	HB	80	747	1141
<b>Teacher licensure;</b> Board of Education regulations governing education preparation programs. (Patron—Favola) .....	SB	76	518	811
<b>Teacher licensure;</b> Board of Education to provide for licensure by reciprocity for any spouse of an active duty member of the Armed Forces of the United States or the Commonwealth who has obtained a valid out-of-state license, with full credentials and without deficiencies, individual shall establish a file in the Department of Education by submitting a complete application packet. Patron—Bell, Richard P. ....	HB	2	745	1137
Patron—Suetterlein .....	SB	103	746	1139
<b>Teacher licensure;</b> endorsement in dual language instruction pre-kindergarten through grade six. (Patron—Wilt) .....	HB	1156	391	656
<b>Teacher licensure;</b> regulations governing, alternate routes shall include eligibility for any individual to receive a renewable one-year license to teach in public high schools. (Patron—Knight) .....	HB	215	711	1101

**EDUCATION - Continued**

**Teacher licensure;** teachers who hold a 10-year renewable license issued by the Board of Education may teach online courses, Board of Education shall extend for at least one additional year, but for no more than two additional years, a three-year license, etc.

Patron—Landes . . . . .	HB	1125	749	1150
Patron—Peake . . . . .	SB	349	748	1143

**Truancy;** changes to procedures relating to interventions when a pupil fails to report to school for a total of five scheduled days for the school year, conference shall be held no later than 10 school days after tenth absence of pupil, regardless of whether his parent approves of the conference.

Patron—Filler-Corn . . . . .	HB	1485	753	1158
Patron—Favola . . . . .	SB	841	713	1104

**Virginia Freedom of Information Act;** custodian of a scholastic record shall not release address, phone number, or email address of student in response to a request without written consent. (Patron—Suetterlein) . . . . .

SB	512	756	1161
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**Worker retraining;** modifies tax credit by allowing credit to manufacturers conducting a manufacturing orientation, instruction, etc., for students, Tax Commissioner shall develop guidelines establishing procedures for claiming credit, etc., such guidelines shall be exempt from provisions of Administrative Process Act. (Patron—Yancey) . .

HB	129	500	783
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**EDWARDS, TIMOTHY SCOTT**

**Edwards, Timothy Scott;** recording sorrow upon death. (Patron—McDougle) . . . . .

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**EGGLESTON SERVICES**

**Eggleston Services;** commending. (Patron—Miyares) . . . . .

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**EICHELBERGER, JAMES GROVER**

**Eichelberger, James Grover;** recording sorrow upon death. (Patron—Lewis) . . . . .

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**ELECTIONS**

**Absentee voting;** certain information not required when completing application in person. (Patron—Keam) . . . . .

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**Bond referenda;** authorizing counties to make bond issuance contingent on enactment of a food and beverage tax, request for approval by voters, etc. (Patron—Aird) . . . . .

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**Campaign finance;** former candidates to file reports with general registrar of locality in which he sought office. (Patron—Ebbin) . . . . .

SB	739	683	1034
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**Campaign Finance Disclosure Act of 2006;** electronic filing requirement for candidates for statewide office and for General Assembly and for local or constitutional office in certain localities. (Patron—Suetterlein) . . . . .

SB	264	538	846
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**Constitutional amendment;** referendum at election to approve or reject an amendment to allow General Assembly to authorize governing bodies of counties, cities, and towns to provide for a partial exemption from local real property taxation of improved real estate subject to recurrent flooding upon which flooding abatement, mitigation, or resiliency efforts have been undertaken (submitting to qualified voters). (Patron—Lewis) . . . . .

SB	219	616	948
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**Courthouses;** expansion to contiguous land within same county or city shall not trigger a referendum requirement. (Patron—Hanger) . . . . .

SB	538	582	905
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**Election day page program;** local electoral board, or its general registrar, may conduct a program for high school students in one or more polling places. (Patron—Ebbin) . .

SB	589	700	1068
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**Elections;** ascertainment of results by the electoral board, percentage of write-in votes. (Patron—Edwards) . . . . .

SB	150	536	844
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**Elections;** county or city may retain officers of election as independent contractors. (Patron—Reeves) . . . . .

SB	474	675	1025
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**Elections;** precincts not to be changed between certain dates.

Patron—Jones, S.C. . . . .	HB	767	778	1213
Patron—Obenshain . . . . .	SB	983	779	1214

**Elections;** removal and revision of several obsolete elections-related statutes. (Patron—Edwards) . . . . .

SB	130	464	729
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**General registrar;** all county and city offices open five days a week. (Patron—Chafin)

SB	379	539	846
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**General registrars;** assistants, full-time status. (Patron—Edwards) . . . . .

SB	152	465	731
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**General registrars;** residency requirement, exemption for counties or cities with a population of 25,000 or less.

Patron—Simon . . . . .	HB	690	692	1062
Patron—Mason . . . . .	SB	556	693	1063

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<b>Independent candidates;</b> clarification of definition of "time of filing for the office." (Patron—Edwards) . . . . .	SB	153	537 845
<b>Voter registration list maintenance;</b> due date of annual report, report shall contain methodology used in gathering and analyzing data, Commissioner of Elections shall certify that data included in the report is accurate and reliable. (Patron—Cole) . . . . .	HB	28	460 724
<b>ELECTRIC COMPANIES</b>			
<b>Electric utility regulation;</b> grid modernization, energy efficiency programs, schedule for rate review proceedings, energy storage facilities, Transitional Rate Period, costs recovered by a utility, development of solar and wind generation capacity in the Commonwealth, pilot programs established, reports. (Patron—Wagner) . . . . .	SB	966	296 501
<b>ELECTRICAL SAFETY MONTH</b>			
<b>Electrical Safety Month;</b> designating as May 2018, and each succeeding year thereafter. (Patron—Hope) . . . . .	HJR	178	1480
<b>ELECTRONIC PROCESSES</b>			
<b>Acceptability of electronic medium;</b> record of criminal proceedings to appellate court. Patron—Collins . . . . .	HB	235	125 233
Patron—Stanley . . . . .	SB	180	129 240
<b>Alcoholic beverage control;</b> records of retail licensees may be stored off site, provided records are readily retrievable and available for electronic inspection by the Board or its special agents at the licensed premises. (Patron—Robinson) . . . . .	HB	1379	729 1122
<b>Campaign Finance Disclosure Act of 2006;</b> electronic filing requirement for candidates for statewide office and for General Assembly and for local or constitutional office in certain localities. (Patron—Suetterlein) . . . . .	SB	264	538 846
<b>Court records;</b> recording by microphotographic or electronic process, submission of trial court record to appellate court in electronic form, repealing an obsolete section that required circuit court clerks to keep a log of documents submitted for recordation, etc. (Patron—Miyares) . . . . .	HB	166	523 815
<b>Death certificates;</b> in cases in which a death occurs under care of a hospice provider, the medical certification shall be completed by the decedent's health care provider or physician licensed in another state who was in charge of patient's care for illness or condition that resulted in death, filed electronically with State Registrar of Vital Records using the Electronic Death Registration System. Patron—Wilt . . . . .	HB	1158	207 355
Patron—Cosgrove . . . . .	SB	309	208 356
<b>Electronic case papers;</b> transmission between district and circuit courts, clerk in appellate court may also request that any paper trial records be forwarded to such clerk. Patron—Habeeb . . . . .	HB	378	32 70
Patron—Obenshain . . . . .	SB	524	134 246
<b>Motor Vehicles, Department of;</b> electronic services to provide simple, fast, etc., titling and registration of vehicles. (Patron—McClellan) . . . . .	SB	291	361 623
<b>Retention of case records;</b> clerk of a district court allowed to destroy papers, etc., in civil and criminal cases if documents have been microfilmed or converted to an electronic format. (Patron—Lindsey) . . . . .	HB	1310	128 238
<b>State Corporation Commission;</b> extends date to January 1, 2020, after which the Commission is required to limit users who will be able to submit data and documents on behalf of a business entity. (Patron—Kilgore) . . . . .	HB	238	253 445
<b>Taxpayers;</b> Department of Taxation and Virginia Employment Commission shall consider feasibility of permitting taxpayers to submit tax reports and payments electronically for both using a single sign-on. (Patron—Freitas) . . . . .	HB	538	344 607
<b>Virginia Freedom of Information Act;</b> clarifies definition of electronic communication. (Patron—Robinson) . . . . .	HB	906	54 113
<b>Virginia Freedom of Information Act;</b> meetings held by electronic communication means, removes requirement that remote locations from which members of a public body participate in meetings through electronic communication means be open to the public. (Patron—Robinson) . . . . .	HB	908	56 122
<b>Virginia Freedom of Information Act;</b> meetings held by electronic communication means, repeals certain provisions relating to electronic meetings, participation in meetings due to personal matters, etc. (Patron—Robinson) . . . . .	HB	907	55 114
<b>Virginia Public Records Act;</b> records retained in electronic medium. (Patron—Cole) . . . . .	HB	228	252 445

**ELEMENTARY SCHOOLS**

**Family life education;** curriculum offered in any elementary, middle, or high school shall incorporate age-appropriate elements of effective and evidence-based programs on importance of personal privacy and personal boundaries. (Patron—Filler-Corn) . . . HB 45 383 652

**Health education program;** program required for each public elementary and secondary school student may include an age-appropriate program of instruction on safe use of and risks of abuse of prescription drugs, Board of Education may consider curriculum adopted by School Board of City of Virginia Beach regarding drugs and opioid crisis. (Patron—Herring) . . . . . HB 1532 490 770

**Public schools;** local school boards to provide a minimum of 680 hours of instructional time to students in elementary, etc., unstructured recreational time not to exceed 15 percent of teaching hours, etc.  
Patron—Delaney . . . . . HB 1419 785 1225  
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**ELLIOTT, WILLIAM CLYDE**

**Elliott, William Clyde;** commending. (Patron—O’Quinn) . . . . . HJR 419 1610

**ELLIS, LAVONNE PARKER**

**Ellis, LaVonne Parker;** recording sorrow upon death.  
Patron—Leftwich . . . . . HJR 332 1562  
Patron—Cosgrove . . . . . SJR 158 1894

**EMBARK RICHMOND HIGHWAY PROGRAM**

**Embark Richmond Highway program;** commending.  
Patron—Krizek . . . . . HR 183 1788  
Patron—Surovell . . . . . SJR 240 1942

**EMERGENCY LEGISLATION**

**Accountants, public;** issuance, renewal, and reinstatement of licenses.  
Patron—Leftwich . . . . . HB 752 45 89  
Patron—Barker . . . . . SB 428 82 171

**Adoption;** circuit court to accept a petition filed by child’s foster parent and to order a thorough investigation. (Patron—Carroll Foy) . . . . . HB 418 94 186

**Assisted living facilities;** State Board of Social Services shall amend regulations governing staffing of facilities providing care for adults with serious cognitive impairments who cannot recognize danger or protect their own safety and welfare, Board shall promulgate regulations to implement provisions to be effective within 280 days of its enactment.  
Patron—Sickles . . . . . HB 1439 248 443  
Patron—Mason . . . . . SB 875 686 1036

**BVU Authority;** powers. (Patron—Campbell) . . . . . HB 1450 839 1346

**Cannabidiol oil and THC-A oil;** practitioner may issue a written certification for use, no pharmaceutical processor shall dispense more than a 90-day supply for any patient during any 90-day period, Board shall establish in regulation an amount of oil that constitutes a 90-day supply, etc.  
Patron—Cline . . . . . HB 1251 246 434  
Patron—Dunnivant . . . . . SB 726 809 1275

**Commonwealth of Virginia Institutions of Higher Education Bond Act of 2018;** created.

Patron—Jones, S.C. . . . . HB 766 285 489  
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**Commonwealth’s tax system;** advances conformity with federal tax code as law existed on February 9, 2018, relief for 2016 disaster areas, etc.

Patron—Ware . . . . . HB 154 15 14  
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**Controlled paraphernalia;** possession or distribution, training individuals on administration of naloxone. (Patron—LaRock) . . . . . HB 842 97 188

**Delegate Lacey E. Putney Memorial Highway;** designating a portion of U.S. Route 221 between corporate limits of Town of Bedford and corporate limits of City of Lynchburg.

Patron—Byron . . . . . HB 1007 8 7  
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**Erosion and sediment control;** inspections, land-disturbing activities of natural gas pipelines, Department may issue a stop work instruction without advance notice or

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hearing, upon request by the company, the Director or his designee shall review such instruction within 48 hours of issuance, activities that caused substantial adverse impacts to water quality. (Patron—Deeds) . . . . .	SB	698	297 525
<b>Fishing; permits Board of Game and Inland Fisheries to designate a substitute free day in event that a free day is canceled as a result of inclement weather.</b> (Patron—O'Quinn) . . . . .	HB	635	116 226
<b>Hospital licenses, certain; license issued to an acute care hospital located in Patrick County that was valid on September 1, 2017, and remained valid on December 31, 2017, despite the closure of such hospital, shall continue to remain valid until December 31, 2018.</b>			
Patron—Poindexter . . . . .	HB	175	1 1
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<b>Hospitals and nursing homes; frequency of inspections.</b> (Patron—Orrock) . . . . .	HB	879	453 718
<b>Involuntary mental health treatment; minor choosing voluntary treatment prohibited access to firearms.</b> (Patron—Deeds) . . . . .	SB	669	846 1371
<b>Jonesville, Town of; amending charter, lengthens terms of mayor and councilmen.</b> (Patron—Kilgore) . . . . .	HB	1428	413 680
<b>Master barber; definition, issuance of license by Board for Barbers and Cosmetology.</b>			
Patron—Pillion . . . . .	HB	1554	231 404
Patron—McClellan . . . . .	SB	906	237 411
<b>Pocahontas Building; designating as temporary General Assembly Building and a part of the Capitol Square complex until reconstruction is completed on the General Assembly Building.</b> (Patron—McDougle) . . . . .	SB	490	676 1026
<b>Social Services, Commissioner of; upon receipt of orders from clerk of circuit court and adoption files from child-placing agency or local board, Commissioner or his designee may direct storage and preservation of such records.</b> (Patron—Collins) . . . .	HB	291	10 9
<b>Stormwater management; inspections, land-disturbing activities of natural gas pipelines, Department may issue a stop work instruction without advance notice or hearing, upon request by the company, the Director or his designee shall review such instruction within 48 hours of issuance, activities that caused substantial adverse impacts to water quality.</b> (Patron—Deeds) . . . . .	SB	699	298 526
<b>THC-A oil; dispensing, tetrahydrocannabinol levels, requirements of practitioners, Board shall require an applicant for a pharmaceutical processor permit to submit to fingerprinting, etc., stability testing.</b> (Patron—Dunnavant) . . . . .	SB	330	567 884
<b>Trust decanting; reinstates restriction in Virginia's former law that limits type of fiduciary who may exercise power to a disinterested trustee.</b> (Patron—Edwards) . . . .	SB	78	476 745
<b>Virginia Economic Development Partnership Authority; members of Authority are voting members, closed meetings, etc., various advisory committees established, awarding economic development incentives.</b> (Patron—Jones, S.C.) . . . . .	HB	770	829 1313
<b>Virginia Research Investment Committee; change in membership.</b> (Patron—Jones, S.C.) . . . . .	HB	1467	332 585
<b>EMERGENCY SERVICES AND VEHICLES</b>			
<b>Emergency medical services vehicles; Commissioner may issue temporary permits valid for 90 days for vehicles not meeting required standards.</b> (Patron—Marsden) . . .	SB	304	279 481
<b>Emergency services; certain counties may by ordinance and after holding a public hearing, levy a fee to fund.</b> (Patron—Deeds) . . . . .	SB	680	660 1001
<b>General Services, Department of; aid and cooperation of Division of Purchases and Supply may be sought by any fire company and volunteer emergency medical services agency.</b> (Patron—LaRock) . . . . .	HB	1170	275 479
<b>License plates, special; emergency medical services agencies, volunteer emergency medical services agency auxiliaries, or professional or volunteer fire department auxiliaries shall notify Commissioner of Department of Motor Vehicles within 30 days of separation of any member from such agency or agency auxiliary, or fire department.</b> (Patron—Hanger) . . . . .	SB	947	635 962
<b>Mental health awareness; training for firefighters and emergency medical services personnel.</b>			
Patron—Helsel . . . . .	HB	1412	456 722
Patron—Deeds . . . . .	SB	670	658 999
<b>New River Valley Emergency Communications Regional Authority; annual contribution, Board shall have full authority to develop and adopt a formula for</b>			

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<b>EMERGENCY SERVICES AND VEHICLES - Continued</b>			
allocating to participating political subdivisions responsibility to pay for annual budget.			
Patron—Rush . . . . .	HB 1500	472	741
Patron—Edwards . . . . .	SB 821	473	743
<b>Out-of-state emergency medical services providers; authorized to provide service in the Commonwealth. (Patron—Ruff) . . . . .</b>	SB 703	196	344
<b>EMERSON, GAYLE P.</b>			
<b>Emerson, Gayle P.;</b> recording sorrow upon death. (Patron—Norment) . . . . .	SJR 117		1870
<b>EMERSON, KEITH H.</b>			
<b>Emerson, Keith H.;</b> recording sorrow upon death. (Patron—Norment) . . . . .	SJR 118		1871
<b>EMINENT DOMAIN</b>			
<b>Eminent domain;</b> calculation of lost profits, amends definitions. (Patron—Petersen) . .	SB 809	702	1070
<b>Eminent domain;</b> empanelment of commissioners. (Patron—Yancey) . . . . .	HB 1564	158	283
<b>Eminent domain proceedings;</b> distribution of funds to owner or owner's attorney. (Patron—Petersen) . . . . .	SB 278	842	1360
<b>ENCORE STAGE &amp; STUDIO</b>			
<b>Encore Stage &amp; Studio;</b> commemorating its 50th anniversary. (Patron—Lopez) . . . . .	HJR 518		1660
<b>ENDOMETRIOSIS AWARENESS MONTH</b>			
<b>Endometriosis Awareness Month;</b> designating as March 2018, and each succeeding year thereafter. (Patron—Keam) . . . . .	HJR 55		1442
<b>ENERGY CONSERVATION AND RESOURCES</b>			
<b>Electric utility regulation;</b> grid modernization, energy efficiency programs, schedule for rate review proceedings, energy storage facilities, Transitional Rate Period, costs recovered by a utility, development of solar and wind generation capacity in the Commonwealth, pilot programs established, reports. (Patron—Wagner) . . . . .	SB 966	296	501
<b>Green job creation tax credit;</b> extends sunset provision through taxable year 2020.			
Patron—Lopez . . . . .	HB 1372	346	608
Patron—Hanger . . . . .	SB 573	347	609
<b>Property tax;</b> exemption for solar energy equipment and facilities, clarifies definition of certified pollution control equipment and facilities. (Patron—Lucas) . . . . .	SB 902	849	1375
<b>Recycling;</b> clarifies definitions of "beneficial use" and "recycling center," etc., evaluation of Virginia's solid waste recycling rates. (Patron—Lewis) . . . . .	SB 218	615	946
<b>Solar facilities;</b> property owner may install a facility on roof of a dwelling or other building to serve electricity or thermal needs of that dwelling or building, etc., provided installation is in compliance with provisions pertaining to any local historic, architectural preservation, or corridor protection district, regulation of ground-mounted solar facilities in provisions of a zoning ordinance.			
Patron—Hodges . . . . .	HB 508	495	773
Patron—Stanley . . . . .	SB 429	496	775
<b>Solar facilities;</b> subject to provisions requiring facility to be substantially in accord with locality's comprehensive plan, locality may allow for a substantial accord review for facilities to be advertised and approved in a public hearing process, etc.			
Patron—Hodges . . . . .	HB 509	318	560
Patron—Stanley . . . . .	SB 179	175	306
<b>ENGINEERS, PROFESSIONAL</b>			
<b>Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects, Board for;</b> increases membership, Board shall consist of two nonlegislative citizen members. (Patron—Lindsey) . . . . .	HB 523	824	1303
<b>ENTERPRISE ZONES</b>			
<b>Enterprise Zone Grant Program;</b> designation of enterprise zone, amendments to the size of a zone. (Patron—Marshall) . . . . .	HB 431	315	554
<b>ENTREMONT, JOYCE</b>			
<b>Entremont, Joyce;</b> commending. (Patron—Carter) . . . . .	HJR 195		1489
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<b>Epinephrine;</b> persons rendering emergency care exempt from liability, possession and administration at outdoor educational programs. (Patron—Torian) . . . . .	HB 1377	247	436
<b>EPPEs, MACHELLE J.</b>			
<b>Eppes, Machelle J.;</b> commending. (Patron—Edmunds) . . . . .	HJR 277		1532

**EPPINGTON PLANTATION**

**Eppington Plantation**; commemorating its 250th anniversary. (Patron—Cox) . . . . . HJR 424 1612

**EROSION AND SEDIMENT CONTROL**

**Erosion and sediment control**; inspections, land-disturbing activities of natural gas pipelines, Department may issue a stop work instruction without advance notice or hearing, upon request by the company, the Director or his designee shall review such instruction within 48 hours of issuance, activities that caused substantial adverse impacts to water quality. (Patron—Deeds) . . . . . SB 698 297 525

**ESHERICK, MARY LOUISE**

**Esherick, Mary Louise**; recording sorrow upon death. (Patron—Hope) . . . . . HJR 162 1472

**ETHNIC GROUPS**

**Historical African American cemeteries**; adds Daughters of Zion Cemetery in Charlottesville to list. (Patron—Toscano) . . . . . HB 360 428 696

**Historical African American cemeteries**; owners and localities receiving funds, owners of cemeteries shall reasonably cooperate with a qualified organization, etc. (Patron—McQuinn) . . . . . HB 284 818 1289

**Historical African American cemeteries and graves**; adds African-American Burial Ground for the Enslaved at Belmont in Loudoun County to list. (Patron—Wexton) . . . . . SB 163 614 945

**Historical African American cemeteries and graves**; adds Mt. Calvary Cemetery in City of Portsmouth to list.  
Patron—James . . . . . HB 527 433 702  
Patron—Locke . . . . . SB 198 434 702

**EVANS, CHRIS**

**Evans, Chris**; commending. (Patron—Pogge) . . . . . HJR 529 1666

**EVIDENCE**

**Physical evidence recovery kits**; submission to Department of Forensic Science. (Patron—Watts) . . . . . HB 303 398 662

**FACETS**

**FACETS**; commemorating its 30th anniversary.  
Patron—Bulova . . . . . HJR 350 1572  
Patron—Petersen . . . . . SJR 178 1906

**FAIRFAX COUNTY**

**Fairfax County Water Authority**; commemorating its 60th anniversary. (Patron—Bulova) . . . . . HJR 189 1486

**FAITH CHRISTIAN SCHOOL**

**Faith Christian School girls' basketball team**; commending. (Patron—Head) . . . . . HR 143 1769

**FALL PREVENTION AWARENESS WEEK**

**Fall Prevention Awareness Week**; designating as third full week of September 2018, and each succeeding year thereafter.  
Patron—Delaney . . . . . HJR 81 1450  
Patron—Ebbin . . . . . SJR 47 1833

**FALLS CHURCH KIWANIS LITTLE LEAGUE**

**Falls Church Kiwanis Little League**; commemorating its 70th anniversary. (Patron—Simon) . . . . . HJR 22 1433

**FALLS CHURCH-MCLEAN CHILDREN'S CENTER**

**Falls Church-McLean Children's Center**; commemorating its 50th anniversary. (Patron—Simon) . . . . . HJR 366 1581

**FAMILY LIFE EDUCATION**

**Family life education**; curriculum may incorporate age-appropriate elements of evidence-based programs on dangers and repercussions of using electronic means or social media, etc., includes sexual harassment using electronic means. (Patron—McClellan) . . . . . SB 101 519 812

**Family life education**; curriculum offered in any elementary, middle, or high school shall incorporate age-appropriate elements of effective and evidence-based programs on importance of personal privacy and personal boundaries. (Patron—Filler-Corn) . . . . . HB 45 383 652

**FARINO, BOBBY AND KANDY**

**Farino, Bobby and Kandy**; commending. (Patron—Pogge) . . . . . HJR 170 1476

**FARRAR, VIRGINIA HOWARD**

**Farrar, Virginia Howard**; recording sorrow upon death. (Patron—Webert) . . . . . HR 67 1732

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	<b>Felix, Ken</b> ; commending. (Patron—Mullin) . . . . .	HJR	547	1676
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**Mental health awareness;** training for firefighters and emergency medical services personnel.  
Patron—Helsel . . . . . HB 1412 456 722  
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**Statewide cancer registry;** collecting data to evaluate potential links between exposure to fire incidents and cancer incidence. (Patron—Peake) . . . . . SB 347 459 723

**Virginia Fire Services Board;** powers and duties, modular training program for volunteer firefighters, effective date. (Patron—Head) . . . . . HB 729 403 665

**FIRST BAPTIST CHURCH DENBIGH**

**First Baptist Church Denbigh;** commemorating its 155th anniversary. (Patron—Price) HJR 351 1573

**FIRST BAPTIST CHURCH JEFFERSON PARK**

**First Baptist Church Jefferson Park;** commemorating its 100th anniversary. (Patron—Price) . . . . . HJR 349 1571

**1ST STAGE TYSONS THEATRE**

**1st Stage Tysons Theatre;** commemorating its 10th anniversary. (Patron—Bulova) . . . HJR 445 1624

**FISCHER, MARK LEE**

**Fischer, Mark Lee;** commending. (Patron—Peake) . . . . . SR 32 1961

**FISETTE, JAY**

**Fisette, Jay;** commending. (Patron—Hope) . . . . . HJR 352 1573

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**FISHING LAWS AND LICENSES**

**Fishing;** permits Board of Game and Inland Fisheries to designate a substitute free day in event that a free day is canceled as a result of inclement weather. (Patron—O'Quinn) . . . . . HB 635 116 226

**Nonresident youth fishing license;** exemption for nonresident under age 16 when accompanied by a person possessing a valid license to fish in Virginia. (Patron—Gooditis) . . . . . HB 1151 507 803

**Saltwater recreational fishing license;** member of an American Indian tribe exempt. (Patron—Peace) . . . . . HB 853 118 228

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**Fitzgerald, Edmond Boxley, III;** recording sorrow upon death. (Patron—Adams, L.R.) HJR 272 1530

**FITZPATRICK, BEVERLY T., JR.**

**Fitzpatrick, Beverly T., Jr.;** commending. (Patron—Edwards) . . . . . SJR 244 1944

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**Flanagan, Earl;** commending. (Patron—Krizek) . . . . . HJR 308 1549

**FLOODS AND FLOOD CONTROL**

**Coastal Flooding, Joint Subcommittee on;** continued, report.  
Patron—Stolle . . . . . HJR 26 1434  
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**Constitutional amendment;** General Assembly may authorize a county, city, or town to partially exempt any real estate subject to recurring flooding upon which flooding abatement, mitigation, etc., have been undertaken (second reference), Chapter 773, 2017 Acts (first reference). (Patron—Lewis) . . . . . SJR 21 813 1285

**Constitutional amendment;** referendum at election to approve or reject an amendment to allow General Assembly to authorize governing bodies of counties, cities, and towns to provide for a partial exemption from local real property taxation of improved real estate subject to recurrent flooding upon which flooding abatement, mitigation, or resiliency efforts have been undertaken (submitting to qualified voters). (Patron—Lewis) . . . . . SB 219 616 948

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**FORENSIC SCIENCE**

**Physical evidence recovery kits;** submission to Department of Forensic Science. (Patron—Watts) . . . . . HB 303 398 662

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**Fort Hunt Little League;** commending. (Patron—Surovell) . . . . . SJR 148 1888

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**Fort Hunt Little League Senior All Stars;** commending. (Patron—Krizek) . . . . . HJR 219 1503

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**Adoption and foster care;** barrier crimes, approval of applicant who has had civil rights restored, etc., has completed a drug test administered by a laboratory or medical professional within 90 days prior to being approved, and test was returned with a negative result.  
Patron—Herring . . . . . HB 437 369 631  
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**Foster care and adoption;** disclosure of information prior to placement, providing all reasonably ascertainable background, medical, etc., records of child to foster home or children's residential facility. (Patron—Gilbert) . . . . . HB 986 694 1063

**Parental rights;** at an annual foster care review hearing, the court shall inquire of guardian ad litem or local board of social services whether child has expressed a preference that possibility of restoring parental rights of his parent or parents be investigated, filing of a petition for restoration of parental rights. (Patron—Reid) . . . HB 1219 104 197

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**Fox, Wesley Lee;** recording sorrow upon death. (Patron—Rush) . . . . . HJR 214 1500

**FRANK, JOE SAMUEL**

**Frank, Joe Samuel;** commending. (Patron—Yancey) . . . . . HJR 282 1536

**FRANTZ, PAUL T.**

**Frantz, Paul T.;** commending. (Patron—Austin) . . . . . HR 103 1749

**FRAUD**

**Virginia Consumer Protection Act;** certain fraud crimes committed by a supplier in connection with a consumer transaction declared unlawful. (Patron—Watts) . . . . . HB 304 299 527

**FREDERICKSBURG AREA BUILDERS ASSOCIATION**

**Fredericksburg Area Builders Association;** commemorating its 50th anniversary. (Patron—Thomas) . . . . . HJR 495 1649

**FREDERICKSBURG AREA MUSEUM**

**Fredericksburg Area Museum;** commemorating its 30th anniversary. (Patron—Thomas) . . . . . HJR 496 1650

**FREE AND CHARITABLE CLINICS, INC., VIRGINIA ASSOCIATION OF**

**Free and Charitable Clinics, Inc., Virginia Association of;** commemorating its 25th anniversary.  
Patron—Fowler . . . . . HJR 258 1523  
Patron—Dunnavant . . . . . SJR 162 1896

**FREE CLINIC OF CULPEPER**

**Free Clinic of Culpeper;** commemorating its 25th anniversary. (Patron—Freitas) . . . . HJR 255 1521

**FREED, ALAN**

**Freed, Alan;** commending. (Patron—Simon) . . . . . HJR 492 1647

**FREEDOM HIGH SCHOOL**

**Freedom High School gymnastics team;** commending. (Patron—Bell, John J.) . . . . . HJR 347 1570

**FREEDOM OF INFORMATION**

**Virginia Freedom of Information Act;** clarifies definition of electronic communication. (Patron—Robinson) . . . . . HB 906 54 113

**Virginia Freedom of Information Act;** custodian of a scholastic record shall not release address, phone number, or email address of student in response to a request without written consent. (Patron—Suetterlein) . . . . . SB 512 756 1161

**Virginia Freedom of Information Act;** disclosure of law-enforcement and criminal records. (Patron—Robinson) . . . . . HB 909 48 94

**Virginia Freedom of Information Act;** excludes certain information held by the board of visitors of The College of William and Mary in Virginia.  
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Patron—Mason . . . . . SB 858 141 258

**Virginia Freedom of Information Act;** exclusion of information related to Virginia Commercial Space Flight Authority. (Patron—Lewis) . . . . . SB 657 741 1131

**Virginia Freedom of Information Act;** exclusion of records relating to security aspects of a system safety program plan governing Commonwealth's designated Rail Fixed Guideway Systems Safety Oversight agency. (Patron—Delaney) . . . . . HB 727 52 107

**Virginia Freedom of Information Act;** meetings held by electronic communication means, removes requirement that remote locations from which members of a public body participate in meetings through electronic communication means be open to the public. (Patron—Robinson) . . . . . HB 908 56 122

**Virginia Freedom of Information Act;** meetings held by electronic communication means, repeals certain provisions relating to electronic meetings, participation in meetings due to personal matters, etc. (Patron—Robinson) . . . . . HB 907 55 114

**Virginia Freedom of Information Act;** record exclusion for trade secrets supplied to the Virginia Department of Transportation. (Patron—Aird) . . . . . HB 1275 470 736

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**French, Orrin Luce, Sr.;** recording sorrow upon death. (Patron—Gilbert) . . . . . HJR 369 1582

**FRICKER, BUCKLEY ANNE KUHN**

**Fricker, Buckley Anne Kuhn;** recording sorrow upon death. (Patron—Plum) . . . . . HJR 505 1654

**FRICKER, SCOTT SPILLANE**

**Fricker, Scott Spillane;** recording sorrow upon death. (Patron—Plum) . . . . . HJR 504 1654

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**Friend, Garry;** commending. (Patron—Cline) . . . . . HJR 559 1683

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**Alcoholic beverage control;** nonprofit museum beer license privileges in Town of Front Royal. (Patron—Surovell) . . . . . SB 769 665 1004

**Front Royal, Town of;** amending charter, extensive updates to outdated provisions and references.  
Patron—Collins . . . . . HB 1166 328 570  
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**Funeral services;** acceptance of third-party-provided caskets. (Patron—Reeves) . . . . . SB 831 378 648

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**Gahres, James E.;** commending. (Patron—Tran) . . . . . HJR 570 1689

**GALILEE BAPTIST CHURCH**

**Galilee Baptist Church;** commemorating its 150th anniversary. (Patron—Tyler) . . . . . HJR 36 1436

**GALILEO MAGNET HIGH SCHOOL**

**Galileo Magnet High School Academic Competition for Excellence team;** commending. (Patron—Marshall) . . . . . HJR 537 1671

**GAMBLING, LOTTERIES, ETC.**

**Horse racing and pari-mutuel wagering;** definition of "historical horse racing," percentage of pari-mutuel pools to be distributed. (Patron—Webert) . . . . . HB 1609 811 1281

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**Gamby, Buckner, Jr.;** recording sorrow upon death.  
Patron—Aird . . . . . HJR 182 1482  
Patron—Dance . . . . . SJR 84 1850

**GAME, INLAND FISHERIES, AND BOATING**

**Arrowgun hunting;** authorized to hunt deer and small game when a hunter is licensed to hunt with a bow and arrow, special muzzleloading license.  
 Patron–Knight ..... HB 1393 557 871  
 Patron–Chafin ..... SB 859 558 874

**Dogs;** licensed hunter may track a wounded bear, turkey, or deer with certain weapon. (Patron–Byron) ..... HB 995 447 713

**Fishing;** permits Board of Game and Inland Fisheries to designate a substitute free day in event that a free day is canceled as a result of inclement weather. (Patron–O’Quinn) ..... HB 635 116 226

**Hunting;** disabled hunter exempt from local tree stand requirement, exemption shall apply only to a hunter whose permanent disability is based on a physical impairment or deformity. (Patron–Edmunds) ..... HB 1328 836 1334

**Hunting apparel;** hunting from an enclosed ground blind, displaying solid blaze orange or solid blaze pink on blind. (Patron–Edmunds) ..... HB 564 151 270

**Hunting with the assistance of dogs;** provision that prohibits hunting or killing of any wild bird, etc., on Sunday shall not apply to any person who hunts or kills raccoons.  
 Patron–Kilgore ..... HB 239 113 224  
 Patron–Chafin ..... SB 375 620 952

**Motorboats;** means of propulsion, when person in water accompanying boat.  
 Patron–Leftwich ..... HB 751 117 227  
 Patron–Cosgrove ..... SB 984 637 966

**Nonresident youth fishing license;** exemption for nonresident under age 16 when accompanied by a person possessing a valid license to fish in Virginia. (Patron–Gooditis) ..... HB 1151 507 803

**Snakehead fish;** authorizes a Hazard Analysis and Critical Control Point (HACCP) plan certified restaurant or retail market to purchase from an HACCP certified dealer or sell processed fish. (Patron–Ransone) ..... HB 1404 559 877

**Watercraft, personal;** any locality in Hampton Roads may, by ordinance, prohibit operation on public lake smaller than 50 acres. (Patron–Stolle) ..... HB 346 426 695

**GARDEN CLUB OF VIRGINIA**

**Garden Club of Virginia;** commemorating its 85th anniversary. (Patron–Obenshain) SR 52 1972

**GASOLINE, GASOHOL, AND DIESEL FUEL**

**Reformulated gasoline program;** exemption for sale of conventional gasoline within portion of City of Hopewell that is located west of Interstate 295. (Patron–Ingram) . HB 1521 605 938

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**Gaynor, Vivian Comer;** recording sorrow upon death. (Patron–Gilbert) ..... HJR 374 1585

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**Auditor of Public Accounts;** identifier information of each full-time state employee’s position maintained on an online database. (Patron–Dunnivant) ..... SB 633 601 934

**Autism Advisory Council;** extends sunset provision. (Patron–Hanger) ..... SB 234 719 1109

**Campaign Finance Disclosure Act of 2006;** electronic filing requirement for candidates for statewide office and for General Assembly and for local or constitutional office in certain localities. (Patron–Suetterlein) ..... SB 264 538 846

**Capitol Police;** concurrent jurisdiction.  
 Patron–Gilbert ..... HB 1505 579 904  
 Patron–McDougle ..... SB 885 580 904

**Capitol Square Preservation Council;** changes title of the chief officer from Executive Director to Chief Administrative Officer.  
 Patron–Peace ..... HB 847 526 817  
 Patron–McDougle ..... SB 489 527 818

**Chesapeake Bay Restoration Fund;** created, Advisory Committee shall develop goals and guidelines for use of Fund. (Patron–DeSteph) ..... SB 585 628 958

**Commercial rest areas;** prohibits a private entity from operating for commercial purposes without prior approval of General Assembly, provisions shall not apply to or prohibit any program or contract authorized as of July 1, 2018.  
 Patron–Ingram ..... HB 1522 350 611  
 Patron–Ruff ..... SB 905 351 612

**Constitutional amendment;** General Assembly may authorize a county, city, or town to partially exempt any real estate subject to recurring flooding upon which flooding

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abatement, mitigation, etc., have been undertaken (second reference), Chapter 773, 2017 Acts (first reference). (Patron—Lewis) . . . . .	SJR	21	813	1285
<b>Constitutional amendment</b> ; referendum at election to approve or reject an amendment to allow General Assembly to authorize governing bodies of counties, cities, and towns to provide for a partial exemption from local real property taxation of improved real estate subject to recurrent flooding upon which flooding abatement, mitigation, or resiliency efforts have been undertaken (submitting to qualified voters). (Patron—Lewis) . . . . .	SB	219	616	948
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<b>Unclaimed personal property</b> ; disposal of property in possession of the Division of Capitol Police. (Patron—McDougle) . . . . .	SB	406	581	905
<b>Virginia Conflict of Interest and Ethics Advisory Council</b> ; deadline extensions. Patron—Gilbert . . . . .	HB	990	804	1270
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<b>Onsite sewage systems and private wells;</b> Department of Health shall take steps to eliminate evaluation and design services provided, principal place of residence, coordination with Department of Professional and Occupational Regulation to establish certain agreements or procedures. (Patron—Orrock) .....				
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<b>Out-of-state emergency medical services providers;</b> authorized to provide service in the Commonwealth. (Patron—Ruff) .....				
	SB 703	196	344	
<b>Patients;</b> establishes a process whereby a physician may cease to provide treatment that has been determined to be medically or ethically inappropriate for a patient, right of court review by any party.				
Patron—Stolle .....	HB 226	368	628	
Patron—Edwards .....	SB 222	565	881	
<b>Prescription drug donation program;</b> program regulated by Board of Pharmacy shall accept eligible unused drugs from individuals, including those residing in nursing				

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homes, assisted living facilities, or intermediate care established for individuals with intellectual disability, etc. (Patron—Obenshain) . . . . .	SB 544	376	646
<b>Prescription requirements;</b> treatment of sexually transmitted disease. (Patron—Herring) . . . . .	HB 1054	790	1228
<b>Radon;</b> Department of Health shall review consumer complaints regarding testing and mitigation and current certification requirements for individuals performing testing, etc. (Patron—Bell, Richard P.) . . . . .	HB 1534	598	925
<b>Rainwater and gray water;</b> Board of Health shall adopt regulations regarding use, such regulations shall not apply to water not for human consumption. (Patron—Yancey) . . . . .	HB 192	817	1288
<b>Statewide cancer registry;</b> collecting data to evaluate potential links between exposure to fire incidents and cancer incidence. (Patron—Peake) . . . . .	SB 347	459	723
<b>Statewide Trauma Registry;</b> Department for Aging and Rehabilitative Services may develop and implement programs and services for persons suffering from spinal cord injuries. (Patron—McClellan) . . . . .	SB 287	195	343
<b>Stroke care;</b> Department of Health shall be responsible for quality improvement initiatives in the Commonwealth, sharing of data and information, effective date, report. Patron—Garrett . . . . .	HB 1197	276	479
Patron—McPike . . . . .	SB 867	198	345
<b>Stroke centers, certified;</b> expands list of designations for hospitals included in regional stroke triage plans. Patron—Garrett . . . . .	HB 1198	103	194
Patron—McPike . . . . .	SB 868	109	202
<b>Substance-exposed infants;</b> plan for services, report. Patron—Pillion . . . . .	HB 1157	695	1065
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<b>Suicide prevention activities;</b> Department of Behavioral Health and Developmental Services to report. (Patron—Gooditis) . . . . .	HB 569	370	634
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<b>Group accident and sickness insurance policies;</b> eligibility for continuation of coverage after termination. (Patron—Jones, J.C.) . . . . .	HB 1368	471	741
<b>Health benefit plans;</b> prescription drug coverage, synchronization of medications. (Patron—Hope) . . . . .	HB 234	561	879
<b>Health insurance;</b> physician reimbursements for services rendered during the period in which credentialing application is pending before insurance carrier, protocols and procedures for reimbursing new provider applicants. (Patron—Head) . . . . .	HB 139	703	1072
<b>Health insurance;</b> revises definition of small employers to include self-employed persons. (Patron—Deeds) . . . . .	SB 672	782	1218
<b>State Corporation Commission;</b> group health insurance policies issued outside the Commonwealth. (Patron—Keam) . . . . .	HB 396	256	447
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<b>HealthWorks;</b> commemorating its fifth anniversary. (Patron—Boysko) . . . . .	HJR 554		1680
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<b>Heart of Appalachia Tourism Authority;</b> commemorating its 25th anniversary. Patron—Morefield . . . . .	HJR 257		1522
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<b>Opioids</b> ; location of clinics for treatment of addiction in Henrico County or City of Richmond, conditions of initial licensure when facility is located within one-half mile of a public or private licensed day care center or public or private K-12 school, etc. (Patron—Dunnivant) .....	SB 329	187	318
<b>White Oak Technology Park</b> ; Department of Conservation and Recreation to convey certain property to Economic Development Authority of Henrico County. (Patron—McClellan) .....	SB 353	739	1130
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<b>Henricus Colledge (1619)®</b> ; commemorating the 25th anniversary of its revival. (Patron—Pogge) .....	HJR 530		1667
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<b>Hess, Helen Burch</b> ; commending. (Patron—Jones, J.C.) .....	HJR 516		1659
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<b>Hettrick, George H.</b> ; commending. (Patron—McClellan) .....	SJR 146		1886
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<b>Hidden Valley High School app team</b> ; commending. (Patron—Habeeb) .....	HR 47		1722
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<b>Career and technical education and diplomas</b> ; Board of Education shall make recommendations on strategies to eliminate stigma associated with high school pathways and consolidation of standard and advanced diplomas. (Patron—Davis) . . .	HB 1530	517	811
<b>Career and technical education credentials</b> ; each local school board shall develop and implement policies to require each high school principal or his designee to notify each English language learner of availability of testing accommodations prior to any student's participation in any certification, etc. (Patron—Carroll Foy) .....	HB 442	139	255
<b>Election day page program</b> ; local electoral board, or its general registrar, may conduct a program for high school students in one or more polling places. (Patron—Ebbin) . .	SB 589	700	1068
<b>Family life education</b> ; curriculum offered in any elementary, middle, or high school shall incorporate age-appropriate elements of effective and evidence-based programs on importance of personal privacy and personal boundaries. (Patron—Filler-Corn) . .	HB 45	383	652
<b>High school equivalency programs</b> ; extends eligibility to individuals who are at least 16 years of age. (Patron—O'Quinn) .....	HB 803	717	1108
<b>High school graduation requirements</b> ; Board of Education to permit students to exceed full course load in order to participate in courses offered by higher educational institutions, etc. (Patron—Yancey) .....	HB 329	512	807
<b>High school graduation requirements</b> ; substitution of computer coding credit for any foreign language course credit, English language learner who earned a sufficient score on an Advanced Placement or International Baccalaureate foreign language examination or a SAT II Subject Test in a foreign language to substitute credit. (Patron—Carroll Foy) .....	HB 443	716	1106
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**HIGH SCHOOLS - Continued**

**Teacher licensure;** regulations governing, alternate routes shall include eligibility for any individual to receive a renewable one-year license to teach in public high schools. (Patron–Knight) . . . . . HB 215 711 1101

**HIGHER EDUCATION**

**Hemp, industrial;** Commissioner of Agriculture and Consumer Services to undertake research through the establishment of a higher education research program, etc., Commissioner may establish a registration program, including establishment of fees not to exceed \$50, report, repeals provision pertaining to industrial hemp research program.

Patron–Freitas . . . . . HB 532 689 1037  
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**High school graduation requirements;** Board of Education to permit students to exceed full course load in order to participate in courses offered by higher educational institutions, etc. (Patron–Yancey) . . . . . HB 329 512 807

**Higher Education for Virginia, State Council of;** longitudinal data to be disaggregated by degree program and level. (Patron–Landes) . . . . . HB 347 387 653

**Higher Education for Virginia, State Council of, and Eastern Virginia Medical School Board of Visitors;** nonlegislative citizen members shall continue to hold office until their successors have been appointed and qualified. (Patron–McDougle) SB 411 202 349

**Higher Education Substance Use Advisory Committee, Virginia Institutions of;** Board of Directors of Virginia Alcoholic Beverage Control Authority shall establish and appoint members, goal of Committee shall be to develop and update statewide strategic plan for substance use education, prevention, and intervention at Virginia's public and private higher educational institutions.

Patron–Peace . . . . . HB 852 211 360  
Patron–Favola . . . . . SB 120 210 359

**Higher educational institution, public;** activation of its crisis and emergency management plan and completion of an after-action report by an institution in response to an actual event or incident, annual exercise.

Patron–Bulova . . . . . HB 1430 201 348  
Patron–Lewis . . . . . SB 931 714 1105

**Higher educational institutions, public;** constitutionally protected speech, institution shall develop materials on policies and reports, repeals provision referencing speech on campus. (Patron–Landes) . . . . . HB 344 751 1157

**Higher educational institutions, public;** federal student loan information. (Patron–Obenshain) . . . . . SB 568 589 915

**Higher educational institutions, public;** governing board of each institution shall implement guidelines for adoption and use of low-cost and no-cost open educational resources in courses offered, such guidelines may include provisions for low-cost commercially published materials. (Patron–Filler–Corn) . . . . . HB 454 752 1158

**Higher educational institutions, public;** guaranteed admissions agreements. (Patron–Sturtevant) . . . . . SB 747 593 918

**Higher educational institutions, public;** loans to students, collection of past due payments. (Patron–Yancey) . . . . . HB 165 786 1225

**Higher educational institutions, public;** six-year plans submitted by governing board, report. (Patron–Landes) . . . . . HB 897 487 768

**Higher educational institutions, public and private;** diplomas, proof of education. (Patron–Davis) . . . . . HB 589 515 810

**Virginia Debt Collection Act;** public higher educational institutions, payment of student debt. (Patron–Simon) . . . . . HB 339 386 653

**HIGHLAND SPRINGS HIGH SCHOOL**

**Highland Springs High School football team;** commending. (Patron–Bagby) . . . . . HJR 208 1496

**HIGHWAYS AND OTHER SURFACE TRANSPORTATION SYSTEMS**

**American Legion Bridge;** Department of Transportation shall begin the initial design and related assessments for remediating at earliest time possible once necessary decisions have been made by State of Maryland, report. (Patron–Murphy) . . . . . HB 662 738 1130

**HIGHWAYS AND OTHER SURFACE TRANSPORTATION SYSTEMS - Continued**

<b>Commercial rest areas;</b> prohibits a private entity from operating for commercial purposes without prior approval of General Assembly, provisions shall not apply to or prohibit any program or contract authorized as of July 1, 2018. Patron—Ingram . . . . .	HB	1522	350	611
Patron—Ruff . . . . .	SB	905	351	612
<b>Delegate Lacey E. Putney Memorial Highway;</b> designating a portion of U.S. Route 221 between corporate limits of Town of Bedford and corporate limits of City of Lynchburg. Patron—Byron . . . . .	HB	1007	8	7
Patron—Newman . . . . .	SB	363	235	410
<b>Eminent domain proceedings;</b> distribution of funds to owner or owner's attorney. (Patron—Petersen) . . . . .	SB	278	842	1360
<b>Golf carts and utility vehicles on public highways;</b> authorizes use to cross a one-lane or two-lane highway from one portion of a venue hosting an equine event to another portion, etc. (Patron—Webert) . . . . .	HB	114	112	223
<b>Handheld personal communications devices;</b> prohibits use in highway work zones, mandatory fine is \$250, clarification of definition of "highway work zone." (Patron—Yancey) . . . . .	HB	1525	606	939
<b>Highways, certain;</b> increases to 60 miles per hour maximum speed limit on State Route 3 between corporate limits of Town of Warsaw and unincorporated area of Emmerton. (Patron—Ransone) . . . . .	HB	684	345	608
<b>Human trafficking;</b> posting hotline information, posting notices at all rest areas along Interstate System highways, civil penalty. (Patron—Dunnivant) . . . . .	SB	725	571	895
<b>Interstate 81;</b> Commonwealth Transportation Board to study financing options for corridor improvements, Board shall assess potential economic impacts on Virginia agriculture, manufacturing, and logistics sector companies utilizing corridor from tolling only heavy trucks, etc., report. (Patron—Obenshain) . . . . .	SB	971	743	1135
<b>Local transportation plan;</b> Northern Virginia Transportation Authority, commercial and industrial real property tax revenue, and secondary system road construction program allocation, undergrounding utilities. (Patron—Surovell) . . . . .	SB	622	796	1245
<b>Military surplus motor vehicles;</b> registration and operation on highways, penalty. (Patron—Yancey) . . . . .	HB	1323	555	862
<b>Off-road recreational vehicles;</b> increases highway speed limit wherein local government is embraced by the Southwest Regional Recreation Authority. (Patron—Carrico) . . . . .	SB	496	364	625
<b>Outdoor advertising;</b> signs that are related to public safety, provide directional information, or provide public information may be situated or installed in highway rights-of-way. (Patron—Carrico) . . . . .	SB	995	794	1235
<b>Overweight permits;</b> vehicles for hauling Virginia-grown farm produce over bridges and culverts, any five-axle combination having no less than 42 feet of axle space between extreme axles may have a gross weight of no more than 90,000 pounds. Patron—Knight . . . . .	HB	214	501	785
Patron—Cosgrove . . . . .	SB	73	612	944
<b>Purple Heart State;</b> Department of Transportation shall place and maintain signs along certain highways reflecting 2016 designation by General Assembly. (Patron—Norment) . . . . .	SB	847	366	626
<b>Reformulated gasoline program;</b> exemption for sale of conventional gasoline within portion of City of Hopewell that is located west of Interstate 295. (Patron—Ingram) . . . . .	HB	1521	605	938
<b>Secondary highways;</b> Albemarle County added to list of counties that may, by ordinance, regulate parking. Patron—Landes . . . . .	HB	776	13	13
Patron—Deeds . . . . .	SB	679	90	182
<b>Sgt. Lawrence G. Sprader, Jr., Memorial Bridge;</b> designating as the bridge on Middle Road over Interstate 295 in Prince George County. (Patron—Brewer) . . . . .	HB	1159	121	229
<b>Signs or advertisements;</b> provisions pertaining to Interstate System highway and advertising activities. Patron—Ingram . . . . .	HB	1523	352	612
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**HIGHWAYS AND OTHER SURFACE TRANSPORTATION SYSTEMS - Continued**

<b>Speed limits;</b> increases to 60 miles per hour maximum speed on U.S. Route 301, entirety of U.S. Route 17, and State Routes 3 and 207.			
Patron—Thomas .....	HB	73	340 605
Patron—Reeves .....	SB	466	160 284
<b>Statewide dig once policy;</b> Secretary of Commerce and Trade to request Center for Innovation Technology to study feasibility of a policy, including installation of conduits with bridge and tunnel construction projects. (Patron—Boysko) .....			
	HJR	77	1448
<b>Traffic signs;</b> upon request by any person with disabilities, Department of Transportation shall post and maintain signs informing drivers that a person with a disability may be present in or around roadway. (Patron—Bell, Robert B.) .....			
	HB	505	432 701
<b>Transportation, Department of;</b> electronic toll collection device fees or exchange. (Patron—McPike) .....			
	SB	643	629 959
<b>Transportation, Department of;</b> work group to identify implications of Commonwealth's participation in a federal data collection pilot program or project involving six-axle truck semitrailer combinations and utilizing interstate highways, Department shall consult relevant stakeholders, report.			
Patron—Garrett .....	HB	1276	553 862
Patron—Carrico .....	SB	504	554 862
<b>Transportation processes in the Commonwealth;</b> responsibilities of transportation entities, responsibilities of Office of Intermodal Planning and Investment of the Secretary of Transportation, funding, report. (Patron—Jones, S.C.) .....			
	HB	765	828 1308
<b>Transportation project selection in Northern Virginia;</b> transparency in selection, joint public meeting. (Patron—LaRock) .....			
	HB	1285	640 972
<b>Trooper Michael Walter Memorial Highway;</b> designating as portion of Virginia Route 13 in Powhatan County between Virginia Route 1002 (Emmanuel Church Road) and Cumberland County. (Patron—Ware) .....			
	HB	1395	348 609
<b>Trooper Pilot Berke Bates Bridge;</b> designating as the bridge on Route 612 (Airport Road) over Interstate 64 at mile marker 209 in New Kent County.			
Patron—Norment .....	SB	941	163 285
<b>U.S. Route 501;</b> increases maximum speed limit between Town of South Boston and North Carolina state line. (Patron—Edmunds) .....			
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<b>Value engineering;</b> projects that have an estimated construction cost of more than \$15 million.			
Patron—Bell, John J. ....	HB	134	423 691
Patron—Black .....	SB	125	290 493
<b>William Preston Memorial Highway;</b> designating a portion of U.S. Route 220 in Botetourt County between Town of Fincastle and intersection of State Route 675. (Patron—Austin) .....			
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<b>Hill, Glendell;</b> commending. (Patron—Guzman) .....			
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<b>HILTON VILLAGE</b>			
<b>Hilton Village;</b> commemorating its 100th anniversary. (Patron—Mason) .....			
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<b>HIRSCH, MICHAEL</b>			
<b>Hirsch, Michael;</b> commending. (Patron—Freitas) .....			
	HJR	305	1548
<b>HISTORIC AREAS, LANDMARKS, AND MONUMENTS</b>			
<b>Battlefield easements;</b> Secretary of Natural Resources shall endeavor to enter into a memorandum of understanding, etc., with United States to accomplish and expedite transfer of Commonwealth's interests in lands located within boundaries of federal battlefield parks.			
Patron—Ware .....	HB	61	111 222
Patron—Dance .....	SB	450	622 953
<b>Historical African American cemeteries;</b> adds Daughters of Zion Cemetery in Charlottesville to list. (Patron—Toscano) .....			
	HB	360	428 696
<b>Historical African American cemeteries;</b> owners and localities receiving funds, owners of cemeteries shall reasonably cooperate with a qualified organization, etc. (Patron—McQuinn) .....			
	HB	284	818 1289
<b>Historical African American cemeteries and graves;</b> adds African-American Burial Ground for the Enslaved at Belmont in Loudoun County to list. (Patron—Wexton) ..			
	SB	163	614 945

**HISTORIC AREAS, LANDMARKS, AND MONUMENTS - Continued**

<b>Historical African American cemeteries and graves;</b> adds Mt. Calvary Cemetery in City of Portsmouth to list.				
Patron—James .....	HB	527	433	702
Patron—Locke .....	SB	198	434	702
<b>Revolutionary War cemeteries and graves;</b> Director of Department of Historic Resources shall disburse funds to Virginia Society of the Sons of the American Revolution (VASSAR) for maintenance of no more than 6,000 additional Revolutionary War graves set forth on a list submitted annually. (Patron—Stanley) ..				
	SB	177	641	972
<b>Revolutionary War cemeteries and graves;</b> Director shall disburse appropriated sums to Virginia Society of the Sons of the American Revolution (VASSAR) for maintenance of no more than 4,050 graves set forth on a list submitted annually. (Patron—Habeeb) .....				
	HB	153	639	969
<b>Solar facilities;</b> property owner may install a facility on roof of a dwelling or other building to serve electricity or thermal needs of that dwelling or building, etc., provided installation is in compliance with provisions pertaining to any local historic, architectural preservation, or corridor protection district, regulation of ground-mounted solar facilities in provisions of a zoning ordinance.				
Patron—Hodges .....	HB	508	495	773
Patron—Stanley .....	SB	429	496	775
<b>Transient occupancy tax;</b> eligible historic lodging properties. (Patron—Hanger) .....	SB	547	626	955
<b>Virginia Women's Monument;</b> Clerk of Senate, Clerk of Virginia House of Delegates, and Secretary of Administration or her designee to coordinate dedication of Monument, reconstituting Virginia Women's Monument Commission. (Patron—McDougle) .....				
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<b>Yorktown Victory Center;</b> renamed the American Revolution Museum at Yorktown. (Patron—Ware) .....				
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**HISTORIC TRIANGLE COVENANT**

<b>Historic Triangle Covenant;</b> commending. (Patron—Mullin) .....	HJR	399		1599
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**HIX, R. DAN**

<b>Hix, R. Dan;</b> commending.				
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Patron—Norment .....	SJR	112		1868

**HODGES, WILLIAM STEPHEN**

<b>Hodges, William Stephen;</b> recording sorrow upon death. (Patron—Deeds) .....	SJR	102		1862
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**HOGAN, LAURA**

<b>Hogan, Laura;</b> commending. (Patron—Pogge) .....	HJR	140		1461
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**HOLIDAYS, SPECIAL DAYS, ETC.**

<b>Bleeding Disorders Awareness Month;</b> designating as March 2019, and each succeeding year thereafter. (Patron—Adams, D.M.) .....				
	HJR	16		1431
<b>Celebrate Transportation Day;</b> designating as Thursday before Memorial Day in 2019, and each succeeding year thereafter. (Patron—Head) .....				
	HJR	59		1444
<b>Drug-free Pain Management Awareness Month;</b> designating as September 2018, and each succeeding year thereafter. (Patron—Hugo) .....				
	HJR	114		1454
<b>Electrical Safety Month;</b> designating as May 2018, and each succeeding year thereafter. (Patron—Hope) .....				
	HJR	178		1480
<b>Endometriosis Awareness Month;</b> designating as March 2018, and each succeeding year thereafter. (Patron—Keam) .....				
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<b>Fall Prevention Awareness Week;</b> designating as third full week of September 2018, and each succeeding year thereafter.				
Patron—Delaney .....	HJR	81		1450
Patron—Ebbin .....	SJR	47		1833
<b>General Casimir Pulaski Day;</b> designating as October 11, 2018, and each succeeding year thereafter. (Patron—Rush) .....				
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<b>General Thaddeus Kosciuszko Day;</b> designating as October 15, 2018, and each succeeding year thereafter.				
Patron—Freitas .....	HJR	64		1446
Patron—Reeves .....	SJR	63		1834
<b>I am my brother and sister's keeper Day;</b> designating as Friday after Thanksgiving, in 2018, and each succeeding year thereafter. (Patron—McQuinn) .....				
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<b>National Beer Day</b> ; designating as April 7, 2019, and each succeeding year thereafter. (Patron—Robinson) . . . . .	HJR 90		1451
<b>Pollinator Awareness Week</b> ; designating as last full week of June 2019, and each succeeding year thereafter. (Patron—Guzman) . . . . .	HJR 95		1452
<b>Recovery Sunday</b> ; designating as third Sunday of September 2018, and each succeeding year thereafter. (Patron—Hodges) . . . . .	HJR 142		1461
<b>Sorensen Day</b> ; designating as February 13, 2018. (Patron—Keam) . . . . .	HJR 144		1462
<b>Tamil New Year Day</b> ; designating as April 14, 2019, and each succeeding year thereafter. (Patron—Bulova) . . . . .	HJR 131		1457
<b>Victims of Communism Memorial Day</b> ; designating as November 7, 2018, and each succeeding year thereafter. (Patron—Cole) . . . . .	HJR 30		1435
<b>Women Veterans Week</b> ; designating as third full week of March 2018, and each succeeding year thereafter.			
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<b>Holland, Jo-Ann Dotson</b> ; recording sorrow upon death. (Patron—Hope) . . . . .	HJR 340		1567
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<b>Hollandsworth, Paul F., Jr.</b> ; recording sorrow upon death. (Patron—DeSteph) . . . . .	SJR 245		1945
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<b>Roanoke Higher Education Authority</b> ; board of trustees, removes presidents of Hollins University and Roanoke College and adds president of Virginia Commonwealth University. (Patron—Edwards) . . . . .	SB 295	140	257
<b>HOLMES, HOWARD MARK</b>			
<b>Holmes, Howard Mark</b> ; recording sorrow upon death. (Patron—Freitas) . . . . .	HR 150		1773
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<b>Holmes, Jack</b> ; commending. (Patron—Adams, L.R.) . . . . .	HJR 454		1629
<b>HOME SCHOOL EDUCATION</b>			
<b>Home instruction of children</b> ; requirements, education options. (Patron—Pogge) . . . . .	HB 1370	516	810
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<b>Hope, Lionel Reginald</b> ; recording sorrow upon death. (Patron—Ebbin) . . . . .	SJR 237		1940
<b>HOPEWELL, CITY OF</b>			
<b>Reformulated gasoline program</b> ; exemption for sale of conventional gasoline within portion of City of Hopewell that is located west of Interstate 295. (Patron—Ingram) . . . . .	HB 1521	605	938
<b>HOPEWELL HIGH SCHOOL</b>			
<b>Hopewell High School football team</b> ; commending.			
Patron—Ingram . . . . .	HJR 167		1474
Patron—Dance . . . . .	SJR 106		1864
<b>Hopewell High School girls' basketball team</b> ; commending. (Patron—Dance) . . . . .	SJR 231		1937
<b>HOPSON, DONALD HAYS</b>			
<b>Hopson, Donald Hays</b> ; commending. (Patron—Obenshain) . . . . .	SJR 223		1933
<b>HORSE RACING</b>			
<b>Horse racing and pari-mutuel wagering</b> ; definition of "historical horse racing," percentage of pari-mutuel pools to be distributed. (Patron—Webert) . . . . .	HB 1609	811	1281
<b>HOSPICES</b>			
<b>Death certificates</b> ; in cases in which a death occurs under care of a hospice provider, the medical certification shall be completed by the decedent's health care provider or physician licensed in another state who was in charge of patient's care for illness or condition that resulted in death, filed electronically with State Registrar of Vital Records using the Electronic Death Registration System.			
Patron—Wilt . . . . .	HB 1158	207	355
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<b>Home hospice programs</b> ; hospice shall develop policies and procedures for disposal of drugs dispensed as part of plan of care. (Patron—Hodges) . . . . .	HB 501	95	186
<b>HOSPITALS AND HOSPITALIZATION</b>			
<b>Air medical transportation</b> ; hospital to establish protocol, written or electronic notice to patient, Office of Emergency Medical Services shall develop a mechanism to			

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disclose to patient a good faith estimate of range of typical charges for out of network transport services.

Patron—Ransone .....	HB	778	271	466
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**Hospital licenses, certain;** license issued to an acute care hospital located in Patrick County that was valid on September 1, 2017, and remained valid on December 31, 2017, despite the closure of such hospital, shall continue to remain valid until December 31, 2018.

Patron—Poindexter .....	HB	175	1	1
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**Hospitals;** emergency department to establish protocols to ensure security personnel receive training appropriate to populations served which may include training based on a trauma-informed approach in identifying and safely addressing situations involving patients or other persons who pose a risk of harm to themselves or others due to mental illness or substance abuse. (Patron—Boysko) .....

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**Hospitals and nursing homes;** frequency of inspections. (Patron—Orrock) .....

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**Persons acquitted by reason of insanity;** person may, based upon determination of Commissioner of Behavioral Health and Developmental Services, be evaluated on an outpatient basis or confined to a hospital, if court does not authorize an outpatient evaluation, the acquttee shall be confined in a hospital for evaluation. (Patron—Hope) .....

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**Stroke centers, certified;** expands list of designations for hospitals included in regional stroke triage plans.

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**Virginia Antitrust Act;** removes exemption for certain activities for nonprofit hospitals. (Patron—Wagner) .....

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**HOTELS, RESTAURANTS, SUMMER CAMPS, AND CAMPGROUNDS**

**Bed-and-breakfast operations;** definition of restaurant, exemption from certain provisions applicable to restaurants. (Patron—Freitas) .....

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**Broker's licenses;** bed and breakfast establishments, broker service is provided only to guests. (Patron—Freitas) .....

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**Landlord and tenant law;** transient lodging as primary residence for fewer than 90 consecutive days, self-help eviction.

Patron—Hayes .....	HB	1227	50	103
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**Rabbits;** raising and processing for sale, exemption from certain inspections. (Patron—Reeves) .....

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**Transient occupancy tax;** eligible historic lodging properties. (Patron—Hanger) .....

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**HOUSING**

**Housing;** installation and maintenance of smoke and carbon monoxide alarms in rental property, smoke alarms shall be permitted to be either battery operated or AC powered.

Patron—Carr .....	HB	609	41	81
Patron—Barker .....	SB	391	81	165

**Manufactured Home Lot Rental Act;** reduces from 10 to five or more number of manufactured homes required on a parcel of land under single or common ownership for purposes of being subject to Act. (Patron—Torian) .....

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**Uniform Statewide Building Code;** administration and enforcement, agreements for assistance between localities. (Patron—Peace) .....

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**Uniform Statewide Building Code;** security of certain records.

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**Hovis, Mary Ann;** recording sorrow upon death.

Patron—Murphy .....	HR	6		1693
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<b>Hoysa, Jennifer;</b> commending. (Patron—Webert)	HJR	199	1491	
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<b>Hudgins, William A.;</b> commending. (Patron—Mason)	SJR	220	1931	
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<b>Admission to bail;</b> human trafficking, prostitution, etc., added to list of crimes for which there is a rebuttable presumption. (Patron—Mullin)	HB	1260	71	155
<b>Human trafficking;</b> posting hotline information, posting notices at all rest areas along Interstate System highways, civil penalty. (Patron—Dunnavant)	SB	725	571	895
<b>HUMELSINE, MARY SPEAKE</b>				
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<b>Dogs;</b> licensed hunter may track a wounded bear, turkey, or deer with certain weapon. (Patron—Byron)	HB	995	447	713
<b>Hunting;</b> disabled hunter exempt from local tree stand requirement, exemption shall apply only to a hunter whose permanent disability is based on a physical impairment or deformity. (Patron—Edmunds)	HB	1328	836	1334
<b>Hunting apparel;</b> hunting from an enclosed ground blind, displaying solid blaze orange or solid blaze pink on blind. (Patron—Edmunds)	HB	564	151	270
<b>Hunting with the assistance of dogs;</b> provision that prohibits hunting or killing of any wild bird, etc., on Sunday shall not apply to any person who hunts or kills raccoons.				
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<b>INCOME TAX</b>				
<b>Income tax, corporate and state;</b> modification for certain companies, grants for certain corporations, apportionment, report.				
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<b>Income tax return;</b> income tax return preparer, preparers to notify Department of Taxation within a reasonable time period if they discover that an unauthorized person has accessed a taxpayer's return information.				
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<b>Saltwater recreational fishing license;</b> member of an American Indian tribe exempt. (Patron—Peace) . . . . .	HB 853	118	228
<b>INFANTS</b>			
<b>Newborn screening;</b> Board of Health shall amend regulations governing screening to include screening for Pompe disease and mucopolysaccharidosis type I (MPS-1). Patron—Pillion . . . . .	HB 1174	562	880
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<b>Substance-exposed infants;</b> plan for services, report. Patron—Pillion . . . . .	HB 1157	695	1065
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<b>INFRASTRUCTURE</b>			
<b>Comprehensive plan, locality's;</b> plan shall consider strategies to provide broadband infrastructure that is sufficient to meet current and future needs of residents and businesses, local planning commissions may consult with and receive technical assistance from the Center for Innovative Technology. (Patron—Boysko) . . . . .	HB 640	691	1060
<b>Wireless communications infrastructure;</b> establishes parameters regarding applications for zoning approvals for certain wireless support structures, upon request, locality shall provide applicant with cost basis for fee, application reviews, report, development of plan for expanding access to wireless services in unserved and underserved areas. Patron—Kilgore . . . . .	HB 1258	835	1330
Patron—McDougle . . . . .	SB 405	844	1361
<b>INMATES</b>			
<b>Feminine hygiene products;</b> State Board of Corrections shall adopt and implement a policy and procedure to ensure provision of products at no cost to female prisoners or inmates. (Patron—Kory) . . . . .	HB 83	815	1287
<b>Temporary detention orders;</b> authorizes deputy sheriffs and jail officers employed by a local correctional facility to execute orders issued for inmates of the facility. (Patron—Rush) . . . . .	HB 364	144	263
<b>INSANITY</b>			
<b>Persons acquitted by reason of insanity;</b> court shall order that any person acquitted and committed to hospitalization who is sentenced to incarceration for any other offense in same proceeding complete any sentence, etc. (Patron—Bell, Robert B.) . .	HB 1193	768	1184
<b>Persons acquitted by reason of insanity;</b> person may, based upon determination of Commissioner of Behavioral Health and Developmental Services, be evaluated on an outpatient basis or confined to a hospital, if court does not authorize an outpatient evaluation, the acquittee shall be confined in a hospital for evaluation. (Patron—Hope) . . . . .	HB 53	16	15
<b>INSPECTIONS, MOTOR VEHICLE</b>			
<b>Inspection stations;</b> removes requirements that any station that accepts prescheduled appointments shall have two or more inspection lanes and leave one reserved for first-come, first-served inspections. (Patron—Bloxom) . . . . .	HB 581	400	664
<b>Inspections prior to sale;</b> exempts from requirement that motor vehicles be inspected prior to retail sale transactions, a motor vehicle that is sold on basis of a special order			

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placed with a dealer or manufacturer outside the Commonwealth by a dealer, or new motor vehicle that has been previously inspected and displays a valid Virginia sticker.

Patron—Marshall .....	HB	627	27	61
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<b>Safety inspection stickers; placement on motorcycles. (Patron—Rush) .....</b>	HB	1499	333	586
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**INSTITUTIONS OF HIGHER EDUCATION; OTHER EDUCATIONAL AND CULTURAL INSTITUTIONS**

**American Sign Language, instruction in;** requires any local school board that does not offer an elective course to grant academic credit for successful completion of course offered by a comprehensive community college or a multidivision online provider approved by the Board on same basis as successful completion of a foreign language. (Patron—Bell, Richard P.) .....

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**Commonwealth of Virginia Institutions of Higher Education Bond Act of 2018;** created.

Patron—Jones, S.C. ....	HB	766	285	489
Patron—Hanger .....	SB	232	358	618

**Contractors, Board for;** exemption from licensure any person who is performing work directly under supervision of a licensed contractor and is a student in good standing and enrolled in a public or private institution of higher education, etc. (Patron—DeSteph) .....

SB	569	767	1183
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**Dual enrollment courses;** State Board for Community Colleges, et al., shall develop and implement a plan to achieve and maintain same standards regarding quality, consistency, and level of evaluation and review for courses offered by local school divisions, etc. (Patron—Landes) .....

HB	3	787	1226
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**Education preparation programs;** reading specialists, program of coursework and other training in identification and teaching technique for students with dyslexia or a related disorder.

Patron—Cline .....	HB	1265	282	488
Patron—Newman .....	SB	368	588	914

**Electric vehicle charging stations;** authorizes any locality or public institution of higher education, or Department of Conservation and Recreation, to locate and operate a retail fee-based electric vehicle charging station on property such entity owns or leases.

Patron—Bulova .....	HB	922	446	712
Patron—McClellan .....	SB	908	295	500

**Hampton University;** commemorating its 150th anniversary.

Patron—Yancey .....	HR	138		1766
Patron—Locke .....	SR	53		1973

**Hemp, industrial;** Commissioner of Agriculture and Consumer Services to undertake research through the establishment of a higher education research program, etc., Commissioner may establish a registration program, including establishment of fees not to exceed \$50, report, repeals provision pertaining to industrial hemp research program.

Patron—Freitas .....	HB	532	689	1037
Patron—Dance .....	SB	247	690	1049

**High school graduation requirements;** Board of Education to permit students to exceed full course load in order to participate in courses offered by higher educational institutions, etc. (Patron—Yancey) .....

HB	329	512	807
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**Higher Education for Virginia, State Council of;** longitudinal data to be disaggregated by degree program and level. (Patron—Landes) .....

HB	347	387	653
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**Higher Education for Virginia, State Council of, and Eastern Virginia Medical School Board of Visitors;** nonlegislative citizen members shall continue to hold office until their successors have been appointed and qualified. (Patron—McDougle)

SB	411	202	349
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**Higher Education Substance Use Advisory Committee, Virginia Institutions of;** Board of Directors of Virginia Alcoholic Beverage Control Authority shall establish and appoint members, goal of Committee shall be to develop and update statewide strategic plan for substance use education, prevention, and intervention at Virginia's public and private higher educational institutions.

Patron—Peace .....	HB	852	211	360
Patron—Favola .....	SB	120	210	359

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<b>Higher educational institution, public;</b> activation of its crisis and emergency management plan and completion of an after-action report by an institution in response to an actual event or incident, annual exercise.				
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<b>Higher educational institutions, public;</b> constitutionally protected speech, institution shall develop materials on policies and reports, repeals provision referencing speech on campus. (Patron—Landes) .....	HB	344	751	1157
<b>Higher educational institutions, public;</b> federal student loan information. (Patron—Obenshain) .....	SB	568	589	915
<b>Higher educational institutions, public;</b> governing board of each institution shall implement guidelines for adoption and use of low-cost and no-cost open educational resources in courses offered, such guidelines may include provisions for low-cost commercially published materials. (Patron—Filler-Corn) .....	HB	454	752	1158
<b>Higher educational institutions, public;</b> guaranteed admissions agreements. (Patron—Sturtevant) .....	SB	747	593	918
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<b>Higher educational institutions, public;</b> six-year plans submitted by governing board, report. (Patron—Landes) .....	HB	897	487	768
<b>Higher educational institutions, public and private;</b> diplomas, proof of education. (Patron—Davis) .....	HB	589	515	810
<b>Insurance agents;</b> continuing education requirements. (Patron—Wagner) .....	SB	853	668	1012
<b>Liberty University School of Aeronautics;</b> commending. (Patron—Newman) .....	SJR	79		1848
<b>Mortuary science education;</b> practical experience required in areas of funeral service and embalming prior to graduation from such program. (Patron—Spruill) .....	SB	143	186	318
<b>New College Institute;</b> powers and duties of board of directors. (Patron—Stanley) .....	SB	227	754	1159
<b>New River Valley Emergency Communications Regional Authority;</b> annual contribution, Board shall have full authority to develop and adopt a formula for allocating to participating political subdivisions responsibility to pay for annual budget.				
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<b>Old Dominion University;</b> rector, vice-rector, and secretary of board of visitors shall assume their duties on July 1 of year they are elected. (Patron—Lewis) .....	SB	932	715	1105
<b>Online Virginia Network Authority;</b> adds Chancellor of Virginia Community College System or his designee and one nonlegislative citizen member to members of Board of Trustees.				
Patron—Rush .....	HB	1181	199	345
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<b>Patrick Henry College moot court team;</b> commending. (Patron—LaRock) .....	HJR	538		1671
<b>Qualified Education Loan Ombudsman, Office of the;</b> established, report.				
Patron—Price .....	HB	1138	489	769
Patron—Howell .....	SB	394	755	1160
<b>Radford University men's basketball team;</b> commending. (Patron—Hurst) .....	HR	196		1792
<b>Real Estate Board;</b> continued education requirements, powers and duties, establishes notice provisions and required procedures to be followed in case of escrow funds held by a real estate broker in event of termination of a real estate purchase contract.				
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<b>Roanoke Higher Education Authority;</b> board of trustees, removes presidents of Hollins University and Roanoke College and adds president of Virginia Commonwealth University. (Patron—Edwards) .....	SB	295	140	257
<b>Scholastic records;</b> directory information, no school shall disclose student's address, telephone listing, etc., unless parent or eligible student has affirmatively consented in writing to such disclosure. (Patron—Wilt) .....	HB	1	806	1272
<b>Sorensen Day;</b> designating as February 13, 2018. (Patron—Keam) .....	HJR	144		1462
<b>State-run retirement savings plan;</b> Christopher Newport University to study feasibility and merits of a plan for Virginia employers and their employees who do not have access to an employer-provided retirement savings plan. (Patron—Torian) .....	HJR	103		1454

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<b>University of Mary Washington men's soccer team; commending.</b> (Patron—Thomas)	HJR	187	1485
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<b>Accident and sickness insurance; premium rate filings for certain health benefit plans include description of agent commissions and any limitations or exceptions.</b>			
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<b>Carrier business practices; contracts with pharmacies and pharmacists, amount charged to an enrollee for covered prescription drugs.</b>			
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<b>Group accident and sickness insurance policies; eligibility for continuation of coverage after termination.</b> (Patron—Jones, J.C.) .....	HB	1368	471 741
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<b>Pension de-risking</b> ; transfer of retirement annuity contracts, subject to approval of Commissioner, on or after July 1, 2018, no retirement annuity contract shall be transferred to or assumed by another insurer, exception, protection from creditor's claims. (Patron—Sturtevant) . . . . .	SB	755	847	1373
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<b>Surplus lines insurance</b> ; establishes criteria for licensing by State Corporation Commission of domestic surplus line insurers. (Patron—Obenshain) . . . . .	SB	542	205	352
<b>Virginia Life, Accident and Sickness Insurance Guaranty Association</b> ; assessments for long-term care insurance, if member insurer collects excess surcharges, insurer shall remit excess amount to Association, etc., repeals provisions relating to rehabilitation, liquidation, or conservation of a health maintenance organization and insolvency deposit assessment. (Patron—Kilgore) . . . . .	HB	1486	706	1079
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**LeBeau, Madeleine;** commending. (Patron—Delaney) .....

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**LECHLER, WILLIAM MERVIN**

**Lechler, William Mervin;** recording sorrow upon death. (Patron—DeSteph) .....

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**LEE COUNTY**

**Hydroelectric plant;** Counties of Buchanan, Dickenson, Lee, Russell, Scott, Tazewell, and Wise and City of Norton shall enter into a revenue sharing agreement, host locality's revenue shall be distributed to other localities on basis of certain formula.

Patron—Pillion .....	HB 1555	232	406
Patron—Chafin .....	SB 780	206	354

**LEE, GERALD BRUCE**

**Lee, Gerald Bruce;** commending. (Patron—Surovell) .....

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**LEINER, HELEN**

**Leiner, Helen;** commending. (Patron—Surovell) .....

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**LETTER CARRIERS' STAMP OUT HUNGER FOOD DRIVE**

**Letter Carriers' Stamp Out Hunger Food Drive;** commending. (Patron—Boysko) ..

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**LEXINGTON, CITY OF**

**Short-term rentals;** local ordinances concerning regulation of rentals in Cities of Lexington and Virginia Beach, rentals located in Sandbridge Special Service District. (Patron—Knight) .....

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**LIBERTY UNIVERSITY SCHOOL OF AERONAUTICS**

**Liberty University School of Aeronautics;** commending. (Patron—Newman) . . . . . SJR 79 1848

**LIBRARIES**

**Libraries, local and regional;** Caroline County added to list of localities that are not required to establish a library board.

Patron—Fowler . . . . . HB 62 213 361

Patron—McDougle . . . . . SB 396 177 308

**Virginia Public Records Act;** records retained in electronic medium. (Patron—Cole) . . . . . HB 228 252 445

**LICENSE PLATES AND REGISTRATION**

**Fleet vehicles;** DMV may issue to fleet logistics providers a temporary registration for certain vehicles, Department is authorized to charge a reasonable fee for registration. (Patron—Black) . . . . . SB 84 355 616

**Friends of the Blue Ridge Parkway, Inc.;** funds received as a result of its special revenue-sharing license plate fees may be used to support the group's operation and programs in Virginia. (Patron—Edwards) . . . . . SB 792 631 959

**License plates, special;** emergency medical services agencies, volunteer emergency medical services agency auxiliaries, or professional or volunteer fire department auxiliaries shall notify Commissioner of Department of Motor Vehicles within 30 days of separation of any member from such agency or agency auxiliary, or fire department. (Patron—Hanger) . . . . . SB 947 635 962

**License plates, special;** issuance for members and supporters of Virginia Future Farmers of America (FFA) Foundation bearing legend WE ARE THE BIRTHPLACE OF THE FFA.

Patron—Landes . . . . . HB 761 7 7

Patron—Hanger . . . . . SB 446 159 283

**License plates, special;** issuance for supporters of Alzheimer's Association bearing legend ALZHEIMER'S ASSOCIATION. (Patron—Chase) . . . . . SB 701 162 284

**License plates, special;** issuance for supporters of stopping gun violence bearing legend STOP GUN VIOLENCE, funds from annual fee shall be paid annually to Behavioral Health and Developmental Services Fund, other fees imposed to be paid to Commissioner of DMV and paid by him into the state treasury, etc., sunset provisions. (Patron—Simon) . . . . . HB 287 737 1130

**License plates, special;** issuance for supporters of Virginia's electric cooperatives bearing legend KEEPING THE LIGHTS ON. (Patron—Austin) . . . . . HB 1535 157 283

**License plates, special;** issuance to supporters of NASA facilities in Virginia. (Patron—Bloxom) . . . . . HB 1342 156 282

**License plates, special;** issuance to veterans of certain military reserve organizations. (Patron—Heretick) . . . . . HB 1068 119 229

**License plates, special;** updates name of an occupational organization whose members may apply for plates from "Association of Realtors" to "Virginia Realtors." (Patron—Suetterlein) . . . . . SB 515 161 284

**Military surplus motor vehicles;** registration and operation on highways, penalty. (Patron—Yancey) . . . . . HB 1323 555 862

**Parked vehicles;** registration, licensing, and titling requirements, improper use. (Patron—Collins) . . . . . HB 236 425 695

**Registration and licensing of vehicles;** payment of local taxes and fees, temporary registration. (Patron—Hurst) . . . . . HB 489 431 698

**Vehicle registration;** expands eligibility for a one-month extension of a registration period to include persons whose registration has been withheld for failure to pay tolls, use of toll facility, repeals provisions relating to registration extension requirements of certain counties, etc., remissions inspection requirements.

Patron—Heretick . . . . . HB 1069 286 492

Patron—DeSteph . . . . . SB 575 288 493

**LICENSES, BUSINESS**

**Alcoholic beverage control;** creates confectionery license, any alcohol contained in confectionery shall not be in liquid form at time such confectionery is sold, etc.

Patron—Peace . . . . . HB 1602 334 586

Patron—Favola . . . . . SB 61 173 300

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**LICENSES, BUSINESS - Continued**

**Real estate licenses;** definitions of real estate team and supervising broker, business entity license from Board, expands responsibilities of supervising broker.

Patron—Peace .....	HB	862	223	386
Patron—Sturtevant .....	SB	758	224	388

**LIFE INSURANCE**

**Life insurance policies;** repeals a provision that excludes, from protections from claims of creditors that are afforded policies and annuities, the cash surrender or loan value of a policy under which right to change beneficiary is reserved. (Patron—Stanley) .....

SB	176	304	537
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**LINEK, EDWIN**

**Linek, Edwin;** recording sorrow upon death. (Patron—Boysko) .....

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**LLOYD F. MOSS FREE CLINIC**

**Lloyd F. Moss Free Clinic;** commemorating its 25th anniversary. (Patron—Thomas) ..

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**LOCAL GOVERNMENT AND OFFICIALS**

**Child labor;** removes requirement that participation by certain minors in certain fire company activities requires local government authorization. (Patron—Deeds) .....

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**Conflict of Interests Act, State and Local Government;** adds member of Board of Directors of Virginia Alcoholic Beverage Control Authority and members of Board of Virginia College Savings Plan to list of independent government entities whose members are required to file a disclosure statement. (Patron—Gilbert) .....

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**Conflict of Interests Act, State and Local Government;** any school district allowed to invoke current exemption from prohibition against hiring, under certain circumstances, school district employee who is related to a member of school board.

Patron—Wright .....	HB	212	483	755
Patron—Black .....	SB	124	520	812

**Conflict of Interests Act, State and Local Government;** filing of financial disclosure statements for individuals serving in or seeking multiple positions or offices, etc. (Patron—Gilbert) .....

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**Conflict of Interests Act, State and Local Government;** prohibited conduct relating to contracts, exceptions, officer or immediate family member of an officer of Marine Resources Commission. (Patron—Lewis) .....

SB	930	742	1134
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**Local government;** authority to require abatement of criminal blight on real property, clarifies definition of criminal blight to include repeated acts of malicious discharge of a firearm within a building or dwelling that would constitute a criminal act.

Patron—Carr .....	HB	594	805	1270
Patron—Dance .....	SB	451	335	592

**Local tourism board, etc.;** member of a governing body of a locality authorized to be elected or appointed to board. (Patron—Deeds) .....

SB	677	659	1000
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**Off-road recreational vehicles;** increases highway speed limit wherein local government is embraced by the Southwest Regional Recreation Authority. (Patron—Carrico) .....

SB	496	364	625
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**Pet shops;** local government may, by ordinance, require any shop offering for sale dogs procured from outside of the Commonwealth to furnish a cash bond, etc. (Patron—Orrock) .....

HB	865	272	469
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**Unmanned aircraft;** authorizes a state or local government department, etc., having jurisdiction over criminal law-enforcement or regulatory violations to utilize system without a search warrant. (Patron—Black) .....

SB	186	419	687
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**Virginia Resources Authority;** includes within definition of term "project" any dredging program or project undertaken to benefit economic and community development goals of a local government but doesn't include any program or project undertaken for or by the Authority. (Patron—Hodges) .....

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**LOFT, BRIDGET**

**Loft, Bridget;** commending. (Patron—Hope) .....

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**LOGSDON, BARRY G.**

**Logsdon, Barry G.;** recording sorrow upon death. (Patron—Yancey) .....

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**LONG, CHRISTOPHER HOWARD**

**Long, Christopher Howard;** commending. (Patron—Toscano) .....

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**LONG-TERM CARE**

**Virginia Life, Accident and Sickness Insurance Guaranty Association;** assessments for long-term care insurance, if member insurer collects excess surcharges, insurer

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shall remit excess amount to Association, etc., repeals provisions relating to rehabilitation, liquidation, or conservation of a health maintenance organization and insolvency deposit assessment. (Patron—Kilgore) . . . . . HB 1486 706 1079

**LONGFELLOW MIDDLE SCHOOL**

**Longfellow Middle School Rubik's Cube team;** commending. (Patron—Sullivan) . . . HJR 359 1577  
**Longfellow Middle School Science Olympiad team;** commending. (Patron—Sullivan) HJR 360 1577

**LOOSE, FRANCES ELIZABETH GIBSON**

**Loose, Frances Elizabeth Gibson;** recording sorrow upon death. (Patron—Toscano) . HJR 303 1546

**LORD BOTETOURT HIGH SCHOOL**

**Lord Botetourt High School volleyball team;** commending. (Patron—Austin) . . . . . HR 3 1692

**LORD FAIRFAX CHARITY RIDE**

**Lord Fairfax Charity Ride;** commending. (Patron—Bulova) . . . . . HJR 149 1464

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**Historical African American cemeteries and graves;** adds African-American Burial Ground for the Enslaved at Belmont in Loudoun County to list. (Patron—Wexton) . . SB 163 614 945  
**Loudoun County;** agreements for treasurer to collect and enforce real and personal property taxes on behalf of certain towns.  
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**Loudoun County Public Schools;** commending. (Patron—Bell, John J.) . . . . . HJR 261 1524  
**Loudoun County Sheriff's Office;** commending. (Patron—Reid) . . . . . HJR 248 1518  
**Salvation Army of Loudoun County;** commending. (Patron—Reid) . . . . . HR 41 1719

**LOUDOUN VALLEY HIGH SCHOOL**

**Loudoun Valley High School boys' cross-country team;** commending. (Patron—LaRock) . . . . . HJR 534 1669

**LOUISA COMMUNITY ANIMAL RESPONSE TEAM**

**Louisa Community Animal Response Team;** commending. (Patron—Reeves) . . . . . SJR 86 1852

**LOUISA COUNTY**

**Louisa County High School football team;** commending.  
Patron—McGuire . . . . . HR 70 1734  
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**LOUISA LITTLE LEAGUE 9 - 11 ALL-STARS BASEBALL TEAM**

**Louisa Little League 9-11 All-Stars baseball team;** commending. (Patron—McGuire) HR 69 1733

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**Lowe, David Leroy;** recording sorrow upon death. (Patron—Pillion) . . . . . HR 118 1757

**LUMSDEN, CHRIS**

**Lumsden, Chris;** commending. (Patron—Edmunds) . . . . . HJR 493 1648

**LUNA, ANDREW THOMAS**

**Luna, Andrew Thomas;** recording sorrow upon death. (Patron—Ingram) . . . . . HJR 278 1533

**LUND, ADRIAN K.**

**Lund, Adrian K.;** commending.  
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**Luther, Edwin C., III;** recording sorrow upon death. (Patron—Rodman) . . . . . HR 134 1764

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**Lymphatic Education and Research Network;** commemorating its 20th anniversary. (Patron—Favola) . . . . . SJR 214 1927

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**Delegate Lacey E. Putney Memorial Highway;** designating a portion of U.S. Route 221 between corporate limits of Town of Bedford and corporate limits of City of Lynchburg.  
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Patron—Newman . . . . . SB 363 235 410

**MADISON COUNTY**

**Madison County High School softball team;** commending. (Patron—Freitas) . . . . . HJR 63 1445

**MAIDA, GEORGE FRANCIS**

**Maida, George Francis;** recording sorrow upon death. (Patron—Rodman) . . . . . HR 178 1785

**MAKAR SANKRANTI DAY**

**Makar Sankranti Day**; designating as January 14, 2018, and each succeeding year thereafter. (Patron—McGuire) . . . . . HJR 135 1459

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**Manassas Symphony Orchestra**; commemorating its 25th anniversary. (Patron—McPike) . . . . . SR 10 1949

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**Manchester High School's Lancer Theatre Company**; commending. (Patron—Robinson) . . . . . HJR 327 1560

**MANCHESTER MIDDLE SCHOOL**

**Manchester Middle School basketball team**; commending. (Patron—Chase) . . . . . SR 47 1969

**MANUFACTURED HOUSING**

**Manufactured Home Lot Rental Act**; reduces from 10 to five or more number of manufactured homes required on a parcel of land under single or common ownership for purposes of being subject to Act. (Patron—Torian) . . . . . HB 1047 408 675

**MANUFACTURERS**

**Animal research**; manufacturers and contract testing facilities required to use alternative test methods when available, civil penalty. (Patron—Boysko) . . . . . HB 1087 672 1023

**Worker retraining**; modifies tax credit by allowing credit to manufacturers conducting a manufacturing orientation, instruction, etc., for students, Tax Commissioner shall develop guidelines establishing procedures for claiming credit, etc., such guidelines shall be exempt from provisions of Administrative Process Act. (Patron—Yancey) . . . . . HB 129 500 783

**MAPLES, ANDREW, JR.**

**Maples, Andrew, Jr.**; commemorating his life and legacy. (Patron—Freitas) . . . . . HJR 65 1447

**MARCH FOR LIFE**

**March for Life**; commemorating its 45th anniversary. (Patron—Freitas) . . . . . HJR 254 1521

**MARINE PRODUCTS, SCIENCE AND RESOURCES**

**Dredged material**; Marine Resources Commission shall adopt regulations to establish and implement a fast-track permitting program. (Patron—Hodges) . . . . . HB 1096 449 714

**Virginia Marine Resources Commission**; conveyance of easement and rights-of-way across Rappahannock River in Middlesex and Lancaster Counties to Virginia Electric and Power Company (Dominion Energy Virginia) for purpose of installing, etc., an underground electric transmission line, repealing Act relating to conveyance of property for an overhead electric transmission line.  
Patron—Ransone . . . . . HB 1491 349 610  
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**MARINER, WILLIAM LESLIE**

**Mariner, William Leslie**; recording sorrow upon death. (Patron—Lewis) . . . . . SJR 130 1877

**MARRIAGE**

**Marriage and family therapy**; clarifies definition, adds appraisal. (Patron—Rodman) . . . . . HB 1383 375 645

**MARTIN, CURRY**

**Martin, Curry**; commending. (Patron—Suetterlein) . . . . . SR 66 1981

**MARY, CHARLOTTE A.**

**Mary, Charlotte A.**; commending. (Patron—McDougle) . . . . . SR 46 1969

**MARYLAND**

**American Legion Bridge**; Department of Transportation shall begin the initial design and related assessments for remediating at earliest time possible once necessary decisions have been made by State of Maryland, report. (Patron—Murphy) . . . . . HB 662 738 1130

**MASON, VIVIAN CONWAY**

**Mason, Vivian Conway**; recording sorrow upon death. (Patron—McQuinn) . . . . . HJR 484 1644

**MASS TRANSIT**

**Mass transit in the Commonwealth**; establishes Commonwealth Mass Transit Fund, allocation of funds, use of certain revenues by Washington Metropolitan Area Transit Authority, etc., Commuter Rail Operating and Capital Fund created, transportation district transient occupancy tax, report, collection of sales and use tax from remote

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- Medical Assistance Services, Department of;** Department shall make recommendations to General Assembly regarding flexibility to an individual enrolled in a home and community-based waiver, report. (Patron–DeSteph) . . . . . SB 310 566 884
- Prescription Monitoring Program;** Director of Department of Health Professions to disclose information about a specific recipient of covered substances who is a recipient of medical assistance services. (Patron–Dunnavant) . . . . . SB 735 108 200

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- Mellon, Mary;** commending. (Patron–Hope) . . . . . HJR 409 1605

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- Meyer, Julien H., Jr.;** recording sorrow upon death. (Patron–Rasoul) . . . . . HJR 473 1638

**MIDDLEBURG COMMUNITY CHARTER SCHOOL**

- Middleburg Community Charter School;** commending. (Patron–Gooditis) . . . . . HR 155 1776

**MIDDLEBURG, TOWN OF**

- Middleburg, Town of;** amending charter, town council may levy a tax on business personal property.  
Patron–Gooditis . . . . . HB 1437 414 681  
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**MIDDLESEX COUNTY**

- Virginia Marine Resources Commission;** conveyance of easement and rights-of-way across Rappahannock River in Middlesex and Lancaster Counties to Virginia Electric and Power Company (Dominion Energy Virginia) for purpose of installing, etc., an underground electric transmission line, repealing Act relating to conveyance of property for an overhead electric transmission line.  
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**MILITARY AND EMERGENCY LAWS**

- Emergency Management, Virginia Department of;** local sheltering data. (Patron–Jones, J.C.) . . . . . HB 1367 228 399
- Virginia National Guard;** reversion of donated property. (Patron–Ruff) . . . . . SB 320 647 982
- Virginia National Guard, Virginia Defense Force, or National Guard of another state;** employment protections. (Patron–Cole) . . . . . HB 146 216 364

**MILLER, DEBBI**

- Miller, Debbi;** commending. (Patron–Petersen) . . . . . SR 74 1985

**MILLER, JOHN D., JR.**

- Miller, John D., Jr.;** recording sorrow upon death. (Patron–McDougle) . . . . . SR 63 1979

**MILLER, MARTHA ANN**

- Miller, Martha Ann;** recording sorrow upon death. (Patron–Hope) . . . . . HJR 342 1568

**MILLER, SUZANNE DAVIS**

- Miller, Suzanne Davis;** recording sorrow upon death.  
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- Milligan, William H., Jr.;** commending. (Patron–Hayes) . . . . . HR 58 1727

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- Millner, Curtis R., Sr.;** commending. (Patron–Marshall) . . . . . HJR 452 1628

**MILLS, ROBERT, JR.**

- Mills, Robert, Jr.;** commending. (Patron–Adams, L.R.) . . . . . HJR 267 1527

**MINES AND MINING**

- Coal combustion residuals impoundments and other units;** Director of Department of Environmental Quality shall suspend, delay, or defer until July 1, 2019, issuance of any permit required to provide for closure, request for proposals for recycling or beneficial use projects. (Patron–Surovell) . . . . . SB 807 632 960
- Coalfield employment enhancement tax credit;** credit for metallurgical coal mined by underground methods, definition.  
Patron–Kilgore . . . . . HB 665 853 1384  
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- Virginia Coal Surface Mining Reclamation Fund Advisory Board;** increases membership, duties. (Patron–O’Quinn) . . . . . HB 812 67 146

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**Adoption;** lowers amount of time a child must have continuously resided with or been under the physical custody of prospective close relative adoptive parent. (Patron—Brewer) . . . . . HB 241 4 3

**Child abuse or neglect;** venue may lie where alleged abuse or neglect occurred, etc. (Patron—Campbell) . . . . . HB 326 17 15

**Child abuse or neglect;** civil proceedings, testimony of children. (Patron—Surovell) . . . . . SB 89 564 880

**Child abuse or neglect;** local department shall notify local Commonwealth attorney of all complaints involving child's being left alone in same dwelling with person to whom child is not related by blood or marriage and who has been convicted of offense against a minor for which registration is required as a violent sexual offender, etc. (Patron—Bell, Robert B.) . . . . . HB 511 823 1300

**Child care providers;** criminal history background check, sunset and contingency.  
Patron—Orrock . . . . . HB 873 146 265  
Patron—Wexton . . . . . SB 121 278 481

**Child day programs;** exempts from licensure any program that is offered by a local school division, staffed by local school division employees, and attended by children who are at least four years of age and are enrolled in public school or a preschool program within such school division.  
Patron—Toscano . . . . . HB 1017 244 432  
Patron—Deeds . . . . . SB 682 189 320

**Child day programs at public or private school facilities;** prohibits Board of Social Services from adopting regulations governing programs that require inspection or approval of the building, etc. (Patron—Bagby) . . . . . HB 836 11 12

**Child labor;** removes requirement that participation by certain minors in certain fire company activities requires local government authorization. (Patron—Deeds) . . . . . SB 887 181 313

**Children's residential facilities, certain;** facilities operated or conducted under auspices of a religious institution established in 1978 and located in Atkins, Virginia, licensure, sunset provision. (Patron—Carrico) . . . . . SB 506 789 1228

**Education, Department of, and local school boards;** adoption of policies that prohibit any local school board or individual who is an employee, etc., from assisting an employee, etc., in obtaining a new job if such local school board or individual knows or has probable cause to believe that person engaged in sexual misconduct regarding a minor or student.  
Patron—Bulova . . . . . HB 438 513 809  
Patron—Ebbin . . . . . SB 605 514 810

**Forward-facing child restraint devices;** device shall not be forward-facing until at least child reaches two years of age or until the child reaches minimum weight limit, effective date. (Patron—Filler-Corn) . . . . . HB 708 402 664

**Foster care and adoption;** disclosure of information prior to placement, providing all reasonably ascertainable background, medical, etc., records of child to foster home or children's residential facility. (Patron—Gilbert) . . . . . HB 986 694 1063

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**Personal property tax; computer equipment and peripherals used in data centers,  
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method as may reasonably be expected to determine actual fair market value.**

Patron—Bagby . . . . . HB 828 28 62

Patron—Dunnavant . . . . . SB 268 292 494

**Personal property tax; definition of agricultural products.**

Patron—Adams, L.R. . . . . HB 1022 30 67

Patron—Ruff . . . . . SB 314 618 950

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<b>PERSONAL PROPERTY AND PERSONAL PROPERTY TAX - Continued</b>			
<b>Real and tangible personal property;</b> Department of Taxation to study and make recommendations regarding the Commonwealth's appeals process for businesses disputing determination of fair market value. (Patron—Byron) . . . . .	HJR	98	1453
<b>PERSONS WITH DISABILITIES</b>			
<b>Blind or vision impaired;</b> employees of Department for the Blind and Vision Impaired's rehabilitative manufacturing and service industries, use of earnings. (Patron—Tran) . . . . .	HB	1061	184 315
<b>Constitutional amendment;</b> real property tax exemption for surviving spouse of a disabled veteran (second reference), Chapter 770, 2017 Acts (first reference). Patron—Miyares . . . . .	HJR	6	812 1285
Patron—Stuart . . . . .	SJR	76	814 1287
<b>Constitutional amendment;</b> real property tax exemption for surviving spouse of a disabled veteran (submitting to qualified voters). Patron—Miyares . . . . .	HB	71	421 689
Patron—Stuart . . . . .	SB	900	422 690
<b>Hearing aid specialists;</b> exemptions for the sale of hearing aids. (Patron—Ruff) . . . . .	SB	315	458 722
<b>Hunting;</b> disabled hunter exempt from local tree stand requirement, exemption shall apply only to a hunter whose permanent disability is based on a physical impairment or deformity. (Patron—Edmunds) . . . . .	HB	1328	836 1334
<b>Long-Term Employment Support Services and Extended Employment Services;</b> Department for Aging and Rehabilitative Services shall administer and make referrals to assist individuals with significant disabilities, etc. Patron—Landes . . . . .	HB	916	243 431
Patron—Hanger . . . . .	SB	560	377 647
<b>Proceeds of a sale, a partition suit, or condemnation proceeding;</b> persons under a disability, etc., upon request of legally appointed and qualified fiduciary or guardian ad litem of person, court may order such funds be distributed to a special needs trust. (Patron—Ware) . . . . .	HB	162	124 232
<b>Traffic signs;</b> upon request by any person with disabilities, Department of Transportation shall post and maintain signs informing drivers that a person with a disability may be present in or around roadway. (Patron—Bell, Robert B.) . . . . .	HB	505	432 701
<b>Zoning;</b> request for modification to property or improvements on behalf of a person with a disability, variance from board of zoning appeals. (Patron—Hope) . . . . .	HB	796	757 1162
<b>PETS, PET DEALERS, AND SUPPLIES</b>			
<b>Pet shops;</b> local government may, by ordinance, require any shop offering for sale dogs procured from outside of the Commonwealth to furnish a cash bond, etc. (Patron—Orrock) . . . . .	HB	865	272 469
<b>Pet shops;</b> sale of dogs, maintenance and availability of records, shop shall transmit certain information to local animal control officer upon request. (Patron—Orrock) . . . . .	HB	877	780 1214
<b>PFEIFFER, CHANNING A.</b>			
<b>Pfeiffer, Channing A.;</b> commending. (Patron—DeSteph) . . . . .	SJR	221	1931
<b>PHARMACIES</b>			
<b>Carrier business practices;</b> contracts with pharmacies and pharmacists, amount charged to an enrollee for covered prescription drugs. Patron—Pillion . . . . .	HB	1177	245 434
Patron—Saslaw . . . . .	SB	933	602 936
<b>Nonresident warehousemen and nonresident third-party logistics providers;</b> registry with Board of Pharmacy, regulations. (Patron—Hodges) . . . . .	HB	520	96 187
<b>PHARMACISTS</b>			
<b>Carrier business practices;</b> contracts with pharmacies and pharmacists, amount charged to an enrollee for covered prescription drugs. Patron—Pillion . . . . .	HB	1177	245 434
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<b>PHELPS, JARAD L.</b>			
<b>Phelps, Jarad L.;</b> commending. (Patron—Guzman) . . . . .	HR	164	1779
<b>PHYSICIANS AND SURGEONS</b>			
<b>Death certificates;</b> in cases in which a death occurs under care of a hospice provider, the medical certification shall be completed by the decedent's health care provider or physician licensed in another state who was in charge of patient's care for illness or			

**PHYSICIANS AND SURGEONS - Continued**

condition that resulted in death, filed electronically with State Registrar of Vital Records using the Electronic Death Registration System.

Patron—Wilt . . . . . HB 1158 207 355

Patron—Cosgrove . . . . . SB 309 208 356

**Health insurance;** physician reimbursements for services rendered during the period in which credentialing application is pending before insurance carrier, protocols and procedures for reimbursing new provider applicants. (Patron—Head) . . . . . HB 139 703 1072

**Military medical personnel program;** personnel may practice under supervision of a licensed physician or podiatrist or chief medical officer, chief medical officer may designate licensed registered nurse licensed by Board.

Patron—Stolle . . . . . HB 915 69 147

Patron—Barker . . . . . SB 829 338 601

**Nurse practitioners;** eliminates requirement for a practice agreement with a patient care team physician for practitioners who are licensed by Boards of Medicine and Nursing, practitioner to whom a license is issued by endorsement, completion of equivalent of at least five years of full-time clinical experience, report. (Patron—Robinson) . . . . . HB 793 776 1202

**Patients;** establishes a process whereby a physician may cease to provide treatment that has been determined to be medically or ethically inappropriate for a patient, right of court review by any party.

Patron—Stolle . . . . . HB 226 368 628

Patron—Edwards . . . . . SB 222 565 881

**Virginia Retirement System;** clarifying that medical boards may be composed of not only physicians but also other health care professionals.

Patron—Ingram . . . . . HB 846 53 109

Patron—Dance . . . . . SB 248 305 537

**PINCUS, MELANIE**

**Pincus, Melanie;** commending. (Patron—Sullivan) . . . . . HJR 384 1591

**PINEWOOD LAKE HOMEOWNER'S ASSOCIATION**

**Pinewood Lake Homeowner's Association;** commemorating its 50th anniversary. (Patron—Krizek) . . . . . HJR 307 1549

**PLANNING AND BUDGET**

**Regulatory reduction pilot program;** Department of Planning and Budget to implement, report.

Patron—Webert . . . . . HB 883 444 709

Patron—Chase . . . . . SB 20 445 711

**PLATS**

**Ground water management;** developer of a subdivision located in a designated area for which developer obtains plat approval on or after July 1, 2018, to apply for a technical evaluation, etc. (Patron—Bulova) . . . . . HB 358 427 696

**Local planning commissions;** proposed plats. (Patron—Reeves) . . . . . SB 993 670 1017

**PODIUM FOUNDATION**

**Podium Foundation;** commemorating its 10th anniversary. (Patron—Carr) . . . . . HJR 312 1552

**POLICE**

**Arrests;** law-enforcement agency required to make a report for trespassing or disorderly conduct to Central Criminal Records Exchange and that such report be accompanied by fingerprints and photograph of person.

Patron—Toscano . . . . . HB 1266 51 105

Patron—Obenshain . . . . . SB 566 178 309

**Criminal Justice Services, Department of;** definition of law-enforcement officer includes members of investigation units designated by State Inspector General, employee with internal investigations authority designated by Department of Corrections or Department of Juvenile Justice, etc., investigations of allegations of criminal behavior that affect operations of state or nonstate agency.

Patron—Landes . . . . . HB 1599 548 854

**Identity Theft Passport;** police reports submitted to the Attorney General. (Patron—Toscano) . . . . . HB 1246 577 900

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**POLICE - Continued**

**Juvenile**; dissemination of information to State Health Commissioner, etc., for purpose of screening any emergency medical services agency applicants and to chief law-enforcement officer of a locality or his designee, etc.  
 Patron—Bell, John J. . . . . HB 135 143 262  
 Patron—Black . . . . . SB 109 148 267

**Law-enforcement officers, retired**; carrying a concealed handgun, return to work. (Patron—Chase) . . . . . SB 912 669 1015

**Law-enforcement vehicles**; vehicles equipped with steady-burning blue or red warning lights. (Patron—McDougle) . . . . . SB 410 651 987

**Obstructing justice and resisting arrest**; fleeing from a law-enforcement officer, penalty, relocates existing section. (Patron—DeSteph) . . . . . SB 57 417 685

**Temporary detention orders**; authorizes deputy sheriffs and jail officers employed by a local correctional facility to execute orders issued for inmates of the facility. (Patron—Rush) . . . . . HB 364 144 263

**Unmanned aircraft systems**; use by public bodies, search warrant required, exception if by a law-enforcement officer following an accident where a report is required to survey the scene for purpose of crash reconstruction, etc. (Patron—Thomas) . . . . . HB 1482 546 852

**Virginia Freedom of Information Act**; disclosure of law-enforcement and criminal records. (Patron—Robinson) . . . . . HB 909 48 94

**POLICE, STATE**

**Background checks**; Department of State Police shall recommend, etc., options to expedite process of performing checks, report. (Patron—Chase) . . . . . SB 716 662 1001

**Virginia Critically Missing Adult Alert Program**; created. (Patron—Jones, J.C.) . . . . HB 260 397 661

**POLLINATOR AWARENESS WEEK**

**Pollinator Awareness Week**; designating as last full week of June 2019, and each succeeding year thereafter. (Patron—Guzman) . . . . . HJR 95 1452

**POLLING PLACES**

**Election day page program**; local electoral board, or its general registrar, may conduct a program for high school students in one or more polling places. (Patron—Ebbin) . . SB 589 700 1068

**POOLE, MEGAN**

**Poole, Megan**; commending. (Patron—Reid) . . . . . HJR 175 1478

**PORTSMOUTH, CITY OF**

**Historical African American cemeteries and graves**; adds Mt. Calvary Cemetery in City of Portsmouth to list.  
 Patron—James . . . . . HB 527 433 702  
 Patron—Locke . . . . . SB 198 434 702

**Subdivision ordinance**; Cities of Chesapeake and Portsmouth added to those localities that may require payment by a subdivider or developer of land of a pro rata share of cost of road improvements. (Patron—Cosgrove) . . . . . SB 129 550 858

**POTOCK, WALTER JOSEPH**

**Potock, Walter Joseph**; recording sorrow upon death. (Patron—Bulova) . . . . . HJR 402 1601

**POTOMAC FALLS HIGH SCHOOL**

**Potomac Falls High School girls' lacrosse team**; commending. (Patron—Bell, John J.) HJR 244 1515

**POWHATAN CHRISTMAS MOTHER PROGRAM**

**Powhatan Christmas Mother program**; commending. (Patron—Ware) . . . . . HR 101 1748

**POWHATAN COUNTY**

**Powhatan and Smyth Counties**; added to list of counties that may require connection to their water and sewer systems by owners of certain property. (Patron—Ware) . . . . HB 22 309 547

**Trooper Michael Walter Memorial Highway**; designating as portion of Virginia Route 13 in Powhatan County between Virginia Route 1002 (Emmanuel Church Road) and Cumberland County. (Patron—Ware) . . . . . HB 1395 348 609

**PRESCRIPTION MEDICINES**

**Carrier business practices**; contracts with pharmacies and pharmacists, amount charged to an enrollee for covered prescription drugs.  
 Patron—Pillion . . . . . HB 1177 245 434  
 Patron—Saslaw . . . . . SB 933 602 936

**Controlled substances**; limits on prescriptions containing opioids.  
 Patron—Pillion . . . . . HB 1173 102 194  
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<b>Health benefit plans;</b> prescription drug coverage, synchronization of medications. (Patron—Hope) .....	HB 234	561	879
<b>Health education program;</b> program required for each public elementary and secondary school student may include an age-appropriate program of instruction on safe use of and risks of abuse of prescription drugs, Board of Education may consider curriculum adopted by School Board of City of Virginia Beach regarding drugs and opioid crisis. (Patron—Herring) .....	HB 1532	490	770
<b>Prescription drug donation program;</b> program regulated by Board of Pharmacy shall accept eligible unused drugs from individuals, including those residing in nursing homes, assisted living facilities, or intermediate care established for individuals with intellectual disability, etc. (Patron—Obenshain) .....	SB 544	376	646
<b>Prescription drugs;</b> a prescriber may authorize a registered nurse or licensed practical nurse to approve additional refills of a prescribed drug for no more than 90 consecutive days, provided that the drug is classified as a Schedule VI drug, etc. (Patron—DeSteph) .....	SB 882	380	649
<b>Prescription Monitoring Program;</b> adds controlled substances included in Schedule V and naloxone to list of covered substances.			
Patron—Pillion .....	HB 1556	185	317
Patron—Carrico .....	SB 832	379	648
<b>Prescription Monitoring Program;</b> Director of Department of Health Professions to disclose information about a specific recipient of covered substances who is a recipient of medical assistance services. (Patron—Dunnavant) .....	SB 735	108	200
<b>Prescription Monitoring Program;</b> prescriber and dispenser patterns, criteria for indicators of misuse, report.			
Patron—Head .....	HB 313	239	413
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<b>Prescription requirements;</b> treatment of sexually transmitted disease. (Patron—Herring) .....	HB 1054	790	1228
<b>PRINCE GEORGE COUNTY</b>			
<b>Sgt. Lawrence G. Sprader, Jr., Memorial Bridge;</b> designating as the bridge on Middle Road over Interstate 295 in Prince George County. (Patron—Brewer) .....	HB 1159	121	229
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<b>Prince William County Historic Preservation Division;</b> commending. (Patron—Roem) .....	HR 115		1756
<b>PRINCESS ANNE COURTHOUSE VOLUNTEER FIRE AND RESCUE SQUAD</b>			
<b>Princess Anne Courthouse Volunteer Fire and Rescue Squad;</b> commemorating its 70th anniversary. (Patron—Knight) .....	HJR 213		1499
<b>PRISONERS</b>			
<b>Feminine hygiene products;</b> State Board of Corrections shall adopt and implement a policy and procedure to ensure provision of products at no cost to female prisoners or inmates. (Patron—Kory) .....	HB 83	815	1287
<b>Sexually violent predators;</b> Director of Board of Corrections shall review database using an evidence-based assessment protocol, identifying prisoners and defendants who appear to meet definition of a predator. (Patron—Howell) .....	SB 267	841	1359
<b>PRISONS AND OTHER METHODS OF CORRECTION</b>			
<b>Competency and sanity evaluations;</b> evaluations to be conducted on an outpatient basis at a mental health facility or in jail unless an outpatient evaluation has been conducted and outpatient evaluator opines that a hospital-based evaluation is needed to reliably reach an opinion or unless defendant is in custody of the Commissioner of Behavioral Health and Developmental Services. (Patron—Hope) .....	HB 52	367	626
<b>Correctional facilities, state, local, or regional;</b> disclosure of medical and mental health information and records to person in charge or his designee from a health care provider. (Patron—Watts) .....	HB 301	165	286
<b>Correctional Officer Procedural Guarantee Act;</b> created, Department of Corrections shall determine time limit for response to allegations made against an officer, informal counseling not prohibited.			
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<b>Electronic visitation;</b> authorizes Director of the Department of Corrections to prescribe reasonable rules regarding systems and collection of fees for use of such systems. (Patron—Hope) .....	HB 797	66	146

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<b>Feminine hygiene products;</b> State Board of Corrections shall adopt and implement a policy and procedure to ensure provision of products at no cost to female prisoners or inmates. (Patron—Kory) . . . . .	HB	83	815	1287
<b>Persons acquitted by reason of insanity;</b> court shall order that any person acquitted and committed to hospitalization who is sentenced to incarceration for any other offense in same proceeding complete any sentence, etc. (Patron—Bell, Robert B.) . .	HB	1193	768	1184
<b>Restitution;</b> establishes procedures to be used by courts to monitor payment by defendants. Patron—Bell, Robert B. . . . .	HB	484	316	555
Patron—Obenshain . . . . .	SB	994	671	1018
<b>Sexually violent predators;</b> Director of Board of Corrections shall review database using an evidence-based assessment protocol, identifying prisoners and defendants who appear to meet definition of a predator. (Patron—Howell) . . . . .	SB	267	841	1359
<b>Temporary detention orders;</b> authorizes deputy sheriffs and jail officers employed by a local correctional facility to execute orders issued for inmates of the facility. (Patron—Rush) . . . . .	HB	364	144	263
<b>Timeliness of indictments;</b> discharge from jail. (Patron—Cline) . . . . .	HB	1238	551	860
<b>Weekend jail time;</b> courts may for good cause and absent objection by the Commonwealth impose nonconsecutive days for defendants convicted of a misdemeanor, traffic offense, etc. (Patron—Stanley) . . . . .	SB	36	535	843

**PRIVATE DETECTIVES AND PRIVATE SECURITY**

<b>Private security;</b> removes requirement that a compliance agent for a services business has either five years of experience or three years of managerial or supervisory experience. (Patron—Fowler) . . . . .	HB	63	214	361
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**PROFESSIONAL AND OCCUPATIONAL REGULATION**

<b>Contractors;</b> construction contract entered into by a person undertaking work without valid Virginia license, prohibited acts. Patron—Hodges . . . . .	HB	732	43	87
Patron—Reeves . . . . .	SB	478	653	996
<b>Contractors, Board for;</b> exemption from licensure any person who is performing work directly under supervision of a licensed contractor and is a student in good standing and enrolled in a public or private institution of higher education, etc. (Patron—DeSteph) . . . . .	SB	569	767	1183
<b>Master barber;</b> definition, issuance of license by Board for Barbers and Cosmetology. Patron—Pillion . . . . .	HB	1554	231	404
Patron—McClellan . . . . .	SB	906	237	411
<b>Onsite sewage systems and private wells;</b> Department of Health shall take steps to eliminate evaluation and design services provided, principal place of residence, coordination with Department of Professional and Occupational Regulation to establish certain agreements or procedures. (Patron—Orrock) . . . . .	HB	888	831	1322
<b>Professional and occupational regulation;</b> authority to suspend or revoke licenses, certificates, etc., default or delinquency of education loan or scholarship, repeals provision relating to suspension of license, etc. (Patron—VanValkenburg) . . . . .	HB	1114	170	296
<b>Professional and occupational regulation;</b> Board of Accountancy and regulatory boards within the Department of Professional and Occupational Regulation, et al., shall not be authorized to suspend or revoke licenses, certificates, etc., default or delinquency in payment of an education loan or scholarship, repeals provision relating to suspension of license, etc. (Patron—Ebbin) . . . . .	SB	918	381	651

**PROFESSIONS AND OCCUPATIONS**

<b>Accountants, public;</b> issuance, renewal, and reinstatement of licenses. Patron—Leftwich . . . . .	HB	752	45	89
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<b>Administrative Process Act;</b> exemption for certain regulations of the Board of Accountancy. Patron—Leftwich . . . . .	HB	753	46	91
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<b>Animal shelters;</b> operator or custodian of public shelter may vaccinate animal to prevent risk of communicable diseases, administration of Schedule VI biological products. (Patron—Chafin) . . . . .	SB	996	774	1197

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<b>Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects, Board for;</b> increases membership, Board shall consist of two nonlegislative citizen members. (Patron—Lindsey) . . . . .			
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<b>Attorney fees;</b> repeals provision that allows only fee of one attorney to be taxed by court. (Patron—Adams, L.R.) . . . . .			
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<b>Barbers and cosmetologists, licensed;</b> exempts certain persons from being required to obtain an occupational license. (Patron—Keam) . . . . .			
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<b>Cannabidiol oil and THC-A oil;</b> practitioner may issue a written certification for use, no pharmaceutical processor shall dispense more than a 90-day supply for any patient during any 90-day period, Board shall establish in regulation an amount of oil that constitutes a 90-day supply, etc.			
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<b>Carrier business practices;</b> contracts with pharmacies and pharmacists, amount charged to an enrollee for covered prescription drugs.			
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<b>Common Interest Community Board;</b> information on covenants, association disclosure packets, resale certificates shall include a copy of the fully completed form developed by Board. (Patron—Bulova) . . . . .			
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<b>Contractors;</b> construction contract entered into by a person undertaking work without valid Virginia license, prohibited acts.			
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<b>Contractors, Board for;</b> exemption from licensure any person who is performing work directly under supervision of a licensed contractor and is a student in good standing and enrolled in a public or private institution of higher education, etc. (Patron—DeSteph) . . . . .			
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<b>Death certificates;</b> in cases in which a death occurs under care of a hospice provider, the medical certification shall be completed by the decedent's health care provider or physician licensed in another state who was in charge of patient's care for illness or condition that resulted in death, filed electronically with State Registrar of Vital Records using the Electronic Death Registration System.			
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<b>Fire Programs Fund;</b> authorizes moneys in Fund to be used for purposes of providing training and education and purchasing products, etc., that are designed to reduce the incidence of cancer among firefighters. (Patron—Peake) . . . . .	SB	346	649	985
<b>Funeral services;</b> acceptance of third-party-provided caskets. (Patron—Reeves) . . . . .	SB	831	378	648
<b>Hair braiding;</b> the term "cosmetologist" shall not include braiding upon human hair, or a wig or hairpiece. (Patron—Freitas) . . . . .	HB	555	219	368
<b>Health insurance;</b> physician reimbursements for services rendered during the period in which credentialing application is pending before insurance carrier, protocols and procedures for reimbursing new provider applicants. (Patron—Head) . . . . .	HB	139	703	1072
<b>Health record retention;</b> licensed practitioners shall maintain records for a minimum of six years following last patient encounter, exceptions. (Patron—Ingram) . . . . .	HB	1524	718	1109
<b>Health regulatory boards;</b> electronic notice of license renewal. (Patron—Heretick) . .	HB	1071	101	192
<b>Hearing aid specialists;</b> exemptions for the sale of hearing aids. (Patron—Ruff) . . . . .	SB	315	458	722
<b>Home hospice programs;</b> hospice shall develop policies and procedures for disposal of drugs dispensed as part of plan of care. (Patron—Hodges) . . . . .	HB	501	95	186
<b>License plates, special;</b> emergency medical services agencies, volunteer emergency medical services agency auxiliaries, or professional or volunteer fire department auxiliaries shall notify Commissioner of Department of Motor Vehicles within 30 days of separation of any member from such agency or agency auxiliary, or fire department. (Patron—Hanger) . . . . .	SB	947	635	962
<b>Marriage and family therapy;</b> clarifies definition, adds appraisal. (Patron—Rodman)	HB	1383	375	645
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<b>Mental health awareness;</b> training for firefighters and emergency medical services personnel.				
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<b>Military medical personnel program;</b> personnel may practice under supervision of a licensed physician or podiatrist or chief medical officer, chief medical officer may designate licensed registered nurse licensed by Board.				
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<b>Mortuary science education;</b> practical experience required in areas of funeral service and embalming prior to graduation from such program. (Patron—Spruill) . . . . .	SB	143	186	318
<b>Naloxone or other opioid antagonist;</b> employees of Department of Corrections who are designated as probation and parole officers or correctional officers added to list of individuals who may possess and administer. (Patron—Bourne) . . . . .	HB	322	62	138
<b>Nonresident warehousemen and nonresident third-party logistics providers;</b> registry with Board of Pharmacy, regulations. (Patron—Hodges) . . . . .	HB	520	96	187
<b>Nurse practitioners;</b> eliminates requirement for a practice agreement with a patient care team physician for practitioners who are licensed by Boards of Medicine and Nursing, practitioner to whom a license is issued by endorsement, completion of equivalent of at least five years of full-time clinical experience, report. (Patron—Robinson) . . . . .	HB	793	776	1202
<b>Optometry;</b> scope of practice, TPA-certified optometrist shall provide written evidence to Board that he has completed a didactic and clinical training course. (Patron—Suetterlein) . . . . .	SB	511	280	482
<b>Patients;</b> establishes a process whereby a physician may cease to provide treatment that has been determined to be medically or ethically inappropriate for a patient, right of court review by any party.				
Patron—Stolle . . . . .	HB	226	368	628
Patron—Edwards . . . . .	SB	222	565	881
<b>Pawnbrokers;</b> allowable late fees, notification to pawner of fee on pawn ticket. (Patron—Bell, Richard P.) . . . . .	HB	26	212	360
<b>Pawnbrokers;</b> transaction shall include digital image of forms of identification, unless form of identification is U.S. military issued, etc. (Patron—Bell, Richard P.) . . . . .	HB	206	217	365

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<b>Polysomnographic technology;</b> students or trainees, licensure. (Patron—Peace) . . . . .	HB	854	98	189
<b>Prescribing controlled substances;</b> veterinarian-client-patient relationship. (Patron—Garrett) . . . . .	HB	1303	373	643
<b>Prescription drug donation program;</b> program regulated by Board of Pharmacy shall accept eligible unused drugs from individuals, including those residing in nursing homes, assisted living facilities, or intermediate care established for individuals with intellectual disability, etc. (Patron—Obenshain) . . . . .	SB	544	376	646
<b>Prescription drugs;</b> a prescriber may authorize a registered nurse or licensed practical nurse to approve additional refills of a prescribed drug for no more than 90 consecutive days, provided that the drug is classified as a Schedule VI drug, etc. (Patron—DeSteph) . . . . .	SB	882	380	649
<b>Prescription Monitoring Program;</b> adds controlled substances included in Schedule V and naloxone to list of covered substances.				
Patron—Pillion . . . . .	HB	1556	185	317
Patron—Carrico . . . . .	SB	832	379	648
<b>Prescription Monitoring Program;</b> Director of Department of Health Professions to disclose information about a specific recipient of covered substances who is a recipient of medical assistance services. (Patron—Dunnivant) . . . . .	SB	735	108	200
<b>Prescription Monitoring Program;</b> prescriber and dispenser patterns, criteria for indicators of misuse, report.				
Patron—Head . . . . .	HB	313	239	413
Patron—Dunnivant . . . . .	SB	728	190	321
<b>Prescription Monitoring Program;</b> veterinarians who dispense covered substances to report certain information about animal and owner of animal to Program, course of treatment to last seven days or less. (Patron—Stanley) . . . . .	SB	226	772	1195
<b>Prescription requirements;</b> treatment of sexually transmitted disease. (Patron—Herring) . . . . .	HB	1054	790	1228
<b>Private security;</b> removes requirement that a compliance agent for a services business has either five years of experience or three years of managerial or supervisory experience. (Patron—Fowler) . . . . .	HB	63	214	361
<b>Real estate appraisers;</b> changes definition of "evaluations," evaluation requirements. (Patron—Ware) . . . . .	HB	1453	644	978
<b>Real Estate Board;</b> continued education requirements, powers and duties, establishes notice provisions and required procedures to be followed in case of escrow funds held by a real estate broker in event of termination of a real estate purchase contract.				
Patron—Ingram . . . . .	HB	864	60	133
Patron—Suetterlein . . . . .	SB	514	86	176
<b>Real Estate Board;</b> translation of real estate documents, licensees may assist party in obtaining a translator or may refer party to an electronic translation service, licensee shall not charge a fee for assistance or referral.				
Patron—Bulova . . . . .	HB	439	39	78
Patron—Mason . . . . .	SB	528	87	180
<b>Real estate licenses;</b> definitions of real estate team and supervising broker, business entity license from Board, expands responsibilities of supervising broker.				
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Patron—Sturtevant . . . . .	SB	758	224	388
<b>Schedule I controlled substances;</b> adds various drugs to list. (Patron—Garrett) . . . . .	HB	1194	372	637
<b>Schedule VI;</b> delivery of prescription devices on behalf of medical equipment supplier to nonresident manufacturer, wholesale distributor, nonresident warehouse, etc.				
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Patron—McDougle . . . . .	SB	413	242	423
<b>Social workers, baccalaureate, master's, and clinical;</b> Board of Social Work may license and register persons proposing to obtain supervised post-degree experience in practice of social work. (Patron—Price) . . . . .	HB	614	451	717
<b>Statewide cancer registry;</b> collecting data to evaluate potential links between exposure to fire incidents and cancer incidence. (Patron—Peake) . . . . .	SB	347	459	723
<b>Subpoenas;</b> issuance by Director of Department of Health Professions or his designee, delivery by authorized person, etc. (Patron—Petersen) . . . . .	SB	258	466	732
<b>Surgical assistants;</b> renewal of registration, assistant shall attest that the credential is current at the time of renewal. (Patron—Robinson) . . . . .	HB	1378	374	644

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<b>Tradesmen</b> ; licenses issued by Board for Contractors shall expire three years from date of issuance. (Patron—Head) . . . . .	HB	101	750	1157	
<b>Veterinarians</b> ; compounding of drugs, quantity that may be dispensed to owner of companion animal. (Patron—Orrock) . . . . .	HB	875	100	191	
<b>Virginia Fire Services Board</b> ; powers and duties, modular training program for volunteer firefighters, effective date. (Patron—Head) . . . . .	HB	729	403	665	
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<b>Camp 7</b> ; disposition of a portion of certain real property located within Clarke County. (Patron—Vogel) . . . . .	SB	899	808	1274	
<b>Common interest communities</b> ; an association that is not professionally managed may charge and collect fees for inspection of property, preparation and issuance of an association disclosure packet, etc. (Patron—Watts) . . . . .	HB	1031	226	394	
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Patron—Davis . . . . .	HB	674	33	71	
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<b>Common Interest Community Board</b> ; disclosure packets, developer shall register association with Board within 30 days after recordation of declaration. (Patron—Dunnivant) . . . . .	SB	328	733	1126	
<b>Common Interest Community Board</b> ; information on covenants, association disclosure packets, resale certificates shall include a copy of the fully completed form developed by Board. (Patron—Bulova) . . . . .	HB	923	70	151	
<b>Condominium and Property Owners' Association Acts</b> ; access to association books and records, all portions that are not excluded shall be available for examination and copying, etc., duty to redact. (Patron—Surovell) . . . . .	SB	722	663	1002	
<b>Fentress Naval Auxiliary Landing Field</b> ; member of the House of Delegates and member of the Senate of Virginia representing the area in which the Field is located in Chesapeake, Virginia, shall be notified of any local appropriation made to acquire property rights surrounding the Landing Field. (Patron—Cosgrove) . . . . .	SB	137	418	686	
<b>Foreclosure</b> ; notice of sale when owner is deceased, payment of surplus to personal representative.					
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<b>Housing</b> ; installation and maintenance of smoke and carbon monoxide alarms in rental property, smoke alarms shall be permitted to be either battery operated or AC powered.					
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<b>Landlord and tenant law</b> ; notice requirements, landlord's acceptance of rent with reservation, new written rental agreement with tenant prior to eviction.					
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Patron—Locke . . . . .	SB	197	233	406	
<b>Landlord and tenant law</b> ; removes remaining differences between general provisions and Virginia Residential Landlord and Tenant Act. (Patron—Peace) . . . . .	HB	857	221	372	
<b>Landlord and tenant law</b> ; transient lodging as primary residence for fewer than 90 consecutive days, self-help eviction.					
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<b>Natural Tunnel Parkway;</b> authorizes Department of Conservation and Recreation to accept certain real property in Scott County. (Patron—Kilgore) . . . . .	HB 669	438	705
<b>Real Estate Board;</b> continued education requirements, powers and duties, establishes notice provisions and required procedures to be followed in case of escrow funds held by a real estate broker in event of termination of a real estate purchase contract.			
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<b>Short-term rentals;</b> local ordinances concerning regulation of rentals in Cities of Lexington and Virginia Beach, rentals located in Sandbridge Special Service District. (Patron—Knight) . . . . .	HB 824	758	1164
<b>Unclaimed personal property;</b> disposal of property in possession of the Division of Capitol Police. (Patron—McDougle) . . . . .	SB 406	581	905
<b>Unclaimed property;</b> bank deposits and funds in financial institutions, when holder receives a request from the property owner to reverse or cancel dormancy charges or retroactively credit interest with respect to such property, holder may at its option either reverse or cancel charges, etc., correction of a documented internal error.			
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<b>Virginia Marine Resources Commission;</b> conveyance of easement and rights-of-way across Rappahannock River in Middlesex and Lancaster Counties to Virginia Electric and Power Company (Dominion Energy Virginia) for purpose of installing, etc., an underground electric transmission line, repealing Act relating to conveyance of property for an overhead electric transmission line.			
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<b>Virginia Property Owners' Association Act;</b> applicable to any development established prior to enactment of former Subdivided Land Sales Act, located in a county with an urban county executive form of government, etc. (Patron—Kory) . . .	HB 1533	645	979
<b>White Oak Technology Park;</b> Department of Conservation and Recreation to convey certain property to Economic Development Authority of Henrico County. (Patron—McClellan) . . . . .	SB 353	739	1130
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<b>Capitol Square Preservation Council;</b> changes title of the chief officer from Executive Director to Chief Administrative Officer.			
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<b>Honor and Remember Flag;</b> standards for display at state buildings and facilities outside of Capitol Square. (Patron—Cosgrove) . . . . .	SB 924	687	1036
<b>Pocahontas Building;</b> designating as temporary General Assembly Building and a part of the Capitol Square complex until reconstruction is completed on the General Assembly Building. (Patron—McDougle) . . . . .	SB 490	676	1026
<b>PROPERTY OWNERS</b>			
<b>Common interest communities;</b> an association that is not professionally managed may charge and collect fees for inspection of property, preparation and issuance of an association disclosure packet, etc. (Patron—Watts) . . . . .	HB 1031	226	394
<b>Condominium and Property Owners' Association Acts;</b> access to association books and records, all portions that are not excluded shall be available for examination and copying, etc., duty to redact. (Patron—Surovell) . . . . .	SB 722	663	1002
<b>Unclaimed property;</b> bank deposits and funds in financial institutions, when holder receives a request from the property owner to reverse or cancel dormancy charges or retroactively credit interest with respect to such property, holder may at its option either reverse or cancel charges, etc., correction of a documented internal error.			
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<b>Victims of domestic violence;</b> clerk of court shall make available to petitioner information that is published by Department of Criminal Justice Services for victims or petitioners in protective order cases. (Patron—Wexton) . . . . .	SB	426	652	988	
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<b>Child day programs;</b> exempts from licensure any program that is offered by a local school division, staffed by local school division employees, and attended by children who are at least four years of age and are enrolled in public school or a preschool program within such school division. Patron—Toscano . . . . .	HB	1017	244	432	
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<b>Public school divisions;</b> State Corporation Commission to conduct pilot program for schools that generate electricity at levels that exceed the school's consumption, report. (Patron—Sullivan) . . . . .	HB	1451	415	681	
<b>Public schools;</b> aligns provisions regarding when a homeless child or youth is deemed to reside in a school division with federal McKinney-Vento Homeless Assistance Act. (Patron—Mason) . . . . .	SB	961	394	657	
<b>Public schools;</b> enrollment for students residing on a military installation or in military housing. (Patron—Yancey) . . . . .	HB	1085	390	655	
<b>Public schools;</b> local school boards to provide a minimum of 680 hours of instructional time to students in elementary, etc., unstructured recreational time not to exceed 15 percent of teaching hours, etc. Patron—Delaney . . . . .	HB	1419	785	1225	
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<b>Public schools;</b> prohibits military children who are attending school for free from being charged upon child's relocation pursuant to parent's orders to relocate to a new duty station or to be deployed. (Patron—Locke) . . . . .	SB	775	594	919	
<b>Public schools;</b> prohibits students in preschool through grade three from being suspended for more than three days or expelled unless offense involves physical harm or credible threat of physical harm to others, etc. (Patron—Stanley) . . . . .	SB	170	585	911	
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<b>Electric distribution lines;</b> minimum height upon or over agricultural land. (Patron—Cosgrove) . . . . .	SB	72	354	615	
<b>Electric utilities;</b> State Corporation Commission to use capital structure and cost of capital of an investor-owned electric utility, excluding any debt associated with securitized bonds that are obligation of non-Virginia jurisdictional customers, when regulating rates, etc. (Patron—Chafin) . . . . .	SB	922	795	1237	
<b>Electric utility regulation;</b> grid modernization, energy efficiency programs, schedule for rate review proceedings, energy storage facilities, Transitional Rate Period, costs recovered by a utility, development of solar and wind generation capacity in the Commonwealth, pilot programs established, reports. (Patron—Wagner) . . . . .	SB	966	296	501	
<b>Electric Utility Regulation, Commission on;</b> postpones scheduled expiration of Commission. (Patron—Norment) . . . . .	SB	815	633	960	
<b>Electric vehicle charging stations;</b> authorizes any locality or public institution of higher education, or Department of Conservation and Recreation, to locate and operate a retail fee-based electric vehicle charging station on property such entity owns or leases. Patron—Bulova . . . . .	HB	922	446	712	
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<b>Enhanced Public Safety Telephone Services Act;</b> establishes requirements regarding implementation of next generation 9-1-1 (NG9-1-1) service, repeals provisions regarding notices that providers of Voice over Internet protocol service are required to give to subscribers, etc.				
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<b>Real and tangible personal property;</b> Department of Taxation to study and make recommendations regarding the Commonwealth's appeals process for businesses disputing determination of fair market value. (Patron—Byron) . . . . .	HJR	98		1453
<b>Real estate taxes;</b> clarifies when amount of taxes deferred pursuant to a local ordinance become due. (Patron—Howell) . . . . .	SB	228	291	494
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<b>Real property tax;</b> assessment of wetlands. (Patron—Orrock) . . . . .	HB	1442	603	937
<b>Real property tax;</b> authorizes Bedford County to conduct a general reassessment every five or six years instead of every four years. (Patron—Austin) . . . . .	HB	124	24	59
<b>Real property tax;</b> clarifies definition of agricultural use and horticultural use, land use valuation. (Patron—Orrock) . . . . .	HB	871	504	795
<b>Real property tax;</b> disabled veterans, removes an extraneous reference to deferral in a provision relating to tax exemption. (Patron—Wexton) . . . . .	SB	430	236	410
<b>Real property tax;</b> exemption for single member limited liability company whose sole member is a nonprofit organization. (Patron—Webert) . . . . .	HB	894	29	66
<b>Real property tax;</b> in determining the fair market value of real property owned by a community land trust, authorized real estate assessor shall utilize income approach, and, in so doing, shall consider the property's current use, etc. (Patron—Carr) . . . . .	HB	590	436	704
<b>Real property tax;</b> increases term of boards of equalization, if term expires and taxpayer has an appeal, circuit court may reappoint board to hear and act on such appeal. (Patron—Orrock) . . . . .	HB	1495	604	937
<b>REAL PROPERTY</b>				
<b>Camp 7;</b> disposition of a portion of certain real property located within Clarke County. (Patron—Vogel) . . . . .	SB	899	808	1274
<b>Display or parking of used motor vehicles for sale;</b> no owner or lessee of real property shall permit five or more used motor vehicles per property, etc.				
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Patron—Mason . . . . .	SB	532	123	231
<b>Land bank entities;</b> acquisition of real property. (Patron—Carr) . . . . .	HB	592	401	664
<b>Local government;</b> authority to require abatement of criminal blight on real property, clarifies definition of criminal blight to include repeated acts of malicious discharge of a firearm within a building or dwelling that would constitute a criminal act.				
Patron—Carr . . . . .	HB	594	805	1270
Patron—Dance . . . . .	SB	451	335	592
<b>Natural Tunnel Parkway;</b> authorizes Department of Conservation and Recreation to accept certain real property in Scott County. (Patron—Kilgore) . . . . .	HB	669	438	705
<b>RECORDS RETENTION</b>				
<b>Death certificates;</b> in cases in which a death occurs under care of a hospice provider, the medical certification shall be completed by the decedent's health care provider or physician licensed in another state who was in charge of patient's care for illness or condition that resulted in death, filed electronically with State Registrar of Vital Records using the Electronic Death Registration System.				
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Patron—Cosgrove . . . . .	SB	309	208	356
<b>RECOVERY SUNDAY</b>				
<b>Recovery Sunday;</b> designating as third Sunday of September 2018, and each succeeding year thereafter. (Patron—Hodges) . . . . .	HJR	142		1461
<b>RECYCLED PRODUCTS</b>				
<b>Recycling;</b> clarifies definitions of "beneficial use" and "recycling center," etc., evaluation of Virginia's solid waste recycling rates. (Patron—Lewis) . . . . .	SB	218	615	946

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**Reed, Charles Edward;** recording sorrow upon death. (Patron—Stuart) . . . . . SJR 140 1883

**REEKES, FRED MELVIN**

**Reekes, Fred Melvin;** recording sorrow upon death. (Patron—Lucas) . . . . . SR 43 1967

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**Bond referenda;** authorizing counties to make bond issuance contingent on enactment of a food and beverage tax, request for approval by voters, etc. (Patron—Aird) . . . . . HB 1390 730 1123

**Constitutional amendment;** referendum at election to approve or reject an amendment to allow General Assembly to authorize governing bodies of counties, cities, and towns to provide for a partial exemption from local real property taxation of improved real estate subject to recurrent flooding upon which flooding abatement, mitigation, or resiliency efforts have been undertaken (submitting to qualified voters). (Patron—Lewis) . . . . . SB 219 616 948

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**General registrar;** all county and city offices open five days a week. (Patron—Chafin) SB 379 539 846

**General registrars;** assistants, full-time status. (Patron—Edwards) . . . . . SB 152 465 731

**General registrars;** residency requirement, exemption for counties or cities with a population of 25,000 or less.  
Patron—Simon . . . . . HB 690 692 1062  
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**Charitable solicitations;** registration statement shall contain amount of funds expended during preceding fiscal year to pay for administrative expenses of charitable organization, etc. (Patron—Krizek) . . . . . HB 48 268 463

**Child care licensure;** forfeiture of eligibility for religious exemption. (Patron—Freitas) HB 545 6 5

**Land development;** locality within Chesapeake Bay watershed authorized to adopt an ordinance providing for replacement of trees, site plan for any subdivision or development includes a minimum 10 percent tree canopy on site of any cemetery. (Patron—Hodges) . . . . . HB 494 399 662

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**Renfro, Nancy;** commending. (Patron—Hope) . . . . . HJR 335 1564

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**All-terrain vehicles (ATVs), mopeds, and off-road motorcycles;** subject to the motor vehicle sales and use tax but exempt from the retail sales and use tax, provisions shall become effective October 1, 2018.  
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**Reveley, W. Taylor, III;** commending. (Patron—Norment) . . . . . SJR 175 1904

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**Reynolds, Ray;** commending. (Patron—Stanley) . . . . . SJR 159 1895

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**Richmond, City of;** amending charter, equal educational opportunities, school infrastructure. (Patron—Sturtevant) . . . . . SB 750 664 1004

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	<b>American Sign Language, instruction in;</b> requires any local school board that does not offer an elective course to grant academic credit for successful completion of course offered by a comprehensive community college or a multidivision online provider approved by the Board on same basis as successful completion of a foreign language. (Patron—Bell, Richard P.) . . . . .	HB 84	481	752
	<b>Career and technical education credentials;</b> each local school board shall develop and implement policies to require each high school principal or his designee to notify each English language learner of availability of testing accommodations prior to any student's participation in any certification, etc. (Patron—Carroll Foy) . . . . .	HB 442	139	255
	<b>Conflict of Interests Act, State and Local Government;</b> any school district allowed to invoke current exemption from prohibition against hiring, under certain circumstances, school district employee who is related to a member of school board.			
	Patron—Wright . . . . .	HB 212	483	755
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	<b>County manager plan of government;</b> in Arlington County, the county may have an elected school board notwithstanding default method of school board appointment. (Patron—Hope) . . . . .	HB 231	385	652
	<b>Division superintendents;</b> upon request, a school board shall be granted up to an additional 180 days within which to appoint. (Patron—Krizek) . . . . .	HB 81	136	250
	<b>Education, Department of, and local school boards;</b> adoption of policies that prohibit any local school board or individual who is an employee, etc., from assisting an employee, etc., in obtaining a new job if such local school board or individual knows or has probable cause to believe that person engaged in sexual misconduct regarding a minor or student.			
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	<b>Health education program;</b> program required for each public elementary and secondary school student may include an age-appropriate program of instruction on safe use of and risks of abuse of prescription drugs, Board of Education may consider curriculum adopted by School Board of City of Virginia Beach regarding drugs and opioid crisis. (Patron—Herring) . . . . .	HB 1532	490	770
	<b>Norfolk, City of;</b> eliminates cap on salaries of appointed members of school board.			
	Patron—Heretick . . . . .	HB 779	65	145
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	<b>Public schools;</b> local school boards to provide a minimum of 680 hours of instructional time to students in elementary, etc., unstructured recreational time not to exceed 15 percent of teaching hours, etc.			
	Patron—Delaney . . . . .	HB 1419	785	1225
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	<b>School board;</b> board shall adopt policies prohibiting abusive work environment, etc. (Patron—Torian) . . . . .	HB 1044	488	769
	<b>School boards;</b> discretion granted to board to retain an employee who is convicted of an offense subsequent to employee's hiring, etc., provided that such individual has been granted a simple pardon for such offense by Governor, etc., exception.			
	Patron—Gilbert . . . . .	HB 1000	833	1330
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**SCHOOL BOARDS - Continued**

<b>School boards;</b> work-based learning experiences for students, notification to students and parents of availability of internships, certification programs, etc. (Patron—Keam)	HB	399	138	251
<b>School bus personnel;</b> Board of Education shall establish a training program on autism spectrum disorders, each school board employee who assists in transportation of these students shall participate in program. (Patron—Hanger)	SB	229	586	914
<b>School meal policies;</b> each local school board required to adopt policies that prohibit school board employees from requiring students who cannot pay for a meal, etc., to do chores or other work to pay for meals or wear a wristband or hand stamp.				
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Patron—Favola	SB	840	712	1103

**SCHOOL BUSES**

<b>School bus operators;</b> applicants not currently possessing a commercial driver's license, regulations shall require a minimum of 24 hours of classroom training and six hours of behind-the-wheel training on a school bus, etc.				
Patron—O'Quinn	HB	810	389	655
Patron—Hanger	SB	557	203	350
<b>School bus personnel;</b> Board of Education shall establish a training program on autism spectrum disorders, each school board employee who assists in transportation of these students shall participate in program. (Patron—Hanger)	SB	229	586	914

**SCHULTZ, LEONARD ANTHONY**

<b>Schultz, Leonard Anthony;</b> recording sorrow upon death. (Patron—Keam)	HJR	53		1442
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**SCOTT COUNTY**

<b>Hydroelectric plant;</b> Counties of Buchanan, Dickenson, Lee, Russell, Scott, Tazewell, and Wise and City of Norton shall enter into a revenue sharing agreement, host locality's revenue shall be distributed to other localities on basis of certain formula.				
Patron—Pillion	HB	1555	232	406
Patron—Chafin	SB	780	206	354
<b>Natural Tunnel Parkway;</b> authorizes Department of Conservation and Recreation to accept certain real property in Scott County. (Patron—Kilgore)	HB	669	438	705

**SEARCH WARRANTS**

<b>Search warrant for a tracking device;</b> delivery of affidavit by judicial officer or his designee or agent in person, mailed by certified mail, etc.				
Patron—Carroll Foy	HB	145	215	363
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<b>Search warrants;</b> return to jurisdiction where executed, copy of return shall also be delivered to clerk of circuit court of locality where warrant was issued. (Patron—Ingram)	HB	1164	410	677
<b>Unmanned aircraft;</b> authorizes a state or local government department, etc., having jurisdiction over criminal law-enforcement or regulatory violations to utilize system without a search warrant. (Patron—Black)	SB	186	419	687
<b>Unmanned aircraft systems;</b> use by public bodies, search warrant required, exception if by a law-enforcement officer following an accident where a report is required to survey the scene for purpose of crash reconstruction, etc. (Patron—Thomas)	HB	1482	546	852
<b>Unmanned aircraft systems;</b> use by public bodies, search warrant required, exception when following an accident where a report is required, to survey the scene for purpose of crash reconstruction, etc. (Patron—Carrico)	SB	508	654	997

**SENATE OF VIRGINIA**

<b>Fentress Naval Auxiliary Landing Field;</b> member of the House of Delegates and member of the Senate of Virginia representing the area in which the Field is located in Chesapeake, Virginia, shall be notified of any local appropriation made to acquire property rights surrounding the Landing Field. (Patron—Cosgrove)	SB	137	418	686
<b>Senate;</b> 2018 operating resolution. (Patron—McDougle)	SR	7		1948

**SENIOR CITIZENS**

<b>Virginia Life, Accident and Sickness Insurance Guaranty Association;</b> assessments for long-term care insurance, if member insurer collects excess surcharges, insurer shall remit excess amount to Association, etc., repeals provisions relating to rehabilitation, liquidation, or conservation of a health maintenance organization and insolvency deposit assessment. (Patron—Kilgore)	HB	1486	706	1079
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**SERVICE OF PROCESS**

<b>Domestic limited liability company;</b> extends to companies rules for service of process on a domestic corporation. (Patron—Black) . . . . .	SB	71	475	745
<b>Service of process;</b> county attorney to be served when actions against county officers, etc. (Patron—Petersen) . . . . .	SB	14	474	744
<b>Service of process;</b> investigator employed by an attorney for the Commonwealth and Indigent Defense Commission. (Patron—Mullin) . . . . .	HB	1511	238	413

**SESSOMS, CLARENCE L.**

<b>Sessoms, Clarence L.;</b> recording sorrow upon death. (Patron—Jones, J.C.) . . . . .	HJR	440		1622
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**SETTLE, ADELLE**

<b>Settle, Adelle;</b> commending. (Patron—Roem) . . . . .	HR	153		1775
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**SEWAGE DISPOSAL AND SEWERAGE SYSTEMS**

<b>Onsite sewage systems;</b> unless otherwise provided in local ordinance, adjustment or replacement of sewer lines, etc., is considered maintenance of system and thus does not require a permit, notwithstanding any local ordinance, "maintenance" does not include replacement of tanks, etc. (Patron—Orrock) . . . . .	HB	887	830	1321
<b>Onsite sewage systems and private wells;</b> Department of Health shall take steps to eliminate evaluation and design services provided, principal place of residence, coordination with Department of Professional and Occupational Regulation to establish certain agreements or procedures. (Patron—Orrock) . . . . .	HB	888	831	1322
<b>Sewerage systems;</b> state adoption of federal criteria, ammonia criteria, report.				
Patron—Poindexter . . . . .	HB	1475	510	805
Patron—Peake . . . . .	SB	344	511	806

**SEXUAL OFFENSES**

<b>Child abuse or neglect;</b> local department shall notify local Commonwealth attorney of all complaints involving child's being left alone in same dwelling with person to whom child is not related by blood or marriage and who has been convicted of offense against a minor for which registration is required as a violent sexual offender, etc. (Patron—Bell, Robert B.) . . . . .	HB	511	823	1300
<b>Education, Department of, and local school boards;</b> adoption of policies that prohibit any local school board or individual who is an employee, etc., from assisting an employee, etc., in obtaining a new job if such local school board or individual knows or has probable cause to believe that person engaged in sexual misconduct regarding a minor or student.				
Patron—Bulova . . . . .	HB	438	513	809
Patron—Ebbin . . . . .	SB	605	514	810
<b>Sex Offenders and Crimes Against Minors Registry;</b> removal of name or information from Registry. (Patron—Freitas) . . . . .	HB	902	68	147

**SGT. LAWRENCE G. SPRADER, JR., MEMORIAL BRIDGE**

<b>Sgt. Lawrence G. Sprader, Jr., Memorial Bridge;</b> designating as the bridge on Middle Road over Interstate 295 in Prince George County. (Patron—Brewer) . . . . .	HB	1159	121	229
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**SHAFER, KENNETH R.**

<b>Shafer, Kenneth R.;</b> recording sorrow upon death. (Patron—Poindexter) . . . . .	HJR	284		1537
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**SHANK, MATTHEW D.**

<b>Shank, Matthew D.;</b> commending. (Patron—Hope) . . . . .	HJR	411		1606
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**SHAW, ANNE**

<b>Shaw, Anne;</b> commending. (Patron—Roem) . . . . .	HJR	574		1691
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**SHEA, JAMES RUSSELL**

<b>Shea, James Russell;</b> recording sorrow upon death. (Patron—Hope) . . . . .	HJR	339		1566
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**SHELTON, WILLIAM C.**

<b>Shelton, William C.;</b> commending. (Patron—Kilgore) . . . . .	HJR	291		1540
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**SHEPHERD HIGHER EDUCATION CONSORTIUM ON POVERTY**

<b>Shepherd Higher Education Consortium on Poverty;</b> commending. (Patron—Deeds) . . . . .	SJR	160		1895
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**SHEPHERD'S CENTER OF OAKTON-VIENNA**

<b>Shepherd's Center of Oakton-Vienna;</b> commemorating its 20th anniversary. (Patron—Keam) . . . . .	HJR	44		1439
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**SHERWOOD, NANCY RUTH**

<b>Sherwood, Nancy Ruth;</b> commending. (Patron—Boysko) . . . . .	HJR	512		1657
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	RES. NO.	NO.	NO.
<b>SHIVER, MILDRED LEIGH</b>			
<b>Shiver, Mildred Leigh</b> ; recording sorrow upon death. (Patron—Krizek) . . . . .	HJR	415	1608
<b>SHOULTS, NEIL</b>			
<b>Shoultz, Neil</b> ; commending. (Patron—Guzman) . . . . .	HR	189	1790
<b>SHUMATE, CHARLES L.</b>			
<b>Shumate, Charles L.</b> ; commending. (Patron—Thomas) . . . . .	HR	53	1725
<b>SIGLE, ANDY</b>			
<b>Sigle, Andy</b> ; commending. (Patron—Plum) . . . . .	HJR	386	1592
<b>SIGNS</b>			
<b>Outdoor advertising</b> ; signs that are related to public safety, provide directional information, or provide public information may be situated or installed in highway rights-of-way. (Patron—Carrico) . . . . .	SB	995	794 1235
<b>Purple Heart State</b> ; Department of Transportation shall place and maintain signs along certain highways reflecting 2016 designation by General Assembly. (Patron—Norment) . . . . .	SB	847	366 626
<b>Signs or advertisements</b> ; provisions pertaining to Interstate System highway and advertising activities.			
Patron—Ingram . . . . .	HB	1523	352 612
Patron—Ruff . . . . .	SB	925	353 614
<b>SIGREST, ELEANOR</b>			
<b>Sigrest, Eleanor</b> ; commending. (Patron—Guzman) . . . . .	HR	169	1781
<b>SIMPSON, HOWARD FRANKLIN</b>			
<b>Simpson, Howard Franklin</b> ; recording sorrow upon death. (Patron—Edmunds) . . . . .	HJR	377	1586
<b>SIMS, JOHN SAMUEL</b>			
<b>Sims, John Samuel</b> ; recording sorrow upon death. (Patron—Peake) . . . . .	SR	37	1964
<b>SKYDIVE ORANGE</b>			
<b>Skydive Orange</b> ; commemorating its 40th anniversary. (Patron—Reeves) . . . . .	SJR	87	1852
<b>SKYLINE REGIONAL CRIMINAL JUSTICE ACADEMY JAIL OFFICER BASIC 1</b>			
<b>Skyline Regional Criminal Justice Academy Jail Officer Basic 1 graduating class</b> ; commending. (Patron—Reid) . . . . .	HR	39	1718
<b>SLONE, EVELYN ANN</b>			
<b>Slone, Evelyn Ann</b> ; commending. (Patron—Edwards) . . . . .	SJR	184	1910
<b>SMALL BUSINESSES</b>			
<b>One-stop small business permitting program</b> ; extends sunset date by which State Corporation Commission and Department of Small Business and Supplier Diversity are required to complete aspects of program. (Patron—Kilgore) . . . . .	HB	237	218 366
<b>Small Business and Supplier Diversity, Department of</b> ; powers of director related to certification, report. (Patron—McPike) . . . . .	SB	652	681 1030
<b>Virginia Public Procurement Act</b> ; executive branch agency's goals for participation by small businesses, requirements. (Patron—McPike) . . . . .	SB	651	680 1030
<b>SMIDDY, JOSEPH C.</b>			
<b>Smiddy, Joseph C.</b> ; recording sorrow upon death.			
Patron—Kilgore . . . . .	HJR	9	1426
Patron—Carrico . . . . .	SR	9	1949
<b>SMITH, DEBRA ANN</b>			
<b>Smith, Debra Ann</b> ; commending. (Patron—Leftwich) . . . . .	HR	95	1745
<b>SMITH, H. PHILLIP</b>			
<b>Smith, H. Phillip</b> ; commending. (Patron—Marshall) . . . . .	HR	154	1775
<b>SMITH, JAMES W., III</b>			
<b>Smith, James W., III</b> ; recording sorrow upon death. (Patron—Fowler) . . . . .	HR	55	1726
<b>SMITH, WILLIE MELVIN, JR.</b>			
<b>Smith, Willie Melvin, Jr.</b> ; recording sorrow upon death. (Patron—Jones, S.C.) . . . . .	HR	11	1695
<b>SMOKING</b>			
<b>Outdoor amphitheater or concert venue</b> ; locality, by ordinance, may designate reasonable no-smoking areas, penalty. (Patron—Edwards) . . . . .	SB	149	799 1252
<b>SMYTH COUNTY</b>			
<b>Powhatan and Smyth Counties</b> ; added to list of counties that may require connection to their water and sewer systems by owners of certain property. (Patron—Ware) . . . . .	HB	22	309 547

**SNIDOW, JEAN ALDRICH**

**Snidow, Jean Aldrich**; recording sorrow upon death. (Patron—Suetterlein) . . . . . SJR 226 1934

**SOCIAL SERVICES, BOARD OF OR DEPARTMENT OF**

**Assisted living facilities**; State Board of Social Services shall amend regulations governing staffing of facilities providing care for adults with serious cognitive impairments who cannot recognize danger or protect their own safety and welfare, Board shall promulgate regulations to implement provisions to be effective within 280 days of its enactment.

Patron—Sickles . . . . . HB 1439 248 443  
Patron—Mason . . . . . SB 875 686 1036

**Child day programs at public or private school facilities**; prohibits Board of Social Services from adopting regulations governing programs that require inspection or approval of the building, etc. (Patron—Bagby) . . . . . HB 836 11 12

**Independent living communities**; Department of Social Services to study regulation of communities. (Patron—Bell, Robert B.) . . . . . HJR 118 1455

**SOLAR ENERGY**

**Electric utility regulation**; grid modernization, energy efficiency programs, schedule for rate review proceedings, energy storage facilities, Transitional Rate Period, costs recovered by a utility, development of solar and wind generation capacity in the Commonwealth, pilot programs established, reports. (Patron—Wagner) . . . . . SB 966 296 501

**Property tax**; exemption for solar energy equipment and facilities, clarifies definition of certified pollution control equipment and facilities. (Patron—Lucas) . . . . . SB 902 849 1375

**Solar facilities**; property owner may install a facility on roof of a dwelling or other building to serve electricity or thermal needs of that dwelling or building, etc., provided installation is in compliance with provisions pertaining to any local historic, architectural preservation, or corridor protection district, regulation of ground-mounted solar facilities in provisions of a zoning ordinance.

Patron—Hodges . . . . . HB 508 495 773  
Patron—Stanley . . . . . SB 429 496 775

**Solar facilities**; subject to provisions requiring facility to be substantially in accord with locality's comprehensive plan, locality may allow for a substantial accord review for facilities to be advertised and approved in a public hearing process, etc.

Patron—Hodges . . . . . HB 509 318 560  
Patron—Stanley . . . . . SB 179 175 306

**SOMERVILLE, WILLIAM G.**

**Somerville, William G.**; recording sorrow upon death. (Patron—Krizek) . . . . . HJR 486 1645

**SONNIE P. PENN ELEMENTARY SCHOOL**

**Sonnie P. Penn Elementary School**; commemorating its 20th anniversary.

Patron—Guzman . . . . . HR 170 1781  
Patron—McPike . . . . . SR 24 1957

**SORENSEN DAY**

**Sorensen Day**; designating as February 13, 2018. (Patron—Keam) . . . . . HJR 144 1462

**SORENSEN, BARBARA**

**Sorenson, Barbara**; commending. (Patron—Boysko) . . . . . HJR 500 1652

**SOS INTERNATIONAL LLC**

**SOS International LLC**; commending. (Patron—Howell) . . . . . SJR 188 1912

**SOUTH BOSTON, TOWN OF**

**U.S. Route 501**; increases maximum speed limit between Town of South Boston and North Carolina state line. (Patron—Edmunds) . . . . . HB 55 339 605

**SOUTH COUNTY LITTLE LEAGUE**

**South County Little League**; commemorating its 50th anniversary. (Patron—Tran) . . . . . HJR 572 1690

**SOUTH LAKES HIGH SCHOOL**

**Pantry at South Lakes High School**; commending. (Patron—Plum) . . . . . HJR 389 1594

**SOUTHEASTERN VIRGINIA HEALTH SYSTEM**

**Southeastern Virginia Health System**; commemorating its 40th anniversary. (Patron—Price) . . . . . HJR 317 1555

**SOUTHSIDE VIRGINIA**

**Henrietta Lacks Commission**; established, membership includes four ex-officio members, reimbursement for reasonable and necessary expenses of nonlegislative

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**SOUTHSIDE VIRGINIA - Continued**

citizen members of Commission shall be paid by Halifax County Industrial Development Authority, report, sunset date.

Patron—Edmunds .....	HB	1415	705	1077
Patron—Stanley .....	SB	171	477	747

**SOUTHWEST VIRGINIA**

**Off-road recreational vehicles;** increases highway speed limit wherein local government is embraced by the Southwest Regional Recreation Authority. (Patron—Carrico) .....

SB	496	364	625
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**SPAINHOUR, ELIZABETH**

**Spainhour, Elizabeth;** commending. (Patron—Marshall) .....

HJR	428		1615
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**SPEAKER OF THE VIRGINIA HOUSE OF DELEGATES**

**Intergovernmental Cooperation, Virginia Commission on;** Speaker of the House of Delegates to make appointments of members of the House of Delegates to serve on intergovernmental boards, committees, and commissions. (Patron—Thomas) .....

HB	530	525	816
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**SPEED LIMITS**

**Highways, certain;** increases to 60 miles per hour maximum speed limit on State Route 3 between corporate limits of Town of Warsaw and unincorporated area of Emmerton. (Patron—Ransone) .....

HB	684	345	608
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**Off-road recreational vehicles;** increases highway speed limit wherein local government is embraced by the Southwest Regional Recreation Authority. (Patron—Carrico) .....

SB	496	364	625
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**Speed limits;** increases to 60 miles per hour maximum speed on U.S. Route 301, entirety of U.S. Route 17, and State Routes 3 and 207.

Patron—Thomas .....	HB	73	340	605
Patron—Reeves .....	SB	466	160	284

**U.S. Route 501;** increases maximum speed limit between Town of South Boston and North Carolina state line. (Patron—Edmunds) .....

HB	55	339	605
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**SPORTING EXHIBITIONS, EVENTS, AND FACILITIES**

**Admissions tax;** Washington County is authorized to impose to either a multi-sports complex or an entertainment venue.

Patron—Pillion .....	HB	1553	287	492
Patron—Carrico .....	SB	503	289	493

**Golf carts and utility vehicles on public highways;** authorizes use to cross a one-lane or two-lane highway from one portion of a venue hosting an equine event to another portion, etc. (Patron—Webert) .....

HB	114	112	223
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**Horse racing and pari-mutuel wagering;** definition of "historical horse racing," percentage of pari-mutuel pools to be distributed. (Patron—Webert) .....

HB	1609	811	1281
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**SPORTING VIRGINIA FUTSAL CLUB**

**Sporting Virginia Futsal Club;** commending. (Patron—Reid) .....

HR	42		1719
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**SPOTSYLVANIA COUNTY**

**Spotsylvania and Orange, Counties of;** voluntary boundary agreement, attachment of GIS map to petitions.

Patron—Freitas .....	HB	548	319	561
Patron—Reeves .....	SB	477	85	176

**SPOUSAL SUPPORT**

**Spousal support;** modification when person reaches retirement age. (Patron—Hanger) .....

SB	540	583	906
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**Spousal support;** request for modification. (Patron—Surovell) .....

SB	614	701	1070
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**Spousal support payments;** employer withholding. (Patron—Surovell) .....

SB	615	707	1098
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**ST. JOHN'S EPISCOPAL CHURCH**

**St. John's Episcopal Church;** commemorating its 125th anniversary. (Patron—Rasoul) .....

HJR	464		1634
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**ST. MICHAEL THE ARCHANGEL CATHOLIC CHURCH**

**St. Michael the Archangel Catholic Church;** commemorating its 25th anniversary. (Patron—Dunnavant) .....

SJR	164		1897
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**ST. PAUL'S EPISCOPAL CHURCH**

**St. Paul's Episcopal Church;** commemorating its 375th anniversary. (Patron—Jones, S.C.) .....

HR	26		1711
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**STAFFORD JUNCTION, INC.**

**Stafford Junction, Inc.;** commemorating its 15th anniversary. (Patron—Carroll Foy) ..

HR	127		1761
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**STANDARDS OF LEARNING**

**Graduation requirements;** Board of Education to permit local school divisions to waive requirement for students to receive 140 clock hours of instruction after student has completed course curriculum and relevant Standards of Learning end-of-course assessment, etc. (Patron—McPike) . . . . . SB 664 592 916

**STANDARDS OF QUALITY**

**Standards of Quality;** instructional programs and positions, dual language teachers. (Patron—Mullin) . . . . . HB 507 484 756

**STAPLES, KENNETH ATWELL, SR.**

**Staples, Kenneth Atwell, Sr.;** recording sorrow upon death. (Patron—Deeds) . . . . . SJR 169 1900

**STATE AGENCIES**

**Forfeited assets;** state or local agency that receives net proceeds of asset from Department of Criminal Justice Services, etc., criminal charges brought against owner of forfeited asset, information included in annual report. Patron—Peake . . . . . SB 813 666 1008

**Nonparticipating tobacco-product manufacturers;** certain state agencies sharing or disclosing information, provisions shall not become effective unless reenacted by 2019 Session of General Assembly. (Patron—Kilgore) . . . . . HB 1605 608 940

**STATE CORPORATION COMMISSION**

**Electric utilities;** State Corporation Commission to use capital structure and cost of capital of an investor-owned electric utility, excluding any debt associated with securitized bonds that are obligation of non-Virginia jurisdictional customers, when regulating rates, etc. (Patron—Chafin) . . . . . SB 922 795 1237

**Judges;** election in circuit court, general district court, juvenile and domestic relations district court, member of State Corporation Commission, and member of Virginia Workers' Compensation Commission. (Patron—Adams, L.R.) . . . . . HJR 132 1457

**One-stop small business permitting program;** extends sunset date by which State Corporation Commission and Department of Small Business and Supplier Diversity are required to complete aspects of program. (Patron—Kilgore) . . . . . HB 237 218 366

**Public school divisions;** State Corporation Commission to conduct pilot program for schools that generate electricity at levels that exceed the school's consumption, report. (Patron—Sullivan) . . . . . HB 1451 415 681

**State Corporation Commission;** extends date to January 1, 2020, after which the Commission is required to limit users who will be able to submit data and documents on behalf of a business entity. (Patron—Kilgore) . . . . . HB 238 253 445

**State Corporation Commission;** group health insurance policies issued outside the Commonwealth. (Patron—Keam) . . . . . HB 396 256 447

**State Corporation Commission;** nomination for election of member.  
Patron—Kilgore . . . . . HR 23 1710  
Patron—Wagner . . . . . SR 14 1952

**Surplus lines insurance;** establishes criteria for licensing by State Corporation Commission of domestic surplus line insurers. (Patron—Obenshain) . . . . . SB 542 205 352

**STATE EMPLOYEES**

**Auditor of Public Accounts;** identifier information of each full-time state employee's position maintained on an online database. (Patron—Dunnivant) . . . . . SB 633 601 934

**STATE OF ISRAEL**

**State of Israel;** commemorating its 70th anniversary. (Patron—Filler-Corn) . . . . . HR 100 1748

**STATE ROUTE 3**

**Highways, certain;** increases to 60 miles per hour maximum speed limit on State Route 3 between corporate limits of Town of Warsaw and unincorporated area of Emmerton. (Patron—Ransone) . . . . . HB 684 345 608

**Speed limits;** increases to 60 miles per hour maximum speed on U.S. Route 301, entirety of U.S. Route 17, and State Routes 3 and 207.  
Patron—Thomas . . . . . HB 73 340 605  
Patron—Reeves . . . . . SB 466 160 284

**STATE ROUTE 207**

**Speed limits;** increases to 60 miles per hour maximum speed on U.S. Route 301, entirety of U.S. Route 17, and State Routes 3 and 207. (Patron—Thomas) . . . . . HB 73 340 605  
Patron—Reeves . . . . . SB 466 160 284

**STATE ROUTE 675**

**William Preston Memorial Highway**; designating a portion of U.S. Route 220 in Botetourt County between Town of Fincastle and intersection of State Route 675. (Patron—Austin) . . . . . HB 1571 607 939

**STEPHENS, ROBERT LEE, JR.**

**Stephens, Robert Lee, Jr.**; recording sorrow upon death. (Patron—Ransone) . . . . . HJR 253 1520

**STEPHENSON, MORRIS GILMORE**

**Stephenson, Morris Gilmore**; recording sorrow upon death. (Patron—Poindexter) . . . HJR 439 1621

**STEWART, DONOVAN**

**Stewart, Donovan**; commending. (Patron—Guzman) . . . . . HR 191 1791

**STILES, JOSEPH C., JR.**

**Stiles, Joseph C., Jr.**; recording sorrow upon death. (Patron—Fowler) . . . . . HJR 166 1473

**STOCK CORPORATIONS**

**Stock corporations**; action by shareholders without meeting.  
Patron—O’Quinn . . . . . HB 1559 267 462  
Patron—Chafin . . . . . SB 974 308 546

**STOCKS, ALLISON**

**Stocks, Allison**; commending. (Patron—Sullivan) . . . . . HJR 471 1637

**STOKES, BERNARD LEE**

**Stokes, Bernard Lee**; recording sorrow upon death. (Patron—Gilbert) . . . . . HJR 376 1586

**STOKES, GORDON**

**Stokes, Gordon**; commending. (Patron—Boysko) . . . . . HJR 488 1645

**STONE BRIDGE HIGH SCHOOL**

**Stone Bridge High School volleyball team**; commending. (Patron—Reid) . . . . . HR 40 1718

**STONE, WILLIAM T., SR.**

**Stone, William T., Sr.**; recording sorrow upon death.  
Patron—Bourne . . . . . HJR 361 1578  
Patron—Norment . . . . . SJR 194 1916

**STONEHOUSE ELEMENTARY SCHOOL**

**Stonehouse Elementary School**; commending. (Patron—Pogge) . . . . . HJR 298 1543

**STORMWATER MANAGEMENT**

**Stormwater management**; inspections, land-disturbing activities of natural gas pipelines, Department may issue a stop work instruction without advance notice or hearing, upon request by the company, the Director or his designee shall review such instruction within 48 hours of issuance, activities that caused substantial adverse impacts to water quality. (Patron—Deeds) . . . . . SB 699 298 526

**Stormwater management**; local plan review, acceptance of signed and sealed plan in lieu of local plan review. (Patron—Hodges) . . . . . HB 1308 155 279

**Stormwater management**; rural Tidewater, tiered approach to water quantity technical criteria, impervious cover percentage. (Patron—Hodges) . . . . . HB 1307 154 272

**Stormwater management**; termination of general permit, notice. (Patron—Ruff) . . . . SB 741 630 959

**Virginia Public Procurement Act**; cooperative procurement, installation of artificial turf and track surfaces, stream restoration or stormwater management practices.  
Patron—Hodges . . . . . HB 574 269 465  
Patron—Ruff . . . . . SB 688 149 267

**Virginia Water Protection Permit**; exception for wetland and open water impacts to a stormwater management facility that was created on dry land. (Patron—Bulova) . . . . HB 377 114 225

**STRALEY, JIMMIE**

**Straley, Jimmie**; commending. (Patron—Peake) . . . . . SJR 152 1890

**STUDENTS**

**Career and technical education credentials**; each local school board shall develop and implement policies to require each high school principal or his designee to notify each English language learner of availability of testing accommodations prior to any student’s participation in any certification, etc. (Patron—Carroll Foy) . . . . . HB 442 139 255

**Contractors, Board for**; exemption from licensure any person who is performing work directly under supervision of a licensed contractor and is a student in good standing and enrolled in a public or private institution of higher education, etc. (Patron—DeSteph) . . . . . SB 569 767 1183

**STUDENTS - Continued**

<b>Driver education programs;</b> parent/student driver education component shall be administered as part of classroom portion of driver education curriculum, in Northern Virginia, the parent/student driver education component shall be administered in-person, outside Northern Virginia, the component may be administered either in-person or online. (Patron—Cosgrove) . . . . .	SB	126	521	813
<b>Education, Department of, and local school boards;</b> adoption of policies that prohibit any local school board or individual who is an employee, etc., from assisting an employee, etc., in obtaining a new job if such local school board or individual knows or has probable cause to believe that person engaged in sexual misconduct regarding a minor or student. Patron—Bulova . . . . .	HB	438	513	809
Patron—Ebbin . . . . .	SB	605	514	810
<b>Education preparation programs;</b> reading specialists, program of coursework and other training in identification and teaching technique for students with dyslexia or a related disorder. Patron—Cline . . . . .	HB	1265	282	488
Patron—Newman . . . . .	SB	368	588	914
<b>Election day page program;</b> local electoral board, or its general registrar, may conduct a program for high school students in one or more polling places. (Patron—Ebbin) . .	SB	589	700	1068
<b>Graduation requirements;</b> Board of Education to permit local school divisions to waive requirement for students to receive 140 clock hours of instruction after student has completed course curriculum and relevant Standards of Learning end-of-course assessment, etc. (Patron—McPike) . . . . .	SB	664	592	916
<b>Health education program;</b> program required for each public elementary and secondary school student may include an age-appropriate program of instruction on safe use of and risks of abuse of prescription drugs, Board of Education may consider curriculum adopted by School Board of City of Virginia Beach regarding drugs and opioid crisis. (Patron—Herring) . . . . .	HB	1532	490	770
<b>Health instruction;</b> instruction to incorporate standards that recognize multiple dimensions of health by including mental health and relationship of physical and mental health so as to enhance student understanding. Patron—Bell, Robert B. . . . .	HB	1604	392	656
Patron—Deeds . . . . .	SB	953	393	657
<b>High school graduation requirements;</b> Board of Education to permit students to exceed full course load in order to participate in courses offered by higher educational institutions, etc. (Patron—Yancey) . . . . .	HB	329	512	807
<b>Higher educational institutions, public;</b> federal student loan information. (Patron—Obenshain) . . . . .	SB	568	589	915
<b>Higher educational institutions, public;</b> loans to students, collection of past due payments. (Patron—Yancey) . . . . .	HB	165	786	1225
<b>Informal truancy plans;</b> intake officer may defer filing complaint for 90 days and proceed developing a plan provided that juvenile has not been previously proceeded against or adjudicated in need of supervision on more than two occasions for failure to comply with compulsory school attendance, etc. (Patron—Ward) . . . . .	HB	274	312	549
<b>Jury service;</b> court to defer to a later term of court if such person is enrolled as a full-time student. (Patron—Bell, Robert B.) . . . . .	HB	481	259	448
<b>Polysomnographic technology;</b> students or trainees, licensure. (Patron—Peace) . . . .	HB	854	98	189
<b>Public schools;</b> enrollment for students residing on a military installation or in military housing. (Patron—Yancey) . . . . .	HB	1085	390	655
<b>Public schools;</b> local school boards to provide a minimum of 680 hours of instructional time to students in elementary, etc., unstructured recreational time not to exceed 15 percent of teaching hours, etc. Patron—Delaney . . . . .	HB	1419	785	1225
Patron—Petersen . . . . .	SB	273	784	1225
<b>Public schools;</b> prohibits students in preschool through grade three from being suspended for more than three days or expelled unless offense involves physical harm or credible threat of physical harm to others, etc. (Patron—Stanley) . . . . .	SB	170	585	911
<b>Scholastic records;</b> directory information, no school shall disclose student's address, telephone listing, etc., unless parent or eligible student has affirmatively consented in writing to such disclosure. (Patron—Wilt) . . . . .	HB	1	806	1272

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<b>School boards;</b> work-based learning experiences for students, notification to students and parents of availability of internships, certification programs, etc. (Patron—Keam)	HB	399	138	251
<b>School bus personnel;</b> Board of Education shall establish a training program on autism spectrum disorders, each school board employee who assists in transportation of these students shall participate in program. (Patron—Hanger)	SB	229	586	914
<b>School meal policies;</b> each local school board required to adopt policies that prohibit school board employees from requiring students who cannot pay for a meal, etc., to do chores or other work to pay for meals or wear a wristband or hand stamp.				
Patron—Hope	HB	50	384	652
Patron—Favola	SB	840	712	1103
<b>Student discipline;</b> pupil may be suspended from attendance at school for 11 to 45 days, a long-term suspension may extend beyond a 45-school-day period but shall not exceed 364 calendar days if involves serious bodily injury, etc. (Patron—Bourne)	HB	1600	491	770
<b>Students;</b> collection of demographic data, no student or his parent shall be required to disclose information related to student's race or ethnicity, exception. (Patron—DeSteph)	SB	238	587	914
<b>Truancy;</b> changes to procedures relating to interventions when a pupil fails to report to school for a total of five scheduled days for the school year, conference shall be held no later than 10 school days after tenth absence of pupil, regardless of whether his parent approves of the conference.				
Patron—Filler-Corn	HB	1485	753	1158
Patron—Favola	SB	841	713	1104
<b>Virginia Freedom of Information Act;</b> custodian of a scholastic record shall not release address, phone number, or email address of student in response to a request without written consent. (Patron—Suetterlein)	SB	512	756	1161
<b>Worker retraining;</b> modifies tax credit by allowing credit to manufacturers conducting a manufacturing orientation, instruction, etc., for students, Tax Commissioner shall develop guidelines establishing procedures for claiming credit, etc., such guidelines shall be exempt from provisions of Administrative Process Act. (Patron—Yancey)	HB	129	500	783
<b>STUDY COMMISSIONS, COMMITTEES, AND REPORTS</b>				
<b>American Legion Bridge;</b> Department of Transportation shall begin the initial design and related assessments for remediating at earliest time possible once necessary decisions have been made by State of Maryland, report. (Patron—Murphy)	HB	662	738	1130
<b>Background checks;</b> Department of State Police shall recommend, etc., options to expedite process of performing checks, report. (Patron—Chase)	SB	716	662	1001
<b>Battlefield easements;</b> Secretary of Natural Resources shall endeavor to enter into a memorandum of understanding, etc., with United States to accomplish and expedite transfer of Commonwealth's interests in lands located within boundaries of federal battlefield parks.				
Patron—Ware	HB	61	111	222
Patron—Dance	SB	450	622	953
<b>Career and technical education and diplomas;</b> Board of Education shall make recommendations on strategies to eliminate stigma associated with high school pathways and consolidation of standard and advanced diplomas. (Patron—Davis)	HB	1530	517	811
<b>Career investigation courses and programs of instruction;</b> Board of Education to establish content standards and curriculum guidelines, report. (Patron—Bulova)	HB	632	485	762
<b>Child day programs;</b> exemptions from licensure, removes certain programs from list, upon receipt of a complaint, the Commissioner shall inspect child day programs that are exempt from licensure, report. (Patron—Hanger)	SB	539	810	1276
<b>Coal combustion residuals impoundments and other units;</b> Director of Department of Environmental Quality shall suspend, delay, or defer until July 1, 2019, issuance of any permit required to provide for closure, request for proposals for recycling or beneficial use projects. (Patron—Surovell)	SB	807	632	960
<b>Coastal Flooding, Joint Subcommittee on;</b> continued, report.				
Patron—Stolle	HJR	26		1434
Patron—Locke	SJR	19		1801
<b>Commonwealth Broadband Chief Advisor;</b> establishes position within Office of the Secretary of Commerce and Trade, report. (Patron—Byron)	HB	1583	766	1182
<b>Criminal Injuries Compensation Fund;</b> restitution owed to victims, Virginia Workers' Compensation Commission's powers and duties are to identify and locate victims of crime for whom restitution owed has been deposited into the Criminal				

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Injuries Compensation Fund, victim's contact information shall be confidential and the clerk shall not disclose to any person, report. Patron—Bell, Robert B. . . . .	HB	483	724	1111
Patron—Obenshain . . . . .	SB	562	725	1115
<b>Discretionary sentencing guidelines; judicial performance evaluation program, report. (Patron—Herring) . . . . .</b>	HB	1055	727	1120
<b>Eastern Virginia groundwater management; groundwater trading work group is established for purpose of serving as a resource to Department of Environmental Quality, report. (Patron—Hodges) . . . . .</b>	HB	1036	448	714
<b>Electric utility regulation; grid modernization, energy efficiency programs, schedule for rate review proceedings, energy storage facilities, Transitional Rate Period, costs recovered by a utility, development of solar and wind generation capacity in the Commonwealth, pilot programs established, reports. (Patron—Wagner) . . . . .</b>	SB	966	296	501
<b>Ethics laws, current; joint subcommittee to be established to study. (Patron—Norment)</b>	SJR	75		1844
<b>Expedited land use permit process; Department of Transportation shall develop and submit for approval, process shall be designed to apply only when proposed use of right-of-way does not make substantial changes to such right-of-way, etc., report. (Patron—Freitas) . . . . .</b>	HB	901	505	797
<b>Government Data Collection and Dissemination Practices Act; Chief Data Officer position created, amends Act to facilitate sharing of data among agencies of the Commonwealth and between the Commonwealth and political subdivisions, Data Sharing and Analytics Advisory Committee created, report. (Patron—Hanger) . . . . .</b>	SB	580	679	1027
<b>Hemp, industrial; Commissioner of Agriculture and Consumer Services to undertake research through the establishment of a higher education research program, etc., Commissioner may establish a registration program, including establishment of fees not to exceed \$50, report, repeals provision pertaining to industrial hemp research program. Patron—Freitas . . . . .</b>	HB	532	689	1037
Patron—Dance . . . . .	SB	247	690	1049
<b>Henrietta Lacks Commission; established, membership includes four ex-officio members, reimbursement for reasonable and necessary expenses of nonlegislative citizen members of Commission shall be paid by Halifax County Industrial Development Authority, report, sunset date. Patron—Edmunds . . . . .</b>	HB	1415	705	1077
Patron—Stanley . . . . .	SB	171	477	747
<b>Higher Education Substance Use Advisory Committee, Virginia Institutions of; Board of Directors of Virginia Alcoholic Beverage Control Authority shall establish and appoint members, goal of Committee shall be to develop and update statewide strategic plan for substance use education, prevention, and intervention at Virginia's public and private higher educational institutions. Patron—Peace . . . . .</b>	HB	852	211	360
Patron—Favola . . . . .	SB	120	210	359
<b>Higher educational institutions, public; constitutionally protected speech, institution shall develop materials on policies and reports, repeals provision referencing speech on campus. (Patron—Landes) . . . . .</b>	HB	344	751	1157
<b>Higher educational institutions, public; six-year plans submitted by governing board, report. (Patron—Landes) . . . . .</b>	HB	897	487	768
<b>Income tax, corporate and state; modification for certain companies, grants for certain corporations, apportionment, report. Patron—Morefield . . . . .</b>	HB	222	802	1260
Patron—Stanley . . . . .	SB	883	801	1252
<b>Income tax, state and corporate; subtraction for Virginia real estate investment trust income, . . . . .</b>	HB	365	821	1291
<b>Independent living communities; Department of Social Services to study regulation of communities. (Patron—Bell, Robert B.) . . . . .</b>	HJR	118		1455
<b>Interstate 81; Commonwealth Transportation Board to study financing options for corridor improvements, Board shall assess potential economic impacts on Virginia agriculture, manufacturing, and logistics sector companies utilizing corridor from tolling only heavy trucks, etc., report. (Patron—Obenshain) . . . . .</b>	SB	971	743	1135

**STUDY COMMISSIONS, COMMITTEES, AND REPORTS - Continued**

<b>Labor market information research studies, programs, and operations;</b> transfer of administration from Virginia Employment Commission to Virginia Board of Workforce Development, powers and duties. (Patron—Byron) . . . . .	HB	1006	225	389
<b>Mass transit in the Commonwealth;</b> establishes Commonwealth Mass Transit Fund, allocation of funds, use of certain revenues by Washington Metropolitan Area Transit Authority, etc., Commuter Rail Operating and Capital Fund created, transportation district transient occupancy tax, report, collection of sales and use tax from remote sellers, etc., repeals provisions relating to regional congestion relief fee and regional transient occupancy tax. Patron—Hugo . . . . .	HB	1539	854	1385
Patron—Saslaw . . . . .	SB	856	856	1405
<b>Medical Assistance Services, Department of;</b> Department shall make recommendations to General Assembly regarding flexibility to an individual enrolled in a home and community-based waiver, report. (Patron—DeSteph) . . . . .	SB	310	566	884
<b>Motor vehicle sales and use tax;</b> minimum tax on trailers, with registered gross weight of 2,000 pounds or less, shall be \$35, report. (Patron—Pogge) . . . . .	HB	680	826	1305
<b>Nurse practitioners;</b> eliminates requirement for a practice agreement with a patient care team physician for practitioners who are licensed by Boards of Medicine and Nursing, practitioner to whom a license is issued by endorsement, completion of equivalent of at least five years of full-time clinical experience, report. (Patron—Robinson) . . . . .	HB	793	776	1202
<b>Prescription Monitoring Program;</b> prescriber and dispenser patterns, criteria for indicators of misuse, report. Patron—Head . . . . .	HB	313	239	413
Patron—Dunnavant . . . . .	SB	728	190	321
<b>Pretrial services agencies;</b> Department of Criminal Justice Services to review, report. Patron—Gilbert . . . . .	HB	996	407	675
Patron—Peake . . . . .	SB	783	180	313
<b>Public school divisions;</b> State Corporation Commission to conduct pilot program for schools that generate electricity at levels that exceed the school's consumption, report. (Patron—Sullivan) . . . . .	HB	1451	415	681
<b>Qualified Education Loan Ombudsman, Office of the;</b> established, report. Patron—Price . . . . .	HB	1138	489	769
Patron—Howell . . . . .	SB	394	755	1160
<b>Radon;</b> Department of Health shall review consumer complaints regarding testing and mitigation and current certification requirements for individuals performing testing, etc. (Patron—Bell, Richard P.) . . . . .	HB	1534	598	925
<b>Real and tangible personal property;</b> Department of Taxation to study and make recommendations regarding the Commonwealth's appeals process for businesses disputing determination of fair market value. (Patron—Byron) . . . . .	HJR	98		1453
<b>Recycling;</b> clarifies definitions of "beneficial use" and "recycling center," etc., evaluation of Virginia's solid waste recycling rates. (Patron—Lewis) . . . . .	SB	218	615	946
<b>Regulatory reduction pilot program;</b> Department of Planning and Budget to implement, report. Patron—Webert . . . . .	HB	883	444	709
Patron—Chase . . . . .	SB	20	445	711
<b>Revenue Reserve Fund;</b> created, report, sources or components of general fund revenues. (Patron—Jones, S.C.) . . . . .	HB	763	827	1306
<b>Sales and Use Tax;</b> creates a state sales tax and use tax in the Historic Triangle, "Historic Triangle" means all of the City of Williamsburg and Counties of James City and York, Counties of James City and York may impose an additional transient occupancy tax not to exceed \$2 per room per night, etc., report. (Patron—Norment) . . . . .	SB	942	850	1375
<b>Sewerage systems;</b> state adoption of federal criteria, ammonia criteria, report. Patron—Poindexter . . . . .	HB	1475	510	805
Patron—Peake . . . . .	SB	344	511	806
<b>Sexually violent predators;</b> Director of Board of Corrections shall review database using an evidence-based assessment protocol, identifying prisoners and defendants who appear to meet definition of a predator. (Patron—Howell) . . . . .	SB	267	841	1359
<b>Small Business and Supplier Diversity, Department of;</b> powers of director related to certification, report. (Patron—McPike) . . . . .	SB	652	681	1030

**STUDY COMMISSIONS, COMMITTEES, AND REPORTS - Continued**

<b>State-run retirement savings plan;</b> Christopher Newport University to study feasibility and merits of a plan for Virginia employers and their employees who do not have access to an employer-provided retirement savings plan. (Patron—Torian) . . . . .	HJR	103		1454
<b>Statewide dig once policy;</b> Secretary of Commerce and Trade to request Center for Innovation Technology to study feasibility of a policy, including installation of conduits with bridge and tunnel construction projects. (Patron—Boysko) . . . . .	HJR	77		1448
<b>Stroke care;</b> Department of Health shall be responsible for quality improvement initiatives in the Commonwealth, sharing of data and information, effective date, report. Patron—Garrett . . . . .	HB	1197	276	479
Patron—McPike . . . . .	SB	867	198	345
<b>Substance-exposed infants;</b> plan for services, report. Patron—Pillion . . . . .	HB	1157	695	1065
Patron—Chafin . . . . .	SB	389	696	1065
<b>Suicide prevention activities;</b> Department of Behavioral Health and Developmental Services to report. (Patron—Gooditis) . . . . .	HB	569	370	634
<b>Teacher licensure;</b> teachers who hold a 10-year renewable license issued by the Board of Education may teach online courses, Board of Education shall extend for at least one additional year, but for no more than two additional years, a three-year license, etc. Patron—Landes . . . . .	HB	1125	749	1150
Patron—Peake . . . . .	SB	349	748	1143
<b>Transportation, Department of;</b> work group to identify implications of Commonwealth's participation in a federal data collection pilot program or project involving six-axle truck semitrailer combinations and utilizing interstate highways, Department shall consult relevant stakeholders, report. Patron—Garrett . . . . .	HB	1276	553	862
Patron—Carrico . . . . .	SB	504	554	862
<b>Transportation processes in the Commonwealth;</b> responsibilities of transportation entities, responsibilities of Office of Intermodal Planning and Investment of the Secretary of Transportation, funding, report. (Patron—Jones, S.C.) . . . . .	HB	765	828	1308
<b>Trespass;</b> any person who knowingly and intentionally causes an unmanned aircraft system to enter property of another and come within 50 feet of a dwelling house to coerce, etc., another person is guilty of a Class 1 misdemeanor, report, repeals sunset provision on local regulation of privately owned systems. Patron—Collins . . . . .	HB	638	851	1383
Patron—Obenshain . . . . .	SB	526	852	1384
<b>Veterans Services, Department of;</b> Secretary of Veterans and Defense Affairs with greater direct oversight of Department, report. (Patron—Ruff) . . . . .	SB	325	648	982
<b>Virginia Community College System;</b> changes to ensure a standard quality of education at all comprehensive community colleges, etc., dual enrollment courses, repeals provisions relating to passport credit program, general education courses list, etc., report. Patron—Jones, S.C. . . . .	HB	919	832	1323
Patron—Dunnavant . . . . .	SB	631	845	1364
<b>Virginia Information Technologies Agency;</b> additional duties of CIO, cybersecurity review, report shall not contain technical information deemed to be security sensitive or information that would expose security vulnerabilities. (Patron—Thomas) . . . . .	HB	1221	775	1201
<b>Virginia-Israel Advisory Board;</b> established as an advisory board in legislative branch of state government, Joint Rules Committee shall appoint an executive director to the Board, report, repeals provisions for existing Board. (Patron—Hugo) . . . . .	HB	1297	697	1066
<b>Virginia Water Quality Improvement Fund;</b> publicly owned treatment works, reduction of total phosphorus, total nitrogen, etc. Patron—Poindexter . . . . .	HB	1608	609	941
Patron—Peake . . . . .	SB	340	610	942
<b>Voter registration list maintenance;</b> due date of annual report, report shall contain methodology used in gathering and analyzing data, Commissioner of Elections shall certify that data included in the report is accurate and reliable. (Patron—Cole) . . . . .	HB	28	460	724
<b>Washington Metropolitan Area Transit Authority Board of Directors;</b> Secretary of Transportation shall conduct a review of membership provisions, report. (Patron—Keam) . . . . .	HB	384	429	697

**STUDY COMMISSIONS, COMMITTEES, AND REPORTS - Continued**

**Wireless communications infrastructure;** establishes parameters regarding applications for zoning approvals for certain wireless support structures, upon request, locality shall provide applicant with cost basis for fee, application reviews, report, development of plan for expanding access to wireless services in unserved and underserved areas.

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**Workforce Development, Virginia Board of;** Board shall recommend strategies to identify and engage discouraged workers and unemployed individuals, report. (Patron—James) .....

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**Workforce, professional;** Department of Behavioral Health and Developmental Services, et al., shall convene a work group in support of Joint Commission on Health Care's efforts to improve quality of Commonwealth's direct support, report. (Patron—Hope) .....

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**Ground water management;** developer of a subdivision located in a designated area for which developer obtains plat approval on or after July 1, 2018, to apply for a technical evaluation, etc. (Patron—Bulova) .....

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**Subdivision ordinance;** Cities of Chesapeake and Portsmouth added to those localities that may require payment by a subdivider or developer of land of a pro rata share of cost of road improvements. (Patron—Cosgrove) .....

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**Foreign subpoenas;** issuance by circuit court clerk of court. (Patron—Adams, L.R.) ..

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**Subpoenas;** issuance by Director of Department of Health Professions or his designee, delivery by authorized person, etc. (Patron—Petersen) .....

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**Suicide prevention activities;** Department of Behavioral Health and Developmental Services to report. (Patron—Gooditis) .....

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**Sullivan, Teresa A.;** commending. (Patron—Toscano) .....

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**Sumathipala, Marissa;** commending. (Patron—Gooditis) .....

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**SUMLIN, DOUGLAS CORNEIL**

**Sumblin, Douglas Corneil;** recording sorrow upon death. (Patron—Brewer) .....

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**SUMMONS AND PROCESS**

**Unlawful detainer, summons for;** foreclosure sale of a single-family residential dwelling unit. (Patron—Simon) .....

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**SUPERVISORS, BOARD OF**

**Goochland County;** Board of Supervisors of County may appoint five members to Board of Directors of Goochland County Economic Development Authority. (Patron—Ware) .....

HB	60	310	547
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**SUPREME COURT OF VIRGINIA**

**Judges;** retired from circuit court, Court of Appeals, and Supreme Court justices under recall, qualification by Committees for Courts of Justice, justice or judge shall have all powers, duties, and privileges attendant on position for which he is recalled to serve. (Patron—Stuart) .....

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**Nonconfidential court records;** clerk of court or Executive Secretary of the Supreme Court shall make records available to public upon request, reports of aggregated, nonconfidential case data shall not include name, date of birth, etc.

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Patron—Obenshain .....	SB	564	584	908

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**Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects, Board for;** increases membership, Board shall consist of two nonlegislative citizen members. (Patron—Lindsey) .....

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**Swain, Yodie;** commending. (Patron—Rasoul) .....

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<b>Accelerated refund program</b> ; Department of Taxation shall reestablish. (Patron—Mason) . . . . .	SB 531	625	955
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<b>Admissions tax</b> ; Wythe County authorized to impose on admissions to any event held on grounds of any exposition center in county, etc. (Patron—Campbell) . . . . .	HB 369	26	61
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<b>Agricultural best management practices tax credit</b> ; refundability for corporations. (Patron—Byron) . . . . .	HB 1382	556	870
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<b>Income tax, corporate and state</b> ; modification for certain companies, grants for certain corporations, apportionment, report. Patron—Morefield . . . . .	HB	222	802 1260
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**Sales and Use Tax;** creates a state sales tax and use tax in the Historic Triangle, "Historic Triangle" means all of the City of Williamsburg and Counties of James City and York, Counties of James City and York may impose an additional transient occupancy tax not to exceed \$2 per room per night, etc., report. (Patron—Norment) . . . . . SB 942 850 1375

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**Transportation, Department of;** work group to identify implications of Commonwealth's participation in a federal data collection pilot program or project involving six-axle truck semitrailer combinations and utilizing interstate highways, Department shall consult relevant stakeholders, report.  
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**TRURO COMMUNITY**

**Truro community;** commemorating its 50th anniversary. (Patron—Watts) ..... HJR 451 1628

**TURKEYS**

**Dogs;** licensed hunter may track a wounded bear, turkey, or deer with certain weapon. (Patron—Byron) ..... HB 995 447 713

**TURNER, JAMES EDWIN, JR.**

**Turner, James Edwin, Jr.;** recording sorrow upon death. (Patron—Jones, S.C.) ..... HJR 198 1491

**2018 VIRGINIA OUTSTANDING FACULTY AWARDS**

**2018 Virginia Outstanding Faculty Awards recipients;** commending.  
Patron—Landes ..... HJR 314 1553  
Patron—Newman ..... SJR 136 1881

**UNCLAIMED PROPERTY**

**Unclaimed personal property;** disposal of property in possession of the Division of Capitol Police. (Patron—McDougle) ..... SB 406 581 905

**Unclaimed property;** bank deposits and funds in financial institutions, when holder receives a request from the property owner to reverse or cancel dormancy charges or retroactively credit interest with respect to such property, holder may at its option either reverse or cancel charges, etc., correction of a documented internal error.  
Patron—Ransone ..... HB 686 439 705  
Patron—Dance ..... SB 253 359 621

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**Accelerated refund program;** Department of Taxation shall reestablish. (Patron—Mason) . . . . . SB 531 625 955

**American Legion Bridge;** Department of Transportation shall begin the initial design and related assessments for remediating at earliest time possible once necessary decisions have been made by State of Maryland, report. (Patron—Murphy) . . . . . HB 662 738 1130

**Assisted living facilities;** State Board of Social Services shall amend regulations governing staffing of facilities providing care for adults with serious cognitive impairments who cannot recognize danger or protect their own safety and welfare, Board shall promulgate regulations to implement provisions to be effective within 280 days of its enactment.  
Patron—Sickles . . . . . HB 1439 248 443  
Patron—Mason . . . . . SB 875 686 1036

**Background checks;** Department of State Police shall recommend, etc., options to expedite process of performing checks, report. (Patron—Chase) . . . . . SB 716 662 1001

**Battlefield easements;** Secretary of Natural Resources shall endeavor to enter into a memorandum of understanding, etc., with United States to accomplish and expedite transfer of Commonwealth's interests in lands located within boundaries of federal battlefield parks.  
Patron—Ware . . . . . HB 61 111 222  
Patron—Dance . . . . . SB 450 622 953

**Behavioral Health and Developmental Services, State Board of;** amends definition of "licensed mental health professional." (Patron—Barker) . . . . . SB 762 572 895

**Businesses;** transacting business under an assumed name, central filing of assumed or fictitious name certificates, effective date. (Patron—Habeeb) . . . . . HB 170 251 445

**Caledon State Park;** Department of Conservation and Recreation to quitclaim and release all of its right, etc., in an unimproved parcel of land near southwest corner. (Patron—Stuart) . . . . . SB 587 740 1131

**Camp 7;** disposition of a portion of certain real property located within Clarke County. (Patron—Vogel) . . . . . SB 899 808 1274

**Career and technical education and diplomas;** Board of Education shall make recommendations on strategies to eliminate stigma associated with high school pathways and consolidation of standard and advanced diplomas. (Patron—Davis) . . . . . HB 1530 517 811

**Child care providers;** criminal history background check, sunset and contingency.  
Patron—Orrock . . . . . HB 873 146 265  
Patron—Wexton . . . . . SB 121 278 481

**Children's residential facilities, certain;** facilities operated or conducted under auspices of a religious institution established in 1978 and located in Atkins, Virginia, licensure, sunset provision. (Patron—Carrico) . . . . . SB 506 789 1228

**Coal combustion residuals impoundments and other units;** Director of Department of Environmental Quality shall suspend, delay, or defer until July 1, 2019, issuance of any permit required to provide for closure, request for proposals for recycling or beneficial use projects. (Patron—Surovell) . . . . . SB 807 632 960

**Cognitive impairment;** Department of Health, et al., to include certain information in its public health outreach programs. (Patron—Dance) . . . . . SB 305 468 733

**Commonwealth of Virginia Institutions of Higher Education Bond Act of 2018;** created.  
Patron—Jones, S.C. . . . . HB 766 285 489  
Patron—Hanger . . . . . SB 232 358 618

**Dinwiddie Airport and Industrial Authority;** residency requirements. (Patron—Aird) HB 1132 409 676

**Dredged material;** Marine Resources Commission shall adopt regulations to establish and implement a fast-track permitting program. (Patron—Hodges) . . . . . HB 1096 449 714

**Eastern Virginia groundwater management;** groundwater trading work group is established for purpose of serving as a resource to Department of Environmental Quality, report. (Patron—Hodges) . . . . . HB 1036 448 714

**Education, Department of, and local school boards;** adoption of policies that prohibit any local school board or individual who is an employee, etc., from assisting an employee, etc., in obtaining a new job if such local school board or individual knows

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or has probable cause to believe that person engaged in sexual misconduct regarding a minor or student. Patron—Bulova .....	HB	438	513	809
Patron—Ebbin .....	SB	605	514	810
<b>Expedited land use permit process;</b> Department of Transportation shall develop and submit for approval, process shall be designed to apply only when proposed use of right-of-way does not make substantial changes to such right-of-way, etc., report. (Patron—Freitas) .....	HB	901	505	797
<b>Feminine hygiene products;</b> State Board of Corrections shall adopt and implement a policy and procedure to ensure provision of products at no cost to female prisoners or inmates. (Patron—Kory) .....	HB	83	815	1287
<b>Fentress Naval Auxiliary Landing Field;</b> member of the House of Delegates and member of the Senate of Virginia representing the area in which the Field is located in Chesapeake, Virginia, shall be notified of any local appropriation made to acquire property rights surrounding the Landing Field. (Patron—Cosgrove) .....	SB	137	418	686
<b>Honor and Remember Flag;</b> standards for display at state buildings and facilities outside of Capitol Square. (Patron—Cosgrove) .....	SB	924	687	1036
<b>Hospital licenses, certain;</b> license issued to an acute care hospital located in Patrick County that was valid on September 1, 2017, and remained valid on December 31, 2017, despite the closure of such hospital, shall continue to remain valid until December 31, 2018. Patron—Poindexter .....	HB	175	1	1
Patron—Stanley .....	SB	866	2	1
<b>Hydroelectric plant;</b> Counties of Buchanan, Dickenson, Lee, Russell, Scott, Tazewell, and Wise and City of Norton shall enter into a revenue sharing agreement, host locality's revenue shall be distributed to other localities on basis of certain formula. Patron—Pillion .....	HB	1555	232	406
Patron—Chafin .....	SB	780	206	354
<b>Income tax, state;</b> modifying restrictions related to entities entitled to voluntary contributions of tax refunds and their listing on individual returns. (Patron—Chafin) .....	SB	376	621	953
<b>Interstate 81;</b> Commonwealth Transportation Board to study financing options for corridor improvements, Board shall assess potential economic impacts on Virginia agriculture, manufacturing, and logistics sector companies utilizing corridor from tolling only heavy trucks, etc., report. (Patron—Obenshain) .....	SB	971	743	1135
<b>Izaak Walton League of America, Norfolk Chapter of;</b> certain property located in City of Chesapeake exempt from taxation. (Patron—Cosgrove) .....	SB	485	623	954
<b>License plates, special;</b> issuance for members and supporters of Virginia Future Farmers of America (FFA) Foundation bearing legend WE ARE THE BIRTHPLACE OF THE FFA. Patron—Landes .....	HB	761	7	7
Patron—Hanger .....	SB	446	159	283
<b>License plates, special;</b> issuance for supporters of Alzheimer's Association bearing legend ALZHEIMER'S ASSOCIATION. (Patron—Chase) .....	SB	701	162	284
<b>License plates, special;</b> issuance for supporters of stopping gun violence bearing legend STOP GUN VIOLENCE, funds from annual fee shall be paid annually to Behavioral Health and Developmental Services Fund, other fees imposed to be paid to Commissioner of DMV and paid by him into the state treasury, etc., sunset provisions. (Patron—Simon) .....	HB	287	737	1130
<b>License plates, special;</b> issuance for supporters of Virginia's electric cooperatives bearing legend KEEPING THE LIGHTS ON. (Patron—Austin) .....	HB	1535	157	283
<b>Little Island Coast Guard Station;</b> Department of Conservation and Recreation authorized to convey all of its right, title, and interest in a parcel in Virginia Beach within Little Island Park. (Patron—Knight) .....	HB	821	442	708
<b>Loudoun County;</b> agreements for treasurer to collect and enforce real and personal property taxes on behalf of certain towns. Patron—LaRock .....	HB	340	342	607
Patron—Black .....	SB	92	74	158
<b>Medical Assistance Services, Department of;</b> Department shall make recommendations to General Assembly regarding flexibility to an individual enrolled in a home and community-based waiver, report. (Patron—DeSteph) .....	SB	310	566	884

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<b>Multistate Tax Commission;</b> Tax Commissioner to take such steps as are necessary for Virginia to become an associate member without payment of any membership fees. (Patron—Davis) . . . . .	HB	373	343	607
<b>Natural Tunnel Parkway;</b> authorizes Department of Conservation and Recreation to accept certain real property in Scott County. (Patron—Kilgore) . . . . .	HB	669	438	705
<b>New River Valley Emergency Communications Regional Authority;</b> annual contribution, Board shall have full authority to develop and adopt a formula for allocating to participating political subdivisions responsibility to pay for annual budget. Patron—Rush . . . . .	HB	1500	472	741
Patron—Edwards . . . . .	SB	821	473	743
<b>Newborn screening;</b> Board of Health shall amend regulations governing screening to include screening for Pompe disease and mucopolysaccharidosis type I (MPS-1). Patron—Pillion . . . . .	HB	1174	562	880
Patron—Chafin . . . . .	SB	449	563	880
<b>Onsite sewage systems and private wells;</b> Department of Health shall take steps to eliminate evaluation and design services provided, principal place of residence, coordination with Department of Professional and Occupational Regulation to establish certain agreements or procedures. (Patron—Orrock) . . . . .	HB	888	831	1322
<b>Pocahontas Building;</b> designating as temporary General Assembly Building and a part of the Capitol Square complex until reconstruction is completed on the General Assembly Building. (Patron—McDougle) . . . . .	SB	490	676	1026
<b>Public school divisions;</b> State Corporation Commission to conduct pilot program for schools that generate electricity at levels that exceed the school's consumption, report. (Patron—Sullivan) . . . . .	HB	1451	415	681
<b>Public schools;</b> local school boards to provide a minimum of 680 hours of instructional time to students in elementary, etc., unstructured recreational time not to exceed 15 percent of teaching hours, etc. Patron—Delaney . . . . .	HB	1419	785	1225
Patron—Petersen . . . . .	SB	273	784	1225
<b>Purple Heart State;</b> Department of Transportation shall place and maintain signs along certain highways reflecting 2016 designation by General Assembly. (Patron—Norment) . . . . .	SB	847	366	626
<b>Radon;</b> Department of Health shall review consumer complaints regarding testing and mitigation and current certification requirements for individuals performing testing, etc. (Patron—Bell, Richard P.) . . . . .	HB	1534	598	925
<b>Reformulated gasoline program;</b> exemption for sale of conventional gasoline within portion of City of Hopewell that is located west of Interstate 295. (Patron—Ingram) . . . . .	HB	1521	605	938
<b>Regulatory reduction pilot program;</b> Department of Planning and Budget to implement, report. Patron—Webert . . . . .	HB	883	444	709
Patron—Chase . . . . .	SB	20	445	711
<b>School boards;</b> discretion granted to board to retain an employee who is convicted of an offense subsequent to employee's hiring, etc., provided that such individual has been granted a simple pardon for such offense by Governor, etc., exception. Patron—Gilbert . . . . .	HB	1000	833	1330
Patron—Peake . . . . .	SB	343	843	1360
<b>Short-term rentals;</b> local ordinances concerning regulation of rentals in Cities of Lexington and Virginia Beach, rentals located in Sandbridge Special Service District. (Patron—Knight) . . . . .	HB	824	758	1164
<b>State Corporation Commission;</b> extends date to January 1, 2020, after which the Commission is required to limit users who will be able to submit data and documents on behalf of a business entity. (Patron—Kilgore) . . . . .	HB	238	253	445
<b>Taxpayers;</b> Department of Taxation and Virginia Employment Commission shall consider feasibility of permitting taxpayers to submit tax reports and payments electronically for both using a single sign-on. (Patron—Freitas) . . . . .	HB	538	344	607
<b>Telework Promotion and Broadband Assistance, Office of, and Broadband Advisory Council;</b> expiration, extends sunset date to July 1, 2019. Patron—Byron . . . . .	HB	999	759	1165
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<b>Transportation, Department of;</b> work group to identify implications of Commonwealth's participation in a federal data collection pilot program or project involving six-axle truck semitrailer combinations and utilizing interstate highways, Department shall consult relevant stakeholders, report. Patron—Garrett . . . . .	HB	1276	553	862
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<b>Virginia Marine Resources Commission;</b> conveyance of easement and rights-of-way across Rappahannock River in Middlesex and Lancaster Counties to Virginia Electric and Power Company (Dominion Energy Virginia) for purpose of installing, etc., an underground electric transmission line, repealing Act relating to conveyance of property for an overhead electric transmission line. Patron—Ransone . . . . .	HB	1491	349	610
Patron—McDougle . . . . .	SB	888	634	960
<b>Virginia Public Procurement Act;</b> bid, performance, and payment bonds, waiver by localities, sunset. (Patron—Davis) . . . . .	HB	398	462	727
<b>Virginia State Bar;</b> Clients' Protection Fund, extends sunset provision. (Patron—Stuart) . . . . .	SB	210	478	749
<b>Washington Metropolitan Area Transit Authority Board of Directors;</b> Secretary of Transportation shall conduct a review of membership provisions, report. (Patron—Keam) . . . . .	HB	384	429	697
<b>White Oak Technology Park;</b> Department of Conservation and Recreation to convey certain property to Economic Development Authority of Henrico County. (Patron—McClellan) . . . . .	SB	353	739	1130
<b>Workers' compensation;</b> repeals sunset date clause that provides that maximum tax rate that may be assessed on uninsured or self-insured employers for purpose of funding benefits that are awarded against such employers from Uninsured Employer's Fund will revert to 0.25 percent. (Patron—Habeeb) . . . . .	HB	82	249	444
<b>Workforce Development, Virginia Board of;</b> Board shall recommend strategies to identify and engage discouraged workers and unemployed individuals, report. (Patron—James) . . . . .	HB	1552	710	1101
<b>Workforce, professional;</b> Department of Behavioral Health and Developmental Services, et al., shall convene a work group in support of Joint Commission on Health Care's efforts to improve quality of Commonwealth's direct support, report. (Patron—Hope) . . . . .	HB	813	452	718
<b>UNEMPLOYMENT COMPENSATION</b>				
<b>Income withholding orders;</b> repeals requirement that an employer request that each new employee disclose whether employee has an order. (Patron—Edwards) . . . . .	SB	51	457	722
<b>Labor market information research studies, programs, and operations;</b> transfer of administration from Virginia Employment Commission to Virginia Board of Workforce Development, powers and duties. (Patron—Byron) . . . . .	HB	1006	225	389
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<b>U19 Girls Vienna Youth Soccer Phoenix '99;</b> commending. (Patron—Keam) . . . . .	HJR	231		1508
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<b>Union Hall Elementary School;</b> commending. (Patron—Adams, L.R.) . . . . .	HJR	266		1527
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<b>Union High School football team;</b> commending. (Patron—Carrico) . . . . .	SR	60		1977
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<b>Commercial rest areas;</b> prohibits a private entity from operating for commercial purposes without prior approval of General Assembly, provisions shall not apply to or prohibit any program or contract authorized as of July 1, 2018. (Patron—Ruff) . . . . .	SB	905	351	612

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<b>House of Delegates;</b> amending and adopting Rules 16 and 40, relating to committee membership and Morning Hour. (Patron—Gilbert) . . . . .	HR	28		1712
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<b>WHYTE, FRED J.</b>			
<b>Whyte, Fred J.</b> ; recording sorrow upon death. (Patron—DeSteph) . . . . .	SJR 92	1855	
<b>WIGGINS, DONALD E.</b>			
<b>Wiggins, Donald E.</b> ; commending. (Patron—Pogge) . . . . .	HJR 556	1681	
<b>WIGGINS, JUDY F.</b>			
<b>Wiggins, Judy F.</b> ; commending. (Patron—Helsel) . . . . .	HR 60	1728	
<b>WILCOX, ROBERT C.</b>			
<b>Wilcox, Robert C.</b> ; commending. (Patron—Webert) . . . . .	HR 81	1738	
<b>WILDLIFE FOUNDATION OF VIRGINIA</b>			
<b>Wildlife Foundation of Virginia</b> ; commemorating its 20th anniversary. (Patron—Edmunds) . . . . .	HJR 422	1611	
<b>WILKINS, JENNY OSBORNE</b>			
<b>Wilkins, Jenny Osborne</b> ; recording sorrow upon death. (Patron—Edmunds) . . . . .	HR 180	1786	
<b>WILLIAM AND MARY, THE COLLEGE OF</b>			
<b>The College of William and Mary</b> ; commemorating its 100th anniversary of coeducation. Patron—Mullin . . . . .	HJR 398	1599	
Patron—Mason . . . . .	SJR 196	1917	
<b>The College of William and Mary</b> ; commemorating its 325th anniversary. (Patron—Mullin) . . . . .	HJR 548	1676	
<b>Virginia Freedom of Information Act</b> ; excludes certain information held by the board of visitors of The College of William and Mary in Virginia. Patron—Bulova . . . . .	HB 1426	58	129
Patron—Mason . . . . .	SB 858	141	258
<b>WILLIAM PRESTON MEMORIAL HIGHWAY</b>			
<b>William Preston Memorial Highway</b> ; designating a portion of U.S. Route 220 in Botetourt County between Town of Fincastle and intersection of State Route 675. (Patron—Austin) . . . . .	HB 1571	607	939
<b>WILLIAMS, DANIAL J</b>			
<b>Wrongful incarceration for a felony conviction</b> ; compensation for certain intentional acts, relief, Danial J Williams, Joseph Jesse Dick, Jr., Eric Cameron Wilson, and Derek Elliot Tice. Patron—Jones, S.C. . . . .	HB 762	502	785
Patron—Surovell . . . . .	SB 772	503	790
<b>WILLIAMS, DONALD, SR.</b>			
<b>Williams, Donald, Sr.</b> ; recording sorrow upon death. Patron—Kilgore . . . . .	HJR 10	1426	
Patron—Carrico . . . . .	SJR 70	1837	

**WILLIAMSBURG, CITY OF**

**Sales and Use Tax;** creates a state sales tax and use tax in the Historic Triangle, "Historic Triangle" means all of the City of Williamsburg and Counties of James City and York, Counties of James City and York may impose an additional transient occupancy tax not to exceed \$2 per room per night, etc., report. (Patron—Norment) . SB 942 850 1375

**WILLIAMSBURG WINERY**

**Williamsburg Winery;** commending. (Patron—Mullin) . . . . . HJR 545 1675

**WILLIS, L. STANLEY**

**Willis, L. Stanley;** recording sorrow upon death.  
Patron—Kilgore . . . . . HJR 119 1455  
Patron—Carrico . . . . . SJR 37 1806

**WILLS, TRUSTS, AND FIDUCIARIES**

**Elective share claim;** calculation of the augmented estate. (Patron—Leftwich) . . . . . HB 754 301 530  
**Qualification of fiduciary without security;** when there are no assets or the asset or amount coming into possession of personal representative, etc., does not exceed \$25,000, circuit court may allow representative, etc., to qualify by giving bond without surety. (Patron—Wilt) . . . . . HB 1142 575 898  
**Trust decanting;** reinstates restriction in Virginia's former law that limits type of fiduciary who may exercise power to a disinterested trustee. (Patron—Edwards) . . . . . SB 78 476 745  
**Wills and revocable trusts;** eliminating certain inconsistencies. (Patron—Leftwich) . . . . . HB 746 44 87

**WILSON, ANGELA B.**

**Wilson, Angela B.;** commending. (Patron—Tyler) . . . . . HJR 367 1581

**WILSON, ERIC CAMERON**

**Wrongful incarceration for a felony conviction;** compensation for certain intentional acts, relief, Danial J Williams, Joseph Jesse Dick, Jr., Eric Cameron Wilson, and Derek Elliot Tice.  
Patron—Jones, S.C. . . . . HB 762 502 785  
Patron—Surovell . . . . . SB 772 503 790

**WILSON, SAMUEL VAUGHAN**

**Wilson, Samuel Vaughan;** recording sorrow upon death. (Patron—Miyares) . . . . . HR 37 1716

**WINE**

**Alcoholic beverage control;** delivery of wine or beer to retail licensee, wholesaler requirement, holders of restricted wholesale wine licenses exempt from certain requirement.  
Patron—Knight . . . . . HB 820 166 294  
Patron—Chafin . . . . . SB 382 167 295  
**Alcoholic beverage control;** increases general license application fee, taxes on state licenses, increase on wine and beer shipper's license.  
Patron—Knight . . . . . HB 826 405 668  
Patron—McDougle . . . . . SB 884 406 671  
**Alcoholic beverage control;** wine wholesaler, primary area of responsibility, provision of this act shall not render valid provision of any contract, written or oral, that was entered into prior to July 1, 2018, etc.  
Patron—Gilbert . . . . . HB 1005 168 295  
Patron—Stanley . . . . . SB 174 169 295  
**Food and drink sanitary requirements;** a dog may be allowed within a designated area inside or on premises of a distillery, winery, farm winery, brewery, or farm brewery, except in any area used for manufacture of food products. (Patron—Bell, John J.) . . . . . HB 286 819 1290

**WINSLOW, ERNEST A., SR.**

**Winslow, Ernest A., Sr.;** recording sorrow upon death. (Patron—Jones, S.C.) . . . . . HJR 197 1490

**WIRELESS COMMUNICATIONS**

**Wireless communications infrastructure;** establishes parameters regarding applications for zoning approvals for certain wireless support structures, upon request, locality shall provide applicant with cost basis for fee, application reviews, report, development of plan for expanding access to wireless services in unserved and underserved areas.  
Patron—Kilgore . . . . . HB 1258 835 1330  
Patron—McDougle . . . . . SB 405 844 1361

**WISE COUNTY**

**Hydroelectric plant;** Counties of Buchanan, Dickenson, Lee, Russell, Scott, Tazewell, and Wise and City of Norton shall enter into a revenue sharing agreement, host locality's revenue shall be distributed to other localities on basis of certain formula.

Patron—Pillion .....	HB	1555	232	406
Patron—Chafin .....	SB	780	206	354

**WITNESSES**

**Witness testimony;** accompanied by certified facility dogs, presence and use of dog will not interfere with or distract from proceedings, court may instruct jury regarding presence of dog.

Patron—Bell, Robert B. ....	HB	482	524	816
Patron—McDougle .....	SB	420	699	1067

**WOLANIN, THOMAS R.**

**Wolanin, Thomas R.;** recording sorrow upon death. (Patron—Hope) .....

HJR	341		1567
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**WOMEN**

**Feminine hygiene products;** State Board of Corrections shall adopt and implement a policy and procedure to ensure provision of products at no cost to female prisoners or inmates. (Patron—Kory) .....

HB	83	815	1287
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**Virginia Women's Monument;** Clerk of Senate, Clerk of Virginia House of Delegates, and Secretary of Administration or her designee to coordinate dedication of Monument, reconstituting Virginia Women's Monument Commission. (Patron—McDougle) .....

SJR	85		1851
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**WOMEN VETERANS WEEK**

**Women Veterans Week;** designating as third full week of March 2018, and each succeeding year thereafter.

Patron—Murphy .....	HJR	76		1448
Patron—Wexton .....	SJR	36		1806

**WOOD, JOSEPH HENRY, SR.**

**Wood, Joseph Henry, Sr.;** recording sorrow upon death. (Patron—Deeds) .....

SJR	101		1861
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**WOODBIDGE POTOMAC COMMUNITIES CIVIC ASSOCIATION**

**Woodbridge Potomac Communities Civic Association;** commemorating its 10th anniversary. (Patron—Carroll Foy) .....

HR	130		1762
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**WOODY, C.T., JR.**

**Woody, C.T., Jr.;** commending. (Patron—McQuinn) .....

HJR	204		1494
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**WORKERS' COMPENSATION**

**Criminal Injuries Compensation Fund;** restitution owed to victims, Virginia Workers' Compensation Commission's powers and duties are to identify and locate victims of crime for whom restitution owed has been deposited into the Criminal Injuries Compensation Fund, victim's contact information shall be confidential and the clerk shall not disclose to any person, report.

Patron—Bell, Robert B. ....	HB	483	724	1111
Patron—Obenshain .....	SB	562	725	1115

**Judges;** election in circuit court, general district court, juvenile and domestic relations district court, member of State Corporation Commission, and member of Virginia Workers' Compensation Commission. (Patron—Adams, L.R.) .....

HJR	132		1457
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**Virginia Workers' Compensation Commission;** nomination for election of member.

Patron—Kilgore .....	HR	24		1710
Patron—Wagner .....	SR	15		1952

**Workers' Compensation;** employer's liability for medical services provided outside of the Commonwealth. (Patron—Habeeb) .....

HB	558	261	449
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**Workers' compensation;** proof of coverage information. (Patron—Habeeb) .....

HB	531	260	449
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**Workers' compensation;** repeals sunset date clause that provides that maximum tax rate that may be assessed on uninsured or self-insured employers for purpose of funding benefits that are awarded against such employers from Uninsured Employer's Fund will revert to 0.25 percent. (Patron—Habeeb) .....

HB	82	249	444
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**Workers' Compensation Commission;** commissioners of Commission, for purposes of constituting a quorum, shall include any deputy commissioner or retired commissioner who is appointed or recalled. (Patron—Kilgore) .....

HB	117	250	444
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**WORKFORCE**

<b>Labor market information research studies, programs, and operations;</b> transfer of administration from Virginia Employment Commission to Virginia Board of Workforce Development, powers and duties. (Patron—Byron) . . . . .	HB 1006	225	389
<b>Special Workforce Grant Fund;</b> created. (Patron—Landes) . . . . .	HB 1551	744	1136
<b>Virginia Longitudinal Data System;</b> workforce data. (Patron—Dunnivant) . . . . .	SB 637	590	915
<b>Workforce Development, Virginia Board of;</b> Board shall recommend strategies to identify and engage discouraged workers and unemployed individuals, report. (Patron—James) . . . . .	HB 1552	710	1101
<b>Workforce, professional;</b> Department of Behavioral Health and Developmental Services, et al., shall convene a work group in support of Joint Commission on Health Care's efforts to improve quality of Commonwealth's direct support, report. (Patron—Hope) . . . . .	HB 813	452	718

**WRIGHT, FRED THOMAS**

<b>Wright, Fred Thomas;</b> recording sorrow upon death. (Patron—LaRock) . . . . .	HJR 549		1677
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**WRIGHT, MARTHA ALICE**

<b>Wright, Martha Alice;</b> recording sorrow upon death. (Patron—Freitas) . . . . .	HJR 256		1522
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**WRIGHTE, SYDNEY**

<b>Wrighte, Sydney;</b> commending. (Patron—Bell, John J.) . . . . .	HJR 418		1610
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**WRITS**

<b>Unlawful detainer;</b> execution of writ of possession. (Patron—Peace) . . . . .	HB 856	145	265
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**W.T. WOODSON HIGH SCHOOL**

<b>W.T. Woodson High School boys' basketball team;</b> commending.			
Patron—Filler-Corn . . . . .	HJR 431		1616
Patron—Petersen . . . . .	SJR 66		1836

**WYANT, CHUCK**

<b>Wyant, Chuck;</b> commending. (Patron—Wexton) . . . . .	SJR 230		1936
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**WYCHE-CLARK, LENA**

<b>Wyche-Clark, Lena;</b> commemorating the occasion of her 100th birthday. (Patron—Tyler) . . . . .	HJR 544		1674
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**WYTHE COUNTY**

<b>Admissions tax;</b> Wythe County authorized to impose on admissions to any event held on grounds of any exposition center in county, etc. (Patron—Campbell) . . . . .	HB 369	26	61
<b>Admissions tax;</b> Wythe County authorized to impose tax, not to exceed 10 percent of amount of charge for admissions. (Patron—Carrico) . . . . .	SB 501	365	626

**XXIII OLYMPIC WINTER GAMES**

<b>XXIII Olympic Winter Games;</b> commending. (Patron—Keam) . . . . .	HJR 230		1508
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**YANCEY, DWAYNE**

<b>Yancey, Dwayne;</b> commending. (Patron—Austin) . . . . .	HR 97		1746
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**YORK COUNTY**

<b>Sales and Use Tax;</b> creates a state sales tax and use tax in the Historic Triangle, "Historic Triangle" means all of the City of Williamsburg and Counties of James City and York, Counties of James City and York may impose an additional transient occupancy tax not to exceed \$2 per room per night, etc., report. (Patron—Norment) . . . . .	SB 942	850	1375
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**YOUNG, JUSTIN**

<b>Young, Justin;</b> commending. (Patron—Sullivan) . . . . .	HJR 383		1590
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**ZAHM, DIANE L.**

<b>Zahm, Diane L.;</b> commending.			
Patron—Hurst . . . . .	HJR 405		1602
Patron—Edwards . . . . .	SJR 211		1926

**ZONING**

<b>Hampton, City of;</b> volunteer property maintenance and zoning inspectors. (Patron—Price) . . . . .	HB 1183	542	849
<b>Solar facilities;</b> property owner may install a facility on roof of a dwelling or other building to serve electricity or thermal needs of that dwelling or building, etc., provided installation is in compliance with provisions pertaining to any local historic,			

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**ZONING - Continued**

architectural preservation, or corridor protection district, regulation of ground-mounted solar facilities in provisions of a zoning ordinance.				
Patron—Hodges .....	HB	508	495	773
Patron—Stanley .....	SB	429	496	775
<b>Wireless communications infrastructure;</b> establishes parameters regarding applications for zoning approvals for certain wireless support structures, upon request, locality shall provide applicant with cost basis for fee, application reviews, report, development of plan for expanding access to wireless services in unserved and underserved areas.				
Patron—Kilgore .....	HB	1258	835	1330
Patron—McDougle .....	SB	405	844	1361
<b>Zoning;</b> failure to remove or abate a zoning violation during any succeeding 10-day period shall constitute a separate misdemeanor offense for each 10-day period punishable by a fine of not more than \$2,000. (Patron—Bell, John J.) .....	HB	709	726	1118
<b>Zoning;</b> request for modification to property or improvements on behalf of a person with a disability, variance from board of zoning appeals. (Patron—Hope) .....	HB	796	757	1162
<b>ZURITA, HELEN SORTO</b>				
<b>Zurita, Helen Sorto;</b> commending. (Patron—Carter) .....	HJR	194		1489